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November 3, 2021

Sent Via Email

Brian Bridgeman  
Commissioner of Planning and Economic Development  
Region of Durham  
[planning@durham.ca](mailto:planning@durham.ca)

Re: Planning and Development Department Report, PL 58-21  
Envision Durham: Proposed Regional Official Plan Amendment - Protected Major  
Transit Station Areas

Please be advised that at a meeting held on November 1, 2021, the Council of the  
Town of Whitby adopted the following as Resolution # 276-21:

1. That Report PL 58-21 be endorsed as the Town's comments on the Region of  
Durham's Proposed Regional Official Plan Amendment - Policies and  
Delineations for Protected Major Transit Station Areas (Region of Durham File:  
OPA 2021 - 003); and,
2. That the Clerk forward a copy of Report PL 58-21 to the Durham Region Planning  
and Economic Development Department and the Durham area municipalities.

Should you require further information, please do not hesitate to contact the Planning  
and Development Department at 905-430-4306.

Kevin Narraway  
Manager of Legislative Services/Deputy Clerk

Attachment: Staff Report, PL 58-21

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# Town of Whitby Staff Report

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**Report Title: Envision Durham: Proposed Regional Official Plan Amendment - Protected Major Transit Station Areas**

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**Report to:** Committee of the Whole

**Date of meeting:** October 18, 2021

**Report Number:** PL 58-21

**Department(s) Responsible:**

Planning and Development Department

**Submitted by:**

R. Saunders, Commissioner of Planning and Development

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

**For additional information, contact:**

Lori Tesolin, MCIP, RPP  
Principal Planner, Policy and Heritage Planning, x.2858

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## 1. Recommendation:

1. That Report PL 58-21 be endorsed as the Town's comments on the Region of Durham's Proposed Regional Official Plan Amendment – Policies and Delineations for Protected Major Transit Station Areas (Region of Durham File OPA 2021 - 003); and,
2. That the Clerk forward a copy of Report PL 58-21 to the Durham Region Planning and Economic Development Department and the Durham area municipalities.

## 2. Highlights:

- The Region of Durham is seeking comments on a proposed Regional Official Plan Amendment – [Policies and Delineations for Protected Major Transit Station Areas \(Region of Durham File OPA 2021 - 003\)](#), as part of the Envision Durham Municipal Comprehensive Review (MCR).
- The proposed Protected Major Transit Station Area (MTSA) Regional Official Plan Amendment (ROPA) has been released separately, in advance of, the full proposed ROPA for Envision Durham.

- The proposed PMTSA ROPA delineates boundaries for PMTSAs, and provides policies that support higher density, mixed uses, and transit-oriented development in the vicinity of certain Commuter Stations and Transportation Hubs along the Lakeshore East GO Transit Line, and the proposed GO East Extension.
- A PMTSA boundary is proposed by the Region for lands within Whitby, surrounding the Whitby GO Station. Staff generally agree with the boundary delineation. However, modifications are recommended to balance residential intensification with the development of the PMTSA as a complete community with access to important community amenities such as green space.
- The Region is proposing policies to enable the use of Inclusionary Zoning for affordable housing within PMTSAs. The proposed PMTSA ROPA also prescribes permitted and prohibited uses within the boundary, as well as a minimum density target of 150 people and jobs per gross hectare. Staff are generally supportive of the policy directions, but recommend increased clarity and flexibility for area municipalities, to implement PMTSA policies that reflect unique local characteristics.
- Staff have been working with Regional staff since 2018 to provide input, and preliminary comments on Envision Durham Discussion Papers, as well as growth and intensification studies required for the Region's Land Needs Assessment, Employment Area Conversion Requests, Settlement Area Boundary Expansion Requests, and policy directions for the final Envision Durham ROPA.
- It is recommended that the proposed PMTSA ROPA not be considered in advance of, but instead concurrent to, the Region making the full Envision Durham proposed ROPA available for review, as well as all additional information related to the Land Needs Assessment, so that a more comprehensive analysis can be undertaken to inform a balanced approach to growth and intensification.
- If the proposed PMTSA ROPA continues to advance separately, per Regional Council direction, there should be continued opportunities for consideration and refinement of the PMTSA policies, once all information is made available through future components of the Envision Durham exercise.

### **3. Background:**

#### Provincial Policy

The Region of Durham is undertaking a PMTSA ROPA to satisfy the requirements of the Growth Plan for the Greater Golden Horseshoe and in accordance with subsection 16 of the Planning Act.

The Provincial Growth Plan for the Greater Golden Horseshoe (A Place to Grow, 2020) directs growth to MTSAs and other Strategic Growth Areas. The Province requires a planned minimum density target of 150 residents and jobs combined per hectare across MTSAs that are served by the GO Transit rail network. The Province

generally defines MTSAs as the area within an approximate 500 to 800 metre radius of a transit station, representing about a 10-minute walk.

Provincial policy also states that MTSAs, where appropriate, will be planned and designed to achieve multimodal access to stations and connections to nearby major trip generators, support active transportation, and provide a diverse mix of activities and uses, including additional residential units and affordable housing.

“Protected” Major Transit Station Areas are MTSAs that have been delineated by a municipality, and subsequently approved by the Minister of Municipal Affairs and Housing, as “protected”. There is no legislative requirement for municipalities to identify PMTSAs. However, if a municipality wants to implement Inclusionary Zoning, a land use planning tool that municipalities can use to promote affordable housing within an MTSA, then it must “protect” them through Ministerial approval. The Regional municipality is then permitted to provide enabling policies and supporting studies. Implementation of Inclusionary Zoning occurs at the local level through Official Plan policies and Zoning regulations.

### Previous Reports

In June 2019, the Envision Durham, [Urban System – Growth Management Discussion Paper](#) presented draft delineations for MTSAs across the Region. The draft delineations were based on consultation with area municipal Planning staff, including staff from the Town of Whitby.

In December of 2019, the Region released its MTSA Proposed Policy Directions report. Staff provided comments on the Region’s report, which included an overview of the proposed MTSAs, and draft policy directions (refer to Report [PL-08-21](#)).

### Proposed Protected MTSA ROPA

The Region published an “early release report” of the proposed PMTSA ROPA on July 30, 2021 for review and comment ([Regional File OPA 2021-003](#)) (Refer to Attachment #1).

A total of 7 PMTSA’s are proposed by the Region, including the existing Whitby Go Station (Policy 8A.2.8). The Region’s previously proposed Thornton’s Corners GO Station MTSA included lands within Whitby’s boundary. The Region has now shifted the western boundary of that PMTSA to the east of the Canadian Pacific Rail Spur, and therefore no longer includes lands within Whitby.

Additionally, the Region is no longer identifying the existing Oshawa Go Station as a PMTSA, as surrounding lands in both Whitby and Oshawa are mainly designated for industrial uses, with limited intensification potential.

The Region’s proposed PTMSA ROPA draft Policy 8A.1.4 states that PMTSAs shall be developed as transit-oriented communities that support and foster innovation and entrepreneurship, and integrate mixed-use development

throughout, anchored by a Commuter Station or Transportation Hub. Key policy directions for PMTSAs include the following:

- Land Use (identifies prescribed permitted uses, prohibited uses, and density targets);
- Inclusionary zoning for affordable housing;
- Urban design, sustainability, and placemaking;
- Pedestrian, road, and active transportation access; and,
- Implementation and monitoring guidance for area municipalities.

A Statutory Public Meeting on the proposed Protected MTSA ROPA was held by the Region on September 7, 2021. Following adoption, the ROPA would then be forwarded to the Ministry of Municipal Affairs and Housing for final approval.

#### 4. Discussion:

##### **Proposed PMTSA ROPA Boundary Delineations**

###### Whitby GO Station

The Whitby GO Station is currently identified as a Major Transit Station Area in the Town Official Plan, within the Port Whitby Community Secondary Plan. The Region is proposing that the PMTSA boundary expand beyond the current boundary, to include additional lands within the Port Whitby Community Secondary Plan area, and portions of the Lynde Shores Secondary Plan area.

The Port Whitby Secondary Plan was recently updated through OPA 104, and is planned to support low, medium and high density development, as well as to provide transit, cycling, and pedestrian connections to major transit stations, surrounding neighbourhoods, and the waterfront. It seeks to maximize the potential of the GO Station lands for mixed use development. Policies support a maximum height of 18-storeys and a maximum density of 300 units per net hectare, in certain locations.

Lands identified by the Region within the proposed PMTSA located west of Gordon Street are within the Lynde Shores Secondary Plan area. A portion of the lands identified south and north of Victoria Street West fall within the Community Central Area Boundary. The Community Central Area policies were updated recently through the Official Plan review OPA 105. The Town's Official Plan envisions increased density and a mix of uses in the northwest quadrant of Victoria Street and Gordon Street (Town OP policy 4.7.5.2). Lands north of Victoria Street West are subject to ongoing development applications (subject to Regional Policy 8C.3.1 and 11.3.18).

The Region has excluded lands north of Highway 401 from the proposed PMTSA. These lands have existing permissions for some increased densities, which

contribute to future intensification and growth within an Intensification Corridor, as identified in on Schedule B of the Town Official Plan. The Town is currently undertaking a review and update of the Downtown Whitby Secondary Plan, which provides a further opportunity to assess what future redevelopment potential may be appropriate for the lands north of Highway 401 in this area.

Current Town Official Plan and Secondary Plan policies seek to balance future intensification, with the evolution of the Port Whitby/Lynde Shores areas as complete communities, which includes access to important community amenities. The Town's OPA 89 removed the Residential permissions from the Town-owned Victoria Fields lands to facilitate opportunities for more public open space, which remains relevant and appropriate. These lands are located south of Victoria Street West, east of Gordon Street, and serve as a passive and active recreation space to service the existing and future planned community. These lands also provide access to the waterfront and the Waterfront Trail.

It is recommended that the Town-owned Victoria Fields be excluded from the Region's proposed Whitby GO PMTSA boundary as the inclusion of these lands will artificially increase required densities elsewhere to achieve the overall target of 150 people and jobs per hectare.

#### Thornton's Corners and Existing Oshawa GO Station

The Region's new proposed boundary for the Thornton's Corner PMTSA no longer includes lands within Whitby, as it has shifted the boundary to the east of the Canadian Pacific Rail Spur. Staff support this change, as it allows employment lands within Whitby to continue to remain protected over the long term for employment uses.

Staff support the Region's recommendation to not identify the existing Oshawa GO Station as a PMTSA. The continued industrial nature of these lands are an important component of Whitby's overall employment landscape, and would be compromised by the introduction of conflicting sensitive uses (e.g. residential).

#### **Proposed PMTSA ROPA Policies**

##### Land Use

The Region's proposed PMTSA ROPA draft Policy 8A.2.10 prescribes the following land uses be permitted within PMTSAs:

- Higher density residential uses, including mid-rise and high-rise apartments, stacked townhouses, and live-work units;
- Offices and major office;
- Hotels and convention centres;

- Compatible employment uses, institutional uses, educational facilities and post-secondary institutions;
- Places of worship within mixed-use buildings rather than in freestanding buildings;
- Commercial uses including retail, both convenience retail and small-scale retail uses, restaurants, personal and professional service shops, and day care uses;
- Cultural, arts and entertainment uses;
- Recreational uses, amenities, and public art;
- Mixed use buildings that integrate community and commercial uses with upper-storey apartment and/or office uses to ensure amenities are provided in close proximity population and employment growth within MTSAs;
- Home occupations; and,
- Public uses including infrastructure, libraries, recreation/community centres, parks, urban squares, trails and conservation uses.

Proposed prohibited uses (PMTSA ROPA draft Policy 8A.2) focus on auto-oriented uses, and land intensive uses that provide less residential and employment intensification, including:

- Automobile dealerships with outdoor vehicle storage and display areas;
- Gas stations, service stations, car washes; and,
- Warehouses and storage facilities.

The proposed PMTSA ROPA also states that PMTSAs shall be planned to accommodate a minimum density target of 150 people and jobs per gross hectare in accordance with the Growth Plan for the Greater Golden Horseshoe.

The Town of Whitby Official Plan (OP) currently includes high level policies that support opportunities for higher order employment and high density residential uses in MTSAs. Staff are generally supportive of the Region's high level policy directions. However, further details are required to better assess the implications for implementation.

Staff recommend that the Region's proposed PMTSA ROPA policies for permitted and prohibited uses be less prescriptive, and provide more clarity wherever possible, to allow area municipal circumstances to be taken into consideration, which would permit appropriate development and intensification unique to each PMTSA. For example:



- The proposed Whitby GO PMTSA includes existing, mature residential communities. Medium density uses, and built forms at lower densities, could be included where suitable, to transition to these mature areas, and to any cultural heritage resources. Intensification should be focused in specific, appropriate areas within the PMTSA.
- Provide clarity and guidance on how to address future uses that may not be prescribed as either permitted or prohibited in the proposed PMTSA ROPA.
- Provide clarity regarding how municipalities can address legal, non-conforming uses that would be otherwise prohibited under the proposed PMTSA ROPA.
- Allow parking standards to continue to be enabling to allow for consideration of the local context.

#### Inclusionary Zoning for Affordable Housing:

Inclusionary Zoning is a land-use planning tool that enables municipalities to require, through the passage of a zoning by-law, that affordable housing units be included in new residential developments. Provincial policy and legislation limit where municipalities can implement Inclusionary Zoning to Protected Major Transit Station Areas, as well as areas under a Development Permit System, or areas as ordered by the Minister of Municipal Affairs and Housing.

The proposed PMTSA ROPA draft Policy 8A.2.16 states that the Regional will complete a Regional Assessment Report to support the implementation of Inclusionary Zoning. The report would analyze information such as demographics, income, housing supply, housing need and demand, among other factors. The proposed PTMSA ROPA encourages municipalities to consider Inclusionary Zoning in their respective PMTSAs.

Staff support the Region in undertaking the required assessment report to inform Inclusionary Zoning policies, and support implementation at the local level, provided that it is enabling and not prescriptive. Staff will continue to discuss appropriate implementation measures and expectations with Regional staff.

#### Urban Design, Sustainability, and Placemaking:

The Region's proposed MTSA ROPA includes policies that encourage placemaking and sustainable transportation to ensure road designs support transit use, pedestrian travel, and cycling, while also accommodating some automobile travel (proposed PTMSA ROPA draft Policy 8A.2.17). Municipalities are required to support active transportation through safe, well-designed and direct connections, and incorporate Urban Design Guidelines to guide the desired density, built form, building placement, access requirements and approaches for a pedestrian-oriented public realm.

Staff generally support the proposed PMTSA ROPA policies related to Design, Sustainability and Placemaking, and recommend that the Region revise policies related to these factors to be enabling, and not prescriptive, to support consideration of unique local circumstances. For example, the proposed PMTSA ROPA draft policy 8A.2.17 i) directs that all development be designed to be compact in built form. Consideration should be given to unique local circumstances, where a compact form may require some variation in order to be feasible.

The Town's Official Plan, related Secondary Plans, and various guideline documents, align with policies that support good urban design, sustainability, and placemaking within the proposed PMTSA boundary and beyond. Staff will continue to discuss appropriate implementation measures and expectations with Regional staff regarding future updates to these documents.

Implementation and Monitoring:

The Region's proposed PMTSA ROPA draft Policy 8A.2.17 states that municipal official plans shall include detailed policies for each PMTSA, such as:

- Delineate Protected MTSA boundaries and provide detailed land use designations within the boundary;
- Establish minimum density, population, employment and housing targets;
- Establish minimum job requirements;
- Enable alternative development standards to support transit-oriented development, including but not limited to parking requirements which support the use of transit;
- Support the creation of focal points by concentrating the highest densities in close proximity to Commuter Stations or Transportation Hubs;
- Include policies or approaches to ensure that the heights and densities of buildings are appropriately scaled to ensure compatibility with neighbouring lower density residential areas;
- Include policies to ensure that required transportation, servicing and other infrastructure is in place prior to, or coincident with new development; and,
- Support the efficient use of land, including requirements for structured parking, and shared parking as part of new development.

Through the Region's proposed PTMSA ROPA draft Policy 8A.2.19, respective area municipalities may be required to coordinate development applications through Master Development Agreements, Cost-sharing agreements, or other measures to support the delivery of infrastructure. Proposed PMTSA ROPA draft Policy 8A.2.20 requires that any proposed development above the rail corridor will

need the appropriate studies to be undertaken to the satisfaction of the applicable railway authority, the Region, and the applicable area municipality.

The Region is also proposing, through PTMSA ROPA draft Policy 14.10.4, to monitor policies, implementing by-laws, and projects within PMTSAs, in consultation with the area municipalities, based on:

- the amount, type and pace of development;
- the mix and density of land uses in the area;
- the re-use and demolition of existing buildings, including heritage buildings;
- the amount and type of employment;
- the overall population;
- the unit count and mix of housing types;
- the population to job ratio; and,
- parking spaces, loading facilities, transit improvements and active transportation infrastructure.

Staff request that the Region provide clarity on:

- The requirement for area municipalities to establish “minimum job requirements” in the context of the requirement for establishing minimum density, employment targets (Proposed PMTSA ROPA draft Policy 8A.2.17);
- The requirement for establishing minimum housing targets and what that includes (Proposed PMTSA ROPA draft Policy 8A.2.17);
- Wording that states “the re-use and demolition of existing buildings, including heritage buildings.” Staff recommend revising this wording so that it is not misinterpreted as promoting the demolition of heritage buildings, but more the adaptive re-use of heritage buildings (Proposed PMTSA ROPA draft Policy 14.10.4); and,
- What would be involved in the municipal coordination of development applications through Master Development Agreements, Cost-sharing agreements or other measures to support the delivery of transit related infrastructure, and for proposed development above a rail corridor (Proposed PMTSA ROPA draft Policies 8A.2.18 – 20).

The proposed PMTSA ROPA requires that policies be implemented at the local level through Secondary Plans. The Town of Whitby currently has Secondary Plans in place for Port Whitby and Lynde Shores, which overlap with the area for the proposed Whitby GO PMTSA. Any Secondary Plans effected by the

delineation of the PMTSA boundary can be updated to include policies that implement the PMTSA ROPA. Staff will continue to seek clarity with the Region on this matter.

Continue Opportunity for Discussion and Refinement:

If the Region's proposed PMTSA ROPA advances separately from the full Envision Durham ROPA, per Regional Council direction, then there should be continued opportunity for further consideration and potential refinement, through other future components of Envision Durham.

**Next Steps**

The proposed PMTSA ROPA will be presented for adoption by Regional Council, following the statutory consultation process. The PMTSA ROPA then requires approval by the Ministry of Municipal Affairs and Housing in accordance with the Planning Act.

Concurrent and further to the PMTSA ROPA, the Region is in the process of releasing four technical studies related to the Land Needs Assessment component of Envision Durham. These technical studies include:

- Region-Wide Growth Analysis - Presents region-wide population and employment forecasts; various trends in demographics, housing, and built form.
- Housing Intensification Study - Evaluates the supply and demand for housing within the Built-up Area. A key outcome of this report is a recommended intensification target for the Region.
- Employment Strategy - Assesses trends in employment and analyzes the current state of the region's Employment Areas. Key outcomes include recommendations on Employment Area conversion requests, a recommended density target for Employment Areas, and recommendations on the supply of designated Employment Areas to 2051.
- Community Area Urban Land Needs Report - Evaluates the existing state, current trends, and long-term development potential of Designated Greenfield Areas. A key outcome includes a recommended density target for Designated Greenfield Areas and recommendations on urban area land required to accommodate residential units and population related jobs to 2051.

Staff will report back to Committee and Council regarding further considerations for the Region's Land Needs Assessment, and on the proposed full Envision Durham ROPA as this information is made available by the Region.

**5. Financial Considerations:**

Not applicable.

**6. Communication and Public Engagement:**

The Region has been undertaking a comprehensive community consultation program integral to the MCR process, including a project website, social media and surveys, Discussion Papers, and proposed policy directions for public and stakeholder comment. The Region maintains a distribution list to provide ongoing notification of the Envision Durham Project. No public engagement is required on the Town's behalf at this time.

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

Planning staff have worked with staff from Public Works (Transportation), Strategic Initiatives (Economic Development,) and other relevant Departments to analyze and provide comments on the Region's Envision Durham Municipal Comprehensive Review process, including proposed PMTSA policies and boundary delineations, and any future Envision Durham policy proposals. Planning staff will continue to work with relevant departments regarding future Envision Durham project components.

Planning staff are represented on the Region's Area Municipality Working Group for the Municipal Comprehensive Review, and will continue discussions with Regional staff, as well as staff in other Durham municipalities, as part of the Envision Durham process.

**8. Strategic Priorities:**

The proposed comments on the MTSA policy directions and boundary delineations align with Council Goals to remain the community of choice for families and become the community of choice for seniors and job creators; and to focus new growth around the principles of strong, walkable and complete neighbourhoods that offer mobility choices.

By recommending a more comprehensive approach to assessing PMTSA boundaries and policies, when the Region releases all information related to the Envision Durham exercise and full draft ROPA, we will better align with the Town's Corporate Plan Strategic Priority to be a high performing, innovative, effective and efficient organization. We will also better align with Council Goals for affordability and sustainability.

**9. Attachments:**

Attachment #1 – [Region of Durham Proposed Official Plan Amendment – Policies and Delineations for Protected Major Transit Station Areas \(File OPA 2021 - 003\)](#)