

ONTARIO MUNICIPAL BOARD

Subject: Proposed amendments to the City of Pickering's Official Plan and Zoning By-law and proposed residential plans of subdivision in the City of Pickering in regards to the Seaton Community

Municipality: City of Pickering

OMB Case No.: PL101016

OMB File No.: PL101016

**Reply Witness Statement of
Paul Lowes**

Prepared for:
The City of Pickering

Prepared by:

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REPLY WITNESS STATEMENT OF PAUL LOWES

1.0 Introduction

- 1.1 My firm, Sorensen Gravely Lowes, was retained by the City of Pickering in the fall of 2009. I prepared a witness statement in this matter 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 matters raised in the witness statements of those representing the school boards, Lloyd Thomas on the draft plans and zoning by-law and those representing the landowners on the draft plans and zoning by-law.

2.0 Front Yard Setbacks for Schools

- 2.1 This reply responds to the witness statements of Mr. Morgulis, Ms. Nancekivell, Mr. Ferkul, Mr. Dagleish and Mr. Cymbaly regarding maximum front yard setback.
- 2.2 All of the witness statements referenced above consider the maximum front yard setback in the draft zoning by-law onerous for the school boards and want the ability to have parking lots and bus drop off between the building and the street.
- 2.3 One of the key tenants of the CPDP is the matter of walkability for the new communities.
- 2.3.1 One of the objectives under Section 4.8 is to develop urban areas that create a sense of community, promote social interaction and are aesthetically pleasing.
- 2.3.2 Policy 4.8.6 d) is the consideration of pedestrian requirements for safety and comfort in the location and design of transit stops, day care centres and community facilities.
- 2.3.3 Objective 4.5.3 (12) is to ensure that Neighbourhood Plans define a street structure based on a modified grid that provides a high degree of permeability, access to key locations (parks, natural features, public use facilities, landmarks), and supports pedestrian and bicycle movement.
- 2.3.4 Objective 4.5.3 (13) is to design roads to meet operational and safety requirements, with right-of-way dimensions reduced wherever possible to promote intimate streetscapes and neighbourhoods with a sense of place.

- 2.3.5 Objective 4.5.3 (15) is to recognize in the Neighbourhood Planning process that streets are valuable open spaces that should be designed to link the open space system.
- 2.4 In my opinion, these policies and objectives and others seek to create a different urban form and streetscape where the streets and the adjacent development pattern create intimate streetscapes.
- 2.5 OPA 22 is configured around eight sustainable principles. The first principle is: *“Create walkable, transit supportive neighbourhoods through compact development; integration of mixed use development; and distribution of parks and recreational facilities.”*
- 2.5.1 The introduction of this section of OPA 22 states that: *“The Seaton Urban Area is intended to be a walkable, pedestrian oriented community built at a relatively compact density. As stated in the Central Pickering Development Plan, while the built forms are anticipated to be modest in scale, densities should be significant enough to support an active community and street life including neighbourhood shops, social facilities and parks as well as public transit.”*
- 2.5.2 The objectives of this section of OPA 22 include:
- “(a) develop urban neighbourhoods that create a sense of community, promote social interaction, and create an attractive destination for residents of the surrounding neighbourhood;*
 - (c) create a walkable and transit-supportive community from the earliest stages of development by establishing a minimum density for residential development and through the creation of a vibrant and safe street life;*
 - (d) ensure that Neighbourhood Plans define a street network based on a modified grid that provides a high degree of connectivity, permeability and access to key locations (parks, natural features, public facilities, landmarks), and supports pedestrian and bicycle movement.”*
- 2.6 The policy framework for other land uses with large buildings directs the development to be oriented to pedestrians.
- 2.6.1 Section 11.7 (a) on commercial areas states that
- “(i) development should be designed to be pedestrian and transit friendly from the outset, even though these areas are intended to intensify over time;*
 - (ii) development should generally be oriented to the street and designed to promote a vibrant and safe street-life and to support the early provision of transit.”*

- 2.7 In my opinion, these and many other policies speak to Seaton being designed differently with buildings brought up the street and a strong pedestrian environment created along the public streetscape.
- 2.8 With this policy direction, the zoning by-law has required reduced maximum setbacks for all land use types in order to create pedestrian comfortable streetscapes. Locating parking lots, drop-off areas and bus loops between the building and the street does not create a pedestrian comfortable streetscape and is not consistent with the one of the central design parameters of the Seaton Urban Area.
- 2.9 Through the neighbourhood planning process, we designed the school sites to have road frontage on two sides where possible. This would allow the building to be brought close to one road frontage while the parking lots could be located on the other frontage, while the public street can provide for parent parking drop and parking as well as lay by parking for the school buses.
- 2.10 A number of the witnesses have commented that the setback will not provide sufficient room to accommodate school bus parking. In the design of the Seaton Urban Area, numerous meetings were held with City staff to determine ways to accommodate uses differently and to have more efficient use of the City's infrastructure. Through those meetings, it was determined that the City's streets could be designed to accommodate school bus parking as layby parking in front of the schools in order to reduce land requirements and to locate buildings closer to the street.
- 2.10.1 In addition, many of the matters raised in paragraph 38 of Mr. Dalglish's witness statement were discussed with City staff and could be appropriately addressed with the school boards at the time of site plan approval.
- 2.11 To provide some flexibility to the school boards, we have revised the maximum front yard requirement in the zoning by-law to apply alternatively to the flankage side yard required.

3.0 *Density of Seaton*

- 3.1 This reply responds to the witness statement of Mr. Ferkul regarding density around school sites.
- 3.2 In paragraph 10, Mr. Ferkul states that,
"Downtown urban schools have decreased parking and bussing needs due to a higher residential density. Suburban schools have an increased need for parking and bus pick-up and drop-off zones due to lower residential densities and increased pedestrian travel distances to school."

3.3 The Seaton Urban Community will not be typical of suburban areas. It will be amongst the most dense urban areas in Durham Region exceeding an overall density of 80 persons and jobs per hectare.

4.0 School Parking

4.1 This reply responds to the witness statement of Mr. Dalgleish regarding school parking needs.

4.2 Mr. Dalgleish provides some parking need calculations. I note that his requirements for school-related pick-up and drop-off do not take into consideration parking opportunities on the adjacent public streets.

4.2 Mr. Dalgleish notes that the City's draft zoning by-law does not establish maximum parking standards. If the School boards are planning on designing schools sites with up to 132 parking spaces in order to accommodate parent pick-up and drop-off, it is my recommendation to the City that they do consider maximum parking standards in order to encourage parents to use on-street parking.

5.0 Zoning By-law Standards

5.1 A number of the planners for the Seaton Landowners have raised specific zoning by-law comments. We have made changes to address their concerns where appropriate. The remaining matters in dispute we believe are few. We continue to have ongoing dialogue with the landowners' planners to resolve the outstanding zoning matters. Where a specific zoning provision has not been resolved by the time of the hearing, I will provide detailed evidence on that specific provision.

5.2 A revised draft zoning by-law, with track changes showing the changed text from the previous version, is attached hereto as **Attachment A**.

6.0 Draft Plans of Subdivision

6.1 In my witness statement I identified a number of matters related to issues 5 through 23 that required changes. Through discussions with the landowners' planners, it is my understanding, subject to seeing the final draft plans of subdivision, that all of outstanding matters have been addressed to the City's satisfaction provided the City's recommended conditions of draft plan approval are adopted to ensure all matters are appropriately addressed.

6.2 The one outstanding matter is with respect to Issue 21 and the development in the Mattamy subdivision DP 2009-11 adjacent to the Heritage Lot on the north side of Whitevale Road. The landowner is proposing a townhouse block to the west of the Heritage Lot. This area is designated Low Density Type 1 with the

expressed intent of having larger lots. That character is intended to change to the east of the Heritage Lot.

- 6.2.1 I have reviewed the Witness Statement of Dr. Bray on this matter and agree with his assessment and recommendations.
- 6.3 With respect to the matter of conditions of draft plan approval, I have reviewed the witness statement of Ross Pym and concur with him on his proposed revisions to the conditions of approval.

7.0 Other Heritage Matters

- 7.1 This reply responds to the witness statement of Mr. Thomas regarding a number of heritage issues
- 7.2 In paragraph 12 of his witness statement, Mr. Thomas states that *“the residential lots fronting Whitevale Road should be larger, with access located to the rear of the property (away from Whitevale Road), and require new buildings to be designed in the existing character of heritage homes along Whitevale Road or in the Whitevale Heritage Conservation District”*.
 - 7.2.1 The draft plans of subdivision have been revised to incorporate larger lots with minimum frontages of 16 metres in accordance with the draft zoning by-law for those lots abutting Whitevale Road west of Sideline 26.
 - 7.2.2 Further a condition of approval has been added for Architectural Control Guidelines to address the design of the houses in keeping with the existing character. I have reviewed the witness statement of Mr. Pym on this matter and agree with his evidence on the appropriateness of realm of matters to be addressed in the Architectural Control Guidelines.
- 7.3 In paragraph 17 of his witness statement, Mr. Thomas states that *“this heritage lot, William Turner House, is bisected by a road. This road should be relocated. The view southwest from the house should be maintained. There should be a buffer (or deep setbacks) with the proposed adjacent townhouses west and north of the Heritage Lot”*.
 - 7.3.1 The heritage lot, William Turner House, is not within a draft plan of subdivision application so no road is being proposed at this time through the lot.
 - 7.3.2 At the request of the City, the road pattern south of the William Turner House has been revised so that the property now fronts onto and a local road and the view south has been maintained.

- 7.3.3 At the request of the City, the dwellings surrounding the William Turner House have been changed from townhouses to single detached dwellings.
- 7.4 In paragraph 18 of his witness statement, Mr. Thomas states that “3215 Sideline 28: There is no buffer to the north or east of the property.”
- 7.4.1 At the request of the City, the lot pattern to the north of this heritage lot has been widened and a site specific provision has been added to the zoning by-law to require deeper rear yards. The lots to the east of the heritage lot are relatively deep at approximately 41 metres, which allows for an appropriate transition.
- 7.5 In paragraph 19 of his witness statement, Mr. Thomas states that “940 Whitevale Road: if the regional road remains in the proposed location, there should be a buffer to between the Heritage Lot and road right-of-way. The proposed housing to the north and east of the John Major House Heritage Lot should have deeper setbacks or be removed.”
- 7.5.1 A small buffer block is provided between Sideline 26 and the subject heritage lot.
- 7.5.2 The lots to the east of the Heritage Lot have been substantially enlarged at the request of the City. Those lots are now a minimum of 22 metres in width. As well, a site specific zoning provision has been added to the draft zoning by-law to require that width.
- 7.6 In paragraph 22 of his witness statement, Mr. Thomas states that “3185 Sideline 26: The medium density should be changed to low density adjacent to the Heritage Lot.”
- 7.6.1 The land use designation is set out in OPA 22 which has been approved by the Ontario Municipal Board. The proposed housing and lot pattern in this area conforms to OPA 22.
- 7.7 In paragraph 23 of his witness statement, Mr. Thomas states that “1125 Whitevale Road: The number of lots adjacent to John Tool II House should be removed to provide an appropriate transition. The proposed new development appears to encroach on the boundary of the Heritage Lots. The City of Pickering did not consult with the WDRA or residents before consenting to this form of obviously incompatible development.”
- 7.7.1 The City has not consented to the development of this lot. At the City’s request, the lotting pattern around the lot has been revised to respect the integrity of the lot and to provide for an appropriate transition of larger lots.
- 7.8 In paragraph 31 of his witness statement, Mr. Thomas states that “the proposed zoning by-law does not contain sufficient protections for Heritage Lots. For

example, section 4.0 creates a Low Density Type 1 –Heritage Lot (“LD1-HL”) designation, but no land is designated LD1-HL in the zoning maps in Section 12.”

7.8.1 None of the Heritage Lots along Whitevale Road are in plans of subdivision that are currently before the Ontario Municipal Board. As such there is no statutory vehicle in which to zone these lots at this time. The City plans on bringing forward a subsequent zoning amendment(s) to zone the remainder of the lands within the Seaton Urban Community. At that time all of Heritage Lots along Whitevale Road within the Seaton Urban Community will be zoned LD1-HL.

8.0 Conclusion

8.1 Based on my review of all the evidence, my opinion, as contained in my witness statement and further supported by my reply, remains unchanged. It continues to be my professional opinion that the Draft Seaton Zoning By-law is an appropriate tool to implement the draft plans of subdivision, and that the draft plans of subdivision with the one exception noted in this witness statement conform to the City of Pickering Official Plan and represent good planning.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Paul Lowes', written in black ink.

Paul Lowes, MES, MCIP, RPP