

Information Report to Planning & Development Committee

Report Number: 02-21 Date: January 4, 2021

From: Catherine Rose, MCIP, RPP

Chief Planner

Subject: Official Plan Amendment Application 20-001/P

Zoning By-law Amendment Application A 05/20 Draft Plan of Subdivision Application SP-2020-01

Brock Road Duffins Forest Inc.

Part of Lot 18, Concession 2, Now Parts 1 to 12, 40R-28897

(2055 Brock Road)

1. Purpose of this Report

The purpose of this report is to provide preliminary information regarding applications for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, submitted by Brock Road Duffins Forest Inc., to permit 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 applications, ask questions of clarification and identify any planning issues. This report is for information and no decision on these applications are 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 on the east side of Brock Road, south of Usman Road and north of Finch Avenue within the Brock Ridge Neighbourhood (see Location Map, Attachment #1). The subject lands have a total area of approximately 5.0 hectares and consist of a developable portion having an area of approximately 1.3 hectares and valleylands having an area of approximately 3.7 hectares.

The surrounding land uses include (see Air Photo Map, Attachments #2):

North: Across Usman Road, is the Pickering Islamic Centre, a residential subdivision

consisting of detached and townhouse dwellings, and a village green (Usman

Green).

East: East Duffins Creek and associated valleylands, and the TransCanada Trail

network.

South: West Duffins Creek and associated valleylands, and further south are large lots

containing detached dwellings fronting onto the north side of Finch Avenue.

West: Across Brock Road is an established residential subdivision consisting of

detached dwellings and the Brock Ridge Community Park

3. Background

In 2010, Council approved a site-specific rezoning application, submitted by 2143087Ontario Ltd. (Palwinder), subject to an "(H)" Holding provision to facilitate the development of the westerly portion of the developable lands, referred to as 'Phase 1 Lands', for a mixed-use development consisting of a 3-storey office building with ground-floor retail and 12 live-work townhouse units. The valleylands associated with the Duffins Creek were rezoned from a Greenbelt Zone "G" to an Open Space – Hazard Lands Zone "OS-HL" and were to be conveyed to the Toronto and Region Conservation Authority (TRCA).

Subsequently, the subject lands were sold to Fortress Munir 2013 Ltd. ("Fortress"). In 2016 a site plan agreement between the City and the new landowner was executed for the Phase 1 lands; the "(H)" Holding Symbol was removed; and building permit applications were submitted. However, the building permit applications were later abandoned by Fortress.

Also in 2016, Fortress submitted applications for zoning by-law amendment and draft plan of condominium to facilitate the development of the rear developable portion ('Phase 2 Lands') of the subject lands for a common element condominium consisting of 25 townhouse units fronting onto an internal private road. Following the Statutory Public meeting, held on November 14, 2016, the subject lands were acquired by Brock Road Duffins Forest Inc., and the processing of the applications for the Phase 2 Lands was put on hold (see Previously Submitted Conceptual Plan by Fortress Munir 2013 Ltd., Attachment #3).

In July 2017, Brock Road Duffins Forest Inc. submitted a revised proposal for all of the developable lands, which proposed a residential condominium consisting of 39 townhouse units with parking at the front of the units fronting onto an internal private road, and 20 rear lane townhouse units. A Statutory Public meeting for this proposal was held on March 5, 2018. However, these applications were later withdrawn (see Previously Submitted Conceptual Plan by Brock Road Duffins Forest Inc., Attachment #4).

4. Applicant's Proposal

Brock Road Duffins Forest Inc. has submitted applications for an Official Plan Amendment and a Zoning By-law Amendment to facilitate a high-density residential condominium development within the developable portion of the subject lands, consisting of a 20-storey apartment building containing 307 dwelling units, 9 street townhouse units and 64 stacked townhouse units (see Submitted Conceptual Site Plan, Attachments #5).

The applicant has submitted an application for Draft Plan of Subdivision to create a single development block. The balance of the subject lands, containing a portion of the valleylands for the West Duffins Creek and the associated buffer is to be conveyed to the Toronto and Region Conservation Authority (TRCA) for long term protection and preservation as a natural area (see Submitted Draft Plan of Subdivision, Attachment #6).

The proposed Official Plan Amendment seeks to increase the maximum permitted residential density within Block 1. The Zoning By-law Amendment is intended to rezone Block 1 to an appropriate residential zone category and establish appropriate development standards. The balance of the subject lands is proposed to be rezoned to an appropriate open space zone category.

The proposed apartment building (Building A) is to be located at the southeast corner of Brock Road and Usman Road and will consist of 2 towers connected by a 4-storey podium (see Figure 1 below). Tower 1 will be the tallest portion of the building with a maximum height of 20-storeys and will be located at the southwest corner of Block 1 adjacent to Brock Road. Tower 2 is proposed to be a maximum height of 6-storeys, sited parallel to Usman Road. The units within the apartment building will have a balcony or an at-grade patio as a private outdoor amenity space.

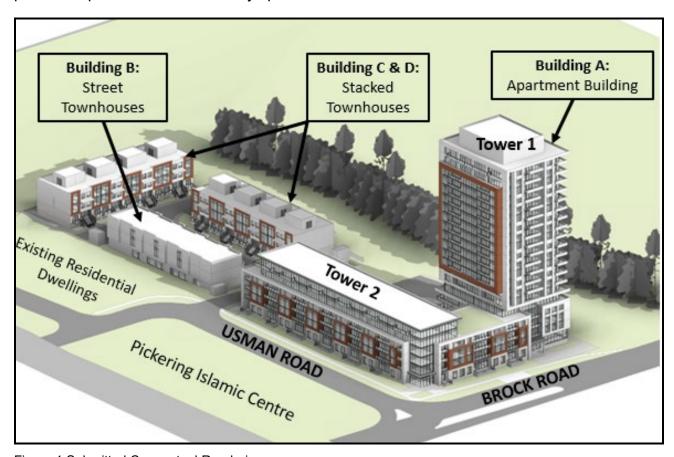


Figure 1 Submitted Conceptual Rendering

On the easterly portion of Block 1, the applicant is proposing 9 street townhouse units (Building B) and 64 stacked townhouse units (Buildings C and D). The street townhouses will be 3-storeys in height. These units will have a dedicated driveway and attached private garage providing 2 parking spaces per unit, which will be accessed directly from the private road. Private rear yard outdoor amenity space will be provided for these units, which will abut the rear yards of the existing detached dwellings to the north fronting Saffron Drive.

The stacked townhouse units are proposed to have 4 functional floors but will appear to be 3.5-storeys in height. The first level of the townhouses is located partially below grade and provide bungalow units having pedestrian access from an at grade private walkway. These units will have a private sunken patio as an outdoor amenity area. The second level units are also bungalows. These units will have a balcony as their private outdoor amenity area. The third and fourth levels are back-to-back 2-storey units. These units will have a rooftop private patio and balconies as their outdoor amenity area. The second and third-floor units will be accessed from a mutual vestibule, which has external pedestrian access from the private walkway. Parking for the stacked townhouse units will be located within the underground parking garage.

Vehicular access to the proposed development will be provided through a private road, accessed from the south side of Usman Road. The internal private road will provide access to a 2-level underground parking garage, surface parking areas, private driveways, and a loading space.

The table below summarizes the key details of the proposal:

Total Gross Floor Area	Buildings A – 21,867 square metres (Apartments) Building B – 1,662 square metres (Street Townhouses) Building C and D – 6,414 square metres (Stacked Townhouses)	
Total Number of Units	380 units (307 apartment units, 9 street townhouse units and 64 stacked townhouse units)	
Density	290 units per net hectare	
Floor Space Index	2.28	
No. of Storeys and Building Heights	Building A – 20-storeys (61.6 metres and 66.6 metres to the top of mechanical penthouse) Building B – 3-storeys (10.4 metres) Buildings C, D, and E – 3.5-storeys (12.6 metres to the top the roof)	
Unit Types	Buildings A – 186 1-bedroom units, 97 2-bedroom units, 24 3-bedroom units Building B – 9 3-bedroom units Buildings C and D – 64 2-bedroom units	
Vehicular Parking	Resident – 405 spaces Visitor – 96 spaces Total – 502 spaces	
Vehicle Parking Ratios	1.0 space per apartment unit 1.25 spaces per stacked townhouse unit 2.0 spaces per street townhouse unit Visitor – 0.25 spaces per unit	

Bicycle Parking	218 spaces	
Amenity Area	Indoor – 617 square metres Outdoor – 1,152 square metres (rooftop outdoor amenity and at grade central outdoor landscaped amenity area) Total – 1,769 square metres	

The development will be subject to site plan approval.

5. Policy Framework

5.1 Region of Durham Official Plan

The subject lands are designated as "Living Areas" with a "Regional Corridor" overlay in the Durham Regional Official Plan (ROP). Lands within the Living Areas designation are predominately intended for housing purposes and limited office and commercial uses. 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.

A portion of the subject lands associated with the West Duffins Creek tributary is also designated "Major Open Space Areas" with key natural heritage and/or hydrologic features at the southeasterly property line.

Brock Road is identified as a Regional Corridor in the ROP. 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, minimum long-term density target of 60 residential units per gross hectare and a floor space index (FSI) 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.

Brock Road is designated as a Type 'A' Arterial Road and High-Frequency Transit Network in the ROP. Type 'A' Arterial Roads are designed to carry large volumes of traffic at moderate to high speeds, have some access restrictions and generally have a right-of-way width ranging from 36 to 45 metres. Roads designated High-Frequency Transit Network is recognized for planned High Occupancy Vehicle (HOV) lanes, or buses in mixed traffic, with transit signal priority at major intersections and other measures to ensure fast and reliable transit service.

Development along High-Frequency Transit Networks shall provide for complementary higher density and mixed uses at an appropriate scale and context, buildings oriented towards the street to reduce walking distances, facilities which support non-auto modes of transportation, and limited surface parking and the potential redevelopment of surface parking.

The proposal generally conforms with the policies of the ROP.

5.2 Pickering Official Plan

The subject lands are within the Brock Ridge Neighbourhood and are designated "Urban Residential Areas – Medium Density Areas" and "Open Space System – Natural Areas". The "Medium Density" designation is intended primarily for residential uses and permits a maximum residential density of over 30 and up to and including 80 units per net hectare. The permitted maximum floor space index (FSI) is up to and including 2.5 FSI. The "Natural Areas" designation is intended primarily for conservation, environmental protection, preservation, education and passive recreational uses.

The Brock Ridge Neighbourhood policies encourage a variety of housing forms. The policies also state that in the review of development applications situated north of the West Duffins Creek, east of Brock Road, City Council shall acknowledge the landowners' interest in maximizing the developable area of the property. Through the processing of the previous development applications, the limits of development have been determined in consultation with the previous landowners, the City and TRCA.

The applicant is requesting to amend the Official Plan to re-designate the Block 1 lands to "Urban Residential Areas – High Density" with a site-specific exception to permit a maximum residential density of 290 units per net hectare.

5.3 Duffins Precinct Development Guidelines

The Duffins Precinct Development Guidelines provide direction for detailed land use, transportation network, community design objectives and servicing arrangements for the Precinct. The design objectives indicate that development in the Precinct must provide:

- a range of housing types including detached, semi-detached, townhomes, and multi-unit dwellings;
- streetscape and architectural designs that are aesthetically pleasing, diverse, encourage social interaction within a neighbourhood and support safe environments; and
- development that embraces the natural environment.

The Precinct is divided into 5 Development Areas with the intent to establish the development of a varied scale throughout the Precinct. The subject property is delineated as Development Area 5 on the Tertiary Plan. Area 5 is intended to accommodate multi-unit, multi-floor buildings. Building heights permitted in Area 5 ranges from a minimum of 4-storeys to a maximum of 8-storeys. Variations to a minimum and maximum building heights may be considered if it can be demonstrated that the objectives of the guidelines will be achieved.

The applicant's proposal will be reviewed in detail to ensure compliance with the requirements of the Brock Ridge Neighbourhood policies and the relevant Duffins Precinct Development Guidelines.

5.4 Duffins Precinct Environmental Servicing Plan

In 2013, Council endorsed the recommendations of the Duffins Precinct Southern Lands Environmental Servicing Plan Update, Final Report (ESP Update) dated November 2012, prepared by Sernas Associates (now GHD). The ESP Update recommends detailed technical strategies to address water resource issues including the protection of wetland features, hydrogeology and water balance, erosion sensitivity, aquatic habitat and headwater conditions, stormwater management strategies, phasing of stormwater facilities, and required monitoring. The applicant's proposal will be reviewed in detail to ensure compliance with the technical requirements and recommendations of the ESP Update.

5.5 Zoning By-law 3036

The subject lands are currently zoned, "RH/MU-3" – Multi-Residential/Mixed Use, "OS-HL" – Open Space Hazard Lands, and "G" – Greenbelt Conservation, within Zoning By-law 3036, as amended. Mixed commercial, office, and multiple residential uses are permitted within the "RH/MU-3" Zone. The "OS-HL" and "G" Zones restrict the use to recreational uses, preservation and conservation activities, and/or buildings or structures designed to be used for flood and erosion control, resource management, pedestrian trail, and parks and recreation purposes.

The applicant has requested that the developable portion of the subject lands be rezoned to an appropriate residential zone category to facilitate the proposal. As part of this rezoning lands currently zoned "G" will be rezoned to "OS-HL" to ensure that all of the valleylands that are to be conveyed will be an appropriate open space category, to the satisfaction of the TRCA.

6. Comments Received

6.1 Public Comments

On September 24, 2020, an Electronic Public Open House meeting was hosted by the City Development Department to inform area residents about the development proposal. The City advertised the meeting by installing 2 development signs on the property, and a notice was distributed by mail to area residents within 150 metres. The radius was further extended in consultation with the local and Regional Councillors. A total of 12 individuals participated in the meeting.

The notice of the Statutory Public Meeting regarding these applications was provided through a mailing of all properties within 150 metres of the subject lands and any person who requested further notification. Also, 2 development notice signs were installed on the subject lands providing notice of this meeting to members of the public.

The following is a list of key comments and concerns that were verbally expressed by area residents at the Electronic Public Open House meeting and written submissions received from 16 residents:

- commented that they support the proposed development;
- commented that the proposal will increase traffic congestion on local roads within the neighbourhood and along Brock Road, particularly during rush hours;

- commented that the increase in vehicle traffic will result in additional noise throughout the neighbourhood;
- commented that Usman Road cannot accommodate the additional vehicles generated by this development;
- commented that the peak times chosen in the submitted transportation study do not adequately capture the impact on the neighbourhood and do not address the mosque programming, which often falls outside of peak commuting times;
- commented that the proposal will decrease their property value;
- suggested that the lands should be directly accessed from Brock Road, not Usman Road:
- commented that the proposed building height and density are not appropriate at this location, and are not compatible with the surrounding established low-density neighbourhood to the north;
- commented that the proposed buildings would create adverse privacy and shadow impacts on the adjacent dwellings;
- commented that Usman Park cannot accommodate additional residents;
- concerned that there is insufficient outdoor amenity space within this neighbourhood to accommodate the proposed future residents;
- commented that the additional vehicles as a result of the proposal pose an increased risk to children and pedestrians within the neighbourhood and at the existing park along Usman Road;
- commented that the proposal will result in a negative impact on the adjacent natural area;
- questioned if property owners who paid a premium for a lot adjacent to a natural area are going to be compensated; and
- concerned that the proposed number of parking spaces for residents and visitors is insufficient to support the development and will worsen existing parking issues within the surrounding neighbourhood.

The City has also received a petition signed by 308 individuals residing within and outside of Pickering expressing that the proposed development:

- will result in a negative privacy impact on adjacent dwellings;
- cannot be supported by the existing Usman Green and should be required to have a new park dedicated for the new residents generated from the development;
- will lead to significant traffic congestion along Usman Road and increase the risk of pedestrian and vehicle accidents within the existing neighbourhood;
- will result in safety issues for existing residents; and
- will cause a negative impact on the adjacent open space and natural areas.

6.2 Agency Comments

6.2.1 Region of Durham

 the proposed applications support new higher density housing at the periphery of a neighbourhood, compact development efficiently using existing infrastructure, and contributes to the Region's intensification targets, and conforms to the Regional Official Plan, the Provincial Policy Statement and the Growth Plan;

- the Region has no objection to the proposed amendments to the City of Pickering Official Plan and Zoning By-law to implement the Draft Plan of Subdivision, subject to the conditions provided;
- the application to amend the City of Pickering Official Plan is considered to have no significant Regional or Provincial concerns and in accordance with Regional By-law 11-2000 is exempt from Regional approval;
- the subject property is within an area of high archaeological potential; a copy of the clearance letter dated July 24, 2017, from the Ministry of Tourism, Culture and Sport (MTCS) was provided to the Region indicating that all archaeological resource requirements have been met for the site;
- the proponent will be required to implement the recommended noise attenuation measures of the submitted Environmental Noise Assessment as a condition of approval of the draft plan of subdivision and the recommendations shall be incorporated within any future Site Plan Agreement to the satisfaction of the Region;
- as a condition of approval of the draft plan of subdivision, the applicant will be required
 to submit updates to the submitted Phase One and Phase Two Environmental Site
 Assessments, accompanied by a signed Region of Durham Reliance Letter granting
 third-party reliance on the reports and a completed Regional Certificate of Insurance;
- municipal water and sanitary is available to service the proposed development using existing connections from Usman Road;
- a Waste Plan is required to be submitted to determine if the proposed development complies with Regional requirements and will receive regional waste collection services;
- the Regional Works Department will be providing detailed transportation comments on the Traffic Impact Study through the future site plan applications; and
- the Region requests that it be circulated any future Condominium and Site Plan applications for further comments and conditions before approval and subsequent building permit issuance.

6.2.2 Toronto and Region Conservation Authority (TRCA)

- no objection to the approval of the zoning by-law amendment subject to the open space block being rezoned to Open Space – Natural Area;
- request that the draft plan of subdivision application be deferred until such time that the
 detailed technical comments provided have been addressed to ensure conformity with
 Section 3.1 of the Provincial Policy Statement concerning Natural Hazards, and Section
 2.1 concerning Natural Heritage;
- based upon a site reconnaissance conducted by TRCA staff and a review of the submitted Environmental Impact Study (EIS), the wetland boundary is acceptable as presented in the EIS and submitted drawings;
- the southern boundary defined by the EIS and its setback is acceptable as the limit of development;
- the submitted EIS identifies encroachment of the development in Building C into the floodplain setback which should be pulled out of all feature and hazard setbacks;
- based upon a review of the limits associated with development is appears the building footprints are directly against the feature setback limits; and
- grading will not be supported outside of the development limit; confirmation is required in the EIS and associated drawings.

6.2.3 Durham District School Board

- no objection to the development proposal; and
- students generated from this development will attend existing neighbourhood schools.

6.2.4 Durham Catholic District School Board

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

6.2.5 Town of Ajax

no objection to the approval of the proposed development

6.3 City Departments Comments

6.3.1 Engineering Services

- the Owner shall satisfy all requirements, financial and otherwise, of the City of Pickering, including the execution of a subdivision agreement between the Owner and the City of Pickering concerning the provision and installation of services, grading, drainage and other local services;
- the developer of the adjacent lands to the north of the applicant's lands has installed certain works from which the applicant's lands benefit, and the applicant will be required to pay their proportionate share of the cost of these works (road construction and appurtenances, storm sewer oversizing and construction of a stormwater management pond) as well as their proportionate share of the cost of the undeveloped land identified as Part 2, 40R-9710, as determined by the City;
- the submitted Transportation Impact Study provides recommendations to improve the existing and future Brock Road intersections, which will be reviewed and commented on by the Region of Durham;
- requests the applicant provide a conceptual landscape plan for the proposed amenity space and examine opportunities to relocate the proposed outdoor amenity space to a more visible location away from parking areas and drive aisles; and
- as a condition of draft plan approval, the application will be required to submit a Construction Management Plan.

7. Planning & Design Section Comments

The following matters have been identified by staff for further review and consideration:

- ensuring conformity with all applicable policies of the Provincial Policy Statement (2020), A Place to Grow (2019), and the Region of Durham Official Plan;
- assessing the appropriateness of re-designating Block 1 to a high-density residential designation with a site-specific density of 290 units per net hectare;
- assess the proposal to ensure consistency with the applicable goals and objectives of the City of Pickering Official Plan, the Neighbourhood policies, Development Guidelines, and the Environmental Servicing Plan (ESP) Update;
- assessing the suitability and appropriateness of the site for the proposed increase in height, and potential shadow and privacy impacts from the proposed 20-storey tower on the existing residential developments to the north and west, and Usman Green;
- exploring the option to signalize the intersection of Brock Road and Usman Road;

- ensuring that the limit of development, building setbacks and other technical requirements are to the satisfaction of TRCA and the City;
- reviewing the appropriateness of the proposed site layout;
- assessing whether the size, configuration and location of the proposed private amenity space is appropriate for the proposed development;
- evaluating the appropriateness of the proposed building heights against the Duffins Precinct Development Guidelines requirement of a minimum of 4-storeys to a maximum of 8-storeys;
- ensuring the entirety of the valleylands to be conveyed are rezoned to an appropriate "OS-HL" – Open Space Hazard Lands Zone;
- ensuring adequate resident and visitor parking is provided to support this development; and
- ensuring the landowner pays its proportionate share of the development-related costs.

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 departments, agencies and public.

8. 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:

- Site Plan, Building Elevations, Perspective View and Floor Plans prepared by Kohn Partnership Architects Inc., dated April 3, 2020;
- Draft Plan of Subdivision, prepared by VSHBB Inc., Ontario Land Surveyors, dated June 22, 2017;
- Planning Justification Report, prepared by MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC), dated April 2020;
- Functional Servicing Report, prepared by Sabourin Kimble & Associates Ltd., dated March 2020;
- Sun/Shadow Study Report, prepared by Kohn Partnership Architects Inc., dated April 3, 2020;
- Transportation Impact Study, prepared by Crozier Consulting Engineers, dated April 2020;
- Environmental Impact Study, prepared by Dillon Consulting, dated March 2020;
- Breeding Bird Survey, prepared by Beason Environmental. dated October 2, 2019;
- Geotechnical Report, prepared by Soil Engineers Ltd., dated December 2019;
- Hydrogeological Report, prepared by Soil Engineers Ltd., dated March 2020;
- Water Balance Assessment, prepared by Soil Engineers Ltd., dated March 24, 2020;
- Phase One Environmental Site Assessment Update, prepared by Soil Engineers Ltd, dated May 14, 2018;
- Phase Two Environmental Site Assessment Update, prepared by Soil Engineers Ltd, dated May 17, 2018; and
- Noise Assessment, prepared by YCA Engineering Limited, dated December 2014, revised February 2020.

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 Electronic Statutory Public 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 or makes a decision on the draft plan of subdivision;
- 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 the property is Brock Road Duffins Forest Inc. and is represented by MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC).

Attachments

- 1. Location Map
- 2. Air Photo Map
- 3. Previously Submitted Conceptual Plan by Fortress Munir 2013 Ltd.
- 4. Previously Submitted Conceptual Plan by Brock Road Duffins Forest Inc.
- 5. Submitted Conceptual Plan
- Submitted Draft Plan of Subdivision.

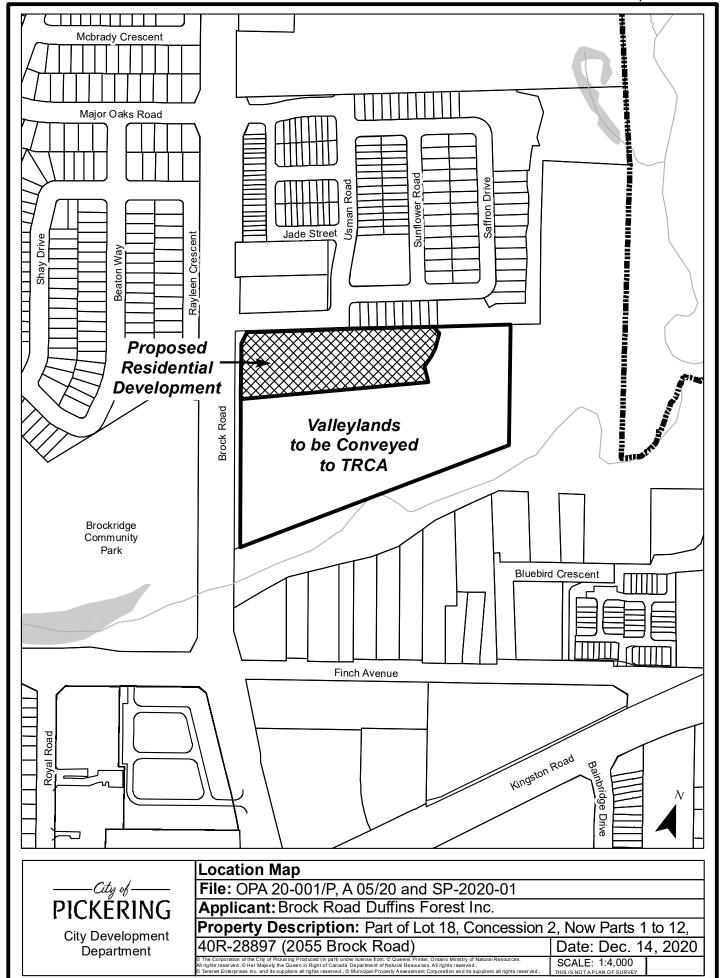
Prepared By:	Approved/Endorsed By:
Original Signed By	Original Signed By
Cody Morrison Planner II	Catherine Rose, MCIP, RPP Chief Planner

Original Signed By

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

CM:ld

Date of Report: December 17, 2020







Air Photo Map

File: OPA 20-001/P, A 05/20 and SP-2020-01

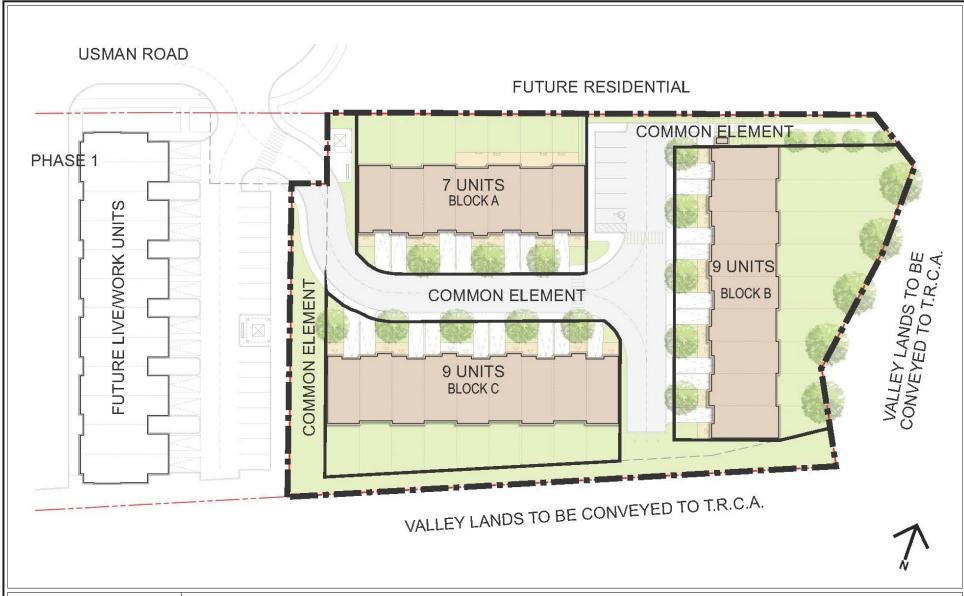
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40R-28897 (2055 Brock Road)

Date: Dec. 14, 2020 SCALE: 1:4,000

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Previously Submitted Conceptual Plan by Fortress Munir 2013 Ltd.

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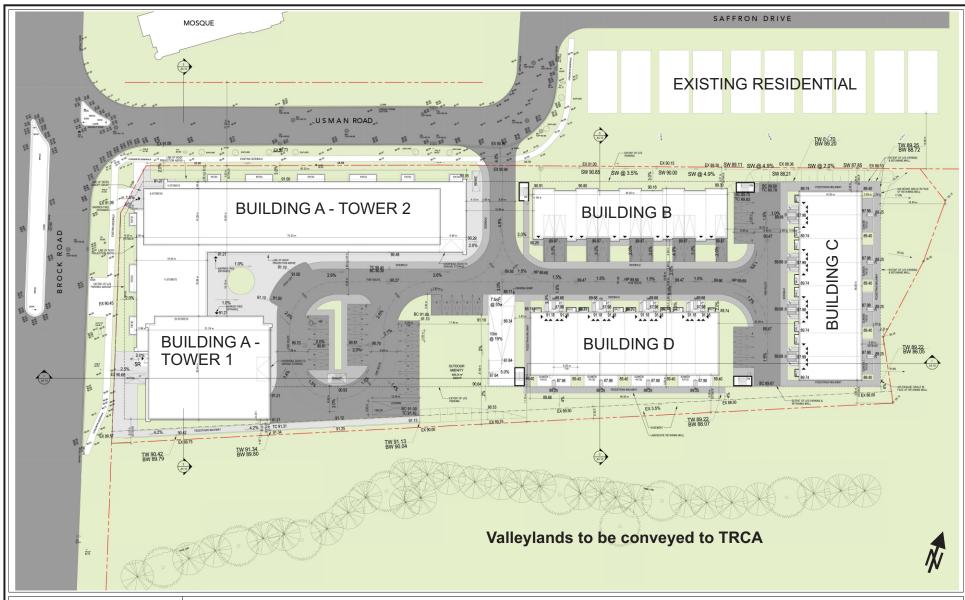
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Submitted Conceptual Plan

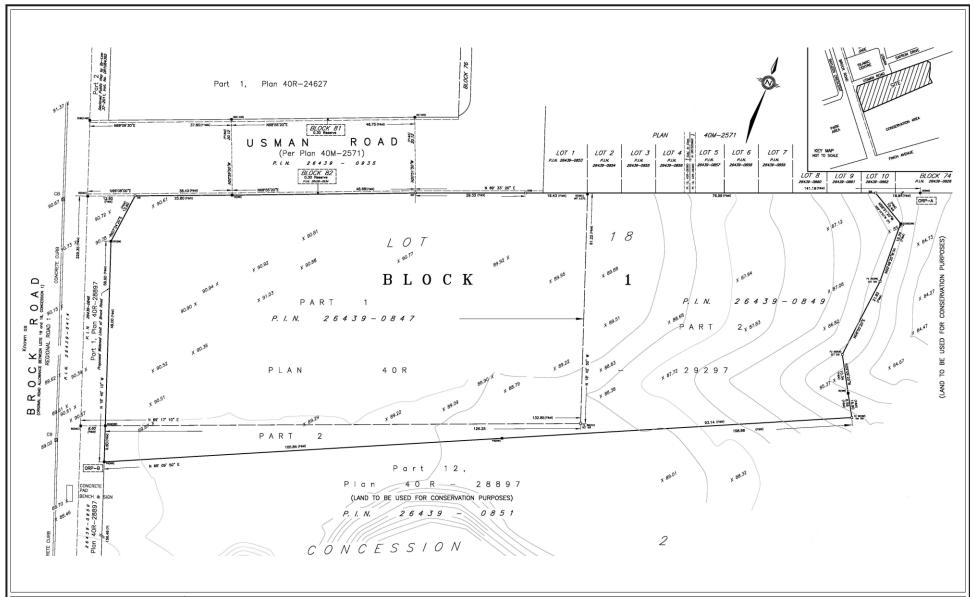
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