

Individual Site Assessment and Zoning Review

HIGHEST AND BEST USE

PL 8102 Institutional and Legal Context of Planning

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The Site

The site in question is immediately south of 409 Brock St S in Whitby, ON, as outlined in Figure 1, at the corner of Ontario St E and Brock St S, beyond the southern end of downtown.



Figure 1: PIN Map. Site is in red. Four Corners, the centre of downtown, marked by blue triangle.

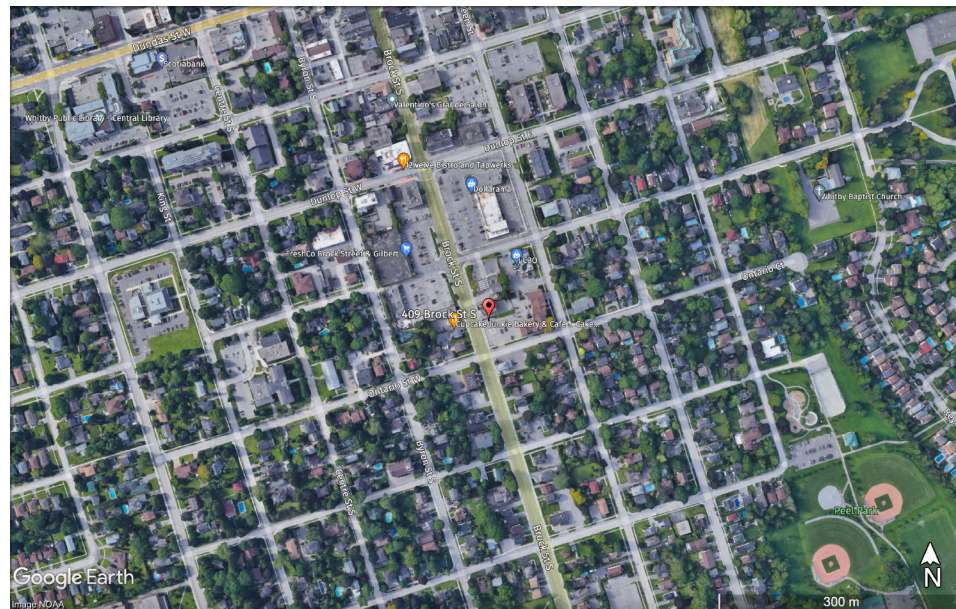


Figure 2: Aerial view of site, marked by red balloon.

Site Assessment

Currently, the site is zoned as C3-DT-1. This means that the area is a central commercial downtown area, and all the rules of C3-DT apply, such

as allowing for the use of apartments (but without parking lots or parks), various retail or commercial uses, or various types of park. There are few restrictions on the allowable lot coverage. Apartments are not allowed on the first storey of the building. The -1 restriction limits buildings to three storeys, as opposed to the three to six allowed in C3-DT. ([Corporation of the Town of Whitby, n.d.](#)). The site is not part of Whitby’s downtown heritage conservation district ([Goldsmith Borgal & Company Ltd. Architects, n.d.](#), Panel 2), but is a part of the Downtown Secondary Plan ([Town of Whitby, n.d.](#)).

The town’s official plan shows the area is “commercial”, but also marked for “intensification”. The site is also located on a “highly vulnerable aquifer” ([Town of Whitby, n.d.](#)).

No minor variances were found on the site ([Minutes, n.d.](#)).

Policy

Downtown Secondary Plan

The Downtown Secondary Plan limits the site to three storeys, although the site immediately to the north is limited to six ([Town of Whitby, n.d.](#), Schedule I, (Figure 3)). Mixed-use residential, with commercial on the ground floor and residential above (as in the existing historic downtown) is encouraged, with an increase of residential units to 200/ha. Ground-level parking is not allowed ([Town of Whitby, n.d.](#), s. 11.3.4). The current zoning enforces this.

Town of Whitby Official Plan

The Official Plan recommends a minimum building height of two storeys, and an increase of residential units to 75/ha. Drive-thrus are also not permitted ([Town of Whitby, n.d.](#), s. 4.3.3.3.3.3).

Durham Region Official Plan

The site is located near the intersection of a “Rapid Transit Spine” and a “High Frequency Transit Network” line, as well as being a “Regional Centre” ([The Regional Municipality of Durham, n.d.](#), Schedules A, C). The regional plan encourages compact development, with affordable, diverse, and safe living and employment opportunities. The design chosen should favour pedestrian access ([The Regional Municipality of Durham, n.d.](#)).

Provincial Growth Plan

The site is not part of a provincially-significant employment zone ([Ministry of Municipal Affairs and Housing, n.d.](#)). However, it is in the Greater Golden Horseshoe Growth Plan Area. This plan is a high-level overview of planning in the province, and is mainly used to define what municipal plans should aim for and what specific terms mean, such as *affordable* or *intensification** ([Ministry of Municipal Affairs and Housing, 2020a](#)).

*I.e. the increasing of density.

Provincial Policy Statement

Transit-supportive development is promoted in the Provincial Policy Statement (PPS). Additionally, the PPS gives the Region and Town the direction to promote compact *intensification*, as was seen in the secondary and official plans. As the site is on a vulnerable aquifer, used to supply drinking water, care must be taken to protect this ([Ministry of Municipal Affairs and Housing, 2020b](#), s. 2.2.1(f)). Development on the site cannot degrade the aquifer ([Town of Whitby, n.d.](#), s. 5.3.8.2).

“Highest and Best Use”

The *highest and best use* aims to extract the most economic value out of a plot in the way that is most feasible. In this case, whatever solution is chosen should comply with existing policies and plans (previously mentioned). The Downtown Secondary Plan and Town of Whitby Official Plan requires that what is constructed keeps with the character of the neighbourhood. In this case, the zoning supports this: having a first floor of commercial spaces with upper-floor apartments (or condominiums) would be ideal. The existing historic downtown is composed of this sort of arrangement: shops on the bottom with apartments up above, although these are small, wall-to-wall buildings, not a larger lot like here.

This development would continue that historic downtown setup, but in a modern building. The surrounding buildings are all flat, single-storey development that does not comply with the official plans, so this would be an attractive proposition to the Town.

The zoning is already compliant with the Secondary Plan and allows for three-storey building construction. Taller construction (such as six storeys) seems unlikely as the Town is clearly aiming for a “step-down” effect leading out of downtown, and the existing surrounding buildings are at most two storeys high.

A building taking most of the site (as allowed by current zoning and encouraged by the official plans and policies) should be constructed, with “boutique” commercial units facing the street to encourage passers-by to stop in. The upper floors should be residential units, built to the density encouraged by the official plans and allowed by building code. This would give a *Floor Space Index* (FSI)* of roughly 3, which is above the minimum recommended 2.5 of the Official Plan ([Town of Whitby, n.d.](#), s. 4.3.3.3.3.3).†

The zoning does not allow for, and the Secondary Plan does not encourage, solely residential buildings in the downtown area. This is to encourage walkable, transit-centric development, and to prevent the construction of monolithic apartment blocks with no amenities near to them. This is also in keeping with the Provincial Policy Statement, which requires compact, *transit-supportive* development.

Apartments or residential units on the upper floors will be more attractive if shops are so close (in the same building, in fact) that they can be

*Calculated as $FSI = \frac{\text{floor area}}{\text{gross lot area}}$

†Actual calculation would probably lower this number, but it should still meet Official Plan targets.

easily walked to. This will also allow for more varied sources of income for the developer. Surface parking is not allowed, but basement parking could be offered to rent. This would, again, provide extra economic income, and would also be keeping with the official plans in that it would encourage transit usage and make residents reconsider car ownership. In this light, the ground floor commercial units are especially important, as walkability is a must with this setup.

Whitby and Durham Region are aiming for intensification and compact development, which means higher density, so a building such as proposed for this site would make sense. Similar construction is happening at a site to the north, and so while this sort of building would be unusual in the neighbourhood for now, it would not be unprecedented. The new condominium tower to the north, Station № 3, would be of a similar height and design ([Brookfield Residential](#), n.d.), and shows the market in this area is trending in that direction, encouraged by the zoning and official plans.

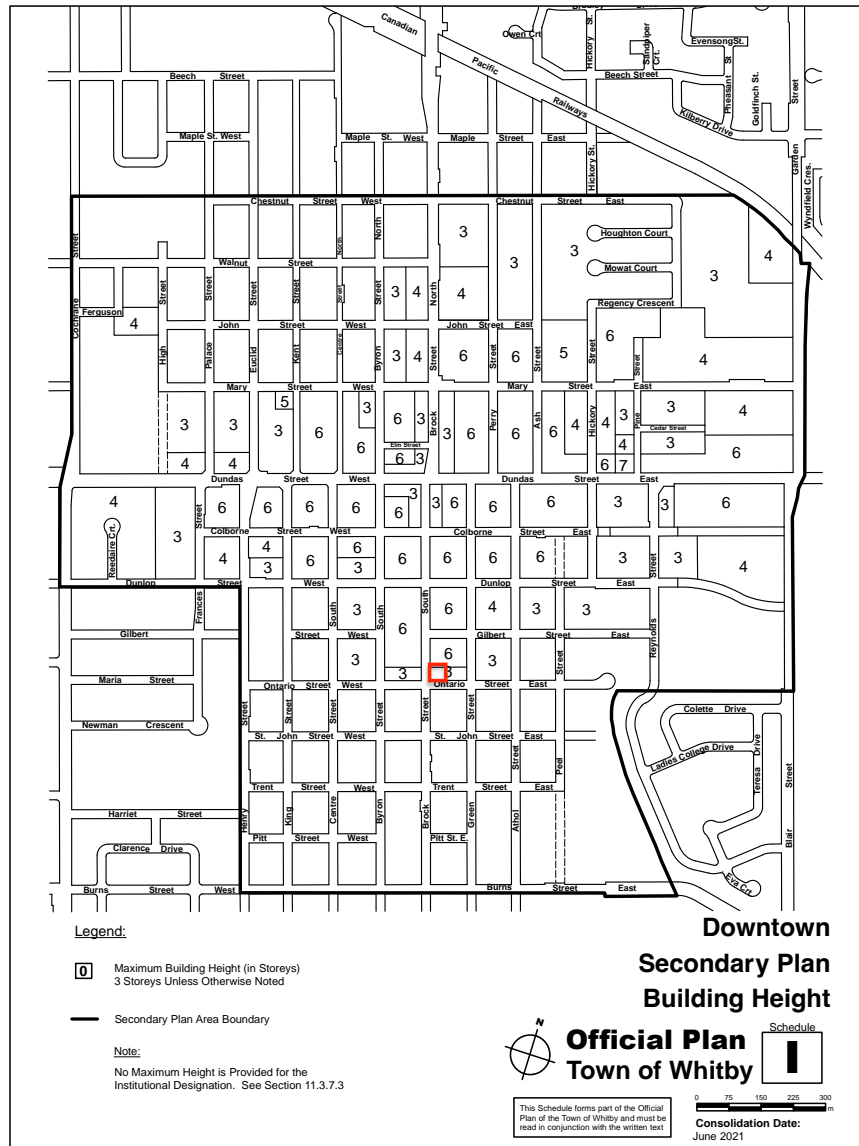


Figure 3: Downtown Secondary Plan recommended maximum building heights. The site is outlined in red.

References

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