

To: Economic and Development Services Committee

From: Anthony Ambra, P.Eng., Commissioner,
Economic and Development Services Department

Report Number: ED-24-97

Date of Report: September 4, 2024

Date of Meeting: September 9, 2024

Subject: Revised Application to Amend Zoning By-law 60-94, 784464
Ontario Ltd., 1226 King Street East

Ward: Ward 3

File: Z-2022-13

1.0 Purpose

The purpose of this Report is to provide a recommendation on the revised application submitted by 784464 Ontario Ltd. (the “Applicant”) to amend Zoning By-law 60-94 to permit a new four (4) storey, eighteen (18) unit apartment building located at 1226 King Street East (the “Subject Site”).

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 original proposed site plan submitted by the Applicant and considered at the January 8, 2024 public meeting.

Attachment 3 is a copy of the revised proposed site plan submitted by the Applicant incorporating revisions to address certain public and technical comments.

On January 8, 2024, a public meeting was held concerning the subject application. At the conclusion of the public meeting, the Economic and Development Services Committee adopted a recommendation to direct staff to further review the subject application and prepare a subsequent report and recommendation back to the Economic and Development Services Committee. The minutes of the January 8, 2024 public meeting form Attachment 4 to this Report.

Subsequent to the January 8, 2024 public meeting, the Applicant revised the subject development proposal. The key difference between the original proposal considered at the public meeting (see Attachment 2) and the revised proposal (see Attachment 3) is that the development no longer proposes to outlet stormwater to the Harmony Creek to the north of the Subject Site. The internal storm sewers will instead outlet to the storm sewer system

in the King Street East right-of-way. No other substantive changes are proposed and the development otherwise remains the same as presented at the public meeting.

2.0 Recommendation

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

1. That, pursuant to Report ED-24-97 dated September 4, 2024, the revised application submitted by 784464 Ontario Ltd. to amend Zoning By-law 60-94 (File: Z-2022-13) to rezone the lands municipally known as 1226 King Street East to an appropriate R6-B (Residential) Zone to permit the development of a four-storey, 18-unit apartment building, and OSH (Hazard Lands Open Space) Zone for that portion of the lands associated with the Hamony Creek Valley, 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, Economic and Development Services Department, and the City Solicitor.
2. That, in accordance with Section 34(17) of the Planning Act and notwithstanding that the design of the development advanced under the Zoning By-law Amendment proposed in Report ED-24-07 dated January 3, 2024 presented at the public meeting of January 8, 2024 differs to some degree from the proposed development to be implemented through the proposed amendment recommended to be approved by City Council pursuant to Part 1 of this Recommendation, such differences are not substantial enough to require further notice and another public meeting.

3.0 Input From Other Sources

3.1 Other Departments and Agencies

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

3.2 Public Comments

The minutes of the January 8, 2024 public meeting concerning the subject application form Attachment 4 to this Report. Two members of the public provided oral comments at the public meeting. No written comments were received from the public with respect to the subject application.

Key concerns raised by the public at the public meeting are set out below together with a staff response.

3.2.1 Debris and Dust Control

Comment:

Concerns were raised regarding the potential for debris and dust to impact neighbouring properties during construction.

Staff Response:

The existing zoning already permits the development of offices and flats.

Through the site alteration permit process and the City's Dust and Mud Control By-law, the City has controls for dust, mud and site drainage. The Applicant has submitted an erosion and sediment control plan which demonstrates measures to prevent sediment from flowing to neighbouring properties or the creek during construction and features a mud mat to minimize mud tracking onto the adjacent roads.

During construction of the apartment building, the owner will be required to use construction fencing for safety and will be expected keep materials contained to the site. Silt fencing will also be required to prevent any debris and sediment moving from the site towards the creek at the rear or either adjacent property.

3.2.2 Increased Traffic and Relocation of Bus Stop

Comment:

Comments were made regarding the increase in potential traffic and the need to relocate the bus stop from in front of the neighbouring property.

Staff Response:

Adequate parking is provided for the proposed development and the location of the apartment is adjacent to a transit corridor to allow residents the option to use their own vehicle, utilize public transit, or walk to nearby amenities. The number of vehicle trips made to and from the Subject Site by residents and visitors are well within the design parameters of the adjacent section of King Street East to accommodate.

The existing westbound Durham Region Transit (D.R.T.) bus stop in question is situated west of the Subject Site in front of 1212 King Street East. The Applicant has indicated they are open to relocating the bus stop to be in front of the Subject Property. Staff will continue working with the Applicant and D.R.T. staff concerning the potential relocation of the bus stop through the site plan approval process, if the subject application is approved.

3.2.3 Drainage

Comment:

A concern was raised regarding the direction of stormwater and whether it would impact neighbouring properties.

Staff Response:

Stormwater will be directed to the internal storm sewers and outlet to the City's storm sewer system in the King Street East road allowance. Stormwater will not be directed to neighbouring properties.

4.0 Analysis

4.1 Background

The Subject Site is generally located on the north side of King Street East, opposite the northern terminus of Athabasca Street. The Subject Site is municipally known as 1226 King Street East (see Attachment 1).

On September 17, 1990, City Council approved Official Plan Amendment and rezoning applications to permit a medical office building on the Subject Site subject to conditions. One condition required the owner to convey the valleyland portion at the rear of the Subject Site and an appropriate access easement to the City through the site plan agreement.

The proposed medical office did not proceed, and as a result, the conveyance of the valleylands and access easement did not occur. In response to the owner's subsequent request that the 1992 site plan agreement be rescinded, and to keep track of the Council direction, a City-initiated amendment was advanced in Report DS-14-65, dated March 19, 2014, to apply a holding symbol to the zoning of the Subject Site. In order to remove the holding symbol, which is a pre-requisite to allowing development to proceed, the owner of the Subject Site must obtain site plan approval, convey the required valleyland and grant an access easement to the City.

The following is background information concerning the subject revised application:

Item	Existing	Requested/Proposed
Oshawa Official Plan Designation	Residential within the Kingsway Sub-Central Area, in part, and Open Space and Recreation for the remainder at the rear of the property	No change.
Zoning By-law 60-94	SO-A(4) "h-42" (Specialized Office)	An appropriate R6-B (Residential) Zone to implement the proposed development with site specific regulations to permit certain performance standards related to matters such as, but not necessarily limited to, reduced front yard and interior side yard depths and increased lot coverage. Staff note that when the lands comprising the northerly portion of the Subject Site

Item	Existing	Requested/Proposed
		and forming part of the Harmony Creek valley are conveyed to the City for open space purposes, an appropriate OS (Open Space) Zone will be applied.
Use	Vacant	A four (4) storey, eighteen (18) unit apartment building.

The following land uses are adjacent to the Subject Site:

- **North** Kingsway College which includes a portion of Harmony Creek and its associated valley
- **South** King Street East, beyond which are single detached dwellings and the northerly terminus of Athabasca Street
- **East** A three (3) storey apartment building (Kingsway Pioneer apartments), beyond which is a commercial retail plaza
- **West** Single detached dwellings fronting on King Street East

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

Site Statistics Item	Measurement
Lot Frontage	33.88m (111.15 ft.)
Gross Lot Area (inclusive of road widening and open space lands)	0.324 ha (0.80 ac.)
Area of Road Widening	0.017 ha (0.04 ac.)
Area of Open Space	0.066 ha (0.16 ac.)
Net Lot Area (exclusive of road widening and open space lands)	0.241 ha (0.60 ac.)
Number of Proposed Apartment Units	18
Net Residential Density Proposed	74.69 units per hectare (30 u/ac.)
Parking Spaces Required for Rental Apartment Building	18 spaces for residents plus 6 visitor spaces (1 space per unit plus 0.33 spaces per unit for visitors)
Parking Spaces Proposed for Rental Apartment Building	18 spaces for residents plus 6 visitor spaces (1 space per unit plus 0.33 spaces per unit for visitors)

4.2 Oshawa Official Plan

The Subject Site is designated as Residential and Open Space and Recreation in the Oshawa Official Plan (the “O.O.P.”). Specifically, the portion of the Subject Site associated

with the Harmony Creek valley is designated as Open Space and Recreation. The balance of the lands, which are located within the Kingsway Sub-Central Area, are designated as Residential.

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 residential density types and provide general locational criteria for such densities. Table 2, Residential Density Classification, has five (5) density categories including Medium Density II Residential. The proposed residential development at the Subject Site would have a net residential density of 74.69 units per hectare (30 u/ac.) which is classified as the Medium Density II Residential density type.

The general representative housing type/form within the Medium Density II Residential category generally consists of townhouses, low rise apartments and medium rise apartments with a density range of 60 to 85 units per hectare (24 to 34 u/ac.), subject to general locational criteria as follows:

- (i) 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, 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.
- (ii) 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 areas shall have regard for the natural environment and be compatible with their surroundings.

The Harmony Creek valley is shown as Hazard Lands and Natural Heritage System 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 that 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. further 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.

The property is located within the Kingsway Sub-Central Area as shown on Schedule 'A', Land Use, of the O.O.P. Sub-Central Areas shall serve a large portion of the Major Urban Area and shall be planned and developed similar to, but generally smaller in scale, than Main Central Areas. Sub-Central Areas shall be planned to support an overall long-term density target of at least 30 residential units per gross hectare (12.14 residential units/gross ac.). A range of residential uses at higher densities may be permitted in Sub-Central Areas.

Schedule 'B', Road Network, of the O.O.P. designates King Street East as a Type 'B' Arterial Road. Schedule 'B-1', Transit Priority Network, identifies King Street East as a Regional Transit Spine.

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

4.3 Zoning By-law 60-94

The Subject Site is currently zoned SO-A(4) "h-42" (Specialized Office) in Zoning By-law 60-94, as amended. This zone permits flats and offices subject to compliance with various regulations.

The "h-42" holding symbol is in place on the zoning of the Subject Site to ensure that prior to any development site plan approval is granted by the City, the open space lands at the rear of the property are conveyed to the City and an appropriate access easement in favour of the City is provided for the City to access the valleyland to the City's satisfaction, at no cost and in a condition acceptable to the City.

Apartment buildings are not permitted in the SO-A(4) "h-42" Zone. As a result, the Applicant proposes to amend Zoning By-law 60-94 to implement the proposed development. The proposed zoning amendment would rezone that portion of the Subject Site planned to be developed from SO-A(4) "h-42" to an appropriate R6-B (Residential) Zone including special regulations related to matters such as, but not necessarily limited to, reduced front yard depth and interior side yard depth, and increased lot coverage.

The R6-B (Residential) Zone permits apartment buildings, retirement homes, long term care facilities and nursing homes.

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

- Rezone the northern portion of the Subject Site associated with the Harmony Creek valley from SO-A(4) "h-42" (Specialized Office) to an OSH (Hazard Lands Open Space) Zone;
- Rezone the balance of the Subject Site from SO-(4) "h-42" (Specialized Office) to an appropriate site specific R6-B (Residential) Zone to permit the development of a four (4) storey, eighteen (18) unit apartment building; and,

- Implement site specific zoning regulations to facilitate the proposed site and building designs, including the establishment of certain performance standards such as reduced front yard depth and interior side yard depth, and increased lot coverage.

The “h-42” holding symbol will remain in place on the portion of the Subject Site to be developed for the proposed apartment building until such time as the conditions noted above that are required to be addressed prior to development are satisfied. While the “h-42” holding symbol is in effect, only existing uses, located in existing buildings or structures, are permitted, together with new one-storey accessory buildings.

This Department has no objection to the approval of the subject application to amend Zoning By-law 60-94. Section 4.5 of this Report sets out the rationale for this position.

4.4 Site Design/Land Use Considerations

The Applicant proposes to develop a new four (4) storey, eighteen (18) unit apartment building on the Subject Site (see Attachment 3). The proposed development includes a total of 24 parking spaces and 1 loading space.

The proposed building design includes bicycle stalls, storage lockers and balconies for each unit.

The proposed site design includes a conveyance of a 5 metre (16.40 ft.) road widening to the City across the King Street East frontage of the property, and a conveyance of a 0.066 hectare (0.16 ac.) area of land at the north end of the property to the City as open space.

The Applicant has also submitted an application for site plan approval (File: SPA-2022-39) for the proposed apartment building.

In support of the proposed development, the Applicant has submitted a variety of plans and documents including a planning justification report, a site plan, a draft 40R plan, floor plans, building elevations, a grading plan, a servicing plan, storm drainage plans, an erosion and sediment control plan, an environmental impact study, a stormwater management and functional servicing report, a noise study, a landscaping plan, a tree preservation plan, a lighting plan, a truck turning plan, phase one and two environmental site assessments, a hydrogeological study and a geotechnical report.

The original site plan submitted by the Applicant included a storm outfall into the Harmony Creek valleylands to the north of the Subject Site. City staff have worked with the Applicant to confirm that the Subject Site can be connected to City storm sewers in the King Street East road allowance and consequently the outfall has been removed, eliminating the originally proposed impact on the adjacent valleylands. To attenuate the peak storm runoff rate from the development at or below the pre-development (existing) levels and to decrease risk of flooding in areas downstream, the development includes an underground stormwater storage system to capture and retain the 100-year rainfall event on-site and release it to the City storm sewer system at a slower rate.

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

Some of the specific matters this department will be reviewing during the further processing of the site plan application, should the subject rezoning application be approved, include:

- (a) Site/building design matters including accessibility driveway access, parking, pedestrian access, lighting, refuse storage and collection, loading, building architecture, fencing and landscaping;
- (b) Transfer of the lands associated with the Harmony Creek valleylands to the City and creation of an access easement to said lands across the Subject Site in favour of the City;
- (c) Servicing, grading and stormwater management matters;
- (d) Noise mitigation;
- (e) Transportation considerations including the potential relocation of the bus stop located in front of 1212 King Street East to the front of the Subject Site; and,
- (f) Crime Prevention Through Environmental Design matters.

4.5 Basis for Recommendation

This Department has no objection to the subject revised application submitted by the Applicant to amend Zoning By-law 60-94 for the following reasons:

- (a) Developing a vacant property to a more intensive use in the Built Boundary conforms to the Provincial Growth Plan and is consistent with the Provincial Policy Statement.
- (b) The proposed development conforms to the Durham Regional Official Plan and the O.O.P.
- (c) The proposed development is appropriate in terms of use, form and scale given its location within the Kingsway Sub-Central Area along a Type "B" Arterial Road and Transit Spine and in proximity to similarly sized buildings (Kingsway Pioneer apartments and the Seventh Day Adventist Church).
- (d) The proposed development has access to nearby amenities and is transit supportive given its proximity to an existing Durham Region Transit bus stop and route (Route 902).
- (e) The proposed development can be designed to be compatible with adjacent land uses.
- (f) The proposed development will make more efficient use of existing municipal services such as water and sanitary services.

- (g) Lands to the east and west of the Subject Site are similarly zoned R6-B (Residential) and R6-C (Residential) which permit apartment buildings at the same height and density or greater.
- (h) The proposed rental apartment building will help the City's efforts to achieve the delivery of 23,000 new housing units in Oshawa between 2022 and 2031, as targeted by the Province.
- (i) The proposed development represents good planning.

5.0 Financial Implications

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

6.0 Relationship to the Oshawa Strategic Plan

This Report responds to the Oshawa Strategic Plan Priority Area:

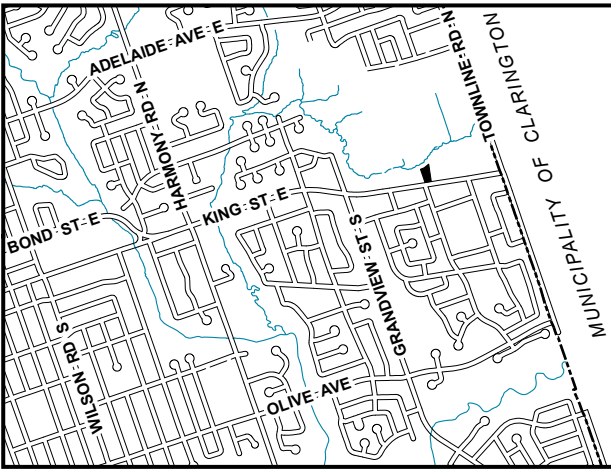
“Belong: Inclusive and Healthy Community” with the goal to support and encourage diverse housing options.



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



Anthony Ambra, P.Eng., Commissioner,
Economic and Development Services Department



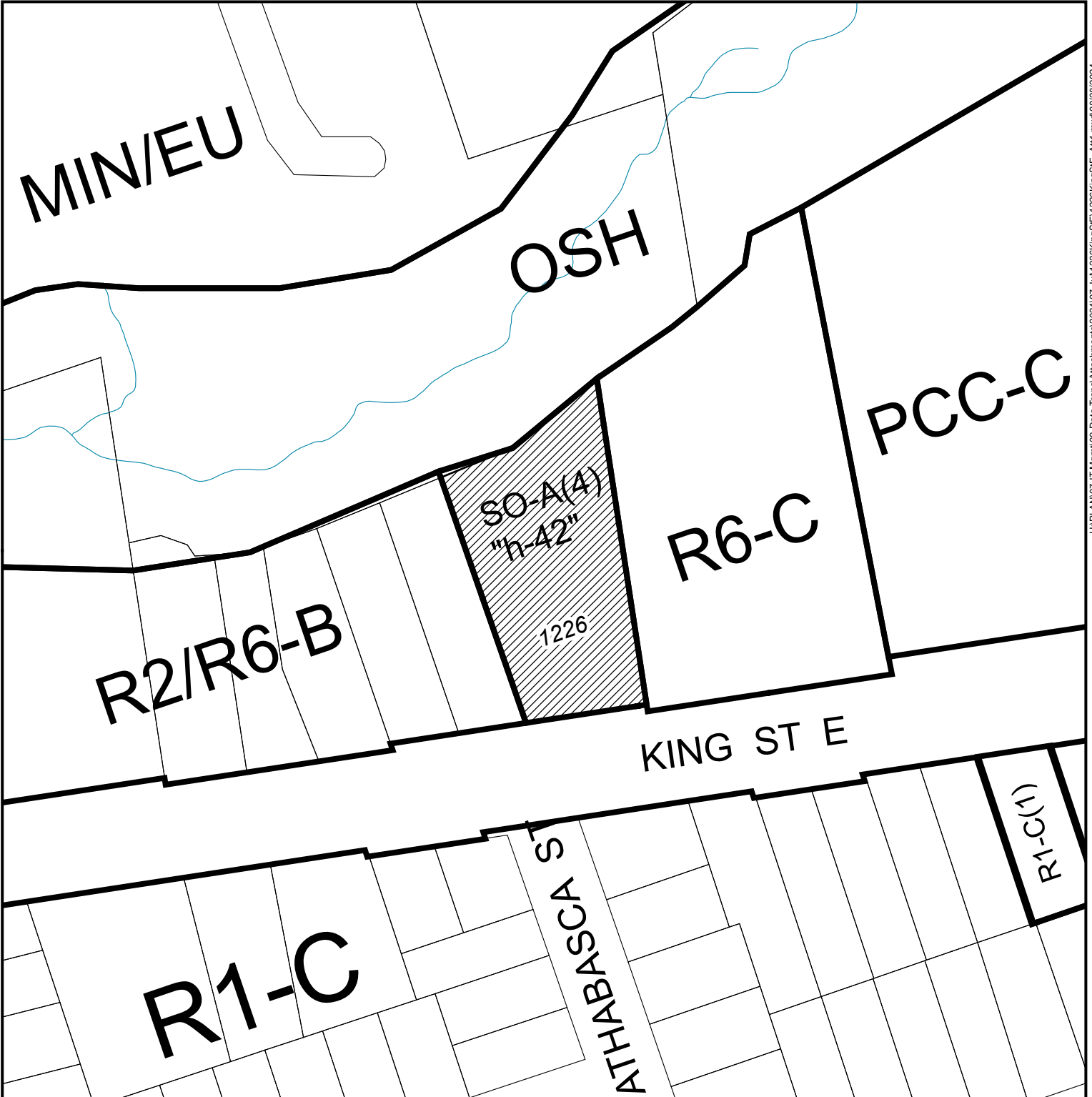
**Item: ED-24-97
Attachment 1**

Economic and Development Services

Subject: Revised Application to Amend Zoning
By-law 60-94, 784464 Ontario Ltd.
Address: 1226 King Street East
Ward: Ward 3
File: Z-2022-13



Subject Site 



Title: Original Proposed Site Plan Submitted by the Applicant and Considered at the January 8, 2024 Public Meeting
 Subject: Revised Application to Amend Zoning By-law 60-94, 784464 Ontario Ltd.
 Address: 1226 King Street East
 Ward: Ward 3
 File: Z-2022-13

City of Oshawa
 Economic and Development Services



- LEGEND**
- ▲ SITE TRANSFORMER
 - SITE STREET LIGHT
 - ACCESSIBLE PARKING STALL
 - ACCESSIBLE PARKING SIGN
 - SNOW STORAGE SIGN
 - VAN ACCESSIBLE
 - WATER METER LOCATION
 - EXISTING UTILITY
 - PROPOSED UTILITY
 - EXISTING WATER METER
 - PROPOSED WATER METER
 - EXISTING FIRE HYDRANT
 - PROPOSED FIRE HYDRANT
 - EXISTING MANHOLE
 - PROPOSED MANHOLE
 - EXISTING CURB CUT
 - PROPOSED CURB CUT
 - EXISTING DRIVEWAY
 - PROPOSED DRIVEWAY
 - EXISTING SIDEWALK
 - PROPOSED SIDEWALK
 - EXISTING CONCRET
 - PROPOSED CONCRET
 - EXISTING ASPHALT
 - PROPOSED ASPHALT
 - EXISTING GRAVEL
 - PROPOSED GRAVEL
 - EXISTING SAND
 - PROPOSED SAND
 - EXISTING DIRT
 - PROPOSED DIRT
 - EXISTING VEGETATION
 - PROPOSED VEGETATION
 - EXISTING OBSTACLE
 - PROPOSED OBSTACLE
 - EXISTING SIGN
 - PROPOSED SIGN
 - EXISTING FENCE
 - PROPOSED FENCE
 - EXISTING WALL
 - PROPOSED WALL
 - EXISTING CURB
 - PROPOSED CURB
 - EXISTING DRIVE
 - PROPOSED DRIVE
 - EXISTING ROAD
 - PROPOSED ROAD
 - EXISTING RAILROAD
 - PROPOSED RAILROAD
 - EXISTING CANAL
 - PROPOSED CANAL
 - EXISTING DRAINAGE
 - PROPOSED DRAINAGE
 - EXISTING EROSION
 - PROPOSED EROSION
 - EXISTING SETBACK
 - PROPOSED SETBACK
 - EXISTING ALLOWANCE
 - PROPOSED ALLOWANCE

Excerpts from the Minutes of the Economic and Development Services Committee Meeting held on January 8, 2024

Application ED-24-07

Presentation

Ashley MacInnis, City Homes - Application to Amend Zoning By-law 60-94, 1226 King Street East, 784464 Ontario Ltd. (Ward 3)

Ashley MacInnis provided a presentation concerning the Application to Amend Zoning By-law 60-94 at 1226 King Street East, submitted by 784464 Ontario Ltd.

The Committee questioned Ashley MacInnis.

Delegations

Analynn Ignacio Bruce - Report ED-24-07

Analynn Ignacio Bruce addressed the Economic and Development Services Committee concerning the application to amend Zoning By-law 60-94, 1226 King Street East stating she has concerns with the projects impact to neighboring properties and with debris, waste management and dust control.

Theresa Cliffe and Kathy Picco - Report ED-24-07

Theresa Cliffe and Kathy Picco addressed the Economic and Development Services Committee concerning the application to amend Zoning By-law 60-94 for 1226 King Street East expressing concerns with increased traffic in the area and suggested the relocation of the bus stop. Theresa Cliffe and Kathy Picco stated they are pleased with the structure and design of the building.

Correspondence

None.

Reports

ED-24-07 - Application to Amend Zoning By-law 60-94, 1226 King Street East, 784464 Ontario Ltd. (Ward 3)

Moved by Councillor Giberson

That, pursuant to Report ED-24-07 dated January 3, 2024, concerning the application submitted by 784464 Ontario Ltd. to amend Zoning By-law 60-94 (File: Z-2022-13) to permit a new four (4) storey, eighteen (18) unit apartment building at 1226 King Street East, 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.

Motion Carried