



## Regular Council Meeting Revised Agenda

Monday, November 4, 2024, 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 8.1 of Procedure By-law # 8081-24, 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**

- **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.

Speaking to a matter on a Council agenda is only permitted for matters not previously considered at Committee of the Whole or in limited other circumstances where the effect of a Staff Recommendation was altered at Committee. In these instances, persons wishing to speak may submit a Delegation Request Form online to the Office of the Town Clerk by 8 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. Adoption of Minutes**

Regular Council - October 7, 2024

Special Council - October 9, 2024

Special Council - October 15, 2024

Special Council - October 28, 2024 (Confidential Minutes Under Separate Cover)

Recommendation:

That the Regular Council Minutes of October 7, 2024, and the Special Council Minutes of October 9, October 15, and October 28, 2024 be approved.

#### **5. Presentations**

5.1 Remembrance Day Colour Guard comprised of members of Whitby Legion Branch 112 and Brooklin Legion Branch 152

5.2 Bobby McBride, Board Chair, Durham Community Foundation (In-Person Attendance)

Re: Durham Community Foundation - 2023 Vital Signs Report

5.3 James Meloche, Chief Executive Officer, Community Care Durham (In-Person Attendance)

Re: At Home in Whitby: Community-Driven Solutions for Aging in Place

#### **6. Delegations**

#### **7. Correspondence**

7.1 Correspondence

That the following requests be endorsed:

- International Day for the Elimination of Violence Against Women - Flag Raising - November 25, 2024
- Salvation Army Week - December 16 to 20, 2024
- Salvation Army Week - Flag Raising - December 16 to 20, 2024

Recommendation:

That the proclamation for Salvation Army Week and the flag raisings for International Day for the Elimination of Violence Against Women and Salvation Army Week be endorsed.

#### **8. Committee of the Whole Report - Planning and Development**

Planning and Development - October 21, 2024

8.1 PDP 49-24, Planning and Development (Planning Services) Department Report

Re: Zoning By-law Amendment Application, Brookfield Residential (Ontario) Brock St Limited, 1615 Brock Street South, File Number: DEV-19-24 (Z-08-24)

Recommendation:

1. That Council approve an amendment to Zoning By-law # 2585 (File Number: Z-08-24) as outlined in Report PDP 49-24; and,
2. That a by-law to amend Zoning By-law # 1784 be brought forward for consideration by Council.

8.2 PDP 50-24, Planning and Development (Planning Services) Department Report Re: Official Plan, Draft Plan of Subdivision, and Zoning By-law Amendment Applications, Nordeagle Development Ltd., Vacant Lands North of Victoria Street West between Montecorte Street and Jim Flaherty Street, File Number: DEV-03-18 (OPA-2018-W/02, SW-2018-01, Z-08-18)

Recommendation:

1. That Council approve Official Plan Amendment Number #140 to the Whitby Official Plan (OPA-2018-W02), as shown on Attachment #14, and that a by-law to adopt Official Plan Amendment Number #140 be brought forward for consideration by Council;
2. That the Clerk forward a copy of the Report PDP 50-24, two (2) copies of the adopted Amendment, and a copy of the bylaw to adopt Amendment Number # 140 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 Number: SW-2018-01), subject to the comments included in Report PDP 50-24 and the conditions of draft plan approval included in Attachment #18;
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 # 2585 (File Number Z-08-18) as outlined in Report PDP 50-24;
7. That a by-law to amend Zoning By-law # 2585 be brought forward for consideration by Council to implement the first Phase of the development;
8. That the by-law(s) to implement subsequent phases be brought forward for consideration by Council once detailed site plan drawings and a satisfactory Parking rationale have been provided;
9. That the subject site be designated as a Class 4 Noise Area pursuant to Provincial publication NPC-300; and,
10. That notice be provided to adjacent industrial properties advising of Council's designation of the subject site as a Class 4 Noise Area.

- 8.3 PDP 48-24, Planning and Development (Planning Services) Department Report  
Re: Draft Plan of Subdivision and Zoning By-law Amendment Applications, D.G.  
Biddle and Associates Limited on behalf of R & R Developments, 430-440  
Winchester Road East, File Number: DEV-16-21 (Z-10-21, SW-2021-05)

Recommendation:

1. That Council approve the Draft Plan of Subdivision (File No. SW-2021-05) and approve an amendment to Zoning By-law # 1784 (File No. Z-10-21), subject to the comments included in Planning Report PDP-48-24 and the Conditions of Draft Approval included in Attachment #12;
2. That Staff be authorized to prepare a Subdivision Agreement;
3. That a Zoning By-law Amendment be brought forward for consideration by Council; and,
4. 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.

**9. Committee of the Whole Report - General Government**

General Government - October 21 and 28, 2024

- 9.1 FS 40-24, Financial Services Department Report  
Re: 150 Winchester Road West - Public Engagement on Surplus Land Declaration

Recommendation:

1. That public feedback, including written objections, to the Town's declaration of 150 Winchester Road West as surplus lands, as outlined in Staff Report FS 40-24, be received;
2. That staff be authorized to negotiate a License agreement with Elexicon Energy Incorporated for long-term license of (and inclusive of an option to purchase) 150 Winchester Road based on the principles outlined in Staff Report FS 40-24 and to the satisfaction of the Commissioner of Legal and Enforcement Services and Commissioner of Finance; and,
3. That the Mayor and Clerk be authorized to sign the final License agreement between the Town of Whitby and Elexicon Energy Incorporated.

- 9.2 Enhancing Shelter Supports for Women and Survivors of Intimate Partner Violence

Recommendation:

Whereas there is a nationwide intimate partner violence (IPV) crisis, in which more than 4 in 10 (6.2 million) women and 1 in 3 men have experienced intimate partner violence, and rates increased 19% between 2014 and 2022; and,

Whereas 78% of victims of police-reported intimate partner violence in 2022 were women and girls, and in 2019 rates were 3.5 times higher among women than men; and,

Whereas intimate partner violence, in 2009, was estimated to cost \$7.4 billion

annually to the public system, impacting municipal budgets for public safety and housing; and,

Whereas rural, remote, and northern communities experience disproportionate rates of IPV, with risk of IPV 75% higher for women in rural communities than women in urban communities, and 73% of survivors in rural communities at high risk of being in severe or extreme danger of being killed; and,

Whereas Indigenous women are 3 times more likely to experience IPV than non-Indigenous women, and are 8 times more likely to be murdered by intimate partners than non-Indigenous women, because of the intersections between colonialism, racism, and misogyny; and,

Whereas IPV is a phenomenon which affects Black and racialized women, women with disabilities, and 2SLGBTQIA+ people disproportionately; and,

Whereas women's shelters nationwide consistently struggle with permanent funding to provide essential transitional, family, and permanent housing solutions for women fleeing IPV, and as COVID-oriented funding expires and piecemeal efforts to fund women's shelter systems result in women experiencing IPV being continually at risk; and,

Whereas the federal government has made gender-based violence (GBV) and IPV priorities across ministries and agencies through the National Strategy to Address Gender-Based Violence and the National Action Plan to End Gender-based Violence, signing bilateral agreements with provinces and territories, but gaps remain.

Now therefore, be it resolved:

1. That the Council of the Town of Whitby calls on the federal government to create a permanent fund, open to local governments and community organizations, for the construction of shelters and transitional housing for women and survivors of intimate partner violence, including housing appropriate for Indigenous, 2SLGBTQIA+ people, and persons with disabilities, with a dedicated rural, remote, and northern (RRN) stream; and,
2. That the Council of the Town of Whitby calls on the federal government to work with the provinces and territories to provide permanent operational funding, open to local governments and community organizations, for shelters, transitional housing, and supportive housing for women and survivors of intimate partner violence, including Indigenous, 2SLGBTQIA+ people, and persons with disabilities.

### 9.3 Immediate Federal Government Support Required for Asylum Claimants in Municipalities

#### Recommendation:

Whereas municipalities have been at the forefront of supporting asylum claimants and refugees and providing essential settlement and housing services; and,

Whereas the rapid and sharp increase of asylum claims in Toronto, Montreal, Hamilton and other municipalities, particularly in the Greater Toronto and Hamilton Area (GTHA), are putting municipal governments under significant pressure; and,

Whereas without federal action, asylum claimants will not have permanent shelter and housing options once they leave temporary accommodations, and the current crisis will continue to grow; and,

Whereas refugees and asylum claimants make up over 40% of Hamilton's population in shelters, and is creating massive pressure on Hamilton's already overwhelmed shelter system that is under resourced to meet the unique and complex needs of asylum claimants; and,

Whereas the supports provided to municipalities to receive asylum claimants are often short-term and focused on emergency response and shelter, but do not ensure permanent settlement and housing options for asylum claimants, including a focus on homeless prevention and long-term stability; and,

Whereas the crisis of asylum claimants has inextricable links to the housing, homelessness and mental health crises in Canada and the immense pressure on municipal shelter, transitional and supportive housing systems; and,

Whereas equity-deserving communities are disproportionately represented in asylum claimant populations seeking immediate necessary support which can also lead to further stigmatization and experiences of racism, discrimination, and harassment; and,

Whereas action on behalf of the federal government and investing in supports to combat racism, specifically anti-Black racism, is imperative as asylum seekers commonly face racism and other forms of discrimination and hate; and,

Whereas municipalities across Canada are committed to fostering diverse, inclusive and welcoming communities for all individuals seeking asylum and tackling anti-Black racism and other forms of racism; and,

Whereas Hamilton, Toronto and other municipalities in the Greater Toronto Hamilton Area (GTHA) have been advocating for additional federal supports for asylum claimants over the past year.

Now therefore, be it resolved:

1. That the Council of the Town of Whitby strongly urge the federal government

to take immediate action to support asylum claimants in Canadian municipalities by taking the following actions:

- a. Immediately provide financial support and reimbursements directly to municipalities to address the immediate short-term needs of asylum claimants and refugees through top-ups to the Canada Housing Benefit and the Interim Housing Assistance Program (IHAP);
- b. An ongoing commitment of Interim Housing Assistance Program (IHAP) funding to address estimated annual costs for refugees in 2024, and commit to future funding until the demand for shelter returns to sustainable levels;
- c. Collaborate with municipal governments to develop a long-term strategy to enhance capacity of local governments to effectively support asylum claimants and refugees, including through the development of tripartite agreements between municipalities, provinces and territories and the federal government to enhance cross-government coordination in providing immediate supports to asylum claimants;
- d. Recognizing that the rise in asylum seeking populations pursuing refuge in Canada is occurring in the midst of a housing crisis, provide additional funding through National Housing Strategy programs and the Canada Housing Benefit to support asylum claimants in the medium- and long-term;
- e. That the federal government broaden the eligibility for federally-funded settlement services to include asylum claimants who currently can only access provincially-funded services and also that settlement services be funded to support newcomers with housing searches as at present they mostly limited to orientation, language instruction, and employment; and,
- f. Extend and make permanent the Rapid Housing Initiative with another intake in 2024/25 to enable municipalities to invest in supportive housing on an urgent basis and relieve pressure on the shelter system, and work with the provinces and territories to ensure that supportive units have wrap-around health and social supports and long-term operating funding.

#### 9.4 Federal Support for Food Banks

Recommendation:

Whereas financial and affordability pressures related to soaring mortgage and rent costs, inflated grocery costs, stagnating wages, and limited avenues for social assistance have pushed significantly more people toward food insecurity; and,

Whereas people with fixed incomes, including seniors and social assistance

recipients, are at extremely high risk of food insecurity and continue to struggle disproportionately as their dollars are being spread thinner; and,

Whereas challenges are also continuing to grow for working people, renters, and people living in remote and northern regions of Canada; and,

Whereas racialized Canadians are disproportionately impacted by each of these factors, as the systemic barriers they face have been further exacerbated by the economic and affordability crisis of the past few years; and,

Whereas food banks were established as a temporary solution to the increasing cost of food and needs in the community but are now part of a system that government and communities heavily and increasingly rely on; and,

Whereas it has been more than a full year since Food Banks Canada sounded the alarms in the HungerCount 2022 report, calling for action to be taken immediately to help the millions of struggling Canadians from coast to coast to coast; and,

Where the Food Banks Canada report from March 2023, indicates that nearly 2 million Canadians accessed food banks across the country, a 32 per cent increase from March 2022 and a 78.5 per cent increase from March 2019, which is the highest year-over-year increase in usage ever reported; and,

Whereas the “Emergency Food Security Fund” was established by the Federal Government to address urgent needs during the pandemic but food insecurity has only worsened, and the Federal Government no longer has a program to provide ongoing support to Food Banks; and,

Whereas the majority of support received by food banks is through community fundraising and donations but given financial pressures faced by individuals, these donations are declining; and,

Whereas in certain communities, people who were donating to food banks are now instead accessing the food bank; and,

Whereas the need to address the food insecurity crisis touches on many of the Federation of Canadian Municipalities (FCM) focus areas, including the Inclusive Communities focus area.

Now therefore be it resolved that:

The Council of the Town of Whitby calls on the Federal Government to help address the food insecurity crisis by providing emergency funding to food banks, food rescue agencies, and farmers markets providing emergency food assistance, and recognize the systemic issues involved in food bank usage, including affordability, inequality, core housing need and insufficient social supports, in order to end food insecurity.



## 9.5 Harassment of Elected Local Government Officials

### Recommendation:

Whereas in recent years, there has been an alarming rise in incidents of harassment, intimidation and acts of violence aimed at elected local government officials, compounding the already strenuous work conditions faced by many local leaders and hindering their retention; and,

Whereas women, particularly Black and racialized women, are disproportionately targeted by violence and harassment toward elected officials; and,

Whereas increasing the number of elected women, Black and racialized, and 2SLGBTQIA+ representatives in Canada is a priority for local governments and the federal government; and,

Whereas severe abuse, both online and in-person, has the potential to discourage underrepresented groups from joining and remaining engaged in local politics, limiting the diversity of opinion needed in healthy democracies; and,

Whereas all elected officials have an ability to show leadership on this issue by modeling behaviour, and should always strive to elevate debate, embrace differences of opinion, disagree respectfully and focus on issues of policy and substance.

Now therefore, be it resolved:

1. That the Council of the Town of Whitby request that the federal government, work with provinces, territories, and local governments, including through the Federation of Canadian Municipalities, to identify and implement measures to protect elected local government officials, their family members, and staff – especially women, members of Black and racialized communities, and 2SLGBTQIA+ individuals, persons with disabilities, and Indigenous people – from harassment, intimidation, and threats, thereby reinforcing a unified front to safeguard democracy; and,
2. That the Council of the Town of Whitby calls on all elected officials of all orders of government to lead by example, demonstrating civility and mutual respect for their political counterparts.

- 9.6 Memorandum from F. Santaguida, Commissioner, Legal and Enforcement Services/Town Solicitor, dated September 3, 2024 regarding a Request of Exception from Fee By-law # 7220-17 - Driveway Encroachment for 89 Garden Street

Recommendation:

1. That the Memorandum from F. Santaguida, Commissioner, Legal and Enforcement Services/Town Solicitor, dated September 3, 2024 regarding a Request of Exception from Fees and Charges By-law # 7220-17 - Driveway Encroachment for 89 Garden Street, be received for information; and,
2. That Council grant an exemption from the provisions of Fees and Charges By-law # 7220-17, as amended, by waiving fees for two minor variance applications for 89 Garden Street, one minor variance application for Town lands, the encroachment application fee, the encroachment agreement fee, and the annual encroachment fee for a future encroachment agreement onto Town-lands adjacent to 89 Garden Street for use by the owner of 89 Garden Street for vehicle parking.

- 9.7 FS 36-24, Financial Services Department Report  
Re: Town of Whitby Municipal Asset Management Plan (MAMP) Status Update

Recommendation:

That Report FS 36-24 regarding the Municipal Asset Management status be received.

- 9.8 FS 38-24, Financial Services Department Report  
Re: Declaration of Surplus – Town-owned lands at Cochrane Street and Highway 407

**Note:** This matter was tabled at Committee and has been added to the General Government New and Unfinished Business List.

- 9.9 FS 41-24, Financial Services Department, Community Services Department and Legal and Enforcement Services Department Joint Report  
Re: Proposed Long-Term License of town-owned Property at 508 Colborne Street West

Recommendation:

1. That staff be authorized to finalize negotiations with B'Nai Shalom v'Tikvah, Durham Region's Reform Jewish Synagogue or an alternate religious/non-profit organization for a long-term license of Town-owned property at 508 Colborne Street West in support of a Ukrainian refugee family;
2. That the Mayor and Clerk be authorized to sign a license agreement for 508 Colborne Street West between the Town and B'Nai Shalom v'Tikvah, Durham Region's Reform Jewish Synagogue (or an alternate religious/non-profit organization) and, if deemed necessary by the Town Solicitor, the occupant identified to receive support, substantially based on the principles outlined in Report FS 41-24 and subject to the satisfaction of the Commissioner of Legal and Enforcement Services/Town Solicitor, and Commissioner of Financial Services/Treasurer; and,
3. That a 2024 capital project for the renovation of 508 Colborne Street West be approved in the amount of \$120,000 and funded from the Asset Management Reserve Fund.

- 9.10 FS 43-24, Financial Services Department Report  
Re: Single Source Contract Award for Cell Phone Devices and Services

Recommendation:

That the Town's cellular phone contract be renewed and be awarded to Bell Canada, as a single source award contract, from August 1, 2024 to December 31, 2030 as outlined in Staff Report FS 43-24.

- 9.11 CMS 15-24, Community Services Department Report  
Re: Final Artist Selection - Indigenous Public Art Piece for the Whitby Sport Complex

Recommendation:

That report CMS 15-24 be received for information.

- 9.12 CMS 16-24, Community Services Department Report  
Re: Operations Centre Expansion Phase 2 - Design Update

Recommendation:

1. That Report CMS 16-24 be received for information;
2. That Council approve the proposed design concept for the new Parks Administration and Maintenance Facility, attached to this report as (Attachments 1-4); and,
3. That a single source contract be awarded to McCallum Sather Associates, for the detailed design and contract administration work, in the amount of \$926,300 (plus HST) funded from capital project # 30211305.

**10. For information only - Committee of the Whole Minutes of October 21 and 28, 2024**

**11. Notice of Motion**

**12. New and Unfinished Business**

**13. By-laws**

Recommendation:

That leave be granted to introduce By-laws # 8121-24 to # 8124-24 and to dispense with the reading of the by-laws by the Clerk and that the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

13.1 By-law # 8121-24

Being a By-law to amend Part Lot Control By-law # 7941-22 to extend the expiry period for an additional two (2) years, to designate certain portions of registered Plan of Subdivision (SW-2003-06) as not being subject of Part Lot Control.

13.2 By-law # 8122-24

Being a By-law to amend Part Lot Control By-law # 7942-22 to extend the expiry period for an additional two (2) years, to designate certain portions of registered Plan of Subdivision (S-216-92) as not being subject of Part Lot Control.

13.3 By-law # 8123-24

Being a By-law to amend By-law #1784, as amended, being the Zoning By-law of the Town of Whitby.

Refer to PDP 40-23, DEV-25-22: Zoning By-law Amendment Application (Z-17-22), Inuka Developer Inc., 1 Ferguson Avenue

\*13.4 By-law 8124-24

Being a By-law to dedicate Parts 3 and 4, Plan 40R-30532, as a Public Highway (Crawforth Street).

**See also Memorandum from J. Taylor, Director of Planning dated November 4, 2024 regarding Durham Hospice – Dedication of Town owned land as a public highway**

**14. Confirmatory By-law**

Recommendation:

That leave be granted to introduce a by-law and to dispense with the reading of the by-law by the Clerk to confirm the proceedings of the Council of the Town of Whitby at its regular meeting held on November 4, 2024 and the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

**15. Announcements**

**16. Adjournment**

Recommendation:

That the meeting adjourn.



## Regular Council Minutes

October 7, 2024, 4:30 p.m.  
Council Chambers  
Whitby Town Hall

Present: Mayor Roy  
Councillor Bozinovski  
Councillor Cardwell (Virtual Attendance at 4:30 p.m., In-Person Attendance at 5:02 p.m.)  
Councillor Leahy  
Councillor Lee  
Councillor Lundquist  
Councillor Mulcahy  
Councillor Shahid  
Councillor Yamada

Also Present: M. Gaskell, Chief Administrative Officer  
G. Green, Deputy Fire Chief  
S. Klein, Director of Strategic Initiatives  
J. Long, Head of Organizational Effectiveness  
C. Bridgeman, Director of Facilities  
F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor  
R. Saunders, Commissioner of Planning and Development  
F. Wong, Commissioner of Financial Services/Treasurer  
M. Dodge, Executive Advisor to the Mayor  
C. Harris, Town Clerk  
K. Narraway, Sr. Manager of Legislative Services/Deputy Clerk (Recording Secretary)

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1. Call To Order: The Mayor
  2. Call of the Roll: The Clerk
  3. Declarations of Conflict of Interest

There were no declarations of conflict of interest.

4. Adoption of Minutes

Regular Council - June 24, 2024

Special Council - August 12, 2024

Special Council - September 16, 2024 (Confidential Minutes Under Separate Cover)

Special Council - September 23, 2024 (Confidential Minutes Under Separate Cover)

**Resolution # 172-24**

Moved by Councillor Cardwell

Seconded by Councillor Yamada

That the Regular Council Minutes of June 24, 2024 and the Special Council Minutes of August 12, September 16, and September 23, 2024 be approved.

**Carried**

5. Presentations

5.1 Cynthia Davis, President and CEO, Lakeridge Health

Re: Lakeridge Health Community Update

Cynthia Davis, President and CEO, and Christopher Squire, Chief Financial Officer, Lakeridge Health provided a presentation regarding a community update about Lakeridge Health. Highlights of the presentation included:

- Lakeridge Health's 2024 and 2025 annual priorities, including improving access and experience, zeroing in on safety, supporting their people, and healthy finances;
- details about the Queen's-Lakeridge Health MD Family Medicine Program including the number of family physicians in training in the program and the expected growth of the program over time;
- recent investments in technology at various healthcare facilities in the Region, including securing Durham Region's first PET CT scanner;

- information about recently constructed healthcare facilities in the Region, and planned future facilities, including a new hospital for Durham Region located in Whitby;
- Lakeridge Health's commitment to diversity, equity, accessibility, and anti-racism and details about their multi-year action plan;
- information about the Central Connect model, a centralized referral model that makes it easier to access mental health and addictions services in Durham Region; and,
- a future vision for a coordinated system of mental health and addictions care, including the creation of an urgent care centre, emergency department, and after-care team focused on addressing mental health and addictions challenges in the Region.

A question and answer period ensued between Members of Council, Cynthia Davis, and Christopher Squire regarding:

- how Durham Region can help attract medical professionals from other countries;
- how the Queen's-Lakeridge Health MD Family Medicine Program will help to retain medical professionals in Durham Region who have completed their training through the program while spending time in the Region; and,
- how Lakeridge Health is addressing urgent care wait times, where members of the public can find information about wait times, and how Lakeridge Health wait times compare to provincial averages.

## 6. Delegations

### 6.1 Gary Dunsmuir, Resident (In-Person Attendance)

Re: Correspondence # 2024-571 received from Mayor Roy, dated September 20, 2024, regarding the Appointment of Deputy Mayor for 2024

#### **Refer to Item 7.2**

Gary Dunsmuir, Resident, appeared before Council and indicated that he had concerns about the prospect of Councillor Lundquist being appointed Deputy Mayor, noting a potential for a poor culture being established for Council.

### 6.2 Windhy Susanto, Resident (In-Person Attendance)

Re: Correspondence # 2024-571 received from Mayor Roy, dated September 20, 2024, regarding the Appointment of Deputy Mayor for 2024

**Refer to Item 7.2**

Windhy Susanto, Resident, appeared before Council and expressed concerns about Members of Council changing their positions on various issues throughout the term of Council. He indicated that Council needs to work together more efficiently, rather than debating the process to appoint a Deputy Mayor.

6.3 Deborah Schroeder, Resident (In-Person Attendance)

Re: Correspondence # 2024-571 received from Mayor Roy, dated September 20, 2024, regarding the Appointment of Deputy Mayor for 2024

**Refer to Item 7.2**

Deborah Schroeder, Resident, appeared before Council and highlighted the previous process for the appointment of a Deputy Mayor, noting that she felt it was fair and balanced. She noted a concern about a lack of respect being shown to some members of the public from certain Members of Council and indicated that the new policy for the appointment of a Deputy Mayor allows for favouritism.

6.4 Denise Boudreau, Resident (Virtual Attendance)

Re: Correspondence # 2024-571 received from Mayor Roy, dated September 20, 2024, regarding the Appointment of Deputy Mayor for 2024

**Refer to Item 7.2**

Denise Boudreau, Resident, appeared for Council and expressed concern about the Mayor selecting the Deputy Mayor. She indicated that the selection of the Deputy Mayor was now a political consideration rather than contemplating the best interests of the community. She advised that the Mayor and Council may face scrutiny about the appointment of a Deputy Mayor, indicating that Councillor Lundquist has previously stated that she's not interested in the position.

7. Correspondence

7.1 Correspondence

That the following request be endorsed:

- World Homeless Day - Flag Raising - October 10, 2024



- World Polio Day - Flag Raising - October 21 to 24, 2024
- World Polio Day - October 24, 2024
- Child Care Worker and Early Childhood Educator Appreciation Day - October 24, 2024

**Resolution # 173-24**

Moved by Councillor Bozinovski  
 Seconded by Councillor Leahy

That the proclamations for Child Care Worker and Early Childhood Educator Appreciation Day and World Polio Day and the flag raisings for World Homeless Day and World Polio Day be endorsed.

**Carried**

- 7.2 Correspondence # 2024-571 received from Mayor Roy, dated September 20, 2024, regarding the Appointment of Deputy Mayor for 2024

Councillor Cardwell indicated that Councillor Lundquist was a strong candidate for the position of Deputy Mayor, having served as Chair of General Government throughout 2024, noting that she has a strong grasp of meeting decorum.

Councillor Leahy indicated that he would like to suspend the Rules of Procedure to introduce a motion to remove additional remuneration for the position of Deputy Mayor, being an increased car allowance. He then read a statement about Councillor Yamada's experience as Deputy Mayor in 2024, alleging that Councillor Yamada had experienced a number of microaggressions from Members of Council while serving as Deputy Mayor due to his ethnic background.

At this point in the meeting, Mayor Roy requested that Councillor Leahy apologize to Council for his remarks or leave the Council Chambers for the duration of the meeting. Councillor Leahy indicated that he would not apologize or leave the Council Chambers.

It was the consensus of Council to take a brief recess at this time.

Council recessed at 5:15 p.m. and reconvened at 5:29 p.m.

Following the recess, Mayor Roy reiterated her request to Councillor Leahy that he either apologize to Council for his remarks or leave the Council Chambers for the duration of the meeting. Councillor Leahy

indicated that he would not apologize or leave the Council Chambers. Mayor Roy then requested a motion to adjourn the meeting.

Moved by Councillor Cardwell  
 Seconded by Mayor Roy

1. That Council receive Correspondence #2024-571 from Mayor Roy, dated September 20, 2024, regarding the Appointment of a Deputy Mayor for 2024 for information; and,
2. That Council confirm the appointment of Councillor Lundquist as Deputy Mayor through December 31, 2024.

**Note:** Further consideration of this item, including consideration of the recommendation did not occur as the meeting adjourned during this portion of the meeting. This item will be deferred to a future meeting.

Moved by Councillor Mulcahy  
 Seconded by Councillor Shahid

That the meeting adjourn.

	<b>For</b>	<b>Against</b>	<b>Conflict</b>
Mayor Roy	X		
Councillor Bozinovski	X		
Councillor Cardwell	X		
Councillor Leahy		X	
Councillor Lee	X		
Councillor Lundquist		X	
Councillor Mulcahy	X		
Councillor Shahid	X		
Councillor Yamada		X	
<b>Results</b>	<b>6</b>	<b>3</b>	<b>0</b>

**Carried on a Recorded Vote (6 to 3)**

The meeting adjourned at 5:31 p.m.

**Note:** Consideration of the remaining items on the October 7, 2024 Council Agenda did not occur as the meeting adjourned during consideration of Item 7.2 on the meeting agenda. All remaining items will be deferred to a future meeting.

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Christopher Harris, Town Clerk

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Elizabeth Roy, Mayor



## Special Council Minutes

October 9, 2024, 4:00 p.m.  
Council Chambers  
Whitby Town Hall

Present: Mayor Roy  
Councillor Bozinovski (Virtual Attendance)  
Councillor Cardwell (Virtual Attendance, In-Person Attendance at 4:25 p.m.)  
Councillor Leahy  
Councillor Lee  
Councillor Lundquist  
Councillor Mulcahy  
Councillor Shahid  
Councillor Yamada (Virtual Attendance, In-Person Attendance at 4:02 p.m.)

Also Present: M. Gaskell, Chief Administrative Officer  
M. Hickey, Fire Chief  
S. Klein, Director of Strategic Initiatives  
J. Long, Head of Organizational Effectiveness  
C. Bridgeman, Director of Facilities  
F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor  
R. Saunders, Commissioner of Planning and Development  
F. Wong, Commissioner of Financial Services/Treasurer  
M. Dodge, Executive Advisor to the Mayor  
C. Harris, Town Clerk  
K. Narraway, Sr. Manager of Legislative Services/Deputy Clerk (Recording Secretary)

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1. Call To Order: The Mayor
  2. Call of the Roll: The Clerk
  3. Declarations of Conflict of Interest

There were no declarations of conflict of interest.

4. Committee of the Whole Report – Planning and Development

Planning and Development - September 16 and 23, 2024

4.1 PDP 42-24, Planning and Development (Planning Services) Department Report

Re: Town Initiated Official Plan Review – Background Summary and Preliminary Engagement Results

A brief question and answer period ensued between Members of Council and Staff regarding planned further engagement with the public for the remainder of 2024 and into 2025.

**Resolution # 174-24**

Moved by Councillor Mulcahy  
Seconded by Councillor Cardwell

That Report PDP 42-24 be received for information.

**Carried**

4.2 PDP 43-24, Planning and Development (Planning Services) Department Report

Re: DEV-21-24: Draft Plan of Condominium Application CW-2024-04, 10447889 Canada Inc., 400 and 414 Mary Street East

**Resolution # 175-24**

Moved by Councillor Mulcahy  
Seconded by Councillor Cardwell

1. That Council approve the Draft Plan of Condominium (File No. CW-2024- 04) subject to 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.

**Carried**

- 4.3 PDP 44-24, Planning and Development (Planning Services) Department Report

Re: Sign By-law Variance to Permanent Sign By-law for 100 Rossland Road West (Whitby Christian Assembly) – SB-01-24

**Resolution # 176-24**

Moved by Councillor Mulcahy  
Seconded by Councillor Cardwell

That Council approve the request for a variance to the Town of Whitby Permanent Sign By-law #7379-18 for the Whitby Christian Assembly, located at 100 Rossland Road West.

**Carried**

- 4.4 PDP 45-24, Planning and Development (Planning Services) Department Report

Re: Sign By-law Variance to Permanent Sign By-law for 75 Consumers Drive (Beertown) – SB-02-24

**Resolution # 177-24**

Moved by Councillor Mulcahy  
Seconded by Councillor Cardwell

That Council approve the request for a variance to the Town of Whitby Permanent Sign By-law #7379-18 for Beertown, located at 75 Consumers Drive.

**Carried**

- 4.5 Memorandum from T. Painchaud, Sr. Manager, Transportation Services, dated September 6, 2024 regarding Whitburn Street, Speed Hump Engagement Results

**Resolution # 178-24**

Moved by Councillor Mulcahy  
Seconded by Councillor Cardwell

1. That the memorandum from T. Painchaud, Sr. Manager, Transportation Services, dated September 6, 2024 regarding Whitburn Street, Speed Hump Engagement Results be received for information; and,
2. That Staff be directed to report to Council with information about the cost and other implications associated with removing the speed humps, reducing the number of speed humps, and maintaining the speed humps in their current configuration.

**Carried**

4.6 PDE 09-24, Planning and Development (Engineering Services)  
Department Report

Re: Update to Traffic By-law 8059-24, Pedestrian Crossovers

**Resolution # 179-24**

Moved by Councillor Mulcahy

Seconded by Councillor Cardwell

1. That Council approve the proposed amendment to Traffic By-law 8059-24, to incorporate the changes to Schedule “Q” of the By-law, as identified in Attachment 3; and,
2. That a By-law to amend By-law 8059-24 be brought forward for the consideration of Council.

**Carried**

5. Committee of the Whole Report – General Government

General Government - September 16 and 23, 2024

5.1 FS 32-24, Financial Services Department Report

Re: Municipal Accommodation Tax Reserve Fund Policy

**Resolution # 180-24**

Moved by Councillor Lundquist

Seconded by Councillor Lee

That Council approve the creation of the Municipal Accommodation Tax Reserve Fund and the affiliated reserve fund policy included in Attachment 1 of Report FS 32-24.

**Carried**

5.2 FS 39-24, Financial Services Department Report

Re: Public Engagement Feedback for Pioneer Baptist Cemetery Name Change

**Resolution # 181-24**

Moved by Councillor Lundquist

Seconded by Councillor Lee

1. That public engagement feedback received for the proposed Pioneer Cemetery Name Change to the Dryden Cemetery be received; and,
2. That the Groveside Cemetery Board and staff be authorized to initiate the name change with the Bereavement Authority of Ontario and execute all documents to implement the cemetery name change.

**Carried**

5.3 CAO 18-24, Office of the Chief Administrative Officer Report

Re: Downtown Whitby Action Plan September 2024 Update

**Resolution # 182-24**

Moved by Councillor Lundquist

Seconded by Councillor Lee

1. That Report CAO 18-24 – Downtown Whitby Action Plan September 2024 Update, be received as information; and,
2. That staff be directed to undertake an update to the Downtown Whitby Action Plan in 2025 and bring forward a new plan for Council's consideration and approval.

**Carried**



#### 5.4 Solve the Crisis Campaign

##### **Resolution # 183-24**

Moved by Councillor Lundquist

Seconded by Councillor Lee

Whereas there is a humanitarian crisis unfolding on streets in our cities, large and small, urban and rural, across Ontario. The time for words is over, we need immediate action at all levels of government, starting with the Province; and,

Whereas the homelessness, mental health and addictions crisis continues to grow with 3432 drug related deaths in Ontario in 2023 as well as with an estimated 234,000 Ontarians experiencing homelessness and over 1400 homeless encampments across Ontario communities in 2023; and,

Whereas the province has provided additional funding for mental health, addictions and homelessness programs, it does not adequately address the growing crisis and the financial and social impact on municipalities and regions across the province; and,

Whereas municipalities and regions are stepping up and working with community partners to put in place community-specific solutions to address this crisis, but municipalities and regions lack the expertise, capacity, or resources to address these increasingly complex health care and housing issues alone; and,

Whereas this is primarily a health issue that falls under provincial jurisdiction and municipalities and regions should not be using the property tax base to fund these programs; and,

Whereas there is no provincial lead focused on this crisis leading to unanswered questions that span over a dozen ministries, and a lack of support to manage the increasing needs of those who are unhoused.

Now Therefore be it Resolved that the Town of Whitby supports the Solve the Crisis Campaign;

AND calls on provincial and federal governments to commit to immediate action to solve the Humanitarian Crisis that Ontario is facing as the numbers of unhoused individuals and those suffering with mental health & addictions grows exponentially;

AND that the province officially makes Homelessness a Health Priority;

AND appoints a responsible Minister and Ministry with the appropriate funding and powers as a single point of contact to address the full spectrum of housing needs as well as mental health, addictions and wrap around supports;

AND request that the provincial government strike a task force with broad sector representatives including municipalities, regions, healthcare, first responders, community services, the business community and the tourism industry to develop a Made in Ontario Action Plan;

AND that this provincial task force reviews current programs developed by municipalities, regions and community partners that have proven successful in our communities, to ensure that solutions can be implemented quickly and effectively to tackle this crisis.

AND provides the adequate, sufficient and sustainable funding to ensure that municipalities have the tools and resources to support individuals suffering with mental health and addictions, including unhoused people and those from vulnerable populations that may be disproportionately impacted;

AND that this Council calls on the residents of the Town of Whitby to join us in appealing to the provincial and federal governments for support by visiting [SolveTheCrisis.ca](http://SolveTheCrisis.ca) and showing your support;

AND that the Clerk be directed to send a copy of this motion to:

- The Right Honourable Justin Trudeau, Prime Minister of Canada
- The Honourable Sean Fraser, Minister of Housing, Infrastructure and Communities of Canada
- The Honourable Doug Ford, Premier of Ontario
- The Honourable Sylvia Jones, Deputy Premier and Minister of Health
- The Honourable Paul Calandra, Minister of Municipal Affairs and Housing
- The Honourable Michael Parsa, Minister of Children, Community and Social Services
- The Honourable Michael Tibollo, Associate Minister of Mental Health and Addictions
- Local MPs

- Local MPPs, and,
- Ontario's Big City Mayors.

**Carried**

5.5 Condemn Antisemitic Vandalism

**Resolution # 184-24**

Moved by Councillor Lundquist

Seconded by Councillor Lee

1. The Town of Whitby Council condemns in the strongest terms possible the recent acts of Antisemitism and hate. It restates its commitment to an inclusive and welcoming town for all Whitby residents.
2. Whitby Council express its support for the past National Action Summit on Antisemitism which had the participation of the Federal, Provincial and local governments.
3. Whitby Council commits to looking for ways to educate residents about Antisemitism and ways to combat antisemitism, including a possible Antisemitism campaign.
4. Town Council directs the CAO, in partnership with relevant divisions, to support Jewish community members in reporting hate crimes.

**Carried**

5.6 Memorandum from A. Gratton, Sr. Manager of Enforcement Services, dated June 14, 2024 regarding a Fence By-law Exemption request for 101 Carnwith Drive West

**Note:** This item was referred at Committee.

5.7 Memorandum from A. Gratton, Sr. Manager of Enforcement Services, dated August 23, 2024 regarding a Fence By-law Exemption request for 1 Glencedar Crescent

Discussion ensued between Members of Council regarding:

- providing the property owner with an exemption from the maximum height provisions in the Fence By-law due to the owner's health concerns and the cost that the owner has invested to construct the fence;
- allowing Staff the opportunity to review the Fence By-law exemption process and report to Council on a revised process; and,
- concerns about providing the exemption considering that the fence was built in contravention of the Fence By-law prior to the request for an exemption being submitted.

A brief question and answer period ensued between Members of Council and Staff regarding the history associated with the property and confirmation that there was a hedge on the property in the location where the fence had been constructed.

**Resolution # 185-24**

Moved by Councillor Leahy  
 Seconded by Councillor Yamada

1. That the Memorandum from A. Gratton, Sr. Manager of Enforcement Services, dated August 23, 2024 regarding a Fence By-law Exemption request for 1 Glencedar Crescent be received for information; and,
2. That Council grant an exemption from the provisions of Fence By-law # 4394-99, as amended, to permit a fence measuring up to a maximum height of 2.44 metres (approximately 8 feet) for the northern portion of the rear yard at 1 Glencedar Crescent, noting that any fencing along the eastern or southern portions of the rear yard will be required to comply with the 2 metre (approximately 6 feet, 6 inches) rear yard fence height maximum included in Fence By-law # 4394-99, as amended.

	<b>For</b>	<b>Against</b>	<b>Conflict</b>
Mayor Roy		X	
Councillor Bozinovski	X		
Councillor Cardwell	X		

Councillor Leahy	X		
Councillor Lee		X	
Councillor Lundquist		X	
Councillor Mulcahy		X	
Councillor Shahid	X		
Councillor Yamada	X		
<b>Results</b>	<b>5</b>	<b>4</b>	<b>0</b>

**Carried on a Recorded Vote (5 to 4)**

- 5.8 Memorandum from F. Santaguida, Commissioner, Legal and Enforcement Services/Town Solicitor, dated September 3, 2024 regarding a Request of Exception from Fee By-law # 7220-17 - Driveway Encroachment for 89 Garden Street

**Note:** This item was deferred at the Committee of the Whole meeting on September 23, 2024 to the Committee of the Whole meeting on October 28, 2024.

- 5.9 LS 13-24, Legal and Enforcement Services Department Report

Re: Proposed Amendments to the Noise By-law

**Resolution # 186-24**

Moved by Councillor Lundquist

Seconded by Councillor Lee

1. That Report LS 13-24 be received for information; and,
2. That the proposed amendments to the Town's Noise By-law #6917-14 as appended to Report LS 13-24 as Attachment # 1 be brought forward to Council for consideration.

**Carried**

- 5.10 CAO 17-24, Office of the Chief Administrative Officer Report

Re: Sustainable Neighbourhood Action Program Pilot Project -  
Neighbourhood Selection Report

**Resolution # 187-24**

Moved by Councillor Lundquist

Seconded by Councillor Lee

1. That Report CAO 17-24 be received for information; and,
2. That Council endorse the delivery of a SNAP Pilot Project in the preferred neighbourhood of West Lynde, as outlined in Report CAO 17-24.

**Carried**

5.11 CMS 10-24, Community Services Department Report

Re: Gateway Maintenance Program

A question and answer period ensued between Members of Council and Staff regarding:

- concerns about gateway features, decorative fencing, and columns that are falling into disrepair;
- the additional costs and potential liability associated with maintaining gateway features, decorative fencing, and columns on Regional and private property;
- confirmation that gateway features, decorative fencing, and columns on private property are currently the responsibility of the private property owner to repair and maintain;
- the status of discussions between the Town and the Region regarding the Region repairing gateway features, decorative fencing, and columns on Regional property that are in a state of disrepair;
- enforcing Town by-laws to require private property owners to repair and maintain gateway features, decorative fencing, and columns on private property;
- budgetary pressures facing the Town and the community;

- maintaining the aesthetic quality of the Town and the benefits of repairing and maintaining gateway features, decorative fencing, and columns before they fail;
- confirmation from Staff that gateway features, decorative fencing, and columns are still being approved in developments, however they are being located on private property so the Town is not responsible for maintenance; and,
- the potential to expand the Community Improvement Plan to provide a matching grant for property owners to remove failing gateway features, decorative fencing, and columns on private property.

Moved by Councillor Lundquist

Seconded by Councillor Lee

1. That Report CMS 10-24 be received for information;
2. That the Town's current level of service as identified as Option 1 in Staff Report CMS 10-24 for the maintenance of fencing, gateway features, decorative fencing and columns be continued; and,
3. That NUB Item GG-0022 "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" be removed from the New and Unfinished Business Listing.

**Carried later in the meeting (See following motions)**

Moved by Councillor Bozinovski

Seconded by Councillor Leahy

That the main motion be amended to strike Item 2 and add the following as Items 2 and 3, with the remaining Item being renumbered accordingly:

2. That the Town's level of service be expanded to include the removal of failing/unsafe iron fences, masonry columns, and gateway features on Regional and private property, as identified as Option 2 in Staff Report CMS 10-24;
3. That Council recommends that the Mayor consider including the one-time costs associated with Option 2 in Staff Report CMS 10-24 of approximately \$579,000 in the 2025 budget and including ongoing

operating budget funding of \$106,000 per year in the 2025 operating budget through a property tax increase;

	<b>For</b>	<b>Against</b>	<b>Conflict</b>
Mayor Roy		X	
Councillor Bozinovski	X		
Councillor Cardwell		X	
Councillor Leahy	X		
Councillor Lee		X	
Councillor Lundquist		X	
Councillor Mulcahy		X	
Councillor Shahid	X		
Councillor Yamada	X		
<b>Results</b>	<b>4</b>	<b>5</b>	<b>0</b>

**Motion Lost on a Recorded Vote (4 to 5)**

The main motion was then carried, as follows:

**Resolution # 188-24**

Moved by Councillor Lundquist  
 Seconded by Councillor Lee

1. That Report CMS 10-24 be received for information;
2. That the Town’s current level of service as identified as Option 1 in Staff Report CMS 10-24 for the maintenance of fencing, gateway features, decorative fencing and columns be continued; and,
3. That NUB Item GG-0022 “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” be removed from the New and Unfinished Business Listing.



**Carried**

5.12 CMS 11-24, Community Services Department Report

Re: 55+ Recreation Advisory Committee Terms of Reference - Revisions

**Resolution # 189-24**

Moved by Councillor Lundquist

Seconded by Councillor Lee

That Council approve the revised Terms of Reference for the 55+ Recreation Advisory Committee (Attachment 1).

**Carried**

5.13 CLK 07-24, Office of the Town Clerk

Re: 2025 Council, Committee, and Public Meetings Schedule

A discussion ensued between Members of Council regarding rescheduling the March 17, 2025 Council meeting date.

Moved by Councillor Lundquist

Seconded by Councillor Lee

That Council approve the 2025 Council, Committee, and Public Meetings schedule appended as Attachment 1 to this Report.

**Carried later in the meeting (See following motions)**

Moved by Councillor Cardwell

Seconded by Councillor Shahid

That the main motion be amended as follows:

That Council approve the 2025 Council, Committee, and Public Meetings schedule appended as Attachment 1 to this Report, save and except that the March 17, 2025 Council Meeting be moved to March 24, 2025 and the March 24, 2025 Public Meetings be moved to March 31, 2025.

**Motion Withdrawn**

The main motion was then carried, as follows:

**Resolution # 190-24**

Moved by Councillor Lundquist  
Seconded by Councillor Lee

That Council approve the 2025 Council, Committee, and Public Meetings schedule appended as Attachment 1 to this Report.

**Carried**

5.14 FES 04-24, Fire and Emergency Services Department Report

Re: Whitby Fire and Emergency Services - Equipment Standardization

**Resolution # 191-24**

Moved by Councillor Lundquist  
Seconded by Councillor Lee

1. That Council approves the standardization of emergency response equipment and fire apparatus, as outlined in Table 1 of Staff Report FES 04-24; for a period of five (5) years, ending September 30, 2029; and,
2. That staff procure standardized equipment outlined in Table 1 of Staff Report FES 04-24 in accordance with the Procurement Policy, and staff be authorized to single source award contracts for items where there is only one authorized supplier/distributor for the Whitby geographical area.

**Carried**

6. For information only - Committee of the Whole Minutes of September 16 and 23, 2024

7. By-laws

**Resolution # 192-24**

Moved by Councillor Shahid  
Seconded by Councillor Yamada

That leave be granted to introduce By-laws # 8110-24 to # 8115-24 and to dispense with the reading of the by-laws by the Clerk and that the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

## **Carried**

### 7.1 By-law # 8110-24

Being a By-law to amend the Permanent Sign By-law # 7379-18, as amended.

Refer to PDP 04-24, Van Horne Outdoors / AllVision Proposal

### 7.2 By-law # 8111-24

Being a By-law to amend Noise By-law # 6917-14, as amended.

Refer LS 13-24, Proposed Amendments to the Noise By-law

### 7.3 By-law # 8112-24

Being a By-law to Amend By-law # 8059-24, as amended, being a By-law to Regulate Traffic and Parking on the Highways, Private and Municipal property within the Town of Whitby.

Refer to PDE 09-24, Update to Traffic By-law 8059-24, Pedestrian Crossovers

### 7.4 By-law # 8113-24

Being a By-law to amend By-law # 1784, as amended, being the Zoning By-law of the Town of Whitby.

Refer to PDP 22-22, Draft Plan of Subdivision and Zoning By-law Amendment Applications, Abacus Equity Infusion Limited, 7400 Thickson Road North, File Numbers: DEV-03-20 (SW-2020-01, Z-02-20)

### 7.5 By-law # 8114-24

Being a By-law to adopt Amendment Number 135 to the Official Plan of the Town of Whitby.

Refer to PDP 15-24, DEV-21-18: Official Plan Amendment Application OPA-2018-W/06, Zoning By-law Amendment Application Z-33-18, Devon Downs Developments Ltd., 2002 Rossland Road East

### 7.6 By-law # 8115-24

Being a By-law to amend By-law #1784, as amended, being the Zoning By-law of the Town of Whitby.

Refer to PDP 15-24, DEV-21-18: Official Plan Amendment Application OPA-2018-W/06, Zoning By-law Amendment Application Z-33-18, Devon Downs Developments Ltd., 2002 Rossland Road East

8. New and Unfinished Business

8.1 Correspondence # 2024-571 received from Mayor Roy, dated September 20, 2024, regarding the Appointment of Deputy Mayor for 2024

Councillor Yamada rose on a question of privilege and made a statement regarding his tenure as Deputy Mayor and how he felt that Members of Council had treated him differently in terms of how he was recognized during that time.

Moved by Councillor Cardwell

Seconded by Mayor Roy

1. That Council receive Correspondence #2024-571 from Mayor Roy, dated September 20, 2024, regarding the Appointment of a Deputy Mayor for 2024 for information; and,
2. That Council confirm the appointment of Councillor Lundquist as Deputy Mayor through December 31, 2024.

**Carried later in the meeting (See following motions)**

Moved by Councillor Cardwell

Seconded by Councillor Shahid

That the motion for the previous question be called.

	<b>For</b>	<b>Against</b>	<b>Conflict</b>
Mayor Roy	X		
Councillor Bozinovski		X	
Councillor Cardwell	X		
Councillor Leahy		X	
Councillor Lee	X		
Councillor Lundquist	X		
Councillor Mulcahy	X		

Councillor Shahid	X		
Councillor Yamada		X	
<b>Results</b>	<b>6</b>	<b>3</b>	<b>0</b>

**Carried on a Recorded Vote (6 to 3)**

The main motion was then carried, as follows:

**Resolution # 193-24**

Moved by Councillor Cardwell

Seconded by Mayor Roy

1. That Council receive Correspondence #2024-571 from Mayor Roy, dated September 20, 2024, regarding the Appointment of a Deputy Mayor for 2024 for information; and,
2. That Council confirm the appointment of Councillor Lundquist as Deputy Mayor through December 31, 2024.

	<b>For</b>	<b>Against</b>	<b>Conflict</b>
Mayor Roy	X		
Councillor Bozinovski		X	
Councillor Cardwell	X		
Councillor Leahy	X		
Councillor Lee	X		
Councillor Lundquist	X		
Councillor Mulcahy	X		
Councillor Shahid	X		
Councillor Yamada	X		
<b>Results</b>	<b>8</b>	<b>1</b>	<b>0</b>

**Carried (8 to 1)**

Mayor Roy spoke to Members of Council about the need to be leaders in the community and work together in a respectful manner while abiding by the Council Code of Conduct.

9. Confirmatory By-law

**Resolution # 194-24**

Moved by Councillor Shahid  
Seconded by Councillor Leahy

That leave be granted to introduce a by-law and to dispense with the reading of the by-law by the Clerk to confirm the proceedings of the Council of the Town of Whitby at its regular meeting held on October 7, 2024 and at its special meeting held on October 9, 2024 and the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

**Carried**

10. Adjournment

Moved by Councillor Mulcahy  
Seconded by Councillor Leahy

That the meeting adjourn.

**Carried**

The meeting adjourned at 4:58 p.m.

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Christopher Harris, Town Clerk

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Elizabeth Roy, Mayor



## Special Council Minutes

October 15, 2024, 1:00 p.m.  
Whitby Operations Centre  
333 McKinney Drive

Present: Mayor Roy  
Councillor Leahy  
Councillor Lundquist  
Councillor Mulcahy (Arrived at 1:09 p.m.)  
Councillor Shahid (Arrived at 1:14 p.m.)  
Councillor Yamada (Arrived at 1:17 p.m.)

Regrets: Councillor Bozinovski  
Councillor Cardwell  
Councillor Lee

Also Present: F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor  
M. Dodge, Executive Advisor to the Mayor  
K. Narraway, Sr. Manager of Legislative Services/Deputy Clerk (Recording Secretary)

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1. Call To Order: The Mayor
  2. Declarations of Conflict of Interest  
There were no declarations of conflict of interest.
  3. Welcome & Introductions  
Mayor Roy provided a brief introduction regarding the purpose of the Community Safety Roundtable and attendees introduced themselves.
  4. Presentations
    - 4.1 P. Angelo, Director of Engineering and T. Painchaud, Sr. Manager, Transportation Services, Town of Whitby  
Re: Traffic Calming Plan Updates

T. Painchaud, Sr. Manager, Transportation Services provided a presentation regarding Traffic Calming Plan Updates. Highlights of the presentation included:

- the process the Town is undertaking to develop a new Traffic Calming Policy and associated Traffic Calming Guide;
- details about upcoming workshops with stakeholders and public engagement sessions regarding the draft Traffic Calming Policy;
- how data is collected regarding traffic volumes and the Town's focus on school zone safety;
- information about streets in the Town where traffic calming measures were installed in 2024; and,
- the different types of traffic calming measures available for use.

A brief question and answer period ensued regarding the status of the ongoing project to determine how the Town may regulate e-mobility devices and the effectiveness of flexible bollards on roads in school zones.

4.2 A. Gratton, Sr. Manager of Enforcement Services, Town of Whitby

Re: By-law Enforcement Technology

A. Gratton, Sr. Manager, Enforcement Services provided a presentation regarding By-law Enforcement Technology. Highlights of the presentation included:

- the Town's recent adoption of the Administrative Penalties System (APS) for parking enforcement;
- benefits of the APS versus the former Provincial Offences Act system;
- the ability for the Town's Enforcement Services Officers to issue penalty notices by personal service or by mail;
- an outline of the process to dispute a penalty notice issued through the APS;
- information about the Town's new Traffic By-law, including a tiered and escalating fine structure for penalty notices;



- details about the use of a Licence Plate Recognition system by Enforcement Services; and,
- a year over year comparison of school zone enforcement in 2023 and 2024.

A question and answer period ensued regarding:

- communicating information about the APS and penalty notices to school administrators to share with students;
- the Town's Short Term On-Street parking program;
- how information about the tiered and escalating fine structure is detailed on penalty notices; and,
- feedback received from school communities about the APS.

## 5. Community Safety Roundtable Discussions

### 5.1 Inspector Gill Lock, Durham Regional Police Service

Re: Durham Regional Police Service Question and Answer Period

Inspector Gill Lock, Durham Regional Police Service (DRPS) provided updates regarding:

- the number of schools in Central West Division;
- the "In The Zone" school safety initiative organized by DRPS;
- statistics about the number of Provincial Offence Notices issued and the number of vehicle collisions in and around school zones; and,
- how residents can report dangerous and aggressive driving through the Road Watch Program.

A question and answer period ensued regarding:

- working with DRPS to identify and prioritize school zones that require enforcement;
- vehicle noise concerns and challenges associated with noise enforcement;
- locations in the Town that experience a high rate of vehicle collisions;

- designated community safety zones being eligible locations for automated speed cameras;
- ensuring operators of e-mobility devices exercise caution around pedestrians and when crossing intersections; and,
- DRPS School Liaison Officers and the role that they play in fostering safer school communities.

5.2 F. Santaguida, Commissioner, Legal and Enforcement Services/Town Solicitor, Town of Whitby

Re: Question and Answer Period and Feedback from Whitby School Community Councils

F. Santaguida, Commissioner, Legal and Enforcement Services/Town Solicitor facilitated a discussion amongst attendees regarding:

- how Town Staff work with Durham Student Transportation Services to receive updated information about school populations to determine where crossing guards are needed;
- two new schools opening in the West Whitby area in the near future;
- how school sites are identified through a collaborative exercise between School Boards and the Town's Planning and Development Department;
- making the construction of new schools more efficient by using pre-approved school designs from the Ministry of Education;
- how schools communicate with their student populations to encourage walking;
- opportunities to improve communication between School Boards and the Town to identify walking routes that require winter maintenance;
- providing education and training to residents to ensure understanding of traffic calming measures and roundabouts; and,
- managing construction traffic around schools in order to keep students safe.

6. Adjournment

Recommendation:

Moved by Councillor Shahid

Seconded by Councillor Lundquist

That the meeting adjourn.

**Carried**

The meeting adjourned at 2:52 p.m.

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Kevin Narraway, Deputy Clerk

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Elizabeth Roy, Mayor



## Special Council Minutes

October 28, 2024, 5:30 p.m.  
Council Chambers  
Whitby Town Hall

Present: Mayor Roy  
Councillor Bozinovski  
Councillor Cardwell (Virtual Attendance, In-Person Attendance at 6:28 p.m.)  
Councillor Leahy (Virtual Attendance, connection issues resulted in Councillor Leahy leaving the meeting for brief periods)  
Councillor Lee  
Councillor Lundquist  
Councillor Mulcahy  
Councillor Shahid  
Councillor Yamada

Also Present: M. Gaskell, Chief Administrative Officer  
M. Hickey, Fire Chief  
S. Klein, Director of Strategic Initiatives  
J. Long, Head of Organizational Effectiveness  
J. Romano, Commissioner of Community Services  
F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor  
F. Wong, Commissioner of Financial Services/Treasurer  
M. Dodge, Executive Advisor to the Mayor  
C. Harris, Town Clerk  
K. Douglas, Sr. Legislative Specialist (Recording Secretary)

- 
1. Call To Order: The Mayor
  2. Call of the Roll: The Clerk
  3. Declarations of Conflict of Interest

There were no declarations of conflict of interest.

4. Delegations

There were no delegations.

5. Items for Consideration

5.1 CMS 12-24, Community Services Department Report

Re: Parks and Recreation Master Plan

John Romano, Commissioner of Community Services, provided an overview of the Parks and Recreation Master Plan (the "Plan"), including community consultation efforts and next steps.

A question and answer period ensued between Members of Council and Staff regarding:

- ensuring the Plan meets the diverse needs of the community, including younger demographics who may be under-represented in community engagement efforts;
- strategies for engaging youth during community consultation who do not participate in the Whitby Youth Council;
- the anticipated future use and recreation programs available at Brooklin Memorial Park;
- addressing the demand of residents for additional cricket fields;
- the timeline for undertaking a review of the Marina Master Plan and construction of an outdoor refrigerated skating rink or trail;
- whether the construction of new cricket fields in neighbouring municipalities may impact the demand for fields in Whitby; and,
- adding lights to existing fields to increase playing capacity.

**Resolution # 195-24**

Moved by Councillor Shahid

Seconded by Councillor Mulcahy

1. That Council endorse the Parks and Recreation Master Plan and the recommendations within, appended to Report CMS 12-24 as Attachment 1;
2. That staff be directed to prioritize the recommendations identified in the Parks and Recreation Master Plan and incorporate them into the Town's long-term financial plans and strategies; and,

3. That staff be directed to report annually on the progress of the Parks and Recreation Master Plan.

**Carried**

- 5.2 Association of Municipalities Ontario (AMO) Board of Directors Position – Chief Administrative Officer Matt Gaskell

Members of Council congratulated Matt Gaskell on his appointment to the AMO Board.

**Resolution # 196-24**

Moved by Councillor Mulcahy  
Seconded by Councillor Lundquist

Be it resolved that the Council for Town of Whitby supports the appointment of Matt Gaskell, Chief Administrative Officer, as a Director on the Large Urban Caucus of the AMO Board of Directors for the 2024-2026 term.

**Carried**

6. Closed Session

This portion of the minutes are closed to the public. [Refer to the Closed Minutes - Town Clerk has control and custody.]

Moved by Councillor Shahid  
Seconded by Councillor Mulcahy

That Council move in-camera in accordance with Procedure By-law # 8081-24, 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, (c) a proposed or pending acquisition or disposition of land by the municipality or local board, (d) labour relations or employee negotiations, and (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

**Carried**

- 6.1 Presentation from Mattson Meere, Supervisor, Parks Planning

Re: Sports Field Park Land Acquisition

**Refer to Item 6.2, CMS 13-24**

**Note:** This portion of the meeting was held in-camera in accordance with Procedure By-law # 8081-24, Closed Meeting Policy G 040, and the Municipal Act, 2001, Section 239 (2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board and (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

6.2 CMS 13-24, Confidential Community Services Department Report

Re: Sports Field Park Land Acquisition

**Note:** This portion of the meeting was held in-camera in accordance with Procedure By-law # 8081-24, Closed Meeting Policy G 040, and the Municipal Act, 2001, Section 239 (2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board and (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

6.3 Office of the CAO Staffing

**Note:** This portion of the meeting was held in-camera in accordance with Procedure By-law # 8081-24, 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 (d) labour relations or employee negotiations.

Council excused all attendees from the meeting at 6:35 p.m. to review the matter, with the exception of Matt Gaskell, CAO and Chris Harris, Town Clerk.

7. Rising and Reporting

Motion to Rise

Moved by Councillor Cardwell

Seconded by Councillor Shahid

That Council rise from the closed portion of the meeting.

**Carried**

7.1 Reporting Out

Mayor Roy advised that during the closed portion of the meeting, Council discussed appointing a Deputy CAO and provided direction to Staff on the acquisition and negotiation of sports field park land.

CMS 13-24, Confidential Community Services Department Report

Re: Sports Field Park Land Acquisition

**Resolution # 198-24**

Moved by Councillor Shahid

Seconded by Councillor Mulcahy

1. That Confidential Report CMS 13-24 be received;
2. That a 2024 Capital Project be established in the amount noted in Staff Report CMS 13-24, funded from the Parkland Cash-In-Lieu Reserve Fund;
3. That the Chief Administrative Officer and Commissioner of Finance/Treasurer, subject to approval from the Commissioner of Community Services and Town Solicitor, be delegated the authority and authorized to acquire the lands to support the sports field park to the upset limit outlined in Staff Report CMS 13-24, and execute any and all documents necessary to give effect thereto;
4. That the requirement to obtain one appraisal prior to the purchase of land, as outlined in Policy F 190, be waived based on a Land Rate Study recently completed and subject to the land acquisition being within the upset limit outlined in Staff Report CMS 13-24; and,
5. That Staff be directed to bring forward the necessary by-law to authorize the purchase of the lands and provide an update to Council on the purchase details and budget implications.

**Carried**

8. Confirmatory By-law

**Resolution # 199-24**

Moved by Councillor Shahid

Seconded by Councillor Mulcahy



That leave be granted to introduce a by-law and to dispense with the reading of the by-law by the Clerk to confirm the proceedings of the Council of the Town of Whitby at its special meeting held on October 28, 2024 and the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

**Carried**

9. Adjournment

Moved by Councillor Yamada  
Seconded by Councillor Lundquist

That the meeting adjourn.

**Carried**

The meeting adjourned at 6:55 p.m.

---

Christopher Harris, Town Clerk

---

Elizabeth Roy, Mayor

# Town of Whitby

## Staff Report

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



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**Report Title: DEV-19-24: Zoning By-law Amendment Application, Brookfield Residential (Ontario) Brock St Limited, 1615 Brock Street South, File No. Z-08-24.**

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**Report to:** Committee of the Whole

**Date of meeting:** October 21, 2024

**Report Number:** PDP 49-24

**Department(s) Responsible:**

Planning and Development Department  
(Planning Services)

**Submitted by:**

R. Saunders, Commissioner of Planning  
and Development

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

**For additional information, contact:**

L. England, Planner I, x. 2822

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### 1. Recommendation:

1. That Council approve an amendment to Zoning By-law # 2585 (File No. Z-08-24) as outlined in Planning Report PDP 49-24; and,
2. That a By-law to amend Zoning By-law # 1784 be brought forward for consideration by Council.

### 2. Highlights:

- A Zoning By-law Amendment Application has been submitted by Brookfield Residential (Ontario) Brock St Limited for the land municipally known as 1615 Brock Street South.
- The Zoning By-law Amendment Application proposes to change the current zoning from R4C (Residential Type 4C Zone) to an appropriate zoning category to permit the proposed mixed-use development of 55 back-to-back stacked townhouse units and approximately 260 square metres of commercial space.
- All the commenting departments and external agencies have indicated support for, or no objection to, the proposed development subject to their comments/requirements being adhered to.

### 3. Background:

#### 3.1. Site and Area Description

The subject land is located approximately 30 metres north of Watson Street East on the east side of Brock Street South, municipally known as 1615 Brock Street (refer to Attachment #1).

The subject land is currently vacant. The surrounding land uses include: a 3-storey residential apartment dwelling to the east; single-detached residential dwellings to the north and west; and townhouse residential dwellings and a single detached residential dwelling to the south (refer to Attachment #2).

#### 3.2. Application and Proposed Development

A Zoning By-law Amendment Application has been submitted by Brookfield Residential (Ontario) Brock St Limited to accommodate a mixed-use development consisting of 55 back-to-back stacked townhouse dwellings with two at-grade commercial units totaling approximately 260 square metres of commercial space (refer to Attachment #3).

The Zoning By-law Amendment Application proposes to change the current zoning from R4C (Residential Type 4C Zone) within Zoning By-law No. 2585 to an appropriate zone category.

#### 3.3 Documents Submitted in Support

The following documents were submitted in support of the application:

- Cover Letter, prepared by Brookfield Residential (Ontario) Brock St. Limited, dated May 7, 2024.
- Geotechnical Report, prepared by DS Consultants LTD., dated August 31, 2022.
- Hydrogeological Report, prepared by DS Consultants LTD., dated October 5, 2022.
- Archaeological Report Registers, prepared for the Ontario Ministry of Tourism, Culture, and Sport, dated November 10, 2015, and November 12, 2015. The report concluded that based on the information contained in the report, the ministry is satisfied that the fieldwork and reporting for the archaeological assessment are consistent with the ministry's 2011 Standards and Guidelines for Consultant Archaeologists and the terms and conditions for archaeological licenses.
- Architectural Drawing Package, prepared by RAW Design Inc., dated March 14, 2023.

- Building Elevations, prepared by RAW Design Inc., dated March 14, 2023. (refer to Attachment #4).
- Planning Opinion Letter, prepared by Malone Given Parsons Ltd., dated March 22, 2024. The letter concluded that the proposed development conforms to the policy requirements of the Official Plan.
- Sustainability Report, prepared by Malone Given Parsons Ltd., dated March 22, 2024. The report concluded the proposed development will attain the applicable Tier 1 performance measures, as defined in the Whitby Green Standards.
- Record of Site Condition dated June 26, 2023.
- Erosion & Sediment Control Plan, prepared by TYLin Group, dated September 2022.
- Grading Plan, prepared by TYLin Group, dated September 2022.
- Servicing Plan, prepared by TYLin Group, dated September 2022.
- Functional Servicing and Stormwater Management Report, prepared by TYLin Group, dated May 2023. The report concluded the site can be adequately serviced with respect to sanitary drainage, stormwater drainage, and stormwater management and the scheduled hydrant flow test will confirm whether the site can be adequately serviced with respect to water supply.
- Servicing Plan, prepared by TYLin Group, dated September 2022.
- Traffic Comment Response, prepared by TYLin Group, dated March 21, 2024.
- Response Matrix, prepared by Brookfield Residential (Ontario) Brock St. Limited.

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**

On September 3, 2024, the Ministry of Municipal Affairs and Housing approved Envision Durham – the new Regional Official Plan, with modifications. The subject site is within a designated Protected Major Transit Station Area (PMTSA), which is also a Strategic Growth Area (SGA).

PMTSAs are to be planned as communities centered around higher order transit services. Permitted uses include medium and high density residential, mixed-use development, compatible employment generating uses including but not limited to office and major office, cultural and entertainment uses, commercial and retail

uses, institutional and educational uses including post-secondary facilities, recreational and community amenities such as parks, urban squares, and trail systems.

The proposed development would provide new higher-density townhouse dwelling units in a mid-rise built form, which is consistent with the requirements for residential development within the PMTSA.

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

The subject land is designated Residential on Schedule 'A' – Town of Whitby Official Plan (refer to Attachment #5). Lands designated as Residential require that new residential development and redevelopment is transit supportive, pedestrian-oriented, compatible with surrounding uses, and reflects a high standard of urban design (Policy 4.4.2.3).

#### **Port Whitby Secondary Plan**

The subject land is designated Mixed Use Residential One on Schedule 'F' – Port Whitby Secondary Plan (refer to Attachment #6). Lands designated as Mixed Use Residential One permit residential uses in a multiple unit setting and a wide range of small-scale retail, cultural and small-scale service commercial and office uses (Policy 11.1.9.2).

The minimum building height is three storeys, and the maximum building height is six storeys. (Policy 11.1.9.3).

Development with frontage on Brock Street South must contain ground floor related commercial uses (Policy 11.1.9.5).

New infill development along Brock Street South should have adaptable and accessible ground floor spaces suitable for a range of uses such as galleries, professional offices, retail, community space and live/work units that can animate the public realm. (Policy 11.1.9.7)

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

The subject land is zoned R4C (Residential Type 4C Zone) within Zoning By-law 2585 (refer to Attachment #7). The R4C (Residential Type 4C Zone) Zone does not permit the proposed use. Therefore, a Zoning By-law Amendment is required to permit the proposed mixed-use development.

A Zoning By-law Amendment will be brought forward for Council consideration once a final site plan, landscape plan, building elevations, and lighting plan have been approved.

### **4.3. Conclusion**

The subject land is designated Mixed Use Residential One. Lands designated as Mixed Use Residential One permit multi-storey high density residential buildings and a wide range of small-scale retail, cultural, small-scale service commercial and office uses.

The application proposes to change the current zoning to an appropriate zone category to permit the proposed mixed-use development of 55 back-to-back stacked townhouse units and approximately 260 square metres of commercial space.

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

Based on the detailed review of the application and consideration of public and agency comments and requirements, it is concluded that the proposed development is consistent with the Provincial Planning Statement, and is in conformity with the Growth Plan, the Region's Official Plan, and the Town's Official Plan. Therefore, it is recommended that Council approve the proposed Zoning By-law Amendment.

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

Not applicable.

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

A Public Meeting was held on September 9th, 2024, in accordance with Town of Whitby Official Plan and the Planning Act. This Public Meeting provided the public, interested persons, and agencies the opportunity to make representation in respect of the Zoning By-law Amendment Application.

The meeting minutes are included in Attachment #8. Two members of the public spoke at the public meeting. Questions were raised at the public meeting regarding increase in traffic and the size of the proposed residential units.

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 October 21st, 2024, Committee of the Whole Meeting.

The submissions by the public have been considered in determining the recommendation for approval of the proposed Zoning By-law Amendment application, including no concerns related to increased traffic in the area as a result of the proposed development.

## 7. Input from Departments/Sources:

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

- Whitby Engineering Services;
- Whitby Planning Services;
- Whitby Fire and Emergency Services;
- Whitby Financial Services;
- Durham Region Planning and Economic Department; and
- Durham Region Works Department.

The following agency was circulated the application; however, did not provide a response:

- Superior Propane.

Refer to Attachment #9 for Agency and Stakeholder Detailed Comments.

## Internal Departments

### Whitby Engineering Services

Engineering Services does not object to the proposed Zoning By-law Amendment application provided that the comments from Transportation Services dated June 21, 2024, are to be addressed to the Town's satisfaction.

### Whitby Fire and Emergency Services

The comments provided by Whitby Financial Services state that there is no objection to the application, provided that the comments from August 2, 2024, are to be addressed to the Town's satisfaction.

### Whitby Financial Services

The comments provided by Whitby Financial Services state that there is no objection to the application, subject to submitting development charges and cash-in-lieu of parkland.

## External Agencies

### Region of Durham Planning and Economic Development & Works Department

The Region has no objections to the further processing of the Zoning By-Law Amendment application provided that the applicant addresses the Region's comments and recommendations.

**8. Strategic Priorities:**

The development review process has provided opportunity for public and agency input. The recommendations contained in this report align with the objectives of the Organization Priority of the Corporate Strategic Plan.

This report is in a fully accessible format, which addresses the Town's strategic priority of accessibility.

The future development of a mixed-use building contributes to meeting the priorities of the Community Strategic Plan, specifically Action Item 1.3.4 under Pillar 1: Whitby's Neighbourhoods by providing housing options.

**9. Attachments:**

Attachment #1 – Location Sketch

Attachment #2 – Aerial Context Map

Attachment #3 – Proponent's Proposed Concept

Attachment #4 – Proponent's Proposed Building Elevations

Attachment #5 – Excerpt from the Town of Whitby Official Plan – Schedule 'A'

Attachment #6 – Excerpt from Port Whitby Community Secondary Plan –  
Schedule 'F'

Attachment #7 – Excerpt from Zoning By-law No. 2585

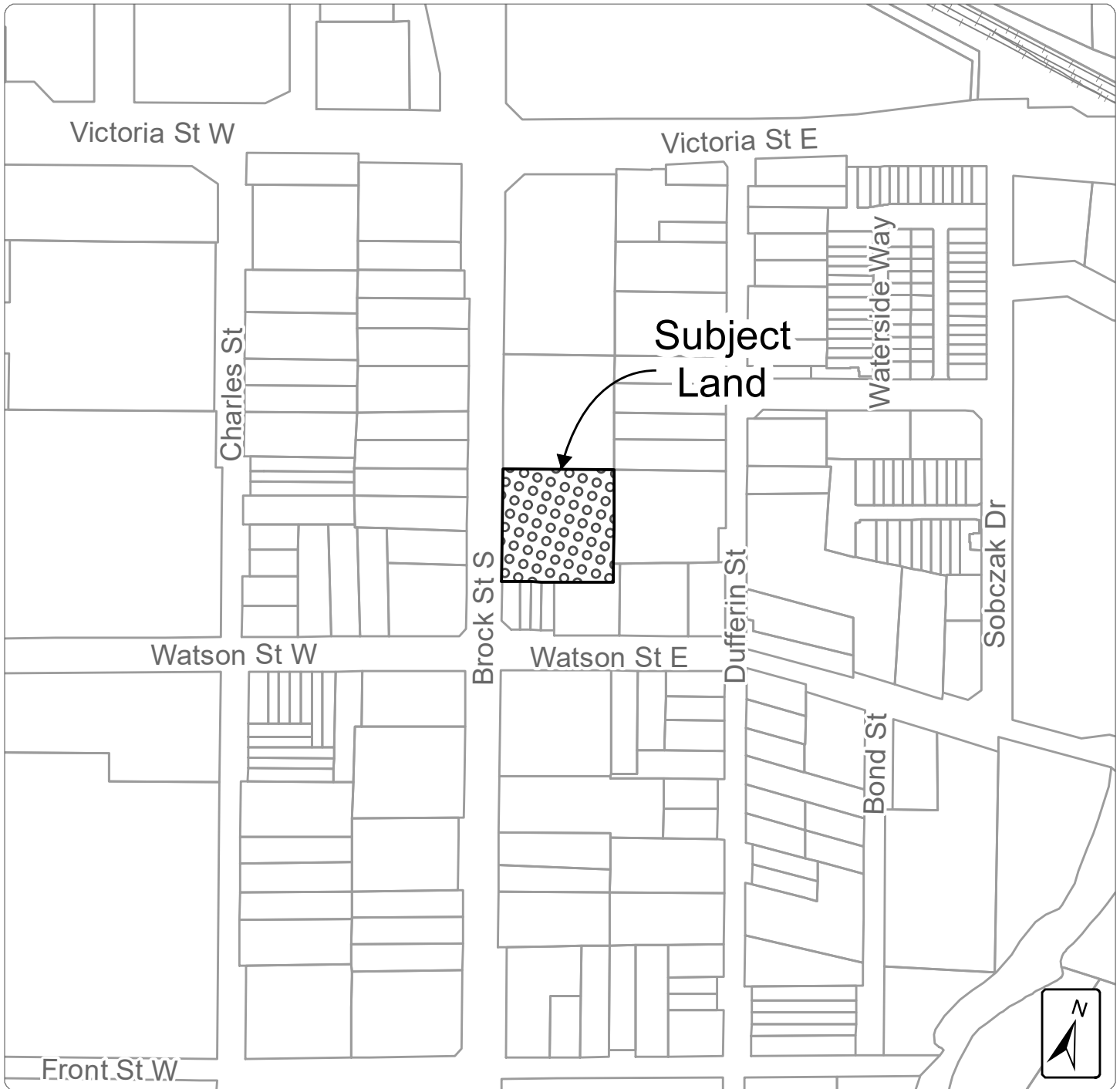
Attachment #8 – September 9, 2024, Public Meeting Minutes

Attachment #9 – Agency and Stakeholder Detailed Comments



# Attachment #1 Location Sketch

PDP 49-24



## Town of Whitby Planning and Development Department

Proponent:  
BROOKFIELD RESIDENTIAL (ONTARIO)  
BROCK ST LIMITED

File Number:  
DEV-19-24 (Z-08-24)


Date:  
October 2024

External Data Sources:  
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# Attachment #2 Aerial Context Map



 **Town of Whitby Planning and Development Department**

**Proponent:**  
BROOKFIELD RESIDENTIAL (ONTARIO)  
BROCK ST LIMITED

**File Number:**  
DEV-19-24 (Z-08-24)

**Date:**  
October 2024

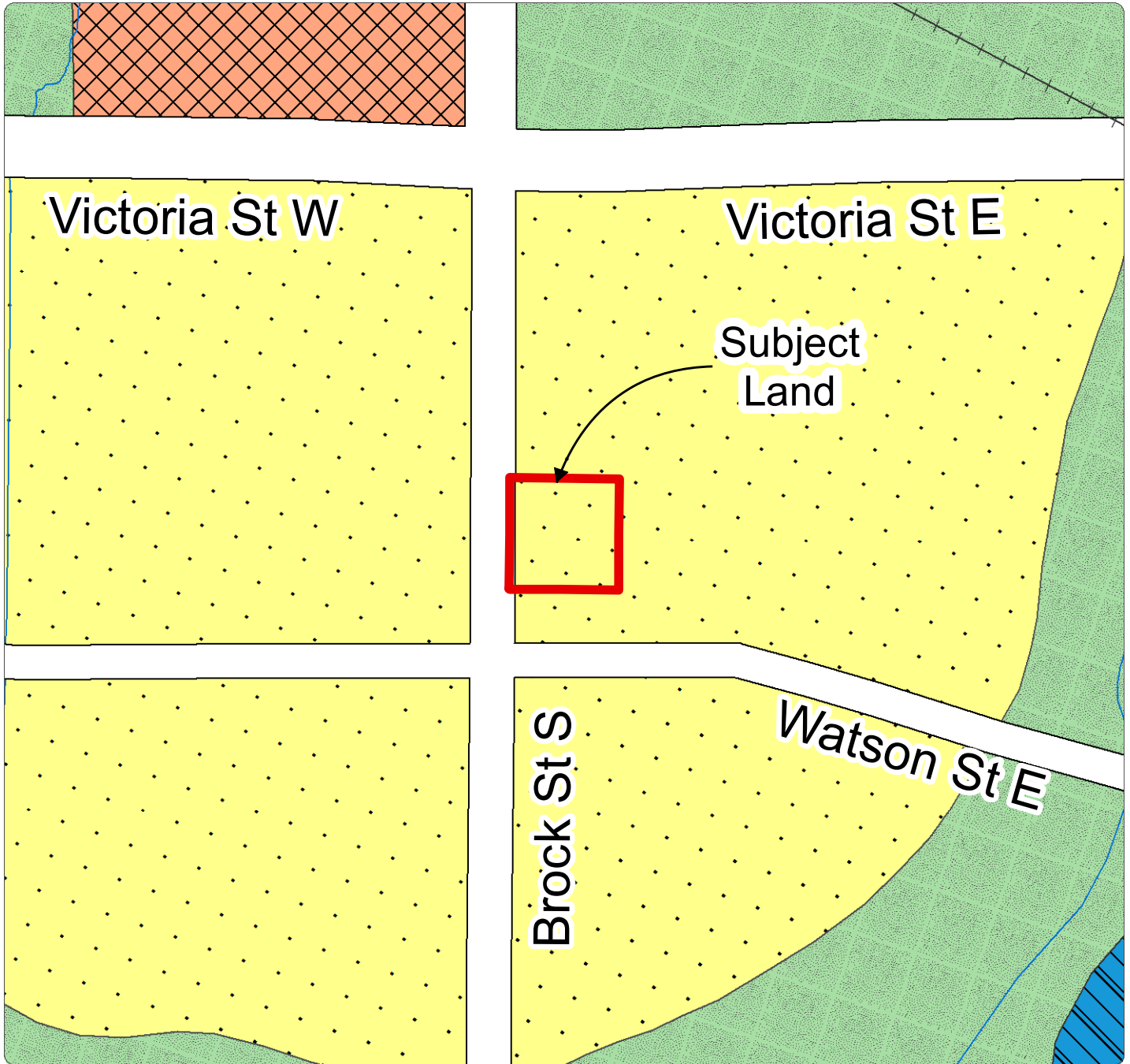
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Excerpt from the Town of Whitby Official Plan Schedule 'A'



**Legend**

Residential	Lands Subject to Durham Regional Official Plan Policy 14.13.7	D3 (Deferred by Region of Durham)
Major Commercial	Deferred by the Region of Durham	
Community Commercial	Local Central Area	
Special Purpose Commercial	Resource Extraction Area (See Section 4.12)	
Mixed Use	Utility	
Prestige Industrial	2031 Urban Area Boundary	
General Industrial	Community Central Area Boundary	
Special Activity Node	Future Urban Development Area Boundary	
Institutional	Greenbelt Protected Countryside Boundary	
Major Open Space	Hamlet Boundary	
Agricultural	Major Central Area Boundary	
Hamlet	Municipal Boundary	
Estate Residential	Southern Boundary of Oak Ridges Moraine	
Special Policy Area	Urban Central Area Boundary	
<small>Refer to section 11.5.31.6</small>		

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.

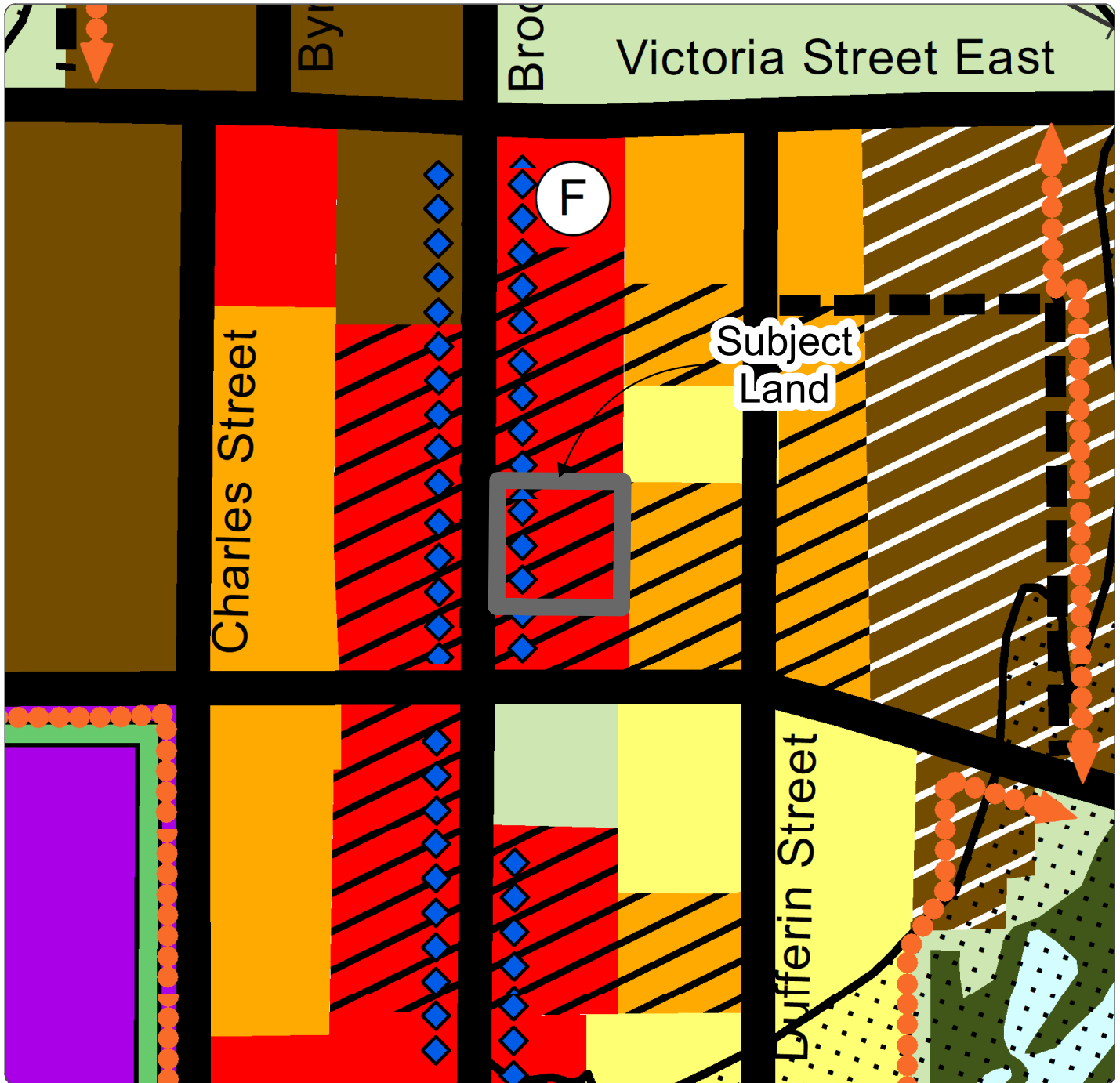
Official Plan - Town of Whitby

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

Schedule **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.

Excerpt from Port Whitby Community Secondary Plan Schedule F



Legend:

- - - Boundary of Port Whitby Community
- Low Density Residential
- Medium Density Residential One
- Medium Density Residential Two
- Mixed Use Residential One
- Mixed Use Residential Two
- High Density Residential Mixed Use
- High Density Residential
- Community / Institutional
- Commercial
- Utilities
- Prestige Industrial
- Major Open Space
- Natural Hazard Area
- Environmental Protection Area
- C Cemetery
- M Marina
- F Fire Station
- ✱ Major Transit Station
- Proposed Roads
- Existing Road Network
- Active Transportation Network / Connections
- ↔ Waterfront Trail (Improved)
- Ground Floor Projection

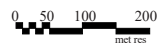
Excerpt From  
**PORT WHITBY COMMUNITY  
SECONDARY PLAN**



**Official Plan**  
Town of Whitby

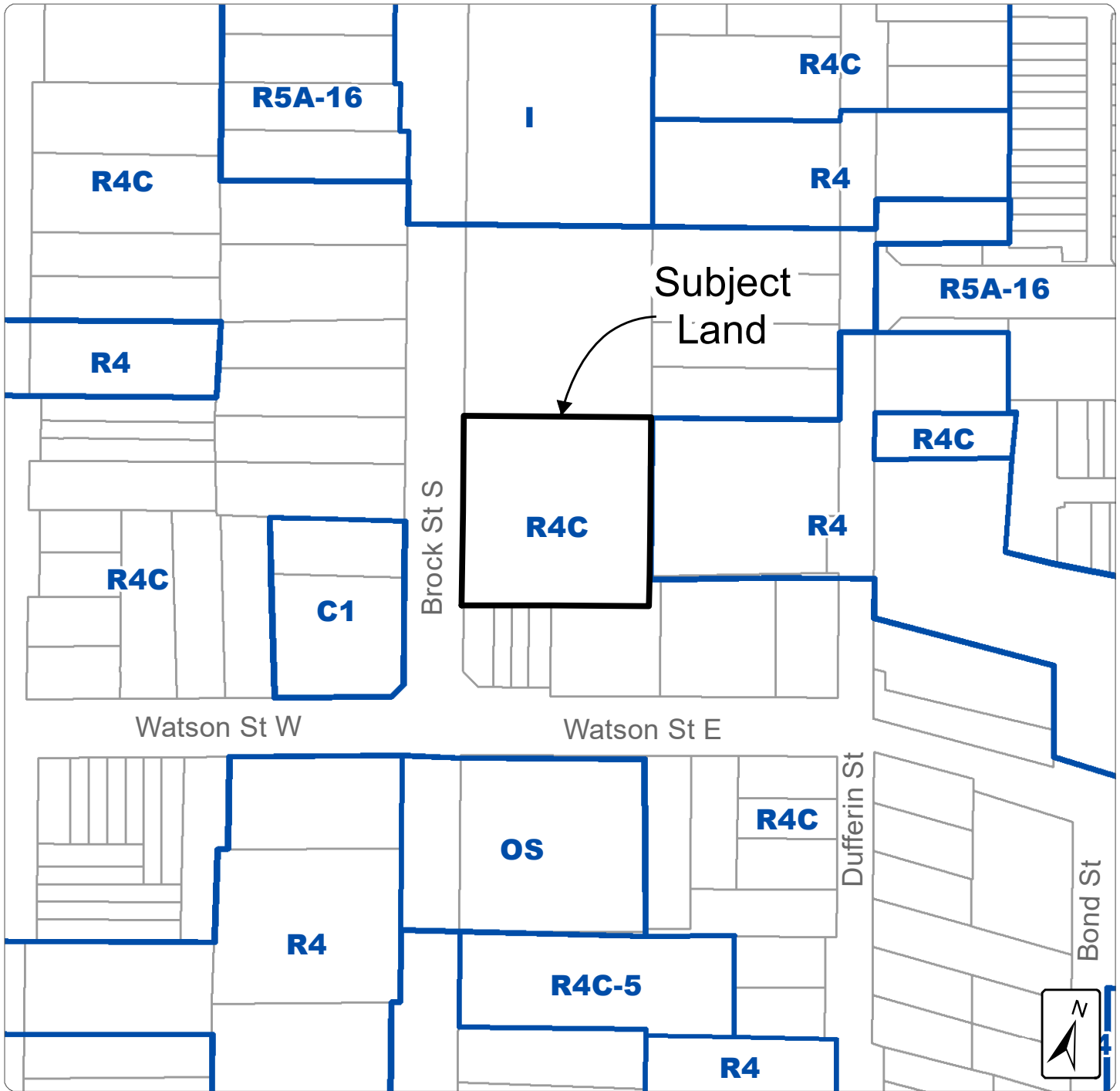


SCHEDULE



# Attachment #7 Excerpt from Zoning By-Law 2585

PDP 49-24



## Town of Whitby Planning and Development Department

Proponent:  
BROOKFIELD RESIDENTIAL (ONTARIO)  
BROCK ST LIMITED

File Number:  
DEV-19-24 (Z-08-24)

Date:  
October 2024

External Data Sources:  
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Attachment #8:  
Public Meeting Minutes  
DEV-19-24 (Z-08-24)

September 9<sup>th</sup>, 2024, Public Meeting

Liam England, Planner I, Current, provided a PowerPoint presentation which included an overview of the application.

Matthew Cory, representing Brookfield Residential (Ontario) Brock St Limited, provided a PowerPoint presentation which included a detailed overview of the application.

The Chair indicated that comments would now be received by members of the public.

Peter Johnson, Resident, raised concerns regarding an increase in traffic congestion and requested information regarding entryway access into the proposed development.

John Bottomley, Resident, requested information regarding the size of the units within the proposed development.

Matthew Cory answered questions regarding:

- details about the entryway into the proposed development and the location of the parking garage access;
- mitigation strategies to minimize traffic resulting from the proposed development; and,
- details about the size of units within the proposed development.

There were no further submissions from the public.



# Attachment #9

## Agency and Stakeholder Detailed Comments

### DEV-19-24 (Z-08-24)

#### Internal Departments

##### Whitby Engineering Services

Please find below Engineering Services' comments on the 1st Submission of the Zoning By-law Amendment for the above noted property.

Engineering Services has conducted a preliminary review of the circulated materials outlined below:

- Architectural Drawing Set, dated March 15, 2024, by Raw Design
- Geotechnical Report, dated August 31, 2022, by DS Consultants Ltd.
- Hydrogeological Report, dated October 5, 2022, by DS Consultants Ltd.
- Functional Servicing and Stormwater Management Report, dated May 2023, by TYLin
- Grading Plan, dated March 21, 2024, by TYLin
- Servicing Plan, dated March 21, 2024, by TYLin
- Erosion and Sediment Control Plan, dated March 21, 2024, by TYLin
- Engineering Cost Estimate, by TYLin

The application seeks to permit the development of back-to-back townhouses with 55 residential units across 2 blocks with one level of at grade parking. The unit mix will be made up of 1 to 3-bedroom suites and two units of retail space at the southwest corner of the site along Brock Street South. The entrance will be off Brock Street via a private lane with loading and garbage pick up located at the rear of the property. Private amenity space is provided through an internal courtyard, balconies, and terraces.

##### Zoning By-law Amendment

The subject land is currently zoned Residential Type 4C, Zoning By-law 2585. The Zoning By-law Amendment is required to permit the proposed mixed-use development.

Engineering Services does not object to the proposed Zoning By-law Amendment application provided that:

- The comments from Transportation Services dated June 21, 2024, are to be addressed to the Town's satisfaction.
  - The number of Accessible Parking space(s) does not align with the site plan on Drawing A200 provided in the Architectural Package. Confirm the number of accessible parking spaces required to support the Town's Zoning By-law. Consistent information is expected to be provided on all drawings.

- Fire Route signage to be installed no more than 30 metres (m) apart and shall be installed at an angle of 30 to 45 degrees to the flow of traffic as per the Ontario Traffic Manual.
- Identify Type A – Van Accessible Parking with appropriate signage on the plan. The number of Van Accessible Parking spaces to be in accordance with the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).
- The number of visitor parking spaces does not satisfy the visitor parking requirements included in the Traffic Impact Study. Provide the accepted number of visitor parking spaces.
- Provide a visual representation of the signage that is expected to be installed to support the visitor parking.
- A revised Pavement Marking and Signage Plan, to the satisfaction of Engineering Services, is required.

### **Informational Comments**

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

The following items are informational and can be addressed through the future Site Plan application process:

1. A Construction Management Report shall be provided as per the Town's Guidelines.
2. Refer to Section J of the Town of Whitby Design Criteria for Site Plan submission requirements.
3. Final stamped and signed retaining wall drawings will be required prior to Building Permit issuance.
4. Address all drawing revision comments outlined in the Pre-Consultation Stage 2 memo and any additional comments from Engineering Services.
5. Provide a Vibration Monitoring Program.
6. Provide a cost estimate using the Town's template. Ensure that watermain and sanitary items are not included.

### **Whitby Fire and Emergency Services**

The fire access route shall be provided in accordance with OBC 3.2.5.4, 3.2.5.5, & 3.2.5.6.

Provide fire access route sign locations as per Town of Whitby Bylaw 4084-97.

Structural engineer shall provide letter confirming that the parking garage is capable of supporting the weight of fire apparatus if fire access route extends over top of it.

Submit a site plan indicating designated fire breaks for review and approval prior to construction.

## **Whitby Financial Services**

The following pertains to Town of Whitby Development Charges only, based on current Provincial legislation and Town of Whitby by-laws (subject to change). Additional information can be found at [https://www.whitby.ca/en/work/development-charges.aspx?\\_mid\\_=3457](https://www.whitby.ca/en/work/development-charges.aspx?_mid_=3457). This development will also be subject to Region of Durham development charges and DDSB/DCDSB education development charges, please reach out to them directly with any questions.

### Development Charges

Will be owing for both the residential and non-residential development. Under Section 26.2 of the Development Charges Act.

- The base DC rate(s) will be set as of the Zoning By-law Amendment application submission date.
- Interest will accrue on the base DC rate(s), from the date of site plan application submission until the date of building permit issuance. Per the DC Act, the interest is set at Prime +1% adjusted quarterly.
- The applicant has 2 years from the date of Zoning By-law application approval to obtain a building permit. Otherwise, Section 26.2 no longer applies, and instead the applicable DC rate(s) are the current posted rates in effect as of the building permit issuance date.

If this development is a condo, development charges are payable prior to the issuance of the 1<sup>st</sup> building permit. If this development is entirely rental housing development charges shall be payable as per Section 26.1 of the DC Act.

If this development includes affordable or attainable units (as defined in Section 4.1 of the DC Act), those units are eligible for DC exemptions.

If this development includes rental housing or institutional development, Section 26.3 of the DC Act allows for development charges to be paid in equal annual installments beginning upon occupancy.

If this development includes rental housing, Section 26.2 (1.1) of the DC Act allow for additional development charge reductions based on number of bedrooms per unit.

If a building is being demolished to make way for this redevelopment, the applicant has 5 years from the date that the demolition permit was issued, to obtain the new building permit to qualify for a redevelopment credit.

### Parkland Dedication / Cash-in-Lieu

Shall be applicable as per the Planning Act and Town of Whitby By-Law for both the residential and non-residential development.

If utilizing a CIL, a land appraisal is required at the cost of the developer and will remain current for a maximum period of one (1) year.

If CIL has previously been applied, a reduction in the amount owing will be applied.

If CIL has not previously been applied, only the incremental residential units are used for the calculation of the CIL value.

## **External Agencies**

### **Durham Region Planning and Economic Development Department & Works Department**

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

The subject site is approximately 0.4 hectares and is located on the east side of Brock Street South, north of Watson Street East. The property is currently vacant.

The proposed zoning by-law amendment application would rezone the subject site to an appropriate zoning category to permit the development of 2 blocks of back-to-back stacked townhouses with a total of 55 residential units and 2 units of retail space with frontage on Brock Street South. The proposed development would have a reported FSI of approximately 2.0, a density of approximately 140 dwelling units per net hectare, and will reportedly achieve a minimum density of approximately 225 residents and jobs per hectare.

#### Regional Official Plan Conformity

The subject site is within a designated Protected Major Transit Station Area (PMTSA), which is also a Strategic Growth Area (SGA).

PMTSAs are to be planned as communities centered around higher order transit services. Permitted uses include medium and high density residential, mixed-use development, compatible employment generating uses including but not limited to office and major office, cultural and entertainment uses, commercial and retail uses, institutional and educational uses including post-secondary facilities, recreational and community amenities such as parks, urban squares, and trail systems.

The PMTSA is planned to achieve a long-term transit supportive density target of 150 people and jobs per gross hectare, measured over the entirety of the area. Developments should contribute to, and not detract from, the long-term density target.

Development within the PMTSA should incorporate transit-oriented development design principles, including orienting development and entrances towards streets, providing active uses and entrances at grade, integrating open spaces, providing a mix of uses, compact built form with higher densities.

The proposed development would provide new higher-density townhouse dwelling units in a mid-rise built form, which is consistent with the requirements for residential development within the PMTSA. The proposed development would also provide limited retail space fronting on Brock Street South, which is a permitted use; however, the

amount of retail frontage proposed appears to fall short of the general intent of the PMTSA policies regarding a mix of uses to support a walkable, transit-oriented, pedestrian friendly public realm. Staff encourage the applicant and the Town to find innovative ways to increase the amount of grade-related non-residential floorspace on the Brock Street South frontage, in order to allow the development to respond to changing market and community needs over time.

#### Conclusion – Regional Official Plan Conformity

The proposed application supports compact built form through residential infilling developments, contributes to providing a mix of housing options for the community, provides limited non-residential uses, and makes efficient use of existing infrastructure.

The Region is generally supportive, however staff note that the proposal is missing an opportunity to support active uses at street-level by including adaptive, accessible, non-residential uses along the entirety of the Brock Street South frontage, as requested by the Town of Whitby. Staff support the Town of Whitby's request, and recommend that the proposal be revised to accommodate non-residential uses along the entirety of the Brock Street South frontage, in support of the goals and objectives of both the Durham and Whitby Official Plans for this area. The Region encourages the applicant and the Town of Whitby to work together to discuss alternative concept plans or conditions that would increase the amount of non-residential frontage and floorspace along Brock Street South.

The proposed application generally conforms with the current ROP and the new ROP.

#### Transit Oriented Development

The Region's TOD Office has reviewed the proposed application and offers the following comments. Please note that some comments may be better suited for the Site Plan stage, but some may affect the zoning, if implemented:

The inclusion of commercial space along the southwestern portion of the site will provide active uses at grade along the street front and provide amenities to the community. It is suggested that, if possible, open space is included adjacent to the commercial space to allow for spillover such as space for a small patio into the streets, further animating the street.

The communal courtyard will provide access to greenspace and a space for communal gathering, increasing socialization and the appeal to get out of the house and walk to various amenities.

Since this proposal is within the Town of Whitby PMTSA and short walking distance to the GO train station and various commercial amenities, conversations between the Town and the applicant should be had on how to reduce vehicle parking spaces and provide a more vibrant proposal with greater open space and access to active transportation connections, such as a multi-use path to replace the existing sidewalk in front of the property.

### Durham Region Transit (DRT)

The above noted file was reviewed from a transit perspective, and Durham Region Transit has no comments.

### Provincial Plans and Policies

#### Provincial Policy Statement and Growth Plan

The Provincial Policy Statement (PPS) and the Growth Plan support efficient land use and development patterns that comprise of an appropriate mix of housing options, including promoting transit-supportive density with Major Transit Station Areas.

The proposed application represents transit-supportive density, supports compact built form, and a mix of housing options.

The proposed application is consistent with the PPS and conforms with the Growth Plan.

#### Delegated Provincial Plan Review Responsibilities

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

#### Regional Works

The Region of Durham Works Department has reviewed the above-noted application and offers the following comments.

#### Transportation

The submission shows the 3 m ROW widening requested in the pre-consultation comments. The ROW widening should be confirmed by R-Plan and should be dedicated free and clear of all encumbrances as a condition of site plan approval.

We generally agree that the Whitby standards for the entranceway is acceptable, including the continuation of the sidewalk through the entranceway and lowered curbs along the edge of pavement. However, Brock Street is a Regional Road and therefore the proposed driveway should reference Regional standards.

An engineering drawing of the entranceway needs to be provided, and it should be constructed to Regional standards for multi-residential use. (40 mm HL3, 50 mm HL8 and 300 mm Gran A).

#### Storm Comments

The release rate to the Brock Street storm sewer is acceptable based on the predevelopment rate. However, the servicing plan proposes a second 200 mm storm sewer connection along the north boundary to the Brock Street storm sewer, which is not typically permitted for site plan developments. Since a 300 mm connection from the underground storage to the Brock Street storm sewer near the south boundary is already proposed, please remove the proposed 200 mm connection from CB 8 to the Brock Street storm sewer and instead connect CB 8 to the internal storm sewer system.

### Additional Comments

An engineering drawing of the entranceway is required and is to be constructed to Regional standards for multi-residential use. (40 mm HL3, 50 mm HL8 and 300 mm Gran A).

As per the Regions "Design Specifications for Service Connections", for storm sewer sizes up to 375 mm, storm service connections shall be made with an approved manufactured tee. As the existing storm sewer is 450 mm in diameter, a maintenance hole is required, and the storm service connection shall connect into the new proposed storm maintenance hole.

As part of the Site Plan Application, the Region will require all engineering comments to be addressed.

The proposed engineering drawing set must meet the Region's satisfaction, and all documents must be received, prior to entering into a servicing agreement with the Region.

### Summary

The Region has no objections to the further processing of the Zoning By-Law Amendment application only. Further comments will be provided on subsequent formal submissions.

# Town of Whitby

## Staff Report

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



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**Report Title: Official Plan Amendment, Draft Plan of Subdivision and Zoning By-law Amendment, Nordeagle Development Ltd., vacant lands north of Victoria Street West, between Montecorte Street and Jim Flaherty Street. File # DEV-03-18 (OPA-2018-W/02, SW-2018-01, Z-08-18)**

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**Report to:** Committee of the Whole

**Date of meeting:** October 21, 2024

**Report Number:** PDP 50-24

**Department(s) Responsible:**

Planning and Development Department  
(Planning Services)

**Submitted by:**

R. Saunders, Commissioner of Planning  
and Development

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

**For additional information, contact:**

B. Anderson, Principal Planner, ext. 2821

L. Riviere-Doersam, Project Manager,  
ext. 2895

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### 1. Recommendation:

1. That Council approve Official Plan Amendment Number #140 to the Whitby Official Plan (OPA-2018-W02), as shown on Attachment #14, and that a By-law to adopt Official Plan Amendment Number #140 be brought forward for consideration by Council;
2. That the Clerk forward a copy of the Planning Report PDP 50-24, two (2) copies of the adopted Amendment, and a copy of the bylaw to adopt Amendment Number #140 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-2018-01), subject to the comments included in Planning Report PDP 50-24 and the conditions of draft plan approval included in Attachment #18;
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 #2585 (File No. Z-08-18), as outlined in Planning Report No. PDP 50-24;
7. That a by-law to amend Zoning By-law #2585 be brought forward for consideration by Council to implement the first Phase of the development;
8. That the By-law(s) to implement subsequent Phases be brought forward for consideration by Council once detailed site plan drawings and a satisfactory Parking rationale have been provided;
9. That the subject site be designated as a Class 4 Noise Area pursuant to Provincial publication NPC-300; and,
10. That notice be provided to adjacent industrial properties advising of Council's designation of the subject site as a Class 4 Noise Area.

## 2. Highlights:

- Applications for an Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision have been submitted by Nordeagle Developments Ltd., for the vacant lands located north of Victoria Street, between Montecorte Street and Jim Flaherty Street (Blocks 1, 2, 3, 4, and 5, Plan 40M-2045).
- If approved, the proposed applications would permit the development of the subject land for a mixed-use development consisting of 7,034 apartment units, 401 hotel suites, 13,327m<sup>2</sup> of Retail Use space, 65,464m<sup>2</sup> of Office Use space, and 36,020m<sup>2</sup> of Conference Use space.
- The Official Plan Amendment application proposes to re-designate the subject land from Prestige Industrial – Business Park to Mixed Use, in order to permit the proposed development.
- The Zoning By-law Amendment application proposes to change the zoning from M1A-LS-N, M1A-LS-N1 and M1A-LS-2 (Lynde Shores Industrial) to appropriate zone categories with site specific provisions to accommodate the proposed mixed-use development.
- The Draft Plan of Subdivision application proposes to create 3 development Blocks, a Park Block, a new Public Street, and 3 Blocks for road widenings.
- The proposed development is consistent with the recently implemented Provincial Planning Statement, as well as the preceding Provincial Policy

Statement and Provincial Growth Plan. The proposed development is in conformity with the Region's new Official Plan (known as Envision Durham). The proposed development would implement Provincial and Regional policy direction for increased heights and density within a delineated Protected Major Transit Station Area (PMTSA) and would significantly contribute to achieving the Town's provincial housing target pledge and mandated Provincial/Regional density targets.

### 3. Background:

#### 3.1 Site and Area Description

The subject land is located on the north side of Victoria Street West, between Montecorte Street and Jim Flaherty Street (refer to Attachment #1). The site has a total area of 16.2 hectares (40.1 acres) and includes lands on both the north and south side of Nordeagle Avenue. The subject land is currently vacant.

The surrounding land uses include the following (refer to Attachment #2):

- A Sobeys distribution warehouse to the north;
- The Iroquois Park Sports Centre and the Abilities Centre to the east;
- Victoria Fields, a Commercial Plaza (known as Whitby Shores Shopping Centre), and existing low and medium density residential development to the south;
- An industrial building, gas bar, and vacant lands located to the west, including lands zoned for a Hotel use.

#### 3.2 Proposed Development and Required Applications

Applications for an Official Plan Amendment, Draft Plan of Subdivision, and Zoning By-law Amendment have been submitted by Nordeagle Developments Ltd. If approved, the applications would facilitate the development of the subject land as a mixed-use community consisting of:

- 7,034 apartment units in mid-rise and high-rise buildings. Most buildings consist of point towers on podiums. Heights range from 2 to 8 storeys for the podium component of buildings and 18 to 41 storeys for the point tower component of buildings. There are also two 4 storey stand alone buildings;
- 401 hotel suites in a 16 storey hotel building;
- 65,464 m<sup>2</sup> (704,468 ft<sup>2</sup>) Office Use space in 4-6 storey office buildings and as part of the podium component of mixed-use buildings;

- 13,327 m<sup>2</sup> (143,450 ft<sup>2</sup>) of Retail Use space, distributed across the subject land as part of the office and convention buildings and within the podium component of mixed use buildings;
- 36,020 m<sup>2</sup> (387,716 ft<sup>2</sup>) Convention Use space in a 4 storey building;
- A 1.48 hectare (3.66 acre) Park Block;
- Privately Owned Public Spaces (POPS) in the form of connected open space areas totaling 2.04 hectares (5.03 acres) and a 0.34 hectare (0.84 acre) Urban Square;
- An “L” shaped Local Road providing a connection between Nordeagle Avenue and Jim Flaherty Street;
- A series of private internal roadways oriented in a grid pattern; and
- Three underground levels which provide elevator access, storage, mechanical rooms and 10,194 parking spaces.

The proposed development concept (refer to Attachment #3) would provide the greatest building height and density focused at the northwest corner of Jim Flaherty Street and Victoria Street West, on either side of a proposed Urban Square, with heights generally decreasing to the northwest. Connectivity is provided throughout the site through a grid pattern of public and private roadways and a connected system of private amenity and public park space.

At grade Retail Space is provided within building podiums fronting public roadways, including Victoria Street West, Jim Flaherty Street, and Nordeagle Avenue. Non-residential uses (office, hotel, conference centre) are provided on the north side of Nordeagle Avenue, creating a separation buffer between the Sobeys distribution warehouse and the residential with associated retail/commercial/office proposed south of Nordeagle Avenue.

An Official Plan Amendment Application has been submitted to redesignate the lands from ‘Prestige Industrial’ on Schedule A and ‘Business Park’ in the Lynde Shores Secondary Plan to ‘Mixed Use’ to allow the proposed mixed-use development on the subject land. Additional site-specific policies would also be required to enable the various proposed uses, building heights and the amount of non-residential floor space for retail, commercial, office, convention centre and hotel uses.

A Draft Plan of Subdivision Application has been submitted which proposes the creation of 3 development Blocks, a Park Block, a new Public Street, and 3 Blocks for road widenings (refer to Attachment #4 for proposed Draft Plan of Subdivision).

A Zoning By-law Amendment has been submitted to change the zoning from M1A-LS-N, M1A-LS-N1 and M1A-LS-2 (Lynde Shores Industrial) to appropriate zone categories to accommodate the proposed mixed-use development.

Given the scale of the proposal, development will take place over time through a series of phases, generally moving from east to west and south to north (refer to Attachment #5). Future Site Plan Applications and Draft Plan of Condominium Applications will be required. Improvements to the active transportation network will also be required (refer to Attachment #6).

### **3.3 Previous Applications and Previous Approvals**

In 2007, applications were submitted to amend the Regional Official Plan, as well as to amend the Whitby Official Plan and Zoning By-law to permit a proposed mixed-use development. The applications were deemed incomplete as they were not accompanied by the required studies. In addition, the applications to amend the Regional Official Plan and Whitby Official Plan were considered employment land conversions which would need to be evaluated in the context of the Region's Growth Plan conformity exercise (then known as "Growing Durham").

The owner appealed the Region's and Town's lack of decision on the site-specific applications and later appealed the Region's Regional Official Plan Amendment (ROPA) 128 and the Town's Official Plan Amendment (OPA 90) (i.e. the Region and Town's Growth Plan conformity amendments). Nordeagle's appeals to ROPA 128 and OPA 90 were ultimately settled and the appeals on the previous site-specific applications were later withdrawn.

The settlement to ROPA 128 and OPA 90 resulted in policies being added to the Region and Town Official Plans which permit higher density, mixed use development on the subject land.

### **3.4 Documents Submitted in Support**

The following reports and studies were submitted in support of the applications:

- Planning & Urban Design Rationale, prepared by Bousfields Inc., dated February 2018 supported by addendum letters dated November 8, 2023 and June 25, 2024. The Planning Rationale provides the opinion that the proposed development implements Provincial, Regional, and Town Policies and represents good planning;
- Master Site Plan, Underground Parking, and Site Statistics detailing the proposed development concept, including the location of buildings, roads, and open space, prepared by BDP Quadrangle Architects Limited. The latest submission of these Plans are dated June 6, 2024 (refer to Attachment #3 for the Master Site Plan);
- A Draft Plan of Subdivision, prepared by Bousfields Inc., the latest submission dated June 20, 2024, illustrating the location and dimensions of

the Park Block, Development Blocks, Public Road, and Road Widening Blocks (refer to Attachment #4);

- Landscape Plans and details, prepared by Studio TLA, latest submission dated May 30, 2024;
- Shadow Study which illustrates the shadow impact of the proposed development prepared by BDP Quadrangle Architects Limited latest submission dated August 2024. The Shadow Study demonstrates that shadows will generally fall to the north and will not impact existing development to the south of the subject land;
- A Plan of Survey prepared by J.D. Barnes Limited dated October 6, 2016;
- An Odour Review Report prepared by RWDI, dated November 20, 2018 which concludes that none of the existing uses in the surrounding area entail significant sources of air contaminants that could lead to odour or other air quality impacts at the proposed development site;
- A Land Use Compatibility Report – Air Quality, prepared by RWDI, dated September 18, 2023 which addressed the Ministry of Environment, Conservation and Parks (MECP's) Land Use Compatibility Guidelines. The report states that the proposed development is compatible with surrounding land uses subject to mitigation measures being implemented for the proposed hotel;
- A Noise Feasibility Study prepared by HGC Engineering, dated February 16, 2018 and updated January 13, 2020, September 21, 2023, May 31, 2024, June 21, 2024, and August 16, 2024 in response to changes to the site plan and comments from the Region of Durham peer review consultant. The Noise Feasibility Study recommends the use of mitigation measures, warning clauses and a Class 4 noise classification in order to meet the Provincial Noise Guideline NPC-300;
- A letter providing information on the potential presence of ammonia used in the cooling system for the adjacent Sobeys property prepared by RWDI, dated July 4, 2024. The letter outlines the responsibility of companies that store large amounts of ammonia to comply with regulatory requirements, including emergency management planning;
- A Functional Servicing Report (FSR), prepared by Valdor Engineering Inc., latest submission dated June 2024. The FSR finds that the site can be serviced by full municipal services (sanitary services, water services, and stormwater management) in accordance with the standards of the Town of

Whitby, Region of Durham, and Central Lake Ontario Conservation Authority;

- A Transportation Study, prepared by R.J. Burnside & Associates, the most recent submission dated November 2023 and supported by an addendum dated June 20, 2024. The Transportation Study projects site generated traffic and assesses the impact and appropriate mitigation measures to manage impacts on the surrounding road network. The report also provides justification for the proposed parking rates;
- A Tree Inventory and Preservation Plan / Arborist Report, prepared by Kuntz Forestry Consulting Inc., dated September 13, 2023, which inventories existing trees on the subject land, all of which are proposed for removal;
- A Phasing Diagram, prepared by BDP Quadrangle, dated July 27, 2024, (refer to Attachment #5);
- A Phase One Environmental Site Assessment (ESA) prepared by WSP, dated March 12, 2018 and a Phase One ESA prepared by McClymont & Rak Engineers Inc., dated September 2023. The Phase One ESA reports assess the site for potentially contaminating activities in order to determine areas of potential environmental concern that would need to be further assessed through a Phase Two ESA report;
- Two Phase Two ESA Reports, prepared by McClymont & Rak Engineers dated October 2019, were initially submitted. Subsequently, a Phase Two ESA Northeast Quadrant of Victoria Street West and Montecorte Street and a Phase Two ESA Northeast Quadrant of Nordeagle Avenue and Montecorte Street, both prepared by McClymont & Rak Engineers Inc., dated November 2023 were submitted. The reports conclude that, based on soil and groundwater testing in accordance with Provincial standards, the site conditions are appropriate for residential development;
- A Stage 1 Archaeological Assessment, prepared by AECOM dated March 2018 which concludes that due to extensive disturbance on the site, and the low-lying permanently wet areas, it no longer contains archaeological potential. The Archaeological Assessment was submitted to the Ministry of Tourism, Culture and Sport who provided their clearance letter in April 2019.
- A Bird Strike Mitigation Memo, prepared by SLR Consulting Canada, dated October 3, 2023, which provides a series of design measures intended to reduce bird collisions with the proposed development;

- A Retail Market Study, prepared by Tate Economic Research Inc., most recent submission dated October 2023, which assesses the suitability of the subject land and market demand for the proposed quantum of retail / service commercial space being proposed. The report concludes the proposed retail space will not have a negative impact on the Downtown Whitby Central Area;
- An Environmental Impact Statement (EIS), prepared by RJ Burnside, dated September 22, 2017. The EIS reviews the Applicable Provincial, Regional, and Town policies, characterizes the features and vegetative communities on the site, and assesses the impact of the proposed development on threatened and endangered species. The report finds the existing pond areas on the site are of low ecological value and concludes that provided the recommended mitigations outlined in the report are implemented, the proposed development is in alignment with applicable natural heritage policies and legislation;
- High-Density Residential Market and Economic Impact Assessment, prepared by N. Barry Lyon Consultants Limited, dated March 2018. The report measures the economic impact of the proposed development and concludes that it would have a beneficial impact on the Town, Region and Province;
- A Preliminary Geotechnical Report prepared by WSP, dated June 1, 2017, and an Initial Geotechnical Report, prepared by McClymont & Rak Engineers Inc., dated August 2023. These reports broadly examine the subsoil conditions of the site and provides recommendations for the design and construction of the proposed development;
- An Initial Hydrogeological Assessment, prepared by McClymont & Rak Engineers Inc., dated August 2023 which examines the groundwater conditions of the site and provides preliminary design and construction recommendations for the proposed development;
- Whitby Green Standard Checklist, dated October 25, 2023, which identifies how the proposed development implements the Whitby Green Standard;
- Urban Design Plan, prepared by Bousfields Inc, most recent submission dated August 2024, which reviews the applicable policy framework and surrounding built context, establishes design principles, evaluates development concept options, and outlines design strategies to guide the future detailed design of the site.

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

##### **4.1 Planning Act**

The Planning Act is provincial legislation that sets out the basis for land use planning in Ontario. Municipal planning processes and decisions must adhere to the requirements of the Planning Act.

The Planning Act enables upper-tier municipalities to delineate Protected Major Transit Station Areas (PMTSAs) and further indicates that Regional Official Plans must include relevant PMTSA policies. PMTSA policies, at a minimum, must identify the minimum number of residents and jobs per hectare, the minimum residential densities with respect to buildings and structures on lands in the area, and specify the permitted uses.

The Planning Act requires lower-tier Official Plans to be amended within one (1) year of the Regional Official Plan coming into effect regarding PTMSAs.

Recent amendments to the Planning Act (16(22) and 34 (1.1)) prohibit the Town from establishing minimum parking standards / requirements in the Town's Official Plan and Zoning By-law for lands within the Whitby PMTSA.

##### **4.2 Provincial Policy Statement and the Provincial Growth Plan for the Greater Golden Horseshoe**

The Provincial Policy Statement sets the policy foundation for land use planning across Ontario. The Provincial Policy Statement contains three major policy themes of Building Strong Healthy Communities, Wise Use and Management of Resources, and Protecting Public Health and Safety.

The Province's Growth Plan for the Greater Golden Horseshoe (Growth Plan) establishes long-term direction for where and how communities should grow. The Growth Plan emphasizes an intensification first approach to city-building and includes polices focused on optimizing the use of land and infrastructure.

The applications were reviewed and found to implement the policy directions of the Provincial Policy Statement and the Provincial Growth Plan. On August 20, 2024, the Province released a new "Provincial Planning Statement 2024", which replaces the Provincial Policy Statement and Growth Plan.

##### **4.4 Provincial Planning Statement**

The Provincial Planning Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. It replaces the previous Provincial Policy Statement and Growth Plan and came into effect on October 20, 2024.

The new PPS directs where and how population and employment growth should occur in the Province of Ontario. Broadly speaking, growth is directed to settlement areas, and within settlement areas growth and development is to be focused within Strategic Growth Areas (SGAs) which includes Major Transit Station Areas (MTSAs), such as the Whitby Protected Major Transit Station Area.



Policies for SGAs (which include MTSA) state that they are to be planned for significant population and employment growth. Further, SGAs are to be planned as focal points for education, commercial, recreational and cultural uses, are to accommodate and support the transit network, and are to support affordable, accessible, and equitable housing. Planning authorities are to permit development and intensification in SGAs to support the achievement of complete communities and compact built form.

The PPS includes specific policy directions for MTSA. This includes establishing a minimum density target of 150 people and jobs per hectare for the Whitby MTSA. Municipalities are encouraged to promote intensification and development within MTSA by planning for land uses and built form that supports achievement of the minimum density target and by supporting redevelopment of surface parking areas.

The new PPS provides updated policies related to Employment Areas and Employment Uses. Planning authorities are required to plan, protect, and preserve employment areas for current and future uses. This is to be achieved by prohibiting residential uses, commercial uses, public service facilities and other institutional uses, prohibiting retail and office uses that are not associated with the primary employment use, prohibiting other sensitive land uses, and including an appropriate transition to adjacent non-employment areas to ensure land use compatibility and economic viability.

To achieve Land Use Compatibility, the PPS requires major facilities and sensitive land uses to be planned and developed to avoid, or where avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise, and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

#### **4.4 Region of Durham Official Plan - 'Envision Durham'**

Under the Region's previous Regional Official Plan (ROP), the subject lands were designated as Employment Areas and subject to Policy 8C.3, which enabled the development of an integrated, higher density, mixed use development including residential, office, commercial and business park uses on the lands bounded by Victoria Street, Gordon Street (now known as Jim Flaherty Street), Montecorte Street, and Nordeagle Avenue. Policy 8C.3.1 further states that the extent and scale of development shall be determined in the area municipal Official Plan and shall require the completion of studies to the satisfaction of the Region and Town which address a number of issues.

On September 3, 2024 the Province of Ontario approved, subject to modifications, the Region of Durham's new ROP, known as Envision Durham. The subject land is located within the Whitby Protected Major Transit Station Area (PMTSA), as shown on Map 1 (refer to Attachment #9) which is also a Strategic Growth Area (SGA).

PMTSAs are to be planned as communities centered around higher order transit services. Permitted uses include medium and high density residential, mixed-use development, compatible employment generating uses including but not limited to office and major office, cultural and entertainment uses, commercial and retail uses, institutional and educational uses including post-secondary facilities, recreational and community amenities such as parks, urban squares and trail systems. The PMTSA is intended to be planned for a minimum transit supportive density of 150 people and jobs per hectare. Previous Policy 8C.3 has been transitioned into the new ROP through the inclusion of Policy 10.3.8.

The proposed development, including the range of uses and proposed densities, conforms with the new ROP policies and permissions for PMTSAs.

#### **4.5 Town of Whitby Official Plan, Lynde Shores Secondary Plan, and PMTSA OPA**

The subject land is designated as Prestige Industrial, with a portion of the site within the Community Central Area Boundary, as shown on Schedule A of the Whitby Official Plan (refer to Attachment #10). The subject land is designated as Business Park within the Lynde Shores Secondary Plan, as shown on Schedule G (refer to Attachment #11). The Business Park designation permits research, development and information processing establishments, corporate head offices or major regional branch offices, training facilities, communication production uses, pharmaceutical, and light manufacturing / distribution of high value and high technology products.

Policy 11.2.6.7 allows for lands within the Community Central Area to be developed for additional uses, including business, medical, and professional offices, financial institutions, restaurants, fraternal organizations, and limited service commercial uses serving the Business Park. Building heights fronting Victoria Street West and Jim Flaherty Street are to be between 3 and 8 storeys. An exception within policy 11.2.6.7 permits an office building located at the northeast corner of Victoria Street West and Montecorte Street with a height between 3 and 20 storeys.

Through an OMB settlement of Nordeagle's appeal on OPA 90 (the Town of Whitby's Growth Plan conformity amendment), a site-specific exception policy 4.6.5.9 (renumbered as Policy 4.7.5.2 by OPA 105) was added to the industrial policies which reflects the same intent as the Regional policy 8C.3.1 (now 10.3.8).

Policy 4.7.5.2 reads as follows:

"Notwithstanding the policies of this Plan to the contrary, and in accordance with Policy 8C.3.1 of the Durham Regional Official Plan, an integrated, higher density, mixed-use development including residential, office, commercial and business park uses, is permitted within the area bounded by Victoria Street, Gordon Street, Montecorte Street, and Nordeagle Avenue. The extent and scale of development shall be determined through the completion of studies to the satisfaction of the

Region and Municipality to support an amendment to the Lynde Shores Secondary Plan, which shall address the following:

- a) the determination of an appropriate range of permitted uses within the mixed-use development area that are compatible with uses on adjacent lands that are existing and permitted in accordance with the Lynde Shores Secondary Plan;
- b) the compatibility of land uses, which shall include the provision of a transition area between any residential or other sensitive uses and Business Park uses adjacent to the mixed-use development area. The transition area may include the parcel immediately north of Nordeagle Avenue, identified by Assessment No. 18-09-020-002-70445;
- c) an analysis of the appropriate height, density, massing, and built form for the mixed-use development area, and the delineation of the boundaries of the transition area;
- d) an urban design plan;
- e) an analysis of the impacts on the surrounding community, including noise, environment, air quality, and market;
- f) a phasing plan to address the availability of servicing; and,
- g) any other relevant matters and policies of this Plan.

Victoria Street is identified as an Intensification Corridor on Schedule B – Intensification of the Town of Whitby Official Plan. Lands fronting Intensification Corridors are intended to achieve a long-term overall density target of at least 60 residential units per gross hectare and an overall long-term floor space index target of 2.5. Building heights of 2-8 storeys are permitted within Intensification Corridors and heights of up to 12 storeys may be considered for appropriate sites.

An amendment to the Lynde Shores Secondary Plan is required in order to permit the proposed development. The Draft Proposed Amendment would re-designate the subject land to a Mixed-Use designation with site specific policies to permit the proposed uses, building heights, and densities. Lands north of Nordeagle Avenue include specific policies to limit their use to Hotel, Office, and Convention Centre uses, along with ancillary retail uses, while prohibiting residential uses.

The subject applications are proceeding in advance of the Town's recently commenced Official Plan Review. Through the Town's Official Plan Review, there will be consideration of appropriate increases in height and density within the Whitby PMTSA as a whole, to be consistent with, and in conformity to the new PPS and the new Envision Durham ROP. The approval of the subject applications will both inform and complement the Town's Official Plan Review process.

#### 4.6 Zoning By-law

The subject land is zoned Prestige Industrial (Business Park) Node (M1A-LS-N), Prestige Industrial (Business Park) Node Exception 1 (M1A-LS-N-1) and Prestige Industrial (Business Park) Exception 2 (M1A-LS-2), Zoning By-law 2585 (refer to Attachment #12).

The current zoning permits a variety of business park uses such as office, light manufacturing, research and development, commercial or technical school, and ancillary warehousing. Residential uses are currently prohibited.

An amendment to the Zoning By-law is required to permit the proposed development. Appropriate Zone Categories will be established to permit the mixed-use components of the development. Site specific provisions will be required to permit the proposed building height, density, setbacks, proposed parking, and other elements that are determined to require relief from the parent Zoning By-law provisions.

Town staff continue to work with the applicant on an acceptable approach to managing parking for the proposed development. As noted in Section 4.1 of this report, changes to the Planning Act would prevent the establishment of minimum parking requirements in the implementing Zoning By-law for lands located within the PMTSA.

#### 4.7 School Site

The Durham District School Board (DDSB) has advised that the proposed development, and other nearby developments in the Port Whitby area, trigger the requirement for an elementary school to accommodate projected school enrolment. The need for a new school is anticipated sometime after the first phase of development (i.e. the first two residential buildings) are completed.

Discussions took place with the applicant, DDSB, and Town staff to consider different options to address the need for a school site. The potential for an urban format school located in the base building of a residential tower and/or office building was explored, as was identifying a suitable location for a traditional stand-alone school site. The DDSB typically requires a roughly 3-hectare (7.5 acre) parcel to accommodate a traditional format elementary school building with associated parking, expansion areas for portables and future building additions, and outdoor play space.

A site large enough to accommodate a traditional school building was identified on other lands owned by the applicant, at the northeast corner of Nordeagle Avenue and Jeffery Street. Through the Provincial approval of Envision Durham, these lands, along with other surrounding lands, have been re-designated from Employment Areas to Community Areas. The re-designation of these lands will allow future amendments to the Town's Official Plan and Zoning By-law to permit the development of a school as part of the broader planning for this area as a residential/mixed-use community. The exact size and configuration of the school block is still being evaluated.

A policy has been included in the implementing Official Plan Amendment to reflect the need for a school site. The policy requires an adequately sized school site to be identified and protected for, to the satisfaction of the DDSB, before Phase 2 or any subsequent phases that include residential uses can proceed. Similarly, a Holding Provision will be included in the implementing Zoning By-law for Phase 2 and any subsequent phases that include residential uses. Attachment #13 provides an illustration of the lands that will be held until such time as an adequately sized school site is identified/protected for.

Should further due diligence determine the site at the northeast corner of Nordeagle Avenue and Jeffery Street is unsuitable for a school site, the applicant will be required to determine a different site that is acceptable to the DDSB and Town.

#### **4.8 Composite Transportation Management Plan**

The Engineering Services Division has provided a Composite Transportation Component Plan to identify the anticipated locations of traffic infrastructure, including sidewalks, traffic calming, potential traffic signals, and on-road cycling facilities (refer to Attachment #6). These elements will be further refined and implemented through the future detailed engineering design process.

#### **4.9 Land Use Compatibility (Noise, Odour, Land Use Separation)**

In order to address ROP and Town Official Plan policies, studies related to land use compatibility were undertaken by the applicant. This includes an Odour Review Report prepared by RWDI (November 20, 2018). The Region of Durham had this report peer reviewed, and subsequently a Land Use Compatibility Report – Air Quality, also prepared by RWDI (September 18, 2023), was submitted and subject to a peer review.

The 2023 Land Use Compatibility Report concluded that there were no land use compatibility concerns between the existing industrial buildings and the proposed residential / mixed use development. Air quality concerns related to the proximity of the proposed development to the CN/Metrolinx railway corridor and Highway 401 were identified, however mitigation measures were recommended for the proposed hotel to reduce the potential impacts. The Region's peer reviewer concurred with the recommendations of the RWDI Land Use Compatibility Report and confirm the report was complete, accurate, and complies with Federal, Provincial, Regional and Town policies and regulations.

A Noise Feasibility Study prepared by HGC Engineering, dated February 16, 2018 and updated January 13, 2020, September 21, 2023, May 31, 2024, June 21, 2024 and August 16, 2024 were submitted in support of the applications. A peer review of the noise studies was conducted by the Region of Durham to ensure that the Provincial Noise Guideline, NPC-300, was met. The Noise Feasibility Report addressed both transportation noise sources such as the railway corridors, Highway 401 and Victoria Street as well as stationary noise sources such as the Sobey's distribution warehouse.

When undertaking a Noise Assessment, the acoustical engineer must determine the “Class” of the surrounding noise environment as defined by NPC-300. Class 1, for example, refers to an urban area where the background sound level is dominated by the activities of people and road traffic, whereas Class 3 refers to rural areas where the surrounding noise environment consists of natural sounds with little or no road traffic. NPC-300 outlines different maximum sound level limits for sensitive land uses based on the Class of the surrounding area. The sound level limits are based on the principal that sound will be less noticeable and disruptive in an urban environment which has a higher “background” noise level than in a quieter rural environment.

The concept of Class 4 Noise Areas was introduced by the Ministry of Environment in 2013. It is intended to allow for residential infill / redevelopment in proximity to lawfully established stationary noise sources, such as industry, while still establishing an acceptable sound level limit. Class 4 Noise Areas are areas dominated by an “urban hum”, have higher sound level limits, and allow for additional mitigation measures such as closed windows and provision of air conditioning with associated warning clauses to advise potential purchasers of these conditions. Class 4 Areas must have formal designation by Council and Provincial Guideline NPC 300 recommends that surrounding industrial uses be informed of the designation.

The Region’s peer review consultant concurred with the recommendations of the Noise Feasibility Report which included mitigation measures for the proposed development, the use of warning clauses, and classifying the site as a Class 4 Noise Area. Staff agree that the subject land meets the intent of the Class 4 Noise Area as set out in NPC-300 and this report includes the necessary recommendations for Council to designate the site and notify adjacent industries.

#### **4.10 Phasing**

The proposed development will be constructed in phases, generally moving from east to west (refer to Attachment #5).

Through ongoing discussions with the applicant, several revisions to the proposed phasing plan will be made to address Town comments. This includes advancing the delivery of the Park Block to base park conditions earlier in the development process (revise to Phase 6, currently shown as Phase 15).

Planning staff also requested that the construction of the Urban Square at the northwest corner of Jim Flaherty Street and Victoria Street West be completed as part of the first Phase of development (currently shown as part of Phase 3). The applicant advised that delivery of the full Urban Square would require that the underground parking beneath it would also need to be constructed, adding significant cost to the first Phase of development. Further, the Urban Square lands would be needed for construction staging of future phases of development. Accordingly, staff have agreed that interim enhancements of the Urban Square lands would be sufficient to clean up and address the intersection on a temporary basis, until Phase 3 of the development is underway.

The above noted adjustments to the Phasing of development are reflected as proposed Conditions of Draft Plan Approval in Attachment #18.

#### **4.11 Conclusion**

The proposed development of the subject land has a long history. The conversion of the subject land from Employment Areas through a site-specific policy exception to permit residential uses was established through previous OMB settlements and is reflected in the Regional and Town of Whitby Official Plans.

The proposed development prioritizes intensification, transit-supportive development, and higher densities within the Whitby PMTSA and takes advantage of existing infrastructure and public services facilities. The intensity of the proposed development will offset land intensive, lower density uses in the PMTSA such as the Abilities Centre, Iroquois Sports Centre, and existing low density-built areas, significantly contributing to the achievement of the minimum required density target of 150 residents and jobs combined per hectare which is measured across the PMTSA. Further, the proposed development demonstrates land use compatibility and provides for transition between existing non-residential uses and proposed sensitive/residential uses. The proposed development is consistent with the policies of the Provincial Planning Statement.

The proposed development conforms to and is consistent with the new Regional Official Plan (Envision Durham). The proposed development will establish a dense, mixed-use, urban community within walking distance to the GO Station and other transit options and will significantly contribute to achieving the long term PMTSA minimum density target of 150 persons and jobs per hectare. Further, the proposed development has implemented the requirements of site-specific Policy 10.3.8 of the ROP.

The proposed development implements the site-specific Whitby Official Plan, policy exception 4.7.5.2 which enables the consideration of a higher density, mixed-use development on the subject land. The proposed development would add a significant supply of new housing stock and expand the range of housing options available in the Town and Region to meet the projected needs of current and future residents. Additionally, the proposed development will contribute to achieving the Province's allocation and the Town's pledge of 18,000 new units by 2031.

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.

It is recommended that Council approve the Draft Proposed Official Plan Amendment #140 (refer to Attachment #14), as well as approve the Draft Plan of Subdivision and Zoning By-law Amendment Applications.

## 5. Financial Considerations:

With each new subdivision development approved by the Municipality, the Town of Whitby assumes assets requiring regular operational maintenance and eventually capital replacement. The following assets will be generated as a result of the subdivision and included in the Town's Asset Management Plan. The Capital replacement and annual operating costs would be included in future budgets. Further details regarding infrastructure costs would also be identified in the Financial Services Asset Management annual report.

Asset	Quantity
Roads	0.752 lane-km
Sidewalks/Multi-use paths	0.752 km
Storm Sewers	0.376 km
Local Park	1.484 km

## 6. Communication and Public Engagement:

A Public Meeting was held on June 11, 2018, in accordance with the Planning Act. This meeting provided the public and interested persons and agencies the opportunity to make representation in respect of the proposed development and Planning Act Applications. The meeting minutes are included in Attachment #15. Several members of the public spoke at the public meeting.

Concerns raised at the Public Meeting include the following:

- increased traffic and the inability of the existing and future road network to accommodate increased traffic generated by the development;
- timing of various transportation related upgrades to accommodate traffic;
- increased noise levels;
- the number of new residents/increased density;
- lack of health care / hospital, fire and emergency services in the area, emergency situation concerns (i.e. rail car derailment);
- impacts to wildlife;
- concerns related to parking / lack of parking; and
- Impact to property values.



Written correspondence was also received, which reiterated the concerns expressed at the Public Meeting, while also identifying the following additional concerns:

- Appropriateness / compatibility of high rise office / residential buildings with surrounding community, loss of privacy;
- School capacity / lack of new school;
- Air quality / increased temperatures;
- Development potential of additional lands owned by the applicant and the ultimate density / population; and
- Transit (GO Train) capacity.

All individuals who registered as an Interested Party at the statutory public meeting and any individual that provided written correspondence to the Town requesting further notice have been provided with notice of the October 21, 2024, Committee of the Whole Meeting.

The oral and written submissions by the public have been considered in determining the recommendation for approval of the proposed Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision applications. The following concerns raised above have been considered as follows:

- The concept of a higher density, mixed-use development on the subject land has been contemplated for many years and is enabled by site specific exception policies in the Region and Town Official Plans;
- The subject land is located within the Whitby Protected Major Transit Station Area. Provincial and Regional policies for MTSA's direct they are to be focal points for increased heights and densities and designed to be transit oriented and less car dependent. The proposed development embodies these directives by creating a compact, high-density development within the MTSA boundary, clustering heights and densities in proximity to existing bus transit stops along Victoria Street and providing for a grid pattern of public streets and private laneways which enable a high degree of connectivity and pedestrian permeability;
- Reduced Parking in PMTSA's rates is consistent with Provincial Legislation and Policy;
- Increased use of transit and active transportation modes such as walking and cycling, along with modification to traffic signal timings, is expected to lessen the impacts to area traffic conditions. The proximity of the Whitby

GO Station and the multi-use path network supports increased active modes transportation/pedestrian use in the area;

- The proposed development is separated from existing residential development to the south by Victoria Street West, a Type A Arterial with a 40m right-of-way. Further buffering is provided through intervening land uses such as the Whitby Shores Shopping Centre and Regatta Crescent and private roads/laneways serving as window roads. Further, the submitted Shadow Study indicates there is no shadow impact on existing residential uses;
- Impact on Natural Heritage Features / System were evaluated through an Environmental Impact Statement (EIS). The existing ponds located on the site are the result of previous land clearing and roadwork that was undertaken when the lands were initially graded / prepared for an industrial plan of subdivision. The ponds were determined to not have significant ecological value. The EIS provides mitigation measures to relocate wildlife;
- The applications were circulated to Whitby Fire and Emergency Services for review and comment. The proposal is required to accommodate fire routes and hydrants. These details will be further evaluated through subsequent Site Plan Applications;
- The Central Lake Ontario Conservation Authority have reviewed the supporting documents and have provided comments and conditions in support of the proposal advancing;
- A noise study was submitted in support of the application and peer reviewed by a professional noise consultant. The noise study has been deemed acceptable; and,
- The need for a school has been acknowledged and various options to accommodate a school have been explored. The use of Official Plan policy and a Holding Provision in the implementing By-law will require an adequate school site is identified and protected for before Phase 2 or any other subsequent phase of development can proceed.

## 7. Input from Departments/Sources:

The following agencies have reviewed the applications have no objection:

- Town Finance;
- Canada Post;
- Durham Catholic District School Board;
- Durham Regional Police Services;
- Enbridge;
- Elexicon;
- Hydro One;

- Ministry of Transportation Ontario;
- Rogers Communication; and
- Bell.

## **Internal Departments**

### **Community Services – Parks Planning and Development Division**

Parks staff have provided supportive comments on the applications, subject to Conditions of Draft Approval. Refer to Attachment #17 for detailed comments and Attachment #18 for Conditions of Draft Plan Approval.

### **Engineering Services**

Engineering Services have provided comments indicating support for approval of the applications, subject to their comments being addressed and their Conditions of Draft Plan Approval.

Engineering Services require minor revisions to the Draft Plan as well as the submission of satisfactory Traffic Impact Study (TIS) to address parking and other items.

Informational comments, which can be addressed through the Subdivision Agreement process were also provided.

Refer to Attachment #17 for detailed comments and Attachment #18 for Conditions of Draft Plan Approval.

### **Strategic Initiatives**

Strategic Initiatives staff have provided comments indicating support for the development from an Economic Development perspective.

Strategic Initiatives staff also identify a number of updates that are required to the Whitby Green Standard Check List and the submission of a Sustainability Report to address their comments. Further, comments are provided on the opportunity for public art to be incorporated as a component of the development. Refer to Attachment #17 for detailed comments.

### **White Fire and Emergency Services (WFES)**

WFES provided comments requesting additional information related to fire hydrant spacing, private laneways/fire routes, and fire breaks. WFES advise that further review will be conducted through future Site Plan Application(s). Refer to Attachment #17 for detailed comments.

## **External Agencies**

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

Comments provided by CLOCA indicate they are supportive of the approval of the applications, subject to Conditions of Draft Plan Approval. CLOCA advises that a permit from their office will be required prior to any site alteration / development

within 30 metres of the wetlands identified in the EIS. Refer to Attachment #17 for detailed comments and Attachment #18 for Conditions of Draft Plan Approval.

### **CN Rail**

CN Rail staff provided comments with respect to the submitted noise study and requirement for upgraded building materials for the hotel building. They also provided a related warning clause. Refer to Attachment #17 for detailed comments.

### **Durham District School Board**

The Durham District School Board (DDSB) provided comments discussing the need for a school site to serve the proposed development. DDSB comments go on to state they are supportive of the proposed development proceeding, subject to their request that Official Plan policies require a Holding symbol in the implementing zoning by-law related to the need for a school site. DDSB further clarifies that their request would not apply to the first phase of development (the first two towers).

Refer to Attachment #17 for detailed comments and Attachment #18 for Conditions of Draft Plan Approval.

### **Metrolinx**

Metrolinx staff provided comments indicating that an update to the Noise Study will be required to incorporate more up to date rail traffic and to include a warning clause related to proximity to the rail right of way. Metrolinx also requires the inclusion of an environmental easement for operational emissions for all uses within 300 metres of the rail right of way.

Metrolinx advises that its comments/conditions are to be addressed prior to future Site Plan Approval. Refer to Attachment #17 for detailed comments.

### **Region of Durham**

The Region of Durham provided comments indicating that the proposed development appears to conform with the new Regional Official Plan. Accordingly, The Region has exempted the Area Municipal Official Plan component of the application from Regional approval.

Refer to Attachment #17 for detailed comments and Attachment #18 for Conditions of Draft Plan Approval.

## **8. Strategic Priorities:**

The development review process has provided an opportunity for public and agency input. The realization of a higher density mixed-use development on the

subject land will contribute to meeting the priorities of the Community Strategic Plan, specifically:

- Action Item 1.3.4 under Pillar 1: Whitby's Neighbourhoods by contributing to the diversity of the Town's housing options;
- Action Item 3.1.2 Under Pillar 3: Whitby's Economy by providing for office and retail space which will expand Whitby's commercial tax base;
- Action Item 3.2.1 Under Pillar 3: Whitby's Economy the proposed development will provide for hotel and convention centre uses;

## 9. Attachments:

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Proponent's Master Site Plan Concept

Attachment #4: Proponent's Draft Plan of Subdivision

Attachment #5: Proponent's Phasing Plan

Attachment #6: Composite Transportation Component Plan

Attachment #7: Rendering of Proposed Development Looking Southeast

Attachment #8: Rendering of Proposed Development Looking Northwest

Attachment #9: Excerpt from Envision Durham Map 1

Attachment #10: Excerpt from Whitby Official Plan Schedule A – Land Use

Attachment #11: Excerpt from Whitby Official Plan Schedule G – Lynde Shores Secondary Plan

Attachment #12: Excerpt from Zoning By-law 2585

Attachment #13: Lands to be subject to Holding Provision

Attachment #14: Draft Proposed Official Plan Amendment #140

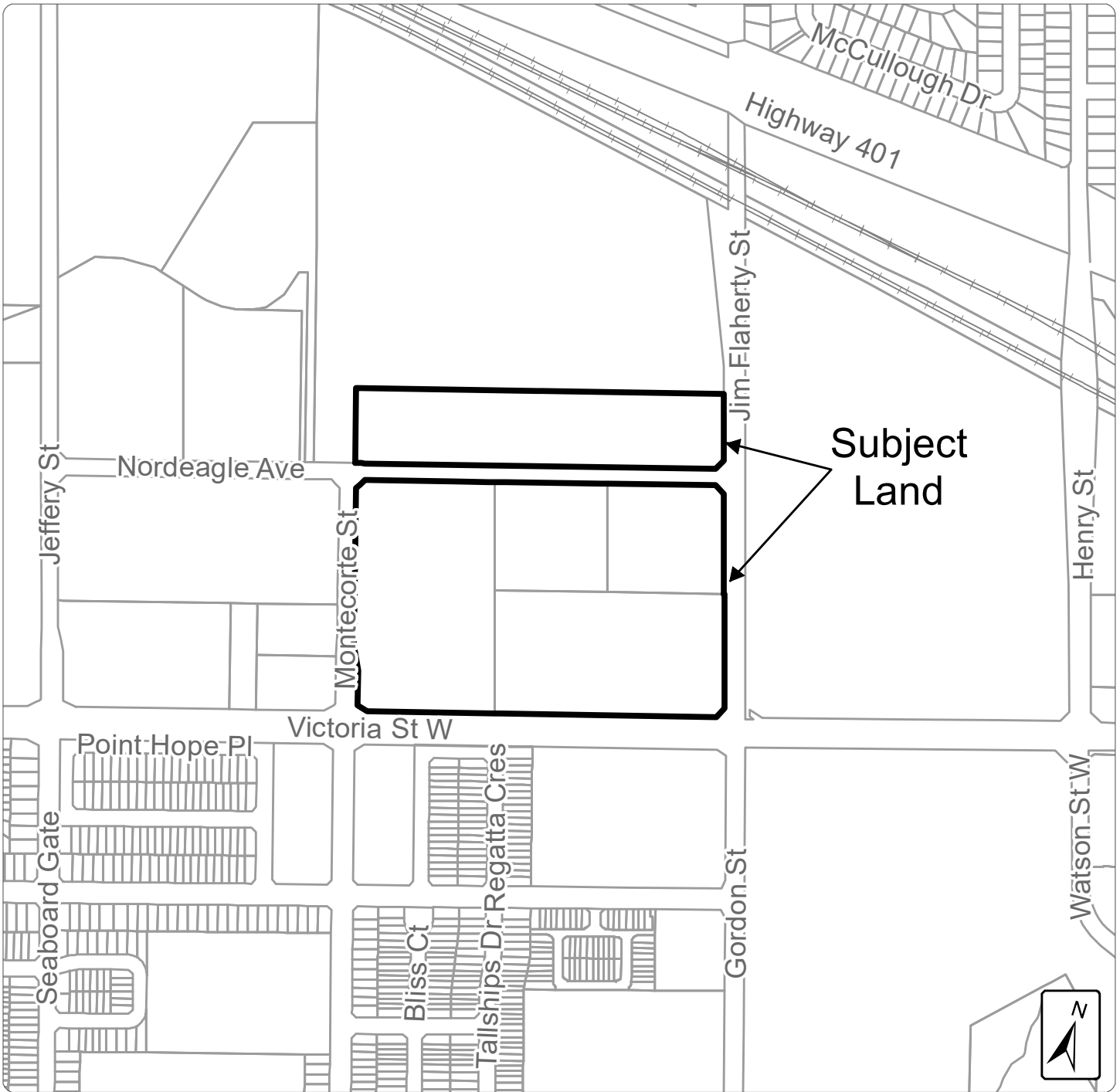
Attachment #15: Excerpt from Public Meeting Minutes, June 11, 2018

Attachment #16: Summary of Written Public Submissions

Attachment #17: Detailed Agency and Department Comments

Attachment #18: Proposed Conditions of Draft Approval

# Attachment #1 Location Sketch



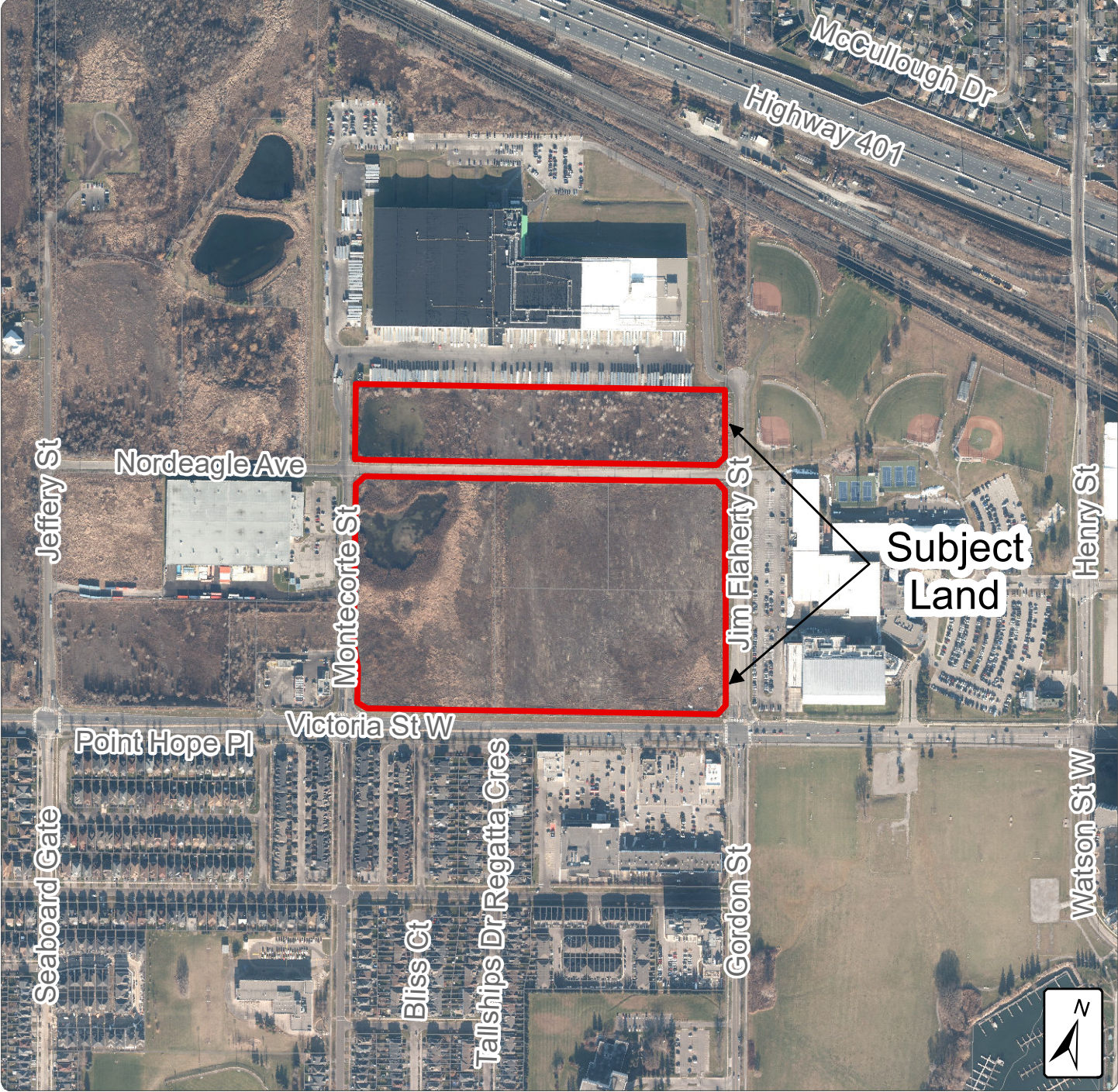
 **Town of Whitby Planning and Development Department**


<b>Proponent:</b> Nordeagle Developments Ltd.	<b>File Number:</b> DEV-03-18 (OPA-2018-W/02, SW-2018-01, Z-08-18)	<b>Date:</b> October 2024
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# Attachment #2 Aerial Context Map



 **Town of Whitby Planning and Development Department**

Proponent:  
**Nordeagle Developments Ltd.**

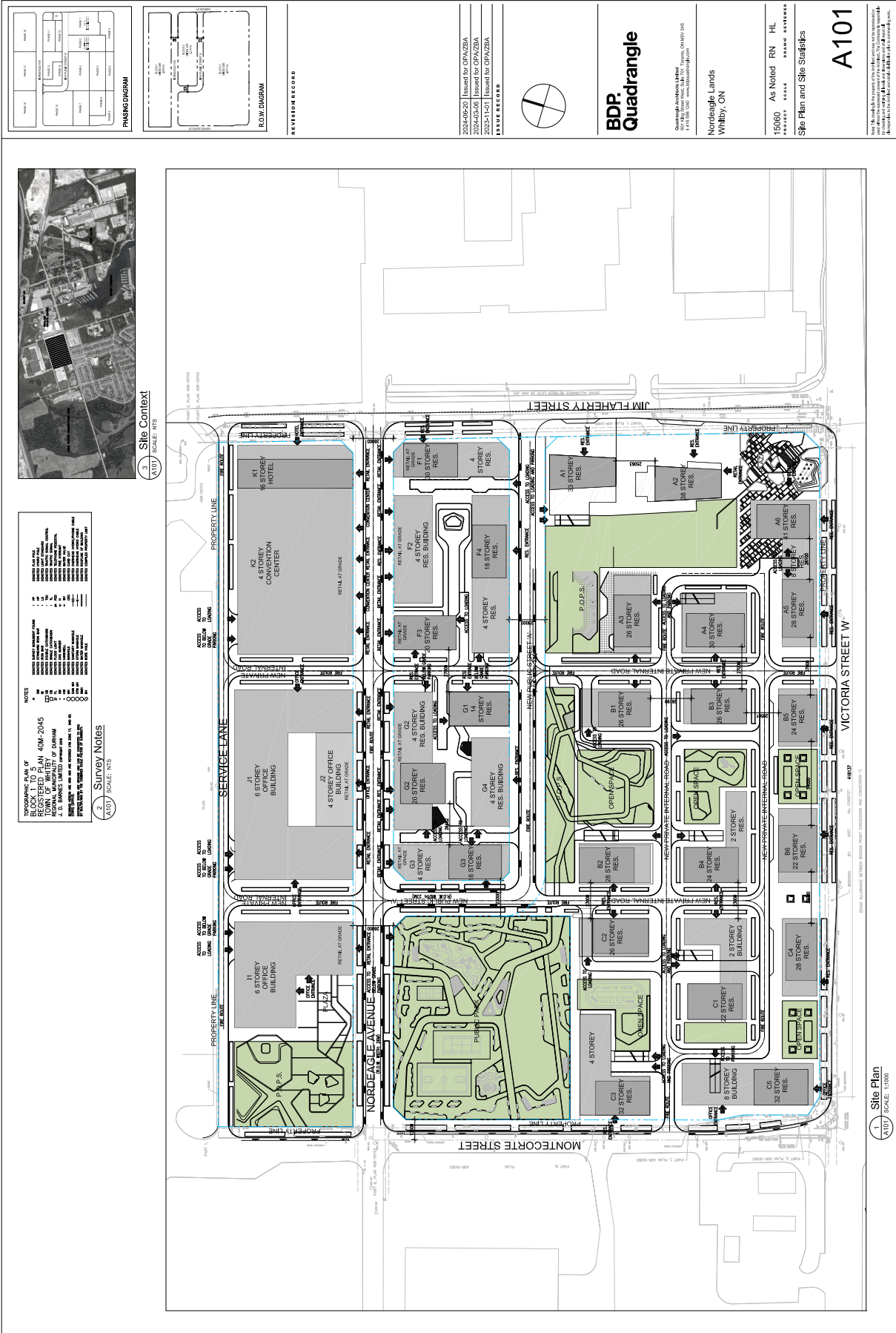
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**DEV-03-18 (OPA-2018-W/02,  
SW-2018-01, Z-08-18)**

Date:  
**October 2024**

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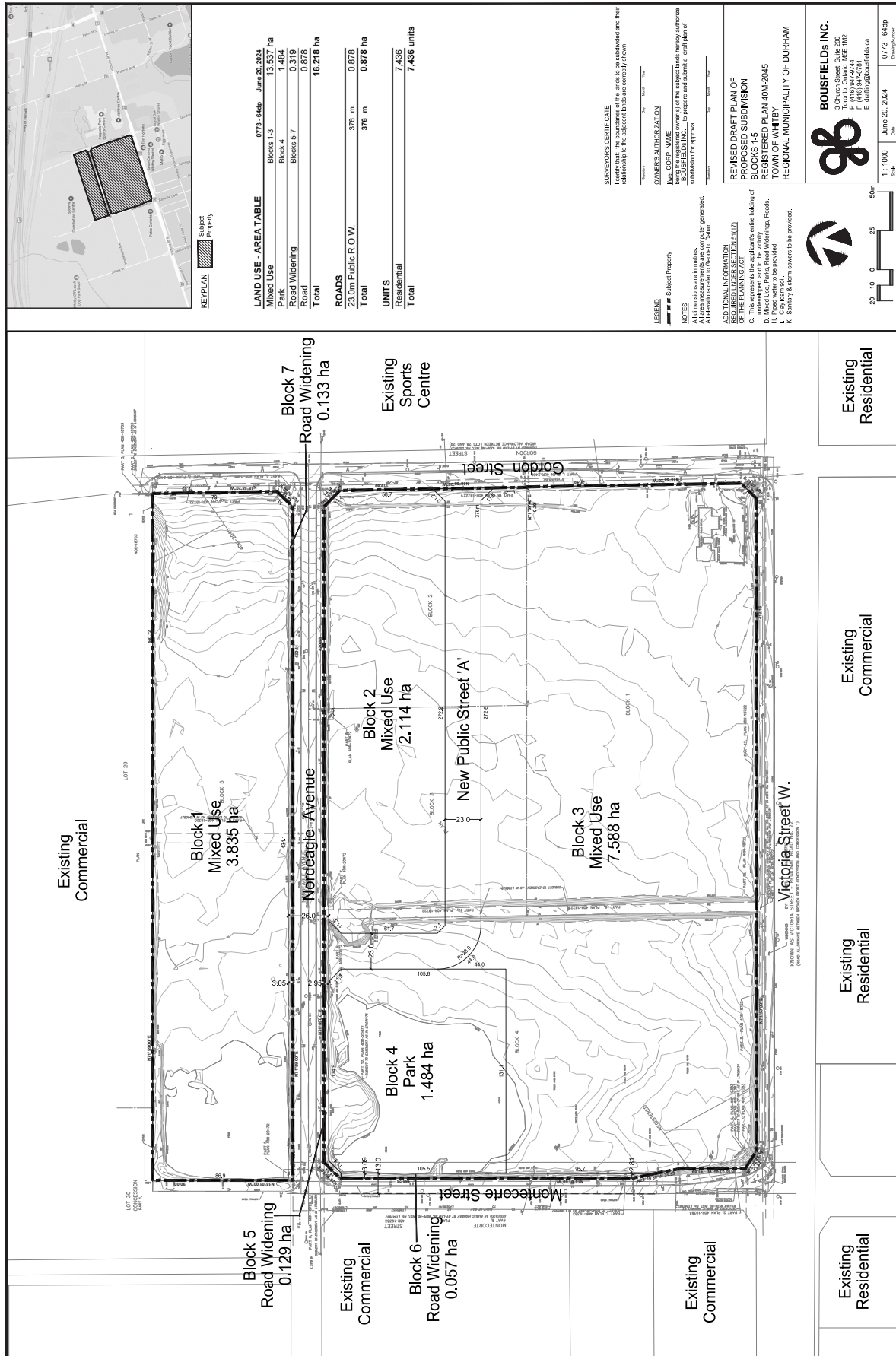
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# Attachment #3 Proponent's Master Concept Plan



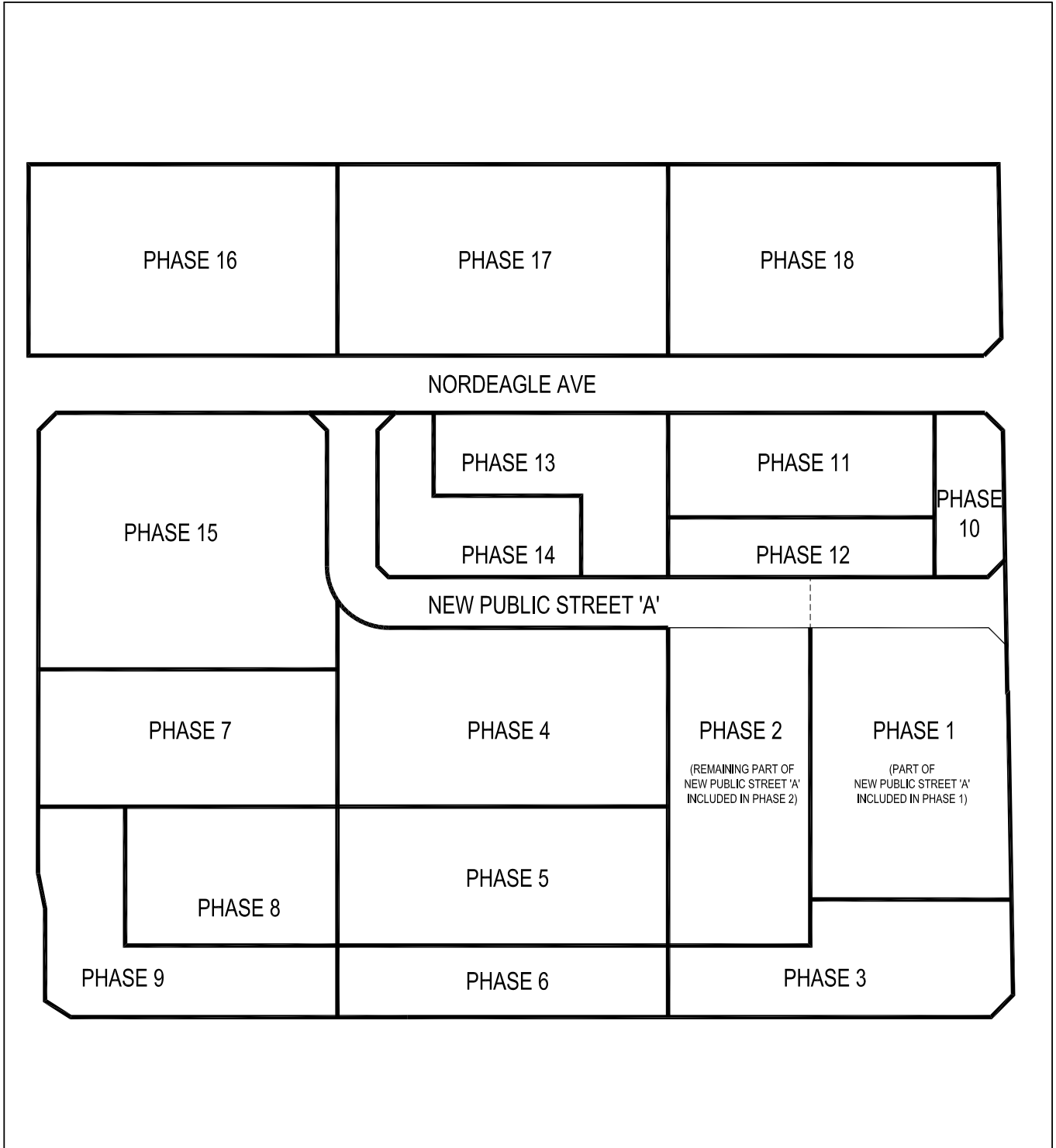


# Attachment #4 Proponent's Draft Plan



# Attachment #5 Proponent's Phasing Plan

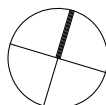
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**BDP.  
Quadrangle**

Quadrangle Architects Limited  
The Well, 8 Spadina Avenue,  
Suite 2100  
Toronto, ON M5V 0S8  
t 416 598 1240

[www.bdpquadrangle.com](http://www.bdpquadrangle.com)



Nordeagle Lands  
Whitby, ON

Phasing Plan

DATE  
2024-07-31

PROJECT REVISION  
15060

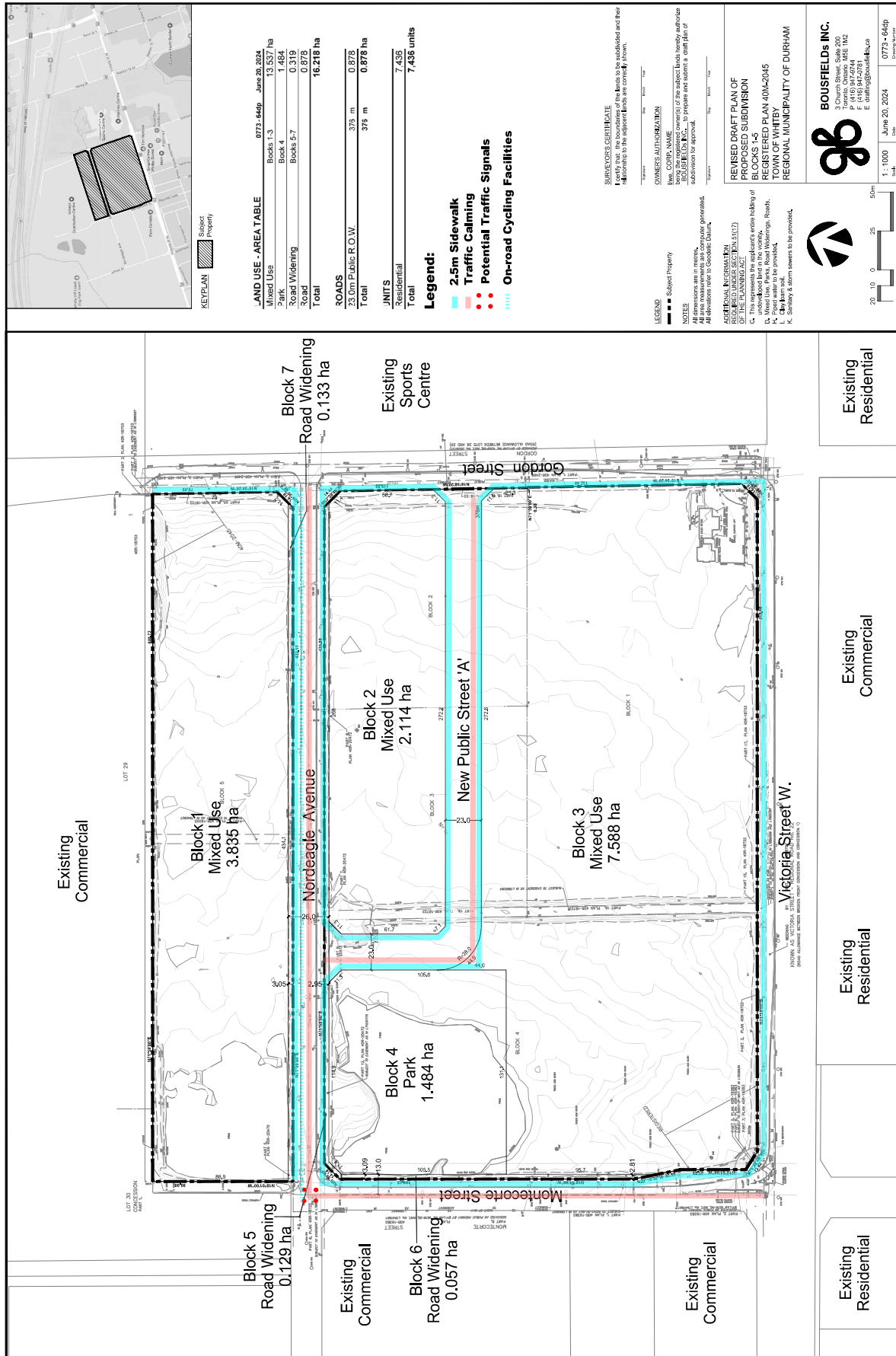
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SCALE  
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**A001**

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# Composite Transportation Component Plan



# Rendering of Proposed Development Looking South East



Aerial - Looking South East

WHITBY MASTER PLAN / BDP Quadrangle

August 20, 2024



Rendering of Proposed Development Looking North West

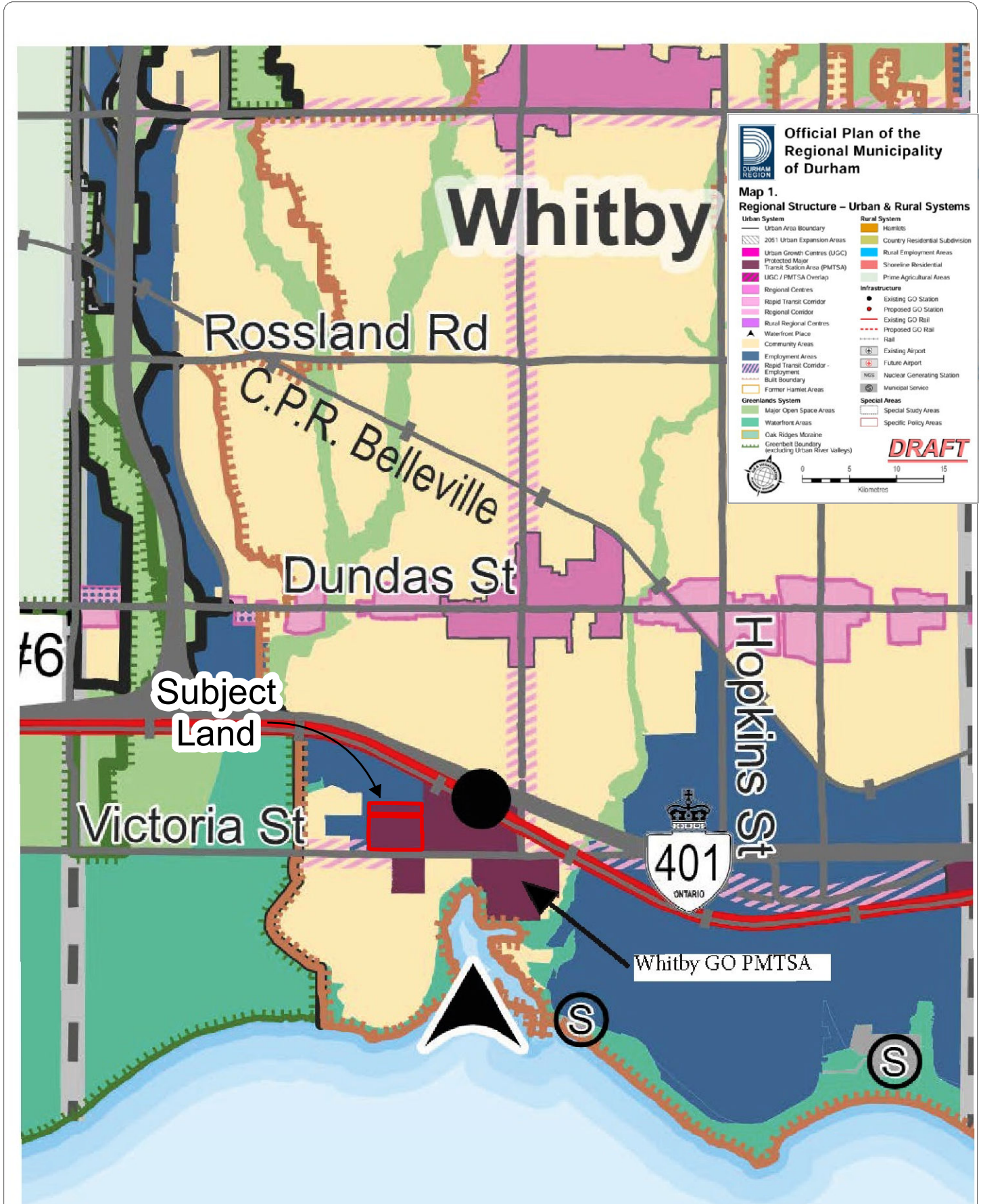


Aerial - Looking North West

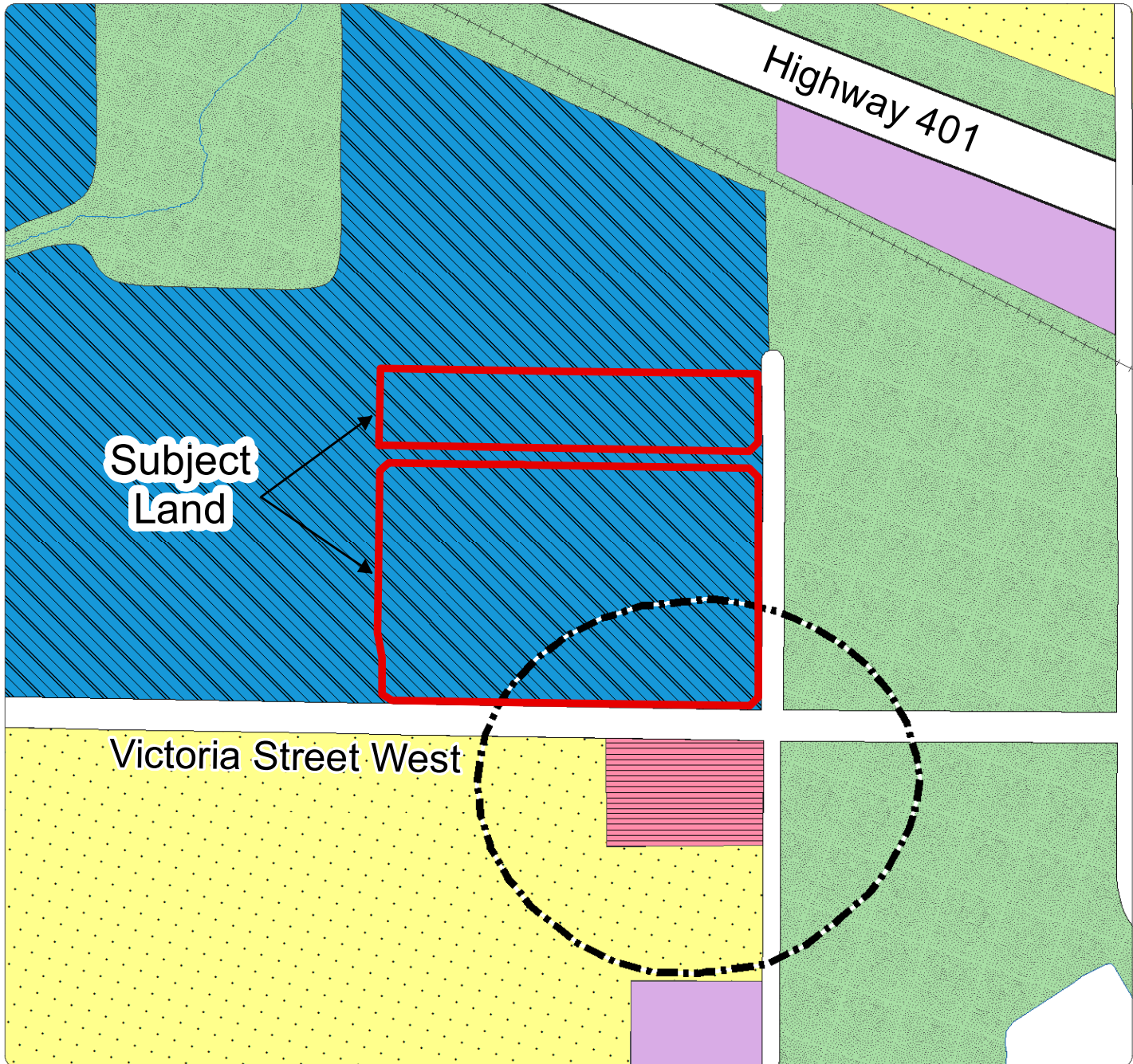
WHITBY MASTER PLAN / BDP Quadrangle

August 20, 2024

# Envision Durham Delineated PMTSA



Excerpt from Whitby Official Plan Schedule A – Land Use



**Legend**

Residential	Lands Subject to Durham Regional Official Plan Policy 14.13.7	D3 (Deferred by Region of Durham)
Major Commercial	D Deferred by the Region of Durham	
Community Commercial	Local Central Area	
Special Purpose Commercial	Resource Extraction Area (See Section 4.12)	
Mixed Use	Utility	
Prestige Industrial	2031 Urban Area Boundary	
General Industrial	Community Central Area Boundary	
Special Activity Node	Future Urban Development Area Boundary	
Institutional	Greenbelt Protected Countryside Boundary	
Major Open Space	Hamlet Boundary	
Agricultural	Major Central Area Boundary	
Hamlet	Municipal Boundary	
Estate Residential	Southern Boundary of Oak Ridges Moraine	
Special Policy Area Refer to section 11.5.31.6	Urban Central Area Boundary	

**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.

Official Plan - Town of Whitby

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

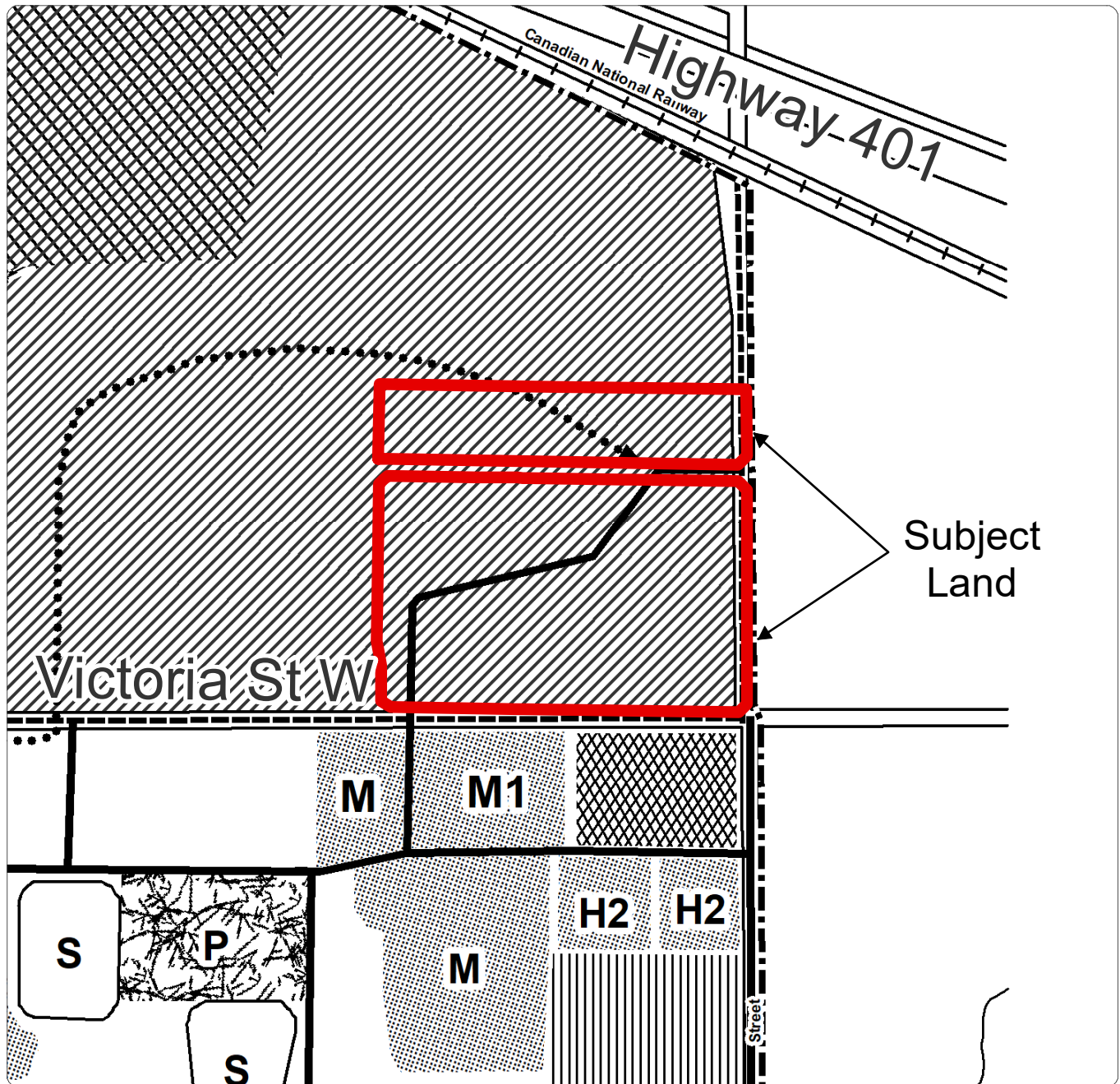
Schedule **A**

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.



Attachment #11

Excerpt from Whitby Official Plan Schedule G – Lynde Shores Secondary Plan



Subject Land

Victoria St W

Highway-401  
Canadian National Railway

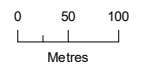
Street

Legend

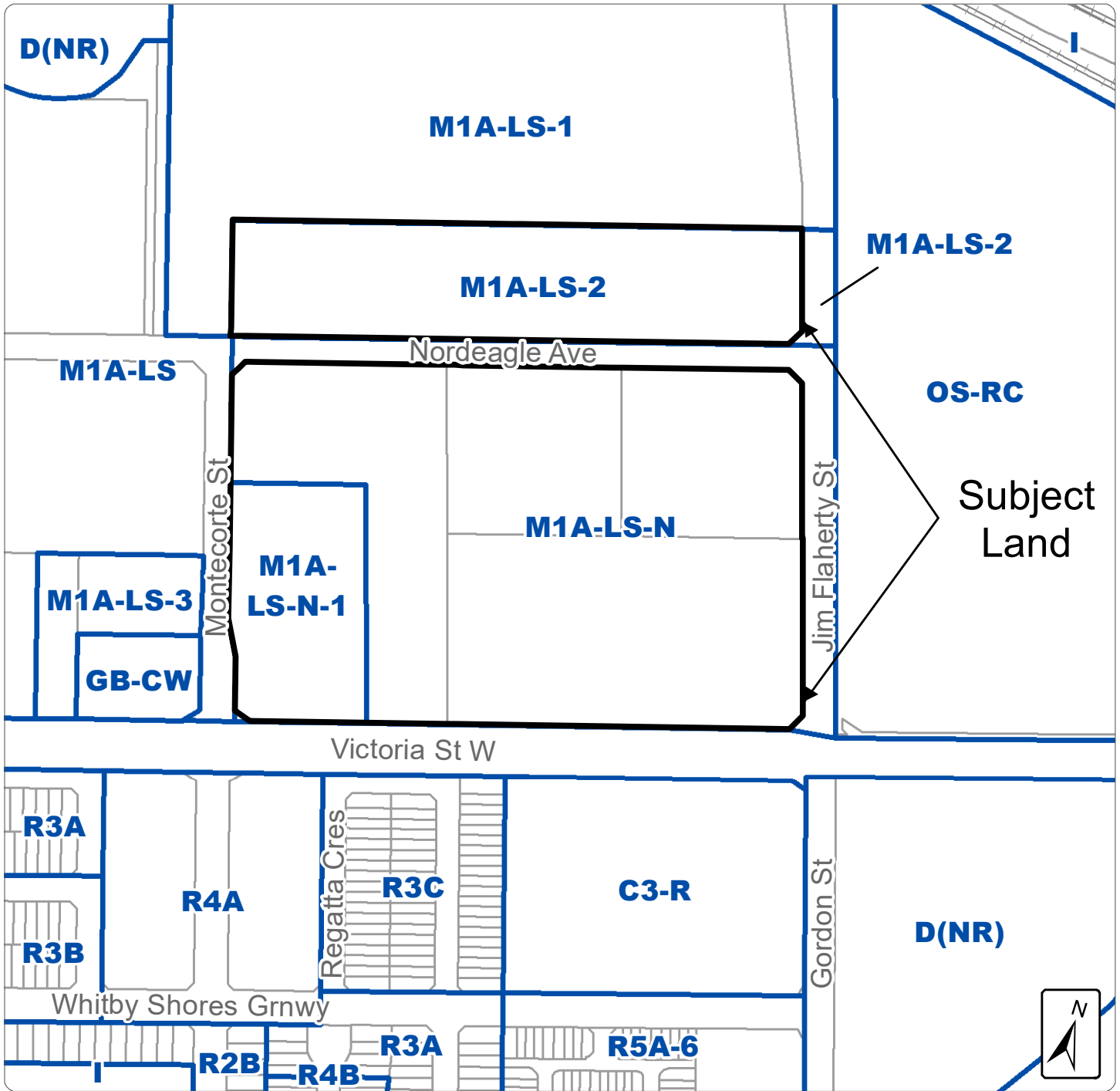
- |  |                              |  |                           |
|--|------------------------------|--|---------------------------|
|  | Low Density Residential      |  | Business Park             |
|  | Medium Density Residential   |  | Low Hazard                |
|  | Medium Density Residential 1 |  | Arterial Road             |
|  | High Density Residential 1   |  | Collector Road            |
|  | High Density Residential 2   |  | Lynde Shore Boundary      |
|  | High Density Residential 3   |  | Pedestrian Walkways       |
|  | High Density Residential 4   |  | Refer to Section 11.2.4.6 |
|  | Institutional                |  | Park                      |
|  | Major Open Space/Park        |  | Elementary School         |
|  | Community Commercial         |  |                           |

Excerpt from:  
Lynde Shores  
Secondary Plan  
Official Plan  
Town of Whitby

Schedule  
**G**



Attachment #12  
Excerpt from Zoning By-Law 2585



 **Town of Whitby Planning and Development Department**

Proponent:  
Nordeagle Developments Ltd.

File Number:  
DEV-03-18 (OPA-2018-W/02,  
SW-2018-01, Z-08-18)

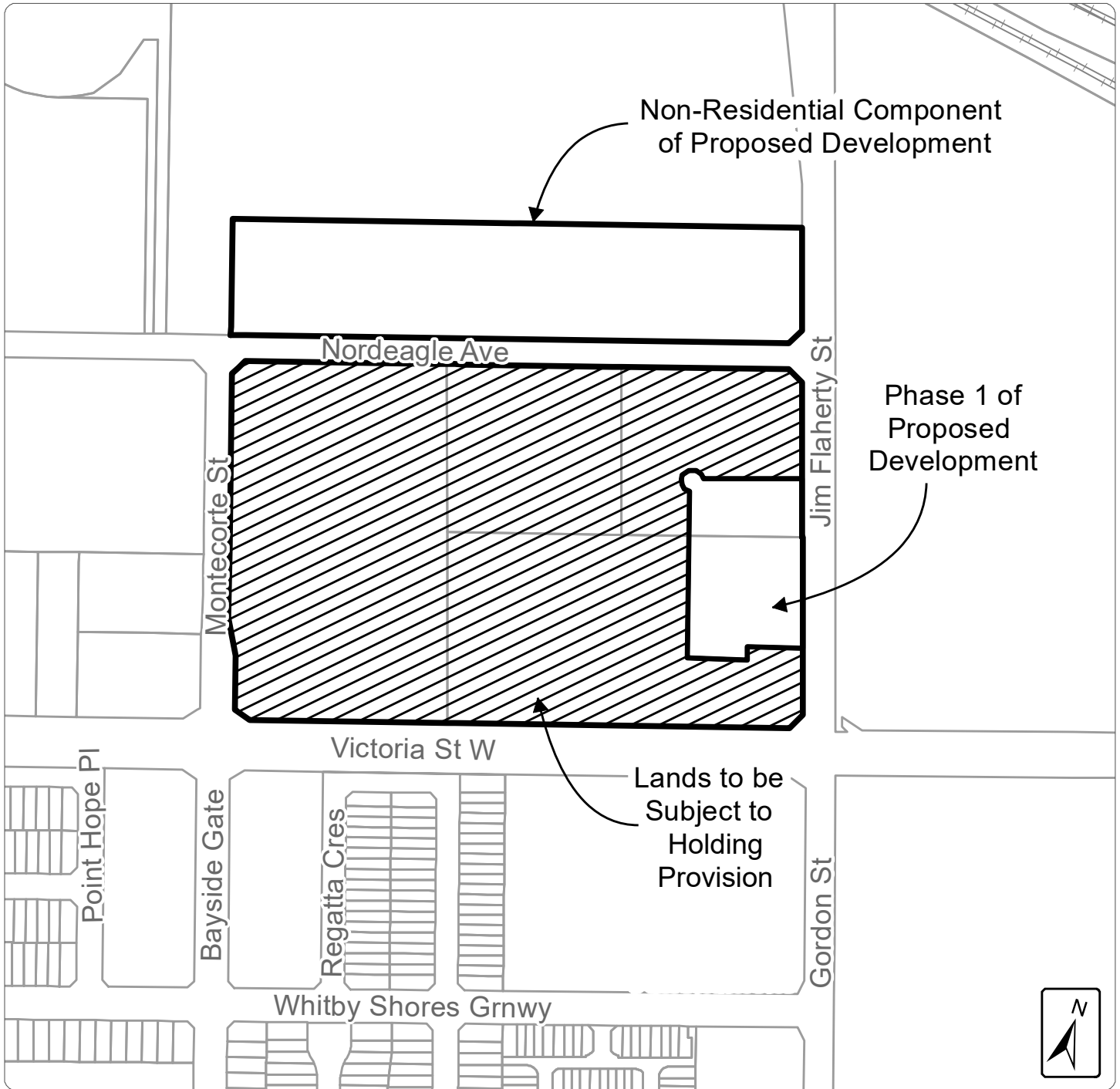
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### Attachment #13

## Lands to be Subject to Holding Provision in the Official Plan Amendment



 **Town of Whitby Planning and Development Department**

Proponent:  
**Nordeagle Developments Ltd.**

File Number:  
 DEV-03-18 (OPA-2018-W/02,  
 SW-2018-01, Z-08-18)

Date:  
**October 2024**

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## Attachment #14

## DRAFT Proposed Amendment # 140 to the Town of Whitby Official Plan

- Purpose:** The purpose of this Draft Proposed Amendment #140 to the Town of Whitby Official Plan is to change the land use designation on the subject lands from Prestige Industrial to Mixed Use, to permit a proposed mid/high-rise mixed-use development concept consisting apartment buildings, hotel, retail, office, and conference centre uses.
- Location:** The lands subject to the Amendment are generally located north of Victoria Street West, east of Montecorte Street, west of Jim Flaherty Street, and the north and south sides of Nordeagle Avenue, currently identified by Assessment Roll No.'s: 18-09-020-002-70465-0000; 18-09-020-002-70450-0000; 18-09-020-002-70455-0000; 18-09-020-002-70460-0000; and 18-09-020-002-70445-0000.
- Basis:** The Amendment is based on an application to amend the Town of Whitby Official Plan (Files: DEV-03-18; OPA-2018-W/02), as submitted by Bousfields Inc, on behalf of Nordeagle Developments Ltd. The Amendment would permit the proposed development of the subject land for a mixed-use concept, generally consisting of:
- approximately 7,034 dwelling units (buildings ranging in height from 2 to 8 storeys for podium buildings and 18 to 41 storeys for tower buildings);
  - a 16-storey hotel (401 hotel suites);
  - 13,327 square metres of retail floor space within various mixed use buildings;
  - 65,464 square metres of office floor space, in 4-6 storey office buildings;
  - 36,020 square metre Conference Centre;
  - Park block(s);
  - Privately Owned Public Spaces (POPS) in form of open space and Urban Plaza/Square;
  - Local roads; and,
  - Various levels of underground, storage, mechanical rooms, and parking spaces.

The Amendment is consistent with the policies of the Provincial Planning Statement in that it: would focus

development within a Strategic Growth Area, such as Major Transit Station Areas (MTSAs); would provide for intensification in compact form; would increase the range and type of housing supply; and plans for future population growth within a delineated Protected Major Transit Station Area.

The Amendment conforms to the new Envision Durham Regional Official Plan, in particular Policy 10.3.8, in that it; would provide transit-supportive redevelopment and intensification, with appropriate transition to adjacent land uses, within the Protected Major Transit Station Area (PMTSA) as delineated by the Region of Durham through Envision Durham; and would assist in meeting the minimum required persons and jobs within the delineated PMTSA.

The Amendment meets the overall goals and intent of the Town of Whitby Official Plan in that it: would provide an integrated, higher density, mixed-use development including residential, office, commercial, and business park uses within a PMTSA where more intensive land uses are intended to be located; would increase the supply of housing to assist in meeting the Province's target for Whitby of 18,000 new dwelling units by 2031; and, would provide appropriate transitions to existing and future planned land uses.

Development of the subject lands would be subject to the provisions in the implementing Zoning By-law Amendment, including requirement for an 'H' – Holding Provision, regarding a school site, Phasing Plan, and future Site Plan approval.

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

- 1) By amendment Schedule 'A' – Land Use, by changing the land use designation from Prestige Industrial, to Mixed Use, as shown on the attached Exhibit 'A';
- 2) By amending Schedule 'G' – Lynde Shores Secondary Plan, by changing the land use designation on the subject lands from "Business Park" to "Mixed Use", as shown on the attached Exhibit 'B';

- 3) By deleting Section 4.7.5.2 in its entirety;
- 4) By deleting Section 11.2.6.7 in its entirety, and renumbering subsequent Sections accordingly;
- 5) By adding a new Section 11.2.7 as follows, and renumbering subsequent Sections accordingly:

### **11.2.7 Mixed Use**

11.2.7.1 Lands designated Mixed Use on Schedule “G” are intended for an integrated, higher density, mixed-use development including residential, office, commercial, and business park uses, and may be developed in accordance with the permitted uses and general development policies of Section 4.6 of this Plan, except as modified by the following additional policies.

11.2.7.2 Lands designated Mixed Use shall include privately-owned, publicly accessible open space and public park block(s), in order to provide convenient outdoor amenity spaces.

11.2.7.3 The minimum required building height shall be 4 storeys, and the maximum permitted building height shall be 41 storeys. Taller buildings shall generally be located along the Victoria Street, Montecorte Street and Jim Flaherty Street frontages.

11.2.7.3 Lands located south of Nordeagle Avenue

11.2.7.3.1 The Mixed Use designation for lands located south of Nordeagle Avenue permits multi-storey, apartment buildings, higher density block townhouses, retail, service and office uses integrated within mid-rise to high-rise built forms.

11.2.7.3.2 Non-residential uses at grade shall be required within mixed-use buildings, and shall generally be directed to the Victoria Street, Montecorte Street and Jim Flaherty Street frontages.

11.2.7.3.3 Notwithstanding 11.2.7.3.2 and Section 4.6.3.1 to the contrary, residential only uses may be permitted on a portion of lands located south of Nordeagle Avenue, subject to the implementing Zoning By-law including appropriate provisions regarding the minimum gross floor area for non-residential uses.

11.2.7.3.4 Notwithstanding any provisions of this Plan to the contrary, there is no maximum residential density requirement, as density will be a product of the built form requirements for building height, setbacks and step backs, and other appropriate urban design considerations.

11.2.7.4 Lands located north of Nordeagle Avenue

11.2.7.4.1 The Mixed Use designation for lands located north of Nordeagle Avenue permits only the following uses: offices, hotel, convention centre, banquet facilities, and limited ancillary at-grade retail uses integrated with another permitted use.

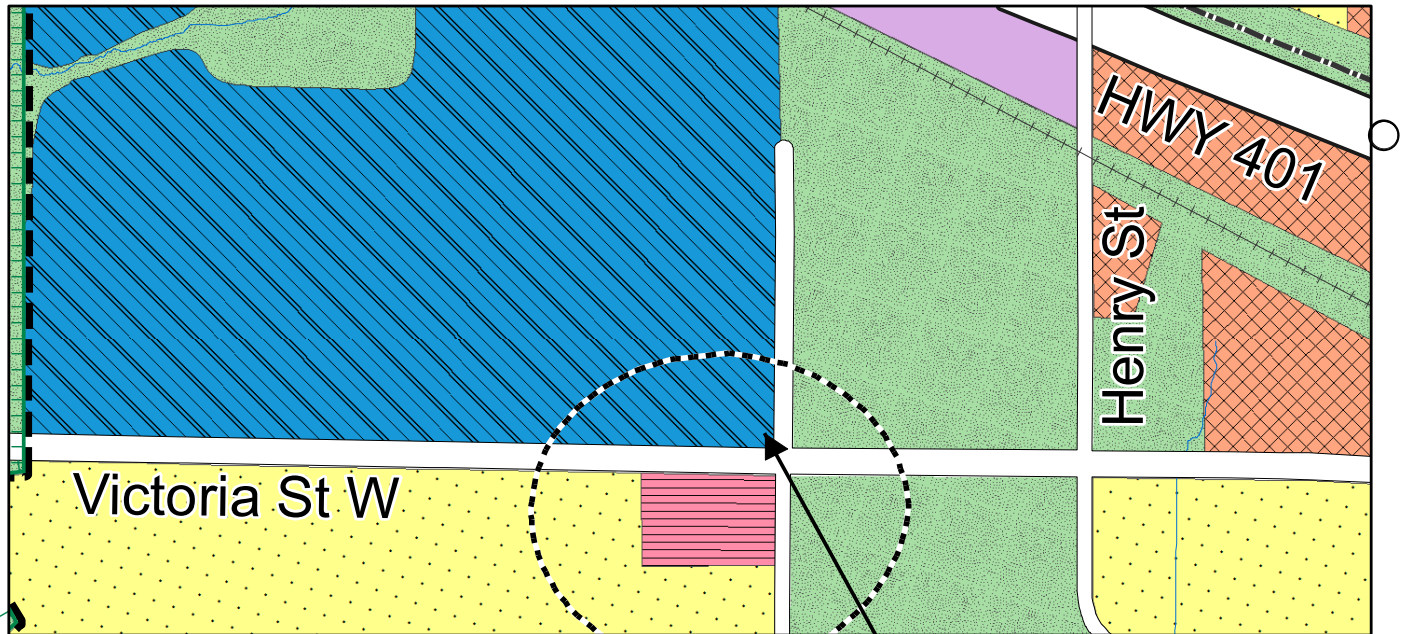
11.2.7.4.2 Residential uses shall be prohibited.

11.2.7.5 In accordance with policies 10.3.8, 11.3.3 and 11.3.4 of the Durham Regional Official Plan and Section 10.1.7 of this Plan, for lands designated Mixed Use and shown with cross-hatching on Schedule "G", a "H" – Holding symbol shall be applied in the implementing Zoning By-law, to ensure that, prior to any development, an adequate and acceptable school site has been provided, to the satisfaction of the Town of Whitby and the Durham District School Board.

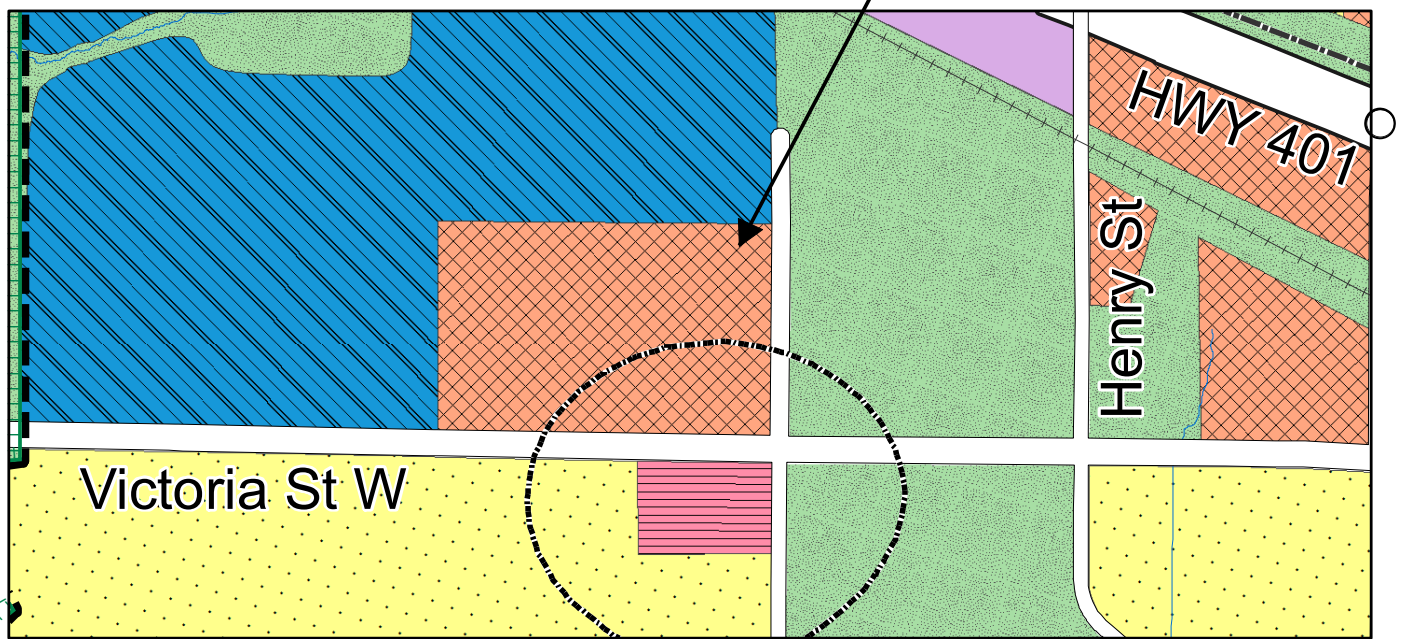
**Implementation:** The provisions set forth in the Town of Whitby Official Plan, as amended, regarding the implementation of the Plan shall apply in regard to this amendment.

**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 Draft Proposed Official Plan Amendment #140 to the Town of Whitby Official Plan



Change From: "Prestige Industrial"  
To: "Mixed Use"



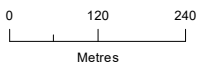



**Legend**

Residential	Lands Subject to Durham Regional Official Plan Policy 14.13.7	D3 (Deferred by Region of Durham)
Major Commercial	Deferred by the Region of Durham	Local Central Area
Community Commercial	Local Central Area	Resource Extraction Area (See Section 4.12)
Special Purpose Commercial	Utility	Utility
Mixed Use	Refer to Policy 4.7.5.2.	2031 Urban Area Boundary
Prestige Industrial	2031 Urban Area Boundary	Community Central Area Boundary
General Industrial	Community Central Area Boundary	Future Urban Development Area Boundary
Special Activity Node	Future Urban Development Area Boundary	Greenbelt Protected Countryside Boundary
Institutional	Greenbelt Protected Countryside Boundary	Hamlet Boundary
Major Open Space	Hamlet Boundary	Major Central Area Boundary
Agricultural	Major Central Area Boundary	Municipal Boundary
Hamlet	Municipal Boundary	Southern Boundary of Oak Ridges Moraine
Estate Residential	Southern Boundary of Oak Ridges Moraine	Urban Central Area Boundary
Special Policy Area	Urban Central Area Boundary	
Refer to section 11.5.31.6		

Official Plan - Town of Whitby Schedule

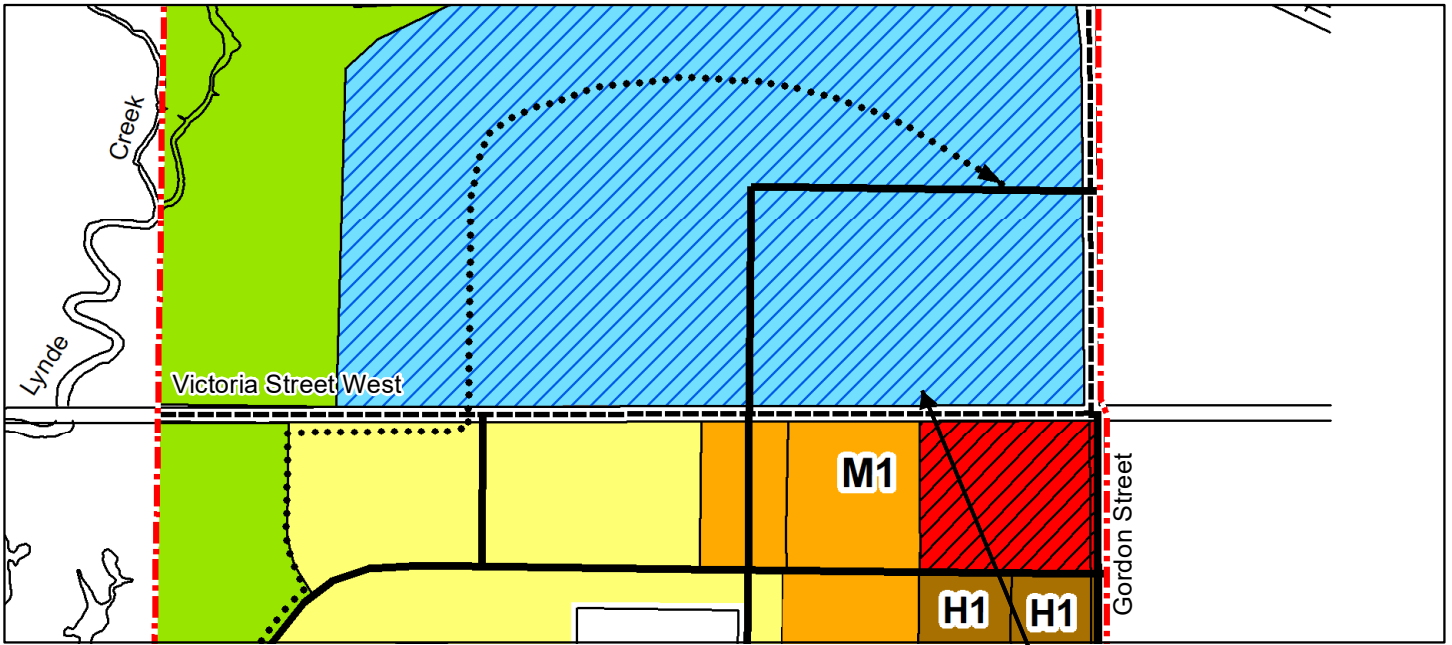
## Excerpt from Schedule 'A' Land Use

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.

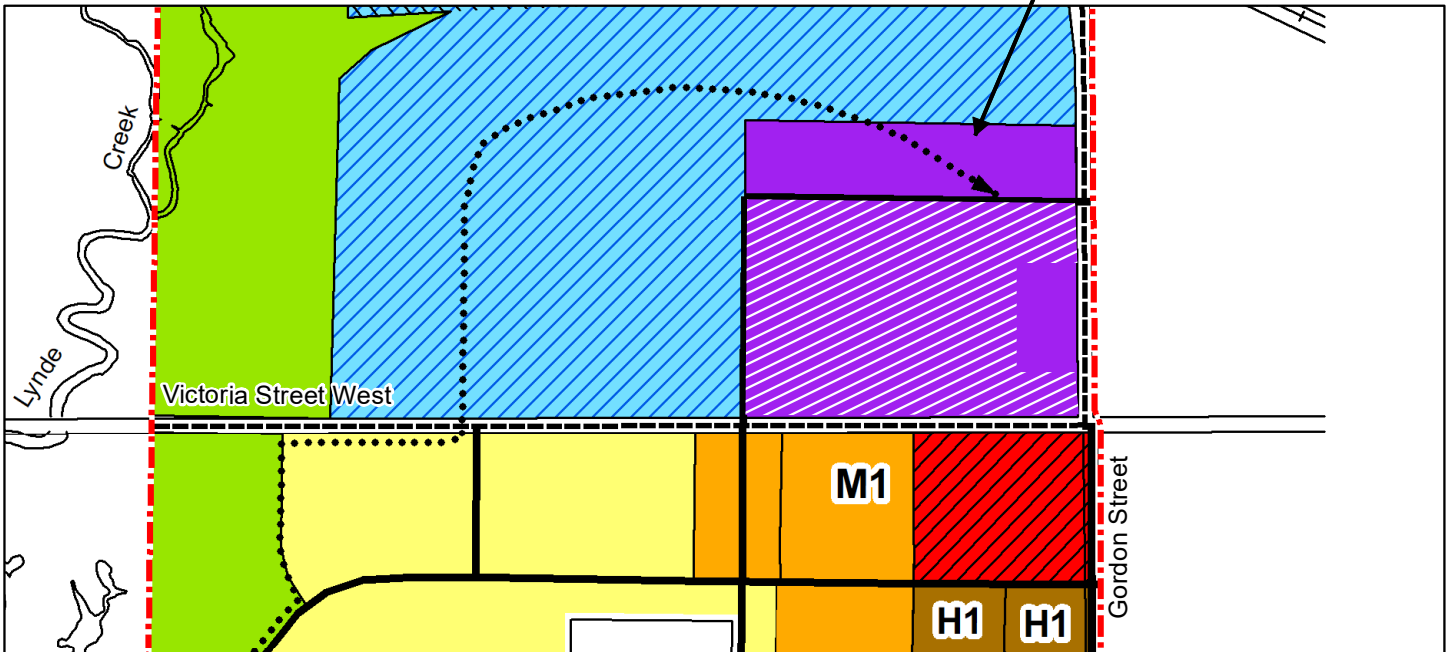


# Exhibit 'B' to Draft Proposed Official Plan Amendment #140 to the Town of Whitby Official Plan






















Add: "Mixed Use"  
and "Refer to Policy  
11.2.7.5" to Legend

Change From: "Business Park"  
To: "Mixed Use"



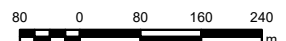
## Legend

	Low Density Residential		Business Park		Arterial Road
	Medium Density Residential		Hazard		Collector Road
	Medium Density Residential 1		Mixed Use		Lynde Shore Boundary
	High Density Residential 1		Refer to Policy 11.2.7.5		Pedestrian Walkways
	High Density Residential 2				Park
	High Density Residential 3				Elementary School
	Institutional				
	Major Open Space/Park				
	Community Commercial				

## Lynde Shores Secondary Plan

Official Plan  
Town of Whitby

Schedule  
**G**



Public Meeting Minutes from June 11, 2018  
File DEV-03-18 (OPA-2018-W/02, SW-2018-01, Z-08-18)

Ed Belsey, Manager, Long Range Policy Planning and Susan McGregor, Principal Planner, Long Range, appeared before the Committee and provided a PowerPoint presentation which included a detailed overview of the applications.

Michael Bissett, representing Bousfields Inc., appeared before the Committee and provided a PowerPoint presentation which provided details related to the proposed development. He outlined some of the differences between the original applications submitted in 2007 and the current proposal.

The Chair opened the floor for comments from the public.

Greg Neff, resident, appeared before the Committee and stated that he did not have a concern with the development as it appeared to be planned to suit the community. He raised concerns regarding traffic and inquired regarding the timeline associated with the grade separation in linking Gordon Street over the railway track and Highway 401 to allow another north/south access into Port Whitby. He further inquired whether there were any plans to improve the intersection at Brock and Victoria Streets in order to handle an already large and increasing volume of traffic. Mr. Neff also inquired regarding the plan for the realignment of Victoria Street, east of Brock Street over to Thickson Road, and whether this was a Town or Region project.

Robert Gleaves, resident, representing Durham Condominium 171, appeared before the Committee and referenced correspondence which was distributed to Members of Council prior to the meeting. He raised concerns regarding an increase in noise levels and the proposed density, noting that there would be approximately 37,000 additional residents in the area. He inquired whether another 20 storey residential building would be constructed should the proposed hotel not be constructed as planned. Mr. Gleaves commented on the road structure south of Victoria Fields not being able to support the proposed development, noting that there were already traffic issues related to vehicles accessing the Whitby Go Station, Highway 401 ramps and Victoria Street. He commented on other development underway around the Port Whitby area, noting that the proposed development would exacerbate traffic and safety concerns. He raised further concerns regarding the lack of health care and fire and emergency services for residents in the area, the effect of the proposed development on wildlife, parking, property values, and the aesthetics of the development. He inquired whether the land to the west, owned by Nordeagle, would be developed, and if so, whether it would be more townhouses and high rise buildings. He further inquired whether a development of this magnitude had been demonstrated successfully in a similar environment and whether consideration had been given to evacuation procedures in an emergency situation such

Public Meeting Minutes from June 11, 2018  
File DEV-03-18 (OPA-2018-W/02, SW-2018-01, Z-08-18)

as a rail car derailment or a nuclear disaster. Mr. Gleaves further inquired whether the condominiums would be rentals.

Graham Carr, resident, appeared before the Committee and stated that he would like to see more integration with the park and public spaces with the implementation of restaurants and retail to allow the existing residents to engage with the new development and utilize the space.

David Beaton, resident, appeared before the Committee and stated that the proposed development would bring approximately 10,000 more residents into a confined area. He inquired whether consideration would be given to providing more services such as a hospital and whether Lakeridge Health Whitby would provide expanded services to handle an overflow of patients. He further inquired regarding the timeline for completion of the road widening along Victoria Street West and whether the arterial roads would be able to handle the volume of traffic from the proposed development as well as from other projects in the Port Whitby area.

There were no further submissions from the public.

## Summary of Written Public Comments File DEV-03-18 (OPA-2018-W/02, SW-2018-01, Z-08-18)

Davina Jones, resident, provided written correspondence which objects to changing the designation of the land and raised concerns about:

- loss of employment lands needed to provide jobs;
- increased traffic and gridlock caused by increased density; and,
- limited access by only one main road (Victoria St W) instead of four main roads as would be required for a development of this scale.

Phil Murray, local business owner, provided written correspondence in support of the development to support local businesses and provide local employment.

Mufiz Rahman and Shabana Mufiz, residents, provided written correspondence which objects to the development of multi-storey apartments or office buildings;

R. Gleaves, resident, provided a petition on behalf of Durham Corporation Condominium 171 which objects to the proposed development. The petition was signed by 24 residents and raises concerns about:

- increased noise;
- the road system is insufficient, including intersection capacity, for existing and future traffic that would be generated by the development. There are major traffic generators in the vicinity including the existing GO Station, Iroquois Park Sports Complex, Abilities Centre and Marina and accidents on Highway 401. Specific intersections and roads are noted (Henry, Brock, Victoria);
- safety of pedestrians due to increased traffic levels;
- lack of doctors, schools, etc. to accommodate the increased population;
- impact on wildlife;
- parking at GO Station and Iroquois Park Sports Complex;
- impact on property values;
- impact on neighbourhood character;
- cumulative impact of this and other developments proposed in Port Whitby on the surrounding community;
- increased temperatures and blocking the prevailing winds; and,
- impacts from construction (noise, dust) which is expected to take many years.

Diane McCurdy, resident, provided written correspondence in opposition to the proposed development. The correspondence notes that the location is not acceptable due to the congestion it will create and due to the close proximity of environmentally sensitive areas including Lynde Shores and Lake Ontario. The correspondence raises concerns regarding:

## Summary of Written Public Comments

### File DEV-03-18 (OPA-2018-W/02, SW-2018-01, Z-08-18)

- noise and dust during construction;
- concerns with total project density and population, including the additional lands owned by the applicant that is not currently part of the application;
- who is financially responsible if the proponent abandons the project mid-construction;
- bird friendly design;
- how to mitigate issues with such a massive development;
- traffic and congestion;
- impacts on integrity of Lynde Creek Conservation Area and quality of biodiversity in the Lynde Creek watershed;
- air quality;
- property values;
- noise including noise from Victoria St W reflecting off of tall buildings and being directed to existing subdivisions south of Victoria;
- availability of essential services;
- cumulative impact of this and other developments;
- increased ground temperature and blocking the prevailing winds; and,
- loss of habitat with the removal of the existing ponds formed by previous excavation and relocation of wildlife such as turtles from the ponds to appropriate habitat.

Jenna Bayley, resident, provided written correspondence which is opposed to the proposed development and raises concerns about:

- lack of schools for the increased population;
- increased traffic;
- GO Transit is already at capacity, a plan is needed to accommodate additional commuters;
- capacity of existing businesses to support such a huge influx; and,
- environmental impact, particularly the Conservation Area.

David Wishart, resident, provided written correspondence which supports a mixed use development including another grocery store, more restaurants and office space.

Questions are raised regarding:

- capacity of the GO to accommodate additional commuters;
- a new school to accommodate new students;
- road widening requirements to accommodate additional traffic;

## Summary of Written Public Comments

### File DEV-03-18 (OPA-2018-W/02, SW-2018-01, Z-08-18)

- timing of Brock Street South / Highway 401 bridge work related to the proposed development;
- ecological protections need to be established prior to the development; and,
- financial responsibility if the proponent does not complete the project.

Melissa Cutting, resident, provided written correspondence in opposition to the proposed development. Concerns are raised regarding:

- existing traffic noise and future construction noise and increased traffic noise;
- increased population and traffic/pedestrian impacts on the quiet family friendly neighbourhood;
- loss of privacy; and,
- impact on wildlife.

James Choleas, resident, provided written correspondence which raises concerns regarding:

- existing traffic and congestion and increased traffic from the new development;
- lack of school or other public services;
- capacity of GO Train parking lot and overflow parking lot at Iroquois Park Sports Complex; and,
- loss of neighbourhood character.

Janice Spencer and Craig Wilson, residents, provided written correspondence which raises concerns regarding:

- increased density and traffic;
- limited access to north of Highway 401, especially in the event of an accident on Victoria Street preventing access for EMS in the event of an emergency; the development should be conditional upon the construction of a flyover connection from Gordon Street (now Jim Flaherty Street) to Annes Street;
- impacts on insurance premiums; and,
- the development proposal should be conditional upon a flyover the 401 being provided at Gordon Street.

# Agency & Stakeholder Detailed Comments

## File DEV-03-18 (OPA-2018-W/02, SW-2018-01, Z-08-18)

### Internal Departments

#### Engineering Services

The Engineering Services has conducted a preliminary review of the circulated materials outlined below for the draft plan of subdivision and zoning applications:

- Revised Draft Plan of Subdivision by Bousfields dated June 20, 2024
- Functional Servicing and Stormwater Management Report (FSSR) with Grading and Drainage Plan – Preliminary by Valdor revised June 2024
- Transportation Study Update 2 and Transportation Study Update 2 Appendices Report by RJ Burnside dated June 20, 2024

The drawings and reports were found to be generally acceptable for preliminary review. There are revisions, however, that will be required through the detailed design process in order for the proposed subdivision to conform to the Town's Design Criteria and Engineering Standards (DCES).

Please provide a copy of these comments to the Subdivider.

#### A. Conditional Comments

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

To address the Town's Community Strategic Plan 2023 to 2026 and assist in providing a complete picture of the proposed subdivision's mobility provisions, Engineering Services has attached a Composite Transportation Component Plan (CTCP) as Attachment 1.0 highlighting the anticipated locations of sidewalks, multi-use trails, multi-use paths and dedicated cycling 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. The following shall be addressed to the satisfaction of the Engineering Services:

1.1. Prior to the Zoning by-law Amendment being finalized and adopted by Council, the Subdivider shall provide a formal response, to the satisfaction of Engineering, to address the Traffic Impact Study (TIS) comments provided in a separate memo from Transportation Services date June 20, 2024 (Attachment 2.0).

1.2. Prior to final acceptance of the Draft Plan of Subdivision, revise the Draft Plan (DP) as follows:

a. Revise label for Gordon Street to Jim Flaherty Street.

b. Revise Street 'A' right-of-way limit at the outer bend to a 90-degree corner instead of the curve shown.

## Agency & Stakeholder Detailed Comments

### File DEV-03-18 (OPA-2018-W/02, SW-2018-01, Z-08-18)

Engineering Services requires the following Financial Considerations to be identified within Section 7 of the Council Report:

With each new subdivision development approved by the Municipality, the Town of Whitby assumes assets requiring regular operational maintenance and eventually capital replacement. The following assets will be generated as a result of the subdivision and included in the Town's Asset Management Plan. The Capital replacement and annual operating costs would be included in future budgets. Further details regarding infrastructure costs would also be identified in the Financial Services Asset Management annual report.

Asset	Quantity
Roads	0.752 lane-km
Sidewalks/Multi-use paths	0.752 km
Storm Sewers	0.376 km
Local Park	1.484 km

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

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

- a. Block 4 for Local Park;
- b. Blocks 5 and 7 for road widening on Nordeagle Avenue;
- c. Block 6 for road widening on Montecorte Street.

2.2. The Subdivider shall be responsible for the construction of pedestrian facilities in the following locations:

- a. 2.5m-wide sidewalk on both sides of Street A;
- b. 2.5m-wide sidewalk on both sides of Nordeagle Avenue;
- c. 2.5m-wide sidewalk at the east side of Montecorte Street;
- d. 2.5m-wide sidewalk at the west side of Jim Flaherty Street;
- e. 2.5m-wide sidewalk at the north side of Victoria Street West.

Further review and consideration of sidewalk placement is required and will be addressed through detail design / engineering.



## Agency & Stakeholder Detailed Comments

### File DEV-03-18 (OPA-2018-W/02, SW-2018-01, Z-08-18)

2.3. The Subdivider shall be financially responsible for and provide a cost estimate and securities for full cost of reconstruction and completion of Montecorte Street, Nordeagle Avenue and Jim Flaherty Street to municipal standards as the construction of these roads was not completed to top asphalt as per the agreement and the base asphalt works were done more than 20 years ago. As such, the life cycle of these roads has been used up.

2.4. 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.

2.5. 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.

2.6. The Subdivider shall provide an updated Functional Servicing and Stormwater Management Report (FSSR) to address the comments provided in a separate memo from the Town's Water Resource Engineer dated August 8, 2024 (Attachment 3.0) prior to or with the submission of detailed engineering drawings.

2.7. The Subdivider shall provide a formal response letter to address the Traffic Impact Study (TIS) comments provided in a separate memo from Transportation Services date July 16, 2024 (Attachment 2.0) prior to Zoning By-law Amendment being finalized.

The Subdivider shall be responsible for implementing any design elements and/or changes to the plan for registration required to address any sightline, parking, and/or alignment concerns.

If identified as a follow-up to the TIS, the Subdivider shall construct traffic control signals at intersection of Nordeagle Avenue and Montecorte Street, as needed.

2.8. The Subdivider shall provide a Traffic Management Implementation Plan (TMIP) and shall be responsible for providing both temporary and permanent signage and pavement markings for the development.

2.9. The Subdivider shall provide a composite Traffic Calming Plan for all roads in the plan that includes, but is not limited to, area specific speed limits, speed humps, and raised intersections, for review and acceptance by the Director of Engineering Services.

2.10. 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.

## Agency & Stakeholder Detailed Comments

### File DEV-03-18 (OPA-2018-W/02, SW-2018-01, Z-08-18)

2.11. 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.

2.12. 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. Fencing for school blocks to be as per the appropriate school board requirements.

2.13. The Subdivider shall be responsible for providing service connections and a suitable storm drainage outlet for flows associated with the park block, Block 4, to the satisfaction of the Community Services Department and Engineering Services Division.

2.14. 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.

2.15. All community mailboxes for the private developments shall be located within private properties.

2.16. 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.

2.17. 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.

2.18. The Subdivider shall provide a hydrogeological report to support the construction of the underground parking. The report shall demonstrate, in detail, the groundwater strategy and construction method(s) used for the proposed underground structure design. Materials provided related to the permanent pumping of groundwater shall be peer reviewed at the Subdivider's expenses.

At the site plan application stage, other supporting documents may be required to support the proposed permanent foundation drainage discharge to the storm sewer. The terms of reference of supporting documents shall be confirmed with Engineering Services.

2.19. 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

## Agency & Stakeholder Detailed Comments

### File DEV-03-18 (OPA-2018-W/02, SW-2018-01, Z-08-18)

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.

2.20. The Subdivider shall be responsible for all hydro poles, luminaries and hydro requirements for this proposed subdivision, and adjacent existing Town roads, Nordeagle Avenue, Montecorte Street and Jim Flaherty Street, and shall enter into a separate agreement with Elexicon accordingly.

2.21. 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 street lighting design shall include all right-of-way components including active transportation facilities, shall comply with the latest version of the RP-8 Roadway Lighting Design standard and shall utilize LED technology.

2.22. 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.

2.23. 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.

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

2.25. 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 or site plan review and agreement process subsequent to Draft Plan Approval.

#### **B. Informational Comments**

3. The following items can be addressed through the Engineering Submission and Subdivision Agreement process:

3.1. An initial deposit for the Engineering Review Fee in the amount of \$9,686.50 or 50% of the Engineering Review Fee based the estimated cost of works, whichever is greater,

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shall be paid to the Town prior initiating processing of the engineering drawings. Any balance 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.

3.2. A detailed SWM report is required at the design stage for the overall subdivision to address all deferred FSSR comments as per the attached memo from the Water Resources Engineer. The report should include overland flow route calculations, emergency spillway details (100-year uncontrolled flow), storm sewer design sheets, dual drainage model to determine HGL (if basement are connected to sewer system) and O&M manual. The SWM report shall also address the following:

a. Ensure major overland flows from Victoria Street West proposed to be conveyed via easement within Block 3 is accounted for in the storm sewer and SWM design of the subdivision and of the specific site plan block.

3.3. Each site plan application for private block developments shall be supported by separate SWM reports that is consistent with the approved FSSR and subdivision SWM report mentioned above. Please note that each future development block must provide on-site stormwater management controls and that no major flows will be allowed to be conveyed from the blocks to the rights-of-ways or the municipal stormwater management facility.

3.4. The detailed engineering drawings shall 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.

For all overland flow outlet points, the following shall be provided: flow channel profile, cross-sections and erosion protection works at all locations i.e. across window street boulevard areas, within specific overland flow blocks, across SWM Pond Blocks and any direct outlets to Open Space areas.

3.5. On-road cycling facilities are to be integrated with the Community Services trails network at locations where off-road facilities are provided (e.g. signage, rest stops and/or other enhancements).

3.6. 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.

3.7. 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 relamping and cleaning of streetlights, representing typical maintenance costs prior to assumption.

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3.8. 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.

#### Attached Transportation Services Comments

Transportation Services staff provide the below remarks (refer to Table 1) on the response provided to various comments. Additional comments are also provided, based on the new information submitted.

#	Comment	Has the Comment been Addressed
<b>Transportation Services Comments Memorandum dated December 13, 2023</b>		
1	Gordon Street, north of Victoria Street, has been renamed Jim Flaherty Street. Future submissions and drawings to be updated.	While most drawings have been updated, there are still minor references to Gordon Street on the landscape drawing cross-sections.
2	Victoria Street at Charles Street is incorrectly coded/analyzed in Synchro. At Charles Street there is an eastbound left turn lane not a centre left turn lane. Westbound left turning movements are shared with the through movement.	Yes.
3	The consultant has proposed all-way stop control at the intersection of Montecorte Street and Nordeagle Avenue, as well as a dedicated westbound left turn lane. Multi-lane approaches at all-way stop control is not supported. The consultant shall consider the need for signalization by completing a traffic signal warrant. If justified, provide the property needed to construct turning lanes and support the traffic signal infrastructure.	Confirm that the results presented in Table 5 are correct as the title references Rutherford/CP Rail/ Hunter's Valley.  All-way stop control may be provided under future conditions; however, auxiliary turn lanes are not supported and shall be removed from the analysis.
4	The road classification shall be based on the projected traffic volumes and the right-of-way to support comfortable and safe complete streets shall be provided. Street A shall be a collector road and Montecorte Street and Nordeagle Avenue shall be increased to a 26.0 metre (m) right-of-way.	The right-of-way of Montecorte Street and Nordeagle Avenue have been increased.  Confirm that the right-of- way of the private streets can accommodate the projected traffic volumes.
4a	The proposed hardscape area on Street A does not support healthy trees and utility placement. As per the Town's Design Guidelines the minimum boulevard is 3.0 to 5.0 m.	It is noted that a separate response will be provided. The response document should be fulsome and include all information and drawings to support the response.
4b	Given the anticipated heavy vehicles on Nordeagle Avenue, the proposed bike lanes shall be buffered or a cycle track be provided.	Yes.

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4c	2.0 m parking lanes is not supported. The Town's Zoning By-law to be satisfied for parking space dimensions if on-street parking to be provided.	The Zoning By-law is not satisfied. The Town's Design Criteria and Engineering Standards apply to municipal roads where additional right-of-way allows for vehicle maneuvering.  On-street parking has been removed from municipal roads.
4d	Fire Services to confirm if parking within a private laneway is acceptable. The Town does not permit parking within public laneways.	This comment remains outstanding and was not referenced in the Addendum document.
4e	Sidewalks adjacent to parks and commercial development shall be 2.5 m.	This appears to be addressed through the landscape submission. The response document should be fulsome and include all information and drawings to support the response.
5	On-street parking cannot be counted towards any parking requirements as it is not available 24/7. On municipal roads where parking is not prohibited there is a three-hour maximum. No on-street parking is permitted between November 15 and April 15.	The proposed parking rates have not been justified or supported. It's unclear how retail parking will be accommodated given the significantly reduce visitor parking.
6	A Level 2, Type C Pedestrian Crossover to be provided at Jim Flaherty Street and Nordeagle Avenue to provide the right-of-way to active users between the proposed development and the Iroquois Park trail. A cross-ride, as proposed, is not acceptable.	Yes.
7	For all access, provide drawings that clearly show the required and available decision sight distance. If the decision sight distance is not available mitigation measures must be provided.	Yes
8	Provide AutoTURN drawings. Note that vehicles cannot reverse onto a public roadway.	The access to buildings does not appear to be one-way; however, the vehicle maneuvering drawings appear to show that heavy vehicles will occupy most of the cross-section. Confirm safe circulation of all vehicles on all roadways.
9	Locations for snow storage shall be identified on the site plan, or the applicant shall commit to snow removal.	Yes. Details will be provided through site plan.
10	Transportation Services supports the proposed Transportation Demand Management (TDM) elements, including the shuttle between the development and the Whitby GO Station. The Applicant to provide a firm commitment to provide the proposed TDM. Durham Region Transit also to confirm the TDM elements proposed. Further, it is noted in Table 43 that for all phases, employers will be encouraged to join the Smart Commute Program. Phase 2 does not include any non-residential uses.	Yes. TDM, to support reduced parking shall be confirmed at the site plan stage or additional parking will be provided.

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<b>Attachment 1: Composite Transportation Components Plan (CTCP)</b>		
1	2.5m sidewalks on both sides of Nordeagle Avenue, both sides of Street A, east side of Montecorte Street, west side of Jim Flaherty Street, and north side of Victoria Street	Yes.
2	26m wide ROW for Montecorte Street, Nordeagle Avenue and Street A.	Yes. 26.0m right-of-way has been provided for Montecorte Street and Nordeagle Avenue. A 23.0m right-of-way was discussed and accepted for Street A.
3	Traffic Calming along Montecorte Street, Nordeagle Avenue and Street A.	Response refers to narrow travel lanes and on-street parking; however, lanes are not significantly narrowed, and no on-street parking is proposed or permitted due to the on-road cycling.  A proposed traffic calming plan is required at the site plan stage.
4	Potential traffic signals noted at the intersection of Montecorte Street/Nordeagle Avenue	Yes.
5	On-road cycling facilities along the north side of Nordeagle Avenue.	Yes.
<b>Attachment 2: Redline of Draft Plan</b>		
1	8mx8m visibility triangles at the intersection of Nordeagle Avenue/Street A and Jim Flaherty Street/Street A.	The visibility triangles to also be shown on north side of Nordeagle Avenue/Street A. Visibility triangles to be dimensioned.
2	Increase block width to obtain ultimate ROW along Nordeagle Avenue and Montecorte Street.	Yes.
3	Minimum 28 m radius required for outer ROW limit and a visibility triangle to be provided along the bend of Street A.	Intersection of Street A and the private road does not include a visibility triangle.
<b>Paradigm Transportation Solutions Limited Peer Review Comments Letter Dated December 19, 2023</b>		
1	The consultant states there would also be private lanes and woonerfs with 6-7 m widths for internal traffic circulation and access. The consultant indicates that these laneways/woonerfs would provide on-street parking to assist in accommodating visitor and patron demand. Cross-sections for these private lanes have not been presented in the study but must be considered as part of the Site Plan review.	Cross-sections have been provided as part of the landscaping submission. The consultant to confirm if parking is permitted on the woonerf as the circulation/use is unclear.

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2	<p>In consideration of shared parking, the consultant states the following in support of parking rate reductions: "Retail parking supply to be shared with the residential visitor supply and supplemented by on street and laneway parking." We note that approximately 20% of the proposed retail GFA is in Phase 1 and the remaining 80% is in Phase 3. In total, the ZBL requirement for the ultimate 148,200 SF GFA is 599 spaces. In Table 41; Recommended Vehicle Parking Requirements, there is no retail use listed in the "Proposed Use" column, and as such, there is no corresponding "retail parking supply" to be shared with the residential visitor parking supply. By default, the consultant is simply recommending that part of the residential visitor parking supply would be used by retail employees and patrons. The feasibility of this recommendation has not been examined in the study, including confirmation of how the retail-generated new vehicle trips and pass-by trips (both require parking) would be accommodated by residential visitor parking.</p>	<p>While on-street parking has been proposed within the laneway, no on-street parking within the municipal right-of-way is proposed/permitted where on-road cycling is provided. Lay-by parking on Jim Flaherty is not supported.</p>
3	<p>Regarding on-street parking, the consultant refers to it as being proposed on Street A (as illustrated in a typical cross-section) and along the laneways (no illustration or description of how parking is provided on a 6-7 m wide laneway) but has not provided an estimate of the potential number of on-street spaces.</p>	<p>Cross-sections have been provided as part of the landscaping submission. However, no on-street parking within the municipal right-of-way is proposed/permitted where on-road cycling is provided, including on Street A.</p> <p>The consultant shall provide a drawing that shows the proposed parking to confirm proposed parking.</p>
4	<p>The higher traffic volume forecasts for sections of Street A and the internal laneways require road designs that reflect appropriate standards to accommodate vehicle and active transportation modes safely and efficiently. For Street A, this could mean adopting Collector road design standards, and for the laneways this could mean adopting Local road design standards.</p>	<p>The 23.0m cross-section for Street A is acceptable. As this roadway functions as, and is designed to a collector road standard, it should be referred to as a collector road.</p>
5	<p>Typical cross-sections for the proposed laneways should be required as part of the Site Plan review.</p>	<p>This comment has been addressed as cross-section drawings have been included in the landscape submission package. The response document should be fulsome and include all information and drawings to support the response.</p>
6	<p>The consultant should clarify how the proposed below grade parking structures would be shared across all phases and uses within the development.</p>	<p>Phasing of the underground parking is unclear. A plan clearly showing the phasing, the statistics for each development phase, the location of gates, etc. to be provided. Statistics should include the number of units, size of retail, and the number of parking spaces by use (i.e., residential, visitor, retail, accessible).</p>



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7	The consultant should provide additional rationale to support the recommended reduction in parking for residential visitor and retail parking.	The proposed parking rates have not been justified or supported. It's unclear how retail parking can be accommodated given the significantly reduce visitor parking.
8	Further details should be provided for recommended active transportation facilities and TDM plans as part of Site Plan review.	TDM, to support reduced parking, will be confirmed at the site plan stage or identify how additional parking will be provided.
9	Municipal staff should consider how approvals related to this development should be coordinated in order to accommodate the further study of parking and traffic impact when phases of development beyond Phase 1 are proposed.	Yes.

The following additional/new comments are provided:

- Durham Region Transit staff would respond to their comments. However, Transportation Services support a sidewalk on the north side of Victoria Street and preserving the existing transit.
- Additional comments may be provided by Engineering Services, particularly as it relates to the redline of the draft plan and their previous comments.
- The consultant shall respond to all Paradigm Transportation Solutions Limited comments, even if it is an acknowledgement.
- Accessible parking does not appear to have been identified in the Underground Parking Plan. Confirm that accessible parking has been accounted for as accessible parking spaces are larger than a typical parking space. In addition, an understanding on development phasing, particularly as it relates to the construction of the underground parking is required.
- A Signage and Pavement Marking Plan is required. Note that on-road cycling shall be restricted to No Parking/Stopping.
- Remove the reference to lay-by parking on Jim Flaherty Street.
- The public park and the Privately Owned Public Accessible Spaces (POPS) are proposing numerous pedestrian connections to the adjacent sidewalk network. Controlled crossings (i.e., Level 2, Type C Pedestrian Crossovers) at logical locations are required to support walkability.
- If the public park is to be permitted for sports/activities, then parking to support the use is to be identified/provided.
- The local road (refer to LS.203) functions as a collector road and is designed to a

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collector road standard. Refer to Street A, a collector road not a local road.

- Town of Whitby staff that focus on accessibility to confirm that the 0.8m Edge Zone is an acceptable walking area, as shown in LS.204, and is not impeded by the Planting Zone.
- Confirm the operation of the Woonerf, given the 4.0m travel lane with bollards. It's unclear how this road will operate as two-way travel.

An updated Transportation Addendum/response to comments is required.

#### Attached Stormwater Management Comments

1. The following are to be conditions of draft plan approval and shall be addressed in and updated report to the satisfaction of the Engineering Services.

1.1. The original subdivision design report requirements were for the 5-year peak flows to be controlled to 35L/s/ha and major flows to be conveyed through the streets. The Town requirements have since been updated and major flows are to be controlled to the allowable release rate and discharge through the sewer. The current FSSR suggested that the 100-year flows will be captured and provided 100-year storage volume calculations. This comment is to clarify that the capture of the 100-year storm event is a requirement.

1.2. The storm sewer on Montecorte Street was not designed receive drainage south of Nordeagle Drive. Storm sewer drainage is to be directed to Nordeagle Drive per the original subdivision design. A storm sewer analysis demonstrating no adverse impact to the existing system will be required if the drainage areas are revised from the original design.

1.3. Repeat comment: Per Town Standards, the consultant is to use hydrologic modelling software (i.e., Visual Otthymo, PCSWMM) to calculate stormwater storage requirements for developments greater than 5 hectares in area. Please update the report to include the required modelling.

The proposed development may be completed in phases; however, the overall modelling for the development is over 5ha in area. Please complete the review using hydrologic modelling software.

1.4. Repeat comment: The proposed permanent pumping of foundation drainage has the potential to continuously impact the permanent pool elevation of the downstream SWM facility. Please provide supporting calculations demonstrating the foundation drainage will not impact the SWM facilities capacity to provide the required stormwater management controls to meet current standards. If the degree of impact is not to Town satisfaction, an alternative method of dealing with foundation drainage will be required.

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At the site plan application stage, other supporting documents may be required to support the proposed permanent foundation drainage discharge to the storm sewer. The terms of reference for supporting documents may be confirmed with the Program Manager for Site Plan, Brandon Ewart.

The report speaks to the impact of groundwater during a 4-hour stand alone event. The updated report is to speak to the consistency of the groundwater pumping rate and its effect on the pond. If the groundwater is pumping on a consistent basis, the permanent pool elevation will increase to the elevation in which the control orifice discharges at the groundwater flow rate, permanently eliminating some of the extended detention volume.

1.5. Repeat comment: Please provide major flow calculations for flows from Victoria Street and supporting information for how the development will capture and convey the external major flows through the subdivision.

The major flows from Victoria Street have the potential to impact stormwater attenuation volumes. The Town requires the 100-year storm be controlled to the allowable discharge rate to the storm sewer system. Please confirm how the overland flows from Victoria Street will flow through the site while on-site flows will be captured for controlled discharge through the sewer.

#### Financial Services – Development Charges

The following pertains to Town of Whitby Development Charges only, based on current Provincial legislation and Town of Whitby by-laws (subject to change). Additional information can be found at <https://www.whitby.ca/en/work/development-charges.aspx>. This development will also be subject to Region of Durham development charges and DDSB/DCDSB education development charges, please reach out to them directly with any questions.

#### Development Charges

- Will be owing for both residential and commercial development.
- Under Section 26.2 of the Development Charges Act.
  - The base DC rate(s) will be set as of the Site Plan application **submission** date.
  - Interest will accrue on the base DC rate(s), from the date of site plan application submission until the date of building permit issuance. Per the DC Act, the interest is set at Prime +1% adjusted quarterly.
  - The applicant has 18 months from the date of Site Plan application **approval** to obtain a building permit. Otherwise, Section 26.2 no longer applies, and instead the applicable DC rate(s) are the current posted rates in effect as of the building permit issuance date.

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- If this development is a condo, development charges are payable prior to the issuance of the 1<sup>st</sup> building permit. If this development is entirely rental housing development charges shall be payable as per Section 26.1 of the DC Act.
- If this development includes affordable or attainable units (as defined in Section 4.1 of the DC Act), those units are eligible for DC exemptions.
- If this development includes rental housing or institutional development, Section 26.1(3) of the DC Act allows for development charges to be paid in equal annual installments over five years, upon the earlier of occupancy or issuance of an occupancy permit.
- If this development includes four or more rental housing units, Section 26.2 (1.1) of the DC Act allows for additional development charge reductions based on the number of bedrooms per unit.
- If a building is being demolished to make way for this redevelopment, the applicant has 5 years from the date that the demolition permit was issued, to obtain the new building permit to qualify for a redevelopment credit.

#### Parkland Dedication / Cash-in-Lieu

Shall be applicable as per the Planning Act and Town of Whitby By-Law for both residential and non-residential development.

- If utilizing a CIL, a land appraisal is required at the cost of the developer and will remain current for a maximum period of one (1) year.
- If CIL has previously been applied, a reduction in the amount owing will be applied.
- If CIL has not previously been applied, only the incremental residential units are used for the calculation of the CIL value.

#### **Fire and Emergency Services**

Whitby Fire and Emergency Services advises that they have no further comments and that additional comments will be provided at the Site Plan Application submission. Previous comments dated January 1, 2024 on the application were:

1. Indicate location of fire hydrants on site plan.
2. All subdivisions with public roads must follow the regional hydrant specification for hydrant spacing.
3. All private laneways shall have fire hydrants spaced at not more than 90 m.
4. Fire hydrants shall be installed at each end of private laneways designated as fire access routes.
5. A fire access route shall be provided in accordance with OBC 3.2.5.6.

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6. Turnaround facilities shall be provided for any dead end portion of a fire access route exceeding 90 m.
7. Provide fire access route sign locations as per Town of Whitby Bylaw 4084-97
8. Submit a site plan indicating designated fire breaks for review and approval prior to construction.

### **Landscape**

#### Existing Tree Inventory and Arborist Report Requirements:

- There are Municipal and Regional owned Trees along Victoria St. and Montecorte St. proposed for removal. Tree appraisal and compensation approach should be further discussed with the Town and the Region and noted as Conditions of Draft Plan approval.
- While the Town of Whitby Tree Protection By-Law 4640-00 exempts proposed developments from the requirement for a tree removal permit (see Exemptions, 3 (g)), this exemption is based on a requirement for an approved Tree Protection Plan. Approval is required to be established prior to any removals occurring on site, including those that may be included in a Site Alteration permit. Further, removals are not permitted to occur on site until the proposed plan has received Draft Plan Approval.
- Considering the neighbouring industrial zone and the trailer parking area (Sobey's distribution center) on the north side, further screening and buffer planting is encouraged along the north side of the proposed "Service Lane".

### **Strategic Initiatives**

#### Economic Development Comments

Economic Development Staff continue to be generally supportive of the proposal. Staff believe the proposal strongly aligns with the Town of Whitby's 2023-2026 Community Strategic Plan, specifically action item 3.2.1, which is to attract investment for a hotel and convention centre.

The proposed development is in close proximity to Iroquois Park Sports Centre, which sees approximately two million visitors annually, making it an ideal location for this proposal. Additionally, the development is near Durham College Whitby Campus, Whitby GO Station, Highway 401, and Whitby's award-winning marina.

With housing affordability continuing to be an issue across Southern Ontario, this high-density housing proposal is an opportunity to house many individuals in Whitby, thereby strengthening our workforce and local economy.

Economic Development staff have previously met with the proponent and encourage them to continue to connect with our team throughout the development process as needed.

#### Sustainability Comments

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The following comments from October 27, 2020, have still not been addressed. Please provide an updated Whitby Green Standard Checklist and Sustainability Rationale Report that addresses the following:

All new Site Plan and Plan of Subdivision Applications are required to follow the Whitby Green Standard and meet at a minimum the Tier 1- Mandatory Performance Criteria as outlined in the respective Site Plan Checklist and Plan of Subdivision Checklist. However, it is recommended that considerations be made 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. The Whitby Green Standard checklists and supporting documents can be found on the Town's website, [www.whitby.ca/greenstandards](http://www.whitby.ca/greenstandards).

The Goal, as stated in Section 3.2.1.1, is to encourage the planning and design of development that will embrace principles of sustainability to contribute to the achievement of a complete and healthy community. Official Policies relating to sustainability include Section 2.3.2 - Sustainable Development, Section 3.2 - Sustainable Community Planning, and Section 6.2.3.22 – Sustainable Design. We require a Sustainability Rational Report that details how these Sections of the Official Plan are intended to be applied in the proposed development.

Staff would like to see a strong emphasis on sustainability within this development and would like to emphasize the Whitby Official Plan policies particularly sections 2.3.2, 3.2, 3.2.1.1, 3.2.5.2, 3.2.6, 3.2.9 and 6.2.3.22 that will need to be considered, which particular focus pertaining to:

- Climate change mitigation & resilience measures,
- Energy conservation,
- Low carbon & renewable energy sources,
- The offset and reduction in heat island affect,
- Water conservation measures,
- Preservation and enhancement of the natural environment.
- The integration of green infrastructure and use of native vegetation.
- Increased storm water retention and increased water quality of runoff through the uptake of and consideration of Low Impact Development technologies,
- Support for sustainable transportation including active transportation, access to public transit and uptake of electric vehicles,
- Provisions for waste diversion (recycling, compost and garbage collection and optimal storage of waste and reduced litter.

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Sustainability staff recommend integrating the following sustainability design features into the development to help increase sustainability performance through the:

- Consideration of advanced energy performance including the use of renewable energy, district energy, enhanced building envelope, with consideration for Net Zero Energy certification,
- Integration of low impact development technology to manage stormwater runoff including a green roof, soil cells for trees, grey water collection, bioswales & permeable pavement.
- Installation of level 2 or level 3 electric vehicle charging stations with public access.
- Use of reflective roof materials to reduce heat island affect,
- Bird friendly glazing, windows and outdoor lighting <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/bird-friendly-guidelines/>
- Enhancement of the urban forest through planting native species and supporting their longevity in an urban setting through the use of soil cell technology.
- Considerations for dedicating space for use as a community garden (this could include rooftop gardens).
- Considerations for active transportation including bicycle storage, connected trails to the neighbouring amenities & shade structures.
- Design features that support the collection, sorting and storage of recycling, compost and residual waste.

To support the enhancement of sustainable design features staff encourage the applicant to consider seeking funding support for advanced energy performance by following the Enbridge Savings by Design program <http://www.savingsbydesign.ca/> and the Canada Mortgage and Housing Corporation- Development Checklist for Affordable Housing- including consideration for low income mortgage qualification and funding <https://www.cmhc-schl.gc.ca/en/developing-and-renovating/develop-new-affordable-housing/programs-and-information/development-checklist-for-affordable-housing>

#### Creative Communities Comments

Creative Communities staff continue to advocate to incorporate public art and placemaking into this significant development as this site lies within a key intersection within the Town and acts as a gateway into this larger overall development of the site. Public Art would enhance the space and provide additional focal points for the development, while placemaking opportunities will provide a better connection of the site to its residents and users. Staff in the Creative Communities team would be happy to offer assistance and/or connect the team to public art groups that could assist with placemaking and creative arts enhancements to this space.

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#### Parks Division – Community Services Department

##### Comments:

1. Parks Planning is supportive of the expanded public park block of 1.484 hectares.
2. The timing for conveying park block 4 should be tied to registration of the first phase of the draft plan of subdivision.
3. Parks Planning staff request to review a draft of the Official Plan and Zoning By-Law amendments.
4. Parks Planning is generally supportive of approving the draft plan of subdivision, official plan amendment and zoning by-law amendment and provides the following conditions of draft plan approval.

##### Parks Draft Plan Conditions

1. The subdivider agrees that the parkland dedication requirement for this draft plan of subdivision will be calculated based on 15% of the land area in accordance with the Planning Act and the Town's Parkland Dedication By-Law 7733-21.
2. The subdivider agrees to satisfy a portion of the parkland dedication requirement through the conveyance of Block 4, at a minimum size of 1.484 ha, free and clear of all costs, encumbrances and contamination to the Town for public purposes to the satisfaction of the Senior Manager of Parks Planning and Development, upon registration of the first phase of the subdivision.
3. The subdivider agrees to satisfy the remaining parkland dedication requirement through the payment of cash-in-lieu of parkland. Any parkland dedication that was provided as part of the 1999 development agreement and 2001 amending agreement for the subject lands will be adjusted based on the current subdivision areas and credited towards the required payment of cash-in-lieu of parkland.
4. Any Privately-owned publicly accessible open space ("**POPS**") shall not be eligible for parkland dedication or cash-in-lieu of parkland credit under Section 42 of the Planning Act. The Town shall not be responsible for the operation or maintenance of any space identified as POPS within the development blocks of the Draft Plan.
5. Areas identified as POPS shall be subject to an easement in favour of the Town, or an easement-in-gross, to allow for public use of the POPS area. Terms and conditions related to the POPS area shall also be included in future Site Plan agreements related to the development of the blocks within the Draft Plan.
6. Prior to registration of the first phase of the subdivision, the subdivider agrees to complete any temporary site works related to park block, including filling of any low areas to remove any standing water, temporary seeding, and perimeter page wire fencing along the street frontages. The subdivider agrees to implement any requirements and findings identified in the Environmental Impact Study and satisfy any CLOCA requirements related to the park block works.
7. The subdivider shall be responsible for regular cutting of woody plants and mowing to



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control vegetation until the base park has been constructed at its sole cost.

8. The subdivider shall prepare detailed park design and grading plans, prepared by a qualified landscape architect, to the satisfaction of the Senior Manager of Parks Planning and Development.
9. Prior to the registration of the condominium for building adjacent to the Park (currently shown as C2 and C3 on drawing A101 dated June 20, 2024), the subdivider shall be responsible for completing all servicing, grading and base park works for the park block to the satisfaction of the Senior Manager of Parks Planning and Development.
10. After completing the site work, the subdivider shall provide an as-built geotechnical report and an as-built grading survey, prepared by a qualified person, to the satisfaction of the Senior Manager of Parks Planning and Development.
11. The subdivider shall provide the following servicing and utility connections to park block 75, to the satisfaction of the Senior Manager of Parks Planning and Development and in accordance with the Town's Design Criteria and Engineering Standards:
  - a. A stormwater manhole/catch basin at the low point of each catchment area(s) within the park block.
  - b. A 200 mm sanitary connection extending 1 metre into the park and terminating in a manhole at an elevation flush with the adjacent grades.
  - c. A 50 mm water supply connection with a shutoff valve at the property line and the water line extending 1 metre into the park block and plugged.
  - d. A single-phase electrical connection.
12. Detailed subdivider obligations concerning parks and trails development will be included in the subdivision agreement based on review of the detailed design and grading plans, to the satisfaction of the Senior Manager of Parks Planning and Development.
13. Prior to execution of the Subdivision Agreement, the subdivider shall provide a Letter of Credit, in an amount to be determined by the Senior Manager of Parks Planning, to secure delivery of the base park works.
14. The Subdivider shall be responsible for satisfying any additional requirements identified by Parks Planning and Development not specifically listed above.

## External Agencies

### Bell Canada

#### Bell Canada Condition(s) of Approval

- 1) 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.
- 2) 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.

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Upon receipt of this comment letter, the Owner is to provide Bell Canada with servicing plans/CUP at their earliest convenience to planning and development@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.

#### Concluding Remarks:

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.

If you believe that these comments have been sent to you in error or have questions regarding Bell's protocols for responding to municipal circulations and enquiries, please contact planninganddevelopment@bell.ca directly.

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 Bell's responses and for any of the content herein.

#### **Canada Post**

*Canada Post did not provide comments on the latest submission. Previous comments dated July 12, 2018 state:*

Canada Post has no objections for the proposed development.

#### Service type and location

1. Canada Post will provide mail delivery service to the development through centralized Community Mailboxes (CMB's) & Rear Loading Mail Rooms.
2. Townhouses & Single Detached dwellings (if applicable): The Community Mailbox location of these sites is to be determined between my department (Canada Post Delivery Planning) and the Developers appointed Architect and/or Engineering firm.
3. Retail/Office/Commercial: If the commercial space will consist of more than two adjoining units, sharing a common indoor entrance, the developer/owner must supply, install, and maintain a centralized mailbox facility to Canada Post's specifications, in a

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separate location away from the residential units. Should the commercial space consist of no common indoor entrance the location of Community Mailbox sites is to be determined between my department (Canada Post Delivery Planning) and the Developers appointed Architect and/or Engineering firm.

4. Apartment / Condominium Building(s): As the high density buildings in this project consist of more than two adjoining units, sharing a common indoor entrance, the developer/owner must supply, install, and maintain a centralized mail room (Mandatory: Rear loading lockbox / mailroom) facility to Canada Post's specifications.
5. Please see attached link for delivery standards:  
[http://www.canadapost.ca/cpo/mr/assets/pdf/business/standards\\_manual\\_en.pdf](http://www.canadapost.ca/cpo/mr/assets/pdf/business/standards_manual_en.pdf)

#### Municipal requirements

1. Please update our office if the project description changes so that we may determine the impact (if any).
2. Should this subdivision application be approved, please provide notification of the new civic addresses as soon as possible.

#### Developer timeline, obligations, and installation

1. Please provide Canada Post with the excavation date for the first foundation/first phase as well as the date development work is scheduled to begin.
2. If applicable please ensure that any street facing installs have a depressed curb or curb cut. Contact Canada Post Corporation – Delivery Planning for further details.
3. If applicable please ensure that any condominiums apartments with more than 100 units, incorporates a mailroom with rear loading lock box assemblies (mailboxes).
4. Finally, please provide the expected first occupancy date and ensure the future site is accessible to Canada Post 24 hours a day.

It is recommended that the owners contact Canada Post as completion draws near so as to finalize the location and compartment they will be assigned to.

Please include Appendix A & B along with the developer timeline, obligations, and installation within the subdivision agreement for this application.

#### Appendix A

1. Nordeagle Developments Ltd. covenants and agrees to provide the Town of Whitby with evidence that satisfactory arrangements, financial and otherwise,

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have been made with Canada Post Corporation for the installation of Community Mail Boxes (CMB) as required by Canada Post Corporation and as shown on the approved engineering design drawings/Draft Plan, at the time of sidewalk and/or curb installation. Nordeagle Developments Ltd. further covenants and agrees to provide notice to prospective purchasers of the locations of CMBs and that home/business mail delivery will be provided via CMB.

#### Appendix B

##### Additional Developer Requirements:

1. The developer will consult with Canada Post to determine suitable permanent locations for the Community Mailboxes or Lock box Assemblies (Mail Room). The developer will then indicate these locations on the appropriate servicing plans.
2. The developer agrees, prior to offering any units for sale, to display a map on the wall of the sales office in a place readily accessible to potential homeowners that indicates the location of all Community Mailboxes or Lock Box Assemblies (Mail Room)., within the development, as approved by Canada Post.
3. The owner/developer will be responsible for officially notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sales with specific clauses in the Purchase offer, on which the homeowners do a sign off.
4. The Builder/Owner/Developer will confirm to Canada Post that the final secured permanent locations for the Community Mailboxes will not be in conflict with any other utility; including hydro transformers, bell pedestals, cable pedestals, flush to grade communication vaults, landscaping enhancements (tree planting) and bus pads.
5. The developer agrees to include in all offers of purchase and sale a statement which advises the purchaser that mail will be delivered via Community Mailboxes or Lock Box Assemblies (Mail Room). The developer also agrees to note the locations of all Community Mailboxes or Lock Box Assemblies (Mail Room)., within the development, and to notify affected homeowners of any established easements granted to Canada Post to permit access to the Community Mailboxes or Lock Box Assemblies (Mail Room).
6. The owner/developer will agree to prepare and maintain an area of compacted gravel to Canada Post's specifications to serve as a temporary Community

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Mailbox location. This location will be in a safe area away from construction activity in order that Community Mailboxes may be installed to service addresses that have occupied prior to the pouring of the permanent mailbox pads. This area will be required to be prepared a minimum of 30 days prior to the date of first occupancy.

7. The owner/developer will install concrete pads at each of the Community Mailbox locations as well as any required walkways across the boulevard and any required curb depressions for wheelchair access as per Canada Post's concrete pad specification drawings
8. The developer agrees to provide the following for each Community Mailboxes or Lock Box Assemblies, and to include these requirements on the appropriate servicing plans: (if applicable)
  - Any required walkway across the boulevard, per municipal standards
  - If applicable, any required curb depression for wheelchair access, with an opening of at least two meters (consult Canada Post for detailed specifications)

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

CLOCA comments have not changed since submission 4 where we issued conditions of draft plan approval. CLOCA's submission 4 comments dated January 23, 2024 stated:

CLOCA staff have completed our review of the submitted information and are satisfied that all previous comments have been addressed to our satisfaction.

Official Plan Amendment (OPA/2018- W/02)

CLOCA has no objection to any approval of the proposed Official Plan Amendment.

Zoning By-law Amendment (Z-08-18)

CLOCA has no objection to any approval of the proposed Zoning By-law Amendment.

Draft Plan of Subdivision (SW-2018-01)

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

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guidelines as well as in conformity with the recommendations found within the Lynde Creek Master Drainage Plan and CLOCA Technical Guidelines for Stormwater Management Submissions.

- b. 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.
  - c. The intended means to implement mitigation measures outlined in the approved Environmental Impact Study (Burnside, 2017) and Bird Strike Mitigation Memo (SLR, 2023) including, but not limited to interim protection/management of existing wetlands during the phased construction process.
2. 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.
  3. 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.
  4. 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 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.

#### Ontario Regulation 42/06 of the Conservation Authorities Act

Given wetlands, as identified in the approved Environmental Impact Study, are proposed to be removed as part of the development of this site. A permit from CLOCA will be required prior to any site alteration and/or development within 30 metres of the identified wetlands 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.

#### **CN Rail**

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The portion north side of Nordeagle Avenue which has an hotel (within 300 m of CN right of way) should be considered of sensitive use . Therefore, the following noise warning clause is recommended to be included in the property and tenancy agreements for the hotel:

“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the tenants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development. CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”

We also recommend that the windows, walls and doors of the hotel be designed so that the indoor sound levels for bedrooms is a maximum of 35 dBA indoor limit and 40 dBA for living rooms. The North and East facade as per the noise feasibility study prepared by HGC Engineering dated September 21 , 2023, requires for the windows an STC-36 (North) and STC-35 (East). When detailed floor plans and building elevations are available, an acoustical consultant should revise the noise study.

We request that CN Rail and the proximity@cn.ca email be circulated on public notices and notices of decisions with respect to this and future land use planning applications with respect to the subject site.

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

*DCDSB did not provide comments on the latest submission. Previous comments dated March 25, 2024 state:*

Planning staff at the Durham Catholic District School Board have reviewed the Official Plan Amendment and other updated planning applications and have no objections to the proposed development of a total of 6,819 residential units.

This area of the Official Plan Amendment is located within the boundary of St. Marguerite d'Youville C.S. Located at 250 Michael Boulevard, Whitby.

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

Over the summer, Durham District School Board (DDSB) staff participated in several meetings involving the Town of Whitby, and in some cases, the applicant for the above-noted development plan to determine a location for a required school site within this proposed expansive development. The discussions centered around a possible school site located at the northeast corner of Nordeagle Avenue and Jeffery Street.

The DDSB explained the complexity of planning a new school in developing areas by providing a rough Facility Fit reflecting the siting of a new elementary school and childcare centre on the

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Nordeagle Avenue/Jeffery Street site. The Town circulated this rough sketch internally and provide comments back to the DDSB on August 26, 2024.

While the DDSB was amenable to a smaller site with an opportunity to share park space to offset the smaller site size, the Town has indicated it would not be supportive of this approach. As such, a school site of no less than 6.5 acres would be necessary.

DDSB is however, supportive of the proposed development proceeding and as such, the DDSB, to ensure ongoing discussions and the subsequent identification of a school site of at least 6.5 acres, is requesting that a policy be included in the Official Plan requiring the use of a "Holding" symbol in the implementing zoning by-law. To be clear, the DDSB's request would not apply to the first phase where the construction of the first two towers is being planned.

Once a site is identified and the 'H' Holding Symbol is removed, the following conditions are required to be included in the conditions of Draft Plan Approval for the elementary school block having a site size of no less than 6.5 acres that is satisfactory to the DDSB's requirements:

- I. That the Owner and the Durham District School Board enter into an agreement for the acquisition of the identified school block for elementary school purposes.
- II. That the Owner submit plans indicating existing and proposed grades, drainage and servicing for approval by the Durham District School Board for all lots, blocks, easements and roads abutting the identified school block.
- III. That the Owner provide the Durham District School Board with a report detailing the soil bearing capacity and composition of soils within the school block, prior to the registration of the planning phase of the development where the 'H' Holding Symbol has been removed. Specifically, the report will detail the chemical composition of soils and the presence of methane and/or radon gas within the school block.
- IV. That any filling conducted within the school block meet the Durham District School Board criteria for soil bearing capacity and be approved by the Durham District School Board soils engineer.
- V. That the Owner rough grade the school block to the satisfaction of the Durham District School Board.
- VI. That the Owner agrees to bring all municipal services and connections to the edge of the school block, along the street and submit drawings to the Durham District School Board for approval.
- VII. That the Owner agrees to install a 1.8 metre galvanized or vinyl coated chain link fence of standard school construction (#9-gauge galvanized or #6-gauge vinyl coated) along the perimeter of the school block where it abuts proposed or existing



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residential lands (lots or blocks), and/or any other proposed or existing land use, except for active municipal parkland.

That the following "Notice to Parents" be inserted in all agreements of purchase and sale between the Owner and all prospective homebuyers:

"Students from this development may have to attend existing schools. Although an elementary and secondary school site has been reserved within this plan of subdivision, a school may not be constructed for some time, if at all, and then only if the Durham District School Board receives funding for the construction of this required school."

That the Owner agrees to post the standard Durham District School Board approved "Notice to Parents" in all sales representation centres.

Staff remain open to continued discussions with the Town regarding the need to identify a school site within this developing area.

#### **Durham Region Transit**

Durham Region Transit has the following comment.

1. Sidewalks must be built along the north side of Victoria Street to facilitate pedestrian access to transit.
2. Please preserve the bus stop located at Victoria Street and Montecorte.

#### **Durham Regional Police Service (DRPS)**

After reviewing the path analyses done by Yves R. Hamel et Associes inc. (YRH), it is safe to say, DRPS has no concerns regarding the Microwave Path.

#### **Elexicon Energy**

The applicant or its authorized representative shall consult with Elexicon Energy Inc. concerning the availability of supply voltage, service location, metering, costs and any other details. These requirements are separate from and in addition to those of the ESA. Elexicon Energy Inc. will confirm the characteristics of the available electrical supply and will designate the location of the supply point to the applicant. Elexicon Energy Inc. will also identify the costs that the applicant will be responsible for.

In some cases, an expansion of Elexicon's distribution system (as such term is defined in the Distribution System Code issued by the Ontario Energy Board) will be required in order to be able to connect the customer to Elexicon's distribution system. When an expansion is necessary, the Distribution System Code requires that a distributor perform an economic evaluation to determine if the future revenue from the customer(s) will pay for the capital cost and on-going maintenance costs of the expansion project. If a shortfall between the present value of the projected costs and revenues is calculated, the distributor may propose to collect all or a portion of that amount from the customer(s). The evaluation is basically a discounted cash

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flow calculation that brings all costs and revenues to their net present values. This model, in general, follows the methodology, the set of common elements and related assumptions provided in Appendix B of the Distribution System Code. Elexicon will provide an Offer to Connect once an official request for electric services is received.

The applicant or its authorized representative shall apply for new or upgraded electric services and temporary power service in writing. The applicant is required to provide Elexicon Energy Inc. with sufficient lead-time in order to ensure:

- a) The timely provision of supply to new and upgraded premises; and/or
- b) The availability of adequate capacity for additional loads to be connected in the existing premises

For all future applications and related correspondences kindly forward digital copies to: [DevelopmentApplications@elexiconenergy.com](mailto:DevelopmentApplications@elexiconenergy.com)

*Please note that the conditions and statements set out in this letter are subject to change at Elexicon's sole and absolute discretion based on future demand, supply availability, and other relevant factors existing at the time of a customer's application.*

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

Enbridge Gas does not have changes to the previously identified conditions for this revised application(s).

Please always call before you dig, see web link for additional details  
<https://www.enbridgegas.com/safety/digging-safety-for-contractors>

*Previous comments dated December 17, 2020 state:*

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 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.

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**

Hydro One has no comments or concerns at this time. Our preliminary review considers issues affecting Hydro One's High Voltage Facilities and Corridor Lands Only.

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#### Metrolinx

These conditions need to be fulfilled prior to site plan approval. So, I have no concerns with the city approving the DPS and OZ applications.

Noise Study - I also noted that the Noise Study prepared by HCG Engineering dated September 21, 2023 has outdated rail data, therefore the proponent is advised to resubmit a revised Noise Study incorporating recent rail data and. The proponent may obtain Metrolinx's most up to date rail forecast data by submitting a request to [raildatarequests@metrolinx.com](mailto:raildatarequests@metrolinx.com). The noise study shall also include the below warning clause which was indicated as one of our conditions in the previously provided comments memo.

**Warning:** "Metrolinx and its assigns and successors in interest operate commuter transit service within 300 metres from the subject land. In addition to the current use of these lands, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx or any railway assigns or successors as aforesaid may expand their operations, which expansion may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual units. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under these lands."

Environmental Easement – The proponent shall reach out to myself to initiate the environmental easement registration process which may take up to 6 weeks to be completed.

Please note that before Metrolinx can provide clearance for the site plan control application, the proponent must satisfy all the above conditions.

*Previous comments from January 11, 2024 not addressed:*

#### GO Heavy Rail Comments

Metrolinx's comments on Block 1 of above noted application are noted below:

1. The subject property is located within 300m of the Kingston Subdivision carrying the Lakeshore East GO Train Service.
2. Metrolinx recommends that a noise and vibration study, prepared by a qualified consultant, be submitted for review. Rail volume data required to prepare the aforementioned study can be obtained by contacting [raildatarequests@metrolinx.com](mailto:raildatarequests@metrolinx.com).
3. The Owner, through their solicitor, shall provide confirmation to Metrolinx that the following warning clause is inserted in the site plan agreement:

Warning:

Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the land of the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility

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that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors of aforesaid may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). Metrolinx will not be responsible for any complains or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.

4. The Owner shall grant Metrolinx and environmental easement for operational emissions, which is to be registered on title for all uses within 300 metres of the rail right-of-way. The Proponent may contact [Neha.Kulkarni@metrolinx.com](mailto:Neha.Kulkarni@metrolinx.com) with any questions and to initiate the registration process at their earliest convenience. Registration of the easement will be required prior to clearance of Site Plan Approval. (It should be noted that the registration process can take up to 6 weeks).
5. The Proponent will be responsible for all costs for the preparation of agreements/undertakings/easements/warning clauses as determined appropriate by Metrolinx, to the satisfaction of Metrolinx. They shall also consider the timelines required to advance such agreements and reviews in their schedule accordingly.

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

Ministry of Transportation Ontario staff reviewed the submission and found it to be outside of their permit control area and had no further comment.

Regarding signage: Please have the proponent apply for MTO sign permit(s) here:

[https://www.hcms.mto.gov.on.ca/\(X\(1\)S\(wfqaamhjwgvohytezxkddww5\)\)/?AspxAutoDetectCookieSupport=1](https://www.hcms.mto.gov.on.ca/(X(1)S(wfqaamhjwgvohytezxkddww5))/?AspxAutoDetectCookieSupport=1)

All signs visible from the right of way and within 400m of the highway property line shall require MTO sign permits.

#### **Region of Durham**

A new ROP was adopted by Regional Council in May 2023 and approved by the Province September 3, 2024. The new ROP designates the site as “Protected Major Transit Station Area” (PMTSA), which is also a Strategic Growth Area (SGA). The PMTSA is intended to be planned for a minimum transit supportive density target of 150 people and jobs per hectare.

PMTSAs are to be planned as communities centered around higher order transit services. Permitted uses include medium and high density residential, mixed-use development, compatible employment generating uses including but not limited to office and major office, cultural and entertainment uses, commercial and retail uses, institutional and educational uses including post-secondary facilities, recreational and community amenities such as parks, urban squares, and trail systems.

Additionally, Policy 8C.3.1 of the current ROP has been transitioned into the new ROP through the inclusion of policy 10.3.8. once approved by the province.

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As indicated in the Region's previous comments, the proposed list of uses appears to conform to the new ROP policies and permissions for this area.

#### Provincial Plan Review Responsibilities

##### *Land Use Compatibility*

The applicant submitted a Land Use Compatibility Study prepared by RWDI and dated November 20, 2018, and a revised study dated September 18, 2023. The submitted reports are subject to a peer review to confirm the findings of the study and any mitigation/clauses to the satisfaction of the Town of Whitby and the Region.

The Region initiated the peer review process and the report have been peer-reviewed by EXP Services Inc. (EXP). EXP has concluded that the submitted reports are complete and accurate and is compliant with the applicable Federal, Provincial, Regional and the Town's policies and regulations.

The recommended mitigation measures/conditions by the Region's peer reviewer can be addressed as a condition of draft approval for the associated plan of subdivision.

##### *Archaeological Assessment*

As noted in our August 2018 comments, a Stage 1 Archaeological Assessment, prepared by AECOM (March 2018) was submitted in support of the applications. This report concluded that due to the extensive disturbance on the site, and the low-lying permanently wet areas, the subject site no longer contains archaeological potential. The Archaeological Assessment was submitted to the Ministry of Tourism, Culture and Sport who provided their clearance letter in April 2019. There are no further matters of archaeological concern.

##### *Potential Site Contamination*

A Phase One Environmental Site Assessment (ESA), prepared by McClymont & Rak Engineers Inc. (September 2023) was included with the fourth submission. The ESA report identified a number of Potentially Contaminating Activities, both on site and in the greater study area. A Phase Two ESA was undertaken in 2019, and updates to that report were recommended.

The following documents were also included with the fourth submission:

- Phase Two Environmental Site Assessment Northeast Quadrant of Victoria Street West and Montecorte Street; McClymont & Rak Engineers Inc. (November 2023); and
- Phase Two Environmental Site Assessment Northeast Quadrant of Nordeagle Avenue and Montecorte Street McClymont & Rak Engineers Inc. (November 2023).

Both Phase Two ESA reports compared the soil and groundwater results to the Ministry of Environment, Conservation and Parks Table 2 standards. There was one exceedance found in each report and those exceedances were for electrical conductivity caused by road de-icing activities. As such, no remediation is required as this activity is undertaken for traffic and pedestrian safety.

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The ESA studies are generally satisfactory to the Region. However, as per the Region's Soil and Groundwater Assessment Protocol, the Region's Reliance Letter and Certificate of Insurance must be provided.

Moreover, as per the Region's Soil and Groundwater Assessment Protocol, ESA documents cannot exceed 18 months of age. As such a Phase One ESA Update report may be required. Both of these requirements can be addressed as a condition of draft approval for the associated plan of subdivision.

#### *Noise Study*

The applicant submitted a Noise Feasibility Study was prepared by Howe Gastmeier Chapnik Limited (HGC) Engineering (September 2023) and an addendum dated August 16, 2024. The study and the addendum are subject to a peer review at the applicant's expense.

The Region initiated the peer-review process and the submitted material has been peer-reviewed by EXP. EXP has concluded that they agree with the findings and recommendations of the addendum additionally EXP recommends that the conditions of fixed and sealed windows for guestrooms to be included in terms and conditions in developmental documents for the proposed hotel.

The recommended conditions can be addressed as a condition of draft approval for the associated plan of subdivision.

#### Regional Works

Regional Works Department reviewed the applications, and they offer the following comments:

##### Municipal Servicing

The proposed development is located within the Zone 1 pressure district of the Whitby water supply plant. Water supply is available from Victoria Street, Nordeagle Avenue and Montecorte Street.

The proposed application is proposing a high population and will take several years to complete the full development. As development on the subject lands and surrounding area advances, it may impact the servicing capacity and project timing. Capacity will be allocated on a building by building basis.

##### Transportation

The Regional Works Department will require the Developer to convey a 15 x 10m daylight triangle at the northwest quadrant of the intersection of Victoria Street and Gordon Street and a 15 x 10m daylight triangle at the northeast quadrant of the intersection of Victoria Street and Montecorte Street.

##### Transportation Planning

There are no further comments from Transportation Planning.

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Durham Region Transit (DRT)

Durham Region Transit reviewed the applications and advised that the existing stop located on Victoria Street east of Montecorte Street will be hard surfaced by 2025 and should be protected as well as shown on future site plan submissions.

Refer to the attached S-11 and S-12 guidelines for stop and shelter integration with pedestrian infrastructure.

#### Exemption

The applicant is proposing a mixed-use development consisting of 7,436 units. The proposed developed will contribute to the intensification policies and will add an array of housing types to the PMTSA designation in accordance with the provisions of the ROP. As such the proposed AMOPA is consistent with the policies of the Regional Official Plan.

The proposed amendment does not have significant Provincial or Regional implications and is exempt from Regional approval. Please advise the Commissioner of Planning and Economic Development of your Council's decision. If Council adopts an Amendment, a record must be submitted to this Department within 15 days of the date of adoption. The record must include the following:

- Two (2) copies of the adopted Amendment;
- A copy of the adopting by-law; and
- A copy of the staff report and any relevant materials.

#### Plan of Subdivision

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

The Owner 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 subdivision.

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.

#### Conditions of Draft Approval

1. The Owner shall prepare the final plan and shall include a land use table on the basis of the approved draft plan of condominium, prepared by Bousfields INC., identified as job number 0773-64dp dated June 20, 2024, which illustrates 7,436 units, three blocks (Blocks 1-3) of mixed use, and block for a park (Block 4), and three blocks for road widening (Blocks 5-7).

**Agency & Stakeholder Detailed Comments**  
**File DEV-03-18 (OPA-2018-W/02, SW-2018-01, Z-08-18)**

2. The Owner shall submit Environmental Site Assessment documents to address potential site contamination for the subject site in accordance with the Regional Municipality of Durham's Soil and Groundwater Assessment Protocol.
3. Prior to registration the applicant shall demonstrate that the proposed uses are appropriate in accordance with the peer review of the Land Use Compatibility study prepared by RWDI and dated November 20, 2018, and September 18, 2023, to the satisfaction of the Region of Durham.
4. The Owner shall agree in the Town of Whitby's Subdivision Agreement to implement the recommendations of the Noise study prepared by HGC dated September 21 2023, and the addendum dated August 16, 2024 which specifies noise attenuation measures for the development. The measures shall be included in the subdivision agreement and must also contain a full and complete reference to the noise report (i.e. author, title, date and any revisions/addenda) and shall include any required warning clauses identified in the study.
5. The Owner shall submit plans showing any proposed phasing to the Region for review and approval, if this plan is to be developed through one or more registrations.
6. The Owner shall grant to the Region, any easements required to provide Regional services for this development and these easements shall be in locations and of such widths as determined by the Region.
7. The Owner shall provide for the extension of such 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 Owner shall provide for the extension of water supply facilities within the limits of the plan which are required to service other developments external to this plan. Such water facilities are to be designed and constructed according to the standards and requirements of the Regional Municipality of Durham. All arrangements, financial and otherwise, for said extensions, are to be made to the satisfaction of the Regional Municipality of Durham and are to be completed prior to final approval.
8. Prior to entering into a subdivision agreement, the Regional Municipality of Durham shall be satisfied that sufficient water supply plant capacity is available for the proposed subdivision.
9. The Owner shall satisfy all requirements, financial and otherwise, of the Regional Municipality of Durham. This shall include, among other matters, the execution of a subdivision agreement between the Owner and the Region concerning the provision and installation of sanitary sewers, water supply, roads and other services.
10. The Owner conveys a sight triangle of 15m x 10m at the northwest quadrant of the intersection of Victoria Street West and Gordon Street.

### **Rogers Communications**

Rogers Communications Canada Inc. ("**Rogers**") has reviewed the application for the above Subdivision and has determined that it intends to offer its communications services to residents



Agency & Stakeholder Detailed Comments  
File DEV-03-18 (OPA-2018-W/02, SW-2018-01, Z-08-18)

of the Subdivision. Accordingly, we request that municipal approval for the Subdivision be granted subject to the following conditions:

- (1) The Owner shall agree in the Subdivision Agreement to (a) permit all CRTC-licensed telecommunications companies intending to serve the Subdivision (the “**Communications Service Providers**”) to install their facilities within the Subdivision, and (b) provide joint trenches for such purpose.
- (2) The Owner shall agree in the Subdivision Agreement to grant, at its own cost, all easements required by the Communications Service Providers to serve the Subdivision and will cause the registration of all such easements on title to the property.
- (3) The Owner shall agree in the Subdivision Agreement to coordinate construction activities with the Communications Service Providers and other utilities and prepare an overall composite utility plan that shows the locations of all utility infrastructure for the Subdivision, as well as the timing and phasing of installation.
- (4) The Owner shall agree in the Subdivision Agreement that, if the Owner requires any existing Rogers facilities to be relocated, the Owner shall be responsible for the relocation of such facilities and provide where applicable, an easement to Rogers to accommodate the relocated facilities.

In addition, we kindly request to, where possible, receive copies of the following documents:

- (1) the comments received from any of the Communications Service Providers during circulation;
- (2) the proposed conditions of draft approval as prepared by municipal planners prior to their consideration by Council or any of its committees; and
- (3) the municipal planners’ report recommending draft approval before it goes to Council or any of its committees.

## Conditions of Draft Plan of Subdivision Approval File SW-2018-01

1. The Subdivider shall prepare the final plan and shall include a land use table on the basis of the approved draft plan of condominium, prepared by Bousfields INC., identified as job number 0773-64dp dated June 20, 2024, which illustrates 7,436 units, three blocks (Blocks 1-3) of mixed use, and block for a park (Block 4), and three blocks for road widening (Blocks 5-7).
2. The Subdivider shall submit Environmental Site Assessment documents to address potential site contamination for the subject site in accordance with the Regional Municipality of Durham's Soil and Groundwater Assessment Protocol.
3. Prior to registration the applicant shall demonstrate that the proposed uses are appropriate in accordance with the peer review of the Land Use Compatibility study prepared by RWDI and dated November 20, 2018, and September 18, 2023, to the satisfaction of the Region of Durham.
4. The Subdivider shall agree in the Town of Whitby's Subdivision Agreement to implement the recommendations of the Noise study prepared by HGC dated September 21, 2023, and the addendum dated August 16, 2024 which specifies noise attenuation measures for the development. The measures shall be included in the subdivision agreement and must also contain a full and complete reference to the noise report (i.e., author, title, date, and any revisions/addenda) and shall include any required warning clauses identified in the study.
5. The Subdivider shall submit plans showing any proposed phasing to the Region for review and approval if this plan is to be developed through one or more registrations.
6. The Subdivider shall grant to the Region, any easements required to provide Regional services for this development and these easements shall be in locations and of such widths as determined by the Region.
7. The Subdivider shall provide for the extension of such 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 water supply facilities within the limits of the plan which are required to service other developments external to this plan. Such water facilities are to be designed and constructed according to the standards and requirements of the Regional Municipality of Durham. All arrangements, financial and otherwise, for said extensions, are to be made to the satisfaction of the Regional Municipality of Durham and are to be completed prior to final approval.

## Conditions of Draft Plan of Subdivision Approval File SW-2018-01

8. Prior to entering into a subdivision agreement, the Regional Municipality of Durham shall be satisfied that sufficient water supply plant capacity is available for the proposed subdivision.
9. The Subdivider shall satisfy all requirements, financial and otherwise, of the Regional Municipality of Durham. This shall include, among other matters, the execution of a subdivision agreement between the Owner and the Region concerning the provision and installation of sanitary sewers, water supply, roads, and other services.
10. The Subdivider conveys a sight triangle of 15m x 10m at the northwest quadrant of the intersection of Victoria Street West and Gordon Street
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 Lynde Creek Master Drainage Plan and CLOCA Technical Guidelines for Stormwater Management Submissions.
  - b. 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.
  - c. The intended means to implement mitigation measures outlined in the approved Environmental Impact Study (Burnside, 2017) and Bird Strike Mitigation Memo (SLR, 2023) including, but not limited to interim protection/management of existing wetlands during the phased construction process.
12. The Subdivider shall obtain all necessary permits from Central Lake Ontario Conservation Authority required through Ontario Regulation 41/24, or any successor regulations made under the Conservation Authorities Act.
13. 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.
14. The subdivision agreement between the Subdivider and the Town of Whitby shall contain, among other matters, the following provisions:

## Conditions of Draft Plan of Subdivision Approval File SW-2018-01

- a. The Subdivider agrees to carry out the works referred to in Conditions 11 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.
15. The Subdivider will identify and protect for a school block that is no less than 6.5 acres that is satisfactory to the Durham District School Boards on the subject lands, or other lands owned by the applicant that are west of Montcorte Street, to which the following requirements will apply:
- a. That the Subdivider and the Durham District School Board enter into an agreement for the acquisition of the identified school block for elementary school purposes;
  - b. That the Subdivider submit plans indicating existing and proposed grades, drainage, and servicing for approval by the Durham District School Board for all lots, blocks, easements, and roads abutting the identified school block;
  - c. That the Subdivider provide the Durham District School Board with a report detailing the soil bearing capacity and composition of soils within the school block, prior to the registration of the planning phase of development where the 'H' Holding Symbol has been removed. Specifically, the report will detail the chemical composition of soils and the presence of methane and/or radon gas within the school block;
  - d. That any filling conducted within the school block meet the Durham District School Board criteria for soil bearing capacity and be approved by the Durham District School Board soil engineer;
  - e. That the Subdivider rough grade the school block to the satisfaction of the Durham District School Board;
  - f. That the Subdivider agrees to bring all municipal services and connections to the edge of the school block, along the street and submit drawings to the Durham District School Board for approval;
  - g. That the Subdivider agrees to install a 1.8 metre galvanized or vinyl coated chain link fence of standard school construction (#9-gauge

## Conditions of Draft Plan of Subdivision Approval File SW-2018-01

galvanized or #6 gauge vinyl coated) along the perimeter of the school block where it abuts proposed or existing residential lands (lots or blocks) and/or any other proposed or existing land use, except for active municipal parkland.

16. The Subdivider agrees to include the following "Notice to Parents" in all agreements of purchase and sale between the Owner and all prospective homebuyers and to post this notice in all sales representation centres:

"Students from this development may have to attend existing schools. Although an elementary and secondary school site has been reserved within this plan of subdivision, a school may not be constructed for some time, if at all, and then only if the Durham District School Board receives funding for the construction of this required school."

17. The Subdivider agrees to include the following warning clause in the tenancy agreement for the hotel component of the development:

"Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the tenants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development. CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."

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

- a. Block 4 for Local Park;
- b. Blocks 5 and 7 for road widening on Nordeagle Avenue;
- c. Block 6 for road widening on Montecorte Street.

19. The Subdivider shall be responsible for the construction of pedestrian facilities in the following locations:

- a. 2.5m-wide sidewalk on both sides of Street A;
- b. 2.5m-wide sidewalk on both sides of Nordeagle Avenue;
- c. 2.5m-wide sidewalk at the east side of Montecorte Street;

## Conditions of Draft Plan of Subdivision Approval File SW-2018-01

- d. 2.5m-wide sidewalk at the west side of Jim Flaherty Street;
- e. 2.5m-wide sidewalk at the north side of Victoria Street West.

Further review and consideration of sidewalk placement is required and will be addressed through detail design / engineering.

20. The Subdivider shall be financially responsible for and provide a cost estimate and securities for full cost of reconstruction and completion of Montecorte Street, Nordeagle Avenue and Jim Flaherty Street to municipal standards as the construction of these roads was not completed to top asphalt as per the agreement and the base asphalt works were done more than 20 years ago. As such, the life cycle of these roads has been used up.
21. 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.
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 provide an updated Functional Servicing and Stormwater Management Report (FSSR) to address the comments provided in a separate memo from the Town's Water Resource Engineer dated August 8, 2024 (Attachment 3.0) prior to or with the submission of detailed engineering drawings.
24. The Subdivider shall provide a formal response letter to address the Traffic Impact Study (TIS) comments provided in a separate memo from Transportation Services date July 16, 2024 (Attachment 2.0) prior to Zoning By-law Amendment being finalized.

The Subdivider shall be responsible for implementing any design elements and/or changes to the plan for registration required to address any sightline, parking, and/or alignment concerns.

If identified as a follow-up to the TIS, the Subdivider shall construct traffic control signals at intersection of Nordeagle Avenue and Montecorte Street, as needed.

## Conditions of Draft Plan of Subdivision Approval File SW-2018-01

25. The Subdivider shall provide a Traffic Management Implementation Plan (TMIP) and shall be responsible for providing both temporary and permanent signage and pavement markings for the development.
26. The Subdivider shall provide a composite Traffic Calming Plan for all roads in the plan that includes, but is not limited to, area specific speed limits, speed humps, and raised intersections, for review and acceptance by the Director of Engineering Services.
27. 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.
28. 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.
29. 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. Fencing for school blocks to be as per the appropriate school board requirements.
30. The Subdivider shall be responsible for providing service connections and a suitable storm drainage outlet for flows associated with the park block, Block 4, to the satisfaction of the Community Services Department and Engineering Services Division.
31. 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.
32. All community mailboxes for the private developments shall be located within private properties.
33. 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.
34. 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.

## Conditions of Draft Plan of Subdivision Approval File SW-2018-01

35. The Subdivider shall provide a hydrogeological report to support the construction of the underground parking. The report shall demonstrate, in detail, the groundwater strategy and construction method(s) used for the proposed underground structure design. Materials provided related to the permanent pumping of groundwater shall be peer reviewed at the Subdivider's expenses.

At the site plan application stage, other supporting documents may be required to support the proposed permanent foundation drainage discharge to the storm sewer. The terms of reference of supporting documents shall be confirmed with Engineering Services.

36. 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.
37. The Subdivider shall be responsible for all hydro poles, luminaries and hydro requirements for this proposed subdivision, and adjacent existing Town roads, Nordeagle Avenue, Montecorte Street and Jim Flaherty Street, and shall enter into a separate agreement with Elexicon accordingly.
38. 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 street lighting design shall include all right-of-way components including active transportation facilities, shall comply with the latest version of the RP-8 Roadway Lighting Design standard and shall utilize LED technology.
39. 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.



## Conditions of Draft Plan of Subdivision Approval File SW-2018-01

40. 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.
41. The Subdivider shall agree to implement the recommendations of all reports submitted in support of the application.
42. The Subdivider shall be responsible for satisfying any additional requirements identified by the Engineering Services not specifically listed above.
43. The Subdivider agrees that the parkland dedication requirement for this draft plan of subdivision will be calculated based on 15% of the land area in accordance with the Planning Act and the Town's Parkland Dedication By-Law 7733-21.
44. The Subdivider agrees to satisfy a portion of the parkland dedication requirement through the conveyance of Block 4, at a minimum size of 1.484 ha, free and clear of all costs, encumbrances and contamination to the Town for public purposes to the satisfaction of the Senior Manager of Parks Planning and Development, upon registration of the first phase of the subdivision.
45. The Subdivider agrees to satisfy the remaining parkland dedication requirement through the payment of cash-in-lieu of parkland. Any parkland dedication that was provided as part of the 1999 development agreement and 2001 amending agreement for the subject lands will be adjusted based on the current subdivision areas and credited towards the required payment of cash-in-lieu of parkland.
46. Any Privately-owned publicly accessible open space ("**POPS**") shall not be eligible for parkland dedication or cash-in-lieu of parkland credit under Section 42 of the Planning Act. The Town shall not be responsible for the operation or maintenance of any space identified as POPS within the development blocks of the Draft Plan.
47. Areas identified as POPS shall be subject to an easement in favour of the Town, or an easement-in-gross, to allow for public use of the POPS area. Terms and conditions related to the POPS area shall also be included in future Site Plan agreements related to the development of the blocks within the Draft Plan.
48. Prior to registration of the first phase of the Subdivision, the subdivider agrees to complete any temporary site works related to park block, including filling of any

## Conditions of Draft Plan of Subdivision Approval File SW-2018-01

low areas to remove any standing water, temporary seeding, and perimeter page wire fencing along the street frontages. The subdivider agrees to implement any requirements and findings identified in the Environmental Impact Study and satisfy any CLOCA requirements related to the park block works.

49. The Subdivider shall be responsible for regular cutting of woody plants and mowing to control vegetation until the base park has been constructed at its sole cost.
50. The Subdivider shall prepare detailed park design and grading plans, prepared by a qualified landscape architect, to the satisfaction of the Senior Manager of Parks Planning and Development.
51. Prior to the registration of the condominium for building adjacent to the Park (currently shown as C2 and C3 on drawing A101 dated June 20, 2024), the Subdivider shall be responsible for completing all servicing, grading and base park works for the park block to the satisfaction of the Senior Manager of Parks Planning and Development.
52. After completing the site work, the Subdivider shall provide an as-built geotechnical report and an as-built grading survey, prepared by a qualified person, to the satisfaction of the Senior Manager of Parks Planning and Development.
53. The Subdivider shall provide the following servicing and utility connections to park block 75, to the satisfaction of the Senior Manager of Parks Planning and Development and in accordance with the Town's Design Criteria and Engineering Standards:
  - a. A stormwater manhole/catch basin at the low point of each catchment area(s) within the park block.
  - b. A 200 mm sanitary connection extending 1 metre into the park and terminating in a manhole at an elevation flush with the adjacent grades.
  - c. A 50 mm water supply connection with a shutoff valve at the property line and the water line extending 1 metre into the park block and plugged.
  - d. A single-phase electrical connection.
54. Detailed Subdivider obligations concerning parks and trails development will be included in the subdivision agreement based on review of the detailed design and grading plans, to the satisfaction of the Senior Manager of Parks Planning and Development.
55. Prior to execution of the Subdivision Agreement, the Subdivider shall provide a Letter of Credit, in an amount to be determined by the Senior Manager of Parks Planning, to secure delivery of the base park works.

## Conditions of Draft Plan of Subdivision Approval File SW-2018-01

56. The Subdivider shall be responsible for satisfying any additional requirements identified by Parks Planning and Development not specifically listed above.
57. 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.
58. That the Subdivider enter into a Subdivision Agreement for the subdivision, and a future Site Plan Agreement 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.
59. The Subdivider will finalize the draft Urban Design Plan to the satisfaction of the Commissioner of Planning and Development.
60. The Subdivider will revise the concept Site Plan and concept Landscape Plan to provide for enhanced buffering techniques along the northern edge of Block 1 and the western edge of Blocks 3 and 4. This will include the use of a landscape buffer along the northern edge of Block 1.
61. The Subdivider will revise the concept Site Plan to provide for a minimum separation of 25m between the tower component of buildings. The minimum tower separation requirement will be incorporated into the implementing Zoning By-law.
62. The Subdivider will revise the concept Site Plan to incorporate step backs for the tower components of buildings located along Victoria Street West and Montecorte Street. Minimum Step Back requirements will be incorporated into the implementing Zoning By-law.
63. That the Subdivider will revise the Phasing Plan to reflect the Park Block as Phase 6 of the development (currently shown as Phase 15).
64. The Subdivider will provide interim enhancements for lands at the northwest corner of Victoria Street West and Jim Flaherty Street (within the area reserved for a future Urban Plaza) to be constructed concurrently with the first Phase of development and subject to reduction and removal as required for construction of subsequent Phases. The Subdivider will submit plans illustrating the enhancements for review and approval by the Town as part of the drawings associated with the Site Plan Application for Phase 1.
65. The required noise mitigation measures and warning clauses shall be included in the Subdivision Agreement and future Site Plan Agreement.

## Conditions of Draft Plan of Subdivision Approval File SW-2018-01

66. Through the Site Plan / Plan of Subdivision Agreement, the Subdivider / Developer shall complete the Whitby Green Standard performance measures as part of the construction of the approved development.
67. That the new home construction be designed to meet the Energy Star standards or equivalent.
68. The Subdivider shall provide a tree preservation plan and install protective fencing in advance of any on-site grading works or provide an appraisal and compensation approach for any municipal trees proposed for removal.
69. 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	Yes
Geotechnical Investigation	Yes	Yes	Yes
Hydrogeological Study	Yes	Yes	Yes
Noise Study	Yes	Yes	-
Land Use Compatibility / Odour Assessment	Yes	Yes	-
Phase One and Two Environmental Site Assessment	Yes	Yes	-
Archaeological Assessment	Yes	Yes	-
Transportation Study	Yes	Yes	-
Urban Design Plan	Yes	-	-

70. 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.
71. 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.

## Conditions of Draft Plan of Subdivision Approval File SW-2018-01

- b. The Central Lake Ontario Conservation Authority, how conditions 11, 12, 13, and 14 have been satisfied.
- c. The Durham District School Board, how conditions 15 and 16 have been satisfied.
- d. The Canadian National Railway Company, how condition 17 has 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 have 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 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: Draft Plan of Subdivision and Zoning By-Law Amendment Application for 430-440 Winchester Road East. File No. DEV-16-21 (Z-10-21, SW-2021-05).**

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**Report to:** Committee of the Whole

**Date of meeting:** October 21, 2024

**Report Number:** PDP 48-24

**Department(s) Responsible:**

Planning and Development Department  
(Planning Services)

**Submitted by:**

Roger Saunders, Commissioner of  
Planning and Development

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

**For additional information, contact:**

L. England, Planner I, x.2822

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### 1. Recommendation:

1. That Council approve the Draft Plan of Subdivision (File No. SW-2021-05) and approve an amendment to Zoning By-law # 1784 (File No. Z-10-21), subject to the comments included in Planning Report PDP-48-24 and the Conditions of Draft Approval included in Attachment #12;
2. That Staff be authorized to prepare a Subdivision Agreement;
3. That a Zoning By-law Amendment be brought forward for consideration by Council; and,
4. 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.

### 2. Highlights:

- Applications for a Draft Plan of Subdivision and Zoning By-law Amendment have been submitted by D.G. Biddle and Associates Limited on behalf of R & R Developments.
- The applications are for lands located on the north side of Winchester Road East, east of Anderson Street, municipally addressed as 430 and 440 Winchester Road East.

- The proposed Draft Plan of Subdivision includes medium density residential block townhouses for a total of 16 units.
- The existing zoning on the property is R2-BP (Second Density Residential – Brooklin Secondary Plan). An amendment to the Zoning By-law is required to permit the proposed block townhouse development.

### **3. Background:**

#### **3.1. Site and Area Background**

The subject land is municipally known as 430 and 440 Winchester Road East and is situated approximately 50 metres east of Anderson Street on the north side of Winchester Road East (refer to Attachment #1).

The subject land is approximately 3,582.74 square metres (0.89 acres) in area and currently occupied by two single-detached dwellings which are to be demolished.

The surrounding land uses include:

- A veterinary clinic to the east;
- Commercial uses to the south; and
- Low density residential uses to the north and west (refer to Attachment #2).

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

A Draft Plan of Subdivision Application has been submitted to create a Plan of Subdivision consisting of a single block to accommodate the proposed condominium townhouse development (refer to Attachment #3). The development proposes 16, 3-storey townhouse units, with access onto Knox Crescent (refer to Attachment #4).

A Zoning By-law Amendment Application has been submitted to change the zoning from R2-BP (Second Density Residential – Brooklin Secondary Plan) to an appropriate zone category to accommodate the proposed development.

A Site Plan Application and Draft Plan of Condominium Application will be required at a later date. A vehicular and pedestrian easement will be required at the Site Plan Agreement stage to provide future connections to the west and east lands.

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

The applications were submitted with the following documents in support of the development:

- A Conceptual Site Plan prepared by D.G. Biddle & Associates Limited, dated December 18, 2023 (refer to Attachment #4).
- Proposed Building Elevations prepared by One Riser Designs, dated November 16, 2022 (refer to Attachment #5).
- An Arborist Report prepared by New Leaf Landscape Architecture Ltd., dated September 16, 2020. The report concluded a total of 72 trees and shrubs were inventoried on the existing properties. Recommendations are made for tree

preservation and protection throughout construction, transplanting, removal and replacement planting to minimize and compensate for development impacts and loss of vegetation.

- An Archaeological Report prepared by ASI, dated May 29, 2018. The report concluded that no further archaeological assessment of the property be required based on the findings of the report.
- A Concept Block Floor Plan package, prepared by One Riser Designs, dated January 29, 2021.
- A Concept Grading Plan prepared by D.G. Biddle & Associates Limited, dated March 31, 2022.
- A Concept Site Servicing Plan, prepared by D.G. Biddle & Associates Limited, dated March 31, 2022.
- A Draft Plan of Subdivision prepared by D.G. Biddle & Associates Limited, dated April 15, 2021 (refer to Attachment #3).
- An Erosion and Sediment Control Plan prepared by D.G. Biddle & Associates Limited, dated January 4, 2023.
- A Functional Servicing Report and Stormwater Management Report prepared by D.G. Biddle & Associates Limited, dated January 2023. The report identified the stormwater requirements to proceed with the development.
- A Noise Impact Study prepared by D.G. Biddle & Associates Limited, dated April 2021. The report concluded that with the implementation of noise abatement measures such as air conditioning systems and enhanced building construction materials, outdoor, and indoor noise levels are anticipated to be within the Ministry of Environment, Conservation, and Parks Guidelines.
- A Planning Justification Report prepared by D.G. Biddle & Associates Limited, dated March 2021. The report concludes that the proposed Zoning By-law Amendment is consistent with the Provincial Policy initiatives and current Regional and Municipal Planning policy and represents good planning.
- A Tree Preservation Plan prepared by D.G. Biddle & Associates Limited, dated June 25, 2018.
- A Sustainability Report prepared by D.G. Biddle & Associates Limited, dated February 2023. The report has identified specific measures on how the sites development will mitigate stormwater run-off, improve water quality, and conserve energy.
- The Whitby Green Standard Checklist prepared by D.G. Biddle & Associates Limited.



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

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

The Minister of Municipal Affairs and Housing approved the Region's new Official Plan on September 3, 2024. The subject lands are designated as Community Areas on Map 1 – Regional Structure in the new Regional Official Plan (ROP). Lands located within the Community Areas designation are to be developed to include a range of housing types, sizes and tenures.

Winchester Road East is also designated as a Regional Corridor on Map 1- Regional Structure in the new ROP. Regional Corridors are appropriate locations for higher density, mixed-use developments. The built forms along Regional Corridors should include multi-storey, compact, pedestrian-friendly, and transit supportive developments.

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

The subject land is designated Medium Density Residential in accordance with Schedule 'K' of the Brooklin Community Secondary Plan (refer to Attachment #6).

The Medium Density Residential designation is intended to provide for residential development at increased densities along arterial and collector roads and within and surrounding Community Central Areas to support future transit and active transportation, support commercial and mixed-use nodes, create walkable higher density nodes and function as a transition in density and intensity of uses between Low Density Residential Areas and higher density mixed-use and commercial areas (11.5.10.2).

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

The subject land is zoned R2-BP (Second Density Residential – Brooklin Secondary Plan) under Zoning By-law 1784 (refer to Attachment #7). The R2-BP zoning does not permit the proposed use.

A Zoning By-law Amendment is required to rezone the subject land to implement the townhouse development.

A Zoning By-law Amendment will be brought forward for Council consideration once the Site Plan receives approval by the Commissioner of Planning and Development.

#### **4.4. Other Applications**

A Site Plan application will be required at a later date for the proposed townhouse development.

A Draft Plan of Condominium application will also be required at a later date to establish any necessary parcels of tied land for the townhouse blocks.

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

Not applicable.

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

##### **6.1. Community Meeting**

D.G. Biddle & Associates Limited held a community information meeting on August 24, 2021. The invitation was mailed to all persons within 120 metres of the proposed development.

Concerns raised at the community meeting include safety on Knox Crescent, sightline concerns from the access onto Knox Crescent, Parking concerns on Knox Crescent, increased vehicular traffic through the existing neighbourhood, and impact on existing trees.

##### **6.2. Public Meeting**

A Statutory Public Meeting was held on November 8, 2021, 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 Plan of Subdivision and Zoning By-law Amendment Applications. Refer to Attachment #8 for the Minutes of the Public Meeting.

Many of the concerns raised at the August 24, 2021, community meeting were also raised at the Town initiated Public Meeting, including increased vehicular traffic through the existing neighbourhood; parking concerns on Knox Crescent; and that there was no access to Winchester Road East.

The original Conceptual Site Plan from 2021 was presented at the Public Meeting, with one access located on Knox Crescent in response to comments from the Region of Durham related to restrictions for access onto Winchester Road East (refer to Attachment #9). At the Public Meeting, there was discussion regarding the potential for an entrance and exit onto Winchester Road.

##### **6.3. Revised Concept Plan**

In response to the concerns raised at the Statutory Public Meeting, staff requested the Applicant to design a right-out only exit onto Winchester Road East in addition to the entrance at Knox Crescent, for the consideration of the Region. The Owner subsequently prepared a revised Conceptual Site Plan in

October 2023 with a right-out exit onto Winchester Road East (refer to Attachment #10).

The Region of Durham was not supportive of the right-out exit onto Winchester Road East due to safety concerns over the proximity to the Winchester Road/Watford Street/Anderson Street intersection and has denied any direct access onto Winchester Road East. Further details are outlined in Section 7 below.

All individuals who registered as an interested party at the statutory public meeting and any individuals who provided written correspondence to the Town have been provided notice of the October 21, 2024, Committee of the Whole Meeting.

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

The following agencies have no objection to the application:

- Accessibility;
- Building Services;
- Engineering;
- Landscape;
- Development Charges;
- Taxes;
- Fire and Emergency Services;
- Strategic Initiatives – Sustainability;
- Regional Municipality of Durham;
- Bell;
- Central Lake Ontario Conservation Authority;
- CS Viamonde (French Public School Board);
- Durham District School Board;
- Durham Catholic District School Board;
- Elexicon Energy Inc.;
- Enbridge Gas Inc.; and
- Rogers

The following section provides a summary of key comments provided by Town of Whitby departments and external agencies. Refer to Attachment #11 for a summary of all detailed comments and Attachment #12 for Conditions of Draft Plan approval.

### **Internal Departments**

#### **Town of Whitby Development – Engineering**

Engineering Services does not object to the Proposed Draft Plan to create the subdivision block for the townhouse development. Engineering Services does not object to the Zoning By-law Amendment to permit the land use.

### **Town of Whitby Financial Services – Development Charges**

Development charges will be due in full prior to the issuance of the building permit(s).

### **External Agencies**

#### **Regional Municipality of Durham**

Subject to the requested conditions, the Region has no objection to draft approval of this plan with the access from Knox Crescent only. The conditions of approval must be complied with prior to clearance by the Region for registration of this plan.

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

Regarding the proposed right-out access, the Region has noted that it is located within the functional area of the Winchester Road/Watford Street/Anderson Street intersection. It is within the limits of the westbound left and right turn lanes and within an area likely to be affected by queuing extending back from the traffic signal at the intersection. Drivers exiting from the proposed access would need to identify safe gaps in at least two lanes of traffic, which would often be moving at different speeds, and potentially manoeuvre through queued traffic. This would be even more difficult for any drivers exiting the access and going into the left turn lane at the intersection to go south on Anderson Street, since they would have to deal with three lanes of traffic. All of this creates a heightened risk of right-angle collisions – a safety concern with the proposed access that does not exist at the previously approved right-out access west of Thickson Road.

Given the safety concerns noted above, the open-ended nature of the proposed “temporary” access in the absence of any plans for the redevelopment of 450 Winchester Road East, and the availability of access via Knox Crescent, the Region does not support the proposed access to Winchester Road. However, the Region is willing to accept a temporary construction access and would also accept an appropriately designed and gated permanent emergency access should that be required by the Fire Department.

#### **Central Lake Ontario Conservation Authority**

No known natural hazard lands are located on or adjacent to these properties. As such, the subject lands are not regulated through Ontario Regulation 41/24 of the Conservation Authorities Act and a permit from CLOCA will not be required prior to the development of these lands.

#### **Elexicon Energy Inc.**

Elexicon Energy Inc. has no objection to the proposed Site Plan Application to permit the development of 16 townhouse units.

The proponent or its authorized representative shall consult with Elexicon Energy Inc. concerning the availability of supply voltage, service location, metering, costs, and any other details. These requirements are separate from and in addition to those of the ESA. Elexicon Energy Inc. will confirm the characteristics of the available electrical supply and will designate the location of the supply point to the proponent. Elexicon Energy Inc. will also identify the costs that the proponent will be responsible for.

**8. Strategic Priorities:**

The development of medium density residential buildings contribute 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 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 Draft Plan of Subdivision

Attachment 4 – Proponent's Proposed Conceptual Site Plan

Attachment 5 – Proponent's Proposed Building Elevations

Attachment 6 – Excerpt from Whitby Official Plan Schedule 'K' Brooklin  
Community Secondary Plan

Attachment 7 – Excerpt from Zoning By-law 1784

Attachment 8 – Excerpt from Public Meeting Minutes, November 8, 2021

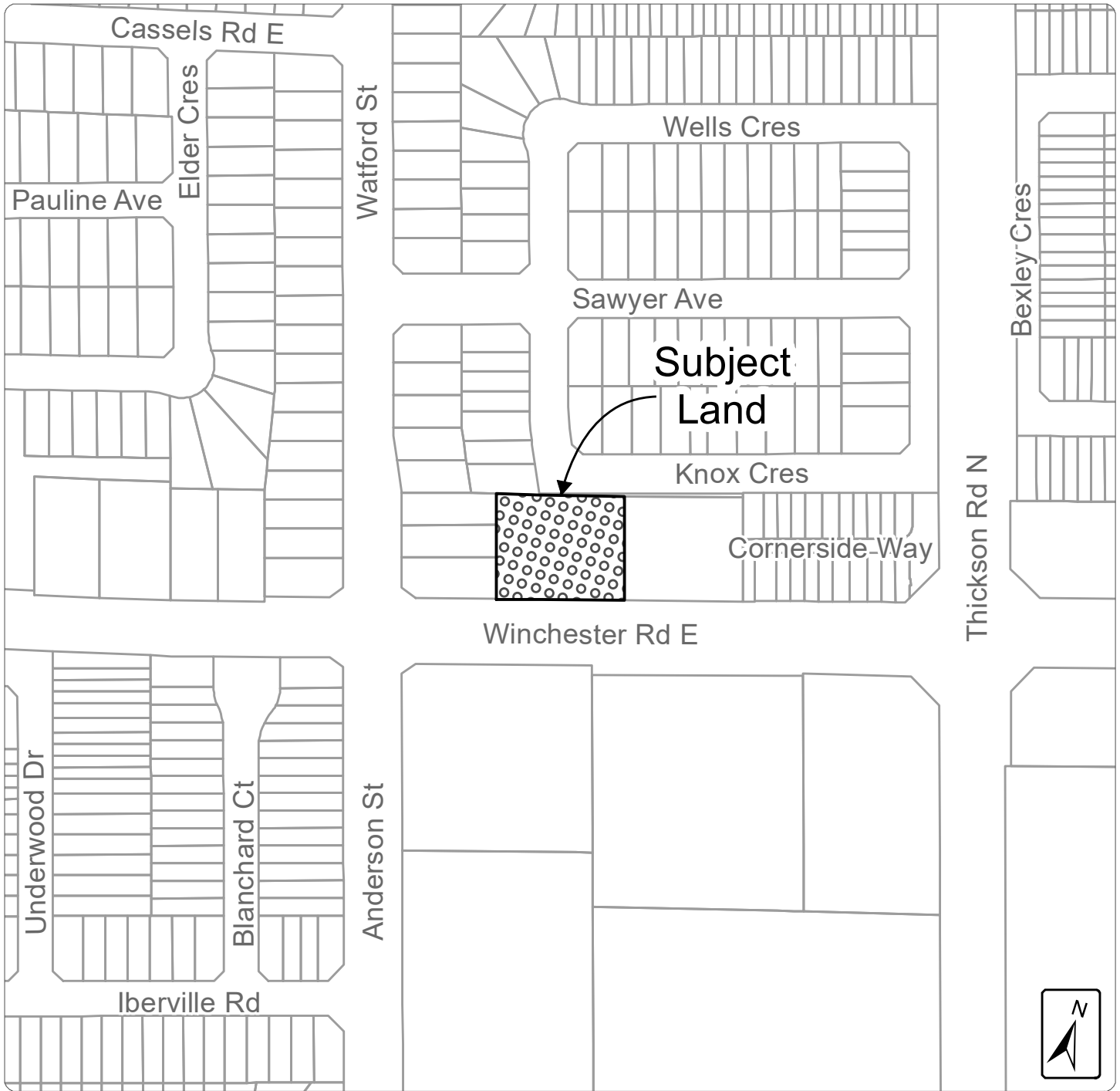
Attachment 9 – Original 2021 Conceptual Site Plan

Attachment 10 – Revised 2023 Conceptual Site Plan with Right-out Exit onto  
Winchester Road East

Attachment 11 – Detailed Agency and Department comments

Attachment 12 – Proposed Conditions of Draft Approval

# Attachment #1 Location Sketch



 **Town of Whitby Planning and Development Department**

Proponent:  
**R & R Developments Inc.**

File Number:  
DEV-16-21  
(SW-2021-05, Z-10-21)

Date:  
**October 2024**

External Data Sources:  
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# Attachment #2 Aerial Context Map

PDP 48-24



 **Town of Whitby Planning and Development Department**

Proponent:  
**R & R Developments Inc.**

File Number:  
DEV-16-21  
(SW-2021-05, Z-10-21)

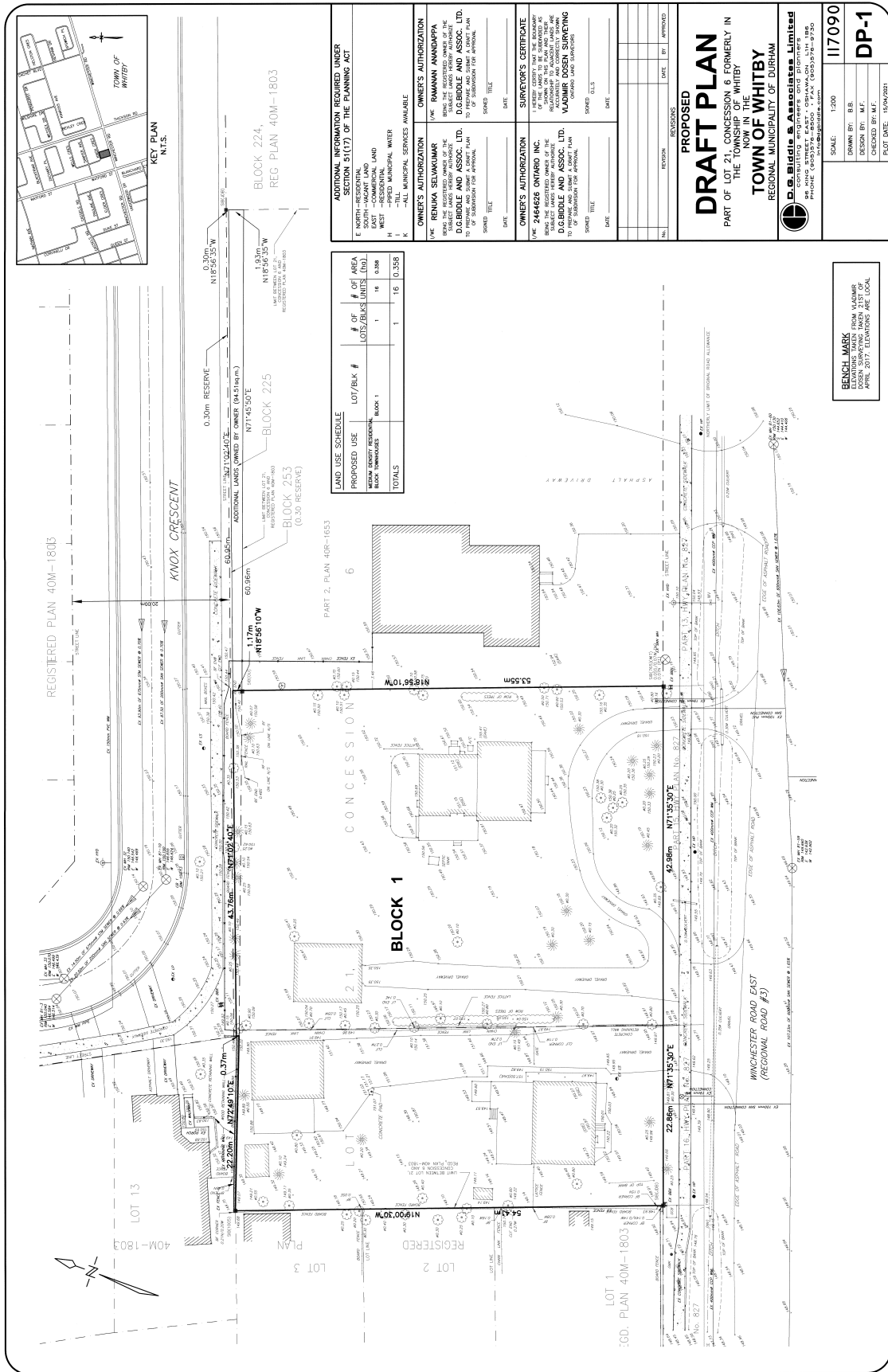
Date:  
**October 2024**

External Data Sources:  
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# Proponent's Proposed Draft Plan of Subdivision



ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51(17) OF THE PLANNING ACT	
E NORTH - RESIDENTIAL	
F EAST - COMMERCIAL LAND	
G WEST	
H ALL MUNICIPAL WATER	
I ALL MUNICIPAL SERVICES AVAILABLE	

OWNERS AUTHORIZATION	
NAME	RAMANN ANANDAPPA
DATE	
NAME	RENUKA SELVAKUMAR
DATE	
NAME	D.G.BIDDLE AND ASSOC. LTD.
DATE	
NAME	D.G.BIDDLE AND ASSOC. LTD.
DATE	
NAME	VLADIMIR DOSEN SURVEYING
DATE	

SURVEYOR'S CERTIFICATE	
NAME	2444626 ONTARIO INC.
DATE	
NAME	D.G.BIDDLE AND ASSOC. LTD.
DATE	
NAME	VLADIMIR DOSEN SURVEYING
DATE	

PROPOSED USE	LOT/BLK #	# OF LOTS/BLOCKS	# OF AREA LOTS/BLOCKS
MIXED RESIDENTIAL	1	16	0.358
TOTALS		16	0.358

**PROPOSED DRAFT PLAN**  
 PART OF LOT 21, CONCESSION 6 FORMERLY IN THE TOWN OF WHITBY  
 NOW IN THE TOWN OF WHITBY  
 REGIONAL MUNICIPALITY OF DURHAM

**D.G. Biddle & Associates Limited**  
 95 ADAMS STREET, EAST, OSHAWA, ON L1H 1B6  
 PHONE: (905) 881-9330  
 FAX: (905) 881-9330

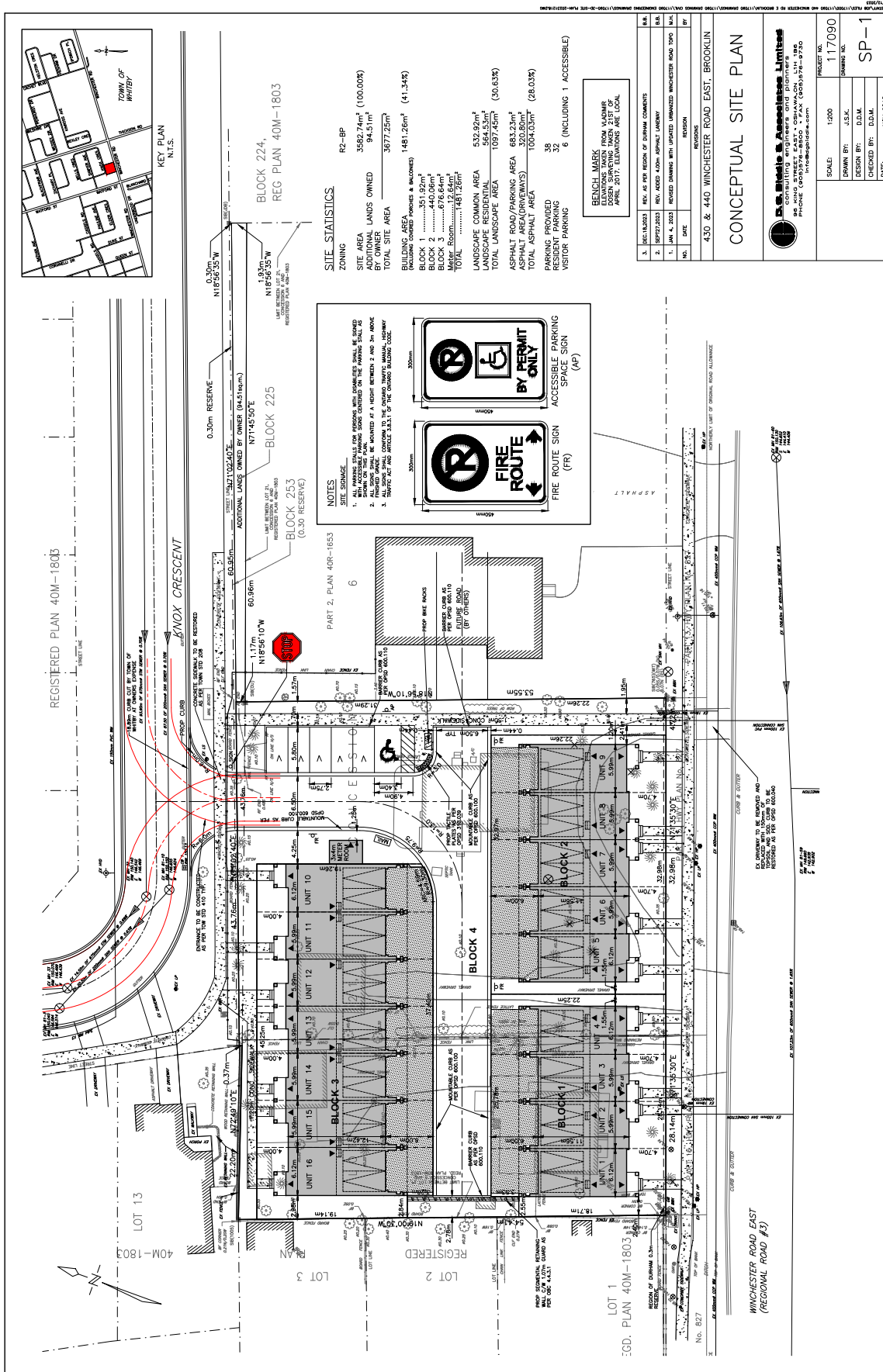
SCALE	1:200
DATE	11/7/20
CHECKED BY	M.F.C.
DATE	11/14/20

**DP-1**

**BENCH MARK**  
 ELEVATIONS GIVEN FROM VERTICALLY ADJUSTED DATUM OF APRIL 2017. ELEVATIONS ARE LOCAL



# Proponent's Proposed Conceptual Site Plan

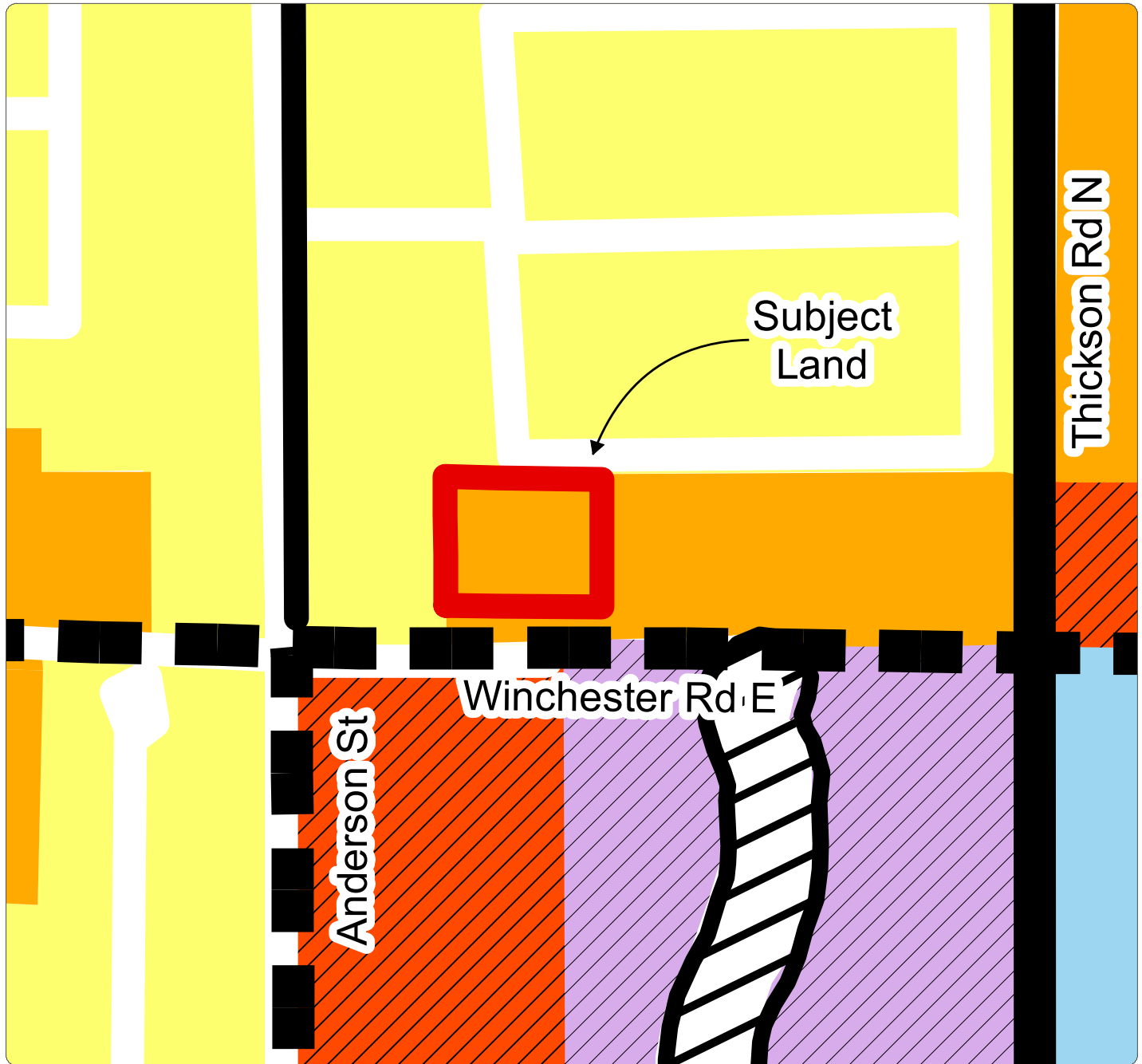








Excerpt from Whitby Official Plan Schedule 'K' Brooklin Community Secondary Plan



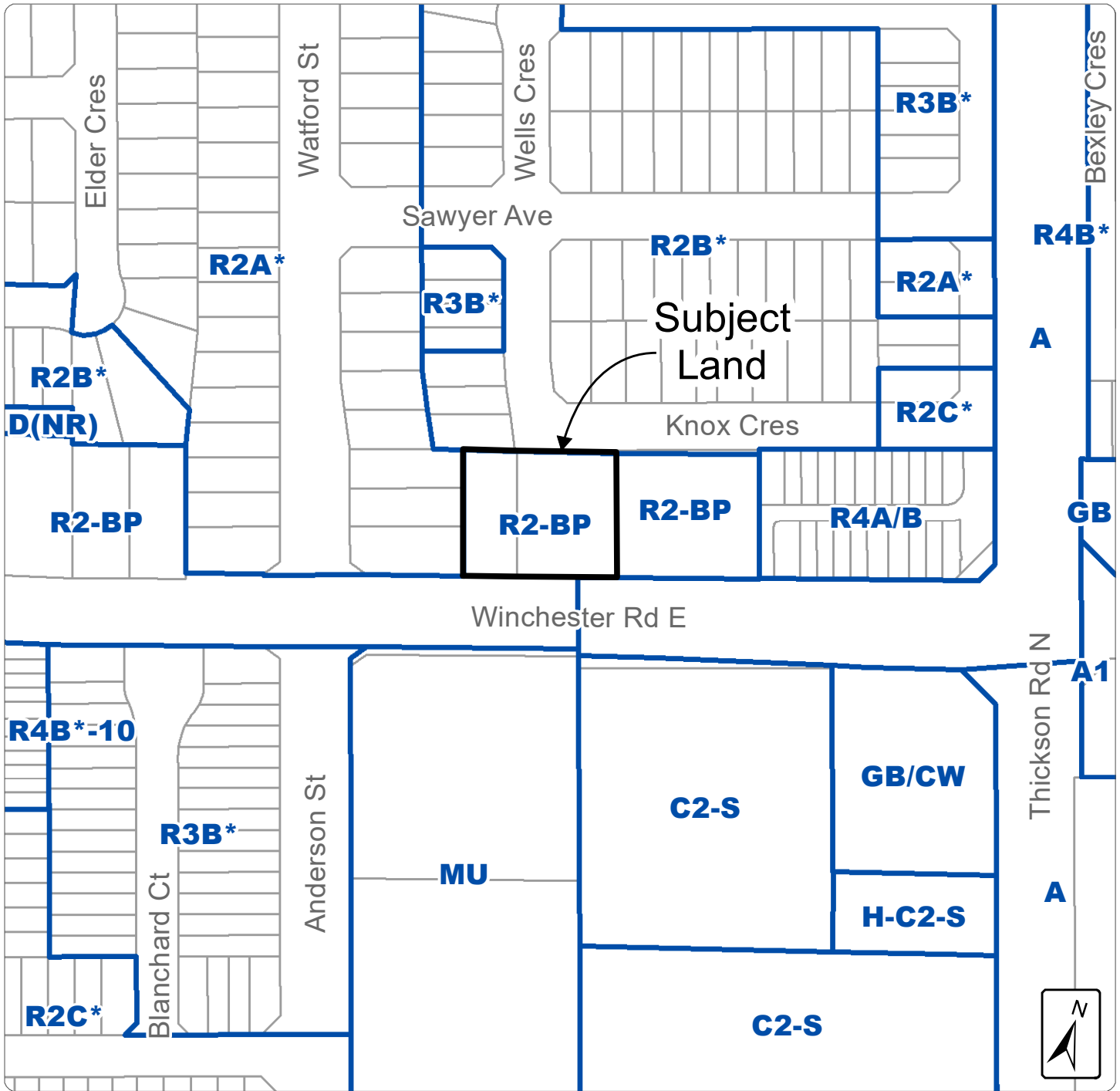
LEGEND		LEGEND	
Low Density Residential	Business Park	Lands subject to Durham Regional Official Plan Policy 14.13.7 - D2	Full Interchange
Medium Density Residential	General Industrial	Natural Hazards	Potential Interchange (Subject to Further Study)
High Density Residential	Major Open Space	Utility	Grade Separation
Local Commercial	DP District Park	Health Precinct Special Policy Area	Potential Grade Separation
Special Purpose Commercial	LP Local Park	Community Central Area	Future Transitway Station
Heritage Commercial	PK Parkette	Major Central Area	Controlled Access Highway (Freeway)
Major Commercial	TP Town Park	Heritage Conservation District Boundary	Type A Arterial
Major Commercial -1	Institutional	Secondary Plan Boundary	Type B Arterial
Mixed-Use 1 - Community Central Area	Secondary Schools	Special Policy Area - Refer to Section 11.5.31.6	Type C Arterial
Mixed-Use 2 - HCD	Elementary Schools		Collector Road
Mixed-Use 3	Natural Heritage System		Greenbelt Plan Boundary
Prestige Industrial	L Linkage in NHS		
	D1 Deferred by the Region of Durham		

Excerpt from: Schedule **K**  
**Brooklin Community Secondary Plan**  
 Town of Whitby

0 10 20  
Metres

# Attachment #7 Excerpt from Zoning By-Law 1784

PDP 48-24



<b>Town of Whitby Planning and Development Department</b>		
<b>Proponent:</b> R & R Developments Inc.	<b>File Number:</b> DEV-16-21 (SW-2021-05, Z-10-21)	<b>Date:</b> October 2024
External Data Sources: 2023 Orthophotography provided by © First Base Solutions Inc.; Parcel Fabric: © Teranet Enterprises Inc. and its suppliers. All rights reserved. Not a Plan of Survey.		
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## Excerpt from Public Meeting Minutes, November 8, 2021

Public Meetings Minutes  
November 8, 2021 - 7:00 PM  
Virtual Meeting  
Minutes November 8, 2021 - 7:00 Virtual Meeting

Present: Councillor Yamada, Chair of Planning and Development  
R. Saunders, Commissioner of Planning and Development  
K. Narraway, Manager of Legislative Services/Deputy Clerk  
K. Douglas, Legislative Specialist  
L. MacDougall, Council and Committee Coordinator (Recording Secretary)

Regrets: None noted

Kaitlin Friesen, Planner I, provided a PowerPoint presentation which included an overview of application.

Michael Fry, representing R&R Developments, provided a PowerPoint presentation which included a detailed overview of the application.

The Chair indicated that comments would now be received from members of the public who registered to speak.

Murray Campbell, 15 Knox Crescent, advised that there were currently 20 single family dwellings on Knox Crescent and a recent addition of 16 condominium townhouse units on Cornerside Way which has resulted in an increase in vehicular traffic and parking on Knox Crescent. He stated that part of the problem was due to a large block of the townhouses on Cornerside Way facing onto Knox Crescent which has resulted in residents parking their vehicles in front of their homes to easily access their front doors. He raised concerns about the design of the proposed buildings, noting that units 10 to 16 of the proposed development would also face onto Knox Crescent and would likely result in an increase in parking along the street and the corner of Knox Crescent. Mr. Campbell stated that units 14 and 16 would abut his property at the front door and would not be able to face onto Knox Crescent, noting that they would likely be rear yard units facing north with an entrance/exit only from the private driveway. He suggested that the entirety of the Block, units 10 to 16, could all be designed in the same way which would lessen the likelihood of on-street parking on Knox Crescent. Mr. Campbell stated that including the proposed development there would be approximately 52 single family dwellings on Knox Crescent which was a small street. He advised that Wells Crescent, located north of Knox Crescent, has a maximum of 40 units and that the traffic combined with traffic from Sawyer Avenue would result in a lot of traffic in and out of a very small subdivision. Mr. Campbell noted that Thorndyke Crescent, a similar sized crescent, has 32 units and that Knox Crescent was already a busy traffic area. He raised concerns about Cornerside Way having an entrance and exit from Knox Crescent and an exit onto Winchester Road to lessen the traffic on Knox Crescent, but that the proposed development does not include an entrance/exit from Winchester Road.

Mr. Campbell answered questions regarding:

- Details about the feedback from residents at the community open house;
- The primary concern that the delegate would like to have resolved; and
- Whether an entry/exit onto Winchester Road would relieve the concerns of the residents in the area.

Nancy Stairs, 5 Watford Street, stated that she was in agreement with the statements made by the previous delegate. Ms. Stairs noted she does not live on Knox Crescent, but that she picks up her mail on Knox Crescent and already has difficulty parking on Knox Crescent. She raised concerns about 16 more units in addition to the existing townhouse complex, noting there was a bus stop on Knox Crescent, that Knox Crescent was a very small crescent, and that it would be too much traffic to enter/exit off the street. Ms. Stairs expressed concerns about the community meeting as there was not any response to the comments or concerns raised by the residents. She raised concerns about the loss of mature trees, the loss of privacy, the impact on animals, the increase in traffic, and the increase in noise, noting that she already has difficulty entering or exiting her driveway and that she has not been able to enjoy family events or open windows due to the noise from existing traffic.

Ms. Stairs answered questions regarding:

- The delegates overall impression of the community meeting hosted by the developer; and,
- The primary concern that the delegate would like to have resolved.

There were no further submissions from the public.

Mr. Fry answered questions regarding:

- Details about discussions with the Region of Durham regarding the possibility of access from Winchester Road;
- Whether the developer was amenable to an entry/exit from Winchester Road should in be achievable; and,
- How the concerns raised about the entrance/exit to the proposed development, additional on-street parking, increased traffic, the loss of privacy, and noise would be addressed.

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.







## Detailed Agency and Department Comments

### Durham Region

We have reviewed this proposal and the following comments are offered with respect to compliance with the Durham Regional Official Plan (ROP), Provincial Policies, the Region's delegated Provincial Plan review responsibilities, Regional services, transportation, and transit.

The purpose of the application is to create a subdivision block for a future plan of condominium. This would facilitate the development of 16 three-storey block townhouses. The related zoning by-law amendment application is required to facilitate the proposed subdivision development.

#### Regional Official Plan

The Minister of Municipal Affairs and Housing approved the Region's new Official Plan on September 3, 2024. The subject lands are designated as Community Areas on Map 1 – Regional Structure in the new Regional Official Plan (ROP). Lands located within the Community Areas designation shall be developed to include a range of housing types, sizes and tenures. Winchester Road East is designated as a Regional Corridor on Map 1-Regional Structure in the new ROP. Regional Corridors are appropriate locations for high density, mixed-use developments. The built forms along Regional Corridors should include multi-storey, compact, pedestrian-friendly, and transit supportive developments.

#### Provincial Policy and Delegated Plan Review Responsibilities

##### Provincial Policy Statement

Policy 1.1.3.2 a) of the Provincial Policy Statement (PPS) encourages development within settlement areas that support densities, and a mix of land uses that efficiently use land, resources and planned infrastructure. Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment. Policy 1.4.3 states that planning authorities shall provide an appropriate range and mix of housing options and densities to meet projected market-based and affordable needs of current and future residents. The proposed redevelopment of the site, which would result in a higher residential density on the site is consistent with the policies of the PPS.

##### Growth Plan for the Greater Golden Horseshoe

The Growth Plan contains policies to guide land use planning and development. Policy 1.2.1 of the Growth Plan, in part, includes a policy related to housing, which emphasizes, "to support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households." The proposed residential subdivision contributes to providing greater housing options for the community and maintains the objectives of the Growth Plan.

##### Provincial Plan Review Responsibilities

###### *Archaeology*

A Stage 1 and 2 Archaeological Assessment prepared by ASI (May 2018) was submitted in support of the application. This study notes that no archaeological resources were encountered on the site and no further archaeological assessments are required. The study was submitted to the Ministry of Tourism, Culture and Sport who provided their clearance letter. There are no further matters related to archaeology.

### *Potential Site Contamination*

As part of the application, the developer completed the Region's Site Screening Questionnaire (SSQ). To meet the Region's requirements under the Council-adopted Soil and Groundwater Assessment Protocol, this SSQ should be signed and stamped by a Qualified Person. This can be addressed as a condition of draft approval.

### *Noise*

An Environmental Noise Impact Study, prepared by D.G. Biddle (November 2020) was submitted in support of the application. This report provides noise mitigation measures and warning clauses for the proposed development and is generally acceptable to the Region. The Region typically prefers to see a table, analysis or output showing noise values after mitigation measures have been implemented, but since the noise exceedances all require building components above the Ontario Building Code (OBC) standard which are dependent on detailed floor plans, this can be deferred to the site plan stage.

The Region requires that all of the recommendations stated in Section 5.0 of the study, including the warning clauses, ventilation requirements and building components be implemented into a development agreement between the proponent and the Town of Whitby. This can be addressed as a condition of draft approval.

### Proposed Density

The applicant is proposing to demolish the two existing residences and construct 16 townhouses within the subject property which equates to a theoretical population of 48 people.

### Municipal Servicing

In accordance with the Region of Durham Sewer Use By-Law, the Region will not permit foundation drains and/or roof leaders to connect to the sanitary sewer system. Sanitary capacity is allocated on a first come first serve basis at the time of signing a development agreement.

### Water Supply

The subject property is located within the Zone 3 water supply system for Whitby. The estimated static water pressure for this area is approximately 470 kpa (68 psi). Water supply to the subject property is available from the existing 150 mm watermain on Knox Crescent.

### Sanitary Servicing

Sanitary servicing to the subject property is available from the existing 200 mm sanitary sewer on Knox Crescent.

### Servicing Plan SS-1:

The Servicing Plan SS-1 was reviewed, and the following comments are provided:

- The 100 mm water service must enter into the meter room prior to servicing any private townhouses and/or hydrants.
- The applicant's consultant shall provide confirmation on whether a fire line is required.
- The 100 mm water service can be installed via tapping sleeve and valve and not cut-in as noted on the drawing.
- Provide the method of construction (doghouse...) for sanitary manhole SA-1.
- Provide a separate drawing for the storm drainage area information.

### Waste Management

Guidelines for municipal waste collection service on Private Property are outlined in Schedule "P" of the Regional Waste Bylaw 46-2011. The Region of Durham only provides recycling service in the Town of Whitby. All other waste collection is provided by the Town. The set out of waste by each unit within a new development must adhere to the Technical and Risk Management Guidelines, showing clear delineation of set out for each residential unit where waste collection will occur.

For additional information see link here: <https://www.durham.ca/en/doing-business/commercial-waste.aspx>

Any dead-end road(s) must be designed and built with a permanent or temporary, T-turn or Cul-de-sac. The turn arounds will be reviewed in detail at the Engineering review stage to ensure it complies with the Waste By-law 46-2011.

Currently, the Ontario Ministry of Environment, Conservation and Parks introduced a draft regulation under the Resource Recovery and Circular Economy Act, 2016 that will make producers responsible for blue box programs' operation including collection, as part of the Province's full producer responsibility framework. Subject to the filing of the new regulation and amendments, Durham Region cannot confirm that it will be the recycling service provider for this development upon the completion of Durham Region's Blue Box program transition, anticipated to occur in 2024.

For additional information, see link here: <https://www.ontario.ca/page/waste-management#section-1>

### Transportation

The Region will not allow access from Winchester Road and are satisfied with the Conceptual Site Plan complying with this requirement.

As previously noted, the Region does not require any right-of-way (ROW) widening but will require a 0.3m (1 foot) reserve along the site frontage along Winchester Rd. E.

The Region has no SWM comments as all the storm flows are directed to the Town of Whitby storm system on Knox Crescent.

The Region will need to see the site plan showing the existing accesses being reinstated with topsoil, sod and full height curbs, to Regional Standards.

### Durham Region Transit

Durham Region Transit reviewed the application and advised that they have no comments.

### Transportation Planning

The draft plan of subdivision to accommodate a condominium townhouse development was reviewed from a Regional transportation planning perspective, and the following comment was provided:

- Provision for short-term visitor bike rack(s) adjacent to the visitor parking spaces in the common elements area should be considered as part of the development.

## **Conditions of Draft Approval**

Subject to the attached conditions, the Region has no objection to draft approval of this plan. The conditions of approval must be complied with prior to clearance by the Region for registration of this plan.

It is requested that the proponent provide a land use table prepared by an Ontario Land Surveyor to the satisfaction of the Region. The land use table should provide lot area calculations for the proposed land use(s) allocated within the draft plan of subdivision.

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, it would be greatly appreciated if a digital copy of the Municipality's conditions of draft approval could be provided.

## **Town of Whitby Engineering Services**

The Town of Whitby Engineering Services have reviewed the engineering drawings and reports submitted in support of this zoning application and have the following comments.

The following submitted drawings and analysis have been reviewed for the purpose of this application:

- Proposed Draft Plan drawing DP-1 dated April 15, 2021 by D.G. Biddle & Associates Limited;
  - Conceptual Site Plan drawing SP-1 plotted April 15, 2021 (Reference only);
  - Planning Justification Report dated March 2021 by D.G. Biddle & Associates Limited (Reference only);
  - Functional Servicing and Stormwater Management Report dated April, 2021 by D.G. Biddle & Associates Limited, and associated engineering drawings (Preliminary review only).
1. The Town of Whitby requires townhouse blocks to have all roof leaders connected to the storm sewer system. Revise the servicing drawing to accommodate this requirement.
  2. The Town of Whitby will require the Region of Durham acceptance of the additional drainage being directed to their storm sewer or revise the collection system to capture more of the drainage from the front of this site.
  3. The Stormwater Management Report will require revisions to accommodate the revised drainage patterns.
  4. Update the existing detail to reflect the existing conditions of today. Winchester Road has been urbanized. Provide the curb elevations and sidewalk elevations for the existing to confirm the proposed grades meet Town standards.
  5. Show the sidewalk limits of the restoration on Knox Crescent.
  6. Relocate storm manhole ST-2 1.5 m from property line.
  7. Dimension horizontal separation between storm sewer and watermain and confirm meets Ministry of Environment and Climate Change (MOECC) requirements.
  8. Road restoration as per town details. Include on plans.
  9. How is foundation drainage being addressed?

10. Provide a current topographical survey.
11. Retaining walls higher than 0.6m are required to be designed by a P.Eng and include a non-climbable guard.
12. Revise grading along east property line to maintain drainage on-site.
13. Incorporate recommendation of the Lynde Creek Master Drainage Plan Update – Municipal Class Environmental Assessment (MCEA).
14. Pre-development rates calculated based on a R=0.65 and Tc=17.59 (Knox Crescent storm sewer design).

Please address the above comments prior to submitting your site plan application.

These are Engineering Services preliminary comments on the engineering submission provided with this zoning application. A more detailed review will be completed during the site plan application.

## **Central Lake Ontario Conservation Authority**

Thank you for circulating Central Lake Ontario Conservation Authority (CLOCA) on the above noted Planning Act applications. CLOCA staff have reviewed these applications for consistency with the natural heritage and natural hazard policies within the Provincial Policy Statement and conformity with applicable natural heritage and natural hazard policies within the local and regional Official Plans. CLOCA staff have also reviewed these applications in the context of Ontario Regulation 42/06 of the Conservation Authorities Act and other applicable watershed management guidelines and policies.

No known natural heritage features or natural hazard lands are located on or adjacent to these properties. As such, the subject lands are not regulated through Ontario Regulation 41/24 of the Conservation Authorities Act and a permit from CLOCA will not be required prior to the development of these lands.

Based on our review of the submitted materials, we offer the following recommendations regarding any approval of these applications.

### Zoning By-law Amendment (Z-10-21)

CLOCA staff have no objection to the proposed Zoning By-Law Amendment to change the zoning of this property from R2-BP to a zoning category that will allow for the proposed townhouse development.

### Draft Plan of Subdivision (SW-2021-05)

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

1. That prior to any on-site grading or construction or final approval of the plan, the Subdivider shall submit to, and obtain approval from the Town of Whitby and the Conservation Authority for reports describing the following:
  - a. the intended means of conveying stormwater flow from the site, including use of stormwater techniques which are appropriate and in accordance with provincial guidelines; The stormwater management treatment must

- be designed and implemented in accordance with the recommendations of the Lynde Creek Master Drainage Study.
- b. 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 solids in any water body as a result of on-site, or other related works.
2. The Subdivider shall satisfy all financial requirements of the Central Lake Ontario Conservation Authority.
  3. The subdivision agreement between the Owner 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 Condition 1 to the satisfaction of the Central Lake Ontario Conservation Authority.
    - b. The Subdivider agrees to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, in a manner satisfactory to the Central Lake Ontario Conservation Authority.
    - c. In order to expedite clearance of Condition 3 a copy of the fully executed subdivision agreement between the area municipality and the owner should be submitted to the Authority.

## **Accessibility**

The Accessibility Advisory Committee continues to raise concerns about the lack of accessible housing in the block Townhouse development, with multiple risers at every entrance and a lack of consideration for building at grade for seniors and people with mobility disabilities. These development increase social isolation, as the units are not visit able by grandparents and no green gathering space creates a bedroom neighbourhood that lacks a sense of community;

Ensure Accessible parking is design and constructed to town engineering standard 413, direct access to the sidewalk, with no curb poured between the sidewalk and asphalt;

Ensure proper crossings including tactile warning indicator plates;

The community mailbox should be moved further back off the sidewalk on a solid platform and accessed with a depressed curb. It also needs to provide a minimum 1.5m beyond people collecting their mail, as this will allow people to safely pass on the sidewalk; and

Ensure all requirements of Ontario Regulation 191/11 are met.

## **Bell**

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.



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

The Owner is advised to contact Bell Canada at [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca) during the detailed utility design stage to confirm the provision of communication and 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 recirculation’s.

Please note that WSP operates Bell’s development tracking system, which includes the intake of municipal circulations. WSP is mandated to notify Bell when a municipal request for comments or for information, such as a request for clearance, has been received. All responses to these municipal circulations are generated by Bell, but submitted by WSP on Bell’s behalf. WSP is not responsible for Bell’s responses and for any of the content herein.

If you believe that these comments have been sent to you in error or have questions regarding Bell’s protocols for responding to municipal circulations and enquiries, please contact [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca).

## **Building Services**

Site servicing permit will be required- a full review of the site servicing will be done at permit stage.

Building permits will be required- a full Building Code review will be done at building permit stage.

## **CS Viamonde (French Public School Board)**

The Conseil Scolaire Viamonde has no comment regarding applications for draft plan of subdivision, plan of common elements condominium and Zoning By-law Amendment to permit 16 three-storey block townhouses at 430-440 Winchester Rd. E.

## **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 16 townhouse residential units.

## **Durham District School Board**

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

1. Approximately 6 elementary students could be generated as a result of the development proposed in the above noted draft plan of subdivision.
2. That the Owner agrees to post the standard Durham District School Board approved "Notice to Parents" in all sales representation centres.
3. Under the mandate of the Durham District School Board, staff has no objections.

## **Elexicon Energy Inc.**

Elexicon Energy Inc. has no objection to the proposed Site Plan Application to permit the development of 16 townhouse units.

The applicant or its authorized representative shall consult with Elexicon Energy Inc. concerning the availability of supply voltage, service location, metering, costs and any other details. These requirements are separate from and in addition to those of the ESA. Elexicon Energy Inc. will confirm the characteristics of the available electrical supply and will designate the location of the supply point to the applicant. Elexicon Energy Inc. will also identify the costs that the applicant will be responsible for.

The applicant or its authorized representative shall apply for new or upgraded electric services and temporary power service in writing. The applicant is required to provide Elexicon Energy Inc. with sufficient lead-time in order to ensure:

- a. The timely provision of supply to new and upgraded premises; and/or
- b. The availability of adequate capacity for additional loads to be connected in the existing premises

Please ensure that a minimum of 4.8m clearance is maintained from existing overhead conductors, which applies to all structures, equipment, and people.

## **Fire and Emergency Services**

1. A firebreak layout shall be submitted to Whitby Fire prior to site plan approval.
2. Confirm if the roadway leading off of Knox Crescent is a private roadway or street. If it is considered a street, will the townhouse blocks be addressed to Knox and Winchester, or will they be considered a new street?

## **Financial Services – Development Charges**

The following pertains to Town of Whitby development charges only. The applicant is encouraged to contact the Region of Durham and DSB/DCDSB for questions pertaining to their DCs/EDCs due. The information below reflects current Provincial legislation and the Town's current Development Charge By-Law. Additional information can be found on the Town of Whitby development charge webpage.

Since this development does not require a Site Plan, under section 26.2 of the Development Charges Act, 1997, the Zoning By-Law Amendment Application (ZBA) dates will apply.

The base development charge rate will be the DC rate in effect as of the date of ZBA submission.

Interest will accrue on the base development charge rate from the date of ZBA submission until the date development charges are paid (typically immediately prior to building permit issuance).

The applicant has 18 months from the date of ZBA approval to obtain a building permit, otherwise section 26.2 will no longer apply. In this instance, the development would be subject to the prevailing DC rates at the time of building permit issuance.

Should the development require a future site plan application, the future site plan dates take precedence over the zoning by-law amendment dates under Provincial legislation.

Development charges are due in full prior to the issuance of the building permit(s).

## **Financial Services – Taxes**

Taxes are current.

## **Landscape Design**

Please have the applicant contact the Towns Landscape Architect once all tree protection measures have been installed as per the provided Tree Preservation Plan. An inspection of the fencing will be required by the Town prior to any work beginning on site.

## **Parks Planning**

The applicant is proposing a Zoning By-law Amendment and subsequent Draft Plan of Subdivision to permit the development of 16 medium-density residential townhouse condominiums and associated parking area on an existing 0.90ac parcel.

Parks Planning Staff are generally satisfied with the proposed development, subject to the inclusion of the below noted conditions.

Parks Planning Staff have reviewed the following documents:

- Comment Response Matrix – January 18, 2023
- Site Plan – November 2018
- Planning Justification Report – March 2021

The Town of Whitby's Official Plan, as amended, does not contemplate the development of a park on the Subject Lands. As such, Parks Planning and Development Staff will seek cash-in-lieu of parkland. Brooklin Optimist Park is within 500m of the Subject Lands and should satisfy the needs of the future residents of this development. Parks Staff recommend the incorporation of indoor/outdoor amenity space for future residents of this development.

### Conditions of Draft Plan Approval

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

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

## **Strategic Initiatives – Sustainability**

### Sustainability Comments

Staff have reviewed the Environmental Sustainability Plan and at this time, this report does not meet the requirements highlighted in the memo provided by Sustainability staff on February 28th, 2020 (original memo has been attached for your convenience).

The Sustainability Rationale Report needs to directly respond to the policies outlines in the Whitby Official Plan Design Guidelines in Section 3 of the Brooklin Urban Design and Sustainable Development Guidelines, and sections in the Official Plan that address sustainability, are intended to be applied in the proposed development as outlined in the pre consultation memo.

### Sustainability Rationale Report

We recommend that the Sustainability Rationale be submitted in the following format:

1. Executive Summary: Overview of the project and declaration of performance tier commitment.
2. Purpose of the Application: Detailed description of the project.
3. Sustainability Overview: Summary of the project's sustainability vision and objectives.

4. Mandatory Performance Measures: List all mandatory performance measures as identified in the Whitby Official Plan and Relevant Official Plan Policies and their related reference document(s) in a table format.
5. Voluntary Performance Measures: Where a higher sustainability design criteria is being pursued, list all measures, and their related reference document(s) in a table format.
6. Innovation: If applicable, provide an overview of any innovation performance measures being pursued by the project.

Staff would encourage a stronger emphasis on sustainability within this development with a focus on:

- Energy Conservation:
  - Net Zero Carbon certified buildings or other high energy performing buildings;
  - Integration of low carbon energy generation from renewable resources such as solar or geothermal heat pump technology;
  - Where supplied, for each unit, provide ENERGY STAR® or equivalent labeled refrigerators, ceiling fans, clothes washers and dishwashers.
- Culture and Community
  - Develop and distribute a sustainability handout to new residents to understand green/sustainable elements in homes/buildings;
- Natural Heritage Preservation:
  - Plant for a 30% tree canopy will be achieved within 10 years of the development (demonstrate through modeling and tree planting plan);
  - Ensure bird friendly design is integrated throughout the building with considerations for glazing, lighting;
- 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, bios wales 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.

## Proposed Conditions of Draft Approval

1. The Subdivider shall prepare the final plan and shall include a land use table on the basis of the approved draft plan of Subdivision, prepared by D.G. Biddle & Associates, identified as project number 117090, dated April 15, 2021 which illustrates 1 block for 16 townhouses.
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 of Durham and the Town of Whitby 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. Prior to the finalization of this plan of Subdivision, the Subdivider must provide satisfactory evidence to the Regional Municipality 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 and Climate Change, accompanied by any additional supporting information.

9. The Subdivider shall agree in the Town of Whitby Subdivision Agreement to implement the recommendation of the report, entitled "Noise Impact Study" prepared by D.G. Biddle & Associates dated November 2020, which specifies noise attenuation measures for the development. The measures shall be included in the Subdivision Agreement and must also contain a full and complete reference to the noise report (i.e., author, title, date, and any revisions/addenda) and shall include warning clauses identified in the study.
10. That prior to any on-site grading or construction or final approval of the plan, the Subdivider shall submit to, and obtain approval from the Town of Whitby and the Conservation Authority for reports describing the following:
  - a) The intended means of conveying stormwater flow from the site, including use of stormwater techniques which are appropriate and in accordance with provincial guidelines; The stormwater management treatment must be designed and implemented in accordance with the recommendations of the Lynde Creek Master Drainage Study.
  - b) 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 solids in any water body as a result of on-site, or other related works.
11. The Subdivider shall satisfy all financial requirements of the Central Lake Ontario Conservation Authority.
12. 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 Condition 11 to the satisfaction of the Central Lake Ontario Conservation Authority.
  - b) The Subdivider agrees to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, in a manner satisfactory to the Central Lake Ontario Conservation Authority.
  - c) In order to expedite clearance of Condition 13 a copy of the fully executed subdivision agreement between the area municipality and the subdivider should be submitted to the Authority.
13. The Community Services Department, Parks Division will require the maximum allowable cash-in-lieu of parkland dedication in accordance with the Planning Act.
14. The Subdivider agrees to provide the Town with a deposit for any necessary peer review costs with the amount to be determined at time of site plan 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.

15. The Subdivider shall agree to implement the recommendations of all reports submitted in support of the application.
16. The Subdivider shall be responsible for satisfying any additional requirements identified by the Engineering Services not specifically listed above.
17. 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, and 9 have been satisfied.
  - b) The Central Lake Ontario Conservation Authority, how conditions 10, 11, and 12 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. The 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 extensions have been granted, draft approval will lapse under 51 (32) of the Planning Act, RSO, 1990, as amended. If the owner 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 to the lapsing date. A processing fee in effect at the time of request, shall apply.



# Town of Whitby

## Staff Report

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



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### Report Title: 150 Winchester Road West - Public Engagement on Surplus Land Declaration

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**Report to:** Committee of the Whole

**Date of meeting:** October 21, 2024

**Report Number:** FS 40-24

**Department(s) Responsible:**

Financial Services Department

**Submitted by:**

Fuwing Wong, Commissioner, Financial Services / Treasurer

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

**For additional information, contact:**

Fuwing Wong, 950.430.4314

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#### 1. Recommendation:

1. That public feedback, including written objections, to the Town's declaration of 150 Winchester Road West as surplus lands, as outlined in Staff Report FS 40-24, be received;
2. That staff be authorized to negotiate a License agreement with Elexicon Energy Incorporated for long-term license of (and inclusive of an option to purchase) 150 Winchester Road based on the principles outlined in Staff Report FS 40-24 and to the satisfaction of the Commissioner of Legal and Enforcement Services and Commissioner of Finance; and,
3. That the Mayor and Clerk be authorized to sign the final License agreement between the Town of Whitby and Elexicon Energy Incorporated.

#### 2. Highlights:

- On August 12, 2024, Town of Whiby Council declared Town-owned lands at 150 Winchester Road West surplus with the intention to convey the lands to Elexicon Energy Incorporated;
- Public notice of the surplus land declaration and intention to convey the lands to Elexicon was provided in accordance with Town policy and 13 written objections were received.
- The written objections and responses/comments to the objections summarized in this report.
- Staff recommend proceeding by way of a long-term licensing agreement with Elexicon with an option for Elexicon to purchase the property in the future.

### 3. Background:

On August 12, 2024, Town of Whiby Council approved [Staff Report FS 35-24](#), which declared Town-owned lands at 150 Winchester Road surplus with the intention to convey the lands to Elexicon Energy Inc.

#### *The Property*

The Town owns approximately 0.778 acres of land at 150 Winchester Road West (located adjacent to the storm water management pond at the north-east corner of Ashburn Road and Winchester Road West), legally described as: Block 232, Plan 40M-1966, subject to an easement over Part 10, Plan 40R19041, as in LT902785; Town of Whitby, being all of PIN 26572-0369 (LT), as outlined in **Attachment A** to this report.

The declaration of surplus applies only to the western portion of 150 Winchester Road West (described above), approximately 0.637 acres as outlined in red in **Attachment B** of this report (the “**Property**”). Attachment B has been adjusted to extend to the sidewalk/multi-use path to clearly delineate maintenance responsibilities (e.g. mowing of grass) between the Town and Elexicon should Council approve this report. The Property is to be confirmed via a reference plan.

#### *Elexicon Energy Incorporated*

Elexicon Energy Incorporated (“**Elexicon**”) is the local distribution corporation for electricity in Whitby and other municipalities. Elexicon is a subsidiary of Elexicon Corporation, which is wholly owned by the Towns of Whitby and Ajax, the Cities of Pickering and Belleville, and the Municipality of Clarington.

In April 2024, Elexicon expressed an interest in the Town-owned property at 150 Winchester Road West for the purposes of constructing an electrical substation that will enable the development of 5,000 new homes in the approved Brooklin Secondary Plan Area and improve system reliability in the community. According to Elexicon, the Property has passed their high-level assessment for an electrical substation which is planned to be supplied by two (2) new 44 kV feeders currently going north on Ashburn Road and East on Winchester Road (Hwy 7). At this time, Elexicon is considering a fully enclosed electrical substation and provided an example of the enclosed “Lawler substation” shown in **Attachment C** to this report.

**Electricity Infrastructure Supports Housing**

Advancing approved and designated residential development in north Whitby has been a challenge due to the lack of electricity infrastructure and supply. This includes the majority of residential and supporting land uses in the approved Brooklin expansion Secondary Plan area. The lack of electricity / electrical infrastructure to service growth is currently the main barrier for the Town of Whitby to realize its [Provincial Housing Pledge](#), to facilitate the development of 18,000 homes in Whitby by 2031. Electricity challenges in Brooklin have also been identified as a barrier to the creation of housing units, to the Canadian Mortgage and Housing Corporation, for Housing Accelerator Fund targets.

**Town Policy F 190**

The disposition of Town-owned land (including sale or long-term lease) is guided by Town Policy F 190 - the “Acquisition, Sale or Other Disposition of Land Policy”. Policy F 190 outlines the following process for the disposition of Town-owned land:

- Obtain the fair market value of the property via an appraisal report from a qualified appraiser;
- Provide public notice which includes:
  - Posting a sign on the Property for not less than ten days;
  - An advertisement in a newspaper having general circulation within the Town; and
  - Posting notice on the Town's website;
- Provide the public an opportunity to submit written objections (including the person’s name, address and reason(s) for objecting) to the Town within 20 days after notice is provided;
- Staff are to prepare a report to Council outlining the objection(s) received and provide recommendations to Council regarding the subject Land.

**4. Discussion:**

Public Notice in accordance with Town Policy was provided and the public was provided an opportunity to submit written objections until the end of the day on September 3, 2024. A total of 13 written objections were received, as summarized below:

**Table 1: Summary of 13 Written Objections Received**

Frequency	Area of Concern
6	Aesthetic

	<ul style="list-style-type: none"> <li>- Looks like a concrete bunker, not suitable for entrance feature into Brooklin</li> </ul>
4	<p><b>Loss of Greenspace</b></p> <ul style="list-style-type: none"> <li>- pets, children, and wildlife currently use this green space</li> <li>- concern about the removal of trees</li> </ul>
4	<p><b>Incorporate substation as part of new future development</b></p> <ul style="list-style-type: none"> <li>- Will the substation benefit existing residents (stability, less spikes in electricity)?</li> <li>- Also, consideration requested to locate the substation on the south side of Hwy 7/Winchester</li> </ul>
3	<p><b>Health Concerns</b></p> <ul style="list-style-type: none"> <li>- Noise, electro-magnetic frequencies</li> <li>- Concerns about increase in traffic</li> </ul>
2	<p><b>Decrease in Property Value</b></p>
1	<p><b>Misleading Picture on the poster</b></p> <ul style="list-style-type: none"> <li>- A resident noted that the picture of an example enclosed Elexicon substation (believed to be at Thickson and Columbus) does not show a 30-ft Tower at that location</li> </ul>
1	<p><b>Proposed substation will be beside a storm water management pond</b></p> <ul style="list-style-type: none"> <li>- 100-Year Storm concern</li> </ul>

Note: Frequency of concerns totals 21 as many of the 13 written objections received noted more than one area of concern.

The following are responses to the seven (7) areas of concern, highlighted above, from the written objections received:

**Aesthetic**

This concern was forwarded to Elexicon and the following response was received: The image is for reference but is not the final design for the substation that may be built at this location. The substation in the image is in another area of Whitby and is not directly facing a residential neighbourhood. If the project does move forward, Elexicon Energy will share the design with Town officials and provide further details to the community.

**Loss of Greenspace**

Attachment D to this report outlines existing parks and green space within a 1 km radius of the Property. In total there is approximately 65.5 acres of parks and green space within the 1 km radius. The attachment also outlines three future parks planned within the same area totaling 5.6 acres (BSW-2 at 3.7 acres; BC-2 at 0.9 acres; and BC-3 at 1 acre). Additionally, the new Whitby Sports Complex (shown in Attachment D) will add approximately 12.35 acres of new parkland with over 1,400 trees and many naturalized meadow areas.

**Incorporate as part of new future development & does this benefit existing residents?**

Elexicon's response: The substation location will not only power the new homes being built in the area, but it will also provide more reliable service to customers who live nearby. The new substation would increase the available capacity and reliability of power to Elexicon Energy's customers in Brooklin. The land was chosen due to its proximity to the new home developments. It is currently owned by the Town of Whitby and will be used by Elexicon Energy for a new substation if the project moves forward.

Regarding the south side of Hwy 7: Several sites around the community were considered for the substation, but due to a number of factors, the current site offers the most viable location for the potential substation.

**Health Concerns**

Elexicon's response: There are several substations embedded in residential communities across Ontario to help power homes, businesses and other infrastructure. Elexicon Energy meets and/or surpasses all of the regulated safety requirements, codes and standards. Further, a noise assessment is being conducted as part of the site feasibility to ensure the potential substation meets the municipal noise by-laws.

Elexicon intends to apply for Winchester Road to be used as the primary entrance for the substation, with secondary access off Amanda Avenue. These plans must go through the correct approval process with the Ministry of Transportation for Ontario, should the project move forward. If the primary entrance is not approved for Winchester Road and Amanda Avenue is used, the traffic will be minimal once construction is complete. The area will only be accessed regularly once monthly for inspection. All other access will be ad-hoc maintenance as required.

**Decrease in Property Value**

Property assessments in Ontario are determined by the Municipal Property Assessment Corporation ("MPAC"), an independent organization. The five key factors that affect a property's value are: age of the buildings on the property, total square footage of living area, location of the property, size of the lot, and quality of construction. Further, Elexicon is proposing to enclose the substation so it will look like a building from the

street. Accordingly, assessment values are not anticipated to be negatively impacted due to the proposed substation.

### **Misleading Picture on the poster (see Attachment C)**

Elexicon's response: There will be no transmission towers at this proposed site. The tower that is located at Thickson and Columbus in Brooklin is a communication tower and is not Elexicon Energy's infrastructure. There may, however, be hydro poles installed on the north side of Winchester Road, similar to the ones that already exist on the south side.

### **Proposed substation will be beside a storm water management pond**

Elexicon's response: As part of the site assessment, which will be completed prior to moving this project forward, a flood plan assessment will be completed to determine any flooding concerns and stormwater management needs.

### **Proposed License Agreement Terms**

In addition to standard agreement terms such as insurance, indemnification, and taxes Town staff have negotiated the following additional terms proposed for Elexicon's license of the Property:

- **Term and Extension:**
  - The initial term is from November 1, 2024, to October 30, 2045 (21 years less a day);
  - Option for Elexicon to extend for three additional terms of twenty years each (up-to an additional 60 years).
- **Fees and Expenses:** The Town will charge Elexicon a nominal annual fee for the license. Elexicon is responsible for expenses, including taxes, utilities, and maintenance;
- **Termination Clause:** Either party may terminate the agreement with 180 days' prior written notice without cause or penalty;
- **Restoration:** Elexicon is responsible for the full restoration of the site to original conditions at the end of the License. This includes removal of all infrastructure constructed on the site and environmental/contamination remediation, if required (see below);
- **Environmental Assessments:** Elexicon is responsible for conducting environmental assessments before and after the term:
  - The assessment before the term will serve as a baseline;
  - Contamination found in the assessment at the end of the term above the baseline will be the responsibility of Elexicon to remediate as part of Elexicon's requirement to restore the site to original conditions;
- **Option to Purchase:** Elexicon has the option to purchase the Property at fair market value upon the occurrence of specific trigger events:

1. **Third Party Transfer** – If the Town intends to sell, lease, license the Property to another party (other than Elexicon);
  2. **Termination of the License:** If the License is terminated by either party, Elexicon has the option to purchase the Property;
- The fair market value will be determined by an independent appraiser in the future (e.g. at the time the option to purchase is exercised)

## 5. Financial Considerations:

There are no immediate financial implications to this report. Should Elexicon exercise an option to purchase the property in the future, Elexicon will pay fair market value as determined by a future land appraisal. A land appraisal commissioned by the Town earlier this year identified a fair market value of \$2,230,000, as at July 4, 2024.

## 6. Communication and Public Engagement:

This report contains written objections received from the public following public notice (including posting of a sign on the Property, newspaper advertisement, and posting on the Town's website) in accordance with Town policy.

## 7. Input from Departments/Sources:

Legal Services has reviewed this report and has been involved with the License Agreement discussions with Elexicon.

## 8. Strategic Priorities:

The recommendations of this report support Strategic Pillar 4: Whitby's Government of the Community Strategic Plan. Specifically, enabling electrical infrastructure to be built supports the planned future growth noted in Action Item 4.4.2 of the Town's Community Strategic Plan.

## 9. Attachments:

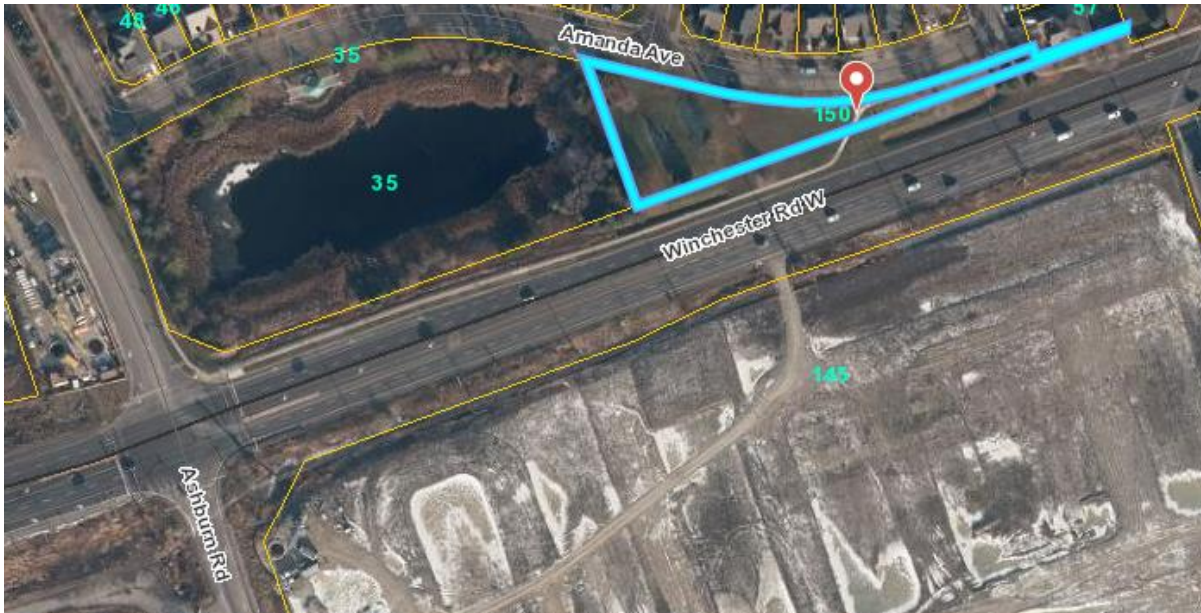
Attachment A – Outline of 150 Winchester Road West

Attachment B – Outline of the Portion of 150 Winchester Road West Proposed to be conveyed

Attachment C – Example of an Enclosed Electrical Substation

Attachment D – Parks and Open Space in the Area

150 Winchester Road West, Whitby, Ontario

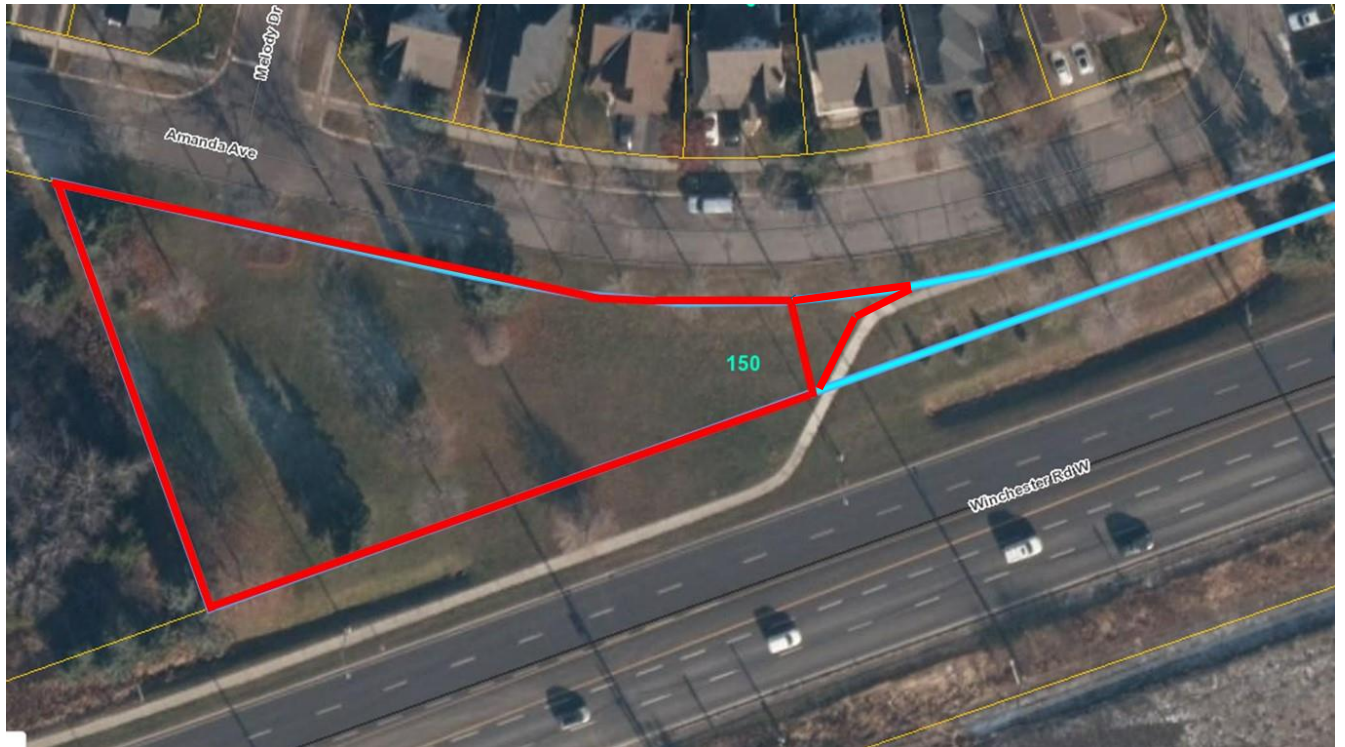


**Legal Description:** Block 232, Plan 40M-1966, Subject To Easement Over Part 10, Plan 40R19041, as in LT902785; Town of Whitby, (PIN 26572-0369 (LT))

**Area:** 3,148.11 sq. m (approximately 0.7779 acres)



**A Portion of 150 Winchester Road West**



**Estimated Area to be leased:** Approximately 2,577.85 sq. m (or approximately 0.637 acres)

Area to be confirmed via a Reference Plan



Picture of an enclosed electrical sub-station (Source: Elexicon Energy Inc.)  
Page 210 of 301



Town of Whitby Existing and Future Parks Within 1 km of 150 Winchester Rd W

# Memorandum to Council

Legal and Enforcement Services

Legal Services Division



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**To:** Mayor and Members of Council

**CC:** Roger Saunders - Commissioner, Planning and Development Services  
Peter Angelo – Director, Engineering

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

**Date:** September 3, 2024

**File #:** N/A

**Subject:** Request for Exception from Fee By-law #7220-17 – Driveway encroachment for 89 Garden Street

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

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## Background

Mr. Paul Mason, owner of the home located at 89 Garden Street, made a request to the Town to encroach into adjacent Town-owned land to expand his driveway to accommodate the parking of an additional vehicle at his property. Mr. Mason’s request is included as **Attachment 1** to this Memorandum. Mr. Mason would be losing a portion of the driveway apron due to the construction and capital improvements on Garden Street. A map of the property and the proposed encroachment is included as **Attachment 2** to this memorandum. The neighbouring Town-owned lands are a part of Lynde Creek and zoned “Open Space” (the “Town Lands”).

Staff have reviewed Mr. Mason’s request for an encroachment, and do not oppose his request. In order to facilitate the construction of the addition to his driveway, 89 Garden Street requires three (3) minor variances, two for his property and one for the Town Lands. An encroachment agreement with the Town would also be required.

Mr. Mason has asked that the Town’s fees pursuant to Fee By-law #7220-17 be waived to facilitate the extension of his driveway and encroachment, as he has indicated that it would not be needed but for the changes the Town is making to Garden Street.

## Discussion

### Mr. Mason would be liable for \$4,164 in Fees for his request

In order to facilitate the extension of his driveway into the Town Lands, Mr. Mason would be liable for the following fees:

Fee	Quantity	Cost (no HST applicable)
Minor Variances for 89 Garden Street	2 @ \$1,000.00 each	\$2,000.00
Minor Variances for Town Lands	1 @ \$1,000.00	\$1,000.00
Encroachment Application	1 @ \$385.00	\$385.00
Encroachment Agreement	1 @ 564.00	\$564.00
Encroachment Annual Fee*	1 @ \$215.00/year	\$215.00
<b>TOTAL</b>		<b>\$4,164.00</b>

\* The annual fee is based on an encroachment area of greater than 10 square meters (100 square feet), and would be payable every year the encroachment is in place.

### Staff support a reduction in the Encroachment Annual Fee, and do not support the exception of any other fees for 89 Garden Street

Both the fees for the minor variances and encroachments have been paid by multiple residents and businesses throughout the Town, and staff do not support an exception for those fees.

The fees are meant to recover the Town's costs in evaluating and preparing the applications and agreements, and a waiver or exception from the fees would mean those costs are recovered through the tax roll. Further, it would not be fair to the residents and businesses who willingly pay these fees to achieve their goals. While the need for additional parking and the encroachment may be a result of Town works, the lost parking area is within the boulevard (windrow) in front of 89 Garden Street, which is also owned by the Town and technically not permitted for vehicle parking. It is important to note that the property has a double car garage and a double car driveway, which exceeds the Town's minimum parking requirements outlined in the Zoning By-law.

A review of the Encroachment process is currently underway. The author anticipates that the review will result in annual residential encroachment fees being reduced. On a one-time basis, the author would be willing to waive the annual encroachment fee recognizing that Mr. Mason previously had the benefit of using the boulevard in front of his home for vehicle parking.

Although not related to the request for the encroachment, Engineering Staff have met with the Garden Street residents, including Mr. Mason, to receive input related to on-street parking and parking options for the residents fronting onto Garden Street. A report from the Engineering Division of Planning and Development Services is forthcoming in the Fall.

### **Next Steps**

Any reduction or exception for minor variances under Fee By-law #7220-17 requires the authorization of Council. The author has the authority to waive fees related to encroachments in exceptional circumstances. In the opinion of the author, this is not an exceptional circumstance.

In order for the required fees to be reduced and/or waived, a Member of Council must contact the Office of the Town Clerk on or before **Friday, September 20, 2024** to request that this matter be considered by Council. Should no request be received by that date, Town staff will consider the request refused.

Should you have any questions, please contact the author.

**From:** [Narraway, Kevin](#)  
**To:** [Narraway, Kevin](#)  
**Subject:** FW: Encroachment agreement - 89 Garden St.  
**Date:** August 23, 2024 6:54:56 PM

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**From:** Paul Mason <[pmason31@gmail.com](mailto:pmason31@gmail.com)>  
**Sent:** Sunday, June 23, 2024 10:07 PM  
**To:** Internet, Clerk <[clerk@whitby.ca](mailto:clerk@whitby.ca)>  
**Cc:** Narraway, Kevin <[narrawayk@whitby.ca](mailto:narrawayk@whitby.ca)>  
**Subject:** Encroachment agreement - 89 Garden St.

[EXTERNAL EMAIL]

Good afternoon,

Over 2 years ago I inquired about an encroachment agreement for a small section of land to the north of my property. The reason I inquired was due to the loss of a section of our driveway apron due to modifications to Garden Street.

At the time I was led to believe my only cost would be if I were to pave that small piece of land.

I held off proceeding when I received a letter from the Town informing me it would be \$2000 just to apply, that it would likely be denied, and if approved would be another \$1,000 plus \$110 to \$220 per year.

I am now told the Town no longer has an objection to the minor loss of open green space. I am writing this email to ask that all fees in this project be waived.

To reiterate, the only reason I'm asking for an encroachment agreement is due to the shortening of our driveway apron. I found out about it accidentally when inquiring about the signal light being installed just north of our property. The town not notifying us of this has been frustrating. At no point did they ever send an official notice.

Furthermore, now that the project is complete, it is clear to me that modifications to the road widening project could have been made to reduce or even eliminate the loss of the apron by widening more on the west side. The town said they didn't want to incur any cost in redesign. I don't believe we should incur any cost either (except for eventually paving the space).

The shortened apron has decreased maneuverability and safety as we move vehicles around.

We can no longer have vehicles pull in after ours and not completely block the sidewalk. We also used to be able to park a vehicle perpendicularly across the apron when necessary. Now it's impossible with a large vehicle and at best unsafe with a small vehicle.

Thanks for your help with this. I look forward to hearing back from the Town Council.

Regards,  
Paul





89 Garden Street



89 Garden Street  
Encroachment Area

# Town of Whitby

## Staff Report

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



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### Report Title: Town of Whitby Municipal Asset Management Plan (MAMP) Status Update

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**Report to:** Committee of the Whole

**Date of meeting:** October 28, 2024

**Report Number:** FS 36-24

**Department(s) Responsible:**

Financial Services Department

**Submitted by:**

Fuwing Wong, Commissioner, Financial Services and Treasurer, 905.430.4314

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

**For additional information, contact:**

Erika Watson, Sr. Manager of Financial Planning/Deputy Treasurer,  
905.444.2826

Michael Latimer, Supervisor, Asset Management, 905.706.1172

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#### 1. Recommendation:

1. That Report FS 36-24 regarding the Municipal Asset Management status be received.

#### 2. Highlights:

- The last update of the Town of Whitby's [MAMP was approved by Council in June, 2024](#). The June 2024 MAMP update outlined:
  - The Town's current funding levels (from various sources) for asset replacements is currently \$31 million per year;
  - the average (ten-year) annual funding requirement is \$41.8 million per year;
  - an annual funding gap deficit of \$10.8 million (=\$41.8- \$31).
- Provincial legislation (O. Reg. 588/17) for Municipal Asset Management Plans (MAMP) require Council approval of an updated MAMP by July 1, 2025;
- To comply with provincial legislation, the 2025 MAMP update will include:

- a ten-year outlook of the proposed levels of service (LoS) for all asset classes;
- the financial and risk implications;
- an analysis of different LoS scenarios;
- how the LoS recommendations can be funded, and,
- an analysis of the demand that growth might have on levels of service
- Financial Services' staff are working with departments to establish levels of service targets, required life cycle activities, associated risks, the annual costs and financial strategy.

### 3. Background:

The history of Asset Management Plans in Ontario date back to 2012 as outlined below:

2012 - The Ontario Ministry of Infrastructure launched its Building Together initiative, which provided guidelines on the development of AM Plans. The 2012 guidelines noted that going forward, the Provincial government will require that any municipality seeking Provincial capital funding assistance have a detailed AM Plan that shows how the proposed project fits within the asset management Plan.

2014 - The Association of Municipalities of Ontario (AMO) entered into a new gas tax agreement with the Federal government, on behalf of all municipalities, which required that detailed asset management plans be completed for all municipal asset inventories by the end of 2016.

2016 – The Town of Whitby completed its first Municipal Asset Management Plan and seven Service Area Asset Management Plans.

2017 - The Provincial Government of Ontario passed Ontario Regulation (O. Reg.) 588/17: Asset Management Planning for Municipal Infrastructure mandating due dates for various asset management deliverables for all municipalities.

2019 – The Town completed the Asset Management Policy and Asset Management Procedure. This was the first deliverable under O. Reg. 588/17: Asset Management Planning for Municipal Infrastructure.

2021 – Due to the COVID Pandemic, the Province of Ontario extended the due dates for the final three O. Reg. 588/17 deliverables each by one year.

2022 – The Town of Whitby updated its Municipal Asset Management Plan, meeting all requirements for the O. Reg. 588/17 – July 1, 2022 deadline for the core assets (roads, bridges, structural culverts, and stormwater management assets).

2024 – The Town of Whitby updated its [Strategic Asset Management Policy and Procedure via the March 4, 2024 Staff Report FS 08-24](#), in accordance with the requirements of O. Reg. 588/17.

2024 – The Town updated its [Municipal Asset Management Plan, via the June 10, 2024 Staff Report FS 31-24](#), meeting all requirements for the O. Reg. 588/17 – July 1, 2024 deadline for all service area asset classes (Facilities, Fire Equipment, Fleet, Library Resources, Parks, Roads Right-of-Way, and Technology & Innovation Services).

**2025** – The Town is updating the Municipal Asset Management Plan to comply with O. Reg. 588/17, July 1, 2025, requirements, which includes the proposed levels of service to match financial capacity. This will include the following:

- Lifecycle Management Strategy,
- Financial Strategy which includes a 10-year expenditure forecast,
- Risk Analysis,
- Growth Analysis.

### **What is Asset Management?**

Asset Management is defined as an integrated business approach within an organization that minimizes the lifecycle costs of owning, operating, and maintaining assets, at an acceptable level of risk, while continuously delivering established levels of service for present and future residents, businesses, visitors and customers.

Asset Management includes the planning, design, construction, operation and maintenance of assets and infrastructure used to provide services. By utilizing AM processes, asset needs can be prioritized over time, while ensuring timely investments to minimize repair and rehabilitation costs and maintain municipal assets.

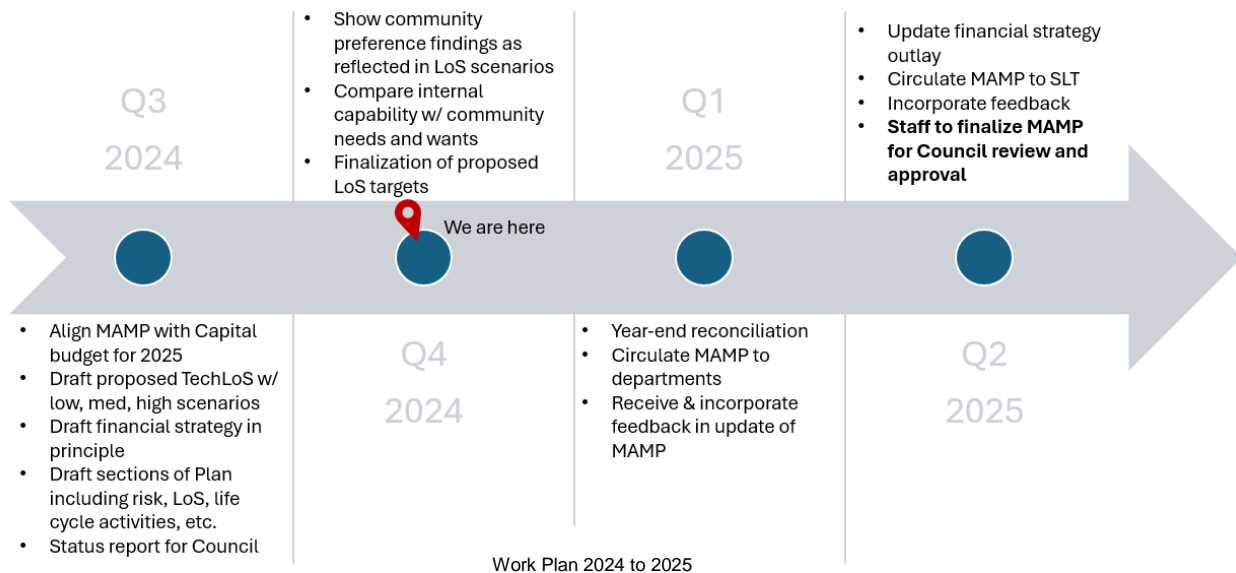
Key questions municipalities must ask themselves today as they continue to develop and refine their MAMPs and programs are the following:

- What do you have and where is it?
- How is it performing relative to expectations?
- What is it worth?
- What is its condition and expected remaining service life?
- What needs to be done?
- When do you need to do it?

- How much will it cost and what is the acceptable level of risk(s)?
- What are the overall life cycle needs/costs?
- What are the long-term sustainable financial needs?

4. Discussion:

Below is a timeline of milestones by quarter, detailing the progress of the MAMP leading up to its presentation to Council at the end of the second quarter in 2025:



Financial Services is on track to present the MAMP to Council in June of 2025 in compliance and including the requirement of O. Reg. 588/17. The work plan includes drafting LoS scenarios and updating associated forecast costs in the fourth quarter of 2024; obtaining senior leadership team endorsements by the end of the year for proposal to council in 2025; preparing the MAMP for Council review, feedback and eventual approval by the end of Q2, 2025.

The Town of Whitby’s 2024 MAMP update identified that the Town’s tax-funded contributions to the Asset Management Reserve Fund is underfunded by \$10.8 million annually. The 2025 update to the MAMP, to include a financial strategy for existing and future growth-related assets, may adjust the \$10.8 million funding gap (depending on the proposed Levels of Service to be approved by Council). While the \$10.8 million funding gap was identified following an analysis of the current asset-enabled service level needs (including historical underfunding that led to the present backlog), low, medium and high LoS scenarios are being examined to fulfil the proposed LoS requirements of the regulation. Forecasts LoS are being developed for the next ten years for all the Town’s asset classes and will include associated operating and capital funding requirements and present funding capability.

In accordance with the regulation, risks associated with meeting the Town's asset management objectives will also be detailed to further inform decision-making.

Finally, based on available insights, lifecycle activity needs will be forecast for anticipated growth-related assets.

The insights collected in the development of the 2025 MAMP may require an adjustment to the funding needs of the Asset Management Reserve Fund.

Funding asset-enabled service needs supports proactive asset management which costs less than reacting to asset failures. It also upholds the Town's reputation as a responsible steward of its assets and helps avoid potential service disruptions.

## 5. Financial Considerations:

The 2024 MAMP update identified a \$10.8 million funding gap between:

- the Town's annual contributions (inclusive of the Town's property-tax funded contributions to the Asset Management Reserve Fund and Canada Community Building Fund grant funds) toward asset management capital programs (\$30 million/year); and
- the projected average 10-year annual asset management spend (\$40.8 million/year) based on current service levels.

O. Reg. 588/17 requires municipalities to develop and obtain Council approval by July 1, 2025, a 10-year financial strategy that includes for each asset category the anticipated annual costs to undertake recommended lifecycle activities (maintenance and capital) to achieve the proposed LoS, a projection of the annual funding that will be available to undertake the lifecycle activities, and how the Town will manage possible risks associated with any funding shortfall.

This report outlines the status and plan to update the Town's MAMP for the July 1, 2025 deadline. In the interim, staff will be outlining the \$10.8 million asset management funding gap as budget pressures for 2025 and future years. An increase in property tax-based funding to the Asset Management Reserve Fund will be required to close this gap and to ensure that the Town's infrastructure is kept in a state of good repair.

## 6. Communication and Public Engagement:

There is no statutory requirement for consultation or public engagement regarding asset management planning. However, Financial Services is using the public engagement insights collected during the development of the Community Strategic Plan, the Parks & Recreation Master Plan, and the 2024 and 2025 annual budget when reviewing levels of service scenarios and to inform the recommended proposed levels of service. These insights are being used to inform recommendations contained with the 2025 MAMP.

The Regulation does require Council, the public's representatives, to be involved in the review and approval of the Municipal Asset Management Plan.

Additionally, it is a requirement to have the MAMP available to the public by posting it and as the Town's Asset Management Policy on the publicly available Town website.

## 7. Input from Departments/Sources:

Staff from all departments continue to be instrumental in providing updates to the MAMP document. The updates that staff from the various service areas provided were:

- new assets,
- disposed assets,
- updated condition ratings,
- updated replacement costs,
- service level key performance metrics,
- capital lifecycle activities, and
- departmental progress, challenges and opportunities regarding climate change resilience and mitigation.

The asset management team continues to work with ERP implementation team to ensure the asset management needs of all service areas are incorporated into the Enterprise Resource Planning (ERP) solution. Some of the main goals of the ERP solution are having a centralized database to eliminate redundancies and chances of error from entering data into multiple software platforms; capturing significant operations activities such as pothole repair that can assist in determining the optimal time to resurface a road; and closing the financial process of planning, constructing, maintaining, rehabilitating and decommissioning/reconstructing the various infrastructure.

## 8. Strategic Priorities:

The Municipal Asset Management Plan (MAMP) furthers the Town of Whitby's 2023-2026 Community Strategic Plan Strategic Pillars and is closely connected to Strategic Pillars 2 (Whitby's Natural and Built Environment), and 4 (Whitby's Government).

### Strategic Pillar 2 Whitby's Natural and Built Environment

Objective 2.1 - Demonstrate environmental leadership in sustainability and addressing climate change, through Actions 2.1.1 and 2.1.6, by enabling integrated asset management practices across the Corporation, providing the opportunity to incorporate climate mitigation measures proactively.

Objective 2.2 - Enhance community connectivity and beautification through Actions 2.2.2 and 2.2.5, by defining and monitoring service levels of various municipal asset types, including those promoting active transportation and community beautification.

Objective 2.3 - Invest in infrastructure and assets, is advanced by the MAMP through Actions 2.3.1 and 2.3.2. These major transportation and facility assets advanced by Actions 2.3.1 and 2.3.2 will require strategic asset management and planning into the future.

**Strategic Pillar 4 Whitby's Government –**

Objective 4.3 - Deliver exceptional customer service and community engagement, through Action 4.3.2, by defining, measuring, and maintaining consistent and transparent asset service levels, which promotes accountability, community engagement, and a commitment to meeting the defined service level targets. It also advances

Objective 4.4 - Ensure fiscal accountability and responsibly plan for growth, and specifically Actions 4.4.1 and 4.4.4, as strategic short-, medium-, and long-term planning of asset lifecycle activities to maintain defined service levels encourage financial sustainability and fiscal responsibility

**9. Attachments:**

n/a



# Town of Whitby

## Staff Report

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



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### Report Title: Declaration of Surplus – Town-owned lands at Cochrane Street and Highway 407

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**Report to:** Committee of the Whole

**Date of meeting:** October 28, 2024

**Report Number:** FS 38-24

**Department(s) Responsible:**

Financial Services Department

**Submitted by:**

Fuwing Wong, Commissioner, Financial Services / Treasurer

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

**For additional information, contact:**

Fuwing Wong, 905.430.4314

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#### 1. Recommendation:

1. That a portion of Town-owned lands being approximately 34.8 acres and legally described as Part of Lot 29, Concession 6, Township of Whitby, Part 1, Plan 40R-30411, PIN 26571-0280 (LT), save and except the most suitable two (2) acres for construction of a fire station, (the "Property") be declared surplus and sold as outlined in Staff Report FS 38-24;
2. That the Town provide public notice of its intention to declare the Property surplus and report back to Council on any written objections received, in accordance with Town Policy F 190;
3. That, should the Town proceed with the disposition of the Property, staff be directed to:
  - a. retain a third-party consultant to determine the optimal location on the land for a future two (2)-acre severance for a fire station;
  - b. retain an Ontario Land Surveyor to complete a new reference plan for the Property;

- c. retain a registered real estate brokerage or agent to represent the Town and assist with the market sale of the Property;
  - d. negotiate an agreement and purchase and sale and that staff be authorized to conditionally accept the highest qualified bid received at or higher than the fair market value outlined in Staff Report FS 38-24, and subject to Council's approval of the terms of sale;
4. That the Chief Administrative Officer and the Commissioner, Financial Services and Treasurer be authorized to undertake the necessary actions to execute any real estate brokerage or agent documents, and execute the conditional agreement of purchase and sale with such documents and agreement in a form satisfactory to the Commissioner, Legal and Enforcement Services/Town Solicitor, or designate;
5. That a Hospital Reserve Fund be established and Staff bring forward a Hospital Reserve Fund Policy for Council approval; and,
6. That the Net Proceeds from the sale of the Property be allocated as follows:
  - a. \$1,812,511.33 to the Operations Development Charges Reserve Fund;
  - b. \$420,914.65 to the Fire Development Charges Reserve Fund; and,
  - c. The balance to the Hospital Reserve Fund.

## 2. Highlights:

- The Town-owned lands at the north-west corner of Cochrane Street and Highway 407 was originally acquired for a Fire station, Fire training facility and Operations satellite facility.
- Due to lack of servicing in the area, the planned Fire training facility design and construction has started at an alternate site. Further, an Operations satellite facility location further north would better match planned growth and service delivery requirements. Accordingly, it is recommended that the Property be declared surplus and sold.
- Two (2) acres of the lands will be retained by the Town for a future Fire station (Fire Hall #7).
- If the Town moves forward with the proposed property disposition, the Net Proceeds from the sale will first replenish development charge reserve funds with the balance to be allocated to a new Town Hospital Reserve Fund.
- The Hospital Reserve Fund will be used to pay for the Town's portion of a local share of costs for a future hospital to be located in Whitby (i.e. the portion of hospital development and equipment-related costs that is not funded by the Province of Ontario).

### 3. Background:

The Town owns a total of approximately 34.8 acres of land at the north-west corner of Cochrane Street and Highway 407 (see Attachment A to this report):

- the land is legally described as Part of Lot 29, Concession 6, Township of Whitby, being Part 1, Plan 40R-30411, Town of Whitby, PIN 26571-0280 (LT);
- Two (2) acres of the land described above is planned to be used for a future fire station (Fire Hall #7).
  - Subject to Council approval of this report, staff will retain a third-party consultant to determine the optimal location on the land, to sever approximately two (2) acres, for the future fire station (i.e. the Town will be retain two (2) acres for Fire Hall #7).
  - The balance of the Town-owned property, being approximately 32.8 (= 34.8 – 2) acres, (the "**Property**"), is considered surplus and proposed to be sold.

The approximately 34.8 acres was purchased in 2019 for \$4,785,000 with the intention of constructing a future Fire Hall (#7), Operations satellite facility, and Fire training complex. However, the site is still not serviced and the Town has started design and construction of a Fire training facility at the Town-owned property on McKinney Drive, near the Whitby Fire and Emergency Services headquarters. Further, the land at Highway 407 and Cochrane is relatively close to the existing Operations Centre at Taunton Road East and McKinney Drive. Given the planned growth in north Whitby, a satellite operations facility further north would better match service delivery requirements with future growth.

Accordingly, staff recommend that Council declare the Property surplus to the Town's needs and pursue a sale of the Property. Two (2) acres of the lands will be retained by the Town for a future Fire Hall, the seventh fire station within the Town. Once the optimal location of the two acres has been determined, the Town will hire an Ontario Land Surveyor to complete a Reference Plan for the Property such that the two acres may be retained by the Town and the remaining approximately 32.8 acres may be sold.

### 4. Discussion:

The disposition of Town-owned land (including sale or long-term lease) is guided by Town Policy F 190 - the "Acquisition, Sale or Other Disposition of Land Policy". Policy F 190 outlines the following process for the disposition of Town-owned land:

- Obtain the fair market value of the Property via an appraisal report from a qualified appraiser;
- Provide public notice which includes:
  - posting a sign on the Property for not less than ten days;
  - an advertisement in a newspaper having general circulation within the Town; and
  - posting notice on the Town's website;

- Provide the public an opportunity to submit written objections (including the person’s name, address and reason(s) for objecting) to the Town within 20 days after notice is provided;
- Staff are to prepare a report to Council outlining the objection(s) received and provide recommendations to Council regarding the subject Land.

Subject to Council approval of this report, Staff will prepare public notice in accordance with Town Policy F 190.

***Disposition of Property via Multiple Listing Service (MLS)***

Staff recommend retaining a real estate brokerage or agent and listing the Property on the Multiple Listing Service (“MLS”) and selling the Property at the highest offer received at or above the fair market value/list price as outlined in the Confidential Memo related to this report.

Should the Town proceed with the disposition of the Property, Staff will retain a commercial real estate brokerage or agent to list the Property and act on behalf of the Town for the real estate transaction.

***Fair Market Value***

The fair market value of the Property was determined through a land appraisal completed by Colliers International dated September 19, 2024. More information is available in the Confidential Memo related to this report (see the confidential memo on the October 28, 2024 Council and Standing Committee Correspondence agenda).

It is recommended that Staff be authorized to conditionally accept the highest qualified offer at or above the fair market value. The conditional acceptance allows for Staff to present the conditional Agreement of Purchase and Sale (and any related conditions) to Council for final review and approval.

**5. Financial Considerations:**

The original purchase of the land was funded via a debenture, issued through the Region of Durham, to be repaid from Fire and Operations Development Charges. Accordingly, it is recommended that the proceeds, net of costs such as appraisal, land surveyor, real estate broker commissioner/fees, and registration fees, (“**Net Proceeds**”) first be used to repay the Fire and Operations Development Charge reserve funds as follows:

\$1,812,511.33	Operations Development Charges Reserve Fund;
<u>\$ 420,914.65</u>	Fire Development Charges Reserve Fund
<u><u>\$2,233,425.98</u></u>	

Since the Town will retain a portion of the lands for a Fire Hall, the calculations above exclude repayment to the Fire Development Charges Reserve for the future Fire Hall #7.

It is further recommended that the balance of the Net Proceeds be allocated to a new reserve fund, a Hospital Reserve Fund, to be established for the Town's portion of a share of development and equipment-related costs for a future hospital, to be located in Whitby, that is not paid by the province (the "**Local Share**"). The Local Share is generally funded by the local/regional municipal contributions and hospital foundations (e.g. through fundraising campaigns). The amount of the Local Share is currently not determined as it is based on projected land, construction, and furniture, fixture & equipment costs for the Whitby hospital which is currently not available. However, Local Share's paid by other municipalities in recent years indicate that the Town of Whitby's portion of the Local Share could be quite significant:

- The City of Vaughan contributed \$86 million for the Cortellucci Vaughan Hospital land purchase (~ 2016). The Region of York contributed \$143 million.
- The City of Brampton contributed \$62.5 million for the redevelopment and expansion of Peel Memorial Hospital and a Cancer Care Centre (2022)

Beyond the Town's prior land purchase commitment for the hospital, the Town's portion of the Local Share might not be needed for over 10 years. Setting up the reserve now allows it to grow through compound interest and other investment income. Future reports will detail how the Town's portion of the Local Share could be raised and policies for the Hospital Reserve Fund.

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

Town Policy F-190 regarding the Acquisition, Sale or Other Disposition of Land Policy, requires public notice following the Town's declaration of lands to be surplus, which includes:

- posting a sign on the Property for not less than ten days;
- an advertisement in a newspaper having general circulation within the Town – this will be the Brooklin Town Crier; and
- posting notice on the Town's website.

Further, in accordance with the Policy, any person may submit an objection, in writing, to the Clerk 20 days after notice is provided. The objection shall include the person's name, address and reason(s) for objecting. In accordance with the policy, staff will prepare a report to Council outlining objection(s) received, if any, and provide a recommendation to Council. If no objection is received, Council's decision to declare the Lands surplus shall be final.

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

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The proposed sale of the Property was circulated to all Town departments. Other than Whitby Fire and Emergency Services identifying a need to retain two (2) acres for a future Fire Hall (#7), no other concerns or Town needs for the Property were identified.

In addition, Legal Services has reviewed this report and has provided advice regarding this matter and will assist to retain the surveyor and real estate brokerage or agent and facilitate the negotiation of the agreement of purchase and sale of the Property, if approved by Council.

## **8. Strategic Priorities:**

The Net Proceeds from the sale of the Property will be allocated to a Town Hospital Reserve Fund to pay for the Town's portion of the Local Share of development and equipment-related costs for a future hospital to be located in Whitby. This supports Action 1.1.1 – Advocate for and secure property of a new hospital (Objective 1.1 Improve community safety, health, and well-being, Strategic Pillar 1: Whitby's Neighbourhoods) of the Town's Community Strategic Plan.

## **9. Attachments:**

Attachment 1 – Map of Town-owned subject lands

## Attachment 1 to Staff Report FS 38-24

Town-owned Property at the North-West corner of Cochrane Street and Highway 407



Legal Description: Part of Lot 29, Concession 6, Township of Whitby; Part 1, Plan 40R-30411  
Town of Whitby; PIN 26571-0280

Area: Approximately 34.8 acres

Zoning: A 1784

# Town of Whitby

## Staff Report

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



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### Report Title: Proposed Long-Term License of Town-owned Property at 508 Colborne Street West

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**Report to:** Committee of the Whole

**Date of meeting:** October 28, 2024

**Report Number:** FS 41-24

**Department(s) Responsible:**

Financial Services Department  
Community Services Department  
Legal and Enforcement Services

**Submitted by:**

Fuwing Wong, Commissioner, Financial Services / Treasurer  
John Romano, Commissioner, Community Services  
Francesco Santaguida, Commissioner, Legal and Enforcement Services / Town Solicitor

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

**For additional information, contact:**

Fuwing Wong, 905.430.4314;  
Francesco Santaguida, 905.430.4342;  
Catherine Bridgeman, Director, Facilities, 905.430.4319

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### 1. Recommendation:

1. That staff be authorized to finalize negotiations with B'Nai Shalom v'Tikvah, Durham Region's Reform Jewish Synagogue or an alternate religious/non-profit organization for a long-term license of Town-owned property at 508 Colborne Street West in support of a Ukrainian refugee family;
2. That the Mayor and Clerk be authorized to sign a license agreement for 508 Colborne Street West between the Town and B'Nai Shalom v'Tikvah, Durham Region's Reform Jewish Synagogue (or an alternate religious/non-profit organization) and, if deemed necessary by the Town



**Solicitor, the occupant identified to receive support, substantially based on the principles outlined in Report FS 41-24 and subject to the satisfaction of the Commissioner of Legal and Enforcement Services/Town Solicitor, and Commissioner of Financial Services/Treasurer; and,**

- 3. That a 2024 capital project for the renovation of 508 Colborne Street West be approved in the amount of \$120,000 and funded from the Asset Management Reserve Fund.**

## **2. Highlights:**

- B'Nai Shalom v'Tikvah, a Reform Jewish Congregation in Ajax, has expressed an interest to license the Town-owned property, at 508 Colborne Street West, to support a Ukrainian refugee family;
- Subject to Council approval of this report, the Town will complete required repairs/replacements at 508 Colborne Street West before starting a new license for up-to a four (4) year period.

## **3. Background:**

The Town owns a residential property at 508 Colborne Street West (the “**Property**”), legally described as Part Lot 29, 1st Range, Plan H50046, Whitby; Part Lot 30, 1st Range, Plan H50046, Whitby as In D99190; subject to CO76781; Whitby (PIN 26499-0061 (LT)).

According to a February 5, 2016 memo from the former Commissioner of Planning (see **Attachment 1**), the Property was:

- 1) purchased several decades ago to protect the long-term road needs within the downtown area (including providing for road improvements and public parking needs with the intensification of lands on the Dundas Street corridor); and,
- 2) recommended to be licensed to the Hebron Christian Reformed Church of Whitby (the “**Hebron Church**”) for a period of one (1)-year to support their planned sponsorship of a refugee family fleeing the conflict/a humanitarian crisis in Syria at the time.

Originally planned for a short-term, one (1) year license, the license to the Hebron Church has been renewed annually since November 3, 2016. The family that moved into the Property in 2016 has recently vacated the property on August 9, 2024. The Hebron Church’s Refugee Committee member, Mr. John Fayer, reports that the family is doing well and in their own home.

With the ongoing war in Ukraine, the Town was approached by B'Nai Shalom v'Tikvah, Durham Region’s Reform Jewish Synagogue, (“**BSvT**”) to support a Ukrainian refugee family seeking housing within the Town. A copy of a draft agreement, with similar terms and conditions as the 2016 license agreement with the Hebron Church, will be provided to BSvT subject to Committee/Council approval of this report. Normally, the Town would be further along in agreement discussions prior to bringing forward a report to Council. However, the BSvT has identified a Ukrainian Refugee family in need of

housing by the end of 2024 and given the time required for the Town to complete necessary renovations to the Property, this report is provided in advance of a final agreement with BSvT.

#### 4. Discussion:

Currently, there are no capital projects planned for the redevelopment of 508 Colborne Street West. Accordingly, BSvT's request to license the Property in support of a Ukrainian refugee family can be accommodated.

It is recommended that staff be authorized to negotiate with BSvT or another religious or non-profit organization to finalize a residential license of the Property in support of the organization's sponsorship of a Ukrainian refugee family. The proposed terms will be similar to the Hebron Church's agreement for the Property with the following proposed updates:

- 1) The term of the agreement be for a period of three (3) years with one (1) one-year extensions which would mean that the Property could be occupied for residential purposes for up-to four (4) years.
- 2) Annual license increases based on the Consumer Price Index.
- 3) Licensee is responsible for utilities, insurance, general maintenance including yard work, landscaping, gardening, snow removal.
- 4) Either party may terminate the agreement with 90-days prior written notice to the other party.

The license agreement shall be with the BSvT or a similar non-profit organization which will act as a Program Administrator in accordance with the *Residential Tenancies Act*. BSvT will be responsible for the License payments, insurance, and maintenance of the Property in accordance with the License agreement. Further, BSvT will be responsible for the qualification criteria and selection of a Ukrainian refugee family to support, including providing support services, such as employment and life skills development, assist with Property maintenance, insurance, license and utility expenses (if applicable).

#### 5. Financial Considerations:

The proposed annual license amount of \$15,383.40/year (or \$1,281.95 per month) is the same amount the Hebron Church was paying as of August 2024. The license amount is subject to an annual increase which is based on the All-items Ontario – Consumer Price Index available as of the month August prior to each anniversary date.

On Friday August 30, 2024, the Town's Facilities Division conducted a site visit and recommend approximately \$120,000 in required repairs and replacements to address assets at end of their useful lives, building code compliance, and safety reasons. The Facilities division reports that the building is a 1,255 sq. ft (excluding basement) single storey residential detached bungalow constructed in 1953 and the required work is recommended prior to any new occupancy. The Facilities Division's proposed repairs and replacements include:

- a) Windows and Doors – repair broken window panes, caulk, and paint window frames; paint and complete minor repairs to doors;

- b) Electrical – install new 100 amp and 32 circuit breaker panel
- c) Flooring – replacement on main level and new epoxy in basement;
- d) Replace gas furnace with high efficiency furnace;
- e) Paint main level and drywall repairs;
- f) Replace Kitchen counters, cabinets, sink, refrigerator, stove, rangehood and vent; and,
- g) Replace shingles, fascia, eaves and repair decking.

It is recommended that a 2024 (in-year) capital project for the renovation of 508 Colborne Street West be approved in the amount of \$120,000 and funded from the Asset Management Reserve Fund.

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

Not Applicable

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

The Legal & Enforcement Services and Community Services departments were consulted for this report and will assist with the License agreement and Property repairs/replacements (subject to Council approval of this report).

## **8. Strategic Priorities:**

The recommendations of this report support Objective 1.3 “Provide accessible and inclusive municipal services and programming” of the Town’s Community Strategic Plan. Specifically, the following Action Items of Object 1.3 are supported:

- Action Item 1.3.1 – “Continue to collaborate with non-profit organizations to anticipate and deliver changing community program and service needs”
- Action Item 1.3.6 – “6 Work with partners to support and connect individuals experiencing homelessness with shelter and support services”

## **9. Attachments:**

Attachment 1 – February 5, 2016 Memo recommending a short-term License for refugee housing



## Memorandum

### Planning and Development Department

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**To:** Mayor Mitchell & Members of Council

**CC:** R. Petrie, CAO  
C. Harris, Clerk  
K. Nix, Commissioner of Corporate Services

**From:** Robert B. Short, Commissioner of Planning

**Date:** February 5, 2016

**File #:** N/A

**Subject:** **Memo Report to Mayor Mitchell & Members of Council  
February 16 – Planning & Development Committee  
508 Colborne Street West – Whitby  
Short Term Lease for Refugee Housing**

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#### **RECOMMENDATION:**

“Authorize the Administration to make 508 Colborne Street West available to the Hebron Christian Reformed Church of Whitby to provide the opportunity for the future sponsorship of a refugee family for a period of one year; for a nominal sum and with the sponsor being responsible for the cost of utilities and the provision of appliances.”

#### **BACKGROUND:**

Recent reports indicate that the refugee families arriving in Canada, as a result of the crisis in Syria, are larger than anticipated.

508 Colborne Street West is owned by the Town. It was purchased several decades ago to protect the long term road needs within the downtown area. The retention of the property, to assist in meeting and providing for road improvements and emerging public parking needs with the intensification of lands on the Dundas Street corridor, continues to be considered of merit. The dwelling is presently vacant, without appliances, dated, but able to provide accommodation for a family.

The Durham Region was contacted to help identify possible private sponsors for refugee housing in Whitby. Only one group was identified as being associated that being the Hebron Christian Reformed Church of Whitby. Discussions have been pursued on an exploratory basis with Mr. John Fayer of the church's Refugee Program Committee. They have one active sponsorship application in process and are looking to advance one or more new applications.

Interest in having the dwelling available to the Hebron Christian Reformed Church to support their refugee program has been indicated. With the adoption of the recommendation, discussions will have to continue to finalize any arrangements to the satisfaction of the Town and the Church. Mr. Fayer was advised that the recommendation that being placed before Council for consideration was one year and that the details of the arrangement would be finalized in a manner satisfactory to both parties; the church and the Town.

**DISCUSSION:**

The subject property is located within one block of Dundas Street, has access to transit and is within walking distance of schools, shopping, library, theatre, and personal and financial services.

Approval, in principle, to provide for the opportunity to develop the lease arrangements is being requested at this time so that the residence is available so support a sponsorship application and to assure the arrangements have been finalized in advance of occupancy. The exact timing of an arriving family is dependent on approvals of the application, processing procedures and travel dates

Supporting refugees into the community is not new to the Hebron Christian Reform Church as it has sponsored refugees in the past and continues to support refugees that arrived prior to this crisis.

**FINANCIAL:**

An affordable housing solution is a major consideration for the sponsors. In this case, it is suggested that the contribution for rent be equivalent to the monthly maintenance plus a nominal amount and that the sponsor provide for the associated utility costs and insurance, grass cutting, etc.

**SUMMARY AND CONCLUSION:**

The subject property, 508 Colborne Street, has the potential to assist in the sponsorship of a refugee family upon their approval and arrival to Whitby. The Hebron Christian Reformed Church of Whitby and its Refugee Committee has past experience in supporting refugees settling in Canada. Staff's communications with the Region indicated that there was only one active sponsor in Whitby, the Hebron Christian Reformed Church of Whitby. Providing the opportunity to provide a one year lease to support the church in making their applications merits Council's consideration. Staff is recommending that 508 Colborne Street West be made available to the Hebron Christian Reformed Church of Whitby for one year at a nominal cost.

Sincerely,

Robert B. Short, MCIP, RPP  
Commissioner of Planning

RBS\mp

# Town of Whitby

## Staff Report

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



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### Report Title: Single Source Contract Award for Cell Phone Devices and Services

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**Report to:** Committee of the Whole

**Date of meeting:** October 28, 2024

**Report Number:** FS 43-24

**Department(s) Responsible:**  
Financial Services Department

**Submitted by:**

Fuwing Wong, Commissioner, Financial Services & Treasurer  
Jackie Long, Head of Organizational Effectiveness

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

**For additional information, contact:**

Ann-Marie Ricketts, Senior Buyer,  
Procurement, x2854

Christine Wood, Senior Manager  
Procurement and Risk, 905.430.4323

Steven Wilton, Senior Manager, Client Services, x2914

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#### 1. Recommendation:

That the Town's cellular phone contract be renewed and be awarded to Bell Canada, as a single source award contract, from August 1, 2024 to December 31, 2030 as outlined in Staff Report FS 43-24.

#### 2. Highlights:

- The Town's current mobile phone service through Bell Canada, a Provincial Vendor of Record ("**VOR**"), expired on July 31, 2024 with the expiration of the Province of Ontario's contract with Bell Canada.
- Despite no longer being a Province of Ontario's VOR, the proposed single source award matches Bell's previous pricing, discount structure, and specialized

services such as Push-To-Talk (to replace the use of secondary communications devices, such as two-way radios, for non-emergency staff) for the Town.

- Maintaining the Town's mobile phone contract with Bell ensures that monthly phone plan costs and device discounts remain the same as the Town's previous contract and avoids the cost of hardware replacements mid-contract/plan.

### 3. Background:

The Town of Whitby's existing cellular phone plan with Bell Canada expired on July 31, 2024. The Town's Procurement Policy allows for the procurement of goods or services from vendors on the Province of Ontario's Vendor of Record program.

The Town currently has over 500 cellular devices in active use across the organization. As of September 1st, 2024, 339 cellular phones are currently available for hardware upgrade. These upgrades are important to maintain device security as hardware vendors regularly stop supporting Operating Systems for older devices, making them potential vectors for malware and viruses.

Bell Canada does not directly sell or manage cellular devices such as cellphones, tablets, or cellular modems, and instead relies on a reseller network of vendors to purchase hardware. This reseller network is broken down into service areas. The Whitby area is serviced by Cellcom Communications, formerly Norcom Telecom. All purchases of devices as well as in warranty services are managed by this reseller at the authorization of Bell Canada.

### 4. Discussion:

To ensure consistency with existing phones and plans already in use, as well as to keep interoperability with key services which are dependant on being on the same platform provider, such as Push-to-talk two-way communications, the Town has negotiated directly with Bell Canada on a new cellular phone agreement.

The proposed single source award matches Bell's previous pricing and discount structure. This allows the Town to maintain the existing fleet of 500+ cell phones without additional expense of reconfiguring devices or having to swap out devices and SIM cards.

Further, devices on the old contract were eligible for upgrade every two (2) years. The new contract offered follows the Ontario VOR which has moved device eligibility for an upgrade to a three (3)-year cycle as improvements in hardware have slowed in the cellular space. This also allows for future cost savings by reducing the frequency of cellular device refreshes.

The Town's Procurement Policy, Policy # F 080, provides for Single Source Awards under certain circumstances. In this case, the justification for a single source award to an existing vendor is as follows: When the extension of an existing contract would prove more cost-effective / beneficial or if the change of supplier would cause inconvenience or duplication of costs.

As noted above, changing vendors due to the expiration of the Ontario VOR would result in significant costs for the Town to swap out devices (prior to the end of contracts), re-configure over 500 devices, and to swap SIM cards for over 500 devices.



Further, replacing 500 devices all at the same time would mean that all of the devices are on the same replacement cycle which is not practical and does not smooth out the financial impact of replacements.

The term of the proposed award is from August 1, 2024 to December 31, 2030. At that time, the Ontario VOR (which expires July 31, 2030) will have renewed, and the Town can review the cost/benefit of the Provincial program and pricing. Based on a three-year replacement cycle and the Town's existing 500+ cell phones, it is anticipated that the Town will spend an average of \$86,000 per year on cell phone replacements and approximately \$100,000 per year for cellular services. Accordingly, the estimated value of the contract is approximately \$1,171,800 ( $(\$86,000 + \$100,000) * 6.3$  years). The Procurement Policy requires Council approval for single source awards in excess of the Canadian Free Trade Agreement limits (i.e. \$133,800 for goods and services and \$334,400 for construction, effective from January 1, 2024 to December 31, 2025).

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

The budget for cell phone purchases and replacements are included in the Technology and Innovation Services ("TIS") capital budgets and may fluctuate annually based on the replacement cycle and age of the devices. Monthly plan costs are charged to the relevant department's operational account. Cellular devices are acquired out of TIS capital and managed as Town assets. Budgets are also adjusted as staffing needs change, staffing or new positions (that require cellular devices) are approved, or as projects requiring cellular mobile connectivity increase.

TIS Staff have reviewed the proposed award against the Ontario VOR program and have determined the proposed award provides more favourable pricing for device purchases, data plans, and push-to-talk services. Roaming costs are comparable to the Ontario VOR program. Throughout the term of the single source contract, Staff will compare pricing with the Ontario VOR program and, if required, start the process of migrating new and replacement devices based on a cost/benefit analysis.

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

Not Applicable

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

Technology and Innovation Services is making this recommendation to minimize the disruption to staff time, stay in alignment with industry best practices, and provide a stable foundation to allow for internal innovation and process improvements.

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

The recommendation in this report aligns with council's mandate of keeping Whitby's government accountable and responsive, as well as fiscally responsible, while still providing key technologies required for staff to meet the needs of residents.

### **9. Attachments:**

Not Applicable

# Town of Whitby

## Staff Report

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### Report Title: Final Artist Selection - Indigenous Public Art Piece for the Whitby Sport Complex

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**Report to:** Committee of the Whole

**Date of meeting:** October 28, 2024

**Report Number:** CMS 15-24

**Department(s) Responsible:**

Community Services Department

**Submitted by:**

John Romano, Commissioner of  
Community Services

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

**For additional information, contact:**

Catherine Bridgeman, Director, Facilities,  
905.430.4319

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#### 1. Recommendation:

1. That report CMS 15-24 be received for information.

#### 2. Highlights:

- The Whitby Sports Complex Project (WSC) included for the commissioning of a landmark Public Art Piece from a Professional Indigenous Artist to be placed within or adjacent to the new facility.
- In September 2023 a call-to-artist was issued to all Professional Indigenous Artists and Artists teams residing in Canada. While this was a national competition, Local and Regional Artists were encouraged to apply.
- On September 27, 2024, the Selection Panel reviewed the proposals and selected Kathryn Corbiere as the successful candidate to complete the Indigenous Public Art for the WSC.

#### 3. Background:

The Town in collaboration with Steps Consulting invited Canadian-based Indigenous professional artists (including artist teams) to submit their Expression of Interest for a competition to complete public artwork(s) that will be installed within or adjacent to the forthcoming Whitby Sports Complex (WSC).

The Selection Panel reviewed and evaluated 19 submissions received during Stage One of the request for quotation (RFQ).

Shortlisted artists/artist teams were ranked by the Selection Panel individually with the top ranking three (3) artists/artist teams being shortlisted. Shortlisted artists were selected based on qualifications demonstrated from the artist's application including their curriculum vitae, connection to community, portfolio of past work, and letter of intent. The Selection Panel members shortlisted the following three (3) artists to proceed to Stage Two in accordance with the RFQ process:

- David M General (ON)
- Tessa Shank (ON)
- Kathryn Corbiere (ON)

### **Selection Panel Composition**

The Selection Panel members included representatives from:

- Town of Whitby
- Regional Indigenous Professional Artists

Each shortlisted artist/artist team was responsible for the following:

- Attending a virtual site walk through
- Preparing a draft proposal for Technical Review
- Preparing a three (3) minute video of their proposal for a virtual Community Open House hosted by STEPS
- Preparing a complete final proposal for review by the Selection Panel

### **Technical Review**

All proposals were reviewed by a technical team composed of Town of Whitby staff from relevant departments who commented on the technical feasibility, safety, and maintenance requirements of each proposal.

#### 4. Discussion:

The Indigenous public art at the Whitby Sports Complex (WSC) is intended to contribute to the character of the facility by enhancing the quality of public spaces and spaces that are publicly accessible and visible.

The Indigenous art piece selected for the WSC will facilitate an expression of Indigenous heritage and identity using the guiding principles:

- celebrate and recognize regional Indigenous culture and heritage;
- enhance the quality of life for both visitors and established neighbouring communities;
- add value to the cultural, aesthetic, and economic vitality of the facility;
- build civic engagement and social capital and encourage civic discourse;
- help reinforce a strong sense of community pride, ownership, and a sense of belonging.

Over the last few months, the Selection Panel reviewed the three artists' proposals using the following criteria:

- Artistic Vision
- Artistic Excellence
- Community Engagement
- Technical Merit, Feasibility, and Artist Capacity

On September 27, 2024, the Selection Panel reviewed the proposals and selected Kathryn Corbiere as the successful candidate to complete the Indigenous public art for the WSC.

The piece is called: We come from the stars – Anangoong Nidonjibaamin

This proposed work considers the network of corridors in the building's design as a constellation of pathways leading to a gathering place under a constellation of stars. In a time when we are facing a climate emergency and divisiveness, this work invites people to consider Indigenous teachings and knowledge, to join in community.



Upon award, Kathryn will begin the Community Engagement Plan for the piece that includes the following components:

A virtual conversation with 3-5 local knowledge keepers and elders from the Territory to discuss the sculpture and to learn what teaching stories, symbols, shapes and words are important to them to share in the sculpture, which should be prioritized for the shape of the constellations and the number of stars for each constellation.

A gathering – a gathering of community members, with a particular focus on elders and youth to enable intergenerational sharing, passing on traditional knowledge from elders to youth, and for youth to carry forward this knowledge and to integrate their perspectives hopes and dreams. A knowledge keeper from the Territory would be invited to share star stories to orient the gathering.

## **5. Financial Considerations:**

The project budget of \$150,000.00 for the public art piece is included in the Whitby Sports Complex Project Budget. This includes all costs directly associated with the artwork: including fees for design, fabrication, shipping, installation, engineering and professional services, insurance, permits, travel, and other incidental and production expenses.

**6. Communication and Public Engagement:**

The Town in collaboration with Steps Consulting completed the Community Engagement for the three shortlisted Art Pieces from August 14, 2024, to September 5, 2024. The engagement provided an opportunity for residents to review the artists proposals comment on the three shortlisted pieces.

A survey was issued as part of the community engagement asking respondents for feedback on the following questions:

- Does the proposal resonate with you?
- Do you find it compelling?
- Would you be excited to see this artwork at the facility?

125 Responses were received with 79.2% in support of the proposed piece.

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

In addition to Community Services, individuals from Strategic Initiatives were included through the development of this project

**8. Strategic Priorities:**

The installation of Indigenous Public Art selected for the WSC is identified as a priority in the 2023-2026 Community Strategic Plan. This initiative is identified in Action 2.2.3 under the second Pillar: Whitby's Natural & Built Environment. It contributes towards achieving the objective of "Enhance community connectivity and beautification" and it demonstrates a commitment to investing in Public Art

Attachments:

N/A

# Town of Whitby

## Staff Report

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



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### Report Title: Operations Centre Expansion Phase 2 – Design Update

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**Report to:** Committee of the Whole

**Date of meeting:** October 28, 2024

**Report Number:** CMS 16-24

**Department(s) Responsible:**

Community Services Department

**Submitted by:**

John Romano, Commissioner,  
Community Services

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

Catherine Bridgeman, Director, Facilities  
905.430.4319

Brad Collard, Capital Project Manager  
905.444.1838

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#### 1. Recommendation:

1. That Report CMS 16-24 be received for information;
2. That Council approve the proposed design concept for the new Parks Administration and Maintenance Facility, attached to this report as (Attachments 1-4); and,
3. That a single source contract be awarded to McCallum Sather Associates, for the detailed design and contract administration work, in the amount of \$926,300 (plus HST) and funded from capital project # 30211305.

#### 2. Highlights:

- The existing Parks Administration and Maintenance Facility (Parks Depot) is over 45 years old and no longer meets the need of the Parks Team.
- Several design concept options for a new Parks Depot were investigated to meet the needs of the Parks Department. The proposed design concept (Attachment #1-4) to expand the current building and leverage the existing infrastructure (changerooms, cafeteria) was chosen.

- The proposed design concept maximizes the ability to accommodate growth and operate effectively within the current site.
- A Class D cost estimate completed in October 2024 confirms the feasibility of the proposed design concept within the approved project budget of \$10,260,000. Given the design is at the schematic stage and the Class D estimate accuracy is within plus or minus 30%, further development of the design and subsequent cost estimates may identify the need for additional funding.

### 3. Background:

In 1976, the Town of Whitby constructed a Works Yard on 50 acres of municipally owned property on the north side of Taunton Road. This site was selected because of its location between the urban areas of Whitby and Brooklin and due to the centrality of the area planned for Whitby's ultimate growth. Three (3) years later in 1979, a separate building known as the Parks Depot was constructed on the same site.

In 1993, the original Works Yard was replaced by a new Operations Centre main building and compound located at the north-end at the newly constructed McKinney Drive and consists of several buildings, works and storage areas. The two (2) primary buildings accommodating staff are the Operations Centre building and the Parks Depot. Other buildings and facilities on the site now include: two salt/sand domes, a soils storage and decanting facility, designated material storage, parking and outdoor equipment storage areas.

Over the years, the original 50 acres has been divided up for municipal purposes. Other municipal uses of the property include Hydro, Whitby Fire Department Headquarters, McKinney Centre, Broadleaf Avenue, and McKinney Drive. After these changes, the Operations Compound (which includes 1.47 acres of lands to the west) is now sited on 18.62 acres of property.

In 1993, even though the Town's population was 61,000 at that time, the main Operations Centre building was structurally designed with excess capacity and included plans for an expansion (i.e. 2nd floor and an additional mechanic's bay on the east side of building). Over the past 20 years since, the Town's population has more than doubled to 130,000+ and all spare capacity in the building for growth was utilized.

In 2012, the Town retained a consultant to complete the Whitby Operations Centre Expansion Business Case which formed part of the 2015 Master Plan Design Brief. This report identified that the existing Parks Depot was over 30 years old and at the end of its service life at the time of the report, and recommended replacement of the existing building with a new larger building or a consolidated expansion to the main Operations Centre building.

In October 2017, Council approved the design for the Operations Centre Phase 1 Expansion. In report (PW-24-17) staff provided a proposed phasing planning for future additions that included the New Parks Wing to the Main Operations Centre.



**4. Discussion:**

In 2016, McCallum Sather Architects (MSA) was the successful proponent for the Town of Whitby's Request for Proposal (RFP-148A-2016) to complete a Master Plan and Feasibility study for the Whitby Operations Centre.

RFP-148A-2016 identified that the Town, at its sole discretion, reserved the right to negotiate any or all future phases of the Operations facility, with the successful bidder.

As the successful proponent of RFP-148A-2016, MSA was awarded the Master Plan Update and Feasibility Study of an Operations Centre expansion in 2022.

A Project Team, including Staff from Community Services (Parks, Operations, Facilities) worked in collaboration with MSA to develop the proposed site concept plan, design, and building massing for the new Parks Administration and Maintenance Facility. During this process, Staff reviewed several design options to ensure that the proposed design concept will meet the current and future needs of the department. Based on these needs, the Project Team identified the following amenities to be included in the program for the new Parks Building:

- Workshop space for Parks Maintenance, Forestry, Horticulture & Turf, and Grounds Maintenance;
- Workspace including open office, hoteling, a small meeting room, a quiet room, and a centralized office to accommodate all Forepersons;
- Upgrades to the existing McIntyre meeting room for greater flexibility and interactive map viewing;
- Mud rooms at the shop entrances;
- A shop corridor with direct access to existing shops and the exterior loading area;
- Access within the operations center to existing shared amenity spaces like washrooms, change rooms, meeting rooms, training rooms, and lunchrooms;
- A reconfigured exterior loading area with improved access for greater flexibility and efficiency;
- A new dock lift at the exterior loading area for receiving deliveries;
- Renovate and repurpose the Existing Parks Depot building for storage.

**Proposed Design Concept:**

A site plan, floor plan and exterior massing views for the proposed design concept are contained in (Attachment #1-4) to this report.

The new Parks Administration and Maintenance Facility proposes a one storey addition to the Operations Centre that will see the Parks department fully integrated within the Operations Centre. The proposed design leverages the Town's existing assets and maximizes the ability to accommodate growth while operating effectively within the current site. The new facility, as an addition to the existing Operations Centre, serves to strengthen team building and collaboration

between various workgroups, takes advantage of shared facilities and resources, and supports the development of an inclusive, positive work environment and culture.

Densification of the existing Operations Centre footprint with a building addition also provides the advantage of reducing the building envelope area, utilizing shared resources, limiting any impact to parking, and freeing up valuable space within the site for future development.

Repurposing the existing Parks building for storage extends the life of the building as an asset and provides much needed storage space.

New workshops for Parks Maintenance, Forestry, Horticulture & Turf, and Grounds Maintenance are collocated with existing workshops and share convenient and direct access to the loading yard, office space, and common amenities within the Operations Centre. Recognizing the importance of the environment and its impact on staff's well-being and productivity, the proposed workshop design provides access to natural light and creates mud rooms and wash spaces at each entry for convenient cleaning, and lockable tool storage for each shop.

The expansion also includes dedicated meeting space for Parks staff, inspectors and Forepersons to be centrally located within the addition and adjacent to the existing office space within the Operations Centre. The existing elevator lobby in the main ground floor corridor serves as the main connection point between departments and facilities and provides barrier free access to the second floor.

A new enclosed shop corridor connects the existing workshops to the new office space and provides direct access to the loading yard from the existing Operations Centre.

The existing loading dock, ramps, and retaining walls will be removed and the loading yard will be leveled to provide improved access to new and existing workshops. This expands the functionality of the loading yard by creating a singular large space for flexible use and access by Parks, Roads, and Fleet. Parking currently located within the loading yard will be relocated on site.

While the existing Parks building has reached the end of useful life for workshops and offices, the proposed design recommends repurposing it for storage. This takes advantage of and extends the life of an existing asset.

Sustainable strategies have been integral to the proposed design of the new facility with its design goal to provide a healthy, safe, environmentally conscious and forward-thinking development with a focus on capital investment and operational costs. The following strategies and ideas have been considered at this stage of design and will continue to be developed as the project progresses.

- High performance enclosure with controlled use of glazing, utilizing local materials and recycled content;
- Proposed mechanical systems to be electrical and not fossil fuel supplied;

- Energy use targets which work towards the Canadian commitment to reduced carbon emissions;
- Low flow plumbing fixtures while not sacrificing process load needs; e.g. parts cleaning;
- Energy efficient and non-mercury containing light fixtures; e.g. LED;
- Low volatile organic chemical paints, sealants and adhesives;
- Consideration of site densification; reduced building envelope, shared amenities;
- Durable and low maintenance building materials and systems.

The project will be designed to meet the following standards:

- Town of Whitby Green Standard - Tier 3;
- CAGBC Zero Carbon Building Standard - design compliance;
- AODA compliance.

Consideration of the existing Operations Centre functionality during construction and post construction is important to ensure continuous operations of interior and exterior functions. A construction phasing strategy has been discussed with stakeholders to limit disruptions.

**Estimated Project Timelines:**

Deliverable	Estimated Timeframe
Design Concept Update to Committee of the Whole (COW)	October 28, 2024
Design Concept Approval from Council	November 11, 2024
Detailed Design and Construction Documentation Period	November 2024 to August 2025
Construction Tender	September 2025 to December 2025
Construction Period	January 2026 to April 2027
Facility Opening	May 2027

**Prime Consultant Fees:**

It is recommended that a single source contract to McCallum Sather Architects (MSA), to complete detailed design, construction documentation and contract administration for the new Parks Administration and Maintenance Facility, in the amount of \$926,300 (plus HST) funded from capital project 30211305 OPC - Expansion Phase 2.

The Town's Procurement Policy, Policy # F 080, provides for Single Source Awards under certain circumstances. Further, Council approval is required for single source awards in excess of the Canadian Free Trade Agreement limits (i.e. \$133,800 for goods and services and \$334,400 for construction, effective from January 1, 2024 to December 31, 2025).

In this case, the justification for a single source award to MSA is as follows:

- The extension of an existing contract would prove more cost-effective / beneficial or if the change of supplier would cause inconvenience or duplication of costs.
  - MSA has completed the master plan and feasibility study, which includes a Class D cost estimate. Accordingly, they will be able to complete the detailed design and perform contract administration work without the additional time and cost to get up-to-speed on previous work, designs, and site-specific concerns.
- The expertise of the Prime Consultant is deemed specifically required by the municipality.
  - The experience of the Prime Consultant with the site due to the work completed to date is a benefit to the municipality.
- MSA was the successful proponent in the original request for proposal to complete the Operations Centre master plan (RFP-148A-2016) which included provisions for future phases of the project; and,
- The proposed fee aligns with the Royal Architectural Institute of Canada (RAIC) recommended guidelines for determining appropriate fees for the services of an architect, for the proposed scope of work, building type, complexity, and project delivery.

**5. Financial Considerations:**

As shown in Table 1, below, the estimated cost to complete the project, based on the Class D cost estimate, is within the approved budget for capital project # 30211305:

**Table 1**

<b>Project Breakdown</b>		
<b>Approved Capital Projects</b>		
Project # 30211305 - OPC - Expansion Phase 2	\$10,260,000.00	
<b>Total Approved Capital Project Budget</b>		<b>\$10,260,000.00</b>
<b>Project Expenditures</b>		
Costs Incurred to Date	\$299,355.00	
<b>Estimated Project Costs / Commitments</b>		
Consulting Fees	\$992,243.00	
Construction Cost	\$8,100,299.52	
Construction Contingency	\$405,004.80	
Permits and Approvals	\$39,109.42	
Other Project Costs (Utility Installations, Furniture, Fixtures & Equipment (FF&E), Temporary Staff, Consulting Fees, etc)	\$417,496.86	
<b>Total Estimated Expenditures &amp; Commitments</b>		<b>\$10,253,508.60</b>
<b>Budget Surplus/(Shortfall)</b>		<b>\$6,491.40</b>

Subject to Council approval of this report, MSA will complete the detailed design and construction documentation. Town staff will tender the construction for the project and award to the lowest compliant bidder if the project remains within the approved budget.

**6. Communication and Public Engagement:**

Not Applicable.

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

Staff from Community Services, TIS, and Planning have been consulted to ensure the requirements of the Site Plan Approval Process is achieved.

**8. Strategic Priorities:**

The development of the new Parks Administration and Maintenance building project supports Council goals, including Strategic Pillar 4 - Whitby's Government:

Accountable & Responsive, objective 4.4 - Ensure fiscal accountability and responsibility plan for growth, Action 4.4.1 - Deliver service that respond to community needs while balancing the impact to taxpayers.

To further align with Council's strategic vision for sustainability and climate change, several initiatives including Whitby's Green Standard, and Zero Carbon Building certification are incorporated into the project design.

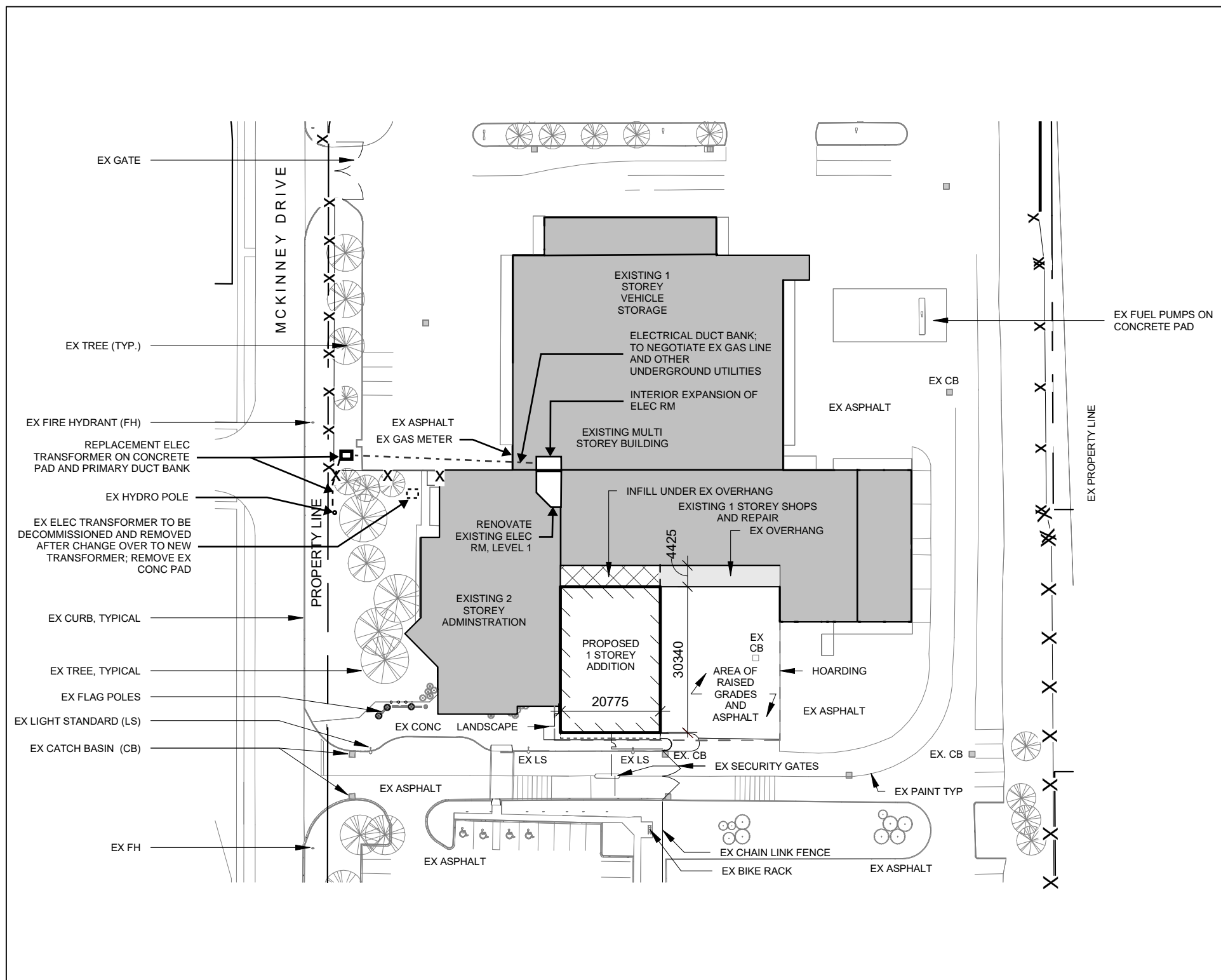
**9. Attachments:**

Attachment 1 – Design Concept Site Plan

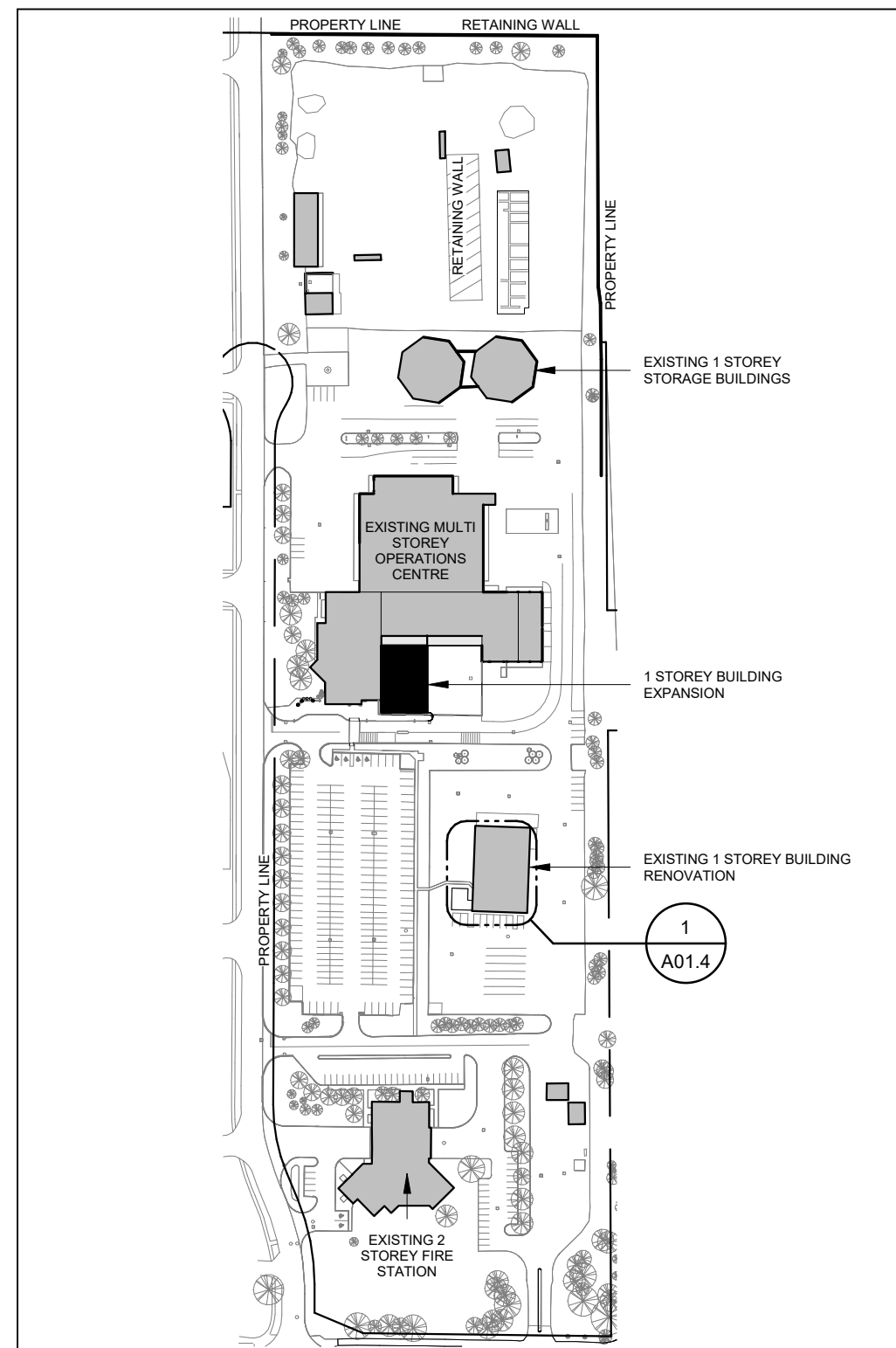
Attachment 2 – Design Concept Ground Floor Plan

Attachment 3 – Design Concept Existing Parks Depot Floor Plan

Attachment 4 – Design Concept Massing Perspective



**PARTIAL SITE PLAN** 2  
1 : 1000 A01.0



**OVERALL SITE PLAN** 1  
1 : 3000 A01.0



No.	DESCRIPTION	DATE
3	REVISED SCHEMATIC DESIGN REPORT	24-10-11
2	RE-ISSUED FOR SCHEMATIC DESIGN	24-09-13
1	ISSUED FOR SCHEMATIC DESIGN SUBMISSION	24-08-30
No.	DESCRIPTION	DATE

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DRAWING TITLE  
**SITE PLAN**

PROJECT NAME  
**WHITBY OPERATIONS - PARKS ADMINISTRATION AND MAINTAINANCE**

333 McKinney Drive, Whitby, ON L1R 3M2

DRAWN BY: AB CHECKED BY: AA

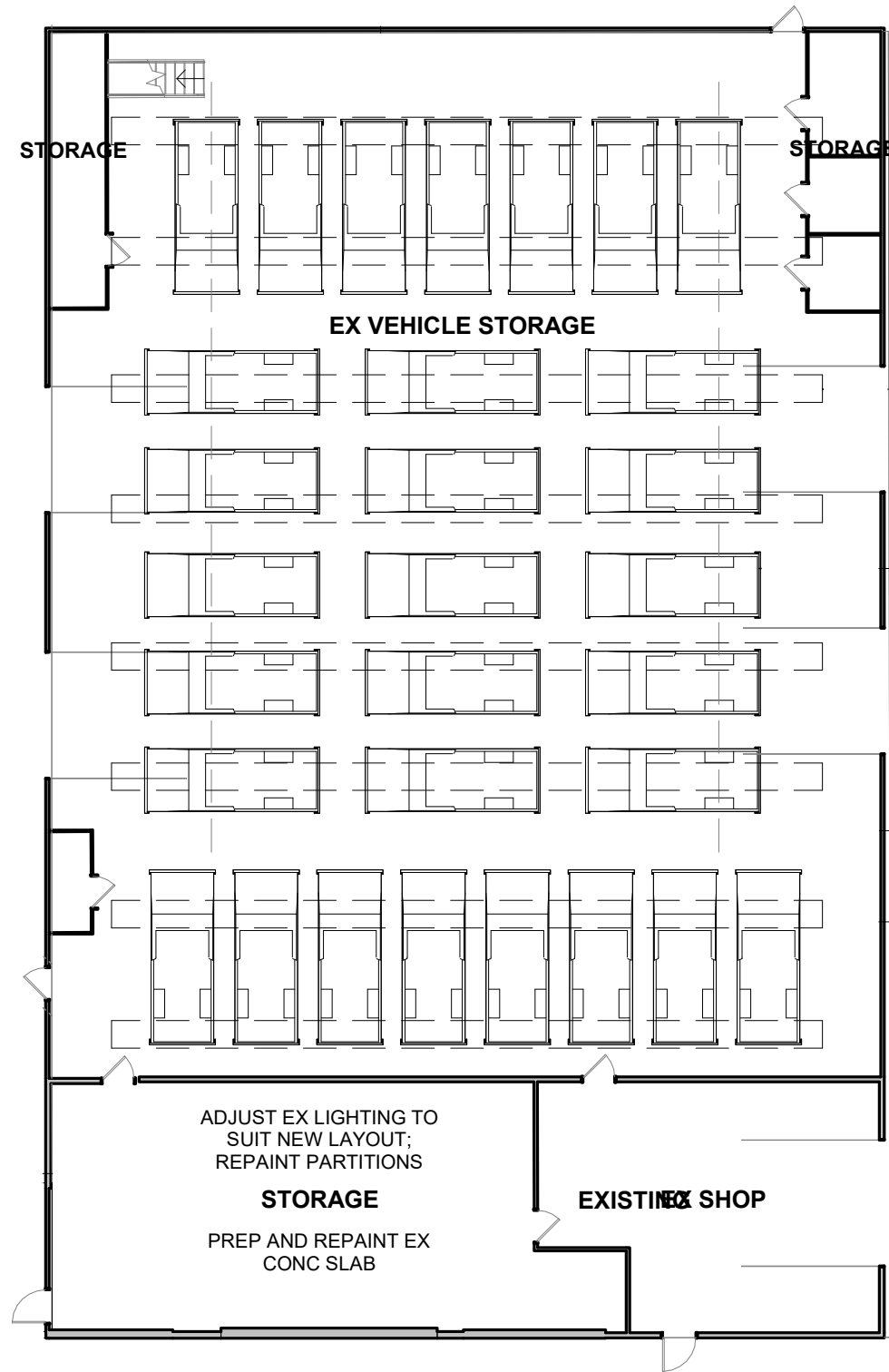
SCALE DATE 24/09/01

PROJECT NO. **22078** REF

DRAWING NO. **A01.0**







No.	DESCRIPTION	DATE
2	REVISED SCHEMATIC DESIGN REPORT	24-10-11
1	ISSUED FOR SCHEMATIC DESIGN SUBMISSION	24-08-30
REVISION		

DRAWING TITLE  
**EXISTING PARKS FLOOR PLAN**

PROJECT NAME  
**WHITBY OPERATIONS - PARKS ADMINISTRATION AND MAINTAINANCE**

333 McKinney Drive, Whitby, ON L1R 3M2

DRAWN BY:	Author	CHECKED BY:	Checker
SCALE	1 : 200	DATE	01/24/23
PROJECT NO.	<b>22078</b>	REF	
DRAWING NO.	<b>A01.5</b>		





## Committee of the Whole Minutes

October 21, 2024, 7:00 p.m.  
Council Chambers  
Whitby Town Hall

Present: Mayor Roy  
Councillor Bozinovski  
Councillor Cardwell (Virtual Attendance)  
Councillor Leahy (Virtual Attendance)  
Councillor Lee  
Councillor Lundquist  
Councillor Mulcahy  
Councillor Shahid  
Councillor Yamada

Also Present: M. Gaskell, Chief Administrative Officer  
M. Hickey, Fire Chief  
S. Klein, Director of Strategic Initiatives  
J. Long, Head of Organizational Effectiveness  
J. Romano, Commissioner of Community Services  
F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor  
R. Saunders, Commissioner of Planning and Development  
F. Wong, Commissioner of Financial Services/Treasurer  
M. Dodge, Executive Advisor to the Mayor  
C. Harris, Town Clerk  
K. Narraway, Sr. Manager of Legislative Services/Deputy Clerk  
L. MacDougall, Council and Committee Coordinator (Recording Secretary)

- 
1. Call To Order: The Mayor
  2. Call of the Roll: The Clerk
  3. Declarations of Conflict of Interest

Councillor Cardwell declared a conflict of interest regarding Item 5.4.2, PDP 50-24, noting that his business was located directly across the street from the proposed development. Councillor Cardwell did not take part in the discussion or voting regarding this item.

4. Consent Agenda
5. Planning and Development

**Councillor Mulcahy assumed the Chair.**

5.1 Presentations

There were no presentations.

5.2 Delegations

5.2.1 Craig Wilson, Resident (In-Person Attendance)

Re: PDP 50-24, Planning and Development (Planning Services)  
Department Report  
Official Plan, Draft Plan of Subdivision, and Zoning By-law  
Amendment Applications, Nordeagle Development Ltd., Vacant  
Lands North of Victoria Street West between Montecorte Street and  
Jim Flaherty Street, File Number: DEV-03-18 (OPA-2018-W/02,  
SW-2018-01, Z-08-18)

**Refer to Item 5.4.2, PDP 50-24**

Craig Wilson, Resident, appeared before the Committee and stated that he was a resident in Whitby Shores and that he was not opposed to development in the area. He raised concerns about the proposed development resulting in a significant increase in residences and commercial businesses and the impact that the additional vehicular traffic would have in the area. Mr. Wilson stated that there was only one vehicular access between Henry Street / Watson Street West and Jim Flaherty Street / Gordon Street, noting that the single connection was Victoria Street West along the north edge of Victoria Fields. He stated that there would be a significant impact on Whitby Fire and Emergency Services (WFES) response times in Whitby Shores should there be a major accident or congestion on Victoria Street west of Henry Street or on Highway 401. Mr. Wilson advised that emergency response vehicles would need to reroute and/or the area would need to be served by Whitby Fire Station 4 on Dundas Street West or the Town of Ajax. Mr.

Wilson cited specific portions of the Whitby Fire and Emergency Services Master Fire Plan, the Durham Transportation Master Plan 2017, Staff report PW 16-12, and the Town of Whitby Official Plan related to concerns about WFES responding to emergency calls on Highway 412 northbound from Highway 401 eastbound lanes, the reference to Victoria Street as the Emergency Detour Route for Highway 401, that Metrolinx considered Victoria Street an important transportation corridor and potential HOV lanes, and the potential for an overpass on Highway 401. He recommended that the subdivision agreement be conditional upon the Annes Street overpass being constructed over Highway 401 prior to any significant occupancy to better facilitate WFES response to the Whitby Shores area and protect the health and safety of people living, working or visiting the neighbourhood. Mr. Wilson stated that alternatively another east-west road should be constructed east to west to the north or south of the potential choke point to connect Jim Flaherty Street to Henry Street or Gordon Street to Watson Street West. Mr. Wilson stated that he was opposed to the proposed development unless the traffic and safety concerns were addressed to ensure the safety of the people in the Whitby Shores area and those that travel through this corridor.

5.2.2 Cheryl Gaw Penner, Resident (Virtual Attendance)

Re: PDP 50-24, Planning and Development (Planning Services) Department Report  
Official Plan, Draft Plan of Subdivision, and Zoning By-law Amendment Applications, Nordeagle Development Ltd., Vacant Lands North of Victoria Street West Between Montecorte Street and Jim Flaherty Street, File Number: DEV-03-18 (OPA-2018-W/02, SW-2018-01, Z-08-18)

**Refer to Item 5.4.2, PDP 50-24**

Cheryl Gaw Penner, Resident, advised that she agreed with the previous delegate's comments and concerns. She stated that she travels along Nordeagle Avenue and Jim Flaherty Street daily to go to the Jeffrey Street dog park noting that last year all the trees were cleared in the area. She raised concerns about the potential for the development of 7000 residential units and/or a hotel with retail stores and the impact it would have on the wildlife. Ms. Gaw Penner stated that wildlife including birds, swans, deer, and

coyotes have lived on and in the area of Nordeagle lands and ponds. She inquired about whether there were plans to relocate the wildlife.

5.2.3 Michael Bissett representing Nordeagle Development Ltd. (In-Person Attendance)

Re: PDP 50-24, Planning and Development (Planning Services) Department Report

Official Plan, Draft Plan of Subdivision, and Zoning By-law Amendment Applications, Nordeagle Development Ltd., Vacant Lands North of Victoria Street West between Montecorte Street and Jim Flaherty Street, File Number: DEV-03-18 (OPA-2018-W/02, SW-2018-01, Z-08-18)

**Refer to Item 5.4.2, PDP 50-24**

Michael Bissett representing Nordeagle Development Ltd, and Dave Angelakis representing R.J. Burnside & Associates, appeared before the Committee stated that they were in support of the Staff recommendation and conditions noted in Report PDP 50-24. Mr. Bissett and Mr. Angelakis responded to questions by the delegates regarding:

- clarification that the potential future development of a school site south of the stormwater management pond located north of the Jeffery Street dog park was not part of this development proposal;
- details about the proposed school within the development; and,
- the intensification of the area around the Protected Major Transit Station Area (PMTSA) and expected additional traffic;

A question and answer period ensued between Members of Committee, Mr. Bissett, and Mr. Angelakis regarding:

- details about the various phases of the development over a period of 15 to 20 years;
- the traffic impact in the area over the next five years versus 15 years of development;

- the current traffic infiltration into south Whitby due to traffic congestion on Victoria Street West and the likelihood or frequency of traffic infiltration into Port Whitby and Whitby Shores with 900 additional vehicles in the area as part of the initial phase of development; and,
- the rate of parking spaces per unit provided for the first four buildings.

It was the consensus of the Committee to hear Item 5.4.2, PDP 50-24, at this time.

5.2.4 Michael Fry representing D.G. Biddle and Associates Limited  
(Virtual Attendance)

Re: PDP 48-24, Planning and Development (Planning Services)  
Department Report

Draft Plan of Subdivision and Zoning By-law Amendment  
Applications, D.G. Biddle and Associates Limited on behalf of R &  
R Developments, 430-440 Winchester Road East, File Number:  
DEV-16-21 (Z-10-21, SW-2021-05)

**Refer to Item 5.4.3, PDP 48-24**

Michael Fry, representing D.G. Biddle and Associates Limited, advised that one of the primary concerns raised at the Public Meeting was about traffic infiltration into the existing neighbourhood via Knox Crescent. He stated that he has made several attempts to propose diverting traffic onto Winchester Road, but that the Region of Durham would not permit an entrance or exit from Winchester Road due to traffic safety concerns. Mr. Fry noted that there was no choice but to introduce an entrance onto Knox Crescent.

A question and answer period ensued between Members of Committee and Mr. Fry regarding:

- clarification about the Region's safety concerns with respect to an exit onto Winchester Road from the proposed development, and whether the proponent attempted to address the traffic safety concerns with the Region; and,
- concerns raised by residents on Knox Crescent about the current on-street parking and how the volume of cars from the proposed development would be addressed.

### 5.3 Correspondence

There was no correspondence.

### 5.4 Staff Reports

#### 5.4.1 PDP 49-24, Planning and Development (Planning Services) Department Report

Re: Zoning By-law Amendment Application, Brookfield Residential (Ontario) Brock St Limited, 1615 Brock Street South, File Number: DEV-19-24 (Z-08-24)

Recommendation:

Moved by Councillor Mulcahy

1. That Council approve an amendment to Zoning By-law # 2585 (File Number: Z-08-24) as outlined in Report PDP 49-24; and,
2. That a by-law to amend Zoning By-law # 1784 be brought forward for consideration by Council.

**Carried**

#### 5.4.2 PDP 50-24, Planning and Development (Planning Services) Department Report

Re: Official Plan, Draft Plan of Subdivision, and Zoning By-law Amendment Applications, Nordeagle Development Ltd., Vacant Lands North of Victoria Street West between Montecorte Street and Jim Flaherty Street, File Number: DEV-03-18 (OPA-2018-W/02, SW-2018-01, Z-08-18)

Having previously declared a conflict of interest, Councillor Cardwell did not take part in the discussion or voting regarding this Item.

A question and answer period ensued between Members of Committee and Staff regarding:

- whether there were concerns about fire safety and/or traffic delaying emergency response time with the anticipated construction and occupancy of 7000 apartment units;



- the pressures of the development on infrastructure related to roads, water and sanitary sewer services, and confirmation that each site plan application would go through a review and approval process;
- whether Elexicon expressed any concerns about requirements for hydro service for the entire development;
- details about the potential for the extension of Annes Street over Highway 401 and whether development charges have been identified for the flyover; and,
- whether residents could be assured of minimal traffic impact from Phase 1 of the development.

Recommendation:

Moved by Councillor Yamada

1. That Council approve Official Plan Amendment Number #140 to the Whitby Official Plan (OPA-2018-W02), as shown on Attachment #14, and that a by-law to adopt Official Plan Amendment Number #140 be brought forward for consideration by Council;
2. That the Clerk forward a copy of the Report PDP 50-24, two (2) copies of the adopted Amendment, and a copy of the bylaw to adopt Amendment Number # 140 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 Number: SW-2018-01), subject to the comments included in Report PDP 50-24 and the conditions of draft plan approval included in Attachment #18;
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 # 2585 (File Number Z-08-18) as outlined in Report PDP 50-24;
7. That a by-law to amend Zoning By-law # 2585 be brought forward for consideration by Council to implement the first Phase of the development;
8. That the by-law(s) to implement subsequent phases be brought forward for consideration by Council once detailed site plan drawings and a satisfactory Parking rationale have been provided;
9. That the subject site be designated as a Class 4 Noise Area pursuant to Provincial publication NPC-300; and,
10. That notice be provided to adjacent industrial properties advising of Council's designation of the subject site as a Class 4 Noise Area.

**Carried**

It was the consensus of the Committee to hear Item 5.2.4, Delegation by Michael Fry representing D.G. Biddle and Associates Limited, at this time.

5.4.3 PDP 48-24, Planning and Development (Planning Services) Department Report

Re: Draft Plan of Subdivision and Zoning By-law Amendment Applications, D.G. Biddle and Associates Limited on behalf of R & R Developments, 430-440 Winchester Road East, File Number: DEV-16-21 (Z-10-21, SW-2021-05)

A brief discussion ensued between Members of Committee regarding concerns about the volume of traffic traveling on Knox Crescent and the unexpected on-street parking from other developments in the area.

Recommendation:

Moved by Councillor Shahid

1. That Council approve the Draft Plan of Subdivision (File No. SW-2021-05) and approve an amendment to Zoning By-law # 1784 (File No. Z-10-21), subject to the comments included

in Planning Report PDP-48-24 and the Conditions of Draft Approval included in Attachment #12;

2. That Staff be authorized to prepare a Subdivision Agreement;
3. That a Zoning By-law Amendment be brought forward for consideration by Council; and,
4. 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.

**Carried**

5.5 New and Unfinished Business - Planning and Development

There was no new and unfinished business.

6. General Government

**Councillor Lundquist assumed the Chair.**

6.1 Presentations

There were no presentations.

6.2 Delegations

There were no delegations.

6.3 Correspondence

There was no correspondence.

6.4 Staff Reports

6.4.1 FS 40-24, Financial Services Department Report

Re: 150 Winchester Road West - Public Engagement on Surplus Land Declaration

Recommendation:

Moved by Councillor Lundquist

1. That public feedback, including written objections, to the Town's declaration of 150 Winchester Road West as surplus lands, as outlined in Staff Report FS 40-24, be received;
2. That staff be authorized to negotiate a License agreement with Elexicon Energy Incorporated for long-term license of (and inclusive of an option to purchase) 150 Winchester Road based on the principles outlined in Staff Report FS 40-24 and to the satisfaction of the Commissioner of Legal and Enforcement Services and Commissioner of Finance; and,
3. That the Mayor and Clerk be authorized to sign the final License agreement between the Town of Whitby and Elexicon Energy Incorporated.

**Carried**

6.5 New and Unfinished Business - General Government

There was no discussion regarding the new and unfinished business list.

6.5.1 Enhancing Shelter Supports for Women and Survivors of Intimate Partner Violence

Councillor Shahid introduced a motion regarding enhancing shelter supports for women and survivors of intimate partner violence.

Discussion ensued between Members of Committee regarding:

- victims of intimate partner violence not being aware of the various supports in place and how Town Staff can amplify messaging about how victims of intimate partner violence can seek assistance;
- the expansion of the Denise House due to the increased needs particularly during the COVID-19 pandemic;
- the need for supports be made more public and the need for public education and support; and,
- the lack of shelters for victims and lack of funding to assist in supporting shelters.

Recommendation:

Moved by Councillor Shahid

Whereas there is a nationwide intimate partner violence (IPV) crisis, in which more than 4 in 10 (6.2 million) women and 1 in 3 men have experienced intimate partner violence, and rates increased 19% between 2014 and 2022; and,

Whereas 78% of victims of police-reported intimate partner violence in 2022 were women and girls, and in 2019 rates were 3.5 times higher among women than men; and,

Whereas intimate partner violence, in 2009, was estimated to cost \$7.4 billion annually to the public system, impacting municipal budgets for public safety and housing; and,

Whereas rural, remote, and northern communities experience disproportionate rates of IPV, with risk of IPV 75% higher for women in rural communities than women in urban communities, and 73% of survivors in rural communities at high risk of being in severe or extreme danger of being killed; and,

Whereas Indigenous women are 3 times more likely to experience IPV than non-Indigenous women, and are 8 times more likely to be murdered by intimate partners than non-Indigenous women, because of the intersections between colonialism, racism, and misogyny; and,

Whereas IPV is a phenomenon which affects Black and racialized women, women with disabilities, and 2SLGBTQIA+ people disproportionately; and,

Whereas women's shelters nationwide consistently struggle with permanent funding to provide essential transitional, family, and permanent housing solutions for women fleeing IPV, and as COVID-oriented funding expires and piecemeal efforts to fund women's shelter systems result in women experiencing IPV being continually at risk; and,

Whereas the federal government has made gender-based violence (GBV) and IPV priorities across ministries and agencies through the National Strategy to Address Gender-Based Violence and the National Action Plan to End Gender-based Violence, signing bilateral agreements with provinces and territories, but gaps remain.

Now therefore, be it resolved:

1. That the Council of the Town of Whitby calls on the federal government to create a permanent fund, open to local governments and community organizations, for the construction of shelters and transitional housing for women and survivors of intimate partner violence, including housing appropriate for Indigenous, 2SLGBTQIA+ people, and persons with disabilities, with a dedicated rural, remote, and northern (RRN) stream; and,
2. That the Council of the Town of Whitby calls on the federal government to work with the provinces and territories to provide permanent operational funding, open to local governments and community organizations, for shelters, transitional housing, and supportive housing for women and survivors of intimate partner violence, including Indigenous, 2SLGBTQIA+ people, and persons with disabilities.

**Carried**

6.5.2 Immediate Federal Government Support Required for Asylum Claimants in Municipalities

A brief discussion ensued between Members of Committee regarding:

- the cost of and lack of financial support for asylum seekers; and,
- the significant demand for limited resources.

Recommendation:

Moved by Councillor Shahid

Whereas municipalities have been at the forefront of supporting asylum claimants and refugees and providing essential settlement and housing services; and,

Whereas the rapid and sharp increase of asylum claims in Toronto, Montreal, Hamilton and other municipalities, particularly in the Greater Toronto and Hamilton Area (GTHA), are putting municipal governments under significant pressure; and,

Whereas without federal action, asylum claimants will not have permanent shelter and housing options once they leave temporary accommodations, and the current crisis will continue to grow; and,

Whereas refugees and asylum claimants make up over 40% of Hamilton's population in shelters, and is creating massive pressure on Hamilton's already overwhelmed shelter system that is under resourced to meet the unique and complex needs of asylum claimants; and,

Whereas the supports provided to municipalities to receive asylum claimants are often short-term and focused on emergency response and shelter, but do not ensure permanent settlement and housing options for asylum claimants, including a focus on homeless prevention and long-term stability; and,

Whereas the crisis of asylum claimants has inextricable links to the housing, homelessness and mental health crises in Canada and the immense pressure on municipal shelter, transitional and supportive housing systems; and,

Whereas equity-deserving communities are disproportionately represented in asylum claimant populations seeking immediate necessary support which can also lead to further stigmatization and experiences of racism, discrimination, and harassment; and,

Whereas action on behalf of the federal government and investing in supports to combat racism, specifically anti-Black racism, is imperative as asylum seekers commonly face racism and other forms of discrimination and hate; and,

Whereas municipalities across Canada are committed to fostering diverse, inclusive and welcoming communities for all individuals seeking asylum and tackling anti-Black racism and other forms of racism; and,

Whereas Hamilton, Toronto and other municipalities in the Greater Toronto Hamilton Area (GTHA) have been advocating for additional federal supports for asylum claimants over the past year.

Now therefore, be it resolved:

1. That the Council of the Town of Whitby strongly urge the federal government to take immediate action to support

asylum claimants in Canadian municipalities by taking the following actions:

- a. Immediately provide financial support and reimbursements directly to municipalities to address the immediate short-term needs of asylum claimants and refugees through top-ups to the Canada Housing Benefit and the Interim Housing Assistance Program (IHAP);
- b. An ongoing commitment of Interim Housing Assistance Program (IHAP) funding to address estimated annual costs for refugees in 2024, and commit to future funding until the demand for shelter returns to sustainable levels;
- c. Collaborate with municipal governments to develop a long-term strategy to enhance capacity of local governments to effectively support asylum claimants and refugees, including through the development of tripartite agreements between municipalities, provinces and territories and the federal government to enhance cross-government coordination in providing immediate supports to asylum claimants;
- d. Recognizing that the rise in asylum seeking populations pursuing refuge in Canada is occurring in the midst of a housing crisis, provide additional funding through National Housing Strategy programs and the Canada Housing Benefit to support asylum claimants in the medium- and long-term;
- e. That the federal government broaden the eligibility for federally-funded settlement services to include asylum claimants who currently can only access provincially-funded services and also that settlement services be funded to support newcomers with housing searches as at present they mostly limited to orientation, language instruction, and employment; and,
- f. Extend and make permanent the Rapid Housing Initiative with another intake in 2024/25 to enable municipalities to invest in supportive housing on an urgent basis and relieve pressure on the shelter system, and work with the provinces and territories to ensure that supportive units



have wrap-around health and social supports and long-term operating funding.

**Carried**

6.5.3 Federal Support for Food Banks

Discussion ensued between Members of Committee regarding:

- food security initiatives being the majority of applications through the Mayor's Community Development Fund;
- the rise in homelessness rates and the increased need for local food banks throughout the community; and,
- recognizing systemic inequalities such as housing and lack of social support and the need for funding.

Recommendation:

Moved by Councillor Shahid

Whereas financial and affordability pressures related to soaring mortgage and rent costs, inflated grocery costs, stagnating wages, and limited avenues for social assistance have pushed significantly more people toward food insecurity; and,

Whereas people with fixed incomes, including seniors and social assistance recipients, are at extremely high risk of food insecurity and continue to struggle disproportionately as their dollars are being spread thinner; and,

Whereas challenges are also continuing to grow for working people, renters, and people living in remote and northern regions of Canada; and,

Whereas racialized Canadians are disproportionately impacted by each of these factors, as the systemic barriers they face have been further exacerbated by the economic and affordability crisis of the past few years; and,

Whereas food banks were established as a temporary solution to the increasing cost of food and needs in the community but are now part of a system that government and communities heavily and increasingly rely on; and,

Whereas it has been more than a full year since Food Banks Canada sounded the alarms in the HungerCount 2022 report, calling for action to be taken immediately to help the millions of struggling Canadians from coast to coast to coast; and,

Where the Food Banks Canada report from March 2023, indicates that nearly 2 million Canadians accessed food banks across the country, a 32 per cent increase from March 2022 and a 78.5 per cent increase from March 2019, which is the highest year-over-year increase in usage ever reported; and,

Whereas the “Emergency Food Security Fund” was established by the Federal Government to address urgent needs during the pandemic but food insecurity has only worsened, and the Federal Government no longer has a program to provide ongoing support to Food Banks; and,

Whereas the majority of support received by food banks is through community fundraising and donations but given financial pressures faced by individuals, these donations are declining; and,

Whereas in certain communities, people who were donating to food banks are now instead accessing the food bank; and,

Whereas the need to address the food insecurity crisis touches on many of the Federation of Canadian Municipalities (FCM) focus areas, including the Inclusive Communities focus area.

Now therefore be it resolved that:

The Council of the Town of Whitby calls on the Federal Government to help address the food insecurity crisis by providing emergency funding to food banks, food rescue agencies, and farmers markets providing emergency food assistance, and recognize the systemic issues involved in food bank usage, including affordability, inequality, core housing need and insufficient social supports, in order to end food insecurity.

**Carried**

#### 6.5.4 Harassment of Elected Local Government Officials

Councillor Shahid introduced a motion regarding harassment of elected local government officials.

Recommendation:

Moved by Councillor Shahid

Whereas in recent years, there has been an alarming rise in incidents of harassment, intimidation and acts of violence aimed at elected local government officials, compounding the already strenuous work conditions faced by many local leaders and hindering their retention; and,

Whereas women, particularly Black and racialized women, are disproportionately targeted by violence and harassment toward elected officials; and,

Whereas increasing the number of elected women, Black and racialized, and 2SLGBTQIA+ representatives in Canada is a priority for local governments and the federal government; and,

Whereas severe abuse, both online and in-person, has the potential to discourage underrepresented groups from joining and remaining engaged in local politics, limiting the diversity of opinion needed in healthy democracies; and,

Whereas all elected officials have an ability to show leadership on this issue by modeling behaviour, and should always strive to elevate debate, embrace differences of opinion, disagree respectfully and focus on issues of policy and substance.

Now therefore, be it resolved:

1. That the Council of the Town of Whitby request that the federal government, work with provinces, territories, and local governments, including through the Federation of Canadian Municipalities, to identify and implement measures to protect elected local government officials, their family members, and staff – especially women, members of Black and racialized communities, and 2SLGBTQIA+ individuals, persons with disabilities, and Indigenous people – from harassment, intimidation, and threats, thereby reinforcing a unified front to safeguard democracy; and,
2. That the Council of the Town of Whitby calls on all elected officials of all orders of government to lead by example, demonstrating civility and mutual respect for their political counterparts.

**Carried**

7. Adjournment

Recommendation:

Moved by Councillor Shahid

That the meeting adjourn.

**Carried**

The meeting adjourned at 8:06 p.m.



## Committee of the Whole Minutes

October 28, 2024, 7:00 p.m.  
Council Chambers  
Whitby Town Hall

Present: Mayor Roy  
Councillor Bozinovski (arrived at 7:04 p.m.)  
Councillor Cardwell  
Councillor Leahy (Virtual Attendance)  
Councillor Lee  
Councillor Lundquist  
Councillor Mulcahy  
Councillor Shahid (arrived at 7:04 p.m.)  
Councillor Yamada

Also Present: M. Gaskell, Chief Administrative Officer  
M. Hickey, Fire Chief  
S. Klein, Director of Strategic Initiatives  
J. Long, Head of Organizational Effectiveness  
J. Romano, Commissioner of Community Services  
F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor  
R. Saunders, Commissioner of Planning and Development  
F. Wong, Commissioner of Financial Services/Treasurer  
M. Dodge, Executive Advisor to the Mayor  
C. Harris, Town Clerk  
K. Narraway, Sr. Manager of Legislative Services/Deputy Clerk  
L. MacDougall, Council and Committee Coordinator (Recording Secretary)

- 
1. Call To Order: The Mayor
  2. Call of the Roll: The Clerk
  3. Declarations of Conflict of Interest

There were no declarations of conflict of interest.

Mayor Roy announced the first, second, and third place winners of the Town of Whitby's 2nd Annual Halloween Home Decorating Contest. She advised that the winners receive a Taste of Whitby gift basket filled with items donated from the local business community.

4. Consent Agenda

5. General Government

5.1 Presentations

5.1.1 Erika Watson, Sr. Manager, Financial Planning/Deputy Treasurer, and Michael Latimer, Supervisor, Asset Management

Re: FS 36-24, Financial Services Department Report  
Town of Whitby Municipal Asset Management Plan (MAMP) Status Update

**Refer to Item 5.4.1, FS 36-24**

Erika Watson, Sr. Manager, Financial Planning/Deputy Treasurer, and Michael Latimer, Supervisor, Asset Management, appeared before the Committee and provided a PowerPoint presentation on the Town of Whitby Municipal Asset Management Plan (MAMP) Status Update. Highlights of the presentation included:

- details about the requirements for the update to the 2025 Asset Management Plan to comply with O. Reg. 588/17;
- the timeline and details about the progress of the MAMP until the end of the second quarter in 2025;
- the 2024 funding deficit of \$10.8 million per year and the possible adjustment to the deficit in 2025; and,
- details about the status of the Asset Management Reserve Fund including the average annual funding requirement, funding availability, and current average annual funding deficit.

A question and answer period ensued between Members of Committee and Staff regarding:

- confirmation that funding from property taxes were allocated to the Asset Management Reserve Fund;
- the opportunity to reduce the funding deficit through an increase to development charges;
- how Whitby compares to lakeshore municipalities with respect to funding asset replacements and levels of service;
- opportunities for federal and provincial programs and grants to assist with asset replacement funds;
- whether the funding deficit increases as the Town grows and acquires new assets;
- the property tax rate increase should the Town recover the funding deficit through property taxes within one budget year and the number of years it would take to recover the funding deficit by phasing in the property tax increase; and,
- confirmation that the amount of funding allocated to the Asset Management Reserve has not increased since the COVID-19 pandemic in an effort to reduce property tax increases.

## 5.2 Delegations

### 5.2.1 Paul Mason, Resident (In-Person Attendance)

Re: Memorandum from F. Santaguida, Commissioner, Legal and Enforcement Services/Town Solicitor, dated September 3, 2024 regarding a Request of Exception from Fee By-law # 7220-17 - Driveway Encroachment for 89 Garden Street

#### **Refer to Item 5.3.1**

Paul Mason, Resident, appeared before the Committee and stated that he has resided at 89 Garden Street since 2019. He advised that he received notification in 2020 about extending Dunlop Street to Garden Street, that traffic signalization would be installed north of his driveway, and that on-street parking would not be permitted. Mr. Mason stated that he requested a copy of the schematic drawing of the intersection to ascertain how far the traffic signalization would be from his driveway, noting that it showed that he would lose a portion of his driveway apron. Mr. Mason stated

that he inquired about widening the west side of Garden Street where there were no homes instead of taking parking space and driveway aprons away from residents on the east side of the road. Mr. Mason stated that it was suggested that he request permission to pave a small section of Town owned land on the north side of his property to replace the removal of a portion of his driveway apron, noting that he believed that there would not be any cost except for the paving. Mr. Mason advised that the Town indicated that the cost for minor variances and an encroachment agreement would be over \$4,000.00 and that there would be an ongoing annual cost for the encroachment. He stated that he would not have looked into an encroachment agreement if a portion of his driveway apron had not been removed. Mr. Mason noted that he explored this solution due to safety reasons, the difficulty in maneuvering his vehicle in and out of the driveway and because there was not enough space to allow for a vehicle to pull in behind his vehicle for deliveries. Mr. Mason referenced portions of a memorandum to Council which indicated why Staff were not recommending an exception from the Fees and Charges By-law. He noted that he was applying for the exception to the by-law out of necessity as a result of a portion of the driveway apron being removed and creating an unsafe situation. Mr. Mason noted that the memorandum indicated that the fees to facilitate the extension of his driveway onto Town land were to recover the Town's costs for evaluating and preparing applications and agreements. He stated that Garden Street was a unique and busy road, and that on other four-lane roads such as Thicksen Road the houses were set further back onto the property providing more vehicle parking space. Mr. Mason stated that the rationale for the road improvements were to construct 96 residential units and a future condominium in the area, noting that the 10-year plan was to extend Garden Street from Brooklin to Highway 401 which would result in an increase in traffic on Garden Street.

A question and answer period ensued between Members of Committee and Mr. Mason regarding:

- details about the delegate's other concerns related to the traffic signalization and removal of a portion of the driveway apron;
- details about safely maneuvering vehicles due to the removal of a portion of the driveway apron; and,



- whether the delegate has the ability to park on the existing apron.

It was the consensus of the Committee to hear Item 5.3.1, Memorandum from F. Santaguida, Commissioner, Legal and Enforcement Services/Town Solicitor, dated September 3, 2024 regarding a Request of Exception from Fee By-law # 7220-17 - Driveway Encroachment for 89 Garden Street, at this time.

#### 5.2.2 Ronald King, Resident (In-Person Attendance)

Re: FS 41-24, Financial Services Department, Community Services Department and Legal and Enforcement Services Department Joint Report

Proposed Long-Term License of town-owned Property at 508 Colborne Street West

#### **Refer to Item 5.4.3, FS 41-24**

Ronald King, Resident, appeared before the Committee and stated that he was available to answer questions.

A brief question and answer period ensued between Members of Committee and Mr. King regarding whether the delegate had any concerns about the timelines related to the renovation of 508 Colborne Street West.

It was the consensus of the Committee to hear Item 5.4.3, FS 41-24, at this time.

### 5.3 Correspondence

#### 5.3.1 Memorandum from F. Santaguida, Commissioner, Legal and Enforcement Services/Town Solicitor, dated September 3, 2024 regarding a Request of Exception from Fee By-law # 7220-17 - Driveway Encroachment for 89 Garden Street

Memorandum from F. Santaguida, Commissioner, Legal and Enforcement Services/Town Solicitor, dated September 3, 2024 regarding a Request of Exception from Fee By-law # 7220-17 - Driveway Encroachment for 89 Garden Street

A question and answer period between Members of Committee and Staff regarding:

- whether granting the proposed exception would set a precedence for future recurring requests for exception from the Fees and Charges By-law;
- whether this situation was related to the upcoming report to Council about consultation with residents on Garden Street with respect to parking options;
- whether Staff have any concerns about permitting the encroachment;
- the number of times that a portion of a driveway apron has been reduced or eliminated due to the installation of traffic signals; and,
- the rationale for waiving the annual encroachment fee.

Recommendation:

Moved by Councillor Yamada

1. That the Memorandum from F. Santaguida, Commissioner, Legal and Enforcement Services/Town Solicitor, dated September 3, 2024 regarding a Request of Exception from Fees and Charges By-law # 7220-17 - Driveway Encroachment for 89 Garden Street, be received for information; and,
2. That Council grant an exemption from the provisions of Fees and Charges By-law # 7220-17, as amended, by waiving fees for two minor variance applications for 89 Garden Street, one minor variance application for Town lands, the encroachment application fee, the encroachment agreement fee, and the annual encroachment fee for a future encroachment agreement onto Town-lands adjacent to 89 Garden Street for use by the owner of 89 Garden Street for vehicle parking.

**Carried**

It was the consensus of the Committee to hear Item 5.2.2, Delegation by Ronald King, Resident, at this time.

5.4 Staff Reports

5.4.1 FS 36-24, Financial Services Department Report

Re: Town of Whitby Municipal Asset Management Plan (MAMP)  
Status Update

Recommendation:

Moved by Mayor Roy

That Report FS 36-24 regarding the Municipal Asset Management status be received.

**Carried**

#### 5.4.2 FS 38-24, Financial Services Department Report

Re: Declaration of Surplus – Town-owned lands at Cochrane Street and Highway 407

A question and answer period ensued between Members of Committee and Staff regarding:

- whether retaining versus selling the property would have a greater monetary value over a long-term period;
- the consequences of delaying the sale of this property for 1 to 2 years, and whether the cost per acre of land purchased in the last ten years had decreased or increased;
- whether the funds from the sale of the property would generate a profit through investments;
- confirmation that the property would be sold for the value of the future use of the property;
- the benefits of selling the property now given that the need for the hospital funding would be many years into the future;
- the potential uses of the property in the future;
- confirmation that the property would be sold should the Town receive an offer at or higher than the listed sale price;
- the timeline for the Town's local monetary contribution for the hospital;
- the current zoning on the lands, whether the lands could be used for constructing a sports field park, the size of the

parcel of land and the amount of land required for a sports field park;

- details about the size of the property and various constraints that would not accommodate projected Town facilities;
- whether Fire and Emergency Services has any other use for the land save and except the two (2) acres for the construction of a fire station;
- the previous identification of a number of parcels of property to declare surplus, the number of those properties identified that were sold, and the number of properties that the Town currently owns;
- confirmation that allocating funds to the Hospital Reserve Fund now and earning investment income over a period of ten years would reduce the impact on taxpayers at the time the Town would have to make its local monetary contribution;
- the direction given to the Senior Leadership Team with respect to reviewing the Town's assets;
- clarification about asset management and risks associated with the property being proposed to be declared surplus; and,
- whether Staff were reviewing properties in north Brooklin for a depot to better service snow clearing operations in the area.

Recommendation:

Moved by Mayor Roy

1. That a portion of Town-owned lands being approximately 34.8 acres and legally described as Part of Lot 29, Concession 6, Township of Whitby, Part 1, Plan 40R-30411, PIN 26571-0280 (LT), save and except the most suitable two (2) acres for construction of a fire station, (the "Property") be declared surplus and sold as outlined in Staff Report FS 38-24;
2. That the Town provide public notice of its intention to declare the Property surplus and report back to Council on any

written objections received, in accordance with Town Policy F 190;

3. That, should the Town proceed with the disposition of the Property, staff be directed to:
  - a. retain a third-party consultant to determine the optimal location on the land for a future two (2)-acre severance for a fire station;
  - b. retain an Ontario Land Surveyor to complete a new reference plan for the Property;
  - c. retain a registered real estate brokerage or agent to represent the Town and assist with the market sale of the Property;
  - d. negotiate an agreement and purchase and sale and that staff be authorized to conditionally accept the highest qualified bid received at or higher than the fair market value outlined in Staff Report FS 38-24, and subject to Council's approval of the terms of sale;
4. That the Chief Administrative Officer and the Commissioner, Financial Services and Treasurer be authorized to undertake the necessary actions to execute any real estate brokerage or agent documents, and execute the conditional agreement of purchase and sale with such documents and agreement in a form satisfactory to the Commissioner, Legal and Enforcement Services/Town Solicitor, or designate;
5. That a Hospital Reserve Fund be established and Staff bring forward a Hospital Reserve Fund Policy for Council approval; and,
6. That the Net Proceeds from the sale of the Property be allocated as follows:
  - a. \$1,812,511.33 to the Operations Development Charges Reserve Fund;
  - b. \$420,914.65 to the Fire Development Charges Reserve Fund; and,
  - c. The balance to the Hospital Reserve Fund.

**Note:** The disposition of the matter, Item 5.4.2, was determined by the motion to table below.

Recommendation:

Moved by Councillor Mulcahy

That FS 38-24, Financial Services Department Report re: Declaration of Surplus – Town-owned lands at Cochrane Street and Highway 407 be tabled.

**Carried**

It was the consensus of the Committee to hear Item 5.4.1, FS 36-24, at this time.

5.4.3 FS 41-24, Financial Services Department, Community Services Department and Legal and Enforcement Services Department Joint Report

Re: Proposed Long-Term License of town-owned Property at 508 Colborne Street West

A brief question and answer period ensued between Members of Committee and Staff regarding the cost of the renovation and details about the proposed repairs and replacements to take place at 508 Colborne Street West.

Recommendation:

Moved by Councillor Mulcahy

1. That staff be authorized to finalize negotiations with B'Nai Shalom v'Tikvah, Durham Region's Reform Jewish Synagogue or an alternate religious/non-profit organization for a long-term license of Town-owned property at 508 Colborne Street West in support of a Ukrainian refugee family;
2. That the Mayor and Clerk be authorized to sign a license agreement for 508 Colborne Street West between the Town and B'Nai Shalom v'Tikvah, Durham Region's Reform Jewish Synagogue (or an alternate religious/non-profit organization) and, if deemed necessary by the Town Solicitor, the occupant identified to receive support, substantially based on the principles outlined in Report FS

41-24 and subject to the satisfaction of the Commissioner of Legal and Enforcement Services/Town Solicitor, and Commissioner of Financial Services/Treasurer; and,

3. That a 2024 capital project for the renovation of 508 Colborne Street West be approved in the amount of \$120,000 and funded from the Asset Management Reserve Fund.

**Carried**

It was the consensus of the Committee to hear Item 5.4.2, FS 38-24, at this time.

5.4.4 FS 43-24, Financial Services Department Report

Re: Single Source Contract Award for Cell Phone Devices and Services

Recommendation:

Moved by Councillor Lundquist

That the Town's cellular phone contract be renewed and be awarded to Bell Canada, as a single source award contract, from August 1, 2024 to December 31, 2030 as outlined in Staff Report FS 43-24.

**Carried**

5.4.5 CMS 15-24, Community Services Department Report

Re: Final Artist Selection - Indigenous Public Art Piece for the Whitby Sport Complex

Recommendation:

Moved by Mayor Roy

That report CMS 15-24 be received for information.

**Carried**

5.4.6 CMS 16-24, Community Services Department Report

Re: Operations Centre Expansion Phase 2 - Design Update

A question and answer period ensued between Members of Committee and Staff regarding:

- the estimated project timelines and whether the opening the facility in May 2027 would be achievable; and,
- the timeline for a report back to Council regarding the Whitby Enforcement Services Centre and whether the update would include timelines for construction.

Recommendation:

Moved by Mayor Roy

1. That Report CMS 16-24 be received for information;
2. That Council approve the proposed design concept for the new Parks Administration and Maintenance Facility, attached to this report as (Attachments 1-4); and,
3. That a single source contract be awarded to McCallum Sather Associates, for the detailed design and contract administration work, in the amount of \$926,300 (plus HST) funded from capital project # 30211305.

**Carried**

#### 5.5 New and Unfinished Business - General Government

Councillor Bozinovski raised concerns about permitting the discharge of fireworks on October 31 and November 1, 2024 as part of Diwali celebrations. She inquired about whether the time for setting off fireworks would be restricted on October 31, 2024.

Mayor Roy inquired about lifting Item GG-0004 from the New and Unfinished Business List regarding the development of a policy to deal with grant and in-kind requests, including predetermined criteria and scoring to ensure grants were based on needs and targeted outcomes. Members of Committee indicated they were in agreement with the removal of Item GG-0004 from the list.

Mayor Roy inquired about the status of Item GG-0005 regarding Vimy Memorial Park and whether it could be removed from the New and Unfinished Business List. Sean Malby, Sr. Manager, Parks, Parks



Planning and Culture, advised that an update regarding the status of this matter would be provided through a memorandum to Council.

Mayor Roy inquired about the status of Item GG-0023 regarding the parkland dedication framework and whether this item could be removed from the New and Unfinished Business List. Members of Committee indicated they were in agreement with the removal of Item GG-0023 from the list.

Mayor Roy inquired about the status of Item GG-0026-0 regarding the James Rowe House – Food and Beverage RFP, noting the update through a memorandum on the Council Information Index in May 2024. J. Romano, Commissioner of Community Services advised that a report would be brought to Council at an upcoming meeting.

6. Adjournment

Recommendation:

Moved by Councillor Shahid

That the meeting adjourn.

**Carried**

The meeting adjourned at 8:44 p.m.



# Town of Whitby

## By-law # 8121-24

### Part Lot Control Extension By-law

Being a By-law to amend Part Lot Control By-law # 7941-22 to extend the expiry period for an additional two (2) years, to designate certain portions of registered Plan of Subdivision (SW-2003-06) as not being subject of Part Lot Control.

Whereas section 50(5) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act"), provides that no person shall convey part of any lot or block within a Plan of Subdivision;

And whereas in accordance with subsection 50(7) of the Act, The Corporation of the Town of Whitby passed By-law # 7941-22 on December 12, 2022, exempting Block 121, Plan 40M-2313 from the part-lot control provisions in subsection 50(5) of the Act;

And whereas By-law # 7941-22 was registered in the Land Registry Office against the respective lots or blocks on January 3, 2023 by Instrument No. DR2201390;

And whereas, the developer has not yet completed the construction and transfer of all of the proposed 24 townhouse dwelling units;

And whereas in accordance with subsection 50(7.4) of the Act, The Corporation of the Town of Whitby now wishes to amend By-law # 7941-22 to extend the period specified for the expiration of the said By-law;

And whereas, the Council of The Corporation of the Town of Whitby considers it appropriate to pass such a by-law relating to the lands hereinafter described.

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

#### 1. General

1.1. That By-law # 7941-22 be amended to extend the period specified for expiration of the By-law from December 12, 2024 to now expire on December 12, 2026 for the following lands, all situated in the Town of Whitby, Regional Municipality of Durham:

(a) PART BLOCK 121, PLAN 40M-2313, BEING PART 6, 40R32076, being all of PIN 26562-2088 (LT);

(b) PART BLOCK 121, PLAN 40M-2313, BEING PART 8, 40R32076, being all of PIN 26562-2090 (LT);

(c) PART BLOCK 121, PLAN 40M-2313, BEING PART 9, 40R32076, being all of PIN 26562-2091 (LT);

(d) PART BLOCK 121, PLAN 40M-2313, BEING PART 10, 40R32076, being all of PIN 26562-2092 (LT);

(e) PART BLOCK 121, PLAN 40M-2313, BEING PART 11, 40R32076, being all of PIN 26562-2093 (LT);

- (f) PART BLOCK 121, PLAN 40M-2313, BEING PART 12, 40R32076, being all of PIN 26562-2094 (LT);
- (g) PART BLOCK 121, PLAN 40M-2313, BEING PART 14, 40R32076, being all of PIN 26562-2096 (LT);
- (h) PART BLOCK 121, PLAN 40M-2313, BEING PART 15, 40R32076, being all of PIN 26562-2097 (LT);
- (i) PART BLOCK 121, PLAN 40M-2313, BEING PART 16, 40R32076, being all of PIN 26562-2098 (LT);
- (j) PART BLOCK 121, PLAN 40M-2313, BEING PART 17, 40R32076, being all of PIN 26562-2099 (LT); and
- (k) PART BLOCK 121, PLAN 40M-2313, BEING PART 24, 40R32076, being all of PIN 26562-2106 (LT).

1.2. That a copy of this By-law be registered in the appropriate Land Registry Office on title on the lands set out herein.

## **2. Effective Date**

2.1 The by-law shall be in force and effect upon final passage thereof, and shall remain in force and effect for a period ending December 12th, 2026.

By-law read and passed this 4th day of November, 2024.

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Elizabeth Roy, Mayor

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Christopher Harris, Town Clerk



# Town of Whitby By-law # 8122-24

## Part Lot Control Extension By-law

Being a By-law to amend Part Lot Control By-law # 7942-22 to extend the expiry period for an additional two (2) years, to designate certain portions of registered Plan of Subdivision (S-216-92) as not being subject of Part Lot Control.

Whereas section 50(5) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act"), provides that no person shall convey part of any lot or block within a Plan of Subdivision;

And whereas in accordance with subsection 50(7) of the Act, The Corporation of the Town of Whitby passed By-law # 7942-22 on December 12, 2022, exempting part of Lot 37, Lot 38 and Lot 39, Plan 40M-2563 from the part-lot control provisions in subsection 50(5) of the Act;

And whereas By-law # 7942-22 was registered in the Land Registry Office against the respective lots or blocks on January 3, 2023 by Instrument No. DR2201393;

And whereas the developer has not yet completed the construction and transfer of all of the proposed detached dwelling units;

And whereas in accordance with subsection 50(7.4) of the Act, The Corporation of the Town of Whitby now wishes to amend By-law # 7942-22 to extend the period specified for the expiration of the said By-law;

And whereas the Council of The Corporation of the Town of Whitby considers it appropriate to pass such a by-law relating to the lands hereinafter described.

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

### 1. General

- 1.1. That By-law # 7942-22 be amended to extend the period specified for expiration of the By-law from December 12, 2024 to now expire on December 12, 2026 for the following lands, all situated in the Town of Whitby, Regional Municipality of Durham:
  - (a) Lot 38, Plan 40M-2563, being all of PIN 16434-4493 (LT); and,
  - (b) Part Lot 39, Plan 40M-2563, designated as Part 14, Plan 40R-29677, being all of PIN 16434-4744 (LT).
- 1.2. That a copy of this By-law be registered in the appropriate Land Registry Office on title on the lands set out herein.

### 2. Effective Date

- 2.1 The by-law shall be in force and effect upon final passage thereof, and shall remain in force and effect for a period ending December 12th, 2026.

By-law read and passed this 4th day of November, 2024.

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Elizabeth Roy, Mayor

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Christopher Harris, Town Clerk



# Town of Whitby By-law # 8123-24

## Zoning By-law Amendment

Being a By-law to amend By-law #1784, as amended, being the Zoning By-law of the Town of Whitby.

Whereas, the Council of The Corporation of the Town of Whitby deems it advisable to amend By-law #1784;

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

### 1. General

- 1.1. Schedule 'B' to By-law #1784 is hereby amended by changing the zoning from C2-S-BP to MX3-B-1 and LD-B-1 for the land shown as the Subject Land on Schedule "A-1" attached to and forming part of this By-law amendment.
- 1.2. Section 15.4 Residential – Brooklin Zone Regulations to By-law #1784 as amended, is hereby amended by adding a new subsection 15.4.2(c) Exceptions and adding thereto the following Exception:

#### 15.4.2(c) Exceptions

- (1) **Exception 1: LD-B-1  
1 Ferguson Avenue**

##### 1. Defined Area

The lands located north of Winchester Road West and east of Ferguson Avenue and zoned LD-B-1 shall be subject to the provisions as hereinafter contained. Matters not specifically dealt with in this By-law amendment shall be governed by the relevant provisions of By-law #1784.

##### 2. Uses Permitted

No person shall within any LD-B-1 Zone use any lot or erect, alter or use any building or structure except for one or more of the following uses:

- Semi-detached dwelling

### 3. Zone Provisions

Notwithstanding any provisions of this By-law to the contrary, any use, building or structure in an LD-B-1 Zone, the following provisions shall apply to a semi-detached dwelling:

(a) Lot Area

Minimum	200m <sup>2</sup>
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(b) Lot Frontage

Minimum	7.0 m
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(c) Exterior Side Yard

Minimum	1.5 m
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(d) Rear Yard

Minimum	5.0 m
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- 1.3. Section 15.6 Mixed Use – Brooklin Zone Regulations to By-law #1784, as amended, is hereby further amended by adding a new subsection 15.6.3 Exceptions and adding thereto the following Exception:

#### 15.6.3 Exceptions

(1) **Exception 1: MX3-B-1**  
**1 Ferguson Avenue**

1. **Defined Area**

The lands located north of Winchester Road West and east of Ferguson Avenue and zoned MX3-B-1 shall be subject to the provisions as hereinafter contained. Matters not specifically dealt with in this By-law amendment shall be governed by the relevant provisions of By-law #1784.

2. **Uses Permitted**

No person shall within any MX3-B-1 Zone use any lot or erect, alter or use any building or structure except for one or more of the following uses:

- All uses permitted in the MX3-B Zone in accordance with Table 15.6(1) Uses Permitted in Mixed Use – Brooklin Zones

### 3. Zone Provisions

Notwithstanding any provisions of this By-law to the contrary, in any MX3-B-1 Zone the following provisions shall apply to a Mixed-Use Building:

#### (a) Yard Setback to Winchester Road West

Minimum	3.0 m
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Maximum	6.0 m
---------	-------

Notwithstanding the yard setbacks noted above, the Ministry of Transportation (MTO) required setback shall apply along any public street that is subject to MTO corridor control.

#### (b) Front Yard

Minimum	6.0 m
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#### (c) Setback to a Visibility Triangle

Minimum	6.0 m
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#### (d) Roof Top Appurtenances

The maximum height of any roof top appurtenances such as an elevator penthouse, mechanical room, stair tower, roof top access room, indoor amenity space and any decorative structures or architectural features shall not exceed 6 metres.

#### (e) Parking Requirements

- (i) The minimum number of parking spaces for non-residential uses shall be 1 space/ 30m<sup>2</sup> of gross leasable area
- (ii) Tandem parking spaces shall be permitted and be counted as two parking spaces only where used by an owner or tenant of one dwelling unit.



- (iii) The parking space dimensions for an accessible parking space shall be:

<b>Type of Space</b>	<b>Min. Length</b>	<b>Min. Width</b>	<b>Min. Height</b>
Accessible Parking Space	5.8m	3.4m	2.1m

(f) Non-Residential Provisions

- (i) The minimum gross leasable area for all non-residential uses shall be 700m<sup>2</sup>.
- (ii) The maximum gross leasable area for all non-residential uses shall be 1400m<sup>2</sup>.
- (iii) Non-residential uses shall only be permitted on the first storey of a building.
- (iv) No drive through facilities are permitted.
- (v) Any outdoor patio or any ornamental or architectural structure such as a canopy or colonnade related to non-residential uses may project to within 1.0m of a streetline.

**4. Zone Provisions That Do Not Apply**

The following subsections of Section 15.2 General Provisions shall not apply to the lands zoned MX3-B-1 by this By-law:

15.2.27 (d)(i)

By-law read and passed this 4th day of November, 2024.

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Elizabeth Roy, Mayor

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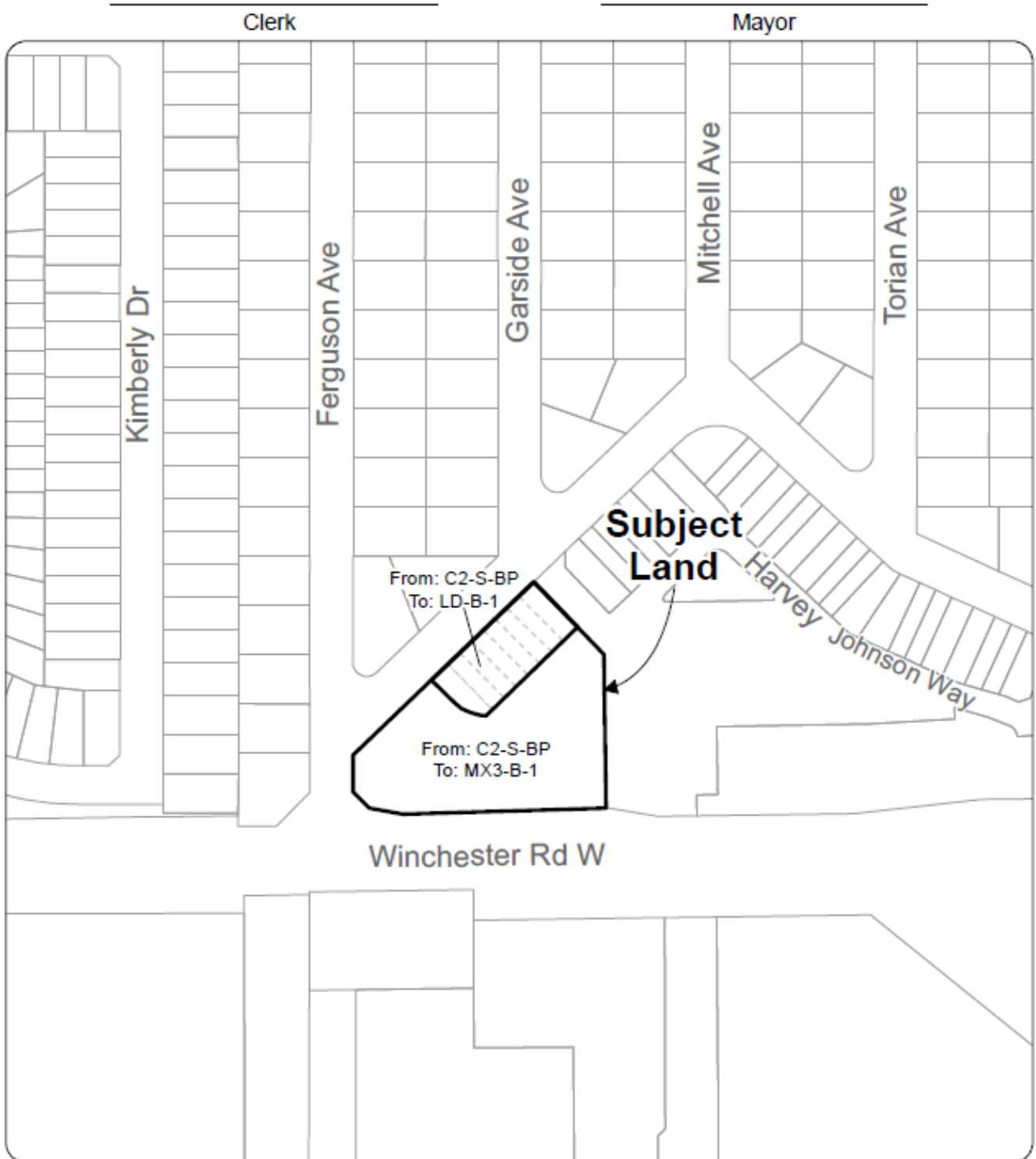
Christopher Harris, Town Clerk

# Schedule A-1

To By-law # 8123-24

This is Schedule A-1 to By-law # 8123-24 passed by the

Council of the Town of Whitby this 4th day of November, 2024.





# Town of Whitby

## By-law # 8124-24

### Dedication By-law

Being a By-law to dedicate Parts 3 and 4, Plan 40R-30532, as a Public Highway (Crawforth Street).

Whereas Subsection 31(2) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, requires a municipality to enact a by-law in order to establish lands as a highway;

And whereas the Council of The Corporation of the Town of Whitby considers it desirable to dedicate lands as hereinafter described as a public highway.

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

#### 1. General

- 1.1. That the following lands in the Town of Whitby, Regional Municipality of Durham, be and are hereby established as a highway by the Town, and forming part of the highway known as Crawforth Street:
  - a) Part of Block K, Plan M1133, being Parts 3 and 4, Plan 40R-30532, being all of PIN 26515-0403 (LT).
- 1.2. That a copy of this By-law be registered in the appropriate Land Registry Office on title to the lands and highways set out herein.
- 1.3. That this By-law shall come into full force and effect upon final passage hereof.

By-law read and passed this 4th day of November, 2024.

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Elizabeth Roy, Mayor

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Christopher Harris, Town Clerk

# Memorandum to Council

Planning and Development Department



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**To:** Mayor and Members of Council  
**CC:** Roger Saunders, Commissioner of Planning and Development  
**From:** John Taylor, Director of Planning  
**Date:** November 4, 2024  
**File #:** SP-19-18  
**Subject:** Durham Hospice – Dedication of Town owned land as a public highway

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

As part of the Town's land dedication to Durham Hospice at the north-east intersection of Crawforth Street and Prince of Wales Drive, the Town retained a triangular parcel of land to protect for a future Crawforth Street flyover to Scott Street (refer to Attachment #1).

Durham Hospice has recently submitted a building permit application to the Town, and they are proposing to connect services from the Crawforth Street right-of-way to the building through the triangular parcel of land that was retained by the Town.

In order to issue a permit and comply with the Ontario Building Code, there are two options available:

- the Town can dedicate the triangular portion of Town owned land as a public road, which was the original intent for retaining the land; or
- the Town can provide an easement to the benefit of the Durham Hospice over the intervening lands for servicing.

Accordingly, it is recommended that the triangular portion (Parts 3 and 4 on Plan 40R-30532) be dedicated as a public highway to avoid surveying and easement costs and expedite the building permit process. Dedicating this land as a public highway does not prevent a future Crawforth Street flyover to Scott Street. A Dedication By-law for this purpose has been included on the November 4, 2024 Regular Council meeting agenda.

