
From: Catherine Rose, MCIP, RPP
Chief Planner

Subject: Zoning By-law Amendment Application A 08/17
Averton (Brock) Limited
Blocks 1, 2, 3 and 4, Plan 40M-2568
(Brock Road and Rex Heath Drive)

1. Purpose of this Report

The purpose of this report is to provide preliminary information regarding a Zoning By-law Amendment application, submitted by Averton (Brock) Limited, to facilitate a high density residential condominium development. This report contains general information on the applicable Official Plan and other related policies, and identifies matters raised to date.

This report is intended to assist members of the public and other interested stakeholders to understand the proposal. The Planning & Development Committee will hear public delegations on the application, ask questions of clarification, and identify any planning issues. This report is for information and no decision on this application is being made at this time. Staff will bring forward a recommendation report for consideration by the Planning & Development Committee upon completion of a comprehensive evaluation of the proposal.

2. Property Location and Description

The subject lands are located east of Brock Road, west of William Jackson Drive, and on the north and south sides of Rex Heath Drive within the Duffin Heights Neighbourhood (see Location Map, Attachment #1). The subject lands, which comprise four blocks having a combined area of approximately 5.3 hectares, with frontages along Brock Road, William Jackson Drive and Rex Heath Drive (see Aerial Photo Map, Attachment #2).

Surrounding land uses include:

North: A mixed of single, semi-detached and townhouse units, and a vacant parcel of land having an area of approximately 0.3 of a hectare with frontage along Brock Road and Carousel Drive.

East: Across William Jackson Drive are vacant lands owned by Infrastructure Ontario, which are zoned for a future elementary school. The Durham Catholic District School Board has advised that the school site is no longer required. Infrastructure Ontario is currently in the process of selling these lands. Other uses on the east of William Jackson Drive include a mix of single, semi-detached and townhouse units, Creekside Neighbourhood Park and the Pickering Golf Club.

- South: Vacant lands for which the City has received a Site Plan application, submitted by 1320991 Ontario Ltd. (Lebovic Enterprises Ltd.), to permit a residential condominium development consisting of 27 stacked units along Brock Road and 20 townhouse units. Further south is a hydro corridor.
- West: Across Brock Road, vacant City owned lands located at the northwest and southwest corners of Brock Road and Zents Drive, which are designated as "Mixed Corridors" within the City's Official Plan. The lands at the northwest corner of Brock Road and Zents Drive are planned for a future Fire Hall.

3. Original Approvals

In 2014, Council approved applications for Zoning By-law Amendment and Draft Plan of Subdivision, submitted by Averton, for the subject lands. The approvals included the development of four blocks for residential uses to be developed in four separate phases. The overall approval included: two 8 storey mixed use apartment buildings with grade related commercial uses, and 4 storey stacked back-to-back townhouse blocks with integrated underground parking garages along the Brock Road frontage, and a mix of back-to-back townhouses and stacked townhouses on the remaining lands.

In 2016, Averton received Site Plan Approval for Phase 1 (Block 1), which is currently under construction, to permit a total of 184 units consisting of stacked back-to-back townhouses and back-to-back townhouses. In October 2017, the City issued Site Plan Approval for Phase 2 (Block 2), which includes a total of 102 units consisting of stacked units and back-to-back townhouses.

4. Current Proposal

The applicant has submitted a Zoning By-law Amendment application requesting certain changes to the originally approved zoning by-law. Specifically, the applicant proposes to utilize the Bonus Zoning provisions of the City's Official Plan to increase the maximum permitted density beyond what is allowed by the Official Plan and increase the maximum height of the buildings beyond what is permitted by the current Zoning By-law, in exchange for the provisions of a community benefit under Section 37 of the *Planning Act*.

The applicant has requested the following specific amendments:

- increase the maximum residential density of the development beyond what is permitted by the City's Official Plan, from 140 units per net hectare to 148 units per net hectare, in exchange for the provisions of a community benefit under Section 37 of the *Planning Act*;
- increase the maximum height for apartment buildings beyond what is permitted by the current Zoning By-law, from 26.0 metres (8 storeys) to 67.0 metres (21 storeys), in exchange for the provision of a community benefit under Section 37 of the *Planning Act*;
- reduce the minimum gross leasable floor area for all non-residential uses in an apartment building as permitted by the current Zoning By-law, from 1,000 square metres to 400 square metres; and
- reduce the minimum building step-back provisions required for the portion of the apartment building facing Brock Road as permitted by the current Zoning By-law from 3.0 metres between the 3rd and 8th storey to 1.0 metre between the 3rd and 21st storey.

These amendments are to facilitate a residential condominium development proposing two apartment buildings having maximum building heights of 16 and 21 storeys containing a total of 351 apartment units, with approximately 800 square metres of grade related commercial space (see Submitted Conceptual Site Plan and Submitted Conceptual Rendering, Attachments #3 and #4). In addition, the applicant proposes 150 back-to-back stacked townhouse units. A total of 501 units are proposed within Phases 3 and 4.

The table below compares the type of units and the unit counts for the previously approved development and for the current proposal.

Phases	Original Approval		Current Proposal	
	Unit Type	No. of Units	Unit Type	No. of Units
1 (site plan approved)	back-to-back townhouses	66	No change	
	stacked back-to-back townhouses	118		
2 (site plan approved)	back-to-back townhouses	48	No change	
	stacked	54		
3	stacked back-to-back townhouses	60	stacked back-to-back townhouses	44
	apartment units	104	apartments	157
4	stacked back-to-back townhouses	110	stacked back-to-back townhouses	106
	apartments	134	apartments	194
Total Number of Units	694 units		787 units	

The current proposal will result in an increase in the total number of residential units by 93 units over the original proposal, all consisting of apartment units.

For residential uses within Phases 3 and 4 (stacked back-to-back townhouses and apartments), the current zoning by-law requires that parking be provided at a minimum rate of 1.0 parking space per dwelling unit, plus an additional 0.2 of a parking space per dwelling unit for visitors. Based on these rates, the applicant is required to provide a minimum of 501 parking spaces for residents and 100 parking spaces for visitors. The applicant is proposing a total of 627 spaces for residents (an additional 126 parking spaces over the by-law requirements) and 101 parking spaces for visitors all located within an underground parking structure. The applicant has advised that it has not been determined at this time whether the additional parking spaces will be sold to residents if they wish to purchase an additional space, or whether they will be offered to purchasers based on the number of bedrooms.

For non-residential uses, the current zoning by-law requires parking to be provided at a minimum rate of 4.0 parking spaces per 100 square metres of gross leasable floor area. Based on this rate, 32 parking spaces are required to support the commercial uses. A total of 24 surface parking spaces are provided. The additional 8 required parking spaces will be located within the underground parking structure.

Phases 3 and 4 will be subject to site plan approval.

5. Policy Framework

5.1 Durham Regional Official Plan

The subject lands are designated as “Living Areas” with a “Regional Corridor” overlay in the Durham Regional Official Plan. Lands within this designation are predominately intended for housing purposes. In addition, limited office development and limited retailing of goods and services, in appropriate locations, as components of mixed use developments, are permitted. In the consideration of development proposals, regard shall be had to achieving a compact urban form, including intensive residential, office, retail and service, and mixed uses along arterial roads, in conjunction with present and potential transit facilities.

Regional Corridors shall be planned and developed in accordance with the underlying land use designation, as higher density mixed-use areas, supporting higher order transit services and pedestrian oriented design. Regional Corridors are intended to support an overall, long-term density target of at least 60 residential units per gross hectare and a floor-space index of 2.5, with a wide variety of building forms, generally mid-rise in height, with some higher buildings, as detailed in municipal official plans.

The application will be assessed against the policies and provisions of the Regional Official Plan during the further processing of the applications.

5.2 Pickering Official Plan

The subject lands are located within the Duffin Heights Neighbourhood and are designated “Mixed Use Areas – Mixed Corridors”. Mixed Use Areas are recognized as lands that have or are intended to have the widest variety of uses and highest levels of activity in the City. The Mixed Corridors designation is intended primarily for residential, retail, community, cultural and recreational uses at a scale serving the community.

Minimum and maximum residential densities are established for Mixed Corridors. The permitted density range for lands within this designation is over 30 units and up to and including 140 units per net hectare. The following table outlines the maximum permissible and proposed density for the development.

	Units per Net Hectare	Resulting total number of units for Averton Lands
Maximum permitted density by the City's Official Plan	140 units/ha	742 units
Proposed Maximum Density	148 units/ha	787 units
Difference between maximum permitted density and proposed density	additional 8 units/ha	additional 45 units

As noted in Section 4 of this report, the applicant originally proposed a total of 694 units. Under the current official plan policies, it is permissible for Averton to have a maximum of 742 residential units within the four phases.

To facilitate the new proposal, the applicant is requesting an increase in the maximum permitted density by 8 units per net hectare, which results in an additional 45 units beyond the maximum permitted density within the City's Official Plan. Notwithstanding the unit increase requested, the Official Plan contains policy that residential densities may be restricted below the maximum density to address concerns related to such matters as design, compatibility and scale of development, and in response to provisions specified in the Neighbourhood Plan.

The applicant's proposal will be reviewed in detail for conformity with the policies of the City's Official Plan.

5.3 Bonus Zoning Policies

Section 37 of the *Planning Act* authorizes municipalities with appropriate Official Plan provisions to pass zoning by-laws for increases in height or density beyond what is permitted by the zoning by-law, in return for the provision by the applicant of community benefits. The City's Official Plan contains such policy provisions which permit City Council to pass by-laws that grant an increase in height of a building or an increase in density not exceeding 25 percent of the density permitted by the Official Plan providing:

- the density or height bonus is given only in return for the provision of specific services, facilities or matters as specified in the by-law, such as but not limited to: additional open space or community facilities, assisted or special needs housing, the preservation of heritage buildings or structures, or the preservation of natural heritage features and functions
- when considering an increase in density or height, and allowing the provision of benefits off-site, the positive impacts of the exchange should benefit the social/cultural, environmental and economic health of surrounding areas experiencing the increased height and/or density
- the effects of the density or height bonus have been reviewed and determined by Council to be in conformity with the general intent of the Official Plan, by considering matters such as:
 - the suitability of the site for the proposed increase in density and/or height in terms of parking, landscaping, and other site-specific requirements
 - the compatibility of any increase in density and/or height with the character of the surrounding neighbourhood; and
- as a condition of granting a density or height bonus, the City requires the benefiting landowner(s) to enter into one or more agreements, registered against the title of the lands, dealing with the provision and timing of specific facilities, services or matters to be provided in return for the bonus

Averton is proposing to use the Bonus Zoning provisions of the City's Official Plan to permit an additional 45 units beyond the maximum permitted density by the Official Plan and increase the maximum height of the buildings beyond what is permitted by the current Zoning By-law.

The City is currently assessing the appropriateness of the applicant's request to use the density bonus provisions of the Official Plan to increase the permit density and building height.

5.4 Duffin Heights Neighbourhood Policies

Official Plan policies for the Mixed Use Areas – Mixed Corridors designation in this neighbourhood require higher intensity multi-unit housing forms on lands adjacent to Brock Road and restrict grade related residential development to lands adjacent to collector or local roads. The subject lands are located at the intersection of Brock Road and Rex Heath Drive, which has been identified as a Focal Point within the Duffin Heights Neighbourhood. Development within Focal Points is to contribute to the prominence of the intersection by requiring:

- the inclusion of appropriate provisions in the implementing zoning by-law to address such matters as the location and extent of build-to-zones, mix of permitted uses, and required building articulation, and
- the use of other site development features such as building design, building material, architectural features or structures, landscaping, public art and public realm enhancements such as squares or landscaped seating areas to help achieve focal point prominence

5.5 Duffin Heights Neighbourhood Development Guidelines

The intent of the Duffin Heights Neighbourhood Development Guidelines is to further the objectives of the Official Plan and to achieve the following design objectives for the neighbourhood:

- to create a streetscape which is attractive, safe and encourages social interaction within the neighbourhood
- to establish a central focus to the neighbourhood which is safe, lively and attractive
- to provide a diversity of uses to support neighbourhood and City functions

The subject lands are delineated as Brock Road Streetscape on the Tertiary Plan, which encourages higher density, mid-rise and mixed use buildings with a high level of architectural quality. The Tertiary Plan also identifies the intersection of Brock Road and Rex Heath Drive as a focal point that will require special design considerations through the use of appropriate building heights, massing, architectural features and landscaping in order to establish a prominent image at these intersections. Guidelines for Brock Road Streetscape require that large walls visible from Brock Road to be articulated through various treatments such as offsets in massing. Blank façades will not be permitted facing Brock Road or any street.

The application will be assessed against the Duffin Heights Neighbourhood policies and Neighbourhood Guidelines and provisions of the Pickering Official Plan during the further processing of the application.

5.6 Zoning By-law 3037

Blocks 1 and 2 are currently zoned MU-MD-1 and Blocks 3 and 4 are zoned MU-28 within Zoning By-law 3037, as amended by By-law 7444/15. The MU-MD-1 zone category permits stacked townhouse, back-to-back townhouse and back-to-back stacked townhouse. The lands zoned MU-28 permits all of the uses in MU-MD-1 as well as apartments and a range of commercial uses.

The applicant is requesting to amend the site specific zoning by-law to establish a maximum density beyond what is permitted by the City's Official Plan, increase the maximum building height for an apartment building, reduce the minimum gross leasable floor area for non-residential uses within an apartment building, and reduce the minimum building step-back required above the 3rd storey.

6. Comments Received

6.1 Public comments from public open house meeting and written submissions

On October 16, 2017, a Public Open House meeting was hosted by the City Development Department to inform area residents about the development proposal. Approximately 15 households (approximately 25 to 30 people) attended the Open House meeting. The following is a list of key concerns that were verbally expressed by area residents at the meeting and written submissions received from approximately 15 residents:

- opposed to the applicant proposing the use of the Bonus Zoning provisions of the City's Official Plan which would allow additional units beyond the maximum permitted density by the Official Plan and opposed to the increase in the maximum height of the buildings beyond what is permitted by the Zoning By-law
- questioned what the community benefit will be if the City supports the Bonus Zoning request
- questioned why the applicant would not design the building to meet the current City policies
- concerned that the proposed tower heights of 16 and 21 storeys are out of character with the surrounding community
- concerned that the proposed tower heights will permit residents to overlook into backyards and have shadow impacts
- concerned that the proposal will increase traffic congestion in the area and concerned for the safety of children
- concerned that there is not a sufficient number of resident and visitor parking proposed to support the development and there will be overflow parking on neighbouring streets
- concerned that the proposed development does not provide a sufficient amount of land dedicated to park space
- concerned about the overall lack of available parkland and community facilities for area residents on the east side of Brock Road
- commented that the City's notification radius is too small and should be increased to notify a larger number of residents

6.2 City Department Comments

Engineering Services

The Engineering Services Department have reviewed the rezoning application and have no comments or concerns.

6.3 Agency Comments

As of the writing of this report, no comments or concerns have been received.

7. Planning & Design Section Comments

The following is a summary of key concerns/issues or matters of importance raised to date. These matters, and other identified through the circulation and detailed review of the proposal, are required to be addressed by the applicant prior to a final recommendation report to Planning & Development Committee:

- ensure conformity with the City's Official Plan and Duffin Heights Neighbourhood policies
- assess the suitability and appropriateness of the site for the proposed increase in building height and density
- assess any potential shadow impacts from the proposed 16 and 21 storey buildings on the surrounding community
- determine the specific community benefit that the applicant proposes for the additional increase in building height and density, and its suitability for the community
- ensure the proposal addresses the goals and objectives of the Duffin Heights Neighbourhood Development Guidelines with respect to building siting and setbacks, building heights and massing, architectural features and materials, landscaping, outdoor open space, and pedestrian connectivity within and external to the site
- review the applicant's request to decrease the building step-back from 3.0 metres to 1.0 metre on buildings proposed to be 16 and 21 storeys in height
- review whether additional parkland is needed on the east side of Brock Road to support the additional population anticipated in the Duffin Heights Neighbourhood
- assess whether additional parkland dedication should be collected on a per unit basis for Phases 3 and 4
- review the applicant's request to reduce the minimum gross leasable floor area for commercial uses to ensure that sufficient opportunity is available in the Duffin Heights Neighbourhood to provide commercial uses to service the area residents, and ensure the mixed use requirements within the Brock Road corridor is in conformity with the direction of the Region of Durham's and the City's Official Plan
- assess whether the additional residential units will have any traffic impacts on Brock Road and surrounding road network
- ensure sufficient parking is provided for residents, visitors and commercial uses to support the mixed use development
- further issues may be identified following receipt and review of comments from the circulated departments, agencies and public

The City Development Department will conclude its position on the applications after it has received and assessed comments from the circulated department, agencies and public.

8. Information Received

Copies of the plans and studies listed below are available for viewing on the City's website at pickering.ca/devapp or in person at the offices of the City of Pickering, City Development Department:

- Planning Rationale Report, prepared by The Biglieri Group Ltd., dated July, 2017
- Addendum Letter #2 to the Environmental Noise Assessment, prepared by Valcoustics, dated June 19, 2017
- Stormwater Management Letter, prepared by Sabourin Kimble & Associates, dated May 29, 2017
- Geotechnical Investigation Report, prepared by Alston Associates, dated June 5, 2017
- Soil and Groundwater Condition Letter, prepared by Alton Associates, dated May 30, 2017
- Traffic Study Addendum, prepared by BA Group, dated June 20, 2017

9. Procedural Information

9.1 General

- written comments regarding this proposal should be directed to the City Development Department
- oral comments may be made at the Public Information Meeting
- all comments received will be noted and used as input to a Planning Report prepared by the City Development Department for a subsequent meeting of Council or a Committee of Council
- any member of the public who wishes to reserve the option to appeal Council's decision must provide comments to the City before Council adopts any by-law for this proposal
- any member of the public who wishes to be notified of Council's decision regarding this proposal must request such in writing to the City Clerk

10. Owner/Applicant Information

The owner of this property is Averton (Brock) Limited and represented by The Biglieri Group.

Attachments

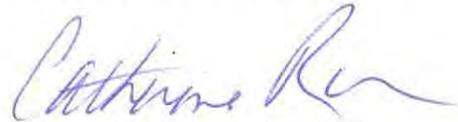
1. Location Map
 2. Aerial Photo Map
 3. Submitted Conceptual Site Plan
 4. Submitted Conceptual Rendering
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Prepared By:



Cristina Celebre, MCIP, RPP
Principal Planner, Development Review

Approved/Endorsed By:



Catherine Rose, MCIP, RPP
Chief Planner

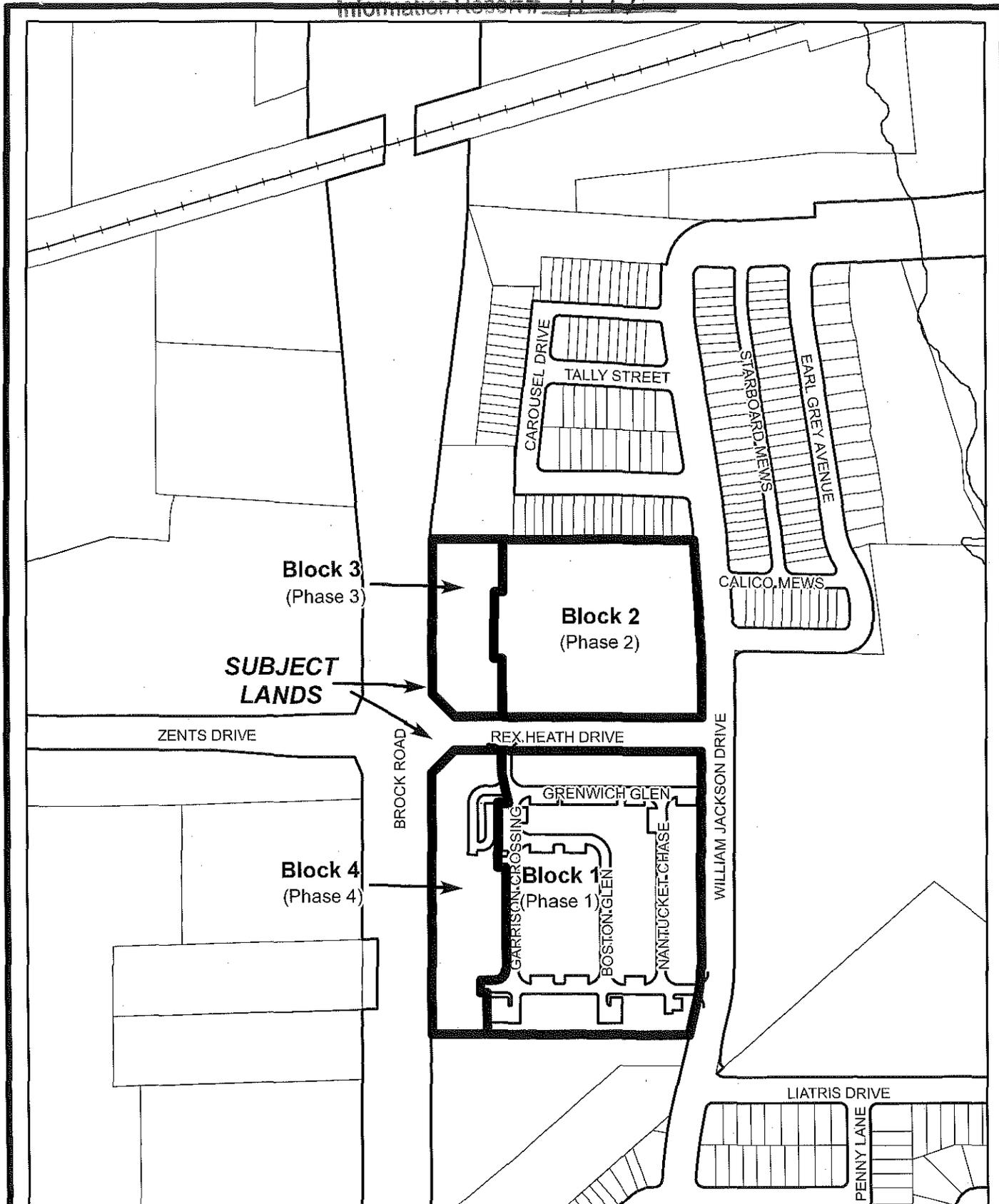


Niles Surti, MCIP, RPP
Manager, Development Review
& Urban Design

for

CC:ld

Date of Report: November 17, 2017



City of
PICKERING
 City Development
 Department

Location Map

File: A 08/17

Applicant: Averton (Brock) Limited

Property Description: Block 1,2,3 and 4, Plan 40M-2568

Date: Nov. 15, 2017

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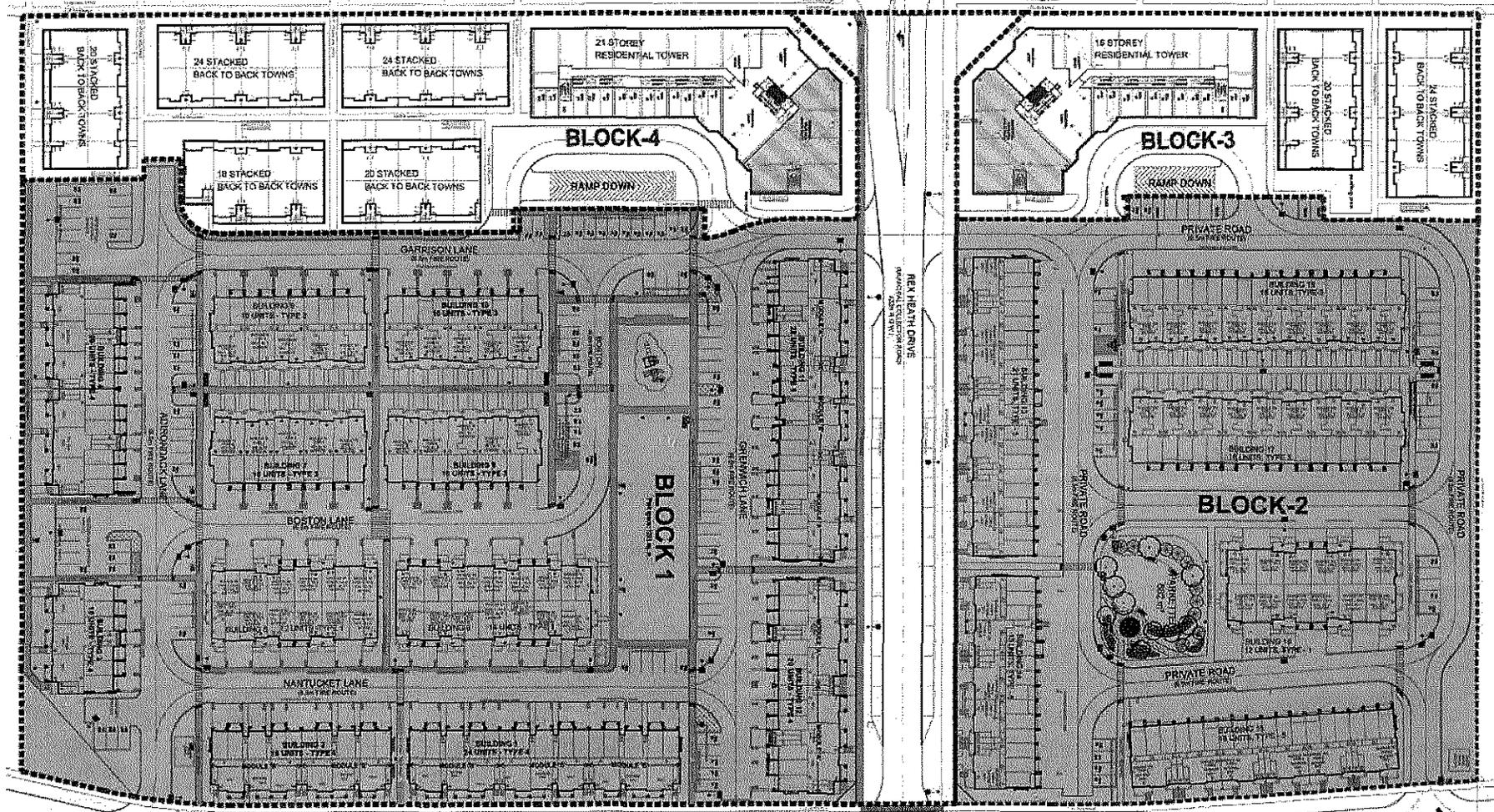
Aerial Photo Map
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Applicant: Averton (Brock) Limited
Property Description: Block 1,2,3 and 4, Plan 40M2568

Date: Nov. 17, 2017

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SCALE: 1:10,000
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Brock Road



William Jackson Drive

Attachment # 3 to
Information Report # 11-17

City of
PICKERING
City Development
Department

Submitted Conceptual Site Plan

File No: A 08/17

Applicant: Averton (Brock) Limited

Property Description: Blocks 1,2,3 and 4, Plan 40M-2568

FULL SCALE COPIES OF THIS PLAN ARE AVAILABLE FOR VIEWING AT THE CITY OF PICKERING
CITY DEVELOPMENT DEPARTMENT.

DATE: Nov 15, 2017



City of
PICKERING

City Development
Department

Submitted Conceptual Rendering

File No: A 08/17

Applicant: Averton (Brock) Limited

Property Description: Blocks 1,2,3 and 4, Plan 40M-2568

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