

Present: Mayor Mitchell
Councillor Alexander
Councillor Leahy
Councillor Lee
Councillor Mulcahy
Councillor Newman
Councillor Roy
Councillor Shahid
Councillor Yamada

Also Present: M. Gaskell, Chief Administrative Officer
S. Beale, Commissioner of Public Works
W. Mar, Commissioner of Legal and Enforcement Services/Town Solicitor
K. Nix, Commissioner of Corporate Services/Treasurer
J. Romano, Acting Commissioner of Community Services
R. Saunders, Commissioner of Planning and Development
H. Ellis, Executive Advisor to the Mayor
K. Narraway, Manager of Legislative Services/Deputy Clerk
L. MacDougall, Council and Committee Coordinator (Recording Secretary)

Regrets: None noted

Call to Order

Call of the Roll: The Clerk

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

Planning and Development

Councillor Roy assumed the Chair.

1. Presentations

- 1.1** Chair Roy advised of an addition to the agenda to include a presentation by MPP Lorne Coe and invited the MPP to attend the dais.

MPP Lorne Coe, representing the Honourable Steve Clarke, Minister of Municipal Affairs and Housing, attended the dais and invited Mayor Mitchell to join him to recognize the Mayor for his long standing Public Service Award of 25 years.

2. Delegations

2.1 Rick Klingler

Re: Planning and Development Report, PL 89-19
DEV-12-18, Applications for Draft Plan of Subdivision (SW-2018-06),
Official Plan and Zoning By-law Amendment (OPA-2018-W/03 and Z-23-18), 4335 Garden Street, by Signature 4335 Garden Inc.

Refer to Item 4.1, PL 89-19

Rick Klingler, 4835 Garden Street, appeared before the Committee and advised that he attended the Public Meeting related to the applications in January 2019, and that he expressed concerns about the environmentally protected land located at the rear of the subject property at that time. He stated that he understood that approximately three of the ten acres of the property would be used for the proposed development. He advised of a petition from residents in the neighbourhood requesting that Council reconsider the proposed re-designation from low to medium density. Mr. Klingler raised concerns about traffic, noting that recent traffic calming initiatives in the area included the installation of two stop signs on Promenade Drive. He advised that traffic speeds were a concern, and the motorists were not aware that Garden Street was a dead end. He noted that Promenade Drive was not aligned with Robert Attersley Drive, and that the whole area serves as a bypass for Taunton Road. He raised concerns regarding the traffic, parking, the impact of the proposed development on the subject land, the future six-storey seniors apartment building and townhouse development, and the future eighteen-storey apartment building, indicating that traffic and parking would continue to increase. He expressed concerns regarding potential damage to the watershed, and raised further concerns about the environmentally protected property at the rear of the proposed development becoming a dumping

area. He inquired about increasing the height of the fence around the protected land to keep people off the property. Mr. Klingler submitted a petition in opposition to the proposed development to the Deputy Clerk.

A question and answer period ensued between Members of Committee and Mr. Klingler regarding the type and height of fence to be installed to ensure the protection of the environmentally sensitive land, and the potential impact of the proposed development on the watershed.

3. Correspondence

3.1 There was no correspondence.

4. Staff Reports

4.1 Planning and Development Department Report, PL 89-19 - **Revised**
Re: DEV-12-18, Applications for Draft Plan of Subdivision (SW-2018-06), Official Plan and Zoning By-law Amendment (OPA-2018-W/03 and Z-23-18), 4335 Garden Street, by Signature 4335 Garden Inc.

David McKay, representing Signature Communities, appeared before the Committee to answer questions regarding:

- whether the proponent would be amenable to increasing the height of the fence surrounding the development to six feet; and,
- the rationale for the differences between the original proposal versus the revised proposal, and whether the revisions were based on requirements of the Town with respect to the road alignment, the road widening, and the multi-use path.

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

- whether the dedication of the buffer block and open space lands to the east of the developed land to the Town for natural heritage protection would be included in the staff recommendation;
- clarification on whether the type and height of the fence would be addressed through the Site Plan Application;
- the possibility of installing a no exit sign on Garden Street, no parking signs along Promenade Drive, and the possible future installation of a signalized crosswalk on Garden Street to ensure safety of residents crossing the street;
- watershed damage and the measures that would be undertaken to ensure the watershed would be protected;
- the rationale for an increase in resident parking spaces and decrease in visitor parking spaces;
- the possibility of addressing the multi-use path during the

- reconstruction of Garden Street; and,
- details related to the requirements of the Fire and Emergency Services Department and the Public Works Department.

Recommendation:

Moved By Councillor Yamada

1. That Council approve Official Plan Amendment Number 116 to the Whitby Official Plan (File: OPA-2018-W/03), as included in Attachment #7;
2. That a By-law to adopt Official Plan Amendment Number 116 be brought forward for consideration by Council;
3. That Council approve an amendment to Zoning By-law 1784, (File Z-23-18) as outlined in Report No. PL 89-19;
4. That a By-law to amend Zoning By-law 1784 be brought forward for consideration by Council;
5. That Council approve the Draft Plan of Subdivision (File SW-2018-06) subject to the comments included in Report PL 89-19 and the conditions of draft plan approval included in Attachment #11;
6. That Staff be authorized to prepare a Subdivision Agreement;
7. That the Clerk forward a Notice to those parties and agencies who requested to be notified of Council's decision; and,
8. That the Clerk forward a Notice of Council's decision, and copy of Report No. PL 89-19, two (2) copies of the adopted Amendment, and a copy of the By-law to adopt Amendment Number 116 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development.

Note: the disposition of the matter, Item 4.1, was determined through the deferral motion below.

Recommendation:

Moved By Mayor Mitchell

That consideration of Staff Report PL 89-19, DEV-12-18, Applications for Draft Plan of Subdivision (SW-2018-06), Official Plan and Zoning By-law Amendment (OPA-2018-W/03 and Z-23-18), 4335 Garden Street, by Signature 4335 Garden Inc. be postponed to the November 25, 2019 Council Meeting to allow the Fire and Emergency Services Department and the Public Works Department to provide information to Council regarding the internal road widths associated with the proposed

development.

Carried

- 4.2** Planning and Development Department Report, PL 87-19
Re: Zoning By-law Amendment Application - 1056626 Ontario Inc.,
Garden Street, File DEV-16-18 (Z-29-18)

A brief question and answer period ensued between Members of Committee and Staff regarding clarification on the additional uses permitted on the subject property.

Recommendation:

Moved By Councillor Alexander

1. That Council approve an amendment to Zoning By-law 2585 (Application Z-29-18) as outlined in Report No. PL 87-19; and,
2. That the Zoning By-law Amendment be brought forward for the consideration by Council.

Carried

- 4.3** Planning and Development Department Report, PL 88-19
Re: DEV-20-19, Zoning By-law Amendment Application Z-12-19, Barnes Memorial Funeral Home, 5295 Thicksen Road North

A question and answer period ensued between Members of Committee and Staff regarding whether the staff recommendation reflects the Central Lake Ontario Conservation Authority's recommendation regarding re-zoning only the portion of property currently used for the funeral home.

Recommendation:

Moved By Councillor Mulcahy

1. That Council approve an amendment to Zoning By-law 1784 (Application Z-12-19) to permit a funeral establishment on the property as an exception to the Prestige Industrial designation, subject to the conditions contained in report PL 88-19; and,
2. That the Zoning By-law Amendment be brought forward for consideration by Council.

Carried

4.4 Planning and Development Department Report, PL 90-19
Re: Update to the Heritage Property Tax Rebate Program

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

- whether the participation rate of the eligible properties located within the Werden's Plan Neighbourhood Heritage Conservation District (Werden's Plan HCD) was anticipated to be similar to the participation rate of the eligible properties within the Brooklin Heritage Conservation District;
- the annual cost to the Town and whether the cost would be based on ten percent participation of eligible properties;
- clarification on the number of eligible properties located within the Werden's Plan HCD, and the number of current participants across the Town; and,
- the requirements associated with participating in the Program.

Recommendation:

Moved By Councillor Newman

1. That Council repeal By-law Nos. 5642-05, 6437-11, 6520-11 and 6602-12 and replace with the Proposed By-law included as Attachment #5 to Report PL 90-19, which consolidates previous By-laws and adds lands within the Werden's Plan Neighbourhood Heritage Conservation District as being eligible for the Heritage Property Tax Rebate Program; and,
2. That the Clerk forward a copy of the approved By-law and Report PL 90-19 to the Minister of Finance and the Region of Durham as required by Section 365.2(5) and (6) of the Municipal Act, 2001.

Carried

5. New and Unfinished Business - Planning and Development

5.1 Gas Tax Funds

Recommendation:

Moved By Mayor Mitchell

Whereas Canada has responded to the climate change emergency

through commitments to a zero carbon future;

And Whereas there are global and national shifts in reducing greenhouse gas emissions from transportation by reducing reliance on fossil fuel powered vehicles; and,

And Whereas the Gas Tax Funds, which are permanent and much-valued sources of funding for municipal infrastructure priorities, derives funding from fossil-fuel taxation, the use of which will be reduced in the coming years as dependence on them decreases.

Now therefore be it resolved:

1. That the Council of the Town of Whitby requests the Federal Government and Provincial Government ensure that funding for municipalities through their Gas Tax Funds remains sustainable to facilitate effective service delivery and infrastructure maintenance by having the funds supplemented through means other than the taxation of gas and diesel;
2. That the Federal Government and Provincial Government consider renaming their Gas Tax Funds to reflect more sustainable sources of funding;
3. That the Federal Government and Provincial Government consider providing a set dollar amount or an increasing percentage of revenue to municipalities as the reliance on fossil fuels is reduced; and,
4. That the Clerk be directed to circulate this resolution to the Region of Durham, Durham Region local municipalities, MPP Lorne Coe, MP Ryan Turnbull, AMO and FCM.

Carried

5.2 Regional Heritage Property Tax Rebate

A brief question and answer period ensued between Members of Committee regarding the inclusion of the Charity Rebate Program, and the possibility of introducing the motion at the Region of Durham instead of the Town.

Recommendation:

Moved By Mayor Mitchell

1. That the Region of Durham be requested to support heritage

- preservation by adopting a by-law to provide a Regional property tax rebate for designated heritage properties, including those properties within heritage conservation districts; and,
2. That a copy of this resolution be sent to area municipalities in the Region of Durham.

Carried

General Government

Councillor Yamada assumed the Chair.

6. Presentations

- 6.1** Ron Bidulka, Managing Director, Real Estate Advisory, PricewaterhouseCoopers LLP
Re: Legal and Enforcement Services Department and Planning and Development Department Joint Report, LS 20-19
Market / Transit-Oriented Development Investigation - Whitby GO Station

Ron Bidulka, Managing Director, National Real Estate Advisory, and Jessica Huynh, Manager, National Real Estate Advisory, PricewaterhouseCoopers LLP, appeared before the Committee and provided a PowerPoint presentation on the Market / Transit-Oriented Development opportunities at the Whitby GO Station. Highlights of the presentation included:

- a detailed overview of the Whitby GO Station site;
- the proposed development and vision for the Whitby GO Station site;
- examples and details of transit oriented development sites across the Metrolinx Network including the Aldershot GO Station, the Oakville GO Station, the Port Credit GO Station, the Mimico GO Station, the East Harbour (Toronto), and Port Whitby;
- the significant interest in development at or near transit facilities;
- the positive attributes of the site including having the second highest ridership within the GO Network, the proximity to natural features and Downtown Whitby, the size of the site, and opportunities to provide more affordable housing choices compared to sites located closer to Downtown Toronto;
- the results of the preliminary assessment including that residential condominiums would be deemed feasible by developers while purpose-built office space would likely not be deemed feasible in the short term; and,

- the timeline for development of the site and what the Town could do to facilitate development on the site.

A question and answer period ensued between Members of Committee, Mr. Bidulka and Ms. Huynh regarding:

- whether there would be an opportunity to address the imbalance of residential and commercial development on the site to serve the needs of the Town;
- details pertaining to the three year timeline for the Town to realize transit-oriented development on the site; and,
- whether there would be any complications associated with the Town developing its portion of land first.

It was the consensus of the Committee to hear Item 9.1, LS, 20-19, at this time.

7. Delegations

7.1 Kim Wright representing Uber Canada

Re: Legal and Enforcement Services Department Report, LS 18-19

Re: Proposed Amendments to the Private Transportation Services By-law

Refer to Item 9.3, LS 18-19

Kim Wright, representing Uber Canada, appeared before the Committee and advised that she was the Principal and Founder of Wright Strategies. She provided details regarding her background in politics and government relations. Ms. Wright requested that the Committee eliminate the recommendation for a per trip licensing fee and maintain the existing flat rate licensing fee. She commented on the Town's open for business attitude, and stated that an open for business attitude implies reducing red tape as much as possible, and streamlining regulations and fee structures in a way that makes sense for both the Town and businesses that want to carry on business in the Town. She noted that maintaining a flat rate fee would make sense from the Town's perspective as well as for Uber. She advised that a flat fee was simple to administer, that it would not require additional accounting or auditing, that it was a predictable source of revenue that could be included in the budget on an annual basis, and it was justifiable from a cost recovery perspective. She commented on Uber's popularity with residents and visitors in Whitby, noting that it was used by a wide range of users including seniors, students, and people who do not want to drive or do not drive. Ms. Wright advised that jurisdictions take different approaches to fee structures for different reasons including size, population and scope of use, but that the fee structure usually comes down to ease of

use on the administration end. She suggested that maintaining the flat rate fee would cost the Town less by not requiring the additional accounting and auditing functions that would be required by including per trip fees. She advised that from her client's perspective, per trip fees would be a cumbersome process from a technology, accounting and auditing perspective.

A question and answer period ensued between Members of Committee and Ms. Wright regarding:

- whether the delegate agreed with the predicted higher revenue received by the Town within a per trip fee structure;
- whether ridership within Whitby had increased or decreased in comparison to other municipalities;
- the number of registered vehicles in Whitby, and the capacity to obtain data on the number of vehicles in municipalities; and,
- clarification on other municipalities that charge a flat rate fee versus a per trip fee.

It was the consensus of the Committee to hear Item 9.3, LS 28-19, at this time.

8. Correspondence

8.1 There was no correspondence.

9. Staff Reports

9.1 Legal and Enforcement Services Department and Planning and Development Department Joint Report, LS 20-19
Re: Market / Transit-Oriented Development Investigation – Whitby GO Station

Discussion ensued between Members of Committee regarding:

- the benefits of attracting people who would like to live a vehicle reduced or vehicle free life style at this location;
- addressing some of the growth pressures in the Port Whitby area; and,
- the attraction of certain developers with a proven model.

Recommendation:

Moved By Councillor Leahy

1. That Council receive Report LS 20-19 for information, together with the attached report from Pricewaterhouse Coopers LLP; and,

2. That Council direct staff to take the initiatives set out in Report LS 20-19 to support the potential future sale of the Town's lands adjacent to the Whitby GO Station, and to support the Whitby Transit Village vision on the site.

Carried

It was the consensus of the Committee to hear Item 7.1, Delegation By Kim Wright, at this time.

9.2 Legal and Enforcement Services Department Report, LS 17-19
Re: Proposed Amendments to the Property Standards By-law

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

- whether the proposed by-law amendments would permit staff to address the property located at 16 Baldwin Street;
- reviewing the heritage property enforcement provisions of the proposed by-law amendment with the Heritage Whitby Advisory Committee;
- the challenges and costs associated with the maintenance or repair of heritage attributes and obtaining a heritage assessment; and,
- the general response and processes for by-law enforcement including issuing Property Standards Orders.

Recommendation:

Moved By Councillor Leahy

That the Town Clerk be directed to bring forward a by-law to amend the Property Standards By-law to give effect to the recommendations contained in Report LS 17-19.

Note: The disposition of the matter, Item 9.2, was determined through the deferral motion below.

Recommendation:

Moved By Councillor Newman

That consideration of Staff Report LS 17-19, Proposed Amendments to the Property Standards By-law, be postponed to the November 25, 2019 Council Meeting to allow the opportunity for the Heritage Whitby

Advisory Committee to review the proposed heritage components of the Property Standards By-law and provide comments.

Carried

9.3 Legal and Enforcement Services Department Report, LS 18-19
Re: Proposed Amendments to the Private Transportation Services By-law

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

- whether a flat rate fee model would result in the taxi industry requesting changes to their fees;
- the methods used to measure and report the number of trips;
- whether the per trip fee structure would result in additional administrative work;
- the types of enforcement and when and how this would take place; and,
- the ability for staff to undertake auditing and accounting.

Recommendation:

Moved By Councillor Leahy

1. That the Town Clerk be directed to bring forward a by-law to amend the Private Transportation Services By-law to give effect to the recommendations contained in Report LS 18-19; and,
2. That the Town Clerk be directed to bring forward a by-law to amend the Fees and Charges By-law to give effect to the recommendations contained in Report LS 18-19.

Carried

It was the consensus of the Committee to hear Item 9.2, LS 17-19, at this time.

9.4 Legal and Enforcement Services Department Report, LS 21-19
Re: Business Licensing By-law Amendment - Pawnbrokers Act

Discussion ensued between Members of Committee and Staff regarding opportunities to review, update and improve the Business Licensing By-law.

Recommendation:

Moved By Councillor Leahy

That the Town Clerk be directed to bring forward a by-law to amend the Business Licensing By-law to give effect to the recommendations contained in Report LS 21-19.

Carried later in the meeting [See following motion]

Recommendation:

Moved By Councillor Leahy

That the main motion be amended to include Item 2 as follows:
2. That Staff be directed to undertake a complete review of the Town's Business Licensing By-law to look for opportunities for improvement throughout the by-law.

Carried

The main motion, as amended, was then carried as follows:

Recommendation:

Moved By Councillor Leahy

1. That the Town Clerk be directed to bring forward a by-law to amend the Business Licensing By-law to give effect to the recommendations contained in Report LS 21-19; and,
2. That Staff be directed to undertake a complete review of the Town's Business Licensing By-law to look for opportunities for improvement throughout the by-law.

Carried

- 9.5** Corporate Services Department Report, CS 60-19
Re: Downtown Whitby Business Improvement Area Sublease of Office Space from Whitby Chamber of Commerce – 209 Dundas Street East, Suite B4, Whitby

Recommendation:

Moved By Councillor Newman

1. That Council authorize the Downtown Whitby Business Improvement Area (BIA) to enter into a sublease agreement with the Whitby Chamber of Commerce for office space located at 209 Dundas Street East, Suite B4, Whitby (the "Premises"); and,
2. That for purposes of multi-year financial commitments by the BIA, the authority for approval be delegated to the Commissioner of Corporate Services/Treasurer and Town Solicitor.

Carried

10. New and Unfinished Business - General Government

10.1 New and Unfinished Business List - Item MD - 5044

Councillor Newman inquired about the status of Item MD - 5044 regarding short term rentals. W. Mar, Commissioner of Legal and Enforcement Services, advised that the report regarding short term rentals would be presented at the Committee of the Whole meeting on November 18, 2019.

Adjournment

Motion to Adjourn

Recommendation:

Moved By Councillor Leahy

That the meeting adjourn.

Carried

The meeting adjourned at 9:23 p.m.

Advisory Committee Minutes – For Information Only

- Whitby in Bloom Committee Minutes - October 8, 2019
- Heritage Whitby Advisory Committee Minutes - October 8, 2019
- Downtown Whitby Development Steering Committee Minutes - October 17, 2019