

Town of Whitby

Staff Report

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Report Title: Town-Initiated Official Plan Review – Final Recommended Official Plan Amendment 138: Whitby GO Protected Major Transit Area, File OPA-2024-W/04

Report to: Committee of the Whole

Date of meeting: January 13, 2025

Report Number: PDP 01-25

Department(s) Responsible:

Planning and Development Department
(Planning Services)

Submitted by:

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**Acknowledged by M. Gaskell,
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1. Recommendation:

1. That Council adopt Amendment 138 to the Whitby Official Plan, regarding the Whitby GO Protected Major Transit Station Area, as outlined in this Report, PDP 01-25;
2. That the Clerk forward the necessary documentation for Official Plan Amendment 138 to the Ministry of Municipal Affairs and Housing as the approval authority in accordance with Section 26 of the Planning Act; and
3. That the Clerk send a Notice of Council's adoption of Amendment 138 to those persons and agencies who have requested further notification regarding the Whitby GO Protected Major Transit Area as part of the Town-Initiated Official Plan Review.

2. Highlights:

- As part of the Town-initiated Official Plan Review, the purpose of the final recommended Official Plan Amendment (OPA) 138, is to achieve consistency with changes in Provincial legislation and policy, and to implement Envision Durham, with respect to intensification targets and providing transit-supportive development within the Whitby GO Protected Major Transit Area (PMTSA).
- The final recommended amendment will also assist the Town in achieving the Municipal Housing Target assigned by the Province of 18,000 homes by 2031 and support the Town's commitments to the Federal Housing Accelerator Fund, by updating policies that support increasing housing supply.
- The final recommended Official Plan Amendment will:
 - delineate the PMTSA around the Whitby GO Station;
 - introduce and/or update policies that support, in appropriate locations within the PMTSA, increased building heights, and the removal of the cap on maximum density, where density will be a product of built form;
 - introduce and/or update policies that provide for appropriate transitions from buildings with higher heights and densities, to other established uses and residential areas in Port Whitby and Lynde Shores, while also maintaining connections to existing open spaces, recreational facilities and the waterfront; and
 - meet Provincial and Envision Durham intensification targets, by increasing housing supply and planning for future population growth through transit-supportive redevelopment and intensification.
- The final recommended amendment has been informed by background studies and analysis, as well as several engagement opportunities, including community open houses and public meetings, online engagement surveys, and written comment submissions from the public and commenting agencies and departments.

3. Background:

Overview

Municipalities are required to review and update their Official Plans every five years in accordance with Section 26 of the Planning Act.

The Town of Whitby's Official Plan underwent a comprehensive review and update in 2018. Since the 2018 Whitby Official Plan came into force, the Province has assigned a Municipal Housing Target for the Town of Whitby of 18,000 homes by 2031, towards the

Province’s goal of 1.5 million new homes by 2031. The Town has also made commitments to the Federal Housing Accelerator Fund to undertake efforts to increase housing supply, including updates to relevant Official Plan policies.

The new Envision Durham Regional Official Plan was approved by the Province on September 03, 2024, and sets a new planning horizon to 2051. Envision Durham provides a forecasted growth for Whitby of approximately 244,000 people and over 95,000 jobs. Envision Durham identifies existing, as well as approximately 500 hectares of new Community Area lands (residential/commercial, institutional, community and public service uses) and Employment Area lands (industrial, warehousing), within the new 2051 Urban Area Boundary.

The Province has also amended the Planning Act and other legislation several times since the 2018 Official Plan was adopted, and recently introduced a new Provincial Planning Statement in 2024, which sets out policy direction for all land use planning in Ontario.

Official Plan Review Focus Areas

The Official Plan Review has been led by SGL Planning and Design and partner Dillon Consulting. The Official Plan Review builds upon the 2018 Whitby Official Plan, while planning for increased housing and employment lands to the year 2051, conforming to changes in legislation and policies made by the Province of Ontario, and implementing the intent of Envision Durham.

While the Official Plan Review is being undertaken as one comprehensive project, the updates will happen via four “focus areas” that will result in four Official Plan Amendments (OPAs), as outlined below:

| Focus Area/OPA | Target Council Adoption |
|--|--------------------------------|
| <p>1. Whitby GO Protected Major Transit Station Area (PMTSA)</p> <p>PMTSAs are areas planned to accommodate greater densities around a major transit station, such as the Whitby GO train station.</p> | Q1 2025 |
| <p>2. Strategic Growth Areas, Nodes and Corridors (SGAs)</p> <p>Several SGAs are already identified in the Whitby Official Plan and further refined by Envision Durham, These are the areas of the municipality that are planned for increased population and employment intensification within the Built Boundary.</p> | Q1 2025 |
| <p>3. Brooklin Urban Expansion Area</p> | Q3 2025 |

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|---|---------|
| Updates related to the expansion of the Brooklin urban area as set out in Envision Durham, mainly west of Ashburn Road toward Lake Ridge Road. | |
| 4. Official Plan General Other policy updates in conformity with Provincial legislation and policy and Regional policy, as well as technical and housekeeping amendments. | Q1 2026 |

The final recommended amendment, OPA 138, is related to the Whitby GO Protected Major Transit Station Area (Focus Area 1 in the table above) and the focus of this report.

Refer to Attachment #1 for the Whitby GO PMTSA Study Area Map.

Refer to previous Staff Report [PDP 42-24](#) for further information on the other focus areas described above, or visit the project web page at: connectwhitby.ca/OPreview.

Background Summary

The final recommended amendment has been informed by a Background Summary and Analysis Report pertaining to Protected Major Transit Station Areas (PMTSA), and other Strategic Growth Areas and Nodes and Corridors. Section 5 of the Background report provides the rationale for policy changes to be incorporated into the updated Whitby Official Plan and the final recommended OPA 138.

A description of existing land uses and built form within the PMTSA is provided in the Background report, followed by an analysis of sites that have potential to be redeveloped over time. This is called “infill”. This infill analysis was further compared against recent and active developments and development applications within the PMTSA, and excluded sites that are not intended to redevelop (e.g. Iroquois Park Sports Centre, existing open spaces and parkland) to ascertain an estimated amount of increased height and density in appropriate locations, which would implement the minimum density target of 150 jobs and people per hectare provided by Envision Durham for the Whitby GO PMTSA.

Refer to Attachment #2 for the Background Summary and Analysis Report.

Engagement

A kick-off Community Open House on the Official Plan Review was held on May 29, 2024, with an accompanying online engagement survey on the project web-page. A second in-person Community Open House specifically focused on the Whitby GO PMTSA was held on June 26, 2024 and attracted over 40 participants. Further online surveys were provided on the project web page as an alternative way for the public to provide feedback. Over 70 respondents provided feedback on the proposed Whitby GO

PMTSA. All Community Open House materials are available on the project page at: connectwhitby.ca/OPreview.

Engagement also included staff meetings with property owners and prospective development proponents, to answer questions about the process, proposed changes, and future implementation. Written comment submissions and comments from public commenting agencies have also been reviewed and taken into consideration, as well as input from relevant internal departments and the Official Plan Technical Advisory Committee.

4. Discussion:

Engagement Themes

The Comment-Response Matrix provided in Attachment #3, summarizes comments from the October 16, 2024 Statutory Public Meeting, written public comment submissions and comments from external commenting agencies, on the previous draft proposed OPA 138. Refer to Report [PDP 46-24](#) for the October 16, 2024 Public Meeting Report on the draft proposed amendment.

While the comments have been paraphrased for the purposes of the Comment-Response Matrix, all comments have been reviewed and taken into consideration for the final recommended amendment. Comments from internal Town of Whitby departments have also been taken into consideration.

Other feedback obtained through the earlier Community Open House, online engagement surveys and engagement with the Official Plan Review Technical Advisory Committee are summarized below by key themes, which have further informed the final recommended amendment.

Building Height and Density:

- Consider the impacts of building heights and how that aligns with existing residential development.
- Consider the benefits of more height and density if planned well (e.g. walkability to uses that serve daily needs/increased social interaction, etc.)
- Provide clarity on policies requiring a transition in heights to lower height/density areas.

Housing Options:

- Provide for a range of housing types and forms.
- Provide more opportunities for affordable housing and rental housing close to the GO Station.

Land Uses:

- Ensure infrastructure, schools, and libraries are available to support growth.

- Consider more shopping and restaurants, particularly along Victoria Street.
- Encourage integrated development with ground-floor retail areas rather than strip plazas.
- Preserve and maintain access to the waterfront and other green spaces.
- Maintain and plan for more commercial and employment areas to support the growing population.
- Develop complete communities that have adequate parks and retail spaces to support new residents and more walkable neighbourhoods.

Parking and Traffic:

- Provide adequate parking as surface parking lots redevelop over time.
- Manage traffic impacts.
- Manage the amount of paved land and integrating more natural spaces to support stormwater management.

Active Transportation:

- Improve cycling and other active transportation infrastructure and connections to the GO Station.

Most commenting agencies did not raise concerns with the draft proposed OPA 138. Agencies such as the Central Lake Ontario Conservation Authority and the Region of Durham have been involved in the Official Plan Review as members of the Technical Advisory Committee.

Policy Framework

Provincial legislation and policy related to land-use planning in Ontario has been amended several times over the past five years, with the principal objective of increasing housing supply and access to affordable housing. Key changes made by the Province are summarized below and have informed the final recommended amendment:

- The Planning Act permits upper-tier municipalities, like the Region of Durham, to identify PMTSAs and also include related policies, such as Inclusionary Zoning, subject to achieving required study parameters.
- Bill 23 – the *More Homes Built Faster Act, 2022* removed Planning Authority from certain upper-tier municipalities, including the Region of Durham effective January 01, 2025, causing lower-tier municipalities to inherit the policies of the upper-tier Official Plans, including policies related to PMTSAs, into lower-tier Official Plans.
- Bill 185, the *Cutting Red Tape to Build More Homes Act, 2024*, no longer allows a municipality to establish minimum parking requirements within PMTSAs.

- The new Provincial Planning Statement, 2024 (PPS), which came into force on October 04, 2024, supersedes the previous Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe. The new PPS continues to support the growth forecasts of the Growth Plan, as well as policies related to the achievement of complete communities, providing a range and mix of housing options, planning for intensification and more mixed-use, and providing transit-supportive development in Major Transit Station Areas, which are to be delineated in local Official Plans.

The Region of Durham adopted Envision Durham, the new Region Official Plan, which was approved by the Province on September 03, 2024. Envision Durham sets out a minimum requirement of 50% of growth required to occur in the existing built-up area of the municipality and directs the greatest amount of that intensification to PMTSAs, as well as other Strategic Growth Areas and Corridors.

Envision Durham provides a delineation of the Whitby GO Station PMTSA, and requires a minimum density target of 150 people and jobs per hectare across the entire delineated PMTSA. Envision Durham also provides policies for appropriate transitions in building heights to surrounding areas and public spaces, and supporting pedestrian-friendly development, active modes of transportation, placemaking, sustainability and good urban design principles.

The Whitby Official Plan currently identifies the location of the Whitby GO Station as a Major Transit Station on Map 1, Schedule B – Intensification, and several other map Schedules. The Official Plan states that intensification is intended to occur in proximity to the Major Transit Station through higher density development, to support transit use and to lessen the dependence on the automobile.

The Port Whitby Community Secondary Plan was updated in 2017 and provides the overarching structure for future growth and intensification in this area, while providing for a complete community that protects for other lower density mature areas, heritage properties, recreational facilities and commercial spaces, as well as connections to open spaces and to the waterfront.

Final recommended amendment

The final recommended amendment delineates the Whitby GO Protected Major Transit Area as identified in Envision Durham, which encompasses a large portion of the Port Whiby area and a small section of the Lynde Shores Secondary Plan area.

The final recommended amendment maintains the Port Whitby Community Secondary Plan structure and continues to provide for a range of high, medium and low-density housing options. The final recommended amendment increases height and density permissions on lands that are already designated for the highest heights and densities within Port Whitby, and closest to the GO Train Station, to meet the intent of the Envision Durham minimum density requirement of 150 people and jobs per hectare within the PMTSA, and better support transit-oriented development.

The final recommended amendment provides an increase in height north of Victoria Street on lands currently designated as high density residential mixed use. These lands currently have a maximum height permission of 18 storeys, which would increase to a maximum of 40 storeys. Permitting the highest heights in this location of the PMTSA has the least amount of impact on surrounding residential areas and other uses. Heights of up to 36 storeys would be permitted south of Victoria Street on the same land use designation, and height permissions would be increased to 12 storeys for lands currently designated Mid-Rise Residential along Charles Street to provide a better transition to lower heights adjacent to this area.

Further policies are provided to address transitions in heights and built form in general, such as the use of a 45-degree angular planes as an urban design tool, to better implement new buildings.

Other changes included in the final recommended amendment are for some lands to be re-designated to mixed use, which continues to allow the same height permission but simplifies the number of land use categories in the Port Whitby Community Secondary Plan. Changes have also been made to land use category names to better reflect mixed use permissions that currently exist and support achieving more complete communities, as well as changes to category names to reflect the overall intent regarding built form.

Feedback from the public and stakeholders related to preserving existing open space and access to the waterfront has been maintained in the final recommended amendment. Managing traffic impacts and improving active transportation and transportation connections are ongoing matters in Port Whitby and the broader municipality, which are being addressed separately through the Planning Department Transportation and Engineering Services division.

Additional, minor revisions have been made since the earlier draft proposed amendment to improve clarity and consistency with existing Parent Official Plan policies and improve consistency in height permissions on properties adjacent to the Major Transit Station.

Conclusion

The final recommended amendment is consistent with the Planning Act and Provincial Planning Statement 2024, implements the intent of the Envision Durham Regional Official Plan, and meets the overall goals and intent of the Whitby Official Plan, as it relates to increasing housing supply and planning for future population growth through transit-supportive redevelopment and intensification in proximity to a major transit station.

A copy of the Final recommended amendment OPA 138 is provided in Attachment #4 and generally includes:

1. Policy (text) changes to the Official Plan and Secondary Plans, including:
 - Clarification of policies;

- Consistency/alignment of policy language, terminology, phrasing, land use permissions and anticipated built form, with Envision Durham, where appropriate; and
 - Changes to land use designations, maximum building heights, and maximum density caps, where appropriate, to better meet the intent of both Envision Durham and Provincial policies.
2. Schedule (maps) changes, including:
- Delineation of a boundary for the Protected Major Transit Station Area around the Whitby GO Station;
 - Select land use designation changes in schedules A – Land Use and F – Port Whitby Community Secondary Plan; and
 - Legend updates to reflect the above changes.

5. Financial Considerations:

The Whitby Official Plan Review is approved as part of the 2022-2026 budget and is a priority item in the Corporate Business Plan. Components of the Whitby Official Plan Review are further supported by the Housing Accelerator Fund.

6. Communication and Public Engagement:

The applicable agencies and departments have been circulated the draft proposed amendment and copies of the associated supporting materials for their review and comment.

A comprehensive Engagement Plan provided the framework for engagement and communications activities for Focus Area 1 – Whitby GO Protected Major Transit Area, as well as meetings with the Core Staff project team and Technical Advisory Committee (Refer to Section 7 of this report).

Both in-person and virtual consultation opportunities were provided and offered access to project information, including how to stay informed, as well as platforms for submitting feedback, including:

- A dedicated Official Plan Review project page on Connect Whitby: connectwhitby.ca/OPreview;
- Community Open House held on June 26, 2024 at Heydenshore Pavillion and related online engagement survey;
- Outreach to Indigenous Communities;
- Meetings with stakeholders and the public as requested;
- Consultation with relevant Town Departments, commenting agencies, Regional staff, and the Central Lake Ontario Conservation Authority;

- Statutory Public Meeting held October 16, 2024; and,
- Presentations and updates to Committees of Council and Council Members.

An Interested Party list has been maintained by Town Planning and Development staff. Interested Parties receive notifications at key project milestones. The Official Plan Review is also being promoted more broadly through the Town's various communication channels.

The Town of Whitby hosted a Special Meeting of Council required under Section 26(3) of the Planning Act on May 29, 2024 to kick off the Official Plan Review, introduce the key focus areas, including the Whitby GO Protected Major Transit Station Area, and provide information to the public on how to provide feedback and stay informed, followed by a Public Meeting on October 16, 2024.

7. Input from Departments/Sources:

A Core Staff Team from the Planning and Development Department, Strategic Initiatives, Community Services (Parks Planning) and Communications will guide and provide input into the Whitby Official Plan Review. A Technical Advisory Committee has also been established, including staff the Region of Durham, and the Central Lake Ontario Conservation Authority. Input from various commenting Town departments and external agencies have informed the Final recommended amendment.

8. Strategic Priorities:

The Whitby Official Plan Review and final recommended amendment support and advance the Town's strategic pillars of the Community Strategic Plan, by providing policy updates that manage growth and development of the Town in a sustainable manner, resulting in safely designed and inclusive neighbourhoods that support a range of housing options, as well as protecting space for important community amenities.

The process informing the final recommended amendment has involved community and stakeholder consultation to ensure Whitby's government is accountable and responsive to the community's needs as the Municipality grows over time. It also supports the Town's efforts to improve Accessibility and Sustainability.

9. Attachments:

Attachment #1: Whitby GO Protected Major Transit Station Area: Study Area Map

Attachment #2: Background Summary and Analysis Report (Section 5 Policy Recommendations)

Attachment #3: OPA 138 Comment-Response Matrix

Attachment #4: Final Recommended Official Plan Amendment #138: Whitby GO Protected Major Transit Station Area