

# Town of Whitby Staff Report

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**Report Title:** Zoning By-law Amendment Application, 301, 315, 317 Colborne Street East, 304, 320 Dunlop Street East, and 205, 207 Athol Street. File No. DEV-38-24 (Z-19-24)

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**Report to:** Committee of the Whole

**Date of meeting:** February 24, 2025

**Report Number:** PDP 13-25

**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**

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## 1. Recommendation:

1. That Council approve the amendment to Zoning By-law 2585, (File No. Z-19-24) as outlined in Planning Report No. PDP 13-25, and;
2. That a by-law to amend Zoning By-law 2585 be brought forward for consideration by Council.

## 2. Highlights:

- A Zoning By-law Amendment Application has been submitted by GHD on behalf of Vandenoorn Properties Inc., for lands municipally known as 301, 315, 317 Colborne Street East; 304, 320 Dunlop Street East; and 205, 207 Athol Street. The application proposes to change the current zoning from Holding, Residential Type – 6 Downtown Zone (H-R6-DT) within Zoning By-law No. 2585 to an appropriate zone category to permit a proposed mixed-use development.
- The proposed development consists of three 6-storey residential buildings on a podium structure containing a total of 158 apartment units and 655.12 m<sup>2</sup> of ground floor commercial gross floor area.
- If approved, the proponent will be required to submit a Site Plan Application and Draft Plan of Condominium at a later date.

### 3. Background:

#### 3.1. Site and Area Description

The subject lands are comprised of seven separate properties located on the east side of Athol Street, the north side of Dunlop Street East, and the south side of Colborne Street East (refer to Attachment #1). The subject lands are approximately 0.68 hectares (1.68 acres) and are currently occupied by five single-detached dwellings and two apartment buildings.

The surrounding land uses include the following (refer to Attachment #2):

- Commercial uses (esthetics/spa use, child care facility) and vacant land to the north;
- A 4-storey apartment building and municipal parking lot to the west;
- A 6-storey apartment building to the east; and,
- Single detached residential dwellings, 3-storey apartment buildings, and commercial uses (auto repair facility) to the south.

#### 3.2. Applications and Proposed Development

A Zoning By-law Amendment Application has been submitted by GHD on behalf of Vandenoorn Properties Inc. to permit a mixed-use development consisting of three 6-storey residential buildings on a podium structure containing a total of 158 apartment units and 655.12 m<sup>2</sup> of ground floor commercial gross floor area. The two northerly buildings are connected via a single-storey podium fronting Colborne Street with ground floor commercial / retail uses as well as live work units (refer to Attachment #3). The existing single-detached dwellings at 217 and 219 Athol Street are not part of the subject application.

The Zoning By-law Amendment would remove the existing Holding Provision and rezone the lands to an appropriate zone category with site specific zoning standards to implement the proposed development. If approved, a future Site Plan Application would be required, as would a future Draft Plan of Condominium if the units are to be owner occupied tenancy.

#### 3.3. Documents Submitted in Support

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

- Planning Justification Report prepared by GHD, dated February 2023. The Planning Justification Report concludes that the proposal is in conformity with the Provincial Policy Statement, Growth Plan, Durham Regional Official Plan, Town of Whitby Official Plan, and constitutes good planning;

- Construction Management Report, prepared by R.J. Burnside, dated August 15, 2024. The report describes approaches and methods to minimize impacts from construction activities on the surrounding area.
- Civil Engineering Drawing Package, prepared by Burnside and Associates Limited, dated August 16, 2024.
- Architectural Drawing Package including Site Plan (Refer to Attachment #3) and Renderings (Refer to Attachment #4), prepared by Memar Architects, dated August 19, 2024.
- D6 Compatibility Study prepared by R.J. Burnside & Associates Limited, dated January 2023. The D6 Compatibility Study assessed the surrounding environment and found there were no expected odour or dust impacts from nearby industrial uses. The Study recommended a noise assessment be prepared to evaluate potential stationary noise impacts;
- Hydrogeological Assessment, prepared by R.J. Burnside and Associates Limited, dated February 2024 (revised July 2024), which examines the groundwater conditions and impacts on the proposed development of the site. The report finds short term dewatering is required for construction of the underground parking structure.
- Preliminary Geotechnical Investigation, prepared by DS Consultants Ltd., dated September 13, 2021. The report examines the subsoil conditions based on borehole samples and provides recommendations for the design and construction of the proposed development.
- Peer Review letter of the Preliminary Geotechnical Investigation, prepared by GeoBase Solutions Ltd. dated January 31, 2024 which finds the previous report valid provided that additional boreholes are drilled and tested if the buildings are to be supported by drilled caissons in shale bedrock.
- A letter, prepared by R.J Burnside and Associates, dated July 23, 2024, which indicates the proposed building will be designed utilizing a Watertight Foundation, in order to eliminate the need for long-term dewatering.
- Noise Impact Assessment prepared by R.J. Burnside and Associates, dated February 2024 which assess transportation and stationary noise impacts. The report recommends the use of ventilation sizing to accommodate air conditioning, acoustic barriers for outdoor living areas, and modification to ventilation and mechanical equipment, in order to mitigate noise impacts.
- Phase 1 Environmental Site Assessment (ESA) prepared by GeoBase Solutions dated January 28, 2023. The Phase 1 ESA found that there are

four areas of potential environmental concerns and therefore recommended further evaluation through the preparation of a Phase 2 ESA.

- Phase 2 Environmental Site Assessment (ESA) prepared by GeoBase Solutions Ltd., dated January 28, 2023. The Phase 2 ESA summarizes the results of soil and groundwater sampling and finds that there are exceedances of certain contaminants present in soil samples that will need to be further assessed and remediated.
- Functional Servicing Report and Stormwater Management Report prepared by R.J. Burnside dated February 2023, revised August 2024. The report finds there is sufficient existing Regional water and sanitary sewer capacity to service the proposed development and that stormwater management can be controlled to within the Town's design standards.
- A Plan of Survey prepared by IBW Surveyors, dated May 25, 2020, illustrating boundaries and structures on the site.
- A Transportation Study, prepared by R.J. Burnside & Associates, dated February 2023 and supplemented by a comment response letter dated August 15, 2024, which assesses the impact of the proposed development on the surrounding road network and provides justification for the proposed parking rate.
- A Voluntary Public Meeting Summary Report prepared by R.J. Burnside & Associates, dated September 2024. The report describes the approach and outcomes from a voluntary public meeting hosted by the applicant on August 20, 2024.

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

##### **4.1. Provincial Planning Statement**

The Provincial Planning Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. It replaces the previous Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe.

Policies of the PPS permit and facilitate the development of a full range housing options. The PPS indicates that settlement areas to be the focus of growth and development, and within settlement areas, growth is to be focused in Strategic Growth Areas (such as Downtown Whitby). The PPS encourages residential intensification and the redevelopment of underutilized sites and requires municipalities to promote densities which efficiently use land, resources, infrastructure and public service facilities, and supports active transportation.

Within Strategic Growth Areas municipalities are directed to permit development and redevelopment which supports the achievement of complete communities and a compact built form.

#### **4.2. Regional Official Plan (Envision Durham)**

The Region of Durham's new Official Plan, known as Envision Durham, was approved by the Province of Ontario on September 3, 2024. On January 1, 2025, the Province of Ontario removed the Region of Durham's land use planning approval authority, and the Town of Whitby became responsible for the implementation of Envision Durham.

The subject lands are located within Downtown Whitby, a designated Regional Centre and Strategic Growth Area. Policies for Strategic Growth Areas promote intensification and establishing complete communities that balance residential and non-residential growth. Strategic Growth Areas are to develop at higher densities and evolve into walkable and pedestrian/transit-oriented communities. Policies for Regional Centers require they be planned for a mix of context appropriate high-rise and mid-rise development, while providing for transition to adjacent areas. Envision Durham sets a minimum density target of 150 people and jobs per gross hectare for the Downtown Whitby Regional Centre.

Envision Durham outlines built form objectives for Strategic Growth Areas. This includes implementing transit-oriented design elements such as an urban grid street network, orienting entrances towards streets, providing at grade entrances and animation, providing a mix of residential, retail and commercial uses, and achieving a compact built form.

#### **4.3. Town of Whitby Official Plan, Downtown Secondary Plan**

The subject land is designated Residential and within the Major Central Area (MCA) Boundary as shown on Schedule A (refer to Attachment #5). The subject land is also part of Intensification Area #4 as shown on Schedule B. The north portion of subject land is designated Downtown Mixed Use Area and the south portion is designated High Density Residential as shown on Schedule H – Downtown Whitby Community Secondary Plan (refer to Attachment #6).

The Official Plan states that the Downtown Whitby MCA will be planned as a vibrant, mixed use centre, that provides a full range of uses, including retail, commercial, service, and residential uses. Official Plan policies broadly support redevelopment and intensification within the Downtown MCA (11.3.6.1.8) while considering the local context and character of surrounding uses and building form (11.3.6.1.9).

The Downtown Mixed-Use designation, which applies to the northern portion of the property, is intended to provide a mix of residential and commercial uses in a pedestrian-oriented manner at a density that supports frequent transit service

(11.3.7.7.2). New buildings are required to accommodate retail, office, and or service commercial at grade, with residential or additional non-residential uses above (11.3.7.7.3). The minimum building height is 2-storeys, and the maximum building height is 6-storeys, as indicated on Schedule I – Downtown Whitby Community Secondary Plan Building Height (refer to Attachment #7). There is no maximum permitted density (11.3.7.7.6.).

The High-Density Residential designation, which applies to the southern portion of the site, permits residential development up to 6-storeys and up to 8-storeys in specific locations (11.3.7.4.2). The minimum building height is 4-storeys (11.3.7.4.3), and the maximum building height for the subject lands is 6-storeys as indicated on Schedule I – (refer to Attachment #7). There is no maximum permitted density (11.3.7.4.4).

The Official Plan provides guidance on design and built form considerations for lands within the Downtown Secondary Plan Area. This includes policy direction for buildings to be oriented and massed towards the street while providing for active at grade uses that animate the streetscape. Canopies, overhangs, and other architectural elements are encouraged, in order to create a diverse and active streetscape. The use of setbacks, building step-backs, and 45 degree angular plane may provide for transition from new development and the existing surrounding context.

#### **4.4. Zoning By-law**

The subject land is zoned Holding – Residential Type 6 – Downtown Zone (H-R6-DT - Refer to Attachment #8). The current zoning permits a range of residential uses and some limited non-residential uses (day nursery). Permitted residential uses include different forms of townhouse dwellings, boarding and lodging house, retirement home, and apartment dwellings (up to 6 stories), and others.

The 'H' - Holding Provision precludes the development of the land until such time that certain conditions are met. Conditions for removing the 'H' relate to confirmation that there is adequate sanitary sewer, municipal water, and storm water servicing facilities / capacity for the proposed development.

An amendment to the Zoning By-law is required to lift the holding provision and to permit the proposed development. Site Specific amendments will be required to permit the non-residential uses in the ground floor podium, and to permit the proposed parking, setbacks, lot coverage, and other requirements determined as requiring relief from the parent Zoning By-law provisions.

#### **4.5. Conclusion**

The proposal would redevelop and intensify existing residential uses within Downtown Whitby. The proposal represents efficient use of land and resources, and future residents/tenants will be within proximity to nearby transit services. The development will add a mix of residential and commercial uses, contributing to the “complete community” and compact built form in Downtown Whitby. The proposed development is consistent with the policies of the Provincial Planning Statement.

The proposed development would introduce a six (6) storey mixed-use development within Downtown Whitby. The northern portion of the proposal includes ground floor retail/commercial uses which will front Colborne Street. The proposed built form is compact and street oriented and the overall density would exceed the Envision Durham target of 150 people and jobs per hectare. The proposed development utilizes building step-backs and demonstrates adherence to the 45 degree angular plane to existing Low Density Mature Neighbors on the south side of Dunlop Street East. The proposed development conforms to Envision Durham and the Town of Whitby Official Plan. Additionally, the proposed development will contribute to the achieving the Province’s allocation and the Town’s pledge of 18,000 new units by 2031.

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

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 December 9, 2024, in accordance with the Town of Whitby Official Plan and the Planning Act. This meeting provided the public and interested agencies with the opportunity to make representation in respect to the Zoning By-law Amendment Application. The meeting minutes are included in Attachment #9. One adjacent property owner spoke at the meeting with concerns related to impacts from adjacent development and construction with respect to vibration, water impact, sewage and water supply capacity, and transportation/traffic.

All individuals who registered as an interested party at the statutory public meeting and any individual who requested to be an interested party have been provided notice of the February 24, 2025 Committee of the Whole Meeting.

Aside from an email received regarding general information and details of the proposal, there was no written public correspondence on the application.

The oral submission from the Public Meeting noted above was considered in determining the recommendation for approval of the Zoning By-law amendment application. Issues related to construction (e.g. vibration) will be addressed through a Construction Management Plan (CMP), which will require the approval of the Engineering Division prior to commencement of construction. As noted earlier, the proponent has confirmed that sufficient water and sewer services are available as well as the ability to accommodate stormwater. Finally, The Transportation Study has provided sufficient justification to support the proposed parking rate.

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

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

- Durham District School Board; and,
- Durham Regional Police Services.

### **7.1. Internal Departments**

#### **Whitby Engineering Services**

Comments provided by Whitby Engineering Services indicate no objection to the proposed Zoning By-law Amendment Application. Detailed comments are provided which can be addressed at the Site Plan application stage.

Refer to Attachment #10 for additional detailed comments.

#### **Whitby Financial Services**

Comments provided by Financial Services staff outline the Town's standard requirements for the payment of development charges and cash-in-lie of parkland.

Refer to Attachment #10 for additional detailed comments.

#### **Whitby Fire and Emergency Services**

Fire and Emergency Services have provided comments related to the design and function of the building from a fire fighting and emergency management perspective. Specific requirements related to communication systems, fire alarm monitoring systems, structural integrity, fire ratings, and water supply are outlined.

Refer to Attachment #10 for additional detailed comments.

### **7.2. External Agencies**

#### **Region of Durham**



The Region of Durham provided comments indicating that as of January 1, 2025 the Region is considered an Upper-tier municipality without planning responsibility. Accordingly, the Town needs to satisfy itself with respect to conformity with the Durham Region Official Plan and applicable provincial plans and policies.

With respect to regional servicing, the Region provided a number of detailed comments that can be addressed through the future Site Plan application.

Refer to Attachment #10 for additional detailed comments.

## **8. Strategic Priorities:**

The development review process has provided an opportunity for public and agency input. The realization of higher density mixed use development on the subject land will contribute to meeting the priorities of the Community Strategic Plan, specifically:

- Action Item 1.3.4 under Pillar 1: Whitby's Neighbourhoods by contributing to the diversity of the Town's housing options;
- Action Item 3.1.2 Under Pillar 3: Whitby's Economy by providing for additional commercial/retail space and broadening the commercial tax base.

## **9. Attachments:**

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Proponents Proposed Site Plan

Attachment #4: Renderings of Proposed Development

Attachment #5: Excerpt from Whitby Official Plan Schedule A – Land Use

Attachment #6: Excerpt from Whitby Official Plan Schedule H – Downtown Whitby Community Secondary Plan Land Use

Attachment #7: Excerpt from Whitby Official Plan Schedule I – Downtown Whitby Community Secondary Plan Building Height

Attachment #8: Excerpt from Zoning By-law 2585

Attachment #9: Public Meeting Minutes

Attachment #10: Agency & Stakeholder Detailed Comments