

Due to COVID-19, the City of Pickering continues to hold electronic Council and Committee Meetings.

Members of the public may observe the meeting proceedings by viewing the [livestream](#). A recording of the meeting will also be available on the [City's website](#) following the meeting.

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1. Roll Call

2. Disclosure of Interest

3. Statutory Public Meetings

Statutory Public Meetings are held to receive input and feedback on certain types of planning applications. Due to the need to hold electronic meetings during the COVID-19 pandemic, members of the public who wish to address the Planning & Development Committee for any matters listed under Statutory Public Meetings may do so via an audio connection into the electronic meeting. To register as a delegate, visit www.pickering.ca/delegation and complete the on-line delegation form or email clerks@pickering.ca by 12:00 noon on the business day prior to the meeting. Please ensure that you provide the telephone number you wish to be called at so that you can be connected via audio when it is your turn to make a delegation.

Please be advised that your name and address will appear in the public record and will be posted on the City's website as part of the meeting minutes.

3.1 [Information Report No. 03-22](#)

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Draft Plan of Subdivision Application SP-2021-02
Zoning By-law Amendment Application A 15/21
OPB Realty Inc.
Easterly Portion of the Pickering Town Centre Lands,
West of Glenanna Road
City of Pickering Lands, South of The Esplanade South

3.2 [Information Report No. 04-22](#)

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Zoning By-law Amendment Application A 01/22
City Initiated
Lots 1 to 205 and Blocks 206 to 244, Plan 40M-2710
(North and south of Alexander Knox Drive)

4. Delegations

Due to COVID-19, members of the public looking to provide a verbal delegation to Members of the Planning & Development Committee for any matters listed under Planning and Development Reports, may do so via an audio connection into the electronic meeting. To register as a delegate, visit www.pickering.ca/delegation, and complete the on-line delegation form or email clerks@pickering.ca. Persons who wish to speak to an item that is on the agenda must register by 12:00 noon on the last business day before the meeting. All delegations for items not listed on the agenda shall register ten (10) days prior to the meeting date.

The list of delegates who have registered to speak will be called upon one by one by the Chair and invited to join the meeting via audio connection. A maximum of 10 minutes shall be allotted for each delegation. Please ensure you provide the phone number that you wish to be contacted on.

Please be advised that your name and address will appear in the public record and will be posted on the City's website as part of the meeting minutes.

5. Planning & Development Reports

- 5.1 [Director, Corporate Services & City Solicitor, Report LEG 04-22](#) **38**
974582 Ontario Ltd. – Plan of Subdivision 40M-2149
Final Assumption of Plan of Subdivision
Municipal works on Liverpool Road adjacent to Blocks 1, 2, 3, 4 and 7,
Plan 40M-2149 (1295 Liverpool Road)

Recommendation:

1. That works and services required by the Subdivision Agreement within Liverpool Road, adjacent to or outside Plan 40M-2149, which are constructed, installed or located on lands dedicated to, or owned by the City, or on lands lying immediately adjacent thereto, including lands that are subject to easements transferred to the City, be accepted and assumed for maintenance;
2. That 974582 Ontario Ltd. be released from the provisions of the Subdivision Agreement and any amendments thereto relating to the works on Liverpool Road outside of Plan 40M-2149; and,

3. That the appropriate City of Pickering officials be authorized to take the actions necessary to implement the recommendations in this report.

5.2 [Director, City Development & CBO, Report PLN 07-22](#) **41**

Memorandum of Understanding between the City of Pickering and the Toronto and Region Conservation Authority regarding the administration and collection of fees and technical guidance in relation to the TRCA's Guideline for Determining Ecosystem Compensation, June 2018

Recommendation:

1. That Council approve the draft Memorandum of Understanding, contained in Appendix I to Report PLN 07-22, between the City of Pickering and the Toronto and Region Conservation Authority (TRCA), for the administration and collection of fees, and technical guidance regarding the interpretation and calculation of compensation, in terms of the TRCA's Guideline for Determining Ecosystem Compensation, dated June 2018;
2. That the draft Memorandum of Understanding be forwarded to the TRCA's Board of Directors for endorsement, prior to its execution;
3. That the Mayor and the City Clerk be authorized to execute the Memorandum of Understanding; and,
4. That the appropriate City officials be authorized to take the necessary actions as indicated in this report.

5.3 [Director, City Development & CBO, Report PLN 08-22](#) **63**

City Initiated Official Plan Amendment: Ecosystem Compensation
Recommended Amendment 35 to the Pickering Official Plan
File: OPA 19-003/P

Recommendation:

1. That Official Plan Amendment Application OPA 19-003/P, initiated by the City of Pickering, to amend existing policies and introduce new policies to the Pickering Official Plan with regard to ecosystem loss and compensation, as set out in Exhibit 'A' to Appendix I to Report PLN 08-22 be approved;

For information related to accessibility requirements please contact:

Committee Coordinator

905.420.4611

clerks@pickering.ca

2. That the Draft By-law to adopt Amendment 35 to the Pickering Official Plan, to amend existing policies and introduce new policies to the Pickering Official Plan with regard to ecosystem loss and compensation, as set out in Appendix I to Report PLN 08-22, be forwarded to Council for enactment;
3. That the City Clerk forward the Notice of Adoption to the Region of Durham and to each person or public body that provided written or verbal comments at the Open House, the Public Meeting, the Planning & Development Committee or the City Council meetings; and,
4. That the appropriate officials of the City of Pickering be authorized to take the necessary actions as indicated in this report.

- 5.4 [Director, City Development & CBO, Report PLN 09-22](#) **75**
Ministry of Municipal Affairs and Housing - Site Plan Control Guide

Recommendation:

That Report PLN 09-22 of the Director, City Development & CBO, providing a review of the Site Plan Control Guide distributed by the Ministry of Municipal Affairs and Housing, be received for information.

- 5.5 [Director, City Development & CBO, Report PLN 10-22](#) **99**
Revised Zoning By-law Amendment Application A 13/17 (R2)
Avonmore Ventures Inc.
Part of Lot 18, Concession 3
(North of William Jackson Drive, South of the Canadian Pacific Railway Corridor)

Recommendation:

That Zoning By-law Amendment Application A 13/17 (R2), submitted by Avonmore Ventures Inc., to permit a residential condominium development consisting of stacked townhouse units and an 8-storey apartment building, for the lands located east of Brock Road, north of William Jackson Drive and south of the Canadian Pacific Railway Corridor, be approved, subject to the proposed zoning provisions contained in Appendix I to Report PLN

10-22, and that staff be authorized to finalize and forward an implementing Zoning By-law to Council for enactment.

6. Other Business

7. Adjournment

From: Catherine Rose, MCIP, RPP
Chief Planner

Subject: Draft Plan of Subdivision Application SP-2021-02
Zoning By-law Amendment Application A 15/21
OPB Realty Inc.
Easterly Portion of the Pickering Town Centre Lands, West of Glenanna Road
City of Pickering Lands, South of The Esplanade South

1. Purpose of this Report

The purpose of this report is to provide preliminary information regarding applications for Draft Plan of Subdivision and Zoning By-law Amendment, submitted by OPB Realty Inc., for certain lands in Pickering's City Centre. 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 decisions 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. Background

In 2013, the City endorsed "Downtown Pickering: A Vision for Intensification and a Framework for Investment". The vision for the City Centre (Downtown Pickering) expressed that:

"Downtown Pickering will be a vibrant, sustainable, accessible and distinct city centre for all people and all seasons. It will be a place to inspire, a place to gather, a place to work, and a place to live, all in a compact and walkable environment."

More specifically, the following features were considered key elements of the built form vision for the City Centre (Downtown Pickering):

- A **Civic Precinct** acting as the downtown's cultural and institutional hub with destinations and distinct public realm treatment.

- An **extraordinary public realm** formed through new public spaces that populate the downtown. A variety of small and large gathering places are within a five-minute walk anywhere in the downtown.

In July 2014, Council approved Official Plan Amendment 26 (OPA 26), which introduced new designations and policies and changed existing policies to create a framework for the redevelopment and intensification of the City Centre. OPA 26 was approved with modifications on March 4, 2015, by the Ontario Land Tribunal (“OLT”), previously known at that time as the Ontario Municipal Board (“OMB”), and has been in full force and effect since then.

On April 11, 2017, Pickering Council approved a new comprehensive City Initiated City Centre Zoning By-law 7553/17 and the City Centre Urban Design Guidelines. The By-law was approved by the OMB on February 22, 2018. The By-law introduced new zone categories, permitted a broad range of uses, incorporated new development standards to regulate the size, location, massing and height of buildings, identified minimum and maximum density provisions, and introduced new vehicle and bicycle parking standards. The design guidelines provide design direction to guide building design and private development, as well as investments in public infrastructure, in the City Centre.

After the approval of the City Centre Zoning By-law, on June 12, 2017, Council approved Official Plan Amendment 29 (OPA 29) to remove the density cap for the City Centre. The removal of the cap provides further opportunities for intensification, allowing for a greater number of units to be achieved within the same building envelope. In addition, Council endorsed a stormwater management strategy in 2017 for all lands within the City Centre, with specific criteria that would affect any redevelopment in the flood storage area on the south parking lot of the Pickering Town Centre (PTC) lands.

During the preparation of these documents, City Development staff had extensive discussions with representatives for PTC Ownership, regarding their long-term redevelopment plans of the PTC lands. At that time, PTC Ownership representatives advised that due to department store restrictions, the PTC lands would continue to be used as a commercial centre. For this reason, the implementing planning documents only identified a network of private roads internal to the site and did not address further intensification of the property and integration of the mall site into the surrounding urban fabric, which would be necessary steps to ensure the creation of a complete community.

Since Council's approval of these documents, the vision for the PTC lands has changed significantly to reflect evolving market conditions and consumer demands, which was triggered largely by the closure of Sears Canada on this site. As a result, in September 2019, Council approved a City Initiated Zoning By-law Amendment (By-law 7713/19), which applies to the City-owned lands (“South Block”) on the south side of The Esplanade South, and a portion of the PTC lands located on the west side of Glenanna Road between Kingston Road and Pickering Parkway. This amendment increased the maximum building heights on certain lands in the City Centre, added residential uses to the City’s lands south of The Esplanade South, revised the definition of floor space index, and introduced a new definition of net floor space for the City Centre.

This City initiated rezoning was intended to prepare the South Esplanade lands to form a part of the new City Centre project. This by-law was appealed to the OLT by Canadian Apartment Properties Real Estate Investment Trust (“CAPREIT”), owners of Pickering Place. However, the appeal was formally withdrawn in March 2021 after the City approved Minutes of Settlement. By-law 7713/19 is now in effect.

3. OPB Realty Inc. commenced a Master Plan Review in August of 2021

Following the closure of the Sears retail store at the PTC, and the relocation of the movie theatres to the west side of the mall, the City and PTC Ownership identified an opportunity to accelerate the redevelopment of the City Centre, and explore new and innovative ways to repurpose underutilized lands at the mall site for both City facilities and new residential/retail development.

As Council is aware, the City has been working in conjunction with PTC Ownership to develop the City Centre Project. The project includes a new Central Library, a new Performing Arts Centre, and a new Seniors & Youth Centre located within the podium of a 50-storey rental apartment building, all of which are centred around a new urban square. As part of these discussions, representatives for PTC Ownership initiated a Master Plan Review of the PTC lands in August of 2021. The purpose of the review was to advance the redevelopment of the balance of the PTC lands on the west side of Glenanna Road, between Kingston Road and Pickering Parkway. The redevelopment is intended to complement the City Centre project, and the South Block lands, to implement the City’s vision of creating a vibrant, mixed-use, pedestrian-focused downtown.

The proposed master plan presents an exciting opportunity to reimagine the easterly portion of the PTC lands, with a network of pedestrian-friendly public and private streets, new public open spaces, and a variety of uses including high-density residential, commercial and office uses. The purpose of the Master Plan review was to demonstrate how the balance of the PTC lands can be redeveloped in an integrated and coordinated manner over time. This review also assisted in determining the future development blocks; identifying the alignment and configuration of public and private streets; resolving key issues concerning site servicing, stormwater management, and on-site flood storage; and determining the location and size of public parks, and privately-owned publicly accessible spaces.

Phase 1 of the PTC Master Plan includes the easterly portion of the PTC lands along Glenanna Road, between Kingston Road and Pickering Parkway, and the City-owned lands on the south side of Esplanade South, between Glenanna Road and Valley Farm Road (see Location Map and Air Photo Map, Attachments #1 and #2).

4. Applicant’s Proposal

To implement Phase 1 of the Pickering Town Centre (PTC) Master Plan, PTC Ownership has submitted applications for a draft plan of subdivision and a zoning by-law amendment.

The Draft Plan of Subdivision for the PTC lands proposes to create: 10 development blocks for a mix of high-density residential, hotel, office and commercial uses; 3 parkland blocks; and a network of new internal public and private roads that will provide access to Glenanna Road (see Submitted Draft Plan of Subdivision, Attachment #3). The table below provides a summary of the proposed land uses and land area associated with each proposed development block and on the South Block lands:

| Development Block Number | Land Area | Proposed Use |
|---------------------------------|-----------------------------|--|
| Block 1 | 0.69 of a hectare | <ul style="list-style-type: none"> • A new multi-purpose Seniors & Youth facility, anticipated to feature a full-sized gymnasium, meeting/program rooms, and youth and seniors spaces. • A 9-storey and a 50-storey signature landmark residential rental building to be constructed on top of the Seniors & Youth facility. |
| Block 1A | 0.22 of a hectare | <ul style="list-style-type: none"> • A new expanded Central Library facility, which would replace the existing central library, and allow municipal staff to expand into that building. |
| Block 2 | 0.31 of a hectare | <ul style="list-style-type: none"> • A Performing Arts Centre containing up to 600 seats, which is envisioned to include a theatre, visual arts gallery and rehearsal/program spaces. |
| Blocks 3, 4, 5, 6, 7, 8 and 9 | Totalling 3.3 hectares | <ul style="list-style-type: none"> • Various mixed-use high-density residential buildings ranging in height between 9 storeys and 50 storeys; • A total of 3,871 new residential dwelling units; and • A total of 6,046 square metres (65,079 square feet) of new retail/commercial space at grade. |
| South Block Lands | 0.91 of a hectare | <ul style="list-style-type: none"> • 3 residential buildings having heights of 38 storeys, 6 storeys, and 30 storeys, containing a total of 932 residential dwelling units and 229 square metres of retail/commercial space at grade. |
| Park Blocks 1, 2 and 3 | Totalling 0.28 of a hectare | <ul style="list-style-type: none"> • Park Blocks 1 and 2 provide the parkland dedication requirement for the PTC lands (Blocks 1, 3, 4, 5, 6, 7, 8 and 9). • Park Block 3 provides the parkland dedication requirement for the “South Block” (City of Pickering lands). |

| Development Block Number | Land Area | Proposed Use |
|-------------------------------|-----------------------------|---|
| Public Roads B, D and B North | Totalling 0.84 of a hectare | <ul style="list-style-type: none"> Internal public and private roads connecting all of the buildings and uses and providing access to Glenanna Road. |

(see Submitted Phase 1 Master Plan, Attachment #4).

The rezoning application applies to both the PTC lands and the City lands. The site-specific zoning by-law amendment intends to:

- allow the Floor Space Index attributed to the public roads within the PTC landholdings, and the public road on the City lands, to be transferred to the future development blocks on the PTC lands;
- reduce the minimum residential parking ratio for apartment dwellings from 0.8 spaces per unit to 0.65 spaces per unit;
- allow certain development blocks to share the required minimum indoor and outdoor amenity area requirements for apartment dwellings;
- increase maximum building height on Blocks 3, 4, and 8 from 125 metres (40 storeys to 153 metres (50 storeys);
- increase maximum building height on Block 5 from 125 metres (40 storeys) to 130 metres (42 storeys);
- on the South Block lands, reduce the minimum building setback between the podium and tower from 3.0 metres to 0.0 metres for the east tower and to 1.5 metres on the west tower; and
- increase the maximum tower floor plate size from 850 square metres to 980 square metres for select residential towers on Blocks 2, 4, 7 and 8.

In addition to the above-noted by-law changes, in the course of the City's review of the preliminary site plan design for the City lands, the City identified the need for the following minor variances from Zoning By-law 7553/17, as amended by By-law 7713/19 (the need for these by-law changes were acknowledged in the Minutes of Settlement between the City of Pickering and CAPREIT):

- allow balconies to project a maximum of 2.7 metres from the south wall of the west tower, and the east and west walls of the east tower, whereas the by-law requires all buildings and structures to be wholly located within the building envelope; and
- allow a 2.5 metre wide pedestrian bridge connection between the residential buildings with a maximum vertical clearance of 7.0 metres from the established grade above the Public Road and Walkway, whereas the Council-approved by-law requires all buildings and structures to be wholly located within a building envelope.

On behalf of the City, the PTC Ownership has submitted a formal site plan application for the 3 City facilities and the 9 and 50-storey residential rental buildings. These applications have been circulated to internal departments and external agencies for review.

A formal pre-consultation meeting was held on January 21, 2022, as requested by the PTC Ownership, to discuss submission requirements in support of a future site plan application for the mixed-use, high-density development on the South Block lands. A formal site plan application is anticipated to be submitted in February of 2022.

The PTC Ownership will be responsible for submitting a Site Plan Application for each development block, where the City will have additional opportunities to review detailed technical matters concerning, but not limited to, architecture, urban design, landscaping, and engineering.

5. Policy Framework

5.1 The Provincial Policy Statement

The Provincial Policy Statement, 2020 (PPS) provides policy direction on matters of provincial interest related to land use planning and development and sets a vision for Ontario's land use planning system.

The PPS states that healthy, livable and safe communities are to be sustained, including among other matters: promoting efficient development and land-use patterns; accommodating an appropriate range and mix of residential, employment, institutional, recreation, park and open space and other uses to meet long-term needs; and promoting cost-effective development patterns, optimization of transit investments and standards to minimize land consumption and servicing costs.

The PPS states that settlement areas are to be the focus of growth and development and that land-use patterns within settlement areas are to be based on densities and a mix of land uses which:

- efficiently use land and resources;
- are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available;
- support active transportation;
- are transit-supportive, where transit is planned, exists or may be developed; and avoid the need for their unjustified and/or uneconomical expansion;
- minimize negative impacts to air quality and climate change, and promote energy efficiency; and
- prepare for the impacts of a changing climate.

The PPS also states that healthy, active communities should be promoted by:

- planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction, and facilitate active transportation and community connectivity; and
- planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages.

5.2 Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation, and promote compact built form and better-designed communities with high quality built form, and an attractive and vibrant public realm established through site design and urban design standards;
- directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- building complete communities, with a diverse range of housing options, public service facilities, recreation, and green space, that better connects transit to where people live and work; and
- minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure.

The Growth Plan seeks to optimize provincial investments in higher-order transit by directing growth to strategic growth areas and locations with existing or planned transit, with a priority on higher-order transit where it exists or is planned. Schedule 4 of the Growth Plan identifies Pickering City Centre as an Urban Growth Centre and on Schedule 5 as a priority transit corridor, having the capacity to accommodate significant mixed-use, residential and employment intensification. The Growth Plan policies for major transit station areas on priority transit corridors inform the evaluation of this application.

Policy 2.2.4.8 b) states "All major transit station areas will be planned and designed to be transit-supportive and to achieve multimodal access to stations and connections to nearby major trip generators by providing, where appropriate infrastructure to support active transportation, including sidewalks, bicycle lanes, and secure bicycle parking".

Policy 2.2.4.9 states "Within all major transit station areas, development will be supported, where appropriate, by planning for a diverse mix of uses, including additional residential units and affordable housing, to support existing and planned transit service levels; fostering collaboration between public and private sectors, such as joint development projects; and providing alternative development standards such as reduced parking standards".

The Growth Plan also focuses on accommodating forecasted growth in complete communities. One part of complete communities is the provision of a balance of jobs and housing in communities across the Greater Golden Horseshoe (GGH) to reduce the need for long-distance commuting. Policy 2.2.5.1 d) states "Economic development and competitiveness in the GGH will be promoted by integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment." Policy 2.2.5.3 states "Retail and office uses will be directed to locations that support active transportation and have existing or planned transit."

5.3 Durham Regional Official Plan

The Durham Regional Official Plan designates Pickering's City Centre as an Urban Growth Centre and a Regional Centre. Lands that are designated as Centres shall be developed as the main concentration of commercial, residential, cultural and government functions in a well-designed and intensive land use form. Furthermore, Centres shall be developed in accordance with the following principles:

- focal point of culture, art, entertainment and assembly through provision of public squares, in addition to cultural facilities, parks and other public facilities;
- mixed uses and a grid of roads and walkways;
- urban design that favours pedestrian traffic and public transit with direct pedestrian access to buildings, provision of transit, and parking areas sited at the rear or within buildings, wherever possible; and
- balance of employment and residential growth, and a variety of compact, higher density housing types to service all housing needs, including affordable housing and assisted housing.

Urban Growth Centres shall be planned to accommodate a minimum density target of 200 persons and jobs combined per gross hectare and a minimum floor spaces index of 3.0. The built form for Urban Growth Centres should be a mix of predominately high-rise development, with some mid-rise, as determined by area municipalities.

The proposal conforms to the policies of the Durham Regional Official Plan.

5.4 Pickering Official Plan

The subject lands are designated "Mixed Use Areas – City Centre" within the Pickering Official Plan. This designation permits high-density residential uses, retailing of goods and services, offices and restaurants, hotels, convention centres, community, cultural and recreational uses, community gardens, and farmers' market. The designation permits a minimum net residential density of 80 units per hectare and no maximum density; a maximum gross leasable floor space for the retailing of goods and services of up to and including 300,000 square metres; and a maximum Floor Space Index (FSI) of over 0.75 and up to and including 5.75.

Within the Official Plan, FSI is calculated as the total floor space of all buildings on a lot divided by the total area of the lot.

The City Centre Neighbourhood also includes specific policies concerning enhancements to the public realm; active uses at grade; performance criteria for tall buildings to minimize adverse impacts concerning shadowing, sky view, privacy and transition to established low-density development; and pedestrian network and mobility. The key policies within the City Centre neighbourhood as it relates to the proposal are summarized in Attachment #5 to this report.

Glenanna Road is identified as a Type C Arterial Road in the City's Official Plan, which is intended to provide access to properties. Type C arterial roads are designed to carry lower volumes of traffic at slower speeds, and generally have a right-of-way width ranging from 26 to 30 metres.

The applicant's proposal will be assessed against the policies and provisions of the City's Official Plan during the further processing of the application.

5.5 Pickering City Centre Urban Design Guidelines

The City Centre Urban Design Guidelines (UDG) provide design direction for intensification, to guide buildings and private development, as well as investments in public infrastructure in the City Centre. Some of the key guiding principles of the UDG include:

- make the City Centre highly walkable, with new streets and pathways, a compact block pattern, traffic calming measures, and visually interesting streetscapes;
- encourage a mix of land uses to create vitality at all times of the day, by enhancing the range of activities, amenities and uses that will attract and serve all ages for all seasons; and
- offer distinct living options, urban in format, and in close proximity to shopping, entertainment, culture, and work.

The key urban design objectives with respect to built form, site design, landscaping, building design, and pedestrian connections as it relates to the proposal are summarized in Attachment #6 to this report.

5.6 City Centre Zoning By-law 7553/17

The Pickering Town Centre (PTC) lands are zoned "City Centre Two – CC2" and the City of Pickering lands are zoned "City Centre One – CC1" within Zoning By-law 7553/17, as amended by By-law 7713/19. Uses permitted within the CC2 and CC1 Zones include a broad range of residential and non-residential uses, such as apartment dwellings, townhouse dwellings, commercial, office, retail, community, recreational, and institutional uses. See Section 4 of this report, which lists the applicant's requested site-specific amendments to the zoning by-law to facilitate future development of the PTC lands and South Block.

6. Statutory Public Meeting Circulation

Notice of the Electronic Statutory Public Meeting regarding these applications was provided through a mailing of all properties within 150 metres of the subject lands (in total, notice was mailed to 1,571 property owners).

Public Meeting Notice Signs were erected at the properties on January 19, 2022. On the Pickering Town Centre lands, a total of 4 signs were posted: 1 along the Kingston Road frontage; 1 along the Pickering Parkway frontage; and 2 along the Glenanna Road frontage. On the City of Pickering lands, a total of 3 signs were posted: 1 on each of the 3 road frontages (Glenanna Road, The Esplanade South, and Valley Farm Road).

Additionally, a copy of the Notice of Electronic Statutory Public Meeting was included in the January 20 and February 3, 2022, News Advertiser.

As of the date of this report, no written or verbal comments have been received from the public.

7. Agency Comments

These applications were circulated to the following agencies for their review and comment: Region of Durham, Toronto and Region Conservation Authority, Metrolinx, Ministry of Transportation, Bell Canada, CN Railway, Elexicon Energy, Enbridge, Canada Post, Heritage Pickering, Hydro One, Ministry of Municipal Affairs & Housing, Ontario Power Generation, Trans Northern Pipelines Inc., Durham Regional Police, Rogers Cable, Durham District School Board, Durham Catholic District School Board, Conseil scolaire catholique MonAvenir, and Le Conseil Scolaire de District Du Centre-Ouest.

As of the date of this report, comments have been received from the following agencies:

7.1.1 Durham Regional Police – Radio Systems – Communications (DRPS)

- DRPS has indicated that some of the proposed buildings will likely be an obstruction to the Region's Public Safety Microwave paths and affect the system's operation for Police and Fire communications.

7.1.2 Canadian National Railway (CN)

- requested that a noise report be prepared and submitted for review; and
- requested that warning clauses, restrictive covenants and environmental easements be provided advising purchasers of the railway right-of-way, and that noise and vibration measures are not to be altered.

8. City Department Comments

These applications were circulated to the following City departments for their review and comment: Engineering Services, Building Services, Fire Services, Operations, Community Services and Sustainability.

As of the date of this report, no written comments have been received from the above-noted City departments.

9. 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 required to be addressed by the applicant before a final recommendation report to Planning & Development Committee:

-
- ensure conformity with all applicable statutory policies of the Provincial Policy Statement (2020), the Growth Plan for the Greater Golden Horseshoe (2020), and the Durham Regional Official Plan;
 - ensure conformity with the City of Pickering Official Plan and the City Centre Urban Design Guidelines;
 - review the requested residential parking ratio to ensure that sufficient parking is provided to support the proposal;
 - require the completion of the transportation study assessing the impact on the existing transportation network and identifying the appropriate road infrastructure modifications that may be required to support the Master Plan and other developments within the City Centre;
 - ensure the proposed tower locations and building heights do not obstruct the Region's Public Safety Microwave paths and affect the Police and Fire communications operation systems;
 - review the requested site-specific exceptions for balcony projections, amenity space, tower floor plate size, building setback, and building height to ensure the proposed design and function of the building maintains the general intent and purpose of the City Centre Zoning By-law and the City Centre Urban Design Guidelines;
 - ensure appropriate parkland dedication is conveyed to the City to serve the future residents, visitors and uses, and ensure the size, and location of the lands to be dedicated allow the lands to be designed to the City's requirements; and
 - ensure the cross-sections for the proposed public roads allow for complete streets with generous walkways, cycling facilities, landscaping, and travel lanes.

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 department, agencies and the public.

10. Information Received

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

- Draft Plan of Subdivision, prepared by architectsAlliance, dated November 16, 2021;
- Functional Servicing Report, prepared by Sabourin Kimble & Associates Ltd, dated August 2021;
- Parking Reduction Rationale, prepared by BA Consulting Group Ltd., dated January 17, 2022;
- Planning Justification Report, prepared by JKO Planning Services Inc., dated December 16, 2021; and
- Sustainability Metrics Summary, prepared by JKO Planning Services Inc., dated January 2022.

11. Procedural Information

11.1 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 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; and
- any member of the public who wishes to be notified of the Council's decision regarding this proposal must request such in writing to the City Clerk.

12. Owner/Applicant Information

The owner of the Pickering Town Centre lands is OPB Realty Inc., who is represented by Cushman and Wakefield and JKO Planning Services Inc.

Attachments:

1. Location Map
2. Air Photo Map
3. Submitted Draft Plan of Subdivision
4. Submitted Phase 1 Master Plan
5. City Centre Neighbourhood Policies Related to the Proposal
6. City Centre Urban Design Guidelines Related to the Proposal

Prepared By:

Original Signed By

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Manager, Development Review
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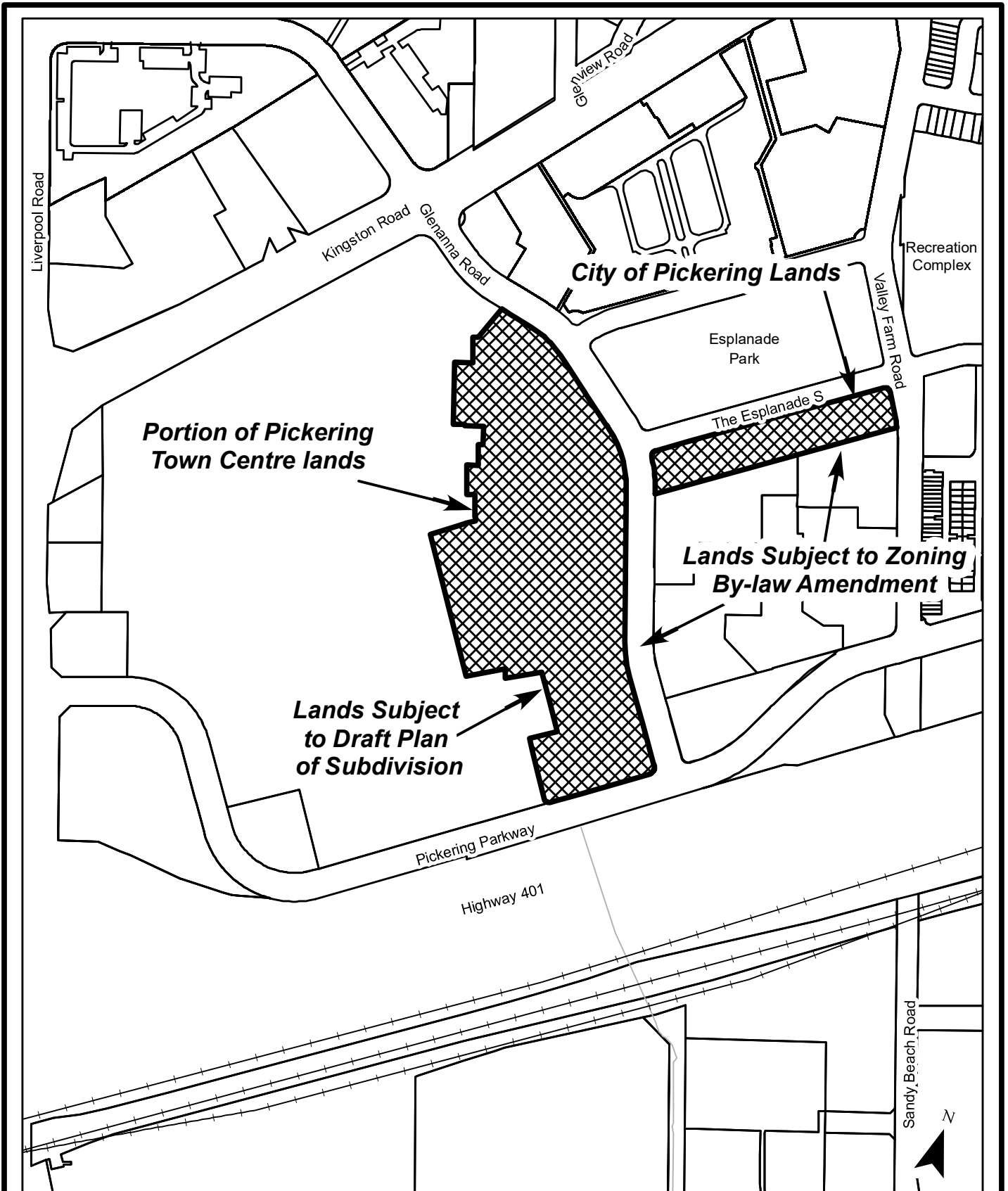
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Date of Report: January 24, 2022

Approved/Endorsed By:

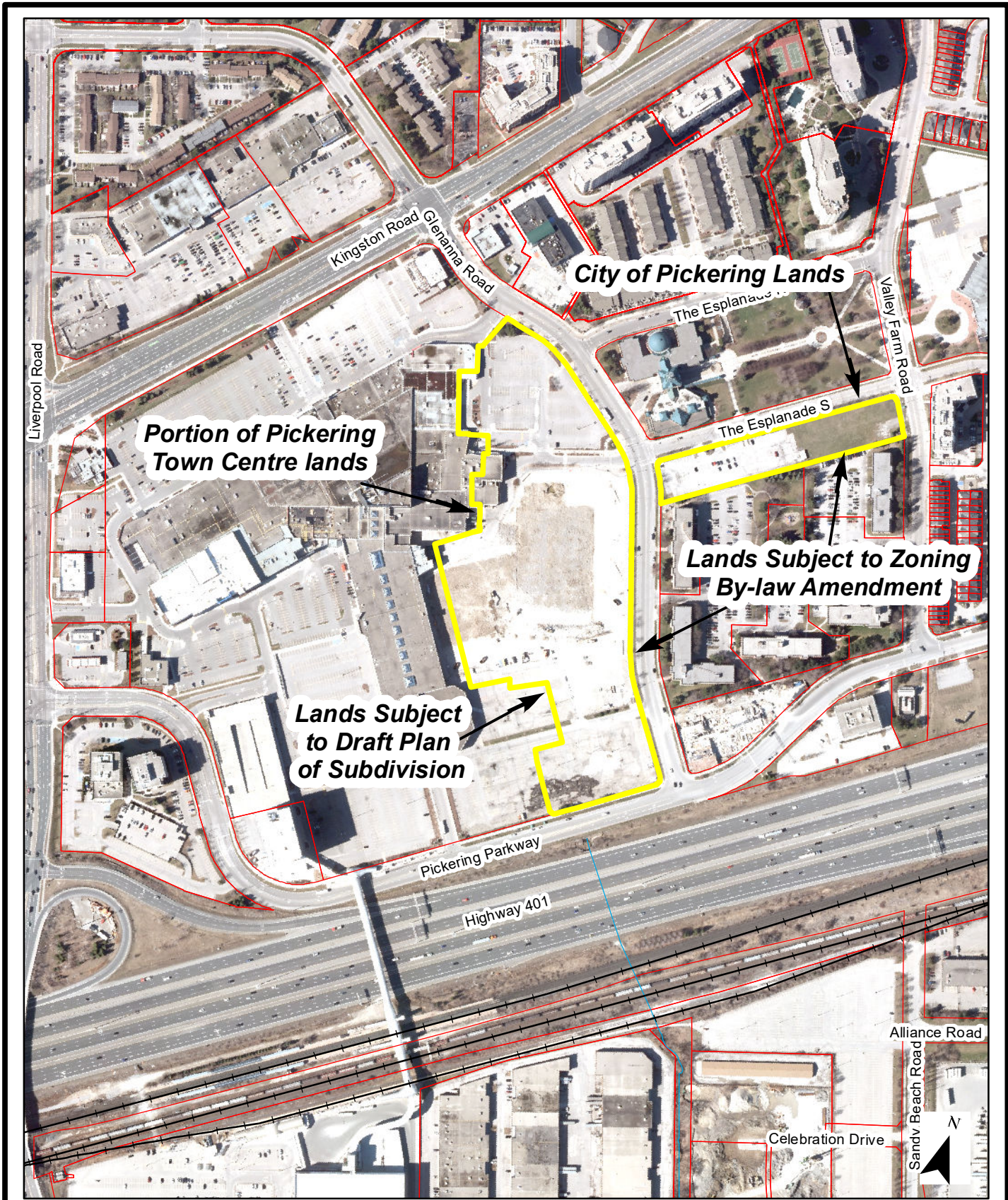
Original Signed By

Catherine Rose, MCIP, RPP
Chief Planner



City of
PICKERING
 City Development
 Department

| | |
|---|---|
| Location Map | |
| File: SP-2021-02 & A 15/21 | |
| Applicant: OPB Realty Inc. | |
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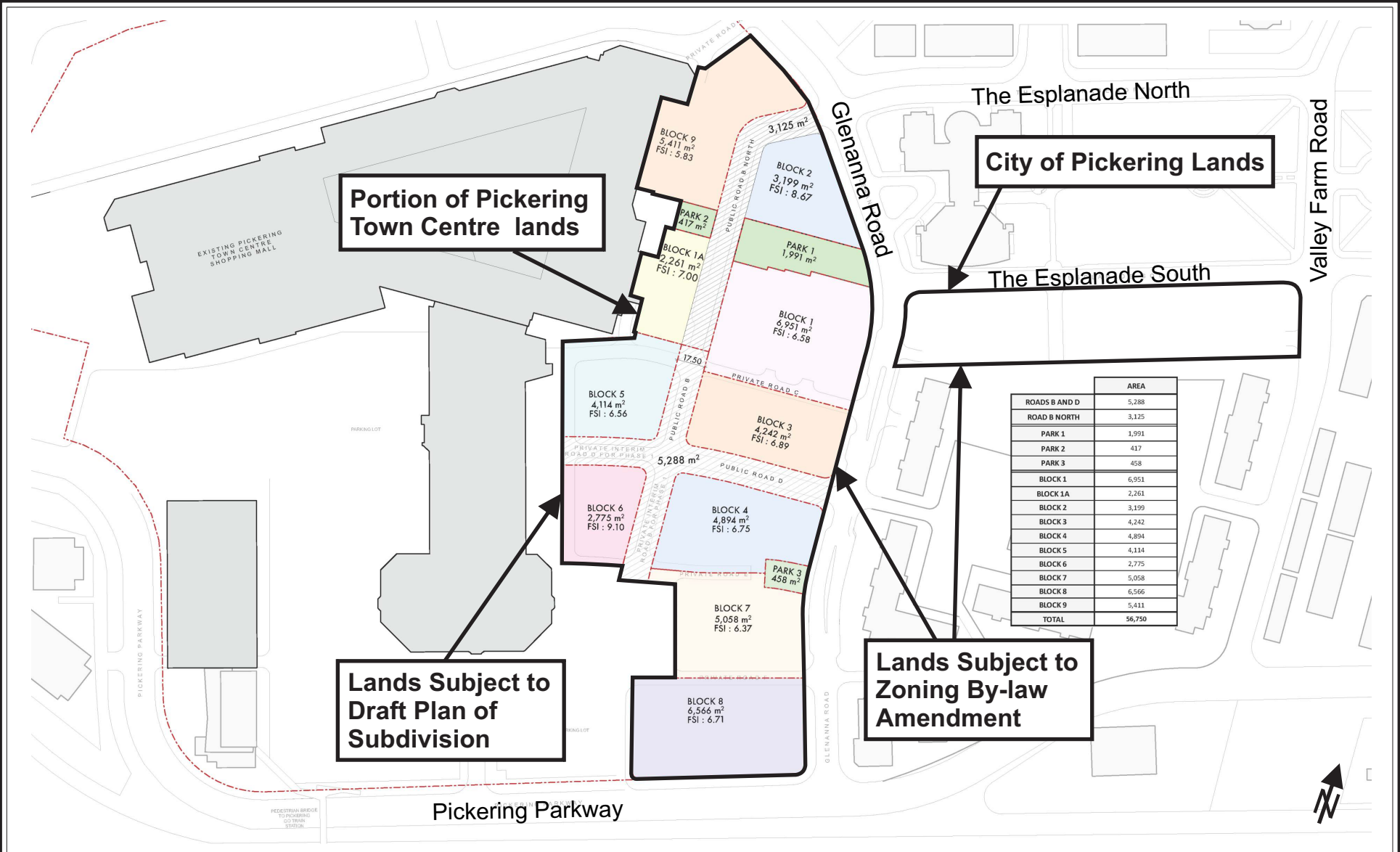


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Air Photo Map
File: SP-2021-02 & A 15/21
Applicant: OPB Realty Inc.

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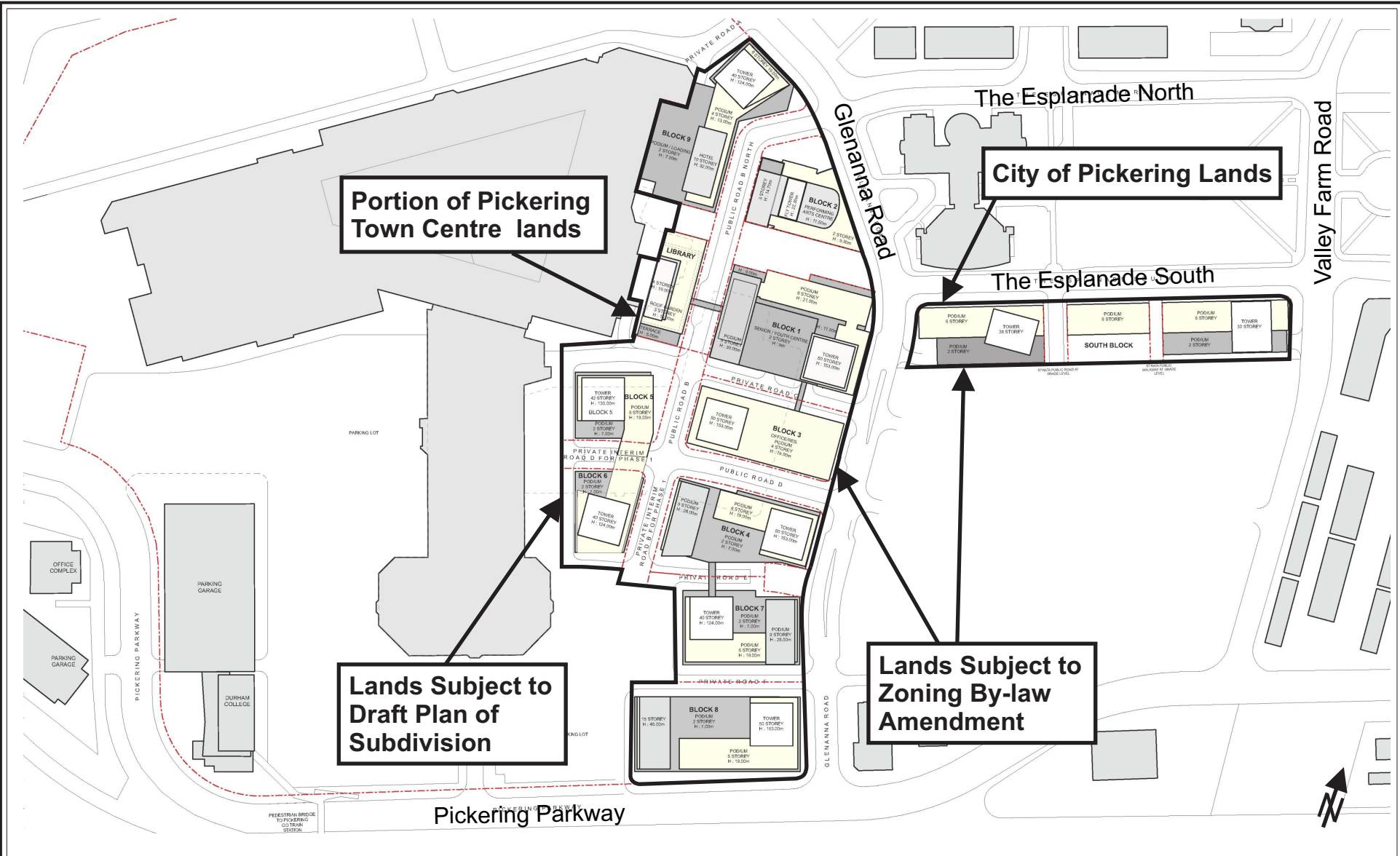
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City Development
Department

Submitted Draft Plan of Subdivision
File No: SP-2021-02 & A 15/21
Applicant: OPB Realty Inc.

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

DATE: Jan. 14, 2022



City of
PICKERING

City Development
Department

Submitted Phase 1 Master Plan

File No: SP-2021-02 & A 15/21

Applicant: OPB Realty Inc.

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

DATE: Jan. 21, 2022

City Centre Neighbourhood Policies Related to the Proposal

- Encourage the highest mix and intensity of uses and activates in the City to be in this neighbourhood.
- Encourage the transformation of the City Centre into a more liveable, walkable and human-scaled neighbourhood with inviting public spaces such as parks, squares and streets.
- Encourage development proponents to locate and integrate commercial uses such as cafes and bistros into development adjacent to the public realm to create social gathering places and vibrant street life.
- Encourage the development of streetscapes, public spaces and pedestrian routes that are safe and comfortable for all genders and ages, accessible and easy to navigate regardless of physical ability.
- Encourage street-facing façades to have adequate entrances and windows facing the street.
- Encourage publicly accessible outdoor and indoor spaces where people can gather.
- Encourage new development to be designed, located and massed in such a way that it limits any shadowing on the public realm, parks and public spaces in order to achieve adequate sunlight and conform in the public realm through all four seasons.
- Implement street standards that balance the needs of vehicles and pedestrians and support adjacent land uses through their design.
- In the design of the planned public library expansion create a stronger relationship between the library and Esplanade Park, and enhance the relationship between the existing library and the public realm along Esplanade Street South and Glenanna Street through the use of transparent glazing and street related entrances.
- Prioritize placemaking opportunities on public lands for capital funding, and seek opportunities to partner with the private sector to incorporate designs that advance the placemaking opportunities in development plans on private lands.
- Shall strive to locate either a park or square, within a 5 minute walk of all residences and places to work located within the City Centre.
- Encourage opportunities for public art contributions and/or the integration of public art with development and infrastructure.
- Encourage the development of buildings with active frontages at grade in appropriate locations to promote a vibrant and safe street life.
- Encourage the placement and design of new buildings on lots along Glenanna Road and Pickering Parkway to address these streets edges and prohibit back lotting or surface parking between the building and the street.
- Promote the highest buildings to locate on sites along or in proximity to Highway 401 or in proximity to higher order transit stations.

- Consider in review of development applications for buildings taller than 5-storeys, the following performance criteria:
 - that buildings be massed in response to the scale of surrounding buildings, nearby streets and public open spaces;
 - that upper levels of buildings be set back or a podium and point tower form be introduced to help create a human scale at street level;
 - that shadowing impacts on surrounding development, publicly accessible open spaces and sidewalks be mitigated/minimized to the extent feasible;
 - that sufficient spacing be provided between the building face of building towers to provide views, privacy for residents and to minimize any shadowing and wind tunnel impacts on surrounding development, streets and public spaces;
 - that buildings be oriented to optimize sunlight and amenity for dwellings, private open spaces, adjoining open spaces and sidewalks;
 - that living areas, windows and private open spaces be located to minimize the potential for overshadowing adjoining residential properties;
 - that informal or passive surveillance of streets and other public open spaces be maximized by providing windows to overlook street and public spaces and using level changes, floor and balcony spaces elevated above the street level to allow views from residential units into adjacent public spaces whilst controlling views into these units; and
 - that protection be provided for pedestrians in public and private spaces from wind down drafts.
- Require all new buildings in the City Centre to be at least 3 functional storeys except for municipal uses in the Civic Centre.
- Require the design of new streets and the design and extension of streets to have regard for the following:
 - be connected to existing streets, and have block lengths generally no longer than 150 metres and block depths generally not less than 60 metres to provide for full urban development potential over time; and
 - be public or publicly accessible and constructed to public street design standards.
- Require all new or re-designed streets to include a pedestrian zone generally no less than 2.0 metres on both sides.
- Cooperate with Durham Region Transit and Metrolinx in order that the alignment and location of future transit routes considers access to the greatest concentration of people and jobs and minimizes the distance between transit connections within the City Centre.
- Require new development adjacent to the transit junction to be designed to frame the junctions with active uses at grade and entrances oriented towards them.
- Require the design of a pedestrian network to be a safe and visually interesting environment for pedestrians.
- Require the pedestrian network to be integrated with public space elements such as parks.

- Consider in the review of development applications, the following performance criteria with regard to on-site parking and access drives/aisles:
 - that parking be situated either in parking areas located at the rear or side of the building or on-street, where the development fronts on a collector or local road;
 - that the parking format be structured or below grade parking;
 - that shared parking be encouraged in mixed use areas to minimize land devoted to parking;
 - that the implementing zoning by-law may permit a reduction of customer parking for ground floor commercial uses through the provision of on-street parking;
 - that surface parking areas be well landscaped and lit to provide a safe and comfortable pedestrian environment; and
 - that access driveways to side and rear parking areas be consolidated where practical, and be accessible by a public laneway or drive aisle.
- Through the implementing zoning by-law, consider the provision of secure bicycle parking facilities in suitable locations.
- Consider a reduction in the number of required car parking spaces where bicycle parking facilities or transportation demand management measures are provided.

City Centre Urban Design Guidelines Related to the Proposal

Site Design

- The placement and orientation of buildings should define and augment the public realm (streets and open spaces) and places on properties where routes and people congregate, such as private squares. The coordination of building location along a street edge and the placement of buildings on prominent corners help create an active and attractive streetscape.
- The diverse visual characteristics of the City Centre call for building design that helps define and contribute positively to the surrounding built form and public realm.
- The design of sites and buildings shall seek to create and enhance view portals and vistas of parks and signature buildings within the City Centre.
- Site grades shall be matched to the street grade and surrounding properties, where possible.
- Buildings shall be aligned to contribute to a consistent street wall with minimal gaps or courts between buildings, except to allow for pedestrian access to internal lanes, walkways.
- Throughout the City Centre, the building face shall be articulated through recessions, projections and change of materials.
- The installation of awnings or canopies is encouraged to provide weather protection and to animate storefronts. These elements may project over the sidewalk subject to the following criteria:
 - that safe unobstructed clearance be provided for pedestrians;
 - retractable awnings are encouraged because they provide greater flexibility and control for business over sun and shadow impacts and during storm events or heavy snow falls; and
 - that encroachment agreements be entered into with the Region of Durham or the City of Pickering where canopies or awnings extend over the sidewalk or public right-of-way.
- The incorporation of murals and public art on blank building walls along side streets and private service lanes, to improve the visual appearance along such wall sections, shall be encouraged.
- Building setbacks may vary between 1.0 metre and 4.0 metres to maintain a visually consistent streets edge. Building setbacks could be increased to create public accessible open spaces such as court yards or plazas along a streetline.
- Setback areas with retail or commercial uses at grade should be designed to accommodate patios, seating, and other at grade animating uses over time. Where buildings are setback more than one metre, the area between the buildings and front property line may feature hard and soft landscaping, lighting, signage and seating that enhance the sense of place, amenity and way-finding to the building and within the City Centre.
- For buildings 8 storeys in height or greater, a minimum building separation of 18.0 metres is required, but it may be reduced if there are no primary windows in the wall facing an abutting building.

- Tower portions of a building (those over 12 storeys) are subject to a minimum tower separation distance of 25.0 metres, to provide outlook, daylight access and privacy for residents.
- Primary entrances of buildings along the street edge shall be encouraged to face the streets. Entrances at grade should be highly visible, accentuated through design, and of appropriate scale to their function and frequency of use.
- The design of pedestrian walkways on-site shall seek direct connectivity to adjacent public spaces, transit stops and amenities.
- Pedestrian walkways between building entrances and the street shall have a minimum width of 1.8 metres, be barrier-free, and provide curb ramps at grade changes with minimum cross gradient.
- Distinctive paving material or coloured markings shall be used for pedestrian walkways to ease way finding and identify pedestrian routes.
- Pedestrian-scaled lighting shall be encouraged along pedestrian walkways to improve security and visibility.
- Landscaping elements such as planters or benches shall be encouraged along pedestrian walkways to define the paths and to create an attractive and pleasant pedestrian realm.
- Outdoor waiting areas in front of residential or office towers should be weather protected to make waiting and access to and from the site more comfortable. This may include awnings, building projections or covered waiting areas.
- Structured underground parking is preferred over surface parking, where possible and feasible, to promote compact development and to reduce the urban heat-island effect.
- Large scale residential developments, such as condominium apartment blocks and office towers, shall be encouraged to include adequate, secure indoor bicycle storage for residents or employees, and charging stations for electric vehicles.
- The exterior vehicular ramps and entrances to structured parking below or above grade shall be located at the rear or side of buildings, and avoid locations in close proximity of streets and street corners.
- Any surface parking areas, drive-aisle and accesses will be located at the rear and sides of development, and shall generally not exceed 30 percent of the total width of any street frontage of a lot.
- Access to parking and automobile drop-off areas will be designed to minimize pedestrian/vehicular conflict. The number of vehicular access points will be kept to a minimum to reduce potential conflict between pedestrians, cyclists and motor vehicles.
- Adequate short-term bicycle parking should be provided at grade for larger developments. At grade, short-term bicycle parking should be located close to building entrances (residential lobbies, retail store entrances and office entrances).
- Loading areas shall be located at the side or the rear of buildings, or below grade or within the building where feasible. Where loading areas are located to the side of a building, it should be screened from public view.

- Waste and recycling facilities shall be fully enclosed and encouraged to be integrated with the principal building on a site.
- The provision of centralized loading and waste facilities for multiple uses on a property shall be encouraged.
- Internal routes to loading areas and waste and recycling facilities are encouraged to be designed to avoid crossing primary vehicular circulation routes and walkways.
- Transformer vaults, utility meters and other services shall be located within the building and/or internal to the site and away from public view.
- Service and utility areas shall be concealed with fencing, screens, and landscaping, and use materials that coordinate or blend with the main structure. Cluster or group utilities to minimize the visual and other impacts on the streetscape and public spaces.
- Building exhaust and other service intake or output vents shall be located and concealed to avoid impact on public sidewalks, outdoor spaces and adjacent development. Service intake vents shall generally not project 1.2 metres above finished grade and no closer than 4.0 metres to a street line.
- At least 10 percent of each lot shall be landscaped.
- A landscape buffer of at least 3.0 metres wide shall be encouraged along surface parking lots situated adjacent to a street, to limit its visual impact on the public realm, to ensure a safe and comfortable pedestrian realm, and to mitigate stormwater runoff from paved areas.
- Landscape buffers or landscaping within properties shall include a combination of indigenous deciduous and evergreen trees and shrubs that are hardy, tolerant to de-icing agents; and adaptable to urban conditions.
- Soft landscaping elements such as trees and shrubs, and hard landscaping elements such as rockery and water features should be used to enhance the visual image of a site and to define pedestrian routes and private open spaces on a property.
- Pedestrian scaled lighting shall be used to illuminate pedestrian connections and private open spaces.
- Accent lighting may be used to accentuate landmark buildings, prominent building façades, landscape features and public art.
- Paths will be designed to accommodate a range of users and abilities, and should be barrier-free where appropriate. The use of permeable materials should be encouraged for path construction in areas where insufficient drainage exists.
- Public spaces should be designed in a manner that responds to place specific opportunities and contribute to the quality of life for people living and working in the City Centre.
- Neighbourhood parks will be designed with space for both programmed and unprogrammed uses, to provide areas for formal play, passive recreation and general open space.
- New trees and landscaping within neighbourhood parks should be native species. The relocation of existing trees in development sites should be considered.

- Amenity areas within neighbourhood parks should be located and oriented to maximize sunlight and be sheltered from the wind, noise, and traffic of adjacent streets and uses.
- Pedestrian access to the park should be clearly defined using landscaping or architectural elements.

Building Design

- The shadow impacts of buildings on public open spaces and private amenity areas shall be minimized.
- Design buildings with a defined base, middle and top section to emphasize human scale dimensions, reduce appearance of bulk and to create an interesting skyline.
- The base component (podium) of a building generally establishes the height of the street wall along a street and establishes human scale at the street level. The building podium should be at least 3 storeys before any building step-backs are introduced. The base shall have a minimum floor-to-ceiling height of 4.5 metres along active at grade frontage to accommodate a range of uses over time.
- The middle component of a building generally constitutes the bulk of the building and typically consists of office or residential uses. The floor plate above the podium shall not exceed 850 square metres. Continuous blank walls are generally not permitted on tower faces.
- The top of a building is where the building wall meets the roof. The top of towers should be attractively designed using setbacks, articulation and other means to contribute positively to the skyline. The tower tops should screen rooftop mechanical equipment through roof parapets or by incorporating mechanical penthouses and elevator cores into the design of the building top to contribute to an attractive skyline profile.
- All buildings should be built with high quality, enduring materials such as brick, stone, and glass. Materials that do not age well, such as stucco, vinyl, and highly reflective glass will be discouraged.
- Variation in façade treatment, building materials and colours shall be sought along the street edge in order to create an appealing and interesting streetscape.
- Large expanses of blank walls should be avoided by façade articulation (i.e., recessions or projections), fenestration, cornices, vertical pillars, and prominent entrances that respond to the massing and architectural style of the building.
- Service meters and connections, vents and building utilities on façades facing public streets shall be minimized by concealment (i.e., landscape screening or sensitively integrating them within the building design).
- Development within the City Centre shall be encouraged to incorporate sustainable development practices such as optimizing energy efficiency of buildings, Leadership in Energy and Environmental Design (LEED) certification or alternative equivalent for new private and public buildings, providing vehicle charging stations, and low impact development practices (i.e., the use of grey water systems).

- Roof tops are encouraged to include green roof spaces for environmental sustainability, amenity space for residents or urban agriculture.
- Bird-friendly glazing should be installed on tall buildings in locations that are within known migratory routes.
- Landscape opportunities should be maximized within the City Centre in order to increase the tree canopy, improve air quality and groundwater infiltration.
- The roofs of mid-rise and tall buildings and podiums shall be encouraged to have green or vegetated roofs to improve environmental performance of the building and provide amenity space where appropriate.
- The design and orientation of buildings shall consider aspects such as passive solar gain, minimizing the adverse shadow impacts on adjacent buildings, streets and open spaces, and minimizing adverse wind impacts on the public realm.
- Mid-block connections and paths will:
 - create an inviting design that facilitates way-finding through clear sightlines, direct pathways, and clear signage;
 - provide street trees and other plantings running the length of the trail/right-of-way;
 - utilize continuous, identifiable paving; and
 - have regard for Design for Crime Prevention.
- Design features at corners should include signature buildings and/or enhanced landscaping such as signage, art, lighting, historic markers, special paving, open space/square, or seating, as well as coordinated fencing to frame the entry into the neighbourhood.
- Public buildings should be sited prominently and where possible, should terminate views. Buildings should be sited to specifically differ from the surrounding urban fabric in order to emphasize their importance as landmarks.
- Public buildings should be located close to the road to reinforce the street wall and define intersections.
- Public buildings should be designed as special signature buildings with high quality architectural design, materials and finishes.
- The front door of all public buildings should be connected with a walkway to the sidewalk on the road, and should have direct access to transit stops.
- All public buildings should contribute to the creation of compact neighbourhoods through multi-storey buildings in order to maximize the site and services, minimize floor area, as well as provide an urban street condition through a building façade proportion that offers a sense of enclosure at the street. Multi-level buildings can accommodate accessory and, if applicable, complementary uses.
- Building entrances should be accentuated through exterior lighting to provide a safe pedestrian environment and to assist with wayfinding.

From: Catherine Rose, MCIP, RPP
Chief Planner

Subject: Zoning By-law Amendment Application A 01/22
City Initiated
Lots 1 to 205 and Blocks 206 to 244, Plan 40M-2710
(North and south of Alexander Knox Drive)

1. Purpose of this Report

The purpose of this report is to provide preliminary information regarding an application for Zoning By-law Amendment, initiated by the City, proposing technical housekeeping amendments to site specific Zoning By-law 7652/18, as amended. This report contains background information on the proposed amendment.

This report is intended to assist members of the public and other interested stakeholders to understand the proposed amendment. 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 review of the comments received and revisions to the amendment if necessary.

2. Property Location and Description

The subject lands are located north and south of Alexander Knox Drive (formerly Whitevale Road), west of Mulberry Lane within the Wilson Meadows Neighbourhood, forming part of the Seaton Community (see Location Map, Attachment #1). The lands are approximately 55 hectares in size, covered by the approved Registered Plan 40M-2710 (file number SP-2009-11 (R)), and approved for 387 dwelling units, consisting of detached dwellings and townhouse units.

The surrounding lands are all owned by the Province, and are designated Seaton Natural Heritage System. Beyond the Seaton Natural Heritage lands, are privately owned lands within the Seaton Neighbourhood that are subject to other draft plans of subdivisions.

3. Background Information

The original Plan of Subdivision, file number SP-2009-11, submitted by Mattamy (Seaton) Limited, was draft approved by the Ontario Municipal Board (OMB) in December 2013. The related zoning that implemented the subdivision, being the Seaton Zoning By-law 7364/14, was approved by the OMB on December 17, 2013 and January 24, 2014. The decisions of the OMB were confirmed, by the Province, through an Order in Council on March 2014.

In 2018, Mattamy (Seaton) Limited, submitted applications for a Zoning By-law Amendment (file number A 04/18) and a request for red-line revision to Draft Approved Plan of Subdivision SP-2009-11 (R), addressing design modifications, and to add a remnant parcel into the approved subdivision plan. The majority of the subdivision remained unchanged.

On September 17, 2018, Council endorsed the revised Draft Plan of Subdivision and proposed amendments to the conditions of draft plan of subdivision approval; and passed site specific Zoning By-law 7652/18 (see Zoning By-law 7652/18, Attachment #2).

The Local Planning Appeal Tribunal (formerly the Ontario Municipal Board) granted approval of the red-line revision to the draft plan of subdivision on March 12, 2019 and further revised their approval on July 23, 2021.

On December 2, 2021, final approval of the revised Draft Plan of Subdivision was granted by the Director, City Development & CBO, and subsequently the plan was registered on December 3, 2021, and assigned Plan 40M-2710.

4. Proposal

In December 2021, Mattamy (Seaton) Limited submitted building permits applications for the subject lands. In the review of the applications, it was discovered that there were discrepancies between select properties under building permit review, and the applicable zoning category boundaries as shown on Schedule I of Zoning by-law 7652/18. As illustrated on Attachment #3, Required Changes to Zone Boundaries, the map displays the zone boundary lines that require deletion or modification, and the corrected zone boundary lines.

Staff have categorized three types of technical housekeeping amendments to Schedule I of Zoning By-law 7652/18. The changes are described below, and illustrated on Attachment #4, Lots and Blocks Affected by Zone Category Changes.

A) Match zone category with lot lines

Blocks 220 and 228, and Lots 21, 63, 98-100 and 117, include two zone categories. These properties were only intended for one zone category. The affected lots and blocks are illustrated in purple on Attachment #4, Lots and Blocks Affected by Zone Category Changes.

It is recommended that the zone category boundary lines be adjusted to match with the lot lines to appropriately illustrate the intended zone boundary. These changes do not impact the Building Department from issuing building permits given that the Building Department has interpreted the blocks to have the appropriate/intended zone category. However, to improve readability of the by-law schedule, staff recommend the following:

- the zone line that bisects Block 220 be removed, and the block be zoned as LD1-T only;
- the zone line that bisects Block 228 be removed, and the block be zoned as LD2-M only;
- the zone line that bisects Lots 21, 63, 98 and 99 be removed, and the lots be zoned as LD1 only;
- the zone line that bisects Lot 100 be removed, and the lot be zoned LD2 only; and
- the zone line that bisects Lot 117 be removed, and the lot be zoned MD-DS only.

B) Remove unnecessary zone category boundary lines

Unnecessary zone boundary lines are located on Lots 76, 77, 79, 80-82, 84-88, 101-112, 115-121. The lots are illustrated in green on Attachment #4, Lots and Blocks Affected by Zone Category Changes.

The zone boundary lines are unnecessary, and it is recommended that removing the zone boundary lines allows for better readability of the Schedule. These changes do not impact the Building Department from issuing of building permits.

C) Add a zone category

The zone category for Blocks 212, 213, 214 and 221 was not illustrated on Schedule I of Zoning by-law 7652/18. The lots are illustrated in orange on Attachment #4, Lots and Blocks Affected by Zone Category Changes.

The lands were intended to be zoned MD-M, but mistakenly not included on the schedule. Consequently, the omission of the zone category on the schedule to the by-law results in the Building Department not being able to issue building permits for these blocks. However, once the zoning by-law is passed, but still in its appeal period, the CBO can issue a conditional building permit for the lots within these blocks. This will minimize the delay in issuing permits. Therefore, staff recommend that:

- the zone line that bisects Blocks 212, 213, 214 and 221 be removed; and
- a zone category of MD-M be added to the subject blocks.

The above-noted recommended changes are illustrated on Attachment #5, Correct Zone Category Boundaries. Staff will incorporate the changes into an implementing zoning by-law amendment for Councils consideration.

5. Public Notice

In addition to the standard departments and agencies, written notice of the Electronic Statutory Public Meeting was provided to landowners within 500 metres of the subject lands. The notice was also posted on the City's website.

6. Comments Received**6.1 Public Comments**

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

6.2 Agency Comments

As of writing this report, no comments have been received from external agencies.

6.3 City Department Comments

As of writing this report, no comments have been received from internal departments.

7. Planning & Design Section Comments

7.1 The proposed technical housekeeping revisions do not affect the purpose of Zoning By-law 7652/18, and are in keeping with Council's intentions when initially passed on September 17, 2018.

The proposed revisions are all consistent with the approved red-line revision to the draft plan of subdivision, SP- 2009-11 (R), and the recently approved Plan 40M-2710.

Furthermore, the proposed revisions do not affect the purpose of Zoning By-law 7652/18, and are in keeping with Council's intent when recommending approval of Zoning By-law Amendment Application A 04/18, and enacting the original by-law.

Staff will finalize and forward an implementing Zoning By-law to Council for enactment on February 28, 2022.

8. Information Received

- None required.

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 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; and
- 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 City is the applicant.

Attachments:

1. Location Map
2. Zoning By-law 7652/18
3. Required Changes to Zone Boundaries
4. Lots and Blocks Affected by Zone Category Changes
5. Correct Zone Category Boundaries

Prepared By:

Original Signed By

Cristina Celebre, MCIP, RPP
Principal Planner, Strategic Initiatives

Original Signed By

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

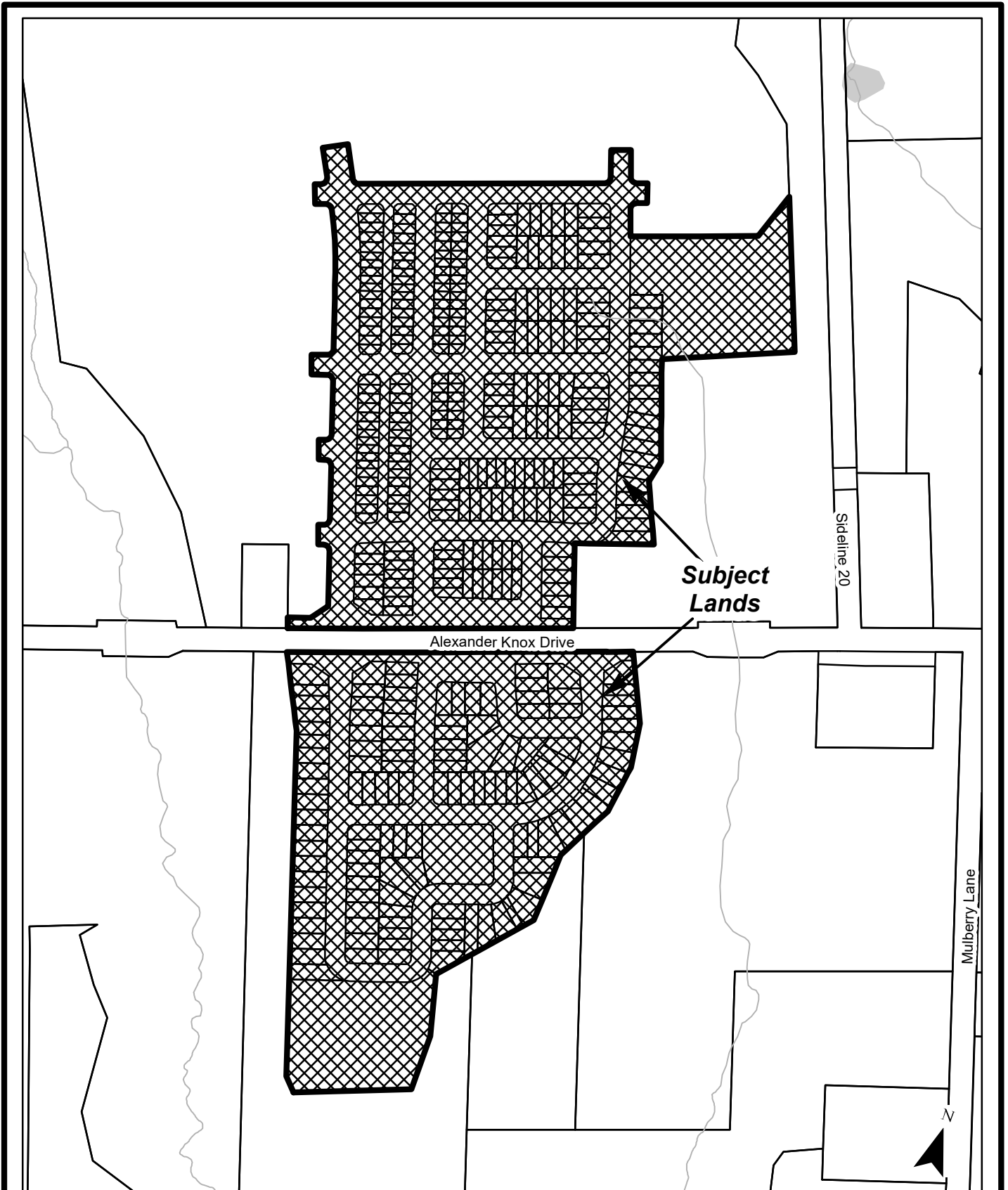
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Date of Report: January 24, 2022

Approved/Endorsed By:

Original Signed By

Catherine Rose, MCIP, RPP
Chief Planner




PICKERING
 City Development
 Department

| | |
|---|---|
| Location Map | |
| File: A 01/22 | |
| Applicant: City of Pickering | |
| Property Description: North and South of Alexander Knox Drive (Plan 40M-2710) | |
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The Corporation of the City of Pickering

By-law No. 7652/18

Being a By-law to amend Restricted Area (Zoning) By-law 7364/14, to implement the Official Plan of the City of Pickering, Region of Durham, for land at Part of Lot 21 & 22 Concession 4, and Part of Lots 21, 22 & 23 Concession 5 City of Pickering (A 04/18)

Whereas the Council of The Corporation of the City of Pickering received an application to rezone portions of the subject lands being Part of Lot 21 & 22 Concession 4, and Part of Lots 21, 22 & 23 Concession 5, in the City of Pickering to permit revisions to a draft approved plan of subdivision;

And whereas an amendment to Zoning By-law 7364/14, is deemed necessary to permit the requested revisions.

Now therefore the Council of The Corporation of the City of Pickering hereby enacts as follows:

1. **Schedule I**

Schedule I attached hereto with notations and references shown thereon are hereby declared to be part of this By-law.

2. **Area Restricted**

The provisions of this By-law shall apply to those lands in Part of Lot 21 & 22 Concession 4, and Part of Lots 21, 22 & 23 Concession 5, in the City of Pickering, designated "LD1, LD1-T, LD2, MD-DS" on Schedule I attached hereto.

3. **General Provisions**

No building, structure, land or part thereof shall hereafter be used, occupied, erected, moved or structurally altered except in conformity with the provisions of this By-law.

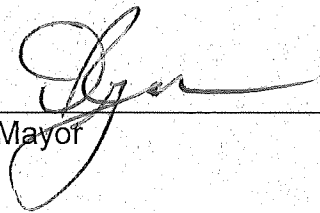
4. **By-law 7364/14**

By-law 7364/14, is hereby further amended only to the extent necessary to give effect to the provisions of this By-law as it applies to the area set out in Schedule I to this By-law. Definitions and subject matters not specifically dealt with in this By-law shall be governed by relevant provisions of By-law 7364/14.


5. **Effective Date**

This By-law shall come into force in accordance with the provisions of the *Planning Act*, upon the approval by the Local Planning Appeal Tribunal/Ontario Municipal Board of the red-line revisions to Draft Approved Plan of Subdivision SP-2009-11.

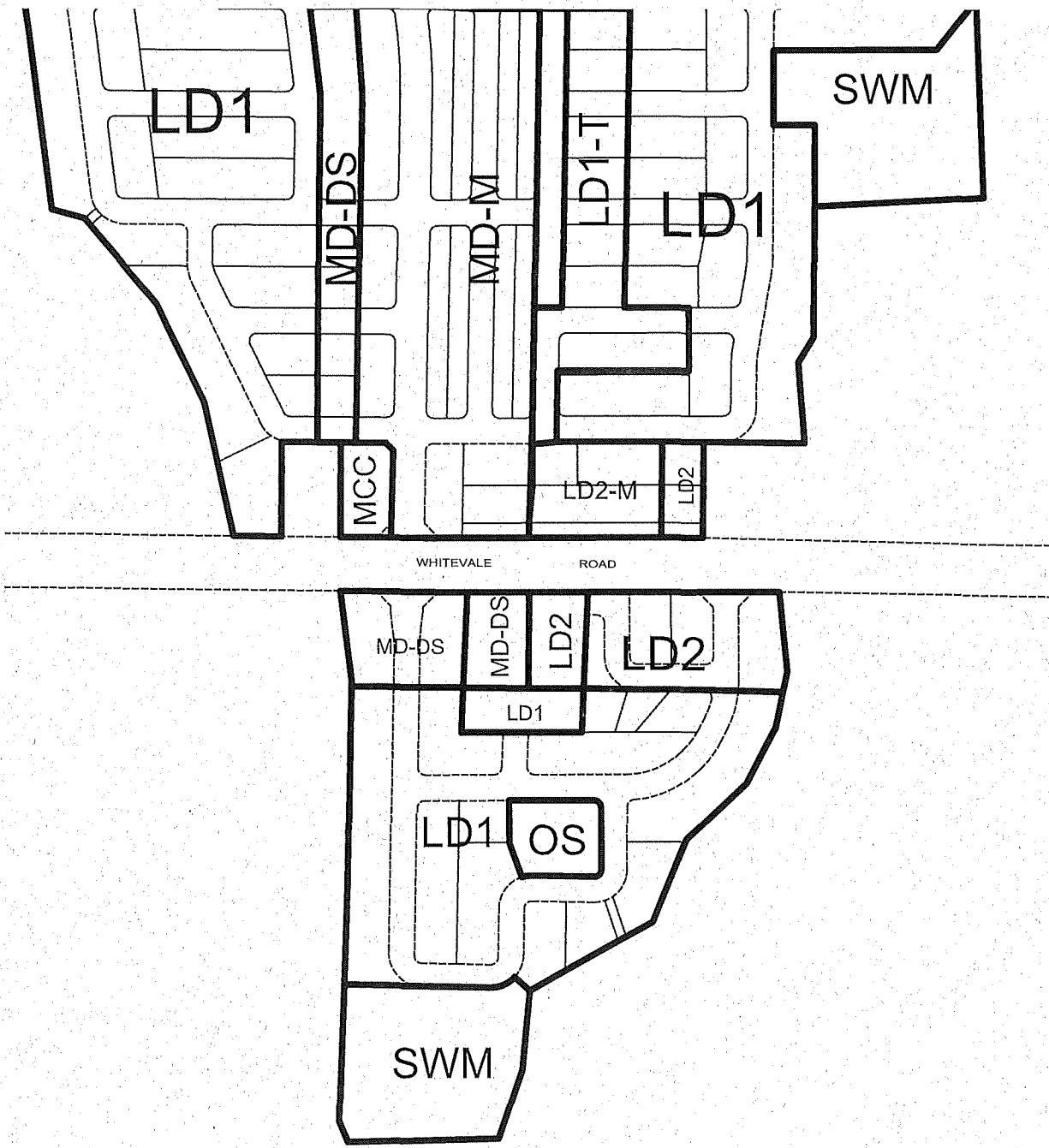
By-law passed this 17th day of September, 2018.



David Ryan, Mayor



Debbie Shields, City Clerk

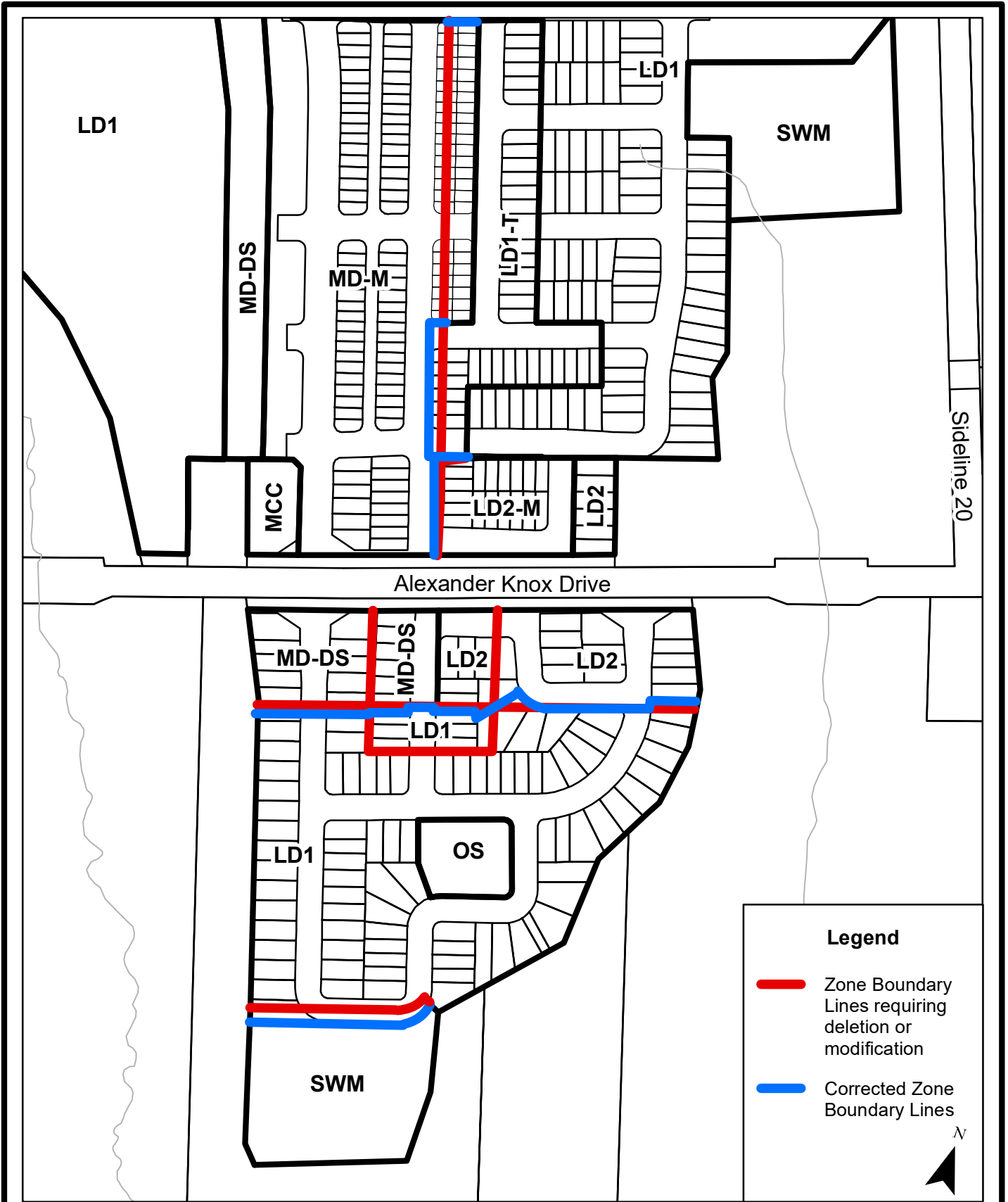


SCHEDULE I TO BY-LAW 7652/18
 PASSED THIS 17th
 DAY OF September 2018

 MAYOR *[Signature]*

D. Shields

 CLERK



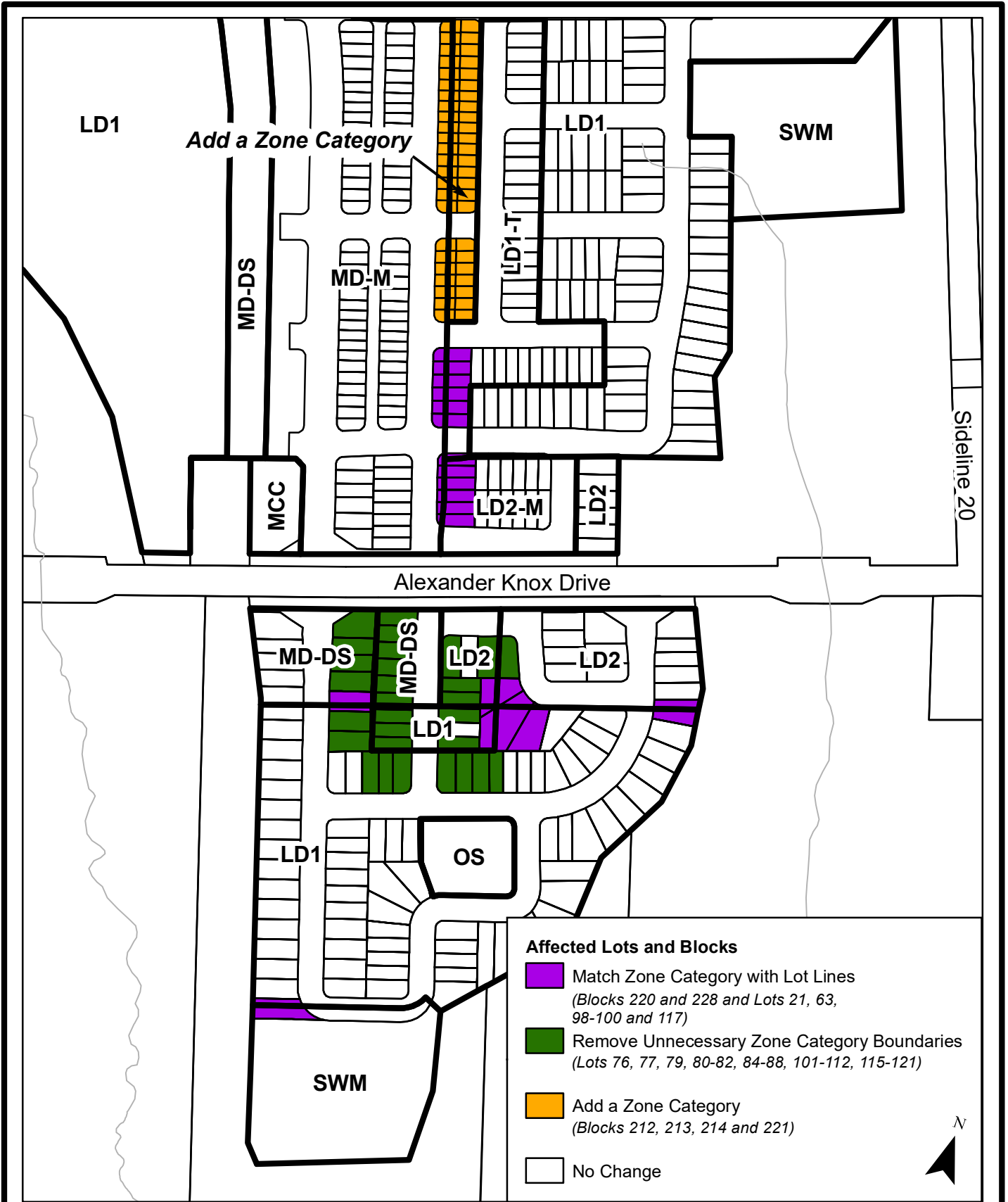
Legend

- Zone Boundary Lines requiring deletion or modification
- Corrected Zone Boundary Lines

N
▲

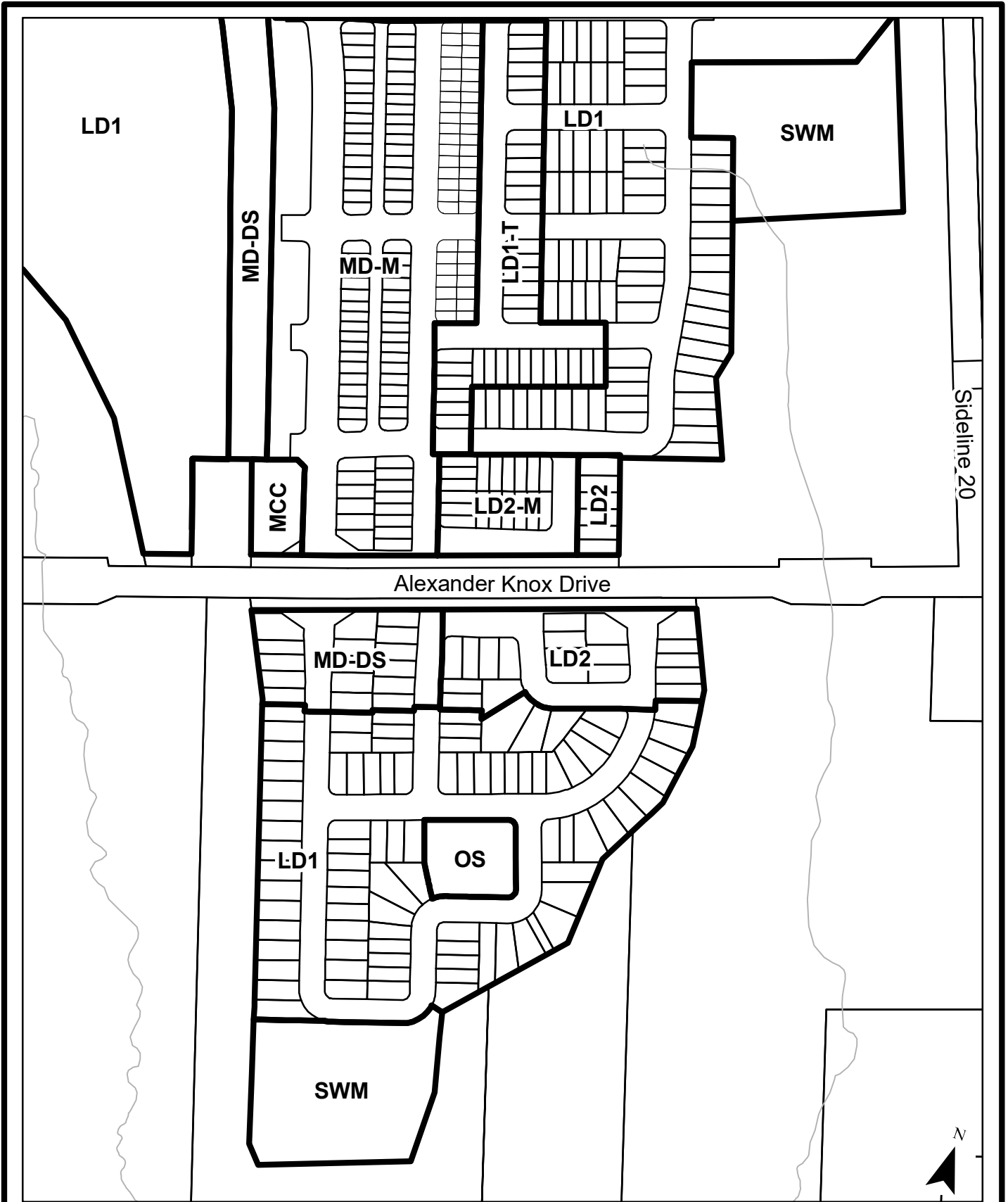
City of
PICKERING
City Development
Department

| | |
|---|---|
| Required Changes to Zone Boundaries | |
| File: A 01/22 | |
| Applicant: City of Pickering | |
| Property Description: North and South of Alexander Knox Drive (Plan 40M-2710) | |
| This zoning map is a graphical representation of the zoning schedules and is not a plan of survey. The zoning schedules in Zoning By-Law 7364/14, as amended, are the official schedules. In any situation where the zoning schedules are found to differ from this map, the text of the signed By-Law, as amended, will take precedence in the interpretation of zoning. | Date: Jan. 21, 2022 |
| © 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. © Teranet Enterprises Inc. and its suppliers all rights reserved. © Teranet Enterprises Inc. and its suppliers all rights reserved. | SCALE: 1:3,500 THIS IS NOT A PLAN OF SURVEY. |



| | |
|---|---|
| Lots and Blocks Affected by Zone Category Changes | |
| File: A 01/22 | |
| Applicant: City of Pickering | |
| Property Description: North and South of Alexander Knox Drive (Plan 40M-2710) | |
| <small>The zoning schedules in Zoning By-Law 7364/14, as amended, are the official schedules. In any situation where the zoning information found on this map differs from the official schedules, the text of the signed By-Law, as amended, will take precedence in the interpretation of zoning.</small> | Date: Jan. 21, 2022 |
| <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. © Teranet Enterprises Inc. and its suppliers all rights reserved. © Property Assessment Corporation and its suppliers all rights reserved.</small> | SCALE: 1:3,500 THIS IS NOT A PLAN OF SURVEY. |

City of
PICKERING
City Development
Department



Correct Zone Category Boundaries

File: A 01/22

Applicant: City of Pickering

Property Description: North and South of Alexander Knox Drive (Plan 40M-2710)

City of
PICKERING

City Development
Department

This zoning map is a graphical representation of the zoning schedules and is not a plan of survey. The zoning schedules in Zoning By-Law 7364/14, as amended, are the official schedules. In any situation where the zoning schedules are found to differ from this map, the text of the signed By-Law, as amended, will take precedence in the interpretation of zoning.

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Date: Jan. 21, 2022

SCALE: 1:3,500

THIS IS NOT A PLAN OF SURVEY.

From: Paul Bigioni
Director, Corporate Services & City Solicitor

Subject: 974582 Ontario Ltd. – Plan of Subdivision 40M-2149

- Final Assumption of Plan of Subdivision
- Municipal works on Liverpool Road adjacent to Blocks 1, 2, 3, 4 and 7, Plan 40M-2149 (1295 Liverpool Road)
- File: 40M-2149

Recommendation:

1. That works and services required by the Subdivision Agreement within Liverpool Road, adjacent to or outside Plan 40M-2149, which are constructed, installed or located on lands dedicated to, or owned by the City, or on lands lying immediately adjacent thereto, including lands that are subject to easements transferred to the City, be accepted and assumed for maintenance;
 2. That 974582 Ontario Ltd. be released from the provisions of the Subdivision Agreement and any amendments thereto relating to the works on Liverpool Road outside of Plan 40M-2149; and
 3. That the appropriate City of Pickering officials be authorized to take the actions necessary to implement the recommendations in this report.
-

Executive Summary: The City entered into a Subdivision Agreement with the above-noted developer for the development of the lands within Blocks 1 to 7, Plan 40M-2149 which included works in or on Liverpool Road adjacent to Plan 40M-2149. As all works and services within Liverpool Road related to this plan have been completed to the satisfaction of City staff, it is appropriate to finalize the assumption of those works.

Financial Implications: Not applicable.

Discussion: The City entered into a Subdivision Agreement with the above-noted developer for the development of the lands within Plan 40M-2149. As the developer has now completed all of the works and services to the satisfaction of City staff, it is appropriate to: (a) assume the roads and works and services within Liverpool Road, outside of or adjacent to Blocks 1, 2, 3, 4 and 7, Plan 40M-2149; and (b) release 974582 Ontario Ltd. from the provisions of the Subdivision Agreement with the City and any amendments related thereto, as it relates to the municipal works on Liverpool Road outside of or adjacent to Blocks 1, 2, 3, 4 and 7, Plan 40M-2149.

Attachments:

- 1. Location Map – 40M-2149

Prepared By:

Approved/Endorsed By:

Original Signed By:

Original Signed By:

Chantelle Adair
Law Clerk

Paul Bigioni
Director Corporate Services & City Solicitor

PB:ca

Recommended for the consideration
of Pickering City Council
Original Signed By:
Marisa Carpino, M.A.
Chief Administrative Officer

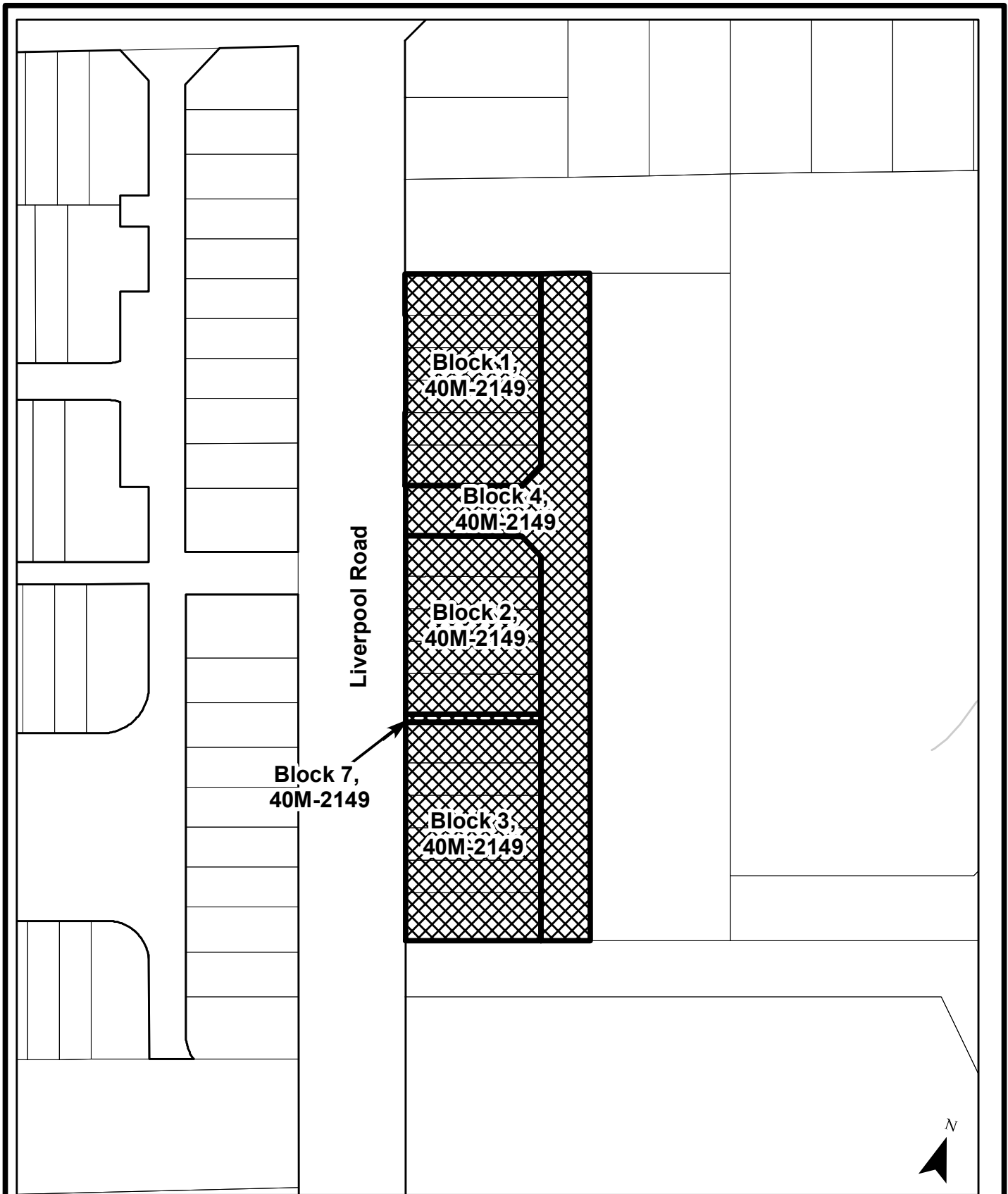
Recommendation approved:

Chief Administrative Officer per: Original Signed

Director, City Development & CBO per: Original Signed

Director, Corporate Services & City Solicitor per: Original Signed

Director, Engineering Services per: Original Signed



| | | |
|--|--|--|
| <p style="text-align: center;"><i>City of</i> PICKERING City Development Department</p> | Location Map | |
| | File: Subdivision Assumption 40M-2149 | |
| | Applicant: 974582 Ontario Ltd | |
| | Property Description: Blocks 1, 2, 3, 4 and 7, 40M-2149 | |
| | Date: Nov. 15, 2021 | |
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| SCALE: 1:1,000 THIS IS NOT A PLAN OF SURVEY. | | |

From: Kyle Bentley
Director, City Development & CBO

Subject: Memorandum of Understanding between the City of Pickering and the Toronto and Region Conservation Authority regarding the administration and collection of fees and technical guidance in relation to the TRCA's Guideline for Determining Ecosystem Compensation, June 2018
- File: D-8000-046

Recommendation:

1. That Council approve the draft Memorandum of Understanding, contained in Appendix I to Report PLN 07-22, between the City of Pickering and the Toronto and Region Conservation Authority (TRCA), for the administration and collection of fees, and technical guidance regarding the interpretation and calculation of compensation, in terms of the TRCA's Guideline for Determining Ecosystem Compensation, dated June 2018;
 2. That the draft Memorandum of Understanding be forwarded to the TRCA's Board of Directors for endorsement, prior to its execution;
 3. That the Mayor and the City Clerk be authorized to execute the Memorandum of Understanding; and
 4. That the appropriate City officials be authorized to take the necessary actions as indicated in this report.
-

Executive Summary: In June 2018, the Toronto and Region Conservation Authority (TRCA) released their Guideline for Determining Ecosystem Compensation. On April 23, 2019, Council authorized staff to develop a Memorandum of Understanding (MOU) between the City and the TRCA regarding ecosystem compensation (see Council Resolution #68/19, Attachment #1). More specifically, the MOU would address the administration and collection of fees, and technical guidance regarding interpretation and calculation of fees, in relation to TRCA's Guideline for Determining Ecosystem Compensation.

City and TRCA staff have collaborated in preparing a mutually acceptable MOU that incorporates the above-noted framework. Staff is requesting that the MOU, contained in Appendix I to Report PLN 07-22, be approved by Pickering Council and executed, subject to the approval of TRCA Board of Directors.

Discussion:**1. Toronto and Region Conservation Authority's (TRCA) Guideline for Determining Ecosystem Compensation**

In April 2019, Council considered Report PLN 07-19. The Report presented the Toronto and Region Conservation Authority's (TRCA) Guideline for Determining Ecosystem Compensation, dated June 2018 (the Guideline). Further, the Report set out a proposed framework for the collection of the compensation, by location of the feature, the nature of the feature, which policy or guideline applies, and who collects the fee. A copy of Report PLN 07-19 is provided as Attachment #2.

Council endorsed the recommendations of that Report, which included:

- supporting the use of the Guideline by the City, as a technical guideline to determine and collect compensation for ecosystem loss due to development impacts, subject to certain criteria;
- authorizing staff to develop a Memorandum of Understanding (MOU), in consultation with the TRCA, regarding the administration and collection of fees, and technical guidance regarding the interpretation and calculation of compensation under the authority of the Guideline (see Council Resolution #68/19, Item 3, Attachment #1); and
- authorizing staff to initiate an amendment to the Pickering Official Plan to introduce policies that address ecosystem loss and compensation due to development impacts, where all options for protection have been exhausted, on a city-wide basis.

This report deals with the MOU, as referenced in the second bullet point above.

2. The Memorandum of Understanding

City Development staff, with the assistance of the Manager, Landscape & Parks Development, and staff from the Corporate Services Department, developed a draft MOU in consultation with TRCA staff. The review of the draft MOU went through various iterations. City and TRCA staff are in agreement with the contents of the draft MOU.

The purpose of the draft MOU is to clarify the roles and responsibilities of the City and TRCA in the City's implementation of TRCA's Guideline. It addresses matters such as the following:

- the collection and administration of ecosystem compensation fees;
- the mechanisms with which agreements and conditions may be made for ecosystem compensation;
- the types of natural features that may be the subject of ecosystem compensation;
- the location of natural features, whether inside or outside of TRCA regulated areas;
- the overlap with the City's Tree Removal Compensation Fee; and
- how technical guidance regarding the interpretation and calculation of ecosystem compensation in accordance with the Guideline would be provided.

A copy of the draft MOU is contained in Appendix I to Report PLN 07-22. The draft MOU follows a standard format addressing: Parties Involved; Purpose; Basis; Applicability; Duration; Management Guidance and Interpretation; Collection and Administration of Fees; and Monitoring and Reporting.

The next step is to execute and implement the MOU, subject to the approval of Pickering Council and the TRCA Board of Directors. In order to effectuate the implementation of the MOU, staff request that the draft MOU contained in Appendix I be approved by Council, and that the Mayor and the City Clerk be authorized to execute the MOU once TRCA's Board of Directors has endorsed it.

It is important to clarify that TRCA is in the process of developing a memorandum of understanding in accordance with the *Conservation Authority Act* for the provision of programs and services on behalf of municipalities. The Act also allows for other agreements to be entered into with the municipality in respect of the programs and services, such as this MOU.

3. The Official Plan Amendment

Council Resolution #68/19, Item 4, authorized staff to initiate an official plan amendment to strengthen the City's policy with respect to ecosystem compensation. In response, a recommendation to adopt City Initiated Official Plan Amendment 35 (OPA 35) is contained in Report PLN 08-22. The adoption of OPA 35 will provide a stronger planning policy basis to implement ecosystem compensation through the review of development applications, in accordance with the MOU.

Appendix

Appendix I: Draft Memorandum of Understanding

Attachments

1. Council Resolution #68/19
2. Report PLN 07-19

Prepared By:

Approved/Endorsed By:

Original Signed By

Original Signed By

Déan Jacobs, MCIP, RPP
Manager, Policy & Geomatics

Catherine Rose, MCIP, RPP
Chief Planner

Original Signed By

Kyle Bentley, P. Eng.
Director, City Development & CBO

DJ:ld

Recommended for the consideration
of Pickering City Council

Original Signed By

Marisa Carpino, M.A.
Chief Administrative Officer

Draft Memorandum of Understanding

Memorandum of Understanding Ecosystem Compensation Implementation

1. Parties involved:

The Corporation of the City of Pickering (the “City”)

Toronto and Region Conservation Authority (“TRCA”)

2. Purpose:

The purpose of this Memorandum of Understanding (“MOU”) is to clarify the roles and responsibilities of the City and TRCA in the City’s implementation of TRCA’s Guideline for Determining Ecosystem Compensation (the “Guideline”), dated June 2018, within the boundaries of the City of Pickering. These roles and responsibilities address:

- a) the collection and administration of ecosystem compensation fees;
- b) the mechanisms with which agreements and conditions may be made for ecosystem compensation;
- c) the types of natural features that may be the subject of ecosystem compensation;
- d) the location of natural features, whether inside or outside of TRCA regulated areas;
- e) the overlap with the City’s Tree Removal Compensation Fee; and
- f) the provision of technical guidance regarding the interpretation and calculation of ecosystem compensation in accordance with the Guideline.

3. Basis

On April 23, 2019 the Council of the City, in accordance with Resolution #68/19 resolved:

- to support the use of TRCA’s Guideline for Determining Ecosystem Compensation, dated June 2018, as a technical guideline to determine compensation for ecosystem loss due to development impacts, where all options for protection have been exhausted, in accordance with conditions of draft plans of subdivision, zoning, land divisions, and site plans, with the exception of tree removal that falls under the purview of the City’s Tree Removal Compensation Fee;
- that the City collect compensation for ecosystem loss due to development impacts, where all options for protection have been exhausted, in accordance with conditions of draft plans of subdivision, zoning, land divisions, and site plans, under the circumstances set out in Table 1 in Report PLN 07-19;
- that City staff be authorized to develop a memorandum of understanding in consultation with TRCA regarding the administration of the fees collected and technical guidance regarding the interpretation and calculation of compensation in terms of the Guideline.

On xxx (insert date) through Resolution # xxx (insert date) the Council of the City adopted Amendment 35 to the Pickering Official Plan which added new policies and changed existing policies within the Pickering Official Plan with regard to ecosystem loss and compensation.

4. Applicability:

- a. Table 1 in Appendix I to this MOU clarifies the application of the Guideline in relation to the City's Tree Removal Compensation Fee, and outlines which agency collects and administers the Ecosystem Compensation Fee by type and location of features to be removed.
- b. Ecosystem Compensation in accordance with the Guideline does not apply to buffer zones or vegetation protection zones associated with natural features identified on the Schedules of the Pickering Official Plan or through an environmental impact study.
- c. Where the Ecosystem Compensation Fee collected is to be used for planting or ecosystem improvement, the land base for planting or ecosystem improvement shall, as a first priority, be located on the same site where the removal is taking place, as a second priority, be located within the same watershed within the City of Pickering, or as a third priority, be located within the same watershed or another watershed that is within or partly within the City of Pickering.
- d. The Guideline shall not apply in the following circumstances:
 - i. within the relevant conservation authority's regulatory jurisdiction where removal of regulated features and/or ecosystem functions has previously been determined as part of a Zoning By-law Amendment, or Draft Plan of Subdivision, or Draft Plan of Condominium, or Site Plan, approved under the Planning Act and where compensation for the loss of the features and/or ecosystem functions has already been determined in accordance with an approved Master Environmental Servicing Plan, Environmental Assessment or Environmental Report, prior to the adoption of Amendment 35 to the Pickering Official Plan; or
 - ii. outside of the relevant conservation authority's regulatory jurisdiction where compensation for the loss of non-regulated features and/or ecosystem functions has been determined in accordance with an approved Master Environmental Servicing Plan, Environmental Assessment or Environmental Report.

5. Duration:

- a. This MOU takes effect on the date the parties sign this MOU.
- b. This MOU can be terminated in writing by either party, at any time and for any reason, provided that:

- i. in the event the City resolves to terminate this MOU, such authorization shall be obtained from the Council of the City, and in the event TRCA resolves to terminate this MOU, such authorization shall be obtained from the TRCA Board of Directors. If either party terminate this MOU in accordance with this Section, neither party shall be subject to penalties or liabilities arising from such termination;
- ii. where any compensation in accordance with the Guideline has been collected prior to or at the time of termination of this MOU, such compensation amount shall continue to be administered in accordance with the applicable conditions of draft plans of subdivision, zoning, land divisions, or site plan approval, or as agreed upon through the Environmental Assessment or *Conservation Authorities Act* permitting process or other agreement as further described in Section 8(b) of this MOU.

6. Management:

The following persons are appointed to manage/administer the compensation process:

The City of Pickering: The Director, City Development & CBO or designate;

TRCA: TRCA Development Planning and Permits or Infrastructure Planning and Permits staff.

7. Guidance and Interpretation regarding Compensation for Ecosystem Loss:

- a. Technical guidance regarding the interpretation of the Guideline and determining compensation payable for ecosystem loss, shall be provided to the City, by TRCA staff authorized for such purposes.
- b. There will be no extra costs charged to the City or the proponent regarding the interpretation of the Guideline and determining compensation for ecosystem loss.
- c. In the event of a dispute or disagreement regarding the amount of compensation payable with regard to the land base component of ecosystem compensation, TRCA or the City, whichever party is responsible, may at their discretion, procure their own appraisal with the costs borne by the development proponent.

8. Collection and Administration of Fees:

- a. Table 1 in Appendix I to this MOU clarifies which party collects and administers the compensation fee and administration fee (where applicable).
- b. The party that collects a compensation fee for planting or ecosystem improvement shall be responsible for the planting or ecosystem improvement, including the land base component (if applicable), in accordance with an agreement to be entered into with the development proponent, stipulating where the planting or ecosystem improvement shall occur and the timeframe associated. Section 3.1 (Agreements)

of the Guideline outlines the factors to be considered when contemplating such agreements.

- c. Financial record of each planting or ecosystem improvement project/program undertaken in accordance with section 3.2 of the Guideline, shall be maintained by the relevant party.

9. **Monitoring and Reporting:**

- a. Meetings between the parties shall be held at least once every 12 months, for purposes of monitoring and reporting, tracking, and evaluation to gauge success and inform program improvements.
- b. Monitoring shall be undertaken by the party that received the compensation funds after completion of the Guideline's costs breakdown process, whether that is TRCA or the City, following 1, 3, and 5 years after construction and/or planting is complete in accordance with section 3.2 of the Guideline.

- 10. This MOU shall be made available to the public on request.

Signature & Date
The Corporation the City of Pickering

Signature & Date
Toronto and Region Conservation Authority

Table 1

| Location of Feature & Implementing Mechanisms | What Features and/or Ecosystem Functions? | Tool | Who Collects and Administers the Compensation Fee? |
|--|--|--|---|
| <p>Within the City of Pickering (outside TRCA's regulated area¹), through a City condition of site plan approval, draft plan of subdivision, zoning, or land division</p> | <p>Individual trees²</p> | <p>Council's adopted Tree Removal Compensation Fee</p> | <p>The City of Pickering</p> |
| <p>Within the City of Pickering (outside TRCA's regulated area¹), through a City condition of site plan approval, draft plan of subdivision, zoning, or land division</p> | <p>Significant Woodlands, woodlands, areas of natural and scientific interest, and other non-regulated¹ features, and their related ecosystem functions, (which could include the associated land base)</p> | <p>TRCA's Guideline</p> | <p>The City of Pickering, except that any compensation collected in relation to lands or features within the Seaton Natural Heritage System, as shown on the Schedule I of the Pickering Official Plan will be collected and administered by TRCA</p> |
| <p>Within the City of Pickering (inside TRCA's regulated area¹), through TRCA permit process, a condition of site plan approval, draft plan of subdivision, zoning, or land division</p> | <p>Individual trees²</p> | <p>Council's adopted Tree Removal Compensation Fee</p> | <p>The City of Pickering</p> |

| Location of Feature & Implementing Mechanisms | What Features and/or Ecosystem Functions? | Tool | Who Collects and Administers the Compensation Fee? |
|--|---|------------------|--|
| Within the City of Pickering (inside or the majority inside TRCA's regulated area¹), through TRCA permit process, a condition of site plan approval, draft plan of subdivision, zoning, or land division | Significant Woodlands, woodlands, wetlands, valley lands, shorelines, areas of natural and scientific interest, and their related ecosystem functions, (which could include the associated land base) | TRCA's Guideline | TRCA |
| Within the City of Pickering (outside or the majority outside TRCA's regulated area¹), through TRCA permit process, a condition of site plan approval, draft plan of subdivision, zoning, or land division | Significant Woodlands, woodlands, wetlands, valley lands, shorelines, areas of natural and scientific interest, and their related ecosystem functions, (which could include the associated land base) | TRCA's Guideline | The City of Pickering, except that any compensation collected in relation to lands or features within the Seaton Natural Heritage System, as shown on the Schedule I of the Pickering Official Plan will be collected and administered by TRCA |

Note 1: TRCA's Regulated Area – the text of TRCA's Ontario Regulation 166/06 describes the areas that are regulated, which prevails over the mapping. Features and hazards do not have to be shown on TRCA Regulated Area mapping to be regulated.

Note 2: The term "Individual trees" refers to trees with a caliper of 15 centimetres or more, that do not functionally form part of significant woodlands (identified on Schedule IIIB of the Pickering Official Plan) or other woodlands that are neither mapped on Schedule IIB of the Pickering Official Plan nor defined as being "significant".

Legislative Services Division
Clerk's Office
Directive Memorandum

April 25, 2019

To: Kyle Bentley
Director, City Development & CBO

From: Susan Cassel
City Clerk

Subject: Direction as per Minutes of the Meeting of City Council
held on April 23, 2019

Director, City Development & CBO, Report PLN 07-19
Toronto and Region Conservation Authority's Guideline
for Determining Ecosystem Compensation, June 2018

Council Decision**Resolution #68/19**

1. That Council support the use of the Toronto and Region Conservation Authority's Guideline for Determining Ecosystem Compensation, dated June 2018, as a technical guideline to determine compensation for ecosystem loss due to development impacts, where all options for protection have been exhausted, when required through conditions of draft plans of subdivision, zoning, land divisions, and site plans, with the exception of tree removal that falls under the purview of the City's Tree Removal Compensation Fee;
2. That the City collect compensation for ecosystem loss due to development impacts, where all options for protection have been exhausted, when required through conditions of draft plans of subdivision, zoning, land divisions, and site plans, under the circumstances set out in Table 1 in Report PLN 07-19;
3. That staff be authorized to develop a memorandum of understanding in consultation with Toronto and Region Conservation Authority regarding the administration and collection of the fees and technical guidance regarding the interpretation and calculation of compensation in terms of the Guideline; and
4. That staff be authorized to initiate an amendment to the Pickering Official Plan to introduce policies that address ecosystem loss and compensation due to development impacts, where all options for protection have been exhausted, on a city-wide basis.

Please take any action deemed necessary.

Susan Cassel

Copy: Chief Administrative Officer
Director, Corporate Services & City Solicitor
Director, Finance & Treasury



Report to Planning & Development Committee

Report Number: PLN 07-19

Date: April 1, 2019

From: Kyle Bentley
Director, City Development & CBO

Subject: Toronto and Region Conservation Authority's Guideline for Determining Ecosystem Compensation, June 2018
File: D-8000-046

Recommendation:

1. That Council support the use of the Toronto and Region Conservation Authority's Guideline for Determining Ecosystem Compensation, dated June 2018, as a technical guideline to determine compensation for ecosystem loss due to development impacts, where all options for protection have been exhausted, when required through conditions of draft plans of subdivision, zoning, land divisions, and site plans, with the exception of tree removal that falls under the purview of the City's Tree Removal Compensation Fee;
2. That the City collect compensation for ecosystem loss due to development impacts, where all options for protection have been exhausted, when required through conditions of draft plans of subdivision, zoning, land divisions, and site plans, under the circumstances set out in Table 1 in Report PLN 07-19;
3. That staff be authorized to develop a memorandum of understanding in consultation with Toronto and Region Conservation Authority regarding the administration and collection of the fees and technical guidance regarding the interpretation and calculation of compensation in terms of the Guideline; and
4. That staff be authorized to initiate an amendment to the Pickering Official Plan to introduce policies that address ecosystem loss and compensation due to development impacts, where all options for protection have been exhausted, on a city-wide basis.

Executive Summary: This report provides information regarding the Toronto and Region Conservation Authority's (TRCA) Guideline for Determining Ecosystem Compensation (the Guideline), issued in June 2018. It also contains a discussion regarding the purpose and scope of the Guideline, the principles that guide its application, its applicability, how it fits into the development approval process, and its implications for the City. The report concludes with a number of recommendations regarding the use of the Guideline, defining its relationship to the City Tree compensation practice, and requesting authorization to initiate an Official Plan Amendment to introduce policies that address ecosystem loss and compensation.

1. Background

1.1 How are natural heritage systems protected?

There is a strong policy framework in Ontario to protect and expand the natural heritage system. The *Planning Act* identifies the protection of ecological systems, including natural areas, features and functions as a matter of Provincial interest. Similarly, the Provincial Policy Statement requires that the long term ecological function and biodiversity of natural heritage systems should be maintained, restored or enhanced where possible.

Municipalities and other agencies protect these systems through various processes. Regional and local official plans designate lands as natural heritage systems where development is generally not permissible. Municipalities may pass Tree Protection By-laws to further regulate natural heritage system lands and/or the destruction of individual trees, and to establish penalties for unlawful removal of trees in the areas covered by the by-laws. Additionally, municipalities may establish compensation protocols to calculate a value for the lost feature, function, or area, and require the value to be used towards enhancing the natural heritage system in a nearby location.

The Pickering Official Plan designates and provides policies to protect a robust natural heritage system. The City has passed a Tree Protection By-law in 2003 that prohibits and regulates the injuring, destruction or removal of trees within defined areas of the City. Further, the City passed Tree Inventory, Preservation and Removal Compensation Requirements in January 2018 to address the loss of trees during the development review process, with the exception of the Duffin Heights Neighbourhood, which has its own compensation agreement in place.

TRCA is one of the City's partner agencies that plays a strong role in protecting and enhancing the natural heritage system through its regulatory authority, land stewardship, and as a commenting agency on development applications. The Conservation Authorities and municipalities have been continuously working together to reduce the losses to the natural heritage system through the promotion of best practices, strengthening environmental policies, education programs, and compensation requirements.

1.2 Why is a compensation guideline required?

In spite of the strong policy framework, and the efforts and initiatives from the City and TRCA to protect, restore, or enhance the natural heritage system, losses to the natural heritage system and features continue to occur due to unavoidable losses associated with urbanization and infrastructure expansion. These losses may become even more apparent due to impacts associated with climate change.

In November 2014, TRCA adopted their Living City Policies. These policies, among other matters, introduced stronger policy direction regarding "compensation", defining it in the context of conservation and land use planning, as "the replacement of lost/altered ecosystem services or ecological functions". The Living Cities policies also recommended that after all other options for protection, minimization and mitigation have been exhausted, and where no other federal, provincial and municipal requirements exist to protect a natural heritage feature being impacted by development or infrastructure, that compensation for the loss of ecosystem services be provided.

Although compensation has been partially successful in restoring natural heritage systems and ecological functions, TRCA recognized that there have been various challenges in its application. For example, these challenges include the lack of consistent standards and transparency, lengthy negotiations that delay the development approval process, and the lack of direction on selecting sites for ecological restoration. Initial discussions between TRCA and the development industry also revealed that developers would welcome the development of a transparent and standardized compensation protocol or guideline.

Subsequently, TRCA investigated best practices for compensation, and produced a Draft Terrestrial Ecosystem Services Compensation Protocol in mid-2015. A consultation process followed with key stakeholders, the building industry, and municipalities. Staff, in their comments on the Draft Protocol, supported in the principle the concept of a standardized ecosystem compensation protocol and provided technical comments. Following a review of the comments received, TRCA revised the Draft Protocol, and renamed it "Guideline for Determining Ecosystem Compensation". The TRCA Board endorsed the Guideline in June 2018 and directed TRCA staff to work with municipalities and public agencies to implement it, recognizing their distinct regulatory frameworks.

The Guideline is posted on TRCA's website and can be accessed via the following link: <https://trca.ca/app/uploads/2018/07/TRCA-Guideline-for-Determining-Ecosystem-Compensation-June-2018.pdf>.

2. The purpose and scope of the Guideline?

The Guideline was developed in support of TRCA's Living City Policies. The Guideline provides direction for compensation in a consistent and transparent manner, after it has been decided through a planning, environmental assessment and/or permit process, that the impact on a natural heritage feature cannot be avoided, minimized or mitigated.

The Guideline determines requirements for replacing the natural features and related functions that are lost to development or infrastructure. It deals with the loss of the feature and the land base associated with the ecosystem function. Other important aspects that have been clarified by the Guideline are the following:

- the roles of the parties (TRCA, municipalities, and proponents)
- the applicability of the Compensation Guideline, specifically with regard to the type of features and how it relates to other replacement tools, and
- the method to determine the compensation amount, and the simplification thereof.

TRCA will be regularly reporting to their Board on the status of compensation projects undertaken by TRCA, financial bookkeeping, and project monitoring results.

3. Principles that guide its application

The following seven principles help guide the application and implementation of the Guideline:

- Compensation must be considered only as a last resort within the established mitigation hierarchy of: Avoid, Minimize, Mitigate, Compensate.

- The compensation process should be transparent, helping to ensure accountability of all parties involved.
- The compensation process should strive to be consistent and replicable.
- Compensation outcomes should strive to fully replace the same level of lost ecosystem structure and function in proximity to where the loss occurs, and where possible, achieve an overall gain.
- Compensation should be directed to on-the-ground ecosystem restoration and be informed by strategic watershed and restoration planning.
- Implementation of compensation should be completed promptly so that ecosystem functions are re-established as soon as possible after (or even before) losses occur.
- The compensation process should use an adaptive management approach incorporating monitoring, tracking, and evaluation to gauge success and inform program improvements.

4. The Applicability of the Guideline

The Guideline contains a comprehensive overview of its applicability. The Guideline:

- applies to all new applications or project undertakings that come before TRCA on or after June 22, 2018, and to any existing applications or project undertakings before TRCA that have not received approval as of June 22, 2018;
- applies to all cases where money is directed to TRCA, through an agreement, to implement ecosystem restoration and conservation land securement;
- applies to any natural feature (e.g., woodlands, wetlands, thickets and meadows) that has been determined through the review of development applications, infrastructure or TRCA permits, to require compensation;
- does not apply to street trees or trees in parks that are not associated with natural features;
- requires compensation be applied to re-establish natural ecosystems;
- is not intended for the provision or improvement of engineered green infrastructure, such as green roofs;
- does not contain stipulations for determining compensation for the loss of fish habitat and defers to provincial and federal ministries;
- recognizes and supports other compensation programs such as municipal by-laws for tree replacement;
- stipulates that TRCA will continue to support other compensation programs by providing technical guidance and coordinating with municipal staff to avoid duplication, and to assist in the development of new or updated by-laws, as needed;
- acknowledges that municipalities may have enabling policies in their official plans regarding compensation, in which case the Guideline may be used as technical guidance in implementing such policies; and
- recognizes that municipalities may have their own unique approach to compensation, and may wish to adapt the Guideline to their own needs.

5. How does Compensation fit into a development or infrastructure approval process?

Figure 1 (contained in the Guideline) and provided as Attachment #1 to Report PLN 07-19, illustrates how compensation might fit into the current review and approval process for development applications and infrastructure. The figure illustrates that the Guideline is a tool that is used by TRCA, in cooperation with the municipality, once a decision has been made that ecosystem loss is unavoidable.

6. What are the implications for the City?

In answering this question, it is important to first point out the mechanisms or regulatory means the City currently uses to request compensation.

a. The Pickering Official Plan

The Official Plan contains a number of policies on the subject of compensation, which pertain only to a few specific geographic areas in the City and to major infrastructure projects.

While the principle of compensation is already embedded in the Official Plan, the current policies regarding compensation are specific to only infrastructure expansions, certain urban neighbourhoods and certain natural heritage features, and do not directly address ecosystem loss and compensation due to development impacts, on a city-wide basis. Nonetheless, policy 2.5.a) of the Plan states that critical ecological functions and components should be protected from inappropriate human uses and activities.

The City consults and collaborates with TRCA and the development industry to seek favorable outcomes where these functions and components cannot be protected through the unavoidable loss of key natural heritage or key hydrologic features due to development or infrastructure impacts. Yet, the absence of City-wide policies in relation to ecosystem loss and compensation leaves a policy void. This void can hamper the City and TRCA's efforts to achieve shared objectives for a connected and robust natural heritage system and to reach a satisfactory level of compensation.

A more complete policy framework on ecosystem loss and compensation will create a level playing field and a greater degree of consistency for all development proposals in the City, irrespective of the geographic area in the City or the type of natural feature impacted. It is therefore recommended that new enabling policies be developed for the Pickering Official Plan, providing a stronger basis for collaboration between parties and to achieve consistent and fair compensation.

With respect to municipal infrastructure projects, the Guideline acknowledges that such projects may face challenges. The Guidelines stipulate that TRCA will work with municipalities to explore offsetting losses to the natural heritage system through such means as ecological restoration and enhancement programs.

b. Council's Tree Protection By-law and Compensation Practice

Council has a Tree Protection By-law (6108/03) in place. It prohibits and regulates the removal of trees within defined areas of the City (within shoreline and stream corridors, wetlands and environmentally significant areas identified in Schedule III of the Pickering Official Plan, and areas within 30 metres on lands adjacent thereto), subject to certain exemptions such as woodlots that are governed by By-law #031-2012 of the Regional Municipality of Durham. A person who wishes to remove a tree within the defined area, must apply for a permit to do so. The provisions of the City's By-law does not apply to the removal of trees imposed as a condition to the approval of a site plan, a plan of subdivision or consent, or any agreement entered into to that effect.

In order to formalize the City's tree removal compensation practice when required by conditions of draft plan of subdivision, zoning, land division or site plan approval, the Council adopted a compensation fee for tree removal in January 2018. Tree compensation is one of the tools used by the City to implement the policies in the Pickering Official Plan regarding the protection, restoration, management and expansion of the City's urban forest. The scope of this policy is limited to "tree removal", and does not extend to the loss of ecosystem functions and the associated land base.

In a manner similar to TRCA's Compensation Guideline, the priority for compensation is replacement plantings on the development site. If there is insufficient room for these plantings on site, it may take place on other publicly owned lands in proximity to the development site. If there is insufficient space to plant all the trees required for compensation, the City may take cash-in-lieu to be used for tree planting initiatives within a neighbouring community, if possible.

Prior to TRCA's Compensation Guideline and Council's adoption of a Tree Compensation fee, the decision on who collects the compensation for tree loss was often part of a negotiation process between TRCA and the City. Any compensation in relation to other ecosystem losses was mainly a matter TRCA took up with developers, but in the absence of a formal compensation guideline, there was confusion and uncertainty as to when, why and how compensation should be collected. Hence, the need for the Guideline.

In order to: clarify the application of the City's Tree Removal Compensation fee in relation to the Guideline; distinguish the type and location of the features for which compensation is required; and to prevent any duplication of compensation efforts, staff recommends the following approach:

Table 1

| Location of feature | What features and/or ecosystem functions? | Authority/Tool |
|--|--|--|
| Within the City of Pickering (outside TRCA's regulatory area), through a City condition of site plan approval, draft plan of subdivision, zoning, or land division | Individual trees | Council's adopted Tree Removal Compensation Fee, and the Pickering Official Plan |
| Within the City of Pickering (outside TRCA's regulatory area), through a City condition of site plan approval, draft plan of subdivision, zoning, or land division | Woodlands, areas of natural and scientific interest, and other non-regulated features, and their related ecosystem functions, (which could include the associated land base) | TRCA's Guideline, and the Pickering Official Plan |
| Within the City of Pickering (inside TRCA's regulatory area), through TRCA permit process, a condition of site plan approval, draft plan of subdivision, zoning, or land division | Individual trees | Council's adopted Tree Removal Compensation Fee, and the Pickering Official Plan |
| Within the City of Pickering (inside TRCA's regulatory area), through TRCA permit process, a condition of site plan approval, draft plan of subdivision, zoning, or land division | Woodlands, wetlands, valley lands, shorelines, areas of natural and scientific interest, and their related ecosystem functions, (which could include the associated land base) | TRCA's Guideline, and the Pickering Official Plan |

To advance the implementation of the Guideline in accordance with the table above, staff will be developing a memorandum of understanding (MOU) in consultation with TRCA with respect to matters such as the administration and collection of fees, and technical guidance regarding the interpretation and calculation of compensation in accordance with the Guideline. Once the MOU has been developed, it will be presented to Council for endorsement.

7. Conclusion

Acknowledging and strengthening of the natural heritage system and its functions through a more holistic, integrated approach to compensation is important for the health and sustainability of the watersheds and the ecosystem in the City.

TRCA's Compensation Guideline: sets consistent standards and a transparent process in place; creates a greater level of predictability; clarifies the roles of all parties; leads to shorter negotiations and development approval timelines; and puts in place a strategic site selection method for ecological restoration.

To ensure consistent application of the Guideline and coordination with the City's current compensation practices, staff recommends that:


- Council support the use of Toronto and Region Conservation Authority's Guideline for Determining Ecosystem Compensation, dated June 2018, as a technical guideline to determine compensation for ecosystem loss due to development impacts, where all options for protection have been exhausted, when required through conditions of draft plans of subdivision, zoning, land divisions, and site plans, with the exception of tree removal that falls under the purview of the City's Tree Removal Compensation Fee;
- the City collect compensation for ecosystem loss due to development impacts, where all options for protection have been exhausted, when required through conditions of draft plans of subdivision, zoning, land divisions, and site plans, as illustrated in Table 1 in Report PLN 07-19;
- Council authorize staff to develop a memorandum of understanding in consultation with TRCA regarding the administration and collection of the fees and technical guidance regarding the interpretation and calculation of compensation in terms of the Guideline; and
- Council authorize staff to initiate an amendment to the Pickering Official Plan to introduce policies that address ecosystem loss and compensation due to development impacts, where all options for protection have been exhausted, on a city-wide basis.

This report was prepared in consultation with TRCA and the City's Engineering Services Department.

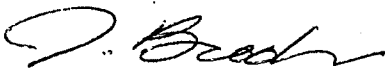
Attachment

- 1 Figure 1: Compensation and Review and Approval Processes
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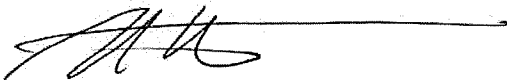
Prepared By:



Dean Jacobs, MCIP, RPP
Principal Planner, Policy



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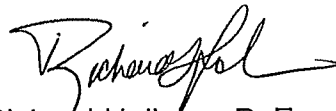
Approved/Endorsed By:



Catherine Rose, MCIP, RPP
Chief Planner



Kyle Bentley, P. Eng.
Director, City Development & CBO



Richard Holborn, P. Eng.
Director, Engineering services


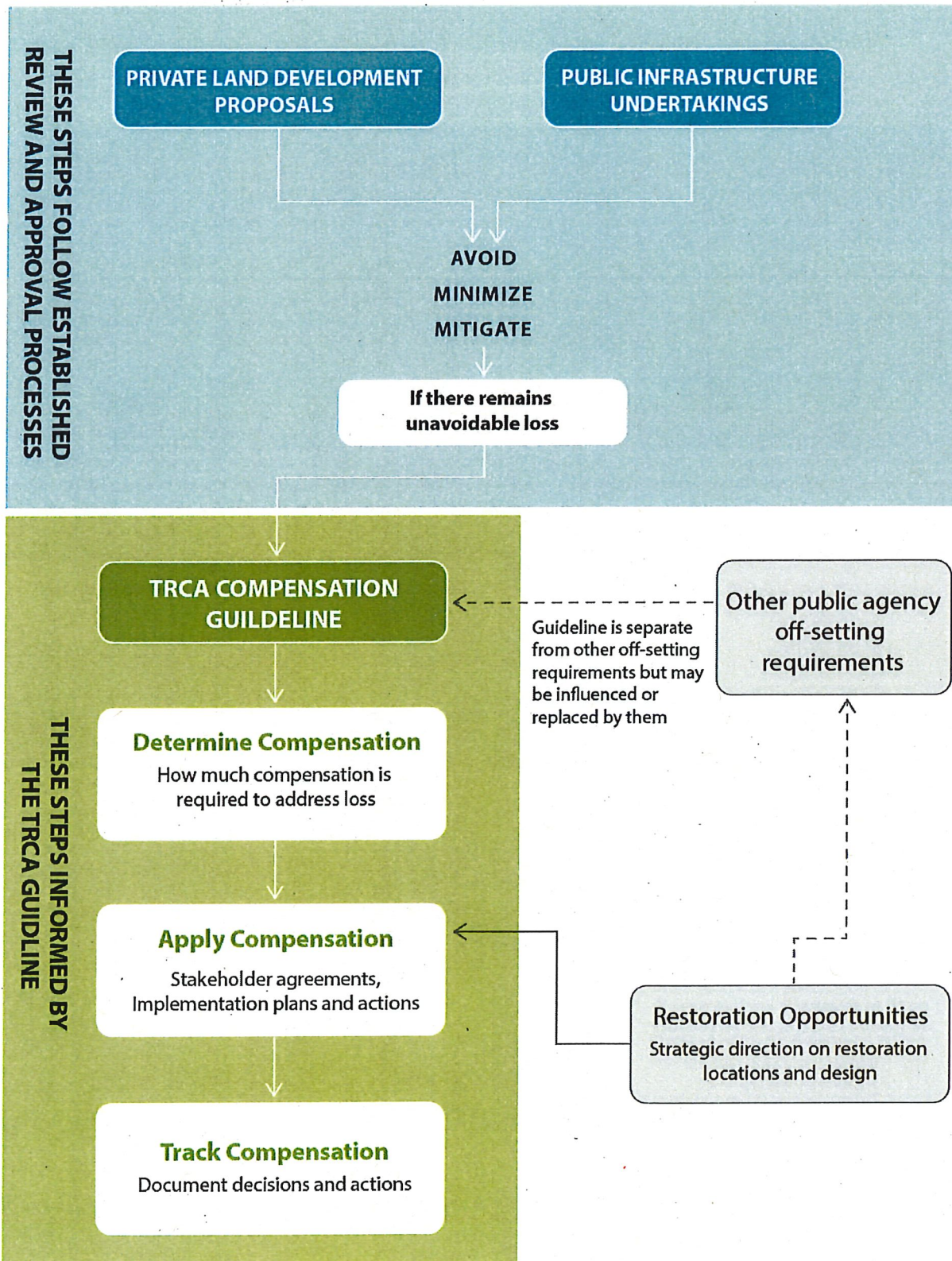
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| <p>Recommended for the consideration of Pickering City Council</p>  <p>May 18, 2019</p> <p>Tony Prevedel, P.Eng. Chief Administrative Officer</p> |
|--|

Figure 1: Compensation and Review and Approval Processes



From: Kyle Bentley
Director, City Development & CBO

Subject: City Initiated Official Plan Amendment: Ecosystem Compensation
Recommended Amendment 35 to the Pickering Official Plan
File: OPA 19-003/P

Recommendation:

1. That Official Plan Amendment Application OPA 19-003/P, initiated by the City of Pickering, to amend existing policies and introduce new policies to the Pickering Official Plan with regard to ecosystem loss and compensation, as set out in Exhibit 'A' to Appendix I to Report PLN 08-22 be approved;
2. That the Draft By-law to adopt Amendment 35 to the Pickering Official Plan, to amend existing policies and introduce new policies to the Pickering Official Plan with regard to ecosystem loss and compensation, as set out in Appendix I to Report PLN 08-22, be forwarded to Council for enactment;
3. That the City Clerk forward the Notice of Adoption to the Region of Durham and to each person or public body that provided written or verbal comments at the Open House, the Public Meeting, the Planning & Development Committee or the City Council meetings; and
4. That the appropriate officials of the City of Pickering be authorized to take the necessary actions as indicated in this report.

Executive Summary: The purpose of Amendment 35 is to amend the City of Pickering Official Plan by adding new policies, and changing existing policies in the Pickering Official Plan, with regard to ecosystem loss and compensation. The full amendment is contained in Exhibit 'A' to Appendix I to this report. A general description of the amendment is provided in Section 6.1 of this report.

Financial Implications: The implementation of Amendment 35 would provide a new revenue stream to the City, to compensate for ecosystem loss, through tree planting and project-specific restoration projects, in accordance with conditions of approval for new development.

Discussion:**1. Purpose**

- 1.1 The *Planning Act* identifies the protection of ecological systems, including natural areas, features and functions, as a matter of Provincial interest. Similarly, the Provincial Policy Statement requires that the long-term ecological function and biodiversity of natural heritage systems should be maintained, restored or enhanced where possible.
- 1.2 Although the principle of compensation is already established in the Pickering Official Plan, the current policies regarding compensation are specific to only infrastructure expansions, certain urban neighbourhoods, and certain natural heritage features, and do not directly address ecosystem loss and compensation due to development impacts, on a City-wide basis.
- 1.3 The City works with the Toronto and Region Conservation Authority (TRCA) and the development industry to seek favorable outcomes where the loss of critical ecological functions and components are unavoidable. Yet, the absence of City-wide policies in relation to ecosystem loss and compensation leaves a policy void. This void can hamper the City and TRCA's efforts to achieve shared objectives for a connected and robust natural heritage system. Similarly, there would be no policy direction on how to achieve a satisfactory level of compensation to provide meaningful replacement of, or enhancement to, the natural heritage system.
- 1.4 Council's passing of the By-law to adopt the Recommended Amendment will strengthen the principle of ecosystem compensation (where all options for protection have been exhausted) in the Pickering Official Plan. Further, the policy will provide a stronger basis for collaboration between parties and to achieve a consistent and transparent approach to compensation through the implementation of approved development proposals.
- 1.5 A Memorandum of Understanding (MOU) between the City and TRCA, regarding the Implementation of Ecosystem Compensation in accordance with TRCA's Guideline to Determine Ecosystem Compensation (the "Guideline"), dated June 2018, will guide the City in its implementation of Amendment 35 to the Pickering Official Plan. For more information regarding the MOU, please refer to Report PLN 07-22 dated February 7, 2022.

2. Statutory Public Meeting and Open House

- 2.1 In accordance with the *Planning Act*, a notice of the statutory public meeting and open house was published in the Pickering News Advertiser on May 29, 2019 and again on June 5, 2019. In addition, notice of the open house and the statutory public meeting was advertised on the City of Pickering website. The open house and statutory public meeting were held on June 17, 2019.
- 2.2 The open house drew one attendee, a planner from Evans Planning Inc., inquiring about the applicability of the proposed policies to approved, but not yet built, plans of subdivisions. Evans Planning Inc. also submitted a follow-up email, inquiring about the same matter. No members of the public spoke to the Proposed Amendment at the statutory public meeting.

3. Agency Consultation

- 3.1 The Proposed Amendment and Information Report 09-19 were circulated to public agencies on May 24, 2019. Written submissions were received from TRCA and the Regional Municipality of Durham (Region).
- 3.2 TRCA had no comments to offer in regard to the Proposed Amendment, and expressed its appreciation of the City's efforts on this matter and that it was looking forward to working with the City on a MOU to administer and implement ecosystem compensation.
- 3.3 The Region provided minor technical comments regarding sentence structure and indicated that Amendment 35 is exempt from Regional approval, in accordance with the Region's By-law 11-2000.

4. Submissions from developers/land owners in Duffin Heights Neighbourhood and Seaton

- 4.1 At the end of 2020, staff prepared a recommendation report with respect to OPA 19-003/P, and interested parties were notified that the recommendation report would be considered by the Planning & Development Committee (the Committee) of Council on December 7, 2020. At the same meeting, the Committee would also have considered a staff recommendation report regarding the draft MOU between the City of Pickering and the TRCA regarding the administration and collection of fees and technical guidance in relation to the TRCA's Guideline for Determining Ecosystem Compensation, June 2018.
- 4.2 However, on December 4, 2020, staff received three written submissions expressing concerns about the recommended official plan amendment. Two were from Evans Planning Inc. on behalf of Brock Dersan Developments and Brock Zents Partnership. One was from R.D. Webster on behalf of the Duffin Heights Landowners Group.
- 4.2.1 The submissions made reference to lands within the Duffin Heights Neighbourhood, which were the subject of an Environmental Servicing Plan (ESP). The submissions noted that the formula for determining compensation for various features and functions were already addressed in that ESP prior to any development occurring in the neighbourhood.

The concerns expressed pertain to the following wording that formed part of Section 10.12 (g) of the initial Recommended Amendment:

“However, the relevant conservation authority's guideline shall apply to any **new** or **revised** approvals under the *Conservation Authorities Act* permitting process”.

- 4.2.2 The opinion was expressed that this sentence could be interpreted to imply that any proposed development on vacant or underutilized lands in the Duffin Heights Neighbourhood may require payment of further compensation fees in addition to those compensation fees that were previously established in accordance with the ESP and associated cost sharing agreements.

-
- 4.2.3 Accordingly, the City was requested to confirm that, by virtue of the prior approval of the Duffin Heights ESP, the respective developers' proposed developments are exempt from the provisions of OPA 35. Furthermore, the City was requested to provide greater specificity with regard to what constitutes "new or revised approvals" under the *Conservation Authority Act* permitting process, and that it be confirmed that it will not apply to properties for which compensation has already been determined under the approved ESP.
- 4.2.4 These concerns were expressed following publication of the December 7, 2020 Planning & Development Committee Agenda, but prior to the December meeting. Staff required time to undertake a proper review of the submissions, and consult with Legal Services, TRCA, and the respective developers regarding the need for any changes to policy wording. Therefore, the Director, City Development & CBO, in a memorandum dated December 7, 2020 to the Mayor and Members of Council, requested that the reports with respect to recommended OPA 19-003/P and the draft MOU be referred back to staff, and that staff report back to the Committee in early 2021. Subsequently, the recommendation reports were not considered by the Committee.
- 4.3 On January 27, 2021, staff received a submission from North Pickering Community Management Inc., on behalf of the Seaton Landowners Group (the SLG), in which they expressed concern with the approach proposed in OPA 35, and the Draft Memorandum of Understanding. More specifically, the SLG expressed concern that there is a lack of clarity in OPA 35, stating that it should exempt the lands in the Seaton Community from the new proposed policy.
- 4.3.1 In their submission, the SLG pointed to Amendment 22 to the Pickering Official Plan, which introduced neighbourhood specific policies for the development of the Seaton Community, and to an approved Master Environmental Servicing Plan (MESP) for Seaton, that were developed over many years in close coordination between all the stakeholders and TRCA. Accordingly, the SLG requested a clear statement, preferably in OPA 35, confirming that the lands in the Seaton Community are not subject to the proposed new policies in OPA 35. The SGL also expressed concern that even minor new or revised approvals may be required to provide compensation despite being in general conformity with the directions developed through the Seaton MESP. Accordingly, it was suggested that the policy be modified to make it clear that any new or revised approvals under the *Conservation Authorities Act* permitting process would also not be subject to the new policies.

5. Staff's response to submissions

- 5.1 In response to the submissions from Evans Planning Inc. and R.D. Webster, staff entered into lengthy negotiations with TRCA staff, Evans Planning Inc. and R.D. Webster during 2021, in an effort to reach consensus on any proposed revisions to the wording in subsection 10.12 (g) in OPA 35. Following various iterations of textual revisions to subsection 10.12 (g) in OPA 35, staff, TRCA and R.D. Webster reached an agreement on the wording, which is reflected in Appendix I to this report.

5.1.1 The textual revisions to OPA 35 include the following:

- deleting the sentence: “However, the relevant conservation authority’s guideline for determining ecosystem compensation shall apply to any new or revised approvals under the *Conservation Authorities Act* permitting process”;
- distinguishing between the loss of ecosystem features or functions **within** or **outside** of a conservation authority’s regulatory jurisdiction;
- clarifying the circumstances under which the loss of ecosystem features or functions would be exempt from the conservation authority’s ecosystem compensation guideline, being:
 - within a regulated area, the development application received approval under the *Planning Act* prior to Amendment 35 coming into effect, and the compensation for the loss of ecosystem features or functions was dealt with in an approved master environmental servicing plan, environmental assessment, or environmental report; or
 - outside a regulated area, compensation for the loss of ecosystem features or functions was dealt with in an approved master environmental servicing plan, environmental assessment, or environmental report.

5.1.2 Evans Planning Inc. was and is still of the opinion that the latest revised wording in OPA 35 does not go far enough to address his clients’ concerns. Evans Planning Inc. insists that a policy exception be included in the OPA to exempt his clients from complying with the provisions reflected in the revised subsection 10.12 (g). In other words, he seeks greater “assurance” that his clients will not be paying more compensation, due to the implementation of TRCA’s Ecosystem Compensation Guideline, than would otherwise be payable under the Neighbourhood ESP and associated cost sharing agreements.

5.1.3 In spite of Evans Planning Inc.’s insistence on a site-specific exception in OPA 35, staff is of the opinion that the lengthy negotiations between the parties during the past year, which resulted in the latest revisions to the wording in OPA 35, is a reasonable compromise. The policy exceptions in subsection 10.12 (g) (i) and (ii) provide a response that satisfactorily addresses the concerns the broader development community in Duffin Heights initially had with OPA 35. Thus, the Duffin Heights Land Owners Group has agreed to the revised wording.

5.1.4 Furthermore, introducing site specific exceptions in OPA 35 to address or respond to every possible eventuality in the City, is not practical or advisable. The revised wording enables the implementation of long overdue ecosystem compensation in Pickering in accordance with the TRCA Ecosystem Compensation Guideline, and provides a reasonable measure of flexibility to current developers who have not yet received final planning approvals.

5.2 Regarding the submission from North Pickering Community Management Inc. on behalf of the Seaton Landowners Group (SLG), staff is of the opinion that the latest revisions to subsection 10.12 (g), removes any uncertainty as to meaning of the new policy and does not require a specific reference to the Seaton MESP. A copy of the latest revised wording in OPA 35 was forwarded to their spokesperson, but no comments have been received at the time of the finalization of this report.

5.3 The modifications to the wording in OPA 35 are technical in nature and do not detract from the original intent or purpose of Amendment 35.

6. Recommended Amendment

6.1 Exhibit 'A' to Appendix I is the Recommended Amendment 35 to the City of Pickering Official Plan. It introduces revisions to Pickering's Resource Protection and Enhancement policies in Chapter 10 – Resource Management of the Pickering Official Plan. More specifically, the key proposed amendments to the Official Plan text:

- expand the requirement for restoration and rehabilitation of degraded and damaged ecosystems, to also include the option of ecosystem compensation due to development impacts (where all options for protection have been exhausted), through the implementation of approved development applications; and
- clarifies the condition under which previously approved developments would be exempted from additional ecosystem compensation.

7. Conclusion

- 7.1 Strengthening the policy framework in relation to ecosystem loss and compensation through this official plan amendment provides a stronger basis for collaboration between parties, and achieves a consistent and transparent approach to compensation through the implementation of approved development.
- 7.2 Recommended Amendment 35 incorporates appropriate modifications to the initial amendment, based on comments received through the consultation process.
- 7.3 Staff recommend that Council endorse Recommended Amendment 35 to the Pickering Official Plan by passing the by-law to adopt Amendment 35, as set out in Appendix I to this report.

Appendix

Appendix I Draft By-law to Adopt Recommended Amendment 35 to the Pickering Official Plan

Prepared By:

Approved/Endorsed By:

Original Signed By

Original Signed By

Déan Jacobs, MCIP, RPP
Manager, Policy & Geomatics

Catherine Rose, MCIP, RPP
Chief Planner

Original Signed By

Kyle Bentley, P. Eng.
Director, City Development & CBO

DJ:ld

Recommended for the consideration
of Pickering City Council

Original Signed By

Marisa Carpino, M.A.
Chief Administrative Officer

**Draft By-law to Adopt Amendment 35
to the City of Pickering Official Plan**

Draft The Corporation of the City of Pickering

By-law No. XXXX/22

Being a by-law to adopt Amendment 35 to the Official Plan for the City of Pickering (OPA 19-003/P)

Whereas pursuant to the *Planning Act*, R.S.O. 1990, c.p. 13, subsections 17(22) and 21(1), the Council of the Corporation of the City of Pickering may by by-law adopt amendments to the Official Plan for the City of Pickering;

Whereas pursuant to Section 17(10) of the *Planning Act*, the Minister of Municipal Affairs and Housing has by order authorized Regional Council to pass a by-law to exempt proposed area municipal official plan amendments from its approval;

Whereas the *Planning Act* identifies the protection of ecological systems, including natural areas, features and functions as a matter of Provincial interest, and the Provincial Policy Statement 2020 requires that the long term ecological function and biodiversity of natural heritage systems should be maintained, restored or enhanced where possible;

Whereas the Region has advised that, in accordance with By-law 11-2000, Amendment 35 to the City of Pickering Official Plan is exempt from Regional approval;

Now therefore the Council of The Corporation of the City of Pickering hereby enacts as follows:

1. That Amendment 35 to the Official Plan for the City of Pickering, attached hereto as Exhibit "A", is hereby adopted;
2. That the City Clerk is hereby authorized and directed to forward to the Regional Municipality of Durham the documentation required by Procedure: Area Municipal Official Plans and Amendments;
3. This By-law shall come into force and take effect on the day of the final passing hereof.

By-law passed this XX day of XXXX, 2022.

Draft

David Ryan, Mayor

Draft

Susan Cassel, City Clerk

**Recommended Amendment 35
to the City of Pickering Official Plan**

Recommended Amendment 35 to the Pickering Official Plan

- Purpose:** The purpose of this Amendment is to add new policies to and change existing policies in the Pickering Official Plan with regard to ecosystem loss and compensation.
- Location:** The Amendment applies City-wide.
- Basis:** There is a strong policy framework in Ontario to protect and expand the natural heritage system. The *Planning Act* identifies the protection of ecological systems, including natural areas, features and functions as a matter of Provincial interest. Similarly, the Provincial Policy Statement requires that the long-term ecological function and biodiversity of natural heritage systems should be maintained, restored or enhanced where possible.
- The natural heritage system and features continue to be compromised or lost through development and the effects of climate change.
- Embedding the principle of ecosystem compensation (where all options for protection have been exhausted) in the Pickering Official Plan will provide a stronger basis for collaboration between parties and achieves a consistent and transparent approach to compensation through the implementation of approved development proposals.
- The compensation will enable the replanting, restoration and/or enhancement of the natural heritage system.

Actual Amendment: The City of Pickering Official Plan is hereby amended by:

(New text is shown as underlined text, deleted text is shown as strikethrough text, and retained text is shown as unchanged text.)

1. Revising Section 10.12, Key Natural and Key Hydrologic Features, in Chapter 10 – Resource Management, by deleting “and” at the end of subsection (d); deleting the period “.” and adding “; and” at the end of subsection (e); and adding new subsections (f) and (g) to read as follows:

“10.12 City Council recognizes the significance and sensitivity of key natural heritage and key hydrologic features and their inter-related systems of water resources, biotic habitat, natural and cultural heritage, and landform; accordingly, Council shall:

- (a) to (c) ...;
- (d) ...; ~~and~~
- (e) ...; and

- (f) require compensation for the loss of ecosystem functions due to development impacts, after all other options for protection, minimization and mitigation have been exhausted, in accordance with the relevant conservation authority's guideline for determining ecosystem compensation, with the exception of tree removal that falls under the purview of the City's Tree Removal Compensation Fee, where applicable; and
- (g) not require ecosystem compensation in accordance with Section 10.12 (f) of this Plan in the following circumstances:
- (i) within the relevant conservation authority's regulatory jurisdiction where removal of regulated features and/or ecosystem functions has previously been determined as part of a zoning by-law amendment, or draft plan of subdivision, or draft plan of condominium, or site plan, approved under the Planning Act, and where compensation for the loss of the features and/or ecosystem functions has already been determined in accordance with an approved master environmental servicing plan, environmental assessment or environmental report, prior to the adoption of this Amendment;
or
- (ii) outside of the relevant conservation authority's regulatory jurisdiction where compensation for the loss of non-regulated features and/or ecosystem functions has been determined in accordance with an approved master environmental servicing plan, environmental assessment or environmental report.

Implementation: The provisions set forth in the City of Pickering Official Plan, as amended, regarding the implementation of the Plan shall apply in regard to this Amendment. In light of the numerous components of the Official Plan that are being revised concurrently, the numbering of the policy sections in this amendment is subject to change in accordance with the sequencing of approvals.

Interpretation: The provisions set forth in the City of Pickering Official Plan as amended, regarding the interpretation of the Plan shall apply in regard to this Amendment, except as revised by this amendment.

Cross Reference:
OPA 19-003/P
City Initiated

From: Kyle Bentley
Director, City Development & CBO

Subject: Ministry of Municipal Affairs and Housing - Site Plan Control Guide
- File: D-3900

Recommendation:

1. That Report PLN 09-22 of the Director, City Development & CBO, providing a review of the Site Plan Control Guide distributed by the Ministry of Municipal Affairs and Housing, be received for information.
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Executive Summary: On October 4, 2022, City Council, through Resolution #672/21, requested that City Development staff review the Site Plan Control Guide, prepared by the Ministry of Municipal Affairs and Housing (MMAH) (see Attachment #1), and report back with any recommendations to the City's site plan review process. The MMAH site plan control guide was published to provide information on the site plan control process and to provide information to municipalities on efficiencies that are available to streamline the review process.

The MMAH Site Plan Control Guide was reviewed with the members of the Site Plan Committee. Through those discussions, it was determined that the City's Site Plan Control review process would benefit from greater clarity on what is involved in this process, and to provide greater access to the public on submitted applications. While not a specific recommendation in the MMAH Site Plan Control Guide, staff agree with the committee that increased access to information on submitted applications would assist residents in understanding what is proposed within their community. City staff will be reporting back to the Site Plan Committee on recommended platforms to display this information.

City Development staff have reviewed the Site Plan Control Guide and are pleased to confirm that City's current Site Plan Control review process utilizes most of the tools recommended in the MMAH site plan control guide, save and except the online tracking portal and community permit system. Staff are in the early stages of creating an online portal system, starting with building permit applications. Staff will consult with the Site Plan Committee on the development of the online platform for site plan applications.

Financial Implications: The recommendations of this report do not present any financial implications.

1. Background

On October 21, 2021, Council passed Resolution #672/21 directing the following:

1. That Corr. 42-21, from Steve Clark, Minister of Municipal Affairs and Housing, dated September 9, 2021, regarding the Site Plan Control Guide, be received; and
2. That Corr. 42-21 be referred to the Site Plan Control Committee and relevant Planning staff, with direction to review the Site Plan Control Guide and report back to Council with recommendations pertaining to any changes/enhancements that may be required in the Site Plan Review process, no later than the January meeting of Council.

2. Ministry of Municipal Affairs and Housing (MMAH) – Site Plan Control Guide

In September 2021, the Ministry prepared and distributed a Site Plan Control Guide (see MMAH Site Plan Control Guide Attachment #1) to provide an overview of the site plan control process, and to provide municipalities guidance on administrative improvements to make the site plan process more efficient and to minimize delays.

The City Development Department has reviewed the Site Plan Control Guide with the intent to examine the suggested improvements, to review them against our current practices, and to provide recommendations.

The Site Plan Control Guide contains explanatory information and recommendations on early consultation, guidance materials, a delegation of authority, electronic submissions/permitting, and a review of the Community Planning Permit System as an alternative process to site plan control. This report is intended to address each of these areas concerning current City practice, and to identify staff recommendations for any improvements the City should consider exploring.

3. What is site plan approval?

Site plan control is a planning tool provided to municipalities under the *Planning Act*. The site plan control process allows municipal staff to review and approve the following development details to the satisfaction of the City, the Region, and other commenting agencies:

- Building siting and site design;
- Building massing;
- Vehicular access location;
- Driveways, curbing, and traffic direction signs;
- Loading and parking facilities;
- Emergency vehicle routes;
- All pedestrian access such as walkways and ramps;
- Refuse and other waste facilities;
- Site lighting requirements;
- Grading, drainage and servicing components;

- Site landscaping requirements;
- Accessibility requirements;
- Sustainability design matters; and
- Need for municipal and/or regional road widening.

Site plan control is regulated by Section 41 of the *Planning Act*. Municipalities may pass a by-law to designate the whole, or any part, of the municipality as a site plan control area. The City's current Site Plan Control Area By-law came into effect on January 21, 1980, which designated all of Pickering as a site plan control area. Subsequently, in December 2009, Council amended the Site Plan Control Area By-law to add a provision that all buildings or structures requiring a building permit located within 120 metres of any key natural feature or hydrologically sensitive feature on the Oak Ridges Moraine, as identified in the Pickering Official Plan schedules, shall be subject to site plan control.

Since 2009, the Province has made further amendments to the *Planning Act* (Bill 51 and Bill 73), and updates to various provincial policy documents (i.e., Growth Plan, the Oak Ridges Moraine, and the Greenbelt Plan) that have introduced new tools to assist municipalities in the review of detailed development proposals. In 2016, the Ontario Land Tribunal, known then as the Ontario Municipal Board (OMB), approved Amendment 23 (OPA 23) to the Pickering Official Plan. OPA 23 was prepared in response to changes to the *Planning Act* in 2007 (Bill 51), which provided municipalities with the authority to address the following:

- matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design, but only to the extent that it is a matter of exterior design; and
- sustainable design elements on any adjoining highway under a municipality's jurisdiction, including without limitation trees, shrubs, hedges, plantings or other ground covers, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities.

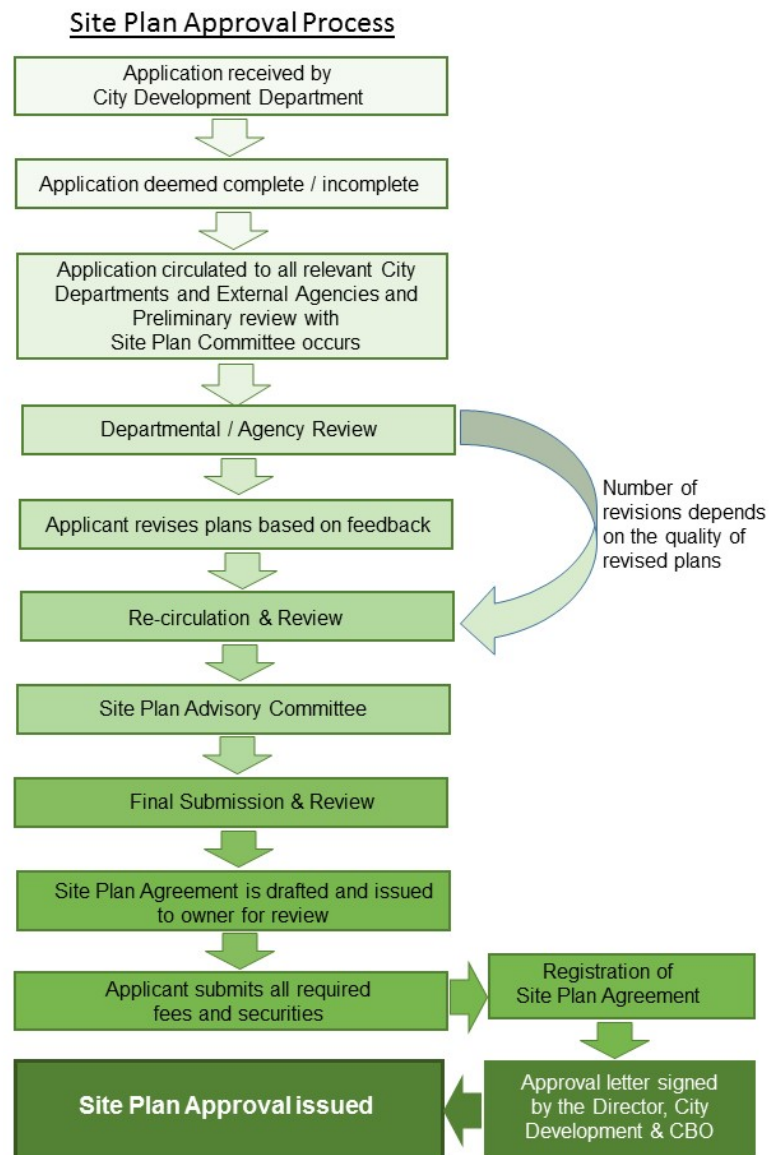
4. City's Current Site Plan Control Review Process

Upon submission of a site plan application, the City Development Department conducts a preliminary review of the submission for completeness before circulating for comments. If the submission is complete, the application is circulated with comments requested within 30 business days. The circulation process includes various City departments; external agencies; the Accessibility Advisory Committee; the Heritage Advisory Committee (for properties containing a heritage building or structure), and the City's urban design review consultant.

Immediately following the circulation of a site plan application, City Development staff present the site plan application to the Site Plan Advisory Committee for their information, and to obtain any preliminary comments and feedback on local matters that they may raise about the proposal.

A site plan application will progress towards approvals when the applicant has satisfied various comments provided during circulations. Due to the complexity of the majority of submitted applications, it is typical that applications will require at least two to three resubmissions before they may proceed towards site plan approval. When a majority of the comments have been addressed by the applicant, staff will schedule the application to be presented at a meeting of the Site Plan Committee. The applicant is invited to these meetings to discuss their current proposal and to respond to any feedback provided by Committee members. Final Site Plan approval is issued once the Director, City Development & CBO is satisfied all comments have been addressed (including any feedback from the Site Plan Advisory Committee), all fees have been paid, parkland dedication has been addressed, all securities have been provided, and a Site Plan Control Agreement has been registered on title.

The flowchart below illustrates the City’s current Site Plan Control Process:



5. Pre-Consultation for Site Plan Applications is required

The Site Plan Control Guide recommends that municipalities use the authority granted to them under the *Planning Act* to establish a mandatory early consultation process for site plans similar to other planning applications. The early consultation process will allow the applicant, the City, and external agencies to discuss the proposal to resolve differences early on, and provide clarity on the submission requirements.

Section 16.2 of the City's Official Plan requires all applicants intending to submit an application for official plan amendment, zoning by-law amendment, draft plan of subdivisions, draft plan of condominium and site plan approval to attend a mandatory pre-consultation with the City before submitting an application. The City Development Department has established a formal application process for pre-consultation.

A pre-consultation meeting allows applicants and/or their authorized representative/consultants to present and discuss a development proposal with relevant staff and external agencies. This meeting enables staff and agencies to provide preliminary feedback on the development proposal, identify any key issues, comment on the approval that will be required, and confirm the supporting information/materials/studies that must be submitted with the site plan application. This process intends to lead to a quicker review process with reduced modification being required. Following the pre-consultation meeting, the applicant receives a written summary of the minutes, and a list of required studies and reports, to ensure a complete submission is received.

City Development staff have observed that the majority of the site plan applications, received since the formal pre-consultation process has been implemented, have improved the quality of submissions and allowed for a more efficient and expedited review and approval process.

6. A new Site Plan Control Manual is being prepared

The Ministry's Site Plan Control Guide encourages municipalities to prepare local guidelines to assist applicants in the submission of site plan applications. The guidelines are intended to set out the requirements for various types of developments along with specific design standards.

The City Development Department is preparing a new Site Plan Control Manual. Similar to the above Ministry recommendations, the City site plan manual assists applicants in understanding the site plan application process, site design standards and technical requirements.

City Development staff are presently meeting with the other City Departments and external agencies for their input. The new manual will provide updated standards, references, and process information for the public and applicants, which is anticipated to assist in the preparation of site plan submissions and to improve the quality of the submitted plans and reports.

It is anticipated that this new Site Plan Control manual will be completed by Spring 2022 for endorsement by City Council. Upon approval, the new manual will subsequently be published on the City's website.

7. City Development has moved to Electronic submissions and review

The MMAH Site Plan Control Guide encourages municipalities to utilize technology in the processing of site plan applications, such as electronic submissions and the establishment of online application portals, to track the progress of the applications.

Since the onset of the COVID-19 pandemic, the City Development Department has been accepting pre-consultation and site plan applications electronically. The switch to electronic submissions and subsequent electronic circulations has improved circulation processing and response times for site plan applications.

With the change to electronic submission for site plan applications, Planning staff have been able to use the same electronic markup software (Bluebeam – Revu) that Building Services staff use to review building permits. The ability to review and mark up, and share electronic submissions, has improved our ability to provide timely responses to submissions.

The City does not currently have an online portal system for applicants to track their applications submitted to the City. Staff are in the early stages of creating an online portal system for building permit applications and are currently exploring opportunities to expand this online platform to inform members of the public of active site plan applications under review by the City. Staff will report back to the Site Plan Advisory Committee for comments and feedback.

8. Community Planning Permit System

The MMAH Site Plan Control Guide provides information on the Community Planning Permit System (CPPS) as an alternative land use planning tool available to municipalities when planning their communities. The CPSS combines zoning by-law, site plan control, and minor variance processes into one application process, with the potential for shorter approval timelines, and shorter dates for the applicant to appeal the application.

This CPPS can help to make development approval processes more streamlined and efficient, get housing to market quicker, support local priorities (such as community building, developments that support public transit, and greenspace protection), and create certainty and transparency for the community, landowners, and developers.

To use a community planning permit system, a municipality must adopt an official plan amendment for the CPPS area, and pass a "community planning permit by-law". There have been several municipalities that have adopted this process to address specific areas of concern, such as heritage preservation, environmental protection in waterfront areas, and preservation of neighbourhood character.

Discussion and recommendations on the CPPS are beyond the scope of this report. The adoption of a CPPS process would be a significant change to the current planning process in the City of Pickering, and would require the adoption of appropriate Official Plan policies and a CPPS By-law.

9. Site Plan Advisory Committee

Although Council delegated the approval authority to staff, the Site Plan Committee was established to ensure that local issues are taken into consideration in the review of Site Plan Applications. The Site Plan Advisory Committee provides a forum for City Development staff to engage the three City Councillors about current development proposals. Specifically, it enables the local Councillors to provide feedback, and to identify any potential adverse impacts a proposal may have on the surrounding community, for staff to consider in the review of the site plan application. Additionally, the Committee members are able to discuss the proposal with the applicant to either express their concerns, or to obtain additional information.

Since the inception of the Site Plan Committee, the Committee has been a valuable resource in assisting planning staff in the review of site plan applications and sign variances. Based on our review of other GTA municipalities, no other municipality has an advisory committee providing input on site plan matters. Section 11 below outlines staff's suggested changes to the Site Plan Advisory Committee starting the next term of Council.

10. Site Plan Approval is Delegated to the Director, City Development & CBO

The Site Plan Control Guide encourages municipalities to utilize the authority in the *Planning Act* to allow Council to delegate site plan approvals to municipal staff (the Director, City Development & CBO for Pickering). Delegating the approval authority to staff can save time for the applicant as the site plan process is very technical in nature, and amendments to the plans occur quickly, and are usually very time-sensitive as it relates to the issuance of the related building permits. The City of Pickering has been approving site plan applications with this authority in the *Planning Act* since 1980. Council delegated the approval authority for site plan application to the Director through the passing of By-law 1080/80.

11. Feedback from the Site Plan Advisory Committee Comments

On January 7, 2022, City Development staff reviewed the MMHA Site Plan Control Guide with the Site Plan Advisory Committee, including staff's recommended improvements to the City's Site Plan approval process. The table below is a summary of the Committees' comments and staff's responses.

| <p>Comments from the Site Plan Advisory Committee</p> | <p>Staff's Response</p> |
|--|---|
| <p>The Committee discussed opportunities to increase public transparency in the site plan review process. The Committee commented that members of the public typically are not aware of current site plan applications that are under review within their neighbourhoods. The Committee requested staff to look into the best method to provide an online tool for the public to be able to view proposed developments that are subject to site plan applications.</p> | <p>Although the <i>Planning Act</i> does not require public consultation as part of the site plan review process, staff will look into the best option to post submitted applications online for the public to be aware of current site plan proposals. Staff will explore opportunities to create a map-based online platform to allow the public to view active site plan applications in the City. Staff will report back to the Site Plan Advisory Committee to present options.</p> |
| <p>The Committee asked whether there is an opportunity to engage the public in the review of a site plan application.</p> | <p>As noted above, Site Plan Control is a technical review process to review matters related to engineering details, building siting and massing, architectural details, landscaping, parking and loading, vehicular access, pedestrian pathways and accessibility.</p> <p>In the past, in consultation with the local and regional Councillors and with the Site Plan Advisory Committee, City Development staff have hosted open house meetings to obtain comments and feedback from the immediate properties owners who may be impacted by the development.</p> <p>The <i>Planning Act</i> does not require municipalities to host a statutory public meeting or a public open house for site plan applications. However, the City's current process does allow the opportunity for City staff to host an open house meeting where warranted without delaying the review of a site plan application.</p> |

| <p>Comments from the Site Plan Advisory Committee</p> | <p>Staff’s Response</p> |
|---|--|
| <p>The Committee members indicated that this “committee” does not function in the same manner as other Committees of Council. This Committee is intended to provide the Director, City Development with advice on site plan applications and does not undertake public engagement like other Committees of Council. It was recommended that City staff review the structure of the Site Plan Advisory Committee and update the terms of reference before the next term of City Council.</p> | <p>City staff will undertake a review of the Site Plan Advisory Committee and update the existing terms of reference before the next term of City Council. The name of the committee will be changed to “Site Plan Review Panel” to reflect its advisory role and to ensure there is no confusion with the public regarding the function of the committee. City staff will ensure the function of the committee is further outlined in the new site plan manual, which will be presented to City Council for adoption.</p> |
| <p>The Committee requested staff to provide details of the comments received from other Committees of Council, particularly the Accessibility Advisory Committee, and how the applicant addressed those comments.</p> | <p>Moving forward, City Development staff will ensure to provide an overview of the key comments received by the Site Plan Advisory Committee; an overview of key comments received through the site plan review process; and any comments from Accessibility Advisory Committee and Heritage Advisory Committee prior to the Site Plan Advisory Committee considering the application.</p> |

12. Recommended Improvements to the City’s Site Plan Approval Process

The City Development Department is not recommending the adoption of any changes to the Site Plan Approval process at this time. City Development staff are working on completing the draft of the new site plan approval manual, which will be presented to the Site Plan Advisory Committee for review and comment. City staff will also continue to work with the Site Plan Advisory Committee to explore options for community notification of submitted site plans.

Attachment:

1. Ministry of Municipal Affairs and Housing (MMAH) Site Plan Control Guide

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Recommended for the consideration
of Pickering City Council

Original Signed By

Marisa Carpino, M.A.
Chief Administrative Officer

Follow the [COVID-19 restrictions and public health measures \(https://covid-19.ontario.ca/public-health-measures\)](https://covid-19.ontario.ca/public-health-measures) and [book your appointment to get vaccinated \(https://covid-19.ontario.ca/book-vaccine/\)](https://covid-19.ontario.ca/book-vaccine/).

Site plan control guide

Site plan control is a planning tool municipalities use to manage community development. Learn about the site plan review process and how it can be improved.

Introduction

Site plan control is a planning tool that a municipality uses to evaluate certain site elements, such as walkways, parking areas, landscaping or exterior design on a parcel of land where development is proposed.

Read this guide to learn more about the role of site plan control in land use planning, including how it works in conjunction with documents such as provincial plans and policy statements, [official plans \(/document/citizens-guide-land-use-planning/official-plans/\)](/document/citizens-guide-land-use-planning/official-plans/), [zoning by-laws \(/document/citizens-guide-land-use-planning/zoning-bylaws/\)](/document/citizens-guide-land-use-planning/zoning-bylaws/), [community planning permit systems \(/page/community-planning-permit-system/\)](/page/community-planning-permit-system/) and [building permits \(/document/citizens-guide-land-use-planning/building-permits/\)](/document/citizens-guide-land-use-planning/building-permits/). This guide is for information only and offers a summary of legislation and policies that are subject to change. It is **not** a substitute for specialized legal or other professional advice. The user is solely responsible for any use or application of this guide.

The purpose of this guide is to provide an overview of site plan control and to provide guidance on how to make the site plan process more efficient.



About site plan control

Site plan control enables a municipality to exercise site-specific controls over development.

It is an optional tool under section 41 of the [Planning Act \(/laws/statute/90p13\)](#) (and section 114 of [City of Toronto Act, 2006 \(/laws/statute/06c11\)](#)) that allows the council of a local municipality to control certain matters on and around a site proposed for development, such as:

- access for pedestrians and vehicles
- walkways
- lighting
- waste facilities
- landscaping
- drainage
- exterior design

Council may delegate decisions on site plan applications to staff.

This control over detailed site-specific matters ensures that a development proposal is well designed, fits in with the surrounding uses and minimizes any negative impacts.



Site plan control process

Official plan

To use this tool, a proposed site plan control area must be shown or described in an [official plan \(/document/citizens-guide-land-use-planning/official-plans\)](#). The municipality must also pass a site plan control by-law designating all or any part of the area shown in the official plan as a site plan control area.

Applications

Within a site plan control area, most development or redevelopment projects require site plan approval by the municipality.

Through the site plan process, applicants are required to submit plans and drawings displaying matters, such as:

- the location of buildings
- landscaping
- waste and recycling containers
- traffic and pedestrian access
- interior walkways (if the public has access to them)
- exterior design matters (if identified in the official plan)

Conditions

Municipal council can also apply conditions to site plan approval. This could include widenings of roads that border the subject land, how to access the property, and off-street parking and loading facilities (for example, supplies, waste management).

Agreements

The municipality may also require the owner to enter into one or more agreements to provide and maintain certain facilities such as off-street parking and loading facilities. Such an agreement may be registered against the land to which it applies, and the municipality may enforce the agreement against present and future owners.

Decisions on site plan applications

Municipalities must ensure that all planning decisions, including decisions on site plan applications, are consistent with the [Provincial Policy Statement \(/page/provincial-policy-statement-2020\)](#) and conform or do not conflict with provincial plans.

If a municipality fails to approve a site plan application within 30 days, the applicant may appeal to the [Ontario Land Tribunal \(/document/citizens-guide-land-use-planning/ontario-land-tribunal\)](#) or a local appeal body that has been established and empowered to hear site plan matters.

As only the applicant may appeal, either regarding the failure to approve an application within 30 days or conditions attached to an approval, Ontario Land Tribunal hearings of these matters are more focused than many other types of hearings.

Decisions on site plan applications are often delegated by municipal council to staff.

Matters not covered by site plan control

Site plan control cannot be used to regulate matters that are covered by zoning by-laws such as minimum or maximum parking requirements, minimum lot area, or height and density, nor can it be used to regulate interior design.

Site plan control also cannot be used to regulate the standards or manner of construction of a building. Ontario's [Building Code Act \(/laws/statute/92b23\)](#) and [Building Code \(/page/ontarios-building-code\)](#) establish the requirements for construction of buildings, including the physical materials that can be used. Since questions sometimes arise about how the design elements of municipal site plan control interact with provincial building regulation, it is important to understand how these things relate to each other.

Site plan control and the regulation of building materials

Provisions in the [Planning Act \(/laws/statute/90p13\)](#) and the [Building Code Act \(/laws/statute/92b23\)](#) address the interaction between site plan control and the regulation of building materials. The [Planning Act \(/laws/statute/90p13\)](#) restricts a municipality's site plan approval power to "exterior design" of a building, which can include "character, scale, appearance and design features of buildings". This control is intended for aesthetic purposes only. In other words, site plan control can be used to regulate the look and character of a building. It cannot, however, be used to establish requirements for the physical construction of a building, building standards, or the building materials that can be used. Regulations governing the type of materials used in the construction of buildings (for example, the manner of construction and standards for construction) are set out in the [Building Code Act \(/laws/statute/92b23\)](#) and [Building Code \(/page/ontarios-building-code\)](#).

As an example, to maintain the exterior architectural character of an area (either a Heritage Conservation District designated under the [Ontario Heritage Act \(/laws/statute/90o18\)](#) or an area with urban design guidelines established by the municipality), a municipality may, through site plan control, require the colours of a new building in this area to be consistent with the brickwork in the area and/or to have exterior cladding that looks like the historic bricks of the surrounding neighbourhood, as set out in the district plan or urban design guidelines. Site plan control could not be used to require that the building be, in fact, constructed of bricks or specify that it be

constructed to a standard that exceeds the requirements provided in the [Building Code \(/page/ontarios-building-code\)](#).

Approaches to improve the site plan control process

At times, a site plan application may proceed on its own and at other times it may be associated with another planning matter, like an application for a rezoning.

Delays in the approval of site plan applications can result from several factors and can have negative impacts on applicants and a community, including increased costs of development. Administrative improvements to the site plan process may go a long way in minimizing these delays.

Early consultation

To help expedite the processing of development applications, the applicant and municipality can discuss, at the earliest opportunity, the details of development as envisioned by both parties. This provides municipalities the opportunity to share information with applicants on their requirements as well as an opportunity for applicants to discuss the elements of their proposal to ensure the application submitted to the municipality is complete. Early discussions and negotiations with the objective of resolving differences can help avoid extra costs and delays during the approval process.

Recognizing the value of early consultation, the [Planning Act \(/laws/statute/90p13\)](#) requires a municipality to have pre-application consultations with any applicant that wishes to do so. The [Planning Act \(/laws/statute/90p13\)](#) also provides municipalities with the authority to establish a mandatory early consultation process for site plans similar to other planning applications like official plan and zoning by-law amendments.

Given that an early consultation meeting should identify all the issues that need to be addressed by the site plan application, all the relevant municipal departments should be invited to provide input. It is critical to provide applicants with a project-specific list of requirements in writing, which will be reviewed when the application is submitted. This

way, the applicant will be aware of all the requirements up front and can ensure they are addressed when the formal application is submitted to the municipality.

Consultation can also help to identify potential problems early in the process. For example, sometimes a requirement of one municipal department may impact a requirement of a different department.

Municipalities should identify these issues at the beginning of the process instead of when the application has been submitted. Issues identified towards the end of a process can cause delays and unnecessary expenses.

In establishing effective early consultation, a municipality is encouraged to create a “concierge” service, in appropriate circumstances, where one staff member is the applicant’s single point of contact and coordinates the entire site plan process.

Pre-consultation package

The City of Timmins has prepared a [pre-consultation package \(PDF\)](https://www.timmins.ca/UserFiles/Servers/Server_11976345/File/Our_Services/Building_and_Planning/Planning/Planning-other/Preconsultation-Guide-and-Form.pdf) (https://www.timmins.ca/UserFiles/Servers/Server_11976345/File/Our_Services/Building_and_Planning/Planning/Planning-other/Preconsultation-Guide-and-Form.pdf), guide and form for planning applications including site plans, official plan amendments and plans of subdivision. This aids applicants during the pre-consultation process and provides information on what constitutes a complete application.

Guidance material

To assist applicants when submitting a site plan application, municipalities are encouraged to prepare guidelines that set out municipal site plan requirements, or standards, for various types of development, such as standards for fire routes and waste disposal facilities. This may include flow charts to explain the municipal approval process, sample site plan agreements, or information on how to apply urban design guidelines.

Municipal guidelines may also outline development concepts to demonstrate how the lands are envisioned to be developed, such as how parking areas should be configured, or areas to be landscaped.

Supplementary guidance

The City of Thunder Bay has developed a [guidance document \(PDF\)](https://www.thunderbay.ca/en/business/resources/Documents/Building-and-Planning/Urban-design-Guidelines/Sample-Landscape-Strips---JUNE-2019---Digital.pdf) (<https://www.thunderbay.ca/en/business/resources/Documents/Building-and-Planning/Urban-design-Guidelines/Sample-Landscape-Strips---JUNE-2019---Digital.pdf>) to promote a better understanding of how applicants can meet the City's requirements for landscape design. This supports the implementation of the City's Urban Design Guidelines and helps to streamline the site plan approval process.

Clear expectations and standards help the applicant, the municipality and the broader community.

Complete submissions

Municipalities are encouraged to develop a checklist of requirements that accompany different types of proposed developments. This may help applicants better prepare the application.

Site plan checklist

The City of Quinte West provides a [site plan checklist \(PDF\)](https://quintewest.ca/wp-content/uploads/2021/06/SitePlanControlfillableapplication2020.pdf) (<https://quintewest.ca/wp-content/uploads/2021/06/SitePlanControlfillableapplication2020.pdf>) to assist applicants. This helps to ensure that all the required components of the site plan application are addressed when submitting an application.

In addition, a municipality can offer pre-populated application templates online that may be used for simpler, more straightforward applications.

Delegation of authority

Reviewing and approving a site plan application can be very technical with information and considerations specific to the proposed development site, including building design, landscaping or other detailed features. The information required is often prepared by professionals such as architects, engineers or landscape architects and may include landscape plans, barrier-free access features, and servicing plans.

The [Planning Act \(/laws/statute/90p13\)](#) provides council with the authority to delegate site plan approvals to municipal staff. Municipal staff are most often involved in reviewing site plan applications, and, in light of the technical nature of the material, approval of site plan applications may be better suited to municipal staff, at least for some classes of applications. Delegating the approval of some or all site plan applications to staff can save time that would assist both the municipality and the applicant.

Electronic submissions or e-permitting

Technology can be an asset in streamlining the submission process and reviewing planning applications. The scoped nature of a site plan lends itself to an application that may be more readily automated than other types of permits, especially when no other planning approvals are needed.

Developing an online platform to submit site plan applications can:

- provide transparency on the requirements needed as part of the application
- ensure the proper information is submitted
- confirm and track submissions electronically
- facilitate concurrent review by multiple municipal departments

The automation of the site plan process, also called e-permitting, could also be developed to provide the applicant with real-time updates on the progress of their proposal. The e-permitting software could be set up to identify any municipal questions for the applicant or deficiencies in the original application, such that there is an opportunity to provide the necessary information in a timelier manner.

Online application portal

The City of Barrie has established an online application portal called [APLI \(Applications, Permits, Licences, Inspections\)](https://eservices.barrie.ca/apli/Default.aspx) (<https://eservices.barrie.ca/apli/Default.aspx>) which applicants can use to apply and pay for building permits, schedule inspections and track application status. Applicants may submit applications for matters such as site plan control, exemption from full site plan approval (for example, minor site alterations), consent, minor variance and pre-consultation and conformity review.

Municipal process improvements

In processing site plan applications, there may also be opportunities to re-engineer how a municipality conducts the internal review of the application.

Municipalities may want to consider categorizing or streaming applications based on criteria. This may enable some applications to be reviewed and approved quickly.

Another approach a municipality can consider is to have targeted staff meetings to approve or advance the site plan applications by the end of the meeting. These meetings would include all the departments that would be otherwise circulated on the application. The departments' technical advice and recommendations would be recorded, issues identified with suggested site plan conditions and approval granted where appropriate. If an approval cannot be granted, the next steps for an applicant (such as provide more information or adjust the design) to obtain an approval could be identified.

This type of meeting could be used to review site plans that are deemed to be straightforward, where several files could be approved as a result of one meeting. This type of meeting may also be appropriate for applications that are more complex, where a wider departmental representation is necessary to identify and/or resolve outstanding issues.

Site plan application streams

The City of Brampton categorizes site plan applications into four streams:

1. Excluded from site plan review
2. Limited site plan review

3. Basic site plan review
4. Full site plan review

These streams are designed to provide different levels of review that are appropriate to the scale, scope and complexity of a proposed development activity. To complement this process, the City has developed a [detailed user guide \(PDF\)](https://www.brampton.ca/EN/Business/planning-development/Documents/e-Forms/DevServ/SP-User-Guide.pdf) (<https://www.brampton.ca/EN/Business/planning-development/Documents/e-Forms/DevServ/SP-User-Guide.pdf>) to assist applicants in navigating the site plan approval process.

[LEAN/Six Sigma \(https://asq.org/quality-resources/six-sigma\)](https://asq.org/quality-resources/six-sigma), like similar system improvement processes or streamlining methodologies, is a process improvement methodology designed to eliminate problems, remove inefficiency and improve working conditions to provide a better response to customer needs. Municipalities can consider how the principles of LEAN/Six Sigma could be applied to streamline the site plan application process. This may include determining where problems exist and how to mitigate those problems, and whether steps in the review process could be eliminated or shortened.

Effective alternative process to site plan control

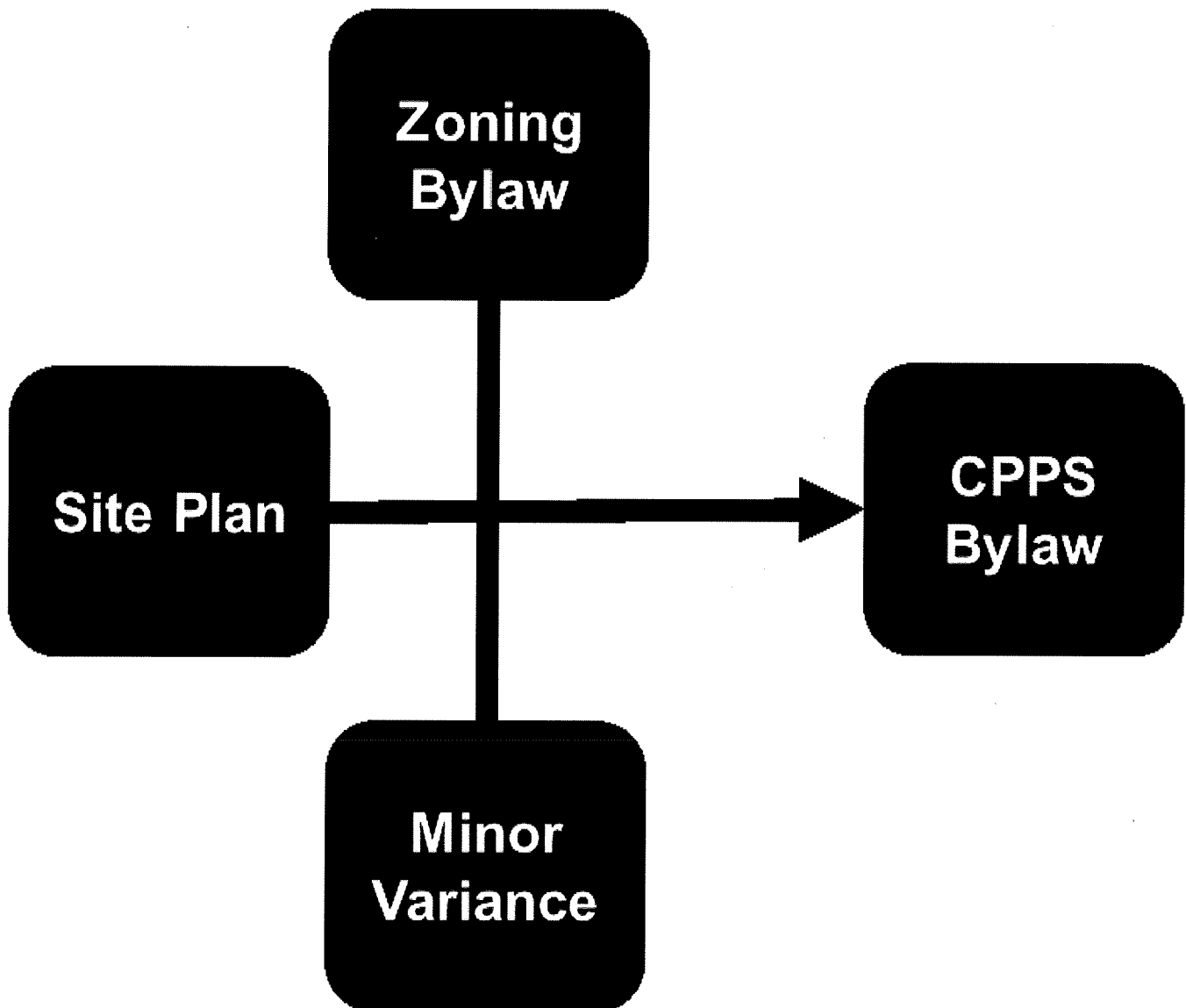
Community planning permit system

The [Community Planning Permit System \(/page/community-planning-permit-system\)](/page/community-planning-permit-system) (CPPS) is a land use planning tool that local municipalities can use when planning for the future of their communities. Once implemented, it can result in an approval process that is significantly faster, more efficient, and more responsive to local needs.

The CPPS combines [zoning \(/document/citizens-guide-land-use-planning/zoning-bylaws\)](/document/citizens-guide-land-use-planning/zoning-bylaws), [site plan \(/document/citizens-guide-land-use-planning/zoning-bylaws#section-11\)](/document/citizens-guide-land-use-planning/zoning-bylaws#section-11) and [minor variance processes \(/document/citizens-guide-land-use-planning/zoning-bylaws#section-9\)](/document/citizens-guide-land-use-planning/zoning-bylaws#section-9) into one application process with shorter approval timelines (45 days).

If a municipality does not make a decision after 45 days, the applicant has the right to appeal.

Image: Planning approval types combined in the CPPS



Flexible system

Municipalities can use the CPPS to build flexibility into development standards outlined in the official plan and community planning permit by-law.

This gives municipalities and developers the ability to address site-specific issues that fall within the specified range set out in the by-law without having to go through a minor variance process in order to expedite approvals.

The community planning permit system can help realize the overall community vision without requiring changes to the official plan or CPPS by-law. It does this while also allowing for flexibility to address specific circumstances.

The Town of Gananoque put in place a comprehensive CPPS for the whole town. The main goal of the CPPS is to guide development opportunities while making sure the small-town cultural heritage character is maintained and enhanced as new development occurs. Design criteria for new development involve incorporating appropriate exterior architectural elements such as window and door detailing. In doing so, the CPPS promotes commercial, residential and institutional uses resulting in a mixed-use, vibrant, liveable community.

Streamlined permitting process

The combination of three application types into one application and approval process makes the CPPS more streamlined in comparison to the decision-making timelines for individual applications for a re-zoning (90 days), site plan approval (30 days), and a minor variance (30 days).

Once the CPPS is in place, the official plan policies and community planning permit by-law provisions outline the requirements for any future development in that area. When an application is made, the planning review will determine whether the proposal fits within the already established parameters of the by-law. If the proposal fits the by-law, a community planning permit can be issued by staff without the need for a council decision.

Delegation of decisions

Similar to conventional site plan approvals, the CPPS provides municipalities with the authority to set up their own internal review process and delegate the authority to make decisions on community planning permit applications to a committee or municipal staff.

For example, a municipality could establish a system where council issues the permit for more complex applications and a municipal official or committee issues the permit for more straightforward applications. This would allow for decisions on simpler permitting applications to be made without delays due to a busy council schedule.

How you can find out more

For more information about the site plan control process in your community, contact your [municipality \(/page/list-ontario-municipalities\)](/page/list-ontario-municipalities).

This guide was produced by the Ministry of Municipal Affairs and Housing, Provincial Planning Policy Branch, and Building and Development Branch. Contact us at [provincialplanning@ontario.ca \(mailto:provincialplanning@ontario.ca\)](mailto:provincialplanning@ontario.ca).

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From: Kyle Bentley
Director, City Development & CBO

Subject: Revised Zoning By-law Amendment Application A 13/17 (R2)
Avonmore Ventures Inc.
Part of Lot 18, Concession 3
(North of William Jackson Drive, South of the Canadian Pacific Railway Corridor)

Recommendation:

1. That Zoning By-law Amendment Application A 13/17 (R2), submitted by Avonmore Ventures Inc., to permit a residential condominium development consisting of stacked townhouse units and an 8-storey apartment building, for the lands located east of Brock Road, north of William Jackson Drive and south of the Canadian Pacific Railway Corridor, be approved, subject to the proposed zoning provisions contained in Appendix I to Report PLN 10-22, and that staff be authorized to finalize and forward an implementing Zoning By-law to Council for enactment.

Executive Summary: Avonmore Ventures Inc. has submitted a zoning by-law amendment application to facilitate a residential condominium development on lands located east of Brock Road, north of William Jackson Drive and south of the Canadian Pacific Railway Corridor, within the Duffin Heights Neighbourhood (see Location Map, Attachment #1).

In 2017, Avonmore Ventures Inc. submitted a proposal to facilitate a residential condominium development, consisting of 178 stacked townhouse units within 7 townhouse buildings. There was a second revision to the application in 2018 to facilitate a residential condominium development, containing a total of 205 units within a 7-storey apartment building, and 5 townhouse buildings.

In 2020, the applicant requested a third revision to their zoning by-law amendment application. This revision included a request 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. The applicant proposed a residential condominium development, containing a total of 212 units, consisting of an 8-storey building containing 130 apartment units, and 82 stacked townhouse units within 5 townhouse buildings.

In response to comments received from City departments, external agencies, and the Planning & Development Committee, the applicant submitted a fourth revision to their proposal (submitted in 2021). The key revisions to the proposal include:

- removing the request 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, in exchange for the provision of a community benefit under Section 37 of the *Planning Act*;
- reducing the total number of dwelling units from 212 units to 170 units (a reduction of 42 units);

-
- removing the underground parking garage dedicated to the stacked townhouse units and locating all townhouse resident parking spaces above grade;
 - introducing 32 rear-lane stacked townhouse units, 3 storeys in height, with fully integrated garages to allow for indoor private storage area;
 - introducing a parking ratio of 2.0 parking spaces per unit for the rear-lane stacked townhouses (1 space in the garage and 1 space on the driveway);
 - reconfiguring the stacked townhouse units located on the southerly limits of the subject land to front the proposed village green; and
 - improving the internal pedestrian pathways and adjusting building setbacks.

City Development staff are in support of the proposal. The proposal is consistent with the policies of the Official Plan Duffin Heights Neighbourhood and achieves the design objectives of the Duffin Heights Neighbourhood Development Guidelines. The proposed site layout and design represent a logical and orderly development of the site. Accordingly, staff recommends that Council approve Zoning By-law Amendment Application A 13/17 (R2).

Financial Implications: No direct costs to the City are anticipated as a result of the proposed development.

1. Background

1.1 Property Description

The subject lands are located on the east side of Brock Road, north of William Jackson Drive, and south of the Canadian Pacific Railway (CPR) Corridor, within the Duffin Heights Neighbourhood (see Location Map, Attachment #1).

The subject lands comprise 2 properties, having a combined area of approximately 1.99 hectares, of which approximately 1.22 hectares are developable. The remaining environmentally sensitive lands, having an area of approximately 0.77 of a hectare, are to be conveyed to the Toronto and Region Conservation Authority (TRCA) through the site plan approval process. The lands have no street frontage along William Jackson Drive. To access the site from William Jackson Drive, vehicular access over City of Pickering lands will be required.

A single-storey detached dwelling currently occupies the site. This building is proposed to be removed. Mature trees and other vegetation are located along the northern and eastern limits of the subject lands and within the valley lands associated with the Urfe Creek.

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

North: Canadian Pacific Railway (CPR) Corridor and further north are vacant lands designated as “Open Space Systems – Seaton Natural Heritage System”.

East: Urfe Creek and associated valley lands designated as “Open Space System – Natural Areas”.

-
- South: An existing medium-density residential subdivision comprising semi-detached and townhouse dwelling units. A future village green, to be constructed by the City, is located between the residential subdivision and Brock Road. Vacant lands owned by Infrastructure Ontario (IO) immediately to the south of the proposed apartment building.
- West: Across Brock Road, vacant lands designated as “Mixed Use Areas – Mixed Corridors”. The lands at the northwest corner of Brock Road and Zents Drive, which are owned by the City, and a future Fire Hall and headquarters are currently under construction.

1.2 Applicant’s Previous Proposals

In 2017, Avonmore Ventures Inc. applied for a zoning by-law amendment to facilitate a residential condominium development, consisting of 178 stacked townhouse units within 7 buildings. Included in the application, was a 0.3 of a hectare of land owned by IO (located southeast of the subject lands fronting William Jackson Drive), which the applicant was in the process of acquiring.

Subsequently, in response to comments received from City departments, external agencies and the Planning & Development Committee, the applicant submitted a second revision to their zoning by-law amendment application in 2018, to facilitate a residential condominium development consisting of 57 stacked townhouse units within 5 residential buildings, and 148 units within a 7-storey apartment building.

1.3 Applicant’s current proposal

In July 2020, the applicant requested a third revision to their zoning by-law amendment application. This revision removed the IO lands from the proposal. The applicant proposed a residential condominium development, containing a total of 212 units (see Submitted Conceptual Site Plan (2020), Attachment #3), consisting of an 8-storey building containing 130 apartment units, and 82 stacked townhouse units within 5 residential buildings. Given the removal of the IO lands from the proposal, the site did not have street frontage along William Jackson Drive, and vehicular access to the development is required from the City of Pickering through the future Village Green. This revision included a request 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, from 140 units per net hectare to 174 units per net hectare, in exchange for the provision of a community benefit under Section 37 of *the Planning Act*.

Through collaboration between City staff and the applicant, the above-noted proposal has been further refined to address various comments and concerns identified through the planning review process. Figure 1 below illustrates the most recently Revised Submitted Conceptual Site Plan (2021). The Plan shows the developable area as Block 1 and the environmental lands as Block 2. Within Block 1, the revised sitings of the townhouse buildings, and the apartment building, are shown. Lands in Block 2 are the environmental lands to be conveyed to the TRCA.

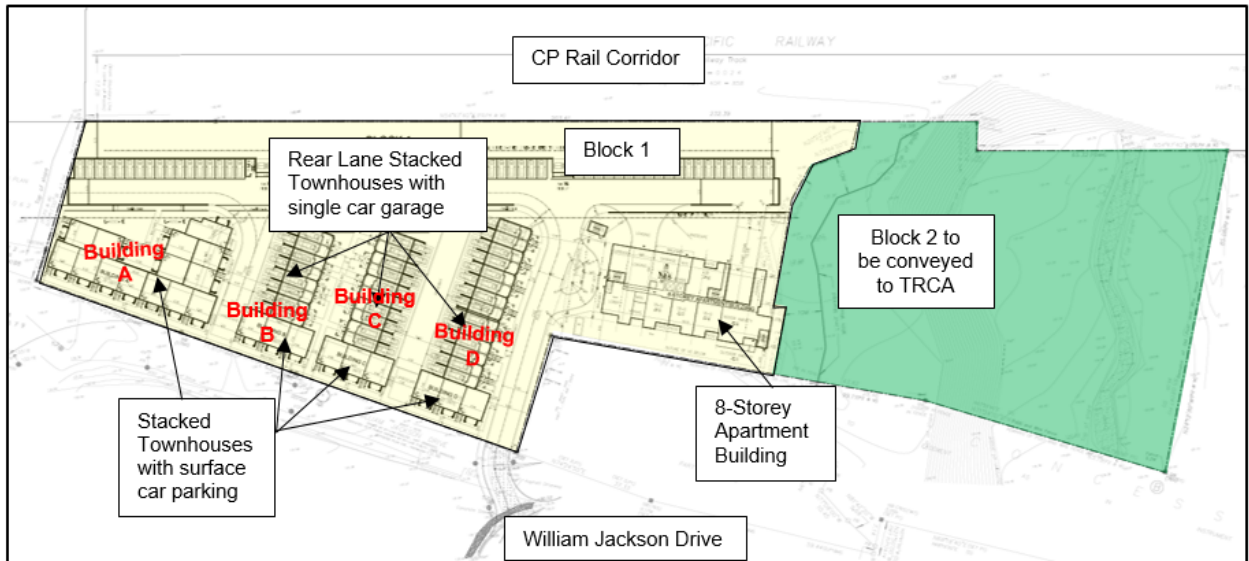


Figure 1: Revised Conceptual Site Plan (2021)

The table below summarizes the unit and density changes between the 2020 plan and the revised 2021 plan.

| | Submitted Plan (2020) | Revised Plan (2021) |
|--|--|---|
| Total Number of Dwellings | 212 units | 170 units (reduction of 42 units) |
| Type of Dwellings | Apartment: 130 units Stacked Townhouse: 82 units | Apartment: 92 units Townhouse: 78 units Townhouse Unit Types: <ul style="list-style-type: none"> • 32 rear-lane stacked townhouses • 46 stacked townhouse |
| Density Units Per Hectare (uph) | 174 units per net hectare (Density Bonus Request) | 139 units per net hectare (Removed Density Bonus Request) |

Other key site design changes that have been made to the proposal include:

- removing the underground parking garage dedicated to the stacked townhouse units, and introducing all resident parking spaces located above grade;
- introducing 32 rear-lane stacked townhouse units, 3 storeys in height, with fully integrated garages to allow for indoor private storage area;
- introducing a parking ratio of 2.0 parking spaces per unit for the rear lane stacked townhouses (1 space within an integrated garage and 1 space on the driveway);
- reconfiguring and reorienting the stacked townhouse units to front the future village green lands;

-
- introducing walkway connections from the subject lands to the proposed Village Green;
 - the building separation distance between buildings has changed from a minimum of 12.0 metres to:
 - 13.5 metres between Buildings A and B (between the front-facing units at Building A to the rear-facing units at Building B);
 - 10.7 metres between Buildings B and C (between the front-facing units); and
 - 12.6 metres between Buildings C and D (between the rear-facing garages);
 - introducing dedicated resident parking spaces for the stacked townhouse units located adjacent to the berm area along the north property line;
 - locating all resident and visitor parking spaces for the apartment building in an underground parking garage;
 - increasing the setback from the apartment building to the southerly limits of the subject lands from 3.0 metres to 6.20 metres;
 - redesigning the apartment building drop-off and pick-up area location from the rear of the building to the west side of the building;
 - locating the waste pick-up areas between the parking spaces adjacent to the berm area;
 - removing the outdoor amenity areas located north of the apartment building and redesigning them as a landscape area; and
 - improving the internal pedestrian pathways and adjusting building setbacks.

The above-noted changes are further illustrated in Attachment #4, Revised Submitted Conceptual Site Plan (2021).

2.0 Comments Received

2.1 October 5, 2020, Electronic Statutory Public Meeting

An Electronic Statutory Public Meeting was held on October 5, 2020, to consider the 2020 proposal, at which one member of the public submitted a written comment expressing concerns with the proposal. The following key comments were expressed by area residents:

- concerned that the loss of mature vegetation will have a negative impact on the level of noise and vibration from passing CN rail trains;
- questioned why mature trees are not incorporated into the development; and
- concerned with the increased traffic volumes from the development.

In addition, staff received a comment from a neighbouring resident across Urfe Creek expressing a concern regarding the quality and quantity of her well water during the construction of this development.

The Planning & Development Committee provided the following comments:

- questioned whether the natural heritage lands located on the east side of the subject site, and compensation for any tree removal, would be conveyed to the TRCA and/or the City;
- questioned whether the 8-storey apartment building would be a rental building or condominium;

-
- questioned whether the City proposes to install a three-way-stop sign to alleviate traffic concerns on William Jackson Drive;
 - questioned whether the future village green is tied to the timelines of the proposed development;
 - questioned whether the City is pursuing land acquisition from IO for additional parklands;
 - questioned whether the entrance into the proposed development is wide enough to accommodate emergency vehicles;
 - questioned whether there are affordable and accessible units/parking spaces included in the proposed development; and
 - questioned whether the concerns regarding the height of the crash wall indicated in the previous submission had been addressed.

2.2 Agency Comments

2.2.1 Region of Durham

- no objection to the proposal;
- the proposal conforms and is consistent with the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe;
- the Regional Official Plan designates the subject lands as “Living Areas”, which are intended to be used predominantly for housing purposes with a mix of housing types, sizes, and tenure;
- the proposal conforms to the policies of the Regional Official Plan;
- water supply is available from an existing watermain on William Jackson Drive;
- a Waste Management Plan, illustrating how waste collection can be accommodated, is required to be submitted with a future site plan application; if the development does not meet Region’s standards for municipal waste collection on private property, then the applicant will be responsible for retaining private waste collection services;
- the Region requires the applicant to prepare a revised Noise Study as part of the site plan application, and it should be completed before final approval of the site plan application;
- The Region requires a Record of Site Condition (RSC) Acknowledgement letter from the Ministry of Environment, Conservation and Parks (MECP), ensuring that the RSC has been approved by the MECP, prior to final approval of the site plan application;
- the Traffic Impact Study is acceptable; and
- any Regional requirements concerning the provision of Regional services, financial and otherwise, associated with the development shall be addressed through the submission of a future site plan application.

In addition, the Region of Durham has advised that, based on projections of sanitary flows generated by existing developments and current applications under review within the catchment area of the Duffin Heights Sanitary Sewer Pumping Station (SSPS), the Region anticipates exceeding the design capacity of the sanitary system. Currently, this system is at approximately 60 percent capacity. The remainder of the capacity will be on a first-come-first-served basis and is allocated at the time of signing a Regional servicing

agreement. Diversion of future flows away from the Duffin Heights SSPS or modifications to increase capacity at the Duffin Heights SSPS may be needed in the future. The Region will continue to monitor this situation as development within the Duffin Heights SSPS service area proceeds.

2.2.2 Toronto and Region Conservation Authority (TRCA)

- no objection to the proposal, subject to the environmental lands (referred to as Block 2), being zoned to Open Space Natural Area zone category and then conveyed to public (TRCA) ownership through the site plan approval process; and
- TRCA advises that technical comments related to stormwater management, drainage, and grading will be addressed at the detailed design stage.

2.2.3 Canadian Pacific Rail (CPR)

- AECOM, on behalf of CPR, has completed their review of the proposed Safety Berm Design submission; and the profile and dimensions of the proposed berm meet requirements of the Federation of Canadian Municipalities' (FCM) Guidelines for New Developments in Proximity to Railway Operations; and
- AECOM will continue their review, including specialist reviews, after receipt of the revised submission, before final site plan approval.

2.3 Comments from City Departments

2.3.1 Engineering Services Department

- no objections to the proposal; and
- matters concerning grading and drainage, fencing details, stormwater management details, construction management requirements, snow storage location, and landscaping requirements will be further reviewed through the site plan approval process.

2.3.2 Fire Services

- no objection to the proposal; and
- matters concerning fire route location and siamese connections will be further reviewed through the submission of a future site plan approval application.

3 Planning Analysis

3.1 The proposal is within the density range of the Official Plan and is consistent with the policies for the Duffin Heights Neighbourhood

The developable portion of the subject lands is designated "Mixed Use Areas – Mixed Corridors" in the Official Plan, which permits a density range of over 30 units up to and including 140 units per net hectare, and a maximum Floor Space Index (FSI) of up to and including 2.5 FSI. The revised submitted conceptual site plan (2021) proposes a total of 170 units for a residential density of 139 units per net hectare, and an FSI of 1.19. The revised proposal complies with the density and FSI requirements of the Official Plan.

The portion of the subject lands containing the Urfe Creek and associated valley lands and buffers are designated as “Open Space – Natural Areas”. Lands designated as part of the open space system are intended to be used primarily for conservation, restoration, environmental education, recreation, and ancillary purposes. As noted, these lands will be conveyed to the TRCA, and therefore complies with the Official Plan.

The Duffin Heights Neighbourhood policies for the “Mixed Use Areas – Mixed Corridors” designation requires new developments to provide:

- a strong and identifiable urban image of establishing buildings closer to the street, providing safe and convenient pedestrian access, and requiring all buildings to be multi-storey;
- higher intensity multi-unit housing forms on lands adjacent to Brock Road, while restricting grade related residential development to lands adjacent to collector or local roads; and
- require proponents of new development abutting or containing existing naturalized open space features designated Natural Areas, to submit an Edge Management Plan to the satisfaction of the City, in consultation with the TRCA. The Plan shall address the protection of the natural heritage features and functions of the impacts of any new development through such mechanism as tree management, tree preservation, invasive species management, construction management and stormwater management.

The subject lands have limited frontage along Brock Road, and the frontage is raised relative to Brock Road due to the underpass. To achieve a strong urban condition, the siting of the 3.5-storey stacked townhouse buildings has been arranged and oriented towards the future village green. The homes will have principal entrances to each unit to animate and create an active condition fronting the future village green. The 8-storey apartment building is sited on the east side of the site, adjacent to the open space area.

The proposed site design provides for appropriate pedestrian pathways through the development, connecting to the future village green and the existing sidewalks along William Jackson Drive.

The development preserves and maintains the ecological function of the valley lands of Urfe Creek to the east of the site. The lands will be zoned as open space, and conveyed to the TRCA. Through the site plan approval process, an edge management planting plan will be prepared to the satisfaction of the City and TRCA.

The proposed development is consistent with the policies for the Duffin Heights Neighbourhood.

3.2 Urban Design objectives of the Duffin Heights Neighbourhood Development Guidelines have been addressed

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

-
- an accessible pedestrian-oriented residential area, distinct in character and harmonious with the larger neighbourhood;
 - a streetscape which is attractive, safe and encourages social interaction with the neighbourhood;
 - a central focus to the neighbourhood which is safe, lively and attractive;
 - a diversity of uses to support neighbourhood and City functions;
 - preserve and maintain the ecological function of the tableland forest and valley lands; and
 - a mix of housing types, forms, affordability and tenure on a variety of lot frontages.

The developable portion of the subject lands is delineated as Brock Road Streetscape on the Tertiary Plan, which encourages higher density, mid-rise and mixed-use buildings along Brock Road with a high level of architectural quality.

The proposed revised plan conforms with the Duffin Heights Neighbourhood policies and Development Guidelines. The overall design and layout of the plan facilitate a pedestrian-oriented residential development by creating an attractive urban streetscape. Access to all primary entrances is provided directly from sidewalks for pedestrians and underground parking is provided for the apartment building. The plan proposes a mix of unit types (stacked townhouses and apartment units) to provide a variety of affordability. In addition, the plan preserves and maintains the ecological function of the valley lands of Urfe Creek.

The design of the townhouse buildings and apartment building will incorporate various architectural treatments, such as projecting balconies and articulated fenestration. The use of various cladding treatments will be incorporated into the design, however, the applicant has not yet finalized their design (see Submitted Conceptual Rendering Plan, Attachment #5).

Through the site plan approval process, staff will continue to work with the applicant to further review the detailed urban design and architectural matters in accordance with the Duffin Heights Neighbourhood Development Guidelines including, but not limited to: refined building location and siting; internal pedestrian circulation and connections; on-site landscaping; architectural design and materials; and the location of hydro transformers, gas meters and other utilities.

3.3 The design of the proposed safety berm and building setbacks meets CPR requirements

The CPR corridor is located adjacent to the lands along the northern property line. The buildings are setback a minimum of 25 metres from the CPR corridor and a 3.0-metre high berm is proposed to be constructed within the setback. Figure 2 on the next page shows the berm location in green, and the building setback in blue. Figure 3 on the next page illustrates the proposed berm cross-section. The grade of the track will be slightly lower than the final grade of the development. Therefore, the berm will have a height of approximately 1.0 metre within the development.

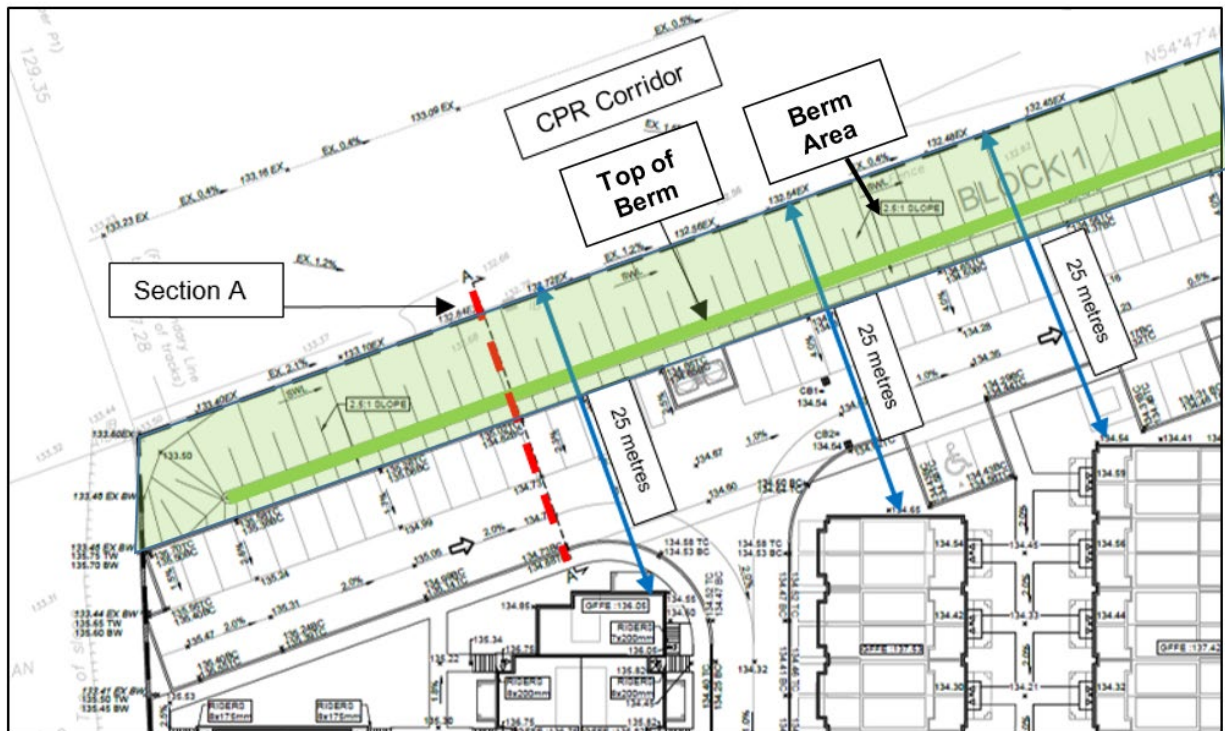


Figure 2: Berm Location

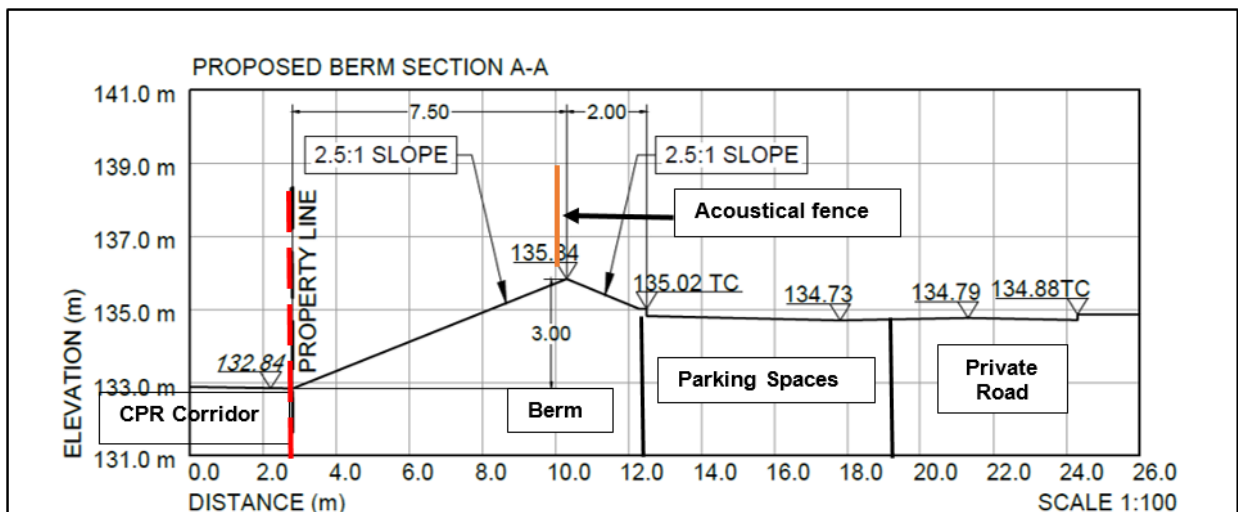


Figure 3: Berm Section

AECOM, on behalf of CPR, has advised that the conceptual profile and dimensions of the proposed berm and the building setbacks meet the FCM Guidelines for New Developments in Proximity to Railway Operations requirements. AECOM will finalize their detailed review, including specialist reviews, after receipt of the revised submission, and before final site plan approval.

The applicant's noise consultant has recommended that a 3.0-metre high acoustic barrier be installed atop of the 3.0-metre high berm (the berm location is shown above) resulting in a total barrier of 6.0 metres in height. AECOM and the City will further review the proposed height and details of the 3.0-metre high acoustic barrier as part of the site plan submission.

3.4 The applicant will be required to provide appropriate compensation for the loss of mature vegetation

The applicant has submitted an updated Environmental Impact Assessment Report (EIS), prepared by Beaton Environmental, dated December 2018, and an Arborist Report, prepared by D. Andrew White, dated December 2018, in support of the application.

The EIS indicates that the limits of the natural features have been staked in consultation with the TRCA, and are consistent with the limits of the Natural Heritage System as previously approved as part of the Duffin Heights Environmental Servicing Plan (ESP).

The area of mature vegetation is approximately 1.03 hectares, and contains approximately 850 to 900 trees. The mature vegetation is located outside of the valley corridor, and does not provide habitat for threatened and endangered species. Neither the TRCA or the City identified the lands as significant wildlife habitat. Further, field investigations have not identified any rare flora or fauna associated with the woodland.

Several mitigation measures have been recommended to help reduce the potential impacts of the woodland removal, specifically the loss of mature vegetation adjacent to the valley. These measures include natural feature protection, edge management planting within the required 10.0 metre setback to the natural features, and erosion and sediment controls during tree removal.

As the subject property is within the Duffin Heights Neighbourhood, compensation for woodland removal (1.03 hectares) is to be addressed through a compensation value calculation based on the area of removal. The compensation will be paid to the City of Pickering by the owner before the issuance of site plan approval. In addition, through the site plan review process, the applicant will be required to heavily plant the proposed berm area to visually minimize the appearance of the berm and acoustical fence, enhance the on-site landscaping, and provide additional planting within the required buffer adjacent to the valley lands.

3.5 Siting and design of townhouse buildings will be further refined through the site plan approval process

Staff are generally satisfied with the placements of all townhouse buildings. However, with the recently revised submission, staff identified technical issues concerning the siting of Buildings B, C and D. The areas of concern are noted in red in Figure 4 below.

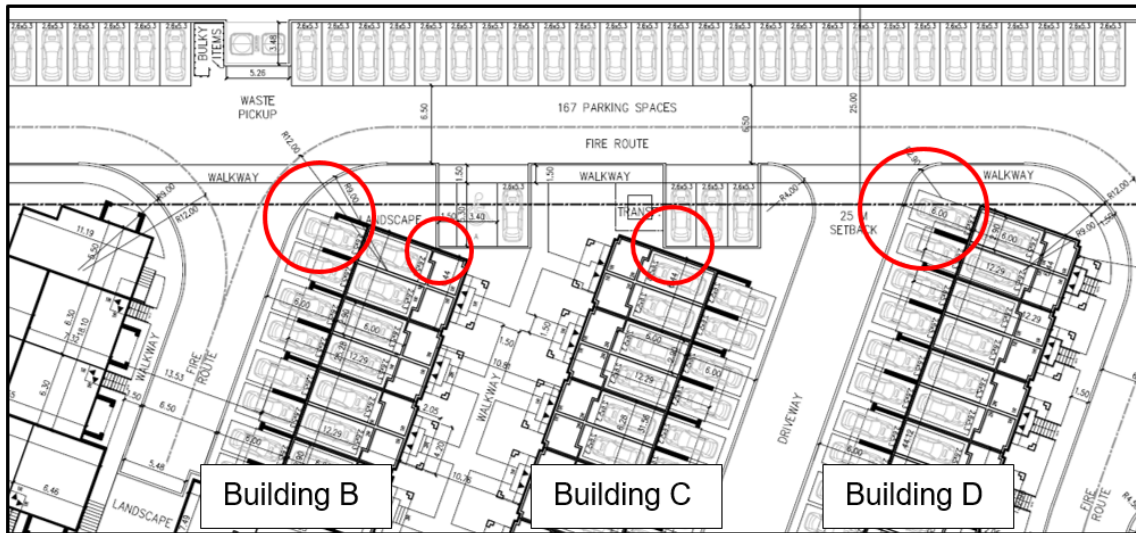


Figure 4: Buildings B, C and D

The driveways of the end units located in Buildings B and D, as shown above in red, are sited very close to the curve of the internal private road; and staff are concerned that there may be compromised visibility for both drivers and pedestrians. Additionally, vehicles may extend into the private road further compromising the safety of motorists.

Furthermore, the setbacks between Buildings B and C and the visitor parking space area will be required to be increased to provide for a greater setback between the buildings and the parking spaces for snow storage and landscaping.

Staff has advised the applicant that through the site plan approval process, the buildings will need to be redesigned or units eliminated to provide for an appropriate setback to the private road and visitor parking spaces.

3.6 The proposal will have minimal traffic impacts on the surrounding road network

The applicant is proposing a three-way stop-controlled intersection at the site access and William Jackson Drive. This access will be designed for residential use and municipal fire and waste vehicles.

The submitted Transportation Impact Study (TIS), prepared by TMIG, dated June 2020, investigated the traffic conditions and effects of the proposal on the surrounding road network. The study collected data on existing traffic levels in June 2017. The June 2020 TIS is in support of the 2020 submitted conceptual site plan (proposing a total of 212 units, at a density of 174 units per net hectare). Subsequent to the June 2020 TIS submission, the applicant revised their proposal and TMIG prepared an addendum letter, dated June 11, 2021. As the development density has decreased since the June 2020 submission, the projected site-generated traffic has also decreased. The projected trip generation associated with the revised development is projected to generate 58 trips during the AM peak hour (7:30 am to 8:30 am) (15 inbound and 43 outbound) and 74 trips during the PM peak hour (5:00 pm to 6:00 pm) (45 inbound and 29 outbound).

This study concluded that the traffic generated by the proposed development can be accommodated by the adjacent street system. The City and the Region have reviewed the submitted June 2020 TIS and addendum letter dated June 11, 2021, and finds it acceptable.

3.7 Access over City lands from William Jackson Drive to the development is required

The lands do not have frontage along William Jackson Drive. Vehicular access to the development is required from a portion of the City’s future village green lands immediately to the south. An easement for a 6.5-metre wide private road to the development is required from the City, or the applicant could potentially acquire the lands from the City so that it forms part of the future condominium corporation.

Before the finalizing of the implementing zoning by-law, and through the site plan review process, staff will work with the applicant to determine the best approach to providing access to the site. Appropriate compensation for the reduction in the size of the village green will also be required.

3.8 A sufficient number of parking spaces will be provided for residents and visitors

The table below outlines the proposed parking ratios, the minimum number of parking spaces proposed, and the location of the parking spaces for the different unit types.

| Parking Details | Submitted Plan (2020) | Revised Plan (2021) |
|-------------------------|---|--|
| Total Parking | 255 parking spaces | 244 parking spaces |
| Resident Parking Spaces | 212 resident parking spaces | 209 resident parking spaces |
| Visitor Parking Spaces | <ul style="list-style-type: none"> • 0.20 parking spaces per unit • 43 visitor parking spaces • visitor parking spaces located along the berm area | <ul style="list-style-type: none"> • no change • 34 visitor parking spaces • visitor parking spaces located along the berm area, interior to the site, and in the apartment building underground parking garage |
| Apartment Units | <ul style="list-style-type: none"> • 1.0 parking space per unit (minimum) • located in the underground parking garage, and surface parking spaces located along the berm area | <ul style="list-style-type: none"> • no change • all resident parking spaces located in the underground parking garage |

| Parking Details | Submitted Plan (2020) | Revised Plan (2021) |
|-----------------------------------|---|---|
| Stacked Townhouse Units | <ul style="list-style-type: none"> 1.0 parking space per unit (minimum) located in the underground garage | <ul style="list-style-type: none"> no change removed the underground parking garage surface parking spaces located along the berm area |
| Rear Stacked Lane Townhouse Units | <ul style="list-style-type: none"> not proposed | <ul style="list-style-type: none"> 2.0 parking spaces per unit 1 space located within an interior garage and a second space on the driveway |

Concerning the dimensions of an interior garage, the City requires a minimum width of 3.0 metres and a minimum depth of 6.0 metres (including interior steps). This requirement is intended to ensure there is sufficient space within the private garage to park a vehicle and provide sufficient storage of household items such as bikes and garbage bins. The applicant has requested a slight reduction in the interior garage dimension to accommodate the design.

The applicant has submitted a conceptual interior garage storage plan, see Figure 5 below. The figure illustrates 2 opportunities for storage in the garage. Space 1 is located underneath the staircase, an enclosed storage area with a small door, approximately 0.8 metres by 1.1 metres in size; and space 2, in the corner of the garage. In addition, there are storage opportunities within the vestibule area of the main floor (spaces 3, 4 and 5).

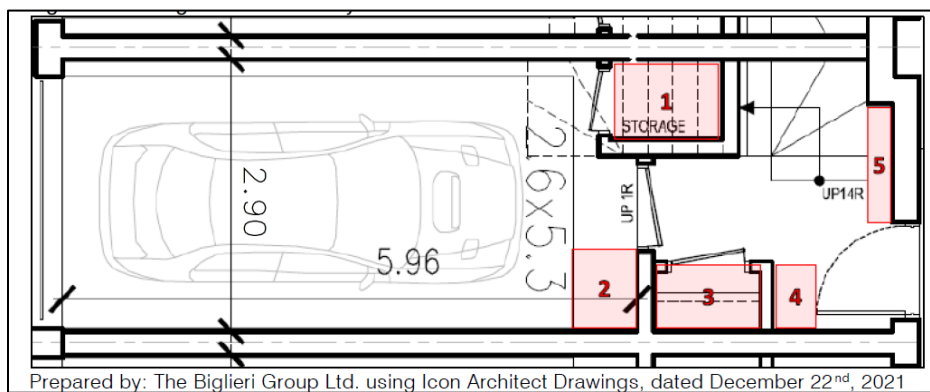


Figure 5: Proposed storage plan for an interior garage

In consultation with the Site Plan Advisory Committee, staff may consider a slight reduction in the size of the interior garage provided that the applicant can demonstrate that the interior garage size can support a vehicle as well as storage.

The applicant is requesting a residential parking ratio of a minimum of 2.0 spaces per unit for the rear-lane stacked townhouses, which accommodates a parking space in the garage and 1 space on the driveway. The applicant is also requesting a minimum of 1.0 space per unit for the stacked townhouse units, located along the berm area, and the apartment units located entirely underground. The proposed parking ratios are similar to recently approved developments within the Duffin Heights neighbourhood.

The applicant is also requesting a visitor parking ratio of 0.20 spaces per unit. In light of concerns raised with the ongoing parking concerns with the Duffin Heights developments, staff will continue to work with the applicant through the site plan approval process to explore opportunities to increase the number of surface parking spaces for visitor parking.

Staff are satisfied that a sufficient number of parking spaces can be provided to accommodate this development.

3.9 Future Village Green to be constructed by the City

A future village green, having an area of 0.76 of a hectare, is located immediately south of the subject lands and west of William Jackson Drive. It is known as Carousel Green. This village green is anticipated to include a walking path, seating, shade structure, and a small play structure. Through the site plan approval process, staff will work with the applicant to provide barrier-free pedestrian connections from the development to the village green.

The timing of the construction of the village green is intended to commence sometime in 2023 or beyond. The construction is dependent on coordination and approvals with the Region of Durham, and utility companies (utility easements), and is also subject to Council budget approval.

With regards to the City acquiring land in the area for additional City parkland, the City Solicitor has advised that the City is no longer pursuing the purchase of the IO lands, located south and east of the subject lands (see Location Map, Attachment #1).

3.10 Response to Key Concerns raised at the Electronic Statutory Public Meeting held on October 5, 2020

As noted in Section 2.1 of this report, area residents and the Planning & Development Committee have identified various questions and concerns with the proposed development. Matters concerning tree compensation, conveyance of valley lands to TRCA, vehicle access into the development and traffic, City acquiring lands for additional parkland, and safety measures along the CPR corridor have been addressed. The table below summarized other concerns raised by area residents and at the October 5, 2020, Planning & Development and staff's response.

| Concerns | Staff's Response |
|--|--|
| <p>An area resident comments that the loss of the existing mature vegetation will increase Noise and Vibration on the existing neighbourhood.</p> | <p>The applicant has submitted an Environmental Noise and Vibration Study, prepared by Aercoustics Engineering, dated May 26, 2021, in support of the development.</p> <p>The consultant recommends that a 3.0 metre high acoustic barrier be installed atop of the 3.0 metre high berm to mitigate noise from rail traffic. The future condominium corporation will be responsible for maintaining the back side of the berm and fence.</p> <p>AECOM and the City will further review the proposed height and details of the 3.0 high acoustic barrier as part of the site plan submission.</p> <p>In addition, the Region of Durham requires the applicant to prepare a revised Environmental Noise and Vibration Study as part of the site plan application and should be completed before final approval of the site plan application.</p> <p>Staff are satisfied that the proposed noise mitigation measures are appropriate mitigate any noise related issues for the future residents within this development and the existing residents within the Duffin Heights Neighbourhood.</p> |
| <p>The Planning & Development Committee asked whether any affordable housing units will be provided within this development</p> | <p>The applicant has advised that the proposed mix of stacked townhouses and apartment units will provide a variety of affordable housing options, particularly for first-time home buyers.</p> |
| <p>The Planning & Development Committee asked how many accessible parking spaces will be provided and whether any accessible units offered for sale.</p> | <p>The rate applied to calculate the required minimum number of accessible parking spaces is based on the total number of visitor parking spaces provided (34 spaces are proposed); therefore a minimum of 2 accessible parking spaces are required. The applicant has provided a total of 4 accessible spaces to serve the development.</p> <p>The applicant has advised that there would be limited opportunities to provide accessible units within the townhouse buildings, but will explore opportunities to provide accessible units within the apartment building.</p> <p>Through the site plan approval process, staff will work with the applicant to determine the appropriate locations for accessible parking spaces and ensure all pedestrian walkways meet accessibility requirements. Furthermore, the Site Plan Application will be brought forward to the Accessibility Committee for their review and feedback.</p> |

| Concerns | Staff's Response |
|--|--|
| An area resident expressed concerns about the potential this development will have on their existing well water during construction. | As part of the site plan approval process, the applicant will be required to implement a well monitoring program to reduce any impacts on an existing well, particularly for the existing residential property on the north side of William Jackson Drive across the Urfe Creek. |

3.11 The applicant is required to become a party to the Duffin Heights cost-sharing agreement or pay their proportionate share of the development costs

The applicant is required to become a party to the Duffin Heights cost-sharing agreement or pay their proportionate share of the development costs. The zoning by-law will include an “H” – Holding provision on the subject lands to ensure that the applicant pays their proportionate share or becomes a member of the Duffin Heights landowners group.

3.12 Technical matters will be addressed as conditions of subdivision approval and through site plan approval

Detailed design issues will be dealt with through the subdivision agreement and site plan approval process. These requirements will address matters such as, but not limited to:

- architectural treatment;
- landscaping and fencing;
- snow storage;
- lighting;
- pedestrian circulation and connections;
- outdoor amenity area design;
- drainage and grading;
- site servicing;
- construction management plan;
- resident, visitor and accessible parking spaces;
- waste management collection; and
- location of hydro transformers, gas meters and other utilities.

3.13 Draft Approval of the Draft Plan of Condominium is delegated to the Director, City Development

Applications for Draft Plan of Condominium are delegated to the Director, City Development for final approval. No further approvals from Council are required at this time.

3.14 Zoning By-law to be finalized and forwarded to Council for enactment

The applicant is requesting to rezone the subject lands to appropriate zone categories with site-specific performance standards to facilitate the proposal. To ensure an appropriate site design, the zoning by-law will have site-specific provisions including, but not limited to: maximum building height; build-to-zone requirements; the maximum number of units;

minimum private amenity area per unit; minimum interior garage size; and the minimum number of resident and visitor parking spaces. Forming part of the recently submitted revised proposal, the applicant requested that townhouse units be permitted on the entirety of the lands, to allow for flexibility in the zoning permissions, if market conditions change and the apartment building use is no longer feasible. An all townhouse development would include a total of 98 townhouse units within 6 buildings; and a density of 80 units per net hectare; which conforms to the Official Plan.

The zoning by-law will also include an appropriate zone category for the open space lands located on the east side of the lands (Block 2), as determined by the TRCA. Furthermore, as noted above, the zoning by-law will include a Holding provision on the lands to address cost-sharing matters.

Staff supports the rezoning application and recommend that a site-specific implementing by-law, containing the provisions attached as Appendix I to this Report be finalized and brought before Council for enactment.

4 Applicant's Comments

The applicant has been informed of staff's recommendations of this report, including recommendations concerning: the interior dimensions of the garages and the siting of Buildings B, C and D.

Appendix:

Appendix I Recommended Zoning By-law Provisions for Zoning By-law Amendment A 13/17 (R2)

Attachments:

1. Location Map
2. Air Photo Map
3. Submitted Conceptual Site Plan (2020)
4. Revised Submitted Conceptual Site Plan (2021)
5. Submitted Conceptual Rendering Plan

Prepared By:

Approved/Endorsed By:

Original Signed By

Original Signed By

Cristina Celebre, MCIP, RPP
Principal Planner, Strategic Initiatives

Catherine Rose, MCIP, RPP
Chief Planner

Original Signed By

Original Signed By

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

Kyle Bentley, P. Eng.
Director, City Development & CBO

CC:ld

Recommended for the consideration
of Pickering City Council

Original Signed By

Marisa Carpino, M.A.
Chief Administrative Officer

**Recommended Zoning By-law Provisions for
Zoning By-law Amendment A 13/17 (R2)**

**Recommended Zoning By-law Provisions for
Zoning By-law Amendment Application A 13/17 (R2)**

That the implementing zoning by-law permit residential condominium developments in accordance with the following provisions:

A. Zoning Provisions

“H” – Holding provision on all lands until such time as the City receives an acknowledgement from the Trustee of the Duffin Heights Landowners Group that the applicant has made satisfactory arrangements to pay its proportionate share of the development costs to the Landowners Group.

Permitted Uses

1. Stacked Townhouses and an Apartment Building
2. Open Space Natural Area

Building Restrictions

| | Rear Lane Stacked Townhouses | Stacked Townhouses | Apartment Building |
|--|---|-------------------------------------|-------------------------------------|
| Number of Dwelling Units | 170 units | | |
| All buildings and structures shall be located entirely within a building envelope with a minimum setback of 25 metres from all buildings to the CP Rail lands; minimum setback of 3.0 metres from any building or structure to the Open Space Natural Area lands (shown as Block 2); a minimum setback of 6.0 metres from the apartment building to the south lot line; and a minimum setback of 4.5 metres from the stacked townhouses to the south lot line (facing the future village green). | | | |
| Setback between Building Blocks (minimum) | <ul style="list-style-type: none"> • Between Building A and Building B: 13.0 metres (between front facing units of Building A to the rear facing units of Building B) • Between Building B and Building C: 10.5 metres (between the front facing units) • Between Building C and Building D: 12.5 metres (between rear facing units (garages). | | Not Applicable |
| Building Height (maximum) | 11.0 metres (3 storeys) | 13.0 metres (3.5 storeys) | 28 metres (8 storeys) |
| Resident Parking Requirements (minimum) | 2.0 parking spaces per dwelling unit | 1.0 parking space per dwelling unit | 1.0 parking space per dwelling unit |

| | Rear Lane Stacked Townhouses | Stacked Townhouses | Apartment Building |
|--|--|---------------------------|---------------------------|
| Visitor Parking Requirements (minimum) | 0.20 spaces per unit | | |
| Interior Garage Size (minimum) | A private garage shall have a minimum width of 3.0 metres and a depth of 6.0 metres. The width may include one interior step and the depth may include two interior steps. | Not Applicable | |
| Driveway Width (maximum) | A driveway shall not be wider than the building or structure to which it provides access. | Not Applicable | |
| The minimum right-of-way width for a private street shall be 6.5 metres. | | | |

| Open Space Natural Area |
|---|
| No person shall within the lands zoned Open Space to use any lot or erect, alter, or use any building or structure for any purpose except the following: <ul style="list-style-type: none"> i) Preservation and conservation of the natural environment, soil and wildlife; ii) Resource. Management; and iii) Stormwater Management Facilities. |

General Provisions

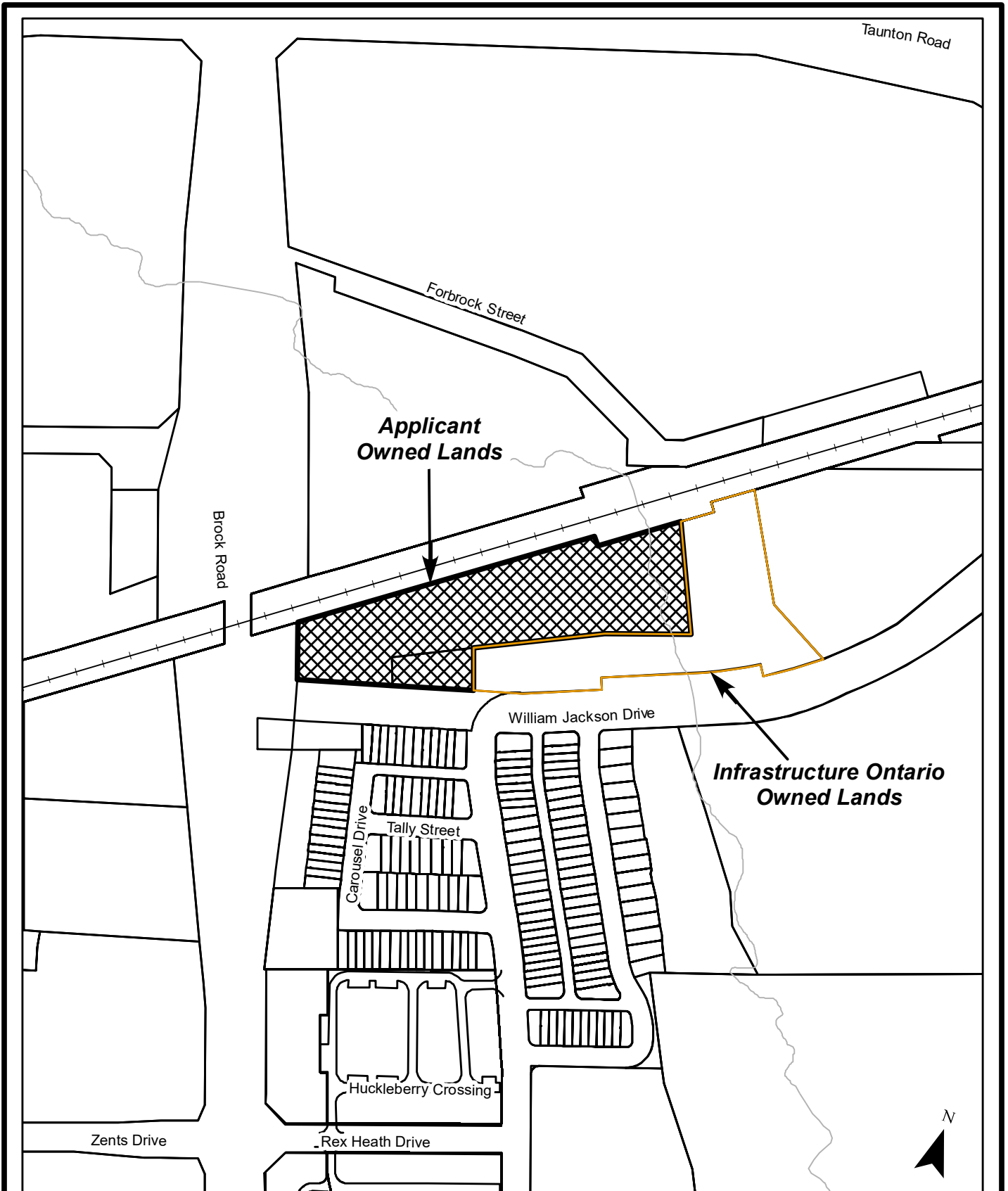
1. Projections including balconies, uncovered and covered porches, decks, platforms and awnings, stairs, window sills, chimney breasts, fireplaces, belt courses, cornices, pilasters, eaves, eave troughs and other similar architectural features may project outside the building envelope provided that no such feature projects a maximum of 2.0 metres from the main wall of the building.
2. Air conditioner units fronting the southerly lot lines (village green) and Brock Road must be fully screened.
3. A water meter building required by the Region of Durham for the purposes of measuring the quality of water delivered shall be exempt from the subject zoning requirements.
4. The parking or storage of vehicles is permitted, provided that it is in accordance with the "Restrictions on Parking and Storage of Vehicles" provisions.

Landscape Area and Private Residential Amenity Area

1. Minimum landscape area requirement: 20 percent
2. Private amenity area:
 - a. Minimum area – 6.0 square metres per unit; and
 - b. Accessory structures such as pergolas, sheds or other similar structures shall not be permitted on the private amenity area above the garage at the rear of the dwelling unit.
3. Minimum balcony depth: 1.5 metres

Model Homes

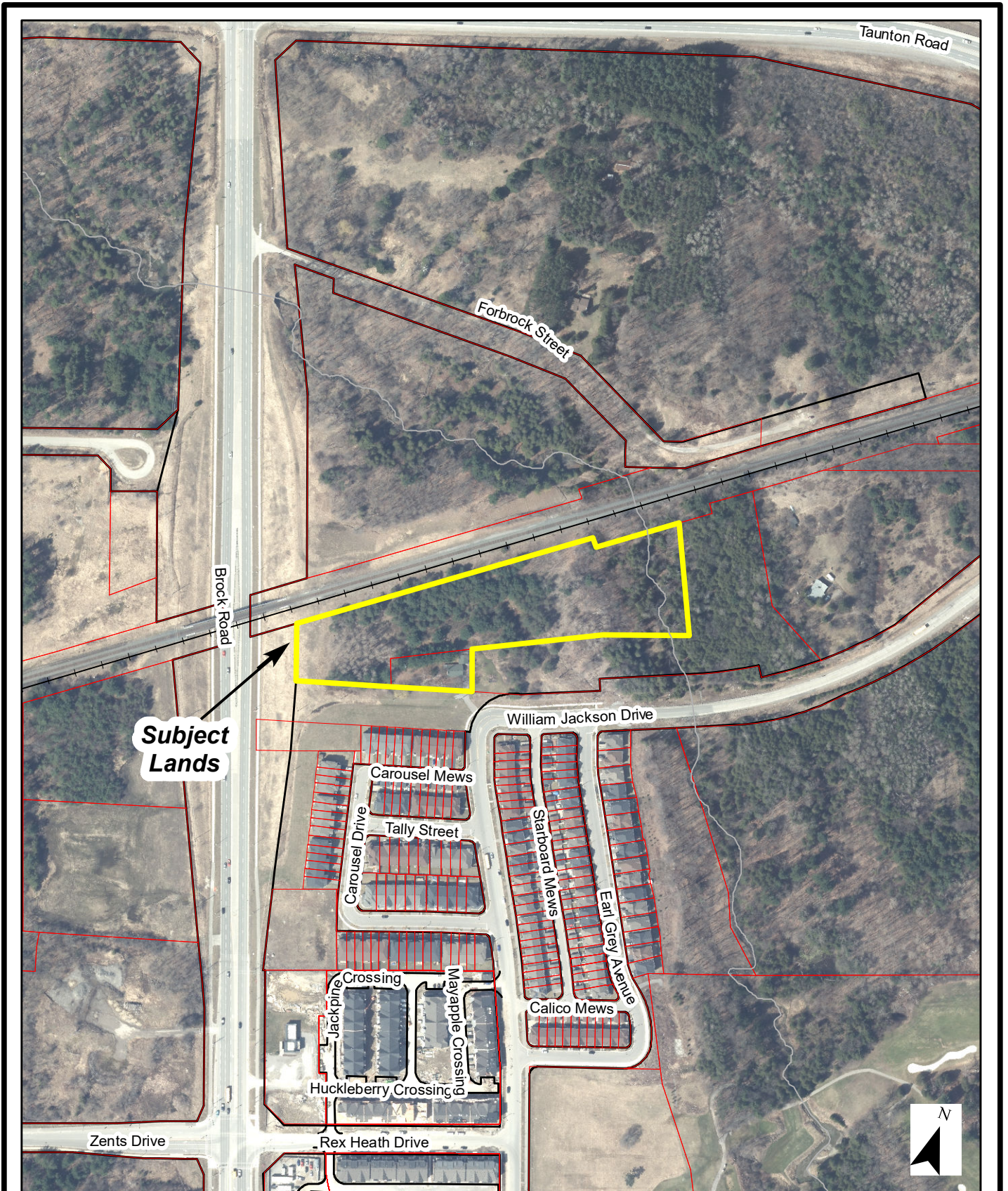
1. A maximum of 1 block of each unit type together with no fewer than 2 parking spaces per Model Home unit is permitted.



City of
PICKERING
 City Development
 Department

Location Map
File: A 13/17 (R2)
Applicant: Avonmore Ventures Inc.
Property Description: North of William Jackson Drive, South of the
 CPR Corridor
Date: Dec. 15, 2021

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Subject Lands

City of
PICKERING
City Development
Department

Air Photo Map

File:A 13/17 (R2)

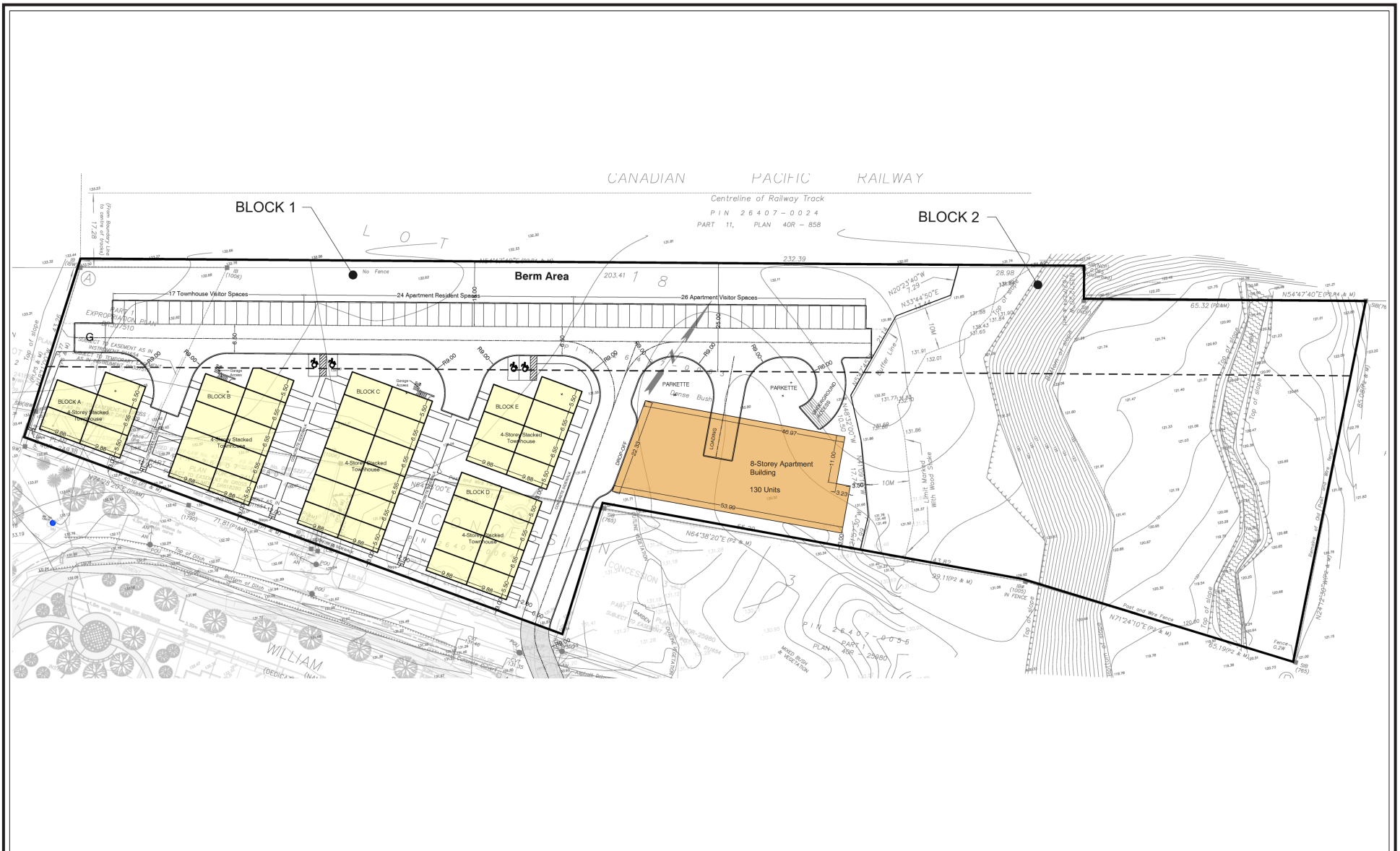
Applicant:Avonmore Ventures Inc.

Property Description: North of William Jackson Drive, South of the
CPR Corridor

Date: Dec. 15, 2021

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City of
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City Development
Department

Submitted Conceptual Site Plan (2020)

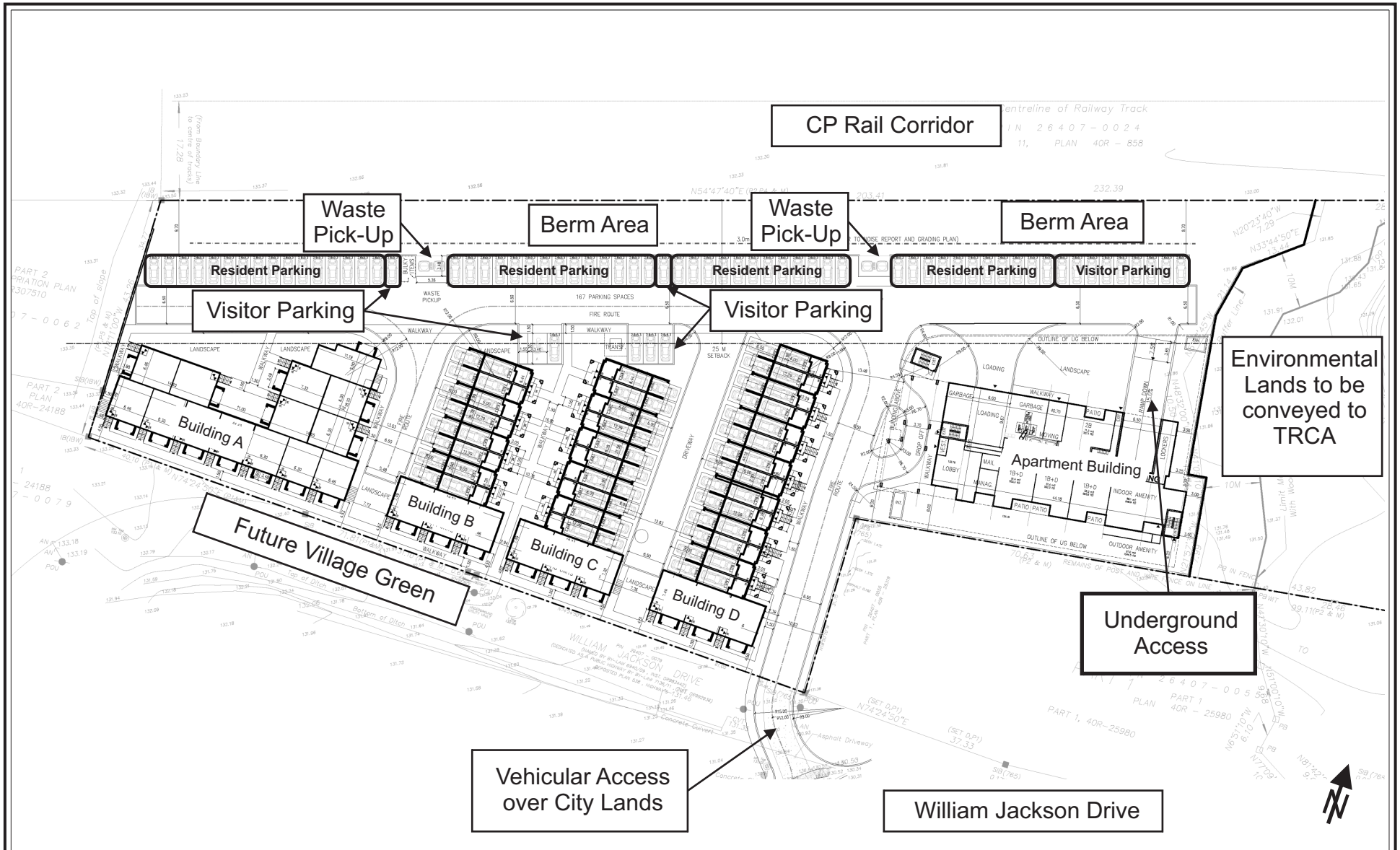
File No: A 13/17 (R2)

Applicant: Avonmore Ventures Inc.

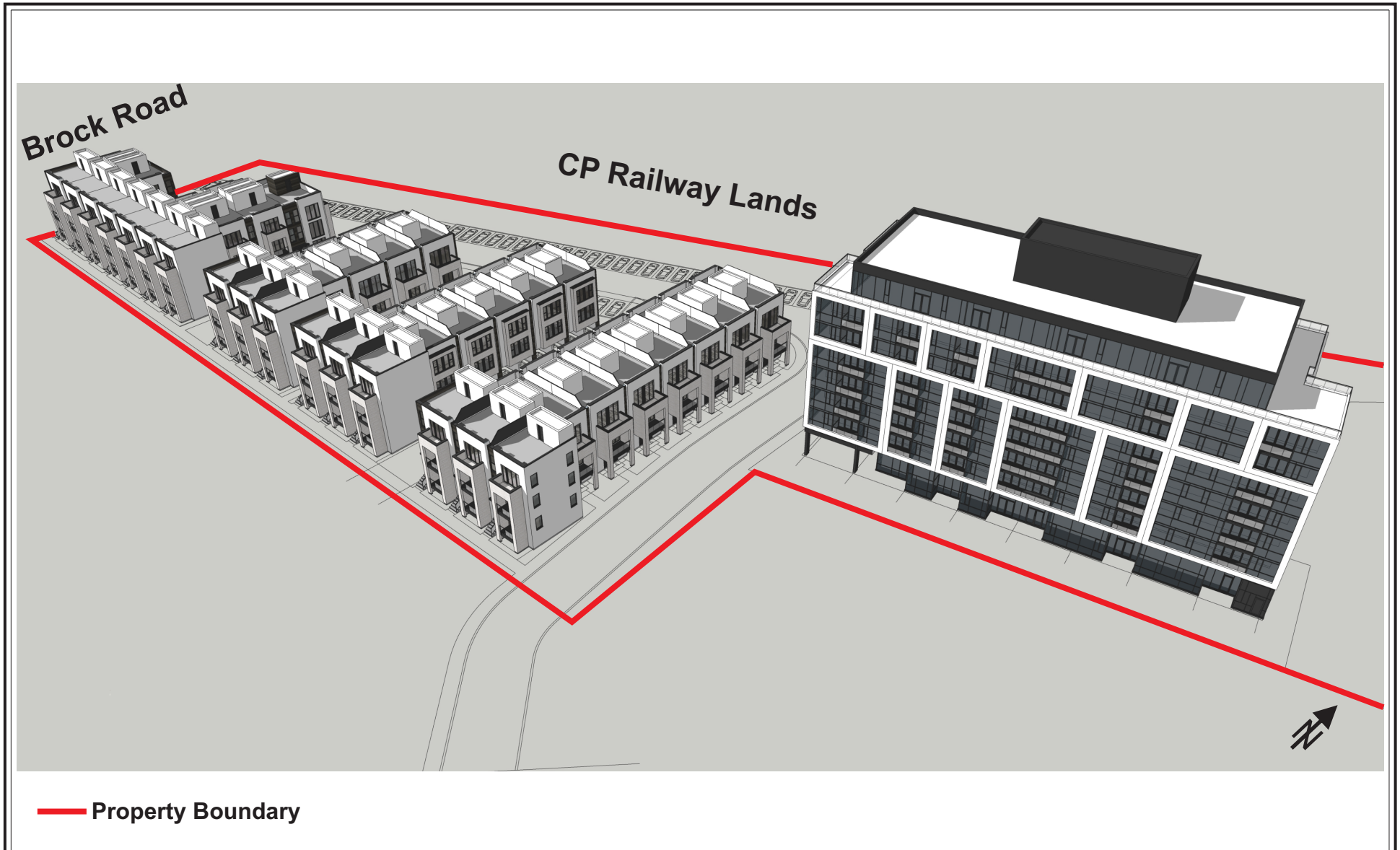
Property Description: North of William Jackson Drive, South of the CPR Corridor

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

DATE: Dec. 15, 2021



| | |
|---|---|
| <p>City of PICKERING City Development Department</p> | <p>Revised Submitted Conceptual Site Plan (2021)</p> |
| | <p>File No: A 13/17 (R2)</p> |
| | <p>Applicant: Avonmore Ventures Inc.</p> |
| | <p>Property Description: North of William Jackson Drive, South of the CPR Corridor</p> |
| <p>FULL SCALE COPIES OF THIS PLAN ARE AVAILABLE FOR VIEWING AT THE CITY OF PICKERING CITY DEVELOPMENT DEPARTMENT.</p> | |
| <p>DATE: Jan 6, 2021</p> | |



| | |
|--|---|
| <p>City of PICKERING City Development Department</p> | <p>Submitted Conceptual Rendering Plan</p> |
| | <p>File No: A 13/17 (R2)</p> |
| | <p>Applicant: Avonmore Ventures Inc.</p> |
| | <p>Property Description: North of William Jackson Drive, South of the CPR Corridor</p> |
| <p><small>FULL SCALE COPIES OF THIS PLAN ARE AVAILABLE FOR VIEWING AT THE CITY OF PICKERING CITY DEVELOPMENT DEPARTMENT.</small></p> | |
| <p>DATE: Jan 6, 2022</p> | |