

# Town of Whitby

## Staff Report

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**Report Title: Official Plan Amendment, Draft Plan of Subdivision, and Zoning By-law Amendment – Tribute (Charles Street) Limited – 1636 Charles Street – File # DEV-07-24 (OPA-2024-W/02, SW-2024-01, and Z-03-24)**

**Report to:** Committee of the Whole

**Date of meeting:** June 3, 2024

**Report Number:** PDP 28-24

**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

### 1. Recommendation:

1. That Council approve Official Plan Amendment Number 137 to the Whitby Official Plan (OPA-2024-W/02), as shown on Attachment #15, and that a By-law to adopt Official Plan Amendment Number 137 be brought forward for consideration by Council;
2. That the Clerk forward a copy of the Planning Report PDP 28-24, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Amendment Number 137 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-2024-01), subject to the comments included in Planning Report PDP 28-24 and the conditions of draft plan approval included in Attachment #19;
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-03-24), as outlined in Planning Report No. PDP 28-24; and,
7. That a by-law to amend Zoning By-law #2585 be brought forward for consideration by Council once site plan approval has been issued.

## **2. Highlights:**

- Applications for an Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision have been submitted by Tribute (Charles Street) Limited for the land municipally known as 1636 Charles Street.
- The applicant has submitted an Official Plan Amendment application, to increase the maximum permitted residential density from 300 to 1,025 units per net hectare on the subject land as well as increase the maximum permitted building height to 36 storeys.
- The applicant has submitted a Zoning By-law Amendment application to change the zoning from D(NR)-2 to an appropriate zone category to accommodate the proposed mixed-use development.
- The applicant has submitted a Draft Plan of Subdivision application to create 2 blocks. The first block (Block 1) will facilitate the mixed-use development comprised of four towers, 28 to 36 storeys, and a 3-6 storey podium containing 1,639 residential units and 2,263.4 m<sup>2</sup> of commercial floor space located in the podium. A second block (Block 2) is proposed for the widening of Charles Street.
- The proponent will be required to submit a Site Plan Application and Draft Plan of Condominium at a later date.
- The proposed development is consistent with the Provincial Policy Statement and is in conformity with the Growth Plan and the Region's updated new Envision Durham Regional Official Plan. The proposed development would implement Provincial and Regional policy direction for increased heights and density within a delineated Protected Major Transit Station Area and would provide a range and mix of housing types and tenures to meet the needs of current and future residents.

## **3. Background:**

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

The subject land is located at the northwest corner of Charles Street and Watson Street West, municipally known as 1636 Charles Street (refer to

Attachment #1). The site has an approximate area of 1.65 hectares (4.1 acres).

Currently, the property contains three one-storey buildings for employment / commercial uses.

The surrounding land uses include:

- Low density residential dwellings to the east;
- Future high density residential dwellings to the north (under construction);
- High density residential dwellings to the west; and
- Marina and outdoor boat storage to the south (refer to Attachment #2).

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

An Official Plan Amendment application has been submitted to increase the maximum permitted residential density from 300 to 1,025 units per net hectare on the subject land as well as increase the maximum permitted building height to 36 storeys on the subject land.

A Zoning By-law Amendment application has been submitted to change the zoning from D(NR)-2 to an appropriate zone category to accommodate the proposed mixed-use development.

A Draft Plan of Subdivision application has been submitted to create a Plan of Subdivision consisting of 2 (two) blocks, including 1 (one) block to accommodate the proposed mixed-use condominium development and 1 (one) to accommodate a road widening on Charles Street. The proposed mixed-use condominium development consists of 4 (four) towers ranging in heights from 28 storeys to 36 storeys. The development proposes 1,639 residential units, and approximately 2,263.4 m<sup>2</sup> of commercial space in a 3-6 storey podium.

A Site Plan Application and Draft Plan of Condominium Application will be required at a later date.

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

The application was submitted with the following documents in support of the applications:

- Planning Addendum Letter and Planning Rationale Report prepared by Biglieri Group, dated March 7, 2024, provides an overview of the proposed development at 1636 Charles Street as well as the Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision applications and documents submitted in support.
- Architecture Plans prepared by Turner Fleischer, dated March 1, 2024.

- A Concept Site Plan prepared by Turner Fleischer, dated March 1, 2024. (refer to Attachment #3).
- A Draft Plan of Subdivision prepared by Krcmar Surveyors Ltd., dated February 7, 2024. (refer to Attachment #4).
- An Active Transportation Plan prepared by WSP., March 20, 2024. (refer to Attachment #5).
- Elevations prepared by prepared by Turner Fleischer, dated March 1, 2024. (refer to Attachment #6).
- A Landscape Plan prepared by The MBTW Group, dated February 2023.
- Landscape Plan Details prepared by The MBTW Group, dated February 2023.
- A Shadow Study prepared by The MBTW Group, dated March 2024.
- Architecture Phasing Plans prepared by Turner Fleischer, dated March 1, 2024.
- A Plan of Survey prepared by Krcmar Surveyors Ltd., dated August 15, 2022.
- An Urban Design Report prepared by The MBTW Group, dated March 2024, provides detail on how the proposed development's public realm, built form, and sustainability elements function within its immediate surrounding context and the wider context of the Port Whitby Community and the Town of Whitby.
- An Impact Assessment of Rowe Channel Construction Phasing prepared by SCS Consulting Group Ltd., dated March 5, 2024, which concludes a phased approach with on-site mitigation measures ensures the proposed development can proceed, despite existing flood conditions from the adjacent Rowe Channel.
- A Functional Servicing Report and Stormwater Management Report prepared by SCS Consulting Group Ltd., dated March, 2024, which concludes that the site can be serviced by full municipal services (storm, sanitary, and water), and the site plan layout supports the stormwater management requirements. The stormwater management report has outlined the means which the proposed development at 1636 Charles Street will meet the objectives of the Whitby Design Standards and CLOCA Design Guidelines.
- A Phased Grading Plan prepared by SCS Consulting Group Ltd., dated March, 2024.
- A Hydrogeological Investigation and Water Balance Assessment Report prepared by EXP Services Inc., dated March 1, 2024, which

concludes, based on the proposed design, construction could proceed in accordance with the recommendations outlined in this report.

- A Geotechnical Report prepared by EXP Services Inc., dated March 1, 2024, which concludes that a geotechnical engineer should be retained for a general review of the final design and specifications to verify that the recommendations outlined in this report address all relevant geotechnical parameters regarding the design and construction of the development.
- A Phase 1 Environmental Site Assessment prepared by EXP Services Inc., dated October 20, 2023, which recommends a Phase 2 Environmental Site Assessment be completed.
- A Phase 2 Environmental Site Assessment prepared by EXP Services Inc., dated October 20, 2023, which concludes that concentrations identified during the current and previous investigations to be in exceedance of the O. Reg. 153/04 Table 9 Standards for PHCs, VOCs, PAHs, Metals (including Hydride Forming Metals) (in soil) and VOCs (in groundwater) must be remediated and/or risk assessed before an RSC can be filed.
- A Traffic Impact Study prepared by WSP., dated October 23, 2023, provides a review of the traffic related impacts on the adjacent road network based on future projected traffic volumes. The study also includes justification for reduced parking due to the proximity to public transit routes and non-auto modes of transportation.
- A Sustainability Rationale Report prepared by EQ Building performance Inc., dated March 7, 2024, which concludes that the sustainability vision of the development is in line with the sustainability vision of the Whitby Green Standard.
- An Energy Modeling Report prepared by EQ Building performance Inc., dated May 26, 2023, which concludes that the project is currently on track to meet the listed performance of the Whitby Green Standard Tier 1.
- A Mechanical & Electrical Basis of Design prepared by MCW Consultants Ltd., dated April 27, 2023.
- A Pedestrian Wind Assessment prepared by SLR Consulting (Canada) Ltd., dated March 1, 2024, which concludes on the sidewalks surrounding the proposed development, wind conditions are predicted to be suitable for the intended usage.
- An Environmental Noise Assessment prepared by SLR Consulting (Canada) Ltd., dated October 25, 2023, which concludes that the noise from the proposed development on the surroundings is expected to meet the applicable guideline permits, and can be adequately controlled by the design guidelines outlined in this report.

- An Arborist Report prepared by GeoProcess Research Associates Inc., dated March 1, 2024, provides a review of the trees to be retained and removed from the subject site, as well as the recommendations for tree removal, replacement, and protection.
- A Natural Heritage Screening and Tree Inventory prepared by GeoProcess Research Associates Inc., dated May 26, 2023, which concludes that based on the absence of natural heritage features, any further environmental impact assessment is not expected to be required.

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

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

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

The Planning Act indicates that, where an upper-tier municipality has delineated a Protected Major Transit Station Area (PMTSA) boundary, the Regional Official Plan must also include relevant MTSA policies, including policies regarding the minimum number of residents and jobs per hectare, and the minimum residential densities with respect to buildings and structures on lands in the area.

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

##### **4.2 Provincial Policy Statement (2020)**

The Provincial Policy Statement (PPS) includes several relevant policies regarding intensification and transit-supportive densities. The intent of these policies is to accommodate a significant supply and range of housing options through intensification, increased densities, and redevelopment, by using land and infrastructure more efficiently, to meet the projected needs of current and future residents, as well as through transit-supportive development and intensification, within and in proximity to transit corridors and stations.

With respect to the new Draft Provincial Planning Statement 2024 (to replace the PPS 2020 and the Growth Plan 2020), the PPS will require Official Plans to include minimum density targets as is currently required by the Growth Plan. In the case of the Whitby PMTSA, it will require minimum of 150 residents and jobs per hectare, together with relevant MTSA intensification and housing policies.

PMTSAs are the areas within an approximate 500 to 800 metre radius of a transit station, representing a 10 minute walk.

##### **4.3 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)**

The Province's Growth Plan for the Greater Golden Horseshoe (Growth Plan) provides a framework for implementing Ontario's vision for building communities and managing growth in this region.

In 2019, the Provincial Government updated the Growth Plan with the objective of increasing housing supply, among other goals.

The Growth Plan includes several relevant intensification and transit station policies for managing growth to 2051. The intent of these policies is for area municipalities to prioritize intensification and higher densities in strategic growth areas, including MTSAAs, to make efficient use of land and infrastructure and support transit viability.

The Growth Plan indicates, with respect to MTSAAs, Official Plans (Region of Durham in consultation with the Town of Whitby) must identify priority transit corridors, delineate MTSA boundaries, and plan for transit-supportive densities, including through intensification, in a manner that maximizes the size of the area and the number of potential transit users that are within walking distance of the station. For the GO Transit rail corridor, MTSAAs are required to be planned for a minimum density target of 150 residents and jobs combined per hectare.

Amendment 1 to the Growth Plan (2020) included extending the forecasted growth for upper-tier municipalities to 2051. The Growth Plan requires upper-tier municipalities to allocate that growth to lower-tier municipalities through a Municipal Comprehensive Review (i.e. Envision Durham).

#### **4.4 Durham Regional Official Plan, MTSA ROPA 186, and ‘Envision Durham’**

The current Regional Official Plan (ROP) includes relevant policies for promoting transit-supportive development forms and patterns, including those for commuter stations. The ROP indicates that commuter stations are intended to be the focus for intensification where higher density and mixed uses are required within walking distances of a commuter station. The subject land is designated Living Areas on Schedule ‘A’ Map ‘A4’ of the ROP (refer to Attachment #7). Living Areas are intended to be used predominantly for housing purposes. Relevant policies regarding commuter stations, intensification, heights, densities, etc., are to be further detailed in area municipal official plans.

In 2019, Durham Region initiated a Municipal Comprehensive Review (MCR) of its ROP. The Durham Region MCR and new ROP, also known as ‘Envision Durham’, will replace the previous ROP, in order to be consistent with the PPS 2020 and the Growth Plan 2020, and is required to include updated policies to effectively manage and plan for growth to 2051, including enhanced policies regarding intensification and MTSAAs, amongst other matters.

In December 2021, as part of the Region’s MCR, and as required by the Planning Act, and in accordance with the policies of the PPS and Growth Plan, the Region adopted Regional Official Plan Amendment (ROPA) 186 to delineate the boundaries of the MTSAAs within the Region – including a PMTSA within the Town of Whitby (refer to Attachment #8). ROPA 186 also introduced a detailed policy framework regarding transit-supportive developments and established a minimum density target of 150 people and jobs per hectare within PMTSAAs. ROPA 186 also requires that area municipal Official Plans include similar

detailed policies related to appropriate increases in heights and densities, and mix of land uses, within the PMTSA. ROPA 186 is currently awaiting Provincial approval through the Province's consideration of the new Envision Durham ROP.

As part of the Region's MCR, as well as ROPA 186, the Region's Land Needs Assessment methodology included assumptions for certain height and density typologies within MTSAs and Strategic Growth Areas (SGAs) (i.e. intensification and transit-supportive densities within nodes and corridors), ranging from traditional and stacked/back-to-Back townhouses and Mid-rise apartments to High-rise and Tower development.

Within the delineated Whitby PMTSA, Durham Region assumed a mix of various building typologies, while still achieving the overall required minimum 150 persons and jobs per hectare for the PMTSA. For the subject lands, the Region assumed a 'Tower' typology, and building height over 12 storeys, densities of greater than 600 units per hectare, and Floor Space Index of greater than 6.0 (refer to Attachment #9). This approach allows for more intensive typologies with increased building heights and densities in appropriate locations in proximity to transit stations and corridors, while balancing less intensive typologies and densities for infill and intensification in neighbourhoods outside of the MTSA.

In May 2023, Durham Regional Council adopted the new Envision Durham Regional Official Plan, which further refined the ROPA 186 delineated PMTSA boundary (refer to Attachment #10 for Whitby PMTSA). The new ROP is currently awaiting Provincial approval.

#### **4.5 Whitby Official Plan, Port Whitby Secondary Plan, and MTSA OPA**

The subject land is located within the Port Whitby Intensification Area as identified on Schedule B – Intensification of the Whitby Official Plan (refer to Attachment #11). Development within the Port Whitby Intensification Area, as well as in general proximity to the Whitby GO Major Transit Station, where increased heights and densities are intended to occur (Policy 4.2.8; 4.2.9).

The subject land is designated High Density Residential Mixed Use on Schedule 'F' – Port Whitby Secondary Plan (refer to Attachment #12). Lands designated as High Density Residential Mixed Use permit multi-storey, high density residential buildings and a wide range of small-scale retail, cultural, small-scale service commercial and office uses (Policy 11.1.11.2).

The High Density Residential Mixed Use designation currently permits a maximum residential density of 300 dwelling units per net hectare and maximum building height of 18 storeys (Policy 11.1.11.3). An amendment to the Official Plan is required to permit the proposed density of 1,025 units per net hectare and proposed building height of up to 36 storeys. It should be noted that the Port Whitby Community Secondary Plan was updated in 2017, prior to more recent updates to the PPS, Growth Plan, ROPA 186, and new ROP.

The Town, through the recently commenced Official Plan Review, will consider appropriate increases in height and density within the Whitby PMTSA, to be



consistent with, and in conformity to the PPS 2020, Growth Plan 2020, Draft PPS 2024, ROPA 186, and new Envision Durham ROP.

The proposed development would contribute to the density and mix of housing supply within the Whitby PMTSA, including contributing to the Town's pledge of 18,000 new units by 2031.

#### **4.6 Zoning By-law**

The subject land is zoned Development Zone (Non-Residential) Exception 2 – D(NR)-2 under Zoning By-law 2585 (refer to Attachment #13), which does not permit the proposed use.

An amendment to the Zoning By-law is required to permit the proposed development. Certain provisions of the Zoning By-law will be required to be site-specific to accommodate the proposed development, such as reduced parking provisions, increased building height, site-specific building setbacks, and holding provisions (i.e. flood hazard).

#### **4.7 Area Municipal approvals within MTSA's**

Between 2022 and 2024, other municipalities within Durham have approved, or are considering development applications for significantly increased building heights and increased residential densities within MTSA's.

##### **City of Pickering:**

In 2022, a Zoning By-law Amendment and Draft Plan of Subdivision were approved for the land located at the northwest corner of Highway 401 and Liverpool Road. The development application was to facilitate the construction of 3 mixed-use towers ranging in height between 46 and 53 storeys providing 1,779 new dwelling units. These towers are located within the Pickering GO Station PMTSA.

In 2023, A Zoning By-law Amendment and Draft Plan of Subdivision were approved for the land located on the eastern portion of the Pickering Town Centre Lands, West of Glenanna Road and South of Kingston Road. The development application was to facilitate the construction of 9 towers ranging in heights between 40 and 55 storeys providing 5,099 new dwelling units. These towers are located within the Pickering GO Station PMTSA.

In 2024, a Zoning By-law Amendment was approved for the land municipally known as 1525 Pickering Parkway. The development application was to facilitate the construction of a 40-storey tower which will provide 571 new dwelling units. This tower is located within 800 metres of the Pickering GO Station PMTSA.

##### **Town of Ajax:**

In 2023, Ajax approved Official Plan and Zoning Bylaw Amendments to permit two mixed-use towers between 55 and 62 storeys tall, to accommodate the development of a high-rise mixed-use building within their GO Transit Station Mixed Use Area designation. These towers are located within the Ajax GO Station PMTSA.

**City of Oshawa:**

In 2023, the City of Oshawa held a public meeting regarding a development located at 144-155 First Avenue in Oshawa. The development is seeking an Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision to accommodate a mixed-use development which includes 13 towers between 14 and 42 storeys in height. The development proposes 5,435 residential units with ground-related commercial located in the podiums. These towers are all located within the Central Oshawa GO Station PMTSA; the GO Station will be constructed in the future.

**4.8 Referral to Whitby Official Plan Review**

Comments received at the Public Meeting and in written submissions suggested that the applications should be referred to the Town's Official Plan Review, and a decision deferred, pending the outcome of the OP Review.

In 2022, the Provincial Government released Bill 109, More Homes for Everyone Act. Bill 109 introduced a variety of changes to land use planning in the Province of Ontario, including the requirement to make municipal planning decisions within legislated timeframes and the requirement to provide refunds for development application fees if decisions are not made within the legislated timeframes. Prior to Bill 109, a local Council could defer decisions on site specific amendments pending the outcome of an MCR exercise – albeit at the risk of a non-decision appeal to the Ontario Land Tribunal (formerly Ontario Municipal Board). However, after Bill 109, deferring the decision comes with both the risk of a non-decision appeal, as well as the requirement to refund certain percentages of the fees.

Official Plan Amendment, Plan of Subdivision, and Zoning By-law Amendment applications have been submitted by Tribute (Charles Street) Limited and were deemed complete. Council is required to make a decision to approve or deny within the legislated timeframe under the Planning Act, as amended through Bill 109.

**4.9 Proposed Strata Park**

Town of Whitby Parks Staff have met with the proponent and other Town of Whitby Staff to discuss the proposed strata park. It is recommended that parkland dedication for the proposed development be satisfied entirely through the payment of cash-in-lieu of parkland and secured through the later Site Plan Agreement.

Town of Whitby Parks Staff have completed a detailed evaluation of strata parks and determined that there are significant risks, constraints, and lifecycle costs associated with strata parks. While some Municipalities have implemented strata parks in specific intensification areas, this was due to a significant shortage of parkland coupled with high population density and land costs. However, none of these challenges are present in Port Whitby. The Town of Whitby already has a significant supply of larger unencumbered parks that it is planning to redevelop. Staff are recommending that the Town utilize the cash-in-lieu of parkland from

the 1636 Charles Street development to help develop the existing parks into destinations as per the Council adopted Waterfront Parks and Open Space Master Plan.

The subject development and Port Whitby area is very well served by existing parkland with nearly 35 hectares of parkland that will serve a future population of approximately 10,212 residents; a parkland provision level of 3.42 hectares per 1000 people. This provision level is well above the Town's average parkland provision rate of 2.04 hectares per 1000 people and more than 8 times the provision level of other GTA intensification areas that have had to consider strata parks because of the limited availability of parkland.

The Town needs to maximize the value of the reduced quantity of parkland it will receive due to Bill 23 by prioritizing the acquisition of high-quality (sufficiently sized and unencumbered) parks to support recreational needs. The Town of Whitby Official Plan and the Parkland Conveyance By-Law give the Town of Whitby the discretion to require land or CIL based on parks planning priorities and to not accept or credit encumbered parkland.

(Refer to Attachment #14: Briefing Note – 1636 Charles Street – Evaluation of Stratified Open Space for additional information).

#### **4.10 Conclusion**

The subject land is designated High Density Residential Mixed Use. High Density Residential Mixed Use areas are intended to support multi-storey residential buildings and a wide range of small-scale retail, cultural, small-scale service commercial and office uses.

All of 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.

The proposed development is consistent with the policies of the Provincial Policy Statement, in that it accommodates a significant supply and range of housing options through intensification, increased densities, and redevelopment, by using land and infrastructure more efficiently, to meet the projected needs of current and future residents, as well as through transit-supportive development and intensification, within and in proximity to transit corridors and stations.

The proposed development conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, in that it prioritizes intensification and transit-supportive, higher densities within the Whitby PMTSA, makes efficient use of land and infrastructure and support transit viability, takes advantage of existing infrastructure and public services facilities, and helps achieve the minimum required density target of 150 residents and jobs combined per hectare.

The proposed development conforms to and is consistent with Durham Regional Official Plan as amended by ROPA 186, as well as the new Envision Durham ROP, in that it helps achieve the minimum 150 persons and jobs per hectare within a PMTSA.

The proposed development meets the overall intent of the policies of the Whitby Official Plan and Port Whitby Community Secondary Plan, in that it increases residential density within the Whitby PMTSA and Port Whitby Intensification Area, where such residential intensification is planned to occur through increased building heights and increased residential densities; represents an urban form that is efficient and cost effective for servicing; supports active transportation and transit in the neighbourhood; is serviceable and suitable for the proposed use; would be compatible with designated uses of surrounding lands and contributes to Province’s allocation and the Town’s pledge of 18,000 new units by 2031.

It is recommended that Council approve the Draft Proposed Official Plan Amendment 137 (refer to Attachment #15) to permit the proposed increase in the maximum residential density and height to accommodate the proposed development, 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
Sidewalks/Multi-use Paths	0.130 km

**6. Communication and Public Engagement:**

A Public Meeting was held on April 22, 2024, 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 Official Plan Amendment and Zoning By-law Amendment Applications. The meeting minutes are included in Attachment #16. Several members of the public spoke at the public meeting.

Concerns raised at the Public Meeting include the following:

- Heights and density of the proposed development;
- Existing and future parking and traffic congestion in the neighborhood;
- Shadow casting from the proposed development;
- Impacts to the character of the neighbourhood;
- Floodplain and environmental related matters;
- Potential changes to existing property values;

- Impacts to quality of life in the neighbourhood;
- The impeding of migratory bird routes;
- Noise pollution produced by the development;
- Wind Tunneling produced by the development;
- Ice Sheeting produced by the development;
- Privacy concerns due to building density;
- Impact on the School Boards;
- The development proceeding prior to the completion of the Town of Whitby Official Plan Review; and
- Pedestrian safety and traffic calming.

Written correspondence reiterated concerns expressed at the Public Meeting regarding the above noted matters.

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 June 3<sup>rd</sup>, 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:

- As per Provincial, Regional, and Municipal Policy, increased heights and densities are to be located surrounding MTSAs. Provincial and Regional Policy have minimum targets surrounding MTSAs;
- The Developer proposes visitor parking within the podium of the building to not rely on street parking;
- Reduced parking rates within MTSAs is consistent with Provincial policy;
- In 2024, Council introduced new traffic calming measures in the Port Whitby area including: a Community Safety Zone from Charles Street to Dufferin Street, crosswalk pavement markings at stop signs to delineate pedestrian crossings, an area-specific speed limit of 40 km/hr and installation of signage to advise of the speed limit, and a request for additional enforcement from Town of Whitby By-law services and Durham Regional Police Service;
- Shadow studies have been prepared by the developer's consultant to reduce shadowing impact and meets all applicable policies;
- The Town of Whitby and Central Lake Ontario Conservation Authority have planned works to improve the Rowe Channel in the future;
- Central Lake Ontario Conservation Authority have reviewed the engineering and environmental reports/studies and accept the eastern half of the proposal proceeding. The Developer will need to satisfy the Central Lake Ontario Conservation Authorities conditions prior to proceeding with the western half of the proposal;

- Bird Friendly design will be incorporated into the detailed design;
- The Environmental Noise Assessment concluded noise from the Proposal is expected to meet the applicable guideline limits; and
- The Developer will surpass the industry standard in tower separation distances.

The proponent Tribute (Charles Street) Limited have also provided a response based on the feedback heard at the public at the April 22, 2024, Public Meeting (refer to Attachment #17).

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

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

- Town of Whitby Fire and Emergency Services;
- Town of Whitby Financial Services – Tax;
- Enbridge Gas Inc.;
- Rogers Communication; and,
- Bell Canada.

Refer to Attachment #18 for additional detailed comments.

## **Internal Departments**

### **Community Services – Parks Planning**

Comments provided by Parks Planning Staff state that there is no objection to the approval of the applications; however, Parks Planning Staff are not supportive of providing parkland credit for the proposed strata open space. Staff are also not supportive of providing parkland credit if the proposed strata open space area was to be developed as a Privately Owned Publicly Accessible Open Space.

Parks Planning Staff recommend that parkland dedication for the proposed development be satisfied entirely through the payment of cash-in-lieu of parkland and secured through the site plan agreement.

Parks Planning Staff have also provided the following Condition of Draft Approval.

- Parkland dedication is required to be satisfied through the payment of cash-in-lieu of parkland and will be secured as part of the site plan agreement in accordance with the Town's Parkland Dedication By-Law and the Planning Act.

### **Engineering Services**

Comments provided by Engineering Services state that there is no objection to the proposed Zoning By-law Amendment and Draft Plan of Subdivision subject to the Conditions of Draft Approval found in Attachment #19.

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

- Include a separate block for the required 8m x 8m visibility triangle to be dedicated as Watson Street West right-of-way. Note that the current Draft Plan of Subdivision only shows a 7m x 7m visibility triangle.

Engineering Services have numerous informational comments which will be addressed through the future Site Plan Application process.

### **Planning and Development – Landscape**

The landscape drawings and cost estimates must be revised for the subdivision agreement. The on-site landscaping will be reviewed as part of the site plan application.

### **Strategic Initiatives**

Comments provided by Strategic Initiatives state that the Whitby Green Standards Subdivision checklist requires a revision.

## **External Agencies**

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

Comments provided by CLOCA state that the information provided in this submission is sufficient to support the proposed Official Plan Amendment and Zoning By-law Amendment with the proposed Holding provisions implemented.

CLOCA staff have provided numerous informational comments which will be addressed through the future Site Plan Application process.

CLOCA staff have no objection to the approval of the proposed Draft Plan of Subdivision subject to the Conditions of Approval found in Attachment #18.

### **Durham Region Planning and Economic Department + Durham Region Works Department**

Comments provided by Durham Region state the Region has no objection to approval of the Official Plan Amendment or draft approval of the subdivision application subject to the Conditions of Approval found in Attachment #18.

The proposed development will facilitate the creation of approximately 1,639 new residential units. Subject to meeting the requirements of the Conservation Authority, the proposed mixed-use development conforms with Regional and Provincial planning policies as it facilitates high density development in what is planned to be designated as a PMTSA.

In accordance with By-law 11-2000 the Official Plan Amendment application is exempt from Regional Approval.

**Durham District School Board**

Comments provided by the Durham District School Board highlight a willingness to work with the Town of Whitby and development partners to find a solution to meeting elementary school needs.

Refer to Attachment #18 for additional detailed comments.

**8. Strategic Priorities:**

The development of high density residential mixed use 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 Conceptual Site Plan

Attachment #4: Proponent's Proposed Draft Plan of Subdivision

Attachment #5: Proponent's Proposed Active Transportation Plan

Attachment #6: Proponent's Proposed Building Elevations

Attachment #7: Excerpt from Durham Regional Official Plan Map A4 – Regional Structure

Attachment #8: Excerpt from ROPA #186 Protected Major Transit Station Areas (Whitby GO Station)

Attachment #9: Sample Building Typologies within the Whitby PMTSA

Attachment #10: Envision Durham Delineated Whitby PMTSA

Attachment #11: Excerpt from Whitby Official Plan Schedule B – Intensification

Attachment #12: Excerpt from Whitby Official Plan Schedule 'F' – Port Whitby Secondary Plan



Attachment #13: Excerpt from Zoning By-law 2585

Attachment #14: Stratified Open Space Briefing Note

Attachment #15: Draft Proposed Official Plan Amendment 137

Attachment #16: Excerpt from Public Meeting Minutes, April 22, 2024

Attachment #17: Applicant's Response Table

Attachment #18: Detailed Agency and Department comments

Attachment #19: Proposed Conditions of Draft Approval