

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 By-law Services/Town Solicitor
K. Nix, Commissioner of Corporate Services/Treasurer
J. Romano, Acting Commissioner of Community Services
R. Saunders, Commissioner of Planning and Development
S. Klein, Director of Strategic Initiatives
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 There were no presentations.

2. Delegations

2.1 Eldon Theodore representing Sabrina Homes Inc.

Re: Planning and Development Department Report, PL 81-19
DEV-11-18, Draft Plan of Subdivision Application SW-2018-05 and
Zoning By-law Amendment Application Z-22-18, Sabrina Homes Inc.,
400 and 414 Mary Street East and Vacant Land at Hickory Street North

Eldon Theodore, representing Sabrina Homes Inc., appeared before the Committee and provided a PowerPoint presentation which included a brief overview of the original proposal. He advised that changes to the proposed development included revising the orientation of the units to face Mary Street to achieve a greater street presence, the reduction of units from 40 to 38, the simplification and widening of the driveways to have one east/west and one north/south connection through the development as well as a reduction in the number of resident parking spaces from 50 to 48. He further advised that a number of changes to the building elevations were made to echo the heritage attributes of the property, noting that the Whitby Heritage Committee approved the de-listing of the heritage building on the property based on the changes made to the proposal. He stated that the changes in elevations emulated some of the elements of the existing rail building such as the parapets, the rounded windows, the covered entrances, and the architectural moldings. Mr. Theodore highlighted a number of heritage elements that would be included with the development, including a decorative pattern on the interior street that would outline the footprint of the former building, a rail inspired entrance, and a plaque to commemorate the heritage building. He stated that the redesign of the proposal was to ensure that there was an integrated design with the surrounding area. He advised that there were existing 3, 4 and 6-storey dwellings in the area, noting that the proposed 4-storey townhouses would use a transitional built form from all surrounding properties. Mr. Theodore further advised that the reorientation of the building would ensure that there would be room between the building and the building to the east. In addition, other elements including fencing and landscaping would buffer the development from neighbouring properties.

2.2 Kirk LeReverend

Re: Planning and Development Department Report, PL 81-19

DEV-11-18, Draft Plan of Subdivision Application SW-2018-05 and Zoning By-law Amendment Application Z-22-18, Sabrina Homes Inc., 400 and 414 Mary Street East and Vacant Land at Hickory Street North

Kirk LeReverend, 61 Matthewson Place, appeared before the Committee and stated that some of the concerns raised by residents had been addressed in the report. He raised concerns regarding the contaminated soil on the subject property and the potential for migration of contamination onto 420 Mary Street. He inquired whether consideration had been given to carry out environmental testing on any of the adjacent properties. He advised that the residence located at 420 Mary Street was approximately 150 years old and raised concerns about damage to the structure of the house due to the vibration that would be created during construction. He further inquired whether a building condition report would be conducted pre-construction and post-construction.

2.3 Susan Farrugia

Re: Planning and Development Department Report, PL 81-19
DEV-11-18, Draft Plan of Subdivision Application SW-2018-05 and Zoning By-law Amendment Application Z-22-18, Sabrina Homes Inc., 400 and 414 Mary Street East and Vacant Land at Hickory Street North

Susan Farrugia, 73 St. Thomas Street, appeared before the Committee and advised that she was the owner of the property located at 420 Mary Street. She raised concerns regarding potential damage that may be sustained to the structure of the building during construction of the proposed development, and the migration of soil contamination from the subject property. She inquired about the portion of Mary Street that would be widened.

2.4 Sabrina Farrugia

Re: Planning and Development Department Report, PL 81-19
DEV-11-18, Draft Plan of Subdivision Application SW-2018-05 and Zoning By-law Amendment Application Z-22-18, Sabrina Homes Inc., 400 and 414 Mary Street East and Vacant Land at Hickory Street North

Sabrina Farrugia, 420 Mary Street East, appeared before the Committee and raised concerns regarding traffic safety, parking, personal safety and lack of privacy due to the proposed development. She advised that the traffic entering and exiting the proposed development would create a lot of traffic in front of her driveway. She further advised that her children cross Pine Street in order to get to their school bus and that the increased vehicles would create a safety concern. She inquired about the widening on Mary Street. Ms. Farrugia commented on her family's

use of outdoor space on the property and raised concerns regarding the four-storey units infringing upon their privacy. She further inquired about the trees that would be preserved, noting that there were 3 black walnut trees on the property that were approximately 150 years old and provide homes for wildlife. Ms. Farrugia requested that a shadow study be undertaken on her property as the lack of sunlight would impact her heating bills, gardens and the personal enjoyment of her property. She commented that the entire block should be developed as opposed to a portion of the block, noting that a fair offer to sell should have been made to the owner of the property prior to planning the development. Ms. Farrugia raised further concerns regarding the noise, dust, and the disruption of daily living that would occur due to the proposed development. She stated that she supported improvement and growth in Whitby, but that long term residents in the area were disregarded during the planning of this proposed development.

The Chair encouraged the delegates to reach out to Planning and Development Staff to obtain answers to their questions, and she requested that the proponent consult with residents with respect to the impact of construction on neighbouring homes.

3. Correspondence

3.1 There was no correspondence.

4. Staff Reports

4.1 Planning and Development Department Report, PL 81-19
Re: DEV-11-18: Draft Plan of Subdivision Application SW-2018-05 and Zoning By-law Amendment Application Z-22-18, Sabrina Homes Inc., 400 and 414 Mary Street East and Vacant Land at Hickory Street North

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

- mitigation of the contaminated soil on the subject property and adjacent properties;
- protection of privacy of the neighbours through landscaping and fencing;
- whether there were other four-storey townhouses located in Whitby;
- clarification on the widening of Mary Street;
- the possibility of on-street parking, and parking enforcement on Mary Street;
- the number of trees that would be retained, and the impact the loss of trees would have on 420 Mary Street;

- the requirements for a traffic study and whether a traffic study had been undertaken;
- the impact the vibration from construction would have on adjacent properties, and whether a building condition study or analysis would take place prior to and after construction to monitor changes to existing buildings; and,
- whether a shadow study was required and whether such a study had been undertaken.

Recommendation:

Moved By Councillor Leahy

1. That Council approve the Draft Plan of Subdivision (File SW-2018-05) subject to the comments included in Planning Report PL 81-19 and the conditions of draft plan approval included in Attachment #11;
2. That Staff be authorized to prepare a Subdivision Agreement;
3. That the Region of Durham Commissioner of Planning and Economic Development be advised of Council's decision;
4. That the Clerk forward a Notice to those parties and agencies who requested to be notified of Council's decision;
5. That Council approve an amendment to Zoning By-law 2585, (File Z-22-18) as outlined in Planning Report No. PL 81-19; and,
6. That a By-law to amend Zoning By-law 2585 be brought forward for consideration by Council.

Carried

- 4.2** Planning and Development Department Report, PL 83-19
Re: Official Plan and Zoning By-law Amendment Applications, 201, 209, and 211 Brock Street South and 208 Green Street, Brookfield Residential (Ontario) Station No. 3 Limited, File No.s DEV-06-19 (OPA-2019-W/01, Z-04-19)

Discussion ensued between Members of Committee and Staff regarding;

- reducing parking from 1.25 spaces to 1.0 spaces per unit and shared parking for visitor and commercial parking;
- whether the recommendation related to addressing parking issues prior to a by-law being presented to Council would increase parking for the development;
- on-site parking in an urban environment undermining the quality of a downtown;

- the possibility of optimizing the current transit system, the provision of shuttles and encouraging a pedestrian friendly downtown;
- clarification on the parking reserve fund and whether funds received from cash-in-lieu of parking could be used for other projects outside the realm of maintaining or constructing parking lots;
- the proposed development attracting people into the downtown and further supporting existing businesses; and, the importance of this development to Downtown Whitby.

S. Beale, Commissioner of Public Works, advised that a memorandum detailing transportation options would be provided to Members of Council prior to the Council meeting on October 28, 2019.

Recommendation:

Moved By Councillor Alexander

1. That Council approve Official Plan Amendment Number 115 to the Whitby Official Plan (File: OPA-2019-W/01), as shown on Attachment #6;
2. That a By-law to adopt Official Plan Amendment Number 115 be brought forward for consideration by Council;
3. That Council approve an amendment to Zoning By-law No. 2585 (File #Z-04-19) as outlined in Report PL 83-19;
4. That a By-law to amend Zoning By-law 2585 be brought forward at such time as issues related to parking have been addressed to the satisfaction of the Public Works Department; and,
5. That the Clerk forward a copy of Planning Report No. PL 83-19, two (2) copies of the adopted Amendment, and a copy of the By-law to adopt Amendment Number 115 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development.

Carried

- 4.3** Planning and Development Department Report, PL 80-19
Re: Sign By-law Variance to Permanent Sign By-law for Whitby Garden Plaza Development Inc. at 220 Taunton Road East (McDonald's) File No. SB-03-19

A brief question and answer period ensued between Members of Committee and Staff regarding the possibility of amending the Permanent Sign By-law to permit certain signs rather than receiving a

number of variance applications.

Recommendation:

Moved By Councillor Newman

That Council approve a variance to the Town of Whitby Permanent Sign By-law 7379-18 for Whitby Garden Plaza Development Inc. (McDonald's) at 220 Taunton Road East, to permit four electronic signs.

Carried

4.4 Planning and Development Department Report, PL 78-19
Re: Renewal of Sewage System Management Agreement with the Region of Durham

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

- whether other municipalities in the Region of Durham have delegated responsibilities related to enforcement matters pertaining to private sewage systems to the Region of Durham; and,
- the rationale for delegating responsibilities to the Region of Durham.

Recommendation:

Moved By Councillor Leahy

1. That Council approve the renewal of an agreement with the Regional Municipality of Durham to delegate responsibilities under the Building Code Act with respect to private sewage systems with capacity of less than 10,000 litres per day; and,
2. That the Mayor and Clerk be authorized to execute the agreement on behalf of the Town of Whitby.

Carried

4.5 Planning and Development Department Report, PL 79-19
Re: Downtown Whitby Secondary Plan Review and Update – Terms of Reference

Discussion ensued between Members of Committee and Staff regarding:

- clarification on the members of the Core Project Team for the Downtown Whitby Secondary Plan review;
- the appropriateness of the consultant providing input on the proposed bus rapid transit route along Dundas Street through the study area, and assurances that the Town's vision would be considered;
- the focus of the review to consider a walkable theme, determining how an urban model would work in Downtown Whitby, and prioritizing the four corners in Downtown Whitby;
- ensuring that the Downtown Secondary Plan would be contemporary and would better address the ongoing transformation of Downtown Whitby;
- opportunities for parkland policies and to determine how an urban park plan would work; and,
- the core message that models should be for cities with populations of 250,000 people, since growth would bring Whitby close to that population in the future.

Recommendation:

Moved By Councillor Newman

That Council authorize staff to issue a Request for Proposal (RFP) in accordance with the Terms of Reference for the Downtown Whitby Secondary Plan Update, as shown on Attachment #1 to this report, and to select a qualified and preferred consultant within the allocated funds of the approved capital budget.

Carried

4.6 Planning and Development Department Report, PL 82-19
Re: Removal of 500 Dundas Street East from the Municipal Heritage Register

Recommendation:

Moved By Councillor Shahid

1. That the property municipally known as 500 Dundas Street East be removed from the Town's Municipal Heritage Register;
2. That a Heritage Documentation Report be prepared prior to demolition and submitted to the Town to be deposited at the Whitby Archives; and,
3. That the final detailed design and wording for the commemoration

element be reviewed by the Heritage Whitby Advisory Committee.

Carried

5. New and Unfinished Business - Planning and Development

5.1 Closure of Colborne Street between Brock and Green Streets

Mayor Mitchell raised the matter of closing Colborne Street between Brock and Green Streets to vehicles when the Brookfield development was occupied in order to create pedestrian friendly space.

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

- providing options related to closing the street to create pedestrian space; and,
- whether public consultation would take place regarding the potential closure.

Recommendation:

Moved By Mayor Mitchell

That Staff report back on the issue of closing Colborne Street between Brock and Green Streets simultaneously with the occupancy of the new Brookfield development to create a pedestrian friendly space.

Carried

General Government

Councillor Yamada assumed the Chair.

6. Delegations

6.1 There were no delegations.

7. Presentations

7.1 There were no presentations.

8. Correspondence

8.1 There were no delegations.

9. Staff Reports

9.1 Office of the Chief Administrative Officer Report, CAO 26-19
Re: Downtown Whitby Action Plan October 2019 Update

Recommendation:

Moved By Councillor Newman

That Report CAO 26-19, Downtown Whitby Action Plan October 2019 Update, be received as information.

Carried

9.2 Office of the Chief Administrative Officer Report, CAO 27-19
Re: Downtown Whitby Community Improvement Plan Grant Program Amendment

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

- whether funds would be reallocated from the parking reserve fund;
- whether the recommendations would preclude the Town from providing financial support to new developments through the Community Improvement Plan Program; and,
- assurances that Council would be alerted to proposals for new developments apart from the annual report.

Recommendation:

Moved By Councillor Leahy

1. That Council receive this report as information related to the uptake of the Downtown Whitby Community Improvement Plan;
2. That Council approve the recommended administrative changes to Appendix C Implementation Guidelines to the Downtown Whitby Community Improvement Plan as outlined in Attachment #4; and,
3. In accordance with the approach outlined in Section 4.4 of this report to reallocate funding towards projects in the Downtown Whitby Historic Priority Area, that staff be directed to transfer the remaining available funds from the Community Improvement Plan

Cash-in-Lieu of Parking incentive program (\$217,500) and partial funds from the Tax Increment Equivalent Grant incentive program (\$250,000), Façade Improvement Grant incentive program (\$100,000) and the Brooklin Community Improvement Plan (\$100,000) to the Development Charge High Density Residential and Residential Mixed Use Development Program for the Historic Downtown Whitby Priority Area for a total of \$667,500.

Carried

10. New and Unfinished Business - General Government

10.1 By-law Provisions to Mitigate the Impact of Dust from Construction Activities

Councillor Lee raised the matter of complaints received from residents regarding dust from construction projects in residential neighbourhoods.

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

- whether the Town has a by-law to enforce dust control measures during the construction of new subdivisions and the process of handling resident complaints;
- the intent of the motion to mitigate dust during landscaping projects in existing developments; and,
- whether using mitigation methods would satisfy the intent of the proposed by-law, and whether enforcement would be a complaint driven process.

Recommendation:

Moved By Councillor Lee

Whereas construction activities involving the grinding, cutting, or breaking of materials such as brick, concrete, and tile create dust that can impact the health and well-being of nearby residents; and,

Whereas the Ministry of Labour has recognized that repeated unprotected exposure to dust in construction areas can create acute health issues for workers; and,

Whereas dust mitigation measures such as wetting the construction material, using a wet saw, using dustless saw technology, tarping or otherwise containing the source of dust, installing wind fencing or a fence filter, or using a vacuum attachment when cutting can reduce the amount of dust created during construction activities;

Now Therefore be it Resolved:

That Council direct staff to report back by Q2 2020 on by-law provisions or a standalone by-law to regulate and mitigate the impact of dust from construction activities.

Carried

10.2 New and Unfinished Business List - Item MD - 3859

Councillor Leahy inquired regarding the status of and progress made with respect to item MD - 3859 regarding alternative options to accommodate parking on Garden Street between Dundas Street East and Burns Street.

S. Beale, Commissioner of Public Works, advised that some work had been completed including a safety analysis. She further advised that a report on this topic was scheduled for May 2020.

10.3 New and Unfinished Business List - Item MD - 4064

Councillor Lee inquired about the status of item MD - 4064 regarding a no parking restriction on Helston Crescent. S. Beale, Commissioner of Public Works, advised that the report back to Council was on schedule.

10.4 Provincial Accessibility Compliance Reports

Councillor Yamada requested that staff provide a memorandum indicating the status of the Town addressing non-compliant accessibility items from the 2017 accessibility compliance report as well as the status of filing the 2019 accessibility compliance report.

Adjournment

Motion to Adjourn

Recommendation:

Moved By Councillor Alexander

That the meeting adjourn.

Carried

The meeting adjourned at 8:32 p.m.

Advisory Committee Minutes – For Information Only

- Accessibility Advisory Committee Minutes - September 3, 2019
- Whitby Sustainability Advisory Committee Minutes - September 4, 2019
- Whitby Diversity and Inclusion Advisory Committee Minutes - September 5, 2019
- Whitby in Bloom Committee Minutes - September 10, 2019
- Heritage Whitby Advisory Committee Minutes - September 10, 2019