

To: Economic and Development Services Committee

From: Warren Munro, HBA, MCIP, RPP, Commissioner,
Economic and Development Services Department

Report Number: ED-23-114

Date of Report: May 31, 2023

Date of Meeting: June 5, 2023

Subject: Application to Amend Zoning By-law 60-94, Central Clear View
Developments Inc., 39 Athol Street West

Ward: Ward 4

File: Z-2023-01

1.0 Purpose

The purpose of this Report is to provide a recommendation on the application submitted by Independent Project Managers (the “Applicant”) on behalf of Central Clear View Developments Inc. (the “Owner”) to amend Zoning By-law 60-94, to permit a new 12-storey, 140 unit apartment building located on lands municipally known as 39 Athol Street West (the “Subject Site”).

The Owner intends to register the proposed development as a condominium. In the event the subject application to amend Zoning By-law 60-94 is approved, the Owner will be required to submit an application for approval of a draft plan of condominium at the appropriate time.

Attachment 1 is a map showing the location of the Subject Site and the existing zoning in the area.

Attachment 2 is a copy of the proposed site plan submitted by the Applicant for the Subject Site.

Attachment 3 is a list of uses permitted in the CBD (Central Business District) Zones.

A public meeting was held on March 6, 2023 concerning the subject application. At the conclusion of the meeting, the Economic and Development Services Committee adopted a recommendation to direct staff to further review the application and prepare a subsequent report and recommendation back to the Economic and Development Services Committee. The minutes of the public meeting form Attachment 4 to this Report.

2.0 Recommendation

That the Economic and Development Services Committee recommend to City Council that, pursuant to Report ED-23-114 dated May 31, 2023, the application submitted by Independent Project Managers on behalf of Central Clear View Developments Inc. to amend Zoning By-law 60-94 (File: Z-2023-01) to rezone 39 Athol Street West to permit the development of a 12-storey, 140-unit apartment building be approved, generally in accordance with the comments contained in said Report, and the necessary by-law be passed in a form and content acceptable to the Commissioner of Economic and Development Services and Legal Services.

3.0 Executive Summary

This Department recommends the approval of the application to amend Zoning By-law 60-94 to permit the development of a new 12-storey, 140-unit apartment building at 39 Athol Street West.

The proposed apartment building is located within the Downtown Oshawa Urban Growth Centre along a Type 'B' Arterial Road (Centre Street South) which also serves as a Regional Transit Spine, and has good access to transit and nearby amenities, including shopping and entertainment, and can be designed to be compatible with adjacent uses.

The proposed development conforms to the Provincial Growth Plan, is consistent with the Provincial Policy Statement, conforms to the Durham Regional Official Plan and Oshawa Official Plan, is within the Built Boundary and represents good planning. The proposed apartment building will help the City achieve its commitment to the Province to deliver 23,000 new housing units in Oshawa by 2031.

4.0 Input From Other Sources

4.1 Other Departments and Agencies

No department or agency that provided comments has any objection to the approval of the subject application. Certain technical issues and requirements related to the proposed development have been identified and can be resolved during the site plan approval and building permit processes, if the application is approved.

On February 23, 2023, Heritage Oshawa reviewed the application and made the following recommendations:

- “1. That the proposed building be reduced in height from the current 12 stories to 6 stories to protect the sight lines of the Anglican Church next door; and,
2. That a plaque be installed to the side of the proposed building to reflect the previous home on the site; and,
3. That Heritage Oshawa be consulted and approve regarding the contents and location of the plaque.”

The Owner has advised that they have no objection to Items 2 and 3 of Heritage Oshawa's recommendation.

St. George's Anglican Church abuts the south limit of the Subject Site and is identified as a Class "A" property in the City of Oshawa's Inventory of Heritage Properties (the "Inventory"). The Inventory identifies properties of cultural heritage value or interest within the City of Oshawa. Class "A" properties are properties that have been evaluated by Heritage Oshawa and are determined to have the highest potential for designation. The Simcoe Street United Church, situated southeast of and in proximity to the Subject Site, is a formally designated property under Part IV of the Ontario Heritage Act, R.S.O. 1990, c. O.18, and is included on the list of designated properties contained in the City's Inventory.

In considering Item 1 of Heritage Oshawa's recommendation above, staff note that the proposed 12-storey building would have a two-storey podium setback of 5.3 metres (17.5 ft.) from the south property line and 0 metres (0 ft.) from the Centre Street South property line. The portion of the building above the first two storeys would have a setback to the south property line of 12.1 metres (40 ft.) and a 4.1 metre (13.5 ft.) setback from the Centre Street South property line. Visibility of prominent portions of St. George's Anglican Church from the east, west, south and northwest will not be impacted. Views of the church building directly from the north will be obstructed by the proposed building. However, the only such views that would be obstructed would be those from the Michael Starr Building at the northeast corner of Centre Street South and Athol Street West. At seven (7) storeys in height (excluding the rooftop mechanical floor), the Michael Starr Building itself currently obstructs views of the church from the north.

Similarly, views of the Simcoe Street United Church, which is not directly adjacent to the Subject Site, will not be impacted.

In view of the foregoing, reducing the height of the proposed apartment building to six (6) storeys would not appreciably improve visibility of the church buildings from surrounding public spaces.

4.2 Public Comments

The minutes of the March 6, 2023 public meeting concerning the subject application form Attachment 4 to this Report. No written comments were received from the public with respect to the subject application.

A concern raised by the public at the public meeting is set out below together with a staff response.

4.2.1 Solar Panels

Comment:

A member of the public recommended that the proposed building incorporate solar panels.

Staff Response:

Staff typically recommend that applicants consider implementing measures such as solar panels, green roofs, electric vehicle charging, etc. as part of the review of the site plan application. In some cases developers do not include solar panels in their initial building design, but retrofit the roof at some time after the building is constructed.

The Applicant and Owner have indicated they are considering installing solar panels on the roof of the building, and will continue to investigate the feasibility as the building design progresses.

5.0 Analysis

5.1 Background

The Subject Site is generally located at the southeast corner of Centre Street South and Athol Street West, and is municipally known as 39 Athol Street West (see Attachment 1).

The following is background information concerning the subject application:

Item	Existing	Requested/Proposed
Oshawa Official Plan Designation	Downtown Oshawa Urban Growth Centre within the Downtown Main Central Area Boundary	No change.
Zoning By-law 60-94	CBD-B (Central Business District)	An appropriate CBD-B (Central Business District) Zone to permit the proposed development with site specific conditions to permit certain performance standards such as, but not necessarily limited to, increased residential density, increased building height, reduced required parking and reduced building setbacks to street lines above 20m (65.6 ft.) in height.
Use	Vacant	A 12-storey apartment building containing 140 apartment units

The following land uses are adjacent to the Subject Site:

- **North:** Athol Street West, beyond which is the Michael Starr office building
- **South:** Place of worship (St. George's Anglican Church)
- **East:** Vacant one-storey commercial building (former Tim Hortons restaurant)
- **West:** Centre Street South, beyond which is Oshawa City Hall

The following are the proposed development details for the Subject Site:

Site Statistics Item	Measurement
Lot Frontage	Athol Street West - 67.46m (221.33 ft.) Centre Street South - 35.39m (116.11 ft.)
Lot Area	0.23 ha (0.57 ac.)
Number of Proposed Residential Units	140 units: <ul style="list-style-type: none"> - 1 studio unit - 80 one-bedroom units - 54 two-bedroom units - 5 three-bedroom units
Maximum Net Residential Density Permitted	550 u/ha (223 u/ac.)
Proposed Net Residential Density	608.69 u/ha (246.46 u/ac.)
Permitted Maximum Building Height	12m (39.37 ft.)
Proposed Maximum Building Height	42m (137.80 ft.) (12 storeys)
Parking Spaces Required	140 spaces (1.00 per unit)
Parking Spaces Provided	99 spaces (0.71 spaces per unit)
Number of Bicycle Parking Stalls Proposed	114

5.2 Oshawa Official Plan

The Subject Site is designated Downtown Oshawa Urban Growth Centre within the Downtown Main Central Area Boundary in the Oshawa Official Plan (the “O.O.P.”).

The Subject Site is located within the Downtown Oshawa Urban Growth Centre as identified in the Provincial Growth Plan. Under the Growth Plan, the Downtown Oshawa Urban Growth Centre is a primary focus area for intensification within the City, to be developed for a mix of uses in order to achieve a minimum density target of 200 persons and jobs per combined hectare.

To assist in achieving the densities outlined for the Downtown Oshawa Urban Growth Centre, the built form of new development and redevelopment shall generally be a mix of predominately high-rise development as well as some mid-rise buildings, with compact, intensive low-rise buildings constituting the smallest proportion of development and mainly limited to peripheral locations. Buildings at corner locations should generally be higher than buildings in mid-block locations.

The O.O.P. specifies, in part, that the Downtown Oshawa Urban Growth Centre shall be planned and developed as a primary concentration of retail, major office, service, cultural, recreational, entertainment and institutional uses, supporting active transportation and higher order transit services in the Downtown Main Central Area and in the City. In addition, subject to appropriate provisions in the zoning by-law, medium and high density residential and mixed-use developments shall be permitted in the area designated as Downtown Oshawa Urban Growth Centre.

The O.O.P. contains policies which establish various density types and provide general locational criteria for such densities. The residential density type related to the proposed development is greater than the High Density II Residential density type. Nevertheless, the locational criteria for High Density II Residential development will be reviewed to assist in the analysis of the proposal.

Table 2, Residential Density Classification, in the O.O.P. is a guideline that indicates that uses in the High Density II Residential category, which generally permits 150 to 550 units per hectare (60 to 223 u/ac.) within the Downtown Oshawa Urban Growth Centre, are subject to the following general locational criteria:

- (a) Generally located within or at the periphery of the Downtown Oshawa Urban Growth Centre, or in proximity to arterial roads within the Main Central Area, Sub-Central Area and Community Central Areas or Regional Corridors.
- (b) Generally located in such a manner that the scale, form and impacts of this type of housing are generally compatible with adjacent land uses.

The proposed residential apartment building at 39 Athol Street West would have a net residential density of approximately 608.69 units per hectare (246.46 u/ac.) which is greater than the High Density II Residential classification.

It should be noted that in order to provide for flexibility in the interpretation of the text and schedules of the O.O.P., all numbers and quantities (with the exception of floor space indices) shall be considered to be approximate. Policy 10.1.2(a) specifies that minor changes to such numbers and quantities will be permitted without the need for an Official Plan amendment, provided that such changes do not affect the intent of the O.O.P. This policy would apply in the consideration of minor deviations from the density ranges outlined in Table 2 of the O.O.P., which serves as a guideline for reviewing matters related to the density of development.

Centre Street South is a Type 'B' Arterial Road on Schedule "B", Road Network, of the O.O.P., and a Regional Transit Spine on Schedule "B-1", Transit Priority Network, of the O.O.P. Athol Street West is a local road.

The subject application conforms to the O.O.P.

5.3 Zoning By-law 60-94

The Subject Site is currently zoned CBD-B (Central Business District) which permits a variety of residential and commercial uses including, but not limited to, an apartment building, flat, hotel, office, personal service establishment, restaurant, retail store and retirement home.

Apartment buildings are permitted in the CBD-B Zone subject to compliance with regulations on such matters as maximum density, maximum height, minimum building setbacks and parking. The maximum building height permitted in the CBD-B Zone is 12 metres (39.37 ft.) and the maximum permitted density is 550 units per hectare

(223 u/ac.). In this particular case, the proposed development does not comply with the regulations.

The current zoning would permit a 4-storey apartment building or mixed use building with up to 127 dwelling units, subject to compliance with regulations such as minimum parking requirements.

The Applicant has submitted an application to amend Zoning By-law 60-94 to rezone the Subject Site from a generic CBD-B (Central Business District) Zone to a CBD-B Zone subject to a special condition to permit the proposed 12-storey residential apartment building with 140 apartment units. In order to implement the proposed building/site design, special regulations are proposed such as increased residential density, increased building height, reduced required parking and reduced building setbacks to street lines above 20 metres (65.6 ft.) in height.

This Department has no objection to the approval of the application to amend Zoning By-law 60-94 for the Subject Site which would:

- Rezone the Subject Site from CBD-B (Central Business District) to an appropriate site specific CBD-B Zone to permit a maximum density of 608.69 units per hectare (246.46 u/ac.) (140 apartment units); and,
- Implement site specific zoning regulations to facilitate the proposed site and building designs, including the establishment of certain performance standards such as maximum building height, minimum required parking and minimum building setbacks to street lines above 20 metres (65.6 ft.) in height.

This Department has no objection to the approval of the subject application to amend Zoning By-law 60-94. Section 5.5 of this Report sets out the rationale for this position.

5.4 Site Design/Land Use Considerations

The Applicant proposes to develop a new 12-storey, 140 unit condominium apartment building on the Subject Site (see Attachment 2).

The proposed building includes parking on two aboveground levels incorporated into the base of the building, and one level of underground parking, with driveway access from Athol Street West.

The proposed building also includes the following features:

- A rooftop garden/amenity area and an outdoor amenity area at grade;
- Private balconies along the north and south elevations for each apartment unit; and,
- Indoor communal amenity spaces.

In support of the proposed site design/development the Applicant has submitted, on behalf of the Owner, a variety of plans and documents including a site plan, floor plans, elevation plans, shadow impact plans, planning justification report, landscape plans, arborist report, grading plan, servicing plan, functional servicing and stormwater management report,

heritage impact assessment, archaeological assessment, environmental site assessment, transportation impact study and parking assessment.

Detailed design matters will be reviewed during the processing of a future application for site plan approval to ensure compliance with the City's Landscaping Design Policies, engineering standards and other policies if the subject application is approved.

Some of the specific matters this Department will be reviewing during the processing of the future site plan application, if the subject rezoning application is approved, include:

- (a) Site/building design matters including driveway access, parking, refuse storage and collection, loading, building architecture, fire access and landscaping;
- (b) Servicing and stormwater management matters;
- (c) Transportation considerations;
- (d) Noise attenuation;
- (e) The environmental condition of the Subject Site given historical land uses in the area; and,
- (f) Crime Prevention Through Environmental Design matters.

5.5 Basis for Recommendation

This Department has no objection to the application to amend Zoning By-law 60-94 for the following reasons:

- (a) Developing a vacant property to a more intensive use in the Downtown Oshawa Urban Growth Centre conforms to the Provincial Growth Plan and is consistent with the Provincial Policy Statement;
- (b) The proposed development conforms to the Durham Regional Official Plan and O.O.P.;
- (c) The Subject Site is already designated and zoned to permit apartment buildings albeit at a lower height and density;
- (d) The proposed development is appropriate in terms of use, form and scale given its location in the Downtown Oshawa Urban Growth Centre along a Type 'B' Arterial Road at an intersection with a local road and in close proximity to similarly sized buildings (Oshawa City Hall and Michael Starr Building);
- (e) The proposed development is transit supportive given its proximity to Durham Region Transit and GO Transit bus stops and routes;
- (f) The proposed development promotes active transportation opportunities given the site's proximity to a variety of amenities in and around downtown Oshawa (e.g. the Tribute Communities Centre, Y.M.C.A., Regent Theatre, Midtown Mall, Oshawa Public

Library – McLaughlin Branch, banks, restaurants, retail stores, offices) and access to the Athol Street Cycle Track, Joseph Kolodzie Oshawa Creek Trail and Michael Starr Trail;

- (g) The proposed development can be designed to be compatible with adjacent land uses;
- (h) The proposed development will make efficient use of existing municipal services such as water and sanitary services;
- (i) The proposed building does not negatively impact nearby heritage buildings; and,
- (j) The proposed development represents good planning.

6.0 Financial Implications

There are no financial implications associated with the recommendation in this Report.

7.0 Relationship to the Oshawa Strategic Plan

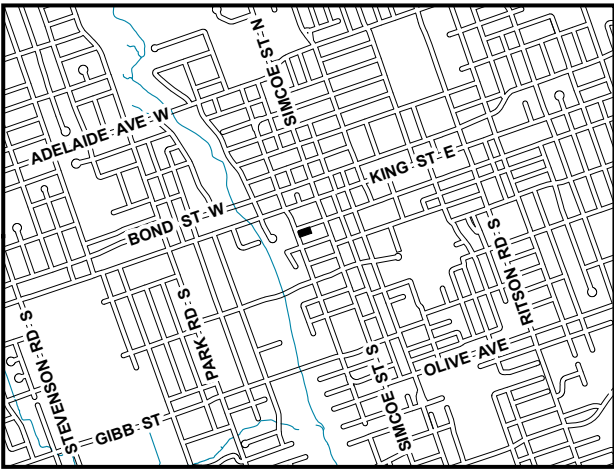
The Recommendation advances the Economic Prosperity and Financial Stewardship goal of the Oshawa Strategic Plan.



Tom Goodeve, M.Sc.Pl., MCIP, RPP, Director,
Planning Services



Warren Munro, HBA, MCIP, RPP, Commissioner,
Economic and Development Services Department



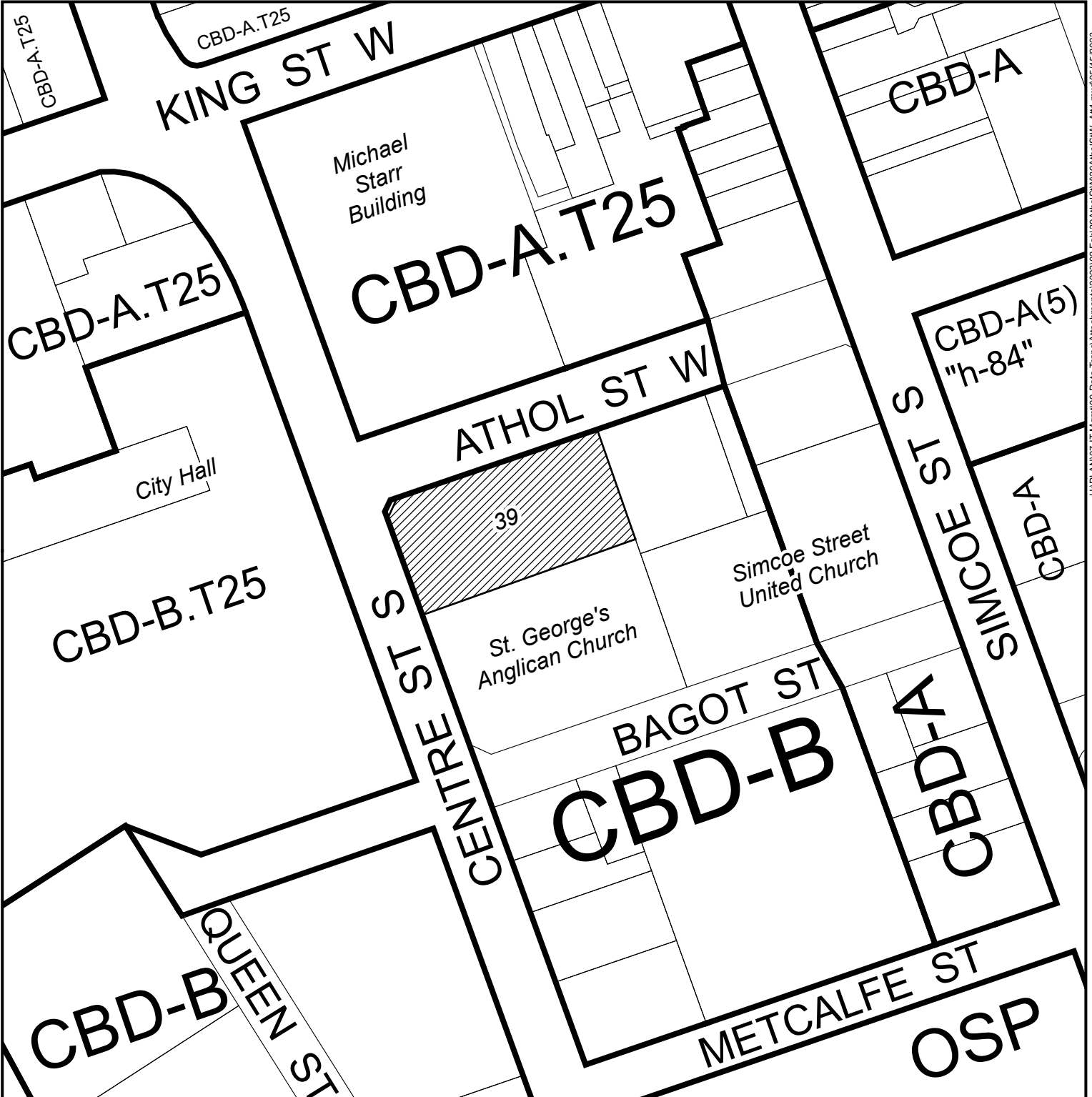
Item: ED-23-114
Attachment 1

Economic and Development Services

Subject: Application to Amend Zoning By-law 60-94,
Central Clear View Developments Inc.
Address: 39 Athol Street West
Ward: Ward 4
File: Z-2023-01



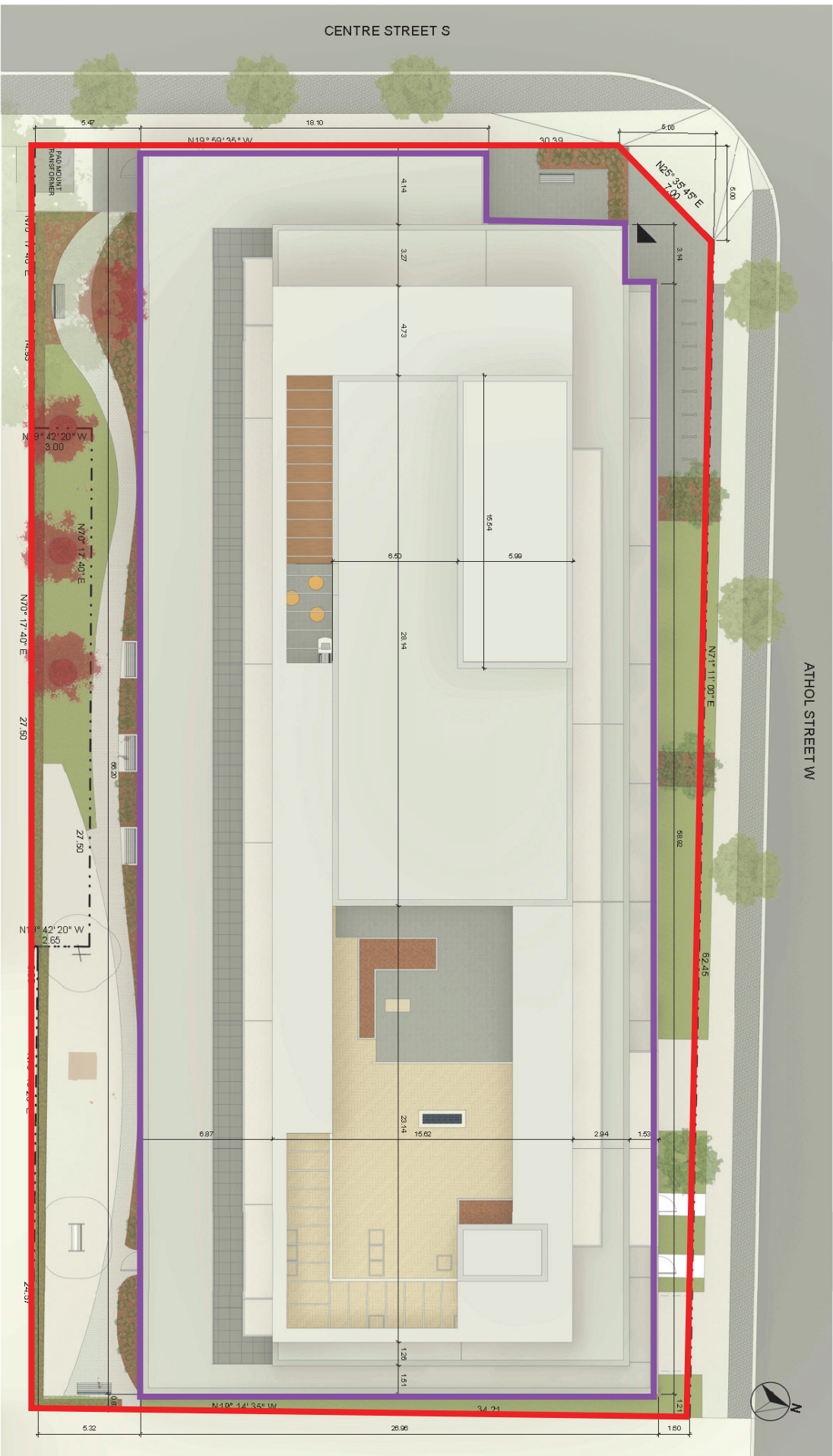
Subject Site



**Item: ED-23-114
Attachment 2**

Title: Proposed Site Plan Submitted by the Applicant
Subject: Application to Amend Zoning By-law 60-94, Central Clear View Developments Inc.
Address: 39 Athol Street West
Ward: Ward 4
File: Z-2023-01

City of Oshawa
 Economic and Development Services



1 Site
 1:1,100

Subject Site

Proposed Apartment Building

List of Permitted Uses in the CBD (Central Business District) Zones:

CBD (Central Business District) Zones

- (a) Animal hospital
- (b) Apartment building
- (c) Apartment hotel
- (d) Art gallery
- (e) Automobile rental establishment
- (f) Automobile repair garage
- (g) Bus depot
- (h) Church
- (i) Cinema
- (j) Club
- (k) Commercial recreation establishment
- (l) Convention centre
- (m) Craft Brewery
- (n) Crisis care residence
- (o) Cultural centre
- (p) Day care centre
- (q) Financial institution
- (r) Flat
- (s) Funeral home
- (t) Hospital
- (u) Hotel
- (v) Lodging house
- (w) Long Term Care Facility
- (x) Merchandise service shop
- (y) Museum
- (z) Nursing home
- (aa) Office
- (bb) Parking garage or parking lot
- (cc) Personal service establishment
- (dd) Printing establishment
- (ee) Restaurant
- (ff) Retail store
- (gg) Retirement home
- (hh) School
- (ii) Studio
- (jj) Tavern
- (kk) Television or radio broadcasting station or studio
- (ll) Theatre
- (mm) Trade centre

Excerpts from the Minutes of the Development Services Committee Meeting held on March 6, 2023

Application ED-23-52

Presentation

Independent Project Managers - Application to Amend Zoning By-law 60-94, Central Clear View Developments Inc., 39 Athol Street West

Dave Meredith, Independent Project Managers, provided a presentation concerning the Application to Amend Zoning By-law 60-94, Central Clear View Developments Inc., 39 Athol Street West.

Members of the Committee questioned Dave Meredith.

Delegations

Michele Cauley - Application to Amend Zoning By-law 60-94, Central Clear View Developments Inc., 39 Athol Street West

Michele Cauley addressed the Economic and Development Services Committee concerning the Application to Amend Zoning By-law 60-94, Central Clear View Developments Inc., 39 Athol Street West expressing concerns if they will incorporate any solar in the building structure.

Correspondence

None.

Reports

ED-23-52 - Application to Amend Zoning By-law 60-94, Central Clear View Developments Inc., 39 Athol Street West (Ward 4)

Moved by Councillor Chapman

That, pursuant to Report ED-23-52 dated March 1, 2023, concerning the application submitted by Independent Project Managers on behalf of Central Clear View Developments Inc. to amend Zoning By-law 60-94 (File Z-2023-01) to permit the development of a 12-storey, 140 unit apartment building at 39 Athol Street West, staff be directed to further review and prepare a report and recommendation back to the Economic and Development Services Committee. This direction does not constitute or imply any form or degree of approval.

Motion Carried