



Committee of the Whole Minutes

February 26, 2024, 7:00 p.m.
Council Chambers
Whitby Town Hall

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

Also Present: M. Gaskell, Chief Administrative Officer
G. Green, Deputy 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
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

Councillor Lundquist declared a conflict of interest regarding Item 5.4.4, PDP 07-24, noting that her mother resides at 300 High Street. Councillor Lundquist did not take part in the discussion or voting regarding this Item.

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 Chris Schafer representing Van Horne Outdoors / AllVision (In-Person Attendance)

Re: PDP 04-24, Planning and Development (Planning Services)
Department Report
Van Horne Outdoors / AllVision Proposal

Refer to Item 5.4.1, PDP 04-24

Chris Schafer representing Van Horne Outdoors / AllVision, appeared before the Committee and stated that he was available to answer questions.

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

- confirmation that the Town would be entitled to a minimum of 10% of the total aggregate annual advertising time on the digital signage and that the Town could decide whether to provide any advertising time to charity;
- opportunities for more advertising time should the advertising space not be sold; and,
- how the lighting from the digital signs may impact residents.

It was the consensus of the Committee to hear Item 5.4.1, PDP 04-24, at this time.

5.2.2 Steve Wall, Resident (In-Person Attendance)

Re: PDP 05-24, Planning and Development (Planning Services)
Department Report
Zoning By-law Amendment Application, Halls-Lake Ridge Limited
Partnership, 1650 Halls Road North, File Number: DEV-24-23 (Z-
08-23)

Refer to Item 5.4.2, PDP 05-24

Steve Wall, Resident, appeared before the Committee and provided a PowerPoint presentation. An overview of his delegation included:

- the rationale for the proposed development when the Whitby Official Plan indicates that land designated a Prestige Industrial may be permitted subject to being separated from residential areas and not creating additional traffic through residential areas;
- concerns about the anticipated noise and volume of truck traffic on Halls Road, the inability of residents to exit their driveways due to trucks blocking driveways, the lights from trucks shining directly into his bedroom windows, and the impact of the proposed development on the quality of life of residents in the area;
- discrepancies in information provided with respect to the impact of truck traffic, road improvements on Halls Road, and the expropriation of properties in the residential area along Halls Road for road improvements to become a collector road and to accommodate the large volume of truck traffic;
- the mitigation of noise from the warehouse by constructing barriers at the rear of the homes on the west side of Halls Road which would not have any impact on the noise from the truck traffic on the road in front of the houses;
- reconsidering the location of the entrance/exit to and from the warehouse; and,
- deferring the Staff report to allow for an appropriate impact assessment that considers the residents and entrance/exit to and from the warehouse from Lake Ridge Road.

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

- whether the noise from development of the GO Transit Kiss and Ride parking/carpool area on Halls Road was noticeable to the delegate;
- confirmation that the delegate was not opposed to the proposed development, but was opposed to the location of the proposed entrance/exit; and,
- the location of the delegate's property in relation to the proposed development.

5.2.3 Greg Jones, Resident (In-Person Attendance)

Re: PDP 05-24, Planning and Development (Planning Services) Department Report

Zoning By-law Amendment Application, Halls-Lake Ridge Limited Partnership, 1650 Halls Road North, File Number: DEV-24-23 (Z-08-23)

Refer to Item 5.4.2, PDP 05-24

Greg Jones, Resident, appeared before the Committee. An overview of his delegation included:

- concerns raised by the delegate and other residents in the area at the Public Meeting on December 6, 2023 not being addressed, and whether any of the responses by the developer to the concerns raised by residents were investigated by Staff;
- concerns about the proposed development on land designated as Prestige Industrial creating additional traffic in residential areas;
- concerns about the noise impact of the truck traffic on Halls Road during all hours of the day and night due to the ability of the facility to operate 24-hours a day, and the focus of the Noise Impact Study being on the warehouse site and not the impact of truck traffic on the road;
- the rationale for the potential minimum of 225 daily truck trips to Halls Road, Dundas Street, Lake Ridge Road, and

the Highway 412 corridor not having an adverse impact on the nearby road networks, noting that Halls Road was a dead end with no other access to an arterial road other than Dundas Street;

- the proposal not including new access conditions which would require 100 percent of its traffic to use to Halls Road to connect to main arteries that the trucks would require;
- concerns about residents not being able to exit their driveways due to backed up truck traffic stopped at the traffic lights on Dundas Street; and,
- whether a roadway to access Lake Ridge Road was feasible and whether there were any other access options.

A brief question and answer period ensued between Members of Committee and Mr. Jones regarding whether the delegate had spoken with Staff about his concerns related to development on Prestige Industrial land creating additional traffic in residential areas and the development being separate from the residential areas.

5.2.4 Bonita O'Carroll, Resident (In-Person Attendance)

Re: PDP 05-24, Planning and Development (Planning Services) Department Report
Zoning By-law Amendment Application, Halls-Lake Ridge Limited Partnership, 1650 Halls Road North, File Number: DEV-24-23 (Z-08-23)

Refer to Item 5.4.2, PDP 05-24

Bonita O'Carroll, Resident, appeared before the Committee. Ms. O'Carroll raised concerns regarding;

- the increase in vehicle traffic on Halls Road based on the number of parking spaces for employees that would be working three shifts 24-hours a day;
- residents being prevented from exiting their properties, and noise and air pollution from idling truck traffic in front of the houses on Halls Road due to the traffic lights at Dundas Street;
- the rationale for the location of the stormwater management pond; and,

- the existing water drainage issues due to the wetland, and the proposed installation of a septic system on the wetlands.

A question and answer period ensued between Members of Committee and Ms. O'Carroll regarding:

- whether Town Staff informed the delegate that the area on the west side of Halls Road was designated Prestige Industrial;
- how the delegate originally became aware of the water drainage issues; and,
- whether the delegate would support an entrance to the facility from Dundas Street through the wetland.

5.2.5 David Airdrie, Resident (In-Person Attendance)

Re: PDP 05-24, Planning and Development (Planning Services) Department Report

Zoning By-law Amendment Application, Halls-Lake Ridge Mimited Partnership, 1560 Halls Road North, File Number DEV-24023 (Z-08-23)

Refer to Item 5.4.2, PDP 05-24

David Airdrie, Resident, appeared before the Committee. An overview of his delegation included:

- the proximity of the proposed development entrance to his bedroom, and relocating the entrance further north so that it would not be right beside his house;
- the number of residents on Halls Road that have sump pumps that run most of the year due the high water table, the impact of the proposed septic system on the ground water drainage toward the houses located on the west side of Halls Road and potential health issues that may arise;
- consideration of the residents' concerns about the proposed development related to the site during the site plan approval process;
- clarification on the widening of Halls Road and the potential impact it may have on the septic system and trees on his

property, and whether the Town would be responsible for the cost of widening the road; and,

- the feasibility of relocating the proposed entrance to the site on Lake Ridge Road to avoid truck and vehicle traffic on Halls Road.

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

- confirmation that all properties located on Halls Road were on septic systems;
- whether the delegate was aware of the timeline for the widening of Halls Road;
- the location of the delegate's property in relation to the proposed development; and,
- details about the delegate's experiences with respect to water drainage and flooding, and confirmation that the delegate has a sump pump.

5.2.6 Brad Oram, Resident (In-Person Attendance)

Re: PDP 05-24, Planning and Development (Planning Services)
Department Report

Zoning By-law Amendment Application, Halls-Lake Ridge Limited Partnership, 1650 Hall Road North, File Number: DEV-24-23 (Z-08-23)

Refer to Item 5.4.2, PDP 05-24

Brad Oram, Resident, appeared before the Committee. An overview of his delegation included:

- the impact that the increase in truck traffic would have a on Halls Road and the surrounding area;
- the planned route for truck traffic accessing and exiting eastbound on Highway 401;
- whether the increase in truck and vehicle traffic would result in expropriation of the homeowners' properties to accommodate road widening and to ensure emergency services vehicle access to Halls Road, and who would be

responsible for the road widening and the impact on the septic beds located in the front yards of the residents' homes; and,

- delaying approval of the zoning by-law amendment application until certain criteria was addressed including access to Lake Ridge Road and the septic system approval.

5.2.7 Chris Hopley, Resident (In-Person Attendance)

Re: PDP 05-24, Planning and Development (Planning Services)

Department Report

Zoning By-law Amendment Application, Halls-Lake Ridge Limited Partnership, 1650 Halls Road North, File Number: DEV-24-23 (Z-08-23)

Refer to Item 5.4.2, PDP 05-24

Chris Hopley, Resident, appeared before the Committee. An overview of his delegation included:

- inconsistencies between the GHD Rationale Report and Staff Report PDP 05-24 regarding how the proposed development was permitted in the West Whitby Secondary Plan, but not including how the development would not be permitted by the Town's Official Plan;
- the Staff report indicating that the amount of traffic generated by the proposed development would not have any adverse impacts on the nearby road network and that road improvements/widening would not be required as a result of the proposed development versus the Transportation Impact Study (TIS) indicating that road widening on Dundas Street and Halls Road would be required and that the site would include over 600 parking spaces and 90 loading docks with only one entrance;
- the feasibility of both options to re-route truck traffic to Lake Ridge Road through the west side of the property, regardless of difference in grading from Lake Ridge Road to Halls Road, and the extension of Bonacord Avenue with a significant cost attached; and,
- an overview of the Region of Durham's conditions with respect to the proposed development as noted in the Staff

report, and including a condition that the development was contingent on an entrance and exit onto Lake Ridge Road at the developer's expense.

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

- clarification on the discrepancies between the GHD TIS and the Staff report about whether road widening would be required; and,
- whether the delegate thought the proposed development would be more suitable at a time when there was an access/exit from Lake Ridge Road and Bonacord Avenue was extended to Lake Ridge Road.

5.2.8 Scott Waterhouse and Toni Wodzicki representing Halls-Lake Ridge Limited Partnership (In-Person Attendance)

Re: PDP 05-24, Planning and Development (Planning Services) Department Report

Zoning By-law Amendment Application, Halls-Lake Ridge Limited Partnership, 1650 Halls Road North, File Number: DEV-24-23 (Z-08-23)

Refer to Item 5.4.2, PDP 05-24

Scott Waterhouse, representing Halls-Lake Ridge Limited Partnership, appeared before the Committee. Mr. Waterhouse stated that his client has read and was in support of the Staff recommendation. Mr. Waterhouse advised that members of the consultant team were in attendance to answer questions. He stated that there were a number of requests made at the Public Meeting on December 6, 2023 which were reviewed as follows:

- providing access to the proposed development from Lake Ridge Road was not feasible or practical due the 10.5 metre grade difference and the retaining walls that would be required;
- reducing the number of truck entrances to a single access to the site was not practical or feasible for the type of use of the site, and that site entrances from Halls Road would be determined during the site plan application process;

- the recommendation in the Noise Impact Study to install a 4.5 metre barrier to wrap around the north and west boundary of the nearest residential lot on Halls Road;
- a Noise Barrier Schematic Plan was submitted to the Town which provided a visual of the proposed noise barrier, and that details of the barrier being determined through the site plan application process;
- the proposed development site would be graded to ensure water collection on the property would flow to the stormwater management pond and not to the residential properties, and that the details would be reviewed and determined during the site plan application process; and,
- work undertaken and provided by GHD to respond to comments on the environmental ground water and the Environmental Site Assessment which were provided to the Town following the Public Meeting on December 6, 2023.

A detailed question and answer period ensued between Members of Council, Mr. Waterhouse, Mr. Wodzicki, Mr. Masschaele, Mr. Roovers, and Mr. Kozyn regarding:

- whether a preliminary review had taken place to fully understand the water table in the area;
- whether details about potential options with respect to access to the site were investigated;
- details about the communication that has taken place with residents in the area since the Public Meeting held on December 6, 2023;
- the discrepancies between the Staff report and the GHD recommendation with respect to road widenings and traffic impacts;
- the increase in truck and vehicle traffic on Halls Road and whether such an increase would indicate a need for road widening;
- whether the end user for the proposed development has been determined at this time;

- the distance between the furthest northwest point of the development site to Lake Ridge Road;
- details about the communication with the landowner located west of the proposed development and whether they would support road access to Lake Ridge Road;
- the possibility of adjusting the grading on the development site to gain access to Lake Ridge Road with the adjacent property owner, and the willingness of the proponent to review the grading options with the neighbouring property owner;
- whether the proponent has had any dialogue with the landowner north of the proposed development about obtaining a portion of their land to have an access off Lake Ridge Road;
- whether the concerns about noise related to the amount of truck and vehicle traffic have been addressed, and the location of the noise barrier;
- whether there would be any concerns about redirecting truck traffic away from the residents on Halls Road to the Bonacord Avenue connection to Lake Ridge Road at a future date;
- whether there were any concerns about the Town implementing traffic calming measures to control speed on Halls Road; and,
- the possibility of waiting until the water and sewer servicing to the site was complete to avoid installing the large septic system in a high water table area.

It was the consensus of the Committee to hear Item 5.4.2, PDP 05-24, at this time.

5.2.9 Trevor Arkell, Resident (In-Person Attendance)

Re: PDP 07-24, Planning and Development (Planning Services)
Department Report

Zoning By-law Amendment Application, 300 High Street, 2622974
Ontario Inc., File Number: DEV-05-19 (Z-03-19)

Refer to Item 5.4.4, PDP 07-24

Trevor Arkell, Resident, appeared before the Committee. The concerns raised by Mr. Arkell included:

- the location of the proposed structure being six metres south of the south façade of the existing apartment building on the property;
- 37 of the 44 windows in the existing apartment building would be starved of sunlight and 8 of the 25 units would be in permanent shade due to the height of the proposed structure;
- access to the proposed structure would be through a walkway between the two buildings resulting in a lack of privacy for residents living on the south side of the existing apartment building;
- a heightened level of noise that would be created by the increase in the number of residents, the additional vehicles, and HVAC systems, and the construction phase of the new structure resulting in a significant level of noise and debris;
- the location of the new structure making access for emergency services vehicle access difficult; and,
- confirmation that the delegate would support the original proposal with some modifications.

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

- whether the delegate understood and supported the proposed amendment to the Staff recommendation;
- which floor of the existing apartment building the delegate resides; and,
- whether more mature trees would be retained by locating the proposed structure at the front of the property bordering High Street.

5.2.10 Lee Janes, Resident (In-Person Attendance)

Re: PDP 07-24, Planning and Development (Planning Services)
Department Report
Zoning By-law Amendment Application, 300 High Street, 2622974
Ontario Inc., File Number: DEV-05-19 (Z-03-19)

Refer to Item 5.4.4, PDP 07-24

Lee Janes, Resident, appeared before the Committee and stated that she no longer had any concerns due to the proposed amendment to the Staff recommendation.

5.2.11 Tom Hewitt, Resident (In-Person Attendance)

Re: PDP 07-24, Planning and Development (Planning Services)
Department Report
Zoning By-law Amendment Application, 300 High Street, 2622974
Ontario Inc., File Number: DEV-05-19 (Z-03-19)

Refer to Item 5.4.4, PDP 07-24

Tom Hewitt, Resident, appeared before the Committee and stated that he no longer had any concerns due to the proposed amendment to the Staff recommendation.

5.2.12 Debra Cornelson-Buddo, Resident (In-Person Attendance)

Re: PDP 07-24, Planning and Development (Planning Services)
Department Report
Zoning By-law Amendment Application, 300 High Street, 2622974
Ontario Inc., File Number: DEV-05-19 (Z-03-19)

Refer to Item 5.4.4, PDP 07-24

Raseel O'Toole spoke on behalf of Debra Cornelson-Buddo, Resident, and read a prepared statement by Ms. Cornelson-Buddo. The concerns expressed in the statement included:

- an increase in noise, and the lack of privacy and sunlight;
and,
- the impact of the proposed structure on the existing resident's quality of life and enjoyment of the "Manor."

A brief question and answer period ensued between Members of the Committee and Ms. O'Toole about whether Ms. Cornelson-

Buddo would support the proposed amendment to the Staff recommendation.

5.2.13 Raseel O'Toole, Resident (In-Person Attendance)

Re: PDP 07-24, Planning and Development (Planning Services)
Department Report
Zoning By-law Amendment Application, 300 High Street, 2622974
Ontario Inc., File Number: DEV-05-19 (Z-03-19)

Refer to Item 5.4.4, PDP 07-24

Raseel O'Toole, Resident, appeared before the Committee and acknowledged the proposed amendment to the Staff recommendation. She stated that the proposal prior to the proposed amendment would have had an impact of the health outcomes for the residents due to higher levels of stress, anxiety, and depression.

5.2.14 Anna Huston, Resident (In-Person Attendance)

Re: PDP 07-24, Planning and Development (Planning Services)
Department Report
Zoning By-law Amendment Application, 300 High Street, 2622974
Ontario Inc., File Number: DEV-05-19 (Z-03-19)

Refer to Item 5.4.4, PDP 07-24

Anna Huston, Resident, appeared before the Committee and advised that her concerns about the proposed development were outlined by previous delegates. Ms. Huston stated that the residents living in the existing apartment building can count on and care about each other and their homes. She advised that they live in a safe, healthy, and clean environment, and that all tenants want to continue to live in such conditions. Ms. Huston stated that she hoped for a plan to protect the existing apartment building, noting a preference for a plan that would be the least intrusive to the existing building, the greenspaces in the area, the neighbourhood, and tenants.

A brief question and answer period ensued between Members of Committee and Ms. Huston regarding whether the delegate was in support of the proposed amendment to the Staff recommendation.

5.2.15 Christine Waddell, Resident (In-Person Attendance)

Re: PDP 07-24, Planning and Development (Planning Services)

Department Report

Zoning By-law Amendment Application, 300 High Street, 2622974

Ontario Inc., File Number: DEV-05-19 (Z-03-19)

Refer to Item 5.4.4, PDP 07-24

Christine Waddell, Resident, appeared before the Committee. An overview of her delegation included:

- the lack of public consultation and unclear communication;
- the lack of notification to the residents of 300 High Street about this proposal;
- residents having to search for information that was not made available to them;
- whether the Town has a document outlining rules and regulations pertaining to the rights of compensation to residents during construction and that addresses how developers mitigate the impact of construction on the residents;
- whether compensation would be provided to residents for damage to personal property including vehicles, for quality of life and well-being due to not being able to open windows or use balconies, for dust and air contaminants, and for excessive noise; and,
- whether there would be reimbursement or a decrease in rent during construction for the loss of amenities, for health issues that may arise as a result of construction, or support for the temporary relocation of residents that may not be able to remain in their homes during construction due to pre-existing health conditions.

5.2.16 Isabel Lee, Resident (In-Person Attendance)

Re: PDP 07-24, Planning and Development (Planning Services)

Department Report

Zoning By-law Amendment Application, 300 High Street, 2622974

Ontario Inc., File Number: DEV-05-19 (Z-03-19)

Refer to Item 5.4.4, PDP 07-24

Isabel Lee, Resident, appeared before the Committee and stated she was not in support of the proposed development, but that she supported the proposed amendment to the Staff recommendation.

5.2.17 Leah Van Roessel, Resident (In-Person Attendance)

Re: PDP 07-24, Planning and Development (Planning Services)

Department Report

Zoning By-law Amendment Application, 300 High Street, 2622974

Ontario Inc., File Number: DEV-05-19 (Z-03-19)

Refer to Item 5.4.4, PDP 07-24

Leah Van Roessel, Resident, appeared before the Committee. An overview of her delegation included:

- the beauty and character of the existing apartment building and the sense of community;
- the Public Meeting held on March 25, 2019 where various concerns were raised by residents about the location of the proposed structure abutting High Street including the increase in traffic, the lack of privacy, and the view of the structure from their windows;
- the need for more housing and rental apartment buildings; and,
- the tenants not being opposed to development on the property but that the location of the proposed structure would be too close to the existing apartment building and would impact the structural integrity of the apartment building.

A question and answer period ensued between Members of Committee and Ms. Van Roessel regarding whether the delegate was in support of the proposed amendment to the Staff recommendation.

5.2.18 John Cole, Resident (In-Person Attendance)

Re: PDP 07-24, Planning and Development (Planning Services)
Department Report
Zoning By-law Amendment Application, 300 High Street, 2622974
Ontario Inc., File Number: DEV-05-19 (Z-03-19)

Refer to Item 5.4.4, PDP 07-24

A resident appeared on behalf of John Cole, Resident, and stated that there were no longer any concerns due to the proposed amendment to the Staff recommendation.

5.2.19 Judith Blazina, Resident (In-Person Attendance)

Re: PDP 07-24, Planning and Development (Planning Services)
Department Report
Zoning By-law Amendment Application, 300 High Street, 2622974
Ontario Inc., File Number: DEV-05-19 (Z-03-19)

Refer to Item 5.4.4., PDP 07-24

Judith Blazina, Resident, appeared before the Committee. An overview of her delegation included:

- the lack of notification and consultation with the residents of 300 High Street;
- the concerns expressed by the Heritage Whitby Advisory Committee about access to the view of the property and existing apartment building, safety, and the impact of the proposed structure on the existing apartment building;
- locating the new structure parallel to High Street being most appropriate as it would provide privacy for the adjoining properties without any impact on the existing apartment building, it would have reduced the impact on the beauty and value the property, and it would be the best possible outcome for the current and future tenants; and,
- concerns that the proposed amendment for the placement of the structure in the original location would overlap part of current structure.

A question and answer period ensued between Members of Committee and Ms. Blazina regarding whether the delegate was in support of the proposed amendment to the staff recommendation.

5.2.20 Phil Braekevelt, Resident (In-Person Attendance)

Re: PDP 07-24, Planning and Development (Planning Services)
Department Report
Zoning By-law Amendment Application, 300 High Street, 2622974
Ontario Inc., File Number: DEV-05-19 (Z-03-19)

Refer to Item 5.4.4., PDP 07-24

Phil Braekevelt, Resident, appeared before the Committee and stated that he supports the proposed amendment to the Staff recommendation. Mr. Braekevelt noted that he was in favour of protecting as many mature trees as possible.

5.2.21 Mike Zavershnik representing 2622974 Ontario Inc. (In-Person Attendance)

Re: PDP 07-24, Planning and Development (Planning Services)
Department Report
Zoning By-law Amendment Application, 300 High Street, 2622974
Ontario Inc., File Number: DEV-05-19 (Z-03-19)

Refer to Item 5.4.4, PDP 07-24

Mike Zavershnik representing 2622974 Ontario Inc., appeared before the Committee and stated that he was proud to own the property and the apartment building and that he would continue to invest in it. He advised that he was thankful to the residents for providing their feedback. He stated that he was excited about the prospect of moving forward and was committed to working with the existing residents during the detail design process to mitigate their concerns.

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

- whether the proponent has had any conversations with Staff about accessing the Community Improvement Program fund; and,
- whether the proponent would be able to use any of the work undertaken on the original proposal.

It was the consensus of the Committee to continue consideration of Item 5.4.4, PDP 07-24, at this time.

5.2.22 Marshall Smith representing Whitby 108 Victoria Inc. (Virtual Attendance)

Re: PDP 10-24, Planning and Development (Planning Services) Department Report
Official Plan Amendment and Zoning By-law Amendment Applications, Whitby 108 Victoria Inc., 106 and 110 Victoria Street West, File Numbers:
DEV-33-22 (OPA-2022-W/04, Z-22-22)

Refer to Item 5.4.7, PDP 10-24

Marshall Smith, representing Whitby 108 Victoria Inc., appeared before the Committee and stated that he was available to answer questions.

A brief question and answer period ensued between Members of Committee and Mr. Smith regarding concerns about the displacement of the current tenants due to the proposed development and how the existing tenant base would be managed.

It was the consensus of the Committee to hear Item 5.4.7, PDP 10-24, at this time.

5.3 Correspondence

5.3.1 Memorandum from T. Painchaud, Sr. Manager, Transportation Services, dated January 22, 2024 re: Port Whitby Traffic Considerations

Recommendation:

Moved by Councillor Shahid

That the Memorandum from T. Painchaud, Sr. Manager, Transportation Services, dated January 22, 2024 re: Port Whitby Traffic Considerations, be received for information.

Carried

5.4 Staff Reports

5.4.1 PDP 04-24, Planning and Development (Planning Services) Department Report

Re: Van Horne Outdoors / AllVision Proposal

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

- confirmation that a Town policy would need to be in place to ensure that advertising time would be provided to charities to promote their events throughout the Town;
- providing information through a memorandum to Council about the timeline for implementation of the digital signs, the removal of the 19 existing static paper billboards, and the process for covering the three bridges; and,
- whether there was an existing by-law that addresses illumination and brightness levels from the signs at night and/or creating a by-law to ensure compliance.

Recommendation:

Moved by Mayor Roy

1. That Council support the request from Van Horne Outdoors and AllVision to permit digital billboards on three railway bridges; and,
2. That staff be authorized to enter into the necessary agreement substantially as outlined in Report PDP 04-24, and to the satisfaction of the Town Solicitor, and prepare amendments to Permanent Sign By-law #7379-18, to be brought forward for Council's consideration.

Carried

It was the consensus of the Committee to hear Item 5.2.2, Delegation by Steve Wall, Resident, at this time.

5.4.2 PDP 05-24, Planning and Development (Planning Services) Department Report

Re: Zoning By-law Amendment Application, Halls-Lake Ridge Limited Partnership, 1650 Halls Road North, File Number: DEV-24-23 (Z-08-23)

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

- whether it was anticipated that access into the prestige industrial properties would be from Lake Ridge Road,

Dundas Street, or from the proposed Bonacord Avenue extension;

- the prospect of the extension of Bonacord Avenue, as identified in the 2010 Transportation Master Plan, being completed, and whether any work related to an extension would require an Environmental Assessment;
- the possibility of prioritizing the extension of Bonacord Avenue in order to re-direct the truck traffic away from the residents;
- whether access through Dundas Street would be a viable option, and whether the restriction of accessing Dundas Street was related to Central Lake Ontario Conservation Authority having jurisdiction over the south end of the property;
- the rationale for access on Lake Ridge Road not being feasible;
- clarification on the policy in the Whitby Official Plan and how it applies to access through a residential area, and clarification on the designation of the residential properties located on the east and west side of Halls Road;
- confirmation that the residential properties do not conform to the permitted uses in the prestige industrial designation in the Official Plan, but as long as the houses remain, the properties could continue to be used for residential purposes;
- confirmation that the design of the interim septic system was under the jurisdiction of the Ministry of the Environment, Conservation and Parks (MOECP) and whether it has been approved by the MOECP;
- opportunities for Council to provide input on the site plan application process;
- reviewing the access on Halls Road so it would not be located immediately adjacent to the resident's property;
- opportunities to implement other noise mitigating measures besides the barrier;

- whether were any concerns about the large septic system and the potential to have water flowing into the resident's homes;
- clarification on conflicting information regarding the traffic impact and road improvements to Dundas Street and Halls Road;
- assurances that land would not be taken through expropriation from the fronts of the residential properties to accommodate road reconstruction;
- referring the report back to Staff to allow for dialogue to take place between Broccolini and the adjacent property owner to the west to find a Lake Ridge Road access solution, and the implications of a referral; and,
- the timeline to refund development application fees.

Recommendation:

Moved by Mayor Roy

1. That Council approve an amendment to Zoning By-law No. 1784 (File No. Z-08-23), as outlined in Planning Report PDP 05-24; and,
2. That a By-law to amend Zoning By-law No. 1784 be brought forward for consideration by Council at the March 18, 2024 Council Meeting.

Note: The disposition of this matter, Item 5.4.2, was determined through the deferral motion below.

Recommendation:

Moved by Councillor Yamada

That consideration of Staff Report PDP 05-24 be deferred to the March 18, 2024 Regular Council meeting to allow for dialogue to take place between Town Staff, the proponent, and the adjacent landowner to the west of the proposed development with respect to site access from Lake Ridge Road.

Carried

Recommendation:

Moved by Councillor Shahid

That the Committee take a brief recess.

Carried

The Committee recessed at 9:25 p.m. and reconvened at 9:34 p.m.

It was the consensus of the Committee to hear Item 5.4.4, PDP 07-24, at this time.

5.4.3 PDP 06-24, Planning and Development (Planning Services)
Department Report

Re: 780 Garden Street, Designation of a Property under Part IV,
Section 29 of the Ontario Heritage Act - Update

Recommendation:

Moved by Councillor Mulcahy

1. 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 1(2) 1. of Ontario Regulation 385/21, for passing the Part IV Heritage Designation By-law for the portion of the property containing the Mayfield House, located at 780 Garden Street in Whitby; and,
2. That the extension be in effect until December 31, 2024.

Carried

5.4.4 PDP 07-24, Planning and Development (Planning Services)
Department Report

Re: Zoning By-law Amendment Application, 300 High Street,
2622974 Ontario Inc., File Number: DEV-05-19 (Z-03-19)

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

1. That Council approve an amendment to Zoning By-law 2585 (Z-03-19), subject to the comments included in Planning Report PDP-07-23;
2. That a by-law to amend Zoning By-law 2585 be brought forward for consideration by Council at such time as the Site Plan Application has been approved; and,
3. That Council direct Staff through the Site Plan Application process to locate the proposed building in the location noted in Attachment 4 to PDP 07-23, being the proponent's original site plan.

Carried later in the meeting.

It was the consensus of the Committee to hear Item 5.2.9, Delegation by Trevor Arkell, Resident, at this time.

Following the delegations on this matter a question and answer period ensued between Members of Committee and Staff regarding:

- the concerns about the removal of trees on the property and whether there would be a landscape plan for the replacement of trees;
- whether there were any concerns about the location of the proposed apartment building at the front of the property;
- confirmation that the required notice had been provided to nearby residents in accordance with the Planning Act;
- how questions from residents would be managed; and,
- whether a construction management plan would be in place for the construction of the new structure.

The main motion was then carried.

It was the consensus of the Committee was to hear Item 5.2.22, Delegation by Marshall Smith representing Whitby 108 Victoria Inc., at this time.

5.4.5 PDP 08-24, Planning and Development (Planning Services)
Department Report

Re: Draft Plan of Subdivision and Zoning By-law Amendment Applications for 5035 Anderson Street, Whitby Anderson Estates Inc., File Numbers: DEV-14-21 (SW-2021-04, Z-09-21)

Recommendation:

Moved by Councillor Mulcahy

1. That Council approve the Draft Plan of Subdivision (File No. SW-2021-04) and approve an amendment to Zoning By-law #1784 (Z-09-21), subject to the comments included in Planning Report PDP-08-24 and the Conditions of Draft Approval included in Attachment #10;
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

5.4.6 PDP 09-24, 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 Mulcahy

1. That Council approve Amendment 133 to the Whitby Official Plan, regarding the updated Whitby Official Plan and Secondary Plans, as shown on Attachment #1 to Planning and Development Report PDP 09-24, and that a by-law to

adopt Amendment 133 be brought forward for Council's consideration;

2. That the Clerk forward a copy of Planning of Planning and Development Report PDP 09-24, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Amendment 133 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development; and,
3. That the Clerk send a Notice of Council's decision regarding adoption of Amendment 133 to those persons and agencies who have requested further notification, including the Region of Durham's Commissioner of Planning and Economic Development.

Carried

5.4.7 PDP 10-24, Planning and Development (Planning Services)
Department Report

Re: Official Plan Amendment and Zoning By-law Amendment Applications, Whitby 108 Victoria Inc., 106 and 110 Victoria Street West, File Numbers: DEV-33-22 (OPA-2022-W/04, Z-22-22)

A brief question and answer period ensued between Members of Committee and Staff regarding whether the Town and/or the Region of Durham has a plan or process in place to assist the current tenants to obtain housing due to the redevelopment of existing rental housing.

Moved by Councillor Shahid

1. That Council approve Amendment Number 134 to the Whitby Official Plan (File: OPA-2022-W/04), as shown on Attachment #7, and that a By-law to adopt Official Plan Amendment Number 134 be brought forward for consideration by Council;
2. That the Clerk forward a copy of Planning Report PDP 10-24, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Amendment Number 134 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 # 2585, (File: Z-22-22), as outlined in Planning Report No. PDP 10-24;
4. That a by-law to amend Zoning By-law # 2585 be brought forward for consideration by Council upon Site Plan approval by the Commissioner of Planning and Development; 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

It was the consensus of the Committee to hear Item 5.3.1, Memorandum from T. Painchaud, Sr. Manager, Transportation Services, dated January 22, 2024 re: Port Whitby Traffic Considerations, at this time.

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 Andrea Smith, Manager of Corporate Initiatives, Regional Municipality of Durham (In-Person Attendance)

Re: Region of Durham's 2025 Strategic Plan

Note: This presentation will be rescheduled to a future Council meeting.

6.2 Delegations

6.2.1 Victoria Rodden, Resident (Virtual Attendance)

Re: Comprehensive Review of the Procedure By-law

Refer to Item 6.5.1, Comprehensive Review of the Procedure By-law

Victoria Rodden was not in attendance when called upon to provide a delegation.

6.2.2 Gary Dunsmuir, Resident (Virtual Attendance)

Re: Comprehensive Review of the Procedure By-law

Refer to Item 6.5.1, Comprehensive Review of the Procedure By-law

Gary Dunsmuir, Resident, appeared before the Committee and stated that the current practice of selecting Deputy Mayor, which was working well, has been in place since 1988. He stated that he was opposed to the proposed plan of giving power of selecting a Deputy Mayor solely to the Mayor, and that he supports maintaining the current practice. Mr. Dunsmuir inquired about the rationale for initiating the review, the cost involved in such a review, and clarification on the review of delegations.

6.2.3 Sandy Hodder, Resident (In-Person Attendance)

Re: Comprehensive Review of the Procedure By-law

Refer to Item 6.5.1, Comprehensive Review of the Procedure By-law

Sandy Hodder, Resident, appeared before the Committee and stated she did not support any change to the process of selecting the Deputy Mayor. She inquired about changing a process that appears to have been working, and the reason it may no longer be working.

6.2.4 Deborah Schroeder, Resident (In-Person Attendance)

Re: Comprehensive Review of the Procedure By-law

Refer to Item 6.5.1, Comprehensive Review of the Procedure By-law

Deborah Schroeder, Resident, appeared before the Committee and stated that she wanted to understand what Council was trying to accomplish through a review of the Procedure By-law, and the reason it was a priority for Council and the citizens of Whitby at this time. Ms. Schroeder stated that Council should only undertake this review of the Procedure By-law to ensure that Whitby was pursuing

leadership in fairness, democracy, accountability, and being open and transparent by offering flexible meeting times, opportunities for constituents to speak, and fairness in sharing the responsibilities and duties as Deputy Mayor. She noted that for many people delegating is the only opportunity to speak at meetings, to share concerns, and for Members of Council to ask the public questions. She stated that if the public was willing to take the time to delegate that was important that their voices be heard, noting that this process was vital to fair government. Ms. Schroeder raised concerns about limiting who, when, and the amount of time delegates may speak. She inquired about the purpose of the review and the reason Council may want to limit democracy, accountability, transparency, and fairness.

A brief question and answer period ensued between Members of Committee and Ms. Schroeder regarding the delegate's interest in being added to an interested party list to receive notification of the report back to Council.

6.2.5 Russell Leffler, Resident (Virtual Attendance)

Re: Comprehensive Review of the Procedure By-law

Refer to Item 6.5.1, Comprehensive Review of the Procedure By-law

Russell Leffler, Resident, advised that he would be speaking on behalf of Rob McLeod under Item 6.2.7 on the agenda.

6.2.6 Denise Boudreau, Resident (Virtual Attendance)

Re: Comprehensive Review of the Procedure By-law

Refer to Item 6.5.1, Comprehensive Review of the Procedure By-law

Denise Boudreau, Resident, raised concerns about the lack of accountable and transparent governance when decisions were made without prior public consultation or consideration of the negative impacts to certain residential communities. She stated that a certain faction of the Whitby community has lost trust in elected officials to consider community impact, public safety, and child protection issues, noting that it has never been more important that the voices of the community were heard and acknowledged. Ms.

Boudreau enquired about the rationale for choosing to change processes now, and whether the public may believe the resulting changes would amplify or stifle the voices of constituents moving forward. She stated that the duty for consultation was limited to the Planning Act decisions, noting the discussion, exchange and consultation that took place earlier in the meeting this evening. Ms. Boudreau stated that in view of the way decisions were currently being made with public engagement taking place after the fact, it would be a further injustice to affect the community should their voices be limited by restricting delegations and choosing the Deputy Mayor as a liaison as opposed to following the existing process for fair representation of the voting public.

A brief question and answer period ensued between Members of Committee and Ms. Boudreau regarding the delegate's interest in being added to an interested party list to receive notification of the report back to Council.

6.2.7 Robert McLeod, Resident (In-Person Attendance)

Re: Comprehensive Review of the Procedure By-law

Refer to Item 6.5.1, Comprehensive Review of the Procedure By-law

Russell Leffler, Resident, appeared on behalf of Robert McLeod, Resident, and stated that the current process, in effect in since 1988, was simple, clear, concise, unbiased and did not have any room for criticism, and that he did not believe that this would be the case should the process be changed. Mr. Leffler stated that when a candidate was elected there was a certain expectation of workload, serving their constituents, and compensation for their efforts. He stated that many elected officials legitimately want to serve and give back to the community, they often seek re-election, and some aspire to move up in the political hierarchy. Mr. Leffler stated that many constituents want to see the Councillors seek future election for municipal government and/or possibly the provincial or federal government. He advised that by changing the way the Deputy Mayor is appointed, Members of Council lose important visibility by being taken out of the public eye where Members can build trust and support for future candidacies. He stated that Councillors should rally against the proposal to change how the Deputy Mayor

would be appointed, noting that Councillors could be robbed of an opportunity to serve constituents now or in the future.

Moved by Councillor Cardwell

That in accordance with the Town's Procedure By-law, the Committee of the Whole meeting continue to go past 11:00 p.m.

Carried

It was the consensus of the Committee to hear Item 6.5.1, Comprehensive Review of the Procedure By-law, at this time.

6.3 Correspondence

There was no correspondence.

6.4 Staff Reports

6.4.1 CMS 03-24, Community Services Department Report

Re: Appointment of Members to the Whitby 55+ Recreation Advisory Committee

Recommendation:

Moved by Councillor Lundquist

That Council approve and appoint the following members to the Whitby 55+ Recreation Advisory Committee effective immediately for a term ending December 31, 2025:

- Lena Ebrekdjan
- Lynda Kruitz
- Susan Lythgoe

Carried

6.4.2 LS 03-24, Legal and Enforcement Services Department Report

Re: Assignment and Transfer of Part Block K, Plan M1133, designated as Part 2 on Plan 40R-30532, being all of PIN 26515-0401 (LT) from Victorian Order of Nurses Durham Region Community Corporation to Hospice Whitby

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

- clarification on altering the condition in the Right of First Refusal and whether it meant that the owner would be required to offer the property back to the Town should construction on the hospice not commence by December 31, 2024;
- the possibility of extending the date in Right of First Refusal Agreement beyond 2024; and,
- amending the motion to delegate authority to Staff to extend the timeline of the Right of First Refusal Agreement if necessary.

Recommendation:

Moved by Mayor Roy

1. That Council direct staff to negotiate and enter into an assignment and assumption agreement with Victorian Order of Nurses Durham Region Community Corporation (“VON”) and Hospice Whitby to provide consent to the assignment and transfer of title of the lands legally described as Part Block K, Plan M1133, designated as Part 2 on Plan 40R-30532, Town of Whitby, being all of PIN 26515-0401 (LT) (the “Property”) to Hospice Whitby;
2. That Council direct staff to alter the condition in the Right of First Refusal Agreement so that the owner would only be required to offer the Property back to the Town if construction of the hospice does not commence by December 31, 2024, to the satisfaction of the Commissioner of Legal and Enforcement Services/Town Solicitor, or designate;
3. That the Commissioner of Legal and Enforcement Services/Town Solicitor, or designate, be directed to register the Assignment and Assumption Agreement and/or Right of First Refusal Agreement on title to the Property, as required; and,
4. That the Commissioner of Legal and Enforcement Services/Town Solicitor and Commissioner of Financial Services and Treasurer be authorized to take all actions and execute all documents necessary to give effect thereto.

Carried later in the meeting (See following motion)

Moved by Councillor Leahy

That Item 2 of the main motion be amended to read as follows:

2. That Council direct staff to alter the condition in the Right of First Refusal Agreement so that the owner would only be required to offer the Property back to the Town if construction of the hospice does not commence within a reasonable timeframe, such timeframe to be determined at the discretion of the Commissioner of Legal and Enforcement Services/Town Solicitor, or designate, and that the Commissioner of Legal and Enforcement Services/Town Solicitor and the Commissioner of Financial Services/Treasurer be authorized to take all actions and execute all documents necessary to give effect thereto.

Carried

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

Moved by Mayor Roy

1. That Council direct staff to negotiate and enter into an assignment and assumption agreement with Victorian Order of Nurses Durham Region Community Corporation (“VON”) and Hospice Whitby to provide consent to the assignment and transfer of title of the lands legally described as Part Block K, Plan M1133, designated as Part 2 on Plan 40R-30532, Town of Whitby, being all of PIN 26515-0401 (LT) (the “Property”) to Hospice Whitby;
2. That Council direct staff to alter the condition in the Right of First Refusal Agreement so that the owner would only be required to offer the Property back to the Town if construction of the hospice does not commence within a reasonable timeframe, such timeframe to be determined at the discretion of the Commissioner of Legal and Enforcement Services/Town Solicitor, or designate, and that the Commissioner of Legal and Enforcement Services/Town Solicitor and the Commissioner of Financial Services/Treasurer be authorized to take all actions and execute all documents necessary to give effect thereto;

3. That the Commissioner of Legal and Enforcement Services/Town Solicitor, or designate, be directed to register the Assignment and Assumption Agreement and/or Right of First Refusal Agreement on title to the Property, as required; and,
4. That the Commissioner of Legal and Enforcement Services/Town Solicitor and Commissioner of Financial Services and Treasurer be authorized to take all actions and execute all documents necessary to give effect thereto.

Carried

6.5 New and Unfinished Business - General Government

The was no discussion regarding the new and unfinished business list.

6.5.1 Comprehensive Review of the Procedure By-law

Mayor Roy provided a detailed introduction/background of the motion regarding the comprehensive review of the Procedure By-law.

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

- confirmation that the proposed motion was not required for Staff to undertake a review of the Procedure By-law, and that the review would have taken place this year regardless of the motion coming forward.

Discussion ensued between Members of Committee regarding:

- amending the motion to remove reference to reviewing the appointment of a Deputy Mayor;
- concerns about permitting an elected official to choose another elected official and appoint them to a position which includes additional remuneration;
- the previous appointment of a Councillor by Council to a ward seat and regional seat which included significant additional remuneration;
- removing additional remuneration for the Deputy Mayor;

- reviewing the practices of other municipalities with respect to the appointment of and remuneration for the Deputy Mayor;
- the expectation of Regional Councillors to be appointed as Deputy Mayor for a one-year term;
- concerns about restricting delegate speaking limits, and concerns about access to meetings for delegates by holding meetings during the day;
- options to address challenges such as meetings continuing late into the night;
- reviewing the appointments to advisory boards and committees;
- reviewing assigned seating in Council Chambers for Members of Council; and,
- addressing meeting efficiency and enhancing public participation.

Recommendation:

Moved by Mayor Roy

1. That the Clerk be directed to undertake a comprehensive review of the Procedure By-law and report to Council prior to summer recess 2024 with recommended amendments based on an environmental scan of comparator municipalities and consultation with Members of Council; and,
2. That the procedural matters to review include but not be limited to Council remuneration, appointments to advisory boards and committees, assigned seating in Council Chambers, delegations, meeting start and end times, notices of motion, speaking limits, and the appointment of a Deputy Mayor, with the goal of addressing meeting efficiency and enhancing public participation.

Carried later in the meeting (See following motion)

Moved by Councillor Leahy

That the Item 2 of the main motion be amended to read as follows:

2. That the procedural matters to review include but not be limited to delegations, meeting start and end times, notices of motion, and speaking limits, and shall not include review of the appointment of a Deputy Mayor.

Motion Lost

The main motion was then carried.

It was the consensus of to hear Item 6.4.2. LS 03-24, at this time.

7. Adjournment

Recommendation:

Moved by Councillor Shahid

That the meeting adjourn.

Carried

The meeting adjourned at 11:39 p.m.