

August 18, 2023

MGP File: 18-2672

Ministry of Municipal Affairs and Housing
Municipal Services Office - Central Ontario
777 Bay Street, 16th Floor
Toronto, ON M7A 2J3

via email: andrew.doersam@ontario.ca

Attention: Mr. Andy Doersam

**RE: ERO File No. 019-7195
Approval of the Durham Region Official Plan
Comments on behalf of Brooklin Development General Partner Ltd. Brooklin
Development LP.**

Malone Given Parsons Ltd. (“MGP”) is the planning consultant for Brooklin Development General Partner Ltd. Brooklin Development LP., the owner of 112 hectares of land located on the west side of Ashburn Road, south of Columbus Road West in the Town of Whitby, municipally known as Part Lots 27 & 28, Concession 6 (“Subject Lands”). The Subject Lands are currently part of a Draft Approved Plan of Subdivision in the Brooklin Community Secondary Plan Area.

MGP has participated in the Durham Region Official Plan Review (Envision Durham) process and has been monitoring and providing input, including prior letters, meetings with staff, deputations to Council, and by participating in the Region’s public engagement sessions. On behalf of our client, we are submitting previous correspondence made to the Region with respect to our request for the conversion of a portion of these lands from “Employment Area” to “Community Areas” in the Durham Region Official Plan that is currently available for public consultation through ERO File Number 019-7195 (See Attachment A). We thank you for the opportunity to provide comments on the Durham Region Official Plan. We would be happy to meet with you to discuss our comments or answer any questions.

Yours very truly,
Malone Given Parsons Ltd.


Matthew Cory, MCIP, RPP, PLE, PMP

Principal, Planner, Land Economist, Project Manager

cc. Brooklin Development General Partner Ltd. Brooklin Development

Attachments:

A: Employment Conversion Request Letters, dated March 6, 2023, and November 15, 2022.

Attachment A



Matthew Cory
905 513 0170 x112
MCory@mgp.ca

March 6, 2023

MGP File: 18-2672

Region of Durham – Envision Durham
Planning and Economic Development
605 Rossland Road East
Whitby, ON L1N 6A3

via email: EnvisionDurham@durham.ca

Attention: Envision Durham

**RE: Part Lots 27 & 28, Concession 6
Request for Employment Conversion
Draft Durham Official Plan
Brooklin Development General Partner Ltd. Brooklin Development LP.**

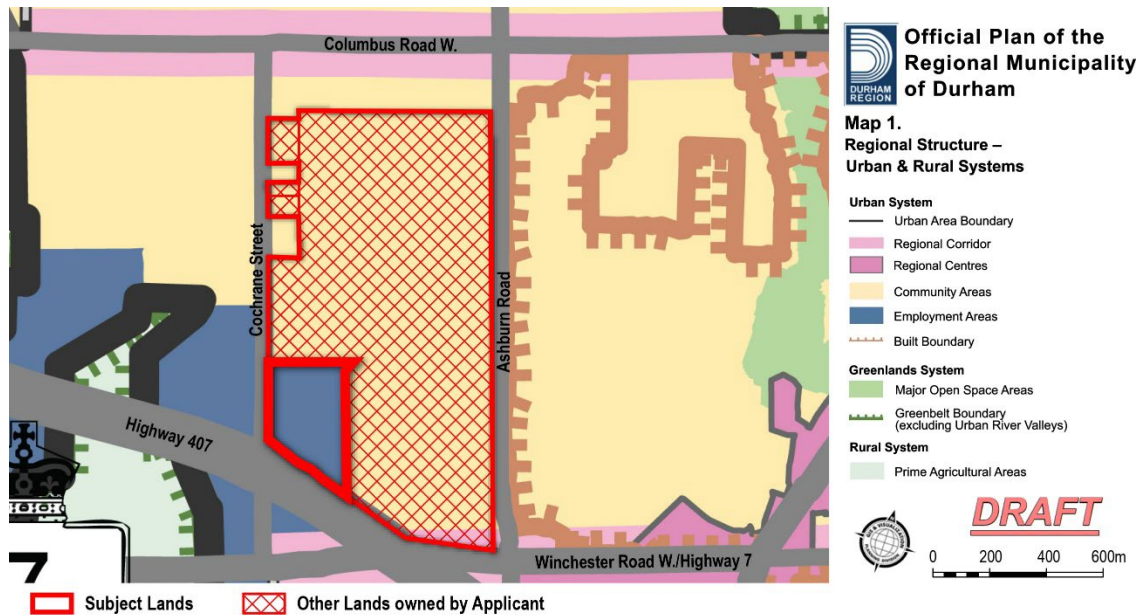
Malone Given Parsons Ltd. (“MGP”) is the planning consultant for Brooklin Development General Partner Ltd. Brooklin Development LP., the owner of 112 hectares of land located on the west side of Ashburn Road, south of Columbus Road West in the Town of Whitby, municipally known as Part Lots 27 & 28, Concession 6 (“Subject Lands”). We are writing this letter to request an employment conversion for a portion of the Subject Lands.

The Subject Lands are currently part of a Draft Approved Plan of Subdivision which comprises 1,295 residential units, future residential, elementary schools, district and local parks, commercial uses, stormwater management ponds, a prestige industrial block, and a Natural Heritage System which traverses the site north to south in the Brooklin Community Secondary Plan Area. We had previously submitted a letter on November 15, 2023 with respect to our request for the conversion of a portion of these lands from “*Employment Area*” to “*Living Area*” as part of the Envision Durham Municipal Comprehensive Review (See Attachment 1). We also note that we have previously met with Staff on February 22, 2023 to discuss the request.

This letter reiterates our client’s request that Council approve an employment conversion for a portion of the above-noted lands, comprising the Prestige Industrial block totalling 5.92 hectares in size (“Requested Conversion” or “Site”), located in the southwest corner of the Subject Lands. The Site has been subject to previous correspondence and requests for employment conversion to the Region during ROPA 128 discussions.

We note that the Draft Durham Region Official Plan, released on February 10, 2023 designates the Site as “Employment Area”. **We are requesting that prior to Council’s adoption of the Draft Durham Official Plan and in order to accommodate the projected population in Durham Region to 2051, that Committee and Council support the conversion of a portion of the Subject Lands to “Community Areas” as these lands are incompatible with surrounding uses and are a more logical and appropriate use of the lands.**

Figure 1: Location



Source: Region of Durham (2023) & Malone Given Parsons Ltd. (2023)

The Requested Conversion Lands are inaccessible from Highway 407. The requested conversion lands do not have adequate access to transportation corridors such as Highway 407 and is not attractive nor appropriate for employment uses. There is no proposed or potential access directly from the Highway, and transport trucks must access the site through Vipond Road, a collector road which runs through the residential neighbourhood from east to west. Additionally, the requested conversion area lacks visibility from the highway due to the topographical features along Highway 407, rendering the site uncompetitive with other vacant employment areas in the Region. As these lands cannot be accessed from Highway 407, there is a direct conflict with transport through the surrounding residential uses and therefore do not meet the expectations for a well-functioning employment area.

The Requested Conversion Lands are not suitable for traditional, large format employment uses, given the land's poor access and size. It is unreasonable to expect these employment lands, located towards the fringe of the employment area, to compete with other major employment lands that can provide better access to transit, Highway 407, and a larger labour pool. Additionally, the size and configuration of this block is too small to accommodate for larger industrial-type uses.

There is a need for more housing opportunities in the Region and in Whitby. The Growth Management Study, Phase 2: Draft Settlement Area Boundary Expansions and Area Municipal Growth Allocations Staff Report released on November 10, 2022 (#2022-INFO-91) references the Durham Region Growth Management Strategy Phase 2: Area Municipal Growth Allocations and Land Needs prepared by Watson and Associates dated October 17, 2022. These reports recognize that Whitby is anticipated to exhaust existing supply of D.G.A. lands as well as all available whitebelt lands by 2051, and therefore has a need for additional residential and community land. As the Subject Lands are already planned for primarily residential, institutional, and commercial uses, it is feasible and reasonable to add additional

residential lands from this draft approved plan of subdivision through the conversion of employment lands. The Site is appropriately located and configured to accommodate residential uses and represents a logical extension of existing residential areas. The conversion of the Site will help to supply additional housing for Whitby.

Employment uses are incompatible with surrounding uses. Policy 5.5.21 of the Draft Official Plan requires land use compatibility to be ensured between Employment Areas and non-employment and sensitive land uses, which include residential uses and schools. The Site is isolated from other Employment Areas as well as transit and will not promote active transportation usage. The lands are adjacent to a low-rise residential community to the north and a Natural Heritage System to the east and were never envisioned to be utilized for such industrial uses that require heavy truck or strategic goods movement. These lands are more suitable for residential uses to accommodate the planned Durham population to 2051.

The Site is just over 5 ha in size, and conversion will not impact or compromise the overall viability of the Region's Employment Areas at the local and regional level. As such, it would better function as a residential area that is compatible with surrounding uses. As stated earlier, the area is not able to accommodate large industrial developments, which require large sites, and it would be inappropriate to allow for heavy industrial development adjacent to residential areas. Currently, the layout impedes the development of a complete community, and we believe it reflects bad planning. Other employment lands within the area are seeking similar employment conversions due to access, size, and location constraints.

The conversion request better respects sensitive land uses and are more suitable for residential uses. The PPS states, "*Employment areas planned for industrial and manufacturing uses shall provide for separation or mitigation from sensitive land uses to maintain the long-term operational and economic viability of the planned uses and function of these areas*" (Section 1.3.2.2). Due to the inadequate size and configuration of the Site, the lands are not of a sufficient depth to accommodate on-site screening, setbacks, and/or other mitigation measures if required. As approvals are in place for the plan of subdivision for a low-rise low density residential community, the Site is more appropriate for a use that can provide a complete urban form east of Cochrane Street that contributes to achieving a complete community.

In review of the Draft Durham Region Official Plan, we continue to request that these lands be converted from *Employment Areas* to *Community Areas*. We do not agree with staff's assessment that the Subject Lands along the north side of Highway 407 should maintain the *Employment Areas* designation. It is our opinion that this *Employment Area* designation never has nor ever will be a functional employment area on the Subject Lands due to the aforementioned reasons.

Based on the above, we request that the Region approve the conversion of the southwest portion of the Subject Lands from *Employment Areas* to *Community Areas*.

It is our opinion that this conversion request represents good planning and is in the public interest. These lands need a balanced approach to housing development, and this request will provide for much-needed housing in the Region.

On behalf of our client, we appreciate the opportunity to provide our comments and input and we welcome the opportunity to meet with staff to discuss the request. Should you have any questions with respect to this request, please do not hesitate to contact me.

Yours very truly,
Malone Given Parsons Ltd.



Matthew Cory, MCIP, RPP, PLE, PMP

Principal, Planner, Land Economist, Project Manager

Attachment 1: Employment Conversion Request Letter, dated November 15, 2022

cc. Nick Cortellucci, Brooklin Development General Partner Ltd. Brooklin Development LP.

Frank Filippo, Brooklin Development General Partner Ltd. Brooklin Development LP.

November 15, 2022

MGP File: 18-2672

Region of Durham – Envision Durham
Planning and Economic Development
605 Rossland Road East
Whitby, ON L1N 6A3

via email: EnvisionDurham@durham.ca

Attention: Envision Durham

**RE: Part Lots 27 & 28, Concession 6
Request for Employment Conversion and Response to 2022-INFO-91
Brooklin Development LP. and Brooklin Development General Partner Ltd.**

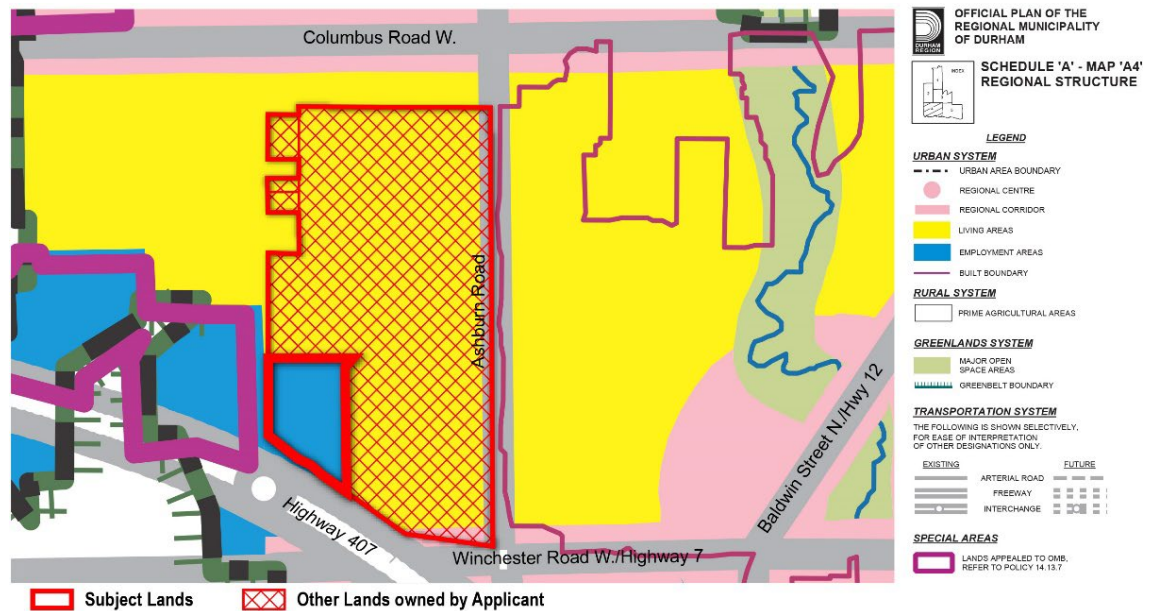
Malone Given Parsons Ltd. (“MGP”) is the planning consultant for Brooklin Development LP. and Brooklin Development General Partner Ltd., the owners of 112 ha of land located on the west side of Ashburn Road, south of Columbus Road West in the Town of Whitby, municipally known as Part Lots 27 & 28, Concession 6 (“Subject Lands”). The Subject Lands are currently part of a Draft Approved Plan of Subdivision which comprises 1,295 residential units, future residential, elementary schools, district and local parks, commercial uses, stormwater management ponds, a prestige industrial block, and a Natural Heritage System which traverses the site north to south in the Brooklin Community Secondary Plan Area (see Attachment 1).

This letter conveys our client’s request that Council approve an employment conversion for a portion of the above-noted lands, comprising the Prestige Industrial block totalling 5.92 hectares in size (“Requested Conversion” or “Site”), located in the southwest corner of the Subject Lands. The Site has been subject to previous correspondence and requests for employment conversion to the Region during ROPA 128 discussions.

It is our understanding that Durham Region is currently undertaking a Growth Management Study Land Needs Assessment that establishes the need for additional land to meet the growth forecast to 2051. The Region has endorsed Scenario 4, which encompasses an additional Community Area urban land need of 950 ha to meet the land needs to 2051. The opportunity to create this conversion only comes around every 10 years, and pursuing it now is essential in order to provide Whitby with much-needed market-based housing.

The southwest portion of the Subject Lands subject to the requested conversion is designated as “Employment Areas”, however as these lands are incompatible with surrounding uses, a more logical and appropriate use of the lands includes a conversion to the “Living Areas” designation prior to Council’s adoption of the Draft Durham Official Plan in order to accommodate the projected population in Durham Region to 2051.

Figure 1: Location



Source: Region of Durham (2021) & Malone Given Parsons Ltd. (2022)

The Requested Conversion Lands are inaccessible from Highway 407. The requested conversion lands do not have adequate access to transportation corridors such as Highway 407 and is not attractive nor appropriate for employment uses. There is no proposed or potential access directly from the Highway, and transport trucks must access the site through Vipond Road, a collector road which runs through the residential neighbourhood from east to west. Additionally, the requested conversion area lacks visibility from the highway due to the topographical features along Highway 407, rendering the site uncompetitive with other vacant employment areas in the Region. As these lands cannot be accessed from Highway 407, there is a direct conflict with transport through the surrounding residential uses and therefore do not meet the expectations for a well-functioning employment area.

The Requested Conversion Lands are not suitable for traditional, large format employment uses, given the land's poor access and size. It is unreasonable to expect these employment lands, located towards the fringe of the employment area, to compete with other major employment lands that can provide better access to transit, Highway 407, and a larger labour pool. Additionally, the size and configuration of this block is too small to accommodate for larger industrial-type uses.

There is a need for more housing opportunities in the Region and in Whitby. The Growth Management Study Land Need Assessment scenario recommended by Regional Staff on May 25, 2022, indicates that there is a need for additional residential and community land. As the Subject Lands are already planned for primarily residential, institutional, and commercial uses, it is feasible and reasonable to add additional residential lands from this draft approved plan of subdivision through the conversion of employment lands. The Site is appropriately located and configured to accommodate residential uses and represents a logical extension of existing residential areas. The conversion of the Site will help to supply additional housing for Whitby.

Employment uses are incompatible with surrounding uses. The site is isolated from other Employment Areas as well as transit and will not promote active transportation usage. The lands are adjacent to a low-rise residential community to the north and a Natural Heritage System to the east and were never envisioned to be utilized for such industrial uses that require heavy truck or strategic goods movement. These lands are more suitable for residential uses to accommodate the planned Durham population to 2051.

The Site is just over 5 ha in size, and conversion will not impact or compromise the overall viability of the Region's Employment Areas at the local and regional level. As such, it would better function as a residential area that is compatible with surrounding uses. As stated earlier, the area is not able to accommodate large industrial developments, which require large sites, and it would be inappropriate to allow for heavy industrial development adjacent to residential areas. Currently, the layout impedes the development of a complete community, and we believe it reflects bad planning. Other employment lands within the area are seeking similar employment conversions due to access, size, and location constraints.

The conversion request better respects sensitive land uses and are more suitable for residential uses. The PPS states, "*Employment areas planned for industrial and manufacturing uses shall provide for separation or mitigation from sensitive land uses to maintain the long-term operational and economic viability of the planned uses and function of these areas*" (Section 1.3.2.2). Due to the inadequate size and configuration of the site, the lands are not of a sufficient depth to accommodate on-site screening, setbacks, and/or other mitigation measures if required. As approvals are in place for the plan of subdivision for a low-rise low density residential community, the site is more appropriate for a use that can provide a complete urban form east of Cochrane Street that contributes to achieving a complete community.

In review of the Envision Durham – Growth Management Study, Phase 2: Draft Settlement Area Boundary Expansions and Area Municipal Growth Allocations, File D 12-01 (2022-INFO-91), we continue to request that these lands be brought into the Urban Boundary as Living Areas. We do not agree with staff's assessment that the lands along the north side of Highway 407 should maintain the Employment Areas designation. It is our opinion that these employment areas never have been or will be functional employment areas due to the aforementioned reasons.

Based on the above, we request that the Region approve the conversion of the Site in addition to the other lands north of Highway 407 from *Employment Areas* to *Living Areas*.

It is our opinion that this conversion request represents good planning and is in the public interest. These lands need a balanced approach to housing development, and this request will provide for much-needed housing in the Region.

On behalf of our clients, we appreciate the opportunity to provide our comments and input and we welcome the opportunity to meet with staff to discuss the request. Should you have any questions with respect to this request, please do not hesitate to contact me.

Yours very truly,
Malone Given Parsons Ltd.



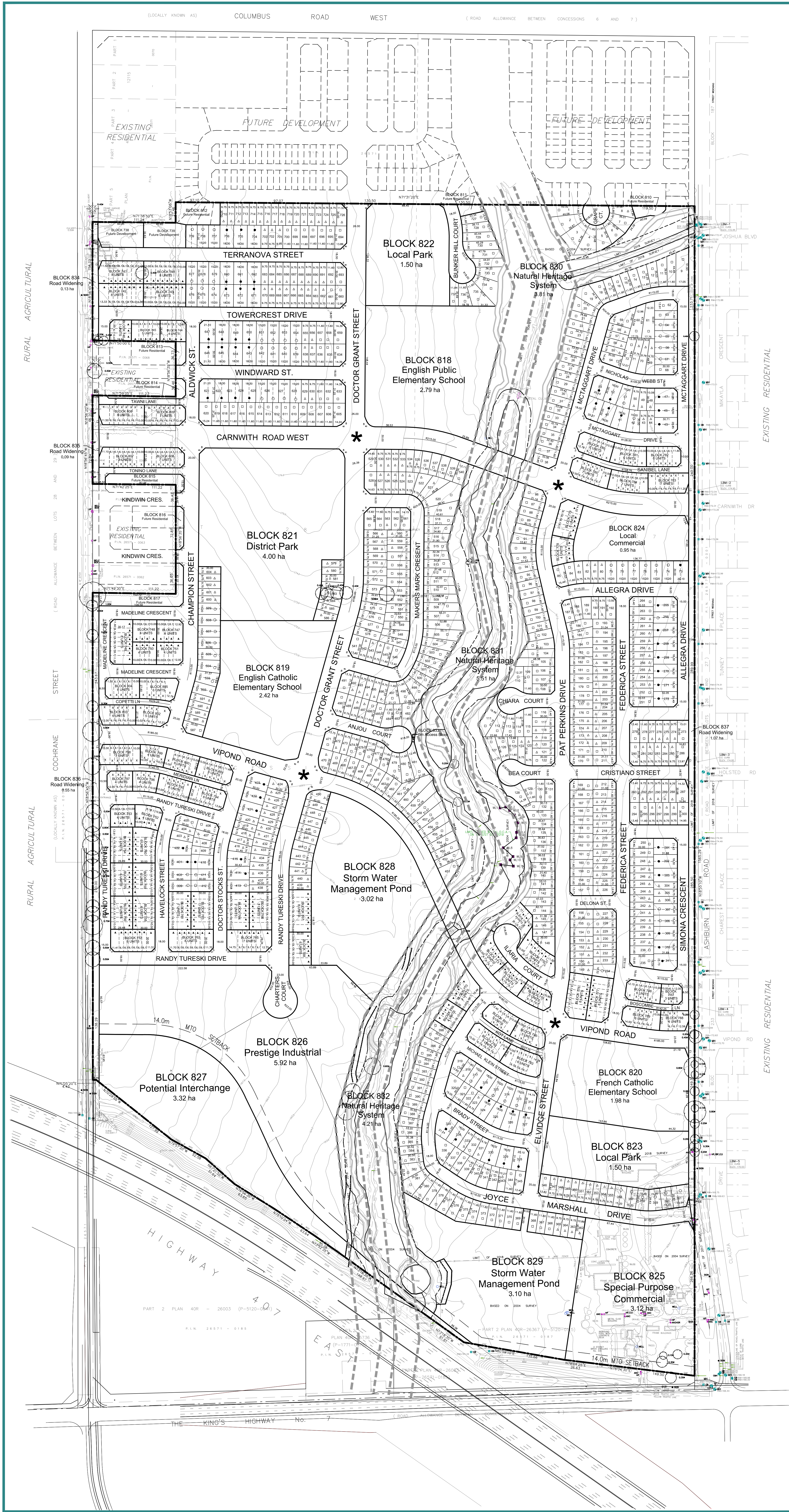
Matthew Cory, MCIP, RPP, PLE, PMP

Principal, Planner, Land Economist, Project Manager

Attachment 1: Brooklin Development LP. and Brooklin Development General Partner Ltd. Draft Plan

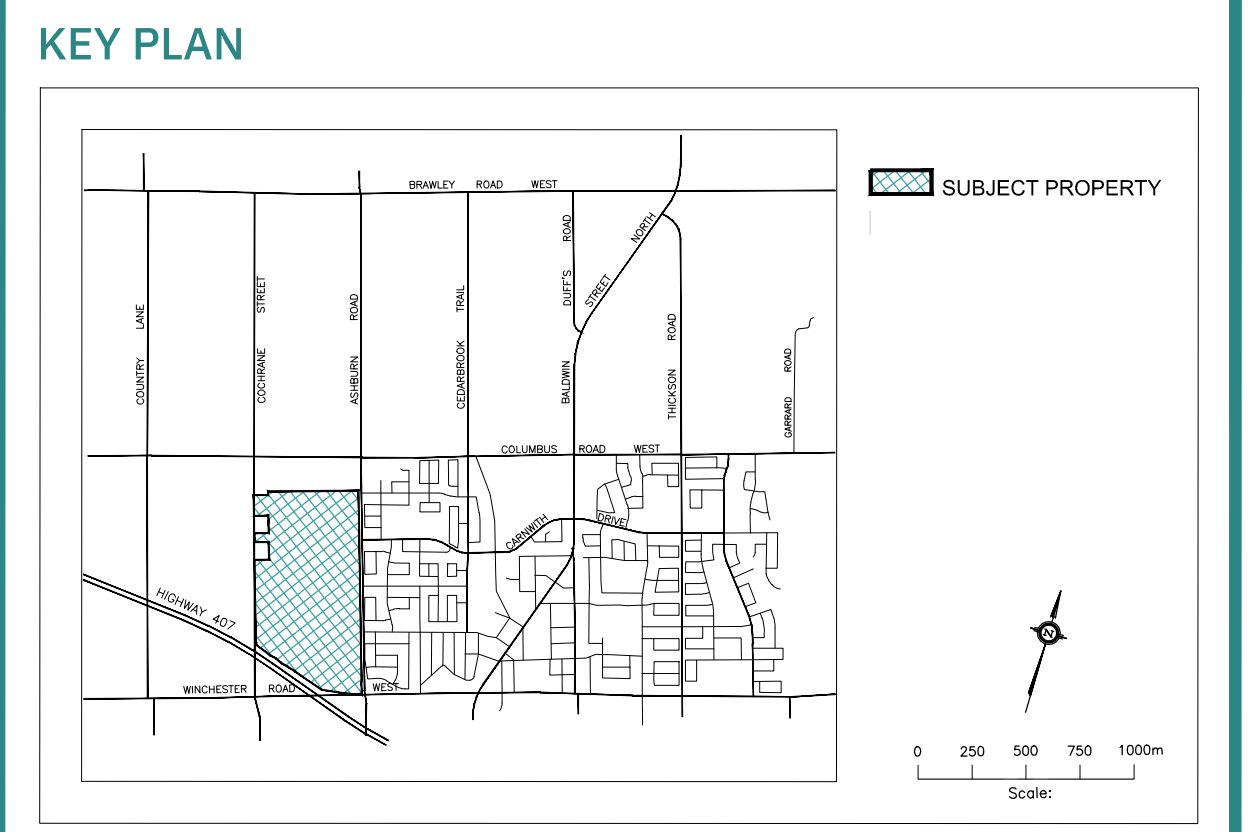
cc. Nick Cortellucci, Brooklin Development LP. and Brooklin Development General Partner Ltd.

Frank Filippo, Brooklin Development LP. and Brooklin Development General Partner Ltd.



DRAFT PLAN OF SUBDIVISION XXT-XXXXXX

Part Lots 27 and 28,
Concession 6
(Geographic Township of Whitby)
Now in the
Town of Whitby
Regional Municipality of Durham



SCHEDULE OF LAND USE

Lot/Block	Land Use	Units	Area(ha)	
Lots 1 - 737	<ul style="list-style-type: none"> △ Single Detached min. 9.75m (20f) □ Single Detached min. 11.6m (28ft) ○ Semi Detached min. 7.6m (25ft) ● Semi Detached min. 9.15m (30ft) 	262	29.66	
Blocks 738-739	Future Development	122	0.38	
Blocks 740-779	Street Townhouses min. 6.1m (20ft)	237	5.47	
Blocks 780-809	Laneway Townhouses min. 6.1m (20ft)	177	3.80	
Block 810-817	Future Residential		0.54	
Block 818-820	Elementary Schools		7.17	
Block 821	District Park		4.00	
Block 822-823	Local Parks		2.98	
Block 824	Local Commercial		0.95	
Block 825	Special Purpose Commercial		3.12	
Block 826	Prestige Industrial		5.92	
Block 827	Potential Future Interchange		3.32	
Block 828-829	Storm Water Management Ponds		6.12	
Block 830-832	Natural Heritage System		13.53	
Block 833	Access Block		0.01	
Block 834-837	Road Widening		1.94	
Public Roads	<ul style="list-style-type: none"> Street 'A' 30.0m ROW 804m Streets 'B' & 'C' 26.0m ROW 1,031m Streets 'B' & 'C' 23.0m ROW 972m Streets 'D'-'MM' 20.0m ROW 2,766m 15.0m ROW 4,000m 15.0m ROW 988m 12.0m ROW 122m Laneways 'A'-'G' 10.5m ROW 845m 8.5m ROW 		23.08	
Total		11,526m	1,272	111.99

- ### LEGEND OF ENVIRONMENTAL LINES
- WETLAND
 - WETLAND + 15m BUFFER
 - FLOOD LIMIT
 - FLOOD LIMIT + 6m BUFFER
 - LONG TERM STABLE TOP OF SLOPE AND SETBACK
 - MEANDER BELT / MEANDER BELT + 30M

NOTE: * The property requirements adjacent to roundabouts will be determined through detailed engineering design and the adjacent lotting will be reflected on the final M-Plan.

OWNER'S AUTHORIZATION

We, East Valley Farms Ltd. hereby authorize Malone Given Parsons Ltd. to prepare and submit this Draft Plan of Subdivision to the Town of Whitby.

[Signature] 2020-01-30
East Valley Farms Ltd. Date

We, Brooklin Development General Partner Ltd. Brooklin Development LP. hereby authorize Malone Given Parsons Ltd. to prepare and submit this Draft Plan of Subdivision to the Town of Whitby.

[Signature] 2020-01-30
Brooklin Development General Partner Ltd. Brooklin Development LP. Date

SURVEYOR'S CERTIFICATE

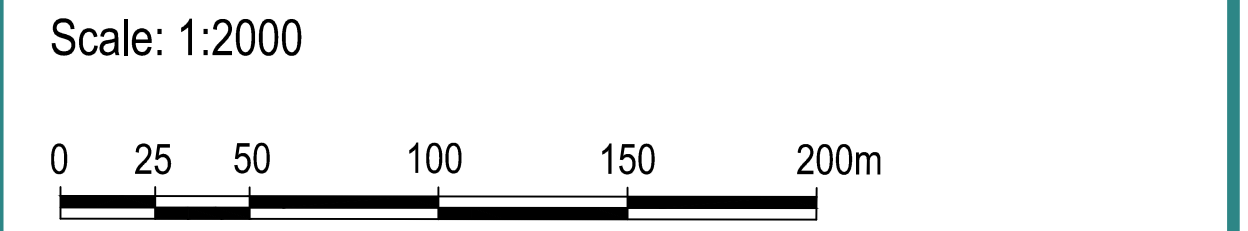
I hereby certify that the boundaries of the lands to be subdivided as shown on this Plan and their relationship to the adjacent lands are accurately and correctly shown.

[Signature] FEB 7, 2020
Date

ADDITIONAL INFORMATION

- AS REQUIRED UNDER SECTION 51(17) OF THE PLANNING ACT, CHAPTER P.13 (R.S.O. 1990).
- (a),(e),(f),(g),(i),(j) - As shown of the Draft Plan.
 - (b),(c) - As shown on the Draft and Key Plan.
 - (d) - Land to be used in accordance with the Schedule of Land Use.
 - (i) - Soil is sands, silts, clay and tills.
 - (h),(k) - Full municipal services to be provided.
- NOTE: Contours relate to Canadian Geodetic Datum. Contour interval is 1m with 25m interpolated.

Date	Revision	By
04/02/20		GP
10/10/20		GP
29/10/20		GP
04/06/21		GP
04/07/21		GP
10/18/21		GP



Prepared For:
East Valley Farms Ltd.
Brooklin Development General Partner Ltd.
Brooklin Development LP.

MGP Malone Given Parsons
140 Rathfron Drive, Suite 201 | Markham, ON | L3R 6B3
905.513.0170 | mgo.ca

MGP File: 18-2672