

Attachment #10

Agency and Stakeholder Detailed Comments

DEV-23-23 (Z-07-23, SW-2023-02)

Internal Departments

Whitby Engineering Services

The subject lands are currently zoned D(R), and I under Zoning By-Law 1784. The purpose of the proposed Zoning By-law Amendment application is to permit both residential as well as professional office space use within the existing single-detached house and to permit the construction of 41 common element townhouse units. The purpose of the Draft Plan of Subdivision is to create two (2) blocks. Block 1 on the Draft Plan will retain the existing single-detached house, which has been proposed to be utilized as residential and professional office space. Block 2 on the Draft Plan will consist of 7 townhouse blocks comprised of 41 common element townhouse units.

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

- Draft Plan of Subdivision, Part of Lot 25, Concession 2, by Miller Planning Services, dated December 2, 2022;
- Architectural Site Plan (Drawing No. SP-01), by P Del Design, dated June 13, 2023;
- Site Servicing and Stormwater Management Report, by Candevcon East Limited, dated April 2023, revised July 2023, and September 2023;
- Traffic Impact Brief, by Candevcon East Limited, dated September 7, 2022; and,
- Addendum Letter to the Traffic Impact Brief, by Candevcon East Limited, dated April 25, 2023.

We have reviewed the drawings and reports, and Engineering Services does not object to the proposed Draft Plan of Subdivision and Zoning By-Law Amendment provided that:

A. Conditional Comments

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

To address the Town's Community Strategic Plan 2023 to 2026 and assist in providing a complete picture of the proposed subdivision's mobility provisions, Engineering Services has attached a Composite Transportation Component Plan (CTCP) as Attachment 1.0 highlighting the anticipated locations of sidewalks, multi-use trails, multiuse paths and dedicated biking facilities for reference.

Engineering Services requires the following Financial Considerations to be identified within Section 7 of the Council Report:

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

Asset	Quantity
Roads	N/A
Sidewalks	0.19 km
Storm Sewers	N/A
Ponds	N/A
District Park	N/A
Local Parks	N/A

Engineering Services requires several Conditions of Draft Approval. Please refer to Attachment #11.

B. Informational Comments

The following items can be addressed through the Engineering Submission and Subdivision/Site Plan Agreement process:

- Site Plan Engineering Fee - Tier 3 fees will apply to the development in accordance with Fee and Services By-Law at time of Site Plan Agreement execution.
- Security will be required at time of Site Plan Agreement execution as per Engineering Services accepted Construction Cost Estimate: 50% for onsite engineering work and 100% for engineering work within road right of way.
- To address lot level low impact development (LID) recommendations, ensure that lots and areas where roof water leaders are proposed to be disconnected from the storm sewer connection are clearly noted and can accommodate the drainage without creating problems associated with winter ice accumulation. Ensure that storm drainage areas reflect the correct boundary location.
- 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. Currently, the environmental noise assessment does not require any noise barriers.

- 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.
- Per the recommendation within the Site Servicing and Stormwater Management Report, topsoil thickness for landscaped areas within the development is to be increased to 300 mm.
- The Subdivider shall provide the Town with a cash contribution in accordance with the by-lawed rate in force at the time of payment, for each newly installed streetlight for the relamping and cleaning of streetlights, representing typical maintenance costs prior to assumption.
- 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.

Whitby Planning and Development

The Planning and Development Department has reviewed the submission materials and are satisfied, subject to addressing revisions and requirements outlined by other commenting agencies.

Whitby Landscaping

No comments on the ZBA and Draft Plan of Subdivision.

Whitby Fire and Emergency Services

- Private lanes shall be designed as fire access routes in accordance with OBC 3.2.5.6
- Indicate location of fire hydrants on site plan.
- Fire hydrants shall be spaced at intervals of not more than 90 m.
- Fire hydrants shall be installed at each end of private lanes designated as fire access routes.
- Provide fire access route sign locations as per Town of Whitby Bylaw 4084-97
- Submit a site plan indicating designated fire breaks for review and approval prior to construction.

Whitby Strategic Initiatives

The Creative Communities team appreciates the raised planter with seating wall as shown on the Landscape Plan to provide a focal point for the intersection. Through email correspondence dated June 15, 2023 with Nathan Thomas of Sakmet Developments, the images provided for the site art feature also included a central art piece within the middle of the seating wall. Please confirm if this is still intended to be part of the design so as to showcase the space and highlight the public art.

Sustainability Staff acknowledge and appreciate the sustainability considerations outlined in the Whitby Green Standard (WGS) Checklist and provided in the Sustainability Rationale Report. However, we will require that the WGS Checklist and

Sustainability Report be updated based on comments below to demonstrate that the requirements of Tier 1 have been satisfied:

- Please submit the Whitby Green Standard Checklist for Draft Plan of Subdivision Application as this review is for Draft Plan of Subdivision Application and not Site Plan Application.
- CC1.1 – Please confirm that L2.1 is the correct plan/drawing for this criterion as well as the location described in the applicant’s comments column.
- CC1.2 – Please confirm details of the public square and landscape feature.
- SW1.1 – Please provide further details as to how the proposed development meets the Ministry of the Environment, Town Design Criteria and Master Drainage Plans, and Central Lake Ontario Conservation Authority Guidelines.
- SW1.2 – Please include any plans and drawings in the correct column.
- SW1.5 – Please explain how the proposed development meets the Central Lake Ontario Conservation Authority’s requirements and guidelines and the Town Design Criteria and Master Drainage Plans.
- TT1.3 – Please explain how the proposed development meets the compact development goals, objectives, and policies in Whitby’s Official Plan.
- TT1.5 – Please provide further details of how the proposed development off-street surface parking is designed in accordance with the policies of the Official Plan and the Town’s Design Criteria and Engineering Standards.

Lastly, please update the Sustainability Rationale Report to reflect the Whitby Green Standard Draft Plan of Subdivision Checklist and to ensure compliance with the Whitby Green Standard, the report can be submitted in the following format:

1. Executive Summary: Overview of the project and declaration of performance tier commitment.
2. Purpose of the Application: Detailed description of the project.
3. Sustainability Overview: Summary of the project’s sustainability vision and objectives.
4. Sustainability Declaration: Provide the performance tier that will be achieved by the project.
5. Mandatory Performance Measures: List all mandatory performance measures and their related reference document(s) in a table format.
6. Voluntary Performance Measures: Where a higher performance tier is being pursued, list all core, voluntary performance measures, and their related reference document(s) in a table format.
7. Innovation: If applicable, provide an overview of any innovation performance measures being pursued by the project.

Whitby Financial Services – Tax

There is an outstanding balance for the subject land. All taxes are to be paid prior to the issuance of a Building Permit.

Whitby Financial Services – Development Charges

The following pertains to Town of Whitby Development Charges **only**, based on current Provincial legislation and Town of Whitby by-laws (subject to change). Additional information can be found at <https://www.whitby.ca/en/work/development-charges.aspx?mid=3457>.

This development will also be subject to Region of Durham development charges and DDSB/DCDSB education development charges, please reach out to them directly with any questions.

Development Charges

- Will be owing for the residential development.
- Under Section 26.2 of the Development Charges Act.
 - The base DC rate(s) will be set as of the Zoning By-law Amendment application submission date.
 - Interest will accrue on the base DC rate(s), from the date of Zoning By-law Amendment application submission until the date of building permit issuance. Per the DC Act, the interest is set at Prime +1% adjusted quarterly.
 - The applicant has 2 years from the date of Zoning By-law Amendment application approval to obtain a building permit. Otherwise, Section 26.2 no longer applies, and instead the applicable DC rate(s) are the current posted rates in effect as of the building permit issuance date.
- If this development is a condo, development charges are payable prior to the issuance of the 1st building permit. If this development is entirely rental housing development charges shall be payable as per Section 26.1 of the DC Act.
- If this development includes affordable or attainable units (as defined in Section 4.1 of the DC Act), those units are eligible for DC exemptions.
- If this development includes rental housing or institutional development, Section 26.3 of the DC Act allows for development charges to be paid in equal annual installments beginning upon occupancy.
- If this development includes rental housing, Section 26.2 (1.1) of the DC Act allow for additional development charge reductions based on number of bedrooms per unit.
- If a building is being demolished to make way for this redevelopment, the applicant has 5 years from the date that the demolition permit was issued, to obtain the new building permit to qualify for a redevelopment credit.

Parkland Dedication / Cash-in-Lieu

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

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

External Agencies

Durham Region Planning and Economic Development Department

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

The purpose of the subdivision application is to permit the creation of three subdivision blocks – a heritage block, a common-element condominium block and a site-triangle block. This will facilitate the development of 41 common-element townhouse units.

The purpose of the proposed Zoning By-law Amendment application is to change the zoning to an appropriate zone category to accommodate the proposed subdivision.

Regional Official Plan

The subject site is designated "Living Areas" in the Regional Official Plan (ROP). Living Areas shall be predominantly used for housing purposes.

A new ROP was adopted by Regional Council in May 2023, and forwarded to the Province for approval. The subject site is designated "Community Areas" in the new ROP. Community Areas shall be planned for a variety of housing types, sizes and tenures within connected neighbourhoods that include population-serving uses such as commercial, retail, personal service uses, home businesses, recreational uses, public service facilities, institutional uses and office uses, provided such uses are appropriately located and compatible with their surroundings.

The proposed development will add an array of housing to the area and conforms with the ROP.

Provincial Policy and Delegated Plan Review Responsibilities

Provincial Policy Statement

Policy 1.1.3.2 a) of the Provincial Policy Statement (PPS) encourages development within settlement areas that support densities and a mix of land uses that efficiently use land, resources and planned infrastructure. Policy 1.4.3 states that planning authorities shall provide an appropriate range and mix of housing options and densities to meet projected market-based and affordable needs of current and future residents. The proposed development includes a mix of unit types. The proposed development is consistent with the policies of the PPS.

Growth Plan for the Greater Golden Horseshoe

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

Additionally, the subject site is located within the Built Boundary for the Town of Whitby. The proposed development will assist the Town in meeting its intensification allocation as per Schedule “E” – Table “E9” of the ROP.

The proposed development, which, through intensification, will add an array of housing to the area conforms to the policies of the Growth Plan.

Provincial Plan Review Responsibilities

Archaeology

A Stage 4 Archaeological Assessment, prepared by Parslow Heritage Consultancy Inc (June 2022) was submitted in support of the proposed development. The archaeological site is known as the Thompson site. The Stage 4 mitigation was undertaken through mechanical topsoil removal and photo documentation was undertaken. No artifacts were collected and no cultural features were observed. The Assessment concluded that no further cultural heritage value or interest from an archaeological perspective remains.

The Archaeological Assessment must be submitted to the Province for review and their clearance letter should be provided to the Region. This can be addressed as a condition of draft approval.

Potential Site Contamination

A Phase One Environmental Site Assessment (ESA) Update report, prepared by GHD (June 2022), was submitted in support of the application. This report was an update from a 2017 Phase One ESA. GHD stated that there are no new environmental concerns, and the property is suitable for residential use.

Additionally, the Regional Reliance Letter and Certificate of Insurance were also submitted and are acceptable to the Region.

In accordance with the Region’s Soil and Groundwater Assessment Protocol all ESA work is valid for up to 18 months. As such, an updated Phase One ESA Update Report will be required as a condition of draft approval.

Noise

The Environmental Noise Assessment prepared by YCA Engineering (July 2022) was reviewed. The report provides for noise mitigation measures and warning clauses and is acceptable to the Region. The warning clause should be included in the Town of Whitby Subdivision Agreement. This will be addressed as a condition of draft approval.

Municipal Servicing - Water Supply

The subject property is located within the Zone 1 water pressure district of the water supply system for Whitby. The estimated static water pressure is within the maximum allowance of 550 kpa (80 psi); therefore, private pressure reducing valves will not be required.

The Region would prefer that the Applicant use the existing 200 mm dia. PVC water service plugged at the Garden Street property line. If the existing 200 mm dia. water service is not suitable then the applicant shall abandon the service and plug it at the existing 300 mm DI watermain along the east side of the Garden Street right of way.

Water servicing is also available via a connection to the existing 150 mm dia. PVC watermain plugged at the west property line of the subject site at the Mayfield Crt. R.O.W. The Applicant shall note, the Region will not permit a service connection to the existing 600 mm dia. CPP feedermain within the Manning Road right-of-way.

Municipal Servicing - Sanitary Servicing

Servicing is available via a connection to the existing 200 mm dia. sanitary sewer within the Mayfield Crt. R.O.W. at the southwest corner of the site, or the existing 200 mm dia. PVC sanitary sewer at the property line of the Garden Street.

In accordance with the Region of Durham Sewer Use By-Law, we will not permit foundation drains to connect to the sanitary sewer system. The applicant shall note that sanitary drainage capacity is allocated on a first come first serve basis at the time of signing a development agreement.

Transportation

The portion of the sight triangle, shown as Block 3 of the draft plan, is to be dedicated free and clear of all encumbrances as a condition of the draft plan of subdivision.

Site Servicing and Stormwater Management Report

The subject development is proposing to release 49 L/s storm water to the Regional storm sewer on Manning Road, which is close to a 5-year pre-release rate allowed for this development in the original sewer design. On-site storage of 362 m³ will be provided through pipes with a 105 mm orifice to control a 100-year post-development flows to the above noted release rate seems reasonable and this stormwater management proposal is acceptable to the Region. Please note that the Region has no liability for any backflow resulting from capacity on the Regional or downstream storm system.

Traffic Engineering Design Plan (Manning Road)

The preliminary design on the Manning Road left turn lane is generally acceptable. It meets our design standards for the bay taper, deceleration and storage for a 60 km/h design speed (posted speed 50 km/h).

The Region agrees with the Town's requirement on the Garden Street access to be controlled by an extension of the median northwards from the intersection of Garden

Street and Manning Road, as the small island within the access is not only ineffective at restricting left-turns, but also provides a barrier to the MUP through the access.

Waste Management

The Region of Durham provides recycling and waste collection service to draft plans of subdivision residential lots and freehold townhouse blocks in the Town of Ajax, City of Pickering, Townships of Scugog, Brock and Uxbridge and the Municipal of Clarington. Only Blue Box recycling collection is provided by the Region in the City of Oshawa and Town of Whitby.

On June 3, 2021, Ontario filed O.Reg. 391/21 under the Resource Recovery and Circular Economy Act that will make product producers responsible for the Blue Box program including collection. Once transition occurs, The Regional Municipality of Durham will no longer be the service provider for the Blue Box program. The transition of responsibility of the Blue Box program to product producers in Durham Region is expected to occur in 2024. Please see O.Reg. 391/21 for full details.

Any dead-end municipal road(s) must be designed and built with a permanent or temporary, cul-de-sac. If the residential development is built in stages or by multiple builders, municipal waste service may be delayed to completed homes due to access availability. All municipal road networks will be reviewed through the draft plan approval process and through the detailed design of any phase limits to ensure it complies with the Waste By-law 46-2011. All municipal roads, including rear laneways, must be built to a Regionally approved, area municipal standard road cross sections.

Waste Management collection for residential blocks (other than freehold townhouse blocks) including any units within these blocks which will front onto a municipal road will be assessed for waste collection through the Site Plan approval process.

Transportation Planning

The application was reviewed from a Transportation Planning perspective and there are no comments.

Durham Region Transit

Durham Region Transit reviewed the applications and advised that there are no comments.

Conclusion

Based on the forgoing, the Region has no objection to draft approval of the subdivision application. The attached conditions of approval shall be complied with prior to clearance by the Region for registration of this plan. Please refer to Attachment #11 to review Conditions of Draft Approval.

In addition to sending the Region copies of the draft approved plan and conditions of approval, at such a time as the draft approval is in effect, please e-mail me a digital copy of the conditions of draft approval and the signed draft plan.

Central Lake Ontario Conservation Authority

The Central Lake Ontario Conservation Authority has no objection to the proposed development proceeding, subject to the below Conditions of Draft Plan Approval being implemented.

1. That prior to any on-site grading or construction or final approval of the plan, the Subdivider shall submit to, and obtain approval from the Town of Whitby and the Conservation Authority for reports describing the following:
 - a) The intended means of conveying stormwater flow from the site, including use of stormwater techniques which are appropriate and in accordance with provincial guidelines; The stormwater management facilities must be designed and implemented in accordance with the recommendations of the Lynde Creek Master Drainage Study.
 - b) The intended means whereby erosion and sedimentation and their effects will be minimized on the site during and after construction, in accordance with provincial guidelines. The report must outline all actions to be taken to prevent an increase in the concentration of solids in any water body as a result of on-site, or other related works.
 - c) The intended means to install, access, maintain and monitor any proposed Low Impact Development (LID) measures as part of this development.
2. The Subdivider shall satisfy all financial requirements of the Central Lake Ontario Conservation Authority.
3. The subdivision agreement between the Owner and the Town of Whitby shall contain, among other matters, the following provisions:
 - a) The Subdivider agrees to carry out the works referred to in Condition 1 to the satisfaction of the Central Lake Ontario Conservation Authority.
 - b) The Subdivider agrees to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, in a manner satisfactory to the Central Lake Ontario Conservation Authority.
 - c) In order to expedite clearance of Condition 3 a copy of the fully executed subdivision agreement between the area municipality and the owner should be submitted to the Authority.

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 41 common element townhouse units.

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

Bell Canada

We have reviewed the circulation regarding the above noted application. The following paragraphs are to be included as a condition of approval:

Bell Canada Condition(s) of Approval

1. The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.
2. The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

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.

Concluding Remarks:

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

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

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

Rogers Communications

Rogers Communications Canada Inc. ("Rogers") has reviewed the application for the above Subdivision and has determined that it intends to offer its communications services to residents of the Subdivision. Accordingly, we request that municipal approval for the Subdivision be granted subject to the following conditions:

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

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

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

Enbridge Gas Inc.

Enbridge Gas 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 use the Enbridge Gas Get Connected tool to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping and/or asphalt paving.

(https://enbridge.outsystemsenterprise.com/GetConnected_Th/Login2?OriginalURL=https%3A%2F%2Fenbridge.outsystemsenterprise.com%2FGetConnectedApp_UI%2F)

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 at no cost.

The applicant will contact Enbridge Gas Customer Service at 1-877-362-7434 prior to any site construction activities to determine if existing piping facilities need to be relocated or abandoned.