

Attachment # 7

Agency & Stakeholder Detailed Comments

File DEV-08-24 (Z-04-24)

Internal Departments

Engineering Services

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

Building Division

The Building Division does not object to the proposed Zoning By-law Amendment application. Unless other written direction is provided by the Town of Whitby to the Applicant or their Agents, it is the responsibility of the Applicant to ensure the following is complete prior to and/or upon the building permit application:

- Written approval from the Town of Whitby Planning Department that all drawings are satisfactory and no further revisions to the building and/or location of the building will be required
- If the SPA and all of the associated conditions are not complete and all applicable law is not met, the building permit application will be deemed incomplete
- Permit application form along with schedule 1 (applicant to be a builder, home owner or authorized agent of the owner). [Application for a Permit to Construct or Demolish \(2014\) \(ontario.ca\)](#)
- Letter of authorization from the owner is required if application has been filled and submitted by the authorized agent.
- 3 sets of siting and grading. Drawings shall be approved by the Town of Whitby Architectural Control (if applicable)
- 2 complete sets of construction drawings to be produced by a BCIN qualified designer, architect OR professional engineer). Drawings shall be approved by the Town of Whitby Architectural Control (if applicable)
- 2 sets of HVAC design package along with heat loss calculations (BCIN qualified designer)
- Energy Efficiency Design Summary Form
- 2 sets of Trusses design package stamped by P.Engineer (if applicable)
- 2 sets of floors layout package (Engineered floor joists) (if applicable)
- LVLs – to be sized and verified by P.eng. (if applicable)

- If on septic system, approval from Region of Durham Health Department (905-723-3818)
- If in CLOCA (Central Lake Ontario Conservation Authority) zone, approval from CLOCA is required (905-579-0411)
- Permit fee of new residential dwelling - (Gross floor area excluding attached garage). Permit fees to be paid by cheque, cash or debit only
- Permit fee of new accessory structure (if applicable)
- Permit fee of a deck (if applicable)
- Occupancy permit fees
- Development Charges (if applicable)
- Deposits (Concrete curb, Concrete sidewalk...) and lot sodding as per by-law # 1598-20

Financial Services – Development Charges

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

Development Charges

- Will be owing for the residential development.
- Under Section 26.2 of the Development Charges Act.
 - The base DC rate(s) will be set as of the Zoning By-law Amendment application submission date.
 - Interest will accrue on the base DC rate(s), from the date of 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 Zoning By-law 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.

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

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

Fire and Emergency Services

Whitby Fire and Emergency Services does not object to the proposed Zoning By-law Amendment application.

Town of Whitby – Landscaping

In review of the conceptual plan and supporting documents for application DEV-08-24 (Z-04-24), The following information is required for the next stage of the submission process:

- **Landscape Plan** -including a planting plan and construction details, accompanied by a **Cost Estimate** for landscape works.
- **Whitby Green Standard Checklist**, including the details of how the Tier 1 criteria are being met, and where this information is illustrated/detailed (plans/reports/studies/etc.)

Landscape Plan Submission Requirements:

The consultant should reference the **Town of Whitby Guidelines for Landscape Plan Submissions**, available here: <https://www.whitby.ca/en/work/landscape-plan-guidelines.aspx> for requirements, applicable notes, and standard details for use in their submission.

- *Chapter 2.0: Submission Requirements*
- *Chapter 3.0: Design Criteria for Landscape works Site Plan Development Proposals*
- *Chapter 10.0: Notes and Details:* Include the applicable Town of Whitby detail and notes standards in a landscape plan submission. Landscape Plan submissions are required to include planting details as well as construction details for any included site features.
- *Appendix 1-Cost Estimate* (Landscape Works)

A landscape cost estimate is required for the proposed landscape works included in a landscape plan submission. A template is available for use/reference in the Landscape Plan Guidelines. This estimate will be used for estimating Letter of Credit values for the associated development agreement.

- All proposed landscape works internal to the development are secured for at 50%.
- 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.

Existing Tree Inventory and Arborist Report Requirements:

1. Existing trees and natural features within and adjacent to the site are required to be inventoried and assessed by a qualified arborist. A submission of a Tree Inventory, Preservation and Protection plan (TPP), accompanied by an arborist report (prepared by an ISA certified arborist) is required as part of a complete submission. The following considerations should be included if not already:
 - Ensure that any tree preservation fencing has been indicated on the Landscape / Site Plan (if applicable).
 - The identification of Boundary trees (if applicable)
 - The identification of trees within 6.0 metres or with canopy overhanging the limits of the proposed development.
 - All trees on or shared between Town property require a tree appraisal by certified ISA arborist (if applicable).
 - Consider preservation of the large Norway Maple at the rear of the proposed development (Tree 2).
 - Anticipated impacts to existing trees on neighbouring properties

Landscape Comments:

1. The submission of a landscape plan in PDF format, prepared by a professional landscape architect is required for a complete application. Please refer to **Town of Whitby Guidelines for Landscape Plan Submissions** for all Landscape plan requirements – Chapter 3.0 Site Plan.
2. 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.
3. Proposed landscape works shall highlight proposed entrances (main site entry and frontage-facing elevations especially), incorporate sustainable strategies where possible.
4. Proposed landscape works shall enhance the year-round visual character of the proposed development, soften the massing of built form, and screen parking, identify loading areas.
5. Specific fencing types may be required as part of the proposed landscape works. All proposed fence treatments shall be illustrated, labelled, and detailed.
 - Consider the provision of 1.8m height privacy fencing between this property and the adjacent properties.
 - Consider the provision of acoustic fencing in accordance with sound/ noise study requirements please consider fencing type along Garrard Road.
 - Consider the provision of 1m height decorative metal fence at the corner property of Garrard Road and Burnage Lane.
 - Required fencing types shall utilize Town of Whitby detail standards where applicable.

6. Layout of trees shall comply with utility setback requirements. Wherever possible, utility infrastructure shall be grouped to provide sufficient space to maximize the planting space.
7. Tree plantings internal to the site are encouraged to be maximized.
8. Proposed plantings shall include deciduous and coniferous trees as well as mixed shrub beds that will provide year-round interest. Include a detailed planting plan and plant selection list. Plant species should consist of fifty percent (50%) native species.
9. All residential units shall be provided with foundation plantings.
10. The submission of a landscape plan should include the following Town of Whitby Landscape Standards, Notes, labels, and additional information:
 - Provide Tree symbols in plant schedule.
 - Ensure all proposed and existing surface treatments are indicate don the plans for example: Concrete sidewalk and space between sidewalk and road.
 - Label new trees as “Proposed Deciduous Tree.”
 - General Notes for Site Plan Development (Detail 750)
 - Standard Utility Clearances for Streetscape Planting (Detail 751)
 - Deciduous Tree Planting (Detail 710)
 - Shrub Planting (Detail 712, if applicable)
 - Coniferous Tree Planting (Detail 711, if applicable)
 - Illustrate/ label all locations of property lines to be represented both visually and with text called out on plan.
 - Address Plan Legibility and formatting notes.
 - Landscape plan should illustrate surrounding site context, including land use. For example: Existing Residential.
 - Include Town of Whitby Development application file numbers on all title blocks (DEV-XX-Year; SP-XX-Year) Please refer to **Town of Whitby Guidelines for Landscape Plan Submissions** for all title block requirements.

External Agencies

Region of Durham

Conformity to the current Regional Official Plan

The subject site is designated as Living Areas in the Regional Official Plan (ROP). Lands within the Living Areas designation shall be used for a mix of housing types, sizes, and tenure to meet the diverse housing needs of the residents of Durham Region.

Region of Durham Adopted Official Plan

On May 17, 2023, Regional Council adopted the new Regional Official Plan. The new ROP is currently with the Ministry of Municipal Affairs and Housing for approval.

We have reviewed the proposed redevelopment for conformity with the new ROP.

The subject site is designated as Community Areas on Map 1 – Regional Structure in the new ROP. Plan Community Areas are intended for a variety of housing types, sizes and tenures.

Conclusion

The proposed application supports compact built form through residential infilling developments, contributes to providing a mix of housing options for the community, and makes efficient use of existing infrastructure. The proposed application conforms with the current ROP and the new ROP.

Provincial Plans and Policies

Provincial Policy Statement and Growth Plan

The Provincial Policy Statement (PPS) and the Growth Plan support efficient land use and development patterns that comprise of an appropriate mix of housing options. The proposed application supports compact built form and a mix of housing options. The proposed application is consistent with the PPS and conforms with the Growth Plan.

Delegated Provincial Plan Review Responsibilities

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

Durham's Soil and Groundwater Assessment Protocol

The Region will require the related future severance applications to be supported by a Regional Site-Screening Questionnaire completed and signed by a Qualified Person (QP) (refer to Attachment 1). The SSQ must be completed by the QP in accordance with the Durham Region's Soil and Groundwater Assessment Protocol.

Noise Impact Study

The subject site abuts Garrard Road, a designated Type 'C' Arterial Road in the ROP. Dundas Street East is also located approximately 370 metres south of the subject site. We have reviewed the Noise Impact Study, prepared by a GHD Ltd., dated February 28, 2024, for the proposed development. The Noise Impact Study reviews the potential impact of traffic noise generated from Garrard Road and Dundas Street East on the future residential dwellings. The report indicated that noise levels will exceed the Ministry of the Environment, Conservation and Parks' noise guidelines for all proposed dwellings. Therefore, all dwelling units must be constructed with mandatory air conditioning, and noise warning clauses must be included in the related Site Plan Agreement with the Town of Whitby to the satisfaction of the Region of Durham.

Regional Servicing

Regional Works Department understands that this ZBA application is a pre-cursor to land division applications and would like to provide insight into the expected land division comments at this time.

Regional Works Department has no objection upon the consent to sever two vacant residential lots retaining a residential lot with an existing dwelling to be demolished.

Regional water and sewer services are available for connection to the proposed severed parcels on Burnage Lane.

Frontage charges are not applicable on Burnage Lane and frontage charges are pre-paid through the existing connection on Garrard Road.

Conditions for approval of this future land division application can be expected to be the following:

- Payment for two 19mm water service connections at \$3,885 per connection = **\$7,770.00**

- Payment for two 100mm sanitary sewer services at \$4,035 per connection = **\$8,070.00**
- Payment for inspection fee's for inspection prior to reconnection to the existing services at \$131 per service = **\$262**

The total amount required as a condition of approval for the future land division applications would be **\$16,102.00**.

The applicant may also require the installation of storm sewer connections as a condition of approval from the Town of Whitby. The Region of Durham can include the installation of the storm connections on behalf of the Town of Whitby with the installation of the Regional services.

If the Region is installing a new 150mm diameter storm sewer connection, we will require a deposit of \$15,000.00 per service.

Conclusion

The proposed application contributes to mix-use of housing options and supports compact built form and efficient use of existing infrastructure services. We have no objection with this application provided that the applicant addresses the Region's comments related to soil and groundwater assessment and noise requirements.

Oshawa Executive Airport

The Oshawa Executive Airport has no objection to the Zoning By-law Amendment for the property at 55 Garrard Road subject to the following comments being addressed:

1. The location appears to be within the Transport Canada Oshawa Executive outer surface airport zoning. The proponent must ensure the maximum height of the development (180.0m ASL), all of its associated features and any cranes used do not exceed the maximum zoning as outlined in the Transport Canada Zoning Regulations for the Oshawa Executive Airport. We recommend sourcing a qualified engineer who can overlay the zoning on property to confirm impacts.
2. The proponent will be required to submit an application to the NAV Canada land use process. No impact on the instrument approaches at the airport will be accepted. This would be for both the development and any cranes used to construct the development. We would want to see the response letter from NAV Canada illustrating no impacts prior to construction.
3. The proponent must submit an application to Transport Canada to determine the need for obstacle lighting through Transport Canada's Aeronautical Assessment Form. We would want to see the response letter from Transport Canada prior to construction.
4. If the proponent requires a temporary obstacle (i.e. crane) to be above the maximum height as permitted in item 1 of this list at any time during the construction project they must complete a Transport Canada – Temporary Zoning exemption request prior to construction.

5. The proponent shall complete an Oshawa Airport Crane Permit application prior to erecting any obstacle into the airspace.
6. The proponent shall ensure the new structure and associated refuge does not become a wildlife attractant due to its location in proximity to the airport.
7. The proponent must undertake a noise impact study which determines that the location is suitable for the intended use given the proximity to the airport and its associated aircraft noise. The study must identify and noise mitigation measures which should be included in the building design and same must be included in the final building design. **(IF RESIDENTIAL)**
8. The applicant shall ensure that the storm water management pond (if applicable) cannot be used as habitat for waterfowl.
9. If a storm water management pond is proposed, the applicant shall retain a wildlife expert to complete a wildlife risk assessment to ensure the risk of wildlife strikes is mitigated due to the proximity of the airport.