

Town of Whitby

Staff Report

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Report Title: Official Plan Amendment & Zoning By-law Amendment Applications – Baldwin Street Holdings Inc. (Ollie Switch Corporation), 91, 95 & 99 Baldwin Street, File No.: DEV-24-24 (OPA-2024-W/08& Z-11-24

Report to: Committee of the Whole

Date of meeting: April 7, 2025

Report Number: PDP 20-25

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

For additional information, contact:

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1. Recommendation:

1. That Council approve Official Plan Amendment Number 144 to the Whitby Official Plan (File: OPA-2024-W/08), as shown on Attachment #8 to Report PDP 20-25, and that a By-law to adopt Official Plan Amendment Number 144 be brought forward for consideration by Council;
2. That Council approve an amendment to Zoning By-law No. 1784 (Z-11-24), subject to the comments included in Report PDP 20-25 and,
3. That a By-law to amend Zoning By-law #1784 be brought forward for consideration by Council at a future date.

2. Highlights:

- Applications for an Official Plan Amendment and a Zoning By-law Amendment have been submitted by Weston Consulting, on behalf of Baldwin Street Holdings Inc. (Ollie Switch Corporation) for lands municipally known as 91, 95 & 99 Baldwin Street.
- The proposed development consists of two, 4-storey apartment buildings containing a total of 216 residential dwelling units, together with 473 square metres of non-residential floor space.
- The Official Plan Amendment application seeks to increase the maximum permitted residential density from 85 units per net hectare to 233 units per net hectare, and the Zoning By-law Amendment application seeks to change the zoning to an appropriate zone category to permit a proposed mixed-use development.
- If approved, a related Site Plan application will proceed through the Commissioner of Planning and Development at a future date. Development and site alteration will not be permitted until such time that Site Plan Approval is granted.

3. Background:

3.1 Site Area and Description

The subject land is located at the south-east corner of Baldwin Street and George Street, and is municipally known as 91, 95 & 99 Baldwin Street (refer to Attachment #1). The subject land is currently vacant and is approximately 1.1 hectares (2.8 acres) in size.

Surrounding land uses include residential uses (single detached dwellings) to the north and east, an institutional use to the west (Renascent Centre); and a portion of Lynde Creek and existing residential uses (single detached dwellings) to the south (refer to Attachment #2).

3.2 Previous Applications

In 2017, a Zoning By-law Amendment application (File: Z-17-15) was approved, and a Site Plan application (File: SP-17-15) was submitted for review, but did not progress to the approval stage. The proposal in 2017 included one 3-storey, 96-unit mixed use building fronting onto Baldwin Street with commercial uses at grade.

3.3 Current Applications and Proposed Development

The proponent has submitted a revised concept plan that proposes a mixed-use development consisting of two 4-storey apartment buildings, containing 216

dwelling units together with 473 square metres of non-residential floor space at grade (refer to Attachments #3 and #4).

An Official Plan Amendment Application (OPA-2024-W/08) has been submitted by the proponent to increase the maximum permitted net residential density from 85 units per net hectare to 233 units per net hectare.

A Zoning By-law Amendment application (Z-11-24) has also been submitted by the proponent to amend the existing site-specific zoning from Commercial Type 1 – Village of Brooklin Zone – Exception 3 (C1-VB-3) and Greenbelt (G) to appropriate zone categories. Based on the proponent's submitted site plan, relief from the Zoning By-law will be required to permit a minor increase in building height from 3-storeys to 4-storeys, as well as permit reductions to the front yard depth, interior side yard setbacks, separation distance between interior buildings, parking requirements, lot area, and private amenity space.

In addition to the Official Plan and Zoning By-law Amendments, the proponent will also be required to submit a Site Plan application for review and approval prior to undertaking any site alteration or development on the subject land. The proponent has advised staff that an application for Site Plan Approval will be submitted at a future date.

3.4 Documents Submitted in Support

A number of documents and studies have been submitted in support of the Official Plan Amendment and Zoning By-law Amendment applications, and have been reviewed by the Town and relevant external agencies, including the following:

- A Planning Justification Report, prepared by Weston Consulting, dated May, 2023;
- An Arborist Report & Tree Inventory, and Tree Preservation Plan, prepared by Baker, Turner Inc. Landscape Architecture/Site Design, dated May & June, 2024;
- An Architectural Package prepared by Ollie Switch Developments dated June 11, 2024;
- Cross Section Details prepared by Husson Engineering & Management, dated May,10, 2024;
- A Cultural Heritage Impact Assessment Conformity to HCD Plan (Addendum No.1) prepared by Vincent J. Santamaura, Architect Inc., dated May,15, 2024;
- A Draft Proposed Official Plan Amendment, prepared by Weston Consulting;

- A Draft Proposed Zoning By-law Amendment, prepared by Weston Consulting;
- An Environmental Impact Study, prepared by Beacon Environmental Ltd., dated May, 15, 2023;
- A Preliminary Environmental Noise Report, prepared by Jade Acoustics, dated May 23, 2023;
- An Erosion and Sediment Control Plan, prepared by Husson Engineering and Management, dated May, 10, 2024;
- A Servicing Plan, Functional Servicing and Stormwater Management Report prepared by Husson Engineering and Management, dated May, 2024;
- A Geotechnical Investigation Report, prepared by Cambium Inc., dated May, 14, 2024;
- A Grading Plan, prepared by Husson Engineering and Management, dated May, 10, 2024;
- A Hydrogeological Assessment, prepared by Cambium Inc., dated May, 15, 2024;
- A Phase 1 Environmental Site Assessment, prepared by Soil Engineers Ltd., dated July 13, 2024;
- A Servicing Plan, prepared by Husson Engineering and Management, dated May, 10, 2024;
- A Site Plan (concept plan), prepared by Weston Consulting, dated June 11, 2024;
- A Stage 1 Archeological Assessment, prepared by Archaeological & Cultural Heritage Services, dated June, 2015; and,
- A Transportation Study, prepared by Paradigm Transportation Solutions, dated May 2023 and March 2024.

4. Discussion:

4.1 Provincial Planning Policies

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 are to be the focus of growth and development, encourages residential intensification and the redevelopment of

underutilized sites, requires municipalities to promote densities which efficiently use land, resources, infrastructure and public service facilities, and supports active transportation.

4.2 Envision Durham

The subject land is designated “Community Areas” and “Major Open Space” within Envision Durham. Envision Durham also identifies the lands as being located along a “Regional Corridor”, and within proximity to a “High Frequency Transit Network” (Baldwin Street).

Community Areas are intended to offer a complete living environment for Whitby’s residents, and are to be comprised of housing, and commercial uses such as, retail shopping and personal service uses, offices, institutional uses, community uses, and public service facilities. Transit-supportive densities are also encouraged along Regional Corridors such as Baldwin Street. Furthermore, for the portion of land designated as a Major Open Space Area, these areas are to predominantly be used for environmental protection and conservation uses. The proposed development conforms to the policies of the Envision Durham Official Plan.

4.3 Town of Whitby Official Plan

The subject land is designated Mixed Use and Natural Hazard on Schedule A – Land Use of the Whitby Official Plan (refer to Attachment #5).

The subject land is designated Mixed-Use 2-HCD, with a portion designated Natural Hazards on Schedule ‘K’ - Brooklin Community Secondary Plan (refer to Attachment #6). The subject land is also located within the Major Central Area of the Brooklin Community Secondary Plan (refer to Attachment #7).

The intent of the Mixed-Use land use designation is to encourage a mix of residential and commercial development and redevelopment, while ensuring an intensive, transit-supportive and efficient use of land (Policy 4.6.1.1).

Lands designated Mixed-Use 2-HCD shall permit integrated mixed-use developments and redevelopments that include community and/or institutional uses, while recognizing the unique heritage character of the Brooklin Heritage Conservation District Plan area. Within Mixed-Use areas, lands shall contain two or more uses, integrated within the same building or on the subject land. The maximum permitted building height within the Mixed-Use HCD designation is 4-storeys and the maximum permitted residential density is 85 units per net hectare. An Official Plan Amendment is required to increase the maximum permitted residential density from 85 units per net hectare to 233 units per net hectare.

With regards to Natural Hazards (Policy 5.3.10) the extent and exact location of Natural Hazards are to be determined through an Environmental Impact Study

and set out in any implementing Zoning By-laws in consultation with the Conservation Authority.

It is recommended that draft proposed Official Plan Amendment #144 (refer to Attachment # 8) be approved, as: it would help achieve the Town's pledge of 18,000 additional units; it provides increased housing through intensification within a Central Area where it is intended to occur; it is compatible with planned and existing uses; it is suitable for the proposed use; and, the height and massing of the building is permitted by the policies of the existing Official Plan. It is also recognised that recent Council adopted amendments to the OP for Strategic Growth Areas and the Protected Major Transit Station Area have removed requirements for density, relying instead upon height and massing to assess community impact. That same approach will be considered going forward for other areas of the Town and has been applied for this application.

Brooklin Heritage Conservation District (HCD) Plan Area

The subject land is designated under Part V of the Ontario Heritage Act as it is located within the Brooklin Heritage Conservation District (HCD) Plan area.

The proposed Official Plan Amendment and Zoning By-law Amendment applications were provided to the Heritage Whitby Advisory Committee (HWAC) for consideration and comment at its meeting on January 14, 2025. The Heritage Whitby Advisory Committee expressed no objection to the proposed development.

A Heritage Permit application, together with an updated Cultural Heritage Impact Assessment will be provided for HWAC review and consideration as part of the proponent's future Site Plan Application.

4.4 Zoning By-law

The subject land is zoned Commercial Type 1 – Village of Brooklin Zone – Exception 3 (C1-VB-3) and Greenbelt (G) within Zoning By-law 1784 (refer to Attachment #9).

The C1-VB-3 zone permits a building(s) not exceeding 3-storeys, which includes a mix of commercial and residential uses in the form of apartment dwellings in conjunction with one or more commercial uses as permitted within the C1-VB-3 zone category. This site-specific zoning by-law was intended to implement a previously approved plan for the subject land in 2017.

An amendment to the Zoning By-Law is required to permit the proposed 4-storey mixed-use development. More specifically, site-specific changes to the zoning provisions are required to reduce the front yard depth, interior side yard setbacks, separation distance between interior buildings, parking requirements, lot area, and private amenity space.

It is recommended that the proposed Zoning By-law Amendment be approved, and that the amending Zoning By-law be brought forward for Council's consideration at a future date.

4.5 Future Application

Should the Official Plan and Zoning By-law Amendments be approved, a Site Plan Application will be required, and will be reviewed and processed by the Commissioner of Planning and Development prior to any site alteration and development.

5. Financial Considerations:

Not Applicable.

6. Communication and Public Engagement:

A Statutory Public Meeting was held on December 9, 2024, in accordance with 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 applications. There were 5 individuals who provided correspondence prior to/at the public meeting. An excerpt of the meeting minutes is included in Attachment #10.

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 April 7th, 2025, Committee of the Whole Meeting.

Comments raised by interested parties during the public meeting included:

- Concerns surrounding the possibility of increased traffic and difficulties entering and exiting the proposed development from Baldwin St.;
- Proximity of the proposed development to Lynde Creek as well as stormwater runoff mitigation;
- Stormwater management during the construction process, including how surrounding properties and the Lynde Creek will be protected from runoff; and
- How the proponent will address bore holes that were drilled on an adjacent property to subject land.

Written public correspondence was also received and included various concerns regarding:

- Building height and setbacks;
- Density (total number of units);

- The fit of the proposed building design with the surrounding neighbourhood character;
- Construction management practices, and the potential for impacts on abutting properties, related to emergency site access, impacts on abutting structures during excavation and air quality;
- Increased traffic and the appropriateness of site access points;
- Stormwater run-off; and,
- Assurance of water and sewage infrastructure capacity to support the proposed development.

The oral and written submissions from the public have been considered in the review and assessment of the applications. The concerns raised above were considered by the applicant's consultants and by commenting departments and agencies as follows:

- The Traffic Impact Study (TIS) dated May 2023 determined the development of the subject site is forecasted to have minor impact on the traffic operations at the adjacent intersection. The studied intersections (Baldwin St. & Colson Ave./George St., Baldwin St. & Way St./Pearl St., Baldwin St. & Winchester Rd.) are forecasted to operate at similar levels of service. The TIS also concluded that the proposed access connection with Baldwin Street can be accommodated. Furthermore, the Ministry of Transportation (MTO) indicated that they are supportive of the proposed development in principle and further review will take place at the Site Plan stage.
- The Functional Servicing and Stormwater Management Report found pre-development drainage catchments will be generally maintained with the all-site drainage directed to Lynde Creek. The Environmental Impact Study (EIS) concluded that the regulatory floodplain associated with the watercourse that extends onto the subject property as well as natural features and hazards have been protected and are located entirely outside the limit of development. Mitigation measures have been recommended to avoid and minimize potential impacts and ensure the protection and integrity of the natural heritage system. The Central Lake Ontario Conservation Authority (CLOCA) is satisfied that any environmental features will not be negatively impacted by this development provided the EIS's recommended mitigation and enhancement measures are followed.
- Regarding construction activities and safety concerns, a construction management plan (CMP) will be required as part of the future site plan application. The CMP will be approved by the Engineering Services, and the proponent will be required to adhere to the approved plan throughout the construction process.

- Regarding comments related to the density, height and neighbourhood character surrounding the proposed development, the Cultural Heritage Impact Assessment (CHIA) concluded that the proposed development is generally in conformity with the Brooklin Heritage Conservation District plan and will have no negative impact on the heritage character of the Brooklin Heritage Conservation District.
- With respect to noise impacts, the noise report concluded that the sound levels will be within the appropriate environmental noise criteria with the appropriate mitigation measures implemented including appropriate architectural elements for exterior walls, windows, doors and roof construction.
- Lastly, with regards to boreholes that were identified on abutting lands, this is a private property matter, which was relayed to the proponent so that they could contact the affected abutting landowner directly.

7. Input from Departments/Sources:

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

The following external departments and agencies have reviewed the relevant documents and have no comments/no objections to the proposed Official Plan and Zoning By-law Amendments:

- Durham Catholic District School Board;
- Durham French Catholic School Board;
- Durham French Public District School Board; and,
- TransCanada Pipeline.

Internal Departments:

Whitby Engineering Services

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

Refer to Attachment #11 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-lieu of parkland.

Refer to Attachment #11 for additional detailed comments.

Whitby Fire and Emergency Services

Whitby Fire and Emergency Services (WFES) provided comments outlining requirements for fire route access, water supply, piping and connections, fire hydrants, and the parking garage. These details will be further evaluated through subsequent Site Plan Application.

External Agencies:

Central Lake Ontario Conservation Authority (CLOCA)

CLOCA staff have no objection to the applications subject to conditions related to features and appropriate buffers within the hazard land area, being zoned (G) Greenbelt or an appropriate zone category; that a future site plan application be circulated for their review; and that the required permits and fees be obtained prior to any site alteration and/or development. CLOCA staff determined that the Environmental Engineering, Geotechnical Report and Hydrogeological assessment related to slope stability and hydrogeology and stormwater management were acceptable.

Durham District School Board

Durham District School Board commented that the students generated from the development will attend existing neighbourhood schools and have no objection to the proposed application.

Durham Region Public Works

Durham Region has no objections to the proposed Official Plan and Zoning By-Law Amendments. Durham Region provided comments regarding servicing, wastewater, water distribution and waste management which can be addressed through a future Site Plan Application.

Enbridge

Enbridge Gas does not object to the proposed applications.

Ministry of Transportation (MTO)

The MTO are supportive of the proposed development. Further review will occur as part of the future Site Plan Application.

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; and,
- Action Item 3.1.2 Under Pillar 3: Whitby's Economy by providing for additional commercial/retail space and broadening the commercial tax base.

The report is also in a fully accessible format, which addresses the Town's strategic priority of accessibility.

9. Attachments:

- Attachment #1: Location Sketch
- Attachment #2: Aerial Context Map
- Attachment #3: Applicant's Proposed (Conceptual) Site Plan
- Attachment #4: Applicant's Proposed Building Elevations
- Attachment #5: Excerpt from the Town of Whitby Official Plan Schedule 'A' – Land Use
- Attachment #6: Excerpt from the Town of Whitby Secondary Plan Schedule 'K' – Brooklin Community Secondary Plan
- Attachment #7: Excerpt from the Town of Whitby Secondary Plan Schedule 'K1' – Downtown Brooklin Major Central Area
- Attachment #8: Draft Proposed Official Plan Amendment #144
- Attachment #9: Excerpt from Zoning By-law #1784
- Attachment #10: Public Meeting Minutes
- Attachment # 11: Detailed Agency and Department comments