

Conditions of Draft Plan of Subdivision Approval File SW-2018-01

1. The Subdivider 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).
2. The Subdivider 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 Subdivider 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 Subdivider 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 Subdivider 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 Subdivider 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 Subdivider 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.

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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 Subdivider 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 Subdivider conveys a sight triangle of 15m x 10m at the northwest quadrant of the intersection of Victoria Street West and Gordon Street
11. That prior to any on-site grading, construction or final approval of the plan, the Subdivider shall submit to and obtain approval from Central Lake Ontario Conservation Authority for reports and plans describing the following:
 - a. The intended means of conveying stormwater from the site, consisting of stormwater techniques which are appropriate and in accordance with provincial guidelines as well as in conformity with the recommendations found within the 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.
12. The Subdivider shall obtain all necessary permits from Central Lake Ontario Conservation Authority required through Ontario Regulation 41/24, or any successor regulations made under the Conservation Authorities Act.
13. 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.
14. The subdivision agreement between the Subdivider and the Town of Whitby shall contain, among other matters, the following provisions:

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- a. The Subdivider agrees to carry out the works referred to in Conditions 11 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.
15. The Subdivider will identify and protect for a school block that is no less than 6.5 acres that is satisfactory to the Durham District School Boards on the subject lands, or other lands owned by the applicant that are west of Montcorte Street, to which the following requirements will apply:
- a. That the Subdivider and the Durham District School Board enter into an agreement for the acquisition of the identified school block for elementary school purposes;
 - b. That the Subdivider 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;
 - c. That the Subdivider 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 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;
 - d. 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 soil engineer;
 - e. That the Subdivider rough grade the school block to the satisfaction of the Durham District School Board;
 - f. That the Subdivider 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;
 - g. That the Subdivider agrees to install a 1.8 metre galvanized or vinyl coated chain link fence of standard school construction (#9-gauge

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galvanized or #6 gauge vinyl coated) along the perimeter of the school block where it abuts proposed or existing residential lands (lots or blocks) and/or any other proposed or existing land use, except for active municipal parkland.

16. The Subdivider agrees to include the following "Notice to Parents" in all agreements of purchase and sale between the Owner and all prospective homebuyers and to post this notice in all sales representation centres:

"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."

17. The Subdivider agrees to include the following warning clause in the tenancy agreement for the hotel component of the development:

"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."

18. 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.

19. 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;

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- 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.

20. 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.
21. 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.
22. 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.
23. 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.
24. 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.

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25. 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.
26. 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.
27. 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.
28. 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.
29. 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.
30. 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.
31. 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.
32. All community mailboxes for the private developments shall be located within private properties.
33. 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.
34. 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.

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35. 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.

36. The Subdivider shall confirm the details of all existing above and below grade infrastructure relevant to the proposed design. Existing details shall be confirmed in the field by a method determined by the Subdivider's consulting engineer in consultation with the Town. Acceptable methods include, but are not limited to, topographical surveys, locates, measure downs, sub-surface utility engineering (SUE) investigation Quality Level A (QL-A), also referred to as daylighting, to determine horizontal and vertical location. The Subdivider further acknowledges that any as-built information provided by the Town is for informational purposes only.
37. 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.
38. 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.
39. 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.

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40. 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.
41. The Subdivider shall agree to implement the recommendations of all reports submitted in support of the application.
42. The Subdivider shall be responsible for satisfying any additional requirements identified by the Engineering Services not specifically listed above.
43. 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.
44. 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.
45. 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.
46. 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.
47. 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.
48. 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

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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.

49. The Subdivider shall be responsible for regular cutting of woody plants and mowing to control vegetation until the base park has been constructed at its sole cost.
50. 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.
51. 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.
52. 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.
53. 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.
54. 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.
55. 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.

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56. The Subdivider shall be responsible for satisfying any additional requirements identified by Parks Planning and Development not specifically listed above.
57. The Subdivider shall consult with Canada Post to determine suitable permanent locations for Community Mailboxes or Lock Box Assemblies (Mail Room). The Subdivider will indicate these locations on the appropriate servicing plans.
58. That the Subdivider enter into a Subdivision Agreement for the subdivision, and a future Site Plan Agreement with the Municipality and be responsible for the fees associated with the preparation and registration of the Agreement, including any review required by Legal Services.
59. The Subdivider will finalize the draft Urban Design Plan to the satisfaction of the Commissioner of Planning and Development.
60. The Subdivider will revise the concept Site Plan and concept Landscape Plan to provide for enhanced buffering techniques along the northern edge of Block 1 and the western edge of Blocks 3 and 4. This will include the use of a landscape buffer along the northern edge of Block 1.
61. The Subdivider will revise the concept Site Plan to provide for a minimum separation of 25m between the tower component of buildings. The minimum tower separation requirement will be incorporated into the implementing Zoning By-law.
62. The Subdivider will revise the concept Site Plan to incorporate step backs for the tower components of buildings located along Victoria Street West and Montecorte Street. Minimum Step Back requirements will be incorporated into the implementing Zoning By-law.
63. That the Subdivider will revise the Phasing Plan to reflect the Park Block as Phase 6 of the development (currently shown as Phase 15).
64. The Subdivider will provide interim enhancements for lands at the northwest corner of Victoria Street West and Jim Flaherty Street (within the area reserved for a future Urban Plaza) to be constructed concurrently with the first Phase of development and subject to reduction and removal as required for construction of subsequent Phases. The Subdivider will submit plans illustrating the enhancements for review and approval by the Town as part of the drawings associated with the Site Plan Application for Phase 1.
65. The required noise mitigation measures and warning clauses shall be included in the Subdivision Agreement and future Site Plan Agreement.

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66. Through the Site Plan / Plan of Subdivision Agreement, the Subdivider / Developer shall complete the Whitby Green Standard performance measures as part of the construction of the approved development.
67. That the new home construction be designed to meet the Energy Star standards or equivalent.
68. The Subdivider shall provide a tree preservation plan and install protective fencing in advance of any on-site grading works or provide an appraisal and compensation approach for any municipal trees proposed for removal.
69. The Subdivider shall prepare and implement the following reports and plans in accordance with the applicable guidelines to the satisfaction of the agencies noted:

Report	Town	Region	CLOCA
Environmental Impact Study	Yes	Yes	Yes
Functional Servicing and Stormwater Management Report	Yes	Yes	Yes
Geotechnical Investigation	Yes	Yes	Yes
Hydrogeological Study	Yes	Yes	Yes
Noise Study	Yes	Yes	-
Land Use Compatibility / Odour Assessment	Yes	Yes	-
Phase One and Two Environmental Site Assessment	Yes	Yes	-
Archaeological Assessment	Yes	Yes	-
Transportation Study	Yes	Yes	-
Urban Design Plan	Yes	-	-

70. The Subdivider shall satisfy all requirements, financial and otherwise, of the Town of Whitby, including among other matters, the execution of a subdivision agreement between the Subdivider and the Town of Whitby concerning the provision and installation of services, drainage, and other local services.
71. Prior to final approval of this plan for registration, the Town of Whitby shall be advised in writing by:
- a. The Regional Municipality of Durham, how conditions 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 have been satisfied.

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- b. The Central Lake Ontario Conservation Authority, how conditions 11, 12, 13, and 14 have been satisfied.
- c. The Durham District School Board, how conditions 15 and 16 have been satisfied.
- d. The Canadian National Railway Company, how condition 17 has been satisfied.

Note: Please be advised that the approval of this draft plan will lapse three (3) years after the date the plan is draft approved. This approval may be extended pursuant to Section 51(33) of the Planning Act, but no extension can be granted once the approval has lapsed. If final approval is not given to this plan within three (3) years of the draft approval date, and no extension have been granted, draft approval will lapse under Section 51(32) of the Planning Act, RSO, 1990, as amended. If the Subdivider wishes to request an extension to the draft approval, a written request and explanation must be received by the Commissioner of Planning and Development 120 days prior to the lapsing date. A processing fee in effect at the time of the request, shall apply.