



Committee of the Whole Minutes

June 5, 2023, 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. Romano, Commissioner of Community Services
F. Santaguida, Commissioner of Legal and Enforcement
Services/Town Solicitor
F. Wong, Commissioner of Financial Services/Treasurer
R. Saunders, Commissioner of Planning and Development
M. Dodge, Executive Advisor to the Mayor
K. Douglas, Legislative Specialist
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
 4. Consent Agenda

5. Planning and Development

Councillor Lee assumed the Chair.

5.1 Presentations

There were no declarations of Conflict of Interest.

5.2 Delegations

5.2.1 Chidi Austin Ibeson representing Brooklin Meadow Limited (Virtual Attendance)

Re: PDP 29-23, Planning and Development (Planning Services)
Department Report

Draft Plan of Condominium Application, Brooklin Meadow Limited,
Baldwin Street North and Carnwith Drive East, File Number: DEV-
06-23 (CW-2023-03)

Refer to Item 5.4.2, PDP 29-23

Chidi Austin Ibeson representing Brooklin Meadow Limited stated that he was in support of the Staff recommendation and conditions as outlined in the Report PDP 29-23 and that he was available to answer questions.

5.2.2 David Murphy representing Conland Development Corporation (In-Person Attendance)

Re: PDP 30-23, Planning and Development (Planning Services)
Department Report

Draft Plan of Subdivision Application and Zoning By-law
Amendment Application, 5095, 5125, and 5245 Anderson Street,
Conland Development Corporation, File Number: DEV-13-21 (SW-
2021-03, Z-08-21)

Refer to Item 5.4.3, PDP 30-23

David Murphy, representing Conland Development Corporation, appeared before the Committee and stated that he was in support of the Staff recommendation and that he was available to answer questions.

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

- whether the proponent read the correspondence from Durham Region Cycling Coalition dated May 31, 2023;
- whether a cycling detour route and signs related to the Anderson Street reconstruction would be completed in advance of the development of the subdivision; and,
- the willingness of the developer to provide the existing parkland dedication as requested by the Town, and whether there was any intention of reducing the amount of parkland dedication due to Bill 23.

5.3 Correspondence

There was no correspondence.

5.4 Staff Reports

5.4.1 PDP 28-23, Planning and Development (Planning Services) Department Report

Re: Housekeeping and Technical Amendments to the Whitby Official Plan / Part 2 Secondary Plans

Recommendation:

Moved by Councillor Lee

That Council authorize Planning and Development Staff to initiate an Amendment to the Town of Whitby Official Plan regarding minor housekeeping and technical amendments to policies and Schedules of Part 1 – parent Official Plan and Part 2 – Secondary Plans and Schedules.

Carried

5.4.2 PDP 29-23, Planning and Development (Planning Services) Department Report

Re: Draft Plan of Condominium Application, Brooklin Meadow Limited, Baldwin Street North and Carnwith Drive East, File Number: DEV-06-23 (CW-2023-03)

Recommendation:

Moved by Councillor Lee

1. That Council approve a Draft Plan of Condominium (File No. CW-2023-03) subject to the comments included in Report PDP 29-23 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

5.4.3 PDP 30-23, Planning and Development (Planning Services)
Department Report

Re: Draft Plan of Subdivision Application and Zoning By-law Amendment Application, 5095, 5125, and 5245 Anderson Street, Conland Development Corporation, File Number: DEV-13-21 (SW-2021-03, Z-08-21)

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

- confirmation that Town Staff received the correspondence from the Durham Region Cycling Coalition;
- whether the request for the pedestrian crossing at Conlin Road and Street F to be upgraded to a fully signaled bicycle/pedestrian crossing while the subdivision was being developed was attainable;
- the feasibility of ensuring the request to restrict vehicle parking along the path on Anderson Street during construction;
- whether dialogue would take place between Town Staff, the proponent, and the Durham Region Cycling Coalition to determine whether all of the recommendations were achievable, and the timeline for a response to the Durham Region Cycling Coalition; and,

- opportunities for further public input on the proposed development.

Recommendation:

Moved by Councillor Shahid

1. That Council approve the Draft Plan of Subdivision (File No. SW-2021-03) and approve an amendment to Zoning By-law # 1784 (Z-08-21), subject to the comments included in Planning Report PDP-30-23 and the Conditions of Draft Approval included in Attachment #9;
2. That Staff be authorized to prepare a Subdivision Agreement;
3. That a Zoning By-law Amendment be brought forward for consideration by Council;
4. That the Region of Durham Commissioner of Planning and Economic Development be advised of Council's decision;
5. That Williams and Stewart Associates Ltd. be appointed as the Control Architect for the Draft Plan of Subdivision; and,
6. That the Clerk forward a Notice to those parties and agencies that requested to be notified of Council's decision.

Carried

5.5 New and Unfinished Business - Planning and Development

5.5.1 New and Unfinished Business - Planning and Development

There was no new and unfinished business.

6. General Government

Councillor Yamada assumed the Chair.

6.1 Presentations

There were no presentations.

6.2 Delegations

6.2.1 Jennifer Loach-Perry (Virtual Attendance)

Re: LS 06-23, Legal and Enforcement Services Department Report
Follow-up Report for Proposed Amendments to Property Standards
By-law # 6874-14, Hedge Heights

Refer to Item 6.4.2, LS 06-23

Jennifer Loach-Perry was not in attendance when called upon to provide a delegation.

6.2.2 Mike Pettigrew representing Brooklin South Landowners Group
(Virtual Attendance)

Re: CMS 06-23, Community Services Department Report
Bill 23 Parkland Dedication Framework

Refer to Item 6.4.3, CMS 06-23

Mike Pettigrew, representing Brooklin South Landowners Group, stated that he has been working with Town Staff for several years on parks planning, the Parks and Recreation Master Plan and the Master Parks Agreement for Brooklin South while the Brooklin Secondary Plan was being developed. Mr. Pettigrew advised that he wanted to continue to work with and support Staff to work towards achieving solutions that would best serve Whitby and the Brooklin community, his clients and all of the developers in Brooklin that would be building thousands of homes in the community. He noted that the development community was also working to deal with the impacts of Bill 23.

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

- whether the Brooklin South Landowners Group was willing to maintain the previous parkland dedication for development applications;
- obtaining feedback from the landowners in the group about their position on parkland dedication to assist Council in making a decision; and,
- the possibility of consulting with the landowners of the Brooklin South Landowners Group prior to the Council meeting on June 19, 2023.

6.2.3 Matthew Cory and Jack Wong representing Brooklin North Landowners Group (Virtual Attendance)

Re: CMS 06-23, Community Services Department Report
Bill 23 Parkland Dedication Framework

Refer to Item 6.4.3, CMS 06-23

Matthew Cory and Jack Wong, representing Brooklin North Landowners Group, stated that they were working together on behalf of the Brooklin North Landowners Group. Mr. Cory advised that they have been working with Town Staff for the past three years on the Master Parks Agreement in Brooklin to dictate how the parks would be delivered. He advised that they have reviewed Report CMS 06-23 and were working with Staff to find solutions. He stated that their intent was to provide the best park space that they could. He noted that Bill 23 was not a guideline, but that it was the law, and that it was what could be required of developers who have not already submitted development applications. Mr. Cory agreed that planning policy framework has changed and that there was a need to change how parks were planned and delivered in Whitby. He stated that there has been a disconnect between the policies for parkland dedication and what can be provided in terms of facilities. He advised that they were committed to work with Staff to find optimized solutions and the best way to deliver parks in Brooklin. Mr. Cory requested that, in addition to the recommendation in the Staff report, Staff be directed to work with the landowners to find solutions for Brooklin, noting that there maybe different solutions other than smaller parks in Brooklin. He stated that there may be options to consolidate some of the larger parks to provide the play and sports facilities that residents want and expect. Mr. Cory stated that they were committed to develop the best they could in terms of community building and were seeking ways to do so. Mr. Wong stated that they were seeking alternate solutions that were specific to Brooklin to deliver a community that included the recreational needs required for the community.

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

- the number of landowners in the Brooklin Landowners Groups willing to continue with five percent parkland

dedication versus the minimum requirement, and whether any of the landowners were willing to dedicate more than the minimum required under Bill 23;

- whether the Master Parks Agreement was signed by the landowners and whether it would need to be reviewed/revised due to Bill 23; and,
- the willingness of landowners to work with the proposal by Staff to provide cash-in-lieu of parkland in areas where the Town may be unable to construct a park to assist with offsetting the cost to acquire land for sports field parks.

It was the consensus of the Committee to hear Item 6.4.3, CMS 06-23, at this time.

6.3 Correspondence

6.4 Staff Reports

6.4.1 LS 05-23, Legal and Enforcement Services Department Report

Re: Review of Residential Construction Dust Permit Program

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

- confirmation that there would be more enforcement for construction dust, and clarification on the types of projects that warrant enforcement;
- the ability to provide same day enforcement in response to complaints;
- whether there has been previous communication through social media to the public about preventative dust control measures and whether there would be further communications in 2023; and,
- information about the total number of dust complaints.

Recommendation:

Moved by Councillor Shahid

1. That Report LS 05-23 be received for information;

2. That Enforcement Services not implement a permit system to regulate dust from private residential construction projects;
3. That Enforcement Services continues to actively promote dust control through an annual communication strategy; and,
4. That New and Unfinished Business – General Government Item No. GG-0013 be removed.

Carried

6.4.2 LS 06-23, Legal and Enforcement Services Department Report

Re: Follow-up Report for Proposed Amendments to Property Standards By-law # 6874-14, Hedge Heights

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

- details about the process for complaints about hedges that exceed three metres in height;
- clarification on the process about trimming or pruning a hedge exceeding three metres in height where an arborist's report indicates that the trimming or pruning to meet the required height would be detrimental to the health of the tree, and whether a plan would be put in place to gradually reduce the height of the hedge to conform with the by-law; and,
- how differing arborists reports about the resulting health of a hedge due to pruning or trimming a hedge that exceeds three metres would be addressed.

Recommendation:

Moved by Councillor Bozinovski

1. That Report LS 06-23 be received for information; and,
2. That Staff bring forward a by-law to amend Property Standards By-law # 6874-14, as amended, substantially in accordance with the draft bylaw in Attachment 1 to this Report LS 06-23.

Carried

6.4.3 CMS 06-23, Community Services Department Report

Re: Bill 23 Parkland Dedication Framework

Discussion ensued between Members of Committee regarding:

- having the knowledge about the position of the two landowner groups with respect to parkland dedication/cash-in-lieu of parkland dedication prior to making a decision;
- the interests of the landowners' groups not being aligned with the Town's interests;
- the position of Staff when negotiating with the development community without the authority to implement new guidelines;
- the ability of developers to provide more than what Bill 23 requires;
- the number of children in the community that would not be able to engage in sports due to the inaccessibility of the sports fields;
- good community partners recognizing the needs within a community; and,
- passive recreation for members of the public that may not have an interest in sports.

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

- whether there would be any changes to the plans of subdivision submitted and approved prior to Bill 23;
- whether there were any plans of subdivision applications in the stage-one or stage-two pre-consultation process, and the number of plans of subdivision that have revised parkland allotment;
- whether a location for the sports fields has been identified and whether it would be identified prior to the Council meeting on June 19, 2023;

- the amount of land required outside of Brooklin for the centralized sports fields, whether Staff were looking for a site larger than 25 hectares to be able to expand over time, whether Staff would be looking outside the urban boundary for land that was less expensive, and the timeline for locating a site;
- whether District Parks would be replaced by Local Parks;
- providing a map that depicts the proposed changes to the parks;
- the number of sports fields that would be lost due to Bill 23;
- the amount of land required for a permanent cricket field and whether the Town has space large enough to accommodate a cricket field, and whether an expansion to the centralized sports field would allow for a cricket pitch;
- whether there would be any open space or greenspace within the Brooklin community, and whether it would be possible to provide passive recreation within parkettes;
- details about the Staff recommendation and how approving this direction would be of assistance;
- whether purchasing lower cost non-developable greenbelt land would assist in offsetting the budget gap;
- confirmation that the smaller parks and amenities would be funded through development charges;
- how Bill 23 impacts the capital plan;
- consultation with the Brooklin Landowners Groups regarding the parkland dedication/payment of cash-in-lieu of parkland dedication;
- delaying consideration of the Staff report to the Council meeting on June 19, 2023, and inviting the representatives of the Brooklin North Landowners Group and the Brooklin South Landowners Group to provide a delegation at the meeting; and,
- whether Staff would work with the Region with respect to transit and/or other ways to accommodate accessibility.

Recommendation:

Moved by Mayor Roy

1. That Council receive report CMS 06-23 as information;
2. That the Town incorporate the proposed changes to the Parkland Dedication Framework as set out in Report CMS 06-23 through the update to the Parks and Recreation Master Plan;
3. That staff be directed to engage a planning consultant to identify appropriate land that would support the development of Sports Field Parks; and,
4. That staff be directed to report to Council with options for the acquisition of land to support the development of sports fields as identified by the 2015 Sports Facility Strategy and updated by the 2023 Parks and Recreation Master Plan.

Note: The disposition of this matter, Item 6.4.3, CMS 06-23, was determined through the referral motion below.

Recommendation:

Moved by Councillor Leahy

That consideration of Staff Report, CMS 06-23, Bill 23 Parkland Dedication Framework, be referred to the Council meeting on June 19, 2023.

Carried

6.4.4 CMS 07-23, Community Services (Operational Services) Department Report

Re: Urban Forestry Update - Spring 2023

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

- the increase in cost to expand the LEAF program including the cost for increasing the inventory, maintenance, and staffing; and,
- whether the program would be continued through contracted services or in-house.

Recommendation:

Moved by Councillor Leahy

That Report CMS 07-23 be received as information.

Carried

6.5 New and Unfinished Business - General Government

6.5.1 New and Unfinished Business - General Government

There was no new and unfinished business.

7. Adjournment

7.1 Motion to Adjourn

Recommendation:

Moved by Councillor Lee

That the meeting adjourn.

Carried

The meeting adjourned at 8:51 p.m.