

Detailed Agency and Department Comments

Durham Region

We have reviewed this 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 application is to create a subdivision block for a future plan of condominium. This would facilitate the development of 16 three-storey block townhouses. The related zoning by-law amendment application is required to facilitate the proposed subdivision development.

Regional Official Plan

The Minister of Municipal Affairs and Housing approved the Region's new Official Plan on September 3, 2024. The subject lands are designated as Community Areas on Map 1 – Regional Structure in the new Regional Official Plan (ROP). Lands located within the Community Areas designation shall be developed to include a range of housing types, sizes and tenures. Winchester Road East is designated as a Regional Corridor on Map 1-Regional Structure in the new ROP. Regional Corridors are appropriate locations for high density, mixed-use developments. The built forms along Regional Corridors should include multi-storey, compact, pedestrian-friendly, and transit supportive developments.

Provincial Policy and Delegated Plan Review Responsibilities

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. Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment. 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 redevelopment of the site, which would result in a higher residential density on the site 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 subdivision contributes to providing greater housing options for the community and maintains the objectives of the Growth Plan.

Provincial Plan Review Responsibilities

Archaeology

A Stage 1 and 2 Archaeological Assessment prepared by ASI (May 2018) was submitted in support of the application. This study notes that no archaeological resources were encountered on the site and no further archaeological assessments are required. The study was submitted to the Ministry of Tourism, Culture and Sport who provided their clearance letter. There are no further matters related to archaeology.

Potential Site Contamination

As part of the application, the developer completed the Region's Site Screening Questionnaire (SSQ). To meet the Region's requirements under the Council-adopted Soil and Groundwater Assessment Protocol, this SSQ should be signed and stamped by a Qualified Person. This can be addressed as a condition of draft approval.

Noise

An Environmental Noise Impact Study, prepared by D.G. Biddle (November 2020) was submitted in support of the application. This report provides noise mitigation measures and warning clauses for the proposed development and is generally acceptable to the Region. The Region typically prefers to see a table, analysis or output showing noise values after mitigation measures have been implemented, but since the noise exceedances all require building components above the Ontario Building Code (OBC) standard which are dependent on detailed floor plans, this can be deferred to the site plan stage.

The Region requires that all of the recommendations stated in Section 5.0 of the study, including the warning clauses, ventilation requirements and building components be implemented into a development agreement between the proponent and the Town of Whitby. This can be addressed as a condition of draft approval.

Proposed Density

The applicant is proposing to demolish the two existing residences and construct 16 townhouses within the subject property which equates to a theoretical population of 48 people.

Municipal Servicing

In accordance with the Region of Durham Sewer Use By-Law, the Region will not permit foundation drains and/or roof leaders to connect to the sanitary sewer system. Sanitary capacity is allocated on a first come first serve basis at the time of signing a development agreement.

Water Supply

The subject property is located within the Zone 3 water supply system for Whitby. The estimated static water pressure for this area is approximately 470 kpa (68 psi). Water supply to the subject property is available from the existing 150 mm watermain on Knox Crescent.

Sanitary Servicing

Sanitary servicing to the subject property is available from the existing 200 mm sanitary sewer on Knox Crescent.

Servicing Plan SS-1:

The Servicing Plan SS-1 was reviewed, and the following comments are provided:

- The 100 mm water service must enter into the meter room prior to servicing any private townhouses and/or hydrants.
- The applicant's consultant shall provide confirmation on whether a fire line is required.
- The 100 mm water service can be installed via tapping sleeve and valve and not cut-in as noted on the drawing.
- Provide the method of construction (doghouse...) for sanitary manhole SA-1.
- Provide a separate drawing for the storm drainage area information.

Waste Management

Guidelines for municipal waste collection service on Private Property are outlined in Schedule "P" of the Regional Waste Bylaw 46-2011. The Region of Durham only provides recycling service in the Town of Whitby. All other waste collection is provided by the Town. The set out of waste by each unit within a new development must adhere to the Technical and Risk Management Guidelines, showing clear delineation of set out for each residential unit where waste collection will occur.

For additional information see link here: <https://www.durham.ca/en/doing-business/commercial-waste.aspx>

Any dead-end road(s) must be designed and built with a permanent or temporary, T-turn or Cul-de-sac. The turn arounds will be reviewed in detail at the Engineering review stage to ensure it complies with the Waste By-law 46-2011.

Currently, the Ontario Ministry of Environment, Conservation and Parks introduced a draft regulation under the Resource Recovery and Circular Economy Act, 2016 that will make producers responsible for blue box programs' operation including collection, as part of the Province's full producer responsibility framework. Subject to the filing of the new regulation and amendments, Durham Region cannot confirm that it will be the recycling service provider for this development upon the completion of Durham Region's Blue Box program transition, anticipated to occur in 2024.

For additional information, see link here: <https://www.ontario.ca/page/waste-management#section-1>

Transportation

The Region will not allow access from Winchester Road and are satisfied with the Conceptual Site Plan complying with this requirement.

As previously noted, the Region does not require any right-of-way (ROW) widening but will require a 0.3m (1 foot) reserve along the site frontage along Winchester Rd. E.

The Region has no SWM comments as all the storm flows are directed to the Town of Whitby storm system on Knox Crescent.

The Region will need to see the site plan showing the existing accesses being reinstated with topsoil, sod and full height curbs, to Regional Standards.

Durham Region Transit

Durham Region Transit reviewed the application and advised that they have no comments.

Transportation Planning

The draft plan of subdivision to accommodate a condominium townhouse development was reviewed from a Regional transportation planning perspective, and the following comment was provided:

- Provision for short-term visitor bike rack(s) adjacent to the visitor parking spaces in the common elements area should be considered as part of the development.

Conditions of Draft Approval

Subject to the attached conditions, the Region has no objection to draft approval of this plan. The conditions of approval must be complied with prior to clearance by the Region for registration of this plan.

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

In addition to providing the Region with copies of the draft approved plan and conditions of approval, at such a time as the draft approval is in effect, it would be greatly appreciated if a digital copy of the Municipality's conditions of draft approval could be provided.

Town of Whitby Engineering Services

The Town of Whitby Engineering Services have reviewed the engineering drawings and reports submitted in support of this zoning application and have the following comments.

The following submitted drawings and analysis have been reviewed for the purpose of this application:

- Proposed Draft Plan drawing DP-1 dated April 15, 2021 by D.G. Biddle & Associates Limited;
 - Conceptual Site Plan drawing SP-1 plotted April 15, 2021 (Reference only);
 - Planning Justification Report dated March 2021 by D.G. Biddle & Associates Limited (Reference only);
 - Functional Servicing and Stormwater Management Report dated April, 2021 by D.G. Biddle & Associates Limited, and associated engineering drawings (Preliminary review only).
1. The Town of Whitby requires townhouse blocks to have all roof leaders connected to the storm sewer system. Revise the servicing drawing to accommodate this requirement.
 2. The Town of Whitby will require the Region of Durham acceptance of the additional drainage being directed to their storm sewer or revise the collection system to capture more of the drainage from the front of this site.
 3. The Stormwater Management Report will require revisions to accommodate the revised drainage patterns.
 4. Update the existing detail to reflect the existing conditions of today. Winchester Road has been urbanized. Provide the curb elevations and sidewalk elevations for the existing to confirm the proposed grades meet Town standards.
 5. Show the sidewalk limits of the restoration on Knox Crescent.
 6. Relocate storm manhole ST-2 1.5 m from property line.
 7. Dimension horizontal separation between storm sewer and watermain and confirm meets Ministry of Environment and Climate Change (MOECC) requirements.
 8. Road restoration as per town details. Include on plans.
 9. How is foundation drainage being addressed?

10. Provide a current topographical survey.
11. Retaining walls higher than 0.6m are required to be designed by a P.Eng and include a non-climbable guard.
12. Revise grading along east property line to maintain drainage on-site.
13. Incorporate recommendation of the Lynde Creek Master Drainage Plan Update – Municipal Class Environmental Assessment (MCEA).
14. Pre-development rates calculated based on a $R=0.65$ and $T_c=17.59$ (Knox Crescent storm sewer design).

Please address the above comments prior to submitting your site plan application.

These are Engineering Services preliminary comments on the engineering submission provided with this zoning application. A more detailed review will be completed during the site plan application.

Central Lake Ontario Conservation Authority

Thank you for circulating Central Lake Ontario Conservation Authority (CLOCA) on the above noted Planning Act applications. CLOCA staff have reviewed these applications for consistency with the natural heritage and natural hazard policies within the Provincial Policy Statement and conformity with applicable natural heritage and natural hazard policies within the local and regional Official Plans. CLOCA staff have also reviewed these applications in the context of Ontario Regulation 42/06 of the Conservation Authorities Act and other applicable watershed management guidelines and policies.

No known natural heritage features or natural hazard lands are located on or adjacent to these properties. As such, the subject lands are not regulated through Ontario Regulation 41/24 of the Conservation Authorities Act and a permit from CLOCA will not be required prior to the development of these lands.

Based on our review of the submitted materials, we offer the following recommendations regarding any approval of these applications.

Zoning By-law Amendment (Z-10-21)

CLOCA staff have no objection to the proposed Zoning By-Law Amendment to change the zoning of this property from R2-BP to a zoning category that will allow for the proposed townhouse development.

Draft Plan of Subdivision (SW-2021-05)

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

1. That prior to any on-site grading or construction or final approval of the plan, the Subdivider shall submit to, and obtain approval from the Town of Whitby and the Conservation Authority for reports describing the following:
 - a. the intended means of conveying stormwater flow from the site, including use of stormwater techniques which are appropriate and in accordance with provincial guidelines; The stormwater management treatment must

- be designed and implemented in accordance with the recommendations of the Lynde Creek Master Drainage Study.
- 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 solids in any water body as a result of on-site, or other related works.
2. The Subdivider shall satisfy all financial requirements of the Central Lake Ontario Conservation Authority.
 3. The subdivision agreement between the Owner 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 to the satisfaction of the Central Lake Ontario Conservation Authority.
 - b. The Subdivider agrees to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, in a manner satisfactory to the Central Lake Ontario Conservation Authority.
 - c. In order to expedite clearance of Condition 3 a copy of the fully executed subdivision agreement between the area municipality and the owner should be submitted to the Authority.

Accessibility

The Accessibility Advisory Committee continues to raise concerns about the lack of accessible housing in the block Townhouse development, with multiple risers at every entrance and a lack of consideration for building at grade for seniors and people with mobility disabilities. These development increase social isolation, as the units are not visit able by grandparents and no green gathering space creates a bedroom neighbourhood that lacks a sense of community;

Ensure Accessible parking is design and constructed to town engineering standard 413, direct access to the sidewalk, with no curb poured between the sidewalk and asphalt;

Ensure proper crossings including tactile warning indicator plates;

The community mailbox should be moved further back off the sidewalk on a solid platform and accessed with a depressed curb. It also needs to provide a minimum 1.5m beyond people collecting their mail, as this will allow people to safely pass on the sidewalk; and

Ensure all requirements of Ontario Regulation 191/11 are met.

Bell

We have reviewed the circulation regarding the above noted application. The following paragraphs are to be included as a condition of approval:

“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.

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.”

The Owner is advised to contact Bell Canada at planninganddevelopment@bell.ca during the detailed utility design stage to confirm the provision of communication and 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.

To ensure that we are able to continue to actively participate in the planning process and provide detailed provisioning comments, we note that we would be pleased to receive circulations on all applications received by the Municipality and/or recirculation’s.

Please note that WSP operates Bell’s development tracking system, which includes the intake of municipal circulations. WSP is mandated to notify Bell when a municipal request for comments or for information, such as a request for clearance, has been received. All responses to these municipal circulations are generated by Bell, but submitted by WSP on Bell’s behalf. WSP is not responsible for Bell’s responses and for any of the content herein.

If you believe that these comments have been sent to you in error or have questions regarding Bell’s protocols for responding to municipal circulations and enquiries, please contact planninganddevelopment@bell.ca.

Building Services

Site servicing permit will be required- a full review of the site servicing will be done at permit stage.

Building permits will be required- a full Building Code review will be done at building permit stage.

CS Viamonde (French Public School Board)

The Conseil Scolaire Viamonde has no comment regarding applications for draft plan of subdivision, plan of common elements condominium and Zoning By-law Amendment to permit 16 three-storey block townhouses at 430-440 Winchester Rd. E.

Durham Catholic District School Board

Planning staff at the Durham Catholic District School Board have reviewed the above noted planning applications and have no objections to the proposed development of 16 townhouse residential units.

Durham District School Board

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

1. Approximately 6 elementary students could be generated as a result of the development proposed in the above noted draft plan of subdivision.
2. That the Owner agrees to post the standard Durham District School Board approved "Notice to Parents" in all sales representation centres.
3. Under the mandate of the Durham District School Board, staff has no objections.

Elexicon Energy Inc.

Elexicon Energy Inc. has no objection to the proposed Site Plan Application to permit the development of 16 townhouse units.

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

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

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

Please ensure that a minimum of 4.8m clearance is maintained from existing overhead conductors, which applies to all structures, equipment, and people.

Fire and Emergency Services

1. A firebreak layout shall be submitted to Whitby Fire prior to site plan approval.
2. Confirm if the roadway leading off of Knox Crescent is a private roadway or street. If it is considered a street, will the townhouse blocks be addressed to Knox and Winchester, or will they be considered a new street?

Financial Services – Development Charges

The following pertains to Town of Whitby development charges only. The applicant is encouraged to contact the Region of Durham and DSB/DCDSB for questions pertaining to their DCs/EDCs due. The information below reflects current Provincial legislation and the Town's current Development Charge By-Law. Additional information can be found on the Town of Whitby development charge webpage.

Since this development does not require a Site Plan, under section 26.2 of the Development Charges Act, 1997, the Zoning By-Law Amendment Application (ZBA) dates will apply.

The base development charge rate will be the DC rate in effect as of the date of ZBA submission.

Interest will accrue on the base development charge rate from the date of ZBA submission until the date development charges are paid (typically immediately prior to building permit issuance).

The applicant has 18 months from the date of ZBA approval to obtain a building permit, otherwise section 26.2 will no longer apply. In this instance, the development would be subject to the prevailing DC rates at the time of building permit issuance.

Should the development require a future site plan application, the future site plan dates take precedence over the zoning by-law amendment dates under Provincial legislation.

Development charges are due in full prior to the issuance of the building permit(s).

Financial Services – Taxes

Taxes are current.

Landscape Design

Please have the applicant contact the Towns Landscape Architect once all tree protection measures have been installed as per the provided Tree Preservation Plan. An inspection of the fencing will be required by the Town prior to any work beginning on site.

Parks Planning

The applicant is proposing a Zoning By-law Amendment and subsequent Draft Plan of Subdivision to permit the development of 16 medium-density residential townhouse condominiums and associated parking area on an existing 0.90ac parcel.

Parks Planning Staff are generally satisfied with the proposed development, subject to the inclusion of the below noted conditions.

Parks Planning Staff have reviewed the following documents:

- Comment Response Matrix – January 18, 2023
- Site Plan – November 2018
- Planning Justification Report – March 2021

The Town of Whitby's Official Plan, as amended, does not contemplate the development of a park on the Subject Lands. As such, Parks Planning and Development Staff will seek cash-in-lieu of parkland. Brooklin Optimist Park is within 500m of the Subject Lands and should satisfy the needs of the future residents of this development. Parks Staff recommend the incorporation of indoor/outdoor amenity space for future residents of this development.

Conditions of Draft Plan Approval

The following conditions shall be incorporated into any future development agreement.

1. The Community Services Department, Parks Division will require the maximum allowable cash-in-lieu of parkland dedication in accordance with the Planning Act.

Strategic Initiatives – Sustainability

Sustainability Comments

Staff have reviewed the Environmental Sustainability Plan and at this time, this report does not meet the requirements highlighted in the memo provided by Sustainability staff on February 28th, 2020 (original memo has been attached for your convenience).

The Sustainability Rationale Report needs to directly respond to the policies outlines in the Whitby Official Plan Design Guidelines in Section 3 of the Brooklin Urban Design and Sustainable Development Guidelines, and sections in the Official Plan that address sustainability, are intended to be applied in the proposed development as outlined in the pre consultation memo.

Sustainability Rationale Report

We recommend that the Sustainability Rationale be submitted in the following format:

1. Executive Summary: Overview of the project and declaration of performance tier commitment.
2. Purpose of the Application: Detailed description of the project.
3. Sustainability Overview: Summary of the project's sustainability vision and objectives.

4. Mandatory Performance Measures: List all mandatory performance measures as identified in the Whitby Official Plan and Relevant Official Plan Policies and their related reference document(s) in a table format.
5. Voluntary Performance Measures: Where a higher sustainability design criteria is being pursued, list all measures, and their related reference document(s) in a table format.
6. Innovation: If applicable, provide an overview of any innovation performance measures being pursued by the project.

Staff would encourage a stronger emphasis on sustainability within this development with a focus on:

- Energy Conservation:
 - Net Zero Carbon certified buildings or other high energy performing buildings;
 - Integration of low carbon energy generation from renewable resources such as solar or geothermal heat pump technology;
 - Where supplied, for each unit, provide ENERGY STAR® or equivalent labeled refrigerators, ceiling fans, clothes washers and dishwashers.
- Culture and Community
 - Develop and distribute a sustainability handout to new residents to understand green/sustainable elements in homes/buildings;
- Natural Heritage Preservation:
 - Plant for a 30% tree canopy will be achieved within 10 years of the development (demonstrate through modeling and tree planting plan);
 - Ensure bird friendly design is integrated throughout the building with considerations for glazing, lighting;
- Water Conservation:
 - Innovative site design and landscaping that:
 - mitigates fluctuations in water levels and maintains or restores water balance;
 - incorporate on-site water retention,
 - integrates low impact development technology such as green roofs, permeable pavement, bios wales and raingardens to reduce water runoff;
 - The use of water saving technologies in building design; and
 - The use of low irrigation naturalized low maintenance landscaping, or other innovative water conservation techniques.
- Sustainable Transportation:
 - Equip 20% of parking spaces are with electric vehicle charging stations.
 - Design all remaining/ garages to enable future charging station installation.
 - Provide bicycle parking and resting furniture (bench) near any multi user entrances to buildings and parks, and ensure connectivity of urban mobility through the site.