

Detailed Agency and Department Comments

Internal Departments

Engineering Services

Engineering Services has conducted a preliminary review of the circulated materials outlined below for the propose Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision applications:

- Phase 1 ESA, dated October 20, 2023, by EXP
- Phase 2 ESA, dated October 20, 2023, by EXP
- Traffic Impact Study, dated October 23, 2023, by WSP
- Traffic Impact Study Addendum, dated March 1, 2024, by WSP
- Draft Plan of Subdivision, All of Lots 1-5, 17-18, and Part of Lot 6 In Block 4 Registered Plan H-50035, by KRCMAR
- Geotechnical Investigation Report, dated March 1, 2024, by EXP
- Hydrogeological Report, dated March 1, 2024, by EXP
- Functional Servicing and Stormwater Management Report, dated March 2024, by SCS Consulting Ltd.
- Rowe Channel Impact Assessment, dated March 5, 2024, by SCS Consulting Ltd.
- Architecture Phasing Plans, dated March 1, 2024, by Turner Fleischer
- Phased Grading Plan, dated March 2024, by SCS Consulting Ltd.

Official Plan Amendment is required to permit an increase in the maximum permitted residential density and maximum building height to allow for a mixed-use development consisting of 4 high rise towers connected by a common podium with retail.

Engineering Services has no objection to the proposed Official Plan Amendment.

The subject land is currently zoned D(NR)-2 under Zoning By-law 2585. The purpose of the proposed Zoning By-law Amendment application is to permit the development of a mixed-use project comprising of four (4) mixed use buildings having a total of 1639 residential units and including a maximum of 2,300 m² of non-residential uses on the subject land.

The purpose of the Draft Plan of Subdivision is to create two (2) blocks. Block 1 on the Draft Plan will consist of residential and retail areas, while Block 2 is for the required right-of-way conveyance to allow for an ultimate 20m road right-of-way on Charles Street as well as an 8m x 8m visibility triangle.

Engineering Services does not object to the proposed Zoning By-law Amendment and Draft Plan of Subdivision subject to the comments and conditions below.

Conditional Comments

1. Prior to final acceptance of the Draft Plan of Subdivision, the following shall be addressed to the satisfaction of the Engineering Services.

1.1. Revise the Draft Plan (DP) as follows:

- a. Include a separate block for the required 8m x 8m visibility triangle to be dedicated as Watson Street West right-of-way. Note that the current Draft Plan of Subdivision only shows a 7m x 7m visibility triangle.

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

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

- a. Block 2 for road widening on Charles Street; and
- b. Block X for visibility triangle on Watson Street West and Charles Street.

2.2. 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.

2.3. 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.

2.4. 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. 2.5. 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.

2.6. 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.

2.7. 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.

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

2.9. 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.

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

2.11. The Subdivider shall be responsible for satisfying any additional requirements identified by 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 Subdivision Agreement and Site Plan Review processes subsequent to the Official Plan Amendment and Re-Zoning Approval.

Informational Comments

It is Engineering Services understanding that a Site Plan application will be required upon approval of the Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision. Detailed comments pertaining to the Site Plan application will be provided at the Site Plan Pre-Consultation/Application stage.

3. The following items are informational and can be addressed through the future Site Plan Application process:

3.1. Provide a detailed Stormwater Management Report addressing comments from the Town's Water Resource Engineer. See attached.

3.2. If proposed foundations are not watertight, the Applicant will be required to provide a Hydrogeological Report, Geotechnical Report, and other supporting studies that speak to the proposed long term pumping solution. The proposal will be peer reviewed at the Applicant's expense.

3.3. If tiebacks are proposed, Applicant will have to enter a Construction and Licensing Agreement with the Town. The proposal will be peer reviewed at the Applicant's expense.

3.4. Drainage from the proposed park shall discharge through the private storm sewer system.

3.5. Interlock pavers will not be accepted by Engineering Services as a surface treatment for the boulevard.

3.6. Provide a response addressing comments contained in the attached memo from the Town's Transportation Engineer dated April 8, 2024.

3.7. A Construction Management Report will be required at the pre-consultation stage for the Site Plan application. See attached guidelines.

3.8. Refer to Section J of Town of Whitby Design Criteria for Site Plan submission requirements and design criteria.

3.9. High level site plan revision comments. Detailed site plan revision comments will be provided at the Site Plan Application stage:

a. As a minimum, a 1.8m wide sidewalk shall be constructed along the frontage of the property on Charles Street.

b. It appears the boulevard along the frontage of the property on Watson Street is proposed to be redeveloped with trees and bike racks. There is currently a sidewalk along that frontage with hydro poles/streetlights. Please clarify what the intent is for these existing infrastructures.

c. The full right-of-way of adjacent streets (Charles Street and Watson Street) shall be shown on the Site Plan drawing including all existing above ground features such as pavement markings, streetlights/hydro poles, and sidewalk. Also show any relocation and/or new/proposed structures external to the site plan.

d. Curb return radius shall not extend beyond the projection of the property line for both driveway entrances.

e. Site Plan Engineering Fee – Tier 3 fees will apply to the development in accordance with the Fees and Services By-law at time of Site Plan Agreement execution.

f. Securities 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.

g. Security for road cleaning and dust control will be required at the time of Site Plan Agreement execution.

Parks Planning

The Parks Division of the Community Services Department has reviewed the first submission circulated March 13, 2024. Parks Staff met with the proponent and internally with other departments to discuss the proposed strata park. Staff have also reviewed the revised concept plans and legal memo summarizing the legal agreements and instruments for implementing strata parks. Parks Planning Comments:

- Park's staff recognize the value of providing landscaped open space at the south east corner of the site that functions as an extension of the public realm.

However, Park's Staff are not supportive of providing parkland credit for the proposed strata open space. Park's Staff are also not supportive of providing parkland credit if the proposed strata open space area was to be developed as a Privately Owned Publicly Accessible Open Space. Official Plan policies 6.2.3.9.1, 6.2.3.9.2 and 6.2.3.15.6 all speak to high density developments providing these kinds of high-quality public spaces, but nowhere are they described as being substitutes for public park or being eligible for parkland credit.

- Park's staff completed a detailed evaluation of strata parks and determined that there are significant risks, constraints and lifecycle costs associated with strata parks. While some municipalities have implemented strata parks in specific intensification areas, this was due to a significant shortage of parkland coupled with high population density and land costs. However, none of these challenges are present in Port Whitby where the Town already has a significant supply of larger unencumbered parks that it is planning to redevelop. Parks and broader Whitby staff are recommending that the Town utilize the cash-in-lieu of parkland from the 1636 Charles Street development to help develop the existing parks into destinations as per the Council adopted Waterfront Parks and Open Space Master Plan.
- Park's staff recommend that parkland dedication for the proposed development be satisfied entirely through the payment of cash-in-lieu of parkland and secured through the site plan agreement.

Conditions of Draft Plan Approval

The following draft plan of subdivision conditions should be included:

1. 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.

Strategic Initiatives

Sustainability Comments

Sustainability Staff acknowledge and appreciate the sustainability considerations outlined in the updated Whitby Green Standard (WGS) Checklist and provided in the Sustainability Rationale Report. To demonstrate that the requirements of Tier 1 have been satisfied, please update the following comment in the WGS Checklist:

- LUN1.2 – Although the proposed development is not subject to Central Lake Ontario Conservation Authority Guidelines, the environmental management policies of Whitby's Official Plan are still applicable. Please refer to Section 5 of Whitby's Official Plan and describe how the proposed development is meeting the policies.

Creative Communities Comments

Staff in Creative Communities encourage the applicant to consider public art opportunities within the private development component of the site to further enhance the space. As noted earlier, the Creative Communities Team would be happy to help

and/or connect the team to public art groups such as Steps Public Art <https://stepspublicart.org/> that could assist with placemaking and creative arts enhancements to this space.

Urban Design Landscape

In review of the conceptual plan and supporting documents for application DEV07-24 (SW-2024-01). The following information/revisions are required.

Arborist Report:

1. Existing trees within the Historical Widening area are proposed for removal. These are numbered as trees #10, #14-19 on the Arborist Report. Please clarify the intention behind removal. Either consider preserving these trees to incorporate them into the design, or if removal is necessary, continue the same tree planting approach proposed further south of this zone.
2. Update Tree Preservation Fencing Details to include May 2022 Revised details per link below: <https://www.whitby.ca/en/work/tree-protection-requirements-for-new-development.aspx>
3. Removal of existing public trees require an appraisal to determine compensation values. Detailed requirements for the generation of an appraisal are available in the Town of Whitby Tree Protection Requirements for New Development (2020).

Landscape Comments:

1. Include Town of Whitby Development application file numbers on all title blocks (DEV-07-24; SW-2024-01) Please refer to Town of Whitby Guidelines for Landscape Plan Submissions for all title block requirements.
2. Plan Legibility is required. Avoid multiple labelling of the same elements on plan. Items and hatches defined in the legend do not need separate and repetitive call outs on plans. Symbols reoccurring on the plans should be referenced on Legend. Clearly identify extents and boundaries with different line types. Extent of Road widening, Underground parking and property line should be clearly shown.
3. Shift tree grates along Charles St closer to the property line and away from the curb.
4. No unit paving should be proposed within the road widening. Please refer to the provided markups.
5. Reduce number of proposed bike racks along the two frontages to allow accessibility to the site from on street parking. Consider grouping some of the bike storage units in a single corner along the retail frontages.
6. The Town does not seek public ownership of the proposed parkland as proposed and prefers a cash in lieu as an alternative solution. The Town would however support and secure for any private works that may/may not be beneficial to the public along the Watson St. frontage. This privately owned space can be made accessible to

public if desired. A 1m decorative metal fence could also act as a barrier between public and private zones while preserving the visual interest on both sides.

7. Illustrate “Entry/ Emergency Exits” on all plans including Level 2 and Level 6 in coordination with architectural plans.

8. Grading information shall be sufficient to address any grade changes that require distinct treatments, such as plantings or retaining elements, proposed steps, retaining walls, etc. Such as the retaining wall running east to west at the north side of the site.

9. Existing trees to be preserved (#20,21,23,25) are to be illustrated on L-1a and L-2a. Planting beds to be adjusted accordingly.

10. Provide curb cuts, tactile indicators, and street markings where necessary for accessibility.

11. The proposed bike racks along Watson seem excessive, considering the proposed bike locker on site. They are also interfering with possible street parking.

12. Consider existing utilities in the placement of landscape features and tree planting proposal.

13. Reference all details on plan with a detail tag. For example, the tree grate, concrete planters, paving treatments, bike racks, etc. should all have a detail on LD sheets (most details have been provided except a few) with a detail tag on the plan.

14. Provide all necessary details relevant to the Subdivision application.

15. Consider coniferous trees in the planting proposal for year-round interest. Refer to Markups for recommended locations.

16. Revise proposed tree species per markup attached.

17. Planting details on Sheet LD-2 should reflect relevant Town of Whitby Standard details. Please refer to the Town of Whitby Guidelines for Landscape Plan Submissions, available here: <https://www.whitby.ca/en/work/landscape-plan-guidelines.aspx> for applicable notes and standard details: General Notes for Site Plan Development (Detail 750.0 & 750.10) Standard Utility Setback Requirements (Detail 751.0) Deciduous Tree Planting (710), Coniferous Tree Planting (711), Shrub Planting and Layout (712)

18. Construction details are required for all proposed landscape features at grade and amenity levels. Reference the associated engineering and/or architectural plans that provide this information. Cost Estimate (External Landscape Works- Not including the Park) A landscape cost estimate is required for the proposed landscape works proposed as part of the Subdivision Application. A template is available for use/reference in the Landscape Plan Guidelines Appendix-1. This will be used for estimating the Letter of Credit values for the associated development agreement.

- Internal works will be secured through a Letter of Credit submitted as part of a Site Plan Application.
- All proposed landscape works external to the development are secured for at 100% and require a minimum one-year warranty period.

- Final estimated costs must include 15% contingency and 13% HST.

Fire and Emergency Services

WFES would prefer standpipes/hose valves installed in the protected stairwells. However, this change will require an alternative solution to be submitted with the building permit application.

WFES would like you to consider providing storage for electric bikes, electric scooters, etc., in a 2-hour fire rated room in the parking garage. Similar to the current bike lockers storage arrangement.

Financial Services

The following pertains to Town of Whitby Development Charges only, based on current Provincial legislation and Town of Whitby by-laws (subject to change). Additional information can be found at <https://www.whitby.ca/en/work/development-charges.aspx?mid=3457>. This development will also be subject to Region of Durham development charges and DDSB/DCDSB education development charges, please reach out to them directly with any questions.

Development Charges

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

Parkland Dedication / Cash-in-Lieu

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

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

External Agencies**Durham Region Planning and Economic Development Department + Durham Region Works Department**

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

The purpose of the proposed Official Plan Amendment application is to increase the maximum density permitted on the site from 300 to 1025 units per net hectare, as well as to increase the permitted height to 36 stories. This would permit the development of approximately 1,639 new residential units.

The purpose of the subdivision application is to facilitate the proposed development by creating two blocks, one for residential/retail uses, the second for a road widening of Charles Street.

The purpose of the proposed Zoning By-law Amendment application is to permit a mixed-use development consisting of four high rise towers ranging in height from 28 to 36 stories connected by a 5-storey podium with retail uses.

Regional Official PlanCurrent Regional Official Plan

The subject site is designated Living Areas in the current Regional Official Plan (ROP). Living Areas are intended for a variety of housing purposes.

The site is also located within a Protected Major Transit Station Area (PMTSA) as per Amendment No. 186 to the ROP. Please note this Amendment has been adopted by Regional Council and forwarded to the Ministry of Municipal Affairs and Housing for approval. PMTSAs are transit-oriented communities, intended to have a minimum 150 people and jobs per hectare density target.

The subject site is adjacent to the Rowe Channel and a portion of the subject site is located within the floodplain. Policy 2.2.7 of the current ROP generally does not permit development within a floodplain. It is the Region's understanding that a Municipal Class Environmental Assessment for Improvements to the Rowe Channel has been approved and demonstrates that through implementation of the preferred alternative flooding hazards can effectively be removed from these lands. The Central Lake Ontario Conservation Authority (CLOCA) has reviewed the proposed development and has no objections with approval of the applications, subject to a holding provision being implemented through the zoning by-law amendment to implement appropriate phasing of development.

New Regional Official Plan

A new ROP was adopted by Regional Council in May 2023 and forwarded to the Ministry of Municipal Affairs and Housing for approval. The subject site is designated as a "Protected Major Transit Station Area" in the new ROP. As a Strategic Growth Area, PMTSAs are planned to have a minimum 150 people and jobs per hectare density target. Protected Major Transit Station Areas are intended to develop as communities centered around higher order transit services. Permitted uses include medium and high density residential and mixed-use development.

As noted above, a portion of the subject site is located within the floodplain associated with the Rowe Channel. As per policy 7.6.3 of the new ROP, development is generally not permitted within a floodplain. It is recognized that a Municipal Class Environmental Assessment for Improvements to the Rowe Channel has been approved and demonstrates that through implementation of the preferred alternative flooding hazards can effectively be removed from these lands.

Summary of ROP Conformity

The proposed mixed-use development would increase residential and employment densities in Protected Major Transit Station Area, as adopted by Regional Council. Although the site is partially located within a floodplain area, CLOCA has reviewed the applications and has no objections, subject to a holding provision being implemented through the zoning by-law. As such, the proposed applications conform to the policies of the current and new ROP.

Provincial Policy and Delegated Plan Review Responsibilities Provincial Policies

Provincial Policy Statement

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

proposed development would result in the construction of approximately 1,639 apartment units ranging from one to three bedrooms. The proposed development is consistent with the housing policies of the PPS.

However, Section 3.0 of the Provincial Policy Statement states that development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public or safety or of property damage and not create new or aggravate existing hazards. Policy 3.1.2 states that development and site alteration shall not be permitted within a floodway.

As noted above, a Municipal Class Environmental Assessment for Improvements to the Rowe Channel has been approved and demonstrates that through implementation of the preferred alternative flooding hazards can effectively be removed from these lands. CLOCA has reviewed the proposed development and had no objections with approval of the applications, subject to a holding provision on the zoning by-law amendment. The proposed mixed-use development, which will increase residential and employment opportunities in the area is consistent with the policies of the PPS.

Growth Plan for the Greater Golden Horseshoe

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

Policy 2.2.4.3 c) of the Growth Plan states that Major Transit Station Areas on priority transit lines, such as the subject site, will be planned for a minimum density target of 150 residents and jobs combined per hectare for those areas that are served by the GO Transit rail network.

Policy 2.2.4.8 states that all major transit station areas will be planned and designed to be transit-supportive and to achieve multimodal access to stations and connections to nearby major trip generators by providing, where appropriate:

- a) connections to local and regional transit services to support transit service integration;
- b) infrastructure to support active transportation, including sidewalks, bicycle lanes, and secure bicycle parking; and
- c) commuter pick-up/drop-off areas.

Policy 2.2.4.9 of the Growth Plan states that within all major transit station areas, development will be supported, where appropriate, by:

- a) planning for a diverse mix of uses, including additional residential units and affordable housing, to support existing and planned transit service levels;
- b) fostering collaboration between public and private sectors, such as joint development projects;
- c) providing alternative development standards, such as reduced parking standards; and
- d) prohibiting land uses and built form that would adversely affect the achievement of transit-supportive densities

The proposed mixed-use development generally conforms to the housing and major transit station area policies of the Growth Plan.

However, to protect public safety and prevent future flood risks, the Growth Plan directs growth generally away from hazardous areas. As noted above, a Municipal Class Environmental Assessment for Improvements to the Rowe Channel has been approved and demonstrates that through implementation of the preferred alternative flooding hazards can effectively be removed from these lands. CLOCA has reviewed the proposed development and had no objections with approval of the applications, subject to a holding provision on the zoning by-law amendment.

Provincial Plan Review Responsibilities

Potential Site Contamination

The Phase One Environmental Site Assessment (ESA) prepared by EXP (October 20, 2023) and the Phase Two ESA also prepared by EXP (October 20, 2023) were reviewed. The Phase One and Two ESA reports are generally acceptable to the Region.

It is noted that there are a number of Areas of Potential Environmental Concern on site as identified in the Phase One ESA, and that there were several exceedances of the Table 9 Site Condition Standards. The Phase Two ESA concludes that either remediation or risk assessment must be undertaken before a Record of Site Condition (RSC) can be filed with the Province. The submission of an RSC is mandatory given that the site is going to a more sensitive land use. It is noted that Table 9 is a non-potable standard. A non-potable request was made to the Region, which the Region has approved.

The Region requires submission of either a Reliance Letter and Certificate of Insurance (COI) (templates attached) or a letter confirming that the Phase One and Two ESA reports will be used for filing of a RSC. This can be addressed as a condition of draft approval for the plan of subdivision.

Noise

The Environmental Noise Report prepared by SLR (October 2023) was reviewed. The Report identified traffic noise sources from Brock Street South (a Type C Arterial road in the ROP), and some adjacent local roadways. The appropriate road traffic figures supplied by the Region were used for calculating sound levels. A traffic consultant provided projected traffic info for the other roadways.

The Outdoor Living Area (OLA) was identified as a rooftop amenity space (3rd level) situated centrally between the 4 residential towers. The sound level at the OLA in this development was determined to be 46 dBA Leq. Therefore, noise attenuation measures and Warning Clause A would not be required for this amenity area.

The appropriate Warning Clause C (Provision for installing Central Air Conditioning) is recommended with respect to Indoor Sound levels for all of the residential units in this development. This Warning Clause is also recommended to be included in agreements registered on title and all Offers of Purchase and Sale and any lease/rental agreements. This shall be a condition of draft approval for the associated plan of subdivision.

The output of this Assessment includes both the Stamson model and Cadna/A. The results and recommendations of this Assessment would remain the sole responsibility of the Noise Consultant. The study is acceptable to the Region.

Municipal Servicing

The subject property is located within water pressure Zone 1 of the water supply system for the Town of Whitby. The estimated static water pressure for this subject property is approximately 734 kPa (106 psi). Where the static pressure exceeds 550 kPa, a private pressure reducing valve shall be installed to limit the maximum static pressure to not more than 550 kPa.

Records indicate the above noted parcel of land is currently serviced with domestic water service, fire line, and sanitary servicing connections off Charles Street. The Region recommends reusing the existing services. As such, the applicant's consultant should confirm the existing water services can be reused and are adequate for the proposed development.

If larger or additional services are required, water supply can be available from the existing 200mm PVC watermain on Charles Street or the existing 300mm PVC watermain on Watson Street. Sanitary servicing can be available from the existing 600mm AC sanitary sewer on Charles Street or the existing 1050mm CPP sanitary sewer on Watson Street.

Any existing service connections that are not utilized must be located, surveyed, recorded, and plugged at the mainline at the applicant's expense.

The Region agrees with the proposal with one set of water and sanitary sewer connection for each building, with the assumption that the four buildings may be under different condominium corporations in the future.

Density

A theoretical design population of 3,482 people has been calculated based on the unit breakdown given as per the preliminary architectural statistics drawings. Note, the Region may consider some proposed dens in high density residential units as an additional bedroom, in accordance with the Region's by-law. The theoretical population for the subject proposal on 1.61 hectare of land equates to a peak flow of approximately 50.0 L/s.

As part of the engineering submission, the applicant is to provide a sanitary design sheet to show the unit breakdown for the proposed development and confirm the actual sewage flow for the Region's review and record.

Functional Servicing and Stormwater Management Report

The Functional Servicing and Stormwater Management Report, prepared by SCS Consulting (March 2024) was reviewed, and we offer the following comments:

4.0 Sanitary Servicing:

- A private servicing easement will be required to service Tower B.
- Appendix E: Sanitary Flow Calculations
 - Dens are considered as an additional unit. Accordingly, please revise population and sewage flow to reflect changes and change the total to 3482 people.
 - Revise Phase 2 population to 1060 people,
 - Revise Phase 3 population to 809.5 people.
 - Revise Phase 4 population to 761.5 people.

Figure 4.1 – Preliminary Sanitary Servicing Plan

- The existing 1050 mm concrete sanitary sewer on Watson Street is shown incorrectly. This sewer is flowing from west to east then south on Charles Street. Revision is required.
- Provide minimum 0.25 m vertical clearance between the proposed sanitary sewer connections and existing storm sewer at Tower D and the proposed park. A vertical clearance of 0.1 m is not acceptable.
- Separate the sanitary sewer connections for Tower A and B or to combine these connections. The Region does not want an additional maintenance hole to be installed right next to an existing maintenance hole on a 600 mm trunk sewer.
- 250 mm sanitary sewer connection is not the Region's standard size. Please use 200 mm or 300 mm connections.

5.0 Water Servicing:

- A private servicing easement will be required to service Tower B.

Figure 5.1 – Preliminary Water Servicing Plan

- Consider shifting the park connection next to the sanitary sewer connection. A seasonal water meter as per the Region's Standard can be used for a park.

The Functional Servicing and Stormwater Management Report, prepared by SCS Consulting (May 2023, revised March 2024) was reviewed. As per the SWM proposal, post development flows from the site will be released to the existing storm sewers on Charles Street and Watson Street as well as to Rowe Channel and none of the above outlets into Regional Storm sewers or right-of-way (ROW). As such no impact to Regional storm infrastructures due to post development flows from the site.

However, the hydraulic impact assessment completed for Rowe Channel dated June 9, 2023, shows the proposed development would be located within the Rowe Channel floodplain and construction of those buildings within the floodplain would impact the existing floodplain elevations. The Town of Whitby also completed a Class Environmental Assessment (EA) study in 2022, that recommended improvements to Rowe Channel including upsizing watercourse structures on Victoria Street and Watson Road that would contain the floodplain within the channel as well as prevent Victoria Street and Watson Street from overtopping. However, it is not anticipated that the recommended upgrades would happen anytime soon. As such, if the development is advancing before the Class EA study recommendations being implemented, a detailed floodplain assessment is required for the Rowe Channel with the proposed development that should confirm there is no negative impact to Victoria Street and structure as a result of the proposed development.

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 Regional Municipality of Durham will no longer be the service provider for the Blue Box program. The transition of responsibility of the Blue Box program to product producers in Durham Region is expected to occur in 2024. Please see O.Reg. 391/21 for full details.

Transportation Impact Study Addendum

The TIS Addendum Report, prepared by WSP (March 2024) was reviewed. The Region has no additional comments on the TIS addendum. However, it should be noted that the stormwater management issue remains unresolved.

Transportation Planning

There are no comments on this application from a Transportation Planning perspective.

Durham Region Transit

Durham Region Transit has reviewed this application and advised that they do not have any comments at this time.

Exemption, Conditions and Conclusion

The proposed development will facilitate the creation of approximately 1,639 new residential units. Subject to meeting the requirements of the Conservation Authority, the proposed mixed-use development conforms with Regional and Provincial planning policies as it facilitates high density development in what is planned to be designated as a Protected Major Transit Station Area.

In accordance with By-law 11-2000 the Official Plan Amendment application is exempt from Regional Approval.

Please advise the Commissioner of Planning and Economic Development of your Council's decision. If Council adopts an Amendment, a record must be submitted to this Department within 15 days of the date of adoption. The record must include the following:

- two (2) copies of the adopted Amendment;
- a copy of the adopting by-law; and
- a copy of the staff report and any relevant materials.

Based on the forgoing, the Region has no objection to approval of the Official Plan Amendment or draft approval of the subdivision application.

The attached conditions of approval shall be complied with prior to clearance by the Region for registration of the subdivision plan.

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

Draft Plan of Subdivision Conditions from Durham Region are as follows:

1. The Owner 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 Owner shall name road allowances included in this draft plan to the satisfaction of the Region of Durham and the Town of Whitby.

3. 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.
4. 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.
5. 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.
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 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.
8. Prior to the finalization of this plan of subdivision, the Owner 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 Owner 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.

Central Lake Ontario Conservation Authority (CLOCA)

Thank you for circulating Central Lake Ontario Conservation Authority (CLOCA) on the formal Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision associated with the development at 1616-1636 Charles Street in the Town of Whitby.

CLOCA staff provided comments on this proposed development through the pre-consultation process (PRE-13-23). We have reviewed the submitted materials to determine if all outstanding comments remaining from that process have been addressed to our satisfaction.

It is our understanding that the proposed development will proceed in four phases and a site plan application will be required as part of each phase. Additional detailed plans related to each phase will be submitted with each of these future applications.

CLOCA staff have reviewed the submitted Planning Act applications for consistency with the natural hazard policies of the Provincial Policy Statement (PPS) and conformity with Ontario Regulation 41/24 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.

CLOCA staff offer the following comments related to the submitted materials at this time.

Provincial Policy Statement, 2020

Section 3.0 of the Provincial Policy Statement states that development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public or safety or of property damage and not create new or aggravate existing hazards. In order to fulfill this statement, policy 3.1.2 states that development and site alteration shall not be permitted within a floodway.

In response to our previous comments, the applicant has provided sufficient information to demonstrate that through a phased approach to development and localized manipulation of grades to maintain flood storage within the development parcel, that Phases A and C can be developed outside of the floodway of Pringle Creek and the Rowe Channel. Additional detailed information on the floodway will be required prior to proceeding with Phases B and D.

To facilitate approval of this phased approach the applicant has proposed Holding provisions on Phases B and D that will need to be addressed to our satisfaction prior to any development of these lands. Given this approach, CLOCA staff are satisfied that the intent of the Natural Hazard policies of the Provincial Policy Statement can be satisfied if the Holding provisions are put in place, as proposed.

Official Plan Amendment

Given the Municipal Class Environmental Assessment for Improvements to the Rowe Channel has been approved and demonstrates that through implementation of the preferred alternative flooding hazards can effectively be removed from these lands, CLOCA staff are satisfied that the submitted materials are adequate to support the proposed Official Plan Amendment to allow four (4) high-rise towers connected by a common podium in this location.

As stated in our previous comments during pre-consultation, it is our expectation that prior to any phase of this development being undertaken, that the lands proposed for development be floodproofed to the satisfaction of the Town of Whitby and Central Lake Ontario Conservation Authority. This is an essential requirement, with a municipally approved solution, to reduce the flood risk through implementation of the Rowe Channel improvements pursuant to the Environmental Assessment.

Zoning By-law Amendment

1. CLOCA staff are generally satisfied that information has been provided that demonstrates that Buildings A and C (generally the eastern half of the site), can be developed in conformity with floodproofing requirements while maintaining flood storage on-site. As such, we can accept the proposed zoning amendment to permit the uses proposed as part of the R5A-XX Zone for the lands associated with these two phases of development as presented in the draft Zoning By-law Amendment on Schedule "A-1".

2. Within Section (4) Zone Provisions of the Draft Zoning By-law Amendment, the following matters that require clarification and possible amendment:

a. In Section (4) (g) (i) CLOCA staff question the need to maintain permissions for existing uses on the lands identified on Schedule "A-2", given these lands are proposed to remain within the regulatory floodplain until such time as the Holding Provision is lifted, we would suggest that only the interim uses listed in Section (4) (g) (i) iii be presented as permitted uses after the passing of this By-law for the lands impacted by the Holding provision.

b. In Section (4) (g) (i) ii, a sales office is proposed as an interim use on lands identified on Schedule "A-1". Given Section (4) (g) of the By-law pertains to the Holding Provisions that are only subject to lands on Schedule "A-2", the provision related to the sales office is not in the correct location given it is referring to lands on Schedule A-1. CLOCA staff would not be supportive of a sales office, even temporarily being located within the lands on Schedule A-2, until the Holding provision has been lifted.

Draft Plan of Subdivision

CLOCA staff recommend that any approval of the proposed plan of subdivision be subject to the following conditions of draft plan approval on behalf of the Central Lake Ontario Conservation Authority:

1. That prior to any on-site grading, construction or final approval of the plan, the Subdivider shall submit to and obtain approval from Central Lake Ontario Conservation Authority for reports and plans describing the following:

- a. The intended means of conveying stormwater from the site, consisting of stormwater techniques which are appropriate and in accordance with provincial guidelines as well as in conformity with the recommendations found within the Pringle Creek Master Drainage Plan.
- 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.

2. 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.

3. 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.

4. 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.
5. 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.
6. 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 1, 2 and 3 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.

Ontario Regulation 41/24 of the Conservation Authorities Act

Due to the presence of floodplain associated with the Rowe Channel, most of this property is regulated through Ontario Regulation 41/24 of the Conservation Authorities Act. A permit from CLOCA will be required prior to any site alteration and/or development within the current regulatory floodplain or any lands within 15 metres of the regulatory floodplain. Please contact Central Lake Ontario Conservation Authority for the most up to date information on the regulatory floodplain in this location at the time of application.

Conclusion

The information provided in this submission is sufficient to support the proposed Official Plan Amendment and Zoning By-law Amendment with the proposed Holding provisions implemented.

CLOCA staff have no objection to the approval of the proposed draft plan of subdivision subject to the conditions of approval provided above.

Durham District School Board (DDSB)

This is a follow up to the discussions between the Town, the developers and the DDSB in which we discussed a need for, at a minimum, 3 acres for a school, however this

would be adjacent to parkland to provide sufficient play space. As indicated in our discussions, a smaller site would require a redesign of our standard 2-storey school to that of a multi-storey to meet all the DDSB's requirements for delivering education to students.

Staff's concern centres around two developments being proposed within the area – the Nordeagle development and the Charles Street development. Both proposals would result in more students than the space the DDSB has in nearby schools.

Nordeagle Developments Ltd. has identified a 3-acre parcel of land that does not abut parkland and is relatively close to the water (Lynde Creek). The DDSB has concerns about constructing a multi-storey facility given the proximity to the water and potential additional expenses to address the structural integrity of a multi-storey building.

The 3-acre site that Nordeagle Developments Ltd. proposed in March 2024 for a school site is located on lands that are subject to their employment land conversion request to the Region of Durham, which has yet to be approved.

DDSB staff continue to be open to discussions with the Town and its development partners to identify an appropriate site that would meet elementary school needs. DDSB staff continue to be open to discussions with the Town and its development partners to find a solution that may result in the site that is less than our standard minimum of approximately 8 acres.

Enbridge Gas

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 signify an approval for the site/development.

Please always call before you dig, see web link for additional details:

<https://www.enbridgegas.com/safety/digging-safety-for-contractors>

This response does not constitute a pipe locate, clearance for construction or availability of gas. The applicant shall use the Enbridge Gas Get Connected tool to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping and/or asphalt paving. (https://enbridge.outsystemsenterprise.com/GetConnected_Th/Login2?OriginalURL=https%3A%2F%2Fenbridge.outsystemsenterprise.com%2FGetConnectedApp_UI%2F)

If the gas main(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.

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

Rogers Communications

Rogers Communications (“Rogers”) has reviewed the application for the above Condominium and has determined that it intends to provide cable and telecommunications services. Accordingly, we request that municipal approval be granted subject to the following conditions:

1. Prior to registration of the plan of Condominium, the Developer/Owner will, at its own cost, grant all necessary easements and maintenance agreements required by those CRTC-licensed telephone companies and broadcasting distribution companies intending to serve the Condominium (collectively, the “Communications Service Providers”). Immediately following registration of the Plan of Condominium, the Developer/Owner will cause these documents to be registered on title.
2. Prior to registration of the plan of Condominium, the Developer/Owner will, with consultation with the applicable utilities and Communications Service Providers, prepare an overall utility distribution plan that shows the locations of all utility infrastructure for the Condominium, as well as the timing and phasing of installation.

Bell Canada

Bell Canada Conditions of Approval.

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

Upon receipt of this comment letter, the Owner is to provide Bell Canada with servicing plans/CUP at their earliest convenience to planninganddevelopment@bell.ca to confirm the provision of communication/telecommunication infrastructure needed to service the development.

It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada’s existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.