



PLANNING OPINION REPORT

Durham Live Major Tourist Destination
Pickering, ON

Prepared For:
Pickering Developments Inc.



March 2020

MGP

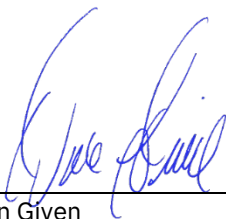
Zoning Bylaw Amendment

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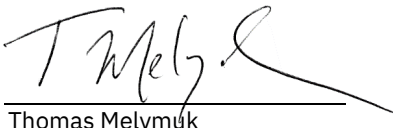
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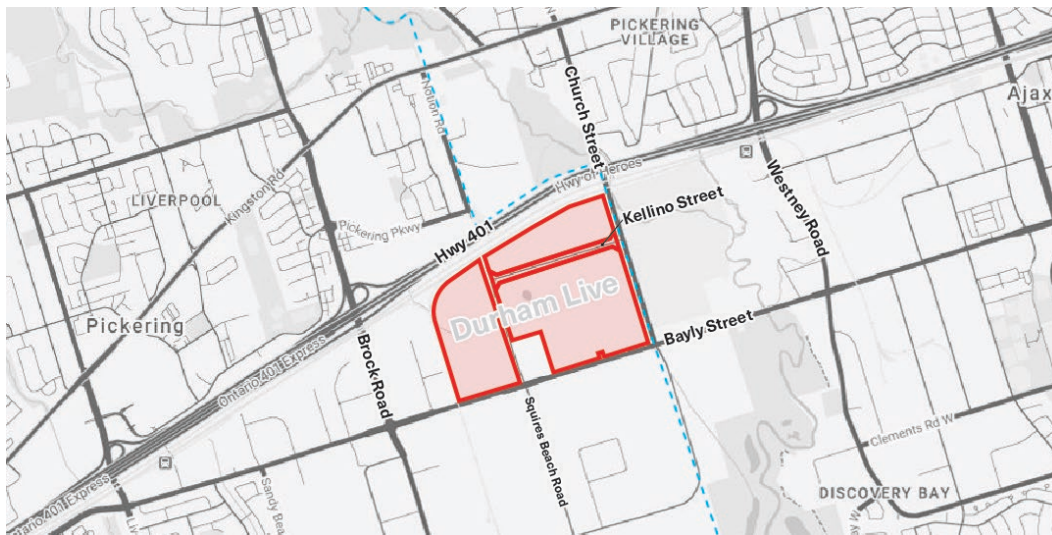
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1.0 Background

1.1 Overview

Durham Live is an integrated mixed-use major tourist destination located in Pickering, northwest of the intersection of Bayly Street and Church Street and adjacent to the Town of Ajax. The property includes four parcels of land, one located west of Squires Beach Road, and three located east of Squires Beach Road, including the former Kellino Street which is being acquired from the City. The owners of Durham Live are Pickering Developments (401) Inc., Pickering Developments (Bayly) Inc. Pickering Developments (Squires) Inc., herein called “Pickering Developments”. The location of the property is shown on Figure 1.1.

Figure 1.1 Durham Live Location Map

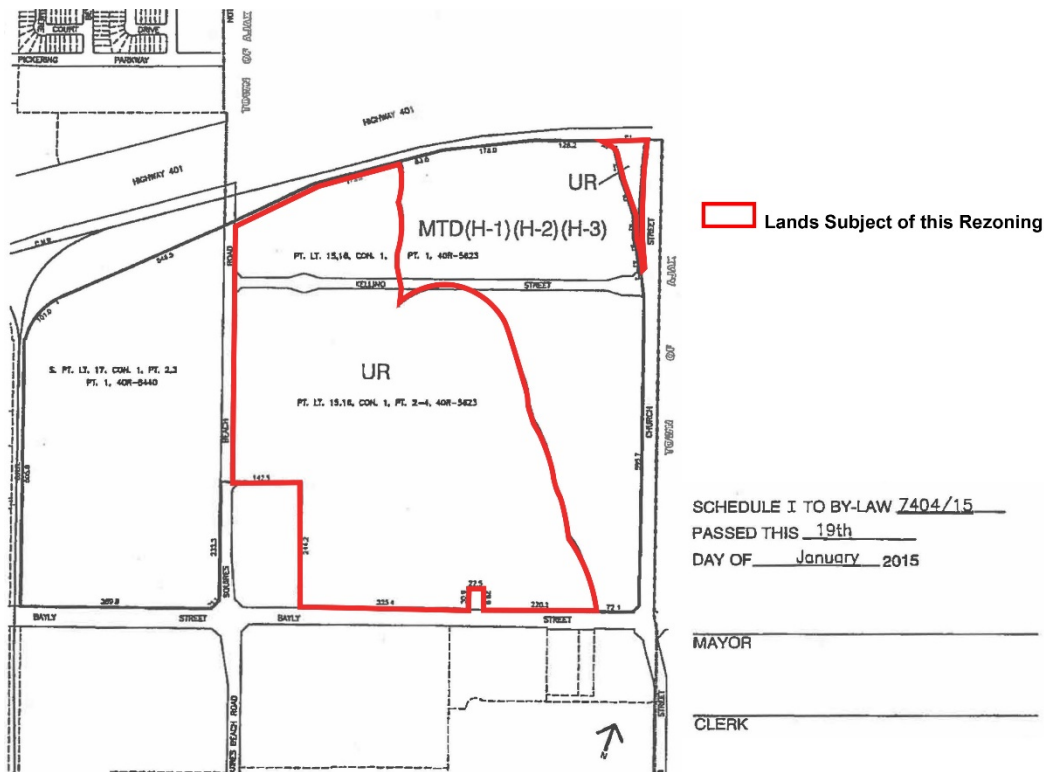


In 2014, an application was submitted to the City of Pickering to amend the City’s zoning by-law to permit an integrated mixed-use major tourist destination on the property. That application was approved by the City in September 2014, and the implementing zoning by-law (By-law 7404/15) was adopted by Pickering Council in January 2015. The Town of Ajax subsequently appealed the City’s approval of the by-law, and following an extended Ontario Municipal Board (OMB) hearing, in July 2017, By-law 7404/15 was approved by the OMB with a minor technical modification requested by the City.

Because of environmental considerations, By-law 7404/15 allowed development only on the eastern portion of the Durham Live property, on lands that were at least 120 metres from the environmental features. These easterly lands were zoned “MTD” (Major Tourist Destination) with three “H” holding provisions [(H-1, (H-2) and (H-3)], and the remainder of the property was zoned “UR” (Urban Reserve). Only those lands zoned “UR” situated east of Squires

Beach Road are the subject of this rezoning application as outlined on Figure 1.2.

Figure 1.2 Excerpt from Schedule I to Pickering By-law 7404/15



In addition to approving the rezoning of the Durham Live property, Pickering Council gave direction to staff to bring forward a report on the “UR” lands to rezone them to “MTD” and “NHS” (Natural Heritage System) once additional environmental investigations are completed to the satisfaction of the City and the Toronto and Region Conservation Authority (TRCA).

These environmental investigations have now been completed for the “UR” lands east of Squires Beach Road, and accordingly, it is now appropriate for the City to rezone these lands to “MTD” and “NHS” as described in this Report and shown later in this report on Figure 3.2.

1.2 Site Location and Context

The Durham Live property comprises four separate parcels of land, including the former Kellino Street which is a municipal public road in the process of being transferred to Durham Live. As shown on Figure 1.1, the property is generally bounded by two rail corridors and Highway 401, Church Street South, Bayly Street, and a rail spur-line.

The total area of the property is approximately 90.5 hectares. Not all of the lands are developable because of the existence of a valleyland and stream corridors associated with Duffins Creek as well as a wetland and forested area associated with the Lower Duffins Creek Wetland Complex, a Provincially Significant Wetland. Until recently there had been no buildings or structures on the Durham Live property, and the lands had been used in part

only for agricultural purposes. Currently, construction is underway at the north end of the property (north of the former Kellino Street) on a casino, hotel and performing arts venue.

Bayly Street and Church Street South are regional roads under the jurisdiction of the Region of Durham, while Squires Beach Road is a local road under the jurisdiction of the City of Pickering. Traffic signals currently exist along Bayly Street at Squires Beach Road and at Church Street South.

Land uses abutting the Durham Live property include Highway 401 and two rail corridors to the north (Canadian National and Metrolinx); Church Street and the Annandale Golf Club to the east; Bayly Street, a car dealership, industrial warehousing, and vacant land to the south; and a rail spur line west of Squires Beach Road. Other uses abutting the property include a vehicle and trailer storage yard at Highway 401 and Squires Beach Road, and a place of worship at Bayly Street and Squires Beach Road.

1.3 Site History

1.3.1 Rezoning Application A03/14

In early 2014, Pickering Developments submitted rezoning application A03/14 to amend the City of Pickering's zoning by-law to permit the development of an integrated mixed-use major tourist destination with a broad range of uses on the Durham Live property. The application was based on a conceptual master plan for the property that included a convention centre, performing arts centre, amphitheatre, cinemas, restaurant plaza, casino and five-star hotel, waterpark with hotel, office buildings, tourist centre/greenhouse, film studio, boutique hotel, fitness centre and spa, and parking structures.

Because of existing natural environmental features on the property, Pickering Developments requested that the rezoning application be considered in phases:

- Phase 1: Lands located more than 120 metres from the provincially significant wetland complex and associated woodlands; and
- Phase 2: Lands within 120 metres of the significant wetland/woodlands complex following the completion of additional environmental investigations.

1.3.2 Pickering Council Resolution No. 279/14

On September 15, 2014 Pickering Council passed Resolution No. 279/14 approving rezoning application A03/14 to allow the development of an integrated mixed-use major tourist destination on the Durham Live Phase 1 lands. Staff was directed to prepare an implementing zoning by-law for Council's approval that included the following provisions:

1. The establishment of a Major Tourist Destination "MTD" zone on the Phase 1 portion of the site (i.e. the lands located more than 120 metres from the environmentally significant lands);
2. The establishment of an Urban Reserve "UR" zone on the Phase 2 portion of the site as an interim measure, which zoning category shall permit only existing legal uses and uses permitted by the Natural Heritage Systems zone;

3. The use of an (H) holding symbol for the MTD zoned lands to limit the amount and/or level of development that may be allowed on site before the required Regional and/or Provincial transportation infrastructure is provided, which amount and/or level of development shall be determined by the City of Pickering and the Region of Durham in consultation with the Ontario Ministry of Transportation;
4. The use of an (H) holding symbol for the MTD zoned lands to ensure appropriate agreements are in place with the City of Pickering, the Region of Durham and the Province of Ontario, if necessary, prior to development;
5. The use of an (H) holding symbol for the MTD zoned lands to ensure appropriate technical details have been provided related to the natural heritage features and environmental sensitive lands, to the satisfaction of the City of Pickering and the Toronto and Region Conservation Authority; and
6. An implementing zoning by-law that reflects conditions where a casino use not be permitted unless it is part of a hotel, convention centre, entertainment complex as per the referendum question.

Resolution 279/14 also directed staff to bring forward a report on the Durham Live Phase 2 lands at a later date “recommending the rezoning of these lands from Urban Reserve to Major Tourist Destination and Natural Heritage System as may be appropriate, once the required environmental investigations are completed to the satisfaction of the City and the Toronto and Region Conservation Authority.”

1.3.3 Zoning Bylaw 7404/15

Zoning By-law 7404/15 to implement the Durham Live rezoning was approved by Pickering Council on January 15, 2015. It was subsequently appealed to the Ontario Municipal Board (OMB) by the Town of Ajax, and after an extended OMB hearing, the Board issued a decision on July 7, 2017, to approve the by-law with only a minor technical modification requested by the City.

As shown on Figure 1.2, Zoning By-law 7404/15 rezones the easterly portion of the Durham Live property as MTD (Major Tourist Destination) with three holding provisions, and the remainder of the property as UR (Urban Reserve). The boundary between the two zones was set at a distance of 120 metres from the significant environmental features. Additional information on the MTD and UR zones is provided below.

Major Tourist Destination (MTD) Zone

The MTD zone permits various principal, secondary and support uses as shown in Table 1.1 below.

Table 1.1 Uses Permitted in the MTD Zone of Pickering By-law 7404/15

Principal Uses	Secondary Uses	Support Uses
Amphitheatre	Art Gallery	Bake Shop
Arena	Banquet Facilities	Business Support Services
Convention or Conference Centre	Botanical Gardens	Commercial School
Film Studio	Cinema	Day Care Centre
Gaming Establishment/ Casino	Commercial Fitness / Recreation Centre	Dry-Cleaner's Distribution Centre
Hotel	Commercial Parking Lot and Commercial Parking Lot Structure	Personal Service Establishment
Medical Office	Community Centre	Place of Amusement
Major Tourist Establishment Office	Community Gardens Curling Rinks, Tennis Courts, Bowling Alleys or similar recreational facilities	Private Club Retail Sales, Ancillary
Performance Arts Centre	Financial Institution	Restaurant
Restaurant Plaza	Museum	Travel Agent
Stadium	Nightclub	Travel Information Centre
Waterpark/Wave Pool	Spa	Vehicle Rental Establishment

The MTD zone also sets out a number of other by-law provisions, including the following:

- Establishes a maximum building height of 25 storeys except for landmark buildings which can have a maximum building height of 35 storeys;
- Requires that any gaming establishment/ casino use be part of a hotel, convention or conference centre, entertainment complex;
- Restricts the total gross floor area of all secondary and support uses to no more than 15 percent of the total gross floor area of all existing or proposed principal uses;
- Limits the total gross floor area of all restaurant plazas to no more than 15 percent of the total gross floor area of all uses within the zone;
- Limits the maximum gross leasable area of any individual dry-cleaner's distribution centre, personal service establishment, ancillary retail sales use; and travel information centre to 500 square metres per individual use.

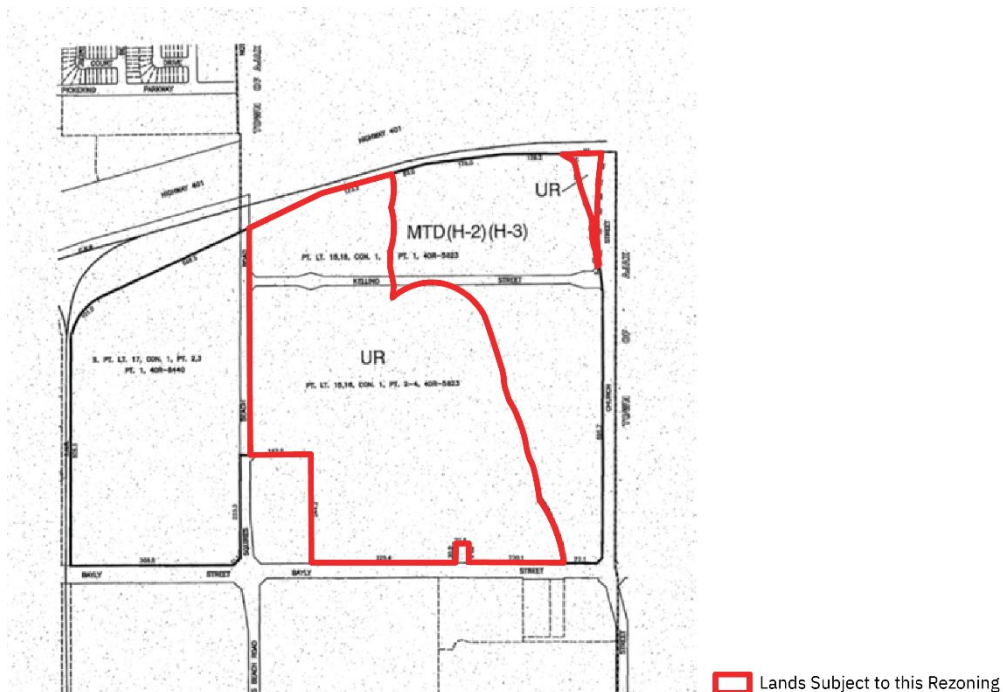
MTD Holding Provisions (H-1, H-2 and H-3)

By-law 7404/15 established three holding provisions for the MTD zone with specific conditions for lifting each provision.

Pursuant to the By-law, no development would be permitted in the MTD zone until Council lifts the H-1 holding provision, except for uses allowed within the UR zone (as outlined in the next section). The conditions for lifting H-1 include the execution of a Master Development Agreement with the City; entering into appropriate arrangements and/or agreements with Durham Region, the TRCA and if necessary the Province; and the submission of a Transportation Impact Study satisfactory to the City, Region and Province verifying that the maximum amount of proposed development will result in a traffic generation rate that does not exceed 955 external primary weekday P.M. peak hour two-way vehicle trips (the formula for calculating traffic generation rates is set out in the by-law).

The conditions for lifting the H-1 holding provision were subsequently addressed to the City's satisfaction, and on October 9, 2018, Pickering Council enacted By-law 7661/18, which lifted the H-1 holding provision from By-law 7404/15 (see Figure 1.3).

Figure 1.3 Excerpt from Schedule I to Pickering By-law 7661/18



With H-1 lifted, the by-law allows development to occur on the Durham Live property as long as the total amount of traffic generated does not exceed 955 external primary weekday P.M. peak hour two-way vehicle trips. Development that generates traffic in excess of this amount would not be permitted until the H-2 holding provision is also lifted. The conditions for lifting H-2 include additional agreements and/or arrangements with the City, Durham Region and/or the Province of Ontario, including arrangements or agreements for the construction of a Notion Road / Squires Beach Road connection across Highway 401 and the

completion of another Transportation Impact Study verifying that the maximum amount of proposed development will not result in a traffic generation rate that exceeds 1935 external primary weekday P.M. peak hour two-way vehicle trips.

The conditions for lifting the H-2 holding provision have been addressed to the City's satisfaction, and on January 27, 2020, Pickering Council enacted By-law 7735/20, which lifts the H-2 holding provision from By-law 7404/15 (see Figure 1.4).

Figure 1.4 Excerpt from Schedule I to Pickering By-law 7735/20



With H-2 lifted, development on the Durham Live property can now proceed as long as the total amount of traffic generated does not exceed 1935 external primary weekday P.M. peak hour two-way vehicle trips. Development that generates traffic in excess of this amount would not be permitted until the H-3 holding provision of the by-law is also lifted. The conditions for lifting H3 include additional arrangements and/or agreements with the City, Region and/or Province, including arrangements or agreements for the construction of a partial interchange on Highway 401 at Church Street.

Once the H-3 holding provision is lifted by City Council, development can proceed on the Durham Live property to the full extent of the zoning by-law.

Urban Reserve (UR) Zone

The UR zoning category currently covers most of the westerly portion of the Durham Live property as well as a small triangular parcel of land at the northeast corner of the site (see Figures 1.2, 1.3 and 1.4). The UR zoning category allows only limited uses as follows:

- a) outdoor recreation uses without buildings or structures;
- b) preservation and conservation of the natural environment, soil and wildlife; and
- c) existing lawful uses, located on the land or in existing buildings or structures, provided such uses continue in the same manner and for the same purpose for which they were used on the day this by-law was passed.

The UR zone was put in place as an interim measure. When it was established, the City's intent was stated in Council Resolution No. 279/14, and was to rezone these lands to either MTD (Major Tourist Destination) or NHS (Natural Heritage System) once additional environmental investigations are completed to the satisfaction of the City and TRCA.

The environmental investigations have been completed, and the UR lands can now be rezoned in accordance with Council Resolution No. 279/14.

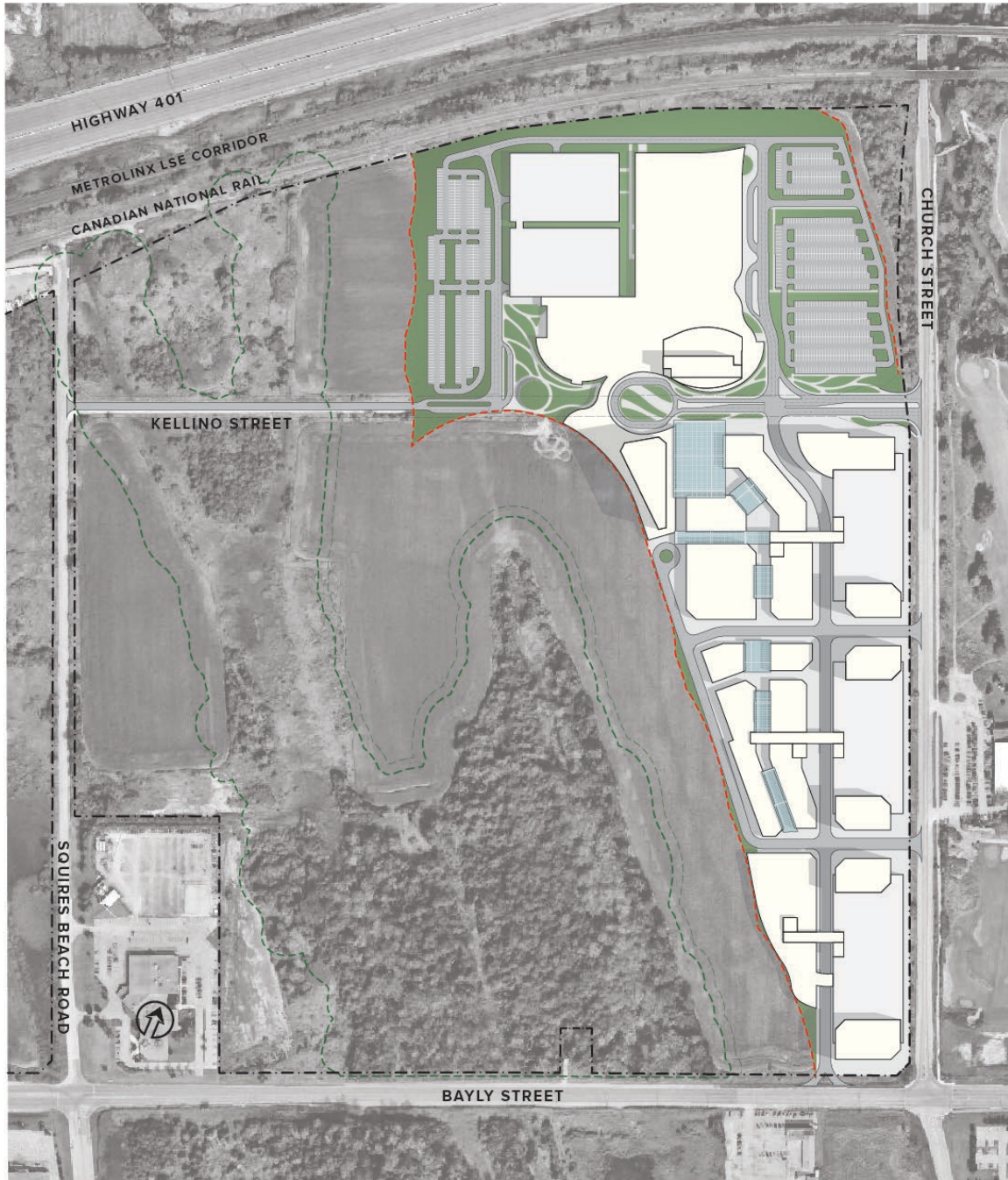
1.4 Development Status of Durham Live Phase 1 Lands

The Master Development Agreement (MDA) that the City and Pickering Developments executed for the Durham Live property includes Urban Design, Landscape and Site Performance Guidelines. These Guidelines are based on a conceptual Master Plan for the Durham Live Phase 1 lands showing a casino, hotel, and performing arts venue north of the former Kellino Street, and a variety of complementary and supportive uses on the MTD lands south of Kellino, including several major tourist destination experiences, boutique hotels, restaurants, conference centres, and offices (see Figure 1.5).

To address longer-term transportation requirements, two environmental assessments (EAs) are required, one for the extension of Squires Beach Road northerly across Highway 401 to connect with Notion Road, the other for the construction of a new, partial interchange along Highway 401 at Church Street. The Squires/Notion EA was completed and submitted to the Minister of Environment, Conservation and Parks in November 2019. The EA for the Church Street partial interchange has not yet been initiated.

Building permit applications have been approved for the development of a casino, hotel, performing arts venue and associated parking facilities north of the former Kellino Street, and construction is well underway. The casino is expected to be open to the public in April 2020, with the hotel and performing arts venue opening later in the year.

Figure 1.5 Durham Live Master Plan – Phase 1 Lands



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2.0 Planning Policy Framework

2.1 Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS) is issued under the authority of the Planning Act, R.S.O. 1990, c. P.13. It provides direction on matters of provincial interest related to land use planning and development. The current PPS came into effect on April 30, 2014. It replaced the 2005 PPS, and applies to planning decisions made on or after that date.

Provincial plans (such as the Growth Plan) are to be read in conjunction with the PPS, but take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. Where provincial plans are in effect, planning decisions must conform or not conflict with them, as the case may be.

The 2014 PPS promotes strong, liveable, healthy and resilient communities, the protection of public health and safety and the environment, and economic growth. It contains various policies relevant to this rezoning application, including the following:

- 1.1.3.1 Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.
- 1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.
- 1.3.2.1 Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.
- 2.1.4 Development and site alteration shall not be permitted in: a) significant wetlands in Ecoregions 5E, 6E and 7E; ...
- 2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4 ... unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

- 2.2.2 Development and site alteration shall be restricted in or near sensitive surface water features, and sensitive groundwater features such that these features and their related hydrologic functions will be protected, improved or restored. Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore sensitive surface water features, sensitive groundwater features, and their hydrologic functions.

2.2 Growth Plan for the Greater Golden Horseshoe (2019)

In May 2019, the Provincial Government released an updated growth plan for the Greater Golden Horseshoe (GGH) entitled “A Place to Grow: Growth Plan for the Greater Golden Horseshoe.”

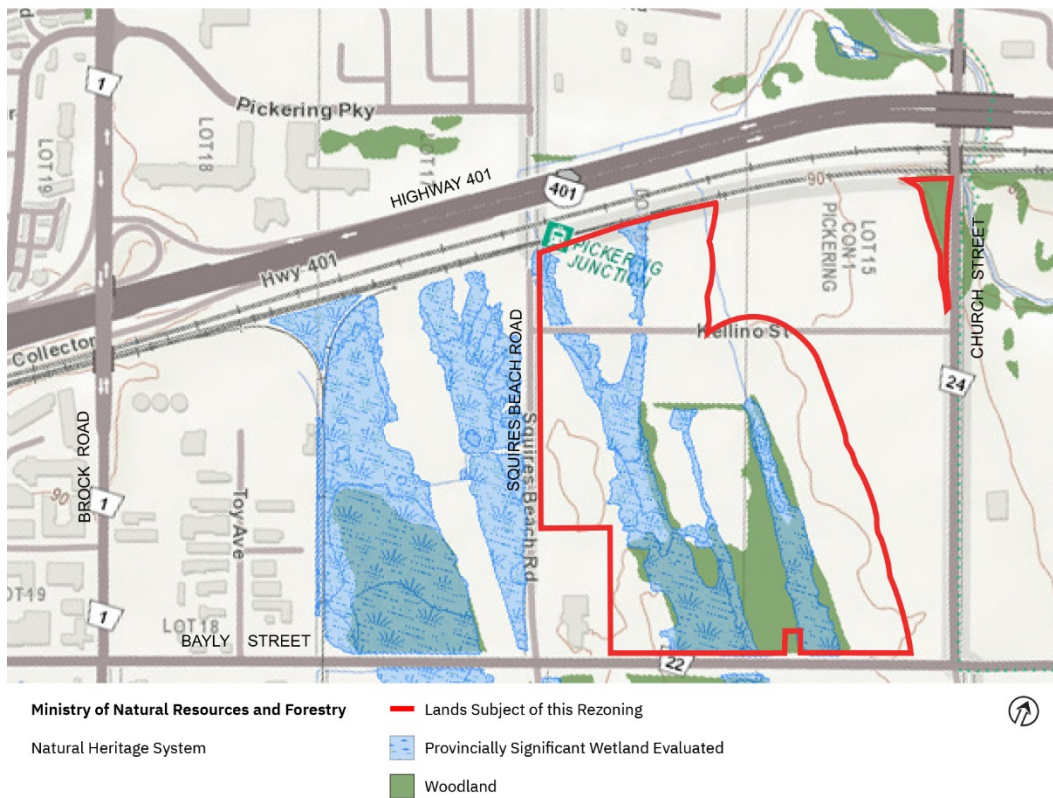
The 2019 Growth Plan builds on the PPS and establishes a land use planning framework for the GGH that is intended to support the achievement of complete communities, a thriving economy, a clean and healthy environment, and social equity.

The PPS includes several policies of relevance to this rezoning application, including the following:

- Policy 2.2.1.2 a) directing growth to settlement areas that: have a delineated built boundary; have existing or planned municipal water and wastewater systems; and can support the achievement of complete communities.
- Policy 2.2.5.1 a) promoting economic development and competitiveness by making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities.

The Durham Live property is located within a settlement area and within the Built-Up Area of the 2019 Growth Plan for the GGH. Certain lands on the Durham Live property are also identified as Natural Heritage System on a map prepared by the Province as a resource document to support the Growth Plan for the GGH (see Figure 2.1).

Figure 2.1 2018 Provincial Map Showing Natural Heritage System on Durham Live Property



2.3 Region of Durham Official Plan (2017)

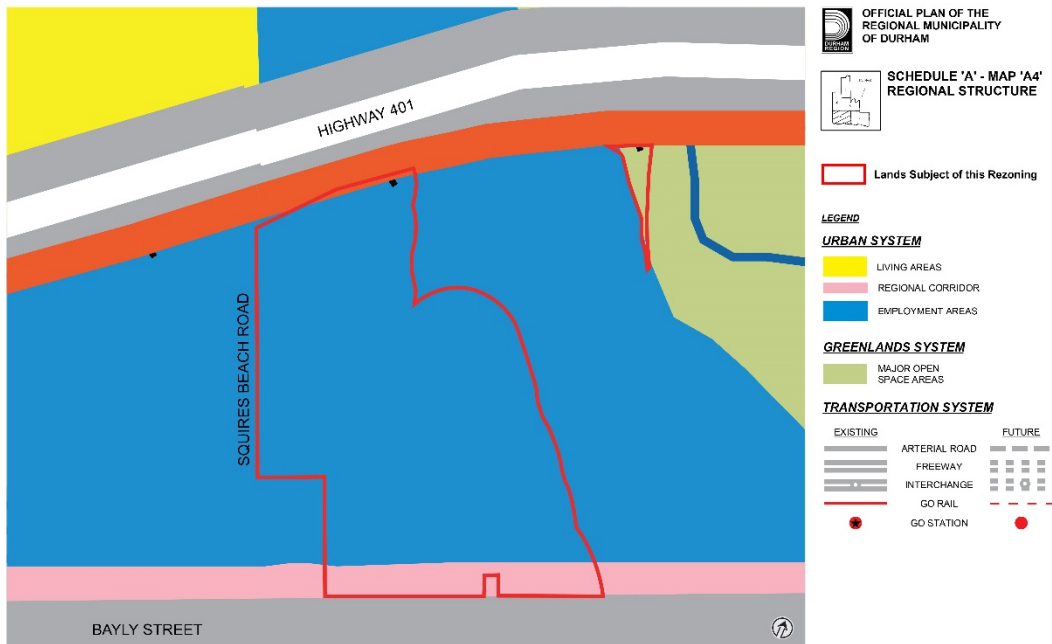
The 2017 office consolidation of the Durham Regional Official Plan defines the intent of Council in the guidance of growth and development of the Region. One of its goals is to manage growth so that it occurs in an orderly fashion. Another is to develop the Region to its economic potential and increase job opportunities for its residents. The Plan encourages developments that utilize land efficiently, as well as the protection of natural features and functions.

The Durham Live property is shown on Schedule A – Map A4, Regional Structure, as being located within an “Employment Areas” designation, with a “Regional Corridor” overlay along Bayly Street and a “Major Open Space” designation at the northeast corner of the property (see Figure 2.2).

Employment Areas are set aside for uses that may require access to highway, rail, and/or shipping facilities, separation from sensitive uses, or benefit from locating close to similar uses. Permitted uses may include manufacturing, assembly and processing of goods, service industries, research and development facilities, warehousing, offices and business parks, hotels, storage of goods and materials, freight transfer and transportation facilities (Policy 8C.22.1).

Regional Corridors are intended to be developed in accordance with the underlying land use designation (in this case, Employment Areas) as higher-density mixed-use areas, supporting higher-order transit services and pedestrian-oriented development (Policy 8A.2.9). The predominant use of land in Major Open Space Areas is conservation (Policy 10A.2.1).

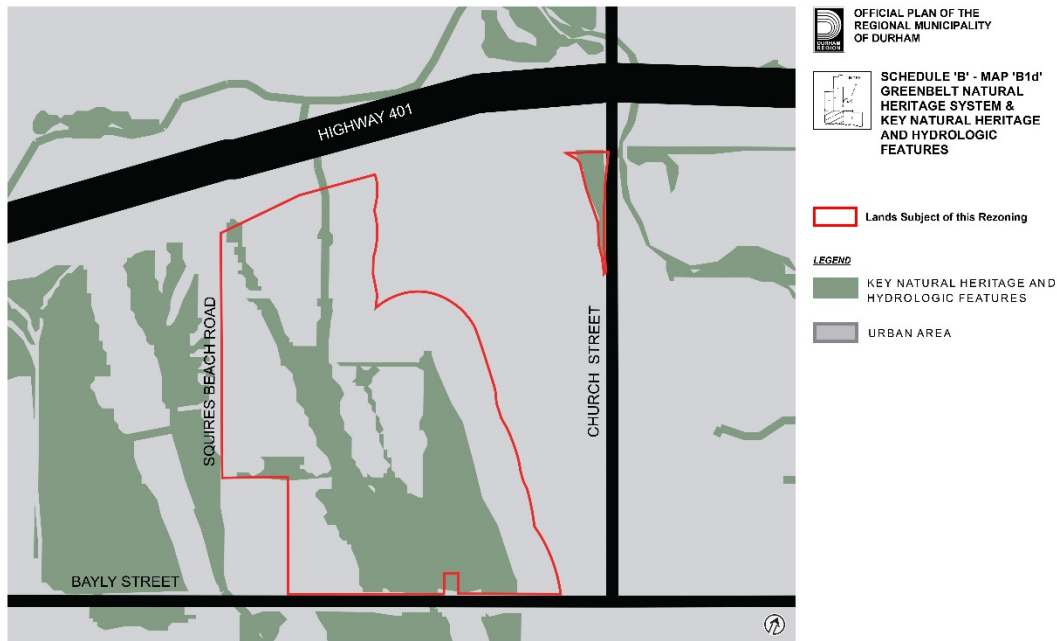
Figure 2.2 Durham Regional Official Plan Excerpt from Schedule A – Map A4 Regional Structure



On Schedule B – Map B1d of the Durham Regional Plan, certain lands within the Durham Live property are shown as “Key Natural, Heritage and Hydrological Features” (see Figure 2.3). For these lands, policies of the Plan require or specify that:

- the features and their associated vegetation protection zones be identified and shown in more detail in area municipal official plans and zoning by-laws (Policy 2.3.14)
- the location and extent of these features may be further confirmed through appropriate studies such as a watershed plan or an environmental impact study (Policy 2.3.14)
- development or site alteration not be permitted within these features and any associated vegetation protection zone, with some exceptions, including forest, fish and wildlife management, conservation and flood or erosion control projects, infrastructure, minor recreational uses, agriculture, or aggregate extraction (Policy 2.3.15)

Figure 2.3 Durham Regional Official Plan– Excerpt from Schedule B – Map B1d Greenbelt Natural Heritage System & Key Natural Heritage and Hydrologic Features

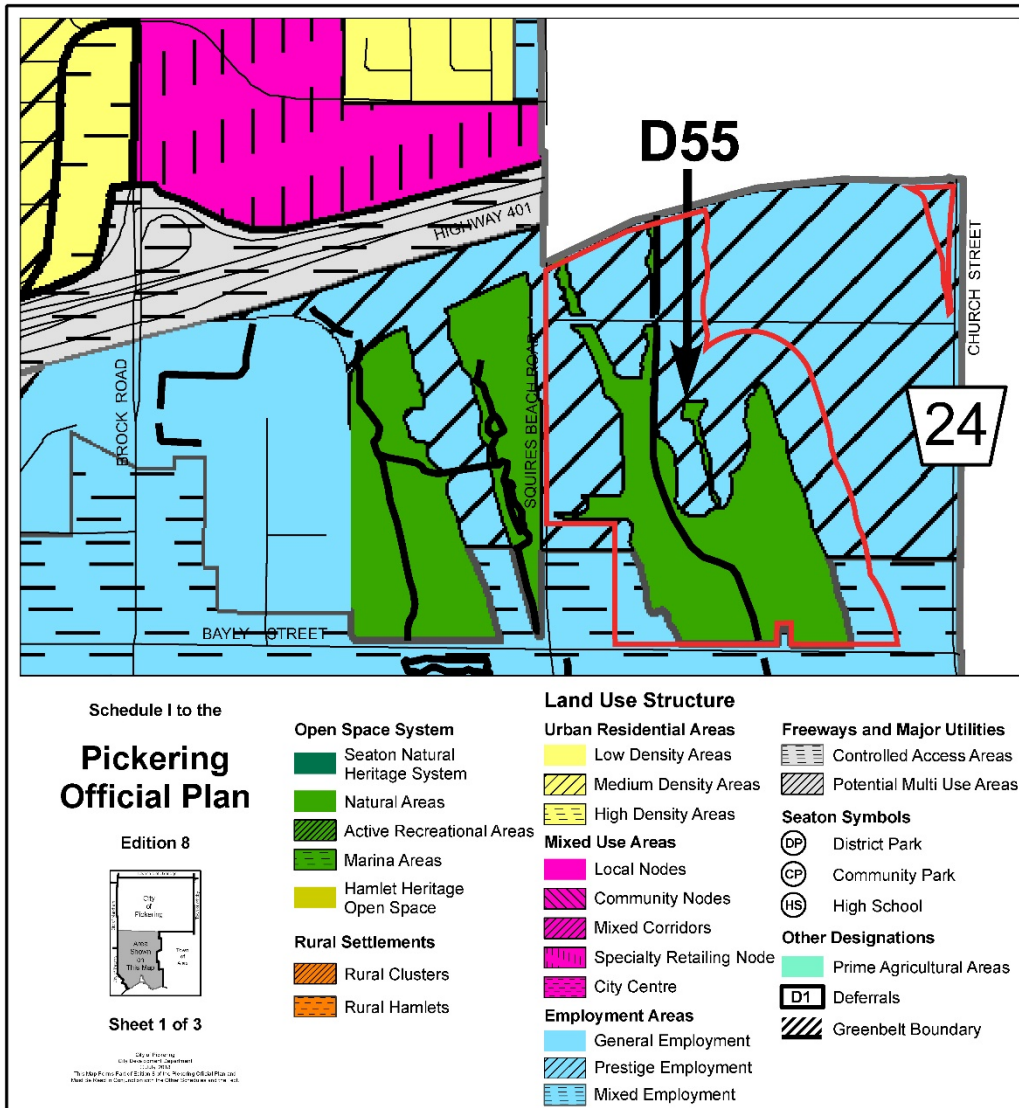


2.4 City of Pickering Official Plan (2018)

The City of Pickering Official Plan (OP) came into effect in 1997. It contains policies, guiding principles and land use schedules that direct and guide Pickering's future growth and development. The 8th Edition of the OP was released in October 2018 and includes all approved amendments, revisions and deferrals in effect as of that date.

The City of Pickering Official Plan designates the Durham Live property as "Employment Areas" (either Prestige Employment or Mixed Employment) as well as "Open Space System - Natural Areas" with a portion deferred pending further discussion between the landowner, the Ministry of Natural Resources and Forestry, the Toronto and Region Conservation Authority, the Region of Durham, and the City of Pickering (D-55). The Pickering OP designations are shown in Figure 2.4.

Figure 2.4 Pickering Official Plan Schedule I – Land Use Structure



Uses permitted in Prestige Employment and Mixed Employment Areas are listed in Table 7 of the Pickering OP and shown here in Table 2.1. Uses permitted in Natural Areas are listed in Table 3 of the Pickering OP and shown here in Table 2.2.

Table 2.1 Uses Permitted in Prestige Employment and Mixed Employment Areas

Table 7	
Employment Areas Subcategory	Permissible Uses (Restrictions and limitations on the uses permissible, arising from other policies of this Plan, will be detailed in zoning by-laws.)
Prestige Employment	<p>Light manufacturing, assembly and processing of goods, light service industries, research and development facilities, warehousing, equipment and vehicle suppliers, automotive and vehicle sales and repair;</p> <p>Offices, corporate office business parks, limited personal service uses serving the area, restaurants serving the area, retail sales as a minor component of an industrial operation, hotels, financial institutions serving the area;</p> <p>Community, cultural and recreational uses, and other uses with similar performance characteristics that are more appropriately located in the employment area.</p>
Mixed Employment	<p>All uses permissible in prestige employment areas;</p> <p>Limited retailing of goods and services serving the area.</p>

Table 2.2 Uses Permitted in Natural Areas

Table 3	
Open Space System Subcategory	Permissible Uses (Restrictions and limitations on the uses permissible, arising from other policies of this Plan, will be detailed in zoning by-laws.)
Natural Areas	<p>Conservation, environmental protection, restoration, education, passive recreation, and similar uses, subject to the provisions of the Regional Official Plan related to non-agricultural uses, and provided that development or site alteration may only be permitted in key natural heritage and/or key hydrologic features for the following purposes:</p> <ul style="list-style-type: none"> (i) forest, fish and wildlife management; (ii) conservation and flood and erosion control and other similar environmental protection and restoration projects demonstrated to be necessary in the public interest and after all alternatives have been considered; and, (iii) minor recreational and education uses such as non-motorized trails, footbridges and picnic facilities; <p>Existing lawful agricultural uses, agricultural-related uses, and on-farm diversified uses, new agricultural uses, agricultural-related uses and on-farm diversified uses outside key natural heritage and/or key hydrologic features, subject to the provisions in Section 16.51(f) of this Plan and outside Natural Areas in the Duffins-Rouge Agricultural Preserve Area;</p> <p>Agricultural uses that assist in the function of linkage corridors and their associated minimum vegetation protection zones, and the protection and restoration of Natural Areas;</p> <p>Existing lawful residential dwellings; a new residential dwelling on a vacant lot;</p> <p>Community gardens outside key natural heritage and/or key hydrologic features and their associated minimum vegetation protection zones;</p> <p>Existing, expanded or new infrastructure subject to and approved under the <i>Canadian Environmental Assessment Act</i>, the <i>Environmental Assessment Act</i>, the <i>Planning Act</i>, the <i>Telecommunications Act</i> or by the National or Ontario Energy Boards, or which receives similar environmental approval, and provided that the requirements of the Greenbelt Plan or the Central Pickering Development Plan be complied, where applicable;</p>

On the Resource Management maps of the Pickering OP certain lands within the Durham Live Property are identified as Natural Heritage System (see Figure 2.5), Significant Woodlands (see Figure 2.6), as well as one or more of Shorelines, Significant Valley Lands and Stream Corridors, and/or Wetlands (see Figure 2.7). These maps also show the lands deferred for further discussion (D-55).

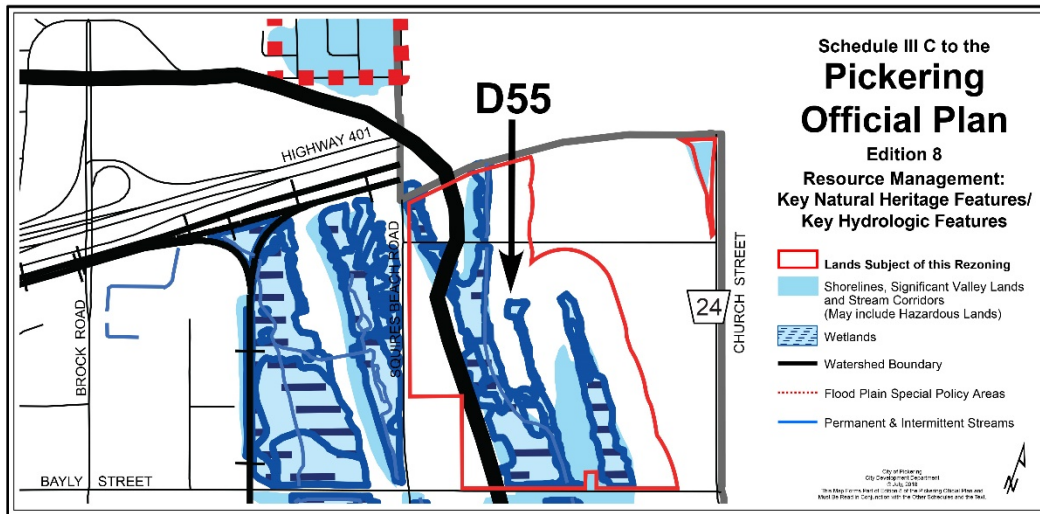
Figure 2.5 Pickering Official Plan Schedule III A (Excerpt)



Figure 2.6 Pickering Official Plan Schedule III B (Excerpt)



Figure 2.6 Pickering Official Plan Schedule III C (Excerpt)



In addition, portions of the Durham Live property are shown as High Aquifer Vulnerability Areas and Groundwater Recharge Areas (see Figure 2.8), and an abandoned gas well is identified on the adjacent lands now under development for a casino, hotel and performing arts venue (see Figure 2.9).

Figure 2.7 Pickering Official Plan Schedule III D (Excerpt)

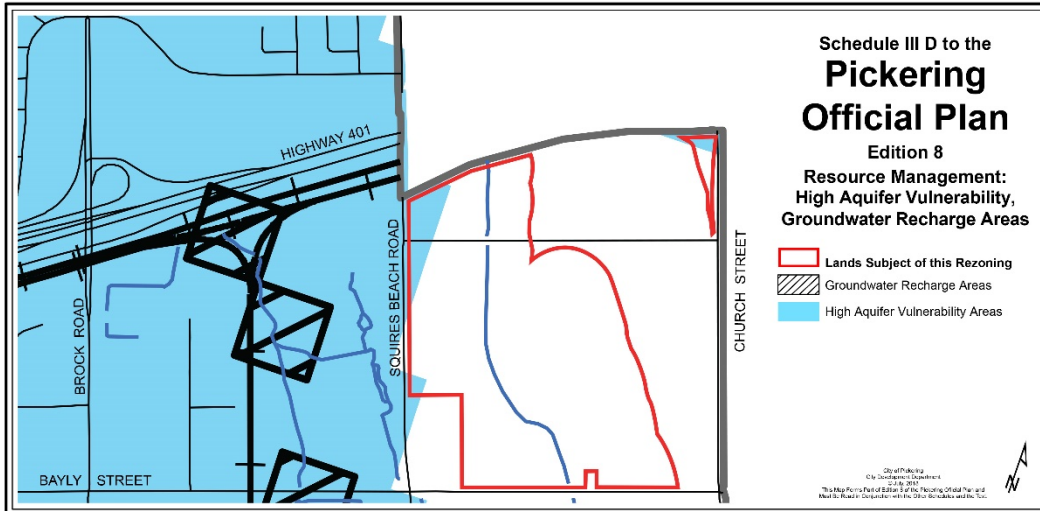


Figure 2.8 Pickering Official Plan Schedule III E (Excerpt)



The Resource Management chapter of the Pickering OP provides policy guidance and direction for the key natural heritage and hydrologic features on the property. Relevant policies include:

- Policy 10.3, encouraging public and private practices that protect important key natural heritage features and landscapes in their natural state;
- Policy 10.6, encouraging the protection of the natural heritage system to support ecological integrity, including healthy terrestrial and aquatic ecosystems;
- Policy 10.12, recognizing 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; ensuring the protection of these areas from development; and requiring where appropriate, implementation of the recommendations of an Environmental Report;
- Policy 10.13 (b), requiring the preparation of a hydrogeology and water budget study, and a mitigation strategy to ensure no loss of water recharge quantity or quality, where development is proposed within or adjacent to a sensitive groundwater recharge area;
- Policy 10.22 (c), directing development or site alteration to locations outside of hazardous lands and hazardous sites and their associated minimum vegetation protection zones;
- Policy 10.24 (i), requiring the implementation of the recommendations of an Environmental Report for proponents with lands which include or are adjacent to abandoned oil and gas wells;
- Policy 16.51 (b) and (d) requiring a natural heritage evaluation and/or a hydrological evaluation for an application for development or site alteration for lands within the minimum area of influence and minimum vegetative protective zones as set out in the OP.

The minimum areas of influence and minimum vegetative zones are set out in Table 18 of the Pickering OP and shown here on Table 2.3.

Table 2.3 Minimum Areas of Influence and Minimum Vegetative Protection Zones

Table 18		
Key Natural Heritage Features, Key Hydrologic Features and Areas of Natural and Scientific Interest (Earth Science): Minimum Areas of Influence and Minimum Vegetation Protection Zones outside the Oak Ridges Moraine and Seaton Urban Area		
Feature	Minimum Area of Influence	Minimum Vegetation Protection Zone
Wetlands	Within 120 metres of any part of feature	All land within 30 metres of any part of feature, subject to Section 16.10 if a natural heritage evaluation is required
A known location of the habitat of endangered, rare and threatened species	Within 120 metres of any part of feature	Determined by a natural heritage evaluation carried out under Section 16.10
Fish habitat	Within 120 metres of any part of feature	All land within 30 metres of any part of feature, subject to Section 16.10 if a natural heritage evaluation is required
Significant valleylands	Within 120 metres of stable top of bank	All land within 30 metres of stable top of bank, subject to Section 16.10 if a natural heritage evaluation is required
Significant woodlands	Within 120 metres of any part of feature	All land within 10 metres from the dripline of woodlands, subject to Section 16.10 if a natural heritage evaluation is required In the Greenbelt, the minimum vegetation protection for significant woodlands is 30 metres from the drip line
Significant wildlife habitat	Within 120 metres of any part of feature	Determined by a natural heritage evaluation carried out under Section 16.10
Permanent and intermittent streams outside the Pickering urban area	Within 120 metres of any part of the feature	All land within 30 metres of the limits of the floodplain or hazard lands as defined by the relevant Conservation Authority, subject to Section 16.10 if a hydrological evaluation is required

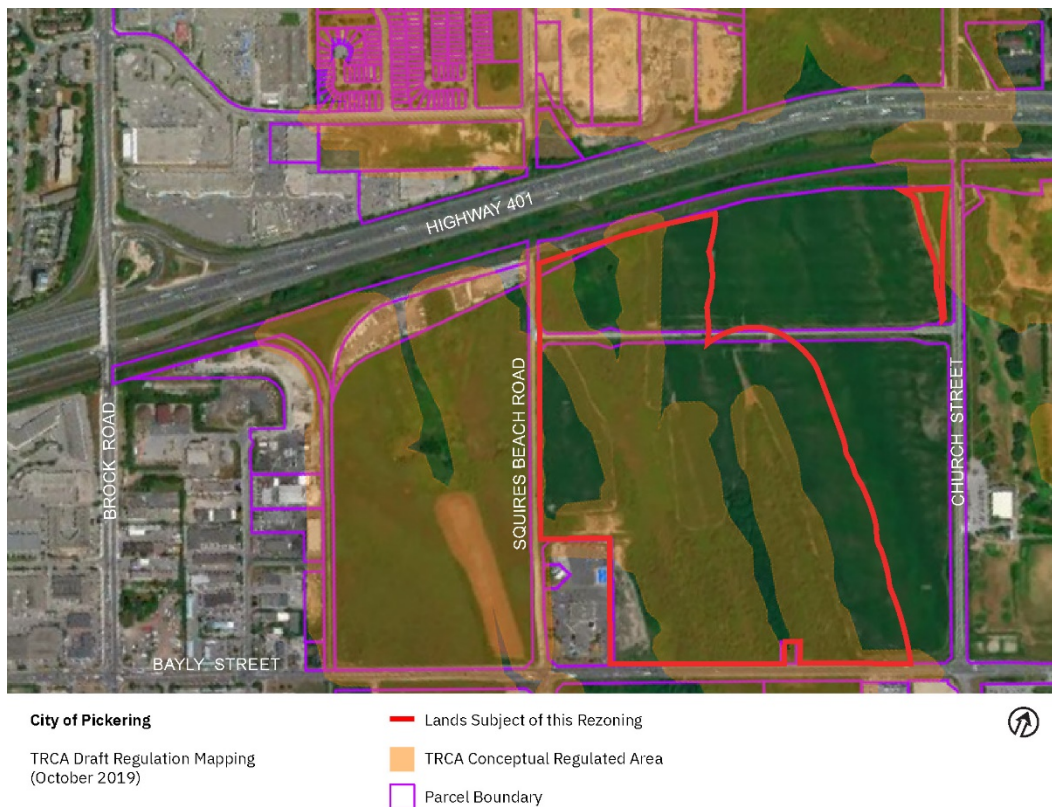
Policy 16.51 (e) of the Pickering OP allows consideration of vegetation protection zones smaller than those specified in Table 3 above if deemed appropriate by the conservation authority, and where it can be demonstrated that there is no increase in risk to life or property; no impact to the control of flooding, erosion, dynamic beach, or pollution; and where a net environmental benefit can be established on the property.

2.5 Toronto and Region Conservation Authority (TRCA) Regulations

Pursuant to the Conservation Authorities Act, TRCA has regulatory jurisdiction over nine watersheds in the Greater Toronto Area, including Duffins Creek in the City of Pickering and Town of Ajax (the Durham Live property abuts Duffins Creek).

Under section 28 of that Act, TRCA administers a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses regulation (Ontario Regulation 166/06). In accordance with this regulation, Regulated Areas have been mapped by the TRCA showing lands subject to flooding, erosion or dynamic beaches, or where interference with wetlands and alterations to shorelines and watercourses might have an adverse effect on those environmental features. Parts of the Durham Live property are within the TRCA Regulated Area (see Figure 2.10).

Figure 2.9 TRCA Regulatory Mapping, October 2019 (Excerpt)



Any proposed development, interference or alteration within the Regulated Area requires a permit from the TRCA. The Authority may grant a permit if, in its opinion, the control of flooding, erosion, dynamic beaches, pollution or the conservation of land will not be affected by the development. Section 28 (25) of the Conservation Authorities Act defines “development” as:

- the construction, reconstruction, erection or placing of a building or structure of any kind,

- (b) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure
- (c) site grading, or
- (d) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

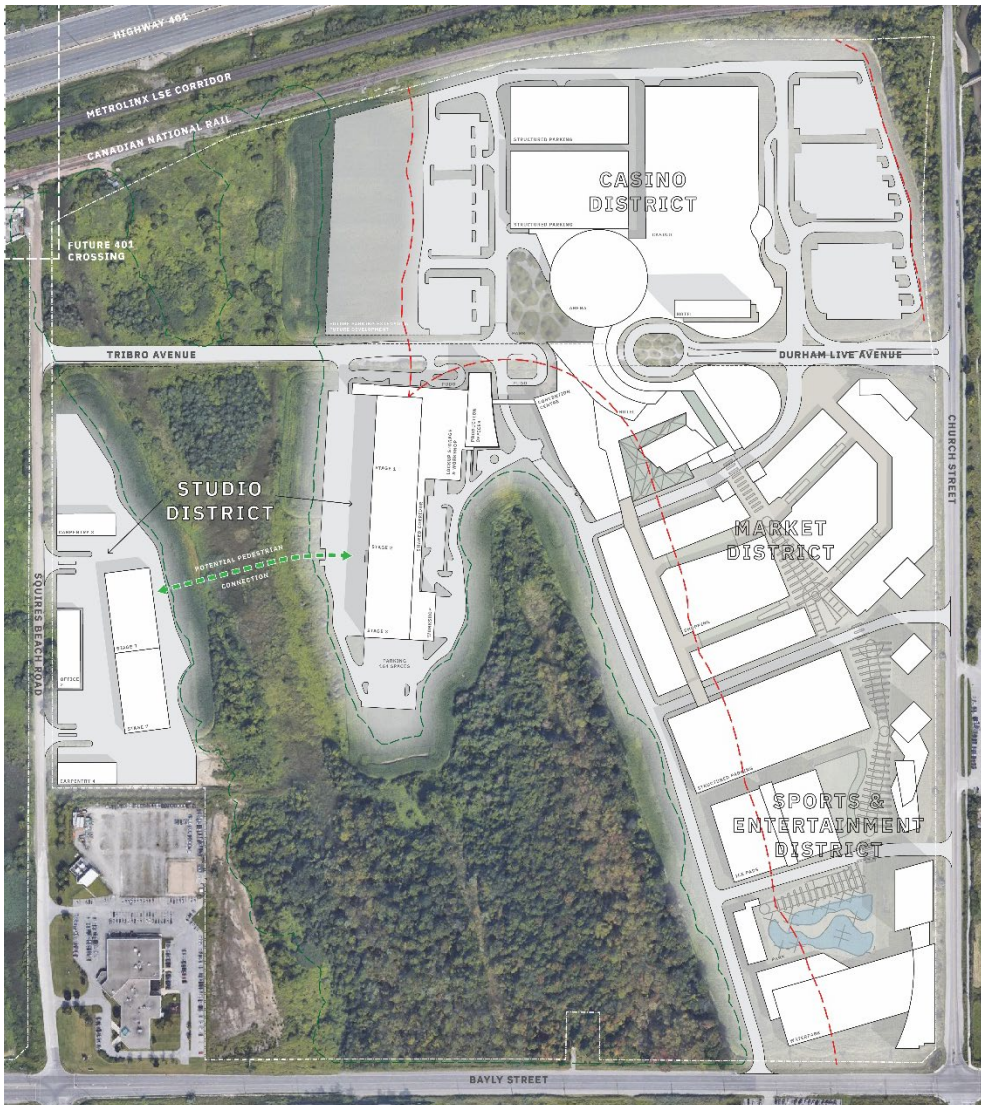
3.0

Proposed Zoning Bylaw Amendment

3.1 Master Plan for Phase 1 & 2

The Durham Live Master Plan for Phase 1 and 2 lands east of Squires Beach Road is shown in Figure 3.1 below.

Figure 3.1 Durham Live Master Plan – Phases 1 and 2 Lands



3.2 Purpose and Intent of the Subject Rezoning

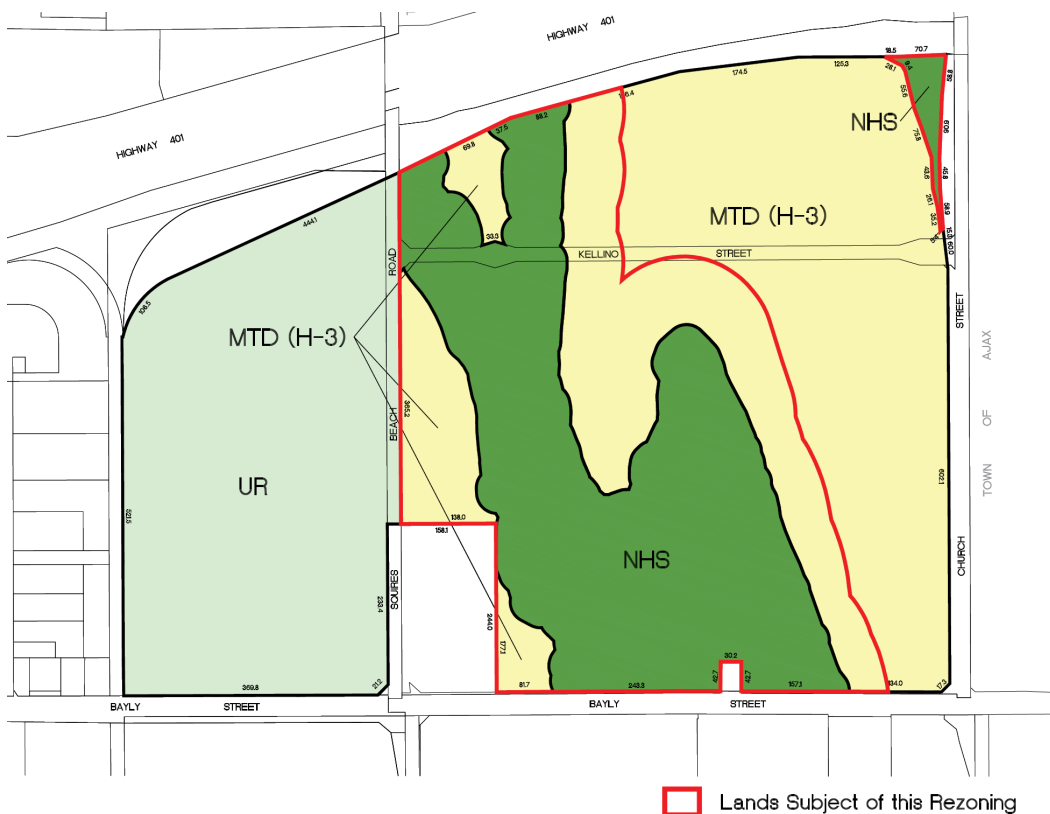
As described in section 1.3 of this Report, with the lifting of the (H-1) and (H-2) holding provisions, the Durham Live property is currently zoned “MTD (H-3)” and “UR”. The purpose and intent of the subject rezoning is to rezone the “UR” lands east of Squires Beach Road as follows (see Figure 3.2):

- to extend the current MTD (H-3) zone boundary westerly to within approximately 30 metres of the significant natural features on the property, and
- to rezone the remaining UR lands east of Squires Beach Road to NHS (Natural Heritage System).

No changes are requested through this rezoning to the MTD zoning provisions, the (H-3) holding provisions or the UR zoning designation west of Squires Beach Road.

A draft zoning by-law to implement this rezoning is included as Attachment 1 to this Report. Should this by-law be approved, the resultant zoning designations on the entire Durham Live property would be as shown in Figure 3.2 below.

Figure 3.2 Zoning Designations on Durham Live Property should the Subject Rezoning be approved



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4.0

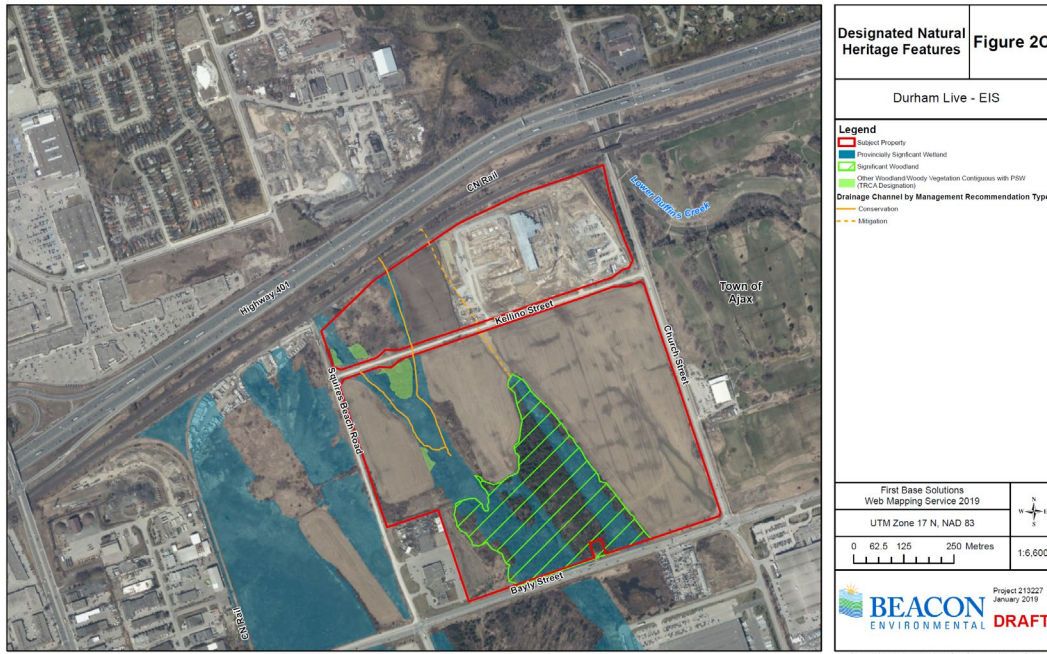
Environmental Investigations for Phase 2 Durham Live Lands

4.1 Natural Heritage Features

The Durham Live property east of Squires Beach Road is situated within the Lower Main Duffins Subwatershed of the Duffins Creek Watershed. On the property, farmed fields are generally associated with a series of shallow drumlin-like features that are oriented north-northwest to south-southeast. These features form heights of land interspersed by low-lying areas that contain headwater drainage features and associated marshes and swamp (wetland) forests. There are also several uncultivated upland areas that are comprised of a mix of old field, thicket and upland forest. Overall, drainage across the property is highly complex and controlled by the undulating landscape and roadside drainage ditching.

There is a portion of a Provincially Significant Wetland (PSW) complex on the property (the Lower Duffins Creek PSW). Also, woodlands located in the south-central portion of the property would likely meet the test for a significant woodland. In addition, lands at the northeast corner of the property associated with the Duffins Creek valley would meet any test for a significant valleyland. These natural heritage features are shown in Figure 4.1.

Figure 4.1 Designated Natural Heritage Features



The following technical reports have been completed in support of this rezoning application and have been provided under separate cover. The reports are all based on the Durham Live Master Plan – Phase 1 and 2 Lands, as shown on Figure 3.1 earlier in this report:

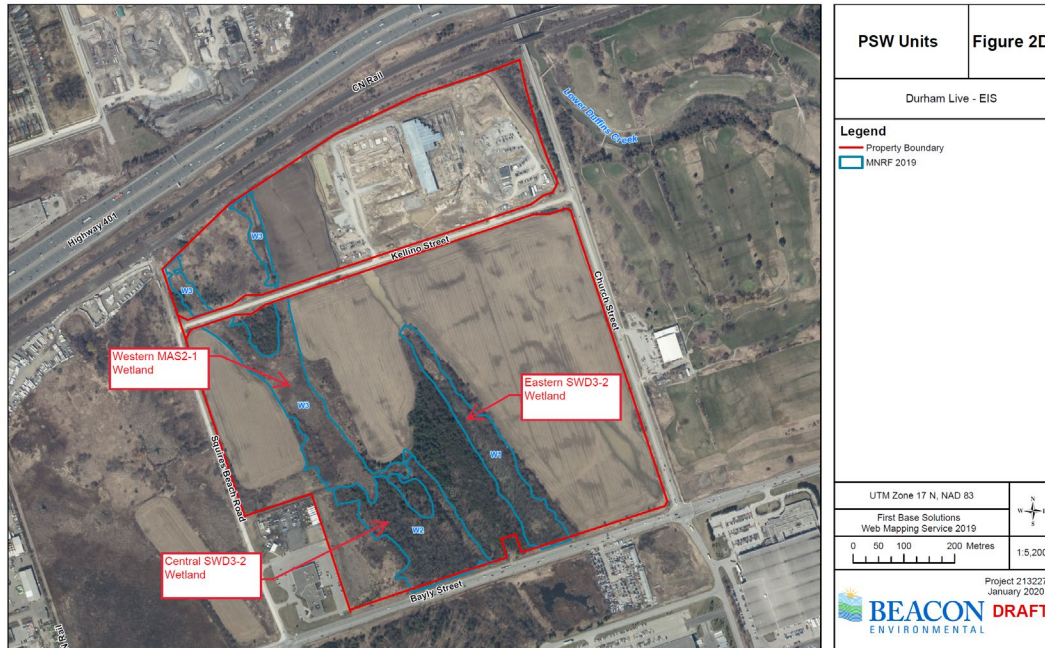
- Hydrological Assessment prepared by Palmer Environmental Consulting Group Inc., dated February 5, 2020
- Functional Servicing and Stormwater Management Report prepared by Sabourin Kimble & Associates Ltd. Consulting Engineers, dated March 2020
- Environmental Impact Study (EIS) prepared by Beacon Environmental Limited, dated February 2020

The following sections summarize the results and conclusions of these reports.

4.2 Hydrogeological Assessment

The Hydrological Assessment expands upon the Interim Hydrogeological Assessment prepared by Palmer in May 2018. It is based on monitoring completed between August 2017 and November 2019 in order to determine long-term groundwater level trends and wetland hydroperiods at the site. The report includes a detailed assessment of the groundwater/ surface water interactions within the Lower Duffins Creek PSW and a Feature-Based Water Budget Assessment for three individual wetland communities (Eastern SWD3-2, Central SWD3-2 and Western MAS2-1). The locations of these wetland communities are shown in Figure 4.2.

Figure 4.2 Provincially Significant Wetland Communities



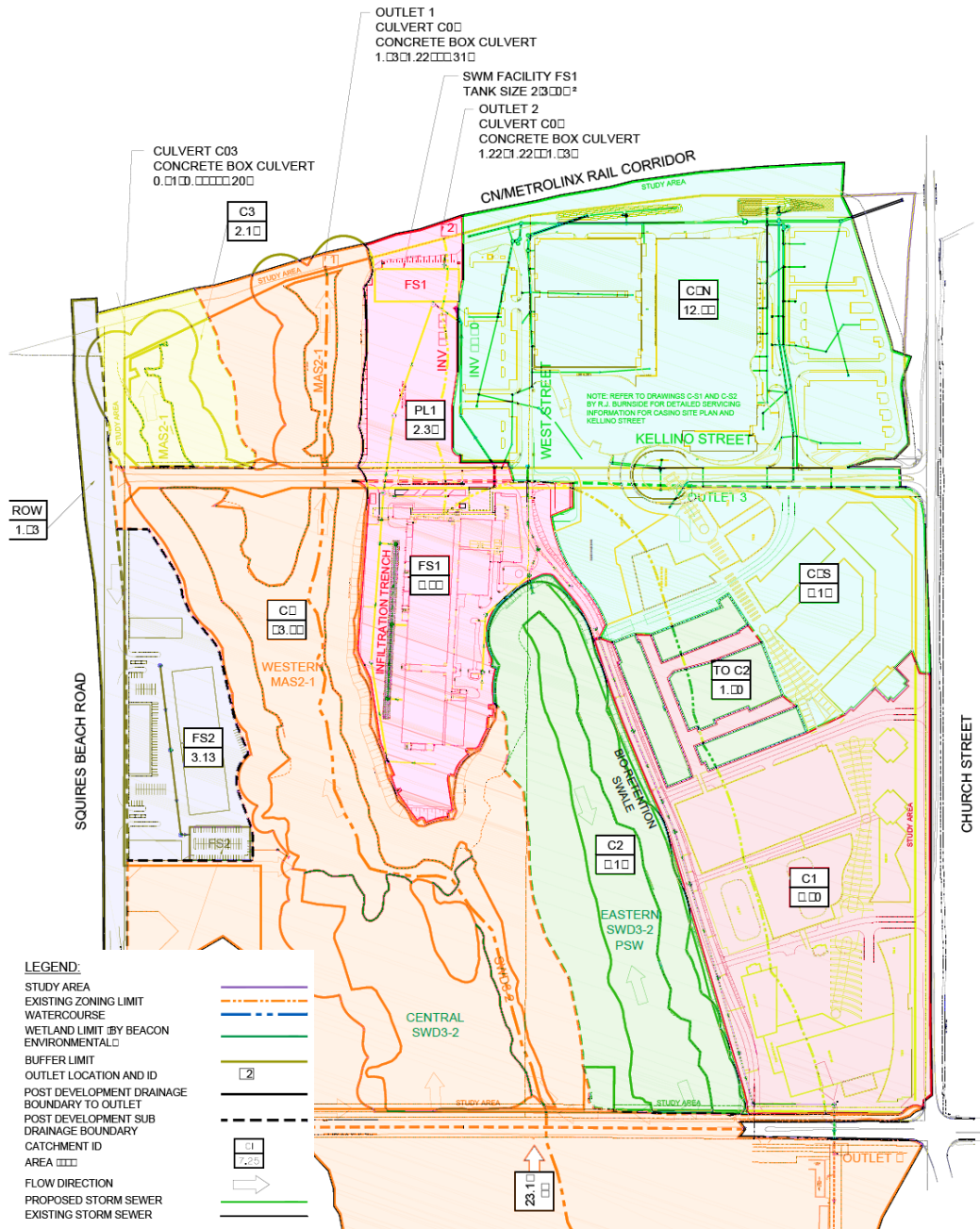
4.3 Functional Servicing and Stormwater Management Report

The Functional Servicing and Stormwater Management Report includes an examination of water supply, storm drainage and sanitary drainage and provides a preliminary design for each of these services. A preliminary stormwater management analysis is also provided to identify site constraints and criteria, consider water balance and groundwater infiltration techniques, and describe the overall stormwater management works. Construction management is also addressed in the report.

Based on the analysis carried out, the Report concludes that municipal servicing and stormwater management on the Durham Live property east of Squires Beach Road can be readily achieved in compliance with City and conservation authority requirements.

To maintain water balance for the Eastern SWD3-2 wetland, the report proposes to direct 1.6 hectares of roof runoff to a bioretention swale located within the wetland buffer west of the proposed north-south road, as shown on Figure 4.3.

Figure 4.3 Proposed Stormwater Management Concept



As no development is proposed adjacent to the Central SWD3-2 wetland, no seasonal, continuous feature-based water balance is required for this wetland. The Western MAS2-1 wetland functions like a riverine system making it less sensitive to seasonal variations in water level and extent of ponding within the feature. As a result, seasonal, continuous feature-based water balance is also not required for this wetland. However, because of high groundwater levels and low permeability soils in the area, to offset any decreases in infiltration to the Western MAS2-1 wetland, an infiltration trench is proposed adjacent to this

wetland as part of the site plan application submitted to the City for the development of a film studio.

4.4 Environmental Impact Study (EIS)

The EIS report was prepared in accordance with Terms of Reference developed in consultation with the Toronto and Region Conservation Authority (TRCA) and includes the following:

- A summary of provincial and municipal natural heritage policies and legislation that apply to the property;
- Characterization of natural heritage features on the property based on a review of background information and site-specific field investigations conducted in 2014, 2017 and 2018;
- A description of the proposed development;
- An assessment of potential negative environmental impacts of the proposed development;
- Recommendations for impact mitigation and net effects; and
- An assessment of the proposed development’s conformity with applicable provincial, municipal, and conservation authority policies and regulations.

The EIS report supports the investigations and conclusions of the Hydrogeological Assessment completed by Palmer and the Functional Servicing and Stormwater Management Report completed by Sabourin Kimble. It concludes that the proposed Durham Live development will have no negative impacts on the PSW, habitat for endangered or threatened species, fish habitat, significant woodland and significant valleylands or their ecological functions provided the mitigation measures proposed in the reports are implemented, which include:

- Protection of the natural heritage features from development;
- 30 m and 10 m buffers to the wetlands and woodlands respectively;
- Low impact development strategies to ensure the pre-development hydrological function and hydroperiod of the wetlands are protected;
- Restoration planting in buffer areas around natural heritage features; and
- Implementation of a monitoring plan.

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5.0

Conformity with Planning Legislation & Policies

5.1 Provincial Policy Statement

The rezoning conforms to the Provincial Policy Statement (2014).

- It is within a built-up settlement area and allows the development of lands for a proposal that has a compact form, mix of uses and densities that would allow for the efficient use of land, infrastructure and public service facilities (Policies 1.1.3.1 and 1.1.3.6).
- It protects and preserves an employment area for current and future uses (Policy 1.3.2.1).
- It does not allow development in a significant wetland (Policy 2.1.4).
- It does not permit development or site alteration on lands adjacent to identified natural heritage features and areas that would have a negative impact on their ecological functions, as demonstrated by the environmental investigations that were completed in support of this application (Policy 2.1.8).
- It restricts development and site alteration in or near sensitive surface water and groundwater features such that these features and their related hydrologic functions can be protected, improved or restored; it also permits mitigative measures and/or alternative development approaches to protect, improve or restore sensitive surface and groundwater features, and their hydrologic functions (Policy 2.2.2).

5.2 Growth Plan for the Greater Golden Horseshoe

The rezoning conforms to the 2019 Growth Plan for the Greater Golden Horseshoe.

- It allows development within a Built-Up Area that has municipal water and wastewater systems and can support the achievement of complete communities [Policy 2.2.1.2 a)].
- It promotes economic development and competitiveness by making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities [Policy 2.2.5.1 a)].

5.3 Region of Durham Official Plan

The rezoning conforms to the Region of Durham Official Plan (2017).

- It helps achieve a number of OP goals, including increasing job opportunities for residents of the Region, utilizing land efficiently, and protecting natural features and functions.
- It allows the development of lands located in a designated Employment Area, which designation permits major tourist destination uses (Policy 8C.22.1).
- It supports mixed-uses, higher-order transit services and pedestrian-oriented development in accordance with the Regional Corridors policies of the Plan (Policy 8A.2.9).
- It does not permit development or site alteration within Key Natural, Heritage and Hydrological Features, or their associated vegetation protection zones (Policies 2.3.14 and 2.3.15).

5.4 City of Pickering Official Plan

The rezoning conforms to the City of Pickering Official Plan (2018).

- It allows the development of lands located in a designated Employment Area, which designation permits major tourist destination uses (Table 7 of the Pickering OP).
- It protects important key natural heritage features and landscapes in their natural state and protects the natural heritage system (Policies 10.3 and 10.6).
- It is based on and implements the recommendations and mitigation strategies of environmental, hydrogeological and water budget studies [Policies 10.12 and 10.13 (b)]
- It directs development and site alteration to locations outside of hazardous lands and their associated minimum vegetation protection zones [Policy 10.22 (c)].
- It is based on a Phase 1 Environmental Site Assessment submitted with rezoning application A03/14, concluding that there are no hazardous materials on-site [Policy 10.24 (i)].
- It is supported by a natural heritage evaluation and hydrological evaluation [Policy 16.51 (b) and (d)].
- It respects the minimum areas of influence and minimum vegetative zones (Table 18 of the Pickering OP).

As well, the environmental investigations completed in support of this rezoning application can be used as a basis for further discussions between the landowner, the Ministry of Natural Resources and Forestry, the Toronto and Region Conservation Authority, the Region of Durham, and the City of Pickering to address and resolve Deferral D-55 of the Pickering OP.

5.5 Pickering Council Resolution 279/14

The rezoning implements Pickering Council Resolution 279/14.

- It has been submitted following completion of the required environmental investigations to assess the natural heritage system on the Durham Live property east of Squires Beach Road and determine the extent of the buffers that are needed to protect the significant natural heritage features and their ecological function.
- It proposes the rezoning of the Durham Live Phase 2 lands from UR (Urban Reserve) to MTD (Major Tourist Destination) and NHS (Natural Heritage System)

5.6 Toronto and Region Conservation Authority Regulations

The rezoning conforms with TRCA regulations:

- Terms of reference for the environmental investigations were developed in consultation with the TRCA and the investigations were undertaken in accordance with the terms of reference.
- TRCA will be circulated this rezoning application and will therefore be afforded the opportunity to ensure its regulations are met, or can be met, in accordance with Council Resolution 279/14, which directs Pickering staff to bring forward a report recommending the rezoning of the UR lands “once the required environmental investigations are completed to the satisfaction of the City and the Toronto and Region Conservation Authority.”

5.7 Current Urban Reserve (UR) Zoning

The environmental investigations required by Pickering Council Resolution No. 279/14 are now complete. With the completion of these investigations, the current Urban Reserve (UR) zoning on the property east of Squires Beach Road is no longer consistent with, or no longer conforms to, the applicable planning documents as outlined below:

- The UR zoning is not consistent with the Provincial Policy Statement (2014) as it does not allow the development of lands within a built-up settlement area for a proposal that has a compact form, mix of uses and densities that would allow for the efficient use of land, infrastructure and public service facilities (Policies 1.1.3.1 and 1.1.3.6).
- The UR zoning fails to conform to the Provincial Growth Plan (2019) as it does not allow the development of lands within a Built-Up Area with municipal water and wastewater systems, and where the achievement of complete communities can be supported [Policy 2.2.1.2 a)]. As well, the UR zoning does not promote economic development and competitiveness, and does not allow more efficient use of existing employment areas and vacant and underutilized employment lands, nor does it allow for increased employment densities [Policy 2.2.5.1 a)].
- The UR zoning fails to conform to the Region of Durham Official Plan (2017) as it does not allow the achievement of a number of OP goals, including increasing job opportunities for residents of the Region and utilizing land efficiently. As well, the UR zoning does not allow the development of lands located in a designated Employment

Area, which designation permits major tourist destination uses (Policy 8C.22.1) nor does it support mixed-uses, higher-order transit services and pedestrian-oriented development in accordance with the Regional Corridors policies of the Plan (Policy 8A.2.9).

- The UR zoning fails to conform to the City of Pickering Official Plan (2018) as it does not allow the development of lands located in a designated Employment Area, which designation permits major tourist destination uses (Table 7 of the Pickering OP). As well, the UR zoning is not based on and does not implement the recommendations and mitigation strategies of environmental, hydrogeological and water budget studies that have been completed [Policies 10.12 and 10.13 (b)], nor is it supported by a natural heritage evaluation and hydrological evaluation [Policy 16.51 (b) and (d)].
- The UR zoning fails to conform to Pickering Council Resolution 279/14. The UR zoning was intended by Council as an interim measure, to be removed and replaced following completion of the required environmental investigations. Now that the environmental investigations are complete on the lands east of Squires Beach Road, failure to remove and replace the UR zoning on these lands would contravene this Council Resolution.

6.0

Sustainable Development Report

The City of Pickering drafted a set of Sustainable Development Guidelines in 2007 to promote sustainable community development. Guideline #1 identifies required and optional sustainability elements for neighbourhoods, while Guideline #2 identifies required and optional sustainability elements for draft plans, site plans, rezoning applications and building permits.

Three levels of sustainability are defined in the Guidelines, as shown in Table 6.1 below. Points are awarded only for optional elements. The more optional elements that are provided, the more the number of points and the higher the level of sustainability. Pursuant to Council Resolution 255/09, for a development to be considered "sustainable" by the City, all applicable required elements must be provided and enough optional elements to at least reach a sustainability rating of Level 1.

Table 6.1 City of Pickering Sustainable Development Guidelines – Sustainability Levels

	Guideline #1 Optional Points Provided (minimum)	Guideline #2 Optional Points Provided (minimum)
Level 1	13	19
Level 2	29	41
Level 3	35	80

The Durham Live Master Plan – Phases 1 and 2 Lands (Figure 3.1) was used as a basis to assess the sustainability rating of this rezoning application. Details are provided in the Sustainability Assessment included as Attachment 2 to this Report.

The assessment shows that the Master Plan for the Phase 1 and 2 lands will meet or exceed all applicable required sustainability elements and score between 32 and 62 optional points (depending on how many additional optional elements are introduced during the detailed site plan and building design stages as development takes place on the property). Accordingly, the development contemplated by this proposed rezoning application will obtain at least a sustainability rating of Level 1 as required by the City and could reach a sustainability rating of Level 2 if additional optional elements are introduced at the detailed site plan and building design stages.

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7.0 Conclusion

In conclusion, it is our professional opinion that with the completion of the environmental investigations required by Pickering Council Resolution 279/14, it is now appropriate for the City to bring forward an amendment to By-law 7404/15, as amended, to rezone the lands on the Durham Live property that are situated east of Squire Beach Road from “UR” (Urban Reserve) to “MTD” Major Tourist Destination and “NHS” Natural Heritage System as set out in this rezoning application.

Further, it is our professional opinion that rezoning the lands as described and set out in this zoning by-law amendment application:

- Conforms to the Provincial Policy Statement (2014);
- Conforms to the Growth Plan for the Greater Golden Horseshoe (2019);
- Conforms to the Region of Durham Official Plan (2017);
- Conforms to the City of Pickering Official Plan (2018);
- Implements Pickering Council Resolution 279/14; and
- Represents good planning.

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Appendices

Attachment 1: Draft Zoning By-law

The Corporation of the City of Pickering

By-law No. XXXX/20

Being a By-law to amend Restricted Area (Zoning) By-law 2511, as amended, to implement the Official Plan of the City of Pickering, Region of Durham, in Part of Lots 15 & 16, Concession 1

Whereas By-law 7404/15, as amended, implements Council Resolution No. 279/14 approving an application to rezone Part of Lots 15 & 16 for an integrated mixed-use major tourist destination called Durham Live;

And whereas the Ontario Municipal Board approved By-law 7404/15 amending By-law 2511, to permit Durham Live to be developed on Part of Lots 15 & 16, Concession 1, in the City of Pickering;

And whereas in accordance with Council Resolution No. 279/14 a “MTD” (Major Tourist Destination) zone was established on the Phase 1 portion of the Durham Live property, being the lands located more than 120 metres from the environmentally significant lands;

And whereas as an interim measure, a “UR” (Urban Reserve) zone was established on the Phase 2 portion of the Durham Live property (being all lands not zoned MTD);

And whereas Council Resolution No. 279/14 directed staff to bring forward a report on the Phase 2 portion of the Durham Live property recommending the rezoning of the “UR” zoned lands to “MTD” and “NHS” (Natural Heritage System), once the required environmental investigations are completed to the satisfaction of the City of Pickering and the Toronto and Region Conservation Authority;

And whereas the required environmental investigations have now been completed for the Phase 2 portion of the Durham Live property located east of Squires Beach Road to the satisfaction of the City and conservation authority;

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

1. Schedule I

Schedule I to By-law 7404/15 as amended is hereby further amended for the lands situated east of Squires Beach Road, as set out on Schedule I attached hereto.

2. Area Restricted

The provisions of this By-law shall apply to those lands being Part of Lots 15 & 16, Concession 1 in the City of Pickering, designated “MTD (H-3)” and “NHS” on Schedule I attached hereto.

3. Provisions

By-law 7404/15 as amended is hereby further amended by replacing Section 6 with the following and renumbering the replaced and remaining sections accordingly.

6. Provisions (“NHS” Zone)

(1) Uses Permitted (“NHS” Zone)

No person shall, within the lands zoned “NHS” on Schedule I attached hereto, use any lot or erect, alter or use any building or structure for any purpose except the following:

- (a) Conservation, environmental protection, restoration, education and similar uses;
- (b) Stormwater management facilities and related works, including low impact development works;
- (c) Existing, expanded or new infrastructure
- (d) Passive recreational uses including trails, footbridges and picnic facilities

4. By-law 2511

By-law 2511, as amended by By-law 7404/15 (as amended) 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 attached hereto. Definitions and subject matter not specifically dealt with in this By-law shall be governed by the relevant provisions of By-law 2511, as amended.

5. Effective Date

This By-law shall come into force in accordance with the provision of the *Planning Act*.

By-law passed this xx day of xxx, 2020

David Ryan, Mayor

Susan Cassel, City Clerk



Schedule I to By-law 7404/15, as amended by By-law 7551/18
and By-law 7735/20

Amending By-law _____
Passed this _____
Day of _____ 2020

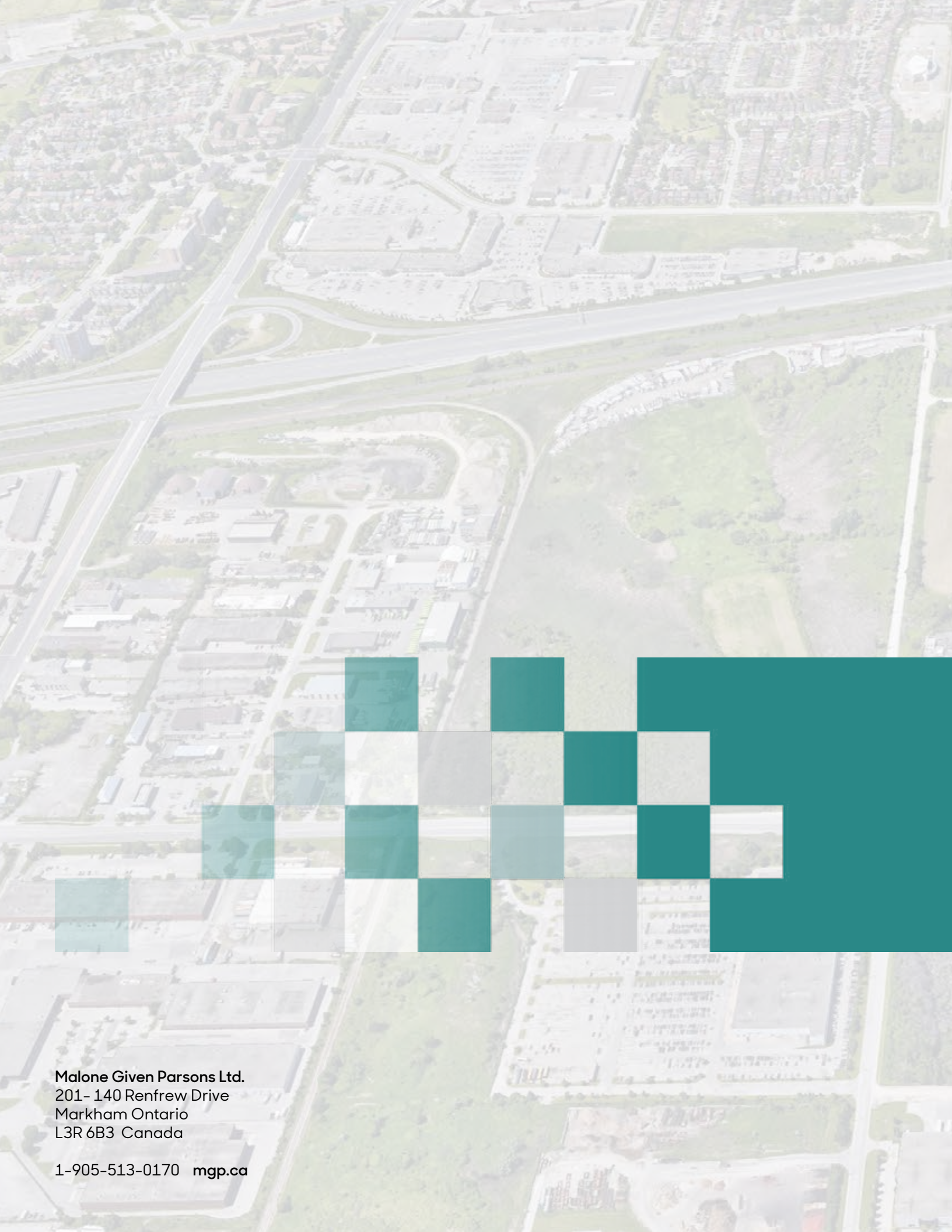
Mayor

Clerk

Attachment 2: Sustainability Assessment

Durham Live Master Plan for the Phase 1 and Phase 2 Lands

	Applicable Sustainability Element From City Guideline #2	Required or Optional	Comments (based on Durham Live Phase 1 and 2 Master Plan)	Points
1.0	PRE-CONSULTATION AND ON-GOING CONSULTATION			
1.1	Completion of extensive pre-consultation on sustainability elements	Optional 3 points	Several meetings / discussions were held with City and agency staff prior to submitting the formal application	3
2.0	ENVIRONMENTAL PROTECTION			
2.1	Watershed and sub-watershed planning	Required	Complies with the objectives and targets for the watershed	n/a
2.2	Master Environmental Servicing Plans (MESP)	Required	Implements the objectives and targets of the Master Environmental Servicing Plan	n/a
2.3	Conservation Authority Regulations	Required	Implements TRCA's objectives and requirements	n/a
2.6	Conformance to Provincial Policy Statement (PPS) for Building Strong Communities	Required	Complies with the requirements and intent of the PPS in this regard	n/a
2.7	Conformance to PPS for wise use and management of resources	Required	Complies with the requirements and intent of the PPS in this regard	n/a
2.9	Stormwater quality	Required	Will implement an appropriate storm water management plan to address stormwater quality issues	n/a
2.10	Maintain or reduce stormwater runoff rates	Required	Will meet or exceed applicable stormwater runoff targets	n/a
2.11	Water balance and source water protection	Required	Will implement applicable water balance and source water protection targets	n/a
2.12	Ground water protection plan	Required	Will meet or exceed applicable groundwater targets and provisions	n/a
2.13	Integrated environmental systems protections	Optional 3 points	Can allow for the inclusion of innovative elements that integrate various environmental objectives	Up to 3
2.14	Exceeding regulatory requirements	Optional 3 points	Can exceed the requirements of the TRCA and the MESP to protect natural heritage features and functions and minimize stormwater impacts	Up to 3
2.15	Biodiversity protection and enhancement	Optional 3 points	Can exceed the requirements of TRCA to protect and enhance biodiversity	Up to 3
2.16	Natural heritage protection	Optional 3 points	Will include a long-term management plan for the provincially significant wetlands, associated features and their buffers	3
2.19	Required commercial / employment / institutional site design to maximize permeability	Required	At least 25% of the site area not occupied by buildings can be permeable unpaved area	n/a
2.20	Required commercial / employment / institutional site design to maximize permeability	Required	Permeable materials can be used in paved areas to achieve at least a 25% increase in permeability relative to conventional method	n/a
2.21	Native species & planting: 2 points for 50% native species; 3 points for 75% native species; 4 points for 100% native species; 2 points for native species in Landscape Master Plan	Optional points vary as noted	Will use native species for at least 50% of the landscaped area and potentially up to 75%; as well, native species will be shown in the Landscape Master Plan	4 or 5
2.22	Landform Conservation Plan	Required	Will be designed to minimize substantial re-grading while conforming to the City's requirements for site drainage and grading	n/a
2.23	Net Environmental Gain	Optional 3 points	Can include innovative opportunities to achieve a net environmental gain	Up to 3
2.24	Pesticide and fertilizer use	Optional 2 points	Can include a process to implement safe and minimal use of pesticides and fertilizers	Up to 2
2.25	Minimize construction related environmental impacts	Required	Building footprint zones will be created to limit disturbance beyond these zones	n/a
2.27	Erosion and sedimentation control	Required	A sedimentation and erosion control plan will be prepared	n/a
3.0	LOCATION OF DEVELOPMENT/ SELECTION OF LANDS			
3.1	Site typology: 3 points if on previously developed lands at a higher density; 5 points if on a greenfield site adjacent to existing development; 3 points if on a vacant infill site; or, 3 points if on a brownfield site that was either undeveloped or previously developed and may be contaminated	Optional points vary as noted	The property was a vacant infill site	3



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