



## Committee of the Whole Revised Agenda

Monday, October 21, 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](http://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 8.1 of Procedure By-law # 8081-24, 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](mailto: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 8 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 Craig Wilson, Resident (In-Person Attendance)  
Re: PDP 50-24, Planning and Development (Planning Services) Department Report  
Official Plan, Draft Plan of Subdivision, and Zoning By-law Amendment Applications, Nordeagle Development Ltd., Vacant Lands North of Victoria Street West between Montecorte Street and Jim Flaherty Street, File Number: DEV-03-18 (OPA-2018-W/02, SW-2018-01, Z-08-18)

**Refer to Item 5.4.2, PDP 50-24**

- \*5.2.2 Cheryl Gaw Penner, Resident (Virtual Attendance)  
Re: PDP 50-24, Planning and Development (Planning Services) Department Report  
Official Plan, Draft Plan of Subdivision, and Zoning By-law Amendment Applications, Nordeagle Development Ltd., Vacant Lands North of Victoria Street West Between Montecorte Street and Jim Flaherty Street, File Number: DEV-03-18 (OPA-2018-W/02, SW-2018-01, Z-08-18)

**Refer to Item 5.4.2, PDP 50-24**

- 5.2.3 Michael Bissett representing Nordeagle Development Ltd. (In-Person Attendance)  
Re: PDP 50-24, Planning and Development (Planning Services) Department Report  
Official Plan, Draft Plan of Subdivision, and Zoning By-law Amendment Applications, Nordeagle Development Ltd., Vacant Lands North of Victoria Street West between Montecorte Street and Jim Flaherty Street, File Number: DEV-03-18 (OPA-2018-W/02, SW-2018-01, Z-08-18)

**Refer to Item 5.4.2, PDP 50-24**

- 5.2.4 Michael Fry representing D.G. Biddle and Associates Limited (Virtual Attendance)  
Re: PDP 48-24, Planning and Development (Planning Services) Department Report  
Draft Plan of Subdivision and Zoning By-law Amendment Applications, D.G. Biddle and Associates Limited on behalf of R & R Developments, 430-440 Winchester Road East, File Number: DEV-16-21 (Z-10-21, SW-2021-05)

**Refer to Item 5.4.3, PDP 48-24**

- 5.3 Correspondence  
5.4 Staff Reports

- 5.4.1 PDP 49-24, Planning and Development (Planning Services) Department Report  
Re: Zoning By-law Amendment Application, Brookfield Residential (Ontario) Brock St Limited, 1615 Brock Street South, File Number: DEV-19-24 (Z-08-24)

Recommendation:

1. That Council approve an amendment to Zoning By-law # 2585 (File Number: Z-08-24) as outlined in Report PDP 49-24; and,
  2. That a by-law to amend Zoning By-law # 1784 be brought forward for consideration by Council.
- 5.4.2 PDP 50-24, Planning and Development (Planning Services) Department Report  
Re: Official Plan, Draft Plan of Subdivision, and Zoning By-law Amendment Applications, Nordeagle Development Ltd., Vacant Lands North of Victoria Street West between Montecorte Street and Jim Flaherty Street, File Number: DEV-03-18 (OPA-2018-W/02, SW-2018-01, Z-08-18)

Recommendation:

1. That Council approve Official Plan Amendment Number #140 to the Whitby Official Plan (OPA-2018-W02), as shown on Attachment #14, and that a by-law to adopt Official Plan Amendment Number #140 be brought forward for consideration by Council;
2. That the Clerk forward a copy of the Report PDP 50-24, two (2) copies of the adopted Amendment, and a copy of the bylaw to adopt Amendment Number # 140 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development;
3. That Council approve the Draft Plan of Subdivision (File Number: SW-2018-01), subject to the comments included in Report PDP 50-24 and the conditions of draft plan approval included in Attachment #18;
4. That staff be authorized to prepare a Subdivision Agreement;
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;
6. That Council approve the amendment to Zoning By-law # 2585 (File Number Z-08-18) as outlined in Report PDP 50-24;
7. That a by-law to amend Zoning By-law # 2585 be brought forward for consideration by Council to implement the first Phase of the development;
8. That the by-law(s) to implement subsequent phases be brought forward for consideration by Council once detailed site plan drawings and a satisfactory Parking rationale have been provided;
9. That the subject site be designated as a Class 4 Noise Area pursuant to Provincial publication NPC-300; and,
10. That notice be provided to adjacent industrial properties advising of Council's designation of the subject site as a Class 4 Noise Area.

5.4.3 PDP 48-24, Planning and Development (Planning Services) Department Report

Re: Draft Plan of Subdivision and Zoning By-law Amendment Applications, D.G. Biddle and Associates Limited on behalf of R & R Developments, 430-440 Winchester Road East, File Number: DEV-16-21 (Z-10-21, SW-2021-05)



Recommendation:

1. That Council approve the Draft Plan of Subdivision (File No. SW-2021-05) and approve an amendment to Zoning By-law # 1784 (File No. Z-10-21), subject to the comments included in Planning Report PDP-48-24 and the Conditions of Draft Approval included in Attachment #12;
2. That Staff be authorized to prepare a Subdivision Agreement;
3. That a Zoning By-law Amendment be brought forward for consideration by Council; and,
4. 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

6.2 Delegations

6.3 Correspondence

6.4 Staff Reports

6.4.1 FS 40-24, Financial Services Department Report

Re:150 Winchester Road West - Public Engagement on Surplus Land Declaration

Recommendation:

1. That public feedback, including written objections, to the Town's declaration of 150 Winchester Road West as surplus lands, as outlined in Staff Report FS 40-24, be received;
2. That staff be authorized to negotiate a License agreement with Elexicon Energy Incorporated for long-term license of (and inclusive of an option to purchase) 150 Winchester Road based on the principles outlined in Staff Report FS 40-24 and to the satisfaction of the Commissioner of Legal and Enforcement Services and Commissioner of Finance; and,
3. That the Mayor and Clerk be authorized to sign the final License agreement between the Town of Whitby and Elexicon Energy Incorporated.

6.5 New and Unfinished Business - General Government

6.5.1 Enhancing Shelter Supports for Women and Survivors of Intimate Partner Violence

Recommendation:

Moved by Councillor Shahid

Whereas there is a nationwide intimate partner violence (IPV) crisis, in which more than 4 in 10 (6.2 million) women and 1 in 3 men have experienced intimate partner violence, and rates increased 19% between 2014 and 2022; and,

Whereas 78% of victims of police-reported intimate partner violence in 2022 were women and girls, and in 2019 rates were 3.5 times higher among women than men; and,

Whereas intimate partner violence, in 2009, was estimated to cost \$7.4 billion annually to the public system, impacting municipal budgets for public safety and housing; and,

Whereas rural, remote, and northern communities experience disproportionate rates of IPV, with risk of IPV 75% higher for women in rural communities than women in urban communities, and 73% of survivors in rural communities at high risk of being in severe or extreme danger of being killed; and,

Whereas Indigenous women are 3 times more likely to experience IPV than non-Indigenous women, and are 8 times more likely to be murdered by intimate partners than non-Indigenous women, because of the intersections between colonialism, racism, and misogyny; and,

Whereas IPV is a phenomenon which affects Black and racialized women, women with disabilities, and 2SLGBTQIA+ people disproportionately; and,

Whereas women's shelters nationwide consistently struggle with permanent funding to provide essential transitional, family, and permanent housing solutions for women fleeing IPV, and as COVID-oriented funding expires and piecemeal efforts to fund women's shelter systems result in women experiencing IPV being continually at risk; and,

Whereas the federal government has made gender-based violence (GBV) and IPV priorities across ministries and agencies through the National Strategy to Address Gender-Based Violence and the National Action Plan to End Gender-based Violence, signing bilateral agreements with provinces and territories, but gaps remain.

Now therefore, be it resolved:

1. That the Council of the Town of Whitby calls on the federal

government to create a permanent fund, open to local governments and community organizations, for the construction of shelters and transitional housing for women and survivors of intimate partner violence, including housing appropriate for Indigenous, 2SLGBTQIA+ people, and persons with disabilities, with a dedicated rural, remote, and northern (RRN) stream; and,

2. That the Council of the Town of Whitby calls on the federal government to work with the provinces and territories to provide permanent operational funding, open to local governments and community organizations, for shelters, transitional housing, and supportive housing for women and survivors of intimate partner violence, including Indigenous, 2SLGBTQIA+ people, and persons with disabilities.

#### 6.5.2 Immediate Federal Government Support Required for Asylum Claimants in Municipalities

Recommendation:

Moved by Councillor Shahid

Whereas municipalities have been at the forefront of supporting asylum claimants and refugees and providing essential settlement and housing services; and,

Whereas the rapid and sharp increase of asylum claims in Toronto, Montreal, Hamilton and other municipalities, particularly in the Greater Toronto and Hamilton Area (GTHA), are putting municipal governments under significant pressure; and,

Whereas without federal action, asylum claimants will not have permanent shelter and housing options once they leave temporary accommodations, and the current crisis will continue to grow; and,

Whereas refugees and asylum claimants make up over 40% of Hamilton's population in shelters, and is creating massive pressure on Hamilton's already overwhelmed shelter system that is under resourced to meet the unique and complex needs of asylum claimants; and,

Whereas the supports provided to municipalities to receive asylum claimants are often short-term and focused on emergency response and shelter, but do not ensure permanent settlement and housing options for asylum claimants, including a focus on homeless prevention and long-term stability; and,

Whereas the crisis of asylum claimants has inextricable links to the housing, homelessness and mental health crises in Canada and the immense pressure on municipal shelter, transitional and supportive housing systems;

and,

Whereas equity-deserving communities are disproportionately represented in asylum claimant populations seeking immediate necessary support which can also lead to further stigmatization and experiences of racism, discrimination, and harassment; and,

Whereas action on behalf of the federal government and investing in supports to combat racism, specifically anti-Black racism, is imperative as asylum seekers commonly face racism and other forms of discrimination and hate; and,

Whereas municipalities across Canada are committed to fostering diverse, inclusive and welcoming communities for all individuals seeking asylum and tackling anti-Black racism and other forms of racism; and,

Whereas Hamilton, Toronto and other municipalities in the Greater Toronto Hamilton Area (GTHA) have been advocating for additional federal supports for asylum claimants over the past year.

Now therefore, be it resolved:

1. That the Council of the Town of Whitby strongly urge the federal government to take immediate action to support asylum claimants in Canadian municipalities by taking the following actions:
  - a. Immediately provide financial support and reimbursements directly to municipalities to address the immediate short-term needs of asylum claimants and refugees through top-ups to the Canada Housing Benefit and the Interim Housing Assistance Program (IHAP);
  - b. An ongoing commitment of Interim Housing Assistance Program (IHAP) funding to address estimated annual costs for refugees in 2024, and commit to future funding until the demand for shelter returns to sustainable levels;
  - c. Collaborate with municipal governments to develop a long-term strategy to enhance capacity of local governments to effectively support asylum claimants and refugees, including through the development of tripartite agreements between municipalities, provinces and territories and the federal government to enhance cross-government coordination in providing immediate supports to asylum claimants;
  - d. Recognizing that the rise in asylum seeking populations pursuing refuge in Canada is occurring in the midst of a housing crisis, provide additional funding through National

Housing Strategy programs and the Canada Housing Benefit to support asylum claimants in the medium- and long-term;

- e. That the federal government broaden the eligibility for federally-funded settlement services to include asylum claimants who currently can only access provincially-funded services and also that settlement services be funded to support newcomers with housing searches as at present they mostly limited to orientation, language instruction, and employment; and,
- f. Extend and make permanent the Rapid Housing Initiative with another intake in 2024/25 to enable municipalities to invest in supportive housing on an urgent basis and relieve pressure on the shelter system, and work with the provinces and territories to ensure that supportive units have wrap-around health and social supports and long-term operating funding.

### 6.5.3 Federal Support for Food Banks

Recommendation:

Moved by Councillor Shahid

Whereas financial and affordability pressures related to soaring mortgage and rent costs, inflated grocery costs, stagnating wages, and limited avenues for social assistance have pushed significantly more people toward food insecurity; and,

Whereas people with fixed incomes, including seniors and social assistance recipients, are at extremely high risk of food insecurity and continue to struggle disproportionately as their dollars are being spread thinner; and,

Whereas challenges are also continuing to grow for working people, renters, and people living in remote and northern regions of Canada; and,

Whereas racialized Canadians are disproportionately impacted by each of these factors, as the systemic barriers they face have been further exacerbated by the economic and affordability crisis of the past few years; and,

Whereas food banks were established as a temporary solution to the increasing cost of food and needs in the community but are now part of a system that government and communities heavily and increasingly rely on; and,

Whereas it has been more than a full year since Food Banks Canada sounded the alarms in the HungerCount 2022 report, calling for action to be taken immediately to help the millions of struggling Canadians from coast to

coast to coast; and,

Where the Food Banks Canada report from March 2023, indicates that nearly 2 million Canadians accessed food banks across the country, a 32 per cent increase from March 2022 and a 78.5 per cent increase from March 2019, which is the highest year-over-year increase in usage ever reported; and,

Whereas the “Emergency Food Security Fund” was established by the Federal Government to address urgent needs during the pandemic but food insecurity has only worsened, and the Federal Government no longer has a program to provide ongoing support to Food Banks; and,

Whereas the majority of support received by food banks is through community fundraising and donations but given financial pressures faced by individuals, these donations are declining; and,

Whereas in certain communities, people who were donating to food banks are now instead accessing the food bank; and,

Whereas the need to address the food insecurity crisis touches on many of the Federation of Canadian Municipalities (FCM) focus areas, including the Inclusive Communities focus area.

Now therefore be it resolved that:

The Council of the Town of Whitby calls on the Federal Government to help address the food insecurity crisis by providing emergency funding to food banks, food rescue agencies, and farmers markets providing emergency food assistance, and recognize the systemic issues involved in food bank usage, including affordability, inequality, core housing need and insufficient social supports, in order to end food insecurity.

#### 6.5.4 Harassment of Elected Local Government Officials

Recommendation:

Moved by Councillor Shahid

Whereas in recent years, there has been an alarming rise in incidents of harassment, intimidation and acts of violence aimed at elected local government officials, compounding the already strenuous work conditions faced by many local leaders and hindering their retention; and,

Whereas women, particularly Black and racialized women, are disproportionately targeted by violence and harassment toward elected officials; and,

Whereas increasing the number of elected women, Black and racialized, and 2SLGBTQIA+ representatives in Canada is a priority for local governments and the federal government; and,

Whereas severe abuse, both online and in-person, has the potential to discourage underrepresented groups from joining and remaining engaged in local politics, limiting the diversity of opinion needed in healthy democracies; and,

Whereas all elected officials have an ability to show leadership on this issue by modeling behaviour, and should always strive to elevate debate, embrace differences of opinion, disagree respectfully and focus on issues of policy and substance.

Now therefore, be it resolved:

1. That the Council of the Town of Whitby request that the federal government, work with provinces, territories, and local governments, including through the Federation of Canadian Municipalities, to identify and implement measures to protect elected local government officials, their family members, and staff – especially women, members of Black and racialized communities, and 2SLGBTQIA+ individuals, persons with disabilities, and Indigenous people – from harassment, intimidation, and threats, thereby reinforcing a unified front to safeguard democracy; and,
2. That the Council of the Town of Whitby calls on all elected officials of all orders of government to lead by example, demonstrating civility and mutual respect for their political counterparts.

## 7. Adjournment

# Town of Whitby

## Staff Report

[whitby.ca/CouncilCalendar](http://whitby.ca/CouncilCalendar)



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**Report Title: DEV-19-24: Zoning By-law Amendment Application, Brookfield Residential (Ontario) Brock St Limited, 1615 Brock Street South, File No. Z-08-24.**

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**Report to:** Committee of the Whole

**Date of meeting:** October 21, 2024

**Report Number:** PDP 49-24

**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:**

L. England, Planner I, x. 2822

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### 1. Recommendation:

1. That Council approve an amendment to Zoning By-law # 2585 (File No. Z-08-24) as outlined in Planning Report PDP 49-24; and,
2. That a By-law to amend Zoning By-law # 1784 be brought forward for consideration by Council.

### 2. Highlights:

- A Zoning By-law Amendment Application has been submitted by Brookfield Residential (Ontario) Brock St Limited for the land municipally known as 1615 Brock Street South.
- The Zoning By-law Amendment Application proposes to change the current zoning from R4C (Residential Type 4C Zone) to an appropriate zoning category to permit the proposed mixed-use development of 55 back-to-back stacked townhouse units and approximately 260 square metres of commercial space.
- All the commenting departments and external agencies have indicated support for, or no objection to, the proposed development subject to their comments/requirements being adhered to.



### **3. Background:**

#### **3.1. Site and Area Description**

The subject land is located approximately 30 metres north of Watson Street East on the east side of Brock Street South, municipally known as 1615 Brock Street (refer to Attachment #1).

The subject land is currently vacant. The surrounding land uses include: a 3-storey residential apartment dwelling to the east; single-detached residential dwellings to the north and west; and townhouse residential dwellings and a single detached residential dwelling to the south (refer to Attachment #2).

#### **3.2. Application and Proposed Development**

A Zoning By-law Amendment Application has been submitted by Brookfield Residential (Ontario) Brock St Limited to accommodate a mixed-use development consisting of 55 back-to-back stacked townhouse dwellings with two at-grade commercial units totaling approximately 260 square metres of commercial space (refer to Attachment #3).

The Zoning By-law Amendment Application proposes to change the current zoning from R4C (Residential Type 4C Zone) within Zoning By-law No. 2585 to an appropriate zone category.

#### **3.3 Documents Submitted in Support**

The following documents were submitted in support of the application:

- Cover Letter, prepared by Brookfield Residential (Ontario) Brock St. Limited, dated May 7, 2024.
- Geotechnical Report, prepared by DS Consultants LTD., dated August 31, 2022.
- Hydrogeological Report, prepared by DS Consultants LTD., dated October 5, 2022.
- Archaeological Report Registers, prepared for the Ontario Ministry of Tourism, Culture, and Sport, dated November 10, 2015, and November 12, 2015. The report concluded that based on the information contained in the report, the ministry is satisfied that the fieldwork and reporting for the archaeological assessment are consistent with the ministry's 2011 Standards and Guidelines for Consultant Archaeologists and the terms and conditions for archaeological licenses.
- Architectural Drawing Package, prepared by RAW Design Inc., dated March 14, 2023.

- Building Elevations, prepared by RAW Design Inc., dated March 14, 2023. (refer to Attachment #4).
- Planning Opinion Letter, prepared by Malone Given Parsons Ltd., dated March 22, 2024. The letter concluded that the proposed development conforms to the policy requirements of the Official Plan.
- Sustainability Report, prepared by Malone Given Parsons Ltd., dated March 22, 2024. The report concluded the proposed development will attain the applicable Tier 1 performance measures, as defined in the Whitby Green Standards.
- Record of Site Condition dated June 26, 2023.
- Erosion & Sediment Control Plan, prepared by TYLin Group, dated September 2022.
- Grading Plan, prepared by TYLin Group, dated September 2022.
- Servicing Plan, prepared by TYLin Group, dated September 2022.
- Functional Servicing and Stormwater Management Report, prepared by TYLin Group, dated May 2023. The report concluded the site can be adequately serviced with respect to sanitary drainage, stormwater drainage, and stormwater management and the scheduled hydrant flow test will confirm whether the site can be adequately serviced with respect to water supply.
- Servicing Plan, prepared by TYLin Group, dated September 2022.
- Traffic Comment Response, prepared by TYLin Group, dated March 21, 2024.
- Response Matrix, prepared by Brookfield Residential (Ontario) Brock St. Limited.

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**

On September 3, 2024, the Ministry of Municipal Affairs and Housing approved Envision Durham – the new Regional Official Plan, with modifications. The subject site is within a designated Protected Major Transit Station Area (PMTSA), which is also a Strategic Growth Area (SGA).

PMTSAs are to be planned as communities centered around higher order transit services. Permitted uses include medium and high density residential, mixed-use development, compatible employment generating uses including but not limited to office and major office, cultural and entertainment uses, commercial and retail

uses, institutional and educational uses including post-secondary facilities, recreational and community amenities such as parks, urban squares, and trail systems.

The proposed development would provide new higher-density townhouse dwelling units in a mid-rise built form, which is consistent with the requirements for residential development within the PMTSA.

#### **4.2. Whitby Official Plan**

The subject land is designated Residential on Schedule 'A' – Town of Whitby Official Plan (refer to Attachment #5). Lands designated as Residential require that new residential development and redevelopment is transit supportive, pedestrian-oriented, compatible with surrounding uses, and reflects a high standard of urban design (Policy 4.4.2.3).

#### **Port Whitby Secondary Plan**

The subject land is designated Mixed Use Residential One on Schedule 'F' – Port Whitby Secondary Plan (refer to Attachment #6). Lands designated as Mixed Use Residential One permit residential uses in a multiple unit setting and a wide range of small-scale retail, cultural and small-scale service commercial and office uses (Policy 11.1.9.2).

The minimum building height is three storeys, and the maximum building height is six storeys. (Policy 11.1.9.3).

Development with frontage on Brock Street South must contain ground floor related commercial uses (Policy 11.1.9.5).

New infill development along Brock Street South should have adaptable and accessible ground floor spaces suitable for a range of uses such as galleries, professional offices, retail, community space and live/work units that can animate the public realm. (Policy 11.1.9.7)

#### **4.3. Zoning By-law**

The subject land is zoned R4C (Residential Type 4C Zone) within Zoning By-law 2585 (refer to Attachment #7). The R4C (Residential Type 4C Zone) Zone does not permit the proposed use. Therefore, a Zoning By-law Amendment is required to permit the proposed mixed-use development.

A Zoning By-law Amendment will be brought forward for Council consideration once a final site plan, landscape plan, building elevations, and lighting plan have been approved.

### 4.3. Conclusion

The subject land is designated Mixed Use Residential One. Lands designated as Mixed Use Residential One permit multi-storey high density residential buildings and a wide range of small-scale retail, cultural, small-scale service commercial and office uses.

The application proposes to change the current zoning to an appropriate zone category to permit the proposed mixed-use development of 55 back-to-back stacked townhouse units and approximately 260 square metres of commercial space.

All the commenting departments and external agencies have indicated support for, or no objection to, the proposed development subject to their comments 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 Planning 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 proposed Zoning By-law Amendment.

### 5. Financial Considerations:

Not applicable.

### 6. Communication and Public Engagement:

A Public Meeting was held on September 9th, 2024, in accordance with 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 #8. Two members of the public spoke at the public meeting. Questions were raised at the public meeting regarding increase in traffic and the size of the proposed residential units.

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 October 21st, 2024, Committee of the Whole Meeting.

The submissions by the public have been considered in determining the recommendation for approval of the proposed Zoning By-law Amendment application, including no concerns related to increased traffic in the area as a result of the proposed development.

## 7. Input from Departments/Sources:

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

- Whitby Engineering Services;
- Whitby Planning Services;
- Whitby Fire and Emergency Services;
- Whitby Financial Services;
- Durham Region Planning and Economic Department; and
- Durham Region Works Department.

The following agency was circulated the application; however, did not provide a response:

- Superior Propane.

Refer to Attachment #9 for Agency and Stakeholder Detailed Comments.

### **Internal Departments**

#### **Whitby Engineering Services**

Engineering Services does not object to the proposed Zoning By-law Amendment application provided that the comments from Transportation Services dated June 21, 2024, are to be addressed to the Town's satisfaction.

#### **Whitby Fire and Emergency Services**

The comments provided by Whitby Financial Services state that there is no objection to the application, provided that the comments from August 2, 2024, are to be addressed to the Town's satisfaction.

#### **Whitby Financial Services**

The comments provided by Whitby Financial Services state that there is no objection to the application, subject to submitting development charges and cash-in-lieu of parkland.

### **External Agencies**

#### **Region of Durham Planning and Economic Development & Works Department**

The Region has no objections to the further processing of the Zoning By-Law Amendment application provided that the applicant addresses the Region's comments and recommendations.

**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 future development of a mixed-use building contributes to meeting the priorities of the Community Strategic Plan, specifically Action Item 1.3.4 under Pillar 1: Whitby's Neighbourhoods by providing housing options.

**9. Attachments:**

Attachment #1 – Location Sketch

Attachment #2 – Aerial Context Map

Attachment #3 – Proponent's Proposed Concept

Attachment #4 – Proponent's Proposed Building Elevations

Attachment #5 – Excerpt from the Town of Whitby Official Plan – Schedule 'A'

Attachment #6 – Excerpt from Port Whitby Community Secondary Plan –  
Schedule 'F'

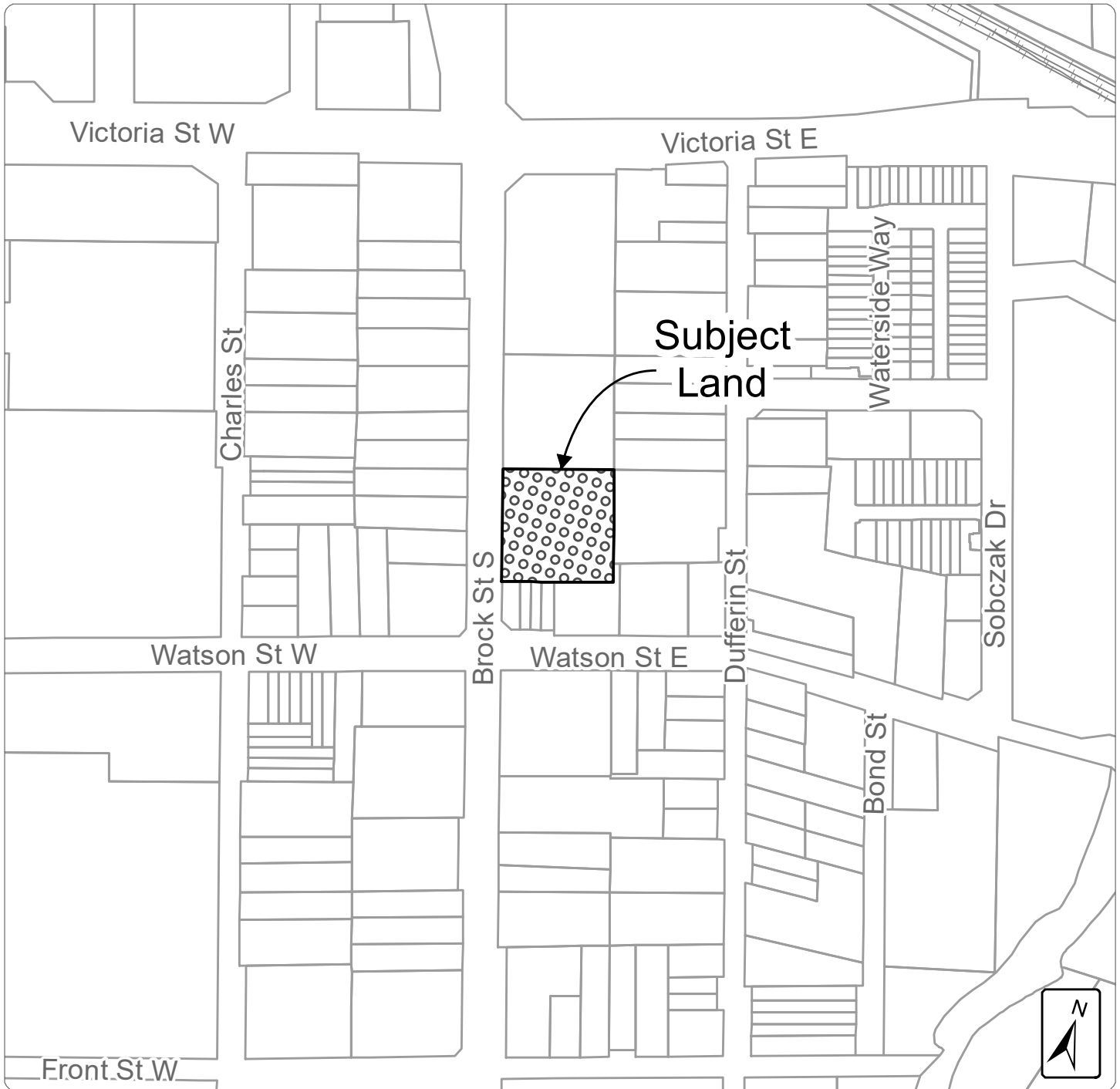
Attachment #7 – Excerpt from Zoning By-law No. 2585

Attachment #8 – September 9, 2024, Public Meeting Minutes

Attachment #9 – Agency and Stakeholder Detailed Comments

# Attachment #1 Location Sketch

PDP 49-24



## Town of Whitby Planning and Development Department

Proponent:  
BROOKFIELD RESIDENTIAL (ONTARIO)  
BROCK ST LIMITED

File Number:  
DEV-19-24 (Z-08-24)

Date:  
October 2024

External Data Sources:  
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# Attachment #2 Aerial Context Map



**Town of Whitby Planning and Development Department**

**Proponent:**  
BROOKFIELD RESIDENTIAL (ONTARIO)  
BROCK ST LIMITED

**File Number:**  
DEV-19-24 (Z-08-24)

**Date:**  
October 2024


External Data Sources:  
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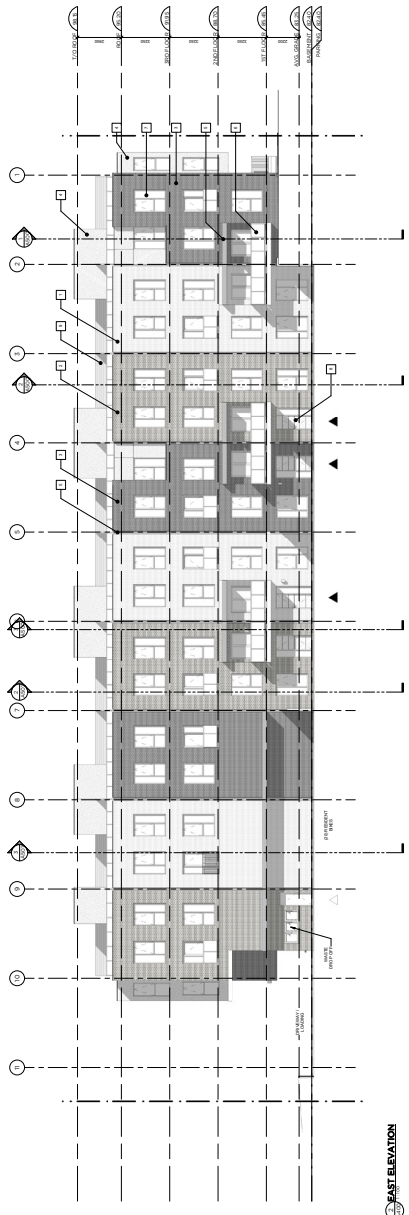
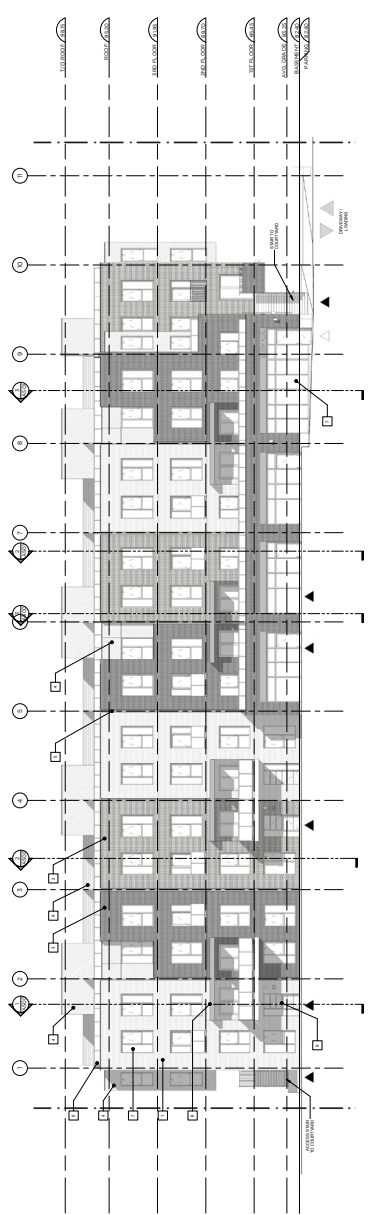
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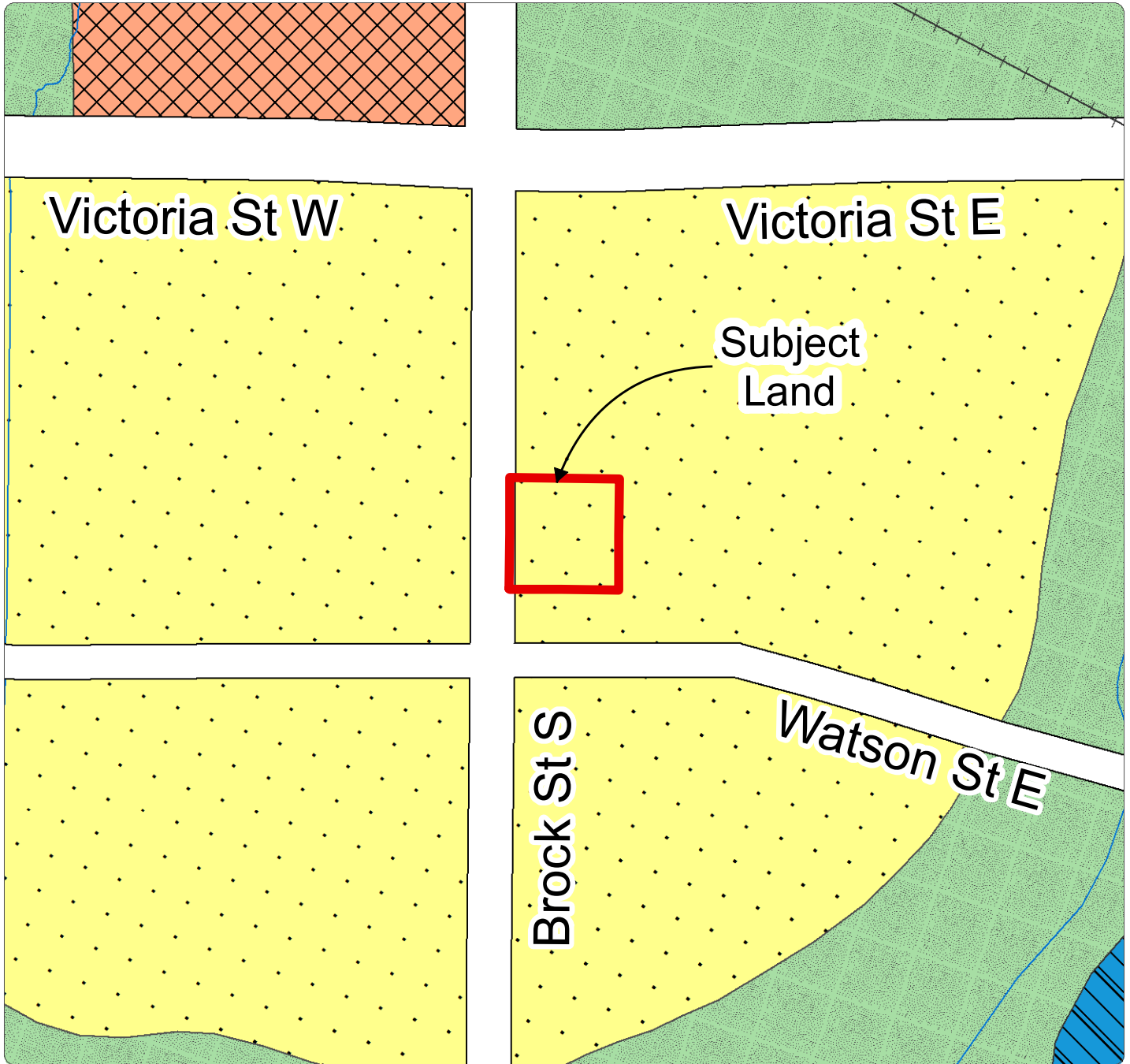
## Proponent's Proposed Building Elevations

<p><b>MATERIAL LEGEND</b></p> <ul style="list-style-type: none"> <li> BRICK, BUFF</li> <li> BRICK, ORANGE</li> <li> BRICK, BURGUNDY</li> <li> FIBER CEMENT SIDING, CHARCOAL</li> <li> FIBER CEMENT SIDING, FLAMING WINDOW</li> <li> FIBER CEMENT SIDING, PINK</li> <li> GLASS WALKING</li> <li> CLEAR GLAZING</li> <li> WOOD VENEER, DOOR</li> <li> WOOD PLYWOOD SCREEN</li> </ul>	<p><b>DATE: 10/14/2015</b></p> <p><b>PROJECT: 1000 SHEPPARD AVE. EAST, TORONTO, ONT. M2K 1K7</b></p> <p><b>CLIENT: PROPOSED DEVELOPER</b></p> <p><b>DESIGNER: RAM</b></p>	<p><b>SCALE: 1:100</b></p> <p><b>ELEVATIONS</b></p> <p><b>A400</b></p>
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10/14/2015 10:00 AM

Excerpt from the Town of Whitby Official Plan Schedule 'A'



**Legend**

Residential	Lands Subject to Durham Regional Official Plan Policy 14.13.7	D3 (Deferred by Region of Durham)
Major Commercial	Deferred by the Region of Durham	Local Central Area
Community Commercial	Resource Extraction Area (See Section 4.12)	Utility
Special Purpose Commercial	2031 Urban Area Boundary	Community Central Area Boundary
Mixed Use	Future Urban Development Area Boundary	Greenbelt Protected Countryside Boundary
Prestige Industrial	Hamlet Boundary	Major Central Area Boundary
General Industrial	Municipal Boundary	Southern Boundary of Oak Ridges Moraine
Special Activity Node	Urban Central Area Boundary	
Institutional		
Major Open Space		
Agricultural		
Hamlet		
Estate Residential		
Special Policy Area		
Refer to section 11.5.31.6		

**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.

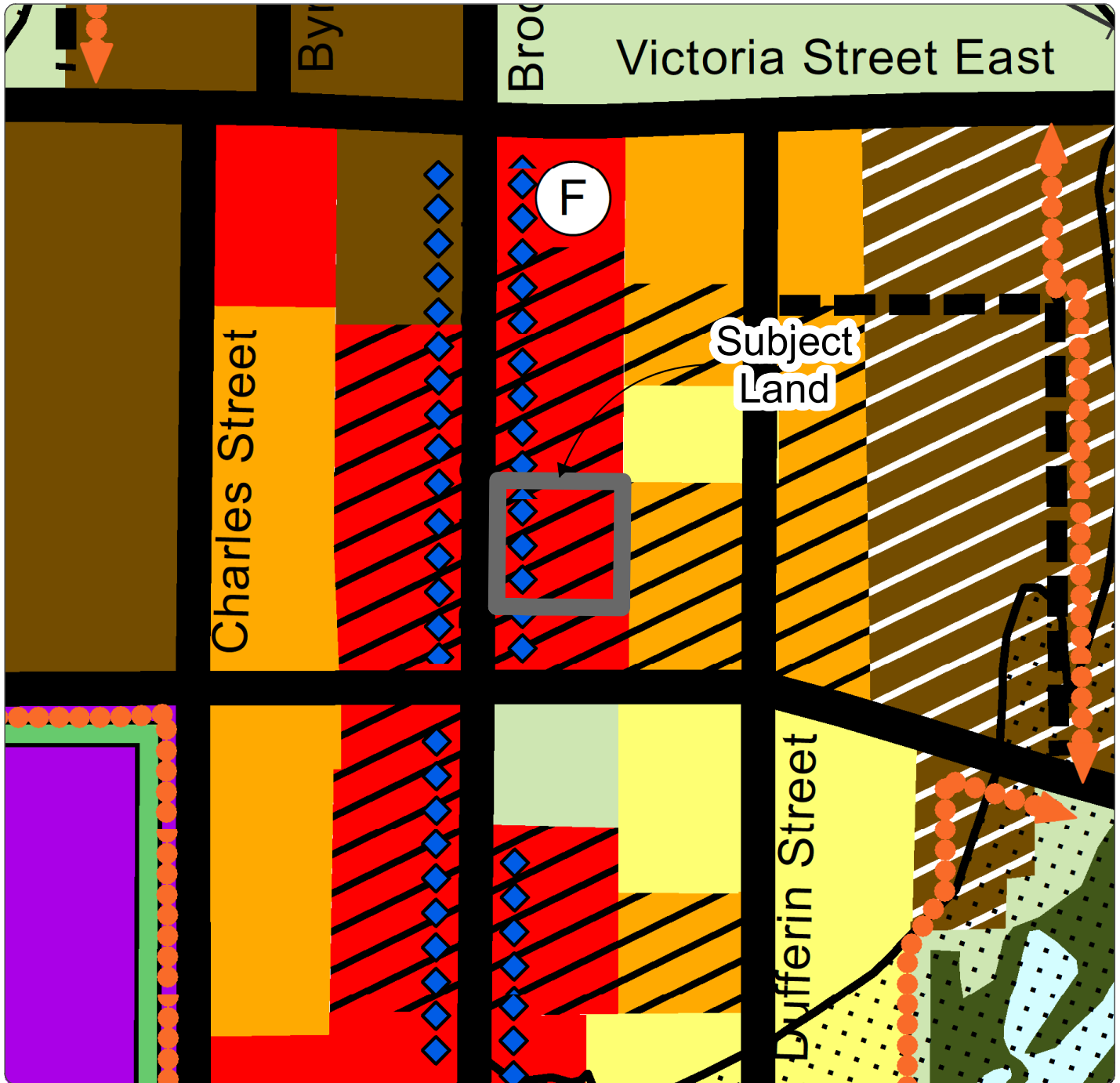
Official Plan - Town of Whitby

**Excerpt from Schedule 'A' Land Use**

Schedule **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.

Excerpt from Port Whitby Community Secondary Plan Schedule F



Legend:

- - - Boundary of Port Whitby Community
- Low Density Residential
- Medium Density Residential One
- Medium Density Residential Two
- Mixed Use Residential One
- Mixed Use Residential Two
- High Density Residential Mixed Use
- High Density Residential
- Community / Institutional
- Commercial
- Utilities
- Prestige Industrial
- Major Open Space
- Natural Hazard Area
- Environmental Protection Area
- C Cemetery
- M Marina
- F Fire Station
- ✱ Major Transit Station
- Proposed Roads
- Existing Road Network
- Active Transportation Network / Connections
- ↔ Waterfront Trail (Improved)
- Ground Floor Projection

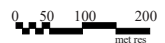
Excerpt From  
**PORT WHITBY COMMUNITY  
SECONDARY PLAN**



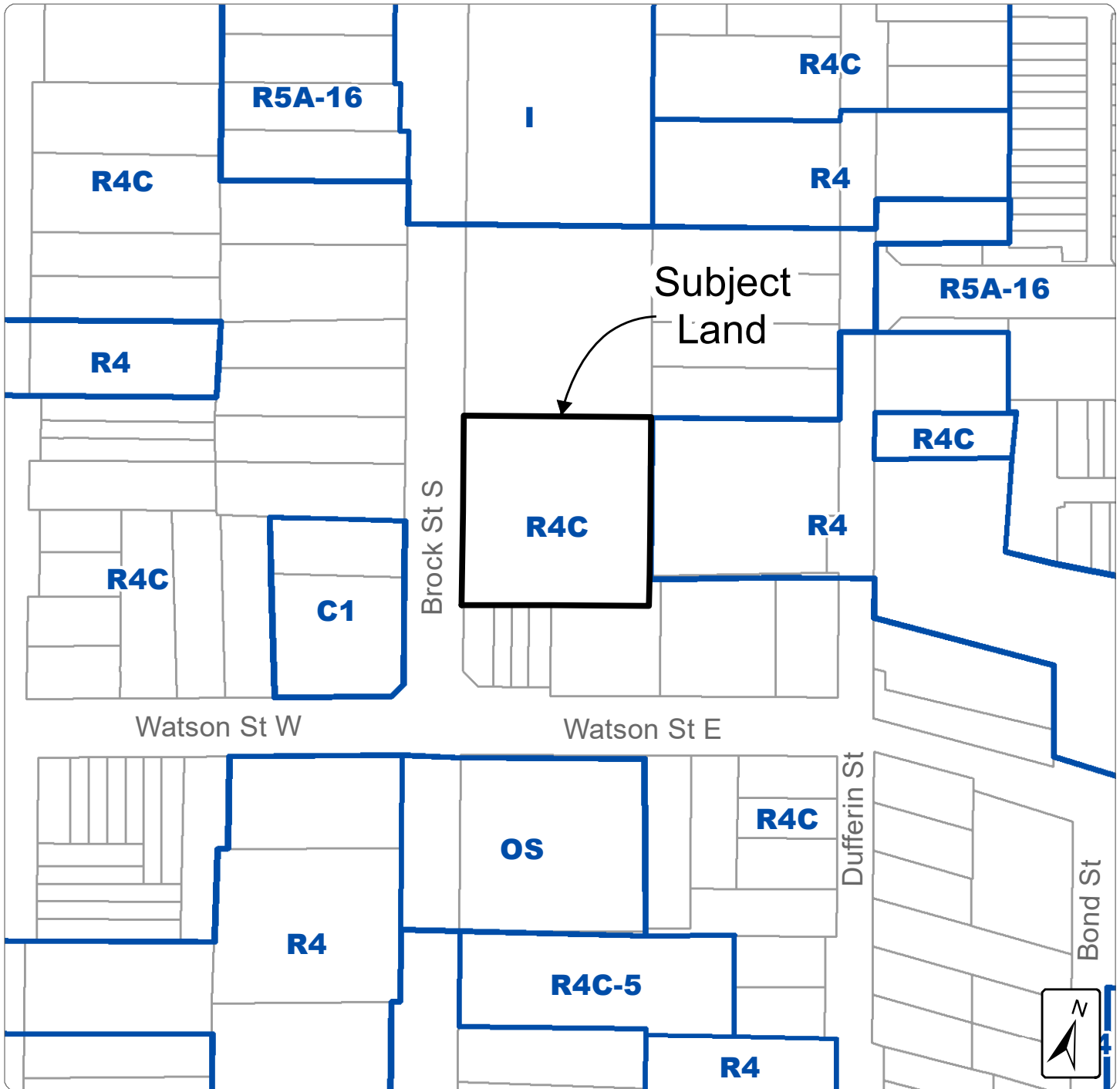
**Official Plan**  
Town of Whitby



SCHEDULE



# Attachment #7 Excerpt from Zoning By-Law 2585



**Town of Whitby Planning and Development Department**

<b>Proponent:</b> BROOKFIELD RESIDENTIAL (ONTARIO) BROCK ST LIMITED	<b>File Number:</b> DEV-19-24 (Z-08-24)	<b>Date:</b> October 2024
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External Data Sources:  
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Attachment #8:  
Public Meeting Minutes  
DEV-19-24 (Z-08-24)

September 9<sup>th</sup>, 2024, Public Meeting

Liam England, Planner I, Current, provided a PowerPoint presentation which included an overview of the application.

Matthew Cory, representing Brookfield Residential (Ontario) Brock St Limited, 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.

Peter Johnson, Resident, raised concerns regarding an increase in traffic congestion and requested information regarding entryway access into the proposed development.

John Bottomley, Resident, requested information regarding the size of the units within the proposed development.

Matthew Cory answered questions regarding:

- details about the entryway into the proposed development and the location of the parking garage access;
- mitigation strategies to minimize traffic resulting from the proposed development; and,
- details about the size of units within the proposed development.

There were no further submissions from the public.

# Attachment #9

## Agency and Stakeholder Detailed Comments

### DEV-19-24 (Z-08-24)

#### Internal Departments

##### Whitby Engineering Services

Please find below Engineering Services' comments on the 1st Submission of the Zoning By-law Amendment for the above noted property.

Engineering Services has conducted a preliminary review of the circulated materials outlined below:

- Architectural Drawing Set, dated March 15, 2024, by Raw Design
- Geotechnical Report, dated August 31, 2022, by DS Consultants Ltd.
- Hydrogeological Report, dated October 5, 2022, by DS Consultants Ltd.
- Functional Servicing and Stormwater Management Report, dated May 2023, by TYLin
- Grading Plan, dated March 21, 2024, by TYLin
- Servicing Plan, dated March 21, 2024, by TYLin
- Erosion and Sediment Control Plan, dated March 21, 2024, by TYLin
- Engineering Cost Estimate, by TYLin

The application seeks to permit the development of back-to-back townhouses with 55 residential units across 2 blocks with one level of at grade parking. The unit mix will be made up of 1 to 3-bedroom suites and two units of retail space at the southwest corner of the site along Brock Street South. The entrance will be off Brock Street via a private lane with loading and garbage pick up located at the rear of the property. Private amenity space is provided through an internal courtyard, balconies, and terraces.

##### Zoning By-law Amendment

The subject land is currently zoned Residential Type 4C, Zoning By-law 2585. The Zoning By-law Amendment is required to permit the proposed mixed-use development.

Engineering Services does not object to the proposed Zoning By-law Amendment application provided that:

- The comments from Transportation Services dated June 21, 2024, are to be addressed to the Town's satisfaction.
  - The number of Accessible Parking space(s) does not align with the site plan on Drawing A200 provided in the Architectural Package. Confirm the number of accessible parking spaces required to support the Town's Zoning By-law. Consistent information is expected to be provided on all drawings.

- Fire Route signage to be installed no more than 30 metres (m) apart and shall be installed at an angle of 30 to 45 degrees to the flow of traffic as per the Ontario Traffic Manual.
- Identify Type A – Van Accessible Parking with appropriate signage on the plan. The number of Van Accessible Parking spaces to be in accordance with the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).
- The number of visitor parking spaces does not satisfy the visitor parking requirements included in the Traffic Impact Study. Provide the accepted number of visitor parking spaces.
- Provide a visual representation of the signage that is expected to be installed to support the visitor parking.
- A revised Pavement Marking and Signage Plan, to the satisfaction of Engineering Services, is required.

### **Informational Comments**

It is Engineering Services' understanding that a Site Plan application will be required upon the approval of the Zoning By-law Amendment application. Detailed review comments will be provided at the Site Plan application stage.

The following items are informational and can be addressed through the future Site Plan application process:

1. A Construction Management Report shall be provided as per the Town's Guidelines.
2. Refer to Section J of the Town of Whitby Design Criteria for Site Plan submission requirements.
3. Final stamped and signed retaining wall drawings will be required prior to Building Permit issuance.
4. Address all drawing revision comments outlined in the Pre-Consultation Stage 2 memo and any additional comments from Engineering Services.
5. Provide a Vibration Monitoring Program.
6. Provide a cost estimate using the Town's template. Ensure that watermain and sanitary items are not included.

### **Whitby Fire and Emergency Services**

The fire access route shall be provided in accordance with OBC 3.2.5.4, 3.2.5.5, & 3.2.5.6.

Provide fire access route sign locations as per Town of Whitby Bylaw 4084-97.

Structural engineer shall provide letter confirming that the parking garage is capable of supporting the weight of fire apparatus if fire access route extends over top of it.

Submit a site plan indicating designated fire breaks for review and approval prior to construction.



## **Whitby Financial Services**

The following pertains to Town of Whitby Development Charges only, based on current Provincial legislation and Town of Whitby by-laws (subject to change). Additional information can be found at [https://www.whitby.ca/en/work/development-charges.aspx?\\_mid\\_=3457](https://www.whitby.ca/en/work/development-charges.aspx?_mid_=3457). This development will also be subject to Region of Durham development charges and DDSB/DCDSB education development charges, please reach out to them directly with any questions.

### Development Charges

Will be owing for both the residential and non-residential development. Under Section 26.2 of the Development Charges Act.

- The base DC rate(s) will be set as of the Zoning By-law Amendment application submission date.
- Interest will accrue on the base DC rate(s), from the date of site plan application submission until the date of building permit issuance. Per the DC Act, the interest is set at Prime +1% adjusted quarterly.
- The applicant has 2 years from the date of Zoning By-law application approval to obtain a building permit. Otherwise, Section 26.2 no longer applies, and instead the applicable DC rate(s) are the current posted rates in effect as of the building permit issuance date.

If this development is a condo, development charges are payable prior to the issuance of the 1<sup>st</sup> building permit. If this development is entirely rental housing development charges shall be payable as per Section 26.1 of the DC Act.

If this development includes affordable or attainable units (as defined in Section 4.1 of the DC Act), those units are eligible for DC exemptions.

If this development includes rental housing or institutional development, Section 26.3 of the DC Act allows for development charges to be paid in equal annual installments beginning upon occupancy.

If this development includes rental housing, Section 26.2 (1.1) of the DC Act allow for additional development charge reductions based on number of bedrooms per unit.

If a building is being demolished to make way for this redevelopment, the applicant has 5 years from the date that the demolition permit was issued, to obtain the new building permit to qualify for a redevelopment credit.

### Parkland Dedication / Cash-in-Lieu

Shall be applicable as per the Planning Act and Town of Whitby By-Law for both the residential and non-residential development.

If utilizing a CIL, a land appraisal is required at the cost of the developer and will remain current for a maximum period of one (1) year.

If CIL has previously been applied, a reduction in the amount owing will be applied.

If CIL has not previously been applied, only the incremental residential units are used for the calculation of the CIL value.

## **External Agencies**

### **Durham Region Planning and Economic Development Department & Works Department**

We have completed our review of the above-noted application and offer the following comments regarding conformity with the current Regional Official Plan (ROP) and the new ROP, Provincial Plans and Policies, the Region's delegated Provincial Plan Review responsibilities, and Regional servicing.

The subject site is approximately 0.4 hectares and is located on the east side of Brock Street South, north of Watson Street East. The property is currently vacant.

The proposed zoning by-law amendment application would rezone the subject site to an appropriate zoning category to permit the development of 2 blocks of back-to-back stacked townhouses with a total of 55 residential units and 2 units of retail space with frontage on Brock Street South. The proposed development would have a reported FSI of approximately 2.0, a density of approximately 140 dwelling units per net hectare, and will reportedly achieve a minimum density of approximately 225 residents and jobs per hectare.

#### Regional Official Plan Conformity

The subject site is within a designated Protected Major Transit Station Area (PMTSA), which is also a Strategic Growth Area (SGA).

PMTSAs are to be planned as communities centered around higher order transit services. Permitted uses include medium and high density residential, mixed-use development, compatible employment generating uses including but not limited to office and major office, cultural and entertainment uses, commercial and retail uses, institutional and educational uses including post-secondary facilities, recreational and community amenities such as parks, urban squares, and trail systems.

The PMTSA is planned to achieve a long-term transit supportive density target of 150 people and jobs per gross hectare, measured over the entirety of the area. Developments should contribute to, and not detract from, the long-term density target.

Development within the PMTSA should incorporate transit-oriented development design principles, including orienting development and entrances towards streets, providing active uses and entrances at grade, integrating open spaces, providing a mix of uses, compact built form with higher densities.

The proposed development would provide new higher-density townhouse dwelling units in a mid-rise built form, which is consistent with the requirements for residential development within the PMTSA. The proposed development would also provide limited retail space fronting on Brock Street South, which is a permitted use; however, the

amount of retail frontage proposed appears to fall short of the general intent of the PMTSA policies regarding a mix of uses to support a walkable, transit-oriented, pedestrian friendly public realm. Staff encourage the applicant and the Town to find innovative ways to increase the amount of grade-related non-residential floorspace on the Brock Street South frontage, in order to allow the development to respond to changing market and community needs over time.

#### Conclusion – Regional Official Plan Conformity

The proposed application supports compact built form through residential infilling developments, contributes to providing a mix of housing options for the community, provides limited non-residential uses, and makes efficient use of existing infrastructure.

The Region is generally supportive, however staff note that the proposal is missing an opportunity to support active uses at street-level by including adaptive, accessible, non-residential uses along the entirety of the Brock Street South frontage, as requested by the Town of Whitby. Staff support the Town of Whitby's request, and recommend that the proposal be revised to accommodate non-residential uses along the entirety of the Brock Street South frontage, in support of the goals and objectives of both the Durham and Whitby Official Plans for this area. The Region encourages the applicant and the Town of Whitby to work together to discuss alternative concept plans or conditions that would increase the amount of non-residential frontage and floorspace along Brock Street South.

The proposed application generally conforms with the current ROP and the new ROP.

#### Transit Oriented Development

The Region's TOD Office has reviewed the proposed application and offers the following comments. Please note that some comments may be better suited for the Site Plan stage, but some may affect the zoning, if implemented:

The inclusion of commercial space along the southwestern portion of the site will provide active uses at grade along the street front and provide amenities to the community. It is suggested that, if possible, open space is included adjacent to the commercial space to allow for spillover such as space for a small patio into the streets, further animating the street.

The communal courtyard will provide access to greenspace and a space for communal gathering, increasing socialization and the appeal to get out of the house and walk to various amenities.

Since this proposal is within the Town of Whitby PMTSA and short walking distance to the GO train station and various commercial amenities, conversations between the Town and the applicant should be had on how to reduce vehicle parking spaces and provide a more vibrant proposal with greater open space and access to active transportation connections, such as a multi-use path to replace the existing sidewalk in front of the property.

### Durham Region Transit (DRT)

The above noted file was reviewed from a transit perspective, and Durham Region Transit has no comments.

### Provincial Plans and Policies

#### Provincial Policy Statement and Growth Plan

The Provincial Policy Statement (PPS) and the Growth Plan support efficient land use and development patterns that comprise of an appropriate mix of housing options, including promoting transit-supportive density with Major Transit Station Areas.

The proposed application represents transit-supportive density, supports compact built form, and a mix of housing options.

The proposed application is consistent with the PPS and conforms with the Growth Plan.

#### Delegated Provincial Plan Review Responsibilities

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

#### Regional Works

The Region of Durham Works Department has reviewed the above-noted application and offers the following comments.

#### Transportation

The submission shows the 3 m ROW widening requested in the pre-consultation comments. The ROW widening should be confirmed by R-Plan and should be dedicated free and clear of all encumbrances as a condition of site plan approval.

We generally agree that the Whitby standards for the entranceway is acceptable, including the continuation of the sidewalk through the entranceway and lowered curbs along the edge of pavement. However, Brock Street is a Regional Road and therefore the proposed driveway should reference Regional standards.

An engineering drawing of the entranceway needs to be provided, and it should be constructed to Regional standards for multi-residential use. (40 mm HL3, 50 mm HL8 and 300 mm Gran A).

#### Storm Comments

The release rate to the Brock Street storm sewer is acceptable based on the predevelopment rate. However, the servicing plan proposes a second 200 mm storm sewer connection along the north boundary to the Brock Street storm sewer, which is not typically permitted for site plan developments. Since a 300 mm connection from the underground storage to the Brock Street storm sewer near the south boundary is already proposed, please remove the proposed 200 mm connection from CB 8 to the Brock Street storm sewer and instead connect CB 8 to the internal storm sewer system.

### Additional Comments

An engineering drawing of the entranceway is required and is to be constructed to Regional standards for multi-residential use. (40 mm HL3, 50 mm HL8 and 300 mm Gran A).

As per the Regions "Design Specifications for Service Connections", for storm sewer sizes up to 375 mm, storm service connections shall be made with an approved manufactured tee. As the existing storm sewer is 450 mm in diameter, a maintenance hole is required, and the storm service connection shall connect into the new proposed storm maintenance hole.

As part of the Site Plan Application, the Region will require all engineering comments to be addressed.

The proposed engineering drawing set must meet the Region's satisfaction, and all documents must be received, prior to entering into a servicing agreement with the Region.

### Summary

The Region has no objections to the further processing of the Zoning By-Law Amendment application only. Further comments will be provided on subsequent formal submissions.

# Town of Whitby

## Staff Report

[whitby.ca/CouncilCalendar](http://whitby.ca/CouncilCalendar)



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**Report Title: Official Plan Amendment, Draft Plan of Subdivision and Zoning By-law Amendment, Nordeagle Development Ltd., vacant lands north of Victoria Street West, between Montecorte Street and Jim Flaherty Street. File # DEV-03-18 (OPA-2018-W/02, SW-2018-01, Z-08-18)**

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**Report to:** Committee of the Whole

**Date of meeting:** October 21, 2024

**Report Number:** PDP 50-24

**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:**

B. Anderson, Principal Planner, ext. 2821

L. Riviere-Doersam, Project Manager,  
ext. 2895

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### 1. Recommendation:

1. That Council approve Official Plan Amendment Number #140 to the Whitby Official Plan (OPA-2018-W02), as shown on Attachment #14, and that a By-law to adopt Official Plan Amendment Number #140 be brought forward for consideration by Council;
2. That the Clerk forward a copy of the Planning Report PDP 50-24, two (2) copies of the adopted Amendment, and a copy of the bylaw to adopt Amendment Number #140 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development;
3. That Council approve the Draft Plan of Subdivision (File No. SW-2018-01), subject to the comments included in Planning Report PDP 50-24 and the conditions of draft plan approval included in Attachment #18;
4. That staff be authorized to prepare a Subdivision Agreement;

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;
6. That Council approve the amendment to Zoning By-law #2585 (File No. Z-08-18), as outlined in Planning Report No. PDP 50-24;
7. That a by-law to amend Zoning By-law #2585 be brought forward for consideration by Council to implement the first Phase of the development;
8. That the By-law(s) to implement subsequent Phases be brought forward for consideration by Council once detailed site plan drawings and a satisfactory Parking rationale have been provided;
9. That the subject site be designated as a Class 4 Noise Area pursuant to Provincial publication NPC-300; and,
10. That notice be provided to adjacent industrial properties advising of Council's designation of the subject site as a Class 4 Noise Area.

## 2. Highlights:

- Applications for an Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision have been submitted by Nordeagle Developments Ltd., for the vacant lands located north of Victoria Street, between Montecorte Street and Jim Flaherty Street (Blocks 1, 2, 3, 4, and 5, Plan 40M-2045).
- If approved, the proposed applications would permit the development of the subject land for a mixed-use development consisting of 7,034 apartment units, 401 hotel suites, 13,327m<sup>2</sup> of Retail Use space, 65,464m<sup>2</sup> of Office Use space, and 36,020m<sup>2</sup> of Conference Use space.
- The Official Plan Amendment application proposes to re-designate the subject land from Prestige Industrial – Business Park to Mixed Use, in order to permit the proposed development.
- The Zoning By-law Amendment application proposes to change the zoning from M1A-LS-N, M1A-LS-N1 and M1A-LS-2 (Lynde Shores Industrial) to appropriate zone categories with site specific provisions to accommodate the proposed mixed-use development.
- The Draft Plan of Subdivision application proposes to create 3 development Blocks, a Park Block, a new Public Street, and 3 Blocks for road widenings.
- The proposed development is consistent with the recently implemented Provincial Planning Statement, as well as the preceding Provincial Policy

Statement and Provincial Growth Plan. The proposed development is in conformity with the Region's new Official Plan (known as Envision Durham). The proposed development would implement Provincial and Regional policy direction for increased heights and density within a delineated Protected Major Transit Station Area (PMTSA) and would significantly contribute to achieving the Town's provincial housing target pledge and mandated Provincial/Regional density targets.

### 3. Background:

#### 3.1 Site and Area Description

The subject land is located on the north side of Victoria Street West, between Montecorte Street and Jim Flaherty Street (refer to Attachment #1). The site has a total area of 16.2 hectares (40.1 acres) and includes lands on both the north and south side of Nordeagle Avenue. The subject land is currently vacant.

The surrounding land uses include the following (refer to Attachment #2):

- A Sobeys distribution warehouse to the north;
- The Iroquois Park Sports Centre and the Abilities Centre to the east;
- Victoria Fields, a Commercial Plaza (known as Whitby Shores Shopping Centre), and existing low and medium density residential development to the south;
- An industrial building, gas bar, and vacant lands located to the west, including lands zoned for a Hotel use.

#### 3.2 Proposed Development and Required Applications

Applications for an Official Plan Amendment, Draft Plan of Subdivision, and Zoning By-law Amendment have been submitted by Nordeagle Developments Ltd. If approved, the applications would facilitate the development of the subject land as a mixed-use community consisting of:

- 7,034 apartment units in mid-rise and high-rise buildings. Most buildings consist of point towers on podiums. Heights range from 2 to 8 storeys for the podium component of buildings and 18 to 41 storeys for the point tower component of buildings. There are also two 4 storey stand alone buildings;
- 401 hotel suites in a 16 storey hotel building;
- 65,464 m<sup>2</sup> (704,468 ft<sup>2</sup>) Office Use space in 4-6 storey office buildings and as part of the podium component of mixed-use buildings;



- 13,327 m<sup>2</sup> (143,450 ft<sup>2</sup>) of Retail Use space, distributed across the subject land as part of the office and convention buildings and within the podium component of mixed use buildings;
- 36,020 m<sup>2</sup> (387,716 ft<sup>2</sup>) Convention Use space in a 4 storey building;
- A 1.48 hectare (3.66 acre) Park Block;
- Privately Owned Public Spaces (POPS) in the form of connected open space areas totaling 2.04 hectares (5.03 acres) and a 0.34 hectare (0.84 acre) Urban Square;
- An “L” shaped Local Road providing a connection between Nordeagle Avenue and Jim Flaherty Street;
- A series of private internal roadways oriented in a grid pattern; and
- Three underground levels which provide elevator access, storage, mechanical rooms and 10,194 parking spaces.

The proposed development concept (refer to Attachment #3) would provide the greatest building height and density focused at the northwest corner of Jim Flaherty Street and Victoria Street West, on either side of a proposed Urban Square, with heights generally decreasing to the northwest. Connectivity is provided throughout the site through a grid pattern of public and private roadways and a connected system of private amenity and public park space.

At grade Retail Space is provided within building podiums fronting public roadways, including Victoria Street West, Jim Flaherty Street, and Nordeagle Avenue. Non-residential uses (office, hotel, conference centre) are provided on the north side of Nordeagle Avenue, creating a separation buffer between the Sobeys distribution warehouse and the residential with associated retail/commercial/office proposed south of Nordeagle Avenue.

An Official Plan Amendment Application has been submitted to redesignate the lands from ‘Prestige Industrial’ on Schedule A and ‘Business Park’ in the Lynde Shores Secondary Plan to ‘Mixed Use’ to allow the proposed mixed-use development on the subject land. Additional site-specific policies would also be required to enable the various proposed uses, building heights and the amount of non-residential floor space for retail, commercial, office, convention centre and hotel uses.

A Draft Plan of Subdivision Application has been submitted which proposes the creation of 3 development Blocks, a Park Block, a new Public Street, and 3 Blocks for road widenings (refer to Attachment #4 for proposed Draft Plan of Subdivision).

A Zoning By-law Amendment has been submitted to change the zoning from M1A-LS-N, M1A-LS-N1 and M1A-LS-2 (Lynde Shores Industrial) to appropriate zone categories to accommodate the proposed mixed-use development.

Given the scale of the proposal, development will take place over time through a series of phases, generally moving from east to west and south to north (refer to Attachment #5). Future Site Plan Applications and Draft Plan of Condominium Applications will be required. Improvements to the active transportation network will also be required (refer to Attachment #6).

### **3.3 Previous Applications and Previous Approvals**

In 2007, applications were submitted to amend the Regional Official Plan, as well as to amend the Whitby Official Plan and Zoning By-law to permit a proposed mixed-use development. The applications were deemed incomplete as they were not accompanied by the required studies. In addition, the applications to amend the Regional Official Plan and Whitby Official Plan were considered employment land conversions which would need to be evaluated in the context of the Region's Growth Plan conformity exercise (then known as "Growing Durham").

The owner appealed the Region's and Town's lack of decision on the site-specific applications and later appealed the Region's Regional Official Plan Amendment (ROPA) 128 and the Town's Official Plan Amendment (OPA 90) (i.e. the Region and Town's Growth Plan conformity amendments). Nordeagle's appeals to ROPA 128 and OPA 90 were ultimately settled and the appeals on the previous site-specific applications were later withdrawn.

The settlement to ROPA 128 and OPA 90 resulted in policies being added to the Region and Town Official Plans which permit higher density, mixed use development on the subject land.

### **3.4 Documents Submitted in Support**

The following reports and studies were submitted in support of the applications:

- Planning & Urban Design Rationale, prepared by Bousfields Inc., dated February 2018 supported by addendum letters dated November 8, 2023 and June 25, 2024. The Planning Rationale provides the opinion that the proposed development implements Provincial, Regional, and Town Policies and represents good planning;
- Master Site Plan, Underground Parking, and Site Statistics detailing the proposed development concept, including the location of buildings, roads, and open space, prepared by BDP Quadrangle Architects Limited. The latest submission of these Plans are dated June 6, 2024 (refer to Attachment #3 for the Master Site Plan);
- A Draft Plan of Subdivision, prepared by Bousfields Inc., the latest submission dated June 20, 2024, illustrating the location and dimensions of

the Park Block, Development Blocks, Public Road, and Road Widening Blocks (refer to Attachment #4);

- Landscape Plans and details, prepared by Studio TLA, latest submission dated May 30, 2024;
- Shadow Study which illustrates the shadow impact of the proposed development prepared by BDP Quadrangle Architects Limited latest submission dated August 2024. The Shadow Study demonstrates that shadows will generally fall to the north and will not impact existing development to the south of the subject land;
- A Plan of Survey prepared by J.D. Barnes Limited dated October 6, 2016;
- An Odour Review Report prepared by RWDI, dated November 20, 2018 which concludes that none of the existing uses in the surrounding area entail significant sources of air contaminants that could lead to odour or other air quality impacts at the proposed development site;
- A Land Use Compatibility Report – Air Quality, prepared by RWDI, dated September 18, 2023 which addressed the Ministry of Environment, Conservation and Parks (MECP's) Land Use Compatibility Guidelines. The report states that the proposed development is compatible with surrounding land uses subject to mitigation measures being implemented for the proposed hotel;
- A Noise Feasibility Study prepared by HGC Engineering, dated February 16, 2018 and updated January 13, 2020, September 21, 2023, May 31, 2024, June 21, 2024, and August 16, 2024 in response to changes to the site plan and comments from the Region of Durham peer review consultant. The Noise Feasibility Study recommends the use of mitigation measures, warning clauses and a Class 4 noise classification in order to meet the Provincial Noise Guideline NPC-300;
- A letter providing information on the potential presence of ammonia used in the cooling system for the adjacent Sobeys property prepared by RWDI, dated July 4, 2024. The letter outlines the responsibility of companies that store large amounts of ammonia to comply with regulatory requirements, including emergency management planning;
- A Functional Servicing Report (FSR), prepared by Valdor Engineering Inc., latest submission dated June 2024. The FSR finds that the site can be serviced by full municipal services (sanitary services, water services, and stormwater management) in accordance with the standards of the Town of

Whitby, Region of Durham, and Central Lake Ontario Conservation Authority;

- A Transportation Study, prepared by R.J. Burnside & Associates, the most recent submission dated November 2023 and supported by an addendum dated June 20, 2024. The Transportation Study projects site generated traffic and assesses the impact and appropriate mitigation measures to manage impacts on the surrounding road network. The report also provides justification for the proposed parking rates;
- A Tree Inventory and Preservation Plan / Arborist Report, prepared by Kuntz Forestry Consulting Inc., dated September 13, 2023, which inventories existing trees on the subject land, all of which are proposed for removal;
- A Phasing Diagram, prepared by BDP Quadrangle, dated July 27, 2024, (refer to Attachment #5);
- A Phase One Environmental Site Assessment (ESA) prepared by WSP, dated March 12, 2018 and a Phase One ESA prepared by McClymont & Rak Engineers Inc., dated September 2023. The Phase One ESA reports assess the site for potentially contaminating activities in order to determine areas of potential environmental concern that would need to be further assessed through a Phase Two ESA report;
- Two Phase Two ESA Reports, prepared by McClymont & Rak Engineers dated October 2019, were initially submitted. Subsequently, a Phase Two ESA Northeast Quadrant of Victoria Street West and Montecorte Street and a Phase Two ESA Northeast Quadrant of Nordeagle Avenue and Montecorte Street, both prepared by McClymont & Rak Engineers Inc., dated November 2023 were submitted. The reports conclude that, based on soil and groundwater testing in accordance with Provincial standards, the site conditions are appropriate for residential development;
- A Stage 1 Archaeological Assessment, prepared by AECOM dated March 2018 which concludes that due to extensive disturbance on the site, and the low-lying permanently wet areas, it no longer contains archaeological potential. The Archaeological Assessment was submitted to the Ministry of Tourism, Culture and Sport who provided their clearance letter in April 2019.
- A Bird Strike Mitigation Memo, prepared by SLR Consulting Canada, dated October 3, 2023, which provides a series of design measures intended to reduce bird collisions with the proposed development;

- A Retail Market Study, prepared by Tate Economic Research Inc., most recent submission dated October 2023, which assesses the suitability of the subject land and market demand for the proposed quantum of retail / service commercial space being proposed. The report concludes the proposed retail space will not have a negative impact on the Downtown Whitby Central Area;
- An Environmental Impact Statement (EIS), prepared by RJ Burnside, dated September 22, 2017. The EIS reviews the Applicable Provincial, Regional, and Town policies, characterizes the features and vegetative communities on the site, and assesses the impact of the proposed development on threatened and endangered species. The report finds the existing pond areas on the site are of low ecological value and concludes that provided the recommended mitigations outlined in the report are implemented, the proposed development is in alignment with applicable natural heritage policies and legislation;
- High-Density Residential Market and Economic Impact Assessment, prepared by N. Barry Lyon Consultants Limited, dated March 2018. The report measures the economic impact of the proposed development and concludes that it would have a beneficial impact on the Town, Region and Province;
- A Preliminary Geotechnical Report prepared by WSP, dated June 1, 2017, and an Initial Geotechnical Report, prepared by McClymont & Rak Engineers Inc., dated August 2023. These reports broadly examine the subsoil conditions of the site and provides recommendations for the design and construction of the proposed development;
- An Initial Hydrogeological Assessment, prepared by McClymont & Rak Engineers Inc., dated August 2023 which examines the groundwater conditions of the site and provides preliminary design and construction recommendations for the proposed development;
- Whitby Green Standard Checklist, dated October 25, 2023, which identifies how the proposed development implements the Whitby Green Standard;
- Urban Design Plan, prepared by Bousfields Inc, most recent submission dated August 2024, which reviews the applicable policy framework and surrounding built context, establishes design principles, evaluates development concept options, and outlines design strategies to guide the future detailed design of the site.

#### **4. Discussion:**

##### **4.1 Planning Act**

The Planning Act is provincial legislation that sets out the basis for land use planning in Ontario. Municipal planning processes and decisions must adhere to the requirements of the Planning Act.

The Planning Act enables upper-tier municipalities to delineate Protected Major Transit Station Areas (PMTSAs) and further indicates that Regional Official Plans must include relevant PMTSA policies. PMTSA policies, at a minimum, must identify the minimum number of residents and jobs per hectare, the minimum residential densities with respect to buildings and structures on lands in the area, and specify the permitted uses.

The Planning Act requires lower-tier Official Plans to be amended within one (1) year of the Regional Official Plan coming into effect regarding PTMSAs.

Recent amendments to the Planning Act (16(22) and 34 (1.1)) prohibit the Town from establishing minimum parking standards / requirements in the Town's Official Plan and Zoning By-law for lands within the Whitby PMTSA.

##### **4.2 Provincial Policy Statement and the Provincial Growth Plan for the Greater Golden Horseshoe**

The Provincial Policy Statement sets the policy foundation for land use planning across Ontario. The Provincial Policy Statement contains three major policy themes of Building Strong Healthy Communities, Wise Use and Management of Resources, and Protecting Public Health and Safety.

The Province's Growth Plan for the Greater Golden Horseshoe (Growth Plan) establishes long-term direction for where and how communities should grow. The Growth Plan emphasizes an intensification first approach to city-building and includes polices focused on optimizing the use of land and infrastructure.

The applications were reviewed and found to implement the policy directions of the Provincial Policy Statement and the Provincial Growth Plan. On August 20, 2024, the Province released a new "Provincial Planning Statement 2024", which replaces the Provincial Policy Statement and Growth Plan.

##### **4.4 Provincial Planning Statement**

The Provincial Planning Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. It replaces the previous Provincial Policy Statement and Growth Plan and came into effect on October 20, 2024.

The new PPS directs where and how population and employment growth should occur in the Province of Ontario. Broadly speaking, growth is directed to settlement areas, and within settlement areas growth and development is to be focused within Strategic Growth Areas (SGAs) which includes Major Transit Station Areas (MTSAs), such as the Whitby Protected Major Transit Station Area.

Policies for SGAs (which include MTSA) state that they are to be planned for significant population and employment growth. Further, SGAs are to be planned as focal points for education, commercial, recreational and cultural uses, are to accommodate and support the transit network, and are to support affordable, accessible, and equitable housing. Planning authorities are to permit development and intensification in SGAs to support the achievement of complete communities and compact built form.

The PPS includes specific policy directions for MTSA. This includes establishing a minimum density target of 150 people and jobs per hectare for the Whitby MTSA. Municipalities are encouraged to promote intensification and development within MTSA by planning for land uses and built form that supports achievement of the minimum density target and by supporting redevelopment of surface parking areas.

The new PPS provides updated policies related to Employment Areas and Employment Uses. Planning authorities are required to plan, protect, and preserve employment areas for current and future uses. This is to be achieved by prohibiting residential uses, commercial uses, public service facilities and other institutional uses, prohibiting retail and office uses that are not associated with the primary employment use, prohibiting other sensitive land uses, and including an appropriate transition to adjacent non-employment areas to ensure land use compatibility and economic viability.

To achieve Land Use Compatibility, the PPS requires major facilities and sensitive land uses to be planned and developed to avoid, or where avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise, and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

#### **4.4 Region of Durham Official Plan - 'Envision Durham'**

Under the Region's previous Regional Official Plan (ROP), the subject lands were designated as Employment Areas and subject to Policy 8C.3, which enabled the development of an integrated, higher density, mixed use development including residential, office, commercial and business park uses on the lands bounded by Victoria Street, Gordon Street (now known as Jim Flaherty Street), Montecorte Street, and Nordeagle Avenue. Policy 8C.3.1 further states that the extent and scale of development shall be determined in the area municipal Official Plan and shall require the completion of studies to the satisfaction of the Region and Town which address a number of issues.

On September 3, 2024 the Province of Ontario approved, subject to modifications, the Region of Durham's new ROP, known as Envision Durham. The subject land is located within the Whitby Protected Major Transit Station Area (PMTSA), as shown on Map 1 (refer to Attachment #9) which is also a Strategic Growth Area (SGA).

PMTSAs are to be planned as communities centered around higher order transit services. Permitted uses include medium and high density residential, mixed-use development, compatible employment generating uses including but not limited to office and major office, cultural and entertainment uses, commercial and retail uses, institutional and educational uses including post-secondary facilities, recreational and community amenities such as parks, urban squares and trail systems. The PMTSA is intended to be planned for a minimum transit supportive density of 150 people and jobs per hectare. Previous Policy 8C.3 has been transitioned into the new ROP through the inclusion of Policy 10.3.8.

The proposed development, including the range of uses and proposed densities, conforms with the new ROP policies and permissions for PMTSAs.

#### **4.5 Town of Whitby Official Plan, Lynde Shores Secondary Plan, and PMTSA OPA**

The subject land is designated as Prestige Industrial, with a portion of the site within the Community Central Area Boundary, as shown on Schedule A of the Whitby Official Plan (refer to Attachment #10). The subject land is designated as Business Park within the Lynde Shores Secondary Plan, as shown on Schedule G (refer to Attachment #11). The Business Park designation permits research, development and information processing establishments, corporate head offices or major regional branch offices, training facilities, communication production uses, pharmaceutical, and light manufacturing / distribution of high value and high technology products.

Policy 11.2.6.7 allows for lands within the Community Central Area to be developed for additional uses, including business, medical, and professional offices, financial institutions, restaurants, fraternal organizations, and limited service commercial uses serving the Business Park. Building heights fronting Victoria Street West and Jim Flaherty Street are to be between 3 and 8 storeys. An exception within policy 11.2.6.7 permits an office building located at the northeast corner of Victoria Street West and Montecorte Street with a height between 3 and 20 storeys.

Through an OMB settlement of Nordeagle's appeal on OPA 90 (the Town of Whitby's Growth Plan conformity amendment), a site-specific exception policy 4.6.5.9 (renumbered as Policy 4.7.5.2 by OPA 105) was added to the industrial policies which reflects the same intent as the Regional policy 8C.3.1 (now 10.3.8).

Policy 4.7.5.2 reads as follows:

"Notwithstanding the policies of this Plan to the contrary, and in accordance with Policy 8C.3.1 of the Durham Regional Official Plan, an integrated, higher density, mixed-use development including residential, office, commercial and business park uses, is permitted within the area bounded by Victoria Street, Gordon Street, Montecorte Street, and Nordeagle Avenue. The extent and scale of development shall be determined through the completion of studies to the satisfaction of the



Region and Municipality to support an amendment to the Lynde Shores Secondary Plan, which shall address the following:

- a) the determination of an appropriate range of permitted uses within the mixed-use development area that are compatible with uses on adjacent lands that are existing and permitted in accordance with the Lynde Shores Secondary Plan;
- b) the compatibility of land uses, which shall include the provision of a transition area between any residential or other sensitive uses and Business Park uses adjacent to the mixed-use development area. The transition area may include the parcel immediately north of Nordeagle Avenue, identified by Assessment No. 18-09-020-002-70445;
- c) an analysis of the appropriate height, density, massing, and built form for the mixed-use development area, and the delineation of the boundaries of the transition area;
- d) an urban design plan;
- e) an analysis of the impacts on the surrounding community, including noise, environment, air quality, and market;
- f) a phasing plan to address the availability of servicing; and,
- g) any other relevant matters and policies of this Plan.

Victoria Street is identified as an Intensification Corridor on Schedule B – Intensification of the Town of Whitby Official Plan. Lands fronting Intensification Corridors are intended to achieve a long-term overall density target of at least 60 residential units per gross hectare and an overall long-term floor space index target of 2.5. Building heights of 2-8 storeys are permitted within Intensification Corridors and heights of up to 12 storeys may be considered for appropriate sites.

An amendment to the Lynde Shores Secondary Plan is required in order to permit the proposed development. The Draft Proposed Amendment would re-designate the subject land to a Mixed-Use designation with site specific policies to permit the proposed uses, building heights, and densities. Lands north of Nordeagle Avenue include specific policies to limit their use to Hotel, Office, and Convention Centre uses, along with ancillary retail uses, while prohibiting residential uses.

The subject applications are proceeding in advance of the Town's recently commenced Official Plan Review. Through the Town's Official Plan Review, there will be consideration of appropriate increases in height and density within the Whitby PMTSA as a whole, to be consistent with, and in conformity to the new PPS and the new Envision Durham ROP. The approval of the subject applications will both inform and complement the Town's Official Plan Review process.

#### 4.6 Zoning By-law

The subject land is zoned Prestige Industrial (Business Park) Node (M1A-LS-N), Prestige Industrial (Business Park) Node Exception 1 (M1A-LS-N-1) and Prestige Industrial (Business Park) Exception 2 (M1A-LS-2), Zoning By-law 2585 (refer to Attachment #12).

The current zoning permits a variety of business park uses such as office, light manufacturing, research and development, commercial or technical school, and ancillary warehousing. Residential uses are currently prohibited.

An amendment to the Zoning By-law is required to permit the proposed development. Appropriate Zone Categories will be established to permit the mixed-use components of the development. Site specific provisions will be required to permit the proposed building height, density, setbacks, proposed parking, and other elements that are determined to require relief from the parent Zoning By-law provisions.

Town staff continue to work with the applicant on an acceptable approach to managing parking for the proposed development. As noted in Section 4.1 of this report, changes to the Planning Act would prevent the establishment of minimum parking requirements in the implementing Zoning By-law for lands located within the PMTSA.

#### 4.7 School Site

The Durham District School Board (DDSB) has advised that the proposed development, and other nearby developments in the Port Whitby area, trigger the requirement for an elementary school to accommodate projected school enrolment. The need for a new school is anticipated sometime after the first phase of development (i.e. the first two residential buildings) are completed.

Discussions took place with the applicant, DDSB, and Town staff to consider different options to address the need for a school site. The potential for an urban format school located in the base building of a residential tower and/or office building was explored, as was identifying a suitable location for a traditional stand-alone school site. The DDSB typically requires a roughly 3-hectare (7.5 acre) parcel to accommodate a traditional format elementary school building with associated parking, expansion areas for portables and future building additions, and outdoor play space.

A site large enough to accommodate a traditional school building was identified on other lands owned by the applicant, at the northeast corner of Nordeagle Avenue and Jeffery Street. Through the Provincial approval of Envision Durham, these lands, along with other surrounding lands, have been re-designated from Employment Areas to Community Areas. The re-designation of these lands will allow future amendments to the Town's Official Plan and Zoning By-law to permit the development of a school as part of the broader planning for this area as a residential/mixed-use community. The exact size and configuration of the school block is still being evaluated.

A policy has been included in the implementing Official Plan Amendment to reflect the need for a school site. The policy requires an adequately sized school site to be identified and protected for, to the satisfaction of the DDSB, before Phase 2 or any subsequent phases that include residential uses can proceed. Similarly, a Holding Provision will be included in the implementing Zoning By-law for Phase 2 and any subsequent phases that include residential uses. Attachment #13 provides an illustration of the lands that will be held until such time as an adequately sized school site is identified/protected for.

Should further due diligence determine the site at the northeast corner of Nordeagle Avenue and Jeffery Street is unsuitable for a school site, the applicant will be required to determine a different site that is acceptable to the DDSB and Town.

#### **4.8 Composite Transportation Management Plan**

The Engineering Services Division has provided a Composite Transportation Component Plan to identify the anticipated locations of traffic infrastructure, including sidewalks, traffic calming, potential traffic signals, and on-road cycling facilities (refer to Attachment #6). These elements will be further refined and implemented through the future detailed engineering design process.

#### **4.9 Land Use Compatibility (Noise, Odour, Land Use Separation)**

In order to address ROP and Town Official Plan policies, studies related to land use compatibility were undertaken by the applicant. This includes an Odour Review Report prepared by RWDI (November 20, 2018). The Region of Durham had this report peer reviewed, and subsequently a Land Use Compatibility Report – Air Quality, also prepared by RWDI (September 18, 2023), was submitted and subject to a peer review.

The 2023 Land Use Compatibility Report concluded that there were no land use compatibility concerns between the existing industrial buildings and the proposed residential / mixed use development. Air quality concerns related to the proximity of the proposed development to the CN/Metrolinx railway corridor and Highway 401 were identified, however mitigation measures were recommended for the proposed hotel to reduce the potential impacts. The Region's peer reviewer concurred with the recommendations of the RWDI Land Use Compatibility Report and confirm the report was complete, accurate, and complies with Federal, Provincial, Regional and Town policies and regulations.

A Noise Feasibility Study prepared by HGC Engineering, dated February 16, 2018 and updated January 13, 2020, September 21, 2023, May 31, 2024, June 21, 2024 and August 16, 2024 were submitted in support of the applications. A peer review of the noise studies was conducted by the Region of Durham to ensure that the Provincial Noise Guideline, NPC-300, was met. The Noise Feasibility Report addressed both transportation noise sources such as the railway corridors, Highway 401 and Victoria Street as well as stationary noise sources such as the Sobey's distribution warehouse.

When undertaking a Noise Assessment, the acoustical engineer must determine the “Class” of the surrounding noise environment as defined by NPC-300. Class 1, for example, refers to an urban area where the background sound level is dominated by the activities of people and road traffic, whereas Class 3 refers to rural areas where the surrounding noise environment consists of natural sounds with little or no road traffic. NPC-300 outlines different maximum sound level limits for sensitive land uses based on the Class of the surrounding area. The sound level limits are based on the principal that sound will be less noticeable and disruptive in an urban environment which has a higher “background” noise level than in a quieter rural environment.

The concept of Class 4 Noise Areas was introduced by the Ministry of Environment in 2013. It is intended to allow for residential infill / redevelopment in proximity to lawfully established stationary noise sources, such as industry, while still establishing an acceptable sound level limit. Class 4 Noise Areas are areas dominated by an “urban hum”, have higher sound level limits, and allow for additional mitigation measures such as closed windows and provision of air conditioning with associated warning clauses to advise potential purchasers of these conditions. Class 4 Areas must have formal designation by Council and Provincial Guideline NPC 300 recommends that surrounding industrial uses be informed of the designation.

The Region’s peer review consultant concurred with the recommendations of the Noise Feasibility Report which included mitigation measures for the proposed development, the use of warning clauses, and classifying the site as a Class 4 Noise Area. Staff agree that the subject land meets the intent of the Class 4 Noise Area as set out in NPC-300 and this report includes the necessary recommendations for Council to designate the site and notify adjacent industries.

#### **4.10 Phasing**

The proposed development will be constructed in phases, generally moving from east to west (refer to Attachment #5).

Through ongoing discussions with the applicant, several revisions to the proposed phasing plan will be made to address Town comments. This includes advancing the delivery of the Park Block to base park conditions earlier in the development process (revise to Phase 6, currently shown as Phase 15).

Planning staff also requested that the construction of the Urban Square at the northwest corner of Jim Flaherty Street and Victoria Street West be completed as part of the first Phase of development (currently shown as part of Phase 3). The applicant advised that delivery of the full Urban Square would require that the underground parking beneath it would also need to be constructed, adding significant cost to the first Phase of development. Further, the Urban Square lands would be needed for construction staging of future phases of development. Accordingly, staff have agreed that interim enhancements of the Urban Square lands would be sufficient to clean up and address the intersection on a temporary basis, until Phase 3 of the development is underway.

The above noted adjustments to the Phasing of development are reflected as proposed Conditions of Draft Plan Approval in Attachment #18.

#### **4.11 Conclusion**

The proposed development of the subject land has a long history. The conversion of the subject land from Employment Areas through a site-specific policy exception to permit residential uses was established through previous OMB settlements and is reflected in the Regional and Town of Whitby Official Plans.

The proposed development prioritizes intensification, transit-supportive development, and higher densities within the Whitby PMTSA and takes advantage of existing infrastructure and public services facilities. The intensity of the proposed development will offset land intensive, lower density uses in the PMTSA such as the Abilities Centre, Iroquois Sports Centre, and existing low density-built areas, significantly contributing to the achievement of the minimum required density target of 150 residents and jobs combined per hectare which is measured across the PMTSA. Further, the proposed development demonstrates land use compatibility and provides for transition between existing non-residential uses and proposed sensitive/residential uses. The proposed development is consistent with the policies of the Provincial Planning Statement.

The proposed development conforms to and is consistent with the new Regional Official Plan (Envision Durham). The proposed development will establish a dense, mixed-use, urban community within walking distance to the GO Station and other transit options and will significantly contribute to achieving the long term PMTSA minimum density target of 150 persons and jobs per hectare. Further, the proposed development has implemented the requirements of site-specific Policy 10.3.8 of the ROP.

The proposed development implements the site-specific Whitby Official Plan, policy exception 4.7.5.2 which enables the consideration of a higher density, mixed-use development on the subject land. The proposed development would add a significant supply of new housing stock and expand the range of housing options available in the Town and Region to meet the projected needs of current and future residents. Additionally, the proposed development will contribute to achieving the Province's allocation and the Town's pledge of 18,000 new units by 2031.

The commenting departments and external agencies have indicated support for, or no objection to, the proposed development subject to their comments and conditions, as outlined in Section 7.

It is recommended that Council approve the Draft Proposed Official Plan Amendment #140 (refer to Attachment #14), as well as approve the Draft Plan of Subdivision and Zoning By-law Amendment Applications.

## 5. Financial Considerations:

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 Financial Services Asset Management annual report.

Asset	Quantity
Roads	0.752 lane-km
Sidewalks/Multi-use paths	0.752 km
Storm Sewers	0.376 km
Local Park	1.484 km

## 6. Communication and Public Engagement:

A Public Meeting was held on June 11, 2018, in accordance with the Planning Act. This meeting provided the public and interested persons and agencies the opportunity to make representation in respect of the proposed development and Planning Act Applications. The meeting minutes are included in Attachment #15. Several members of the public spoke at the public meeting.

Concerns raised at the Public Meeting include the following:

- increased traffic and the inability of the existing and future road network to accommodate increased traffic generated by the development;
- timing of various transportation related upgrades to accommodate traffic;
- increased noise levels;
- the number of new residents/increased density;
- lack of health care / hospital, fire and emergency services in the area, emergency situation concerns (i.e. rail car derailment);
- impacts to wildlife;
- concerns related to parking / lack of parking; and
- Impact to property values.

Written correspondence was also received, which reiterated the concerns expressed at the Public Meeting, while also identifying the following additional concerns:

- Appropriateness / compatibility of high rise office / residential buildings with surrounding community, loss of privacy;
- School capacity / lack of new school;
- Air quality / increased temperatures;
- Development potential of additional lands owned by the applicant and the ultimate density / population; and
- Transit (GO Train) capacity.

All individuals who registered as an Interested Party at the statutory public meeting and any individual that provided written correspondence to the Town requesting further notice have been provided with notice of the October 21, 2024, Committee of the Whole Meeting.

The oral and written submissions by the public have been considered in determining the recommendation for approval of the proposed Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision applications. The following concerns raised above have been considered as follows:

- The concept of a higher density, mixed-use development on the subject land has been contemplated for many years and is enabled by site specific exception policies in the Region and Town Official Plans;
- The subject land is located within the Whitby Protected Major Transit Station Area. Provincial and Regional policies for MTSA's direct they are to be focal points for increased heights and densities and designed to be transit oriented and less car dependent. The proposed development embodies these directives by creating a compact, high-density development within the MTSA boundary, clustering heights and densities in proximity to existing bus transit stops along Victoria Street and providing for a grid pattern of public streets and private laneways which enable a high degree of connectivity and pedestrian permeability;
- Reduced Parking in PMTSA's rates is consistent with Provincial Legislation and Policy;
- Increased use of transit and active transportation modes such as walking and cycling, along with modification to traffic signal timings, is expected to lessen the impacts to area traffic conditions. The proximity of the Whitby

GO Station and the multi-use path network supports increased active modes transportation/pedestrian use in the area;

- The proposed development is separated from existing residential development to the south by Victoria Street West, a Type A Arterial with a 40m right-of-way. Further buffering is provided through intervening land uses such as the Whitby Shores Shopping Centre and Regatta Crescent and private roads/laneways serving as window roads. Further, the submitted Shadow Study indicates there is no shadow impact on existing residential uses;
- Impact on Natural Heritage Features / System were evaluated through an Environmental Impact Statement (EIS). The existing ponds located on the site are the result of previous land clearing and roadwork that was undertaken when the lands were initially graded / prepared for an industrial plan of subdivision. The ponds were determined to not have significant ecological value. The EIS provides mitigation measures to relocate wildlife;
- The applications were circulated to Whitby Fire and Emergency Services for review and comment. The proposal is required to accommodate fire routes and hydrants. These details will be further evaluated through subsequent Site Plan Applications;
- The Central Lake Ontario Conservation Authority have reviewed the supporting documents and have provided comments and conditions in support of the proposal advancing;
- A noise study was submitted in support of the application and peer reviewed by a professional noise consultant. The noise study has been deemed acceptable; and,
- The need for a school has been acknowledged and various options to accommodate a school have been explored. The use of Official Plan policy and a Holding Provision in the implementing By-law will require an adequate school site is identified and protected for before Phase 2 or any other subsequent phase of development can proceed.

## 7. Input from Departments/Sources:

The following agencies have reviewed the applications have no objection:

- Town Finance;
- Canada Post;
- Durham Catholic District School Board;
- Durham Regional Police Services;
- Enbridge;
- Elexicon;
- Hydro One;



- Ministry of Transportation Ontario;
- Rogers Communication; and
- Bell.

## **Internal Departments**

### **Community Services – Parks Planning and Development Division**

Parks staff have provided supportive comments on the applications, subject to Conditions of Draft Approval. Refer to Attachment #17 for detailed comments and Attachment #18 for Conditions of Draft Plan Approval.

### **Engineering Services**

Engineering Services have provided comments indicating support for approval of the applications, subject to their comments being addressed and their Conditions of Draft Plan Approval.

Engineering Services require minor revisions to the Draft Plan as well as the submission of satisfactory Traffic Impact Study (TIS) to address parking and other items.

Informational comments, which can be addressed through the Subdivision Agreement process were also provided.

Refer to Attachment #17 for detailed comments and Attachment #18 for Conditions of Draft Plan Approval.

### **Strategic Initiatives**

Strategic Initiatives staff have provided comments indicating support for the development from an Economic Development perspective.

Strategic Initiatives staff also identify a number of updates that are required to the Whitby Green Standard Check List and the submission of a Sustainability Report to address their comments. Further, comments are provided on the opportunity for public art to be incorporated as a component of the development. Refer to Attachment #17 for detailed comments.

### **White Fire and Emergency Services (WFES)**

WFES provided comments requesting additional information related to fire hydrant spacing, private laneways/fire routes, and fire breaks. WFES advise that further review will be conducted through future Site Plan Application(s). Refer to Attachment #17 for detailed comments.

## **External Agencies**

### **Central Lake Ontario Conservation Authority (CLOCA)**

Comments provided by CLOCA indicate they are supportive of the approval of the applications, subject to Conditions of Draft Plan Approval. CLOCA advises that a permit from their office will be required prior to any site alteration / development

within 30 metres of the wetlands identified in the EIS. Refer to Attachment #17 for detailed comments and Attachment #18 for Conditions of Draft Plan Approval.

### **CN Rail**

CN Rail staff provided comments with respect to the submitted noise study and requirement for upgraded building materials for the hotel building. They also provided a related warning clause. Refer to Attachment #17 for detailed comments.

### **Durham District School Board**

The Durham District School Board (DDSB) provided comments discussing the need for a school site to serve the proposed development. DDSB comments go on to state they are supportive of the proposed development proceeding, subject to their request that Official Plan policies require a Holding symbol in the implementing zoning by-law related to the need for a school site. DDSB further clarifies that their request would not apply to the first phase of development (the first two towers).

Refer to Attachment #17 for detailed comments and Attachment #18 for Conditions of Draft Plan Approval.

### **Metrolinx**

Metrolinx staff provided comments indicating that an update to the Noise Study will be required to incorporate more up to date rail traffic and to include a warning clause related to proximity to the rail right of way. Metrolinx also requires the inclusion of an environmental easement for operational emissions for all uses within 300 metres of the rail right of way.

Metrolinx advises that its comments/conditions are to be addressed prior to future Site Plan Approval. Refer to Attachment #17 for detailed comments.

### **Region of Durham**

The Region of Durham provided comments indicating that the proposed development appears to conform with the new Regional Official Plan. Accordingly, The Region has exempted the Area Municipal Official Plan component of the application from Regional approval.

Refer to Attachment #17 for detailed comments and Attachment #18 for Conditions of Draft Plan Approval.

## **8. Strategic Priorities:**

The development review process has provided an opportunity for public and agency input. The realization of a higher density mixed-use development on the

subject land will contribute to meeting the priorities of the Community Strategic Plan, specifically:

- Action Item 1.3.4 under Pillar 1: Whitby's Neighbourhoods by contributing to the diversity of the Town's housing options;
- Action Item 3.1.2 Under Pillar 3: Whitby's Economy by providing for office and retail space which will expand Whitby's commercial tax base;
- Action Item 3.2.1 Under Pillar 3: Whitby's Economy the proposed development will provide for hotel and convention centre uses;

## 9. Attachments:

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Proponent's Master Site Plan Concept

Attachment #4: Proponent's Draft Plan of Subdivision

Attachment #5: Proponent's Phasing Plan

Attachment #6: Composite Transportation Component Plan

Attachment #7: Rendering of Proposed Development Looking Southeast

Attachment #8: Rendering of Proposed Development Looking Northwest

Attachment #9: Excerpt from Envision Durham Map 1

Attachment #10: Excerpt from Whitby Official Plan Schedule A – Land Use

Attachment #11: Excerpt from Whitby Official Plan Schedule G – Lynde Shores Secondary Plan

Attachment #12: Excerpt from Zoning By-law 2585

Attachment #13: Lands to be subject to Holding Provision

Attachment #14: Draft Proposed Official Plan Amendment #140

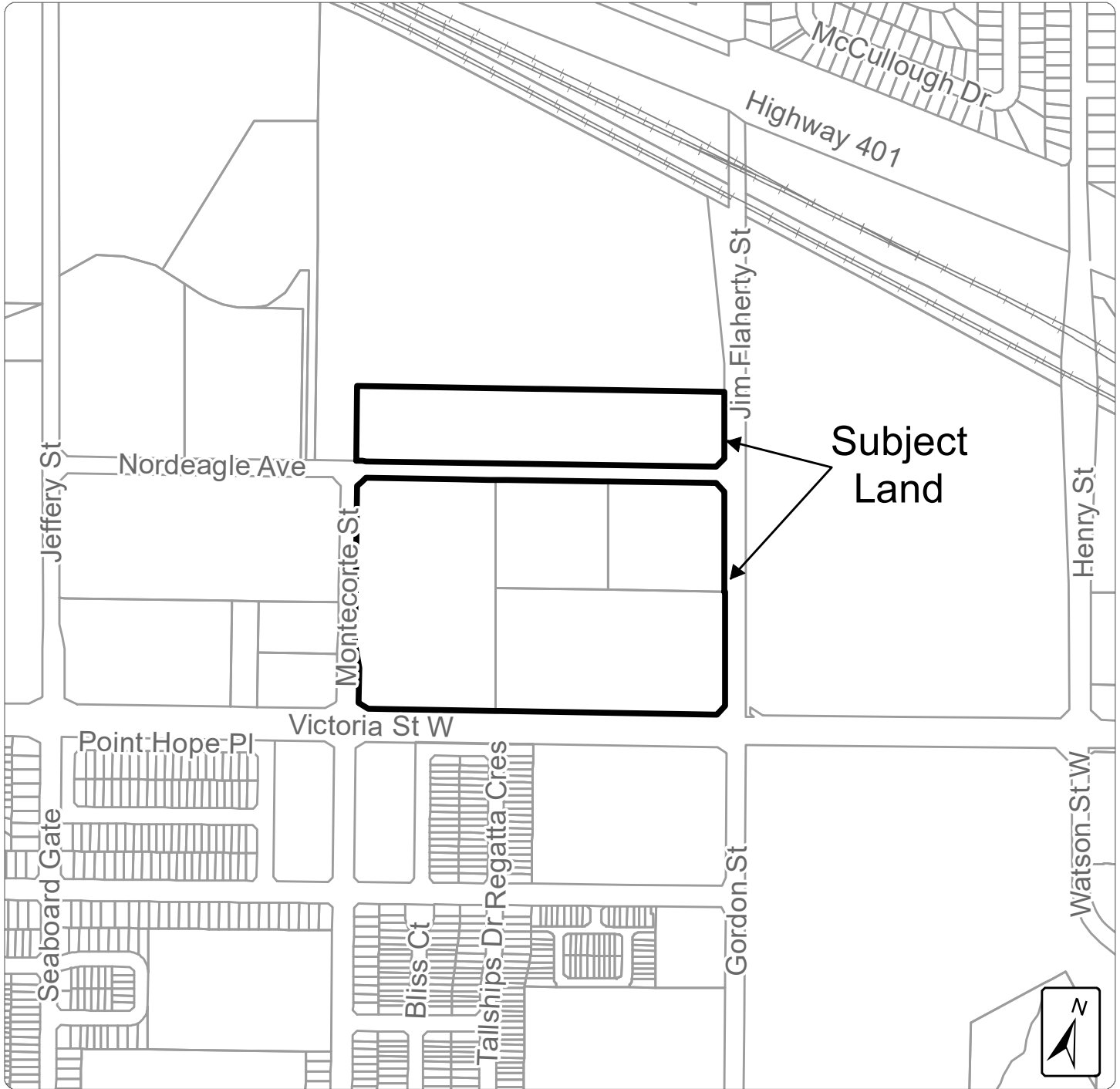
Attachment #15: Excerpt from Public Meeting Minutes, June 11, 2018

Attachment #16: Summary of Written Public Submissions

Attachment #17: Detailed Agency and Department Comments

Attachment #18: Proposed Conditions of Draft Approval

# Attachment #1 Location Sketch



 **Town of Whitby Planning and Development Department**

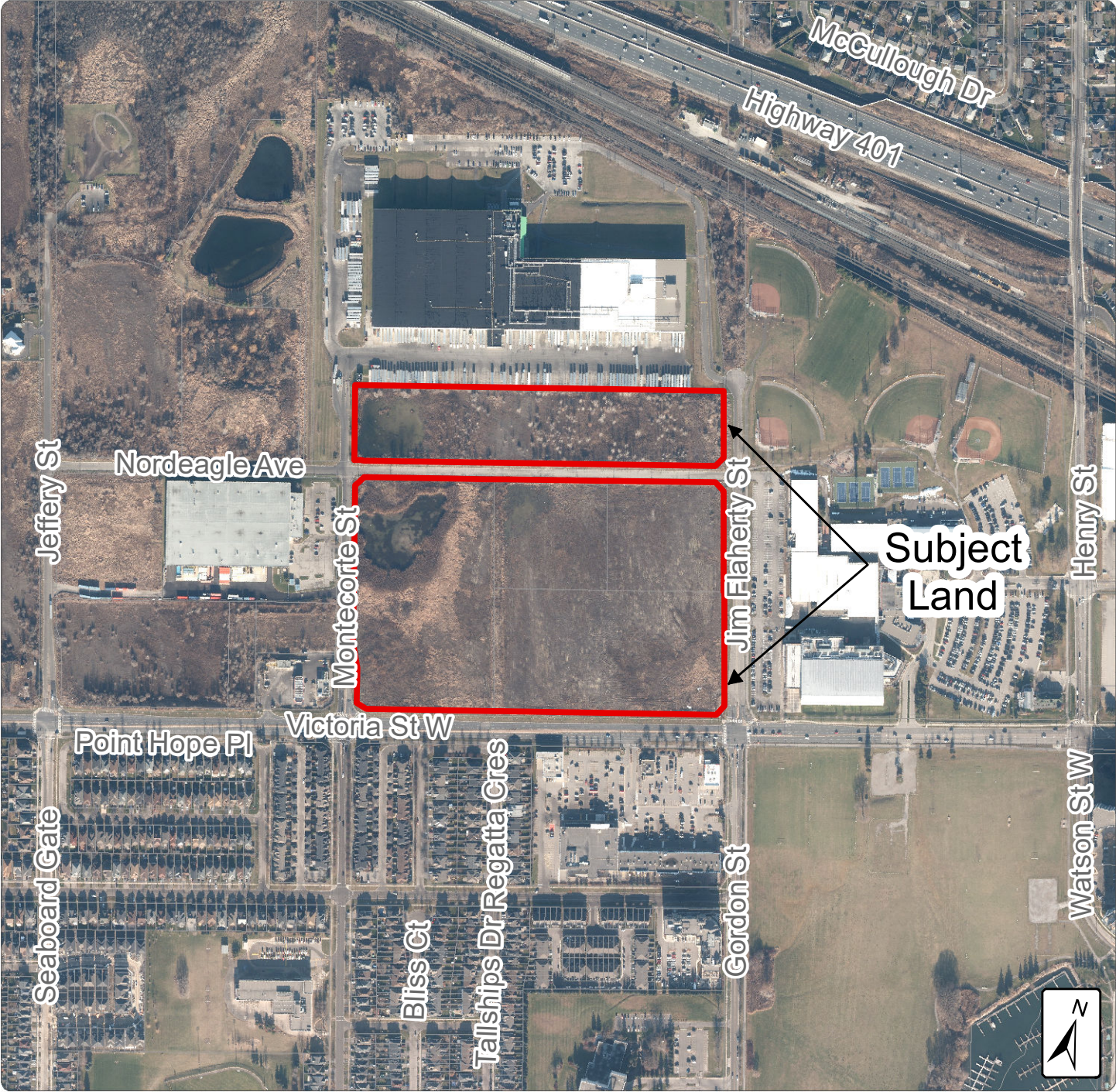
<b>Proponent:</b> Nordeagle Developments Ltd.	<b>File Number:</b> DEV-03-18 (OPA-2018-W/02, SW-2018-01, Z-08-18)	<b>Date:</b> October 2024
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# Attachment #2 Aerial Context Map



 **Town of Whitby Planning and Development Department**

Proponent:  
Nordeagle Developments Ltd.

File Number:  
DEV-03-18 (OPA-2018-W/02,  
SW-2018-01, Z-08-18)

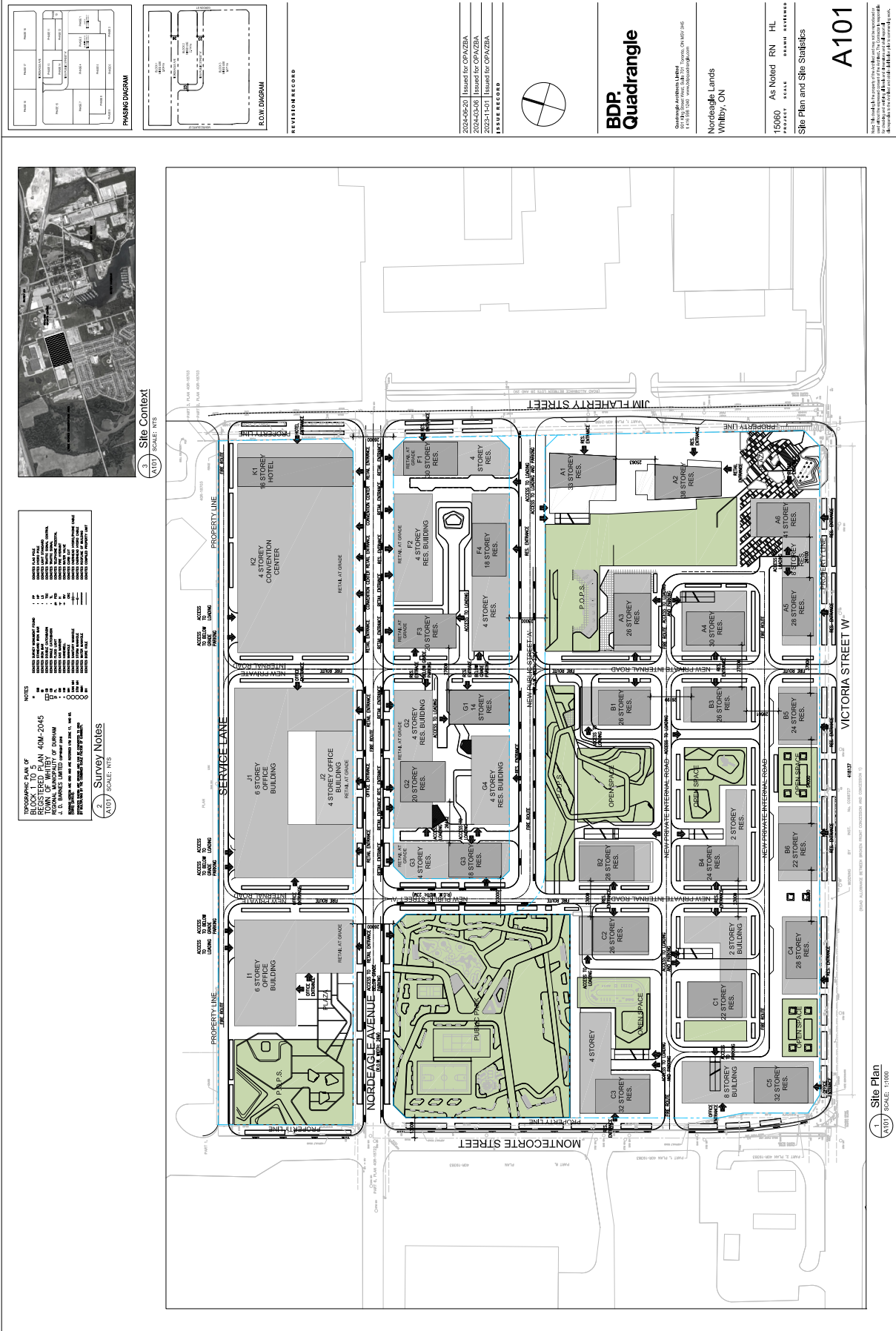
Date:  
October 2024

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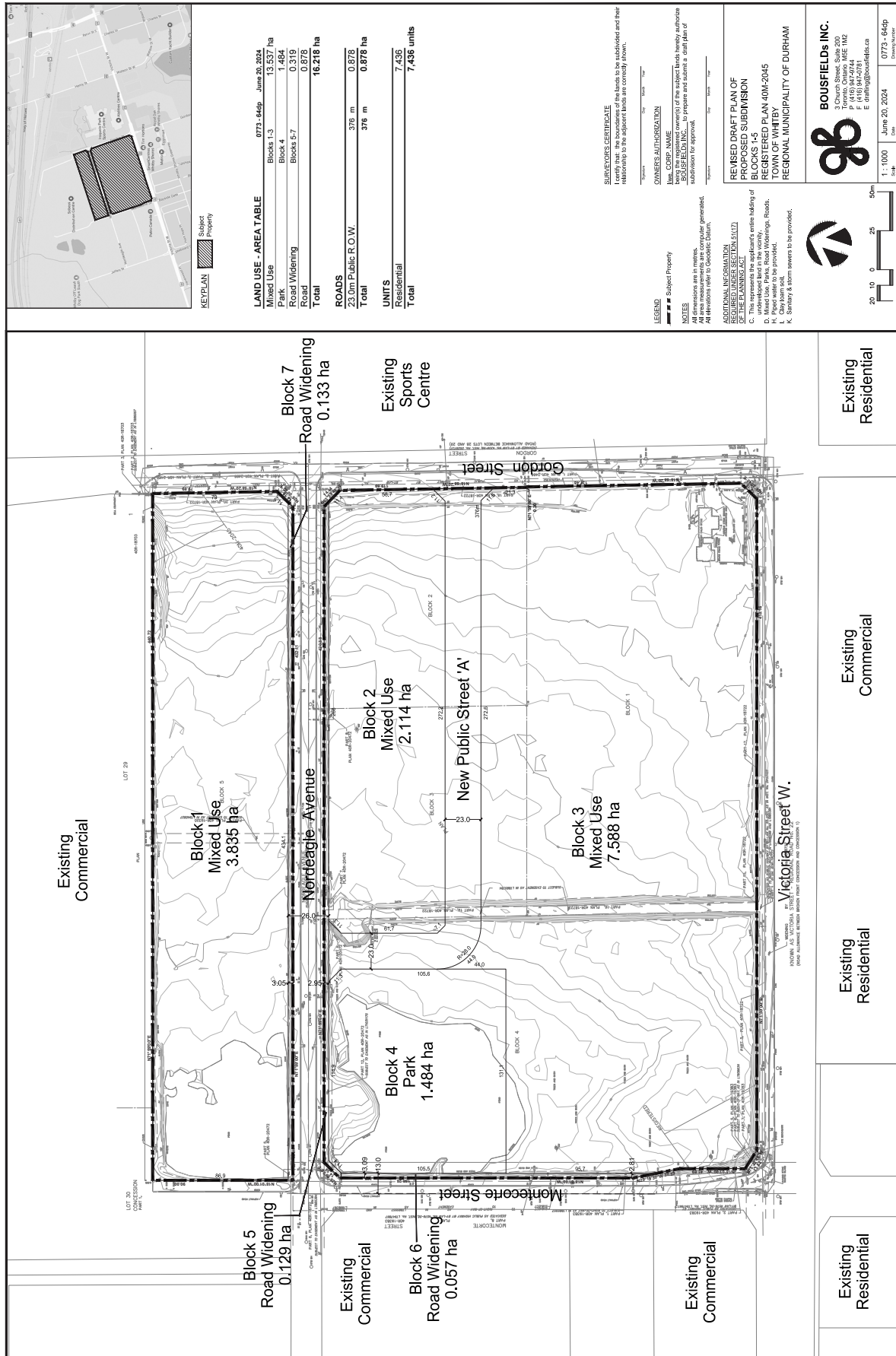


# Attachment #3 Proponent's Master Concept Plan



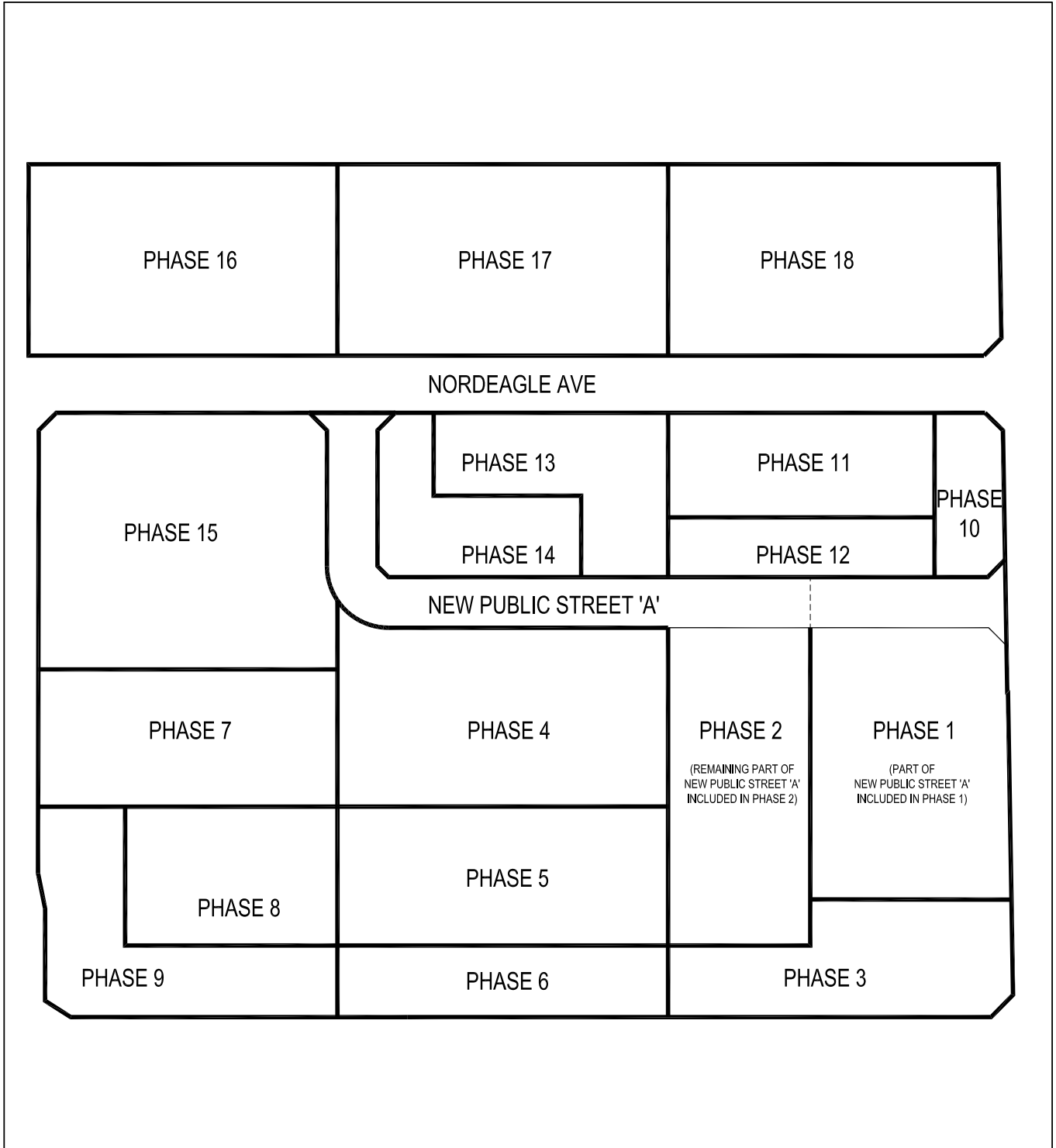
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# Attachment #4 Proponent's Draft Plan



# Attachment #5 Proponent's Phasing Plan

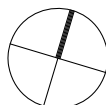
PDP 50-24



**BDP.  
Quadrangle**

Quadrangle Architects Limited  
The Well, 8 Spadina Avenue,  
Suite 2100  
Toronto, ON M5V 0S8  
t 416 598 1240

[www.bdpquadrangle.com](http://www.bdpquadrangle.com)



Nordeagle Lands  
Whitby, ON

Phasing Plan

DATE  
2024-07-31

PROJECT REVISION  
15060

DRAWN REVIEWED  
RN HL

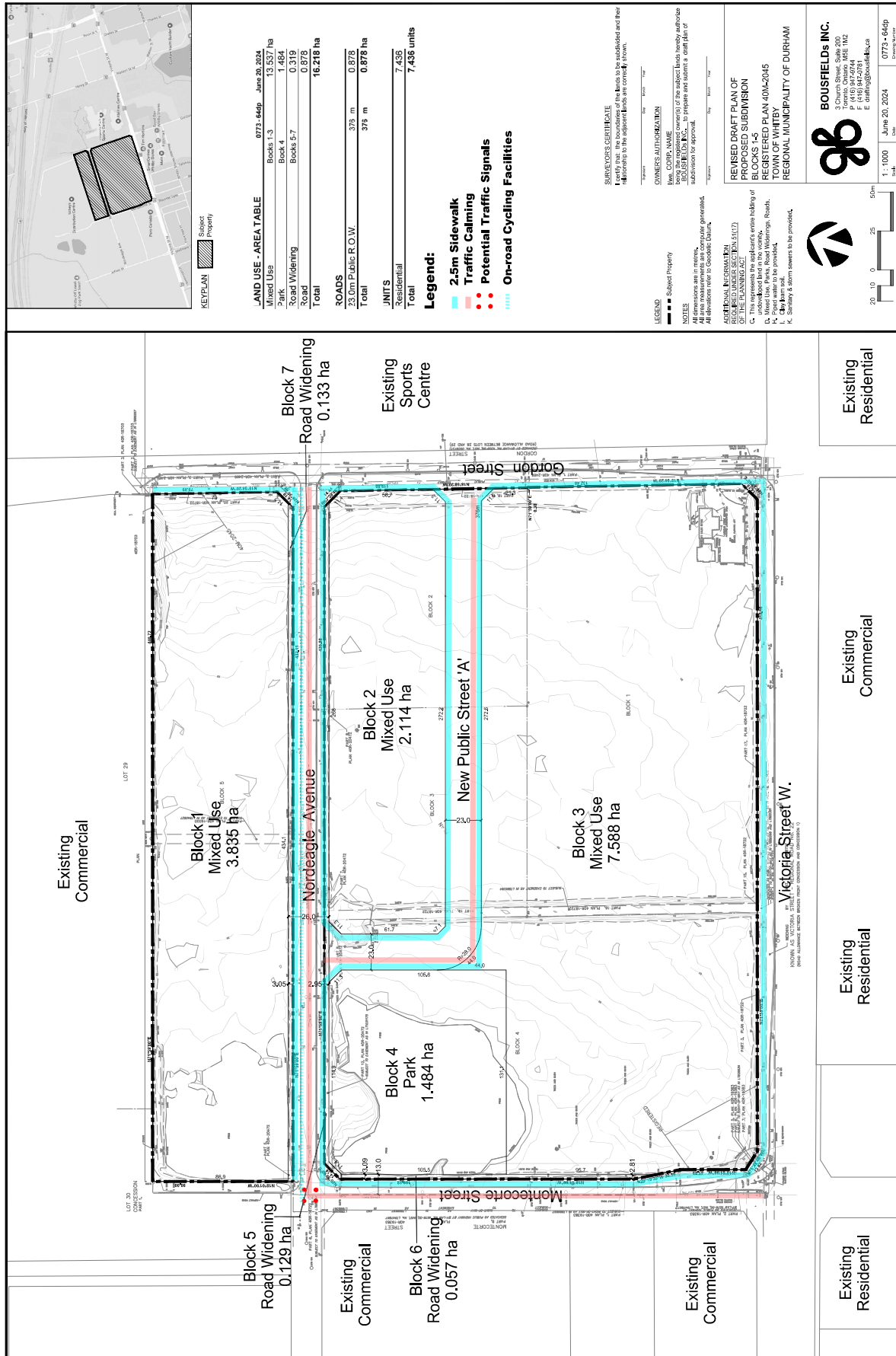
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**A001**

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# Composite Transportation Component Plan



# Rendering of Proposed Development Looking South East



Aerial - Looking South East

WHITBY MASTER PLAN / BDP Quadrangle

August 20, 2024





# Rendering of Proposed Development Looking North West

Aerial - Looking North West

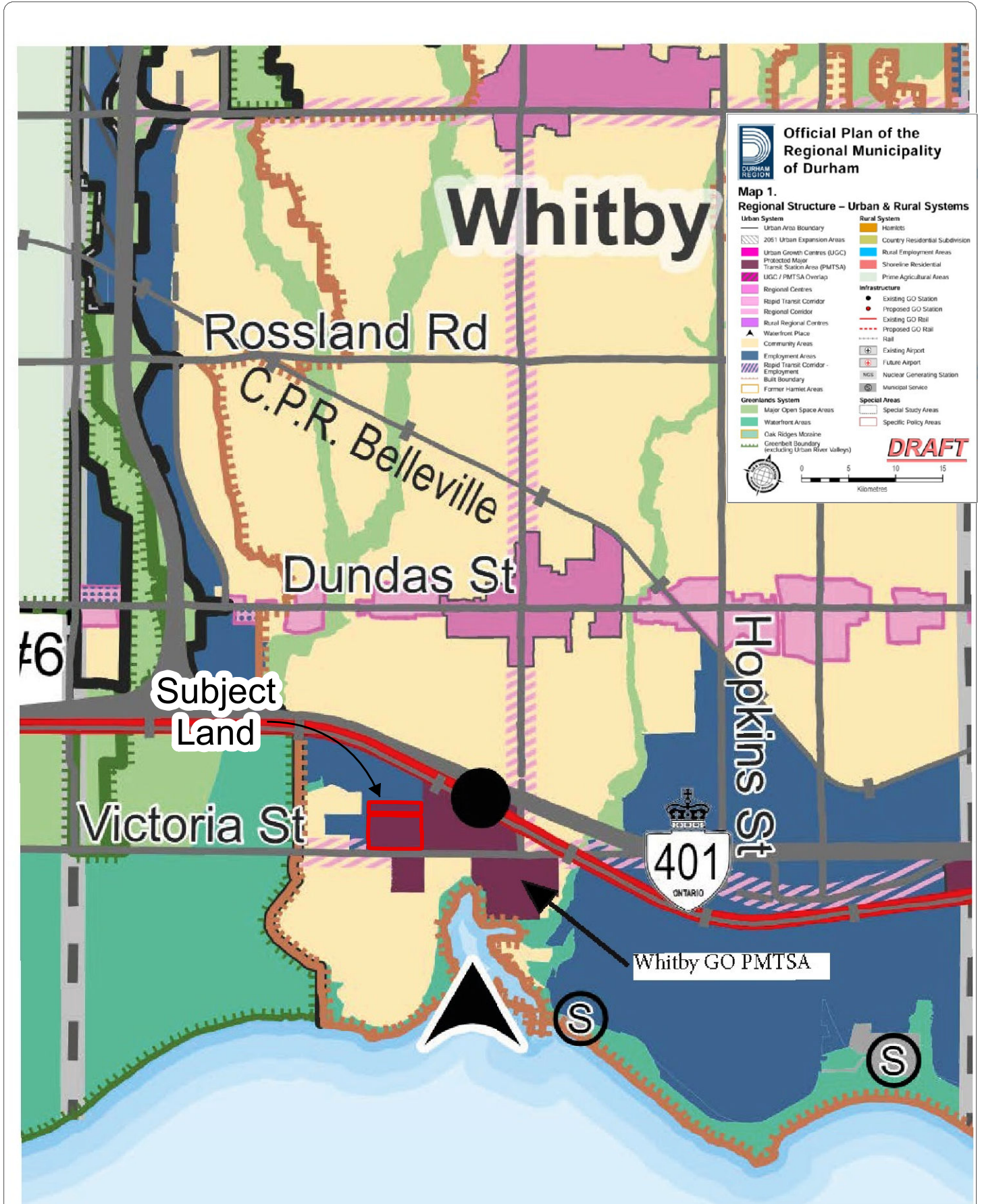


WHITBY MASTER PLAN / BDP Quadrangle

August 20, 2024

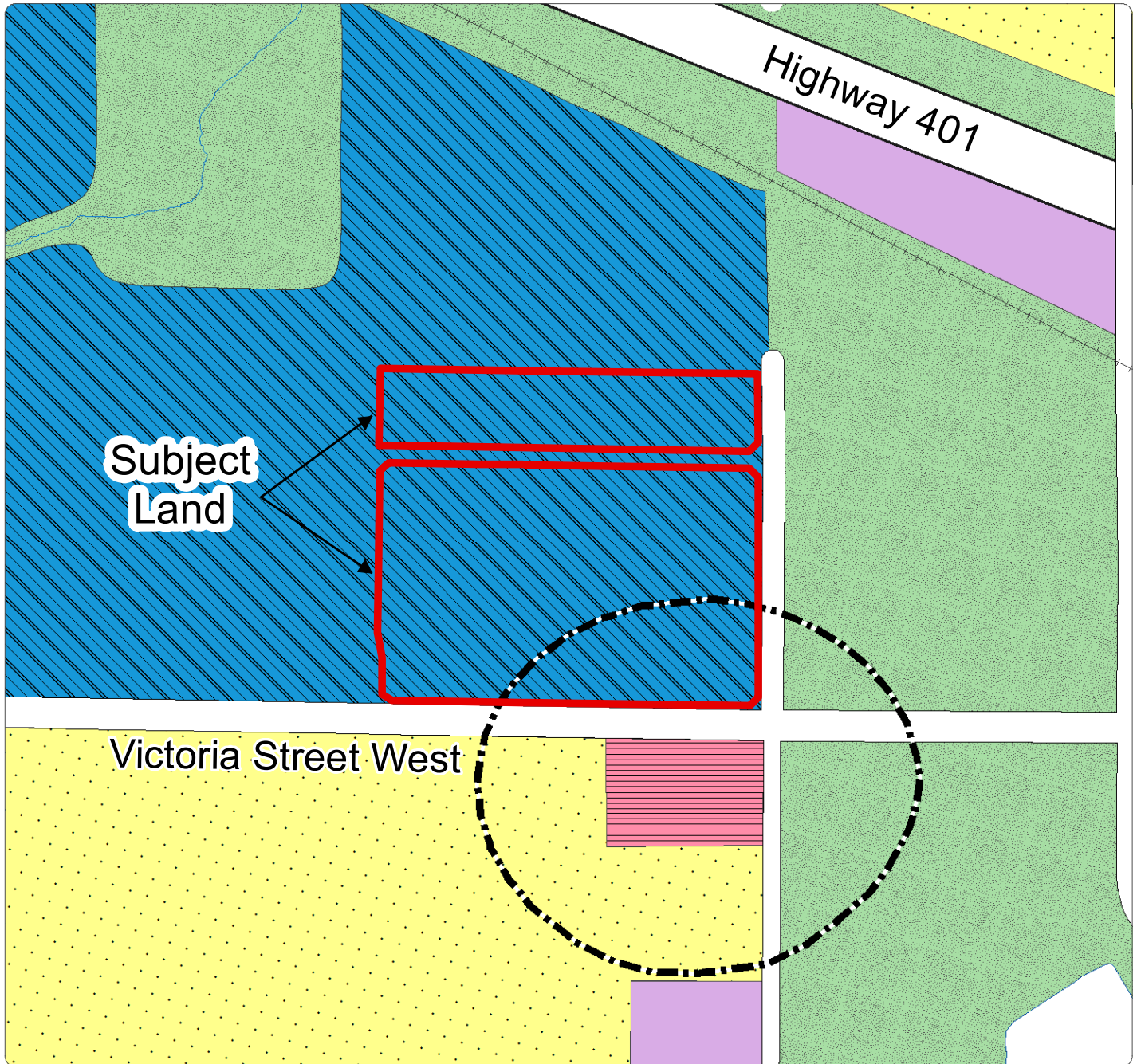


# Envision Durham Delineated PMTSA





Excerpt from Whitby Official Plan Schedule A – Land Use



**Legend**

Residential	Lands Subject to Durham Regional Official Plan Policy 14.13.7	D3 (Deferred by Region of Durham)
Major Commercial	D Deferred by the Region of Durham	
Community Commercial	Local Central Area	
Special Purpose Commercial	Resource Extraction Area (See Section 4.12)	
Mixed Use	Utility	
Prestige Industrial	2031 Urban Area Boundary	
General Industrial	Community Central Area Boundary	
Special Activity Node	Future Urban Development Area Boundary	
Institutional	Greenbelt Protected Countryside Boundary	
Major Open Space	Hamlet Boundary	
Agricultural	Major Central Area Boundary	
Hamlet	Municipal Boundary	
Estate Residential	Southern Boundary of Oak Ridges Moraine	
Special Policy Area Refer to section 11.5.31.6	Urban Central Area 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

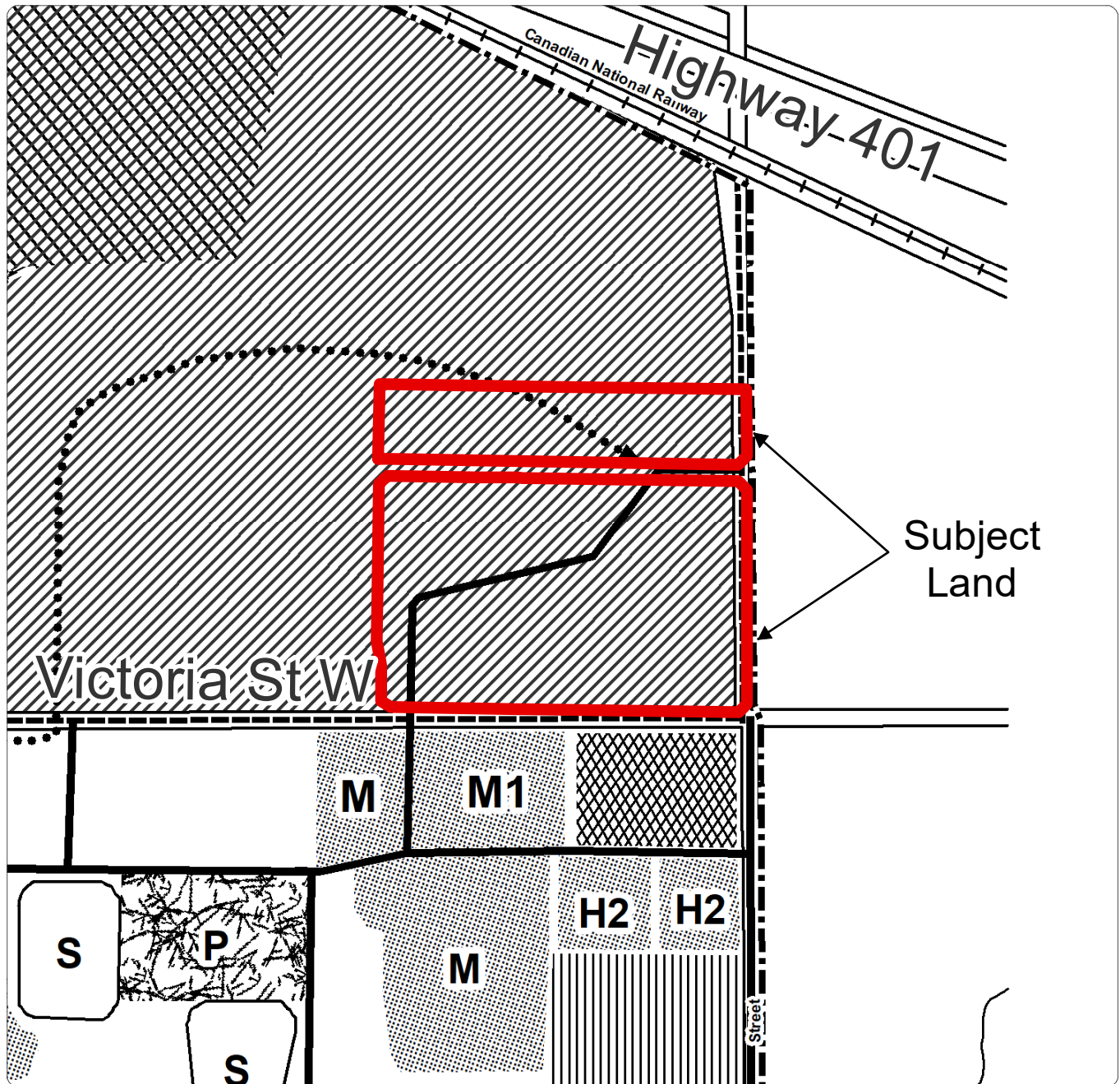
**Excerpt from Schedule 'A' Land Use**

Schedule **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.

Attachment #11

Excerpt from Whitby Official Plan Schedule G – Lynde Shores Secondary Plan



**Legend**

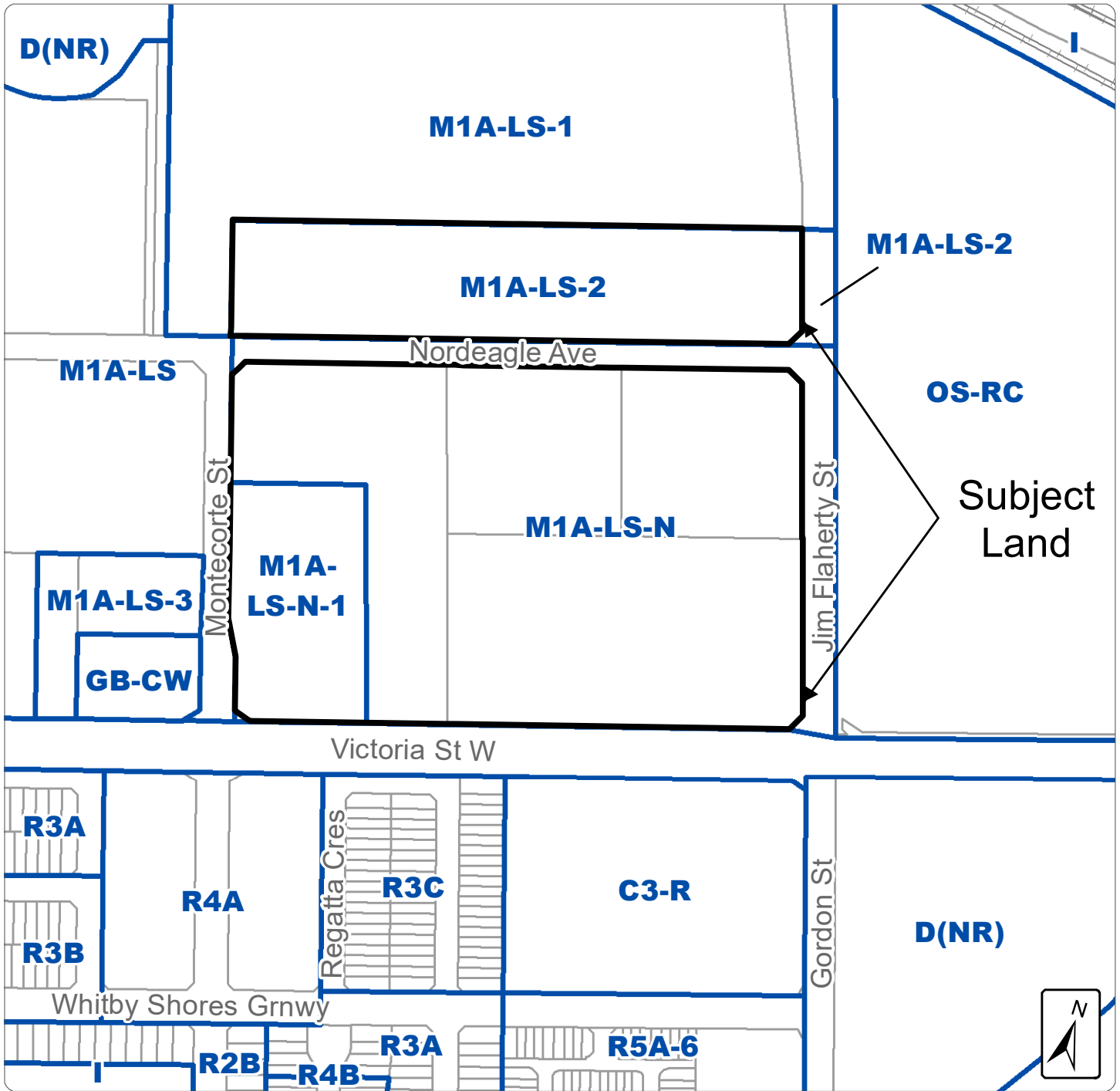
Low Density Residential	Business Park
Medium Density Residential	Low Hazard
Medium Density Residential 1	Arterial Road
High Density Residential 1	Collector Road
High Density Residential 2	Lynde Shore Boundary
High Density Residential 3	Pedestrian Walkways
High Density Residential 4	Refer to Section 11.2.4.6
Institutional	Park
Major Open Space/Park	Elementary School
Community Commercial	

**Excerpt from:**  
**Lynde Shores**  
**Secondary Plan**  
**Official Plan**  
**Town of Whitby**

Schedule **G**

Whitby logo, a north arrow, and a scale bar showing 0, 50, and 100 metres.

Attachment #12  
 Excerpt from Zoning By-Law 2585



 **Town of Whitby Planning and Development Department**

Proponent:  
 Nordeagle Developments Ltd.

File Number:  
 DEV-03-18 (OPA-2018-W/02,  
 SW-2018-01, Z-08-18)

Date:  
 October 2024

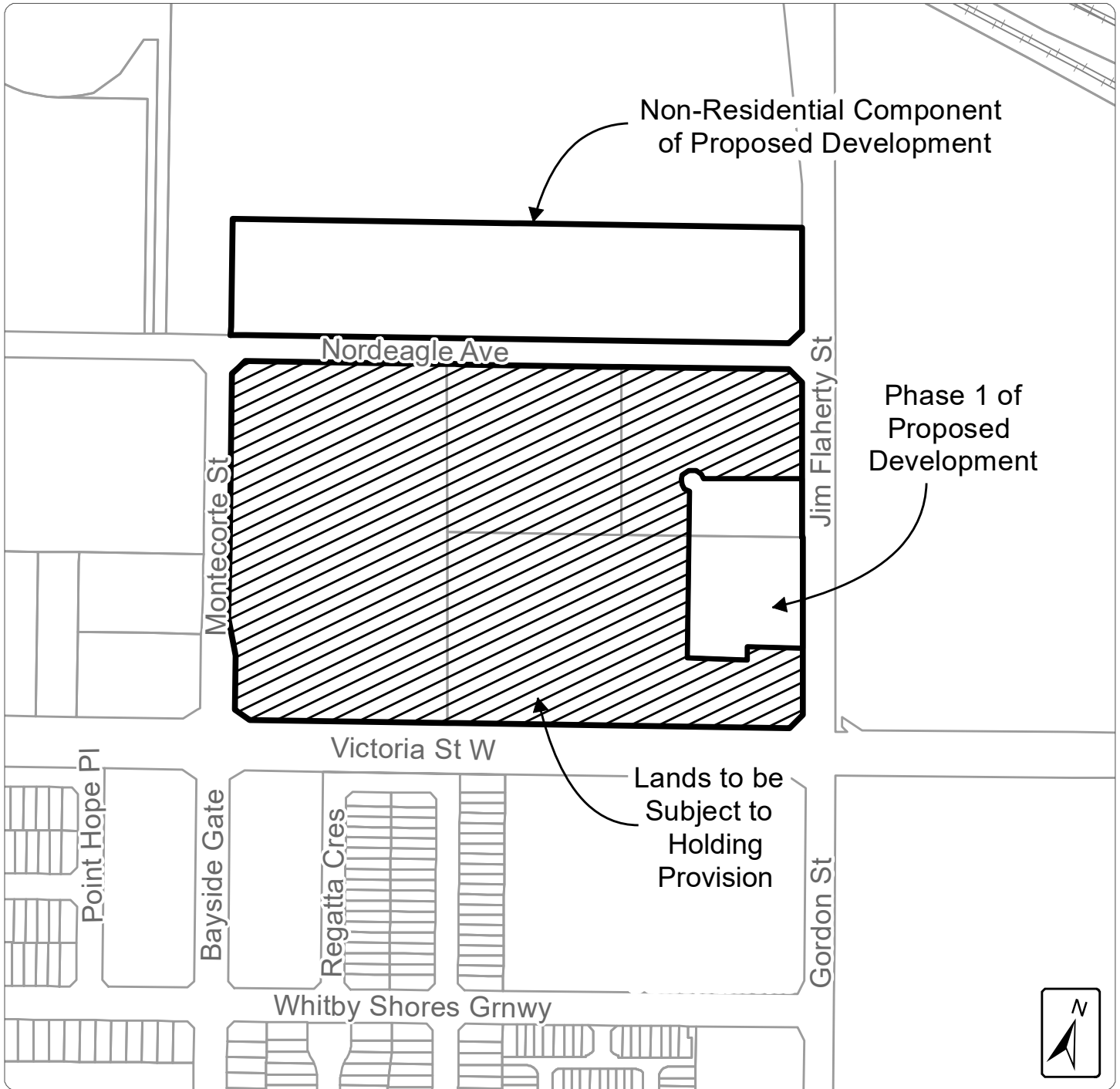
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# Attachment #13

## Lands to be Subject to Holding Provision in the Official Plan Amendment



 **Town of Whitby Planning and Development Department**

Proponent:  
**Nordeagle Developments Ltd.**

File Number:  
 DEV-03-18 (OPA-2018-W/02,  
 SW-2018-01, Z-08-18)

Date:  
**October 2024**

External Data Sources:  
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## Attachment #14

## DRAFT Proposed Amendment # 140 to the Town of Whitby Official Plan

- Purpose:** The purpose of this Draft Proposed Amendment #140 to the Town of Whitby Official Plan is to change the land use designation on the subject lands from Prestige Industrial to Mixed Use, to permit a proposed mid/high-rise mixed-use development concept consisting apartment buildings, hotel, retail, office, and conference centre uses.
- Location:** The lands subject to the Amendment are generally located north of Victoria Street West, east of Montecorte Street, west of Jim Flaherty Street, and the north and south sides of Nordeagle Avenue, currently identified by Assessment Roll No.'s: 18-09-020-002-70465-0000; 18-09-020-002-70450-0000; 18-09-020-002-70455-0000; 18-09-020-002-70460-0000; and 18-09-020-002-70445-0000.
- Basis:** The Amendment is based on an application to amend the Town of Whitby Official Plan (Files: DEV-03-18; OPA-2018-W/02), as submitted by Bousfields Inc, on behalf of Nordeagle Developments Ltd. The Amendment would permit the proposed development of the subject land for a mixed-use concept, generally consisting of:
- approximately 7,034 dwelling units (buildings ranging in height from 2 to 8 storeys for podium buildings and 18 to 41 storeys for tower buildings);
  - a 16-storey hotel (401 hotel suites);
  - 13,327 square metres of retail floor space within various mixed use buildings;
  - 65,464 square metres of office floor space, in 4-6 storey office buildings;
  - 36,020 square metre Conference Centre;
  - Park block(s);
  - Privately Owned Public Spaces (POPS) in form of open space and Urban Plaza/Square;
  - Local roads; and,
  - Various levels of underground, storage, mechanical rooms, and parking spaces.

The Amendment is consistent with the policies of the Provincial Planning Statement in that it: would focus

development within a Strategic Growth Area, such as Major Transit Station Areas (MTSAs); would provide for intensification in compact form; would increase the range and type of housing supply; and plans for future population growth within a delineated Protected Major Transit Station Area.

The Amendment conforms to the new Envision Durham Regional Official Plan, in particular Policy 10.3.8, in that it; would provide transit-supportive redevelopment and intensification, with appropriate transition to adjacent land uses, within the Protected Major Transit Station Area (PMTSA) as delineated by the Region of Durham through Envision Durham; and would assist in meeting the minimum required persons and jobs within the delineated PMTSA.

The Amendment meets the overall goals and intent of the Town of Whitby Official Plan in that it: would provide an integrated, higher density, mixed-use development including residential, office, commercial, and business park uses within a PMTSA where more intensive land uses are intended to be located; would increase the supply of housing to assist in meeting the Province's target for Whitby of 18,000 new dwelling units by 2031; and, would provide appropriate transitions to existing and future planned land uses.

Development of the subject lands would be subject to the provisions in the implementing Zoning By-law Amendment, including requirement for an 'H' – Holding Provision, regarding a school site, Phasing Plan, and future Site Plan approval.

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

- 1) By amendment Schedule 'A' – Land Use, by changing the land use designation from Prestige Industrial, to Mixed Use, as shown on the attached Exhibit 'A';
- 2) By amending Schedule 'G' – Lynde Shores Secondary Plan, by changing the land use designation on the subject lands from "Business Park" to "Mixed Use", as shown on the attached Exhibit 'B';

- 3) By deleting Section 4.7.5.2 in its entirety;
- 4) By deleting Section 11.2.6.7 in its entirety, and renumbering subsequent Sections accordingly;
- 5) By adding a new Section 11.2.7 as follows, and renumbering subsequent Sections accordingly:

### **11.2.7 Mixed Use**

11.2.7.1 Lands designated Mixed Use on Schedule “G” are intended for an integrated, higher density, mixed-use development including residential, office, commercial, and business park uses, and may be developed in accordance with the permitted uses and general development policies of Section 4.6 of this Plan, except as modified by the following additional policies.

11.2.7.2 Lands designated Mixed Use shall include privately-owned, publicly accessible open space and public park block(s), in order to provide convenient outdoor amenity spaces.

11.2.7.3 The minimum required building height shall be 4 storeys, and the maximum permitted building height shall be 41 storeys. Taller buildings shall generally be located along the Victoria Street, Montecorte Street and Jim Flaherty Street frontages.

11.2.7.3 Lands located south of Nordeagle Avenue

11.2.7.3.1 The Mixed Use designation for lands located south of Nordeagle Avenue permits multi-storey, apartment buildings, higher density block townhouses, retail, service and office uses integrated within mid-rise to high-rise built forms.

11.2.7.3.2 Non-residential uses at grade shall be required within mixed-use buildings, and shall generally be directed to the Victoria Street, Montecorte Street and Jim Flaherty Street frontages.

11.2.7.3.3 Notwithstanding 11.2.7.3.2 and Section 4.6.3.1 to the contrary, residential only uses may be permitted on a portion of lands located south of Nordeagle Avenue, subject to the implementing Zoning By-law including appropriate provisions regarding the minimum gross floor area for non-residential uses.

11.2.7.3.4 Notwithstanding any provisions of this Plan to the contrary, there is no maximum residential density requirement, as density will be a product of the built form requirements for building height, setbacks and step backs, and other appropriate urban design considerations.

11.2.7.4 Lands located north of Nordeagle Avenue

11.2.7.4.1 The Mixed Use designation for lands located north of Nordeagle Avenue permits only the following uses: offices, hotel, convention centre, banquet facilities, and limited ancillary at-grade retail uses integrated with another permitted use.

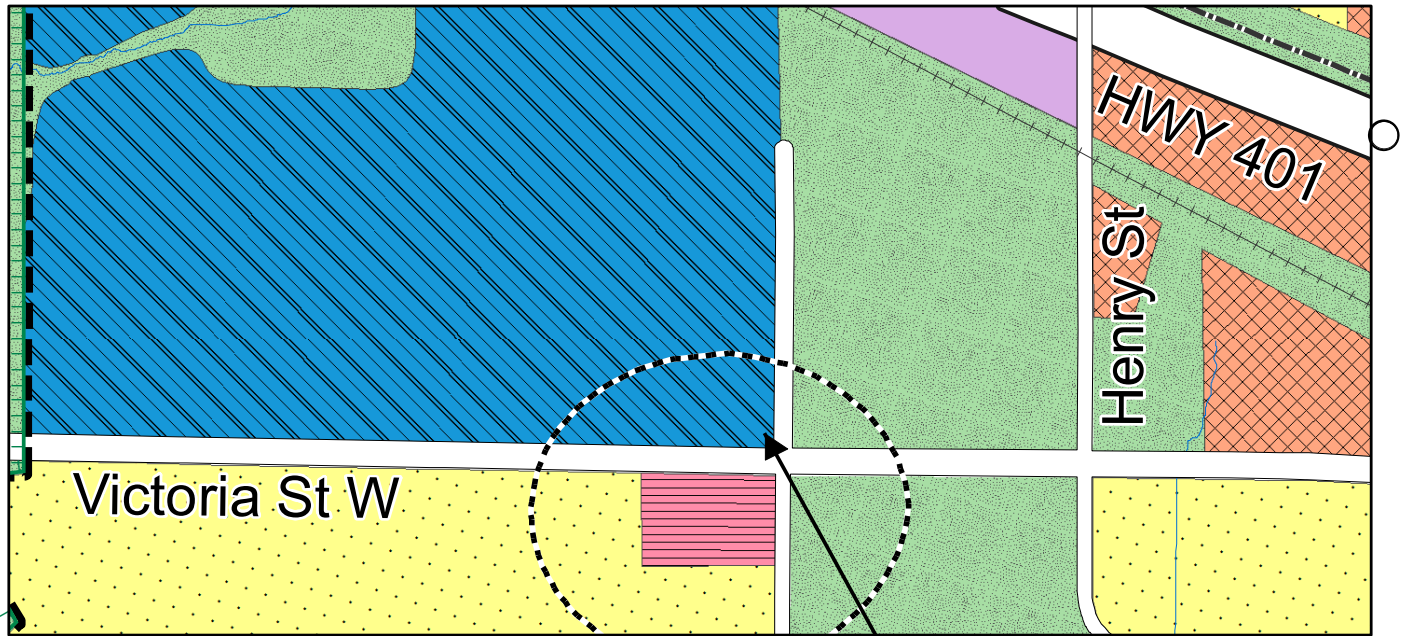
11.2.7.4.2 Residential uses shall be prohibited.

11.2.7.5 In accordance with policies 10.3.8, 11.3.3 and 11.3.4 of the Durham Regional Official Plan and Section 10.1.7 of this Plan, for lands designated Mixed Use and shown with cross-hatching on Schedule "G", a "H" – Holding symbol shall be applied in the implementing Zoning By-law, to ensure that, prior to any development, an adequate and acceptable school site has been provided, to the satisfaction of the Town of Whitby and the Durham District School Board.

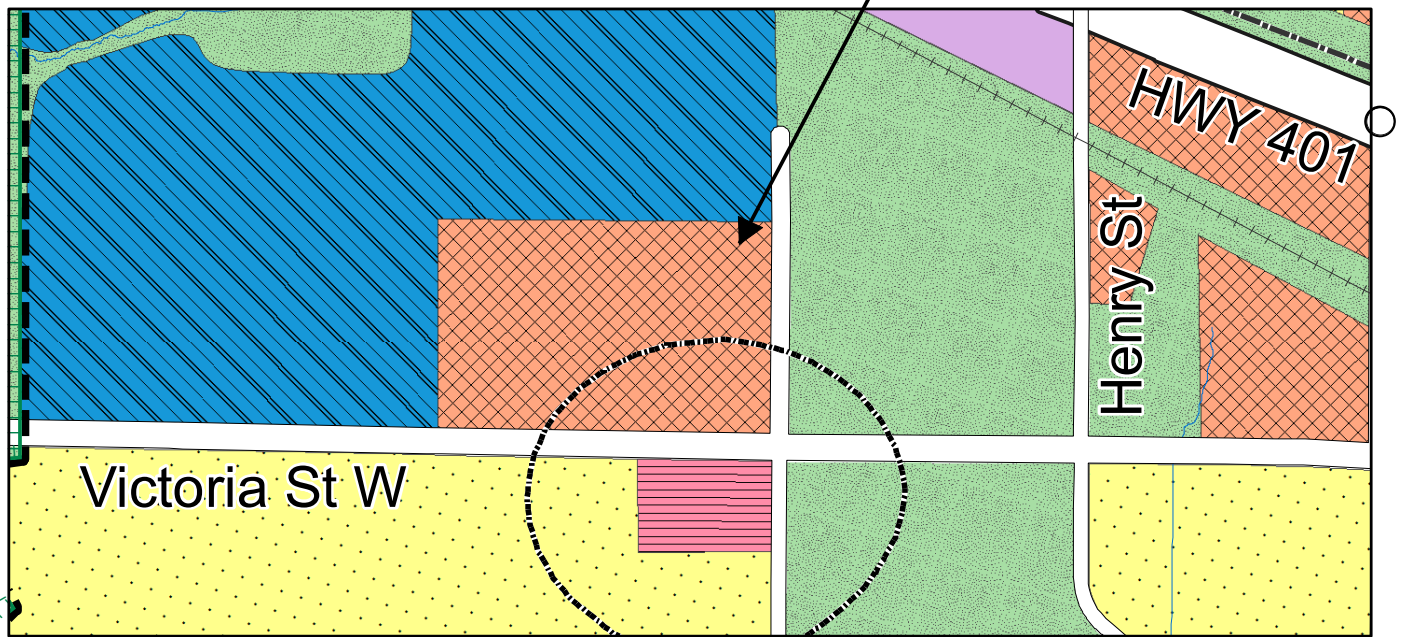
**Implementation:** The provisions set forth in the Town of Whitby Official Plan, as amended, regarding the implementation of the Plan shall apply in regard to this amendment.

**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.

# Exhibit 'A' to Draft Proposed Official Plan Amendment #140 to the Town of Whitby Official Plan



Change From: "Prestige Industrial"  
To: "Mixed Use"



## Legend

- |                            |   |                                   |
|----------------------------|---|-----------------------------------|
| Residential                | Lands Subject to Durham Regional Official Plan Policy 14.13.7 | D3 (Deferred by Region of Durham) |
| Major Commercial           | D Deferred by the Region of Durham                            |                                   |
| Community Commercial       | Local Central Area  |                                   |
| Special Purpose Commercial | Resource Extraction Area (See Section 4.12)                   |                                   |
| Mixed Use                  | Utility   |                                   |
| Prestige Industrial        | Refer to Policy 4.7.5.2.                                      |                                   |
| General Industrial         | 2031 Urban Area Boundary                                      |                                   |
| Special Activity Node      | Community Central Area Boundary                               |                                   |
| Institutional              | Future Urban Development Area Boundary                        |                                   |
| Major Open Space           | Greenbelt Protected Countryside Boundary                      |                                   |
| Agricultural               | Hamlet Boundary   |                                   |
| Hamlet                     | Major Central Area Boundary                                   |                                   |
| Estate Residential         | Municipal Boundary  |                                   |
| Special Policy Area        | Southern Boundary of Oak Ridges Moraine                       |                                   |
| Refer to section 11.5.31.6 | Urban Central Area Boundary                                   |                                   |

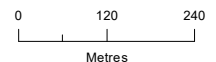
Notes: Refer to the applicable Secondary Plan for more detailed land use designations. Secondary Plan boundaries can be found on Schedule 'E', including the Oak Ridges Moraine Secondary Plan. Some legend items may not appear on the displayed figure extent.

Official Plan - Town of Whitby

Schedule

## Excerpt from Schedule 'A' Land Use

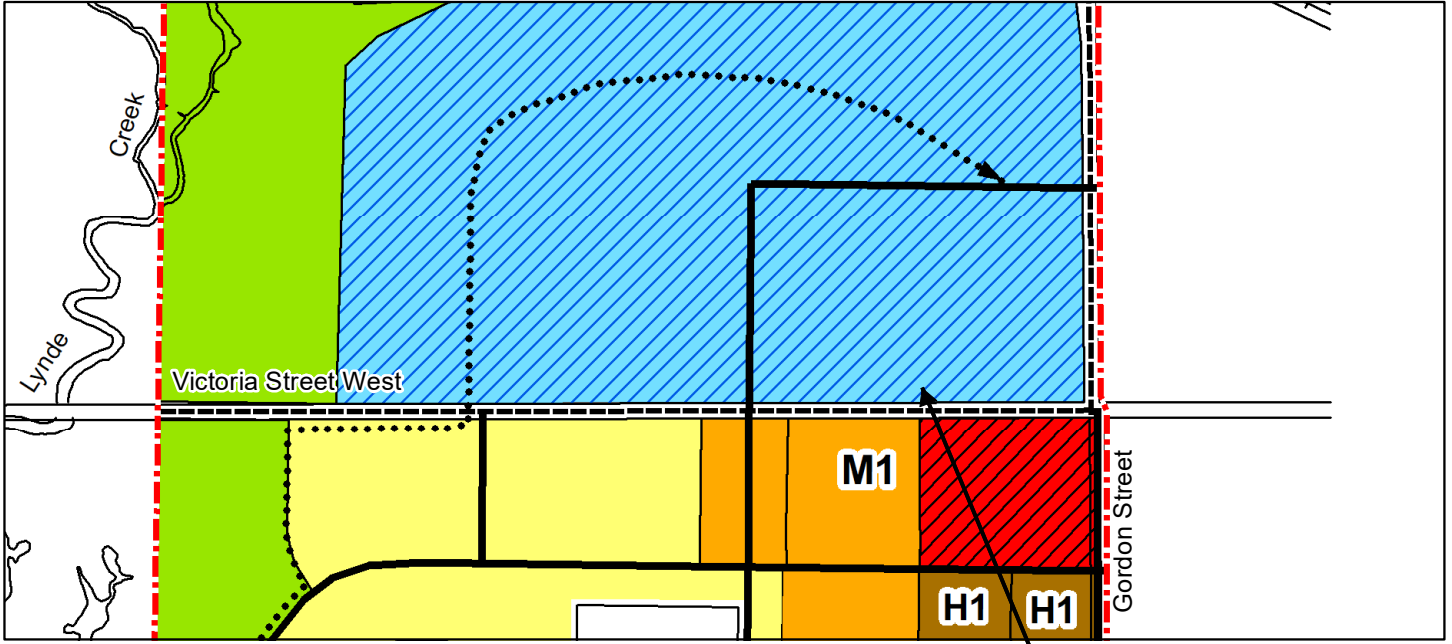
# A



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.

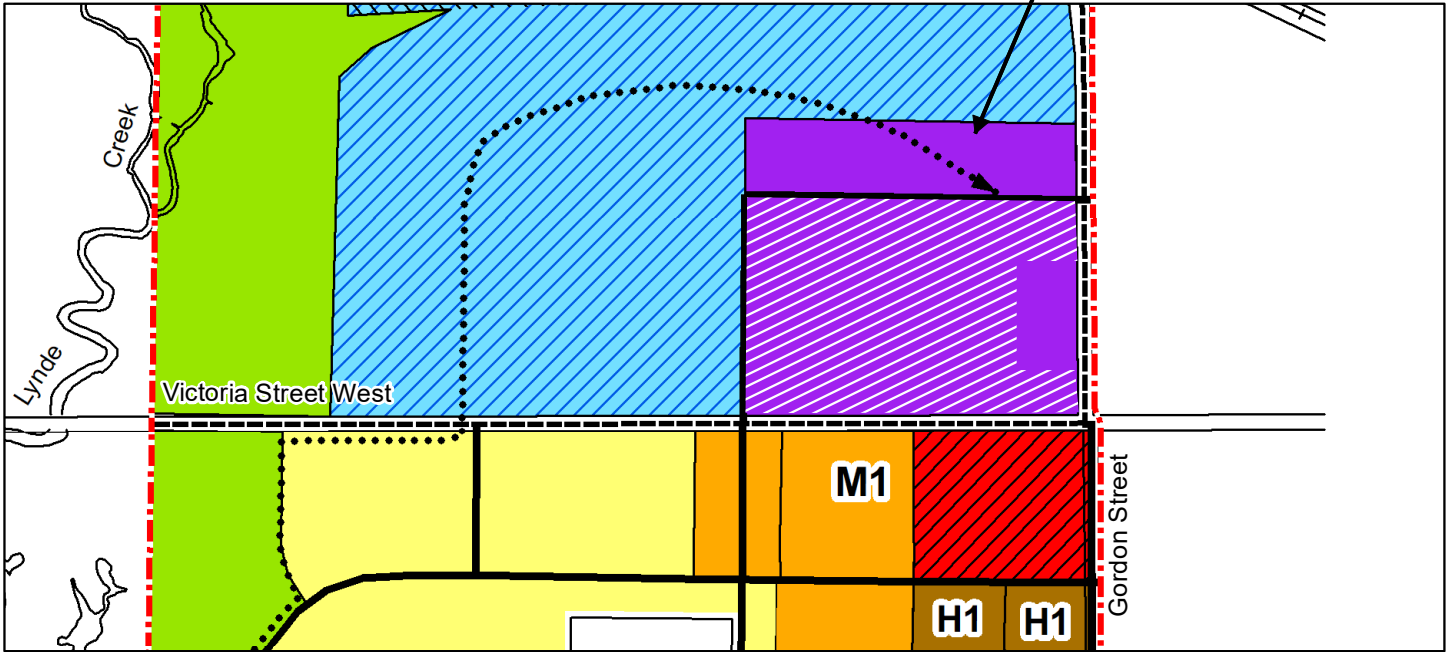


# Exhibit 'B' to Draft Proposed Official Plan Amendment #140 to the Town of Whitby Official Plan






















Add: "Mixed Use"  
and "Refer to Policy  
11.2.7.5" to Legend

Change From: "Business Park"  
To: "Mixed Use"



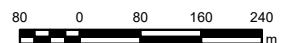
## Legend

	Low Density Residential		Business Park		Arterial Road
	Medium Density Residential		Hazard		Collector Road
	Medium Density Residential 1		Mixed Use		Lynde Shore Boundary
	High Density Residential 1		Refer to Policy 11.2.7.5		Pedestrian Walkways
	High Density Residential 2				P Park
	High Density Residential 3				S Elementary School
	Institutional				
	Major Open Space/Park				
	Community Commercial				

## Lynde Shores Secondary Plan

Official Plan  
Town of Whitby

Schedule  
**G**



Public Meeting Minutes from June 11, 2018  
File DEV-03-18 (OPA-2018-W/02, SW-2018-01, Z-08-18)

Ed Belsey, Manager, Long Range Policy Planning and Susan McGregor, Principal Planner, Long Range, appeared before the Committee and provided a PowerPoint presentation which included a detailed overview of the applications.

Michael Bissett, representing Bousfields Inc., appeared before the Committee and provided a PowerPoint presentation which provided details related to the proposed development. He outlined some of the differences between the original applications submitted in 2007 and the current proposal.

The Chair opened the floor for comments from the public.

Greg Neff, resident, appeared before the Committee and stated that he did not have a concern with the development as it appeared to be planned to suit the community. He raised concerns regarding traffic and inquired regarding the timeline associated with the grade separation in linking Gordon Street over the railway track and Highway 401 to allow another north/south access into Port Whitby. He further inquired whether there were any plans to improve the intersection at Brock and Victoria Streets in order to handle an already large and increasing volume of traffic. Mr. Neff also inquired regarding the plan for the realignment of Victoria Street, east of Brock Street over to Thickson Road, and whether this was a Town or Region project.

Robert Gleaves, resident, representing Durham Condominium 171, appeared before the Committee and referenced correspondence which was distributed to Members of Council prior to the meeting. He raised concerns regarding an increase in noise levels and the proposed density, noting that there would be approximately 37,000 additional residents in the area. He inquired whether another 20 storey residential building would be constructed should the proposed hotel not be constructed as planned. Mr. Gleaves commented on the road structure south of Victoria Fields not being able to support the proposed development, noting that there were already traffic issues related to vehicles accessing the Whitby Go Station, Highway 401 ramps and Victoria Street. He commented on other development underway around the Port Whitby area, noting that the proposed development would exacerbate traffic and safety concerns. He raised further concerns regarding the lack of health care and fire and emergency services for residents in the area, the effect of the proposed development on wildlife, parking, property values, and the aesthetics of the development. He inquired whether the land to the west, owned by Nordeagle, would be developed, and if so, whether it would be more townhouses and high rise buildings. He further inquired whether a development of this magnitude had been demonstrated successfully in a similar environment and whether consideration had been given to evacuation procedures in an emergency situation such



Public Meeting Minutes from June 11, 2018  
File DEV-03-18 (OPA-2018-W/02, SW-2018-01, Z-08-18)

as a rail car derailment or a nuclear disaster. Mr. Gleaves further inquired whether the condominiums would be rentals.

Graham Carr, resident, appeared before the Committee and stated that he would like to see more integration with the park and public spaces with the implementation of restaurants and retail to allow the existing residents to engage with the new development and utilize the space.

David Beaton, resident, appeared before the Committee and stated that the proposed development would bring approximately 10,000 more residents into a confined area. He inquired whether consideration would be given to providing more services such as a hospital and whether Lakeridge Health Whitby would provide expanded services to handle an overflow of patients. He further inquired regarding the timeline for completion of the road widening along Victoria Street West and whether the arterial roads would be able to handle the volume of traffic from the proposed development as well as from other projects in the Port Whitby area.

There were no further submissions from the public.

## Summary of Written Public Comments File DEV-03-18 (OPA-2018-W/02, SW-2018-01, Z-08-18)

Davina Jones, resident, provided written correspondence which objects to changing the designation of the land and raised concerns about:

- loss of employment lands needed to provide jobs;
- increased traffic and gridlock caused by increased density; and,
- limited access by only one main road (Victoria St W) instead of four main roads as would be required for a development of this scale.

Phil Murray, local business owner, provided written correspondence in support of the development to support local businesses and provide local employment.

Mufiz Rahman and Shabana Mufiz, residents, provided written correspondence which objects to the development of multi-storey apartments or office buildings;

R. Gleaves, resident, provided a petition on behalf of Durham Corporation Condominium 171 which objects to the proposed development. The petition was signed by 24 residents and raises concerns about:

- increased noise;
- the road system is insufficient, including intersection capacity, for existing and future traffic that would be generated by the development. There are major traffic generators in the vicinity including the existing GO Station, Iroquois Park Sports Complex, Abilities Centre and Marina and accidents on Highway 401. Specific intersections and roads are noted (Henry, Brock, Victoria);
- safety of pedestrians due to increased traffic levels;
- lack of doctors, schools, etc. to accommodate the increased population;
- impact on wildlife;
- parking at GO Station and Iroquois Park Sports Complex;
- impact on property values;
- impact on neighbourhood character;
- cumulative impact of this and other developments proposed in Port Whitby on the surrounding community;
- increased temperatures and blocking the prevailing winds; and,
- impacts from construction (noise, dust) which is expected to take many years.

Diane McCurdy, resident, provided written correspondence in opposition to the proposed development. The correspondence notes that the location is not acceptable due to the congestion it will create and due to the close proximity of environmentally sensitive areas including Lynde Shores and Lake Ontario. The correspondence raises concerns regarding:

## Summary of Written Public Comments

### File DEV-03-18 (OPA-2018-W/02, SW-2018-01, Z-08-18)

- noise and dust during construction;
- concerns with total project density and population, including the additional lands owned by the applicant that is not currently part of the application;
- who is financially responsible if the proponent abandons the project mid-construction;
- bird friendly design;
- how to mitigate issues with such a massive development;
- traffic and congestion;
- impacts on integrity of Lynde Creek Conservation Area and quality of biodiversity in the Lynde Creek watershed;
- air quality;
- property values;
- noise including noise from Victoria St W reflecting off of tall buildings and being directed to existing subdivisions south of Victoria;
- availability of essential services;
- cumulative impact of this and other developments;
- increased ground temperature and blocking the prevailing winds; and,
- loss of habitat with the removal of the existing ponds formed by previous excavation and relocation of wildlife such as turtles from the ponds to appropriate habitat.

Jenna Bayley, resident, provided written correspondence which is opposed to the proposed development and raises concerns about:

- lack of schools for the increased population;
- increased traffic;
- GO Transit is already at capacity, a plan is needed to accommodate additional commuters;
- capacity of existing businesses to support such a huge influx; and,
- environmental impact, particularly the Conservation Area.

David Wishart, resident, provided written correspondence which supports a mixed use development including another grocery store, more restaurants and office space.

Questions are raised regarding:

- capacity of the GO to accommodate additional commuters;
- a new school to accommodate new students;
- road widening requirements to accommodate additional traffic;

## Summary of Written Public Comments

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- timing of Brock Street South / Highway 401 bridge work related to the proposed development;
- ecological protections need to be established prior to the development; and,
- financial responsibility if the proponent does not complete the project.

Melissa Cutting, resident, provided written correspondence in opposition to the proposed development. Concerns are raised regarding:

- existing traffic noise and future construction noise and increased traffic noise;
- increased population and traffic/pedestrian impacts on the quiet family friendly neighbourhood;
- loss of privacy; and,
- impact on wildlife.

James Choleas, resident, provided written correspondence which raises concerns regarding:

- existing traffic and congestion and increased traffic from the new development;
- lack of school or other public services;
- capacity of GO Train parking lot and overflow parking lot at Iroquois Park Sports Complex; and,
- loss of neighbourhood character.

Janice Spencer and Craig Wilson, residents, provided written correspondence which raises concerns regarding:

- increased density and traffic;
- limited access to north of Highway 401, especially in the event of an accident on Victoria Street preventing access for EMS in the event of an emergency; the development should be conditional upon the construction of a flyover connection from Gordon Street (now Jim Flaherty Street) to Annes Street;
- impacts on insurance premiums; and,
- the development proposal should be conditional upon a flyover the 401 being provided at Gordon Street.

# Agency & Stakeholder Detailed Comments

## File DEV-03-18 (OPA-2018-W/02, SW-2018-01, Z-08-18)

### Internal Departments

#### Engineering Services

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

- Revised Draft Plan of Subdivision by Bousfields dated June 20, 2024
- Functional Servicing and Stormwater Management Report (FSSR) with Grading and Drainage Plan – Preliminary by Valdor revised June 2024
- Transportation Study Update 2 and Transportation Study Update 2 Appendices Report by RJ Burnside dated June 20, 2024

The drawings and reports were found to be generally acceptable for preliminary review. There are revisions, however, that will be required through the detailed design process in order for the proposed subdivision to conform to the Town's Design Criteria and Engineering Standards (DCES).

Please provide a copy of these comments to the Subdivider.

#### A. Conditional Comments

The 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 1.0 highlighting the anticipated locations of sidewalks, multi-use trails, multi-use paths and dedicated cycling 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. The following shall be addressed to the satisfaction of the Engineering Services:

1.1. Prior to the Zoning by-law Amendment being finalized and adopted by Council, the Subdivider shall provide a formal response, to the satisfaction of Engineering, to address the Traffic Impact Study (TIS) comments provided in a separate memo from Transportation Services date June 20, 2024 (Attachment 2.0).

1.2. Prior to final acceptance of the Draft Plan of Subdivision, revise the Draft Plan (DP) as follows:

a. Revise label for Gordon Street to Jim Flaherty Street.

b. Revise Street 'A' right-of-way limit at the outer bend to a 90-degree corner instead of the curve shown.

## Agency & Stakeholder Detailed Comments

### File DEV-03-18 (OPA-2018-W/02, SW-2018-01, Z-08-18)

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 Financial Services Asset Management annual report.

Asset	Quantity
Roads	0.752 lane-km
Sidewalks/Multi-use paths	0.752 km
Storm Sewers	0.376 km
Local Park	1.484 km

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

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

- a. Block 4 for Local Park;
- b. Blocks 5 and 7 for road widening on Nordeagle Avenue;
- c. Block 6 for road widening on Montecorte Street.

2.2. The Subdivider shall be responsible for the construction of pedestrian facilities in the following locations:

- a. 2.5m-wide sidewalk on both sides of Street A;
- b. 2.5m-wide sidewalk on both sides of Nordeagle Avenue;
- c. 2.5m-wide sidewalk at the east side of Montecorte Street;
- d. 2.5m-wide sidewalk at the west side of Jim Flaherty Street;
- e. 2.5m-wide sidewalk at the north side of Victoria Street West.

Further review and consideration of sidewalk placement is required and will be addressed through detail design / engineering.

## Agency & Stakeholder Detailed Comments

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2.3. The Subdivider shall be financially responsible for and provide a cost estimate and securities for full cost of reconstruction and completion of Montecorte Street, Nordeagle Avenue and Jim Flaherty Street to municipal standards as the construction of these roads was not completed to top asphalt as per the agreement and the base asphalt works were done more than 20 years ago. As such, the life cycle of these roads has been used up.

2.4. 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.

2.5. 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.

2.6. The Subdivider shall provide an updated Functional Servicing and Stormwater Management Report (FSSR) to address the comments provided in a separate memo from the Town's Water Resource Engineer dated August 8, 2024 (Attachment 3.0) prior to or with the submission of detailed engineering drawings.

2.7. The Subdivider shall provide a formal response letter to address the Traffic Impact Study (TIS) comments provided in a separate memo from Transportation Services date July 16, 2024 (Attachment 2.0) prior to Zoning By-law Amendment being finalized.

The Subdivider shall be responsible for implementing any design elements and/or changes to the plan for registration required to address any sightline, parking, and/or alignment concerns.

If identified as a follow-up to the TIS, the Subdivider shall construct traffic control signals at intersection of Nordeagle Avenue and Montecorte Street, as needed.

2.8. The Subdivider shall provide a Traffic Management Implementation Plan (TMIP) and shall be responsible for providing both temporary and permanent signage and pavement markings for the development.

2.9. 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.

2.10. The Subdivider shall implement all recommended noise control measures identified in the Environmental Noise Assessment report and revise the plan as required to accommodate recommended noise control measures prior to registration.

## Agency & Stakeholder Detailed Comments

### File DEV-03-18 (OPA-2018-W/02, SW-2018-01, Z-08-18)

2.11. 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.

2.12. 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. Fencing for school blocks to be as per the appropriate school board requirements.

2.13. The Subdivider shall be responsible for providing service connections and a suitable storm drainage outlet for flows associated with the park block, Block 4, to the satisfaction of the Community Services Department and Engineering Services Division.

2.14. 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.

2.15. All community mailboxes for the private developments shall be located within private properties.

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

2.17. 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 engineering drawings will not be accepted until it is confirmed that the drawing set-up conforms to this requirement.

2.18. The Subdivider shall provide a hydrogeological report to support the construction of the underground parking. The report shall demonstrate, in detail, the groundwater strategy and construction method(s) used for the proposed underground structure design. Materials provided related to the permanent pumping of groundwater shall be peer reviewed at the Subdivider's expenses.

At the site plan application stage, other supporting documents may be required to support the proposed permanent foundation drainage discharge to the storm sewer. The terms of reference of supporting documents shall be confirmed with Engineering Services.

2.19. 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



## Agency & Stakeholder Detailed Comments

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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.

2.20. The Subdivider shall be responsible for all hydro poles, luminaries and hydro requirements for this proposed subdivision, and adjacent existing Town roads, Nordeagle Avenue, Montecorte Street and Jim Flaherty Street, and shall enter into a separate agreement with Elexicon accordingly.

2.21. 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 include all right-of-way components including active transportation facilities, shall comply with the latest version of the RP-8 Roadway Lighting Design standard and shall utilize LED technology.

2.22. The Subdivider shall implement a pre-construction survey/assessment, including 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, prior to commencing construction. The assessment shall be completed by a qualified person (QP) to the satisfaction of the Town and shall be provided to the Town prior to construction. Any waiving of this requirement shall be at the sole discretion of the Director of Engineering of the Town of Whitby.

2.23. 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.

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

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

All other items related to the subdivision can be addressed through the subdivision or site plan review and agreement process subsequent to 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 or 50% of the Engineering Review Fee based the estimated cost of works, whichever is greater,

## Agency & Stakeholder Detailed Comments

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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. A detailed SWM report is required at the design stage for the overall subdivision to address all deferred FSSR comments as per the attached memo from the Water Resources Engineer. The report should include overland flow route calculations, emergency spillway details (100-year uncontrolled flow), storm sewer design sheets, dual drainage model to determine HGL (if basement are connected to sewer system) and O&M manual. The SWM report shall also address the following:

a. Ensure major overland flows from Victoria Street West proposed to be conveyed via easement within Block 3 is accounted for in the storm sewer and SWM design of the subdivision and of the specific site plan block.

3.3. Each site plan application for private block developments shall be supported by separate SWM reports that is consistent with the approved FSSR and subdivision SWM report mentioned above. Please note that each future development block must provide on-site stormwater management controls and that no major flows will be allowed to be conveyed from the blocks to the rights-of-ways or the municipal stormwater management facility.

3.4. The detailed engineering drawings shall provide detailed ponding limits at overland flow low points, and any points of overland convergence to ensure that appropriate emergency access can be maintained to the area based on Town of Whitby Design Criteria and that private property has been protected from flooding. Ponding limits are to be shown for 100-year storm events. Low points are to be located at the appropriate block or intersection location.

For all overland flow outlet points, the following shall be provided: flow channel profile, cross-sections and erosion protection works at all locations i.e. across window street boulevard areas, within specific overland flow blocks, across SWM Pond Blocks and any direct outlets to Open Space areas.

3.5. 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).

3.6. 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.

3.7. 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.

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3.8. 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.

#### Attached Transportation Services Comments

Transportation Services staff provide the below remarks (refer to Table 1) on the response provided to various comments. Additional comments are also provided, based on the new information submitted.

#	Comment	Has the Comment been Addressed
<b>Transportation Services Comments Memorandum dated December 13, 2023</b>		
1	Gordon Street, north of Victoria Street, has been renamed Jim Flaherty Street. Future submissions and drawings to be updated.	While most drawings have been updated, there are still minor references to Gordon Street on the landscape drawing cross-sections.
2	Victoria Street at Charles Street is incorrectly coded/analyzed in Synchro. At Charles Street there is an eastbound left turn lane not a centre left turn lane. Westbound left turning movements are shared with the through movement.	Yes.
3	The consultant has proposed all-way stop control at the intersection of Montecorte Street and Nordeagle Avenue, as well as a dedicated westbound left turn lane. Multi-lane approaches at all-way stop control is not supported. The consultant shall consider the need for signalization by completing a traffic signal warrant. If justified, provide the property needed to construct turning lanes and support the traffic signal infrastructure.	Confirm that the results presented in Table 5 are correct as the title references Rutherford/CP Rail/ Hunter's Valley.  All-way stop control may be provided under future conditions; however, auxiliary turn lanes are not supported and shall be removed from the analysis.
4	The road classification shall be based on the projected traffic volumes and the right-of-way to support comfortable and safe complete streets shall be provided. Street A shall be a collector road and Montecorte Street and Nordeagle Avenue shall be increased to a 26.0 metre (m) right-of-way.	The right-of-way of Montecorte Street and Nordeagle Avenue have been increased.  Confirm that the right-of- way of the private streets can accommodate the projected traffic volumes.
4a	The proposed hardscape area on Street A does not support healthy trees and utility placement. As per the Town's Design Guidelines the minimum boulevard is 3.0 to 5.0 m.	It is noted that a separate response will be provided. The response document should be fulsome and include all information and drawings to support the response.
4b	Given the anticipated heavy vehicles on Nordeagle Avenue, the proposed bike lanes shall be buffered or a cycle track be provided.	Yes.

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4c	2.0 m parking lanes is not supported. The Town's Zoning By-law to be satisfied for parking space dimensions if on-street parking to be provided.	The Zoning By-law is not satisfied. The Town's Design Criteria and Engineering Standards apply to municipal roads where additional right-of-way allows for vehicle maneuvering.  On-street parking has been removed from municipal roads.
4d	Fire Services to confirm if parking within a private laneway is acceptable. The Town does not permit parking within public laneways.	This comment remains outstanding and was not referenced in the Addendum document.
4e	Sidewalks adjacent to parks and commercial development shall be 2.5 m.	This appears to be addressed through the landscape submission. The response document should be fulsome and include all information and drawings to support the response.
5	On-street parking cannot be counted towards any parking requirements as it is not available 24/7. On municipal roads where parking is not prohibited there is a three-hour maximum. No on-street parking is permitted between November 15 and April 15.	The proposed parking rates have not been justified or supported. It's unclear how retail parking will be accommodated given the significantly reduce visitor parking.
6	A Level 2, Type C Pedestrian Crossover to be provided at Jim Flaherty Street and Nordeagle Avenue to provide the right-of-way to active users between the proposed development and the Iroquois Park trail. A cross-ride, as proposed, is not acceptable.	Yes.
7	For all access, provide drawings that clearly show the required and available decision sight distance. If the decision sight distance is not available mitigation measures must be provided.	Yes
8	Provide AutoTURN drawings. Note that vehicles cannot reverse onto a public roadway.	The access to buildings does not appear to be one-way; however, the vehicle maneuvering drawings appear to show that heavy vehicles will occupy most of the cross-section. Confirm safe circulation of all vehicles on all roadways.
9	Locations for snow storage shall be identified on the site plan, or the applicant shall commit to snow removal.	Yes. Details will be provided through site plan.
10	Transportation Services supports the proposed Transportation Demand Management (TDM) elements, including the shuttle between the development and the Whitby GO Station. The Applicant to provide a firm commitment to provide the proposed TDM. Durham Region Transit also to confirm the TDM elements proposed. Further, it is noted in Table 43 that for all phases, employers will be encouraged to join the Smart Commute Program. Phase 2 does not include any non-residential uses.	Yes. TDM, to support reduced parking shall be confirmed at the site plan stage or additional parking will be provided.

## Agency & Stakeholder Detailed Comments

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<b>Attachment 1: Composite Transportation Components Plan (CTCP)</b>		
1	2.5m sidewalks on both sides of Nordeagle Avenue, both sides of Street A, east side of Montecorte Street, west side of Jim Flaherty Street, and north side of Victoria Street	Yes.
2	26m wide ROW for Montecorte Street, Nordeagle Avenue and Street A.	Yes. 26.0m right-of-way has been provided for Montecorte Street and Nordeagle Avenue. A 23.0m right-of-way was discussed and accepted for Street A.
3	Traffic Calming along Montecorte Street, Nordeagle Avenue and Street A.	Response refers to narrow travel lanes and on-street parking; however, lanes are not significantly narrowed, and no on-street parking is proposed or permitted due to the on-road cycling.  A proposed traffic calming plan is required at the site plan stage.
4	Potential traffic signals noted at the intersection of Montecorte Street/Nordeagle Avenue	Yes.
5	On-road cycling facilities along the north side of Nordeagle Avenue.	Yes.
<b>Attachment 2: Redline of Draft Plan</b>		
1	8mx8m visibility triangles at the intersection of Nordeagle Avenue/Street A and Jim Flaherty Street/Street A.	The visibility triangles to also be shown on north side of Nordeagle Avenue/Street A. Visibility triangles to be dimensioned.
2	Increase block width to obtain ultimate ROW along Nordeagle Avenue and Montecorte Street.	Yes.
3	Minimum 28 m radius required for outer ROW limit and a visibility triangle to be provided along the bend of Street A.	Intersection of Street A and the private road does not include a visibility triangle.
<b>Paradigm Transportation Solutions Limited Peer Review Comments Letter Dated December 19, 2023</b>		
1	The consultant states there would also be private lanes and woonerfs with 6-7 m widths for internal traffic circulation and access. The consultant indicates that these laneways/woonerfs would provide on-street parking to assist in accommodating visitor and patron demand. Cross-sections for these private lanes have not been presented in the study but must be considered as part of the Site Plan review.	Cross-sections have been provided as part of the landscaping submission. The consultant to confirm if parking is permitted on the woonerf as the circulation/use is unclear.

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2	<p>In consideration of shared parking, the consultant states the following in support of parking rate reductions: "Retail parking supply to be shared with the residential visitor supply and supplemented by on street and laneway parking." We note that approximately 20% of the proposed retail GFA is in Phase 1 and the remaining 80% is in Phase 3. In total, the ZBL requirement for the ultimate 148,200 SF GFA is 599 spaces. In Table 41; Recommended Vehicle Parking Requirements, there is no retail use listed in the "Proposed Use" column, and as such, there is no corresponding "retail parking supply" to be shared with the residential visitor parking supply. By default, the consultant is simply recommending that part of the residential visitor parking supply would be used by retail employees and patrons. The feasibility of this recommendation has not been examined in the study, including confirmation of how the retail-generated new vehicle trips and pass-by trips (both require parking) would be accommodated by residential visitor parking.</p>	<p>While on-street parking has been proposed within the laneway, no on-street parking within the municipal right-of-way is proposed/permitted where on-road cycling is provided. Lay-by parking on Jim Flaherty is not supported.</p>
3	<p>Regarding on-street parking, the consultant refers to it as being proposed on Street A (as illustrated in a typical cross-section) and along the laneways (no illustration or description of how parking is provided on a 6-7 m wide laneway) but has not provided an estimate of the potential number of on-street spaces.</p>	<p>Cross-sections have been provided as part of the landscaping submission. However, no on-street parking within the municipal right-of-way is proposed/permitted where on-road cycling is provided, including on Street A.</p> <p>The consultant shall provide a drawing that shows the proposed parking to confirm proposed parking.</p>
4	<p>The higher traffic volume forecasts for sections of Street A and the internal laneways require road designs that reflect appropriate standards to accommodate vehicle and active transportation modes safely and efficiently. For Street A, this could mean adopting Collector road design standards, and for the laneways this could mean adopting Local road design standards.</p>	<p>The 23.0m cross-section for Street A is acceptable. As this roadway functions as, and is designed to a collector road standard, it should be referred to as a collector road.</p>
5	<p>Typical cross-sections for the proposed laneways should be required as part of the Site Plan review.</p>	<p>This comment has been addressed as cross-section drawings have been included in the landscape submission package. The response document should be fulsome and include all information and drawings to support the response.</p>
6	<p>The consultant should clarify how the proposed below grade parking structures would be shared across all phases and uses within the development.</p>	<p>Phasing of the underground parking is unclear. A plan clearly showing the phasing, the statistics for each development phase, the location of gates, etc. to be provided. Statistics should include the number of units, size of retail, and the number of parking spaces by use (i.e., residential, visitor, retail, accessible).</p>

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7	The consultant should provide additional rationale to support the recommended reduction in parking for residential visitor and retail parking.	The proposed parking rates have not been justified or supported. It's unclear how retail parking can be accommodated given the significantly reduce visitor parking.
8	Further details should be provided for recommended active transportation facilities and TDM plans as part of Site Plan review.	TDM, to support reduced parking, will be confirmed at the site plan stage or identify how additional parking will be provided.
9	Municipal staff should consider how approvals related to this development should be coordinated in order to accommodate the further study of parking and traffic impact when phases of development beyond Phase 1 are proposed.	Yes.

The following additional/new comments are provided:

- Durham Region Transit staff would respond to their comments. However, Transportation Services support a sidewalk on the north side of Victoria Street and preserving the existing transit.
- Additional comments may be provided by Engineering Services, particularly as it relates to the redline of the draft plan and their previous comments.
- The consultant shall respond to all Paradigm Transportation Solutions Limited comments, even if it is an acknowledgement.
- Accessible parking does not appear to have been identified in the Underground Parking Plan. Confirm that accessible parking has been accounted for as accessible parking spaces are larger than a typical parking space. In addition, an understanding on development phasing, particularly as it relates to the construction of the underground parking is required.
- A Signage and Pavement Marking Plan is required. Note that on-road cycling shall be restricted to No Parking/Stopping.
- Remove the reference to lay-by parking on Jim Flaherty Street.
- The public park and the Privately Owned Public Accessible Spaces (POPS) are proposing numerous pedestrian connections to the adjacent sidewalk network. Controlled crossings (i.e., Level 2, Type C Pedestrian Crossovers) at logical locations are required to support walkability.
- If the public park is to be permitted for sports/activities, then parking to support the use is to be identified/provided.
- The local road (refer to LS.203) functions as a collector road and is designed to a

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collector road standard. Refer to Street A, a collector road not a local road.

- Town of Whitby staff that focus on accessibility to confirm that the 0.8m Edge Zone is an acceptable walking area, as shown in LS.204, and is not impeded by the Planting Zone.
- Confirm the operation of the Woonerf, given the 4.0m travel lane with bollards. It's unclear how this road will operate as two-way travel.

An updated Transportation Addendum/response to comments is required.

#### Attached Stormwater Management Comments

1. The following are to be conditions of draft plan approval and shall be addressed in and updated report to the satisfaction of the Engineering Services.

1.1. The original subdivision design report requirements were for the 5-year peak flows to be controlled to 35L/s/ha and major flows to be conveyed through the streets. The Town requirements have since been updated and major flows are to be controlled to the allowable release rate and discharge through the sewer. The current FSSR suggested that the 100-year flows will be captured and provided 100-year storage volume calculations. This comment is to clarify that the capture of the 100-year storm event is a requirement.

1.2. The storm sewer on Montecorte Street was not designed receive drainage south of Nordeagle Drive. Storm sewer drainage is to be directed to Nordeagle Drive per the original subdivision design. A storm sewer analysis demonstrating no adverse impact to the existing system will be required if the drainage areas are revised from the original design.

1.3. Repeat comment: Per Town Standards, the consultant is to use hydrologic modelling software (i.e., Visual Otthymo, PCSWMM) to calculate stormwater storage requirements for developments greater than 5 hectares in area. Please update the report to include the required modelling.

The proposed development may be completed in phases; however, the overall modelling for the development is over 5ha in area. Please complete the review using hydrologic modelling software.

1.4. Repeat comment: The proposed permanent pumping of foundation drainage has the potential to continuously impact the permanent pool elevation of the downstream SWM facility. Please provide supporting calculations demonstrating the foundation drainage will not impact the SWM facilities capacity to provide the required stormwater management controls to meet current standards. If the degree of impact is not to Town satisfaction, an alternative method of dealing with foundation drainage will be required.



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At the site plan application stage, other supporting documents may be required to support the proposed permanent foundation drainage discharge to the storm sewer. The terms of reference for supporting documents may be confirmed with the Program Manager for Site Plan, Brandon Ewart.

The report speaks to the impact of groundwater during a 4-hour stand alone event. The updated report is to speak to the consistency of the groundwater pumping rate and its effect on the pond. If the groundwater is pumping on a consistent basis, the permanent pool elevation will increase to the elevation in which the control orifice discharges at the groundwater flow rate, permanently eliminating some of the extended detention volume.

1.5. Repeat comment: Please provide major flow calculations for flows from Victoria Street and supporting information for how the development will capture and convey the external major flows through the subdivision.

The major flows from Victoria Street have the potential to impact stormwater attenuation volumes. The Town requires the 100-year storm be controlled to the allowable discharge rate to the storm sewer system. Please confirm how the overland flows from Victoria Street will flow through the site while on-site flows will be captured for controlled discharge through the sewer.

#### **Financial Services – Development Charges**

The following pertains to Town of Whitby Development Charges only, based on current Provincial legislation and Town of Whitby by-laws (subject to change). Additional information can be found at <https://www.whitby.ca/en/work/development-charges.aspx>. This development will also be subject to Region of Durham development charges and DDSB/DCDSB education development charges, please reach out to them directly with any questions.

#### Development Charges

- Will be owing for both residential and commercial development.
- Under Section 26.2 of the Development Charges Act.
  - The base DC rate(s) will be set as of the Site Plan application **submission** date.
  - Interest will accrue on the base DC rate(s), from the date of site plan application submission until the date of building permit issuance. Per the DC Act, the interest is set at Prime +1% adjusted quarterly.
  - The applicant has 18 months from the date of Site Plan application **approval** to obtain a building permit. Otherwise, Section 26.2 no longer applies, and instead the applicable DC rate(s) are the current posted rates in effect as of the building permit issuance date.

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- If this development is a condo, development charges are payable prior to the issuance of the 1<sup>st</sup> building permit. If this development is entirely rental housing development charges shall be payable as per Section 26.1 of the DC Act.
- If this development includes affordable or attainable units (as defined in Section 4.1 of the DC Act), those units are eligible for DC exemptions.
- If this development includes rental housing or institutional development, Section 26.1(3) of the DC Act allows for development charges to be paid in equal annual installments over five years, upon the earlier of occupancy or issuance of an occupancy permit.
- If this development includes four or more rental housing units, Section 26.2 (1.1) of the DC Act allows for additional development charge reductions based on the number of bedrooms per unit.
- If a building is being demolished to make way for this redevelopment, the applicant has 5 years from the date that the demolition permit was issued, to obtain the new building permit to qualify for a redevelopment credit.

#### Parkland Dedication / Cash-in-Lieu

Shall be applicable as per the Planning Act and Town of Whitby By-Law for both residential and non-residential development.

- If utilizing a CIL, a land appraisal is required at the cost of the developer and will remain current for a maximum period of one (1) year.
- If CIL has previously been applied, a reduction in the amount owing will be applied.
- If CIL has not previously been applied, only the incremental residential units are used for the calculation of the CIL value.

#### **Fire and Emergency Services**

Whitby Fire and Emergency Services advises that they have no further comments and that additional comments will be provided at the Site Plan Application submission. Previous comments dated January 1, 2024 on the application were:

1. Indicate location of fire hydrants on site plan.
2. All subdivisions with public roads must follow the regional hydrant specification for hydrant spacing.
3. All private laneways shall have fire hydrants spaced at not more than 90 m.
4. Fire hydrants shall be installed at each end of private laneways designated as fire access routes.
5. A fire access route shall be provided in accordance with OBC 3.2.5.6.

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6. Turnaround facilities shall be provided for any dead end portion of a fire access route exceeding 90 m.
7. Provide fire access route sign locations as per Town of Whitby Bylaw 4084-97
8. Submit a site plan indicating designated fire breaks for review and approval prior to construction.

### **Landscape**

#### Existing Tree Inventory and Arborist Report Requirements:

- There are Municipal and Regional owned Trees along Victoria St. and Montecorte St. proposed for removal. Tree appraisal and compensation approach should be further discussed with the Town and the Region and noted as Conditions of Draft Plan approval.
- While the Town of Whitby Tree Protection By-Law 4640-00 exempts proposed developments from the requirement for a tree removal permit (see Exemptions, 3 (g)), this exemption is based on a requirement for an approved Tree Protection Plan. Approval is required to be established prior to any removals occurring on site, including those that may be included in a Site Alteration permit. Further, removals are not permitted to occur on site until the proposed plan has received Draft Plan Approval.
- Considering the neighbouring industrial zone and the trailer parking area (Sobey's distribution center) on the north side, further screening and buffer planting is encouraged along the north side of the proposed "Service Lane".

### **Strategic Initiatives**

#### Economic Development Comments

Economic Development Staff continue to be generally supportive of the proposal. Staff believe the proposal strongly aligns with the Town of Whitby's 2023-2026 Community Strategic Plan, specifically action item 3.2.1, which is to attract investment for a hotel and convention centre.

The proposed development is in close proximity to Iroquois Park Sports Centre, which sees approximately two million visitors annually, making it an ideal location for this proposal. Additionally, the development is near Durham College Whitby Campus, Whitby GO Station, Highway 401, and Whitby's award-winning marina.

With housing affordability continuing to be an issue across Southern Ontario, this high-density housing proposal is an opportunity to house many individuals in Whitby, thereby strengthening our workforce and local economy.

Economic Development staff have previously met with the proponent and encourage them to continue to connect with our team throughout the development process as needed.

#### Sustainability Comments

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The following comments from October 27, 2020, have still not been addressed. Please provide an updated Whitby Green Standard Checklist and Sustainability Rationale Report that addresses the following:

All new Site Plan and Plan of Subdivision Applications are required to follow the Whitby Green Standard and meet at a minimum the Tier 1- Mandatory Performance Criteria as outlined in the respective Site Plan Checklist and Plan of Subdivision Checklist. However, it is recommended that considerations be made 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. The Whitby Green Standard checklists and supporting documents can be found on the Town's website, [www.whitby.ca/greenstandards](http://www.whitby.ca/greenstandards).

The Goal, as stated in Section 3.2.1.1, is to encourage the planning and design of development that will embrace principles of sustainability to contribute to the achievement of a complete and healthy community. Official Policies relating to sustainability include Section 2.3.2 - Sustainable Development, Section 3.2 - Sustainable Community Planning, and Section 6.2.3.22 – Sustainable Design. We require a Sustainability Rational Report that details how these Sections of the Official Plan are intended to be applied in the proposed development.

Staff would like to see a strong emphasis on sustainability within this development and would like to emphasize the Whitby Official Plan policies particularly sections 2.3.2, 3.2, 3.2.1.1, 3.2.5.2, 3.2.6, 3.2.9 and 6.2.3.22 that will need to be considered, which particular focus pertaining to:

- Climate change mitigation & resilience measures,
- Energy conservation,
- Low carbon & renewable energy sources,
- The offset and reduction in heat island affect,
- Water conservation measures,
- Preservation and enhancement of the natural environment.
- The integration of green infrastructure and use of native vegetation.
- Increased storm water retention and increased water quality of runoff through the uptake of and consideration of Low Impact Development technologies,
- Support for sustainable transportation including active transportation, access to public transit and uptake of electric vehicles,
- Provisions for waste diversion (recycling, compost and garbage collection and optimal storage of waste and reduced litter.

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Sustainability staff recommend integrating the following sustainability design features into the development to help increase sustainability performance through the:

- Consideration of advanced energy performance including the use of renewable energy, district energy, enhanced building envelope, with consideration for Net Zero Energy certification,
- Integration of low impact development technology to manage stormwater runoff including a green roof, soil cells for trees, grey water collection, bioswales & permeable pavement.
- Installation of level 2 or level 3 electric vehicle charging stations with public access.
- Use of reflective roof materials to reduce heat island affect,
- Bird friendly glazing, windows and outdoor lighting <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/bird-friendly-guidelines/>
- Enhancement of the urban forest through planting native species and supporting their longevity in an urban setting through the use of soil cell technology.
- Considerations for dedicating space for use as a community garden (this could include rooftop gardens).
- Considerations for active transportation including bicycle storage, connected trails to the neighbouring amenities & shade structures.
- Design features that support the collection, sorting and storage of recycling, compost and residual waste.

To support the enhancement of sustainable design features staff encourage the applicant to consider seeking funding support for advanced energy performance by following the Enbridge Savings by Design program <http://www.savingsbydesign.ca/> and the Canada Mortgage and Housing Corporation- Development Checklist for Affordable Housing- including consideration for low income mortgage qualification and funding <https://www.cmhc-schl.gc.ca/en/developing-and-renovating/develop-new-affordable-housing/programs-and-information/development-checklist-for-affordable-housing>

#### Creative Communities Comments

Creative Communities staff continue to advocate to incorporate public art and placemaking into this significant development as this site lies within a key intersection within the Town and acts as a gateway into this larger overall development of the site. Public Art would enhance the space and provide additional focal points for the development, while placemaking opportunities will provide a better connection of the site to its residents and users. Staff in the Creative Communities team would be happy to offer assistance and/or connect the team to public art groups that could assist with placemaking and creative arts enhancements to this space.

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#### Parks Division – Community Services Department

##### Comments:

1. Parks Planning is supportive of the expanded public park block of 1.484 hectares.
2. The timing for conveying park block 4 should be tied to registration of the first phase of the draft plan of subdivision.
3. Parks Planning staff request to review a draft of the Official Plan and Zoning By-Law amendments.
4. Parks Planning is generally supportive of approving the draft plan of subdivision, official plan amendment and zoning by-law amendment and provides the following conditions of draft plan approval.

##### Parks Draft Plan Conditions

1. The subdivider agrees that the parkland dedication requirement for this draft plan of subdivision will be calculated based on 15% of the land area in accordance with the Planning Act and the Town's Parkland Dedication By-Law 7733-21.
2. The subdivider agrees to satisfy a portion of the parkland dedication requirement through the conveyance of Block 4, at a minimum size of 1.484 ha, free and clear of all costs, encumbrances and contamination to the Town for public purposes to the satisfaction of the Senior Manager of Parks Planning and Development, upon registration of the first phase of the subdivision.
3. The subdivider agrees to satisfy the remaining parkland dedication requirement through the payment of cash-in-lieu of parkland. Any parkland dedication that was provided as part of the 1999 development agreement and 2001 amending agreement for the subject lands will be adjusted based on the current subdivision areas and credited towards the required payment of cash-in-lieu of parkland.
4. Any Privately-owned publicly accessible open space ("**POPS**") shall not be eligible for parkland dedication or cash-in-lieu of parkland credit under Section 42 of the Planning Act. The Town shall not be responsible for the operation or maintenance of any space identified as POPS within the development blocks of the Draft Plan.
5. Areas identified as POPS shall be subject to an easement in favour of the Town, or an easement-in-gross, to allow for public use of the POPS area. Terms and conditions related to the POPS area shall also be included in future Site Plan agreements related to the development of the blocks within the Draft Plan.
6. Prior to registration of the first phase of the subdivision, the subdivider agrees to complete any temporary site works related to park block, including filling of any low areas to remove any standing water, temporary seeding, and perimeter page wire fencing along the street frontages. The subdivider agrees to implement any requirements and findings identified in the Environmental Impact Study and satisfy any CLOCA requirements related to the park block works.
7. The subdivider shall be responsible for regular cutting of woody plants and mowing to

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control vegetation until the base park has been constructed at its sole cost.

8. The subdivider shall prepare detailed park design and grading plans, prepared by a qualified landscape architect, to the satisfaction of the Senior Manager of Parks Planning and Development.
9. Prior to the registration of the condominium for building adjacent to the Park (currently shown as C2 and C3 on drawing A101 dated June 20, 2024), the subdivider shall be responsible for completing all servicing, grading and base park works for the park block to the satisfaction of the Senior Manager of Parks Planning and Development.
10. After completing the site work, the subdivider shall provide an as-built geotechnical report and an as-built grading survey, prepared by a qualified person, to the satisfaction of the Senior Manager of Parks Planning and Development.
11. The subdivider shall provide the following servicing and utility connections to park block 75, to the satisfaction of the Senior Manager of Parks Planning and Development and in accordance with the Town's Design Criteria and Engineering Standards:
  - a. A stormwater manhole/catch basin at the low point of each catchment area(s) within the park block.
  - b. A 200 mm sanitary connection extending 1 metre into the park and terminating in a manhole at an elevation flush with the adjacent grades.
  - c. A 50 mm water supply connection with a shutoff valve at the property line and the water line extending 1 metre into the park block and plugged.
  - d. A single-phase electrical connection.
12. Detailed subdivider obligations concerning parks and trails development will be included in the subdivision agreement based on review of the detailed design and grading plans, to the satisfaction of the Senior Manager of Parks Planning and Development.
13. Prior to execution of the Subdivision Agreement, the subdivider shall provide a Letter of Credit, in an amount to be determined by the Senior Manager of Parks Planning, to secure delivery of the base park works.
14. The Subdivider shall be responsible for satisfying any additional requirements identified by Parks Planning and Development not specifically listed above.

## External Agencies

### Bell Canada

#### Bell Canada Condition(s) of Approval

- 1) 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.
- 2) 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.

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Upon receipt of this comment letter, the Owner is to provide Bell Canada with servicing plans/CUP at their earliest convenience to planning and development@bell.ca 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.

#### Concluding Remarks:

To ensure that we are able to continue to actively participate in the planning process and provide detailed provisioning comments, we note that we would be pleased to receive circulations on all applications received by the Municipality and/or recirculations.

If you believe that these comments have been sent to you in error or have questions regarding Bell's protocols for responding to municipal circulations and enquiries, please contact planninganddevelopment@bell.ca directly.

We note that WSP operates Bell Canada's development tracking system, which includes the intake and processing of municipal circulations. However, all responses to circulations and requests for information, such as requests for clearance, will come directly from Bell Canada, and not from WSP. WSP is not responsible for Bell's responses and for any of the content herein.

#### **Canada Post**

*Canada Post did not provide comments on the latest submission. Previous comments dated July 12, 2018 state:*

Canada Post has no objections for the proposed development.

#### Service type and location

1. Canada Post will provide mail delivery service to the development through centralized Community Mailboxes (CMB's) & Rear Loading Mail Rooms.
2. Townhouses & Single Detached dwellings (if applicable): The Community Mailbox location of these sites is to be determined between my department (Canada Post Delivery Planning) and the Developers appointed Architect and/or Engineering firm.
3. Retail/Office/Commercial: If the commercial space will consist of more than two adjoining units, sharing a common indoor entrance, the developer/owner must supply, install, and maintain a centralized mailbox facility to Canada Post's specifications, in a



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separate location away from the residential units. Should the commercial space consist of no common indoor entrance the location of Community Mailbox sites is to be determined between my department (Canada Post Delivery Planning) and the Developers appointed Architect and/or Engineering firm.

4. Apartment / Condominium Building(s): As the high density buildings 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 (Mandatory: Rear loading lockbox / mailroom) facility to Canada Post's specifications.
5. Please see attached link for delivery standards:  
[http://www.canadapost.ca/cpo/mr/assets/pdf/business/standards\\_manual\\_en.pdf](http://www.canadapost.ca/cpo/mr/assets/pdf/business/standards_manual_en.pdf)

#### Municipal requirements

1. Please update our office if the project description changes so that we may determine the impact (if any).
2. Should this subdivision application be approved, please provide notification of the new civic addresses as soon as possible.

#### 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.

Please include Appendix A & B along with the developer timeline, obligations, and installation within the subdivision agreement for this application.

#### Appendix A

1. Nordeagle Developments Ltd. covenants and agrees to provide the Town of Whitby with evidence that satisfactory arrangements, financial and otherwise,

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have been made with Canada Post Corporation for the installation of Community Mail Boxes (CMB) as required by Canada Post Corporation and as shown on the approved engineering design drawings/Draft Plan, at the time of sidewalk and/or curb installation. Nordeagle Developments Ltd. further covenants and agrees to provide notice to prospective purchasers of the locations of CMBs and that home/business mail delivery will be provided via CMB.

#### Appendix B

##### Additional Developer Requirements:

1. The developer will consult with Canada Post to determine suitable permanent locations for the Community Mailboxes or Lock box Assemblies (Mail Room). The developer will then indicate these locations on the appropriate servicing plans.
2. The developer agrees, prior to offering any units for sale, to display a map on the wall of the sales office in a place readily accessible to potential homeowners that indicates the location of all Community Mailboxes or Lock Box Assemblies (Mail Room)., within the development, as approved by Canada Post.
3. The owner/developer will be responsible for officially notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sales with specific clauses in the Purchase offer, on which the homeowners do a sign off.
4. The Builder/Owner/Developer will confirm to Canada Post that the final secured permanent locations for the Community Mailboxes will not be in conflict with any other utility; including hydro transformers, bell pedestals, cable pedestals, flush to grade communication vaults, landscaping enhancements (tree planting) and bus pads.
5. The developer agrees to include in all offers of purchase and sale a statement which advises the purchaser that mail will be delivered via Community Mailboxes or Lock Box Assemblies (Mail Room). The developer also agrees to note the locations of all Community Mailboxes or Lock Box Assemblies (Mail Room)., within the development, and to notify affected homeowners of any established easements granted to Canada Post to permit access to the Community Mailboxes or Lock Box Assemblies (Mail Room).
6. The owner/developer will agree to prepare and maintain an area of compacted gravel to Canada Post's specifications to serve as a temporary Community

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Mailbox location. This location will be in a safe area away from construction activity in order that Community Mailboxes may be installed to service addresses that have occupied prior to the pouring of the permanent mailbox pads. This area will be required to be prepared a minimum of 30 days prior to the date of first occupancy.

7. The owner/developer will install concrete pads at each of the Community Mailbox locations as well as any required walkways across the boulevard and any required curb depressions for wheelchair access as per Canada Post's concrete pad specification drawings
8. The developer agrees to provide the following for each Community Mailboxes or Lock Box Assemblies, and to include these requirements on the appropriate servicing plans: (if applicable)
  - Any required walkway across the boulevard, per municipal standards
  - If applicable, any required curb depression for wheelchair access, with an opening of at least two meters (consult Canada Post for detailed specifications)

#### **Central Lake Ontario Conservation Authority (CLOCA)**

CLOCA comments have not changed since submission 4 where we issued conditions of draft plan approval. CLOCA's submission 4 comments dated January 23, 2024 stated:

CLOCA staff have completed our review of the submitted information and are satisfied that all previous comments have been addressed to our satisfaction.

Official Plan Amendment (OPA/2018- W/02)

CLOCA has no objection to any approval of the proposed Official Plan Amendment.

Zoning By-law Amendment (Z-08-18)

CLOCA has no objection to any approval of the proposed Zoning By-law Amendment.

Draft Plan of Subdivision (SW-2018-01)

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 Subdivider 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

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guidelines as well as in conformity with the recommendations found within the Lynde Creek Master Drainage Plan and CLOCA Technical Guidelines for Stormwater Management Submissions.

- 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.
  - c. The intended means to implement mitigation measures outlined in the approved Environmental Impact Study (Burnside, 2017) and Bird Strike Mitigation Memo (SLR, 2023) including, but not limited to interim protection/management of existing wetlands during the phased construction process.
2. The Subdivider shall obtain all necessary permits from Central Lake Ontario Conservation Authority required through Ontario Regulation 42/06, or any successor regulations made under the Conservation Authorities Act.
  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 Conditions 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.

#### Ontario Regulation 42/06 of the Conservation Authorities Act

Given wetlands, as identified in the approved Environmental Impact Study, are proposed to be removed as part of the development of this site. A permit from CLOCA will be required prior to any site alteration and/or development within 30 metres of the identified wetlands through Ontario Regulation 42/06 of the Conservation Authorities Act. The application process and fee collection required as part of this process will occur separately and directly with CLOCA.

#### **CN Rail**

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The portion north side of Nordeagle Avenue which has an hotel (within 300 m of CN right of way) should be considered of sensitive use . Therefore, the following noise warning clause is recommended to be included in the property and tenancy agreements for the hotel:

“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-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 tenants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development. 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.”

We also recommend that the windows, walls and doors of the hotel be designed so that the indoor sound levels for bedrooms is a maximum of 35 dBA indoor limit and 40 dBA for living rooms. The North and East facade as per the noise feasibility study prepared by HGC Engineering dated September 21 , 2023, requires for the windows an STC-36 (North) and STC-35 (East). When detailed floor plans and building elevations are available, an acoustical consultant should revise the noise study.

We request that CN Rail and the proximity@cn.ca email be circulated on public notices and notices of decisions with respect to this and future land use planning applications with respect to the subject site.

#### **Durham Catholic District School Board**

*DCDSB did not provide comments on the latest submission. Previous comments dated March 25, 2024 state:*

Planning staff at the Durham Catholic District School Board have reviewed the Official Plan Amendment and other updated planning applications and have no objections to the proposed development of a total of 6,819 residential units.

This area of the Official Plan Amendment is located within the boundary of St. Marguerite d'Youville C.S. Located at 250 Michael Boulevard, Whitby.

#### **Durham District School Board**

Over the summer, Durham District School Board (DDSB) staff participated in several meetings involving the Town of Whitby, and in some cases, the applicant for the above-noted development plan to determine a location for a required school site within this proposed expansive development. The discussions centered around a possible school site located at the northeast corner of Nordeagle Avenue and Jeffery Street.

The DDSB explained the complexity of planning a new school in developing areas by providing a rough Facility Fit reflecting the siting of a new elementary school and childcare centre on the

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Nordeagle Avenue/Jeffery Street site. The Town circulated this rough sketch internally and provide comments back to the DDSB on August 26, 2024.

While the DDSB was amenable to a smaller site with an opportunity to share park space to offset the smaller site size, the Town has indicated it would not be supportive of this approach. As such, a school site of no less than 6.5 acres would be necessary.

DDSB is however, supportive of the proposed development proceeding and as such, the DDSB, to ensure ongoing discussions and the subsequent identification of a school site of at least 6.5 acres, is requesting that a policy be included in the Official Plan requiring the use of a "Holding" symbol in the implementing zoning by-law. To be clear, the DDSB's request would not apply to the first phase where the construction of the first two towers is being planned.

Once a site is identified and the 'H' Holding Symbol is removed, the following conditions are required to be included in the conditions of Draft Plan Approval for the elementary school block having a site size of no less than 6.5 acres that is satisfactory to the DDSB's requirements:

- I. That the Owner and the Durham District School Board enter into an agreement for the acquisition of the identified school block for elementary school purposes.
- II. That the Owner submit plans indicating existing and proposed grades, drainage and servicing for approval by the Durham District School Board for all lots, blocks, easements and roads abutting the identified school block.
- III. That the Owner provide the Durham District School Board with a report detailing the soil bearing capacity and composition of soils within the school block, prior to the registration of the planning phase of the development where the 'H' Holding Symbol has been removed. Specifically, the report will detail the chemical composition of soils and the presence of methane and/or radon gas within the school block.
- IV. That any filling conducted within the school block meet the Durham District School Board criteria for soil bearing capacity and be approved by the Durham District School Board soils engineer.
- V. That the Owner rough grade the school block to the satisfaction of the Durham District School Board.
- VI. That the Owner agrees to bring all municipal services and connections to the edge of the school block, along the street and submit drawings to the Durham District School Board for approval.
- VII. That the Owner agrees to install a 1.8 metre galvanized or vinyl coated chain link fence of standard school construction (#9-gauge galvanized or #6-gauge vinyl coated) along the perimeter of the school block where it abuts proposed or existing

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residential lands (lots or blocks), and/or any other proposed or existing land use, except for active municipal parkland.

That the following "Notice to Parents" be inserted in all agreements of purchase and sale between the Owner and all prospective homebuyers:

"Students from this development may have to attend existing schools. Although an elementary and secondary school site has been reserved within this plan of subdivision, a school may not be constructed for some time, if at all, and then only if the Durham District School Board receives funding for the construction of this required school."

That the Owner agrees to post the standard Durham District School Board approved "Notice to Parents" in all sales representation centres.

Staff remain open to continued discussions with the Town regarding the need to identify a school site within this developing area.

#### **Durham Region Transit**

Durham Region Transit has the following comment.

1. Sidewalks must be built along the north side of Victoria Street to facilitate pedestrian access to transit.
2. Please preserve the bus stop located at Victoria Street and Montecorte.

#### **Durham Regional Police Service (DRPS)**

After reviewing the path analyses done by Yves R. Hamel et Associes inc. (YRH), it is safe to say, DRPS has no concerns regarding the Microwave Path.

#### **Elexicon Energy**

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.

In some cases, an expansion of Elexicon's distribution system (as such term is defined in the Distribution System Code issued by the Ontario Energy Board) will be required in order to be able to connect the customer to Elexicon's distribution system. When an expansion is necessary, the Distribution System Code requires that a distributor perform an economic evaluation to determine if the future revenue from the customer(s) will pay for the capital cost and on-going maintenance costs of the expansion project. If a shortfall between the present value of the projected costs and revenues is calculated, the distributor may propose to collect all or a portion of that amount from the customer(s). The evaluation is basically a discounted cash

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flow calculation that brings all costs and revenues to their net present values. This model, in general, follows the methodology, the set of common elements and related assumptions provided in Appendix B of the Distribution System Code. Elexicon will provide an Offer to Connect once an official request for electric services is received.

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

For all future applications and related correspondences kindly forward digital copies to: [DevelopmentApplications@elexiconenergy.com](mailto:DevelopmentApplications@elexiconenergy.com)

*Please note that the conditions and statements set out in this letter are subject to change at Elexicon's sole and absolute discretion based on future demand, supply availability, and other relevant factors existing at the time of a customer's application.*

#### **Enbridge Gas Inc.**

Enbridge Gas does not have changes to the previously identified conditions for this revised application(s).

Please always call before you dig, see web link for additional details  
<https://www.enbridgegas.com/safety/digging-safety-for-contractors>

*Previous comments dated December 17, 2020 state:*

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](mailto: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.

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.

#### **Hydro One**

Hydro One has no comments or concerns at this time. Our preliminary review considers issues affecting Hydro One's High Voltage Facilities and Corridor Lands Only.



## Agency & Stakeholder Detailed Comments

### File DEV-03-18 (OPA-2018-W/02, SW-2018-01, Z-08-18)

#### Metrolinx

These conditions need to be fulfilled prior to site plan approval. So, I have no concerns with the city approving the DPS and OZ applications.

Noise Study - I also noted that the Noise Study prepared by HCG Engineering dated September 21, 2023 has outdated rail data, therefore the proponent is advised to resubmit a revised Noise Study incorporating recent rail data and. The proponent may obtain Metrolinx's most up to date rail forecast data by submitting a request to [raildatarequests@metrolinx.com](mailto:raildatarequests@metrolinx.com). The noise study shall also include the below warning clause which was indicated as one of our conditions in the previously provided comments memo.

**Warning:** "Metrolinx and its assigns and successors in interest operate commuter transit service within 300 metres from the subject land. In addition to the current use of these lands, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx or any railway assigns or successors as aforesaid may expand their operations, which expansion 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 units. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under these lands."

Environmental Easement – The proponent shall reach out to myself to initiate the environmental easement registration process which may take up to 6 weeks to be completed.

Please note that before Metrolinx can provide clearance for the site plan control application, the proponent must satisfy all the above conditions.

*Previous comments from January 11, 2024 not addressed:*

#### GO Heavy Rail Comments

Metrolinx's comments on Block 1 of above noted application are noted below:

1. The subject property is located within 300m of the Kingston Subdivision carrying the Lakeshore East GO Train Service.
2. Metrolinx recommends that a noise and vibration study, prepared by a qualified consultant, be submitted for review. Rail volume data required to prepare the aforementioned study can be obtained by contacting [raildatarequests@metrolinx.com](mailto:raildatarequests@metrolinx.com).
3. The Owner, through their solicitor, shall provide confirmation to Metrolinx that the following warning clause is inserted in the site plan agreement:

Warning:

Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the land of the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility

## Agency & Stakeholder Detailed Comments

### File DEV-03-18 (OPA-2018-W/02, SW-2018-01, Z-08-18)

that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors of aforesaid may expand their 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). Metrolinx will not be responsible for any complains or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.

4. The Owner shall grant Metrolinx and environmental easement for operational emissions, which is to be registered on title for all uses within 300 metres of the rail right-of-way. The Proponent may contact [Neha.Kulkarni@metrolinx.com](mailto:Neha.Kulkarni@metrolinx.com) with any questions and to initiate the registration process at their earliest convenience. Registration of the easement will be required prior to clearance of Site Plan Approval. (It should be noted that the registration process can take up to 6 weeks).
5. The Proponent will be responsible for all costs for the preparation of agreements/undertakings/easements/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.

#### **Ministry of Transportation Ontario (MTO)**

Ministry of Transportation Ontario staff reviewed the submission and found it to be outside of their permit control area and had no further comment.

Regarding signage: Please have the proponent apply for MTO sign permit(s) here:

[https://www.hcms.mto.gov.on.ca/\(X\(1\)S\(wfqaamhjwgvohytezxkddww5\)\)/?AspxAutoDetectCookieSupport=1](https://www.hcms.mto.gov.on.ca/(X(1)S(wfqaamhjwgvohytezxkddww5))/?AspxAutoDetectCookieSupport=1)

All signs visible from the right of way and within 400m of the highway property line shall require MTO sign permits.

#### **Region of Durham**

A new ROP was adopted by Regional Council in May 2023 and approved by the Province September 3, 2024. The new ROP designates the site as “Protected Major Transit Station Area” (PMTSA), which is also a Strategic Growth Area (SGA). The PMTSA is intended to be planned for a minimum transit supportive density target of 150 people and jobs per hectare.

PMTSAs are to be planned as communities centered around higher order transit services. Permitted uses include medium and high density residential, mixed-use development, compatible employment generating uses including but not limited to office and major office, cultural and entertainment uses, commercial and retail uses, institutional and educational uses including post-secondary facilities, recreational and community amenities such as parks, urban squares, and trail systems.

Additionally, Policy 8C.3.1 of the current ROP has been transitioned into the new ROP through the inclusion of policy 10.3.8. once approved by the province.

## Agency & Stakeholder Detailed Comments

### File DEV-03-18 (OPA-2018-W/02, SW-2018-01, Z-08-18)

As indicated in the Region's previous comments, the proposed list of uses appears to conform to the new ROP policies and permissions for this area.

#### Provincial Plan Review Responsibilities

##### *Land Use Compatibility*

The applicant submitted a Land Use Compatibility Study prepared by RWDI and dated November 20, 2018, and a revised study dated September 18, 2023. The submitted reports are subject to a peer review to confirm the findings of the study and any mitigation/clauses to the satisfaction of the Town of Whitby and the Region.

The Region initiated the peer review process and the report have been peer-reviewed by EXP Services Inc. (EXP). EXP has concluded that the submitted reports are complete and accurate and is compliant with the applicable Federal, Provincial, Regional and the Town's policies and regulations.

The recommended mitigation measures/conditions by the Region's peer reviewer can be addressed as a condition of draft approval for the associated plan of subdivision.

##### *Archaeological Assessment*

As noted in our August 2018 comments, a Stage 1 Archaeological Assessment, prepared by AECOM (March 2018) was submitted in support of the applications. This report concluded that due to the extensive disturbance on the site, and the low-lying permanently wet areas, the subject site no longer contains archaeological potential. The Archaeological Assessment was submitted to the Ministry of Tourism, Culture and Sport who provided their clearance letter in April 2019. There are no further matters of archaeological concern.

##### *Potential Site Contamination*

A Phase One Environmental Site Assessment (ESA), prepared by McClymont & Rak Engineers Inc. (September 2023) was included with the fourth submission. The ESA report identified a number of Potentially Contaminating Activities, both on site and in the greater study area. A Phase Two ESA was undertaken in 2019, and updates to that report were recommended.

The following documents were also included with the fourth submission:

- Phase Two Environmental Site Assessment Northeast Quadrant of Victoria Street West and Montecorte Street; McClymont & Rak Engineers Inc. (November 2023); and
- Phase Two Environmental Site Assessment Northeast Quadrant of Nordeagle Avenue and Montecorte Street McClymont & Rak Engineers Inc. (November 2023).

Both Phase Two ESA reports compared the soil and groundwater results to the Ministry of Environment, Conservation and Parks Table 2 standards. There was one exceedance found in each report and those exceedances were for electrical conductivity caused by road de-icing activities. As such, no remediation is required as this activity is undertaken for traffic and pedestrian safety.

## Agency & Stakeholder Detailed Comments

### File DEV-03-18 (OPA-2018-W/02, SW-2018-01, Z-08-18)

The ESA studies are generally satisfactory to the Region. However, as per the Region's Soil and Groundwater Assessment Protocol, the Region's Reliance Letter and Certificate of Insurance must be provided.

Moreover, as per the Region's Soil and Groundwater Assessment Protocol, ESA documents cannot exceed 18 months of age. As such a Phase One ESA Update report may be required. Both of these requirements can be addressed as a condition of draft approval for the associated plan of subdivision.

#### *Noise Study*

The applicant submitted a Noise Feasibility Study was prepared by Howe Gastmeier Chapnik Limited (HGC) Engineering (September 2023) and an addendum dated August 16, 2024. The study and the addendum are subject to a peer review at the applicant's expense.

The Region initiated the peer-review process and the submitted material has been peer-reviewed by EXP. EXP has concluded that they agree with the findings and recommendations of the addendum additionally EXP recommends that the conditions of fixed and sealed windows for guestrooms to be included in terms and conditions in developmental documents for the proposed hotel.

The recommended conditions can be addressed as a condition of draft approval for the associated plan of subdivision.

#### Regional Works

Regional Works Department reviewed the applications, and they offer the following comments:

##### Municipal Servicing

The proposed development is located within the Zone 1 pressure district of the Whitby water supply plant. Water supply is available from Victoria Street, Nordeagle Avenue and Montecorte Street.

The proposed application is proposing a high population and will take several years to complete the full development. As development on the subject lands and surrounding area advances, it may impact the servicing capacity and project timing. Capacity will be allocated on a building by building basis.

##### Transportation

The Regional Works Department will require the Developer to convey a 15 x 10m daylight triangle at the northwest quadrant of the intersection of Victoria Street and Gordon Street and a 15 x 10m daylight triangle at the northeast quadrant of the intersection of Victoria Street and Montecorte Street.

##### Transportation Planning

There are no further comments from Transportation Planning.

## Agency & Stakeholder Detailed Comments

### File DEV-03-18 (OPA-2018-W/02, SW-2018-01, Z-08-18)

Durham Region Transit (DRT)

Durham Region Transit reviewed the applications and advised that the existing stop located on Victoria Street east of Montecorte Street will be hard surfaced by 2025 and should be protected as well as shown on future site plan submissions.

Refer to the attached S-11 and S-12 guidelines for stop and shelter integration with pedestrian infrastructure.

#### Exemption

The applicant is proposing a mixed-use development consisting of 7,436 units. The proposed developed will contribute to the intensification policies and will add an array of housing types to the PMTSA designation in accordance with the provisions of the ROP. As such the proposed AMOPA is consistent with the policies of the Regional Official Plan.

The proposed amendment does not have significant Provincial or Regional implications and is exempt from Regional approval. 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:

- 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.

#### Plan of Subdivision

Based on the foregoing, the Region has no objection to the draft approval of the related subdivision application. The attached conditions of draft approval must be complied with prior to clearance by the Region for registration of this plan.

The Owner must also provide a land use table prepared by an Ontario Land Surveyor to the Region's satisfaction. The land use table must provide lot area calculations for the proposed land use(s) allocated within the draft plan of subdivision.

In addition to providing the Region with copies of the draft approved plan and conditions of approval, at such a time as the draft approval is in effect, we would appreciate if digital copies (both PDF and Word documents) of the Town's conditions of draft approval could be provided.

#### Conditions of Draft Approval

1. The Owner shall prepare the final plan and shall include a land use table on the basis of the approved draft plan of condominium, prepared by Bousfields INC., identified as job number 0773-64dp dated June 20, 2024, which illustrates 7,436 units, three blocks (Blocks 1-3) of mixed use, and block for a park (Block 4), and three blocks for road widening (Blocks 5-7).

## Agency & Stakeholder Detailed Comments

### File DEV-03-18 (OPA-2018-W/02, SW-2018-01, Z-08-18)

2. The Owner 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 Assessment Protocol.
3. Prior to registration the applicant shall demonstrate that the proposed uses are appropriate in accordance with the peer review of the Land Use Compatibility study prepared by RWDI and dated November 20, 2018, and September 18, 2023, to the satisfaction of the Region of Durham.
4. The Owner shall agree in the Town of Whitby's Subdivision Agreement to implement the recommendations of the Noise study prepared by HGC dated September 21 2023, and the addendum dated August 16, 2024 which specifies noise attenuation measures for the development. The 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 any required warning clauses identified in the study.
5. The Owner shall submit plans showing any proposed phasing to the Region for review and approval, if this plan is to be developed through one or more registrations.
6. The Owner shall grant to the Region, any easements required to provide Regional services for this development and these easements shall be in locations and of such widths as determined by the Region.
7. The Owner shall provide for the extension of such 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 Owner shall provide for the extension of water supply facilities within the limits of the plan which are required to service other developments external to this plan. Such water facilities are to be designed and constructed according to the standards and requirements of the Regional Municipality of Durham. All arrangements, financial and otherwise, for said extensions, are to be made to the satisfaction of the Regional Municipality of Durham and are to be completed prior to final approval.
8. Prior to entering into a subdivision agreement, the Regional Municipality of Durham shall be satisfied that sufficient water supply plant capacity is available for the proposed subdivision.
9. The Owner shall satisfy all requirements, financial and otherwise, of the Regional Municipality of Durham. This shall include, among other matters, the execution of a subdivision agreement between the Owner and the Region concerning the provision and installation of sanitary sewers, water supply, roads and other services.
10. The Owner conveys a sight triangle of 15m x 10m at the northwest quadrant of the intersection of Victoria Street West and Gordon Street.

### **Rogers Communications**

Rogers Communications Canada Inc. ("**Rogers**") has reviewed the application for the above Subdivision and has determined that it intends to offer its communications services to residents

Agency & Stakeholder Detailed Comments  
File DEV-03-18 (OPA-2018-W/02, SW-2018-01, Z-08-18)

of the Subdivision. Accordingly, we request that municipal approval for the Subdivision be granted subject to the following conditions:

- (1) The Owner shall agree in the Subdivision Agreement to (a) permit all CRTC-licensed telecommunications companies intending to serve the Subdivision (the “**Communications Service Providers**”) to install their facilities within the Subdivision, and (b) provide joint trenches for such purpose.
- (2) The Owner shall agree in the Subdivision Agreement to grant, at its own cost, all easements required by the Communications Service Providers to serve the Subdivision and will cause the registration of all such easements on title to the property.
- (3) The Owner shall agree in the Subdivision Agreement to coordinate construction activities with the Communications Service Providers and other utilities and prepare an overall composite utility plan that shows the locations of all utility infrastructure for the Subdivision, as well as the timing and phasing of installation.
- (4) The Owner shall agree in the Subdivision Agreement that, if the Owner requires any existing Rogers facilities to be relocated, the Owner shall be responsible for the relocation of such facilities and provide where applicable, an easement to Rogers to accommodate the relocated facilities.

In addition, we kindly request to, where possible, receive copies of the following documents:

- (1) the comments received from any of the Communications Service Providers during circulation;
- (2) the proposed conditions of draft approval as prepared by municipal planners prior to their consideration by Council or any of its committees; and
- (3) the municipal planners’ report recommending draft approval before it goes to Council or any of its committees.

## Conditions of Draft Plan of Subdivision Approval File SW-2018-01

1. The Subdivider shall prepare the final plan and shall include a land use table on the basis of the approved draft plan of condominium, prepared by Bousfields INC., identified as job number 0773-64dp dated June 20, 2024, which illustrates 7,436 units, three blocks (Blocks 1-3) of mixed use, and block for a park (Block 4), and three blocks for road widening (Blocks 5-7).
2. 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 Assessment Protocol.
3. Prior to registration the applicant shall demonstrate that the proposed uses are appropriate in accordance with the peer review of the Land Use Compatibility study prepared by RWDI and dated November 20, 2018, and September 18, 2023, to the satisfaction of the Region of Durham.
4. The Subdivider shall agree in the Town of Whitby's Subdivision Agreement to implement the recommendations of the Noise study prepared by HGC dated September 21, 2023, and the addendum dated August 16, 2024 which specifies noise attenuation measures for the development. The 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 any required warning clauses identified in the study.
5. The Subdivider shall submit plans showing any proposed phasing to the Region for review and approval if this plan is to be developed through one or more registrations.
6. The Subdivider shall grant to the Region, any easements required to provide Regional services for this development and these easements shall be in locations and of such widths as determined by the Region.
7. The Subdivider shall provide for the extension of such 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 water supply facilities within the limits of the plan which are required to service other developments external to this plan. Such water facilities are to be designed and constructed according to the standards and requirements of the Regional Municipality of Durham. All arrangements, financial and otherwise, for said extensions, are to be made to the satisfaction of the Regional Municipality of Durham and are to be completed prior to final approval.



## Conditions of Draft Plan of Subdivision Approval File SW-2018-01

8. Prior to entering into a subdivision agreement, the Regional Municipality of Durham shall be satisfied that sufficient water supply plant capacity is available for the proposed subdivision.
9. The Subdivider shall satisfy all requirements, financial and otherwise, of the Regional Municipality of Durham. This shall include, among other matters, the execution of a subdivision agreement between the Owner and the Region concerning the provision and installation of sanitary sewers, water supply, roads, and other services.
10. The Subdivider conveys a sight triangle of 15m x 10m at the northwest quadrant of the intersection of Victoria Street West and Gordon Street
11. 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:
  - 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 CLOCA Technical Guidelines for Stormwater Management Submissions.
  - 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.
  - c. The intended means to implement mitigation measures outlined in the approved Environmental Impact Study (Burnside, 2017) and Bird Strike Mitigation Memo (SLR, 2023) including, but not limited to interim protection/management of existing wetlands during the phased construction process.
12. The Subdivider shall obtain all necessary permits from Central Lake Ontario Conservation Authority required through Ontario Regulation 41/24, or any successor regulations made under the Conservation Authorities Act.
13. 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.
14. The subdivision agreement between the Subdivider and the Town of Whitby shall contain, among other matters, the following provisions:

## Conditions of Draft Plan of Subdivision Approval File SW-2018-01

- a. The Subdivider agrees to carry out the works referred to in Conditions 11 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.
15. The Subdivider will identify and protect for a school block that is no less than 6.5 acres that is satisfactory to the Durham District School Boards on the subject lands, or other lands owned by the applicant that are west of Montcorte Street, to which the following requirements will apply:
- a. That the Subdivider and the Durham District School Board enter into an agreement for the acquisition of the identified school block for elementary school purposes;
  - b. That the Subdivider submit plans indicating existing and proposed grades, drainage, and servicing for approval by the Durham District School Board for all lots, blocks, easements, and roads abutting the identified school block;
  - c. That the Subdivider provide the Durham District School Board with a report detailing the soil bearing capacity and composition of soils within the school block, prior to the registration of the planning phase of development where the 'H' Holding Symbol has been removed. Specifically, the report will detail the chemical composition of soils and the presence of methane and/or radon gas within the school block;
  - d. That any filling conducted within the school block meet the Durham District School Board criteria for soil bearing capacity and be approved by the Durham District School Board soil engineer;
  - e. That the Subdivider rough grade the school block to the satisfaction of the Durham District School Board;
  - f. That the Subdivider agrees to bring all municipal services and connections to the edge of the school block, along the street and submit drawings to the Durham District School Board for approval;
  - g. That the Subdivider agrees to install a 1.8 metre galvanized or vinyl coated chain link fence of standard school construction (#9-gauge

## Conditions of Draft Plan of Subdivision Approval File SW-2018-01

galvanized or #6 gauge vinyl coated) along the perimeter of the school block where it abuts proposed or existing residential lands (lots or blocks) and/or any other proposed or existing land use, except for active municipal parkland.

16. The Subdivider agrees to include the following "Notice to Parents" in all agreements of purchase and sale between the Owner and all prospective homebuyers and to post this notice in all sales representation centres:

"Students from this development may have to attend existing schools. Although an elementary and secondary school site has been reserved within this plan of subdivision, a school may not be constructed for some time, if at all, and then only if the Durham District School Board receives funding for the construction of this required school."

17. The Subdivider agrees to include the following warning clause in the tenancy agreement for the hotel component of the development:

"Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-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 tenants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development. 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."

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

- a. Block 4 for Local Park;
- b. Blocks 5 and 7 for road widening on Nordeagle Avenue;
- c. Block 6 for road widening on Montecorte Street.

19. The Subdivider shall be responsible for the construction of pedestrian facilities in the following locations:

- a. 2.5m-wide sidewalk on both sides of Street A;
- b. 2.5m-wide sidewalk on both sides of Nordeagle Avenue;
- c. 2.5m-wide sidewalk at the east side of Montecorte Street;

## Conditions of Draft Plan of Subdivision Approval File SW-2018-01

- d. 2.5m-wide sidewalk at the west side of Jim Flaherty Street;
- e. 2.5m-wide sidewalk at the north side of Victoria Street West.

Further review and consideration of sidewalk placement is required and will be addressed through detail design / engineering.

20. The Subdivider shall be financially responsible for and provide a cost estimate and securities for full cost of reconstruction and completion of Montecorte Street, Nordeagle Avenue and Jim Flaherty Street to municipal standards as the construction of these roads was not completed to top asphalt as per the agreement and the base asphalt works were done more than 20 years ago. As such, the life cycle of these roads has been used up.
21. 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.
22. 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.
23. The Subdivider shall provide an updated Functional Servicing and Stormwater Management Report (FSSR) to address the comments provided in a separate memo from the Town's Water Resource Engineer dated August 8, 2024 (Attachment 3.0) prior to or with the submission of detailed engineering drawings.
24. The Subdivider shall provide a formal response letter to address the Traffic Impact Study (TIS) comments provided in a separate memo from Transportation Services date July 16, 2024 (Attachment 2.0) prior to Zoning By-law Amendment being finalized.

The Subdivider shall be responsible for implementing any design elements and/or changes to the plan for registration required to address any sightline, parking, and/or alignment concerns.

If identified as a follow-up to the TIS, the Subdivider shall construct traffic control signals at intersection of Nordeagle Avenue and Montecorte Street, as needed.

## Conditions of Draft Plan of Subdivision Approval File SW-2018-01

25. The Subdivider shall provide a Traffic Management Implementation Plan (TMIP) and shall be responsible for providing both temporary and permanent signage and pavement markings for the development.
26. 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.
27. The Subdivider shall implement all recommended noise control measures identified in the Environmental Noise Assessment report and revise the plan as required to accommodate recommended noise control measures prior to registration.
28. 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.
29. 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. Fencing for school blocks to be as per the appropriate school board requirements.
30. The Subdivider shall be responsible for providing service connections and a suitable storm drainage outlet for flows associated with the park block, Block 4, to the satisfaction of the Community Services Department and Engineering Services Division.
31. 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.
32. All community mailboxes for the private developments shall be located within private properties.
33. Construction phasing of the development shall be to the satisfaction of the Engineering Services and shall consider adjoining developments and provide for upstream and downstream road and servicing connectivity.
34. 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 engineering drawings will not be accepted until it is confirmed that the drawing set-up conforms to this requirement.

## Conditions of Draft Plan of Subdivision Approval File SW-2018-01

35. The Subdivider shall provide a hydrogeological report to support the construction of the underground parking. The report shall demonstrate, in detail, the groundwater strategy and construction method(s) used for the proposed underground structure design. Materials provided related to the permanent pumping of groundwater shall be peer reviewed at the Subdivider's expenses.

At the site plan application stage, other supporting documents may be required to support the proposed permanent foundation drainage discharge to the storm sewer. The terms of reference of supporting documents shall be confirmed with Engineering Services.

36. 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.
37. The Subdivider shall be responsible for all hydro poles, luminaries and hydro requirements for this proposed subdivision, and adjacent existing Town roads, Nordeagle Avenue, Montecorte Street and Jim Flaherty Street, and shall enter into a separate agreement with Elexicon accordingly.
38. 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 include all right-of-way components including active transportation facilities, shall comply with the latest version of the RP-8 Roadway Lighting Design standard and shall utilize LED technology.
39. The Subdivider shall implement a pre-construction survey/assessment, including 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, prior to commencing construction. The assessment shall be completed by a qualified person (QP) to the satisfaction of the Town and shall be provided to the Town prior to construction. Any waiving of this requirement shall be at the sole discretion of the Director of Engineering of the Town of Whitby.

## Conditions of Draft Plan of Subdivision Approval File SW-2018-01

40. 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.
41. The Subdivider shall agree to implement the recommendations of all reports submitted in support of the application.
42. The Subdivider shall be responsible for satisfying any additional requirements identified by the Engineering Services not specifically listed above.
43. The Subdivider agrees that the parkland dedication requirement for this draft plan of subdivision will be calculated based on 15% of the land area in accordance with the Planning Act and the Town's Parkland Dedication By-Law 7733-21.
44. The Subdivider agrees to satisfy a portion of the parkland dedication requirement through the conveyance of Block 4, at a minimum size of 1.484 ha, free and clear of all costs, encumbrances and contamination to the Town for public purposes to the satisfaction of the Senior Manager of Parks Planning and Development, upon registration of the first phase of the subdivision.
45. The Subdivider agrees to satisfy the remaining parkland dedication requirement through the payment of cash-in-lieu of parkland. Any parkland dedication that was provided as part of the 1999 development agreement and 2001 amending agreement for the subject lands will be adjusted based on the current subdivision areas and credited towards the required payment of cash-in-lieu of parkland.
46. Any Privately-owned publicly accessible open space ("**POPS**") shall not be eligible for parkland dedication or cash-in-lieu of parkland credit under Section 42 of the Planning Act. The Town shall not be responsible for the operation or maintenance of any space identified as POPS within the development blocks of the Draft Plan.
47. Areas identified as POPS shall be subject to an easement in favour of the Town, or an easement-in-gross, to allow for public use of the POPS area. Terms and conditions related to the POPS area shall also be included in future Site Plan agreements related to the development of the blocks within the Draft Plan.
48. Prior to registration of the first phase of the Subdivision, the subdivider agrees to complete any temporary site works related to park block, including filling of any

## Conditions of Draft Plan of Subdivision Approval File SW-2018-01

low areas to remove any standing water, temporary seeding, and perimeter page wire fencing along the street frontages. The subdivider agrees to implement any requirements and findings identified in the Environmental Impact Study and satisfy any CLOCA requirements related to the park block works.

49. The Subdivider shall be responsible for regular cutting of woody plants and mowing to control vegetation until the base park has been constructed at its sole cost.
50. The Subdivider shall prepare detailed park design and grading plans, prepared by a qualified landscape architect, to the satisfaction of the Senior Manager of Parks Planning and Development.
51. Prior to the registration of the condominium for building adjacent to the Park (currently shown as C2 and C3 on drawing A101 dated June 20, 2024), the Subdivider shall be responsible for completing all servicing, grading and base park works for the park block to the satisfaction of the Senior Manager of Parks Planning and Development.
52. After completing the site work, the Subdivider shall provide an as-built geotechnical report and an as-built grading survey, prepared by a qualified person, to the satisfaction of the Senior Manager of Parks Planning and Development.
53. The Subdivider shall provide the following servicing and utility connections to park block 75, to the satisfaction of the Senior Manager of Parks Planning and Development and in accordance with the Town's Design Criteria and Engineering Standards:
  - a. A stormwater manhole/catch basin at the low point of each catchment area(s) within the park block.
  - b. A 200 mm sanitary connection extending 1 metre into the park and terminating in a manhole at an elevation flush with the adjacent grades.
  - c. A 50 mm water supply connection with a shutoff valve at the property line and the water line extending 1 metre into the park block and plugged.
  - d. A single-phase electrical connection.
54. Detailed Subdivider obligations concerning parks and trails development will be included in the subdivision agreement based on review of the detailed design and grading plans, to the satisfaction of the Senior Manager of Parks Planning and Development.
55. Prior to execution of the Subdivision Agreement, the Subdivider shall provide a Letter of Credit, in an amount to be determined by the Senior Manager of Parks Planning, to secure delivery of the base park works.



## Conditions of Draft Plan of Subdivision Approval File SW-2018-01

56. The Subdivider shall be responsible for satisfying any additional requirements identified by Parks Planning and Development not specifically listed above.
57. The Subdivider shall consult with Canada Post to determine suitable permanent locations for Community Mailboxes or Lock Box Assemblies (Mail Room). The Subdivider will indicate these locations on the appropriate servicing plans.
58. That the Subdivider enter into a Subdivision Agreement for the subdivision, and a future Site Plan Agreement 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.
59. The Subdivider will finalize the draft Urban Design Plan to the satisfaction of the Commissioner of Planning and Development.
60. The Subdivider will revise the concept Site Plan and concept Landscape Plan to provide for enhanced buffering techniques along the northern edge of Block 1 and the western edge of Blocks 3 and 4. This will include the use of a landscape buffer along the northern edge of Block 1.
61. The Subdivider will revise the concept Site Plan to provide for a minimum separation of 25m between the tower component of buildings. The minimum tower separation requirement will be incorporated into the implementing Zoning By-law.
62. The Subdivider will revise the concept Site Plan to incorporate step backs for the tower components of buildings located along Victoria Street West and Montecorte Street. Minimum Step Back requirements will be incorporated into the implementing Zoning By-law.
63. That the Subdivider will revise the Phasing Plan to reflect the Park Block as Phase 6 of the development (currently shown as Phase 15).
64. The Subdivider will provide interim enhancements for lands at the northwest corner of Victoria Street West and Jim Flaherty Street (within the area reserved for a future Urban Plaza) to be constructed concurrently with the first Phase of development and subject to reduction and removal as required for construction of subsequent Phases. The Subdivider will submit plans illustrating the enhancements for review and approval by the Town as part of the drawings associated with the Site Plan Application for Phase 1.
65. The required noise mitigation measures and warning clauses shall be included in the Subdivision Agreement and future Site Plan Agreement.

## Conditions of Draft Plan of Subdivision Approval File SW-2018-01

66. 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.
67. That the new home construction be designed to meet the Energy Star standards or equivalent.
68. The Subdivider shall provide a tree preservation plan and install protective fencing in advance of any on-site grading works or provide an appraisal and compensation approach for any municipal trees proposed for removal.
69. The Subdivider shall prepare and implement the following reports and plans in accordance with the applicable guidelines to the satisfaction of the agencies noted:

<b>Report</b>	<b>Town</b>	<b>Region</b>	<b>CLOCA</b>
Environmental Impact Study	Yes	Yes	Yes
Functional Servicing and Stormwater Management Report	Yes	Yes	Yes
Geotechnical Investigation	Yes	Yes	Yes
Hydrogeological Study	Yes	Yes	Yes
Noise Study	Yes	Yes	-
Land Use Compatibility / Odour Assessment	Yes	Yes	-
Phase One and Two Environmental Site Assessment	Yes	Yes	-
Archaeological Assessment	Yes	Yes	-
Transportation Study	Yes	Yes	-
Urban Design Plan	Yes	-	-

70. 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.
71. 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, 2, 3, 4, 5, 6, 7, 8, 9 and 10 have been satisfied.

## Conditions of Draft Plan of Subdivision Approval File SW-2018-01

- b. The Central Lake Ontario Conservation Authority, how conditions 11, 12, 13, and 14 have been satisfied.
- c. The Durham District School Board, how conditions 15 and 16 have been satisfied.
- d. The Canadian National Railway Company, how condition 17 has 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 extension 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](http://whitby.ca/CouncilCalendar)



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**Report Title: Draft Plan of Subdivision and Zoning By-Law Amendment Application for 430-440 Winchester Road East. File No. DEV-16-21 (Z-10-21, SW-2021-05).**

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**Report to:** Committee of the Whole

**Date of meeting:** October 21, 2024

**Report Number:** PDP 48-24

**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:**

L. England, Planner I, x.2822

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### 1. Recommendation:

1. That Council approve the Draft Plan of Subdivision (File No. SW-2021-05) and approve an amendment to Zoning By-law # 1784 (File No. Z-10-21), subject to the comments included in Planning Report PDP-48-24 and the Conditions of Draft Approval included in Attachment #12;
2. That Staff be authorized to prepare a Subdivision Agreement;
3. That a Zoning By-law Amendment be brought forward for consideration by Council; and,
4. 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 a Draft Plan of Subdivision and Zoning By-law Amendment have been submitted by D.G. Biddle and Associates Limited on behalf of R & R Developments.
- The applications are for lands located on the north side of Winchester Road East, east of Anderson Street, municipally addressed as 430 and 440 Winchester Road East.

- The proposed Draft Plan of Subdivision includes medium density residential block townhouses for a total of 16 units.
- The existing zoning on the property is R2-BP (Second Density Residential – Brooklin Secondary Plan). An amendment to the Zoning By-law is required to permit the proposed block townhouse development.

### **3. Background:**

#### **3.1. Site and Area Background**

The subject land is municipally known as 430 and 440 Winchester Road East and is situated approximately 50 metres east of Anderson Street on the north side of Winchester Road East (refer to Attachment #1).

The subject land is approximately 3,582.74 square metres (0.89 acres) in area and currently occupied by two single-detached dwellings which are to be demolished.

The surrounding land uses include:

- A veterinary clinic to the east;
- Commercial uses to the south; and
- Low density residential uses to the north and west (refer to Attachment #2).

#### **3.2. Applications and Proposed Development**

A Draft Plan of Subdivision Application has been submitted to create a Plan of Subdivision consisting of a single block to accommodate the proposed condominium townhouse development (refer to Attachment #3). The development proposes 16, 3-storey townhouse units, with access onto Knox Crescent (refer to Attachment #4).

A Zoning By-law Amendment Application has been submitted to change the zoning from R2-BP (Second Density Residential – Brooklin Secondary Plan) to an appropriate zone category to accommodate the proposed development.

A Site Plan Application and Draft Plan of Condominium Application will be required at a later date. A vehicular and pedestrian easement will be required at the Site Plan Agreement stage to provide future connections to the west and east lands.

#### **3.3. Documents Submitted in Support**

The applications were submitted with the following documents in support of the development:

- A Conceptual Site Plan prepared by D.G. Biddle & Associates Limited, dated December 18, 2023 (refer to Attachment #4).
- Proposed Building Elevations prepared by One Riser Designs, dated November 16, 2022 (refer to Attachment #5).
- An Arborist Report prepared by New Leaf Landscape Architecture Ltd., dated September 16, 2020. The report concluded a total of 72 trees and shrubs were inventoried on the existing properties. Recommendations are made for tree

preservation and protection throughout construction, transplanting, removal and replacement planting to minimize and compensate for development impacts and loss of vegetation.

- An Archaeological Report prepared by ASI, dated May 29, 2018. The report concluded that no further archaeological assessment of the property be required based on the findings of the report.
- A Concept Block Floor Plan package, prepared by One Riser Designs, dated January 29, 2021.
- A Concept Grading Plan prepared by D.G. Biddle & Associates Limited, dated March 31, 2022.
- A Concept Site Servicing Plan, prepared by D.G. Biddle & Associates Limited, dated March 31, 2022.
- A Draft Plan of Subdivision prepared by D.G. Biddle & Associates Limited, dated April 15, 2021 (refer to Attachment #3).
- An Erosion and Sediment Control Plan prepared by D.G. Biddle & Associates Limited, dated January 4, 2023.
- A Functional Servicing Report and Stormwater Management Report prepared by D.G. Biddle & Associates Limited, dated January 2023. The report identified the stormwater requirements to proceed with the development.
- A Noise Impact Study prepared by D.G. Biddle & Associates Limited, dated April 2021. The report concluded that with the implementation of noise abatement measures such as air conditioning systems and enhanced building construction materials, outdoor, and indoor noise levels are anticipated to be within the Ministry of Environment, Conservation, and Parks Guidelines.
- A Planning Justification Report prepared by D.G. Biddle & Associates Limited, dated March 2021. The report concludes that the proposed Zoning By-law Amendment is consistent with the Provincial Policy initiatives and current Regional and Municipal Planning policy and represents good planning.
- A Tree Preservation Plan prepared by D.G. Biddle & Associates Limited, dated June 25, 2018.
- A Sustainability Report prepared by D.G. Biddle & Associates Limited, dated February 2023. The report has identified specific measures on how the sites development will mitigate stormwater run-off, improve water quality, and conserve energy.
- The Whitby Green Standard Checklist prepared by D.G. Biddle & Associates Limited.

#### **4. Discussion:**

##### **4.1. Region of Durham Official Plan**

The Minister of Municipal Affairs and Housing approved the Region's new Official Plan on September 3, 2024. The subject lands are designated as Community Areas on Map 1 – Regional Structure in the new Regional Official Plan (ROP). Lands located within the Community Areas designation are to be developed to include a range of housing types, sizes and tenures.

Winchester Road East is also designated as a Regional Corridor on Map 1- Regional Structure in the new ROP. Regional Corridors are appropriate locations for higher density, mixed-use developments. The built forms along Regional Corridors should include multi-storey, compact, pedestrian-friendly, and transit supportive developments.

##### **4.2. Whitby Official Plan**

The subject land is designated Medium Density Residential in accordance with Schedule 'K' of the Brooklin Community Secondary Plan (refer to Attachment #6).

The Medium Density Residential designation is intended to provide for residential development at increased densities along arterial and collector roads and within and surrounding Community Central Areas 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 (11.5.10.2).

##### **4.3. Zoning By-law**

The subject land is zoned R2-BP (Second Density Residential – Brooklin Secondary Plan) under Zoning By-law 1784 (refer to Attachment #7). The R2-BP zoning does not permit the proposed use.

A Zoning By-law Amendment is required to rezone the subject land to implement the townhouse development.

A Zoning By-law Amendment will be brought forward for Council consideration once the Site Plan receives approval by the Commissioner of Planning and Development.

#### **4.4. Other Applications**

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

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

#### **5. Financial Considerations:**

Not applicable.

#### **6. Communication and Public Engagement:**

##### **6.1. Community Meeting**

D.G. Biddle & Associates Limited held a community information meeting on August 24, 2021. The invitation was mailed to all persons within 120 metres of the proposed development.

Concerns raised at the community meeting include safety on Knox Crescent, sightline concerns from the access onto Knox Crescent, Parking concerns on Knox Crescent, increased vehicular traffic through the existing neighbourhood, and impact on existing trees.

##### **6.2. Public Meeting**

A Statutory Public Meeting was held on November 8, 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.

Many of the concerns raised at the August 24, 2021, community meeting were also raised at the Town initiated Public Meeting, including increased vehicular traffic through the existing neighbourhood; parking concerns on Knox Crescent; and that there was no access to Winchester Road East.

The original Conceptual Site Plan from 2021 was presented at the Public Meeting, with one access located on Knox Crescent in response to comments from the Region of Durham related to restrictions for access onto Winchester Road East (refer to Attachment #9). At the Public Meeting, there was discussion regarding the potential for an entrance and exit onto Winchester Road.

##### **6.3. Revised Concept Plan**

In response to the concerns raised at the Statutory Public Meeting, staff requested the Applicant to design a right-out only exit onto Winchester Road East in addition to the entrance at Knox Crescent, for the consideration of the Region. The Owner subsequently prepared a revised Conceptual Site Plan in



October 2023 with a right-out exit onto Winchester Road East (refer to Attachment #10).

The Region of Durham was not supportive of the right-out exit onto Winchester Road East due to safety concerns over the proximity to the Winchester Road/Watford Street/Anderson Street intersection and has denied any direct access onto Winchester Road East. Further details are outlined in Section 7 below.

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 October 21, 2024, Committee of the Whole Meeting.

## **7. Input from Departments/Sources:**

The following agencies have no objection to the application:

- Accessibility;
- Building Services;
- Engineering;
- Landscape;
- Development Charges;
- Taxes;
- Fire and Emergency Services;
- Strategic Initiatives – Sustainability;
- Regional Municipality of Durham;
- Bell;
- Central Lake Ontario Conservation Authority;
- CS Viamonde (French Public School Board);
- Durham District School Board;
- Durham Catholic District School Board;
- Elexicon Energy Inc.;
- Enbridge Gas Inc.; and
- Rogers

The following section provides a summary of key comments provided by Town of Whitby departments and external agencies. Refer to Attachment #11 for a summary of all detailed comments and Attachment #12 for Conditions of Draft Plan approval.

### **Internal Departments**

#### **Town of Whitby Development – Engineering**

Engineering Services does not object to the Proposed Draft Plan to create the subdivision block for the townhouse development. Engineering Services does not object to the Zoning By-law Amendment to permit the land use.

### **Town of Whitby Financial Services – Development Charges**

Development charges will be due in full prior to the issuance of the building permit(s).

### **External Agencies**

#### **Regional Municipality of Durham**

Subject to the requested conditions, the Region has no objection to draft approval of this plan with the access from Knox Crescent only. The conditions of approval must be complied with prior to clearance by the Region for registration of this plan.

The proponent must provide a land use table prepared by an Ontario Land Surveyor to the satisfaction of the Region. The land use table should provide lot area calculations for the proposed land use(s) allocated within the draft plan of subdivision.

Regarding the proposed right-out access, the Region has noted that it is located within the functional area of the Winchester Road/Watford Street/Anderson Street intersection. It is within the limits of the westbound left and right turn lanes and within an area likely to be affected by queuing extending back from the traffic signal at the intersection. Drivers exiting from the proposed access would need to identify safe gaps in at least two lanes of traffic, which would often be moving at different speeds, and potentially manoeuvre through queued traffic. This would be even more difficult for any drivers exiting the access and going into the left turn lane at the intersection to go south on Anderson Street, since they would have to deal with three lanes of traffic. All of this creates a heightened risk of right-angle collisions – a safety concern with the proposed access that does not exist at the previously approved right-out access west of Thickson Road.

Given the safety concerns noted above, the open-ended nature of the proposed “temporary” access in the absence of any plans for the redevelopment of 450 Winchester Road East, and the availability of access via Knox Crescent, the Region does not support the proposed access to Winchester Road. However, the Region is willing to accept a temporary construction access and would also accept an appropriately designed and gated permanent emergency access should that be required by the Fire Department.

#### **Central Lake Ontario Conservation Authority**

No known natural hazard lands are located on or adjacent to these properties. As such, the subject lands are not regulated through Ontario Regulation 41/24 of the Conservation Authorities Act and a permit from CLOCA will not be required prior to the development of these lands.

#### **Elexicon Energy Inc.**

Elexicon Energy Inc. has no objection to the proposed Site Plan Application to permit the development of 16 townhouse units.

The proponent 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 proponent. Elexicon Energy Inc. will also identify the costs that the proponent will be responsible for.

**8. Strategic Priorities:**

The development of medium density residential buildings contribute 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 proposed residential 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 3 – Proponent's Proposed Draft Plan of Subdivision

Attachment 4 – Proponent's Proposed Conceptual Site Plan

Attachment 5 – Proponent's Proposed Building Elevations

Attachment 6 – Excerpt from Whitby Official Plan Schedule 'K' Brooklin  
Community Secondary Plan

Attachment 7 – Excerpt from Zoning By-law 1784

Attachment 8 – Excerpt from Public Meeting Minutes, November 8, 2021

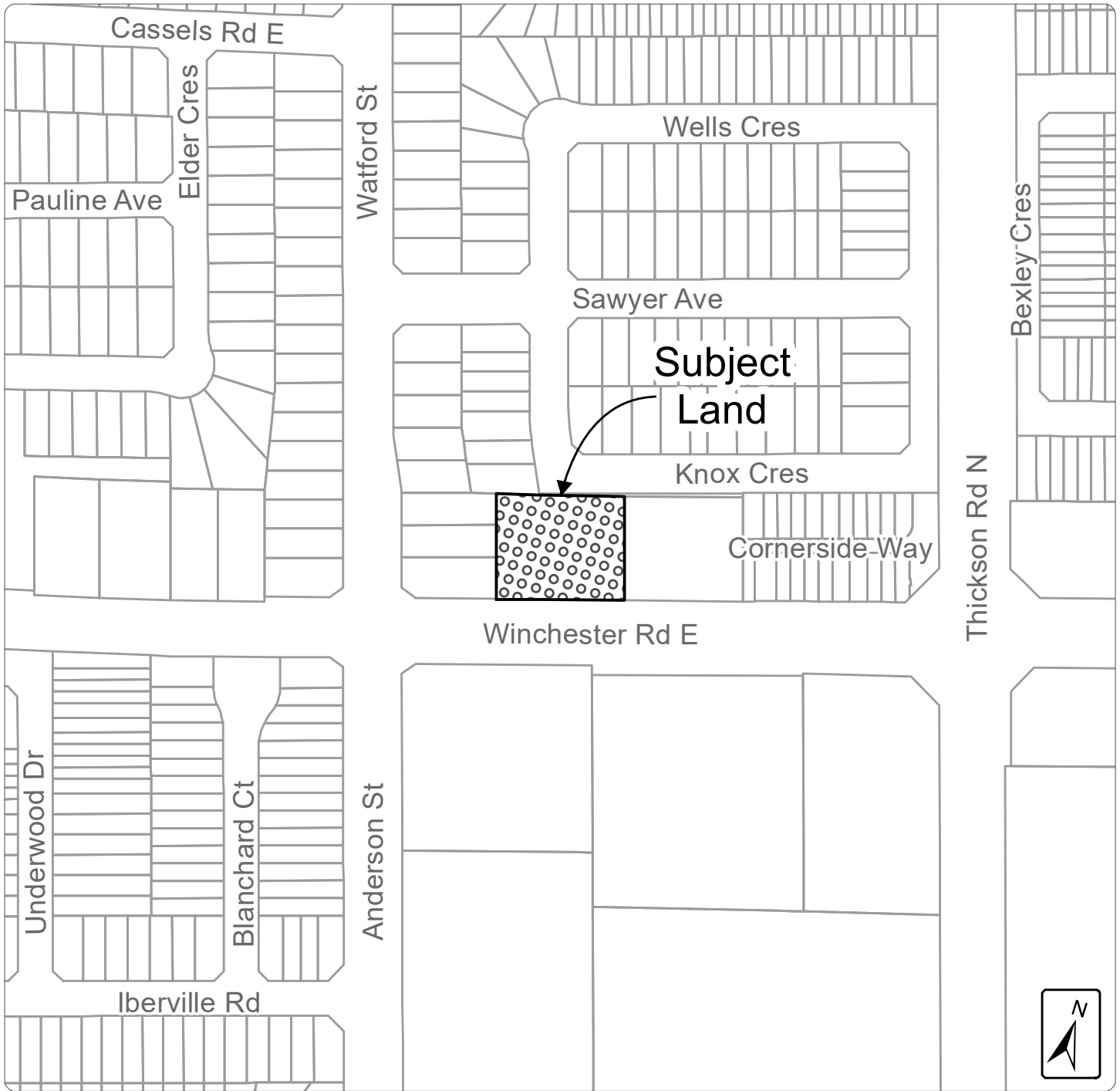
Attachment 9 – Original 2021 Conceptual Site Plan

Attachment 10 – Revised 2023 Conceptual Site Plan with Right-out Exit onto  
Winchester Road East

Attachment 11 – Detailed Agency and Department comments

Attachment 12 – Proposed Conditions of Draft Approval

# Attachment #1 Location Sketch



**Whitby** Town of Whitby Planning and Development Department

Proponent: <b>R &amp; R Developments Inc.</b>	File Number: DEV-16-21 (SW-2021-05, Z-10-21)	Date: <b>October 2024</b>
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External Data Sources:  
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# Attachment #2 Aerial Context Map

PDP 48-24



 **Town of Whitby Planning and Development Department**

Proponent:  
**R & R Developments Inc.**

File Number:  
DEV-16-21  
(SW-2021-05, Z-10-21)

Date:  
**October 2024**

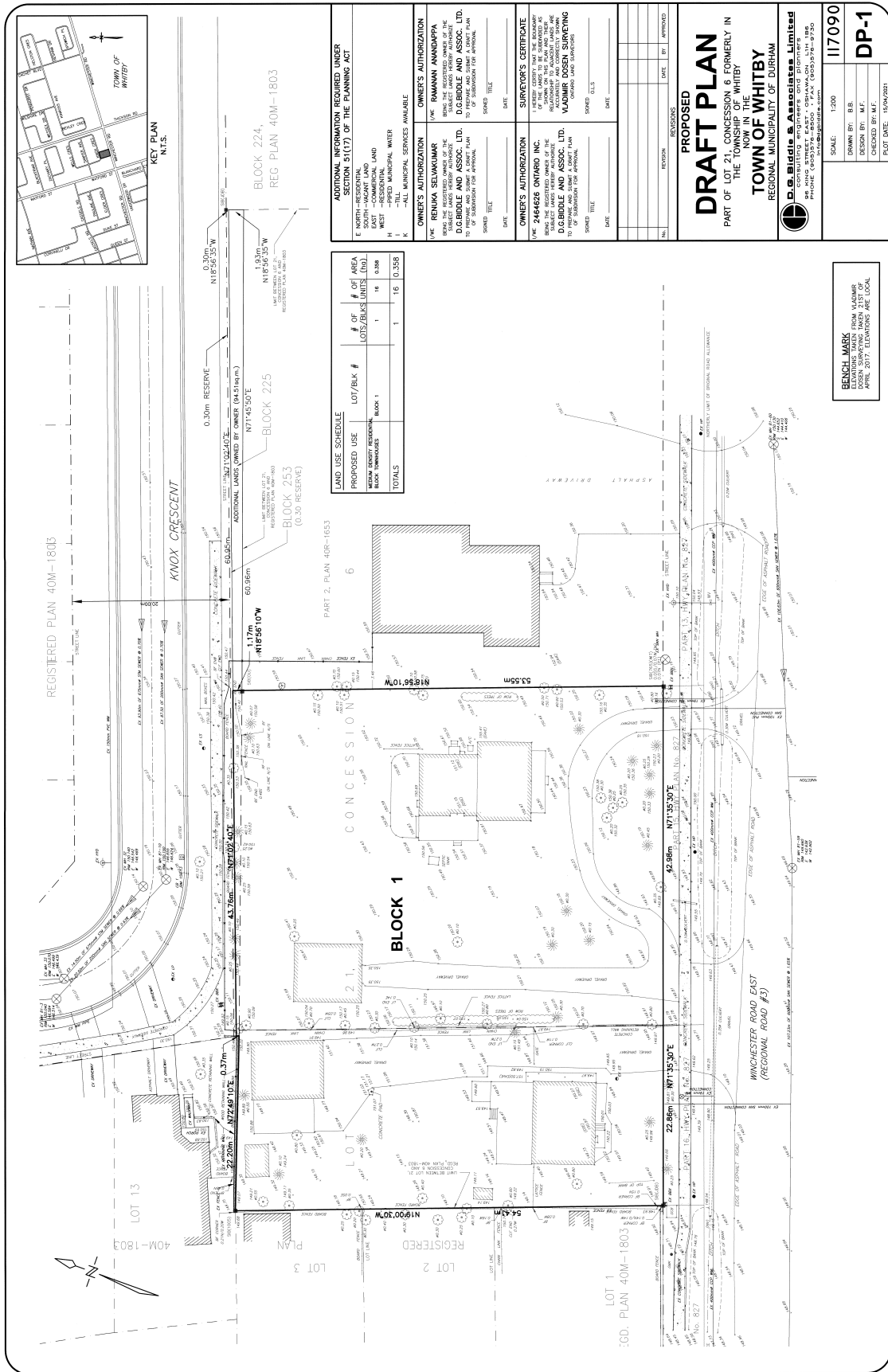
External Data Sources:  
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# Proponent's Proposed Draft Plan of Subdivision



ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51(17) OF THE PLANNING ACT	
E NORTH - RESIDENTIAL	
F EAST - COMMERCIAL LAND	
G WEST	
H ALL MUNICIPAL WATER	
I ALL MUNICIPAL SERVICES AVAILABLE	

OWNERS AUTHORIZATION	
NAME	RAMANN ANANDAPPA
DATE	
NAME	RENUKA SELVAKUMAR
DATE	
NAME	D.G.BIDDLE AND ASSOC. LTD.
DATE	
NAME	D.G.BIDDLE AND ASSOC. LTD.
DATE	
NAME	VLADIMIR DOSEN SURVEYING
DATE	

SURVEYOR'S CERTIFICATE	
NAME	24484826 ONTARIO INC.
DATE	
NAME	D.G.BIDDLE AND ASSOC. LTD.
DATE	
NAME	VLADIMIR DOSEN SURVEYING
DATE	

LAND USE SCHEDULE			
PROPOSED USE	LOT/BLK #	# OF LOTS/BLOCKS	# OF AREA
MIXED RESIDENTIAL	1	16	0.358
TOTALS			

**PROPOSED DRAFT PLAN**  
 PART OF LOT 21, CONCESSION 6 FORMERLY IN THE TOWN OF WHITBY  
 NOW IN THE TOWN OF WHITBY  
 REGIONAL MUNICIPALITY OF DURHAM

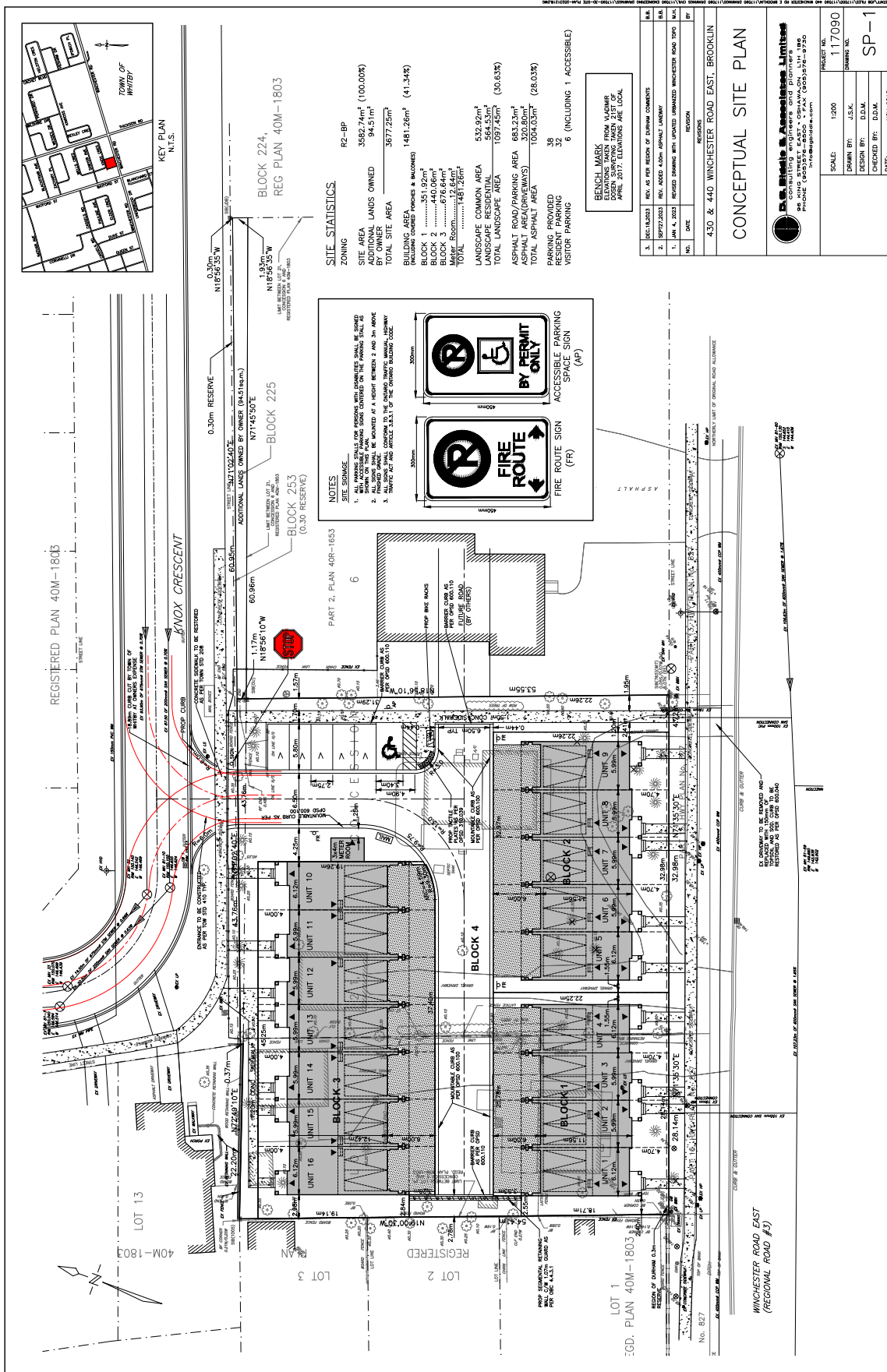
**D.G. Biddle & Associates Limited**  
 95 AVING STREET, EAST, OSHAWA, ON L1H 1B6  
 PHONE: (905) 881-9300  
 FAX: (905) 881-9301  
 WWW.DGBIDLE.COM

SCALE: 1:200  
 DRAWN BY: B.S.  
 CHECKED BY: M.F.  
 PLOT DATE: 15/04/2021

117090  
**DP-1**

**BENCH MARK**  
 ELEVATIONS GIVEN FROM VERTICALLY ADJUSTED DATUM OF APRIL 2017. ELEVATIONS ARE LOCAL

## Proponent's Proposed Conceptual Site Plan



# Attachment #5

## Proponent's Proposed Building Elevations

**PERY WALL CONSTRUCTION NOTES**

1. ALL WALLS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL RESIDENTIAL CODE (IRC).

2. ALL ROOFS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND IRC.

3. ALL FOUNDATIONS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND IRC.

4. ALL EXTERIOR FINISHES SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND IRC.

5. ALL INTERIOR FINISHES SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND IRC.

6. ALL MECHANICAL, ELECTRICAL, AND PLUMBING SYSTEMS SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND IRC.

7. ALL STRUCTURAL MEMBERS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND IRC.

8. ALL CONCRETE SHALL BE CAST AND CURED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND IRC.

9. ALL STEEL MEMBERS SHALL BE WELDED AND BOLTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND IRC.

10. ALL WOOD MEMBERS SHALL BE DRY KILN DRIED TO A MAXIMUM MOISTURE CONTENT OF 19%.

11. ALL GLAZING SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND IRC.

12. ALL EXTERIOR WALLS SHALL BE FINISHED WITH A WEAR SURFACE OF AT LEAST 1/2" THICK PORTLAND CEMENT MORTAR OVER A REINFORCED CONCRETE OR BRICK SUBSTRATE.

13. ALL EXTERIOR WALLS SHALL BE FINISHED WITH A WEAR SURFACE OF AT LEAST 1/2" THICK PORTLAND CEMENT MORTAR OVER A REINFORCED CONCRETE OR BRICK SUBSTRATE.

14. ALL EXTERIOR WALLS SHALL BE FINISHED WITH A WEAR SURFACE OF AT LEAST 1/2" THICK PORTLAND CEMENT MORTAR OVER A REINFORCED CONCRETE OR BRICK SUBSTRATE.

15. ALL EXTERIOR WALLS SHALL BE FINISHED WITH A WEAR SURFACE OF AT LEAST 1/2" THICK PORTLAND CEMENT MORTAR OVER A REINFORCED CONCRETE OR BRICK SUBSTRATE.

16. ALL EXTERIOR WALLS SHALL BE FINISHED WITH A WEAR SURFACE OF AT LEAST 1/2" THICK PORTLAND CEMENT MORTAR OVER A REINFORCED CONCRETE OR BRICK SUBSTRATE.

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20. ALL EXTERIOR WALLS SHALL BE FINISHED WITH A WEAR SURFACE OF AT LEAST 1/2" THICK PORTLAND CEMENT MORTAR OVER A REINFORCED CONCRETE OR BRICK SUBSTRATE.

**REFER TO NOTES ON WATER LOCATIONS**

**REFER TO INDIVIDUAL UNITS FOR ALL INFORMATION NOT SHOWN**

**BLOCK 1**

**UNRISE DESIGN**

R & R DEVELOPMENTS INC.  
400-440 WINCHESTER RD.  
BROOKLIN  
TOWN OF WHITEH, ON

**ELEVATIONS**

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITTING	08/21/23
2	ISSUED FOR PERMITTING	08/21/23
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98	ISSUED FOR PERMITTING	08/21/23
99	ISSUED FOR PERMITTING	08/21/23
100	ISSUED FOR PERMITTING	08/21/23

TZ END  
ELEV. A1 - REV.  
UNIT 1  
EAST ELEVATION A - BLOCK 1

TZ END  
ELEV. A1 - STD.  
UNIT 4  
WEST ELEVATION A - BLOCK 1

TZ END  
ELEV. A1 - STD.  
UNIT 1  
T1  
ELEV. A1 - REV.  
UNIT 2  
T1  
ELEV. A1 - STD.  
UNIT 3  
TZ END  
ELEV. A1 - REV.  
UNIT 4  
SOUTH ELEVATION A - BLOCK 1

TZ END  
ELEV. A1 - REV.  
UNIT 2  
T1  
ELEV. A1 - STD.  
UNIT 3  
TZ END  
ELEV. A1 - STD.  
UNIT 4  
NORTH ELEVATION A - BLOCK 1



# Attachment #5

## Proponent's Proposed Building Elevations

**PARTY WALL CONSTRUCTION NOTES**

1. ALL PARTY WALLS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TOWN OF BROOKLIN ZONING BY-LAW AND THE BUILDING DEPARTMENT REGULATIONS.
2. PARTY WALLS SHALL BE CONSTRUCTED WITH A MINIMUM OF 100MM AIR SPACE ON EITHER SIDE OF THE WALL.
3. PARTY WALLS SHALL BE CONSTRUCTED WITH A MINIMUM OF 150MM INSULATION ON EITHER SIDE OF THE WALL.
4. PARTY WALLS SHALL BE CONSTRUCTED WITH A MINIMUM OF 100MM FINISH ON EITHER SIDE OF THE WALL.
5. PARTY WALLS SHALL BE CONSTRUCTED WITH A MINIMUM OF 100MM FINISH ON EITHER SIDE OF THE WALL.
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19. PARTY WALLS SHALL BE CONSTRUCTED WITH A MINIMUM OF 100MM FINISH ON EITHER SIDE OF THE WALL.
20. PARTY WALLS SHALL BE CONSTRUCTED WITH A MINIMUM OF 100MM FINISH ON EITHER SIDE OF THE WALL.

**REFER TO NOTES ON WATER LOCATIONS**

**REFER TO INDIVIDUAL UNITS FOR ALL INFORMATION NOT SHOWN**

**BLOCK 2**

**URISER AND DESIGNS**

**R & R DEVELOPMENTS INC.**  
430-440 WINCHESTER RD.  
BROOKLIN  
TOWN OF WHITEBY, ON

**ELEVATIONS**

NO.	DATE	DESCRIPTION
1	10/20/20	ISSUED FOR PERMITTING
2	10/20/20	ISSUED FOR PERMITTING
3	10/20/20	ISSUED FOR PERMITTING
4	10/20/20	ISSUED FOR PERMITTING
5	10/20/20	ISSUED FOR PERMITTING
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7	10/20/20	ISSUED FOR PERMITTING
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16	10/20/20	ISSUED FOR PERMITTING
17	10/20/20	ISSUED FOR PERMITTING
18	10/20/20	ISSUED FOR PERMITTING
19	10/20/20	ISSUED FOR PERMITTING
20	10/20/20	ISSUED FOR PERMITTING

2 OF 2

TZ END  
ELEV. B1 - REV.  
UNIT 7  
EAST ELEVATION B - BLOCK 2

TZ END  
ELEV. B2 - STD.  
UNIT 7  
WEST ELEVATION B - BLOCK 2

TZ END  
ELEV. B1 - REV.  
UNIT 1

T1  
ELEV. B1 - STD.  
UNIT 2

T1  
ELEV. B2 - REV.  
UNIT 3

T1  
ELEV. B3 - STD.  
UNIT 4

TZ END  
ELEV. B4 - STD.  
UNIT 5  
SOUTH ELEVATION B - BLOCK 2

TZ END  
ELEV. B1 - REV.  
UNIT 1

T1  
ELEV. B3 - STD.  
UNIT 4

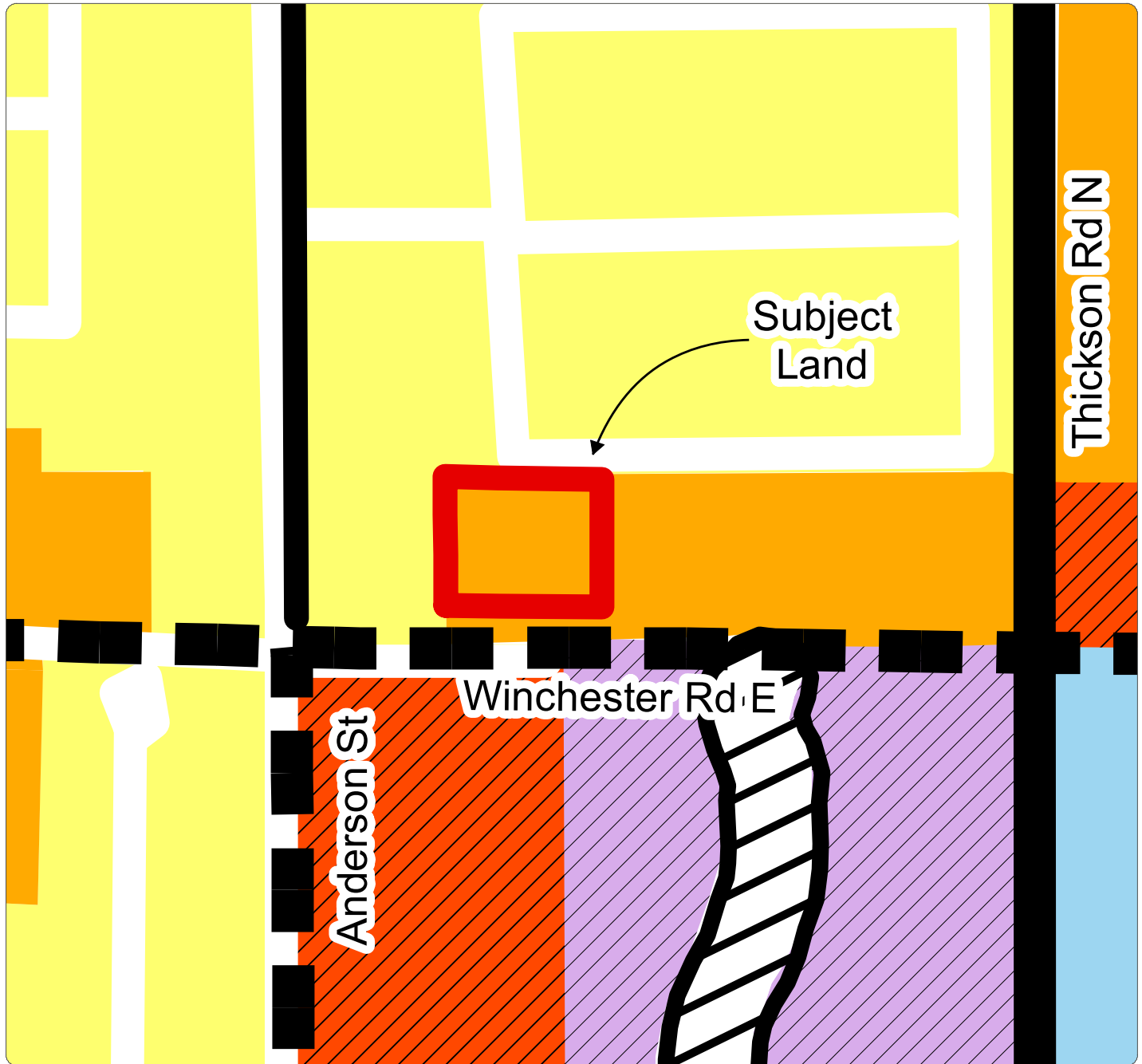
T1  
ELEV. B2 - REV.  
UNIT 3

T1  
ELEV. B4 - STD.  
UNIT 2

TZ END  
ELEV. B2 - STD.  
UNIT 5  
NORTH ELEVATION B - BLOCK 2



Excerpt from Whitby Official Plan Schedule 'K' Brooklin Community Secondary Plan



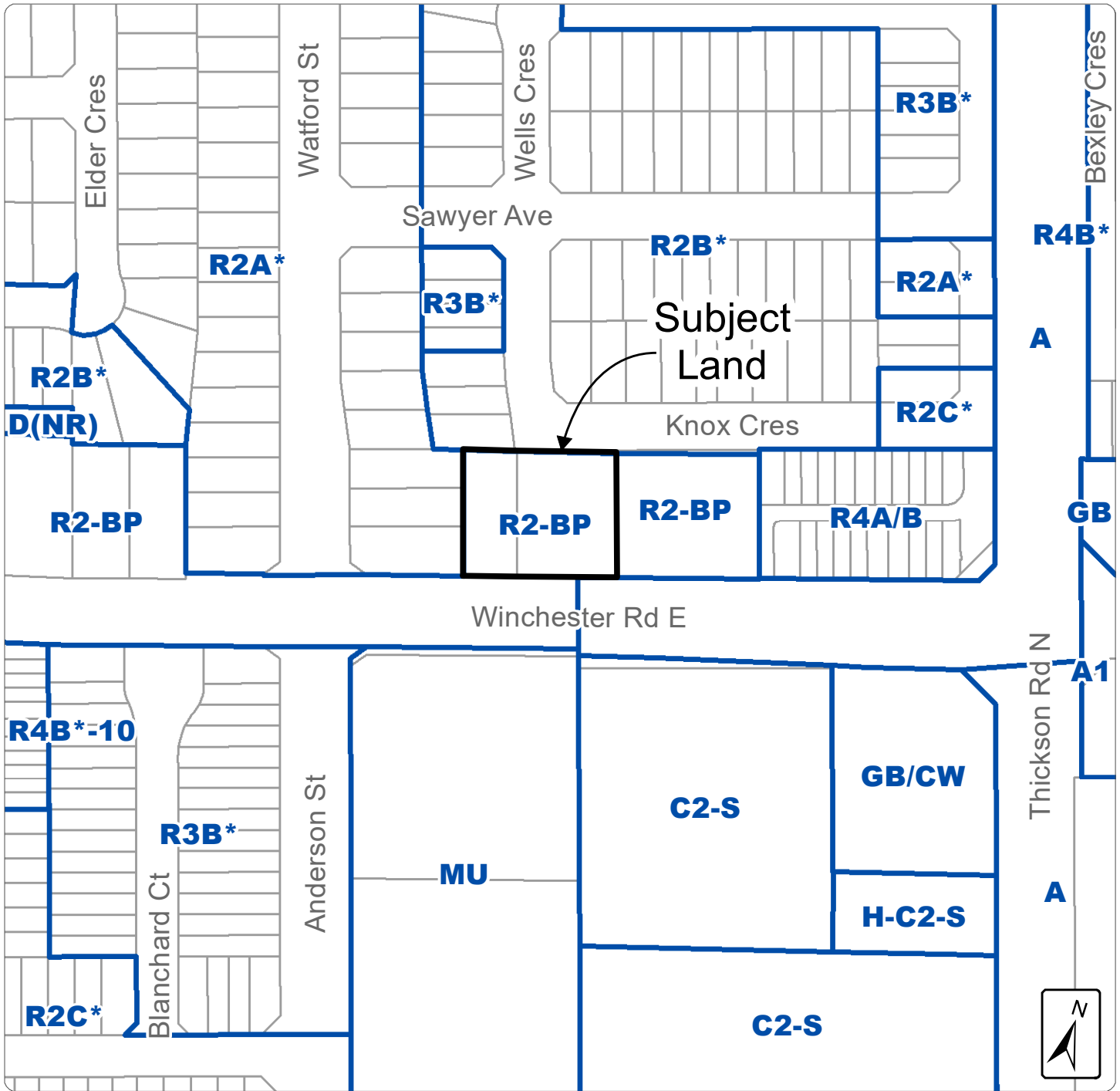
LEGEND	
Low Density Residential	Business Park
Medium Density Residential	General Industrial
High Density Residential	Major Open Space
Local Commercial	DP District Park
Special Purpose Commercial	LP Local Park
Heritage Commercial	PK Parkette
Major Commercial	TP Town Park
Major Commercial -1	Institutional
Mixed-Use 1 - Community Central Area	Secondary Schools
Mixed-Use 2 - HCD	Elementary Schools
Mixed-Use 3	Natural Heritage System
Prestige Industrial	L 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 **K**  
**Brooklin Community Secondary Plan**  
 Town of Whitby

0 10 20  
Metres

# Attachment #7 Excerpt from Zoning By-Law 1784

PDP 48-24



## Town of Whitby Planning and Development Department

Proponent:  
**R & R Developments Inc.**

File Number:  
DEV-16-21  
(SW-2021-05, Z-10-21)

Date:  
**October 2024**

External Data Sources:  
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## Excerpt from Public Meeting Minutes, November 8, 2021

Public Meetings Minutes  
November 8, 2021 - 7:00 PM  
Virtual Meeting  
Minutes November 8, 2021 - 7:00 Virtual Meeting

Present: Councillor Yamada, Chair of Planning and Development  
R. Saunders, Commissioner of Planning and Development  
K. Narraway, Manager of Legislative Services/Deputy Clerk  
K. Douglas, Legislative Specialist  
L. MacDougall, Council and Committee Coordinator (Recording Secretary)

Regrets: None noted

Kaitlin Friesen, Planner I, provided a PowerPoint presentation which included an overview of application.

Michael Fry, representing R&R Developments, provided a PowerPoint presentation which included a detailed overview of the application.

The Chair indicated that comments would now be received from members of the public who registered to speak.

Murray Campbell, 15 Knox Crescent, advised that there were currently 20 single family dwellings on Knox Crescent and a recent addition of 16 condominium townhouse units on Cornerside Way which has resulted in an increase in vehicular traffic and parking on Knox Crescent. He stated that part of the problem was due to a large block of the townhouses on Cornerside Way facing onto Knox Crescent which has resulted in residents parking their vehicles in front of their homes to easily access their front doors. He raised concerns about the design of the proposed buildings, noting that units 10 to 16 of the proposed development would also face onto Knox Crescent and would likely result in an increase in parking along the street and the corner of Knox Crescent. Mr. Campbell stated that units 14 and 16 would abut his property at the front door and would not be able to face onto Knox Crescent, noting that they would likely be rear yard units facing north with an entrance/exit only from the private driveway. He suggested that the entirety of the Block, units 10 to 16, could all be designed in the same way which would lessen the likelihood of on-street parking on Knox Crescent. Mr. Campbell stated that including the proposed development there would be approximately 52 single family dwellings on Knox Crescent which was a small street. He advised that Wells Crescent, located north of Knox Crescent, has a maximum of 40 units and that the traffic combined with traffic from Sawyer Avenue would result in a lot of traffic in and out of a very small subdivision. Mr. Campbell noted that Thorndyke Crescent, a similar sized crescent, has 32 units and that Knox Crescent was already a busy traffic area. He raised concerns about Cornerside Way having an entrance and exit from Knox Crescent and an exit onto Winchester Road to lessen the traffic on Knox Crescent, but that the proposed development does not include an entrance/exit from Winchester Road.

Mr. Campbell answered questions regarding:

- Details about the feedback from residents at the community open house;
- The primary concern that the delegate would like to have resolved; and
- Whether an entry/exit onto Winchester Road would relieve the concerns of the residents in the area.

Nancy Stairs, 5 Watford Street, stated that she was in agreement with the statements made by the previous delegate. Ms. Stairs noted she does not live on Knox Crescent, but that she picks up her mail on Knox Crescent and already has difficulty parking on Knox Crescent. She raised concerns about 16 more units in addition to the existing townhouse complex, noting there was a bus stop on Knox Crescent, that Knox Crescent was a very small crescent, and that it would be too much traffic to enter/exit off the street. Ms. Stairs expressed concerns about the community meeting as there was not any response to the comments or concerns raised by the residents. She raised concerns about the loss of mature trees, the loss of privacy, the impact on animals, the increase in traffic, and the increase in noise, noting that she already has difficulty entering or exiting her driveway and that she has not been able to enjoy family events or open windows due to the noise from existing traffic.

Ms. Stairs answered questions regarding:

- The delegates overall impression of the community meeting hosted by the developer; and,
- The primary concern that the delegate would like to have resolved.

There were no further submissions from the public.

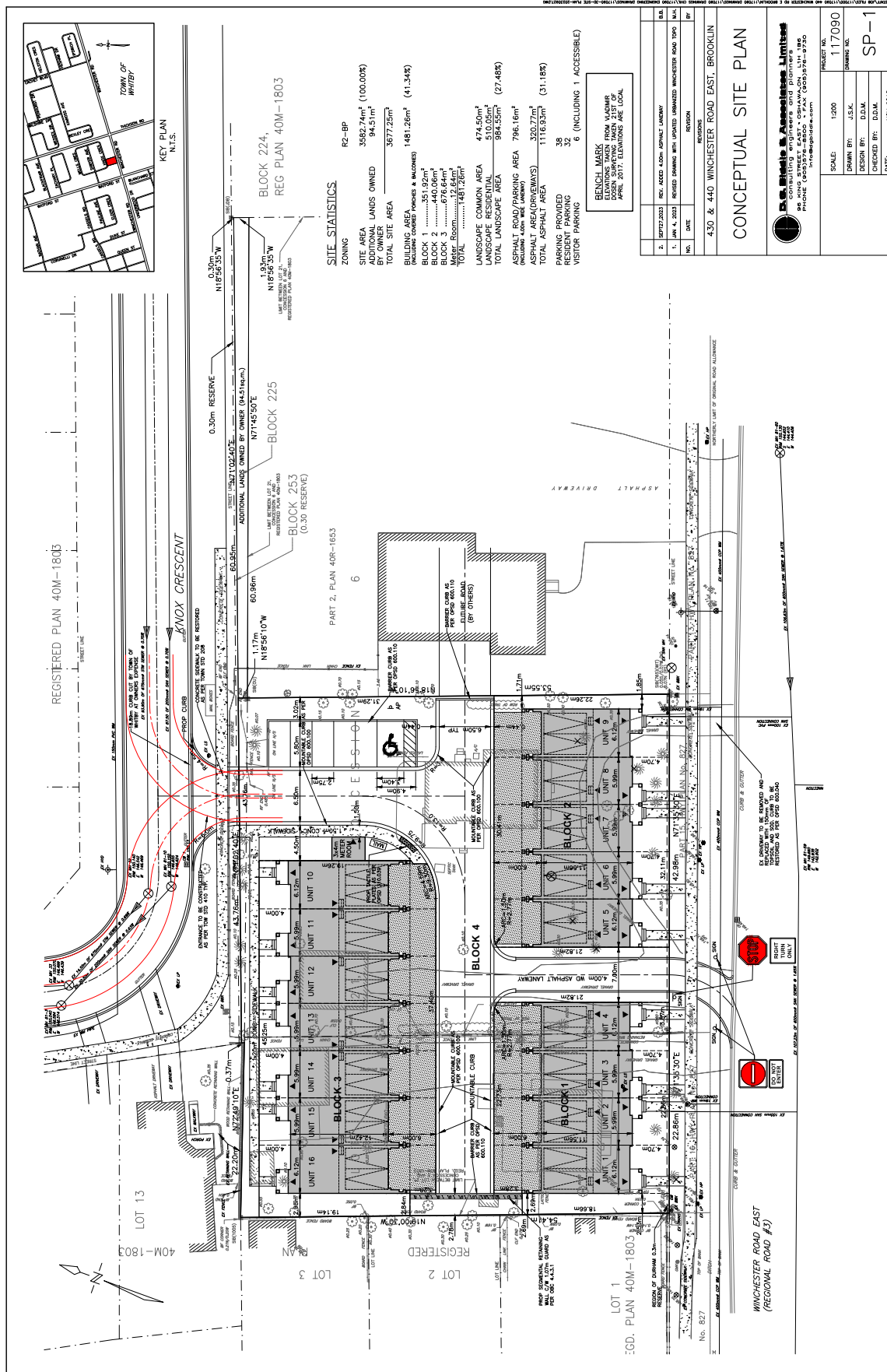
Mr. Fry answered questions regarding:

- Details about discussions with the Region of Durham regarding the possibility of access from Winchester Road;
- Whether the developer was amenable to an entry/exit from Winchester Road should in be achievable; and,
- How the concerns raised about the entrance/exit to the proposed development, additional on-street parking, increased traffic, the loss of privacy, and noise would be addressed.

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.







SITE STATISTICS

ZONING	R2-BP
SITE AREA	3582.74m <sup>2</sup> (100.00%)
ADDITIONAL LANDS OWNED BY OWNER	94.51m <sup>2</sup>
TOTAL SITE AREA	3677.25m <sup>2</sup>
BUILDING AREA (Includes Parking & Walkways)	1481.26m <sup>2</sup> (41.34%)
BLOCK 1	351.92m <sup>2</sup>
BLOCK 2	440.06m <sup>2</sup>
BLOCK 3	676.64m <sup>2</sup>
BLOCK 4	474.50m <sup>2</sup>
BLOCK 5	1481.26m <sup>2</sup>
TOTAL	1964.38m <sup>2</sup>
LANDSCAPE COMMON AREA	474.50m <sup>2</sup>
LANDSCAPE AREA (Including Landscaping)	954.55m <sup>2</sup> (27.48%)
ASPHALT PAVED PARKING AREA	796.16m <sup>2</sup>
TOTAL ASPHALT AREA (Including Landscaping)	1116.93m <sup>2</sup> (31.18%)
ASPHALT AREA (DRIVEWAYS)	320.77m <sup>2</sup>
ASPHALT AREA (TOTAL)	796.16m <sup>2</sup>
PARKING PROVIDED	38
RESIDENT PARKING	32
VISITOR PARKING	6 (INCLUDING 1 ACCESSIBLE)

**BENCH MARK**  
ELEVATIONS TAKEN FROM WADSWORTH LEVELLING POINT  
APRIL 2017. ELEVATIONS ARE LOCAL

No.	DATE	REVISION
1.	JAN 4, 2023	REVISED DRAWING WITH UPDATED UNPAVED WINCHESTER ROAD 10% B&A
2.	SEPTEMBER 2023	REV. ACCESS LOCAL ASPHALT LANeway

430 & 440 WINCHESTER ROAD EAST, BROOKLIN

CONCEPTUAL SITE PLAN

SCALE: 1:200  
DRAWING NO. 117090  
DRAWING TITLE: SP-1  
DATE: NOV 2016



## Detailed Agency and Department Comments

### Durham Region

We have reviewed this proposal and the following comments are offered with respect to compliance with the Durham Regional Official Plan (ROP), Provincial Policies, the Region's delegated Provincial Plan review responsibilities, Regional services, transportation, and transit.

The purpose of the application is to create a subdivision block for a future plan of condominium. This would facilitate the development of 16 three-storey block townhouses. The related zoning by-law amendment application is required to facilitate the proposed subdivision development.

#### Regional Official Plan

The Minister of Municipal Affairs and Housing approved the Region's new Official Plan on September 3, 2024. The subject lands are designated as Community Areas on Map 1 – Regional Structure in the new Regional Official Plan (ROP). Lands located within the Community Areas designation shall be developed to include a range of housing types, sizes and tenures. Winchester Road East is designated as a Regional Corridor on Map 1-Regional Structure in the new ROP. Regional Corridors are appropriate locations for high density, mixed-use developments. The built forms along Regional Corridors should include multi-storey, compact, pedestrian-friendly, and transit supportive developments.

#### Provincial Policy and Delegated Plan Review Responsibilities

##### Provincial Policy Statement

Policy 1.1.3.2 a) of the Provincial Policy Statement (PPS) encourages development within settlement areas that support densities, and a mix of land uses that efficiently use land, resources and planned infrastructure. Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment. Policy 1.4.3 states that planning authorities shall provide an appropriate range and mix of housing options and densities to meet projected market-based and affordable needs of current and future residents. The proposed redevelopment of the site, which would result in a higher residential density on the site is consistent with the policies of the PPS.

##### Growth Plan for the Greater Golden Horseshoe

The Growth Plan contains policies to guide land use planning and development. Policy 1.2.1 of the Growth Plan, in part, includes a policy related to housing, which emphasizes, "to support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households." The proposed residential subdivision contributes to providing greater housing options for the community and maintains the objectives of the Growth Plan.

##### Provincial Plan Review Responsibilities

###### *Archaeology*

A Stage 1 and 2 Archaeological Assessment prepared by ASI (May 2018) was submitted in support of the application. This study notes that no archaeological resources were encountered on the site and no further archaeological assessments are required. The study was submitted to the Ministry of Tourism, Culture and Sport who provided their clearance letter. There are no further matters related to archaeology.

### *Potential Site Contamination*

As part of the application, the developer completed the Region's Site Screening Questionnaire (SSQ). To meet the Region's requirements under the Council-adopted Soil and Groundwater Assessment Protocol, this SSQ should be signed and stamped by a Qualified Person. This can be addressed as a condition of draft approval.

### *Noise*

An Environmental Noise Impact Study, prepared by D.G. Biddle (November 2020) was submitted in support of the application. This report provides noise mitigation measures and warning clauses for the proposed development and is generally acceptable to the Region. The Region typically prefers to see a table, analysis or output showing noise values after mitigation measures have been implemented, but since the noise exceedances all require building components above the Ontario Building Code (OBC) standard which are dependent on detailed floor plans, this can be deferred to the site plan stage.

The Region requires that all of the recommendations stated in Section 5.0 of the study, including the warning clauses, ventilation requirements and building components be implemented into a development agreement between the proponent and the Town of Whitby. This can be addressed as a condition of draft approval.

### Proposed Density

The applicant is proposing to demolish the two existing residences and construct 16 townhouses within the subject property which equates to a theoretical population of 48 people.

### Municipal Servicing

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 allocated on a first come first serve basis at the time of signing a development agreement.

### Water Supply

The subject property is located within the Zone 3 water supply system for Whitby. The estimated static water pressure for this area is approximately 470 kpa (68 psi). Water supply to the subject property is available from the existing 150 mm watermain on Knox Crescent.

### Sanitary Servicing

Sanitary servicing to the subject property is available from the existing 200 mm sanitary sewer on Knox Crescent.

### Servicing Plan SS-1:

The Servicing Plan SS-1 was reviewed, and the following comments are provided:

- The 100 mm water service must enter into the meter room prior to servicing any private townhouses and/or hydrants.
- The applicant's consultant shall provide confirmation on whether a fire line is required.
- The 100 mm water service can be installed via tapping sleeve and valve and not cut-in as noted on the drawing.
- Provide the method of construction (doghouse...) for sanitary manhole SA-1.
- Provide a separate drawing for the storm drainage area information.

### 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. All other waste collection is provided by the Town. 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 see link here: <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 By-law 46-2011.

Currently, the Ontario Ministry of Environment, Conservation and Parks introduced a draft regulation under the Resource Recovery and Circular Economy Act, 2016 that 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, Durham Region 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, see link here: <https://www.ontario.ca/page/waste-management#section-1>

### Transportation

The Region will not allow access from Winchester Road and are satisfied with the Conceptual Site Plan complying with this requirement.

As previously noted, the Region does not require any right-of-way (ROW) widening but will require a 0.3m (1 foot) reserve along the site frontage along Winchester Rd. E.

The Region has no SWM comments as all the storm flows are directed to the Town of Whitby storm system on Knox Crescent.

The Region will need to see the site plan showing the existing accesses being reinstated with topsoil, sod and full height curbs, to Regional Standards.

### Durham Region Transit

Durham Region Transit reviewed the application and advised that they have no comments.

### Transportation Planning

The draft plan of subdivision to accommodate a condominium townhouse development was reviewed from a Regional transportation planning perspective, and the following comment was provided:

- Provision for short-term visitor bike rack(s) adjacent to the visitor parking spaces in the common elements area should be considered as part of the development.

## **Conditions of Draft Approval**

Subject to the attached conditions, the Region has no objection to draft approval of this plan. The conditions of approval must be complied with prior to clearance by the Region for registration of this plan.

It is requested that the proponent provide a land use table prepared by an Ontario Land Surveyor to the satisfaction of the Region. The land use table should provide lot area calculations for the proposed land use(s) allocated within the draft plan of subdivision.

In addition to providing the Region with copies of the draft approved plan and conditions of approval, at such a time as the draft approval is in effect, it would be greatly appreciated if a digital copy of the Municipality's conditions of draft approval could be provided.

## **Town of Whitby Engineering Services**

The Town of Whitby Engineering Services have reviewed the engineering drawings and reports submitted in support of this zoning application and have the following comments.

The following submitted drawings and analysis have been reviewed for the purpose of this application:

- Proposed Draft Plan drawing DP-1 dated April 15, 2021 by D.G. Biddle & Associates Limited;
  - Conceptual Site Plan drawing SP-1 plotted April 15, 2021 (Reference only);
  - Planning Justification Report dated March 2021 by D.G. Biddle & Associates Limited (Reference only);
  - Functional Servicing and Stormwater Management Report dated April, 2021 by D.G. Biddle & Associates Limited, and associated engineering drawings (Preliminary review only).
1. The Town of Whitby requires townhouse blocks to have all roof leaders connected to the storm sewer system. Revise the servicing drawing to accommodate this requirement.
  2. The Town of Whitby will require the Region of Durham acceptance of the additional drainage being directed to their storm sewer or revise the collection system to capture more of the drainage from the front of this site.
  3. The Stormwater Management Report will require revisions to accommodate the revised drainage patterns.
  4. Update the existing detail to reflect the existing conditions of today. Winchester Road has been urbanized. Provide the curb elevations and sidewalk elevations for the existing to confirm the proposed grades meet Town standards.
  5. Show the sidewalk limits of the restoration on Knox Crescent.
  6. Relocate storm manhole ST-2 1.5 m from property line.
  7. Dimension horizontal separation between storm sewer and watermain and confirm meets Ministry of Environment and Climate Change (MOECC) requirements.
  8. Road restoration as per town details. Include on plans.
  9. How is foundation drainage being addressed?

10. Provide a current topographical survey.
11. Retaining walls higher than 0.6m are required to be designed by a P.Eng and include a non-climbable guard.
12. Revise grading along east property line to maintain drainage on-site.
13. Incorporate recommendation of the Lynde Creek Master Drainage Plan Update – Municipal Class Environmental Assessment (MCEA).
14. Pre-development rates calculated based on a R=0.65 and Tc=17.59 (Knox Crescent storm sewer design).

Please address the above comments prior to submitting your site plan application.

These are Engineering Services preliminary comments on the engineering submission provided with this zoning application. A more detailed review will be completed during the site plan application.

## **Central Lake Ontario Conservation Authority**

Thank you for circulating Central Lake Ontario Conservation Authority (CLOCA) on the above noted Planning Act applications. CLOCA staff have reviewed these applications for consistency with the natural heritage and natural hazard policies within the Provincial Policy Statement and conformity with applicable natural heritage and natural hazard policies within the local and regional Official Plans. CLOCA staff have also reviewed these applications in the context of Ontario Regulation 42/06 of the Conservation Authorities Act and other applicable watershed management guidelines and policies.

No known natural heritage features or natural hazard lands are located on or adjacent to these properties. As such, the subject lands are not regulated through Ontario Regulation 41/24 of the Conservation Authorities Act and a permit from CLOCA will not be required prior to the development of these lands.

Based on our review of the submitted materials, we offer the following recommendations regarding any approval of these applications.

### Zoning By-law Amendment (Z-10-21)

CLOCA staff have no objection to the proposed Zoning By-Law Amendment to change the zoning of this property from R2-BP to a zoning category that will allow for the proposed townhouse development.

### Draft Plan of Subdivision (SW-2021-05)

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

1. That prior to any on-site grading or construction or final approval of the plan, the Subdivider shall submit to, and obtain approval from the Town of Whitby and the Conservation Authority for reports describing the following:
  - a. the intended means of conveying stormwater flow from the site, including use of stormwater techniques which are appropriate and in accordance with provincial guidelines; The stormwater management treatment must

- be designed and implemented in accordance with the recommendations of the Lynde Creek Master Drainage Study.
- 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 solids in any water body as a result of on-site, or other related works.
2. The Subdivider shall satisfy all financial requirements of the Central Lake Ontario Conservation Authority.
  3. The subdivision agreement between the Owner 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 structures operating and in good repair during the construction period, in a manner satisfactory to the Central Lake Ontario Conservation Authority.
    - c. In order to expedite clearance of Condition 3 a copy of the fully executed subdivision agreement between the area municipality and the owner should be submitted to the Authority.

## **Accessibility**

The Accessibility Advisory Committee continues to raise concerns about the lack of accessible housing in the block Townhouse development, with multiple risers at every entrance and a lack of consideration for building at grade for seniors and people with mobility disabilities. These development increase social isolation, as the units are not visit able by grandparents and no green gathering space creates a bedroom neighbourhood that lacks a sense of community;

Ensure Accessible parking is design and constructed to town engineering standard 413, direct access to the sidewalk, with no curb poured between the sidewalk and asphalt;

Ensure proper crossings including tactile warning indicator plates;

The community mailbox should be moved further back off the sidewalk on a solid platform and accessed with a depressed curb. It also needs to provide a minimum 1.5m beyond people collecting their mail, as this will allow people to safely pass on the sidewalk; and

Ensure all requirements of Ontario Regulation 191/11 are met.

## **Bell**

We have reviewed the circulation regarding the above noted application. The following paragraphs are to be included as a condition of approval:

“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](mailto:planninganddevelopment@bell.ca) during the detailed utility design stage to confirm the provision of communication and 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.

To ensure that we are able to continue to actively participate in the planning process and provide detailed provisioning comments, we note that we would be pleased to receive circulations on all applications received by the Municipality and/or recirculation’s.

Please note that WSP operates Bell’s development tracking system, which includes the intake of municipal circulations. WSP is mandated to notify Bell when a municipal request for comments or for information, such as a request for clearance, has been received. All responses to these municipal circulations are generated by Bell, but submitted by WSP on Bell’s behalf. WSP is not responsible for Bell’s responses and for any of the content herein.

If you believe that these comments have been sent to you in error or have questions regarding Bell’s protocols for responding to municipal circulations and enquiries, please contact [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca).

## **Building Services**

Site servicing permit will be required- a full review of the site servicing will be done at permit stage.

Building permits will be required- a full Building Code review will be done at building permit stage.

## **CS Viamonde (French Public School Board)**

The Conseil Scolaire Viamonde has no comment regarding applications for draft plan of subdivision, plan of common elements condominium and Zoning By-law Amendment to permit 16 three-storey block townhouses at 430-440 Winchester Rd. E.

## **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 16 townhouse residential units.

## **Durham District School Board**

Staff has reviewed the information on the above noted applications and have the following comments:

1. Approximately 6 elementary students could be generated as a result of the development proposed in the above noted draft plan of subdivision.
2. That the Owner agrees to post the standard Durham District School Board approved "Notice to Parents" in all sales representation centres.
3. Under the mandate of the Durham District School Board, staff has no objections.

## **Elexicon Energy Inc.**

Elexicon Energy Inc. has no objection to the proposed Site Plan Application to permit the development of 16 townhouse units.

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.



## **Fire and Emergency Services**

1. A firebreak layout shall be submitted to Whitby Fire prior to site plan approval.
2. Confirm if the roadway leading off of Knox Crescent is a private roadway or street. If it is considered a street, will the townhouse blocks be addressed to Knox and Winchester, or will they be considered a new street?

## **Financial Services – Development Charges**

The following pertains to Town of Whitby development charges only. The applicant is encouraged to contact the Region of Durham and DSB/DCDSB for questions pertaining to their DCs/EDCs due. The information below reflects current Provincial legislation and the Town's current Development Charge By-Law. Additional information can be found on the Town of Whitby development charge webpage.

Since this development does not require a Site Plan, under section 26.2 of the Development Charges Act, 1997, the Zoning By-Law Amendment Application (ZBA) dates will apply.

The base development charge rate will be the DC rate in effect as of the date of ZBA submission.

Interest will accrue on the base development charge rate from the date of ZBA submission until the date development charges are paid (typically immediately prior to building permit issuance).

The applicant has 18 months from the date of ZBA approval to obtain a building permit, otherwise section 26.2 will no longer apply. In this instance, the development would be subject to the prevailing DC rates at the time of building permit issuance.

Should the development require a future site plan application, the future site plan dates take precedence over the zoning by-law amendment dates under Provincial legislation.

Development charges are due in full prior to the issuance of the building permit(s).

## **Financial Services – Taxes**

Taxes are current.

## **Landscape Design**

Please have the applicant contact the Towns Landscape Architect once all tree protection measures have been installed as per the provided Tree Preservation Plan. An inspection of the fencing will be required by the Town prior to any work beginning on site.

## **Parks Planning**

The applicant is proposing a Zoning By-law Amendment and subsequent Draft Plan of Subdivision to permit the development of 16 medium-density residential townhouse condominiums and associated parking area on an existing 0.90ac parcel.

Parks Planning Staff are generally satisfied with the proposed development, subject to the inclusion of the below noted conditions.

Parks Planning Staff have reviewed the following documents:

- Comment Response Matrix – January 18, 2023
- Site Plan – November 2018
- Planning Justification Report – March 2021

The Town of Whitby's Official Plan, as amended, does not contemplate the development of a park on the Subject Lands. As such, Parks Planning and Development Staff will seek cash-in-lieu of parkland. Brooklin Optimist Park is within 500m of the Subject Lands and should satisfy the needs of the future residents of this development. Parks Staff recommend the incorporation of indoor/outdoor amenity space for future residents of this development.

### Conditions of Draft Plan Approval

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

1. The Community Services Department, Parks Division will require the maximum allowable cash-in-lieu of parkland dedication in accordance with the Planning Act.

## **Strategic Initiatives – Sustainability**

### Sustainability Comments

Staff have reviewed the Environmental Sustainability Plan and at this time, this report does not meet the requirements highlighted in the memo provided by Sustainability staff on February 28th, 2020 (original memo has been attached for your convenience).

The Sustainability Rationale Report needs to directly respond to the policies outlines in the Whitby Official Plan Design Guidelines in Section 3 of the Brooklin Urban Design and Sustainable Development Guidelines, and sections in the Official Plan that address sustainability, are intended to be applied in the proposed development as outlined in the pre consultation memo.

### Sustainability Rationale Report

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.

4. Mandatory Performance Measures: List all mandatory performance measures as identified in the Whitby Official Plan and Relevant Official Plan Policies and their related reference document(s) in a table format.
5. Voluntary Performance Measures: Where a higher sustainability design criteria is being pursued, list all measures, and their related reference document(s) in a table format.
6. Innovation: If applicable, provide an overview of any innovation performance measures being pursued by the project.

Staff would encourage a stronger emphasis on sustainability within this development with a focus on:

- Energy Conservation:
  - Net Zero Carbon certified buildings or other high energy performing buildings;
  - 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;
- Natural Heritage Preservation:
  - 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;
- 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.

## Proposed Conditions of Draft Approval

1. The Subdivider shall prepare the final plan and shall include a land use table on the basis of the approved draft plan of Subdivision, prepared by D.G. Biddle & Associates, identified as project number 117090, dated April 15, 2021 which illustrates 1 block for 16 townhouses.
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 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;
5. 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.
6. 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.
7. 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.
8. Prior to the finalization of this plan of Subdivision, the Subdivider must provide satisfactory evidence to the Regional Municipality of Durham in accordance with the Region's Soil and Groundwater Assessment Protocol to address site contamination matters. Such evidence may include the completion of a Regional Reliance Letter and Certificate of Insurance. Depending on the nature of the proposal or the findings of any Record of Site Condition (RSC) Compliant Phase One Environmental Site Assessment (ESA), an RSC Compliant Phase Two ESA may also be required. The findings of the Phase Two ESA could also necessitate the requirement for an RSC through the Ministry of the Environment and Climate Change, accompanied by any additional supporting information.

9. The Subdivider shall agree in the Town of Whitby Subdivision Agreement to implement the recommendation of the report, entitled "Noise Impact Study" prepared by D.G. Biddle & Associates dated November 2020, which specifies noise attenuation measures for the development. The 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.
10. That prior to any on-site grading or construction or final approval of the plan, the Subdivider shall submit to, and obtain approval from the Town of Whitby and the Conservation Authority for reports describing the following:
  - a) The intended means of conveying stormwater flow from the site, including use of stormwater techniques which are appropriate and in accordance with provincial guidelines; The stormwater management treatment must be designed and implemented in accordance with the recommendations of the Lynde Creek Master Drainage Study.
  - 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 solids in any water body as a result of on-site, or other related works.
11. The Subdivider shall satisfy all financial requirements of the Central Lake Ontario Conservation Authority.
12. 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 11 to the satisfaction of the Central Lake Ontario Conservation Authority.
  - b) The Subdivider agrees to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, in a manner satisfactory to the Central Lake Ontario Conservation Authority.
  - c) In order to expedite clearance of Condition 13 a copy of the fully executed subdivision agreement between the area municipality and the subdivider should be submitted to the Authority.
13. The Community Services Department, Parks Division will require the maximum allowable cash-in-lieu of parkland dedication in accordance with the Planning Act.
14. The Subdivider agrees to provide the Town with a deposit for any necessary peer review costs with the amount to be determined at time of site plan 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.

15. The Subdivider shall agree to implement the recommendations of all reports submitted in support of the application.
16. The Subdivider shall be responsible for satisfying any additional requirements identified by the Engineering Services not specifically listed above.
17. 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, 2, 3, 4, 5, 6, 7, 8, and 9 have been satisfied.
  - b) The Central Lake Ontario Conservation Authority, how conditions 10, 11, and 12 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. The 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 51 (32) of the Planning Act, RSO, 1990, as amended. If the owner 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 request, shall apply.

**New and Unfinished Business - Planning and Development**

<b>Item Number</b>	<b>Description</b>	<b>Resolution</b>	<b>Meeting Date</b>	<b>Due Date</b>	<b>Revised Date</b>	<b>Explanation/Comments</b>
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**

<b>Item Number</b>	<b>Description</b>	<b>Resolution</b>	<b>Meeting Date</b>	<b>Due Date</b>	<b>Revised Date</b>	<b>Explanation/Comments</b>
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	02 Dec 2024	Report back following completion of DAAP in 2024.
P&D-0019	PDE 05-24, Planning and Development (Engineering Services) Department Report Re: Update Traffic By-law - No Parking on Hunter Street	This item was deferred at the Committee of the Whole meeting on June 10, 2024 to a future meeting to allow Town Staff and affected residents an opportunity to meet and review.	24 Jun 2024	28 Oct 2024		
P&D-0020	PDE 06-24, Planning and Development (Engineering Services) Department Report Re: Garden Street On-Street Parking Consideration	This item was deferred at the Committee of the Whole meeting on June 10, 2024 to a future meeting to allow Town Staff and affected residents an opportunity to meet and review.	24 Jun 2024	28 Oct 2024	02 Dec 2024	Consultation with residents has occurred. Lay-by design and cost estimates to be included in the report is ongoing.
P&D-0021	Memorandum from T. Painchaud, Sr. Manager, Transportation Services, dated September 6, 2024 regarding Whitburn Street, Speed Hump Engagement Results	2. That Staff be directed to report to Council with information about the cost and other implications associated with removing the speed humps, reducing the number of speed humps, and maintaining the speed humps in their current configuration.	09 Oct 2024	24 Feb 2025		



# Town of Whitby

## Staff Report

[whitby.ca/CouncilCalendar](http://whitby.ca/CouncilCalendar)



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### Report Title: 150 Winchester Road West - Public Engagement on Surplus Land Declaration

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**Report to:** Committee of the Whole

**Date of meeting:** October 21, 2024

**Report Number:** FS 40-24

**Department(s) Responsible:**

Financial Services Department

**Submitted by:**

Fuwing Wong, Commissioner, Financial Services / Treasurer

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

**For additional information, contact:**

Fuwing Wong, 950.430.4314

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#### 1. Recommendation:

1. That public feedback, including written objections, to the Town's declaration of 150 Winchester Road West as surplus lands, as outlined in Staff Report FS 40-24, be received;
2. That staff be authorized to negotiate a License agreement with Elexicon Energy Incorporated for long-term license of (and inclusive of an option to purchase) 150 Winchester Road based on the principles outlined in Staff Report FS 40-24 and to the satisfaction of the Commissioner of Legal and Enforcement Services and Commissioner of Finance; and,
3. That the Mayor and Clerk be authorized to sign the final License agreement between the Town of Whitby and Elexicon Energy Incorporated.

#### 2. Highlights:

- On August 12, 2024, Town of Whiby Council declared Town-owned lands at 150 Winchester Road West surplus with the intention to convey the lands to Elexicon Energy Incorporated;
- Public notice of the surplus land declaration and intention to convey the lands to Elexicon was provided in accordance with Town policy and 13 written objections were received.
- The written objections and responses/comments to the objections summarized in this report.
- Staff recommend proceeding by way of a long-term licensing agreement with Elexicon with an option for Elexicon to purchase the property in the future.

### 3. Background:

On August 12, 2024, Town of Whiby Council approved [Staff Report FS 35-24](#), which declared Town-owned lands at 150 Winchester Road surplus with the intention to convey the lands to Elexicon Energy Inc.

#### ***The Property***

The Town owns approximately 0.778 acres of land at 150 Winchester Road West (located adjacent to the storm water management pond at the north-east corner of Ashburn Road and Winchester Road West), legally described as: Block 232, Plan 40M-1966, subject to an easement over Part 10, Plan 40R19041, as in LT902785; Town of Whitby, being all of PIN 26572-0369 (LT), as outlined in **Attachment A** to this report.

The declaration of surplus applies only to the western portion of 150 Winchester Road West (described above), approximately 0.637 acres as outlined in red in **Attachment B** of this report (the “**Property**”). Attachment B has been adjusted to extend to the sidewalk/multi-use path to clearly delineate maintenance responsibilities (e.g. mowing of grass) between the Town and Elexicon should Council approve this report. The Property is to be confirmed via a reference plan.

#### ***Elexicon Energy Incorporated***

Elexicon Energy Incorporated (“**Elexicon**”) is the local distribution corporation for electricity in Whitby and other municipalities. Elexicon is a subsidiary of Elexicon Corporation, which is wholly owned by the Towns of Whitby and Ajax, the Cities of Pickering and Belleville, and the Municipality of Clarington.

In April 2024, Elexicon expressed an interest in the Town-owned property at 150 Winchester Road West for the purposes of constructing an electrical substation that will enable the development of 5,000 new homes in the approved Brooklin Secondary Plan Area and improve system reliability in the community. According to Elexicon, the Property has passed their high-level assessment for an electrical substation which is planned to be supplied by two (2) new 44 kV feeders currently going north on Ashburn Road and East on Winchester Road (Hwy 7). At this time, Elexicon is considering a fully enclosed electrical substation and provided an example of the enclosed “Lawler substation” shown in **Attachment C** to this report.

### Electricity Infrastructure Supports Housing

Advancing approved and designated residential development in north Whitby has been a challenge due to the lack of electricity infrastructure and supply. This includes the majority of residential and supporting land uses in the approved Brooklin expansion Secondary Plan area. The lack of electricity / electrical infrastructure to service growth is currently the main barrier for the Town of Whitby to realize its [Provincial Housing Pledge](#), to facilitate the development of 18,000 homes in Whitby by 2031. Electricity challenges in Brooklin have also been identified as a barrier to the creation of housing units, to the Canadian Mortgage and Housing Corporation, for Housing Accelerator Fund targets.

### Town Policy F 190

The disposition of Town-owned land (including sale or long-term lease) is guided by Town Policy F 190 - the “Acquisition, Sale or Other Disposition of Land Policy”. Policy F 190 outlines the following process for the disposition of Town-owned land:

- Obtain the fair market value of the property via an appraisal report from a qualified appraiser;
- Provide public notice which includes:
  - Posting a sign on the Property for not less than ten days;
  - An advertisement in a newspaper having general circulation within the Town; and
  - Posting notice on the Town's website;
- Provide the public an opportunity to submit written objections (including the person’s name, address and reason(s) for objecting) to the Town within 20 days after notice is provided;
- Staff are to prepare a report to Council outlining the objection(s) received and provide recommendations to Council regarding the subject Land.

### 4. Discussion:

Public Notice in accordance with Town Policy was provided and the public was provided an opportunity to submit written objections until the end of the day on September 3, 2024. A total of 13 written objections were received, as summarized below:

**Table 1: Summary of 13 Written Objections Received**

Frequency	Area of Concern
6	Aesthetic

	<ul style="list-style-type: none"> <li>- Looks like a concrete bunker, not suitable for entrance feature into Brooklin</li> </ul>
4	<p><b>Loss of Greenspace</b></p> <ul style="list-style-type: none"> <li>- pets, children, and wildlife currently use this green space</li> <li>- concern about the removal of trees</li> </ul>
4	<p><b>Incorporate substation as part of new future development</b></p> <ul style="list-style-type: none"> <li>- Will the substation benefit existing residents (stability, less spikes in electricity)?</li> <li>- Also, consideration requested to locate the substation on the south side of Hwy 7/Winchester</li> </ul>
3	<p><b>Health Concerns</b></p> <ul style="list-style-type: none"> <li>- Noise, electro-magnetic frequencies</li> <li>- Concerns about increase in traffic</li> </ul>
2	<p><b>Decrease in Property Value</b></p>
1	<p><b>Misleading Picture on the poster</b></p> <ul style="list-style-type: none"> <li>- A resident noted that the picture of an example enclosed Elexicon substation (believed to be at Thickson and Columbus) does not show a 30-ft Tower at that location</li> </ul>
1	<p><b>Proposed substation will be beside a storm water management pond</b></p> <ul style="list-style-type: none"> <li>- 100-Year Storm concern</li> </ul>

Note: Frequency of concerns totals 21 as many of the 13 written objections received noted more than one area of concern.

The following are responses to the seven (7) areas of concern, highlighted above, from the written objections received:

**Aesthetic**

This concern was forwarded to Elexicon and the following response was received: The image is for reference but is not the final design for the substation that may be built at this location. The substation in the image is in another area of Whitby and is not directly facing a residential neighbourhood. If the project does move forward, Elexicon Energy will share the design with Town officials and provide further details to the community.

**Loss of Greenspace**

Attachment D to this report outlines existing parks and green space within a 1 km radius of the Property. In total there is approximately 65.5 acres of parks and green space within the 1 km radius. The attachment also outlines three future parks planned within the same area totaling 5.6 acres (BSW-2 at 3.7 acres; BC-2 at 0.9 acres; and BC-3 at 1 acre). Additionally, the new Whitby Sports Complex (shown in Attachment D) will add approximately 12.35 acres of new parkland with over 1,400 trees and many naturalized meadow areas.

**Incorporate as part of new future development & does this benefit existing residents?**

Elexicon's response: The substation location will not only power the new homes being built in the area, but it will also provide more reliable service to customers who live nearby. The new substation would increase the available capacity and reliability of power to Elexicon Energy's customers in Brooklin. The land was chosen due to its proximity to the new home developments. It is currently owned by the Town of Whitby and will be used by Elexicon Energy for a new substation if the project moves forward.

Regarding the south side of Hwy 7: Several sites around the community were considered for the substation, but due to a number of factors, the current site offers the most viable location for the potential substation.

**Health Concerns**

Elexicon's response: There are several substations embedded in residential communities across Ontario to help power homes, businesses and other infrastructure. Elexicon Energy meets and/or surpasses all of the regulated safety requirements, codes and standards. Further, a noise assessment is being conducted as part of the site feasibility to ensure the potential substation meets the municipal noise by-laws.

Elexicon intends to apply for Winchester Road to be used as the primary entrance for the substation, with secondary access off Amanda Avenue. These plans must go through the correct approval process with the Ministry of Transportation for Ontario, should the project move forward. If the primary entrance is not approved for Winchester Road and Amanda Avenue is used, the traffic will be minimal once construction is complete. The area will only be accessed regularly once monthly for inspection. All other access will be ad-hoc maintenance as required.

**Decrease in Property Value**

Property assessments in Ontario are determined by the Municipal Property Assessment Corporation ("MPAC"), an independent organization. The five key factors that affect a property's value are: age of the buildings on the property, total square footage of living area, location of the property, size of the lot, and quality of construction. Further, Elexicon is proposing to enclose the substation so it will look like a building from the

street. Accordingly, assessment values are not anticipated to be negatively impacted due to the proposed substation.

### **Misleading Picture on the poster (see Attachment C)**

Elexicon's response: There will be no transmission towers at this proposed site. The tower that is located at Thickson and Columbus in Brooklin is a communication tower and is not Elexicon Energy's infrastructure. There may, however, be hydro poles installed on the north side of Winchester Road, similar to the ones that already exist on the south side.

### **Proposed substation will be beside a storm water management pond**

Elexicon's response: As part of the site assessment, which will be completed prior to moving this project forward, a flood plan assessment will be completed to determine any flooding concerns and stormwater management needs.

### **Proposed License Agreement Terms**

In addition to standard agreement terms such as insurance, indemnification, and taxes Town staff have negotiated the following additional terms proposed for Elexicon's license of the Property:

- **Term and Extension:**
  - The initial term is from November 1, 2024, to October 30, 2045 (21 years less a day);
  - Option for Elexicon to extend for three additional terms of twenty years each (up-to an additional 60 years).
- **Fees and Expenses:** The Town will charge Elexicon a nominal annual fee for the license. Elexicon is responsible for expenses, including taxes, utilities, and maintenance;
- **Termination Clause:** Either party may terminate the agreement with 180 days' prior written notice without cause or penalty;
- **Restoration:** Elexicon is responsible for the full restoration of the site to original conditions at the end of the License. This includes removal of all infrastructure constructed on the site and environmental/contamination remediation, if required (see below);
- **Environmental Assessments:** Elexicon is responsible for conducting environmental assessments before and after the term:
  - The assessment before the term will serve as a baseline;
  - Contamination found in the assessment at the end of the term above the baseline will be the responsibility of Elexicon to remediate as part of Elexicon's requirement to restore the site to original conditions;
- **Option to Purchase:** Elexicon has the option to purchase the Property at fair market value upon the occurrence of specific trigger events:

1. **Third Party Transfer** – If the Town intends to sell, lease, license the Property to another party (other than Elexicon);
  2. **Termination of the License:** If the License is terminated by either party, Elexicon has the option to purchase the Property;
- The fair market value will be determined by an independent appraiser in the future (e.g. at the time the option to purchase is exercised)

## 5. Financial Considerations:

There are no immediate financial implications to this report. Should Elexicon exercise an option to purchase the property in the future, Elexicon will pay fair market value as determined by a future land appraisal. A land appraisal commissioned by the Town earlier this year identified a fair market value of \$2,230,000, as at July 4, 2024.

## 6. Communication and Public Engagement:

This report contains written objections received from the public following public notice (including posting of a sign on the Property, newspaper advertisement, and posting on the Town's website) in accordance with Town policy.

## 7. Input from Departments/Sources:

Legal Services has reviewed this report and has been involved with the License Agreement discussions with Elexicon.

## 8. Strategic Priorities:

The recommendations of this report support Strategic Pillar 4: Whitby's Government of the Community Strategic Plan. Specifically, enabling electrical infrastructure to be built supports the planned future growth noted in Action Item 4.4.2 of the Town's Community Strategic Plan.

## 9. Attachments:

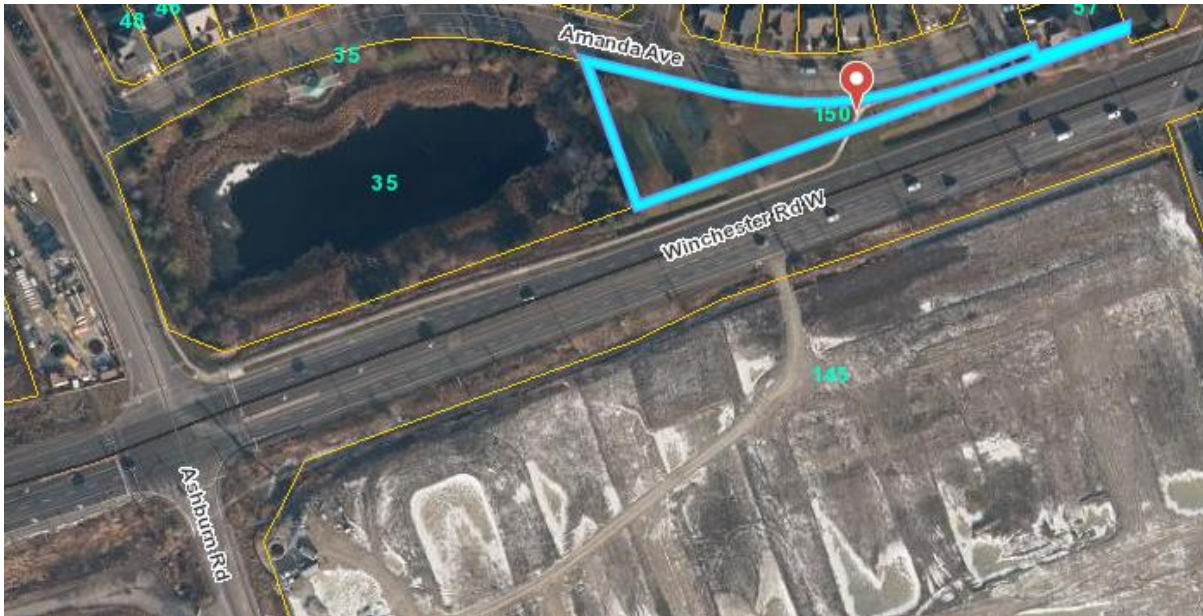
Attachment A – Outline of 150 Winchester Road West

Attachment B – Outline of the Portion of 150 Winchester Road West Proposed to be conveyed

Attachment C – Example of an Enclosed Electrical Substation

Attachment D – Parks and Open Space in the Area

150 Winchester Road West, Whitby, Ontario

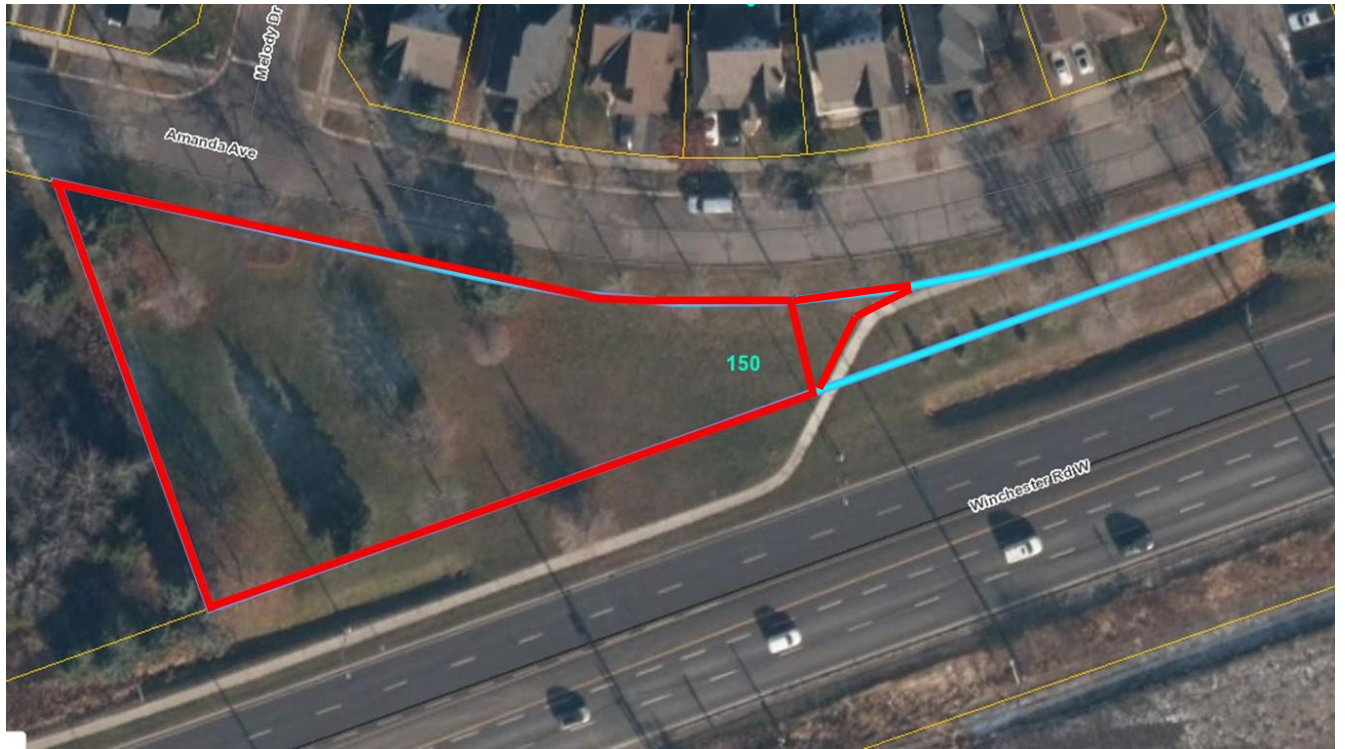


**Legal Description:** Block 232, Plan 40M-1966, Subject To Easement Over Part 10, Plan 40R19041, as in LT902785; Town of Whitby, (PIN 26572-0369 (LT))

**Area:** 3,148.11 sq. m (approximately 0.7779 acres)



**A Portion of 150 Winchester Road West**



**Estimated Area to be leased:** Approximately 2,577.85 sq. m (or approximately 0.637 acres)

Area to be confirmed via a Reference Plan



Picture of an enclosed electrical sub-station (Source: Elexicon Energy Inc.)  
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Town of Whitby Existing and Future Parks Within 1 km of 150 Winchester Rd W

**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	03 Mar 2025	Fishing to be addressed in Parks Bylaw Update
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	28 Oct 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	02 Dec 2024	Planning & Development & Community Services Staff prepared a joint memo that went on the Aug 11, 2023 CII to update Council on the status of the Park. A report will come forward once all issues have been resolved and the park is moving
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	02 Dec 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	03 Mar 2025	

**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	03 Mar 2025	Following the recommendations of the Parks and Recreation Master Plan.
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 2023	04 Dec 2023	02 Dec 2024	This recommendation is to create a plan that will help guide a Tree Protection By-law
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-0026-0	CMS 09-23, Community Services Department Report Re: James Rowe House - Food and Beverage RFP	2. That staff enter negotiations with the respondents to the RFP and report back to Council with the results of those negotiations for approval by Council..	27 Nov 2023	03 Jun 2024	02 Dec 2024	A memo was provided on the May 31, 2024 CII with an update on the RFP
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 2024	25 Nov 2024		

**New and Unfinished Business - General Government**

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
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		
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		
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	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	28 Oct 2024	



**New and Unfinished Business - General Government**

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
GG-0034	LS 13-23, Legal and Enforcement Services Department Report Re: Business Licensing By-law Exception Request - 417 Byron Street North	4. That Council direct staff to review the lodging house provisions within the Business Licensing by-law and report back on the merits of amending the By-law to ensure consistency with other applicable provincial legislation; and, 5. That Council direct staff to review the merits of adding provisions/schedules to the Business Licensing By-law to regulate Rooming Houses in the Town of Whitby.	18 Mar 2024	31 Mar 2025		
GG-0035	CMS 04-24, Community Services Department Report Re: Commemorative Tree and Bench Policy Update	4. That Staff be directed to investigate the installation of a commemorative dedication feature at the waterfront and report back to Council in Q4 2024.	29 Apr 2024	02 Dec 2024		
GG-0036	Memorandum from A. Gratton, Sr. Manager of Enforcement Services, dated June 14, 2024 regarding a Fence By-law Exemption request for 101 Carnwith Drive West	That the Fence By-law exemption request be referred to the Town Clerk and Commissioner of Legal and Enforcement Services to review and report back in Q4 2024 to Council on the existing scope of delegated authority, expanding the percentage variance for delegated authority over existing fence heights, associated fees, and process to handle requests beyond the scope of authority delegated to Staff.	09 Oct 2024	02 Dec 2024		