

# Attachment #11

## Agency & Stakeholder Detailed Comments

### File DEV-24-24 (OPA-2024-W/08, Z-11 -24)

## Internal Departments

### Engineering Services

Engineering Services – Development Division

Engineering Services has conducted a preliminary review of the circulated materials outlined below for the purpose of Official Plan and Zoning By-law Amendment applications and supporting materials.

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

It is Engineering Services' understanding that a Site Plan application will be required upon approval of the Official Plan and Zoning By-law Amendment applications. Detailed comments will be provided at the Site Plan Application stage, and in particular regarding stormwater management; transportation comments; grading and drainage; construction management; and Site Plan design criteria.

Engineering Services - Transportation

Transportation Services staff have reviewed the relevant supporting materials and provided comments regarding the OPA and Zoning application which have been addressed (see below).

Further detailed comments will be provided through the Site Plan Approval process (e.g. signage; design; accessible parking;).

The supporting materials included the applicant's responses to Transportation Services' comments.

Transportation Services staff provided the remarks below (refer to Table 1) on the response provided to various comments. Additional comments are also provided, based on the new information submitted. Note that the comment numbering following the Transportation Response Letter numbering.

**Table 1: Response provided to various comments**

#	Comment	Has the Comment been Addressed
<b>1.0</b>	<b>Section 6 Parking Review</b>	
1.1	The proposed site plan is deficient of 77 parking spaces as per the Town of Whitby Zoning By-Law 2585. Provide a clearly defined and detailed parking monitoring plan, as well as information on a scenario if the demand is more than the supply, including what measures the developer would take to address the shortfall.	Addressed.
1.2	The proposed parking rate of 1.20 is acceptable to Transportation Services. However, the consultant should clearly indicate the parking that will be assigned to residents and to visitors.	Addressed.
<b>2.0</b>	<b>Section 7 Transportation Demand Management (TDM) Plan</b>	
2.1	The provision of car-share parking spaces for each building, as identified in the Terms of Reference (TOR)), should be identified on the Site Plan. Confirm how a car-share would operate to support TDM program.	Addressed.
2.2	While the TDM measures documented in the report/Table 7-1 are acceptable, the applicant must provide a firm commitment to implement proposed measures, including confirmation that the applicant will provide and subsidise presto card, and unbundle parking.	Addressed.
2.3	As per the report, a total of 70 bicycle parking spaces are proposed, with 30 short-term spaces and 40 long-term spaces to serve the development. It is noted that only 20 spaces are verified on the south side of building 1 on site plan. Clarify the location of bicycle parking.	Addressed.

#	Comment	Has the Comment been Addressed
<b>3.0</b>	<b>Section 8 Functional Review</b>	
3.1	The underground parking entrance for building 2, as shown on site plan, is very close to Baldwin Street. The consultant should confirm that the throat/storage length for the driveway is sufficient and will not impact Baldwin Street or create any on-site conflicts.	Addressed.
<b>4.0</b>	<b>General Comments</b>	
4.1	The Site Plan drawing, A100, is not legible. Traffic Impact Studies should include a clear copy of the site plan for review and comment.	Addressed.
4.2	Provide a pavement marking and signage plan and show all proposed signage including a stop sign at the proposed driveway at Baldwin Street.	Addressed.

Engineering Services – Development Division

Engineering Services reviewed the relevant supporting materials (Stormwater Management; Functional Servicing) and provided detailed comments which are to be addressed through the Site Plan approval process.

- The stage-storage discharge curve calculations should include further information between elevations 158.8 and 106.07m. Please update the chart to provide further details.
- The Visual Otthymo route reservoir does not use updated stage-storage discharge information. Please update the model accordingly.
- Please provide details of the emergency overflow from the storage facility.
- Please include a note on the servicing drawing that directs all stormwater flows to the proposed Oil/Grit Separator unit, ensuring all drainage is treated for quality control and water balance.

**Financial Services – Development Charges**

Development Charges

- Development Charges will be owing for the 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.
- If this development is a condominium, 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 the 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**

1. The fire access route shall meet OBC 3.2.5.6 requirements.
2. Fire access route sign locations shall be indicated on the site plan as per TOW Bylaw 4084-97.

3. Water supply shall be provided as per OBC 3.2.5.7.
4. Standpipe System as per OBC 3.2.9.1.
5. Be aware WFES would be open to accepting a proposal for standpipe connections to be installed in the stairwell without hose.
6. Provide distance from existing hydrant to Building 2 FDC. Note: WFES would prefer a private hydrant be installed on the east side of Baldwin St to serve the site.
7. A structural engineer shall provide a letter confirming that the parking garage is capable of supporting the weight of fire apparatus.
8. Below grade parking garage shall be considered an Ordinary Hazard Group 2 occupancy for the purpose of sprinkler design and equipment with a mechanical ventilation system that can be controlled by emergency responders if required during a fire emergency.
9. Below grade parking garage shall include a room(s) designed for the storage of micro-mobility devices with a minimum 1 hour fire resistance rating and mechanical ventilation.

## **External Agencies**

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

CLOCA staff have reviewed the applications and supporting materials for consistency with the natural hazard policies of the Provincial Planning Statement, as well as for conformity with Ontario Regulation 41/24 of the Conservation Authorities Act. Our review has also included their context within any appropriate watershed management guidelines and documents, and/or related policies within the local and regional Official Plans.

The subject property is located within the Lynde Creek Watershed. Part of the property is regulated through Ontario Regulation 41/24 of the Conservation Authorities Act due to its proximity to the flood and erosion hazards associated with Lynde Creek. A permit from CLOCA will be required prior to any site alteration and/or development within the regulated part of this site.

The following comments are provided based on our review of the technical documents provided with this circulation.

#### **Environmental Engineering – Stormwater Management**

CLOCA staff are satisfied that previous engineering comments have been satisfied with the current submission of report and plans.

## Environmental Engineering – Geotechnical Report, Hydrogeological Assessment

CLOCA staff find the information from the reports acceptable as it relates to slope stability and hydrogeology.

## Environmental Impact Study

CLOCA technical staff have reviewed the Environmental Impact Study and are satisfied that any CLOCA regulated features will not be negatively impacted by this development provided the recommended mitigation and enhancement measures are followed as outlined within the EIS. CLOCA technical staff have no further comments currently regarding the Environmental Impact Study.

## Official Plan and Zoning By-law Amendment Schedule

CLOCA staff have no objection to the proposed Official Plan Amendment. CLOCA staff also have 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 the appropriate in force zoning by-law.

## Future Site Plan Application

It is CLOCA's understanding that this development plan will require a site plan application and approval. Please continue to circulate CLOCA on any and all future submissions.

## Ontario Regulation 41/24 *Conservation Authorities Act*

As noted above, the subject property is partially regulated through Ontario Regulation 41/24 of the *Conservation Authorities Act* due to its proximity to the flood and erosion hazards associated with Lynde Creek.

A permit from CLOCA will be required prior to any site alteration and/or development within the regulated part of this site. Once final planning act approvals have been obtained, a permit for this project should be applied for directly to CLOCA Head Office.

## **Conseil Scolaire Viamonde French Public District School Board**

The CS Viamonde has no comment on this application.

## **Durham District School Board**

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

1. Approximately 43 elementary pupils and 43 secondary pupils could be generated by the above noted application.
2. Students generated from this development will attend existing neighbourhood schools.

Under the mandate of the Durham District School Board, at this time, staff has no objection.

### **Enbridge Gas Inc.**

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.

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

Land Development Review Portal- Detailed Review

The MTO is supportive in principle and further review will take place at the SPA level. The site was previously reviewed with the developers and agreed on various setback reductions and access approval.

Please ensure the setback and access plan remains the same as what was approved and sent to the MTO February 15 of 2024.

See below for typical Site Plan Application comments/requirements:

- The subject site is within MTO's Permit Control Area and as such, MTO Site Plan Approval and an MTO Permits will be required prior to any construction activities.
- The current ROW as well as a MTO setback should be clearly labeled on all drawings that will be provided for the ministry's review and comments.
- Requirements for fencing include (but are not limited to) erecting fencing along the MTO right-of-way at 0.3m into the MTO ROW. And MTO Encroachment permit is required for this work, and it should follow OPSD 972.130 (Chain Link Fence with Top-Wire).
- As part of the review and approval process the applicant will be required to submit copies of a detailed Site Plan, Master SWMR, Site Servicing and Grading Plans prepared by a Licensed Professional Engineer.
- Please have the proponent confirm the reports have been carried out by RAQS approved contractors/consultants. All works within the Provincial right-of-way shall be carried out by RAQS qualified contractors.

Please note that the ministry requires all drainage submissions to be also provided electronically. Regarding acceptable electronic transfer of files to MTO, the following applies:

- Format - PDF
- Currently electronic files can be sent in:
  - Using an FTP (File Transfer Protocol) website.

- Using E-mail, if the file is small enough, it can be e-mailed (Zipped documents are acceptable).
- MTO requires a Brief/Letter from the Traffic consultant to describe the general criteria of the anticipated traffic.
- Please be aware that MTO has the right to request a more detailed (Master) Traffic Impact Study should the brief/letter be deemed insufficient upon review.
- Any noise mitigation is the responsibility of the land-owner which includes the design and implementation. The Ministry will not be held liable for noise attenuation next to the highway which also includes its maintenance and upkeep.
- The proponent is required to submit a copy of the Photometric Lighting Plan (in metric LUX units) for MTO review and approval. The plan must illustrate proposed lighting and any light spillage on the Highway 7/12 & associated service roads ROW.
- All plans and reports must be stamped and signed and circulated to the MTO through municipal site plan application process for a formal review and comments.
- The Applicant should be advised that they cannot apply for the MTO Permit until the Site Plan has been approved by MTO and the Municipality.
- MTO Sign Permits will be required for any new signage visible from Highway 7/12 & associated service roads.
- Applicant must apply online through the link below once clearance letter is issued: <https://www.hcms.mto.gov.on.ca/>
- Please note, all plans and reports must be stamped and signed.

### **Oshawa Airport**

The subject site is outside of the area regulated by Transport Canada's zoning for the Oshawa Airport.

### **Region of Durham- Planning and Economic Development Department**

The Region has now completed its review of the above-noted applications and offers the following comments with regards to conformity with the new Regional Official Plan (Envision Durham), the new Provincial Planning Statement, the Region's delegated Provincial Plan Review responsibilities, Regional servicing, and waste management.

### **Conformity with the new Regional Official Plan (Envision Durham)**

The Ministry of Municipal Affairs and Housing approved the new Regional Official Plan (ROP) on September 3, 2024. The subject lands are located in the Baldwin/Winchester (Brooklin) Regional Centre designation on Map 1 – Regional Structures in the Regional Official Plan (ROP). Regional Centres are identified as a Strategic Growth Area in the

ROP. Strategic Growth Areas represent optimal locations for prioritizing intensification and higher density mixed-use developments. Strategic Growth Areas should be developed as focal points for more intensive forms of development and as locations to achieve transit-supportive densities within the Region's Urban System.

The ROP indicates that developments proposed within the Regional Centres designation should be achieve a minimum transit supportive density target of 100-150 people and jobs per gross hectare.

The southwesterly portion of the property 91 Baldwin Street contains the Regional Natural Heritage System, as shown on Map 2 – Regional Natural Heritage System in the ROP. Regional natural heritage must be protected and conserved. Development and site alteration that negatively impact the regional heritage systems is not supported by the Region.

Policy 7.4.5 of the ROP requires that an Environmental Impact Study be prepared to support any development located in Regional Natural Heritage System. Beacon Environmental Ltd. has prepared an Environmental Impact Study (EIS) dated May 15, 2023 for the proposed development. Appropriate setback distances from the Lynde Creek tributary have been incorporated into the proposed development. The Central Lake Ontario Conservation Authority has provided comments dated November 4, 2024 in support of the proposed application and are discussed further below in this letter.

The proposed development consisting of commercial and residential uses supports mixed-use developments and complete communities and contributes to the supply and mix of housing options to meet the diverse housing needs of the community. The proposed development provides a density of approximately 191 uph and achieves the ROP's planned density target for Regional Centres. The proposed higher densities are transit-supportive and promotes residential intensification along the Baldwin Street Regional Corridor and establishing the Baldwin/ Winchester Regional Centre as focal point for intensive uses. The proposed applications conform with the ROP.

### **Provincial Planning Statement**

The new Provincial Planning Statement (PPS) came into effect on October 20, 2024 and replaces the Provincial Planning Statement, 2020 and the Growth Plan, 2019. We have reviewed the proposed applications for consistency with the PPS. The PPS states that planning authorities are encouraged to identify and focus growth and development in strategic growth areas. The PPS supports a range and mix of housing options, intensification, and more mixed-use development in strategic growth areas. The PPS also states that planning authorities should permit developments and intensification in strategic growth areas to support the achievement of complete communities and compact built form. The proposed high-density mixed-use development supports mix of housing options and the mix of commercial and residential development assists with achieving complete communities and the intensification of the Baldwin/Winchester Regional Centre designation. The proposed development is consistent with the PPS.

## **Delegated Provincial Plan Review Responsibilities**

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

## **Noise Impacts**

Jade Acoustics has conducted a Preliminary Environmental Noise Report, dated May 23, 2023, for the proposed development. The Preliminary Noise Report identifies road traffic noise from Baldwin Street as the primary noise source impacting the proposed development. Appropriate noise warning clauses including mandatory central air conditioning are recommended for all the units within this development. The recommended noise mitigative measures of the Preliminary Environmental Noise Report must be included in the related Town of Whitby's Site Plan/Development Agreement to the satisfaction of the Region.

## **Soil and Groundwater Assessment**

A Phase One Environmental Site Assessment, (Phase One ESA) was prepared for the subject lands by Soil Engineers Inc., dated July 13, 2022. The Phase One ESA reported that the site had been historically used for residential purposes and there is a low risk of environmental concerns. No further environmental investigation is required for the property.

The Phase One ESA Report is generally acceptable to the Region. Soil Engineers Inc. has provided a satisfactory Reliance Letter and Certificate of Insurance for the Phase One ESA dated May 3, 2023. Site contamination concerns have been addressed at the subject lands to the satisfaction of the Region.

## **Archaeological Assessment**

A Stage 1 Archaeological Assessment, (AA) dated March 16, 2015 and a Stage 2 AA, dated August 13, 2015 had been prepared for the subject lands by Archaeological Services Inc. The consultant indicated that the Ministry of Heritage, Sport, Tourism and Culture Industries has issued clearance letters for the Stage 1-2 AA Reports on August 24, 2015 and September 3, 2015. We request that a copy of the Ministry's clearance letters be provided for our record.

## **Environmental Impact Study**

The southwesterly portion of the subject lands form part of the Regional Natural Heritage System associated with a tributary of Lynde Creek. Beacon Environmental has prepared an EIS for the proposed development, dated May 15, 2024. The Central Lake Ontario Region Conservation Authority (CLOCA) has provided supporting comments dated November 4, 2024 for the development. CLOCA has indicated it is satisfied with the proposed recommended mitigative and enhancement measures and that the proposed development will not negatively impact the regulated features subject to appropriate rezoning of the buffer areas. CLOCA will continue to review and provide comments for the development through the related future Site Plan application.

## **Regional Servicing**

The subject lands are located within the Zone 3 Water Pressure District of the water supply system for Whitby (Brooklin). The estimated static water pressure for this property is approximately between 554 kPa (80 psi) to 594 kPa (86 psi). Where the static pressure exceeds 550 kPa, private pressure reducing valve shall be installed to limit the maximum static pressure to not more than 550 kPa. Please identify the need of the pressure reducing valve by including a “PRV” symbol on the Servicing Plan.

Our records show the existing 3 vacant properties are currently installed with water service and sanitary sewer connections off Baldwin Street North. All the existing water and sanitary sewer connections that are not utilized will be disconnected at the mainline at the applicant’s expense.

A water meter room as per Region of Durham standards is required.

No foundation drains (foundation weepers) or roof leaders are permitted to connect into the sanitary sewer system, as per the Regional Sewer Use By-Law.

### **Functional Servicing and Stormwater Management Report and Servicing Drawing (SW2)**

The Region has reviewed the Functional Servicing and Stormwater Management Report, (FSSR) prepared by Husson dated May 2024, and the Servicing Drawing (SW2) that were submitted in support of the proposed development. Our comments on the FSSR and the Servicing Drawing are outlined in Attachment 1 to this letter.

We will require revisions to be completed to FSSR and the Servicing Drawing to address our comments. Our concerns can be resolved at the time of the review of the related future Site Plan application.

## **Waste Management**

The Town of Whitby provides curbside residential waste collection services to Whitby residents excluding recycling. As of July 1st, 2024, the Durham Region’s recycling program is managed by Circular Materials, the administrator of the common collection system and national not-for-profit organization that is committed to building an efficient and effective recycling system in Ontario. Visit Circular Materials at <https://www.circularmaterials.ca> for more information.

## **Further comments**

As previously noted, the Region will require revisions to be completed to the proposed Servicing Plan, the Servicing Drawing (SW2), and the Functional Servicing and Stormwater Management Report to address our servicing comments. Attachment 1 to this letter outlines the Region's FSSR and Servicing Drawing comments. The Region's servicing requirements could be satisfied at the time of the review of the related future Site Plan application.

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

### **Functional Servicing and Stormwater Management Report**

The Region has reviewed the Functional Servicing and Stormwater Management Report (FSSR) prepared by Husson dated May 2024, and offers the following comments for the FSSR:

#### 4.0 Wastewater:

- The proposed sanitary servicing design from Baldwin Street is acceptable.
- The projected sewage flow of 8.48 L/s for approximately 504 people based on 217 residential units is acceptable. Please provide a separate sanitary sewer design sheet for our review and record.

#### 5.0 Water Distribution:

- The proposed water servicing design is acceptable.

### **Servicing Drawing (SW2)**

The Region has reviewed the Servicing Drawing (SW2), and offers the following comments for the drawing:

- Show the lengths of the proposed domestic water and fireline from the mainline to the property line.
- Cut-in method to be used for the proposed 200mm fireline connect to the existing 200 mm DI watermain.
- Recommend using ductile iron pipes for the proposed domestic water and fireline.
- Label the material of the existing watermain (ductile iron).

- Identify all the existing water connections and label them to be disconnected at the mainline with brass plugs.
- Provide cross section to show the crossings between the sanitary sewer connection and the existing storm sewers on Baldwin Street.
- Provide cross section to show the crossings between the proposed water connections and the existing sanitary sewer and storm sewer on Baldwin Street.

### **Region of Durham- Public Works**

The Region of Durham Works Department has reviewed the applications and offers the following comments.

### **Regional Municipal Servicing**

The subject property is located within the Zone 3 Water Pressure District of the water supply system for Whitby (Brooklin). The estimated static water pressure for this subject property is approximately between 554 kPa (80 psi) to 594 kPa (86 psi). Where the static pressure exceeds 550 kPa, private pressure reducing valve shall be installed to limit the maximum static pressure to not more than 550 kPa. Please identify the need of the pressure reducing valve by Including a “PRV” symbol on the servicing plan. Our records show the existing 3 vacant properties are currently installed with water service and sanitary sewer connections off Baldwin Street North. All the existing water and sanitary sewer connections that are not utilized will be disconnected at the mainline at the applicant’s expense. A water meter room as per Region of Durham standards is required. No foundation drains (foundation weepers) or roof leaders are permitted to connect into the sanitary sewer system, as per the Regional Sewer Use By-Law.

### **Functional Servicing and Stormwater Management Report (May 2024):**

#### **4.0 Wastewater:**

- The proposed sanitary servicing design from Baldwin Street is acceptable.
- The projected sewage flow of 8.48 L/s for approximately 504 people based on 217 residential units is acceptable. Please provide a separate sanitary sewer design sheet for our review and record.

#### **5.0 Water Distribution:**

- The proposed water servicing design is acceptable.

### **Servicing Drawing (SW2):**

The Region has reviewed the Servicing Drawing (SW2). Our comments on the drawing are as follows:

- Show the lengths of the proposed domestic water and fireline from the mainline to the property line.

- Cut-in method to be used for the proposed 200mm fireline connect to the existing 200 mm DI watermain.
- Recommend using ductile iron pipes for the proposed domestic water and fireline.
- Label the material of the existing watermain (ductile iron).
- Identify all the existing water connections and label them to be disconnected at the mainline with brass plugs.
- Provide cross section to show the crossings between the sanitary sewer connection and the existing storm sewers on Baldwin Street.
- Provide cross section to show the crossings between the proposed water connections and the existing sanitary sewer and storm sewer on Baldwin Street.

### **Waste Management**

The Town of Whitby provides curbside residential waste collection services to Whitby residents (excluding recycling).

As of July 1st, 2024, the Durham Region's recycling program is managed by Circular Materials, the administrator of the common collection system and national not-for-profit organization that is committed to building an efficient and effective recycling system in Ontario. Visit [Circular Materials](#) for more information.

### **Summary**

The Region has no objections with further processing of the Official Plan and Zoning By-Law Amendments applications. The above comments can be addressed through a future Site Plan Application.

### **TransCanada Pipeline**

On behalf of TransCanada Pipelines Limited (TCPL), we do not have any comments to provide on the noted application.