

# Town of Whitby

## Staff Report

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

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**Report to:** Committee of the Whole

**Date of meeting:** February 26, 2024

**Report Number:** PDP-07-24

**Department(s) Responsible:**

Planning and Development Department  
(Planning Services)

**Submitted by:**

R. Saunders, Commissioner of Planning  
and Development

<b>Acknowledged by M. Gaskell, Chief Administrative Officer</b>
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**For additional information, contact:**

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### 1. Recommendation:

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; and,
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.

### 2. Highlights:

- An application has been submitted by 2622974 Ontario Inc. to amend the Town of Whitby Zoning By-law 2585 for the subject land located at 300 High Street.
- The subject land contains an existing 4 storey residential apartment building, which includes a total of 25 apartment dwelling units (1 and 2 bedroom);
- A Public Meeting was held on March 25, 2019. At this time, the proponent's proposal included a 4 storey, 13 unit apartment building within the front yard of the subject property. Based on public and staff input, the proposal was revised;

- The proponent's revised plan includes a second free standing three storey apartment building, consisting of 13 units, located within the easterly side yard toward the rear of the subject property;
- The existing zoning on the property is Residential Type 1 (R1-DT-1) in Zoning By-law 2585. An amendment to the Zoning By-law is required to permit the proposed development.
- All commenting departments and external agencies have indicated support for the proposed development.

### **3. Background:**

#### **3.1. Site Area and Description**

The subject land is approximately 0.51 hectares (1.27 acres) in size and is situated southwest of Walnut Street West and High Street (see Attachment #1). The property has approximately 55.5 metres of frontage onto High Street to the east and 19.0 metres of exposure onto Ferguson Street to the west.

The property includes an existing 3.5 storey apartment building, containing 25 dwelling units. Access to the property is provided from High Street to an internal parking lot situated at the north and west portion of the site.

Single detached dwellings are located to the north, south, east, and west of the property. An institutional use (St. Andrew's Presbyterian Church) is also located to the south of the property.

#### **3.2. Proposed Development and Application**

The proposed development includes a new stand alone apartment building to the south of the existing apartment building, located within the interior side yard to the rear of the property. The proposed apartment building is 3 storeys in height and would include 13 dwelling units (see Attachments #3, #5 & #6).

The original proposal presented at the statutory public meeting, situated the proposed new apartment building within the front yard, south of the existing apartment building toward High Street (refer to Attachment #4).

The existing and proposed units are to be rental units.

Zoning By-law Amendment application Z-03-19 proposes to amend the existing R1-DT-1 zoning to permit 38 residential apartment dwelling units on the subject land, plus amendments to yard setbacks, lot coverage, parking, and other zone standards to permit the proposed development.

#### **3.3. Documents Submitted in Support**

A number of documents were submitted in support of the Zoning By-law Amendment application including the following:

- A Site Plan, prepared by Giamo, dated December 19, 2023 which illustrates the proposed development;
- Building Elevations, prepared by Giamo, dated December 19, 2023 which illustrates the façade of proposed apartment building (see Attachment #5);
- A Landscape Plan and Details, prepared by Tocher Heyblom Design Inc., dated May 26, 2023 (see Attachment #6). The landscape plan illustrates proposed planting areas as well as the location of existing vegetation to be removed;
- A Phase Two Environmental Site Assessment report prepared by BEN Engineering, dated May 9, 2018, states that none of the measured concentrations in the soil and groundwater samples exceeded the applicable MOECC standards;
- A Traffic Management Plan prepared by Giaimo, dated December 11, 2018;
- A Traffic Brief prepared by Paradigm Transportation Solutions Limited, dated December 2023. The Traffic Brief provided an assessment of existing transportation infrastructure, trip generation, traffic impact assessment, and a review of the parking supply.
- An Arborist Report and Tree Protection Plan prepared by Cohen and Master Tree and Shrub Services, dated July 9, 2018, which provides an overview of the trees to be removed and the suggested location of tree protection zones;
- A Stage I and Stage II Archaeological Assessment prepared by CRM Lab Archaeological Services, dated September 1, 2018, identifies that the subject property is partially cleared of archaeological concerns in areas where subsurface disturbance has been confirmed down to sterile subsoil;
- An Environmental Noise Assessment prepared by HGC Engineering, dated August 3, 2018, concludes that any ventilation systems and exterior wall and glazing constructions meeting the requirements of the Ontario Building Code will provide sufficient sound insulation;
- A Preliminary Stormwater Management Report prepared by Ram Engineering Inc., dated November 20, 2018, outlines how stormwater management for the proposed development will be implemented; and,
- A Cultural Heritage Impact Assessment (CHIA) prepared by Letourneau Heritage Consulting Inc., dated February 25, 2020. The CHIA concluded that no direct adverse impacts were identified based on the proposed development, but there is a potential for

indirect impacts on the existing structure due to construction. It was recommended that a Temporary Protection Plan be prepared by a qualified individual with heritage experience to address and mitigate potential impacts. This will be addressed as part of the future Site Plan Approval process.

The above documents were distributed to relevant internal departments and external agencies for review and comment.

#### **4. Discussion:**

##### **4.1 Region of Durham Official Plan**

The subject land is designated “Living Area” in the Durham Region Official Plan (ROP).

Lands designated as Living Areas are to be used predominantly for housing purposes. Development is to incorporate a wide variety of housing types, sizes, and tenure in a compact form by intensifying and redeveloping existing areas.

##### **4.2 Town of Whitby Official Plan**

The subject land is designated “Medium Density Residential” in the Downtown Whitby Secondary Plan (see Attachment #7). The land is also designated Medium Density Residential in the Council adopted Downtown Whitby Secondary Plan (under appeal).

Medium Density Residential areas are to be developed up to a maximum of 75 units per net hectare, and may consist of block townhouses, stacked townhouses, triplex, and apartment dwelling units, converted dwellings, and boarding and lodging houses, as well as those unit types permitted in the Low Density designation (Section 11.3.6.2(b)). The maximum permitted building height is 4 storeys.

The proposed development will have a density of approximately 74 units per net hectare, and the proposed building will be 3 storeys in height.

The proposed development conforms to the policies of the Official Plan, including height and density.

##### **4.3 Zoning By-law**

The subject land is zoned Residential Type 1 (R1-DT-1) in Zoning By-law 2585 (see Attachment #8). The R1-DT-1 Zone permits one building on the subject land, containing a maximum of twenty-four (24) apartment dwelling units.

Amendments to the provisions of the R1-DT-1 Zone are required to permit the proposed development, including the following:

- Permit two (2) apartment buildings on the property, whereas only one building is currently permitted;
- Increase the total number of apartment dwelling units from 24 to 38;
- Increase the maximum permitted lot coverage from 14% to 22%;
- Reduce the minimum required rear yard setback 22.0m to 6.0m;
- Reduce the minimum required interior side yard setback (south) from 18.0m to 3.5m; and,
- Reduce the minimum number of required parking spaces from 58 to 43 spaces.

#### **4.4 Other Applications**

A Site Plan application will be required to be submitted at a later date for the proposed development.

#### **4.5 Heritage Considerations**

The subject land is listed on the Town's Heritage Register. The proponent's proposal does not include the removal of the existing apartment building on the property. As part of any future Site Plan application associated with the proposed development, the proponent will be required to consult with the Town's Heritage Division with regards to the preparation of a Temporary Protection Plan to address and mitigate potential impacts during any site alteration or building activity.

### **5. Input from Departments/Sources:**

The following agencies have reviewed the application and have no objection:

- Town of Whitby Building Services;
- Town of Whitby Financial Services – Development Charges;
- Town of Whitby Financial Services – Taxes; and,
- Durham District School Board.

The following internal departments and external agencies have reviewed the application and have no objection to the proposed Zoning By-law Amendment, but will provide detailed comments at the future Site Plan Application stage:

- Whitby Fire and Emergency Services;
- Whitby Planning Services - Landscape;
- Whitby Planning Services - Urban Design;
- Whitby Strategic Initiatives Division;
- Whitby Engineering Services; and,
- Durham Region Planning Department.

**6. Financial Considerations:**

Not applicable.

**7. Communication and Public Engagement:**

A Public Meeting was held on March 25, 2019 in accordance with the Town of Whitby Official Plan and the Planning Act. This meeting provided the public and interested persons and agencies the opportunity to make representation in respect of the Zoning By-law Amendment Application. The meeting minutes are included in Attachment #9.

There were approximately 41 individuals who registered as interested parties to this application, and 4 individuals who provided deputations at the Public Meeting.

There was support for the establishment of additional rental apartment dwelling units, however there were concerns raised, including the following:

- Increased traffic and lack of parking;
- Noise and construction activity impacts;
- Replacement of vegetation proposed to be removed;
- Stormwater management and infrastructure (water/sewer) capacity; and,
- Loss of heritage value.

The proponent has provided a Traffic Impact Study which included an analysis of parking and traffic. This report supported the proposal and was reviewed and deemed acceptable by the Town's Engineering Services Department.

With regards to noise abatement during the construction period, the proponent will be required to submit a Construction Management Plan to Engineering Services for review and approval prior to the issuance of any permits. The proponent will also be required to adhere to the Town's Noise By-law.

Following the statutory public meeting and after further consultation with staff, the proponent revised the location of the proposed building to situate it toward the rear of the property away from High Street. This will reduce the exposure to High Street and will reduce the number of impacted trees in the front yard of the property. There is vegetation that will have to be removed within the southerly interior side yard, however the proponent is proposing compensation planting for any mature trees that are removed.

Regarding stormwater management and infrastructure (water/sewer) capacity, the proposed development has been reviewed by the Town's Engineering Services and Durham Region Works Department. The proponent will be required to obtain sign-off from both the Town and the Region on the site servicing and grading plans as part of the future Site Plan Approval process.

As part of any future Site Plan Application associated with the proposed development, the proponent will be required to submit, a Temporary Protection

Plan to address and mitigate potential impacts during any site alteration or building activity as it may impact the existing apartment building. A Heritage Permit would also be required.

**8. Strategic Priorities:**

This report is in a fully accessible format, which addresses the Town's strategic priority of accessibility, and any future Site Plan approval will ensure proper accessible standards are implemented.

The proposed development increases the density on the subject land which provides a more efficient 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 Revised Site Plan

Attachment #4: Proponent's Original Site Plan

Attachment #5: Proposed Building Elevations

Attachment #6: Proposed Landscape Plan

Attachment #7: Excerpt from Downtown Community Secondary Plan Schedule 'H'

Attachment #8: Excerpt from Zoning By-law 2585

Attachment #9: Public Meeting Minutes