

Present: Mayor Mitchell (Participating electronically)
Councillor Drumm (Participating electronically)
Councillor Leahy (Participating electronically)
Councillor Lee (Participating electronically)
Councillor Mulcahy (Participating electronically)
Councillor Newman (Participating electronically)
Councillor Roy (Participating electronically)
Councillor Shahid (Participating electronically)
Councillor Yamada (Participating electronically)

Also Present: M. Gaskell, Chief Administrative Officer
S. Beale, Commissioner of Public Works
S. Klein, Director of Strategic Initiatives
W. Mar, Commissioner of Legal and Enforcement Services/Town Solicitor
J. Romano, Commissioner of Community Services
R. Saunders, Commissioner of Planning and Development
F. Wong, Commissioner of Financial Services/Treasurer
M. Powers, Sr. Manager, Parks, Parks Planning & Culture
C. Harris, Town Clerk
K. Douglas, Legislative Specialist (Recording Secretary)

Regrets: None noted

1. Declarations of Pecuniary Interest

1.1 There were no declarations of pecuniary interest.

2. Delegations

2.1 Peter Gregor, Vice President of Development, and Angela Mariani, Development Planner, Wellings of Whitby Inc.
Re: Alternative Cash-in-Lieu of Parkland Dedication Rates for Downtown Whitby and High Density Residential Development

Refer to Item 3.1, CMS 05-21

Peter Gregor, Vice President of Development, and Angela Mariani,

Development Planner, Wellings of Whitby Inc. appeared before Council and provided an overview of the proposed Wellings of Whitby seniors' residence development. Mr. Gregor explained that the alternate residential Cash-In-Lieu of Parkland (CILP) dedication rate of 35 percent of the land proposed to be developed will impact rental affordability for future tenants. Mr. Gregor requested that Council instruct Staff to continue using the CILP dedication rate of five percent, or that the decision to increase this rate be deferred for 60 to 90 days to allow for additional consultation with Staff.

A question and answer period ensued between Members of Council and Mr. Gregor regarding:

- whether Wellings of Whitby Inc. has consulted with Staff regarding the proposed high density residential CILP dedication rate;
- whether Wellings of Whitby Inc. will offset the proposed high density CILP rate increase by increasing rent for future tenants;
- the rental rates for units in the proposed development;
- the developer's preferred high density CILP dedication rate;
- the approximate cost imposed on each residential unit as a result of the proposed CILP rate;
- whether mixed-income seniors may reside in the proposed development;
- whether units accommodate individuals with accessibility needs; and,
- the number of dwelling units in the proposed development.

3. Items for Consideration

3.1 Community Services Department, Financial Services Department, Planning and Development Department, and Legal and Enforcement Services Department Joint Report, CMS 05-21

Re: Alternative Cash-in-Lieu of Parkland Dedication Rates for Downtown Whitby and High Density Residential Development

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

- the proposed Cash-in-Lieu of Parkland (CILP) dedication rate imposed on the Wellings of Whitby Ltd. development and how it compares to the amount imposed on large subdivision developments;
- whether Staff considered a lower CILP dedication rate;
- the calculations used to establish the recommended cap as an interim measure that will be implemented for qualifying high density residential developments;

- whether Wellings of Whitby Ltd. was aware of the CILP dedication rate calculated at the time the development proposal was submitted to the Town;
- whether reducing the CILP dedication rate would increase the burden on taxpayers;
- how costs relating to parkland have changed over the past five years;
- clarification regarding the Town of Newmarket's CILP cap rate of 50% of the property appraisal for high density residential;
- how an amendment to the proposed CILP rate increase may impact other development applications;
- whether the Town may consider implementing a CILP rate range rather than a set rate;
- whether Wellings of Whitby Ltd. provided their own property appraisal for the development, and how a lower appraisal may affect the CILP rate calculation;
- clarification regarding the appropriate application of a five percent CILP rate;
- how high-density blocks within a large subdivision development would be valued to address parkland needs;
- whether Wellings of Whitby Ltd. has time to submit a new property appraisal;
- the Town's methodology used to ensure real estate values and appraisals are accurate;
- the types of dwellings that do not include a kitchen, and how kitchens in units impacts the CILP calculation;
- the goal of the Town-wide Parkland Needs/Dedication Study;
- clarification regarding the appeal process for any new CILP by-law, and whether a retroactive CILP by-law may be implemented; and,
- the length of time this CILP cap will remain in effect as an interim measure.

Moved By Councillor Yamada
Seconded By Councillor Leahy

1. That Council adopt the proposed residential Cash-In-Lieu of Parkland dedication rate of 5% of the value of the land proposed to be developed within the Historic Downtown Whitby Priority Area of the Downtown Whitby Community Improvement Plan; and
2. That Council adopt the proposed alternate residential Cash-In-Lieu of Parkland dedication rate of the lesser of 1 hectare for every 500 units or 35% of the land proposed to be developed for

Town-wide High Density Residential Developments (excluding residential developments in the Historic Downtown Whitby Priority Area) that meet the eligibility requirements outlined within Report CMS 05-21; and

3. That an Alternate Cash-In-Lieu of Parkland Dedication By-law be brought forward for Council's approval that addresses the Historic Downtown Whitby Priority Area and other High Density Residential Areas within the Town; and
4. That staff be directed to undertake the larger Town-wide Parkland Needs/Dedication Study as identified within the 2021 Capital Budget having regard for community and development industry engagement throughout the Study process.

Carried later in the meeting [See following motions]

Moved By Councillor Yamada
Seconded By Councillor Leahy

That Item 2 of the main motion be amended by striking "35%" and replacing with "50%".

Motion lost on a recorded vote as follows:

	For	Against	Abstained
Councillor Drumm		x	
Councillor Leahy	x		
Councillor Lee		x	
Councillor Mulcahy		x	
Councillor Newman		x	
Councillor Roy		x	
Councillor Shahid		x	
Councillor Yamada	x		
Mayor Mitchell		x	
	2	7	0

Resolution # 78-21

Moved By Councillor Yamada
Seconded By Councillor Leahy

1. That Council adopt the proposed residential Cash-In-Lieu of Parkland dedication rate of 5% of the value of the land proposed

- to be developed within the Historic Downtown Whitby Priority Area of the Downtown Whitby Community Improvement Plan; and
2. That Council adopt the proposed alternate residential Cash-In-Lieu of Parkland dedication rate of the lesser of 1 hectare for every 500 units or 35% of the land proposed to be developed for Town-wide High Density Residential Developments (excluding residential developments in the Historic Downtown Whitby Priority Area) that meet the eligibility requirements outlined within Report CMS 05-21; and
 3. That an Alternate Cash-In-Lieu of Parkland Dedication By-law be brought forward for Council's approval that addresses the Historic Downtown Whitby Priority Area and other High Density Residential Areas within the Town; and
 4. That staff be directed to undertake the larger Town-wide Parkland Needs/Dedication Study as identified within the 2021 Capital Budget having regard for community and development industry engagement throughout the Study process.

Carried unanimously on a recorded vote as follows:

	For	Against	Abstained
Councillor Drumm	x		
Councillor Leahy	x		
Councillor Lee	x		
Councillor Mulcahy	x		
Councillor Newman	x		
Councillor Roy	x		
Councillor Shahid	x		
Councillor Yamada	x		
Mayor Mitchell	x		
	9	0	0

4. By-Laws
That the following by-laws be passed:

- 4.1 By-law # 7732-21, being a by-law to adopt Amendment Number 120 to the Official Plan of the Town of Whitby.

Refer to PL 07-21, Official Plan and Zoning By-law Amendment Applications – N. E. Corner of Garrard Road and Conlin Road - Garrard Limited Partnership, File # DEV-22-20 (OPA-2020-W/04, Z-13-20)

- 4.2** By-law # 7733-21, being a by-law to require the conveyance of land or the payment of cash-in-lieu thereof for park or other public recreational purposes as a condition of the development or redevelopment of land.

Refer to CMS 05-21, Alternative Cash-in-Lieu of Parkland Dedication Rates for Downtown Whitby and High Density Residential Development

Resolution # 79-21

Moved By Councillor Leahy
Seconded By Councillor Drumm

That leave be granted to introduce By-laws # 7732-21 and # 7733-21 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

Moved By Councillor Newman
Seconded By Councillor Leahy

That Council suspend the rules of procedure to allow the introduction of a motion regarding Metrolinx BRT Consultation.

Carried on a Two-Thirds Vote

5. New and Unfinished Business

5.1 Metrolinx BRT Consultation

Councillor Newman introduced a motion regarding Metrolinx BRT Consultation.

Discussion ensued between Members of Council and Staff regarding:

- the need for Council to thoroughly discuss their concerns with the Metrolinx BRT proposal;
- ensuring broad and transparent consultation between Metrolinx, Staff, residents, businesses, and other stakeholders;
- the impact of COVID-19 on the Metrolinx BRT consultation efforts;
- the importance of preserving a cohesive downtown;
- the community's desire for broader and more transparent consultation with Metrolinx;

- the evolving and long-term issues related to the Metrolinx BRT proposal;
- Metrolinx's authority to make decisions on the BRT design;
- ensuring the concerns of residents are addressed;
- the timeline for Staff to work with Metrolinx to identify opportunities for additional consultation;
- how the BRT project will impact the Town's future from a transportation, business, and broader community perspective; and,
- concerns regarding the BRT proposal, such as how it will impact Mary Street.

Moved By Councillor Newman
Seconded By Mayor Mitchell

Whereas the Metrolinx BRT project runs from Oshawa to Scarborough;

And Whereas the Metrolinx BRT consultation on the Whitby portion has been complicated by the pandemic and the need for virtual communications;

And Whereas the BRT proposal runs on Dundas Street through Historic Downtown Whitby which our Culture Plan identifies as a cultural hub;

And Whereas the pinch point through Historic Downtown Whitby is the narrowest along the entire project;

And Whereas concerns continue to be raised about the impacts of the BRT proposal on businesses along Dundas Street and on residents in the adjacent neighbourhoods;

And Whereas Whitby Council supports a broad and effective public consultation as essential to the best possible evidence based solution;

Now Therefore be it Resolved:

That Staff be directed to report back on ways to support the Metrolinx consultation process to ensure the broadest possible engagement with all residents, businesses and stakeholders across the Town of Whitby.

Carried later in the meeting [See following motions]

Moved By Councillor Drumm

Seconded By Councillor Roy

That the motion regarding the Metrolinx BRT Consultation be postponed to a future Special Council meeting.

Lost on a recorded vote as follows:

	For	Against	Abstained
Councillor Drumm	x		
Councillor Leahy		x	
Councillor Lee		x	
Councillor Mulcahy		x	
Councillor Newman		x	
Councillor Roy	x		
Councillor Shahid	x		
Councillor Yamada		x	
Mayor Mitchell		x	
	3	6	0

Resolution # 80-21

Moved By Councillor Drumm
Seconded By Mayor Mitchell

Whereas the Metrolinx BRT project runs from Oshawa to Scarborough;

And Whereas the Metrolinx BRT consultation on the Whitby portion has been complicated by the pandemic and the need for virtual communications;

And Whereas the BRT proposal runs on Dundas Street through Historic Downtown Whitby which our Culture Plan identifies as a cultural hub;

And Whereas the pinch point through Historic Downtown Whitby is the narrowest along the entire project;

And Whereas concerns continue to be raised about the impacts of the BRT proposal on businesses along Dundas Street and on residents in the adjacent neighbourhoods;

And Whereas Whitby Council supports a broad and effective public consultation as essential to the best possible evidence based solution;

Now Therefore be it Resolved:

That Staff be directed to report back on ways to support the Metrolinx consultation process to ensure the broadest possible engagement with all residents, businesses and stakeholders across the Town of Whitby.

Carried unanimously on a recorded vote as follows:

	For	Against	Abstained
Councillor Drumm	x		
Councillor Leahy	x		
Councillor Lee	x		
Councillor Mulcahy	x		
Councillor Newman	x		
Councillor Roy	x		
Councillor Shahid	x		
Councillor Yamada	x		
Mayor Mitchell	x		
	9	0	0

6. Confirmatory By-law

6.1 Confirmatory By-law

Resolution # 81-21

Moved By Councillor Leahy
Seconded By Councillor Yamada

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 March 29, 2021 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

7. Adjournment

7.1 Motion to Adjourn

Moved By Councillor Leahy
Seconded By Councillor Yamada

That the meeting adjourn.

Carried

The meeting adjourned at 7:04 p.m.

Christopher Harris, Town Clerk

Don Mitchell, Mayor