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Agency & Stakeholder Detailed Comments  
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## Internal Departments

### Community Services – Parks

The Parks Planning and Development Division of the Community Services Department has reviewed this application dated October 27, 2022 and offer the following comments:

The above application is for an amendment to the Town's Official Plan, Zoning By-law. The application proposes to amend the Port Whitby Secondary Plan to increase the maximum permitted residential density from 300 units per net hectare to 615 units per net hectare, and to change the Zoning to an appropriate zone category, in order to develop an 18-storey, mixed-use, residential apartment building, consisting of 208 residential units and 1,210 square metres of non-residential floor space at grade fronting onto Victoria St. W.

Parks Planning Staff are generally satisfied with the proposed development, subject to the comments listed below and ultimately the inclusion of the below noted condition at time of Site Plan Application/Site Plan Agreement.

#### 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 pre-consultation process, the Parks department will be seeking Cash-in-Lieu of parkland conveyance, discussed below.

#### Cash in Lieu of Parkland

The Town will be seeking Cash-in-lieu of Parkland in accordance with the Planning Act, as amended. Cash-in-lieu of parkland will be collected at each applicable rate (i.e., commercial vs residential).

#### Parkland

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

#### Open Space and Off-Road Trails

No comments

#### Conditions of Site Plan Approval

The following conditions shall be incorporated into any future Site Plan agreement.

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Cash-in-lieu of parkland

1. The Applicant provide Cash-in-lieu of Parkland in accordance with the Planning Act, as amended for each respective use.

**Engineering Services**

The following submitted documents have been reviewed for the purpose of this application:

- Planning Justification Report, dated September 2022, by KLM Planning Partners Inc. (Reviewed for context only)
- Environmental Noise Feasibility Study, dated October 6, 2022, by Valcoustics Canada Ltd. (Reviewed for context only)
- Transportation Impact and Parking Study, dated September 2022, by Dillon Consulting Inc.
- A Transportation Impact and Parking Study Addendum, dated October 2023, by Dillon Consulting Inc.
- Functional Servicing and Stormwater Management Report, dated September 28, 2022, by MTE
- Site Plan, A100, dated September 28, 2022, by MTE

Official Plan Amendment Application (OPA-2022-W04)

The subject lands are currently designated High Density Residential Mixed Use under the Official Plan.

The purpose of the proposed Official Plan Amendment application is to amend the Port Whitby Secondary Plan to increase the maximum permitted residential density from 300 units per net hectare to 615 units per net hectare.

Engineering Services does not object to the proposed Official Plan Amendment Application. Z-22-22, OPA2022W/04 Engineering Services Comments to Planning dated January 12, 2023 – 106 and 110 Victoria Street West, Mixed-Use Building

Zoning By-Law Amendment Applications (Z-22-22)

The subject lands are currently zoned R4 and C2 under Zoning By-law 2585.

The purpose of the Zoning By-Law Amendment is to change the Zoning to an appropriate zone category, in order to develop an 18-storey, mixed-use, residential

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apartment building, consisting of 208 residential units and 1,210 square metres of non-residential floor space at grade fronting onto Victoria Street West.

Engineering Services does not object to the proposed Zoning By-law Amendment Application.

This concludes the comments of Engineering Services for OPA-2022-W04 and Z-22-22. Engineering Services will require the following for the subsequent site plan application circulation:

1. Site Plan and Underground Parking/Basement Level(s) drawings, produced at the same scale.
2. Revised Stormwater Management Report addressing the preliminary engineering comments to be provided under separate cover.
3. Revised Transportation Study and Parking Rationale addressing the comments from Transportation Services to be provided under separate cover.
4. Submission of Hydrogeological and Geotechnical Investigation Reports supporting the specific design of the proposed building and underground construction.
5. A Construction Management Report will be required including a pre-construction survey/assessment that includes 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.
6. Multi-Stage Construction Management Plan, with Traffic Management shown for each stage of construction for the proposed development to accompany the Construction Management Report.

#### **Financial Services – Development Charges**

The following pertains to existing Provincial Legislation and existing Town of Whitby by-laws, policy and procedures. The information may change, subject to the timing of the development. Additional information can be found on the Town of Whitby [Development Charge webpage](#).

#### **Development Charges**

- Shall be payable in full prior to the issuance of the building permit, unless the development (fully or partially) qualifies under Section 26.1 of the Development Charges Act. In that case the portion that falls under Section 26.1, will pay (the eligible portion of) DC according to the legislation in installments. The DC for non-residential GFA is always due prior to the issuance of the building permit.

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- The applicable DC rate is based on the use of the building.
- Under Section 26.2 of the Development Charges Act, the base DC rate will be set at the date of site plan application **submission**. Interest will accrue on the base rate from the date of site plan application submission to the date of building permit issuance.
- 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. If this occurs the applicable DC rate is the current posted rate in effect as of the building permit issuance date.
- Since this property has existing buildings; in the case of redevelopment, a credit shall be allowed, provided 1) that the land was improved by occupied buildings within five years prior to the issuance of the building permit, and 2) the building permit has been issued for the development or redevelopment within **five years** from the date the demolition permit has been issued. Any redevelopment credit applied by the Town of Whitby will only go towards any Town of Whitby development charges owing on the redevelopment.

#### Parkland Dedication / Cash-in-Lieu

- Shall be payable prior to building permit issuance
- Shall be calculated as per the Town's Conveyance of Parkland and Cash-in-Lieu of Parkland By-Law and the Planning Act

Please note Region of Durham development charges and DDSB/DCDSB education development charges will also apply, and they each have their own legislation, by-laws and policies that they follow, which may be different than the Town of Whitby.

#### **Financial Services – Taxes**

106 Victoria has a zero balance for property taxes.

108 Victoria (Roll 030012071000000) has \$15.00 owing.

#### **Fire and Emergency Services**

The applicant shall be made aware that the property is within the TSSA and Environment Canada hazard zone, in proximity to the Superior Propane facility on Victoria St E.

#### **Strategic Initiatives**

Sustainability Comments

Proposal

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This memo is in response to the OPA and Zoning By-law Amendment application for the above noted property for the development of an 18-storey, mixed-use, residential apartment building, consisting of 208 residential units and 1,210 square metres of non-residential floor space at grade fronting onto Victoria Street West.

#### Sustainability Comments

As per the Sustainability Division's comments provided in July of 2021 during the Pre-Consultation process as part of the Development application for this site the Whitby Green Standard Site Plan Application Checklist and a stand-alone Sustainability Rationale Report will need to be completed and submitted.

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.

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

- 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, provide ENERGY STAR® or equivalent labeled refrigerators, ceiling fans, clothes washers and dishwashers.
- Culture and Community:
  - Develop and distribute a sustainability handout to new residents to understand green/sustainable elements in homes/buildings;
  - Incorporate art into publicly accessible and visible spaces and into building designs as an architectural element.
- 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.
- Local Food:

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- Space considerations made to support a community garden and a space for growing food.
- 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);
  - Ensure bird friendly design is integrated throughout the building with considerations for glazing, lighting;
  - Consideration of green roofs with pollinator friendly plantings.
- 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, bios wales 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.

#### Sustainability Rationale Report

To support compliance of the Whitby Green Standard, we recommend that the Sustainability Rationale 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.

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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.

## External Agencies

### Bell Canada

The information that municipalities provide to Bell Canada is instrumental to the provisioning of telecommunications infrastructure. Bell Canada also appreciates the opportunity to be proactively engaged in development applications and infrastructure and policy initiatives. Bell Canada will provide a response should any comments/input be required on the information included in the circulation. Bell Canada kindly requests to always be circulated on any future materials related to this development project or infrastructure/policy initiative.

Please note that **Bell Canada does not generally comment on** the following development applications - **official plan and zoning by-law amendments**, part lot control, temporary use and interim control by-laws. However, Bell Canada does generally comment on site plan approval, draft plans of subdivision and draft plan of condominium applications.

As this circulation pertains to specifically to an Official Plan Amendment and Zoning By-law Amendment, we do not have comments at present time.

### Central Lake Ontario Conservation Authority (CLOCA)

Thank you for circulating Central Lake Ontario Conservation Authority (CLOCA) on these applications to facilitate the redevelopment of the subject lands into an 18-storey mixed use apartment building. It is our understanding that the Official Plan Amendment is to increase the maximum permitted net residential density and maximum permitted building height and the Zoning By-law Amendment is to permit the proposed use and establish the necessary site -specific development standards to implement the proposed development on the subject lands.

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As part of our review of this project, CLOCA staff assessed for consistency with the natural heritage and natural hazard policies of the Provincial Policy Statement (PPS) and conformity with Ontario Regulation 42/06 of the *Conservation Authorities Act*. Other relevant watershed management guidelines and policies were also included in our review, including those within the Town of Whitby and Region of Durham Official Plans.

The subject lands are entirely within the Pringle Creek Watershed. The updated Pringle Creek Master Drainage Plan must be complied with for any development proposed on these lands. It appears that all of these lands have been previously developed and do not contain any natural hazard land nor do they contain any part of the Town of Whitby Natural Heritage System. The subject lands are not regulated through Ontario Regulation 42/06 of the *Conservation Authorities Act* and as such, a permit for lot development and/or creation is not required from CLOCA.

The subject lands are within an area of high aquifer vulnerability. Policies within the Town of Whitby Official Plan and Region of Durham Official Plan related to this condition must be adhered to as part of any development of these lands.

The subject lands appear to be within an 'Intake Protection Zone' as identified within the local Source Protection Plan of the *Clean Water Act*. We recommend contacting the Region of Durham Source Protection Division to ensure that this proposal is compliant with any requirements associated with this designation.

Based on our review of the submitted materials, CLOCA has no objection to any approval of these applications subject to the following conditions:

1. Any development of this site must comply with the requirements of the Pringle Creek Master Drainage Plan.
2. Any short-term or long-term dewatering required to support the development of this site must demonstrate that it will not interfere with the hydrologic function of any surrounding natural heritage features including any tributaries of Pringle Creek and their associated riparian features (ie. wetlands).
3. Any new development within 1 kilometre of the shoreline of Lake Ontario incorporate bird-friendly design principles into its architectural design.

Additional detailed comments related to our review of the submitted technical reports that would need to be addressed as part of any future development applications may follow.



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**CNR (Canadian National Railway)**

CN's guidelines reinforce the safety and well-being of any existing and future occupants of the area. Please refer to CN's guidelines for the development of sensitive uses in proximity to railways. These policies have been developed by the Railway Association of Canada and the Federation of Canadian Municipalities.

CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual project approval:

1. The Owner shall engage a consultant to undertake an analysis of noise. Subject to the review of the noise report, the Railway may consider other measures recommended by an approved Noise Consultant.
2. The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way:  
  
“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”
3. The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the noise isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.
4. The Owner shall enter into an Agreement with CN stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.

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5. The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.

CN anticipates the opportunity to review a N&V study taking into consideration CN development guidelines.

**Conseil Scolaire Viamonde**

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 application and have no objections to the proposed development of 208 apartment residential units.

This development is located within the boundary of St. Marguerite D'Youville C.S. Located at 250 Michael Boulevard, Whitby.

**Durham District School Board**

Staff has reviewed the information provided for the above-noted by-law amendments. Under the mandate of the Durham District School Board, staff has no comments at this time regarding the application to amend the by-law.

**Durham Region Police Service**

Durham Region Police Service has had a quick look at this location with regard to our system map and any construction in this area will have no obstruction concerns for the microwave links of the NextGen system.

Obstruction of the microwave links is our primary concern in these cases; in this case there is no concern.

There may also be in-building coverage issues later but these can only be tested for and identified after the building is constructed... this also varies widely based on the building construction.

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If issues are found, we then flag the location with our dispatch centers and they will advise attending units – either Police or Fire.

Also, Possible Inbuilding Coverage, which can only be determined once construction is completed.

**Enbridge Gas Inc.**

Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions.

The applicant will contact Enbridge Gas Inc.'s Customer Connections department by emailing [AreaPlanning40@Enbridge.com](mailto:AreaPlanning40@Enbridge.com) prior to any site construction activities to determine if existing piping facilities need to be relocated or abandoned.

Please continue to forward all municipal circulations and clearance letter requests electronically to [MunicipalPlanning@Enbridge.com](mailto:MunicipalPlanning@Enbridge.com).

**Metrolinx**

Metrolinx is in receipt of the applications for the above noted Official Plan and Zoning By-Law Amendments. I note that the subject application is proposing an 18-storey mixed-use building consisting of 208 residential units and 1,210 square metres of non-residential floor space. I also note that this development proposal is within 300 meters of Metrolinx's Kingston Subdivision which carries Lakeshore East GO Train services and within 300 meters of Metrolinx's Whitby GO station. As such it falls within our zone of influence for comment and review.

Metrolinx has no objection to the Official Plan Amendment. Metrolinx is generally supportive of increased density in proximity to GO stations. Please note that Metrolinx anticipates 3 times more customers to use active transportation to access GO stations in the future. Therefore, Metrolinx requests the Proponent install signage and/or design measures to help residents be mindful of pedestrians attempting to access the GO station via Byron Street.

**Zoning By-Law Comments:**

- Metrolinx is in receipt of the Noise and Vibration Study prepared by Valcoustics and dated September, 2022. I note the most current rail data has

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been incorporated into this study and I have no further comments in this regard. Metrolinx recommends that Warning Clause 5.3 (5) C shall be updated to reflect the language in the Warning Clause below.

- Prior to Site Plan approval Metrolinx requires confirmation that the following warning clause shall be inserted in all development agreements, offers to purchase and agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the railway right-of-way:

**“Warning:** Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. There may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.”

- prior to Site Plan Approval, in accordance with Section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions registered on title against the subject residential dwellings in favour of Metrolinx.
- The Owner shall be responsible for all costs for the preparation and registration of easements and warning clauses as determined appropriate by Metrolinx, to the satisfaction of Metrolinx. They shall also consider the timelines required to advance such agreements and reviews in their schedule accordingly.

### Region of Durham

We have completed our review of the above-noted applications and offer the following comments regarding conformity to the Regional Official Plan, Provincial Plans and Policies, the Region's delegated Provincial Plan Review responsibilities, Regional servicing, transportation, and waste management.

The subject lands are approximately .40 hectares and is comprised of two residential properties: 106 and 110 Victoria Street West. The site is located at the northwest corner

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of Victoria Street West and Brock Street South, east of Byron Street South. The site currently contains an existing house and a three-storey apartment building proposed to be demolished. The Whitby Go Major Station Area is located to the west and the Canadian Pacific Railway corridor is approximately 150 metres north of the site. Whitby Official Plan

The subject lands are designated as “Mixed-Use” in the Whitby Official Plan (OP) and “High Density Residential Mixed-Use” in the Port Whitby Community Secondary Plan. The maximum permitted density within the High Density Residential Mixed-Use designation is 300 dwelling units per net hectare (upnh).

#### Proposed Applications

An application to amend the Whitby Official Plan is required to permit an increase in the maximum density for the subject lands from 300 upnh to 615 upnh to facilitate the development of an 18-storey mixed-use rental apartment building with a total of 208 rental units and 1210 m<sup>2</sup> ground floor commercial space. The proposed apartment includes three (3) levels of underground parking. A single access to the subject lands is proposed from Byron Street South.

The related zoning by-law amendment is required to rezone the subject lands to permit the proposed development.

#### Conformity to the Regional Official Plan

The subject lands are designated as “Living Areas” in the Regional Official Plan (ROP). Lands within the Living Areas are intended for a mix of housing ranging in types, sizes, and tenure.

Victoria Street West and Brock Street South are designated as “Regional Corridors” and as “Transit Priority Networks” in the ROP. Development proposals adjacent to Regional Corridors should be at higher densities and include mixed-uses. The proposed densities should support an overall, long-term density target of at least 60 residential units per gross hectare (upnh).

#### Whitby Go Major Transit Station Area

The subject lands are located within the Whitby Go Major Transit Station Area (MTSA) in the ROP. MTSA shall serve as focal points for high density, mixed-use, transit-oriented developments, and a pedestrian-oriented public realm.

Development proposals within the MTSA must support transit-oriented developments within walking distance of existing and planned rapid transit stations. Complimentary higher density mixed uses are encouraged to locate in walking distance to Whitby GO to

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support efficient transit services and promote active transportations which are safe and provide direct and convenient connections.

The proposed high density mixed-use apartment comprised of commercial and residential uses reflect the appropriate building height and densities to promote the Whitby GO MTSA as a focal point for high density and intensification.

The proposed development would facilitate the doubling of the permitted density to a total of 615 upnh within walking distance to the Whitby GO MTSA.

The proposed development supports compact urban form, pedestrian-friendly environment and transit-oriented developments and efficient transit services along Regional corridors. The proposed amendment conforms with the ROP.

#### Provincial Plans and Policies

##### Provincial Policy Statement (PPS)

The Provincial Policy Statement (PPS) supports efficient development patterns that optimize the use of land, resources, and public investment in infrastructure and public service facilities.

The PPS encourages the development of a mix of housing forms, including affordable housing, and transportation choices that increase the use of active transportation and transit.

The proposed development supports higher density and mix-uses that promote efficient transit services and rail transportation and creating pedestrian and transit-oriented community. The proposed application is consistent with the PPS.

##### Growth Plan

The proposed development is located within walking distance to the Whitby Go Major Transit Station Area. Major transit station areas are defined in the Growth Plan as “The area including and around any existing or planned higher order transit station or stop within a settlement area; or the area including and around a major bus depot in an urban core. Major transit station areas generally are defined as the area within an approximate 500 to 800 metre radius of a transit station, representing about a 10-minute walk.”

MTSAs should support developments that provide a diverse mix of uses including affordable housing to support existing and planned transit service.

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The proposed high density mixed-use development promotes the intensification of the Whitby GO MTSA. The proposed high density represents transit-supportive densities to optimize existing transit services. The proposed application conforms with the Growth Plan.

#### Delegated Provincial Plan Review Responsibilities

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

#### Environmental Noise Feasibility Study

The subject lands are located in proximity to several noise sources, including Victoria Street West, Brock Street South, Highway 401, the Whitby Go Major Transit Station, and the Canadian Pacific Railway corridor.

Valcoustics Canada Ltd. has prepared an “Environmental Noise Feasibility Study,” for the proposed development, dated October 6, 2022. Noise control measures are required for the proposed apartment building in order to comply with the Ministry of Environment, Conservation and Parks’ (MECP) noise guidelines. The report recommends that all the dwelling units within the proposed apartment contain mandatory air conditioning and noise warning clauses.

The report notes that Level 6 Common Outdoor Amenity Area (OAA) would require a 4-5 metre height sound barrier around the perimeter of the amenity space to meet the MECP’s noise objective. The report recommends that a noise warning clause be registered within the rental/lease agreements to advise tenants that the Level 6 OAA has not been designed to meet the MECP’s noise guideline limits. The Town of Whitby must explore other design options with the applicant in order to incorporate appropriate noise control measures for Level 6 OAA that would satisfy the MECP noise criteria.

We will require the recommended noise controls to be included in the related Town of Whitby’s Site Plan/Development agreement to the satisfaction of the Region of Durham.

#### Soil and Groundwater Assessment Protocol

JFM Environmental Ltd. has conducted a “Phase 1 Environmental Site Assessment,” (Phase 1 ESA) for the subject lands, dated August 23, 2022.

The Phase 1 ESA was completed to determine if there were any environmental concerns at the site.

The Phase 1 ESA reported several potential contaminating activities within the study area including mechanical equipment and suspected asbestos, the railway line, and a

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former a gas station to south. A Phase 2 ESA has been recommended to further assess the site's soil and groundwater environmental conditions.

We note that the Phase 1 ESA has been prepared in accordance with the requirements of the Canadian Standards Association (CSA) Z768-01. The Region of Durham will not accept ESA Reports that are based on CSA Z769-01. We will require an Updated Phase 1 and 2 ESA to be completed for the subject lands.

The ESA Reports must be conducted in accordance with O. Reg.153/04, as amended and with the Region of Durham's Soil and Groundwater Assessment Protocol. In accordance with the Region's protocol, the findings of the Phase Two ESA will determine whether a Record of Site Condition may need to be filed with the MECP to support the proposed development.

The Qualified Person who prepares the Phase 1 ESA Update and the Phase 2 ESA will be required to complete Region's Reliance Letter and Certificate of Insurance forms (refer to Attachments 1 and 2).

#### Archaeology

The easterly portion of the subject lands contains archaeological potential. A "Stage 1-2 Archaeological Assessment," (AA) has been prepared for the subject lands by LHC Heritage Planning and Archaeology, dated August 2022. The Stage 1-2 AA found no archaeological resources at the site and no further archaeological assessment is recommended.

We will require the Stage 1-2 AA to be sent to Ministry of Citizenship and Multiculturalism (MCM) for approval. The MCM's clearance letter for the AA must be provided to the Region of Durham.

#### Regional Servicing

##### Municipal Water Supply:

The subject land is located within the Zone 1 Water Pressure District of the water supply system for Whitby. The estimated static water pressure for this location is approximately 690 kPa (100 psi). Where the static pressure exceeds 550 kPa, a pressure reducing valve is required.

Currently the subject land is serviced with a 50mm water service and a 200mm sanitary servicing connections off Bryon Street South. The applicant must confirm for the Region if the existing services are adequate to service the proposed development.



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The subject lands have frontage along Victoria Street West, Brock Street South and Bryon Street South. If larger or additional water service is required, water supply is available from the existing 300mm PVC watermain located on Victoria Street or the existing 150mm DI/300mm PVC watermain located on Byron Street.

The Region recommends water service connection be taken from the existing 300mm PVC watermain off Byron Street.

**Sanitary Sewer Servicing:**

If a larger sanitary service connection is required for the proposed development, sanitary sewer servicing is available from the existing 225mm concrete sanitary sewer located on Byron Street or the existing 225mm concrete sanitary sewer located on Victoria Street.

A water meter room as per Regional standards is required. Any existing water service connections that are not utilized must be located, surveyed, recorded and capped at the watermain at the Applicant's expense.

Any existing sanitary service connections that are not utilized must be located, surveyed, recorded, and plugged at the back of curb with a watertight fitting at the Applicant's expense.

The Region's Sewer By-Law does not permit foundation drains (foundation weepers) or roof leaders to connect into the sanitary sewer system.

**Density:**

The proposed Concept Site Plan indicates an 18-storey apartment building with 208 residential units (88 1-bedroom and 120 2-bedroom) and 1210 m<sup>2</sup> of commercial space. The theoretical population for the subject proposal would be approximately 432 people and on 0.39 hectares equates to a peak flow of approximately 7.25 l/s.

**Functional Servicing Report:**

The Region of Durham has reviewed the "Functional Servicing Report," (FSR) prepared by MTE Consultants, dated September 28, 2022. We are generally satisfied with the FSR. However, the Region request that the FSR to be revised to address servicing comments as outlined in Attachments 3 and 4 to this letter.

Water supply and sanitary sewer capacity are available to service the proposed development. However, sanitary capacity is allocated at the time of signing a Development Agreement. Our comments are based on known information at this time and subject to change. The additional supporting information required by the Region can be addressed through the future site plan application submission.

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#### Transportation

We have reviewed the "Transportation Impact and Parking Study," (TIS) prepared by Dillon Consulting, dated September 27, 2022. We will require an Addendum to the TIS to address our transportation comments. We have also provided comments for the FSR and Site Plan Drwg. No. A100 from a transportation perspective. Detailed comments on transportation are provided in Attachments 5a and 5b.

#### Waste Management

Recycling collection is not provided by the Region of Durham in the Town of Whitby. Recycling collection must be provided by the Town for the proposed development. The Town of Whitby must approve waste collection. It is the Town's policy to not approve waste collection on private roads or to commercial entities. The applicant will be required to obtain private waste collection.

#### Exemption status

The proposed amendment will accommodate a high-density mixed-use development that contributes to transit-oriented developments and helps to intensify the Whitby GO Major Transit Station Area as a focal point for high density transit-oriented community. The proposed high density is transit-supportive and promotes pedestrian environment and efficient use of infrastructure and public service facilities within the Whitby GO MTSA and along Regional Corridors and conforms with the ROP.

The Region has concerns with the Functional Servicing Report, the Transportation Impact Study, and the Environmental Noise Feasibility Study. We will require the Functional Servicing Report to be revised to address our servicing comments. The Region will also require an Addendum to the TIS to be provided for review. This additional information can be provided to the Region at the time of the review of the related site plan application.

The Environmental Noise Feasibility Study has also produced some recommendations that cannot be supported by the Region at this time. More specifically the elimination of noise mitigation measures for outdoor amenity space is not supported by the Region. The noise issue can be further addressed to the satisfaction of the Region during the future site plan application process.

Subject to the resolution of the above noted matters, the proposed amendment is exempt from Regional approval. Please advise the Commissioner of Planning and Economic Development of your Council's Decision. If Council adopts an amendment, please forward a record to this Department within 15 days or the date of adoption.

This should include the following:

- Two (2) copies of the adopted amendment;

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- A copy of the adopting by-law; and
- A copy of the staff report and any relevant materials.

#### Regional Public Works

##### Functional Servicing Report

We have reviewed the “Functional Servicing Report,” prepared by MTE Consultants, dated September 28, 2022. We offer the following comments with respect to Regional water supply and sanitary servicing, as follows:

##### 4.0 Sanitary Sewer Servicing

- Table 4.1 indicates total population of 432 people is acceptable;
- Table 4.2 indicates total 7.27 l/s of sanitary sewage flow is acceptable;
- Proposed sanitary servicing design is acceptable; and
- An inspection manhole is required at 1.5m inside the property line.

##### 5.0 Domestic and Fire Water Supply Servicing

The proposed water servicing design is acceptable.

##### Preliminary Site Servicing Plan (C2.2)

- An inspection sanitary manhole is required at 1.5m inside the property line (to the center of the maintenance hole);
- Label and show the distance of the water service and fire line connections from the mainline to 0.15m inside the new property line and provide a plug;
- Existing unused sanitary services shall be disconnected at the back of curb and plugged with a water-tight fitting;
- Existing unused water services to be disconnected at the watermain and capped with a brass fitting;
- Proposed fireline and domestic water services to individually connect to the existing 300mm watermain with a tapping sleeve and valve as per Region Standard S-230.011;
- Road widening to be free and clear of all encumbrances. Relocate the OGS maintenance hole and set of stairs onto private property;
- Verify and confirm the existing service connections on Bryon Street;

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- Verify and show all the existing watermain design and correct gate valves location along Brock Street South, Victoria Street, and Byron Street;

#### Transportation Impact and Parking Study

We have reviewed the “Transportation Impact and Parking Study,” (TIS) prepared for the proposed development by Dillon Consulting, dated September 27, 2022. Comments on the TIPS are provided as follows:

- Section 2.1 - please note that Henry Street was transferred from the Region to the Town of Whitby on July 1, 2022, and is now under the Town of Whitby jurisdiction;
- The Region agrees with the proposed 2025 full build out and 2030 horizon year analysis;
- The Region agrees with the trip generation and distribution methodology used, including the trip reduction based on the location of the development within the Whitby GO Major Transit Station Area (MTSA);
- At the time of scoping the study initially in May 2020, the Region had agreed that on-site observations were not required due to the Covid restrictions in place at the time. At the time of the TIS being completed (Sep 2022), these restrictions were not in place and therefore the TIS should have included on-site observations.
- Although the Region did not specifically include a requirement to model the Charles Street/Victoria Street intersection, as noted above on-site observations would have indicated whether existing turning movements at this intersection, as well as those at Victoria Street/Brock Street, would impact turning movements at the Byron Street/Victoria Street intersection;
- Although the interaction of turning movements at these intersections are critical in determining safe and efficient traffic operations at the Victoria Street/Byron Street intersection, we already know that peak hour eastbound left-turn queuing at Victoria Street/Brock Street extends beyond both Byron Street and Charles Street intersections, and until the Region implements intersection improvements at Victoria Street/Brock Street traffic operations for left-turning traffic at these intersections are problematic;
- As noted in the TIS, the Region has a project in the 2022 Capital Budget and NineYear Forecast for improvements to the Victoria Street/Brock Street intersection. Construction is currently forecast to start in 2025;

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- Although at this stage design has not been commenced, as well as potential improvements to the eastbound left-turn capacity, potential measures could include:
  - The restriction of left turns at Byron Street by road widening and extension of the median on Victoria Street;
  - Widening of the sidewalk fronting the development to 1.8m to meet Town standards; and
  - Relocating of transit stops to discourage midblock crossing.
- Given the anticipated increase pedestrian volumes, crosswalk ladder markings should be added as part of the development at Byron Street South;
- Section 2.0 Existing Conditions notes a reduction in the northbound through movements at Brock Street/Victoria Street due to a perceived overcounting in the 2017 counts. Although not available at the time of writing the TIS, the Region does now have September 2022 counts at this intersection which compared to 2017 counts (refer to Attachment 3). Volumes for the northbound through movement have increased significantly in the 2022 TMC indicating this assumption should not be carried forward;
- Section 7.3 TDM Supportive Local Context (pg. 90) indicates the proximity to Whitby GO and transit routes and that there are adjacent amenities to the site that support active transportation and transit use. This section should specify the location of cycling facilities on Victoria Street West and the planned active transportation connections that help the site support Transportation Demand Management (TDM) goals and objectives for MTSA areas. Identifying these connections helps encourage residents and visitors to use active modes and supports TDM in the Region;
- Section 7.7 Bicycle Parking (pg. 92) specifies the location and number of bicycle parking spaces available on site, however it does not differentiate between which spaces will be dedicated to long term and short-term parking facilities. Given the general policy directions identified in Regional planning documents and the Region's MTSA proposed policy directions report that specify the provision of long-term and short-term bicycle parking and end of trip facilities within MTSA areas, this should be confirmed;
- Section 7.10 Travel Information Package (pg. 93) indicates that an alternative travel options package of DRT maps, GO Transit Schedules and cycling/trail maps should be provided, however it does not specify who would distribute these to residents. While the Region can provide copies of some of these materials, it

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will be up to the developer to coordinate with the Region to obtain copies of such documents and to distribute this information to residents/site occupants. This section should be revised to specify that the developer will coordinate and distribute these materials to residents/site occupants;

- We are supportive of making the sidewalk continuous across the site access on Byron Street, however we recommend that it is constructed with concrete through the driveway. It's currently shown as an asphalt crosswalk on the site plan;
- We will require an Addendum to the TIS to address the following issues, noted in more detail above:
  - Carry out and note observations on existing peak hour operations at Victoria Street/Byron Street, Victoria Street/Brock Street and Victoria Street/Charles Street and note how queuing at these intersections impact turning movements at Victoria Street/Byron Street;
- Compare and re-evaluate traffic operations at Victoria Street/Brock Street based on the updated traffic counts attached;
- Submit HCM 2000 and Queue reports for all signalized intersections, including the re-evaluation of Victoria Street/Brock Street; and
- Address TDM comments 16,17 and 18 noted above.

Development Approvals staff, in Regional Public Works has further advised that the Traffic Operations group have reviewed the Transportation response [and TIS addendum] for the above development and have no further comments. Our previous comments have been addressed.

#### Functional Servicing Report

We have reviewed the "Functional Servicing Report," prepared by MTE Consultants, dated September 28, 2022, from a transportation perspective and provide the following comments:

- Based on the Region's records, the existing site is currently draining towards west onto a swale, located on Byron St. S. which subsequently drains into Victoria Street Swale and ultimately discharging into Rowe Channel by the Victoria Street Culvert on the west. It appears the Victoria Street sewer does not have any connection to this swale and is not taking any drainage from the subject site. The proposal is to

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provide onsite storage to control post development flows and drains into Victoria Street Sewer at a rate of 133 l/s. Based on a quick review the release rate is almost 50% of the total capacity of the down stream sewer which is not acceptable. Since Victoria Street sewer is not intended to take any flows from the subject site, we may allow a minimal rate to Victoria Street sewer if post development flows from the site cannot be released to Byron St swale directly. The minimal rate should not be exceeded by a maximum rate, calculated with RC:0.25 and TC:15min for 5 year storm. Please review and revise the report; and

- Please provide a summary in the main report including the required quantity control volume, proposed storage in the tank, available storage on the roof top and total pre-development flows and post-development (control) flows released from the tank and by overland.

#### Site Plan (A100)

We have reviewed Site Plan Drwg. No. A100, and provide the following transportation comments:

- Victoria Street (Regional Road 22) is a Type 'A' Arterial road, which requires a 40m right-of-way (ROW) according to Schedule 'E' - Table E7 of the ROP. This was changed with the ROPA#171 in 2018, from a 36m ROW, as it is a Type 'A' Arterial Road with turn lanes at this location. We will require a ROW widening of approx. 7m, based on 20m from centre of original road allowance. This appears to have been shown correctly on the site plan; however, a 40R-Plan needs to be provided for our review and our acceptance;
- We will require the dedication of a 5m x 10m sight triangle at the northeast corner of Victoria Street and Byron Street, measured from the widened ROW limit. We will require a 15m x 15m at the northwest corner of Victoria Street and Brock Street. Both these are shown correctly; however, a 40R-Plan needs to be provided for our review and our acceptance.
- The above noted ROW widenings should be dedicated to the Region as a condition of site plan approval, free and clear of all encumbrances; and
- Sight triangles to be free and clear of structural and visual barriers. Relocate bicycle parking to a different location.

We offer additional Transportation Planning comments for the proposed development:

- The site plan does not indicate any cycling facilities on Victoria Street West. Given that the Regional Cycling Plan identifies existing cycling facilities on Victoria Street and planned connections to be implemented along Brock Street and the proximity to transit stops and stations, adding the proposed cycling

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facilities in the site plan would help to improve and increase active transportation use within the site and to adjacent lands and amenities.; and

- The site plan indicates where short term bike parking facilities will be provided but does not specify where long-term bike parking facilities are provided. Given that the Region's guidance on MTSA areas includes the recommendation to include both long-term and short-term bike parking within developments to support active transportation mode share, it is recommended that the applicant consider the addition of long term, secure, bicycle parking facilities within the parking areas within the building and as part of the site plan. This can help encourage residents to use active modes and engage in multi-modal transpiration more frequently. Identifying bike parking facilities can help support Transportation TDM and achievement of sustainable mode share targets for the Town of Whitby and the Region of Durham.

**Rogers Communications**

With respect to the above-mentioned proposal, please be aware that Rogers Communications has no objections to the proposal. Please continue to send us significant information regarding this Project.