



BUILDING YOUR IDEAS - INTO BIG PLANS
THE BIGLIERI GROUP LTD.

June 29, 2021

City of Pickering
City Development Department
One The Esplanade
Pickering, ON L1V 6K7

Attention: Mr. Kyle Bentley, Director, City Development & Chief Building Official

Dear Mr. Bentley,

**RE: Revised Submission of Zoning By-law Amendment & Official Plan Amendment Applications
591 Liverpool Road, Pickering, legally described as Part of Lot 22, Range 3, Broken Front
Concession, Geographic Township of Pickering, now in the City of Pickering
City File No.'s: A05/19 and OPA 19-001/P
TBG Project No. 15360**

INTRODUCTION

On behalf of our client, Pickering Harbour Company Ltd. ("PHC"), the Biglieri Group Ltd. ("TBG") is pleased to submit the enclosed resubmission package relating to the proposed Official Plan Amendment ("OPA") and Zoning By-law Amendment ("ZBA") applications for the Subject Site municipally known as 591 Liverpool Road in the City of Pickering, Regional Municipality of Durham. Enclosed as part of this resubmission are the following materials:

- **Urban Design Rationale and Guidelines, prepared by The Planning Partnership**
- **Architectural Drawing Set, including Ground Level Site Plan, Roof Plans, Sections, and Perspectives, prepared by Teeple Architects**
- **Conceptual Landscape Plan, prepared by MSLA**
- **Civil Engineering Drawing Set and Function Servicing Report, prepared by Sabourin-Kimble & Associates**
- **Environmental Impact Study, prepared by Beacon Environmental**
- **Traffic Impact Study, prepared by HDR Inc.**
- **Shoreline Hazard Assessment Letter, prepared by ShorePlan**

This resubmission is being filed in accordance with the Order of Local Planning Appeal Tribunal ("LPAT") from the first Case Management Conference ("CMC") held on February 1st, 2021.

CHRONOLOGY

In April 2019, PHC submitted applications for an OPA and ZBA to facilitate the development of two, twenty-three storey mixed use buildings on the Subject Site, as well as the municipally-owned lands located at 505 Liverpool Road. This original proposal included 498 apartment units, approximately 1,900 sq.m of grade related commercial uses, 539 parking spaces (resident, visitor and commercial), a pedestrian promenade through the development site, and a public boardwalk along the waterfront.

PLANNING | DEVELOPMENT | PROJECT MANAGEMENT | URBAN DESIGN

**20 Leslie Street, Suite 121, Toronto, Ontario M4M 3L4
126 Catharine Street, Hamilton, Ontario L8R 1J4
Office: (416) 693-9155 Fax: (416) 693-9133
tbg@thebiglierigroup.com**

On March 11, 2020, a revised development proposal was submitted on behalf of PHC. The revised proposal included two fifteen-storey mixed use buildings with a total gross floor area of 48,840 sq.m. The revised proposal excluded the City-owned lands at 505 Liverpool Road, and consisted of 377 residential units, 1,400 sq.m of commercial uses at grade and 625 sq.m of public assembly/event hall space.

On July 27, 2020, City Council refused the PHC applications. On August 28, 2020, PHC appealed Council's decision to the LPAT.

PHC, through their development consultant team, has revised the proposal for the Subject Site. This concept plan for the Subject Site addresses comments from the Public, and City (and their consultants), as well as Regional and TRCA Staff. This letter will outline the current proposal, the relevant planning policy, and how the proposal responds to the comments from the Public and City, Region, and other Public agencies.

In brief, the revised proposal has made significant changes to the built form, height, massing, density, and scale of the development in response to the commentary received on the March 2020 Proposal. The proposed revisions represent a concerted effort from the Pickering Harbour Company (who are a long-time member of this community and operator of the Marina) to create a waterfront development that will support the marina and recreational boating activities in Frenchman's Bay, and that will positively contribute to the economic vitality of the existing Nautical Village and the Bay Ridges Neighbourhood.

The Site has been an enclosed and secured private facility for many years. Therefore, the redevelopment of the Subject Site will reconnect the Public to the Hydro Marsh through the proposed boardwalk and public accesses through the property. The expansion of the environmental area through the 30m equivalent buffer will also restore the existing hard parking lot into a natural state through carefully considered plantings and design.

The below chart sets out a high-level summary of the various revisions between the March 2020 Proposal ("Previous Proposal") and the June 2021 Proposal ("Current Proposal").

PROVISION	March 2020 Proposal	June 2021 Proposal
Gross Floor Area – Residential	43,988 sq.m	20,670 sq.m
Gross Floor Area – Commercial	1,400 sq.m	250 sq.m
Gross Floor Area – Other	3,452 sq.m	N/A
Number of Residential Units	377	201
Residential Density	340 units/net ha	179 units/net ha
Floor Space Index (FSI)	4.34	1.87
Number of Storeys and Building Height	Two (2) 15-storeys apartment building	One (1) 6-storey and one (1) 12-storey apartment building Four (4) 4-storey townhouse/live-work buildings
Unit Types	377 apartments	153 apartments 17 townhouse units within the apartments 22 townhouses 9 live-work units 201 Units Total

In addition to those revisions set out above, the Current Proposal has also undergone significant revisions to the design and layout of the Site which is guided by a series of Urban Design Principles, as well as responses to Public and technical comments received through the OPA and ZBA process. These revisions are discussed in more detail in the ensuing sections of this letter.

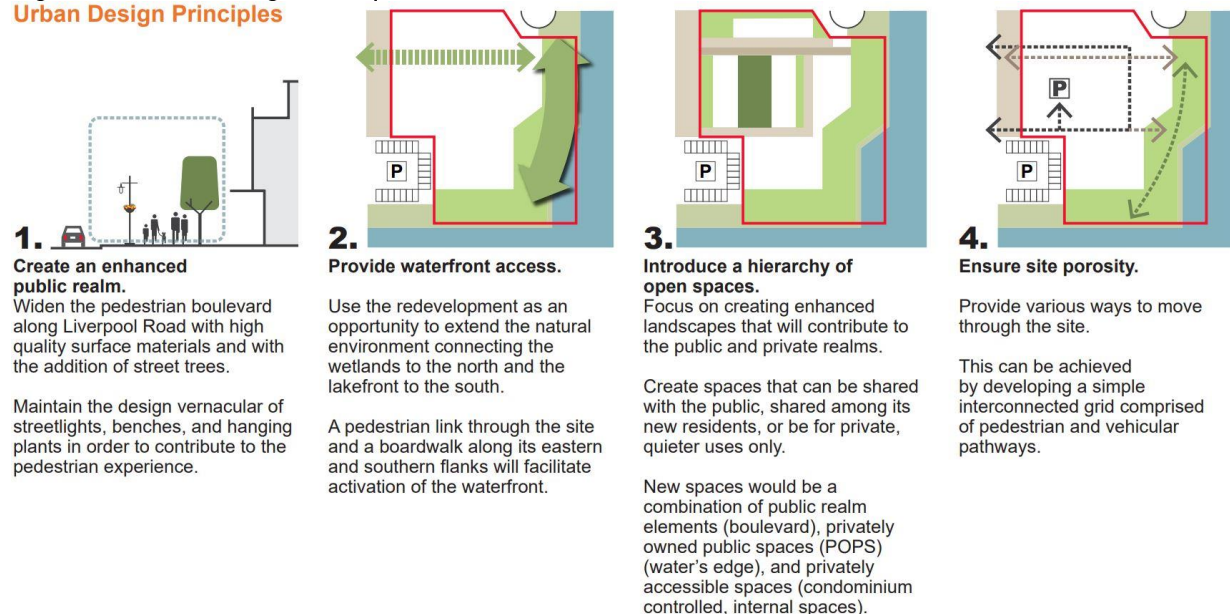
URBAN DESIGN PRINCIPLES

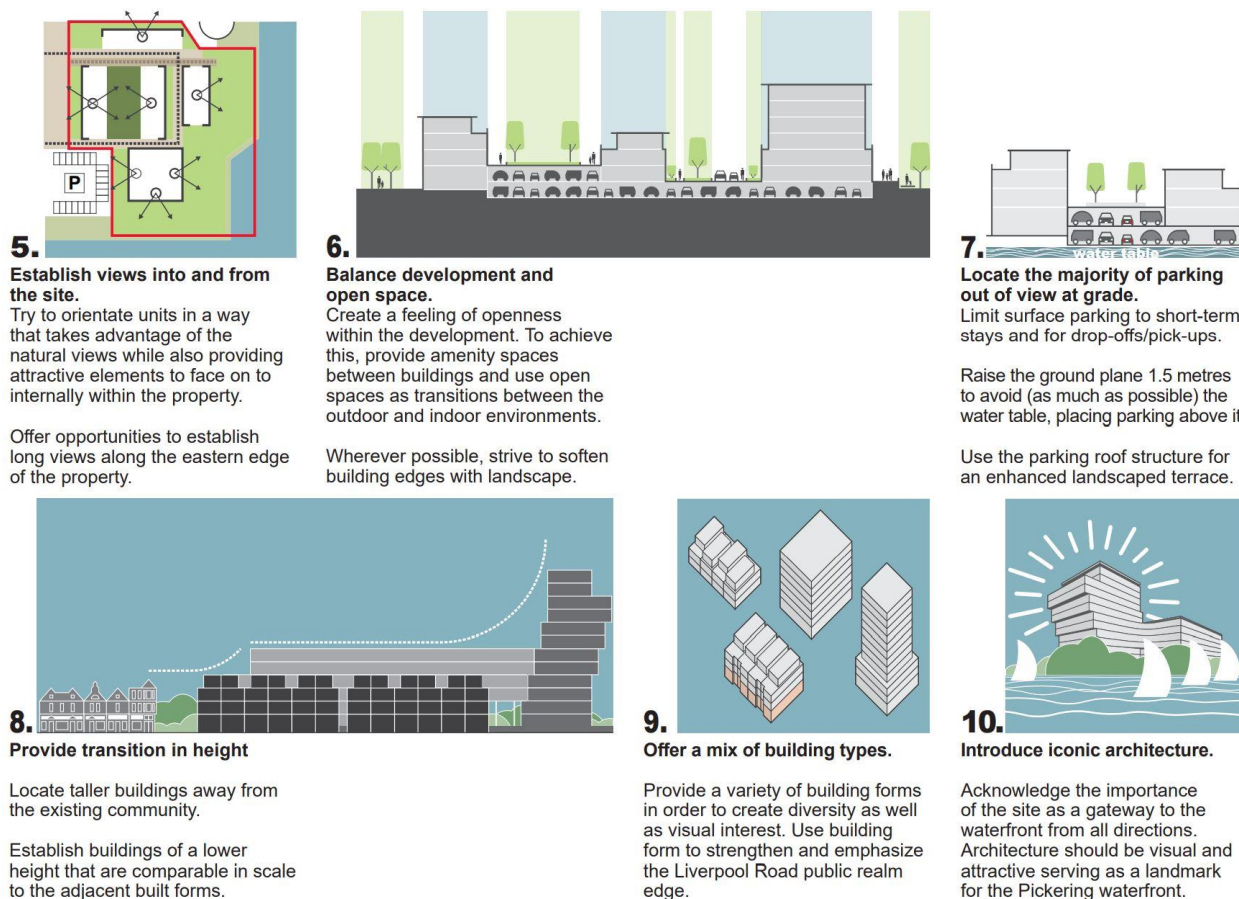
The Current Proposal was based on a new set of Urban Design Principles that were prepared by The Planning Partnership who were retained by PHC following Council's refusal of the OPA and ZBA applications in July 2020. These Urban Design Principles were used to create a Structuring Framework (and ultimately a Structure Plan), which in turn guided the Concept Plan and Conceptual Building designs (prepared by Teeple Architects) now proposed. The Urban Design Principles are listed below, and are further detailed and illustrated in **Figure 1**:

1. Create an enhanced public realm;
2. Provide waterfront access;
3. Introduce a hierarchy of open spaces;
4. Ensure site porosity;
5. Establish views into and from the site;
6. Balance development and open space;
7. Locate the majority of parking out of view at grade;
8. Provide transition in height;
9. Offer a mix of building types; and
10. Introduce iconic architecture.

Figure 1: Urban Design Principles

Urban Design Principles





Source: Urban Design Rationale & Guidelines, The Planning Partnership (June 2021)

THE STRUCTURING FRAMEWORK

The Structuring Framework organizes the Subject Site in terms of circulation, open space, and built form incorporating the aforementioned Urban Design Principles. The Structuring Framework has consideration for the goals and objectives of the City's Liverpool Road Waterfront Node Development Guidelines ("LRWNDG"). The Structuring Framework supports the vision for the Nautical Village and, when fully realized, will enhance the node as an interesting place to live, work, and visit. The Structuring Plan, which is a representation of the Structuring Framework, is illustrated in **Figure 2** below.

The Structure Plan (**Figure 2**) addresses the major design criteria identified within the LRWNDG. Within the Subject Site these include:

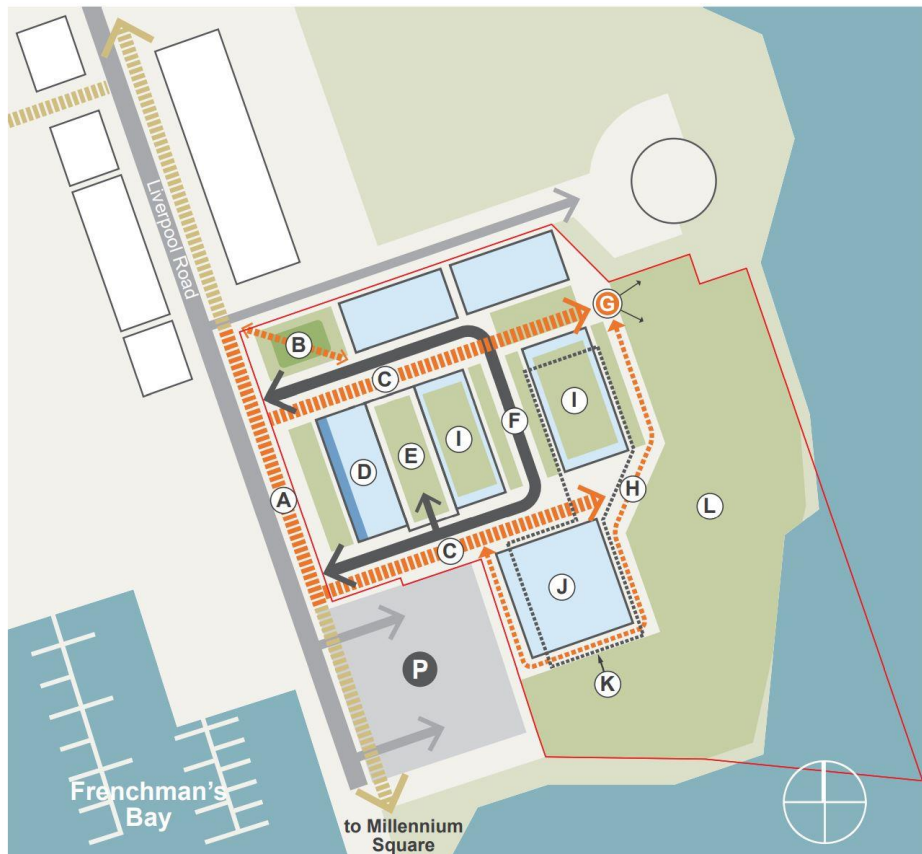
- Establishment of an east-west view through the site;
- Provision of an east-west access route;
- Establishment of a block structure that is similar in orientation and scale to the immediate context;
- Provision of a built form that is welcoming and friendly to pedestrians through sensitive massing, scale and use of materials;
- Creation of a continuous street wall with breaks along the Liverpool Road frontage;
- Flexibility to accommodate a range of uses along the Liverpool Road frontage;
- Design of the public right-of-way as a cohesive streetscape whose treatment extends into the private realm and continues the boulevard treatment from the Nautical Village towards Millennium Square;

- Discrete provision of parking for on-site uses (through structured and below-grade parking approaches); and,
- Contribute to the restoration of Krosno Creek and the Hydro Marsh (through the establishment of a naturalized ecological landscape within the 30-metre buffer zone)

Figure 2: Structure Plan

LEGEND

- (A) Enhanced Streetscape
- (B) Publicly Accessible Amenity Space
- (C) Publicly Accessible Pedestrian Walk & Vista
- (D) Live/Work Units
- (E) Raised Landscaped Terrace above Structured Parking
- (F) Driveway
- (G) Lookout
- (H) Publicly Accessible Boardwalk
- (I) Green Roof
- (J) Landmark Building
- (K) Extended Building Above-grade
- (L) Naturalized Buffer
- (P) Municipal Parking Lot



Right: The Structuring Framework applies the Urban Design Principles and creates an organizing concept that aligns with the intent of the Liverpool Road Waterfront Node Development Guidelines while serving as a template for the realization of a mixed use development.

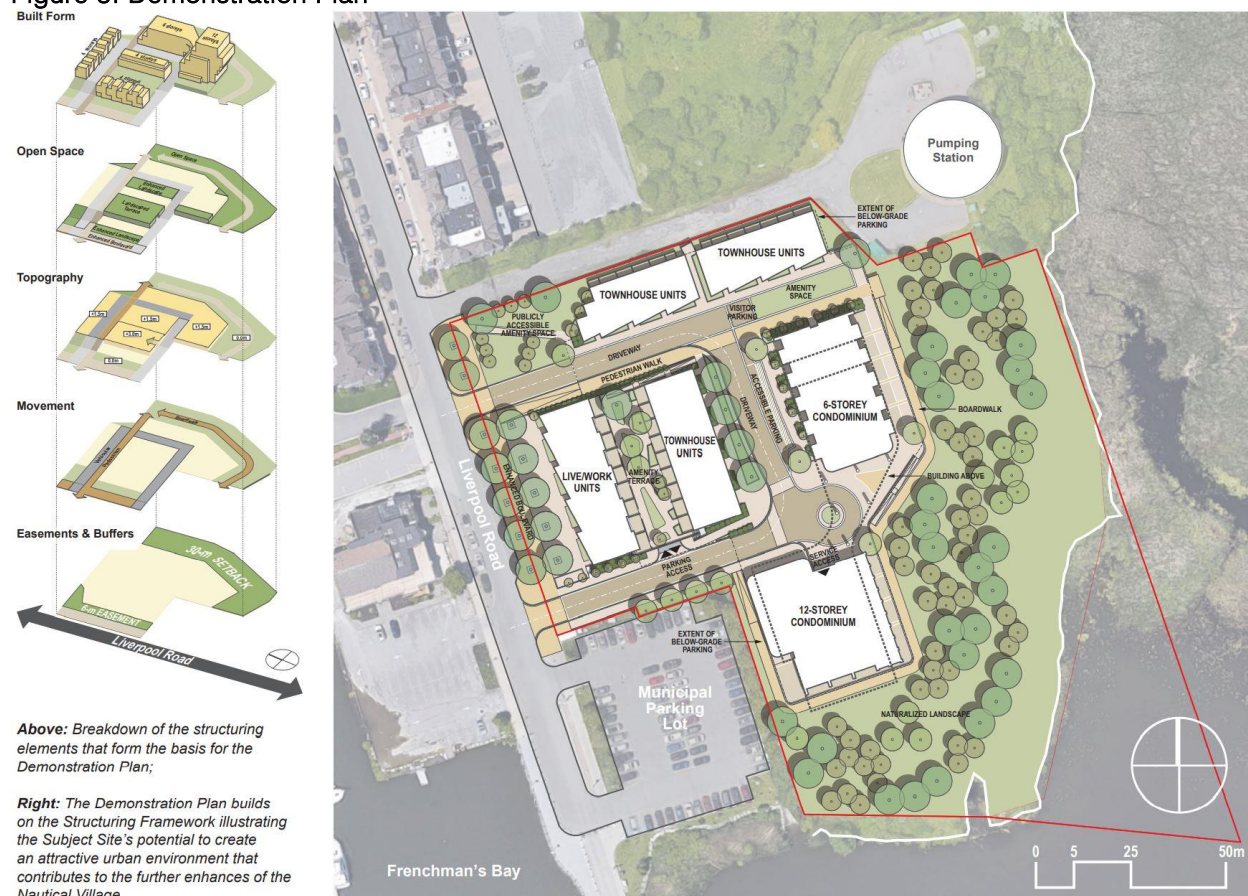
Source: Urban Design Rationale & Guidelines, The Planning Partnership (June 2021)

PROPOSED CONCEPT PLAN OR CURRENT PROPOSAL

Overview

The Urban Design Demonstration Plan prepared by The Planning Partnership is illustrated in **Figure 3** below. This plan is derived from a series of layers and analysis of the site opportunities and constraints, as well as the aforementioned Urban Design Principles. The Plan considers the existing and proposed servicing easements and natural buffers to establish the developable area of the Site. It then considers the desired vehicular/pedestrian movement through the Site, as well as the anticipated car traffic generated by the development, to create a “movement network”. The existing and proposed topography of the lands are then layered on the Site to determine views and accessibility. Once these items are established, the framework for the open space and potential built form is created and through an analysis of the surrounding context and policy framework, the ultimate built form (height, scale, massing, setbacks, and density are determined).

Figure 3: Demonstration Plan



Source: Urban Design Rationale & Guidelines, The Planning Partnership (June 2021)

Current Proposal Statistics

The concept plan that forms the basis of the Current Proposal, has been prepared by Teeple Architects. The Current Proposal is based on the demonstration plan (above) inclusive of the urban design guidelines and structuring framework prepared by The Planning Partnership. The Current Proposal consists of three (3) street townhouse blocks, one (1) live/work townhouse block, and a 6- and 12-storey mid-rise buildings with townhouse units at grade. The 6- and 12-storey buildings are connected via a podium structure that starts at the third level and continues to the sixth level. A total of 201 residential units are proposed on the Subject Site with a density of 179 units per hectare, and an FSI of 1.87. The breakdown of the unit types is as follows:

- 153 apartment units within the 6- and 12-storey mid-rise buildings;
- 17 townhouse units at the base of the mid-rise buildings;
- 22 street townhouse units; and
- 9 live-work units.

Parking and Transportation

A parking supply of 348 parking spaces is proposed, which includes 268 residential spaces, and 75 visitor parking spaces for the residential and live-work units. All residential and visitor parking spaces will be accommodated in an underground parking garage, with the exception of four (4) accessible spaces and two (2) additional visitor parking spaces provided at the surface along the west side of the

6-storey mid-rise building. The following parking rates have been proposed, based on an examination of proxy site surveys undertaken by HDR for similar developments in the vicinity of the study area which is detailed in the TIS report:

- 1.25 spaces / unit for the condominium apartment units in the mid-rise buildings;
- 2.00 spaces / unit for the townhouse units (within the mid-rise and street/block);
- 2.00 spaces / unit for the live-work units;
- 4.5 spaces / 100 sq.m for the live-work visitor parking; and
- 0.25 spaces / unit for visitors (condo and townhouses).

The proposed parking supply is generally in line with the City's Parking Standards for the proposed uses.

Site circulation is provided through a 'U'-shaped driveway that provides for movement through the Subject Site, as well as establishes east-west view corridors from Liverpool Road to the Hydro Marsh east of the Site. Access to the underground parking garage is provided from the south access road. This is noted on **Figure 1** as the Parking Access between the central townhouse blocks, and underneath a raised amenity/terrace area.

To limit the extent to which the underground parking garage extends into the water table, the grading of the Subject Site will be increased by 1.5 m. There will be a gradual increase in grade moving west to east across the Site to establish gentle sloping, which will ensure that pedestrian movement to and through the Site is AODA compliant. Additionally, the proposed private road has been designed to accommodate fire and emergency and waste vehicles, as well as public transit buses if in the future a transit route was established and terminating at the end of Liverpool Road.

Outdoor Amenity Spaces

The proposal will create privately-owned public spaces ("POPS") to bring people onto and through the Site. A boardwalk adjacent to the 30 m buffer to the Provincially Significant Wetland is proposed, which will allow residents to enjoy views of the Hydro Marsh and wildlife. In addition, at the northwest corner of the Subject Site a landscaped area has been established which includes a "tot-lot" for children and a plinth to provide space for future activities such as dancing in the park or musical bands, for example. A public terrace is proposed on top of the parking garage ramp between the two north-south oriented townhouse blocks.

Circulation

The Concept Plan is built around a circulation that breaks down the larger Subject Site into discrete parcels that provide porosity of movement and views. A U-shaped driveway will support primary vehicular movement into and out of the site. On-site parking for residents and visitors will be located primarily below-grade with access integrated into a landscaped terrace that forms the roof of the parking structure.

Priority shall be given to pedestrian movement throughout the Site. East/West walkways will connect the Liverpool Road boulevard to the environmental lands along the eastern and southern flankages of the Subject Site. Pedestrian movement will be augmented with a proposed boardwalk that mediates between the Provincial Sensitive Wetland buffer and built development edge. The boardwalk will form an integral part of the on-site pedestrian circuit while also providing an opportunity for future extension both north and west as part of a larger area-wide pedestrian network.

Buildings will be residential in use apart from the "live/work" units along Liverpool Road. Their orthogonal arrangement and massing will be of similar orientation and scale as the adjacent community

to the north. A mid-rise building will define the eastern and southern edges of the developable lands and be comprised of 6- and 12-storey buildings separated at-grade but connected above. The at-grade separation will thereby permit uninterrupted pedestrian movement between buildings and views out towards Krosno Creek and the Hydro Marsh. The above-grade connection is envisaged to create a stepped up building composition that creates a signature building that bookmarks the Subject Site as a local landmark within the Nautical Village.

Open Space

The movement network provides the armature for an array of new open spaces and buildings. Open spaces will be a mix of public and private amenity areas that provide opportunities for passive and active uses. Spaces adjacent to Liverpool Road will extend the Nautical Village character along the boulevard while playing a transitioning role between the street's public persona and the Subject Site's more internal private activities. The 30-metre Provincially Sensitive Wetlands buffer occupies approximately one-third of the Subject Site's land area and will be a major contributor to open space along the Krosno Creek tributary. The remainder of open spaces within the Subject Site will be comprised of private passive areas such as the landscaped parking deck terrace, green roofs, and pedestrian walks.

POLICY CONTEXT

Provincial Policy Statement

The Provincial Policy Statement ("PPS") was issued under Section 3 of the Planning Act, 1990 and provides overall direction on matters of provincial interest related to municipal planning decisions. The current PPS was issued by the Province of Ontario and came into effect on May 1, 2020. The Planning Act requires that decisions on planning matters, including Official Plan and Zoning By-law Amendment applications "shall be consistent with" the PPS.

The PPS encourages efficient land use and development patterns to support healthy, livable and safe communities by promoting efficient development and land use patterns, accommodating a range and mix of affordable and market-based residential units. The PPS encourages avoiding development and land use patterns that may cause environmental or public health and safety concerns, and avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas that are adjacent or close to settlement areas (Policy 1.1.1a, b, c & d). The PPS also directs that sufficient lands shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years. An alternative timeframe may be used for specific areas of the Province, subject to a provincial plan or planning exercise. Additionally, the PPS directs that within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas (Policy 1.1.2). The PPS states that "*settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted*" (Policy 1.1.3.1). Within settlement areas, land uses shall be based on densities and a mix of land uses that efficiently use land, resources, infrastructure, public service facilities, and support active transportation (Policy 1.1.3.2.a, b & e). Further, land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria outline in Policy 1.1.3.3. The Subject Site is within the Settlement Area and within an intensification area as determined by the Waterfront Area designation in the Regional Official Plan.

With respect to housing, Policy 1.4.3 requires for provisions to be made for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents by: permitting and facilitating all forms of housing and residential intensification; directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available; promoting densities which efficiently

use land, resources, infrastructure, and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; requiring transit-supportive development and prioritizing intensification in proximity to transit; and, establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form. The Current Proposal provides a mix of building and housing types as well as a mix of uses. The Concept Plan and proposed density efficiently use the lands in a compact built form that is compatible with the existing community. There is sufficient servicing capacity for the proposed development and the existing road network can accommodate the anticipated traffic generated by the proposal, and the design of the private road network further creates an opportunity to resolve a key barrier to transit service in the area by allowing transit vehicles to safely turn around at the bottom of Liverpool Road.

Policy 2.1 on Natural Heritage features addresses the protection of natural features and areas for the long term. Development and site alteration shall not be permitted in significant wetlands (Policy 2.1.4). Further, development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features so that these features and their related hydrological functions will be protected, improved or restored (Policy 2.2.2). Based on the EIS review from Beacon Environmental and the comments from the TRCA regarding consistency with the TRCA's Living City policies, the Current Proposal will protect and enhance the natural features on and adjacent to the Subject Site. The enhanced planting within a 30m equivalent natural buffer restores and improves the natural features on and adjacent to the Subject Site.

Based on the above, the Current Proposal is consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe ("Growth Plan")

The Growth Plan for the Greater Golden Horseshoe (2020) ("Growth Plan") was approved under the authority of the *Places to Grow Act, 2005* by the Lieutenant Governor in Council of the Province of Ontario, and came into full force and effect on June 16th, 2006. Amendment 1 to the Growth Plan came into effect on August 28, 2020, replacing the Growth Plan from 2019.

The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe including: direction on where and how to grow, the provision of infrastructure to support growth, and protecting natural systems and cultivating a culture of conservation. The Growth Plan carries forward many of the principles and policies of the PPS relating to transit, land use and conservation.

Section 1.2.1 of the Growth Plan on Guiding Principles states that the Plan supports the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime. The Plan also prioritizes intensification and higher densities to make efficient use of land and infrastructure and support transit viability. As stated previously, the Current Proposal is a compact mixed use development that creates a complete community that is compatible with the existing neighbourhood. The proposal provides opportunities for the Public to reconnect to the waterfront and promotes healthy and active living through its connection to recreational opportunities in the area.

Section 2 of the Growth Plan (Where and How to Grow), particularly Section 2.2.1 on Managing Growth states that the majority of forecasted growth will be directed to settlement areas that have a delineated built boundary, have existing or planned municipal water and wastewater systems, can support the achievement of complete communities and will be directed away from hazardous lands. The Current Proposal is within the built boundary of the Pickering Settlement Area. The area is designated for mixed use development and intensification at the City (*Marina-Mixed Use* and *Liverpool Road Corridor* for a portion of the lands in the LRWNDG) and Regional level (Waterfront Places) and is an excellent candidate for higher density residential development due to its proximity to the waterfront and

adjacency to an existing mixed use area. The Region's Waterfront Area designation encourages growth for a mix of uses including residential development along the waterfront.

Policy 2.2.2.1 of the Growth Plan seeks to accommodate a minimum of 50 percent of all residential development within the delineated built-up area by the time the next municipal comprehensive review is approved and in effect and for each year thereafter. Policy 2.2.2.4 states that municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will: encourage intensification generally to achieve the desired urban structure; identify the appropriate type and scale of development and transition of built form to adjacent areas; and identify strategic growth areas to support achievement of the intensification target and recognize them as a key focus for development. As described above, the Current Proposal supports the City's efforts to achieve the growth targets as set out by the Growth Plan by providing intensification within the built boundary in an urban and compact built form.

Section 2.2.6 on Housing states that municipalities will support the achievement of complete communities by: planning to accommodate forecasted growth to the horizon of the Plan; planning to achieve the minimum intensification and density targets; considering the range and mix of housing options and densities of the existing housing stock; and, planning to diversify the overall housing stock. The Current Proposal provides a range of housing types to increase the diversity and amount of housing in the City, and in support of the density and intensification targets of the Growth Plan.

Section 4.2.2 on Natural Heritage Systems provides that new development or site alteration will demonstrate that there are no negative impacts on key natural heritage features or key hydrologic features or their function. As previously stated, the Current Proposal has regard for the TRCA's Living City policies and provides an appropriate buffer to the existing environmental features on and adjacent to the Subject Site. Further, the enhancements and restoration of the buffer area will contribute positively to the Natural Heritage System.

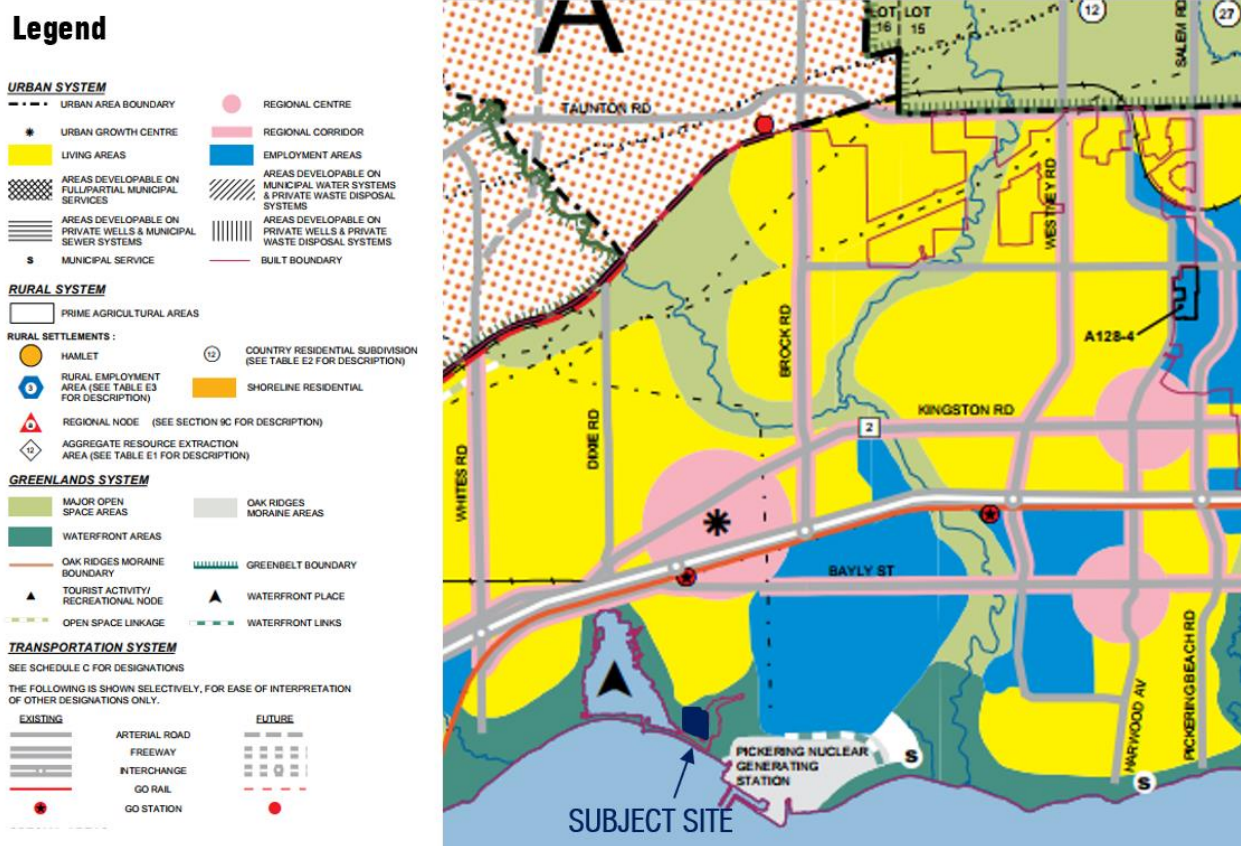
Based on the above, the Current Proposal conforms to the policies of the Growth Plan.

Durham Regional Official Plan

The Region of Durham Official Plan (office consolidation May 26th, 2020) (the "Regional OP") was approved by the Minister of Municipal Affairs and Housing on November 23, 1993. The Region of Durham Official Plan has been updated to include growth targets and policy directions established by the Growth Plan, which have been delegated to area municipalities. This Regional Official Plan Amendment (ROPA No. 128) was approved by Regional Council on June 3, 2009 and approved at the OMB on January 9, 2013. ROPA 128 has put into force and effect the current growth targets in the City of Pickering.

The Subject Site is designated as *Waterfront Areas* in the Region of Durham Official Plan and is adjacent to the *Waterfront Place* identified on Frenchman's Bay (**Figure 4**). The lands are also located within close proximity to lands designated as *Living Areas* as identified for the South Pickering area.

Figure 4: Durham Region Official Plan – Regional Structure



Source: Durham Region Official Plan, 2020

With regards to intensification strategies, Policy 7.3.17 provides that area municipal intensification strategies shall be based on the growth management objectives of Policy 7.3.9: *intensification* in appropriate locations throughout the built-up area; the identification of *intensification* areas; the recognition of *Waterfront Places* as the key focus for *intensification*; the identification of the appropriate scale of development in intensification areas; the provision of a range and mix of housing; and, the provision of a diverse and compatible mix of land uses, to support vibrant neighbourhoods, providing high quality public open spaces with site design and urban design standards that create attractive and vibrant places, support transit, walking and cycling and achieve an appropriate transition to adjacent areas (Policy 7.3.17a, b, c, d, f, and h). The Current Proposal conforms to the Waterfront Areas designation by providing a mixed-use development with residential intensification in a built form that promotes and connects the public to the waterfront through the use of vista or view corridors through the site and a publicly accessible boardwalk adjacent to the proposed environmental buffer.

Policy 8.1.12 states that *Waterfront Places* should be developed as focal points along the Lake Ontario waterfront. Policy 8.1.13 states that the historic integration of the shopping function with the other traditional functions, such as housing, employment, recreation, social activities and cultural facilities should be restored. Policy 8.1.14 states the *Urban Growth Centres*, *Regional Centres* and *Waterfront Places* should be linked with supportive *Corridors* focused on active transportation. The Current Proposal expands upon the existing mixed-use Nautical Village development which provides a focal point and attraction for visitors to the Frenchman's Bay area. The low-rise built forms, and gradual transition in height, are appropriate for the development of these lands and are compatible with the existing neighbourhood character.

Policy 8A.2.12 of the Regional Official Plan states that lands designated as *Waterfront Places* should be developed as focal points along the Lake Ontario waterfront having a mix of uses, integrated with the Greenlands System. Uses may include residential, commercial, marina, recreational, tourist, and cultural and community facilities. The scale of *development* shall be based on and reflect the characteristics of each *Waterfront Place*. Where appropriate, *Waterfront Places* shall be planned to support an overall, long-term density target of at least 60 residential units per *gross hectare* and a floor space index of 2.0. The built form should vary, and be developed in a manner that is sensitive to the interface with the natural environment, as detailed in area municipal official plans. Further to the above, the Current Proposal contributes the Region's ultimate goal of at least 60 residential units per gross hectare and a floor space index of 2.0. The proposal introduces a compact built form through a mix of building typologies and sensitive increases in height in a mid-rise form. The proposal positively contributes the Greenlands System through the restoration of the buffer area along the hydro Marsh and by reconnecting the Public to the waterfront through the Site.

For the above reasons, the Current Proposal conforms to the policies of the Regional Official Plan and the Waterfront Places and Waterfront Areas designations.

Pickering Official Plan

The City of Pickering Official Plan (the "OP") was approved by Durham Region on September 24, 1997. The current office consolidation came into force in October of 2018.

The Subject Site is designated *Marina Areas* and *Natural Areas* in the City of Pickering Official Plan, Schedule I (**Figure 5**). The Subject Site is also located within the *South Pickering Urban Area* and is within the *Bay Ridges Neighbourhood* as per Map 13 (**Figure 6**). The Subject Site is within the planning area for the LRWNDG. Liverpool Road is classified as a *Local Road* south of Annland Street and a *Collector Road* north of Annland Street as per Schedule II (**Figure 7**). The Site is abutting a *Natural Heritage System* as per Schedule III A (**Figure 8**) and a *Shoreline* and *Wetland* area as per Schedule III C (**Figure 9**).

PHC seeks to redesignate the Subject Site from *Marina Areas* to *Mixed Use - Community Node* and to also confirm the boundary between the *Mixed Use - Community Node* land use designation and the *Natural Area* designation.

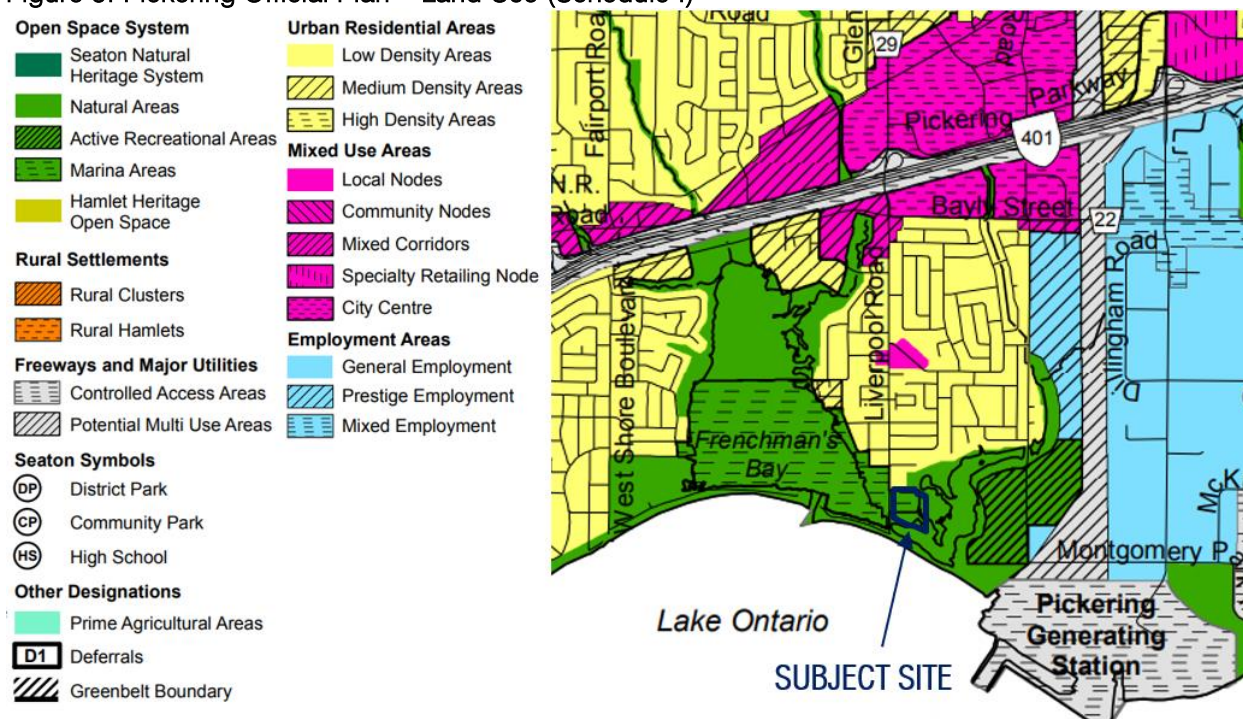
The City of Pickering Official Plan states that *Mixed Use Areas* are intended to have the widest variety of uses and highest levels of activities in the City. Performance standards for *Mixed Use Areas* should be determined in zoning by-laws. Further, *Mixed Use Areas* shall be designed and developed to be consistent with the community design provisions of the OP in Chapter 9 or 14 and any development guidelines in Part 3 on Neighbourhoods (Policy 3.6 a, b, c, f). As outlined above and in the previous section of this letter, the Current Proposal is consistent with and compatible with the existing built form of the surrounding neighbourhood through the transition from low-rise housing (live-work and townhouses) to a mid-rise (6- and 12-storey) apartment buildings with ground related townhouse units within the buildings. The proposal for commercial activity on Liverpool Road and the continuation and expansion of the Nautical Village streetscape further reinforces the neighbourhood character and built form.

The *Liverpool Road Waterfront Node* consists of the area generally situated from Commerce Street stretching south to the Lake Ontario shoreline, on either side of Liverpool Road, which exhibits a unique mix of built and natural attributes. Policy 12.5(b) states that the *Liverpool Road Waterfront Node* should be promoted as a boating, tourism and recreation area. Policy 12.5(c) states that development should capitalize on the unique waterfront attributes of Frenchman's Bay, Lake Ontario, the Hydro Marsh, City parks, Millennium Square, marine activities, and the historic Village of Fairport. Building form and public space should be of high quality design with a Great Lakes Nautical Village theme as detailed in the Council-adopted LRWNDG, to create a vibrant pedestrian environment (Policy 11.5(d)). As stated

previously and as further detailed in the Urban Design Principles and guidelines prepared by The Planning Partnership, the Current Proposal represents a continuation of the Nautical Village along Liverpool Road while also providing a gradual transition in height and a compact built form which sensitively and appropriately introduces higher density residential development in this prominent area. The proposal will also respect and restore the unique and important environmental features on and adjacent to the Site, and reconnect the Public to the waterfront.

The City of Pickering Official Plan contains policies on Community Design which consist of ten community design concerns, including: human scale, pedestrian comfort, mixed uses, permeability, context, building adaptability, places versus buildings, attractive public spaces, legibility, and natural heritage. These concerns have been translated into objectives which set out the City's overall approach to community design, and provide a means of identifying the strategic areas which Pickering must focus on in order to achieve design excellence. The community design strategy also involves fifteen specific detailed design considerations that are important in defining and establishing the City's image and form. These considerations are addressed in detail in Chapter 14 of the Official Plan. The Urban Design Study prepared by The Planning Partnership provides a framework for the development of the Subject Site in a manner that achieves the City's objectives for a human scaled and pedestrian friendly environment, in a mixed use development with excellent permeability. The proposed built form creates well designed public spaces and continues the sense of place established by the Nautical Village, while enhancing and restoring the natural environment. The Current Proposal represents a well thought-out design that achieves these goals and objectives while also being compatible with the existing neighbourhood. For these reasons, the Current Proposal conforms to the Pickering Official Plan policies, and the requested amendment of the lands to the Mixed Use Community Nodes designation is appropriate and represents good planning.

Figure 5: Pickering Official Plan – Land Use (Schedule I)

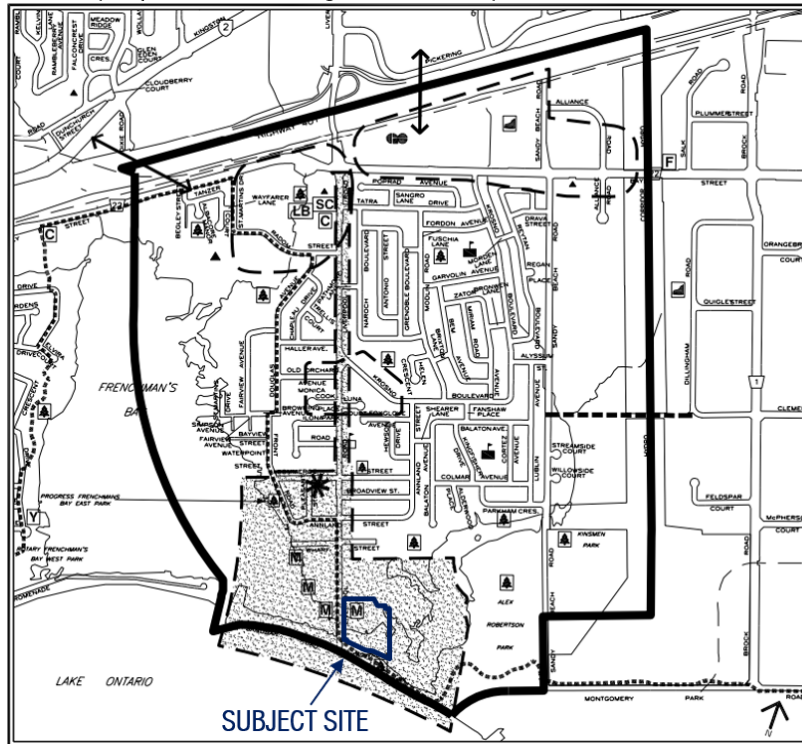


Source: Pickering Official Plan (2018)

Figure 6: Bay Ridges Neighbourhood (Map 13 – Pickering Official Plan)

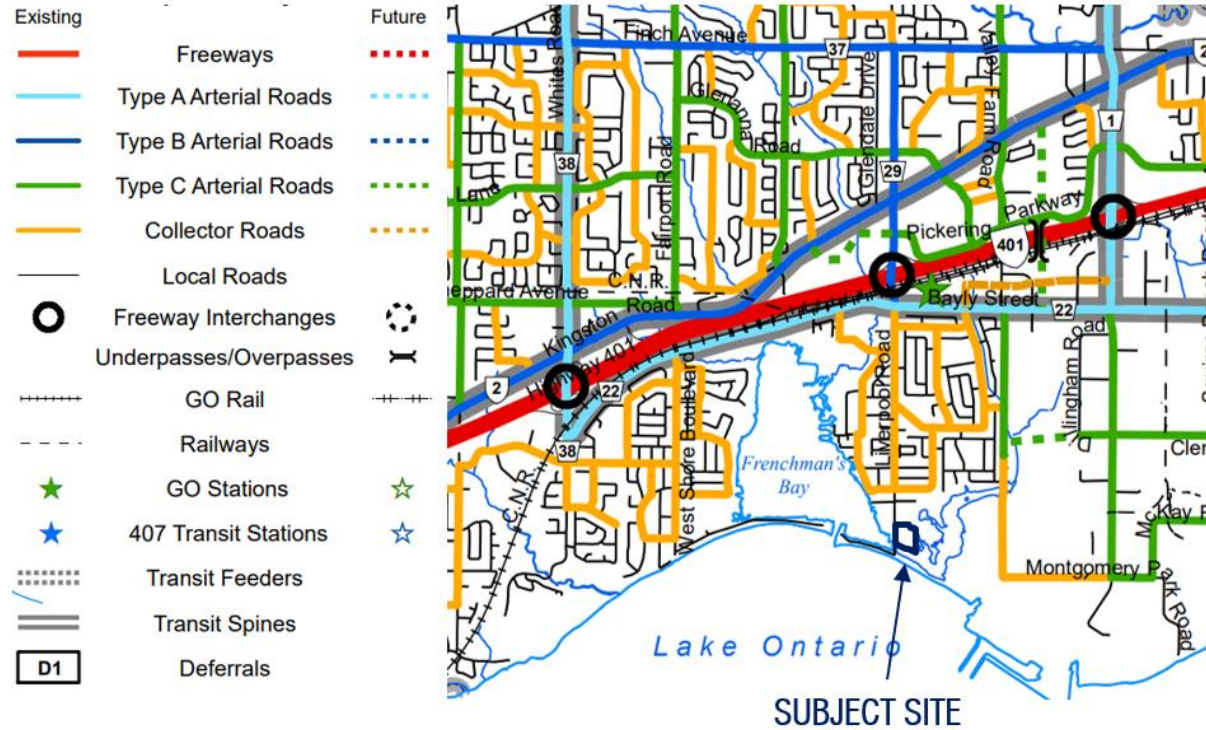
Legend

- NEW ROAD CONNECTIONS (PROPOSED)
- - - DETAILED REVIEW AREA
- WATERFRONT TRAIL
- ↔ PEDESTRIAN/BICYCLE CONNECTION (PROPOSED)
- LANDS FOR WHICH COUNCIL HAS ADOPTED DEVELOPMENT GUIDELINES (REFER TO COMPENDIUM DOCUMENT)
- ▭ NEIGHBOURHOOD BOUNDARY
- ▲ PLACE OF WORSHIP
- PUBLIC ELEMENTARY SCHOOL
- SEPARATE ELEMENTARY SCHOOL
- ✱ HISTORIC VILLAGE
- ⊙ GO-TRANSIT STATION
- SC SENIOR CENTRE
- LB LAWN BOWLING
- C COMMUNITY CENTRE
- ▲ PARK
- ▲ PROPOSED PARK
- M MARINA
- ARENA
- Y YACHT CLUB
- F FIREHALL



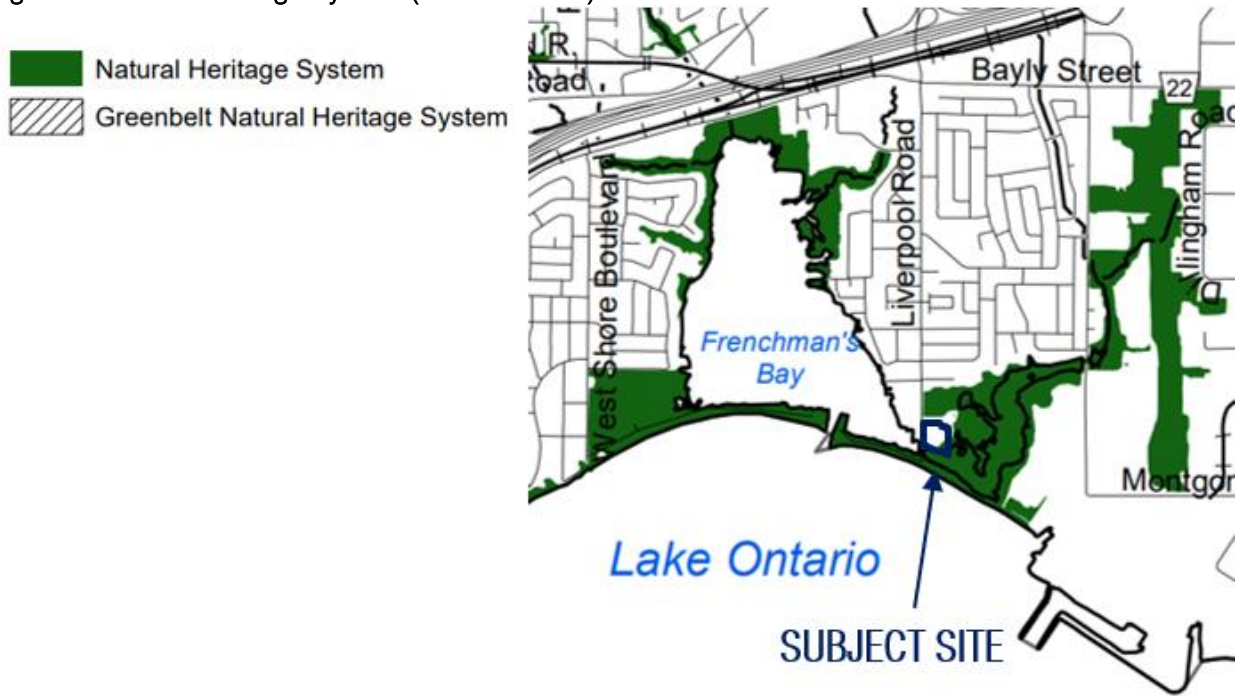
Source: Pickering Official Plan (2018)

Figure 7: Pickering Transportation System (Schedule II)



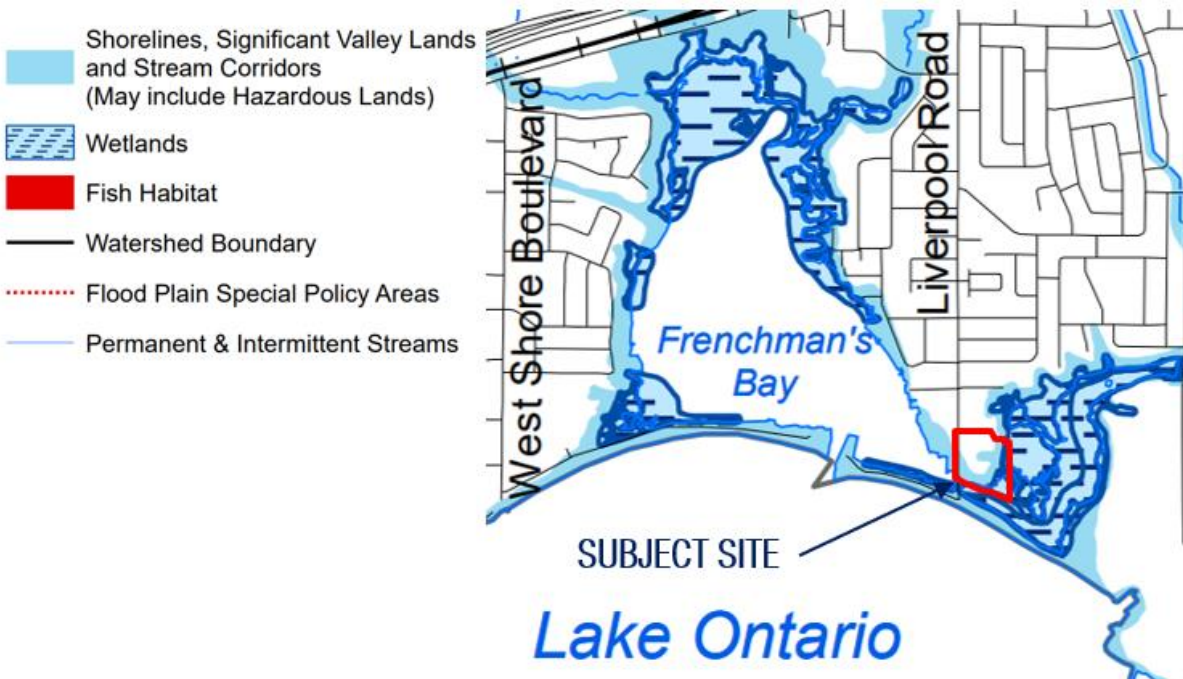
Source: Pickering Official Plan (2018)

Figure 8: Natural Heritage System (Schedule III A)



Source: Pickering Official Plan (2018)

Figure 9: Key Natural Heritage Features & Key Hydrologic Features (Schedule III C)



Source: Pickering Official Plan (2018)

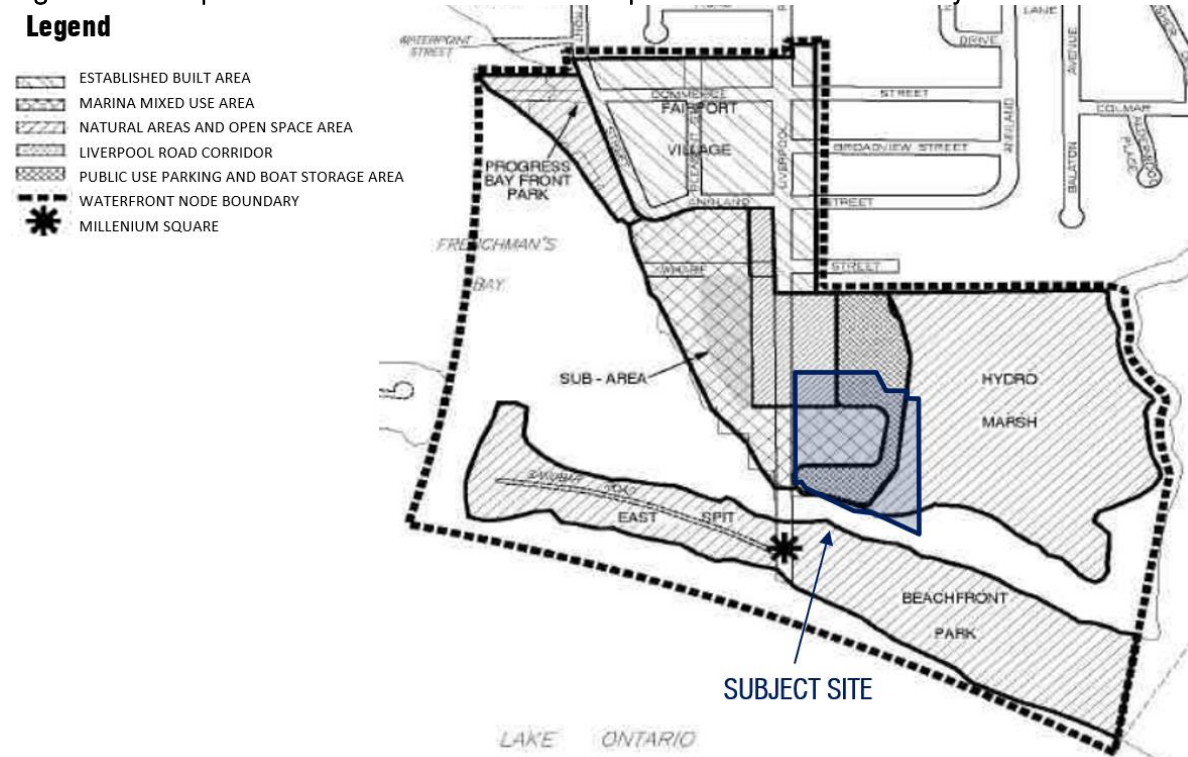
Liverpool Road Node Development Guidelines

The LRWNDG for the waterfront area in the Bay Ridges Neighbourhood were adopted by City Council in 2002. Section 12.5 of the Official Plan contains policies relating to the Development Guidelines. The Subject Site holds three different land use categories per Figure A of the Guidelines, which include: *Marina Mixed Use Area* along the southern limits; *Liverpool Road Corridor* for the portion of the Site fronting Liverpool Road; and *Public Use/Parking and Boat Storage Area* at the rear of the site (**Figure 10**). The Current Proposal seeks to maintain these designations through the continuation of the Nautical Village built form and uses consisting of mixed-use low-rise buildings, and gradual transition in height and density, and delineation of the natural areas and open space area designation with the proposed limit of development line (the 30m equivalent buffer).

The Guiding Vision for the Nautical Village node is a mix of uses and an ambiance that is inviting. The Village should be an interesting place to live, work, and visit; will provide seasonal marina facilities with some opportunities for visiting boaters; and, will be geared toward pedestrian comfort, including street amenities. The Current Proposal maintains this pedestrian scaled environment through the proposed continuation of the low-rise and mixed-use built form along Liverpool Road, with the gradual transition to a mid-rise form along the south and east sides of the Site. The proposal will provide opportunities for live, work, and play and will reconnect the Public to the waterfront through the opening of the Site, by providing barrier-free access to the waterfront.

The Guidelines state that Chapters 9 – “Community Design” and 13 – “Detailed Design Considerations” of the Pickering Official Plan provide a comprehensive “toolkit” of urban design principles, which are to be employed throughout the City. The Development Standards Section (Section C1.4) of the Development Guidelines follows from the discussion on the “Great Lakes Nautical Village” vision, and applies the Official Plan’s design “tools” to the Waterfront Node. This direction includes such matters as placement of new streets and block patterns, transportation network, massing and siting of buildings, streetscape design, views and vistas, pedestrian-friendly built form, compliance with relevant environmental management policies, and stormwater best management practices. As outlined above, and as set out in the Urban Design Principles and Plans prepared by The Planning Partnership, the Current Proposal is consistent with the street and block patterns in the established community, and provides opportunities for an enhanced transit (transportation) network through the use of the loop road for a bus turnaround. The massing and siting of the proposed buildings creates an inviting streetscape and frames the views and vistas to the waterfront through the site. And lastly, the establishment of the buffer area and restoration of the environmental feature positively contributes to the environmental management of the natural area.

Figure 10: Liverpool Road Waterfront Node Development Guidelines – Tertiary Plan



Source: Liverpool Road Waterfront Node Development Guidelines (2002)

RESPONSE TO COMMENTS – STAFF RECOMMENDATION REPORT

The following section will provide a summary of the various comments and issues raised by the City and their consultants in relation to the Previous Proposal, which comments and issues also considers the comments and concerns of the Public. The comments addressed below are derived in part from the Recommendation Report prepared by Pickering City Planning Staff dated July 13th, 2020 (“Recommendation Report”). The various issues have been broken down into subheadings for ease of reference and discussion. These comments are in relation to the March 11, 2020 Proposal that was the subject of the Recommendation Report. Responses to these comments and concerns, as highlighted below, are addressed by the Current Proposal, and are detailed in the subsequent paragraphs. Overall, the Concept Plan is highly responsive to the concerns and issues raised by the City and the Public.

Proposed Use

The Nautical Village is a mixed-use designated area with opportunities for several residential and non-residential uses. It is also an active marina area with further opportunities for recreational boating activities and related uses. The use of the lands for non-marina related activities (boat storage) was raised as a concern by the Public and further by the City and their consultants with regard to the Previous Proposal for indoor boat storage during the public consultation process and Recommendation Report.

The various Official Plan designations on the Subject Site illustrate that a variety of uses is not only appropriate but desirable to this particular parcel of land within the overall neighbourhood. The Previous Proposal sought to provide opportunities for more marina related uses (Indoor Boat Storage and Assembly Hall). Those uses were rejected by City Council, and were met with opposition by members of the public and City Staff and their consultant. Marina related uses have therefore been removed in this Current Proposal. The Proposal consists of residential uses (a variety of townhouse types, and apartments) and non-residential uses (live-work units front Liverpool Road). The Proposal maintains

the mixed-use intentions of the Official Plan designations in a single consolidated designation rather than several (*Liverpool Road Corridor* and *Marina Mixed Use Area*). As discussed in more detail below, the Natural areas have been identified, staked, and buffered appropriately in accordance with the proposed designation for Natural Areas and per the required policies of the TRCA, Region, and City for environmentally sensitive lands.

The proposed use of the Site for mixed-use residential and commercial retail and office uses in the Live-work format, is appropriate and conforms with the policies of the Regional and City Official Plans.

Proposed Height

The Previous Proposal consisting of two towers, each with a height of 15 storeys, was reviewed by an outside Urban Designer (Mr. Robert Freedman – “City’s Urban Design consultant”) on behalf of the City. An “Urban Design Opinion Report” was prepared by the City’s consultant, and was included as an attachment to, and incorporated within the analysis of the Recommendation Report. Based on his review of the City of Pickering OP, Waterfront Node Guidelines, Zoning, and the prevailing heights of buildings in the surrounding neighbourhood, he stated that the Previous Proposal was too tall, out of scale, and did not fit within, reinforce or enhance the character of the surrounding neighbourhood context.

With regard to height, the Current Proposal consists of thirty-one (31) 4-storey townhouses (including nine (9) live-work units fronting Liverpool Road) and one hundred and seventy (170) apartment units (of which 17 are 2-storey tall ground-related “townhouse” units within the footprint of the building). Both the townhouses and the apartment utilize “terracing” to stagger the heights of the buildings which visually breaks up the elevations and reduces the appearance of height. This technique creates a compatible interface between the existing 3-storey mixed-use built form along Liverpool Road to the north, as well as the 3-storey townhouses beyond Liverpool Road to the west and single detached dwellings further north.

Pickering OP Policy 14.10 encourages new development to establish building designs to reinforce and complement the existing built patterns including height. Additionally, the Waterfront Node Guidelines recommend that the scale of the area’s smaller historic buildings be maintained and that the height of development along public streets is limited to 3-storeys or 11 m. The proposed townhouse and live-work blocks along the Liverpool Road frontage and north property line rise to partial 4th storeys to allow access to large rooftop amenity areas, which forms a complementary height and massing relationship to the 3-storey townhouses located adjacent to the north and northeast. Interior to the Site and on the far east and south sides of the Site, the remaining townhouses and mid-rise buildings rise in overall height, but have been situated well away from the existing built form on Liverpool Road to provide a gradual transition in height from the existing development.

With the height of the apartment buildings being reduced from 15-storeys to 6- and 12-storeys, the overall height and the overall massing have been substantially reduced. Building height over 6-storeys is limited to only the most southern portion of the site (closest to the water).

The proposed heights of the various buildings are appropriate and compatible for the area and surrounding context. They are consistent with the goals and objectives of the City’s development guidelines for the Bay Ridges Neighbourhood and Liverpool Road Waterfront Node area, and represent good planning.

Proposed Density

The City, through their Urban Design consultant, as well as the general public, raised concerns that the Subject Site was not an appropriate location for high-density development as the Pickering Official Plan has not identified Bay Ridges Neighbourhood and the Liverpool Road Waterfront Node as an intensification area. The prior proposed height of 15-storeys for two (2) residential apartment buildings with podiums, at an FSI of 4.34 was considered by the City’s consultant to be not in keeping with the

residential densities and built form of the surrounding neighbourhood which saw densities of 11-20 units per net residential hectare in the single detached areas, to 41-50 units per net residential hectares in the Nautical Village and other medium density areas. The Site has several OP designations over different portions of the property which provide multiple permissions including marina-related uses, commercial uses, and some residential uses.

The overall density of the Current Proposal is 179 units per net residential hectare with an FSI of 1.87. This is a reduction from the Previous Proposal, which included 340 units/net residential hectare and an FSI of 4.34.

While the proposed density may exceed the upper limit (140 units/net residential hectare) of the *Mixed Use Community Node* land use designation, the proposed FSI (1.87) is well below the maximum of 2.5. As the FSI is below the maximum, this implies that the built form has been efficiently utilized to provide the maximum number of residential units while limiting the overall gross floor area and overall massing and scale. The density of the proposal is further divided between the townhouses versus the mid-rise building. The individual townhouses have a larger floor area (higher FSI) but significantly lower overall density (units per hectare). The density of the proposed townhouse blocks is comparable to the existing townhouses to the north and northwest, while the apartment units provide additional density albeit in a more compact built form.

The proposed increase in overall density from 140 units/hectare, as permitted by the *Mixed Use Community Node* land use designation, to 179 units/hectare represents a difference of 44 units. When compared to the Previous Proposal, which included 377 units (340 units/hectare), the current proposal represents a reduction of 176 units overall. Furthermore, the Previous Proposal was entirely apartment units whereas the current proposal provides a mix of housing types.

The Durham Region OP designates the Site as *Waterfront Areas* and is adjacent to the *Waterfront Place* identified on Frenchman's Bay. Policy 8A.2.12 of the Regional Official Plan states that lands designated as *Waterfront Places* should be developed as focal points along the Lake Ontario waterfront having a mix of uses, integrated with the Greenlands System. Uses may include residential, commercial, marina, recreational, tourist, and cultural and community facilities. The scale of *development* shall be based on and reflect the characteristics of each *Waterfront Place*. Where appropriate, *Waterfront Places* shall be planned to support an overall, long-term density target of at least 60 residential units per *gross hectare* and a floor space index of 2.0. The built form should vary, and be developed in a manner that is sensitive to the interface with the natural environment, as detailed in area municipal official plans. The proposed development meets the density requirement, however, is slightly below the FSI as outlined in Policy 8A.2.12. A combination of live-work, townhouse, and apartment units are proposed within the developable area of the Site and is located outside of the 30m equivalent buffer that has been established from the adjacent Hydro Marsh directly east of the Site.

Policy 8.1.12 states that *Waterfront Places* should be developed as focal points along the Lake Ontario waterfront. The proposed Concept Plan adds to and complements the existing Nautical Village which is the focal point at the bottom of Liverpool Road. The proposed live-work block provides a continuation of the existing live-work units located north of the Site, contributing to the public realm and Liverpool Road character. The remainder of the Site mimics existing development to the north and northeast where residential only built form is located interior to the Site. In addition, as per the Urban Design Guidelines, the proposed Concept Plan will establish iconic architecture, which will strengthen the Nautical Village as a focal point.

Proposed Massing and Scale

Based on his Urban Design Opinion Report, the City's Urban Design consultant is of the opinion that the massing and scale of the Previous Proposal does not relate to or fit in with the existing buildings in the surrounding neighbourhood context, which consist of detached houses and rows of townhouses. Members of the public also provided comments concerning the proposed height of the buildings,

3-storey townhouses to the north and northeast, to the proposed 6-storey and 12-storey mid-rise buildings. Both mid-rise buildings have also been designed with step-backs at different levels of the building to reduce the overall massing and scale of the buildings.

Policy 14.10 (c) of the Pickering Official Plan directs that where new development is proposed in an existing neighbourhood or established area that City Council shall encourage building designs that reinforce and complement existing built patterns such as form, massing, height, proportion, position relative to street and building area to site area ratios. The Current Proposal now incorporates built form along the west and north property lines and central to the Site that is comparable in height, massing, and scale to the surrounding built form.

The existing development adjacent to the Subject Site is located to the north and northwest, which consists of live-work units that support commercial and residential uses. In this regard, the Subject Site is located adjacent to a mixed-use area and as such the proposed 4-storey live-work and street townhouse units generally conform to the guidelines as residential only buildings are not located immediately adjacent to the Site. Additionally, due to the existing Regional Pumping Station and the servicing easements located along the west portion and northwest corner of the Site, the 4-storey live-work and townhouse blocks are setback a considerable distance from the existing buildings to the north and northwest which mitigates any perceived impacts of the additional storey.

Figure 12 below is a 3D isometric rendering of the proposal which illustrates the consistency with the built form along Liverpool Road and the gradual transition in height towards the south (right) and east (top) portions of the development.

Figure 12: Aerial 3D Rendering of Proposed Concept



Source: Urban Design Rationale & Guidelines, The Planning Partnership (June 2021)

Perceived Impacts

As a result of the height, massing, scale and density of the Previous Proposal, the City's Urban Design consultant concluded that the following negative impacts would result: neighbourhood character disruption and establishing a negative development precedent; overlook and loss of privacy; loss of views to the waterfront from the surrounding neighbourhood; and shadowing of the Site's proposed pedestrian promenade and surrounding open spaces. The issues are further broken down and addressed below.

A) Neighbourhood Character

The City's Urban Design consultant opined that the Previous Proposal would cause a disruption to the neighbourhood character as a result of introducing a new building form into the neighbourhood context. As stated by the consultant, the Previous Proposal does not resemble the surrounding buildings in terms of site design, massing, height, scale, building footprint size, building orientation, height of base buildings and towers, roof shape and lack of guideline-recommended nautical details. In his opinion, the Previous Proposal does not fit in contextually, nor protect and enhance the character of the surrounding established neighbourhood.

In his opinion, the Previous Proposal differs from the established pattern along Liverpool Road and how buildings address the street. The consultant stated that other large-scale developments are subdivided into smaller development blocks by private roads and primarily consist of attached townhouses that incorporate front lawns, raised front stoops and porches, and individual entrances facing the street.

The Current Proposal has been revised to provide a private road loop within the Site with building orientations that are perpendicular or parallel to the existing Liverpool Road right-of-way. The proposed conceptual site plan has a 'U'-shaped road that provides two (2) access points to and from the Site on the east side of Liverpool Road. This grid is established in the existing Nautical Village with low-rise (3-storey) townhouses and mixed-use buildings which also utilizes a private road network internally.













The Movement Diagram, as shown in **Figure 13**, illustrates the demising of the built form, along with the vehicular and pedestrian movement through the development. The reduced building lengths and significant open space and building separations allow pedestrians and vehicles to navigate easily through the Site and allows ample space street furniture and plantings.

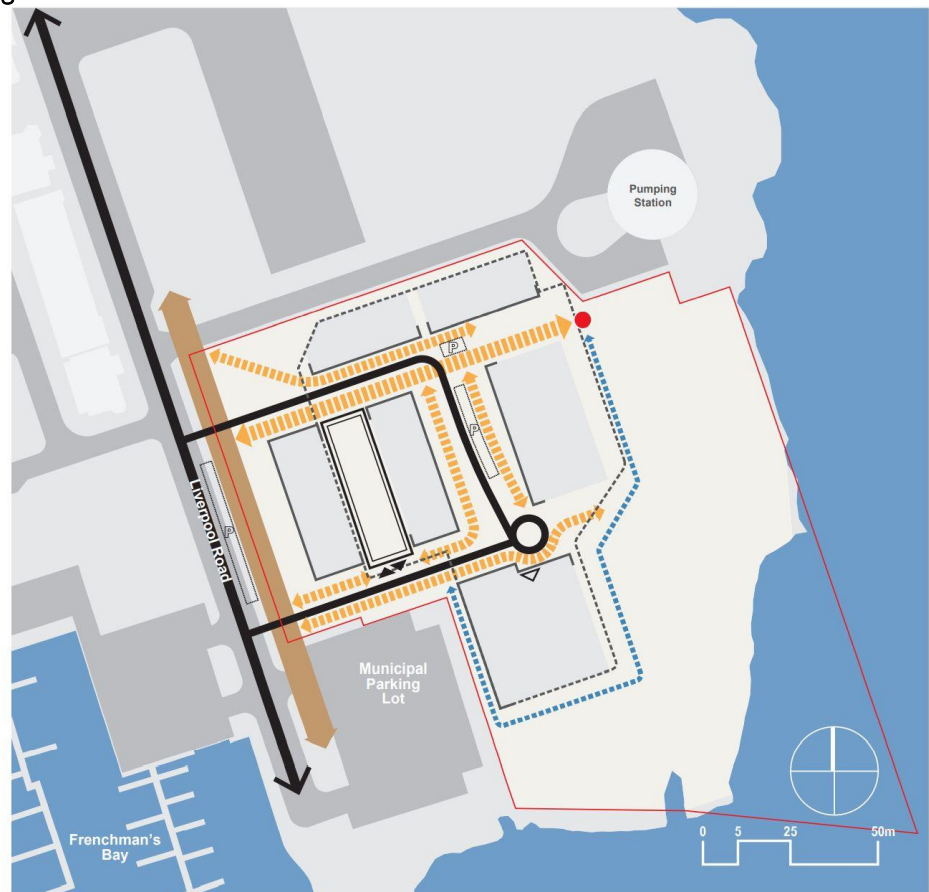
Figure 13: Movement Diagram

Urban Design Guidelines:
Movement

- Prioritize pedestrian movement;
- Minimize vehicular traffic at-grade through design mitigation and locating parking below-grade;
- Provide an attractive urban environment using quality landscape and paving materials;
- East-west walks are to terminate at boardwalk access;
- Facilitate public access along north walk with generous width walkway and linear orientation;
- Maintain a minimum 2-metre wide clearway for all pedestrian routes;
- Ensure AODA compliance throughout the site; and,
- Where possible, provide cycling facilities at-grade within buildings.

LEGEND

	PROPERTY LINE
	BUILDING EDGE
	EXTENT OF BELOW-GRADE PARKING
	ENHANCED PUBLIC BOULEVARD
	PEDESTRIAN WALK
	BOARDWALK
	LOOKOUT
	VEHICULAR ACCESS
	VISITOR/SHORT TERM PARKING
	LANDSCAPED PARKING STRUCTURE
	BELOW-GRADE PARKING ACCESS
	SERVICING ACCESS



Source: Urban Design Rationale & Guidelines, The Planning Partnership (June 2021)

The proposed heights are consistent with the low-rise neighbourhood and rise to an appropriate mid-rise built form at the furthest points away from the existing residential. The heights were established through an analysis of the views and vistas to, and through, the Site from the existing road network in context with the proposed low-rise townhouses placed in between. The majority of the mid-rise building cannot be seen below 6-8 storeys unless one is physically on the Site, or at the very southern end of the development adjacent to the vast open space of the Hydro Marsh and Lake Ontario.

The townhouse building lengths are also limited to 40m to lessen the massing. The proposed mid-rise buildings, while connected at the 3rd to 6th floor, are separated by a large 2-storey high visitor drop-off and plaza at the terminus of the southern private road entrance and vista. The proposed building lengths are consistent with the existing built form within the Nautical Village and provide a similar building arrangement with opportunities for pedestrian movement through the Site.

The proposed mid-rise buildings also incorporate townhouse units at the base of the buildings to continue the contextual relationship of the proposed townhouse blocks, and then establish apartment units in the upper floors. To mitigate the massing of the mid-rise buildings, building step-backs are incorporated at different levels. The proposed mid-rise buildings provide a gentle transition in built form through the proposed heights, building step-backs, building separations and site layout.

To complement and contribute to the Great Lakes Nautical Village vision as outline in the LRWNDG, architectural elements and building materials have been incorporated into the design on the buildings to align with the nautical themes. The facades of the townhouse blocks have incorporated wood shaker shingles, wood accents, and stone materials that are lighter in colour.

The re-orientation of the Current Proposal to be more compatible with the built form along Liverpool Road and within the greater neighbourhood is consistent with the neighbourhood character and therefore, reduces or eliminates any perceived negative impacts on the existing neighbourhood in terms of disruption to the existing neighbourhood character.

B) Overlook and Privacy Review

The City's Urban Design consultant also opined that the Previous Proposal would result in overlook and loss of privacy as a result of the taller buildings within the existing low-rise neighbourhood. In his opinion, occupants from higher-floors in the towers would have views from their windows and balconies into the yards, balconies and windows of surrounding residential properties. The Subject Site's north property line is 12 m from the property line of the townhouses to the north (separated by a private access road to the Region's Pumping Station), and approximately 150 m to the rear property lines of the houses along Wharf Street. Despite this, the consultant is of the opinion that these setbacks were not adequate to mitigate overlook and privacy concerns.

The Current Proposal incorporates a significantly reduced overall height of 12-storeys at the southern most edge of the Site. Furthermore, the most significant reductions in height are within the northern and western portions of the Site which is adjacent to the existing community, whereas the east and south portions of the Site are adjacent to a vast open space. The reduced height within the north and west portion of the Site for live-work and townhouse buildings ensures there are no privacy and overlook concerns. The proposed private amenity areas (balconies, rooftops terraces, ground floor patios/yards) are consistent in height, orientation, and form as those found in the Nautical Village and do not present any significant overlook concerns to the units to the north. The private road access to the Region's Pumping Station is still maintained and provides further separation between the existing homes and the proposed development.

The proposed mid-rise buildings are set well back and largely oriented in the same east-west direction as the existing built form and therefore present no privacy or overlook concerns to the existing residents. The mid-rise building steps from 2-storeys to 4-storeys, and then again to 6-storeys from the north end of the building and does not rise to 12-storeys until the southern edge of the Site. The single-detached dwellings on Wharf Street are well over 250m from the proposed 12-storey building. Even in context of the Nautical Village, the proposed mid-rise building will have little to no observable sightlines to private amenity areas of existing townhouses, and therefore does not create any privacy or overlook concerns.

C) Shadow Impact Analysis

The City's Urban Design consultant raised concerns over the shadow impacts of the Previous Proposal, however, he noted that there are no substantial impacts on adjacent sites or buildings, other than on the townhouses to the north at 9:18 in December and September/March. The Shadow Impacts that the consultant had concerns with were within the Subject Site, where the consultant noted that during the "shoulder seasons" March 21/September 21 the previously proposed central promenade experienced shadowing in the middle of the day which would impact the usability of the space.

A sun/shadow analysis has been completed by The Planning Partnership. The analysis concluded that the Current Proposal will have minimal shadow impacts on the existing townhouses within the Nautical Village to the west of the Subject Site, however this is confined to the morning (7:30AM) on March 21 and September 21. By 9:30AM these shadows no longer reach the adjacent homes, and therefore do not constitute a serious impediment to direct sunlight access. There are no shadow impacts to the existing townhouses or parking lot to the north beyond 7:30AM as well.

The shadows cast on the adjacent open space and wetland to the east will not have any negative impacts on the natural environment per the Environment Impact Study prepared by Beacon Environmental Ltd. ("Beacon"). Beacon identified that the Provincially Significant Wetland ("PSW") will continue to receive sun in the morning and early afternoon when the sun's rays are the strongest, and

that shadow casting will be limited to the periods of lower light intensity. Beacon concluded that negative effects are not anticipated to amphibian and reptile breeding, and that birds will not be affected by shadows from the proposed buildings as the amount of shadowing is minimal.

Figures 14-16 illustrate the shadows generated by the Current Proposal which are further reduced from the Previous Proposal which the City’s Urban Design consultant accepted as having little impact on the surrounding residents. As stated previously, the consultants main concern was the shadow impacts on the private open space and natural areas, which as demonstrated above and below in Figures 14-16, will have limited periods of shadow throughout the day. Furthermore, the proposed P.O.P. space located within the north-east most corner of the Site is in full sun throughout the year beyond 9:30AM. Similarly, the publicly accessible pedestrian walkways and vistas are almost entirely in full sun beyond 9:30am. This creates a welcoming environment for the public to enjoy.

Figure 14: March 21 Sun/Shadow Analysis

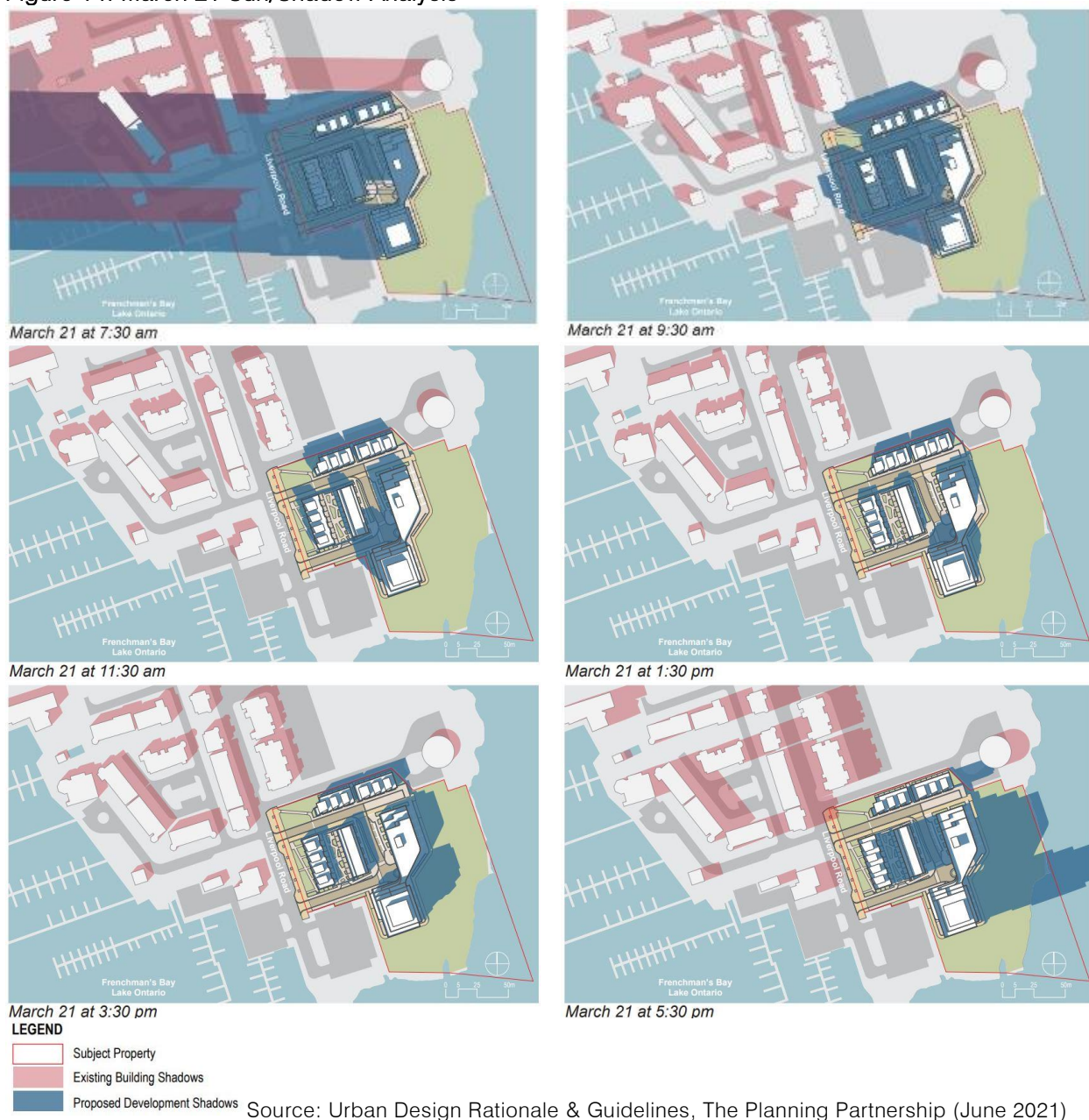
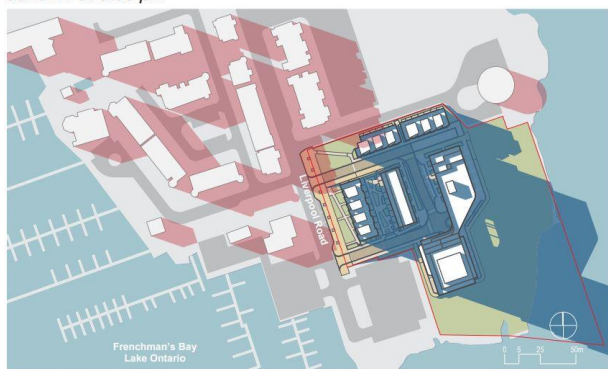
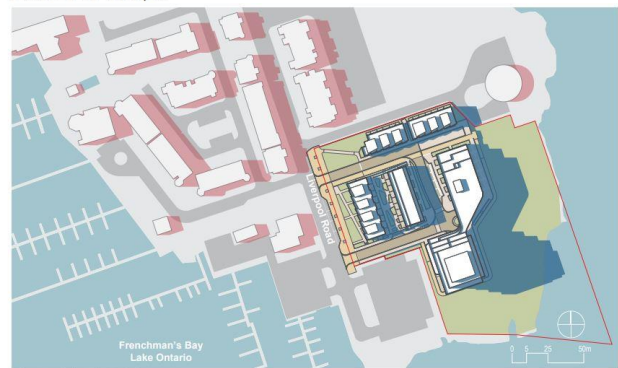
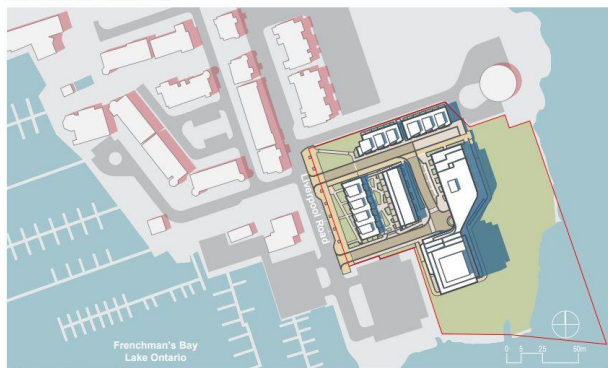
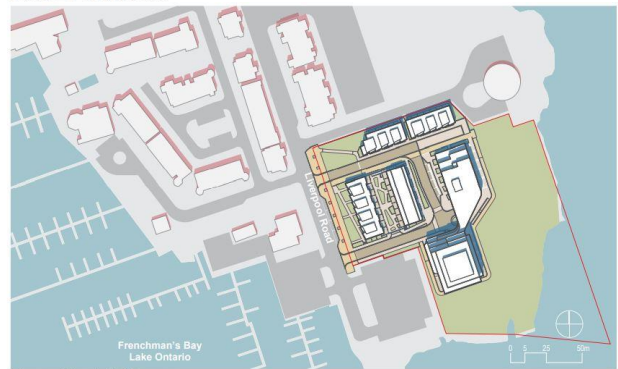
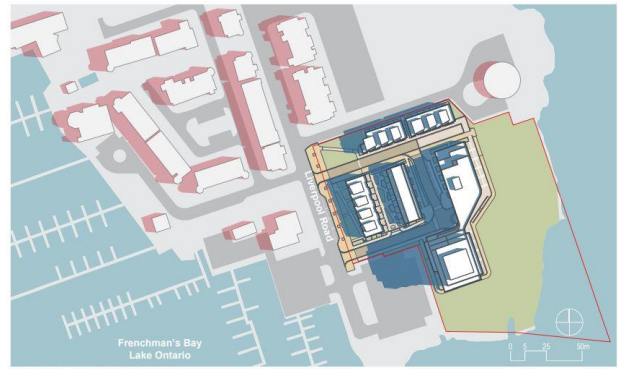
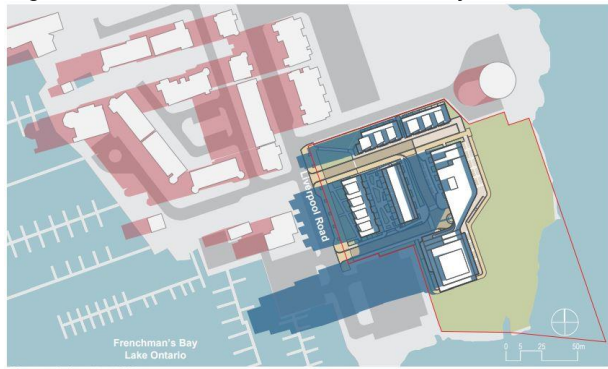


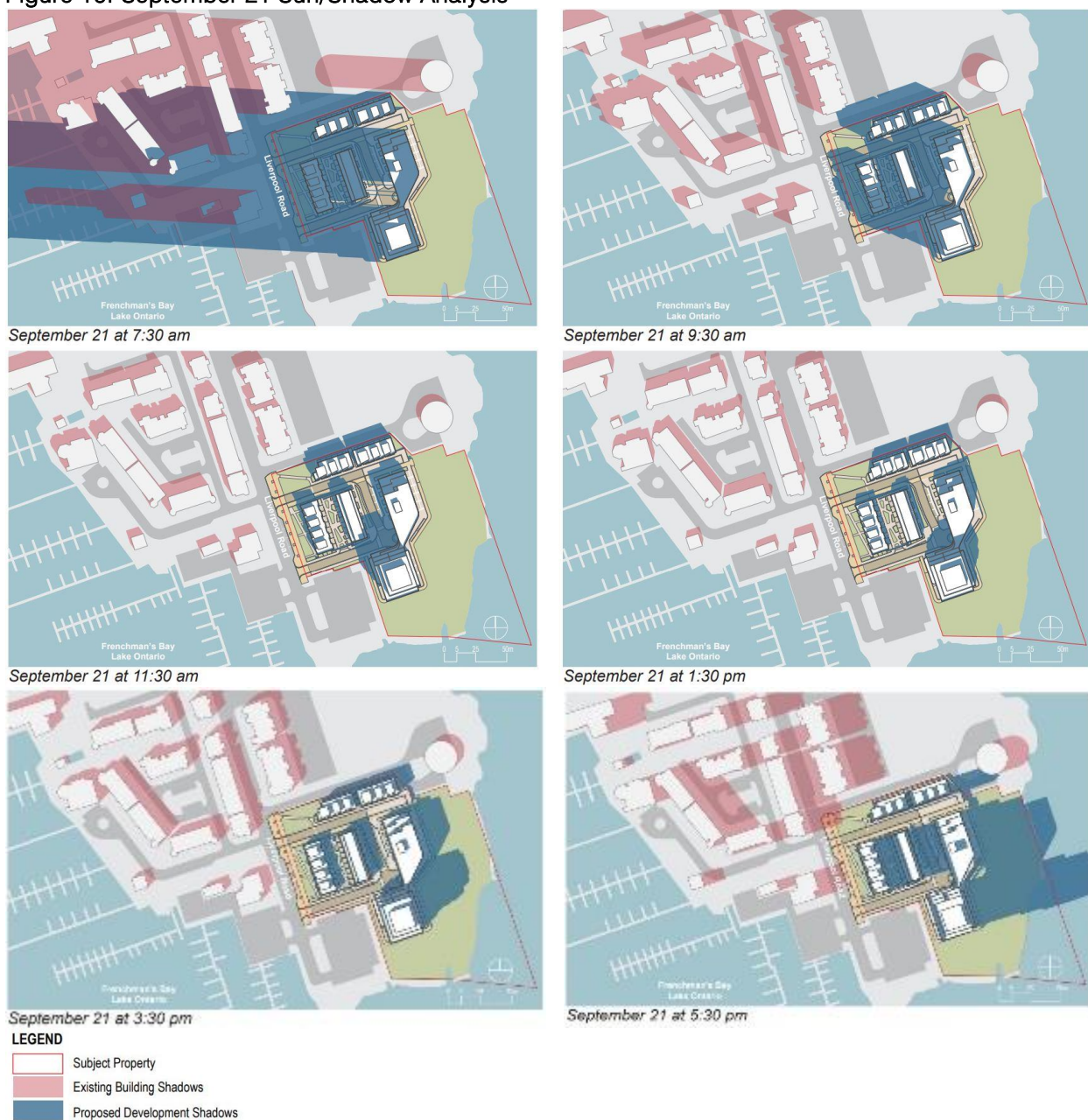
Figure 15: June 21 Sun/Shadow Analysis



- LEGEND**
- Subject Property
 - Existing Building Shadows
 - Proposed Development Shadows

Source: Urban Design Rationale & Guidelines, The Planning Partnership (June 2021)

Figure 16: September 21 Sun/Shadow Analysis



Source: Urban Design Rationale & Guidelines, The Planning Partnership (June 2021)

D) Maintaining Views and Vistas

The City's Urban Design consultant's final concern with the Previous Proposal was the impact to views and vistas from the surrounding neighbourhood to the water. The Previous Proposal, the consultant opined, interfered with the neighbourhood's views and experience of connection to the water, particularly the areas to the north, northeast, and east of the Site. The consultant, however, did agree that the Previous Proposal met Guideline C1.4.1 with regards to view corridors to provide views from Liverpool Road easterly to the Hydro Marsh.

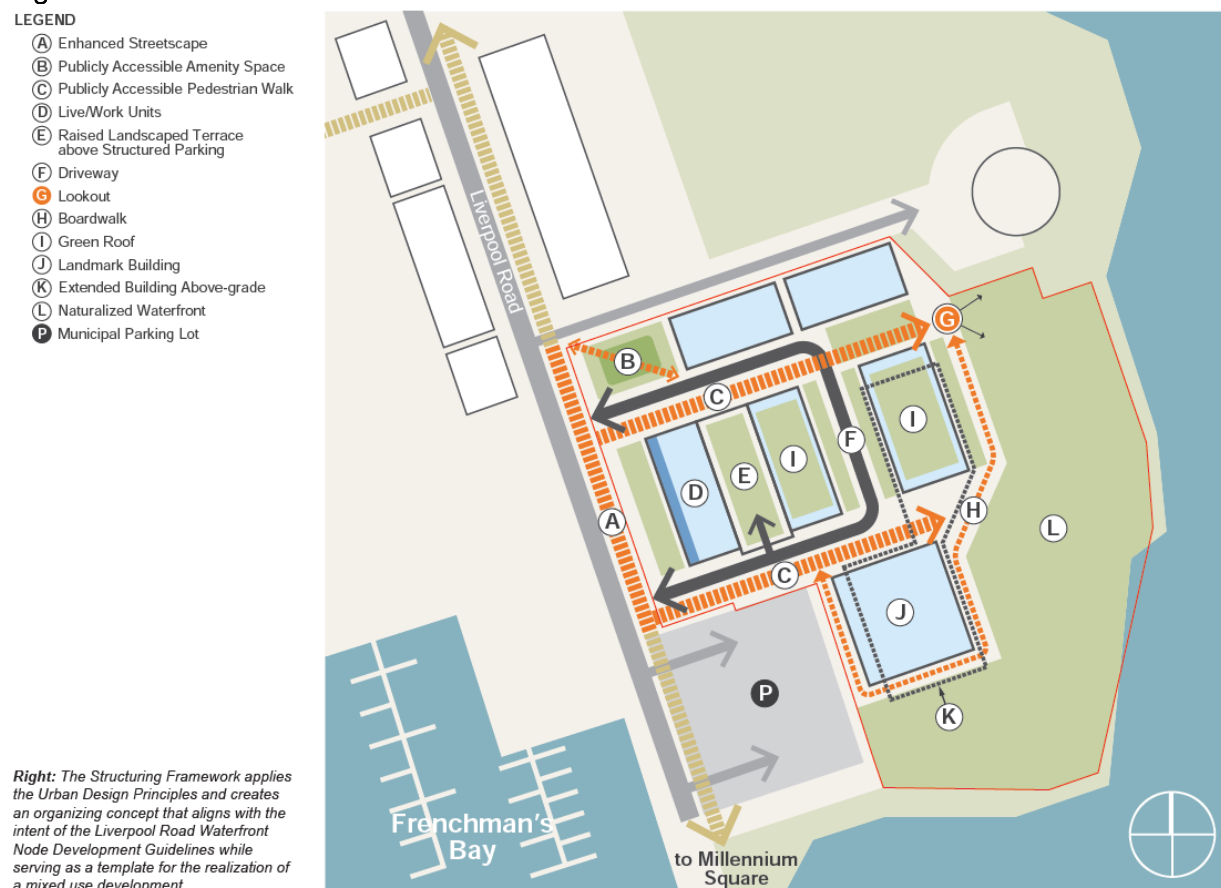
The Current Proposal maintains two vista or view corridors which run along both east-west roads and provide direct visual and physical connection to the Hydro Marsh (see **Figure 17** shown as Publicly

Accessible Pedestrian Walks). The vistas provide vehicle connections into the development but also provide a pedestrian connection to the Hydro Marsh lands connecting to a proposed publicly accessible boardwalk.

The proposed built form adjacent to the vista and access corridor is similar to what is provided to within the Nautical Village development (being 3-storey townhouses on a private road network) on the west side of Liverpool Road connecting to Frenchman's Bay. The access corridor bi-sects the private development via a brick walkway.

The Current Proposal maintains the views and vista requirements of the LRWNDG and therefore it does not negatively impact the public's views or access to the waterfront.

Figure 17: Structure Plan



Source: Urban Design Rationale & Guidelines, The Planning Partnership (June 2021)

TIS and Parking Rationale Updates

The Traffic Impact Study ("TIS") prepared by HDR, dated March 10, 2020, filed in support of the Previous Proposal, was peer-reviewed by the City's peer review consultant, Paradigm Transportation Solutions ("Paradigm"). Paradigm concluded that the proposed parking rate was too low for the combined residential visitor and commercial uses.

The Previous Proposal proposed utilizing the City parking lot to accommodate a public transit bus loop to allow buses to come to the bottom of Liverpool Road. DRT staff and City Engineering staff do not support looping a DRT through the City parking lot.

The at-grade commercial uses within the podiums of the Previous Proposal have been replaced in the Current Proposal, by nine (9) live-work units along Liverpool Road, and have been reduced from 1,400 sq.m to 250 sq.m. The following parking rates have been provided for the live-work units at a rate of 2.00 spaces / unit for the live-work units as well as 4.5 spaces / 100 sq.2^m for the live-work for commercial and visitor parking.

Furthermore, parking has been provided at a rate of 2.00 spaces / unit for the townhouse units (within the ground floor of the mid-rise, as well as the street/block townhouses); and 0.25 spaces / unit for visitors (apartment and townhouses). Separate parking rates have been established for the live-work commercial uses and visitor parking to the Site to ensure adequate parking is provided whether the commercial area is utilized or not given that the majority of the parking is provided within a single underground garage. Furthermore, the existing on-street parking within Liverpool Road within the frontage of the Site is maintained which is intended to support the commercial uses in the area.

The proposed private road through the Subject Site is designed to accommodate public transit buses (as well as waste and emergency vehicles). If, in the future, a bus route is established and is envisaged to extend to the bottom of Liverpool Road there is opportunity to utilize the private road loop to avoid traffic conflicts within the Liverpool Road right-of-way. In this regard, a DRT bus or vehicle would be able to turn around at the end of Liverpool Road through the Site rather than establishing a turn-around loop at the bottom of Liverpool Road or utilizing the City's parking lot.

The reduction in overall units and resulting reduction in the amount of car traffic generated by the Current Proposal has been detailed in an updated TIS. The TIS concludes that the anticipated traffic generated by the Current Proposal can be accommodated within the existing road network. The proposed parking within the development will provide sufficient available parking for residents and visitors.

TRCA Living City Policies Review & Environmental Concerns

The Subject Site is located within the TRCA Regulated Area of Krosno Creek Watershed and Lake Ontario Shoreline. TRCA requires that an appropriate Shoreline Hazard Study is submitted to identify the location of the shoreline hazard on or near the site to ensure consistency with the PPS and the TRCA Living City Policies has been demonstrated. A meeting was held with TRCA on July 8, 2020, where TRCA agreed that assessment of the shoreline could be completed in phases. The first phase requires that erosion, if any, is identified and assessed, which would require beach data to quantify the degree of erosion if occurring.

The previous TRCA comments agreed that a 30m equivalent buffer is appropriate and acceptable to the TRCA for the setback to the staked PSW. This has been maintained with the Current Proposal.

The Conceptual Landscape Plan, shown in **Figure 18**, demonstrates the extent of the 30m buffer and the equivalent area buffer as the Limit of Development line. The outside edge of the boardwalk will be the new boundary of the naturalized buffer which is proposed to be planted with non-invasive, native plant materials in accordance with standard policies for naturalize buffer plantings. The details and exact design of this buffer will be determined through the detailed design stage as is normal practice.

Figure 18: Proposed Conceptual Landscape Plan



Source: Conceptual Landscape Plan, MSLA (June 29, 2021)

Based on further discussion with the TRCA regarding the shoreline hazard, an assessment has been prepared by Shoreplan Engineering Limited, dated May 31, 2021, to determine the long-term stability of the barrier beach fronting the Subject Site. Shoreplan concludes that the Frenchman's Bay barrier beach is dynamically stable and providing wave protection to the Site. Aerial photography of the lake and marsh sides of the barrier beach, dating between 1930 to 2020, was obtained and analyzed. Based on the analysis, which covered a period of 90 years, Shoreplan has determined that while the east beach exhibits dynamic behavior, there is no indication that there is ongoing erosion to the point that the beach will disappear within the next 100 years. Shoreplan therefore is of the opinion that a further erosion hazard assessment is not required. Further discussions will be held with TRCA to determine the next course of action towards obtaining a TRCA permit.

In addition to the shoreline hazard review and natural heritage considerations for the buffer area per the above, there were additional comments from members of the public (in particular the Pickering Naturalists Club) regarding migratory birds and other potential impacts on the Hydro Marsh. The future design and architectural drawings for the proposed mid-rise building will utilize bird friendly and bird strike mitigation measures to the industry standards which will be reviewed and approved by the City at the Site Plan Approval stage. All other environmental matters are reviewed and discussed in the EIS report prepared by Beacon Environmental, revised June 2021. As stated previously, Beacon determined that there are no negative impacts on the environmental features on or adjacent to the Site based on the Current Proposal.

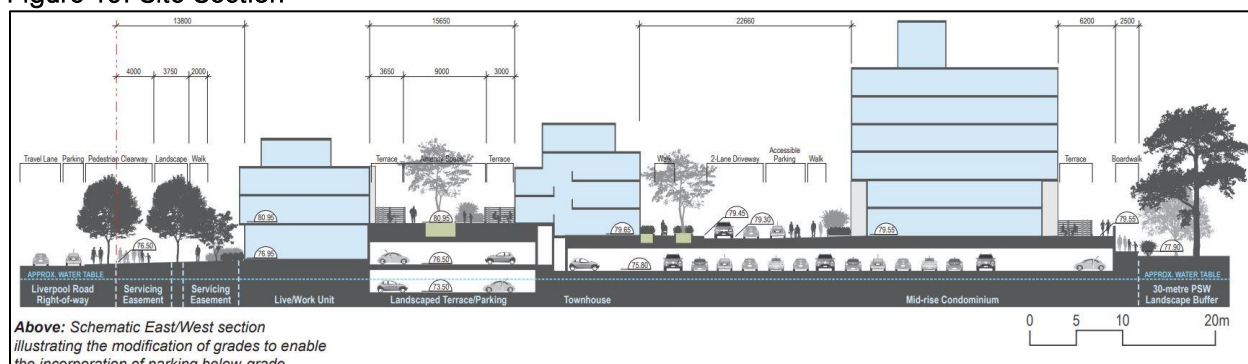
Design of Underground Parking Garage

The City's Engineering Services Department and the TRCA raised concerns about the constructability of an underground parking garage due to the high-water table. Both requested additional information on how permanent dewatering would be accomplished, if required.

The Current Proposal has taken into consideration the findings of the geotechnical (prepared by Haddad geotechnical Inc., February 5, 2019) and hydrogeological (prepared by Golder and Associates Ltd., dated January 31, 2019) studies, and has designed the underground parking garage accordingly. To limit the amount the underground garage extends into the water table, the overall grade within the centre of the Site has been raised by 1.5 m to bring the underground parking to a higher elevation. Two levels of underground parking are proposed; however, the floor plate of the second level is significantly reduced and has been sited in a manner to limit the impacts on the water table. The first level of underground parking is located outside of the water table and only small portions of the second level will penetrate the water table.

Details outlining how the portion of the underground parking structure located within the water table will function will be provided at the detailed design stage as is standard practice. The below cross-section illustrates the limited second level of underground parking.

Figure 19: Site Section



Source: Urban Design Rationale & Guidelines, The Planning Partnership (June 2021)

Marina Uses & Boat Storage

The Previous Proposal provided 1,700 sq.m of indoor boat storage space within the podium of the northern building, which would provide storage for approximately 100 boats. While the indoor boat storage maintained the boat storage use that currently exists on the Subject Site, Pickering Planning Staff and the City's Urban Design Consultant opined that the indoor boat storage would remove the visual reminder of the area's nautical character that an outdoor surface boat storage facility would provide.

The Current Proposal no longer contains boat storage on the Subject Site. A mix of residential and commercial uses (via the live-work units) are proposed, which represents an extension of the existing adjacent uses. To provide the visual cues of the area's nautical character, architectural and building materials that are found in nautical themed areas have been incorporated into the facades of the proposed buildings as described earlier. This is consistent with the Nautical Village in terms of the mixed use, low-rise Liverpool Road streetscape and residential uses above, and behind the Liverpool Road frontage.

While the boat storage is proposed to be removed from the Subject Site, the Pickering Harbour Company will continue to maintain and operate the marina with further investment in the docks and in-water boat storage through advancements in technology. Pickering Harbour Company still maintains a significant amount of land- and water-holdings in the area and expects that investments in the Subject

Site will contribute to the vitality of the marina physically and financially to ensure the business model is sustainable. Opportunities for recreational boating will continue within Frenchman's Bay, which is largely under the ownership of the Pickering Harbour Company, and will continue to see investment from the owners into the future.

Pickering Nuclear Generating Station & Exclusion Zone Discussion

Ontario Power Generation ("OPG"), the City of Pickering, the Region of Durham, as well as the Public, have provided comments regarding the proximity of the proposed residential development to the Pickering Nuclear Generating Station (PNGS) and its associated exclusion zone. Both commented on the appropriateness of the development application in advance of the removal or amendment of the exclusion zone boundary, which does not permit occupancy of permanent residential dwellings within 914m (3000 ft) from the exterior of each nuclear active/operating reactor.

Both the OPG and City of Pickering Council have stated their intentions to decommission PNGS and support its decommissioning. The PNGS has received a commercial licence to continue commercial operations until 2024, with decommissioning to begin shortly thereafter. At the January 27, 2020 Council Meeting, the Pickering City Council passed a Motion that supported the commencement of the decommissioning process and dismantling of the PNGS as expeditiously as possible in line with the recommendations of the International Atomic Energy Agency Report "Decommissioning of Nuclear Power Plants, Research Reactors and Other Nuclear Fuel Cycle Facilities".

As defined by the Canadian Nuclear Safety Commission ("CNSC"), an exclusion zone requires that "a parcel of land within or surrounding a reactor facility on which there is no permanent dwelling and over which a licensee has the legal authority to exercise control." An exclusion zone prohibits permanent residential dwellings from being built and occupied, but does not prohibit a landowner from planning for the future use of their land in anticipation that the exclusion zone is removed from their land. Starting in 2015, OPG themselves began a public consultation process to review and evaluate the potential reuse and redesignation of all of their lands within the vicinity of the PNGS, inclusive of all lands within and beyond the 914m exclusion zone. It stands to reason that the owners of the Subject Site should be afforded the ability to do the same. Planning for a future use does not require the immanent construction or occupancy of any sensitive land use.

The result of OPG's public engagement was a document entitled "Repurposing Pickering", which over the course of the Assessment Period (the time period during decommissioning), reviews the potential for decreases to exclusion zone as the safety case changes. According to OPG's document, it is expected that the reductions in the size and shape of the exclusion zone can occur as soon as commercial operations cease in several locations, subject to a Safety Assessment.

Within the OPG document, the PNGS site was divided into eight planning zones (**Figure 20**). In the study it was stated that Zone 5, which is a comparable distance as the Subject Site (approximately 800m) from the nuclear reactors, could be repurposed at the time commercial operations ceased and was categorized as having 'high repurposing potential', which may allow for a "complete change in use within all or most of the zone [if] possible". Since Zone 5 could be repurposed at the end of commercial operations, it could reasonably be assumed that planning for the rezoning of the lands could occur in advance of the end of commercial operations at the PNGS site. As stated previously, the current timeframe for commercial operations to cease at the PNGS site is 2024, with a potential extension to 2025.

Areas particularly at the edge of the exclusion zone have been identified for redevelopment as soon as the commercial operations end, and areas as close as 250m have potential for redevelopment within the first 5 years of commercial operations ending. The document also identifies the lands north-west of the PNGS site as Recreational and Residential. In **Figure 21**, OPG assumes that the PHC lands are within the area recognized primarily as Residential uses, and per their document, they assume will remain that way throughout the Assessment Period.

Figure 20: Planning zones defined for Repurposing Pickering land use assessment



Source: "Repurposing Pickering" Public Engagement

Figure 21: Main fixed uses assumed to remain during the assessment period



Source: "Repurposing Pickering" Public Engagement

Based on the details provided in the “Repurposing Pickering” document prepared for OPG, it is reasonable to assume that the presence of the exclusion zone should not preclude the planning process from proceeding for potential development of lands within, but on the periphery of, the exclusion zone. The presence of the exclusion zone is intended to control the occupation of permanent residential dwellings, which falls under the Building Permit approvals process. To obtain occupancy, the development would need to satisfy the required Official Plan, and Zoning By-law provisions, as well as any Provincial or Federal regulations such as the Ontario Building Code, and Federal regulations.

As such, there are planning and legal tools available to restrict construction of permanent residential dwellings until the appropriate time. The presence of the exclusion zone should not preclude planning for future uses on the Subject Lands. OPG is planning for the future use of their PNGS site, and there are future plans to end commercial operations of the PGNS in 2024 with decommissioning starting in 2028.

The available tools to control the timing of the development include establishing a holding ‘H’ provision over the subject lands or registering restrictive covenants on Title as per Sections 118 and 119 of the *Land Titles Act*. The subject development applications contemplate how land can be used in the future and do not include applications for building permits; the subject development applications are for planning and not for occupancy.

SUMMARY

In conclusion, it is our professional opinion that the Current Proposal continues to meet the policies of the Provincial Policy Statement, Growth Plan, the Durham Regional Official Plan, the City of Pickering Official Plan and the Liverpool Road Waterfront Node Development Guidelines. Further, the four guiding principles used to establish the vision for the Subject Lands were maintained and applied to the revised Concept Plan. They include: a connected Waterfront, active Streetscapes, mix of uses to live, work and play; as well as supporting social, environmental and economic sustainability.

The Current Proposal represents a significant revision to the Previous Proposal, in direct response to comments provided by the Public, City Council, City and Regional staff, Durham Region Transit, TRCA and OPG.

These considerations and alterations to the Plan contribute to establishing a successful ‘people place’ on the waterfront that respects and enhances environmental areas, and provides ample opportunities for public spaces to be enjoyed by all. The Current Proposal takes an entirely private and enclosed site, greatly enhances it, and most importantly – meaningfully opens it up to the public by providing barrier-free access to the waterfront while protecting the Hydro Marsh, and natural areas. It is our professional opinion that this Proposal continues to encourage and promote a dynamic mixed-use place for the public to gather, stroll, and enjoy the waterfront.

We trust you will find all in order, however if you have any questions or require additional information, please contact us at your earliest convenience.

Respectfully,
THE BIGLIERI GROUP LTD.



Anthony Biglieri, MCIP, RPP
Principal



Mike Pettigrew, B.U.R.PI.
Senior Planner

Cc: Pickering Harbour Company Ltd.
Catherine Rose, Richard Holborn, Nilesh Surti, Cristina Celebre, City of Pickering;
Brian Bridgeman, Gary Mueller, Lino Trombino, Peter Castellan, Region of Durham;
Christopher Norris, Durham Region Transit;
Steve Heuchert, Nancy Gaffney, Jill Atwood, TRCA;
Ray Davies, OPG;
Jane Pepino, CM, QC, LLD, LLM Aird & Berlis LLP
Matthew Helfand, Aird & Berlis LLP