



## Committee of the Whole Revised Agenda

Monday, September 18, 2023, 7:00 p.m.

Council Chambers

Whitby Town Hall

This meeting will be available for viewing through the Town's **live stream feed** while the meeting is in progress. Please visit [whitby.ca/CouncilCalendar](http://whitby.ca/CouncilCalendar) for more information about the live stream and archived videos.

This meeting will be held in a hybrid in-person and virtual format. In accordance with Section 7 of Procedure By-law # 7462-18, Members of Council may choose to attend in-person or participate virtually.

Should you wish to provide comments regarding a matter being considered below, please submit written correspondence and/or a Delegation Request Form.

- **To submit written correspondence**, please email your correspondence to the Office of the Town Clerk at [clerk@whitby.ca](mailto:clerk@whitby.ca) by noon on the day of the meeting. Correspondence must include your full name, address, and the item on the agenda that your correspondence is related to.
- **To speak during the Committee meeting either in-person or virtually**, please submit a Delegation Request Form online to the Office of the Town Clerk by 10 a.m. on the day of the meeting. Should you be unable to access a computer, please call 905.430.4315 to speak with a Staff Member in the Office of the Town Clerk.

A Revised Agenda may be published on a later date. Late items added or a change to an item will appear with an asterisk beside them.

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1. **Call To Order: The Mayor**
  2. **Call of the Roll: The Clerk**
  3. **Declarations of Conflict of Interest**
  4. **Consent Agenda**
  5. **Planning and Development**
    - 5.1 Presentations
    - 5.2 Delegations

- \*5.2.1 Zach Roher representing Sixfive (VICDEV) Inc. (Virtual Attendance)  
Re: PDP 36-23, Planning and Development (Planning Services) Department Report  
Draft Plan of Condominium Application, Sixfive (VICDEV) Inc., 1450 Victoria Street East, File Number: DEV-11-23 (CW-2023-04)

**Refer to Item 5.4.1, PDP 36-23**

- \*5.2.2 David Milano representing Bousfields Inc., and Colin McLachlan representing Mansouri Group (In-Person Attendance)  
Re: PDP 37-23, Planning and Development (Planning Services) Department Report  
Official Plan Amendment, Draft Plan of Subdivision, and Zoning By-law Amendment Applications, 1351637 Ontario Limited (Mansouri Group), 4400 & 4440 Garden Street, File Number: DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

**Refer to Item 5.4.2, PDP 37-23**

5.3 Correspondence

5.4 Staff Reports

- 5.4.1 PDP 36-23, Planning and Development (Planning Services) Department Report  
Re: Draft Plan of Condominium Application, Sixfive (VICDEV) Inc., 1450 Victoria Street East, File Number: DEV-11-23 (CW-2023-04)

Recommendation:

1. That Council approve the Draft Plan of Condominium (File Number: CW-2023- 04) subject to the comments included in Planning Report PDP 36-23 and the Conditions of Approval, included in Attachment #4;
  2. That the Mayor and Clerk be authorized to execute the Condominium Agreement and any other necessary documents; and,
  3. That the Clerk advise the Commissioner of Planning and Economic Development at the Region of Durham, of Council's decision.
- 5.4.2 PDP 37-23, Planning and Development (Planning Services) Department Report  
Re: Official Plan Amendment, Draft Plan of Subdivision, and Zoning By-law Amendment Applications, 1351637 Ontario Limited (Mansouri Group), 4400 & 4440 Garden Street, File Number: DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

Recommendation:

1. That Council approve Official Plan Amendment Number 132 to the Whitby Official Plan (OPA-2022-W/02), as shown on Attachment #7, and that a By-law to adopt Official Plan Amendment Number 132 be brought forward for consideration by Council;
2. That the Clerk forward a copy of the Planning Report PDP 37-23, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Amendment Number 132 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development;
3. That Council approve the Draft Plan of Subdivision (File No. SW-2022-03), subject to the comments included in Planning Report PDP 37-23 and the conditions of draft plan approval included in Attachment #10;
4. That Staff be authorized to prepare a Subdivision Agreement;
5. That the Clerk forward a Notice to those parties and agencies who requested to be notified of Council's decision, including the Region of Durham's Commissioner of Planning and Economic Development;
6. That Council approve the amendment to Zoning By-law # 1784, (File No. Z-13-22), as outlined in Planning Report No. PDP 37-23; and,
7. That a by-law to amend Zoning By-law # 1784 be brought forward for consideration by Council.

5.4.3 PDP 38-23, Planning and Development (Planning Services) Department Report

Re: Town-Initiated Official Plan Review: Terms of Reference

Recommendation:

1. That staff be authorized to commence the review and update of the Town of Whitby Official Plan, in accordance with the requirements of the Ontario Planning Act;
2. That staff be authorized to finalize the draft Terms of Reference and issue a Request for Proposal to retain the necessary consultant(s) to undertake the review and update of the Town of Whitby Official Plan, in accordance with the Town of Whitby Procurement Policy; and,
3. That staff be authorized to initiate the project once consultants are retained and report back to Council on key project milestones.

5.5 New and Unfinished Business - Planning and Development

5.5.1 New and Unfinished Business - Planning and Development

**6. General Government**

6.1 Presentations

- \*6.1.1 Francesco Santaguida, Commissioner of Legal & Enforcement Services/Town Solicitor, and Andre Gratton, Manager of Enforcement Services  
Re: LS 04-23, Legal and Enforcement Services Department and Community Services Department Joint Report  
Review of Animal Sheltering Options for the Town of Whitby

**Refer to Item 6.4.1, LS 04-23**

6.2 Delegations

- \*6.2.1 Jennifer Bluhm, Humane Society of Durham Region (Virtual Attendance)  
Re: Legal and Enforcement Services Department and Community Services Department Joint Report  
Review of Animal Sheltering Options for the Town of Whitby

**Refer to Item 6.4.1, LS 04-23**

6.3 Correspondence

6.4 Staff Reports

- \*6.4.1 LS 04-23, Legal and Enforcement Services Department and Community Services Department Joint Report  
Re: Review of Animal Sheltering Options for the Town of Whitby

**See also Memorandum from F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor, dated September 15, 2023 regarding Update to LS 04-23 - Review of Animal Sheltering Options for the Town of Whitby**



Recommendation:

1. That Report LS 04-23 be received for information;
2. That staff be directed to proceed with the detailed design for Option 1B for the new Animal Services Centre and Enforcement Services Facility at McKinney Road and Broadleaf Avenue;
3. That a new capital project, in the amount of \$1,300,000, be established for the Design, Contract Management, and Project Management of the joint Animal Shelter/Enforcement Services facility (Option 1B) funded from the Asset Management Reserve;
4. That staff be authorized to negotiate with McCallum Sather Associates and award a single source contract, subject to budget, for the detailed design and contract management work for this project;
5. That staff be directed to report to Council for capital budget approval, following finalization of design, prior to tendering the work;
6. That staff investigate the sale of 4680 Thickson Road North to offset the cost of a new Animal Services Centre in accordance with Confidential Memorandum LS 04-23; and,
7. That staff will continue to make improvements to the operations of the Animal Services section to improve efficiencies, improve animal care and conditions, increase revenue, and reduce operational impacts.

6.4.2 CAO 25-23, Office of the Chief Administrative Officer Report  
Re: Canadian Tire Whitby Naming Rights Sponsorship of Arena 1 at McKinney Centre

Recommendation:

That Council approve entering into a three (3) year sponsorship agreement effective November 1, 2023, with Canadian Tire for a Naming Rights Sponsorship at McKinney Centre, including renaming Arena 1 to "Canadian Tire Whitby Arena 1", based on the sponsorship package and other terms and conditions identified in Report CAO 25-23.

6.5 New and Unfinished Business - General Government

6.5.1 New and Unfinished Business - General Government

**\*6.5.2 Members of Council - Attendance at Business Openings**

Recommendation:

Moved by Councillor Bozinovski

That the Clerk be directed to develop a Standard Operating Procedure that would create a process to have the Mayor and Councillors' Office invite all Members of Council to every business opening where the presence of Members of Council is requested.

**\*6.5.3 Council Education and Training Program**

Recommendation:

Moved by Councillor Leahy

Whereas the Council Education and Training Program should become a permanent program for all Members of Council wishing to avail themselves to such services, advice, and training;

Now Therefore be it Resolved:

1. That Staff be authorized to draw up-to \$40,000 from the Town's contingency reserve fund, if required, to fund the program for fiscal year 2023;
2. That \$40,000 be incorporated in the Town's base 2024 operating budget as a "prior year [Council] decision" item for ongoing funding of the Council Education and Training Program; and,
3. That Members of Council may access resources as part of this program provided the vendor's services are made available to all Members of Council, Staff have completed the administrative processes to retain their services, and there is remaining budget in the program.

**7. Closed Session**

In accordance with Procedural By-law #7462-18, Closed Meeting Policy G 040, and the Municipal Act, 2001, Section 239 (2)(b) personal matters about an identifiable individual, including municipal or local board employees, and (c) a proposed or pending acquisition or disposition of land by the municipality or local board, parts of this meeting may be closed to the public.

This portion of the agenda is closed to the public. [Refer to the Closed Agenda - Town Clerk has control and custody.]

Recommendation:

That Council move in-camera in accordance with Procedure By-law # 7462-18, Closed Meeting Policy G 040, and the Municipal Act, 2001, Section 239 (2)(b) personal matters about an identifiable individual, including municipal or local board employees, and (c) a proposed or pending acquisition or disposition of land by the municipality or local board.

7.1 CAO 22-23, Confidential Office of the Chief Administrative Officer Report  
Re: 580 Water Street Update

\*7.2 Confidential Memorandum to Council from C. Harris, Town Clerk, dated September 5, 2023 regarding Recommendation for Appointments to the Active Transportation and Safe Roads Advisory Committee

**8. Rising and Reporting**

**9. Adjournment**

Recommendation:

That the meeting adjourn.

# Town of Whitby

## Staff Report

[whitby.ca/CouncilCalendar](http://whitby.ca/CouncilCalendar)

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**Report Title: DEV-11-23: Draft Plan of Condominium Application  
CW-2023-04, Sixfive (VICDEV) Inc., 1450 Victoria Street East**

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**Report to:** Committee of the Whole

**Date of meeting:** September 18, 2023

**Report Number:** PDP 36-23

**Department(s) Responsible:**

Planning and Development Department  
(Planning Services)

**Submitted by:**

R. Saunders, Commissioner of Planning  
and Development

<b>Acknowledged by M. Gaskell, Chief Administrative Officer</b>
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**For additional information, contact:**

C. Roberton, Planner I, x. 1936

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### 1. Recommendation:

1. That Council approve the Draft Plan of Condominium (File No. CW-2023-04) subject to the comments included in Planning Report PDP 36-23 and the Conditions of Approval, included in Attachment #4;
2. That the Mayor and Clerk be authorized to execute the Condominium Agreement and any other necessary documents; and,
3. That the Clerk advise the Commissioner of Planning and Economic Development at the Region of Durham, of Council's decision.

### 2. Highlights:

- A Site Plan (SP-22-19) phase 2 was approved for the development on April 13, 2021.
- The intent of the Draft Plan of Condominium application (CW-2023-04) is to facilitate the transfer of title from the Subdivider (Sixfive (VICDEV) Inc.) to the future condominium purchasers and to have the future condominium corporation assume responsibility of administering the conditions of site plan approval.

### **3. Background:**

#### **3.1 Site and Area**

The subject land is municipally known as 1450 Victoria Street East (refer to Attachments #1 and #2). The subject land is approximately 4.3 hectares (10.6 acres) in size.

Surrounding land uses include:

- vacant land to the west;
- commercial uses to the north;
- vacant land and storage facilities to the east; and,
- industrial uses to the west (refer to Attachment #2)

#### **3.2 Application and Development Proposal**

A Site Plan Application (SP-22-19) phase 2 for the development of two multi-tenant industrial buildings was approved by the Commissioner of Planning and Development on April 13, 2021. The intent of the Draft Plan of Condominium application (CW-2023-04) is to facilitate the transfer of title from the Subdivider (Sixfive (Vicdev) Inc.) to the future condominium purchasers and to have the future condominium corporation assume responsibility of administering the conditions of site plan approval (refer to attachment #3).

### **4. Discussion:**

#### **4.1 Planning Conformity**

The subject land has previously been considered through a number of planning applications, specifically a Site Plan Application (SP-22-19) phase 2 and Minor Variance Applications (A-29-20 & A-10-22). These applications have been circulated to the appropriate departments and agencies and all comments and concerns have since been addressed.

The proposed development conforms to the Region of Durham Official Plan, the Town of Whitby Official Plan and Zoning By-law # 1784, as amended.

Therefore, it is recommended that the proposed Draft Plan of Condominium be approved, subject to the comments included in this report and the Conditions of Draft Plan of Condominium Approval included in Attachment #4.

### **5. Financial Considerations:**

Not applicable.

### **6. Communication and Public Engagement:**

Not applicable.

## 7. Input from Departments/Sources:

### Durham Region Planning

The proposed industrial condominium supports efficient use of vacant employment lands and promotes employment opportunities to support a strong and diversified economy. The proposed application conforms with the Growth Plan.

We have reviewed the application for delegated Provincial Plan Review responsibilities and acknowledge the subject site is currently under construction in accordance with an approved site plan and building permit. However, soil and groundwater assessment would need to be addressed for the site. Soil and Groundwater Assessment will require the applicant to address potential site contamination concerns at the subject site.

A Qualified Person (QP) must complete the Region's "Site-Screening Questionnaire" for the subject site to assess if the property contains any potentially contaminating activity. Alternatively, the applicant can submit a Record of Site Condition Compliant "Phase One Environmental Site" of the subject site for our review. The QP who prepares the ESA Report(s) must complete the Region's "Reliance Letter" and "Certificate of Insurance" forms.

The Region had previously approved the proposed condominium development through the applicant's related Site Plan Application SP-22-19 phase 2.

The proposed condominium application supports employment opportunities and diversifies the Region's economic base. The proposed development generally conforms with the current ROP and the newly adopted ROP.

The Region has no objection to the draft approval of this condominium application subject to the inclusion of our request conditions of approval.

The Proponent must also provide a land use table prepared by an Ontario Land Surveyor to the Region's satisfaction. The land use table must provide lot area calculations for the proposed land use(s) allocated within the draft plan of condominium.

In addition to providing the Region with copies of the draft approved plan and conditions of approval, at such a time as the draft approval is in effect, we would appreciate if digital copies (both PDF and Word documents) of the Town's conditions of draft approval could be provided.

**8. Strategic Priorities:**

The development of industrial buildings contributes to meeting the priorities of the Community Strategic Plan, specifically Action Item 3.1.2 under the third Pillar: Whitby's Economy.

This report is in a fully accessible format, which addresses the Town's strategic priority of accessibility. The application has been circulated to the Accessibility Advisory Committee for review and comment to ensure all accessibility requirements are met.

**9. Attachments:**

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

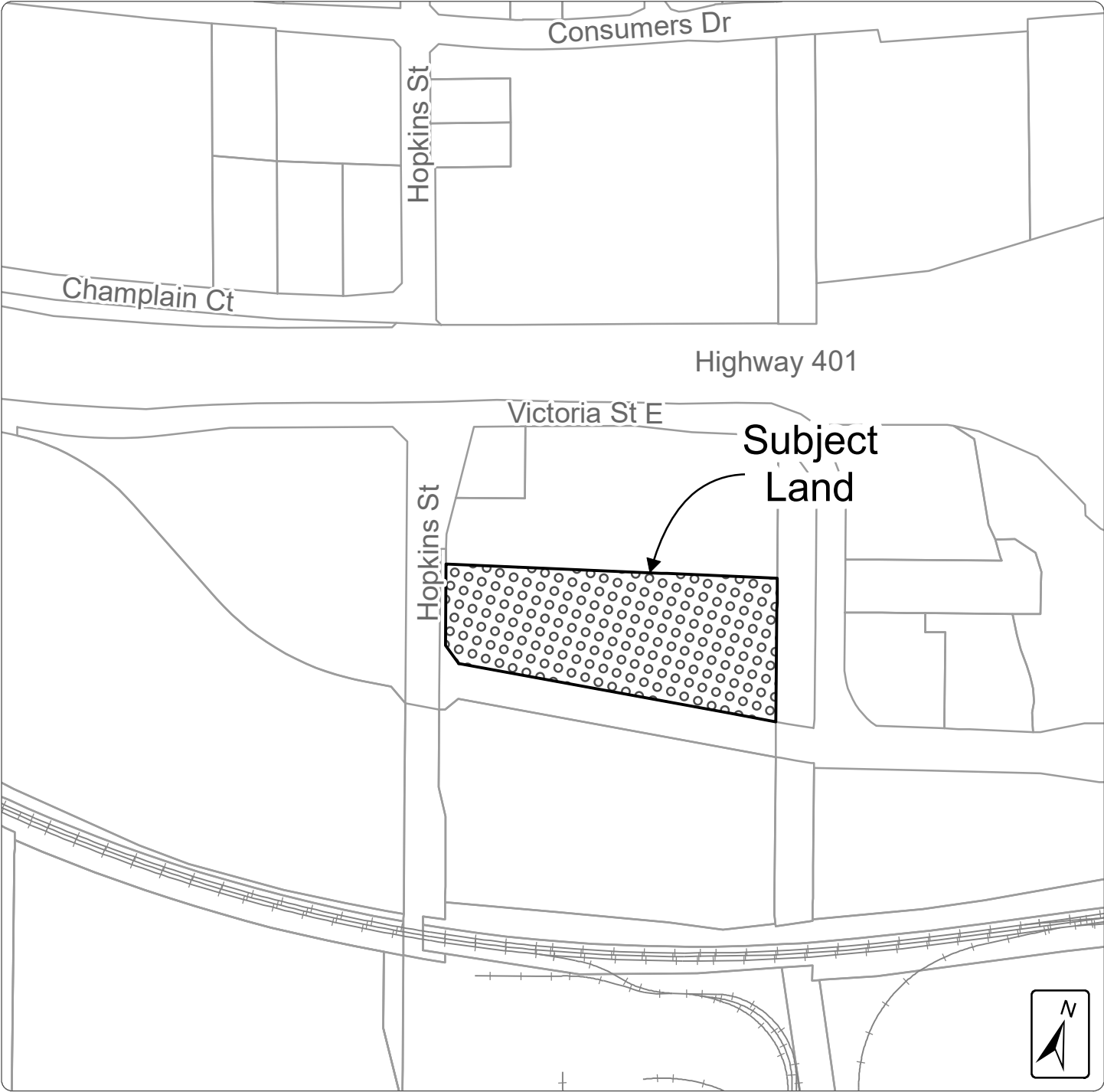
Attachment #3: Proponent's Proposed Standard Condominium Plan

Attachment #4: Conditions of Draft Plan of Condominium Approval

Attachment #5: Agency & Stakeholder Detailed Comments

Attachment #1  
Location Sketch

PDP 36-23



Town of Whitby Planning and Development Department

Proponent:  
**SIXFIVE (VICDEV) INC.**

File Number:  
**DEV-11-23 (CW-2023-04)**

Date:  
**September 2023**

External Data Sources:  
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# Attachment #2 Aerial Context Map

PDP 36-23



## Town of Whitby Planning and Development Department

Proponent:  
**SIXFIVE (VICDEV) INC.**

File Number:  
**DEV-11-23 (CW-2023-04)**

Date:  
**September 2023**

External Data Sources:  
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PDP 36-23

**Attachment #4**  
**Draft Plan of Condominium Conditions**  
**File CW-2023-04**

1. The Proponent shall prepare the final plan and shall include a land use table on the basis of the approved draft plan of condominium, prepared by Schaeffer Dzaldov Purcell Ltd., identified as Job No.:22-062-05, date plotted May 10, 2023, which illustrates two blocks for 15 industrial condominium units.
2. The Proponent shall submit Environmental Site Assessment documents to address potential site contamination for the subject site in accordance with the Region of Durham's Soil and Groundwater Assessment Protocol.
3. The proponent shall provide the Town with the fees and legal costs incurred for the preparation and registration of the Condominium Agreement including the Release Fee in the amount of \$3,661.43.
4. The proponent covenants and agrees to implement the provisions of Site Plan Agreement (SP-22-19) phase 2 and to confirm the same through the Condominium Agreement.
5. Prior to final approval, the proponent shall provide the Commissioner of Planning and Development for the Town of Whitby with a copy of the Condominium Corporation documents, demonstrating that all relevant Site Plan conditions of approval have been included in said documents. This shall include all clauses in all offers of purchase and sale or lease and registered upon the title of the dwellings within the block, to advise potential purchasers of the following:
  - a. The proponent covenants and agrees to implement the provisions of the Site Plan Agreement (SP-22-19) phase 2 and to confirm the same through the Condominium Agreement;
  - b. The maintenance of all common elements such as, but not limited to, the internal roads, water meter room, hydro transformer, internal sidewalks, lighting, fencing, landscaping, driveway, and visitor parking area;
  - c. The collection and disposal of residual garbage, recycling, yard waste and organic materials shall be the responsibility of the Condominium Corporation;
  - d. The allocation of visitor/accessible parking spaces of the condominium are to be owned and maintained by the Condominium Corporation, shall contain a clause in the condominium documents clearly specifying that the visitor/accessible parking spaces shall be properly signed and be solely for the use of visitors to the proposed condominium;
  - e. Any changes or alterations to the building elevations, roof shingles, colours or materials require the approval of the condominium board;
6. Prior to final approval of the plan of condominium, the Commissioner of Planning and Development for the Town of Whitby shall be advised in writing by:
  - a. The Regional Municipality of Durham how conditions 1 & 2 have been satisfied.

PDP 36-23

**Attachment #5**  
**Agency & Stakeholder Detailed Comments**  
**File CW-2023-04**

## **External Agencies**

### **Region of Durham**

We have completed our review of the above-noted application and offer the following comments regarding conformity with the Regional Official Plan and Provincial Plans and Policies, the Region's delegated Provincial Plan Review responsibilities, and Regional servicing.

The subject site is located on the east side of Hopkins Street, south of Victoria Street East and Highway 401. The site is approximately 4.3 hectares and is currently vacant.

The proposed Standard Plan of Condominium would permit 2 blocks for the development of 15 industrial condominium units. Access to the site is proposed from the Victoria Street East realignment.

The intent of the Standard Condominium Application is to enable the transfer of title to the future industrial unit owners and create a Condominium Corporation for the Standard Condominium and to require the Condominium Corporation to adhere to the conditions of site plan approval (SP-22-19) phase 2.

### **Regional Official Plan Conformity**

The subject site is designated as "Employment Areas" in the Regional Official Plan (ROP). The permitted uses within the Employment Areas designation may include manufacturing, assembly and processing of goods, service industries, research and development facilities, warehousing, offices and business parks, hotels, storage of goods and materials, freight transfer and transportation facilities.

Victoria Street East is designated as a "Regional Corridor" in the ROP. Development proposals along Regional Corridors should be transit-supportive and promote compact built form.

This section of Victoria Street is proposed to be realigned, as shown on Schedule 'C'-Map 'C2' - Road Network in the ROP. Access to the site is proposed from the Victoria Street realignment which is targeted to be tendered for construction next year. The alignment in the proposed condominium plan appears to reflect the right-of-way established through the Class Environmental Assessment Study.

### **Region of Durham Adopted Official Plan**

On May 17, 2023, Regional Council adopted the new Region of Durham Official Plan. The newly adopted ROP is currently with the Ministry of Municipal Affairs and Housing for approval.

We have reviewed the proposed development for conformity with the newly adopted ROP.

The subject site is designated as “Employment Areas” in the newly adopted ROP. Plan Employment Areas are locations for primary employment generating uses such as manufacturing, assembly, processing, generation, freight and transportation, warehousing, storage, major facilities, and similar uses that require access to highway, rail, shipping facilities and/ or separation from sensitive land uses.

Victoria Street East is designated as a “Regional Corridor” in the newly adopted ROP. We encourage developments that support compact built form, intensification, and are transit-supportive to be located along Regional Corridors.

### **Conclusion**

The proposed industrial condominium supports employment opportunities and diversifies the Region’s economic base. The proposal supports employment development of underutilized vacant employment lands and increases job opportunities in Durham Region. The proposal supports employment growth, and generally conforms with the policies of current ROP and the newly adopted ROP.

### **Provincial Policy Statement**

The Provincial Policy Statement (PPS) supports an appropriate mix of employment uses to meet current and future needs of the residents of Durham Region. The PPS also supports protecting employment lands for employment uses and to ensure that the necessary infrastructure is provided. The proposed industrial condominium supports economic growth within Durham Region and efficiently uses available infrastructure. The proposed application is consistent with the PPS.

### **Growth Plan**

The Growth Plan promotes employment development by making more efficient use of existing employment areas and vacant and underutilized employment lands. The proposed industrial condominium supports efficient use of vacant employment lands and promotes employment opportunities to support a strong and diversified economy. The proposed application conforms with the Growth Plan.

### **Provincial Plan Review Responsibilities**

We have reviewed the application for delegated Provincial Plan Review responsibilities and acknowledge the subject site is currently under construction in accordance with an approved site plan and building permit. However, soil and groundwater assessment would need to be addressed for the site.

### **Soil and Groundwater Assessment**

We will require the applicant to address potential site contamination concerns at the subject site.

A Qualified Person (QP) must complete the Region’s “Site-Screening Questionnaire” for the subject site to assess if the property contains any potentially contaminating activity. Alternatively, the applicant can submit a Record of Site Condition Compliant “Phase One Environmental Site” of the subject site for our review.

The QP who prepares the ESA Report(s) must complete the Region's "Reliance Letter" and "Certificate of Insurance" forms.

### **Regional Servicing**

The Region had previously approved the proposed condominium development through the applicant's related Site Plan Application SP-22-19 phase 2.

### **Conclusion**

The proposed condominium application supports employment opportunities and diversifies the Region's economic base. The proposed development generally conforms with the current ROP and the newly adopted ROP.

Based on the foregoing, the Region has no objection to the draft approval of this condominium application subject to the inclusion of our request conditions of approval. The attached conditions of draft approval must be complied with prior to clearance by the Region for registration of this plan.

The Proponent must also provide a land use table prepared by an Ontario Land Surveyor to the Region's satisfaction. The land use table must provide lot area calculations for the proposed land use(s) allocated within the draft plan of condominium.

In addition to providing the Region with copies of the draft approved plan and conditions of approval, at such a time as the draft approval is in effect, we would appreciate if digital copies (both PDF and Word documents) of the Town's conditions of draft approval could be provided.

# Town of Whitby

## Staff Report

[whitby.ca/CouncilCalendar](http://whitby.ca/CouncilCalendar)



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**Report Title: DEV-17-22: Official Plan Amendment Application OPA-2022-W/02, Draft Plan of Subdivision Application SW-2022-03, Zoning By-law Amendment Application Z-13-22, 1351637 Ontario Limited (Mansouri Group), 4400 & 4440 Garden Street**

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**Report to:** Committee of the Whole

**Date of meeting:** September 18, 2023

**Report Number:** PDP 37-23

**Department(s) Responsible:**

Planning and Development Department  
(Planning Services)

**Submitted by:**

R. Saunders, Commissioner of Planning  
and Development

<b>Acknowledged by M. Gaskell, Chief Administrative Officer</b>
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**For additional information, contact:**

D. Coore, Planner I, x. 1946

L. Taylor, Planner II, x. 2902

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### 1. Recommendation:

1. That Council approve Official Plan Amendment Number 132 to the Whitby Official Plan (OPA-2022-W/02), as shown on Attachment #7, and that a By-law to adopt Official Plan Amendment Number 132 be brought forward for consideration by Council;
2. That the Clerk forward a copy of the Planning Report PDP 37-23, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Amendment Number 132 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development;
3. That Council approve the Draft Plan of Subdivision (File No. SW-2022-03), subject to the comments included in Planning Report PDP 37-23 and the conditions of draft plan approval included in Attachment #10;
4. That Staff be authorized to prepare a Subdivision Agreement;

5. That the Clerk forward a Notice to those parties and agencies who requested to be notified of Council's decision, including the Region of Durham's Commissioner of Planning and Economic Development;
6. That Council approve the amendment to Zoning By-law # 1784, (File No. Z-13-22), as outlined in Planning Report No. PDP 37-23; and,
7. That a by-law to amend Zoning By-law # 1784 be brought forward for consideration by Council.

## 2. Highlights:

- Applications for Official Plan Amendment, Draft Plan of Subdivision and Zoning By-law Amendment have been submitted by Bousfields Inc. on behalf of 1351637 Ontario Limited (Mansouri Group) for lands municipally known as 4400 & 4440 Garden Street.
- The proposal is to change the land use designation on a portion of the Subject Land from Low Density Residential 1 to Medium Density Residential and adjust the boundary of the Environmental Protection/Conservation Lands designation, to facilitate the proposed development of 155 residential units, consisting of 18 single detached units fronting on Robert Attersley Drive East and 65 townhouse units that are two-storeys in height and 72 back-to-back townhouse units that are three-storeys in height on an internal private (condominium) road.
- Existing buildings at 4440 Garden Street are proposed to be removed.
- The proponent will be required to submit a Site Plan Application and Draft Plan of Condominium at a later date.
- The proponent will be required to consolidate the property ownership into one parcel.

## 3. Background:

### 3.1. Site and Area Description

The subject land is located on the west side of Garden Street, north of Robert Attersley Drive East, on properties municipally known as 4400 & 4440 Garden Street (refer to Attachment #1). There is an existing dwelling and associated accessory buildings on 4440 Garden Street, which are proposed to be removed. The subject land is approximately 7.08 hectares (17.5 acres) in size.

Surrounding land uses include:

- Town-owned open space woodlot to the west;
- privately owned forested land with single detached dwellings to the north and north-east;
- townhouse dwellings under construction to the east, and,



- single detached and linked dwellings to the south (refer to Attachment #2).

### **3.2. Applications and Proposed Development**

An Official Plan Amendment Application has been submitted to change the land use designation on a portion of the Subject Land from Low Density Residential 1 to Medium Density Residential and to adjust the boundary of the Environmental Protection/Conservation Lands designation.

A Draft Plan of Subdivision Application has been submitted for 155 residential units, consisting of 18 single detached units fronting on Robert Attersley Drive East and 65 2-storey townhouse units and 72 3-storey back-to-back townhouse units on an internal private (condominium) road, as well as an open space block containing a Provincially Significant Wetland.

A Zoning By-law Amendment Application has been submitted to change the zoning to permit the proposed development.

A Site Plan Application and Draft Plan of Condominium Application will be required at a later date.

### **3.3. Documents Submitted in Support**

A number of documents were submitted in support of the applications, including the following:

- A Draft Plan of Subdivision prepared by Bousfields Inc., dated April 4, 2023 (refer to Attachment #3);
- A Concept Plan prepared by Urbanscape Architects. (refer to Attachment #4);
- An Active Transportation Plan prepared by R.J. Burnside & Associates Limited, dated March 2022 (refer to Attachment #5 Excerpt);
- An Arborist Report prepared by Beacon Environmental Limited, dated April 2023, identifies the health of existing trees on the subject land and adjacent to the subject land and provides recommendations for preservation and/or removal, including compensation planting on-site and/or off-site, as well as possible cash contribution to the Town's Tree Reserve;

- An Environmental Impact Study prepared by Beacon Environmental Limited, dated May 2023, provides an assessment of significant natural heritage features on the subject land and an impact assessment of the proposed development. The Study also recommends mitigation measures including natural feature compensation and buffers, and water balance and infiltration measures;
- An Environmental Noise Feasibility Assessment prepared by R.J. Burnside & Associates Limited, dated March 2023, recommends ducting to accommodate central air conditioning and a noise warning clause for Lots 1-18 along Robert Attersley Drive East and an acoustic barrier for Lot 1 at Garden Street to mitigate transportation noise;
- A Functional Servicing and Stormwater Management Report prepared by R.J. Burnside & Associates Limited, dated April 2023, provides a review of existing and proposed water, sanitary and stormwater servicing for the site, including erosion and sediment control during construction. The Report concludes that the site can be sufficiently serviced;
- A Geotechnical Investigation Report prepared by HLV2K Engineering Limited, dated December 20, 2021, provides an assessment of the subsurface conditions including soil and groundwater conditions. The Report provides recommendations for footing options including one option with no basement and two options with basements;
- A Hydrogeological Investigation prepared by HLV2K Engineering Limited, dated March 23, 2023, summarizes the results of the subsurface investigation, hydrogeological assessment and analysis of hydraulic conductivity testing and groundwater level monitoring data. A water balance study is recommended (the study has been provided and is summarized below). Long term foundation and underfloor drainage systems are recommended for each unit to reduce hydrostatic pressure and remove seeped water;
- A Phase One Environmental Site Assessment (ESA) prepared by Terraprobe Inc., dated March 12, 2021 which concludes that a Phase Two ESA is required;
- A Phase Two Environmental Site Assessment (ESA) prepared by HLV2K Engineering Limited, dated December 23, 2021, summarizes existing geologic, hydrogeological, soil and groundwater conditions. The Assessment concludes that site condition standards are acceptable for residential use;

- A Planning & Urban Design Rationale prepared by Bousfields Inc., dated April 2022, and Addendum dated April 27, 2023, provides a summary of the site and surrounding conditions as well as an analysis of provincial, regional, and local policies. The Rationale concludes that the proposed development represents good planning and is compatible with the existing and planned residential neighbourhoods;
- A Stage 1 Archaeological Assessment prepared by Archaeological Services Inc., dated March 8, 2022, concludes that there is potential for the presence of both Indigenous and Euro-Canadian archaeological resources, therefore a Stage 2 Archaeological Assessment is recommended;
- A Sustainability Rationale and Whitby Green Standard Draft Plan Application Checklist prepared by GHD, dated April 2023, states that the proposed single detached dwellings are committed to Tier 1 Performance category;
- A Transportation Study prepared by R.J. Burnside & Associates Limited, dated March 2022, provides a summary of access and parking for the proposed development, noting two full-movement accesses are proposed on Garden Street and one full-movement access on Robert Attersley Drive East, aligned with Seven Oaks Street. The Study notes that 2 parking spaces will be provided per unit, plus 15 visitor parking spaces within the condominium area. The Study concludes that the site is designed to accommodate all modes of travel and will include internal sidewalk connections to existing sidewalks on Robert Attersley Drive East and a future sidewalk on Garden Street; and,
- A Water Balance Analysis prepared by HLV2K Engineering Limited, dated March 14, 2023, provides a pre-construction water balance and a post-construction water balance, with and without Low Impact Development (LID) measures. The Analysis notes that impervious area is expected to increase to approximately 30% for the development area, which will decrease overall infiltration and evapotranspiration and will increase overland flow runoff, which can be managed using either conventional stormwater management techniques or LID.

The above documents were distributed to relevant internal departments and external agencies for review and comment.

#### **4. Discussion:**

##### **4.1. Region of Durham Official Plan**

The subject land is designated as “Living Areas” on Schedule ‘A’ Map ‘A4” of the Regional Official Plan. Living Areas are to be planned and developed for a variety of housing types, sizes, and tenure.

#### **4.2. Whitby Official Plan**

The south portion of the subject land is designated as Low Density Residential 1, and the north portion is designated as Environmental Protection/Conservation Lands on Schedule 'P' – Taunton North Community Secondary Plan (refer to Attachment #6).

The Low Density Residential 1 designation permits single detached, semi-detached, and duplex dwellings to a maximum of 30 dwelling units per net hectare (4.4.3.4). The exact form and density of development that will be permitted may be determined through the EIS process and may be lower than the maximum density permitted by the Official Plan policies in order to properly address environmental conditions identified (11.10.8.9.1).

The Environmental Protection/Conservation Lands designation is intended to protect and enhance the natural features, functions, and linkages of these lands (11.10.6.1).

An Official Plan Amendment is required to adjust the boundary of the Environmental Protection/Conservation Lands area and to change a portion of the Low Density Residential 1 area to Medium Density Residential to permit the use of townhouses. The south portion of the subject land is proposed to remain Low Density Residential 1 to accommodate 18 single detached dwellings.

The submitted Environmental Impact Study and other environmental reports have been reviewed by the Town, Region and CLOCA, and the proposed density has been determined to be acceptable from an environmental perspective.

The proposed development will contribute to the density and mix of housing supply, while contributing to the efficient use of infrastructure and intensification in a built up area while serving as a transition point.

It is recommended that Council approve the Official Plan Amendment to change the land use designation and adjust the environmental boundary to accommodate the proposed development.

The draft proposed Official Plan Amendment 132 is available at Attachment #7.

#### **4.3. Zoning By-law**

The property at 4400 Garden Street is zoned Development (Residential) (D(R)) under By-law 1784 (refer to Attachment #8). The D(R) Zone is a Holding zone intended for future residential development, subject to a Zoning By-law Amendment Application.

The property at 4440 Garden Street is zoned Agricultural (A) under By-law 1784 (refer to Attachment #8). The Agricultural Zone permits a single detached dwelling and farming uses.

A Zoning By-law Amendment is required to change the zoning to appropriate residential zone categories to permit the proposed development and to implement the Taunton North Secondary Plan policies.

#### **4.4. Whitby Green Standards**

The submitted Sustainability Rationale and Whitby Green Standard Draft Plan Application Checklist was reviewed by Sustainability staff. The Rationale states that the proposed single detached dwellings are committed to Tier 1 Performance category. A further Sustainability Rationale and Site Plan Checklist will be required for the condominium development and must achieve a minimum of Tier 1 of the Whitby Green Standards. The Sustainability Rationale will be included in the Subdivision Agreement and future Site Plan Agreement.

#### **4.5. Conclusion**

The majority of the subject land is designated for Low Density Residential uses and a portion is identified as Environmental Protection / Conservation Lands. Residential areas are intended to support a variety of residential uses.

The proposed development will serve to increase the range of dwelling types available within the community. The proposed development represents an urban form that is efficient and cost effective for servicing, storm water, transportation, and public transit systems.

The proposed building design and articulation of the condominium dwellings will be dealt with through the Site Plan approval process and will be designed to be appropriate within the existing and planned built form context. In addition, the single detached dwellings fronting Robert Attersley Drive East will be reviewed through architectural control for compatibility with the existing neighbourhood.

The proposed development represents an intensification opportunity within the built-up area of the Town of Whitby located within the 'Built Boundary', as defined by the Province. It provides an appropriate range and mix of housing types and densities to meet the needs of current and future residents. Development of the subject land for single detached, townhouse dwellings and back-to-back townhouse dwellings is appropriate as it is situated within the built-up area, along a collector road with access to transit facilities.

The proposed development of single detached dwellings along Robert Attersley Drive East provides transition to the existing low density residential neighbourhood.

All of the commenting departments and external agencies have indicated support for, or no objection to, the proposed development subject to their comments and conditions, as outlined in Section 7.

Based on the detailed review of the applications and consideration of public and agency comments and requirements (refer to Section 6), it is concluded that the proposed development is consistent with the Provincial Policy Statement, is in conformity with the Growth Plan and the Region's Official Plan, and meets the general intent and the overall goals, objectives, and policies of the Town's Official Plan. Therefore, it is recommended that Council approve the proposed Official Plan Amendment, Draft Plan of Subdivision and Zoning By-law Amendment.

**5. Financial Considerations:**

Not applicable.

**6. Communication and Public Engagement:**

A Public Meeting was held on September 12, 2022 in accordance with the Town of Whitby Official Plan and the Planning Act. This meeting provided the public and interested persons and agencies the opportunity to make representation in respect of the Official Plan Amendment and Zoning By-law Amendment Applications. The meeting minutes are included in Attachment #9a. No members of the public spoke at the public meeting.

All individuals who registered as an interested party at the statutory public meeting and any individual who provided written correspondence to the Town have been provided notice of the September 18, 2023 Committee of the Whole Meeting.

Written public correspondence was received from nearby residents. A summary is included in Attachment #9b. The written correspondence raised various concerns including:

- the protection of the Environmental Protection / Conservation Lands;
- pedestrian safety at the intersection of Garden Street and Robert Attersley;
- lack of sidewalks on Garden Street; and,
- installation of speed bumps on Garden Street similar to those on Robert Attersley.

The oral and written submissions by the public have been considered in determining the recommendation for approval of the proposed Official Plan Amendment, Draft Plan of Subdivision and Zoning By-law Amendment Applications. As previously noted, the proposed development conforms to the Official Plan policies of the Region's OP and generally meets the intent of the Town's OP. The following concerns raised above have been considered as follows:

- the plan has been revised to protect the greenspace. The hazard lands, wetlands, associated features, and their development setbacks shall be

designated Environmental Protection/Conservation Lands and be zoned Greenbelt (G) and conveyed to the Town of Whitby as Open Space.

- Garden Street transportation components such as sidewalks are subject to a Garden Street Extension Environmental Assessment.

## **7. Input from Departments/Sources:**

The following agencies have reviewed the applications and have no objection:

- Town of Whitby Financial Services – Development Charges;
- Bell Canada;
- Durham Catholic District School Board ;
- Durham District School Board;
- Enbridge Gas Inc.; and,
- Hydro One Networks Inc.

Refer to Attachment #10 for additional detailed comments.

## **Internal Departments**

### **Community Services – Parks**

Comments provided by Parks staff state that there is no objection to the approval of the applications subject to the Conditions of Draft Approval (refer to Attachment #11). The conditions include the payment of cash-in-lieu of parkland, the conveyance of Block 20 to the Town of Whitby as Open Space and the installation of fencing.

Refer to Attachment #10 for additional detailed comments.

### **Engineering Services**

Comments provided by Engineering Services state that there is no objection to the approval of the applications subject to the Conditions of Draft Approval (refer to Attachment #11)

Refer to Attachment #10 for additional detailed comments.

### **Financial Services**

Comments provided by Financial Services – Tax staff state that there are outstanding taxes owing on both 4400 & 4440 Garden Street.

Refer to Attachment #10 for additional detailed comments.

### **Fire and Emergency Services**

Comments provided by Fire staff include that a firebreak plan is required, and that fire route signs and hydrants shall be shown on the plan.

Refer to Attachment #10 for additional detailed comments.

### **Strategic Initiatives**

Comments provided by Strategic Initiatives staff state that the Whitby Green Standards Subdivision checklist requires revisions. The proponent is encouraged to consider advanced sustainability criteria through the uptake of voluntary Tiers 2-4.

Refer to Attachment #10 for additional detailed comments.

### **External Agencies**

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

Comments provided by CLOCA state that there is no objection to the approval of the applications subject to the Conditions of Draft Approval (refer to Attachment #11). CLOCA recommends that all lands containing hazard lands, wetlands, associated features, and their development setbacks be designated Environmental Protection/Conservation Lands and be zoned Greenbelt (G).

Refer to Attachment #10 for additional detailed comments.

#### **Region of Durham**

Comments provided by Regional staff include:

- A Stage 2 Archaeological Assessment is required;
- A revised Noise Feasibility Assessment is required to include the updated traffic volumes;
- Additional pedestrian crossings on the private streets are recommended;
- Sidewalks are required on Garden Street and Robert Attersley Drive; and,
- Two new bus stops are required to be located on Garden Street and Robert Attersley Drive.

Refer to Attachment #10 for additional detailed comments.

### **8. Strategic Priorities:**

The development of a residential subdivision contributes to meeting the priorities of the Community Strategic Plan, specifically Action Item 1.3.4 under Pillar 1: Whitby's Neighbourhoods by providing a variety of housing options.

This report is in a fully accessible format, which addresses the Town's strategic priority of accessibility. The future Site Plan Application(s) will be circulated to the Accessibility Advisory Committee for review and comment to ensure all accessibility requirements are met.

The proposed residential development increases the density on the subject land which provides a better use of existing infrastructure, which implements the Town's strategic priority of sustainability.



**9. Attachments:**

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Proponent's Proposed Subdivision Plan

Attachment #4: Proponent's Proposed Concept Plan

Attachment #5: Active Transportation Plan – Excerpt from Transportation Study

Attachment #6: Excerpt from the Town of Whitby Secondary Plan Schedule 'P'

Attachment #7: Draft Proposed Official Plan Amendment 132

Attachment #8: Excerpt from Zoning By-law 1784

Attachment #9a: Public Meeting Minutes

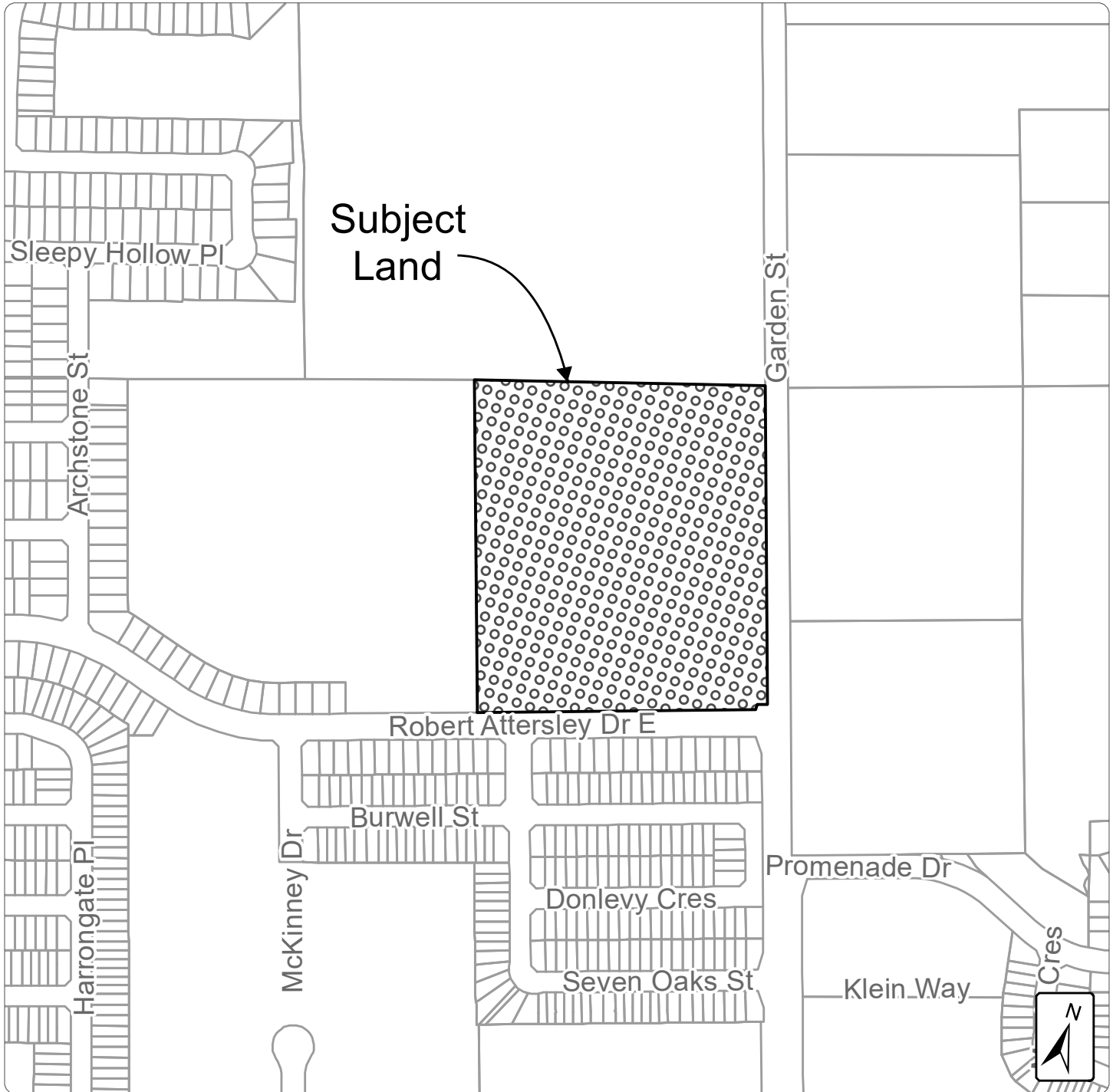
Attachment #9b: Summary of Written Public Comments

Attachment #10: Agency & Stakeholder Detailed Comments

Attachment #11: Conditions of Draft Plan of Subdivision Approval

# Attachment #1 Location Sketch

PDP-37-23



## Town of Whitby Planning and Development Department

Proponent:  
1351637 Ontario Limited

File Number:  
DEV-17-22 (OPA-2022-W/02,  
SW-2022-03, Z-13-22)

Date:  
September 2023

External Data Sources:  
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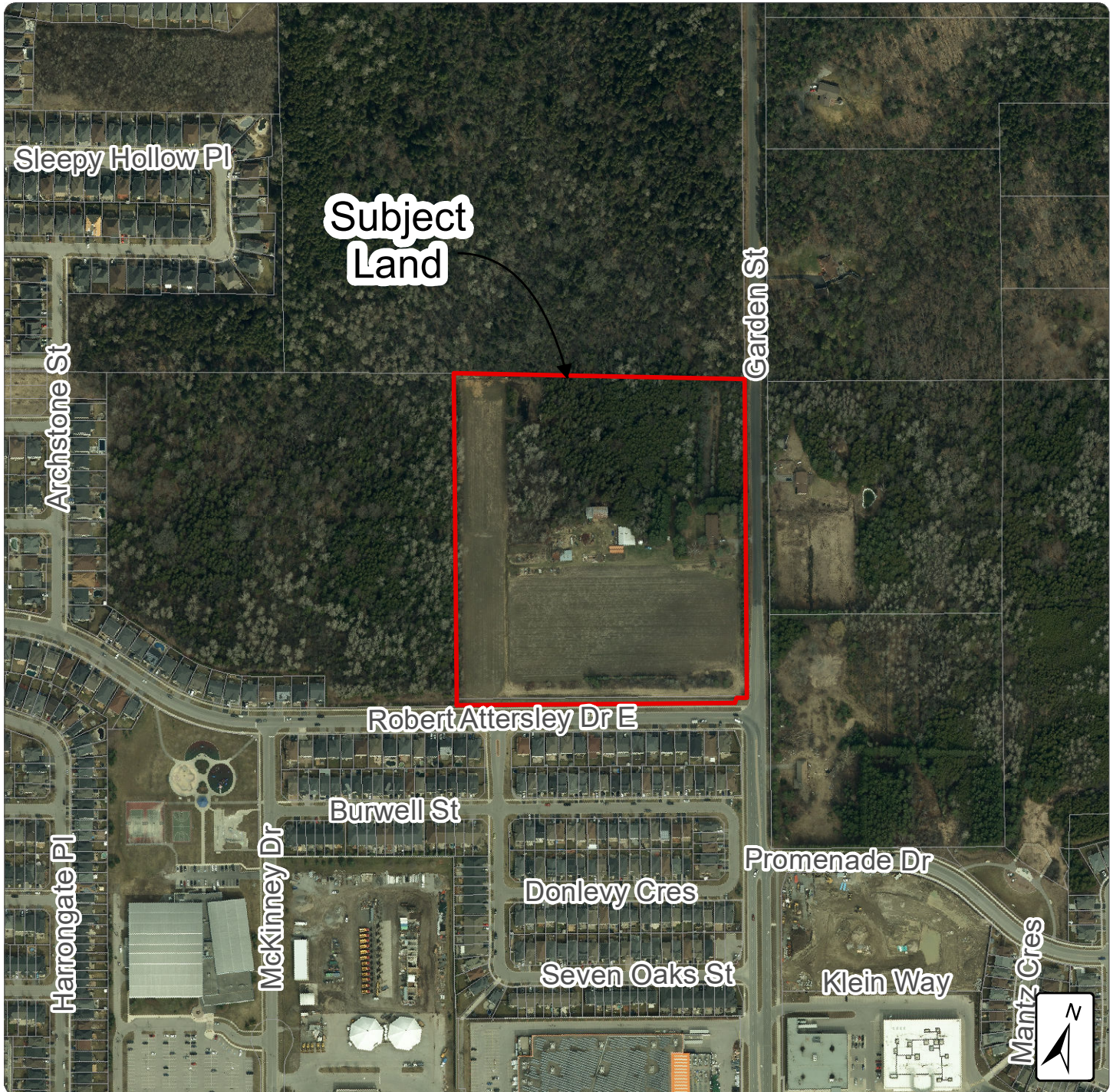
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# Attachment #2 Aerial Context Map

PDP-37-23



## Town of Whitby Planning and Development Department

Proponent:  
1351637 Ontario Limited

File Number:  
DEV-17-22 (OPA-2022-W/02,  
SW-2022-03, Z-13-22)

Date:  
September 2023

External Data Sources:  
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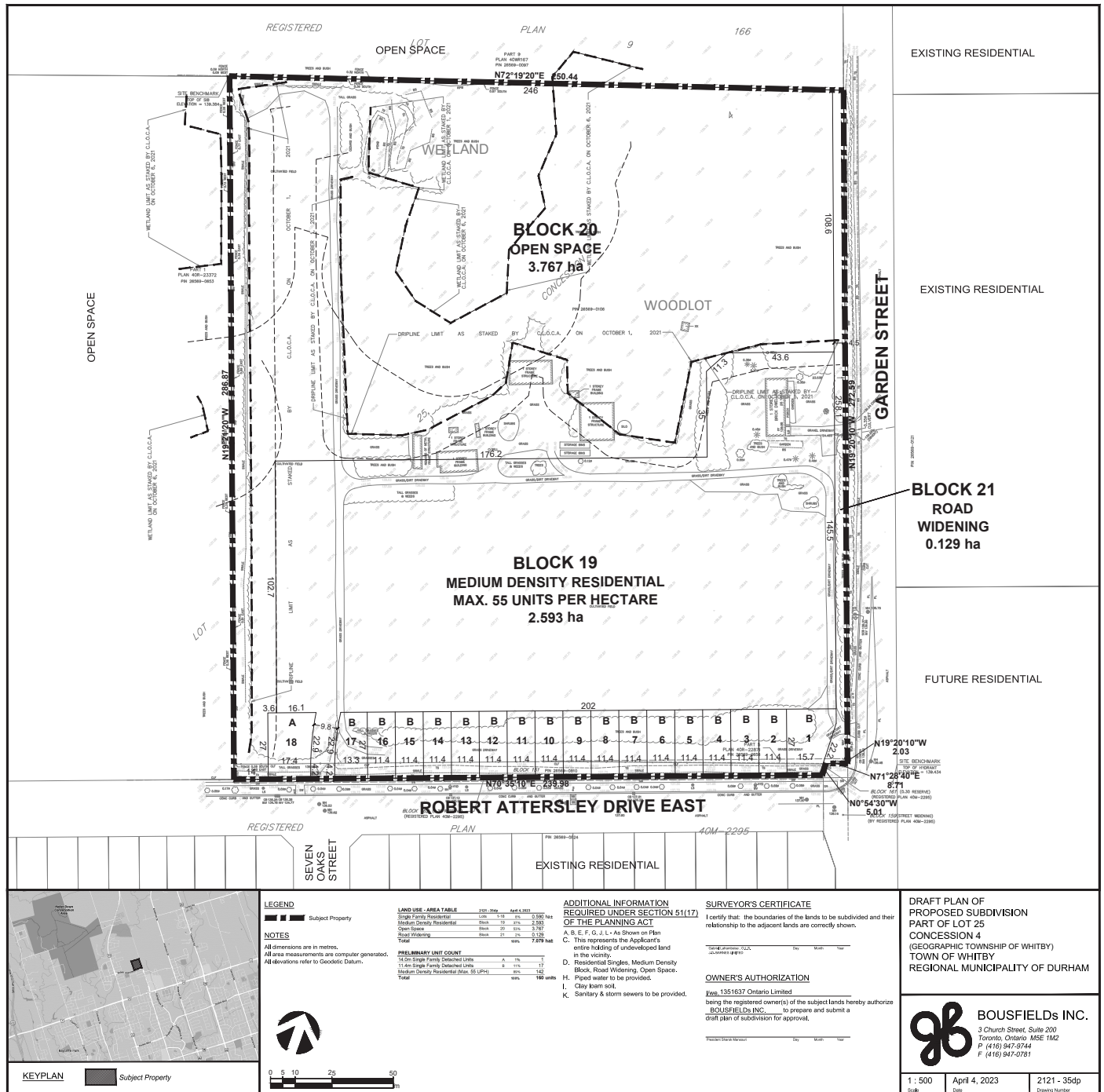
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# Attachment #3

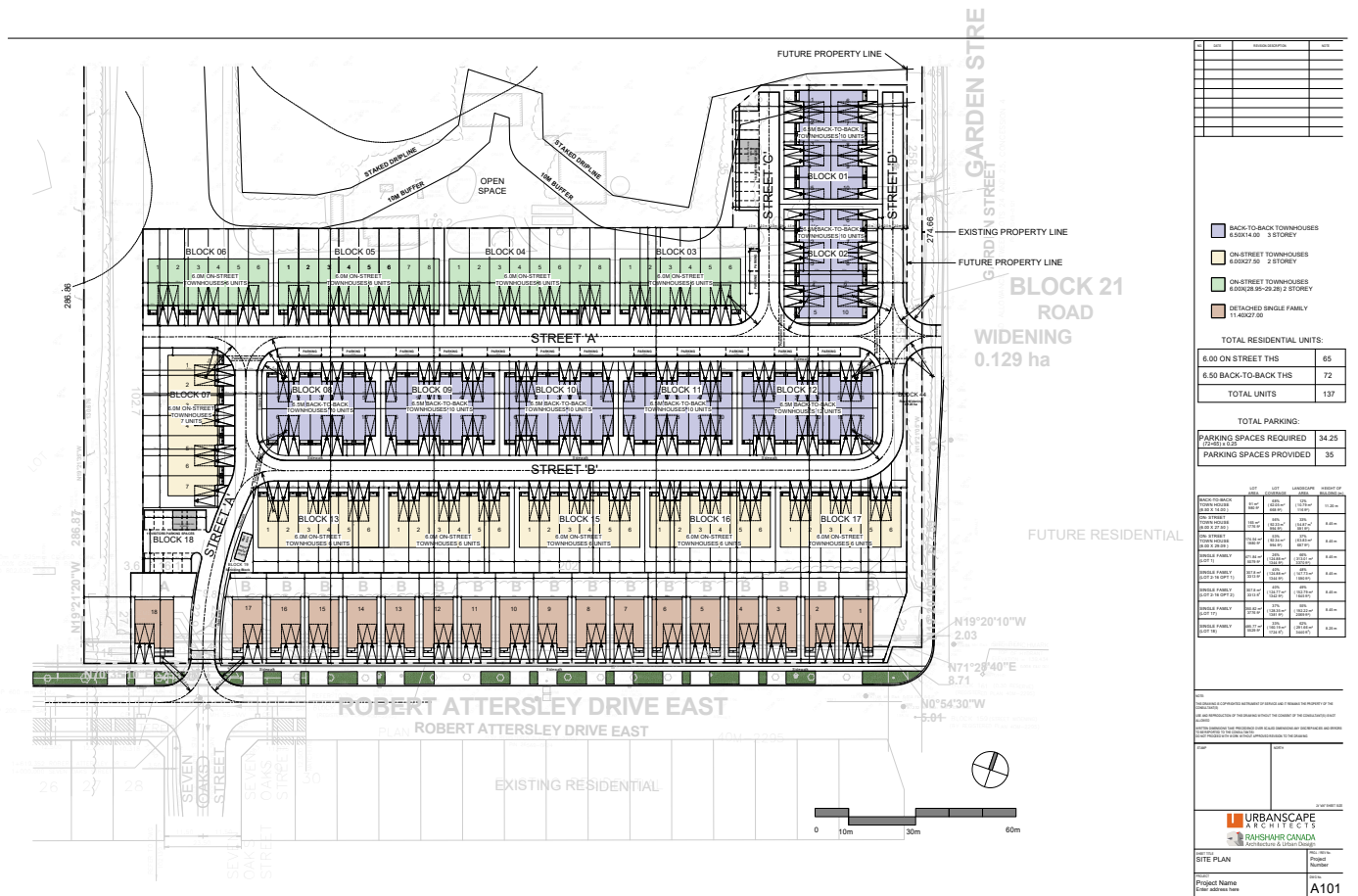
## Proponent's Proposed Subdivision Plan

PDP-37-23



# Attachment #4 Proponent's Proposed Concept Plan

PDP-37-23



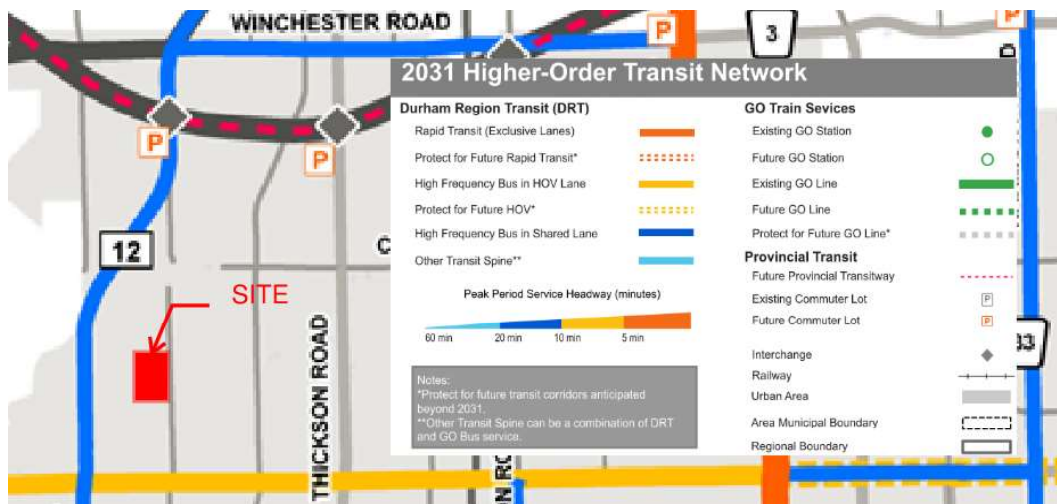
## Active Transportation Plan – Excerpt from Transportation Study

1351637 Ontario Limited

10

4440 Garden Street Transportation Study  
March 2022

Figure 7: Future Transit Network

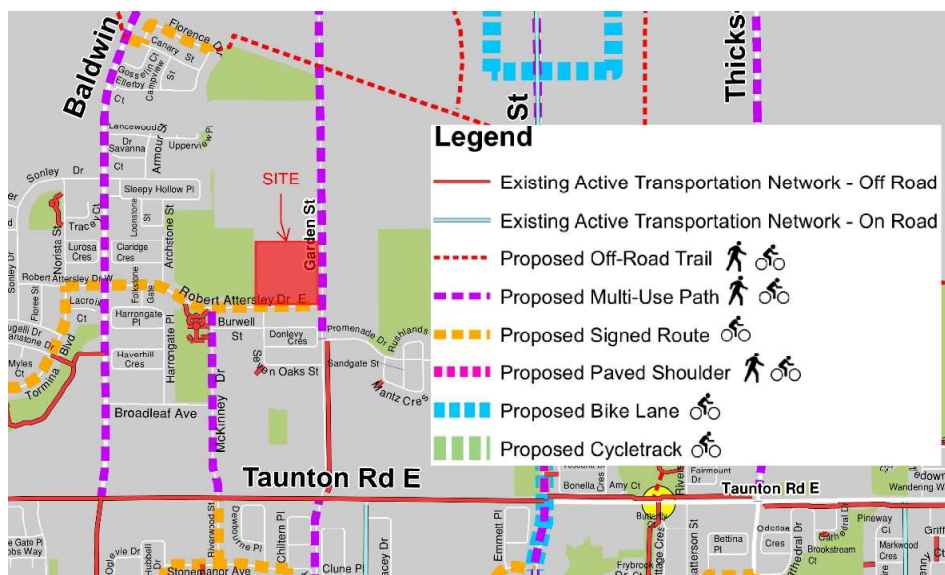


Reference: Region TMP Map 1B excerpt, dated December 2017

### 3.3 Future Active Transportation

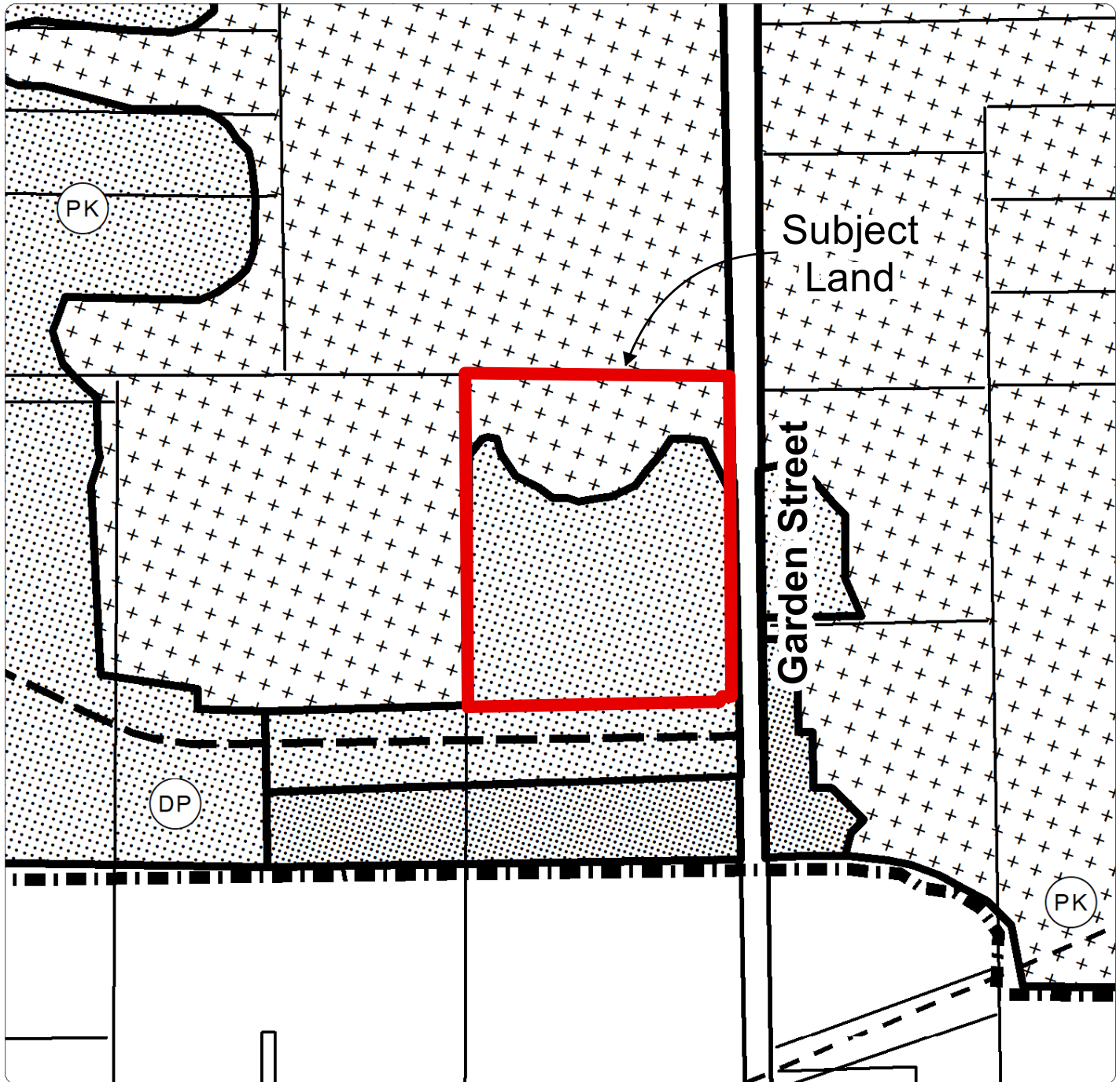
The Town's *Active Transportation Plan* (AT Plan), dated October 19, 2020, proposes active transportation (AT) routes within the study area. The following AT routes are proposed, which are also illustrated in Figure 8 (from Appendix A, Map 2 of the AT Plan): A signed bicycle route along Robert Attersley Drive; and multi-use paths along Garden Street, Baldwin Street and McKinney Drive. However, there is no indication of timeline.

Figure 8: Future Active Transportation Network



Reference: AT Plan Map 2 excerpt, dated October 19, 2020

# Excerpt from the Town of Whitby Secondary Plan Schedule 'P'



## Legend

	Low Density Residential (LDR)		Environmental Protection/Conservation Lands (EPCL)		Secondary Plan Boundary
	Medium Density Residential (MDR)		Special Policy Area (SPA)		20 Year Urban Boundary
	High Density Residential		Public Elementary School		Utility Corridors
	Prestige Industrial		Seperate Elementary School		Proposed Collector Road
	General Industrial		District Park		Proposed Arterial Road
	Special Purpose Commercial (SPC)		Local Park		
	Major Open Space (MOS)		Parkette		
	Hazard Land (HL)		Convenience Commercial		

Excerpt from:  
Taunton North  
Community  
Secondary Plan  
Town of Whitby

Schedule

**P**



0 30 60  
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## Attachment # 7

**Draft Proposed Amendment # 132 to the Town of Whitby Official Plan**

- Purpose:** The purpose of this Amendment to the Town of Whitby Official Plan and the Taunton North Community Secondary Plan is to change the land use designation on a portion of the subject lands from “Low Density Residential 1” to “Medium Density Residential” and to adjust the boundary of the “Major Open Space” and “Environmental Protection/Conservation Lands” designations on the subject lands.
- Location:** The lands subject to the Amendment are generally located west side of Garden Street, north of Robert Attersley Drive East, municipally known currently as 4400 & 4440 Garden Street.
- Basis:** The Amendment is based on an application to amend the Town of Whitby Official Plan (File: DEV-17-22 (OPA-2022-W/02)), as submitted by the Bousfields Inc. on behalf of 1351637 Ontario Limited. The Amendment would change the land use designation on a portion of the subject lands within the Taunton North Community Secondary Plan, from “Low Density Residential 1” to “Medium Density Residential” and adjust the boundary of the “Major Open Space” and the “Environmental Protection/Conservation Lands” designations to permit the proposed development of a plan of subdivision containing 155 residential units consisting of 18 single detached dwellings fronting on Robert Attersley Drive East and a medium density block containing 65 two-storey block townhouse dwellings and 72 three-storey back-to-back townhouse dwellings on a private (condominium) road, as well as an open space block containing a Provincially Significant Wetland.
- The proposed development is consistent with the policies of the Provincial Policy Statement, in that it contributes to the efficient use of infrastructure, and provides increased residential densities, and range and mix of housing options that will contribute to the housing supply through a variety of household types that is acceptable from an environmental perspective.
- The proposed development conforms to the Growth Plan and Regional Official Plan regarding the contribution to



complete communities and optimizing infrastructure, intensification, and range and mix of housing options.

The application and proposed development meets the overall intent of the Whitby Official Plan in that it contributes to the range and mix of housing options, and provides an appropriate form of development and transition to existing residential areas. The adjustment of the boundaries of environmental areas is minor in nature, has no negative impacts, and is supported by an Environmental Impact Study and Arborist Report which recommend additional plantings as compensation for the adjustment.

Development of the subject lands would be subject to future Draft Plan of Condominium Application, and the provisions in the implementing Zoning By-law.

**Actual Amendment:**

The Town of Whitby Official Plan is hereby amended as follows:

- 1) By adjusting the Major Open Space” boundary on Schedule ‘A’ – Land Use of the Town of Whitby Official Plan“, as indicated on the attached Exhibit ‘A’; and
- 2) By changing the land use designation on a portion of the subject lands from “Low Density Residential 1” to Medium Density Residential” and by adjusting the “Environmental Protection/Conservation Lands” boundary on Schedule ‘P’ – Taunton North Community Secondary Plan of the Town of Whitby Official Plan, as indicated on the attached Exhibit ‘B’.

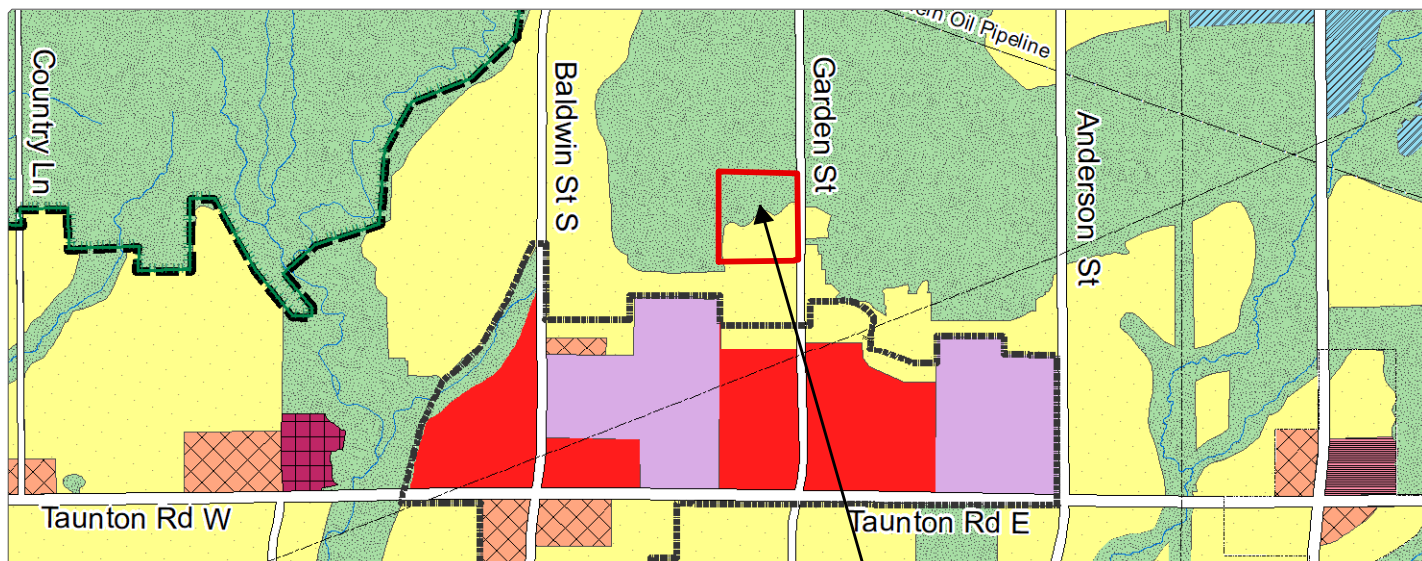
**Implementation:**

The provisions set forth in the Town of Whitby Official Plan, as amended, regarding the implementation of the Plan shall apply in regard to this amendment.

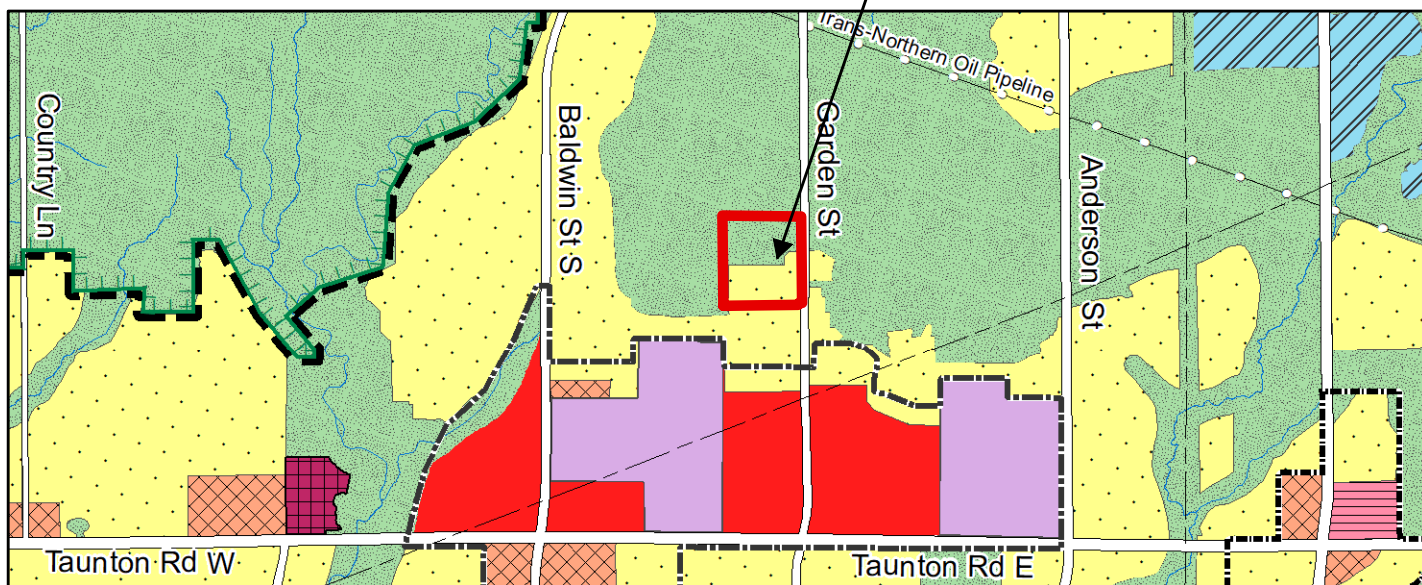
**Interpretation:**

The provisions set forth in the Town of Whitby Official Plan, as amended, regarding the interpretation of the Plan shall apply in regard to this amendment.

# Exhibit 'A' to Official Plan Amendment #132 the Town of Whitby Official Plan



Adjust "Major Open Space" Boundary



## Legend

- Residential
- Major Commercial
- Community Commercial
- Special Purpose Commercial
- Mixed Use
- Prestige Industrial
- General Industrial
- Special Activity Node
- Institutional
- Major Open Space
- Agricultural
- Hamlet
- Estate Residential
- Special Policy Area

Notes: Refer to the applicable Secondary Plan for more detailed land use designations. Secondary Plan boundaries can be found on Schedule 'E', including the Oak Ridges Moraine Secondary Plan. Some legend items may not appear on the displayed figure extent.

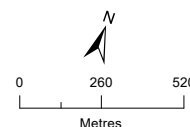
- Lands Subject to Durham Regional Official Plan Policy 14.13.7
- D Deferred by the Region of Durham
- LC Local Central Area
- Resource Extraction Area (See Section 4.12)
- Utility
- 2031 Urban Area Boundary
- Community Central Area Boundary
- Future Urban Development Area Boundary
- Greenbelt Protected Countryside Boundary
- Hamlet Boundary
- Major Central Area Boundary
- Municipal Boundary
- Southern Boundary of Oak Ridges Moraine
- Urban Central Area Boundary

Official Plan - Town of Whitby

Schedule

**Excerpt from  
Schedule 'A'  
Land Use**

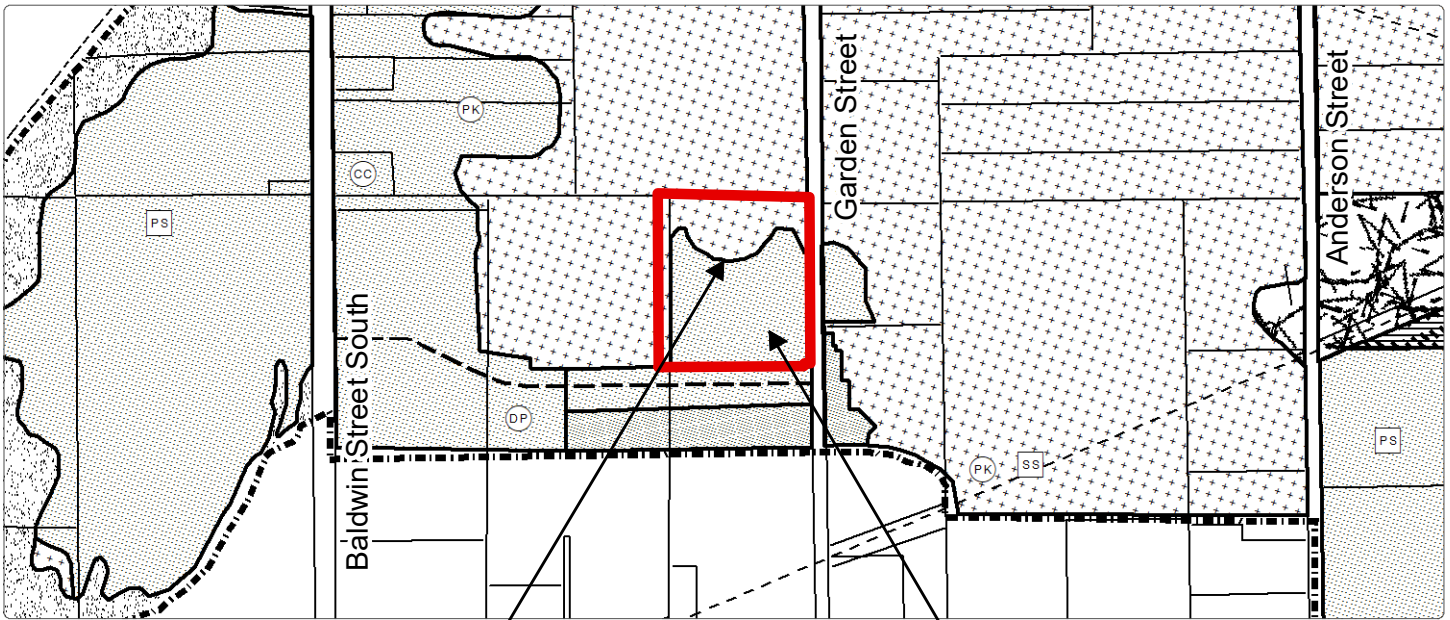
**A**



This schedule forms part of the Official Plan of the Town of Whitby and must be read in conjunction with the written text. For all intents and purposes, the elements within this schedule are to be considered conceptual.

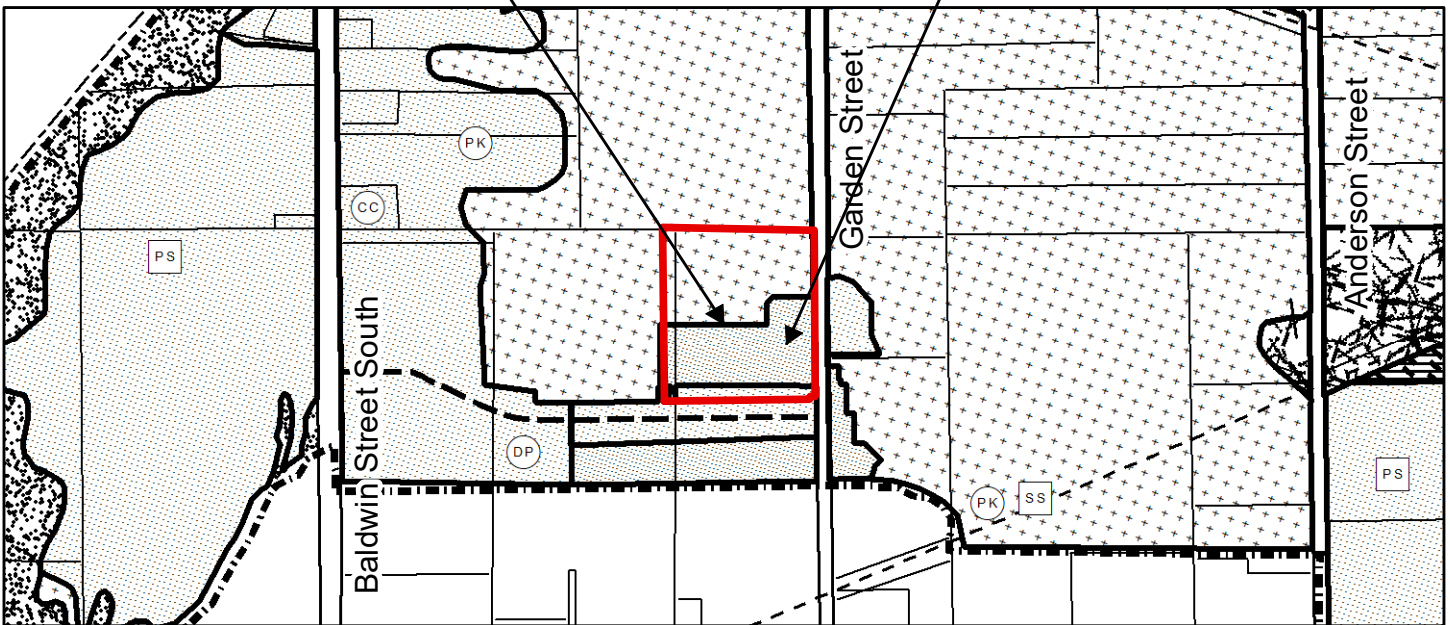
# Exhibit 'B' to Official Plan Amendment #132 the Town of Whitby Official Plan

PDP 37-23



Adjust "Environmental Protection/ Conservation Land" Boundary

Change from: "Low Density Residential 1" to: "Medium Density Residential"



## Legend

	Low Density Residential (LDR)		Environmental Protection/ Conservation Lands (EPCL)		Secondary Plan Boundary
	Medium Density Residential (MDR)		Special Policy Area (SPA)		20 Year Urban Boundary
	High Density Residential		Public Elementary School		Utility Corridors
	Prestige Industrial		Seperate Elementary School		Proposed Collector Road
	General Industrial		District Park		Proposed Arterial Road
	Special Purpose Commercial (SPC)		Local Park		
	Major Open Space (MOS)		Parkette		
	Hazard Land (HL)		Convenience Commercial		

Excerpt from:  
**Taunton North  
Community  
Secondary Plan**  
Town of Whitby

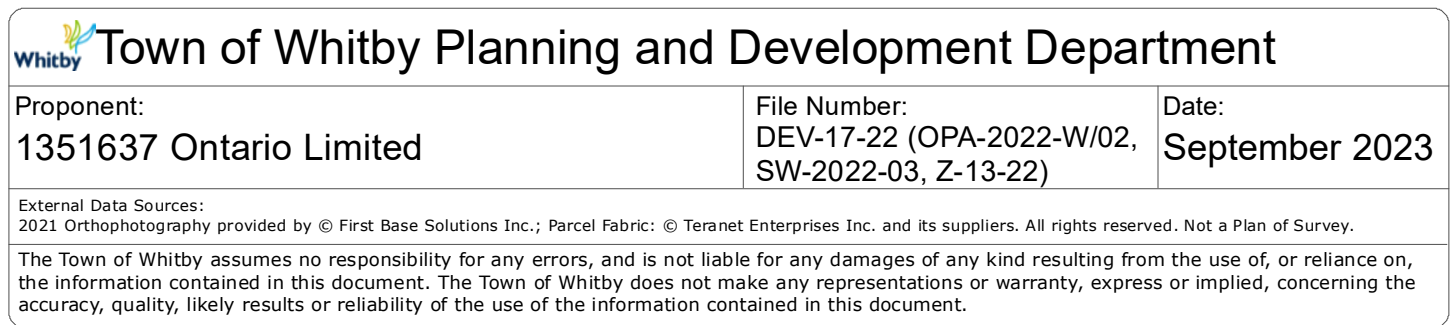
Schedule

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## PDP-37-23





Public Meeting Minutes from September 12, 2022  
File DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

Lauren Taylor, Planner II, provided a PowerPoint presentation which included an overview of the applications.

Lindsay Dale-Harris, David Milano, Maryam Mansouri Hurst, and Colin Mclachlan, representing 1351637 Ontario Limited (Mansouri Group), provided a PowerPoint presentation which included a detailed overview of the applications.

There were no submissions from the public.

K. Narraway, Manager of Legislative Services/Deputy Clerk, indicated how members of the public could submit comments and be placed on the Interested Party List regarding this matter.

**Summary of Written Public Comments**  
**File DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)**

Robert Montoni, resident, provided written correspondence raising concerns about:

- the protection of the Environmental Protection / Conservation Lands;
- pedestrian safety at the intersection of Garden Street and Robert Attersley;
- lack of sidewalks on Garden Street; and,
- installation of speed bumps on Garden Street similar to those on Robert Attersley.

Judy Corupe, resident, provided written correspondence objecting to the proposed plan of subdivision. The correspondence notes concerns about the importance of protecting greenspace.

Sharon Gilbert, resident, provided written correspondence which raised concerns about additional traffic.

## Agency & Stakeholder Detailed Comments

### File DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

## Internal Departments

### Community Services – Parks

#### Official Plan Park Size

The Town of Whitby Official Plan, as amended, does not identify the need for a park in the location of the proposed development. As such, and as noted through the Town's pre-consultation process, the Parks department will be seeking Cash-in-Lieu of parkland conveyance, discussed below.

#### Cash in Lieu of Parkland

The Town of Whitby will be seeking Cash-in-Lieu of Parkland for the proposed development, in accordance with the Planning Act, as amended. Conditions have been added in this regard.

#### Parkland

- The Community Services Department recommends incorporating indoor and outdoor private amenity space for the future residents of this development.
- Folkstone park is within 500 meters walking distance from most of the proposed development, and Folkstone park would satisfy majority of the future residents' park needs.

#### Open Space

- Block 20 of the proposed development shall be dedicated to the Town as Open Space, free and clear of any encumbrances, conditions have been added in this regard. Block 20 will not contribute towards the applicant's parkland dedication requirement.

#### Conditions of Draft Plan Approval

The following conditions shall be incorporated into any future development agreement.

#### Cash-in-lieu of parkland

1. The Community Services Department, Parks Division will require cash-in-lieu of parkland dedication in accordance with the Planning Act, as amended.

#### Open Space

2. Block 20 be dedicated to the Town as Open Space free and clear of any encumbrances.

## Agency & Stakeholder Detailed Comments

### File DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

3. Enhancement and restoration planting shall be installed, in the forested gaps within Block 20 Open Space Block, to the Towns satisfaction.

#### Fencing

4. The Town's standard 1.8 metre solid panel wood privacy fencing is required to be installed where open space abuts the development.
5. The department will require the installation of Town standard 1.2m high black vinyl chain link fence along the north property line of Open Space Block 20.

### Engineering Services

#### A. Conditional Comments

The Engineering Services supports a favourable decision to the applications based on the following comments and conditions.

To address Whitby Council Goals and assist in providing a complete picture of the proposed subdivision's mobility provisions, Engineering Services has prepared a Composite Transportation Component Plan (CTCP) highlighting the anticipated locations of sidewalks, multi-use trails, multi-use paths and dedicated biking facilities for reference. Engineering Services expects that the components of this plan will be further refined and implemented through the future detailed engineering design processes following draft approval.

1. Engineering Services requires the following Conditions of Draft Approval:

1.1. The Subdivider shall convey the following to the Town:

- a. Block 20 for open space lands; and
- b. Block 21 for road widening on Garden Street.

1.2. The Subdivider shall provide an Environmental Constraints Plan (ECP) showing development limits along Natural Heritage System (NHS) areas. The development limits shall be based on environmental features/constraints, including a floodline and shall be established using all applicable environmental buffers/setbacks. The ECP shall include a Town's 6.0m wide access corridor which must be located outside of all environmental features, including the floodline. The corridor shall not contain any new plantings and shall be accessible for Towns' service vehicles.

Any change to the lot lines adjacent to the NHS (i.e., development limit) must be reflected in the Draft Plan prior to final approval.

1.3. The Subdivider shall be responsible for maintaining the existing Town roads in an acceptable condition throughout the duration of construction and/or until such time as the



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Town roads are reconstructed. The Subdivider may be required to provide the Town with securities to ensure roads are maintained to the Town's satisfaction. This is to be reviewed further when information regarding the timing of construction of both the subdivision development and the reconstruction of the Town owned road(s) is known.

1.4. The Subdivider shall be responsible for full restoration along the development frontage of existing Robert Attersley Drive. This includes, but is not limited to, reconstruction of sidewalks and curbs, full restoration of pavement (curb-to-curb) and relocation of any existing road catchbasins outside of any proposed new driveways.

1.5. The Subdivider shall provide a Construction Management Report and Plan(s) to the Town's satisfaction that includes, but is not limited to, a neighborhood communication strategy, construction traffic route, schedule and mud and dust control best management practices.

1.6. The Subdivider shall implement a pre-construction survey/assessment, including a vibration monitoring program within the vibration zone of Influence (ZOI), on any adjacent buildings/structures/properties that may be affected by the construction activity, prior to commencing construction. The assessment shall be completed by a qualified person (QP) to the satisfaction of the Town and shall be provided to the Town prior to construction. Any waiving of this requirement shall be at the sole discretion of the Director of Engineering of the Town of Whitby.

1.7. The Subdivider shall implement all recommended noise control measures identified in the Environmental Noise Assessment Report and revise the plan as required to accommodate recommended noise control measures prior to registration.

1.8. All non-regulatory fencing and acoustic barriers shall be installed wholly on private property and all operation and maintenance of said fencing shall be the responsibility of the private property owners.

1.9. All black vinyl chain link fences to delineate Town blocks, and open spaces from private property shall be designed and constructed in accordance with the relevant engineering standards.

1.10. The Subdivider shall ensure all private properties are protected from flooding limits at low points and points of major system flow convergence along the municipal road system. If required, the plan for registration shall be revised accordingly to provide said flood protection.

1.11. All community mailboxes within the public right-of-way shall be placed adjacent to the sidewalk location. All community mailboxes for the private developments shall be located within private properties.

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1.12. Construction phasing of the development shall be to the satisfaction of the Engineering Services and shall consider adjoining developments and provide for upstream and downstream road and servicing connectivity.

1.13. The Subdivider shall provide a detailed engineering submission in accordance with Sections A2.00 and A3.00 of the Town of Whitby's Engineering Design Criteria. The engineering drawings must be set up as per the Town's CAD layering standards and object data requirements set out in Appendix A of the Design Criteria. The engineering drawings will not be accepted until it is confirmed that the drawing set-up conforms to this requirement.

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

1.15. All plan and profile drawings shall indicate the seasonal high water table elevation and the corresponding Minimum Basement Elevation, all to be confirmed by Hydrogeological Consultant and accepted by Central Lake Ontario Conservation (CLOC). The Subdivider shall protect all proposed private dwellings from the seasonal high-water table where applicable.

1.16. The Subdivider shall be responsible for all hydro poles, luminaries and hydro requirements for this proposed subdivision and shall enter into a separate agreement with Elexicon, if applicable.

1.17. The Subdivider shall provide the Town with a full electrical design (i.e., primary, secondary and streetlight design) for this development. All aspects of the secondary electrical design and street light design will be peer reviewed by the Town. The Subdivider will be financially responsible for the peer review cost including a 15 percent administrative fee. The existing lighting levels shall be maintained and consistent with the existing Robert Attersley Drive streetlighting design.

1.18. Any concerns raised through future re-submissions of the Geotechnical and Hydrogeotechnical Reports for the site shall be addressed by the Subdivider to the satisfaction of the Engineering Services. This includes, but is not limited to, long term slope stability, confirmation of design parameters and preliminary layout for LID (low impact development) measures (proposed infiltration trenches), proposed stormwater management pond elevations relative to groundwater levels and the need/thickness of the impervious membrane or synthetic clay lining, foundation construction requirements and recommended

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measures for Best Management Practices for municipal servicing construction. The plan must reflect changes required in this regard prior to registration.

1.19. The Subdivider shall provide an assessment of dead, dying, diseased and/or over mature trees along the edge of the natural areas for pruning or topping purposes to address safety and liability concerns. The Report must include details for the protection, enhancement, and edge management of the retained vegetated areas. All hazards, debris, or garbage shall be removed prior to the registration of the plan.

1.20. The Subdivider shall provide the Town with a deposit for any necessary peer review costs with the amount to be determined at time of first peer review. The Town will administer payments to any Peer Review Consultant(s) and provide milestone billings back to the Subdivider. The Town may request additional deposits for the Peer Review funds if required. At the time of issuance of full engineering approvals, any remaining deposit will be returned to the Developer. This condition will be superseded at such time as the Town has a Peer Review By-law in place.

1.21. The Subdivider shall be responsible to enter into a separate agreement(s) with benefitting parties, to which the Town is not a party, to address cost sharing for external services and/or the oversizing of services if required.

1.22. The Subdivider shall provide a copy of the approved individual lot grading plan (i.e., siting) to each lot purchaser prior to closing.

1.23. The Subdivider shall agree to implement the recommendations of all reports submitted in support of the application.

1.24. The Subdivider shall be responsible for satisfying any additional requirements identified by the Engineering Services not specifically listed above.

All other items related to the subdivision can be addressed through the subdivision agreement process subsequent to Draft Plan Approval.

#### B. Informational Comments

2. The following items can be addressed through the Detailed Engineering Submission for the Subdivision Agreement process:

##### General

2.1. An initial deposit for the Engineering Review Fee in the amount of \$9,450.00 or 50% of the Engineering Review Fee based the estimated cost of works, whichever is greater, shall be paid to the Town prior initiating processing of the engineering drawings. Any balance

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owing of the final Engineering Review Fee shall be paid at the earlier of, third engineering submission or prior to final approval of the engineering drawings by the Town.

2.2. To address lot level LID recommendations, ensure that lots and areas where roof water leaders are proposed to be disconnected from the storm sewer connection are clearly noted and can accommodate the drainage without creating problems associated with winter ice accumulation. Ensure that storm drainage areas reflect the correct boundary location.

2.3. The consultant is to provide the Town with a dual drainage (minor/major system) storm model for the entire development using Personal Computer Stormwater Management Model (PCSWMM) as part of the detail design and confirmation of HGL elevations.

2.4. Provide detailed ponding limits at overland flow low points, and any points of overland convergence to ensure that appropriate emergency access can be maintained to the area based on Town of Whitby Design Criteria and that private property has been protected from flooding. Ponding limits are to be shown for 100-year storm events. Low points are to be located at the appropriate block or intersection location.

2.5. Noise fence/barrier design may need to accommodate surface drainage outlets depending on the lot type and grading design. At the design stage, once detailed grading information is available, a letter will be required from the noise consultant to confirm that the recommendations of the Noise Report provided for the development remain relevant to the accepted grading.

Any transition in height of the noise barrier is to occur at lot lines so that the noise barrier height across individual lots is consistent.

2.6. The Town will not grant exemptions to half-load restrictions to facilitate construction of the proposed development. The Subdivider shall schedule construction activities in accordance with typical timing of load restrictions for the surrounding road network.

2.7. The Subdivider shall provide the Town with a cash contribution in accordance with the by-lawed rate in force at the time of payment, for each newly installed streetlight for the re-lamping and cleaning of streetlights, representing typical maintenance costs prior to assumption.

2.8. The Subdivider shall provide the Town with a cash contribution in accordance with the by-lawed rate in force at the time of payment towards the installation of vertical control benchmarks.

2.9. The Subdivider shall provide an updated Functional Servicing and Stormwater Management Report (FSSR) to address the comments provided in a separate memo from

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Water Resources dated June 6, 2023 (Attachment 2) prior to or with the submission of detailed engineering drawings.

2.10. Include Town file number SW-2022-03 on all subdivision related drawings and reports.

2.11. Provide a Town approval block on Engineering Plans.

2.12. Show and label a new 1.8m concrete sidewalk along the full frontage of Robert Attersley Drive. Show full extents of proposed sidewalk removal and replacement along Robert Attersley Drive and include reference to Town standard 208. Coordinate with all applicable plans.

2.13. Show and label curb replacement required along the full frontage of Robert Attersley Drive and provide reference to standard. Please note that full width pavement restoration will be required along Robert Attersley Drive due to the extent of curb and service connection work required as a result of the proposed development. Pavement and trench restoration to be in accordance with Town standard 404.40. Coordinate with all applicable plans

2.14. Provide detailed Removals and Restoration Plan(s) coordinated with the Construction Management Report.

2.15. Remove proposed trees from the visibility triangle.

2.16. Further review and comment shall be provided at the Detailed Engineering Submission stage.

#### General Servicing Plan, C101

2.17. Ensure catchbasins are not located within proposed driveways. Relocate existing catchbasins as necessary.

2.18. Ensure references to standards match with what is listed in the Civil Cost Estimate. The Cost Estimate shall be reviewed in detail at the Engineering Submission stage.

#### Grading Plan, C201

2.19. Driveway aprons to be in accordance with Section C6.00 of the Town's Design Criteria and Engineering Standards. Permeable pavers will not be permitted within the public right-of-way.

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2.20. Show and label all proposed privacy and acoustic fencing in accordance with Landscape Plans.

2.21. Confirm which interceptor swales are to remain as permanent once the private block has been developed. Label any temporary swales as such for greater clarity.

Plan and Profile (Robert Attersley Drive), C401

2.22. Label sidewalk width and material type.

2.23. Include all relevant road restoration notes and details.

Erosion and Sediment Control Plan, C901

2.24. Indicate existing grades to be maintained along all subject property limits.

2.25. Provide a mud mat detail which includes a culvert crossing. Clearly label the existing culvert below the proposed mud mat and include inverts, length, size, and material type.

2.26. Include spot elevations and slopes for the proposed swale along the north limits of the subject property as shown on the Grading Plan.

2.27. Confirm any required topsoil stockpile areas. Please note that maximum height to be 5m with 3:1 side slopes.

2.28. Include construction signage in accordance with Ontario Traffic Manual (OTM) Book 7 requirements.

3. Detailed comments regarding the proposed Site Plan will be provided upon receipt of Site Plan Application circulation.

Please note the following items relevant to the anticipated future Site Plan Application for the development:

3.1. The Subdivider shall provide an updated Traffic Impact Study (TIS) to address the comments provided in a separate memo from Transportation Services dated June 7, 2023 (Attachment 3) prior to or with the Site Plan Application submission.

3.2. Appropriate private walkway connections to a public sidewalk are required to serve the development.

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3.3. A sight line analysis may be required for the driveway locations on Robert Attersley Drive and Garden Street.

3.4. No construction access will be permitted from Robert Attersley Drive.

3.5. A revised Stormwater Management Brief will be required with the Site Plan Application addressing the preliminary engineering comments provided for this application submission.

3.6. Upon preliminary engineering review, the Applicant will be required to provide a cost estimate for all engineering works. Securities for 50% of on-site engineering work and 100% of approved off site construction costs shall be provided at execution of any development agreement.

3.7. A Site Plan Engineering Fee will be required at execution of any development agreement in accordance with Tier 3 of the Fees and Charges By-law, currently By-Law 7977-23.

#### Site Plan, A101 – Preliminary Comments

3.8. Provide signed and sealed plans.

3.9. Show the full rights-of-way for Garden Street and Robert Attersley Drive. Include any at surface features such as signs, trees, catchbasins, curbs, streetlights, transformers, property limits, etc.

3.10. Driveways shall be designed to Town of Whitby Standard Drawing No. 410.

3.11. Show the Fire Breaks as prescribed by the Fire Chief on the final Site Plan.

3.12. Show areas for snow storage. Snow is not permitted to be pushed onto the public right-of-way(s).

3.13. Label all existing and proposed sidewalks/walkways including width and material type. Provide tactile plates where required.

3.14. Revise proposed townhouse block labels as a text issue exists.

3.15. Clearly identify surface treatment types (i.e., pavement, sod, concrete, etc.).

3.16. Show and label all proposed at surface features (i.e., maintenance holes with identification numbers, streetlights, trees, fencing, mailbox, etc.) in accordance with Engineering and Landscaping Plans.

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Should a Site Alteration Permit be required in advance of development agreement execution, please contact Cameron Harris, Development Services Technician 2 at [harrisc@whitby.ca](mailto:harrisc@whitby.ca)

#### Financial Services – Development Charges

The following pertains to the Town of Whitby development charges and parkland dedication / cash-in-lieu only. Additional information can also be found on the Town's [Development Charge website](#). Development charges will apply to the Region of Durham and the school boards (DDSB/DCDSB) as well, the applicant is encouraged to contact them directly with any questions.

Applicable fees will follow current Provincial Legislation and Town of Whitby By-Laws at the time of development; the following summarizes the current legislation / Town by-laws.

#### Development Charge Payable

- Development charges are due in full prior to the issuance of the first building permit for the development / dwelling unit.

#### Development Charge Calculation – for Development that **does not** require a Site Plan

- As per Section 26.2 of the Development Charges Act, 1997, s.o.1997, c.27, the base development charge rate will be the applicable DC rate in effect as of the date of Zoning By-Law Amendment application **submission**.
- Interest will accrue on the base development charge rate, from the date of Zoning By-Law Amendment application submission until the date of building permit issuance.
- The applicant has 2 years from the date of Zoning By-Law Amendment application **approval** to obtain a building permit, otherwise Section 26.2 no longer applies; in this case the applicant would instead pay development charges based on the current posted DC rate in effect as of the building permit issuance date.

#### Development Charge Calculation – for Development that **does** require a future Site Plan

- As per Section 26.2 of the Development Charges Act, 1997, s.o.1997, c.27, the base development charge rate will be the applicable DC rate in effect as of the date of Site Plan application **submission**.
- Interest will accrue on the base development charge rate, from the date of Site Plan application submission until the date of building permit issuance.



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- The applicant has 2 years from the date of Site Plan application **approval** to obtain a building permit, otherwise Section 26.2 no longer applies; in this case the applicant would instead pay development charges based on the current posted DC rate in effect as of the building permit issuance date.

#### Parkland Dedication / Parkland Cash-In-Lieu

- The Conveyance of Parkland and Cash-in-Lieu of Parkland By-Law #7733-21 applies to this development

#### Financial Services – Taxes

Taxes are overdue on both 4400 & 4440 Garden Street.

#### Fire and Emergency Services

- The firebreak layout shall be submitted to the fire department for review and approval prior to site plan application
- Fire access route sign locations shall be indicated on site plan as per TOW Bylaw 4084-97
- Subdivision emergency access policy
- The location of hydrants shall be indicated on the site plan

#### Planning and Development Department – Landscaping

##### Site Plan

- The perimeter black vinyl chain link fence will have the posts centered on the shared property line and the chain link fabric adjacent to the publicly owned property. Provide a detail of the fence section to illustrate the footings along the shared property line. Fencing shall reflect the requirements in the fencing appendix in the associated subdivision agreement.
- Setbacks proposed in the EIS should be illustrated/ labeled on the site plan.
- Clarification on whether trees will be transplanted (location noted on plan) or removed should be confirmed. Town trees to be removed will require an appraisal from the Town's Forestry Division; or by a certified tree appraiser, then reviewed by the Town.
- Propose an alternative maple tree to substitute the silver maple. Silver maples thrive in moist soils and require more space due to their widespread roots. Refer to the Town's Recommended Tree Species List. Trees that note (Rb\*) require

## Agency & Stakeholder Detailed Comments

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additional approval from the Town's Forestry Division as they may not be a preferred specie.

- Update Detail 751 with the revised pdf attached. Additional details can be found here: <https://www.whitby.ca/en/work/landscape-plan-guidelines.aspx>

#### Restoration and Buffer Planting

- A detailed restoration plan will be prepared as part of the site plan application. The site plan should illustrate the proposed buffer plantings: *"trees, shrubs and herbaceous ground covers native to the ecoregion, well-adapted to site conditions, and complimentary to those present in the adjacent communities"* (Pg. 30, EIS).
- The requirement for edge management/restoration/buffer planting and a reforestation plan can either be included as part of the landscape plan submission (preferred) OR provided separately and prepared by an ecological consultant; the design of these areas shall reference the most recent EIS submission recommendations and comply with the Town's Landscape Plan Guideline requirements (section 4.7.1 and using the plant material expectations provided for plantings in section 4.6 and/or 4.7.2, as applicable)
- The reforestation and buffer/edge management/restoration planting plans are a part of the requirements associated with the subdivision (versus the site plan), and 100% of the estimated cost of these should be included in a cost estimate for the subdivision.

#### Comment Matrix

- One deficiency (item #7)-the consultant needs to incorporate the towns updated versions of the details and notes-see attached.
- There are 46-47 town owned trees in the town's right of way being removed. An appraisal of these trees should be completed by someone who is qualified. Once the appraisal is verified as acceptable to the Town, this shall be used to determine the Town's compensation requirement.
- For additional comments refer to the document attached.

#### Cost Estimate

- Tree Protection should be included in the cost estimate.
- Street Trees in the R.O.W will be secured for at 100%
- Provide a separate cost estimate for the buffer planting – as noted above.

#### Arborist Report

- Page 9: Replacement trees will be **60 mm** caliper minimum.

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- Page 10: Trees along the boulevard will be planted in accordance with the Town's Tree Pit Rooting Zone (Detail 514), and follow the Town's Standard Utility Clearances (Detail 751)

## Strategic Initiatives

### Sustainability Comments

Staff acknowledge and appreciate the proposed changes to the design. From our understanding based on our review of the Draft Plan of Subdivision, the proposed development has been moved to avoid significant wetlands and will result in the increase of the core woodlands area. The residential blocks have been pushed further south away from the wetland and an open space block containing a provincially significant wetland has been proposed. However, to ensure that Performance Measure # LUN1.2 has been satisfied Sustainability Staff will require CLOCA's comments on the proposed changes to the development.

Again, it is encouraged that consideration be given for advanced sustainability criteria through the uptake of voluntary Tiers 2-4. These standards support sustainable site design for development and redevelopment on public and private property, enhancing the Municipality's natural heritage, economic vitality, cultural heritage, and social aspects.

We would like to reiterate, that Staff would like to see a strong emphasis on sustainability within this development with a focus on:

- Natural Heritage Preservation:
  - Increasing natural cover through the use of evergreen or shrub material and green infrastructure technology like green roofs;
  - Plant for a 30% tree canopy will be achieved within 10 years of the development (demonstrate through modeling and tree planting plan);
  - Using at least 50% plant species native to southeast Ontario, restore predevelopment native ecological communities, water bodies, or wetlands on the project site in an area equal to or greater than 20% of the development footprint.
  - Providing an enhanced buffer-planting plan adjacent to identified key natural heritage features and/or key hydrologic features beyond the site-specific development requirements.
  - Ensure bird friendly design is integrated throughout the building with considerations for glazing, lighting;

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- Energy Conservation:
  - Net Zero Carbon certified buildings or other high energy performing buildings;
  - Explore options to connect to existing on-site energy generation systems, such as district energy facilities, where feasible;
  - Integration of low carbon energy generation from renewable resources such as solar or geothermal heat pump technology;
  - Where supplied, for each unit, ENERGY STAR® or equivalent labeled refrigerators, ceiling fans, clothes washers, and dishwashers.
- Equity and Local Community:
  - Integrate affordable housing for where either the purchase price results in annual accommodation costs, which do not exceed 30% of gross annual household income for low and moderate-income households, or the purchase price is at least 10% below the average purchase price of a resale unit in the Region.
  - Ensure that multi-residential and affordable homes are situated with primary access to public green space.
- Local Food:
  - Space considerations made to support a community garden and a space for growing food.
- Water Conservation:
  - Innovative site design and landscaping that:
    - mitigates fluctuations in water levels and maintains or restores water balance;
    - incorporate on-site water retention,
    - integrates low impact development technology such as green roofs, permeable pavement, bioswales and raingardens to reduce water runoff;
  - The use of water saving technologies in building design; and
  - The use of low irrigation naturalized low maintenance landscaping, or other innovative water conservation techniques.
- Sustainable Transportation:
  - Equip 20% of parking spaces are with electric vehicle charging stations.
  - Design all remaining/ garages to enable future charging station installation.
  - Provide bicycle parking and resting furniture (bench) near any multi-user entrances to buildings and parks and ensure connectivity of urban mobility through the site.

WGS Draft Plan of Subdivision

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Staff appreciate the initial WGS Checklist that was submitted, however will require the following updates:

- **TT1.1** – Please ensure the entire comment is visible, so that Staff can determine if it meets the Tier 1 criteria listed for this development feature.
- **TT1.2** – Please provide a short overview or explanation of the Active Transportation Plan component of the Traffic Impact Study that shows how this proposed development meets the urban mobility requirements of the Town's Active Transportation Plan.
- **TT1.6** – Please provide a short overview or explanation of the Transportation Study for Active Mobility recommendations that shows how it meets the requirements of Whitby's Official Plan and considers access of Durham Region Transit Stops and ensures pedestrian connectivity to all transit facilities.
- **ECC1.1** – Please provide further details on the feasibility of connecting to existing on-site energy generation systems, such as district energy facilities.
- **ECC1.2** – Please provide an explanation as to why renewable energy resources are not applicable to this proposed development.
- **ECC1.3** – Please provide an explanation as to why 50% (or more) of development blocks have one axis within 15 degrees of the East-West plane are as long as the North-South lengths of blocks is not feasible.
- Please ensure all relevant plans and drawing numbers are included, where applicable.

Please note that only Town of Whitby staff can determine if criteria can be determined not applicable and this decision is made based on the explanations provided within the completed Green Standard Checklist. Therefore, a more detailed description is required for all criteria that the Applicant deems not applicable so an informed decision can be made in terms of its applicability.

## External Agencies

### Bell Canada

We have reviewed the circulation regarding the above noted application. The following paragraphs are to be included as a condition of approval:

"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.

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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.”

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

It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada’s existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

To ensure that we are able to continue to actively participate in the planning process and provide detailed provisioning comments, we note that we would be pleased to receive circulations on all applications received by the Municipality and/or recirculations.

We note that WSP operates Bell Canada’s development tracking system, which includes the intake and processing of municipal circulations. However, all responses to circulations and requests for information, such as requests for clearance, will come directly from Bell Canada, and not from WSP. WSP is not responsible for the provision of comments or other responses.

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

#### Official Plan Amendment (OPA-2022-W/02)

The subject lands are currently designated Low Density Residential 1 and Environmental Protection/Conservation Lands. The purpose of the proposed Official Plan Amendment application is to change the land use designation on a portion of the Subject Land from Low Density Residential 1 to Medium Density and adjust the boundary of the Environmental Protection/Conservation Lands.

CLOCA staff recommend that all lands containing hazard lands, wetlands, associated features, and their development setbacks be designated Environmental Protection/Conservation Lands. CLOCA staff have reviewed the draft Official Plan Schedule provided with this circulation and have no objection to its approval.

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#### Zoning By-law Amendment (Z-13-22)

The subject lands are currently zoned Agricultural. The purpose of the Zoning By-Law Amendment application is to change the zoning to appropriate categories to implement the Draft Plan of Subdivision.

CLOCA staff recommend that all blocks containing hazard lands, wetlands, associated features, and their development setbacks be zoned Greenbelt (G) as per zoning by-law 1784 or the equivalent. No lot lines or associated development should occur within these lands. CLOCA staff have reviewed the draft Zoning By-law Schedule provided with this circulation and have no objection to its approval.

#### Draft Plan of Subdivision (SW-2022-03)

CLOCA staff recommend that any approval of the proposed plan of subdivision be subject to the following conditions of draft plan approval on behalf of the Central Lake Ontario Conservation Authority:

1. That prior to any on-site grading, construction or final approval of the plan, the Subdivider shall submit to and obtain approval from Central Lake Ontario Conservation Authority for reports and plans describing the following:
  - a. The intended means of conveying stormwater from the site, consisting of stormwater techniques which are appropriate and in accordance with provincial guidelines as well as in conformity with the recommendations found within the Pringle Creek Master Drainage Plan and CLOCA Technical Guidelines for Stormwater Management Submissions.
  - b. The intended means to maintain appropriate water balance for the subject lands and to the adjacent hydrologic features (e.g., wetlands, watercourses) to the satisfaction of Central Lake Ontario Conservation Authority.
  - c. The intended means to design, install, access, maintain and monitor any proposed Low Impact Development (LID) measures as part of this development. This includes the completion of in-situ infiltration testing and seasonal high groundwater monitoring in the location of the proposed facilities to ensure that they will function as designed.
  - d. The intended means whereby erosion and sedimentation and their effects will be minimized on the site during and after construction, in accordance with provincial guidelines. The report must outline all actions to be taken to prevent an increase in the concentration of suspended solids in any water body because of on-site, or other related works.



**Agency & Stakeholder Detailed Comments**  
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- e. The intended means to provide restoration and ecological enhancement within the Open Space Block 20 to the satisfaction of Central Lake Ontario Conservation Authority and Town of Whitby. A letter of credit for the value of implementation of this plan will be held by the Town of Whitby until the warranty period expires on the planted materials.
2. That the Subdivider agrees that prior to registration of the subdivision the approved Restoration and Ecological Enhancement Plans for Block 20 will be implemented to the satisfaction of Central Lake Ontario Conservation Authority and the Town of Whitby. Given access to this Block may be restricted once construction of the buildings occurs, it is recommended that implementation occur prior to construction commencing and access to this area be restricted thereafter.
3. That the Subdivider shall agree within the Subdivision Agreement to erect a permanent fence between the boundary of Block 20 and any residential lands, to prevent any direct entry of landowners/occupants from private lands into this Block. Any associated development agreement shall include provisions to prohibit private gates being installed through this fence.
4. That the Subdivider shall agree to dedicate Open Space Block 20 to an appropriate public body.
5. The Subdivider shall obtain all necessary permits from Central Lake Ontario Conservation Authority required through Ontario Regulation 42/06, or any successor regulations made under the Conservation Authorities Act.
6. The Subdivider shall satisfy all financial requirements of the Central Lake Ontario Conservation Authority. This shall include Application Processing Fees and Technical Review Fees owing as per the approved Authority Fee Schedule.
7. The subdivision agreement between the Subdivider and the Town of Whitby shall contain, among other matters, the following provisions:
  - a. The Subdivider agrees to carry out the works referred to in Conditions 1 and 2 to the satisfaction of the Central Lake Ontario Conservation Authority.
  - b. The Subdivider agrees to maintain all stormwater management and erosion and sedimentation control measures operating and in good repair during the construction period, in a manner satisfactory to the Central Lake Ontario Conservation Authority.
  - c. The Subdivider agrees to advise the Central Lake Ontario Conservation Authority 48 hours prior to commencement of grading or the initiation of any on-site works.

## Agency & Stakeholder Detailed Comments

### File DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

Hydrogeology Comments to be addressed at Detailed Design

A memo from our Environmental Engineering Division related to our water balance review has been provided. These comments must be addressed to our satisfaction as part of detailed design as outlined in our conditions of draft plan approval listed above.

Ontario Regulation 42/06 of the Conservation Authorities Act

A permit from CLOCA will be required for any site alteration and/or development within any lands regulated through Ontario Regulation 42/06 of the Conservation Authorities Act. The application process and fee collection required as part of this process will occur separately and directly with CLOCA.

#### **Conseil Scolaire Viamonde**

The Conseil scolaire Viamonde has no comment.

#### **Durham Catholic District School Board**

Planning staff at the Durham Catholic District School Board have reviewed the above noted planning applications and have no objections to the proposed development of 151 residential units.

This development is located within the boundary of St. Matthew the Evangelist C.S. located at 60 Willowbrook Drive, Whitby.

#### **Durham District School Board**

Staff has reviewed the information provided for the above-noted application request and under the mandate of the Durham District School Board, has no comments at this time.

#### **Enbridge Gas Inc.**

Enbridge Gas Inc. does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions.

This response does not constitute a pipe locate, clearance for construction or availability of gas.

The applicant shall contact Enbridge Gas Inc.'s Customer Connections department by emailing [AreaPlanning40@Enbridge.com](mailto:AreaPlanning40@Enbridge.com) to determine gas availability, service and

## Agency & Stakeholder Detailed Comments

### File DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.

If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phased construction, all costs are the responsibility of the applicant.

In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas Inc. at no cost.

#### **Hydro One Networks Inc.**

We are in receipt of your Draft Plan of Subdivision Application, SW-2022-03 received August 23, 2022. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

#### **Region of Durham**

Delegated Plan Review Responsibilities

Provincial Plan Review Responsibilities

Archaeology

A Stage 1 Archaeological Assessment prepared by ASI (March 2022) was submitted with the first submission. The assessment recommended that the entire site be subject to a Stage 2 Archaeological Assessment. It is noted in the comment matrix that a Stage 2 Archaeological Assessment is underway. This requirement can be addressed as a future condition of the subdivision application.

Potential Site Contamination

As requested in our November 2022 letter the Phase One Environmental Site Assessment (ESA) Report prepared by Terraprobe (March 2021) was submitted. This report identified three Potentially Contaminating Activities on-site.

## Agency & Stakeholder Detailed Comments

### File DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

A Phase Two Environmental Site Assessment was prepared by HLV2K Engineering Ltd (December 2021) and submitted in support of the applications. The ESA report concluded that the site met the “Table 2: Full Depth Generic Site Condition Standards in a Potable Ground Water Condition” (Table 2 Standards) Residential Parkland Institutional (RPI) site conditions standards for all parameters.

The Regional Reliance Letter and a Certificate of Insurance were included in the second submission. The Regional Reliance Letter is acceptable to the Region. The Certificate of Insurance will have to be resubmitted, as it is required on the Region’s form.

Moreover, in accordance with the Region’s Soil and Groundwater Assessment Protocol, all ESA work is valid for up to 18 months after MECP’s filing date. As such, as a condition of the draft plan, an update letter identifying if there were any changes to site conditions may be required. This requirement will be included as a future condition of draft approval for the subdivision application.

#### Noise

The Noise Feasibility Assessment prepared by RJ Burnside (March 2023) did not use Regional traffic forecast data for the AADT for Garden Street (a Type C Arterial Road). Based on the input study to the Mid-Block Arterial Class EA, and our own database, the AADT should be 16,000. While the volumes may be reasonable for a 2028 horizon year, they do not reflect the full impact of Brooklin or north Whitby related development for the extension of Garden Street and its connection to the mid-block arterial. The Assessment needs to be updated with traffic forecasts from the Region’s Planning Division.

The study recommends the use of a 2.0 meter high acoustic barrier for Lot 1 (the worst case scenario lot) abutting Garden Street in order to reduce the predicted sound levels to 55 dBA. The Region agrees with this recommendation, however, a higher barrier might be necessary should the AADT for Garden Street be increased to 16,000.

Sections 4.2 and 7.1 of the Noise Feasibility Assessment recommend the provision for adding air conditioning for the specified lots (Lots 1 – 18). Mandatory Central Air for Lot 1 may be a possibility if an AADT of 16,000 is used for Garden Street.

The Assessment recommends a “Detailed” Environmental Noise Assessment once the proposed building locations and grading plans are finalized. There should be a recommendation stating that the Noise Control measures, and the appropriate Warning Clause(s) be included in the Town of Whitby Subdivision Agreement.

Block 19 (Medium Density Residential) contains a recently submitted Site Plan showing the location of the proposed residential units. A further Assessment will be required using traffic forecasts from the Region’s Planning Division for this area.

## Agency & Stakeholder Detailed Comments

### File DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

A revised report should be submitted to address the Region's comments. This requirement can be addressed as a future condition of draft approval for the subdivision application.

#### Environmental Impact Study

The Environmental Impact Study (EIS) prepared by Beacon Environmental was updated to address comments from CLOCA. As noted in the comment matrix. The revised development plan has been updated to reflect the boundaries of the Natural Heritage System more closely and increase the area for protection. Additionally, a reforestation plan is proposed.

#### Municipal Servicing

Regional Works reviewed the second submission material and advised that they had no further comments on the applications.

#### Transportation

The applications were reviewed from a Transportation Planning perspective and the following comments were provided:

- It is recommended that the site plan identify where bicycle parking for visitors will be provided to support planned cycling connections. Identifying these connections helps encourage residents and visitors to use active modes, support Transportation Demand

#### Management (TDM) in the Region.

- Given the additional density and traffic this development will generate to the area, the site plan should consider identifying additional east/west pedestrian crossings on Street "A" between Block 18 and Block 19; add the pedestrian crossing label to the east/west crossing on Street "A" and Street "D", and add an additional north/south pedestrian crossing on Street "A" between Block 08 and Block 05, to facilitate safe pedestrian and cyclist movement within the site and to destinations adjacent to the site.

#### Durham Region Transit

Durham Region Transit has reviewed this application and provided the following comments:

- The subject property is located within a Local Area Transit Plan Area identified in DRT's Route Ahead plan. Please protect for transit stops at the following locations as per the attached S-12 standard design guidelines:
  - Garden Street southbound nearside at Robert Attersley Drive

## Agency & Stakeholder Detailed Comments

### File DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

- Robert Attersley Drive westbound nearside at Street “A”
- Sidewalks are required to be constructed on the west side of Garden Street and the north side of Robert Attersley Drive in tandem with this development.
- Sidewalks are required to be constructed within the internal street network in tandem with this development.

#### Conclusion

Based on the forgoing, the Region has no objection to approval of the Official Plan Amendment or draft approval of the subdivision application. The following conditions of approval shall be complied with prior to clearance by the Region for registration of the subdivision plan.

1. The Subdivider shall prepare the final plan and shall include a land use table on the basis of the approved draft plan of S-W-2022-03, prepared by Bousfields Inc., identified as drawing number 2121-35dp, dated April 4, 2023, which illustrates 18 single-detached units, 1 block for medium density residential, 1 open space block and 1 road widening block.
2. The Subdivider shall name road allowances included in this draft plan to the satisfaction of the Region of Durham and the Town of Whitby.
3. The Subdivider shall submit plans showing the proposed phasing to the Region for review and approval if this subdivision is to be developed by more than one registration.
4. The Subdivider shall grant to the Region, any easements required to provide Regional services for this development. The easements shall be in locations and of such widths as determined by the Region.
5. The Subdivider shall provide for the extension of such sanitary sewer and water supply facilities which are external to, as well as within, the limits of this plan that are required to service this plan. In addition, the Subdivider shall provide for the extension of sanitary sewer and water supply facilities within the limits of the plan which are required to service other developments external to this subdivision. Such sanitary sewer and water supply facilities are to be designed and constructed according to the standards and requirements of the Region of Durham. All arrangements, financial and otherwise, for said extensions are to be made to the satisfaction of the Region of Durham and are to be completed prior to final approval of this plan.
6. Prior to entering into a Subdivision Agreement, the Region of Durham shall be satisfied that adequate water pollution control plant and water supply plant capacities are available to the proposed subdivision.

**Agency & Stakeholder Detailed Comments**  
**File DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)**

7. The Subdivider shall satisfy all requirements, financial and otherwise, of the Region of Durham. This shall include, among other matters, the execution of a Subdivision Agreement between the Subdivider and the Region concerning the provision and installation of sanitary sewers, water supply, roads and other Regional services.
8. The Subdivider shall carry out an archaeological assessment of the subject property and mitigation and/or salvage excavation of any significant heritage resources to the satisfaction of the Ministry of Tourism, Culture, and Sport. No grading or other soil disturbance shall take place on the subject property prior to a letter of clearance from the Ministry of Tourism, Culture and Sport.
9. Prior to the finalization of this plan of subdivision, the Subdivider must provide satisfactory evidence to the Region of Durham in accordance with the Region's Soil and Groundwater Assessment Protocol to address site contamination matters. Such evidence may include the completion of a Regional Reliance Letter and Certificate of Insurance. Depending on the nature of the proposal or the findings of any Record of Site Condition (RSC) Compliant Phase One Environmental Site Assessment (ESA), an RSC Compliant Phase Two ESA may also be required. The findings of the Phase Two ESA could also necessitate the requirement for an RSC through the Ministry of the Environment, Conservation and Parks, accompanied by any additional supporting information.
10. The Subdivider shall submit to the Region of Durham, for review and approval, a revised acoustic report prepared by an acoustic engineer based on projected traffic volumes provided by the Region of Durham Planning and Economic Development Department, and recommending noise attenuation measures for the draft plan in accordance with the Ministry of the Environment, Conservation and Parks guidelines. The Subdivider shall agree in the Subdivision Agreement to implement the recommended noise control measures. The agreement shall contain a full and complete reference to the noise report (i.e., author, title, date, and any revisions/addenda thereto) and shall include any required warning clauses identified in the acoustic report. The Subdivider shall provide the Region with a copy of the Subdivision Agreement containing such provisions prior to final approval of the plan.



## Conditions of Draft Plan of Subdivision Approval File SW-2022-03

1. The Subdivider shall prepare the final plan and shall include a land use table on the basis of the approved draft plan of S-W-2022-03, prepared by Bousfields Inc., identified as drawing number 2121-35dp, dated April 4, 2023, which illustrates 18 single-detached units, 1 block for medium density residential, 1 open space block and 1 road widening block.
2. The Subdivider shall name road allowances included in this draft plan to the satisfaction of the Region of Durham and the Town of Whitby.
3. The Subdivider shall submit plans showing the proposed phasing to the Region for review and approval if this subdivision is to be developed by more than one registration.
4. The Subdivider shall grant to the Region any easements required to provide Regional services for this development. The easements shall be in locations and of such widths as determined by the Region.
5. The Subdivider shall provide for the extension of such sanitary sewer and water supply facilities which are external to, as well as within, the limits of this plan that are required to service this plan. In addition, the Subdivider shall provide for the extension of sanitary sewer and water supply facilities within the limits of the plan which are required to service other developments external to this subdivision. Such sanitary sewer and water supply facilities are to be designed and constructed according to the standards and requirements of the Region of Durham. All arrangements, financial and otherwise, for said extensions are to be made to the satisfaction of the Region of Durham and are to be completed prior to final approval of this plan.
6. Prior to entering into a Subdivision Agreement, the Region of Durham shall be satisfied that adequate water pollution control plant and water supply plant capacities are available to the proposed subdivision.
7. The Subdivider shall satisfy all requirements, financial and otherwise, of the Region of Durham. This shall include, among other matters, the execution of a Subdivision Agreement between the Subdivider and the Region concerning the provision and installation of sanitary sewers, water supply, roads and other Regional services.
8. The Subdivider shall carry out an archaeological assessment of the subject property and mitigation and/or salvage excavation of any significant heritage resources to the satisfaction of the Ministry of Tourism, Culture, and Sport. No grading or other soil disturbance shall take place on the subject property prior to a letter of clearance from the Ministry of Tourism, Culture and Sport.

## Conditions of Draft Plan of Subdivision Approval File SW-2022-03

9. Prior to the finalization of this plan of subdivision, the Subdivider must provide satisfactory evidence to the Region of Durham in accordance with the Region's Soil and Groundwater Assessment Protocol to address site contamination matters. Such evidence may include the completion of a Regional Reliance Letter and Certificate of Insurance. Depending on the nature of the proposal or the findings of any Record of Site Condition (RSC) Compliant Phase One Environmental Site Assessment (ESA), an RSC Compliant Phase Two ESA may also be required. The findings of the Phase Two ESA could also necessitate the requirement for an RSC through the Ministry of the Environment, Conservation and Parks, accompanied by any additional supporting information.
10. The Subdivider shall submit to the Region of Durham, for review and approval, a revised acoustic report prepared by an acoustic engineer based on projected traffic volumes provided by the Region of Durham Planning and Economic Development Department and recommending noise attenuation measures for the draft plan in accordance with the Ministry of the Environment, Conservation and Parks guidelines. The Subdivider shall agree in the Subdivision Agreement to implement the recommended noise control measures. The agreement shall contain a full and complete reference to the noise report (i.e., author, title, date, and any revisions/addenda thereto) and shall include any required warning clauses identified in the acoustic report. The Subdivider shall provide the Region with a copy of the Subdivision Agreement containing such provisions prior to final approval of the plan.
11. That prior to any on-site grading, construction or final approval of the plan, the Subdivider shall submit to and obtain approval from Central Lake Ontario Conservation Authority for reports and plans describing the following:
  - a. The intended means of conveying stormwater from the site, consisting of stormwater techniques which are appropriate and in accordance with provincial guidelines as well as in conformity with the recommendations found within the Pringle Creek Master Drainage Plan and CLOCA Technical Guidelines for Stormwater Management Submissions.
  - b. The intended means to maintain appropriate water balance for the subject lands and to the adjacent hydrologic features (e.g., wetlands, watercourses) to the satisfaction of Central Lake Ontario Conservation Authority.
  - c. The intended means to design, install, access, maintain and monitor any proposed Low Impact Development (LID) measures as part of this development. This includes the completion of in-situ infiltration testing and seasonal high groundwater monitoring in the location of the proposed facilities to ensure that they will function as designed.

## Conditions of Draft Plan of Subdivision Approval File SW-2022-03

- d. The intended means whereby erosion and sedimentation and their effects will be minimized on the site during and after construction, in accordance with provincial guidelines. The report must outline all actions to be taken to prevent an increase in the concentration of suspended solids in any water body because of on-site, or other related works.
  - e. The intended means to provide restoration and ecological enhancement within the Open Space Block 20 to the satisfaction of Central Lake Ontario Conservation Authority and Town of Whitby. A letter of credit for the value of implementation of this plan will be held by the Town of Whitby until the warranty period expires on the planted materials.
12. That the Subdivider agrees that prior to registration of the subdivision the approved Restoration and Ecological Enhancement Plans for Block 20 will be implemented to the satisfaction of Central Lake Ontario Conservation Authority and the Town of Whitby. Given access to this Block may be restricted once construction of the buildings occurs, it is recommended that implementation occur prior to construction commencing and access to this area be restricted thereafter.
13. That the Subdivider shall agree within the Subdivision Agreement to erect a permanent fence between the boundary of Block 20 and any residential lands, to prevent any direct entry of land Subdividers/occupants from private lands into this Block. Any associated development agreement shall include provisions to prohibit private gates being installed through this fence.
14. That the Subdivider shall agree to dedicate Open Space Block 20 to an appropriate public body.
15. The Subdivider shall obtain all necessary permits from Central Lake Ontario Conservation Authority required through Ontario Regulation 42/06, or any successor regulations made under the Conservation Authorities Act.
16. The Subdivider shall satisfy all financial requirements of the Central Lake Ontario Conservation Authority. This shall include Application Processing Fees and Technical Review Fees owing as per the approved Authority Fee Schedule.
17. The subdivision agreement between the Subdivider and the Town of Whitby shall contain, among other matters, the following provisions:
- a. The Subdivider agrees to carry out the works referred to in Conditions 11 and 12 to the satisfaction of the Central Lake Ontario Conservation Authority.
  - b. The Subdivider agrees to maintain all stormwater management and erosion and sedimentation control measures operating and in good repair

## Conditions of Draft Plan of Subdivision Approval File SW-2022-03

during the construction period, in a manner satisfactory to the Central Lake Ontario Conservation Authority.

- c. The Subdivider agrees to advise the Central Lake Ontario Conservation Authority 48 hours prior to commencement of grading or the initiation of any on-site works.

18. The Subdivider shall convey the following to the Town:

- a. Block 20 for Open Space; and
- b. Block 21 for Road Widening on Garden Street.

19. The Subdivider shall provide an Environmental Constraints Plan (ECP) showing development limits along Natural Heritage System (NHS) areas. The development limits shall be based on environmental features/constraints, including a floodline and shall be established using all applicable environmental buffers/setbacks. The ECP shall include a Town's 6.0m wide access corridor which must be located outside of all environmental features, including the floodline. The corridor shall not contain any new plantings and shall be accessible for Towns' service vehicles.

Any change to the lot lines adjacent to the NHS (i.e., development limit) must be reflected in the Draft Plan prior to final approval.

20. The Subdivider shall be responsible for maintaining the existing Town roads in an acceptable condition throughout the duration of construction and/or until such time as the Town roads are reconstructed. The Subdivider may be required to provide the Town with securities to ensure roads are maintained to the Town's satisfaction. This is to be reviewed further when information regarding the timing of construction of both the subdivision development and the reconstruction of the Town owned road(s) is known.

21. The Subdivider shall be responsible for full restoration along the development frontage of existing Robert Attersley Drive. This includes, but is not limited to, reconstruction of sidewalks and curbs, full restoration of pavement (curb-to-curb) and relocation of any existing road catchbasins outside of any proposed new driveways.

22. The Subdivider shall provide a Construction Management Report and Plan(s) to the Town's satisfaction that includes, but is not limited to, a neighborhood communication strategy, construction traffic route, schedule and mud and dust control best management practices.

23. The Subdivider shall implement a pre-construction survey/assessment, including a vibration monitoring program within the vibration zone of Influence (ZOI), on

## Conditions of Draft Plan of Subdivision Approval File SW-2022-03

any adjacent buildings/structures/properties that may be affected by the construction activity, prior to commencing construction. The assessment shall be completed by a qualified person (QP) to the satisfaction of the Town and shall be provided to the Town prior to construction. Any waiving of this requirement shall be at the sole discretion of the Director of Engineering of the Town of Whitby.

24. The Subdivider shall implement all recommended noise control measures identified in the Environmental Noise Assessment Report and revise the plan as required to accommodate recommended noise control measures prior to registration.
25. All non-regulatory fencing and acoustic barriers shall be installed wholly on private property and all operation and maintenance of said fencing shall be the responsibility of the private property Subdividers.
26. All black vinyl chain link fences to delineate Town blocks, and open spaces from private property shall be designed and constructed in accordance with the relevant engineering standards.
27. The Subdivider shall ensure all private properties are protected from flooding limits at low points and points of major system flow convergence along the municipal road system. If required, the plan for registration shall be revised accordingly to provide said flood protection.
28. All community mailboxes within the public right-of-way shall be placed adjacent to the sidewalk location. All community mailboxes for the private developments shall be located within private properties.
29. Construction phasing of the development shall be to the satisfaction of the Engineering Services and shall consider adjoining developments and provide for upstream and downstream road and servicing connectivity.
30. The Subdivider shall provide a detailed engineering submission in accordance with Sections A2.00 and A3.00 of the Town of Whitby's Engineering Design Criteria. The engineering drawings must be set up as per the Town's CAD layering standards and object data requirements set out in Appendix A of the Design Criteria. The engineering drawings will not be accepted until it is confirmed that the drawing set-up conforms to this requirement.
31. The Subdivider shall confirm the details of all existing above and below grade infrastructure relevant to the proposed design. Existing details shall be confirmed in the field by a method determined by the Subdivider's consulting engineer in consultation with the Town. Acceptable methods include, but are not limited to, topographical surveys, locates, measure downs, sub-surface utility engineering (SUE) investigation Quality Level A (QL-A), also referred to as

## Conditions of Draft Plan of Subdivision Approval File SW-2022-03

daylighting, to determine horizontal and vertical location. The Subdivider further acknowledges that any as-built information provided by the Town is for informational purposes only.

32. All plan and profile drawings shall indicate the seasonal high water table elevation and the corresponding Minimum Basement Elevation, all to be confirmed by Hydrogeological Consultant and accepted by Central Lake Ontario Conservation (CLOC). The Subdivider shall protect all proposed private dwellings from the seasonal high-water table where applicable.
33. The Subdivider shall be responsible for all hydro poles, luminaries and hydro requirements for this proposed subdivision and shall enter into a separate agreement with Elexicon, if applicable.
34. The Subdivider shall provide the Town with a full electrical design (i.e., primary, secondary and streetlight design) for this development. All aspects of the secondary electrical design and street light design will be peer reviewed by the Town. The Subdivider will be financially responsible for the peer review cost including a 15 percent administrative fee. The existing lighting levels shall be maintained and consistent with the existing Robert Attersley Drive streetlighting design.
35. Any concerns raised through future re-submissions of the Geotechnical and Hydrogeotechnical Reports for the site shall be addressed by the Subdivider to the satisfaction of the Engineering Services. This includes, but is not limited to, long term slope stability, confirmation of design parameters and preliminary layout for LID (low impact development) measures (proposed infiltration trenches), proposed stormwater management pond elevations relative to groundwater levels and the need/thickness of the impervious membrane or synthetic clay lining, foundation construction requirements and recommended measures for Best Management Practices for municipal servicing construction. The plan must reflect changes required in this regard prior to registration.
36. The Subdivider shall provide an assessment of dead, dying, diseased and/or over mature trees along the edge of the natural areas for pruning or topping purposes to address safety and liability concerns. The Report must include details for the protection, enhancement, and edge management of the retained vegetated areas. All hazards, debris, or garbage shall be removed prior to the registration of the plan.
37. The Subdivider shall provide the Town with a deposit for any necessary peer review costs with the amount to be determined at time of first peer review. The Town will administer payments to any Peer Review Consultant(s) and provide milestone billings back to the Subdivider. The Town may request additional deposits for the Peer Review funds if required. At the time of issuance of full

## Conditions of Draft Plan of Subdivision Approval File SW-2022-03

engineering approvals, any remaining deposit will be returned to the Developer. This condition will be superseded at such time as the Town has a Peer Review By-law in place.

38. The Subdivider shall be responsible to enter into a separate agreement(s) with benefiting parties, to which the Town is not a party, to address cost sharing for external services and/or the oversizing of services if required.
39. The Subdivider shall provide a copy of the approved individual lot grading plan (i.e., siting) to each lot purchaser prior to closing.
40. The Subdivider shall agree to implement the recommendations of all reports submitted in support of the application.
41. The Subdivider shall be responsible for satisfying any additional requirements identified by the Engineering Services not specifically listed above.
42. The Community Services Department, Parks Division will require cash-in-lieu of parkland dedication in accordance with the Planning Act, as amended.
43. The Community Services Department, Parks Division will require cash-in-lieu for the installation of Town standard post and wire farm fence along the north property line of Open Space Block 20.
44. Block 20 be dedicated to the Town as Open Space free and clear of any encumbrances.
45. Enhancement and restoration planting shall be installed, in the forested gaps within Block 20 Open Space Block, to the Towns satisfaction.
46. The Community Services Department, Parks Division will require 1.2 metre black vinyl chain-link Town standard.
47. The Subdivider shall consult with Canada Post to determine suitable permanent locations for Community Mailboxes or Lock Box Assemblies (Mail Room). The Subdivider will indicate these locations on the appropriate servicing plans.
48. That the Subdivider enter into a Subdivision Agreement for the subdivision, and a future Site Plan Agreement for each block with the Municipality and be responsible for the fees associated with the preparation and registration of the Agreement, including any review required by Legal Services.
49. The required noise mitigation measures and warning clauses shall be included in the Subdivision Agreement and future Site Plan Agreements.
50. The Subdivider shall provide a tree preservation plan and install protective fencing in advance of any on-site grading works.



## Conditions of Draft Plan of Subdivision Approval File SW-2022-03

51. The Subdivider shall prepare and implement the following reports and plans in accordance with the applicable guidelines to the satisfaction of the agencies noted:

<b>Report</b>	<b>Town</b>	<b>Region</b>	<b>CLOCA</b>
Environmental Impact Study	Yes	Yes	Yes
Functional Servicing and Stormwater Management Report	Yes	Yes	-
Geotechnical Investigation	Yes	Yes	Yes
Hydrogeological Study	Yes	Yes	Yes
Noise Study	Yes	Yes	-
Phase One and Two Environmental Site Assessment	Yes	Yes	-
Stage 1 Archaeological Assessment	Yes	Yes	-
Sustainability Report	Yes	-	-
Transportation Study	Yes	Yes	-

52. The Subdivider shall satisfy all requirements, financial and otherwise, of the Town of Whitby, including among other matters, the execution of a subdivision agreement between the Subdivider and the Town of Whitby concerning the provision and installation of services, drainage, and other local services.
53. Prior to final approval of this plan for registration, the Town of Whitby shall be advised in writing by:
- a. The Regional Municipality of Durham, how conditions 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 have been satisfied.
  - b. The Central Lake Ontario Conservation Authority, how conditions 11, 12, 13, 14, 15, 16 and 17 have been satisfied.

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

Conditions of Draft Plan of Subdivision Approval  
File SW-2022-03

to the lapsing date. A processing fee in effect at the time of the request, shall apply.

# Town of Whitby Staff Report

[whitby.ca/CouncilCalendar](http://whitby.ca/CouncilCalendar)



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## Report Title: Town-Initiated Official Plan Review: Terms of Reference

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**Report to:** Committee of the Whole

**Date of meeting:** September 18, 2023

**PDP 38-23**

**Department(s) Responsible:**

Planning and Development Department  
(Planning Services)

**Submitted by:**

R. Saunders, Commissioner of Planning  
and Development

<b>Acknowledged by M. Gaskell, Chief Administrative Officer</b>
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**For additional information, contact:**

Lori Tesolin, MCIP, RPP Principal  
Planner, Policy and Heritage Planning:  
905.444.2858

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### 1. Recommendation:

1. That staff be authorized to commence the review and update of the Town of Whitby Official Plan, in accordance with the requirements of the Ontario Planning Act;
2. That staff be authorized to finalize the draft Terms of Reference and issue a Request for Proposal to retain the necessary consultant(s) to undertake the review and update of the Town of Whitby Official Plan, in accordance with the Town of Whitby Procurement Policy; and
3. That staff be authorized to initiate the project once consultants are retained and report back to Council on key project milestones.

### 2. Highlights:

- The purpose of this report is to seek authorization to initiate the process to retain a consulting team and undertake a review and update of the Whitby Official Plan.
- Municipalities are required to review and update their Official Plans every five years per Section 26 of the Planning Act.

- The Whitby Official Plan was last updated in 2018 with a planning horizon to 2031. The 2018 update involved significant changes to previous policies, resulting in a new long-term vision for the Municipality that directs where and how to manage increased growth and development pressure, now and into the future.
- This review and update will build upon the 2018 Official Plan, and other recent Secondary Plan updates, and focus on changes required to comply with the Planning Act, including:
  - Conforming to updated policies of the new [Envision Durham, Regional Official Plan](#), pending approval by the Province;
  - Updating the Brooklin Community Secondary Plan to reflect the expanded Urban Area Boundary to 2051 of approximately 500 hectares, per the new Regional Official Plan;
  - Conforming to changes in Provincial legislation and the new Provincial Planning Statement, pending approval by the Province; and,
  - Ensuring that the vision for the Town of Whitby continues to meet the community's needs, while planning for future growth in a sustainable manner.
- By 2051, Whitby is forecasted to grow a to 244,890 in population, and 95,210 jobs. It is important to update the Official Plan now for conformity and consistency with recent legislative and policy changes, as growth and development continues to place pressure on local housing supply, infrastructure and services.
- Updating the Official Plan is also a priority, as the Regional Municipality of Durham will no longer have Planning Authority to support lower-tier municipalities, once related Bill 23 amendments to the *Planning Act* take effect, pending Provincial proclamation.
- The Official Plan update is approved as part of the 2022-2026 budget and is a priority item in the Corporate Business Plan.

### 3. Background:

#### Town of Whitby Official Plan

The Town of Whitby's Official Plan policies address important community-building matters that affect everyone who lives and works here, such as:

- Where should housing, industry, offices, shops, and new roads be located;
- What parts of the Town will be the focus for population growth and what will it look like related to height and density (e.g., major transit station areas, along major roads, within our downtowns);

- Which services and community amenities are needed and where (e.g., hospitals, schools, parks and trails, community centers, active transportation routes);
- Where and how important features of both the natural and urban environment should be protected (e.g., ravines and woodlands, cultural heritage properties, waterfront lands); and,
- What must be considered for growth and development to occur in a sustainable manner and allow for safely designed neighbourhoods.

The Town of Whitby has had an Official Plan since 1974. The current version of the Official Plan adopted in 2018 was based on a significant update including new policy directions resulting in substantive changes to the former 1994 Official Plan.

In addition, Whitby Council adopted the West Whitby Secondary Plan in 2014, the Port Whitby Community Secondary Plan in 2016, the Brooklin Community Secondary Plan in 2017, and the recently updated Downtown Whitby Community Secondary Plan on March 20, 2023.

Given the broad scope and depth of policy changes undertaken for the 2018 Official Plan, as well as the addition of several Secondary Plan updates, the latest review and update will be limited to Provincial and Regional policy conformity and consistency updates, as well as technical updates only.

### **Region of Durham Official Plan**

On May 17<sup>th</sup>, 2023, Durham Regional Council adopted the new Regional Official Plan, Envision Durham. The Regional Official Plan was prepared as part of the 2019 Municipal Comprehensive Review undertaken by the Region. The new Regional Official Plan is still pending ministerial approval.

The Town of Whitby is forecasted to grow to 176,360 residents in population and 63,760 jobs to the year 2031. By 2051, the population is forecasted to grow further to 244,890 in population, and 95,210 jobs. These figures are in accordance with information provided through the Envision Durham process.

Key impacts on the Whitby Official Plan resulting from the new Regional Official Plan will include:

- An Expanded Urban Area Boundary to 2051, which includes approximately 500 hectares, generally in north Whitby, west of Brooklin (Refer to Attachment #1);
- A new delineated boundary for the Whitby GO Protected Major Transit Station Area and related policies (Refer to Attachment #1): and,
- Various policy updates. However, many policies either remain the same as those from the previous Regional Official Plan, and/or align with policy updates already implemented through the Whitby 2018 Official Plan.

## Provincial Legislative and Policy Framework

Section 26 of the Ontario Planning Act requires Councils to review and update Official Plans no less frequently than 10 years after it comes into effect as a new official plan; and every five years thereafter, unless the plan has been replaced by another new official plan.

Section 26 also requires Official Plans to have regard for matters of Provincial Interest, and to be consistent with the Provincial Policy Statement.

Over the past five years, changes have been made to the Planning Act, the Development Charges Act, and the Ontario Heritage Act, among other pieces of legislation through the Bill 108, *the More Homes, More Choices Act, 2019* and Bill 109, *the More Homes for Everyone Act, 2022*.

Bill 23, *the More Homes Built Faster Act, 2022*, introduced further sweeping changes, such as:

- Removing Planning Approval authority from upper tier municipalities and limiting the role in planning review of Conservation Authorities;
- Allowing as of right zoning to permit up to three residential units per lot (e.g., three units in existing dwelling; two in the main building and one in an accessory building), with no minimum unit sizes; and,
- Changes to cultural heritage conservation processes and policies, parkland policies, and restrictions on the collection of development charges.

More recently, the Provincial government released for public comment in April 2023, changes to the Provincial Policy Statement and elimination of the Growth Plan for the Greater Golden Horseshoe that would result in a new, combined Provincial Planning Statement (Bill 97 - *Helping Homebuyers, Protecting Tenants Act, 2023*).

## 4. Discussion:

### Project Scope and Objectives

The project scope and objectives for the Official Plan (OP) Review will be limited to certain planning policy matters, given that a comprehensive review and update of the Whitby Official Plan was completed in 2018. Newly established Secondary Plans (e.g., Brooklin Community Secondary Plan), or updates to existing Secondary Plans have also been completed recently, as well as over the past five to ten years.

The OP Review will require an estimated 24 months to complete, starting in 2024, with adoption of the Final Recommended update OP targeted by the end of 2025 or early 2026.

The Official Plan Review will involve the following components and objectives:

## 1. Conformity with Envision Durham

- Part I Official Plan and Part II Secondary Plans:
  - Update the Whitby GO Protected Major Transit Station Area boundary and related policies. Include consideration of Inclusionary Zoning for affordable housing;
  - Update Employment Area Lands converted to Mixed Use and Residential land uses;
  - Review and update existing intensification strategies, policies and targets, where required;
  - Review and update residential, commercial, industrial, institutional, environmental, and transportation policies, where required; and,
  - Review and update existing map schedules and map appendices, where required.
- Brooklin Community Secondary Plan Expansion Area:
  - Update the Urban Area Boundary in Whitby and plan for approximately 500 hectares of new Community Area Lands and Employment Area Lands, generally in north Whitby and west of Brooklin, by updating the Brooklin Community Secondary Plan; and,
  - Review and update existing map schedules and policies.

## 2. Conformity with Provincial Legislation and Policy:

- Review and update relevant policy impacts resulting from Provincial Bill 108 - the *More Homes, More Choices Act, 2019* and Bill 109 - the *More Homes for Everyone Act, 2022*. OP Policies related to complete application requirements, study terms of reference, and pre-consultation processes will also be reviewed for changes implemented through Bill 109.
- Review and update relevant policy impacts resulting from Provincial Bill 23 – the *More Homes Built Faster Act – 2022*. Examples include, but are not limited to:
  - Removal of Upper-Tier Planning Approval Authority;
  - Modified scope of Conservation Authority role in planning review;
  - Updating policies and zoning for Protected Major Transit Station Areas;
  - Changes to parkland dedication and cash-in-lieu policy;
  - Changes to Cultural Heritage Conservation policy;
  - Changes to Site Plan and Urban Design policy;
  - Changes to accessory units and related parking policies; and,
  - Policy impacts related to exemptions from development charges.



- Review and update relevant policy impacts resulting from the new Provincial Planning Statement (formerly the Provincial Policy Statement), and the elimination of the Growth Plan for the Greater Golden Horseshoe (Bill 97 - *Helping Homebuyers, Protecting Tenants Act, 2023*), as well as any other relevant changes in Provincial Planning legislation and policy over the duration of the Official Plan Review.

### **3. Technical and Housekeeping Amendments**

- Subsequent and related technical and housekeeping amendments will be required such as updates to section numbers and definitions.

#### **Related Initiatives**

Since the previous Official Plan update in 2018, the Town of Whitby has either completed or is undertaking various initiatives. These initiatives will be analyzed to inform the current the final updated Official Plan and include:

- Mature Neighbourhoods Policy (OPA 130);
- Downtown Whitby Community Secondary Plan (OPA 126);
- Secondary Plans Update (Technical changes);
- Comprehensive Zoning By-Law Review;
- Community Strategic Plan;
- Development Charges Background Study;
- Economic Development Strategy;
- Climate Change Master Plan;
- Parks and Recreation Master Plan;
- Waterfront Parks and Open Space Master Plan;
- Culture Plan;
- Active Transportation Plan;
- Parking Master Plan Study; and,
- Relevant Environmental Assessment Projects.

## Project Phases

The Official Plan Review will be undertaken in four (4) project phases, in addition to the current pre-project Initiation phase.

Project Phase	Estimated Timing
<b>Pre-Project Initiation:</b> Consulting Team Retained, Technical Advisory Committee established.	<b>Current Phase</b> Q4 2023
<b>Phase 1:</b> Background Review and Analysis	Q1 2024 – Q3 2024
<b>Phase 2:</b> Proposed Policy Updates	Q4 2024 – Q1 2025
<b>Phase 3:</b> Draft Official Plan Amendment(s)	Q2 2025 – Q3 2025
<b>Phase 4:</b> Final Recommended Official Plan Amendment(s)	Q4 2025 – Q1 2026

## Community Engagement

The retained Consulting team will be responsible for creating a comprehensive OP Review Community Engagement Plan. Key components will involve:

- Regular meetings with a Core Staff Team involving staff leads from Planning, as well as staff from Transportation Planning and Engineering Services, Community Services, Strategic Initiatives, and others as required.
- Regular meetings with the project Technical Advisory Committee, which will include the Core Staff Team as well as members from the Region of Durham public works/infrastructure, the Central Lake Ontario Conservation Authority, Ministry of Transportation, Elexicon and others to be identified.
- Regular updates to Committee of the Whole, Council and relevant Committees of Council during the key milestones of project phases.
- Landowner/Development Industry consultation.
- Indigenous engagement opportunities.
- Public/Stakeholder Community Open Houses.
- Statutory Public Meeting and Final Recommendation Meeting.

Engagement opportunities will be communicated through an Interested Parties list, Public Notices, information posted on the Town website, and announcements through the Town's social media channels. All project information will be made available and updated during each project phase on a dedicated Connect Whitby project webpage.

Both in-person and virtual engagement opportunities can be provided. In-person events would be held in central, accessible locations. Digital and paper copies of materials will be made available in accessible formats. Engagement summaries will be posted on the project website.

Written comment submissions will be accepted throughout all Phases of the project to inform the Final Recommended Official Plan Amendment(s). A comment-response matrix will be developed for written comment submissions.

Refer to Attachment #2 for the Official Plan Review Draft Terms of Reference to be included in the Request for Proposals (RFP).

**Next Steps (Q4 2023 – Q1 2024):**

- Planning staff to continue to work with Procurement staff on the RFP process;
- Publish RFP, followed by review and evaluation of submissions;
- Retain successful consulting team; and,
- Commence Phase 1.

Staff will report back to Council in 2024 on findings from the Phase 1 Background Review and Analysis, and a recommended approach for Phase 2, as well as the overall project Community Engagement Plan.

**5. Financial Considerations:**

Funding for the Official Plan Review is approved for a total of \$530,000, as part of the 2022-2026 budget.

**6. Communication and Public Engagement:**

A comprehensive engagement strategy will be developed to provide meaningful engagement opportunities during project phases for the public, as well as a range of stakeholders.

Engagement opportunities will be communicated through an Interested Parties list, Public Notices, information posted on the Town website, and announcements through the Town's social media channels. All project information will be made available and updated during each project phase on a dedicated Connect Whitby project webpage.

Both in-person and virtual engagement opportunities can be provided. In-person events would be held in central, accessible locations. Digital and paper copies of materials will be made available in accessible formats. Engagement summaries will be posted on the project website.

Written comment submissions will be accepted throughout all Phases of the project to inform the Final Recommended Official Plan Amendment(s). A comment-response matrix will be developed for written submissions.

All public and stakeholder feedback will be recorded, summarized, and considered through the OP Review process.

## **7. Input from Departments/Sources:**

A Core Staff Team will be established for the project involving staff leads from Planning, as well as staff from Transportation Planning and Engineering Services, Community Services, Strategic Initiatives, and others as required. The Core Staff Team will meet during each project phase to provide input and feedback on policy updates and engagement planning.

A broader Technical Advisory Committee (TAC) including staff from external agencies will also be established. The TAC will provide technical expertise and review of draft materials, as well as feedback on community engagement planning.

The Draft Proposed Official Plan Amendment(s) and Final Recommended Official Plan Amendment(s) will be circulated for comment to all applicable staff and agencies as required. Comments will be recorded and considered through the OP Review process.

## **8. Strategic Priorities:**

The Official Plan Review will support and advance the Town's strategic pillars of the Community Strategic Plan, by providing policy updates that manage growth and development of the Town in a sustainable manner, resulting in safely designed and inclusive neighbourhoods that support a range of housing options, as well as protecting space for important community amenities, such as parks, schools, healthcare services and more resilient built and natural environments.

The Official Plan Review will provide for increased access to Employment Area lands that will assist Whitby in being more economically innovative and competitive.

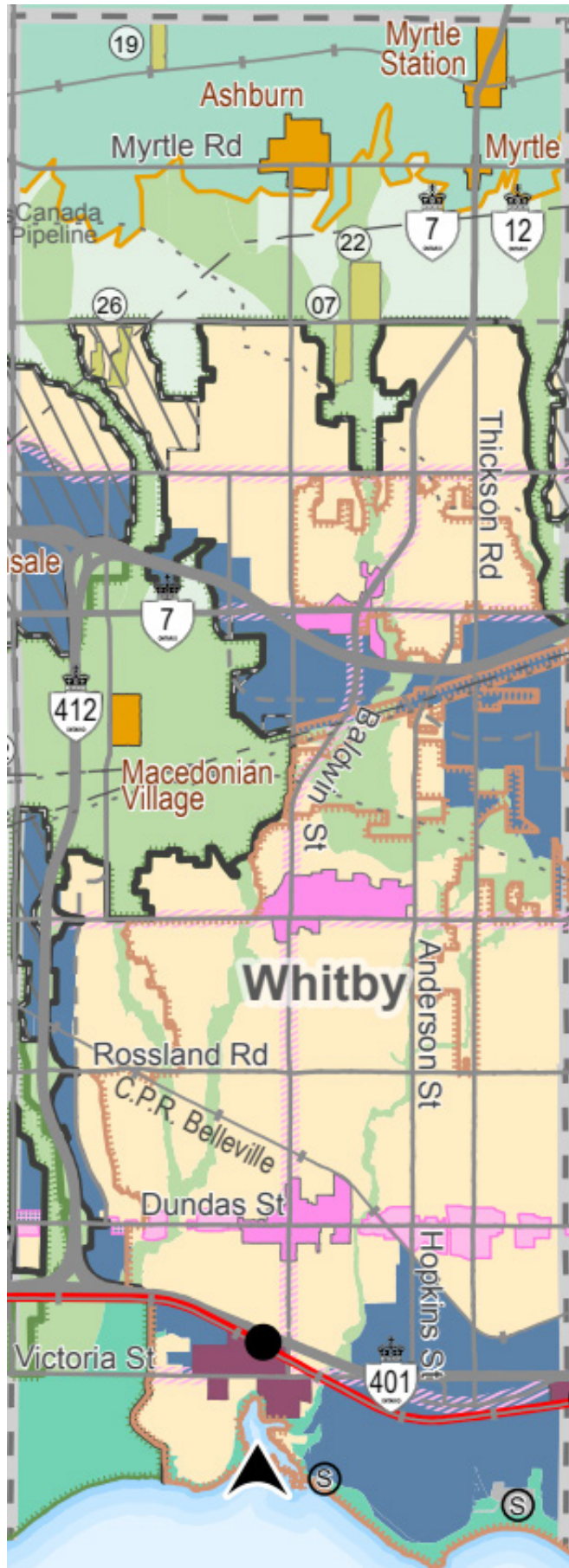
The Official Plan Review will involve community and stakeholder consultation to ensure Whitby's government is accountable and responsive to the community's needs as the Municipality grows over time. It will also support the Town's efforts to improve Accessibility and Sustainability and will ensure that all materials are provided in an accessible format.

## **9. Attachments:**

Attachment #1 – Excerpt Map 1. Regional Structure – Urban & Rural Systems,  
Envision Durham Regional Official Plan

Attachment #2 – Official Plan Review: Draft Terms of Reference

## Excerpt Map 1. Regional Structure - Urban &amp; Rural Systems



## Official Plan of the Regional Municipality of Durham

Map 1.

### Regional Structure – Urban & Rural Systems

#### Urban System

- Urban Area Boundary
- 2051 Urban Expansion Areas
- Urban Growth Centres (UGC)
- Protected Major Transit Station Area (PMTSA)
- UGC / PMTSA Overlap
- Regional Centres
- Rapid Transit Corridor
- Regional Corridor
- Rural Regional Centres
- Waterfront Place
- Community Areas
- Employment Areas
- Rapid Transit Corridor - Employment
- Delineated Built Boundary
- Former Hamlet Areas

#### Greenlands System

- Major Open Space Areas
- Waterfront Areas
- Oak Ridges Moraine
- Greenbelt Boundary (excluding Urban River Valleys)

#### Rural System

- Hamlets
- Country Residential Subdivision
- Rural Employment Areas
- Shoreline Residential
- Prime Agricultural Areas

#### Infrastructure

- Existing GO Station
- Proposed GO Station
- Existing GO Rail
- Proposed GO Rail
- Rail
- Existing Airport
- Future Airport
- NGS Nuclear Generating Station
- Municipal Service

#### Special Areas

- Special Study Areas
- Specific Policy Areas

**Adopted by  
Regional Council,  
as Amended**



## Attachment #2

### Official Plan Review: Draft Terms of Reference

#### 3.1 Project Scope and Objectives

The Town is seeking proposals from qualified consultants to complete a review and update of the Whitby Official Plan (Official Plan Review) in accordance with the requirements of the Ontario Planning Act.

Municipalities are required to update their Official Plans every five years per Section 26 of the Planning Act.

A comprehensive review and update of the Town's Official Plan was last completed in 2018. The next review and update will focus on conformity and consistency with recent changes to Provincial legislation and policy, as well as the new Region of Durham Official Plan, 'Envision Durham,' which provides for a new planning horizon to 2051.

The Official Plan Review will involve the following components and objectives:

#### 1. Conformity with Envision Durham

##### A. Part I Official Plan and Part II Secondary Plans:

- Update the Whitby GO Protected Major Transit Station Area boundary and related policies. Include consideration of Inclusionary Zoning for affordable housing.
- Update Employment Area Lands converted to Mixed Use and Residential.
- Review and update existing Intensification Strategies, policies and targets, where required.
- Review and update residential, commercial, industrial, institutional, environmental, and transportation policies, where required.
- Review and update existing map schedules and map appendices, where required.

##### B. Brooklin Community Secondary Plan Expansion Area:

- Update the Urban Area Boundary in Whitby and plan for approximately 500 hectares of new Community Area Lands and Employment Area Lands, generally in north Whitby and west of Brooklin, by updating the Brooklin Community Secondary Plan.
- Review and update existing map schedules and policies.

#### 2. Conformity with Provincial Planning and other Related Legislation and Policy:

- Review and update relevant policy impacts resulting from Provincial Bill 108 - the *More Homes, More Choices Act, 2019* and Bill 109 - the *More Homes for Everyone Act, 2022*. OP Policies related to complete application requirements, study terms of reference, and pre-consultation processes will also be reviewed for changes implemented through Bill 109.
- Review and update relevant policy impacts resulting from Provincial Bill 23 – the *More Homes Built Faster Act – 2022*. Examples include, but are not limited to:
  - Removal of Upper-Tier Planning Approval Authority;
  - Modified scope of Conservation Authority role in planning review;
  - Updating policies and zoning for Protected Major Transit Station Areas;
  - Changes to parkland dedication and cash-in-lieu policy;
  - Changes to Cultural Heritage Conservation policy;
  - Changes to Site Plan and Urban Design policy;
  - Changes to accessory units and related parking policies; and
  - Policy impacts related to exemptions from development charges.
- Review and update relevant policy impacts resulting from the new Provincial Planning Statement (formerly the Provincial Policy Statement), and the elimination of the Growth Plan for the Greater Golden Horseshoe (Bill 97 - *Helping Homebuyers, Protecting Tenants Act, 2023*), as well as any other relevant changes in Provincial Planning legislation and policy over the duration of the Official Plan Review.

### 3. Technical and Housekeeping Amendments

- Subsequent and related technical and housekeeping amendments will be required such as updates to section numbers and definitions.

### 4. Related Initiatives

- The Town of Whitby has either completed or is undertaking various studies and initiatives that will be analyzed to inform the Official Plan Review and include:
  - Mature Neighbourhoods Policy (OPA 130);
  - Downtown Whitby Community Secondary Plan (OPA 126);
  - Secondary Plans Update (Technical changes);
  - Comprehensive Zoning By-Law Review;
  - Community Strategic Plan;



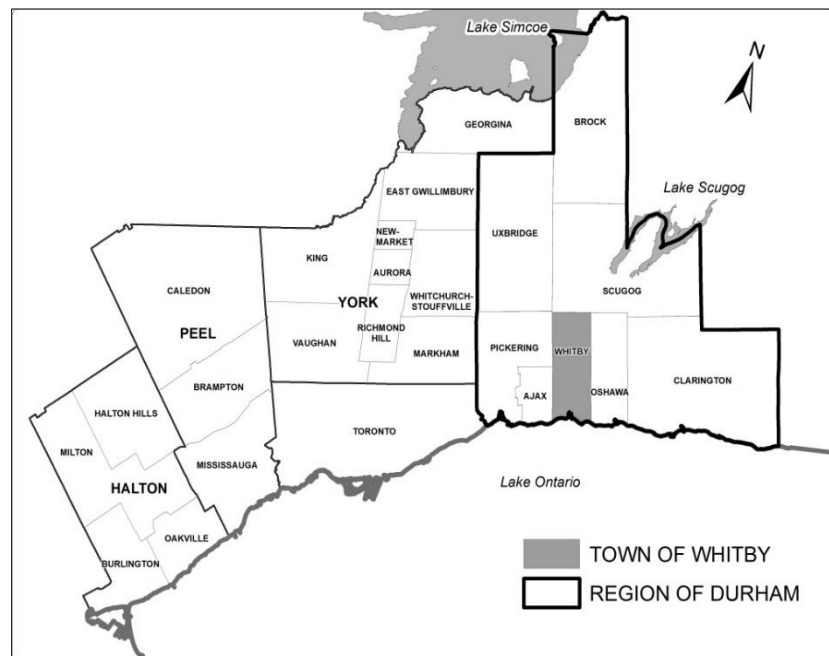
- Development Charges Background Study;
- Economic Development Strategy;
- Climate Change Master Plan;
- Parks and Recreation Master Plan, and Waterfront Parks and Open Space Master Plan;
- Culture Plan;
- Transportation Master Plan, Active Transportation Master Plan, Parking Master Plan Study; and,
- Relevant Environmental Assessment Projects.

## 3.2 Background

The Town of Whitby is one of eight lower tier municipalities within the Region of Durham, situated in the eastern end of the GTA, approximately 40 kilometres east of downtown Toronto. The Town is about 125 km<sup>2</sup> in size and has a population of approximately 151,000 people with approximately 48,500 households.

The Town extends from the Lake Ontario shoreline in the south to the Oak Ridges Moraine in the north and has a recreational port, two historic downtowns, urban/suburban, industrial, and rural areas, with areas protected by the Greenbelt Plan and Oak Ridges Moraine Conservation Plan and an extensive Natural Heritage System.

Highways 401 and 407 traverse the Town with Highway 412 providing a north-south connection between the two Provincial highways. Also crossing through Whitby in the southern portion of the Town are the CNR and CPR main rail lines. The GO train rail line operates on the CNR with a GO Station situated at Highway 401 and Brock Street South. The GO Station area is recognized as a Protected Major Transit Station Area.



**Figure 1:** Map showing The Town of Whitby within the GTA and Durham Region



The Town of Whitby has had an Official Plan since 1974. The current version of the Official Plan, adopted in 2018, has a planning horizon to 2031, and involved substantial new policy directions and updates from the former 1994 Official Plan.

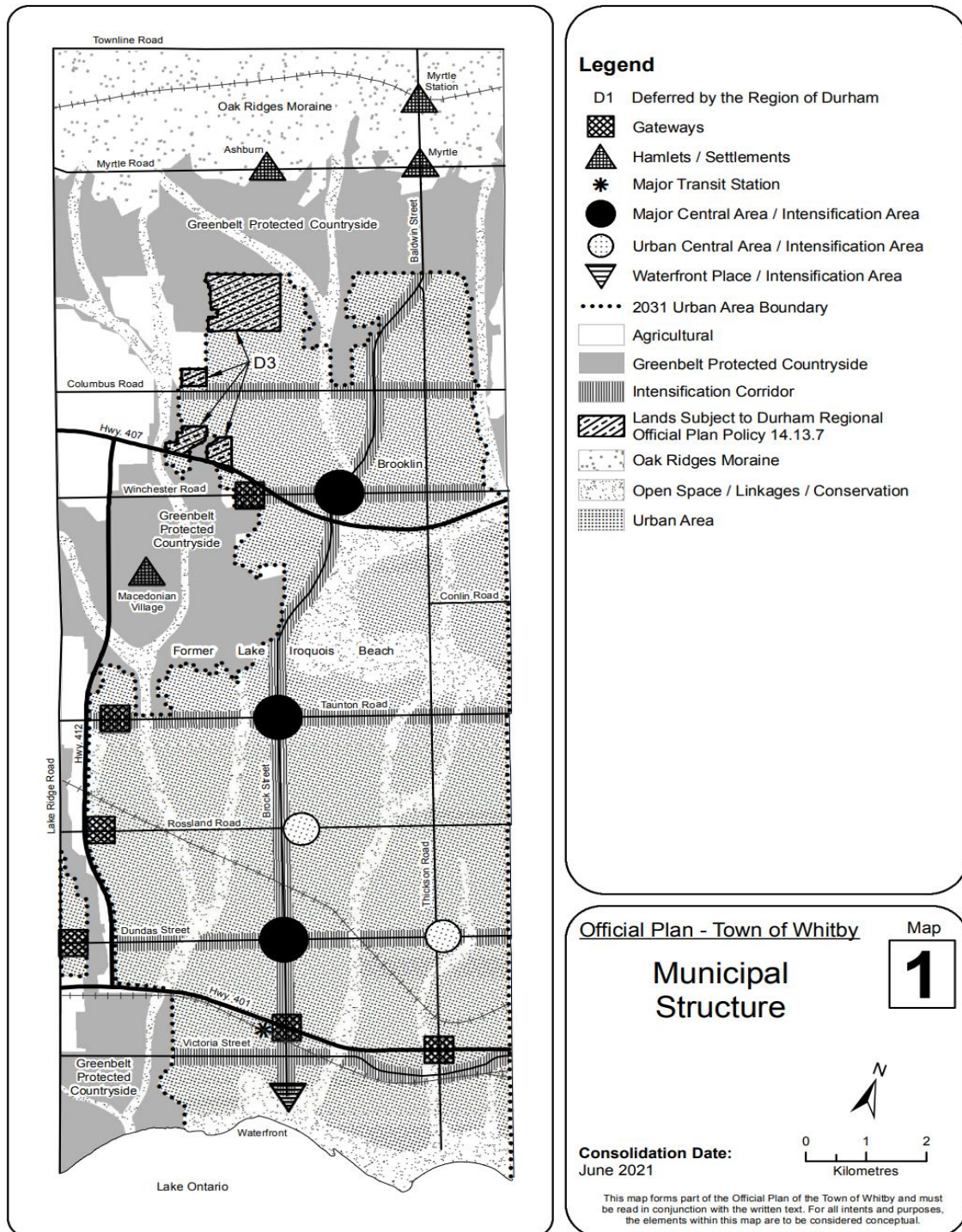
In addition, Whitby Council adopted the West Whitby Secondary Plan in 2014, the Port Whitby Community Secondary Plan in 2016, the Brooklin Community Secondary Plan in 2017, and the recently updated Downtown Whitby Community Secondary Plan on March 20, 2023.

Given the broad scope and depth of policy changes undertaken for the 2018 Official Plan, as well as the addition of several Secondary Plan updates, the latest review and update will be limited to Provincial and Regional policy conformity and consistency updates, as well as technical updates only.

### **3.2.1 Study Area**

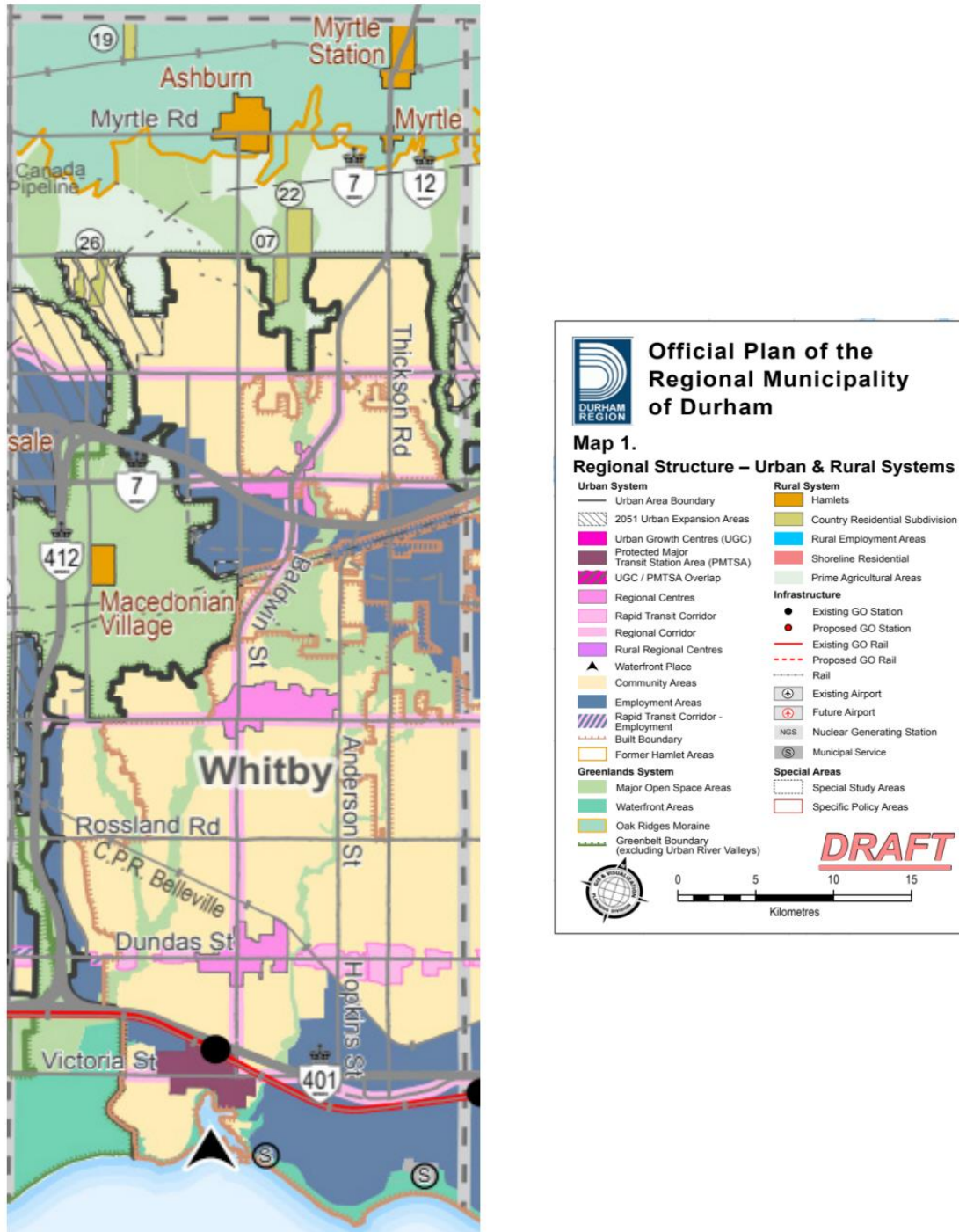
The Study Area for the Official Plan Review is the entirety of the Municipality. Map 1 of the Whitby Official Plan conceptually illustrates the Town's Municipal Structure and includes the following main elements:

- an Urban Area with an approximate serviced population capacity of 190,760 to the year 2031;
- a rural area which has a population forecast of 2,100 persons to the year 2031;
- an open space system consisting of natural features, the Oak Ridges Moraine, and the Greenbelt;
- the agricultural area;
- a community focal point on the Lake Ontario Waterfront;
- the intensification of land uses in identified central areas and along corridors;
- commercial centres distributed throughout the urban area;
- general industrial, prestige industrial, and business parks in strategic locations; and
- gateway features, at strategic entry points to the Municipality.



**Figure 2:** Excerpt Map 1 – Municipal Structure, Whitby Official Plan

The 2051 Urban Expansion Area identified in [Map 1 – Regional Structure – Urban and Rural Systems, Region of Durham Official Plan](#) will be a subset of the Study Area.



**Figure 3:** Excerpt Map 1 – Regional Structure – Urban and Rural Systems, Region of Durham Official Plan, Envision Durham



### 3.2.2. Recent Legislation and Policy Updates

On May 17th, 2023, Durham Regional Council adopted the new Regional Official Plan completing the 'Envision Durham' exercise. The new Regional Official Plan extends the planning horizon to 2051.

Through Envision Durham, the Region has forecasted Whitby to grow further to 244,890 in population, and 95,210 jobs by 2051 for the Town of Whitby.

Key impacts on the Whitby Official Plan resulting from the new Regional Official Plan will include:

- an expanded Urban Area Boundary to 2051, including approximately 500 hectares of expanded Community and Employment Area lands, generally in north Whitby, west of Brooklin.
- a delineated boundary for the Whitby Go Protected Major Transit Station Area and related policies.
- Other map and policy updates, such as delineated boundaries and policy updates for Regional Centres.

It should be noted that some policies in the new (Envision Durham) Regional Official Plan remain unchanged from the previous Regional Official Plan, and/or already align with policy updates implemented through the Whitby 2018 Official Plan update.

Several changes to Provincial legislation and policy have also occurred since the adoption of the 2018 Official Plan. The Official Plan Review is required at this time to ensure policies have conformity and consistency with newly introduced and amended legislation such as:

- Bill 108 - the *More Homes, More Choices Act, 2019*;
- Bill 109 - the *More Homes for Everyone Act, 2022*;
- Bill 23 - the *More Homes Built Faster Act – 2022*;
- New Provincial Planning Statement and elimination of the Growth Plan for the Greater Golden Horseshoe (Bill 97 - *Helping Homebuyers, Protecting Tenants Act, 2023*); and,
- Any future changes released by the Province throughout the duration of the Official Plan Review.

## 3.3 Detailed Scope of Work

### 3.3.1 Project Phases

The Official Plan Review will be undertaken in four (4) project phases:

Project Phase	Estimated Timing
<b>Phase 1:</b> Background Review and Analysis	Q1 2024 – Q3 2024
<b>Phase 2:</b> Proposed Policy Updates	Q4 2024 – Q1 2025
<b>Phase 3:</b> Draft Official Plan Amendment(s)	Q2 2025 – Q3 2025
<b>Phase 4:</b> Final Recommended Official Plan Amendment(s)	Q4 2025 – Q1 2026

#### Phase 1: Background Review and Analysis

Phase 1 will consist of collecting and reviewing all relevant background information, including relevant provincial, regional, and local policies, plans, legislation, and regulations, and undertaking appropriate initial consultations with stakeholders, as outlined below.

- Undertake site visit(s), as required, to gain an understanding of the Brooklin Urban Expansion Area, the general distribution of land uses, location and distribution of public and private spaces, existing parking and transportation facilities, the character of mature neighbourhoods vs. Intensification Areas and Corridors, and the relationship between the two, as well as the Whitby GO Protected Major Transit Station Area.
- Compile and review existing applicable planning documents and studies.
- Land Use and Policy Analysis:
  - Review the Whitby Official Plan (Part I and Part II Plans) inventory of land uses and policies to identify updates required for consistency and conformity with Envision Durham, as well as changes to Provincial legislation and policy.
  - Identify infrastructure and other opportunities and constraints to development and redevelopment of lands within the Brooklin Expansion Area, as well as the overall Study Area;
  - Assess parkland policies, service levels and future needs; and,
  - Consider Cultural Heritage Resources and related matters.
- Transportation Analysis:
  - Review the existing and proposed transportation system within and leading to/from the Study Area, including infrastructure proposals and plans by the Town, MTO, Metrolinx and Region of Durham and identify constraints and

- opportunities for new and missing links for transit and other modes of transportation.
  - Identify impacts on and suggested improvements to the existing road network within the Brooklin Expansion Area and the overall Study Area;
  - Propose updates as required to active transportation, transportation demand management and transit initiatives and incentives.
- Servicing Analysis:
  - Consult with Town and Regional staff, assess and summarize existing servicing conditions, physical constraints and opportunities from a stormwater management and servicing perspective for the overall Study Area; and,
  - Identify and assess the future capacity of Regional water and sanitary sewer services, as well as Town stormwater management services and constraints within the Brooklin Expansion Area.
- Review Background Review and Analysis findings, and Phase 1 Community Open House materials, with the project Core Staff team and Technical Advisory Committee.
- Phase 1 Community Open House (COH) – design and host a Phase 1 COH, including summary materials/reports/poster boards/presentations to introduce the project and provide an overview of the background information and analysis compiled for Phase 1, as well as relevant engagement questions to gather community feedback.
- Provide a Phase 1 Engagement Summary.
- Provide Phase 1 findings (including highlights from the Phase 1 Engagement Summary) in the form of a Background Analysis Report.
- Presentation to Committee of the Whole on Phase 1 Background Analysis Report, as well as the overall Community Engagement Plan for the project (Refer to Section 3.3.3) and proposed next steps for Phase 2.

## **Phase 2: Proposed Policy Updates**

- Review and analyze Phase 1 findings to inform Phase 2 deliverables.
- Prepare proposed policy and land use schedule updates to the Brooklin Community Secondary Plan for the existing Secondary Plan area and the future Expansion Area.
- Prepare proposed policy updates, including proposed updates to land use

schedules, for Part I of the Official Plan and other Part II Secondary Plans.

- Phase 2 Community Open House (COH) – design and host a Phase 2 COH, including summary materials/reports and/or presentations on findings from Phase 1 and how they have informed the proposed policy updates for Phase 2, as well as relevant engagement questions to gather further community feedback.
- Provide a Phase 2 Engagement Summary.
- Provide a Phase 2 findings summary report (including highlights from the Phase 2 Engagement Summary).
- Presentation to Committee of the Whole on Phase 2 findings (including engagement summary) and proposed next steps for Phase 3.

### **Phase 3: Draft Proposed Official Plan Amendment(s)**

- Review and analyze Phase 2 findings to inform Phase 3 Draft Proposed Official Plan Amendment(s) (OPA). This should include:
  - Draft Proposed OPA for an updated Brooklin Community Secondary Plan to reflect the Urban Expansion Area;
  - Draft OPA for updates to the Part I Official Plan and any other Secondary Plan updates to reflect conformity and consistency with the new Regional Official Plan, as well provincial legislation and policy changes; and
  - Draft OPA(s) to include related technical and housekeeping amendments.
- Provide direction on potential implementation, such as Zoning By-law amendment(s).
- Present and review the preliminary Draft Proposed Official Plan Amendment(s) to the Technical Advisory Committee.
- Undertake public and stakeholder consultation on the Draft Official Plan Amendment through the Statutory Public meeting, and any other requested engagement meetings.
- Present at, and record comments from, the Statutory Public Meeting.
- Provide a draft Comment-Response Matrix based on formal written comment submissions.

#### **Phase 4: Final Recommended Official Plan Amendment(s)**

- Document, review, analyze, and respond to public and agency input received through Phase 3 and make any further revisions to the Official Plan Amendment(s), as needed.
- Based on the review and feedback from the public, agencies, TAC and stakeholders, Town staff will finalize the Official Plan Amendment as needed to be included in a staff report to be received at a Committee of the Whole meeting for Council's consideration.
- Provide a final Comment-Response Matrix.
- A staff report will present the Recommended Final Official Plan Amendment(s) at a Committee of the Whole meeting for a Council decision on adoption. The report will include a summary of all public and agency comments received. The Consultant will be required to be in attendance at the Committee of the Whole meeting.

#### **3.3.2 Deliverables**

There will be numerous deliverables expected from the Consultant throughout the Study. The specific deliverables per phase will be determined with the selected consultant when the Work Plan is finalized.

Expected deliverables include, but are not limited to:

- Developing and delivering the project Community Engagement Plan in collaboration with staff;
- Providing all draft and final project and presentation materials required for each project phase as outlined in Section 3.3.1;
- Providing electronic copies of all reports and presentation materials to the Planning and Development Department;
- Providing an electronic copy of all raw data and analysed background research and information used for the studies;
- Providing a minimum of five (5) hard copies and 1 electronic copy (both in pdf and Word formats ) of all final reports;
- Ensuring that all schedules and GIS Data are compatible with ArcMap 10.2.2; and,
- Ensuring that all material meets the standards and requirements of the Town of Whitby and any Provincial Accessibility legislation.

All report and presentation materials must be in a form and of a quality suitable for reproduction and presentation (including hard copy and digital) acceptable to the Town.



All Mapping deliverables provided by the selected consultant shall be:

- based on 1:2,000 metric scale base maps;
- able to be reproduced to appropriate scales;
- in formats suitable for use in GIS applications;
- in ESRI shape files or file geodatabase;
- projected to North American Datum (NAD) 83, Zone 17N; and,
- in hard and digital copy(s) suitable for reproduction.

All studies, reports, drawings, and plans, etc., that result from the Study must be created and provided to the Town in an accessible format compatible to Adobe Acrobat Pro. Please refer to the Town of Whitby's Purchasing webpage for a link on How to Create an Accessible Document (AODA).

### **3.3.3 Community Engagement Plan**

The retained consulting team will be responsible for creating a comprehensive Official Plan Review Engagement Plan. Key meetings and components will involve:

- Regular meetings with a Core Staff Team involving staff leads from Planning and Development, as well as staff from Transportation Planning and Engineering Services, Community Services, Strategic Initiatives, and others as required.
- Regular meetings with the project Technical Advisory Committee (TAC), which will include the Core Staff Team as well as members from the Region of Durham public works/infrastructure, the Central Lake Ontario Conservation Authority, Ministry of Transportation, Elexicon and others to be identified.
- Regular updates to Committee of the Whole, Council, and relevant Advisory Committees of Council during the key milestones of project phases.
- Landowner/Development Industry meeting(s).
- Indigenous engagement opportunities.
- Public/Stakeholder Community Open Houses.
- Statutory Public Meeting and Final Recommendation Meeting.
- Other meetings as required.

Both in-person and virtual engagement opportunities will be planned. In-person events will be held in central, accessible locations. Digital and paper copies of materials will be made available in accessible formats. Engagement summaries will be posted on the project website.

Written comment submissions will be accepted throughout all Phases of the project to inform the Final Recommended Official Plan Amendment(s). A Comment-Response matrix will be developed for written comment submissions.

### **3.4 Roles and Responsibilities**

#### **3.4.1 Consultant**

The selected Consultant will be responsible for managing the work of the consulting team members consistent with the Work Plan and timelines of the final Terms of Reference and the contract documents executed with the Town. Responsibilities include such matters as:

- project management on behalf of the Consultant team, including regular status meetings with the project staff lead;
- allocating the necessary resources and senior level staff to undertake the scope of work as defined in this RFP and approved work plan, consistent with the approved timelines;
- undertaking research and preparing materials and reports for staff review, public and agency input, and Council;
- providing a Community Engagement Plan
- compiling and synthesizing agency and public comments and consultant responses in a Comment-Response Matrix;
- presenting materials and summary notes/reports at TAC meetings, public open houses, and public meetings, and facilitating public input;
- ensuring the deliverables and supporting activities are accessible and of a high quality;
- engaging with the TAC, stakeholders, and commenting agencies, in liaison with Town staff;
- identifying opportunities for innovation and leading practice;
- meeting the timeframes as identified in the agreed work schedule;

- Identifying and controlling areas of project risk, in co-operation with staff;
- monitoring project expenditures;
- working collaboratively with staff to achieve a mutually acceptable project outcome; and,
- meeting the timeframes as identified in the agreed Work Plan.

### **3.4.2 Town of Whitby Staff**

The Policy and Heritage Planning Section is responsible for study supervision to ensure that the project and materials are satisfactory to the Town of Whitby, subject to Council approval, and are responsible for:

- Project management on behalf of the Town;
- Preparation of staff reports, updates, and information/material to Council;
- Evaluating and reviewing the content and quality of the deliverables;
- Circulation of deliverables to Council, Committees, Stakeholders, and the Public;
- Working collaboratively with the Consultant(s);
- Monitoring progress against the work schedule and project timeframes;
- Exercising budgetary control, subject to Council approvals;
- Identifying and controlling areas of project risk;
- Liaising with the public and various agencies; and
- Communication of engagement opportunities such as maintaining an Interested Parties list, issuing Public Notices, posting project information on the Town website and dedicated project page, and providing announcements through the Town's social media channels.

A Core Project Team will also be established to assist with advancing the Work Plan. This team will undertake the review and analysis of all documentation. They will also attend meetings, presentations, and public consultations, if/as needed.

### **3.4.3 Technical Advisory Committee**

The Study shall be supported by a Technical Advisory Committee (TAC) comprised of staff representatives from various departments and agencies, including:

- Town Planning;
- Town Engineering;
- Town Transportation Planning;
- Town Strategic Initiatives;
- Town Community Services;
- Durham Region
- Central Lake Ontario Conservation Authority
- Others as identified

Responsibilities of the TAC include;

- providing background information;
- identifying key issues to be considered;
- reviewing certain materials and reports;
- providing technical input and analysis at key program stages;
- participating in consultation activities; and
- reviewing and assisting with presentations and the facilitation of public consultation.

### **3.5 Meetings**

The Consultant must identify in the Work Plan where strategic meetings are required with a variety of parties involved in the Study including the Core Project Team and the TAC.

The Consultant, in their submission, should outline a Community Engagement Plan (refer to section 3.3.2) with preferred approaches/methods for public and stakeholder consultation, the proposed structure for each meeting, and estimated costs.

The Consultant will be required to record minutes and follow up actions for these meetings for review by the project manager and Town's lead.

The Consultant shall also be required to provide a feedback summary to staff at the Town of Whitby, for community open houses and public meetings.

The number and timing for milestone meetings may be further refined by the Planning and Development Department and the selected Consultant during finalization of the Work Plan.

The Consultant will attend, at a minimum, the following meetings:

- Study start-up meeting with the Planning Division staff leads, and regular status meetings thereafter;

- Kick off meeting with the Core Staff Team;
- TAC meetings at appropriate points in the study process;
- Two Public Community Open Houses (COH's);
- Relevant Whitby Advisory Committee meetings (to be identified by staff);
- Potential meetings requested by property owners and other stakeholders; and
- Committee of the Whole and/or Council meetings at each project phase including the Statutory Public Meeting and Final Recommendation Meeting.

**Note:** Costs associated with booking meeting space, notification and advertising for public open houses and public meetings will be at the Town's expense.

### **3.6 Project Timing and Work Plan**

The Official Plan Review will commence following selection of a qualified consultant, with an expected duration of approximately 24 months. It will be overseen by the Policy and Heritage Planning Section of the Planning and Development Department.

It is anticipated that the update and review process will generally adhere to the four phases of the work plan outlined in Section 3.3.1.

A Gantt chart (and any other relevant documents considered relevant by proponent) of the project timeline identifying milestones and deliverables is required.

The Gantt chart must propose a schedule/timeline for the completion of the various stages of the Work Plan. The schedule must include key milestones of the various stages of the work plan, including, the start-up date, timing of each study phase and a target completion date.

In addition to the milestones, regular meetings with the TAC and updates to Committee of the Whole/Council are expected. The timing of delivery of reports should be specified, including preliminary drafts that provide for a reasonable time for review by the Core Staff team and TAC.

### **3.7 Budget**

Council approved funding for the Official Plan Review for a total of \$530,000, as part of the 2022-2026 budget. Per section 3.3.1, following award, the Town reserves the right to remove Phase 4 from the Scope of Work. The cost for Phase 4 must be included in the pricing submitted in the electronic Schedule of Prices.

The Consultant shall be responsible for all costs associated with the organization and attendance at all required stakeholder and public consultations, public meetings/open houses, Technical Advisory Committee meetings, and attendance at Council meetings.

Costs associated with notification and advertising for public meetings/open houses will be coordinated by the Town at the Town's expense.

### **3.8 Pricing Proposal**

Proponents shall provide detailed costing itemizing costs for the various tasks as outlined in Section 3, Terms of Reference, along with hourly rates for each individual proposed to be assigned to the project, disbursements and contingency fees that may be deemed necessary for meetings and correspondence. (Refer to Section 2, Proposal Submission Requirements)

The Work Plan should outline each phase of the work required and the estimated time and costs for completion to allow key personnel to understand the cost versus phase at any point during execution of the project.

Invoicing must be based on completion of each phase and contain an itemized description of the work completed along with the hours of each staff and disbursements.

Provide hourly/per diem rates for assistance with additional work outside of scope, meetings etc.

### **3.9 Value Added Opportunities**

Additional solutions or designs as part of the pricing proposal must be identified separately. Value added opportunities that are included in the cost should be clearly identified as included.

### **3.10 Other Requirements**

All original text, maps, data, reports and other materials or information collected by the consultant team will be considered Town property and will be turned over to the Town at the conclusion of the Study. These materials must be in a form and quality suitable for reproduction and presentation acceptable to the Planning and Development Department.

The release of material related to the Study to any individual, stakeholder, interest group, organization and agency must be consistent with an agreed upon Communication Engagement Plan.

## New and Unfinished Business - Planning and Development

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
P&D-0004	Automated Speed Cameras on Town Roads	That staff report to Council on the feasibility and cost of adopting an Automated Speed Enforcement program on Town Roads in School Safety Zones and Community Safety Zones.	29 Nov 2021	06 Mar 2023	25 Mar 2024	ASE will be considered through the Traffic Calming Policy. Details from the Region of Durham and area municipalities to support future consideration and help identify cost to implement.
P&D-0005	Planning and Development (Engineering Services) Department Report, PDE 02-22 Re: Boulevard Permit Parking Program	That Report PDE 02-22 be referred to Staff to review concerns raised by the Committee.	28 Feb 2022	13 Mar 2023	16 Oct 2023	Boulevard parking will be reviewed and considered as part of the residential parking permit program.
P&D-0007	Thistledown Crescent Emergency Access Review	That Staff be directed to report on the following issues: c. Following the opening of Thistledown Crescent to Taunton Road, the implementation of a monitoring program with 24/7 traffic counter device to obtain traffic data on speed, volumes, and other metrics and report back to Council within one year of the road opening regarding the traffic impacts of the development and whether any additional traffic calming measures are required.	07 Mar 2022	03 Mar 2024	TBD	The road has not been constructed. Monitoring, through Radar Message Boards, and observations will occur following the opening of the roadway. Timing is currently unknown. Date to report back will continue to be delayed until construction/opening is known.

## New and Unfinished Business - Planning and Development

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
P&D-0008	Temporary Pop-Up Parking or Restricted Parking Signage	That Staff be directed to report to Council on the feasibility, cost, and related by-law amendments to implement temporary (pop up) permitted parking signage or temporary (pop up) restricted parking signage, as needed with extraordinary weather events, special events, and/or special circumstances.	07 Mar 2022	05 Dec 2023	27 Oct 2023	Staff to consider temporary pop-up restrictions and provide information through Council Information Index (CII).
P&D-0012	PDP 66-22, Planning and Development (Planning Services) Department, Financial Services Department, and Legal and Enforcement Services Department Joint Report Re:Ontario Bill 109, More Homes for Everyone Act, 2022	3. That staff report back to Council following completion of the Development Application Approval Process and Fee Review study regarding any further proposed process and fee changes required to adequately address the impacts of Bill 109.	12 Dec 2022	04 Dec 2023		Report back following completion of DAAP in 2023.
P&D-0014	PDP 08-23, Planning and Development (Planning Services) Department and Office of the Chief Administrative Officer Joint Report Re: Affordable Housing Initiative – Hickory Street South and Dunlop Street East	2. That staff report back to Council on the interest received for affordable housing opportunities on the subject properties.	20 Mar 2023	23 Oct 2023		



# Town of Whitby

## Staff Report

[whitby.ca/CouncilCalendar](http://whitby.ca/CouncilCalendar)



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### Report Title: Review of Animal Sheltering Options for the Town of Whitby

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**Report to:** Committee of the Whole

**Date of meeting:** September 18, 2023

**Report Number:** LS 04-23

**Department(s) Responsible:**

Legal and Enforcement Services  
Community Services Department

**Submitted by:**

Francesco Santaguida, Commissioner of  
Legal and Enforcement Services/Town  
Solicitor

John Romano, Commissioner of  
Community Services

**Acknowledged by R. Saunders,  
Acting Chief Administrative  
Officer**

**For additional information, contact:**

Andre Gratton, Manager of Enforcement  
Services

Catherine Bridgeman, Director of  
Facilities

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### 1. Recommendation:

1. That Report LS 04-23 be received for information;
2. That staff be directed to proceed with the detailed design for Option 1B for the new Animal Services Centre and Enforcement Services Facility at McKinney Road and Broadleaf Avenue;
3. That a new capital project, in the amount of \$1,300,000, be established for the Design, Contract Management, and Project Management of the joint Animal Shelter/Enforcement Services facility (Option 1B) funded from the Asset Management Reserve;

4. That staff be authorized to negotiate with McCallum Sather Associates and award a single source contract, subject to budget, for the detailed design and contract management work for this project;
5. That staff be directed to report to Council for capital budget approval, following finalization of design, prior to tendering the work;
6. That staff investigate the sale of 4680 Thickson Road North to offset the cost of a new Animal Services Centre in accordance with Confidential Memorandum LS 04-23; and,
7. That staff will continue to make improvements to the operations of the Animal Services section to improve efficiencies, improve animal care and conditions, increase revenue, and reduce operational impacts.

## 2. Highlights:

- The Animal Services section of the Town's Legal and Enforcement Services Division provides enforcement for animal complaints and sheltering for impounded animals for the Town, this service is currently operating out of the Whitby Animal Services Centre ("**WASC**") at 4680 Thickson Rd. N.
- Over the next 10 years, the existing shelter requires significant capital improvements that total approximately \$1.5 to \$1.6 million.
- Staff have undertaken a review of animal sheltering options for the Town including providing services for its own use, partnering with other municipalities and sheltering services provided by external agencies.
- After a detailed review of the available options, and the service impact to the community, staff do not recommend outsourcing the sheltering component of Animal Services to alternate municipalities nor private agencies.
- Staff recommend that a new joint WASC & Enforcement Services facility be constructed, at the south-west corner of McKinney Drive and Broadleaf Avenue, to co-locate all enforcement staff in a single location and Animal Services staff to continue to provide sheltering services in Whitby.
- As noted in Reports LS 08-21 and LS 22-08, Staff have and will continue to make improvements to the operations of the Animal Services section to advance efficiencies, improve animal care and conditions, increase revenue, and reduce operational impacts.

## 3. Background:

### Overview of Services

The 2021 Report LS 08-21 provided a comprehensive review of the Town's Animal Services section, which included the following:

- services provided;

- current staffing levels;
- 5 year overview of complaints;
- 3 year review of animal intake;
- A breakdown of what the facility can currently accommodate;
- Assigned fleet for the section;
- A fulsome breakdown of financial costs for the Whitby Animal Service's Centre including utilities, building and grounds expenses, equipment, waste removal and staffing for basic upkeep of animal care, being 1 full-time Animal Shelter Coordinator and 1 part-time Animal Services Officer.
- A fulsome breakdown of all revenues generated from by the WASC including animal adoptions, animal licencing, donations, pound and services fees, and other municipal recoveries;
- Staff also noted a major portion of the operating costs for the are offset by the municipal recoveries line which acknowledged the sheltering agreement with the Town of Ajax;
- The steps/changes implemented by staff to reduce the sections operating expenses and improve animal care and programs for the community;
- The potential challenges faced attempting to accommodate the sectional staff in other Town of Whitby facilities.

The 2022 Report LS 08-22 contained a comprehensive financial analysis of the Town's Animal Services Centre, which included the following:

- The budgetary impacts from Ajax terminating the sheltering agreement with the Town of Whitby results in the Town's Animal Service division costing approximately \$139,000, annually.
- Even with the closure of the WASC, the Town's Animal Service division costs would be approximately \$55,000, annually, for the enforcement-related (vs. sheltering) aspects of the division.
- Provided an overview of estimated and confirmed costs to outsource the sheltering of animals vs. continuing the operation internally.
- An overview of the associated capital budget costs for the current Animal Services Centre from 2022-2032, which included \$1.5 million in projects aimed to improve and maintain the facility; this includes \$0.6 million for the accessibility renovation which has been included in the budget since 2018 and an additional \$0.8 million for the expansion of the facility in 2030.
- A recommendation based on the financial analysis and annual operating cost of the WASC, staff do not recommend that the Town of Whitby proceed with outsourcing of sheltering of animal found at large in Whitby. Included as part of the recommendation of staff is the positive changes that have been implemented by staff to date, which will continue to result in increased revenue further, reducing the net annual impact of the WASC.
- identified the need to continue discussions with neighbouring municipalities about shared sheltering facilities.

As a part of the discussion at Council regarding Report LS 08-22, Council sought additional information regarding the options for animal sheltering services in the Town. Council passed the following Resolution #179-22,

**Resolution # 179-22**

1. That Report LS 08-22 be received for information;
2. That Animal Services continue to operate as an in-house service of the Town, including sheltering and enforcement; and,
3. That staff continue to investigate opportunities to provide animal control services with other municipalities in the immediate vicinity of the Town and animal sheltering services with Humane Society of Durham Region (HSDR).

In accordance with Recommendation #3 of the resolution above, Staff provide the following report.

**4. Discussion:**

**Overview**

Utilizing the metrics, analysis and information from Reports LS 06-21 and LS 08-22 staff reviewed 4 separate options/sheltering partnerships. The proposals also account for the Town's growth for future sheltering needs.

In keeping with Recommendation #3 of Council Resolution #179-22, staff provide the following analysis regarding the options for sheltering services within the Town. A detailed summary of each option is included as **Attachment # 1** to this Report.

In 2022, the Town retained McCallum Sather Associates (MSA), to provide a feasibility study and costing analysis for a new animal shelter facility. MSA was chosen given their expertise with animal sheltering facilities and their detailed knowledge of the site, as the Prime Consultants that completed the Operations Centre Expansion Feasibility Study and are currently working on the design of the Parks Operations Expansion and Fire Training Facility. The Operations Centre is located on McKinney Avenue directly across the street from the proposed animal shelter. The proposed location of the new facility will create a municipal campus and improve efficiencies for the delivery of services, secured storage of municipal vehicles and installation of electrical vehicle charging stations.

Subject to Council approval of this report, staff would plan for tendering for the construction of all three projects at McKinney Drive and & Broadleaf Avenue (i.e., the Animal Shelter, Operations Parks Expansion, and Fire Training Tower), as one projected to ensure efficient and functional design of the overall site and

benefit from economies of scale and lower mobilization/demobilization costs. The construction would be phased to minimize impact to the existing neighbourhood and facilities. Due to the complexity of the project (three buildings, including a detailed phasing strategy) staff would also recommend retaining a Project Management Firm to manage the projects on behalf of the Town. The estimated cost to retain a Project Management firm for all three projects (over multiple years) is estimated at \$900,000 (approximately \$300,000 per project).

Town staff have continued discussions with other agencies and municipalities to explore options for sheltering services for the residents of the Town. To that end, the Town has obtained a detailed proposal from the Humane Society of Durham Region for the provision of sheltering services within the Town.

### **Staff have reviewed various Animal Sheltering options for the Town**

#### Option 1A: Construction of a new Animal Services Centre at the Whitby Operations Municipal Campus

The Town owns a vacant parcel of land at the south-west corner of McKinney Drive and Broadleaf Avenue, across from both the Operations Centre and McKinney Recreation Centre. With this option, the Town would construct a new, state of the art shelter as a net zero building on the vacant parcel. This option would be a continuation of a central municipal operations campus with the Town's Operations Centre and Fire Department Headquarters directly across the street. This option includes the potential for a future second floor expansion to accommodate additional office space, which could allow for all of Enforcement Services to be located in one facility. This location is ideal as it is bordered by Elexicon Energy Office and Saint Charles Garnier secondary school. The facility could be designed in a manner that would mitigate impacts to neighbouring properties by using the building and landscaping to shield potential sound, odour and visual concerns.

The consultant recommended against the staggered construction of a shelter and second floor office space, as it would be disruptive to the operation of the Animal Services Shelter, would distress the animals sheltered during construction (or require that they be relocated). As a result, this option is not recommended.

A conceptual site plan, floor plan and renderings for this option is contained in **Attachment # 2** to this report. Costing for this Option is contained in **Attachment #1**.

Option 1B: Construction of a new Enforcement Services Facility at the Whitby Operations Municipal Campus

Option 1B is similar to the Option 1A and would be located on the vacant land at the south-west corner of McKinney Drive and Broadleaf Avenue; however, this design proposes a second floor with office space that could be used to accommodate all of Enforcement Services at one location. The ground floor would house the Animal Services Shelter, while the second floor would contain office space, meeting space, washrooms and a kitchen space. Both Option 1A and Option 1B would allow the Town to control and maintain both its service levels and costs related to sheltering services for its residents.

As Option 1B would allow for Parking and By-law Services Sections to be co-located with Animal Services, it would also allow for space at the Town's leased space at 3050 Garden Street to be reduced and/or eliminated. Further, capital funds that would have otherwise been used to fund the repair/renovation of the existing WASC over the next 10 years could otherwise be allocated towards a new facility. A conceptual site plan, floor plan and renderings for this option is included in **Attachment # 3** to this report. Costing for this Option is contained in **Attachment # 1**.

Option 2 - Partnership with the Humane Society of Durham Region ("HSDR") and the Ontario Society of the Prevention of Cruelty to Animals ("OSPCA")

This option entails partnering with the HSDR and OSPCA through an animal sheltering agreement similar to the Town of Ajax. The HSDR and OSPCA have provided a proposal included as **Attachment 4** to this Report. This option would eliminate animal sheltering services being provided by the Town, and animals caught or seized by the Town's Animal Services Officers being sheltered by the HSDR at 1505 Wentworth St in Whitby. This option was also reviewed in detail in Report LS 08-22. This option would result in at least one layoff (1.0 FTE) of the Town's existing Animal Services staff complement.

The HSDR and OSPCA proposal is for a two-year contract valued at \$180,000 for both years, with a CPI increase in the second year. The value of the contract is based on the Town's current animal intake numbers, and additional animals would result in additional fees. As per the financial analysis contained in Report LS 08-22, this option would result in potential savings of approximately \$1.5-1.6 million in capital investments to the WASC. The potential capital savings for this option would be partially offset by capital improvements to another facility to provide office facilities for the Town's existing complement Animal Services Officers. This option would also require the Town to maintain a separate contract for the disposal of deadstock (i.e. roadkill). Despite the capital investment savings, the Animal Services operating budget would increase based on the HSDR and OSPCA quotation: the 2023 Animal Services budget is \$157,260 (net cost) vs. \$180,000 HSDR proposal for sheltering + Town's remaining enforcement costs

(approximately \$55,000), which would result in a net operating cost of approximately \$235,000.

While the HSDR and OSPCA have an up-to-date facility and are well known for the services they provide to the Durham Region community, staff are concerned that this option would result in the Town being captive to an external agency for the provision of animal sheltering services for its residents. Should the Town no longer provide sheltering services, the time, cost and effort required to reincorporate sheltering services could make it prohibitive in the future. As a result of the above and other factors included in **Attachment # 1**, this option is not recommended.

#### Option 3 – Sharing Sheltering Services with Neighbouring Municipalities

Town Staff have met with staff from neighbouring municipalities to determine if there is interest in sharing facilities. As those discussions were confidential amongst staff and are the subject of negotiations, the discussion of this option is contained in the Confidential Memorandum accompanying this report.

Regardless, should the Council decide to proceed with Options 1A or 1B, staff are confident that a new proposed facility could accommodate animals from our neighbouring municipalities.

#### Option 4 – Maintain and Update the Existing WASC Facility at 4680 Thickson Road North

While notionally this is an option, as staff have continued operations at the existing facility, the existing facility's age and size would make it difficult to continue operations at this location as the Town grows. The Town has updated the facility to comply with animal care requirements set out by the Province; however, as the facility continues to age, staff are concerned that the facility will no longer be able to meet the appropriate standards for animal care.

As the Town was considering options for animal sheltering, Town staff have maintained the existing shelter but have not yet proceeded with scheduled upgrades related to accessibility and heating, ventilation and air conditioning to the existing Animal Services shelter at 4680 Thickson Road North. The expected capital cost to maintain the existing facility is approximately \$1.5 to \$1.6 million over the next 10 years. As a result of the above noted items, this option is not recommended.

**Maintaining sheltering services through the construction of a new WASC allows the Town to continue to control costs and maintain existing service levels**

In reviewing all of the options, staff recommend that there are multiple benefits of maintaining the provision of animal sheltering services internally, retaining the ability to monitor and control costs related to providing sheltering services. It also allows the Town to manage the current and future demands related to providing this service within the municipality. Staff have made operational changes to control expenditures while maintaining a similar quality of service and have utilized services like DocuPet to streamline pet licensing while offsetting the costs of operating the WASC.

## 5. Financial Considerations:

Details of the financial implications for each option are included in Attachment 1.

The feasibility study and preliminary design noted in this report, totaling approximately \$55,000, has been funded from Capital Project # 30211305 – OPC – Expansion Phase 2. Projected costs to move to detailed design with the assistance of an external project manager is estimated to be \$1,300,000. Subject to Council approval to proceed with detail design of Option 1B, it is recommended that a new capital project, in the amount of \$1,300,000, be established for the Design & Contract Management, and Project Management of the joint Animal Shelter/Enforcement Services facility (Option 1B) funded from the Asset Management Reserve. Staff will proceed with a public procurement of the Project Management services. Due to MSA's work on the feasibility study and other projects on the municipal campus (e.g. Operations Centre, and Fire Training Facility) noted above, it is recommended that staff be authorized to negotiate with McCallum Sather Associates and award a single source contract, subject to budget, for the detailed design and contract management work for this project. The single source award is being made pursuant to the provision of the Town's Procurement Policy which allows for limited tendering when the extension of an existing contract would prove to more cost-effective/ beneficial or if the change of supplier would cause significant inconvenience or duplication of costs.

Preliminary cost estimates for the construction of a new facility, under Option 1A and 1B, are \$4.8 million and \$9.6 million, respectively. Under both options:

- the capital costs could be partially offset by proceeds from the sale of the existing WASC facility and underlying land located at 4680 Thickson Road North;
- a new WASC facility will remove the requirement to spend approximately \$1.5 to \$1.6 million over the next 10 years to renovate/expand the current WASC (includes planned kennel renovation, a planned expansion in 2030, HVAC, signage, and paving in the interim).

Construction cost estimates will be further refined through the detailed design stage of the project and staff will request Council capital budget approval for the construction phase of the project. At that time, staff will also recommend funding for the new facility, which may include re-allocating and advancing the capital



funds from planned work at current WASC planned for the next 10 years and utilizing proceeds from the sale of the existing WASC property.

Further, with Enforcement staff relocating from Garden Street to the new facility under Option 1B, it is estimated that the Town's leased space at Garden Street may be reduced. This may result in annual operating budget savings of approximately \$70,000 (subject to incremental operating costs of the new facility).

**6. Communication and Public Engagement:**

Staff have not engaged in public consultation on this matter.

**7. Input from Departments/Sources:**

Enforcement Services and Community Services staff have worked closely with Financial Services in the development of the above noted options. Additionally, staff have had discussions with our neighbouring municipalities and with the HSDR and OSPCA.

**8. Strategic Priorities:**

This review of the services offered by the WASC, the analysis of the options of partnering and the recommendation to continue offering sheltering services in-house addresses and advances the following Community Strategic Priorities:

Whitby's Government

4.4 Ensure fiscal accountability and responsibly plan for growth

4.4.1 Deliver services that respond to community needs while balancing the impact to taxpayers

Proceeding with Option 1B allows for the Town to plan responsibly for future growth while maintaining and expanding current levels of service for Enforcement Services in general, and in particular Animal Services and sheltering.

**9. Attachments:**

Attachment # 1 – Detailed Summary of Animal Sheltering Options

Attachment # 2 – Feasibility Study for Option 1A

Attachment # 3 – Feasibility Study for Option 1B

Attachment # 4 – Sheltering Proposal from the HSDR and OSPCA (Option 2)

# Attachment 1 – Detailed Summary of Animal Sheltering Options

# Option 1A - New Dedicated Animal Shelter

COST	\$4,800,000 (approximately)
Location	Town-owned Parcel at the south-west corner of Broadleaf Avenue and McKinney Drive (no address assigned), south of the McKinney Recreation Centre and west of the Whitby Operations Centre
Proposal	New, state-of-the-art, net-zero One-Storey dedicated Animal Services Shelter of approximately 900 square metres (9700 square feet approximately). Design allows for future second-storey expansion.
Benefits	<ul style="list-style-type: none"> <li>• An expanded, state-of-the-art, net-zero facility geared towards improved animal care</li> <li>• Town maintains control over a service to the public in a centralized location within the Town, including service levels and costs</li> <li>• No longer dependent on contributions from other municipalities to support operations</li> <li>• Location at Whitby Municipal Operations Campus familiar to the public, which is optimally located to improve service coordination and delivery</li> <li>• Increased space to facilitate delivery of services and education programs</li> <li>• Design allows for a second storey expansion to allow for co-location of other municipal divisions</li> <li>• Costs offset by sale of existing WASC land and savings from capital expenditures for existing WASC</li> </ul>
Challenges	<ul style="list-style-type: none"> <li>• Mitigation necessary through design to reduce/eliminate noise impacts to adjacent school and residents</li> <li>• Visual and physical mitigation required to protect animals from the public</li> <li>• Requires additional capital expenditure/debt issuance for the Town</li> <li>• Future construction of second floor would be disruptive to both animals and staff.</li> </ul>

# Option 1B - New Enforcement Services Facility

COST	\$9,600,000 (approximately)
Location	Town-owned Parcel at the south-west corner of Broadleaf Avenue and McKinney Drive (no address assigned), south of the McKinney Recreation Centre and west of the Whitby Operations Centre
Proposal	New, state-of-the-art, net-zero two-storey Animal Services Shelter (first floor) and second floor office space (for Enforcement Services, or another Town Division) of approximately 1750 square metres (18,800 square feet approx.).
Benefits	<ul style="list-style-type: none"> <li>• An expanded, state-of-the-art, net-zero facility geared towards improved animal care, with additional office space for By-law and Parking Services to accommodate growth in the Division.</li> <li>• Allows for the whole Division to be “under one roof” to coordinate operations, service response and delivery</li> <li>• Town maintains control over animal services to the public and creates centralized location for residents to address animal, by-law and parking concerns. For Animal Services, this includes control over service levels and costs related to sheltering.</li> <li>• No longer dependent on contributions from other municipalities to support animal services operations</li> <li>• Location at Whitby Municipal Operations Campus familiar to the public, which is optimally located to improve service coordination and delivery</li> <li>• Increased space to facilitate delivery of services and education programs</li> <li>• Reduce or eliminate need for leased space at Garden Street office</li> <li>• Costs offset by sale of existing WASC land and reallocation from capital expenditures for existing WASC</li> </ul>
Challenges	<ul style="list-style-type: none"> <li>• Costliest Option</li> <li>• Mitigation necessary through design to reduce/eliminate noise impacts to adjacent school and residents</li> <li>• Visual and physical mitigation required to protect animals from the public</li> <li>• Requires additional capital expenditure/debt issuance for the Town</li> </ul>

# Option 2 – Partnership with HSDR & OSPCA

COST	<p>Two-year Contract: Year 1 = \$180,000; Year 2 - \$180,000 + CPI.</p> <p>Total cost to 2031 (assuming base rate and 2.5% rate of inflation) = \$1,792,000</p> <p>1.0 FTE Staff Reduction for Shelter Support</p>
Location	1505 Wentworth St, Whitby, ON (off of Thickson Road, south of Victoria Street)
Benefits	<ul style="list-style-type: none"> <li>• Well-known, state-of-the-art facility operated in partnership with the OSPCA with on-site veterinary services</li> <li>• Town no longer responsible for costs, risk and expenses of sheltering animals</li> <li>• Centralized adoption services for residents of Town and Region</li> <li>• No new capital expenditures for animal sheltering services</li> </ul>
Challenges	<ul style="list-style-type: none"> <li>• Increase of City's Operating Budget</li> <li>• Intake numbers are capped at 375 animals/year, with additional cost of \$475/animal</li> <li>• Estimated cost over long term not a significant economic savings vs. existing WASC facility</li> <li>• Layoff of 1.0 FTE required</li> <li>• Town would lose control over service levels, adoption and destruction policy of animals</li> <li>• Not geared towards long term care of animals (i.e. Court-mandated holds) and additional boarding fees may be required (up to \$100/day).</li> <li>• Negative effect on Staff morale</li> <li>• Separate agreement required for disposal of deadstock</li> </ul>

# **Option 3 – Partnership with Neighbouring Municipalities**

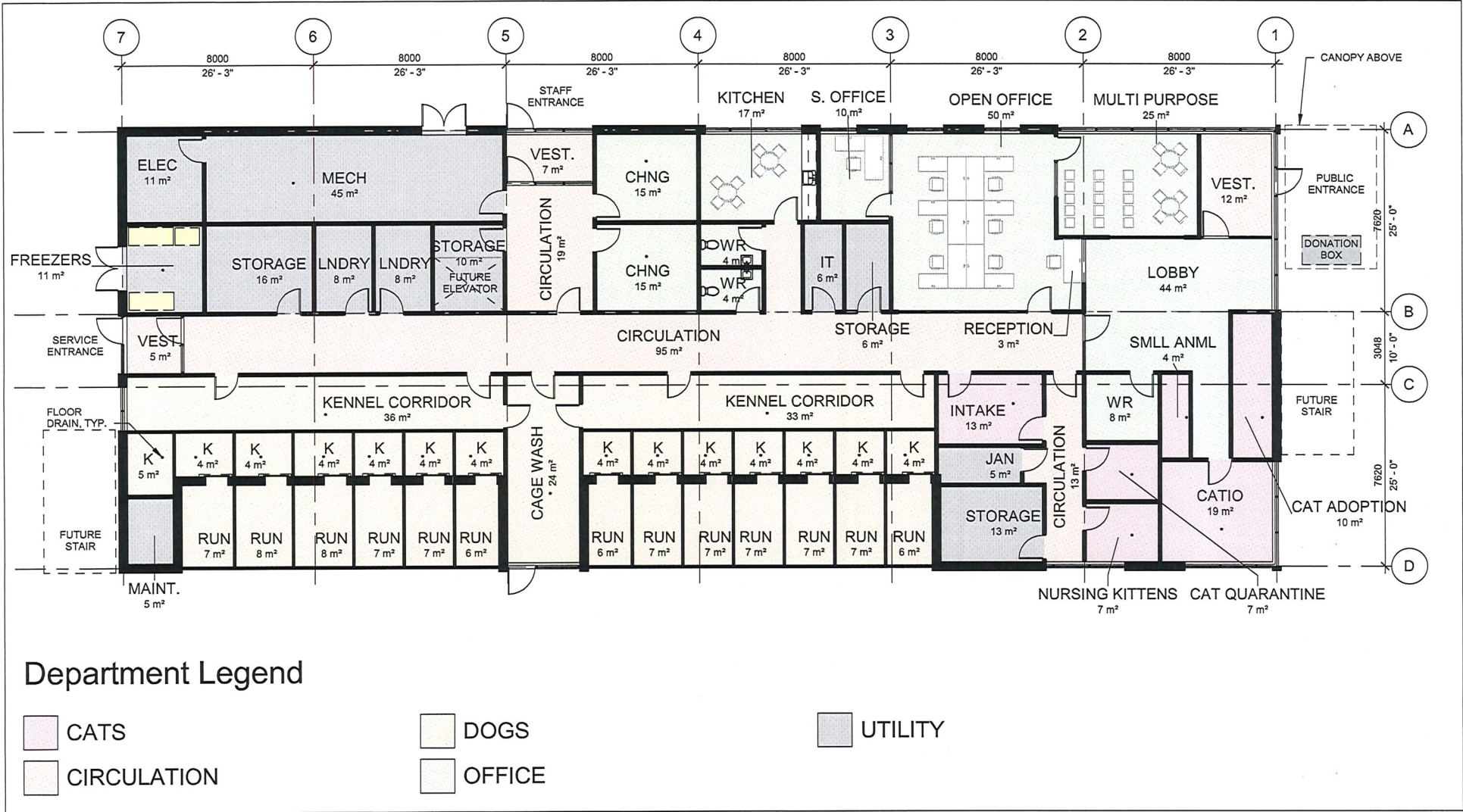
Please see the Confidential Memorandum Accompanying this Report

# Option 4 - Maintain and Update Existing WASC

COST	<b>\$691,300 currently budgeted for upgrades (deferred) \$797,500 (2021 \$) forecasted for facility upgrades to 2031 Estimated Capital Cost to 2031: \$1,488,800</b>
Location	4680 Thickson Road
Benefits	<ul style="list-style-type: none"><li>• Location is well known to the Community</li><li>• Facility is located away from residential uses, and Town has received few complaints about noise/nuisance</li><li>• Lowest Cost Option to maintain services within the Town</li></ul>
Challenges	<ul style="list-style-type: none"><li>• Feasibility is unclear as facilities are dated, and may not reflect the latest in animal welfare (but meets all current Provincial Requirements).</li><li>• Lands located near a CLOCA regulated area, which may make expansion of the facility difficult if future upgrades are required</li><li>• Unrealized value from existing land holding</li></ul>







Department Legend

- CATS

CIRCULATION
- DOGS

OFFICE
- UTILITY

<div>mcCallumSather</div> <div>Westinghouse HQ, 2nd Floor 286 Sanford Ave. N Hamilton, ON L8L 6A1 905.526.6700 www.mccallumsather.com</div>					DRAWING TITLE		DRAWN BY:		CHECKED BY:	
					FLOOR PLAN		Author			
					PROJECT NAME		SCALE		DATE	
					WHITBY ANIMAL SERVICES		1:150		2022-10-25	
					333 MCKINNEY DRIVE		PROJECT NO.		REF	
							22078			
							DRAWING NO.			



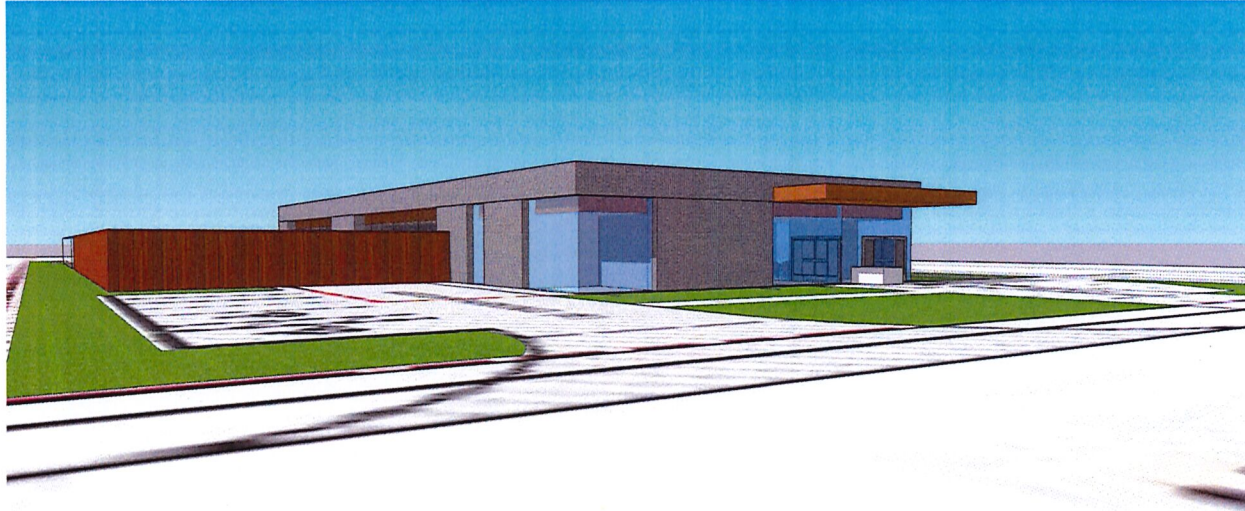
Aerial Perspective South-East



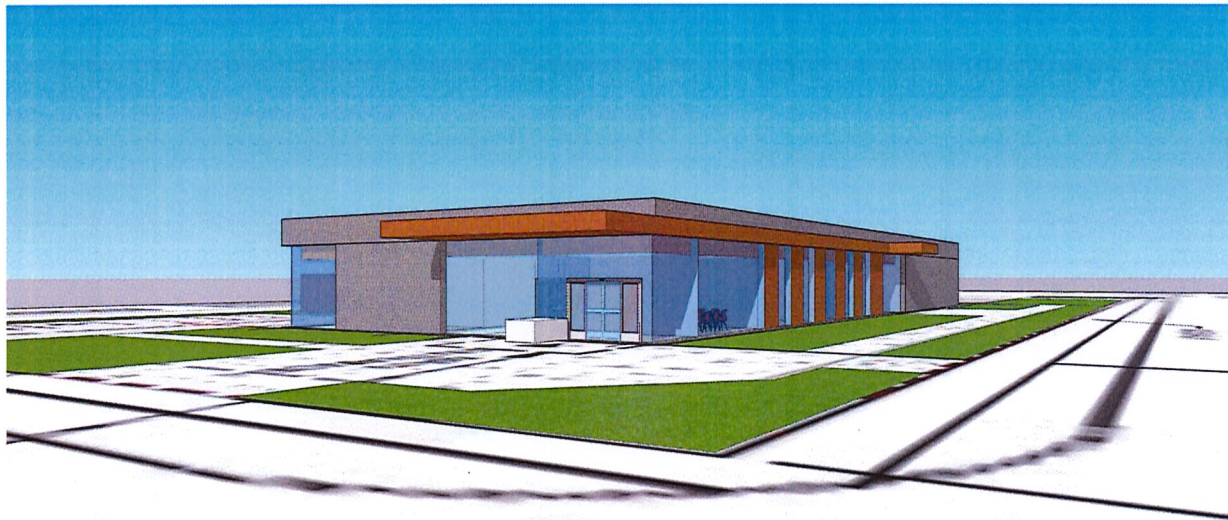
Aerial Perspective North-East

**mc**CallumSather



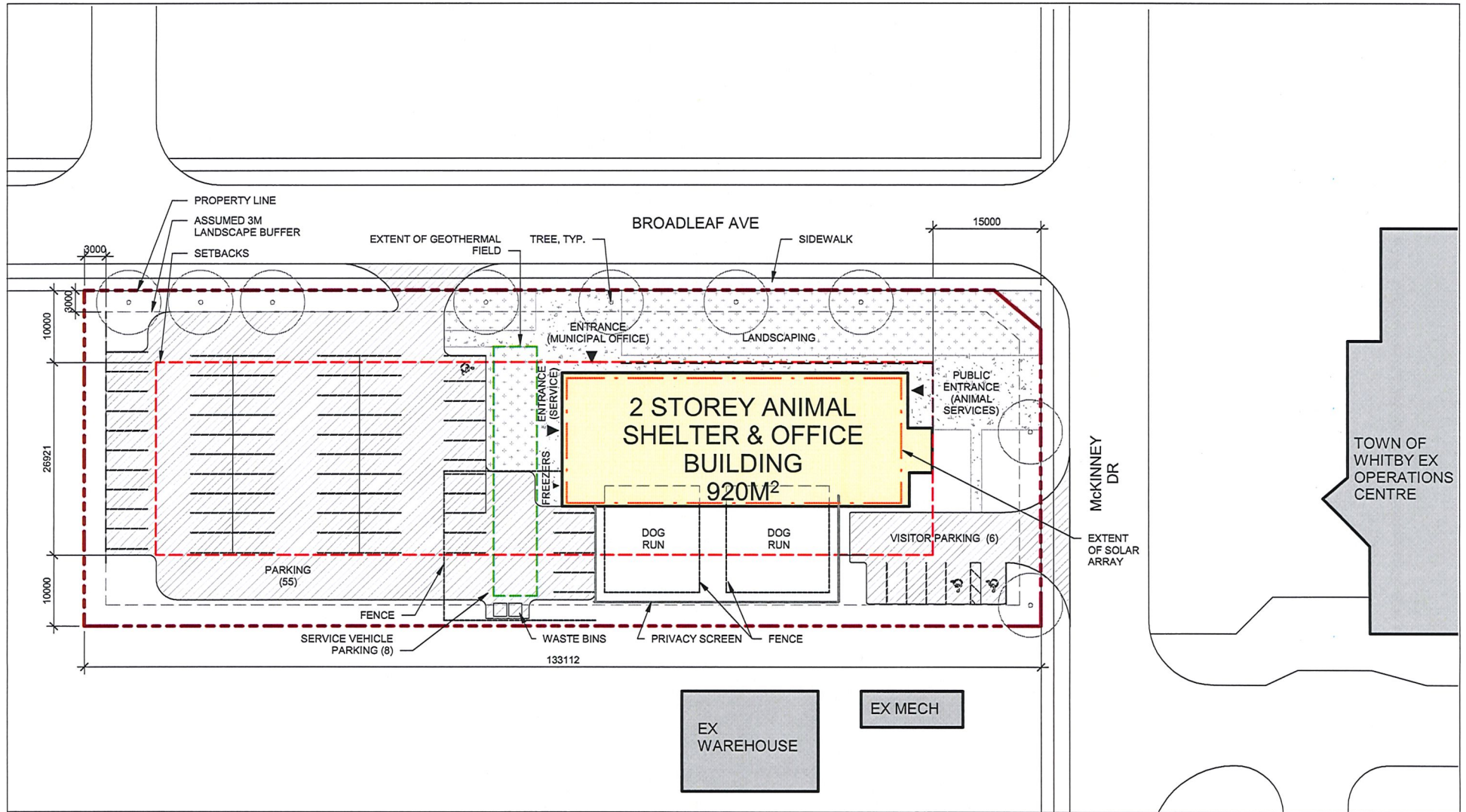


Perspective South-East



Perspective North-East

**mc** CallumSather



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REVISION	DESCRIPTION	DATE
5	ISSUED FOR FEASIBILITY	2023-06-30
4	ISSUED FOR REVIEW	2023-06-26
3	ISSUED FOR FEASIBILITY	2023-12-23
2	ISSUED FOR REVIEW	2022-12-01
1	ISSUED FOR REVIEW	2022-11-18

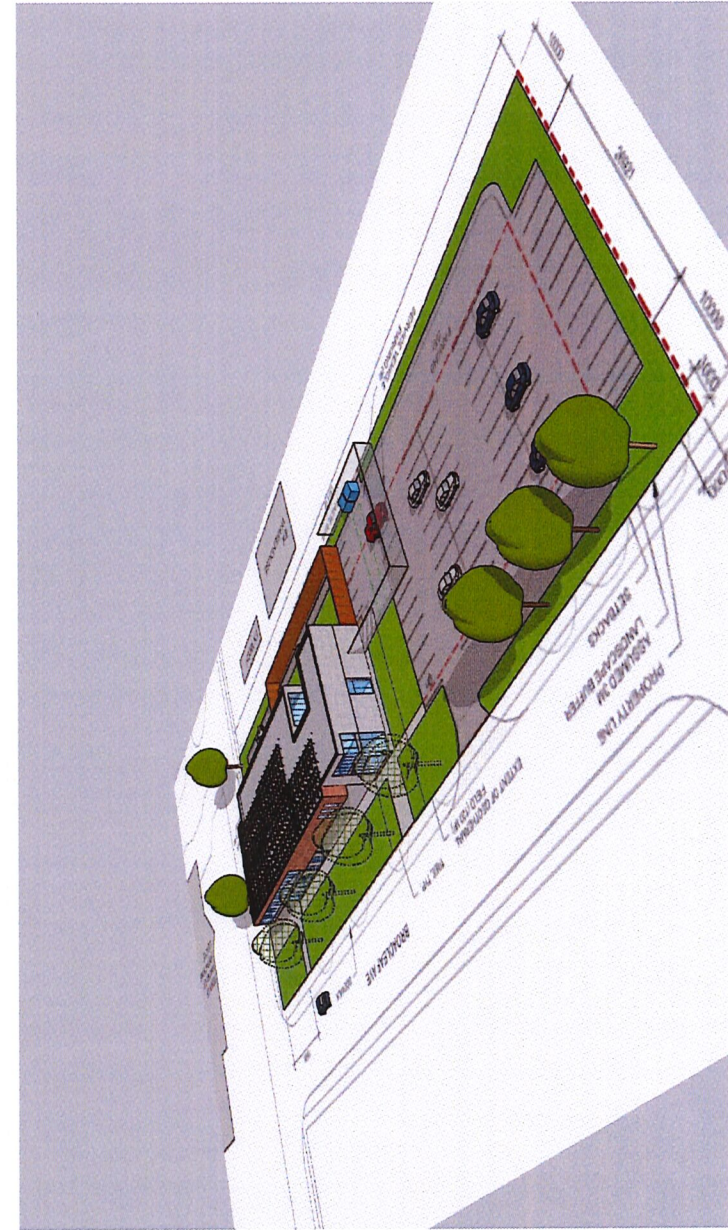
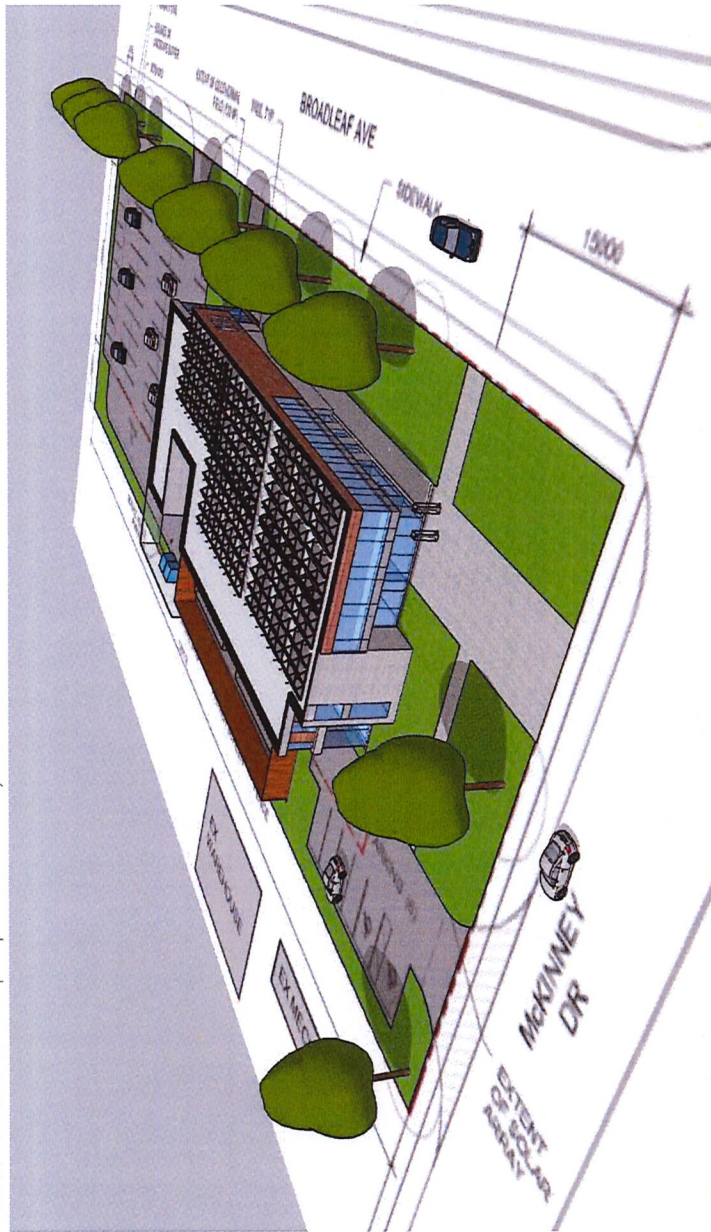
DRAWING TITLE  
**CONCEPTUAL SITE PLAN**

PROJECT NAME  
**WHITBY ANIMAL SERVICES AND ENFORCEMENT SERVICES**  
333 MCKINNEY DRIVE

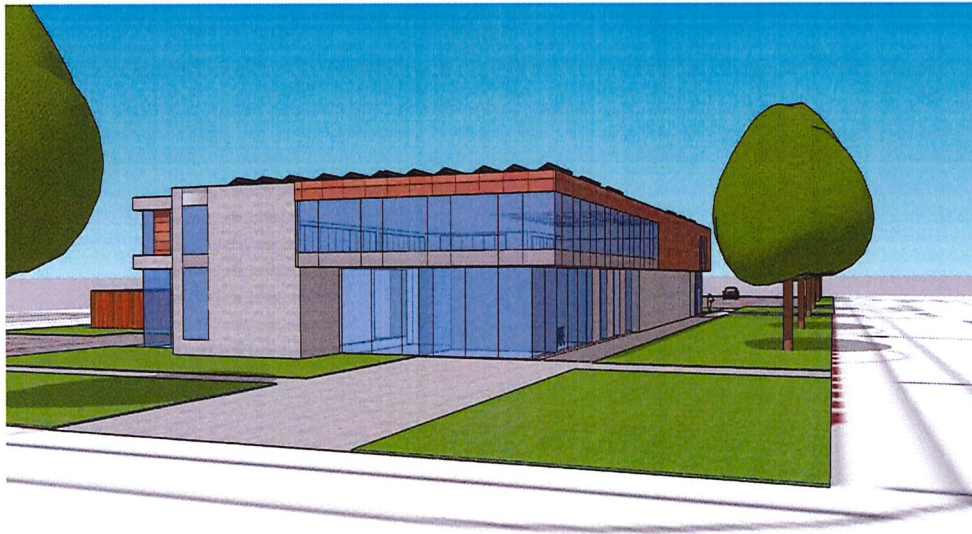
DRAWN BY:	DD	CHECKED BY:	AMc
SCALE	1:500	DATE	2023-10-25
PROJECT NO.	22078	REF	
DRAWING NO.	<b>A1</b>		



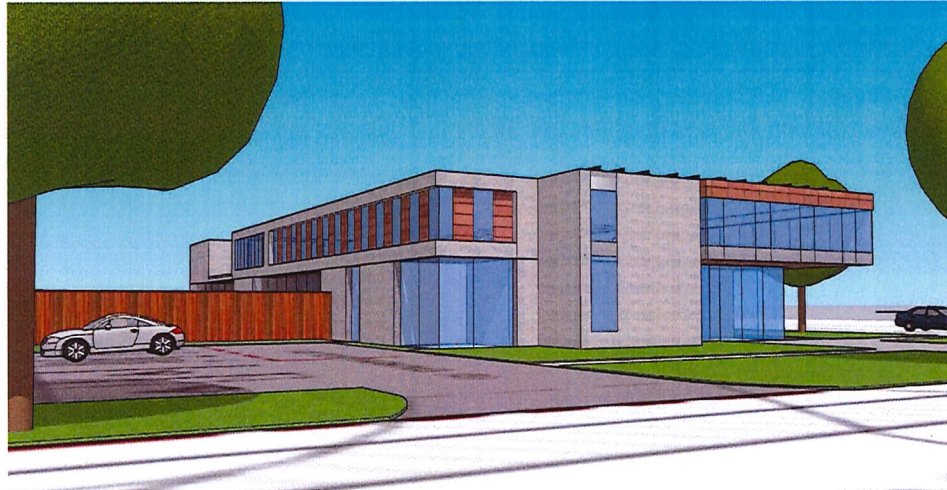
### Visualizations of the proposed facility





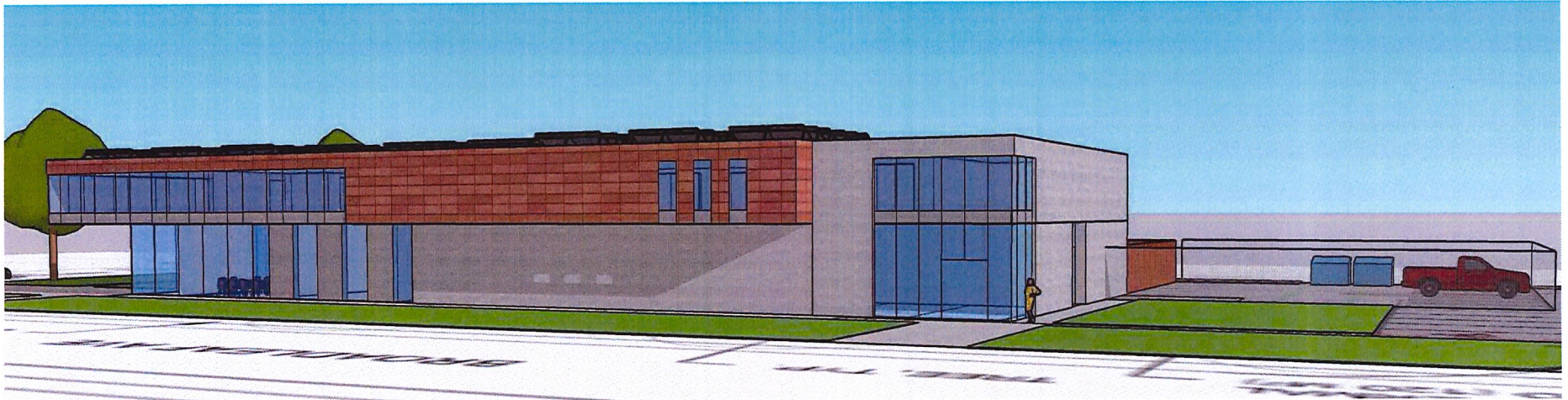


Perspective North-East



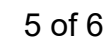
Perspective South-East

**mc** CallumSather



Perspective North



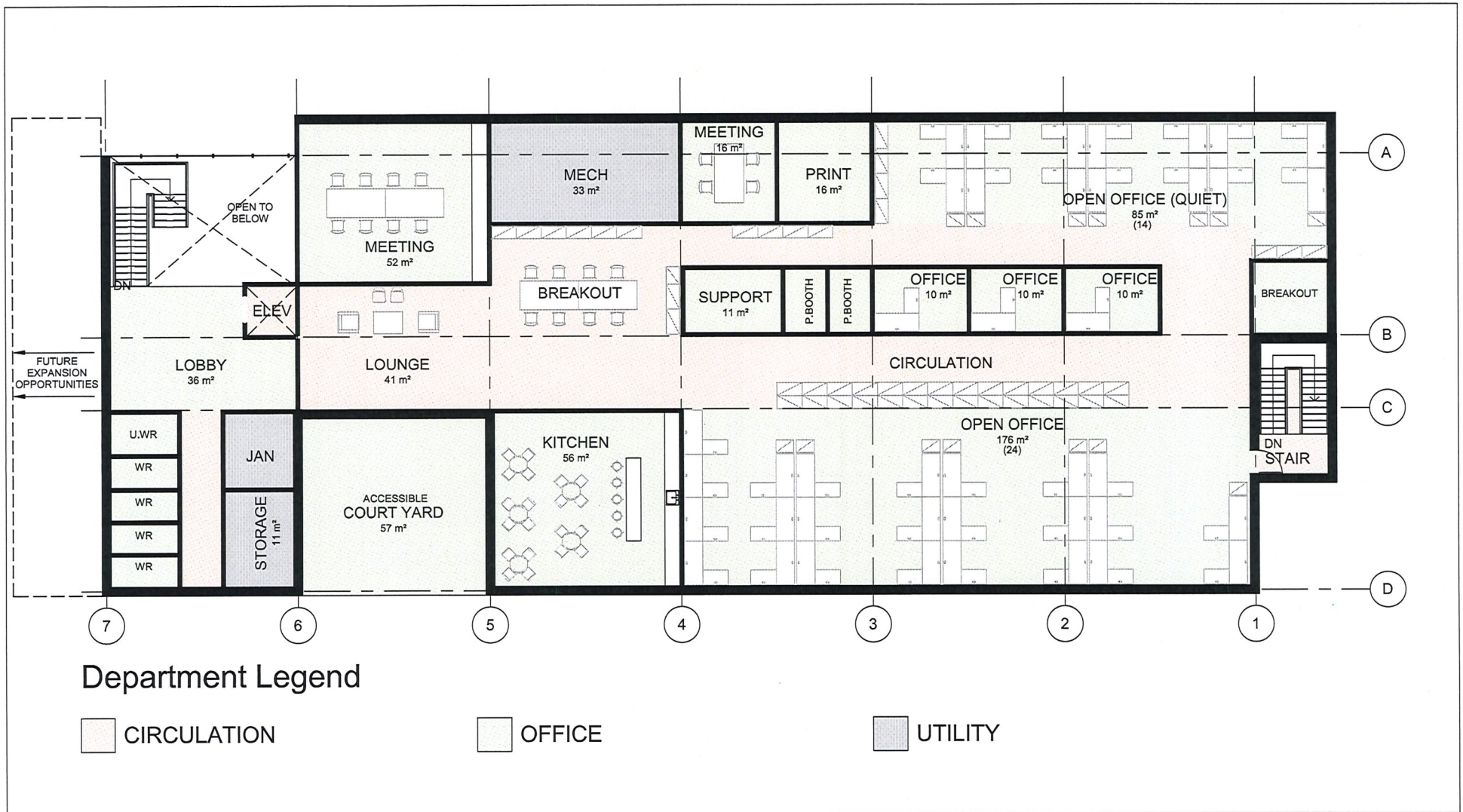


DRAWING TITLE	CONCEPTUAL FLOOR PLAN LEVEL 1
PROJECT NAME	WHITBY ANIMAL SERVICES AND ENFORCEMENT SERVICES 333 MCKINNEY DRIVE

DRAWN BY:	CHECKED BY:
DD	AMc
SCALE	DATE
1:150	2022-10-25
PROJECT NO.	REF
<b>22078</b>	
DRAWING NO.	

A2





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NO.	DESCRIPTION	DATE
5	ISSUED FOR FEASIBILITY	2023-06-30
4	ISSUED FOR REVIEW	2023-05-26
3	ISSUED FOR FEASIBILITY	2022-12-23
2	ISSUED FOR REVIEW	2022-12-01
1	ISSUED FOR REVIEW	2022-11-18
REVISION		

**DRAWING TITLE**  
 CONCEPTUAL FLOOR PLAN LEVEL 2

**PROJECT NAME**  
 WHITBY ANIMAL SERVICES AND ENFORCEMENT SERVICES  
 333 MCKINNEY DRIVE

**DRAWN BY:** DD  
**CHECKED BY:** AMc  
**SCALE:** 1:150  
**DATE:** 2022-10-25  
**PROJECT NO.:** 22078  
**REF:**  
**DRAWING NO.:**

**A2.1**

**Proposal for Animal Pound Keeping Services  
Town of Whitby**

**Submitted by:  
Humane Society of Durham Region**

**March 15, 2023**

# **Humane Society of Durham Region**

## **Proposal for Animal Pound-Keeping Services for the Town of Whitby**

### **1. GENERAL**

#### **Introduction**

The Humane Society of Durham Region is pleased to submit a proposal for pound-keeping services for the Town of Whitby. This proposal is based on historical information provided by the Town of Whitby relating to the number of animals impounded annually and other relevant information.

#### **Purpose Statement**

Our purpose is to provide care, comfort, and compassion to animals in need; we value all animals and engage our communities to treat them with respect and kindness.

#### **Values**

- Compassion
- Transparency
- Excellence
- Collaboration
- Accountability

### **2. ORGANIZATION OVERVIEW AND CONTACT INFORMATION**

#### **2.1 Contact Information**

Humane Society of Durham Region  
1505 Wentworth Street, Whitby ON

#### **Staff Contact:**

Jennifer Bluhm, VP Community Outreach Services

1-888-668-7722, ext 440

Mobile: 519-375-2442

Email: [jbluhm@ontariospca.ca](mailto:jbluhm@ontariospca.ca)

#### **2.2 About the Humane Society of Durham Region**

The Humane Society of Durham Region (HSDR) is an integral part of the community, promoting mutually beneficial human-animal interactions. HSDR has been providing vital animal care services to communities in Durham Region since 1988. Our goal is to build awareness of the essential role of animals in our lives. We are committed to assisting animals in need including homeless cats, dogs and other companion animals.

Our staff are professionals who work in this field because they love animals, and the decisions they make are made for the good of the animal and of the communities that they will live in. Our animal welfare philosophy leads us to focus on optimum solutions for animals in our animal centres including high-volume spay/neuter services, adoption programs, animal fostering, animal transfer programs, spay/neuter and animal wellness services, humane education, and community support services such as petfood support and emergency boarding services.

## **Humane Society of Durham Region Proposal for Animal Pound-Keeping Services for the Town of Whitby**

The Humane Society of Durham Region maintains trained staff to ensure the highest level of care is provided to all animals in our custody.

### **3. SCOPE OF SERVICES**

#### **3.1 Impound Services**

The Humane Society of Durham Region will provide domestic feline and canine pound keeping services for the Town of Whitby from its Animal Centre, located at 1505 Wentworth Street, Whitby, Ontario.

Animals included under this agreement are healthy, medically stable dogs and cats, Animals that are not medically stable are not included under this agreement until such time that they are deemed to be healthy and medically stable enough for intake by HSDR.

This proposal only covers animals impounded under the authority of the By-law and does not include (or permit) animals to be boarded at the shelter that are part of external agencies or police investigations.

#### **3.2 Facility**

The facility includes all necessary equipment to care for animals including HVAC system, information technology and trained staff and volunteers.

- 40 kennels for cats
- 8 isolation kennels for cats
- 14 kennels for dogs with outdoor run access
- 3 isolation kennels for dogs

#### **3.3 Hours of Operation**

The shelter is staffed from 7:00 a.m. to 7:00 p.m. 365 days a year and open to the public Tuesday - Sunday 11a.m. - 6p.m. HSDR is closed on statutory holidays.

When open to the public, HSDR will ensure that owners of impounded animals have a reasonable opportunity to reclaim animals, provide telephone access for Whitby residents to reach customer care personnel, and other public-facing services.

#### **3.4 Afterhours Access to Facility**

HSDR will provide 24-hour access to the kennels designated for the Town of Whitby by Municipal Law Enforcement Officers for the purpose of impounding animals only.

No animals brought in by any other legislation will be accepted without prior written approval from the Animal Centre manager or designate and will be subject to a separate fee schedule outside the current contract.

#### **3.5 Animal Care and Enrichment**

HSDR provides routine medical services to shelter animals including vaccinations, de-worming, and administering medications. All injured and sick animals are treated by a veterinarian. All animals placed

## **Humane Society of Durham Region Proposal for Animal Pound-Keeping Services for the Town of Whitby**

for adoption are spayed or neutered prior to release to the adoptive home, and these surgeries are performed by a licensed Veterinarian.

HSDR follows formalized Infection & Disease Control Protocols (Intake Procedures, Personal Protective Equipment (PPE), Cleaning and Disinfection, Zoonotic Diseases, and Infection Control).

The Humane Society of Durham Region (HSDR) has an active dog-walking and cat enrichment program that is volunteer driven. In addition, large outdoor exercise pens are used for daily group housing and exercise. Community engagement is vital to the operation of our Animal Centre and volunteer orientations and regular training is provided on an on-going basis.

### **3.6 Staff**

Staff members ensure that all impounded animals in the facility are provided with the necessary food, water, and medical care to maintain the animals in good health. Staff members also ensure that all animal holding areas and utensils are regularly sanitized to avoid the spread of disease. As part of their daily function, these staff members examine and interact with the animals every day to ensure their health and well-being is being addressed.

### **3.7 Adherence to Regulations and Standards**

HSDR will provide, operate, and maintain the animal pound in accordance with the Animals for Research Act of Ontario, Ontario Pounds Act, and any other regulations applicable to the sheltering of cats and dogs.

HSDR will provide a letter from the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) upon execution of contract to confirm that the animal pound facility has been inspected, registered, and meets the requirements of the Act and Regulations. Results for the last inspection are available upon request as part of the execution of the contract.

### **3.8 Sick or Injured Animals**

HSDR will provide facilities for the intake of healthy, medically stable dogs and cats that come into the Town's possession through activity authorized in Bylaw 7294-17.

Sick and/or injured animals will be transported to a veterinarian prior to arriving at the shelter by MLE. Furthermore, no injured or ill animal will be impounded afterhours to minimize unnecessary pain or suffering and to ensure the existing population of animals in the animal centre are not put at risk of disease.

HSDR shall not euthanize animals that have been brought in by the Town within the first 7 days of being brought into the shelter, unless determined by a veterinarian to be the appropriate course of action. HSDR will seek authorization from the Town of Whitby before proceeding. A Town contact will be required for afterhours authorization. Euthanasia will only be carried out by a qualified veterinarian.

The Town of Whitby agrees to reimburse the Society the cost of any required veterinary care or medications administered to an animal within the hold period.

## **Humane Society of Durham Region Proposal for Animal Pound-Keeping Services for the Town of Whitby**

### **3.9 Aggressive Dogs and Bites**

Boarding or holding of dogs seized under court order or quarantine is included in the fees outlined in this proposal to a maximum of 30 days per dog. Any dogs in care longer than 30 days will be subject to additional daily boarding fees. Such fees shall be at the sole discretion of HSDR up to a maximum of \$100/day/dog (no limit on duration), plus veterinarian expenses and any other costs incurred.

HSDR has established protocols for the safe handling and housing of dangerous dogs which can be provided upon request. Such protocols include the use of shift facilities (cages/kennels) and appropriate safety equipment to ensure the safety of staff and the wellbeing of the dog. In the event of a dog's behaviour posing a danger to staff or the animal itself consultation with a veterinarian on appropriate intervention will be arranged by HSDR.

The Town authorizes HSDR to relocate any dogs to alternate housing facilities as required for staff safety or animal wellbeing.

To ensure staff and animal safety we request notice prior to the delivery of any dog considered "aggressive" so HSDR may prepare the facility and staff for the additional handling requirements. HSDR will provide the Town with intake procedures so that shelter staff are aware of the pertinent details of any aggressive animal brought into the shelter.

### **3.10 Public Health Quarantine**

The Humane Society of Durham Region will only receive dogs for bite quarantine that are stray and delivered by Municipal Law Enforcement Officers (MLE) for impound under the authority of the Health Protection and Promotion Act. Such impound will be subject to additional fees of \$100/day plus any necessary veterinary expenses incurred by HSDR above the proposed annual service fee.

Additionally, for the safety of staff and wellbeing of the dog it is requested that as much advanced notice as possible be provided prior to the delivery of any dog considered "aggressive" so HSDR may prepare and staff for the additional handling requirements.

The Town of Whitby agrees to reimburse HSDR the cost of any rabies or other vaccinations mandated by Public Health Ontario under the Health Protection and Promotion Act of Ontario and Regulation 567.

### **3.11 Animal Disposition**

Animals brought into HSDR by the Town are the property of the Town for the first 7 days of impoundment. After the 7th day of impoundment, all Town animals become the property of HSDR and eligible for entry into HSDR's adoption or fostering programs, save and except for dogs seized by the Town for reasons of being dangerous/ involved in an attack that are being held by a court order.

### **3.12 Adoption and Fostering Programs**

If HSDR believes that fostering is appropriate for an animal brought into the shelter by the Town of Whitby within the first 7 days of impoundment, arrangements for fostering would be made in collaboration with the Town's Manager of Bylaw Services prior to moving the animal into a foster arrangement.

## **Humane Society of Durham Region Proposal for Animal Pound-Keeping Services for the Town of Whitby**

HSDR shall provide a comprehensive adoption program which includes a care plan assessment that is completed for all impounded animals upon arrival which focus on the best outcome for the animal. This may include adoption, transfer to another rescue, or partner organization or placement in foster care.

All cats and dogs will be spayed or neutered as a condition of adoption and any costs associated with that will be the responsibility of HSDR. Under no circumstances shall unclaimed animals be sold for medical research or other activities which may harm them.

The Humane Society of Durham Region uses a behaviour assessment program to determine the suitability of dogs before they are placed for adoption. We strive to avoid putting potentially aggressive or dangerous dogs into the community wherever possible.

HSDR maintains a people friendly adoption centre where the public can meet adoptable animals allowing them to make a more educated decision on any potential adoptions. Our adoption staff and volunteers are trained to assist the public with finding a companion that is right for them, by matching their lifestyle, knowledge, and expectations of pet ownership to a pet's behaviour.

The Shelter maintains a full service website to showcase the animals available for adoption and educate the public on the services we provide. The website provides a wealth of information to assist with many common issues; training tips and learning how to live with wildlife being just a few.

### **3.13 Locating Owners and Reclaim Process**

Where animals found running at large are brought into HSDR, the Town will take responsibility to attempt to locate the owner of any animal within the first 7 days. HSDR may assist by using social media and other online means to post photos and descriptions of found animals at their shelter; however, direct outreach to owners by phone or other means will be the responsibility of the Town.

HSDR will take reasonable measures to ensure that persons re-claiming an animal have obtained an animal license from the Town of Whitby, which owners may do through a self-service portal via the Town's website. HSDR will not refuse a reclaim on the basis that an owner cannot provide proof of a license.

HSDR will retain all fees collected for daily impound or reclaim fees.

### **3.14 Wildlife**

Disposal of small wildlife carcasses delivered to the facility by MLE personnel is included in the fees outlined in this proposal. HSDR maintains a designated freezer on site and uses the services of a cremation company to dispose of wildlife and animal carcasses (up to 50lbs) delivered to HSDR by MLE officers or designated staff.

The scope of our services does not include the housing, care or rehabilitation of wildlife or exotic animals.



# **Humane Society of Durham Region**

## **Proposal for Animal Pound-Keeping Services for the Town of Whitby**

### **3.15 Community Support Services**

Transfer of ownership for re-homing (owner surrenders) are offered as part of our Animal Centre mandate as space permits. This service is offered as part of our community programming and is at the sole discretion of HSDR and is not included in the terms of this contract.

## **4. ADMINISTRATION AND RECORD KEEPING**

### **4.1 Insurance**

HSDR will maintain insurance during the term of the contract with insurance coverages in the following amounts, with the Town named as additional insured:

- \$5,000,000 in Common General Liability
- \$2,000,000 in Errors & Omissions
- \$2,000,000 in Directors & Officers

Proof of the above insurance shall be provided to the Town's Clerk prior to commencement of the contract and on every anniversary date of the policy during the life of the contract with the Town. HSDR shall notify the Town in writing immediately of any cancellation of the above referenced insurance policy, in whole or in part.

### **4.2 Record Keeping**

HSDR will maintain complete records and provide reports as required by the Town of Whitby relating to animal intake and care. Details will be determined in collaboration with the Town of Whitby but could include:

- number of impounded animals received from Municipal Enforcement Officers
- number of injured/deceased animals received
- number of animals quarantined
- number of feral cats received,
- number of stray animals received
- number of animals returned to owners
- length of time each animal was in care and disposition
- details of fees collected

## **5. FINANCIAL CONSIDERATIONS AND PAYMENTS**

### **5.1 Fees**

The Humane Society of Durham Region proposes the following as remuneration for its services as Poundkeeper effective on awarding of contract:

- Year 1 - \$180,000
- Year 2 - \$180,000 + CPI

**Humane Society of Durham Region**  
**Proposal for Animal Pound-Keeping Services for the Town of Whitby**

Fees increase each year on the anniversary date, by the annual CPI for the preceding 12 month period per the Statistics Canada website, for the term of the contract.

Above fees are established based on intake statistics provided by the Town of Whitby of 311 animals/year. Intake numbers exceeding 375 animals/contract year will be billed at a per animal fee of \$425/animal.

**5.2 Term**

The agreement may be extended for a further 2-year term upon written agreement of both parties.

The agreement can be cancelled by either party with ninety (90) days' notice in writing.

**5.2 Payment**

Payments are quarterly and due one (1) month in advance of the quarter.

# Memorandum to Council

Legal and Enforcement Services

Enforcement Services Division



**To:** Mayor and Members of Council

**CC:** Andre Gratton, Manager of Enforcement Services

**Acknowledged by M. Gaskell,  
Chief Administrative Officer**

**From:** Francesco Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor

**Date:** September 15, 2023

**File #:** LS 04-23

**Subject:** Update to LS 04-23 - Review of Animal Sheltering Options for the Town of Whitby

This Memorandum is to provide Council with an update to Report # LS 04-23 since its initial release and withdrawal in July 2023.

## **Animal Services has consistently had been amongst most popular web and social media spaces at the Town**

The Town's Animal Services Social Media pages receive some of the highest engagement of all the Town's social media and web-based services. The Animal Services pages are consistently within the top 10 web and social media pages that the Town that residents and members of the public engage with. In particular, the pages related to pet adoptions receive the highest engagement amongst the various Animal Services pages.

This high level of engagement has helped staff drive an increase in donations for animal care from members of the public, and has led to the substantial increase in the number of adoptions from the shelter. In addition, Animal Services' educational, adoption and pet micro-chipping efforts have made our community safer, connected pets with new families, and helped members of our community recover their lost pets.

Taken together, these data indicate that Animal Services continue to be an important service provided by the Town, and a service that our residents and the public consistently engage with.

## **Further Discussions with the Humane Society of Durham Region (“HSDR”)**

Since the initial release of the Report, staff have had an opportunity to discuss and clarify some of the aspects of the proposal from HSDR.

The first clarification is related to the disposal of deceased animals. HSDR clarified that they would be able to dispose of deceased dogs above 23 kg (50 lbs) but would not be able to dispose of other types of large wild or domesticated deceased animals (e.g., deer or cattle). While disposal of cattle by the Town is very rare, the Town is often required to dispose of other large and small wildlife, especially in the event of a collision with a vehicle on the Town’s roadways. The disposal of large and small wildlife is a service that would need to be maintained by the Town.

Secondly, HSDR sought to clarify their animal surrender policies. HSDR indicated that accepting surrendered from Whitby/Durham residents is a core service of theirs, but it is not a typical “dog pound” service that is provided by municipalities, generally. However, this is a service that the Town and current Whitby Animal Services Centre provides to the residents of Whitby, which the Town seeks to continue. HSDR indicated that they are generally able to provide that as a community service.

Lastly, with respect to Court-ordered animal holds, the proposal indicates that HSDR will hold an animal for no additional charge up to thirty (30) days, after which the Town will be subject to a maximum \$100/day fee plus any other expenses or costs incurred. Whitby typically receives 2-3 animals per year under these types of holds. For an animal that would be subject to this type of hold, the cost would be at least \$6,000 per animal for a 3-month hold, and \$33,500 per animal for a one-year hold.

# Town of Whitby

## Staff Report

[whitby.ca/CouncilCalendar](http://whitby.ca/CouncilCalendar)



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### Report Title: Canadian Tire Whitby Naming Rights Sponsorship of Arena 1 at McKinney Centre

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**Report to:** Committee of the Whole

**Date of meeting:** September 18, 2023

**Report Number:** CAO 25-23

**Department(s) Responsible:**

Office of the Chief Administrative Officer

**Submitted by:**

Sarah Klein, Director of Strategic Initiatives

**Acknowledged by M. Gaskell,  
Chief Administrative Officer**

**For additional information, contact:**

Paul Pirri, Senior Manager of Economic Development, [pirrip@whitby.ca](mailto:pirrip@whitby.ca)

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#### 1. Recommendation:

1. That Council approve entering into a three (3) year sponsorship agreement effective November 1, 2023, with Canadian Tire for a Naming Rights Sponsorship at McKinney Centre, including renaming Arena 1 to "Canadian Tire Whitby Arena 1", based on the sponsorship package and other terms and conditions identified in Report CAO 25-23.

#### 2. Highlights:

- The Advertising and Sponsorship Division of Economic Development actively solicits the community for sponsorship participation in Town recreational facilities. Top level sponsorship packages include Naming Rights to certain facilities which are subject to Council approval.

- The purpose of this report is to seek Council's approval to secure the proposed Naming Rights Sponsorship by Canadian Tire for Arena 1 at McKinney Centre for a three (3) year term.
- The sponsorship of Arena 1 at McKinney Centre has been occupied by Bollocks Pub and Kitchen since September 1, 2018. The original contract was set to expire on August 31, 2021. Due to the COVID-19 pandemic, the contract was extended to August 31, 2023. Bollocks Pub and Kitchen chose not to renew, and the space has been unnamed since.
- Subject to Council's approval, McKinney Centre Arena 1 would be titled "Canadian Tire Whitby Arena 1" for the term of the sponsorship. This new name would be used in Town of Whitby publications, promotional materials, rental permits, and the website as appropriate.
- Total revenue that would accrue to the municipality over the term of the sponsorship would be \$53,000 + HST. Canadian Tire would be responsible for the production and installation costs associated with the sponsorship package. This is standard practice with the Town's sponsorship program.

### **3. Background:**

McKinney Centre Arena 1 has been without a Naming Rights Sponsor since August 31, 2023. Canadian Tire has chosen to expand their existing advertising portfolio and has agreed to a three (3) year Naming Rights Contract for McKinney Arena 1. The Canadian Tire Whitby Arena 1 contract will begin November 1, 2023.

Advertising and Sponsorship, part of the Economic Development Division, Strategic Initiatives, undertakes sponsorship sales initiatives, which include naming rights (title) to certain Town property features.

Under the Municipal Property and Facility Naming Policy (Policy MS 250), staff are required to report to Council for approval of corporate naming rights to Town property or property features.

### **4. Discussion:**

Canadian Tire Corporation, Limited is a Canadian retail company which operates in the automotive, hardware, sports, leisure, and housewares sectors. Its Canadian operations include: Canadian Tire (including Canadian Tire Petroleum gas stations and financial services subsidiary Canadian Tire Bank), Mark's, FGL Sports (including Sport Chek and Sports Experts), PartSource, and the Canadian operations of Party City. Canadian Tire acquired the Norwegian clothing and textile company Helly Hansen from the Ontario Teachers' Pension Plan in 2018.

Canadian Tire Jumpstart Charities is a national charity dedicated to providing kids from low-income families with the opportunity to experience the benefits of organized sports and physical activities. With an extensive, national network of more than 330 local chapters, Jumpstart helps kids in communities across Canada by assisting with the costs associated with registration, equipment and/or transportation. In 2023, the Town of Whitby received \$30,000 for playground funding from Jumpstart. The proposed fee for the sponsorship package reflects current market conditions and is in line with the sponsorship range of fees currently available and sold within the McKinney Centre.

The proposed Canadian Tire Whitby Arena 1 naming rights sponsorship package would include the following components at the McKinney Centre:

**Arena 1 Naming Rights Package includes:**

- Identification of location in all appropriate indoor and outdoor electronic signage
- Identification of location in all appropriate Town publications and materials
- Reference to location in all relevant scores and activities reported to the media.

**Arena 1 Corporate Branding Opportunities**

*Main Entrance Doors	*One (1) 7' x 7' full graphic door wrap *One (1) illuminated logo on upper heading of main entrance doors
*Second Entrance Doors	*One (1) 7' x 7' full graphic door wrap on each set of double entrance doors
Inside Wall Feature	One (1) 8' x 12' wall mural inside Arena by second entrance doors
Home Wall Feature	One (1) wall decal behind home bench
Exterior Rinkboard	One (1) exterior rinkboard viewable from main hallway
Stairs Feature	Two (2) stair decals leading to stands
Vinyl Wrap - by Scoreclock	One (1) 8' x 16' premium placement wall wrap above scoreclock
Centre Ice Logo	One (1) 35' x 20' in-ice logo
Neutral Zone Logos	Two (2) 15' x 2' in-ice logos
Glass Decals	Four (4) 47" x 6' glass decals behind goalie net on West Wall
Rinkboards	One (1) 40" x 480" double-size, premium placement rinkboard sign
Dressing Room Doors	Four (4) 11" x 17" dressing room door signs



**Note:** Canadian Tire has the option to choose as few or as many branded items off this list as they wish. Items marked with \* are mandatory. The rest are optional. Design and print production costs are additional.

**Additional Exposure and Benefits at McKinney Centre:**

Backlit Sign in Main Lobby	One (1) 4' x 6' backlit sign in main lobby.
Free Public Skate	One (1) Free Public Skate, annually. Host a free public skate at McKinney Centre, open to the first 350 participants. Arena 1 subject to availability.
Digital Ad	One (1) complimentary, 20 second digital ad displayed on McKinney Centre lobby TVs.
Meeting Room	One (1) hour of meeting room space annually.
Lobby Rights	Four (4) times annually: Opportunity to set up and staff a display in the lobby to promote Canadian Tire, explain services, distribute flyers, interact with the community, etc.
Brochure Distribution	Distribute promotional flyers and information through existing brochure kiosk in main lobby.
Website	Company logo and sponsorship recognition on Town website.

The sponsorship package summarized would be incorporated into the Town's standard Sponsorship Agreement and follow all guidelines and requirements outlined in the Paid Advertising and Sponsorship Policy MS 390.

**5. Financial Considerations:**

The total revenue over the three (3) year sponsorship term would be \$53,000 + HST. Year one (1); \$17,000 + HST, Year two (2) \$18,000 + HST and year three (3) \$18,000 + HST. The client is responsible for cost of the design, production and installation of the sponsorship signage and materials.

Net revenue generated by the Advertising and Sponsorship program directly benefits the public by reducing the net cost to provide municipal services at Town facilities and therefore the overall property tax burden.

**6. Communications and Public Engagement:**

The Advertising and Sponsorship Division will engage the Communication and Creative Services Division to incorporate appropriate sponsorship opportunities i.e.: free skate, communications, and social calendar.

**7. Input from Departments/Sources:**

This report has been reviewed by internal departments including Community Services, the Communications and Creative Services Division and Finance.

**8. Strategic Priorities:**

This initiative is consistent with the Town's Community Strategic Plan, specifically Strategic Pillar 4: Whitby's Government. It addresses Objective 4.1 Address community needs through collaboration and strategic partnerships, specifically Action 4.1.2 Strengthen existing and build new partnerships as well as Objective 4.4 Ensure fiscal accountability and responsibly plan for growth, specifically Action 4.4.1 Deliver services that respond to community needs while balancing the impact to the taxpayers.

This initiative takes sustainability and accessibility standards into account when determining locations of advertising and sponsorship materials.

**9. Attachments:**

Not Applicable

## New and Unfinished Business - General Government

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
GG-0001	Fishing in Town Parks	That Staff report back on legal fishing in Town parks, including Port Whitby, after consultation with the fishing community has occurred.	07 May 2018	11 Feb 2019	20 Nov 2023	
GG-0002	Community and Marketing Services Department Report, CMS 35-18 Re: Cullen Central Park Master Plan	2. That Council direct staff to commence the development of the Cullen Central Park Master Plan with the final Master Plan to be brought forward for Council approval in Q4 2019; and, 5. That Staff identify options to recognize former mayor Marcel Brunelle in Cullen Park.	25 Jun 2018	18 Nov 2019	20 Nov 2023	In the Whitby Sports Complex Construction Tender Results & Project Budget Approval - Parks projects (originally planned for 2024 in the 10-year forecast) will be impacted by this, includes the Cullen Central Park Redevelopment Phase 2. This project will be budgeted in 2025.
GG-0004	Correspondence # 2020-77 from Karey Anne Large, Executive Director, Downtown Whitby Business Improvement Area, dated January 2, 2020 regarding the Downtown Whitby Business Improvement Area's Annual Report, the 2020 Proposed Budget, and Disbursement Schedule.	That the Commissioner of Corporate Services/Treasurer be directed to report back on the development of a policy to deal with grant and in-kind requests, including predetermined criteria and scoring, in order to ensure grants are based on needs and targeted outcomes.	09 Mar 2020	21 Sep 2020	25 Sep 2023	

## New and Unfinished Business - General Government

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
GG-0005	Public Works (Operations) Department Report, PW 17-21 Re: Vimy Memorial Park	3. That staff report back to Council on the progress of the park agreement along with refined budget implications prior to assumption.	21 Jun 2021	13 Jun 2022	23 Nov 2023	Planning & Development & Community Services Staff prepared a joint memo that went on the Aug 11 CII to update Council on the status of the Park. A report from will come forward once all issues have been resolved and the park is moving forward.
GG-0006	Financial Services Department Report, FS 37-21 Re: Town-Owned Land Strategy	That the properties at Part of Lot 25, 26, Conc. 4, Portion of PIN 26569 0285 (LT), Broadleaf and McKinney, as shown on Attachment #15 and Part Lot 25, Con. 2, now 40R-1655, Part 6, PIN 26532 0244 (LT), known municipally as 500 Garden Street, as shown on Attachment #3 be referred to staff to investigate zoning opportunities that would maximize the land value.	27 Sep 2021	05 Jun 2023		
GG-0007	Community Services Department Report, CMS 19-21 Re: Unnamed West Whitby Park – Park Name Survey Results	3. That staff be directed to review the Municipal Property and Facility Naming Policy (MS 250) and report back with any recommended revisions to update the policy.	29 Nov 2021	16 Jan 2023	23 Oct 2023	

## New and Unfinished Business - General Government

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
GG-0008	Public Works (Operations) Department Report, PW 35-21 Re: Proposed New Waste Collection By-law	3. That Staff report to Council on townhouses, multi-residential and other properties that are not currently serviced for waste collection by the Town of Whitby and report on the feasibility and cost implications of including these properties in the Town's waste collection service to ensure that there are no gaps with respect to the implementation of upcoming extended producer responsibility legislation from the Province of Ontario.	29 Nov 2021	13 Jun 2022	23 Oct 2023	Draft Design Standards have been completed and are being circulated to various depts. and will be used to determine eligible properties in preparation of costing and completion of report for COW.
GG-0009	Participatory Budgeting	That the Town of Whitby staff report back on a participatory budget pilot project in 2022 to be implemented in the 2023 budget process.	29 Nov 2021	06 Jun 2022	23 Oct 2023	
GG-0017	Office of the Chief Administrative Officer Report, CAO 18-22 Re: Climate Emergency Response Plan Phase 2: Mitigation-Interim Report	That Staff report back to Council with the tender results for Council's consideration.	26 Sep 2022	30 Oct 2023		
GG-0018	CAO 03-23, Office of the Chief Administrative Officer Re: Public Art Policy Framework	3. That Staff be directed to prepare a final Public Art Policy to be presented to Council in Q4 2023	20 Mar 2023	13 Nov 2023	04 Dec 2023	

## New and Unfinished Business - General Government

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
GG-0019	Refrigerated Outdoor Ice Rinks or Skating Trails	That following the tender results for the Whitby Sports Complex and as part of the development of the Parks and Recreation Master Plan, that Staff be directed to report on opportunities to install refrigerated outdoor ice rinks or skating trails in the Town	20 Mar 2023	25 Mar 2024		
GG-0020	School Zone Parking Enforcement Staff	That Staff be directed to review the opportunity for enhanced school zone parking enforcement through additional staffing resources, and include an analysis of whether such resources would be revenue neutral.	27 Feb 2023	25 Sep 2023	23 Oct 2023	
GG-0021	Protecting Whitby's Urban Forest Canopy	That staff report back on the opportunity to protect trees of significance on private lands in order to preserve Whitby's urban forest canopy.	20 Mar 2023	04 Dec 2023		
GG-0022	Gateway Maintenance Program	That Staff be directed to report to Council on the implementation of a gateway maintenance program, including additional resources required, to address the repair and rehabilitation of deteriorating gateway signage in subdivisions throughout the Town of Whitby.	24 Apr 2023	20 Nov 2023		

**New and Unfinished Business - General Government**

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
GG-0023	CMS 06-23, Community Services Department Report Re: Bill 23 Parkland Dedication Framework	4. That staff be directed to report to Council with options for the acquisition of land to support the development of sports fields as identified by the 2015 Sports Facility Strategy and updated by the 2023 Parks and Recreation Master Plan; and, 5. That Staff be directed to report to Council in September 2023 on the status of the parks master plan agreement.	19 Jun 2023	25 Sep 23	24 Mar 2024	
GG-0024	LS 07-23, Legal and Enforcement Services Department Report Re: Proposed Amendments to the Town of Whitby Towing By-law # 6887-14	2. That Council direct staff to review current municipal regulations regarding the licensing and governing of tow truck drivers and tow truck businesses, activities, and undertakings in the Town of Whitby.	19 Jun 2023			