

To: Economic and Development Services Committee

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

Report Number: ED-23-208

Date of Report: November 1, 2023

Date of Meeting: November 6, 2023

Subject: Revised Applications to Amend the Oshawa Official Plan and
Zoning By-law 60-94, Cedar City Shakespeare Avenue Inc.,
570 Shakespeare Avenue

Ward: Ward 5

File: OPA-2022-03, Z-2022-03

1.0 Purpose

The purpose of the Report is to provide a recommendation on the revised applications submitted by Cedar City Shakespeare Avenue Inc. (the “Applicant”) to amend the Oshawa Official Plan (File: OPA-2022-03) and Zoning By-law 60-94 (File: Z-2022-03), to permit 105 block townhouse dwellings with twelve (12) end units having an accessory apartment on lands located at 570 Shakespeare Avenue (the “Subject Site”). Forty-five (45) of the block townhouse dwellings are dual frontage units and sixty (60) of the block townhouse dwellings are back-to-back units. The twelve (12) end units having an accessory apartment are all dual frontage units.

The Applicant intends to register the proposed development as a common elements draft plan of condominium pursuant to File C-O-2022-02.

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

Attachment 2 is a copy of the original common elements draft plan of condominium submitted by the Applicant and considered at the May 9, 2022 public meeting.

Attachment 3 is a copy of the original site plan submitted by the Applicant and considered at the May 9, 2022 public meeting.

Attachment 4 is a copy of the revised proposed common elements draft plan of condominium submitted by the Applicant to address certain technical comments.

Attachment 5 is a copy of the revised proposed site plan submitted by the Applicant to address certain technical comments.

On February 11, 2021, the Applicant hosted a non-statutory online community open house to present the development proposal to area residents and to introduce the community to the Applicant. The development proposal presented at the community open house was for 111 block townhouses. Through this open house, area residents were provided an opportunity to ask the Applicant and their planning consultant questions and provide comments in advance of the formal submission of the applications to the City and the statutory Planning Act public meeting.

A statutory Planning Act public meeting was held on May 9, 2022 concerning the subject applications. At the conclusion of the meeting, the then-Development Services Committee adopted a recommendation to direct staff to further review the applications and prepare a subsequent report and recommendation back to the then-Development Services Committee. The minutes of the May 9, 2022 public meeting form Attachment 6 to this Report.

Subsequent to the May 9, 2022 public meeting, the Applicant revised the development proposal and made a new submission on June 30, 2023. All materials submitted by the Applicant were shared with all individuals on the City's People to be Notified List for these applications via email on July 14, 2023. The key differences between the proposal considered at the May 9, 2022 public meeting (see Attachment 3) and the revised proposal (see Attachment 5) are as follows:

- (a) The number of block townhouse dwellings with accessory apartments has been reduced from 14 units to 12 units. Consequently, the maximum number of potential dwelling units proposed has been reduced from 119 to 117;
- (b) The number of dual frontage block townhouse buildings abutting Wilson Road South has been reduced from 3 to 2 while retaining the same number of dwellings in these two (2) buildings (i.e. 18 units in two buildings). However, the number of accessory apartments has been reduced from 6 to 4 due to the reduction in the number of end units in these buildings;
- (c) The Applicant is no longer proposing that the parkette function as a public park. Rather, it would be maintained as a private communal outdoor amenity area for the benefit of the residents of the proposed block townhouse units. An underground storm water storage chamber is proposed at the southwest corner of the Subject Site and is located under the area of the parkette. With the parkette lands being maintained as part of the development, as opposed to being conveyed to the City as public parkland, this private infrastructure is no longer creating a condition whereby it would encumber a public park. Consequently, the zoning of the land associated with the parkette would not be changed to OSP (Park Open Space) but rather would match the zoning of the rest of the site (i.e. R4-A subject to a site-specific special condition);
- (d) The area of the parkette (private commercial outdoor amenity area) has increased from 0.11 hectares (0.27 ac.) to 0.13 hectares (0.32 ac.);

- (e) Instead of a maximum height of 15.75 metres (51.67 ft.) for all of the buildings as originally proposed, the Applicant's revised rezoning proposal now requests a maximum height of 13 metres (42.65 ft.) for Blocks 9 and 10 and 12 metres (39.37 ft.) for the remainder of the buildings. All of the buildings continue to be proposed as being three (3) storeys in height; and,
- (f) The water meter building has been moved from the northwest corner of the Subject Site to the northeast corner of the Subject Site. As a result, some visitor parking spaces have been relocated.

2.0 Recommendation

That the Economic and Development Services Committee recommend to City Council:

1. That, pursuant to Report ED-23-208 dated November 1, 2023, the revised application submitted by Cedar City Shakespeare Avenue Inc. to amend the Oshawa Official Plan (File: OPA-2022-03) to permit accessory apartments in up to twelve (12) end-unit block townhouses at 570 Shakespeare Avenue 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 the City Solicitor.
2. That, pursuant to Report ED-23-208 dated November 1, 2023, the revised application submitted by Cedar City Shakespeare Avenue Inc. to amend Zoning By-law 60-94 (File: Z-2022-03) to rezone the lands at 570 Shakespeare Avenue from R1-C/CIN (Residential/Community Institutional) to an appropriate R4-A (Residential) Zone to permit the development of 105 block townhouse dwellings and up to twelve (12) accessory apartments in end units 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 the City Solicitor.
3. That, in accordance with Section 34(17) of the Planning Act and notwithstanding that the Zoning By-law Amendment proposed in Report DS-22-97 dated May 4, 2022 presented at the public meeting of May 9, 2022 differs to some degree from the proposed amendment recommended to be approved by City Council pursuant to Recommendation 2 of this Report, such differences are not substantial enough to require further notice and another public meeting.

3.0 Executive Summary

This Department recommends that the revised applications to amend the Oshawa Official Plan and Zoning By-law 60-94 to permit the development of 105 block townhouses with up to twelve (12) accessory apartments in end units be approved.

The proposal represents a residential development with a density and form that is appropriate given the locational context of the Subject Site, which is at the periphery of a neighbourhood abutting an arterial road, and can be designed to be compatible with the surrounding residential and institutional uses.

The twelve (12) dual frontage end units are 7.10 metres (23.39 ft.) wide or wider and will have four (4) parking spaces. These end units are appropriately sized to accommodate one accessory apartment each.

The proposed development conforms to the Provincial Growth Plan, is consistent with the Provincial Policy Statement, conforms to the Durham Regional Official Plan, is within the Built Boundary adjacent an arterial road, and represents good planning. The proposed development will help the City achieve the delivery of 23,000 new housing units in Oshawa by 2031, as targeted by the Province.

4.0 Input From Other Sources

4.1 Departments and Agencies

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

4.2 Public Comments

The minutes of the May 9, 2022 Planning Act public meeting concerning the subject applications form Attachment 6 to this Report. No comments were received from the public at the public meeting.

This Department has received written correspondence from a number of individuals objecting to the proposed development.

One resident of the neighbourhood (Mike Shayda) submitted approximately 190 emails between March 2022 and October 2023 regarding the proposed development and the current Site Alteration Permit activities. One of the emails included a 382 page letter expressing concerns, asking questions and providing information. This particular letter was provided to the City and included on the May 9, 2022 Planning Act public meeting agenda as correspondence Item DS-22-108. On May 9, 2022, the letter was referred by the then-Development Services Committee to staff for consideration in the future recommendation report on the matter.

Key concerns raised by members of the public through the above-noted correspondence are set out below together with a staff response. Many of the emails from Mr. Shayda contained repetitive comments and themes. In order to provide a fulsome reply, the relevant comments submitted by Mr. Shayda and others before the print deadline of this Report have been grouped under the various themes in Section 4.2 of this Report.

All approximately 190 emails from Mr. Shayda form part of the public record and can be viewed in Planning Services.

4.2.1 Current Zoning

Comment:

Comments were made that the applications to amend the Oshawa Official Plan (the "O.O.P.") and Zoning By-law 60-94 should not be approved because they do not comply with the current R1-C/CIN (Residential/Community Institutional) zoning.

Staff Response:

The Ontario Planning Act (the "Planning Act") allows municipalities to adopt official plans. An official plan is a document that contains goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic, built and natural environment of the municipality. The O.O.P. was adopted by Oshawa City Council and approved by the Region of Durham in 1985. The O.O.P. has had several updates since then including a municipal comprehensive review in 2016 to bring it into conformity with the Provincial Policy Statement, the Durham Regional Official Plan and the Growth Plan in effect at the time. The O.O.P. sets the general framework for the City's Zoning By-law 60-94.

The Planning Act allows landowners to apply to a municipality to request an amendment to the municipality's official plan. The Applicant has submitted an Official Plan Amendment application in accordance with Section 22 of the Planning Act. Amendments to an official plan must be consistent with the Provincial Policy Statement, Greenbelt Plan, Growth Plan for the Greater Golden Horseshoe and any upper-tier municipal official plans (e.g. Durham Regional Official Plan).

This Report recommends approval of the Official Plan Amendment application which requests permission to permit accessory apartments in up to twelve (12) block townhouse units as it is consistent with the Provincial Policy Statement, 2020, Growth Plan for the Golden Horseshoe, 2020, and the Durham Regional Official Plan. Provincial policies encourage accessory apartments in townhouses. The twelve (12) end units that are proposed to have permission for the accessory apartments will be designed such that the additional required parking can be accommodated.

The Planning Act authorizes municipalities to pass zoning by-laws for regulating the use of land and the erecting, locating and use of buildings and structures. Zoning by-laws are intended to implement land use planning policy documents such as Provincial Plans (Greenbelt Plan, Growth Plan for the Greater Golden Horseshoe, Durham Regional Official Plan, O.O.P., etc.). However, zoning by-laws can be amended in order to conform to current planning policy.

The Applicant has submitted a Zoning By-law Amendment application in accordance with Section 34(10) of the Planning Act to amend the City of Oshawa Zoning By-law 60-94.

This Report recommends approval of the Zoning By-law Amendment application as it is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan and the Durham Regional Official Plan.

This Department generally does not support accessory apartments in block townhouse units because they typically cannot accommodate the additional unit. However, the twelve (12) end units in the proposed development have sufficient parking to accommodate the additional unit.

4.2.2 Proposed Zoning

Comment:

Comments were received expressing concerns that the Applicant was requesting site-specific zoning regulations to the R4-A (Residential) Zone and that the Applicant was dictating zoning to the City.

Staff Response:

Amongst the City's submission requirements for applications to amend Zoning By-law 60-94 is a requirement for the applicant to clearly articulate the zoning they are requesting. If the Applicant fails to submit a "draft" or "proposed" zoning by-law amendment document, the City would deem the application incomplete. This is common practice in Ontario.

The Applicant is requesting to change the zoning of the Subject Site from R1-C/CIN (Residential/Community Institutional) to R4-A (Residential) with site-specific regulations to implement the building and site designs. It is typical for applicants to request site-specific zoning regulations for their proposed developments.

City staff review the appropriateness of the proposed development and the requested site-specific zoning regulations and determine whether the development and the proposed regulations are supportable. Often City staff recommend modified regulations to better implement and regulate the proposal.

There are twenty-five site specific R4-A Zones in Zoning By-law 60-94, all based on zoning by-law amendment applications submitted by landowners and approved by the City.

The Applicant also requested the use of a R3-B (Residential) Zone for the back-to-back townhouse units (Blocks 5 to 8). However, the R3-B Zone is not appropriate given Blocks 5 to 8 are considered block townhouses since they are accessed by a private driveway in the same fashion as the dual frontage townhouse units (Blocks 1 to 4 and 9 and 10).

This Department has no objections to the revised proposed zoning by-law amendment application subject to the passing of a by-law implementing appropriate site-specific zoning regulations. Section 5.3 of this Report outlines the site specific zoning regulations proposed to be implemented.

4.2.3 Holding Symbol

Comment:

A comment was received suggesting that an "h" holding symbol be applied to the zoning of the Subject Site, if the zoning is approved.

Staff Response:

An “h” holding symbol is a zoning tool that can be used to prevent certain development from proceeding until specific conditions are fulfilled.

This Report recommends that an appropriate holding symbol be applied to the zoning of the Subject Site, in the event the zoning by-law amendment application is approved. Section 5.3 of this Report outlines the requirements that would need to be satisfied in order for the recommended holding symbol to be removed.

4.2.4 Locational Criteria for Medium Density Development

Comment:

Comments were made that the proposal constitutes “over development” due the proposed density and height, and that the proposed density for the Subject Site is too high in comparison to the existing low density community. The individual also commented that the proposed development is incompatible with the adjacent neighbourhood. The individual asked whether a 3-storey solid fence or barrier around the proposed development would provide a sufficient visual and physical separation between the surrounding community and the proposed development.

Staff Response:

The proposed development has a maximum density of 51.3 units per hectare (20.8 u/ac.). This proposed density is representative of Medium Density I Residential development in accordance with the O.O.P. Generally this category includes single detached dwellings, semi-detached dwellings, duplexes and townhouses with a density between 30 and 60 units per hectare (12-24 u/ac.). The policies of the O.O.P. generally permit Medium Density I Residential uses along arterial roads at the periphery of neighbourhoods.

The proposed development would have a lower density than the apartments on Chaucer Avenue and Austen Crescent. With respect to the Chaucer Avenue/Austen Crescent development, staff note that there are ten (10) six-unit apartment buildings totaling 60 apartments on 0.95 hectares (2.34 ac.) of land. This produces a density of 63 units per hectare (25.5 u/ac.). These apartment buildings are also located at the periphery of the neighbourhood.

The proposed density is appropriate considering the Subject Site’s location along Wilson Road South at the periphery of the neighbourhood close to services and transit routes.

The Applicant has not requested or proposed a solid fence or barrier of any sort around the development. This Department would not support a multi-storey solid fence or barrier around the Subject Site as this would create an unappealing appearance to the site and may create safety issues related to graffiti and vandalism and unsafe spaces lacking passive surveillance. The dual frontage block townhouse buildings (Blocks 1, 2, 3, 4, 9 and 10) will have front facades facing Wilson Road South, Shakespeare Avenue and Addison Street with front doors facing these streets. This is similar to recently constructed block townhouses at the southwest corner of Harmony Road South and Taylor Avenue

and the northwest corner of Townline Road North and Shankel Road. These townhouse buildings present a frontal condition facing the public streets. This Department is not aware of any rationale to support a tall solid fence or barrier.

4.2.5 Building Height

Comment:

Comments were made that the proposed building heights were not appropriate for the Subject Site.

Staff Response:

The Applicant's original building height request was for 15.75 metres (51.67 ft.). The Applicant's revised requested building height is 13 metres (42.65 ft.) for Blocks 9 and 10 (the buildings abutting Wilson Road South) and 12 metres (39.37 ft.) for the remainder of the townhouse buildings. Despite the change in requested building height, the Applicant has consistently proposed 3 storey townhouse buildings.

The current zoning of the Subject Site is R1-C/CIN (Residential/Community Institutional). Surrounding lands are zoned R1-C (Residential), R2/CIN (Residential/Community Institutional) and R5-A (Residential). The maximum height permitted in the R1-C and R2 Zones is 9 metres (29.53 ft.). The maximum height permitted in the R5-A Zone is 10.50 metres (34.45 ft.). The maximum height permitted in the CIN Zone is 12 metres (39.37 ft.).

The proposed building height is appropriate in consideration of several factors. In this regard, staff note that there is currently permission for buildings up to 12 metres (39.37 ft.) in height under the Community Institutional Zone on the Subject Site. Staff further note that the Subject Site only abuts one residential property (596 Chaucer Avenue, containing a 2.5 storey six-unit apartment building), and the Subject Site is located at the periphery of the neighbourhood abutting an arterial road.

4.2.6 Fire Safety

Comment:

A comment was made that infill developments have a higher risk of fires spreading to adjacent buildings.

Staff Response:

The proposed townhouse buildings will require building permits from the City based on the current Ontario Building Code ("O.B.C.") which includes numerous fire protection and prevention measures. Standard O.B.C. requirements related to block townhouses will be reviewed and implemented during the site plan approval and building permit processes.

The City has a Private Road Policy which includes a number of Oshawa-specific measures to ensure safe fire truck access to and from residential buildings on private roads. These include:

- Where any building or unit would be greater than 250 metres (820.21 ft.) from the driveway access point from a public road, a second driveway to the public road is required (i.e. two driveways leading from the private road to the public roads);
- The site must have a fire route of at least 6 metres (19.69 ft.) wide and a centerline radius of 12 metres (39.37 ft.);
- All buildings must have a minimum setback of 3 metres (9.84 ft.) from the fire route; and,
- The distance from building to building across a private roadway must be minimum of 12 metres (39.37 ft.).

The proposed development has a 6.5 metre (21.33 ft.) wide private road with a 13 metre (42.65 ft.) centerline radius. Buildings 1 to 4, 9 and 10 (the dual frontage buildings) will have firefighting access from the internal private road and from the public roads. The site design accommodates safe access to and from the back-to-back townhouse buildings from the internal private road.

The site design will include fire hydrants and Fire Route/No Parking signage along the private roads.

4.2.7 Parkland Dedication

Comment:

Comments were made that the proposed development does not have sufficient parkland.

Staff Response:

The Planning Act allows municipalities to require the conveyance of land for park or other public recreational purposes in all developments, or a payment in lieu of conveyance. Specifically, the Planning Act allows the City to require a conveyance of land equal to 5% of the area of the land or 1 hectare per 600 dwelling units proposed. Alternatively, the City can require payment in lieu of the conveyance of land where the conveyance of land is not required or the land is not considered appropriate by the City for park purposes.

Staff are not in favour of obtaining parkland that is encumbered by a private stormwater storage chamber under the lands. However, staff do support the provision of a 0.13 hectare (0.32 ac.) area as an outdoor amenity space as part of this residential development. Therefore, the outdoor amenity space labeled as “Parkette” on Attachment 5 will not be conveyed to the City and the Applicant will be required to make a payment to the City in lieu of the conveyance of land.

Based on the City's payment in lieu of parkland rates, the Applicant will be required to pay the City approximately \$423,150 prior to obtaining building permits for the proposed development (\$4,030 per unit).

It should be noted that on November 28, 2022, the Province passed Bill 23, the More Homes Built Faster Act, 2022 ("Bill 23") to amend the Planning Act with respect to parkland dedication, in part. The Province's stated purpose of Bill 23 is to make building housing more affordable. One of the amendments allows an applicant to propose that encumbered land, such as an area with an underground storm water storage chamber, be conveyed to the City as their parkland dedication. If the municipality does not accept the parkland dedication, the applicant could appeal to the Ontario Land Tribunal for a determination. This new section of the Planning Act has not yet been proclaimed and is not yet in effect. The Applicant for these applications for the Subject Site has stated that they intend to pay the payment in lieu of conveyance of land.

4.2.8 Traffic Impacts

Comment:

Comments were made that the proposed development will make Wilson Road South unsafe. There were also comments that the traffic impact study submitted by the Applicant is insufficient.

Staff Response:

A Transportation Impact Study ("T.I.S.") dated December 21, 2021 prepared by TMIG, a professional transportation consultant, on behalf of the Applicant, has been submitted in support of the applications.

TMIG undertook traffic turning movement counts in September 2021 at intersections and stretches of road surrounding the Subject Site. TMIG also accounted for natural growth on Wilson Road South not related to the proposed development. Traffic studies typically assess traffic volumes during a morning peak hour and afternoon peak hour. TMIG also assessed traffic during the mid-afternoon school dismissal period.

Based on the ITE Trip Generation Manual (10th Edition), TMIG found that the proposed block townhouse development would generate 48 trips during the morning peak hour (11 inbound trips and 37 outbound trips) and 59 afternoon peak hour trips (37 inbound and 22 outbound). TMIG estimated the distribution of these trips as follows:

- 33% north via Wilson Road South;
- 45% south via Wilson Road South; and,
- 22% east via Shakespeare Avenue.

TMIG undertook a capacity analysis at the surrounding road intersections and found that the vehicular trips generated by the proposed development would have minor impacts on the traffic operations of these intersections. TMIG found that the increase in delay time for

turning drivers at the corner of Shakespeare Avenue and Wilson Road South as a result of the natural traffic growth rate and the proposed development would increase as follows:

- Morning peak hour: additional 1 to 2 seconds;
- Afternoon peak hour: additional 3 seconds; and,
- School afternoon peak hour: additional 3 to 6 seconds.

Professional engineering staff at the Region and the City have no objection to the conclusions of the T.I.S.

4.2.9 Parking

Comment:

Comments were made that the proposed development will have insufficient parking. Concerns were expressed with respect to potential conflicts with parents of children attending David Bouchard Public School who park their vehicles on Shakespeare Avenue while waiting for their children. A comment was also made expressing concern that parked vehicles on the private roads will conflict with snow plowing operations.

Staff Response:

Zoning By-law 60-94 requires 1.65 parking spaces per condominium block townhouse unit (173 spaces in total), one (1) parking space per accessory apartment (12 in total) and 0.35 parking spaces per block townhouse unit for visitors (37 in total). This results in an overall requirement of 222 parking spaces for the proposed development, under the Zoning By-law.

The proposed development includes two (2) parking spaces per block townhouse unit (210 in total), two (2) parking spaces per accessory apartment (24 in total) and 0.36 parking spaces per block townhouse unit (38 in total). This results in a combined total of 272 parking spaces for the proposed development, which exceeds the minimum parking requirement by 50 spaces.

Residents and visitors will be expected to park within the Subject Site. Considering the oversupply of parking, the development will not rely on on-street parking on Shakespeare Avenue or Addison Street.

Drivers will not be permitted to park directly on the private roads. Rather, drivers must park in an individual townhouse driveway or garage or in the communal visitor parking spaces. The private roads will have Fire Route/No Parking signage preventing drivers from parking on them. The 38 visitor parking spaces (including 4 accessible parking spaces) are adequately distributed throughout the development to ensure that there is visitor parking in proximity to each townhouse unit.

Snow plowing operations for the development would be undertaken by a private operator retained by the condominium corporation. Parking throughout the site will not conflict with snow plowing operations.

4.2.10 Vibration

Comment:

Comments were made that the proposed townhouses will be affected by an inappropriate amount of vibration due to the Subject Site's proximity to the Canadian Pacific Railway mainline. It was stated in the comments that residents of nearby apartment buildings on the north side of Chaucer Avenue experience vibration in their apartments.

Staff Response:

The six-unit apartment buildings on the north side of Chaucer Avenue and Austen Court were all constructed in 1965, which predates current standards that apply to the subject proposal.

The Applicant hired Jade Acoustics, a professional noise and vibration consultant, to investigate the potential impact of noise and railway vibration on the proposed development. This study was required by the City and Region due to the proximity of the proposed development to the railway. The document entitled "Railway Guidelines for New Development in Proximity to Railway Operations" dated May 2013, prepared for the Railway Association of Canada and the Federation of Canadian Municipalities, requires an assessment of potential vibration when development is proposed within 75 metres (246.06 ft.) of a railway corridor and an assessment of potential noise when development is proposed within 300 metres (984.25 ft.) of a railway corridor.

The measured vibration velocities were demonstrated to be below the Canadian Pacific Railway's guidelines in most instances. However, some exceedances were recorded.

Commencing in 2022 and currently ongoing, the Owner is undertaking soil compaction. Jade Acoustics recommends re-assessing the Subject Site once this work is completed, since the compaction will alter the vibration conditions of the soils.

This Report recommends that the zoning for the Subject Site include an "h" holding symbol in accordance with Section 36 of the Planning Act which will require a follow-up vibration assessment and implementation of any necessary mitigation measures. There are several other properties in Oshawa that were rezoned in the past that include the requirement for a vibration study through the use of a holding symbol.

The need to assess and mitigate vibration from the railway corridor exists regardless of whether the Subject Site is developed for single detached dwellings or for a school in accordance with the existing zoning, or for block townhouses as is being proposed.

4.2.11 Wetland

Comment:

A comment was made that the Subject Site is inappropriate for the proposed development because it appears to be a wetland.

Staff Response:

The Subject Site is currently zoned to permit single detached dwellings and various community institutional uses. A two-storey school, play area and parking previously occupied the south half of the Subject Site. A soccer pitch and play areas occupied the north half.

There are no indications that the Subject Site contains wetlands. The Central Lake Ontario Conservation Authority ("C.L.O.C.A.") has not identified any wetland on the Subject Site.

Over the last two years the Applicant has undertaken site alteration work which was intended to pre-load portions of the Subject Site with fill material to compact the underlying soft soils. This pre-loading activity would be required regardless of the type of houses built on the Subject Site. The pre-loading is not required due to wetlands.

The Site Alteration Permit issued by the City was intended only to permit this pre-loading. The site alteration work is not intended to pre-grade the Subject Site for the proposed townhouse development.

4.2.12 Adjacency to the Canadian Pacific Railway Mainline

Comment:

Comments were made concerning the safety of residents of the block townhouses due to the proximity of the proposed block townhouses to the Canadian Pacific Railway corridor. A concern was also raised that in the summer of 2023, the berm that the Applicant installed previously was being removed and therefore what was left would not provide sufficient protection for the proposed development.

Staff Response:

The current zoning of the Subject Site already permits single detached dwellings and community institutional uses (e.g. schools, day care centres, etc.).

The document entitled "Railway Guidelines for New Development in Proximity to Railway Operations" dated May 2013, prepared for the Railway Association of Canada and the Federation of Canadian Municipalities, recommends a minimum building setback of 30 metres (98.43 ft.) from the mutual property line with the railway property and the nearest residential building face. This setback provides a horizontal buffer for railway operations and provides space for a safety barrier. The guideline states that reductions in the setback of up to 5 metres (16.40 ft.) may be achieved through an increase in the height of the berm.

According to the guideline, safety barriers reduce the risks associated with railway incidents by intercepting or deflecting derailed rail cars in order to reduce or eliminate potential loss of life and damage to property, as well as to minimize the lateral spread or width in which the rail cars and their contents can travel. The standard safety barrier is an earthen berm, which is intended to absorb the energy of derailed cars, slowing them down

and limiting the distance they travel outside of the railway right-of-way. The guideline recommends that adjacent to principal main lines, berms should be a minimum 2.5 metres (8.20 ft.) above grade with side slopes not steeper than 2.5:1 (i.e. a horizontal run of 2.5 metres for every vertical rise of 1 metre).

Uses such as roads, parking and outdoor recreational space are permitted within the setback.

The proposed site plan includes a 25 metre (82.02 ft.) setback between the property line abutting the railway and the nearest block townhouse building (Block 9). The rest of the block townhouse buildings are setback greater than 30 metres (98.43 ft.). The proposal includes a 3 metre (9.84 ft.) high berm adjacent and parallel the railway corridor.

The Applicant retained Hatch, an engineering consulting company with rail infrastructure expertise, to prepare a railway proximity study in support of the applications. Hatch reviewed the proposed development and found that it complied with the guidelines, as documented in the railway proximity study dated January 10, 2022 that was provided to City staff.

The subject applications, including the railway proximity study, were circulated to Canadian Pacific Railway and Metrolinx. Neither agency expressed objections to the approval of the applications. Metrolinx requested that a warning clause be inserted in all development agreements advising purchasers and residents of the proximity of the railway corridor and its corresponding railway operations, and that the Applicant grant an environmental easement in favour of Metrolinx.

The existing six-unit apartment buildings to the east of the Subject Site are setback as little as 7.5 metres (24.61 ft.) from the railway property line. These apartment buildings were constructed in 1965, before modern railway safety measures.

The Applicant will be required to construct the 3 metre (9.84 ft.) high berm identified in the railway proximity study concurrently with the construction of the proposed block townhouses. New landscaping will be implemented on the berm.

4.2.13 Environmental Condition of the Site

Comment:

Comments were made that the Subject Site is contaminated. A comment was also received from a member of the public requesting that the City perform a comparison between the Phase 2 Environmental Site Assessment submitted by the Applicant, the Record of Site Condition filed with the Ministry of the Environment, Conservation and Parks ("M.E.C.P.") by the Applicant's environmental consultant, and water sample testing results provided by the member of the public. Comments were also made regarding asbestos that was in the former school building and in pipes in the ground.

Staff Response:

The environmental standards established by the M.E.C.P. in the Environmental Protection Act, R.S.O. 1990, c. E.19 (the “E.P.A.”) and its regulations, including Ontario Regulation 153/04 (Records of Site Condition – Part XV.1 of the Act) (“O. Reg. 153/04”), for block townhouses are the same as that for single detached dwellings which the current zoning permits.

O. Reg. 153/04 establishes seven (7) property types: commercial use, community use, industrial use, institutional use, parkland use, residential use and agricultural or other use. From an environmental condition perspective, if a site is cleaned up to the residential standard, it is suitable for any form of residential use.

Phase 1 and Phase 2 Environmental Site Assessments were prepared for the Subject Site in 2020 and 2021, respectively. These were prepared by BluMetric Environmental Inc., an environmental engineering firm with professionals qualified to undertake environmental site assessments in Ontario. Contaminated fill was removed from the Subject Site in 2021. A Record of Site Condition (R.S.C.) was filed with the M.E.C.P. in 2021 (R.S.C. Number 229960). The environmental site assessments and the R.S.C. were prepared on the basis of the change in use from institutional to residential.

Section 168.3 of the E.P.A. allows municipalities to rely on R.S.C.s filed with the M.E.C.P. BluMetric Environmental Inc. also issued a reliance letter allowing the City to rely on the findings of the Environmental Site Assessment reports.

The member of the public who provided water sample testing results from a lab in British Columbia has stated that the findings are based on water they personally collected from the Subject Site. The individual indicates that the water sample results indicated levels of contaminants that are not acceptable. However, the City cannot rely on the lab results for the following reasons:

1. It is not clear where the water sample was collected (e.g. ponding water, runoff over grass, etc.);
2. It is not clear what standard the water was tested against or how that standard is applicable to the proposed residential development. For example, if the water was tested against a drinking water standard, it is not clear how it is relevant given residents of the proposed development or in this neighbourhood are not expected to drink surface water nor is stormwater runoff from properties expected to meet a drinking water standard; and,
3. The water collection methodology and chain of custody for the water sample from collection to the lab cannot be independently verified/guaranteed.

Members of the public that have concerns with the validity or accuracy of the R.S.C. should contact the M.E.C.P. directly with their concerns.

The Applicant provided copies of Phase 1 and 2 Environmental Site Assessment reports prepared for the Durham District School Board (“D.D.S.B.”) by Kodiak Environmental

Limited in 2015. These reports acknowledge previous documentation of asbestos in floor tiles and mechanical pipe insulation. In 2020, the Applicant obtained a building permit to demolish the school building. The Applicant submitted a Designated Substances Survey ("D.S.S.") with their building permit application. The D.S.S., prepared by BluMetric Environmental Inc. dated October 2, 2020, which documented the quantity and locations of asbestos so that crews undertaking the demolition can take the necessary safety precautions when handling the impacted material. A D.S.S. is a legal requirement in Ontario when demolishing a building.

The Environmental Site Assessments prepared by Kodiak Environmental Limited in 2015 for the D.D.S.B. were prepared to help the D.D.S.B. understand risks associated with the school lands. The Environmental Site Assessments prepared by BluMetric Environmental Inc. in 2021 for the Applicant were intended to test the soils and groundwater against the Provincial standards for residential land use and document the remediation of the Subject Site such that the reports could be relied on.

The proposed development will include an oil and grit separator (O.G.S.) and an underground storm water storage chamber. These devices will capture sediment, hydrocarbons and oil in the site's stormwater from entering the municipal storm sewer system and ultimately the City's creeks. The use of an O.G.S. is a modern common practice in infill developments.

4.2.14 Functional Servicing and Storm Water Management

Comment:

Comments were received expressing concern with respect to the potential for storm water from the proposed development to flow onto adjacent lands and public streets.

Staff Response:

The Applicant submitted a Functional Servicing and Stormwater Management Report (F.S.R.) dated February 2022 prepared by GHD, a professional civil engineering consultant. An addendum dated June 29, 2023 has also been submitted. The reports identify how storm water from the Subject Site will be managed and discharged to the existing municipal storm sewer system.

The proposed development includes an underground storm water storage chamber located under the proposed parkette. The catch basins and sewers within the private roads would direct storm water from the surface to the water storage chamber. The water would be released from the chamber to the storm sewer in Wilson Road South. At the request of the Region of Durham, the chamber would be sized to hold sufficient storm water such that the rate of release to the Wilson Road South storm sewer would be slower than the rate at which water flowed to the sewers when the Subject Site was developed as a school.

The F.S.R. and the addendum have been reviewed by professional civil engineering staff at the City, Region and C.L.O.C.A. and the approach to storm water management has been found to be acceptable.

5.0 Analysis

5.1 Background

The Subject Site is generally located on the north side of Shakespeare Avenue between Wilson Road South and Addison Street and is municipally known as 570 Shakespeare Avenue (see Attachment 1). The Subject Site has frontage on Shakespeare Avenue, Wilson Road South and Addison Street.

The following is background information concerning the subject revised applications:

Item	Existing	Requested/Proposed
Oshawa Official Plan Designation	Residential	Residential with a site-specific exception to permit an accessory apartment in 12 of the block townhouse dwellings (end units)
Zoning By-law 60-94	R1-C/CIN (Residential/Community Institutional)	An appropriate R4-A (Residential) Zone to implement the proposed development of 105 block townhouse dwellings with site specific conditions to permit certain performance standards, as outlined in Section 5.3 of this Report.
Use	Vacant (former Gertrude Colpus Public School)	105 block townhouse dwellings with 12 of those block townhouse dwellings having an accessory apartment, all on a private road accessed from Shakespeare Avenue and Addison Street.

The following land uses are adjacent to the Subject Site:

- **North** The Canadian Pacific Railway mainline, beyond which are single detached dwellings and two-unit dwellings
- **South** Shakespeare Avenue, beyond which are single detached dwellings and two-unit dwellings
- **East** Addison Street, beyond which are single detached dwellings, two-unit dwellings, and apartment buildings
- **West** Wilson Road South, beyond which is David Bouchard Public Elementary School

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

Site Statistics Item	Measurement
Lot Frontage	Shakespeare Avenue – 132.6m (435.04 ft.) Wilson Road South – 172.71m (566.63 ft.) Addison Street – 142.22m (466.60 ft.)
Gross Lot Area (inclusive of the road widenings)	2.29 ha (5.66 ac.)

Site Statistics Item	Measurement
Area of Road Widenings	0.00125 ha (0.0031 ac.)
Net Area of the Townhouse Development (exclusive of road widenings)	2.29 ha (5.65 ac.)
Proposed Number of Block Townhouse Dwellings	105
Proposed Number of Accessory Apartments within a Block Townhouse End Unit	12
Proposed Total Number of Dwellings	117
Net Residential Density of the Proposed Townhouse Dwellings (including accessory apartments)	51.11 units per hectare (20.71 u/ac.)
Proposed Maximum Building Height	Blocks 1 to 8 – 12m (39.37 ft.) Blocks 9 and 10 – 13m (42.65 ft.)
Parking Spaces Required	1.65 spaces per block townhouse unit = 173 1 space per accessory apartment unit = 12 0.35 spaces per block townhouse unit for visitors = 37 Total: 222
Parking Spaces Provided	2 spaces per block townhouse unit = 210 2 spaces per accessory apartment unit = 24 0.36 spaces per block townhouse unit for visitors = 38 Total: 272

5.2 Oshawa Official Plan

The Subject Site is designated Residential in the O.O.P.

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

The O.O.P. contains policies which establish various residential density types and provide general locational criteria for such densities. Table 2, Residential Density Classification, has 5 density categories including Medium Density I Residential.

The general representative housing type/form within the Medium Density I Residential category generally consists of single detached, semi-detached, duplex and townhouse

dwelling with a density range of 30 to 60 units per hectare (12 to 24 u/ac.), subject to general locational criteria as follows:

- (a) Generally located at the periphery of neighbourhoods in proximity to arterial and collector roads, or located within the Main Central Areas, Sub-Central Areas, Community Central Areas, Local Central Areas or Regional and Local Corridors, or generally located in areas that are undergoing transition, such as neighbourhoods containing a range of land uses, in which higher density residential uses could be developed without generating undue adverse impacts on adjacent land uses.
- (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.

Policy 6.4.2(d) of the O.O.P. states that an accessory apartment is a self-contained dwelling unit subservient to the main, principal or primary dwelling unit, within a single detached dwelling, semi-detached dwelling, duplex or street townhouse dwelling, or within a building accessory to a single detached dwelling, semi-detached dwelling, duplex or street townhouse dwelling. This policy in the O.O.P. was revised by way of adoption of Official Plan Amendment 216 (O.P.A. 216) by City Council in May 2023 in response to Bill 23, which amended the Planning Act to permit up to three residential units in any detached house, semi-detached house or rowhouse or two in the dwelling and one in an accessory building. Previously the O.O.P. permitted a maximum of one (1) accessory apartment in a single detached dwelling or semi-detached dwelling only.

The Applicant proposes an accessory apartment in twelve (12) of the block townhouse dwellings which form end units (see Attachment 4). Given that the proposal did not conform to Policy 6.4.2(d) of the O.O.P. prior to the adoption of O.P.A. 216, an application was submitted by the Applicant to amend the O.O.P. in this regard, on a site-specific basis. Even with the adoption of O.P.A. 216 the application to amend the O.O.P. continues to be required, given that the O.O.P. does not permit accessory apartments in block townhouse dwellings.

The Canadian Pacific Railway mainline to the north of the Subject Site is designated on Schedule 'B-1', Transit Priority Network, of the O.O.P. as the Metrolinx Environmental Assessment Approved Rail Alignment for the extension of GO Train service through central Oshawa to Bowmanville.

Wilson Road South is designated as a Type "C" Arterial Road in the O.O.P. Shakespeare Avenue and Addison Street are local roads.

This Department has no objection to the approval of the revised application to amend the O.O.P. Section 5.6 of this Report sets out the planning rationale for this position.

5.3 Zoning By-law 60-94

The Subject Site is currently zoned R1-C/CIN (Residential/Community Institutional).

The R1-C Zone permits single detached dwellings subject to compliance with various regulations. This Department estimates that approximately 40 to 50 single detached

dwelling lots and associated public roads could be developed on the Subject Site based on the existing R1-C zoning.

The CIN Zone permits the following uses:

- Assembly hall
- Children's shelter
- Church
- Club, excluding a nightclub
- Day care centre
- Elementary school
- Private school
- Secondary school

Zoning By-law 60-94, as amended, permits accessory apartments in single detached dwellings, semi-detached dwellings, duplexes, street townhouses or within a building accessory to any of the foregoing, subject to certain regulations including, but not limited to, the following:

- The maximum number of accessory apartments permitted on a lot is two; and,
- One (1) additional parking space shall be provided per accessory apartment, in addition to the minimum required number of parking spaces for a single detached dwelling, semi-detached dwelling, duplex or street townhouse dwelling, as the case may be.

Zoning By-law 60-94 does not permit accessory apartments in block townhouses.

The Applicant proposes to amend Zoning By-law 60-94 by rezoning the Subject Site from R1-C/CIN (Residential/Community Institutional) to an appropriate R4-A (Residential) Zone to permit 105 block townhouse dwellings with site specific conditions to permit certain performance standards. The site-specific R4-A Zone regulations requested by the Applicant are as follows:

- Maximum building heights of 13 metres (42.65 ft.) for Blocks 9 and 10 and 12 metres (39.37 ft.) for Blocks 1 to 8, whereas the R4-A Zone permits a maximum building height of 10.5 metres (34.45 ft.);
- Minimum yard depths abutting Wilson Road South, Addison Street and Shakespeare Avenue of 3.5 metres (11.48 ft.) for Block 1 and 4 metres (13.12 ft.) for Blocks 2 to 10, whereas the R4-A Zone requires a minimum yard depth of 6 metres (19.69 ft.). For clarity, staff note that Block 2, being situated at the northwest corner of Shakespeare Avenue and Addison Street, will also have an exterior side yard depth condition of 2.2 metres (7.22 ft.) abutting Shakespeare Avenue;
- Minimum landscaped open space of 34% whereas the R4-A Zone requires a minimum 35% landscaped open space;

- Minimum landscaped open space for individual Parcels of Tied Land (“P.O.T.L.s”) abutting the private road (By-law 60-94 requires minimum 50%), as follows:
 - 24% for dual frontage end unit P.O.T.L.s
 - 40% for all other dual frontage townhouse P.O.T.L.s
 - No exemption requested for the back-to-back townhouse P.O.T.L.s
- Minimum front lot line length for dual frontage townhouse units of 5.4 metres (17.72 ft.) whereas Zoning By-law 60-94 requires a minimum of 6 metres (19.69 ft.); and,
- Permission for one accessory apartment in twelve (12) end units, whereas Zoning By-law 60-94 does not permit accessory apartments in block townhouses.

The proposed development will conform and comply with all other provisions of the R4-A Zone and Zoning By-law 60-94, as amended. Staff recommend the inclusion of a provision for a minimum 25 metre (82.02 ft.) setback between the north property line and any townhouse buildings.

This Department has no objections to an amendment to Zoning By-law 60-94, as amended, for the Subject Site which would:

- Rezone the Subject Site from R1-C/CIN (Residential/Community Institutional) to an appropriate R4-A (Residential) Zone to permit 105 block townhouse dwellings;
- Permit an accessory apartment in twelve (12) block townhouse end units; and,
- Implement site specific zoning regulations to facilitate the proposed site and building designs, including the establishment of certain performance standards related to such matters as maximum height, minimum building setbacks and minimum landscaped open space.

This Department recommends that an “h” holding symbol be applied to the zoning of the Subject Site which would restrict development until such a time as:

- Site plan approval is obtained from the City which addresses such matters as landscaping, fencing, lighting, parkette design and compatibility with the C.P. Rail corridor;
- An updated noise and vibration study is completed to the satisfaction of the City and implemented accordingly; and,
- Appropriate arrangements are made for the provision of adequate water, sanitary, storm, foundation drainage and transportation services to the development, to the satisfaction of the City.

Section 5.6 of this Report sets out the rationale for this Department’s support for the above noted rezoning.

5.4 Draft Plan of Condominium

5.4.1 Standard Condominium Versus a Common Elements Condominium

The Condominium Act, 1998 permits four different types of condominiums: common elements, phased, vacant land and leasehold. The Applicant is proposing to establish a common elements condominium for the proposed 105 block townhouse units.

To implement a common elements condominium, a declaration is registered which converts certain lands into common elements that are owned in common by the owners of specified freehold lands situated in the same land registry division. A common elements condominium does not have any units. Each owner's percentage interest in the common elements will be specified in the declaration, will be appurtenant to the owner's freehold land and will not be severable from it. Arrears of common expenses will result in a lien in favour of the condominium corporation on the default owner's freehold land.

An example of a common elements condominium would be the common ownership of a private road. The owners of the lands serviced by the road could be part of a common elements condominium corporation for the road and would pay proportionately its common expenses (maintenance, repair, management and insurance). This type of condominium enables a positive obligation (the payment of common expenses) to "run with the land".

The following chart identifies the key differences between a standard condominium and a common elements condominium:

Standard Condominium	Common Elements Condominium
A standard condominium cannot be registered until all dwelling units are built. Therefore, the developer cannot close a deal with a purchaser on any of the units until all the units are built.	A common elements condominium is registered before any dwelling is conveyed. The developer can close a deal with a purchaser when the unit is completed. The developer does not have to wait until all units are built to close a real estate deal.
The individual units and common elements are created with the registration of the plan and are part of the condominium. The home owners are subject to the by-laws of the condominium corporation.	The individual units are created through either a plan of subdivision, land division approval or removal of part lot control. The dwelling units are not part of the condominium and therefore the homeowners are not subject to any condominium by-laws. The homeowners only have an interest in the common elements.

5.4.2 Draft Plan of Condominium

The Applicant has submitted an application for approval of a common elements draft plan of condominium (File: C-O-2022-02). The common elements condominium would be tied

to the proposed 105 block townhouse dwellings. The following would generally be the common elements:

- (a) The private road providing access to each individual townhouse driveway;
- (b) The internal sidewalks/walkways;
- (c) Visitor parking spaces;
- (d) Parkette;
- (e) Utility building (water meter room);
- (f) Railway buffer;
- (g) Community mailboxes; and,
- (h) Bike racks.

The 105 individual townhouse dwelling lots are proposed to be created through the removal of part lot control. These lots are commonly referred to as P.O.T.L.s (Parcels of Tied Land). The individual P.O.T.L.s have a percentage of ownership interest in the common elements but are not part of the condominium. To date, the Applicant has not submitted an application to remove part lot control. Applications to remove part lot control are delegated to the Commissioner of Economic and Development Services and Director of Planning Services for approval.

The City has approved other common element condominium block townhouse developments. Recent examples include the sites at the southwest corner of Phillip Murray Avenue and Park Road South (SO Developments Inc.), the northwest corner of Townline Road North and Shankel Road (Treasure Hill), 849 Rossland Road West (Delpark Homes), 250 Harmony Road South (Marlin Spring) and 800 and 805 Missom Gate (Sundance Developments).

Applications for approval of a draft plan of condominium are delegated to the Commissioner of Economic and Development Services and Director of Planning Services for approval. The condominium application will not be approved unless the zoning by-law amendment application is approved.

5.5 Site Design/Land Use Considerations

The revised plans submitted by the Applicant propose 105 three-storey block townhouse dwellings and a parkette, all located on a private road accessed from Shakespeare Avenue and Addison Street (see Attachment 5).

The Applicant proposes that twelve (12) end units be permitted to accommodate accessory apartments (Units 1, 7, 8, 13, 14, 19, 20, 27, 28, 36, 37 and 45). These end units are dual frontage units rather than the back-to-back units and are generally larger than the rest of the townhouse units.

Forty-five (45) of the block townhouse dwellings (Units 1 to 45) will have frontage on both a public road (Wilson Road South, Shakespeare Avenue or Addison Street) and the private condominium road. However, driveway access for these units will be provided from the private condominium road only. These 45 block townhouse dwellings (which include the twelve (12) end units proposed to accommodate accessory apartments) will have front doors facing either Wilson Road South, Shakespeare Avenue or Addison Street with

individual walkways leading from the front doors to the sidewalks on the aforementioned streets. The remaining 60 block townhouse dwellings will be back-to-back townhouses with frontage on the private condominium road only.

Each of the 93 block townhouse dwellings that the Applicant does not propose permission for an accessory apartment will have two (2) parking spaces: one (1) in an internal garage and one (1) on a driveway in front of the garage. Each of the twelve (12) block townhouse dwellings proposed to accommodate an accessory apartment will have four (4) parking spaces each: two (2) in an internal garage and two (2) on the driveway in front of the garage. Thirty-eight (38) visitor parking spaces are also proposed.

The Applicant has also submitted an application for site plan approval (File: SPA-2022-05) for the proposed development.

In support of the proposed development, the Applicant has submitted a variety of plans and documents including a draft plan of condominium, a draft 40R-Plan illustrating each P.O.T.L., a site plan, floor plans, elevation plans, a landscape and tree inventory and preservation plan, a servicing plan, a grading plan, an erosion and sediment control plan, a functional servicing and stormwater management report, a transportation impact study, a geotechnical investigation, a planning justification report, environmental site assessments, a record of site condition, an archeological assessment, a railway proximity study, and a noise and vibration study.

Some of the specific matters this Department will be reviewing during the continued processing of the site plan approval application, if the subject Official Plan amendment and Zoning By-law amendment applications are approved, include:

- (a) Site/building design matters including building architecture, waste collection, fire access and snow removal;
- (b) Stormwater management, servicing and grading matters;
- (c) Landscaping and fencing;
- (d) Berm design;
- (e) Design of the private amenity area (parkette);
- (f) Construction management;
- (g) Noise and vibration attenuation;
- (h) Lighting; and,
- (i) Crime Prevention through Environmental Design matters.

5.6 Basis for Recommendation

This Department has no objection to the approval of the subject revised applications for the following key reasons:

- (a) Redeveloping an under-utilized property at this location along an arterial road at the periphery of a neighbourhood is consistent with the Provincial Policy Statement and conforms to the Provincial Growth Plan.
- (b) The applications conform to the Durham Regional Official Plan.
- (c) Apart from the amendment required to permit twelve (12) accessory apartment units, the proposal to permit block townhouses at the Subject Site conforms to the O.O.P.
- (d) The proposal will advance development that is within the City's Built Boundary. The Growth Plan for the Greater Golden Horseshoe established a Built Boundary for municipalities within which a certain percentage of all new residential development must take place to reduce the demand for new residential growth in greenfield areas. Furthermore, the Subject Site has been zoned for residential development for many years.
- (e) The proposed development is compatible with surrounding land uses.
- (f) Through the use of a holding symbol, appropriate conditions can be implemented in the zoning of the Subject Site to ensure matters related to noise and vibration mitigation, servicing, storm water management, lighting, landscaping and compatibility with the railway corridor are appropriately addressed prior to any permissions to construct the proposed block townhouses.
- (g) The proposed development will be designed to meet or exceed the minimum parking requirements of Zoning By-law 60-94 for block townhouses and accessory apartments.
- (h) The proposed development is transit supportive as the Subject Site is close to existing Durham Region Transit bus routes (Routes 407, 410 and 423).
- (i) The Region of Durham, C.L.O.C.A., Metrolinx, Canadian Pacific Railways and the school boards have no objection to the approval of the application.
- (j) The proposed development will make efficient use of existing municipal services such as water and sanitary services.
- (k) The proposed development will help the City to achieve the delivery of 23,000 new housing units in Oshawa by 2031, as targeted by the Province.
- (l) The proposed development represents good planning.

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 will not be eligible for a fee 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

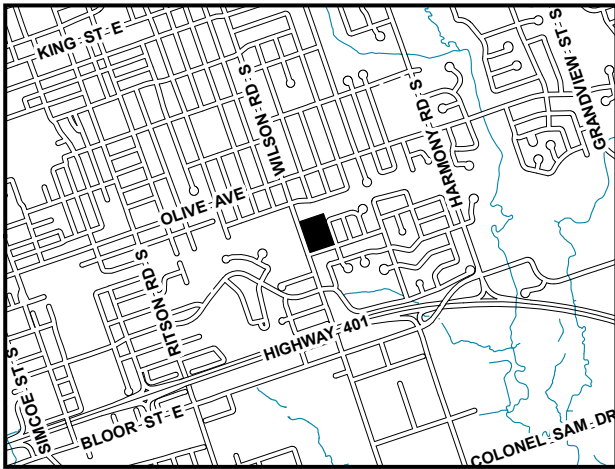
The Recommendation advances the Economic Prosperity and Financial Stewardship and Environmental responsibility goals of the Oshawa Strategic Plan.

A handwritten signature in blue ink, appearing to read "Tom Goodeve".

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

A handwritten signature in blue ink, appearing to read "Warren Munro".

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



Item: ED-23-208
Attachment 1

Economic and Development Services

Subject: Revised Applications to Amend the Oshawa
Official Plan and Zoning By-law 60-94,
Cedar City Shakespeare Avenue Inc.

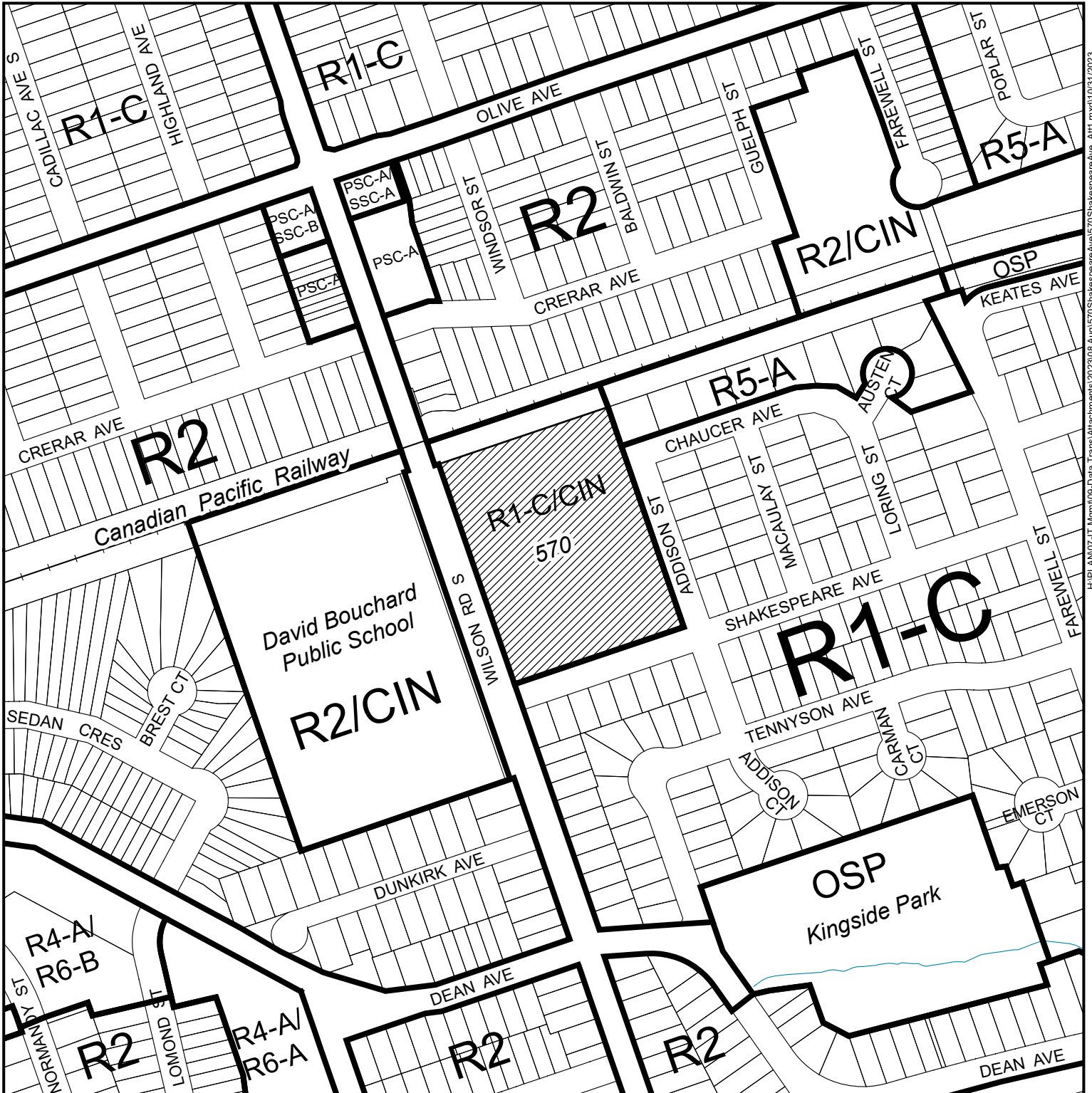
Address: 570 Shakespeare Avenue

Ward: Ward 5

File: OPA-2022-03, Z-2022-03



Subject Site



Title: Common Elements Draft Plan of Condominium Considered at the May 9, 2022 Public Meeting

Subject: Revised Applications to Amend the Oshawa Official Plan and Zoning By-law 60-94, Cedar City Shakespeare Avenue Inc.

Address: 570 Shakespeare Avenue

Ward: Ward 5

File: OPA-2022-03, Z-2022-03

Item: ED-23-208

Attachment 2

City of Oshawa
Economic and Development Services



End Units with Proposed Accessory Apartment



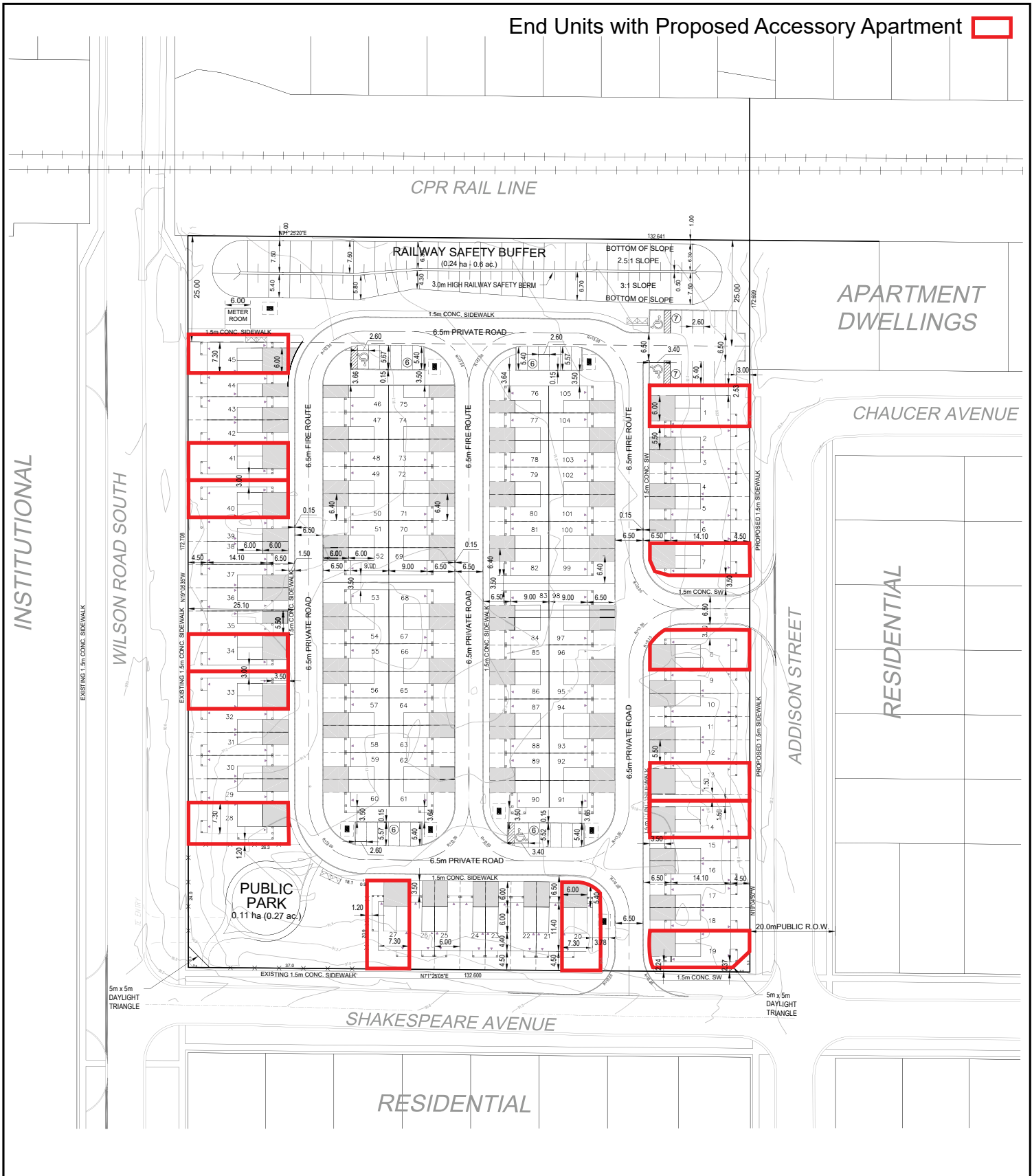
Title: Site Plan Considered at the May 9, 2022 Public Meeting
 Subject: Revised Applications to Amend the Oshawa Official Plan and
 Zoning By-law 60-94, Cedar City Shakespeare Avenue Inc.
 Address: 570 Shakespeare Avenue
 Ward: Ward 5
 File: OPA-2022-03, Z-2022-03

Item: ED-23-208
 Attachment 3

City of Oshawa
 Economic and Development Services



End Units with Proposed Accessory Apartment



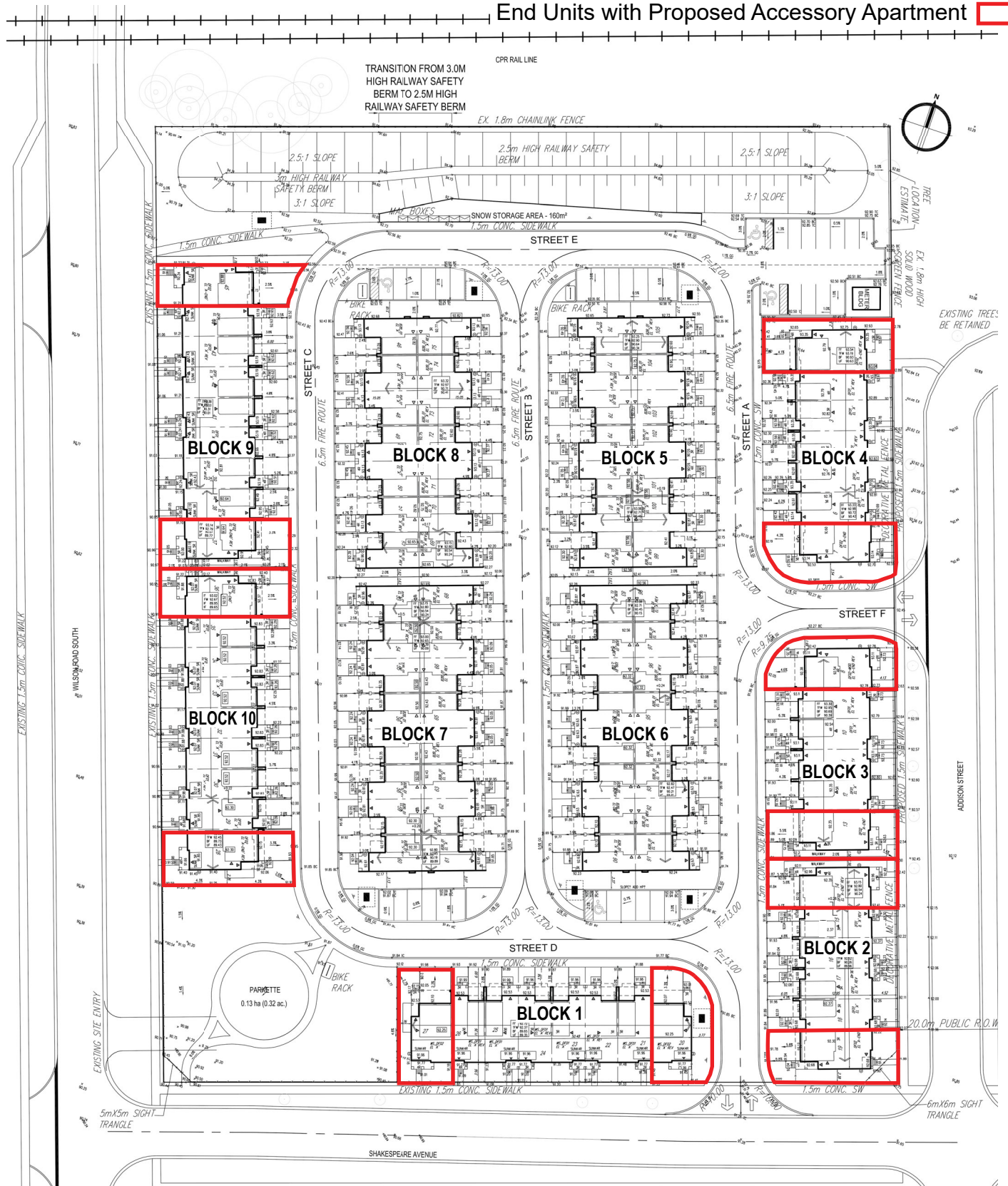
Title: Revised Site Plan Submitted by the Applicant
Subject: Revised Applications to Amend the Oshawa Official Plan and
Zoning By-law 60-94, Cedar City Shakespeare Avenue Inc.
Address: 570 Shakespeare Avenue
Ward: Ward 5
File: OPA-2022-03, Z-2022-03

Item: ED-23-208
Attachment 5

City of Oshawa
Economic and Development Services



End Units with Proposed Accessory Apartment



Excerpts from the Minutes of the Development Services Committee Meeting held on May 9, 2022

Application – DS-22-97 - Pursuant to the Planning Act

Presentation

GHD – Applications to Amend the Oshawa Official Plan and Zoning By-law 60-94

Steve Edwards, Planning Lead, and Beth Halpenny, Project Manager, GHD provided a presentation of the Applications to Amend the Oshawa Official Plan and Zoning By-law 60-94 and for approval of a Common Elements Draft Plan of Condominium, Cedar City Shakespeare Avenue Inc., 570 Shakespeare Avenue.

Members of the Committee questioned Steve Edwards, Planning Lead, and Beth Halpenny, Project Manager, GHD.

Delegations

None.

Correspondence

DS-22-108 – Mike Shayda submitting comments in opposition to DS-22-97 regarding the amendment to the Official Plan and Zoning By-law, 570 Shakespeare Avenue (Ward 5)

Moved by Mayor Carter

That Correspondence DS-22-108 from Mike Shayda submitting comments in opposition to DS-22-97 regarding the amendment to the Official Plan and Zoning By-law, 570 Shakespeare Avenue be referred to staff for consideration in the future recommendation report on the matter.

Motion Carried

Reports

DS-22-97 – Applications to Amend the Oshawa Official Plan and Zoning By-law 60-94 and for approval of a Common Elements Draft Plan of Condominium, Cedar City Shakespeare Avenue Inc., 570 Shakespeare Avenue (Ward 5)

Moved by Mayor Carter

That, pursuant to Report DS-22-97 dated May 4, 2022, concerning the applications submitted by Cedar City Shakespeare Avenue Inc. to amend the Oshawa Official Plan (File: OPA-2022-03) and Zoning By-law 60-94 (File: Z-2022-03) and for approval of a common elements draft plan of condominium (File: C-O-2022-02), to permit 105 block

townhouse dwellings with 14 end units having an accessory apartment, and a parkette block, on lands located at 570 Shakespeare Avenue, staff be directed to further review and prepare a report and recommendation back to the Development Services Committee. This direction does not constitute or imply any form or degree of approval.

Motion Carried