



Regular Council Meeting Revised Agenda

Monday, October 7, 2024, 4:30 p.m.

Council Chambers

Whitby Town Hall

This meeting will be available for viewing through the Town's **live stream feed** while the meeting is in progress. Please visit whitby.ca/CouncilCalendar for more information about the live stream and archived videos.

This meeting will be held in a hybrid in-person and virtual format. In accordance with Section 8.1 of Procedure By-law # 8081-24, Members of Council may choose to attend in-person or participate virtually.

Should you wish to provide comments regarding a matter being considered below, please submit written correspondence.

- **To submit written correspondence**, please email your correspondence to the Office of the Town Clerk at clerk@whitby.ca by noon on the day of the meeting. Correspondence must include your full name, address, and the item on the agenda that your correspondence is related to.

Speaking to a matter on a Council agenda is only permitted for matters not previously considered at Committee of the Whole or in limited other circumstances where the effect of a Staff Recommendation was altered at Committee. In these instances, persons wishing to speak may submit a Delegation Request Form online to the Office of the Town Clerk by 8 a.m. on the day of the meeting. Should you be unable to access a computer, please call 905.430.4315 to speak with a Staff Member in the Office of the Town Clerk.

A Revised Agenda may be published on a later date. Late items added or a change to an item will appear with an asterisk beside them.

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

4. Adoption of Minutes

Regular Council - June 24, 2024

Special Council - August 12, 2024

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

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

Recommendation:

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

5. Presentations

5.1 Cynthia Davis, President and CEO, Lakeridge Health
Re: Lakeridge Health Community Update

6. Delegations

*6.1 Gary Dunsmuir, Resident (In-Person Attendance)
Re: Correspondence # 2024-571 received from Mayor Roy, dated September 20, 2024, regarding the Appointment of Deputy Mayor for 2024

Refer to Item 7.2

*6.2 Windhy Susanto, Resident (In-Person Attendance)
Re: Correspondence # 2024-571 received from Mayor Roy, dated September 20, 2024, regarding the Appointment of Deputy Mayor for 2024

Refer to Item 7.2

*6.3 Deborah Schroeder, Resident (In-Person Attendance)
Re: Correspondence # 2024-571 received from Mayor Roy, dated September 20, 2024, regarding the Appointment of Deputy Mayor for 2024

Refer to Item 7.2

*6.4 Denise Boudreau, Resident (Virtual Attendance)
Re: Correspondence # 2024-571 received from Mayor Roy, dated September 20, 2024, regarding the Appointment of Deputy Mayor for 2024

Refer to Item 7.2

7. Correspondence

7.1 Correspondence

That the following request be endorsed:

- World Homeless Day - Flag Raising - October 10, 2024
- World Polio Day - Flag Raising - October 21 to 24, 2024
- World Polio Day - October 24, 2024
- Child Care Worker and Early Childhood Educator Appreciation Day - October 24, 2024

Recommendation:

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

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

Recommendation:

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

8. Committee of the Whole Report - Planning and Development

Planning and Development - September 16 and 23, 2024

8.1 PDP 42-24, Planning and Development (Planning Services) Department Report
Re: Town Initiated Official Plan Review – Background Summary and Preliminary
Engagement Results

Recommendation:

That Report PDP 42-24 be received for information.

8.2 PDP 43-24, Planning and Development (Planning Services) Department Report
Re: DEV-21-24: Draft Plan of Condominium Application CW-2024-04, 10447889
Canada Inc., 400 and 414 Mary Street East

Recommendation:

1. That Council approve the Draft Plan of Condominium (File No. CW-2024- 04) subject to the Conditions of Approval, included in Attachment #4;
2. That the Mayor and Clerk be authorized to execute the Condominium Agreement and any other necessary documents; and,
3. That the Clerk advise the Commissioner of Planning and Economic Development at the Region of Durham, of Council's decision.

- 8.3 PDP 44-24, Planning and Development (Planning Services) Department Report
Re: Sign By-law Variance to Permanent Sign By-law for 100 Rossland Road West
(Whitby Christian Assembly) – SB-01-24

Recommendation:

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

- 8.4 PDP 45-24, Planning and Development (Planning Services) Department Report
Re: Sign By-law Variance to Permanent Sign By-law for 75 Consumers Drive
(Beertown) – SB-02-24

Recommendation:

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

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

Recommendation:

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

- 8.6 PDE 09-24, Planning and Development (Engineering Services) Department Report
Re: Update to Traffic By-law 8059-24, Pedestrian Crossovers

Recommendation:

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

9. Committee of the Whole Report - General Government

General Government - September 16 and 23, 2024

- 9.1 FS 32-24, Financial Services Department Report
Re: Municipal Accommodation Tax Reserve Fund Policy

Recommendation:

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

9.2 FS 39-24, Financial Services Department Report
Re: Public Engagement Feedback for Pioneer Baptist Cemetery Name Change

Recommendation:

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

9.3 CAO 18-24, Office of the Chief Administrative Officer Report
Re: Downtown Whitby Action Plan September 2024 Update

Recommendation:

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

9.4 Solve the Crisis Campaign

Recommendation:

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

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

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

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

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

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

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

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

AND that the province officially makes Homelessness a Health Priority;

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

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

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

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

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

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

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

9.5 Condemn Antisemitic Vandalism

Recommendation:

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

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

Note: This item was referred at Committee.

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

Note: This item was referred at Committee.

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

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

9.9 LS 13-24, Legal and Enforcement Services Department Report
Re: Proposed Amendments to the Noise By-law

Recommendation:

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

9.10 CAO 17-24, Office of the Chief Administrative Officer Report
Re: Sustainable Neighbourhood Action Program Pilot Project - Neighbourhood Selection Report

Recommendation:

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

9.11 CMS 10-24, Community Services Department Report
Re: Gateway Maintenance Program

Recommendation:

1. That Report CMS 10-24 be received for information;
2. That the Town's current level of service as identified as Option 1 in Staff Report CMS 10-24 for the maintenance of fencing, gateway features, decorative fencing and columns be continued; and,
3. That NUB Item GG-0022 "That Staff be directed to report to Council on the implementation of a gateway maintenance program, including additional resources required, to address the repair and rehabilitation of deteriorating gateway signage in subdivisions throughout the Town of Whitby" be removed from the New and Unfinished Business Listing.

9.12 CMS 11-24, Community Services Department Report
Re: 55+ Recreation Advisory Committee Terms of Reference - Revisions

Recommendation:

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

9.13 CLK 07-24, Office of the Town Clerk
Re: 2025 Council, Committee, and Public Meetings Schedule

Recommendation:

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

9.14 FES 04-24, Fire and Emergency Services Department Report
Re: Whitby Fire and Emergency Services - Equipment Standardization

Recommendation:

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

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

11. Notice of Motion

12. New and Unfinished Business

13. By-laws

Recommendation:

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

13.1 By-law # 8110-24

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

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

13.2 By-law # 8111-24

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

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

13.3 By-law # 8112-24

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

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

13.4 By-law # 8113-24

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

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

13.5 By-law # 8114-24

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

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

13.6 By-law # 8115-24

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

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

14. Confirmatory By-law

Recommendation:

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

15. Announcements

16. Adjournment

Recommendation:

That the meeting adjourn.



Regular Council Minutes

June 24, 2024, 5:30 p.m.
Council Chambers
Whitby Town Hall

Present: Mayor Roy
Councillor Bozinovski
Councillor Cardwell
Councillor Leahy
Councillor Lee
Councillor Lundquist (Virtual Attendance)
Councillor Mulcahy
Councillor Shahid
Councillor Yamada (Virtual Attendance, In-Person Attendance at 5:34 p.m.)

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

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

Councillor Lundquist declared a conflict of interest regarding Item 8.1, PDP 25-24, noting that her property was listed on the Municipal Heritage Register. Councillor Lundquist also declared a conflict of interest regarding Item 8.2, PDP 26-24, noting that her parents reside at 300 High Street. Councillor Lundquist did not take part in the discussion or voting regarding these items.

4. Adoption of Minutes

Regular Council - May 27, 2024

Special Council - May 27, 2024 (Confidential Minutes Under Separate Cover)

Special Council - May 29, 2024

Special Council - June 3, 2024

Special Council - June 10, 2024 (Confidential Minutes Under Separate Cover)

Resolution # 120-24

Moved by Councillor Cardwell

Seconded by Councillor Leahy

That the Regular Council Minutes of May 27, 2024 and the Special Council Minutes of May 27, May 29, June 3, and June 10, 2024 be approved.

Carried

5. Presentations

5.1 Communications and Creative Services Division

Recognition: 2024 Canadian Public Relations Society (CPRS) National and Toronto Chapter Awards of Excellence relating to the Whitby Community Strategic Plan

- Best Integrated Communications Plan (Gold)
- Best Publication (Gold)
- Government Relations/Public Affairs Campaign of the Year (Silver)

Mayor Roy attended the dais and was joined by M. Gaskell, CAO and J. Long, Head of Organizational Effectiveness. Members of the Communications and Creative Services Division were welcomed onto the dais and recognized for the Awards of Excellence they received from the Canadian Public Relations Society for their work related to the Whitby Community Strategic Plan.

5.2 Eva Reti, Board Chair, Hospice Whitby - Roger Anderson House (In-Person Attendance)

Re: Hospice Whitby - Roger Anderson House Project Tender and Design Update

Eva Reti, Board Chair, Hospice Whitby - Roger Anderson House provided a presentation regarding the Hospice Whitby - Roger Anderson House project. Highlights of the presentation included:

- the proposed layout of the facility;
- providing private suites and patio areas for patients staying at the hospice;
- dedicated spaces within the facility for visiting family members, including children; and,
- proposed services at the facility aimed at providing patients with as many comforts as possible, including customized meals.

A brief question and answer period ensued between Members of Council and Ms. Reti about the proposed 14-month construction schedule, fundraising efforts to secure the remaining five to six million dollars needed for the facility, and whether the project will remain on budget in consideration of inflationary pressures.

6. Delegations

6.1 Ene Underwood, CEO, Habitat for Humanity GTA (In-Person Attendance)

Re: FS 09-24, Financial Services Department Report
Declare Surplus – Town-owned Lands, at Hickory and Colborne, and at Dunlop and Hickory Street South, for the Purpose of Conveyance to Habitat for Humanity Greater Toronto Area

Refer to Item 12.3, FS 09-24

Ene Underwood, CEO, Habitat for Humanity GTA provided a presentation regarding planned Habitat for Humanity housing projects on lands located on the east side of Hickory Street South between Colborne Street and Dunlop Street and on the south side of Dunlop Street East at the southern extent of Hickory Street South. Highlights of the presentation included:

- the home ownership model provided by Habitat for Humanity which helps to keeps homes affordable from one owner to the next while freeing up rental units;

- an overview of the two project sites including the potential construction of around 40 homes between the sites;
- Habitat for Humanity's commitments related to the project;
- requesting the Town's support to press the Provincial and Federal levels of government to provide HST relief for construction of affordable housing;
- the current funding gap for the project and how HST relief will help close that gap; and,
- upcoming fundraising efforts to support the project.

A question and answer period ensued between Members of Council and Ms. Underwood regarding:

- working with the Provincial and Federal levels of government to seek HST relief for construction of affordable housing;
- confirmation that Habitat for Humanity is agreeable to both financial and in-kind donations, including supplies and services;
- how volunteers help support Habitat for Humanity projects; and,
- details about a partnership between Tribute Homes and Habitat for Humanity for the future development of 1636 Charles Street.

It was the consensus of Council to consider Item 12.3, FS 09-24, at this time.

7. Correspondence

7.1 Correspondence

That the following request be endorsed:

- National Coaches Week - September 16 to 24, 2024

Resolution # 121-24

Moved by Councillor Bozinovski

Seconded by Councillor Shahid

That the proclamation for National Coaches Week be endorsed.

Carried

8. Committee of the Whole Report - Planning and Development

Planning and Development - June 3 and June 10, 2024

8.1 PDP 25-24, Planning and Development (Planning Services) Department Report

Re: Review of the Municipal Heritage Register

Having previously declared a conflict of interest, Councillor Lundquist did not take part in the discussion or voting regarding this item.

Moved by Councillor Bozinovski

Seconded by Councillor Leahy

1. That:

- a. Council authorize staff to undertake Cultural Heritage Evaluation Reports and issue Notices of Intention to Designate under Section 29 of the Ontario Heritage Act, for properties that LHC Heritage Planning & Archaeology Inc. has recommended as priority candidate properties for designation, where the owner is amenable to designation; and,
- b. After the 30-day Objection period has passed per Section 29 (6) of the Ontario Heritage Act, Council consider passing a by-law designating the properties referred to in Recommendation 1(a), under Part IV, Section 29 of the Ontario Heritage Act;

2. That:

- a. Council authorize staff to undertake a Cultural Heritage Evaluation Report, for properties that LHC Heritage Planning & Archaeology Inc. has recommended as priority candidate properties for designation, where staff remain in discussions with the owner, or the owner has not yet responded, and the property meets three or more criteria for designation Ontario Regulation 9/06;
- b. pending the outcome of the Cultural Heritage Evaluation Reports and further discussions with the owners for properties referred to in Recommendation 2(a), staff report back to Council for a decision to authorize staff to issue Notices of Intention to Designate under Section 29 of the Ontario Heritage Act;

3. That as it relates to the Municipal Heritage Register Review, and where formal opposition has been submitted by the property owner, that Staff do not advance those properties for designation at this time.
4. That, subject to Council approving Recommendation #2 in Staff Report PDP 25-24, capital project # 81237201 - Designations for Municipal Heritage Register be increased by \$45,000 (from \$60,000 to \$105,000), funded from the Long-Term Finance Reserve, to undertake Cultural Heritage Evaluation Reports for the respective properties; and,
5. That Council authorize the immediate removal of all remaining properties from the Municipal Heritage Register prior to December 31, 2024, save and except those that are the subject of on-going development applications, so that they are not subject to a five-year moratorium under Bill 23, the More Homes Built Faster Act (2022), and so that they can be further researched and brought forward for Council's consideration for designation at a later date, where appropriate.

Carried later in the meeting (See following motion)

Moved by Councillor Bozinovski

Seconded by Councillor Leahy

That Item 5 of main motion be deleted.

Carried

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

Resolution # 122-24

Moved by Councillor Bozinovski

Seconded by Councillor Leahy

1. That:
 - a. Council authorize staff to undertake Cultural Heritage Evaluation Reports and issue Notices of Intention to Designate under Section 29 of the Ontario Heritage Act, for properties that LHC Heritage Planning & Archaeology Inc. has recommended as priority candidate properties for designation, where the owner is amenable to designation; and,

- b. After the 30-day Objection period has passed per Section 29 (6) of the Ontario Heritage Act, Council consider passing a by-law designating the properties referred to in Recommendation 1(a), under Part IV, Section 29 of the Ontario Heritage Act;
- 2. That:
 - a. Council authorize staff to undertake a Cultural Heritage Evaluation Report, for properties that LHC Heritage Planning & Archaeology Inc. has recommended as priority candidate properties for designation, where staff remain in discussions with the owner, or the owner has not yet responded, and the property meets three or more criteria for designation Ontario Regulation 9/06;
 - b. pending the outcome of the Cultural Heritage Evaluation Reports and further discussions with the owners for properties referred to in Recommendation 2(a), staff report back to Council for a decision to authorize staff to issue Notices of Intention to Designate under Section 29 of the Ontario Heritage Act;
- 3. That as it relates to the Municipal Heritage Register Review, and where formal opposition has been submitted by the property owner, that Staff do not advance those properties for designation at this time; and,
- 4. That, subject to Council approving Recommendation #2 in Staff Report PDP 25-24, capital project # 81237201 - Designations for Municipal Heritage Register be increased by \$45,000 (from \$60,000 to \$105,000), funded from the Long-Term Finance Reserve, to undertake Cultural Heritage Evaluation Reports for the respective properties.

Carried

8.2 PDP 26-24, Planning and Development (Planning Services) Department Report

Re: 300 High Street – Notice of Intention to Designate Property Under Part IV, Section 29 of the Ontario Heritage Act

Having previously declared a conflict of interest, Councillor Lundquist did not take part in the discussion or voting regarding this item.

Resolution # 123-24

Moved by Councillor Mulcahy

Seconded by Councillor Shahid

1. That Council authorize staff to issue a Notice of Intention to Designate for the property identified as the Ontario County House of Refuge, located at 300 High Street in Whitby, to be published per section 29 (1.1) of the Ontario Heritage Act, R.S.O. 1990 c. O.18, as amended;
2. That, after the 30-day Objection period has passed per Section 29 (6) of the Ontario Heritage Act, Council consider passing a by-law designating the property under Part IV, Section 29 of the Ontario Heritage Act;
3. That, after the passing of the by-law, if no appeals to the Tribunal are received during the 30-day appeal period per Section 29 (12) of the Ontario Heritage Act, and the designation by-law comes into full force and effect under Part IV of the Ontario Heritage Act, that a commemorative plaque be installed in a form and location to the satisfaction of the Commissioner of Planning and Development or designate;
4. That Council mutually agree to the owner's request for an extension of the 90-day deadline under Section 29(8) of the Ontario Heritage Act and Section 2(1) 1. of Ontario Regulation 385/21, for passing the Part IV Heritage Designation By-law for the portion of the property containing the Ontario County House of Refuge, located at 300 High Street in Whitby; and,
5. That the extension outlined in Recommendation 4 be in effect until May 31, 2025.

Carried

8.3 PDP 28-24, Planning and Development (Planning Services) Department Report

Re: Official Plan Amendment, Draft Plan of Subdivision, and Zoning By-law Amendment Applications, Tribute (Charles Street) Limited, 1636 Charles Street, File Numbers: DEV-07-24 (OPA-2024-W/02, SW-2024-01, and Z-03-24)

Resolution # 124-24

Moved by Councillor Mulcahy

Seconded by Councillor Cardwell

1. That Council approve Official Plan Amendment Number 137 to the Whitby Official Plan (OPA-2024-W/02), as shown on Attachment #15, and that a By-law to adopt Official Plan Amendment Number 137 be brought forward for consideration by Council;
2. That the Clerk forward a copy of Report PDP 28-24, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Amendment Number 137 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-2024- 01), subject to the comments included in Report PDP 28-24 and the conditions of draft plan approval included in Attachment #19, save and except that the Subdivider will convey land totaling approximately 2,400 square metres in full satisfaction of any requirements to convey land for park or other public recreational purposes in accordance with the Planning Act. The parcel(s) of land may be encumbered and may be conveyed following registration of the plan of subdivision but no later than prior to registration of the final plan of condominium.
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-03-24), as outlined in Report PDP 28-24; and,
7. That a by-law to amend Zoning By-law # 2585 be brought forward for consideration by Council once site plan approval has been issued.

For

Against

Conflict

Mayor Roy	X		
Councillor Bozinovski		X	
Councillor Cardwell	X		
Councillor Leahy	X		
Councillor Lee	X		
Councillor Lundquist		X	
Councillor Mulcahy	X		
Councillor Shahid	X		
Councillor Yamada	X		
Results	7	2	0

Carried on a Recorded Vote (7 to 2)

8.4 PDP 29-24, Planning and Development (Planning Services) Department Report

Re: Temporary Zoning By-law Amendment, Nordeagle Developments Ltd., File Number: DEV-10-24 (Z-06-24)

Resolution # 125-24

Moved by Councillor Mulcahy
Seconded by Councillor Cardwell

1. That Council approve an amendment to Zoning By-law # 2585 (Z-06-24) as outlined in Report PDP 29-24; and,
2. That a Temporary Zoning By-law Amendment be brought forward for consideration by Council.

Carried

8.5 PDP 30-24, Planning and Development (Planning Services) Department Report

Re: Draft Plan of Condominium Application, Brookfield Residential (Ontario) Station No.3 Limited, 201 Brock Street South, File Number: DEV-12-24 (CW-2024-03)

Resolution # 126-24

Moved by Councillor Mulcahy

Seconded by Councillor Cardwell

1. That Council approve the Draft Plan of Condominium (File Number: CW-2024-03) subject to the comments included in Report PDP 30-24 and the Conditions of Approval, included in Attachment # 4;
2. That the Mayor and Clerk be authorized to execute the Condominium Agreement and any other necessary documents; and,
3. That the Clerk advise the Commissioner of Planning and Economic Development at the Region of Durham, of Council's decision.

Carried

8.6 PDP 31-24, Planning and Development (Planning Services) Department Report

Re: Draft Plan of Subdivision and Zoning By-law Amendment Applications, Brooklin (AD) Limited Partnership, 7362 and 7432 Ashburn Road, File Numbers: DEV-31-21 (SW-2021-12, Z-21-21)

Resolution # 127-24

Moved by Councillor Mulcahy

Seconded by Councillor Cardwell

1. That Council approve the Draft Plan of Subdivision (File Number: SW-2021-12), subject to the comments included in Report PDP 31-24 and the Conditions of Draft Plan Approval included in Attachment # 9;
2. That Staff be authorized to prepare a Subdivision Agreement;
3. That Council approve the amendment to Zoning By-law # 1784, (File Number: Z-21-21), and that a Zoning By-law Amendment be brought forward for consideration by Council;
4. That Williams and Stewart Associates Ltd. be appointed as the Control Architect for the Draft Plan of Subdivision; and,
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.

Carried

8.7 PDP 33-24, Planning and Development (Planning Services) Department Report

Re: Official Plan Amendment and Zoning By-law Amendment Applications, The DK Royal Stars Group Inc., Des Newman Boulevard and Woodrow Court, File Numbers: DEV-09-24 (OPA-2024-W/03, Z-05-24)

Resolution # 128-24

Moved by Councillor Mulcahy

Seconded by Councillor Cardwell

1. That Council approve Amendment Number 136 to the Whitby Official Plan (File Number: OPA-2024-W/03), as shown on Attachment # 8, and that a By-law to adopt Official Plan Amendment Number 136 be brought forward for consideration by Council;
2. That the Clerk forward a copy of Report PDP 33-24, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Amendment Number 136 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development;
3. That Council approve an amendment to Zoning By-law # 1784, (File Number: Z-05-24), as outlined in Report PDP 33-24; and,
4. That the Clerk forward a Notice to those parties and agencies who requested to be notified of Council's decision, including the Region of Durham's Commissioner of Planning and Economic Development.

Carried

8.8 PDE 04-24, Planning and Development (Engineering Services) Department Report

Re: St Thomas Street at Winchester Road Signalization Consideration

A brief question and answer period ensued between Members of Council and Staff about circulating the Staff Report to Regional Council in advance of the Regional Council Meeting on June 26, 2024.

Resolution # 129-24

Moved by Councillor Mulcahy

Seconded by Councillor Cardwell

1. That Council approve traffic signalization of St Thomas Street at Winchester Road, and direct staff to include up to \$150,000 in the property tax-funded 2025 capital budget, per the memorandum from T. Painchaud, Sr. Manager, Transportation Services, dated June 10, 2024 regarding the reduced cost of the traffic signal at St Thomas and Winchester Road, as a pre-approved budget item, considering the Region's requirements for unwarranted traffic control signals;
2. That the operating and maintenance costs related to the signal, in the annual amount of \$8,000, be included in the property tax-funded operating budget, beginning in 2026; and,
3. That Report PDE 04-24 be provided to the Regional Municipality of Durham.

Carried

8.9 PDP 34-24, Planning and Development (Planning Services) Department Report

Re: Zoning By-law Amendment Application, The Baird Team Royal Lepage Baird Real Estate, 55 Garrard Road and Block 33 on Plan 40M-1315, File Number: DEV-08-24 (Z-04-24)

Resolution # 130-24

Moved by Councillor Mulcahy

Seconded by Councillor Cardwell

1. That Council approve an amendment to Zoning By-law # 1784 (Z-04-24) as outlined in Report PDP 34-24; and,
2. That a by-law to amend Zoning By-law # 1784 be brought forward for consideration by Council.

Carried

- 8.10 PDE 03-24, Planning and Development (Engineering Services)
Department Report

Re: Mid-Block Arterial (Phase 2) – Single Source Award Report

Resolution # 131-24

Moved by Councillor Mulcahy

Seconded by Councillor Cardwell

1. That Council authorize staff to move forward with the detail design for Phase 2 of the Mid-Block Arterial (MBA) project, as outlined in Report No. PDE 03-24;
2. That Council authorize the single source award to CIMA+ as the engineering consultant to complete the detail design for Phase 2 of the MBA project in the amount of \$899,560 funded from capital project 40236054; and,
3. That Council authorize the single source award to GHD as the technical reviewer to complete Phase 2 of the MBA project in the amount of \$189,298 funded from capital project 40236054.

Carried

- 8.11 PDE 05-24, Planning and Development (Engineering Services)
Department Report

Re: Update Traffic By-law - No Parking on Hunter Street

Note: This item was deferred at the Committee of the Whole meeting on June 10, 2024 to a future meeting to allow Town Staff and affected residents an opportunity to meet and review.

- 8.12 PDE 06-24, Planning and Development (Engineering Services)
Department Report

Re: Garden Street On-Street Parking Consideration

Note: This item was deferred at the Committee of the Whole meeting on June 10, 2024 to a future meeting to allow Town Staff and affected residents an opportunity to meet and review.

8.13 PDE 07-24, Planning and Development (Engineering Services)
Department Report

Re: Update to Traffic By-law 8059-24 - Stop Control

Resolution # 132-24

Moved by Councillor Mulcahy

Seconded by Councillor Cardwell

1. That Council approve the proposed amendment to the Traffic By-law 8059-24 to incorporate changes to Schedule "N" of the By-law, as identified in Attachment 1;
2. That a by-law to amend By-law 8059-24 be brought forward for the consideration of Council; and,
3. That Item P&D-0018 be removed from the New and Unfinished Business list.

Carried

8.14 PDE 08-24, Planning and Development (Engineering Services)
Department and Financial Services Department Joint Report

Re: Mid-Block Arterial – Phase 3 (Anderson Road to Thornton Road) – Detailed Design

Resolution # 133-24

Moved by Councillor Mulcahy

Seconded by Councillor Cardwell

1. That a new 2024 Capital Budget, in the amount of \$2,250,000 for the Mid-Block Arterial – Phase 3 Detailed Design, be approved and funded \$25,780 from the Growth Capital Reserve Fund, and \$2,224,220 from the Development Charges Roads and Related Town-wide Infrastructure Reserve Fund;
2. That the Anderson Conlin Development Consortium (ACDC) be authorized to proceed with the Mid-Block Arterial Phase 3 Design work based on a commitment that the Town intends to negotiate a reimbursement agreement for the \$2,140,000 of detailed design works;

3. That Council provide the Chief Administrative Officer and Commissioner of Planning and Development delegated authority to enter into a reimbursement agreement with the ACDC for the Mid-Block Arterial Phase 3 Detailed Design works based on the principles outlined in Report PDE 08-24 and subject to terms satisfactory to the Commissioners of Financial Services/Treasurer and Legal and Enforcement Services/Town Solicitor;
4. That no ACDC reimbursements payments are processed by the Town until the reimbursement agreement with the ACDC for the Mid-Block Arterial Phase 3 Detailed Design works is fully executed; and,
5. That staff commence negotiations with ACDC for a future development charge credit and/or reimbursement agreement for the construction of Mid-Block Arterial based on the principles outlined in Report PDE 08-24.

Carried

9. Committee of the Whole Report - General Government

General Government - June 3 and June 10, 2024

- 9.1 Memorandum from C. Chrus, Manager, Creative Communities, dated May 10, 2024 re: 2024 Roebuck Street Road Mural

Resolution # 134-24

Moved by Councillor Lundquist

Seconded by Councillor Lee

That the Memorandum from C. Chrus, Manager, Creative Communities, dated May 10, 2024 re: 2024 Roebuck Street Road Mural be received for information.

Carried

- 9.2 CMS 08-24, Community Services Department Report

Re: Update to the Ice Allocation Policy

Resolution # 135-24

Moved by Councillor Lundquist
Seconded by Councillor Lee

That Council approve the proposed amendments to the Ice Allocation Policy, Policy Number MS 010, Attachment 2 of Report CMS 08-24.

Carried

9.3 CMS 09-24, Community Services Department Report

Re: Accessibility Plan

Resolution # 136-24

Moved by Councillor Lundquist
Seconded by Councillor Lee

1. That Council receive this report as information;
2. That Council adopt the Town's Accessibility Plan 2023-2026 as attached; and,
3. That a copy of the Accessibility Plan 2023-2026 be posted on the Town's website with alternate formats available upon request.

Carried

9.4 FS 11-24, Financial Services Department Report

Re: Building Permit Fees Annual Financial Report 2023

Resolution # 137-24

Moved by Councillor Lundquist
Seconded by Councillor Lee

That Report FS 11-24 on Building Permit Fees Annual Financial Report 2023 be received as information.

Carried

9.5 FS 15-24, Financial Services Department Report

Re: 2023 Year End Operating Budget Variances and Reserve Funds

Resolution # 138-24

Moved by Councillor Lundquist
Seconded by Councillor Lee

1. That Report FS 15-24 regarding 2023 Year End Operating Variances and Reserve Funds be received;
2. That notwithstanding the Disposition of Operating Surplus Policy F 010, the full amount of the 2023 operating surplus, in the amount of \$80,157 be transferred to the Long-Term Finance Reserve; and,
3. That \$100,000 be drawn from the Long-Term Finance Reserve in 2024 to fund an additional one-time payment towards the Town of Whitby's \$250,000 commitment to the Charles H. Best Diabetes Centre's capital campaign.

Carried

9.6 FS 16-24, Financial Services Department Report

Re: Annual Statement of Development Charge and Parkland Dedication Cash-in-Lieu Reserve Funds as of December 31, 2023

Resolution # 139-24

Moved by Councillor Lundquist
Seconded by Councillor Lee

That Report FS 16-24, the Annual Statement of Development Charge and Parkland Dedication Cash-in-Lieu Reserve Funds as of December 31, 2023, be received for information.

Carried

9.7 FS 18-24, Financial Services Department Report

Re: Annual Insured Claims Report

Resolution # 140-24

Moved by Councillor Lundquist
Seconded by Councillor Lee

That Report FS 18-24 regarding Annual Insured Claims be received as information.

Carried

9.8 FS 21-24, Financial Services Department Report

Re: 2025 Budget Schedule and Engagement

A discussion ensued between Members of Council regarding:

- the importance of involving Members of Council in the planning and approval process for the annual budget;
- potential concerns for ratepayers who may feel that their local Member of Council is no longer involved in the budget review and approval process; and,
- the potential benefits of a multi-year budget process.

At this point in the meeting, Mayor Roy requested that Councillor Yamada apologize for a comment made that was deemed to have contravened the decorum provisions in the Town's Procedure By-law. Councillor Yamada indicated that he would not apologize.

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

- concerns about applying the proposed multi-year budget process to the next term of Council;
- confirmation that multi-year budgets are permitted to be between two and five years in length for the purpose of forecasting, however the annual budget continues to require annual approval in accordance with the provisions of the Municipal Act;
- confirmation that Members of Council will continue to have the ability to propose amendments to annual budgets;
- benefits to the multi-year budgeting process, including the ability to align budget forecasts with the Town's Community Strategic Plan;
- timelines for the Mayor to present a budget pursuant to Strong Mayors Powers;
- information about how the 10-year capital forecast is updated on an annual basis; and,

- how the community and Members of Council will be consulted through the development of a budget pursuant to Strong Mayors Powers.

Moved by Councillor Lundquist

Seconded by Councillor Lee

1. That the 2025 to 2027 Multi-year Budget Process, (including incorporation of a budget process under Strong Mayor Powers), Communication and Public Engagement Plan and Budget Calendar outlined in Staff Report FS 21-24 be approved; and,
2. That the reduced timelines, as outlined in Report FS 21-24, for budget amendments and vetoes to the 2025 to 2027 Multi-year budget be approved.

Carried later in the meeting (See following motions)

Moved by Councillor Leahy

Seconded by Councillor Yamada

That the main motion be amended by adding Item 3, as follows:

3. That the Mayor consider bringing forward a multi-year budget that only includes 2025 and 2026 due to 2027 being the first year of a new term of Council.

	For	Against	Conflict
Mayor Roy		X	
Councillor Bozinovski		X	
Councillor Cardwell		X	
Councillor Leahy	X		
Councillor Lee		X	
Councillor Lundquist		X	
Councillor Mulcahy		X	
Councillor Shahid		X	
Councillor Yamada	X		

Results	2	7	0
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Motion Lost on a Recorded Vote (2 to 7)

Resolution # 141-24

Moved by Councillor Lundquist

Seconded by Councillor Lee

The main motion was then carried, as follows:

1. That the 2025 to 2027 Multi-year Budget Process, (including incorporation of a budget process under Strong Mayor Powers), Communication and Public Engagement Plan and Budget Calendar outlined in Staff Report FS 21-24 be approved; and,
2. That the reduced timelines, as outlined in Report FS 21-24, for budget amendments and vetoes to the 2025 to 2027 Multi-year budget be approved.

	For	Against	Conflict
Mayor Roy	X		
Councillor Bozinovski	X		
Councillor Cardwell	X		
Councillor Leahy		X	
Councillor Lee	X		
Councillor Lundquist	X		
Councillor Mulcahy	X		
Councillor Shahid	X		
Councillor Yamada		X	
Results	7	2	0

Carried on a Recorded Vote (7 to 2)

9.9 FS 29-24, Financial Services Department Report

Re: Update on Property Tax Assessment Appeals and Adjustments

Resolution # 142-24

Moved by Councillor Lundquist

Seconded by Councillor Lee

That Report FS 29-24 be received as information.

Carried

9.10 FS 31-24, Financial Services Department Report

Re: Town of Whitby Municipal Asset Management Plan Update

Resolution # 143-24

Moved by Councillor Lundquist

Seconded by Councillor Lee

1. That Council endorse the Town's 2024 Municipal Asset Management Plan which highlights the Community and Technical Levels of Service for all service areas (Facilities, Fire Equipment, Fleet, Library Resources, Parks, Roads Right-of-Way, and Technology & Innovation Services) as attached to Report FS 31-24;
2. That Council endorse the following recommendations as highlighted in Section 6 the Town's 2024 Municipal Asset Management Plan:
 - a. Refine existing levels of service for all other assets and propose sustainable levels of service for all service areas to be approved by Council by July 1, 2025;
 - b. Undertake community engagement surveys and public information sessions, to inform future asset management plans on Whitby residents' desired Levels of Service for municipal assets;
 - c. Assess and evaluate existing maintenance and repair activities and capture these in the Asset Management database in order to get a complete picture of future financial requirements;
 - d. Review consequence of failure ratings regularly;

- e. Assess the costs of Climate Change resilience and the associated risks to assets;
 - f. Propose Climate Change adaptation and mitigation measures for all Service Areas; and,
3. That Staff continuously refine lifecycle treatments to ensure assets are being maintained as cost efficiently as possible.

Carried

9.11 CAO 10-24, Office of the Chief Administrative Officer Report

Re: Council Remuneration Market Review

Resolution # 144-24

Moved by Councillor Lundquist

Seconded by Councillor Lee

That Council receive Report CAO-10-24, Council Remuneration Market Review for information.

Carried

9.12 CAO 11-24, Office of the Chief Administrative Officer Report

Re: 2024 Workforce Plan Review

Resolution # 145-24

Moved by Councillor Lundquist

Seconded by Councillor Lee

That Council receive Report CAO-11-23 2024 Workforce Plan Review for information.

Carried

9.13 CAO 12-24, Office of the Chief Administrative Officer and Community Services Department Joint Report

Re: The IDEA Project - Journey to Inclusivity Status Update 2024

Resolution # 146-24

Moved by Councillor Lundquist
Seconded by Councillor Lee

That Council receive Report CAO-12-24 The IDEA Project, Journey to Inclusivity Status Update 2024 for information.

Carried

9.14 CAO 16-24, Office of the Chief Administrative Officer and Financial Services Department Joint Report

Re: 2023 Annual Sustainability and Climate Change Report

Resolution # 147-24

Moved by Councillor Lundquist
Seconded by Councillor Lee

1. That Report CAO 16-24 be received as information;
2. That the Clerk's office forward a copy of Staff Report CAO 16-24 to the Region of Durham's Sustainability Department; and,
3. That Schedule S of the Fees and Charges By-law 7220-17, as amended, be further amended to include the new Level 3 Electric Vehicle Charging Station Fees as outlined in Report CAO 16-24.

Carried

9.15 FES 02-24, Fire and Emergency Services Department Report

Re: Updates – Emergency Response Automatic Aid Agreement with Ajax Fire & Emergency Services

Resolution # 148-24

Moved by Councillor Lundquist
Seconded by Councillor Lee

1. That the updated by-law regarding the execution of an Automatic Aid Agreement with the Town of Ajax be presented to Council for approval; and,
2. That the attached agreement (ATT-1) between Ajax Fire & Emergency Services and Whitby Fire & Emergency Services be approved, effective June 19, 2024.

Carried

- 9.16 FES 03-24, Whitby Fire and Emergency Services Department Report
Re: Whitby Fire & Emergency Services – 2022 & 2023 Annual Report

Resolution # 149-24

Moved by Councillor Lundquist
Seconded by Councillor Lee

That Council receives, for information, and reviews Whitby Fire & Emergency Services (WFES) annual report for 2022 and 2023.

Carried

- 9.17 Provincial regulations needed to restrict keeping of non-native (“exotic”) wild animals

Resolution # 150-24

Moved by Councillor Lundquist
Seconded by Councillor Lee

Whereas Ontario has more private non-native (“exotic”) wild animal keepers, roadside zoos, mobile zoos, wildlife exhibits and other captive wildlife operations than any other province; and,

Whereas the Province of Ontario has of yet not developed regulations to prohibit or restrict animal possession, breeding, or use of non-native (“exotic”) wild animals in captivity; and,

Whereas non-native (“exotic”) wild animals can pose very serious human health and safety risks, and attacks causing human injury and death have occurred in the province; and,

Whereas the keeping of non-native (“exotic”) wild animals can cause poor animal welfare and suffering, and poses risks to local environments and wildlife; and,

Whereas owners of non-native (“exotic”) wild animals can move from one community to another even after their operations have been shut down due to animal welfare or public health and safety concerns; and,

Whereas municipalities have struggled, often for months or years, to deal with nonnative (“exotic”) wild animal issues and have experienced

substantive regulatory, administrative, enforcement and financial challenges; and,

Whereas the Association of Municipalities of Ontario (AMO), the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO) and the Municipal Law Enforcement Officers' Association (MLEOA) have indicated their support for World Animal Protection's campaign for provincial regulations of non-native ("exotic") wild animals and roadside zoos in letters to the Ontario Solicitor General and Ontario Minister for Natural Resources and Forestry.

Now Therefore, be it Resolved:

1. That the Town of Whitby hereby petitions the provincial government to implement provincial regulations to restrict the possession, breeding, and use of non-native ("exotic") wild animals and license zoos in order to guarantee the fair and consistent application of policy throughout Ontario for the safety of Ontario's citizens and the non-native ("exotic") wild animal population; and,
2. That this resolution will be forwarded to the Premier of Ontario, Ontario Solicitor General, Ontario Minister for Natural Resources and Forestry, Region of Durham MPPs, all Durham Region municipalities, AMO, AMCTO, and MLEOA.

Carried

10. For information only - Committee of the Whole Minutes of June 3 and June 10, 2024
11. Notice of Motion
 - 11.1 Waiving of Celebration Square Rental Fee in Support of the 2024 Beer Fest Event

Councillor Lundquist introduced a motion regarding waiving of the Celebration Square rental fee in support of the 2024 Beer Fest event.

A brief question and answer period ensued between Members of Council and Staff regarding support provided by the Town to the previous operator of the Beer Fest event, the minimal impact to the budget from waiving the rental fee, and applications being made by the operator for grants to support the event.

Resolution # 151-24

Moved by Councillor Lundquist
Seconded by Mayor Roy

That Council support the 2024 Beer Fest Event hosted by the Whitby Chamber of Commerce by waiving fee CS-59 - Celebration Square Rental Fee, Whitby Commercial Day Fee found in Schedule G to Fees and Charges By-law # 7220-17, as amended, in the amount of \$1,775.67 for the three-day event (\$591.89/day).

Carried

12. New and Unfinished Business

12.1 CLK 05-24, Office of the Town Clerk Report

Re: Policy Framework Review

Resolution # 152-24

Moved by Councillor Shahid
Seconded by Councillor Leahy

1. That the revised Standards for Town Policies and Procedures Policy appended as Attachment 1 to this report be approved;
2. That the Chief Administrative Officer be granted the delegated authority to approve Accessibility, Corporate Administration, Facility Management and Operational Services, Human Resources, and Technology policies as detailed in the Standards for Town Policies and Procedures Policy; and,
3. That the policies listed for repeal in Section 4.2 of this report be repealed.

Carried

12.2 CLK 06-24, Office of the Town Clerk and Legal and Enforcement Services Department Joint Report

Re: Deputy Mayor Appointment and Responsibilities Policy

Moved by Councillor Lundquist
Seconded by Councillor Mulcahy

That Council adopt the Deputy Mayor Appointment and Responsibilities Policy appended to Report CLK 06-24 as Attachment 1.

Carried later in the meeting (See following motions)

Moved by Councillor Mulcahy

Seconded by Councillor Shahid

That the motion for the previous question be called.

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

Carried on a Recorded Vote (6 to 3)

Resolution # 153-24

Moved by Councillor Lundquist

Seconded by Councillor Mulcahy

The main motion was then carried, as follows:

That Council adopt the Deputy Mayor Appointment and Responsibilities Policy appended to Report CLK 06-24 as Attachment 1.

	For	Against	Conflict
Mayor Roy	X		

Councillor Bozinovski		X	
Councillor Cardwell		X	
Councillor Leahy		X	
Councillor Lee	X		
Councillor Lundquist	X		
Councillor Mulcahy	X		
Councillor Shahid	X		
Councillor Yamada		X	
Results	5	4	0

Carried on a Recorded Vote (5 to 4)

12.3 FS 09-24, Financial Services Department, Planning and Development (Planning Services) Department, and Legal and Enforcement Services Department Joint Report

Re: Declare Surplus – Town-owned Lands, at Hickory and Colborne, and at Dunlop and Hickory Street South, for the Purpose of Conveyance to Habitat for Humanity Greater Toronto Area

Resolution # 154-24

Moved by Councillor Lundquist

Seconded by Councillor Shahid

1. That a portion of the land legally described as Part of Lot 16 and Lot 32, 2nd Double Range Plan H-50031; Part Lot 26, Concession 1 Part 6 , Plan 40R-5160, Town of Whitby, being a portion of PIN26503-0129 (LT), (“Hickory Property”) located at Hickory Street and Colborne Street, as shown on Attachment #1 in Report FS 09-24 the precise area of which shall be identified on a new reference plan to the satisfaction of the Commissioners of Financial Services/Treasurer and Legal and Enforcement Services/Town Solicitor, be declared surplus for the purpose of conveyance to Habitat for Humanity Greater Toronto Area or its associated company (“Habitat”);

2. That a portion of the land legally described as FIRSTLY: Lot 32, 3rd Double Range Plan H50031; SECONDLY: Part of Lots 15, 16, 31 and 33 ft reserve, 3rd Double Range Plan H50031, being Parts 1, 2, 3, and 4 on Plan 40R-29992; THIRDLY: Part of Lot 25, Concession 1, being Part 5, on Plan 40R-29992; Town of Whitby, being a portion of PIN: 26503-0273 (LT), (“Dunlop Property”) located at Dunlop and Hickory Street South, as shown on Attachment #2 in report FS 09-24 the precise area of which shall be identified on a new reference plan to the satisfaction of the Commissioners of Financial Services/Treasurer and Legal and Enforcement Services/Town Solicitor, be declared surplus for the purpose of conveyance to Habitat;
3. That the requirement to give public notice in accordance with Town of Whitby Policy F-190 regarding the Acquisition, Sale or Other Disposition of Land Policy be waived for the disposition of the Hickory Property and the Dunlop Property reasons outlined in report FS 09-24;
4. That the Town provide Habitat a discount from the combined fair market value of the Hickory Property and Dunlop Property, as adjusted based on the new reference plans, to be treated as a forgivable loan as outlined in report FS 09-24;
5. That the Town’s discount on the fair market value of the Hickory Property and Dunlop Property result in a final purchase price of \$3.0 million;
6. That, notwithstanding Town of Whitby Policy F-190, the Hickory Property and Dunlop Property shall be sold to Habitat at \$3.0 million, which is below fair market value;
7. That the Town provides a grant to Habitat, in the amount of \$3.0 million to be funded from the Federal Housing Accelerator Fund grant, for the purchase of the Hickory Property and Dunlop Property;
8. That, in lieu of a two-cheque exchange at the closing of the land transaction, the Town shall transfer the \$3.0 million from the Housing Accelerator Fund grant to the Town’s Land Sale Reserve Fund to reflect the full proceeds from the sale of both the Hickory Property and the Dunlop Property;

9. That the Mayor and Clerk be authorized to sign an Agreement of Purchase and Sale and the Affordable Ownership Contribution Agreement between the Town and Habitat substantially based on the principles outlined in report FS 09-24 and subject to the satisfaction of the Commissioner of Legal and Enforcement Services/Town Solicitor, Commissioner of Planning and Development, and Commissioner of Financial Services/Treasurer;
10. That if the Agreement of Purchase and Sale and Affordable Ownership Contribution Agreement cannot be executed by August 15, 2024, staff be authorized to negotiate with other interested developers for affordable housing development on the properties;
11. That Staff be provided delegated authority to send Habitat clearance letters on a per unit basis as requested to release the Town's Section 118 Restrictions as registered on title to each of the Hickory Property and Dunlop Property subject to the proposed unit sale meeting the required Affordable Housing definition as outlined in report FS 09-24;
12. That a by-law be brought forward to authorize the conveyance of the Hickory Property and Dunlop Property to Habitat for Humanity Greater Toronto Area, or its associated company, subject to the concurrence of the Commissioner of Legal and Enforcement Services/Town Solicitor and Commissioner of Financial Services/Treasurer; and,
13. That Item GG-0030, related to Habitat's expression of interest to proceed with an affordable housing development at the Hickory Property and Dunlop Property, be removed from the New and Unfinished Business listing.

Carried

It was to consensus of Council to consider Item 7.1, Correspondence, at this time.

12.4 LS 10-24, Legal and Enforcement Services Department Report

Re: 5345 Thickson Road North Expropriation – Ontario Land Tribunal Report regarding a Hearing of Necessity

Resolution # 155-24

Moved by Councillor Shahid
Seconded by Councillor Leahy

1. That Council receive and consider the Report of the Ontario Land Tribunal dated May 17, 2024, and included as Attachment 2 of this Report LS 10-24, related to a Hearing of Necessity for the Town's expropriation of the property municipally known as 5345 Thickson Road North;
2. That Council approve the expropriation of the following property, as approving authority in accordance with the *Expropriations Act*, R.S.O. 1990, c E. 26, as amended, for the Mid-Block Arterial Roadway Project:
 - a. The property municipally known as 5345 THICKSON ROAD NORTH, WHITBY, ONTARIO and legally described as PART LOT 20, CONCESSION 5, TOWNSHIP OF WHITBY, PART ROAD ALLOWANCE BETWEEN LOTS 20 AND 21, CONCESSION 5, TOWNSHIP OF WHITBY AS IN D76143, SAVE AND EXCEPT PARTS 3 & 4 ON PLAN 40R-26759, S/T INTERESTS OF THE TOWNSHIP OF WHITBY; TOWN OF WHITBY, REGIONAL MUNICIPALITY OF DURHAM (hereafter, the "Property");
3. That Council approves the expropriation of the Property for the reasons set out in the Decision and Reasons document included as Attachment 3 to this Report LS 10-24.
4. That the Mayor and Town Clerk be authorized to execute a Certificate of Approval on behalf of Town Council, and that staff be authorized to register same in the proper Land Registry Office;
5. That the Town Clerk be authorized to sign and circulate the Decision and Reasons document required under the *Expropriations Act*, substantially in the form set out in Attachment 3 to this Report 10-24 and to the satisfaction of the Commissioner of Legal and Enforcement Services/Town Solicitor, or designate, and that staff be authorized to serve the Decisions and Reasons document on the parties to the Hearing and the Tribunal in accordance with the *Expropriations Act*;
6. That staff be authorized to prepare a Plan of Expropriation and register same in the proper Land Registry Office;

7. That the Mayor and Town Clerk be authorized to execute the Notice of Expropriation and Notice of Possession, and that staff be authorized to serve same upon the registered owner of the Property together with a Notice of Election in accordance with the *Expropriations Act*;
8. That staff proceed to prepare, update, and/or finalize appraisal reports of the market value of the Property and, if applicable, damages for injurious affection and other compensation for disturbance damages in accordance with the requirements of s. 25 of the *Expropriations Act*;
9. That the Commissioner of Legal and Enforcement Services/Town Solicitor, or designate, execute and serve upon the registered owner(s) of the Property, an offer of full compensation and an offer of immediate payment of 100% of the estimated market value of the lands expropriated in accordance with s. 25 of the *Expropriations Act*, and make payment of the compensation so offered upon acceptance by the owner(s);
10. That a 2024 capital project for the property expropriation be approved as outlined in Confidential Staff Report LS 11-24;
11. That Council authorize the payment of \$200 to the Owner of the Property for the costs related to the Hearing of Necessity as recommended by the Ontario Land Tribunal;
12. That staff be authorized to complete all necessary steps to complete the expropriation process and obtain the Property for the purpose of the Mid-Block Arterial Roadway capital project; and
13. Council authorize staff to bring forward the by-law included in Attachment 4 to this Report LS 10-24 for approval.

Carried

13. By-laws

Resolution # 156-24

Moved by Councillor Yamada

Seconded by Councillor Bozinovski

That leave be granted to introduce By-laws # 8093-24 to # 8105-24 and to dispense with the reading of the by-laws by the Clerk and that the same be

considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

Carried

13.1 By-law # 8093-24

Being a By-law to adopt Amendment Number 136 to the Official Plan of the Town of Whitby.

Refer to PDP 33-24, Official Plan Amendment and Zoning By-law Amendment Applications, The DK Royal Stars Group Inc., Des Newman Boulevard and Woodrow Court, File Numbers: DEV-09-24 (OPA-2024-W/03, Z-05-24)

13.2 By-law # 8094-24

Being a By-law to amend the Fees and Charges By-law # 7220-17, as amended.

Refer to FS 17-24, Enhanced Property Tax Payment Options and CAO 16-24, 2023 Annual Sustainability and Climate Change Report

13.3 By-law # 8095-24

Being a By-law to designate certain portions of a registered Plan of Subdivision (SW-2018-02) as not being subject of Part Lot Control.

13.4 By-law # 8096-24

Being a By-law to designate certain portions of a registered Plan of Subdivision (SW-2013-07) as not being subject of Part Lot Control.

13.5 By-law # 8097-24

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

Refer to PDP 33-24, Official Plan Amendment and Zoning By-law Amendment Applications, The DK Royal Stars Group Inc., Des Newman Boulevard and Woodrow Court, File Numbers: DEV-09-24 (OPA-2024-W/03, Z-05-24)

13.6 By-law # 8098-24

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

Refer to PDE 07-24, Update to Traffic By-law 8059-24 - Stop Control

13.7 By-law # 8099-24

Being a By-law to dedicate Part 1 on Plan 40R-31989 as a Public Highway (McEwen Drive).

13.8 By-law # 8100-24

Being a By-law to amend By-law # 2585, as amended, being the Zoning By-law of the Town of Whitby.

Refer to PDP 29-24, Temporary Zoning By-law Amendment, Nordeagle Developments Ltd., File Number: DEV-10-24 (Z-06-24)

13.9 By-law # 8101-24

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

Refer to PDP 34-24, Zoning By-law Amendment Application, The Baird Team Royal LePage Baird Real Estate, 55 Garrard Road and Block 33 on Plan 40M-1315, File Number: DEV-08-24 (Z-04-24)

13.10 By-law # 8102-24

Being a By-law to dedicate Part 3 on Plan 40R-29753, as a Public Highway (Cochrane Street).

13.11 By-law # 8103-24

Being a By-law to authorize the conveyance of approximately 1.5 acres of land located at the south-east corner of Garden Street and Burns Street East and legally described as part of Part of Lot 24, Concession 1, to be designated on a new reference plan, and being a portion of PIN 26488-0153 (LT), Town of Whitby, Regional Municipality of Durham (the "Lands") to Town Brewery Inc. or its associated company.

Refer to FS 08-23, Public Input and Next Steps in Declaration of Surplus: Part of Pt Lot 24, Conc. 1, being Part of PIN 264880153 (LT) – South-East Corner of Garden Street and Burns Street East for the Purpose of Conveyance to Town Brewery Inc.

13.12 By-law # 8104-24

Being a By-law to authorize the signing of the Municipal Funding Agreement for the transfer of funds under the Canada Community-Building Fund.

13.13 By-law # 8105-24

Being a By-law to approve the expropriation of lands by The Corporation of the Town of Whitby (the “Corporation”) being Part of Lot 20 Concession 5 (Geographic Township of Whitby) and part of Road Allowance between Lots 20 and 21 Concession 5 (Geographic Township of Whitby) as described in D76143, save and except lands designated as Parts 3 & 4 on Plan 40R-26759, in the Town of Whitby, Regional Municipality of Durham, being all of PIN 16264-0981 (LT), municipally known in 2023 as 5345 Thickson Road North, Whitby (the “Subject Property”) for the purposes of constructing the Mid-Block Arterial roadway project and works ancillary thereto.

Refer to LS 10-24, 5345 Thickson Road North Expropriation – Ontario Land Tribunal Report regarding a Hearing of Necessity

14. Announcements

Members of Council made announcements regarding achievements and milestones within the community and provided updates about upcoming events.

15. Closed Session

Council did not move into closed session to consider Confidential Legal and Enforcement Services Department Report, LS 11-24.

15.1 LS 11-24, Confidential Legal and Enforcement Services Department Report

Re: Confidential Information related to Report LS 10-24 – Expropriation of 5345 Thickson Road N

Resolution # 157-24

Moved by Councillor Leahy

Seconded by Councillor Shahid

That the recommendations contained in LS 11-24, Confidential Legal and Enforcement Services Department Report, be adopted.

Carried

16. Rising and Reporting Out

There were no matters considered in closed session. Therefore, Council did not rise and report.

17. Confirmatory By-law

Resolution # 158-24

Moved by Councillor Shahid

Seconded by Councillor Cardwell

That leave be granted to introduce a by-law and to dispense with the reading of the by-law by the Clerk to confirm the proceedings of the Council of the Town of Whitby at its regular meeting held on June 24, 2024 and the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

Carried

18. Adjournment

Moved by Councillor Cardwell

Seconded by Councillor Shahid

That the meeting adjourn.

Carried

The meeting adjourned at 7:03 p.m.

Christopher Harris, Town Clerk

Elizabeth Roy, Mayor



Special Council Minutes

August 12, 2024, 4:30 p.m.
Council Chambers
Whitby Town Hall

Present: Mayor Roy
Councillor Cardwell (Virtual Attendance)
Councillor Leahy (Virtual Attendance)
Councillor Lee
Councillor Lundquist
Councillor Mulcahy (Virtual Attendance)
Councillor Shahid
Councillor Yamada (Virtual Attendance)

Regrets: Councillor Bozinovski

Also Present: M. Gaskell, Chief Administrative Officer
M. Hickey, Fire Chief
S. Klein, Director of Strategic Initiatives
J. Romano, Commissioner of Community Services
F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor
R. Saunders, Commissioner of Planning and Development
F. Wong, Commissioner of Financial Services/Treasurer
C. Harris, Town Clerk
K. Douglas, Sr. Legislative Specialist (Recording Secretary)

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

Councillor Mulcahy declared a conflict of interest regarding Item 5.2, FS 35-24, advising that she owns the Brooklin Town Crier, which the report identifies as the newspaper through which the notice of the declaration of lands as surplus will be circulated.

4. Delegations

There were no delegations.

5. Items for Consideration

5.1 FS 30-24, Financial Services Department Report

Re: 2023 Year End Communication and Audited Financial Statements

Stephen Stewart, Deloitte LLP, provided an overview of the process involved in the preparation of the audited consolidated financial statements for the year ending December 31, 2023 and a review of outstanding matters and next steps. Mr. Stewart noted that the audit was conducted in accordance with Canadian generally accepting auditing standards, including new standards relating to asset retirement obligations. He advised that there were no uncorrected misstatements or uncorrected disclosure misstatements.

Resolution # 159-24

Moved by Councillor Shahid

Seconded by Councillor Lundquist

1. That Report FS 30-24 be received for information;
2. That the Corporation of the Town of Whitby's Audited Consolidated Financial Statements for the year ended December 31, 2023, Attachment 2 to Report FS 30-24, be approved; and,
3. That Deloitte LLP be engaged to perform the audit of the Town of Whitby's financial statements for the year ending December 31, 2024.

Carried

5.2 FS 35-24, Financial Services Department Report

Re: Declare Surplus – A portion of Town-owned Lands at 150 Winchester Road West for a Conveyance to Elexicon

Having previously declared a conflict of interest, Councillor Mulcahy did not take part in the discussion or voting regarding this item.

Matthew Gaskell, Chief Administrative Officer, explained the purpose of conveying the subject property to Elexicon for the purpose of an electrical

substation project that will enable the construction of undeveloped lands within the Brooklin Community Secondary Plan.

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

- the number of new homes supported by the proposed electrical substation and future plans to advance current Federal and Provincial housing priorities; and,
- the proposed project timeline and the Town's ability to meet the Building Faster Fund targets.

Resolution # 160-24

Moved by Councillor Shahid

Seconded by Councillor Lee

1. That a portion of Block 232, Plan 40M-1966, subject to an easement over Part 10, Plan 40R-19041, as in LT902785; Town of Whitby, being a portion of PIN 26572-0369 (LT), (the "Property") be declared surplus for the purpose of a conveyance to Elexicon Energy Incorporated ("Elexicon");
2. That the Town provide public notice of its intention to declare the Property surplus and report back to Council on any written objections received, in accordance with Town Policy F-190; and,
3. That Council direct staff to negotiate an agreement with Elexicon on the Property disposition and report back to Council.

Carried

6. Closed Session

6.1 LS 12-24, Confidential Legal and Enforcement Services Department Report

Re: Expropriation of Land for the Des Newman Boulevard Environmental Compensation Capital Project

It was the consensus of Council to consider Report LS 12-24 regarding the Expropriation of Land for the Des Newman Boulevard Environmental Compensation Capital Project in open session.

Resolution # 161-24

Moved by Councillor Shahid
Seconded by Councillor Yamada

1. That Council authorize the Town Solicitor, or their designate, to negotiate to acquire the Property, as outlined below, and authorize that expropriation proceedings be initiated and the Application for Approval to Expropriate Land be made for the Des Newman Boulevard Environmental Compensation capital project, for the following property:
 - a. a portion of the property legally described as a part of Part Lot 34, Concession 3, being Parts 1, 3, 5 and 6 on Plan 40R-32053, being a portion of PIN 26548-5128 (LT), Town of Whitby, Regional Municipality of Durham, (the "Property"), and as outlined on Plan 40R-32053, attached hereto as Attachment 1;
2. That the Mayor and Town Clerk be authorized to execute the Application for Approval to Expropriate Land and the Notice of Application for Approval to Expropriate Land (the "Notice") and that staff be authorized to serve and publish the Notice, as required under the *Expropriations Act* (the "Act");
3. That any valid request from the owner for an inquiry that is received be forwarded to the Ontario Land Tribunal, and that the Town be represented at any Hearing of Necessity, as necessary under the Act;
4. That in the event that there are inquiries (Hearing of Necessity) conducted at the request of the owner, the recommendation(s) of the Ontario Land Tribunal be reported to Town Council for its consideration and decision as the approving authority under the Act;
5. That staff be authorized to engage such appraisal, business valuation, survey or other professional services in connection with the expropriation as are necessary and advisable; and,
6. That staff be directed to retain the services of external counsel (Thomson Rogers) to represent the Town in the negotiation to acquire the Property and the expropriation process.

Carried

- 6.2 Confidential Memorandum from H. Ellis, Council and Committee Coordinator dated July 31, 2024 regarding Appointment to the Whitby Diversity and Inclusion Advisory Committee

It was the consensus of Council to consider the Memorandum regarding the Appointment to the Whitby Diversity and Inclusion Advisory Committee in open session.

Resolution # 162-24

Moved by Councillor Yamada

Seconded by Councillor Lundquist

That Vanessa Dreckmann be appointed as a member of the Whitby Diversity and Inclusion Advisory Committee for the remainder of the 2022-2026 term.

Carried

7. By-laws

Resolution # 163-24

Moved by Councillor Shahid

Seconded by Councillor Lee

That leave be granted to introduce By-law # 8106-24 and to dispense with the reading of the by-laws by the Clerk and that the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

Carried

- 7.1 By-law # 8106-24

Being a By-law to designate certain portions of a registered Plan of Subdivision (SW-2017-06) as not being subject of Part Lot Control.

8. Confirmatory By-law

Resolution # 164-24

Moved by Councillor Lee

Seconded by Councillor Lundquist

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 August 12, 2024 and the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

Carried

9. Adjournment

Moved by Councillor Shahid

Seconded by Councillor Lundquist

That the meeting adjourn.

Carried

The meeting adjourned at 4:45 p.m.

Christopher Harris, Town Clerk

Elizabeth Roy, Mayor



Special Council Minutes

September 16, 2024, 6:15 p.m.
Council Chambers
Whitby Town Hall

Present: Mayor Roy
Councillor Bozinovski
Councillor Cardwell
Councillor Leahy (Virtual Attendance)
Councillor Lee
Councillor Lundquist
Councillor Mulcahy
Councillor Shahid
Councillor Yamada

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

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

There were no declarations of conflict of interest.

4. Correspondence

- 4.1 Correspondence #2024-490 received from Next Plumbing & Hydronics Supplies Inc. regarding Development Charges Complaint - Unit 1, 1450 Victoria Street East

Refer to Item 5.1, FS 25-24

It was the consensus of Council to move into closed session to hear Item 5.1, FS 25-24, at this time.

5. Closed Session

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

Moved by Councillor Shahid

Seconded by Councillor Lundquist

That Council move in-camera in accordance with Procedure By-law # 8081-24, Closed Meeting Policy G 040, and the Municipal Act, 2001, Section 239 (2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board, (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose, and (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

Carried

- 5.1 FS 25-24, Confidential Financial Services Department and Legal and Enforcement Services Department Joint Report

Re: Development Charge Complaint - Unit 1, 1450 Victoria Street East - Settlement Offer

6. Rising and Reporting

Motion to Rise

Moved by Councillor Mulcahy

Seconded by Councillor Cardwell

That Council rise from the closed portion of the meeting.

Carried

- 6.1 Reporting Out

Mayor Roy advised that during the closed portion of the meeting, Council received advice that is subject to solicitor-client privilege regarding a matter of potential litigation and discussed a position to be applied to negotiations to be carried on by the municipality.

FS 25-24, Confidential Financial Services Department and Legal and Enforcement Services Department Joint Report
Re: Development Charge Complaint - Unit 1, 1450 Victoria Street East - Settlement Offer

Resolution # 165-24

Moved by Councillor Mulcahy
Seconded by Councillor Shahid

1. That Council authorize the Mayor and Clerk to execute Minutes of Settlement between the Town and the Next Plumbing & Hydronics Supplies Inc., as outlined in Staff Report FS 25-24, all in a form satisfactory to the Commissioners of Financial Services and Treasurer, and Legal and Enforcement Services/Town Solicitor; and,
2. That Council direct Staff to develop a procedural framework for consistently determining the appropriate non-residential rate in support of Development Charges By-law #7748-21.

Carried

7. Delegations

- 7.1 Matthew Rutledge, Fogler, Rubinoff LLP representing Next Plumbing and Hydronics Supplies Inc. (In-Person Attendance)

Re: Correspondence #2024-490 received from Next Plumbing & Hydronics Supplies Inc. regarding Development Charges Complaint - Unit 1, 1450 Victoria Street East

Refer to Item 4.1, Correspondence #2024-490

Matthew Rutledge, Fogler, Rubinoff LLP, withdrew their delegation request.

8. Confirmatory By-law

Resolution # 166-24

Moved by Councillor Mulcahy
Seconded by Councillor Cardwell

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 September 16, 2024 and the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

Carried

9. Adjournment

Moved by Councillor Lee
Seconded by Councillor Mulcahy

That the meeting adjourn.

Carried

The meeting adjourned at 6:28 p.m.

Christopher Harris, Town Clerk

Elizabeth Roy, Mayor



Special Council Minutes

September 23, 2024, 5:30 p.m.
Council Chambers
Whitby Town Hall

Present: Mayor Roy
Councillor Bozinovski (Virtual Attendance)
Councillor Cardwell (Virtual Attendance)
Councillor Leahy
Councillor Lee
Councillor Lundquist
Councillor Mulcahy
Councillor Shahid
Councillor Yamada

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

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

There were no declarations of conflict of interest.

4. Closed Session

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

Moved by Councillor Mulcahy
Seconded by Councillor Shahid

That Council move in-camera in accordance with Procedure By-law # 8081-24, Closed Meeting Policy G 040, and the Municipal Act, 2001, Section 239 (3.1) for the purpose of educating or training members, and Section 239 (2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board, (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose, and (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

Carried

4.1 Education and Training

Note: This portion of the meeting was held in-camera in accordance with Procedure By-law # 8081-24, Closed Meeting Policy G 040, and the Municipal Act, 2001, Section 239 (3.1) for the purpose of educating or training members.

4.1.1 Michael Hickey, Fire Chief

Re: Emergency Management Training

4.2 Items for Consideration

Note: This portion of the meeting was held in-camera in accordance with Procedure By-law # 8081-24, Closed Meeting Policy G 040, and the Municipal Act, 2001, Section 239 (2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board, (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose, and (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

4.2.1 LS 14-24 - Confidential Legal and Enforcement Services Department Report

Re: Authorization to Continue Retainer of External Counsel

4.2.2 LS 15-25, Confidential Legal and Enforcement Services
Department and Community Services Department Joint Report

Re: Request for Direction regarding settlement of a Potential Claim

5. Rising and Reporting Out

Motion to Rise

Moved by Councillor Lundquist

Seconded by Councillor Leahy

That Council rise from the closed portion of the meeting.

Carried

5.1 Reporting Out

Mayor Roy advised that during the closed portion of the meeting, Council received training regarding Emergency Management Preparedness. Council also received advice that is subject to solicitor-client privilege regarding matters of litigation and potential litigation, discussed a position to be applied to negotiations to be carried on by the municipality, and provided direction to Staff.

LS 14-24, Confidential Legal and Enforcement Services Department
Report

Re: Authorization to Continue Retainer of External Counsel

Resolution # 169-24

Moved by Councillor Mulcahy

Seconded by Councillor Shahid

That Report LS 14-24 be received for information.

Carried

LS 15-24, Confidential Legal and Enforcement Services Department and
Community Services Department Joint Report

Re: Request for Direction regarding settlement of a Potential Claim

Resolution # 170-24

Moved by Councillor Mulcahy
Seconded by Councillor Lundquist

1. That Council receive Confidential Staff Report LS 15-24 for information; and,
2. That the Commissioner of Financial Services and Treasurer be authorized to fund the capital budget shortfall as outlined in Confidential Staff Report LS 15-24.

Carried

6. Confirmatory By-law

Resolution # 171-24

Moved by Councillor Leahy
Seconded by Councillor Mulcahy

That leave be granted to introduce a by-law and to dispense with the reading of the by-law by the Clerk to confirm the proceedings of the Council of the Town of Whitby at its special meeting held on September 23, 2024 and the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

Carried

7. Adjournment

Moved by Councillor Shahid
Seconded by Councillor Leahy

That the meeting adjourn.

Carried

The meeting adjourned at 6:30 p.m.

Christopher Harris, Town Clerk

Elizabeth Roy, Mayor



Elizabeth Roy
Mayor
T 905.430.4300 x2203
mayor@whitby.ca



September 20, 2024

Office of the Town Clerk
Town of Whitby
575 Rossland Road East
Whitby, Ontario
L1N 2M8

Dear Town Clerk,

Re: Appointment of Deputy Mayor 2024

Please be advised that in accordance with the Policy G-150 Deputy Mayor Appointment and Responsibilities I will be appointing Local Councillor Niki Lundquist as the Deputy Mayor until December 31st, 2024.

I would like to bring this recommendation to council for confirmation at the next available council meeting.

2. Appointment of Deputy Mayor

2.1 The Mayor shall select a Member of Council to serve as Deputy Mayor and present their section to Council for confirmation by majority vote through resolution.

Sincerely,

Elizabeth Roy
Mayor

Town of Whitby
Office of the Mayor
575 Rossland Road East
Whitby, ON L1N 2M8
whitby.ca

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



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

Report to: Committee of the Whole

Date of meeting: September 16, 2024

Report Number: PDP 42-24

Department(s) Responsible:

Planning and Development Department
(Planning Services)

Submitted by:

R. Saunders, Commissioner of Planning
and Development

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

For additional information, contact:

Lori Tesolin, MCIP, RPP Principal
Planner, Policy and Heritage Planning:
905.444.2858

1. Recommendation:

That Report PDP- 42-24 be received for information.

2. Highlights:

- The Town of Whitby, along with its retained Consultants, SGL Planning and Design, and Dillon Consulting, initiated the five-year legislated review of the Whitby Official Plan in early spring of 2024.
- The review builds upon the current Whitby Official Plan, last reviewed and updated in 2018. It will focus on updates that achieve consistency and conformity with recent changes in Provincial land use planning legislation and policies, as well as new Regional land use policies, specifically the new Region of Durham Official Plan (Envision Durham).
- Key components of the Official Plan Review include: updated mapping to depict the delineation of a Protected Major Transit Station Area (PMTSA) around the Whitby GO Station and updates to related policies; the identification of other Strategic Growth Areas where increased growth and intensification is to occur within the Built Boundary; and an Urban Area Boundary expansion to the year 2051, particularly around Brooklin.

- To inform the Official Plan Review, Background Summary and Analysis Reports have been prepared that provide a summary of relevant legislative changes, as well as an analysis of Envision Durham and the impact on current Whitby land use policies. The reports further provide a review of constraints and opportunities in the Brooklin Urban Expansion Area, in addition to background analysis regarding transportation, natural heritage, cultural heritage and future land uses. Highlights are provided in Section 4 of this report.
- Initial stakeholder and public engagement have also occurred to inform the Official Plan Review, including: hosting a Special Meeting of Council required under Section 26(3) of the Planning Act; in-person Community Open Houses; online engagement activities; and outreach and update meetings with stakeholders.

3. Background:

Official Plan Review

Municipalities are required to review and update their Official Plans every five years in accordance with Section 26 of the Planning Act.

The Town of Whitby's Official Plan underwent a comprehensive review and update in 2018 to provide policies that address important land use and community-building matters, such as where housing, industry, offices, shops, and new roads should be located, where population growth and intensification should be concentrated, and what important features of the natural and urban environment should be protected and maintained.

Since the 2018 Whitby Official Plan came into force, the Province has assigned a Municipal Housing Target for the Town of Whitby of 18,000 homes by 2031, towards the Province's goal of 1.5 million new homes by 2031.

The new Envision Durham Regional Official Plan was adopted by Regional Council in May of 2023 and sets a new planning horizon to 2051. Envision Durham provides a forecasted population growth for Whitby of approximately 244,000 people and over 95,000 jobs. Envision Durham identifies existing, as well as approximately 500 hectares of new Community Living Area lands (residential/commercial, institutional, community and public service uses) and Employment Area lands (industrial, warehousing), within the new 2051 Urban Area Boundary. Refer to Attachment #1 for an excerpt of Envision Durham Map 1. Regional Structure – Urban & Rural Systems.

This Official Plan Review builds upon the 2018 Whitby Official Plan, while planning for increased housing and employment lands to the year 2051, conforming to changes in legislation and policy made by the Province of Ontario

(e.g. new Provincial Planning Statement), and conforming to the new Envision Durham Regional Official Plan.

While the Official Plan Review is being undertaken as one comprehensive project, the updates will happen via four “focus areas” that will result in four Official Plan Amendments (OPAs), as outlined in the following table:

Focus Area	Description of OPA	Targeted Council Adoption
<p>1. Whitby GO Protected Major Transit Station Area (PMTSA)</p> <p>PMTSAs are areas planned to accommodate greater densities around a major transit station, such as Whitby GO train station.</p> <p>Refer to Attachment #2 for the Whitby GO PMTSA Study Area Map.</p>	<p>Delineate the PMTSA and meet conformity requirements of Provincial policy and legislation and Envision Durham.</p> <p>Consider where it is appropriate to increase height and density to expand the housing supply within the PMTSA in accordance with the Planning Act.</p> <p>Consider Inclusionary Zoning to support the provision of affordable housing units. The Province permits Inclusionary Zoning within a PMTSA.</p>	Q4 2024
<p>2. Strategic Growth Areas (SGA), Nodes and Corridors</p> <p>Several SGAs, Nodes and Corridors are already identified in the Whitby Official Plan and further refined by Envision Durham, as the areas of the municipality that are planned for increased population and employment intensification within the Built Boundary.</p> <p>Refer to Attachment #3 for the SGA Study Area Map.</p>	<p>In addition to the PMTSA, consider where it is appropriate to increase height and density in other SGAs, Nodes and Corridors to conform to Envision Durham intensification targets:</p> <ul style="list-style-type: none"> • Brock/Taunton Regional Centre; • Rossland/Garden Urban Central Area; • Thickson/Dundas Urban Central Area; and, • Major Transit Routes. <p>While Downtown Brooklin and Downtown Whitby are also considered SGAs, they will continue to be subject to the height and density restrictions in their related Secondary Plans to continue to protect the unique heritage character of these areas.</p>	Q4 2024

Focus Area	Description of OPA	Targeted Council Adoption
3. Brooklin Urban Expansion Area Updates related to the expansion of the Brooklin urban area as set out in Envision Durham. Refer to Attachment #4 for the Brooklin Urban Expansion Area Study Area Map.	Delineate the Brooklin Urban Expansion Area per the 2051 Urban Area Boundary identified in Envision Durham Update the Brooklin Community Secondary Plan to include more detailed planning for the new Employment Area (industrial) lands and Community Area (residential/commercial) lands shown within the 2051 Urban Area Boundary. Review other policies/designations and refine as necessary (e.g. Natural Heritage; Transportation) to ensure consistency and alignment.	Q2/Q3 2025
4. General Official Plan Updates	All other updates required to conform to upper-level policy and legislation. Other technical and housekeeping amendments as necessary.	Q1 2026

4. Discussion:

Background Summary and Analysis Reports

Two (2) Background Summary and Analysis Reports have been prepared to inform policy updates related to the four (4) focus areas of the Official Plan Review:

Focus Areas 1 and 2: Whitby GO PMTSA and other Strategic Growth Areas

Envision Durham recently introduced several changes that are required to be reflected in the Town of Whitby's Official Plan, including the delineation and establishment of policies for a Protected Major Transit Station Area (PMTSA) around the Whitby GO Station (Refer to Attachment #2) and the identification of other Strategic Growth Areas, Nodes and Corridors (Refer to Attachment #3). These are all areas where growth and intensification are planned to occur within the Built Boundary, some of which are already included in the Whitby Official Plan, while others need updating. In particular, other Strategic Growth Areas, Nodes

and Corridors identified in Envision Durham and/or the current Whitby Official Plan include:

- Brock/Taunton Regional Centre;
- Rossland/Garden Urban Central Area;
- Dundas East Urban Central Area as identified in the Whitby Official Plan;
- Dundas Street Rapid Transit Corridor [reflecting the planned Bus Rapid Transit (BRT)];
- Taunton Road Regional Corridor;
- Brock Street Regional Corridor; and,
- Victoria Street Regional Corridor

Highlights of Official Plan updates required for these Focus Areas #1 and #2, based on Provincial legislation and policy changes, as well as the new Envision Durham Regional Official Plan include:

- Mapping updates to depict the delineation of the Whitby GO PMTSA;
- Requiring a minimum density target of 150 people and jobs per hectare across the PMTSA;
- Mapping updates to depict the delineation of other Strategic Growth Areas, and requiring minimum density targets ranging from 100 to 150 people and jobs per hectare;
- A minimum requirement that 50% of all new residential units across the Region are to occur through intensification within the built-up area; the greatest amount of intensification is directed to the Strategic Growth Areas (SGA), Protected Major Transit Station Areas (PMTSAs), and Rapid Transit Corridors, followed by other nodes, centres and corridors already established in the Whitby Official Plan;
- Enabling Inclusionary Zoning as a tool to require affordable housing units within the Whitby GO PMTSA;
- Restricting any parking requirements within PMTSAs;
- Designating appropriate land uses, identifying permissible built forms, and providing minimum and maximum building heights;
- Planning for public service facilities, parks and recreational space, and other social and cultural amenities;
- Identifying urban design policies, guidelines, or approaches to promote placemaking, active transportation, pedestrian and transit-oriented land uses and built form (Policy 5.2.6e); and,

- Adopting policies and zoning by-laws that permit additional residential units and adhere to development limitations and natural feature setbacks.

Refer to Attachment #5 for a full copy of the Background Summary Report for the Whitby GO PMTSA and other Strategic Growth Areas, Nodes and Corridors.

Focus Areas 3 and 4: Brooklin Urban Expansion and General Official Plan Updates

The Background Summary Report identifies policy changes required to be incorporated into the Whitby Official Plan, based on a review of Provincial legislation and policies, Regional policies and local policies, and other applicable documents. The report also summarizes background information related specifically to Focus Area 3 and 4, being the Brooklin Urban Expansion Area (Refer to Attachment #4 for Study Area Map) and any other general official plan updates.

Highlights include updating the Official Plan to reflect:

- The new population and employment forecasts for Whitby, and new planning horizon to 2051;
- Settlement Area Boundary Expansions and Employment Area conversions;
- Planning for the new Brooklin Urban Expansion Area to 2051;
- Transportation, servicing and natural heritage analysis to support the expansion area;
- Changes in parkland dedication, cultural heritage, housing, and site plan approval policies, in addition to other relevant changes under to Provincial Bill 23 and more recently, Bill 185;
- Updates related to provincial and regional policy matters such as climate change and sustainability, roads and active transportation, and rural planning, as well as the recently introduced changes to create a new Provincial Planning Statement; and
- Technical mapping and other housekeeping updates.

Refer to Attachment #6 for a full copy of Background Summary Report for the Brooklin Urban Expansion Area and Other General Official Plan Updates.

Preliminary Engagement Results

Preliminary engagement on the Official Plan has included both in-person and online engagement opportunities, promoted through the local newspaper (e.g. Brooklin Town Crier), through the Town's social media, digital advertising and other communication channels, in addition to notice sent to the Interested Parties List. Outreach with Indigenous communities, as well as initial meetings with key stakeholder groups has occurred since the OP Review commenced earlier this year. Preliminary engagement results are summarized below. Refer to Attachment # 7 for a full copy of the Engagement Summary.

In-Person Engagement:

On May 29, 2024, the Town hosted a Special Meeting of Council required under Section 26(3) of the Planning Act, combined with Community Open House #1, to provide background information on the overall scope and timing of the Official Plan Review. Refer to [Report PDP 35-24](#) for information. Council and members of the public raised comments during the evening related to:

- integrating more housing options into new buildings for those with disabilities;
- considering additional dwelling units to gently increase density in existing and new development;
- considering the benefits of more height and density if planned well (e.g. walkability to uses that serve daily needs/increased social interaction, etc.); and,
- increasing general education and awareness on why and how planning for long-term growth and intensification occurs during an Official Plan Review, and how it informs future development applications.

On June 25, 2024, Community Open House #2 was held at the Brooklin Community Centre and Library. The purpose of this open house was to provide information and discuss future land uses to be included in the Community Living Areas and Employment Land Areas of the Brooklin Urban Expansion Area, as identified in Envision Durham. [Refer to Attachment #1 for an excerpt of Envision Durham Map 1, and Attachment #4 for the Brooklin Urban Expansion Area Study Area map]

Approximately 15 participants attended in person and roundtable discussions focused on questions and considerations for:

- future road connections;
- future land use designations like low, medium and higher density residential, parks, and local commercial uses;
- concern with the amount and pace of new development occurring in Brooklin;
- timing for completion of the Official Plan Review and when development applications may follow; and
- how planning in adjacent areas of Pickering and Oshawa may impact the Brooklin Urban Expansion Area.

On June 26, 2024, Community Open House #3 was held at Heydenshore Pavilion in Whitby. The purpose of this open house was to provide information and discuss input on planning for increased population growth and local job opportunities within the Whitby GO PMTSA, as well as other Strategic Growth Areas, Nodes and Corridors within the Built Boundary, as identified in Envision Durham. (Refer to Attachment #2, and Attachment #3 for Study Area maps)

Approximately 40 participants attended in-person, with roundtable discussions focusing on themes such as:

- considerations for building heights that align with existing residential development;
- managing traffic impacts;
- preserving the waterfront and other green spaces;
- providing more opportunities for affordable housing close to the GO Station;
- maintaining and planning for more commercial and employment areas to support the growing population;
- ensuring adequate parking remains as surface parking lots redevelop over time; and
- improving pedestrian, cycling and other active transportation infrastructure in these key growth areas.

Online Engagement

In addition to in-person engagement opportunities, an initial online engagement survey was available on the Connect Whitby Project Page: [connectwhitby/OPreview](#), from the beginning of June to mid-July. The survey garnered 74 participants, with 70% identifying that they live in Whitby, along with a few people who work in Whitby (12%) and the remainder own businesses, are frequent visitors, or have a professional interest in growth and planning in

Whitby. Survey questions focused on general challenges and opportunities with planning for growth across Whitby and returned the following results:

- The highest rated topics of interest for the Official Plan Review included planning for the future Whitby hospital, waterfront/parks and recreational spaces, natural spaces like local forests and trails, taller buildings and intensification (more people living in Whitby's urban areas), transportation (transit, roads, cycling, and pedestrian facilities) and the GO Station and development around it; and
- Other types of community infrastructure people would you like to see more of include parks, medical facilities, and retail shops/restaurants/cafes.

Additional comments focused on:

- Developing complete communities that have adequate parks and retail spaces to support new residents and more walkable neighbourhoods;
- Maintaining the historic feel of some neighbourhoods while also integrating new development, taller buildings, and more facilities and amenities for residents;
- Providing a diverse range of housing types and forms, and a need for more affordable rental and ownership housing options;
- Managing the amount of paved land and integrating more natural spaces to support stormwater management; and
- Providing ongoing communication with the community on decisions regarding the Official Plan Review.

Over half of survey respondents indicated that their preferred method of engagement is through online surveys and recorded presentations at their convenience.

Recorded videos and copies of all Community Open House presentations and engagement materials are available on the project web page. Further online engagement surveys specific to Open House #2 and #3 were provided through August to mid-September, to provide feedback opportunities for those who could not attend in person. Results of the next round of online engagement will be provided in future staff reports on the Official Plan Review.

Indigenous Outreach

With guidance from the project consultants, planning staff sent initial outreach letters to Indigenous representatives situated within the Lands of the Great Mississauga Nations who are signatories to the Williams Treaties, and other Indigenous organizations as identified on previous project engagement lists. The initial letters provided information on the general scope and timing of the Official Plan Review and offered meetings with Planning staff to discuss questions and provide input.

Other Stakeholder Engagement

Initial updates on the scope and timing of the Official Plan Review have been presented to stakeholders such as the Brooklin Landowners group, Committees of Council (e.g. Heritage Whitby Advisory Committee), and through other meetings requested by residents, landowners and business owners. Ongoing updates will be provided.

Next Steps

A Statutory Public Meeting has been scheduled for October 16, 2024, to present the draft recommendations for the Whitby Major Transit Station Area (Focus Area 1) and other Strategic Growth Areas (Focus Area 2).

An additional Community Open House is being planned for the Brooklin Urban Expansion Area (Focus Area 3) to review alternative land use options, followed by a Statutory Public Meeting on the draft recommended amendment in 2025.

Further engagement on other Official Plan conformity updates (Focus Area 4) is planned for 2025.

5. Financial Considerations:

The Whitby Official Plan Review is approved as part of the 2022-2026 budget and is a priority item in the Corporate Business Plan. Components of the Whitby Official Plan Review are further supported by the Housing Accelerator Fund.

6. Communication and Public Engagement:

A detailed Engagement Plan has been developed that seeks feedback from the public and stakeholders and includes reporting to Council at key milestones for each of the four (4) Official Plan Review focus areas outlined in Section 2 of this report.

Both in-person and virtual opportunities are being provided and offer access to project information, including how to stay informed, as well as platforms for submitting feedback, including:

- A dedicated Official Plan Review project page on Connect Whitby: connectwhitby.ca/opreview;
- Community Open Houses (in-person and virtual);
- Outreach to Indigenous Communities;
- Meetings with stakeholders as needed;
- Consultation with relevant Town Departments, Regional staff, and the Central Lake Ontario Conservation Authority;
- Statutory Public Meetings and circulation to Commenting Agencies in accordance with Planning Act requirements; and,
- Presentations and updates to Committees of Council and Council Members.

Interested Party lists are being maintained by Town Planning and Development staff. Interested Parties receive notifications at key project milestones. The Official Plan Review is also being promoted more broadly through the Town's various communication channels.

7. Input from Departments/Sources:

A Core Staff Team from the Planning and Development Department, Strategic Initiatives, Community Services (Parks Planning) and Communications will guide and provide input into the Whitby Official Plan Review. A Technical Advisory Committee has also been established, with representatives from the Region of Durham (Planning and Economic Development Department; Public Works), and the Central Lake Ontario Conservation Authority. Input will also be sought from various commenting Town departments and external agencies throughout the Official Plan Review process.

8. Strategic Priorities:

The Whitby Official Plan Review will support and advance the Town's strategic pillars of the Community Strategic Plan, by providing policy updates that manage growth and development of the Town in a sustainable manner, resulting in safely designed and inclusive neighbourhoods that support a range of housing options, as well as protecting space for important community amenities, such as parks, schools, healthcare services and more resilient built and natural environments.

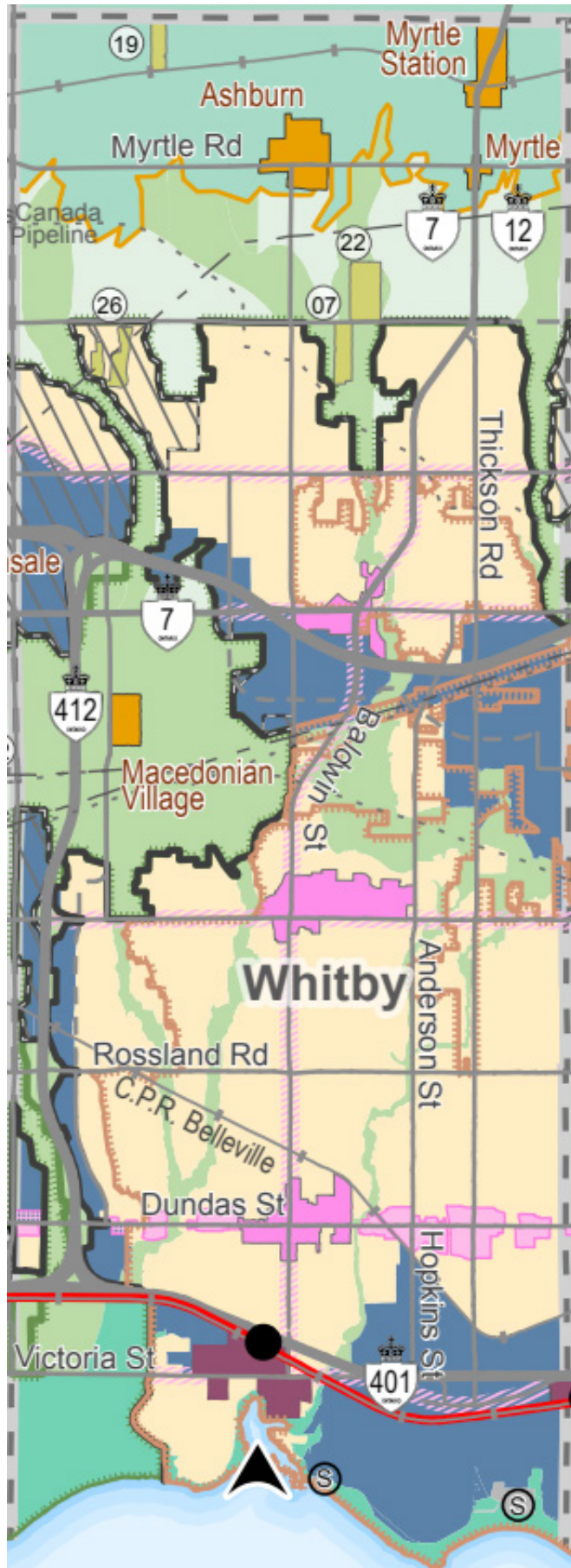
The Official Plan Review will provide for increased access to Employment Area lands that will assist Whitby in being more economically innovative and competitive.

The Official Plan Review will involve community and stakeholder consultation to ensure Whitby's government is accountable and responsive to the community's needs as the Municipality grows over time. It will also support the Town's efforts to improve Accessibility and Sustainability and will ensure that all materials are provided in an accessible format.

9. Attachments:

- | | |
|---------------|--|
| Attachment #1 | Excerpt Envision Durham Map 1. Regional Structure – Urban & Rural Systems |
| Attachment #2 | Whitby GO PMTSA Study Area Map |
| Attachment #3 | Strategic Growth Areas Study Area Map |
| Attachment #4 | Brooklin Urban Area Expansion Study Area Map |
| Attachment #5 | PMTSA and Strategic Growth Areas, Nodes and Corridors – Background Summary and Analysis Report |
| Attachment #6 | Brooklin Urban Expansion Area and Other General Official Plan Updates – Background Summary and Analysis Report |
| Attachment #7 | Preliminary Engagement Summary |

Excerpt Map 1. Regional Structure - Urban & Rural Systems



Official Plan of the Regional Municipality of Durham

Map 1.

Regional Structure – Urban & Rural Systems

Urban System

- Urban Area Boundary
- 2051 Urban Expansion Areas
- Urban Growth Centres (UGC)
- Protected Major Transit Station Area (PMTSA)
- UGC / PMTSA Overlap
- Regional Centres
- Rapid Transit Corridor
- Regional Corridor
- Rural Regional Centres
- Waterfront Place
- Community Areas
- Employment Areas
- Rapid Transit Corridor - Employment
- Delineated Built Boundary
- Former Hamlet Areas

Greenlands System

- Major Open Space Areas
- Waterfront Areas
- Oak Ridges Moraine
- Greenbelt Boundary (excluding Urban River Valleys)

Rural System

- Hamlets
- Country Residential Subdivision
- Rural Employment Areas
- Shoreline Residential
- Prime Agricultural Areas

Infrastructure

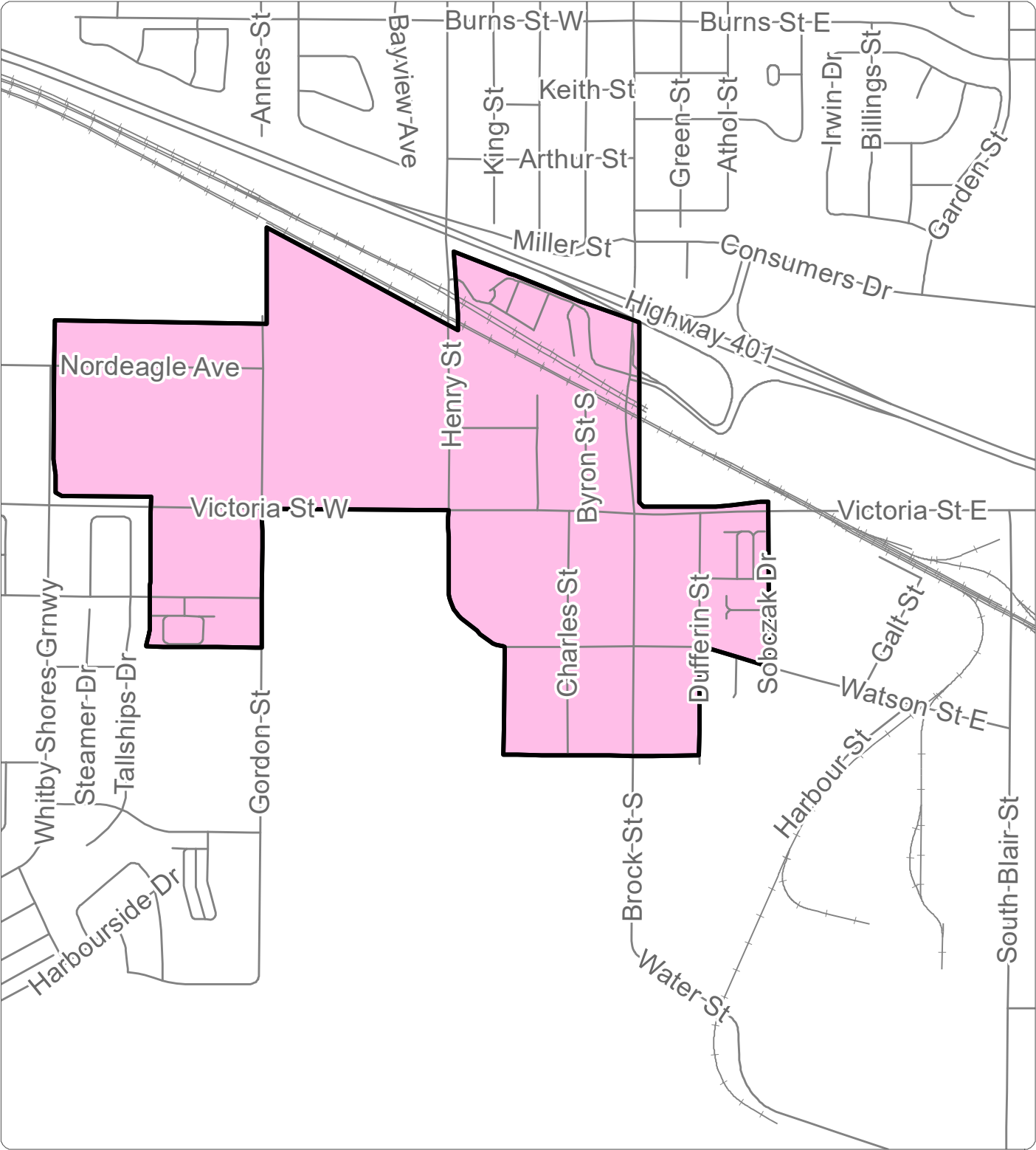
- Existing GO Station
- Proposed GO Station
- Existing GO Rail
- Proposed GO Rail
- Rail
- Existing Airport
- Future Airport
- NGS Nuclear Generating Station
- Municipal Service

Special Areas

- Special Study Areas
- Specific Policy Areas

***Adopted by
Regional Council,
as Amended***





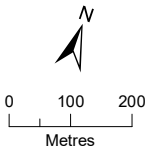
Whitby GO PMTSA Study Area

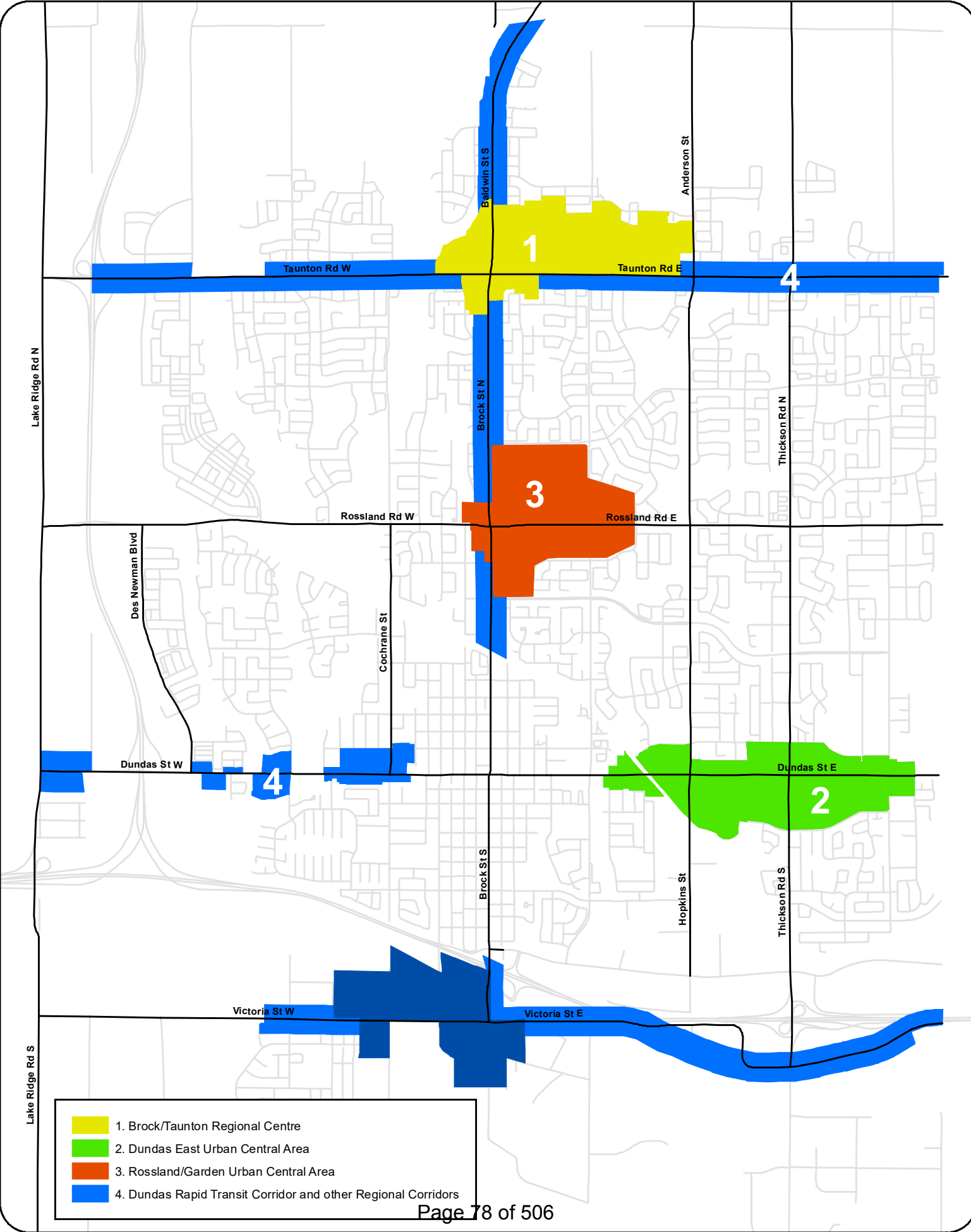
Legend

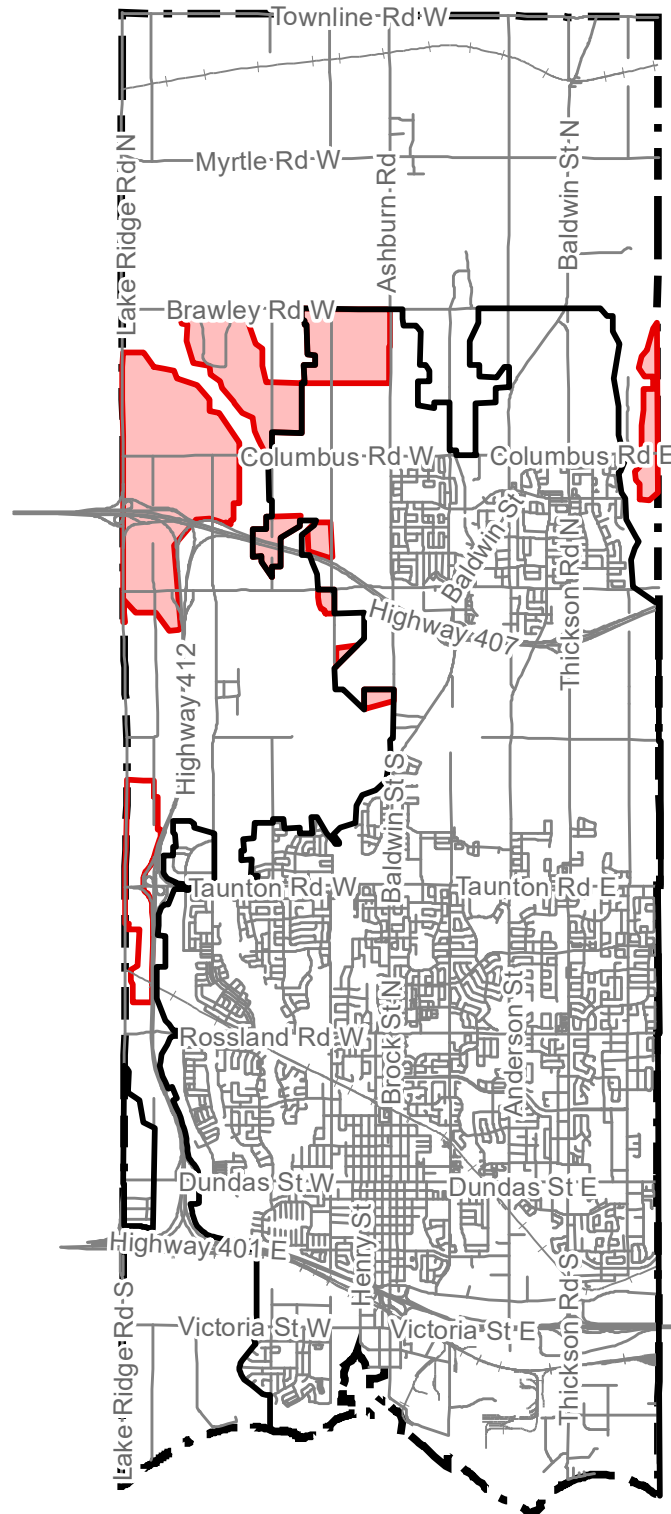
 Protected Major Transit Station Area

***DRAFT per Envision Durham new Regional Official Plan
- as adopted by Region of Durham; not yet approved
by Province**

Not to Scale







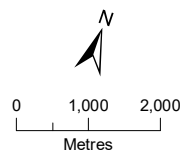
Brooklin Urban Expansion Study Area

Legend

- 2031 Urban Area Boundary
- 2051 Urban Area Boundary
- 2051 Brooklin Urban Area Expansion

***DRAFT per Envision Durham new Regional Official Plan
– as adopted by Region of Durham; not yet approved
by Province**

Not to Scale



Whitby

MTSAs, Strategic Growth Areas and Nodes and Corridors (OPAs 1 & 2)

Phase 1 Whitby Official Plan Review
Background Summary and Analysis Report

August 14, 2024

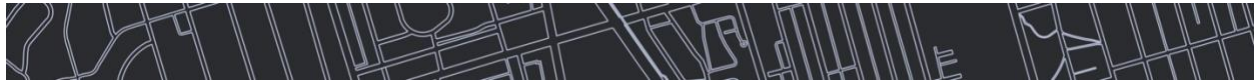
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1 Introduction



1.1 What is an Official Plan?

An Official Plan is a document that sets out a vision and policies to guide the growth and development of a municipality over the long term. At a high level, an Official Plan establishes the structure of a community and what type of land uses are permitted in different areas, including how much, where and what type of growth and development will occur. It provides policy direction on a wide range of topics relevant to the function and planning of a community, including parks, servicing, transportation, protection of lands for agricultural uses, protection of natural areas, urban design and sustainability, as well as policies related to the implementation of the Official Plan.

1.2 Why Undertake an Official Plan Review?

Under the requirements of the Planning Act of Ontario, every municipality is required to review and update their Official Plan generally every 5 years. Since the Official Plan for the Town of Whitby was last updated in 2018, the Town is required to undertake a review to update their Official Plan. Part of that process will include updates to the Official Plan to ensure consistency and conformity with Provincial legislation and policies, as well as Regional policies, specifically the adopted Region of Durham Official Plan (Envision Durham).

Envision Durham recently introduced a number of changes that are required to be reflected into the Town of Whitby's Official Plan, including the delineation of and establishment of policies for a Protected Major Transit Station Area (MTSA) around the Whitby GO Station, the identification of areas where growth is to occur, and an Urban Boundary expansion, primarily around Brooklin. Envision Durham has been adopted by the Region but is with the Minister of Municipal Affairs and Housing for approval.

While the Official Plan Review is being undertaken as one comprehensive project, the updates to the Town of Whitby's Official Plan will happen via four Focus Areas or separate Official Plan Amendments (OPAs):

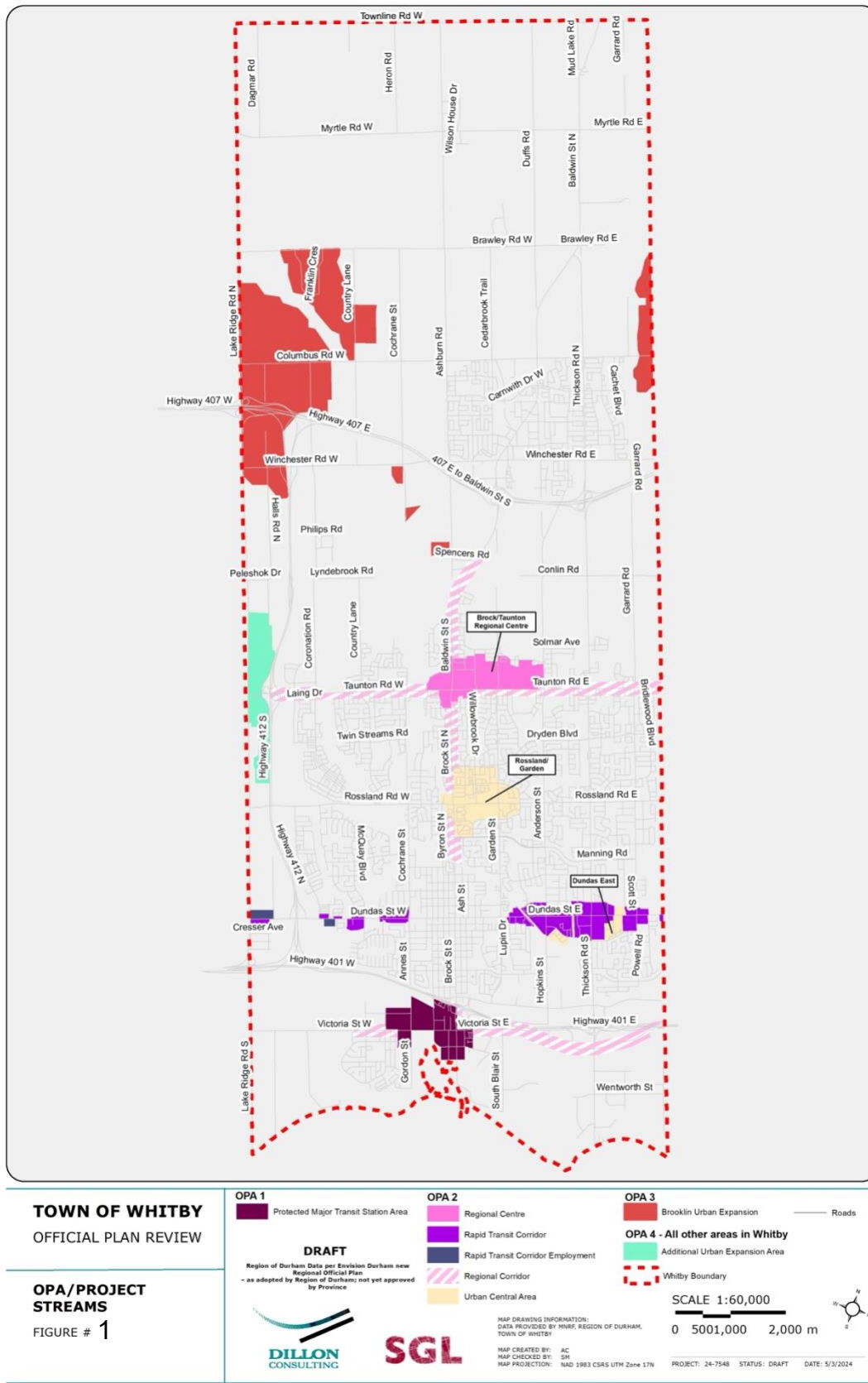
Focus Area /OPA 1: Updates related to the Protected Major Transit Station Area located in and around the Whitby GO Station as identified in Envision Durham. Protected Major Transit Station Areas are areas planned to accommodate greater densities around a major transit stations, such as train stations.

Focus Area /OPA 2: Updates related to Strategic Growth Areas and other Nodes and Corridors.

Focus Area /OPA 3: Updates related to the expansion of the Brooklin area as set out in Envision Durham.

Focus Area /OPA 4: All other updates required to confirm to upper-level policy and legislation.

The locations of where these four Focus Areas or OPAs will apply is identified on Figure 1.



For context, the Strategic Growth Areas and Other Nodes and Corridors being addressed in Focus Areas /OPA 2 include the:

Strategic Growth Areas in Envision Durham:

- Brock/Taunton Regional Centre as identified in Envision Durham;
- Dundas Street Rapid Transit Corridor as identified in Envision Durham, reflecting the planned Bus Rapid Transit (BRT);

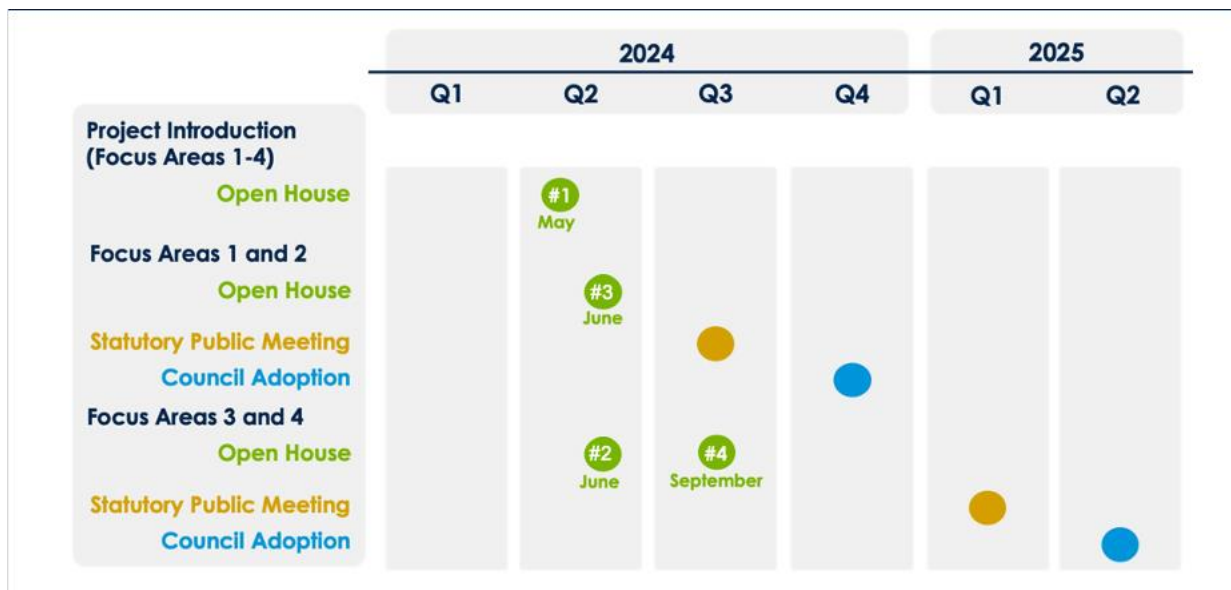
Other Nodes and Corridors

- Brock Street Regional Corridor as identified in Envision Durham;
- Taunton Road Regional Corridor as identified in Envision Durham;
- Victoria Street Regional Corridor as identified in Envision Durham;
- Rossland/Garden Urban Central Area as identified in the Whitby Official Plan; and
- Dundas East Urban Central Area as identified in the Whitby Official Plan.

While an MTSA is also considered a Strategic Growth Area, it is not listed under the list above because it is being brought forward in a separate OPA (OPA 1).

The other Regional Centres being Downtown Brooklin and Downtown Whitby, as well as the Regional Corridors along Winchester Road, Columbus Road and Baldwin Street North in Brooklin are not specifically being dealt with through this report, owing to the recent update of the Brooklin Community and Downtown Whitby Community Secondary Plans within which these centres and corridors are located.

The project schedule, for all Focus Areas, is shown in the following schedule, with any proposed Official Plan changes related to Focus Areas 1 and 2 intended to be adopted by the end of 2024.



1.3 Purpose of this Report

The purpose of this report is to identify policy changes required to be incorporated into the updated Whitby Official Plan, based on a review of Provincial legislation and policies, Regional policies and local policies and other applicable documents. This report summarizes the background information related specifically to Focus Areas/OPAs 1 and 2, being the PMTSAs, Strategic Growth Areas and Other Nodes and Corridors. Focus Areas 3 and 4 are discussed in detail under a separate report.

This report is outlined as follows:

Section 1 is the introduction.

Section 2 highlights Official Plan updates required based on Provincial legislation and policies regarding PMTSAs, the Strategic Growth Areas and Other Nodes and Corridors.

Section 3 highlights Official Plan updates required based on the Envision Durham regarding the PMTSA and the Strategic Growth Areas and Other Nodes and Corridors.

Section 4 addresses organization of the structural elements of the Official Plan.

Section 5 describes the conclusion and next steps.

2 Provincial Legislation and Policy



The authority to regulate land use in Ontario is established by the Planning Act. As part of the Whitby Official Plan Review, recent updates to the Planning Act are considered in this section to ensure conformity with the Act, as are recent changes to the Provincial Policy Statement and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (“Growth Plan”). The description of the legislation in this report only focuses on changes to policy and legislation relevant to Major Transit Station Areas (MTSAs), Strategic Growth Areas and Other Nodes and Corridors. For other information on policy and legislation changes relevant to the other Focus Areas, please see the other background report.

2.1 Bill 108

The Bill 108, *More Homes, More Choices Act*, 2019, was approved and received Royal Assent on June 6, 2019. Bill 108 implemented changes to a number of acts including the *Planning Act* and the *Conservation Authorities Act*.

Planning Act Changes

Inclusionary Zoning

Relevant changes to the *Planning Act* relate to Inclusionary Zoning. Bill 108 enables municipalities to introduce a policy to implement inclusionary zoning in a Zoning By-law that would require affordable housing units to be provided through the development approval process. This policy can only be applied to two specific areas within a municipality, a PMTSA and within an adopted or established development permit system area.

A PMTSA refers to a sub-set of MTSAs where Inclusionary Zoning can be applied. The Planning Act stipulates that the Region will determine which MTSAs should be PMTSAs and set the boundaries of the PMTSA. PMTSAs must be approved by the Minister of Municipal Affairs and Housing.

Durham Region has identified Whitby GO Station as a PMTSA, as such the updated Official Plan could introduce an enabling policy permitting inclusionary zoning.

2.2 Bill 23

The Bill 23, *More Homes Built Faster Act*, 2022, was approved and received Royal Assent on November 28, 2022. Bill 23 implemented changes to a number of acts including but not limited to the *Development Charges Act*, *Heritage Act*, and the *Planning Act*.

Planning Act Changes

Zoning By-laws

Bill 23 requires that a municipality update their Zoning By-law related to MTSAs to include minimum densities and heights that conform with the new Official Plan within one (1) year of the policies coming into effect.

Section 10.1.6 “Zoning By-laws” of the Whitby Official Plan will need to be updated to reflect this new timeframe for MTSAs.

Appeal Rights

Bill 23 amended who could appeal a Zoning By-law related to PMTSAs.

These statutory aspects regarding appeals typically not included within an Official Plan, as such no changes are proposed to the Whitby Official Plan related to this.

Inclusionary Zoning

Bill 23 introduces provisions related to inclusionary zoning, specifically setting out that the maximum number of affordable units a municipality can require through inclusionary zoning is 5% of the total units.

The new Official Plan should consider introducing enabling policies for inclusionary zoning.

Additional Dwelling units

Bill 23 permits up to two additional dwelling units in singles, semi-detached dwellings and townhouses in urban serviced areas.

2.3 Bill 97

Bill 97, *Helping Homebuyers, Protecting Tenants Act*, 2023 was approved and received Royal Assent on July 6, 2023. Bill 97 implemented changes to a number of acts including but not limited to the *Building Code Act*, *Ministry of Municipal Affairs and Housing Act*, and the *Planning Act*. However, none of the changes relate specifically to PMTSAs and Strategic Growth Areas.

2.4 Bill 185

A draft of Bill 185 was released by the Province on April 10th 2024 and received Royal Assent on June 6, 2024. Bill 185 has implications for the Official Plan.

Planning Act Changes

Parking

As it relates to PMTSAs, Strategic Growth Areas and Other Nodes and Corridors, Bill 185 restricts the opportunity for Official Plans and Zoning By-laws to require parking in certain areas, including Major Transit Station Areas.

Updates to the Whitby Official Plan will be required related to parking within the PMTSA.

2.5 Provincial Policy Statement 2020

The Province issued a new Provincial Policy Statement (PPS) on February 28, 2020, which came into effect on May 1, 2020. Most of the changes are not related specifically to PMTSAs and Strategic Growth Area. Below is a summary of the changes that are relevant.

The PPS 2020 revises the definition of residential intensification to include the development of new housing options within previously developed areas as well as the conversion or expansion of existing buildings to create new residential units or accommodation. New residential units or accommodation include accessory apartments, additional residential units, rooming houses, and other housing options. The PPS 2020 also places a greater focus on transit supportive developments and prioritizing intensification in proximity to transit including corridors and stations.

Section 4.2 “Residential Intensification” of the Official Plan should be updated to reflect these changes, as well as ensuring that the term “residential intensification” is correctly used throughout the new Official Plan. The intensification chapter of the Official Plan should also be updated to ensure it accurately captures the focus on transit supportive developments and intensification outlined in the PPS 2020.

This report considers in force policy, it is noted however, that a draft Provincial Policy Statement was released on April 10th, 2024 and was available for comment at the time of the writing of this report. Given that the revised Provincial Policy Statement is a draft, detailed review for implications to the Whitby Official Plan has not been undertaken. However, should it come into effect during this study process, it will be addressed as part of the Whitby Official Plan update, at that time.

2.6 Growth Plan 2019, amended in 2020

The new Growth Plan took effect on May 16, 2019, and was subsequently amended (Amendment 1) on May 1, 2020. Changes introduced in the Growth Plan that should be considered for the new Official Plan are summarized below.

2.6.1 Strategic Growth Areas

The Growth Plan requires that municipalities plan for a minimum intensification target where a portion of forecasted population growth is to occur within the existing built-up area. To support planning for intensification, the Growth Plan requires the identification of Strategic Growth Areas (SGA) by municipalities (Policy 6.3.2b) and the prioritization of intensification and higher densities in these areas (Policies 1.2.1, 2.2.1.2c, 2.2.2.3a). SGAs may include nodes, corridors, or other areas that are intended to accommodate intensification and a compact built form. SGAs can be identified by the Province or by municipalities and may include: Urban Growth Centres; Major Transit Station Areas (MTSA); corridors such as roads or arterials that have existing or planned frequent transit service; or other opportunities such as infill, brownfields, or greyfields.

The Growth Plan identifies a number of policies to facilitate and direct growth to SGAs. One of those is the requirement for upper-tier municipalities, such as the Region of Durham, to set density targets for SGAs (which includes MTSAs) as part of the overall objective of meeting the broader municipal intensification target (Policy 5.2.5.3d). These density targets are to be set with consideration to the appropriate type and scale of development in SGAs and transition to adjacent areas (Policy 2.2.3b). The Growth Plan establishes minimum density targets for MTSAs, as set out in section 2.6.2 of this report

The Growth Plan also directs municipalities to facilitate growth in SGAs by increasing capacity of transit in SGAs (Policy 3.2.3c), providing sufficient infrastructure capacity through integrated long-range planning (Policy 3.2.1.2b), investing in infrastructure and other implementation tools to facilitate higher density development (Policy 3.2.1.3), conserving cultural heritage resources (Policy 4.2.7), and developing and implementing urban design and site design OP policies to direct the development of high quality public realm and compact built form as part of planning for intensification (Policy 5.2.5.6).

2.6.2 MTSA

As previously noted, an MTSA is considered a type of Strategic Growth Area. The Growth Plan requires that planning for MTSAs on Priority Transit Corridors be prioritized by municipalities including the zoning required for implementation (Policy 2.2.4.1). Priority Transit Corridors are identified on Schedule 5 of the Growth Plan and includes the Lakeshore East GO Transit line, and identifies the Whitby GO Station as a Major Transit Station.

In consultation with lower-tier municipalities, upper-tier municipalities are responsible for delineating the MTSA boundary (Policy 2.2.4.2). The delineation is required to be transit supportive by maximizing the size of the area and the number of potential transit users who are within walking distance (Policy 2.2.4.2). Delineation is also guided by the Growth Plan definition of a MTSA which is defined as the area around an existing or planned higher order transit station or stop that is within a 10 minute walk (500 to 800 metre radius). Municipalities are also required to identify and protect lands that may be needed for future enhancements or expansion of transit infrastructure (Policy 2.2.4.11).

The Growth Plan sets out minimum density targets for MTSAs on priority transit corridors depending on the type of transit facility. In the case of the Whitby GO MTSA,

the minimum density target is 150 residents and jobs combined per hectare (Policies 2.2.4.3.c, 5.2.3.3c). Since the Growth Plan sets minimum targets, municipalities are permitted to set higher density targets as of right and lower density targets with permission of the Minister based on a set of criteria (Policy 2.2.2.4).

The Growth Plan also directs municipalities to plan for MTSAs through a range of policies including: prohibiting land uses and built forms that would affect the ability to achieve density targets (Policies 2.2.4.6, 2.2.4.9); designing MTSAs to be transit-supportive, connected to regional transit, and provide multimodal access and infrastructure (Policy 2.2.4.8); planning for a diverse mix of uses including affordable housing (Policy 2.2.4.9a); fostering collaboration between public and private sectors (Policy 2.2.4.9b); and providing alternative development standards where appropriate (Policy 2.2.4.9c).

2.6.3 Intensification

In meeting these projections and in conformity with the Growth Plan, Envision Durham sets out a minimum requirement that 50% of all new residential units across the Region are to occur through intensification within the built-up area (Policy 5.1.11). The Official Plan update will need to incorporate this new intensification target to guide future growth. As set out in Envision Durham, the greatest amount of intensification is directed to the Strategic Growth Areas (SGA), Protected Major Transit Station Areas (PMTSAs), and Rapid Transit Corridors, followed by other nodes and centres.

3 Envision Durham



3.1 Envision Durham

Envision Durham is the new Durham Region Official Plan (ROP) which was adopted by the Regional Council on May 17, 2023. While not yet approved by the Minister of Municipal Affairs and Housing, this version of Envision Durham was the source for the policy review and conformity analysis to inform the Town of Whitby Official Plan Review.

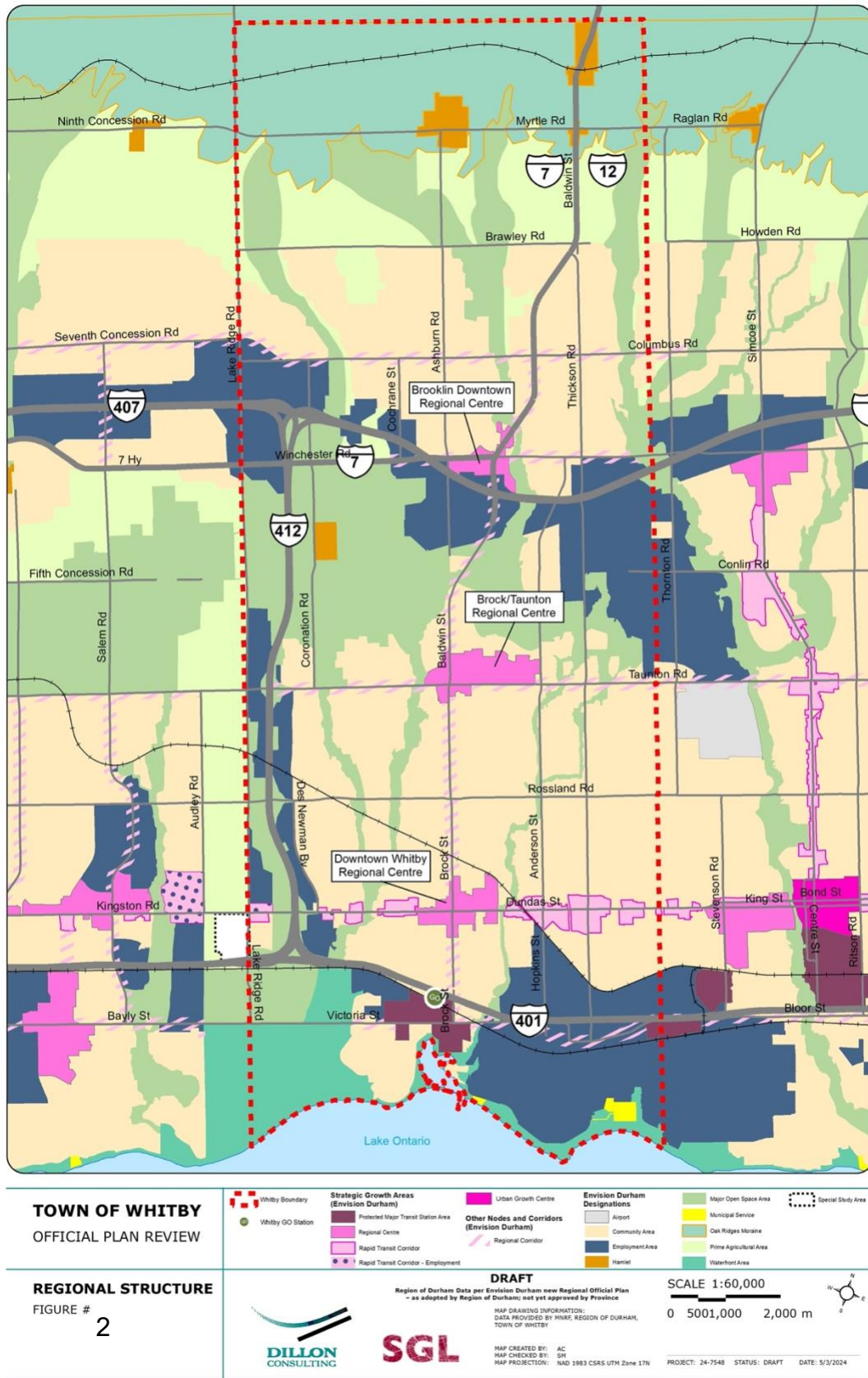
The following sections provide an overview of the policies related to select Strategic Growth Areas and Other Nodes and Corridors. This section deals specifically with topics relevant to Focus Areas 1 and 2, the Protected Major Transit Station Area, Strategic Growth Areas and other Nodes and Corridors. For policy review for other Focus Areas, please refer to the other Phase 1 background report. **Appendix A** includes a table that provides a policy gap analysis on these topics including policy requirements, recommendations, and considerations for the Town of Whitby.

3.1.1 Growth and Intensification Framework

The Region is required by the Growth Plan to set intensification targets and is responsible for allocating growth to the area municipalities. For the Town of Whitby, the population is forecast to grow to 244,890 people and 95,210 jobs by 2051 (from 143,750 and 48,730 respectively in 2021). A portion of that growth is required to occur in the existing delineated built-up area, which is referred to as intensification.

The Region-wide intensification target is 50% with intensification targets further set for each municipality to meet the Region-wide target. The target for the Town of Whitby is 50% based on 19,440 units (of 39,260) to 2051 to occur within the built boundary and reflecting 17% of the Region's total intensification. Further direction is provided in Envision Durham in regards to planning for intensification based on a growth and intensification framework as shown in **Figure 2**. The framework identifies a hierarchy of growth areas including Strategic Growth Areas, other nodes and corridors, and more gentle forms of intensification and infill. Within Whitby, Strategic Growth Areas include Regional Centres, Major Transit Station Areas, and Rapid Transit Corridors. Other Nodes and Corridors include Regional Corridors and locally designated areas.

These SGAs reflect an overall urban structure of nodes and corridors within the Town. The intent is that these areas will be the focus for intensification and higher-density forms of development with mid to high-rise built form. These areas also play an important economic function in the Region by being a focal point for economic activities and redevelopment and renewal (as appropriate) including energy retrofits of existing buildings (Policy 2.1.13b and c). **Section 3.12** of this report provides further detail on the form and function of the SGAs in the Town of Whitby.



In regards to intensification and overall growth, Envision Durham requires the Town's OP to: implement growth management and urban system policies (Policy 5.1.9); and provide intensification strategies in consultation with the Region including implementing intensification targets, achieving the planned function of Strategic Growth Areas, and addressing the availability of servicing and transit (Policy 5.1.14). **Figure 3** shows Envision Durham's Growth and Intensification Framework.

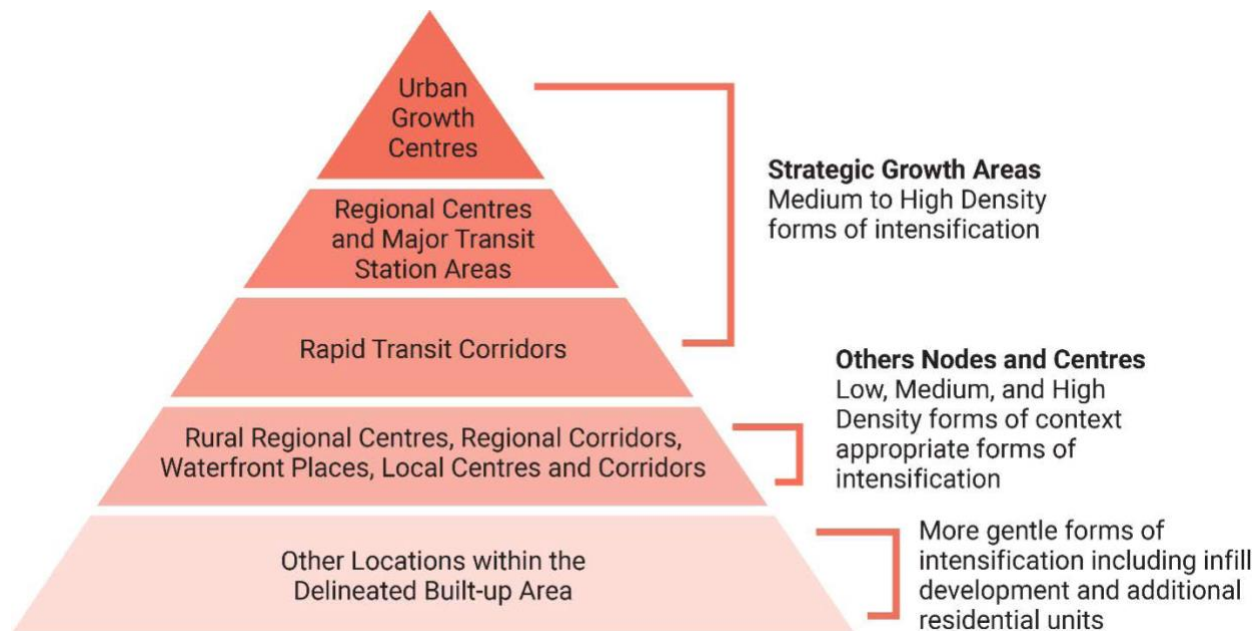


Figure 3: Envision Durham's Growth and Intensification Framework (Source: Envision Durham, 2023)

Impacts for Whitby Official Plan

The existing Whitby Official Plan (2018, office consolidated 2024), Policy 2.4.1, notes that the plan is based on a planning horizon of 2031 and has been prepared within the context of the urban and rural patterns of the Region of Durham and the Greater Golden Horseshoe. As per Policy 2.2.1 c), the existing Whitby OP directs 45 per cent of new residential development and redevelopment within Whitby to the identified Central Areas and corridors within the established Built Boundary. Further, as per Policy 2.2.1 b) Durham Region's population capacity forecast to 2031 was 192,860 in the Town, including a rural population forecast of 2,100. Employment is forecasted to be 71,310 jobs by 2031 (as per Table A in Policy 2.2.2). The Town is required to update the Official Plan to accommodate growth to the 2051 horizon and to plan for the identified intensification target established through Envision Durham.

3.1.2 Strategic Growth Areas

The identification of, planning, and policy framework for Strategic Growth Areas is a critical component to achieving the 50% minimum intensification target set for the Town through Envision Durham. As shown in **Figure 2** Strategic Growth Areas identified in Envision Durham within the Town of Whitby include: Regional Centres, the PMTSA, and

Rapid Transit Corridors. There are three Regional Centres identified for the Town within Envision Durham as shown on Figure 2, which include (A) Downtown Whitby, (B) Brock/Taunton, and (C) Brooklin Downtown. There is one PMTSA located at the Whitby GO Station. There is one Rapid Transit Corridor in Whitby located along Dundas Street, portions of which are designated Employment Areas in the Regional Official Plan.

The overall objective is to support the achievement of complete communities by prioritizing development in SGAs through higher-density forms of development, permitting a mix of uses, and encouraging development that is transit and pedestrian-oriented. The success of the SGAs will depend on proactive planning and investment including providing adequate municipal and transit services. SGAs also serve an important role by providing housing options across the Region and Town including affordable housing.

In regards to the Strategic Growth Areas, Envision Durham requires that the area municipalities implement a policy and regulatory framework through their OPs, Secondary Plans, and zoning which enables the growth and development of the SGAs. Specifically, this shall include:

- Delineating the boundaries of the Strategic Growth Areas (Policy 5.2.6a);
- Designating appropriate land uses, establishing population and employment density targets, identifying permissible built forms, and providing minimum and maximum building heights (Policy 5.2.6b);
- Transition policies that guide appropriate heights, land use compatibility, and scale of development in relation to neighbouring areas (Policy 5.2.6c);
- Planning for public service facilities, parks and recreational space, and other social and cultural amenities within and surrounding SGAs (Policy 5.2.6d);
- Identifying urban design policies, guidelines, or approaches to promote placemaking, active transportation, pedestrian and transit-oriented land uses and built form (Policy 5.2.6e);
- Considering a full range of implementation strategies to advance development within SGAs such as as-of-right zoning, streamlining development approvals, or the use of a community planning permit system (Policy 5.2.6f);
- Adopting policies and zoning by-laws that permit additional residential units and new and existing development and intensification including not applying minimum unit sizes (Policy 3.1.14c); and
- Requiring that at least 35% of all new units created in Strategic Growth Areas be affordable to low and moderate income households (Policy 3.1.21).

Planning for development in SGAs is guided by Policy 5.2.8 which identifies the need to:

- incorporate transit-oriented design principles,
- provide a range of housing options including additional residential units and affordable housing,
- contribute to transit-supportive density targets,
- adhere to development limitations and natural feature setbacks;
- contribute to, recognizes and/or conserves cultural heritage resource, and

- require the phasing and staging of development in consultation with area municipal staff.

While not required, there are some policies specific to SGAs within Envision Durham that the Town may want to consider:

- Municipalities are encouraged to remove parking space requirements for additional residential units in areas intended to support higher order transit service, such as those in Strategic Growth Areas (Policy 3.1.14d);
- Support aging in place by encouraging affordable housing for seniors that is in proximity to SGAs (Policy 3.1.24);
- Facilitating the function of SGAs as community hubs by encouraging the creation of or renovation of existing community facilities (Policies 3.3.27 and 3.3.28);
- Achieving transit-oriented development within Strategic Growth Areas to support increased transit use through road design, parking requirements, alternative development standards, and regional TOD guidelines for reviewing development applications (Policy 8.1.3); and,
- The need for the Region to monitor growth in consultation with area municipalities including: within Strategic Growth Areas specific to housing supply and affordability (Policy 3.1.34); density of Strategic Growth Areas (Policy 11.5.3); and the effect of new policies and by-laws within PMTSAs based on a range of measures including mix and density of uses, housing unit count and mix, parking spaces, transit improvements, and amount and type of development (Policy 11.5.4).

The following sections provide an overview of the different types of SGAs designated by Envision Durham within Whitby including their form and function, density targets, and any unique policy requirements.

3.1.2.1 Regional Centres

The three Regional Centres in the Town, as shown in **Figure 2**, are to be planned as the main concentration of urban activities functioning as a hub for culture, shopping, services, and as a focal point for the broader surrounding community. The built form is to be a mix of mid to high-rise development with a range of uses including institutional, residential, commercial, and public service facilities (Policy 5.2.13).

Within Whitby's Official Plan, these three Regional Centres, Downtown Whitby, Brock/Taunton, and Downtown Brooklin, are identified as Major Central Areas. Major Central Areas are to be planned and developed as the main concentration of urban activities in the Town where a fully integrated array of institutional, commercial, major retail, residential, recreational, cultural, entertainment, office, and major office uses are provided. The policies of relevant Secondary Plans and the policies applying to Intensification Areas in the Official Plan articulate how redevelopment and intensification within the Major Central Areas will occur. The Brock/Taunton Major Central Area is a Regional Centre in Envision Durham.

Envision Durham identifies density targets for Regional Centres of a minimum of 150 people and jobs per gross hectare if they are located along a Rapid Transit Corridor and 100 to 150 people and jobs per gross hectare if they are not (Policy 5.2.3, Figure 11). In the context of Whitby, this means that the Downtown Whitby Regional Centre would have a minimum density target of 150 people and jobs per gross hectare as it is located along the Dundas Street Rapid Transit Corridor. However, Envision Durham states that in cases of a historic downtown, an area municipal OP may establish an alternative target for the Regional Centre as long as the overall intensification target for the municipality can be achieved. It is noted that the Downtown Whitby Secondary Plan was recently completed and indicated a density target of 75 people and jobs per hectare, which has been reviewed and approved by the Region. The other two Regional Centres Brock/Taunton and Downtown Brooklin are required to have a minimum density between 100 to 150 people and jobs per gross hectare.

For Regional Centres, there are some additional policies that are required to be included through the Town's OP Review. In addition to establishing a density target, the OP must include a target population-to-jobs ratio. The OP is also required to include policies that support the creation of focal points for culture, art, and public assembly in the Regional Centres. Policies that support community hubs, government offices, post-secondary education and health care facilities are also required (Policy 5.2.14).

Impacts for Whitby Official Plan

Regional Centres will need to be designated and planned for as part of this Whitby Official Plan Review. Downtown Whitby and Brooklin are recent Secondary Plans and are thus not being considered as part of this Report. While all three Regional Centres have Secondary Plans in the Whitby Official Plan, policies related to Brock/Taunton will be updated through the Official Plan Review.

3.1.2.2 PMTSA

The Whitby GO Station PMTSA is to be planned as a community that is centred around higher order transit and permit a range of uses including medium and high density residential. Per Envision Durham, other permitted uses include employment generating uses such as major office, cultural and entertainment uses, and institutional and educational uses (Policy 5.2.16) while not permitting automobile-oriented uses or land extensive uses (Policy 5.2.17). Envision Durham requires that PMTSAs be developed with consideration of existing commuter station facilities by providing convenient, direct pedestrian access from high density development sites where possible (Policy 5.2.19), consider future facility needs if planning development above a rail corridor (Policy 5.2.22), and account for the retention/replacement of station access, and the protection for future facility expansion (Policy 5.2.23i).

Impacts for Whitby Official Plan

Under the Planning Act, PMTAs which are identified in a Regional Official Plan must be reflected in a Lower-Tier Official Plan within a year. As a Strategic Growth Area, the PMTSA will play a key role in meeting the intensification target for the Town. To support development of a complete community, Envision Durham provides a detailed list of

policies that the Town must include for the PMTSA in addition to those referenced above (e.g., delineating the area). The density target for the PMTSA per Envision Durham is a minimum of 150 people and jobs per gross hectare (Policy 5.2.3, Figure 11). Envision Durham requires that the Town establish additional growth targets for the PMTSA being minimum population and employment, and housing targets with the highest densities to be focused near transit stations (Policies 5.2.23 b, c, and e). The Town is also required to include policies to ensure that required transportation, servicing, and other infrastructure is in place prior to, or concurrent with new development (Policy 5.2.23 g).

The Whitby OP is also required to include policies pertaining to development standards to encourage transit-oriented development and support the efficient use of land for example through the use of shared parking (Policy 5.2.23 d and h). The Whitby OP must also incorporate urban design and sustainability guidelines, policies that encourage placemaking through specific policy approach, and include sustainable transportation policies within the Whitby GO PMTSA (Policies 5.2.23 j, k, and l). There is little opportunity to expand the road network in the PMTSA other than local roads, thus policies in the Town's Official Plan to consider alternatives in this area, such as a greater modal split to encourage multimodal uses and protect for those in the future, are to be considered.

3.1.2.3 Inclusionary Zoning Within PMTSA's

Envision Durham promotes the use of inclusionary zoning within a PMTSA (Policy 5.2.21). As a PMTSA, the Town is able to utilize inclusionary zoning to support the affordable and attainable housing needs within the Whitby GO Station PMTSA. The Planning Act enables inclusionary zoning as a planning tool under Section 16(4), and it shall contain policies that authorize inclusionary zoning by (a) authorizing the inclusion of affordable units within buildings or projects containing other residential units and (b) providing for the affordable housing units to be maintained as affordable housing units over time.

Further, as discussed in Section 2.1 of this report, the Planning Act allows for inclusionary zoning to be implemented within PMTSA's as per Section 16(5), by requiring a certain percentage of new units in a development to be affordable. If the Town wants to implement inclusionary zoning, then it needs to identify and recognize the PMTSA in policy for the Whitby Go Station PMTSA. However, as part of the process, Section 16(9) of the Planning Act prescribes that, before adopting the parts of the Official Plan which contain policies related to Inclusionary Zoning, the council of the municipality shall ensure that an assessment report has been prepared.

Official Plan policies for inclusionary zoning would need to include the following:

- The minimum size, not to be less than 10 residential units, of development or redevelopment to which an inclusionary zoning by-law would apply.
- The locations and areas where inclusionary zoning by-laws would apply.
- The range of household incomes for which affordable housing units would be provided.

- The range of housing types and sizes of units that would be authorized as affordable housing units.
- The number of affordable housing units, or the gross floor area to be occupied by the affordable housing units, that would be required.
- The period of time for which affordable housing units would be maintained as affordable.
- How measures and incentives would be determined.
- How the price or rent of affordable housing units would be determined.
- The approach to determine the percentage of the net proceeds to be distributed to the municipality from the sale of an affordable housing unit, including how net proceeds would be determined.
- The circumstances in and conditions under which offsite units would be permitted.
- .

Impacts for Whitby Official Plan

The Whitby Official Plan currently does not include policies related to inclusionary zoning. As noted, as per Bill 23, this inclusionary zoning capped at 5%.

3.1.2.4 Rapid Transit Corridors

The Dundas Street Rapid Transit Corridor extends east-west across the Town. As shown in **Figure 2**, it is segmented to account for the natural heritage system and other Regional structural elements (e.g. Regional Centre). Rapid Transit Corridors are identified as the highest order of Regional Corridor and are intended to provide connections to SGAs throughout the Region.

Envision Durham includes policies to support transit-supportive densities, a compact built form that is pedestrian friendly and implements transit supportive design principles. The policies also support the permission for a full range and mix of uses including commercial, retail, institutional, residential, personal services, offices (Policy 5.2.24). The density target for the Rapid Transit Corridor per Envision Durham is a minimum of 150 people and jobs per gross hectare (Policy 5.2.3, Figure 11).

Envision Durham denotes when a Rapid Transit Corridor is overlaid with a designated Employment Area. **Figure 2** shows those portions on west Dundas around Highway 412 that is Rapid Transit Corridor - Employment. Envision Durham requires that these areas are protected for employment uses only including office, research and development facilities. Enhanced architectural standards and landscaping design is encouraged (Policy 5.2.25).

Envision Durham provides a list of policies that the Town must include for the Rapid Transit Corridor in addition to those referenced above. Envision Durham requires the inclusion of policies that permit a mix and range of uses including residential, commercial, and employment to be developed through higher density, compact and pedestrian-oriented built form (Policy 5.2.26b). Area municipalities are also required to

support the comprehensive and integrated planning of the corridor by including policies that: ensure that servicing and infrastructure is provided in advance of or concurrent with development (Policy 5.2.26d); support the preparation of segment specific planning (Policy 5.2.26e); ensure that block plans are submitted as part of development applications where the need to consider the broader area is present (Policy 5.2.26f).

Impacts for Whitby Official Plan

The Town of Whitby's Official Plan will need to be updated to include reference to the applicable Rapid Transit Corridor identified in Envision Durham. This will require specific policy direction in the Town's Official Plan for the Rapid Transit Corridor along Dundas Street to ensure conformity with the Region's vision for Rapid Transit Corridors. Currently, Dundas Street is identified as an Intensification Corridor in Schedule 'B' of the Town of Whitby's Official Plan, which aligns with portions of Regional Corridors. Accordingly, updates to the Intensification Corridor policies in Section 4.2.7 of the Town's Official Plan will need to be made. Further, the Dundas East Intensification Area and the Dundas East Urban Central Area partially overlap with part of the Rapid Transit Corridor designation as well. Along with updates to the Intensification Corridor policies, this delineation discrepancy will need to be reconciled to ensure alignment with Envision Durham's Rapid Transit Corridor designation.

3.1.3 Other Nodes and Corridors

Outside of Strategic Growth Areas, Envision Durham encourages other nodes and corridors where higher density forms of development to be planned for. In the context of Whitby, these include Regional Corridors, Local Centres and Local Corridors. The following section outlines the policies for Other Nodes and Corridors.

3.1.3.1 Regional Corridors

As shown in **Figure 2**, several Regional Corridors are identified in Envision Durham within the Town of Whitby, including on Brock Street/Baldwin Street, Victoria Street, Taunton Road, Winchester Road, and Columbus Road.

While not a Strategic Growth Area, in the Adopted Regional Official Plan, a Regional Corridor is recognized by Envision Durham generally as an appropriate location for higher-density, mixed use development (Policy 5.3.6). Intensification along these corridors is encouraged, subject to local context (Policy 5.3). Built form is encouraged to be multi-storey, compact, pedestrian friendly and transit supportive and to apply the relevant TOD design principles (Policy 5.3.7). Where the corridor overlays with a designated Employment Area, it does not mean that residential or other sensitive land uses are permitted that are contrary to other applicable ROP policies (Policy 5.3.8).

There are no longer density targets established in Envision Durham for Regional Corridors. The previous Durham Regional Official Plan outlined long-term targeted minimum of 60 residential units per gross hectare and a floor space index of 2.5.

The Town of Whitby is encouraged to establish transit supportive density targets along Regional Corridors and, where appropriate, designate key development areas that represent prime opportunities for development, redevelopment, and intensification (Policy 5.3.10). It is recognized that portions of these corridors may be constrained and may not be appropriate for development within the timeframe of Envision Durham (Policy 5.3.9).

Impacts for Whitby Official Plan

Intensification Corridors are identified on Schedule 'B' of the Town's Official Plan, along portions of the Envision Durham Regional Corridors. The current Whitby Official Plan will need to be updated to recognize Envision Durham's Regional Corridor policies. In particular, this could include establishing transit supportive density targets along these Regional Corridors and, where appropriate, designating key development areas that represent prime opportunities for development, redevelopment and intensification.

3.1.4 Other locally designated Nodes

In addition to Envision Durham's Regional Corridors, there are other locally designated areas planned for growth within the Town of Whitby's Official Plan that need to be considered for how they will support growth and align with Envision Durham's Local Centres and Local Corridors policies.

These areas include Urban Central Areas (Schedule A of the Whitby OP) and Intensification Areas (Schedule B of the Whitby Official Plan). Urban Central Areas are to be planned and developed similar to, but generally smaller in scale than Major Central Areas in order to serve large segments of the Urban Area through the provision of uses which complement those offered within the Major Central Areas.

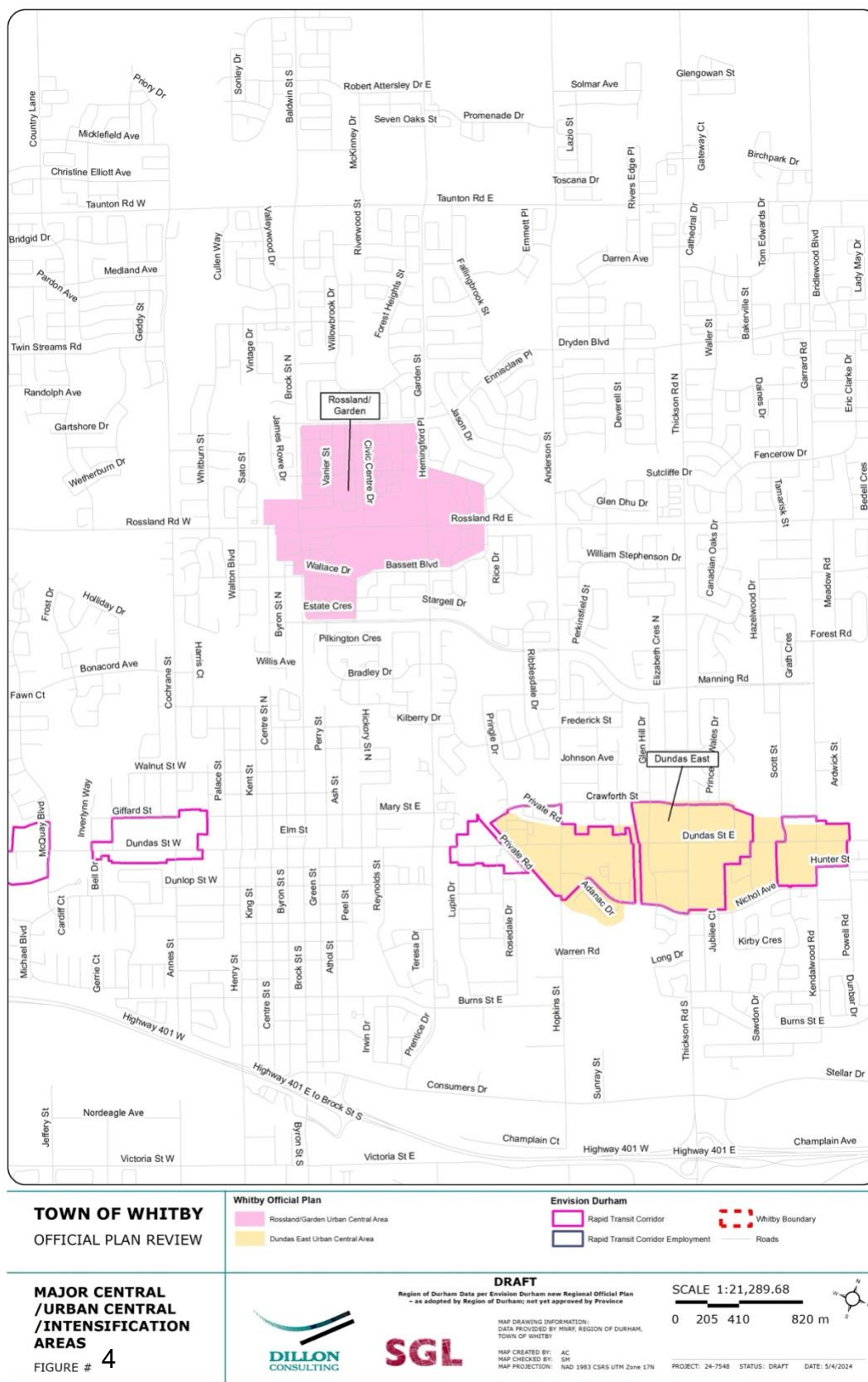
Dundas East and Rossland/Garden are identified as Urban Central Areas on Schedule A and Intensification Areas in Schedule B of the Town of Whitby's Official Plan. These areas are shown in **Figure 4**.

This Study will include a review of the Rossland/Garden Urban Central Area as a locally designated node and Envision Durham's Local Centre policies to identify opportunities to support Whitby's intensification strategy and accommodate growth.

As mentioned previously in this report, the Dundas East Intensification Area/Urban Central Area is now mostly covered by the Rapid Transit Corridor, and is thus considered a Strategic Growth Area, however, as shown on **Figure 4**, the boundaries do not fully align.

The Port Whitby Intensification Area (which is not identified as an Urban Centre in the Whitby's Official Plan), largely now falls within the PMTSA, however some lands are outside of the PMTSA and not a focus of this report. This Official Plan update provides an opportunity to review and reconcile these mapping discrepancies for the applicable areas, while also updating the mapping to reflect the Envision Durham Strategic Growth

Areas, as needed.



4 Organization of Updates and Structure of Official Plan



As discussed within the previous section of the report, there are many sections of the Whitby Official Plan that will need to be updated to implement the direction of the provincial policy and legislation and policies of Envision Durham as it relates to the MTSAs, Strategic Growth Areas and Other Nodes and Corridors.

As part of the Official Plan Review, one of the considerations will be how best to introduce the structural elements and associated policies in the updated Official Plan, specifically, how to organize and refer to the different structure elements.

Based on the previous Regional Official Plan, the Whitby Official Plan has different categories and related policies. Section 4.3 addresses Major Central Areas and Urban Central Areas.

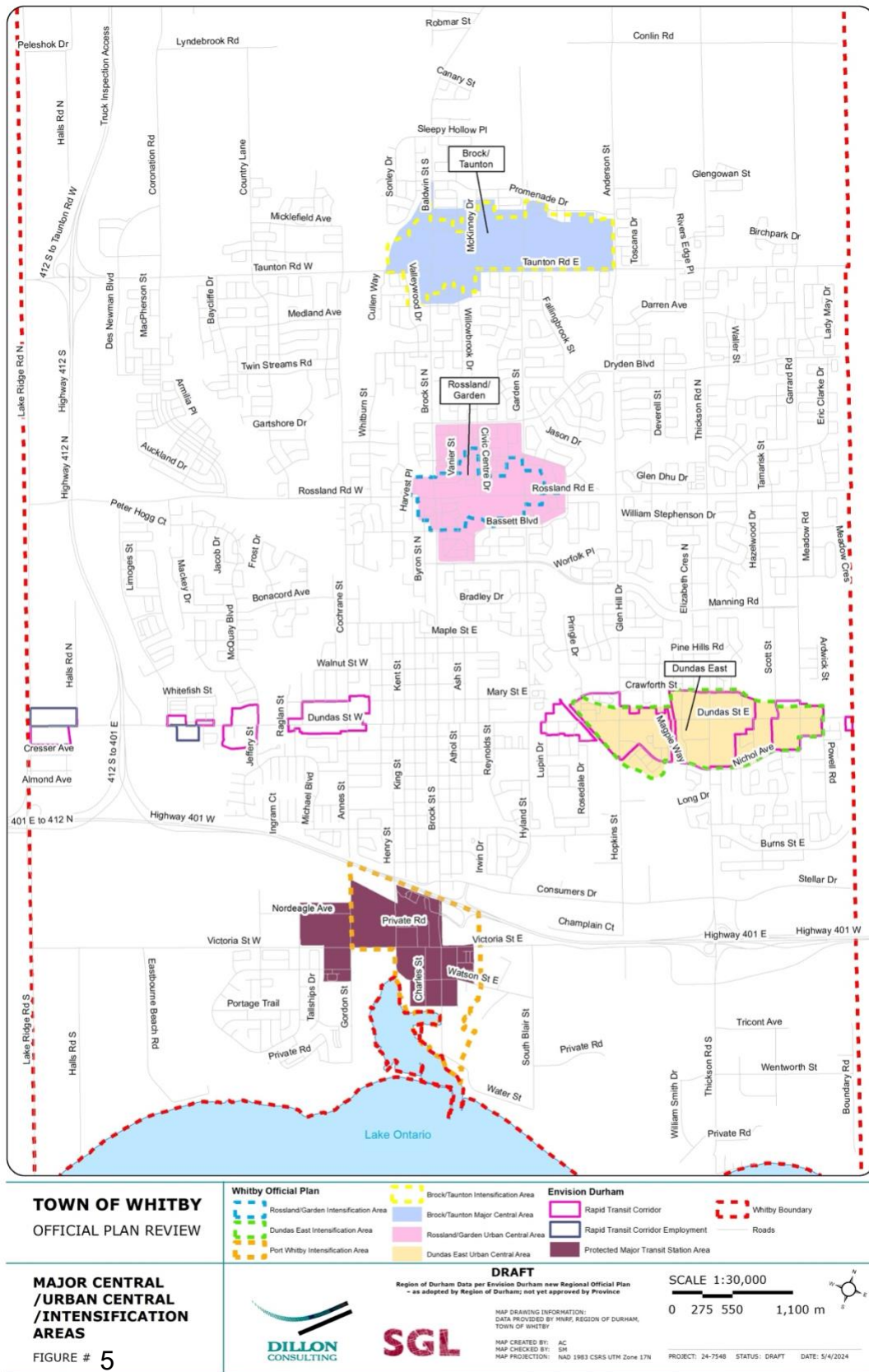
Section 4.2 addresses Intensification Areas and Intensification Corridors. Each of the Major Central Areas and Urban Central Areas are also identified as Intensification Areas,. However, the delineation of the Central Areas and Intensification Area boundaries do not always align in the Town's schedules, as shown in **Figure 5**.

To avoid confusion by having to check different parts of the Official Plan to understand requirements for an area that is, for example, considered both a Major Central Area and an Intensification Area, consideration should be given to simplifying Sections 4.2 Intensification and 4.3 Central Areas such that all the policies that apply to a specific area, are in one location. For example, in the case of the Rossland/Garden Urban Central Area, any relevant existing "Intensification Areas" policies would be addressed along with the specific "Rossland/Garden Urban Central Area" policies so that the reader does not have to look to multiple sections to find the policies that apply to a given area.

As mentioned, the terms Major Central Area/Urban Central Area/Intensification Areas/Intensification Corridors are used currently in the Whitby Official Plan, but Envision Durham now uses other terms - Regional Centres, Regional Corridors and Rapid Transit Corridors. The Town's policies and terminology is based on the intensification study that led to OPA 90, which predated this version of the Regional Official Plan, Envision Durham. To tie everything to Envision Durham, in the updated Official Plan, the Strategic Growth Areas and Other Nodes and Corridors could be referred to as the:

- Whitby Protected Major Transit Station Area;
- Downtown Whitby, Brock/Taunton and Downtown Brooklin Regional Centres;
- Dundas Rapid Transit Corridor;

- Brock, Victoria, Taunton, Winchester and Columbus Regional Corridors;
and
- Rossland/Garden Urban Central Area.



Whether Dundas East is maintained as an Urban Central Area as well, or policies updated to reflect it as Rapid Transit Corridor, can be considered during the development of policies in Phase 2. Similarly, consideration would have to be given to the Whitby Port Intensification Area, which is now in part a PMTSA. This boundary difference is also shown on **Figure 5**.

It is noted that all of the Town's Intensification Corridors are identified in Envision Durham as Regional Corridors, or, in the case of Dundas Street, a Rapid Transit Corridor.

Should the above approach to reorganisation be taken, the noted terminology and reorganization of policies would remove the need for the reference to Intensification Corridors and Intensification Areas, as well as Schedule B – Intensification, at all. Rather, the relevant policies would be addressed with the policies for the specific area. However, to take this approach, any misalignment with Intensification Areas and other structural elements, whether they be the MTSA, Rapid Transit Corridor, Central Area or Regional Centre, would have to be addressed.

The Whitby Official Plan is not required to copy the Envision Durham terminology, by for example, making reference to the Dundas "Rapid Transit Corridor". The policies that apply along Dundas could simply be updated to appropriately implement Envision Durham's policies, as applicable. However, there is benefit to matching the terminology with that of the Durham Official Plan as it provides the reader with a clearer connection between the Whitby Official Plan and the higher level policy it is implementing.

Whatever approach is taken, the Municipal Structure Map 1, Land Use Schedule A and Intensification Schedule B of the Whitby Official Plan, will need to be updated.

5 Next Steps



The next step of the Study process will be to engage the public on the background work and prepare a draft proposed OPA to be considered at a future Statutory Public Meeting, followed by a recommended OPA for adoption by Council.

Appendices

Appendix A - Conformity Table to Policies in Envision Durham

Item	Envision Durham Policy Key Gaps	Whitby Official Plan Conformity Review
Growth and Intensification Framework		
1	Specific Vibrant Urban Systems policies <u>required</u> (general urban system policies): 5.1.5, 5.1.7, 5.1.8, 5.1.9, 5.1.12, 5.1.14	<p>Envision Durham contains a number of policies regarding growth allocations and intensification targets for the Town of Whitby. This includes population and employment growth targets (5.1.5) and an intensification target (5.1.7). To accommodate the intensification, the Region identifies a growth and intensification framework that identifies a hierarchy of growth areas including Strategic Growth Areas and Other Nodes and Corridors (5.1.8) and requires the prioritization of intensification within this hierarchy (5.1.12).</p> <p>The following applies to Whitby:</p> <ul style="list-style-type: none"> • Population and employment forecast to 2051 of 244,890 people and 95,210 jobs by 2051. • Intensification target of 50%; • Planning for intensification in Strategic Growth Areas including minimum density targets for: <ul style="list-style-type: none"> ○ Downtown Whitby Regional Centre, Brock/Taunton Regional Centre, Downtown Brooklin Regional Centre, ○ Whitby GO Protected Major Transit Station Area, and ○ Dundas Street Rapid Transit Corridor. • Planning for intensification, as appropriate, in Regional Corridors (Other Nodes and Corridors) including Brock Street/Baldwin Street, Victoria Street, Taunton Road, Winchester Road, and Columbus Road. <p>The Town of Whitby is required to implement the growth management targets, designations, and policies within the Urban Systems in accordance with Envision Durham (5.1.9). Area municipalities are encouraged to identify other areas that are appropriate for intensification (5.1.14d).</p>

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		<p>In the context of the existing Whitby Official Plan, as per Policy 2.4.1, the current Whitby Official Plan is based on a planning horizon to 2031 and has been prepared within the context of the urban and rural patterns of the Region of Durham and the Greater Golden Horseshoe. As per Policy 2.2.1 c), there will be a focus on directing 45 per cent of new residential development and redevelopment within the Municipality, primarily to the identified Central Areas and corridors within the established Built Boundary. Further, as per Policy 2.2.1 b) Durham Region's population capacity forecast to 2031 was 192,860 in the Town, including a rural population forecast of 2,100. Employment is forecasted to be 71,310 jobs by 2031 (as per Table A in Policy 2.2.2).</p> <p>The Town is required to update the OP to the 2051 forecast and to plan for the identified intensification target.</p> <p>The table following this table provides an overview of the intensification areas currently included in the Town's OP and some of the required areas for updating including delineation and density targets. It should be noted that the Town OP includes additional intensification areas (referred to as Urban Central Areas) being: Dundas East, and Rossland/Garden. The Town is required to update the OP to be aligned with the policies around Strategic Growth Areas including their delineation and minimum density targets. The additional intensification areas identified by the Town should be revisited as part of updating the OP including new density targets with consideration to the overall intensification target.</p> <p>Policy 5.1.14 of Envision Durham contains direction to require municipal OPs to provide intensification strategies that includes: the implementation of the intensification targets; encouraging additional residential units and other forms of intensification; achieving planned function and density targets of SGAs; identifying other areas for intensification; addressing servicing capacity in order to support intensification including transit, water, sanitary, public service facilities, and community services; and updating OPs, Secondary Plans, and by-laws to support intensification.</p>

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		<p>As discussed throughout this table, the Town of Whitby OP includes a number of policies that address the requirements of ROP Policy 5.1.14 such as those related to:</p> <ul style="list-style-type: none"> • encouraging additional residential units and intensification; • achieving the planned function and density targets for strategic growth areas and other nodes and corridors; • identifying other areas appropriate for intensification and transition areas; and • servicing. <p>In addition to implementing the identified intensification target, the Town will need to review and refresh those policies related to intensification as referenced throughout this table.</p>
2	Specific Prosperous Region policies to consider (diversified economic base): 2.1.13	<p>As per Policy 2.1.13 of Envision Durham, it is the policy of the Region to encourage economic diversification in part by supporting the important economic function of Strategic Growth Areas in the Region by being a focal point for economic activities and redevelopment and renewal (as appropriate) including energy retrofits of existing buildings (Policy 2.1.13b and c).</p> <p>The Town of Whitby OP has policies to encourage energy efficient building and site design (including Section 11.1.2.6 on Port Whitby, Policy 2.3.4.2.5 and Section 3 Economic Prosperity and Sustainable Community Planning (Section 3). The Town may consider including policies that explicitly connect these policies to all Strategic Growth Areas. Policies can also be incorporated into the three applicable Secondary Plans.</p>
Strategic Growth Areas		
3	Specific Vibrant Urban System policies <u>required</u> (strategic growth areas): 5.2.6	<p>As per Policy 5.2.6 of Envision Durham, it is the policy of the Region to require area municipalities to update official plans, secondary plans, and zoning by-laws to: delineate the boundaries of Strategic Growth Areas, designate appropriate land uses, establish density targets, identify permissible built forms, and provide minimum and maximum building heights (5.2.6a and b). They are also required to: provide transition</p>

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		<p>policies based on height/scale and land use compatibility (5.2.6c); plan for public service facilities, parks, and cultural amenities (5.2.6d); include urban design policies, and guidelines to promote active transportation and transit-oriented land uses (5.2.6e); and consider a full range of implementation strategies (5.2.6f).</p> <p>The following are Strategic Growth Areas in Envision Durham that are in Whitby: Downtown Whitby (Regional Centre), Brock/Taunton (Regional Centre), Downtown Brooklin (Regional Centre), Whitby GO MTSA, and Dundas Street Rapid Transit Corridor.</p> <p>The current Whitby Official Plan includes policies related to delineating intensification area boundaries, permissible built forms including minimum and maximum building heights in Section 4.3 (Central Areas). Additional policies for the intensification areas are included in the respective Secondary Plans being:</p> <ul style="list-style-type: none"> • Section 11.1 Port Whitby Community Secondary Plan, • Section 11.2 Lynde Shores Secondary Plan, • Section 11.3 Downtown Whitby Secondary Plan, • Section 11.5 Brooklin Community Secondary Plan, and • Section 11.8 Brock/Taunton Major Central Area Secondary Plan. <p>The Downtown Whitby and Brooklin Secondary Plans were updated recently and approved by the Region. This review therefore focuses on the other Secondary Plans and related intensification policies within Sections 4.2, 4.3 or elsewhere in the Town OP.</p> <p><i>Brock Taunton Regional Centre (Brock/Taunton Secondary Plans)</i></p> <p>The Brock/Taunton Secondary Plan and other areas of the OP currently includes policies that reflect conformity with ROP Policy 5.2.6 regarding:</p> <ul style="list-style-type: none"> • delineating the strategic growth area and designating land uses (Schedule N) • establishing minimum residential density targets (4.3.3.3.4.2) • identify minimum and maximum building heights within specific designations (11.8.4, 11.8.5, 11.8.6, 11.8.7, 11.8.14)

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		<ul style="list-style-type: none"> • transition policies (11.8.14.6) • urban design, placemaking, active transportation, and pedestrian policies (11.8.14,) • parks and recreational open space (11.8.10), and • implementation strategies for intensification areas such as Community Planning Permit Systems (4.2.5). <p>As part of the OP review, the Town will need to review and refresh the above policies including consideration to strengthening certain policies, such as those related to place-making, active transportation, parks and open space.</p> <p>Currently, the Town OP does not appear to include policies related to the following for the Brock/Taunton Regional Centre:</p> <ul style="list-style-type: none"> • persons and jobs targets, • land use compatibility, and • public service facilities and other supporting amenities. <p>The Town will need to add the above policies for the Brock/Taunton Regional Centre.</p> <p><i>Whitby GO MTSA (Port Whitby and Lynde Shores Secondary Plans)</i> The Port Whitby Community Secondary Plan and other areas of the OP currently includes policies that reflect conformity with ROP Policy 5.2.6 regarding:</p> <ul style="list-style-type: none"> • designating land uses (Schedule F), • identifying permissible built forms (for specific areas) being FSI targets for the Port Whitby Intensification Area (4.2.8.3), • establishing minimum density targets for residential uses (4.2.8.3), • encouraging density adjacent to the Major Transit Station (4.2.9.2), • urban design, placemaking, active transportation, and pedestrian policies (11.1.20, 11.1.19), • parks and recreational open space (11.1.14), and • implementation strategies for intensification areas such as Community Planning

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		<p>Permit Systems (4.2.5).</p> <p>The Lynde Shores Community Secondary Plan has policies that reflect conformity with ROP Policy 5.2.6 regarding:</p> <ul style="list-style-type: none"> • designating land uses (Schedule G), • transition policies (11.2.4.3), • establishing minimum and maximum building heights for specific land uses (11.2.4, 11.2.5, 11.2.6), and • parks and recreational space (11.2.8). <p>As part of the OP review, the Town will need to review and refresh the above policies including consideration to strengthening certain policies, such as those related to built form, transit-oriented development, density, built form and transition and siting policies.</p> <p>Currently, the Town OP does not appear to include policies related to the following for the Whitby GO MTSA:</p> <ul style="list-style-type: none"> • delineating the MTSA, • employment density targets, • land use compatibility, • public service facilities and other supporting amenities. <p>In addition, the OP appears to include policies related to the following for only a portion of the Whitby GO MTSA:</p> <ul style="list-style-type: none"> • establishing residential density targets, • establishing an overall density target, • pedestrian and transit oriented development and built form, • identification as a strategic growth area and the related implementation support policies (specific to Lynde Shores). <p>The Town will need to review the policies related to the MTSA so that the required regional policies apply to all of the MTSA.</p>

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4	Specific Vibrant Urban System policies <u>required</u> (strategic growth area targets): 5.2.3	<p>As per Policy 5.2.3 of Envision Durham, it is the policy of the Region to establish minimum density targets for the Strategic Growth Areas. These targets apply to the entire area within the SGA boundary and does not net out undevelopable features.</p> <p>See Item 1 of this table for reference to the density targets for each Strategic Growth Area. For this Official Plan update, these Strategic Growth Areas will need to conform to the Envision Durham density targets.</p>
5	Specific Healthy Communities policies <u>required</u> (housing options and affordable housing): 3.1.14, 3.1.21	<p>As per Policy 3.1.14 of Envision Durham, it is the policy of the Region to require area municipalities to adopt policies and zoning by-laws that permit additional residential units, up to three residential units in single-, semi-detached, or townhouses where feasible, and new and existing development and intensification including not applying minimum unit sizes. The definition of Additional Dwelling Unit in Envision Durham is expanded to include other units subordinate to a primary dwelling such as basement apartments, laneway suites, or garden suites.</p> <p>The Town of Whitby OP currently has policies related to infill, garden suites, accessory units, apartments in houses (4.4.3, 4.4.3.6.1, 4.4.3.9). The Town is required to update the OP to be consistent with these policies and the definition of Additional Dwelling Units.</p> <p>Under the same Regional policy, municipalities are encouraged to consider removing parking space requirements for additional residential units in areas intended to support higher order transit service, such as those in Strategic Growth Areas (Policy 3.1.14d).</p> <p>The Town of Whitby OP has policies related to parking for residential uses that include reducing surface parking in intensification areas (4.4.3.12). It also includes policies that require parking for additional units as part of its Redevelopment and Intensification policies (4.4.3.9). While not required in this case, the Town may want to consider removing these parking requirements for areas intended to support higher order transit,</p>

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		<p>including SGAs.</p> <p>As per Policy 3.1.21 of Envision Durham, it is the policy of the Region to require that at least 35% of all new residential units created in Strategic Growth Areas be affordable to low and moderate income households.</p> <p>The Town of Whitby OP currently includes affordability policies that require the planning for a Town-wide affordable housing target of a minimum of 25% that is affordable to households of low and moderate income, resulting from new development and intensification (7.7.1). The Town of Whitby will need to update its policies to ensure alignment with Region policies.</p>
7	Specific Healthy Communities policies to consider (affordable housing): 3.1.24	<p>As per Policy 3.1.21 of Envision Durham, it is the policy of the Region to support aging in place by encouraging affordable housing units for older adults in proximity to SGAs.</p> <p>The Town of Whitby OP currently includes policies regarding seniors and special needs housing including particular regard for the proximity of transit routes and encouraging this housing to be within intensification areas (7.6). The Town may wish to expand on these policies by including reference to affordable housing for seniors in the Official Plan and three secondary plans.</p>
8	Specific Healthy Communities policies to consider (community hubs): 3.3.27, 3.3.28	<p>As per Policy 3.1.21 of Envision Durham, it is the policy of the Region to encourage the function of SGAs as community hubs by encouraging the creation of or renovation of existing community facilities within SGAs (Policies 3.3.27 and 3.3.28).</p> <p>The Town of Whitby OP has policies that pertain to the creation and planning for community facilities (9.3.4, 9.4.3.) as well as policies within specific Secondary Plans for intensification areas such as Taunton North. The Town may consider</p>

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		adding this specific policy language in the updated policies for Strategic Growth Areas as community hubs.
9	Specific Vibrant Urban System policies to consider (strategic growth area targets): 5.2.8	<p>As per Policy 5.2.8, regarding Strategic Growth Areas, the Region identifies a need to plan for the consideration of: incorporating transit-oriented design principle; providing a range of housing options including additional residential units and affordable housing, contributes to transit-supportive density targets, adheres to development limitations and natural feature setbacks; contributes to, recognizes and/or conserves cultural heritage resource, and requires the phasing and staging of development in consultation with area municipal staff.</p> <p>As per Policy 11.8.3.2 of the Brock/Taunton Major Central Area Secondary Plan, “Development within the Major Central Area shall have regard to the relevant provisions of the Town of Whitby Official Plan and the Durham Regional Official Plan”. Overall, this Secondary Plan can be reviewed to provide similar policies as outlined in Policy 5.2.8 of Envision Durham.</p> <p>As per Policy 11.1.3.4 of the Port Whitby Community Secondary Plan, “The Port Whitby/Whitby GO Station Intensification Area identified on Schedule ‘B’ and the policies of the Port Whitby Community Secondary Plan are intended to implement the requirements of the Durham Regional Official Plan regarding Major Transit Stations, Waterfront Places and Regional Corridors, by providing for a range of residential, commercial, marina, recreational, tourist, and community uses in proximity to the waterfront and GO Station in the Port Whitby area”. Overall, this Secondary Plan can be reviewed to provide similar policies as outlined in Policy 5.2.8 of Envision Durham.</p> <p>The Lynde Shores Secondary Plan of the Town’s Official Plan (Section 11.2) does not include reference to the Durham Regional Official Plan. Therefore, it should consider the strategic growth area target policies (Policy 5.2.8) of Envision Durham to align with</p>

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		the Region's Strategic Growth Area objectives related to transit-oriented design principles.
9	Specific Connected Transportation Systems policies to consider (transit priority network): 8.1.3	<p>As per Policy 8.1.3 of Envision Durham, to support increased transit use and higher levels of service, within Strategic Growth Areas, and in accordance with Section 5.2.8 of the Region Official Plan, the Region also encourages a number of principles including: designing arterial roads to control traffic, enhancing mobility to and from transit areas, maintaining and encouraging on-street parking in historic downtowns and on certain Type C arterial roads, providing facilities which support non-auto modes, encouraging provisions for alternative development standards, and creating and applying a regional transit-oriented development guideline to be used for reviewing development applications within Strategic Growth Areas, in collaboration with area municipalities.</p> <p>The Town should consider updating the policies noted in the Brock/Taunton Major Central Area Secondary Plan, Port Whitby Secondary Plan and Lynde Shores Secondary Plan to ensure conformity to Envision Durham's policies related to planning for development within Strategic Growth Areas. Further, consideration can be given to creating and applying a regional transit-oriented development guideline for development review within this area in collaboration with the Region.</p> <p>The Brock/Taunton Major Central Area Secondary Plan intends to encourage development which is transit supportive through both its density and the provision for and integration of transit facilities (Policy 11.8.2.8).</p> <p>The Port Whitby Community Secondary Plan includes policies related to encouraging the reductions in the use of private automobiles by promoting public transit, active transportation, auto sharing and the use of Transportation Demand Management measures (Policy 11.1.2.7).</p>

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		<p>The Lynde Shores Secondary Plan does not include much direction regarding transit priority network.</p> <p>This Official Plan update is an opportunity to include further policy direction related to the transit priority network in alignment with the Region's objectives.</p>
10	Specific Implementing the Plan policies to consider (plan review and monitoring): 11.5.3, 11.5.4	<p>Policy 11.5.3 of Envision Durham includes policy to monitor key indicators in consultation with area municipalities such as: population and employment forecasts, region-wide intensification of built-up areas, density of Strategic Growth Areas as well as any key areas assigned a minimum density target, the range and mix of affordable and market-based housing options, employment densities, land supply and servicing status of Employment Areas, and other key performance indicators.</p> <p>The Town of Whitby Official Plan can consider including a policy related to monitoring these key performance indicators under Section 7.8 and 10 of the Official Plan.</p> <p>Policy 11.5.4 of Envision Durham includes policy to monitor the effects of new policies, implementing by-laws and projects within Protected Major Transit Areas in consultation with area municipalities based on: amount, type and pace of development; mix and density of land uses in the area; reuse and demolition of existing buildings, including heritage buildings; amount and type of employment; overall population; unit count and mix of housing types; population to job ratio; and parking spaces, loading facilities, transit improvements and active transportation infrastructure.</p> <p>The Town of Whitby Official Plan can consider including a policy related to monitoring these key performance indicators.</p>
11	Specific Vibrant Urban System policies <u>required</u> (urban growth centres and regional centres):	<p>It is the policy of the Region to plan and develop Regional Centres as the main concentration of urban activities (5.2.13). Area municipal Official Plans are required to include detailed policies for Regional Centres including: identification of a target</p>

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	5.2.13, 5.2.14	<p>population-to-jobs ratio; policies that support the creation of focal points for culture, art, entertainment, and public assembly including through the use of public squares, parks, and service facilities; and policies that support community hubs, government offices, post-secondary education facilities and health care facilities (5.2.14).</p> <p>There are three Regional Centres identified for the Town. These centres are: Downtown Whitby; (B) Brock/Taunton; and (C) Brooklin Downtown.</p> <p>Since the Downtown Whitby and Brooklin Secondary Plans have been updated recently, they do not form part of this review.</p> <p>The Brock/Taunton Major Central Area Secondary Plan currently includes policies that refer to reinforcing focal points (11.8.14) and permitting cultural facilities in the Institutional land use designation (11.8.8). The Town will need to review and strengthen policies related to supporting art, public assembly, and cultural facilities, and community hubs. The Town will need to also add a target population to jobs ratio.</p> <p>Further, as noted, a Regional Centre is located within the Brock/Taunton Major Central Area Secondary Plan area. It was identified as part of the policy gap analysis that the delineated areas for the Brock/Taunton Regional Centre and the Downtown Brooklin Regional Centre are different in Envision Durham than in the Town's OP.</p> <p>The Town should review the delineation of the Brock/Taunton Regional Centre against the Town's schedules for conformity. The Secondary Plan Schedule E (South) of the Town's Official Plan and the Intensification Area Schedule B (South) have different delineations than Envision Durham's Regional Centre designation. There also appears to be a small portion of Regional Centre lands identified within Envision Durham that are within the Taunton North Community Secondary Plan area, as per Schedule E (South) of the Town's Official Plan. This misalignment will need to be reviewed.</p> <p>Moreover, the Downtown Brooklin Secondary Plan was recently completed, and while it has a different boundary in Envision Durham than the Town OP, this was not identified</p>

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		as a conformity issue by the Region. Therefore, it is assumed a review and update to the mapping is not needed.
12	Specific Vibrant Urban System policies <u>required</u> (protected major transit station areas): 5.2.16, 5.2.17, 5.2.19, 5.2.23	<p>It is the policy of the Region to plan Protected Major Transit Station Areas (PMTSAs) as communities centres around higher order transit, permitting a range of uses including medium and high density residential, mixed use development, and compatible employment generating uses, as well as recreational and community amenities such as parks, urban squares, and trails (Policy 5.2.16). It is also policy to prohibit automobile-oriented uses (e.g., drive throughs, gas stations) and land-extensive uses (e.g. self-storage facilities, warehouses) (Policy 5.2.17) and require that development within an MTSA offer convenient, direct, and sheltered pedestrian-access from high-density development sites to transit stations where possible (Policy 5.2.19).</p> <p>There are seven Protected Major Transit Station Areas (PMTSAs) located within southern Durham along the Lakeshore East GO Train line. The Whitby GO Station is designated as one of seven PMTSAs within Durham Region. The Town has undertaken a Secondary Plan for Port Whitby which includes the Whitby GO Station and identified a Port Whitby Intensification Area. However, the PMTSA has not been delineated within the OP.</p> <p>The Whitby GO PMTSA as delineated by the Region is actually included in two Secondary Plans:</p> <ul style="list-style-type: none"> • Section 11.1 Port Whitby Community Secondary Plan, • Section 11.2 Lynde Shores Secondary Plan. <p><i>Whitby GO PMTSA (Port Whitby and Lynde Shores Secondary Plans)</i> The Port Whitby Community Secondary Plan and other areas of the OP currently includes policies that reflect conformity with ROP Policy 5.2.23 regarding:</p> <ul style="list-style-type: none"> • encouraging density adjacent to the Major Transit Station; (4.2.9.2), • enabling alternative development standards related to parking to support transit related; (11.1.19)

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		<ul style="list-style-type: none"> • range of policies around heights, transitions and scaling; • supporting efficient use of land such as through parking solutions (structured, shared, or reduced); (11.1.19) • urban design, sustainability, placemaking, and sustainable transportation policies (11.1.2, 11.1.4, 11.1.20, 11.1.19). <p>The Lynde Shores Community Secondary Plan has policies that reflect conformity with ROP Policy 5.2.23 regarding:</p> <ul style="list-style-type: none"> • range of policies around heights, transitions and scaling, and • requiring servicing infrastructure to precede development or be coincident with development (11.2.11). <p>As part of the OP review, the Town will need to review and refresh the above policies including consideration to adding/strengthening certain policies aligned with the Region’s specific policy approach such as those related to built form, urban design, placemaking, and sustainable transportation, and ensuring that servicing/infrastructure precedes or coincides with development. Both the Port Whitby and Lynde Shores Secondary Plan policies in the MTSA will need review and alignment, where necessary.</p> <p>Currently, the Town OP does not appear to include policies related to the following for the Whitby GO MTSA:</p> <ul style="list-style-type: none"> • delineating the MTSA, • establishing a minimum density target that applies to the entire MTSA, • establishing a population, employment, and housing target (to meet the overall target of 150 people and jobs per gross hectare) • establish a minimum job target, • require that development within an MTSA offer convenient, direct, and sheltered pedestrian-access from high-density development sites to transit stations where possible, • accounting for the retention and replacement of existing station access and protecting for future expansion of the GO Station.

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		<p>In addition, the OP appears to include policies related to the following for only a portion of the Whitby GO MTSA:</p> <ul style="list-style-type: none"> • enabling alternative development standards related to parking to support transit related, • ensure that transportation/servicing and other infrastructure is in place prior to or at the same time as new development, • ensuring efficient use of land including requirements for structured parking, shared parking/reduced parking, • policies related to urban design, placemaking, sustainability, and sustainable transportation. <p>The Town will need to update its policy framework so that the required policies apply to all of the MTSA.</p>
13	Specific Vibrant Urban System policies recommended (protected major transit station areas): 5.2.20, 5.2.21	<p>Recognizing that the Province has authorized the use of inclusionary zoning with PMTSAs (Policy 5.2.20), Envision Durham encourages area municipalities to consider the application of inclusionary zoning in the PMTSA through housing assessment reports or equivalent, and zoning by-law amendments for implementation (Policy 5.2.21).</p> <p>As a PMTSA, the Town is able to utilize inclusionary zoning to support the affordable and attainable housing needs within the Whitby Go Station PMTSA. The Planning Act enables inclusionary zoning as a planning tool under Section 16(4), and it shall contain policies that authorize inclusionary zoning by (a) authorizing the inclusion of affordable units within buildings or projects containing other residential units; and, (b) providing for the affordable housing units to be maintained as affordable housing units over time.</p> <p>Further, the Planning Act allows for inclusionary zoning to be implemented within PMTSAs as per Section 16(5). Inclusionary Zoning is a land use tool that aims to increase affordable housing stock by requiring a certain percentage of new units in a</p>

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		<p>development to be affordable. If the Town wants to implement inclusionary zoning, then it needs to identify and recognize the PMTSA in policy. The Town of Whitby has an opportunity to consider inclusionary zoning for the Whitby Go Station PMTSA within the Official Plan update. However, as part of the process, Section 16(9) of the Planning Act prescribes that, before adopting the parts of the Official Plan which contain policies related to Inclusionary Zoning, the council of the municipality shall ensure that an assessment report has been prepared.</p> <p>Moreover, Official Plan policies for inclusionary zoning would include the following:</p> <ul style="list-style-type: none"> • the minimum size, not to be less than 10 residential units, of development or redevelopment to which an inclusionary zoning by-law would apply; • the locations and areas where inclusionary zoning by-laws would apply; • the range of household incomes for which affordable housing units would be provided; • the range of housing types and sizes of units that would be authorized as affordable housing units; the number of affordable housing units, or the gross floor area to be occupied by the affordable housing units, that would be required; • the period of time for which affordable housing units would be maintained as affordable; how measures and incentives would be determined; • how the price or rent of affordable housing units would be determined; • the approach to determine the percentage of the net proceeds to be distributed to the municipality from the sale of an affordable housing unit, including how net proceeds would be determined; • the circumstances in and conditions under which offsite units would be permitted; and • the circumstances in which an offsite unit would be considered to be in proximity to the development or redevelopment giving rise to the by-law requirement for affordable housing units. <p>The Whitby Official Plan currently does not include policies related to inclusionary</p>

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		zoning and can consider this approach.
14	Specific Vibrant Urban System policies <u>required</u> (rapid transit corridors): 5.2.24, 5.2.25, 5.2.26	<p>Rapid Transit Corridors are intended to provide essential connections to other Strategic Growth Areas in the region and have been assigned a transit supportive density to support the implementation of planned higher order transit service.</p> <p>It is the policy of the Region to support the planning and development of Rapid Transit Corridors based on a built form that is compact, pedestrian-friendly, and implements transit-oriented design principles. These corridors are also intended to provide a full range and mix of uses including commercial, retail, institutional, residential, personal services, and offices (Policy 5.2.24). Further, it is the policy of the Region to identify Rapid Transit Corridors that overlay with Employment areas and requires that these areas are protected for employment uses only including office, research and development facilities. Enhanced architectural standards and landscaping design is encouraged (Policy 5.2.25).</p> <p>Moreover, it is the policy of the Region to require area municipal official plans to include detailed policies for Rapid Transit Corridors that: a) delineate Rapid Transit Corridor boundaries in accordance with boundaries identified on Map 1 (of Envision Durham) and provide detailed land use designations within the boundary; b) permit a full range and mix of uses including residential, commercial, compatible employment uses such as offices, and other uses, in a higher density, compact and pedestrian-oriented built form; c) notwithstanding b) above, where lands within the Rapid Transit Corridor are designated as Employment Areas on Map 1, area municipal official plans shall identify the appropriate employment uses which achieve the objective of Policy 5.2.25; d) include policies to ensure that required transportation, servicing and other infrastructure is in place prior to, or coincident with new development; e) support the preparation of segment-specific policies through corridor studies, master plans, secondary planning, or other similar comprehensive assessments of corridor segments, as determined by area municipal official plans; and f) incorporate policies that ensure block plans are submitted as part of development applications to guide development</p>

Item	Envision Durham Policy Key Gaps	Whitby Official Plan Conformity Review
		<p>where considerations of the context of a broader area along the corridor is necessary.</p> <p>The Rapid Transit Corridor in Whitby, as identified in Envision Durham on Map 1, extends east-west across Dundas Street. The Town of Whitby's Official Plan will be updated to include reference to the applicable Rapid Transit Corridor identified in Envision Durham. This will require policy changes to the intensification area and intensification corridor policies in Section 4.2.7 in the Whitby Official Plan related to Dundas Street. Intensification Corridors are identified on Schedule 'B' along portions of the Regional Corridors and includes Dundas Street.</p> <p>The Town of Whitby is required to include detailed policies in its OP related to Rapid Transit Corridors that includes: delineating the area; permitting a mix and range of uses in a higher density, compact, and pedestrian oriented built form; including policies to ensure that required servicing including transportation and other infrastructure is in place prior to or coincident with new development; support the preparation of segment-specific policies through corridor studies or master plans as determined by the OP; and incorporate policies that ensure block plans are submitted as part of development applications.</p>
15	Specific Vibrant Urban System policies recommended (other nodes and corridors - regional corridors): 5.3.6, 5.3.7, 5.3.8, 5.3.9, 5.3.10.	<p>It is the policy of the Region to identify 'Other Nodes and Corridors' including Regional Corridors as locations that are generally recognized as appropriate locations for higher density, mixed-use development (Policy 5.3.6). Built form along the corridors are encouraged to be multi-storey, compact, pedestrian friendly, and transit-supportive including the application of TOD design principles (Policy 5.3.7). If the corridor overlays with an Employment Area designation, it does not mean that residential or other sensitive land uses are permitted that are contrary to other applicable ROP policies (Policy 5.3.8). Moreover, it is recognized by the Region that portions of the Regional corridors may be constrained by existing development (Policy 5.3.9). The Town of Whitby is also encouraged to establish transit-supportive density targets and where</p>

Item	Envision Durham Policy Key Gaps	Whitby Official Plan Conformity Review
		<p>appropriate, designate key development areas as prime opportunities for redevelopment/intensification (Policy 5.3.10).</p> <p>Several Regional Corridors are identified in Whitby including on Brock Street/Baldwin Street, Victoria Street, Taunton Road, Winchester Road, and Columbus Road. Intensification Corridors are identified on Schedule 'B' along portions of the Regional Corridors. The current Whitby Official Plan does not reference Envision Durham's Regional Corridor policies and policy changes can be made to Section 4.2.7 of the Whitby Official Plan to ensure alignment. In particular, this can be to establish transit supportive density targets along these Regional Corridors and, where appropriate, designate key development areas that represent prime opportunities for development, redevelopment and intensification.</p>

SGA	Boundary Difference between ROP and Town OP?	Current Town OP Density Target	Minimum ROP Density Target	Other Current Town OP Provisions
Downtown Whitby Regional Centre	No	75 residential units per gross hectare (4.3.3.3.3.3.3)	150 people and jobs per gross hectare (or lower for historic downtowns)	Minimum height - 2 storeys, varying maximum heights up to 8 storeys. FSI target - 2.5
Brock/Taunton Regional Centre	Yes	75 residential units per gross hectare (.4.3.3.3.4.2)	100 to 150 people and jobs per gross hectare	Minimum height - 6 storeys, Maximum height - 18 storeys, Non-residential height minimum - 2 storeys (if >500 sq m GFA) FSI target - 2.5
Downtown Brooklin Regional Centre	Yes	75 residential units per gross hectare (4.3.3.3.5.2)	100 to 150 people and jobs per gross hectare	Minimum height - 2 storeys, Maximum height - 4 storeys or greater outside of HCD FSI target - 2.5
Whitby GO Protected Major Transit Station Area	Yes	60 residential units per gross hectare (Port Whitby Intensification Area, 4.2.8.3)	150 people and jobs per gross hectare	FSI target - 2.0, 2.5 on lands adjacent to Brock and Victoria Streets (Port Whitby Intensification Area, 4.2.8.3)
Dundas Street Rapid Transit Corridor	Yes	60 residential units per gross hectare (Intensification Corridors)	150 people and jobs per gross hectare	FSI target - 2.5 Varied maximum heights.



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Brooklin Expansion Area and Other General Updates (OPAs 3 & 4)

Phase 1 Whitby Official Plan Review
Background Summary and Analysis Report

August 14, 2024

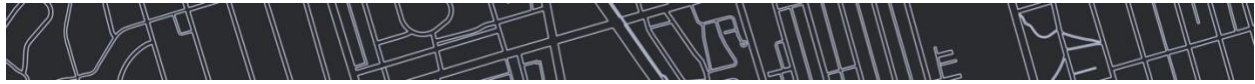
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1 Introduction



1.1 What is an Official Plan?

An Official Plan is a document that sets out a vision and policies to guide the growth and development of a municipality over the long term. At a high level, an Official Plan establishes the structure of a community and what type of land uses are permitted in different areas, including how much, where and what type of growth and development will occur. It provides policy direction on a wide range of topics relevant to the function and planning of a community, including parks, servicing, transportation, protection of lands for agricultural uses, protection of natural areas, urban design and sustainability, as well as policies related to the implementation of the Official Plan.

1.2 Why Undertake an Official Plan Review?

Under the requirements of the Planning Act of Ontario, every municipality is required to review and update their Official Plan every 5 years. Since the Official Plan for the Town of Whitby was last updated in 2018, the Town is required to undertake a review to update their Official Plan. Part of that process will include updates to the Official Plan to ensure consistency and conformity with Provincial legislation and policies, as well as Regional policies, specifically the adopted Region of Durham Official Plan (Envision Durham).

Envision Durham recently introduced a number of changes that are required to be reflected into the Town of Whitby's Official Plan, including the delineation of and establishment of policies for a Protected Major Transit Station Area (MTSA) around the Whitby GO Station, the identification of areas where growth is to occur, and an Urban Boundary expansion, primarily around Brooklin. Envision Durham has been adopted by the Region but is with the Minister of Municipal Affairs and Housing for approval.

While the Official Plan Review is being undertaken as one comprehensive project, the updates to the Town of Whitby's Official Plan will happen via four Focus Areas or separate Official Plan Amendments (OPAs):

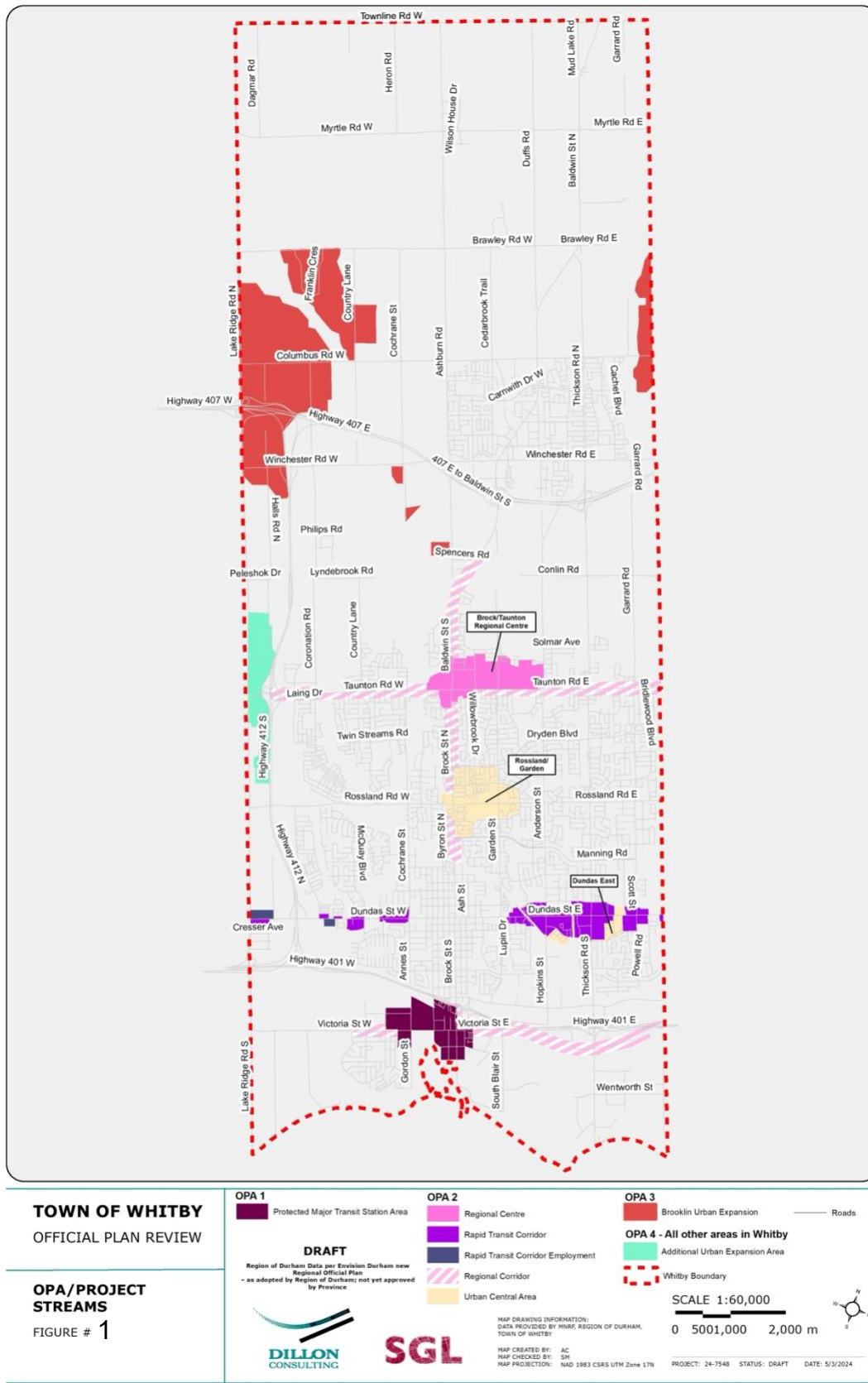
Focus Area/OPA 1: Updates related to the Protected Major Transit Station Area located in and around the Whitby GO Station, as identified in Envision Durham. Protected Major Transit Station Areas are areas planned to accommodate greater densities around a major transit stations, such as train stations.

Focus Area/OPA 2: Updates related to Strategic Growth Areas and other Nodes and Corridors.

Focus Area/OPA 3: Updates related to the expansion of the Brooklin urban area as set out in Envision Durham.

Focus Area/OPA 4: All other updates required to confirm to upper-level policy and legislation.

The locations of where these four Focus Areas or OPAs will apply is identified on Figure 1.



For context, the Strategic Growth Areas and Other Nodes and Corridors being addressed in Focus Area/OPA 2 include the:

Strategic Growth Areas in Envision Durham:

- Brock/Taunton Regional Centre as identified in Envision Durham;
- Dundas Street Rapid Transit Corridor as identified in Envision Durham, reflecting the planned Bus Rapid Transit (BRT);

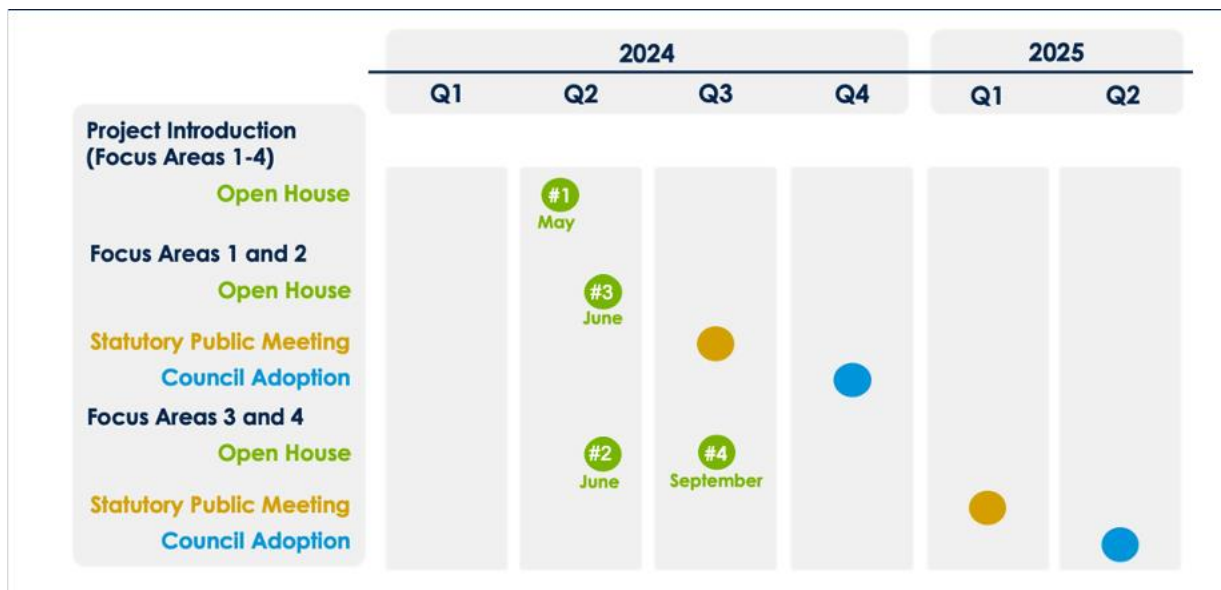
Other Nodes and Corridors

- Brock Street Regional Corridor as identified in Envision Durham;
- Taunton Road Regional Corridor as identified in Envision Durham;
- Victoria Street Regional Corridor as identified in Envision Durham;
- Rossland/Garden Urban Central Area as identified in the Whitby Official Plan; and
- Dundas East Urban Central Area as identified in the Whitby Official Plan.

While an PMTSA is also considered a Strategic Growth Area, it is not listed under the list above because it is being brought forward in a separate OPA (OPA 1).

The other Regional Centres being Downtown Brooklin and Downtown Whitby, as well as the Regional Corridors along Winchester Road, Columbus Road and Baldwin Street North in Brooklin are not specifically being dealt with through this report, owing to the recent update of the Brooklin Community and Downtown Whitby Community Secondary Plans within which these centres and corridors are located.

The project schedule, for all Focus Areas, is shown in the following schedule, with any proposed Official Plan changes related to Focus Areas 1 and 2 intended to be adopted by mid 2025.



1.3 Purpose of this Report

The purpose of this report is to identify policy changes required to be incorporated into the updated Whitby Official Plan, based on a review of Provincial legislation and policies, Regional policies and local policies and other applicable documents. This report summarizes the background information related specifically to Streams/OPAs 3 and 4, being the Brooklin Expansion Area and all other areas of Whitby outside of the PMTSAs and Strategic Growth Areas. Focus Areas 1 and 2 are discussed in detail under a separate report.

This report is outlined as follows:

Section 1 is the introduction.

Section 2 highlights Official Plan updates required based on Provincial legislation and policy related to the Brooklin Expansion Area and all other areas and policies outside of the PMTSAs and Strategic Growth Areas and Other Nodes and Corridors.

Section 3 highlights Official Plan updates required based on Envision Durham regarding the Brooklin Expansion Area and all other policy areas excluding those related to PMTSAs and Strategic Growth Areas.

Section 4 highlights Official Plan updates required to streamline and clarify the Official Plan.

Section 5 summarizes technical background information to inform land use decisions for the Brooklin Expansion Area.

Section 6 summarizes relevant information from Whitby's Strategic Plan.

Section 7 provides a conclusion and next steps.

2 Provincial Legislation and Policy



The authority to regulate land use in Ontario is established by the Planning Act. Recent updates to the Planning Act are considered as part of the Official Plan Review to ensure conformity with the Act, as are recent changes to the Provincial Policy Statement and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (“Growth Plan”). The description of the legislation in this report does not focus on changes to policy and legislation relevant to Major Transit Station Areas (MTSAs), Strategic Growth Areas and Other Nodes and Corridors. For other information on policy and legislation changes relevant to those Focus Areas, please see the other background report.

2.1 Bill 108

The Bill 108, *More Homes, More Choices Act*, 2019, was approved and received Royal Assent on June 6, 2019. Bill 108 implemented changes to a number of acts including the *Planning Act* and the *Conservation Authorities Act*.

Planning Act Changes

The following sub themes highlight updates introduced to the Planning Act by Bill 108 related to Streams/OPAs 3 and 4.

Additional Residential Units

Bill 108 permits up to two residential units in a house or a second unit in an ancillary building, however this permission was later updated again through Bill 23; which is addressed later in Section 2.3 of this Report.

Timelines

Significant changes introduced by Bill 108 were the changes to the timelines for making a decision on a development application. These changes influence the circulation period of development applications and require Council decision within new prescribed timelines. Although the new timelines affect the Town’s processing of applications, application timelines are typically not addressed in Official Plans. Therefore, no changes are proposed to the new Official Plan.

Parkland Dedication

Bill 108 also introduced changes to the parkland dedication requirement by implementing an alternative rate that can be considered, as well as setting out a maximum rate for dedication that can be applied to larger sites.

Updates to the parkland dedication section in the new Official Plan would be required should the alternative rate be desired.

Heritage Act Changes

Bill 108 made changes to the Heritage Act by requiring municipalities to maintain a register of properties with cultural heritage value and include the legal description, name and address of the owner, as well as an explanation of heritage value or interest. Bill 108 also introduced changes regarding notice of adding a property to the registry and consideration related to objections. Bill 108 introduced appeal rights to the Ontario Land Tribunal for designation decisions and decisions on alterations to a designated property; objections to which were previously heard by the Conservation Review Board.

Appeal rights, statutory notices and the required information to be included in a heritage registry are typically not included within an Official Plan; so no changes to the Official Plan are proposed.

2.2 Bill 109

The Bill 109, *More Homes for Everyone Act*, 2022 was approved and received Royal Assent on April 14, 2022. Bill 109 implemented changes to a number of acts, including the *Planning Act*.

Planning Act Changes

New Powers for Minister

Bill 109 provides new powers for the Minister such as permitting the Minister to refer plans to the Ontario Land Tribunal (OLT) for a recommendation or a decision. It also enables the Minister to set out rules for when the Minister can suspend the appeal period for a failure to make a decision.

The powers of Minister are set out in the *Planning Act* and do not need to be included in the Town's new Official Plan.

Development Application Fee Refunds

The *Planning Act* was amended to set out application refunds related to Zoning By-law Amendments, Official Plan Amendments and Site Plan Approval applications should a municipality not make a decision within the prescribed timelines set out in Bill 108.

Although this change affects how the Town processes an application, timelines are typically not addressed in an Official Plan, rather through an implementing By-law. Therefore, no changes to the Whitby Official Plan are proposed.

Community Benefit Charges

Bill 109 provides direction that if a municipality passes a Community Benefits Charge (CBC) By-law the CBC shall be reviewed every five (5) years. A CBC may be introduced to fund the capital costs of any public service associated with new growth, including parkland, if those costs are not already recovered from development charges and parkland provisions.

Site Plan

Bill 109 introduced several changes related to Site Plan Approval applications including requiring a pre-consultation meeting prior to submitting a Site Plan Approval application; that the supporting material and application requirements of a Site Plan Approval application be consistent with the Official Plan and/or Zoning By-law Amendment application; and changes to Site Plan Approval review timelines, as well as delegating Site Plan Approval decisions to municipal staff.

These changes should be incorporated into Section 10 - Implementation and Interpretation of the new Official Plan to appropriately capture the changes to the Site Plan Approval process. As noted previously, changes to approval and review timelines are not typically included in an Official Plan.

2.3 Bill 23

The Bill 23, *More Homes Built Faster Act*, 2022, was approved and received Royal Assent on November 28, 2022. Bill 23 implemented changes to a number of acts including but not limited to the *Development Charges Act*, *Heritage Act*, and the *Planning Act*.

Planning Act Changes

New Minister Powers

New powers are provided to the Minister to amend an Official Plan, however as previously mentioned, this is not included in an Official Plan.

Community Benefit Charges

For municipalities that have passed a Community Benefit Charges By-law, Bill 23 enables a landowner advancing a development to provide the municipal facilities, services or other matters that are required as a result of the redevelopment. Bill 23 also stipulates the maximum contribution for Community Benefit Charges.

These details should be introduced in a Community Benefit Charges By-law rather than an Official Plan.

Site Plan

Bill 23 revises the scope of Site Plan Control areas by exempting residential buildings that contain 10 or less units and removing exterior design as a matter of Site Plan Control.

Section 10.1.11 - Site Plan Control of the Whitby Official Plan will need to be updated to introduce and reflect these changes.

Public Notice

Bill 23 removes the requirement of a public meeting for Draft Plan of Subdivision approvals.

Notices and timelines are better suited to be included in implementing By-laws and are not typically included in an Official Plan.

Additional Residential Units

The amendment requires municipal Official Plans and Zoning By-laws to permit three (3) residential units per lot with municipal services.

The new Official Plan policies would need to be revised to be consistent with the terminology used to describe an additional residential unit and the permission for additional units.

Parkland

Bill 23 sets out maximum parkland dedication amounts based on the type of development or redevelopment. It also provides an alternative requirement for parkland conveyances and payments in lieu.

The Whitby Official Plan should be updated to introduce these policy changes with respect to parkland dedication.

Upper and Lower Tier Planning Authority

Bill 23 removes the planning responsibilities of upper-tier municipalities which includes the County of Simcoe as well as the Regions of Durham, Halton, Niagara, Peel, Waterloo and York.

There is no set date as it relates to changes to Durham Region planning responsibilities at this time.

Heritage Act Changes

New Criteria for Designation and Heritage Conservation Districts

Bill 23 introduces additional criteria for designating a property or designating a Heritage Conservation District.

Section 6.1 - Cultural Heritage Resources and Archaeological Resources of the new Official Plan should be updated to reflect the new additional criteria.

Heritage Registry

Bill 23 also changes how a municipality manages the heritage registry, specifically requiring the removal of a property in the following instances after a notice of intention is circulated: if Council withdraws notice; Council does not pass a By-law to designate within 120 days of circulating notice of intention; or where the Ontario Land Tribunal repeals a By-law or directs a By-law to be repealed.

Section 6.1 - Cultural Heritage Resources and Archaeological Resources of the new Official Plan can be updated to reflect the additional criteria.

2.4 Bill 97

Bill 97, *Helping Homebuyers, Protecting Tenants Act*, 2023 was approved and received Royal Assent on July 6, 2023. Bill 97 implemented changes to a number of acts including but not limited to the *Building Code Act*, *Ministry of Municipal Affairs and Housing Act*, and the *Planning Act*.

Planning Act Changes

Definition of “Area of Employment”

Bill 97 changed the definition and meaning of “area of employment” to mean an area of land designated in an Official Plan for clusters of business and economic uses including manufacturing uses; research and development in connection with manufacturing; warehousing uses, including uses related to the movement of goods; retail uses and office uses that are associated with the above mentioned uses; facilities that are ancillary to the above mentioned uses; and business and economic uses. Uses excluded from an “area of employment” include institutional uses and commercial uses, including retail and office uses not referred to above.

Although the Town’s Official Plan does not contain this definition, the new Official Plan can consider including it for greater clarity.

New Powers for Minister

Bill 97 introduces new powers for the Minister including transitional matters which the Minister determines are necessary or desirable to facilitate implementation; the power of

the Minister regarding Zoning and Subdivision Control where policies do not apply in respect to licenses, permits and approvals. It also enables the Minister to require an owner of land to enter into an agreement with the Minister or a municipality for matters where the Provincial Land and Development Facilitator or the Deputy Facilitator has been directed by the Minister to make recommendations.

Generally, these details are not included in Official Plans and are not recommended to be included in the new Official Plan.

Timelines and Refund of Development Application Fees

The Bill 97 shortened the period of time in which a municipality is required to give notice related to an interim control by-law and its extension. Bill 97 also provides additional details regarding the exceptions and transitional period for when a municipality must implement refunds related to not making a decision on an application within the timelines outlined in Bill 108 and 109.

Statutory required timelines and refunds are generally implemented within By-laws and are not outlined in an Official Plan; therefore no changes are proposed to the new Official Plan related to the refund details outlined in Bill 97.

2.5 Bill 185

A draft of bill 185 was released by the Province on April 10th 2024 and received Royal Assent on June 6, 2024. Bill 185 will have implications for the Official Plan. Section 10.1.14.1 of the Official Plan will need to be updated to reflect that pre-consultation for applications is no longer required.

2.6 Provincial Policy Statement 2020

The province issued a new Provincial Policy Statement (PPS) on February 28, 2020, which came into effect on May 1, 2020. The following themes summarize the changes and outlines potential changes to be considered in the new Official Plan.

Settlement Area Boundary Expansion and Employment Conversion

The previous 2014 PPS limited settlement area boundary adjustments to only occur during a Municipal Comprehensive Review, such as an Official Plan Review, whereas PPS 2020, permits the adjustment of a municipality's settlement area boundary subject to new criteria. This criteria and direction is further refined in the Growth Plan 2020, which is summarized later in this report.

The PPS 2020 also permits the conversion of employment areas to non-employment uses outside of a comprehensive review, subject to new criteria.

The new Official Plan should be updated to introduce these permissions.

Employment Uses

The PPS 2020 introduces new protection for employment areas by requiring planning authorities to protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment from sensitive land uses; requiring adequate appropriate separation or mitigation measures for sensitive land uses to protect and maintain the long-term viability of employment areas; and restricting sensitive land uses that are not ancillary to employment uses.

The new Official Plan should ensure Section 3 - Economic Prosperity and Sustainable Community Planning and the employment related subsection of Section 4 - Land Use are updated to reflect this direction.

Housing

The PPS 2020 revises the definition of Residential Intensification to include new housing options within developed areas as well as the conversion or expansion of existing buildings to create new residential units or accommodation. New residential units or accommodation include accessory apartments, additional residential units, rooming houses, and other housing options. The PPS 2020 also places a greater focus on transit supportive developments and prioritizing intensification in proximity to transit including corridors and stations.

Section 7.5 - Residential Intensification of the new Official Plan should be updated, as well as ensuring that the term “residential intensification” is correctly used throughout the new Official Plan. The intensification chapter of the new Official Plan should also be updated to ensure it accurately captures the focus on transit supportive developments and intensification.

Climate Change

The PPS 2020 shifts the approach to preparing for the impacts of climate change.

Section 5 - Environmental Management of the new Official Plan as well as the other sections that speak to it should ensure the direction is consistent with the updated approach of the PPS 2020.

Municipal Services

The PPS 2020 introduces new policies related to water, wastewater and stormwater management. These changes impact rural lands related to on-site services and require a municipality to review the feasibility of long-term impact of individual on-site services.

The Rural Lands policies in subsection 4.11 of the new Official Plan should be updated to ensure consistency with the PPS 2020 approach to servicing.

Time Horizon

The PPS 2020 introduces a planning time horizon up to 25 years, whereas the PPS 2014 was 20 years. The PPS 2020 also requires municipalities to maintain the ability to accommodate residential growth for a minimum of 15 years.

The new Official Plan's horizon should be updated accordingly.

Consultation

The PPS 2020 specifically includes Indigenous communities in relation to consultation including when managing cultural heritage and archaeological resources.

The new Official Plan will need to include the consultation requirements set out in the PPS 2020.

Cultural Heritage

The PPS 2020 revises the definition of terms including built heritage resource, conserved, cultural heritage landscape, and significant.

The new Official Plan will need to ensure the use of these terms and definitions are correctly reflected based on the PPS 2020 direction.

This report considers in force policy, it is noted however, that a draft Provincial Policy Statement was released on April 10th, 2024 and was available for comment at the time of the writing of this report. Given that the proposed Provincial Policy Statement is a draft, detailed review for implications to the Whitby Official Plan has not been undertaken however, should it come into effect during this study process, it will be addressed as part of the Whitby Official Plan update, at that time.

2.7 Growth Plan 2019, amended in 2020

The new Growth Plan took effect on May 16, 2019, and was subsequently amended (amendment 1) May 1, 2020. Changes introduced in the Growth Plan that should be considered for the new Official Plan are summarized below.

Intensification

The Growth Plan introduced a minimum intensification target of 50% for all residential development to occur annually within the built-up area.

The updated Official Plan intensification target will need to be updated.

Employment Areas

The Growth Plan stipulates that municipalities should designate and preserve lands within settlement areas that are near major goods movement facilities and corridors. This is consistent with the PPS direction as it provides greater policy direction regarding

the development of sensitive land uses near employment areas. The Growth Plan also requires upper-tier municipalities to consult with lower-tier municipalities and establish a minimum density target for all employment areas within settlement areas.

The Growth Plan also further refines the criteria for permitting employment areas to be converted to non-employment uses outside of a Municipal Comprehensive Review.

The updated Official Plan will need to ensure that lands are designated appropriately near major goods movement facilities and corridors, as well as ensuring the density target is consistent with the Region's Official Plan. The updated Official Plan should also include the permission for an employment conversion outside of a Municipal Comprehensive Review.

Designated Greenfield Area Density

The Growth Plan sets out a new minimum density target of 50 residentials and jobs combined per hectare for greenfield areas within the Region of Durham. The Region is to set specific targets for each local municipality.

The policies related to greenfield areas will need to reflect the minimum density target for Whitby set out in the adopted Durham Region Official Plan,

Settlement Area Boundary Expansion

The Growth Plan now permits a settlement area boundary expansion outside of a Municipal Comprehensive Review for up to 40 hectares, so long as the area is not within the Greenbelt Area or a rural settlement. The Growth Plan provides criteria for evaluating a 40 hectare or less settlement area boundary.

The new Official Plan should include the permission for a 40 hectare or less settlement area boundary expansion outside of a Municipal Comprehensive Review.

Growth Forecasts

The planning horizon including population and job projections was changed to 2051.

The new Official Plan should be updated accordingly to reflect the new planning horizon.

Consultation

The Growth Plan echoes the PPS 2020 regarding municipalities requiring to engage with Indigenous communities.

The new Official Plan should include policies for engaging Indigenous communities during any planning approval processes.

3 Envision Durham



Envision Durham is the Region Official Plan (ROP) which was adopted by the Regional Council on May 17, 2023. While not yet approved by the Minister of Municipal Affairs and Housing, this version of the ROP was the source for the policy review and conformity analysis to inform the Town of Whitby's updated Official Plan.

The purpose of this Section is to review Envision Durham with a municipal lens against the existing Town of Whitby Official Plan to identify any key policy gaps and opportunities that the Town should consider further in the Official Plan Review. This section deals specifically with topics relevant to Focus Areas 3 and 4. For discussion on policy relevant to Focus Areas 1 and 2, the Protected Major Transit Station Area, Strategic Growth Areas and other Nodes and Corridors, please refer to the other Phase 1 background report.

Appendix A of this Report includes a more detailed review of relevant Envision Durham policies that apply to area municipalities or the Town of Whitby in particular. The findings of this Background Review and Gap Analysis are noted in this Section of the Report.

3.1 Population and Job Projections

Consistent with and in conformity with the Provincial policies, Envision Durham provides updated population and employment (jobs) projections, as well as the number of households in each municipality to the year 2051 (refer to **Figure 2**). By the year 2051, the Town of Whitby is anticipated to reach a total population of 244,890 people, 95,210 jobs and 85,710 households.

Municipality	2021	2026	2031	2036	2041	2046	2051
Whitby							
Urban:	141,600	157,270	174,170	190,890	206,930	224,590	242,650
Rural:	2,150	2,170	2,190	2,200	2,210	2,220	2,240
Total Population:	143,750	159,440	176,360	193,090	209,140	226,810	244,890
Households:	46,450	52,330	58,670	65,060	71,480	78,510	85,710
Employment:	48,730	55,950	63,760	71,480	78,910	87,020	95,210

Figure 2 - Extract of Figure 2: Population, employment and household allocations table from Envision Durham

Policy 2.2.2 and Table A of the Town's Official Plan include the population and growth forecasts to the year 2031. The 2031 projections are referenced throughout the Town's current Official Plan including but not limited to the growth management objectives

(policy 2.2.3), basis (policy 2.2.1.b), municipal structure (policy 2.4.1, 2.4.2), and secondary plans section (9.3.1).

Table A in the Town's current Official Plan and the policy references to population and job projections as well as the number of households should be updated to reflect the 2051 allocations contained within Envision Durham.

In meeting these projections and in conformity with the Growth Plan, Envision Durham sets out a minimum requirement that 50% of all new residential units across the Region are to occur through intensification within the built-up area (Policy 5.1.11). The Official Plan update will need to incorporate this new intensification target to guide future growth. As set out in Envision Durham, the greatest amount of intensification is directed to the Strategic Growth Areas (SGA), Protected Major Transit Station Areas (PMTSAs), and Rapid Transit Corridors, followed by other nodes and centres. This requirement is considered against the existing intensification strategy, as detailed under a separate report focusing on these areas of the Town.

3.2 Housing

In meeting the housing objectives set out in the Provincial Policies and the recent Bills, Envision Durham introduces numerous new policies that seek to support a diverse range of housing. In supporting new housing options within low-rise neighbourhoods and building upon the permission of Bill 23, Envision Durham permits additional residential units in new and existing residential developments. Policy 3.1.14 permits up to three (3) residential units in a dwelling, including a detached house, semi-detached house, or townhouse. An additional dwelling unit is also permitted within a building or structure ancillary to the primary dwelling. Envision Durham also notes that minimum unit size requirements should not apply to additional dwelling units. With respect to parking, Policy 3.1.14 states that a maximum of one (1) parking space shall apply to additional dwelling units, and municipalities such as the Town of Whitby are encouraged to remove parking space requirements for additional dwelling units in MTSA and SGAs.

The Whitby Official Plan policies related to garden suites would need to be revised to be consistent with the terminology used to describe an additional residential unit and the new permissions.

With respect to affordable housing and purpose built rental housing, Envision Durham provides new policy requirements, specifically requiring a minimum of 25% of all new residential units in the region be affordable, and 35% of new residential units in SGAs including MTSA are to be affordable (Policy 3.1.20, 3.1.21). Envision Durham also provides policies for retaining and protecting the existing rental housing stock and providing conditions that are required to be met for the conversion of rental housing to condominium tenure (Policy 3.1.28 and 3.1.29). Envision Durham also requires that when converting six (6) or more rental units to condominium ownership, it will require an amendment to both the Regional Official Plan and municipal Official Plan (Policy 3.1.30). Envision Durham also provides criteria for the demolition of rental housing

including but not limited to: maintaining the same number of rental housing units and providing existing tenants the first right to occupy following the redevelopment (Policy 3.1.31 and 3.1.32).

In light of the rise of short-term rentals, Envision Durham encourages municipalities to enact zoning by-laws to regulate and license short-term rentals to better protect the Region's rental stock (Policy 3.1.33).

The new Official Plan Housing Mix (Section 7.4) policies related to affordable housing and rental housing will need to be updated to ensure they conform with the new targets, requirements and protections of rental housing.

3.3 Urban Design

Envision Durham weaves the requirement for high quality urban design and placemaking throughout Chapter 3.3, Complete Communities as well as Chapter 5, Vibrant Urban Systems. Within these sections of Envision Durham, the Region provides direction to local municipalities to provide policies in their official plans ensuring development is of a high quality urban design and contributes to local placemaking.

The Town's Official Plan, through Chapter 6.2 Urban Design, provides a set of objectives that include the promotion of high quality urban design and policies on varied topics such as streets and blocks, streetscapes, landmarks, views, parks and open spaces, to list a few. The chapter also provides some specific design guidance with regards to land use designations or specific areas such as the waterfront, central areas and intensification corridors. However, high quality urban design is not something that is woven through the existing Whitby Official Plan, nor is there requirements for development to contribute to placemaking. Through this Official Plan review process, the requirement for high quality urban design and placemaking needs to be better aligned with Envision Durham and updated to current best practices.

The Whitby Official Plan policies should be updated to reflect a more modern approach to urban design that addresses intensification, transit-oriented development and compatibility of high density built forms. Specifically, updated policies that address built form, placemaking and transit-oriented development to ensure compatibility and appropriate transition will be important.

Though it would fall outside the scope of this project, it would be important to have a current companion(s) urban design guidelines to confirm how the requirements in policy should be incorporated or addressed as part of development or redevelopment. For example, the policies could require a 45 degree angular plane from a specific location or a specified building setback could be illustrated in an urban design guideline showing how that is achieved.

The detailed analysis of the Urban Design policies is provided in **Appendix A**.

3.4 Climate Change and Sustainability

In supporting sustainable and healthy communities, Envision Durham encourages municipalities to introduce a community-wide program for monitoring and reducing Green House Gas (GHG) emissions (Policy 3.2.4). This program is to contribute to a region wide effort to reach net-zero emissions by 2050.

As part of this Official Plan Amendment, Section 3.2 Sustainable Community Planning of the Whitby Official Plan could be updated to identify the need for GHG monitoring and reduction programs as part of growth management.

In creating more sustainable communities, new excess soil management policies were introduced in Envision Durham. Excess Soil refers to soil, or soil mixed with rock, that has been excavated as part of a development or infrastructure project and removed. Envision Durham directs municipalities to include a policy for developing best management practices for excess soil and to regulate excess soil through site alteration by-laws (Policy 4.2.14, and 4.2.15). The Whitby Official Plan Review should include new policies related to excess soil in Section 5 - Environmental Management, which is outlined in **Appendix A**.

Envision Durham also provides policy guidance for the creation of local green development practices, sustainability guidelines, water conservation, and incentive programs (Policy 3.2.18 and 3.2.20). Section 3.2 Sustainable Community Planning of the Whitby Official Plan should be updated to include this new policy direction, which is summarized in **Appendix A**.

Envision Durham promotes alternative, renewable energy and energy storage as part of new development and supports the development of low carbon energy systems leveraging public and private partnerships where feasible. Envision Durham permits alternative energy systems and renewable energy systems throughout the region, however, large-scale commercial renewable energy facilities are not permitted within Prime Agricultural Areas, key natural heritage areas, and natural hazard lands (Policy 4.3.19, and 4.3.20). These permissions should be included in the Agricultural policy section of the Whitby Official Plan.

3.5 Indigenous Culture and Heritage

The current Whitby Official Plan does not have a land acknowledgement or clear section on reconciliation and fostering Indigenous heritage and history in Whitby. The Envision Durham Plan provides a preamble that notes the history of Indigenous peoples on the land. The key policy themes applicable to Indigenous rights and reconciliation in the Envision Durham Plan include:

- Supporting economic reconciliation and collaborating with Indigenous rights holders and communities to foster their wellbeing;
- Collaborating on the protection and restoration of regional wetlands and woodlands;

- Collaborating with the Region, conservation authorities and Indigenous communities to consider traditional ecological knowledge and increase tree canopy cover;
- Promoting the conservation, protection and enhancement of built and cultural heritage resources and landscapes, including Indigenous cultural heritage;
- Engagement with Indigenous communities to consider their interests when identifying, protecting and managing cultural heritage and archaeological resources; and
- Partnering with the Region, conservation authorities, and Indigenous communities and other organizations to target restoration and enhancement initiatives within areas of the regional natural heritage system and enhancement opportunity areas with the greatest vulnerability to the impacts of a changing climate.

In addition to recommendations that may arise through direct engagement with First Nations and Indigenous organizations over the OP Review process, the recommendations of the Culture Connects Whitby Draft Plan (2020) could be reinforced through the Strategic Objectives in Section 2.3.2.2 and Section 6 of the Official Plan. These include working collaboratively with Whitby's educational and postsecondary institutions to connect communities and enhance Indigenous cultural programming and design of public spaces in the Town.

3.6 Environmental and Community Impacts

The objectives and policies in this section of Chapter 8 of Envision Durham seek to mitigate the impacts of transportation infrastructure on communities, the environment and climate, and the impacts of a changing climate on transportation infrastructure through studies, design considerations and implementation measures.

The policy implications of this Section of Envision Durham pertain to the Municipal Class Environmental Assessment process to minimize environmental impacts from a transportation perspective.

As per Policy 8.6.6 of Envision Durham, area municipalities are required to evaluate and identify preferred alignments for new arterial and collector roads needs in a comprehensive manner under the Municipal Class Environmental Assessment process to minimize environmental impacts while achieving the optimal solution from a transportation perspective.

There are a number of policy recommendations and considerations that can also be taken into account, as identified in **Appendix A**. For instance, as per Policy 8.6.4 of Envision Durham, the Region will assess the need for and development of corridor plans, in conjunction with the area municipalities, which may be a component of a Municipal Class Environmental Assessment study for major road works or significant development applications or planning studies. Such corridor plans will provide a vision for the development along the Regional Road over time. The Town's Official Plan can

also include policies that reference the development of corridor plans in conjunction with the Region, where necessary.

3.7 Servicing Related Policies

Regional infrastructure and services include regional roads, transit, water distribution and treatment, sewage collection and treatment, waste collection and diversion, social services, including housing services, public health, and paramedicine.

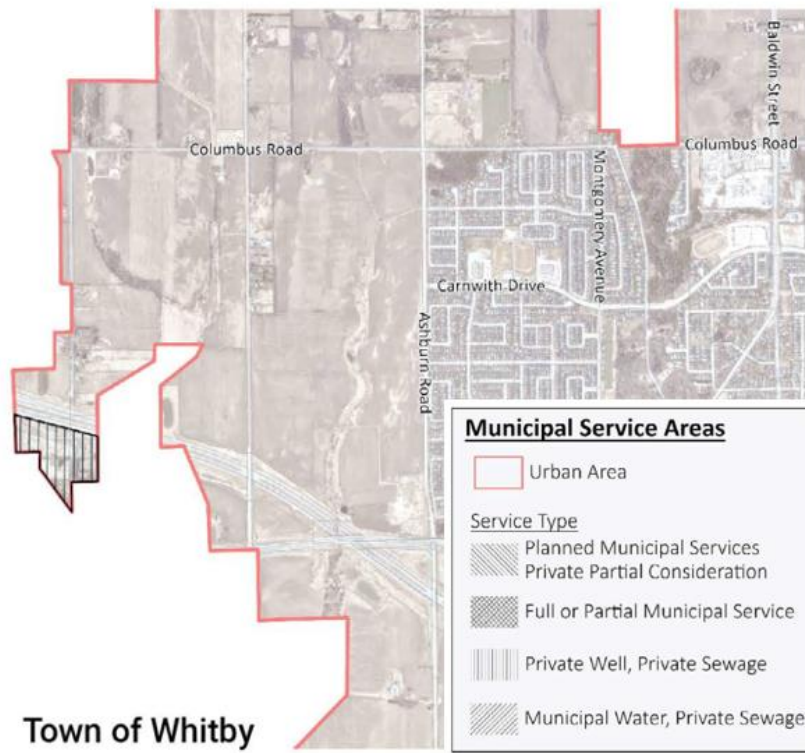
Chapter 4 of Envision Durham, entitled Supportive Infrastructure and Services, outlines policies related to infrastructure and services provided by the Region.

The following subsections outline the key findings from the Policy Background and Gap Analysis undertaken to examine the key policy gaps. The full analysis can be found in **Appendix A**.

Municipal Servicing

Policy 4.1.26 of Envision Durham recognizes there are locations within the Urban Area in which the provision of municipal water and/or sewage services is not technically or financially feasible, or may be in process but not yet completed, including but not limited to the areas identified on **Figure 3**. This area will need to be identified in the Town Official Plan to ensure clear messaging regarding this area of land.

Figure 3 - Municipal Service Areas (Town of Whitby) from Envision Durham



In addition, there are a number of policy recommendations and considerations from Envision Durham that can also be taken into account as well, should the Town want, as identified in **Appendix A**. For instance, Policy 4.1.3 of Envision Durham intends to prioritize infrastructure and services in marginalized communities identified as Durham's Priority Neighbourhoods, where possible. The Town of Whitby should align policies with these prioritizations in areas such as downtown Whitby.

3.8 Utilities and Energy

Implementation of energy conservation and efficiency measures and the establishment of renewable, district and alternative energy systems across the region will help our communities mitigate, adapt and build resilience to the impacts of a changing climate.

Policy 4.3.2 of Envision Durham states that utility infrastructure that meets the definition of Major Facilities may occur in any designation subject to the policies of this Plan. The Town of Whitby Official Plan shall confirm that its policies conform to this. As per Policy 8.2.4 of the Town's Official Plan, major utility facilities and corridors are indicated on Schedule A - Land Use, for information purposes and may be updated without amendment to this Plan.

Policy 4.3.20, 4.3.21 and 4.3.25 of Envision Durham provides policy direction to regulate the design and scale of renewable energy systems with consideration for land use compatibility. They also include policy language to require area municipalities to promote and facilitate such systems through their official plans and zoning by-laws.

Further, Policy 3.2.6.4 of the Town's Official Plan includes policy language that encourages new development to explore options to incorporate or connect to on-site energy generation systems, such as district energy facilities, where feasible.

The Town should consider additional policy regarding the regulation of the design and scale of renewable energy systems, as it currently does not have policy on this in the Official Plan.

In addition to these policies, there are a number of policy recommendations and considerations from Envision Durham that can also be taken into account as well, should the Town want, as identified in **Appendix A**. For instance, Policy 4.3.13 of Envision Durham encourages area municipalities to consider the inclusion of policies in their respective official plans to ensure that energy facilities, including renewable energy facilities, are located appropriately.

3.9 Noise, Vibration and Odour

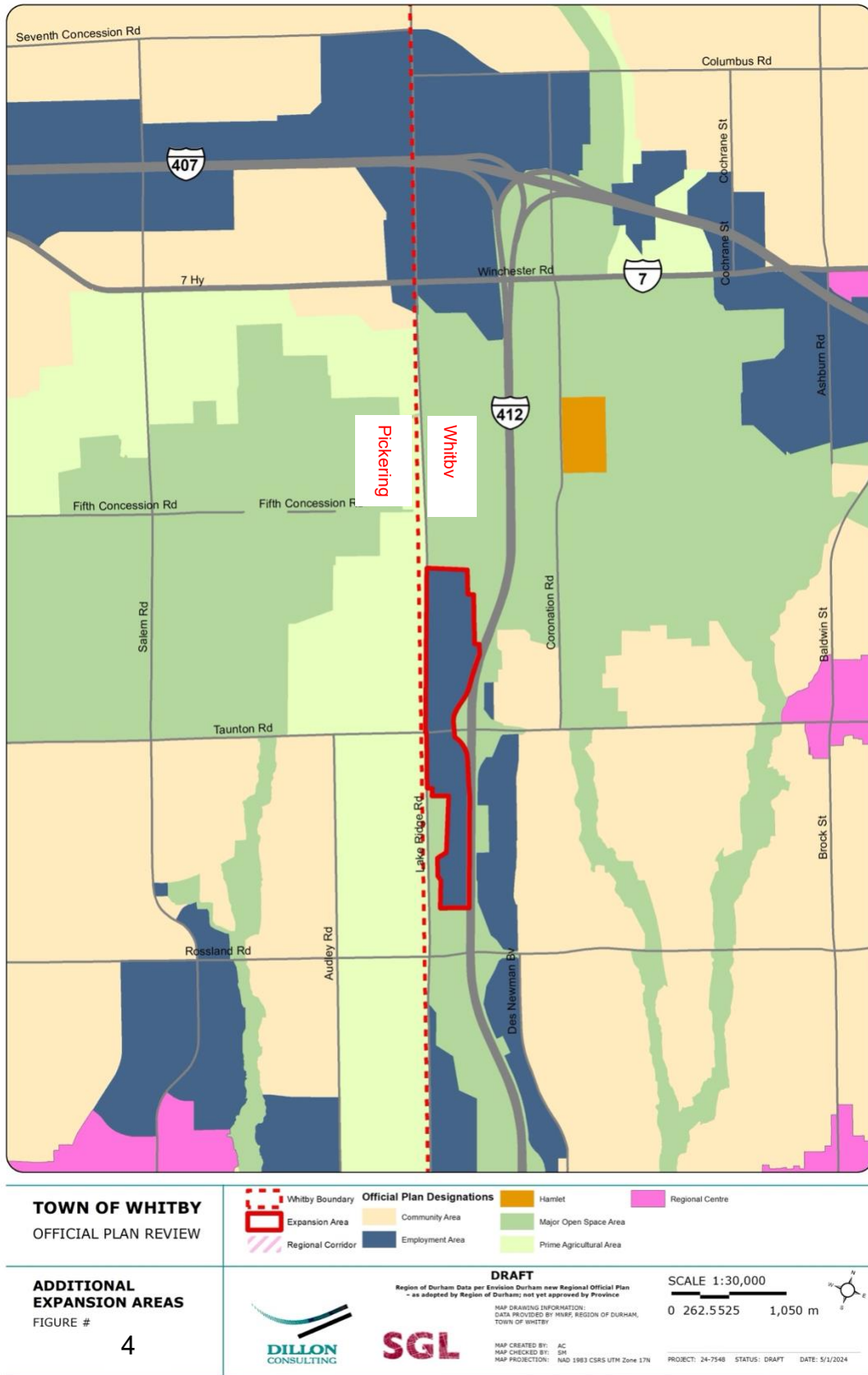
Envision Durham enables municipalities to designate Class 4 Areas on a case-by-case basis through a development approval process (Policy 3.3.8). Class 4 Noise Area is a classification part of the NPC-300 Environmental Noise Guidelines and is intended to allow for residential infill and redevelopment in proximity to existing stationary sources of noise, such as industry, while still protecting residences from undue noise.

Section 5.3.15 Noise, Vibration and Odour of the new Official Plan should be updated to include this permission.

With respect to light pollution, the current Official Plan already contains policies in Section 5.3.14, that are generally consistent with the Envision Durham's but should add the policy for encouraging the enactment of by-laws related controls on signs and outdoor lighting (Policy 3.3.10). Similarly, Policy 5.3.14.3 of the current Official Plan, which speaks to directing light away from the Natural Heritage System should be expanded to include key hydrologic features, associated vegetation protection zones, and other environmentally sensitive areas (Policy 3.3.13).

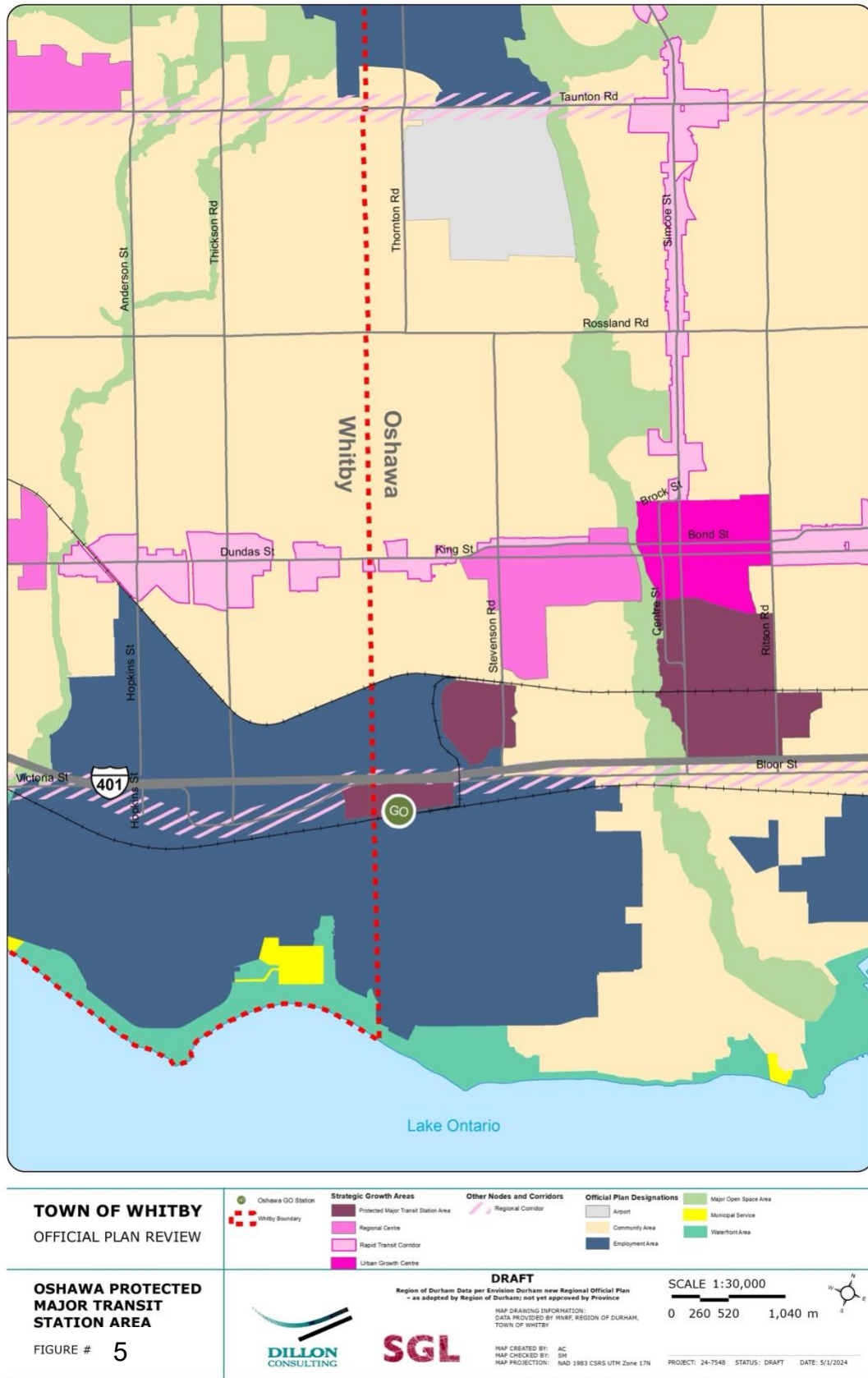
3.10 Other Urban Boundary Expansions

In addition to the Brooklin Expansion Area, a smaller area on the west side of Whitby was brought into the Urban Boundary (**Figure 4**). This area is entirely identified as Employment Areas in Envision Durham. The Whitby Official Plan's Urban Boundary will have to be updated to reflect that change in boundary, with the additional Urban Area designated Employment in the updated Whitby Official Plan.



3.11 Other PMTSA

While the Whitby GO Protected Major Transit Station Area is being addressed in a separate report as part of this Study, it is noted that a portion of the Oshawa GO PMTSA identified in Envision Durham extends into Whitby (**Figure 5**). The Whitby Official Plan will need to be updated to identify the portion of the Oshawa PMTSA within the Town. As the area is within the Employment Areas, no residential growth will be planned, but policies will be updated, as needed to encourage job intensification.



3.12 Designated Greenfields Areas

Designated Greenfield Areas (DGA) refers to lands outside of the delineated built-up areas that have been designated in an official plan for development. The Town's current Official Plan contains policies related to the DGAs in section 2.2, however, it should also be updated to reflect how DGA density is calculated based on the new methodology provided in Envision Durham, which removes the natural heritage system among other things (Policy 5.4.7).

3.13 Employment

Permitted employment uses have broadened in Envision Durham to include uses such as Hotels subject to land use compatibility studies (Policy 5.5.2). Envision Durham also prohibits uses declared to be obnoxious under the provisions of any applicable statutes, regulations or guidelines as well as major retail from locating within Employment Areas (Policy 5.5.10, and 5.5.12). It also prohibits sensitive land uses such as residential uses, long-term care, retirement homes, elementary and secondary schools from locating in Employment Areas (Policy 5.5.26). However, other sensitive land uses that were not previously described may be located in Employment Areas subject to a compatibility study (Policy 5.5.27).

The Industrial Section of the new Official Plan (4.7) should be updated to ensure it accurately captures the permitted and prohibited uses by the Region, this is outlined in in **Appendix A**.

Envision Durham also provides additional policy direction for the protection of employment uses along and near strategic good movement corridors, as well as encouraging increased employment densities through higher density uses (Policy 5.5.3, 5.5.6, 5.5.8). The denser uses are intended to support employment areas achieving the minimum density target of 28 jobs per hectare (Policy 5.5.5). Although the current Official Plan speaks to these policies they can be strengthened, and the minimum density target should be included, refer to **Appendix A**.

3.14 Agricultural and Rural Lands

The Region's rural lands refer to lands located outside of settlement areas, and primarily made up of agricultural uses, rural businesses, major open space, and the natural heritage system.

Envision Durham seeks to protect farmland in the region and support the viability of the agricultural system through protecting agricultural resources, minimizing land use conflict, supporting local food production, and improving the agri-food network (Policy 6.1.2). In doing so, Envision Durham discourages lot creation that further fragments the existing agricultural lands (Policy 6.1.3 and 6.2.2). The policies also seek to protect agricultural areas for the long term from the encroachment of new non-agricultural uses, and require mitigation measures if avoidance is not possible (Policy 6.2.4, 6.2.6, and 6.2.8).

The new Official Plan can explore and strengthen the existing policies for establishing non-agricultural uses (Policy 4.10.3.4), to ensure the Region's direction is accurately captured.

On-farm diversified uses have long been established and permitted uses have been broadened in recent years. With the broadening of uses, Envision Durham has updated the criteria for introducing new agricultural-related uses and new on-farm diversified uses. The new Official Plan should ensure the Agricultural Chapter are updated accordingly to reflect the revised criteria (Policy 6.3.4 and 6.3.5).

For Rural lands, Envision Durham also establishes new policies for establishing a second dwelling as well as further refining when a severance and consolidation can occur (Policies 6.4.3 to 6.4.9). The Agricultural policies of the new Official Plan will need to be updated based on the new direction regarding second dwellings and severances.

3.15 Hamlets

Envision Durham designates existing hamlets and notes these areas are to accommodate modest growth in the coming years subject to servicing (Policy 6.5.6-6.5.9). The policies also seek to support a compatible development with the rural landscape while discouraging strip development (Policy 6.5.10). Building on the direction for supporting a compatible development, Envision Durham sets out policy direction for new developments related to servicing, agricultural impact, soil conditions, and hydrological conditions among other things (Policy 6.5.13 - 6.5.14). Envision Durham also provides criteria for the provision of new and/or expanded municipal services (Policy 6.5.15). The updated Official Plan will need to ensure the Section 4.11 Rural Settlements accurately captures these policy directions.

3.16 Heritage Resources

The existing Official Plan contains extensive policies for the protection of Cultural Heritage Resources and Archaeological Resources. Envision Durham provides additional policy direction that should be updated in the Whitby Official Plan including regularly updating the municipal registry, and creating urban design standards for historic districts, these policies are outlined in the **Appendix A**.

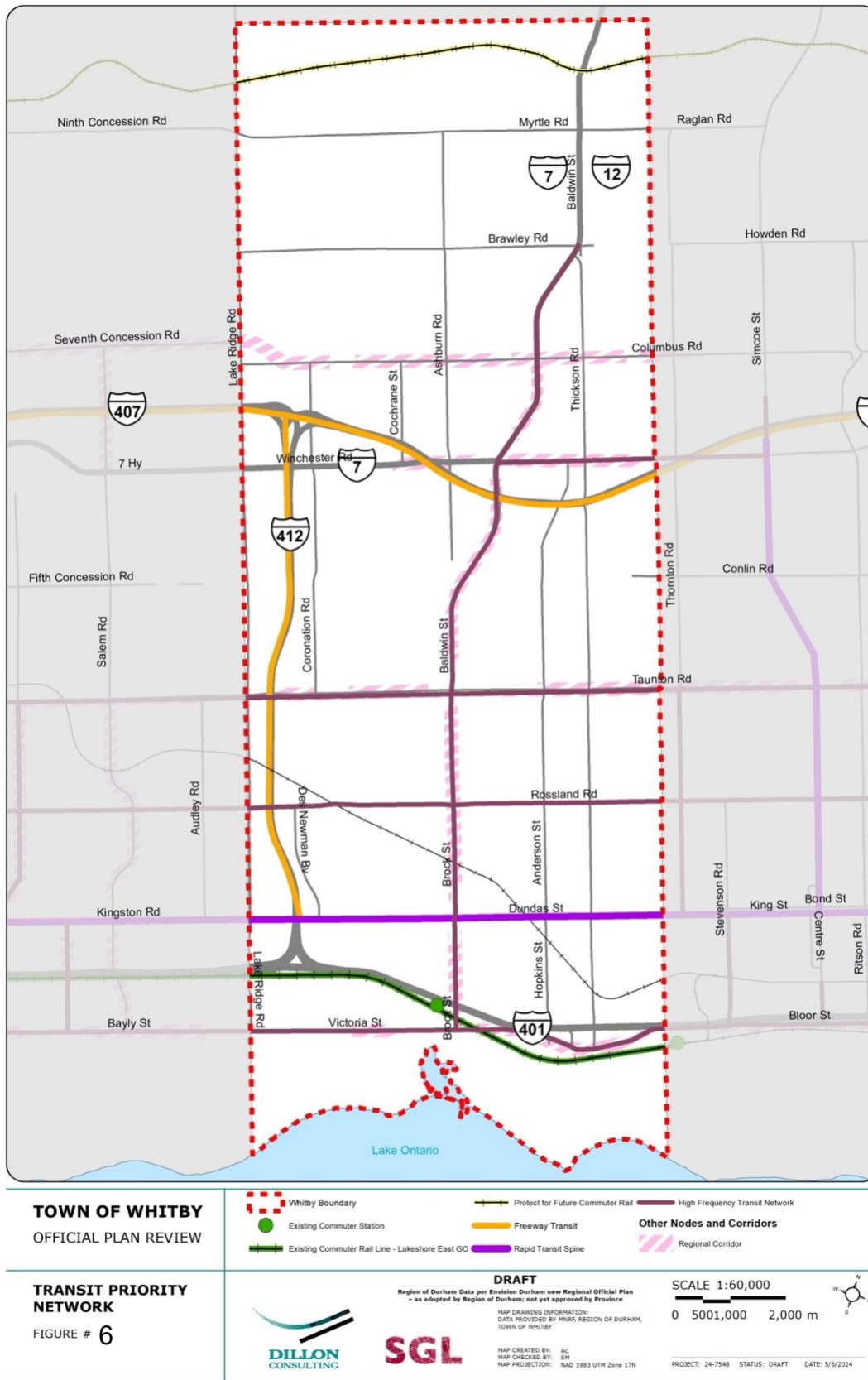
3.17 Transportation Related Policies

The following subsections outline the key findings from the Policy Background and Gap Analysis undertaken to examine the key policy gaps in Envision Durham. The full analysis can be found in **Appendix A** as well as the Transportation Analysis in **Appendix B**.

Transit Priority Network

The Transit Priority Network forms the backbone of the region's transit network and is intended to provide fast, frequent and direct service to Urban Growth Centres, Regional Centres, Rapid Transit Corridors, Protected Major Transit Station Areas and other major

destinations across Durham Region and within the Greater Golden Horseshoe as designated on Map 3a of Envision Durham. **Figure 6** shows the Whitby Transit Priority Network components shown on Map 3a of Envision Durham.



As per Policy 8.1.2 of Envision Durham, it is the policy of the Region to provide appropriate inter-regional and inter-municipal service using the Transit Priority Network, consisting of following elements: a) Rapid Transit Spine; b) High Frequency Transit Network; c) Other Transit Connections; d) Commuter Rail; e) Protect for Future Commuter Rail; and f) Freeway Transit.

The Whitby Official Plan currently takes into account these various Transit Priority Network Designations. As shown in Map D of the Town of Whitby Official Plan, there is a Rapid Transit Spine along the Dundas Rapid Transit Corridor. There are also a number of High Frequency Transit Networks that form a grid across the Town, which includes east-west connections (Winchester Road, Taunton Road, Rossland Road, and Victoria Street) and a north-south connection (Baldwin Street/Brock Street). There is also an Existing Commuter Rail Line in the Lakeshore East GO Transit Line and a rail line to Protect for Future Commuter Rail. Lastly, there is Freeway Transit via Highway 407 and 412.

The Town of Whitby's Official Plan should be updated to further identify and include the additional and applicable Transit Priority Network components from Map 3a, which includes planning for future commuter stations and protecting for future commuter rail and Protected Major Transit Stations.

Other Transit Policies

Section 8 of the Town of Whitby Official Plan contains policies related to transportation, servicing and utilities. Policy 8.1.3 of Envision Durham supports increased transit use and higher levels of service within Strategic Growth Areas (SGAs). It is the intent of the Regional Council to achieve transit oriented development within Strategic Growth Areas to support increased transit use and higher levels of service. This is to be in accordance with the policies related to SGAs and what the Town will have implemented through that conformity exercise. It is also to be achieved through designing arterial roads, through a complete streets approach, to help control traffic speeds while promoting safe, attractive environments for active transportation and transit use (8.1.3 a)).

Further, it will be achieved through enhancing mobility to and from transit services (8.1.3 b)), maintaining and encouraging on-street parking in historic downtowns and on certain Type C arterial roads (8.1.3 c)), and providing facilities which support non-auto modes including commuter stations, bus bays, and pedestrian and cycling facilities (8.1.3 d)).

It will also be achieved through encouraging provisions for alternative development standards (8.1.3 e)) and creating and applying a regional transit-oriented development guideline to be used for reviewing development applications within Strategic Growth Areas, in collaboration with area municipalities (8.1.3 f)).

Further, as per Policy 8.1.4, it is the intent of the Region to achieve transit supportive development for areas outside of SGAs, particularly along Regional Corridor served by High Frequency Transit Network. For Whitby, this would include Taunton Road, Victoria Street, and Brock/Baldwin Streets. Policy 8.1.4 of Envision Durham also includes

principles to achieve transit-supportive development in these areas. The Town's Official Plan should include those principles, which includes:

- a) create an urban grid system of street and walkway patterns, and active transportation connections, connecting bus stops to active transportation;
- b) support active places and streetscapes, with a wide range and mix of medium and high-density uses, including orienting buildings towards the street to reduce walking distances to transit facilities;
- c) limit surface parking, especially in front of buildings, and supporting the potential redevelopment of existing surface parking where appropriate;
- d) provide facilities which support non-auto modes including: bus bays, bus shelters, bike racks, walkways, trails and other pedestrian and cycling facilities;
- e) encourage provisions for alternative development standards, including reduced minimum parking requirements, potential redevelopment of existing surface parking and the establishment of maximum parking requirements for both privately initiated development applications and area municipal zoning by-laws, which are tailored to the level of transit service proposed; and,
- f) create and apply a regional transit-oriented development guideline to be used for reviewing development applications within Strategic Growth Areas, in collaboration with the area municipalities.

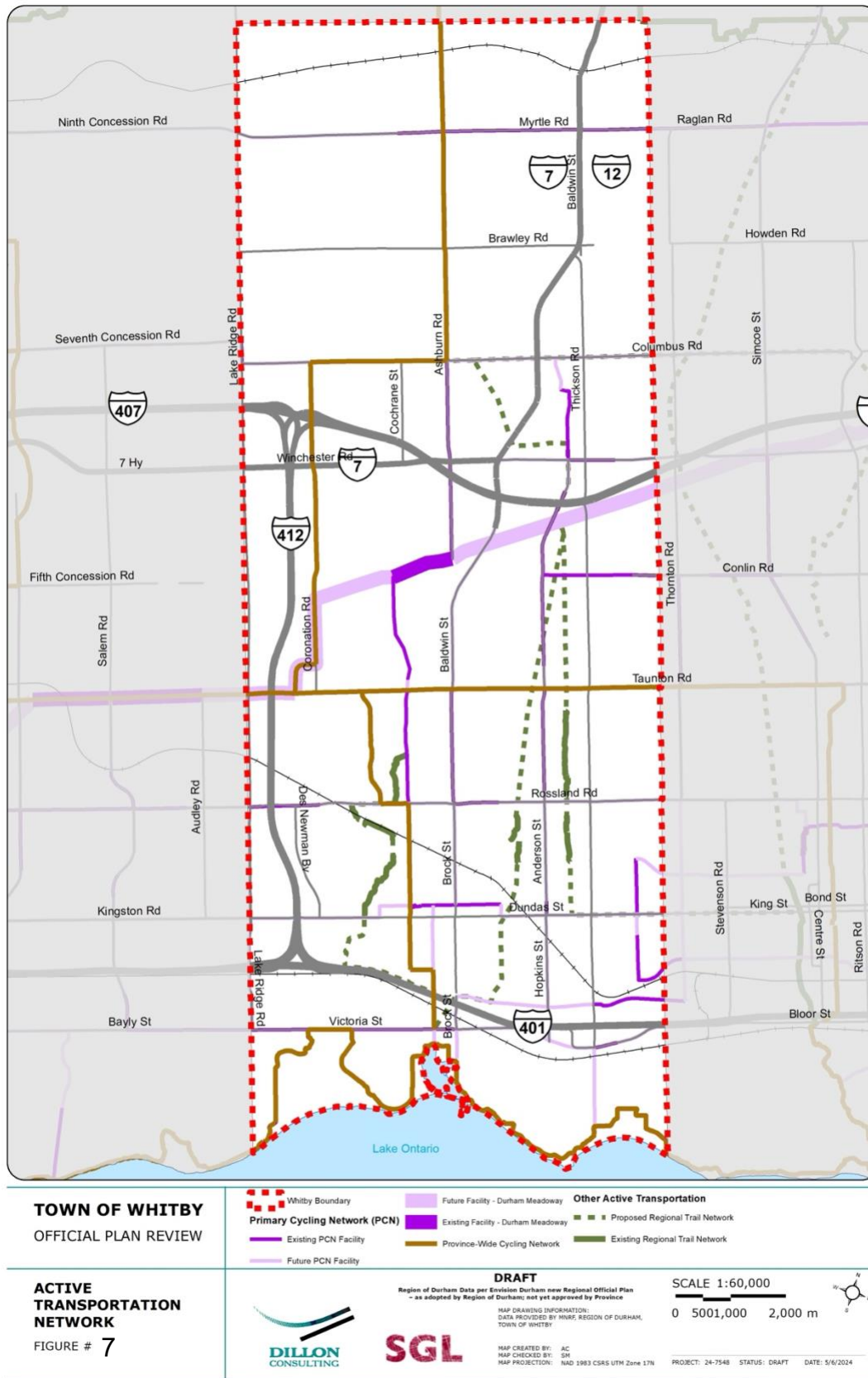
The Town's Official Plan currently provides goals that support transit supportive development through encouraging sustainable and active transportation. Section 8.1.3 of the Town's Official Plan includes policies that capture the intent of Policy 8.1.4 of Envision Durham. This includes policies related to ensuring an interconnected transportation network (Policy 8.1.3.1.1), encouraging a grid-oriented street network (Policy 8.1.3.1.9), supporting active transportation through various policy initiatives such as implementing recommendations from the Town's cycling and trails plans (Policy 8.1.3.7.3), and considering transit connectivity for new development (Policy 8.1.3.8.6). The Town's Official Plan should enhance their policy regime related to transit supportive development and alternative development standards by including a reduction in parking minimums and limiting surface parking within Strategic Growth Areas.

In addition, there are a number of policy recommendations and considerations from Envision Durham that can also be taken into account, should the Town want, as identified in **Appendix A**. This includes a recommendation to integrate or protect for future transit terminals identified in the Durham Transportation Master Plan and/or Durham Region Transit service plans, through the development application review process (Policy 8.1.10).

Active Transportation

Active transportation infrastructure is a shared responsibility between the Region and area municipalities. As per Policy 8.2.1 of Envision Durham, it is the policy of the Region to implement the Regional Active Transportation Network designated on Map 3d, in cooperation with the area municipalities, conservation authorities and the Provincial Ministry of Transportation (MTO).

Within the Town of Whitby, as shown in **Figure 7**, this includes a range of cycling facilities (existing and future) throughout the Town as well as existing and proposed Regional Trail networks.



As per Policy 8.2.2 of Envision Durham, the Region will work with area municipalities to implement a regional Cycling Plan and update it on a regular basis. Further, Policy 8.2.3 includes direction for area municipalities to construct a safe, direct, comfortable, attractive and convenient active transportation network. This includes working with the Region in accordance with agreed principles of jurisdiction and cost sharing.

To ensure consistency, these policies should be implemented into the Whitby Official Plan including updating its active transportation network to align with the Regional mapping. . Currently, the Town of Whitby Official Plan references the municipality's cycling and trails plan in their active transportation policies in Section 8.1.3.7, but does not contain reference to a Regional Cycling Plan.

In addition, there are a number of policy recommendations and considerations from Envision Durham that can also be taken into account, should the Town want, as identified in **Appendix A**. This includes a recommendation to enhance active transportation environments through informative signage and wayfinding systems in collaboration with the Region as well as support extending new active transportation facilities into new development areas and ensuring that bicycle parking is incorporated into new developments and existing public facilities (Policy 8.2.8). Other policies the Town can consider from Envision Durham include integrating cycling and transit-supportive facilities such as weather-protected bike racks and secured bike storage at commuter stations, bus terminals and stops (8.2.5) and support the role of the Region to ensure the safe, year-round operation of cycling and transit facilities through design, signage, enforcement and maintenance, in collaboration with the area municipalities (8.2.6).

Transportation Demand Management

Given the limited ability to expand the capacity of the road network, effective transportation demand management (TDM) measures will be critical to maintain or improve mobility while achieving the Plan's objectives for increased density in Urban Areas.

Transportation Demand Management (TDM) is a set of policies and programs designed to reduce reliance on the single-occupancy vehicle, and specifically reduce peak vehicular demand on the transportation network. To maintain mobility while also increasing density in Urban Areas, TDM will be important to the Town.

As per Policy 8.3.2 of Envision Durham, it is the policy of Council to implement regional TDM guidelines for new development as part of development application processes in collaboration with area municipalities. The TDM guidelines will identify the scope of TDM measures that should be implemented, integrate the review and identification of TDM measures as part of a Transportation Impact Study, where required, and support the application of TDM measures in exchange for reduced parking standards in appropriate locations. Further, as per Policy 8.3.3, the Regional Official Plan includes policies to support commuters by including end of trip active transportation facilities consistent with the TDM guidelines identified in Policy 8.3.2.

The Town's Official Plan should incorporate regional TDM guidelines as part of the development application process in collaboration with the Region. Currently, the Town's Official Plan only makes reference to Transportation Demand Management measures in the Port Whitby Community Secondary Plan. It notes, "To encourage reductions in the use of private automobiles by promoting public transit, active transportation, auto sharing, and the use of Transportation Demand Management measures" (Policy 11.1.2.7). The Town's Official Plan should include a transportation policy that applies Town-wide and references the use of regional TDM guidelines.

In addition to these policies from Envision Durham that will need to be incorporated into the Whitby Official Plan Review, there are a number of policy recommendations and considerations that can also be taken into account, as identified in **Appendix A**. Whitby is encouraged to implement parking management policies and zoning by-laws in consultation with the Region and other agencies to support the implementation of TDM measures (Policy 8.3.4). This would include detailing: minimum and maximum parking requirements based on proximity to transit; shared parking requirements; on-street parking requirements; site design orientation for a pedestrian friendly urban form; design of surface parking lots to enable development; and preferred locations for carpooling and car sharing.

Further, it is recommended that the Town partner with the Region and Metrolinx in investigating the need for a regional parking strategy and parking agency, to support TDM measures with a focus on parking within Strategic Growth Areas.

The Town can also consider supporting the implementation of Mobility as a Service (MaaS) technologies that improve the efficiency of transportation infrastructure, reduce energy, resource consumption and carbon emissions. MaaS includes a shift away from personally owned modes of transportation and towards mobility solutions consumed as a service, as per Policy 8.3.6 of Envision Durham.

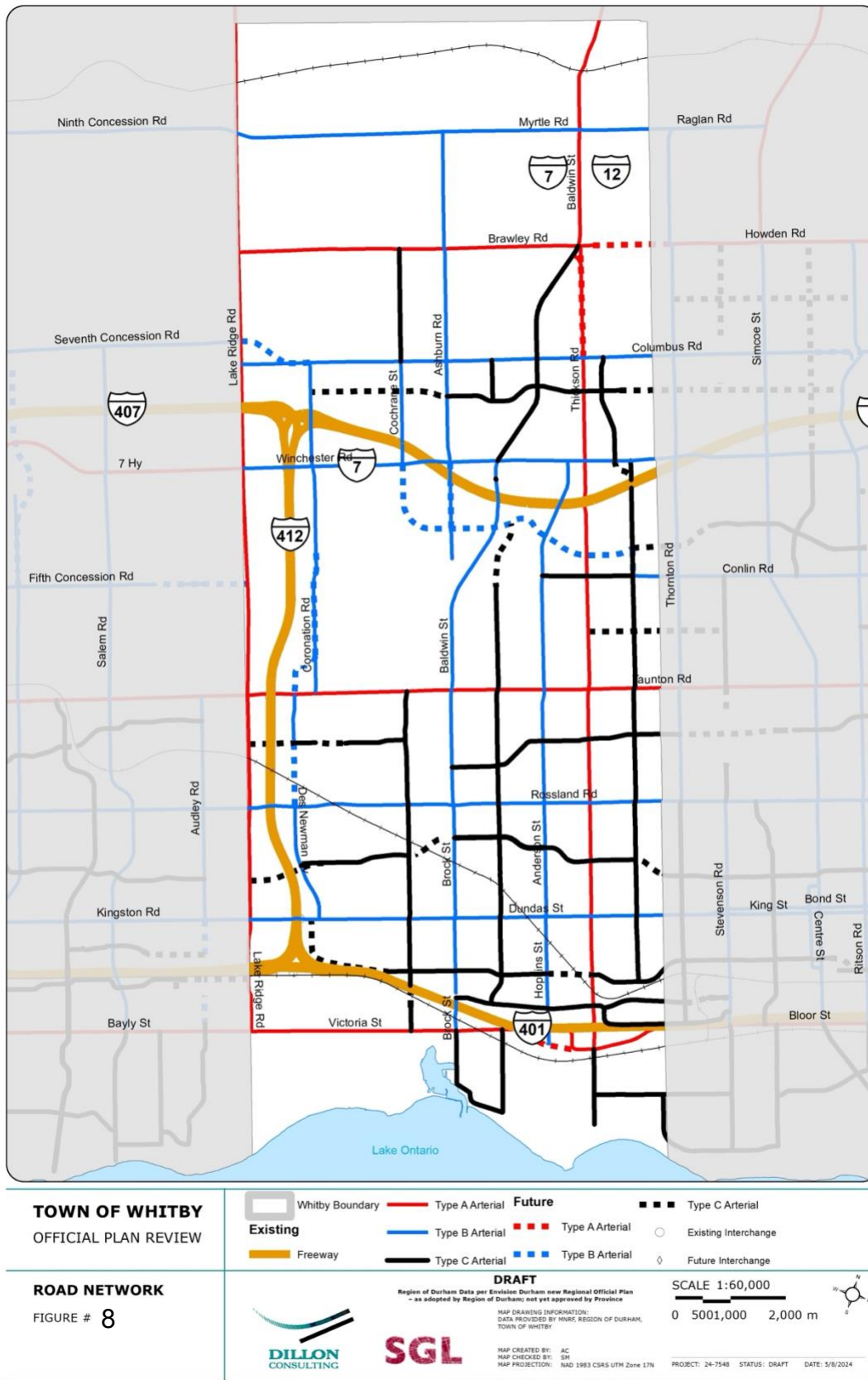
Road Network and Design

The road network is under the jurisdiction of the Province, Region and area municipalities, and neighbouring municipalities for certain boundary roads.

Policy 8.4.1 of Envision Durham includes policy to identify an integrated hierarchy of roads comprised of freeways, Type A, Type B and Type C Arterial roads on Map 3b, without regard to present or future jurisdiction. The Town of Whitby's road network is included. As shown in **Figure 8**, within the Town this includes:

- Freeways (Highway 401, 412, and 407)
- Type A Arterials (Thickson Road, Taunton Road, Victoria Street, Lake Ridge Road and Columbus Road)
- Type B Arterials (Brock/Baldwin, Dundas Street, Rossland Road, Brock and Baldwin)
- Type C Arterials, and

- A number of future connections including an interchange at Highway 407 and Highway 7 and Highway 412 and Rossland.



Through the Whitby OP review, Map D Transportation will need to be updated to align with the Envision Durham Map 3b. Policy 8.4.4 of Envision Durham further guides the design of Type A, B, and C Arterial Roads, which will need to be included, where applicable.

Policy 8.4.5 protects the designation of arterial roads on Map 3b by requiring any proposals to delete any section of arterial road submitted by an area municipality or development application to be supported by a transportation study. The transportation study must set a specific study area in consultation with the Region. The Town of Whitby Official Plan should capture this policy to ensure conformity.

In addition, there are a number of policy recommendations and considerations from Envision Durham that can also be taken into account, should the Town want, as identified in **Appendix A**. For instance, the Region encourages area municipalities to designate a grid network of collector roads in their official plans (Policy 8.4.2).

Further, Policy 8.4.16 of Envision Durham includes language to recognize the importance of Waterfront Areas for providing public access to the waterfront and open spaces. For Whitby, the potential for an east-west connection between South Blair Street and Thickson Road, south of Victoria Street, will be considered in conjunction with any proposal to redevelop the existing uses in the Employment Area north of Ronald C. Deeth Park. It is recommended that this wording be included in the Town's Official Plan.

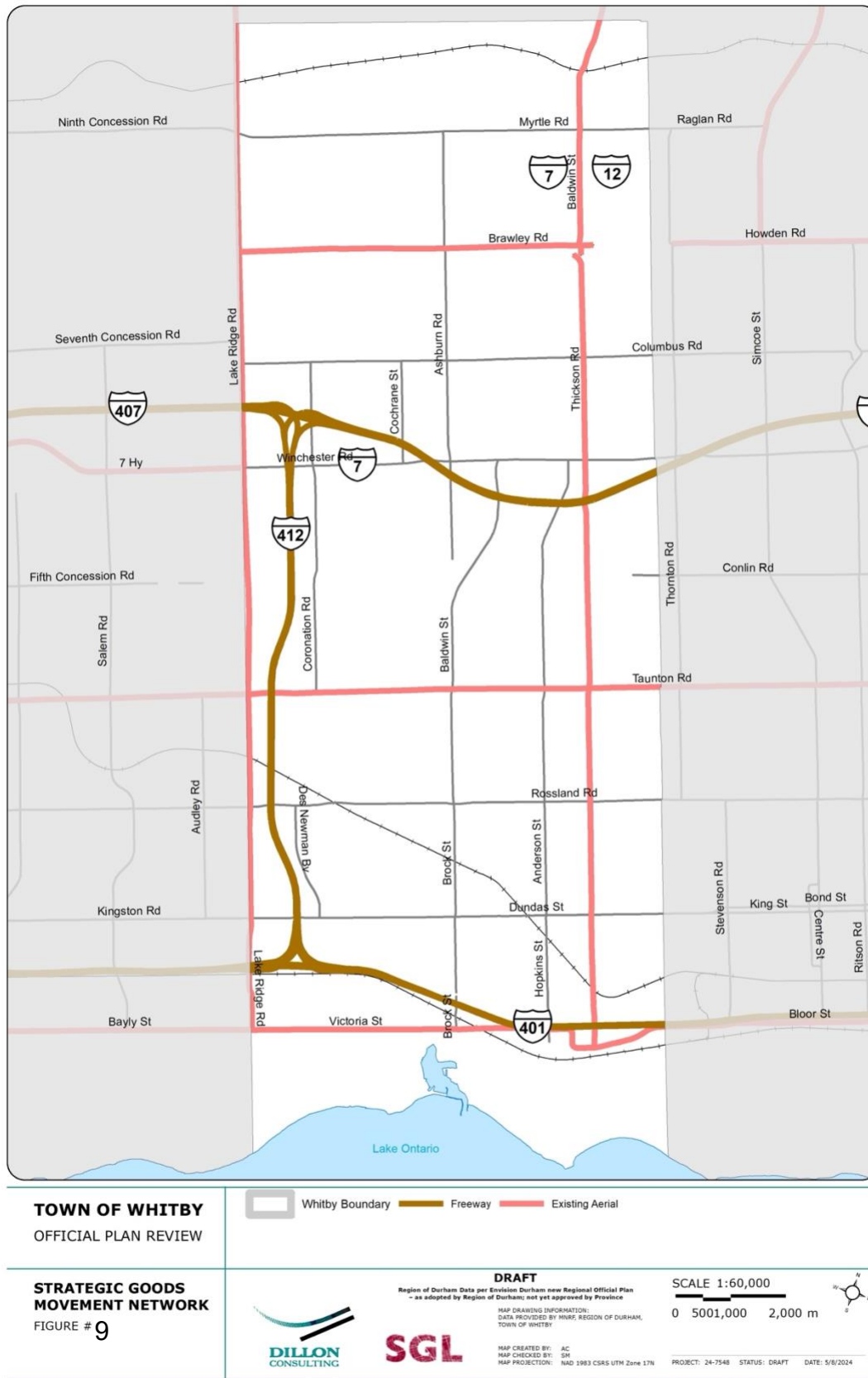
Moreover, as per Policy 8.4.14 of Envision Durham, to reduce the impacts of arterial road traffic through Hamlets and historic downtowns, including road design and/or operational measures to reduce traffic speeds and/or volumes and to improve safety and comfort for active transportation, a by-pass may be considered as a potential solution. The Town can consider including this type of wording, if desired.

Goods Movement

The Transportation System in Durham is planned to ensure adequate provision for all modes of goods movement, including road, rail, air, marine and intermodal facilities. Goods movement is important to economic competitiveness and future growth of the Region. The Region has planned the transportation system to allow for a range of good movement modes including road, air, rail, and intermodal facilities and has identified a Strategic Goods Movement Network.

Envision Durham identifies Strategic Goods Movement Network, as contained in Map 3c, which identifies preferred haul routes that are planned to accommodate commercial vehicles on a year-round basis, and which link major generators of traffic (Policy 8.5.1). As shown in **Figure 9 - Whitby Goods Movement** within the Town this includes:

- Freeways (Highway 401, 412, and 407); and,
- Existing Arterial Roads (being Thickson Road, Lake Ridge Road, Winchester Road, Taunton Road, and Victoria Street).



As per Policy 8.5.8, The Town's OP should also protect for future grade separations at railway crossings for arterial roads, as identified in the Durham Transportation Master Plan (TMP). The 2017 TMP identifies a grade separation need on Hopkins Road (south of Dundas, north of Burns Street East) by 2031 (Section 6.4.16 of the TMP).

In addition, there are a number of policy recommendations and considerations that can also be taken into account, as identified in **Appendix A**. For instance, Policy 8.5.6 of Envision Durham includes policy to support low and zero carbon re-fuelling facilities for freight and goods movement in the region. The Town's Official Plan can consider including similar policy language to support climate change initiatives.

3.18 Site Specific Policies

Envision Durham includes a number of site-specific land use permission for sites across the Town of Whitby. The new Official Plan will need to ensure these land use permissions are accurately captured, these sites and policies are outlined in **Appendix A**.

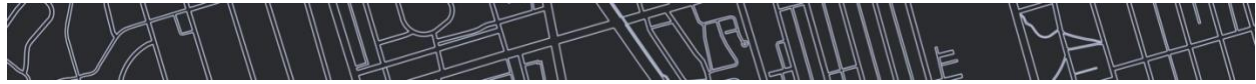
3.19 Implementation and Interpretation

Envision Durham sets out a new policy direction that lands being developed greater than 20 hectares, will be subject to a secondary plan process (Policy 5.4.9). Section 10 - Implementation and Interpretation of the new Official Plan should be updated to reflect this policy direction.

With respect to lot adjustment and severances, Envision Durham provides permission for lot adjustment for conservation purposes as well as new restriction for lands within the Oak Ridges Moraine and the Greenbelt (Policy 11.3.23, and 11.3.24). The policies contained in 10.1.13 Severances of the new Official Plan should be updated to reflect these changes.

For development applications with 100 units or more, Envision Durham requires an Affordability and Accessibility analysis and a community services and facilities study to demonstrate how the proposal meets the Region's goals (Policy 3.1.18, 3.3.2, 3.3.15). The implementation and interpretation chapter of the new Official plan should include these studies as part of the Pre-Consultation process.

4 Whitby Official Plan



This section highlights sections of the Official Plan to be updated as part of the Official Plan Review, that do not relate directly to updated Provincial and Regional policy.

4.1 Sustainability

The sustainability review captures the key elements of a number of guiding documents developed since the last OP update in 2018, and considers aspects of environmental, climate change, green buildings, and broader economic policies. The current Official Plan has a number of policies referencing sustainability and climate change, which would need to be reviewed and updated to align with recent initiatives as well as applicable policies in the PPS.

The Town has established a Sustainability Plan and annual reporting mechanism following the One Planet Living framework. Some key areas for coordination with the Official Plan include urban forest management and tree planting, waterfront regeneration and urban design, supporting local and sustainable food through community gardens and more native species, designing for inclusive and equitably distributed parks and recreational spaces, and integrating the recommendations and actions in the Town's Green Standard and Climate Emergency Response Plan (discussed below).

Green Design

The Whitby Green Standard (WGS) was first implemented in September 2020, and aims to address health and wellbeing, quality of life, as well as climate adaptation and mitigation. The Standard applies to Site Plan and Draft Plan of Subdivision applications. The Official Plan should be updated to reference the WGS and support the Town's implementation plan to advance the minimum requirements to the next tier every four years.

Climate Change Adaptation and Mitigation

The Town's declaration of a climate emergency in 2019 was followed by the development and Council endorsement of a Climate Emergency Response Plan (CERP) in two phases: Phase 1: Resilience (2022) identifies a way forward to adapt to current and future changes in climate and invest in adaptation; Phase 2: Climate Mitigation (2023) includes actions to reach the Town's community target of net-zero emissions by 2045. Both sections of the CERP have elements that can be brought forward into the Official Plan, such as:

- Reviewing policies in section 3.2 of the Official Plan to reference the CERP and align with its goals and implementation plans;

- integrate more specific policies around climate adaptation;
- Consider mapping areas vulnerable to climate change in the development of secondary plans and infrastructure plans; and
- Update existing policies to strengthen support for the Town's net zero goal, including relating to carbon budgeting, reduction of car dependency, and energy conservation.

4.2 Transportation

The primary goal of Whitby's transportation network is to establish and maintain the safe, efficient, interconnected, and accessible movement of people and goods in a system that supports all modes of transportation, including transit, automobiles, active transportation, and goods movement, as per Policy 8.1.1.1 of the Official Plan. This goal is accomplished through the thoughtful design and provisions of appropriate facilities for pedestrians, cyclists, vehicles, and transit with good connectivity to community destinations within Whitby and to adjacent municipalities and upper-tier jurisdictions. This is discussed in further detail in **Appendix A**.

Road Infrastructure

Consistent with the goal and objectives set out in the Official Plan, roads in Whitby are classified and maintained on the basis of their function and design as controlled access roads (freeways), arterial roads, collector roads, and local roads. This classification system is intended to assist in directing traffic flows quickly and efficiently from local roads to collector roads and arterial roads, while similarly keeping through traffic on arterial roads and collector roads so that traffic on local roads is kept to a minimum.

When assessed against the network function and design characteristics for each road classification type, the network spacing and minimum intersection spacing, relative to road classification, aligns well with Regional and Town Official Plan policy.

However, one network spacing deficiency that could be rectified would be the road spacing between east/west Type A arterial roads in North Whitby. Taunton Road and Brawley Road are approximately 8 km apart, yet the desired spacing for Type A arterials is 6.5 km. Winchester Road (or Highway 7 west of Baldwin Street and Durham Regional Road 3 east of Baldwin Street), which runs between and parallel to Taunton Road and Brawley Road, is currently classified as a Type B arterial within Whitby and could be reclassified / upgraded to a Type A arterial. This upgrade would be consistent with the road classification of Highway 7 west of Lakeridge Road within the City of Pickering, but could have impacts for the land uses within Brooklin east of Baldwin Street. However, Highway 407 also runs between and parallel to Taunton Road and Brawley Road, suggesting that the greater than desired spacing between Type A arterial roads is less problematic.

Active Transportation

The 'Existing and Recommended Active Transportation Network' presented in the Town of Whitby Active Transportation Plan (2021) protects for the provision of future active

transportation accommodation and proposes effective, safe, and integrated linkages and routes between neighbourhoods, schools, major open space and park systems, access to transit, as well as commercial and employment centres, including the provision of connections to the Waterfront Trail and Greenbelt Trail. It is recommended that the 'Existing and Recommended Active Transportation Network' be further incorporated into the Whitby Official Plan as part of Schedule D – Transportation.

Collector and arterial roads that are shown to have proposed active transportation facilities may require additional right-of-way widths to accommodate the active transportation facilities. Right-of-way requirements will be confirmed (along with the design and cross-section elements) through the Environmental Assessment process. Further, the Whitby Official Plan does not provide any town wide active transportation policy guidance on sidewalks. Only Section 11.5 of the Brooklin Community Secondary Plan does. Further, the Town of Whitby Design Criteria and Engineering Standards (2022) states that "sidewalks are required on both sides of all roadways (Local, Collector and Arterial) including courts, cul-de-sacs and crescents". It is recommended that the sidewalk policy be incorporated into Section 8.1 to ensure that the sidewalk policy applies throughout the Town.

Public Transit

Public transit service in Whitby is operated by Durham Region Transit (DRT) and GO Transit. As such, the Whitby Official Plan provides only limited public transit policy guidance.

The Whitby Official Plan Schedule D – Transportation displays a number of transit features including Transit Spines, Commuter Rail, Future Commuter Rail, Major Transit Stations and Future Transitway Stations. It is recommended that protection for an additional Future Transitway Stations be added to Schedule D – Transportation at the proposed interchange of Highway 407 and Cochrane Street. This would be consistent with the placement of the other Future Transitway Stations which are located at all Highway 407 and arterial road interchanges.

4.3 Mature Neighbourhoods

OPA 130, which addressed policies for Mature Neighbourhoods, was adopted by Council on May 15, 2023, but subsequently appealed and is currently at the Ontario Land Tribunal. The area where the Mature Neighbourhood policies apply are shown in **Figure 10**.

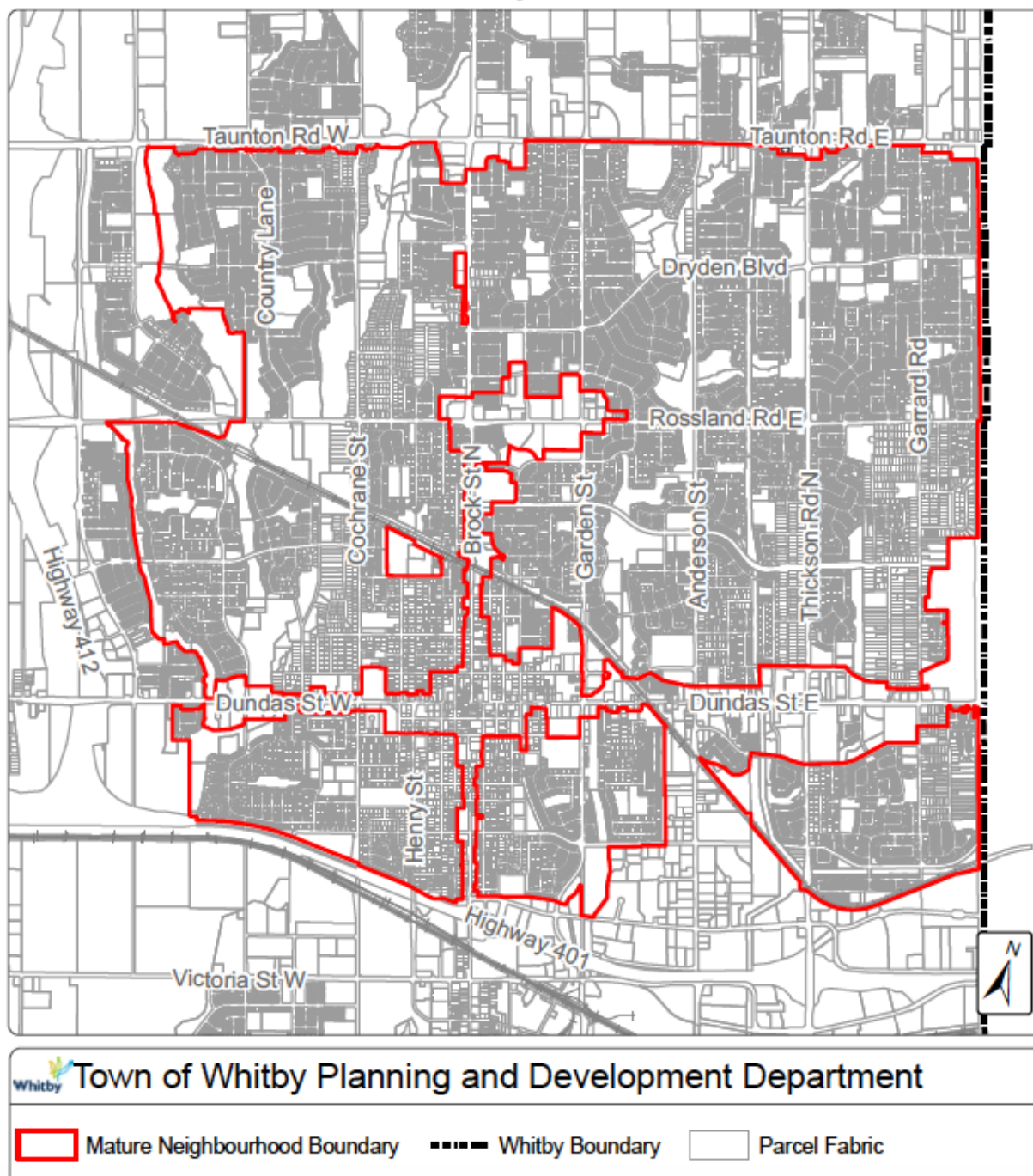


Figure 10: Area where Mature Neighbourhoods policies apply

As part of the Official Plan Review, consideration should be given as to whether the Mature Neighbourhood policies should apply to other areas of the Town. The policies would not be applied in any Intensification Areas or Corridors, but there are areas where the policies' application could be considered, including the older residential areas north of Taunton Road, in Brooklin, and south of Victoria Street.

These areas, except the residential north of Taunton Road to the west of the Taunton North Community Secondary Plan, are already covered by Secondary Plans which designate low versus medium or high density areas. Some of the policies introduced in OPA 130 which direct certain densities of development to certain areas, would not be necessary where the different low and medium designations apply. Conversely, policies on infill and compatibility, such as policy 4.4.3.13.14 in OPA 130, may be suitable for low density designated areas in the respective Secondary Plans. One option is to apply some but not all of the policies of OPA 130 to the additional older residential areas.

Alternatively, the other option, is that all of the policies could simply be applied to the residential areas outside of the Secondary Plans, which is effectively the residential areas north of Taunton Road, outside of the Taunton North Community Secondary Plan and not applying any of the Mature Neighbourhood policies to the Secondary Plan areas.

Whichever approach is taken, one update that will be specifically needed within the Mature Neighbourhoods policies, is to clarify that the Mature Neighbourhood policies are not intended to prevent the establishment of additional dwelling units.

4.4 Mixed Use Policies

Review of the existing Mixed Use designation policies in the Whitby Official Plan and Secondary Plans, has identified an opportunity to reconsider the policy framework for mixed use areas, particularly what is considered mixed use and where it is required.

Mixed use can come in different forms, with a requirement for a mix of non-residential uses (i.e. office, retail, restaurant, personal service, and community and/or institutional uses) or a requirement for a mix of non-residential and residential uses. The mix of uses can be required within in a building or within a site. Alternatively, a mix of uses can be permitted, but not required.

What form of mixed use will best achieve the desired outcome, is worth considering. Being overly prescriptive in the Official Plan policies with regards to provision of mix of uses can reduce incentive for development and lead to prolonged application processes where Official Plan Amendments are required. Conversely, being too flexible can lead to development of token commercial development intended to meet the bare requirements of the policies, without delivering the true mix and functionality of space desired to support complete communities.

There are currently 18 Mixed Use designations that apply across the different Secondary Plans.

Based on existing interpretation of the Mixed Use Designations, the following **Table 1** outlines how the different designations require mix use:

Non-Residential Mix Required; Residential also permitted	Residential and Non-Residential Mix Required within a <u>Site</u>	Residential and Non-Residential Mix Required within a <u>Building</u>	Residential and Non-Residential Permitted, but not Required
<ul style="list-style-type: none"> • Parent official Plan - Mixed Use • Brooklin Community - Mixed Use 2- HCD • Brooklin Community - Heritage Commercial • Brooklin Community - Mixed Use 3 • Downtown Whitby - Heritage Mixed Use • Brooklin Community Mixed Use 1 – Community Central Area • Downtown Whitby – Downtown Mixed Use • Downtown Whitby – Corridor Mixed Use 	<ul style="list-style-type: none"> • Brock Taunton Major Central Area – Mixed Use Area 4 • Brock Taunton Major Central Area – Mixed Use Area 1 • Brock Taunton Major Central Area – Mixed Use Area 2 • West Whitby Secondary Plan – Mixed Use Two • West Whitby SP - Mixed Use One (with site specific carried forward) • West Whitby SP – Special Mixed Use Two 	<ul style="list-style-type: none"> • Port Whitby Community – Mixed Use Residential One • Port Whitby Community – Mixed Use Residential Two <p>Downtown Whitby - Heritage Mixed Use</p>	<p>Port Whitby Community – High Density Residential Mixed Use</p>

The planning for mixed-use areas has evolved and generally involves the combination of residential and non-residential uses. Requiring a mix of commercial uses on a site does not constitute mixed use as commonly applied today. Using such a framework for mixed use areas, dilutes the objective of mixed-use development. It is recommended that the Official Plan take a more focused lense on mixed use areas with a requirement for or permission for a mix of residential and non-residential uses.

Further consideration will be given as to whether specific designations or site-specific policies should require a mix of uses within a building verses on a site verses permissive but not required as well as requirements for first floor commercial or minimum floor space of commercial uses.

4.5 Special Activity Nodes

There are specific policies for the Special Activity Node A at the northeast corner of Cochrane Street and Taunton Road West. The policies relate to the site's previous use, Cullen Gardens. Since these lands are now occupied by a spa, the policies could be updated to reflect the current commercial use at this location.

Special Activity Node B is generally centered around Highway 401 at Hopkins Street and Thickson Road South. The policies permit a number of uses, including some employment uses, as well as major retail uses, with a number of restrictions on the major retail.

Within Envision Durham, Special Activity Node B is designated Employment Area. Major retail uses are generally not permitted in the Employment Areas, however, there is a policy that permits major retail in Employment Areas if it was designated and the use permitted in the area municipal plan as of June 3, 2009. That policy applies in this case, where the Special Activity Node B, and the major retail permissions, referred to as retail warehouses, existed prior to June 3, 2009.

As part of this Official Plan Review, further consideration will be given to the existing specific major retail policies in Special Activity Node B and whether they are still needed and appropriate, as well as whether this area should be redesignated to a commercial designation.

4.6 Major Commercial Designation

The existing Major Commercial designation is located within either Major Central Areas or Urban Central Areas.

While Residential uses are permitted in the Major Commercial designation in a mixed commercial/residential format, the policy requirements in 4.5.3.7 has led to the current interpretation that residential uses are not permitted as-of-right, but would require a zoning by-law amendment, in order to confirm the requirements of the of policy 4.5.3.7. The Official Plan Review should consider if the policies of the Major Commercial designation should be updated to encourage commercial/residential mixed use development or be changed to a mixed use designation.

As work progresses on how the different areas will be planned to accommodate growth, changes to the Major Commercial designation may be appropriate to encourage residential intensification in the Major Commercial designation, and permit residential uses as-of-right in the zoning by-law.

4.7 Parks

The Town of Whitby is in the process of preparing a new Parks and Recreation Master Plan. The draft Parks and Recreation Master Plan sets out recommendations that the Town can implement to create a healthy community. The parkland classification in the Official Plan should be updated based on the recommendations in the draft Parks and Recreation Master Plan and the Bill 23 Parkland Framework presented to Council in June 2024. The parkland policy section should also include direction for a Trail hierarchy and related policies.

4.8 Food Store and Supermarket

Food Stores, which are less than 1,200 square metres are permitted in the Mixed use designation of the Brock/Taunton Major Central Area Secondary Plan. In Local Commercial and Convenience Commercial Centres, Supermarkets must be less than 2,000 square metres. To simplify, the Official Plan should use a consistent term of grocery stores. In addition, to the Official Plan update should consider removing the cap for grocery stores / supermarkets in the Local Commercial and Convenience Commercial Centres.

4.9 Agricultural Policies

Within the Agricultural policies, section 4.10.3.3, agricultural-related and on-farm diversified uses are permitted, but require a zoning by-law amendment. In order to support the agricultural economy, it is recommended that these uses be permitted as-of-right in the zoning by-law. The policy may include specific requirements to ensure that these uses are compatible with and do not negatively impact nearby agricultural uses, as required by policy 6.3.2 of Envision Durham.

4.10 Places of Worship and Schools in Industrial Areas

One of the comments that was raised during the Official Plan Review process was to add a permission for places of worship in Industrial Areas subject to a Zoning By-law Amendment. This request stems from the difficulty in siting places of worship in non-employment areas due to high land costs. The Envision Durham policies do not expressly prohibit places of worship in employment areas, like they do for residential uses, long-term care and retirement homes, elementary and secondary schools; however, there are policies that must be adhered to with regards to land use compatibility.

This can be considered for Prestige Industrial areas. If places of worship are permitted in prestige industrial areas via a zoning by-law amendment, one of the requirements of

any such zoning by-law shall be a provisions that prohibits the following accessory uses from operating in the place of worship: day care centres or private schools.

It is also further noted that policy 4.7.3.3 addressing Sensitive Land Uses does not permit places of worship in Industrial designations but permits “day care centres within an office building in an area designated as Prestige Industrial and/or *Business Park*, and residences ancillary to post-secondary educational institutions” in Prestige Industrial areas, subject to a zoning by-law amendment. Thus, any change related to the place of worship permissions should be addressed in section 4.7.3.3.

In policy 4.7.3.3.1, Elementary and secondary schools are considered a sensitive land use and note permitted in industrial designations. However, commercial or technical schools and post- secondary educational facilities are permitted in the Prestige Industrial designation. “Commercial schools” are sometimes interpreted as private schools, a sensitive use, versus a trade school which is appropriate for an industrial area. Thus, sections 4.7.3.2.2 and 4.7.3.3.1 and the definition of sensitive land use should be updated to set out that any school regulated by the Education Act is a sensitive land use and would not be permitted.

4.11 Additional Dwelling Units

As discussed in section 2 of this Report, the Planning Act updated requirements related to Additional Dwelling Units. Further, Council passed a resolution permitting up to four units on a residential lot. However, the Town is independently undertaking an OPA process separate from this project to implement permissions related to Additional Dwelling Units.

4.12 Targets and Floor Space Index

Readers of the Official Plan sometimes confuse overall density targets for a given area with minimum and maximum densities for a specific land use designation. For example, Policy 4.3.3.3.4.2 a) states that, for lands within the Brock/Taunton Intensification Area, “the long- term overall density target is at least 75 residential units per gross hectare and the overall long-term *floor space index* target is 2.5.” This is not intended to be a minimum or maximum density for the area. The designations within that area, such as the Medium Density Residential set specific density ranges such as 30 and 65 units per net hectare. As the Whitby Official Plan is updated, the terminology should be updated or defined, to convey that a target is an objective for an overall area, versus a specific prescribed minimum and/or maximum density within a specific designation.

Further, the previous Durham Region Official Plan set floor space index targets for Regional Centres, Local Centres, Regional Corridors, Local Corridors and Waterfront Places. Envision Durham does not carry these forward. Further consideration of whether the Floor Space Indexes that are currently found in the Whitby Official Plan and had been based on previous Envision Durham policy, should be carried forward.

4.13 Policy References

All policy references will have to be checked and updated. This includes Whitby Official Plan policy references that cross-reference other sections of the Official Plan. In addition, any Durham Region Official Plan Policy reference will have to be reviewed and deleted or updated, as deemed appropriate. Any reference to “Durham Regional Official Plan” in the Whitby Official Plan will also have to be updated to refer to “Envision Durham”.

4.14 Readability

The overall readability of the Official Plan document can be improved by adding the section header to the top of the document. This helps the reader keep track of what land use designation or secondary plan section they are reading.

4.15 Mapping Updates

Apart from specific mapping updates required to align with Envision Durham discussed elsewhere in the report, there are some considerations for overall mapping updates to streamline the Official Plan.

Currently the mapping for the Official Plan is done schematically and at a high level. One of the considerations would be to update the overall Land Use Schedule, Schedule A, as well as the land use schedules for the Secondary Plans, such that the boundaries of the land uses be redrawn to align with the parcel fabric. The parcels would not be shown on the final schedules, due to scale, but would be reflected, nonetheless.

The benefit of this approach, is additional clarity of where the designations apply, particularly ensuring alignment between the overall land use schedule, “Schedule A”, and those for the Secondary Plan.

The drawback is that this approach may imply a greater rigidity to the Official Plan designation boundaries than intended. Often, it is the intent that the Official Plan be schematic, with some limited flexibility of the exact boundaries. By aligning the boundaries exactly to the parcel fabric, a specificity is imposed that may lead to a need for more Official Plan Amendments needed to refine the boundaries. However, a policy could provide direction on such matters.

The need for Map 1 is also being considered. Currently, Map 1, identifies a number of items that are shown elsewhere on other maps or are no longer needed, including:

- Areas deferred by the Region and reference to “Lands Subject to Durham Region Official Plan 14.13.7, which no longer applies as these areas are part of the Brooklin expansion;
- Hamlets and Settlements which are shown on Schedule A – Land Use.
- Major Transit Station which will now be reflected as a Protected Major Transit Station Area to conform to Envision Durham;

- Major Central Areas/Intensification Areas which are also shown on Schedule A – Land Use and Schedule B – Intensification;
- Urban Central Areas/Intensification Areas which are also shown on Schedule A – Land Use and Schedule B – Intensification;
- Waterfront Place/Intensification Area, the latter of which is addressed on Schedule B;
- Urban Area and 2013 Urban Boundary which is also reflected on Schedule A – Land Use;
- Agricultural, Greenbelt Protected Countryside and Oak Ridges Moraine which area reflected on Schedule A – Land Use;
- Intensification Corridors which area shown on Schedule B – Intensification; and
- Open Space/Linkages/Conservation which are also shown on Schedule C - Environmental Management.

The only item that is only shown on this Map is the Gateways, for which a new map could be created, or locations of which could be described in text in the relevant policy section.

Map 1 is currently referred to in policies 2.3.1.2.1, 2.4.2, 6.2.3.7. It is noted that none of these policies strictly require Map 1, they could be written in a way that references other Schedules and maps of the Official Plan.

4.16 Other

Appendix C additionally lists very specific clean-up items that relate to a range of matters.

5 Brooklin Expansion Constraints and Opportunities

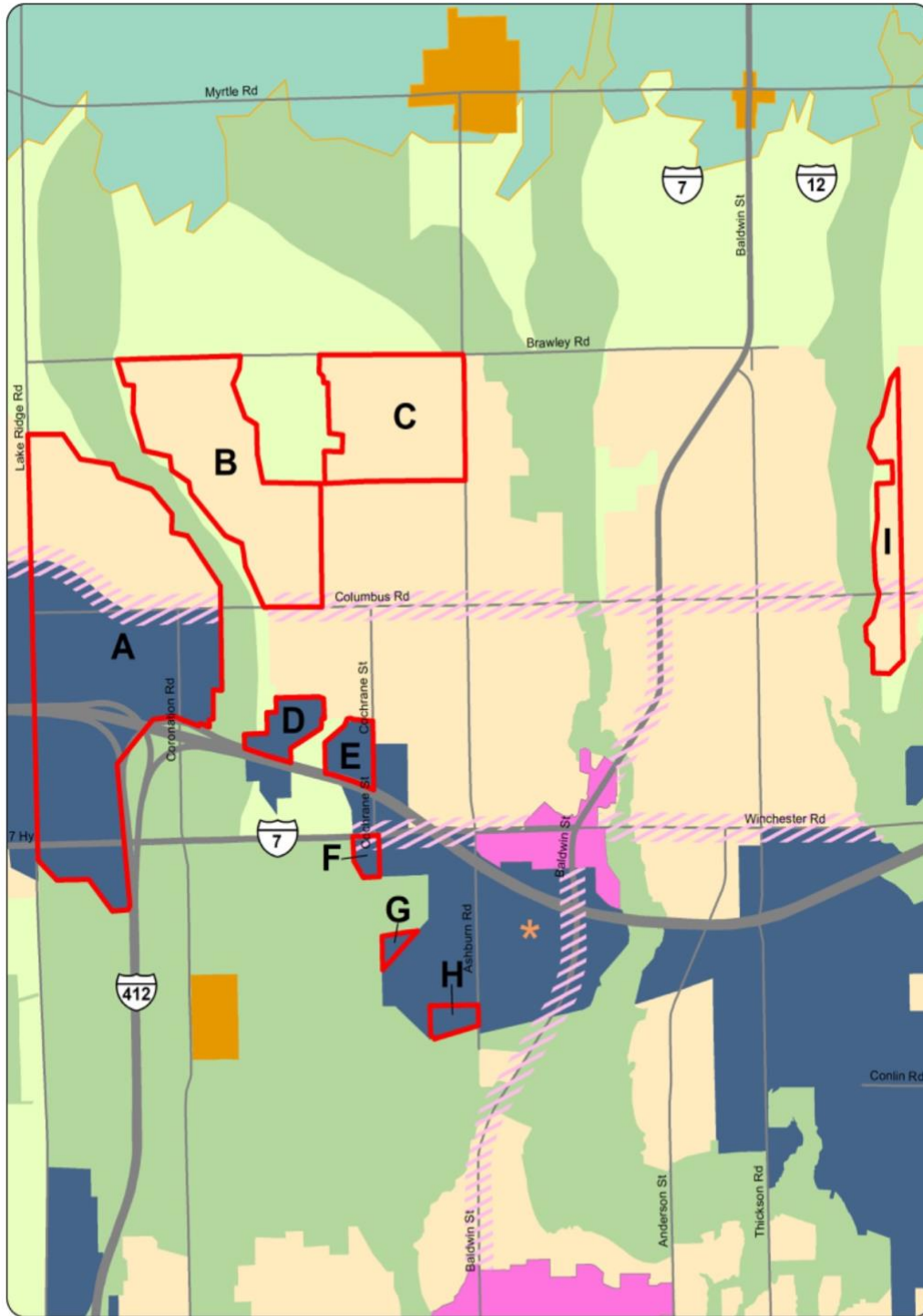


Envision Durham brought new lands into the Whitby Settlement Area around the Brooklin community. These additional areas will need to be designated for urban land uses through the Official Plan update. This section of this Report reviews opportunities and constraints for development of this Brooklin Expansion Area that will inform the policies and land use designation applied to these new areas.

5.1 Designations in Envision Durham

As shown in **Figure 11**, Envision Durham designated a mix of Community Area and Employment Area, as well as Regional Corridor within the Brooklin Expansion Area, as follows:

Name	Area (ha) (Approx.)	Designation
A	408	Community Area (approximately 266 hectares) (north Columbus Road) and Employment Areas (approximately 142 hectares) (south of Columbus Road), with a Regional Corridor along Columbus Road.
B	170	Community Area with a Regional Corridor along Columbus Road
C	120	Community Area
D	20	Employment Areas
E	20	Employment Areas
F	7	Employment Areas and a Regional Corridor along Highway 7
G	4	Employment Areas
H	9	Employment Areas
I	50	Community Area, with a Regional Corridor along Columbus Road.



Envision Durham has policy requirements specific to Urban Expansion Areas in section 5.7. Studies required in these policies will be addressed either through this Study process and or will be required to be addressed through policies introduced to the Brooklin Secondary Plan.

5.2 Existing Land Uses and Built Form

The following section discusses existing land uses within the Brooklin Expansion Areas shown in **Figure 11**.

Area A

Area A (Figure 12) is the largest of the expansion areas, at the eastern edge of Whitby. It is approximately 408 hectares in size. Highway 407 cuts east-west through **Area A** and Highway 412 is adjacent to its southeast portion.

The majority of **Area A** appears to be cultivated land with limited natural areas, with the following exceptions:

- A carpool parking lot at the northwest intersection of Highway 412 and Highway 7/Winchester Road W.;
- Rural residential properties on the west side of Coronation Road between Columbus Road West and Highway 407;
- A stormwater management pond southwest of the Highway 407 and 412 intersection;
- Scattered properties containing farms or rural residences south of Highway 7/Winchester Road and west of Highway 412; and
- A landscaping business on the east side of Halls Road North.

Apart from natural areas and cultivated lands and rural residences, uses adjacent to **Area A** include:

- A Montessori school on the west side of Lakeridge Road, south of Highway 7/Winchester Road;
- The Watson's Glen Golf Club to the west of **Area A** and Lakeridge Links Golf Club to the north of **Area A**; and
- A large farm containing livestock to the east of the study area, north of Columbus.

In 2021, Whitby Council endorsed a property on the southeast quadrant of Highway 407 and Lake Ridge Road for a new hospital. Lakeridge Health subsequently announced the site as being the preferred location for a new hospital to be located within Durham Region. This site is located within **Area A** and shown on figure 12 with a green star. The Official Plan update will need to consider appropriate land uses around the Hospital considering it is within an Employment Area.

Currently Schedule K identifies a Health Precinct Special Policy Area on the west side of Baldwin Street South, south of Highway 407. This Health Precinct will be replaced by the new hospital. The existing policies in the Whitby Official Plan related to the Health

Precinct will be updated to reference, instead, the planned hospital site at the 407 and Lake Ridge Road including Section 4.7.3.2.7 of the Whitby Official Plan and Section 11.5.21 of the Brooklin Secondary Plan.

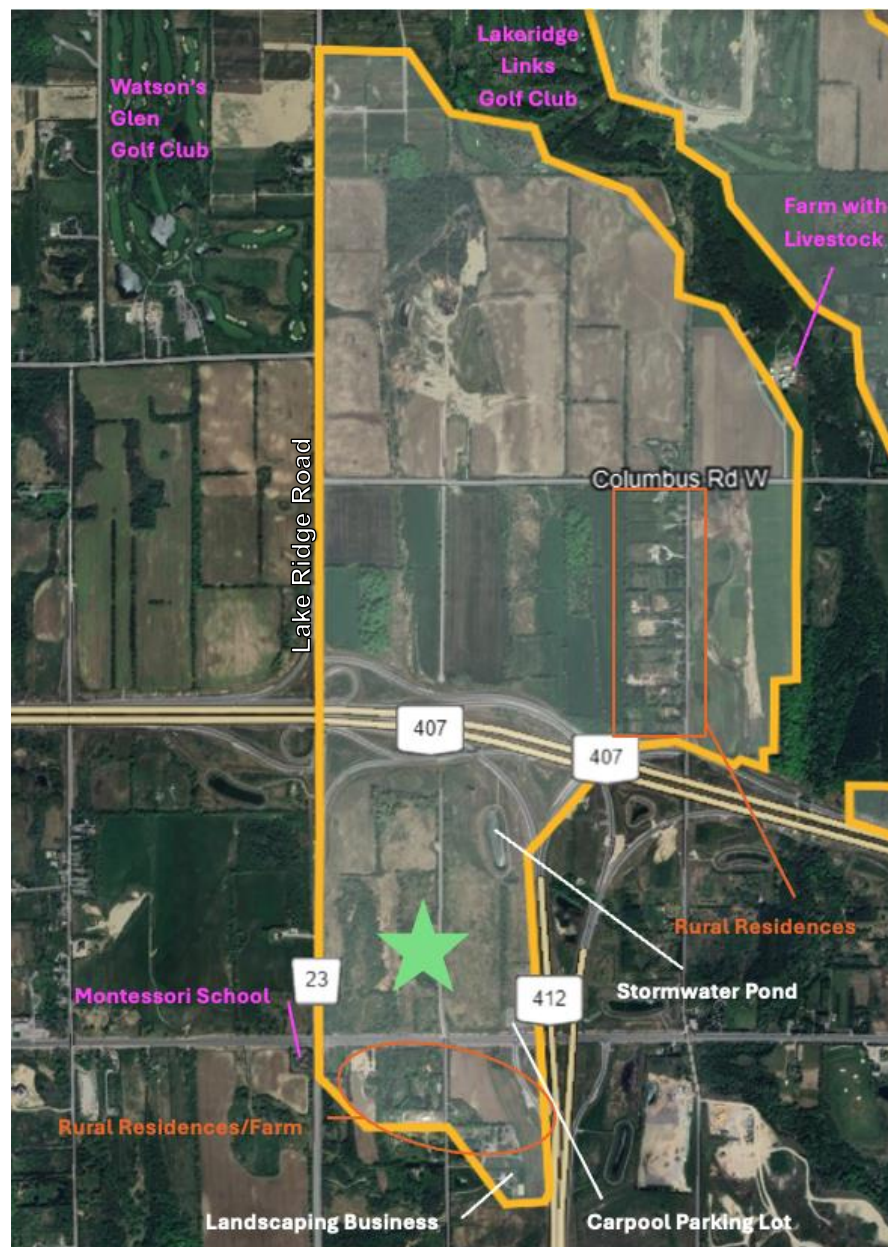


Figure 12: Area A

Area B

Area B (Figure 13) is the second largest of the expansion area pockets, approximately 170 hectares in size. Lakeridge Links Golf Club is located in the northwest part of Area B. An estate lot subdivision is currently being developed within the golf course. There are a number of rural residences on the east and west sides of County Lane, north of Columbus Road W on large estate lots. The Spencer Community Centre is located at

the northeast corner of Country Lane and Columbus Road West within the Greenbelt Plan. **Area B** also contains some cultivated lands.

Land uses abutting Area B include cultivated lands to the north, the existing Brooklin Secondary Plan to the south and south east and natural areas within the Greenbelt Plan, as well as rural residential properties.



Figure 13: Area B

Area C

Area C (Figure 14), approximately 120 hectares in size, includes rural residential and cultivated farm properties, along Brawley Road W, Cochrane Street and Ashburn Road. Lands adjacent to **Area C on the north side of Brawley Road** also include rural residential homes on large estate lots and farms properties including a livestock operation. The Brooklin Secondary Plan area is located to the south and east.

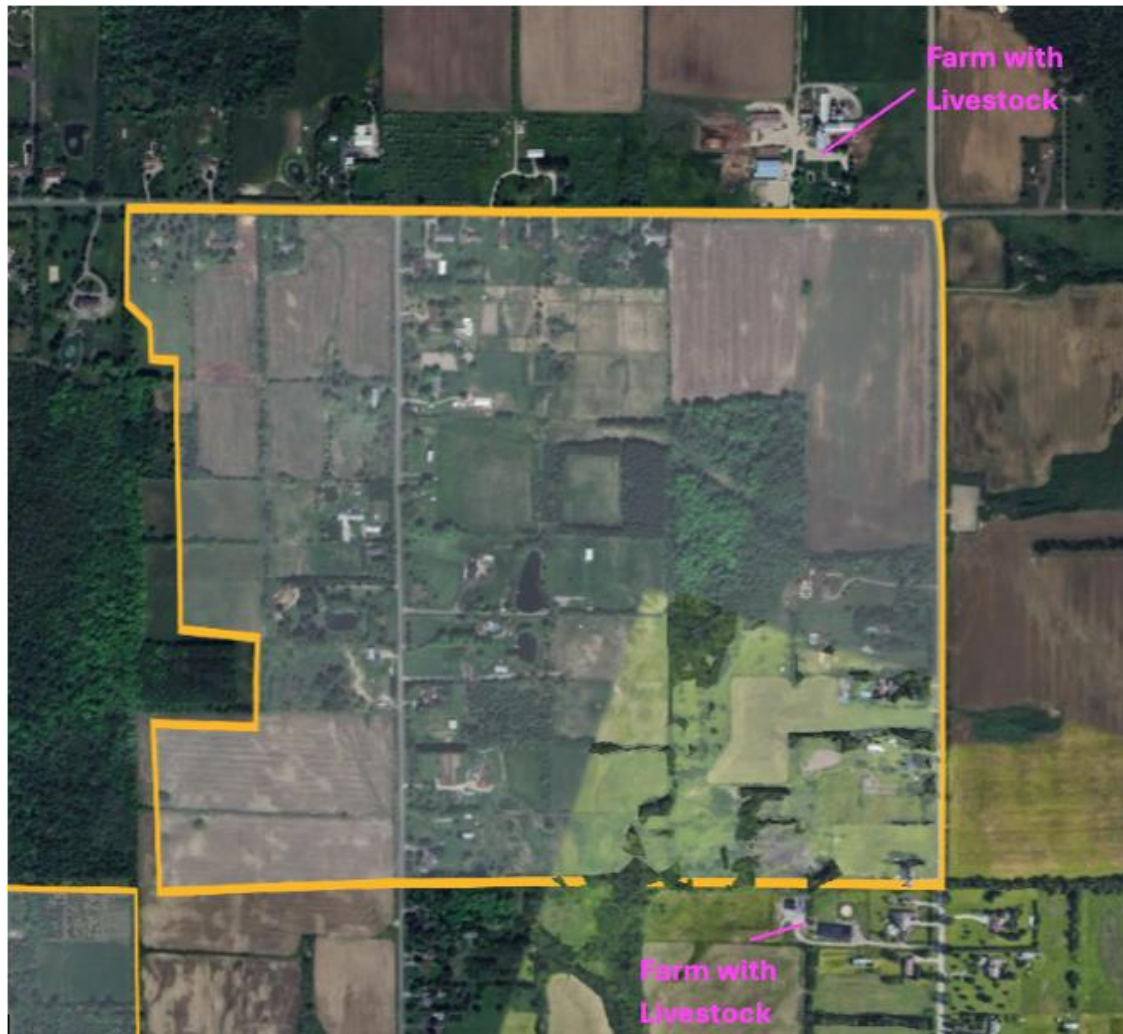


Figure 14: Area C

Area D

Area D (Figure 15), a little more than 20 hectares in size, four rural residences; two of which are related to farm operations. Adjacent, there are natural areas to the west of **Area D** within the Greenbelt Plan, the Brooklin Secondary Plan to the north and East and Highway 407 to the south.

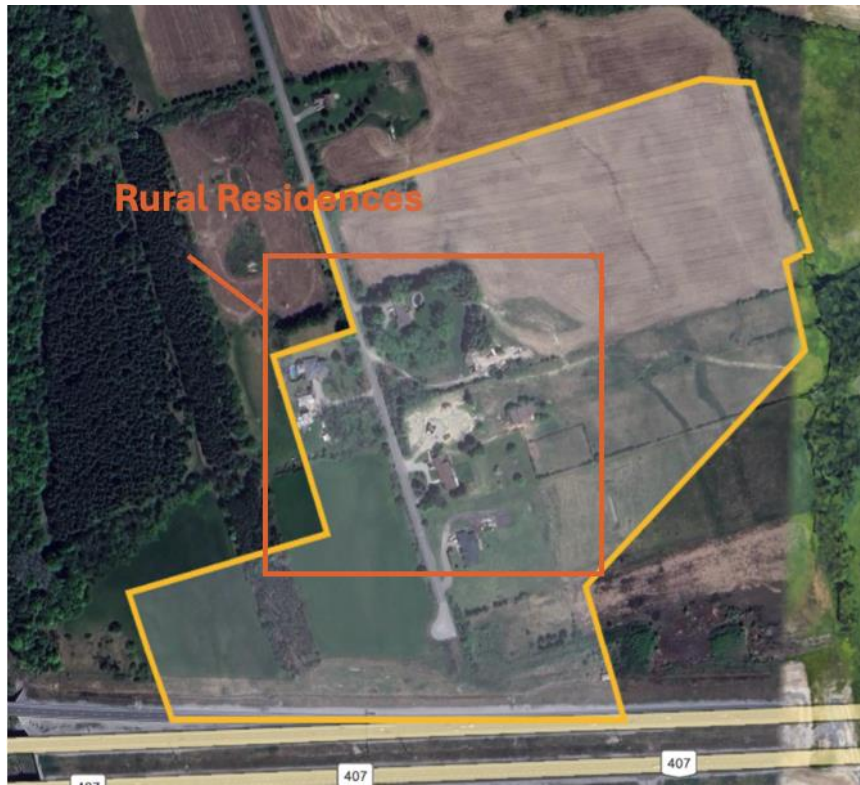


Figure 15: Area D

Area E

Area E (Figure 16), a little less than 20 hectares in size, includes a pond and cultivated farmlands. It abuts a stream corridor to the west and the Brooklin Secondary Plan to the north and east and Highway 407 to the south.



Figure 16: Area E

Area F

Area F (Figure 17) is approximately 7 hectares in size and contains cultivated farmlands, with Cochrane Street on the east side. It is surrounded by the Greenbelt Plan to the west and south and the Brooklin Secondary Plan to the north and east.



Figure 17: Area F

Area G

Area G (Figure 18) is approximately 4 hectares in size and located at the southern end of Cochrane Street. It contains cultivated farmlands. It is situated to the east of the North Whitby Off-leash Dog Park and the Heber Down Conservation Area, with additional cultivated farmlands within the Greenbelt Plan to the north and the Brooklin Secondary Plan to the east and south.

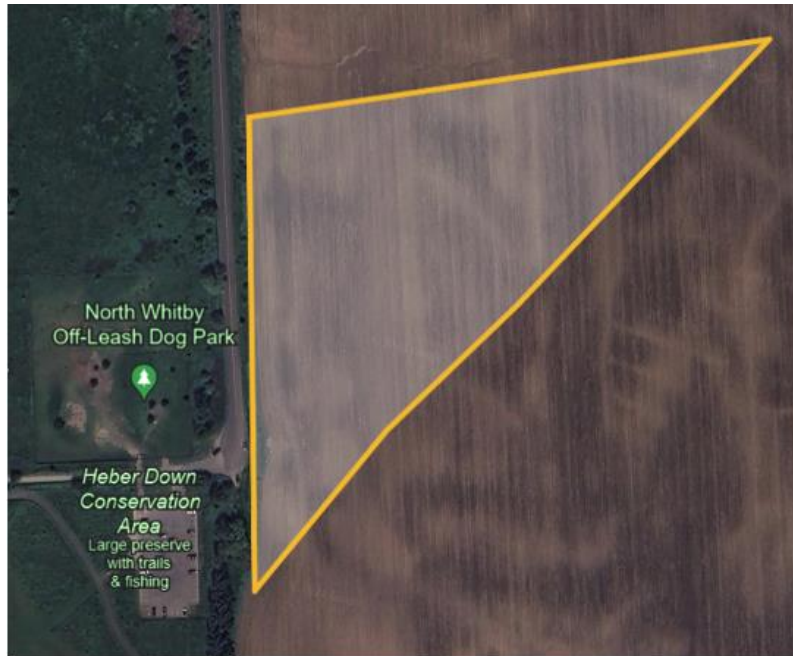


Figure 17: Area G

Area H

Area H (Figure 19), approximately 9 hectares in size, includes a rural residence and cultivated farmlands. It abuts cultivated lands to the south, and the Brooklin Secondary Plan to the north, east and west.



Figure 18: Area H

Area I

Area I (Figure 19), a little less than 50 hectares in size, contains mostly cultivated lands. There are three rural residences on the south side of Columbus Road. It abuts natural areas to the west within the Greenbelt Plan, and urban designated lands within Oshawa to the west.



Figure 19: Area I

5.3 Transportation Analysis

The Brooklin Expansion Area has been analyzed to identify constraints and opportunities for developing a multi-modal transportation network that is connected and conducive to moving people and goods with varying mobility needs. The following constraints and opportunities have been identified, as shown on **Figure 20**.

Constraints:

- Baldwin Street is a Provincial highway whose design does not align with the objectives of the Town for pedestrian oriented downtown along Baldwin Street in Brooklin. Baldwin Street realignment at Thickson Road shown in the Whitby Official Plan Schedule D – Transportation is not happening as a result of the Highway 7/12 Alternative Route Environmental Assessment being canceled.
- The current Official Plan shows a proposed Columbus Road West realignment at Lake Ridge Road to connect to 7th Concession Road in Pickering. This is the Town of Whitby's preliminary preferred alignment. A future EA is required to confirm the future alignment and design characteristics. Work is currently underway in northeast Pickering that has identified a potential concept for a southerly realignment at Lake Ridge Road.
- A proposed east/west collector in “Area C” south of Brawley Road between Cochrane Street and Ashburn Road (crossing 5 tributaries of Lynde Creek) is identified in the Whitby Official Plan Schedule D – Transportation based on previous planning and transportation work. More recent transportation work done for the Brooklin Secondary Plan and as part of the Brooklin North Major Roads EA has removed this east/west facility due to the environmental constraints. Future secondary plan work will need to confirm the need and location of this facility.
- A proposed east/west collector north of Columbus Road just east of Cedarbrook Trail (crossing the pipeline corridor) is identified in the Whitby Official Plan Schedule D – Transportation. The Brooklin North Major Roads EA identifies a long-term need for this crossing and connection but defers it to a longer time frame. Future detailed work will need to establish the role and benefits of this connection.
- Significant Natural Heritage Systems and Natural Hazards will make new road alignments and construction challenging within the urban expansion areas.

Opportunities:

- Proposed realignment of Thickson Road and modifications to the connections / intersection of Brawley Road/Thickson Road/Baldwin Street are being reviewed including the potential for a roundabout.
- Possible streetscape improvements (benches, bike racks, planters, sidewalk improvements, street trees, lighting, etc.) to Baldwin Street within the urban area.
- Proposed Columbus Road West realignment at Lake ridge Road to connect to 7th Concession Road or future planned infrastructure in Pickering.
- Proposed new Highway 407 interchange at Cochrane Street.

- Possible upgrade of Coronation Road to a Type B Arterial road between Des Newman Blvd (just north of Taunton Road) and Columbus Road.

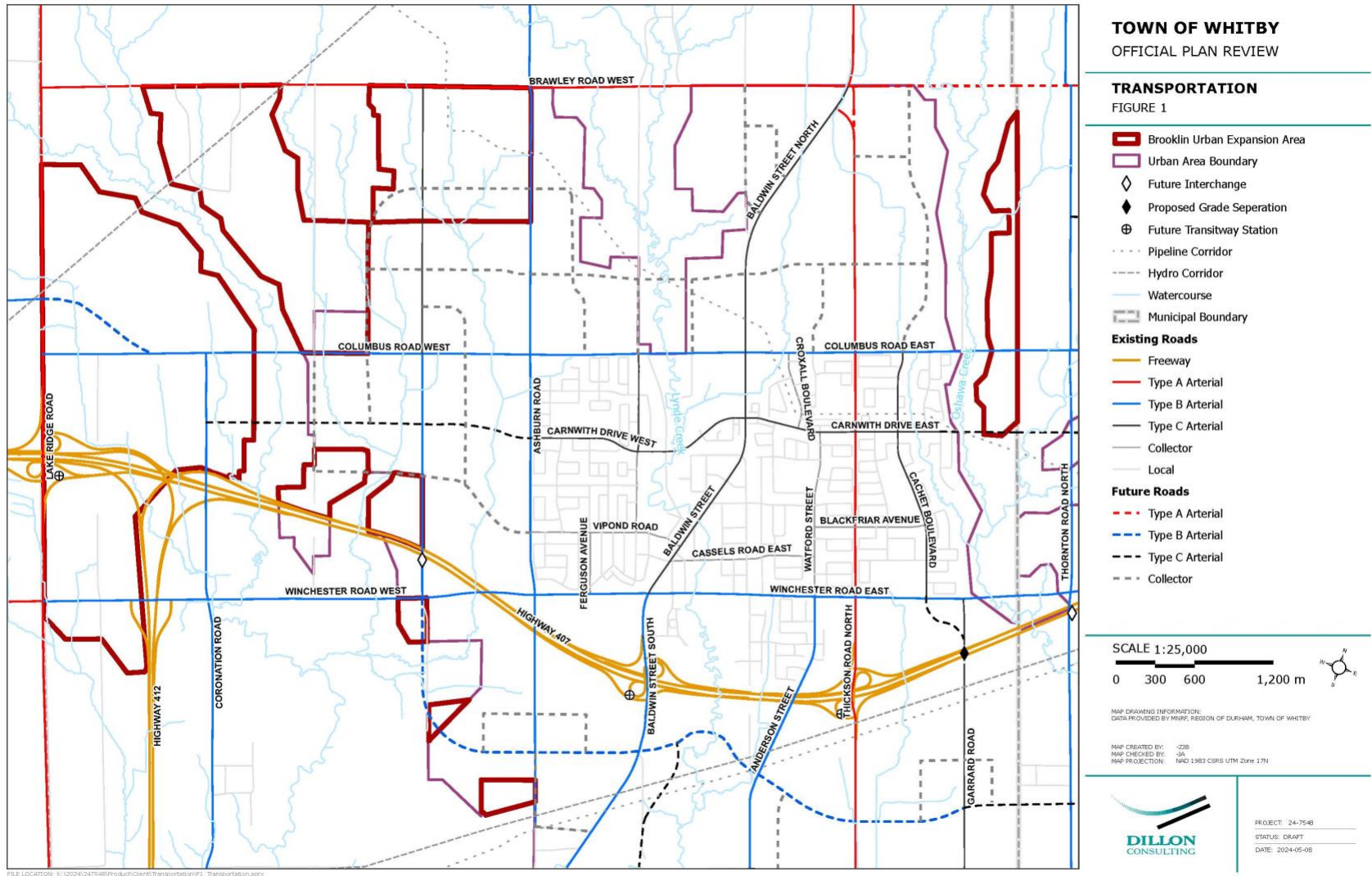


Figure 20: Transportation Constraints and Opportunities in the Brooklin Expansion Area

- Possible arterial road extension of Coronation Road from Columbus Road to Brawley Road.
- Possible arterial extension of Carnwith Drive West (connection to Area A, D and E).
- Potential arterial extension of Carnwith Drive East (connection to Area I) into Oshawa.
- Proposed arterial extension / connection of Brawley Road to Howden Road (in Oshawa).
- Proposed grade separated crossing of Garrard Road over Highway 407 and connection to Cachet Boulevard at Winchester Road.
- Proposed upgrade of Garrard Road to a Type C Arterial between Cochrane Street (just north of Conlin Road) and Winchester Road.
- Possible upgrade of Winchester Road to a Type A Arterial.

5.4 Servicing Analysis

As part of the Servicing Analysis, consultation with Region staff was conducted to identify opportunities and constraints as they related to water and wastewater servicing for the Brooklin Expansion Area. Although detailed servicing work is not available at this time, the Region has noted that it is expected that the Brooklin Expansion Area will be serviceable and that logical extension of servicing from the existing urban area will be provided. Once Envision Durham is approved, the Region will initiate a new master servicing plan and a new DC Background Study to identify and plan for required municipal servicing.

5.5 Natural Heritage Analysis

Dillon undertook a desktop review of policies and mapping of natural heritage features and the natural heritage system (NHS) within the Brooklin Expansion Area. This review can be found in a technical memo in **Appendix D**. This memo does not provide recommendations on new policy, but rather reviews the policy in place to identify the key natural heritage considerations needed when planning for growth within Brooklin Expansion Area.

Overall, the result of this memo shows that the natural heritage system within the Town's OP are generally up to date and would be applicable to the Brooklin Expansion Area.

A review of available CLOCA, MNRF LIO data and NHIC mapping (as shown on **Figure 21**) identified that many watercourses transverse the Brooklin Expansion Area parcels; the related CLOCA regulation limits associated with these features can also be seen on this figure. Furthermore, pockets of woodland and open water features are also found in some of the Brooklin Expansion Area parcels; no Provincially Significant Wetlands or Areas of Natural and Scientific Interest (ANSI) were identified. Another note of interest is that the MNRF's NHS layer does not overlap with any of the areas.

The current Whitby Official Plan natural heritage policies are generally suitable for the Brooklin Urban Expansion Area. However, recent changes to the Ontario Wetland Evaluation System (OWES; 2022) specify that wetland identification and protection is to be done in consultation with the applicable Municipality rather than the MNRF and/or the Conservation Authority (except when within regulated areas). Furthermore, through the OWES update, “locally significant wetlands” and “wetland complexing” are no longer considered. Therefore, we would recommend omitting policy related to locally significant wetlands.

Furthermore, the references to certain agencies that are to be consulted during the development process are now outdated. For example, the Ministry of Natural Resources and Forestry does not regulate drainage features and is not required to be consulted for these feature removals.

The technical memo in **Appendix D** also identifies ROP policies that could be considered when developing OP policies for Brooklin Expansion Area.

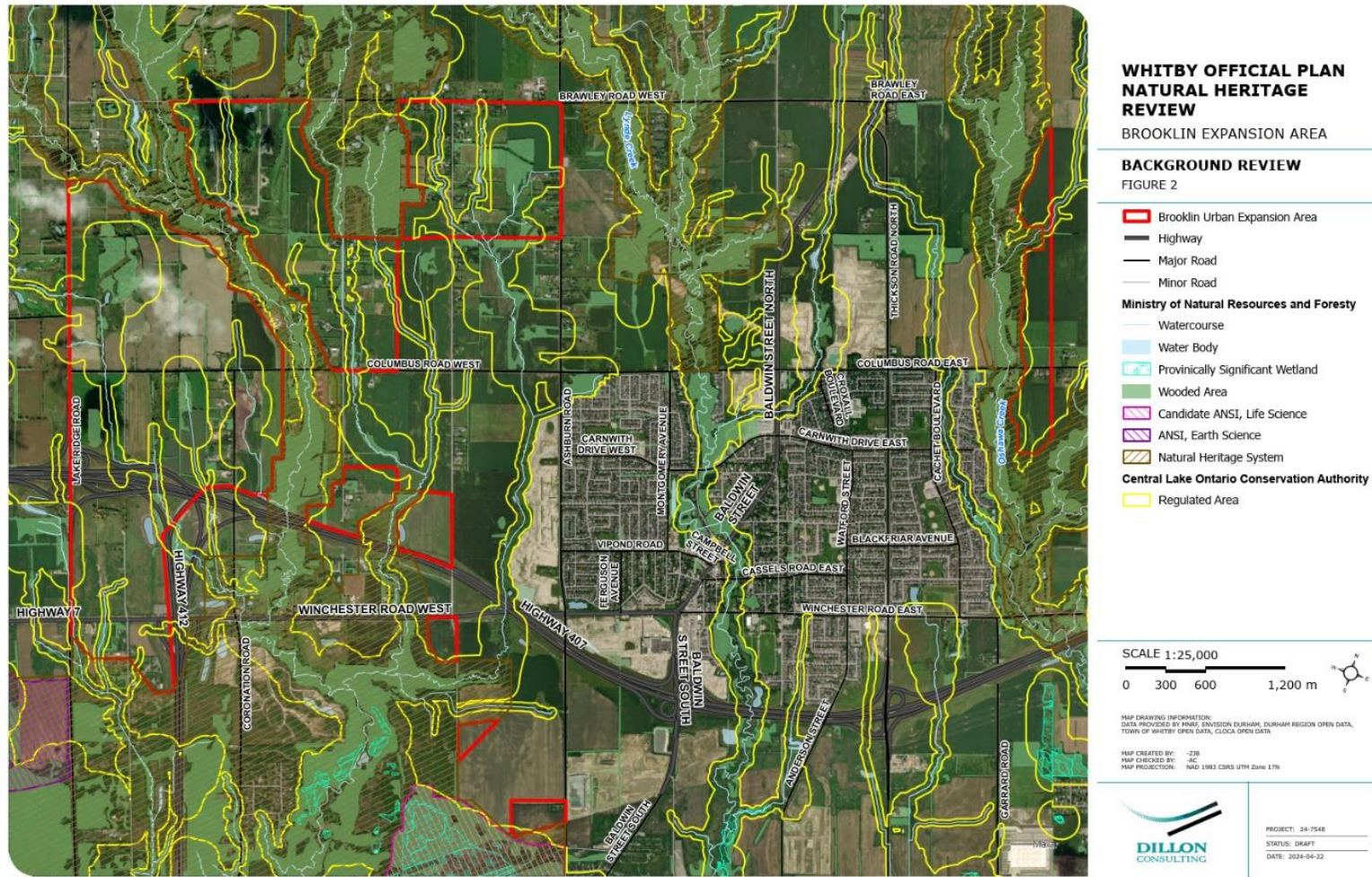


Figure 21: CLOCA, MNRF LIO data and NHIC mapping in Brooklin Expansion Area

5.6 Cultural Heritage Information

Figure 22 shows cultural heritage sites that have been identified in and around the Expansion Area from previous studies. Yellow pins were identified by Unterman McPhail Associates in their Cultural Heritage Technical Report prepared in 2019. Details of the sites, are provided in **Appendix E**.

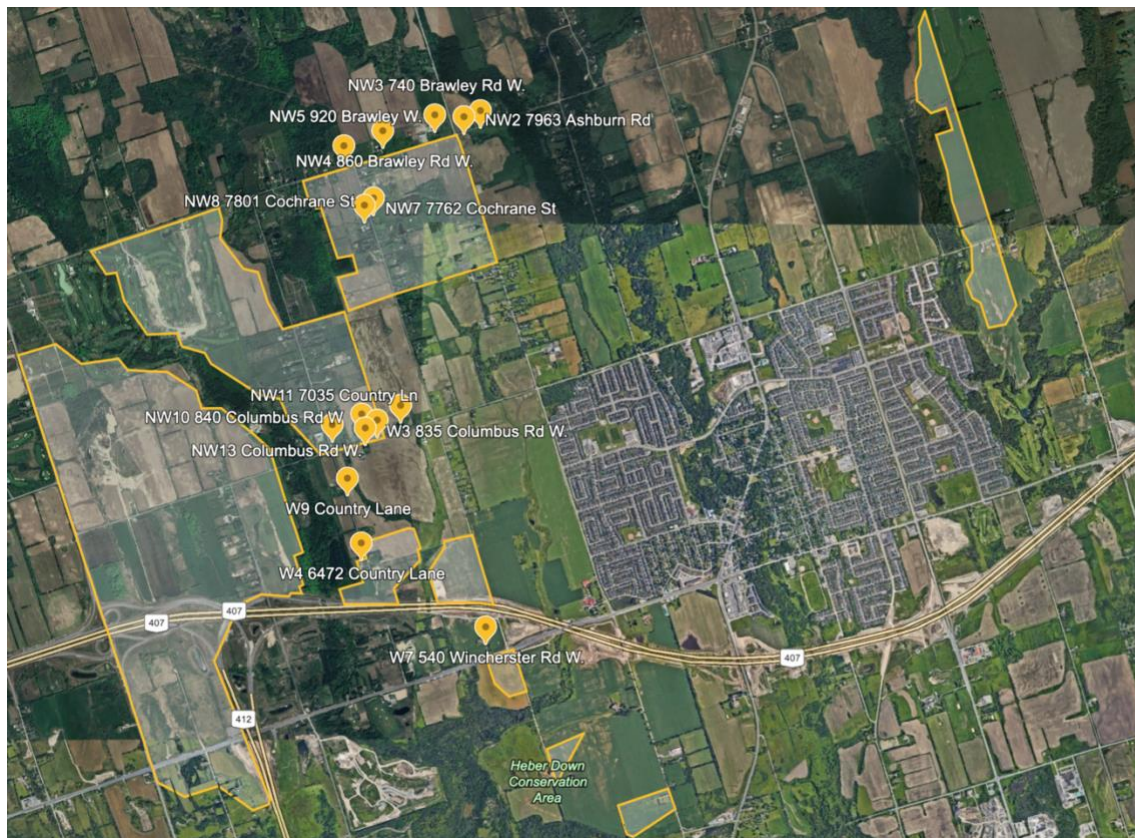


Figure 22: Location of cultural heritage sites within and near the Brooklin Expansion Area

6 Other



6.1 Strategic Plan

The Town of Whitby's Community Strategic Plan 2023 to 2026 (Community Strategic Plan), was adopted by Council in June 2023, with an anticipated progress report this year. The Community Strategic Plan sets out a guiding Vision for Whitby as having “naturally beautiful green spaces, a vibrant waterfront, thriving downtowns, and a safe community – the heart of Durham Region, an exceptional place to live, work, and explore”. The vision is supported by four Strategic Pillars and 62 actions items.

The first Strategic Pillar is titled “Whitby's Neighbourhood: Safe, Healthy, & Inclusive”, the action items are generally high-level such as focusing on supporting the advancement of the new hospital, increasing family physicians, introducing a Parks and Recreation Master Plan, and collaborating with the Region in meeting the housing goals (Action Items: 1.1.1, 1.1.3, 1.3.2, 1.3.4). These action items, where applicable, are generally captured in the Official Plan.

The second Strategic Pillar is titled “Whitby's Natural & Built Environment – Connected & Resilient”. The action items under this Strategic Pillar relate to climate change and infrastructure. The climate change action items focus on increasing resilience to the impacts of climate change, achieving zero-carbon emissions by 2045, and implementing a green standard incentive program (Action Items: 2.1.3, 2.1.4, 2.1.5). Through the Official Plan Review process, updating Chapter 5 Environmental Management to reflect these directives can be considered, as needed.

The third Strategic Pillar is titled “Whitby's Economy – Innovative and Competitive”, the action items generally relate to supporting the growth of the economy and tourism, as well as expanding the non-residential tax base, these directives are generally captured in the existing Official Plan.

The fourth Strategic Pillar, which is titled “Whitby's Government” relates to the City being accountable and responsible, building partnerships, and meeting timelines, which are typically not included in an Official Plan.

7 Conclusion and Next Steps



The next step of the Study process will be to engage the public on the background work and proceed to drafting changes to the Whitby Official Plan.

8 Appendices



Appendix A - Conformity Table to Policies in Envision Durham

Item	Envision Durham Policy Key Gaps	Whitby Official Plan Conformity Review
Transportation Related Policies		
1	Specific Connected Transportation System policies <u>required</u> (Transit Priority Network): 8.1.1, 8.1.2, 8.1.3, 8.1.4	<p>The Transit Priority Network forms the backbone of the region's transit network and is intended to provide fast, frequent and direct service to Urban Growth Centres, Regional Centres, Rapid Transit Corridors, Protected Major Transit Station Areas and other major destinations across Durham Region and within the Greater Golden Horseshoe.</p> <p>It is the policy of the Region of Durham Council to support the planning, design and operation of an integrated and coordinated Transit Priority Network, as designated on Map 3a, as per Policy 8.1.1.</p> <p>Further, as per Policy 8.1.2 of Envision Durham, it is the policy of the Region to provide appropriate inter-regional and inter-municipal service through the Transit Priority Network, consisting of following elements: a) Rapid Transit Spine; b) High Frequency Transit Network; c) Other Transit Connections; d) Commuter Rail; e) Protect for Future Commuter Rail; f) Freeway Transit.</p> <p>The Whitby Official Plan currently takes into account these various Transit Priority Network Designations. As shown in Map D of the Town of Whitby Official Plan, there is a Rapid Transit Spine along the Dundas Rapid Transit Corridor. There are also a number of High Frequency transit Networks that form a grid across the Town, which includes east-west connections (Winchester Road, Taunton Road,</p>

Item	Envision Durham Policy Key Gaps	Whitby Official Plan Conformity Review
		<p>Rossland Road, and Victoria Street) and a north-south connection (Baldwin Street/Brock Street). There is also an Existing Commuter Rail Line in the Lakeshore East GO Transit Line and a rail line to Protect for Future Commuter Rail. Lastly, there is Freeway Transit via Highway 407 and 412.</p> <p>The Town of Whitby's Official Plan will further include any additional designations from Map 3a, which includes planning for future commuter stations and protecting for future commuter rail, and Protected Major Transit Stations.</p> <p>As per Policy 8.1.3 of Envision Durham, to support increased transit use and higher levels of service, within Strategic Growth Areas, and in accordance with Section 5.2.8 of the Region Official Plan, the Region also encourages a number of principles including: designing arterial roads to control traffic, enhancing mobility to and from transit areas, maintaining and encouraging on-street parking in historic downtowns and on certain Type C arterial roads, providing facilities which support non-auto modes, encouraging provisions for alternative development standards, and creating and applying a regional transit-oriented development guideline to be used for reviewing development applications within Strategic Growth Areas, in collaboration with area municipalities.</p> <p>The Town's Strategic Growth Areas will be in</p>

Item	Envision Durham Policy Key Gaps	Whitby Official Plan Conformity Review
		<p>accordance with Policy 8.1.3 of Envision Durham.</p> <p>Further, as per Policy 8.1.4, it is the intent of the Region to achieve transit supportive development for areas outside of SGAs, particularly along Regional Corridor served by High Frequency Transit Network. For Whitby, this would include Taunton, Victoria Street, and Brock/Baldwin.</p> <p>Further, as per Policy 8.1.4 of Envision Durham, transit-supportive development will be achieved through the following principles:</p> <ul style="list-style-type: none"> a) create an urban grid system of street and walkway patterns, and active transportation connections, connecting bus stops to active transportation; b) support active places and streetscapes, with a wide range and mix of medium and high-density uses, including orienting buildings towards the street to reduce walking distances to transit facilities; c) limit surface parking, especially in front of buildings, and supporting the potential redevelopment of existing surface parking where appropriate; d) provide facilities which support non-auto modes including: bus bays, bus shelters, bike racks, walkways, trails and other pedestrian and cycling facilities; and, e) encourage provisions for alternative development standards, including reduced minimum parking requirements, potential redevelopment of existing surface parking and the establishment of maximum

Item	Envision Durham Policy Key Gaps	Whitby Official Plan Conformity Review
		<p>parking requirements for both privately initiated development applications and area municipal zoning by-laws, which are tailored to the level of transit service proposed; and</p> <p>f) create and apply a regional transit-oriented development guideline to be used for reviewing development applications within Strategic Growth Areas, in collaboration with the area municipalities.</p> <p>The Town's Official Plan currently provides goals that support transit supportive development through encouraging sustainable and active transportation. Section 8.1.3 of the Town's Official Plan includes policies that capture the intent of Policy 8.1.4 of Envision Durham. This includes policies related to ensuring an interconnected transportation network (Policy 8.1.3.1.1), encouraging a grid-oriented street network (Policy 8.1.3.1.9), supporting active transportation through various policy initiatives such as implementing recommendations from the Town's cycling and trails plans (Policy 8.1.3.7.3), and considering transit connectivity for new development (Policy 8.1.3.8.6). The Town's Official Plan should enhance their policy regime related to transit supportive development and alternative development standards by including a reduction in parking minimums and limiting surface parking within Strategic Growth Areas.</p>

Item	Envision Durham Policy Key Gaps	Whitby Official Plan Conformity Review
2	Specific Connected Transportation System policies recommended (Transit Priority Network): 8.1.10	As per Policy 8.1.10, the area municipality should integrate or protect for future transit terminals identified in the Durham Transportation Master Plan and/or Durham Region Transit service plans, through the development application review process. The Town of Whitby could include this type of wording in the Official Plan.
3	Specific Connected Transportation System policies to consider (Transit Priority Network): 8.1.12	As per Policy 8.1.12 of Envision Durham, the Town can consider adapting to emerging technologies and different types of service that improve transit operations, availability, user experience and provide seamless access to the transit system for passengers.
4	Specific Connected Transportation System policies <u>required</u> (Active Transportation): 8.2.1, 8.2.2, 8.2.3	<p>Active transportation infrastructure is a shared responsibility between the Region and area municipalities. As per Policy 8.2.1 of Envision Durham, it is the policy of the Region to implement the Regional Active Transportation Network designated on Map 3d, in cooperation with the area municipalities, conservation authorities and the Provincial Ministry of Transportation (MTO).</p> <p>As per Policy 8.2.2, the Region will work with area municipalities to implement a regional Cycling Plan, and update it on a regular basis.</p> <p>Policy 8.2.3 of the Envision Durham includes direction for area municipalities to construct a safe, direct, comfortable, attractive and convenient active transportation network. This includes working with municipalities in accordance with agreed principles of jurisdiction and cost sharing.</p>

Item	Envision Durham Policy Key Gaps	Whitby Official Plan Conformity Review
		<p>To ensure consistency, these policies should be implemented into the Whitby Official Plan. The Town of Whitby should update its active transportation network to align with the Regional mapping. This should also be included as a standalone map. Conversely, the Town’s Official Plan can also include policy reference to the Regional Cycling Plan and Map 3d of Envision Durham. Currently, the Town of Whitby Official Plan references the municipality’s cycling and trails plan in their active transportation policies in Section 8.1.3.7, but does not mention the Region’s Cycling Plan.</p>
5	<p>Specific Connected Transportation System policies recommended (Active Transportation): 8.2.8</p>	<p>As per Policy 8.2.8 of Envision Durham, it is the policy of the Region to encourage area municipalities to enhance active transportation environments and to provide and coordinate informational signage and wayfinding systems to support the exploration and travel, in collaboration with the Region, support extending new active transportation facilities into new development areas, and ensure that bicycle parking is incorporated into new developments and existing public facilities.</p> <p>The Town of Whitby Official Plan can incorporate these aspects into their active transportation policies.</p>
6	<p>Specific Connected Transportation System policies to consider (Active Transportation): 8.2.5, 8.2.6</p>	<p>Envision Durham also contains policies that the Town can consider including integrating cycling and transit-supportive facilities such as weather-protected bike racks and secured bike storage at Commuter Stations, bus terminals and stops</p>

Item	Envision Durham Policy Key Gaps	Whitby Official Plan Conformity Review
		<p>(8.2.5) and support the role of the Region to ensure the safe, year-round operation of cycling and transit facilities through design, signage, enforcement and maintenance, in collaboration with the area municipalities (8.2.6).</p> <p>These policies can be considered in the Town of Whitby Official Plan Review in their active transportation policies.</p>
7	<p>Specific Connected Transportation System policies <u>required</u> (Transportation Demand Management): 8.3.2, 8.3.3</p>	<p>Given the limited ability to expand the capacity of the road network, effective transportation demand management (TDM) measures will be critical to maintain or improve mobility while achieving the Plan's objectives for increased density in Urban Areas.</p> <p>As per Policy 8.3.2, it is the policy of Council to implement regional TDM guidelines for new development as part of development application processes in collaboration with area municipalities. The TDM guidelines will identify the scope of TDM measures that should be implemented, integrate the review and identification of TDM measures as part of a Transportation Impact Study, where required, and support the application of TDM measures in exchange for reduced parking standards in appropriate locations.</p> <p>As per Policy 8.3.3, the Regional Official Plan includes policies to support commuters by including end of trip active transportation facilities consistent with the TDM guidelines identified in Policy 8.3.2.</p>

Item	Envision Durham Policy Key Gaps	Whitby Official Plan Conformity Review
		<p>The Town's Official Plan should incorporate regional TDM guidelines as part of the development application process in collaboration with the Region. Currently, the Town's Official Plan only makes reference to Transportation Demand Management measures in the Port Whitby Community Secondary Plan. It notes, "To encourage reductions in the use of private automobiles by promoting public transit, active transportation, auto sharing, and the use of Transportation Demand Management measures" (Policy 11.1.2.7). The Town's Official Plan should include a transportation policy that applies Town-wide and references the use of regional TDM guidelines.</p>
8	<p>Specific Connected Transportation System policies recommended (Transportation Demand Management): 8.3.4</p>	<p>The Regional Official Plan also encourages area municipalities to implement parking management policies and zoning by-laws in consultation with the Region and related agencies to support the implementation of TDM measures as per Policy 8.3.4.</p> <p>As per Policy 8.3.8 of Envision Durham, the Region will investigate the need for a regional parking strategy and parking agency, in partnership with Metrolinx and the area municipalities, to support TDM measures with a focus on parking within Strategic Growth Areas.</p>
9	<p>Specific Connected Transportation System policies to consider (Transportation Demand</p>	<p>Envision Durham also includes policy related to supporting the implementation of Mobility as a Service (MaaS)</p>

Item	Envision Durham Policy Key Gaps	Whitby Official Plan Conformity Review
	Management): 8.3.6	technologies that improve the efficiency of transportation infrastructure, reduce energy, resource consumption and carbon emissions. MaaS includes a shift away from personally owned modes of transportation and towards mobility solutions consumed as a service. The Town's Official Plan can include reference to MaaS, as per Policy 8.3.6 of Envision Durham.
10	Specific Connected Transportation System policies <u>required</u> (Road Network and Design): 8.4.1, 8.4.4, 8.4.5	<p>The road network is under the jurisdiction of the province, region and area municipalities, and neighbouring municipalities for certain boundary roads.</p> <p>Policy 8.4.1 of Envision Durham includes policy to identify an integrated hierarchy of roads comprised of freeways, Type A, Type B and Type C Arterial roads within the region on Map 3b, without regard to present or future jurisdiction. The Town of Whitby's road network is included. However, as per Policy 8.4.1, this Plan does not imply that the Regional Council will assume jurisdiction over roads shown on Map 3b which are not currently under the jurisdiction of the Region. Changes in road jurisdiction do not require an amendment to this Plan.</p> <p>Through the Town of Whitby Official Plan Review, Map 3b will need to be reviewed against Map D (Transportation) of the Town of Whitby Official Plan to ensure alignment. Policy 8.4.4 of Envision Durham further guides the design of Type A, B, and C Arterial</p>

Item	Envision Durham Policy Key Gaps	Whitby Official Plan Conformity Review
		<p>Roads, which will need to be included, where applicable.</p> <p>Policy 8.4.5 protects the designation of arterial roads on Map 3b by requiring any proposals to delete any section of arterial road submitted by an area municipality or development application to be supported by a transportation study. The transportation study must set a specific study area in consultation with the Region. The Town must capture this in the Official Plan to ensure alignment.</p>
11	<p>Specific Connected Transportation System policies recommended (Road Network and Design): 8.4.2, 8.4.6, 8.4.16</p>	<p>Policy 8.4.2 of the Regional Official Plan encourages area municipalities to designate a grid network of collector roads in their official plans.</p> <p>Policy 8.4.6 of Envision Durham encourages area municipalities to ensure that a designated grid network of collector roads or streets that support connectivity within and between developments, including the accommodation of transit and active transportation facilities, be included in their respective official plans. If a designated collector road is to be deleted or modified from an area municipal official plan through the development review process, the Region may request additional study to ensure that the transportation impacts do not unduly affect the adjacent arterial road network.</p> <p>Policy 8.4.16 of Envision Durham includes language to recognize the importance of Waterfront Areas for providing</p>

Item	Envision Durham Policy Key Gaps	Whitby Official Plan Conformity Review
		<p>public access to the waterfront and open spaces. As such, the potential for an east-west connection between South Blair Street and Thickson Road, south of Victoria Street in the Town of Whitby, will be considered in conjunction with any proposal to redevelop the existing uses in the Employment Area north of Ronald C. Deeth Park. It is recommended that this wording be included in the Town of Whitby Official Plan.</p>
12	<p>Specific Connected Transportation System policies to consider (Road Network and Design): 8.4.14</p>	<p>To reduce the impacts of arterial road traffic through Hamlets and historic downtowns, including road design and/or operational measures to reduce traffic speeds and/or volumes and to improve safety and comfort for active transportation, a by-pass may be considered as a potential solution, as per Policy 8.4.14. Prior to designating new by-passes of arterial roads, a by-pass study will be undertaken in consultation with affected stakeholders to demonstrate the feasibility of the by-pass.</p>
13	<p>Specific Connected Transportation System policies <u>required</u> (Goods Movement): 8.5.1, 8.5.7, 8.5.8</p>	<p>The Transportation System in Durham is planned to ensure adequate provision for all modes of goods movement, including road, rail, air, marine and intermodal facilities.</p> <p>Envision Durham identifies Strategic Goods Movement Network, as contained in Map 3c, which identifies preferred haul routes that are planned to accommodate commercial vehicles on a year-round basis, and which link major generators of traffic (Policy 8.5.1).</p>

Item	Envision Durham Policy Key Gaps	Whitby Official Plan Conformity Review
		<p>The Town's Official Plan mapping should be reviewed against Map 3c to ensure alignment.</p> <p>Further, there is a policy that requires, in consideration of development applications adjacent to railways, a landscape buffer of a size to be determined by the provincial government and/or the council of the respective area municipality, in consultation with the appropriate railway authority (Policy 8.5.7). This policy language is already carried forward as per Policy 8.1.3.9.2 of the Town's Official Plan.</p> <p>Policy 8.5.8 of Envision Durham will protect for future grade separations at railway crossings for arterial roads, as identified in the Durham Transportation Master Plan.</p> <p>The 2017 TMP identifies a grade separation need on Hopkins Road (south of Dundas, north of Burns Street East) identified as a need by 2031 (section 6.4.16 of the TMP). This will need to be incorporated.</p>
14	Specific Connected Transportation System policies recommended (Goods Movement): 8.5.6	Policy 8.5.6 of Envision Durham includes policy to support low and zero carbon re-fuelling facilities for freight and goods movement in the region. The Town of Whitby Official Plan could include this policy to support climate change initiatives.
15	Specific Connected Transportation System policies to consider (Goods Movement): 8.5.5, 8.5.11, 8.5.16, 8.5.17, 8.5.18	Envision Durham includes policy to utilize freight-supportive design guidelines as part of the development review process, which helps facilitate efficient goods movement

Item	Envision Durham Policy Key Gaps	Whitby Official Plan Conformity Review
		<p>while mitigating negative impacts on adjacent sensitive land uses (Policy 8.5.5). The Town of Whitby can consider including a policy to utilize this tool.</p> <p>Policy 8.5.11 recognizes that area municipal councils may, at their sole discretion, allow for licensed aircraft landing strips in the respective zoning by-laws, provided that such are compatible with the intent of this Plan, subject to federal approval. The Whitby Official Plan can consider such language, if needed. However this does not seem like it is necessary.</p> <p>As per Policy 8.5.16, investigating the technical feasibility of designating a heavy vehicle only lane along Highways 401, 412 and 418 in partnership with MTO and area municipalities through the Region to ease congestion, facilitating the efficient movement of freight and goods and reducing GHG emissions is noted. This language should be considered in the Town of Whitby Official Plan.</p> <p>Policy 8.5.17 supports the reduction of tolls on Highway 407 for commercial vehicles to increase its use as a component of the Strategic Goods Movement Network and help divert long-distance truck trips away from the Regional road system.</p> <p>Envision Durham also includes policy to plan for agriculture and freight and goods movement hubs to position Durham as an eastern logistics gateway to Quebec, eastern</p>

Item	Envision Durham Policy Key Gaps	Whitby Official Plan Conformity Review
		<p>provinces and upper United States, as per Policy 8.5.18.</p> <p>These policies can be considered to guide goods movement direction within the Town of Whitby Official Plan.</p>
16	<p>Specific Connected Transportation System policies <u>required</u> (Environment and Community Impacts): 8.6.6, 8.6.7</p>	<p>The objectives and policies in this section seek to mitigate the impacts of transportation infrastructure on communities, the environment and climate, and the impacts of a changing climate on transportation infrastructure through studies, design considerations and implementation measures.</p> <p>As per Policy 8.6.6 of Envision Durham, the Region will require area municipalities to evaluate and identify preferred alignments for new arterial and collector roads needs in a comprehensive manner under the Municipal Class Environmental Assessment process to minimize environmental impacts while achieving the optimal solution from a transportation perspective.</p> <p>As per Policy 8.6.7 of Envision Durham, the Region will protect arterial road corridors where a development application or site plan is contingent upon road improvements that are subject to a Municipal Class Environmental Assessment study or a corridor plan, as determined by the Region in conjunction with the area municipality. The development application shall not be approved until the Municipal Class Environmental Assessment study or corridor plan are</p>

Item	Envision Durham Policy Key Gaps	Whitby Official Plan Conformity Review
		<p>completed to the extent required to assess the development application.</p> <p>The Town's Official Plan includes similar language. Currently, it includes wording related to undertaking environmental assessments for new or expanded arterial roads and collector roads. It states, "The Municipality shall undertake environmental assessments for new or expanded arterial and collector roads as required by the Municipal Engineers Association Class Environmental Assessment process. Development approvals may be contingent upon the completion of the environmental assessment study" (Policy 8.1.4.6). This must remain.</p>
17	Specific Connected Transportation System policies recommended (Environment and Community Impacts): 8.6.5	As per Policy 8.6.5 of Envision Durham, the Region will advocate that area municipalities apply the Municipal Class Environmental Assessment study process as part of an integrated approach with the Planning Act process in the preparation of secondary plans, or in advance of the secondary plan process, in identifying new, realigned or upgraded arterial and collector roads. The Town of Whitby Official incorporates policy language that includes the requirements for a Municipal Class Environmental Assessment process in preparation of Secondary Plans, as per Policy 9.3.3 of the current Official Plan.
18	Specific Connected Transportation System policies to consider (Environment and Community Impacts): 8.6.4	As per Policy 8.6.4 of Envision Durham, the Region will assess the need for and development of corridor plans, in conjunction

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		<p>with the area municipalities, which may be a component of a Municipal Class Environmental Assessment study for major road works or significant development applications or planning studies. Such corridor plans will provide a vision for the development along the Regional Road over time. The Town of Whitby Official Plan can also include policies that reference the development of corridor plans in conjunction with the Region, where necessary.</p>
Servicing Related Policies		
1	<p>Specific Supporting Infrastructure and Services policies <u>required</u> (Municipal Servicing): 4.1.26</p>	<p>These supportive infrastructure policies are intended to ensure that appropriate services, including water and sewage services and other services, both public and private, are planned and available to support the growth, health and sustainability of Settlement Areas.</p> <p>Policy 4.1.26 of Envision Durham recognizes there are locations within the Urban Area in which the provision of municipal water and/or sewage services is not technically or financially feasible, or may be in process but not yet completed, including but not limited to the areas identified on Figure 5. In such circumstances, development on the basis of individual on-site sewage services and individual on-site water services or partial municipal services may be considered, subject to specific policies as outlined in Policy 4.1.26. There are areas developable on private and/or partial municipal services in the Town of Whitby as identified on Figure 5. These</p>

Item	Envision Durham Policy Key Gaps	Whitby Official Plan Conformity Review
		<p>are private well, private sewage areas in the west edge of the urban boundary south of Highway 407. This will need to be identified in the Town Official Plan to ensure clear messaging regarding this area of land.</p>
2	<p>Specific Supporting Infrastructure and Services policies recommended (Municipal Servicing): 4.1.3, 4.1.12, 4.1.13, 4.1.14, 4.1.19</p>	<p>Policy 4.1.3 of Envision Durham intends to prioritize infrastructure and services in marginalized communities identified as Durham’s Priority Neighbourhoods, where possible. The Town of Whitby can align policies with these prioritizations in downtown Whitby.</p> <p>In terms of Stormwater Management, Policy 4.1.12 encourages area municipalities to include in their official plans, requirements, where appropriate, for comprehensive stormwater management and erosion and sedimentation control plans that are prepared in the context of subwatershed plans, or other similar plans and that stormwater management facilities be implemented as part of the pre-servicing of development proposals.</p> <p>Further, Policy 4.1.13 encourages the Region to work with area municipalities, conservation authorities and other agencies to ensure stormwater management plans address the impacts of a changing climate and impacts from natural hazards, including through improved stormwater management design and the use of innovative technologies and best practices.</p>

Item	Envision Durham Policy Key Gaps	Whitby Official Plan Conformity Review
		<p>Policy 4.1.14 encourages area municipalities to include policies within their official plans to reduce stormwater runoff volume and pollutant loadings within designated Urban Areas in the Lake Simcoe watershed, in accordance with the Lake Simcoe Protection Plan.</p> <p>The Town of Whitby Official Plan currently incorporates this type of policy language and should continue to do so.</p> <p>In terms of green infrastructure, Policy 4.1.19 of Envision Durham encourages area municipal official plans to incorporate green infrastructure policies, such as stormwater management practices and low impact development where feasible, to reduce flood risk, mitigate impacts of the urban heat island effect, and reduce GHG emissions. The Town of Whitby Official Plan currently incorporates this type of policy language and should continue to do so.</p>
3	Specific Supporting Infrastructure and Services policies to consider (Municipal Servicing): 4.1.24	<p>As per Policy 4.1.24 of Envision Durham, the Region will minimize the impact of municipal services on the environment by requiring potential polluting industries to pre-treat sewage to reduce impacts on sanitary sewage facilities or, as the case may be, prohibiting connections to Regional services for industries in locations which could potentially discharge sanitary sewage into fragile environments. Moreover, the Region will encourage industries that consume large quantities of water to recycle</p>

Item	Envision Durham Policy Key Gaps	Whitby Official Plan Conformity Review
		<p>water to reduce consumption of the Region's water resources. Further, the Region will encourage industries that require water and sanitary sewer facilities, in excess of domestic needs, to locate their plants in areas where adequate water and sewage services are available. Lastly, the Region will encourage the conservation of water.</p> <p>The Town of Whitby Official Plan can consider including similar language to bolster this policy implication.</p>
4	<p>Specific Supporting Infrastructure and Services policies <u>required</u> (Waste Management): 4.2.1, 4.2.7</p>	<p>The Region operates four waste management facilities and is responsible for the collection of source separated organics, leaf and yard waste, and residential garbage from Region households. Blue Box recyclables are subject to extended producer responsibility regulations by the province and will transition to full producer responsibility.</p> <p>As per Envision Durham, Policy 4.2.1 includes direction for the Region to complete and implement a Long-Term Waste Management Plan, in consultation with area municipalities and other stakeholders that will implement Regional waste management initiatives. The Whitby Official Plan should provide a policy to reference this.</p> <p>Further, Policy 4.2.7 of Envision Durham includes language to minimize the potential adverse impacts of new and expanding waste disposal sites by ensuring they are buffered and/or separated from sensitive land uses and the location and design of such sites is in accordance with area</p>

Item	Envision Durham Policy Key Gaps	Whitby Official Plan Conformity Review
		municipal, regional, provincial and federal legislation and standards. The Whitby Official Plan will need to include language that corresponds to this policy to ensure alignment.
5	Specific Supporting Infrastructure and Services policies recommended (Waste Management): 4.2.6, 4.2.11, 4.2.14, 4.2.15	<p>As per Policy 4.2.6 of Envision Durham, the Region will encourage area municipalities to direct waste disposal sites to appropriate locations that avoid:</p> <ul style="list-style-type: none"> a) Natural Core Areas, Natural Linkage Areas, areas of high aquifer vulnerability, key natural heritage features, key hydrologic features and related minimum vegetation protection zones, in accordance with the Oak Ridges Moraine Conservation Plan; b) key natural heritage features, key hydrologic features and associated vegetation protection zones, in accordance with the Greenbelt Plan; and, c) Wellhead protection areas. <p>The Town of Whitby Official Plan currently directs waste disposal facilities involving the processing and/or transfer of waste to the General Industrial designation as an accessory use to a permitted primary use, subject to Provincial approvals under the Environmental Protection Act, as per Section 5.3.12. Therefore, Policy 4.2.6 of Envision Durham is met. It can be further bolstered by putting language that prohibits future waste disposal sites from the areas noted in Policy 4.2.6 of Envision Durham.</p> <p>Policy 4.2.11 of Envision Durham states the Region will</p>

Item	Envision Durham Policy Key Gaps	Whitby Official Plan Conformity Review
		<p>encourage area municipalities to identify all active and former domestic and industrial landfill sites within area municipal official plans for information purposes only and establish appropriate policies dealing with lands in the vicinity, taking into consideration the decommissioning considerations and designations in this Plan. The Town of Whitby Official Plan currently designates lands as Special Policy Area, where they have been filled or used for landfill purposes in the past, as per Section 11.10.12.</p> <p>Policy 4.2.14 of Envision Durham encourages area municipalities to include official plan policies that adopt best management practices for excess soil generated and fill received during development and site alteration, including infrastructure development. Further, Policy 4.2.15 of Envision Durham encourages area municipalities to regulate excess soil through their fill and site alteration by-laws both on and off the Oak Ridges Moraine to mitigate negative impacts to human health and the environment, in accordance with provincial legislation and guidance.</p> <p>The Town of Whitby Official Plan currently contains policy that requires the use of Best Management Practices based on local soil and groundwater conditions in Policy 11.10.15.10. However, it does not contain a policy to deal with excess soil. It is recommended that this be included.</p>
6	Specific Supporting Infrastructure and Services policies to consider (Waste Management): 4.2.13,	As per Policy 4.2.13 of Envision Durham, the Region will collaborate with area municipalities to ensure that excess

Item	Envision Durham Policy Key Gaps	Whitby Official Plan Conformity Review
	4.2.16	<p>soil reuse strategies are developed as part of planning for growth and development.</p> <p>Further, Policy 4.2.16 states the Region will collaborate with area municipalities, the development industry, conservation authorities and Indigenous communities in the development of locational criteria for excess soil management sites.</p> <p>As noted, the Town of Whitby Official Plan currently contains policy that requires the use of Best Management Practices based on local soil and groundwater conditions in Policy 11.10.15.10. However, it does not contain a policy to deal with excess soil. Similar language can be included in the Whitby Official Plan.</p>
7	Specific Supporting Infrastructure and Services policies <u>required</u> (Utilities and Energy): 4.3.2, 4.3.20, 4.3.21, 4.3.25	<p>Implementation of energy conservation and efficiency measures and the establishment of renewable, district and alternative energy systems across the region will help our communities mitigate, adapt and build resilience to the impacts of a changing climate.</p> <p>Policy 4.3.2 of Envision Durham states that utility infrastructure that meets the definition of Major Facilities may occur in any designation subject to the policies of this Plan. As per Policy 8.2.4 of the Town's Official Plan, major utility facilities and corridors are indicated on Schedule "A" - Land Use, for information purposes and may be updated without amendment to this Plan. The Town of Whitby's Official Plan will ensure alignment.</p>

Item	Envision Durham Policy Key Gaps	Whitby Official Plan Conformity Review
		<p>Policy 4.3.20 of Envision Durham prohibits large-scale commercial renewable energy facilities, notwithstanding Policy 4.3.19 (alternative energy systems and renewable energy systems), within Prime Agricultural Areas, key natural heritage features and natural hazard lands. The Town of Whitby Official Plan should include similar policy language.</p> <p>Policy 4.3.21 of Envision Durham requires area municipal official plans and zoning by-laws to regulate the design and scale of renewable energy systems, with consideration for land use compatibility including impacts to the natural environment. Further, Policy 4.3.25 of Envision Durham permits district energy generation and on-site alternative energy systems and requires that area municipalities promote and facilitate such systems through their official plans and zoning by-laws.</p> <p>Policy 3.2.6.4 of the Town's Official Plan includes policy language that encourages new development to explore options to incorporate or connect to on-site energy generation systems, such as district energy facilities, where feasible. The Town will provide additional policy regarding the regulation of the design and scale of renewable energy systems, as it currently does not have policy that covers this.</p>
8	Specific Supporting Infrastructure and Services	Policy 4.3.13 of Envision Durham encourages area

Item	Envision Durham Policy Key Gaps	Whitby Official Plan Conformity Review
	<p>policies recommended (Utilities and Energy): 4.3.13, 4.3.17, 4.3.26</p>	<p>municipalities to consider the inclusion of policies in their respective official plans to ensure that energy facilities, including renewable energy facilities, are located appropriately.</p> <p>Moreover, Policy 4.3.17 states it is the policy of the Region to encourage the development of community energy plans as part of the secondary planning process to assist in achieving reduced energy demand, support active transportation and transit and utilize renewable and alternative energy system options. The Town's Official Plan already includes policy related to collaborating with the Region on the preparation of a Regional community energy plan, as per policy 3.2.6.3 of the Town's Official Plan. This should be carried forward.</p> <p>Further, Policy 4.3.26 of Envision Durham states the Region will identify locations with potential for district energy generation, in consultation with the area municipalities and identify next steps for implementation in collaboration with stakeholders. Similar wording can be considered for the Whitby Official Plan, as it is not currently included.</p>
9	<p>Specific Supporting Infrastructure and Services policies to consider (Utilities and Energy): 4.3.8, 4.3.9, 4.3.10, 4.3.16, 4.3.17</p>	<p>Policy 4.3.8 of Envision Durham encourages development to be designed to provide, where feasible, for the implementation of leading-edge communication technologies, including but not limited to broadband fibre optics. Moreover, Policy 4.3.9 states the Region will support the implementation of a Dig Once approach to allow and/or</p>

Item	Envision Durham Policy Key Gaps	Whitby Official Plan Conformity Review
		<p>require the inclusion of conduit appropriately sized to accommodate broadband fibre optic infrastructure, and/or other similar communication infrastructure, during road construction, reconstruction and other major development activities. Policy 4.3.10 of Envision Durham encourages the co-location of new telecommunication and/or communication equipment on shared towers and structures wherever possible, including regional and area municipal facilities where feasible. This policy language can be considered within the Town of Whitby Official Plan, if desired.</p> <p>Policy 4.3.16 of Envision Durham states that it is the policy of the Region to collaborate with area municipalities, local utilities and other stakeholders to advance energy conservation, demand management and local generation across the region. This language can be considered in the Town's Official Plan.</p>
Urban Design Related Policies		
1	3.3 Complete Communities (objective ii, 3.3.1 j, 3.3.2 d, 3.3.3 a to r, 3.4, 3.3.10, 3.3.41)	<p>Section 3.3 Complete Communities of Envision Durham provides most of the urban design and public realm policies of the Plan. The intent of the urban design policies is to maintain and build vibrant complete communities including high quality public spaces that provide a sense of place. One objective is promoting high-quality urban design to</p>

Item	Envision Durham Policy Key Gaps	Whitby Official Plan Conformity Review
		<p>promote pedestrian friendly communities that are safe, comfortable, and support a range of transportation options.</p> <p>It is the policy of the Region of Durham Council to support the development of healthy, sustainable, and complete communities that incorporate vibrant places and spaces, including a public realm characterized by compact built form. Policy 3.3.1.j</p> <p>Policy 3.3.2 requires area municipalities official plans and new secondary plans to plan for: d) high-quality urban design and public realm that incorporates universal accessibility design, in accordance with Policies 3.3.3 and 3.3.14.</p> <p>The built environment includes the public realm and shared spaces that support the character of the Region's communities. It is the policy of the Region of Durham Council to promote high quality public realm with quality urban design. Policy 3.3.3 a to r, speaks to the requirements related to urban design and the public realm that are needed to create high quality urban design.</p> <p>Policy 3.4 requires area municipalities to include in their secondary plans policy in addition to provisions for a vibrant attractive public realm, buildings that orient main entrances to face the public street, streets that connect with adjacent</p>

Item	Envision Durham Policy Key Gaps	Whitby Official Plan Conformity Review
		<p>neighbourhoods, and providing a connected grid pattern of streets with safe travel options, all to ensuring a high quality sustainable urban design.</p> <p>Policy 3.3.10 encourages area municipalities to enact by-laws [CJ1] establishing environmental, aesthetic, urban design and related controls on signs and outdoor lighting, in accordance with Policy 3.3.3; and</p> <p>promoting the use of full cut off light fixtures as part of new development.</p> <p>Further the plan through policy 3.3.41e) encourages area municipalities to create urban design standards in historic districts and areas to reflect the history, character and streetscape.</p> <p>The Whitby Official Plan currently includes Section 6.2 Urban Design that includes objectives, goals and policies to ensure a high standard of urban design. Section 6.2 policies provide urban design direction regarding streets and blocks, streetscapes, gateways, Landmarks, views and vistas, amenity space, open spaces, cultural heritage, built form, scale and massing, site circulation and access, parking and loading, Landscaping, buffering and site amenities, signage, lighting, public art, universal design and</p>

Item	Envision Durham Policy Key Gaps	Whitby Official Plan Conformity Review
		<p>CEPTED, and sustainable design.</p> <p>As per policy 6.2.4, Implementation of the urban design policies is through development approval process, comprehensive block plan, and urban design guidelines.</p> <p>The Town's Official Plan should better align with the Region's policies and provide updated policies with current urban design best practices and terminology.</p> <p>New more modern mixed and tall building policies are needed.</p> <p>A continuation of design objectives and policies that provide direction on high quality urban design and sense of place is needed as well as requirements for high quality urban design and placemaking throughout the entirety of the plan.</p> <p>There needs to be a review of the current policies to determine what is appropriate to remain as policy and what should be provide for in urban design guidelines. Provide more built form best practices as policies to ensure compatibility and transitions are clearly understood and required.</p>

Item	Envision Durham Policy Key Gaps	Whitby Official Plan Conformity Review
		<p>Prepare a companion set of urban design guidelines to ensure clear implementation of policies.</p> <p>Need to better detail in policy the requirements for and explore requirements for terms of reference for an urban design brief, sun/shadow study and pedestrian wind study for OPAs, rezoning and site plans.</p>
2		<p>Chapter 5 prioritizes placemaking as part of a vibrant urban system. To achieve a vibrant urban system a set of goals that include the value of encouraging distinctive placemaking through architecture and high-quality urban design are provided.</p> <p>Policy 5.2.6 e) states that it is the policy of council to require area municipalities to update official plans, secondary plans and zoning by-laws to include urban design policies, guidelines or approaches to promote placemaking, active transportation, pedestrian and transit</p> <p>The Town's OP is to better align the plan and urban design policies with placemaking which is not a current term used in the OP.</p> <p>Policy 5.23 j) requires area municipal official plans to include, for each Protected Major Transit Station Area,</p>

Item	Envision Durham Policy Key Gaps	Whitby Official Plan Conformity Review
		<p>incorporate urban design and sustainability guidelines to guide the desired density, built form, building placement, access, pedestrian-oriented public realm</p> <p>The OP needs more fulsome urban design policies for MSTA's that reflect urban design best practices. In addition, current urban design guidelines would be helpful in ensuring the requirements of policy are appropriately implemented.</p> <p>5.5 Employment Areas, Land Use Compatibility & Major Facilities</p> <p>5.5.16 requires development taking place within employment areas to address the policies of this Plan by incorporating attractive and high-quality architecture, urban design and landscaping standards, particularly in high exposure locations.</p> <p>The new OP is to include an urban design section with urban design policies for employment lands.</p> <p>5.5.18 Require area municipalities to implement the Employment Area policies of this Plan through their official plans, including density targets, phasing of larger employment parcels and areas, urban design guidelines, landscaping requirements and protection from non-employment uses.</p>

Item	Envision Durham Policy Key Gaps	Whitby Official Plan Conformity Review
		The Town, in its new OP, should continue to provide the direction and framework through policies for the development of Urban Design Guidelines.
Other Policies		
1	Population, employment and household allocation : Table A, 2.2.1.b, 2.2.2, 2.2.3, 2.4.1, 2.4.2	Table A and Section 2.2.2 of Envision Durham includes new population, employment and household projection to the year 2051. These updated projections should be updated throughout the entire new Official Plan.
2	Intensification Targets: 5.1.11, and 5.1.14	Envision Durham provides a new minimum intensification target that 50% of all new residential units across the region occur through intensification in the built-up area. In addition, the intensification hierarchy identifies other nodes and centres after SGAs, which the Town will need to identify.
3	Additional Dwelling Units: 3.1.14	Envision Durham in accordance with Bill 23 permits up to three dwelling units per a lot, it also limits the parking to one space per a unit, while encouraging a reduction in SGAs. The Garden Suite policies of the current Official Plan will need to be revised to reflect the updated permissions.
4	Affordable Housing and Purpose Built Rental Housing: Policy 3.1.20 - 3.1.33.	Envision Durham requires a minimum of 25% of all new residential units be affordable, and 35% of all new residential units in SGAs be affordable. It also provides policies for the protection of existing rental

Item	Envision Durham Policy Key Gaps	Whitby Official Plan Conformity Review
		housing stock including direction for replacement, demolition, and short term rentals. The new Official Plan will need to revise the Housing Mix policies contained in Section 7.4.
5	Climate Change and Sustainability: Policy 3.2.4, 3.2.18-3.2.20, 4.3.18-20.	<p>In supporting a sustainable healthy communities Envision Durham encourages municipalities to develop monitoring programs to reduce Green House Gas (GHG) emissions to assist the Region in reaching net zero emissions by 2050. To meet this goal Envision Durham sets out a framework for introducing local green development practices, sustainability guidelines, water conservation, and incentive programs. Section 3.2 of the new Official Plan should be updated to incorporate this policy direction and provide additional guidance for its implementation.</p> <p>Envision Durham provides direction for siting appropriate locations in Rural and Agricultural Areas. These policies directions should be included in the Agricultural and Rural Land policy sections of the new Official Plan to ensure the future renewable energy sources are compatible with the surrounding area.</p>
6	Excess Soil Management: Policy 4.2.14 - 4.2.15, and 4.3.19 - 4.3.20.	Envision Durham requires best management practices be introduced related to handling excess soil and regulating it through site alteration by-laws. The new Official Plan will need to introduce policies consistent with Envision Durham's direction for excess soil management.

Item	Envision Durham Policy Key Gaps	Whitby Official Plan Conformity Review
7	Employment: Policy 5.5.10 - 5.5.27	<p>The role of employment uses has expanded and as such, permitted uses have also broadened to include new uses subject to compatibility studies such as Hotels. Further, Envision Durham also provides new direction for prohibiting specific uses within Employment Areas especially sensitive lands uses including residential uses, long-term care, retirement homes, elementary and secondary schools.</p> <p>Both permitted and prohibited uses as well as new uses permitted subject to compatibility studies should be incorporated into the new Official Plan's Industrial Section.</p> <p>Envision Durham provides protections for Employment Areas within strategic good movement corridors. It also provides direction for denser employment uses to support a new density target of 28 jobs per hectare. The new Official Plan policies they can be strengthened to reflect these new directions, and the minimum density target should be included.</p>
8	Noise, Vibration, and Odour: Policy 3.3.8	<p>As employment areas evolve there are new pressures associated with encroachment from sensitive land uses. In striking a balance Envision Durham provides policy permission for local municipalities to designate a property as Class 4 Areas on a case-by-case basis through a development approval process.</p> <p>In further ensuring land uses are compatible there are policies related to light pollution that ensure sensitive</p>

Item	Envision Durham Policy Key Gaps	Whitby Official Plan Conformity Review
		<p>environmental lands are protected.</p> <p>Both the permissions and the protection of sensitive environmental lands should be integrated into the new Official Plan.</p>
9	<p>Agricultural and Rural Lands: Policy 6.1.2 - 6.2.8 and 6.4.3 to 6.4.9.</p>	<p>Envision Durham provides additional protection for agricultural lands, minimizing land use conflicts, as well as improving both food production and the agri-food network. It introduces additional policy guidance and restriction regarding lot creation that further discourages the fragmentation of the agricultural lands. It also provides additional policies regarding permitted and prohibited uses as well as on-farm diversified uses.</p> <p>The new Official Plan should strengthen the existing policies for establishing non-agricultural uses (Policy 4.10.3.4), it will also need to ensure compatibility policies are updated, as well as providing direction for supporting both food production and the agri-food network.</p> <p>In recognition of the need for additional housing, there are permission for secondary dwellings with Rural Lands, subject to restrictions when it can occur and not permitted a future severance of it. The Rural Land policies of the new Official Plan will need to be updated to ensure it captures these new permission and restrictions, especially limiting any future severance of permitted additional dwelling.</p>

Item	Envision Durham Policy Key Gaps	Whitby Official Plan Conformity Review
10	Designated Greenfield Area: Policy 5.4.7	<p>Envision Durham establishes an updated methodology for calculating Designated Greenfield Area density, specifically excluding:</p> <ul style="list-style-type: none"> - Natural heritage features and areas, natural heritage systems, floodplains and active erosion zones, provided development is prohibited in these areas; - Rights-of-way for: electricity transmission systems; energy transmission pipelines; freeways (400 series highways), as defined by and mapped as part of the Ontario Road Network; railways; - Employment areas; and - Cemeteries. <p>This change should be updated in the Official Plan to ensure the Town accurately calculates and meets the DGA targets.</p>
11.	Implementation and Interpretation: Policies 3.1.18, 3.3.2, 3.3.15, 5.4.9, 10.6.1, and 11.3.23 - 11.3.24.	<p>Envision Durham establishes policies for requiring the development of lands greater than 20 ha to be subject to the Secondary Plan approval process.</p> <p>It also provides new policies related to severances and existing lots established before July 14, 1976.</p> <p>With respect to the development approval process additional studies can also be required as part of a completed application for a development application such as a Affordability and Accessibility analysis and Community Services and Facilities study.</p> <p>The implementation chapter of the updated Official Plan</p>

Item	Envision Durham Policy Key Gaps	Whitby Official Plan Conformity Review
		will need to be updated to accurately capture these new permissions and restrictions.
12	Site Specific Policies: 10.2.7, 10.2.10, 10.3.8, 10.3.10, 10.5.4b), 10.6.7, 10.6.10e), j), 10.6.14	Envision Durham includes a number of site specific land use permission for sites across the Town of Whitby. The updated Official Plan will need to be updated to reflect the new permissions.
13	Hamlet Policies: 6.5.6 - 6.5.15	Envision Durham includes specific direction that Hamlets are expected to accommodate modest growth and are to be compatible with the rural area. In supporting this, Envision Durham sets out criteria for development and expanding municipal services that will need to be included in the updated Official Plan.
14	Heritage Resources: 3.3.33 to 3.3.51	The existing Official Plan contains extensive policies for the protection of Cultural Heritage Resources and Archaeological Resources. Envision Durham provides additional policy direction that should be added including regularly updating the municipal registry, and creating urban design standards for historic districts.

Appendix B

Memo

To: Lori Tesolin, Principal Planner and Supervisor, Policy and Heritage Planning, Town of Whitby

From: Jeff Axisa, Dillon Consulting Limited

cc: Susanne MacDonald, SGL
Justine Giancola, Dillon Consulting Limited
Michael Hanifi, Dillon Consulting Limited

Date: July 31, 2024

Subject: Whitby Official Plan Transportation Analysis

Our File: 24-7548

Introduction

The primary goal of Whitby's transportation network is to establish and maintain the safe, efficient, interconnected, and accessible movement of people and goods in a system that supports all modes of transportation, including transit, automobiles, active transportation, and goods movement, as per Policy 8.1.1.1 of the Official Plan. This is accomplished through the thoughtful design and provisions of appropriate facilities for pedestrians, cyclists, vehicles, and transit with good connectivity to community destinations within Whitby and to adjacent municipalities and upper-tier jurisdictions.

As part of this Town Wide Transportation Network Analysis, the following documents have been reviewed:

- Envision Durham (2023);
- Town of Whitby Official Plan (2024 Office Consolidation)¹; and,
- Town of Whitby Active Transportation Plan (2021)

This review is broken up into two parts that includes: A) a policy review and town wide transportation network analysis that looks at five key transportation components; and B) a constraints and opportunities review for the Brooklin Expansion Area. For the policy review and town wide transportation network analysis, the five key components that were analysed include:

1. Road Infrastructure;
2. Active Transportation;
3. Public Transit;
4. Railways; and,
5. Goods Movement.

This information will be used to inform updates to the Town of Whitby's Official Plan Review.

¹ The Durham Transportation Master Plan 2017 informed Regional Official Plan Amendment No. 171 (ROPA 171) which was implemented in the Whitby Official Plan through Official Plan Amendment No. 123 (OPA 123).

Part A - Town Wide Transportation Network Analysis

Road Infrastructure

Consistent with the goal and objectives set out in the Official Plan, roads in Whitby are classified and maintained on the basis of their function and design as controlled access roads (freeways), arterial roads, collector roads, and local roads. This classification system is intended to assist in directing traffic flows quickly and efficiently from local roads to collector roads and arterial roads, while similarly keeping through traffic on arterial roads and collector roads so that traffic on local roads is kept to a minimum. **Table 1** displays the road classifications under the jurisdiction of the Town of Whitby and their corresponding function and design characteristics. It should be noted that not all roads in Whitby are under the Municipality's jurisdiction. As such, jurisdictional coordination for network planning and development between Whitby, the Region, and the Province is necessary.

Schedule D – Transportation of Whitby's Official Plan displays the existing and proposed road network and functional classifications within the Town of Whitby. When assessed against the network function and design characteristics for each road classification type displayed in **Table 1**, the network spacing and minimum intersection spacing, relative to road classification, aligns well with Regional and Town Official Plan policy. Spacing adjustments, both in terms of network and intersection, have been made to avoid railway lines, watercourses, and environmental features. Where possible and appropriate, new arterial and collector roads (or road segments) have been proposed to align with existing streets to fill in network gaps, predominantly across major barriers such as controlled access roads, railway corridors and environmental features.

One network spacing deficiency that could be rectified would be the road spacing between east/west Type A arterial roads in North Whitby. Taunton Road and Brawley Road are approximately 8 km apart, yet the desired spacing for Type A arterials is 6.5 km. Winchester Road (or Highway 7 west of Baldwin Street and Durham Regional Road 3 east of Baldwin Street), which runs between and parallel to Taunton Road and Brawley Road, is currently classified as a Type B arterial within Whitby and could be reclassified / upgraded to a Type A arterial. This upgrade would be consistent with the road classification of Highway 7 west of Lakeridge Road within the City of Pickering. Highway 407 also runs between and parallel to Taunton Road and Brawley Road, suggesting that the greater than desired spacing between Type A arterial roads is less problematic.

Table 1: Road Classification and Characteristics

Road Classification		Function	Right-of-Way Width (m)	Posted Speed (km/h) ^{2,3}	Network Spacing ²	Minimum Intersection Spacing ²	Minimum Driveway/ Access Spacing
Arterial	Type A	Designed to accommodate the movement of large volumes of traffic at moderate to high speeds over relatively long distances. Such roads generally extend beyond the Regional boundaries.	36-45 ⁴	Urban area: 60-70 Outside urban area: 80	6.5km	In the north/south direction: 700m In the east/west direction: 500m ⁵	200m ²
	Type B	Designed to accommodate the movement of moderate volumes of traffic at moderate speeds from one part of the region to another. Such roads occasionally extend beyond the Municipal boundaries.	30-36 ^{4,6}	Urban area: 60 Outside urban area: 80	Between north/south arterials: 1.6km Between east/west arterials: 2.0km	In the north/south direction: 525m In the east/west direction: 500m ⁵	80m ²
	Type C	Designed to accommodate the movement of lower volumes of traffic at lower speeds over relatively short distances.	26-30 ^{4,6}	50-60	0.8km	300m	30m

² Source: Durham Regional Official Plan (2023), Table 5 – Arterial Road Criteria.

³ Posted speed limits may be lower in school or community safety zones.

⁴ Sufficient right-of-way widths shall be provided which will facilitate the provision of public transit. Additional right-of-way widths may be required for full channelization of arterial intersections, roundabouts, and the accommodating of active transportation facilities.

⁵ In some cases, spacing for east-west arterials can be reduced to 300m if signals are “coupled” provided adjacent intersections are a minimum of 500m away.

⁶ ROW widths for Type B and Type C arterials shall not apply to roads through Downtown Whitby and Downtown Brooklin Major Central Areas and Hamlets.

Road Classification	Function	Right-of-Way Width (m)	Posted Speed (km/h) ^{2,3}	Network Spacing ²	Minimum Intersection Spacing ²	Minimum Driveway/ Access Spacing
Collector	Designed primarily to facilitate traffic movements within and between Residential areas and Central areas, and between these areas and overall arterial roadway network.	20-26 ⁷	-	-	-	-
Local	Designed to allow direct access to fronting properties.	20 ⁸	-	-	-	

Source: Town of Whitby Official Plan (2024), unless otherwise noted.

⁷ Additional right-of-way widths may be required for turning lanes and roundabouts at intersections and to accommodate active transportation facilities.

⁸ Where local streets are parallel and adjacent to an arterial road, the minimum width may be reduced to 15 metres.

Active Transportation

Active Transportation is encouraged in Whitby through the implementation of new connections and both on-road and off-road active transportation facilities including, but not limited to sidewalks, multi-use paths, cycling lanes, and trails. The 'Existing and Recommended Active Transportation Network' for the Town is presented in the Town of Whitby Active Transportation Plan (2021) in **Appendix A Map 2 – Existing and Recommended Network (Whitby South)** and **Map 3 – Existing and Recommended Network (Whitby North)**. The 'Existing and Recommended Active Transportation Network' protects for the provision of future active transportation accommodation consistent with Official Plan policy by proposing effective, safe, and integrated linkages and routes between neighbourhoods, schools, major open space and park systems, access to transit, as well as commercial and employment centres, including the provision of connections to the Waterfront Trail and Greenbelt Trail. It is recommended that the 'Existing and Recommended Active Transportation Network' be incorporated into the Whitby Official Plan as part of **Schedule D – Transportation**. However, it is also recommended that a policy be developed so that changes or deletions to active transportation elements only trigger an Official Plan Amendment (OPA) when sufficient justification is provided, to the satisfaction of the Town.

Collector and arterial roads will provide important active transportation connections between different destinations and existing/planned trails within Whitby. As such, collector and arterial roads that are shown to have proposed active transportation facilities may require additional right-of-way widths to accommodate the active transportation facilities. Right-of-way requirements (and cross-section elements) for collector roads will be confirmed through draft plans or the Environmental Assessment process. Right-of-way requirements (and cross-section elements) for arterial roads are determined through policy requirements in the Regional Official Plan.

The Whitby Official Plan “encourages the provision of on-road and off-road active transportation facilities” (Policy 8.1.3.7.1) but does not provide concrete any town wide active transportation policy guidance on sidewalks, however, **Section 11.5 Brooklin Community Secondary Plan** does. It states that all “new and reconstructed arterial roads shall be built with sidewalks on both sides” (policy 11.5.29.4) and that “all new local roads shall consider sidewalks on both sides and set back from the curb, to support a safe and connected pedestrian environment” (policy 11.5.29.13). The Town of Whitby Design Criteria and Engineering Standards (2022) goes even further, stating that “sidewalks are required on both sides of all roadways (Local, Collector and Arterial) including courts, cul-de-sacs and crescents”. It is recommended that the sidewalk engineering standard be incorporated into **Section 8.1 Transportation** of the Whitby Official Plan, as a policy, to ensure that it is applied.

Public Transit

Public transit service in Whitby is operated by Durham Region Transit (DRT) and GO Transit. As such, the Whitby Official Plan provides only limited public transit policy guidance.

The Whitby Official Plan **Schedule D – Transportation** displays a number of transit features including Transit Spines, Commuter Rail, Future Commuter Rail, Major Transit Stations and Future Transitway Stations. It is recommended that protection for an additional Future Transitway Stations be added to **Schedule D – Transportation** at the proposed interchange of Highway 407 and Cochrane Street. This would be consistent with the placement of the other Future Transitway Stations which are located at all Highway 407 and arterial road interchanges.

Overall, the Town of Whitby should follow guidance from the Region and the Province in the provision of public transit.

Railways

Railways in Whitby are owned and operated by Canadian National and Canadian Pacific rail lines. As such, the Whitby Official Plan provides only limited Railway policy guidance. It does however provide guidance on conflicts mitigation between railways and the road system. Stating that Whitby shall seek to eliminate all railway at-grade crossings as indicated on **Schedule D – Transportation** to improve safety and the efficiency of rail and road movements (policy 8.1.3.9.2).

The Whitby Official Plan **Schedule D – Transportation** displays all the Railway Corridors and notes which ones provided Commuter Rail service (GO Transit) and Future Commuter Rail service (extension of GO Transit). It also indicates the at-grade road rail intersections that are proposed to be grade separated.

Goods Movement

Goods Movement in Whitby is predominantly governed by Durham Region as the majority of arterial roads in Whitby are Regional Roads. As such, the Region has identified a 'Strategic Goods Movement Network', as contained in Envision Durham **Map 3c – Strategic Goods Movement Network**. It identifies the preferred haul routes that are planned to accommodate commercial vehicles on a year-round basis, and which link major generators of traffic. However, Whitby provides no policy guidance for Goods Movement on Town owned roads. To support a community-focused, pedestrian-oriented and business friendly environment, it is recommended that Whitby consider developing a local goods movement network to control/ restrict heavy vehicle movements on town owned roads where heavy vehicle traffic is no longer suited to travel.

Overall, the Town of Whitby should follow guidance from the Region and the Province in the provision of goods movement.

Part B - Brooklin Expansion Area - Constraints and Opportunities

As part of the Transportation Analysis, the Brooklin Expansion Area has been analyzed to identify constraints and opportunities for developing a multi-modal transportation network that is connected and conducive to moving people and goods with varying mobility needs. The following constraints and opportunities have been identified.

Constraints:

- Baldwin Street is a Provincial highway whose design does not align with the objectives of the Town related to pedestrian oriented space within an urban area. Baldwin Street realignment at Thickson Road shown in the Whitby Official Plan **Schedule D – Transportation** will not happen as intended as a result of the Highway 7/12 Alternative Route Environmental Assessment being cancelled.
- Columbus Road West is proposed to be realigned at Lake Ridge Road to connect to 7th Concession Road in Pickering. This is the Town of Whitby and Durham Region’s preliminary preferred alignment based on the Town and Regional Official Plans. A future EA is required to confirm the future alignment and design characteristics. Work is currently underway in northeast Pickering that has identified a potential concept for a southerly realignment at Lake Ridge Road. The alignment as shown in the current Town and Regional Official Plans is for protection purposes and requires additional detailed Review.
- Proposed east/west collector in “Area C” south of Brawley Road between Cochrane Street and Ashburn Road (crossing 5 tributaries of Lynde Creek) is identified in the Whitby Official Plan **Schedule D – Transportation** based on outdated planning and transportation work. More recent transportation work done for the Brooklin Secondary Plan and as part of the Brooklin North Majors Roads EA has removed this east/west facility due to the environmental constraints. Future secondary plan work will need to confirm the need (access, capacity) for this facility.
- Proposed east/west collector north of Columbus Road just east of Cedarbrook Trail (crossing the pipeline corridor) is identified in the Whitby Official Plan **Schedule D – Transportation**. The Brooklin North Major Roads EA identifies a long-term need for this crossing and connection but defers it to a longer time frame, beyond the horizon for the current strategic plans. Future detailed work will need to establish the role and benefits of this connection.
- Significant Natural Heritage Systems and Natural Hazards will make new road alignments and construction challenging and expensive within future urban expansion areas in north and west Brooklin.

Opportunities:

- Possible streetscape improvements (benches, bike racks, planters, sidewalk improvements, street trees, lighting, etc.) to Baldwin Street within the urban area boundary.

- Proposed realignment of Thickson Road and modifications to the connections / intersection of Brawley Road/Thickson Road/Baldwin Street are being reviewed. Potential for a roundabout.
- Proposed Columbus Road West realignment at Lakeridge Road to connect to 7th Concession Road or future planned infrastructure in Pickering.
- Proposed new Highway 407 interchange at Cochrane Street.
- Possible upgrade of Coronation Road (to Type B Arterial) between Des Newman Blvd (just north of Taunton Road) and Columbus Road.
- Possible arterial extension of Coronation Road from Columbus Road to Brawley Road.
- Possible arterial extension of Carnwith Drive West (connection to Area A, D and E).
- Proposed arterial extension of Carnwith Drive East (connection to Area I) into Oshawa.
- Proposed arterial extension / connection of Brawley Road to Howden Road (in Oshawa).
- Proposed grade separated crossing of Garrard Road over Highway 407. Connection to Cachet Boulevard at Winchester Road.
- Proposed upgrade of Garrard Road (to Type C Arterial) between the proposed mid-block arterial road (just north of Conlin Road) and Winchester Road.
- Possible upgrade of Winchester Road (to Type A Arterial).

Appendix C – Specific policy issues in Whitby Official Plan

Whitby OP Policy #	Issue/Topic	Recommendation
2.4.2.f)	Section would benefit from clarity that the “corridors” refers to Intensification Corridors.	Add the word “intensification” prior to the work corridor.
4.4.3.12.2	Reorganization of the policy could make it easier to follow.	The following revised policy wording is recommended: “The Municipality may consider reduced parking requirements for the following, where justified in terms of need, after detailed study to the satisfaction of the Municipality:”
4.5.3.6	Special Activity Node B is addressed within the Commercial Section of the Official Plan, while it is designated Employment under the Regional Official Plan.	Move the policies for this area into the Employment section of the Whitby Official Plan, protecting for existing major retail that predated the designation, per Envision Durham policy. 5.5.12.
4.5.3.8e)	The wording of this policy suggests that automobile service stations, gas bars, and car washes shouldn’t have adverse effects on adjacent residential uses only, not on other adjacent sensitive uses.	Update policy to specify the uses should not have adverse impacts on adjacent “residential uses or sensitive uses”.
4.12.2.12	Needs updating to reflect Envision Durham new ROP 6.7.13.	The Whitby Official Plan policies on wayside pits and quarries will be updated to align with the permissions in the Envision Durham, including requiring a zoning by-law amendment for this use in Urban Areas and Rural Settlements.

Whitby OP Policy #	Issue/Topic	Recommendation
	Density averaging across plans of subdivision, etc.	Section 4.4.3.8 allows, within Secondary Plan, “the calculation of net residential density may be averaged across residential lots and blocks within a single designation within the same plan of subdivision, or within an area bounded by collector and arterial roads”. This could be broadened outside of Secondary Plans.
5.3.7.12	Issue: “Key” missing from the term hydrologic features.	Add word “key” to term.
5.3.9.6	Issue: missing wording Consider “to minimize stormwater volumes, fluvial flooding, and contaminant loads”.	Update with revised wording.
6.2.4.2.2/ 6.2.4.3.3	Town desires greater flexibility (i.e. Comprehensive Block Plans and Urban Design Plans should be at staff’s discretion wherever appropriate).	While the policy pertaining to Urban Design Plans (6.2.4.3.3) is currently flexible, indicated one “may” be required, the policy addressing Comprehensive Block Plans (6.2.4.2.2) is less clear. This policy can also be updated to “may” be planned by comprehensive block plan approach.
10.2.1.7	Confusion over whether a mezzanine constitutes a storey.	Section 10.2.1.7 could be updated to explicitly clarify that a mezzanine does not constitute a storey.

Whitby OP Policy #	Issue/Topic	Recommendation
11.5.6.8 /11.5.6.9	Intent of policy is to reflect LDR / MDR / HDR designation ratios, not necessarily housing form, but the actual writing of the policy speaks to housing types.	The reference to housing types in this policy can be updated to designation areas.
11.8.5.7, 4.5.3.3.1 and others	Food Stores, which are less than 1,200 square metres are permitted in the Mixed use designation of the Brock/Taunton Major Central Area Secondary Plan. In Local Commercial and Convenience Commercial Centres, Supermarkets must be less than 2,000 square metres. To simplify, both should be called grocery stores. In addition, there is a desire to remove the cap for supermarket in the Local Commercial and Convenience Commercial Centres.	Update all reference to Food Stores and Supermarkets in Whitby Official Plan to Grocery Stores and remove size cap in policy 4.5.3.3.1.
Definitions	Define Live-Work unit.	Could use part of ZB definition. “Means a street townhouse dwelling unit where the first storey, or part thereof, is designed, constructed and used for non-residential use”.

Whitby OP Policy #	Issue/Topic	Recommendation
Definitions	Definitions should stand out.	Currently defined terms are italicized. However, these should instead be bolded, for accessibility reasons, bolded font is preferred to italicized font.
Various	Reference to bicycle traffic/bicycle paths/cycling can be broadened to encompass other forms of non-motorized travel and active transportation.	Update terminology to be more encompassing to different modes of non-motorised/active transportation.
Various	Specific reference to Provincial Ministry titles becomes problematic when the title of the Ministry changes.	Update to refer to Provincial Ministry, in general, that will cover different Ministries with names that may change.
Various	Some of the deferrals in the Official Plan have been resolved.	Any deferrals that have not been addressed will be updated in the Whitby Official Plan.
Various	Some definitions are singular and while the term used in the Official Plan is plural.	Add policy to interpretation section that addresses singular vs. plural definitions and terms.

Whitby OP Policy #	Issue/Topic	Recommendation
Various	Term consistency throughout document. Sometimes different wording/spelling for different terms, i.e. floor space and missing words with regards to Secondary Plan titles.	Review will be undertaken to ensure terms in Official Plan are consistently spelt and referred to as defined in Official Plan and Envision Durham.

Appendix D

Technical Memo



To: Lori Tesolin, Principal Planner and Supervisor, Policy and Heritage Planning, Town of Whitby

From: Whitney Moore, Dillon Consulting Limited
Susanne MacDonald, SGL Consulting
Justine Giancola, Dillon Consulting Limited
Michael Hanifi, Dillon Consulting Limited

Date: August 13, 2024

Subject: Whitby Official Plan Natural Heritage Review- Brooklin Expansion Area

Our File: 24-7548

Introduction

Dillon Consulting Limited (Dillon) was retained by the Town of Whitby (the Town) to undertake a review of policies and mapping related to natural heritage features and the NHS within the Town with regards to the Brooklin Urban Expansion Area (BUEA). The Study Area for the BUEA is made up of nine areas of land varying in size, which are generally bounded by Lakeridge Road to the west, Thornton Road North to the east, Brawley Road West to the north and Conlin Road and Lyndebrook Road to the south, as shown on (Figure 1).

The Durham Regional Official Plan (ROP), Envision Durham (May 2023), recently introduced an expansion to Whitby's Urban Area to the west of Brooklin to Lake Ridge Road and to the eastern border within Oshawa, which contains both new Employment Areas and Community Areas. Furthermore, three small areas were removed from the Greenbelt Plan Area in 2017 but were not included in the Urban Area at that time, but Durham Region (the Region) has now included them within their urban area and designated them as Employment Areas. As a result, the lands within the BUEA will need to be incorporated into the Town's Urban Area and given land use designations on Schedule A and incorporated into the Brooklin Secondary Plan on Schedule K within the Town's Official Plan (OP).

This memo does not provide recommendations on new policy, but rather reviews the policy in place for the BUEA lands to ensure they have been brought up to date. Furthermore, it is Dillon's understanding that Secondary Plans are required to be in conformance with the ROP.

Through this exercise, the Region's NHS was compared to the Town's NHS to determine if there are any discrepancies. Although the OP delineates the NHS and Natural Hazards on Schedule C and individual features on Appendix 1, these features should be confirmed through a more detailed review at a Secondary Plan level. The deferred lands in Brooklin were reviewed during the Brooklin Secondary Plan study but may require revisions. The natural heritage analysis will be a desktop activity relying on secondary source data, air photo interpretation and supplemented by up to date studies by individual

landowners, if available. Further, the desktop work can be confirmed, if necessary, through roadside surveys.

This work is not intended to be at a natural heritage evaluation or subwatershed study level study but rather to confirm and/or revise the boundaries of the NHS identified in the OP to the extent possible using the methods listed above.

Approach

Background Review

In conducting this review of natural heritage policies/ features within the BUEA, Dillon completed a desktop review of existing background documents and mapping of the Study Area; which included the following as they relate to the Study Area:

- Provincial Policy Statement (PPS; 2020);
- A Place To Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan; May 2019);
- Ministry of Natural Resources and Forestry (MNRF) Land Information Ontario (LIO) database;
- Ontario Endangered Species Act (ESA; 2007);
- Fisheries and Oceans Canada (DFO) Aquatic Species at Risk Mapping;
- Central Lake Ontario Conservation Authority (CLOCA) interactive mapping (2017);
- Town of Whitby Official Plan and GIS layers- Sections 5.3.7 and 11.5.25;
- Durham Region Official Plan; and
- Envision Durham (2023).

Site Visits / Roadside Checks

At this time, no site visits have been conducted; however, as the next phases of the OP review proceed, there may be a need to conduct confirmatory site assessments where access is granted or via windshield survey to confirm recommendations provided herein.

Discussion

The results of our desktop review are presented below. **Figure 2** illustrates the natural heritage features, identified through background review, within and surrounding the BUEA on a landscape level. Information presented in **Figure 2** is sourced from the MNRF and the CLOCA GIS database. **Figure 3** shows the current NHS layer provided by the Town (sourced from the OP) and the Region (sourced from the ROP).

Existing Conditions / Natural Heritage Features

Work had previously completed within the BUEA that supports the establishment of an NHS. These works include:

- Pringle Creek Master Drainage Plan Update (2018);
- Lynde Creek Master Drainage Plan – Municipal Class Environmental Assessment (2023);
- Brooklin Secondary Plan Watershed Planning, Hazard Lands and Stormwater Management- Stage 3 Final Report (2018);
- Brooklin Secondary Plan Area Natural Heritage Assessment Background Report (2017);
- Brooklin North Major Roads Environmental Assessment Study, Environmental Study Report (2021);
- Natural Heritage Assessment Report prepared for the Brooklin Traffic Management Plan (2017);
- Oshawa Creek Watershed Plan 2020);
- Lynde Creek Watershed Plan (CLOCA, 2024); and,
- Wildlife Corridor Protection and Enhancement Plan, (CLOCA, 2022).

Although these works had been done in the Study Area to characterize the NHS within the BUEA, further characterization of the NHS should be undertaken through a natural heritage evaluation, subwatershed study level study or other development application studies.

Some key takeaways from a review of these background resources are listed below:

- Information gathered in these background resources were collected with limited access;
- Much of the natural heritage data collected was done prior to 2021;
- The Branches of Lynde Creek within the Study Area contain regulated habitat for the provincially and federally endangered Redside Dace (*Clinostomus elongatus*);
- A majority of the identified vegetation communities within the BUEA have been identified as widespread and common in Ontario and are Globally secure (to be confirm through future field studies);
- The dominant land use with BUEA is agriculture; and,
- Rare species that have the potential to be in the Study Area include (please note that this list is not exhaustive, and further study is required):
 - Red Mulberry (*Morus rubra*);
 - Butternut (*Juglans cinerea*);
 - Barn Swallow (*Hirundo rustica*);
 - Bobolink (*Dolichonyx oryzivorus*);
 - Eastern Meadowlark (*Sturnella magna*);
 - Eastern Wood Pewee (*Contopus virens*); and,
 - Wood Thrush (*Hylocichla mustelina*).

Background Mapping

A review of available CLOCA, MNRF LIO data and NHIC mapping (as shown on **Figure 2**) identified that many watercourses transverse the BUEA parcels; the related CLOCA regulation limits associated with these features can also be seen on this figure. Furthermore, pockets of woodland and open water features are also found in some of the BUEA parcels; no Provincially Significant Wetlands or Areas of Natural and Scientific Interest (ANSI) were identified, though CLOCA's regulation limits have considered non-provincially significant wetlands. Another note of interest is that the MNRF's NHS layer does not overlap with any of the parcels.

Scoped Policy Review

Provincial Policy Statement, 2020

The PPS provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets forth a vision for Ontario's land use planning system by managing and directing land use to achieve efficient development and land use patterns, wise use, and management of resources, and protecting public health and safety. This report has specifically considered Policy 2.1, Natural Heritage, Policy 2.2, Water, and Policy 3.1 Natural Hazards, which provides for the protection and management of natural heritage and water resources, which include the following:

- Significant wetlands;
- Significant coastal wetlands;
- Significant woodlands;
- Significant valleylands;
- Significant wildlife habitat;
- Significant areas of natural and scientific interest (ANSIs);
- Fish habitat;
- Sensitive surface water features;
- Sensitive ground water features; and
- Hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.

Potential significance of natural heritage features may be evaluated based on size, age, presence of rare or sensitive species, species diversity, and linkage functions, taking into consideration factors such as adjacent land use and degree of disturbance. Criteria for determining significance follow guidance outlined in the Natural Heritage Reference Manual (MNRF, 2010) and the Significant Wildlife Habitat (SWH) Technical Guide Eco-Region 6E Criterion Schedules (MNRF, 2015), where applicable.

When establishing policy to guide the development of the BUEA, the PPS and its associated guidelines should be consulted when determining what features should be protected from development. Furthermore, the policy should clearly define which features should be classified as Significant.

Note that in some of the background material reviewed as part of this technical memo, the methodology for determining SWH within the study area was outdated. Through more detailed studies, the policy should guide others to utilize the most recent guidelines for establishing SWH, which is the SWH Technical Guide Eco-Region 6E Criterion Schedules (MNRF, 2015).

Endangered Species Act

With the enactment of the provincial *Endangered Species Act (ESA)*, 2007, Ontario has strong policies in place for the protection and recovery of Species at Risk (SAR). The *ESA* protects species and their habitats. When a species is listed as Endangered (END) or Threatened (THR) under the *ESA*, 2007, its habitat is afforded protection under the Act. There are three applicable regulations under the *ESA*, 2007; *O. Reg. 230/08* - the Species at Risk in Ontario (SARO) List, *O. Reg. 242/08* (General), and *O. Reg. 830/21* (Exemptions - Barn Swallow, Bobolink, Eastern Meadowlark and Butternut). These regulations serve to identify which species and habitats receive protection and provide direction on the current implementation of the *ESA*.

The Ministry of Environment, Conservation and Parks (MECP) takes on the regulatory role of the *ESA*. However, it is common practice for municipalities to include protections of SAR within their OP by requiring the authorization of MECP under the *ESA* when approving development applications.

Department of Fisheries and Oceans

The protection of fish habitat in Canada is the responsibility of DFO and its partners. The Federal *Fisheries Act*, last amended in 2019, and its fisheries protection provisions establish authorities for the prohibition of killing of fish and of harmful alteration, disruption, and destruction of fish habitat. Fish habitat refers to spawning grounds and other areas, including nursery, rearing, food supply and migration areas, on which fish depend directly or indirectly in order to carry out their life processes.

Policies created for the BUEA should direct proponents to consult with DFO (or applicable provincial or federal agency) where watercourse alteration is proposed.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019

The Growth Plan is a Provincial Plan that directs how growth should occur in the Greater Golden Horseshoe (GGH). The Government of Ontario first released the original Growth Plan in 2006 under the terms of the provincial *Places to Grow Act*, 2005 and updated the plan in 2017, and then again on May 16, 2019. The current Growth Plan was consolidated and approved in August 2020. The *Places to Grow Act*, 2005 states that all decisions by municipalities under the *Planning Act*, 1990 shall conform to the Growth Plan. As per Schedule 4 of the Growth Plan, the Subject Lands are within the GGH Area, and within the Designated Greenfield Area.

Central Lake Ontario Conservation Authority

The CLOCA regulates development, interference with wetlands, and alterations to shorelines and watercourses in accordance with *Ontario Regulation 41/24 (O. Reg. 41/24)* made under the *Conservation Authorities Act, 1990*. *O. Reg. 41/24* applies to natural or hazardous areas (i.e., areas in and near rivers, streams, floodplains, wetlands, and slopes) in all Conservation Authority Regulated Areas. This regulation came into effect on April 1, 2024, replacing the previous *O. Reg 42/06*.

Regulated Areas within CLOCA jurisdiction have been mapped in association with the watercourses and wetlands present in the Subject Lands and as a result, the policies within *O. Reg. 41/24* apply within these areas. The Regulated Areas of the Subject Lands includes areas of mapped floodplain and are shown on **Figure 2**.

Where CLOCA regulated areas overlap with the BUEA, policy should be included directing the proponent to consult with them prior to development. Permits will be required for development within the regulated areas. To confirm if a project is located within the regulated area, consultation with CLOCA will be required.

Town of Whitby Official Plan, 2024

The Council adopted the Township's OP in 1994, and an updated review was done in 2017. The current OP is consolidated to February 2024. The OP establishes the direction for development for both public and private sectors.

This section of the memo will detail OP policies/schedules for the BUEA lands that are currently in place in the OP, as well as recommendations for updates, where needed.

Parts of the BUEA lands are identified on Schedule B of the Town's OP as subject to the ROP's policy 14.13.7, which states that:

14.13.7 The following policies apply to lands located in Whitby, identified as "Lands appealed to OMB" as shown on Schedule 'A' – Map 'A4':

- a) the proposed designations and Urban Area boundary as adopted by Regional Council on June 3, 2009, are under appeal at the Ontario Municipal Board and are adjourned;*
- b) the Board may be requested to resume consideration of the proposed Urban Area expansion and designations once a comprehensive review has been completed by the area municipality in accordance with the policies of this Plan, with the approval of the Region. The comprehensive review shall demonstrate conformity with the provisions of this Plan, in particular policies 7.3.9, 7.3.10, 7.3.11 and 7.3.12; and*
- c) Until such time that the provisions of subsection b) above is met, the lands in north Whitby will remain as designated on June 2, 2009.*

It's Dillon's understanding that now that the BUEA lands have been included in the Urban Boundary of the ROP that this reference to policy 14.13.7 may now be outdated.

As shown on Schedule C of the Town's OP, portions of the BUEA overlaps with the NHS, natural hazards, and Greenbelt Natural Heritage System. The NHS as shown on this Schedule C aligns with **Figure 3** attached to this technical memo. Dillon' has reviewed the mapping and believe that no further modifications are required at this time, and that policy will allow for further refinements to the NHS through an environmental study completed for development proposed with the BUEA. Note that policy should be included that specifies that through a more detailed natural heritage review of BUEA properties, additional areas could be added or removed the NHS that were missed at this high-level review. This is reflected in the Town's OP Policy 5.3.7.3.

Furthermore, it is recommended that the Town review its OP's Schedules, Maps and Appendices to ensure the entire BUEA is captured in this mapping.

Listed below are Policies from Section 5.3.7 (Natural Heritage System) of the Town's OP, each with associated review of updates needed (if required) and their applicability to the BUEA.

5.3.7.1 The Natural Heritage System is comprised of an interconnected system of key natural heritage and hydrologic features and areas within the Municipality including any associated vegetation protection zones. These key natural heritage features include: wetlands; habitat of endangered species and threatened species; significant woodlands; significant valleylands, including the applicable lands within the Urban River Valleys identified in the Greenbelt Plan; significant wildlife habitat; fish habitat; watercourses with associated riparian corridors, life sciences Areas of Natural and Scientific Interest (ANSIs), sand barrens, tallgrass prairies, alvars, and savannahs. Certain key natural heritage features are shown on Appendix 1. Key hydrologic features include: permanent and intermittent streams, Lake Ontario (and its littoral zone), seepage areas and springs, kettle lakes, aquifers, recharge areas and wetlands. The Natural Heritage System also includes lands which have been identified and targeted for restoration and enhancement to create linkage areas and connections. The Natural Heritage System is generally indicated on Schedule "C" and shall be retained and enhanced wherever possible. Lands indicated as Natural Heritage System that are located within the Greenbelt Natural Heritage System are subject to additional policies identified in this section and in Section 4.9. In order to protect the associated habitat and species from disturbance, habitats of endangered species and threatened species are not identified on Schedule "C".

No updates suggested for this policy. It is suitable to be included in the policies set out for BUEA.

5.3.7.2 The Municipality recognizes the importance of identification and protection of Provincially significant wetlands, regionally and locally significant wetlands, and unevaluated wetlands. Where known, these features are included within the Natural Heritage System on Schedule "C". The location and extent of wetlands as identified by the Ministry of Natural Resources and Forestry are indicated on Appendix 1 and may be updated from time to time as new mapping becomes available without amendment to this Plan. Other wetlands may be identified and protected through the land use planning process in consultation with the Ministry of Natural Resources and Forestry and/or the Conservation Authority.

This policy is suitable for the BUEA when protecting wetlands, though, recent changes to the Ontario Wetland Evaluation System (OWES; 2022) detail that the wetland identification and protection is to be done in consultation with the applicable Municipality rather than the MNRF. Furthermore, through the OWES update, “locally significant wetlands” and “wetland complexing” are no longer considered. Therefore, we recommend omitting policy related to locally significant wetlands as they are not defined or protected. Rather, we recommend the continued use of the term “unevaluated wetland” in the policy as this aligns with how other municipalities in Ontario have defined this type of feature. Regardless of whether the wetland is evaluated to be significant or not, any wetland can still be regulated by the CLOCA.

5.3.7.3 The extent and exact location of areas shown as Natural Heritage System, including their component natural heritage and hydrologic features and their significance, shall be determined at a site level through Environmental Impact Studies (EIS), other environmental studies, and may be further refined or delineated in the Zoning By-law through the development approval process, subject to the satisfaction of the Municipality and the Conservation Authority.

No updates suggested for this policy. It is suitable to be included in the policies set out for BUEA.

5.3.7.4 Development and site alteration shall not be permitted in key hydrologic features and key natural heritage features, including the associated vegetation protection zone, within the Natural Heritage System except for uses such as: a) conservation, flood or erosion control, where need is demonstrated and no reasonable alternative exists; b) fish, forest, and wildlife management; c) passive recreational uses such as trails and supporting small-scale structures; d) infrastructure, where need is demonstrated and no reasonable alternative exists; and e) existing agricultural uses.

No updates suggested for this policy. It is suitable to be included in the policies set out for BUEA.

5.3.7.5 Notwithstanding Section 5.3.7.4, development or site alteration shall not be permitted within: a) fish habitat, except in accordance with Provincial and Federal requirements; b) habitat of endangered species or threatened species, except in accordance with Provincial and Federal requirements; or c) significant wetlands and significant coastal wetlands.

No updates suggested for this policy. It is suitable to be included in the policies set out for BUEA.

5.3.7.6 Development or site alteration shall only be permitted on lands within or adjacent to the Natural Heritage System, in accordance with the provisions of this Plan and where it has been demonstrated that there will be no negative impact to the features and ecological functions of the features within the Natural Heritage System. An EIS shall be required to be prepared in accordance with the policies of Section 5.4.2 of this Plan, demonstrating that there will be no negative impact on the natural heritage or hydrologic features or their ecological functions, and determining the appropriate extent of a vegetation protection zone that is of sufficient width to protect the feature and its functions from negative impacts resulting from the proposed development and associated activities that may occur before, during, and after construction.

Dillon recommends that this policy be updated to say: "...in accordance with the provisions of this Plan and where it has been demonstrated that there will be no net negative impact to the features... An EIS shall be required to be prepared in accordance with the policies of Section 5.4.2 of this Plan, demonstrating that there will be no net negative impact on the natural heritage..." This will allow for compensation and offsetting options where appropriate.

5.3.7.7 For the purposes of Section 5.3.7.6, outside the Urban Area boundary and rural settlement areas, adjacent lands are defined as all lands within 120 metres of the boundary of the Natural Heritage System. Within the Urban Area boundary, the extent of adjacent lands shall be determined by the Municipality in consultation with the Conservation Authority and shall consider such matters as the type and scale of proposed development, the sensitivity of the natural heritage or hydrologic features and the existence of intervening development, roads, or other physical features.

Since the BUEA is now located within the Urban Area, language related to the rural settlement areas wouldn't be applicable; otherwise, this policy is suitable for the BUEA.

5.3.7.8 Outside the Urban Area boundary, the vegetation protection zone required for the protection of natural heritage or hydrologic features and their ecological functions shall not be less than 30 metres, but may be greater if supported by an EIS, or if required by the relevant provisions of the Greenbelt Plan or Oak Ridges Moraine Conservation Plan. Within the Urban Area boundary, the following minimum vegetation protection zones shall be required for protection of natural heritage or hydrologic features and their ecological functions:

- a) 10 metres from the dripline of a woodland;*
- b) 10 metres from the top of bank or the projected stable long-term top of slope within the erosion hazard for valleylands;*
- c) 30 metres from a Provincially significant wetland;*
- d) 15 metres from all other wetlands;*
- e) 30 metres from the centre line of a cold or cool water watercourse;*
- f) 15 metres from the centre line of a warmwater watercourse; and*
- g) any relevant requirement under the Endangered Species Act. The final delineation of the vegetation protection zone shall be determined through an EIS which may exceed the minimum distances. Notwithstanding the foregoing, within the Urban Area boundary, the minimum vegetation protection zone may be reduced where it is not feasible to provide the minimum distances due to existing development or other restrictions, and subject to the determination of an EIS and the approval of the Municipality and the Conservation Authority.*

Since the BUEA is now located within the Urban Area, language related to lands outside the Urban Boundary Area and rural settlement areas wouldn't be applicable; otherwise, this policy is suitable for the BUEA.

5.3.7.9 The vegetation protection zone is to be established and maintained as a natural self-sustaining vegetated area of a width sufficient to protect the key natural heritage feature or key hydrologic features and its functions from any negative impacts of the proposed development.

This is suitable to be included in the policies set out for BUEA, though Dillon recommends that the policy directs that vegetation protection zone widths should be established through site level studies such as an EIS. However, this policy should not supersede Official Plan Policy 5.3.7.8 that sets minimum vegetation protection zones for specific features within the Urban Boundary.

5.3.7.10 Notwithstanding Section 5.3.7.6, within the Greenbelt Protected Countryside, expansions to existing agricultural buildings or structures or associated residential uses may be permitted within the Natural Heritage System provided that no other alternative exists, development is within close proximity to the existing structure, the expansion is limited in scope and directed away from any natural heritage or hydrologic features, and impacts on the features and function is minimized to the maximum extent possible. Expansions to existing agricultural buildings or structures may be subject to the requirement for a scoped EIS in accordance with Section 5.4.2.5.

No updates suggested for this policy. It is suitable to be included in the policies set out for BUEA.

5.3.7.11 Within the Greenbelt Natural Heritage System, new buildings and structures for agricultural, agriculture-related or on-farm diversified uses are not subject to the policies of Section 5.4.2 if a minimum 30 metre vegetation protection zone is provided. In addition, the condition of natural self-sustaining vegetation for the vegetation protection zone is not required if the land is and will continue to be used for agriculture.

No updates suggested for this policy. It is suitable to be included in the policies set out for BUEA.

5.3.7.12 The policies of this Plan shall also apply to any key natural heritage or hydrologic feature which has been identified by the Municipality, the Region, the Conservation Authority, or the Province, but which is not presently shown on Schedule "C" or Secondary Plan schedules. Where such a feature is not shown on Schedule "C" or Secondary Plan schedules, it does not necessarily mean that the feature or any part thereof may be developed or altered in any way. Should a key natural heritage or hydrologic feature be identified through the development review process, the preparation of an EIS in accordance with the policies of Section 5.4.2 of this plan, or other assessment as deemed appropriate, may be required. Where a key natural heritage or hydrologic feature has been identified, Appendix 1 will be updated as required.

No updates suggested for this policy. It is suitable to be included in the policies set out for BUEA.

5.3.7.13 The identification and protection of linkages between areas identified as Natural Heritage System shall be undertaken during the preparation of Secondary Plans and considered through the development approval process in order to provide opportunities for plant and animal movement and to contribute to the connectivity of the Natural Heritage System. Linkages recommended in relevant watershed plans shall be considered as part of this exercise. Where identified, linkages shall be protected as a component of the Natural Heritage System through the Zoning By-law. Linkages are also encouraged to be protected through private land stewardship.

No updates suggested for this policy. It is suitable to be included in the policies set out for BUEA.

5.3.7.14 Where any feature in the Natural Heritage System is damaged or removed without appropriate approvals, the Municipality shall require the reinstatement of the feature(s). Furthermore, the Municipality will not consider the removal of the feature as being the basis for any application seeking development approvals on the affected lands.

No updates suggested for this policy. It is suitable to be included in the policies set out for BUEA.

5.3.7.15 Where lands shown as Natural Heritage System are also shown as Natural Hazards on Schedule "C", the more restrictive policies shall apply.

No updates suggested for this policy. It is suitable to be included in the policies set out for BUEA.

5.3.7.16 Where lands shown as Natural Heritage System are privately owned, it is not intended that they are free and open to the general public or that they will be acquired by the Municipality or other public agency.

No updates suggested for this policy. It is suitable to be included in the policies set out for BUEA.

5.3.7.17 Lands shown as Natural Heritage System and their associated vegetation protection zone shall generally not be accepted as contributing toward the parkland dedication requirements of the Planning Act.

No updates suggested for this policy. It is suitable to be included in the policies set out for BUEA.

5.3.7.18 Infrastructure within or adjacent to the Natural Heritage System shall also be subject to the policies of Section 8 of this Plan.

No updates suggested for this policy. It is suitable to be included in the policies set out for BUEA.

5.3.7.19 Mineral aggregate extraction and operation within or adjacent to the Natural Heritage System shall also be subject to the policies of Section 4.12 of this Plan.

As the lands associated with the BUEA have been designated for Employment Areas and Community Areas, this policy is not applicable and should not be included.

The policies reviewed below are related to the Town's OP policy related to the NHS of the Brooklin Secondary Plan:

11.5.25.1 Lands designated as Natural Heritage System on Schedules "K" and "K1" fall within the Major Open Space designation on Schedule "A" and shall be subject to the policies of Section 5.3.7, except as modified by the following additional policies.

No updates suggested for this policy. It is suitable to be included in the policies set out for BUEA.

11.5.25.2 The components of the Natural Heritage System were identified through the "Brooklin Secondary Plan Area Natural Heritage Assessment Background Report" (December 2016). Reference shall be made to this study when determining which natural heritage features comprised the Natural Heritage System at the time of this study and when reviewing development applications and supporting studies.

Since the entirety of the BUEA parcels were not included in the Brooklin Secondary Plan and therefore may not have been covered by the Brooklin Secondary Plan Area Natural Heritage Assessment Background Report (Beacon, 2016), Dillon suggests that this policy be revised to say "where applicable" at the end of the last sentence.

11.5.25.3 The extent and boundary of the Natural Heritage System is conceptual. The exact boundary shall be determined through an Environmental Impact Study (EIS) and feature staking to the satisfaction of the Municipality in consultation with the Conservation Authority. The boundary of the Natural Heritage System may be refined with additions and deletions without an amendment to the Plan.

No updates suggested for this policy. It is suitable to be included in the policies set out for BUEA.

11.5.25.4 The Natural Heritage System includes all known permanent and intermittent streams which are delineated on Schedule "C". A number of the streams shown on Schedule "C" are headwater streams. The status as intermittent versus ephemeral has not been confirmed for some headwater streams. The "Brooklin Secondary Plan Area Natural Heritage Assessment Background Report" (December 2016) identifies these streams as subject to further study. A Headwater Drainage Feature Assessment will be required to the satisfaction of the Municipality and the Conservation Authority, in consultation with the Ministry of Natural Resources and Forestry, prior to approval of development adjacent to those streams. The assessment shall evaluate and classify the drainage feature status based on criteria established by the Conservation Authority and shall determine if the drainage features are to be maintained. Where authorized by the Conservation Authority and the Municipality, in consultation with the Ministry of Natural Resources and Forestry, the removal of a drainage feature from the Natural Heritage System may occur without an amendment to the Plan.

Note that the “Brooklin Secondary Plan Area Natural Heritage Assessment Background Report” (December 2016) does not consider all of the BUEA parcels. Dillon suggests that for BUEA policy, wording is added that streams within some BUEA parcels have not been previously studied through the Brooklin Secondary Plan process and will need to be surveyed for other permanent and intermittent streams.

Furthermore, the Ministry of Natural Resources and Forestry does not regulate headwater drainage features and is not required to be consulted on this matter. Dillon suggests the removal of the reference to the Ministry of Natural Resources and Forestry from the policy. Instead, we suggest that it should be done in consultation with DFO, or applicable provincial or federal agencies, where needed.

11.5.25.5 A number of small isolated natural heritage features are designated as part of the Natural Heritage System on Schedule “C”. Other than any natural heritage feature that is an identified Provincially Significant Wetland, further study through an EIS is required to determine the significance of these features and the appropriateness of inclusion in the Natural Heritage System prior to approval of any development. These features that are subject to further study are identified in the “Brooklin Secondary Plan Area Natural Heritage Assessment Background Report” (December 2016). An EIS shall be required to determine:

- a) if the feature is considered not to be a key natural heritage feature as set out in Section 5.3.7.1 or a linkage as identified on Schedule “K”. In this case, the feature may be removed without an amendment to the Plan;*
- b) if the feature is a key natural heritage feature but has limited function. In this case, the feature may be removed without an amendment to the Plan, at the discretion of the Municipality in consultation with the Conservation Authority, provided compensation is made which could include additional dedicated land and/or the construction and restoration of similar features elsewhere in the Secondary Plan Area adjacent to, or, where appropriate, within the currently designated Natural Heritage System in the Secondary Plan Area without an amendment to the Plan; and*
- c) if the feature is a key natural heritage feature and must be retained insitu. In this case, the EIS shall consider the feasibility of alternatives to re-connect or create linkages from the feature to the broader Natural Heritage System.*

Note that the “Brooklin Secondary Plan Area Natural Heritage Assessment Background Report” (Beacon, 2016) does not consider all of the BUEA parcels. Dillon suggests that for BUEA policy, wording is added that Natural Heritage Features within some BUEA parcels have not been previously studied through the Brooklin Secondary Plan process and will need to be surveyed for at site-level studies, such as an EIS.

11.5.25.6 Where a feature or portion of a feature is removed or reduced in accordance with Sections 11.5.25.3, 11.5.25.4 and 11.5.25.5, the urban designation abutting the feature shall apply.

No updates suggested for this policy. It is suitable to be included in the policies set out for BUEA.

11.5.25.7 In addition to the requirements of Section 5.3.7.3, feature staking, erosion analysis, confirmation of the Natural Heritage System boundaries and determination of the appropriate extent of vegetation protection zones beyond those set out in Section 5.3.7.8 shall be required through the completion of an EIS prior to approval of development.

No updates suggested for this policy. It is suitable to be included in the policies set out for BUEA.

11.5.25.8 The Natural Heritage System incorporates a number of linkages as identified in the "Brooklin Secondary Plan Area Natural Heritage Assessment Background Report" (December 2016). These linkages are schematically shown on Schedule "K." The EIS required for development shall identify how these linkages will be restored and enhanced through the development process. Stormwater management facilities may be located within linkages provided the EIS demonstrates that the linkage functions will be maintained, and there is no impact to adjacent natural heritage features.

Note that the "Brooklin Secondary Plan Area Natural Heritage Assessment Background Report" (December 2016) does not consider all of the BUEA parcels. Dillon suggests that for BUEA policy, wording is added that linkages within BUEA parcels have not been previously studied through the Brooklin Secondary Plan process and will need to be assessed at site-level studies, such as an EIS.

11.5.25.9 The northern extension of Cachet Boulevard crosses one of these linkages. The EIS required for development in that area shall identify appropriate design considerations for the collector road to ensure the function of the linkage is maintained.

Not applicable to BUEA.

11.5.25.10 The hydro corridor south of Highway 407 also serves as an open space linkage. The Municipality shall encourage Hydro One to maintain it as a grassland area.

No updates suggested for this policy. It is suitable to be included in the policies set out for BUEA.

11.5.25.11 The EIS required for development adjacent to the Natural Heritage System shall also identify opportunities for restoration and enhancement of riparian habitat within the Natural Heritage System including opportunities to restore meandering channels in previously straightened watercourses.

No updates suggested for this policy. It is suitable to be included in the policies set out for BUEA.

11.5.25.12 Restoration and enhancement is particularly important along all stream reaches providing contributing, occupied and recovery habitat for Redside Dace. Protection of these watercourses must conform to the requirements of the Ministry of Natural Resources and Forestry and comply with the provisions of the Endangered Species Act.

This policy is suitable to be included in the policies set out for BUEA; however, Dillon recommends that verbiage should be added referencing that requirements of DFO and other applicable federal or provincial agencies should be adhered to.

11.5.25.13 The final location and design of all required road and servicing crossings of Redside Dace habitat shall be evaluated and designed according to the Ministry of Natural Resources and Forestry's "Guidance for Development Activities in Redside Dace Protection Habitat" and shall be designed to: a) minimize the number of stream crossings to generally no more than one crossing per kilometre of stream; b) minimize lengths and widths of crossings; c) cross at straight sections of a stream; d) be located where possible at previously disturbed areas; e) minimize the width of the facility within the regulated habitat; f) co-locate various infrastructure within the crossing to minimize the number of crossings; g) adhere to appropriate timing windows during construction; h) incorporate effective erosion and sediment control measures.

No updates suggested for this policy. It is suitable to be included in the policies set out for BUEA.

Durham Region Official Plan, 2020

In November 1993, the Region's new Official Plan was approved by the Ministry of Municipal Affairs and Housing. This plan replaced the former ROP, which was prepared in 1976. The ROP was then reviewed and update through Regional Official Plan Amendment (ROPA) 114 (2006) and ROPA 128 (2009).

As per Map A4, in general, the BUEA lands are located within the Employment Areas and Living Area. As previously discussed as part of the Town's OP analysis, the BUEA land on Schedule A4 are subject to Envision Durham Policy 14.13.7. Furthermore, on Map B1d, Key Natural Heritage and Hydrologic Features, Greenbelt Natural Heritage System and Urban Areas overlap with the BUEA lands.

A list of ROP Policies that would be applicable to the BUEA lands are included below, with some commentary, if needed.

Section 2 - Environment

- Section 2.2 General Polices: 2.2.1-2.2.3, 2.2.6, 2.2.7, 2.2.9, 2.2.12. Note that reference to Dynamic Beach Hazards would not apply to the BUEA lands.
- Section 2.3 Policies: 2.3.1, 2.3.2, 2.3.7, 2.3.13-2.3.16, 2.3.18, 2.3.19, 2.3.22, 2.3.24, 2.3.43, 2.3.44, 2.3.50, 2.3.51, 2.4.1d.

Section 8 – Urban System

- Section 8.1 Goals: 8.1.6.
- Section 8.2 General Policies: 8.2.1h.

Section 10 – Greenlands System

- Section 10.2 General Policies: 10.2.1, 10.2.3-10.2.5.

- Section 10.3 Policies: 10.3.1-10.3.4, 10.3.8.

Sub-Section 10A – Major Open Space Areas

- Section 10A.2: 10A.2.1, 10A.2.2, 10A.2.4, 10A.2.5, 10A.2.8.

Section 14 – Implementation

- Section 14.3 Area Municipal Plans: 14.3.1-14.3.3.

While the Town is establishing policies for the BUEA, the above listed ROP Policies should be integrated in some manner. As mentioned in Policy 14.3.1: *Area municipalities are required to prepare and adopt a new area municipal official plan or appropriate amendment to existing official plans in conformity with this Plan.*

Dillon has reviewed the above listed ROP policies against the Town OP policies applicable to the BUEA lands and determined that the Town's policies are in general conformity with the ROP. Though, Dillon would like to note that there are several policies in the ROP that could be incorporated into BUEA policy:

ROP policy 2.2.9 states that *"The use of various land securement tools is supported as a means of protecting and enhancing the Region's natural environment."* Therefore, note that the Region supports securing lands within the NHS to promote protections and enhancement. More detail on the Region's involvement on this can be found in ROP Policy 2.3.50.

ROP Policy 2.2.12 provides direction regarding light pollution the Town could lean on:

The use of light pollution abatement measures are encouraged, to avoid and reduce light trespass, glare, over-lighting and 'uplight'. The intent is to conserve energy, improve pedestrian and road safety, contribute to an aesthetically pleasing nighttime environment, and protect the night sky for its scientific and natural interest, and educational value. Outdoor lighting shall also be directed away from key natural heritage and/or hydrologic features and their associated vegetative protection zones.

ROP Policy 2.3.7 (listed below) discusses recreation uses that are permitted in the NHS. More on recreational uses within Major Open Space Areas is found within ROP Policy 10A.2.8.

Pedestrian, bicycle and bridle paths may be permitted in any designation, provided that the functions and features of key natural heritage and hydrologic features and agricultural operations are not adversely affected. The fragmentation of valleylands, including ownership patterns, shall be discouraged.

ROP Policy 2.3.19 speaks to management of woodlands, which could help inform BUEA policy when determining the significance of woodland features.

ROP Policy 10A.2.1 provides direction regarding how municipal plans... "may further distinguish between non-agricultural uses which are compatible with the character of the Major Open Space Areas in urban and rural areas."

Envision Durham

In 2019, the Region launched Envision Durham – the Municipal Comprehensive Review of the Durham Official Plan. This review considered how and where the municipalities will grow, how to protect land and resources, what how type and job opportunities is needed for the residents and how people and goods will move across the Region. The new ROP was adopted by Council on May 17, 2023.

Policies within Envision Durham should be considered when establishing BUEA-specific policies. A list of Envision Durham Policies that would be applicable to the BUEA lands are included below:

Chapter 7 – Protected Greenland Systems

- Section 7.1 – General Green System Policies: 7.1.1-7.1.18.
- Section 7.2 – Greenbelt Urban River Valleys: 7.2.1-7.2.5.
- Section 7.4 – Regional Natural Heritage System: 7.4.1-7.4.13, 7.4.151 7.4.17-7.4.29.
- Section 7.5 – Water Resources System: 7.5.1-7.5.17.
- Section 7.6 – Natural and Human Made Hazards: 7.6.1-7.6.14.
- Section 7.7 – Environmental Stewardship: 7.7.1-7.7.16.

Dillon has reviewed the above listed Envision policies against the Town OP policies applicable to the BUEA lands and determined that similar to the ROP (2020), the Town's policies are in general conformity. The Town should review Section 7.7 for suggestions from the Region regarding the integration of traditional ecological knowledge, invasive species management, ecosystem compensation and land securement.

Mapping Review

The Town's NHS from their OP's Schedule C was compared against the Region's NHS on Schedule B and only four minor discrepancies were noted within the BUEA (refer to **Figure 3**). Through a desktop review it appears that the Town's NHS mapping generally aligns with natural heritage features on the landscape within the BUEA.

Furthermore, some parcels within the BUEA overlap with the areas that were studied through the *Brooklin Secondary Plan Area Natural Heritage Assessment Background Report* (Beacon Environmental Limited and R.J. Burnside and Associates Limited, 2016). The Town's NHS layer better aligns with the NHS that was established as part of this background report when compared to the Region's NHS. This is shown on **Figure 3**, where there were two discrepancy areas (yellow circles numbered 1 and 2) between the Town's NHS and the Region's NHS (located between Coronations Road and Ashburn Road). In these two instances, the NHS established as part of the background report match the Town's NHS rather than the Region's.

Additionally, there are two discrepancies between the Town's and Region's NHS just south of Highway 7, east of Highway 412 within the parcels of the BUEA that were not previously studied. In this case, based on aerial imagery and street view, these two discrepancy areas (highlighted with yellow circles numbered 3 and 4 on **Figure 3**) overlap with wooded areas. These two specific woodland fingers appear quite small on aerial imagery, and likely would be excluded from the NHS based on their width. Beacon

Environmental Limited and R.J. Burnside and Associates Limited (2016) had excluded hedgerows from the NHS during their study (i.e. features with a ratio less than 3:1 length to width ratio). On this premise, these two wooded fingers should not be included within the NHS. The Town's NHS excludes these two hedgerow features while the Region includes them, and therefore, the Town's NHS is more aligned with the existing NHS.

Note that further refinement of the NHS may be possible through confirmatory site visits.

Recommendations

The Dillon team recommends that the Town take into consideration what we have presented in this technical memo when establishing policies for the BUEA. Moreover, we recommend the use of the Town's NHS layer to show the BUEA's NHS.

Summary

Overall, previous policy established to guide the growth of the BUEA is mostly up to date and sufficiently protects the NHS. Within this memo, we have identified where policies are out of date due to the changing provincial and regulatory policy. Discrepancies between the Region's and Town's NHS system have been highlighted on **Figure 3**. Through the background review and review of aerial imagery, it was determined that the Town's shapefile containing the NHS layers would be appropriate to use for the BUEA.

Next Steps

As previously mentioned, no site visits have been conducted to inform this technical memo, however, as part of the next phase of review, there may be a need to conduct confirmatory site assessments where access is granted or via windshield survey to confirm recommendations provided herein.

If any questions come up during the review of this technical memo and through the natural environment policy created for BUEA, please don't hesitate to contact Whitney Moore at: 613.745.2213 ext. 3040 or WMoore@dillon.ca.

Attachment A

Figures

WHITBY OFFICIAL PLAN NATURAL HERITAGE REVIEW

BROOKLIN EXPANSION AREA

SITE LOCATION

FIGURE 1

- Brooklin Urban Expansion Area
- Highway
- Major Road
- Minor Road
- Watercourse
- Water Body

Region of Durham Data per Envision Durham new Regional Official Plan - as adopted by Region of Durham: not yet approved by Province



SCALE 1:25,000

0 300 600 1,200 m

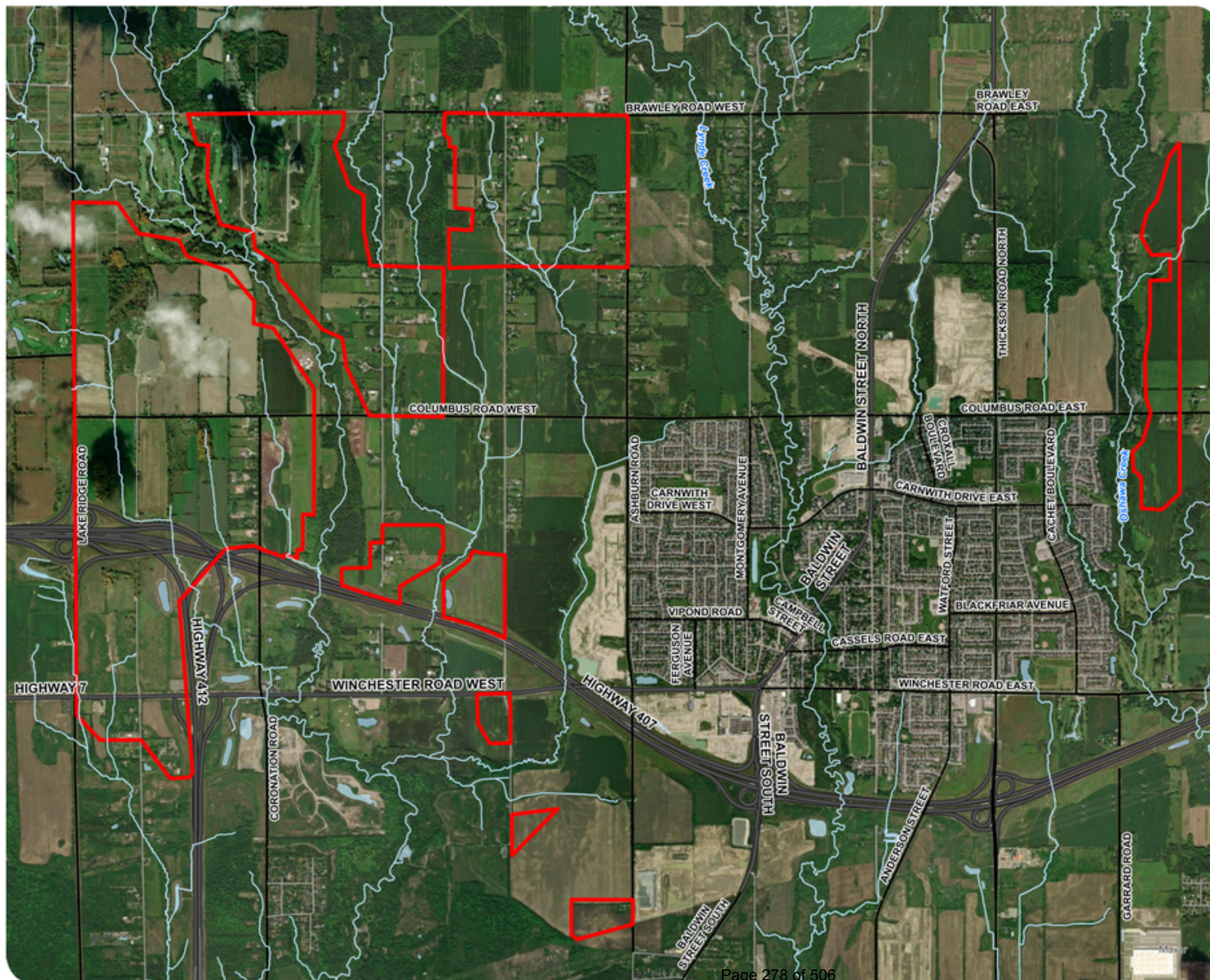


MAP DRAWING INFORMATION:
DATA PROVIDED BY MNR, ENVISION DURHAM, DURHAM REGION OPEN DATA,
TOWN OF WHITBY OPEN DATA

MAP CREATED BY: -ZJB
MAP CHECKED BY: -AC
MAP PROJECTION: NAD 1983 CSRS UTM Zone 17N



PROJECT: 24-7548
STATUS: DRAFT
DATE: 2024-04-22



WHITBY OFFICIAL PLAN NATURAL HERITAGE REVIEW

BROOKLIN EXPANSION AREA

BACKGROUND REVIEW

FIGURE 2

- Brooklin Urban Expansion Area
- Highway
- Major Road
- Minor Road
- Ministry of Natural Resources and Forestry**
 - Watercourse
 - Water Body
 - Provincially Significant Wetland
 - Wooded Area
 - Candidate ANSI, Life Science
 - ANSI, Earth Science
 - Natural Heritage System
- Central Lake Ontario Conservation Authority**
 - Regulated Area

Region of Durham Data per Envision
Durham new Regional Official Plan - as
adopted by Region of Durham: not yet
approved by Province

SCALE 1:25,000

0 300 600 1,200 m

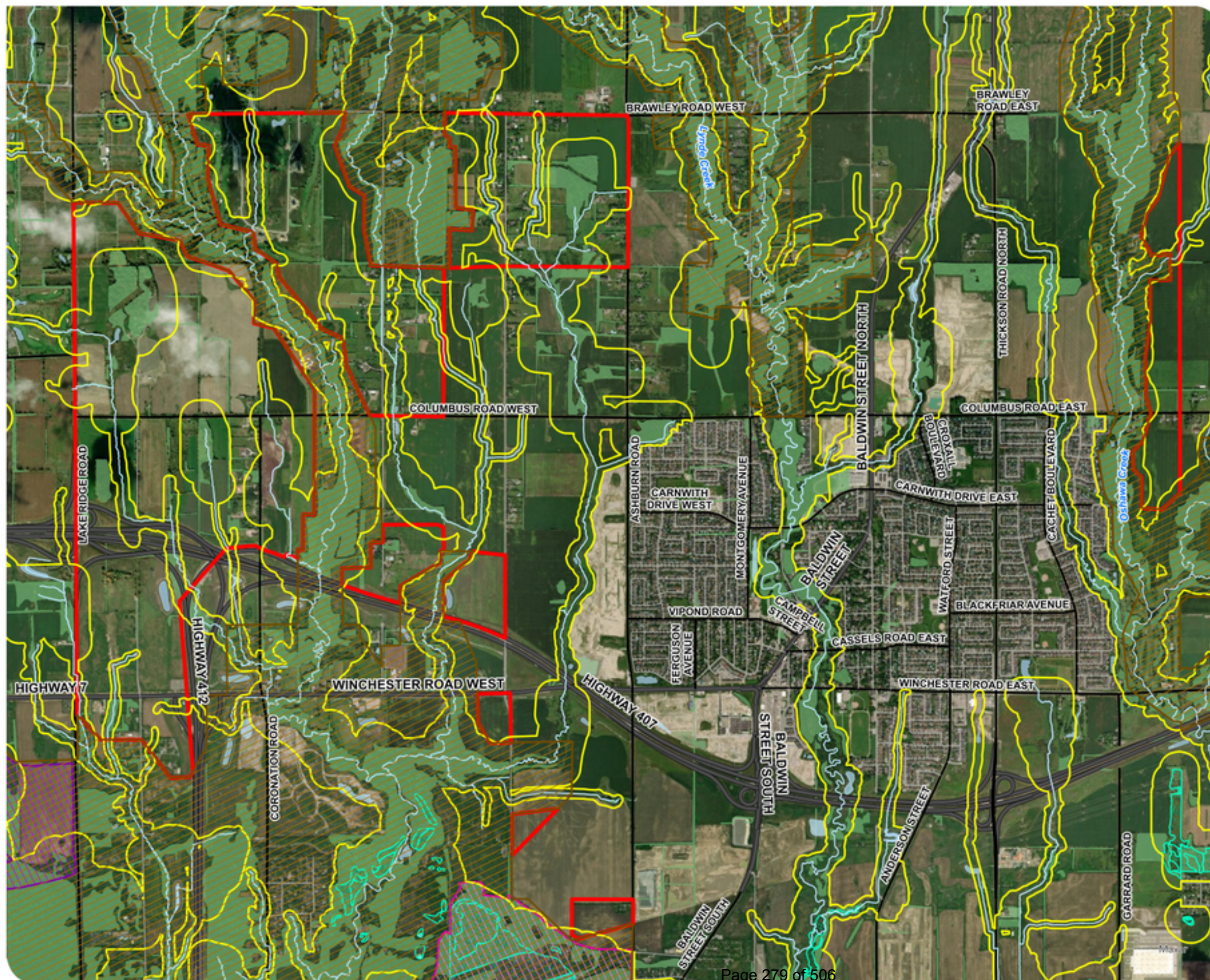


MAP DRAWING INFORMATION:
DATA PROVIDED BY MNR, ENVISION DURHAM, DURHAM REGION OPEN DATA,
TOWN OF WHITBY OPEN DATA, CLCOA OPEN DATA

MAP CREATED BY: -ZJB
MAP CHECKED BY: -AC
MAP PROJECTION: NAD 1983 CSRS UTM Zone 17N



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DATE: 2024-04-22




WHITBY OFFICIAL PLAN NATURAL HERITAGE REVIEW

BROOKLIN EXPANSION AREA

MUNICIPAL AND REGIONAL NS COMPARISON

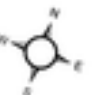
FIGURE 3

-  Brooklin Urban Expansion Area
-  Natural Heritage System Discrepancies within the BUEA
-  Highway
-  Major Road
-  Minor Road
-  Ministry of Natural Resources and Forestry Watercourse
-  Draft Regional Official Plan Natural Heritage System (Draft ROP)
-  Town of Whitby Official Plan Natural Heritage System

Region of Durham Data per Envision
Durham new Regional Official Plan - as
adopted by Region of Durham: not yet
approved by Province

SCALE 1:25,000

0 250 500 1,000 m

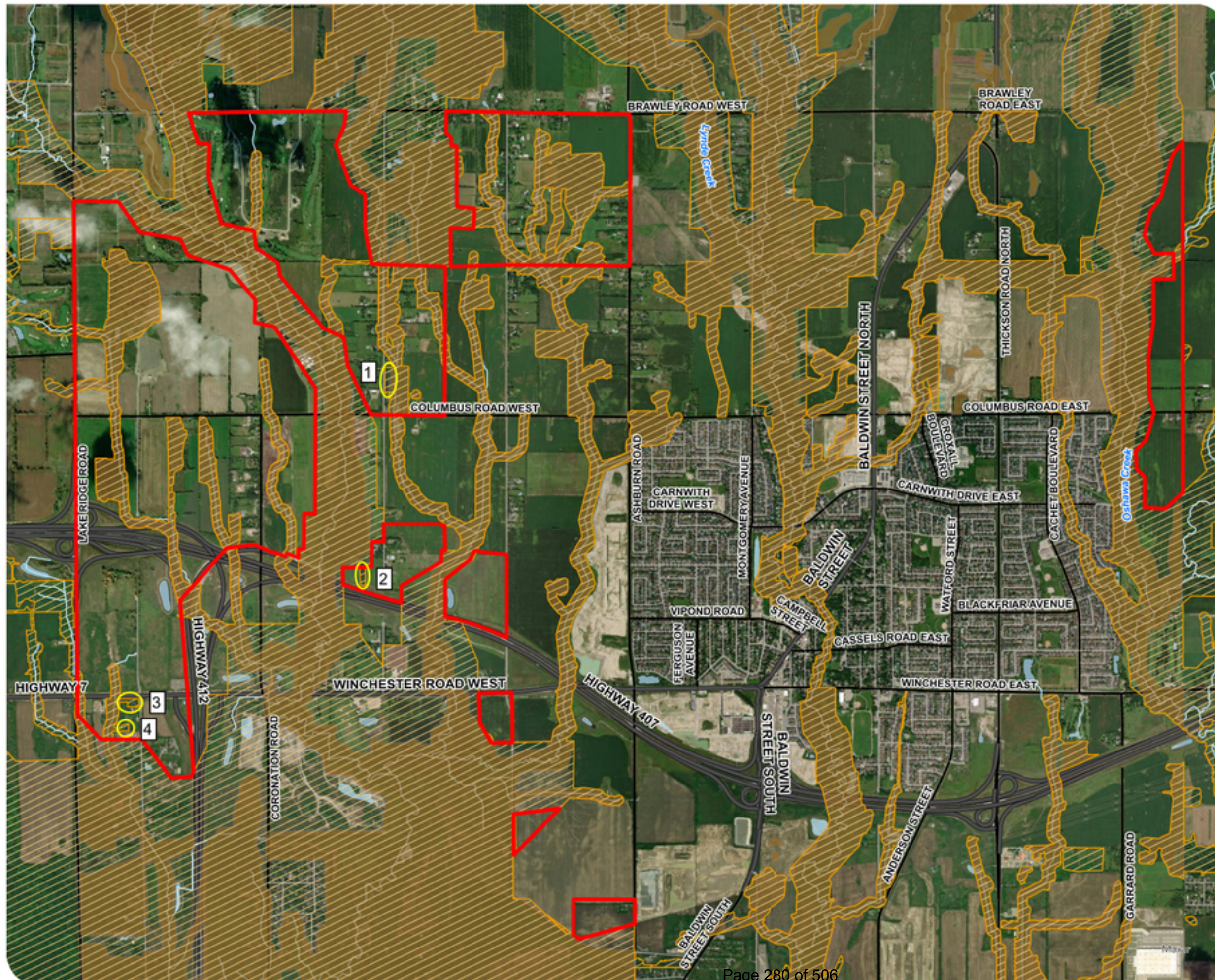


MAP DRAWING INFORMATION:
DATA PROVIDED BY MNR, ENVISION DURHAM, DURHAM REGION OPEN DATA,
TOWN OF WHITBY OPEN DATA

MAP CREATED BY: -ZJB/DU
MAP CHECKED BY: -AC
MAP PROJECTION: NAD 1983 CSRS UTM Zone 17N



PROJECT: 24-7548
STATUS: DRAFT
DATE: 2024-05-24









Appendix E – Details of Cultural Heritage Sites

The following table shows the heritage sites identified by Unterman McPhail Associates in Cultural Heritage Technical Report in 2019 that fall within the Brooklin expansion areas.

Cultural Heritage Properties within Brooklin Expansion Areas

Site	Type	Address	Photograph
NW2	Farmstead	7963 Ashburn Rd.	
NW3	Farmstead	740 Brawley Rd. W.	
NW4	Farmstead	860 Brawley Rd. W.	

Site	Type	Address	Photograph
NW5	Farmhouse	920 Brawley Rd. W.	
NW7	Farmstead	7762 Cochrane St.	No Photograph available
NW8	Farmstead	7801 Cochrane St.	
NW9	Farmstead	740 Columbus Rd. W.	

Site	Type	Address	Photograph
NW10	House	840 Columbus Rd. W.	
NW11	School	7035 Country Lane	
NW12	Road	Brawley Rd.	No Photograph available
NW13	Road	Columbus Rd. W.	No Photograph available
W3	Farmstead	835 Columbus Rd. W.	

Site	Type	Address	Photograph
W4	Farmstead	6472 Country Lane	
W7	Farmstead	540 Winchester Rd. W.	
W9	Road	Country Lane	No Photograph available



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TOWN OF WHITBY Official Plan Review

Engagement Summary #1

Final
August 2024



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1.0 Introduction

The Town of Whitby is undertaking its five-year Official Plan Review, which will help to set policies that manage how Whitby should grow between now and 2051. The review is building on the 2018 Official Plan, and will focus on four key project areas:

- Focus Area #1: Increasing the housing supply in the Whitby GO Protected Major Transit Station Area
- Focus Area #2: Increasing the housing supply in other Strategic Growth Areas, Nodes and Corridors including along major transit routes, In addition to the Whitby GO Protected Major Transit Station Area, these areas include:
 - Brock/Taunton Regional Centre
 - Dundas East Urban Central Area
 - Rossland/Garden Urban Central Area
 - Dundas Rapid Transit Corridor & Regional Corridors
- Focus Area #3: Planning for more homes and jobs in the new Brooklin Urban Expansion Area
- Focus Area #4: General Official Plan updates, as required by Provincial legislation and policy, and the newly adopted Region of Durham Official Plan – Envision Durham

Community engagement and outreach is a key part of the Official Plan Review, and continued opportunities for community engagement will be provided throughout the process.

Figure 1-1 shows the four Community Open Houses and two Statutory Public Meetings scheduled during the project. This summary provides an overview of the first three open houses and the first online survey, all held between May and July 2024, as follows:

- The first Open House was held at Whitby Town Hall on May 29th, 2024, as a Special Meeting of Council to launch the engagement process and share key information on the project process. The event included a drop-in from 6:30 to 7:00pm with a set of panel boards presenting the overall project approach and key topics (also posted on the Connect Whitby project page). The Special Meeting of Council started at 7:00pm and was live streamed to the Town's YouTube page. Whitby Councillors along with members of the public attended the session in-person, with delegations from three attendees sharing their input on the process.
- The second Open House was held on June 25th, 2024, from 6pm-8pm at the Brooklin Community Centre and Library on Focus Area #3, relating to the opportunities to plan for growth in the expansion areas around Brooklin. Approximately 15 people attended the session. SGL Planning and Design delivered a presentation on the opportunities for how the expansion areas could be planned, and attendees had the opportunity to give their feedback on where the main land types of land uses and community facilities including schools and parks could be located.
- The third Open House was held on June 26th, 2024, from 6pm-8pm at the Heydenshore Pavilion, exploring Focus Area #1 and #2 relating to planning for growth around the Whitby GO Transit Station and other Strategic Growth Areas, Nodes and Corridors in the town. A total of approximately 40 people attended the session. SGL Planning and Design along with Dillon Consulting delivered a presentation, after which participants were invited to circulate to various stations set up in the room to participate in facilitated discussions on opportunities to grow in the different assigned areas in Whitby.
- An online survey on the Connect Whitby page was also made available from June 2nd to July 20th to invite input on general issues that matter to Whitby residents in the planning for the Town today and into 2051.

Figure 1-1 Whitby Official Plan Review – Project Process



The recorded presentations and materials from the Open Houses were posted on the Connect Whitby page. Feedback from the Open Houses and Survey will be used to inform the concept plans for the Brooklin expansion areas and the Whitby Major Transit Station Area, and growth and development policies for the Strategic Growth Areas, Nodes and Corridors.



2.0 What We Heard Overview

The following sections present a consolidated and themed summary of the feedback heard through Online Survey #1 as well as the first three Open Houses, as described in Section 1.

2.1 Whitby GO Protected Major Transit Station Area

The workshop exercise on the Whitby Protected Major Transit Station Area that was held as part of Open House #3 included a facilitated discussion on opportunities to redevelop surface parking areas along with where and how to integrate different types of land uses. The feedback received is summarized below.

Built form types, heights, and transitions

- Consider limiting heights in this area.
- Consider limiting high-rise development in Port Whitby to align with existing residential development and manage traffic impacts.
- Consider benefits of more intensification.
- Provide more access to a range of housing types and opportunities for more people to enjoy living in Port Whitby and close to the GO Station.

Types of land uses

- Focus larger scale mixed uses along main street corridors.
- Support more food and grocery shopping opportunities in neighbourhoods and closer to residential areas and offer more small-scale retail and commercial areas that are integrated and walkable in residential areas.
- Preserve the waterfront and limit new development in this area.

- Provide more opportunities for affordable housing close to the GO Station.
- Plan for more commercial and employment areas to support the growing population.



Transportation and transit

- Improve traffic flow along Victoria Street and plan for improved mobility in this area, including rapid bus transit along this route.
- Maintain multi-storey parking and plan for adequate parking and other modes to reach the GO Station including cycling and local transit.
- Consider a pedestrian bridge over Victoria Street.
- Provide more secure bicycle parking at the GO Station.

Green and open spaces

- Maintain green space adjacent to the Major Transit Station area.
- Design for more community gathering spaces and smaller spaces to encourage neighbours to gather.
- Integrate sustainable design practices and consider climate change and flooding.

2.2 Growing in Whitby – Strategic Growth Areas, Nodes and Corridors

The workshop exercise held as part of Open House #3 explored the opportunities to develop or redevelop areas within the identified growth areas within Whitby (in addition to the Whitby GO Protected Major Transit Station Area). These areas are identified in Envision Durham, and/or in the current Whitby Official Plan. The feedback received is summarized below.



Built form types, heights, and transitions

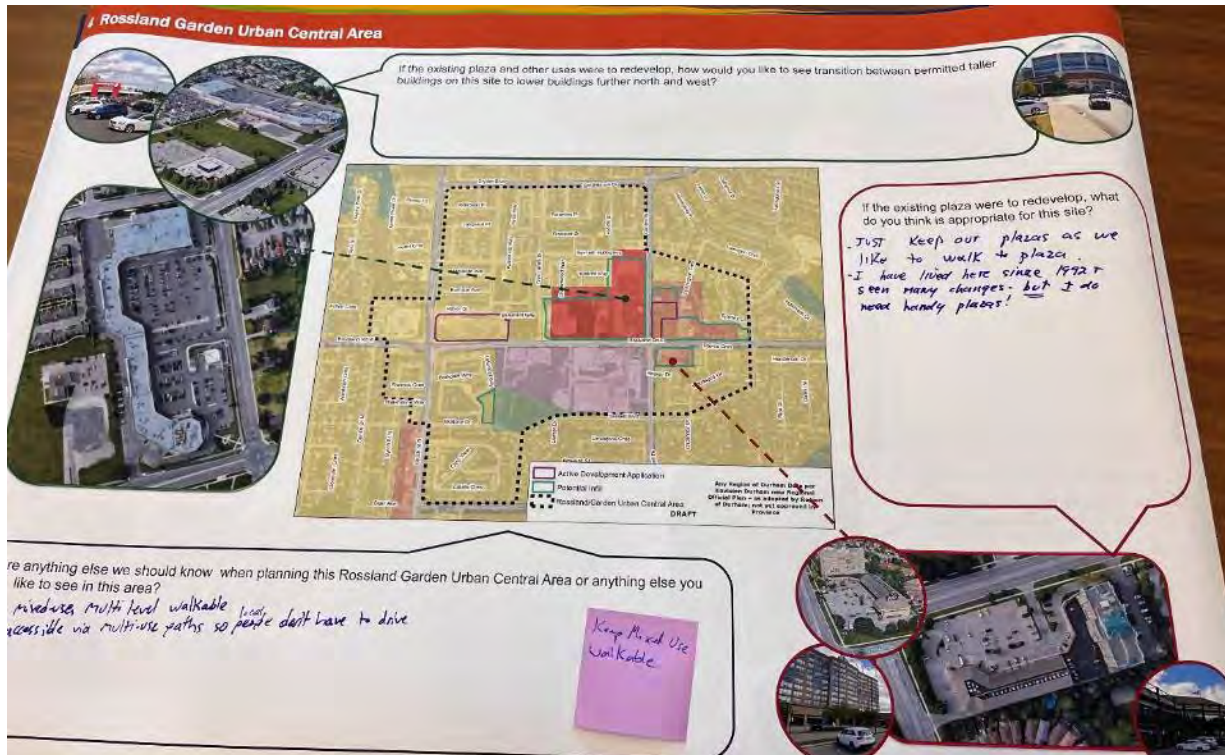
- Consider more mid-rise density options like four to six storey mixed use buildings in areas like the Brock/Taunton Regional Centre in transition areas adjacent to existing residential neighbourhoods.
- Focus taller buildings along key corridors like Brock Street South.

Types of land uses

- Plan for new mixed-use development in the growth areas like Rossland/Garden to be walkable with more multi-use paths to support mobility that is not car dependent.
- Provide more opportunities for mid-rise mixed-use buildings and reduce single storey commercial and big box stores.
- Maintain neighbourhood commercial areas like smaller shopping plazas that provide convenient retail opportunities for residents.

Transportation and transit

- Provide more accessible and secure bicycle parking along commercial and mixed-use corridors.
- Improve transit connectivity between growing neighbourhoods and hubs in the town.



Green and open spaces

- Maintain existing green spaces and provide additional outdoor areas for new residents.

2.3 Growing around Brooklin

The workshop exercise held as part of Open House #2 presented the existing planned land uses in the Brooklin Secondary Plan Area and offered participants an opportunity to share their thoughts on where various land uses and community facilities could be located within the expansion areas.

Planning for the Future: Brooklin Expansion Areas

Tell us how you think the expansion areas should be planned, including where key community facilities could be located and your thoughts on where the different types of residential, commercial, industrial development could go.

Land Uses

Low Density Residential: Use a yellow marker

Medium Density Residential: Use an orange marker

High Density Residential: Use a brown marker

Local Commercial: Use a purple marker

Mixed Use: Use a red marker

Community Facilities

Four Elementary Schools: Use yellow round stickers

One High School: Use a red round sticker

Ten Local Parks (each 1.5 hectare in size): Use small green round stickers

One District Park (4 hectares in size): Use a blue round sticker

For reference: A baseball field is roughly 0.8 hectares in size (infield and outfield)

Major Roads

Use a black marker to draw the roads to connect the expansion areas to the current Brooklin Secondary Plan area

Figure 2-1 Worksheet for the Brooklin expansion areas activity in Open House #2

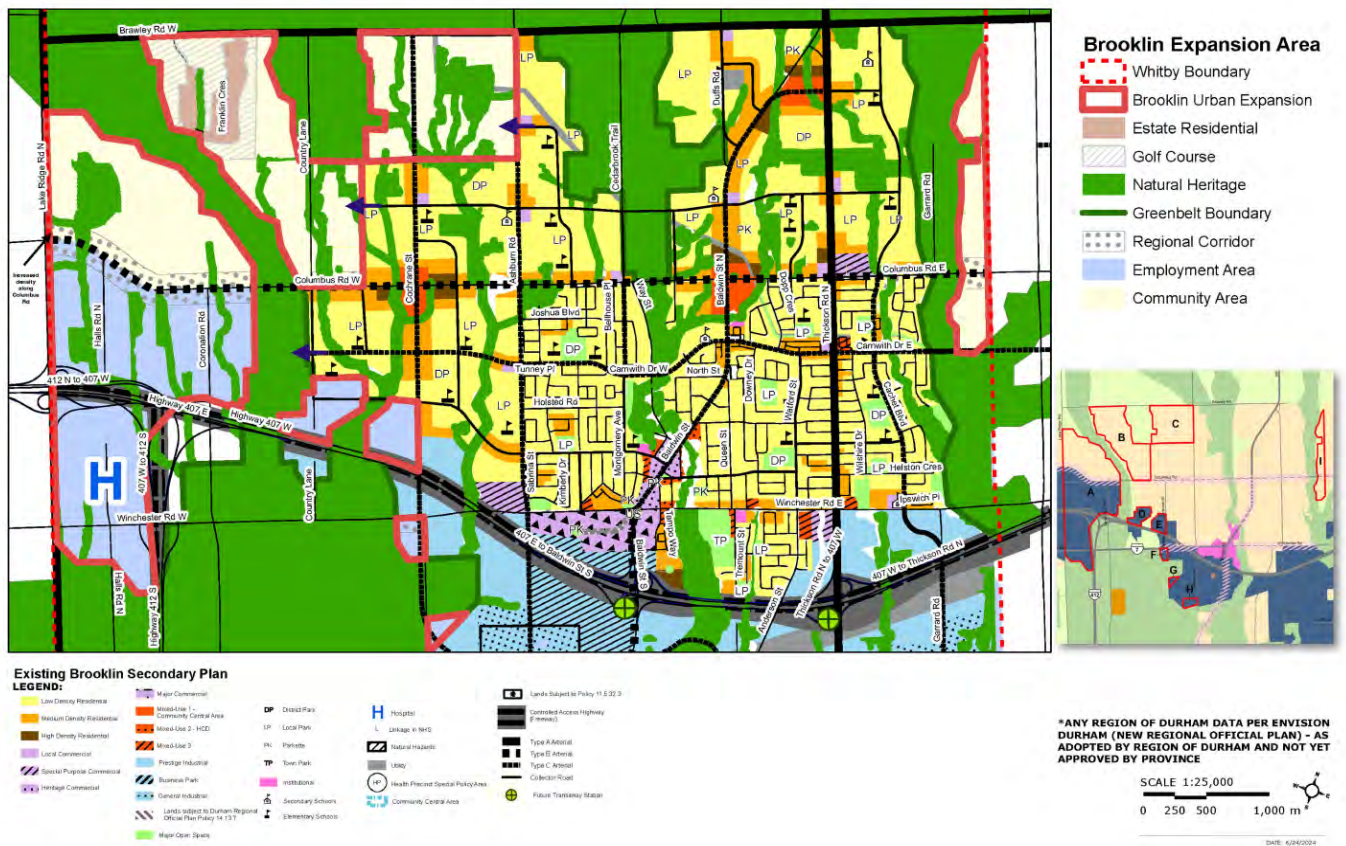


Figure 2-2 Map of Brooklin Secondary Plan land uses and Expansion Areas

Participants shared their feedback on planning for the expansion areas around Brooklin, as summarized below.

Types of land uses

- Consider how new growth will align with existing and planned development in the Brooklin area.
- Support more opportunities for jobs and mixed uses.

Green and open spaces

- Protect sensitive environmental features and manage the impacts of new development in these areas.

2.4 Online Survey #1

Participant Profile

The first survey garnered a total of 74 responses. The participant profile shown in **Figure 2-1** shows the majority of participants being Whitby residents (70%), along with a number of people who work in Whitby (12%) and a few who own businesses, are frequent visitors, or have a professional interest in growth and planning in Whitby.

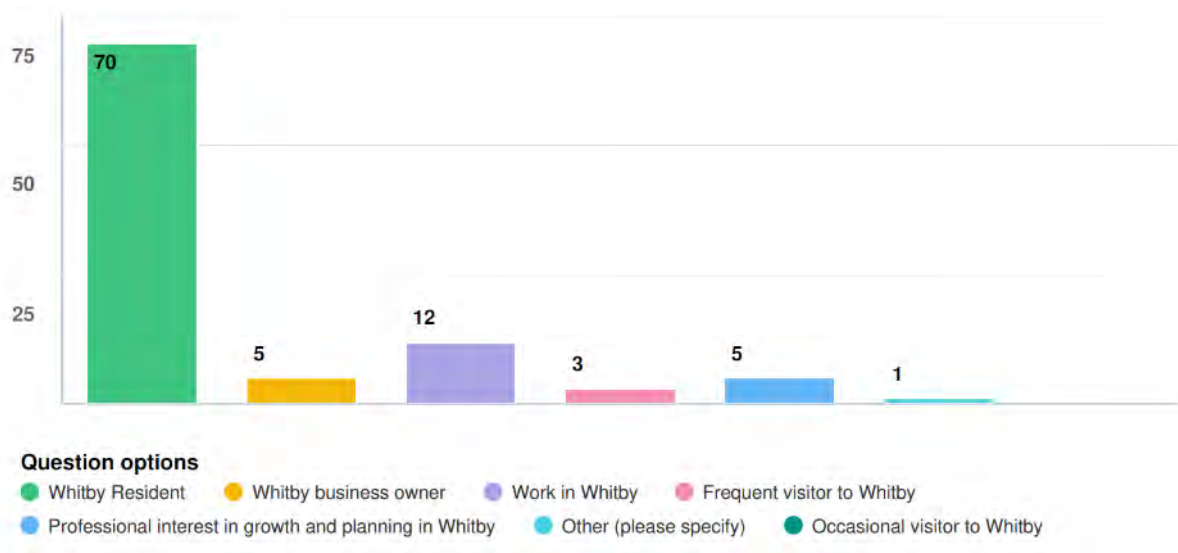


Figure 2-3 Survey #1 Participants - Background

There was wide variability in the communities that participants who live in Whitby resided in, with the highest number being from Brooklin (23%) followed by Williamsburg (11%). A summary of where respondents of the survey live is shown in **Figure 2-2**.

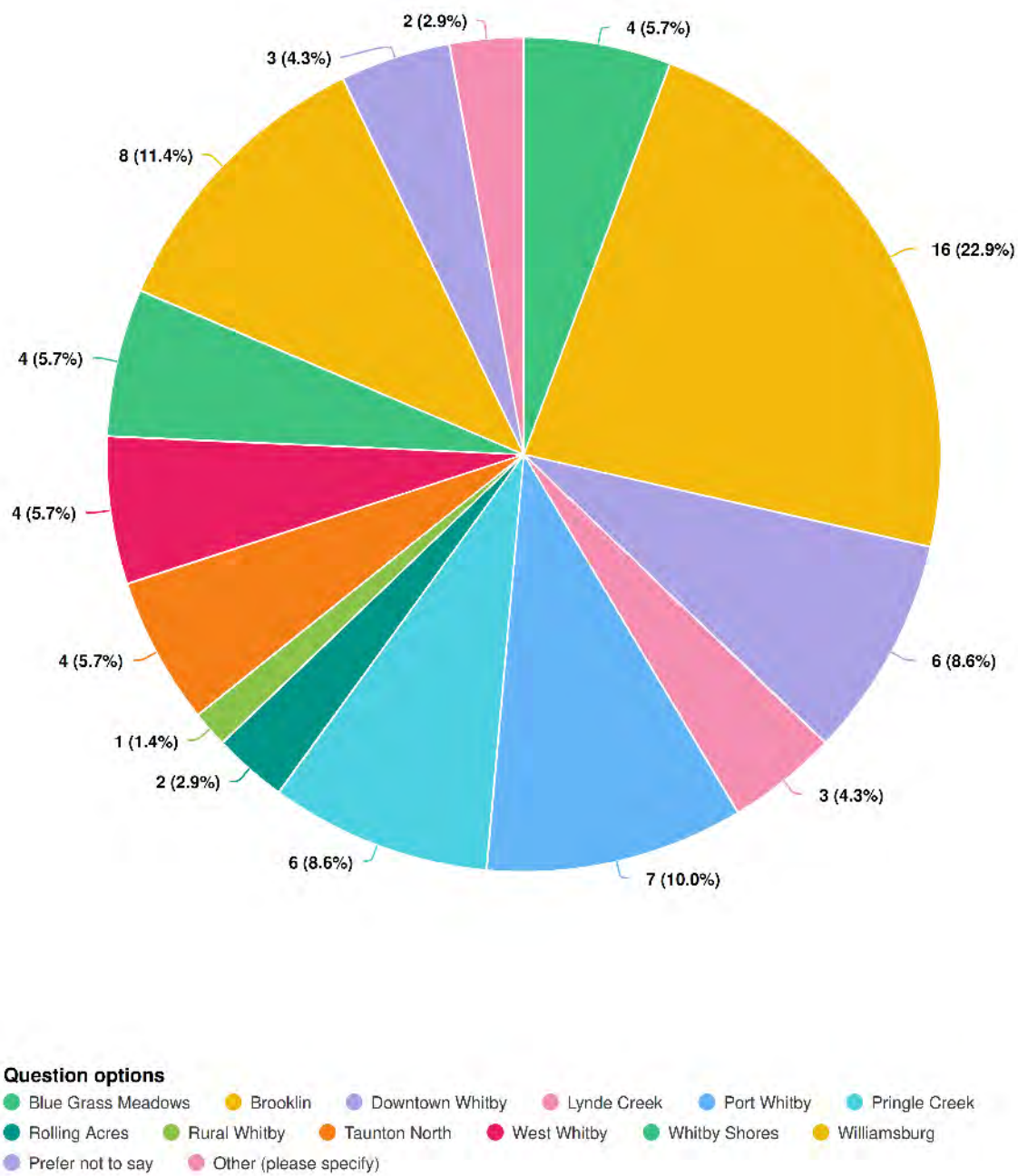


Figure 2-4 Survey #1 Participants – Neighbourhood of Residence

The majority of respondents stated that their primary means of moving around Whitby was by driving (91%), with a few (under 10) selecting transit, cycling, walking or riding as a passenger, as shown on **Figure 2-3**.

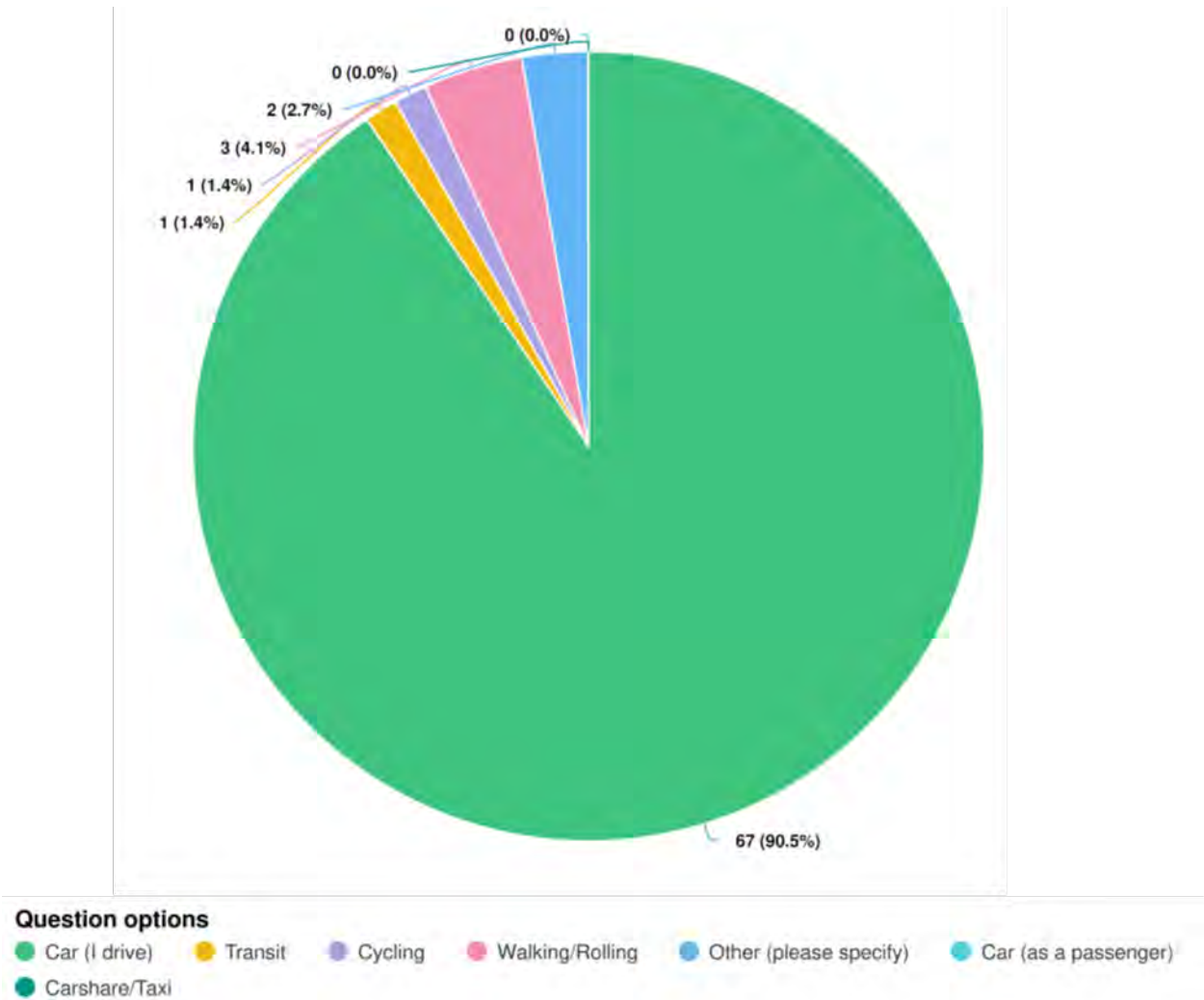


Figure 2-5 Survey #1 Participants – Travel Modes

Key Topics of Interest

What are the topics that interest you most in discussions on the Official Plan Review and how Whitby will grow and develop into the future?

Of the 74 responses to this question, the highest rated topics selected by 40 or more participants were:

1. The new proposed Durham hospital (near Highway 407 and 412)
2. Whitby's waterfront
3. Parks and recreational spaces
4. Natural spaces like local forests and trails
5. Taller buildings and intensification (more people living in Whitby's urban areas)

Between 25-40 participants selected the following topics as being of interest:

1. Transportation (transit, roads, cycling, and pedestrian facilities)
2. Downtowns
3. Community facilities and other amenities
4. The GO Station and development around it
5. Housing and affordability
6. Planning considerations for rural areas in Whitby that are being brought into the urban boundary

The following topics were selected by less than 20 participants:

1. Brooklin neighbourhood development
2. Historic properties
3. Transit and development along Dundas Street

Types of Housing

What types of housing would you like to see in your neighbourhood and/or residential areas in Whitby more broadly?

There were 72 responses to this question, with the top four options selected being Detached/Semi-detached houses, affordable housing, mid-rise apartments (up to four storeys), and townhouses, as presented in **Figure 2-4**.

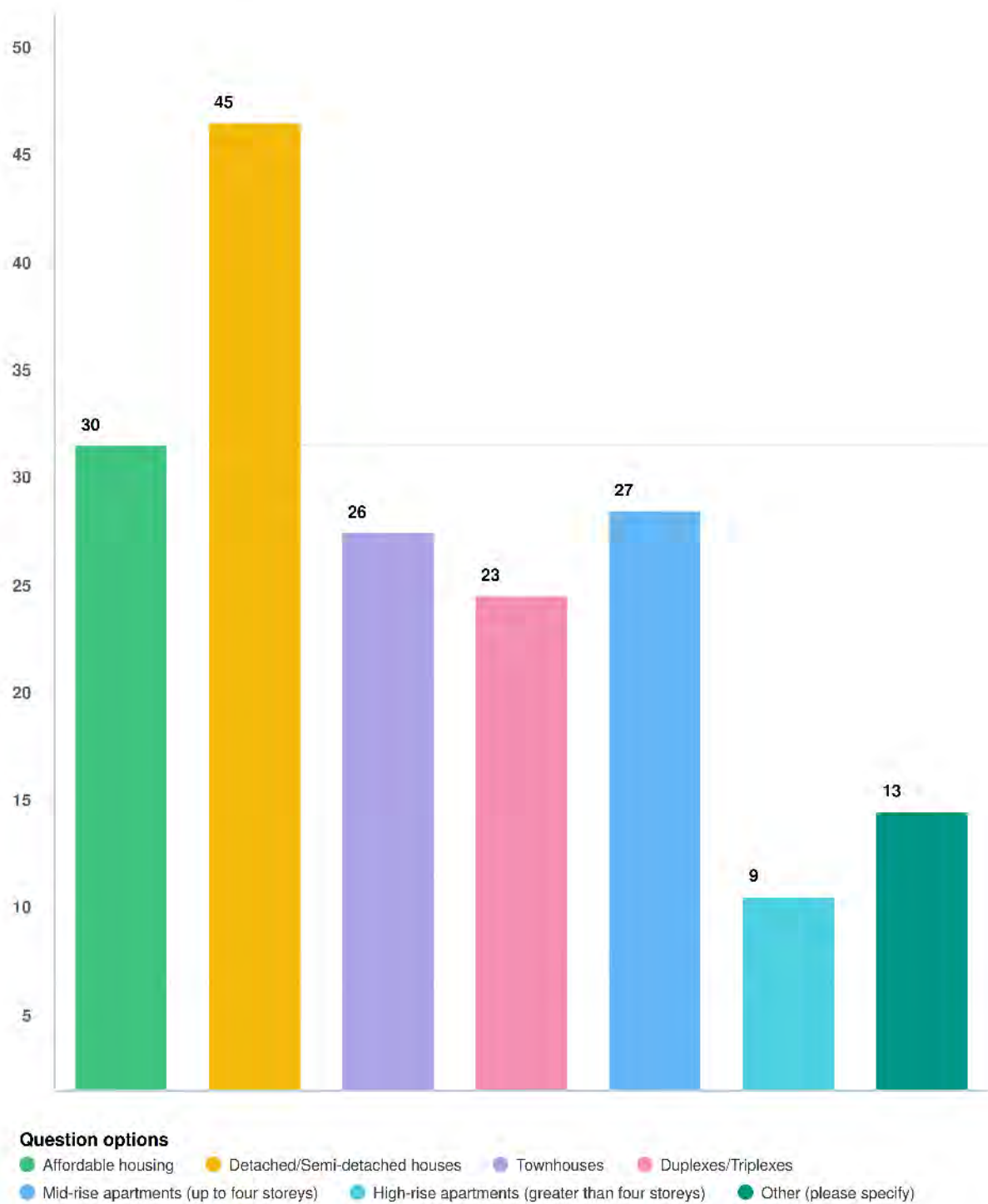


Figure 2-6 Types of housing Whitby residents would like to see in their neighbourhood

Types of Infrastructure

What other types of community infrastructure would you like to see more of in your neighbourhood and/or residential areas in Whitby more broadly?

There were 70 responses to this question, with the top three options selected being parks, clinics/medical facilities, and schools, as presented in **Figure 2-5**.

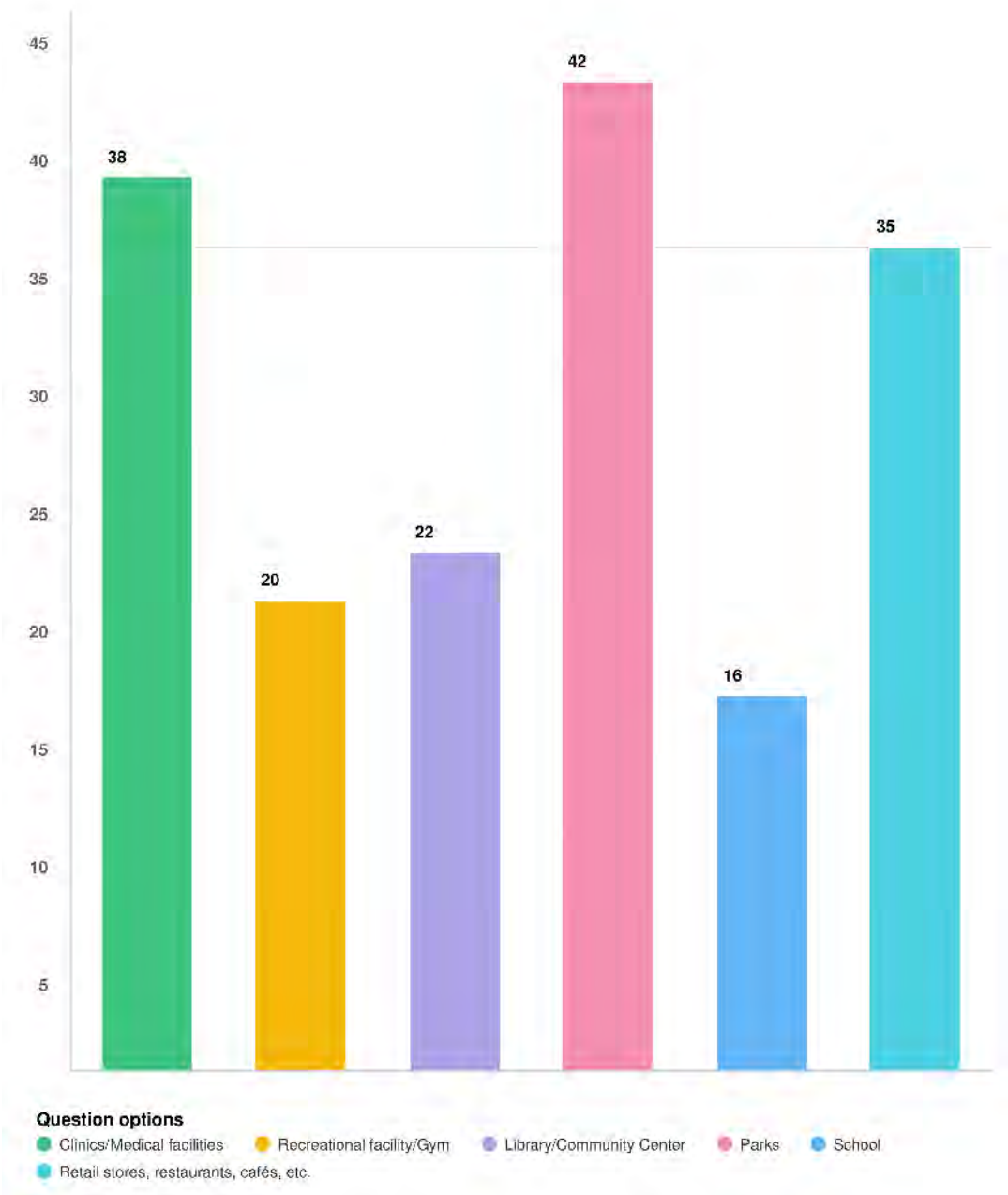


Figure 2-7 Types of community infrastructure Whitby residents would like to see in their neighbourhood

Challenges and Questions in Planning for Growth in Whitby

What do you think are the biggest challenges for Whitby as we plan towards welcoming more neighbours and developing new communities? Please let us know your questions or comments related to growth in Whitby or the Official Plan Review

There was a total of 64 responses to the question on the biggest challenges in planning for growth, and 18 responses identifying additional questions or comments on the Official Plan Review, as summarized below:

Governance and decision-making

- Concern over the governance/regulatory authority of Durham Region and the Envision Durham Plan as pertains to the Town's Official Plan Review, given the impending Provincially-directed change to transfer all planning authority over local matters to the Town.
- Desire for transparency and ongoing communication with the community on any comments from the Province or the Region regarding the Official Plan Review.

Integrating new development and density

- Balancing competing priorities at the Provincial level with local desires from town residents.
- Developing complete communities that have adequate parks and retail spaces to support new residents and more walkable neighbourhoods.
- Promoting and building safe and vibrant downtowns.
- Integrating more density and height in existing neighbourhoods.
- Reduce minimum parking requirements to limit the number of large surface parking and make more room for green spaces and more beneficial types of uses including recreational and community facilities.
- Maintaining the historic feel of some neighbourhoods while also integrating new development, taller buildings, and more facilities and amenities for residents.

Affordable and accessible Housing

- Providing a diverse range of housing types and forms.
- Need for more affordable rental and ownership housing options, particularly for older residents and those looking to downsize or who need accessible housing.
- Improving the quality of new builds particularly multi-residential development to manage noise impacts.
- Addressing increasing rates of homelessness, particularly with respect to downtown Whitby.

Transportation and transit

- Managing increased traffic within the existing road network and enforcing speed limits and slower speeds in residential and school areas to improve road safety.
- Need for frequent and reliable local transit.
- Increasing access to non-car mobility options including cycling, walking and rolling through improved street design and infrastructure.

- How parking requirements will be addressed given recent regulatory changes to remove parking minimums (Bill 185), particularly in the Whitby GO Station area.

Infrastructure, community services and facilities

- Community safety and providing more accessible recreational and community facilities in neighbourhoods to support the growing population.
- Lack of adequate hospital/medical facilities to support a growing population.
- Cost of providing the infrastructure to support new growth including water, wastewater, electricity, and roads.
- Increased pressure on the school system and lack of adequate neighbourhood school options to support existing and new families.
- Need for more food/grocery stores closer to where people live.
- Concern about the potential impacts to property taxes as a result of the need for new infrastructure.

Parks, recreational and open spaces

- Increase the number of publicly accessible parks and recreational spaces, not just privately owned green spaces.
- Creating and maintaining an appealing and accessible waterfront for public use.

Jobs and employment

- Need for a wider range of job opportunities and local employment growth.

Preserving farmland

- Supporting farmlands and local farming.

Addressing climate change and protecting the environment

- Protecting the natural environment and focusing new development in areas where there is the infrastructure to support it.
- Managing the amount of paved land and integrating more natural spaces to support stormwater management.

Preferred Ways to Engage

How would you like to be engaged in discussions about the Official Plan Review?

There were 71 responses to this question, with the top method to engage selected by 58 respondents being through online surveys and recorded presentations at their convenience.



Figure 2-8 Preferred ways to engage in the Official Plan Review process

3.0 Next Steps and Staying Involved

The next steps of the project include the following tasks:

- Further input through a survey on Connect Whitby;
- Development of a concept plan for the Brooklin expansion areas and Open House #4; and
- Preparation of draft policy and any mapping updates for the Whitby GO Major Transit Station Area and other Strategic Growth Areas, Nodes and Corridors, to be presented at a Statutory Public Meeting in fall 2024.

Further information as well as project updates and will be available on the project website at: connectwhitby.ca/opreview.

Project Contact

If you have a question or comment about the Whitby Official Plan Review, please contact:

Official Plan Review Project Team,

Planning and Development Department,

Town of Whitby

- Phone: 905-430-4306
- Email: officialplanreview@whitby.ca

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



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

Report to: Committee of the Whole

Date of meeting: September 16, 2024

Report Number: PDP 43-24

Department(s) Responsible:

Planning and Development Department
(Planning Services)

Submitted by:

R. Saunders, Commissioner of Planning
and Development

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

K. Afante, Planner I, x. 2836

1. Recommendation:

1. That Council approve the Draft Plan of Condominium (File No. CW-2024-04) subject to the Conditions of Approval, included in Attachment #4;
2. That the Mayor and Clerk be authorized to execute the Condominium Agreement and any other necessary documents; and,
3. That the Clerk advise the Commissioner of Planning and Economic Development at the Region of Durham, of Council's decision.

2. Highlights:

- A Condominium Application has been submitted by 10447889 Canada Inc. for the land located at 400 & 414 Mary Street East.
- The Draft Plan of Condominium is required to enable the transfer of title to the future townhouse owners and create a Condominium Corporation to adhere to the conditions of Site Plan Approval (SP-23-18).
- All commenting departments and external agencies have indicated support for the proposed development, subject to their comments and requested conditions being addressed.

3. Background:

3.1 Site and Area

The subject land is located at the northeast corner of Mary Street East and Hickory Street North (refer to Attachment #1). The subject land is approximately 0.36ha (0.89 acres) in size.

Surrounding land uses to the Draft Plan of Condominium, include:

- Apartment buildings to the north;
- A single detached dwelling and an apartment building to the east;
- A retirement home to the west; and,
- An automobile sales establishment, body shop, and single detached dwellings to the south (refer to Attachment #2).

3.2 Application and Proposed Development

A Condominium Application (CW-2024-04) was submitted for thirty-eight (38) townhouse dwelling units on a private road (refer to Attachment #3).

4. Discussion:

The Subject Land has previously been considered through a Site Plan Application (SP-23-18). This application was circulated to the appropriate internal departments and external agencies and all comments and concerns have since been addressed through the Site Plan Agreement.

The proposed development conforms to the Region of Durham Official Plan, the Town of Whitby Official Plan and Zoning By-law # 2585, as amended.

Therefore, it is recommended that the proposed Draft Plan of Condominium be approved, subject to the comments included in this report and the Conditions of Draft Plan of Condominium Approval included in Attachment #4.

5. Financial Considerations:

Not Applicable.

6. Communication and Public Engagement:

Not Applicable.

7. Input from Departments/Sources:

External Agencies

Region of Durham:

- On February 19, 2019, the Region had previously provided comments for the related subdivision application (SW-2018-05). All of the comments regarding conformity with the current Regional Official Plan, Provincial Plans and Policies, and matters of Provincial interest were addressed through the subdivision process.

Region's Adopted Regional Official Plan (Envision Durham)

- The proposed infill townhouse development will have a residential density of approximately 109 units per gross hectare and meets the new ROP's planned density target for Regional Centres.
- The townhouse proposal provides transit-supportive densities and promotes compact built form and the intensification of the Downtown Whitby Regional Centre as the main concentration of urban activities.
- The proposed condominium application conforms with the new ROP.

Regional Servicing

- Municipal water supply and sanitary sewer services to the subject land were previously constructed.
- The proposed infill high-density condominium supports the intensification of Downtown Whitby's Regional Centre as the main concentration of urban activities. The proposed development also promotes compact built form, pedestrian-friendly urban environment, and efficient transit services. The proposed condominium application conforms with the current and the new ROP.
- Based on the foregoing, the Region has no objection to the draft approval of this condominium application. The Region's conditions of draft approval must be complied with prior to clearance by the Region for registration of this plan.
- The Owner must also provide a land use table prepared by an Ontario Land Surveyor to the Region's satisfaction. The land use table must provide lot area calculations for the proposed land use(s) allocated within the draft plan of condominium.

Refer to Attachment #5 for further details.

8. Strategic Priorities:

The development review process has provided opportunity for agency input. The recommendations contained in this report align with the priorities of the Community Strategic Plan, specifically Section 1.3.4 under Pillar 1: Whitby's Neighbourhoods, by providing a variety of housing options.

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

The proposed condominium development increases the density on the subject land which provides a better use of existing infrastructure, which implements the Town's strategic priority of sustainability.

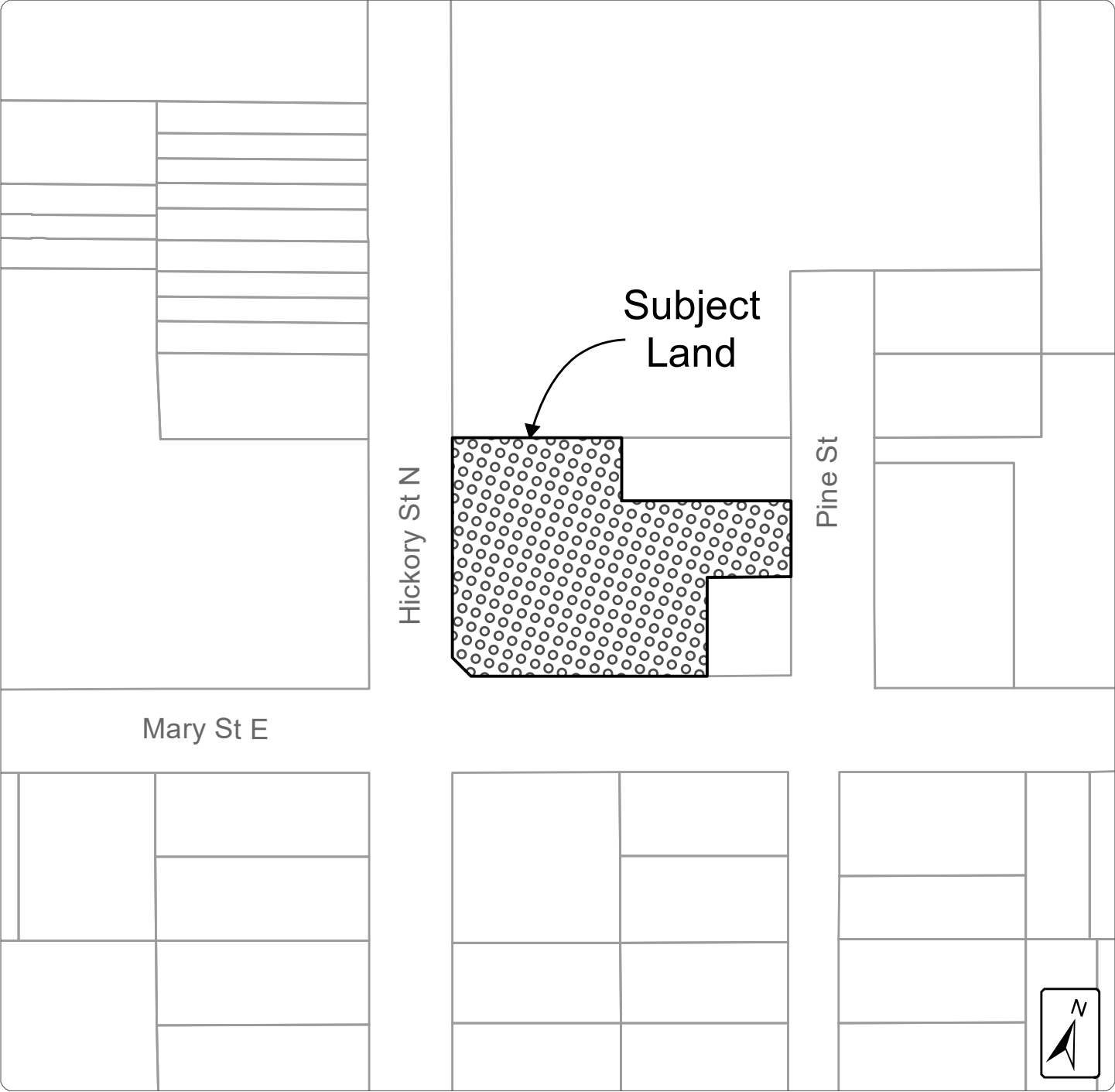
9. Attachments:


Attachment #1: Location Sketch

- Attachment #2: Aerial Context Map
- Attachment #3: Proponent's Proposed Draft Plan of Condominium
- Attachment #4: Conditions of Draft Plan of Condominium Approval
- Attachment #5: Agency and Stakeholder Detailed Comments

Attachment #1
Location Sketch

PDP 43-24



 **Town of Whitby Planning and Development Department**

Proponent: 10447889 Canada Inc.	File Number: DEV-21-24 (CW-2024-04)	Date: September 2024
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Attachment #2
Aerial Context Map

PDP 43-24



Town of Whitby Planning and Development Department

Proponent: 10447889 Canada Inc.	File Number: DEV-21-24 (CW-2024-04)	Date: September 2024
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Conditions of Draft Plan of Condominium Approval

Conditions of Approval
File DEV-21-24 (CW-2024-04)

1. The Proponent shall prepare the final plan on the basis of the approved draft plan of condominium, prepared by J. D. Barnes Ltd., identified as Reference No.: 17-25-420-04, plot date February 14, 2022, which illustrates 38 stacked townhouse units including common facilities and services. The proponent shall enter into a satisfactory Condominium Agreement with the Town.
2. The proponent shall provide the Town with the fees and legal costs incurred for the preparation and registration of the Condominium Agreement including the release fee in the amount of \$3,752.97
3. The proponent covenants and agrees to implement the provisions of the Site Plan Agreement (SP-23-18) and to confirm the same through the Condominium Agreement.
4. The Proponent shall be responsible for the summer maintenance, such as grass cutting of the public boulevard and the winter maintenance of the public sidewalk, on Mary Street East, Hickory Street, and Pine Street adjoining the subject property.
5. Prior to final approval, the proponent shall provide the Commissioner of Planning for the Town of Whitby with a copy of the Condominium Corporation documents, demonstrating that all relevant Site Plan conditions of approval have been included in said documents. This shall include all clauses in all offers of purchase and sale or lease and registered upon the title of the dwellings within the block, to advise potential purchasers of the following:
 - a) The proponent covenants and agrees to implement the provisions of the site plan agreement (SP-23-18) and to confirm the same through the condominium agreement;
 - b) The maintenance of all common elements such as, but not limited to, the internal roads, water meter room, hydro transformer, internal sidewalks, lighting, fencing, landscaping, driveway and parking area;
 - c) The collection and disposal of residual garbage, recycling, yard waste and organic materials shall be the responsibility of the Condominium Corporation;
 - d) The allocation of visitor/accessible parking spaces of the condominium are to be owned and maintained by the Condominium Corporation, shall contain a clause in the condominium documents clearly specifying that the visitor/accessible parking spaces shall be properly signed and be solely for the use of visitors to the proposed condominium;
 - e) Any changes or alterations to the building elevations, roof shingles, colours or materials require the approval of the condominium board;
8. Prior to final approval of the plan of condominium, the Commissioner of Planning and Development for the Town of Whitby shall be advised in writing by:
 - a) The Regional Municipality of Durham how condition 1 has been satisfied.

Attachment #5

Agency and Stakeholder Detailed Comments

PDP 43-24

August 16, 2024



The Regional Municipality of Durham

Planning and
Economic
Development
Department

605 Rossland Rd. E.
Level 4
PO Box 623
Whitby, ON L1N 6A3
Canada

905-668-7711
1-800-372-1102
Email:
planning@durham.ca
durham.ca

Brian Bridgeman,
MCIP, RPP, PLE
Commissioner of
Planning and
Economic
Development

Kerstin Afante, Planner I
Planning and Development Department
Town of Whitby
575 Rossland Road East
Whitby, ON L1N 2M8

Re: Region of Durham Comments Condominium Application C-W-2024-04

Applicant: **10447889 Canada Inc.**
Cross Ref.: Sabrina Homes Inc.
Plan of subdivision application S-W-2018-05
& Site Plan Application SP-13-19
Location: 400 & 414 Mary Street East
Municipality: Town of Whitby

The Region has completed its review of the above-noted proposed draft standard plan of condominium application and we offer the following comments for the proposed development.

The subject land is located at the northeast corner of Mary Street East and Hickory Street North. The site is approximately 0.35 hectares and had previously been proposed for 40 stacked townhouse units through the applicant's subdivision application (S-W-2018-05).

The applicant has since withdrawn the subdivision proposal and requests to proceed with the current proposed standard draft plan of condominium to develop the site. The applicant has entered into a Site Plan Agreement (SP-23-19), dated March 15, 2021 with the Town of Whitby and a Servicing Agreement with the Region of Durham, dated July 20, 2020, for the development of the proposed townhouses units.

Proposed Application

The proposed draft standard of plan of condominium would permit the development of 38 stacked townhouse units including common facilities and services. Two accesses to the condominium site are proposed from Hickory Street North and Pine Street.

The residential density proposed is approximately 109 units per gross hectare.

Background

On February 19, 2019, the Region had previously provided comments for the related subdivision application (S-W-2018-05). All our concerns regarding conformity with the current Regional Official Plan, Provincial Plans and Policies, and matters of Provincial interest were addressed through the subdivision process. However, we offer updated comments regarding conformity with the new Regional Official Plan (Envision Durham) and Regional servicing for the proposed condominium application.

Region's Adopted Regional Official Plan (Envision Durham)

On May 17, 2023, Regional Council adopted the new Regional Official Plan. On May 6, 2024, the Ministry of Municipal Affairs and Housing issued a draft decision with proposed modifications for the adopted ROP. The Region is currently with the Province to address the Province's modifications.

We have reviewed the proposed development for conformity with the new ROP.

The subject lands are located within the Downtown Whitby Strategic Growth Area and designated as Regional Centres on Map 1 – Regional Structure in the new ROP. Regional Centres must be developed as the main concentrations of urban activities. Regional Centres shall be planned for a full and integrated array of institutional, commercial (which may include major retail), public service facilities, higher density mixed-use and residential development, recreational, cultural, entertainment, office and major office uses. The built form should include appropriate high-rise and mid-rise developments, as determined appropriate by area municipalities.

Regional Centres which are located off of the Rapid Transit Corridor must be developed with a minimum transit supportive density target of 100-150 people and jobs per gross hectare.

Conclusion

The proposed infill townhouse development will have a residential density of approximately 109 units per gross hectare and meets the new ROP's planned density target for Regional Centres. The townhouse proposal provides transit-supportive densities and promotes compact built form and the intensification of the Downtown Whitby Regional Centre as the main concentration of urban activities. The proposed condominium application conforms with the new ROP.

Regional Servicing

Municipal water supply and sanitary sewer services to the subject land were previously constructed through the related subdivision application (S-W-2018-05).

Conclusion

The proposed infill high-density condominium supports the intensification of Downtown Whitby's Regional Centre as the main concentration of urban activities. The proposed development also promotes compact built form, pedestrian-friendly urban environment, and efficient transit services. The proposed condominium application conforms with the current and the new ROP.

Based on the foregoing, the Region has no objection to the draft approval of this condominium application. The attached condition of draft approval must be complied with prior to clearance by the Region for registration of this plan.

The Owner must also provide a land use table prepared by an Ontario Land Surveyor to the Region's satisfaction. The land use table must provide lot area calculations for the proposed land use(s) allocated within the draft plan of condominium.

In addition to providing the Region with copies of the draft approved plan and conditions of approval, at such a time as the draft approval is in effect, we would appreciate if digital copies (both PDF and Word documents) of the City's conditions of draft approval could be provided.

Please contact Ms. Chanthavong at vannitha.chanthavong@durham.ca or (905) 668-4113, ext. 2543, if you have any questions regarding our comments.

Yours truly,

Lino Trombino - for

Colleen Goodchild, MCIP, RPP
Director of Planning

Attachment: 1. Condition of Draft Approval

cc: Elisa Shiu, Regional Works Department

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



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

Report to: Committee of the Whole

Date of meeting: September 16, 2024

Report Number: PDP 44-24

Department(s) Responsible:

Planning and Development Department
(Planning Services)

Submitted by:

R. Saunders, Commissioner of Planning
and Development

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

K. Afante, Planner I, x.2836

1. Recommendation:

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

2. Highlights:

- The Planning and Development Department is in receipt of a Sign By-law Variance application to amend the Town's Permanent Sign By-law #7379-18 for the Whitby Christian Assembly, located at 100 Rossland Road West.
- The variance application is required to permit a new ground sign that exceeds the maximum permitted sign area by the By-law.
- The existing ground sign on the subject property is proposed to be removed.

3. Background:

The subject land is located on the north side of Rossland Road West and west of Brock Street North, municipally known as 100 Rossland Road West (refer to Attachments #1 and #2).

The subject land is zoned Institutional (I*) Zone in Zoning By-law 1784, as amended, which permits a Place of Worship.

A Site Plan Agreement (SP-24-04) for the development of the Church was registered on title in March 2009.

4. Discussion:

The proponent is proposing to install a ground sign on the Rossland Road West frontage to identify the Church (refer to Attachment #3).

The proposed ground sign would have a sign area of 9.45 square metres and a height of 3.445 metres (refer to Attachment #4).

As per Section 1.3 of the Permanent Sign By-law, the “display surface” means the surface of the sign excluding the sign (support) structure, upon, against, or through which the message of the sign is displayed. The total display area of the proposed sign is 4.44 square metres. The display area includes a digital component that will display static messaging that does not scroll, flash, or feature motion pictures to promote road safety and reduce driver distraction (refer to Attachment #5).

The proposed variance is required to permit one ground sign that exceeds the maximum sign area permitted by the By-law. The ground sign would comply with the other relevant provisions of the By-law. The existing ground sign on the subject land will be removed.

It is recommended that the requested variance be approved.

5. Financial Considerations:

Not applicable.

6. Communication and Public Engagement:

Not applicable.

7. Input from Departments/Sources:

Not applicable.

8. Strategic Priorities:

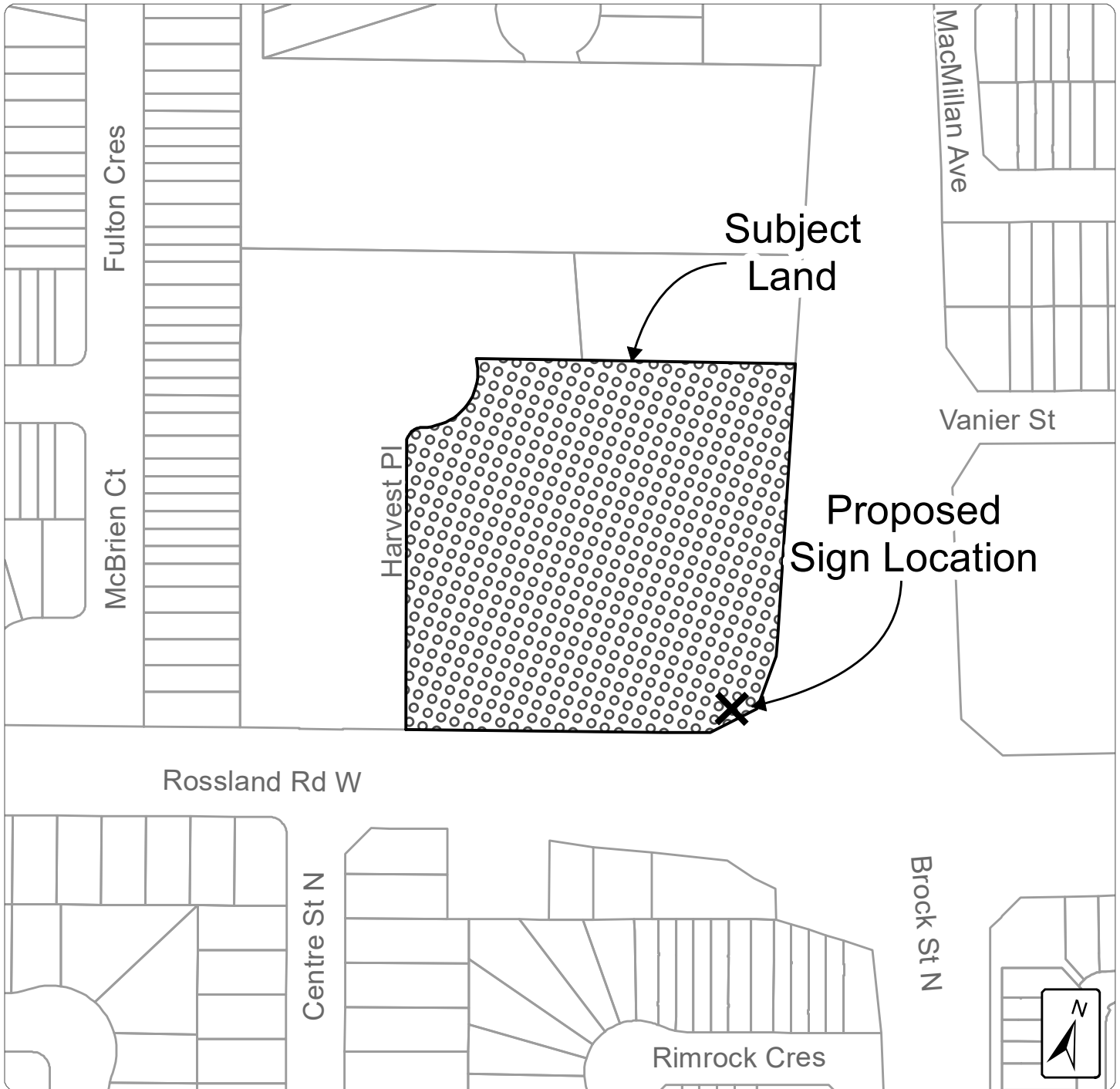
Consideration of this application addresses Pillar 4 of the Community Strategic Plan – Whitby's Government. Responding to the needs of the Whitby Christian Assembly Addresses Strategic Priority 4.3 that the Town will deliver exceptional customer service.

9. Attachments:

- Attachment #1 Location Sketch
- Attachment #2 Aerial Context Map
- Attachment #3 Proposed Sign Location
- Attachment #4 Proposed Sign Elevations
- Attachment #5 Proposed Sign Mock Up

Attachment #1 Location Sketch

PDP 44-24



Town of Whitby Planning and Development Department

Proponent:
Whitby Christian Assembly

File Number:
SB-01-24

Date:
September 2024

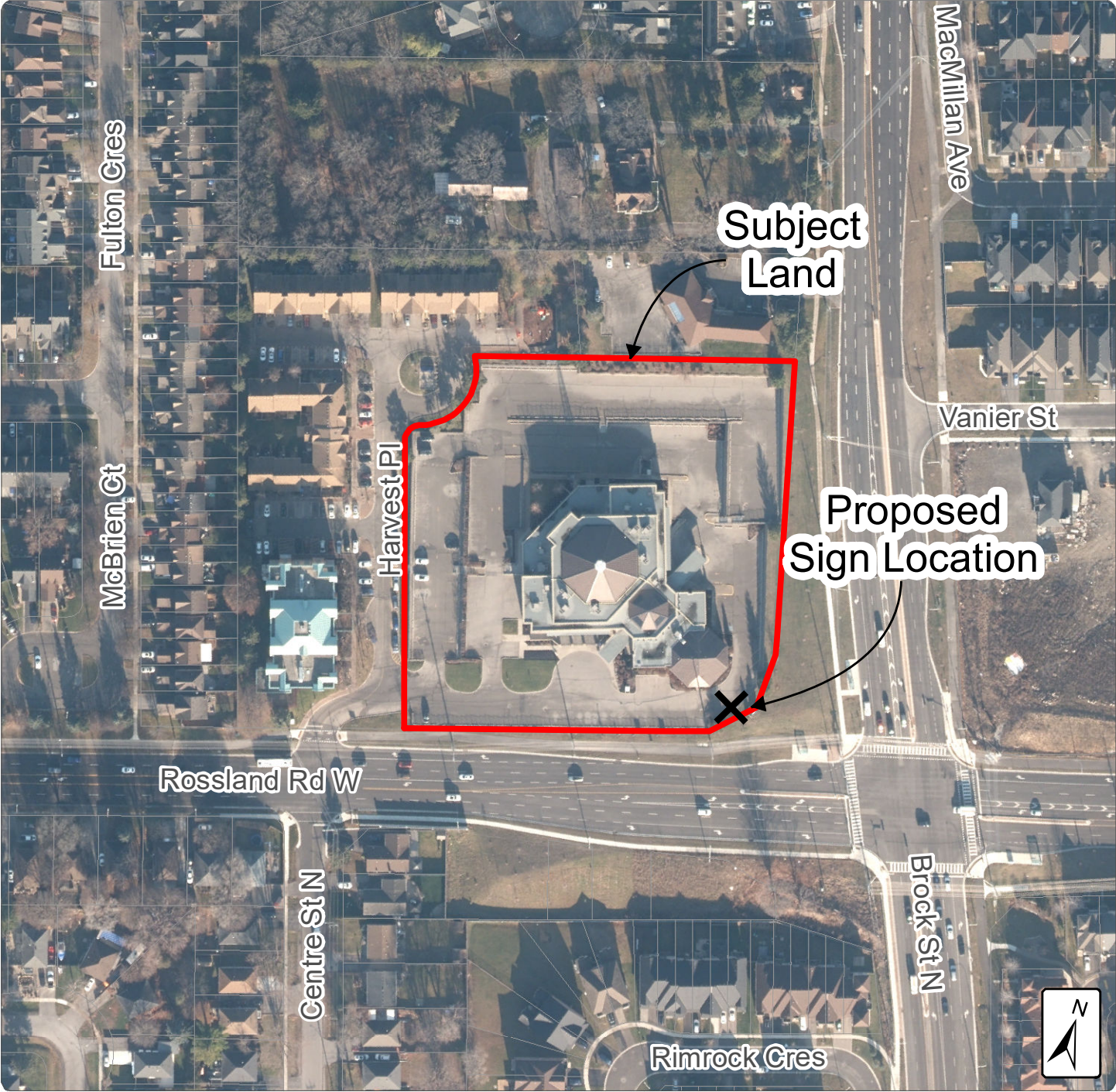
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Attachment #2
Aerial Context Map

PDP 44-24



Town of Whitby Planning and Development Department

Proponent:
Whitby Christian Assembly

File Number:
SB-01-24

Date:
September 2024

External Data Sources:
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PDP 44-24

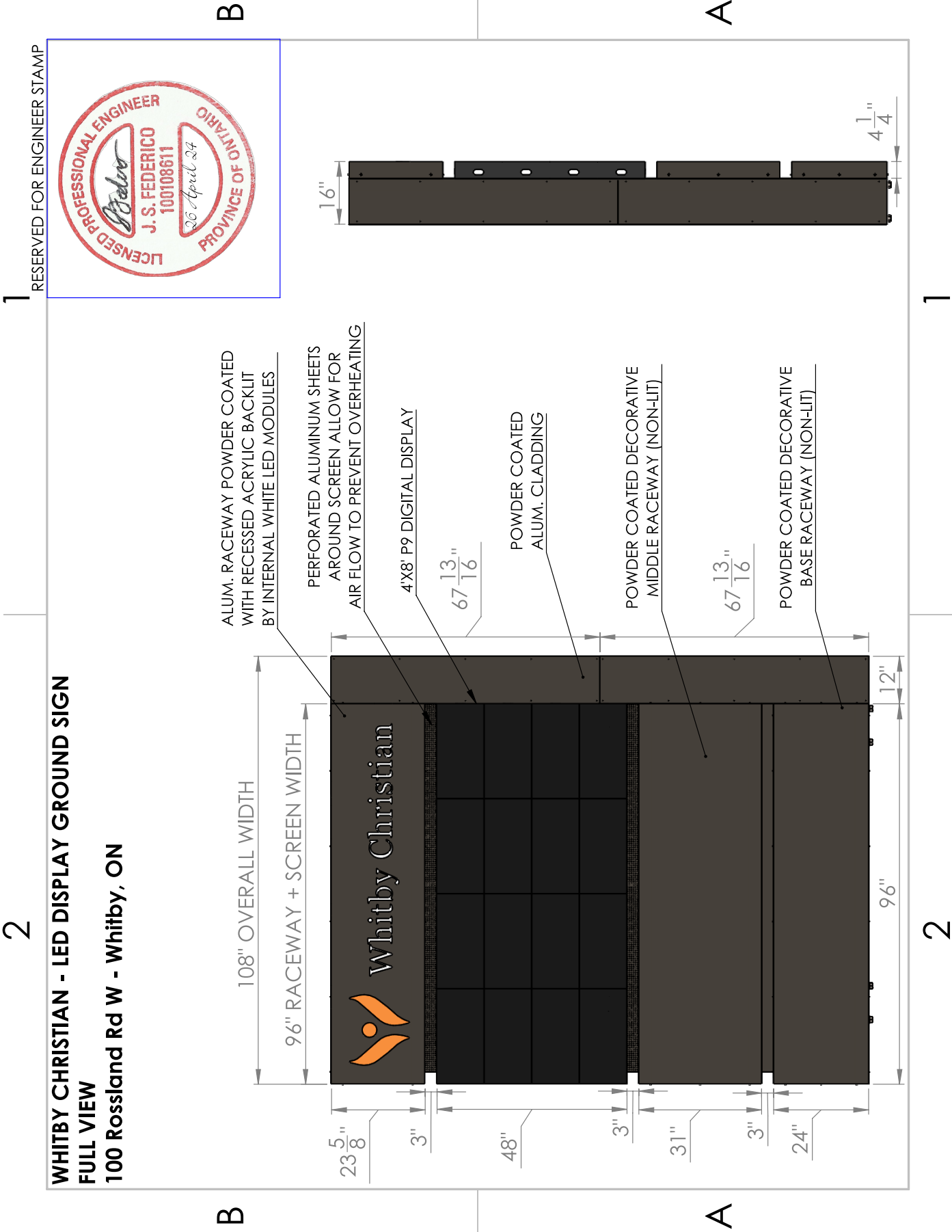


Notes:

- Data collected from: <https://www.arcc.gov>
- •

Attachment #4
Proposed Sign Elevations

PDP 44-24



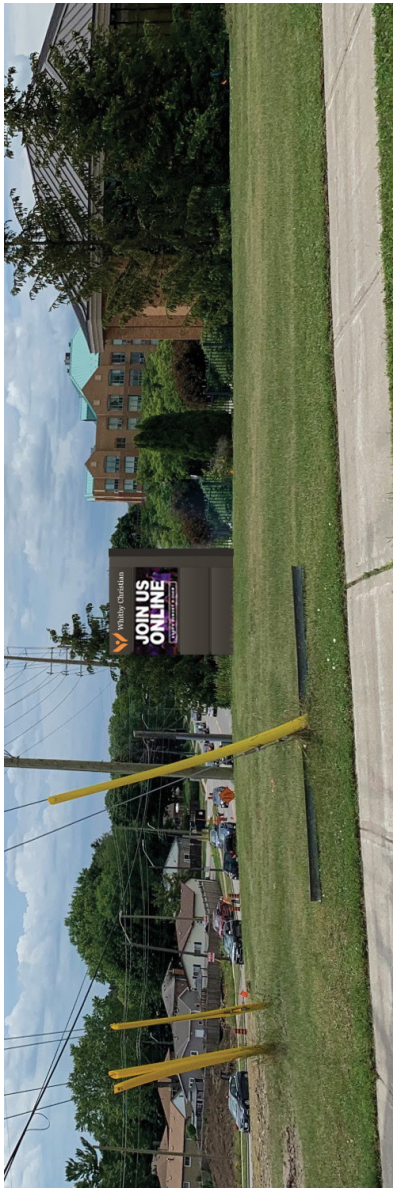
Attachment #5
Proposed Sign Mock Up

PDP 44-24

WHITBY CHRISTIAN
100 Rossland Rd W Whitby ON

DIGITAL PYLON SIGN - SINGLE SIDED


PROOF
#1



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APPROVED FOR PRODUCTION	
SIGNATURE:.....	DATE:.....

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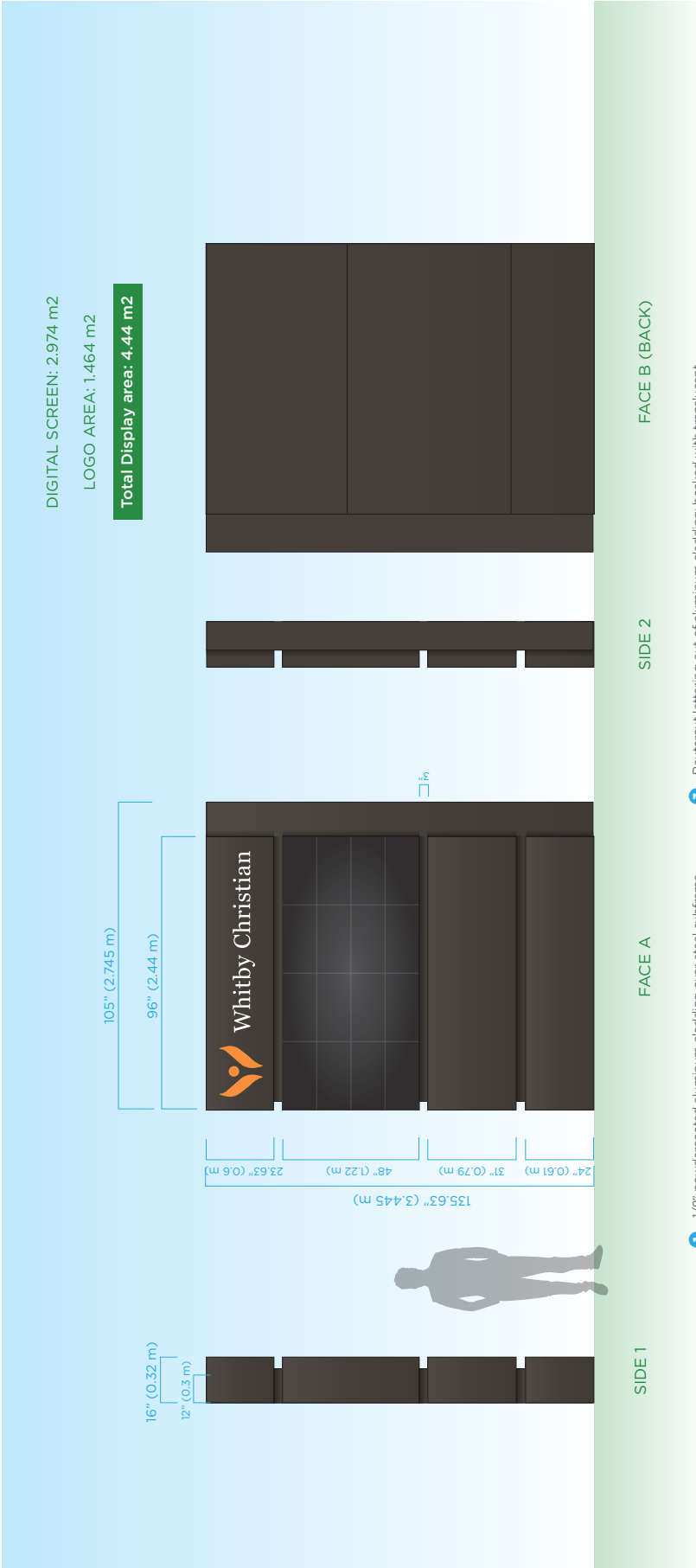
Attachment #5
Proposed Sign Mock Up

PDP 44-24

WHITBY CHRISTIAN
100 Rossland Rd W Whitby ON

DIGITAL PYLON SIGN - SINGLE SIDED

PROOF #1



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POWDERCOAT - Quartz Grey RAL 7039
VINYL - CMYK matched to brand colour
White Acrylic

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Town of Whitby Staff Report

whitby.ca/CouncilCalendar



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

Report to: Committee of the Whole

Date of meeting: September 16, 2024

Report Number: PDP 45-24

Department(s) Responsible:

Planning and Development Department
(Planning Services)

Submitted by:

R. Saunders, Commissioner of Planning
and Development

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

K. Afante, Planner I, x.2836

1. Recommendation:

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

2. Highlights:

- The Planning and Development Department is in receipt of a Sign By-law Variance application to amend the Town's Permanent Sign By-law #7379-18 for Beertown located at 75 Consumers Drive.
- The variance application is required to permit a wall sign that is less than 2.5 metres above grade.

3. Background:

The subject land is located on the south side of Consumers Drive and east of Hopkins Street, municipally known as 75 Consumers Drive (refer to Attachment #1 and #2). The wall sign is proposed on Building H which is the location of the former Montana's restaurant. The new tenant, Beertown, is proposing two new wall signs on the existing building.

The subject land is zoned Special Purpose Commercial – Retail Warehouse – Exception 4 (C2-S-RW-4) Zone as per Zoning By-law 1784, as amended, which permits a restaurant.

4. Discussion:

The proponent is proposing to install two (2) wall signs on the north and south façade of Building H. The sign proposed on the north façade faces Consumers Drive and the sign proposed on the south façade faces the existing parking lot internal to the subject site (refer to Attachment #3). The proposed signs will be hand painted to the existing brick wall for decorative purposes and to further identify the restaurant (refer to Attachment #4).

As per Permanent Sign By-law 7379-18, wall signs with a coverage area not exceeding twenty-five (25) percent of the facade of a business located on the ground floor and fifteen (15) percent of the facade of a business located on an upper storey are permitted provided,

- a) the sign is located a minimum distance of 2.5 metres above the adjacent grade.

The proposed wall signs are located on the ground floor. The proposed wall sign on the north facade will be located 0.25 metres above the adjacent grade and have a coverage area of 5.51%. The proposed wall sign on the south façade will be located 0.53 metres above the adjacent grade and have a coverage area of 4.53% (refer to Attachment #5).

The proposed variance is to permit two (2) wall signs that do not meet the minimum distance of 2.5 metres above the adjacent grade as permitted by the By-law. The proposed wall signs will comply with the other relevant provisions of the By-law. It is recommended that the requested variance be approved.

5. Financial Considerations:

Not applicable.

6. Communication and Public Engagement:

Not applicable.

7. Input from Departments/Sources:

Not applicable.

8. Strategic Priorities:

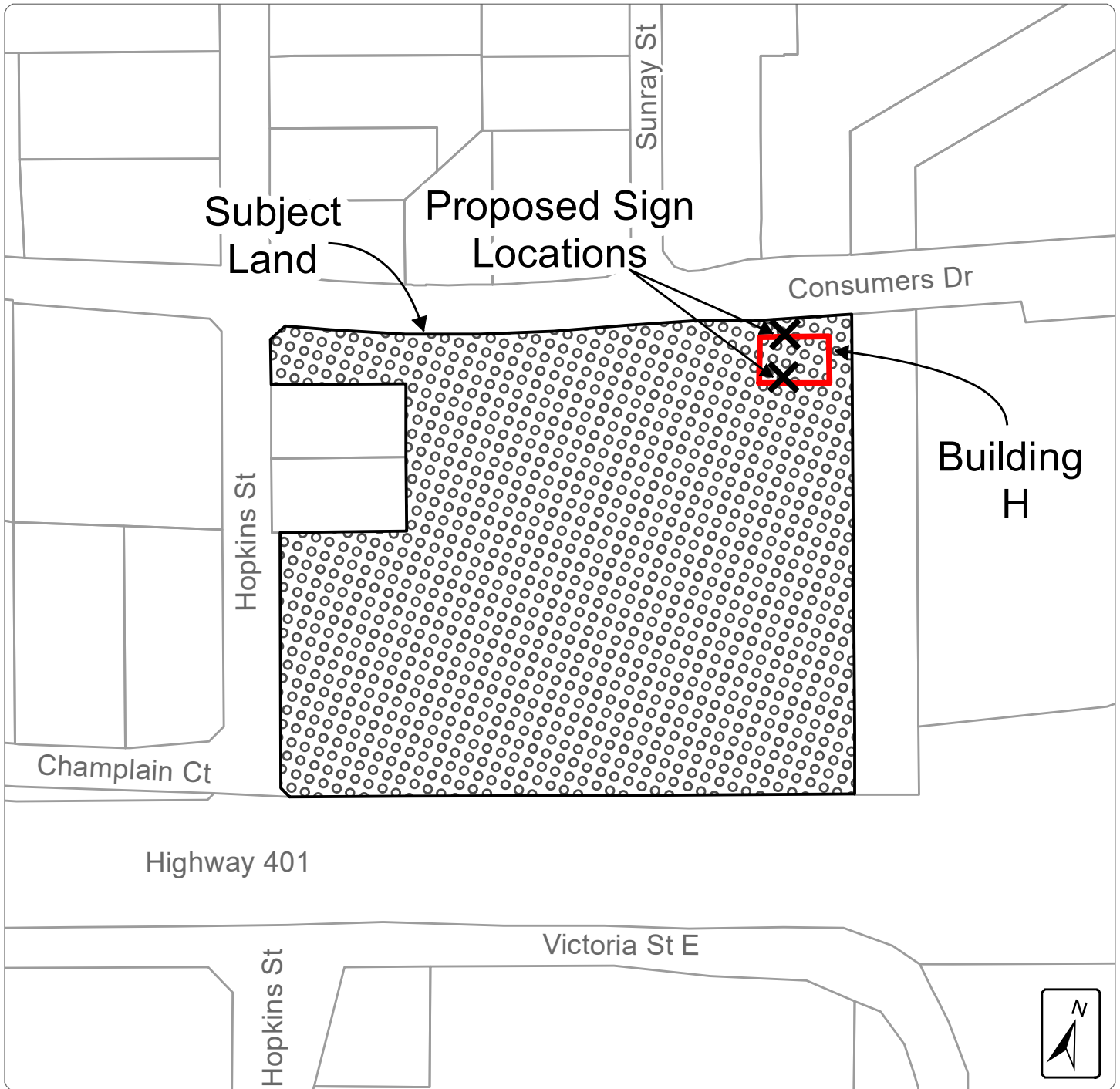
Consideration of this application addresses Pillar 4 of the Community Strategic Plan – Whitby's Government. Responding to the needs of Beertown addresses Strategic Priority 4.3 that the Town will deliver exceptional customer service.

9. Attachments:

- Attachment #1 Location Sketch
- Attachment #2 Aerial Context Map
- Attachment #3 Proposed Sign Locations
- Attachment #4 Proposed Sign Mockups
- Attachment #5 Proposed Sign Elevations

Attachment #1 Location Sketch

PDP 45-24



Town of Whitby Planning and Development Department

Proponent:
Lovett Signs Inc. (obo. Beertown)

File Number:
SB-02-24

Date:
September 2024

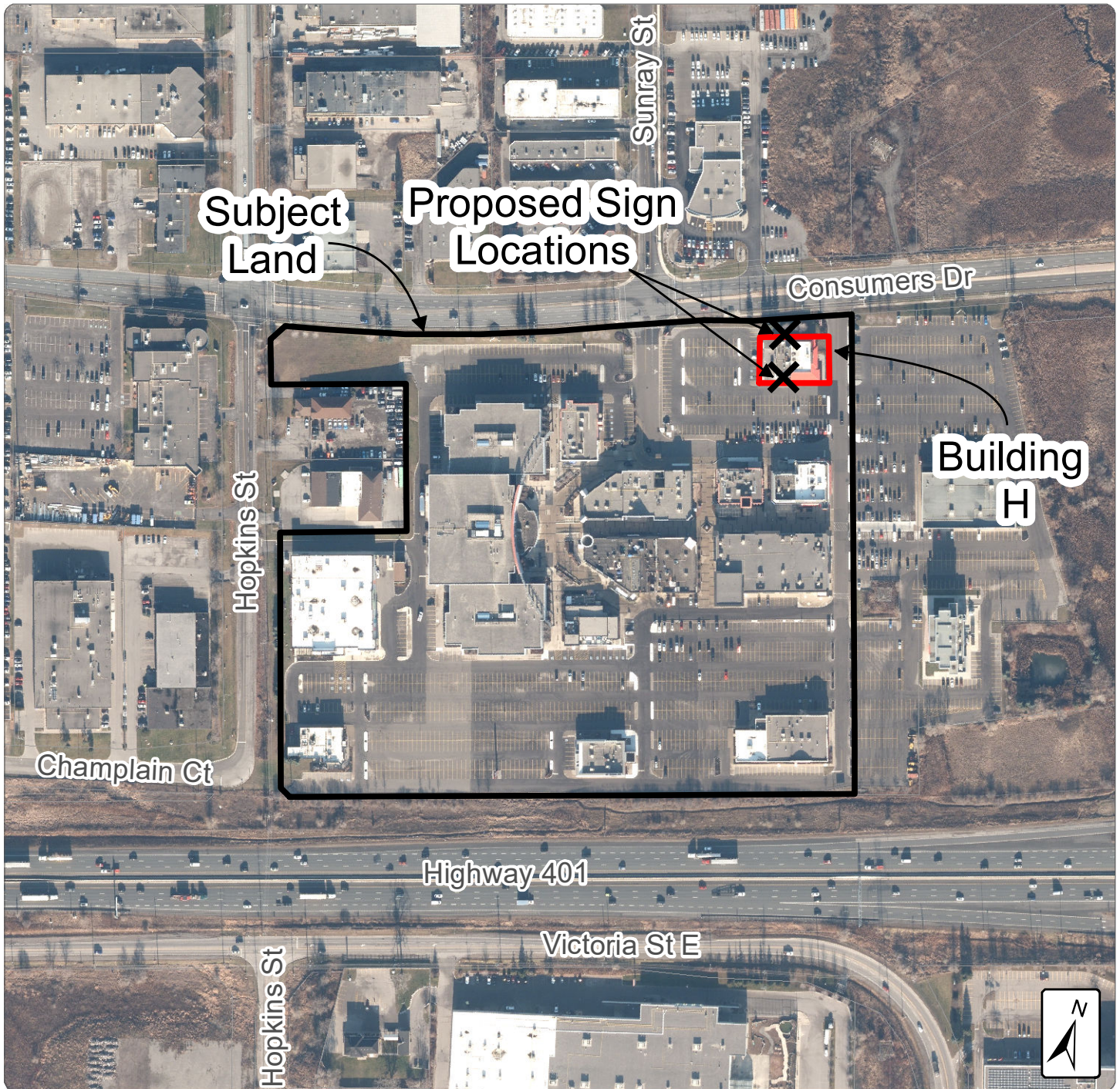
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Attachment #2 Aerial Context Map

PDP 45-24



Town of Whitby Planning and Development Department

Proponent:
Lovett Signs Inc. (obo. Beertown)

File Number:
SB-02-24

Date:
September 2024

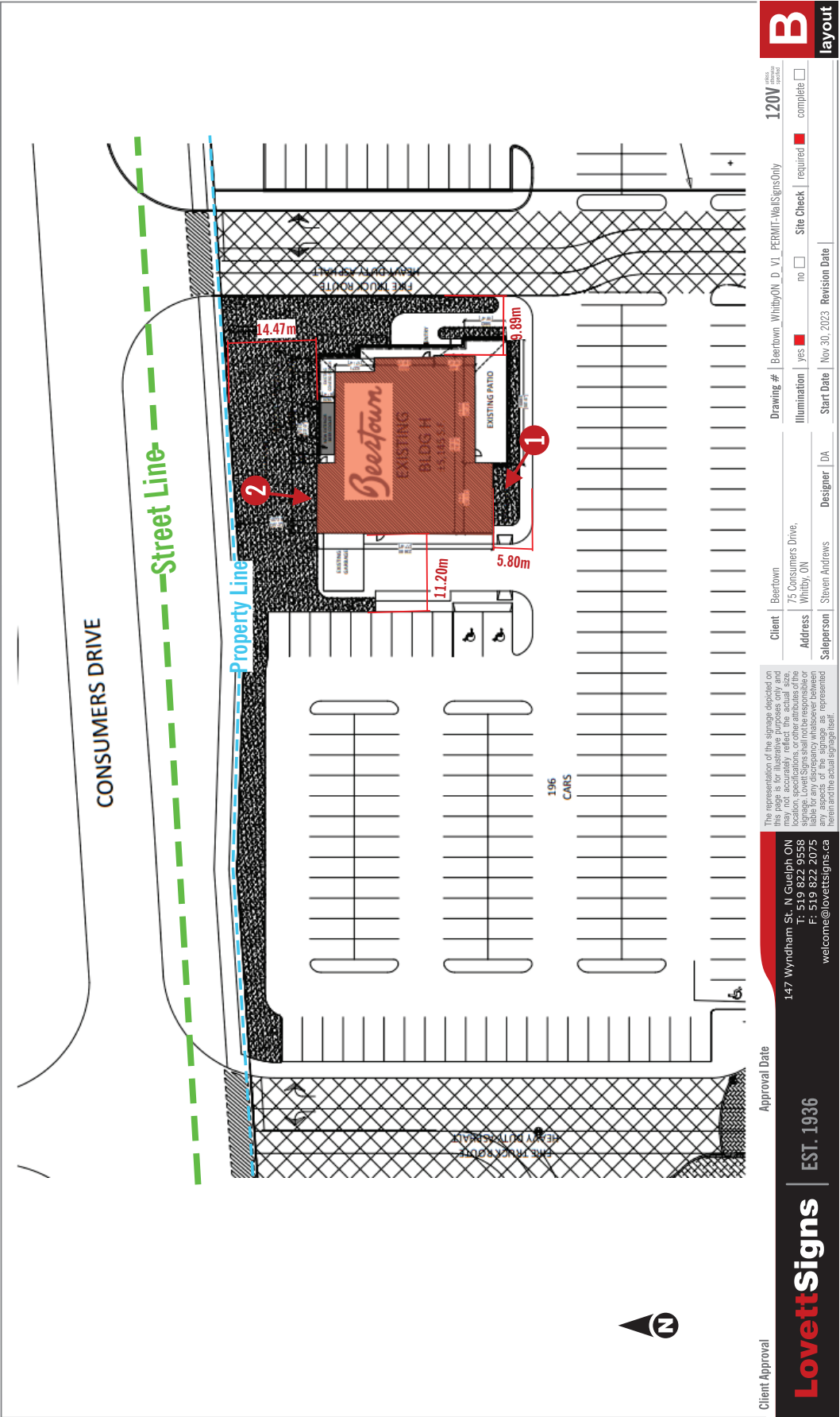
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Attachment #3
Proposed Sign Locations

PDP 45-24



PDP 45-24

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Memorandum to Council

Planning and Development Department

Engineering Services



To: Mayor and Members of Council

CC: Roger Saunders, Commissioner, Planning and Development
Peter Angelo, Director, Engineering Services

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

From: Tara Painchaud, Senior Manager,
Transportation Services

Date: September 6, 2024

File #: N/A

Subject: Whitburn Street, Speed Hump Engagement
Results

The purpose of this memorandum is to update Members of Council on the Whitburn Street Speed Hump Engagement Results.

In 2022, in response to residents' requests, a series of eight speed humps were installed along Whitburn Street, between Rossland Road and Whitburn Park. The design of the humps considered industry standards, driveway locations, etc. The spacing of the speed humps is intentional to reduce travel speeds and limit drivers' ability to speed up between the speed humps. Since the installation of these speed humps, Members of Council have received requests to remove some, or all, of the speed humps.

Through ConnectWhitby, the community was surveyed on whether they wanted the current speed humps on Whitburn Street to be permanently removed, reduced in number, or to be maintained.

Letters requesting input were delivered to the homes on Whitburn Street, as well as Maple Edge Lane, Gilchrist Court, Woodhaven Crescent, Lockridge Street, Kapuscinski Court, Kerrigan Drive, Montrose Crescent, Longford Court, and Lyndhurst Crescent. A QR Code was provided to provide easy access to the ConnectWhitby Survey.

Summary of Results

A summary of the results and common themes are provided below. The results of the survey is also provided as Attachment No. 1. The results are separated by respondents that live on Whitburn Street, those who do not live on Whitburn Street, and combined.

Location and Feedback Received	Permanently Remove	Reduce in Number	Maintain	Total
Whitburn Street Resident	98 (42.4%)	52 (22.5%)	81 (35.1%)	231 (100%)
Non- Whitburn Street resident	134 (42.3%)	93 (29.3%)	90 (28.4)	317 (100%)
Combined	232 (42.3%)	145 (26.5%)	171 (31.2%)	548 (100%)

- A total of 549 responses were received. 231 responses were received from residents that live on Whitburn Street and 318 responses were received from others.
- There was no firm majority received from either Whitburn Street residents or non-Whitburn Street residents.
- Common themes that emerged from the comments received (500+) are as follows:
 - The speed humps are needed and have slowed traffic;
 - Additional traffic calming is needed in the neighbourhood;
 - Alternate traffic calming is needed (lane narrowing, bike lanes, etc.);
 - Speed humps have caused damage to vehicles;
 - Increase in noise as a result of the speed humps;
 - Questions regarding the cost to install and remove;
 - Speed humps are no longer needed as area construction is complete (Brock Street and Rossland Road construction);
 - Experienced increase to emergency vehicle response time;
 - Too many speed humps along the corridor and need to be reduced/removed;
 - Too close together and too close to (now) stop controlled intersections; and,
 - Speeding continues between the speed humps.

Recommendation

The cost to remove the speed humps and reinstall the asphalt surface is estimated to be in the order of \$50,000. Removal has not been considered in the 2025 capital programming. As there was no firm majority for any survey option presented, and considering that satisfying all residents is not possible, staff propose that the speed humps be maintained. The speed humps may be revisited when the road is reconstructed.

Additional traffic calming measures may be considered in the neighbourhood when the Traffic Calming Policy is complete and is being implemented.

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: Update Traffic By-law 8059-24, Pedestrian Crossovers

Report to: Committee of the Whole

Date of meeting: September 23, 2024

Report Number: PDE 09-24

Department(s) Responsible:

Planning and Development Department
(Engineering Services)

Submitted by:

Roger Saunders, Commissioner,
Planning and Development

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

For additional information, contact:

Peter Angelo, Director, Engineering
Services, x4918

Tara Painchaud, Senior Manager,
Transportation Services, x4937

1. Recommendation:

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

2. Highlights:

- New pedestrian crossovers are planned across Whitby annually. Locations are identified based on residents’ requests and prioritizing schools and parks.
- The Traffic By-law requires updating to incorporate the pedestrian crossover locations.
- Capital budget is allocated annually to install pedestrian crossovers.
- There is No Stopping within 30 metres of pedestrian crossovers.
- Through the procurement process Staff will finalize the tender with anticipated installation in late 2024 or early 2025.

3. Background:

Pedestrian crossovers are a relatively new way for pedestrians to cross the road. By law, drivers and cyclists must stop and yield to pedestrians intending to cross the road and remain stopped until the pedestrian has completely reached the other side before driving ahead.

Pedestrian crossovers have ladder-style pavement markings and marked yield bars showing where drivers must stop. Some crossovers have flashing lights that are activated by pedestrian push buttons. Signs are also present instructing drivers to stop for pedestrians.

When there are flashing lights to activate, pedestrians push a button and cross when all vehicles (including cyclists) have come to a complete stop. Motorists must come to a complete stop when signals are flashing or when pedestrians are within the crossover and drivers must not proceed until pedestrians are no longer in the crosswalk.

The Level 2 Type B and Type C pedestrian crossovers are shown in **Attachment 1**. Type C crossovers include rectangular rapid flashing beacons and Type B PXO include side mounted flashing lights as well as overhead signage. Overhead flashing lights may be added to Type B PXO to improve visibility, considering factors such as road geometry, tree lines, and other potential obstructions that impact sightlines.

4. Discussion:

Table 1 presents the list of proposed PXO locations (refer to **Attachment 2** for the location map). The proposed PXO types are based on the provincial guideline, Ontario Traffic Manual (OTM) Book 15, which considers several factors including traffic volume, speed limit, location, and road geometry. Locations were identified based on residents' requests and prioritization of schools and parks. Refer to **Attachment 3** for the proposed amendment to Traffic By-law 8059-24, to incorporate the changes to Schedule "Q" of the By-law. It is noted that Staff have been in discussions with our current contractor for the construction of the Watson Street PXO as part of the spring tender.

Table 1: Pedestrian Crossover Locations

No.	Location	Level 2 Crossing Type	Rationale
1	Anderson Street at Promenade Drive	Type C	Supports students crossing Anderson Street (Type B Arterial)
2	Carnwith Drive at Bayern Drive	Type B	Supports elementary students crossing Carnwith Drive (Type C Arterial)
3	Carnwith Drive at Darius Harns Drive	Type B	Supports elementary students crossing Carnwith Drive (Type C Arterial)
4	Temporary Trail at Water Street	Type B	Supports the temporary Waterfront Trail Detour required for area development/construction

No.	Location	Level 2 Crossing Type	Rationale
5	Garrard Road at Rolling Acres Drive	Type C	Supports elementary students crossing Garrard Road (Type C Arterial)
6	Garrard Road at Westwood Road	Type C	Supports elementary students crossing Garrard Road (Type C Arterial)
7	Watson Street at Victoria Fields	Type C	Included with the spring construction but requires inclusion in the By-law

At the time of writing Report PDE 09-24, the tender document for the pedestrian crossovers was being finalized. Pending approval of the updated Traffic By-law, the tender may be awarded through the regular process. Construction may commence late fall 2024 or early spring 2025.

5. Financial Considerations:

There are six (6) new pedestrian crossovers recommended, via this report, to be installed and included in the Traffic By-law. Incremental costs to implement Level 2 Type C and Type B crossovers are projected to range from \$45,000 to \$60,000. The cost to construct the proposed crossovers are within approved capital projects with available budget (refer to Table 2). The PXO on Watson Street is anticipated to be completed through the spring PXO tender.

Table 2: Budget

Project No.	Project Name	Available Budget	Estimated Costs
35226411	Pedestrian Crossovers	\$694,961	\$315,000
35226001	Pedestrian Crossover – Anderson St. Corridor	\$250,000	\$100,000

6. Communication and Public Engagement:

Staff will continue to work with Communications and Creative Services to provide information to the community regarding the crossings, including driver, cyclist and pedestrian use and expectations. A page has been created on the Town's website, which includes an informational video created by the Region of Durham.

7. Input from Departments/Sources:

Durham Regional Police Services would enforce any non-compliance of drivers not stopping or not remaining fully stopped until pedestrians have fully completed their crossing.

The Town's Parking Services team would enforce the No Stopping restriction adjacent to the crossing.

8. Strategic Priorities:

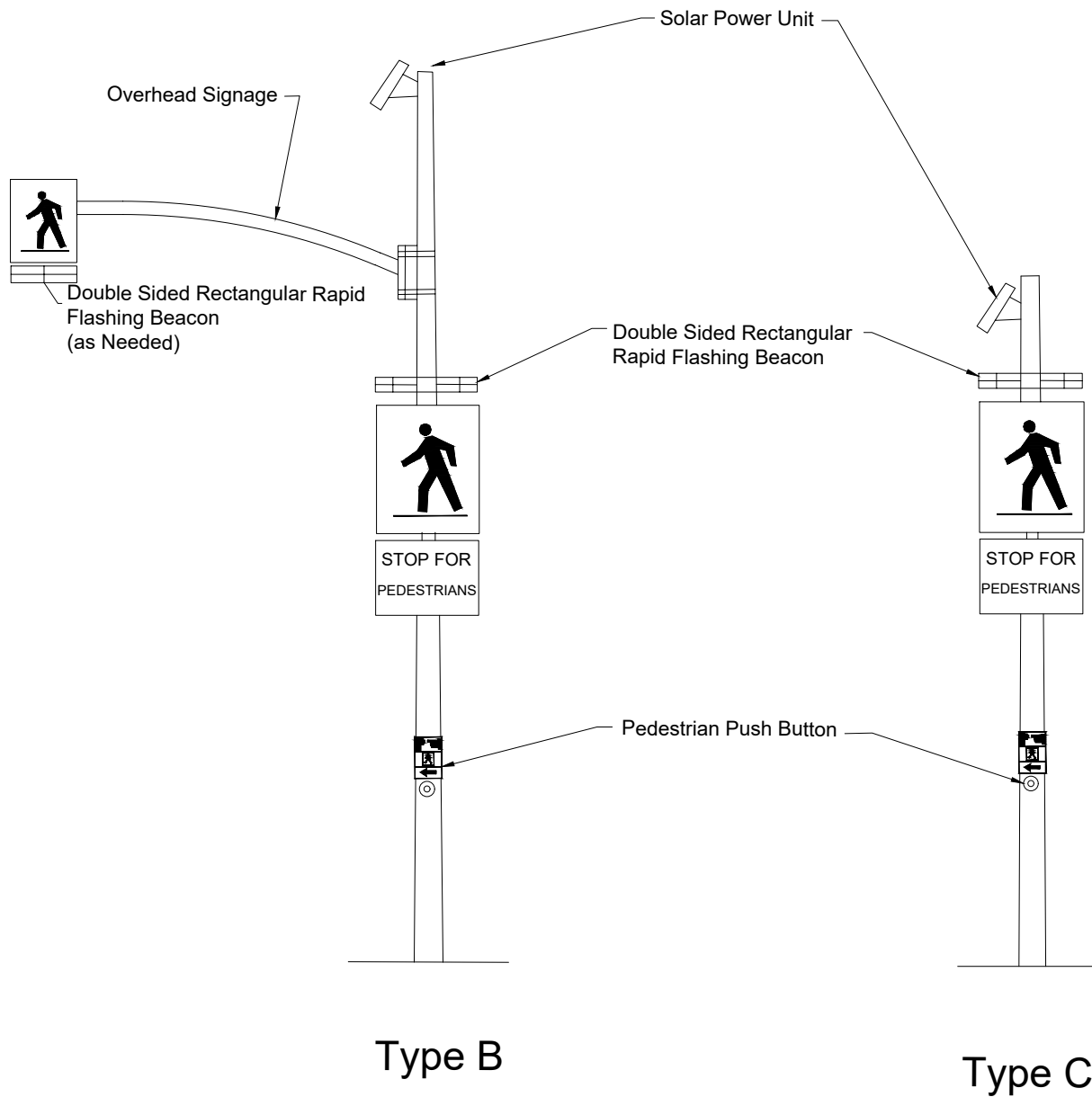
The recommendations contained in this report align with the Whitby's Neighbourhood and Government Pillars of the Community Strategic Plan. Whitby's Neighbourhood Pillar includes opportunities to improve road safety, while the Government Pillar recognizes responding to community needs. In addition, sustainable transportation such as supporting walkability is a key sustainability principle.

9. Attachments:

Attachment 1 – Type B and Type C Pedestrian Crossovers

Attachment 2 – Proposed PXO locations

Attachment 3 – Draft By-law to Update Traffic By-law 8059-24



Pedestrian Crossover Design



Legend

- PXO Type B
- PXO Type C
- S School
- Adjacent Park

List of Proposed Pedestrian Crossover (PXO) Locations

1. Anderson Street at Promenade Drive
2. Carnwith Drive at Bayern Drive
3. Carnwith Drive at Darius Harns Drive
4. Water Street at Temporary Trail
5. Garrard Road at Rolling Acres Drive
6. Garrard Road at Westwood Road
7. Watson Street at Victoria Field (Spring 2024)



Town of Whitby

By-law # Insert Number

Traffic By-law Amendment

Being a By-law to Amend By-law 8059-24, being a By-law to Regulate Traffic and Parking on the Highways and on Certain Private Roadways in the Town of Whitby

Whereas the Council of The Corporation of the Town of Whitby has passed By-law 8059-24 to Regulate Traffic and Parking on Highways in the Town of Whitby;

And whereas, the Council of The Corporation of the Town of Whitby considers it desirable to amend the provisions of By-law 8059-24;

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

1. General

1.1. That Schedule Q, Pedestrian Crossovers, is hereby amended, as described in Schedule A hereto attached.

2. Effective Date

2.1. The provisions of this by-law shall come into force and take effect on the passing thereof and at such time as proper signage and pavement markings have been erected.

By-law read and passed this 7th day of October, 2024.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Schedule A

Schedule Q, Pedestrian Crossovers, to By-law 8059-24, as amended, is further amended by adding thereto the following:

Roadway	Location
Anderson Street	Promenade Drive
Carnwith Drive	Bayern Drive
Carnwith Drive	Darius Harns Drive
Water Street	Temporary Trail
Garrard Road	Rolling Acres Drive
Garrard Road	Westwood Road
Watson Street	Victoria Fields

Table 1 - Schedule Q, Pedestrian Crossovers, to By-law 8059-24, as amended, adding thereto

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: Municipal Accommodation Tax Reserve Fund Policy

Report to: Committee of the Whole

Date of meeting: September 16, 2024

Report Number: FS 32-24

Department(s) Responsible:

Financial Services Department

Submitted by:

Fuwing Wong, Commissioner of
Financial Services / Treasurer

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

Raymond Law – Manager, Development
Finance, ext. 2909

1. Recommendation:

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

2. Highlights:

- Staff recommend the creation of a new discretionary program reserve fund, the Municipal Accommodation Tax Reserve Fund.
- The Municipal Accommodation Tax Reserve Fund will be governed by the reserve fund policy proposed in Attachment 1 of this report.
- The purpose of the reserve fund is to provide a source of funding for tourism-related programs, infrastructure, staffing, and services that support visitors to Whitby.

3. Background:

The Municipal Act, 2001, S.O. 2001, c.25 (“**Act**”) allows municipalities to impose a local tax levied on the purchase of transient accommodations from providers such as hotels and motels. The purpose of the tax is to generate revenue to support local tourism initiatives. The Town passed By-law [8082-24](#) on May 27, 2024 establishing a Municipal Accommodation Tax (“**MAT**”) effective July 1, 2024.

The Act requires municipalities to allocate 50 per cent of the MAT revenues (after deduction of the municipality's reasonable costs for collecting and administering the tax) to an "eligible tourism entity". The Town will be establishing a Municipal Services Corporation, the Whitby Tourism Development Corporation, as the eligible tourism entity. The other 50 per cent of the net MAT revenues remain with the municipality. MAT revenues retained by the Town will be transferred to the Municipal Accommodation Tax Reserve Fund. Unspent MAT funds will accumulate in the reserve to be used in future years.

This report satisfies the requirements for establishing a reserve or reserve fund as provided by Subsection 7.2 of the Town's Reserve and Reserve Fund Policy ([F390](#)).

4. Discussion:

Staff recommend the creation of a new discretionary program reserve fund for the Municipal Accommodation Tax. This reserve fund will provide a source of funding for tourism-related programs, infrastructure, staffing, and services that support visitors to Whitby.

The proposed policy to govern the Municipal Accommodation Tax Reserve Fund is included in Attachment 1 of this report.

The purpose of this program reserve is to provide a funding source that will offset or mitigate the use of tax-based funding for eligible projects. There is no initial contribution to this reserve fund, but future contributions will be funded from 50 per cent of Municipal Accommodation Tax revenues collected from accommodation providers.

In accordance with the Town's Reserve and Reserve Fund Policy, the MAT Reserve Fund shall be reviewed on an annual basis. As part of the annual review, the MAT Reserve Fund Policy will also be reviewed and any necessary changes be made.

5. Financial Considerations:

Since the implementation of the MAT by-law, the Town is expecting to receive just over \$42,000 (gross) related to July 2024 MAT revenues. As noted above, reasonable costs for collection and administration will be deducted before allocating 50% to the Whitby Tourism Development Corporation and 50% to the MAT reserve fund.

Aside from property taxes, the Town does not have other dedicated and on-going funding sources for tourism-related projects. Staff will consider MAT revenues and reserve fund balances when proposing projects to be funded from the Municipal Accommodation Tax Reserve Fund.

6. Communication and Public Engagement:

Not Applicable

7. Input from Departments/Sources:

This report incorporates feedback from Strategic Initiatives and the Policy Co-ordination Committee.

8. Strategic Priorities:

The recommendations in this report support the following Community Strategic Plan priorities:

- Pillar 3: Action Item 3.1.3 – Implement actions to enhance Whitby's tourism sector, including a focus on the waterfront
- Pillar 3: Action Item 3.2.5 – Implement initiatives that support our downtowns as thriving destinations

9. Attachments:

Attachment 1 – Municipal Accommodation Tax Reserve Fund Policy



Town of Whitby Policy

Policy Title:	Municipal Accommodation Tax Reserve Fund Policy
Policy Number:	To be assigned following Council approval
Category:	Finance
Reference:	Municipal Act, 2001, S.O. 2001, c. 25 Part XII.1 Ontario Regulation 435/17: Transient Accommodation Tax Council Resolution # 103-24 By-law # 8082-24
Date Approved:	Click here to enter a date. Click here to enter a date.
Date Revised:	
Approval:	Council
Point of Contact:	Financial Services Department

Policy Statement

This is a policy governing the use and administration of the Municipal Accommodation Tax Reserve Fund.

Purpose

The purpose of the Municipal Accommodation Tax Reserve Fund is to provide a funding source for local tourism development initiatives, programs and services that support visitors to Whitby, and the promotion of Whitby as a tourism destination.

Scope

This policy applies to management of the portion of Municipal Accommodation Tax ("MAT") revenues allocated to the Town. Of the total revenue collected, 50% is allocated to the Town of Whitby, and the remaining 50% is allocated to the Whitby Tourism Development Corporation, a Municipal Services Corporation.

Index

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2. Responsibilities	2
3. Utilization of Funds	2
4. Funding Sources	2
5. Reserve Target Level	3

1. Definitions

- 1.1. **Council** means the Mayor and members of Council for the Town of Whitby.
- 1.2. **Reserve Fund** means a fund established through a by-law of Council, or by a requirement of provincial or federal legislation for a specific purpose and segregated from the general revenues of a municipality to meet the financial requirements of a future event. Reserve Funds may be discretionary (funds authorized by Council) or obligatory (legislated funds that may only be used for their prescribed purpose). Reserve Funds typically earn interest.
- 1.3. **Treasurer** means the employee designated as such by Council for the position. The Treasurer shall exercise all powers and duties of the Treasurer as set out in the Municipal Act, 2001, S.O. 2001, c.25, as amended.

2. Responsibilities

- 2.1. The Treasurer or delegate has the authority to utilize the Municipal Accommodation Tax Reserve Fund as approved under Section 3 of this policy.

3. Utilization of Funds

- 3.1. The Municipal Accommodation Tax Reserve Fund can be utilized to fund:
 - 3.1.1. approved infrastructure that are related to actions identified in the Tourism Strategy or Community Strategic Plan (including wayfinding and signage, event and attraction support, public art, waterfront and downtown beautification, and community placemaking);
 - 3.1.2. approved programs that increase visitor spending and strengthens the local economy;
 - 3.1.3. approved projects that expand the community's capacity for tourism offerings such as sports, art, music, heritage, and cultural experiences;
 - 3.1.4. staffing as required in support of the uses noted above.
- 3.2. Usage of the Municipal Accommodation Tax Reserve Fund must be identified in the Council approved annual budget and forecast, in a subsequent report to Council or approved in accordance with the Capital Budget Management and Control policy.

4. Funding Sources

- 4.1. One half (50%) of the Municipal Accommodation Tax collected from all Whitby accommodation providers, which includes hotels and motels, for room

rental accommodations of four hours or more and continuous stays of 29 days or less.

4.2. Annual interest allocated by Treasury to the Municipal Accommodation Tax Reserve Fund.

4.3. Investment income earned, if applicable.

5. Reserve Target Level

5.1. The minimum uncommitted reserve fund target balance cannot go below \$0.

5.2. The maximum reserve target level has not been established.

This Policy is hereby approved by Council Resolution #_____ on this _____ day of _____, 20__.

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: Public Engagement Feedback for Pioneer Baptist Cemetery Name Change

Report to: Committee of the Whole

Date of meeting: September 16, 2024

Report Number: FS 39-24

Department(s) Responsible:

Financial Services Department

Submitted by:

Fuwing Wong, Commissioner, Financial Services/Treasurer

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

For additional information, contact:

Fuwing Wong, 905.430.4314

1. Recommendation:

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

2. Highlights:

- Town of Whitby Council approved the name change of the Pioneer Baptist Cemetery to the Dryden Cemetery in 2023 subject to public notice and review of any written objections received;
- The Town initiated the public notice for the proposed name change and received five written comments from the public (outlined in this report);
- Concerns/comments from the public are addressed in this report, and staff and the Groveside Cemetery Board recommend proceeding with the cemetery name change;
- Subject to Council approval of this report, the Groveside Cemetery Board and Town staff will initiate the name change process with the Bereavement Authority of Ontario.

3. Background:

In 2023, Town of Whitby Council approved the Groveside Cemetery Board's request to change the name of the Pioneer Baptist Cemetery to the Dryden Cemetery via the [September 25, 2023 Staff Report FS 21-23](#). As noted in the Staff Report, the recommended the name change for the cemetery located near the South-East corner of Columbus Road and Thickson Road to reflect the history of the area, the name of a prominent local family who were long-time benefactors of the cemetery, and to reflect a more inclusive/non-denominational name. There are approximately 132 plots still available at this cemetery and the proposed name change may appeal to the broader public.

The Groveside Cemetery Board

The Groveside Cemetery Board (the "**Board**") is an advisory committee created by Council. The Board is governed by the Funeral, Burial, and Cremation Services Act, 2002. Currently, the Board is comprised of six (6) citizen appointments*, one (1) Member of Council, and one (1) staff liaison. The Board's mandate, based on the Terms of Reference for this advisory committee is as follows:

1. Ensure the effective operation, maintenance and beautification of the Groveside Cemetery, Pioneer Baptist Cemetery, Myrtle Cemetery, Hubbell Cemetery, the Hemingway Monument and other cemeteries that fall within the responsibility of the Town of Whitby;
2. To supervise and manage the business and administrative matters of the Groveside Cemetery Board; and,
3. Ensure that all operations and proceedings of the Groveside Cemetery Board comply with the *Funeral, Burial and Cremation Services Act, 2002*, as amended.

*Only the appointed citizen Board members may vote on Groveside Cemetery Board matters.

The Bereavement Authority of Ontario

The Bereavement Authority of Ontario (the "**BAO**") was established as a Delegated Administrative Authority on January 16, 2016, under the *Safety and Consumer Statutes Administration Act, 1996*. The BAO administers provisions of the *Funeral, Burial and Cremation Services Act, 2002* which is consumer protection legislation respecting funerals, burials, cremations and related services within the province of Ontario.

4. Discussion:

Public notice of and an opportunity for the public to comment on the proposed cemetery name change was provided over a period of 60-days from June 10, 2024 to August 9, 2024** as follows:

- Sign posted at the gate of the cemetery;

- A media release was prepared and the proposed name change was [reported in the local news media](#);
- Website created (www.connectwhitby.ca/cemetery) to provide more information and an opportunity for members of the public to register comments, written objections.

**Due to the Town of Whitby labour disruption in the Fall 2023, the public engagement for the proposed cemetery name change was delayed to 2024.

As of the close of the comment period, June 10, 2024, the Town received five (5) comments:

- A) One (1) person commented that they have no concerns about the proposed name change;
- B) Four (4) people commented that they have concerns, summarized as follows (note: there are more than four (4) comments below as some people provided more than one point in their written responses):
 - It may be more difficult for family/genealogists to trace ancestors if the name of the cemetery changes;
 - Concern about labelling things from the past as “bad”;
 - Concern about using taxpayer money for the name change/this should not be a priority for the Town; and
 - Comment that people do not make decisions on where to bury family members based on the name of a cemetery.

The comments were shared with the Chair of the Board. As noted above, the Board recommended the name change to the Dryden Cemetery to reflect the history of the area, the family name of long-time benefactors of the cemetery, and to reflect a more inclusive/non-denominational name. Further, cemetery name changes are generally identified/quickly resolved through internet searches. Staff will also consult with the BAO on best practices for cemetery name changes. Finally, aside from costs related to the public notice, the costs related to the cemetery name change will be paid by the Groveside Cemetery Board, which is mainly funded from the cemetery-related revenues and an annual operating grant from the Town of Whitby.

Accordingly, it is recommended that the Groveside Cemetery Board and staff be authorized to initiate the name change with the Bereavement Authority of Ontario and execute all documents to implement the cemetery name change.

5. Financial Considerations:

Aside from the cost of the sign, \$70.06 inclusive of HST, that was part of the Town’s public notification/communication, the cost of the name change will be paid by the Groveside Cemetery Board.

6. Communication and Public Engagement:

Please see other sections of this report.

7. Input from Departments/Sources:

Please see other sections of this report.

8. Strategic Priorities:

N/A

9. Attachments:

N/A

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: Downtown Whitby Action Plan September 2024 Update

Report to: Committee of the Whole

Date of meeting: September 16, 2024

Report Number: CAO 18-24

Department(s) Responsible:

Office of the Chief Administrative Officer

Submitted by:

Sarah Klein, Director of Strategic Initiatives

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

For additional information, contact:

Christy Chrus, Sr. Manager Creative Communities 905-444-3164

1. Recommendation:

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

2. Highlights:

The Downtown Whitby Action Plan was adopted by Council in October 2016. Of the 27 action items, 15 have been completed, three are in progress, and nine are ongoing. Highlighted action items include:

- \$2.5 million of additional funding to support new high-density residential and mixed-use residential developments in Downtown Whitby through the Housing Accelerator Fund.
- Donation of two parcels of town-owned land located in Downtown Whitby, valued at \$5.9 million, to Habitat For Humanity of the Greater Toronto Area to support the establishment of 40 new affordable housing (ownership) units in the community.

- Completion of the first phase of engagement on the [Brock Street Redesign Study](#), gathering feedback from over 580 participants who identified their top design priorities, including patios, trees, planters/flowers, and more.
- Increase in pedestrian activity in Downtown Whitby, with the total number of pedestrians up 7.7% year-over-year (from 8,082 in 2023 to 8,705 in 2024) at six key intersections.
- Increase service level in Downtown Whitby to manage weeds throughout the summer months through more frequent weed removal and targeted graffiti removal on public infrastructure.
- Installation of three new CCTV cameras and DRPS bicycle patrols throughout the summer months to support community safety.
- Approval of the Public Art Policy and the installation of two new public art pieces ('The Hive' across from the Centennial Building and a new Indigenous mural series at Rotary Park) to support the 'Cultural Corridor' in Downtown Whitby.
- The launch of the first Food Tour series in Downtown Whitby (and Downtown Brooklin) to promote and support local restaurants and breweries to showcase Whitby's thriving culinary scene.
- Continued low vacancy rates for retail (0.6%) and office (1.7%) year to date in Downtown Whitby, demonstrating a strong demand for these types of uses in the downtown.

Overall, the Downtown Whitby Action Plan has been instrumental in achieving several significant studies and initiatives implemented over the past eight years. Staff recommend that a new Downtown Whitby Action Plan be undertaken in 2025 and brought forward for Council consideration and approval.

3. Background:

The Downtown Whitby Action Plan was approved in 2016 and identifies municipal initiatives aimed at revitalizing Downtown Whitby. It is a comprehensive approach to action-targeted projects with the goal of inspiring change so that together, we can make Downtown Whitby a destination.

The vision is "Downtown Whitby is a vibrant, innovative, inclusive and walkable urban destination, where our heritage is conserved and celebrated and where residents, employees and visitors are inspired to shop, live work, play and connect."

To translate this vision into reality, implementation is focused on the following four key objectives:

1. Enable new opportunities for a prosperous and innovative downtown;
2. Create Downtown Whitby as a walkable pedestrian-focused destination;
3. Inspire and enhance cultural life; and,
4. Cultivate downtown connections and promotion.

Successful implementation of these initiatives is being realized through collaboration across the organization and with key partners, aligning financial and human resources. Staff report annually on the implementation of the Plan.

4. Discussion:**4.1 Downtown Whitby Action Plan**

The following information provides an overview of the action items (projects, studies, activities, and programming) that have been implemented and/or are completed. A detailed status and timing chart is included in Attachment 1.

Objective 1: Enable new opportunities for a prosperous and innovative downtown.

- In December 2023, the Town of Whitby received funding through the Federal Housing Accelerator Fund to support various initiatives, including additional investment to support the Downtown Whitby Community Improvement Plan (CIP). An additional \$2.5 million was allocated to the Development Charge Grant program to support high-density residential and mixed-use residential development in Downtown Whitby. Staff have reached out to potential applicants to advise them of the additional funding for this program.
- In 2023, four Maintenance and Improvement Grants (i.e. Façade Grant, Sign Grant, Interior Building Grant and Design Grant) were approved with a total municipal investment of \$21,926 and a total private investment of \$48,406.
- Brookfield Residential Station No. 3 is scheduled to obtain occupancy in September 2024 and was the location for this year's Mayor's Gala. Staff are also working with Brookfield to support the promotion of Whitby's latest new public art to be located on the south wall of the development.
- Staff conducted the second Downtown and Lifestyle Business Roundtable session, with several Downtown Whitby businesses participating. Key items raised included replacing missing downtown banners, reviewing garbage collection locations, and general sidewalk maintenance and cleaning.
- From September 2023 to September 2024, the following six businesses were featured as a spotlight in the Economic Development e-newsletter: Frame by Design, Melly's Market and Café, ShiftLink, Quantic Croven, Love Child Connected, and Style Loft Boutique.
- As part of the Economic and Development Business Retention and Expansion Program, 20 Downtown Whitby businesses have been interviewed, collecting valuable information such as their number of employees, key concerns they are experiencing, plans for expansion, labour attraction, etc.
- In June 2024, staff, in collaboration with Mayor and Council members, participated in Whitby's first Local Business Week – interviewing 28 Downtown Whitby businesses. Common concerns were homelessness, parking, garbage, inflation and rent.

- On June 24, 2024, Town of Whitby Council approved the donation of two parcels of land, valued at \$5.9 million, to Habitat For Humanity of the Greater Toronto Area (“Habitat”) to support the establishment of 40 new affordable housing units in the community. The parcels are located on Hickory Street South and Dunlop Street East in Downtown Whitby. The Town discounted the lands by \$2.9 million and used \$3.0 million in Housing Accelerator Funds to enable the transfer of the lands at no cost to Habitat. As part of this agreement, Habitat commits to maintaining the ownership units as affordable units for at least 25 years.
- In 2024, the Town entered into another three-year lease agreement with the property owner for the Dundas/Byron Parkette to continue to provide an outdoor amenity space in the heart of Downtown Whitby.
- Staff have been working with the Region of Durham to support a future family shelter to be located at 316 Colborne St W. Work on the shelter is being reviewed by the Region’s social services team, and timelines will be forthcoming.

Objective 2: Create Downtown Whitby as a walkable pedestrian-focused destination.

- The Town has completed its first phase of engagement on the [Brock Street Redesign Study](#) with over 580 participants. Top design priorities included patios, trees, planters/flowers, road safety, pedestrian safety, heritage character, accessibility, parking, festivals and events and transit connectivity. This fall, staff will present the proposed concept designs to the Town’s Advisory Committees along with hosting a public meeting to obtain feedback. A recommendation report will be coming forward to Council in Q1 2025.
- In July 2024, the Town retained a consultant to complete a condition assessment and feasibility study on the fountain at Celebration Square in order to better understand the existing fountain equipment, complete pipe pressure testing and provide an engineering report for staff’s consideration and next steps.
- [The Town modified four intersections in Downtown Whitby](#) for traffic control purposes through the installation of new ‘all-way stops.’ The intersections in the Downtown are:
 - Athol Street and Colborne Street West;
 - Chestnut Street West and Kent Street;
 - Green Street South and Ontario Street East; and
 - Reynolds Street and Dunlop Street.
- In June/July, pedestrian counts were undertaken at six different intersections in Downtown Whitby. The results indicate an increase in the total number of pedestrians year-over-year – up 7.7% (from 8,082 in 2023 to 8,705 in 2024). This level is above the pre-pandemic pedestrian count in 2019, which saw 7,644 pedestrians. Cyclist activity, however, has decreased year over year by 20%

(629 in 2023 vs 525 in 2024). Children under 14 (521), as well as individuals using mobility devices (174) and E-Bikes (34), were tracked this year as well.

- The consultants for the Urban Forestry Management Plan have completed the park tree inventory and the tree inventory analysis. Substantial progress has been made on the background review, Phase 1 engagement results and environmental vulnerability matrix. This information is being compiled into a report to help inform the second round of community engagement in September.
- Increased service level in Downtown Whitby for weed management throughout the summer, with more frequent removal across a larger geographic area, prioritizing the historic core. This includes staff training on Foamstream for better weed removal around parked cars, as well as the removal of advertising yard signs and graffiti from public infrastructure, such as garbage cans and light posts.
- Purchase and replacement of two stream garbage/recycling receptacles in Downtown Whitby to support better waste management practices.
- Participation in the LEAF program to plant trees to combat climate change. One business and two residential properties in Downtown Whitby participated in the program from August 2023 to August 2024.
- In partnership with DRPS and a Provincial grant, three new CCTV cameras have been installed at the following intersections:
 - Dundas Street East / Hickory Street (looking in all directions)
 - Dundas Street West / Henry Street (looking west)
 - Brock Street South / just south of Gilbert St (looking in all directions)
- DRPS also deployed bicycle patrols in Downtown Whitby during the summer months to help support community safety.

Objective 3: Inspire and enhance cultural life.

- The Town entered into a new three-year lease at Celebration Square with the Whitby Farmers' Market and provided free parking for 35 Farmers' Market vendors on Wednesdays (market days).
- The Town supported the Downtown Whitby Business Improvement Area (BIA) by permitting various spaces, including the Dundas/Byron Parkette and Celebration Square, to support the BIA's Summer Art Series pop-up events and movie nights.
- The Town permitted the King Street parkette (located south of 360 Insights) to the King Street Cooperative Community Garden to support a neighbourhood event celebrating gardening, music and crafts.

- Staff permitted Municipal Parking Lot #1 and provided picnic tables to support several events for the Whitby Legion over the summer months.
- The Town approved the Public Art Policy in January, and two new public art pieces have been created in Downtown Whitby to support the 'Cultural Corridor' including:
 - "The Hive" located across from the Centennial Building on Centre Street South – this tree carving by Ryan Locke (@thetimberripper) used a century-old black walnut tree and transformed it into a honeycomb with honeybees.



- A new mural series by Indigenous artist Emily Kewageshig (<https://www.emily-kewageshig.com/>) has been installed at Rotary Park on the north wall of the utility building. This artwork speaks to the themes of family and nature, as the park is known for its floral designs. The murals are located just north of the playground. The Town was fortunate to receive a \$5,000 grant from Elexicon Energy to support this artwork.



Objective 4: Cultivate downtown connections and promotion.

- The Town created and launched the first Food Tour series in Downtown Whitby (and Downtown Brooklin) to promote and support local restaurants and breweries to showcase Whitby's thriving culinary scene. The Food Tours were sold out within a few days, with more days added throughout September to meet the growing demand.
- Hosted the second Downtown Whitby Meet and Greet event in March 2024 with Downtown Whitby business and property owners for a chance to network and learn about upcoming projects and events from the Town, BIA and Whitby Chamber of Commerce.

4.2 Benchmarking Report

The initial benchmarking data analysis was undertaken in 2017 based on the previous five years of activity and development in the Downtown Whitby Secondary Plan Area (SPA) and the Business Improvement Area (BIA). This information is reviewed annually as new census, economic, and planning and development data becomes available.

The following information is the latest snapshot (2023 – 2024) of tracked data indicators.

Table 1: Summary of Demographic Data

Metric	Downtown Secondary Plan Area	Whitby
Population	7,172	138,501
Median Age	49	40
Average Household Income	\$84,121*	\$142,400*
Average Persons per Family	2.6	3.1
Number of Occupied Private Dwellings	3,565	46,460
Number of Singles, Semis Links	1,265 (36%)	33,710 (73%)
Number of Townhomes	50 (1%)	6,135 (13%)
Number of Apartments	2,225 (63%)	6,605 (14%)
Average Workforce Participation Rate	53%	67%
Employment Rate	47%	59%
Top 3 Occupations of Residents	Healthcare and social assistance (12%) Retail Trade (12%) Manufacturing (10%)	Healthcare and social assistance (11%) Retail Trade (11%) Professional, scientific and technical services (9%)

- The population of Whitby grew by 7.8% from 2016 to 2021.
- The Town of Whitby shows a larger, younger, and more economically active population compared to the Downtown Secondary Plan Area (SPA).

- The Town of Whitby has approximately 73% Singles, Semis, and Links and 14% of Apartments type dwellings. This is the opposite in the Downtown SPA, where 36% are Singles, Semis, and Links, and 63% are Apartments.
- Note: Data marked with an asterisk (*) is based on data from 2020.

Tables 2-4: Summary of Real Estate Analytics

Metric	2023	2024 (YTD)	Difference
Office Vacancy Rate SPA	1.8%	1.7%	-0.1%
Retail Vacancy Rate SPA	1.9%	0.6%	-1.3%
Gross Office Rent Per Square Foot SPA	\$26.38	\$27.91	+\$1.53
Gross Retail Rent Per Square Foot SPA	\$19.93	\$23.81	+\$3.88

Asking Rent SPA Per Unit	2023	2024 (YTD)	Difference
Studio/Bachelor	\$1,133	\$1,156	+\$23
1 Bedroom	\$1,647	\$1,628	-\$21
2 Bedroom	\$1,888	\$1,926	+\$38
3 Bedroom	\$1,540	\$1,552	+\$12

Vacancy Rate (%) All Rental Units	2023	2024 (YTD)	Difference
Whitby	1.2%	2.2%	+1.0%
SPA	2.2%	1.0%	-1.2%

- The Secondary Plan Area (SPA) has shown a consistent retail and office vacancy rate below 3%, which indicates strong demand for these types of uses in the downtown.
- The gross office and retail rent per square foot has slightly increased which is consistent with responses staff are hearing from meetings with business owners as part of the Business Retention and Expansion program.

- The asking rent for Studio/Bachelor, 2 Bedroom and 3 Bedroom units have all increased while 1 Bedroom unit type has decreased.
- Overall, the vacancy for all rental units remains quite low for the Town of Whitby and Downtown Whitby, indicating high demand for rental units in the community.

Table 4 Summary of Pedestrian and Cyclist Counts

Metric	2019	2021	2022	2023	2024
Total Pedestrians per Annual Count	7,644	4,238	6,914	8,082	8,705
Total Cyclists per Annual Count	641	431	570	629	525

- Pedestrian and cyclist counts are undertaken at six different intersections on a weekday (Wednesday) and a weekend (Saturday) between the hours of 10 a.m. to 1 p.m. and 4 p.m. to 6 p.m.
- The total number of pedestrians has steadily increased year-over-year and is now well above the pre-pandemic levels. Intersections with the most pedestrian activity include Dundas/Brock, Brock/Colborne and Brock/Dunlop.
- The total cyclists count has generally remained consistent with slight fluctuations year over year. Intersections with the most cyclist activity include Dundas/Henry and Dundas/Brock.
- It is anticipated that, with the occupancy of Station No. 3 this year, the Dundas/Colborne intersection will see a significant increase in pedestrian activity for the 2025 count.

5. Financial Considerations:

Financial resources to implement the Downtown Whitby Action Plan have been included in the Town's approved budget. Any additional new projects will need to be considered and reviewed through the future budget review process. The update to create a new Downtown Whitby Action Plan will be done in house by staff within existing operating budget.

6. Communication and Public Engagement:

Various stakeholders, such as the Downtown Whitby BIA, Whitby Chamber of Commerce, and the Whitby Public Library, are regularly updated on the progress of the initiatives in the Downtown Whitby Action Plan. The Town uses various communication channels to engage on specific projects as they come forward i.e. Connect Whitby, social media, web story etc. for the Brock Street Redesign Study as an example.

7. Input from Departments/Sources:

An interdepartmental team was established to collaborate on the initiatives of the Downtown Whitby Action Plan. The team includes representatives from Strategic Initiatives, Planning and Development, Community Services, Financial Services, Communications and Creative Services.

8. Strategic Priorities:

The Downtown Whitby Action Plan addresses several of the actions in the Community Strategic Plan, including:

Objectives 1.1.4 and 1.3.6 Improve community safety, health and well-being by working with partners at Durham Region to implement proactive strategies to manage homelessness and mental health needs in Downtown Whitby and implement features such as CCTV cameras to provide safer spaces.

Objective 1.2.3 Investing, promoting and strengthening the local arts, culture, heritage and creative sector through creating placemaking opportunities and building out the Town's Public Art Policy.

Objective 3.1.1 and 3.2.3 Implementation of the Economic Development Strategy through Business Retention and Expansion interviews, Meet and Greet, business spotlights and roundtables.

Objective 3.2.5 Implementing initiatives that support the downtowns as thriving destinations through new placemaking, investing in the Community Improvement Plan and tracking data annually to ensure low vacancy rates are maintained year over year.

Objective 4.1.2 Strengthening existing and building new partnerships through work with the Downtown Whitby BIA, businesses and property owners, Chamber of Commerce, Whitby Public Library, Durham Region Police Service and Whitby Legion.

This report takes into consideration accessibility planning by ensuring both public and private developments in the downtown incorporates accessible principles. Furthermore, sustainable practices through environmental, social and economic pillars are used to develop and implement the action items.

9. Attachments:

Attachment 1: Downtown Whitby Action Plan September 2024 Update



Downtown Whitby Action Plan

September 2024 Update



Objective 1

Enable new opportunities for a prosperous and innovative Downtown

Action Item	Timing	Project Collaborators	Resources	Progress
1.1 Update the Downtown Whitby Community Improvement Plan CIP with improved financial incentives for development/ redevelopment projects including expanding the CIP boundaries.	Completed Q2, 2018 Updated CIP 2022 Updated CIP 2024	Strategic Initiatives; Planning and Development; Financial Services	Staff Resources Capital Budget \$3,467,500 2017 \$2,500,000 added in 2024 Housing Accelerator Fund	Final Report approved by Council June 25, 2018. Updated CIP approved by Council Nov. 29, 2022; Jan. 29, 2024. Total Municipal Investment for the CIP to date = \$3,299,851 (95%) of the funding (not including the additional \$2.5 million)
1.2 Work towards the redevelopment of 201 Brock Street South (the Old Fire Hall site) and adjacent lands into a mixed used, pedestrian friendly development.	In-progress Occupancy anticipated Sept. 2024	CAO in consultation with all departments	Staff Resources	Anticipated occupancy Sept 2024. Staff working with Brookfield to support promotion of a public art mural on the south wall. Groundbreaking celebration March 2022. Received Downtown Whitby CIP Funding of \$1,167,500 and funding from the Region of Durham Regional Revitalization Program of \$625,580. Six-storey mixed-use development, comprised of 160 residential units, 911 m ² of ground floor commercial space and 184 parking spaces. Demolition of old fire hall and IOOF building (July 2019). Sale of lands to Brookfield Residential (January 2019).

Objective 1

Enable new opportunities for a prosperous and innovative Downtown

Action Item	Timing	Project Collaborators	Resources	Progress
1.3 Streamline the development review process for Planning and Development applications (i.e. delegate Site Plan Review to staff).	Completed Q2, 2018	Planning and Development; Operations; Financial Services; Community Services	Staff Resources	Delegation of Site Plan Approval to the Commissioner of Planning and Development approved by Council June 25, 2018.
1.4 Update the Downtown Whitby Secondary Plan to review land uses, identify intensification areas, provide urban design policies and review transportation needs.	Completed Q1, 2023 (Town approval – under appeal through LPAT)	Planning and Development; Strategic Initiatives; Operations; in consultation with the public and BIA	Staff Resources Capital Budget 2019 \$500,000	Council adoption of the Downtown Whitby Secondary Plan through Official Plan Amendment No. 126 in March 2023. Under appeal through LPAT. Consultant retained in Q1 2020. Phase 1 Background Study and Analysis, Phase 2 Land Use Concept and Options, and Phase 3 Preferred Concept Plan complete.
1.5 Update the Economic Development Strategy for Downtown Whitby inclusive of attracting desired businesses (i.e. innovative sector).	Completed Q4, 2021	Strategic Initiatives; Planning and Development; Whitby Chamber of Commerce; Downtown Whitby BIA; Project Steering Committee	Capital Budget 2021 \$50,000 for Economic Development Strategy	A 5-year Economic Development Strategy was completed in Q4, 2021 and several actions have already been implemented as others are ongoing initiatives. ‘Downtowns and Lifestyle’ was included as one of the Town’s Key Sectors.

Objective 1

Enable new opportunities for a prosperous and innovative Downtown

Action Item	Timing	Project Collaborators	Resources	Progress
1.6 Review the Town’s Municipal real estate assets, gaps and opportunities within the downtown (i.e. community facilities, parking, parks etc.) and create a strategy to manage, grow, and develop the assets moving forward.	Ongoing	Financial Services; Strategic Initiatives; Planning and Development; Operations: Community Services; Legal	Staff Resources	<p>The following initiatives are currently completed or underway:</p> <ul style="list-style-type: none">• Donation of two parcels of Town-owned land located in Downtown Whitby, valued at \$5.9 million, to Habitat For Humanity of the Greater Toronto Area to support the establishment of 40 new affordable housing (ownership) units in the community.• Working with the Region to develop a family shelter to house up to four families with children at 316 Colborne St. W.• Lease renewal (2024) of the Dundas/Byron parkette with the property owner to continue the use of an urban park in the heart of Downtown Whitby.• Construction of King St Community Garden Q3, 2022 with their first community event in 2024.• Lease of 128 Brock St S to Brookfield Residential for a construction office 2022.• Launch of the 1855 Whitby Technology Accelerator (400 Centre St. S.) Q1 2019.

Objective 1

Enable new opportunities for a prosperous and innovative Downtown

Action Item	Timing	Project Collaborators	Resources	Progress
1.7 Review servicing requirements to ensure that development sites have appropriate infrastructure i.e., servicing, storm water management etc.	Ongoing through development applications	Region of Durham; Planning and Development; Operations; Utility Companies	Staff Resources	On water, sanitary and storm sewer capacities, both the Region and Town advises there are no major service gaps in Downtown. Detailed review is required with formal submissions of development applications. Continuing to work with Elexicon Energy to ensure hydro capacities are available for redevelopment sites.

Objective 2

Create Downtown Whitby as a walkable pedestrian-focused destination

Action Item	Timing	Project Collaborators	Resources	Progress
2.1 Review current and future municipal parking demands in Downtown Whitby and develop a Parking Master Plan (PMP) to meet these demands.	Completed Q4, 2021	Planning and Development; Strategic Initiatives	Capital Budget 2017 \$150,000	<p><u>PW 31-21</u> the Final Downtown Parking Master Plan was presented to Council and approved November 2021.</p> <p>Expansion of Municipal Lot 5 at Green/Colborne Streets to include an additional 20 new parking spaces and 2 new accessible parking spaces. Repaving of Municipal Lot 2 and completion of two accessible parking spaces in Municipal Lot 1.</p> <p>The addition of an EV charging station at 1855 Whitby to support green technology and more coming over the next two years in other municipal lots.</p> <p>Further identifying the 15-minute parking spaces with yellow metre caps to support quick pick-up/delivery.</p> <p>Installation of refurbished pay and display machines with the ability to enter license plate numbers and pay-by-tap feature.</p>

Objective 2

Create Downtown Whitby as a walkable pedestrian-focused destination

Action Item	Timing	Project Collaborators	Resources	Progress
2.2 Develop a Streetscape Improvement Master Plan for roads, sidewalks, pedestrian crossings, street furniture, trees, lighting, cycling, signage and connectivity in Downtown Whitby with specific focus along the Brock Street spine; and develop related engineering design standards.	In-progress Start Q3 2023 – Consultant	Strategic Initiatives; Planning and Development; Operations	Provincial / Federal Grant 2021 \$286,000 for Dunlop modifications Capital Budget 2023 \$100,000	Phase 1 of the Brock Street Redesign Study complete gathering feedback from over 580 participants who identified their top design priorities, including patios, trees, planters, flowers, and more. Boulevard reconstruction of Dunlop St E (between Brock St and Green St) complete in Q2, 2022. Project includes enhanced pedestrian features such as wider sidewalks, accessible entrances, benches, trees and Muskoka Chairs provided by BIA.
2.3 Develop a Downtown Transportation and Pedestrian Safety Action Plan to support a pedestrian friendly historic core around Brock and Dundas Streets. The Plan shall address the need for pedestrian crossings and the need to redirect truck and commuter traffic to other roads while reducing the traffic impact on adjacent residential neighbourhoods.	Completed Q2, 2021	Planning and Development; Operations; Strategic Initiatives	Capital Budget 2018 \$100,000	The Downtown Pedestrian Safety Action Plan was integrated into the Whitby Active Transportation Plan. The Active Implementation includes - modifications of four intersections in Downtown Whitby in Q3, 2023 for traffic control purposes (i.e. new stop signs).

Objective 2

Create Downtown Whitby as a walkable pedestrian-focused destination

Action Item	Timing	Project Collaborators	Resources	Progress
				<p>Installation of a Leading Pedestrian Interval at Brock/Dundas installed in Q2, 2022 providing pedestrians a five-second advanced crossing.</p> <p>June/July 2024 Pedestrian Counts undertaken to understand pedestrian / cyclist volumes in Downtown Whitby. Overall findings show an upward increase in the number of pedestrians year over year with cyclist volume fluctuating year over year.</p>
2.4 Review services (i.e. snow and waste collection) in Downtown Whitby in order to implement improvements and efficiencies.	Ongoing	Operations; Strategic Initiatives	Staff Resources	<p>Increase of service level to manage weeds in the summer months with more frequent weed removal and targeting a larger geographic area; staff training on Foamstream to assist with better weed removal; removal of advertising yard signs and graffiti on public infrastructure (i.e. garbage cans) (2024).</p> <p>New two-stream waste/recycling receptacles purchased in 2024.</p> <p>Winter control services reviewed following the winter season with an update on the 2022/2023 winter storms presented to Council.</p>

Objective 2

Create Downtown Whitby as a walkable pedestrian-focused destination

Action Item	Timing	Project Collaborators	Resources	Progress
2.5 Work with business and property owners to provide opportunities to create accessible entrances to their building.	Ongoing through Façade Grant Program and/or streetscape improvements	Strategic Initiatives; Planning and Development; Operations; Town's Accessibility Advisory Committee; Downtown business/property owners; Downtown Whitby BIA	Various Capital Projects	<p>Council approval of Accessible Improvement Grant Program Policy and Procedures Report CMS 07-21 to provide financial incentives to improve accessibility within Whitby for non-profit community groups, not-for-profit organization and small businesses.</p> <p>Dunlop St E boulevard reconstruction included accessible entrances to the plaza businesses on the north side.</p> <p>Ongoing through annual Façade Grant Program and streetscape improvements.</p>
2.6 Evaluate the urban forest canopy and natural environment to better understand the most appropriate tree species and landscape materials suitable for various locations in Downtown Whitby.	In-Progress - Urban Forestry Management Plan Ongoing through streetscape improvements	Operations; Strategic Initiatives; Planning and Development; Community Services; By-law; Financial Services	<p>\$300,000 Capital Budget 2023</p> <p>Staff Resources</p>	<p>Consultant awarded for the Urban Forestry Management Plan Q3, 2023. The Plan will be developed in four Phases over 18 months:</p> <p>Phase One – Urban Forest Analyses Phase Two – Urban Forest Study Phase Three – Consultation, Visions, Themes and Objectives Development Phase Four – Urban Forest Management Plan</p>

Objective 2

Create Downtown Whitby as a walkable pedestrian-focused destination

Action Item	Timing	Project Collaborators	Resources	Progress
				Participating in the LEAF program to plant trees to combat climate change. One Downtown Whitby business and two residents participated in the program from August 2023 to August 2024.
2.7 Continue to work collaboratively with Durham Regional Police Service and By- law Services to proactively mitigate vandalism and illegal activity in Downtown Whitby.	Ongoing 2016 Graffiti Mitigation Program	Durham Regional Police Service (DRPS); By-law Services; Downtown Whitby BIA	\$7,672 in 2024 and \$6,800 in 2022 from Long Term Finance Reserve for CCTV Cameras Staff Resources	<p>Installation of 3 new CCTV Cameras in Downtown Whitby in 2024 (in addition to the other 4 cameras) as part of successful grant in partnership with DRPS.</p> <p>Bicycle patrols used throughout the summer months in 2024 to support community safety.</p> <p>In 2023, delivered Community Support cards to Downtown Whitby businesses and discussed issues such as homelessness, needles, and encampment response procedures.</p> <p>In 2022, undertook a door-to-door safety walk in partnership with DRPS and the Downtown Whitby BIA to provide a handout which included safety tips, how to report crimes to DRPS, how to report and remove graffiti and information on garbage and recycling pick-up.</p>

Objective 3

Inspire and enhance cultural life

Action Item	Timing	Project Collaborators	Resources	Progress
3.1 Collaborate with Downtown Whitby businesses and property owners on pilot projects to test the market for creative ideas and proposals (i.e. sidewalk cafes, pop-up shops, incubator spaces).	Ongoing	Downtown business/property owners; Strategic Initiatives; Planning and Development; Operations;	Staff Resources Capital Budget \$15,000 Streetside Patio Project	Installation of a pedestrian zone / streetside patio along Brock St S east side) in collaboration with the Downtown Whitby BIA who donated Muskoka Chairs and picnic tables.
	Complete Dundas/Byron Parkette	Communications and Creative Services; Downtown Whitby BIA	My Main Street Grant \$49,052 2021 for Dundas/Byron parkette	Completion of the Dundas/Byron Parkette from an underutilized/vacant lot to an urban parkette including Muskoka chairs, self-watering planters, love lock art piece, and murals in collaboration with Downtown Whitby BIA Q3, 2021.
3.2 Create opportunities to animate and cultivate a ‘people place’ at Celebration Square at the Whitby Public Library (i.e. develop a strategy and live test of pilot projects).	Ongoing	Strategic Initiatives; Whitby Public Library; Corporate Communication and Creative Services; Community Services	CCRF Grant \$158,553 2022 Celebration Square and Dundas/Byron Parkette	Completed the placemaking project at Celebration Square to include new moveable furniture, chess/checkboard table, permanent seating with umbrellas and enhanced Wi-Fi to cover the entire public square, Q1, 2023.

Objective 3

Inspire and enhance cultural life

Action Item	Timing	Project Collaborators	Resources	Progress
				Installation of the Sir William Stephenson bronze statue at Celebration Square Q2, 2021 including promotional/celebratory video. Installation of Noise Barrier planters in 2018.
3.3 Establish a new permanent location for the Whitby Farmers' Market.	Completed Q2, 2017	Planning and Development; Communications and Creative Services; Whitby Farmers' Market; Operations	Staff Resources	<p>Three-year lease renewal in 2024 with the Whitby Farmers' Market, inclusive of providing 35 free parking passes for market vendors.</p> <p>Relocation launch at Celebration Square October 2017.</p> <p>Worked in collaboration with the FM to provide additional 'Green P' parking directional lawn signs and worked with adjacent businesses to help re-direct market customers (Q3, 2023).</p>

Objective 3

Inspire and enhance cultural life

Action Item	Timing	Project Collaborators	Resources	Progress
3.4 Develop a streamlined and pre-packaged event policy with special considerations for road closures, fee schedule and licensing requirements for downtown events both Town run and private events.	Completed Q1, 2019	Clerks; Communications and Creative Services; Operations; Community Services; Planning Development; Legal; By- law Services; Strategic Initiatives	Staff Resources	Staff Report CAO 07-19 for the Special Events Policy was approved at Council on April 15, 2019 and was in effect May 1, 2019. Updates annually to the Special Event User Guide (based on best practices and changing policies). Added streamlined information to the Town's website on how to plan a Special Event and created a fillable application form.
3.5 Conduct a cultural mapping exercise and create a Culture Plan with specific input/ideas for Downtown Whitby.	Completed Q1, 2021	Community Services; Strategic Initiatives; Communications and Creative Services; Downtown Whitby BIA; Station Gallery; Whitby Public Library	Capital Budget 2018 \$110,000	Final Report CMS 03-21 completed. Implementation of projects include: <ul style="list-style-type: none"> • ArtsTrail – interactive map showcasing Whitby's Public Art including QR codes to highlight arts in Downtown Whitby. • Installation of Sir William Stephenson bronze statue at Celebration Square and video to promote unveiling. • Painting of Benches at Kinsmen Park in partnership with local artist Sarah Shaw. • Doors Open Downtown Whitby video walking tour in partnership with WPL

Objective 3

Inspire and enhance cultural life

Action Item	Timing	Project Collaborators	Resources	Progress
3.6 Continue working on creating a Heritage Conservation District (HCD) Plan for Perry's Plan and the Four Corners.	Subject to future Council direction following a review of the implementation outcomes of Werden's HCD in 2024.	Planning and Development; Heritage Whitby Advisory Committee; Downtown Whitby BIA	Capital Forecast Budget if HCD's proceed: 2025 (Perry's Plan) \$108,253 2026 (Four Corners) \$108,253	Werden's Neighbourhood Heritage Conservation District HCD) Plan – Approved by LPAT May 2019 (Council approval June 2017) and now in full force and effect. Newsletters distributed to property owners and residents over the past few years, highlighting heritage properties and permit requirements.
3.7 Update the public art policy and develop a municipal policy to acquire, fund and promote public art at key locations within the municipality including Downtown Whitby.	Completed, Q1 2024	Strategic Initiatives; Community Services; Planning and Development; Clerks; Operations; Whitby Station Gallery	Staff Resources	Approval by Council of the Public Art Policy in Q1, 2024. Implementation of two new Downtown Whitby public art pieces including: <ul style="list-style-type: none"> • "The Hive" across from the Centennial Building. • Indigenous Murals at Rotary Park.

Objective 4

Cultivate Downtown connections and promotions

Action Item	Timing	Project Collaborators	Resources	Progress
<p>4.1a Review and establish the boundaries for Historic Downtown Whitby.</p> <p>b) Report back to Council on options for gateway features at each boundary of the Historic Downtown and that the gateway features be respectful and adhere to heritage characteristics.</p>	<p>Completed Boundaries Q1 2017</p> <p>Complete – concept designs Q3 2018</p> <p>Detailed designs – pending BRT designs and Brock Street Redesign Study</p>	<p>Strategic Initiatives; Planning and Development; Operations; Downtown Whitby BIA</p>	<p>Staff Resources</p> <p>Consultant</p>	<p>4.1a) Completed (PL 13-17 Report February 2017).</p> <p>4.1b) Consultant retained Q3 2017; design options and meeting with stakeholders Q2 2018; final report on concept designs approved by Council PL 60-18, Q3 2018. Terms of Reference for Detailed Designs to be initiated consultation with the Bus Rapid Transit (BRT) project.</p>
<p>4.2 Review and establish boundaries for Downtown Whitby and identify brand areas/districts (Werden's, Perry's, Innovation etc).</p>	<p>Completed Q3, 2023</p>	<p>Strategic Initiatives; Planning and Development; Downtown Whitby BIA</p>	<p>Staff Resources</p>	<p>New Downtown Whitby and Downtown Whitby BIA Banners installed Q2, 2022. 1855 Whitby Accelerator launched in Q2, 2019. Werden's Plan HCD Signage / Commemoration at King St Parkette Q3, 2023.</p>

Objective 4

Cultivate Downtown connections and promotions

4.3 Support and enable the establishment of a Downtown Whitby Business Improvement Area (BIA) or similar type of business model to support downtown initiatives, events and activities.	Completed Q2, 2017	Downtown business/property owners; Clerks; Strategic Initiatives; Legal	Staff Resources	Completed - By-law to form BIA approved by Council April 10, 2017; Completed Memorandum of Understanding (MOU Q2 2018 and updated MOU through report CS 38-19 to provide support for in-kind request up to \$5,000. Developed a Standard Operating Procedure (Q1, 2021) to ensure BIA budget review and submission process aligns with Town's Budget Process.
4.4 Establish key locations for entrance features into the downtown and work towards creative designs to welcome people to the area.	Completed locations Q1, 2017 Designs tied to Item 4.1 b) Q3/Q4 2021	Strategic Initiatives; Planning and Development; Operations; Downtown Whitby BIA	Staff Resources Consultants for designs and future construction	Council approved concept designs for Downtown Whitby Historic Gateways PL 60-18 . Detailed designs will be initiated in conjunction with BRT project.

Objective 4

Cultivate Downtown connections and promotions

Action Item	Timing	Project Collaborators	Resources	Progress
4.5 Enhance storefront signage by updating the Town's Sign By-law, providing design guidance and financial incentives.	Completed Q1, 2018	Strategic Initiatives; Planning and Development; Downtown business/ property owners; Downtown Whitby BIA	Staff Resources	<p>Staff report LS 01-18 on the Town's Permanent Sign By-law to permit projecting signs and prohibit new internally illuminated signs in Downtown Whitby adopted by Council March 2018.</p> <p>Staff in conjunction with Downtown Whitby BIA developed a signage inventory for use as part of the CIP Program, Q3, 2018.</p> <p>In collaboration with the DWDSC and BDDSC, hosted two downtown virtual workshops on Signage and Window Displays in Q2, 2021.</p>
4.6 Create opportunity to provide Wi-Fi and improve broadband connectivity in Downtown Whitby.	Ongoing	Financial Services; Strategic Initiatives; Planning and Development; Community Services; Chamber of Commerce	TBD	<p>Region of Durham Broadband strategy initiated in Q3 2017. Town of Whitby staff provided feedback to Region on strategy to help increase connectivity in Whitby in Q2 2018. Region's final Broadband Strategy Report released in Q1 2019, outlined recommended actions for the Region within immediate and long- term.</p> <p>Wi-Fi has been extended to include all of Celebration Square at the Whitby Public Library Q3, 2022.</p>

Confidential

Memorandum to Council

Legal and Enforcement Services

Enforcement Services Division



To: Mayor and Members of Council

CC: Francesco Santaguida, Commissioner of
Legal and Enforcement Services/Town
Solicitor

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

From: Andre Gratton, Sr. Manager of Enforcement
Services

Date: June 14, 2024

File #: N/A

Subject: Fence By-law Exemption request for 101
Carnwith Drive West, Brooklin

Staff have received the June 10, 2024, Fence By-law height exemption request of Mark Masri of 101 Carnwith Drive West, Brooklin. The request letter is included as **Attachment 1** to this memorandum. Mr. Masri is requesting a height exemption for his rear yard fence beyond 2.2 metres, or 7 feet 2 inches.

Background

Staff responded to a complaint of an illegally constructed fence in April 2023. Staff educated the property owner on the maximum height restrictions and exemption sections contained within the Town's Fence By-law # 4394-99, as amended (the "**Fence By-law**"). For Mr. Masri's fence, the Fence By-law allows for a fence of no more than 2 metres (6 feet 7 inches) tall.

The Town's Fence By-law also delegates authority to the Commissioner of Legal and Enforcement Services/Town Solicitor to approve exemptions of up to 10% beyond the maximum fence height, or 2.2 metres (7 feet 2 inches). Mr. Masri requested, and was granted, an exemption for his fence by Commissioner Santaguida for a fence of up to 2.2 metres in keeping with the delegated authority. For areas of the fence above 2.2 metres tall, Mr. Masri had until March 4, 2024 to remove those sections of the fence. Mr. Masri did not remove those sections of the fence and has been issued an infraction under the Fence By-law for those areas.

The orientation of 99 and 101 Carnwith Dr. W is odd, where a long-narrow lot was subdivided into two lots, where 99 Carnwith Dr. W is behind the rear yard of 101 Carnwith Dr. W, as shown in Figure 1, below.



Figure 1

Next Steps

Should a Member of Council wish to have this request considered by Council, please contact the Town Clerk or Deputy Town Clerk to have this matter added to a Council or Committee Agenda. If the request is not pulled by Council by July 5, 2024, staff will consider Mr. Masri's request rejected.

Any questions related to this matter may be directed to the Author or the Commissioner of Legal and Enforcement Services/Town Solicitor.

August 26, 2024

Councillor's Steve Yamada & Chris Leahy
The Town of Whitby
575 Rossland Rd E
Whitby, ON

Re: Fence Allowance - 101 Carnwith Drive West, Brooklin

Dear Councillors Yamada & Leahy:

Firstly, thank you in advance for agreeing to review our situation and provide assistance with the matter contained herein.

I am writing to respectfully request an exemption for the height regulation on fencing within our neighbourhood. The peaceable enjoyment of our backyard has been significantly compromised due to several factors; notably vehicular disturbances and an unconventional lot severance that complicates following by-law requirements. It bears mentioning that we have gone through the process of applying for a variance with the Fence Department, however the Commissioner of Legal and Enforcement Services, Mr. Santaguida, was only authorized to grant a height of 7-feet, 2-inches.

Our family values privacy and tranquility, both of which would be jeopardized by the lack of a sufficient barrier. The incessant noise, from regular disturbances/ environmental concerns created by vehicles driving up/down the driveway on the abutting east side and around the back of our property, disrupts our peace and also imposes anxiety-inducing factors on our family. As I'm sure you can appreciate, this anxiety, stemming from the constant intrusion of external disturbances, impacts our quality of life and mental well-being.

Moreover, the unconventional lot severance we have to deal with, due to the abutting property's(99 Carnwith Drive W) front door/windows/driveway looking into our backyard, makes it challenging to adhere to the standard regulations without sacrificing our privacy.

Given these unique circumstances, we implore you to consider granting an exemption to accommodate a fence of 9-feet, 4-inches. Doing so would not only alleviate the disturbances we endure but also enable us to reclaim the peace and privacy essential for our family's well-being.

Thank you kindly,



Mark Masri



Confidential

Memorandum to Council

Legal and Enforcement Services

Enforcement Services Division



To: Mayor and Members of Council

CC: Francesco Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor

From: Andre Gratton, Sr. Manager of Enforcement Services

Date: August 23, 2024

File #: N/A

Subject: Fence By-law Exemption request for 1 Glencedar Crescent

Acknowledged by M. Gaskell, Chief Administrative Officer

Staff have received the August 9, 2024 Fence By-law height exemption request of Mark Challenger of 1 Glencedar Crescent. The request letter is included as **Attachment # 1** to this memorandum. Mr. Challenger is requesting a height exemption for his rear yard fence beyond 2.2 metres, or 7 feet 2 inches to construct a fence of up to 2.4 metre, or 8 feet.

Background

Staff responded to a complaint of a hedge which obstructs a sidewalk. Staff educated the property owner on the complaint received and applicable Encroachment By-law. The owner had several discussions with staff and indicated that he would remove the hedge. Staff and the owner noted that pruning may cause health and safety concerns as removing the vegetation would expose sharp stems. Staff have been working with the resident to encourage voluntary compliance and have given several time extensions to comply with the provisions of the by-law.

The owner has indicated that he wishes to install an 8-foot fence in place of the hedge once the hedge has been removed.

1 Glencedar is a corner lot which fronts onto Glencedar and Bridgewater Avenue. The hedge in question runs parallel with Bridgewater Avenue and lines the backyard of the residence (**See Figure # 1**).

Figure 1



Staff Comments

As the hedge in question does not border an adjacent property this request does not need to be calculated to any neighbouring properties. Staff do not have any opposition to the 8-foot fence request but recommend that the fence should only be erected in the backyard portion of the yard (directly replacing the existing hedge) and be placed onto Mr. Challengers property. It should be noted that, any replacement or repairs required to the fence in the future would be the responsibility of the owners of 1 Glencedar Crescent.

Next Steps

Should a Member of Council wish to have this request considered by Council, please contact the Town Clerk or Deputy Town Clerk to have this matter added to a Council or Committee Agenda. If the request is not pulled by a Member of Council by September 6, 2024, staff will consider Mr. Challengers' request denied.

Any questions related to this matter may be directed to the Author or the Commissioner of Legal and Enforcement Services/Town Solicitor.

Dear Whitby Council,

I am writing to request an exemption to the current fence by-law. I have been asked to comply with a by-law complaint to trim my hedge along the sidewalk at 1 Glencedar acres, and I am in the process of complying with this request.

Since the hedge is so large, trimming it has killed it, so I am removing it permanently. To ensure my family has privacy, since my backyard is on a slope, I plan to install an 8 ft. fence, which is higher than the current by-law permits.

Can you tell me what the process is for moving forward with the by-law exemption request? I have spoken to both of my adjacent neighbors and they are currently happy with my plan.

Thank You.

Mark Challenger



Memorandum to Council

Legal and Enforcement Services

Legal Services Division



To: Mayor and Members of Council

CC: Roger Saunders - Commissioner, Planning and Development Services
Peter Angelo – Director, Engineering

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

From: Francesco Santaguida – Commissioner,
Legal and Enforcement Services/Town
Solicitor

Date: September 3, 2024

File #: N/A

Subject: Request for Exception from Fee By-law
#7220-17 – Driveway encroachment for 89
Garden Street

Background

Mr. Paul Mason, owner of the home located at 89 Garden Street, made a request to the Town to encroach into adjacent Town-owned land to expand his driveway to accommodate the parking of an additional vehicle at his property. Mr. Mason's request is included as **Attachment 1** to this Memorandum. Mr. Mason would be losing a portion of the driveway apron due to the construction and capital improvements on Garden Street. A map of the property and the proposed encroachment is included as **Attachment 2** to this memorandum. The neighbouring Town-owned lands are a part of Lynde Creek and zoned "Open Space" (the "Town Lands").

Staff have reviewed Mr. Mason's request for an encroachment, and do not oppose his request. In order to facilitate the construction of the addition to his driveway, 89 Garden Street requires three (3) minor variances, two for his property and one for the Town Lands. An encroachment agreement with the Town would also be required.

Mr. Mason has asked that the Town's fees pursuant to Fee By-law #7220-17 be waived to facilitate the extension of his driveway and encroachment, as he has indicated that it would not be needed but for the changes the Town is making to Garden Street.

Discussion

Mr. Mason would be liable for \$4,164 in Fees for his request

In order to facilitate the extension of his driveway into the Town Lands, Mr. Mason would be liable for the following fees:

Fee	Quantity	Cost (no HST applicable)
Minor Variances for 89 Garden Street	2 @ \$1,000.00 each	\$2,000.00
Minor Variances for Town Lands	1 @ \$1,000.00	\$1,000.00
Encroachment Application	1 @ \$385.00	\$385.00
Encroachment Agreement	1 @ 564.00	\$564.00
Encroachment Annual Fee*	1 @ \$215.00/year	\$215.00
TOTAL		\$4,164.00

* The annual fee is based on an encroachment area of greater than 10 square meters (100 square feet), and would be payable every year the encroachment is in place.

Staff support a reduction in the Encroachment Annual Fee, and do not support the exception of any other fees for 89 Garden Street

Both the fees for the minor variances and encroachments have been paid by multiple residents and businesses throughout the Town, and staff do not support an exception for those fees.

The fees are meant to recover the Town's costs in evaluating and preparing the applications and agreements, and a waiver or exception from the fees would mean those costs are recovered through the tax roll. Further, it would not be fair to the residents and businesses who willingly pay these fees to achieve their goals. While the need for additional parking and the encroachment may be a result of Town works, the lost parking area is within the boulevard (windrow) in front of 89 Garden Street, which is also owned by the Town and technically not permitted for vehicle parking. It is important to note that the property has a double car garage and a double car driveway, which exceeds the Town's minimum parking requirements outlined in the Zoning By-law.

A review of the Encroachment process is currently underway. The author anticipates that the review will result in annual residential encroachment fees being reduced. On a one-time basis, the author would be willing to waive the annual encroachment fee recognizing that Mr. Mason previously had the benefit of using the boulevard in front of his home for vehicle parking.

Although not related to the request for the encroachment, Engineering Staff have met with the Garden Street residents, including Mr. Mason, to receive input related to on-street parking and parking options for the residents fronting onto Garden Street. A report from the Engineering Division of Planning and Development Services is forthcoming in the Fall.

Next Steps

Any reduction or exception for minor variances under Fee By-law #7220-17 requires the authorization of Council. The author has the authority to waive fees related to encroachments in exceptional circumstances. In the opinion of the author, this is not an exceptional circumstance.

In order for the required fees to be reduced and/or waived, a Member of Council must contact the Office of the Town Clerk on or before **Friday, September 20, 2024** to request that this matter be considered by Council. Should no request be received by that date, Town staff will consider the request refused.

Should you have any questions, please contact the author.

From: [Narraway, Kevin](#)
To: [Narraway, Kevin](#)
Subject: FW: Encroachment agreement - 89 Garden St.
Date: August 23, 2024 6:54:56 PM

From: Paul Mason [REDACTED]
Sent: Sunday, June 23, 2024 10:07 PM
To: Internet, Clerk <clerk@whitby.ca>
Cc: Narraway, Kevin <narrawayk@whitby.ca>
Subject: Encroachment agreement - 89 Garden St.

[EXTERNAL EMAIL]

Good afternoon,

Over 2 years ago I inquired about an encroachment agreement for a small section of land to the north of my property. The reason I inquired was due to the loss of a section of our driveway apron due to modifications to Garden Street.

At the time I was led to believe my only cost would be if I were to pave that small piece of land.

I held off proceeding when I received a letter from the Town informing me it would be \$2000 just to apply, that it would likely be denied, and if approved would be another \$1,000 plus \$110 to \$220 per year.

I am now told the Town no longer has an objection to the minor loss of open green space. I am writing this email to ask that all fees in this project be waived.

To reiterate, the only reason I'm asking for an encroachment agreement is due to the shortening of our driveway apron. I found out about it accidentally when inquiring about the signal light being installed just north of our property. The town not notifying us of this has been frustrating. At no point did they ever send an official notice.

Furthermore, now that the project is complete, it is clear to me that modifications to the road widening project could have been made to reduce or even eliminate the loss of the apron by widening more on the west side. The town said they didn't want to incur any cost in redesign. I don't believe we should incur any cost either (except for eventually paving the space).

The shortened apron has decreased maneuverability and safety as we move vehicles around.

We can no longer have vehicles pull in after ours and not completely block the sidewalk. We also used to be able to park a vehicle perpendicularly across the apron when necessary. Now it's impossible with a large vehicle and at best unsafe with a small vehicle.

Thanks for your help with this. I look forward to hearing back from the Town Council.

Regards,
Paul



Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: Proposed Amendments to the Noise By-law

Report to: Committee of the Whole

Date of meeting: September 23, 2024

Report Number: LS 13-24

Department(s) Responsible:

Legal and Enforcement Services

Submitted by:

Francesco Santaguida, Commissioner of
Legal and Enforcement Services/Town
Solicitor

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

For additional information, contact:

Andre Gratton, Sr. Manager of
Enforcement Services

1. Recommendation:

1. That Report LS 13-24 be received for information.
2. That the proposed amendments to the Town's Noise By-law #6917-14 as appended to Report LS13 24 as Attachment # 1 be brought forward to Council for consideration.

2. Highlights:

- The Town's Noise By-law # 6917-14 was adopted in 2017 and is a qualitative style by-law which prohibits certain general and defined noise after a certain time of day, i.e. no noise generally after 9:00p.m.
- The Town's Noise By-law # 6917-14 has been amended on two occasions to improve its enforcement and to better serve the community.
- Staff completed a substantial review of the Noise by-law in 2021 and 2022 which produced Reports [LS 11-20](#), [LS 05-22](#) and [LS 03-23](#).
- Staff have implemented several operational changes to improve noise response which included the implementation of Enforcement Services Officers (ESOs) in July 2023.

- The current language in the Enforcement and Penalties section limits Enforcement Services' ability to file Part III charges before the Ontario Court of Justice and requires amending.
- Staff also seek to amend the by-law to broaden the definition of "point of reception" to address concerns that have arisen from enforcement.

3. Background:

Staff continue to utilize the technology and tools available to enforce noise infractions

The Town of Whitby's Noise By-law # 6917-14 (the "**Noise By-law**") is a qualitative/objective style by-law that sets out prohibited types of noise that infringe on the reasonable enjoyment of others (e.g., the playing of instruments at such a volume that it is audible from the interior of a residence or business whose occupant has made every reasonable attempt to mitigate the reception of the noise). In addition, the Noise By-law contains restrictions on times at which certain noise is prohibited in residential and other areas (e.g. no music from musical instruments after 9:00 p.m.).

Currently, as a requirement of the Town's prosecutions and the Ontario Court of Justice, residents are required to log their observation of alleged Noise By-law infractions and attend the hearing of the infraction in court to give testimony. This process is similar to noise infractions in other municipalities in Durham Region.

Since 2022, Enforcement Services has taken the lead on gathering observations when noise complaints are received, where operationally feasible, to limit the need for residents to gather such observations and attend court to enforce the complaint. This lead role was increased by the implementation of Enforcement Services Officers in 2023 who regularly work overnights and can best respond to alleged noise violations afterhours.

To increase response as result of the needs of the community, staff implemented an after-hours auto-attendant in August 2024 that connects residents with an ESO on duty. Similar initiatives in previous years to address noise complaints were reasonably successful but were paused due to staffing challenges the Enforcement Services faced in previous years.

Charges under Part III of the *Provincial Offences Act*

Part III proceedings under the *Provincial Offences Act*, RSO 1990, P.33, as amended, involve more serious offences for which charges are laid through a sworn document called an "Information" and must be brought before a justice of the peace for a hearing. Part III proceedings can also result in the issuance of arrest warrants and more severe penalties (e.g., probation orders or imprisonment). In the Town, Part III offences may be laid for certain *Municipal Act, 2001* and *Planning Act* by-law contraventions, including noise, site alteration, and zoning offences.

Part III charges differ from Part I (minor offences) and Part II (parking offences) charges in that Parts I and II charges can be resolved through the payment of a set fine, which is usually less than the fine for Part III charges.

4. Discussion:

The Town has experienced challenges prosecuting Noise By-law charges under Part III of the *Provincial Offences Act*

Through a recent prosecution, staff were advised that the Enforcement and Penalties section of the Town's Noise By-law 6917-14 requires amendments to address laying of noise by-law charges under Part III of the *Provincial Offences Act*. The current language limits Enforcement Services ability to file Part III charges before the Ontario Court of Justice. Section 6.2 of The Enforcement and Penalty Section currently states:

Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a penalty as provided by the Municipal Act.

The above language is a challenge to enforce under a Part III charge, as the *Municipal Act, 2001*, does not have a penalty section but rather gives jurisdiction for the municipal by-law to establish a system of fines within the by-law provisions (see below). Unfortunately, the Town's Noise By-law #6917-14, as amended, does not contain a system of fines.

Section 429 of the Municipal Act provides the authority for the Town to establish a system of fines for offences under a by-law with the restrictions as set out in section 429(3).

Staff recommend that Section 6.2 of the Town's Noise By-law # 6917-14, as amended, be further amended to reference the general penalty section in the Provincial Offences Act s. 61 for Part III charges to a maximum fine of \$5,000 (see **Attachment # 1**). \$5,000 is the maximum fine permitted under Part III of the *Provincial Offences Act*.

Enforcement Services staff have had challenges tracking noise under the current definition of "point of reception"

In addition to the above, staff have identified language within the by-law which limits Enforcement Services staff action and take the lead on making noise observations. The language within the definition of "point of reception" implies observations are taken by a resident.

"point of reception" means any point on the premises of a person where noise, originating from other than those premises, is received;

Staff recommend the definition of a "point of reception" be amended to allow Officers to use their own discretion from a neutral area such as a nearby Park or Highway as a point of reception to determine, or to use a particular property as a point of reception. This amendment will assist Enforcement Services lead on alleged Noise By-law contraventions.

5. Financial Considerations:

N/A

6. Communication and Public Engagement:

N/A

7. Input from Departments/Sources:

N/A

8. Strategic Priorities:

This report generally advances Strategic Pillar 1: Whitby's Neighbourhoods, Objective 1.1: Improve community safety, health and well-being, Action 1.1.3: Identify opportunities to improve response to disruptive noise which affects the health and well being of the community and its residents.

This report also advances Strategic Pillar 4: Whitby's Government, Objective 4.3: Deliver exceptional customer service and community engagement, Action 4.3.1: 4.3.1 Continually improve the customer experience through the use of technology, more flexible payment and service options, and the implementation of a consolidated customer contact centre. Enforcement services is utilizing technology to create a simple and efficient way for residents to report noise disturbances and improve response by Enforcement Service to after-hours noise concerns.

9. Attachments:

Attachment # 1- Draft By-law - Proposed amendments to the Noise By-law # 6917-14, as amended.



Town of Whitby

Draft By-law # XXXX-24

Amendment to Noise By-law # 6917-14

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

Whereas the Council of The Corporation of the Town of Whitby considered Report LS-13-24 regarding the proposed amendments to Noise By-law # 6917-14, as amended at the Committee of Whole meeting on September 23, 2024; and,

Whereas Council deems it necessary to amend the Noise By-law to amend the Enforcement and Penalties section and to amend the definition of "Point of reception", in accordance with the recommendations contained in Report LS 13-24.

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

1. General

1.1 Section 1.13. "Point of reception" be deleted and replaced with the following

"point of reception" means any point on the premises of a person or a property, where noise originating from other than those premises, is received. For clarity, a point of reception may include, but is not limited to, a highway, right-of-way, boulevard, park or other area that an officer deems appropriate to observe noise under this by-law.

1.2 That Section 6.2 be deleted and replaced with the following;

6.2 Every person who contravenes a provision of this By-law is guilty of an offence and is liable on conviction to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended.

2. Effective Date

The provisions of this By-law shall come into force and take effect on the final passing of the By-law.

By-law read and passed this 7th day of October, 2024.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



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

Report to: Committee of the Whole

Date of meeting: September 23, 2024

Report Number: CAO 17-24

Department(s) Responsible:

Office of the Chief Administrative Officer

Submitted by:

Sarah Klein

Director, Strategic Initiatives

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

Junaid Khan, Project Manager,
Sustainability & Climate Change

1. Recommendation:

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

2. Highlights:

- The Sustainable Neighbourhood Action Program (SNAP) has been identified as a priority in Whitby's Climate Emergency Response Plan, Phase 1: Resilience.
- The purpose of Whitby's SNAP is to identify and develop an action plan for neighbourhood revitalization to integrate local community interests and sustainability objectives such as stormwater management, energy conservation, and natural heritage.
- Whitby's SNAP has been divided into three (3) phases, and staff are currently focusing on Phase 1:
 - Phase 1 - Background research, neighbourhood selection, scoping of issues, and identification of stakeholders and interests of the community.

- Phase 2 - Defining motivational themes and action areas. Identifying project concepts and completing action plan.
- Phase 3 - Shaping signature projects, actions and implementation.
- Three candidate neighbourhoods: West Lynde, Fallingbrook, and Meadowcrest were identified based on Town documents and Town staff's knowledge of opportunities to meet the sustainability objectives of the SNAP Model.
- A Whitby SNAP Pilot Screening Analysis has been developed for the three neighbourhoods to identify a priority neighbourhood for the program. Six sustainable categories were selected to incorporate and assess information about building age and archetypes, infrastructure and mobility, flood safety and erosion risk reduction, natural environment and watershed systems, parks, recreation and culture, and human health and well-being.
- The Town has provided initial funding to Central Lake Ontario Conservation Authority (CLOCA) in 2023 in the amount of \$80,000. Additional funding may be provided by the Town from Capital Project 55217604 Durham Climate Change Adaptation Plan (DCCAP), should it be required.
- Based on the screening and selection process and in close consultation with staff from the Project Management Team, Town of Whitby staff recommend the West Lynde Neighbourhood for the Whitby SNAP Pilot Project.

3. Background:

Staff Report CAO 26-23 Whitby's Climate Emergency Response Plan (CERP) – Phase 1: Resilience, was endorsed by Council in September of 2022 and implementation of the Plan commenced in 2023. One of the major sub-actions of CERP initiated in 2023 is the development of a Sustainable Neighbourhood Action Program (SNAP) pilot project in partnership with the CLOCA. CLOCA's Board endorsed the delivery of a SNAP pilot project in the Town of Whitby in September 2023. As such, the Town entered a formal partnership with CLOCA for the delivery of a SNAP pilot project within a neighbourhood in Whitby through a Memorandum of Understanding. The SNAP pilot project was initiated as per sub-action 3.2.5 of the Implementation Plan: "Select a neighbourhood for a pilot project to install green infrastructure, with signage and community participation where possible."

SNAP is a replicable program and process developed by the Toronto and Region Conservation Authority (TRCA) that helps to implement complex and interconnected watershed plans, municipal strategies, and climate change adaptation and mitigation plans by bringing together a diverse group of stakeholders to encourage and support climate action. To date, TRCA has implemented SNAPS in neighbourhoods across Peel Region, York Region, Toronto, and Peterborough. In Durham Region, the Ajax SNAP was implemented in 2023 in partnership with the Region of Durham, TRCA, and the Town of Ajax. A communication piece, *Activating Neighbourhoods – Sustainable Neighbourhood Action Program*, Toronto and Region Conservation Authority prepared and published by the TRCA is provided in Attachment 1 for further details.

Using the SNAP's model of a multi-objective approach, several environmental and climate priorities can be addressed and informed to deliver significant social and economic benefits in the Whitby SNAP pilot project. The collaborative approach aims to build implementation partnerships and capacity in local leaders for sustained action. The following specific priority objectives have been identified for this project:

- Urban forest enhancements
- Improved stormwater management
- Energy efficiency and Greenhouse Gas (GHG) emissions reduction
- Infrastructure renewal
- Human health outcomes
- Reducing heat stress resulting from unnatural heat waves
- Supporting populations at risk of the impacts of climate change
- Community engagement

This program will also benefit Durham Region in delivering on commitments outlined in the Durham Climate Change Action Plan, Durham Community Climate Adaptation Plan, and the Durham Community Energy Plan.

Work related to climate change adaptation and resilience planning and action at the community level also directly supports several of CLOCA's core strategic priorities, including watershed planning and health, sustainable solutions to watershed management to build climate resilience, and community engagement and education. By taking a leadership role in the development and delivery of the Whitby SNAP pilot project, CLOCA staff will not only develop new expertise and capacity to leverage the delivery of future projects within the Town of Whitby but also to other Durham Region area municipalities within its jurisdiction.

The Whitby SNAP Pilot is divided into three phases, and this Report focuses on Phase 1.

Phase 1 - Background research, Neighbourhood selection, scoping of issues, and identification of stakeholders and interests of the community.

Phase 2 - Defining motivational themes and action areas. Identifying project concepts and completing action plan.

Phase 3 - Shaping signature projects and actions and implementation.

4. Discussion:

The Town of Whitby continues to demonstrate leadership in environmental sustainability by developing and implementing a diverse range of projects and programs that address air quality, waste management, natural cover, water quality, and climate change. These projects and programs require cross-collaboration between all divisions at the Town of Whitby and with external stakeholders. In 2023, the Town of Whitby worked with the Region of Durham and CLOCA to scope the Whitby SNAP pilot project, as the first in CLOCA's jurisdiction.

SNAP Governance

The project is governed by a Project Management Team (PMT) comprised of staff from relevant departments in the Region of Durham, the Town of Whitby, and CLOCA with the potential to include representatives from interested community organizations.

The purpose of the PMT is to provide overall leadership, strategic guidance, direction, and support for the initiation, development, and implementation of the Whitby SNAP pilot project. The PMT's involvement will support integrated implementation, ensure duplication is avoided, resources are efficiently leveraged, and foster cross-departmental and multi-level governmental coordination.

CLOCA will lead overall project responsibilities, including workplan development and delivery in collaboration with the PMT. As part of its role, CLOCA will lead stakeholder and community engagement, technical and design services as necessary, project design, implementation and documentation. The Region of Durham and the Town of Whitby will provide input/updates, assist in seeking relevant departmental approval and advocate for the project throughout their internal and external networks. They may lead special working groups and implementation projects, as appropriate, and assist with communications and engagement activities.

CLOCA has existing planning tools, data, a range of relevant technical experts to draw on, and the necessary internal infrastructure to support this type of program; however, this new program/service has required them to bring on a new dedicated SNAP Coordinator to develop and deliver the program on behalf of the partnership described above.

A Program Memorandum of Understanding (MOU) between the Town of Whitby and CLOCA has been executed, outlining roles and responsibilities, project scope, workplan and deliverables, and approved total budget. The agreement also outlines future funding needs to help develop and implement identified actions.

SNAP Deliverables

Recognizing that incorporating high-level technical and strategic planning documents is essential to getting it right, the Whitby SNAP pilot project will apply the guidance provided by those documents and truly focus on collaborative action planning and mobilization. Key project deliverables are as follows:

- Stakeholder and partner identification, characterization, and engagement. This includes engaging individuals from the Region, Town, CLOCA, residents, businesses, and organizations.
- Identification of community priorities related to climate change resilience.
- Initiation of at least one “quick start” implementation project within the first year of the program. This project could include home energy retrofits, lot-level stormwater management, urban forestry improvements, pollinator habitat creation, or other climate change resilience projects.
- Completion of a Neighbourhood Action Plan.

The Whitby SNAP pilot project will require meaningful engagement of the community and implementation partners throughout all three phases. To support this, the Whitby SNAP pilot project will integrate innovative approaches as well as lessons learned from other successful SNAP engagement programs implemented across the Greater Toronto Hamilton Area (GTHA). Final project documentation will include an Action Plan summary report, Neighbourhood Action Plan concept map(s), concept designs for implementation projects, expected outcomes and targets, and an implementation framework. The Action Plan will form the rationale for any future budget and/or funding requests.

Neighbourhood Selection Process

As an initial step toward selecting a neighbourhood for the Whitby SNAP pilot project, Town of Whitby staff identified three candidate neighbourhoods based on corporate documents and their knowledge of opportunities to meet the sustainability objectives of the SNAP Model. Total populations and geographical areas were also comparable to other implemented SNAP neighbourhoods across the GTHA.

The three candidate neighbourhoods are:

1. West Lynde – located north of Highway 401, south of Dundas Street between Henry Street on the east and Lynde Creek and Fothergill Court on the west.
2. Fallingbrook – located north of Rossland Road and south of Taunton Road; east of Garden Street and west of Thickson Road with a portion located south of Dryden Boulevard to Rossland Road.
3. Meadowcrest – located in Brooklin, east of Ashburn Road, along Way Street and Heber Down Drive, with a block located in the north-west corner of Columbus Road West and Ashburn Road.

*Maps for the three neighbourhoods can be found in the Whitby SNAP Pilot Screening Analysis Executive Summary in Attachment 3.

A Whitby SNAP Pilot Screening Analysis has been developed for the CLOCA jurisdiction which has been applied to the three Neighbourhoods. This incorporates a fair and equitable comparison of high-level analysis of existing conditions to identify a priority Neighbourhood for the program. Six sustainable categories were selected to incorporate and assess information about building age and archetypes, infrastructure and mobility, flood safety and erosion risk reduction, natural environment and watershed systems, parks recreation and culture, human health and wellbeing.

This process identifies where and when planned capital projects are scheduled, priorities included in strategic plans and other known urban renewal or climate action plans prepared by various departments within the Town of Whitby, the Region of Durham, CLOCA and other agencies and not for profits with a vested interest in social, economic and environmental conditions.

The Whitby SNAP Pilot Screening Analysis Executive Summary, which provides an overview of the methodology and how each Neighbourhood scored for the indicators within the six sustainability categories noted above, can be found in Attachment 3. A full Whitby SNAP Neighbourhood Selection Methodology has been created and provides an important and relevant framework for future SNAP Neighbourhood selection efforts in the Town of Whitby and other municipalities within the CLOCA jurisdiction.

Priority Neighbourhood

The three identified neighbourhoods were scored using a high, high-medium, medium or low point system for the forty-two (42) indicators with consideration for issue severity and potential ability of the Whitby SNAP pilot program to support climate change adaptation and or mitigation outcomes.

Based on the screening and selection process and in close consultation with staff from the PMT, Town of Whitby staff recommend the West Lynde Neighbourhood for the Whitby SNAP pilot program. The West Lynde neighbourhood received the highest score and aligned strongly with planned projects, environmental, social and economic challenges, opportunities and strategic priorities. Some of the challenges facing this neighbourhood identified in the Whitby SNAP Pilot Screening Analysis Executive Summary, Attachment 3, can be addressed within the potential actions listed below:

- Plant and improve the urban forest canopy to strengthen watershed health, regional biodiversity, and climate resilience as identified by the Town of Whitby CERP Phase 1: Resilience and Phase 2: Mitigation, Region of Durham Community Climate Adaptation Plan, and CLOCA's Lynde Creek Watershed Management Plan
- Improve stormwater management with lot-level controls and Low-Impact Development projects for water quality and quantity and further support ecologically significant groundwater recharge areas as identified in the Lynde Creek Watershed Management Plan
- Address urban flood risks as identified in Durham's Urban Flood Vulnerability and Risk Assessment Study, the Town of Whitby Lynde Creek Master Drainage Plan and the Town of Whitby Bridge and Culvert Master Plan Environmental Assessment with new green technology
- Offer existing Durham Greener Homes retrofit program to reduce GHG emissions from homes built prior to 1980
- Model sustainability practices with improved transit linkages and enhanced local and regional hubs, making stronger connections for residents to Lynde Creek and its associated Provincially Significant Wetland
- Align SNAP programs to support improved outcomes for childhood and teenage health issues, asthma, cardio-vascular health among adults, and falls among seniors (Durham Region Health Neighbourhoods – Building on Health in Priority Neighbourhoods, 2015)
- Reduce the effects of urban heat islands and the associated risk of heat stress

- Support at-risk populations, including low-income residents, the unemployed and seniors, with programs that address challenges and bridge equity gaps
- Define a sense of place for this evolving neighbourhood by recognizing its aging infrastructure and its potential as a self-sufficient community that aligns well with an 8 to 80 concept – that if everything we do in our urban environment is great for an 8-year-old and an 80-year-old, it will be better for all people
- Engage Neighbourhood assets like schools, the Whitby Library (just on edge of boundary) and parks to enhance engagement and community partnerships toward action

Next Steps & Workplan

The PMT will further refine roles and responsibilities, project scope, workplan, and deliverables as identified in the MOU and finalize a Charter document to guide the delivery of the program. Once the implementation plan is developed, staff will come back to seek Council approval of the plan in Q3 of 2025.

With the Town of Whitby Council endorsement of the Whitby SNAP Pilot neighbourhood of West Lynde, the SNAP Coordinator will begin detailed community characterization to identify and contact appropriate stakeholders who will be vital in developing and implementing the program.

TABLE 1: Whitby SNAP Pilot Workplan

<i>Phase 1: Project Planning & Action Research</i>	Agreements, Project Team and Community partnership formation, Scoping key issues and Neighbourhood Context, Residential Program design considerations	Q1 2024 to Q3 2024 January to September 2024
<i>Phase 2: Detailed Design & Delivery</i>	Community Leaders Workshop #1, launch of Residential Retrofit Program, confirm motivating themes, and identify signature and quick-win project opportunities	Q4 2024 to Q3 2025 October 2024 to September 2025
<i>Phase 3: High-level SNAP Action Plan Concept</i>	Action Plan concept with integrating themes, shared goals, integrated signature projects and Implementation Framework. Review of Residential Retrofit Program pilot year 2.	Q4 2025 to Q2 2026 October 2025 to June 2026

5. Financial Considerations:

As per Report CAO 26-23, the Town has committed \$80,000 to the development of the SNAP, which was allocated within the 2023 budget for capital project # 55217604 Durham Climate Change Adaptation Plan (DCCAP). In addition to Town funding, the Region of Durham allocated \$120,000 for Phase 1 and 2 of the Whitby SNAP in 2024.

The Town will explore grants, with assistance from CLOCA, to fund the implementation of the actions developed through the Plan. Additional funding may be provided by the Town from capital project # 55217604 Durham Climate Change Adaptation Plan (DCCAP), should it be required.

6. Communication and Public Engagement:

This project is expected to garner significant positive feedback from the community based on the implementation of equitable climate action. Additionally, this project will provide opportunities for additional community engagement, including hosting community events, tree plantings, educating the public about the project and increasing their involvement in, and awareness of, the Town of Whitby's sustainability initiatives and the Region of Durham's Climate Change programs and accomplishments. CLOCA will be leading community engagement in Phase 2 of the project.

7. Input from other Departments & Sources

In the Fall of 2023, Sustainability staff had initial conversations with CLOCA and Town Staff, including Policy and Heritage Planning and Creative Communities. In June 2024, a formal internal project team was created to oversee the development of Whitby's SNAP. The Project Team ensures expertise from across the organization and includes representation from the following Departments:

- Community Services – Parks and Waste
- Organizational Effectiveness – Corporate Communications
- Strategic Initiatives – Creative Communities and Economic Development
- Planning & Development – Engineering, Stormwater and Transportation Services

Once the neighbourhood is approved, collaboration with the identified departments above will continue to successfully implement the SNAP pilot project.

8. Strategic Priorities

This project aligns with the following sections of the 2023-2026 Community Strategic Plan:

Strategic Pillar 2: Whitby's Natural & Built Environment – Connected & Resilient

Objective 2.1: Demonstrate environmental leadership in sustainability and addressing climate change

Action 2.1.3: Implement actions to increase community resilience to the impacts of climate change.

9. Attachments:

Attachment 1- Activating Neighbourhoods – Sustainable Neighbourhood Action Program - TRCA

Attachment 2 - Signed Memorandum of Understanding

Attachment 3 - Whitby SNAP Pilot Project Screening Analysis Executive Summary

Activating Neighbourhoods

To Improve Urban Renewal and Climate Action Outcomes

Sustainable Neighbourhood Action Program



A Progressive Approach to Program Implementation

SNAP helps Canadian municipalities, public agencies, and other organizations respond to the challenges of urban renewal and climate action by improving program efficiencies, building strong community support, and forging powerful new partnerships.



Its success is rooted in direct engagement with neighbourhood residents to align municipal priorities with prevailing neighbourhood needs and interests.

SNAP builds long-term resident trust and support through neighbourhood-focused initiatives that include:

- Renewable energy retrofits
- Water and energy conservation programs
- Revitalization of parks, roads and other public spaces
- Stormwater management
- Green and grey infrastructure
- Tower revitalization
- Flood protection
- Local food production
- Health and wellness promotion through connections with nature

SNAP is a program of Toronto and Region Conservation delivered in partnership with municipalities and other community collaborators. To date, SNAP neighbourhood programs are underway in:



With many more SNAPs under consideration in the Greater Toronto Area and beyond.

SNAP Starts with the Neighbourhood

Implementation of infrastructure renewal and sustainability plans in older urban areas faces a complex network of challenges. These include: coordination among many players, competing interests, a disengaged public, perceived high costs, limited resources and reluctance to try new approaches. Compounding the need to find break-through solutions to these challenges is the need to advance implementation of many other plans and strategies.

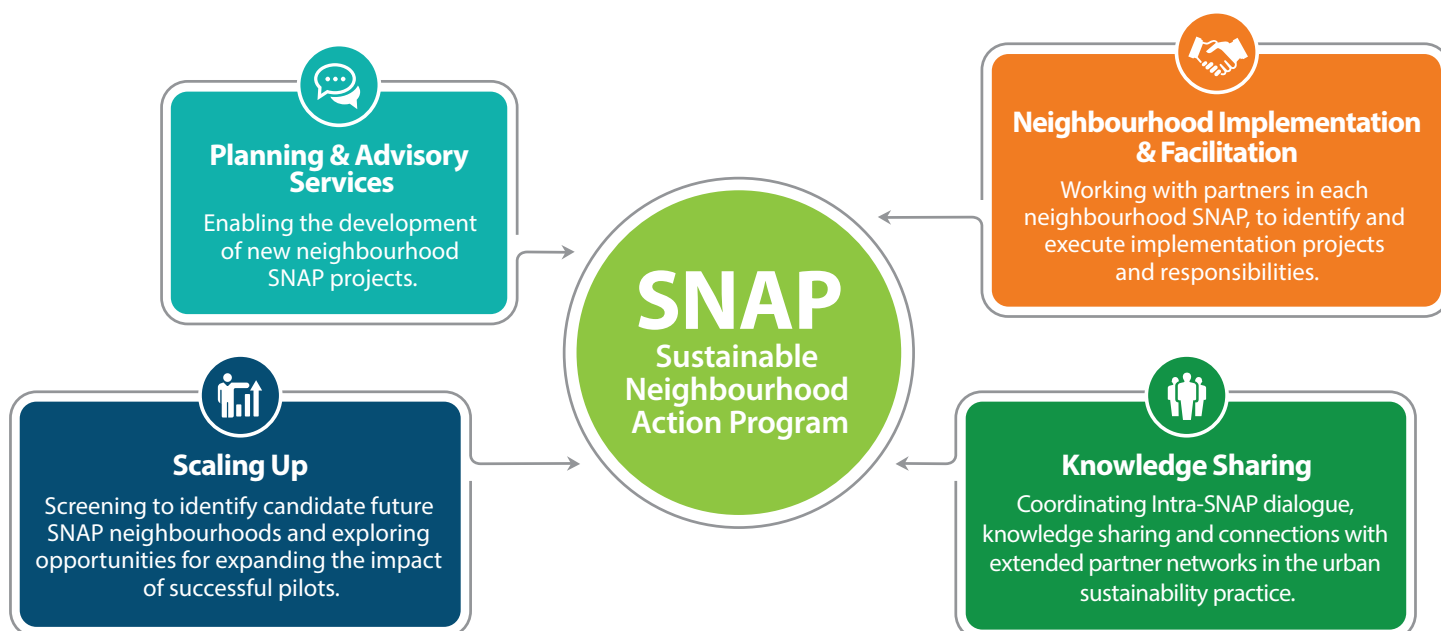
SNAP addresses these challenges by taking a collaborative, holistic approach to revitalizing older urban neighbourhoods. SNAP maximizes the value of planned projects and builds innovative implementation partnerships toward a shared vision. And it does this through one simple, but profound, change in focus - by placing neighbourhoods at the centre of the implementation framework.

By understanding municipal needs and community interests in the neighbourhoods and then designing and implementing programs that respond to them directly, **SNAP helps municipalities and other agencies deliver urban renewal and climate action programs with greater efficiency, stronger community support, and deeper trust for long term engagement.**



The SNAP Full Service Solution

Operated by an experienced team at Toronto and Region Conservation (TRCA) and drawing on its decades of experience in delivering urban sustainability programs, SNAP offers four program components that support municipal urban renewal and climate action programs. Each is customized and delivered in collaboration with municipalities and community partners.



SNAP Advantages

Efficiencies in Program Delivery

SNAP projects identify opportunities to integrate design for roads, parks and stormwater management facilities and other projects that address the diverse needs of multiple municipal departments and community interests. This can provide the basis for cost sharing, greater community support, and improved overall outcomes.



Co-benefits

Typical SNAP neighbourhood projects address common climate action and urban renewal goals. From these, SNAP delivers many of the following community co-benefits:



ECONOMIC

- Saving residents and businesses money.
- New opportunities for local employment & social enterprise.
- Increased property values.



HEALTH

- Physical health benefits from more active living.
- Mental health benefits from more contact with nature and stronger sense of community.
- Improved safety at home and in the neighbourhood.



SOCIAL

- Job skills training for local residents.
- Connected residents and more intergenerational and intercultural interaction.
- Increased use and community value of public space.

Join us! We always welcome new ideas and collaborators!

Work with our engaged communities, connections to market, established partnerships and local knowledge to propel existing SNAPs to become models of sustainability and climate readiness.

- Expand our growing network of SNAP neighbourhoods and replicate successful programs.
- Enable learning and knowledge sharing.

Contact us!

To learn more about SNAP, associated activities and ways to get involved contact:

Sonya Meek, Senior Manager, Sustainable Neighbourhoods

sonya.meek@trca.ca | 416.661.6600 x5253



trca.ca/social-media

www.trca.ca/SNAP

THIS MEMORANDUM OF UNDERSTANDING (“MOU”) is made as of the 10th day of November, 2023 (the “**Effective Date**”).

BETWEEN:

THE CORPORATION OF THE TOWN OF WHITBY

(hereinafter, “the Town”)

AND

CENTRAL LAKE ONTARIO CONSERVATION AUTHORITY

(hereinafter, “CLOCA”)

WHEREAS CLOCA is a conservation authority established under the *Conservation Authorities Act*, R.S.O. 1990, c. C.27 (“Act”) in providing programs and services that further the conservation, restoration, development and management of natural resources in its watersheds;

AND WHEREAS the Town is a lower-tier municipality within the Regional Municipality of Durham (“Region”), located wholly or partly within the area under the jurisdiction of CLOCA;

AND WHEREAS in carrying out its mandate under the Act, CLOCA provides programs and services to municipal partners within its jurisdiction including but not limited to natural hazard management, restoration planning and works, forest management, invasive species and wildlife management, watershed and subwatershed planning, biodiversity and ecosystem monitoring, community education and outreach, research and interpretation, events and nature-based programs;

AND WHEREAS under the Act, programs and services provided by conservation authorities at the request of a municipality are to be provided under a memorandum of understanding (“MOU”) or such other agreement(s) as may be entered into with the municipality in respect of the programs and services, and such MOUs or other agreement(s) are intended to be higher level parent agreements that govern the delivery of the programs and services;

AND WHEREAS the Act requires such MOU or other agreements to be reviewed at regular intervals and to be made available to the public;

AND WHEREAS the Town and CLOCA wish to create a Sustainable Neighbourhood Action Program (hereinafter “SNAP”) in the Town in order to accelerate the creation of sustainable neighbourhoods in older urban areas within the Town;

AND WHEREAS the Town and CLOCA have agreed to partner in the planning, development, advisory and implementation of a SNAP;

AND WHEREAS this MOU sets out the principles, terms and conditions governing the delivery of programs and services by CLOCA requested by the Town;

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein and for other good and valuable consideration the sufficiency of which is hereby acknowledged by the parties, the parties hereto agree as follows:

OVERVIEW

1. The SNAP takes a community level approach to dealing with climate change and urban renewal. It is meant to engage citizens by allowing them to contribute to the design and implementation of the SNAP.
2. The purpose of the SNAP is to accelerate the creation of sustainable neighbourhoods, generally in older urban areas. The aim is to provide neighbourhood-based solutions for achieving a greater impact in urban renewal and climate action. The SNAP takes a community level approach to dealing with climate change and engages citizens as it allows them to contribute to the design and implementation of the SNAP.
3. The SNAP is made up of four general activity areas:
 - a) Planning and Advisory Services;
 - b) Neighborhood Implementation and Facilitation;
 - c) Scaling Up; and
 - d) Knowledge Sharing.
4. CLOCA's involvement will primarily be in the Planning and Advisory Services and Neighbourhood Implementation and Facilitation areas. The intent is that CLOCA will provide planning and advisory services to a neighbourhood in the Town which has been selected as an ideal candidate for delivery of the SNAP initiative. To begin this initiative, CLOCA will apply a set of criteria to neighbourhoods within the Town to establish an ideal neighbourhood for delivery of the SNAP.
5. The SNAP is envisioned as a multi-year project, which will consist of two phases. Phase 1 will consist of the development of the SNAP through consultation with the Town and other stakeholders as deemed appropriate by CLOCA and/or the Town. Phase 2 will consist of the implementation of the SNAP. It is anticipated that Phase 1 will take 1 to 2 years. Phase 2 will begin once the Town and CLOCA mutually agree that the SNAP has been sufficiently developed to allow for implementation.,.
6. The specific details of the SNAP will be determined once a neighbourhood has been selected, as the details are meant to be developed by the neighbourhood with the support of CLOCA.

TERM

7. This MOU shall commence on the Effective Date and shall continue for three years (the "**Initial Term**"). Thereafter, this MOU shall automatically continue for one (1) additional three (3) year period ("**Renewal Term**") unless either party provides written notice of

termination to the other party at least thirty (30) days prior to the expiry of the Initial Term.

8. The following principles, terms and conditions shall govern the delivery of programs services requested by the Town:
 - a) Subject to complying with procurement and purchasing policies, the Town will give due consideration to CLOCA when procuring services related to CLOCA's mandate and areas of expertise.
 - b) CLOCA's or the Town's standard form of purchase order and procurement agreements will be used for the delivery of municipally requested programs and services.
 - c) CLOCA will maintain the insurance policies as set out in Article 8 below in respect of the delivery of programs and services provided pursuant to this MOU.
 - d) CLOCA will retain all financial and project records in connection with the programs and services for audit purposes by the Town for no less than seven years from the Expiry Date.
 - e) Programs and services provided pursuant to this MOU shall be in accordance with any standards and requirements that may be prescribed under subsection 21.1.1(4) of the Act.
 - f) Where programs and services delivered by CLOCA pursuant to this MOU involve user fees, such user fees shall only be imposed in accordance with CLOCA's fee policy and fee schedules adopted in accordance with the provisions of the Act or in accordance with provisions set out in an agreement between CLOCA and the Town.

ROLES AND RESPONSIBILITIES

9. The Town shall:
 - a) Provide a one-time payment of \$80,000.00 to CLOCA.
 - b) Provide additional funding should such funding be required and available. The Town shall not be obligated to provide any further funding. Any further funding provided by the Town will be determined based on the needs of the particular SNAP and the Town's ability to provide further funding.
 - c) Designate an employee to act as liaison with CLOCA with respect to the SNAP, be responsible for the management and administration of the SNAP and to take the lead on the implementation of the SNAP at the Town.
 - d) In consultation with CLOCA, and with CLOCA's support, select a neighbourhood for the implementation of the SNAP and communicate with residents regarding the SNAP. Selection of the neighbourhood for the SNAP

will be made by the Town.

- e) Assist CLOCA with communication with the residents who will be involved in the implementation of the SNAP, including but not limited to acting as a liaison between the residents and CLOCA.
- f) Ensure that residents in the selected neighbourhood are aware of the program, ensure that residents who wish to participate receive information required in order to participate and to the extent possible, encourage residents to participate in the development and implementation of the SNAP.
- g) Provide information and answer questions from residents regarding the development and implementation of the SNAP.
- h) The Town will apply with assistance from CLOCA for additional grants in order to fund the implementation of the actions developed through the Plan.

10. CLOCA shall:

- a) Hire or designate a staff member in order to coordinate the SNAP. The coordination will include working with staff at the Town on the development of the SNAP, the selection of the neighbourhood and the implementation of the SNAP once fully developed. This staff member will be an employee of CLOCA and will have their salary and any applicable benefits paid by CLOCA. The staff member will not, for any purposes, be considered an employee of the Town. CLOCA shall be responsible for any notice, pay in lieu of notice and severance in the event that the staff member is terminated.
- b) In the event that the staff member resigns, is terminated, is on an extended leave of absence, or is otherwise no longer actively employed by CLOCA, CLOCA shall designate another staff member or hire a staff member to assist with the SNAP. With the exception of a situation where there is insufficient funding, CLOCA shall ensure that there is no disruption to the development or implementation of the SNAP as a result of staffing issues at CLOCA.
- c) Develop a defensible/scientific process for identifying the neighbourhood for a SNAP pilot.
- d) Consult with and provide assistance to the Town in order to select one (1) neighbourhood for the initial SNAP pilot program. The final decision as to which neighbourhood is selected will be made by the Town.
- e) During the Phase 1 of the SNAP, provide quarterly reports to the Town outlining the steps taken in development of the SNAP, identify any successes since the previous quarter, identifying any issues experienced during the relevant quarter, provide an estimate of the remaining time required to complete Phase 1 and provide any other required information.
- f) During Phase 2 provide quarterly reports to the Town with respect to the

progress of the implementation including any successes, opportunities, and suggestions for improvements in the implementation of the SNAP.

- g) If further funding is required, to make such a request to the Town including the amount required, the reason for the request and identify any potential sources of funding.
 - h) Provide yearly financial reports to the Town which outlines the amounts spent on the development and implementation of the SNAP.
11. It is the intent of the Town and CLOCA that their respective roles and responsibilities evolve throughout the development and implementation of the SNAP. The above roles and responsibilities are meant to be a base outline of the respective duties of the Town and CLOCA. A formal amendment of this MOU will not be required to add or subtract roles and responsibilities from either Party however, any changes should to the extent possible be confirmed in writing.

FUNDING

12. The Town shall provide the initial funding in the amount of \$80,000.00. CLOCA may request, and the Town may provide, whether at the request of CLOCA or of its own initiative, additional funding as required or deemed appropriate.
13. All funds provided to CLOCA by the Town shall be used solely for the purpose of the development and implementation of the SNAP.
14. In order to request additional funding, CLOCA shall provide the Town with a written request for funds, which shall include:
- a) The amount requested;
 - b) Particulars of the reason for the request;
 - c) How the additional funds will be used if they are provided;
 - d) Details of any grants or other funding opportunities that may be available to the Town for the requested funding; and
 - e) Up to date financial information which sets out the receipt of any funds provided by the Town to CLOCA as of the date of the request and particulars as to the use of those funds in connection with the SNAP.
15. The Town shall not be obligated to provide further funds to CLOCA save and except for the amounts as set out in Article 12 of this MOU. The determination as to whether to provide any further funds requested will rest solely with the Town. If the Town does not provide the additional funds requested, the Agreement shall remain in full force and effect and such decision shall not impact the obligations of the Town or CLOCA under this Agreement.
16. If CLOCA is unable to obtain sufficient funding to carry out the obligations under this Agreement, CLOCA shall be entitled to immediately terminate this Agreement upon written notice to the Town.

INSURANCE AND INDEMNITY

17. CLOCA agrees to put in effect and maintain for the duration of the MOU, at its own cost and expense, all the necessary and appropriate insurance that a prudent person in the business of CLOCA would maintain including, but not limited to, the following:

a) commercial general liability insurance on an occurrence basis for third party bodily injury, personal injury and property damage, to an inclusive limit of not less than \$5,000,000 per occurrence, \$5,000,000 products and completed operations aggregate. The policy is to include the following:

- contractual liability coverage;
- cross-liability clause and severability;
- employers liability coverage;
- 30 day written notice of cancellation, termination or material change;
- Non-owned automobile coverage with blanket contractual coverage for hired automobiles; and,
- errors and omissions liability insurance, insuring liability for errors and omissions in the performance or failure to undertake the activities contemplated in this Agreement, in the amount of not less than \$2,000,000 per claim.

The Commercial General Liability policy shall include the Town as an additional insured in respect of all operations performed by or on behalf of CLOCA in relation to the MOU requirements and be endorsed to provide the Town with not less than thirty (30) days written notice in advance of any cancellation, change or amendment restricting coverage.

CLOCA shall provide a Certificate of Insurance on the Town's standard form, or on a form acceptable to the Town.

18. CLOCA hereby releases and shall defend, indemnify and save harmless the Town, its elected and appointed officials, agents, officers, employees, servants, volunteers, and contractors of, from and against all losses, damages, costs, liens, proceedings, actions, causes of action, suits, claims, demands, costs and expenses, including but not limited to legal fees, disbursements and taxes on a solicitor client basis, whatsoever in any way arising out of or allegedly attributable to the negligent acts or omissions, or wilful misconduct of CLOCA in connection with or in any way related to the delivery or performance of this MOU or in the performance of any Agreements entered into which are related to or contemplated by this MOU. However, CLOCA's obligation to indemnify, defend and hold harmless the Town shall not extend to the Town's negligence, or that of any of its elected and appointed officials, agents, officers, employees, servants, volunteers, and contractors for whom it is responsible.

19. The Town hereby releases and shall indemnify, defend and hold harmless CLOCA, its agents, officers, employees, servants, volunteers, contractors and appointed officials of, from and against all losses, costs, liens, proceedings, actions, suits, claims and

demands whatsoever in any way arising out of or allegedly attributable to the negligent acts or wilful misconduct of the City in connection with or in any way related to the delivery or performance of this Agreement. However, the Town's obligation to indemnify, defend and hold harmless CLOCA shall not extend to CLOCA's negligence, or that of any of its agents, officers, employees, servants, volunteers, contractors and appointed officials for whom it is responsible.

TERMINATION

20. If any of the following events occur, the Town shall be entitled to immediately terminate this Agreement upon written notice to CLOCA:

- a) CLOCA breaches any of the terms and conditions of this Agreement;
- b) CLOCA ceases operating, ceases to operate as a non-profit organization, winds up or dissolves, commences or has commenced against it any proceedings in bankruptcy, or is adjudged a bankrupt; or,

21. CLOCA uses any funds provided by the Town for purposes other than the development and implementation of the SNAP. In the event this MOU is terminated in accordance with Article 16 or 21, CLOCA shall be obligated to return any unused funds which have been advanced by the Town. In the event of a termination, CLOCA shall provide the Town with accounts indicating that amount of funding received, and the amount of money spent in connection with the SNAP, with sufficient detail to allow the Town to determine the amount of unused funds. In addition, CLOCA shall provide the Town any and all work material related to the SNAP that may have been created.

GENERAL

22. Nothing in this MOU obliges the Town to request the delivery of programs and services by CLOCA.

23. The Town and CLOCA will continue to work together to identify opportunities for further collaboration to the benefit of both parties and ensure efficiency, transparency and accountability in the use of public sector resources.

24. This MOU shall be reviewed by the Parties prior to the expiry of the Initial Term or Renewal Term. It is CLOCA's responsibility to initiate the review with the Town at least ninety (90) days prior to the expiry of the Initial Term or Renewal Term, as the case may be.

25. This MOU shall be made available to the public in accordance with the Act and any applicable regulations.

26. This MOU may be executed in counterparts and when each party has executed a counterpart, each of such counterparts shall be deemed to be an original and all of such counterparts, when taken together, shall constitute one and the same agreement. The parties may sign this MOU by means of electronic signature and deliver this MOU by electronic transmission.

IN WITNESS WHEREOF, the parties have entered into this MOU as of the Effective Date.

**CENTRAL LAKE ONTARIO
CONSERVATION AUTHORITY**



Per: Chris Darling
Title: Chief Executive Officer



Per: Elizabeth Roy
Title: Chair

**THE CORPORATION OF THE TOWN
OF WHITBY**



Per: Sarah Klein
Title: Director, Strategic Initiatives



Fuwing Wong Commissioner, Financial
Services & Treasurer

Whitby SNAP Pilot Neighbourhood Screening Analysis Executive Summary

The Neighbourhood Screening Analysis (NSA) for the Whitby Sustainable Neighbourhood Action Program (Whitby SNAP) Pilot Project is a process for capturing information and data on existing conditions using indicators that are scored to provide a baseline. Comparisons are made of the baseline information to select a Neighbourhood that would benefit the most from projects and programs that provide social, economic, and environmental benefits for a more climate ready community. The NSA as a framework, can now be applied to other Neighbourhoods in the Town of Whitby or other municipalities within the Central Lake Ontario Conservation Authority's jurisdiction to further expand the SNAP model in urban communities to better respond to and prepare for the impacts of climate change.

The NSA uses a standard scoring system under six (6) sustainability categories with fifty-one (51) indicators identified overall.

Note: data was not available for all fifty-one (51) indicators for this NSA, however, rationale and scoring criteria were established to accommodate future screenings and opportunities to expand on the indicators in new neighbourhoods where the data may be available or in some cases, more relevant.

Each neighbourhood was scored based on a point system which considers SNAP alignment opportunities for implementing actions. For example, one indicator measured the Urban Tree Canopy (UTC) for each neighbourhood and compared that to the Town of Whitby's current UTC. Scoring was assigned using four grades, High (3 points), High/Medium (2.5 points), Medium (2 points) and Low (1 point). A neighbourhood with less than 25% UTC would score high compared to a neighbourhood with more than 40% UTC which would score low. A backyard tree planting program could in fact increase UTC for a neighbourhood, which could be part of a SNAP Action Plan, which is the implementation deliverable for the Whitby SNAP Pilot Project. An existing program offered by the Region of Durham and LEAF (Local Enhancement and Appreciation of Forests Program) could be offered through the Whitby SNAP Pilot Project if the community identifies improving the UTC as a priority for action.

The NSA reviewed three priority neighbourhoods as per the mapping of Neighbourhood Boundaries (NB) in Appendix A. Reports, mapping resources, studies, strategies and other relevant data from local, regional, provincial, and federal government, NGO's, and post-secondary institutions were reviewed to provide a current snapshot of existing conditions. These were further organized as indicators under the six (6) sustainability categories to provide a fair and equitable comparison and evaluation of each neighbourhood. This furthered our perspective and helped to determine where the need for the Whitby SNAP Pilot was the greatest and presented the most opportunities.

Sustainability Categories for the Neighbourhood Screening Analysis

1.0 Built Environment	3.0 Flood Safety & Erosion Reduction	5.0 Parks, Recreation & Culture
2.0 Infrastructure & Mobility	4.0 Natural Environment & Watershed Systems	6.0 Health & Wellbeing

Background

Two primary documents have been created to articulate the process and outcomes of the Neighbourhood Screening Analysis (NSA). A full Whitby SNAP Pilot Neighbourhood Screening Analysis Report has been prepared to detail the framework and assessment process for each of the indicators. The report provides an explanation regarding the relationship of the indicator within the context of the SNAP model to support climate action and sustainability objectives. The report also explains the scoring system and outcomes which provide the basis for the Whitby SNAP Pilot project neighbourhood selection. The report complements the second document, a comprehensive database of existing conditions and their sources, which further informs the scores for each of the indicators. Some data was not available at this time or is pending, so this review is specific to what was known about the forty-two indicators when this summary was prepared in August, 2024.

1.0 Built Environment

The indicators for this sustainability category include energy consumption, in addition to retrofit opportunities presented by community centres, libraries, social housing, schools and early childhood education facilities. None of the three neighbourhoods have social housing in their communities, therefore a score was not calculated for this indicator.

All three neighbourhoods are scoring similarly out of a possible score of nine points. Information is pending on the residential water consumption hotspot indicator from the Region of Durham. The most significant opportunity for the Meadowcrest Neighbourhood under this sustainability category is a small portion of homes older than 60 years and a library community centre within the Neighbourhood Boundary (NB). Similarly, the West Lynde presents homes built between 1961 and 1980 which aligns well with retrofitting opportunities through the SNAP model.

West Lynde 6.5/9	Meadowcrest 6.5/9	Fallingbrook 6.0/9
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2.0 Infrastructure & Mobility

Indicators for this sustainability category include the presence and retrofits for Storm Water Management (SWM) Infrastructure, culverts and bridges, roads, active transit, recreational trails, municipal transit, public and private rail transit projects, and provincial infrastructure. Note: data for watermain and sewer retrofits were not included, pending further discussions with Region of Durham staff.

The West Lynde neighbourhood is scoring significantly higher than the Meadowcrest and Fallingbrook neighbourhoods primarily due to aging infrastructure (bridges & culverts) but also due to active transportation capital project opportunities presenting in the 1-3 year period within the Town of Whitby's Strategic Growth Area along the Dundas Rapid Transit Corridor. This could influence active transit for residents in this neighbourhood as part of the Whitby SNAP Pilot action plan to reduce GHG emissions. The other opportunity in the West Lynde neighbourhood, is the impact and opportunities presented by improvements to the public and private rail transit culvert improvement priority associated with the GO/CN rail line, adjacent to the Neighbourhood Boundary.

West Lynde 22.0/27	Meadowcrest 18.0/27	Fallingbrook 16.0/27
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3.0 Flood Safety & Erosion Risk Reduction

The indicators for this sustainability category include urban and riverine flooding, flood remediation priority areas, erosion problem areas, Flood Damage Centres (FDC) and impervious surfaces.

The West Lynde and the Fallingbrook neighbourhoods score similar with a number of flood safety & erosion risks identified within their respective Neighbourhood Boundaries (NB), however the West Lynde neighbourhood scores higher, due to a flood remediation priority area (Michael Boulevard) within its NB. The Meadowcrest Neighbourhood scores lower, but still identifies urban and riverine erosion flooding vulnerable areas within its NB. Data for the impervious surface percentage indicator is pending and was not used in scoring at this time.

West Lynde 15.0/18	Meadowcrest 9.0/18	Fallingbrook 13.0/18
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4.0 Natural Environment & Watershed Systems

The indicators for this sustainability category include CLOCA's targeted natural heritage system, significant natural heritage features, significant groundwater recharge areas, ecologically significant groundwater recharge areas, highly vulnerable aquifers, high volume and

Whitby Sustainable Neighbourhood Action Program (SNAP)

ecological and hydrological connectivity improvements, aquatic restoration opportunities, Species at Risk (SAR) and instream barrier.

The West Lynde neighbourhood is scoring significantly higher than Meadowcrest and Fallingbrook neighbourhoods which scored second and third, respectively, under this sustainability category. The West Lynde neighbourhood offers some opportunities for terrestrial and aquatic restoration with its proximity to the Lynde Creek Marsh, a Provincially Significant Wetland. This neighbourhood also has an important function as an ecologically significant groundwater recharge area, and its inclusion of a highly vulnerable aquifer. Highlights for the Meadowcrest neighbourhood include records of Species at Risk in this tributary of Lynde Creek and an instream barrier, which would provide significant opportunities for removal and subsequent improvements to water quality and fish habitat. The Fallingbrook neighbourhood scored lower for the indicators within this sustainability category, except for the prominence of a highly vulnerable aquifer within its Neighbourhood Boundary (NB) for which it scored the same as the West Lynde neighbourhood.

West Lynde 26.5/30	Meadowcrest 24.0/30	Fallingbrook 21.0/30
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5.0 Parks, Recreation & Culture

The indicators for this sustainability category include retrofits and improvements to parks and playgrounds, urban tree canopy (UTC), access to splashpads, pools and cooling centres, and places of worship. An indicator was developed for Cultural Heritage Conservation Districts in the NSA; however, this did not apply in this instance.

All three neighbourhoods scored equal however park retrofits in the Meadowcrest and Fallingbrook neighbourhoods are scheduled to occur later in the Town of Whitby Capital Budget schedule. Interestingly, the UTC for all three neighbourhoods scored high as they averaged a 20% UTC which is significantly less than the existing average UTC for Whitby of 25%. As noted above, opportunities will exist for increasing the UTC in support of the pending Town of Whitby's Urban Forestry Management Plan through tree planting programs on private and public land to reach the recommended target for cover. Each neighbourhood scored high for their limited access to cooling centres, splashpads and pools, which are key features to address the anticipated increase in un-natural heat waves in the future.

West Lynde 10.5/12	Meadowcrest 8.0/12	Fallingbrook 10.5/12
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6.0 Health & Wellbeing

The indicators for this sustainability category include community health and wellbeing, social vulnerability and community health priority neighbourhoods as identified by the Region of Durham. It also looks at heat vulnerability during unnatural heat events, walkability, active transit opportunities for all ages, access to public transit, greenspace, urban agriculture, farmers markets, and proximity to food banks.

Whitby Sustainable Neighbourhood Action Program (SNAP)

West Lynde scored significantly higher than Meadowcrest and Fallingbrook. Much of the data used for assessing health and wellbeing is derived from the online tool developed for Durham Region's Health Neighbourhoods (2023). The Region has 50 Health neighbourhoods which presents ninety-six indicators by neighbourhood and municipality to determine the demographics and health of its communities. The intention of this study was to support strong, safe, and equitable neighbourhoods to improve the health and well-being of all residents across Durham Region.

The West Lynde neighbourhood is located within one (1) of seven (7) priority neighbourhoods identified by the Region as communities that require focus to build on health and wellbeing. While these priority neighbourhoods have the lowest income levels, they also have many positive attributes, community assets, resources, and strengths. We know from data (sourced from Environics platform) that the West Lynde neighbourhood has a higher population of seniors (65+) living alone, higher unemployment and lower median income. This along with Durham Health's data indicate more health and well-being challenges exist in the West Lynde neighbourhood when compared to Meadowcrest and Fallingbrook.

There are a number of indicators in the West Lynde neighbourhood that align well with the Whitby SNAP Pilot Project objectives including a number of residents of all ages who choose active transportation options for attending school and work. Proximity to the GO station and a major bus route along the Dundas Transit Corridor contributes to more active transit options that would support improving sustainable practices even further in this neighbourhood.

Meadowcrest has a farmers market located within its Neighbourhood Boundary (NB) and the West Lynde neighbourhood has a farmers' market just outside its NB, both of which could support more sustainable behaviour and associations with local food and community gardening. Opportunities for urban agriculture exist for all three neighbourhoods as there are no identified community gardens. It was also noted that a number of food banks are located adjacent to the West Lynde NB, which may be further complemented with community gardens to address local food insecurity.

West Lynde 29/33	Meadowcrest 24.5/33	Fallingbrook 21.5/33
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Final Scoring Summary

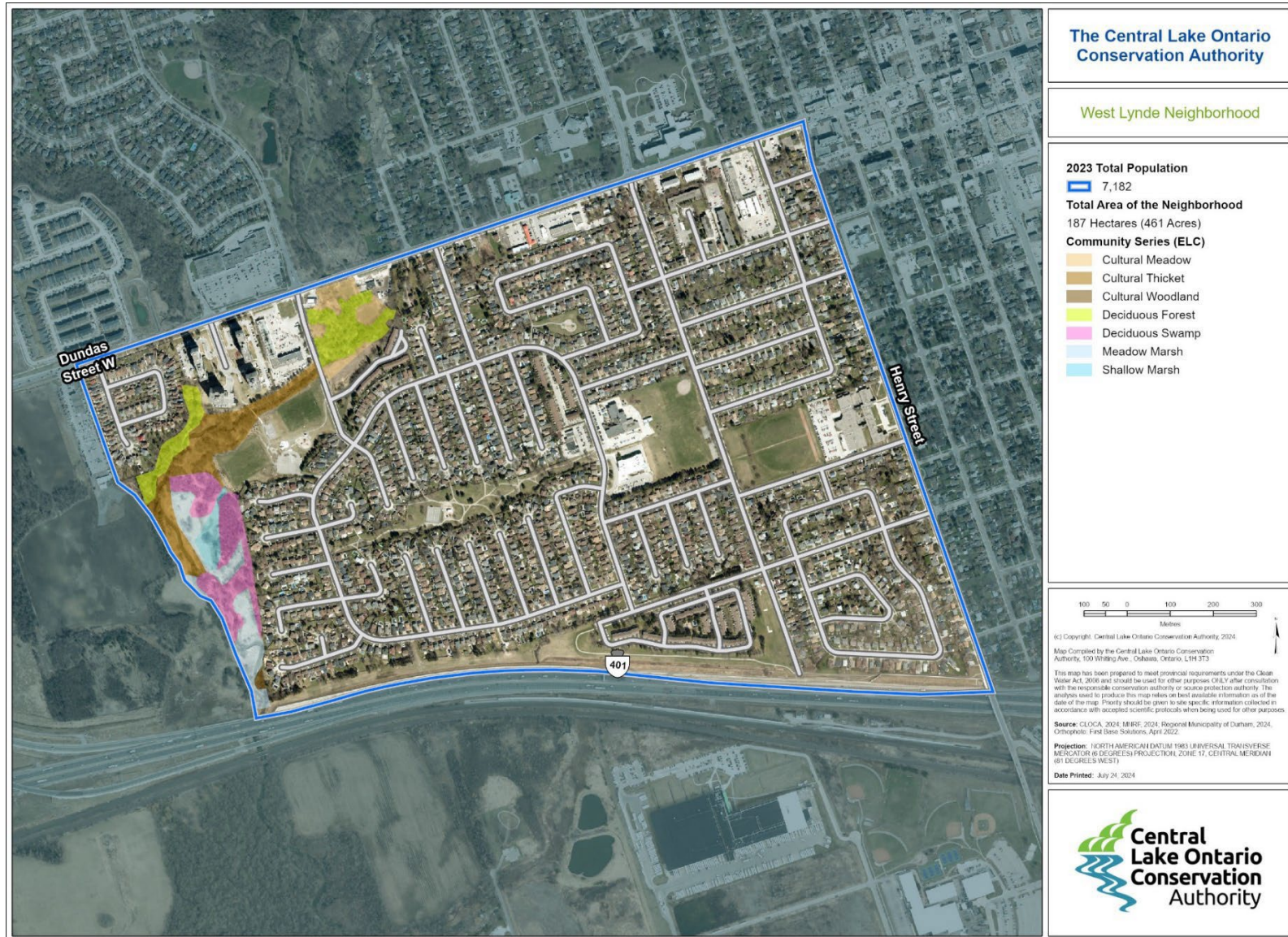
The final scoring summary below rolls up the points for each of the six (6) sustainability categories and the forty-two (42) indicators used for this Neighbourhood Screening Analysis to identify one priority neighbourhood for the Whitby SNAP Pilot. The West Lynde neighbourhood indicates a greater need with a combination of challenges and opportunities for supporting a more sustainable and climate ready community for the Whitby SNAP Pilot when compared to the Meadowcrest and Fallingbrook neighbourhoods. Both the Meadowcrest and Fallingbrook neighbourhoods are still challenged, and in some cases their scores were the same as the West Lynde neighbourhood and so should not be left behind. Efforts by the Town of Whitby to address their unique challenges need to be ongoing so they don't decline further. Targeting them with opportunities under existing programs offered across the municipality should be a priority. For example, to address the poor score of each neighbourhood under the indicator, Residential Energy Consumption, an effort to engage homeowners in the Durham Greener Homes program would be extremely beneficial and further support the Whitby Climate Emergency Response Plan Phase 2: Mitigation. Likewise, as mentioned in this summary, all three (3) neighbourhoods scored poorly for the indicator Urban Tree Canopy and will benefit from actions identified by the Urban Forestry Management Plan once developed. As well programs like the partnership with LEAF (Local Enhancement and Appreciation of Forests Program) and the Backyard Tree Planting Program for homes and businesses, could help improve the UTC for both neighbourhoods. This in turn contributes to climate adaptation and mitigation at a neighbourhood and community level. The table below shows the maximum and individual scores for each sustainability indicator in the three (3) neighbourhoods providing a high-level comparison.

Category	Maximum Points	West Lynde	Meadowcrest	Fallingbrook
Built Environment	9.0	6.5	6.5	6.0
Infrastructure & Mobility	27.0	22.0	18.0	16.0
Flood Safety & Erosion Risk Reduction	15.0	15.0	12.0	12.0
Natural Environment & Watershed Systems	30.0	26.5	24.0	21.0
Parks Recreation & Culture	12.0	10.5	8.0	10.5
Health & Wellbeing	33.0	29.0	24.5	21.5
TOTAL SCORE	126.0	109.5	93.0	87.0

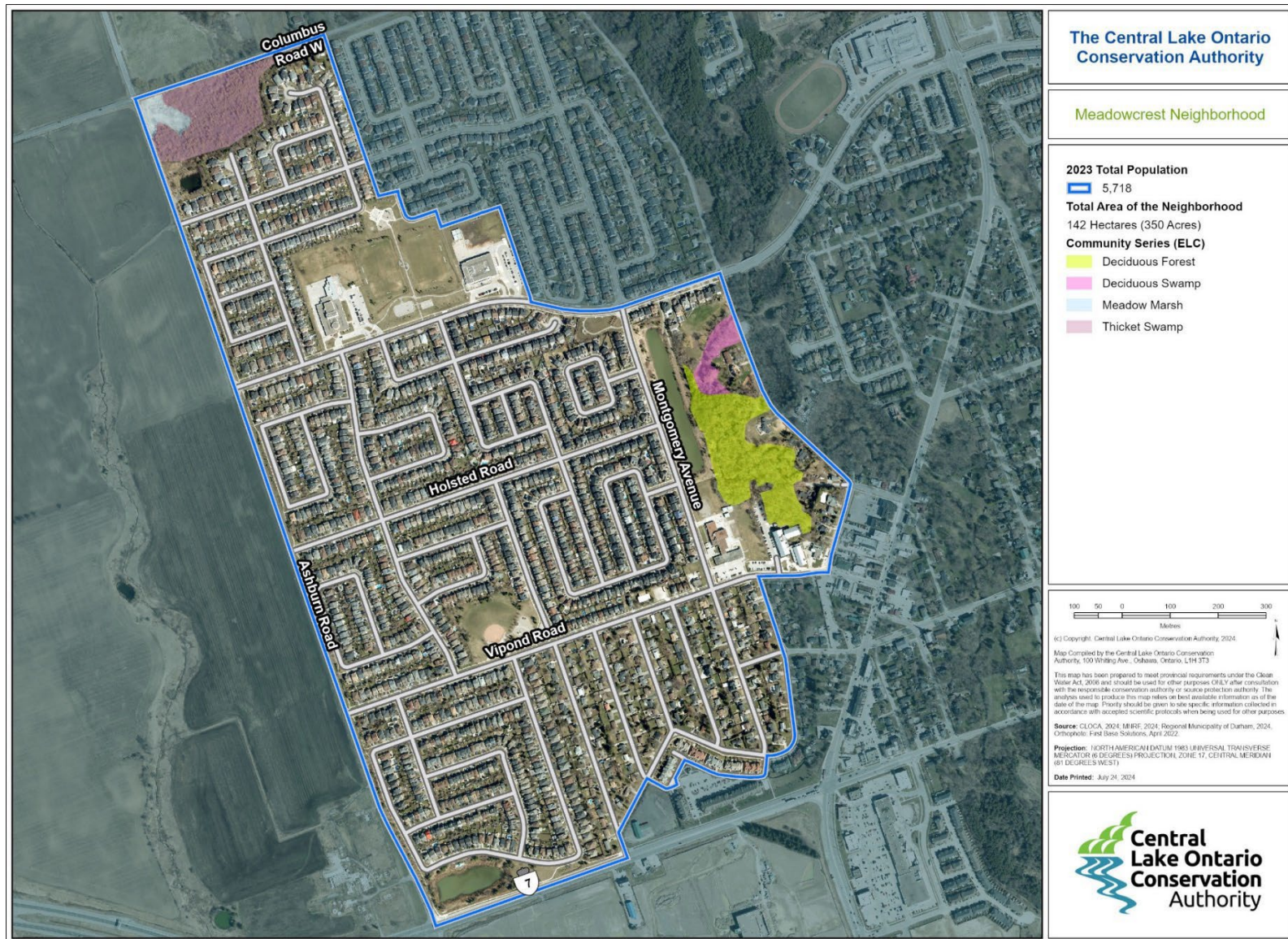
Conclusions

The intention of this process was to identify neighbourhoods having multiple urban renewal and climate action priorities. The process uses a framework of sustainable community attributes to guide comprehensive analysis. To create a more resilient neighbourhood, the collaborative, integrated approaches of the Whitby SNAP Pilot Project can bring efficiencies, opportunities for resource sharing and address critical needs by informing the delivery of many social and economic co-benefits alongside environmental projects. The process compiled input on the locations of planned capital projects, priorities identified in strategic plans and other known urban renewal or climate action opportunities, as provided by various departments within upper and lower tier municipalities, CLOCA, and data and statistics from a variety of other agencies and Not for Profit organizations and potential SNAP stakeholders.

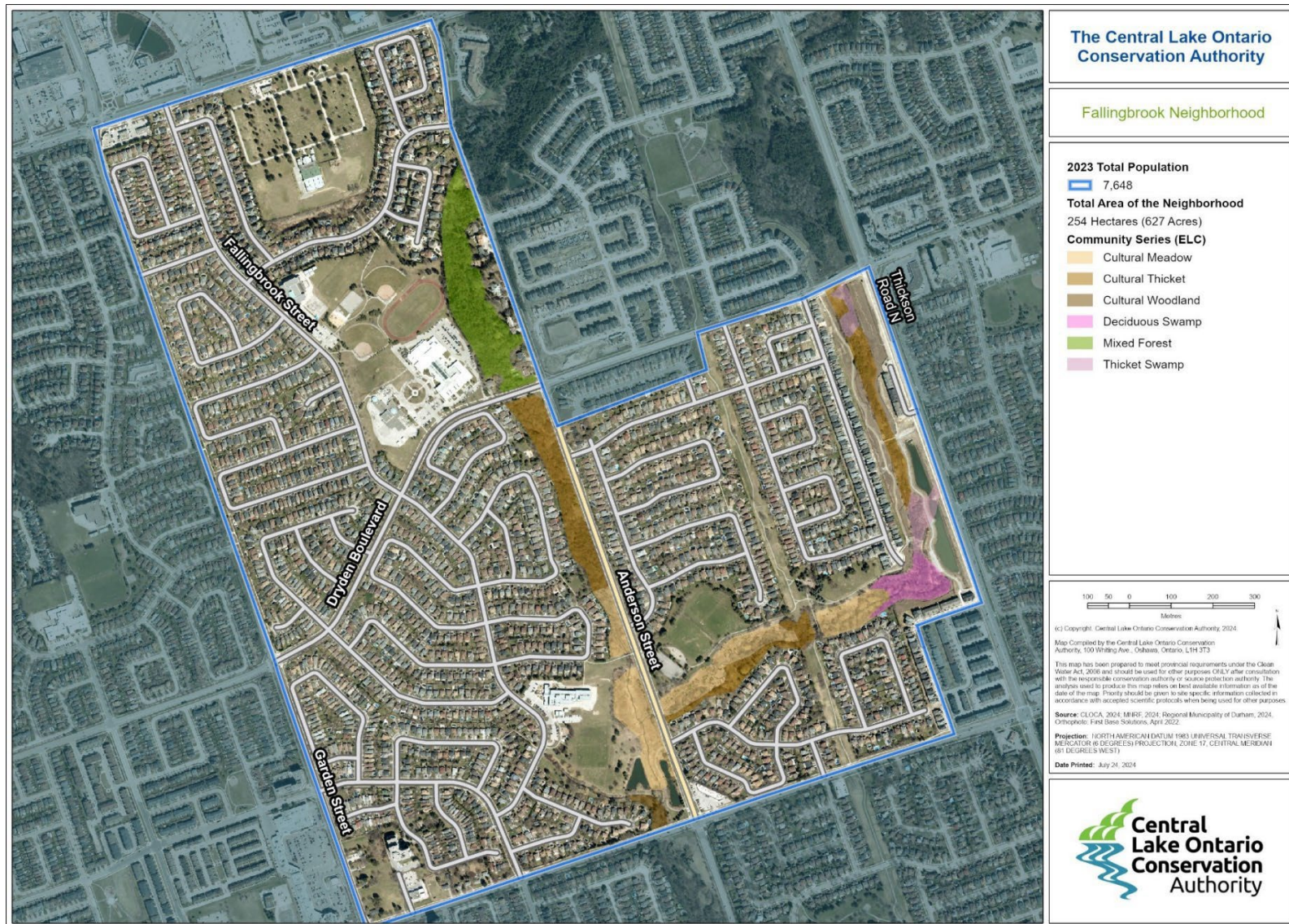
Appendix A – Neighbourhood Boundaries



Whitby Sustainable Neighbourhood Action Program (SNAP)



Whitby Sustainable Neighbourhood Action Program (SNAP)



Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: Gateway Maintenance Program

Report to: Committee of the Whole

Date of meeting: September 23, 2024

Report Number: CMS 10-24

Department(s) Responsible:

Community Services Department

Submitted by:

John Romano, Commissioner,
Community Services

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

Paul Thistle, Director, Operational
Services, 905.430.4333

Ryen Carleton, Manager, Right of Way
Services, 905.430.4928

1. Recommendation:

1. That Report CMS 10-24 be received for information;
2. That the Town's current level of service as identified as Option 1 in Staff Report CMS 10-24 for the maintenance of fencing, gateway features, decorative fencing and columns be continued; and,
3. That NUB Item GG-0022 "That Staff be directed to report to Council on the implementation of a gateway maintenance program, including additional resources required, to address the repair and rehabilitation of deteriorating gateway signage in subdivisions throughout the Town of Whitby" be removed from the New and Unfinished Business Listing.

2. Highlights:

- Since the mid-2000s, all fencing in new subdivisions were required to be installed on private property with developers/builders being required to include clauses in agreements of purchase and sale identifying that fencing on both private and municipal land shall be maintained by property owners.
- There are 63 gateway features within the Town, 19 of which are showing cosmetic damage and 2 that are structurally failing.

- There are nearly 7 kilometres of decorative iron fencing throughout the Town.
- There are nearly 600 masonry piers (columns) located throughout the Town.
- The Region does not maintain any fencing located on their right-of-way.
- Gateway features on Town property that are structurally failing, are removed, and replaced with sod.
- A jurisdictional scan of Ajax, Pickering, and Oshawa shows that none have a gateway maintenance program, nor do they maintain fencing including gateway features, iron fencing or columns on the Region's right-of-way.

3. Background:

This report incorporates aspects of the Town's fence maintenance program to provide context relating to gateway features in subdivisions throughout the Town.

As early as the 1980's, the Town had assumed the financial responsibility for most fences installed through the development process, to control the access, aesthetics, maintenance, and consistency of fences along the roadways of Town owned property. However, as the fences became more common and elaborate, the financial burden of maintaining these fences and gateway features became unsustainable.

In 2008, staff identified in report PW 37-08 that the Town maintained approximately 85 kilometers of fencing along Town owned or leased property (i.e. Hydro & CP corridors) and 17 kilometers of Regional fences. The inventory then, as is still the case today, is made up of several different fence types for different purposes. Fence styles and heights vary depending upon their location and purpose. The various types of fences include:

- Noise attenuation barriers (**acoustic fences**) - typically wood fences that have a screening or noise abatement function and are located on roadways and railway corridors adjacent to municipal property.
- Roadside non-acoustic (**decorative fences**) - fences have been used historically at corner lots and within subdivision developments and have consisted of wrought iron, aluminum, steel, and wood. Masonry gateway features and columns have been incorporated to distinguish and create entry features into new subdivision developments. Included under decorative fences for the purposes of this report are masonry sections (walls) of acoustic fences.
- **Divisional fences** adjacent to Town property - parkland, open space, walkways and school properties, typically comprising of chain link fencing.

In 2008, Council approved the staff recommendation to discontinue fence maintenance and the replacement of fences that were located adjacent to regional roads due to increasing cost pressures. Effective January 2009, the practice of the Town conducting regional road fence maintenance ended, including all masonry gateway features, columns and iron fencing located on regional roadways. This reduced the total inventory of Town maintained fencing from over 102 kilometers to 85 kilometers. Other key changes to the fencing program implemented around this time include:

- The Town's Construction Group took over the oversight of subdivision fences.

- Engineering staff refined and enhanced the design standards for fences, i.e. what is permitted, and where.
- Road layout designs in subdivisions were modified to increase the utilization of “window” streets to reduce acoustic fence requirements.
- Other than chain link divisional fences, all acoustic, wood screen and decorative fences, including masonry gateway features and iron fencing for new subdivisions, were now required to be placed on private property. Additionally, developers/builders were now required to include acoustic and decorative fence clauses in development agreements and purchase and sale agreements, identifying that the acoustic and decorative fences are owned and shall be maintained by property owners.

Due to the changes outlined above, the Town’s current inventory of acoustic fences and decorative fences maintained by the Town has changed little since 2008, since new fences are now all built on private property. Only the inventory of divisional fences has increased since this time.

Current Status of Fencing and Gateway Features in Whitby

In 2023, Council approved New and Unfinished Business Item No. GG-0022:

That Staff be directed to report to Council on the implementation of a gateway maintenance program, including additional resources required, to address the repair and rehabilitation of deteriorating gateway signage in subdivisions throughout the Town of Whitby.

Staff conducted an audit of all masonry gateway features within the Town, which included a high-level assessment of their condition. In all, there are 63 masonry gateway features totaling approximately 0.94 km. This total does not include gateway features that are located on private commercial property. Of the 63 gateway features, 31 features totaling 0.49 km are located within the Town’s right-of-way or on the property line. The remaining 32 features totaling 0.45 km are located either on the Region’s right-of-way or completely within private property. Similarly, there are nearly 600 masonry piers (columns) incorporated into various fencing throughout the Town, both within the Town’s right-of-way, Region’s right-of-way, or private property.

Of the nearly 7 km of iron fencing within the Town, only 3% (0.21 km) is within the Town right-of-way and only 1% (0.06 km) is within the Regional right-of-way with the remaining 94% (6.72 km) located completely within private property.

The table below outlines the current inventory of fencing throughout the Town:

	Town Owned	Region Owned	Private
Acoustic Fences	19.01 km	16.5 km	N/A
Divisional Fences	77 km	Unknown	Unknown
Decorative – Masonry	31	23	9

Decorative – Iron	0.21 km	0.06 km	6.72 km
# of Masonry Columns	281	39	253

Current Practices and Assessment of Fences and Gateway Features

Currently, Operational Services has an annual capital budget of \$230,000 for the replacement of acoustic fencing located within the Town's right-of-way. This budget is allocated each year to a contracted service provider through an annual tender. In 2023, the low bid and successful respondent provided pricing averaging \$393 per linear metre. Based on current tender pricing and the Council-approved budget of \$230,000 to replace fencing owned by the Town, it will take approximately 33 years to replace all Town-owned wood acoustic fencing. All acoustic fencing replaced through this program is completely at the Town's cost, with no cost to the homeowner.

Town staff provide emergency repairs for small to medium segments of fences owned by the Town, with an annual \$13,000 operating budget for supplies. Also, the parks maintenance division has an annual operating budget of \$40,000 specifically for supplies and materials for divisional chain link fence repair.

Currently, there is no capital or operating budget to rebuild or repair masonry gateway features, columns or decorative iron fencing located on the Town's right-of-way. Current and past practice has been that masonry features, columns or iron fences which are placed on Town property or property line, and which are structurally unsafe and failing, the features would be removed and replaced with sod. Where a masonry feature is incorporated into an acoustic fence, it is removed and replaced with wood fencing. The cost of these removals is drawn from the annual capital and operating budgets as needed, and each time result in decreased available funding towards the acoustic fence replacement program. There are several locations throughout the Town where these removals have occurred, with an example shown below.



Anderson St and Solmar Ave – Damaged Masonry Feature 2014



Anderson St and Solmar Ave – After Removal 2018

Of the 31 (Decorative Masonry) gateway features located within the Town's right-of-way:

- 18 are in excellent or very good condition;
- 6 are in fair condition; and,
- 7 have considerable cosmetic damage such as flaking brick surfaces.

None have been identified as a safety concern at this time. Of the 32 remaining (Decorative Masonry) gateway features located on Regional right-of-way's (23) or solely on private property (9):

- 15 are in excellent or very good condition;
- 3 are in fair condition;
- 12 have considerable cosmetic damage; and
- 2 locations are structurally failing.

Despite the deterioration of these assets, the Region of Durham has consistently advised Town staff and residents alike, that they do not maintain acoustic or decorative fencing on Regional right-of-way's including masonry gateway features.

Practices in other Durham Lakeshore Municipalities

The Town currently dedicates more resources to fence maintenance and replacement than neighboring municipalities. While Whitby, Oshawa and Pickering have relatively comparable operating budgets for fence repair (Ajax does not have a fence repair budget), only Whitby has additional funds dedicated for an acoustic fence replacement program. Of these municipalities, including Whitby, none have a gateway maintenance program, nor operating or capital budget for this purpose and none complete repairs to fences or gateway features located on the Region's right-of-way.

	WHITBY	OSHAWA	AJAX	PICKERING
Acoustic Fence Replacement Program	Yes	No	No	No
Acoustic Fence Replacement Program Budget	\$240,000	\$0	\$0	\$0
Gateway Feature Maintenance Program	No	No	No	No
Maintain Regional Fencing/Gateway Features	No	No	No	No

4. Discussion:

Options for the maintenance of Whitby Fences and Gateway Features

To provide high-level costing for the implementation of a gateway maintenance program, multiple options have been explored.

Option #1: Maintain the Current Fence and Gateway Feature Maintenance Program (Status-quo).

In this option, the Town would maintain its existing capital and operating budgets with respect to the repair and maintenance of Town-owned fencing. Gateway features, columns or iron fencing that are located on Town property and are structurally failing or have considerable cosmetic damage will be scheduled for removal, and replaced with sod or wood fencing, if part of an acoustic fence. The Town will not maintain gateway features, columns or iron fencing located on regional or private property.

The legal requirements to complete work beyond this scope and to enter onto private or Regional property would need to be assessed on a case-by-case basis. The Town would need to confirm whether each feature is on public or private property, which requires the services of a Land Surveyor. There are some examples where the gateway features cross over onto multiple properties. Features located on private property, or on a property line between Town property and private property, would require staff to prepare and execute a permission to enter agreement to access privately owned lands to inspect, maintain and if necessary, replace fences, features and/or columns. The Town does not typically undertake this kind of work on private property due to the potential liabilities involved.

An additional concern is that the Town often ends up in disputes with residents over the replacement of these types of structures (i.e. acoustic fencing), or of the result of the work completed on their property. While Town staff and contractors aim to return the area to what it was previously, work is often completed to the Town's standard, which may be different from an individual homeowner's standard. This creates discord

between the Town and its residents and takes a significant amount of staff time and resources to resolve.

Option #2: Expand the removal of Failing/Unsafe Fences, Masonry Columns and Gateway Features. This option would expand the current program to include gateway features, columns and iron fencing located on Regional or private property to remove those fences/features which are structurally failing or have considerable cosmetic damage and replace them with sod or wood fencing (if part of an acoustic fence). Iron fencing has been included in this option to provide a consistent approach regarding the aesthetics of fencing throughout the Town.

One-time costs to remove the additional masonry features and columns and replace with sod, based on their current condition, is estimated to be approximately \$474,000. One-time costs to remove iron fencing, based on their current condition, is estimated to be approximately \$105,000 (\$150/m for 0.7 km) to remove approximately 10% of the total iron fencing. Once these gateway features, columns and iron fencing have been removed, on-going costs for the remaining 18 features, nearly 300 columns and over 6 km of iron fencing located on Regional rights-of-way or private property are estimated to be approximately \$106,000 per year based on a 25-year lifecycle replacement schedule. All costs related to this increased service level would need to be added to future operating and capital budgets as they are not funded at this time.

A comprehensive review of the remaining features would need to be completed to more accurately determine the remaining lifecycle of each gateway feature, column, and section of iron fence. Future funding for an external consultant to complete this assessment would be required.

Option #3: Expand the Fence/Gateway Feature Maintenance and Replacement Program. This option would extend the fence maintenance program and to increase service levels for all gateway features, columns and iron fencing located on Town, Regional or private property to include full restoration or replacement if they are structurally failing or have considerable cosmetic damage. In this scenario, many features with significant cosmetic damage would likely need to be fully removed and re-built for a variety of reasons (e.g., internal water damage, footing damage, difficulty matching brick colours, etc.).

Because each gateway feature and column condition and design are unique, staff cannot provide a detailed estimate of replacement costs at this time. Based on pricing that the Town has received for 3 masonry gateway features, it is estimated that repair/replacement costs would range from \$80,000 to \$100,000 per feature plus \$7,500 per column. A high-level estimate based on the replacement costs received would total approximately \$1,817,500 to \$2,217,500 for 20 features, and 29 columns (10% of total) based on their current condition. One-time costs to remove and replace iron fencing based on current condition is estimated to be approximately \$455,000 at \$650/m for 0.7 km of fence.

Once these features, columns and iron fencing have been re-built, on-going costs are estimated to be approximately \$420,000 per year based on a 25-year lifecycle replacement schedule. Similar to Option #2, a comprehensive review of the remaining

features would be needed to more accurately determine remaining lifecycles; however, it is anticipated that ongoing costs would be considerably higher than Option #2.

5. Financial Considerations:

Option #1 is status quo with no financial impact. The Town would continue with a \$230,000 annual capital project for the replacement of acoustic fencing located within the Town's right-of-way. Staff recommend this option as the Town currently has an annual funding gap of approximately \$11 million per year to keep the assets and infrastructure (such as roads, sidewalks, bridges, storm water) in a state of good repair. As outlined in the [June 10, 2024 Staff Report FS 31-24 on the Town of Whitby Municipal Asset Management Plan Update](#):

- The Town's existing infrastructure is in generally good condition with an overall health grade of "B" (94.7% are in fair to very good condition and 5.3% are in poor to very poor condition.);
- For the Town's existing infrastructure assets, the 10-year average annual financial requirement/forecasted spend is \$41.8 million/year based on the Municipal Asset Management Plan.
- The Town's current funding levels (from various sources) for asset replacements is currently \$31.0/year.
- Therefore, there is an annual funding gap of \$10.8 million (= \$41.8 – 31.0).

Increasing the Town's service levels with respect to gateway/fence maintenance (as outlined in Options 2 and 3) would only increase the \$11 million infrastructure funding gap and increase the pressure to increase property taxes in order to fund the enhanced program.

Option #2 would require additional one-time funding of approximately \$579,000. This one-time funding will be required to remove the identified masonry gateway features, columns and iron fencing that have exceeded the ability to be repaired. The remaining 18 features, nearly 300 columns and over 6 km of iron fencing will require additional property tax-based funding support for the increased maintenance service level. This annual cost is estimated to be \$106,000 per year.

Option #3 would require additional one-time funding of approximately \$2,272,500 to \$2,672,500. This one-time funding is for 20 gateway locations, 29 columns (10% of total), and 0.7 km of iron fencing, based on their current condition. The restoration/replacement requirements in future years will need to be included as a capital budget request. Costs for on-going maintenance for all gateway features, columns and iron fencing will require additional property tax-based funding support for the increased service level. This annual cost is estimated to be \$420,000 per year.

6. Communication and Public Engagement:

N/A

7. Input from Departments/Sources:

Right-of-way Services has consulted with Legal Services, Financial Services and Operation's Roads/Traffic in the preparation of this report.

8. Strategic Priorities:

This Report supports the Town's Community Strategic Plan under:

Pillar 4: Whitby's Government, Accountable & Responsive

- Objective 4.3.2: Identify, establish, and report on service levels of interest to the community.
- Objective 4.4.1: Deliver services that respond to community needs while balancing the impact to taxpayers.

9. Attachments:

N/A

Town of Whitby Staff Report

whitby.ca/CouncilCalendar



Report Title: 55+ Recreation Advisory Committee Terms of Reference - Revisions

Report to: Committee of the Whole

Date of meeting: September 23, 2024

Report Number: CMS 11-24

Department(s) Responsible:

Community Services Department

Submitted by:

John Romano, Commissioner,
Community Services

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

Kim Evans, Manager, 55+ Recreation,
Diversity and Accessibility

Sharon Meredith, Director, Recreation

1. Recommendation:

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

2. Highlights:

- The members of the 55+ Recreation Advisory Committee, in consultation with Staff, reviewed the Committee's Terms of Reference and have made updates to ensure that the role and responsibilities of the Committee are accurately depicted, and that the selection of the Committee's members represent a variety of interests and diversity.
- Changes were discussed over several meetings and were finalized and approved by Committee Members at the June 14, 2024, meeting of the 55+ Recreation Advisory Committee.
- These changes are necessary as the Committee has evolved over time and the current Terms of Reference speaks to past practice versus the current roles and responsibilities of the Committee.
- Four main changes were made including:

- Increasing Committee Members responsibilities to provide input on all 55+ programs rather than a select group of activities, as previously stated;
 - Clarifying that fees are determined by the by Council based on recommendations of the Community Services Department with input from the 55+ Committee through the annual budget process;
 - Clarifying that the 55+ Recreation Clerk supports the administrative tasks of the Committee, not a volunteer Secretary as stated; and,
 - That Committee Members will now be appointed by Council based on recommendations from Committee and Community Services Staff each year, replacing the previous election process.
- These changes ensure that the Terms of Reference are an accurate reflection of the roles and responsibilities of the Committee and that the selection of members serving on the Committee reflect diversity and a broad range of program interests.

3. Background:

The Whitby 55+ Recreation Advisory Committee, in consultation with 55+ Recreation staff, provides advice and perspective regarding the various 55+ Recreation programs offered by the Town of Whitby. The purpose of the Committee is to support all social and recreational programs and to advise the Town of Whitby on issues relating to membership of Whitby 55+ Recreation Services.

Programming for residents age 55+ began with the official opening of the Whitby Seniors Activity Centre in 1976. With the support of the Town, it started with approximately 100 members, 10 volunteers and an appointed Board of Directors. A few years later, services were expanded, and the Seniors' Centre and its programs became an official Recreation Department within the Town.

An Advisory Committee and the Terms of Reference were created based on the activities at the time and was mostly focused on membership and drop-in leisure activities ([ToR-O-03](#)). Since that time, programs and services have expanded and changed to meet the recreational needs of residents aged 55+. Currently, 55+ Recreation provides a variety of classes, sports leagues, health and wellness activities, special events and services to approximately 3,000 members.

The Terms of Reference have been revised with minor changes over the years, including a name change from Whitby Seniors' Services to Whitby 55+ Recreation, in 2020 ([Staff Report CMS 26-19](#)).

The current Committee has reviewed the Terms of Reference and found that some of the terms and processes were out of date and no longer accurately reflected the activities of the Committee and its membership. The Committee feels that these changes will provide a more accurate overview of the activities of the Committee and are in line with many of the other Town of Whitby Committees of Council, with a role that focuses on giving input and advice to staff and Council.

4. Discussion:

In spring of this year, the members of the 55+ Recreation Advisory Committee began a review of the Committee's Terms of Reference and found that some of the wording and actions within were no longer relevant. As a result, the Committee, in consultation with staff, updated the terms to accurately reflect the Committee's current work and operation. These changes were discussed over several months and approved by the Committee at the 55+ Recreation Advisory Committee Meeting held on June 14, 2024.

The four (4) main changes to the Terms are listed below:

1. A change to wording that focuses on the Committee giving general advice on all 55+ Recreation Programming versus on only specifically named programs.

In the previous Terms of Reference, specific programs and events were listed that the Committee could provide advice to (i.e. Drop-in programs, dances, choir, summer student activities). In reality, the Committee provides input and advice on all of the Town's 55+ programs and are not limited to a specific list. This ensures that Committee input is considered by Staff for any 55+ Recreation program. This also ensures that the Terms of Reference stay accurate and relevant since many of the previously listed programs no longer exist, having changed to meet contemporary 55+ programming needs.

Committee Terms of Reference # 2.1 now reads – "The Whitby 55+ Recreation Advisory Committee, in consultation with Community Services Staff provides advice regarding the various 55+ Recreation programs offered by the Town of Whitby."

2. A change to wording that clarifies that the establishment of 55+ program fees is done through the Staff budget process and approved by Council with the input of the 55+ committee.

Although wording in the Terms of Reference refers to the committee reviewing departmental related expenditures and revenue, this practice stopped years ago when Committee members determined that this was the role of Community and Financial Services staff. A review of program fees is a role the Committee does undertake each year through the budget process. Community Services Staff regularly consult the Committee's input on 55+ program fees.

Committee Terms of Reference # 3.1 now reads - "Fees for 55+ programs will be developed by the Community Services Department with input from the 55+ Committee".

3. Replacing the role of the Committee Secretary with Community Services Staff

The Secretary position within the Committee ceased to exist several years ago when new internal software and accessible document requirements made scribing minutes a challenge for volunteers. The Secretary would type up the minutes and a staff person would have to retype them. The Committee agreed that it was more efficient for staff to take minutes, distribute agendas and circulate correspondence. Currently the 55+ Recreation Clerk sits on the Committee at each meeting, takes minutes and ensures agenda and correspondence distribution. Therefore, the 55+ Recreation Clerk was added to the composition of the Committee.

Committee Terms of Reference #4.1 now reads – “The Committee shall consist of thirteen members; 10 voting members plus three non-voting members one being a member of Council appointed by the Mayor, another being the Manager of 55+ Recreation Services, and the other being the 55+ Recreation Clerk.”

4. Appointment of Members Instead of Elections

The current practice of election of Committee Members was discussed, and it was agreed that this type of approach to Committee Membership was more relevant to past practices when the Centre had one location, a Board of Directors, and mostly focused on Drop-In Leisure activities. At this time, the membership was a smaller, cohesive group that ran most of the activities.

Now, with approximately 3,000 members participating in hundreds of activities at multiple locations, it is a challenge for people to get to know everyone and feel confident to vote for candidates for the Committee. Members also expressed that seeing that the Committee is advisory in nature versus being a Board of Directors, that the election process was no longer in the Committee’s best interest and deterred people from volunteering.

Current Committee members agreed that appointments would be a better approach, which would be completed through an annual application and interview process conducted by the Committee in partnership with Staff. This will encourage members to come forward who are interested in volunteering and giving their input to 55+ programs. The Committee members also felt it was important to look for Committee Members who represent participation across a variety of programs and bring varying diverse perspectives.

Terms of Reference #9.1 now reads - “Appointments to the Committee will be recommended annually to Council through a fair interview process and determined by the Chair, Vice-Chair and Manager of 55+ Recreation with further approval by the Director of Recreation. This is to ensure that the member understands the role and responsibilities of the Committee and to ensure a broad spectrum of interests and diversity.”

Council approval will still be required as stated in the Terms of Reference #9.4 - “The newly appointed Committee will take office as of the first Committee

meeting in January of each year, subject to Council approving and appointing them prior to that date.”

5. Financial Considerations:

There is no impact on the budget with the implementation of these changes.

6. Communication and Public Engagement:

The changes to the Terms of Reference were finalized and passed by the 55+ Recreation Advisory Committee at their June 14, 2024, meeting and included with the June minutes. Once approved, the new Terms of Reference will be posted online at Whitby.ca/55plus and on the 55+ Committee bulletin board at the 55+ Recreation Centre.

7. Input from Departments/Sources:

The changes to the Terms of Reference were reviewed by the Legislative Services/Clerks Department who had no concerns.

8. Strategic Priorities:

The changes to the 55+ Recreation Advisory Committee Terms of Reference connect to the Community Strategic Plan through the following pillars:

- **Pillar 1 - Whitby's Neighbourhoods: Safe, Healthy & Inclusive** – the 55+ Recreation Advisory Committee provides advice and perspective regarding the various 55+ Recreation programs offered by the Town of Whitby ensuring that adults age 55+ remain active, engaged and connected.
- **Pillar 4 – Whitby's Government: Accountable & Responsive** - A review and accurate revision of the Committee's Terms of Reference ensures that the Committee and the Town remain accountable and responsive to the needs of the 55+ community.

9. Attachments:

Attachment 1 – Draft Whitby 55+ Recreation Advisory Committee Terms of Reference (updated June 14, 2024)



Whitby 55+ Recreation Advisory Committee Terms of Reference

Number:	ToR-O-03
Reference:	Council Resolution #492-17
Date Approved:	October 30, 2017
Date Revised:	June 14, 2024
Approval:	Council
Point of Contact:	Manager, 55+ Recreation Services (Staff Liaison)

1.0 Enabling Legislation

The Municipal Act, 2001, provides the municipality with the authority to create advisory committees for specific purposes. The Town of Whitby Council has deemed it advisable to establish a Whitby 55+ Recreation Advisory Committee. The Town of Whitby supports and acknowledges the value of internal and external committees.

2.0 Mandate and Responsibilities

2.1 The Whitby 55+ Recreation Advisory Committee, in consultation with the Community Services Staff provides advice and perspective regarding the various 55+ Recreation programs offered by the Town of Whitby.

2.2 The purpose of the Committee is to support all social and recreational programs and to advise the Town of Whitby on issues relating to the membership of the Town of Whitby 55+ Recreation Services.

2.3 Objectives

2.3.1 To protect the mutual interests of its members.

2.3.2 To encourage all adults 55+ to participate in activities of Whitby 55+ Recreation Services to help keep them active, connected and engaged in the community.

2.3.3 To provide opportunities for friendly communications among adults 55+.

2.3.4 To promote involvement, goodwill and participation among groups and individuals within the membership.

2.4 Responsibilities

- 2.4.1 Offer input on 55+ programs, services and activities.
- 2.4.2 Advise the Manager of 55+ Recreation Services of problems and concerns related to the use of the building(s) which affect the members.
- 2.4.3 Work with the Manager of 55+ Recreation Services in evaluating the recreation and leisure needs for adults 55+ in the Town of Whitby.
- 2.4.4 Assist with the design and implementation of special events.
- 2.4.5 Share the responsibility with staff to advise members of approved operating policies of the Town of Whitby.
- 2.4.6 Communicate respectfully and constructively with members and staff and follow the Public Code of Conduct Policy.

3.0 Fees

- 3.1 Fees for 55+ programs will be developed by the Community Services Department with input from the 55+ Committee.

4.0 Membership and Composition

- 4.1 The Committee shall consist of thirteen (13) members: ten (10) voting members plus three (3) non-voting members of which one being a member of Council appointed by the Mayor, another being the Manager of 55+ Recreation Services, and the other being the 55+ Recreation Clerk.
- 4.2 A member of the Town of Whitby Council is appointed to the Committee to:
 - a) liaise between Council and the Committee;
 - b) respond to Committee members' questions;
 - c) interpret Council's direction to the Committee;
 - d) provide updates on Committee activities to Council; and,
 - e) provide updates on Council activities to the Committee.
- 4.3 The Manager of 55+ Recreation Services sits on the Committee to provide advice as well as to liaise with other Town departments and other sections within the Community Services Department affecting 55+ Recreation Services.

- 4.4 The 55+ Recreation Clerk sits on the Committee to take minutes, distribute agendas, correspondence, and minutes, and to assist with Committee administrative tasks.
- 4.5 A Chair and Vice-Chair shall be elected by a majority of Committee members for a one-year term at its first meeting of each calendar year.
- 4.5.1 The Chair and Vice-Chair may serve for a maximum of two consecutive years unless the Committee determines otherwise with the unanimous consent of its members.
- 4.5.2 In the event that a member and their partner are both members of the Committee, only one partner can serve in a Chair position at any one time.

#		
10	Citizen Appointments	Voting
1	Clerk (Administrative Support)	Non-Voting
1	Staff Liaison	Non-Voting
1	Member of Council	Non-Voting

5.0 Committee Leadership

5.1 Committee Chair

- 5.1.1 The Chair's role is to provide guidance and leadership to the Committee of Council in the completion of its mandate. The Chair shall ensure that decorum is maintained at each meeting and that the rules of procedure, as per the Procedure By-law or as otherwise established, are observed.

5.2 Vice-Chair

- 5.2.1 The Vice-Chair acts in the Chair's absence and assumes the roles and responsibilities of the Chair.

6.0 Member Qualifications

- 6.1 The following qualifications should be considered when appointing members to the Whitby 55+ Recreation Advisory Committee:

6.1.1 Current participation in 55+ Recreation programs, services and/or activities.

6.1.2 A member of Whitby 55+ Recreation Services.

6.1.3 Available to attend meetings regularly.

7.0 Committee Members

- 7.1 Committee members shall contribute time, knowledge, skill and expertise to the fulfillment of the Committee's mandate as required; work with Staff to implement Council's decisions relevant to the Committee's mandate and commit to attending regular meetings during the year.

8.0 Meetings

- 8.1 Regular meetings of the Committee shall be held on the second Friday of each month except for July and August, or as modified and determined by the Committee.
- 8.2 Notwithstanding the above, the Committee reserves the right to change the time, date or place of its meetings if circumstances warrant and the change shall be communicated in an email to the Committee members at least one week in advance.
- 8.3 Each member elected to the Committee serves a two-year term. Five members are appointed by Council each year, with five vacancies alternating.
- 8.4 After a member serves a two-year term, they may elect to stay on the committee for another (2) two-year term before having to re-apply.
- 8.5 The Committee has the right to recommend the removal of any Committee member who misses three consecutive regular meetings or is absent from over 50% of the meetings in one year; unless the subject member can satisfy the Committee that the absence was justified.
- 8.6 The Committee shall fill any vacancy which may occur in its number between terms. Such appointee shall hold office for the unexpired term of the replaced member subject to the approval by the Committee.
- 8.7 Special meetings shall be called by the Chair at the request of five members of the Committee.
- 8.8 A quorum shall consist of five members or a majority of the Committee. The Committee shall hold in confidence any information concerning individual members which they may be privy to.

9.0 Appointments to the Committee

- 9.1 Appointments to the Committee will be recommended annually to Council through a fair interview process and determined by the Chair, Vice-Chair and Manager of 55+ Recreation Services with further approval by the Director of Recreation. This is to ensure that the member understands the role and responsibilities of the Committee and to ensure a broad spectrum of interests and diversity.

- 9.2 Starting in September of each year, all Committee members shall assist with the recruitment of new members through word of mouth and paper and electronic promotion.
- 9.3 Interviews will occur in October of each year for prospective Committee Members. The interviews will be conducted by the Chair, Vice-Chair and Staff Liaison. If circumstances are that the Chair, Vice-Chair or Staff Liaison cannot attend, then a Committee member or 55+ Staff Member can be approved to take their place in the interviews. Approval of the substitution must be unanimous by the Chair, Vice-Chair and Staff Liaison.
- 9.4 The newly appointed Committee will take office as of the first Committee meeting in January, subject to Council approving and appointing them prior to that date.
- 9.5 The appointments will be posted at the 55+ Recreation Centre and communicated to the membership.
- 9.6 The names of all Committee members and their photos will be prominently displayed in the Whitby 55+ Recreation Centre.
- 9.7 Only resident members of The Town of Whitby 55+ Recreation Services are entitled to be appointed to the Committee.

10.0 Membership Feedback

- 10.1 The Committee is interested in providing an opportunity for members to express any concern(s) about the operation of the Town of Whitby 55+ Recreation Services. In order that an organized procedure is followed, the Committee will receive deputations at monthly Committee meetings based on the following guidelines:
 - 10.1.1 Deputations must be submitted to the 55+ Recreation Clerk in writing, dated and signed one week prior to the monthly Committee meeting. The Committee, by a 2/3 vote of the members present, can accept a deputation if submitted late.
 - 10.1.2 Only one person may verbally represent a deputation.
 - 10.1.3 The Committee reserves the right to ask questions but may elect to receive the information and give a formal response at a later date.
 - 10.1.4 Spectators attending deputations are not permitted to speak and may be asked to leave by the Chair if the meeting is disrupted.

Town of Whitby Staff Report

whitby.ca/CouncilCalendar



Report Title: 2025 Council, Committee, and Public Meetings Schedule

Report to: Committee of the Whole

Date of meeting: September 23, 2024

Report Number: CLK 07-24

Department(s) Responsible:

Office of the Town Clerk

Submitted by:

C. Harris, Director, Legislative
Services/Town Clerk

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

For additional information, contact:

K. Narraway, Sr. Manager, Legislative
Services/Deputy Clerk

1. Recommendation:

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

2. Highlights:

- The proposed 2025 Council, Committee, and Public Meetings schedule continues the four-week meeting cycle introduced in 2024, consisting of two Committee of the Whole Meetings, generally followed by a Public Meeting or Statutory Holiday (no meetings scheduled), followed by a Regular Council meeting.
- The 2025 meeting schedule maintains the same timing as the 2024 meeting schedule for the presentation, consideration, and adoption of a Strong Mayor Budget for the 2026 budget year.

3. Background:

Section 8.7 of Procedure By-law # 8081-24 requires Council to adopt a schedule for its meetings to be held the following year. The Town Clerk is responsible for publishing the schedule on the Town's website.

4. Discussion:

The 2025 Council, Committee, and Public Meetings schedule continues the four-week meeting cycle introduced in 2024 for Committee of the Whole, Public Meetings, and Council Meetings. In the four-week cycle, Committee of the Whole Meetings are scheduled on week one and week two. In week three of the cycle, either a Public Meeting is scheduled or there is no meeting scheduled due to a Statutory Holiday or for Council attendance at a conference. Week four of the cycle is then the Regular Council meeting to consider the recommendations stemming from the week one and week two Committee of the Whole meetings.

Moving to a four-week schedule has provided the following benefits:

- Council is provided with a minimum two-week period to consider discussion, debate, and recommendations from Committee of the Whole Meetings prior to making decisions at Regular Council Meetings.
- Staff are provided with additional time to respond to requests for information at Committee of the Whole Meetings, including preparing memorandums for Council's consideration.
- The public is provided with additional time to submit correspondence regarding matters being considered at Council.

Similar to previous schedules, no meetings are scheduled during the weeks of Family Day, March Break, Easter Monday, the Ontario Good Roads Association annual conference, Victoria Day, July and August, National Day for Truth and Reconciliation, Thanksgiving, and during the December holiday break.

Of note for the 2025 meeting schedule is the inclusion of a Public Meeting date on Wednesday, May 14, 2025 which differs from traditional Monday meetings. The purpose of this meeting is to reduce the gap between the Public Meeting dates scheduled on March 24, 2025 and June 16, 2025 in order to meet statutory timelines.

As is current practice, in instances where time-sensitive reports require urgent consideration, reports may be presented directly at Regular Council Meetings or the Mayor may call Special Council Meetings, including meetings during July and August.

5. Financial Considerations:

Not applicable.

6. Communication and Public Engagement:

The 2025 Council, Committee, and Public Meetings schedule will be published on the Town's website. Upcoming meetings are shared with the public through the website calendar and through the Town's social media channels.

7. Input from Departments/Sources:

The Senior Leadership Team was consulted when developing the 2025 Schedule. Additionally, the Commissioner of Financial Services/Treasurer has reviewed the proposed budget dates and the Commissioner of Planning and Development has reviewed the proposed Public Meetings dates.

8. Strategic Priorities:

Publishing the 2025 Council, Committee, and Public Meetings schedule in advance allows Staff to inform and engage the community about upcoming meetings. This supports Strategic Pillar 4 in the Community Strategic Plan: Whitby's Government – Accountable & Responsive.

9. Attachments:

Attachment 1 – 2025 Council, Committee, and Public Meetings schedule

2025 Whitby Council and Committee Meeting Schedule

January						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

February						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	

March						
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16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

April						
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13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

May						
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				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

June						
Su	Mo	Tu	We	Th	Fr	Sa
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8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

July						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
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13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

August						
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17	18	19	20	21	22	23
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31						

September						
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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

October						
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19	20	21	22	23	24	25
26	27	28	29	30	31	

November						
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						1
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16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

December						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

- Council: 7:00 p.m.
- Committee of the Whole: 7:00 p.m.
- Public Meetings: 7:00 p.m.
- Budget Meetings: E&T (November 17, 5:30 pm), Council Amendments (November 27, 7:00 pm)
- Weekends and Statutory Holidays: Offices Closed

2025 Whitby Council and Committee Meeting Schedule

January 2025

January 6: Public Meetings 7:00 p.m.

January 13: Committee of the Whole 7:00 p.m.

January 20: Committee of the Whole 7:00 p.m.

February 2025

February 3: Council 7:00 p.m.

February 10: Public Meetings 7:00 p.m.

February 24: Committee of the Whole 7:00 p.m.

March 2025

March 3: Committee of the Whole 7:00 p.m.

March 17: Council 7:00 p.m.

March 24: Public Meetings 7:00 p.m.

April 2025

April 7: Committee of the Whole 7:00 p.m.

April 14: Committee of the Whole 7:00 p.m.

April 28: Council 7:00 p.m.

May 2025

May 5: Committee of the Whole 7:00 p.m.

May 14: Public Meetings 7:00 p.m.

May 12: Committee of the Whole 7:00 p.m.

May 26: Council 7:00 p.m.

June 2025

June 2: Committee of the Whole 7:00 p.m.

June 9: Committee of the Whole 7:00 p.m.

June 16: Public Meetings 7:00 p.m.

June 23: Council 7:00 p.m.

September 2025

September 8: Public Meetings 7:00 p.m.

September 15: Committee of the Whole 7:00 p.m.

September 22: Committee of the Whole 7:00 p.m.

October 2025

October 6: Council 7:00 p.m.

October 20: Committee of the Whole 7:00 p.m.

October 27: Committee of the Whole 7:00 p.m.

November 2025

November 3: Public Meetings 7:00 p.m.

November 10: Council 7:00 p.m.

November 17: Budget - Education & Training Session 5:30 p.m.

November 24: Committee of the Whole 7:00 p.m.

November 27: Budget - Council Amendments 7:00 p.m.

December 2025

December 1: Committee of the Whole 7:00 p.m.

December 8: Public Meetings – 7:00 p.m.

December 15: Council 7:00 p.m.

Town of Whitby

Staff Report

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Report Title: Whitby Fire & Emergency Services – Equipment Standardization

Report to: Committee of the Whole

Date of meeting: September 23, 2024

Report Number: FES 04-24

Department(s) Responsible:

Fire and Emergency Services

Submitted by:

Chief Michael Hickey

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

Deputy Chief Glenn Green

Deputy Chief Mike Tucker

1. Recommendation:

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

2. Highlights:

- Standardization of equipment, for up-to five (5) years, is provided for in the Town's Procurement Policy.
- Emergency response equipment is vital to protecting the health and safety of firefighters while performing job duties on emergency scenes.

- As per legislative requirements, emergency response equipment is assigned a lifecycle in which equipment is required to be replaced within stipulated timeframe for safe and optimal performance.
- Equipment standardization provides for proficiency in the delivery of excellent customer service, while providing protection of life and property conservation across the Town.
- The emergency response equipment, as listed in Attachments - Table 1, has proven, over time, to meet the needs of WFES and the public with effectiveness and reliability.
- Standardization of fire apparatus, personal protective gear and equipment increases safety for WFES staff and provides WFES staff confidence during emergency responses through familiarization of its' operation and/or locations of tools/controls.
- Assists in smooth transition of WFES staff from one (1) apparatus to another which is often required for coverage and additional response during emergency situations.
- Overall, standardization of equipment provides required and familiar operational features, improves maintenance efficiencies, streamlines inventory, reduces the variety of specialized tools, reduces required training and leans the procurement process for new or replacement fleet/equipment.

3. Background:

The purpose of this report is to recommend Council approval to standardize emergency response equipment and apparatus used by the Whitby Fire and Emergency Services ("WFES") for a period of five (5) years.

Standardization of equipment is provided for in the Town's Procurement Policy, Policy # F 080 in situations where the Town has identified specific equipment/manufacturers that best fits the Town's needs. Once equipment standardization has been approved, purchases must still follow the Town's Procurement Policy but the process may be streamlined by only reviewing bids from suppliers of the standardized equipment and/or establishing long-term contracts with suppliers of the standardized equipment. The Procurement Policy only allows for standardization for a period of five (5) years before re-evaluation, by the department, is required.

Standardization of equipment and fire apparatus (i.e. aerials and pumpers) provides consistency for WFES staff. That is, in emergency situations, standardized equipment allows for WFES staff to rely on training and muscle memory to perform their duties efficiently and effectively.

WFES utilizes an internal committee, comprised of senior officers and firefighters, to identify, research, evaluate and test a variety of equipment. By forming an internal committee, WFES has been able to successfully rely on emergency responders seasoned experience and tactical knowledge to inform procurement of the most appropriate and required equipment.

Equipment used by our firefighters is annually budgeted, as per a ten (10) year forecast,

with procurements made in accordance with the Town of Whitby's Procurement Policy. Over the years, increased delivery timelines have negatively impacted WFES' ability to maintain required inventory; while also creating challenges with procurement and accurate budget allocations.

Standardization of equipment will also assist with streamlining the procurement process and allow for cost savings through multi-year purchase agreements, which in turn aligns with the Town of Whitby's multi-year budget commitment.

4. Discussion:

Standardization of equipment as outlined in Attachment – Table 1, provides fleet maintenance and operating efficiencies in the following manner:

- Provides familiarity for WFES staff when transitioning between apparatuses in the course of a shift and/or on an emergency scene;
- Minimizes the number of specialized WFES apparatus/fleet equipment for Town fleet technicians to be trained on and that the Town must maintain parts for;
- Reduces the quantity and variety of required parts and/or equipment to be inventoried;
- Reduces the variety of specialized tools to service equipment;
- Provides for proficiency in the delivery of excellent customer service; and,
- Reduces the variety of test equipment and software platforms (and updates) required to service equipment.

Throughout WFES, movement of suppression staff between fire stations and/or apparatuses occurs regularly to best utilize the skillsets and training of individuals and to maintain appropriate staffing coverage due to vacations, illnesses or other absences. During emergency responses, it is imperative that firefighters have trust in both personal protective equipment and fire apparatus, while being extremely familiar with its operations and functions. For these reasons WFES test and train extensively on all elements of these key pieces of equipment. To best exploit this extensive training, equipment needs to be uniform across all apparatus a firefighter may be assigned to throughout a shift.

WFES recommends standardization on the following equipment:

Table 1 – Recommended Equipment Standardization:

Item	Manufacturer
Bunker Gear	Starfield Lion
Aerial Apparatus	Pierce
Pumper Apparatus	E-One

Self-Contained Breathing Apparatus (SCBA)	MSA
Thermal Imaging Camera	Flir
Fire Hose	Snaptitle

Subject to Council approval of this report, the equipment standardization will be effective for a five (5) year period. During this time, purchases of the equipment listed in Table 1 must still follow the Procurement Policy:

- If there is more than authorized supplier of the standardized equipment in Whitby, Ontario, Canada, quotes or tenders will be issued and award will be based on lowest price;
- If there is only one authorized supplier of the standardized equipment in Whitby, Ontario, Canada, the Town will single source award to that vendor for the one purchase or provide for a longer-term commitment in order to secure timely delivery and potentially better pricing.

The Procurement Policy requires Council approval for single source awards in excess of the Canadian Free Trade Agreement limits (i.e. \$133,800 for goods and services and \$334,400 for construction, effective from January 1, 2024 to December 31, 2025). It is recommended that where there is only one authorized supplier/distributor of standardized equipment (outlined in Table 1) in the Whitby geographical area (e.g. Whitby, Ontario, Canada, etc.), that Town Staff be authorized to procure the equipment via a single source award subject to the review and approval of WFES, Fleet (if applicable), the Chief Administrative Officer (if applicable based on value), and Financial Services staff. As outlined in the Procurement Policy, procurements \$250,000 or greater will be included in an information report to Council on a quarterly basis.

5. Financial Considerations:

There are no immediate financial implications related to this report. Procurements must have approved budgets prior to award.

6. Communication and Public Engagement:

Not Applicable

7. Input from Departments/Sources:

Whitby Fire and Emergency services utilizes internal committees comprised of both Management and Unionized staff for research and development including testing of equipment prior to purchase. Once standardization of equipment is approved, Fire and Emergency Services and Financial Services will work jointly throughout the purchasing process.

8. Strategic Priorities:

The recommendation contained in this report advances the following Strategic Pillar and Action identified in the Town's Community Strategic Plan:

- Whitby's Neighbourhoods – Safe, Healthy, & Inclusive
 - Objective 1.1 – Improve community safety, health, and wellbeing

As the Town's population continues to grow, and infrastructure continues to change, emergency service professionals are required to expand knowledge, technical skillset and mechanical aptitude. Standardization of equipment utilized by WFES' will assist in continuing to deliver exceptional customer service while efficiently and effectively responding to emergency incidences across the Town of Whitby.

9. Attachments:

Not applicable



Committee of the Whole Minutes

September 16, 2024, 7:00 p.m.
Council Chambers
Whitby Town Hall

Present: Mayor Roy
Councillor Bozinovski
Councillor Cardwell
Councillor Leahy
Councillor Lee
Councillor Lundquist
Councillor Mulcahy
Councillor Shahid
Councillor Yamada

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

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

There were no declarations of conflict of interest.

4. Consent Agenda
5. Planning and Development

Councillor Mulcahy assumed the Chair.

5.1 Presentations

There were no presentations.

5.2 Delegations

- 5.2.1 Lyndsey Van Gennip representing Curbex Media on Behalf of Whitby Christian Assembly (Virtual Attendance)

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

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

Refer to Item 5.4.3, PDP 44-24

Lyndsey Van Gennip was not in attendance when called upon to provide a delegation.

5.3 Correspondence

There was no correspondence.

5.4 Staff Reports

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

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

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

- comments received from the public regarding the Whitby GO Protected Major Transit Station Area (PMTSA) with respect to consideration for building heights that align with existing residential development and whether information was provided to participants about the ability to implement height restrictions;

- the status of the direction of the Province related to height limits within the PMTSA and whether the municipality would have the ability to implement height restrictions;
- the minimum density target withing the PMTSA;
- whether Ontario municipalities were opposed to the density requirements for the PMTSA; and,
- opportunities for future public engagement and an overview of future public meetings, open houses, and online engagement.

Recommendation:

Moved by Mayor Roy

That Report PDP 42-24 be received for information.

Carried

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

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

Recommendation:

Moved by Councillor Mulcahy

1. That Council approve the Draft Plan of Condominium (File No. CW-2024- 04) subject to the Conditions of Approval, included in Attachment #4;
2. That the Mayor and Clerk be authorized to execute the Condominium Agreement and any other necessary documents; and,
3. That the Clerk advise the Commissioner of Planning and Economic Development at the Region of Durham, of Council's decision.

Carried

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

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

Recommendation:

Moved by Councillor Mulcahy

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

Carried

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

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

Recommendation:

Moved by Councillor Mulcahy

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

Carried

5.5 New and Unfinished Business - Planning and Development

There was no new and unfinished business.

6. General Government

Councillor Lundquist assumed the Chair.

6.1 Presentations

There were no presentations.

6.2 Delegations

6.2.1 Akuah Frempong, Resident (Virtual Attendance)

Re: Solve the Crisis Campaign

Refer to Item 6.5.1, Solve the Crisis Campaign

Akuah Frempong, Resident, provided an overview of her employment and committee work and advised that she was not speaking on behalf of her employer or committee. She stated that her interest in homelessness was due to her work in that sector. She stated that the campaign does not provide examples about how municipalities currently address the homelessness crisis, it does not address the social determinants of health that impact individuals experiencing homelessness, and it does not provide tangible solutions. Ms. Frempong stated she envisioned a campaign about addressing the homelessness crisis would be centered around the lived experiences of people experiencing homelessness and how it negatively impacts their health and then transitioning to the increasing impact on the health care system and emergency services. She agreed that there were programs that work but they require all levels of government to work with municipalities and community partners to prioritize solutions. She stated that one of the major reasons for homelessness was income, noting that the Ontario Basic Income Pilot, which was implemented in 2017 and eliminated in 2018, provided 4000 low income individuals with an income supplement. She stated that the pilot proved to increase quality of life, noting that advocating for basic income was a tangible action that municipalities could support. Ms. Frempong further stated that the rate for the Ontario Disability Support Program and Ontario Works has not increased and rental development constructed after November 15, 2018 was not subject to rent control. She noted the impact on the ability for people to afford or maintain housing due to the cost of rentals and the number of new builds in the area. Ms. Frempong inquired about Whitby's plan, whether Whitby has a homelessness action plan, the end goal apart from obtaining funding from upper levels of government, and the involvement of individuals with lived experience. She stated that frontline workers do not need campaigns but they do need tangible intersectional and trauma informed practices to assist supporting those experiencing homelessness. She encouraged the Town in adopting the campaign to provide more specific information to the public in terms

of how the municipality plans to address homelessness and how the campaign would provide tangible solutions to the crisis.

A brief question and answer period ensued between Members of Committee and Ms. Frempong regarding submitting her presentation directly to Mayor Roy and providing information to Marianne Meed Ward, Chair of Ontario's Big City Mayors.

It was the consensus of the Committee to hear Item 6.5.1, Solve the Crisis Campaign, at this time.

6.3 Correspondence

There was no correspondence.

6.4 Staff Reports

6.4.1 FS 32-24, Financial Services Department Report

Re: Municipal Accommodation Tax Reserve Fund Policy

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

- details about the utilization of revenue from the Municipal Accommodation Tax (MAT), and whether funds would be allocated evenly across the four wards in Whitby;
- the annual revenue projection from the MAT;
- confirmation that the amount of tax per room was a percentage rate and that there would be more opportunity for increased revenue with higher occupancy and more hotels; and,
- the number of municipalities in Ontario that have implemented the Municipal Accommodation Tax.

Recommendation:

Moved by Mayor Roy

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

Carried

6.4.2 FS 39-24, Financial Services Department Report

Re: Public Engagement Feedback for Pioneer Baptist Cemetery Name Change

Recommendation:

Moved by Councillor Lundquist

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

Carried

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

Re: Downtown Whitby Action Plan September 2024 Update

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

- the timeline for a proposal for pedestrian friendly development in Downtown Whitby;
- whether a parking garage would be constructed in Downtown Whitby in the future and whether the existing municipal parking lots could be reconfigured to accommodate a parking structure;
- details about current and future programs regarding graffiti and vandalism mitigation and preventing illegal activity in Downtown Whitby;
- how the sites for graffiti removal were determined, and whether residents could notify the Town about graffiti concerns;
- the rationale for the number of Maintenance and Improvement Grants in 2023, updating the requirements for the Façade Grant, whether there were standards that apply

for the approval of façade grants, and where the public would locate information about the Façade Grant requirements;

- the number of Closed Circuit Television cameras (CCTV cameras) across Whitby, whether there were plans to capture more intersections in Downtown Whitby and at other major intersections in Whitby, and the management of the camera footage upon the implementation of cameras in parks;
- the ability to increase the amount of public art and mural projects throughout Whitby;
- the cost of leasing the Dundas/Byron parkette and consideration for the installation of shade structures at the parkette; and,
- community outreach regarding the success of the action plan and future plans for Downtown Whitby.

Recommendation:

Moved by Mayor Roy

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

Carried

6.5 New and Unfinished Business - General Government

There was no discussion on the New and Unfinished Business List.

6.5.1 Solve the Crisis Campaign

Mayor Roy introduced a motion regarding the Solve the Crisis Campaign.

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

- concerns about whether the provincial government would be willing to appoint a minister and establish a ministry and how other components of the campaign could be addressed; and,
- the provincial government's process regarding the receipt of motions from municipalities.

Recommendation:

Moved by Mayor Roy

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

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

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

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

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

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

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

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

AND that the province officially makes Homelessness a Health Priority;

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

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

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

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

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

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

- The Right Honourable Justin Trudeau, Prime Minister of Canada
- The Honourable Sean Fraser, Minister of Housing, Infrastructure and Communities of Canada
- The Honourable Doug Ford, Premier of Ontario

- The Honourable Sylvia Jones, Deputy Premier and Minister of Health
- The Honourable Paul Calandra, Minister of Municipal Affairs and Housing
- The Honourable Michael Parsa, Minister of Children, Community and Social Services
- The Honourable Michael Tibollo, Associate Minister of Mental Health and Addictions
- Local MPs
- Local MPPs, and,
- Ontario's Big City Mayors.

Carried

It was the consensus of the Committee to hear Item 6.4.1, FS 32-24, at this time.

6.5.2 Condemn Antisemitic Vandalism

Councillor Leahy introduced a motion regarding condemning antisemitic vandalism.

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

- whether there was any discussion/consultation with the leadership of the Chabad Jewish Centre of Durham Region or any anti-hate groups such as the Canadian Anti-Hate Network prior to presenting the motion; and,
- whether there was already a plan to create an anti-hate task force.

Recommendation:

Moved by Councillor Leahy

1. The Town of Whitby Council condemns in the strongest terms possible the recent acts of Antisemitism and hate. It restates its commitment to an inclusive and welcoming town for all Whitby residents.

2. Whitby Council express its support for the past National Action Summit on Antisemitism which had the participation of the Federal, Provincial and local governments.
3. Whitby Council commits to looking for ways to educate residents about Antisemitism and ways to combat antisemitism, including a possible Antisemitism campaign.
4. Town Council directs the CAO, in partnership with relevant divisions, to support Jewish community members in reporting hate crimes.

Carried

7. Adjournment

Recommendation:

Moved by Councillor Shahid

That the meeting adjourn.

Carried

The meeting adjourned at 8:21 p.m.



Committee of the Whole Minutes

September 23, 2024, 7:00 p.m.
Council Chambers
Whitby Town Hall

Present: Mayor Roy
Councillor Bozinovski (Virtual Attendance)
Councillor Cardwell
Councillor Leahy
Councillor Lee
Councillor Lundquist
Councillor Mulcahy
Councillor Shahid
Councillor Yamada

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

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

There were no declarations of conflict of interest.

4. Consent Agenda

It was the consensus of Committee to hear the General Government portion of the meeting prior to the Planning and Development portion.

5. Planning and Development

Councillor Mulcahy assumed the Chair.

5.1 Presentations

There were no presentations.

5.2 Delegations

There were no delegations.

5.3 Correspondence

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

Discussion ensued between Members of Committee regarding:

- the results of the survey about permanently removing, reducing the number of speed humps or maintaining the speed humps on Whitburn Street; and,
- speed humps being the most effective way to reduce speed.

Recommendation:

Moved by Mayor Roy

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

Carried

5.4 Staff Reports

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

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

A brief question and answer period ensued between Members of Committee and Staff regarding the timeline for the installation of the pedestrian crossover at Watson Street at Victoria Fields.

Recommendation:

Moved by Councillor Lundquist

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

Carried

5.5 New and Unfinished Business - Planning and Development

There was no new and unfinished business.

6. General Government

Councillor Lundquist assumed the Chair.

6.1 Presentations

6.1.1 John Henry, Regional Chair and Elaine Baxter-Trahair, Chief Administrative Officer, Regional Municipality of Durham (In-Person Attendance)

Re: Region of Durham Annual Update

John Henry, Regional Chair and Elaine Baxter-Trahair, Chief Administrative Officer, Regional Municipality of Durham, provided a PowerPoint presentation about the Region of Durham Annual Update. Highlights of the presentation included:

- various initiatives including an interactive guest book, community place making and art installations, and the Doors Open event in celebration of the Region of Durham's 50th anniversary;
- details about the extensive growth within the Region of Durham including the number of businesses and post-secondary institutions, and the increase in population;
- the financial investment in watermains, sanitary sewer projects, road rehabilitation, and intersection improvements in Whitby to increase capacity and enable future growth;
- detailed information about financial support for the development of affordable housing in Whitby through the Region's At Home Incentive Program;
- detailed information about the Region's investment in critical services including policing, paramedics and homelessness support to ensure the safety and well-being of residents;
- information about the Region's focus on transit and transportation to ensure residents and goods can arrive at their destinations including transit ridership growth, scheduled and on-demand response transit, electric buses, and the potential to develop four new GO Train Stations as part of the Lakeshore East line expansion; and,
- details about innovation in the Region including the 2023-2027 Durham Region Economic Development Strategy and Action Plan, Ready Set Future: A PLACE Blueprint for Durham, the partnership between the Region and the Town supporting investment from companies such as Global First Power, and Ontario Tech's Project Arrow.

A question and answer period ensued between Members of Committee, Mr. Henry and Ms. Baxter-Trahair regarding:

- details about the plans to celebrate Region's 50th anniversary;
- whether concerns about garbage and incidents in bus shelters in the area around the shelter at 1635 Dundas Street East would be addressed prior to the expansion, how

the Region addresses concerns received by the Town, and whether there would be additional security in the neighbourhood prior to or following the expansion;

- the rationale for not having in-person community consultation for Phase 2 of the 1635 Dundas project;
- challenges associated with mental health and addiction and the lack of solutions from upper levels of government;
- the Region's 2025 budget restrictions and the impact it would have on Whitby;
- confirmation that concerns about homelessness, mental health, and addiction were shared throughout municipalities in Ontario;
- details about programs in conjunction with the province related to the needs and supports for mental health;
- the number of names on the By-Name List and the number of homeless individuals on the By-Name list that were from Whitby; and,
- the percentage of renters at risk of losing rental accommodation and whether there were programs to assist at-risk renters from losing their housing.

6.2 Delegations

6.2.1 Mark Masri, Resident (Virtual Attendance)

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

Refer to Item 6.3.1, Memorandum from A. Gratton, Sr. Manager of Enforcement Services, dated June 14, 2024 regarding a Fence By-law Exemption request for 101 Carnwith Drive West

Mark Masri, Resident, provided a PowerPoint presentation regarding the fence exemption request for 101 Carnwith Drive West. Highlights of the presentation included:

- the request for approval of an exemption beyond the maximum fence height of 7 feet 2 inches through the delegated authority of Staff;
- the enjoyment, privacy, peace, and tranquility of the delegate's backyard being compromised due to an unconventional lot severance, the abutting property's front door, windows, and driveway overlooking his back yard, and the noise and disturbances created by vehicles driving up and down the driveway on the abutting east side and around the back of his property; and,
- granting an exemption to accommodate the current fence height of 9 feet 4 inches at the rear of the property and the fence height of 7 feet 4 inches on the east side of the property.

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

- whether the delegate was aware of the fence height restriction of 6 feet 6 inches when the fence was constructed;
- whether the height of the fence remained at 9 feet 4 inches; and,
- whether there were concerns about emergency services not being able to locate the property behind Mr. Masri's home due to the height of the delegate's fence.

It was the consensus of the Committee to hear Item 6.3.1, Memorandum from A. Gratton, Sr. Manager of Enforcement Services, dated June 14, 2024 regarding a Fence By-law Exemption request for 101 Carnwith Drive West, at this time.

6.2.2 Mark Challenger, Resident (In-Person Attendance)

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

Refer to Item 6.3.2, Memorandum from A. Gratton, Sr. Manager of Enforcement Services, dated August 23, 2024 regarding a

Fence By-law Exemption request for 1 Glencedar Crescent

Mark Challenger, Resident, appeared before the Committee and advised that he lives on a corner lot on Glencedar Crescent. He provided the dimensions of his property, noting the incline of his property from north to south and east to west. He stated that there was a cedar hedge around his property that was 10 feet high and 9 feet wide which had to be removed because it was encroaching on the sidewalk. Mr. Challenger indicated that a fence 8 feet high was constructed to replace the cedar hedge and that it was stepped up and down to accommodate the grading of the property. He noted that he had the consent of his neighbours for the fence. Mr. Challenger requested that the Fence By-law exemption request be approved.

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

- confirmation that the height of the fence was stepped up and down to accommodate the grading of the property;
- whether the delegate was aware of the fence height restrictions when the 8 feet high fence was constructed, and confirmation that fence was constructed in the summer;
- whether the notice that the delegate received noted a deadline for when the trimming of the hedge had to be completed;
- whether Mr. Challenger's neighbours would provide consent to Town Staff for the existing fence; and,
- the cost to remove the hedge and construct the fence, and the cost to modify the fence to comply with the height restrictions should the exemption request not be approved.

6.3 Correspondence

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

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

- whether the Staff report to update the Fence By-law being presented to Council would include a height adjustment to a maximum fence height of 8 feet;
- whether there were concerns related to emergency services response time to the neighbour's property due to the height of the height of the fence located at 101 Carnwith Drive West;
- whether Staff had any concerns with granting the exemption;
- confirmation that Staff only act on Fence By-law violations on a complaint basis;
- the frequency of Fence By-law exemption requests, the number of current and upcoming Fence By-law exemption requests, and whether Staff anticipated an increase in requests due to future development;
- referring the Fence By-law exemption request to Staff to review the policy and procedures related to the scope of delegated authority and exemption requests that exceed the maximum height for approval of the delegated authority as part of the update to the Fence By-law, and the timeline for a report back to Council;
- reviewing current practices of other municipalities in terms adjudicating these types of requests;
- whether enforcement action against the delegate would be postponed until a decision was made by Council, and if consideration of existing or upcoming requests for Fence By-law exemptions could not take place until a new process was in place; and,
- whether granting the Fence By-law exemption request for 101 Carnwith Drive West would set a precedence for future recurring non-compliance of the Fence By-law.

Recommendation:

Moved by Councillor Leahy

1. That the Memorandum from A. Gratton, Sr. Manager of Enforcement Services, dated June 14, 2024 regarding a

Fence By-law Exemption request for 101 Carnwith Drive West be received for information; and,

2. That Council grant an exemption from the provisions of Fence By-law # 4394-99, as amended, to permit a fence measuring up to a maximum height of 2.85 metres (approximately 9 feet, 4 inches) in the rear yard at 101 Carnwith Drive West.

Note: The disposition of this matter, Item 6.3.1, was determined through the referral motion below.

Recommendation:

Moved by Councillor Lee

Whereas Council approved amendments to the Fence By-law on March 7, 2022 to create a defined process for minor height exemptions and delegated authority to the Commissioner of Legal and Enforcement Services/Town Solicitor to approve minor exemption requests; and,

Whereas the Commissioner has authority where the height exemption being sought is no more than a maximum 10% variance from the Fence By-law, the applicant provides the required information with their application, and the applicant pays an application fee as set out in the Town's Fees and Charges By-law; and;

Whereas the intent of delegating authority to the Commissioner was to remove Fence By-law exemption requests from Council consideration given the difficulties with Council acting as an adjudicating body for licensing and standards matters;

Now Therefore be it Resolved:

That the Fence By-law exemption request be referred to the Town Clerk and Commissioner of Legal and Enforcement Services to review and report back in Q4 2024 to Council on the existing scope of delegated authority, expanding the percentage variance for delegated authority over existing fence heights, associated fees, and process to handle requests beyond the scope of authority delegated to Staff.

Carried

It was the consensus of the Committee to hear Item 6.2.2, Delegation by Mark Challenger, Resident, at this time.

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

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

- whether a Fence By-law exemption request for a fence measuring 7 feet 2 inches in height could have been approved through the delegated authority of Staff and confirmation that the delegate never submitted a request for a Fence By-law exemption to Staff;
- whether there were any current enforcement proceedings with respect to 1 Glencedar Crescent, and confirmation that Staff would not undertake enforcement pending a decision by Council;
- whether Staff were considering increasing the maximum fence height from 6 feet 6 inches to 8 feet;
- consideration for the percentage beyond the maximum fence height for approval through the delegated authority of Staff; and,
- whether Staff have any objection to the Fence By-law exemption request.

Recommendation:

Moved by Councillor Leahy

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

required to comply with the 2 metre (approximately 6 feet, 6 inches) rear yard fence height maximum included in Fence By-law # 4394-99, as amended.

Note: The disposition of this matter, Item 6.3.2, was determined through the referral motion below.

Recommendation:

Moved by Councillor Lee

Whereas Council approved amendments to the Fence By-law on March 7, 2022 to create a defined process for minor height exemptions and delegated authority to the Commissioner of Legal and Enforcement Services/Town Solicitor to approve minor exemption requests; and,

Whereas the Commissioner has authority where the height exemption being sought is no more than a maximum 10% variance from the Fence By-law, the applicant provides the required information with their application, and the applicant pays an application fee as set out in the Town's Fees and Charges By-law; and;

Whereas the intent of delegating authority to the Commissioner was to remove Fence By-law exemption requests from Council consideration given the difficulties with Council acting as an adjudicating body for licensing and standards matters;

Now Therefore be it Resolved:

That the Fence By-law exemption request be referred to the Town Clerk and Commissioner of Legal and Enforcement Services to review and report back in Q4 2024 to Council on the existing scope of delegated authority, expanding the percentage variance for delegated authority over existing fence heights, associated fees, and process to handle requests beyond the scope of authority delegated to Staff.

Carried

It was the consensus of the Committee to hear Item 6.4.2, CAO 17-24, at this time.

6.3.3 Memorandum from F. Santaguida, Commissioner, Legal and Enforcement Services/Town Solicitor, dated September 3, 2024

regarding a Request of Exception from Fee By-law # 7220-17 - Driveway Encroachment for 89 Garden Street

A brief discussion ensued between Members of Committee regarding the homeowner not being available to delegate at this meeting and postponing consideration of the matter until the next Council meeting.

Recommendation:

Moved by Councillor Leahy

That consideration of Item 6.3.3, Memorandum from F. Santaguida, Commissioner, Legal and Enforcement Services/Town Solicitor, dated September 3, 2024 regarding a Request of Exception from Fee By-law # 7220-17 - Driveway Encroachment for 89 Garden Street, be deferred to the Committee of the Whole meeting on October 28, 2024.

Carried

6.4 Staff Reports

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

Re: Proposed Amendments to the Noise By-law

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

- the impact of the proposed amendments to the Noise By-law;
- whether neighbours would be required to continue to log their observations of noise and/or appear in court to give testimony and whether evidence would be gathered without relying on neighbours;
- confirmation that noise from construction was prohibited after 7:00 p.m., and whether prohibiting music from musical instruments after 9:00 p.m. applies to weekends;
- whether the Town's enforcement officers issue fines for noise violations;

- clarification about whether municipal enforcement officers or the Durham Region Police Service enforce noise complaints after 11:00 p.m.; and,
- providing the dedicated telephone number for noise complaints to the public through social media.

Recommendation:

Moved by Councillor Leahy

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

Carried

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

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

A question and answer period ensued between Members of Committee, Patricia Lowe, Sustainable Neighbourhood Action Program Coordinator, Central Lake Ontario Conservation Authority, and Junaid Khan, Project Manager, Sustainability and Climate Change regarding:

- the rationale for the selection of the West Lynde neighbourhood for the Sustainable Neighbourhood Action Program Pilot Project (SNAP);
- estimated budget costs for the implementation of infrastructure and other SNAP projects based on Toronto's model; and,
- initiatives to inform the public about the project.

Recommendation:

Moved by Councillor Leahy

1. That Report CAO 17-24 be received for information; and,

2. That Council endorse the delivery of a SNAP Pilot Project in the preferred neighbourhood of West Lynde, as outlined in Report CAO 17-24.

Carried

It was the consensus of the Committee to hear Item 6.3.3, Memorandum from F. Santaguida, Commissioner, Legal and Enforcement Services/Town Solicitor, dated September 3, 2024 regarding a Request of Exception from Fee By-law # 7220-17 - Driveway Encroachment for 89 Garden Street, at this time.

6.4.3 CMS 10-24, Community Services Department Report

Re: Gateway Maintenance Program

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

- the percentage increase on the property tax-base should Option 2 noted in the report be approved;
- the impact of the cost of Option 2 on 2025 property taxes;
- confirmation that Option 2 would require additional one-time funding of approximately \$580,000 or the deferral of additional asset and infrastructure maintenance projects due to the annual funding gap for asset and infrastructure maintenance of \$10.8 million;
- confirmation that the amount of \$579,000 was only to remove gateway features deemed to be a safety risk or that have significant cosmetic damage;
- confirmation that Option 2 would expand the Town's current standards to include gateway features on Regional and private property;
- the number of complaints received about gateway features and whether the number of complaints would justify deferring other high priority projects;
- whether Town by-laws would apply to the maintenance of gateway features on private property;
- whether the Region has ever removed a gateway feature located on a Regional property;

- the liability for injury caused by a structurally failing gateway feature located on a Regional right-of-way;
- whether property owners that have fences or gateway features on their property were aware of their responsibility to maintain such fence or gateway feature;
- whether the Town assumed costs for any other Regional repairs/maintenance; and,
- the Region being advised of safety concerns about the condition of some of the gateway features on Regional property.

Recommendation:

Moved by Councillor Bozinovski

1. That Report CMS 10-24 be received for information;
2. That the Town's level of service be expanded to include the removal of failing/unsafe iron fences, masonry columns, and gateway features on Regional and private property, as identified as Option 2 in Staff Report CMS 10-24;
3. That Council recommends that the Mayor consider including the one-time costs associated with Option 2 in Staff Report CMS 10-24 of approximately \$579,000 in the 2025 budget and including ongoing operating budget funding of \$106,000 per year in the 2025 operating budget through a property tax increase; and,
4. That NUB Item GG-0022 "That Staff be directed to report to Council on the implementation of a gateway maintenance program, including additional resources required, to address the repair and rehabilitation of deteriorating gateway signage in subdivisions throughout the Town of Whitby" be removed from the New and Unfinished Business Listing.

See following motions

Recommendation:

Moved by Councillor Shahid

That Report CMS 10-24 be referred to the Council meeting on October 7, 2024 to allow Staff an opportunity to consult with the

Region regarding maintenance of gateway features on Regional property.

Motion Lost

The main motion was then before Committee as follows:

Recommendation:

Moved by Councillor Bozinovski

1. That Report CMS 10-24 be received for information;
2. That the Town's level of service be expanded to include the removal of failing/unsafe iron fences, masonry columns, and gateway features on Regional and private property, as identified as Option 2 in Staff Report CMS 10-24;
3. That Council recommends that the Mayor consider including the one-time costs associated with Option 2 in Staff Report CMS 10-24 of approximately \$579,000 in the 2025 budget and including ongoing operating budget funding of \$106,000 per year in the 2025 operating budget through a property tax increase; and,
4. That NUB Item GG-0022 "That Staff be directed to report to Council on the implementation of a gateway maintenance program, including additional resources required, to address the repair and rehabilitation of deteriorating gateway signage in subdivisions throughout the Town of Whitby" be removed from the New and Unfinished Business Listing.

Motion Lost

Recommendation:

Moved by Mayor Roy

1. That Report CMS 10-24 be received for information;
2. That the Town's current level of service as identified as Option 1 in Staff Report CMS 10-24 for the maintenance of fencing, gateway features, decorative fencing and columns be continued; and,

3. That NUB Item GG-0022 “That Staff be directed to report to Council on the implementation of a gateway maintenance program, including additional resources required, to address the repair and rehabilitation of deteriorating gateway signage in subdivisions throughout the Town of Whitby” be removed from the New and Unfinished Business Listing.

Carried

6.4.4 CMS 11-24, Community Services Department Report

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

Recommendation:

Moved by Mayor Roy

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

Carried

6.4.5 CLK 07-24, Office of the Town Clerk

Re: 2025 Council, Committee, and Public Meetings Schedule

Recommendation:

Moved by Councillor Lundquist

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

Carried

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

Re: Whitby Fire and Emergency Services - Equipment Standardization

Recommendation:

Moved by Councillor Lundquist

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

Carried

6.5 New and Unfinished Business - General Government

There was no new and unfinished business.

7. Adjournment

Motion to Adjourn

Recommendation:

Moved by Councillor Shahid

That the meeting adjourn.

Carried

The meeting adjourned at 10:35 p.m.



Town of Whitby

By-law # 8110-24

Amendment to Permanent Sign By-law

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

Whereas, the Council of The Corporation of the Town of Whitby considered Staff Report PDP 04-24 at its meeting on March 18, 2024 and deems it advisable to amend By-law # 7379-18; and,

Whereas Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may regulate structures including signs;

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

1. General

- 1.1. Section 1, Definitions of By-law #7379-18 is hereby amended by adding the following as article 1.15 and 1.16, and that the remaining articles in Section 1 be renumbered accordingly:

- 1.15. "Sign, Electronic" – means a sign, located on the railway lands displaying, in whole or in part, electronic static copy.
- 1.16. "Electronic Static Copy" – means a sign copy that utilizes electronic screens, televisions, computer video monitors, or any other similar electronic technology where the sign copy is displayed for a set period of time.

- 1.2. Subsection 4.21, Signs on Railway Lands of By-law #7379-18 is hereby repealed and replaced with the following:

- 4.21. No person shall erect or displayed or cause to be erected or displayed a sign on railway lands unless approval has been obtained from the railway having jurisdiction over the lands and unless the sign is a sign, electronic,
 - 4.21.1. having a maximum sign area of 23.5 square metres;
 - 4.21.2. having a maximum sign height of 7.6 metres;
 - 4.21.3. located at a railway/street crossing, it being understood that no more than two (2) signs shall be permitted at any one (1) railway/street crossing;
 - 4.21.4. having a maximum brightness of 8,000 NITs;
 - 4.21.5. having a minimum dwell time of 8 seconds and,

- 4.21.6 having all electronic static copies comply with the Canadian Code of Advertising Standards and all policies of the Town of Whitby.

2. Effective Date

- 2.1. The provisions of this By-law shall come into force and take effect on the final passing of the By-law.

By-law read and passed this 7th day of October, 2024.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk



Town of Whitby

By-law # 8111-24

Amendment to Noise By-law # 6917-14

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

Whereas the Council of The Corporation of the Town of Whitby considered Staff Report LS 13-24 regarding the proposed amendments to Noise By-law # 6917-14, as amended at the Committee of Whole meeting on September 23, 2024; and,

Whereas Council deems it necessary to amend the Noise By-law to amend Section 6, Enforcement and Penalties and to amend the definition of "Point of reception", in accordance with the recommendations contained in Staff Report LS 13-24.

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

1. General

- 1.1 That Subsection 1.13., "Point of reception" of the Noise By-law # 6917-14, as amended, be repealed and replaced with the following:

"point of reception" means any point on the premises of a person or a property, which includes a Park or Highway, where noise originating from other than those premises, is received. For clarity, a point of reception may include, but is not limited to, a highway, right-of-way, boulevard, park or other area that an officer deems appropriate to observe noise under this by-law.

- 1.2 That Section 6.2 of the Noise By-law # 6917-14, as amended, be repealed and replaced with the following:

- 6.2 Every person who contravenes a provision of this By-law is guilty of an offence and is liable on conviction to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended.

2. Effective Date

The provisions of this By-law shall come into force and take effect on the final passing of the By-law.

By-law read and passed this 7th day of October, 2024.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk



Town of Whitby

By-law # 8112-24

Traffic By-Law Amendment

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

Whereas the Council of The Corporation of the Town of Whitby has passed By-law # 8059-24 to Regulate Traffic and Parking on Highways in the Town of Whitby and considers it desirable to amend the provisions of By-law # 8059-24;

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

1. General

1.1. That Schedule Q, Pedestrian Crossovers, is hereby amended, as described in Schedule A hereto attached.

2. Effective Date

2.1. The provisions of this by-law shall come into force and take effect on the passing thereof and at such time as proper signage and pavement markings have been erected.

By-law read and passed this 7th day of October, 2024.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Schedule A

Schedule Q, Pedestrian Crossovers, to By-law 8059-24, as amended, is further amended by adding thereto the following:

Roadway	Location
Anderson Street	Promenade Drive
Carnwith Drive	Bayern Drive
Carnwith Drive	Darius Harns Drive
Water Street	Temporary Trail
Garrard Road	Rolling Acres Drive
Garrard Road	Westwood Road
Watson Street	Victoria Fields

Table 1 - Schedule Q, Pedestrian Crossovers, to By-law 8059-24, as amended, adding thereto



Town of Whitby By-law # 8113-24

Zoning By-law Amendment

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

Whereas, the Council of The Corporation of the Town of Whitby deems it advisable to amend By-law #1784;

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

1. General

- 1.1. Schedule "B" to By-law # 1784 is hereby amended by changing the zoning from A to LD-B, MD-B, OS, MX1-B, NHS-B, and I-B for the Subject Land shown on Schedule "A-1" attached to and forming part of this By-law.

By-law read and passed this 7th day of October, 2024.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk



Town of Whitby

By-law # 8114-24

Official Plan Amendment Number 135

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

Whereas Sections 17 and 21 of the Planning Act, R.S.O. 1990, c.P.13, as amended, provide that the Council of a municipality may by by-law adopt amendments to its Official Plan;

And whereas, the Council of The Corporation of the Town of Whitby deems it advisable to amend the Official Plan of the Town of Whitby;

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

1. General

- 1.1. Amendment Number 135 to the Official Plan of the Town of Whitby, attached as Schedule "A" to this By-law, is hereby adopted.
- 1.2. The Clerk of the Corporation of the Town of Whitby is hereby authorized and directed to forward to the Regional Municipality of Durham the documentation required by Regional By-law 11-2000 and Regional Procedure: Area Municipal Official Plans and Amendments, for exempt Official Plan Amendments.
- 1.3. This By-law shall come into force and take effect in accordance with the provisions of the Planning Act.

By-law read and passed this 7th day of October, 2024.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Schedule 'A' to By-Law 8114-24

Amendment # 135 to the Town of Whitby Official Plan

Purpose: The purpose of this Amendment to the Town of Whitby Official Plan is to add a site-specific policy exception to increase the maximum permitted residential density from 65 to 75 dwelling units per net hectare on the subject lands.

Location: The lands subject to the Amendment are generally located at the north side of Rossland Road East, west of William Davidson Street, currently municipally known as 2002 Rossland Road East.

Basis: The Amendment is based on an application to amend the Town of Whitby Official Plan (File: DEV- 21-18 (OPA-2018-W/06)), as submitted by D.G. Biddle & Associates on behalf of Devon Downs Developments Ltd.

The Amendment would increase the maximum permitted residential density from 65 units per net hectare to 75 units per net hectare on the subject lands, to permit the proposed development of a 4-storey apartment building with a total of 59 dwelling units.

The proposed residential development is consistent with the policies of the Provincial Policy Statement and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe and the Durham Regional Official Plan, in that it would support increased housing supply and residential densities through intensification of an underutilized lot; take advantage of existing infrastructure and public services facilities; and provide a pedestrian-oriented compact built form.

The proposed development meets the general goals and intent of the Whitby Official Plan regarding the residential, housing and intensification policies in that it would allow for the development of a broader range of tenure types and housing forms while contributing to the achievement of the intensification targets for the municipality within the 'Built Boundary' as defined by the Province.

Development of the subject lands would be subject to the provisions in the implementing Zoning By-law and Site Plan Approval.

Actual Amendment:	<p>The Town of Whitby Official Plan is hereby amended as follows:</p> <p>1) By amending Section 4.4.5.3 c) of the Town of Whitby Official Plan, by adding the following new sentence at the end of the paragraph:</p> <p>“Notwithstanding any other provisions of this Plan to the contrary, the maximum permitted residential density shall be 75 units per net hectare.”</p>
Implementation:	The provisions set forth in the Town of Whitby Official Plan, as amended, regarding the implementation of the Plan shall apply in regard to this amendment.
Interpretation:	The provisions set forth in the Town of Whitby Official Plan, as amended, regarding the interpretation of the Plan shall apply in regard to this amendment.



Town of Whitby

By-law # 8115-24

Zoning By-law Amendment

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

Whereas the Council of The Corporation of the Town of Whitby deems it advisable to amend By-law #1784.

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

1. General

1.1. Schedule "B" to By-law 1784 is hereby amended by changing the zoning from H-R5A to R5A*-16 for the Subject Land shown on Schedule "A-1" attached to and forming part of this By-law amendment

1.2. Subsection 5O (iii) – Residential (R5A*) Zone – Exceptions of By-law #1784 as amended, is hereby further amended by adding thereto the following Exception:

(o) R5A*-16: Exception 16
2002 Rossland Road East

1. Defined Area

The lands located north of Rossland Road and west of William Davidson Street, municipally known as 2002 Rossland Road East shall be subject to the provisions as hereinafter contained. Matters not specifically dealt with in this By-law amendment shall be governed by the relevant provisions of By-law #1784.

2. Zone Provisions

Notwithstanding any provisions of this By-law to the contrary, in any R5A*-16 Zone the following provisions shall apply:

- | | | |
|-----|--------------------------------|-----------|
| (a) | Lot Frontage
Minimum | 45.0m |
| (b) | Height
Maximum | 4 storeys |
| (c) | Setbacks
Interior Side Yard | |

Minimum Width from western lot line	5.0m
Minimum Width from eastern lot line	12.0m

(d) Number of Parking Spaces

Minimum	Resident	1.25 spaces/unit
	Visitor	0.20 spaces/unit

(e) Balcony Projection

Balconies are permitted to project from the main wall of a building provided they are set back a minimum distance of 2.0m from an interior side lot line.

3. Zone Provisions That Do Not Apply

The following subsections of Section 4 General Provisions shall not apply to the lands zoned R5A*-16 by this By-law amendment:

4(m) Ten Per Cent (10%) of Every Lot
4(w) Satellite Dishes

1.3. Section 12 Exceptions to By-law #1784, as amended is hereby further amended by deleting Exception (7-Q).

1.4. This By-law shall not come into force and effect until Amendment #135 to the Town of Whitby Official Plan has received final approval.

By-law read and passed this 7th day of October, 2024.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Schedule A-1

To By-law # 8115 -24

This is Schedule A-1 to By-law # 8115 -24 passed by the

Council of the Town of Whitby this 7th day of October, 2024.

Clerk

Mayor

