

# Agency & Stakeholder Detailed Comments

## File DEV-03-18 (OPA-2018-W/02, SW-2018-01, Z-08-18)

### Internal Departments

#### Engineering Services

The Engineering Services has conducted a preliminary review of the circulated materials outlined below for the draft plan of subdivision and zoning applications:

- Revised Draft Plan of Subdivision by Bousfields dated June 20, 2024
- Functional Servicing and Stormwater Management Report (FSSR) with Grading and Drainage Plan – Preliminary by Valdor revised June 2024
- Transportation Study Update 2 and Transportation Study Update 2 Appendices Report by RJ Burnside dated June 20, 2024

The drawings and reports were found to be generally acceptable for preliminary review. There are revisions, however, that will be required through the detailed design process in order for the proposed subdivision to conform to the Town's Design Criteria and Engineering Standards (DCES).

Please provide a copy of these comments to the Subdivider.

#### A. Conditional Comments

The Engineering Services supports a favourable decision to the applications based on the following comments and conditions.

To address the Town's Community Strategic Plan 2023 to 2026 and assist in providing a complete picture of the proposed subdivision's mobility provisions, Engineering Services has attached a Composite Transportation Component Plan (CTCP) as Attachment 1.0 highlighting the anticipated locations of sidewalks, multi-use trails, multi-use paths and dedicated cycling facilities for reference. Engineering Services expects that the components of this plan will be further refined and implemented through the future detailed engineering design processes following draft approval.

1. The following shall be addressed to the satisfaction of the Engineering Services:

1.1. Prior to the Zoning by-law Amendment being finalized and adopted by Council, the Subdivider shall provide a formal response, to the satisfaction of Engineering, to address the Traffic Impact Study (TIS) comments provided in a separate memo from Transportation Services date June 20, 2024 (Attachment 2.0).

1.2. Prior to final acceptance of the Draft Plan of Subdivision, revise the Draft Plan (DP) as follows:

a. Revise label for Gordon Street to Jim Flaherty Street.

b. Revise Street 'A' right-of-way limit at the outer bend to a 90-degree corner instead of the curve shown.

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Engineering Services requires the following Financial Considerations to be identified within Section 7 of the Council Report:

With each new subdivision development approved by the Municipality, the Town of Whitby assumes assets requiring regular operational maintenance and eventually capital replacement. The following assets will be generated as a result of the subdivision and included in the Town's Asset Management Plan. The Capital replacement and annual operating costs would be included in future budgets. Further details regarding infrastructure costs would also be identified in the Financial Services Asset Management annual report.

Asset	Quantity
Roads	0.752 lane-km
Sidewalks/Multi-use paths	0.752 km
Storm Sewers	0.376 km
Local Park	1.484 km

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

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

- a. Block 4 for Local Park;
- b. Blocks 5 and 7 for road widening on Nordeagle Avenue;
- c. Block 6 for road widening on Montecorte Street.

2.2. The Subdivider shall be responsible for the construction of pedestrian facilities in the following locations:

- a. 2.5m-wide sidewalk on both sides of Street A;
- b. 2.5m-wide sidewalk on both sides of Nordeagle Avenue;
- c. 2.5m-wide sidewalk at the east side of Montecorte Street;
- d. 2.5m-wide sidewalk at the west side of Jim Flaherty Street;
- e. 2.5m-wide sidewalk at the north side of Victoria Street West.

Further review and consideration of sidewalk placement is required and will be addressed through detail design / engineering.

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2.3. The Subdivider shall be financially responsible for and provide a cost estimate and securities for full cost of reconstruction and completion of Montecorte Street, Nordeagle Avenue and Jim Flaherty Street to municipal standards as the construction of these roads was not completed to top asphalt as per the agreement and the base asphalt works were done more than 20 years ago. As such, the life cycle of these roads has been used up.

2.4. 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. This is to be reviewed further when information regarding the timing of construction of both the subdivision development and the reconstruction of the Town owned road(s) is known.

2.5. The Subdivider shall provide a Construction Management Report and Plan(s) to the Town's satisfaction that includes, but is not limited to, a neighborhood communication strategy, construction traffic route, schedule and mud and dust control best management practices.

2.6. The Subdivider shall provide an updated Functional Servicing and Stormwater Management Report (FSSR) to address the comments provided in a separate memo from the Town's Water Resource Engineer dated August 8, 2024 (Attachment 3.0) prior to or with the submission of detailed engineering drawings.

2.7. The Subdivider shall provide a formal response letter to address the Traffic Impact Study (TIS) comments provided in a separate memo from Transportation Services date July 16, 2024 (Attachment 2.0) prior to Zoning By-law Amendment being finalized.

The Subdivider shall be responsible for implementing any design elements and/or changes to the plan for registration required to address any sightline, parking, and/or alignment concerns.

If identified as a follow-up to the TIS, the Subdivider shall construct traffic control signals at intersection of Nordeagle Avenue and Montecorte Street, as needed.

2.8. The Subdivider shall provide a Traffic Management Implementation Plan (TMIP) and shall be responsible for providing both temporary and permanent signage and pavement markings for the development.

2.9. The Subdivider shall provide a composite Traffic Calming Plan for all roads in the plan that includes, but is not limited to, area specific speed limits, speed humps, and raised intersections, for review and acceptance by the Director of Engineering Services.

2.10. The Subdivider shall implement all recommended noise control measures identified in the Environmental Noise Assessment report and revise the plan as required to accommodate recommended noise control measures prior to registration.

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2.11. All non-regulatory fencing and acoustic barriers shall be installed wholly on private property and all operation and maintenance of said fencing shall be the responsibility of the private property owners.

2.12. All black vinyl chain link fences to delineate Town blocks, and open spaces from private property shall be designed and constructed in accordance with the relevant engineering standards. Fencing for school blocks to be as per the appropriate school board requirements.

2.13. The Subdivider shall be responsible for providing service connections and a suitable storm drainage outlet for flows associated with the park block, Block 4, to the satisfaction of the Community Services Department and Engineering Services Division.

2.14. The Subdivider shall ensure all private properties are protected from flooding limits at low points and points of major system flow convergence along the municipal road system. If required, the plan for registration shall be revised accordingly to provide said flood protection.

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

2.16. Construction phasing of the development shall be to the satisfaction of the Engineering Services and shall consider adjoining developments and provide for upstream and downstream road and servicing connectivity.

2.17. The Subdivider shall provide a detailed engineering submission in accordance with Sections A2.00 and A3.00 of the Town of Whitby's Engineering Design Criteria. The engineering drawings must be set up as per the Town's CAD layering standards and object data requirements set out in Appendix A of the Design Criteria. The engineering drawings will not be accepted until it is confirmed that the drawing set-up conforms to this requirement.

2.18. The Subdivider shall provide a hydrogeological report to support the construction of the underground parking. The report shall demonstrate, in detail, the groundwater strategy and construction method(s) used for the proposed underground structure design. Materials provided related to the permanent pumping of groundwater shall be peer reviewed at the Subdivider's expenses.

At the site plan application stage, other supporting documents may be required to support the proposed permanent foundation drainage discharge to the storm sewer. The terms of reference of supporting documents shall be confirmed with Engineering Services.

2.19. 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

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Quality Level A (QL-A), also referred to as daylighting, to determine horizontal and vertical location. The Subdivider further acknowledges that any as-built information provided by the Town is for informational purposes only.

2.20. The Subdivider shall be responsible for all hydro poles, luminaries and hydro requirements for this proposed subdivision, and adjacent existing Town roads, Nordeagle Avenue, Montecorte Street and Jim Flaherty Street, and shall enter into a separate agreement with Elexicon accordingly.

2.21. The Subdivider shall provide the Town with a full electrical design (i.e. primary, secondary and streetlight design) for this development. All aspects of the secondary electrical design and street light design will be peer reviewed by the Town. The Subdivider will be financially responsible for the peer review cost including a 15 percent administrative fee. The street lighting design shall include all right-of-way components including active transportation facilities, shall comply with the latest version of the RP-8 Roadway Lighting Design standard and shall utilize LED technology.

2.22. 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 of the Town of Whitby.

2.23. The Subdivider shall provide the Town with a deposit for any necessary peer review costs with the amount to be determined at 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.

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

2.25. The Subdivider shall be responsible for satisfying any additional requirements identified by the Engineering Services not specifically listed above.

All other items related to the subdivision can be addressed through the subdivision or site plan review and agreement process subsequent to Draft Plan Approval.

#### **B. Informational Comments**

3. The following items can be addressed through the Engineering Submission and Subdivision Agreement process:

3.1. An initial deposit for the Engineering Review Fee in the amount of \$9,686.50 or 50% of the Engineering Review Fee based the estimated cost of works, whichever is greater,

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shall be paid to the Town prior initiating processing of the engineering drawings. Any balance owing of the final Engineering Review Fee shall be paid at the earlier of, third engineering submission or prior to final approval of the engineering drawings by the Town.

3.2. A detailed SWM report is required at the design stage for the overall subdivision to address all deferred FSSR comments as per the attached memo from the Water Resources Engineer. The report should include overland flow route calculations, emergency spillway details (100-year uncontrolled flow), storm sewer design sheets, dual drainage model to determine HGL (if basement are connected to sewer system) and O&M manual. The SWM report shall also address the following:

a. Ensure major overland flows from Victoria Street West proposed to be conveyed via easement within Block 3 is accounted for in the storm sewer and SWM design of the subdivision and of the specific site plan block.

3.3. Each site plan application for private block developments shall be supported by separate SWM reports that is consistent with the approved FSSR and subdivision SWM report mentioned above. Please note that each future development block must provide on-site stormwater management controls and that no major flows will be allowed to be conveyed from the blocks to the rights-of-ways or the municipal stormwater management facility.

3.4. The detailed engineering drawings shall provide detailed ponding limits at overland flow low points, and any points of overland convergence to ensure that appropriate emergency access can be maintained to the area based on Town of Whitby Design Criteria and that private property has been protected from flooding. Ponding limits are to be shown for 100-year storm events. Low points are to be located at the appropriate block or intersection location.

For all overland flow outlet points, the following shall be provided: flow channel profile, cross-sections and erosion protection works at all locations i.e. across window street boulevard areas, within specific overland flow blocks, across SWM Pond Blocks and any direct outlets to Open Space areas.

3.5. On-road cycling facilities are to be integrated with the Community Services trails network at locations where off-road facilities are provided (e.g. signage, rest stops and/or other enhancements).

3.6. The Town will not grant exemptions to half-load restrictions to facilitate construction of the proposed development. The Subdivider shall schedule construction activities in accordance with typical timing of load restrictions for the surrounding road network.

3.7. The Subdivider shall provide the Town with a cash contribution in accordance with the by-lawed rate in force at the time of payment, for each newly installed streetlight for the relamping and cleaning of streetlights, representing typical maintenance costs prior to assumption.

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3.8. The Subdivider shall provide the Town with a cash contribution in accordance with the by-lawed rate in force at the time of payment towards the installation of vertical control benchmarks.

#### Attached Transportation Services Comments

Transportation Services staff provide the below remarks (refer to Table 1) on the response provided to various comments. Additional comments are also provided, based on the new information submitted.

#	Comment	Has the Comment been Addressed
<b>Transportation Services Comments Memorandum dated December 13, 2023</b>		
1	Gordon Street, north of Victoria Street, has been renamed Jim Flaherty Street. Future submissions and drawings to be updated.	While most drawings have been updated, there are still minor references to Gordon Street on the landscape drawing cross-sections.
2	Victoria Street at Charles Street is incorrectly coded/analyzed in Synchro. At Charles Street there is an eastbound left turn lane not a centre left turn lane. Westbound left turning movements are shared with the through movement.	Yes.
3	The consultant has proposed all-way stop control at the intersection of Montecorte Street and Nordeagle Avenue, as well as a dedicated westbound left turn lane. Multi-lane approaches at all-way stop control is not supported. The consultant shall consider the need for signalization by completing a traffic signal warrant. If justified, provide the property needed to construct turning lanes and support the traffic signal infrastructure.	Confirm that the results presented in Table 5 are correct as the title references Rutherford/CP Rail/ Hunter's Valley.  All-way stop control may be provided under future conditions; however, auxiliary turn lanes are not supported and shall be removed from the analysis.
4	The road classification shall be based on the projected traffic volumes and the right-of-way to support comfortable and safe complete streets shall be provided. Street A shall be a collector road and Montecorte Street and Nordeagle Avenue shall be increased to a 26.0 metre (m) right-of-way.	The right-of-way of Montecorte Street and Nordeagle Avenue have been increased.  Confirm that the right-of- way of the private streets can accommodate the projected traffic volumes.
4a	The proposed hardscape area on Street A does not support healthy trees and utility placement. As per the Town's Design Guidelines the minimum boulevard is 3.0 to 5.0 m.	It is noted that a separate response will be provided. The response document should be fulsome and include all information and drawings to support the response.
4b	Given the anticipated heavy vehicles on Nordeagle Avenue, the proposed bike lanes shall be buffered or a cycle track be provided.	Yes.

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4c	2.0 m parking lanes is not supported. The Town's Zoning By-law to be satisfied for parking space dimensions if on-street parking to be provided.	The Zoning By-law is not satisfied. The Town's Design Criteria and Engineering Standards apply to municipal roads where additional right-of-way allows for vehicle maneuvering.  On-street parking has been removed from municipal roads.
4d	Fire Services to confirm if parking within a private laneway is acceptable. The Town does not permit parking within public laneways.	This comment remains outstanding and was not referenced in the Addendum document.
4e	Sidewalks adjacent to parks and commercial development shall be 2.5 m.	This appears to be addressed through the landscape submission. The response document should be fulsome and include all information and drawings to support the response.
5	On-street parking cannot be counted towards any parking requirements as it is not available 24/7. On municipal roads where parking is not prohibited there is a three-hour maximum. No on-street parking is permitted between November 15 and April 15.	The proposed parking rates have not been justified or supported. It's unclear how retail parking will be accommodated given the significantly reduce visitor parking.
6	A Level 2, Type C Pedestrian Crossover to be provided at Jim Flaherty Street and Nordeagle Avenue to provide the right-of-way to active users between the proposed development and the Iroquois Park trail. A cross-ride, as proposed, is not acceptable.	Yes.
7	For all access, provide drawings that clearly show the required and available decision sight distance. If the decision sight distance is not available mitigation measures must be provided.	Yes
8	Provide AutoTURN drawings. Note that vehicles cannot reverse onto a public roadway.	The access to buildings does not appear to be one-way; however, the vehicle maneuvering drawings appear to show that heavy vehicles will occupy most of the cross-section. Confirm safe circulation of all vehicles on all roadways.
9	Locations for snow storage shall be identified on the site plan, or the applicant shall commit to snow removal.	Yes. Details will be provided through site plan.
10	Transportation Services supports the proposed Transportation Demand Management (TDM) elements, including the shuttle between the development and the Whitby GO Station. The Applicant to provide a firm commitment to provide the proposed TDM. Durham Region Transit also to confirm the TDM elements proposed. Further, it is noted in Table 43 that for all phases, employers will be encouraged to join the Smart Commute Program. Phase 2 does not include any non-residential uses.	Yes. TDM, to support reduced parking shall be confirmed at the site plan stage or additional parking will be provided.



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<b>Attachment 1: Composite Transportation Components Plan (CTCP)</b>		
1	2.5m sidewalks on both sides of Nordeagle Avenue, both sides of Street A, east side of Montecorte Street, west side of Jim Flaherty Street, and north side of Victoria Street	Yes.
2	26m wide ROW for Montecorte Street, Nordeagle Avenue and Street A.	Yes. 26.0m right-of-way has been provided for Montecorte Street and Nordeagle Avenue. A 23.0m right-of-way was discussed and accepted for Street A.
3	Traffic Calming along Montecorte Street, Nordeagle Avenue and Street A.	Response refers to narrow travel lanes and on-street parking; however, lanes are not significantly narrowed, and no on-street parking is proposed or permitted due to the on-road cycling.  A proposed traffic calming plan is required at the site plan stage.
4	Potential traffic signals noted at the intersection of Montecorte Street/Nordeagle Avenue	Yes.
5	On-road cycling facilities along the north side of Nordeagle Avenue.	Yes.
<b>Attachment 2: Redline of Draft Plan</b>		
1	8mx8m visibility triangles at the intersection of Nordeagle Avenue/Street A and Jim Flaherty Street/Street A.	The visibility triangles to also be shown on north side of Nordeagle Avenue/Street A. Visibility triangles to be dimensioned.
2	Increase block width to obtain ultimate ROW along Nordeagle Avenue and Montecorte Street.	Yes.
3	Minimum 28 m radius required for outer ROW limit and a visibility triangle to be provided along the bend of Street A.	Intersection of Street A and the private road does not include a visibility triangle.
<b>Paradigm Transportation Solutions Limited Peer Review Comments Letter Dated December 19, 2023</b>		
1	The consultant states there would also be private lanes and woonerfs with 6-7 m widths for internal traffic circulation and access. The consultant indicates that these laneways/woonerfs would provide on-street parking to assist in accommodating visitor and patron demand. Cross-sections for these private lanes have not been presented in the study but must be considered as part of the Site Plan review.	Cross-sections have been provided as part of the landscaping submission. The consultant to confirm if parking is permitted on the woonerf as the circulation/use is unclear.

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2	<p>In consideration of shared parking, the consultant states the following in support of parking rate reductions: "Retail parking supply to be shared with the residential visitor supply and supplemented by on street and laneway parking." We note that approximately 20% of the proposed retail GFA is in Phase 1 and the remaining 80% is in Phase 3. In total, the ZBL requirement for the ultimate 148,200 SF GFA is 599 spaces. In Table 41; Recommended Vehicle Parking Requirements, there is no retail use listed in the "Proposed Use" column, and as such, there is no corresponding "retail parking supply" to be shared with the residential visitor parking supply. By default, the consultant is simply recommending that part of the residential visitor parking supply would be used by retail employees and patrons. The feasibility of this recommendation has not been examined in the study, including confirmation of how the retail-generated new vehicle trips and pass-by trips (both require parking) would be accommodated by residential visitor parking.</p>	<p>While on-street parking has been proposed within the laneway, no on-street parking within the municipal right-of-way is proposed/permitted where on-road cycling is provided. Lay-by parking on Jim Flaherty is not supported.</p>
3	<p>Regarding on-street parking, the consultant refers to it as being proposed on Street A (as illustrated in a typical cross-section) and along the laneways (no illustration or description of how parking is provided on a 6-7 m wide laneway) but has not provided an estimate of the potential number of on-street spaces.</p>	<p>Cross-sections have been provided as part of the landscaping submission. However, no on-street parking within the municipal right-of-way is proposed/permitted where on-road cycling is provided, including on Street A.</p> <p>The consultant shall provide a drawing that shows the proposed parking to confirm proposed parking.</p>
4	<p>The higher traffic volume forecasts for sections of Street A and the internal laneways require road designs that reflect appropriate standards to accommodate vehicle and active transportation modes safely and efficiently. For Street A, this could mean adopting Collector road design standards, and for the laneways this could mean adopting Local road design standards.</p>	<p>The 23.0m cross-section for Street A is acceptable. As this roadway functions as, and is designed to a collector road standard, it should be referred to as a collector road.</p>
5	<p>Typical cross-sections for the proposed laneways should be required as part of the Site Plan review.</p>	<p>This comment has been addressed as cross-section drawings have been included in the landscape submission package. The response document should be fulsome and include all information and drawings to support the response.</p>
6	<p>The consultant should clarify how the proposed below grade parking structures would be shared across all phases and uses within the development.</p>	<p>Phasing of the underground parking is unclear. A plan clearly showing the phasing, the statistics for each development phase, the location of gates, etc. to be provided. Statistics should include the number of units, size of retail, and the number of parking spaces by use (i.e., residential, visitor, retail, accessible).</p>

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7	The consultant should provide additional rationale to support the recommended reduction in parking for residential visitor and retail parking.	The proposed parking rates have not been justified or supported. It's unclear how retail parking can be accommodated given the significantly reduce visitor parking.
8	Further details should be provided for recommended active transportation facilities and TDM plans as part of Site Plan review.	TDM, to support reduced parking, will be confirmed at the site plan stage or identify how additional parking will be provided.
9	Municipal staff should consider how approvals related to this development should be coordinated in order to accommodate the further study of parking and traffic impact when phases of development beyond Phase 1 are proposed.	Yes.

The following additional/new comments are provided:

- Durham Region Transit staff would respond to their comments. However, Transportation Services support a sidewalk on the north side of Victoria Street and preserving the existing transit.
- Additional comments may be provided by Engineering Services, particularly as it relates to the redline of the draft plan and their previous comments.
- The consultant shall respond to all Paradigm Transportation Solutions Limited comments, even if it is an acknowledgement.
- Accessible parking does not appear to have been identified in the Underground Parking Plan. Confirm that accessible parking has been accounted for as accessible parking spaces are larger than a typical parking space. In addition, an understanding on development phasing, particularly as it relates to the construction of the underground parking is required.
- A Signage and Pavement Marking Plan is required. Note that on-road cycling shall be restricted to No Parking/Stopping.
- Remove the reference to lay-by parking on Jim Flaherty Street.
- The public park and the Privately Owned Public Accessible Spaces (POPS) are proposing numerous pedestrian connections to the adjacent sidewalk network. Controlled crossings (i.e., Level 2, Type C Pedestrian Crossovers) at logical locations are required to support walkability.
- If the public park is to be permitted for sports/activities, then parking to support the use is to be identified/provided.
- The local road (refer to LS.203) functions as a collector road and is designed to a

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collector road standard. Refer to Street A, a collector road not a local road.

- Town of Whitby staff that focus on accessibility to confirm that the 0.8m Edge Zone is an acceptable walking area, as shown in LS.204, and is not impeded by the Planting Zone.
- Confirm the operation of the Woonerf, given the 4.0m travel lane with bollards. It's unclear how this road will operate as two-way travel.

An updated Transportation Addendum/response to comments is required.

#### Attached Stormwater Management Comments

1. The following are to be conditions of draft plan approval and shall be addressed in and updated report to the satisfaction of the Engineering Services.

1.1. The original subdivision design report requirements were for the 5-year peak flows to be controlled to 35L/s/ha and major flows to be conveyed through the streets. The Town requirements have since been updated and major flows are to be controlled to the allowable release rate and discharge through the sewer. The current FSSR suggested that the 100-year flows will be captured and provided 100-year storage volume calculations. This comment is to clarify that the capture of the 100-year storm event is a requirement.

1.2. The storm sewer on Montecorte Street was not designed receive drainage south of Nordeagle Drive. Storm sewer drainage is to be directed to Nordeagle Drive per the original subdivision design. A storm sewer analysis demonstrating no adverse impact to the existing system will be required if the drainage areas are revised from the original design.

1.3. Repeat comment: Per Town Standards, the consultant is to use hydrologic modelling software (i.e., Visual Otthymo, PCSWMM) to calculate stormwater storage requirements for developments greater than 5 hectares in area. Please update the report to include the required modelling.

The proposed development may be completed in phases; however, the overall modelling for the development is over 5ha in area. Please complete the review using hydrologic modelling software.

1.4. Repeat comment: The proposed permanent pumping of foundation drainage has the potential to continuously impact the permanent pool elevation of the downstream SWM facility. Please provide supporting calculations demonstrating the foundation drainage will not impact the SWM facilities capacity to provide the required stormwater management controls to meet current standards. If the degree of impact is not to Town satisfaction, an alternative method of dealing with foundation drainage will be required.

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At the site plan application stage, other supporting documents may be required to support the proposed permanent foundation drainage discharge to the storm sewer. The terms of reference for supporting documents may be confirmed with the Program Manager for Site Plan, Brandon Ewart.

The report speaks to the impact of groundwater during a 4-hour stand alone event. The updated report is to speak to the consistency of the groundwater pumping rate and its effect on the pond. If the groundwater is pumping on a consistent basis, the permanent pool elevation will increase to the elevation in which the control orifice discharges at the groundwater flow rate, permanently eliminating some of the extended detention volume.

1.5. Repeat comment: Please provide major flow calculations for flows from Victoria Street and supporting information for how the development will capture and convey the external major flows through the subdivision.

The major flows from Victoria Street have the potential to impact stormwater attenuation volumes. The Town requires the 100-year storm be controlled to the allowable discharge rate to the storm sewer system. Please confirm how the overland flows from Victoria Street will flow through the site while on-site flows will be captured for controlled discharge through the sewer.

#### 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>. 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 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 18 months 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.

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- If this development is a condo, development charges are payable prior to the issuance of the 1<sup>st</sup> 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 26.1(3) of the DC Act allows for development charges to be paid in equal annual installments over five years, upon the earlier of occupancy or issuance of an occupancy permit.
- If this development includes four or more rental housing units, Section 26.2 (1.1) of the DC Act allows for additional development charge reductions based on the 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 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.

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

Whitby Fire and Emergency Services advises that they have no further comments and that additional comments will be provided at the Site Plan Application submission. Previous comments dated January 1, 2024 on the application were:

1. Indicate location of fire hydrants on site plan.
2. All subdivisions with public roads must follow the regional hydrant specification for hydrant spacing.
3. All private laneways shall have fire hydrants spaced at not more than 90 m.
4. Fire hydrants shall be installed at each end of private laneways designated as fire access routes.
5. A fire access route shall be provided in accordance with OBC 3.2.5.6.

## Agency & Stakeholder Detailed Comments

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6. Turnaround facilities shall be provided for any dead end portion of a fire access route exceeding 90 m.
7. Provide fire access route sign locations as per Town of Whitby Bylaw 4084-97
8. Submit a site plan indicating designated fire breaks for review and approval prior to construction.

### **Landscape**

#### Existing Tree Inventory and Arborist Report Requirements:

- There are Municipal and Regional owned Trees along Victoria St. and Montecorte St. proposed for removal. Tree appraisal and compensation approach should be further discussed with the Town and the Region and noted as Conditions of Draft Plan approval.
- While the Town of Whitby Tree Protection By-Law 4640-00 exempts proposed developments from the requirement for a tree removal permit (see Exemptions, 3 (g)), this exemption is based on a requirement for an approved Tree Protection Plan. Approval is required to be established prior to any removals occurring on site, including those that may be included in a Site Alteration permit. Further, removals are not permitted to occur on site until the proposed plan has received Draft Plan Approval.
- Considering the neighbouring industrial zone and the trailer parking area (Sobey's distribution center) on the north side, further screening and buffer planting is encouraged along the north side of the proposed "Service Lane".

### **Strategic Initiatives**

#### Economic Development Comments

Economic Development Staff continue to be generally supportive of the proposal. Staff believe the proposal strongly aligns with the Town of Whitby's 2023-2026 Community Strategic Plan, specifically action item 3.2.1, which is to attract investment for a hotel and convention centre.

The proposed development is in close proximity to Iroquois Park Sports Centre, which sees approximately two million visitors annually, making it an ideal location for this proposal. Additionally, the development is near Durham College Whitby Campus, Whitby GO Station, Highway 401, and Whitby's award-winning marina.

With housing affordability continuing to be an issue across Southern Ontario, this high-density housing proposal is an opportunity to house many individuals in Whitby, thereby strengthening our workforce and local economy.

Economic Development staff have previously met with the proponent and encourage them to continue to connect with our team throughout the development process as needed.

#### Sustainability Comments

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The following comments from October 27, 2020, have still not been addressed. Please provide an updated Whitby Green Standard Checklist and Sustainability Rationale Report that addresses the following:

All new Site Plan and Plan of Subdivision Applications are required to follow the Whitby Green Standard and meet at a minimum the Tier 1- Mandatory Performance Criteria as outlined in the respective Site Plan Checklist and Plan of Subdivision Checklist. However, it is recommended that considerations be made for advanced sustainability criteria through the uptake of voluntary Tiers 2-4. These standards support sustainable site design for development and redevelopment on public and private property, enhancing the Municipality's natural heritage, economic vitality, cultural heritage, and social aspects. The Whitby Green Standard checklists and supporting documents can be found on the Town's website, [www.whitby.ca/greenstandards](http://www.whitby.ca/greenstandards).

The Goal, as stated in Section 3.2.1.1, is to encourage the planning and design of development that will embrace principles of sustainability to contribute to the achievement of a complete and healthy community. Official Policies relating to sustainability include Section 2.3.2 - Sustainable Development, Section 3.2 - Sustainable Community Planning, and Section 6.2.3.22 – Sustainable Design. We require a Sustainability Rational Report that details how these Sections of the Official Plan are intended to be applied in the proposed development.

Staff would like to see a strong emphasis on sustainability within this development and would like to emphasize the Whitby Official Plan policies particularly sections 2.3.2, 3.2, 3.2.1.1, 3.2.5.2, 3.2.6, 3.2.9 and 6.2.3.22 that will need to be considered, which particular focus pertaining to:

- Climate change mitigation & resilience measures,
- Energy conservation,
- Low carbon & renewable energy sources,
- The offset and reduction in heat island affect,
- Water conservation measures,
- Preservation and enhancement of the natural environment.
- The integration of green infrastructure and use of native vegetation.
- Increased storm water retention and increased water quality of runoff through the uptake of and consideration of Low Impact Development technologies,
- Support for sustainable transportation including active transportation, access to public transit and uptake of electric vehicles,
- Provisions for waste diversion (recycling, compost and garbage collection and optimal storage of waste and reduced litter.



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Sustainability staff recommend integrating the following sustainability design features into the development to help increase sustainability performance through the:

- Consideration of advanced energy performance including the use of renewable energy, district energy, enhanced building envelope, with consideration for Net Zero Energy certification,
- Integration of low impact development technology to manage stormwater runoff including a green roof, soil cells for trees, grey water collection, bioswales & permeable pavement.
- Installation of level 2 or level 3 electric vehicle charging stations with public access.
- Use of reflective roof materials to reduce heat island affect,
- Bird friendly glazing, windows and outdoor lighting <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/bird-friendly-guidelines/>
- Enhancement of the urban forest through planting native species and supporting their longevity in an urban setting through the use of soil cell technology.
- Considerations for dedicating space for use as a community garden (this could include rooftop gardens).
- Considerations for active transportation including bicycle storage, connected trails to the neighbouring amenities & shade structures.
- Design features that support the collection, sorting and storage of recycling, compost and residual waste.

To support the enhancement of sustainable design features staff encourage the applicant to consider seeking funding support for advanced energy performance by following the Enbridge Savings by Design program <http://www.savingsbydesign.ca/> and the Canada Mortgage and Housing Corporation- Development Checklist for Affordable Housing- including consideration for low income mortgage qualification and funding <https://www.cmhc-schl.gc.ca/en/developing-and-renovating/develop-new-affordable-housing/programs-and-information/development-checklist-for-affordable-housing>

#### Creative Communities Comments

Creative Communities staff continue to advocate to incorporate public art and placemaking into this significant development as this site lies within a key intersection within the Town and acts as a gateway into this larger overall development of the site. Public Art would enhance the space and provide additional focal points for the development, while placemaking opportunities will provide a better connection of the site to its residents and users. Staff in the Creative Communities team would be happy to offer assistance and/or connect the team to public art groups that could assist with placemaking and creative arts enhancements to this space.

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#### Parks Division – Community Services Department

##### Comments:

1. Parks Planning is supportive of the expanded public park block of 1.484 hectares.
2. The timing for conveying park block 4 should be tied to registration of the first phase of the draft plan of subdivision.
3. Parks Planning staff request to review a draft of the Official Plan and Zoning By-Law amendments.
4. Parks Planning is generally supportive of approving the draft plan of subdivision, official plan amendment and zoning by-law amendment and provides the following conditions of draft plan approval.

##### Parks Draft Plan Conditions

1. The subdivider agrees that the parkland dedication requirement for this draft plan of subdivision will be calculated based on 15% of the land area in accordance with the Planning Act and the Town's Parkland Dedication By-Law 7733-21.
2. The subdivider agrees to satisfy a portion of the parkland dedication requirement through the conveyance of Block 4, at a minimum size of 1.484 ha, free and clear of all costs, encumbrances and contamination to the Town for public purposes to the satisfaction of the Senior Manager of Parks Planning and Development, upon registration of the first phase of the subdivision.
3. The subdivider agrees to satisfy the remaining parkland dedication requirement through the payment of cash-in-lieu of parkland. Any parkland dedication that was provided as part of the 1999 development agreement and 2001 amending agreement for the subject lands will be adjusted based on the current subdivision areas and credited towards the required payment of cash-in-lieu of parkland.
4. Any Privately-owned publicly accessible open space ("**POPS**") shall not be eligible for parkland dedication or cash-in-lieu of parkland credit under Section 42 of the Planning Act. The Town shall not be responsible for the operation or maintenance of any space identified as POPS within the development blocks of the Draft Plan.
5. Areas identified as POPS shall be subject to an easement in favour of the Town, or an easement-in-gross, to allow for public use of the POPS area. Terms and conditions related to the POPS area shall also be included in future Site Plan agreements related to the development of the blocks within the Draft Plan.
6. Prior to registration of the first phase of the subdivision, the subdivider agrees to complete any temporary site works related to park block, including filling of any low areas to remove any standing water, temporary seeding, and perimeter page wire fencing along the street frontages. The subdivider agrees to implement any requirements and findings identified in the Environmental Impact Study and satisfy any CLOCA requirements related to the park block works.
7. The subdivider shall be responsible for regular cutting of woody plants and mowing to

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control vegetation until the base park has been constructed at its sole cost.

8. The subdivider shall prepare detailed park design and grading plans, prepared by a qualified landscape architect, to the satisfaction of the Senior Manager of Parks Planning and Development.
9. Prior to the registration of the condominium for building adjacent to the Park (currently shown as C2 and C3 on drawing A101 dated June 20, 2024), the subdivider shall be responsible for completing all servicing, grading and base park works for the park block to the satisfaction of the Senior Manager of Parks Planning and Development.
10. After completing the site work, the subdivider shall provide an as-built geotechnical report and an as-built grading survey, prepared by a qualified person, to the satisfaction of the Senior Manager of Parks Planning and Development.
11. The subdivider shall provide the following servicing and utility connections to park block 75, to the satisfaction of the Senior Manager of Parks Planning and Development and in accordance with the Town's Design Criteria and Engineering Standards:
  - a. A stormwater manhole/catch basin at the low point of each catchment area(s) within the park block.
  - b. A 200 mm sanitary connection extending 1 metre into the park and terminating in a manhole at an elevation flush with the adjacent grades.
  - c. A 50 mm water supply connection with a shutoff valve at the property line and the water line extending 1 metre into the park block and plugged.
  - d. A single-phase electrical connection.
12. Detailed subdivider obligations concerning parks and trails development will be included in the subdivision agreement based on review of the detailed design and grading plans, to the satisfaction of the Senior Manager of Parks Planning and Development.
13. Prior to execution of the Subdivision Agreement, the subdivider shall provide a Letter of Credit, in an amount to be determined by the Senior Manager of Parks Planning, to secure delivery of the base park works.
14. The Subdivider shall be responsible for satisfying any additional requirements identified by Parks Planning and Development not specifically listed above.

## External Agencies

### Bell Canada

#### Bell Canada Condition(s) 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.

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Upon receipt of this comment letter, the Owner is to provide Bell Canada with servicing plans/CUP at their earliest convenience to planning and development@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.

#### Concluding Remarks:

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 recirculations.

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 directly.

We note that WSP operates Bell Canada's development tracking system, which includes the intake and processing of municipal circulations. However, all responses to circulations and requests for information, such as requests for clearance, will come directly from Bell Canada, and not from WSP. WSP is not responsible for Bell's responses and for any of the content herein.

#### **Canada Post**

*Canada Post did not provide comments on the latest submission. Previous comments dated July 12, 2018 state:*

Canada Post has no objections for the proposed development.

#### Service type and location

1. Canada Post will provide mail delivery service to the development through centralized Community Mailboxes (CMB's) & Rear Loading Mail Rooms.
2. Townhouses & Single Detached dwellings (if applicable): The Community Mailbox location of these sites is to be determined between my department (Canada Post Delivery Planning) and the Developers appointed Architect and/or Engineering firm.
3. Retail/Office/Commercial: If the commercial space will consist of more than two adjoining units, sharing a common indoor entrance, the developer/owner must supply, install, and maintain a centralized mailbox facility to Canada Post's specifications, in a

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separate location away from the residential units. Should the commercial space consist of no common indoor entrance the location of Community Mailbox sites is to be determined between my department (Canada Post Delivery Planning) and the Developers appointed Architect and/or Engineering firm.

4. Apartment / Condominium Building(s): As the high density buildings in this project consist of more than two adjoining units, sharing a common indoor entrance, the developer/owner must supply, install, and maintain a centralized mail room (Mandatory: Rear loading lockbox / mailroom) facility to Canada Post's specifications.
5. Please see attached link for delivery standards:  
[http://www.canadapost.ca/cpo/mr/assets/pdf/business/standards\\_manual\\_en.pdf](http://www.canadapost.ca/cpo/mr/assets/pdf/business/standards_manual_en.pdf)

#### Municipal requirements

1. Please update our office if the project description changes so that we may determine the impact (if any).
2. Should this subdivision application be approved, please provide notification of the new civic addresses as soon as possible.

#### Developer timeline, obligations, and installation

1. Please provide Canada Post with the excavation date for the first foundation/first phase as well as the date development work is scheduled to begin.
2. If applicable please ensure that any street facing installs have a depressed curb or curb cut. Contact Canada Post Corporation – Delivery Planning for further details.
3. If applicable please ensure that any condominiums apartments with more than 100 units, incorporates a mailroom with rear loading lock box assemblies (mailboxes).
4. Finally, please provide the expected first occupancy date and ensure the future site is accessible to Canada Post 24 hours a day.

It is recommended that the owners contact Canada Post as completion draws near so as to finalize the location and compartment they will be assigned to.

Please include Appendix A & B along with the developer timeline, obligations, and installation within the subdivision agreement for this application.

#### Appendix A

1. Nordeagle Developments Ltd. covenants and agrees to provide the Town of Whitby with evidence that satisfactory arrangements, financial and otherwise,

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have been made with Canada Post Corporation for the installation of Community Mail Boxes (CMB) as required by Canada Post Corporation and as shown on the approved engineering design drawings/Draft Plan, at the time of sidewalk and/or curb installation. Nordeagle Developments Ltd. further covenants and agrees to provide notice to prospective purchasers of the locations of CMBs and that home/business mail delivery will be provided via CMB.

#### Appendix B

##### Additional Developer Requirements:

1. The developer will consult with Canada Post to determine suitable permanent locations for the Community Mailboxes or Lock box Assemblies (Mail Room). The developer will then indicate these locations on the appropriate servicing plans.
2. The developer agrees, prior to offering any units for sale, to display a map on the wall of the sales office in a place readily accessible to potential homeowners that indicates the location of all Community Mailboxes or Lock Box Assemblies (Mail Room)., within the development, as approved by Canada Post.
3. The owner/developer will be responsible for officially notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sales with specific clauses in the Purchase offer, on which the homeowners do a sign off.
4. The Builder/Owner/Developer will confirm to Canada Post that the final secured permanent locations for the Community Mailboxes will not be in conflict with any other utility; including hydro transformers, bell pedestals, cable pedestals, flush to grade communication vaults, landscaping enhancements (tree planting) and bus pads.
5. The developer agrees to include in all offers of purchase and sale a statement which advises the purchaser that mail will be delivered via Community Mailboxes or Lock Box Assemblies (Mail Room). The developer also agrees to note the locations of all Community Mailboxes or Lock Box Assemblies (Mail Room)., within the development, and to notify affected homeowners of any established easements granted to Canada Post to permit access to the Community Mailboxes or Lock Box Assemblies (Mail Room).
6. The owner/developer will agree to prepare and maintain an area of compacted gravel to Canada Post's specifications to serve as a temporary Community

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Mailbox location. This location will be in a safe area away from construction activity in order that Community Mailboxes may be installed to service addresses that have occupied prior to the pouring of the permanent mailbox pads. This area will be required to be prepared a minimum of 30 days prior to the date of first occupancy.

7. The owner/developer will install concrete pads at each of the Community Mailbox locations as well as any required walkways across the boulevard and any required curb depressions for wheelchair access as per Canada Post's concrete pad specification drawings
8. The developer agrees to provide the following for each Community Mailboxes or Lock Box Assemblies, and to include these requirements on the appropriate servicing plans: (if applicable)
  - Any required walkway across the boulevard, per municipal standards
  - If applicable, any required curb depression for wheelchair access, with an opening of at least two meters (consult Canada Post for detailed specifications)

#### **Central Lake Ontario Conservation Authority (CLOCA)**

CLOCA comments have not changed since submission 4 where we issued conditions of draft plan approval. CLOCA's submission 4 comments dated January 23, 2024 stated:

CLOCA staff have completed our review of the submitted information and are satisfied that all previous comments have been addressed to our satisfaction.

Official Plan Amendment (OPA/2018- W/02)

CLOCA has no objection to any approval of the proposed Official Plan Amendment.

Zoning By-law Amendment (Z-08-18)

CLOCA has no objection to any approval of the proposed Zoning By-law Amendment.

Draft Plan of Subdivision (SW-2018-01)

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

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guidelines as well as in conformity with the recommendations found within the Lynde Creek Master Drainage Plan and CLOCA Technical Guidelines for Stormwater Management Submissions.

- 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 implement mitigation measures outlined in the approved Environmental Impact Study (Burnside, 2017) and Bird Strike Mitigation Memo (SLR, 2023) including, but not limited to interim protection/management of existing wetlands during the phased construction process.
2. The Subdivider shall obtain all necessary permits from Central Lake Ontario Conservation Authority required through Ontario Regulation 42/06, or any successor regulations made under the Conservation Authorities Act.
  3. 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.
  4. 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 Conditions 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 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 42/06 of the Conservation Authorities Act

Given wetlands, as identified in the approved Environmental Impact Study, are proposed to be removed as part of the development of this site. A permit from CLOCA will be required prior to any site alteration and/or development within 30 metres of the identified wetlands through Ontario Regulation 42/06 of the Conservation Authorities Act. The application process and fee collection required as part of this process will occur separately and directly with CLOCA.

#### **CN Rail**



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The portion north side of Nordeagle Avenue which has an hotel (within 300 m of CN right of way) should be considered of sensitive use . Therefore, the following noise warning clause is recommended to be included in the property and tenancy agreements for the hotel:

“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the tenants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development. CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”

We also recommend that the windows, walls and doors of the hotel be designed so that the indoor sound levels for bedrooms is a maximum of 35 dBA indoor limit and 40 dBA for living rooms. The North and East facade as per the noise feasibility study prepared by HGC Engineering dated September 21 , 2023, requires for the windows an STC-36 (North) and STC-35 (East). When detailed floor plans and building elevations are available, an acoustical consultant should revise the noise study.

We request that CN Rail and the proximity@cn.ca email be circulated on public notices and notices of decisions with respect to this and future land use planning applications with respect to the subject site.

#### **Durham Catholic District School Board**

*DCDSB did not provide comments on the latest submission. Previous comments dated March 25, 2024 state:*

Planning staff at the Durham Catholic District School Board have reviewed the Official Plan Amendment and other updated planning applications and have no objections to the proposed development of a total of 6,819 residential units.

This area of the Official Plan Amendment is located within the boundary of St. Marguerite d'Youville C.S. Located at 250 Michael Boulevard, Whitby.

#### **Durham District School Board**

Over the summer, Durham District School Board (DDSB) staff participated in several meetings involving the Town of Whitby, and in some cases, the applicant for the above-noted development plan to determine a location for a required school site within this proposed expansive development. The discussions centered around a possible school site located at the northeast corner of Nordeagle Avenue and Jeffery Street.

The DDSB explained the complexity of planning a new school in developing areas by providing a rough Facility Fit reflecting the siting of a new elementary school and childcare centre on the

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Nordeagle Avenue/Jeffery Street site. The Town circulated this rough sketch internally and provide comments back to the DDSB on August 26, 2024.

While the DDSB was amenable to a smaller site with an opportunity to share park space to offset the smaller site size, the Town has indicated it would not be supportive of this approach. As such, a school site of no less than 6.5 acres would be necessary.

DDSB is however, supportive of the proposed development proceeding and as such, the DDSB, to ensure ongoing discussions and the subsequent identification of a school site of at least 6.5 acres, is requesting that a policy be included in the Official Plan requiring the use of a "Holding" symbol in the implementing zoning by-law. To be clear, the DDSB's request would not apply to the first phase where the construction of the first two towers is being planned.

Once a site is identified and the 'H' Holding Symbol is removed, the following conditions are required to be included in the conditions of Draft Plan Approval for the elementary school block having a site size of no less than 6.5 acres that is satisfactory to the DDSB's requirements:

- I. That the Owner and the Durham District School Board enter into an agreement for the acquisition of the identified school block for elementary school purposes.
- II. That the Owner submit plans indicating existing and proposed grades, drainage and servicing for approval by the Durham District School Board for all lots, blocks, easements and roads abutting the identified school block.
- III. That the Owner provide the Durham District School Board with a report detailing the soil bearing capacity and composition of soils within the school block, prior to the registration of the planning phase of the development where the 'H' Holding Symbol has been removed. Specifically, the report will detail the chemical composition of soils and the presence of methane and/or radon gas within the school block.
- IV. That any filling conducted within the school block meet the Durham District School Board criteria for soil bearing capacity and be approved by the Durham District School Board soils engineer.
- V. That the Owner rough grade the school block to the satisfaction of the Durham District School Board.
- VI. That the Owner agrees to bring all municipal services and connections to the edge of the school block, along the street and submit drawings to the Durham District School Board for approval.
- VII. That the Owner agrees to install a 1.8 metre galvanized or vinyl coated chain link fence of standard school construction (#9-gauge galvanized or #6-gauge vinyl coated) along the perimeter of the school block where it abuts proposed or existing

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residential lands (lots or blocks), and/or any other proposed or existing land use, except for active municipal parkland.

That the following "Notice to Parents" be inserted in all agreements of purchase and sale between the Owner and all prospective homebuyers:

"Students from this development may have to attend existing schools. Although an elementary and secondary school site has been reserved within this plan of subdivision, a school may not be constructed for some time, if at all, and then only if the Durham District School Board receives funding for the construction of this required school."

That the Owner agrees to post the standard Durham District School Board approved "Notice to Parents" in all sales representation centres.

Staff remain open to continued discussions with the Town regarding the need to identify a school site within this developing area.

#### **Durham Region Transit**

Durham Region Transit has the following comment.

1. Sidewalks must be built along the north side of Victoria Street to facilitate pedestrian access to transit.
2. Please preserve the bus stop located at Victoria Street and Montecorte.

#### **Durham Regional Police Service (DRPS)**

After reviewing the path analyses done by Yves R. Hamel et Associes inc. (YRH), it is safe to say, DRPS has no concerns regarding the Microwave Path.

#### **Elexicon Energy**

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.

In some cases, an expansion of Elexicon's distribution system (as such term is defined in the Distribution System Code issued by the Ontario Energy Board) will be required in order to be able to connect the customer to Elexicon's distribution system. When an expansion is necessary, the Distribution System Code requires that a distributor perform an economic evaluation to determine if the future revenue from the customer(s) will pay for the capital cost and on-going maintenance costs of the expansion project. If a shortfall between the present value of the projected costs and revenues is calculated, the distributor may propose to collect all or a portion of that amount from the customer(s). The evaluation is basically a discounted cash

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flow calculation that brings all costs and revenues to their net present values. This model, in general, follows the methodology, the set of common elements and related assumptions provided in Appendix B of the Distribution System Code. Elexicon will provide an Offer to Connect once an official request for electric services is received.

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

For all future applications and related correspondences kindly forward digital copies to: [DevelopmentApplications@elexiconenergy.com](mailto:DevelopmentApplications@elexiconenergy.com)

*Please note that the conditions and statements set out in this letter are subject to change at Elexicon's sole and absolute discretion based on future demand, supply availability, and other relevant factors existing at the time of a customer's application.*

#### **Enbridge Gas Inc.**

Enbridge Gas does not have changes to the previously identified conditions for this revised application(s).

Please always call before you dig, see web link for additional details  
<https://www.enbridgegas.com/safety/digging-safety-for-contractors>

*Previous comments dated December 17, 2020 state:*

Enbridge Gas Inc. does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions.

This response does not constitute a pipe locate, clearance for construction or availability of gas.

The applicant shall contact Enbridge Gas Inc.'s Customer Connections department by emailing [AreaPlanning40@Enbridge.com](mailto:AreaPlanning40@Enbridge.com) to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.

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 Inc. at no cost.

#### **Hydro One**

Hydro One has no comments or concerns at this time. Our preliminary review considers issues affecting Hydro One's High Voltage Facilities and Corridor Lands Only.

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#### Metrolinx

These conditions need to be fulfilled prior to site plan approval. So, I have no concerns with the city approving the DPS and OZ applications.

Noise Study - I also noted that the Noise Study prepared by HCG Engineering dated September 21, 2023 has outdated rail data, therefore the proponent is advised to resubmit a revised Noise Study incorporating recent rail data and. The proponent may obtain Metrolinx's most up to date rail forecast data by submitting a request to [raildatarequests@metrolinx.com](mailto:raildatarequests@metrolinx.com). The noise study shall also include the below warning clause which was indicated as one of our conditions in the previously provided comments memo.

**Warning:** "Metrolinx and its assigns and successors in interest operate commuter transit service within 300 metres from the subject land. In addition to the current use of these lands, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx or any railway assigns or successors as aforesaid may expand their operations, which expansion may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual units. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under these lands."

Environmental Easement – The proponent shall reach out to myself to initiate the environmental easement registration process which may take up to 6 weeks to be completed.

Please note that before Metrolinx can provide clearance for the site plan control application, the proponent must satisfy all the above conditions.

*Previous comments from January 11, 2024 not addressed:*

#### GO Heavy Rail Comments

Metrolinx's comments on Block 1 of above noted application are noted below:

1. The subject property is located within 300m of the Kingston Subdivision carrying the Lakeshore East GO Train Service.
2. Metrolinx recommends that a noise and vibration study, prepared by a qualified consultant, be submitted for review. Rail volume data required to prepare the aforementioned study can be obtained by contacting [raildatarequests@metrolinx.com](mailto:raildatarequests@metrolinx.com).
3. The Owner, through their solicitor, shall provide confirmation to Metrolinx that the following warning clause is inserted in the site plan agreement:

Warning:

Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the land of the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility

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that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors of aforesaid may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). Metrolinx will not be responsible for any complains or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.

4. The Owner shall grant Metrolinx and environmental easement for operational emissions, which is to be registered on title for all uses within 300 metres of the rail right-of-way. The Proponent may contact [Neha.Kulkarni@metrolinx.com](mailto:Neha.Kulkarni@metrolinx.com) with any questions and to initiate the registration process at their earliest convenience. Registration of the easement will be required prior to clearance of Site Plan Approval. (It should be noted that the registration process can take up to 6 weeks).
5. The Proponent will be responsible for all costs for the preparation of agreements/undertakings/easements/warning clauses as determined appropriate by Metrolinx, to the satisfaction of Metrolinx. They shall also consider the timelines required to advance such agreements and reviews in their schedule accordingly.

#### **Ministry of Transportation Ontario (MTO)**

Ministry of Transportation Ontario staff reviewed the submission and found it to be outside of their permit control area and had no further comment.

Regarding signage: Please have the proponent apply for MTO sign permit(s) here:

[https://www.hcms.mto.gov.on.ca/\(X\(1\)S\(wfqaamhjwgvohytezxkddww5\)\)/?AspxAutoDetectCookieSupport=1](https://www.hcms.mto.gov.on.ca/(X(1)S(wfqaamhjwgvohytezxkddww5))/?AspxAutoDetectCookieSupport=1)

All signs visible from the right of way and within 400m of the highway property line shall require MTO sign permits.

#### **Region of Durham**

A new ROP was adopted by Regional Council in May 2023 and approved by the Province September 3, 2024. The new ROP designates the site as “Protected Major Transit Station Area” (PMTSA), which is also a Strategic Growth Area (SGA). The PMTSA is intended to be planned for a minimum transit supportive density target of 150 people and jobs per hectare.

PMTSAs are to be planned as communities centered around higher order transit services. Permitted uses include medium and high density residential, mixed-use development, compatible employment generating uses including but not limited to office and major office, cultural and entertainment uses, commercial and retail uses, institutional and educational uses including post-secondary facilities, recreational and community amenities such as parks, urban squares, and trail systems.

Additionally, Policy 8C.3.1 of the current ROP has been transitioned into the new ROP through the inclusion of policy 10.3.8. once approved by the province.

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As indicated in the Region's previous comments, the proposed list of uses appears to conform to the new ROP policies and permissions for this area.

#### Provincial Plan Review Responsibilities

##### *Land Use Compatibility*

The applicant submitted a Land Use Compatibility Study prepared by RWDI and dated November 20, 2018, and a revised study dated September 18, 2023. The submitted reports are subject to a peer review to confirm the findings of the study and any mitigation/clauses to the satisfaction of the Town of Whitby and the Region.

The Region initiated the peer review process and the report have been peer-reviewed by EXP Services Inc. (EXP). EXP has concluded that the submitted reports are complete and accurate and is compliant with the applicable Federal, Provincial, Regional and the Town's policies and regulations.

The recommended mitigation measures/conditions by the Region's peer reviewer can be addressed as a condition of draft approval for the associated plan of subdivision.

##### *Archaeological Assessment*

As noted in our August 2018 comments, a Stage 1 Archaeological Assessment, prepared by AECOM (March 2018) was submitted in support of the applications. This report concluded that due to the extensive disturbance on the site, and the low-lying permanently wet areas, the subject site no longer contains archaeological potential. The Archaeological Assessment was submitted to the Ministry of Tourism, Culture and Sport who provided their clearance letter in April 2019. There are no further matters of archaeological concern.

##### *Potential Site Contamination*

A Phase One Environmental Site Assessment (ESA), prepared by McClymont & Rak Engineers Inc. (September 2023) was included with the fourth submission. The ESA report identified a number of Potentially Contaminating Activities, both on site and in the greater study area. A Phase Two ESA was undertaken in 2019, and updates to that report were recommended.

The following documents were also included with the fourth submission:

- Phase Two Environmental Site Assessment Northeast Quadrant of Victoria Street West and Montecorte Street; McClymont & Rak Engineers Inc. (November 2023); and
- Phase Two Environmental Site Assessment Northeast Quadrant of Nordeagle Avenue and Montecorte Street McClymont & Rak Engineers Inc. (November 2023).

Both Phase Two ESA reports compared the soil and groundwater results to the Ministry of Environment, Conservation and Parks Table 2 standards. There was one exceedance found in each report and those exceedances were for electrical conductivity caused by road de-icing activities. As such, no remediation is required as this activity is undertaken for traffic and pedestrian safety.

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The ESA studies are generally satisfactory to the Region. However, as per the Region's Soil and Groundwater Assessment Protocol, the Region's Reliance Letter and Certificate of Insurance must be provided.

Moreover, as per the Region's Soil and Groundwater Assessment Protocol, ESA documents cannot exceed 18 months of age. As such a Phase One ESA Update report may be required. Both of these requirements can be addressed as a condition of draft approval for the associated plan of subdivision.

#### *Noise Study*

The applicant submitted a Noise Feasibility Study was prepared by Howe Gastmeier Chapnik Limited (HGC) Engineering (September 2023) and an addendum dated August 16, 2024. The study and the addendum are subject to a peer review at the applicant's expense.

The Region initiated the peer-review process and the submitted material has been peer-reviewed by EXP. EXP has concluded that they agree with the findings and recommendations of the addendum additionally EXP recommends that the conditions of fixed and sealed windows for guestrooms to be included in terms and conditions in developmental documents for the proposed hotel.

The recommended conditions can be addressed as a condition of draft approval for the associated plan of subdivision.

#### Regional Works

Regional Works Department reviewed the applications, and they offer the following comments:

##### Municipal Servicing

The proposed development is located within the Zone 1 pressure district of the Whitby water supply plant. Water supply is available from Victoria Street, Nordeagle Avenue and Montecorte Street.

The proposed application is proposing a high population and will take several years to complete the full development. As development on the subject lands and surrounding area advances, it may impact the servicing capacity and project timing. Capacity will be allocated on a building by building basis.

##### Transportation

The Regional Works Department will require the Developer to convey a 15 x 10m daylight triangle at the northwest quadrant of the intersection of Victoria Street and Gordon Street and a 15 x 10m daylight triangle at the northeast quadrant of the intersection of Victoria Street and Montecorte Street.

##### Transportation Planning

There are no further comments from Transportation Planning.



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Durham Region Transit (DRT)

Durham Region Transit reviewed the applications and advised that the existing stop located on Victoria Street east of Montecorte Street will be hard surfaced by 2025 and should be protected as well as shown on future site plan submissions.

Refer to the attached S-11 and S-12 guidelines for stop and shelter integration with pedestrian infrastructure.

#### Exemption

The applicant is proposing a mixed-use development consisting of 7,436 units. The proposed developed will contribute to the intensification policies and will add an array of housing types to the PMTSA designation in accordance with the provisions of the ROP. As such the proposed AMOPA is consistent with the policies of the Regional Official Plan.

The proposed amendment does not have significant Provincial or Regional implications and 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.

#### Plan of Subdivision

Based on the foregoing, the Region has no objection to the draft approval of the related subdivision application. The attached conditions of draft approval must be complied with prior to clearance by the Region for registration of this plan.

The Owner must also provide a land use table prepared by an Ontario Land Surveyor to the Region's satisfaction. The land use table must 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, we would appreciate if digital copies (both PDF and Word documents) of the Town's conditions of draft approval could be provided.

#### Conditions of Draft Approval

1. The Owner shall prepare the final plan and shall include a land use table on the basis of the approved draft plan of condominium, prepared by Bousfields INC., identified as job number 0773-64dp dated June 20, 2024, which illustrates 7,436 units, three blocks (Blocks 1-3) of mixed use, and block for a park (Block 4), and three blocks for road widening (Blocks 5-7).

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2. The Owner shall submit Environmental Site Assessment documents to address potential site contamination for the subject site in accordance with the Regional Municipality of Durham's Soil and Groundwater Assessment Protocol.
3. Prior to registration the applicant shall demonstrate that the proposed uses are appropriate in accordance with the peer review of the Land Use Compatibility study prepared by RWDI and dated November 20, 2018, and September 18, 2023, to the satisfaction of the Region of Durham.
4. The Owner shall agree in the Town of Whitby's Subdivision Agreement to implement the recommendations of the Noise study prepared by HGC dated September 21 2023, and the addendum dated August 16, 2024 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 any required warning clauses identified in the study.
5. The Owner shall submit plans showing any proposed phasing to the Region for review and approval, if this plan is to be developed through one or more registrations.
6. The Owner shall grant to the Region, any easements required to provide Regional services for this development and these easements shall be in locations and of such widths as determined by the Region.
7. The Owner shall provide for the extension of such 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 water supply facilities within the limits of the plan which are required to service other developments external to this plan. Such water facilities are to be designed and constructed according to the standards and requirements of the Regional Municipality of Durham. All arrangements, financial and otherwise, for said extensions, are to be made to the satisfaction of the Regional Municipality of Durham and are to be completed prior to final approval.
8. Prior to entering into a subdivision agreement, the Regional Municipality of Durham shall be satisfied that sufficient water supply plant capacity is available for the proposed subdivision.
9. The Owner shall satisfy all requirements, financial and otherwise, of the Regional Municipality 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 services.
10. The Owner conveys a sight triangle of 15m x 10m at the northwest quadrant of the intersection of Victoria Street West and Gordon Street.

### **Rogers Communications**

Rogers Communications Canada Inc. ("**Rogers**") has reviewed the application for the above Subdivision and has determined that it intends to offer its communications services to residents

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of the Subdivision. Accordingly, we request that municipal approval for the Subdivision be granted subject to the following conditions:

- (1) The Owner shall agree in the Subdivision Agreement to (a) permit all CRTC-licensed telecommunications companies intending to serve the Subdivision (the “**Communications Service Providers**”) to install their facilities within the Subdivision, and (b) provide joint trenches for such purpose.
- (2) The Owner shall agree in the Subdivision Agreement to grant, at its own cost, all easements required by the Communications Service Providers to serve the Subdivision and will cause the registration of all such easements on title to the property.
- (3) The Owner shall agree in the Subdivision Agreement to coordinate construction activities with the Communications Service Providers and other utilities and prepare an overall composite utility plan that shows the locations of all utility infrastructure for the Subdivision, as well as the timing and phasing of installation.
- (4) The Owner shall agree in the Subdivision Agreement that, if the Owner requires any existing Rogers facilities to be relocated, the Owner shall be responsible for the relocation of such facilities and provide where applicable, an easement to Rogers to accommodate the relocated facilities.

In addition, we kindly request to, where possible, receive copies of the following documents:

- (1) the comments received from any of the Communications Service Providers during circulation;
- (2) the proposed conditions of draft approval as prepared by municipal planners prior to their consideration by Council or any of its committees; and
- (3) the municipal planners’ report recommending draft approval before it goes to Council or any of its committees.