

Agency & Stakeholder Detailed Comments

File DEV-18-24 (OPA-2024-W/07, Z-07-24)

Internal Departments

Town of Whitby Engineering Services

The following submitted materials have been reviewed for the purpose of this application:

- Transportation Impact Study Addendum Letter, dated October 24, 2023, by LEA Consulting Ltd.
- Architectural Drawing Set (Drawing No's. A100, A201, A202, A301, and A302), dated June 15, 2024, by Turner Fleischer Architects Inc.
- Engineering Drawing Set (Drawing No's. C-101, C102, C-111, C-112, C-121, C-122), undated, by Stantec Consulting Ltd.
- Landscape Drawing No. L100, dated October 24, 2023, by Strybos Barron King (SBK) Landscape Architecture.
- Planning Rationale Report dated February 2023, by GHD.
- Due Diligence Geotechnical Investigation, Limited Chemical Characterization of Subsurface Soils and Hydrogeological Assessment, dated June 8, 2022, by Terrapex Environmental Ltd.
- Environmental Impact Study, dated February 13, 2023, by Stantec Consulting Ltd.
- Conceptual Stormwater Management Design Brief, dated October 20, 2023, by Stantec Consulting Ltd.
- Addendum to Conceptual Stormwater Management Design Brief, dated June 6, 2024, by Stantec Consulting Ltd.

The subject land is a 5.39 hectare site that is located in the Town's Official Plan as Prestige Industrial and is designated as 'H-MIA-2' Holding Prestige Industrial, Exception 2, 'G'

Greenbelt and the adjacent property is zoned "M1" Restricted Industrial in Town of Whitby Zoning By-law 1784. As proposed, automobile dealership use is not permitted by the Prestige Industrial Zone and approval of an Official Plan Amendment is required. Site specific amendment to the Town of Whitby Zoning By-law 1784 is required to re-zone the lands to appropriate zone categories, permit the use of automobile sales dealership and storage uses, removal of holding provision, and employ appropriate development standards which implement the proposed development.

Engineering Services does not object to the proposed Official Plan Amendment and Zoning By-law Amendment.

Informational Comments

Site Plan comments will be provided through the Site Plan application.

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Town of Whitby Planning Services – Urban Design

No objections.

Town of Whitby Planning Services – Landscape

A review of the landscape requirements will be provided as part of the future site plan application.

Town of Whitby Fire and Emergency Services

1. Identify Principal Entrances on site plan.
2. Indicate location of fire department connections on site plan.
3. Indicate location of fire access route servicing Warehouse C.
4. Fire access routes shall be provided in accordance with OBC 3.2.5.
5. Provide fire access route sign locations as per Town of Whitby Bylaw 4084-97
6. Standpipe System to be provided if building height is more than 14 m high measured between grade and the ceiling of the top storey as per OBC 3.2.9.1.
7. A Water supply shall be provided as per OBC 3.2.5.7.

Town of Whitby Development Finance

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 residential and commercial developments.
- 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.

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- 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.
- If this development is a condo, development charges are payable prior to the issuance of the 1st building permit. If this development is entirely rental housing development charges shall be payable as per Section 26.1 of the DC Act.
- If this development includes affordable or attainable units (as defined in Section 4.1 of the DC Act), those units are eligible for DC exemptions.
- If this development includes rental housing or institutional development, Section 26.1(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 residential and non-residential developments.

- 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.

Town of Whitby Strategic Initiatives

Economic Development Comments

Economic Development continues to maintain the position that the addition of an automobile dealership does not represent the highest and best use of designated Prestige Industrial land and the objective to attract high-value employment generating

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developments. Maximizing the potential for employment generation continues to be a key priority as identified in the Economic Development Strategy and the Community Strategic Plan.

Given Whitby's diminishing supply of employment land, it has become imperative to critically assess future land use decisions. The current situation necessitates a more rigorous evaluation of proposed uses to ensure they align with the Town's long-term planning and economic development goals.

Staff actively work with businesses (new and existing) that are looking to purchase and lease industrial space in the Town of Whitby. The initial industrial warehouse proposal is highly marketable and provides an excellent opportunity for job creation and local economic benefit. Staff are not supportive of the proposal, and eager to work with the proponent to help demonstrate the current demand for employment generating developments. The Economic Development team is happy to facilitate connections between relevant stakeholders, including Durham College and any other pertinent parties, to explore potential synergies and alignments that would benefit both the proposed development and broader community objectives.

Sustainability Comments

Sustainability Staff understand this review focuses on the Official Plan Amendment and Zoning By-law Amendment. However, the Sustainability comments are being provided for the Site Plan Application. It has come to Sustainability Staffs attention that the Whitby Green Standard (WGS) Checklist and Sustainability Rationale Report have not been updated and comments from **April 14, 2023**, have still not been addressed. To proceed with our review and sign off, please provide an **updated Sustainability Rationale Report** and **WGS Checklist**.

Whitby Green Standard Checklist April 14, 2023, Comments to be Addressed:

In alignment with the *Equity and Local Economy* sustainable development principle of the Whitby Green Standard (WGS), which focuses on creating equitable places to live and work which support local prosperity and international fair trade, Sustainability staff continue to echo the Economic Development Staff's comments above.

Despite the comment above, Sustainability Staff have proceeded with our review of the Draft WGS Checklist and the Sustainability Report that was submitted and have provided the following comments:

- A more detailed description as to **how** all mandatory criteria (Tier 1) are being followed. More specifically, HH1.1, LUN1.2, LUN1.3, LUN1.4, TT1.1, TT1.2, TT1.5, TT1.6 and ECC1.6.
- An update on HH1.3 when the information becomes available. Please provide an explanation as to how this will be achieved or why it is not feasible.

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- ECC1.3 – need to explain how you will achieve 50% or more of development blocks with one axis at 15 degrees or explain why this is not feasible.
- The site plan indicates there will be 472 parking spaces within this proposed development. As a result, the criteria for SW1.2 is still applicable and further information is needed on how this criterion will be met or an explanation as to why it is not feasible for the proposed development.

Please update the WGS Checklist and Sustainability Report based on the comments above to demonstrate that the requirements of Tier 1 have been satisfied. Sustainability Staff continue to encourage the applicant to consider advanced sustainability criteria through the uptake of voluntary Tiers 2-4 as it progresses into the detailed design stage. These standards support sustainable site design for the development and redevelopment on public and private property, enhancing the Municipality's natural heritage, economic vitality, cultural heritage, and social aspects.

Town of Whitby Building Division

No approval nor support of this potential application by the Building Division is implied nor intended. Subject to a complete building permit submission review by the Town of Whitby's Building Division, additional and/or revised comments to the below noted items may be required.

Building Comments:

Unless other written direction is provided by the Town of Whitby to the Applicant or their Agents, it is the responsibility of the Applicant to ensure the following is complete prior to and/or upon the building permit application:

- Written approval from the Town of Whitby Planning Department that all drawings are satisfactory and no further revisions to the building and/or location of the building will be required
- If the SPA and all of the associated conditions are not complete and all applicable law is not met, the building permit application will be deemed incomplete
- Building Permit Application to Construct or Demolish along with Commitment to General Review Form
- Letter of authorization from the owner is required if application has been filled and submitted by the authorized agent
- 3 Complete sets of drawings required, Architectural, structural, electrical and mechanical, each set is rolled individually. Drawings to be stamped by professional engineer and architect
- Building code matrix
- Key plan indicating the fire separation and the travel distance to exit

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- Approval from Planning Department, Engineering Department, Region of Durham and (CLOCA, MTO if required, and all applicable law) prior to issue the building permit.
- A site plan indicating the following:
 - o Accessibility to the building (Exterior walks, ramps, curb ramps and level area adjacent to entrances)
 - o Fire Provisions (Access routes, fire hydrants, Siamese connections where applicable)
- Building specification, prefer to receive it electronically
- Building Permit fees to be paid by cheque, cash or debit
- Other fees including Development Charges/Letter of Credit if applicable 905-668-5803 or by email to developmentcharges@whitby.ca

Site Servicing Permit

A second and separate Site Servicing permit will be required.

Unless other written direction is provided by the Town of Whitby to the Applicant or their Agents, it is the responsibility of the Applicant to ensure the following is complete prior to and/or upon the building permit application:

- Building Permit Application to Construct or Demolish along with Commitment to General Review Form
- Letter of authorization from the owner is required if application has been filled and submitted by the authorized agent
- 3 complete sets of all applicable drawings
- Building permit fee with a document breaking down the fee calculation (cash, cheque, or debit)

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External Agencies

Canadian Pacific Kansas City (CPKC) Railway

Comments on, within 500m of CPKC Rail line

Please note that CPKC's Belleville Subdivision is classified as a principal mainline track.

CPKC is generally not opposed to Commercial/Industrial type developments adjacent to our right of way. Notwithstanding that statement, commercial developments should still meet certain recommendations based upon site specific conditions and intended use. CPKC is not in favour of residential uses that are not compatible with rail operations as the safety and welfare of residents can be adversely affected by rail operations. CPKC freight trains operate 24/7 and schedules/volumes are subject to change.

CPKC's approach to any development or expansion in the vicinity of rail operations is encapsulated by the recommended 2013 Proximity Guidelines developed through collaboration between the Railway Association of Canada and the Federation of Canadian Municipalities. CPKC continues to recommend that all proposed developments (whether residential, commercial, or industrial) follow the 2013 Proximity Guidelines. It is incumbent upon the developer to incorporate these safety measures to a degree that satisfies the requirements of the relevant agencies issuing building and development permits. The 2013 Proximity Guidelines can be found here: <http://www.proximityissues.ca/>

In addition, all construction, continued maintenance, access, ingress and egress must be done without entering railroad right of way. This includes but is not limited to maintenance of any equipment, lawn care, snow plowing and emergency exits via windows or doors.

CPKC recommends that the below condition be inserted in all property and tenancy agreements or future offers of purchase and sale for all dwelling units in the proposed building(s):

"CPKC and/or its assigns or successors in interest has or have a railway right-of-way and/or yard located adjacent to the subject land hereof with operations conducted 24 hours a day, 7 days a week, including the shunting of trains and the idling of locomotives. There may be alterations to, or expansions of, the railway facilities and/or operations in the future, which alterations or expansions may affect the living environment of the residents in the vicinity. Notwithstanding the inclusion of any noise and/or vibration attenuating measures in the design of the development and individual dwellings, CPKC will not be responsible for complaints or claims arising from the use of its facilities and/or its operations on, over, or under the aforesaid right-of-way and/or yard."

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We would appreciate being circulated with all future correspondence related to developments adjacent to our right of way.

Central Lake Ontario Conservation Authority (CLOCA)

CLOCA staff have reviewed this application for consistency with the natural hazard policies of the Provincial Policy Statement and for conformity with Ontario Regulation 41/24 of the *Conservation Authorities Act*. Based on our review of the circulated materials we offer the following comments on the submitted applications:

Official Plan Amendment

CLOCA has no objection to the proposed Official Plan Amendment.

Zoning By-law Amendment

CLOCA has no objection to the proposed Zoning By-law Amendment subject to the following conditions:

1. All hazard lands and features regulated through Ontario Regulation 41/24 of the *Conservation Authorities Act* and their appropriate buffers be zoned (G) Greenbelt as per By-law 1794.
2. CLOCA will be circulated on the draft Zoning Schedule to verify that the schedule is consistent with the approved development plan.

Future Site Plan Application

It is our understanding that this development plan will require a site plan application and approval. As part of our review of the submitted materials we noted the following matters that will need to be addressed prior to any approval of the site plan application:

1. The Landscape Plan has not been updated since the site and servicing plans were updated. Please ensure that the Landscape Plan reflects the new development limits and proposes appropriate plantings that compliment and not disturb the existing native vegetation on the western edge of this development.
2. CLOCA staff recommend that the Block containing natural hazard land be conveyed to the Town of Whitby as part of the site plan application process.
3. The proposed SWM on the property north of Stellar Drive is consistent with the approaches on the property south of Stellar Dr. Draft plan (detailed design.) The northern property development must include LID measures for additional infiltration (Section 4.3.5 Water Balance of Conceptual SWM) or detention facility prior to discharge to East Corbett Creek. Where feasible, the planned design should include raingarden and/or underground storage

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chamber dedicated to roof runoff. This system will allow eventual release of stormwater that is free of road salt and other surface contaminants to the creek.

Ontario Regulation 41/24 of the Conservation Authorities Act

Part of the subject property is regulated through Ontario Regulation 41/24 of the *Conservation Authorities Act* due to its proximity to wetlands and tributaries of Corbett Creek. As such, a permit from CLOCA will be required for any site alteration and/or development of these lands. Applications and fees associated with this process are separate from any *Planning Act* application and must be submitted directly to CLOCA.

Conclusion

CLOCA staff have no objection to the proposed Official Plan Amendment and Zoning By-law Amendment subject to the conditions listed above. Further details will be required prior to any approval of a Site Plan Application for this development.

Region of Durham (Planning and Works)

The subject lands are located on the north side of Stellar Drive, approximately 510 metres east of Thicksen Road South. The site is approximately 5.4 hectares and is currently vacant. The Canadian Pacific Railway corridor is adjacent to the site's northerly property lot line.

The applicant is proposing to amend the Whitby Official Plan (OP) to permit the development of an automobile dealership on the subject lands.

Whitby Official Plan

The subject lands are designated as Prestige Industrial on Schedule A - Land Use in the Whitby OP. A site-specific Local Official Plan Amendment is required to amend Policy 4.7.5 – Special Provisions of the Whitby OP to permit the proposed automobile dealership.

The purpose of the related Zoning By-law Amendment is to rezone the subject lands to appropriate zone categories to permit an automobile sales dealership and storage uses, removal of holding provision, and employ appropriate development standards to implement the proposed development.

Conformity with the Regional Official Plan (Envision Durham)

The subject lands are designated as Employment Areas on Map 1- Urban Structures in the new Regional Official Plan (ROP). Employment Areas shall be planned as locations for primary employment generating uses such as manufacturing, assembly, processing, generation, freight and transportation, warehousing, storage, major facilities and similar

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uses that require access to highway, rail, shipping facilities and/or separation from sensitive land uses.

Automobile dealerships are permitted within the Employment Areas designation. The proposed amendment supports mix of employment uses and the diversification of the Region's economy. Additionally, the proposal promotes economic growth and employment opportunities in Durham Region. The proposed application conforms with the ROP.

Provincial Plans and Policies

Provincial Policy Statement

The Provincial Policy Statement (PPS) encourages settlement areas to be developed with an appropriate mix of employment uses that offer a wide range of employment activities. The proposed automobile dealership supports a mix of employment uses and contributes to the diversification of the Region's employment base. The proposed application is consistent with the PPS.

Growth Plan

The Growth Plan promotes the building of complete communities and economic development and competitiveness by efficiently using employment areas and vacant and underutilized employment lands. The proposed application supports economic development and employment opportunities and makes efficient use of underutilized employment lands. The proposal conforms with the Growth Plan.

Delegated Provincial Plan Review Responsibilities

The applications have been screened for delegated Provincial Plan Review responsibilities.

Soil and Groundwater Assessment Protocol

The Region has reviewed the following Environmental Site Assessments (ESA) prepared for the proposed development:

- Phase One ESA, prepared by Terrapex Environmental Ltd., dated October 3, 2022 (East portion);
- Phase One ESA, dated March 3, 2021 and Phase Two ESA, dated April 6, 2021, prepared by DS Consultants Ltd. (West portion);
- Phase Two ESA, dated April 6, 2021, prepared by DS Consultants Ltd. (West portion); and

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- Updated Letter – Summary of Environmental Conditions, prepared by DS Consultants Ltd., dated October 3, 2023.

The Phase One ESA prepared by Terrapex Environmental Ltd. reported no potential environmental concern on the subject lands and does not recommend additional site assessment work to be completed at the property.

Terrapex Environmental Ltd. has provided a satisfactory Reliance Letter and Certificate of Insurance dated October 27, 2022 for the Phase One ESA.

In the review of DS Consultants Ltd.'s Phase One ESA, this report identified Areas of Potential Environmental Concern associated with pesticide use for agriculture on the site and the proximity of the CPR corridor located north of the site. The Phase Two ESA involved chemical testing of the site's soil and groundwater conditions which met the Ministry of the Environment, Conservation and Parks' (MECP) Table 2 Standard Site Condition for Industrial/Commercial/ Community Use.

As the dates of the Phase One and Two ESAs were greater than 18-months, DS Consultants Ltd.'s provided an Updated Letter which reported no new potentially contaminating activities at the subject lands. DS Consultants Ltd. has completed the Region's Reliance Letters and Certificate of Insurance for the ESA Reports.

The Region is satisfied that site contamination matters at the subject lands have been addressed in accordance with the Region's Soil and Groundwater Assessment Protocol.

Land Use Compatibility Study and Noise Impact Study

Residential land uses are located approximately 70 metres north of the proposed development site and north of the CPR corridor. The compatibility of land uses, and noise concerns associated with the proposed automobile dealership and abutting warehousing facility impacting the existing sensitive receptors was previously reviewed by the Region during the application preconsultation phase. The following reports had been provided to the Region for review:

- Noise Feasibility Study, Proposed Warehousing Facilities, North of Stellar Lands, dated February 21, 2023, prepared by HGC Engineering Ltd.;
- Noise Feasibility Study- Addendum, Proposed Industrial Development Facilities, dated October 11, 2023, prepared by HGC Engineering Ltd.; and
- A Land Use Compatibility Study (LUC), North of Stellar Drive, prepared by GHD Ltd., dated February 17, 2023.

Region of Durham Peer Review Comments prepared by R. J. Burnside & Associates Ltd.

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In May 2023, the Region retained R.J. Burnside & Associates Ltd. to peer review the Land Use Compatibility Study and the Noise Impact Studies.

R.J. Burnside & Associates Ltd. had indicated that the proposed warehouse facility and the automobile dealership were identified as a Class II industrial facilities due to its operation and activities. R.J. Burnside & Associates Ltd. has indicated that both operations were within the MECPs' minimum recommended separation distance of 70 metres to sensitive land uses.

The LUC Study had reported that the automobile dealership could possibly include refinishing activities. R.J Burnside & Associates Ltd. Concurred with the LUC Study findings that stated if the automobile dealership includes refinishing activities, the applicant would be required to register under the MECP Environmental Activity and Sector Registry (EASR) for the use. If the facility operations are in compliance with EASR, there would be no adverse impact from paint booth operation expected at the surrounding sensitive receptors.

R.J. Burnside & Associates Ltd. also indicated that the predicted sound levels due to operations of the proposed warehousing and automobile dealership facilities are expected to be below the MECP noise limits provided mitigation measures including acoustic barrier and administrative controls to limit operations to daytime hours are implemented.

The concerns of the Region's associated with the compatibility of land uses and noise have been addressed. We will require the applicant to implement the recommended mitigative measures of the LUC Study and the Noise Feasibility Study in the related Site Plan Agreement with the Town of Whitby to the satisfaction of the Region.

Regional Servicing

We have reviewed the Conceptual Servicing Plan 1 (C-101) and offer the following comments:

1. The Region would prefer to connect the site directly to the existing storm MH16 (or upsizing it if it is not adequate enough) without adding a new maintenance hole. If this is not feasible, please provide a reason/explanation.
2. It appears that control flow at a rate of 65 l/s to be released from the development which was not accounted in the existing Stellar Street storm sewer. The Stormwater Management (SWM) Report needs to be revised to reflect this change that should include capacity assessment of Stellar Street storm sewer (80%) and any erosion issues, at the outfall, due to the additional flow, to be assessed and if required, remedial measures to be incorporated at the outfall to minimize potential erosion issues.
3. The SWM Report should be resubmitted to Region for a complete review.

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4. Drop structure required at MH G24-0045 for north and west inlet as per Region Standard S-100.080.
5. Provide the lengths, sizes and materials for the proposed water connections from mainline to the property line.

The above comments can be addressed through a future Site Plan Application.

Exemption status

The proposed automobile dealership makes efficient use of underutilized employment lands to support economic growth and employment opportunities in Durham Region.

In the Region's review of the applications, we have identified servicing concerns associated with the Conceptual Servicing Plan 1 (C-101). Our comments can be addressed as part of the approval of the related future Site Plan application.

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.

City of Oshawa Planning Services

No objections.

Rogers

No objections.

Bell

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

The following paragraphs are to be included as a condition of approval for any Draft of Plan of Subdivision, Draft Plan of Condominium and/or Site Plan application(s) relating to this development project:

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“The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.”

The above-noted conditions will remain in effect until said conditions are officially cleared by Bell Canada as part of the formal approval process.

- To ensure that we can provide detailed provisioning comments, and to subsequently clear conditions, please ensure that all servicing plans / CUP, including updates to such plans, are sent to planninganddevelopment@bell.ca.

Enbridge Gas

Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions. This response does not signify an approval for the site/development.