

Attachment #19

Conditions of Draft Plan of Subdivision Approval

1. The Subdivider shall prepare the final plan and shall include a land use table on the basis of the approved draft plan of subdivision, prepared by KRCMAR Surveyors Ltd., identified as Work Order Number 37900, dated February 7, 2024, which illustrates 1 retail/residential block and 1 road widening block.
2. The Subdivider shall name road allowances included in this draft plan to the satisfaction of the Region of Durham and the Town of Whitby.
3. The Subdivider shall submit plans showing the proposed phasing to the Region of Durham and the Town of Whitby for review and approval if this subdivision is to be developed by more than one registration.
4. The Subdivider shall grant to the Region, any easements required to provide Regional services for this development. The easements shall be in locations and of such widths as determined by the Region of Durham.
5. The Subdivider shall provide for the extension of such sanitary sewer and water supply facilities which are external to, as well as within, the limits of this plan that are required to service this plan. In addition, the Subdivider shall provide for the extension of sanitary sewer and water supply facilities within the limits of the plan which are required to service other developments external to this subdivision. Such sanitary sewer and water supply facilities are to be designed and constructed according to the standards and requirements of the Region of Durham. All arrangements, financial and otherwise, for said extensions are to be made to the satisfaction of the Region of Durham, and are to be completed prior to final approval of this plan.
6. Prior to entering into a subdivision agreement, the Region of Durham shall be satisfied that adequate water pollution control plant and water supply plant capacities are available to the proposed subdivision.
7. The Subdivider shall satisfy all requirements, financial and otherwise, of the Region of Durham. This shall include, among other matters, the execution of a subdivision agreement between the Subdivider and the Region concerning the provision and installation of sanitary sewers, water supply, roads and other regional services.
8. Prior to the finalization of this plan of subdivision, the Subdivider must provide satisfactory evidence to the Regional Municipality of Durham in accordance with the Region's Soil and Groundwater Assessment Protocol to address site contamination matters. Such evidence may include the completion of a Regional Reliance Letter and Certificate of Insurance. Depending on the nature of the proposal or the findings of any Record of Site Condition (RSC) Compliant Phase One Environmental Site Assessment (ESA), an RSC Compliant Phase Two ESA

- may also be required. The findings of the Phase Two ESA could also necessitate the requirement for an RSC through the Ministry of the Environment, Conservation and Parks, accompanied by any additional supporting information.
9. The Subdivider shall agree in the Town of Whitby Subdivision Agreement to implement the recommendation of the report, entitled "Environmental Noise Assessment, 1636 Charles Street" prepared by SLR Consulting (Canada) Ltd. dated October 25, 2023, 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 warning clauses identified in the study.
 10. 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 address and implement CLOCA Technical Guidelines for Stormwater Management Submissions Floodplain Cut and Fill balance requirements for each phase of development.
 11. The Subdivider shall covenant and agree in the Subdivision Agreement and in the Site Plan Agreement for each phase of development, that building permits for above ground structures will not be issued until such time as it has been confirmed through provision of a stamped Ontario Land Survey that the property has been floodproofed as per a CLOCA approved floodproofing strategy and safe access for vehicular and pedestrian traffic is available to the satisfaction of Central Lake Ontario Conservation Authority.
 12. The Subdivider shall agree within the Subdivision Agreement that no building or servicing permits shall be issued for lands within Phases B and D until the following items have been addressed to the satisfaction of the Central Lake Ontario Conservation Authority.
 - a) The Rowe Channel Upgrade Study Municipal Class Environmental Assessment preferred solution, as may be amended, has been

- implemented to the extent necessary to remove the flood hazard from the lands proposed for development; OR
- b) It has been demonstrated that development areas can be removed from the flood hazard through regrading and/or be appropriately floodproofed by other means.
13. The Subdivider shall obtain all necessary permits from Central Lake Ontario Conservation Authority required through Ontario Regulation 41/24, or any successor regulations made under the Conservation Authorities Act.
 14. 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.
 15. 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 Condition 10, 11, and 12 to the satisfaction of the Central Lake Ontario Conservation Authority.
 - b) The Subdivider agrees to maintain all stormwater management and erosion and sedimentation control measures operating and in good repair during the construction period, in a manner satisfactory to the Central Lake Ontario Conservation Authority.
 - c) The Subdivider agrees to advise the Central Lake Ontario Conservation Authority 48 hours prior to commencement of grading or the initiation of any on-site works.
 16. Prior to final acceptance of the Draft Plan of Subdivision, the following shall be addressed to the satisfaction of the Engineering Services.
 - a) Revise the Draft Plan (DP) as follows:
 - i. Include a separate block for the required 8m x 8m visibility triangle to be dedicated as Watson Street West right-of-way.
 17. The Subdivider shall convey the following to the Town:
 - a) Block 2 for road widening on Charles Street and visibility triangle on Watson Street West and Charles Street
 18. The Subdivider shall be responsible for concrete sidewalk installation in the following locations:
 - a) As a minimum, a 1.8m-wide concrete sidewalk along the frontage of Charles Street.
 19. 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.

20. 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 shall provide a survey that indicate existing elevations, slopes, and invert elevations. The Subdivider further acknowledges that any as-built information provided by the Town is for informational purposes only.
21. 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.
22. Any concerns raised through future re-submissions of the geotechnical and hydrogeological reports for the site shall be addressed by the Subdivider to the satisfaction of Engineering Services.
23. 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 Services.
24. All community mailboxes for the private developments shall be located within private properties.
25. The Subdivider shall provide the Town with a deposit for any necessary peer review costs with the amount to be determined at the 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.
26. The Subdivider shall agree to implement the recommendations of all reports submitted in support of the application.
27. The Subdivider shall be responsible for satisfying any additional requirements identified by Engineering Services not specifically listed above.
28. Parkland dedication is required to be satisfied through the payment of cash-in-lieu of parkland and will be secured as part of the site plan agreement in accordance with the Town's Parkland Dedication By-Law and the Planning Act.

29. Through the Site Plan Agreement the Subdivider shall consult with Canada Post to determine suitable permanent locations for Community Mailboxes. The Subdivider will indicate these locations on the appropriate servicing plans.
30. That the Subdivider enter into a Subdivision Agreement for the subdivision, and a future Site Plan Agreement for each development block and be responsible for the fees associated with the preparation and registration of the Agreement, including any review required by Legal Services.
31. The required noise mitigation measures and warning clauses shall be included in the Subdivision Agreement and future Site Plan Agreements.
32. The Subdivider shall provide a tree preservation plan and install protective fencing in advance of any on-site grading works.
33. Through the Site Plan / Plan of Subdivision Agreement, the Subdivider / Developer shall complete the Whitby Green Standard performance measures as part of the construction of the approved development as detailed in Sustainability Rationale Report submitted by the Subdivider.
34. That the new home construction be designed to meet the Energy Star standards or equivalent.
35. The Subdivider shall prepare and implement the following reports and plans in accordance with the applicable guidelines to the satisfaction of the agencies noted:

Report	Town	Region	CLOCA
Functional Servicing and Stormwater Management Report	Yes	Yes	Yes
Geotechnical Investigation	Yes	Yes	Yes
Hydrogeological Study	Yes	Yes	Yes
Noise Impact Study	Yes	Yes	-
Phase One Environmental Site Assessment	Yes	Yes	-
Phase Two Environmental Site Assessment	Yes	Yes	-
Archaeological Assessment	Yes	Yes	-
Sustainability Report	Yes	-	-
Transportation Impact Study	Yes	Yes	-

36. The Subdivider shall satisfy all requirements, financial and otherwise, of the Town of Whitby, including among other matters, the execution of a subdivision agreement between the Subdivider and the Town of Whitby concerning the provision and installation of services, drainage, and other local services.
37. Prior to the commencement of any excavation and shoring work, the Subdivider will submit a Construction Management Plan, to the satisfaction of the Commissioner of Development Services, or designate, and thereafter shall implement the plan during the course of construction. The Construction Management Plan will include, but not be limited to, the size and location of

- construction staging areas, location and function of gates, information on concrete pouring, lighting details, construction vehicle parking and queuing locations, refuse storage, site security, site supervisor contact information, a communication strategy with the surrounding community, and any other matters requested by the Commissioner of Development Services, or designate.
38. The Subdivider shall provide at least 28 affordable housing dwelling units as a part of the development. The affordable housing dwelling units shall be (ownership) in tenure and shall remain affordable for at least 25 years, which shall be secured through an agreement with the Town.
39. As a part of the first phase of any development within this draft plan of subdivision, the Subdivider shall
- a) prioritize at least 28 affordable housing units to be delivered under the proposed development of the subdivision, as well as provide the Commissioner, Planning and Development Services, or designate, with an implementation plan for those affordable rental housing units. Executive Committee on the implementation details for the 28 affordable housing dwelling units;
 - b) prior to issuance of the first above-grade building permit, the Subdivider shall enter into a Contribution Agreement with an affordable housing provider, to the satisfaction of the to design, construct, and contribute to the above noted affordable housing dwelling units, and shall also indicate the tenure of the affordable housing dwelling units, length of affordability, contribution of the Subdivider to the affordability of the units, all to the satisfaction of the Commissioner, Planning and Development Services, or designate.
40. Prior to final approval of this plan for registration, the Town of Whitby shall be advised in writing by:
- a) The Regional Municipality of Durham, how conditions 1, 2, 3, 4, 5, 6, 7, 8, and 9 have been satisfied.
 - b) The Central Lake Ontario Conservation Authority, how conditions 10, 11, 12, 13, 14, and 15 have been satisfied.

Note

Please be advised that the approval of this draft plan will lapse three (3) years after the date the plan is draft approved. The approval maybe extended pursuant to Section 51(33) of the Planning Act, but no extension can be granted once the approval has lapsed.

If final approval is not given to this plan within three (3) years of the draft approval date, and no extensions have been granted, draft approval will lapse under 51 (32) of the Planning Act, RSO, 1990, as amended. If the Subdivider wishes to request an extension to the draft approval, a written request and explanation must be received by the

Commissioner of Planning and Development 120 days prior to the lapsing date.
Processing fee in effect at the time of request, shall apply.