

Town of Whitby Public Meeting Report

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Report Title: DEV-07-24: Official Plan Amendment Application, Zoning By-law Amendment Application, Draft Plan of Subdivision, Tribute (Charles Street) Limited, 1636 Charles Street, File No. OPA-2024-W/02, Z-03-24, SW-2024-01.

Date of meeting: April 22, 2024

Report Number: PDP 20-24

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:

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Planning Report PDP 20-24 is presented for information purposes only, in accordance with the statutory public meeting requirements of the Planning Act R.S.O. 1990, c.P.13

Anyone who attends the public meeting may present an oral submission, and/or provide a written submission to the Planning and Development Department on the proposed application(s). Also, any person may make written submissions at any time before Council makes a decision.

Additional information regarding statutory public meetings under the Planning Act can be found on the [Town's website](#).

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Whitby before the by-law is passed, the person or public body is not entitled to appeal the decision of Whitby Council to the Ontario Land Tribunal (OLT) and may not be added as a party to the hearing of an appeal before the OLT unless, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

1. Highlights:

Tribute (Charles Street) Limited have submitted an Official Plan Amendment application, Draft Plan of Subdivision application, and Zoning By-law Amendment application to the Town of Whitby for the land municipally known as 1636 Charles Street.

The subdivision application proposes to create one block (Block 1) for a mixed-use development comprised of four 28 to 36 storey towers and 5 storey podium containing 1,639 residential units and 2,263.4 m² of commercial floor space located in the podium. A second block (Block 2) is proposed for the widening of Charles Street.

A recommendation report for the Official Plan Amendment application, Zoning By-law Amendment application, and Draft Plan of Subdivision application will be brought forward to a Committee of the Whole Meeting once all agency comments and public input have been received and assessed.

The applicant will be required to submit a Site Plan Application at a later date.

2. Purpose:

The Planning and Development Department is in receipt of the applications for an Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision for the subject land. The purpose of this report is to present information related to the application at a statutory public meeting, as required by the Ontario Planning Act.

3. Background:

3.1. Site and Area Description

The subject land is located at the northwest corner of Charles Street and Watson Street West, municipally known as 1636 Charles Street (refer to Attachment #1).

The surrounding land uses include:

- Low density residential dwellings to the east;
- Future high density residential dwellings to the north (under construction);
- High density residential dwellings to the west; and
- Marina and outdoor boat storage to the south (refer to Attachment #2).

Currently, the property contains three one-storey buildings for employment / commercial uses.

3.2. Applications and Proposed Development

An Official Plan Amendment application has been submitted to increase the maximum permitted density from 300 to 1,025 units per net hectare on the subject land as well as increase the maximum building height to 36 storeys.

A Zoning By-law Amendment application has been submitted to change the zoning from D(NR)-2 to an appropriate zone category to accommodate the proposed mixed-use development.

A Draft Plan of Subdivision application has been submitted to create a Plan of Subdivision consisting of 2 (two) blocks, including 1 (one) block to accommodate the proposed mixed-use condominium development and 1 (one) to accommodate a road widening on Charles Street. The proposed mixed-use condominium development consists of 4 (four) towers ranging in heights from 28 storeys to 36 storeys. The development proposes 1,639 residential units, and approximately 2,263.4 m² of commercial space in a 5 storey podium.

3.3. Documents Submitted in Support

The application was submitted with the following supporting documents:

- Planning Addendum Letter and Planning Rationale Report prepared by Biglieri Group, dated March 7, 2024, provides an overview of the proposed development at 1636 Charles Street as well as the Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision applications and documents submitted in support.
- Architecture Plans prepared by Turner Fleischer, dated March 1, 2024.
- A Concept Site Plan prepared by Turner Fleischer, dated March 1, 2024. (refer to Attachment #3).
- A Draft Plan of Subdivision prepared by Krcmar Surveyors Ltd., dated February 7, 2024. (refer to Attachment #4).
- An Active Transportation Plan prepared by WSP., March 20, 2024. (refer to Attachment #5).
- Elevations prepared by prepared by Turner Fleischer, dated March 1, 2024. (refer to Attachment #6).
- A Landscape Plan prepared by The MBTW Group, dated February 2023.
- Landscape Plan Details prepared by The MBTW Group, dated February 2023.

- A Shadow Study prepared by The MBTW Group, dated March 2024.
- Architecture Phasing Plans prepared by Turner Fleischer, dated March 1, 2024.
- A Plan of Survey prepared by Krcmar Surveyors Ltd., dated August 15, 2022.
- An Urban Design Report prepared by The MBTW Group, dated March 2024, provides detail on how the proposed development's public realm, built form, and sustainability elements function within its immediate surrounding context and the wider context of the Port Whitby Community and the Town of Whitby.
- An Impact Assessment of Rowe Channel Construction Phasing prepared by SCS Consulting Group Ltd., dated March 5, 2024, which concludes a phased approach with on-site mitigation measures ensures the proposed development can proceed, despite existing flood conditions from the adjacent Rowe Channel.
- A Functional Servicing Report and Stormwater Management Report prepared by SCS Consulting Group Ltd., dated March, 2024, which concludes that the site can be serviced by full municipal services (storm, sanitary, and water), and the site plan layout supports the stormwater management requirements. The stormwater management report has outlined the means which the proposed development at 1636 Charles Street will meet the objectives of the Whitby Design Standards and CLOCA Design Guidelines.
- A Phased Grading Plan prepared by SCS Consulting Group Ltd., dated March, 2024.
- A Hydrogeological Investigation and Water Balance Assessment Report prepared by EXP Services Inc., dated March 1, 2024, which concludes, based on the proposed design, construction could proceed in accordance with the recommendations outlined in this report.
- A Geotechnical Report prepared by EXP Services Inc., dated March 1, 2024, which concludes that a geotechnical engineer should be retained for a general review of the final design and specifications to verify that the recommendations outlined in this report address all relevant geotechnical parameters regarding the design and construction of the development.
- A Phase 1 Environmental Site Assessment prepared by EXP Services Inc., dated October 20, 2023, which recommends a Phase 2 Environmental Site Assessment be completed.

- A Phase 2 Environmental Site Assessment prepared by EXP Services Inc., dated October 20, 2023, which concludes that concentrations identified during the current and previous investigations to be in exceedance of the O. Reg. 153/04 Table 9 Standards for PHCs, VOCs, PAHs, Metals (including Hydride Forming Metals) (in soil) and VOCs (in groundwater) must be remediated and/or risk assessed before an RSC can be filed.
- A Traffic Impact Study prepared by WSP., dated October 23, 2023, provides a review of the traffic related impacts on the adjacent road network based on future projected traffic volumes. The study also includes justification for reduced parking due to the proximity to public transit routes and non-auto modes of transportation.
- A Sustainability Rationale Report prepared by EQ Building performance Inc., dated March 7, 2024, which concludes that the sustainability vision of the development is in line with the sustainability vision of the Whitby Green Standard.
- An Energy Modeling Report prepared by EQ Building performance Inc., dated May 26, 2023, which concludes that the project is currently on track to meet the listed performance of the Whitby Green Standard Tier 1.
- A Mechanical & Electrical Basis of Design prepared by MCW Consultants Ltd., dated April 27, 2023.
- A Pedestrian Wind Assessment prepared by SLR Consulting (Canada) Ltd., dated March 1, 2024, which concludes on the sidewalks surrounding the proposed development, wind conditions are predicted to be suitable for the intended usage.
- An Environmental Noise Assessment prepared by SLR Consulting (Canada) Ltd., dated October 25, 2023, which concludes that the noise from the proposed development on the surroundings is expected to meet the applicable guideline permits, and can be adequately controlled by the design guidelines outlined in this report.
- An Arborist Report prepared by GeoProcess Research Associates Inc., dated March 1, 2024, provides a review of the trees to be retained and removed from the subject site, as well as the recommendations for tree removal, replacement, and protection.
- A Natural Heritage Screening and Tree Inventory prepared by GeoProcess Research Associates Inc., dated May 26, 2023, which concludes that based on the absence of natural heritage features, any further environmental impact assessment is not expected to be required.

The above documents have been 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 Areas on Schedule 'A' Map 'A4' of the Regional Official Plan (ROP). Living Areas are intended to be used predominantly for housing purposes.

In December 2021, the Region, as part of its Envision Durham Municipal Comprehensive Review, adopted Regional Official Plan Amendment (ROPA) #186 to delineate the boundaries of Protected Major Transit Station Areas (PMTSAs) – including a PMTSA within the Town of Whitby (both ROPA #186 and the new Regional Official Plan are awaiting approval by the Province). ROPA #186 also introduced a detailed policy framework to support transit-oriented developments and established a minimum density target of 150 people and jobs per hectare within PMTSAs. ROPA #186 also requires that area municipal Official Plans include similar detailed policies related to appropriate increases in heights and densities, and mix of land uses, within the PMTSAs.

4.2. Whitby Official Plan

The subject land is located within the Port Whitby Intensification Area as identified on Schedule B – Intensification of the Whitby Official Plan (refer to Attachment #7). Development within the Port Whitby Intensification Area, as well as in general proximity to the Whitby GO Major Transit Station, is where increased heights and densities are intended to occur (Policy 4.2.8; 4.2.9).

The subject land is designated High Density Residential Mixed Use on Schedule 'F' – Port Whitby Secondary Plan (refer to Attachment #8).

Lands designated as High Density Residential Mixed Use permit multi-storey high density residential buildings and a wide range of small-scale retail, cultural, small-scale service commercial and office uses (Policy 11.1.11.2).

The current designation permits a maximum residential density of 300 dwelling units per net hectare and maximum building height of 18 storeys (Policy 11.1.11.3).

An amendment to the Official Plan is required to permit the proposed 1,025 units per net hectare and a building height of up to 36 storeys.

The Town, through the recently commenced Official Plan review will consider appropriate increases in height and density within the PMTSA,

consistent with the intent, and in conformity with, ROPA #186 and the Envision Durham new Regional Official Plan.

4.3. Zoning By-law

The subject land is zoned Development Zone (Non-Residential) Exception 2 – D(NR)-2 under Zoning By-law 2585 (refer to Attachment #9), which does not permit the proposed use.

An amendment to the Zoning By-law is required to permit the proposed development.

5. Communication and Public Engagement:

Notice of the statutory public meeting was mailed to all property owners within 120 metres of the subject land at least 20 days prior to the meeting date. Furthermore, a public notice sign has been erected on Charles Street and Watson Street West frontages of the subject land in accordance with the Town's notification procedures.

6. Consultation with other Departments/Sources:

The applicable agencies and departments have been circulated the applications and copies of the associated supporting materials for their review and comment.

7. Conclusion:

All comments received at this statutory public meeting, as well as any subsequent written submissions, will be considered by the Planning and Development Department as part of its review and analysis of the development applications. A recommendation report will be brought forward to the Committee of the Whole at such time as input from the commenting agencies, departments and the public has been received and assessed.

All persons who make oral submissions, or have requested notification in writing, will be given written notice of the future meeting of the Committee of the Whole at which the applications will be considered.

8. Attachments:

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Proponent's Proposed Concept Plan

Attachment #4: Proponent's Proposed Draft Plan of Subdivision

Attachment #5: Proponent's Active Transportation Plan

Attachment #6: Proponent's Proposed Elevations

Attachment #7: Excerpt from Official Plan Schedule B – Intensification

Attachment #8: Excerpt from Official Plan Schedule F – Port Whitby Secondary Plan

Attachment #9: Excerpt from Zoning By-law 2585