

To: Council in Committee of the Whole

From: Warren Munro, HBA, RPP, Commissioner,  
Development Services Department

Report Number: CNCL-22-09

Date of Report: February 16, 2022

Date of Meeting: February 22, 2022

Subject: Community Consultation Process Regarding the Interface  
between Charter Crescent and 8 Townhouse Units on Atwater  
Path Facing Charter Crescent

Ward: Ward 5

File: SPA-2018-11

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## **1.0 Purpose**

On October 25, 2021, City Council considered [Report CNCL-21-90](#) dated October 20, 2021 addressing a petition from various residents of Charter Crescent requesting that the City build a 1.8 metre (6 ft.) high wood board fence between Charter Crescent and the new 56-unit block townhouse development located at the southwest corner of Phillip Murray Avenue and Park Road South (the “Subject Site”) and adopted the following motion:

“Referred to staff to ensure the Developer completes the fencing on the property as per their plan and to work with the Developer and residents both from the townhouses and Charter Crescent to determine an appropriate separation between the 8 townhouses facing Charter Crescent and the street, and how it will be funded.”

The purpose of this Report is to seek direction from the Development Services Committee and City Council regarding the following:

- The consultation process for soliciting feedback from SO Developments Inc. (the “Developer” of the Subject Site) and the residents of Charter Crescent and Atwater Path regarding fencing design options for the area between the eight (8) townhouse units on Atwater Path facing Charter Crescent (located in Building 9) and the north limit of Charter Crescent; and,
- The potential fencing design options to be included in the consultation process with the residents and the Developer for the area between the north limit of Charter Crescent and Building 9.

It is important at this time to obtain clarity on the height and style of fencing to provide as options to the residents of Atwater Path and Charter Crescent for the purpose of the consultation.

Attachment 1 is an air photo showing the location of the new 56-unit block townhouse development north of Charter Crescent, the surrounding road network including Charter Crescent, and the zoning for the area.

Attachment 2 is a map showing the location of the new 56-unit block townhouse development in the context of surrounding features.

Attachment 3 is a copy of the approved Landscape Plan for the new 56-unit block townhouse development.

Attachments 4 and 5 are photos from December 2021 showing the newly erected 1.8 metre (6 ft.) high wood privacy fence at the rear of Building 8, adjacent to 1371 Charter Crescent.

Attachment 6 is a photograph from December 2021 showing both the new 1.8m (6 ft.) wide concrete walkway connecting Atwater Path and the Charter Crescent sidewalk and the newly erected 1.8 metre (6 ft.) high wood privacy fence adjacent to 1329 Charter Crescent and the utility building serving the townhouse development on Atwater Path.

Attachments 7 and 8 are photographs from December 2021 showing the area between Building 9 and the paved portion of the northerly leg of Charter Crescent, including the Charter Crescent sidewalk, boulevard, new trees and shrubs, and individual walkways to each of the eight (8) units in Building 9.

Attachments 9 and 10 are streetview images of the existing 1.18 metre (3.88 ft.) high decorative metal fence with gates facing Wilson Road North at the dual fronting block townhouses at 1111 Wilson Road North.

Attachment 11 is a streetview image of the existing 0.9 metre (3 ft.) high decorative metal fence without gates facing Rossland Road West at the dual fronting block townhouses at 996, 998, 1000, 1002 and 1004 Kicking Horse Path (formerly 849 Rossland Road West).

Attachment 12 is a streetview image of the existing 0.9m (3 ft.) high decorative metal fence without gates facing Grandview Street North at the dual fronting block townhouses at 1070 Glenbourne Drive.

Attachment 13 is a streetview image of the existing 0.9 metre (3 ft.) high decorative metal fence without gates facing Simcoe Street North at the dual fronting block townhouses at 19 Niagara Drive Units 18 to 22.

## **2.0 Recommendation**

It is recommended to City Council:

That, pursuant to Report CNCL-22-09 dated February 16, 2022, Development Services staff be authorized to undertake the community consultation process outlined in Section 5.4 of said Report and report back the Development Services Committee with the results of the consultation on the potential fencing design options for implementation at the interface between the north limit of Charter Crescent and the eight (8) townhouse units on Atwater Path facing Charter Crescent.

## **3.0 Executive Summary**

Not applicable.

## **4.0 Input From Other Sources**

- Commissioner, Community Services

## **5.0 Analysis**

### **5.1 Background**

On October 25, 2021, City Council considered Report CNCL-21-90 dated October 20, 2021 addressing a petition from various residents of Charter Crescent requesting that the city build a fence between the townhouse complex on Atwater Path and the northerly leg of Charter Crescent. While staff recommended that the report be received for information, City Council adopted the following motion:

“Referred to staff to ensure the Developer completes the fencing on the property as per their plan and to work with the Developer and residents both from the townhouses and Charter Crescent to determine an appropriate separation between the 8 townhouses facing Charter Crescent and the street, and how it will be funded.”

Renaissance Drive and Park Road South south of Phillip Murray Avenue are Collector Roads under the jurisdiction of the City. Phillip Murray Avenue and Park Road South north of Phillip Murray Avenue are Type ‘C’ Arterial Roads under the jurisdiction of the Region of Durham.

Report CNCL-21-90 dated October 20, 2021 outlined the background regarding the planning approvals for the Subject Site, the obligations of the Developer and the petition from 59 residents of 28 of the 42 properties on Charter Crescent.

## **5.2 Status of Fencing Required by Site Plan Agreement**

In the time since October 25, 2021 when Report CNCL-21-90 was considered by Council, the Developer has completed the following items:

- A 1.8 metre (6 ft.) high wood privacy fence behind Building 8 and abutting 1371 Charter Crescent, tying into the southwest corner of Building 8 (see Attachments 4 and 5);
- A 1.8 metre (6 ft.) high wood privacy fence abutting 1329 Charter Crescent tying into the southwest corner of the utility building serving the Subject Site (see Attachment 6);
- A 1.8 metre (6 ft.) high wood privacy fence abutting 1394 Park Road South, dropping to 0.9 metres (3 ft.) high abutting the front yard of 1394 Park Road South;
- A 1.8 metre (6 ft.) high wood privacy fence abutting 1409, 1411, 1412 and 1413 Beaverbrook Court and City-owned land to the southwest;
- Tree and shrub planting in the yards abutting Phillip Murray Avenue, Park Road South and Charter Crescent, and street tree planting in the northern boulevard of the north leg of Charter Crescent (between the sidewalk and the street curb).

The Developer will complete a new 1.2 metre (4 ft.) high metal decorative fence abutting the north and south sides of the planned playground and amenity area at the west end of the townhouse site by Spring 2022 (see Attachment 3).

The City holds a Letter of Credit in the amount of \$422,950 from the Developer as a guarantee that the Developer will complete the construction of the development, including landscaping, fencing and the playground, in accordance with the approved drawings in the Site Plan Agreement with the City. The security will be released once the development is completed and inspected by City staff and a warranty period has ended.

## **5.3 Potential Fencing Options**

Building 9 in the townhouse development includes eight (8) units each with a front door facing Charter Crescent and walkways leading to the Charter Crescent sidewalk. Building 9 was intentionally designed and constructed with front doors facing Charter Crescent. These units also have doors facing Atwater Path in addition to a garage door. The architecture of Building 9 was designed to have the appearance of a front façade facing Charter Crescent (see Attachments 5, 7 and 8). By contrast, the façade of Building 8 to the east was designed and constructed with rear doors and a rear yard abutting Charter Crescent. For this reason, a fence was recently installed behind Building 8 by the Developer (see Attachment 4).

The residents that submitted the petition requested a 1.8 metre (6 ft.) high fence on the north side of Charter Crescent between the townhouse development on Atwater Path and Charter Crescent.

This would have the result of blocking pedestrian access to Charter Crescent from Building 9. The Developer of the townhouse development and certain residents of the

townhouses have opposed the fence since it effectively blocks pedestrian access for Building 9 to Charter Crescent.

On October 25, 2021, Council did not direct staff to construct the fence requested in the petition. Rather, Council adopted the motion outlined in Section 5.1 of this Report.

The following subsections outline two fence design options using the City-owned land that may be considered for the interface between Charter Crescent and the eight (8) townhouse units in Building 9 facing Charter Crescent. Therefore, since the fence, if approved, would be on City property, it would be owned and maintained by the City.

Staff note that the Developer has advised that they are not willing to pay for any additional fencing on the south side of Building 9.

### **5.3.1 Option 1 – 0.9 Metre (3 ft.) High Decorative Metal Fencing in Front of Building 9 With Gates**

Under Option 1, new 0.9 metre (3 ft.) high decorative metal fencing would be erected in front of the eight (8) townhouse units in Building 9 facing Charter Crescent with gates to allow direct pedestrian access between the eight (8) individual units and the Charter Crescent sidewalk. The fence would be located on City lands on the north side of the Charter Crescent sidewalk, and would be constructed and maintained at the City's cost. Under this scenario the residents of the eight (8) townhouse units in Building 9 will continue to have pedestrian access to the Charter Crescent sidewalk via their individual walkways and the gates. Attachments 9 and 10 are streetview images of the front yard of 1111 Wilson Road North which has a similar type of decorative metal fence with gates abutting Wilson Road North. This allows pedestrian access directly to the public multi-use path (previously a sidewalk) on Wilson Road North for each dual-fronting townhouse unit facing Wilson Road North. It is estimated that the cost of the fencing and gates would be approximately \$14,750 (inclusive of H.S.T. and a 15% contingency).

### **5.3.2 Option 2 – 0.9 Metre (3 ft.) High Decorative Metal Fencing in Front of Building 9 Without Gates but Including a Gap**

Under Option 2, new 0.9 metre (3 ft.) high decorative metal fencing without gates but including gaps would be erected in front of the eight (8) townhouse units in Building 9 facing Charter Crescent. Under this scenario, the residents of the eight (8) townhouses will continue to have pedestrian access to the Charter Crescent sidewalk via the individual walkway with a gap in the fencing. Attachments 11, 12 and 13 illustrate this option at Kicking Horse Path, 1070 Glenbourne and 19 Niagara Drive. It is estimated that such a fence would cost approximately \$9,550 (inclusive of H.S.T. and a 15% contingency).

#### **5.4 Community Consultation Process and Next Steps**

Staff recommend that the following consultation process be undertaken:

- Staff will prepare a letter to be sent to SO Developments Inc., the residents on Charter Crescent that signed the petition and the residents/owners of units in Building 9. The letter will address the following matters:
  - Advise of the petition received by the City in September 2021 regarding the request for a fence between Charter Crescent and the Subject Site;
  - Advise of Council’s direction on October 25, 2021 regarding the petition and consultation with residents;
  - Advise of the fencing and walkways that were required to be constructed by the Developer on the Subject Site;
  - Advise of the Developer’s anticipated timeline for completing the condominium playground and amenity area on the Subject Site;
  - Outline the two fencing options described in Section 5.3 of this Report relating to the design of the interface between the eight (8) townhouse units in Building 9 and Charter Crescent;
  - Advise of the estimated cost associated with each option, noting that in addition to these capital costs the City will be responsible for ongoing maintenance costs as well as future replacement costs;
  - Request feedback regarding each household’s preferred option by means of a form attached to the letter, including an optional section for additional comments. Residents will have approximately four (4) weeks to provide their written response and comments. Options for providing their response will include completing the form attached to the letter and returning it to Planning Services by mail or dropping it off at City Hall, or by sending an email with the relevant information to [planning@oshawa.ca](mailto:planning@oshawa.ca);
  - Advise residents that if they have any questions they can contact Planning Services staff; and,
  - Advise that Development Services staff will report to the Development Services Committee and Council with the results of the survey and options for Council’s consideration.
- Staff will prepare a report to be presented to the Development Services Committee and Council. The report will provide a summary of responses from residents and the Developer and any comments received.

## 6.0 Financial Implications

The cost associated with mailing letters to all parties identified in Section 5.4 of this Report is approximately \$75. This cost can be accommodated in the 2022 Departmental budget.

City Council would need to approve a funding source to implement any fencing option.

## 7.0 Relationship to the Oshawa Strategic Plan

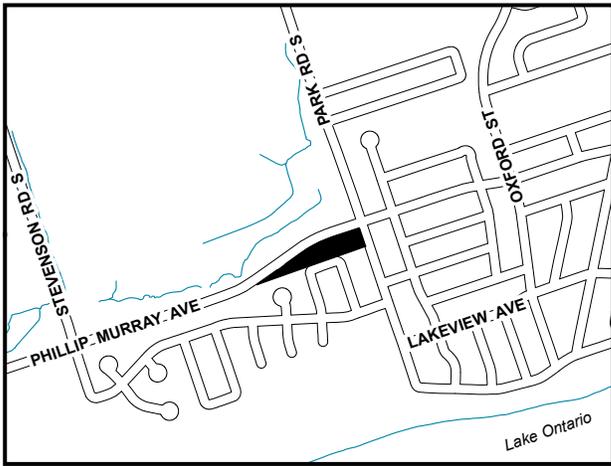
The recommendation of this Report addresses the Oshawa Strategic Plan by responding to the Accountable Leadership goal of the Oshawa Strategic Plan.



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



Warren Munro, HBA, RPP, Commissioner,  
Development Services Department



**Item: CNCL-22-09  
Attachment 1**

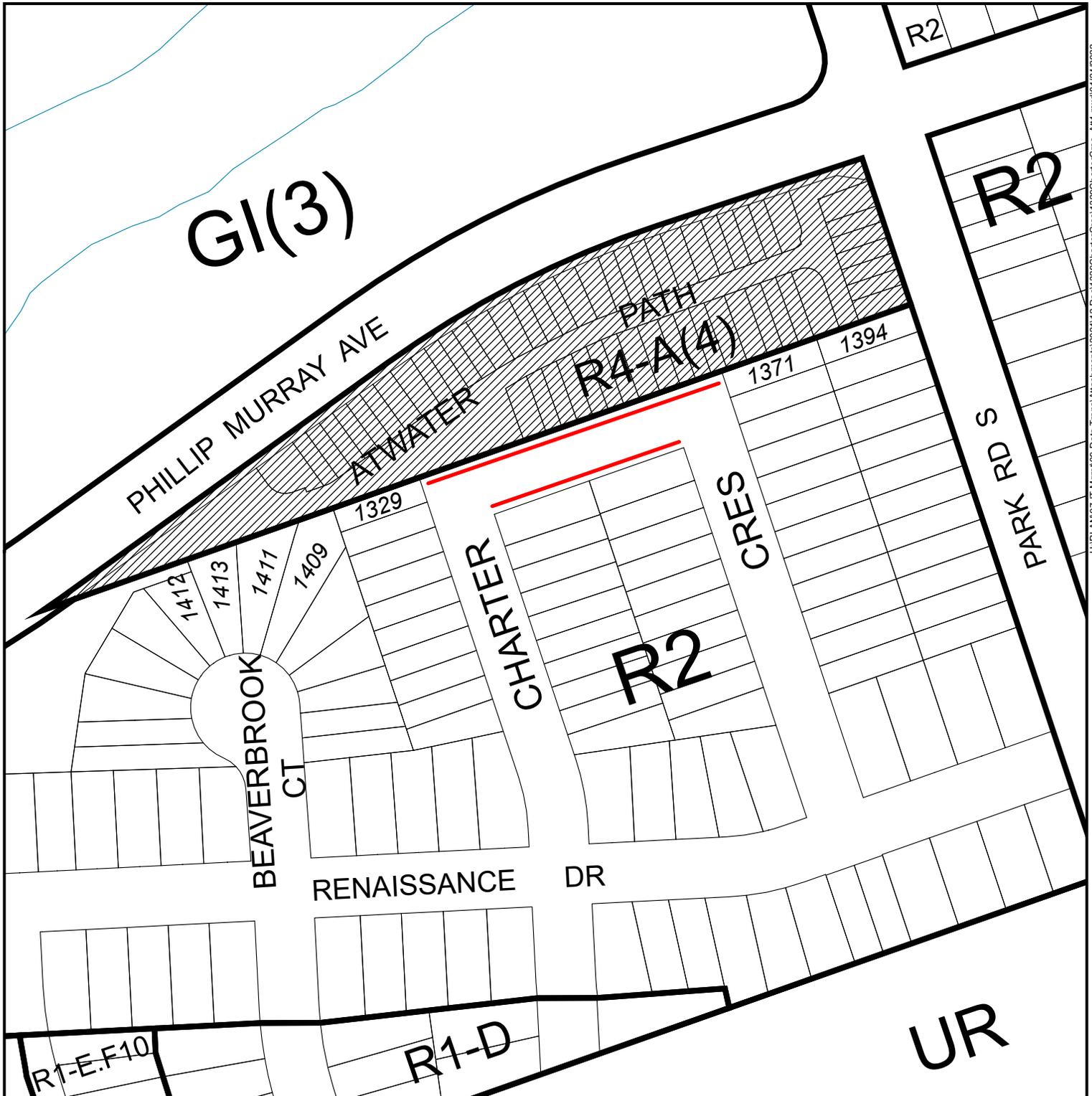
Development Services Department

**Subject:** Community Consultation Process Regarding the Interface between Charter Crescent and 8 Townhouse Units on Atwater Path Facing Charter Crescent

**Ward:** Ward 5  
**File:** SPA-2018-11



"No Parking Anytime" Restrictions   
New Block Townhouse Development 



Subject: Community Consultation Process Regarding the Interface between Charter Crescent and 8 Townhouse Units on Atwater Path Facing Charter Crescent

Item: CNCL-22-09  
Attachment 2

Ward: Ward 5  
File: SPA-2018-11



 New Block Townhouse Development

City of Oshawa  
Development Services Department 



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**Item: CNCL-22-09  
Attachment 4**

**Title:** Photograph of 1.8m (6 ft.) high wood privacy fencing at the Rear of Building 8 and adjacent to 1371 Charter Crescent (December 2021)  
**Subject:** Community Consultation Process Regarding the Interface between Charter Crescent and 8 Townhouse Units on Atwater Path Facing Charter Crescent  
**Ward:** Ward 5  
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City of Oshawa  
Development Services Department



**Item: CNCL-22-09  
Attachment 5**

**Title:** Photograph of 1.8m (6 ft.) high wood privacy fencing at the rear of Building 8 and adjacent to 1371 Charter Crescent (December 2021)  
**Subject:** Community Consultation Process Regarding the Interface between Charter Crescent and 8 Townhouse Units on Atwater Path Facing Charter Crescent  
**Ward:** Ward 5  
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City of Oshawa  
Development Services Department



**Item: CNCL-22-09  
Attachment 6**

**Title:** Photograph of 1.8m (6 ft.) wide communal concrete walkway and 1.8m (6 ft.) high wood privacy fencing adjacent to 1329 Charter Crescent and the condominium utility building (December 2021)  
**Subject:** Community Consultation Process Regarding the Interface between Charter Crescent and 8 Townhouse Units on Atwater Path Facing Charter Crescent  
**Ward:** Ward 5  
**File:** SPA-2018-11

City of Oshawa  
Development Services Department



**Item: CNCL-22-09  
Attachment 7**

**Title:** Photograph of the interface between Building 9 and Charter Crescent (December 2021)  
**Subject:** Community Consultation Process Regarding the Interface between Charter Crescent and 8 Townhouse Units on Atwater Path Facing Charter Crescent  
**Ward:** Ward 5  
**File:** SPA-2018-11

City of Oshawa  
Development Services Department



**Item: CNCL-22-09  
Attachment 8**

**Title:** Photograph of the interface between Building 9 and Charter Crescent (December 2021)  
**Subject:** Community Consultation Process Regarding the Interface between Charter Crescent and 8 Townhouse Units on Atwater Path Facing Charter Crescent  
**Ward:** Ward 5  
**File:** SPA-2018-11

City of Oshawa  
Development Services Department



**Item: CNCL-22-09  
Attachment 9**

**Title:** Streetview of existing 1.2m (4 ft.) high decorative metal fence with gates at 1111 Wilson Road North  
**Subject:** Community Consultation Process Regarding the Interface between Charter Crescent and 8 Townhouse Units on Atwater Path Facing Charter Crescent  
**Ward:** Ward 5  
**File:** SPA-2018-11

City of Oshawa  
Development Services Department



**Item: CNCL-22-09  
Attachment 10**

**Title:** Streetview image of existing 1.2m (4 ft.) high decorative metal fence with gates at 1111 Wilson Road North  
**Subject:** Community Consultation Process Regarding the Interface between Charter Crescent and 8 Townhouse Units on Atwater Path Facing Charter Crescent  
**Ward:** Ward 5  
**File:** SPA-2018-11

City of Oshawa  
Development Services Department



**Item: CNCL-22-09  
Attachment 11**

**Title:** Streetview image of existing 0.9m (3 ft.) high decorative metal fence without gates at 996, 998, 1000, 1002 and 1004 Kicking Horse Path  
**Subject:** Community Consultation Process Regarding the Interface between Charter Crescent and 8 Townhouse Units on Atwater Path Facing Charter Crescent  
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City of Oshawa  
Development Services Department



**Item: CNCL-22-09  
Attachment 12**

**Title:** Streetview image of existing 0.9m (3 ft.) high decorative metal fence without gates at 1070 Glenbourne Drive  
**Subject:** Community Consultation Process Regarding the Interface between Charter Crescent and 8 Townhouse Units on Atwater Path Facing Charter Crescent  
**Ward:** Ward 5  
**File:** SPA-2018-11

City of Oshawa  
Development Services Department



**Item: CNCL-22-09  
Attachment 13**

**Title:** Streetview image of existing 0.9m (3 ft.) high decorative metal fence without gates at 19 Niagara Drive, Units 18 to 22  
**Subject:** Community Consultation Process Regarding the Interface between Charter Crescent and 8 Townhouse Units on Atwater Path Facing Charter Crescent  
**Ward:** Ward 5  
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