
From: Catherine Rose, MCIP, RPP
Chief Planner

Subject: Zoning By-law Amendment Application A 11/19
Amberlea Creek Development Inc.
Part Lot 28, Range 3, Broken Front Concession
760 & 770 Kingston Road

1. Purpose of this Report

The purpose of this report is to provide preliminary information on an application for Zoning By-law Amendment, submitted by Amberlea Creek Development Inc. to permit a 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. Planning & Development Committee will hear public delegations on the application, ask questions of clarification and identify any planning matters. 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 comprise two properties located on the north side of Kingston Road, east of Delta Boulevard, having a combined area of approximately 0.7 of a hectare with approximately 88 metres of frontage along Kingston Road (see Location Map, Attachment #1). The lands are bisected by the Amberlea Creek, and currently contain two detached dwellings that are proposed to be removed.

Surrounding land uses include established low density residential development consisting of detached dwellings to the north, existing commercial development to the east and west, and a vehicle sales and services establishment to the south across Kingston Road (see Air Photo Map, Attachment #2).

3. Applicant's Proposal

The applicant is proposing a residential condominium development consisting of 82 stacked townhouse dwellings accessed through an internal private road (see Submitted Conceptual Plan, Attachment #3).

The development concept proposes a realigned and enclosed watercourse for the portion of the Amberlea Creek tributary that bisects the subject site. It is proposed that the tributary be enclosed as it enters at the northwest corner of the site and realigned along the north property line and then along the east property line. At the southeast corner of the site, it is proposed to connect to the existing culvert to be piped under Kingston Road.

Vehicular access to the site is proposed to be provided in two locations. Access to Kingston Road is proposed by way of a shared access to the driveway that currently services the commercial plaza abutting the subject property to the east. A driveway along the rear property line to a future public road connection to Delta Boulevard proposes the other access to Delta Boulevard. The applicant has indicated that they will work with the City to provide an easement across the driveway to provide internal connectivity between properties along the north side of Kingston Road.

The conceptual site plan illustrates three blocks for back-to-back stacked townhouses containing two and one bedroom units. All of the townhouse units are proposed to be 3 storeys in height (approximately 15.0 metres), and have a minimum width of 5.85 metres. The ground floor units are a single storey and are either double in width or are a through unit. The upper 2 floors contain 2 storey stacked units with living spaces on the second floor and bedrooms on the third floor. Each dwelling unit will have either a private at-grade patio or a balcony. The townhouse blocks are oriented so that dwelling units front onto Kingston Road, internal private landscaped courtyard areas or the internal private road.

Access to the underground parking garage is provided from the internal private road at the end of each of the townhouse blocks. Resident parking is provided in the underground parking garage at a ratio of one parking space per dwelling unit for a total of 82 spaces. Visitor parking is provided at grade (7 spaces including one accessible space) and in the underground parking garage (6 spaces) a rate of 0.15 of a space per unit for a total of 13 spaces. In summary, 88 parking spaces are provided in the underground parking garage and 7 parking spaces (including one accessible space) are provided at grade for a total of 95 parking spaces provided.

The conceptual plan also provides for two outdoor amenity areas. One outdoor amenity area, having an area of approximately 165 square metres, is located at the east end of Block 1 and fronts onto Kingston Road. This area will act as a gateway to the development from Kingston Road. The second amenity area having an area of approximately 200 square metres, is immediately north of Block 1 in close proximity to the first amenity area. A walkway system is proposed providing pedestrian connectivity within the site to the dwelling unit entry areas, townhouse blocks, courtyards, parking garage, pedestrian entries, at-grade parking areas, private amenity areas, and Kingston Road.

The development will be subject to site plan approval. A draft plan of condominium application will be submitted at a later date.

4. Policy Framework

4.1 Durham Regional Official Plan

The Region of Durham Official Plan (ROP) designates the subject lands as “Urban System – Living Area” with a “Regional Corridor” overlay. Lands within this designation are to be planned and developed at higher densities and achieving a mix of commercial, residential, employment and institutional uses while supporting higher order transit services and pedestrian oriented development. Regional Corridors are to be planned and developed to achieve a long term overall density of 60 units per gross hectare and a floor space index (FSI) of 2.5. Portions of the subject lands are identified as containing “Key Natural Heritage and Hydrologic Features” requiring that any proposal for development or site alteration demonstrate that there will be no negative effects on key natural heritage or hydrologic features or their functions.

Kingston Road is designated as a Type ‘B’ Arterial Road and a Rapid Transit Spine in the Durham Regional Official Plan. Type ‘B’ Arterial Roads are designed to carry large volumes of traffic at moderate to high speeds, connect with freeways, other arterial roads and collector roads. Rapid Transit Spines are corridors that are planned to provide dedicated transit lanes in most arterial road sections, and intersect with local transit service. The right-of-way width requirement for this section of Kingston Road is 45 metres for an ultimate 6-lane cross-section.

The applicant’s proposal will be assessed against the policies and provisions of the Durham Regional Official Plan.

4.2 Pickering Official Plan

The Official Plan designates the subject lands as “Mixed Use Areas – Mixed Corridors”, within the Woodlands Neighbourhood. The “Mixed Corridor” designation is intended primarily for residential, retail, community, cultural and recreational uses at a scale serving the community. This designation permits a residential density of over 30 units per net hectare and up to and including 180 units per net hectare. The permitted maximum floorspace index (total building floorspace divided by total lot area) is up to and including 2.5 FSI. The proposal has a density of approximately 109 units per net hectare, and a FSI of 1.1.

The Official Plan states that in establishing performance standards, restrictions and provisions for Mixed Use Areas, regard shall be had to encouraging development in an integrated manner for a wide variety of uses and purposes, and encouraging intensification over time, up to the maximum net residential densities and maximum floor space indices.

4.3 Woodlands Neighbourhood Policies

The subject lands are within the Woodlands Neighbourhood and within the detailed review area referred to as the Northeast Quadrant.

The Woodlands Neighbourhood policies for the Mixed Corridor designation require the existing low density development on Sheppard Avenue is to be recognized. To this end, the design of new residential development is to be compatible with existing development with respect to such matters as building heights, yard setbacks, building orientation and massing, access to sunlight, and privacy.

Lands covered by the Northeast Quadrant Development Guidelines are to support shared access points along Kingston Road, and require vehicular access, by means of easement, from Delta Boulevard easterly lands through to the 'old' Dunbarton School site (now occupied by the 820 Kingston Road Plaza).

The principle of piping the Amberlea Creek tributary that flows through the Northeast Quadrant lands is supported. Environmental/stormwater management reports, prepared to the satisfaction of the City and the Toronto and Region Conservation Authority (TRCA), are required for proposals to pipe the tributary. The reports are to demonstrate how the proposal is consistent with the broader stormwater management strategy resulting in a significant net environmental benefit to the watershed. Required compensation under the *Fisheries Act* is to be satisfied. Additionally, it is to be ensured that development proposals are undertaken in a manner that does not adversely impact downstream water quality and quantity through the use of on-site controls and/or financial contributions to a downstream stormwater facility if necessary.

Neighbourhood policies direct the use of the holding provisions of the *Planning Act*, to address various development related matters including but not limited to cost sharing agreements for mutual shared access, provision of easements, and payment of study costs.

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

4.3 Northeast Quadrant Development Guidelines and the Kingston Road Corridor Development Guidelines

The subject lands are addressed in two Council adopted development guidelines: the Northeast Quadrant Development Guidelines; and the Kingston Road Corridor Development Guidelines. These guidelines require new residential development be integrated into the area in a manner that is both respectful of the character of the existing neighbourhood and serves as an interface between this area and the surrounding lands. The guidelines also require that buildings or structures not be permitted within 10 metres of a piped Amberlea Creek tributary.

General principles addressed in the guidelines include the creation of clear separation of pedestrian activities and vehicular spaces, locating buildings closer to the street, allowing low to mid-rise buildings on the north side of Kingston Road, and requiring a minimum building height of 2 storeys.

The guidelines anticipate that Kingston Road will be widened to six lanes with auxiliary turn lanes, and upgraded to standard urban cross-sections with curbs, gutters and sidewalks. Access locations along Kingston Road are under the sole jurisdiction of the Region of Durham and full access permissions may change to restricted access. The City will support opportunities for shared access as well as coordinated internal access, between private properties and will require the granting of easements.

Developers and property owners will be required to contribute to the costs of the Northeast Quadrant Guidelines including the transportation, environmental/stormwater and urban design components. Costs will be adjusted annually based on the Southam Construction Index.

4.4 Kingston Road Corridor and Specialty Retailing Node Intensification Study

The subject lands are currently within an area undergoing a City Initiated land use and urban design study (see Kingston Road Corridor and Specialty Retailing Node Intensification Study Area, Attachment #5). The Kingston Road Corridor and Specialty Retailing Node Intensification Study (the “Study”) represents the second phase of the South Pickering Intensification Study, and is currently underway. The intention of the Study is to identify opportunities for intensification and develop recommendations that will be used to update the current planning framework. These updates include, Official Plan policies, producing new urban design guidelines that will replace the existing Kingston Corridor Development Guidelines, and developing new zoning standards for lands within the Corridor and Node.

The Study is anticipated to conclude by the end of 2019. The proposed development will be reviewed in the context of the Kingston Road Corridor and the Specialty Retailing Node study currently undertaken by the City.

4.5 Zoning By-law 3036

In 2015, Council approved a site specific rezoning application to facilitate the development of a commercial plaza. The subject lands were rezoned to “(H)MU-26” – Mixed Use Zone within Zoning By-law 3036, amended by By-law 7437/15, subject to an ‘H’ Holding Symbol. The amending by-law permits a range of commercial uses including, but not limited to, personal service shop, restaurant, office, financial institution, medical office, and retail. The amending by-law also included maximum gross leasable floor area for all uses, as well as maximum gross leasable floor area for restaurants and medical office uses. The conditions to lift the ‘H’ Holding Symbol include the requirement of a site plan/development agreement, satisfying the City’s and TRCA’s technical and engineering requirements for the piping of the Amberlea Creek tributary, and the payment of compensation to the TRCA for the piping of the tributary.

The applicant is seeking a site-specific zoning by-law amendment to permit a residential condominium development consisting of 82 stacked townhouse dwelling units.

5. Comments Received

5.1 Resident Comments

Comments were received from an adjacent property owner, immediately adjacent to the north, indicating that residential development of the subject lands is supported but there a number of serious concerns with the proposed development. The following was expressed:

- concerned that the proposed piping of the Amberlea Creek tributary will impact the neighbouring properties to the north that already experience high water levels during the spring and fall;
- concerned that the proposed development will result in the loss of trees that provide a home and feeding ground for animals and birds;
- concerned that the existing residents to the north will have to deal with increased noise, traffic and safety concerns during the construction, and will experience a loss of privacy in their rear yards;
- concerned that the properties to the north will experience impacts from noise and headlights from increased traffic along the east/west driveway at the rear of the proposed development;
- requested that the developer be required to construct a concrete fence of 8 feet to 10 feet in height along the shared property line to mitigate noise; and
- suggested that for the subject lands, traditional townhouses are more appropriate than stacked townhouses as the proposed development will have less soft landscaping and smaller building setbacks than is standard.

Comments were received from Eastbay Holdings Inc., owners of 780 Kingston Road, the adjacent property to the east, requesting that the City require adequate landscape buffering be installed at the applicant's expense between 780 Kingston Road and the proposed residential development. It was also requested that if the proposed shared access at 780 Kingston Road is approved, that following matters be addressed:

- cost sharing agreement regarding expenses;
- maintenance agreements;
- indemnity agreements and assumption of liability agreements; and
- other such relevant agreements including those which will be assumed by any condominium corporation once the proposed stacked townhouse development has been registered.

5.2 Agency Comments

5.2.1 Region of Durham – Planning Department

As of the writing of this report, no comments have been received from the Region of Durham Planning and Economic Development Department.

5.2.2 Toronto and Region Conservation Authority

As of the writing of this report, no comments have been received from the Toronto and Region Conservation Authority.

5.2.3 Durham District School Board

Staff have no objection to the proposal. Students generated from this development will attend existing neighbourhood schools.

5.3 City Departments Comments

5.3.1 Engineering Services

As of the writing of this report, no comments have been received from Engineering Services.

5.3.2 Fire Services

The proposed fire route will be required to be adjusted to provide a turn-around or exit onto Kingston Road.

6. Planning & Design Section Comments

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

- ensuring conformity with the City's Official Plan and Neighbourhood policies and Development Guidelines
- assessing the appropriateness of the proposal in the context of the emerging land use policy framework and urban design objectives of the Kingston Road Corridor and the Specialty Retailing Node study
- ensuring that the proposed development is compatible with and sensitive to the existing surrounding neighbourhood, specifically to the existing residential dwellings to the north
- evaluating the appropriateness of the proposed site layout, building setbacks, massing and landscaping to ensure the City's urban design objectives are achieved
- securing for the construction and financial contribution for the construction of the public road connection to Delta Boulevard
- evaluating the location, size and functionality of the proposed outdoor amenity areas
- ensuring the proper review and design for the piping of the Amberlea Creek tributary, and that the stormwater management controls have been completed to the satisfaction of the City in consultation with TRCA
- ensuring that all TRCA requirements including compensation are satisfied
- ensuring the building components that abut Kingston Road have been appropriately addressed with respect to design and setback
- reviewing traffic impacts, both on the local and Regional roads, and on-site traffic management to ensure appropriate traffic movements

-
- ensuring that appropriate access easements are provided to achieve both vehicle and pedestrian movements from Delta Boulevard to the eastern abutting properties
 - ensuring that requirements of Durham Transit proposed bus rapid transit can be accommodated
 - ensuring that the proposed development contains appropriate sustainable development components
 - ensuring that the required technical submissions and reports meet City standards
 - 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 application after it has received and assessed comments from the circulated departments, agencies and public.

7. Information Received

Full scale copies of the plans and studies listed below are available for online viewing at pickering.ca/devapp or in person at the office of the City of Pickering, City Development Department:

- Planning Rationale, prepared by Design Plan Services, dated June 2019
- Site Concept Plan, prepared by Guthrie Muscovitch Architects, dated June 10, 2019
- Conceptual Building Elevations, prepared by Guthrie Muscovitch Architects
- Building Section/Garage Concept, prepared by Guthrie Muscovitch Architects, dated June 10, 2019
- Environmental Impact Study, prepared by North-South Environmental Inc., dated June 5, 2019
- ESA Geotechnical Reliance Letter, prepared by V.A. Wood Associates Limited, dated October 10, 2018
- Environmental Site Assessment Phase 1, prepared by V.A. Wood Associates Limited, dated October 10, 2018
- ESA Phase 1 Reliance Letter, prepared by V.A. Wood Associates Limited, dated October 10, 2017
- Floodplain Impact Report, prepared by Cole Engineering Group Ltd., dated June 2019
- Functional Servicing & Stormwater Management Report, prepared by Cole Engineering Group Ltd., dated June 2019
- Geotechnical Investigation, prepared by V.A. Wood Associates Limited, dated April 2017
- Noise Impact Update, prepared by Stantec, dated May 29, 2019
- Traffic Impact Update, prepared by Stantec, dated June 10, 2019
- Tree Inventory Report, prepared by Andrew Louws, dated April 20, 2017

8. Procedural Information

8.1 General

- written comments regarding this proposal should be directed to the City Development Department
- oral comments may be made at the Statutory Public Meeting
- all comments received will be noted and used as input to a Recommendation 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

9. Owner/Applicant Information

The owner of the property is Amberlea Creek Development Inc. and is represented by Design Plan Services Inc.

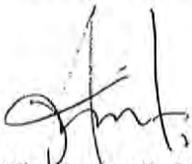
Attachments

1. Location Map
 2. Air Photo Map
 3. Submitted Conceptual Plan
 4. Submitted Conceptual Building Elevations
 5. Kingston Road Corridor and Specialty Retailing Node Intensification Study Area
-

Prepared By:

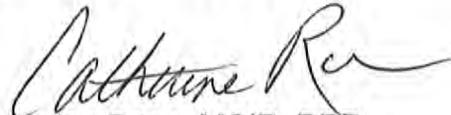


Deborah Wylie, MCIP, RPP
Principal Planner, Development Review



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

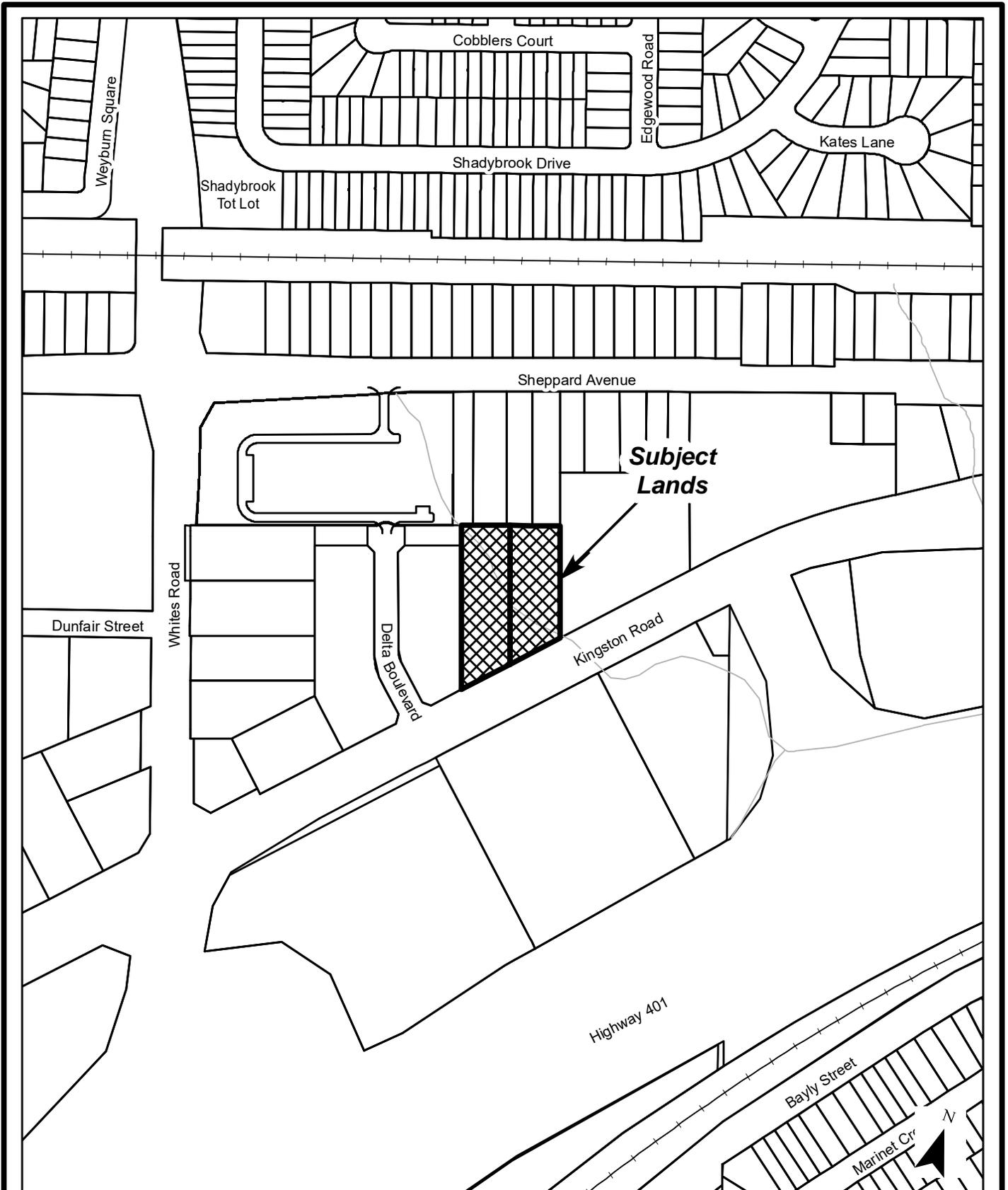
Approved/Endorsed By:



Catherine Rose, MCIP, RPP
Chief Planner

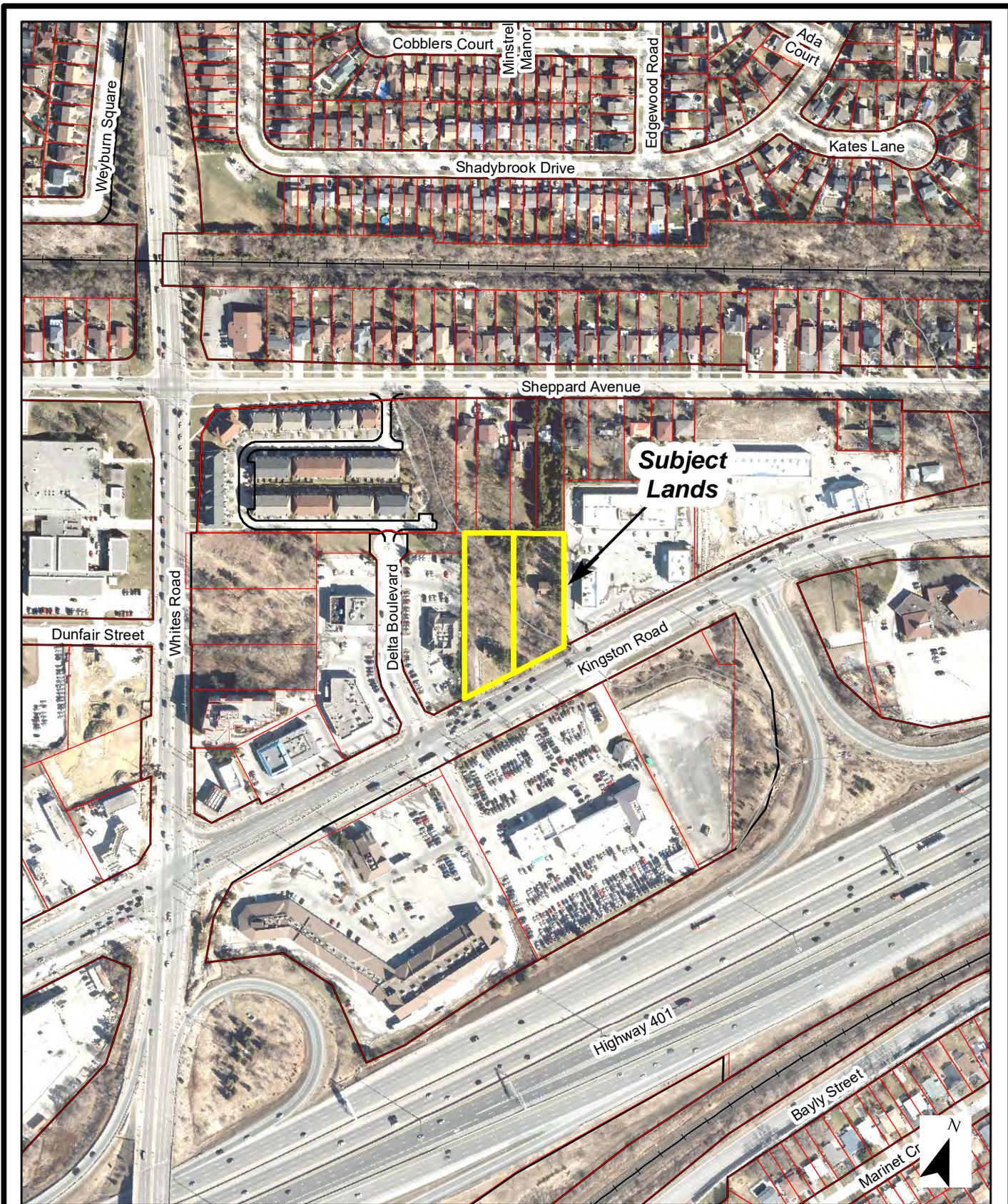
DW:ld

Date of Report: October 17, 2019



City of
PICKERING
 City Development
 Department

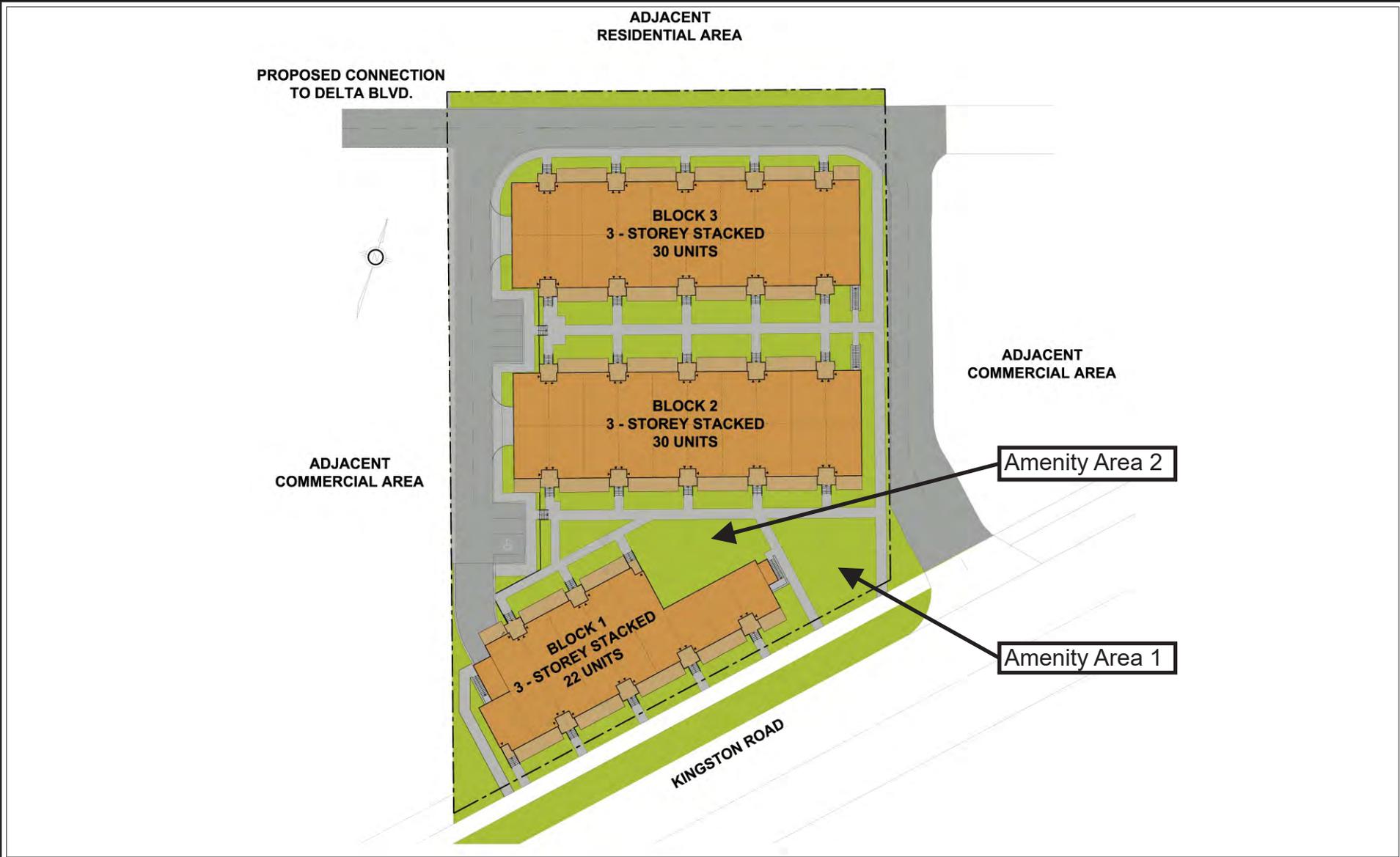
Location Map	
File: A 11/19	
Applicant: Amberlea Creek Development Inc.	
Property Description: Pt of Lt 28, Range 3, B.F.C., Pt 1, 40R-9413 (760-770 Kingston Road)	
Date: Oct. 16, 2019	SCALE: 1:4,000
<small>© The Corporation of the City of Pickering Produced (in part) under license from: © Queens Printer, Ontario Ministry of Natural Resources. All rights reserved. © Her Majesty the Queen in Right of Canada, Department of Natural Resources. All rights reserved. © Teranel Enterprises Inc. and its suppliers all rights reserved. © Municipal Property Assessment Corporation and its suppliers all rights reserved.</small>	
THIS IS NOT A PLAN OF SURVEY.	



City of
PICKERING
 City Development
 Department

Air Photo Map	
File: A 11/19	
Applicant: Amberlea Creek Development Inc.	
Property Description: Pt of Lt 28, Range 3, B.F.C., Pt 1, 40R-9413 (760-770 Kingston Road)	
Date: Oct. 16, 2019	SCALE: 1:4,000 THIS IS NOT A PLAN OF SURVEY.

© The Corporation of the City of Pickering Produced (in part) under license from: © Queens Printer, Ontario Ministry of Natural Resources. All rights reserved. © Her Majesty the Queen in Right of Canada, Department of Natural Resources. All rights reserved. © Teranel Enterprises Inc. and its suppliers all rights reserved. © Municipal Property Assessment Corporation and its suppliers all rights reserved.



<p>City of PICKERING City Development Department</p>	Submitted Conceptual Plan	
	File No: A 11/19	
	Applicant: Amberlea Creek Developments Inc.	
	Property Description: Pt of Lt 28, Range 3, B.F.C., Pt 1, 40R-9413	
	(760-770 Kingston Road)	
FULL SCALE COPIES OF THIS PLAN ARE AVAILABLE FOR VIEWING AT THE CITY OF PICKERING CITY DEVELOPMENT DEPARTMENT.		DATE: Oct. 10, 2019



<p>City of PICKERING City Development Department</p>	Submitted Conceptual Building Elevations	
	File No: A 11/19	
	Applicant: Amberlea Creek Developments Inc.	
	Property Description: Pt of Lt 28, Range 3, B.F.C., Pt 1, 40R-9413	
	(760-770 Kingston Road)	
FULL SCALE COPIES OF THIS PLAN ARE AVAILABLE FOR VIEWING AT THE CITY OF PICKERING CITY DEVELOPMENT DEPARTMENT.		DATE: Sept 27, 2019

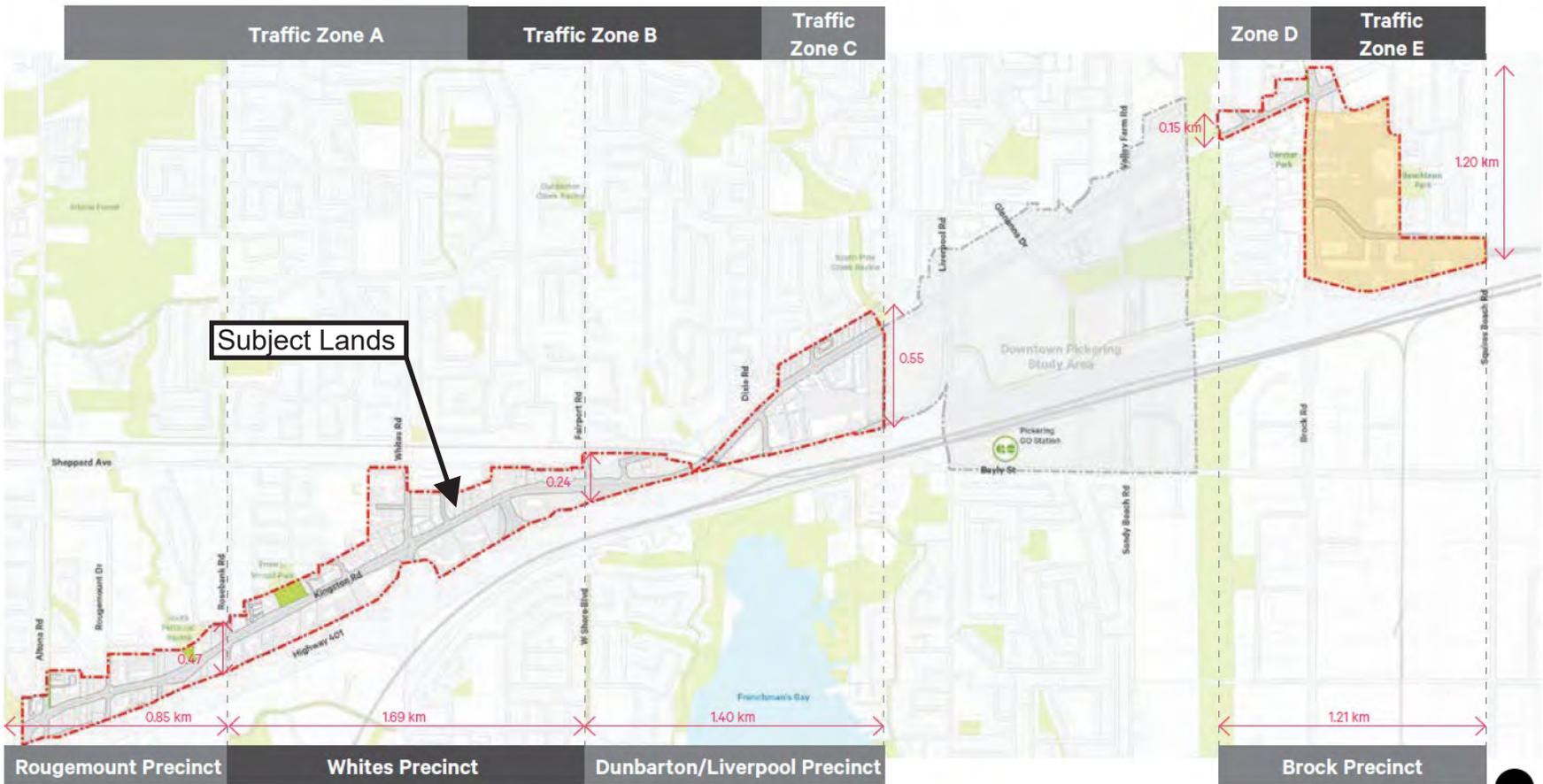
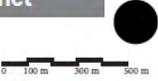


Figure 1. Study Area



Legend

- - - Study Area Boundary
- Parks / Open Space
- Speciality Retailing Node
- - - Rail Corridor

 City Development Department	Kingston Road Corridor and Specialty Retailing Node Intensification Study Area	
	File No: A 11/19	
	Applicant: Amberlea Creek Developments Inc.	
	Property Description: Pt of Lt 28, Range 3, B.F.C., Pt 1, 40R-9413 (760-770 Kingston Road)	
	FULL SCALE COPIES OF THIS PLAN ARE AVAILABLE FOR VIEWING AT THE CITY OF PICKERING CITY DEVELOPMENT DEPARTMENT.	
		DATE: Oct. 10, 2019