

Town of Whitby Staff Report

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Report Title: DEV-06-24: Zoning By-law Amendment Application (Z-01-24), 1000091294 Ontario Ltd. and Fortress Management and Financial Corp., 700 Rossland Road East and 3115 & 3125 Garden Street

Report to: Committee of the Whole

Date of meeting: May 6, 2024

Report Number: PDP 22-24

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:

L. Taylor, Planner II, x2902

1. Recommendation:

1. That Council approve the amendment to Zoning By-law #1784, (File No. Z-10-23), as outlined in Planning Report No. PDP 22-24; and,
2. That a by-law to amend Zoning By-law #1784 be brought forward for consideration by Council at such time as OPA 133 becomes final and binding and Site Plan Approval is issued by the Commissioner of Planning and Development.

2. Highlights:

- A Zoning By-law Amendment Application has been submitted to change the zoning from R2 – Second Density Residential to an appropriate zone category to permit an 18-storey mixed use building with 224 residential units and 1,085 square metres (11,679 square feet) of non-residential uses at grade, and a separate 4-storey building with 26 residential units, for a total of 250 residential units.
- The proponent will be required to submit a Site Plan Application and Draft Plan of Condominium at a later date.
- All of the commenting departments and external agencies have indicated support for the proposed development, subject to their comments being addressed.

3. Background:

3.1. Site and Area Description

The subject land is located at the northeast corner of Rossland Road East and Garden Street, municipally known as 700 Rossland Road East, 3115 Garden Street and 3125 Garden Street (refer to Attachment #1). Single detached dwellings that were located at 700 Rossland Road East and 3115 Garden Street have been removed. A remaining single detached dwelling at 3125 Garden Street is proposed to be removed to accommodate the proposed development. The subject land is approximately 0.92 hectares (2.27 acres) in size.

Surrounding land uses include:

- single detached dwellings to the north;
- a 12-storey apartment building and 1-storey commercial building (bank) to the east;
- a 12-storey apartment building and commercial plaza to the south;
- the Region of Durham headquarters to the southwest; and,
- a commercial plaza to the west.

3.2. Application and Proposed Development

A Zoning By-law Amendment Application has been submitted by Evans Planning on behalf of 1000091294 Ontario Ltd. and Fortress Management and Financial Corp. to change the zoning from R2 in By-law 1784 to an appropriate zone category to construct a mixed-use development with two buildings of 18-storeys and 4-storeys respectively.

The original proposal was for 184 residential dwelling units within the 18-storey building and 26 residential units in the 4-storey building for a total of 210 residential units.

The proponent has revised the proposal to include smaller units within the original building form. The new proposal is for 224 units in the 18-storey building and 26 units in the 4-storey building for a total of 250 residential units.

A Site Plan Application will be required and will be approved through the Commissioner of Planning and Development.

A Plan of Condominium Application will also be brought forward to Council for consideration at a later date.

3.3. Documents Submitted in Support

A number of documents were submitted in support of the application, including the following:

- A Concept Plan prepared by KLMA, dated February 21, 2024 (refer to Attachment #3);
- Conceptual Renderings prepared by KLMA, dated February 21, 2024 (refer to Attachment #4);
- An Arborist Report prepared by Landscape Planning Landscape Architects, dated June 6, 2022, provides a tree inventory and preservation plan, a summary of tree removals and recommendations for pre-construction, construction, and post-construction;
- An Aviation Study prepared by Cormier Aviation Consultation dated May 4, 2023, provides an analysis of aviation aspects related to the Oshawa Airport, which concludes that the buildings will be vertically clear of the Outer Surface established by the Airport Zoning Regulations, but that the use of cranes during construction will require careful planning;
- A Functional Servicing and Stormwater Report prepared by GKD Designs Consulting Inc. dated October 28, 2023, provides an analysis of municipal water and sanitary servicing and stormwater management, and concludes that the subject development can be serviced by the existing municipal services;
- A Geotechnical Investigation prepared by SOLA Engineering dated September 29, 2023, provides an analysis of the soil and groundwater, and provides recommendations for construction;
- A Hydrogeological Assessment prepared by Harden Environmental Services Limited dated March 1, 2023, provides a summary of the groundwater and water balance, and makes recommendations for construction;
- A Noise Impact Study prepared by J.E. Coulter Associates Limited dated February 21, 2024, provides an analysis of noise generated by the adjacent road network and stationary noise sources and includes recommendations for air conditioning for all residential units and noise warning clauses to be registered on title;
- A Phase 1 Environmental Site Assessment (ESA) prepared by Fortis Environmental dated January 10, 2023, concludes that there are no areas of potential concern on the subject land and that a Phase 2 ESA is not required.
- A Planning Justification Report prepared by Evans Planning dated November 2023, provides an analysis of the provincial, regional, and local planning policies and concludes that the proposed development is appropriate and reflects good planning principles;
- A Stage 1-2 Archaeological Assessment prepared by ASI dated November 5, 2021 and May 26, 2022, notes that no archaeological resources were encountered during test pit surveys and that no further archaeological assessment is required; and,

- A Transportation Study prepared by CGE Transportation Consulting dated October 4, 2023, which concludes that the incremental traffic generated by the development can be accommodated by the existing transportation network and the proposed parking supply is adequate to support the development.

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, however commercial/retail uses may also be permitted in accordance with area municipal official plans.

The subject land is designated as Community Areas in the new Regional Official Plan adopted by Regional Council in May 2023. Community Areas are intended to develop as complete communities, providing a range of housing, transportation, and lifestyle choices, and creating opportunities for residents to live, shop, work and access services and amenities within their community.

4.2. Whitby Official Plan

The subject land is designated Mixed Use on Schedule 'A' – Land Use (refer to Attachment #5). The subject land is within the Rossland/Garden Urban Central Area Secondary Plan, however through Council-approved Official Plan Amendment 133, the secondary plan has been deleted and the parent Official Plan policies apply.

The Mixed Use designation is intended to provide an integrated mixture of land use activities, including residential, offices, retail, restaurants, and personal service uses (4.6.3.1).

Building height within the Rossland/Garden Urban Central Area are required to be a minimum of 2-storeys and a maximum of 18-storeys (4.3.3.4.4.2b).

High Density Residential development within a mixed-use building within an Intensification Area such as the Rossland/Garden Urban Central Area, are permitted to have a density range of 135 to 300 units per net hectare (4.4.3.6.1c).

The proposed development of an 18-storey mixed use building and 4-storey residential building with a maximum density of 300 units per net hectare conforms to the policies of the Whitby Official Plan.

4.3. Zoning By-law

The subject land is zoned R2 – Second Density Residential Zone in By-law 1784 (refer to Attachment #6). The R2 zone permits single detached dwellings, reflecting the current and former uses of the properties.

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

4.4. Urban Design Plan

Evans Planning Inc. and John G. Williams Limited were retained by the proponent to prepare an Urban Design Plan (UDP) for the land at the northeast corner of Rossland Road East and Garden Street, including the subject land (refer to Attachment #7). This conceptual and aspirational document was prepared in accordance with policies in the Whitby Official Plan and was endorsed by Whitby Council on June 24, 2019.

The Urban Design Plan area, if fully built out as proposed, could provide for approximately 882 residential units and 2,414 square metres (26,000 square feet) of commercial/office floor space within the Mixed Use land at the northeast corner of Rossland Road East and Garden Street. The proposed concept also includes a privately owned / publicly accessible gateway to the area, and private open space land including rooftop amenity space.

The proposed Zoning By-law Amendment application is consistent with the Council-endorsed Urban Design Plan.

4.5. Access Easement

A vehicular and pedestrian easement in favour of the Town of Whitby will be required over the driveway and main drive aisle from the Garden Street property line to the east property line and connecting to the south and north property lines. The easement shall provide vehicular and pedestrian access to Garden Street for the future development on land to the north of the subject property at 3145 Garden Street and south/east of the subject property at 708 Rossland Road East.

4.6. Conclusion

The subject land is designated for mixed use. Mixed Use areas are intended to support a variety of residential and non-residential uses.

The proposed development will serve to increase the range of dwelling types and businesses available within the community. The proposed development represents an urban form that is efficient and cost effective for servicing, storm water, transportation, and public transit systems.

The site details will be reviewed and approved through the Site Plan Approval process.

The proposed development represents an intensification opportunity within the built-up area of the Town of Whitby located within the 'Built Boundary', as defined by the Province. It provides an appropriate range and mix of housing types and densities to meet the needs of current and future residents. Development of the subject land for an 18-storey mixed use building and 4-storey residential building is appropriate as it is situated within the built-up area, along arterial roads with access to transit facilities.

The proposed development of 4-storey residential building along the north portion of the property provides transition to the existing low density residential neighbourhood.

All of the commenting departments and external agencies have indicated support for, or no objection to, the proposed development subject to their comments and conditions, as outlined in Section 7.

Based on the detailed review of the application and consideration of public and agency comments and requirements (refer to Section 6), it is concluded that the proposed development is consistent with the Provincial Policy Statement, and is in conformity with the Growth Plan, the Region's Official Plan, and the Town's Official Plan. The proposed development will also assist the Town to achieve its Municipal Housing Target of 18,000 new homes in Whitby by 2031. Therefore, it is recommended that Council approve the proposed Zoning By-law Amendment Application.

5. Financial Considerations:

Not applicable.

6. Communication and Public Engagement:

A Public Meeting was held on March 25, 2024, 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 #8a. Members of the public were in attendance to speak at the public meeting. Concerns raised included:

- increased traffic;
- disruptions and damage caused by construction;
- the density is too high;
- the tower should be reduced in height;
- overcrowding in schools;
- shadow impacts on the existing buildings;
- pedestrian safety; and
- building separation impacts that might affect future development at 708 & 714 Rossland Rd E.

Written correspondence is included in Attachment #8b which includes concerns regarding:

- noise, dust, and air quality during construction;
- increased traffic;
- damage to adjacent properties during construction;
- construction issues including access, material storage, contractor parking, schedule, site security and pedestrian safety;
- parking for future occupants and commercial staff and visitors;
- capacity of existing services and schools;
- noise from the future residents and vehicles;
- tower separation and impact on adjacent property's future development opportunities;
- loss of existing trees and green space;
- building height and density;
- loss of sun exposure; and,
- increase in crime.

The oral and written submissions by the public have been considered in determining the recommendation for approval of the Zoning By-law Amendment Application. As previously noted, the proposed development conforms to the Official Plan policies of the Region's and Town's OP. The following concerns raised above have been considered as follows:

- the proponent will be required to provide a construction management plan for approval that will consider pedestrian safety, contractor parking, material storage and dust control;
- the density and height meet the requirements of the Mixed Use designation;
- the school boards have advised that the existing schools will accommodate students generated by this development;
- the submitted shadow study shows that shadows from the development will not reach adjacent buildings in the April and September and in December will reach the low density dwellings to the north but will be exposed to sunlight at least two times at 10am, 12pm or 2pm, in accordance with the Shadow Study Guideline requirements;
- site landscaping will be reviewed and approved through the future Site Plan Application; and,
- transition of height is provided with the 4-storey stacked dwellings proposed on the north portion of the site.

All individuals who registered as an interested party at the statutory public meeting and any individual who provided written correspondence to the Town have been provided notice of the May 6, 2024, Committee of the Whole Meeting.

7. Input from Departments/Sources:

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

- Durham Catholic District School Board;
- Durham District School Board;
- Engineering Services; and,
- Financial Services.

Refer to Attachment #9 for additional detailed comments.

Internal Departments

Fire and Emergency Services

Comments provided by Fire staff include requirements to be addressed through the future Site Plan application, including revising the plan to show fire hydrants, fire routes, signage and fire alarm systems and sprinklers in accordance with the Ontario Building Code.

Refer to Attachment #9 for additional detailed comments.

External Agencies

Durham Regional Police Services

The proponent has worked with Durham Regional Police Services and the Region of Durham to relocate the existing microwave link on the Region of Durham Headquarters at 605 Rossland Road East.

Refer to Attachment #9 for additional detailed comments.

Oshawa Airport

Comments provided by Oshawa Airport outlines their requirements, including applications to Transport Canada, NAV Canada and Oshawa Airport for land use, lighting, and construction. The noise warning clauses and mitigation measures identified in the Noise Study will be registered on title through the future Site Plan Agreement.

Refer to Attachment #9 for additional detailed comments.

Region of Durham

Comments provided by the Region of Durham state that the proposed development would increase the range of housing types in the community and conforms with the Regional Official Plan and Provincial policies. The Region has no objection to the Zoning By-law Amendment Application and that the following can be addressed through a future Site Plan Application:

- Noise warning clauses and mandatory air conditioning is required for all new residential units;
- A 6.0m servicing easement is required in the driveway for the future servicing of 3145 Garden Street;
- Revisions are required to the Functional Servicing and Stormwater Management Report, Traffic Impact Study, and specified drawings; and,
- The existing bus shelter and pad shall be protected.

Refer to Attachment #9 for additional detailed comments.

8. Strategic Priorities:

The development of a mixed-use condominium development including an 18-storey mixed use building and 4-storey residential dwellings contributes to meeting the priorities of the Community Strategic Plan, specifically Action Item 1.3.4 under Pillar 1: Whitby's Neighbourhoods by providing a variety of housing options.

This report is in a fully accessible format, which addresses the Town's strategic priority of accessibility. The future Site Plan Application will be circulated to Accessibility staff for review.

The proposed mixed development increases the density on the subject land which provides a better use of existing infrastructure, which implements the Town's strategic priority of sustainability.

9. Attachments:

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Proponent's Concept Plan

Attachment #4: Proponent's Conceptual Renderings

Attachment #5: Excerpt from Official Plan Schedule A

Attachment #6: Excerpt from Zoning By-law 1784

Attachment #7: Rossland Road East and Garden Street Urban Design Plan

Attachment #8a: Public Meeting Minutes

Attachment #8b: Summary of Written Public Comments

Attachment #9: Agency & Stakeholder Detailed Comments