

To: Economic and Development Services Committee

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

Report Number: ED-23-157

Date of Report: September 6, 2023

Date of Meeting: September 11, 2023

Subject: Applications to Amend the Secondary Plan for the Samac  
Community and Zoning By-law 60-94, 1494339 Ontario  
Limited, lands generally located at the southeast corner of  
Ritson Road North and Luple Avenue

Ward: Ward 1

File: OPA-2022-06, Z-2022-07

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## 1.0 Purpose

The purpose of this Report is to provide background information for the Planning Act public meeting on the applications submitted by D.G. Biddle & Associates Limited (the “Applicant”) on behalf of 1494339 Ontario Limited (the “Owner”) to amend the Secondary Plan for the Samac Community and Zoning By-law 60-94, as amended, to permit four (4) single detached dwellings and a six (6) storey, 46 unit apartment building on lands generally located at the southeast corner of Ritson Road North and Luple Avenue (the “Subject Site”).

The Notices of Complete Application that were distributed in 2022 for these applications indicated that the Subject Site was also subject of an application for a Draft Plan of Condominium (File: C-O-2022-06). The Applicant has since withdrawn the Draft Plan of Condominium application given that the proposed apartment building is now intended by the Owner to be a rental building.

A portion of the Subject Site is also subject to an Application for Site Plan Approval submitted by the Applicant for the proposed apartment building (File: SPA-2022-20). Accordingly, the Notices of Complete Application distributed in 2022 and the Notice of Public Meeting distributed in August 2023 indicated that the Subject Site was also the subject of an Application for Site Plan Approval.

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.

Attachment 3 is a copy of Schedule 'A', Samac Land Use and Street Plan, from the Secondary Plan for the Samac Community.

A notice advertising the public meeting was mailed to all assessed property owners within 120 metres (400 ft.) of the Subject Site and to all required public bodies. In addition, a notice was published in the Oshawa This Week newspaper and signs giving notice of the applications have been posted on the Subject Site. The notice was also posted on the City's website and communicated through its Corporate Twitter and Facebook social media accounts.

The notice regarding the public meeting provided an advisory that the meeting is open to the public and will take place in person in the Council Chamber at Oshawa City Hall. Members of the public wishing to address the Economic and Development Services Committee through electronic means rather than appear in person to make a delegation were invited to register their intent to participate electronically by 12:00 p.m. on September 8, 2023.

On February 27, 2023, the Applicant and the Owner hosted a public information centre at the Kedron United Church (1995 Ritson Road North) to present the development proposal for the Subject Site to the community and receive public feedback. This Department assisted in the distribution of the notices to property owners for that public information centre at the Applicant's cost. City staff also attended the public information centre to observe the proceedings.

## **2.0 Recommendation**

That, pursuant to Report ED-23-157 dated September 6, 2023, concerning the applications submitted by D.G. Biddle & Associates Limited on behalf of 1494339 Ontario Limited to amend both the Secondary Plan for the Samac Community (File: OPA-2022-06) and Zoning By-law 60-94 (File: Z-2022-07) to permit the development of four (4) single detached dwellings and a six (6) storey, 46 unit apartment building at lands generally located at the southeast corner of Ritson Road North and Luple Avenue, staff be directed to further review and prepare a subsequent report and recommendation back to the Economic and Development Services Committee. This direction does not constitute or imply any form or degree of approval.

## **3.0 Executive Summary**

Not applicable.

## **4.0 Input from Other Sources**

### **4.1 Other Departments and Agencies**

The subject applications have been circulated for comment and the identification of issues to a number of departments and agencies. These comments and issues will be considered and reported on, as appropriate, in a subsequent staff report which will provide a recommendation on the applications.

## 5.0 Analysis

### 5.1 Background

The Subject Site is generally located at the southeast corner of Ritson Road North and Luple Avenue (see Attachment 1).

The following is background information concerning the subject applications:

Item	Existing	Requested/Proposed
<b>Oshawa Official Plan Designation</b>	Residential in part and Open Space and Recreation in part	No change
<b>Samac Secondary Plan Designation</b>	<b>Schedule 'A' Samac Land Use and Street Plan</b> – Medium Density I Residential  <b>Schedule 'B' Samac Environmental Management Plan</b> - Natural Heritage System and Hazard Lands	<b>Schedule 'A' Samac Land Use and Street Plan</b> – High Density I Residential in part  <b>Schedule 'B' Samac Environmental Management Plan</b> – No change
<b>Zoning By-law 60-94</b>	FD (Future Development)	<ul style="list-style-type: none"> <li>▪ R1-E (Residential) to permit four (4) single detached dwellings.</li> <li>▪ R6-C (Residential) to permit a six (6) storey, 46 unit apartment building with site specific conditions to permit certain performance standards such as, but not necessarily limited to, reduced front, interior and exterior side yard depths, reduced landscaped open space and reduced lot frontage.</li> <li>▪ OSH (Hazard Lands Open Space) for the lands associated with the tributary of the Oshawa Creek</li> </ul>
<b>Use</b>	Vacant (formerly a single detached dwelling)	<ul style="list-style-type: none"> <li>▪ 4 single detached dwellings each on their own future lot fronting onto Luple Avenue</li> <li>▪ 6 storey, 46 unit apartment building</li> </ul>

The following land uses are adjacent to the Subject Site:

- **North** Luple Avenue, beyond which are two storey single detached dwellings and vacant City owned lands traversed by hydro transmission towers and lines

- **South** Ritson Fields Park
- **East** One- and two-storey single detached dwellings
- **West** Ritson Road North, beyond which is a Region of Durham waste management facility

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

<b>Site Statistics Item</b>	<b>Measurement</b>
Gross Lot Area (inclusive of road widening and open space conveyances)	1.11 ha (2.74 ac.)
Net Lot Area of the Proposed Single Detached Dwelling Lots	0.13 ha (0.32 ac.)
Number of Single Detached Dwellings Proposed	4
Lot Frontage of the Proposed Single Detached Dwellings	Lot 1 – 15.27m (50.10 ft.) Lot 2 – 10m (32.81 ft.) Lot 3 – 10m (32.81 ft.) Lot 4 – 10m (32.81 ft.)
Residential Density of the Proposed Single Detached Dwellings	30.8 units per hectare (12.47 u/ac.)
Lot Frontage of the Proposed Apartment Building	Ritson Road North – 19.70m (64.63 ft.) Luple Avenue – 55.80m (183.07 ft.)
Net Lot Area of the Proposed Apartment Building	0.45 ha (1.11 ac.)
Number of Proposed Apartment Units	46 units
Residential Density of the Proposed Apartment Building	102.22 units per hectare (41.38 u/ac.)
Height of Proposed Apartment Building	19.50m (63.98 ft.)
Floor Space Index of the Proposed Apartment Building	0.92
Parking Spaces Required for the Proposed Apartment Building	62 (1.0 space per unit for residents plus 0.33 spaced per unit for visitors)
Parking Spaces Proposed for the Proposed Apartment Building	63 (1.02 spaced per unit for residents plus 0.33 spaces per unit for visitors)

## **5.2 Oshawa Official Plan**

The Subject Site is designated Residential and Open Space and Recreation in the Oshawa Official Plan (“O.O.P.”).

The O.O.P. specifies, in part, that areas designated as Residential shall be predominantly used for residential dwellings.

The O.O.P. contains policies which establish various density types and provide general locational criteria for such densities. The proposed apartment building would have a net residential density of approximately 102 units per hectare (41 u/ac.) which is classified as the High Density I Residential density type. The locational criteria for the High Density I Residential category will be reviewed to assist in the analysis of the proposal.

Table 2 in the O.O.P. is a guideline that indicates that uses in the High Density I Residential category, which generally permits 85 to 150 units per hectare (34 to 60 u/ac.), are subject to the following locational criteria:

- (a) Generally located at the periphery of neighbourhoods along arterial roads, or within or at the periphery of the Downtown Oshawa Urban Growth Centre, or in proximity to arterial roads within the Main Central Areas, Sub-Central Areas or along 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 O.O.P. also specifies, in part, that lands designated as Open Space and Recreation within Oshawa's Major Urban Area shall be predominantly used for recreation, conservation, reforestation, cemeteries, allotment gardens, community gardens, nursery gardening, existing golf courses and campgrounds. These uses shall have regard for the natural environment and be compatible with their surroundings.

Areas of the Subject Site to the west and south, which include a tributary of the Oshawa Creek system, are designated as Natural Heritage System and Hazard Lands in Schedule 'D-1', Environmental Management, in the O.O.P.

The Natural Heritage System refers to a connected system of environmental components consisting of key natural heritage features, key hydrologic features, riparian corridors and areas identified for natural cover regeneration/reforestation that will improve connectivity and habitat. It is intended to achieve a linked open space and natural heritage system. When opportunities for public ownership arise, the O.O.P. requires all reasonable efforts be made to support the acquisition and/or conveyance of lands within the Natural Heritage System for natural heritage conservation purposes.

The O.O.P. specifies, in part, that Hazard Lands shall be used primarily for the preservation and conservation of land and/or the environment. These lands shall be managed in a manner to complement adjacent land uses and protect adjacent lands from physical hazards.

Ritson Road North is designated as a Type "B" Arterial Road in Schedule 'B', Road Network, of the O.O.P. Luple Avenue is a local road.

The policies and provisions of the O.O.P. will be considered during the further processing of the subject applications.

### **5.3 Secondary Plan for the Samac Community**

The Subject Site is designated Medium Density I Residential in the Secondary Plan for the Samac Community (see Attachment 3).

The Secondary Plan for the Samac Community specifies, in part, that areas designated as Medium Density I Residential on Schedule 'A', Samac Land Use and Street Plan, shall be predominantly used for residential dwellings. The Medium Density I Residential designation generally includes such uses as single detached dwellings, semi-detached dwellings, duplexes and townhouses at a density of 30 to 60 units per hectare (12 to 24 u/ac.).

The Applicant is proposing to develop a six (6) storey apartment building containing 46 units on part of the Subject Site. The proposed apartment building has a net residential density of approximately 102 units per hectare (41 units/ac.). Accordingly, an amendment to the Secondary Plan for the Samac Community is required to permit the proposed apartment by changing the designation of that part of the Subject Site proposed to be developed for the apartment building to High Density I Residential designation. The High Density I Residential designation generally includes such uses as low rise and medium rise apartments at a density range of 85 to 150 units per hectare (34 to 60 u/ac.).

An amendment to the Samac Secondary Plan is not required to permit the 4 single detached dwellings.

Areas of the Subject Site to the west and south are designated as Natural Heritage System and Hazard Lands on Schedule 'B', Samac Environmental Management Plan, in the Secondary Plan for the Samac Community.

The Secondary Plan for the Samac Community also specifies, in part, that the City shall endeavor to retain areas designated as Natural Heritage System in Schedule 'B', Samac Environmental Management Plan, in a natural state wherever possible.

The Secondary Plan for the Samac Community specifies, in part, that areas designated as Hazard Lands shall be used primarily for the preservation and conservation of the natural land or the environment, and shall be managed in such a fashion as to complement adjacent land uses and protect such uses from any physical hazards or their effects.

A portion of the Subject Site associated with the tributary of the Oshawa Creek is identified as part of a Waste Management Disposal Assessment Area on Schedule 'B', Samac Environmental Management Plan. The Waste Disposal Assessment Areas shown on this schedule have been identified in consultation with the Ministry of the Environment, Conservation and Parks as posing or having the potential to pose an environmental health hazard. The extent and exact location of the Waste Disposal Assessment Areas have been determined in relation to the severity of the existing or potential hazard. The Applicant is not proposing any development within the Waste Management Disposal Area.

The policies and provisions of the Secondary Plan for the Samac Community will be considered during the further processing of the subject applications.

#### **5.4 Zoning By-law 60-94**

The Subject Site is currently zoned FD (Future Development) in Zoning By-law 60-94, as amended (see Attachment 1).

Prior to June 24, 2023, the Subject Site was zoned UR (Urban Reserve). On May 29, 2023, pursuant to Report ED-23-110 dated May 3, 2023, Oshawa City Council passed a number of amendments to Zoning By-law 60-94, as amended, as part of the City's regular annual City-initiated amendments exercise. Among other matters, the Report outlined that the intended meaning of the term "reserve" in the context of its use as a zoning category can be misunderstood by the general public. In this regard, the word "reserve" may be associated with a "wildlife reserve" or a "nature reserve", or any connotation which may imply the lands are protected from any form of urban development.

Conversely, the UR Zone (now FD Zone) is intended to implement Policy 9.3.3 of the O.O.P. This policy states that the City may zone lands to an agricultural or other appropriate zoning category where there is insufficient information to determine specific zoning categories or where the development of the lands is considered to be premature or not in the public interest. It goes on to state that such lands shall be zoned in accordance with the policies of the O.O.P. at such time as there is sufficient information to determine specific zoning categories and the development of such lands is no longer considered to be premature or not in the public interest.

To provide clarity on this matter, one of the City-initiated amendments to Zoning By-law 60-94, as amended, was to change the symbol and name of the UR (Urban Reserve) Zone to FD (Future Development) in both the text and on all zoning maps in the by-law. No appeals were received during the appeal period which ended on June 23, 2023, resulting in the amendments coming into full force and effect.

The FD Zone permits:

- (a) Accessory retail stands for the sale of seasonal produce, produced on the farm;
- (b) Agricultural uses including a maximum of one farm dwelling;
- (c) One single detached dwelling on an existing lot or on a lot created by consent; and,
- (d) Riding stable.

The intent of the FD Zone is to allow existing uses to continue until the property is rezoned to accommodate a different use. Accordingly, an amendment to Zoning By-law 60-94, as amended, is required to permit the subject proposed uses and site design. The proposed zoning amendment would:

- Rezone the northeast portion of the Subject Site to an R1-E (Residential) Zone to permit four (4) single detached dwellings;
- Rezone the lands associated with the tributary of the Oshawa Creek to OSH (Hazard Lands Open Space); and,
- Rezone the balance of the Subject Site to an appropriate R6-C (Residential) Zone to permit a six (6) storey, 46 unit apartment building with site specific conditions to permit

certain performance standards such as, but not necessarily limited to, reduced front, interior and exterior side yard depths, reduced lot frontage and reduced landscaped open space.

At the time the Notice of Complete Application for the proposed Zoning By-law Amendment Application was distributed in 2022, the Applicant was proposing a reduction in the minimum amount of required parking. The Applicant has since revised the development proposal to provide the minimum amount of parking required by Zoning By-law 60-94, as amended.

The subject applications will be reviewed against the provisions of Zoning By-law 60-94, as amended, during the further processing of the applications.

### **5.5 Site Design/Land Use Considerations**

The plans submitted by the Applicant for the development of the Subject Site show four (4) single detached dwellings fronting onto Luple Avenue and a six (6) storey apartment building with frontage on Ritson Road North containing 46 units with associated resident and visitor parking (see Attachment 2). Driveway access for the proposed apartment building is proposed from Luple Avenue opposite Falconridge Drive.

Each apartment unit will have access to a private balcony or patio. In addition, common indoor amenity areas and a locker room will be provided.

Hydro transmission towers, lines and an associated easement bisect the Subject Site and encumber a 33 metre (108.27 ft.) wide by 120 metre (393.70 ft.) long area (see Attachment 2). The Applicant proposes driveway access, parking and landscaping within the hydro easement lands.

The Applicant has also submitted an application for site plan approval (File: SPA-2022-20) for the proposed development of the apartment building. The Applicant intends on making future applications to the Durham Region Land Division Committee to create individual lots for the four (4) proposed single detached dwellings.

The area of the Subject Site traversed by the tributary of the Oshawa Creek (see Attachment 2) is intended to be conveyed to the City from the Owner. These lands are not included in the calculations of building setbacks, residential density or landscaped open space. The Applicant proposes to construct a storm water outfall through these lands to discharge storm water to the tributary. An easement in favour of the apartment building lands would be required in this regard.

In support of the proposed site design/development the Applicant has submitted a variety of plans and documents including a site plan, floor plans, elevation plans, landscape plans, a servicing plan, a grading plan, erosion and sediment control plans, a lighting plan, functional servicing and stormwater management reports, a stormwater management operations and maintenance manual, a stormtech/infiltration reservoir monitoring program, dust impact and odour studies, a calcium carbonate memo, a noise study, a planning justification report and a traffic impact study.



Detailed design matters will be reviewed during the further processing of the applications to ensure compliance with the City's Landscaping Design Policies, engineering standards and other policies. This Department will conclude its position on the site design after it has received and assessed comments from the circulated departments, agencies and the public.

Some of the specific matters this Department will be reviewing during the further processing of the subject applications include:

- (a) The appropriateness of the proposed residential density at this location;
- (b) The appropriateness of the proposed zoning regulations;
- (c) Site/building design matters including driveway access, parking, refuse storage and collection, building architecture, landscaping, building setbacks and fire access;
- (d) Land use compatibility with the Region of Durham waste management facility located on the west side of Ritson Road North opposite the Subject Site;
- (e) Compatibility with the Oshawa Executive Airport;
- (f) Environmental management including the determination of the development limits abutting the natural heritage system;
- (g) The environmental condition of the lands for residential use;
- (h) Transportation considerations;
- (i) Lighting impacts;
- (j) Noise attenuation; and,
- (k) The proposed use of the hydro easement bisecting the Subject Site for driveway access, parking and landscaping.

## **6.0 Financial Implications**

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

The subject applications were submitted prior to July 1, 2023 and therefore the Applicant and Owner will not be eligible for a refund under the Planning Act as amended by Bill 109 (More Homes for Everyone Act, 2022) if the City does not make a decision on the Zoning By-law Amendment application within a certain timeframe.

## 7.0 Relationship to the Oshawa Strategic Plan

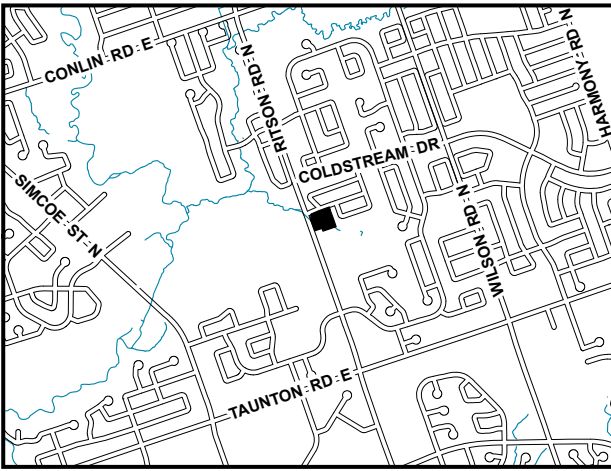
Holding a public meeting on development applications advances the Accountable Leadership goal of the Oshawa Strategic Plan.



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



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



**Item: ED-23-157**  
**Attachment 1**

Economic and Development Services

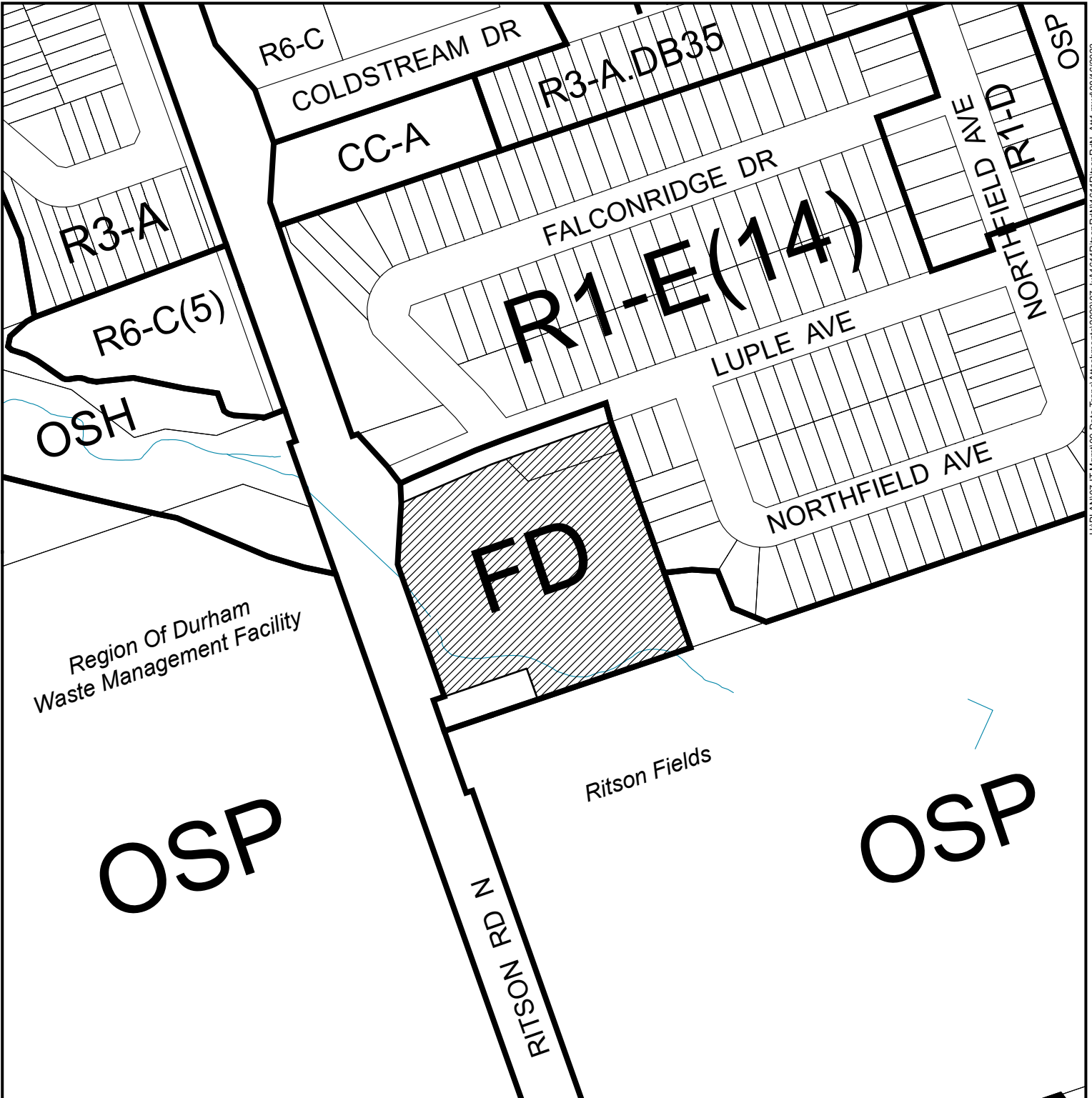
**Subject:** Applications to Amend the Secondary Plan for the Samac Community and Zoning By-law 60-94, 1494339 Ontario Limited, lands generally located at the southeast corner of Ritson Road North and Luple Avenue

**Ward:** Ward 1

**File:** OPA-2022-06, Z-2022-07

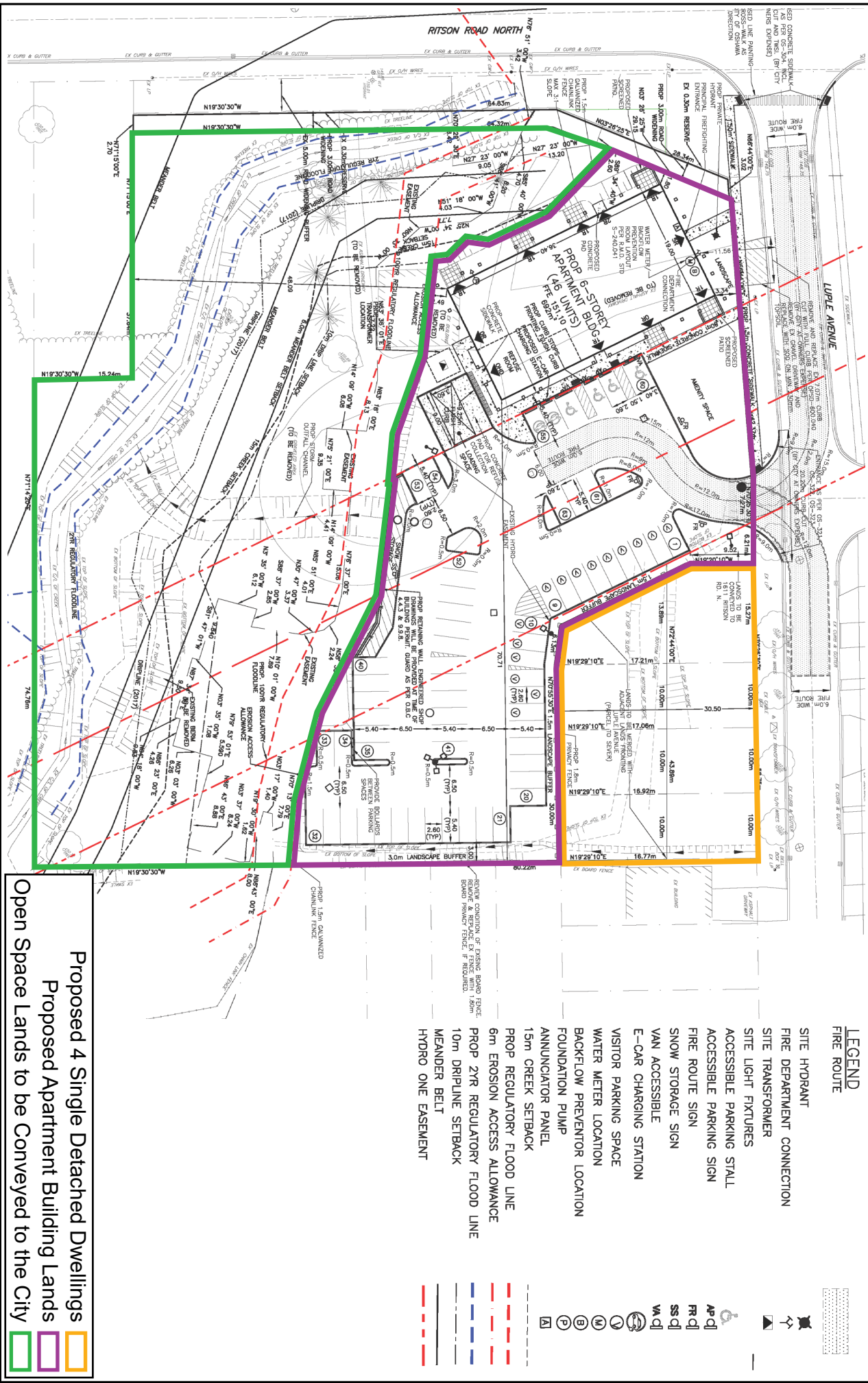


Subject Lands



Title: Site Plan Proposed by the Applicant  
 Subject: Applications to Amend the Secondary Plan for the Samac Community and Zoning By-law 60-94, 1494339 Ontario Limited,  
 lands generally located at the southeast corner of Ritson Road North and Luple Avenue  
 Ward: Ward 1  
 File: OPA-2022-06, Z-2022-07

City of Oshawa  
 Economic and Development Services  

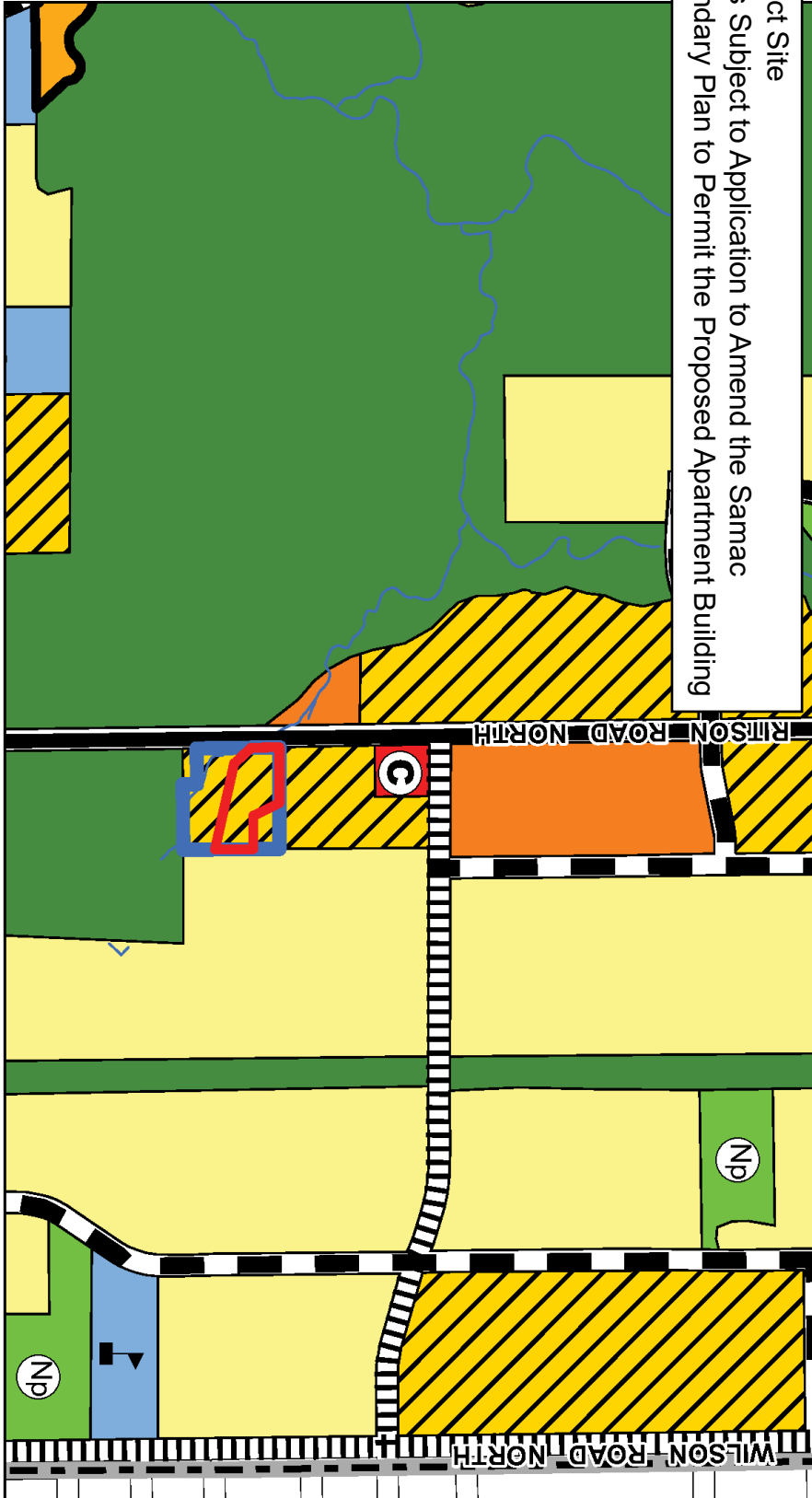



Proposed 4 Single Detached Dwellings  
 Proposed Apartment Building Lands  
 Open Space Lands to be Conveyed to the City

Title: Schedule 'A' Samac Land Use and Street Plan  
 Subject: Applications to Amend the Secondary Plan for the Samac Community and Zoning By-law 60-94, 1494339 Ontario Limited, lands generally located at the southeast corner of Ritson Road North and Luple Avenue  
 Ward: Ward 1  
 File: OPA-2022-06, Z-2022-07



**Subject Site**  
 Lands Subject to Application to Amend the Samac Secondary Plan to Permit the Proposed Apartment Building



**Schedule 'A' Samac Land Use and Street Plan**  
 Secondary Plan for the Samac Community Official Plan of the former Oshawa Planning Area  
 July 2023  
 Development Services Department

**Legend**

Residential Low Density	Open Space and Recreation Neighbourhood Park	Institutional Institutional
Residential Medium Density I	Open Space and Recreation	Mixed Use Commercial/Residential
Residential Medium Density II	Commercial Planned Commercial Strip	Mixed Use Residential
Residential High Density I	Convenience Commercial	Transportation
Subject to Policy 4.23 in the Samac Secondary Plan	Centre	Type 'A' Arterial Street
Subject to Policy 4.24 in the Samac Secondary Plan	Community Use	Type 'B' Arterial Street
Subject to Policy 4.25 in the Samac Secondary Plan	Place of Worship	Type 'C' Arterial Street
Samac Secondary Plan	Other	Collector Street
Samac Secondary Plan	Public Elementary School	Samac Community Boundary
Samac Secondary Plan	Separate Elementary School	

