

Agency & Stakeholder Detailed Comments

File DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

Internal Departments

Community Services – Parks

Official Plan Park Size

The Town of Whitby Official Plan, as amended, does not identify the need for a park in the location of the proposed development. As such, and as noted through the Town's pre-consultation process, the Parks department will be seeking Cash-in-Lieu of parkland conveyance, discussed below.

Cash in Lieu of Parkland

The Town of Whitby will be seeking Cash-in-Lieu of Parkland for the proposed development, in accordance with the Planning Act, as amended. Conditions have been added in this regard.

Parkland

- The Community Services Department recommends incorporating indoor and outdoor private amenity space for the future residents of this development.
- Folkstone park is within 500 meters walking distance from most of the proposed development, and Folkstone park would satisfy majority of the future residents' park needs.

Open Space

- Block 20 of the proposed development shall be dedicated to the Town as Open Space, free and clear of any encumbrances, conditions have been added in this regard. Block 20 will not contribute towards the applicant's parkland dedication requirement.

Conditions of Draft Plan Approval

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

Cash-in-lieu of parkland

1. The Community Services Department, Parks Division will require cash-in-lieu of parkland dedication in accordance with the Planning Act, as amended.

Open Space

2. Block 20 be dedicated to the Town as Open Space free and clear of any encumbrances.

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3. Enhancement and restoration planting shall be installed, in the forested gaps within Block 20 Open Space Block, to the Towns satisfaction.

Fencing

4. The Town's standard 1.8 metre solid panel wood privacy fencing is required to be installed where open space abuts the development.
5. The department will require the installation of Town standard 1.2m high black vinyl chain link fence along the north property line of Open Space Block 20.

Engineering Services

A. Conditional Comments

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

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

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

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

- a. Block 20 for open space lands; and
- b. Block 21 for road widening on Garden Street.

1.2. The Subdivider shall provide an Environmental Constraints Plan (ECP) showing development limits along Natural Heritage System (NHS) areas. The development limits shall be based on environmental features/constraints, including a floodline and shall be established using all applicable environmental buffers/setbacks. The ECP shall include a Town's 6.0m wide access corridor which must be located outside of all environmental features, including the floodline. The corridor shall not contain any new plantings and shall be accessible for Towns' service vehicles.

Any change to the lot lines adjacent to the NHS (i.e., development limit) must be reflected in the Draft Plan prior to final approval.

1.3. 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

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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.

1.4. The Subdivider shall be responsible for full restoration along the development frontage of existing Robert Attersley Drive. This includes, but is not limited to, reconstruction of sidewalks and curbs, full restoration of pavement (curb-to-curb) and relocation of any existing road catchbasins outside of any proposed new driveways.

1.5. 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.

1.6. 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.

1.7. 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.

1.8. 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.

1.9. 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.

1.10. 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.

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

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1.12. 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.

1.13. 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.

1.14. 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.

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

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

1.17. 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 existing lighting levels shall be maintained and consistent with the existing Robert Attersley Drive streetlighting design.

1.18. Any concerns raised through future re-submissions of the Geotechnical and Hydrogeotechnical Reports for the site shall be addressed by the Subdivider to the satisfaction of the Engineering Services. This includes, but is not limited to, long term slope stability, confirmation of design parameters and preliminary layout for LID (low impact development) measures (proposed infiltration trenches), proposed stormwater management pond elevations relative to groundwater levels and the need/thickness of the impervious membrane or synthetic clay lining, foundation construction requirements and recommended

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measures for Best Management Practices for municipal servicing construction. The plan must reflect changes required in this regard prior to registration.

1.19. The Subdivider shall provide an assessment of dead, dying, diseased and/or over mature trees along the edge of the natural areas for pruning or topping purposes to address safety and liability concerns. The Report must include details for the protection, enhancement, and edge management of the retained vegetated areas. All hazards, debris, or garbage shall be removed prior to the registration of the plan.

1.20. 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.

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

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

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

1.24. 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 agreement process subsequent to Draft Plan Approval.

B. Informational Comments

2. The following items can be addressed through the Detailed Engineering Submission for the Subdivision Agreement process:

General

2.1. An initial deposit for the Engineering Review Fee in the amount of \$9,450.00 or 50% of the Engineering Review Fee based the estimated cost of works, whichever is greater, shall be paid to the Town prior initiating processing of the engineering drawings. Any balance

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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.

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

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

2.4. 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.

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

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

2.6. 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.

2.7. 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 re-lamping and cleaning of streetlights, representing typical maintenance costs prior to assumption.

2.8. 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.

2.9. The Subdivider shall provide an updated Functional Servicing and Stormwater Management Report (FSSR) to address the comments provided in a separate memo from

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Water Resources dated June 6, 2023 (Attachment 2) prior to or with the submission of detailed engineering drawings.

2.10. Include Town file number SW-2022-03 on all subdivision related drawings and reports.

2.11. Provide a Town approval block on Engineering Plans.

2.12. Show and label a new 1.8m concrete sidewalk along the full frontage of Robert Attersley Drive. Show full extents of proposed sidewalk removal and replacement along Robert Attersley Drive and include reference to Town standard 208. Coordinate with all applicable plans.

2.13. Show and label curb replacement required along the full frontage of Robert Attersley Drive and provide reference to standard. Please note that full width pavement restoration will be required along Robert Attersley Drive due to the extent of curb and service connection work required as a result of the proposed development. Pavement and trench restoration to be in accordance with Town standard 404.40. Coordinate with all applicable plans

2.14. Provide detailed Removals and Restoration Plan(s) coordinated with the Construction Management Report.

2.15. Remove proposed trees from the visibility triangle.

2.16. Further review and comment shall be provided at the Detailed Engineering Submission stage.

General Servicing Plan, C101

2.17. Ensure catchbasins are not located within proposed driveways. Relocate existing catchbasins as necessary.

2.18. Ensure references to standards match with what is listed in the Civil Cost Estimate. The Cost Estimate shall be reviewed in detail at the Engineering Submission stage.

Grading Plan, C201

2.19. Driveway aprons to be in accordance with Section C6.00 of the Town's Design Criteria and Engineering Standards. Permeable pavers will not be permitted within the public right-of-way.

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2.20. Show and label all proposed privacy and acoustic fencing in accordance with Landscape Plans.

2.21. Confirm which interceptor swales are to remain as permanent once the private block has been developed. Label any temporary swales as such for greater clarity.

Plan and Profile (Robert Attersley Drive), C401

2.22. Label sidewalk width and material type.

2.23. Include all relevant road restoration notes and details.

Erosion and Sediment Control Plan, C901

2.24. Indicate existing grades to be maintained along all subject property limits.

2.25. Provide a mud mat detail which includes a culvert crossing. Clearly label the existing culvert below the proposed mud mat and include inverts, length, size, and material type.

2.26. Include spot elevations and slopes for the proposed swale along the north limits of the subject property as shown on the Grading Plan.

2.27. Confirm any required topsoil stockpile areas. Please note that maximum height to be 5m with 3:1 side slopes.

2.28. Include construction signage in accordance with Ontario Traffic Manual (OTM) Book 7 requirements.

3. Detailed comments regarding the proposed Site Plan will be provided upon receipt of Site Plan Application circulation.

Please note the following items relevant to the anticipated future Site Plan Application for the development:

3.1. The Subdivider shall provide an updated Traffic Impact Study (TIS) to address the comments provided in a separate memo from Transportation Services dated June 7, 2023 (Attachment 3) prior to or with the Site Plan Application submission.

3.2. Appropriate private walkway connections to a public sidewalk are required to serve the development.

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3.3. A sight line analysis may be required for the driveway locations on Robert Attersley Drive and Garden Street.

3.4. No construction access will be permitted from Robert Attersley Drive.

3.5. A revised Stormwater Management Brief will be required with the Site Plan Application addressing the preliminary engineering comments provided for this application submission.

3.6. Upon preliminary engineering review, the Applicant will be required to provide a cost estimate for all engineering works. Securities for 50% of on-site engineering work and 100% of approved off site construction costs shall be provided at execution of any development agreement.

3.7. A Site Plan Engineering Fee will be required at execution of any development agreement in accordance with Tier 3 of the Fees and Charges By-law, currently By-Law 7977-23.

Site Plan, A101 – Preliminary Comments

3.8. Provide signed and sealed plans.

3.9. Show the full rights-of-way for Garden Street and Robert Attersley Drive. Include any at surface features such as signs, trees, catchbasins, curbs, streetlights, transformers, property limits, etc.

3.10. Driveways shall be designed to Town of Whitby Standard Drawing No. 410.

3.11. Show the Fire Breaks as prescribed by the Fire Chief on the final Site Plan.

3.12. Show areas for snow storage. Snow is not permitted to be pushed onto the public right-of-way(s).

3.13. Label all existing and proposed sidewalks/walkways including width and material type. Provide tactile plates where required.

3.14. Revise proposed townhouse block labels as a text issue exists.

3.15. Clearly identify surface treatment types (i.e., pavement, sod, concrete, etc.).

3.16. Show and label all proposed at surface features (i.e., maintenance holes with identification numbers, streetlights, trees, fencing, mailbox, etc.) in accordance with Engineering and Landscaping Plans.

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Should a Site Alteration Permit be required in advance of development agreement execution, please contact Cameron Harris, Development Services Technician 2 at harrisc@whitby.ca

Financial Services – Development Charges

The following pertains to the Town of Whitby development charges and parkland dedication / cash-in-lieu only. Additional information can also be found on the Town's [Development Charge website](#). Development charges will apply to the Region of Durham and the school boards (DDSB/DCDSB) as well, the applicant is encouraged to contact them directly with any questions.

Applicable fees will follow current Provincial Legislation and Town of Whitby By-Laws at the time of development; the following summarizes the current legislation / Town by-laws.

Development Charge Payable

- Development charges are due in full prior to the issuance of the first building permit for the development / dwelling unit.

Development Charge Calculation – for Development that **does not** require a Site Plan

- As per Section 26.2 of the Development Charges Act, 1997, s.o.1997, c.27, the base development charge rate will be the applicable DC rate in effect as of the date of Zoning By-Law Amendment application **submission**.
- Interest will accrue on the base development charge rate, from the date of Zoning By-Law Amendment application submission until the date of building permit issuance.
- The applicant has 2 years from the date of Zoning By-Law Amendment application **approval** to obtain a building permit, otherwise Section 26.2 no longer applies; in this case the applicant would instead pay development charges based on the current posted DC rate in effect as of the building permit issuance date.

Development Charge Calculation – for Development that **does** require a future Site Plan

- As per Section 26.2 of the Development Charges Act, 1997, s.o.1997, c.27, the base development charge rate will be the applicable DC rate in effect as of the date of Site Plan application **submission**.
- Interest will accrue on the base development charge rate, from the date of Site Plan application submission until the date of building permit issuance.

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- The applicant has 2 years from the date of Site Plan application **approval** to obtain a building permit, otherwise Section 26.2 no longer applies; in this case the applicant would instead pay development charges based on the current posted DC rate in effect as of the building permit issuance date.

Parkland Dedication / Parkland Cash-In-Lieu

- The Conveyance of Parkland and Cash-in-Lieu of Parkland By-Law #7733-21 applies to this development

Financial Services – Taxes

Taxes are overdue on both 4400 & 4440 Garden Street.

Fire and Emergency Services

- The firebreak layout shall be submitted to the fire department for review and approval prior to site plan application
- Fire access route sign locations shall be indicated on site plan as per TOW Bylaw 4084-97
- Subdivision emergency access policy
- The location of hydrants shall be indicated on the site plan

Planning and Development Department – Landscaping

Site Plan

- The perimeter black vinyl chain link fence will have the posts centered on the shared property line and the chain link fabric adjacent to the publicly owned property. Provide a detail of the fence section to illustrate the footings along the shared property line. Fencing shall reflect the requirements in the fencing appendix in the associated subdivision agreement.
- Setbacks proposed in the EIS should be illustrated/ labeled on the site plan.
- Clarification on whether trees will be transplanted (location noted on plan) or removed should be confirmed. Town trees to be removed will require an appraisal from the Town's Forestry Division; or by a certified tree appraiser, then reviewed by the Town.
- Propose an alternative maple tree to substitute the silver maple. Silver maples thrive in moist soils and require more space due to their widespread roots. Refer to the Town's Recommended Tree Species List. Trees that note (Rb*) require

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additional approval from the Town's Forestry Division as they may not be a preferred specie.

- Update Detail 751 with the revised pdf attached. Additional details can be found here: <https://www.whitby.ca/en/work/landscape-plan-guidelines.aspx>

Restoration and Buffer Planting

- A detailed restoration plan will be prepared as part of the site plan application. The site plan should illustrate the proposed buffer plantings: *"trees, shrubs and herbaceous ground covers native to the ecoregion, well-adapted to site conditions, and complimentary to those present in the adjacent communities"* (Pg. 30, EIS).
- The requirement for edge management/restoration/buffer planting and a reforestation plan can either be included as part of the landscape plan submission (preferred) OR provided separately and prepared by an ecological consultant; the design of these areas shall reference the most recent EIS submission recommendations and comply with the Town's Landscape Plan Guideline requirements (section 4.7.1 and using the plant material expectations provided for plantings in section 4.6 and/or 4.7.2, as applicable)
- The reforestation and buffer/edge management/restoration planting plans are a part of the requirements associated with the subdivision (versus the site plan), and 100% of the estimated cost of these should be included in a cost estimate for the subdivision.

Comment Matrix

- One deficiency (item #7)-the consultant needs to incorporate the towns updated versions of the details and notes-see attached.
- There are 46-47 town owned trees in the town's right of way being removed. An appraisal of these trees should be completed by someone who is qualified. Once the appraisal is verified as acceptable to the Town, this shall be used to determine the Town's compensation requirement.
- For additional comments refer to the document attached.

Cost Estimate

- Tree Protection should be included in the cost estimate.
- Street Trees in the R.O.W will be secured for at 100%
- Provide a separate cost estimate for the buffer planting – as noted above.

Arborist Report

- Page 9: Replacement trees will be **60 mm** caliper minimum.

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- Page 10: Trees along the boulevard will be planted in accordance with the Town's Tree Pit Rooting Zone (Detail 514), and follow the Town's Standard Utility Clearances (Detail 751)

Strategic Initiatives

Sustainability Comments

Staff acknowledge and appreciate the proposed changes to the design. From our understanding based on our review of the Draft Plan of Subdivision, the proposed development has been moved to avoid significant wetlands and will result in the increase of the core woodlands area. The residential blocks have been pushed further south away from the wetland and an open space block containing a provincially significant wetland has been proposed. However, to ensure that Performance Measure # LUN1.2 has been satisfied Sustainability Staff will require CLOCA's comments on the proposed changes to the development.

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

We would like to reiterate, that Staff would like to see a strong emphasis on sustainability within this development with a focus on:

- Natural Heritage Preservation:
 - Increasing natural cover through the use of evergreen or shrub material and green infrastructure technology like green roofs;
 - Plant for a 30% tree canopy will be achieved within 10 years of the development (demonstrate through modeling and tree planting plan);
 - Using at least 50% plant species native to southeast Ontario, restore predevelopment native ecological communities, water bodies, or wetlands on the project site in an area equal to or greater than 20% of the development footprint.
 - Providing an enhanced buffer-planting plan adjacent to identified key natural heritage features and/or key hydrologic features beyond the site-specific development requirements.
 - Ensure bird friendly design is integrated throughout the building with considerations for glazing, lighting;

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- **Energy Conservation:**
 - Net Zero Carbon certified buildings or other high energy performing buildings;
 - Explore options to connect to existing on-site energy generation systems, such as district energy facilities, where feasible;
 - Integration of low carbon energy generation from renewable resources such as solar or geothermal heat pump technology;
 - Where supplied, for each unit, ENERGY STAR® or equivalent labeled refrigerators, ceiling fans, clothes washers, and dishwashers.
- **Equity and Local Community:**
 - Integrate affordable housing for where either the purchase price results in annual accommodation costs, which do not exceed 30% of gross annual household income for low and moderate-income households, or the purchase price is at least 10% below the average purchase price of a resale unit in the Region.
 - Ensure that multi-residential and affordable homes are situated with primary access to public green space.
- **Local Food:**
 - Space considerations made to support a community garden and a space for growing food.
- **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, bioswales 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.

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Staff appreciate the initial WGS Checklist that was submitted, however will require the following updates:

- **TT1.1** – Please ensure the entire comment is visible, so that Staff can determine if it meets the Tier 1 criteria listed for this development feature.
- **TT1.2** – Please provide a short overview or explanation of the Active Transportation Plan component of the Traffic Impact Study that shows how this proposed development meets the urban mobility requirements of the Town's Active Transportation Plan.
- **TT1.6** – Please provide a short overview or explanation of the Transportation Study for Active Mobility recommendations that shows how it meets the requirements of Whitby's Official Plan and considers access of Durham Region Transit Stops and ensures pedestrian connectivity to all transit facilities.
- **ECC1.1** – Please provide further details on the feasibility of connecting to existing on-site energy generation systems, such as district energy facilities.
- **ECC1.2** – Please provide an explanation as to why renewable energy resources are not applicable to this proposed development.
- **ECC1.3** – Please provide an explanation as to why 50% (or more) of development blocks have one axis within 15 degrees of the East-West plane are as long as the North-South lengths of blocks is not feasible.
- Please ensure all relevant plans and drawing numbers are included, where applicable.

Please note that only Town of Whitby staff can determine if criteria can be determined not applicable and this decision is made based on the explanations provided within the completed Green Standard Checklist. Therefore, a more detailed description is required for all criteria that the Applicant deems not applicable so an informed decision can be made in terms of its applicability.

External Agencies

Bell Canada

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.

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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.”

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

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.

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 the provision of comments or other responses.

Central Lake Ontario Conservation Authority (CLOCA)

Official Plan Amendment (OPA-2022-W/02)

The subject lands are currently designated Low Density Residential 1 and Environmental Protection/Conservation Lands. The purpose of the proposed Official Plan Amendment application is to change the land use designation on a portion of the Subject Land from Low Density Residential 1 to Medium Density and adjust the boundary of the Environmental Protection/Conservation Lands.

CLOCA staff recommend that all lands containing hazard lands, wetlands, associated features, and their development setbacks be designated Environmental Protection/Conservation Lands. CLOCA staff have reviewed the draft Official Plan Schedule provided with this circulation and have no objection to its approval.

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Zoning By-law Amendment (Z-13-22)

The subject lands are currently zoned Agricultural. The purpose of the Zoning By-Law Amendment application is to change the zoning to appropriate categories to implement the Draft Plan of Subdivision.

CLOCA staff recommend that all blocks containing hazard lands, wetlands, associated features, and their development setbacks be zoned Greenbelt (G) as per zoning by-law 1784 or the equivalent. No lot lines or associated development should occur within these lands. CLOCA staff have reviewed the draft Zoning By-law Schedule provided with this circulation and have no objection to its approval.

Draft Plan of Subdivision (SW-2022-03)

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 guidelines as well as in conformity with the recommendations found within the Pringle Creek Master Drainage Plan and CLOCA Technical Guidelines for Stormwater Management Submissions.
 - b. The intended means to maintain appropriate water balance for the subject lands and to the adjacent hydrologic features (e.g., wetlands, watercourses) to the satisfaction of Central Lake Ontario Conservation Authority.
 - c. The intended means to design, install, access, maintain and monitor any proposed Low Impact Development (LID) measures as part of this development. This includes the completion of in-situ infiltration testing and seasonal high groundwater monitoring in the location of the proposed facilities to ensure that they will function as designed.
 - d. 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.

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- e. The intended means to provide restoration and ecological enhancement within the Open Space Block 20 to the satisfaction of Central Lake Ontario Conservation Authority and Town of Whitby. A letter of credit for the value of implementation of this plan will be held by the Town of Whitby until the warranty period expires on the planted materials.
2. That the Subdivider agrees that prior to registration of the subdivision the approved Restoration and Ecological Enhancement Plans for Block 20 will be implemented to the satisfaction of Central Lake Ontario Conservation Authority and the Town of Whitby. Given access to this Block may be restricted once construction of the buildings occurs, it is recommended that implementation occur prior to construction commencing and access to this area be restricted thereafter.
3. That the Subdivider shall agree within the Subdivision Agreement to erect a permanent fence between the boundary of Block 20 and any residential lands, to prevent any direct entry of landowners/occupants from private lands into this Block. Any associated development agreement shall include provisions to prohibit private gates being installed through this fence.
4. That the Subdivider shall agree to dedicate Open Space Block 20 to an appropriate public body.
5. 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.
6. 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.
7. 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 and 2 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.

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Hydrogeology Comments to be addressed at Detailed Design

A memo from our Environmental Engineering Division related to our water balance review has been provided. These comments must be addressed to our satisfaction as part of detailed design as outlined in our conditions of draft plan approval listed above.

Ontario Regulation 42/06 of the Conservation Authorities Act

A permit from CLOCA will be required for any site alteration and/or development within any lands regulated 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.

Conseil Scolaire Viamonde

The Conseil scolaire Viamonde has no comment.

Durham Catholic District School Board

Planning staff at the Durham Catholic District School Board have reviewed the above noted planning applications and have no objections to the proposed development of 151 residential units.

This development is located within the boundary of St. Matthew the Evangelist C.S. located at 60 Willowbrook Drive, Whitby.

Durham District School Board

Staff has reviewed the information provided for the above-noted application request and under the mandate of the Durham District School Board, has no comments at this time.

Enbridge Gas Inc.

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

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

The applicant shall contact Enbridge Gas Inc.'s Customer Connections department by emailing AreaPlanning40@Enbridge.com to determine gas availability, service and

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meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.

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

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

Hydro One Networks Inc.

We are in receipt of your Draft Plan of Subdivision Application, SW-2022-03 received August 23, 2022. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

Region of Durham

Delegated Plan Review Responsibilities

Provincial Plan Review Responsibilities

Archaeology

A Stage 1 Archaeological Assessment prepared by ASI (March 2022) was submitted with the first submission. The assessment recommended that the entire site be subject to a Stage 2 Archaeological Assessment. It is noted in the comment matrix that a Stage 2 Archaeological Assessment is underway. This requirement can be addressed as a future condition of the subdivision application.

Potential Site Contamination

As requested in our November 2022 letter the Phase One Environmental Site Assessment (ESA) Report prepared by Terraprobe (March 2021) was submitted. This report identified three Potentially Contaminating Activities on-site.

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A Phase Two Environmental Site Assessment was prepared by HLV2K Engineering Ltd (December 2021) and submitted in support of the applications. The ESA report concluded that the site met the “Table 2: Full Depth Generic Site Condition Standards in a Potable Ground Water Condition” (Table 2 Standards) Residential Parkland Institutional (RPI) site conditions standards for all parameters.

The Regional Reliance Letter and a Certificate of Insurance were included in the second submission. The Regional Reliance Letter is acceptable to the Region. The Certificate of Insurance will have to be resubmitted, as it is required on the Region’s form.

Moreover, in accordance with the Region’s Soil and Groundwater Assessment Protocol, all ESA work is valid for up to 18 months after MECP’s filing date. As such, as a condition of the draft plan, an update letter identifying if there were any changes to site conditions may be required. This requirement will be included as a future condition of draft approval for the subdivision application.

Noise

The Noise Feasibility Assessment prepared by RJ Burnside (March 2023) did not use Regional traffic forecast data for the AADT for Garden Street (a Type C Arterial Road). Based on the input study to the Mid-Block Arterial Class EA, and our own database, the AADT should be 16,000. While the volumes may be reasonable for a 2028 horizon year, they do not reflect the full impact of Brooklin or north Whitby related development for the extension of Garden Street and its connection to the mid-block arterial. The Assessment needs to be updated with traffic forecasts from the Region’s Planning Division.

The study recommends the use of a 2.0 meter high acoustic barrier for Lot 1 (the worst case scenario lot) abutting Garden Street in order to reduce the predicted sound levels to 55 dBA. The Region agrees with this recommendation, however, a higher barrier might be necessary should the AADT for Garden Street be increased to 16,000.

Sections 4.2 and 7.1 of the Noise Feasibility Assessment recommend the provision for adding air conditioning for the specified lots (Lots 1 – 18). Mandatory Central Air for Lot 1 may be a possibility if an AADT of 16,000 is used for Garden Street.

The Assessment recommends a “Detailed” Environmental Noise Assessment once the proposed building locations and grading plans are finalized. There should be a recommendation stating that the Noise Control measures, and the appropriate Warning Clause(s) be included in the Town of Whitby Subdivision Agreement.

Block 19 (Medium Density Residential) contains a recently submitted Site Plan showing the location of the proposed residential units. A further Assessment will be required using traffic forecasts from the Region’s Planning Division for this area.

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A revised report should be submitted to address the Region's comments. This requirement can be addressed as a future condition of draft approval for the subdivision application.

Environmental Impact Study

The Environmental Impact Study (EIS) prepared by Beacon Environmental was updated to address comments from CLOCA. As noted in the comment matrix. The revised development plan has been updated to reflect the boundaries of the Natural Heritage System more closely and increase the area for protection. Additionally, a reforestation plan is proposed.

Municipal Servicing

Regional Works reviewed the second submission material and advised that they had no further comments on the applications.

Transportation

The applications were reviewed from a Transportation Planning perspective and the following comments were provided:

- It is recommended that the site plan identify where bicycle parking for visitors will be provided to support planned cycling connections. Identifying these connections helps encourage residents and visitors to use active modes, support Transportation Demand

Management (TDM) in the Region.

- Given the additional density and traffic this development will generate to the area, the site plan should consider identifying additional east/west pedestrian crossings on Street "A" between Block 18 and Block 19; add the pedestrian crossing label to the east/west crossing on Street "A" and Street "D", and add an additional north/south pedestrian crossing on Street "A" between Block 08 and Block 05, to facilitate safe pedestrian and cyclist movement within the site and to destinations adjacent to the site.

Durham Region Transit

Durham Region Transit has reviewed this application and provided the following comments:

- The subject property is located within a Local Area Transit Plan Area identified in DRT's Route Ahead plan. Please protect for transit stops at the following locations as per the attached S-12 standard design guidelines:
 - Garden Street southbound nearside at Robert Attersley Drive

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- Robert Attersley Drive westbound nearside at Street “A”
- Sidewalks are required to be constructed on the west side of Garden Street and the north side of Robert Attersley Drive in tandem with this development.
- Sidewalks are required to be constructed within the internal street network in tandem with this development.

Conclusion

Based on the forgoing, the Region has no objection to approval of the Official Plan Amendment or draft approval of the subdivision application. The following conditions of approval shall be complied with prior to clearance by the Region for registration of the subdivision plan.

1. The Subdivider shall prepare the final plan and shall include a land use table on the basis of the approved draft plan of S-W-2022-03, prepared by Bousfields Inc., identified as drawing number 2121-35dp, dated April 4, 2023, which illustrates 18 single-detached units, 1 block for medium density residential, 1 open space block and 1 road widening block.
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 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.

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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. The Subdivider shall carry out an archaeological assessment of the subject property and mitigation and/or salvage excavation of any significant heritage resources to the satisfaction of the Ministry of Tourism, Culture, and Sport. No grading or other soil disturbance shall take place on the subject property prior to a letter of clearance from the Ministry of Tourism, Culture and Sport.
9. Prior to the finalization of this plan of subdivision, the Subdivider must provide satisfactory evidence to the Region 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, Conservation and Parks, accompanied by any additional supporting information.
10. The Subdivider shall submit to the Region of Durham, for review and approval, a revised acoustic report prepared by an acoustic engineer based on projected traffic volumes provided by the Region of Durham Planning and Economic Development Department, and recommending noise attenuation measures for the draft plan in accordance with the Ministry of the Environment, Conservation and Parks guidelines. The Subdivider shall agree in the Subdivision Agreement to implement the recommended noise control measures. The agreement shall contain a full and complete reference to the noise report (i.e., author, title, date, and any revisions/addenda thereto) and shall include any required warning clauses identified in the acoustic report. The Subdivider shall provide the Region with a copy of the Subdivision Agreement containing such provisions prior to final approval of the plan.