

Attachment #8
Agency & Stakeholder Detailed Comments
File DEV-34-24 (Z-16-24) – 5515 Garrard Road

Internal Departments

Engineering Services

Engineering Services – Development Division

Please find below Engineering Services' comments on the 1st Submission of the proposed Zoning By-law Amendment for the above noted property. Engineering Services has conducted a preliminary review of the circulated materials outlined below for the purpose of the Zoning By-law Amendment application:

- Phase 1 ESA, dated June 16, 2023, by Pinchin Limited.
- Phase 1 ESA (North Parcel), dated June 27, 2022, by GHD
- Transportation Impact Study, dated October 2024, by Crozier Consulting Engineers.
- Hydrogeological Assessment, dated October 30, 2024, by Pinchin Ltd.
- Plan of Survey, dated October 12, 2023, by Speight, Van Nostrand & Gibson Limited.
- Land Transfer Documents, dated December 29, 2022 & November 19, 2022
- Architectural Drawing Set, dated October 23, 2024, by Ware Malcomb
- Functional Servicing & Stormwater Management Report, dated October 2024, by Crozier Consulting Engineers
- Construction Management Report, undated, unsigned
- Comment Matrix, dated November, by Garrard Investments Inc.
- Planning Justification Report, dated November 1, 2024, by MHBC Planning Limited.

Zoning By-law Amendment

The Subject Land is currently zoned as "Agricultural (A)" under Zoning By-law 1784. The zoning amendment proposes to rezone from Agricultural (A) to Restricted Industrial Zone (M1-X), with site specific provisions to permit a warehouse distribution facility with accessory office. A warehouse distribution facility is not currently permitted under the existing Agricultural (A) Zone within the Town of Whitby Zoning By-law 1784. Therefore, a ZBA Application is required to rezone the Subject Lands from Agricultural to an appropriate Industrial zone.

The Subject Lands are located on the east side of Garrard Road and south of Highway 407/Hydro One corridor and are municipally addressed as 5515 Garrard Road, in the Town of Whitby. The lands are approximately 16.55 hectares (40.90 acres) in size and contain approximately 348 metres of frontage along Garrard Road. The lands are currently occupied by a single detached dwelling, a barn, and an outbuilding. Engineering Services does not object to the proposed Zoning By-law Amendment application.

Informational Comments

It is Engineering Services' understanding that a Site Plan application will be required upon approval of the Zoning By-law Amendment application. Detailed review comments will be provided at the Site Plan application stage.

Financial Services

PARKLAND DEDICATION / CASH-IN-LIEU

In accordance with the Planning Act and the Town of Whitby By-law, parkland dedication or cash-in-lieu ("**CIL**") of is applicable to the 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.

DEVELOPMENT CHARGES

The following pertains to Town of Whitby Development Charges ("**DCs**") 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 DCs and DDSB/DCDSB education development charges, please contact those agencies directly with any questions pertaining to their policies, rates and charges.

DCs will be applicable to the non-residential development and must be paid prior to building permit issuance, unless all conditions of a provision from the Development Charges Act ("**DCA**") permitting alternative payment timing are met.

Calculation of Development Charges

- The 'relevant' application is considered the application for approval in a site plan control area. If there is no site plan control application, the relevant application is the application for an amendment to a by-law. In cases where there are multiple applications, the date of the later application is deemed the relevant application.
- Under Section 26.2 of the DCA, the rate(s) in effect on the date the relevant application is submitted, will be used to determine the applicable development charges. If there is no relevant application, the charges are based on the prevailing rates at the time of building permit issuance.
- If the first building permit is issued more than 18 months after the relevant application was approved, the charges are based on the prevailing rates at the time of permit issuance.
- Interest at Prime +1%, adjusted quarterly, will accrue on the development charges payable from the application date of the relevant application until the date development charges are paid.

Redevelopment Credit

If a building is being demolished to make way for this redevelopment, the applicant has five (5) years from the date that the demolition permit was issued, to obtain a building permit to qualify for a redevelopment credit. The credit will be equivalent to the applicable non-residential Gross Floor Area (GFA) being demolished, the number of residential units by type being demolished, or any combination of non-residential GFA and residential units, that would incur applicable development charges if constructed. For example, the demolition of a gas station canopy would not qualify for a credit, as the development of a gas station canopy does not attract any applicable development charges.

Whitby Fire and Emergency Services

Any comments will be provided at the site plan application stage.

External Agencies

Central Lake Ontario Conservation Authority

Thank you for circulating Central Lake Ontario Conservation Authority (CLOCA) on the above noted first submission. CLOCA staff have reviewed this submission for consistency with the natural hazard policies of the Provincial Planning Statement (PPS) and conformity with Ontario Regulation 41/24 of the Conservation Authorities Act. Other relevant watershed management guidelines and policies will also be included in our review, including those within the Town of Whitby and Region of Durham Official Plans.

The subject lands are partially within the Pringle Creek Watershed and partially within the Oshawa Creek Watershed. The eastern half of this property is regulated through Ontario Regulation 41/24 of the Conservation Authorities Act due to its proximity to a provincially significant wetland.

Based on our review of the circulated materials, we offer the following comments related to the Zoning By-law Amendment application. These comments must be addressed prior to their acceptance:

Zoning By-law Amendment Application

1. CLOCA staff find the submitted Zoning By-law schedule acceptable and have no further comments on the schedule. Please address comments related to the comments appended to this letter.

Environmental Engineering

2. A memo from our Environmental Engineering division related to their review of the submitted Functional Servicing and Stormwater Management Report (Crozier, Oct 2024). Comments found within this memo must be addressed to our satisfaction as part of future Site Plan application.
3. A memo from our Environmental Engineering division related to their review of the submitted Hydrogeological Assessment (Pinchin, Oct 2024). Comments found within this memo must be addressed to our satisfaction as part of future Site Plan application.

Environmental Impact Study

4. A memo from CLOCA technical staff related to their review of the submitted Environmental Impact Study (GHD, 2024) and Landscape Plan (MHBC Planning, 2024). Please address comments found within this memo to our satisfaction as part of future Site Plan application.

CLOCA Plan Review Fees

Appropriate plan review fees should be submitted to CLOCA for our review of any circulated Planning Act applications. Fees should be submitted in accordance with the CLOCA Fee Schedule in effect at the time of the application.

The following plan review fees must be submitted prior to approval of the submitted Planning Act applications:

Zoning By-law Amendment Application (base fee): \$2,185

Region of Durham – Regional Works / Community Growth & Economic Development

The Region of Durham has completed its review of the above-noted proposed application and offers the following comments with regards to Regional servicing, transportation, and transit.

The subject site is located on the east side of Garrard Road and south of Highway 407. The subject site is approximately 17 hectares and is currently occupied by dwelling and outbuildings. The purpose of the proposed Zoning By-law amendment is to rezone the subject site to permit the development of 2 industrial warehouse buildings with a total gross floor area of 48,742m².

A future site plan application will be required for the proposed development.

Bill 23 Proclamation of the Region of Durham

Please be advised effective January 1, 2025, the Region is an Upper tier municipality without planning responsibilities. As such, the comments pertaining to conformity and consistency with the Region of Durham Official Plan and provincial plans and policies and those comments relating to the Region's delegated provincial plan review responsibilities will fall under the purview of the area municipalities.

Regional Servicing

The applicant shall extend the existing sanitary sewers and watermain to the subject site. This work should be coordinated with other developments and Regional capital projects. As these projects move forward, their phasing and staging shall be coordinated to minimize their impact on Thickson Road, Garrard Road, and the MidBlock Arterial Road. These infrastructure projects include the 600 mm dia. feedermain constructed within the Garrard Road right-of-way (R.O.W) as well as the construction of all local services, sanitary sewers, and service connections. The applicants proposed sanitary and water infrastructure projects should also be coordinated with the proposed external road and intersection designs.

Water Supply

Servicing the proposed development is dependent upon the installation of new Zone 3 water pumps at the existing Garrard Road Pumping Station and the extension of the 600 mm dia. feedermain plugged south of the subject site. The servicing of this site will require the northerly extension of this feedermain. Its design and installation will need to be coordinated with all other construction along the Garrard Road R.O.W. in this area. The alignment of local watermain required to service the developable parcels needs to be coordinated with the latest concept plans for the surrounding development parcels.

Sanitary Servicing

There are no sanitary sewers along the frontage of the subject site. Servicing will require the extension of the existing 600 mm dia. Trunk Sanitary Sewer (TSS) from the Thickson Road and Glengowan Street intersection. This TSS will be extended northly to the Mid Block Arterial Road and continue easterly to Garrard Road. A local sanitary sewer shall be extended along Garrard Road to the Mid-Block Arterial Road. Sanitary servicing capacity is allocated at the time of signing a servicing agreement and is available on a first come first served basis. In accordance with the Region of Durham Sewer Use By-Law, we will not permit foundation drains to connect to the sanitary sewer system.

Functional Servicing & Stormwater Management Report

The Functional Servicing & Stormwater Management Report prepared by C.F. Crozier & Associates Inc., dated October 2024 refer to the subject site as one parcel. Include a note that the Region will only permit one sanitary service, one domestic water connection and one fire line.

- Since the subject site is to be developed as a single parcel, the Region will permit one sanitary service, one domestic water connection and one fire line. Please confirm if a 50mm dia. domestic water service is sufficient to service both Building 1 and 2. The applicant shall refer to its mechanical engineer to confirm the size of the domestic water service required.
- The applicant will be required to extend this infrastructure within the Garrard Road R.O.W. to service this proposed development. Plan and profile drawings of the required infrastructure will be required as part of the future engineering/ site plan application stage.

Transportation

Transportation Impact Study

We have reviewed the Transportation Impact Study, (TIS) prepared by C.F. Crozier & Associates Inc., dated October 2024 and offer the following comments:

- It is recommended that Section 12.4 Education/Promotion and Incentives (pg. 50) of the TIS be updated to specify that these materials will be provided by the responsibility of the applicant.
- It is recommended that Section 12.5 Carpool Priority Parking (pg. 50) of the TIS be updated to specify where carpool parking will be located and that these should be located near building entrances to help encourage employees to use sustainable transportation options.

The above comments can be addressed at the time of the review of the future related Site Plan Application.

Transit

We have reviewed the application from a transit perspective

1. Please note that the closest scheduled service route is located approximately 1 kilometre from the subject site.
2. Due to the area road network with dead-end roads, it is unlikely that scheduled service can be extended to the subject site at this time.

Conclusion

The Region's review of the proposed application has identified servicing and transportation concerns. The Region's comments can be addressed as part of the review of the future related Site Plan application.

EXP – Peer Review of Applicant’s Noise Study

1 – Introduction

EXP has been retained to conduct a peer review of the Compatibility/Mitigation Study – Noise (Study) prepared by SLR Consulting (Canada) Ltd. and dated November 13, 2024. The Study is associated with a Zoning By-law Amendment (ZBA) application for a proposed warehouse distribution facility.

The purpose of this peer review is to examine and critique the engineering methodology used to reach the conclusion included in the Study. Independent verification of various calculations and analysis used in the report is beyond the scope of this work. Our comments of the peer review are presented below.

2 – Peer Review Comments

The Study has been reviewed for method, completeness and accuracy of the findings in the Study. Our comments are outlined as follows:

1.1 Applicable Environmental Noise Guidelines

1. EXP agrees with the application of NPC-300 and the general sound level limits for non-impulsive sources and impulsive sources. However, we do not agree that the noise receptors are considered to be in Class 1 Area. It is our opinion that the noise receptors are in Class 2 Area. The difference in exclusionary sound level limit between Class 1 Area and Class 2 Area is the outdoor point of reception in evening.
2. The specific sound level limits calculated based on traffic volume data are listed in Table 7 and are discussed in Section 2.3 below. EXP recommend comparing the calculated ambient sound levels with Class 2 Area exclusionary sound level limits.

1.2 Points of Reception

1. The addresses of POR2 and POR3 are the same in Table 5. The address of of POR3 should be 5305 Garrard Road.

1.3 Ambient Sound Levels and Applicable Guideline Limits

1. EXP generally agree with the traffic volume data in Table 6.
2. The applicable sound level limits are listed in Table 7, which indicates that most of the noise receptors have higher ambient sound levels than the exclusionary limits. However, EXP does not agree with the calculated ambient sound levels. We used STAMSON v5.04 and Cadna/A to verify the ambient sound level at selected critical noise receptors and obtained lower ambient sound levels. Note that Conlin Road, Thickson Road and Highway 407 are more than 500 m from the points of reception and separated with absorptive ground.

1.4 Stationary Source Assessment

1. The sound power level of tractor trailer coupling/uncoupling in the Sound Power Levels Table in Appendix C, based on SLR measurements from another site, is 120.1 dBA. EXP finds the sound power level reasonable. However, the impulsive sound power level in

the Line Sources Table in Appendix C is 105 dBA. No explanation or rationale is provided for the 15 dB reduction. Please provide explanation for the 15 dB reduction for the sound power level of impulsive noise.

2. Impulsive noise has been modeled as a line source along the façades of the buildings. However, impulsive noise may occur at the joint between the warehouse and the trailer as well as inside the trailers. It is EXP's opinion that modeling impulsive noise as an area source can better represent the characteristic of loading/unloading noise.
3. The sound level at POR1 would be higher without the 15 dB reduction and require additional noise control measures. In addition, the sound levels at some of the points of reception may exceed the sound level limits.

3 – Conclusion

EXP agrees with the methodology and approach in the Compatibility/Mitigation Study – Noise prepared by SLR in general. However, verification is required for ambient sound level calculations and impulsive noise calculations. Changes to the results will affect the noise control recommendations.