

Town of Whitby

Staff Report

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Report Title: **Final Recommended Official Plan Amendment –
Whitby Mature Neighbourhoods Study, File No. OPA-
2021-W/02**

Report to: **Committee of the Whole**

Date of meeting: April 3, 2023

Report Number: **PDP 16-23**

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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Supervisor, Zoning & Regulation &
Principal Planner

1. Recommendation:

1. That Council adopt Amendment 130 to the Whitby Official Plan, regarding the Whitby Mature Neighbourhoods Study, as outlined in Report PDP 16-23;
2. That the Clerk forward a copy of Planning Report PDP 16-23, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Amendment Number 130 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development; and
3. That the Clerk send a Notice of Council's adoption of Amendment 130 to those persons and agencies who have requested further notification regarding the Mature Neighbourhoods Study.

2. Highlights:

- The purpose of the Town-initiated Official Plan Amendment is to introduce additional policies to aid in managing residential infill and intensification in mature neighbourhoods in the Study Area.
- The Mature Neighbourhoods Study is a result of Interim Control By-laws passed in December 2020, which lapsed in December 2021.

- The Mature Neighbourhoods Study has been led by SGL Planning and Design and their consulting team. The final recommended Official Plan Amendment has been informed by a Background and Analysis Report, an Options Report, and a Recommendation Report.
- On November 21, 2022, Council held a Statutory Public Meeting regarding the Draft Proposed Official Plan Amendment for the Mature Neighbourhoods Study Area, 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 130 for Council consideration.

3. Background:

Several factors, including increasing land costs and provincial legislation focusing on intensification have led to considerable pressure for infill and redevelopment of Whitby's mature neighbourhoods. These neighbourhoods often include large lot sizes and wide lot frontages. These areas are experiencing an increase in development of larger replacement homes as well as pressure for infill development. Types of infill development include severances to create new single detached or semi-detached dwelling lots, and denser forms of development such as townhouses or apartments on larger lots or consolidated lots. In some cases, the infill development may not reflect the character of the surrounding neighbourhood.

Interim Control By-laws

On December 7, 2020, Council passed Interim Control By-laws # 7699-20 and # 7720-20 (ICBLs), under Section 38 of the Planning Act. The ICBLs applied to residential lands generally located south of Taunton Road and north of Highway 401 excluding the new West Whitby community and intensification corridors/areas (refer to Attachment #1).

The ICBLs placed a one year pause on certain types of residential development. This pause was to allow for a review and study of related residential land use policies and regulations.

The ICBLs were set to lapse on December 7, 2021, unless an extension was approved by Council. On November 29, 2021, Council resolved to allow ICBLs # 7699-20 and # 7720-20 to lapse. At that meeting, Council also directed that staff and the consultant SGL continue with the ongoing study.

Mature Neighbourhoods Study

As part of the ICBL process, Council directed staff to undertake a study. SGL Planning & Design was retained in early 2021 to conduct the related study, which has been titled the Mature Neighbourhoods Study (the Study). The purpose of the Study is to:

- Inventory and describe the character of mature neighbourhoods in the Study Area;
- Identify redevelopment, infill and intensification trends and pressures affecting mature neighbourhoods;

- Identify options for managing those changes; and,
- Recommend revised Official Plan policies, zoning provisions and urban design guidelines to manage infill and intensification in mature neighbourhoods.

The work plan for the study was divided into three phases as follows:

- Phase 1: Background Research and Analysis of Existing Neighbourhood Conditions;
- Phase 2: Planning and Design Options; and,
- Phase 3: Planning and Design Recommendations.

Phase 1 of the Study was completed in the first quarter of 2021. A Background and Analysis Report was prepared by SGL outlining the findings of Phase 1.

Phase 2 of the Study was completed in the last quarter of 2021 and provided an assessment of the redevelopment, infill and intensification occurring within the Study Area. This includes new and replacement dwellings, severances, and multi-unit buildings. Phase 2 included a virtual community engagement session held on July 21, 2021, and the preparation of an Options Report, which was presented to Committee of the Whole on November 22, 2021.

Phase 3 of the Study is ongoing and includes the preparation of a Recommendation Report, which was presented to Committee of the Whole on June 6, 2022. The associated staff Report PDP 38-22 summarized the consultant's recommendations for Official Plan Amendments, Zoning By-law revisions and the creation of Urban Design Guidelines. This report noted that the Town is currently undertaking a Comprehensive Zoning By-law Review, and that the related zoning revisions are proposed to be considered through that process. As a result, Council directed staff to proceed with hosting a statutory Public Meeting for the proposed Official Plan Amendment, which was held on November 21, 2022.

Phase 1 through 3 materials are available on the Mature Neighbourhoods Study project page at: connectwhitby.ca/matureneighbourhoods

4. Discussion:

The Comment-Response Matrix provided in Attachment #2, summarizes comments from the Statutory Public Meeting held November 21, 2022, written public comment submissions and comments from external commenting agencies on the draft Proposed Official Plan Amendment for the Study area. Comments included the following issues, which have informed the final recommended amendment:

- Requests were made to clarify that medium and high density residential development may occur along arterial roads or abutting Intensification Corridors or Areas; that the site does not have to be both along an arterial road and abutting an Intensification Corridor or Area.
 - The policies were revised to clarify that medium and high density residential development may occur along arterial roads or abutting Intensification Corridors or Areas.

- A comment was made that the policies appear to require that new development provide lot sizes matching the existing adjacent development.
 - Wording has been revised in the third bullet of policy 4.4.3.13.16 to clarify that this is not a requirement. Wording has been changed from ...development should maintain the established character of lot sizes and frontages ... to ...development should complement the established character of lot sizes and frontages...

See Attachment #2 for additional detailed comments.

Other minor wording changes were made in response to comments received. See Attachment #2 for additional details.

4.1 Recommended Amendment

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

The final recommended Official Plan Amendment is based on the recommendations contained in the Phase 3 Recommendation Report, prepared in the first quarter of 2022. The final recommended Amendment will introduce a new Section 4.4.3.13, which will apply only to the Study Area. A Mature Neighbourhood boundary has been added to Schedule B to indicate which lands are subject to this new section (refer to Attachment #3).

The final recommended Amendment will not change the land use designation in the Study Area, nor will it delete any existing policies. The new Section 4.4.3.13 will apply to the Study Area. Existing Official Plan policies will also continue to apply to the Study Area.

The final recommended policies are provided in Attachment #3 to this report. The following provides a summary of key policy highlights:

- Building heights for low density residential development shall generally be limited to 2-storeys, however the implementing Zoning By-law may consider areas where a third storey is permitted.
- High density residential development shall be directed to the edges of Mature Neighbourhoods along arterial roads and abutting Intensification Corridors and Areas. High density residential development in Mature Neighbourhoods shall have a maximum height of 4-storeys.
- An Official Plan Amendment would be required for heights greater than 4-storeys and would be subject to additional criteria contained in Section 4.4.3.13.17. These additional criteria include applying a 45-degree angular plane from any property line abutting a low density residential dwelling.
- New development permitted through a minor variance, severance or zoning by-law amendment is required to consider certain criteria related to character.

- Plans of Subdivision and Condominium will be subject to additional criteria to ensure they are compatible with the existing physical character of the Mature Neighbourhood.

4.2 Next Steps

The final approved Official Plan Amendment for the Study area will inform the ongoing Comprehensive Zoning By-law Review.

The development of Urban Design Guidelines specific to the Study area in a future Town wide Urban Design Guideline document is recommended to support implementation of the final Recommended Official Plan Amendment.

5. Financial Considerations:

There are no additional financial considerations at this time, as the Study is within the approved budget.

6. Communication and Public Engagement:

The Study work plan included a virtual community engagement session, held in July 2021, as well as interactive online engagement and survey tools on the Connect Whitby project page: connectwhitby.ca/matureneighbourhoods. A summary of this public engagement is included in the Phase 2 Options Report.

A statutory Public Meeting was held on November 21, 2022 in accordance with the Planning Act. This meeting provided the public and interested persons and agencies the opportunity to make representation in respect of the proposed Official Plan Amendment.

A Comment-Response Matrix is provided in Attachment #2, summarizing comments from the Statutory Public Meeting, 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.

7. Input from Departments/Sources:

The following agencies reviewed the draft proposed Official Plan amendment and have no objection:

- Town of Whitby Engineering Services;
- Town of Whitby Development Finance;
- Central Lake Ontario Conservation Authority (CLOCA);
- Bell;
- Enbridge; and
- Durham District School Board

Refer to Attachment #2 for additional detailed comments.

Internal Departments

Community Advancements – Strategic Initiatives

Comments provided by Strategic Initiatives include that:

- The proposed Official Plan Amendment aligns with the Culture and Community Sustainable Design principle of Whitby Green Standard which focuses on nurturing local identity and heritage.
- The policies included to minimize the loss of mature trees and the need to consider the maintenance of existing mature trees will help protect the cultural heritage of mature neighbourhoods and aligns with the Land Use and Nature Sustainable Design principle of Whitby Green Standard which focuses on protecting land for the benefit of people and wildlife.

See Attachment #2 for additional detailed comments.

External Agencies

Region of Durham

Comments provided by the Region of Durham include:

- The proposed amendment conforms with the Regional Official Plan; and,
- The proposed amendment does not represent any Regional and/or Provincial concerns and would be exempt from Regional approval.

Refer to Attachment #2 for additional detailed comments.

8. Strategic Priorities:

The Amendment aligns with the Town's strategic priorities to be a high performing, innovative, effective, and efficient organization, as well as goals for sustainability.

9. Attachments:

Attachment #1 Study Area

Attachment #2 Comments - Response Matrix

Attachment #3 Final Recommended Official Plan Amendment 130