

To: Development Services Committee

From: Paul D. Ralph, RPP, MCIP, Commissioner,
Development Services Department

Report Number: DS-18-140

Date of Report: September 6, 2018

Date of Meeting: September 10, 2018

Subject: Revised Applications to Amend the Oshawa Official Plan and
Zoning By-law 60-94 for lands on the south side of Richmond
Street East between Mary Street North and Ontario Street,
Richmond & Mary Development Inc.

File: OPA-2018-04, Z-2018-04

1.0 Purpose

The purpose of this report is to provide a recommendation on revised applications submitted by Richmond & Mary Development Inc. (R.M.D.I.) to amend the Oshawa Official Plan and Zoning By-law 60-94 to permit one mixed use residential/commercial building with two 18 storey towers, a total of 630 apartment units and ground floor and second floor commercial space located on the south side of Richmond Street East between Mary Street North and Ontario Street.

The applicant intends to market the proposed development as a condominium. A future application for approval of a draft plan of condominium will be required.

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 that was considered at the June 18, 2018 public meeting.

Attachment 3 is a copy of the revised proposed site plan submitted by the applicant that was submitted to address certain technical matters.

A public meeting was held on June 18, 2018 concerning the subject applications. At the conclusion of the meeting, the Development Services Committee adopted a recommendation to refer the applications back to staff for further review and the preparation of a subsequent report and recommendation. The minutes of the public meeting form Attachment 4 to this report.

Since the June 18, 2018 public meeting, the applicant has revised the development proposal. The key differences between the original design (Attachment 2) and the revised design (Attachment 3) are as follows:

- (a) The total number of apartment units has been reduced from 698 units to 630 units, thereby reducing the proposed residential density from 1,078 units per hectare (436 u.ac.) to 973 units per hectare (394 u/ac.).
- (b) The number of on-site parking spaces has increased from 559 parking spaces to 634 parking spaces by expanding the Level P3 Lower Plan parking area. The on-site parking now complies with the parking requirements of Zoning By-law 60-94 which requires a minimum of 1.0 parking space to be provided for each residential unit.
- (c) The height of the two residential towers have been reduced from 21 storeys to 18 storeys for each tower.
- (d) The gross floor area of the commercial space has been reduce from 566 square metres (6,093 sq. ft.) to 550 square metres (5,921 sq. ft.).

2.0 Recommendation

That the Development Services Committee recommend to City Council:

1. That, pursuant to Report DS-18-140 dated September 6, 2018, the revised application submitted by Richmond & Mary Development Inc. (R.M.D.I.) to amend the Oshawa Official Plan (File: OPA-2018-04) to permit an increased density for a new mixed-use residential/commercial building with two 18 storey towers and a total of 630 apartment units located on the south side of Richmond Street East between Mary Street North and Ontario Street be approved in accordance with the comments contained in the above noted Report and the necessary by-law be passed.
2. That, pursuant to Report DS-18-140 dated September 6, 2018, the revised application submitted by Richmond & Mary Development Inc. to amend Zoning By-law 60-94 (File: Z-2018-04) to permit a new mixed use residential/commercial building with two 18 storey towers and a total of 630 apartment units located on the south side of Richmond Street East between Mary Street North and Ontario Street be approved and the necessary by-law be passed generally in accordance with the comments contained in the above noted report and in a form and content acceptable to the Commissioner of Development Services and Legal Services.
3. That, in accordance with Section 34(17) of the Planning Act and notwithstanding that the proposal in the public meeting report and at the public meeting differs to some degree from that approved by City Council, such differences are not substantial enough to require further notice and another public meeting.

3.0 Executive Summary

This Department recommends the approval of the revised applications to permit a mixed-use commercial/residential building with a residential density of 973 units per hectare

(394 u/ac.) on the south side of Richmond Street East between Mary Street North and Ontario Street.

The proposed mixed-use building is located within the Downtown Oshawa Urban Growth Centre with good access to transit and nearby amenities and can be designed to be compatible with adjacent uses. The subject applications are required due to the proposed development's residential density and proposed site design.

The proposed development conforms to the Provincial Growth Plan, is consistent with the Provincial Policy Statement, conforms to the Region of Durham Official Plan and represents good planning.

4.0 Input From Other Sources

4.1 Other Departments and Agencies

No department or agency that provided comments has any objection to the approval of the subject applications. 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 applications are approved.

4.2 Public Comments

The minutes of the June 18, 2018 public meeting regarding the subject applications form Attachment 4 to this report.

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

4.2.1 Impacts of Construction

Comment:

There were comments regarding the impact that construction (building safety, noise, dust, vibrations, pedestrians and access to the parking lot) of the proposed building would have on the Carriage House Retirement Residence which is located immediately to the south of the subject site.

Staff Response:

The Carriage House includes a solid brick wall with no openings on the north side facing the subject site. It is anticipated that this wall will help mitigate the impacts of the noise on the Carriage House. Construction noise will be an inconvenience for neighbouring residents during the development of the site.

Through the site alteration process and the City's Noise By-law, the City has controls for dust, mud, site drainage and hours of construction.

Access to the Carriage House parking lot is not expected to be affected by the development of the subject site since the parking lot access is from Bond Street East, not

from Mary Street North, Richmond Street East or Ontario Street where the bulk of the construction activity and vehicles will be located. Access to the rear loading area and parking lot from Mary Street North will not be affected by the proposed development.

The Carriage House currently enjoys a right-of-way over a 1.52 metre (5.0 ft.) wide area at the southeast corner of the subject site. This right-of-way currently forms part of the loading area and employee parking at the rear of the Carriage House. The right-of-way is registered on title and the applicant and the City must respect the arrangement through the site plan approval process.

Standard construction hoarding will be installed along the perimeter of the development area of the subject site during development to protect pedestrians in the vicinity of development.

There may be vibration impacts on the neighbouring buildings during construction of the proposed development. It is recommended that the applicant and the owners of the neighbouring properties meet to discuss construction impacts and make any necessary arrangements to complete pre-construction assessments of the existing buildings.

4.2.2 Building Heights and Shadow Impacts

Comment:

There were comments concerning the appropriateness of the proposed building heights and the impact of shadows on McLaughlin Square.

Staff Response:

The proposed maximum building height has been reduced from two 21 storey towers to two 18-storey towers. The subject site is located within the Downtown Oshawa Urban Growth Centre where high density uses and larger/taller buildings are encouraged by Provincial policy.

The applicant has submitted a Shadow Study prepared by A & Associates Architects Inc. in support of the revised proposed development showing shadow impacts on March 21, June 21, September 21 and December 21 of each year. The shadow study indicates that shadows from the proposed development will have varying degrees of impact on properties in the area, including McLaughlin Square on the north side of Richmond Street East.

Shadow impacts are to be expected in a Downtown.

The proposed building height of 18 storeys is appropriate on the subject site given the subject site's location within the Downtown Oshawa Urban Growth Centre and the heights of other existing and proposed buildings in the area such as the 13 storey north building of McLaughlin Square, the 12 storey building at 100 Bond Street East and the 21 storey building at 80 Bond Street East that is approved and advancing through site plan approval.

4.2.3 Traffic

Comment:

There was a comment concerning the potential traffic impacts that the proposed development will have on roads in the area.

Staff Response:

The proposed development would include two driveways into the site: one from Mary Street North that would provide access to an above ground loading area; and, one access from Ontario Street that would provide access to an above ground parking area that would also include access to the underground parking garage.

The applicant submitted a Traffic Impact Study (T.I.S.) for the original proposal prepared by WSP, a professional engineering and planning consulting company. The T.I.S. analyzed anticipated traffic for the original proposed development. A revised T.I.S. was not required since the scale of the development was reduce and the original T.I.S. evaluated a larger development proposal. The key conclusions of the T.I.S. are as follows:

- Intersection operations were analyzed based on the roadway weekday A.M. and P.M. peak hours.
- Under 2018 existing conditions, all the study area intersections are currently operating with residual capacity and at an acceptable LOS 'D' or better.
- The proposed development is expected to generate 105 two-way (25 inbound and 80 outbound) trips in the A.M. peak hour and 165 two-way (97 inbound and 68 outbound) trips in the P.M. peak hour.
- Under the scenario where the proposed development is in place under the existing site conditions, all intersections are expected to continue operating within capacity and at an acceptable LOS 'D' or better during the weekday A.M. and P.M. peak hours. The existing site traffic levels of service are similar to the existing traffic conditions. Therefore the proposed development on the subject site is expected to have a minimal impact on the surrounding traffic network.
- With the proposed development in place under the future 2023 and 2028 total conditions, all of the study area intersections are expected to continue operating within capacity and at an acceptable LOS 'D' or better during weekday A.M. and P.M. peak hours. The future total levels of service are similar to the future background conditions; therefore, the proposed development on the subject site is expected to have a minimal impact on the surrounding traffic network and can be accommodated by the surrounding road network.

The Region of Durham Works staff and the City's Transportation Engineer have no objection to the key conclusions of the Traffic Impact Study as it relates to impacts on area streets.

4.2.4 Parking

Comment:

There were comments concerning the appropriateness of the proposed reduction in the required parking rate for the apartment units.

Staff Response:

The applicant has revised the proposal to comply with the parking requirements of Zoning By-law 60-94 for an apartment building located within this part of the downtown. The parking requirement is 1.0 parking spaces per residential unit. The revised proposal provides parking at a rate of 1.01 parking spaces per residential unit.

4.2.5 Transit Access

Comment:

There were comments related to the lack of transit access to the proposed development.

Staff Response:

There is an existing northbound Durham Region Transit (D.R.T.) stop on the east side of Mary Street North across the street from the proposed development. Westbound D.R.T. and GO Transit stops are located on the north side of Bond Street East at Mary Street North. These bus stops are appropriately located to serve residents of the proposed development.

4.2.6 Fire and Ambulance Access

Comment:

There was a comment questioning if appropriate fire and ambulance access was being provided for the proposed development.

Staff Response:

Oshawa Fire Services have reviewed the subject applications and have no objections to the proposed Official Plan and Zoning By-law Amendment applications.

A detailed review of emergency access and firefighting matters will be through the review of future site plan approval and building permit processes if the subject applications are approved.

4.2.7 Street Lighting

Comment:

There was a comment concerning the adequacy of street lighting for the proposed development.

Staff Response:

The proposed development will not have any impact on municipal street lighting for Richmond Street East, Mary Street North or Ontario Street as no alterations to the existing street lights are proposed.

On-site lighting and potential impacts on neighbouring properties will be reviewed through a future site plan approval application if the subject applications are approved.

4.2.8 On-Site Green Space

Comment:

There was a comment that some green space should be maintained on the subject site.

Staff Response:

The applicant proposes a landscaped outdoor amenity area on the south side of the proposed building (see Attachment 3).

In addition, the building setbacks along the Richmond Street East, Mary Street North and Ontario Street frontages are intended to provide landscaped patios for the ground floor units.

5.0 Analysis

5.1 Background

The subject site is located on the south side of Richmond Street East between Mary Street North and Ontario Street (see Attachment 1).

The following is background information concerning the subject applications:

Item	Existing	Requested/Proposed
Oshawa Official Plan Designation	Downtown Oshawa Urban Growth Centre within the Downtown Main Central Area which permits a maximum residential density of 550 u/ha (223 u/ac.)	Downtown Oshawa Urban Growth Centre within the Downtown Main Central Area subject to a site specific policy to permit a maximum residential density of 973 u/ha (394 u/ac.)
Zoning By law 60 94	CBD-B.T25 (Central Business District)	CBD-A (Central Business District) with a site specific special condition to implement the proposed density and site/building design
Use	Vacant	One mixed use residential/commercial building with two 18 storey towers and a total of 630 apartment units

The following are adjacent land uses to the subject site:

- North McLaughlin Square condominium building and two single detached dwellings across Richmond Street East
- South The Carriage House retirement home, one mixed use residential/commercial building, one commercial building and two triplexes
- East A 21 storey mixed use residential/commercial building at 80 Bond Street East which is advancing through site plan approval and the Y.M.C.A. at 99 Mary Street North
- West R.S. McLaughlin Armoury across Ontario Street

The following are the proposed revised development details for the subject site:

Site Statistics Item	Measurement
Lot Frontage on Richmond Street East	137m (449.5 ft.)
Lot Area	0.6474 ha (1.60 ac.)
Number of Proposed Residential Units	630
Net Residential Density	973 units per hectare (394 u/ac.)
Gross Floor Area of Commercial Uses	550 sq. m. (5,921 sq. ft.)
Number of Storeys Proposed	18 storeys
Parking Spaces Required	630 spaces (1 space per residential unit and commercial is exempt)
Parking Spaces Provided	634 spaces (1.01 spaces per residential unit)

5.2 Oshawa Official Plan

The subject site is designated as Downtown Oshawa Urban Growth Centre within the Downtown Main Central Area in the Oshawa Official Plan.

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

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

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

The Oshawa Official Plan contains policies which establish various density types and provide general locational criteria for such densities. The residential density type related to the proposed development is greater than the High Density II Residential density type. Nevertheless, the locational criteria for High Density II Residential development has been used to analyze the proposal.

Table 2 in the Oshawa Official Plan is a guideline that indicates that uses in the High Density II Residential category which generally permits 150 to 550 units per hectare (60 to 223 u/ac.) are to be located as follows:

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

The proposed mixed use residential/commercial development on the south side of Richmond Street East, between Ontario Street and Mary Street North would have a net residential density of 973 units per hectare (394 u/ac.) which is greater than the High Density II Residential classification. The proposed density is not permitted under the Downtown Oshawa Urban Growth Centre within the Downtown Main Central Area designation. Therefore, an amendment to the Oshawa Official Plan is required.

Mary Street North is designated as a Type 'C' Arterial Road in the Oshawa Official Plan. Richmond Street East and Ontario Street are local roads.

This Department has no objection to the approval of the revised application to amend the Oshawa Official Plan. Section 5.5 of this report sets out the planning rationale for this position.

5.3 Zoning By-law 60-94

The subject site is currently zoned CBD-B.T25 (Central Business District) which permits a maximum residential density of 550 units per hectare (223 u/ac.).

The CBD-B.T25 Zone permits a variety of residential and commercial uses, including, but not limited to, apartment building, flat, hotel, office, personal service establishment, restaurant, retail store and retirement home. The T25 portion of the zoning permits a maximum building height of 25 metres (82 ft. – approximately 8 storeys). The uses proposed by R.M.D.I. are permitted in the CBD-B.T25 Zone but do not comply with certain regulations (i.e. maximum density and maximum building height).

The applicant has submitted an application to amend Zoning By-law 60-94 to permit the CBD-B uses subject to a special condition to permit the proposed density and regulations and to permit the proposed site/building design.

This Department has no objection to an amendment to Zoning By-law 60-94 which would introduce a special condition:

- To permit a maximum density of 973 units per hectare (394 u/ac.).
- To implement the proposed building/site design.

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

5.4 Site Design/Land Use Considerations

The applicant proposes to construct one mixed use building with 550 square metres (5,921 sq. ft.) of commercial uses and two 18 storey residential towers with a total of 630 apartment units on the subject site (see Attachment 3). The two 18 storey towers are located at the southwest corner of Richmond Street East and Mary Street North and the southeast corner of Richmond Street East and Ontario Street. The two 18 storey towers are connected by a 3 storey podium (see Attachment 3). The proposed 2 storey commercial use is located along the Mary Street North frontage of the building.

The proposed development includes four storeys of underground parking under the proposed building. The site also has two driveway accesses: one driveway access from Mary Street North and one driveway from Ontario Street. The ramp to the underground parking garage is proposed to be accessed from the Ontario Street driveway.

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

Some of the specific matters this Department will be reviewing during the processing of a future site plan application if the subject applications are approved include:

- (a) Site/building design matters including driveway access, parking, loading, waste/recycling pickup, building architecture, landscaping and building setbacks;
- (b) Servicing and stormwater management matters;
- (c) Environmental matters due to the former industrial use of the property; and
- (d) Noise impacts.

5.5 Basis for Recommendation

This Department has no objection to the subject applications for the following reasons:

- (a) Developing an underutilized brownfield property to a more intense use along a Type "C" Arterial Road in the Downtown Oshawa Urban Growth Centre conforms to the Provincial Growth Plan and is consistent with the Provincial Policy Statement;

- (b) The proposed development conforms with the Durham Region Official Plan;
- (c) The proposed development advances the implementation of action items in Plan 20Twenty for the downtown;
- (d) The subject site is already designated and zoned to permit apartment buildings albeit at a lower density and building height;
- (e) The proposed development is an appropriate use, form and scale of development given its location in the Downtown Oshawa Urban Growth Centre. The proposed density is the same that was approved for 80 Bond Street East;
- (f) The proposed development is transit supportive given its proximity to Durham Region Transit and GO Transit bus stops.
- (g) The proposed development promotes active transportation opportunities given the site's proximity to a variety of amenities in and around downtown Oshawa (i.e. the Tribute Communities Centre, YMCA, Regent Theatre, Costco/NoFrills plazas) and easy access to the Michael Starr trail and bike lanes on Mary Street North.
- (h) The proposed development will make efficient use of existing municipal services such as water and sanitary services; and
- (i) The proposed development represents good planning.

6.0 Financial Implications

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

7.0 Relationship to the Oshawa Strategic Plan

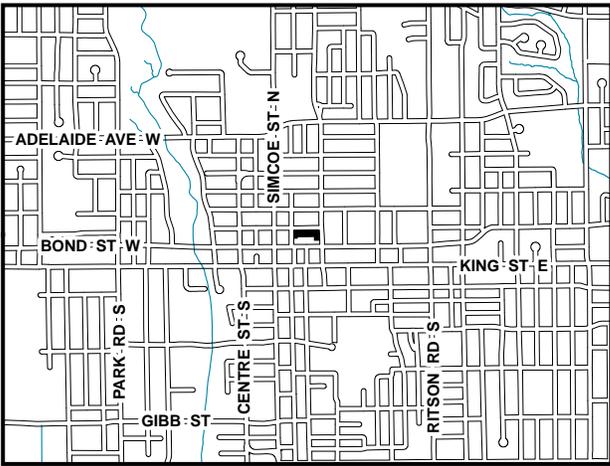
The Recommendation advances the Economic Prosperity and Financial Stewardship goal of the Oshawa Strategic Plan.



Warren Munro, HBA, Director,
Planning Services



Paul D. Ralph, RPP, MCIP, Commissioner,
Development Services Department

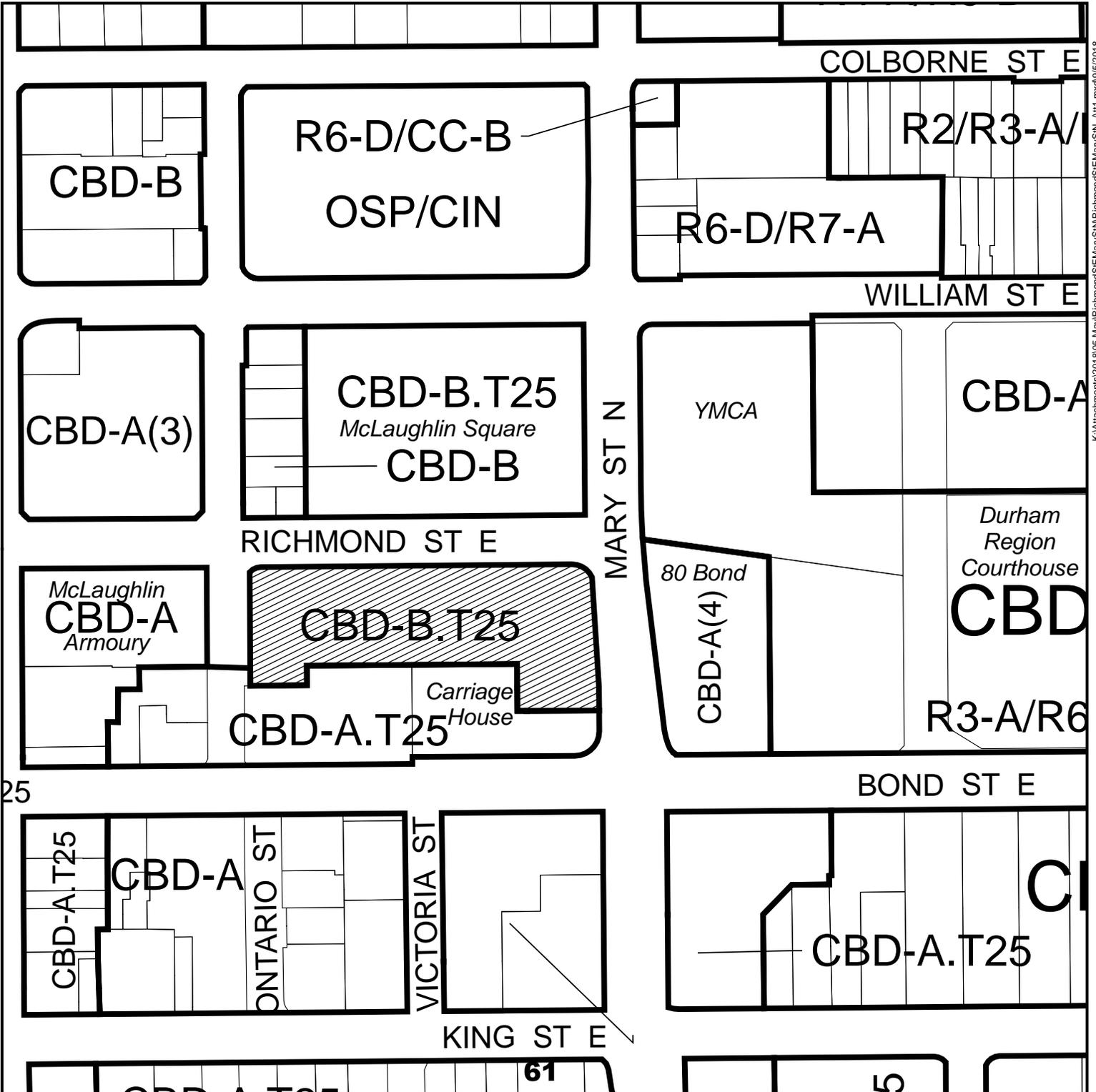


Development Services Department

Subject: Revised Applications to Amend the Oshawa
Official Plan and Zoning By-law 60-94
Address: South Side of Richmond Street East between
Mary Street North and Ontario Street
File: OPA-2018-04, Z-2018-04



Subject Site



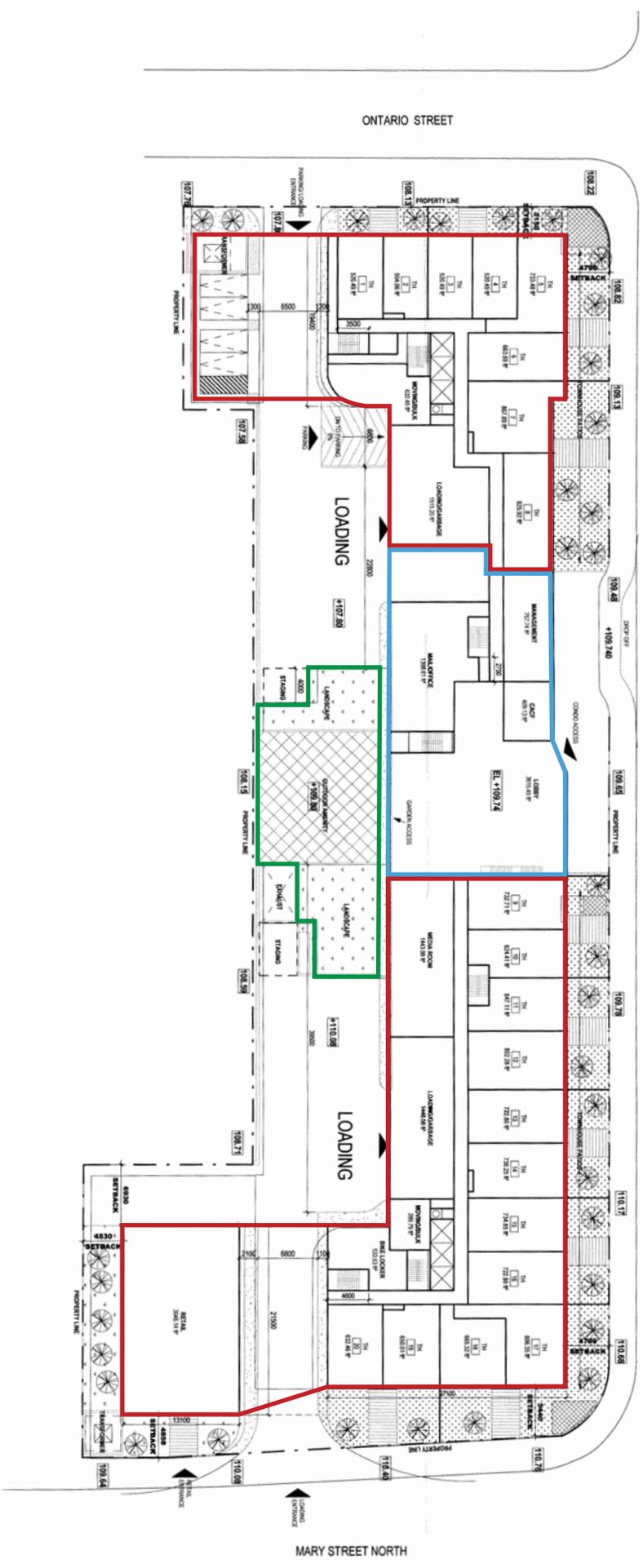
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Title: Revised Proposed Site Plan
 Subject: Revised Applications to Amend the Oshawa Official Plan and Zoning By-law 60-94
 Address: South side of Richmond Street East between Mary Street North and Ontario Street
 File: OPA-2018-04, Z-2018-04

City of Oshawa
 Development Services Department



- 18 Storeys in height
- 3 Storeys in height
- Outdoor Amenity Area



Excerpts from the Minutes of the Development Services Committee Meeting held on June 18, 2018

Application 3: DS-18-115

Presentation

Andrew Ferancik, Walker, Nott, Dragicevic Associates Limited presented an overview of the applications submitted by Richmond and Mary Development to amend the Oshawa Official Plan and Zoning By-law 60-94 for lands located at the southwest corner of Mary Street North and Richmond Street East.

The Committee questioned Andrew Ferancik and Sharon Sterling, WSP.

Delegations

Gerry Platt, Carriage House Retirement Residence addressed the Development Services Committee in opposition to the applications submitted by Richmond and Mary Development to amend the Oshawa Official Plan and Zoning By-law 60-94 for lands located at the southwest corner of Mary Street North and Richmond Street East, stating the first priority is the safety of their residents, noting that people are often in the retirement residence parking lot illegally, sometimes blocking employees vehicles. Gerry Platt questioned how long the construction will take place and the effects on the residence building safety, noise, dust and pedestrians and how the construction will affect access to their parking and areas for daily routines.

Debra Halderson addressed the Development Services Committee in opposition to the applications submitted by Richmond and Mary Development to amend the Oshawa Official Plan and Zoning By-law 60-94 for lands located at the southwest corner of Mary Street North and Richmond Street East, stating she recently relocated to the south side of 50 Richmond Street and the proposed construction is too high for the surrounding buildings. Debra Halderson suggested the current zoning is more in line with what should be in the neighbourhood, and expressed concern with the anticipated increase in traffic.

Dave Thompson addressed the Development Services Committee in opposition to the applications submitted by Richmond and Mary Development to amend the Oshawa Official Plan and Zoning By-law 60-94 for lands located at the southwest corner of Mary Street North and Richmond Street East, stating the proposed building does not fit into the existing neighbourhood and expressed concern with lack of parking, transit access, fire and ambulance access and street lighting.

Paul Vibert addressed the Development Services Committee concerning the applications submitted by Richmond and Mary Development to amend the Oshawa Official Plan and Zoning By-law 60-94 for lands located at the southwest corner of Mary Street North and Richmond Street East, stating this development is too large for this area and it will affect the resale value of condominium units at 50 Richmond Street. Paul Vibert also expressed concern with traffic issues in the area.

Correspondence

DS-18-134 Nicholas Argier, President DCC #56I, McLaughlin Square Submitting Comments concerning development applications related to lands on the south side of Richmond Street East between Mary Street North and Ontario Street

Moved by Councillor Pidwerbecki,
“That Correspondence DS-18-134 from Nicholas Argier, President DCC #56I, McLaughlin Square Submitting Comments concerning development applications related to lands on the south side of Richmond Street East between Mary Street North and Ontario Street be referred to Report DS-18-115.” Carried

Reports

DS-18-115 Applications to Amend the Oshawa Official Plan and Zoning By-law 60-94 for lands on the south side of Richmond Street East between Mary Street North and Ontario Street, Richmond & Mary Development Inc.

Moved by Councillor Pidwerbecki,
“That, pursuant to Report DS-18-115 dated June 14, 2018, the applications submitted by Richmond & Mary Development Inc. to amend the Oshawa Official Plan (File OPA-2018-04) and to amend Zoning By-law 60-94 (File Z-2018-04) to permit one mixed use residential/commercial building with two 21 storey towers and a total of 698 apartment units located on the south side of Richmond Street East between Mary Street North and Ontario Street be referred back to the Development Services Department for further review and the preparation of a subsequent report and recommendation. This referral does not constitute or imply any form or degree of approval.” Carried