

Present: Mayor Mitchell
Councillor Drumm (Participating Electronically)
Councillor Leahy (arrived at 7:01 p.m.)
Councillor Lee
Councillor Mulcahy
Councillor Newman
Councillor Roy
Councillor Shahid
Councillor Yamada

Also Present: M. Gaskell, Chief Administrative Officer
J. Romano, Commissioner of Community Services
F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor
R. Saunders, Commissioner of Planning and Development
D. Speed, Head of Operations & Fire Chief
F. Wong, Commissioner of Financial Services/Treasurer
S. Klein, Director of Strategic Initiatives
H. Ellis, Executive Advisor to the Mayor
C. Harris, Town Clerk
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.

Recommendation:

Moved By Councillor Roy

That the order of the agenda be altered to hear Items 2.1 to 2.4, Delegations related to Item 3.1, Memorandum from P. Angelo, Director, Engineering and H. Moreno, Manager, Operations dated June 1, 2022 regarding the Williamsburg Storm Water Management Facility Feasibility Assessment, at this time.

Carried

Planning and Development

Councillor Newman assumed the Chair.

1. Presentations

- 1.1** Susanne MacDonald, Planner, and Paul Lowes, Partner, SGL Planning and Design Inc. (In-Person Attendance)
Re: Planning and Development (Planning Services) Department Report, PDP 38-22
Whitby Mature Neighbourhoods Study – Recommendation Report

Refer to Item 4.3, PDP 38-22

Susanne MacDonald, Planner, and Paul Lowes, Partner, SGL Planning and Design Inc. provided a PowerPoint presentation on the Whitby Mature Neighbourhood Study – recommendation report. Highlights of the presentation included:

- the purpose of the Whitby Mature Neighbourhoods Study to identify growth trends and pressures affecting mature neighbourhoods, to identify options for managing changes, and to provide recommendations on official plan policies, zoning provisions, and urban design guidelines;
- the boundaries of the Whitby Mature Neighbourhoods Study area that were subject to the two Interim Control By-laws to deal with development issues in mature neighbourhoods;
- an overview of Phase 1 which included a background analysis and existing conditions through the review of Town documents including the Official Plan policies, the Zoning By-laws, and the Draft Urban Design Guidelines;
- an overview of Phase 2 which included separate options to manage infill and intensification through the Official Plan, Zoning By-laws and Urban Design Guidelines for development types

- such as multi-unit development, low density subdivisions, severances, and new and replacement housing;
- information about Phase 3 including the recommendation to create a mature neighbourhoods section in the Official Plan with a number of policies specific to the mature neighbourhoods areas and the study area;
- detailed information about the various Official Plan policies and revisions to the Zoning By-law for residential lands to be implemented through the Comprehensive Zoning By-law Amendment;
- the elements for consideration within the Town-wide Urban Design Guidelines related to infill and replacement dwellings, single detached infill subdivisions, and multi-unit residential developments; and,
- the next steps in Phase 3 including the preparation of the implementation tools, and a future Statutory Public Meeting.

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

- the impact that the Official Plan policies would have on infill development at locations such as the east side of Garrard Road just north of Manning Road, and whether that particular infill development would have been approved based the policies/criteria outlined in the Mature Neighbourhoods Study;
- whether the proposed Official Plan policies would provide defensibility in the Town's decisions at the Ontario Land Tribunal;
- whether requiring an Official Plan Amendment for development over four storeys in height on an arterial road would be a new requirement across all mature neighbourhoods in Whitby;
- whether SGL Planning and Design has worked with and conducted mature neighbourhood studies in other municipalities, and whether it assisted those municipalities mitigate the challenges associated with infill development;
- the extent to which the recommendations for the Official Plan and Zoning By-law were consistent with the recommendations for other municipalities or whether the recommendations were unique to Whitby;
- the impact of the proposed Official Plan and Zoning By-law Amendments on Whitby's future density targets;
- whether environmental groups participated or provided feedback on intensification through Study's public process;
- whether the Mature Neighbourhoods Study area would be any different from the mature neighbourhoods north of Taunton Road;

- whether there would be a requirement for a roof pitch similar to the image in the presentation that allows for a third storey below the roofline;
- opportunities for accessory dwelling units specifically related to granny suites within the Study area; and,
- whether new and replacement dwellings and additions to dwellings being compatible with the scale of the dwellings within the surrounding neighbourhood would be mandated through the implementation tools.

Recommendation:

Moved By Councillor Roy

That the order of the agenda be changed to hear Item 2.13, Delegation by Stacey Leadbetter and Tim Welch representing Otter Creek Co-operative Homes Inc., at this time

Carried

2. Delegations

2.1 Julie Thorpe, Resident (In-Person Attendance)

Re: Memorandum from P. Angelo, Director, Engineering and H. Moreno, Manager, Operations dated June 1, 2022 regarding the Williamsburg Storm Water Management Facility Feasibility Assessment

Refer to Item 3.1, Memorandum from P. Angelo, Director, Engineering and H. Moreno, Manager, Operations dated June 1, 2022 regarding the Williamsburg Storm Water Management Facility Feasibility Assessment

Julie Thorpe, 93 Gartshore Drive, stated that she has been impacted by the recent drainage of the Williamsburg Storm Water Management Pond. Ms. Thorpe advised that she and many of her neighbours were upset upon hearing the plans for the pond. She stated that she wanted to ensure that the Town understood the importance of the situation for her family and neighbours. Ms. Thorpe stated that the pond has become a focal point in the community, noting that it has offered important ecosystem services to many people by contributing to community culture and by improving physical and mental well-being. She advised that the pond has brought joy to her family and the neighbours, noting that they have taken part in various activities by the water. She advised that the beauty of the pond was a major factor for many residents purchasing property alongside the pond, noting that they had paid a lot

premium for their properties because they were advertised as backing onto a pond. Ms. Thorpe commented on the residents' disbelief that a key feature of their properties was being taken away without any form of compensation. Ms. Thorpe commented on seeding the pond as one of the solutions for the pond, noting that many of the residents believe that there would never be any amount of seeding that could compensate for the loss of the pond to the community or the impact on the financial and mental well-being of the community. She advised that there must be a way to restore the pond to a wet state condition, and requested that Council support releasing the budget to do so. She commented on the dissatisfaction of the community about the current status of the pond while the work was being undertaken and requested that it be restored to a reasonable water level so that they would not be looking at a mud pit while the work was being completed.

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

- whether restoring the pond versus engaging a third party engineer would be acceptable;
- the release of the full \$90,000.00 versus the \$20,000.00 for the engineering review;
- whether the pond provided year-round recreation for the community;
- when the water level was lowered to its current level;
- whether the delegate was aware of regular maintenance undertaken on the pond;
- the proximity of the pond to the delegate's property, whether the delegate paid a lot premium due to the property abutting the pond, and the amount of the lot premium paid; and,
- the advertising of the pond as a selling feature for the property.

2.2 Gregory Kepa, Resident (In-Person Attendance)

Re: Memorandum from P. Angelo, Director, Engineering and H. Moreno, Manager, Operations dated June 1, 2022 regarding the Williamsburg Storm Water Management Facility Feasibility Assessment

Refer to Item 3.1, Re: Memorandum from P. Angelo, Director, Engineering and H. Moreno, Manager, Operations dated June 1, 2022 regarding the Williamsburg Storm Water Management Facility Feasibility Assessment

Gregory Kepa, 87 Gartshore Drive, advised that he purchased his property in 1999 when it was first constructed. Mr. Kepa stated that he was sold on the pond, the ravine and the creek, noting that he paid extra for this privilege. He advised that his children were born and raised in

the community, and that they have skated on the pond for over 20 years. Mr. Kepa stated that when he learned about the plans for the pond he was disappointed and angry about how this could happen after 20 years. He stated that it was important to him that community remain as beautiful as it was and that it would continue to remain the same. Mr. Kepa advised that the pond was a focal point in the area, noting that the pond currently looks disgraceful. He stated that, as an engineer, he believes that there was a solution for this problem.

A question and answer period ensued between Members of Committee and Mr. Kepa regarding:

- whether the delegate's property abuts the pond, whether the delegate paid a lot premium and the amount of the lot premium;
- whether the pond was finished or under construction when the delegate moved into the area; and,
- concerns about odour from the pond, or dumping in the area of the pond.

2.3 Caysi and Aleksandar Stark, Residents (In-Person Attendance)
Re: Memorandum from P. Angelo, Director, Engineering and H. Moreno, Manager, Operations dated June 1, 2022 regarding the Williamsburg Storm Water Management Facility Feasibility Assessment

Refer to Item 3.1, Memorandum from P. Angelo, Director, Engineering and H. Moreno, Manager, Operations dated June 1, 2022 regarding the Williamsburg Storm Water Management Facility Feasibility Assessment

Aleksandar Stark, 26 Redvers Street, stated that his house abuts the pond that the plants and animals were lovely to see, noting that they bring him a form of peace. Aleksandar advised that the pond behind his house has been helpful to his mental health and well-being, noting that when he feels stressed that he likes to go to the pond and watch the wildlife including the geese, ducks, fish, and the plants. He advised that when he comes home from school he likes to go to the pond and feed the ducks. Aleksander stated that young people need to learn about nature so that they can protect and help save our world, noting that the learning begins in the area around us. He stated that food chain was being destroyed by the water having been drained out of the pond, noting that the food chain may not recover. Aleksander noted that now when he looks at the pond he sees garbage and plastic bags. He noted that there was currently an odour coming from the pond that he could smell from his house and that the odour did not exist before. Aleksander stated that something that was good for the environment was now bad

and that it was not all right. He stated they the community needed to have the pond back.

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

- where the delegate attends school and whether the students have taken a field trip to the pond;
- the length of time that the delegate has resided at his property; and,
- whether the distance from the school to the delegate's house was walkable, and whether he could see the pond while walking on his way to and from school.

- 2.4** Dave Olson, Resident (In-Person Attendance)
Re: Memorandum from P. Angelo, Director, Engineering and H. Moreno, Manager, Operations dated June 1, 2022 regarding the Williamsburg Storm Water Management Facility Feasibility Assessment

Refer to Item 3.1, Memorandum from P. Angelo, Director, Engineering and H. Moreno, Manager, Operations dated June 1, 2022 regarding the Williamsburg Storm Water Management Facility Feasibility Assessment

Dave Olson, 32 Redvers Street, stated that he attended Whitby Town Hall for a meeting approximately 20 years ago regarding the same issue with the pond. Mr. Olson advised that when he purchased his property, he was promised a beautiful water area abutting his property, and that he had paid a lot premium for the property. He noted that when he moved in the pond had been drained and looked like a waste land. He stated that he was assured by the builder that the pond would be repaired and eventually it was filled with water, but it was at a very low water level. Mr. Olson stated that it was determined that the valve in the pond was adjustable, that it was adjusted, and the pond was filled. Mr. Olson commented on the beauty of the pond and the wildlife including the beavers, cranes, ducks and geese, noting that it has become an ecosystem, and that both the wildlife and the community rely on the pond. He noted that there have not been any issues with the pond until now and that he did not understand how things could change so drastically that the pond was suddenly drained, or that community was not notified. Mr. Olson stated that the ecosystem that had developed over the past 20 years was destroyed. He stated that years ago, it was suggested that there was an issue related to the water level flowing from the sewers, that the pond could not be filled as high as they wanted to fill it, and that the easy fix was to adjust the level of the valve in the pond to allow for more water to flow into the pond.

A question and answer period ensued between Members of the Committee and Mr. Olson regarding:

- the timeline for the pond to reach a reasonable water level when the valve was originally adjusted;
- whether the flooding that occurred a few years ago in the area of the ravine and bridges had an impact on the pond;
- whether the delegate or neighbours had experienced any flooding due to the pond;
- whether the pond has ever dried out over the past 20 years;
- clarification on the attendees at the Town Hall meeting 20 years ago; and,
- whether it would be acceptable for the pond to be redesigned so that it would remain in a wet state condition with the water at a higher level.

The Committee considered Item 3.1, Memorandum from P. Angelo, Director, Engineering and H. Moreno, Manager, Operations dated June 1, 2022 regarding the Williamsburg Storm Water Management Facility Feasibility Assessment, at this time.

- 2.5** Lynn Collins representing Candevcon East Limited on behalf of Brooklin Northeast Developments CR Inc. (Virtual Attendance)
Re: Planning and Development (Planning Services) Department Report, PDP 36-22
Draft Plan of Subdivision and Zoning By-law Amendment Applications, Brooklin Northeast Developments CR Inc., 400 Columbus Road East, File Numbers: DEV-30-20 (SW-2020-07, Z-15-20)

Refer to Item 4.1, PDP 36-22

Lynn Collins, representing Candevcon East Limited on behalf of Brooklin Northeast, Developments CR Inc., confirmed that the proponent was in agreement with the Staff recommendation and conditions outlined within the report. Ms. Collins advised that she was available to answer questions.

It was the consensus of the Committee to hear Item 4.1, PDP 36-22, at this time.

- 2.6** Rafaeel Chaudhry, Resident (Virtual Attendance)
Re: Planning and Development (Planning Services) Department Report, PDP 37-22

Zoning By-law Amendment Application, S & A Developments Limited,
Southeast Corner of Taunton Road East and Sebastian Street, File
Number: DEV-04-19 (Z-02-19)

Refer to Item 4.2, PDP 37-22

Rafaeel Chaudhry, 145 Lady May Drive, stated that he has been a neighbour of the land proposed for development for the past four years. Mr. Chaudhry commented on the need for Whitby to grow and to welcome new developments and residents while ensuring that new neighbourhoods were properly planned. He advised that the Staff report did not inform him about how some of the concerns raised at the Public Meeting in 2019 were being addressed. Mr. Chaudhry noted that the Stormwater Management and Functional Servicing Reports indicated that the existing infrastructure was available within the vicinity to adequately service the development. He inquired whether Staff were suggesting that the existing infrastructure was large enough to handle the water run off or whether the existing drainage was sufficient for the development. Mr. Chaudhry stated that there was only one stormwater drain for the proposed development which was located on his property, noting that every year over the past three years the stormwater drain has frozen resulting in water flowing into his house. Mr. Chaudhry noted the cost of \$42,000.00 for repairs due to existing stormwater and drainage issues. He stated that the Staff report does reflect the townhouses that would be facing the existing neighbourhood. He raised concerns about traffic congestion in the area around Sebastian Street and Taunton Road that would be exacerbated by the proposed development, noting that it currently takes about three minutes to turn left from Sebastian Street onto Taunton Road.

A brief question and answer period ensued between Members of Committee and Mr. Chaudhry regarding measures undertaken since 2019 to prevent flooding on his property.

- 2.7** Lindsay Cowell (Virtual Attendance)
Re: Planning and Development (Planning Services) Department Report,
PDP 37-22
Zoning By-law Amendment Application, S & A Developments Limited,
Southeast Corner of Taunton Road East and Sebastian Street, File
Number: DEV-04-19 (Z-02-19)

Refer to Item 4.2, PDP 37-22

Lindsay Cowell, 147 Lady May Drive, stated that she was in agreement with the comments made by the previous delegate. Ms. Cowell advised that she did not have a flooded basement during the storm event on

May 20, 2022, but that she did have water in her back yard about two feet away from her ground level windows. She advised that she had read the Staff report, noting that the report indicated that the proposed back-to-back townhouses on the south side of the proposed development back onto townhouses. Ms. Cowell requested that the report be amended because the aforementioned townhouses back on to single detached dwellings and not townhouses. She raised concerns about the building elevation and grading of the proposed development. Ms. Cowell inquired about the builder providing a guarantee that there would not be any flooding in the future due the proposed development, noting that without any dwellings on the land the water rushes in incredibly fast. She asked about guarantees with respect to dust control measures during the construction of the proposed development and how often spraying would occur in a one-week period. Ms. Cowell inquired about whether the existing infrastructure would adequately service and treat water runoff. She stated that the infrastructure has proven to be inadequate, noting that the flooding in 2022 destroyed her garden. Ms. Cowell inquired about the consequences that the builder may be subject to should they not adhere to the Drainage Act. She asked about whether the review that took place in 2019 was undertaken by a third party and what steps would be taken to carry out another review of the drainage and sewer system that would be supporting the new development. Ms. Cowell agreed that Whitby needs to grow, noting that she did not have any issues with the proposed development other than a concern for potential flooding.

A question and answer period ensued between Member of Committee and Ms. Cowell regarding:

- clarification on the delegate's requested amendment to the Staff report; and,
- whether any discussions have taken place with the builder since the Public Meetings in 2019.

- 2.8** Paul Tobia and Ryan Guetter representing S & A Developments Limited (Virtual Attendance)
Re: Planning and Development (Planning Services) Department Report, PDP 37-22
Zoning By-law Amendment Application, S & A Developments Limited, Southeast Corner of Taunton Road East and Sebastian Street, File Number: DEV-04-19 (Z-02-19)

Refer to Item 4.2, PDP 37-22

Paul Tobia and Ryan Guetter, representing S & A Developments Limited, stated that extensive work has been undertaken including

multiple resubmissions and curations. Mr. Tobia advised that they have read and were in support of the Staff recommendation. In response to the concerns raised by the previous delegates, Mr. Tobia advised that the Stormwater Management and Functional Servicing Reports were submitted and accepted by Town Staff, noting that further details would be addressed through the Site Plan approval process. Mr. Tobia advised that the stormwater management system should address the flooding issues by collecting the stormwater on the site and discharging it to the storm sewer system on Sebastian Street. He stated that storm water management would be managed by the condominium corporation in perpetuity. Mr. Tobia advised that a revised Transportation Impact Study was submitted to the Town, noting that the report concluded that the proposed development could adequately be accommodated by the existing transportation network with manageable traffic impact to the adjacent public roadways. He stated that he was available to answer questions.

A question and answer period ensued between Members of the Committee, Mr. Tobia and Mr. Guetter regarding:

- the willingness and timeline for discussions with residents in the area to address their concerns; and,
- details about stormwater management related to mitigating the flooding issue.

It was the consensus of the Committee to hear Item 4.2, PDP 37-22, at this time.

- 2.9** Usman Randhawa, Resident (Virtual Attendance)
Re: Planning and Development (Planning Services) Department Report, PDP 38-22
Whitby Mature Neighbourhoods Study – Recommendation Report

Refer to Item 4.3, PDP 38-22

Usman Randhawa, 101 Broadview Avenue, stated that he was a long time resident of Whitby, that he attended elementary and secondary school in Whitby, that he commuted to Toronto while he attended university, and that he currently works in Toronto. Mr. Randhawa stated that he lives near the Whitby GO Station, therefore, travelling to work in Toronto was not a significant commute for him. He stated that when considering infill and addressing intensification such things as transportation, access to schools, community centres, religious centres, and shopping centres should be a significant factor. Mr. Randhawa expressed his desire to purchase a home and start family in Whitby. He stated that commuting to Toronto does not deter him from the

advantages of living in Whitby. Mr. Randhawa stated Whitby should be focused on how it continues to grow and to continue forward in a more efficient manner utilizing existing infrastructure and resources such as the Whitby GO Station, schools, day care centres and shopping centres. He commented on matching the surrounding development in mature neighbourhoods, and inquired about how housing affordability would be addressed, noting that affordability was almost directly correlated with higher intensification. He stated that urban sprawl could not continue to be the answer.

A brief question and answer period ensued between Members of Committee and Mr. Randhawa regarding clarification about his desire to see more affordable housing and to realize his vision to purchase a home for himself and his future family in Whitby.

It was the consensus of the Committee to hear Item 2.11, Delegation by Adam Layton representing Evans Planning, at this time.

- 2.10** Kevin Persaud representing Brookfield Residential (Virtual Attendance)
Re: Planning and Development (Planning Services) Department Report, PDP 39-22
Official Plan Amendment, Draft Plan of Subdivision, and Zoning By-law Amendment Applications, Brookfield Residential, 100 Garden Street and 604 Dundas Street East, File Numbers: DEV-26-21 (OPA-2021-W/08, SW-2021-09, Z-16-21)

Refer to Item 4.4, PDP 39-22

Kevin Persaud, representing Brookfield Residential, stated that he had read and was in support of the Staff recommendation. Mr. Persaud advised that he was available to answer questions.

It was the consensus of the Committee to hear Item 4.4, PDP 39-22, at this time.

Recommendation:

Moved By Councillor Yamada

That the rules of procedure be suspended to hear a delegation from Adam Layton representing Evans Planning regarding Item 4.3, Planning and Development (Planning Services) Department Report PDP 38-22.

Carried

- 2.11** Adam Layton representing Evans Planning (Virtual Attendance)
Re: Planning and Development (Planning Services) Department Report,
PDP 38-22
Whitby Mature Neighbourhoods Study – Recommendation Report

Refer to Item 4.3, PDP 38-22

Adam Layton representing Evans Planning, referenced correspondence submitted to the Town dated June 6, 2022. Mr. Layton advised that Evans Planning acts on behalf of Icon Taunton Limited, the owner of the lands municipally known as 935 and 945 Taunton Road East, and 3557 Garrard Road, and an unaddressed property on Garrard Road which was the majority of the vacant lands on the west side of Sebastian Street. He advised that he was in attendance to reiterate his comments with respect to the inclusion of a portion of his client's lands within the Mature Neighbourhoods Study. He stated that given the presence of the site within the Mixed Use Land Use Designation as well as within an intensification corridor and sharing a similar depth from Taunton Road as the adjacent property on the east side of Sebastian Street that it was reasonable to conclude that these lands may have been included in the Mature Neighbourhoods Study area in error. Mr. Layton advised that although there were no immediate concerns or issues with the nature of the Study itself, he requested that study area boundaries be amended to remove that portion of the subject property that was included in the Study area given that intensification areas were not intended to be included in the Mature Neighbourhood Study area.

Paul Lowes, Partner, SGL Planning and Design Inc., responded to the delegate. Mr. Lowes stated that he understood that the property located in an intensification corridor was designated Mixed Use. Therefore, the proposed Official Plan and Zoning By-law Amendments would not apply to that property. He noted that the property should not have been included as part of the Mature Neighbourhoods Study area when the boundary was identified.

It was the consensus of the Committee to hear Item 4.3, PDP 38-22, at this time.

- 2.12** Harrison Schaefer, Resident (Virtual Attendance)
Re: Planning and Development (Planning Services) Department Report,
PDP 40-22
Official Plan Amendment and Zoning By-law Amendment Applications,
67 Harbourside Drive, File Numbers: DEV 28-19 (OPA-2019-W/04, Z-18-19)

Refer to Item 4.5, PDP 40-22

Harrison Schaefer, 110 Breakwater Drive, stated that he and his family have been residents in the Whitby Shores community since 2017. Mr. Schaefer advised that he was delighted to review the Staff report and proposal for the Sensory Park and Heritage area at 67 Harbourside Drive. He advised that two years ago he had connected with a representative from Ontario Shores Centre for Mental Health Sciences who had been liaising with Council about its redevelopment. Mr. Schaefer stated that over the past two years he had submitted some feedback, gathered some community voices in support of the project, and made a personal donation of \$7,000.00 to support the hospital and the Town specifically on this redevelopment initiative. He stated that since Mr. Bovie was no longer working for the Ontario Shores Centre for Mental Health Sciences that he was hoping to maintain some connectivity with the Town and follow up to ensure that his contribution would go toward supporting this redevelopment site. Mr. Schaefer advised that his intention was that his family would be recognized for the contribution to the park in the form of an interactive learning exhibit, a tree or sensory garden arrangement. He stated that this initiative was important to him and was something he wanted to share with his sons to illustrate the importance and value of investing in your own community. He further stated that he believed that making community contributions may encourage others to do so in the future and to pay it forward with their participation, ideas and involvement. Mr. Schaefer stated the his future intention would be for his family to continue to contribute to these initiatives and perhaps crowd sourcing the Whitby Shores community on other redevelopment and community improvement endeavours. He expressed his support and appreciation regarding the planned initiative as outlined in the Staff report.

It was the consensus of the Committee to hear Item 4.5, PDP 40-22, at this time.

- 2.13** Stacey Leadbetter (In-Person Attendance) and Tim Welch (Virtual Attendance) representing Otter Creek Co-operative Homes Inc.
Re: Planning and Development (Planning Services) Department Report, PDP 41-22
Zoning By-law Amendment Application, Otter Creek Co-Operative Homes Inc., Land between 835 McQuay Boulevard and 855 McQuay Boulevard File Number: DEV-29-21 (Z-19-21)

Refer to Item 4.6, PDP 41-22

Stacey Leadbetter, representing Otter Creek Co-operative Homes Inc., stated that the Site Plan Application has been submitted to the Town.

Ms. Leadbetter advised that she was available to answer questions regarding the project or the Staff report.

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

- the urgency of the project and the importance of the project to the community; and,
- the timeline for available market rate and/or rent-geared-to-income housing at Otter Creek Co-operative Homes.

It was the consensus of the Committee to hear Item 4.6, PDP 41-22, at this time.

3. Correspondence

3.1 Memorandum from P. Angelo, Director, Engineering and H. Moreno, Manager, Operations dated June 1, 2022 regarding the Williamsburg Storm Water Management Facility Feasibility Assessment

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

- whether the Williamsburg Storm Water Management Facility was the only dry storm water management pond that has been functioning as a wet storm water management pond;
- confirmation that repairing/correcting the valve would not permit an increase in a higher level of water and that it would only allow the pond to function as a dry pond;
- maintaining a higher water level until the study or bypass was complete, and the risk to the Town associated with maintaining a higher water level in the pond;
- the opportunity to increase the water level in the pond after flushing the sewer lines and correcting the deficient relief valve in the interim until it was determined whether to redesign the pond from a wet to a dry extended detention device;
- whether the pond was functioning as a wet pond and became dry, and the length of time it took for the pond to be in its current state;
- confirmation that the storm water management pond was not functioning at an acceptable level, noting that it has been operating for 20 years;
- whether Staff have received complaints about other dry storm water management ponds;
- whether \$20,000 would cover the cost to obtain a third party review of the feasibility, options and cost to redesign the Storm

Water Management Facility from a dry to a wet storm water management pond;

- whether more options and costing would be available should \$90,000 versus \$20,000 was released;
- the possibility of providing an update to the residents about the options for the pond in September 2022;
- incorporating communications to affected residents about upcoming maintenance as part of the storm water management facility maintenance program;
- the opportunity to amend the conditions on the Certificate of Approval through the Ministry of the Environment, Conservation and Parks (MECP), and whether \$20,000 would cover the cost of amending the certificate;
- whether consultation has taken place with the MECP or the Central Lake Ontario Conservation Authority (CLOCA) with respect to the Williamsburg Storm Water Management Facility;
- consultation with the original engineer and project manager as well as the MECP and the CLOCA;
- the impact on the timeline for Staff to present options should the \$90,000.00 not be released, and the MECP does not permit amending the Certificate of Approval;
- confirmation that the Town could engage consulting engineers on retainer for advice in areas outside the realm of Town Staff expertise as needed; and,
- deferring the matter to the June 20, 2022 Council meeting in order for consultation to take place with MECP and CLOCA.

Recommendation:

Moved By Councillor Leahy

That the Memorandum from P. Angelo, Director, Engineering and H. Moreno, Manager, Operations dated June 1, 2022 regarding the Williamsburg Storm Water Management Facility Feasibility Assessment be received for information.

See following motions

Recommendation:

Moved By Councillor Leahy

That the main motion be amended by including Items 2 and 3 as follows:

2. That Staff be directed to engage a third party engineering firm to an upset cost limit of \$20,000 to provide an overview of the feasibility and options of re-designing the Stormwater Management Facility near Wythe Court and Redvers Street from a 'dry' to a 'wet' extended detention device to provide a greater permanent pool water depth than that of its original approved design condition in 1991; and,
3. That Staff report back to Council on the findings of the third party consultant engineering firm in September, 2022.

See following motion

Recommendation:

Moved By Councillor Yamada

That Item 2 of the amendment be further amended by replacing \$20,000.00 with \$90,000.00.

Note: The disposition of this matter, Item 3.1 was determined through the referral motion below.

Recommendation:

Moved By Councillor Yamada

That consideration of Item 3.1, Memorandum from P. Angelo, Director, Engineering and H. Moreno, Manager, Operations dated June 1, 2022 regarding the Williamsburg Storm Water Management Facility Feasibility Assessment, be referred to the Council meeting on June 20, 2022.

Carried

It was the consensus of the Committee to take a short recess.

The Committee recessed at 8:13 p.m. and reconvened at 8:19 p.m.

It was the consensus of the Committee to hear Item 1.1, Presentation by Susanne MacDonald, Planner, and Paul Lowes, Partner, SGL Planning and Design Inc., at this time.

4. Staff Reports

- 4.1** Planning and Development (Planning Services) Department Report, PDP 36-22
Re: Draft Plan of Subdivision and Zoning By-law Amendment Applications, Brooklin Northeast Developments CR Inc., 400 Columbus Road East, File Numbers: DEV-30-20 (SW-2020-07, Z-15-20)

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

- clarification on the applicant being close to achieving Tier 2 and achieving Tier 3 and 4 for some metrics as it relates to sustainability; and,
- providing information to Council through a memorandum on the metrics and how close the applicant was to achieving Tier 2.

Recommendation:

Moved By Councillor Lee

1. That Council approve the Draft Plan of Subdivision (File Number: SW-2020-07), subject to the comments included in Report PDP 36-22 and the conditions of draft plan approval included in Attachment #11;
2. That Council approve the amendment to Zoning By-law # 1784 (File Number: Z-15-20), as outlined in Report PDP 36-22;
3. That Staff be authorized to prepare a Subdivision Agreement;
4. That the Region of Durham's Commissioner of Planning and Development be advised of Council's decision;
5. That Williams and Stewart Associates Ltd. be appointed as the Control Architect for the Draft Plan of Subdivision;
6. That the Clerk forward a Notice to those parties and agencies that requested to be notified of Council's decision; and,
7. That a By-law to amend Zoning By-law # 1784 be brought forward for consideration by Council.

Carried

It was the consensus of the Committee to hear Item 2.6, Delegation by Rafaeel Chaudhry, at this time.

- 4.2** Planning and Development (Planning Services) Department Report, PDP 37-22
Re: Zoning By-law Amendment Application, S & A Developments Limited, Southeast Corner of Taunton Road East and Sebastian Street, File Number: DEV-04-19 (Z-02-19)

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

- details about stormwater management on the proposed development site;
- concerns related to dust and noise control, and the hours of construction;
- details about the attendance of Staff at the residents property and possible temporary measures to provide relief to the resident related to the catch basin in the back yard; and,
- whether the alteration to the catch basin in the residents back yard and through the development would mean that the resident would no longer have any flooding in the back yard or basement.

Recommendation:

Moved By Councillor Shahid

1. That Council approve the amendment to Zoning By-law # 1784, (File Z-02-19); and,
2. That a by-law to amend Zoning By-law # 1784 be brought forward for consideration by Council.

Carried

It was the consensus of the Committee to hear Item 2.9, Delegation By Usman Randhawa, at this time.

4.3 Planning and Development (Planning Services) Department Report, PDP 38-22
Re: Whitby Mature Neighbourhoods Study – Recommendation Report

Recommendation:

Moved By Councillor Mulcahy

1. That the “Whitby Mature Neighbourhoods, Recommendation Report” (January 2022) be received for information; and,
2. That Council direct staff to proceed with hosting a Public Meeting in relation to the proposed Whitby Mature Neighbourhoods Official Plan and Zoning By-law Amendments outlined in the Recommendation Report.

Carried

It was the consensus of the Committee to hear Item 2.10, Delegation by Kevin Persaud representing Brookfield Residential, at this time.

4.4 Planning and Development (Planning Services) Department Report, PDP 39-22

Re: Official Plan Amendment, Draft Plan of Subdivision, and Zoning By-law Amendment Applications, Brookfield Residential, 100 Garden Street and 604 Dundas Street East, File Numbers: DEV-26-21 (OPA-2021-W/08, SW-2021-09, Z-16-21)

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

- the concerns raised in the correspondence submitted by Petrus Development Corporation regarding the issue of a blocked access at 126 Garden Street and how it would be addressed;
- confirmation on the first step regarding the proposal to remove 126 Garden Street and the portion of the Brookfield property immediately to the north of 126 Garden Street from the floodplain would be to obtain approval from the Central Lake Ontario Conservation Authority (CLOCA), and whether approval of the proposed development would prevent a cut and fill elsewhere should CLOCA endorse the proposal to change the floodplain;
- clarification on development opportunities at 126 Garden Street; and,
- clarification on the access/exit on Mary Street to the proposed development.

Recommendation:

Moved By Councillor Roy

1. That Council approve Official Plan Amendment Number 127 to the Whitby Official Plan (OPA-2021-W/08), as shown on Attachment #10, and that a by-law to adopt Official Plan Amendment Number 127 be brought forward for consideration by Council;
2. That the Clerk forward a copy of the Report PDP 39-22, two (2) copies of the adopted Amendment, and a copy of the By-law to Adopt Amendment Number 127 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-2021-09), subject to the comments included in Report PDP

39-22 and the conditions of draft plan approval included in Attachment #14;

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-16-21), as outlined in Report PDP 39-22; and,
7. That a by-law to amend Zoning By-law # 2585 be brought forward for consideration by Council.

Carried

It was the consensus of the Committee to hear Item 2.12, Harrison Schaeffer, at this time

- 4.5** Planning and Development (Planning Services) Department Report, PDP 40-22
Re: Official Plan Amendment and Zoning By-law Amendment
Applications, 67 Harbourside Drive, File Number: DEV 28-19 (OPA-2019-W/04, Z-18-19)

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

- the rationale and details related to the 2002 Notice of Intention to Designate various buildings on the former Whitby Psychiatric Hospital Site under Part IV of the Ontario Heritage Act and the recommendation 20 years later to withdraw the Notice of Intention to Designate;
- the rationale for not responding to residents' inquiries related the Doctor's House;
- whether the 2006 Subdivision Agreement included a provision for indexation related to the amount of the Letter of Credit and/or the cost of restoration work on the Doctor's House;
- whether a legal opinion has been received about the proposed withdrawal of the Notice of Intention to Designate and the issuance of a new Notice of Intention to Designate the property at 67 Harbourside Drive;
- deferring the report to Council to provide the Heritage Whitby Advisory Committee an opportunity to review the Staff report prior to a decision being made by Council;
- whether the Heritage Whitby Advisory Committee would be consulted on the salvage plan, and the commemorative garden should the report be deferred to Council; and,

- assurances that the commemoration would be undertaken should there not be any input from the Heritage Whitby Advisory Committee into the process at this point in time.

It was the consensus of the Committee to consider Item 4.5, PDP 40-22 following a closed session in order to receive advice subject to solicitor client privilege (Item 11.1) later in the meeting.

- 4.6** Planning and Development (Planning Services) Department Report, PDP 41-22
Re: DEV-29-21: Zoning By-law Amendment Application Z19-21, Otter Creek Co-Operative Homes Inc., Land between 835 McQuay Boulevard and 855 McQuay Boulevard

Recommendation:

Moved By Councillor Mulcahy

1. That Council approve an Amendment to Zoning By-law # 1784 (File DEV-29-21; Z-19-21) to permit the proposed affordable housing development on the subject land; and,
2. That the Zoning By-law Amendment be brought forward for consideration by Council.

Carried

The consensus of the Committee was to hear Item 2.5, Lynn Collins representing Candevcon East Limited on Behalf of Brooklin Northeast Developments CR Inc., at this time.

5. New and Unfinished Business - Planning and Development

5.1 New and Unfinished Business - Planning and Development

There was no new and unfinished business.

General Government

Councillor Lee assumed the Chair.

6. Presentations

6.1 There were no presentations.

7. Delegations

7.1 There were no delegations.

8. Correspondence

8.1 There was no correspondence.

8.2 Memorandum from C. Chrus, Manager, Creative Communities, dated June 6, 2022 regarding Brooklin Downtown Development Steering Committee's 2021 Annual Report

Recommendation:

Moved By Councillor Roy

That the Brooklin Downtown Development Steering Committee's 2021 Annual report be received for information.

Carried

8.3 Memorandum from C. Chrus, Manager, Creative Communities, dated June 6, 2022 regarding Downtown Whitby Development Steering Committee's 2021 Annual Report

Recommendation:

Moved By Councillor Leahy

That the Downtown Whitby Development Steering Committee's 2021 Annual Report be received for information.

Carried

9. Staff Reports

9.1 Office of the Chief Administrative Officer Report, CAO 14-22
Re: Economic Development Semi-Annual Report

Recommendation:

Moved By Councillor Mulcahy

That Report CAO 14-22 be received for information.

Carried

9.2 Fire and Emergency Services (Operational Services) Department
Report, FOS(OS) 02-22
Re: Urban Forestry Update – Spring 2022

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

- whether there was an update regarding the storm event that took place on May 20, 2022; and,
- measures undertaken to address surface roots impacting or causing damage to residential lawns or driveways.

Recommendation:

Moved By Councillor Roy

That Report FOS(OS) 02-22 be received as information.

Carried

10. New and Unfinished Business - General Government

10.1 New and Unfinished Business - General Government

There was no new and unfinished business.

Recommendation:

Moved By Councillor Shahid

That the Committee move into closed session in accordance with Procedural By-law # 7462-18, Closed Meeting Policy G 040, and the Municipal Act, Section 239 (2) (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Carried

11. Closed Session

11.1 Advice that is subject to solicitor-client privilege pertaining to Planning and Development (Planning Services) Department Report, PDP 40-22

This portion of the meeting was closed to the public. [Refer to the In Camera minutes of the meeting - Town Clerk has control and custody.]

12. Rising and Reporting

12.1 Motion to Rise

Recommendation:

Moved By Councillor Leahy

That the Committee rise from the closed portion of the Committee of the Whole meeting

Carried

12.2 Reporting Out

Councillor Newman advised that during the closed portion of the meeting, Committee received advice subject to solicitor-client privilege.

Recommendation:

Moved By Councillor Shahid

1. That the Request for Removal of a Non-Designated Heritage Property from the Municipal Heritage Register be refused;
2. That Council withdraw its previous 2002 Notice of Intention to Designate various buildings on the former Whitby Psychiatric Hospital Site;
3. That Council authorize the Commissioner of Planning and Development to issue a new Notice of Intention to Designate the property at 67 Harbourside Drive as having historical and associative value, as outlined in Section 4.1 of Report PDP 40-22;
4. That the owner/transferee be required to execute the necessary agreements as outlined in Report PDP 40-22 and Attachment #11 of Report PDP 40-22, at the owner's/transferee's expense;
5. That the Municipal Heritage Register be updated accordingly as necessary to reflect Council's decision;

6. That Council approve Official Plan Amendment Number 128 to Town of Whitby Official Plan (File Number: OPA-2019-W/04), with modifications as recommended by staff and as shown on Attachment #7;
7. That a by-law to adopt Official Plan Amendment Number 128 be brought forward for consideration by Council at such time that the owner/transferee has executed the necessary agreements to implement the privately owned, publicly accessible open space commemorative garden, including the requirements as outlined in in Report PDP 40-22 and Attachment #11 of Report PDP 40-22;
8. That Council approve an amendment to Zoning By-law # 2585 as outlined in Report PDP 40-22 (File Number: Z-18-19);
9. That a by-law to amend Zoning By-law # 2585 be brought forward for the consideration of Council at such time that the owner/transferee has executed the necessary agreements to implement the privately owned, publicly accessible open space commemorative garden, including the requirements as outlined in Report PDP 40-22 and Attachment #11 of Report PDP 40-22;
10. That the Letter of Credit held by the Town for the heritage preservation of the "Doctor's House" in the amount of \$200,000 be withdrawn and used for contributions towards heritage resources elsewhere within the Town of Whitby;
11. That the Clerk forward a Notice to those parties and agencies who requested to be notified of Council's decision; and,
12. That the Clerk forward a copy of Report PDP 40-22, two (2) copies of the adopted Official Plan Amendment, and a copy of the by-law to adopt Amendment Number 128 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development.

Note: The disposition of this matter, Item 4.5, was determined through the referral motion below.

Recommendation:

Moved By Councillor Leahy

That consideration of Staff Report, PDP 40-22, Official Plan Amendment and Zoning By-law Amendment Applications, 67 Harbourside Drive, be referred to the Council meeting on June 20, 2022.

Carried

Adjournment

Motion to Adjourn

Recommendation:

Moved By Councillor Yamada

That the meeting adjourn.

Carried

The meeting adjourned at 11:03 p.m.