

# Town of Whitby

## Staff Report

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### Report Title: Region of Durham Modifications to Official Plan Amendment 126 – Downtown Whitby Community Secondary Plan

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**Report to:** Choose an item.

**Date of meeting:** December 11, 2023

**Report Number:** PDP 47-23

**Department(s) Responsible:**

Planning and Development Department  
(Planning Services)

**Submitted by:**

Roger Saunders, Commissioner,  
Planning and Development

**Acknowledged by M. Gaskell,  
Chief Administrative Officer**

**For additional information, contact:**

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#### 1. Recommendation:

1. That Council accept the proposed modifications by the Region of Durham in its decision to approve Official Plan Amendment 126 to update the Downtown Whitby Community Secondary Plan.
2. That the Clerk advise the Commissioner of Planning and Development at the Region of Durham, of Council's decision.

#### 2. Highlights:

- On March 20, 2023, Town of Whitby Council passed [By-law #7981-23](#) to adopt the Town-initiated Official Plan Amendment (OPA) 126 to update the Downtown Whitby Community Secondary Plan.
- The purpose of OPA 126 is to replace the Town of Whitby Official Plan Section 11.3 - Downtown Whitby Secondary Plan, and introduce updated policies and land use designations, to guide future growth and development in Downtown Whitby in a sustainable manner, while maintaining and enhancing the area's cultural heritage character, economic vitality, and overall sense of place.

- The Region of Durham is the planning approval authority for non-exempt OPAs, such as those related to a comprehensive update of a Secondary Plan.
- The Region's review of OPA 126 is now complete and did not identify any conformity issues with the Regional Official Plan, nor with Provincial Plans and policies.
- The Region identified two proposed modifications that are intended to increase the clarity of each specific policy and further ensure that Downtown Whitby develops as a transit-oriented community.
- Town Planning Staff have had discussions with Regional Planning staff and are supportive of the modifications.

### **3. Background:**

An updated Downtown Whitby Community Secondary Plan is required to bring the decades-old Secondary Plan into conformity with recent Provincial and Regional land use policy changes, as well as the 2018 update of the Whitby Official Plan.

Downtown Whitby is one of several 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 was 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 also involved an extensive consultation and engagement program.

On May 30, 2022, a Statutory Public Meeting was held to present the draft recommended Secondary Plan.

Council passed [By-law #7981-23](#) on Monday, March 20, 2023, to adopt the Final Recommended Official Plan Amendment (OPA) 126 for the updated Downtown Whitby Community Secondary Plan. Refer to Report [PDP 61-22](#).

### **4. Discussion:**

The Region of Durham is the planning approval authority for non-exempt OPAs, such as a comprehensive Official Plan Review, or the adoption of a new or updated Secondary Plan. Upon Council's adoption of OPA 126 on March 20, 2023, the Downtown Whitby Community Secondary Plan was submitted to the Region of Durham for review and final approval.

Region of Durham Planning staff have now provided a post-circulation letter stating that the Region did not identify OPA 126 to have any conformity issues with the Regional Official Plan (Refer to Attachment #1).

Per the Region's review process, OPA 126 was circulated to all relevant Regional departments and public agencies for comment. Public submissions were also accepted by the Region during the review period.

Based on its review, the Region has requested the following two modifications to clarify the intent of two Secondary Plan policies and further support Downtown Whitby as a pedestrian friendly, transit-oriented community (Refer to Attachment #2):

- Policy 11.3.7.6.5 - Modify the policy to read as follows:  
  
“Development and redevelopment shall reinforce the “main street” historic character of Brock Street and Dundas Street by locating buildings and storefronts close to the public sidewalk, where possible, and in appropriate locations, the building may be set back to accommodate active, pedestrian oriented uses at ground level such as a patio or other active and publicly accessible open space.
- Policy 11.3.7.9.10 – Modify the policy to read as follows:  
  
“Off-street parking areas shall be located underground, in above ground structures, at the rear of buildings or interior to the block, so as to not impact the character of the area or impact pedestrian streetscapes. Where above ground structures are proposed, the ground floor should be activated by the permitted land use.”

Staff are supportive of the Region's proposed modifications. The proposed changes improve the clarity of each policy, while continuing to maintain the main objectives of the updated Secondary Plan, including:

- to conserve and enhance the unique cultural heritage character of Downtown Whitby
- to provide the right built form in the right place with increased heights and densities at appropriate locations;
- to improve the public realm and pedestrian experience; and,
- to support a transit-oriented community and local destination.

**Next Steps:**

It is recommended that Council accept the two proposed modifications in its decision to approve Official Plan Amendment 126 to update the Downtown Whitby Community Secondary Plan. Upon receipt of Council's response, Regional staff will issue a decision of approval for OPA 126, including the proposed modifications thereto. Once the Region issues notification of its decision, OPA 126 will be subject to a 20-day appeal period to the Ontario Land Tribunal (OLT).

**5. Financial Considerations:**

Not applicable. The budget for the Downtown Secondary Plan update was included in previous Council-approved budgets.

**6. Communication and Public Engagement:**

Not applicable. There is no statutory requirement for further public engagement by the Town.

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

The Region of Durham has circulated OPA 126 to its respective internal departments and public bodies required for Regional review and final approval.

**8. Strategic Priorities:**

The updated Downtown Whitby Community Secondary Plan provides objectives and polices to support Downtown Whitby as a safe, healthy, and inclusive neighbourhood.

Policies are also included in the updated Downtown Whitby Community Secondary Plan to support both the natural environment through the provision of parks, and several sustainability principles and polices, while also protecting the built environment with policies related to good urban design principles and protection of cultural heritage resources.

One of the key objectives of the Downtown Whitby Community Secondary Plan is to ensure the economic vitality of Downtown Whitby is maintained and enhanced by providing polices for a mix of uses, as well as increased heights and densities in appropriate locations that will offer a range of housing options, as well as spaces for innovative businesses and services.

The Secondary Plan update followed a transparent process, including extensive public and stakeholder consultation, beyond legislated requirements, to ensure the process remained accountable and responsive to the public.

**9. Attachments:**

Attachment #1 – Region of Durham Post Circulation Letter

Attachment # 2 – Region of Durham Proposed Modifications