

Town of Whitby Staff Report

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Report Title: Final Recommended Official Plan Amendment –
Downtown Whitby Community Secondary Plan – File
No. DEV-21-20 (OPA-2020-W/03):

Report to: Committee of the Whole

Date of meeting: February 27, 2023

Report Number: PDP 61-22

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 adopt Amendment 126 to the Whitby Official Plan, regarding the updated Downtown Whitby Community Secondary Plan, as outlined in Report PDP 61-22;
2. That the Clerk forward the necessary documentation for the Official Plan Amendment to the appropriate approval authority, within fifteen days of adoption of Amendment 126 to the Whitby Official Plan; and
3. That the Clerk send a Notice of Council's adoption of Amendment 126 to those persons and agencies who have requested further notification regarding the Downtown Whitby Secondary Plan Update.

2. Highlights:

The purpose of the Town-initiated Official Plan Amendment, is to replace Section 11.3 - Downtown Whitby Secondary Plan, and introduce updated policies and land use designations, to guide future growth and development in the Downtown Whitby Community Secondary Plan Area.

The update is required to bring the Secondary Plan into conformity with previous Provincial and Regional policy changes, as well as the 2018 update of the Whitby Official Plan. Downtown Whitby is one of a number of Major Central Areas, and Intensification Areas, identified in the Whitby Official Plan. These areas are intended to support long-term population and employment growth, in a manner that is appropriate for each unique area.

The Downtown Whitby Secondary Plan Update has been led by SGL Planning and Design and their consulting team. The final recommended Secondary Plan has been guided by the development of a Vision and Objectives for Downtown Whitby, and informed by a comprehensive technical [Background Analysis Report](#), an analysis of [Land Use Concept Options](#), and a [Preferred Concept Plan](#).

The Secondary Plan update process has involved extensive consultation and engagement activities with a Core Staff Team across Town departments and a Technical Advisory Committee. Three (3) Community Open Houses occurring over Dec 2020 – March 2022 garnered public and stakeholder feedback from over 200 participants. Engagement also included staff discussions with property and business owners located in the Secondary Plan area.

On May 30, 2022, Council held a Statutory Public Meeting regarding Draft Proposed Official Plan Amendment 126 for the updated Downtown Whitby Community Secondary Plan, and authorized staff to report back to Council at such time as input from the public, commenting agencies and departments had been received and assessed.

Based on public, stakeholder, and agency feedback to date, the Consultant team has made final revisions to the Recommended Official Plan Amendment 126, to present the final recommended Downtown Whitby Community Secondary Plan for Council consideration.

3. Background:

Whitby's population is growing and is forecasted to reach approximately 193,000 by 2031.

The original Downtown Whitby Secondary Plan was adopted in 1989. An update is required to ensure conformity with Provincial and Regional land use policy changes over the last three decades. The update also aligns with the 2018 update of the Whitby Official Plan, which identified Downtown Whitby as one of a number of Major Central Areas across the municipality, planned to absorb future population and employment growth (Refer to Attachment #1)

Downtown Whitby is also identified as an Intensification Area on Schedule B of the Official Plan, and is intersected by Dundas St and Brock St, two Intensification Corridors (refer to Attachment #2). Intensification Areas and Corridors provide development and redevelopment opportunities for higher density uses to support higher order transit, while encouraging the development of unique urban, human-scale, and accessible spaces.

The updated Downtown Whitby Community Secondary Plan provides policies and an implementation framework, including the following:

- guiding future population and job growth, land use, and development in an appropriate manner for Downtown Whitby;
- maintaining and enhancing the area’s unique cultural heritage, economic strengths, and sense of place;
- supporting a range of housing options and a mix of uses;
- improving access to transit and active transportation options;
- enhancing public open space, walkability, and the natural environment; and,
- promoting a healthy, vibrant and sustainable downtown core that provides a high quality of life for residents, businesses, and visitors to the area.

The subject land to which the Downtown Whitby Community Secondary Plan applies is generally bound by the Canadian Pacific Rail line to the north, Garden Street to the east, Highway 401 to the south and Cochrane Street to the west and is illustrated in Attachment #3. This area includes the Downtown Whitby Major Central Area and Intensification Area and Corridors, as well as adjacent neighbourhoods, to ensure growth is managed in a comprehensive manner.

The Downtown Whitby Secondary Plan was initiated in May 2020 by Town-retained consultants, SGL Planning and Design and their consultant team. The Secondary Plan update has involved the following four (4) project phases:

	Key Deliverables	Public and Stakeholder Engagement	Further Information*
Phase 1 (Completed 2021)	Background Review and Analysis Report	Phase 1 Virtual Community Open House: December 03, 2020 to January 07, 2021. Purpose: Project introduction and visioning exercise; understand challenges, ideas and opportunities for Downtown Whitby (107 Participants)	Report PL 09-21

<p>Phase 2 (Completed 2021)</p>	<p>Two Land Use Concept Options</p>	<p>Phase 2 Virtual Community Open House: June 3 – 23, 2021. Purpose: Gain feedback on conceptual land use and building height options (92 Participants)</p>	<p>Report PL 24-21</p>
<p>Phase 3 (Completed 2022)</p>	<p>Preferred Concept Plan</p>	<p>Phase 3 Virtual Community Open House: Feb 10 – March 04, 2022 Purpose: Gain feedback on the preferred plan, and proposed policies, to inform the draft Secondary Plan update. (22 Participants; 12 Formal Comment submissions)</p>	<p>Report PDP 08-22</p>
<p>Phase 4 (Current Phase)</p>	<p>Public Meeting Draft Proposed Official Plan Amendment Final Recommended Official Plan Amendment</p>	<p>Statutory Public Meeting under the Planning Act (held May 30, 2022) & Formal agency circulation for comment on the Draft Proposed OPA Final Recommended OPA presented for Council Consideration and Adoption</p>	<p>Report PDP 34-22 Report PDP 61-22</p>

*Copies of previous reports are available upon request.

A Comment-Response Matrix is provided in Attachment #4, summarizing comments from the Statutory Public Meeting, written Public Comment Submissions and comments from external agencies. While longer comment submissions have been paraphrased in the attached Matrix, all comments have been taken into consideration.

In addition, Phase 1 through 3 engagement summaries for each Virtual Community Open House, and all project materials, are available on the project page at: connectwhitby.ca/downtownsecondaryplan. Over 3,000 residents and stakeholders have visited the project page to date.

Engagement also included staff meetings with property owners and prospective development proponents located in the Secondary Plan area, to answer questions about the Secondary Plan process, proposed changes, and future implementation.

Refer to Sections 6 and 7 of this report for further information on project communications and consultation.

4. Discussion:

The Comment-Response Matrix provided in Attachment #4, summarizes comments from the Statutory Public Meeting held May 30, 2022, written Public Comment Submissions and comments from external commenting agencies, on the previous draft proposed Official Plan Amendment for the Downtown Whitby Community Secondary Plan. Comments focused on the following themes, which have informed the final recommended amendment:

- How changes in land use relate to existing zoning (e.g. Residential only vs Mixed Used) - In some cases, land use designations have been changed to align with existing zoning, in other cases, zoning would be updated to align with land use designations through the Comprehensive Zoning By-law Review.
- Maximum height and density permissions – Appropriate heights and related density policies have been analyzed and developed based on consultation feedback. The highest permitted height is 8-storeys. Higher buildings are permitted in other areas across Whitby, which can better support increased intensification (e.g. Whitby GO Major Transit Station Area, Brock and Taunton Major Central Area).
- Transition in height and density to lower density areas – 45 degree angular plane polices have been incorporated to ensure an appropriate transition to neighbouring areas of lesser height and density.
- Future increased traffic and safety issues – policies have been reviewed and revised to plan for traffic management. Additional traffic impact studies would be undertaken for any significant road changes. Future connections are identified to improve not only vehicular, but also pedestrian and other active transportation movement.
- Metrolinx Bus-Rapid Transit line and general comments related to transit-oriented development – the final recommended Secondary Plan policies speak to supporting planned transit through development and redevelopment.
- Improving access to parks and open spaces – several parks and urban squares are identified on the final recommended Land Use Schedule H. Privately owned, publicly accessible parks are also encouraged.
- Conservation of heritage properties/heritage character of the area – the final recommended land use categories, building heights, and polices support the continued preservation of Cultural Heritage Resources and the enhancement of the overall heritage character of the Downtown Whitby area, while allowing for intensification where appropriate to enliven the Downtown area and manage future population and employment growth.

4.1 Recommended Amendment

The following provides an overview of the proposed amendment (refer to Attachment #3)

A Vision and Objectives were developed based on feedback from consultation during each project phase to guide the Downtown Whitby Community Secondary Plan update.

Vision:

- Downtown Whitby is a vibrant, sustainable, innovative, inclusive and walkable urban destination, where our heritage is conserved and celebrated and where residents, employees and visitors are inspired to shop, live, work, play and connect.

Objectives:

- Conserve and Enhance Cultural Heritage Resources;
- Provide the Right Built Form in the Right Place;
- Improve the Public Realm;
- Encourage Sustainability;
- Support Innovation and Technology;
- Design for Accessibility;
- Enhance Road Networks and Connectivity;
- Encourage Active Transportation;
- Improve Parking;
- Establish a Transit Oriented Downtown; and,
- Enhance the Vitality and Viability of the Downtown.

The Vision and Objectives provide the foundation for the final recommended Secondary Plan policies, as well as Land Use and Building Height Schedules.

Land Use and Height Schedules:

The final recommended Schedule H – Land Use and Schedule I – Building Heights (Refer to Attachment #1), are summarized as follows:

- A Heritage Mixed Use designation reflects the unique, historic built form character of the Four Corners area in Downtown Whitby;
- Expands the Mixed Use core, and concentrates intensification along Dundas Street and Brock Street, which are designated by the Town Official Plan as Intensification Corridors. Mixed use intensification would generally be in the form of low to mid-rise buildings. At the edges of the Secondary Plan area, taller buildings, up to 8-storeys may be permitted, including along Consumers Drive to support the nearby Whitby GO Station.

- Increases local road and/or active transportation connections to continue the historic grid pattern of Downtown Whitby, improve traffic flow, and increase overall connectivity.

The final recommended policies for the Downtown Whitby Community Secondary Plan are also provided in Attachment #1 to this report. The following provides a summary of key policy directions.

Residential Land Use Designations:

- **Low Density Mature Neighbourhoods:** Limited infill is permitted in mature residential neighbourhoods, provided it is compatible with the physical character of the surrounding neighbourhood building types, height, scale, massing, and setbacks. Permitted heights would not exceed 2-storeys, except for where the Zoning by-law may consider areas where a third storey above the roofline would be permitted.
- **Low Density Residential:** These lands are concentrated within the Beech Street Area and permitted heights would not exceed 3-storeys.
- **Medium Density Residential:** Recognizes existing medium density developments, areas for newer development, primarily adjacent to the Mixed-Use Corridor area, as well as along Beech Street. Permitted heights would not exceed 4-storeys, or as identified on Schedule I.
- **High Density Residential:** Recognizes existing apartment developments within Downtown Whitby, and permits residential development up to 6-storeys, with some taller height permissions up to a maximum of 8-storeys in specific areas as identified on Schedule I. The minimum required height is 4-storeys.
- **Residential Density Thresholds:** A specific maximum density threshold is not provided. Instead, an appropriate density would be achieved through the built form requirements for transition, height, setbacks, and step backs from areas with lesser densities, mature neighbourhoods, and heritage properties.
- **Beech Street Area:** Lands on the north and south side of Beech Street are comprised of existing local industrial uses. When these uses leave, the lands would be planned for future low and medium density residential uses, to better fit with the existing character of the surrounding mature neighbourhood, and to provide more housing.

Mixed Use Designations:

- **Heritage Mixed Use:** Encompasses the Four Corners historic area and existing designated heritage properties, which would create a larger, mixed use heritage core, permitting a broad range of ground floor commercial and community uses, with residential uses above, to respect the “main street” historic low-rise character and pedestrian experience. Maximum building heights are up to 3-storeys, as identified on Schedule I, and the minimum building height is 2-storeys.
- **Downtown Mixed Use:** Generally located along Dundas Street, Brock Street South, and Colborne Street, surrounding the Heritage Mixed Use area, provides for a mix of residential and commercial uses, expanding upon the pedestrian experience within the core, but at more transit supportive heights and densities. The required minimum height would be 2-storeys, with retail and/or service commercial uses at grade, and residential or office uses on the floors above. Maximum heights are identified on Schedule I and typically do not exceed 6-storeys.
- **Corridor Mixed Use:** Provides an extension of the commercial, office and residential uses of the Downtown Whitby core. A mix of uses may be accommodated in different ways in order to allow for flexibility in development and evolution of the Corridors over time. Maximum heights are in the range of up to 6- to 8-storeys, as shown on Schedule I. The minimum required height would be 2-storeys.
- **Mixed Use Density Threshold:** A specific density threshold is not provided for each Mixed Use designation. Instead, an appropriate density would be achieved through the built form requirements for height, setbacks, step backs and transitions to areas with lesser densities, mature neighbourhoods, and heritage properties.

Angular Plane Policies to Support Transition:

- To ensure intensification in Downtown Whitby is compatible with surrounding mature neighborhoods, new development and redevelopment will need to provide a transition in heights and densities adjacent to lower density areas, and any heritage properties where relevant, which may be achieved through increased setbacks, intervening low-rise built-form and the use of a 45-degree angular plane from any property abutting a lower density designation. The Zoning By-law would establish more detailed 45 degree angular plane requirements.

Other Policy Directions:

- Infill and Intensification: Allows limited infill and intensification in mature neighbourhoods and low density residential areas to support increased housing options, while maintaining the overall character of these areas.
- Transition: Requires appropriate transition of built forms and densities adjacent to cultural heritage resources and lower density residential mature neighbourhoods;
- Flex Streets: Colborne Street, between Henry Street and Hickory Street, and Brock Street between Mary Street and Dunlop Street are recognized as “flex streets”. A flex street design will allow these streets to be temporarily closed to vehicles during festivals or other public events with the use of innovative design elements.
- Design and Placemaking: Policies for design and placemaking focus on enhancing the unique character of Downtown Whitby and enhancing the overall pedestrian experience.
- Sustainability: Green infrastructure and Low Impact Development techniques are encouraged within Downtown Whitby, as well as other innovative stormwater management techniques, where feasible. There are also policies related to protecting and enhancing the tree canopy.
- Parking, Roads and Active Transportation: Proposed policies for parking, roads, and Active Transportation have been informed by the Town of Whitby Parking Master Plan, Active Transportation Plan, and Transportation Master Plan.
- Minor related amendments to the parent Official Plan are also recommended to be consistent with, and enable the implementation of, the updated Secondary Plan.

Next Steps:

- Upon Council adoption, the Downtown Whitby Community Secondary Plan will be forwarded to the Region for approval, unless the approval process is changed by Provincial Bill 23. If passed, Bill 23 would remove land use planning approval powers from the Region of Durham. In such case, final approval of the Downtown Whitby Community Secondary Plan would rest with the Ministry of Municipal Affairs.
- The final approved Downtown Whitby Community Secondary Plan will:
- align with and inform the future Official Plan Amendment for Mature Neighbourhoods;

- inform the ongoing Comprehensive Zoning By-law Review that will support implementation of the updated Secondary Plan policies; and,
- support continued heritage review, as well as the establishment of additional Heritage Conservation Districts (HCDs), including the future Four Corners HCD and the Perry's Plan Neighbourhood HCD.
- The development of Urban Design Guidelines specific to Downtown Whitby are recommended to support implementation of the Downtown Whitby Community Secondary Plan.

5. Financial Considerations:

The budget for the Downtown Secondary Plan update is included in previous Council-approved budgets.

6. Communication and Public Engagement:

A comprehensive Engagement Plan provided the framework for engagement and communications activities during each project phase, as well as meetings with the Core Staff project team and Technical Advisory Committee (Refer to Section 7 of this report).

All Community Open Houses (Phase 1 – 3) were hosted virtually on the Connect Whitby platform, due to COVID-19 restrictions in place at the time. All project phases included notice of engagement opportunities mailed to property owners within the Study Area (over 3,000), sent to all parties on the Interested Parties list (approximately 150), published in Whitby this Week, and promoted through the Town's website and social media channels.

All engagement materials and summaries can be found on the Connect Whitby project page at: connectwhitby.ca/downtownsecondaryplan.

A Comment-Response Matrix is provided in Attachment #4, summarizing comments from the Statutory Public Meeting held May 30, 2022, written Public Comment Submissions and comments from external commenting agencies. While longer comment submissions have been paraphrased in the attached Matrix, all comments have been taken into consideration.

Town staff also engaged in proactive outreach to business owners in the Beech Street Area, regarding the proposed changes in land use from an Industrial designation, to future Residential designations. Business owners appreciated this proactive outreach, understood that existing businesses can remain, and discussed how the change in land use would be implemented over time.

7. Input from Departments/Sources:

A Core Staff team was established for this project and included staff from the Planning and Development Department (project lead), as well as from Strategic Initiatives, Transportation and Engineering, and Community Services.

The project Technical Advisory Committee (TAC) included members from the Core Staff team, as well as Whitby Fire, and staff from the Region of Durham (Planning and Public Works Departments) and the Central Lake Ontario Conservation Authority (CLOCA).

Council members, the Core Staff team and TAC members have been engaged during each project phase through regular meetings and communications.

8. Strategic Priorities:

Corporate Strategic Plan and Strategic Priorities:

The Secondary Plan update will provide a consistent, optimized and positive customer service experience by responding to changes in land use planning policy direction affecting Downtown Whitby.

The Secondary Plan update will also align with priorities for accessibility, as all public facing engagement materials will follow Accessibility requirements. Accessibility will also be considered in the update of Secondary Plan policies.

Principles of sustainability have been incorporated into the updated policies.

9. Attachments:

Attachment #1 Excerpt from Schedule 'A' Whitby Official Plan

Attachment #2 Excerpt from Schedule 'B' Whitby Official Plan

Attachment #3 Final Recommended Official Plan Amendment 126

Attachment #4 Comment-Response Matrix