

PDP 29-25

Attachment #8
Agency & Stakeholder Detailed Comments
File DEV-35-24 (Z-17-24)

Whitby Engineering Services

It is Engineering Services' understanding that Land Division and Building Permit applications will be required upon approval of the Zoning By-law Amendment application. Detailed review comments will be provided at the Land Division and Building Permit application stages.

The following items are informational and can be addressed through the future Land Division and Building Permit application process:

1. Provide a Topographic Survey.
2. Submit a Draft R-Plan for review and approval as part of the Land Division application.
3. Site Grading/Servicing Plans will be required for review and approval including any erosion and sediment controls as required. Please refer to Section D5.00 of the Town's Design Criteria and Engineering Standards for more information.
4. Drainage shall be contained within the property and shall not impact adjacent neighbours. Detailed grading including cross-sections along the south property boundary will be required to insure no negative impact on adjacent lands.
5. Provide an acceptable Stormwater Management Brief for Engineering Services review and approval. The Brief shall demonstrate the feasibility of the proposal, calculate the additional flows from the increased lot coverage, and show how the additional flows will be accommodated. In-situ percolation test results are to be included within the brief or separate geotechnical report, supporting any infiltration measures.
6. A Construction Management Report shall be provided for review and acceptance. See attached guidelines for more information.
7. The Consulting Engineer or Qualified Professional 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 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 the horizontal and vertical location. The Consulting Engineer or Qualified Professional agrees that any as-built information provided by the Town is for informational purposes only. Items to be confirmed in the field by the consulting engineer shall include, but not be limited to:

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- a. Sewer slopes, inverts, depths, and diameter
 - b. Utility depths and location
 - c. Location of catchbasin leads
 - d. Watermain and fire hydrant, depth, and locations
 - e. Hydro pole guy wires
8. Rename “Proposed Site Triangle Road Widening” to “Storm Sewer Easement”.
9. Confirm the storm easement triangle to be of adequate size based on the comment above.
10. Sump pump discharge is to be to grade via splash pad. Provide a detail on the servicing plan.
11. Relocate the proposed rear yard swale currently shown through the proposed lots onto the curling club property to ensure external drainage does not adversely affect future properties.
12. Revise the rear yard swale noted at 1.5% to be at 2.0% minimum in accordance with Town Standards.
13. Revise the proposed driveway configuration for Lot 2 to allow for minimum 1.0m separation between the edge of driveway and the existing double catchbasin.

Whitby 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 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.

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DCs will be applicable to the 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.

Affordable, Attainable and Non-Profit Housing

- If this development includes affordable, attainable or non-profit housing units (as defined in Sections 4.1 and 4.2 of the Development Charges Act (“DCA”), those units are eligible for DC exemptions.

Whitby Fire and Emergency Services

Whitby Fire and Emergency Services confirmed that they had no comment on the application.

Whitby Planning Services

Official Plan Review

The Official Plan requires that new development be compatible with the scale of the existing built form, and that new development is compatible with existing surrounding well-established neighbourhoods.

Zoning By-law Review

Private Garage Dimensions

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Private garages serving two cars are required to be a minimum width of 5.5 m and a minimum depth of 6.2 m, measured from foundation wall to foundation wall. Please be aware that both preliminary models provided do not meet minimum private garage dimensions.

Additional Dwelling Unit Option

Ensure that the additional dwelling unit option shows access through a common entrance or separate entrance. An additional dwelling unit accessed through the principal dwelling unit will not comply with the zoning by-law. An additional dwelling unit is not permitted to be accessed through the private garage.

Common Wall

The draft by-law submitted includes a table note for common wall. Please be aware that regulations for common wall will not be carried forward in the zoning by-law amendment, as the proposal is for single detached dwellings only.

Delegated Responsibilities

Please be aware that the Town of Whitby has taken over provincially delegated responsibilities from the Region of Durham as of January 1, 2025.

Soil and Groundwater Assessment

A Phase 1 Environmental Site Assessment (ESA) was completed by Cambium Inc. A Phase 2 Environmental Site Assessment (ESA) was recommended due to a change in use to a more sensitive use and due to nearby potentially contaminating activities. The Phase 2 Environmental Site Assessment (ESA) was completed by Cambium Inc, and involved an investigation of contaminants of potential concerns from the identified potentially contaminating activities through groundwater monitoring wells. The Phase 2 ESA found that concentrations of all contaminants of potential concern analyzed were found to meet site condition standards, and a record of site condition was recommended to be filed.

Completion of the “*Reliance letter*” and “*Certificate of Insurance*” will be required by the environmental consultant to extend reliance to the Town of Whitby for the environmental work.

Noise

An Environmental Noise Assessment was completed by YCA Engineering Inc. The Environmental Noise Assessment investigated stationary noise sources and traffic noise sources from Brock Street North and the CPKC Railway. Mechanical equipment used by the Whitby Curling Club in proximity to the proposed dwellings was found to be a stationary noise source requiring mitigation. Mandatory air conditioning units and upgraded windows and exterior walls will be required, as recommended in the

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Environmental Noise Assessment. Recommended warning clauses will be implemented by the Town of Whitby as a development agreement condition, and they shall be included in any Offers of Purchase and Sale or Lease.

The Noise Study recommended a 3.8 m tall acoustic fence to enclose the mechanical equipment used by the Whitby Curling Club outside of the subject land. The noise mitigation fence is to be installed in accordance with the Environmental Noise Assessment recommendations as part of the development agreement.

Development Standards

No issues were identified on this submission in relation to other development standards. Development standards will be further assessed when more information on the proposal is available and assessed under a forthcoming development agreement.

Other

- Four (4) Land Division applications will be required, to create five (5) lots containing the proposed single detached dwellings. A draft reference plan will be required for the applications.
- A development agreement is required to secure the approvals and any financials.
- In house architectural control review and approval of the sitings and models will be subject to a review fee.

Durham District School Board

Staff reviewed the submitted application and had no objection under the mandate of DDSB.

CPKC Railway

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

Thank you for the recent notice respecting the captioned development proposal in the vicinity of CPKC. The safety and welfare of residents can be adversely affected by rail operations and CPKC is not in favour of residential uses that are not compatible with rail operations. CPKC freight trains operate 24/7 and schedules/volumes are subject to change. CPKC's approach to development in the vicinity of rail operations is encapsulated by the recommended guidelines developed through collaboration between the Railway Association of Canada and the Federation of Canadian Municipalities. The 2013 Proximity Guidelines can be found at the following website address:
<https://www.proximityinitiative.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

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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 and 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.”

Should the captioned development proposal receive approval, CPKC respectfully requests that the recommended guidelines be followed.

Region of Durham

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

The subject lands are approximately 0.80 hectares and are currently occupied by the Whitby Curling Club. The eastern portion of the lands fronting onto Bradley Drive, which is proposed for development is approximately 0.53 hectares. Subject to the approval of this Zoning By-law Amendment, the applicant is proposing to sever the eastern portion of the subject property to create five (5) residential lots to facilitate the development of five single-detached dwellings with the option for Accessory Apartments. The existing function of the Whitby Curling Club will not change.

The proposed Zoning By-law amendment is required to change the existing zoning for the eastern portion of the subject property to permit single-detached dwellings. Accessory apartments are permitted with single-detached dwellings.

Bill 23 Proclamation

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

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and those comments relating to the Region's delegated provincial plan review responsibilities will fall under the purview of the area municipalities.

The Town of Whitby should be satisfied that the applicant has addressed the applicable matters of Provincial interests including site contamination and noise for the proposed development, and the proposed development is consistent with the Provincial Planning Statement, 2024.

Regional Servicing

Our Water and Sewer-Use-By-Law permit only one set of connections for each parcel of land. The proposed 5 lots are to be severed prior to the installation of the new connections and to obtain connection permits.

Water Supply

The subject property is located within the Zone 1 water pressure district of the water supply system for Whitby. The estimated static water pressure exceeds the maximum allowance of 550 kPa (80 psi); therefore, private pressure reducing valves will be required. Water servicing for the proposed development is available from the existing 300 mm DI watermain on Bradley Drive.

Sanitary Sewer Servicing

The Region does not expect that the increased sanitary drainage from the proposed development would negatively impact the capacity of the downstream sanitary sewers. Sanitary sewer servicing for the proposed development is available for the existing 400 mm AC sanitary sewer on Bradley Drive.

Please note that water and sanitary sewer capacity will not be allocated until a Development Agreement has been executed.

Site Servicing Plan (SS-1)

We have reviewed the Site Servicing Plan (SS-1) and offer the following comments.

1. Please include the Underside Footing Foundation (USF), Finished Floor Elevation (FFE) and sanitary lateral invert elevations to ensure the sanitary connections elevations are acceptable.
2. Please include the size and pipe material for the proposed water connections, and the grade, size, and pipe material for the proposed sanitary sewer connections.
3. Reference all proposed water and sanitary sewer connections to the Region's standards.

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4. Provide a Plan and Profile drawing along Bradley Drive to include the existing watermain, storm and sanitary sewers, as well as the proposed sanitary sewer laterals at the locations that cross the storm sewer.
5. Confirm the sanitary sewer connection location for the existing building and show it on this drawing.

Other comments

1. A Regional Agreement may be required for the installations of the water and sanitary sewer connections.
2. Frontage charges may be applicable and will be determined later. The Region's servicing comments can be addressed as part of the review of the related future planning/engineering applications.

Transportation and Transit

The Region has reviewed the proposed application from a transportation and transit perspective and have no comments.

Conclusion

In our review of the proposed zoning by-law amendment, we have identified servicing issues that need to be resolved. The Region's comments can be addressed through the review of the related future planning/engineering applications.