

# Attachment #10

## Agency & Stakeholder Detailed Comments

### File DEV-28-23 (SW-2023-04, Z-10-23)

## Internal Departments

### Engineering Services

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

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

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.

<b>Asset</b>	<b>Quantity</b>
Roads	N/A
Sidewalks/Multi-use paths	0.27 km
Storm Sewers	N/A
Ponds	N/A
District Park	N/A
Local Parks	N/A

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

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

a. Block 3 for road widening on Garrard Road.

1.2. The Subdivider shall be responsible for concrete sidewalk and/or multi-use path installation in the following locations:

- a. 3.0m-wide multi-use path on the south side on the south side of Taunton Road.
- b. 1.8m-wide concrete sidewalk on the west side of Sebastian Street.
- c. 1.8m-wide concrete sidewalk on the east side of Garrard Road.

Cash-in-lieu payment for the above may be provided at the site plan agreement stage should construction be deferred as determined by the Town. Further review and consideration of sidewalk placement is required and will be addressed through detail design / engineering as part of the site plan application.

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 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 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.

1.5. 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.

1.6. 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.

1.7. 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.

1.8 All black vinyl chain link fences to delineate Town blocks, and open spaces from private property shall be designed and constructed in accordance with the relevant Engineering Standards. Fencing for school blocks to be as per the appropriate school board requirements.

1.9. 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.

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

1.11. The Subdivider shall provide a detailed engineering submission in accordance with Section J of Town of Whitby Design Criteria for Site Plan submission requirements as it relates to the future Site Plan application.

1.12. 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.

1.13. 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 accordingly.

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

1.15. 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.

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

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

This concludes the conditional comments of Engineering Services.

All other items related to the subdivision can be addressed through the site plan agreement process subsequent to Draft Plan/Re-Zoning Approval.

B. Informational Comments

2. The following items can be addressed through the detailed engineering and site plan agreement process:

2.1. Confirm with the Region of Durham the visibility triangle dimensions shown on the intersection of Sebastian and Taunton Road as there appears to be a discrepancy between the underlying existing right-of-way limit shown and the proposed road widening block, Block 2.

2.2. 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.

2.3. 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.

2.4. The Subdivider shall provide an updated Traffic Impact Study (TIS) to address the comments provided in a separate memo from Transportation Services dated December 7, 2023 (Attachment 2) prior to or with the submission of detailed engineering drawings.

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

2.6. The Subdivider shall provide an updated Functional Servicing and Stormwater Management Report (FSSR) to address the comments provided in a separate memo from Water Resources dated December 11, 2023 (Attachment 3) prior to or with the submission of the future Site Plan application.

2.7. Provide a detailed design brief and Operations and Maintenance (O&M) Manual for the proposed SWM facilities.

2.8. 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.

2.9. 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.

2.10. 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.

2.11. 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.

2.12. Sidewalks and multi-use paths to be 0.25m offset from the final property limits in accordance with Town Standard 208.

2.13. Construction access is preferred from Taunton Road.

### **Fire and Emergency Services**

1. Indicate location of fire hydrants on site plan.
2. All private laneways shall have fire hydrants spaced at not more than 90 m.
3. Fire hydrants shall be installed at each end of private lanes designated as fire access routes.
4. A fire access route shall be provided in accordance with OBC 3.2.5.6.
5. Turnaround facilities shall be provided for any dead end portion of a fire access route exceeding 90 m.
6. Provide fire access route sign locations as per Town of Whitby Bylaw 4084-97
7. Submit a site plan indicating designated fire breaks for review and approval prior to construction for town houses 4 to 7.
8. A Water supply shall be provided as per OBC 3.2.5.7.
9. Fire alarm system required in 4 storey stacked townhouses conforming to OBC
10. Provide separate fire alarm monitoring points for each 4 storey stacked townhouse.
11. Sprinkler system required in 4 storey stacked town houses conforming to OBC.
12. Fire department connection for 4 storey stacked townhouses to be indicated on drawing.
13. Advise if backflow preventers will be provided for each 4 storey stacked townhouse or one common for site.

### **Strategic Initiatives**

#### Sustainability Comments

Sustainability Staff acknowledge and appreciate the Whitby Green Standard (WGS) Checklist and Sustainability Rationale Report that were submitted. We are pleased to

see that additional sustainable practices listed in Tier 2 and voluntary measures are being considered for this development. However, it has come to Staff's attention that the documentation has not been updated and comments from February 3, 2023, have not been addressed. Please note an updated Whitby Green Standard Checklist and Sustainability Rationale Report are required to continue with our review. As mentioned previously, the WGS Checklist will require a more detailed description as to how all criteria are being followed.

February 3, 2023, Comments to be Addressed:

In addition, 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. As such, please include Applicant Comments in the Checklist that provide a description of why it is believed that it is not applicable so that we can make an informed decision.

Applicant Comments in the Whitby Green Standard Checklist that currently state "Deferred to site plan application" will need to be updated. If the information at this time cannot be provided that demonstrates how the core performance measure will be achieved, a commitment that it will be achieved must be included.

Sustainability Staff continue to encourage the applicant to consider advanced sustainability criteria through the uptake of voluntary Tiers 2-4 as it progresses into the detailed design stage, as this application is close to achieving Tier 2.

We want to emphasize that 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.

To assist with achieving the advanced Tiers, staff encourage the applicant to:

- Investigate the potential to achieve 30% tree canopy within 10 years of the development through using i-Tree, a free a state-of-the-art, peer-reviewed software suite from the USDA Forest Service that quantifies canopy cover.
- Incorporate bird and bat friendly designs into the development.
- Explore opportunities to achieve a 25% energy efficiency increase above OBC through uptake of solar energy and other energy efficiencies measures like air source and ground source heat pumps.
- Install Level 2 EV charging stations in the visitor parking lot and include a rough-in conduit for EV charging stations in private parking spaces. As vehicles transition to electricity, access to charging stations is becoming essential. Funding opportunities available to support this can be explored here: [Zero Emission Vehicle Infrastructure Program – Delivery Organizations \(nrcan.gc.ca\)](https://www.nrcan.gc.ca/zero-emission-vehicle-infrastructure-program-delivery-organizations). We encourage the applicant to contact Sustainability Staff to discuss this further.

Note that based on the Sustainability Staff's review of the comments provided by Landscape Department that the core performance measure LUN1.2 – Ecological Functions: "Meet the environmental management policies of Whitby's Official Plan and

the Central Lake Ontario Conservation Authority guidelines”, has not been satisfied. The trees described in the inventory that are within the proposed development lands meet the Town’s criteria for “woodlot” within the Town of Whitby Tree protection By-Law (see Definitions, (1. ff)). Removal of an existing woodlot conflicts with the intent of the Town’s Tree Protection By-Law 4940-00, as well as the following policies of the Town of Whitby Official Plan:

- General Policies-Environmental Management: Objective 5.2.1. “to conserve, preserve, and enhance features and functions of the natural environment....associated with the Former Lake Iroquois Beach....through...the planning and development approval process”
- 5.3.1.4: “Woodlands and trees shall be preserved....”
- 5.3.1.5: “....enhancement of existing wooded and natural areas....shall be encouraged to assist in the achievement of the Region’s woodland cover target...”
- 5.4.4 Tree Preservation 5.4.4.1-“The Municipality shall ensure that great care is taken to preserve mature trees and woodlots ....in all areas of development and/or redevelopment.

Removal of the existing woodlot is required to facilitate the proposed development, however, compensation for the removal of this woodlot is required to be included as a condition of this development and to demonstrate compliance with Whitby OP policies. Revised submissions shall include proposals for compensation.

To provide the “net gain” in the Town’s Natural Heritage System that demonstrates compliance with the policies of the Town of Whitby Official Plan, additional lands must be added to the existing NHS. The proposed development does not currently include any additions to the Town’s NHS. Revised submissions shall include proposals for additions to the existing NHS.

The commitment to the use of native, drought tolerant plant material made in the Sustainability Report should be reflected in the proposed plant species in the Landscape Plan, versus the proposed planting palette included in the landscape concept that includes non-native species.

Furthermore, to satisfy the Core Performance Measure # HH1.1 – Public or Boulevard Trees: “Achieve the requirements of Whitby's Landscape Plan - Guidelines; consider use of soil cells where underground infrastructure is a concern” please ensure all comments provided by the Town’s Landscape Staff on the Landscape plan are addressed.

Lastly, to satisfy the requirements of # ECC1.2 “Determine the feasibility of energy generation from renewable resources” we would like to some additional information. Please provide the brief description of the feasibility assessment conducted for the use of renewable energy sources for this site.

## **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:

#### **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](mailto: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.

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

CLOCA staff have reviewed the submitted materials for consistency with the natural hazard policies of the Provincial Policy Statement (PPS) and conformity with Ontario Regulation 42/06 of the Conservation Authorities Act as well as other relevant watershed management guidelines and policies.

The subject lands are within the Pringle Creek watershed and are subject to the Pringle Creek Master Drainage Plan and CLOCA Submission Guidelines for Stormwater Management as part of the management of stormwater for this site. The subject lands are also within an area of ecologically significant groundwater recharge and high aquifer vulnerability. They are also within the Former Iroquois Lake Beach formation. As such any development of this site must consider water balance for the overall site and any impacts to any surrounding hydrologically supported features.

Based on our review of the submitted materials, we offer the following comments related to these applications.

## Zoning By-law Amendment

1. CLOCA staff have no objection to the proposed zoning by-law amendment given no hazard lands or features regulated through Ontario Regulation 42/06 of the Conservation Authorities Act were identified within these lands.

## Application for Plan of Subdivision

CLOCA staff are satisfied that adequate information has been provided to issue conditions of draft plan approval for the proposed draft plan of subdivision as a single development Block. Additional technical review has been deferred by the landowner to detailed design of the proposed Block. Detailed comments are provided at the end of this letter will need to be addressed in order to satisfy the conditions of approval and obtain clearance from Central Lake Ontario Conservation Authority.

## Conditions of Draft Plan Approval

Based on the submitted materials, CLOCA staff recommend that the following conditions of draft plan approval be applied on behalf of Central Lake Ontario Conservation Authority to the proposed residential draft plan of subdivision for these lands:

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.
  - b. The intended means whereby erosion and sedimentation and their effects will be minimized on the site during and after construction, in accordance with provincial guidelines. The report must outline all actions to be taken to prevent an increase in the concentration of suspended solids in any water body because of on-site, or other related works.
  - c. The intended means to maintain appropriate water balance for the overall site in accordance with CLOCA Hydrogeological Assessment Submission Guidelines and CLOCA Stormwater Management Guidelines as part of future development.
  - d. The intended means to design, install, access, maintain and monitor any proposed Low Impact Development (LID) measures as part of this development. Appropriate borehole locations, groundwater monitoring and insitu infiltration testing will be required to verify the feasibility of any LID strategy prior to approval.

2. 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.
3. 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 a) to d) to the satisfaction of the Central Lake Ontario Conservation Authority.
  - b. The Subdivider agrees to maintain all 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.

#### Additional Comments

1. Please find detailed comments from our reviewing Hydrogeologist related to their review of the submitted materials attached to this letter. These comments must be addressed to our satisfaction as part of conditions of approval 1 c) and d) provided above.
2. Detailed stormwater calculations should be provided to support the design including calculations confirming that the 100 year flows can be captured assuming 50% blockage of the catch basins. These calculations must be provided prior to our clearance of condition 1 a) provided above.

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

Based on our review of the submitted materials it appears that this property is not regulated through Ontario Regulation 42/06 of the Conservation Authorities Act. As such, a permit from CLOCA will not be required for the development of this site.

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

Planning staff at the Durham Catholic District School Board have reviewed the above noted development applications and have no objections to the proposed development of four blocks of 4-storey stacked townhouses including 520m<sup>2</sup> of commercial floor space and four blocks of 3-storey condominium townhouses for a total of 158 residential units.

This development is located within the boundary of St. Paul C.S. located at 200 Garrard Road, Whitby

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

Staff has reviewed the information on the above noted and has the following comments:

1. Approximately 57 elementary pupils and 33 secondary pupils could be generated by the above noted application.
2. Students generated from this development will attend existing neighbourhood schools.

Under the mandate of the Durham District School Board, staff have no objection.

### **Elexicon Energy**

Further to the referenced File # DEV-28-23 (SW-2023-04, Z-10-23) Elexicon Energy Inc. has no objection to the proposed Site Plan Application to construct a 4-storey stacked townhouses and 3-storey block townhouses for a total of 158 residential units and 520m<sup>2</sup> of commercial floor space on subject land.

The applicant or its authorized representative shall consult with Elexicon Energy Inc. concerning the availability of supply voltage, service location, metering, costs, and any other details. These requirements are separate from and in addition to those of the ESA. Elexicon Energy Inc. will confirm the characteristics of the available electrical supply and will designate the location of the supply point to the applicant. Elexicon Energy Inc. will also identify the costs that the applicant will be responsible for.

The applicant or its authorized representative shall apply for new or upgraded electric services and temporary power service in writing. The applicant is required to provide Elexicon Energy Inc. with sufficient lead-time in order to ensure:

- a) The timely provision of supply to new and upgraded premises; and/or
- b) The availability of adequate capacity for additional loads to be connected in the existing premises

Please ensure that Elexicon's approved standards and clearances are followed, for all structures, equipment, and people.

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

If the gas main(s) 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.

### **Oshawa Airport**

1. The location appears to be within the Transport Canada Oshawa Executive Airport approach / transitional zoning for runway 12. The proponent must ensure the maximum height of the development, all of its associated features (including light poles / trees) and any cranes used do not exceed the maximum zoning as outlined in the Transport Canada Zoning Regulations for the Oshawa Executive Airport. Although the proponent has circulated an aviation report, the report references the impact of TP312 not the impact of the AZRs on the property as the strip width is 150m not 70m. As stated in our original comments we require plan and profile drawings overlaid with the proposed site design showing the applicability of the zoning surface slopes across the entirety of the property.
2. The proponent will be required to submit an application to the NAV Canada land use process. No impact on the instrument approaches at the airport will be accepted. This would be for both the development and any cranes used to construct the development. We would want to see the response letter from NAV Canada illustrating no impacts prior to construction.
3. The proponent must submit an application to Transport Canada to determine the need for obstacle lighting through Transport Canada's Aeronautical Assessment Form. We would want to see the response letter from Transport Canada prior to construction.
4. The proponent shall complete an Oshawa Airport Crane Permit application prior to erecting any obstacle into the airspace. I have attached it to these comments.
5. The proponent shall ensure the new structure and associated refuge does not become a wildlife attractant due to its location in proximity to the airport.
6. The proponent must undertake a noise impact study which determines that the location is suitable for the intended use given the proximity to the airport and its associated aircraft noise. The study must identify noise mitigation measures which should be included in the building design and same must be

included in the final building design. Additionally, the site plan agreement and condominium agreement shall require all purchase and sale and lease / rental agreements for residential units to include the following clauses: “The occupants / owner and all subsequent owners are advised that the dwellings located within this development are located in proximity to the Oshawa Executive Airport and its corresponding aircraft traffic.”

7. The applicant shall ensure that the storm water management pond (if applicable) cannot be used as habitat for waterfowl.
8. The applicant shall retain a wildlife specialist to prepare a wildlife risk assessment related to the development if a storm water management pond is proposed.
9. Construction activities and equipment cannot penetrate the maximum height as outlined in item #1 at any time. For all buildings having a proposed height within 10m of the zoning, a construction plan will be required to be submitted to the airport demonstrating how construction will take place and that there will be no violations prior to construction.

## **Region of Durham**

Conformity with the Regional Official Plan

Current Regional Official Plan (2020 Consolidation)

The subject lands are designated as Living Areas in the Regional Official Plan (ROP). Lands within the Living Areas designation shall be developed with a mix of housing types, sizes, and tenure to satisfy the diverse housing needs of the residents of Durham Region.

Taunton Road East is designated as a Regional Corridor, a Type ‘A’ Arterial Road, and a Transit Priority Network in the ROP. Development proposals adjacent to Regional Corridors should be at higher densities and include mixed-uses and support a long-term density target of at least 60 residential units per gross hectare.

The subject lands contain Key Natural Heritage and/or Hydrologic Features (KNHFF). In accordance with Policy 2.3.43 of the ROP, an Environmental Impact Study (EIS) must be conducted to support development proposals on lands containing KNHFF.

Stantec Consulting Ltd. has prepared an EIS, dated October 6, 2023, to support the proposed subdivision development. The EIS assessed the potential impact of the proposed development on the existing natural systems. The EIS has been subjected to peer review by a third-party on behalf of the Region. Detailed comments on the EIS are provided below in this letter.

Council Adopted Regional Official Plan, Envision Durham (May 2023)

The subject lands are designated as Community Areas on Map 1 – Regional Structure in the new ROP. Community Areas are intended for a variety of housing types, sizes and tenures within connected neighbourhoods that include population-serving uses such as commercial, retail (including major 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.

Taunton Road East is designated as a Regional Corridor on Map 1 – Regional Structure in the new the ROP. Regional Corridors support the movement of people and goods by encouraging development and intensification that is characterized by compact built form at a transit supportive density. Regional Corridors are also appropriate locations for higher density mixed-use developments to support efficient transit services.

Taunton Road East is recognized as a High Frequency Transit Network on Map 3a – Transit Priority Network in the ROP. Developments along a High Frequency Transit Network should support 100 people and jobs per hectare (45 uph).

## Conclusion

The residential density of the proposed development at 105 uph supports transit usage and promotes compact built form and pedestrian-friendly urban environment. The proposed development consisting of commercial and residential uses also supports mixed-use development and the intensification of the Taunton Road East Regional Corridor. The proposed applications conform with the current ROP and the new ROP.

## Provincial Plans and Policies

### Provincial Policy Statement, 2020 (PPS)

The PPS promotes efficient development patterns that support liveable and resilient communities and protect the environment that are of Provincial interest. The PPS also encourages communities to be developed with a range of residential types and commercial uses to meet long-term needs.

The PPS also encourages land use patterns in settlement areas be based on densities and mixed of land uses which efficiently use land and resources and efficiently use infrastructure and public service facilities. Developments should be transit-supportive, where transit exists.

The proposed development consisting of a mix of housing types and commercial uses supports compact mixed-use developments and contributes to the intensification of the Taunton Road Regional Corridor. The proposed residential development provides transit-supportive densities to promote efficient transit services. The proposed development is consistent with the PPS.

### Growth Plan (2020)

The Growth Plan encourages the building of complete communities that support a range and mix of housing types to serve all sizes, incomes, and ages of households. The

Growth Plan also supports compact development and densities that support transit services. The proposed subdivision provides mixed-use developments and contributes to providing a variety of housing options to meet the diverse housing demands of the community. The proposed development conforms with the Growth Plan.

#### Delegated Provincial Plan Review Responsibilities

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

#### Soil and Groundwater Assessment

A Phase One and Two Environmental Site Assessments (ESA) had been completed for the proposed development by Soil Engineers Ltd., dated August 23, 2022.

The Phase One ESA was completed to identify any potential environmental concerns at the subject lands. Soil Engineers Ltd. reported that the property contained Areas of Potential Environmental Concerns as a result of fill material, above storage tanks, and soil stains. A Phase Two ESA was recommended to further investigate soil quality at the site. There was no potential for contamination to the groundwater, therefore groundwater quality was not tested in the Phase Two ESA.

The Phase Two ESA indicated that soil samples collected at the subject lands met the Ministry of Environment, Conservation and Parks' (MECP) Table 2 Site Condition Standards for Residential/ Parkland/Institutional Property Use. The Phase Two ESA has concluded that the subject lands are appropriate for residential development and no further site assessment work is recommended.

Soil Engineers Ltd. has completed the Region's Reliance Letter dated December 16, 2022, and Certificate of Insurance dated May 12, 2023, for the ESA Reports. The applicant has addressed site contamination on the subject lands to our satisfaction.

#### Peer Review of the Environmental Impact Study

An "Environmental Impact Study," (EIS) prepared by Stantec Consulting Ltd., dated October 6, 2023, has been submitted to support the proposed development. The EIS indicated that the subject lands contain manicured lawn, meadow, and a woodlot. The report concluded that the proposed development would result in the removal of most of the natural heritage system located on the property. Mitigation measures have been recommended in the EIS to minimize the impact on the vegetation and wildlife.

R. J. Burnside & Associates Ltd. was retained by the Region to peer review the EIS including the supplemental response comments and the revised EIS, dated February 8, 2024. The peer reviewer is generally satisfied with Stantec Consulting Ltd.'s response to their concerns. R. J. Burnside & Associates indicated that there were minor requirements that needed to be further addressed related to bat habitat mitigation measures. However, any additional requirements can be resolved during the detailed design phase.

## Noise Impact Feasibility Study

We have completed our review of the “Noise Impact Feasibility Study,” prepared by J.E. Coulter Associates Ltd., dated November 16, 2022. The study examined road noise from Taunton Road and Garrard Road and stationary and potential stationary noise sources in the vicinity of the proposed development. This includes existing commercial on the north side of Taunton Road and proposed office/commercial to the east of the subject lands. The Oshawa Executive Airport is located near the proposed development and lies on the NEF 25 contour line.

The study concludes that there are no significant noise impact anticipated from either the airport or from the stationary noise sources. However, noise control measures are required for the proposed development. The proposed dwelling units facing and in proximity to Taunton Road will have sound levels in excess of 65 dBA Leq and will require indoor noise attenuation in the form of central air conditioning. Therefore, mandatory central air conditioning is required for Blocks 1A, 1B, 2A & Block 8 including noise warning clause. The remainder of the proposed development will require provision for adding central air conditioning and a noise warning clause. A 1.8 metre acoustic barrier has also been recommended for the western most units on Block 7.

We will require the recommended noise control measures of the Noise Impact Feasibility Study to be included in the related Town of Whitby Subdivision Agreement to the satisfaction of the Region of Durham.

## Archaeology Assessment

The subject lands are located in an area containing archaeological potential. The Archaeologists Inc. has prepared a “Stage 1 & 2 Archaeological Assessment” (AA) of the subject lands, dated October 6, 2021. The Stage 1 AA reported that the site had archaeological potential due to proximity to identified archaeological sites, historical transportation routes, and a watercourse. A Stage 2 AA was recommended for the property. The Stage 2 AA did not identify any archaeological resources at the property and no further archaeological assessment is recommended.

The Ministry of Heritage, Sport, Tourism, and Culture Industries has issued a clearance letter dated October 13, 2021, indicating the Stage 1-2 AA has been entered into the Ontario Public Register of Archaeological Reports. The Region is satisfied that the concerns associated with cultural heritage at the site has been addressed.

## Regional Servicing

Municipal sanitary sewer servicing for this development can be provided from the existing 300 mm vitrified clay sanitary sewer along Garrard Road.

Municipal water service can be provided from the existing 300 mm PVC watermain on Garrard Road.

## Transportation

The proposed 7.26 meters right-of-way (ROW) widening shown on the Taunton Road frontage is acceptable, including the 15 x 15 meters sight triangle at Taunton Road and Sebastian Street intersection.

#### Functional Servicing and Stormwater Management Report

We have reviewed the “Functional Servicing and Stormwater Management Report,” prepared by TYLin, dated October 2023, to support the proposed development.

The development will be drained by the storm sewers on Sebastian Street and Garrard Road. Uncontrolled flows from a small portion on the north of the development (0.02ha) will be directed to Taunton Road ROW which will have a very minimal impact to the Regional storm infrastructures.

#### Traffic Impact Study

We have reviewed the “Traffic Impact Study,” prepared by GHD Ltd., dated October 2023. This study is an update of a previous study (December 2022) in which the Region requested an addendum.

In our previous comments, we required the applicant to provide access for 915 Taunton Road from the rear of the property to the proposed laneway connecting to Garrard Road and Sebastian Street. The applicant shall grant a cross-access easement to the 915 Taunton Road property as a condition of site plan approval and registered to title, as 915 Taunton Road would have no other safe vehicular access otherwise.

The key change from the previous TIS, is the addition of a new right-in/right-out (RI/RO) only access onto Taunton Road. The Region has never agreed to this change and does not support in RI/RO access. The TIS supports the fact that the development and associated trips can be accommodated by the accesses via Garrard Road and Sebastian Road, which give access to all-movements on Taunton Road. The additional RI/RO does not provide for intersection spacing on a Type ‘A’ Arterial Road.

#### Servicing Plan S1:

We have reviewed the Servicing Plan S1. The following comments are provided for the servicing plan:

- Provide crossing elevations between the proposed water connections and the existing sanitary and storm sewers on Garrard Road.
- Inspection maintenance hole to be 1.5 metres from the center of the maintenance hole to the property line.
- Our record shows there are existing water and sanitary sewer connections for 935 and 945 Taunton Road along the Taunton Road frontage. Please show these connections on the site servicing plan.

All existing sanitary service connections must be disconnected, abandoned, and plugged at the mainline at the applicant’s expense.

## Next Engineering Submission Requirements

The applicant must provide the following items to the Region for review prior to proceeding with a Site Plan Approval application:

1. Revised engineering drawings to reflect the above servicing and site accessing comments.
2. Revised Site Plan that identifies the location of the private cross- access easement with 915 Taunton Road East.

## Durham Region Transit

The Region offers the following comments from a transit perspective:

- Please protect space behind the sidewalk for a bus stop within the three-metre sidewalk extension along Garrard Street; and
- Please ensure the protected space adheres to the attached S-12 Drawing, in accordance with the preferred orientation behind the sidewalk (refer to Attachment 1).

## Waste Management

The Region of Durham provides municipal collection for curbside blue box recycling to the Town of Whitby residents. All other waste services, including organics and yard waste collection, are provided by the Town of Whitby. Therefore, final approval of any waste collection services in a new development within the Town of Whitby is at the discretion of the Town.

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 the transition occurs, the Region 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.

## Conclusion

The proposed subdivision consisting of high density residential and commercial uses supports mixed-use development and compact built form along the Taunton Road East Regional Corridor. The proposed high densities achieve the Region's Corridor density target and provide densities that support a transit and pedestrian-friendly urban environment.

The Region is generally supportive of the proposed plan of subdivision and zoning by-law, however, there are concerns with the proposed right-in/right-out access onto Taunton Road East. This access does not provide for intersection spacing on a Type 'A' Arterial Road and is not supported by the Region and must be removed.

We have identified issues with the Traffic Impact Study and the Servicing Plan S1. The applicant will need to address the Region's transportation and servicing comments. The additional supporting information must be provided and addressed prior to the approval of a Site Plan application.

Based on the foregoing, the Region has no objection to draft approval of the subdivision application subject to the removal of the right-in/right-out access onto Taunton Road East. The attached conditions of draft approval must be complied with prior to clearance by the Region for registration of this plan.

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

#### Conditions of Draft Approval of the Plan of Subdivision

1. The Owner shall prepare the final plan on the basis of the approved draft plan of subdivision, prepared by Evans Planning Inc., dated November 20, 2022, which shows 1 residential block, and 2 road widening blocks.
2. The Owner shall submit plans showing the proposed phasing to the Region of Durham and the Town of Whitby for review and approval if this subdivision is to be developed by more than one registration.
3. The Owner shall convey to the Region of Durham sufficient road widening of 7.26 metres across the total frontage along Taunton Road, free and clear of all encumbrances, to allow 45.0 metres overall or 22.5 metres from the existing centreline of road, with the registration of the plan.
4. The Owner shall convey to the Region of Durham a sight triangle of 15 metres x 15 metres at the southwest quadrant of the intersection of Taunton Road East and Sebastian Street. The widening shown as Block 2 on the draft plan of subdivision is acceptable.
5. The Owner 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 of Durham.
6. The Owner shall agree in the Town of Whitby's Subdivision Agreement to implement the recommendations of the "Noise Impact Feasibility Study," prepared by J.E. Coulter Associates Ltd., dated November 16, 2022, which specifies noise attenuation measures for the development. The measures shall be included in the subdivision agreement and must also contain a full and complete reference to the noise report (i.e., author, title, date, and any revisions/addenda) and shall include any required warning clauses identified in the study.

7. The Owner 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 Owner 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.
8. 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.
9. The Owner 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 Owner and the Region concerning the provision and installation of sanitary sewers, water supply, roads, and other regional services.

### **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.