

ONTARIO MUNICIPAL BOARD

IN THE MATTER OF subsection 34(11), and subsection 51(34) of the *Planning Act*,

R.S.O. 1990, c. P.13, as amended from Council's neglect to enact proposed amendments to the City of Zoning By-law, and failure to make a decision respecting proposed residential plans of subdivision in the City of Pickering in regards to the Seaton Community.

Municipality: City of Pickering
OMB Case No.: PL10116-23/101343-45/111108-110
OMB File No.: PL10116-23/101343-45/111108-110

**Reply Witness Statement of
Carl Bray**

Prepared for:
The City of Pickering

Prepared by:

Carl Bray PhD CSLA CAHP MCIP RPP
Bray Heritage
803 Johnson Street
Kingston, Ontario

May 22, 2013

REPLY WITNESS STATEMENT OF CARL BRAY

1.0 Introduction

- 1.1 My firm, Bray Heritage, was retained by the City of Pickering in the fall of 2009. I prepared a witness statement in this matter (OMB Hearing Phase 3A) dated May 7, 2013. Since that date, I have reviewed the witness statements submitted by other parties to the hearing and have identified a number of matters to which I wish to respond.
- 1.2 My reply evidence addresses some of the evidence provided in the witness statements prepared by the following:
- Lloyd Thomas (WDRA)
 - Elizabeth Howson (Landowners)

2.0 Lloyd Thomas paragraph 12: cultural heritage landscape

- 2.1 This reply responds to the witness statement of Mr. Thomas respecting the conservation of the heritage character of the Whitevale Road Character Road from Whitevale Hamlet to Sideline 22.
- 2.2 Mr. Thomas states that:
“As stated in Pickering’s Official Plan s. 11.66, Whitevale Road from Whitevale Hamlet to Sideline 22 is a “cultural heritage landscape”. The western portion of Whitevale Road, from the Hamlet to Sideline 26, is to maintain a rural cross-section. It is not clear that the existing rural character of the roadway will not [sic] be maintained by the proposed draft plans of subdivision. The residential lots fronting Whitevale Road should be larger, with access located at the rear of the property (away from Whitevale Road), and require new building to be designed in the existing character of heritage homes along Whitevale Road or in the Whitevale Heritage Conservation District.”
- 2.3 My witness statement section 6.2 addresses these issues by requiring residential lots to be larger, with deeper setbacks, and designed to create an effective transition between the rural character of the Whitevale Road corridor and the new development. As will be discussed in my reply evidence in response to the witness statements from the landowners’ representatives, the draft plans have in most cases been amended to meet the requirements of Section 11.66(a) of OPA 22 and Section 4.5 of the Sustainable Place-Making Guidelines, in each case responding to the issues Mr. Thomas raises. The exception is that rear access is not possible in most cases due to the requirements of OPA 22 for front

driveways and because of the configuration of the Neighbourhood Plans approved in OPA 22.

3.0 *Lloyd Thomas paragraph 15: streetlights*

3.1 This reply responds to the witness statement of Mr. Thomas respecting the placement of streetlights within the Whitevale Road corridor from Whitevale Hamlet to Sideline 22.

3.2 In his paragraph 15, Mr. Thomas states that,
"...streetlight [sic] should be avoided along the rural section of Whitevale Road to maintain its heritage character."

3.3 Assuming again that Mr. Thomas is referring to the Character Road portion of the Whitevale Road corridor, it is my understanding that the City is actively pursuing alternatives to streetlighting within the Character Road, at least within the portion contained within the boundary of the Whitevale Heritage Conservation District.

4.0 *Lloyd Thomas paragraph 17: DP 2009-05, 3250 SL 28*

4.1 This reply responds to the witness statement of Mr. Thomas regarding the treatment of the Turner House heritage lot.

4.2 Discussions with the landowners have resulted in a reconfiguration of the draft plan so that the south boundary of the heritage lot opposite the main façade of the heritage house is now bordered by a local street, thus preserving a clear view of the façade; there is also another view of the house in the revised plan, northwards up a pair of local streets. The revised plan does not show a local street located within the heritage lot. Development immediately north of the heritage lot is to be single detached instead of townhouses along the north half of the lot boundary, with a laneway and side-lotted lane townhouses along the remainder of the north lot boundary. To the west are single detached houses; to the south, on the east half of the lot boundary are single detached houses.

5.0 *Lloyd Thomas paragraph 18: 3215 Sideline 28*

5.1 This reply responds to Mr. Thomas's concerns about the treatment of the former schoolhouse in the draft plans. He finds that there is no buffer to the north or east of the property and also recommends sale of the property to its original owner and current tenant.

5.2 Discussions with the landowners have resulted in changes that address some of Mr. Thomas's concerns. The single detached housing along the east boundary of

the heritage lot now has wider frontages and deeper rear yard setbacks that can incorporate the existing trees in this area and provide a better transition between the heritage lot and the new housing. On the north, smaller single detached lots have a shallower setback due to the street plan and block sizes mandated in OPA 22: here the lots have been widened and a larger rear yard setback is being required. Also, my recommendation for a solid fence along the north boundary of the heritage lot should be considered. As for the suggested form of sale, the land is owned by Infrastructure Ontario and its disposal and ongoing conservation is not the subject of this hearing.

6.0 *Lloyd Thomas paragraph 19: buffers and development adjacent to 940 Whitevale Road*

- 6.1 This reply responds to Mr. Thomas's concerns regarding the need for a buffer between the proposed regional road west of the heritage lot and the need for greater setbacks or no housing to the north and east of the lot.
- 6.2 The heritage lot is heavily treed on all sides, however, it will still need buffering from major roads. The draft plan shows a small open space immediately west of the heritage lot, between it and the proposed road right-of-way. Depending upon the final grades here, this space could contain a landscape buffer. Discussions with the landowners have resulted in changes to the submitted draft plans that now show deeper lots to the east of the heritage lot, allowing for a greater setback between new development and the heritage lot. This will help conserve existing mature trees and shrubs along the eastern boundary of the heritage lot and provide a better transition between it and adjacent development.

7.0 *Lloyd Thomas paragraph 22: medium density adjacent to heritage lot at 3185 SL 26*

- 7.1 This reply responds to Mr. Thomas's concerns regarding the medium density designation of the blocks located south of the heritage lot.
- 7.2 The medium density designation for this part of Neighbourhood 18 is shown in OPA 22. Given that OPA 22 was approved in Phase 2 of these hearings, the designation of medium density remains. The draft plan of subdivision submitted for this hearing shows medium density (townhouses) south of the heritage lot, across a local street.

8.0 Lloyd Thomas paragraph 24: reuse of barn at 1130 Whitevale Road

- 8.1 This reply is in response to Mr. Thomas's suggestion that the existing barn located north of the existing farmhouse within the proposed park/school site, but outside of the heritage lot.
- 8.2 Discussions with the City of Pickering Parks Department to date indicate that the City does not wish to acquire the barn and use it for community purposes. In their opinion, the barn is in poor condition and is not suitable for re-use.

9.0 Lloyd Thomas paragraph 25: lots adjacent to 1200 Whitevale Road

- 9.1 This reply is in response to Mr. Thomas's concerns regarding the size and setback of residential lots flanking the heritage lot on the east, west and north sides. He recommends removal of the adjacent eastern and western lots and setbacks on *"the other three lots"* to be *"large enough to preserve the character of the Heritage Lot."*
- 9.2 Discussions with the landowners have resulted in revisions to the draft plans so that the four lots on the east and west of the heritage lot are wider and deeper, thus allowing the new houses to be set back as far as, or further than, the front of the existing farmhouse. Similarly, lots north of the heritage lot have been deepened to provide a larger rear yard setback abutting the heritage lot.

10.0 Lloyd Thomas paragraph 26: lots adjacent to 1390 Whitevale Road

- 10.1 This reply is in response to Mr. Thomas's concerns regarding the proposed development adjacent to the heritage lot. Mr. Thomas recommends the following: *"To preserve the sight line from the east, the south half of the block east of the Joseph Wilson House should be removed."*
- 10.2 The block east of the heritage lot is a mixed use node that flanks an important intersection within the draft plan. Rather than eliminate development here, it may be advisable to ensure the heritage lot is integrated within the mixed use node, perhaps by converting the house to commercial use, and by conserving existing mature trees on the lot east of the heritage lot.

11.0 Lloyd Thomas paragraph 27: conservation of existing barn north of 1450 Whitevale Road

- 11.1 This reply is in response to Mr. Thomas's concerns regarding the location of the barn within a proposed residential street (17) in the adjacent neighbourhood. He proposes that: *"the barn should be conserved and moved to the Community Park or a Neighbourhood Park."*

11.2 The barn is located north of the heritage lot within the residential neighbourhood shown in OPA 22 for Neighbourhood 19. The heritage lot is located in the NHS. In my opinion, it is clear that the barn cannot feasibly remain in situ. An option could be to require a heritage resource assessment as a condition of draft plan approval in order to determine if the barn could be moved provided that the structure is sound and determined to have heritage significance. This would be subject to the landowner and/or the City taking responsibility for this, and subject to a feasible site and use being found for the relocated structure. Such a site could be in a Community Park or Neighbourhood Park, as Mr. Thomas suggests, subject to the conditions stated here, and contingent upon the size and location of park uses.

12.0 ***Howson: Mattamy DP 2009-11: Development west of 1390 Whitevale Road in relation to Issue 21***

12.1 This is in response to the comment in her witness statement (Section 3.2.1., p. 2) in which she states that *“The analyses address not only the general directions in OPA 22 and the Guidelines, but also outline how the specific relevant issues identified...in Issue 21 have been addressed.”* In turn this is in response to the Supporting Information for this draft plan (March 18, 2013) to which she refers and in which the proponent for the landowner addresses the plan’s conformity with OPA 22 Section 11.62 (a) for integration of built heritage resources within neighbourhoods.

12.2 In the Supporting Information (Section B, p. 23) Ms. Howson states that: *“The western lot [1390 Whitevale Road] is proposed to have development abutting it to the east and west...The townhouse development to the west is required given the limited site area and configuration and will have a lane abutting a portion of the site. One townhouse will be adjacent to the boundary but with the sideyard setback it will not directly abut the site. In addition, there is a significant sideyard setback on the heritage lot which will provide a buffer.”*

12.3 In my opinion, townhouse development west of the heritage lot is not appropriate and does not meet the intent of Policy 11. 62 (a), for the following reasons. The subject heritage lot is located at the top of a bank that slopes steadily westwards down to the NHS. The gradient not only makes development west of the heritage lot difficult, but it also opens the most prominent view of the heritage lot, which is from the west as seen from Whitevale Road. The proposed rear access lane is shown almost halfway down the west flank of the heritage lot, thus restricting the lot depths next to the heritage lot on this side. The combination of shallow lots, a significant slope and a narrow buildable area means that medium density development here would overwhelm the heritage lot visually, cutting off the view from the west and creating a sharp contrast with

the mature trees and small stone house, with its sideyard and front yard setbacks. As a result, the heritage lot would not be integrated within the neighbourhood.

A more suitable response to the development of the block west of the heritage lot would be to substitute two single detached houses for the townhouses, providing them with ample side and front yard setbacks so that they are located even with, or even north of, the front façade of the heritage house. In this way, the transition from heritage lot to NHS is made effective, the gradient can be accommodated across the two larger lots, and the view of the heritage lot from the west is conserved.

13.0 Conclusion

13.1 Based on my review of all the evidence and of the witness statements submitted for this hearing, my opinion, as contained in my witness statement and further supported by my reply, is that the revised draft plans, with the exceptions noted above, are in accordance with the policies of OPA 22 and the Seaton Sustainable Place-making Guidelines, and represent good planning and are in the public interest.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Carl Bray', with a small mark to the right.

Carl Bray, PhD CSLA CAHP MCIP RPP

Visual evidence being filed:

- Workbook of images of Heritage Lots within the draft plans of subdivision and transition conditions along the Whitevale Corridor Character Road