

To: Development Services Committee

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

Report Number: DS-20-09

Date of Report: January 8, 2020

Date of Meeting: January 13, 2020

Subject: Direction of City Staff Involvement Respecting Appeals to the
Local Planning Appeal Tribunal of Committee of Adjustment
Decision concerning 1231 Ormond Drive, and
431 and 451 Woodmount Drive

File: A-2019-24; A-2019-25

1.0 Purpose

The purpose of this report is to:

1. Respond to the following direction of the Development Services Committee at their meeting on December 9, 2019:

“That Correspondence DS-19-228 be considered by Development Services staff as new information to the staff report DS-19-231 and provide an updated report to come forward after further mediation meetings between the LPAT appellant and respondent”; and,

2. Establish a Council position on appeals to the Local Planning Appeal Tribunal (L.P.A.T.) of Committee of Adjustment (C. of A.) decisions concerning a proposed 201 unit retirement home by CSH (Wynfield II) Inc. at 1231 Ormond Drive and the existing retirement home at 431 Woodmount Drive.

Attachment 1 is a copy of Report DS-19-231 dated December 4, 2019.

Attachment 2 is a copy of Mr. Bremner’s (the Appellant’s) submission to the Development Services Committee which was presented as Correspondence DS-19-228 on December 9, 2019 and referred to staff for review. This correspondence forms the basis of the Appellant’s opposition to the development proposal and a Peer Review of the development’s supporting studies, dated November 2019 prepared by Dillon Consulting.

Attachment 3 is a copy of an email dated December 6, 2019 from Doug Robertson of the Region of Durham Works Department concerning the Region’s position on a possible driveway to Ritson Road North for the proposed development. This email was presented

as Correspondence DS-19-240 to the Development Services Committee on December 9, 2019 and was also referred to staff for review.

2.0 Recommendation

That the Development Services Committee recommend to City Council:

1. That, pursuant to Report DS-19-231 dated December 4, 2019 and Report DS-20-09 dated January 8, 2020, the Local Planning Appeal Tribunal be advised that City Council supports the approval decisions of the Committee of Adjustment concerning 1231 Ormond Drive (File A-2019-24) and 431 Woodmount Drive (File A-2019-25) and the City not seek party or participant status at the Local Planning Appeal Tribunal hearing.
2. That, pursuant to Report DS-19-231 dated December 4, 2019 and Report DS-20-09 dated January 8, 2020, the Local Planning Appeal Tribunal be advised that City Council supports the additional variances identified after the Committee of Adjustment meeting that includes 451 Woodmount Drive which will be described in a revised Notice of Hearing.
3. That, pursuant to Report DS-19-231 dated December 4, 2019 and Report DS-20-09 dated January 8, 2020, the Local Planning Appeal Tribunal be advised that the City of Oshawa requests that conditions be imposed to permit a maximum of 201 units in the proposed retirement home at 1231 Ormond Drive, of which a maximum of 169 units may include cooking facilities in the individual units, if the minor variances are approved by the Local Planning Appeal Tribunal.

3.0 Executive Summary

This Department recommends that City Council support the Committee of Adjustment decisions and the additional variances identified after the Committee of Adjustment meeting of April 10, 2019 that are required to permit the proposed 201 unit retirement home at 1231 Ormond Drive. It is also recommended that the Local Planning Appeal Tribunal be requested to implement conditions restricting the proposed retirement home to a maximum of 201 units, of which a maximum of 169 units may include cooking facilities, if the minor variances are approved, and that the City not seek party or participant status at the Local Planning Appeal Tribunal hearing.

If Council decides to not support the C. of A. decisions and instead seek party status at the Tribunal hearing, the City will be required to retain external planning and engineering witnesses to support Council's position since City staff supported the approval of the original variances and the additional variances as referenced in Report DS-19-231. There will be certain costs associated with hiring outside witnesses to prepare for and attend the L.P.A.T. hearing at the expense of the general taxpayer.

4.0 Input from Other Sources

Not applicable.

5.0 Analysis

5.1 Basis for Staff Recommendation and Settlement Discussions to Date

This Department had no objection to the approval of the C. of A. applications for the following reasons:

- The proposed development is compatible with uses in the area.
- The proposed development provides a surplus of parking in excess of the retirement home rate of 0.38 parking spaces per unit required under the zoning by-law, which may help to alleviate existing concerns. 139 parking spaces are proposed which reflect a rate of 0.69 parking spaces per unit for Phase 3.
- Retirement home residents will still have access to common dining facilities.
- The proposal is consistent with the policies set out in the Provincial Growth Plan, the Oshawa Official Plan, the Samac Secondary Plan and Zoning By-law 60-94.
- The development will provide infill development in the City's Built Boundary and will help achieve Provincial intensification targets set out in the Provincial Growth Plan, while using existing municipal services.
- The setback variances are required primarily for the internal building connection between the proposed building at 1231 Ormond Drive and the existing building at 431 Woodmount Drive.

At the May 8, 2019 Durham Regional Works Committee meeting, Councillor John Neal introduced a motion that a right-in, right-out access off of Ritson Road North into the subject site be investigated by the Region of Durham and the City of Oshawa. The motion was referred to Regional Works staff for investigation.

The Development Services Committee reported to Council on May 21, 2019 (Item DS-19-88) with a recommendation that Council support Regional staff in further investigating a process that will find a way for the Region to support an entrance/exit on Ritson Road North to the subject site to accommodate staff parking and alleviate the parking and congestion along Ormond Drive. The recommendation was supported by Council.

City staff, Regional staff and the applicant have continued investigating potential solutions to the concerns raised through the appeal, including an access to Ritson Road North. No solution has been agreed upon by all parties at this time. However, staff will continue its efforts prior to the hearing.

The Region of Durham Works Department has advised that Regional staff have reviewed the potential for an access to 1231 Ormond Drive from Ritson Road North. Although a Ritson Road North access is not necessary for the proposed development given the anticipated traffic volumes, the Region would have no objection to a right-in access to the property from Ritson Road North (see Attachment 3).

City staff have facilitated three meetings to date between the parties in an attempt to reach a settlement prior to the L.P.A.T. hearing. The meetings have included positive discussions and have helped each of the parties to understand the other's concerns. However, consensus has not yet been reached on a possible settlement.

Staff will continue to work with the parties in an attempt to reach a settlement before the L.P.A.T. hearing.

5.2 Appellant's Concerns

A written submission from the Appellant was presented to the Development Services Committee on December 9, 2019 as Correspondence DS-19-228. The submission outlines the basis of the Appellant's opposition to the development proposal and the November 2019 peer review by Dillon Consulting of the Applicant's supporting parking study (see Attachment 2).

The Development Services Committee subsequently approved the following motion regarding Item DS-19-228:

"That Correspondence DS-19-228 be considered by Development Services staff as new information to the staff report DS-19-231 and provide an updated report to come forward after further mediation meetings between the LPAT appellant and respondent."

Three key concerns were identified by the Appellant with respect to the proposed development. These concerns, together with a staff response, are set out below in Sections 5.2.1, 5.2.2 and 5.2.3 of this Report.

5.2.1 Traffic and Driveway from Ormond Drive

Comment:

The Appellant's comments include concerns regarding "The unsafe choke point for traffic entering and exiting the Chartwell buildings at the site laneway to Ormond Drive".

Staff Response:

Ormond Drive is designated as a Collector Road in the Oshawa Official Plan. The Oshawa Official Plan states that Collector Roads are intended to handle moderate volumes of short distance traffic in the range of 4,000 to 15,000 Annual Average Daily Traffic (A.A.D.T.). In addition, the Oshawa Official Plan specifies that direct access from Collector Roads to adjacent properties will be permitted subject to acceptable crossing and stopping sight distances.

The applicant submitted a Traffic Impact Study (T.I.S.) prepared by T.M.I.G., a multi-disciplinary consulting company, including transportation engineers, in support of the proposed development. The Region of Durham Works Department and the City's Transportation Engineer have reviewed the T.I.S. and have no objection to the proposed development and the proposed driveway to Ormond Drive.

A potential driveway access to the subject site from Ritson Road North was also explored as part of the review of the subject development proposal. Ritson Road North is under the jurisdiction of the Region of Durham. The Regional Works Department has advised that they would allow a right-in-only driveway to the site from Ritson Road North. However, they do not feel that it is necessary for the operation of the proposed retirement home. The Region's position is outlined in Correspondence DS-19-240 (see Attachment 3) which was considered by the Development Services Committee on December 9, 2019 and referred to staff for review.

A right-in-only driveway from Ritson Road North is not expected to have a significant impact on the amount of traffic using the Ormond Drive driveway. The Ormond Drive driveway will still handle all traffic leaving the site and all vehicles coming from the north and east, as well as much of the traffic coming from the south.

Chartwell does not support adding a right-in-only driveway from Ritson Road North. A driveway to Ritson Road North would not be possible without significant changes to the design. The westerly portion of the site has been designed to convey stormwater flows to the stormwater management pond to the south and the driveway to Ritson Road North would affect the grading of the site and impact the ability to direct stormwater to the pond. In addition, a driveway to Ritson Road North would reduce the number of on-site parking spaces by 4 spaces and add additional costs to the development that have not been included in the planned costs for the development.

5.2.2 Parking

Comment:

The Appellant's correspondence expresses concerns that there is insufficient parking for Phase 3 staff, visitors and residents of 169 apartment-style units with full kitchens.

Staff Response:

At the request of staff during the site plan approval process, the applicant had a Parking Study prepared by T.M.I.G. dated May 31, 2019 that assessed the parking for the existing Phases 1 and 2 buildings as well as the proposed Phase 3 building. The Study determined that 47 parking spaces could be allocated to Phases 1 and 2 staff within the Phase 3 parking area, and still satisfy the estimated parking demand for Phase 3. Municipal Law Enforcement and Licensing Services and Engineering Services staff had no objections to the findings. Transportation and Parking Services staff noted the frequency of complaints regarding speeding and on-street parking on Ormond Drive since Phases 1 and 2 opened. However, Transportation and Parking Services staff did not have any objection to the Study's findings.

In addition to the normal internal review of the applicant's Parking Study, Planning Services staff had the study peer reviewed by Dillon Consulting. The peer review was ordered by City staff at the suggestion of the Appellant. In this regard, Dillon Consulting reviewed the data collection methods, existing parking demand, estimated increases in demand and the suitability of the proposed parking for the existing and proposed developments. The peer review was paid for by the Applicant.

Dillon Consulting has advised that they anticipate the site to have a parking deficiency of four visitor spaces. Dillon recommends that four visitor parking spaces and two dedicated pick-up/drop-off spaces be added if space is available.

Staff advise that certain mitigation measures shall be implemented through the site plan agreement, such as clearly delineated parking spaces for visitors and employees, to ensure that the parking spaces provided are properly utilized. These mitigation measures can be implemented and enforced through the site plan agreement.

In addition to the conclusions of the peer review provided by Dillon Consulting, GHD, a multi-disciplinary consulting firm including transportation engineers, also commented on the Applicant's Parking Study as they were provided a copy of the Parking Study through the proposal process for the peer review. GHD opted not to provide a formal proposal for the peer review but did advise that they had reviewed the Parking Study and agreed that the proposed parking is sufficient to meet the peak parking demand for the proposed development and the existing Phases 1 and 2.

The Parking Study has been reviewed by four transportation experts, consisting of City staff, Regional Works Department staff and two private consulting firms. None of the transportation professionals have any objections to the conclusions of the Parking Study prepared by T.M.I.G for the proposed development.

On December 2, 2019, Chartwell advised that they intend to implement the following measures as a means to limit traffic/parking impacts on the neighbourhood:

- Add four additional parking spaces on-site, increasing the total parking count to 233 parking spaces;
- Commit a bus to the Wynfield campus to provide residents with a means of travel to popular destinations on a regular basis, thereby reducing residents' need for cars;
- Provide outdoor signage to guide residents, family and staff to under-utilized parking areas within the Wynfield campus;
- Provide wayfinding signage to maximize the use of parking spaces within the Wynfield campus;
- Provide commuter options brochures;
- Provide pedestrian and bicycle facility network maps/exhibits; and,
- Provide transit incentives.

Chartwell is also reviewing alternative transportation options including the implementation of an in-house car-share service for residents on-site. Based on car-share programs in Canada, studies have shown that for each car-share parking space provided on a lot, the minimum resident parking required could be reduced by 4 parking spaces. Accordingly, if Chartwell implements a car-share service with one vehicle, an equivalent of 4 additional parking spaces would be provided.

Based on the additional parking spaces being provided and the potential for a car-share service to be implemented for residents, Phase 3 is proposed to have a parking supply equivalent to approximately 102 parking spaces to accommodate staff, visitors and residents. This translates to a blended parking rate of 0.51 parking spaces per unit, which exceeds the rate of 0.38 parking spaces per unit required by Zoning By-law 60-94 for all three Phases blended together.

5.2.3 Scale of the Project

Comment:

The Appellant's correspondence indicates that the scale of the project is too large to be compatible with the location.

Staff Response:

The subject site is designated as Residential in the Oshawa Official Plan and High Density I Residential in the Samac Secondary Plan. The property is zoned R6-C (Residential) in Zoning By-law 60-94.

Under the R6-C zoning regulations a maximum building height of 25.0 metres (82.0 ft.) is permitted. This is equivalent to approximately 8 storeys. The proposed building is 6 storeys along the Ormond Drive frontage and 7 storeys along the Ritson Road North frontage. The difference in the proposed building height between the Ormond Drive frontage and Ritson Road North frontage is due to the change in the grade of the property which slopes downward from east to west. As a result, the underground parking garage transitions to a walkout on the west side of the property adjacent to Ritson Road North.

The scale and general site design of the proposed development is an appropriate form of development for the subject site under the existing land use designations of the Oshawa Official Plan and the Samac Secondary Plan, and the regulations of Zoning By-law 60-94.

5.3 Mediation Meeting of January 6, 2020

A mediation meeting attended by the Applicant, the Appellant, Councillors Rosemary McConkey and John Neal, and City staff was held on January 6, 2020.

The meeting provided the Applicant with an opportunity to provide the Appellant with additional information on the Mississauga and London sites that were used as proxy sites for the parking study originally prepared by T.M.I.G. and used as part of the peer review completed by Dillon Consulting. As per the Appellant's December 9, 2019 Correspondence Item DS-19-228 to the Development Services Committee (see Attachment 2), it is the Appellant's position that the London site is more appropriate as a proxy site than the Mississauga location which was the proxy site that the peer review focused on.

As a result, the Applicant undertook a further review of the Mississauga and London sites and determined that the London site is a more appropriate proxy site with respect to staffing levels and the associated staff parking requirements.

At the meeting of January 6, 2020, the Applicant advised that staffing for that portion of Phase 3 containing the units with cooking facilities could be reduced to 22 staff rather than 32 staff as originally contemplated in the T.M.I.G. parking study. As a result, the parking required for staff would be reduced by 10 parking spaces. This reduction in the staff parking requirement and the four additional parking spaces that the Applicant had previously proposed to add to the site plan results in a projected usage of 0.33 parking spaces per unit for Phase 3 residents, staff and visitors. This rate is comparable to the London proxy site which has a rate of 0.34 parking spaces per unit.

In addition to the parking discussion, there was also a discussion concerning the scale of the proposed development. City staff provided information on the existing regulations of the zoning by-law regarding building height and density. The proposed building height and density comply with the regulations of Zoning By-law 60-94.

While the discussion was positive, consensus on a settlement was not reached and it appears the matter will be proceeding to the L.P.A.T. hearing scheduled for January 22, 2020.

5.4 Council Position

5.4.1 Recommended Position

It is recommended that City Council support the C. of A. decisions to permit the proposed retirement home and addition to the existing retirement home, but that the City not seek party or participant status at the L.P.A.T. hearing. Furthermore, it is recommended that the L.P.A.T. be advised that the City supports the additional variances outlined in Report DS-19-231 dated December 4, 2019 and requests that if the applications are approved, a condition be added to limit the maximum number of retirement home units at 1231 Ormond Drive to 201 units and the number of units with cooking facilities to 169 units.

If this recommendation is approved, the City will not expend time, effort and money for City staff to prepare for and attend the L.P.A.T. hearing at the expense of the general taxpayer.

5.4.2 If Council Chooses to Oppose the C. of A. Decisions

If the Development Services Committee and City Council choose to oppose the C. of A. decisions and additional variances to permit the proposed retirement home and addition to the existing retirement home and the City seeks party status at the Tribunal hearing, the City will be required to retain external planning and engineering witnesses to support Council's position. This would be necessary given that City staff is on record as having no objection to the subject applications. There will be certain costs associated with hiring outside witnesses to prepare for and attend the L.P.A.T. hearing at the expense of the general taxpayer.

The L.P.A.T. has the authority, pursuant to the provisions of the Local Planning Appeal Tribunal Act, to require certain individuals, such as the City's Planning and Engineering staff, to give evidence to the L.P.A.T. at the hearing, notwithstanding Council's direction. In addition, other persons such as the applicant or any member of the public who has an interest in the matter, may summon a member of City staff to give evidence at a hearing.

If the Development Services Committee wishes to recommend to Council that Council oppose the decisions of the C. of A. as well as the additional variances, the Development Services Committee may wish to pass the following motion in lieu of the recommendation contained in Section 2.0 of this Report:

That the Development Services Committee recommend to City Council:

- “1. That the Local Planning Appeal Tribunal be advised that City Council does not support the approval decisions of the Committee of Adjustment concerning 1231 Ormond Drive (File A-2019-24) and 431 Woodmount Drive (File A-2019-25) and the City seeks party status at the Local Planning Appeal Tribunal hearing.
2. That the Local Planning Appeal Tribunal be advised that City Council does not support the additional variances identified after the Committee of Adjustment meeting that includes 451 Woodmount Drive.”

5.4.3 If Council Chooses to Take No Position

If the Development Services Committee and City Council choose to take no position on the C. of A. decisions to permit the proposed retirement home and addition to the existing retirement home, the L.P.A.T. shall be advised of this position and that the City does not seek party or participant status at the Tribunal hearing. Furthermore, it is recommended that the L.P.A.T. be advised that if the applications are approved, including the additional variances, the City requests that a condition be added to limit the maximum number of retirement home units at 1231 Ormond Drive to 201 units and the number of units with cooking facilities to 169 units.

If Council takes no position, the City will not expend time, effort and money for City staff to prepare for and attend the L.P.A.T. hearing at the expense of the general taxpayer.

If the Development Services Committee wishes to recommend to Council that Council take no position on the decisions of the C. of A. and on the additional variances, the Development Services Committee may wish to pass the following motion in lieu of the recommendation contained in Section 2.0 of this Report:

That the Development Services Committee recommend to City Council:

- “1. That the Local Planning Appeal Tribunal be advised that City Council takes no position on the appeals of the approval decisions of the Committee of Adjustment concerning 1231 Ormond Drive (File A-2019-24) and 431 Woodmount Drive (File A-2019-25) and the City does not seek party or participant status at the Local Planning Appeal Tribunal hearing.
2. That the Local Planning Appeal Tribunal be advised that City Council takes no position on the additional variances identified after the Committee of Adjustment meeting that includes 451 Woodmount Drive.
3. That, pursuant to Report DS-19-231 dated December 4, 2019 and Report DS-20-09 dated January 8, 2020, the Local Planning Appeal Tribunal be advised that the City of

Oshawa requests that conditions be imposed to permit a maximum of 201 units in the proposed retirement home at 1231 Ormond Drive, of which a maximum of 169 units may include cooking facilities in the individual units, if the minor variances are approved by the Local Planning Appeal Tribunal.”

6.0 Financial Implications

There are costs related to staff time to prepare for an appearance at any L.P.A.T. hearing if summoned by the L.P.A.T., offset by a modest per diem from the L.P.A.T. Costs associated with the peer review conducted by Dillon Consulting were funded by the applicant.


If Council chooses not to support the C. of A decisions and seeks party status at the Tribunal hearing, the City will be required to retain external planning and engineering witnesses to support Council’s position since the City supported the approval of the original variances and the additional variances as referenced in Report DS-19-231. There will be certain costs associated with hiring outside witnesses to prepare for and attend the L.P.A.T. hearing at the expense of the general taxpayer.

7.0 Relationship to the Oshawa Strategic Plan

The Recommendation advances the Accountable Leadership and Economic Prosperity and Financial Stewardship goals of the Oshawa Strategic Plan.



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



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



Public Report

To: Development Services Committee

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

Report Number: DS-19-231

Date of Report: December 4, 2019

Date of Meeting: December 9, 2019

Subject: Direction of City Staff Involvement Respecting Appeals to the
Local Planning Appeal Tribunal of Committee of Adjustment
Decisions concerning 1231 Ormond Drive, and
431 and 451 Woodmount Drive

File: A-2019-24; A-2019-25

1.0 Purpose

The purpose of this report is to establish a Council position on appeals to the Local Planning Appeal Tribunal (L.P.A.T.) of Committee of Adjustment (C. of A.) decisions concerning a proposed 201 unit retirement home by CSH (Wynfield II) Inc. at 1231 Ormond Drive and the existing retirement home at 431 Woodmount Drive. The applicant has also submitted an application for site plan approval for the proposed retirement home at 1231 Ormond Drive. Additional variances have been identified following the C. of A. decision that include the existing Long Term Care Facility at 451 Woodmount Drive.

Council policy requires that the Development Services Department prepare a report to the Development Services Committee when an appeal has been lodged against a C. of A. decision.

Attachment 1 shows the location of the sites subject to Files A-2019-24 and A-2019-25 under appeal, the location of the appellant's property and the zoning for the area.

Attachment 2 is a copy of the site plan submitted by the applicant to the C. of A.

Attachment 3 is a copy of the reports for Files A-2019-24 and A-2019-25 from the Development Services Department to the C. of A. dated April 5, 2019.

Attachment 4 is a copy of the minutes for Files A-2019-24 and A-2019-25 from the C. of A. meeting held on April 10, 2019.

Attachment 5 is a copy of the April 10, 2019 C. of A. decisions on Files A-2019-24 and A-2019-25.

Attachment 6 is a copy of the appeal letter received from the Appellant dated April 30, 2019.

Attachment 7 is a copy of a peer review, dated November 18, 2019, by Dillon Consulting, of the Parking Study, prepared by the applicant's consultant, The Municipal Infrastructure Group (T.M.I.G.).

Attachment 8 is an email from GHD in response to the City's request for a peer review supporting the Parking Study's conclusions, dated October 23, 2019.

2.0 Recommendation

That the Development Services Committee recommend to City Council:

1. That, pursuant to Report DS-19-231 dated December 4, 2019, the Local Planning Appeal Tribunal be advised that City Council supports the approval decisions of the Committee of Adjustment concerning 1231 Ormond Drive (File A-2019-24) and 431 Woodmount Drive (File A-2019-25) and the City not seek party or participant status at the Local Planning Appeal Tribunal hearing.
2. That, pursuant to Report DS-19-231 dated December 4, 2019, the Local Planning Appeal Tribunal be advised that City Council supports the additional variances identified after the Committee of Adjustment meeting that includes 451 Woodmount Drive which will be described in a revised Notice of Hearing.

3.0 Executive Summary

CSH (Wynfield II) Inc. submitted an application to the Committee of Adjustment for variances to permit the proposed 201 unit retirement home on 1231 Ormond Drive. An application was also submitted for variances to 431 Woodmount Drive to permit the construction of the internal access to the proposed retirement home at 1231 Ormond Drive. The applicant has also submitted an application for site plan approval (SPA-2018-32) to create the proposed retirement home. This application is still in process and no agreement has been executed.

The Committee of Adjustment approved the applications.

The owner of 1230 Ormond Drive has appealed the decisions to the Local Planning Appeal Tribunal.

This Department advised the Committee of Adjustment that it had no objection to the approval of the applications, subject to an advisory comment stating that approval of these applications does not guarantee or constitute approval of the related Site Plan Agreement application for 1231 Ormond Drive and that an amending site plan agreement would be required to reflect the changes on 431 and 451 Woodmount Drive.

Additional variances were added following the Committee of Adjustment decision that includes 451 Woodmount Drive for the purposes of treating 1231 Ormond Drive, 431 and 451 Woodmount Drive as one lot with respect to parking regulations.

A peer review of the Parking Study submitted by the applicant was prepared by Dillon Consulting which generally concurs with the number of parking spaces proposed but recommends that four additional visitor parking spaces be added to the site, if possible.

This Department recommends that City Council support the Committee of Adjustment decisions, the additional variances identified after the Committee of Adjustment meeting and that the City not seek party or participant status at the Local Planning Appeal Tribunal hearing.

4.0 Input From Other Sources

4.1 Other Departments and Agencies

The following have been consulted in the preparation of this report:

- Municipal Law Enforcement and Licensing Services
- Community Services
- City Solicitor

4.2 Public Comments

Comments from the public are included in the minutes of the C. of A. meeting, which forms Attachment 4 to this report.

5.0 Analysis

5.1 Background

5.1.1 1231 Ormond Drive

1231 Ormond Drive is an irregular shaped parcel with frontage on Ormond Drive, Coldstream Drive, and Ritson Road North (see Attachment 1).

1231 Ormond Drive is designated as Residential in the Oshawa Official Plan and High Density I in the Samac Secondary Plan. It is located within the City's Built Boundary and is zoned R6-C (Residential). The existing zoning permits apartment buildings, long term care facilities, nursing homes and retirement homes subject to compliance with the regulations.

A stormwater management pond is located on the southwest portion of 1231 Ormond Drive but remains vacant on that portion of the site where the proposed retirement home is intended to be located. An existing easement is in place in favour of the City for maintenance of the stormwater management pond. The proposed retirement home at 1231 Ormond Drive will have an internal building connection to the existing retirement home at 431 Woodmount Drive. The C. of A. application for 431 Woodmount Drive (File A-2019-25) was to allow for a reduced exterior side and rear yard depth to facilitate the construction of the internal building connection to 1231 Ormond Drive. The existing access on Ormond Drive to 451 Woodmount Drive is currently proposed to be the primary access for the subject site.

Ormond Drive is identified as a Collector Road on Schedule “B”, Road Network (North Half and South Half), of the Oshawa Official Plan and is intended to have moderate volumes of short distance traffic in the amount of 4,000 to 15,000 Annual Average Daily Traffic.

The following uses are adjacent to 1231 Ormond Drive:

- North Retirement Home and a Long Term Care Facility
- South Proposed stacked townhouse development site, and across Coldstream Drive a commercial plaza, and street townhouses
- East Street townhouse dwellings, across Ormond Drive
- West Street townhouses on Woodgate Trail, across Ritson Road North

5.1.2 431 Woodmount Drive

431 Woodmount Drive is designated as Residential in the Oshawa Official Plan and High Density I in the Samac Secondary Plan. It is located within the City’s Built Boundary and is zoned R6-C(2) (Residential). The existing zoning permits apartment buildings, long term care facilities, nursing homes, retirement homes and day care centres subject to compliance with the regulations.

An existing retirement home is located at 431 Woodmount Drive. Both 431 Woodmount Drive and 1231 Ormond Drive will be operated by the applicant, as well as 451 Woodmount Drive, which is a Long Term Care Facility.

Woodmount Drive, between Ormond Drive and Ritson Road North, is identified as a Collector Road on Schedule “B”, Road Network (North Half and South Half), of the Oshawa Official Plan and is intended to have moderate volumes of short distance traffic in the amount of 4,000 to 15,000 Annual Average Daily Traffic.

The following uses are adjacent to 431 Woodmount Drive:

- North Block townhouse dwellings, across Woodmount Drive
- South Proposed retirement home
- East Long Term Care Facility
- West Street townhouses on Woodgate Trail, across Ritson Road North

5.1.3 451 Woodmount Drive

451 Woodmount Drive is designated as Residential in the Oshawa Official Plan and High Density I in the Samac Secondary Plan. It is located within the City’s Built Boundary and is zoned R6-C(2) (Residential). The existing zoning permits apartment buildings, long term care facilities, nursing homes, retirement homes and day care centres subject to compliance with the regulations.

An existing Long Term Care Facility is located at 451 Woodmount Drive. The applicant will continue to operate the facility.

Woodmount Drive, between Ormond Drive and Ritson Road North, is identified as a Collector Road on Schedule “B”, Road Network (North Half and South Half), of the Oshawa Official Plan and is intended to have moderate volumes of short distance traffic in the amount of 4,000 to 15,000 Annual Average Daily Traffic.

The following uses are adjacent to 451 Woodmount Drive:

- North Block townhouse dwellings, across Woodmount Drive
- South Proposed retirement home
- East Street townhouse dwellings, across Ormond Drive
- West Retirement home at 431 Woodmount Drive

5.2 C. of A. Application A-2019-24 (1231 Ormond Drive)

On April 10, 2019 the C. of A. approved the following variances contained in File A-2019-24 to permit a retirement home at 1231 Ormond Drive (see Attachment 2):

Zoning Item	Column 1 Requested	Column 2 Required
Minimum Interior Side Yard Depth (North Side)	0m	10.5m
Minimum Interior Side Yard Depth (South Side)	2.5m	10.5m
Minimum Rear Yard Depth	3.5m	10.5m
Minimum Landscaped Open Space	28%	35%
Definition of Retirement Home	Living units may also include cooking facilities	Cooking facilities not permitted in living units

The C. of A. approved the application.

The owner of 1230 Ormond Drive, (Mr. Ron Bremner) appealed the decision to the L.P.A.T.

5.3 C. of A. Application (A-2019-25)

On April 10, 2019 the C. of A. also approved the following variances contained in File A-2019-25, to permit an addition to the existing retirement home (see Attachment 2):

Zoning Item	Column 1 Requested	Column 2 Required
Minimum Exterior Side Yard Depth	3m	7.5m
Minimum Rear Yard Depth	0m	7.5m

This application was also appealed by Mr. Ron Bremner of 1230 Ormond Drive, to the L.P.A.T.

5.4 Adjournment and additional variances

The L.P.A.T. hearing was originally scheduled to be held on September 6, 2019. City staff, CSH (Wynfield II) Inc. and Mr. Ron Bremner jointly requested an adjournment which was granted by the L.P.A.T. The hearing has been rescheduled for January 22, 2020.

The adjournment was requested for two reasons. Firstly, it would afford an opportunity for continued mediation efforts.

In addition, it would allow for a new notice of hearing to be prepared by the L.P.A.T. that includes a “de novo” hearing to allow the L.P.A.T. to consider additional variances that have become apparent as the proposal advanced through the development approval process. “De novo” refers to a trial or hearing that is treated as if the matter had not been previously heard or decided. The Planning Act allows the L.P.A.T. to consider additional variances not included in the original C. of A. meeting provided notice of the additional variances is included in the notice of L.P.A.T. hearing.

Details on the variances are included in the Tables below. The additional variances to be included in a “de novo” hearing are shown bolded in the table below.

1231 Ormond Drive:

Zoning Item	Column 1 Requested	Column 2 Required
Front Lot Line	To Designate Ormond Drive as the Front Lot Line	Coldstream Drive
Minimum Interior Side Yard Depth (North Side)	0m	10.5m
Minimum Interior Side Yard Depth (South)	2.5m	10.5m
Minimum Rear Yard Depth	3.5m	10.5m
Definition of Retirement Home	Living units may also include cooking facilities	Cooking facilities not permitted in living units
Driveway Access from the Travelled Portion of an Improved Street (see Sentence 4.8.1)	Not provided	Required

Zoning Item	Column 1 Requested	Column 2 Required
Parking Required in Article 39.1.1	To permit 431 Woodmount Dr, 451 Woodmount Dr and 1231 Ormond Dr to be considered one lot for the purpose of applying parking regulations related to the number and location of all required and additional parking spaces.	431 Woodmount Dr, 451 Woodmount Dr and 1231 Ormond Dr required to accommodate parking on each individual lot

431 Woodmount Drive:

Zoning Item	Column 1 Requested	Column 2 Required
Minimum Exterior Side Yard Depth	3m	7.5m
Minimum Rear Yard Depth	0m	7.5m
Parking Required in Article 39.1.1	To permit 431 Woodmount Dr, 451 Woodmount Dr and 1231 Ormond Dr to be considered one lot for the purpose of applying parking regulations related to the number and location of all required and additional parking spaces	431 Woodmount Dr, 451 Woodmount Dr and 1231 Ormond Dr required to accommodate parking on each individual lot

451 Woodmount Drive:

Zoning Item	Column 1 Requested	Column 2 Required
Parking Required in Article 39.1.1	To permit 431 Woodmount Dr, 451 Woodmount Dr and 1231 Ormond Dr to be considered one lot for the purpose of applying parking regulations related to the number and location of all required and additional parking spaces	431 Woodmount Dr, 451 Woodmount Dr and 1231 Ormond Dr required to accommodate parking on each individual lot

Development Services staff have no objection to the approval of the additional variances as they are technical details that will not affect the site design provided in the original minor variance application submission. Should the L.P.A.T approve the variances at the January 22, 2020 hearing, staff will recommend that a condition be imposed limiting the number of units permitted to have cooking facilities to a maximum of 169.

5.5 Settlement Discussions to Date

City staff have facilitated two meetings to date between the parties in an attempt to reach a settlement prior to the L.P.A.T. hearing. The meetings have included positive discussions and have helped each of the parties to understand the other's concerns. However, consensus has not yet been reached on a possible settlement.

Staff will continue to work with the parties in an attempt to reach a settlement before the L.P.A.T. hearing.

5.6 Basis for Staff Recommendation

This Department had no objection to the approval of the applications for the following reasons:

- The proposed development is compatible with uses in the area.
- Oversupply of parking based on the retirement home rate of 0.38 parking spaces/per unit in the zoning by-law may help to alleviate existing concerns. 139 parking spaces are proposed which reflect a rate of 0.69 parking spaces/per unit.
- Retirement home residents will still have access to common dining facilities.
- The proposal is consistent with the policies set out in the Provincial Growth Plan, Oshawa Official Plan, Samac Secondary Plan and Zoning By-law 60-94.
- The development will provide infill development in the City's Built Boundary and will help achieve Provincial intensification targets set out in the Provincial Growth Plan, while using existing municipal services.
- The setback variances are required primarily for the internal building connection between the proposed building at 1231 Ormond Drive and the existing building at 431 Woodmount Drive.

The Development Services Committee reported to Council on May 21, 2019 (Item DS-19-88) with a recommendation that Council support Regional staff in further investigating a process that will find a way for the Region to support an entrance/exit on Ritson Road North to the subject site to accommodate staff parking and alleviate the parking and congestion along Ormond Drive. The recommendation was carried by Council.

At the May 8, 2019 Durham Regional Works Committee, Councillor Neal made a resolution that a right-in, right-out access off of Ritson Road North into the subject site be investigated by the Region of Durham and City of Oshawa. The resolution was directed to Regional Works staff for investigation.

City staff, Regional staff and the applicant have continued investigating potential solutions to the concerns raised through the appeal, including an access to Ritson Road North. No solution has been agreed upon by all parties at this time. However, staff will continue its efforts prior to the hearing.

At the request of staff during the site plan approval process, the applicant had a Parking Study prepared by T.M.I.G. dated May 31, 2019 that assessed the parking for the existing Phases 1 and 2 buildings as well as the proposed Phase 3. The Study determined that 47 parking spaces could be allocated to Phases 1 and 2 staff within the Phase 3 parking area, and still satisfy the estimated parking demand for Phase 3. Municipal Law Enforcement and Licensing Services and Engineering Services had no objections to the findings. Transportation and Parking noted the frequency of complaints regarding speeding and on-street parking on Ormond Drive since Phases 1 and 2 opened. However, Transportation and Parking did not have any objection to the Study's findings.

In addition to the normal internal review of the applicant's parking study, Planning Services had the study peer reviewed by Dillon Consulting to review the data collection methods, existing parking demand, estimated increases in demand and the suitability of the proposed parking for the existing and proposed developments. The peer review was paid for by the applicant. Dillon Consulting has advised that they anticipate the site to have a parking deficiency of 4 visitor spaces. Dillon recommends that 4 visitor parking spaces and 2 dedicated pick-up/drop-off spaces be added if space is available. Furthermore, certain mitigation measures shall be implemented through the site plan agreement, such as clearly delineated parking spaces for visitors and employees, to ensure that the parking spaces provided are properly utilized. These mitigation measures can be implemented and enforced through the site plan agreement.

In addition to the conclusions of the peer review provided by Dillon Consulting, GHD, a multi-disciplinary consulting firm including transportation engineers, also provided comments on the applicant's parking study as they were provided a copy of the parking study through the proposal process for the peer review. GHD opted not to provide a proposal for the peer review but did advise that they had reviewed the parking study and agreed that the proposed parking is sufficient for the peak parking demand for the proposed development and the existing Phases 1 and 2.

Unless otherwise directed, staff will continue to work with the applicant and appellant to achieve a satisfactory revised development plan prior to the hearing.

On December 2, 2019, Chartwell advised that they intend to implement the following measures as a means to limit traffic/parking impacts on the neighbourhood:

- Add 4 additional parking spaces on-site, increasing the total parking count to 233 parking spaces;
- Commit a bus to the Wynfield campus to provide residents with a means to commute to popular destinations on a regular basis, thereby reducing residents' need for cars;
- Provide outdoor signage to guide residents, family and staff to under-utilized parking areas within the Wynfield campus;

- Provide wayfinding signage to maximize the use of parking spaces within the Wynfield campus;
- Provide commuter options brochures;
- Provide pedestrian and bicycle facility network maps/exhibits; and,
- Provide transit incentives.

Chartwell is also reviewing alternative transportation options including the implementation of an in-house car-share service for residents on-site. Based on car-share programs in Canada, studies have shown that for each car-share parking space provided on a lot, the minimum resident parking required could be reduced by 4 parking spaces. Accordingly, if Chartwell implements a car-share service with one vehicle, an equivalent of 4 additional parking spaces would be provided.

Based on the additional parking spaces being provided and the potential for a car-share service to be implemented for residents, Phase 3 is proposed to have a parking supply equivalent to approximately 102 parking spaces to accommodate staff, visitors and residents. This translates to a blended parking rate of 0.51 parking spaces per unit, which exceeds the rate of 0.38 parking spaces per unit required by Zoning By-law 60-94 for a retirement home.

It is recommended that the L.P.A.T. be advised that City Council supports the C. of A. decisions to permit the proposed retirement home and addition to the existing retirement home but that the City not seek party or participant status at the Tribunal hearing. Furthermore, it is recommended that the L.P.A.T. be advised that the City supports the additional variances outlined in this Report.

If this recommendation is approved, the City will not expend time, effort and money for City staff to prepare for and attend the L.P.A.T. hearing at the expense of the general taxpayer.

The L.P.A.T. has the authority, pursuant to the provisions of the Local Planning Appeal Tribunal Act, to require certain individuals, such as the City's Planning and Engineering staff, to give evidence to the L.P.A.T. at the hearing, notwithstanding Council's direction. In addition, other persons such as the applicant or any member of the public who has an interest in the matter, may summons a member of the City staff to give evidence at a hearing.

6.0 Financial Implications

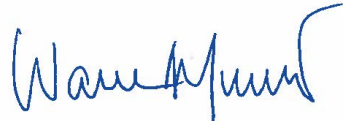
There are costs related to staff time to prepare for an appearance at any L.P.A.T. hearing if summoned by the L.P.A.T., offset by a modest per diem from the L.P.A.T. Costs associated with the peer review conducted by Dillon Consulting were funded by the applicant.

7.0 Relationship to the Oshawa Strategic Plan

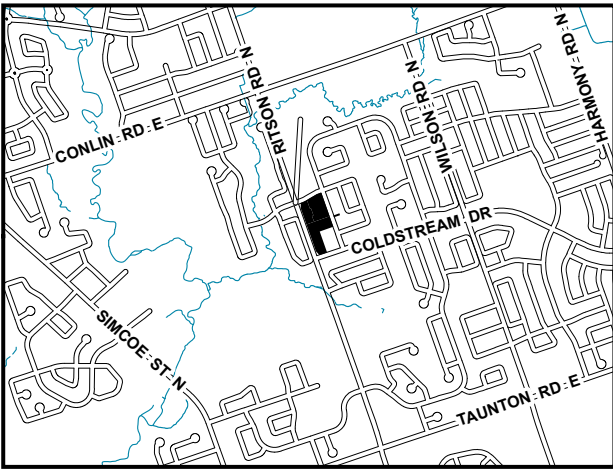
The Recommendation advances the Accountable Leadership and Economic Prosperity and Financial Stewardship goals of the Oshawa Strategic Plan.



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



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



**Item: DS-19-231
Attachment 1**

Development Services Department

Subject: Direction of City Staff Involvement Respecting Appeals to the Local Planning Appeal Tribunal of Committee of Adjustment Decisions concerning 1231 Ormond Drive, 431 and 451 Woodmount Drive

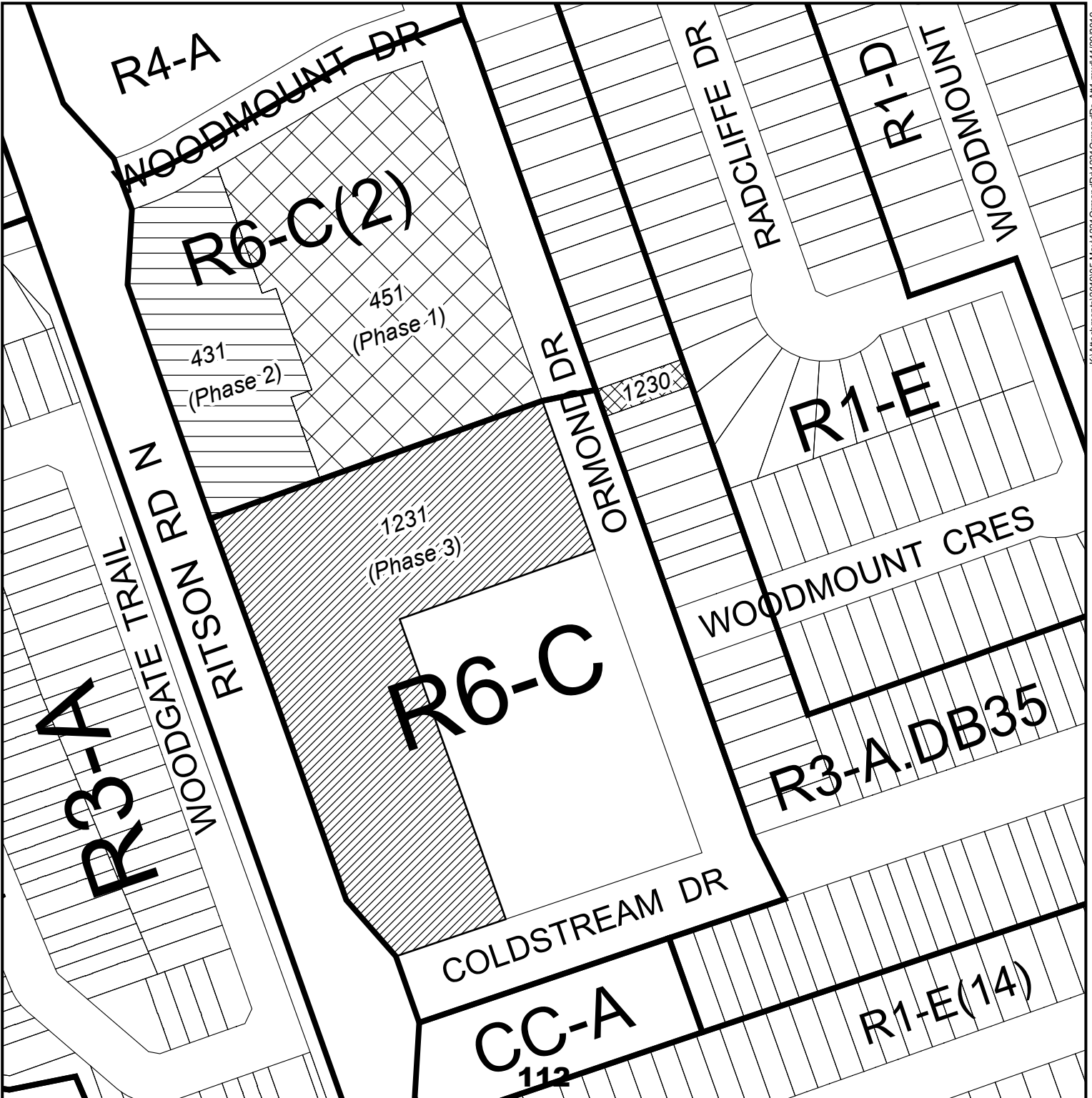
File: A-2019-24; A-2019-25

Subject Property (1231 Ormond Dr)

Subject Property (431 Woodmount Dr)

Subject Property (451 Woodmount Dr)

Appellant's Property (1230 Ormond Dr)







Report

To: Committee of Adjustment

From: Development Services Department

Date: April 5, 2019

Date of Meeting: April 10, 2019

Subject: Application for relief from the provisions of Zoning By-law 60-94 to permit a retirement home with reduced interior side and rear yard depths and landscaped open space and to permit living units with cooking facilities

Address: 1231 Ormond Drive

Owner: CSH (Wynfield II) Inc.

File: A-2019-24

The comments from this Department are as indicated below:

- ☐ We have no objection to the approval of this application.
- ☒ We have no objection to the approval of this application subject to the comments/conditions which are ☒ attached / ☐ listed below.
- ☐ We request that this application be tabled for the reasons which are ☐ attached/
☐ listed below.
- ☐ We recommend that this application be denied for the reasons which are ☐
attached/☐ listed below.

A blue ink signature of Tim Ryan, written in a cursive style.

Tim Ryan, Planner A
Development Services Department

c: K. Staunton, Engineering Services

CSH (Wynfield II) Inc.
100 Milverton Dr. Suite 700
Mississauga, ON L5R 4H1

The purpose and effect of the application is to permit a retirement home with the variances in Column 1 below, instead of the requirements in Column 2 below, as required by Zoning By-law 60-94 for a retirement home in a R6-C (Residential) Zone.

Zoning Item	Column 1	Column 2
Minimum Interior Side Yard Depth (North Side)	0m	10.5m
Minimum Interior Side Yard Depth (South Side)	2.5m	10.5m
Minimum Rear Yard Depth	3.5m	10.5m
Minimum Landscaped Open Space	28%	35%
Definition of Retirement Home	Living units may also include cooking facilities	Cooking facilities not permitted in living units

This application is related to an application for Site Plan Approval (File: SPA-2018-32).

The applicant proposes to construct an enclosed walkway between the new building and the existing retirement home at 431 Woodmount Dr (File: A-2019-25). This walkway is considered the new building wall, which requires the setback variances.

Although the proposed landscaped open space is less than the minimum of 35%, the site design includes a large patio and garden on top of a partially exposed underground parking garage. This large amenity area cannot contribute towards the landscaped open space calculation because it is on top of the exposed garage; however, it contributes to the "greenery" in the site design.

This Department has no objection to the approval of the application.

Advisory Comments:

- a) Approval of this application does not constitute/guarantee approval of the related Site Plan Approval application.

To: Committee of Adjustment

From: Development Services Department

Date: April 5, 2019

Date of Meeting: April 10, 2019

Subject: Application for relief from the provisions of Zoning By-law 60-94 to permit a retirement home with reduced exterior side and rear yard depths

Address: 431 Woodmount Drive

Owner: CSH Wynfield Retirement Residence Inc.

File: A-2019-25

The comments from this Department are as indicated below:

- ☐ We have no objection to the approval of this application.
- ☒ We have no objection to the approval of this application subject to the comments/conditions which are ☒ attached / ☐ listed below.
- ☐ We request that this application be tabled for the reasons which are ☐ attached / ☐ listed below.
- ☐ We recommend that this application be denied for the reasons which are ☐ attached / ☐ listed below.



Tim Ryan, Planner A
Development Services Department

c: K. Staunton, Engineering Services

CSH Wynfield Retirement Residence Inc.
100 Milverton Dr. Suite 700
Mississauga, ON L5R 4H1

The applicant proposes to construct an addition to the existing retirement home that will connect to a new building proposed by the same owner at 1231 Ormond Drive (Related files: A-2019-24, SPA-2018-32).

The purpose and effect of the application is to permit a retirement home with the variances in Column 1 below, instead of the requirements in Column 2 below, as required by Zoning By-law 60-94 for a retirement home in a R6-C(2) (Residential) Zone.

Zoning Item	Column 1	Column 2
Minimum Exterior Side Yard Depth	3m	7.5m
Minimum Rear Yard Depth	0m	7.5m

This Department has no objection to the approval of the application.

Advisory Comments:

- a) An amending site plan agreement will be required to reflect the changes in the site design.

Committee of Adjustment

File: **A-2019-24**

MINUTES UNDER THE PLANNING ACT

Committee of Adjustment Application for 1231 Ormond Drive

An application has been submitted by **CSH (Wynfield II) Inc.** for variances from the City's Zoning By-law 60-94.

The application relates to **1231 Ormond Drive** (Part Lot 8, Concession 4, 40R-29910, Parts 1 and 3)

The purpose and effect of the application is to permit a retirement home with the variances in Column 1 below, instead of the requirements in Column 2 below, as required by Zoning By-law 60-94 for a retirement home in a R6-C (Residential) Zone.

Zoning Item	Column 1	Column 2
Minimum Interior Side Yard Depth (North Side)	0m	10.5m
Minimum Interior Side Yard Depth (South Side)	2.5m	10.5m
Minimum Rear Yard Depth	3.5m	10.5m
Minimum Landscaped Open Space	28%	35%
Definition of Retirement Home	Living units may also include cooking facilities	Cooking facilities not permitted in living units

A meeting of the Oshawa Committee of Adjustment was held on April 10, 2019 at 6:00 p.m. in the "C" Wing Committee Meeting Room, City Hall, Oshawa, Ontario.

Present: L. Smith, P. Corvetti, K. Thompson, R. Adams
T. Ryan

Absent: A. Johnson

Also Present: K. Kakish, Chartwell, 100 Milverton Drive, Mississauga
Councillor R. McConkey, Oshawa
Councillor B. Nicholson, Oshawa
C. Naylor, 1234 Ormond Drive, Oshawa
G. Whitney, 1232 Ormond Drive, Oshawa
N. White, 1218 Ormond Drive, Oshawa

A report received from the Development Services Department stated no objection to the approval of this application.

K. Kakish provided an overview of the proposal and stated that the new retirement home would include 201 units, 139 parking spaces and will allow for direct indoor access to all amenities of existing buildings.

K. Kakish stated that the terrace/outdoor area does not count towards the calculation of landscaped open space as it is raised above grade but will function as outdoor amenity space.

T. Ryan stated that the site plan agreements allow for minor changes and revisions and that new plans would overlay the previous plans.

In response to a question from L. Smith, K. Kakish stated that amenities included dining and exercise rooms as well as yoga.

In response to a question from L. Smith, T. Ryan stated that the landscaping of the existing buildings was not considered in the calculation as it is outside of the property limits.

In response to questions from R. McConkey, K. Kakish stated that pets are allowed and that 139 parking spaces will be provided underground as well as six (6) accessible spaces based on Accessibility for Ontarians Disability Act requirements.

In response to a question from R. McConkey, T. Ryan stated that a required parking aisle of 6.5m and the site plan was reviewed by Fire Services through the Site Plan process and no concerns were raised.

In response to a question from R. McConkey, K. Kakish stated that a chainlink fence would not impede on the stormwater pond and would create visibility between the building and the fence abutting the Daniels development.

In response to a question from C. Naylor, K. Kakish stated that parking has been oversupplied and therefore no variance is required.

In response to a question from C. Naylor, K. Kakish stated that the emergency vehicle access was reviewed through the Site Plan process and no concerns were raised.

In response to a question from C. Naylor, K. Kakish stated that the proposal is in compliance with height requirements under the Zoning By-law as well as NAV Canada Airport requirements.

G. White stated that vehicle speed on Ormond Drive is a concern as is the shadowing that will occur as a result of the development.

T. Ryan stated that concerns with traffic and speed should be raised with your local Councillor or Service Oshawa.

In response to a question from Councillor Nicholson, K. Kakish stated that full cooking facilities are geared toward seniors and parking would likely not comply if defined as an Apartment building.

R. Adams stated that Chartwell should consult with the public to satisfy the concerns raised tonight and is opposed to the proposal.

Moved by K. Thompson, seconded by L. Smith,
"THAT the application by **CSH (Wynfield II) Inc.** for **1231 Ormond Drive**, Oshawa, Ontario, be approved." The Chair declared that the application BE APPROVED.

The APPROVAL of the application granted herein is based upon the following reasons:

1. The Committee is of the opinion that the variances granted are minor in nature.
2. The Committee is of the opinion that the variances granted are desirable for the appropriate development of the subject property.
3. The Committee is of the opinion that the granting of the variances maintains the general intent and purpose of the Official Plan and Zoning By-law.

CARRIED.

Original Signed by:

Tim Ryan, Assistant Secretary-Treasurer

MINUTES UNDER THE PLANNING ACT

Committee of Adjustment Application for 431 Woodmount Drive

An application has been submitted by CSH Wynfield Retirement Residence Inc. for variances from the City's Zoning By-law 60-94.

The application relates to 431 Woodmount Drive (Part Lot 8, Concession 4, 40R-28194, Parts 1, 2, 4, 5, 6 and 7), Oshawa.

The purpose and effect of the application is to permit a retirement home with the variances in Column 1 below, instead of the requirements in Column 2 below, as required by Zoning By-law 60-94 for a retirement home in a R6-C(2) (Residential) Zone.

Zoning Item	Column 1	Column 2
Minimum Exterior Side Yard Depth	3m	7.5m
Minimum Rear Yard Depth	0m	7.5m

A meeting of the Oshawa Committee of Adjustment was held on April 10, 2019 at 8:00 p.m. in the "C" Wing Committee Meeting Room, City Hall, Oshawa, Ontario.

Present: L. Smith, P. Corvetti, K. Thompson, R. Adams
T. Ryan

Absent: A. Johnson

Also Present: K. Kakish, Chartwell, 100 Milverton Dr. Mississauga
Councillor R. McConkey, Oshawa
C. Naylor, 1234 Ormond Drive, Oshawa
G. Whitney, 1232 Ormond Drive, Oshawa
N. White, 1218 Ormond Drive, Oshawa

A report received from the Development Services Department stated no objection to the approval of this application.

K. Kakish provided an overview of the proposal and stated that the new retirement home would include 201 units, 139 parking spaces and will allow for direct indoor access to all amenities of existing buildings.

K. Kakish stated that the terrace/outdoor area does not count towards the calculation of landscaped open space as it is raised above grade but will function as outdoor amenity space.

T. Ryan stated that the site plan agreements allow for minor changes and revisions and that new plans would overlay the previous plans.

In response to a question from L. Smith, K. Kakish stated that amenities included dining and exercise rooms as well as yoga.

In response to a question from L. Smith, T. Ryan stated that the landscaping of the existing buildings was not considered in the calculation as it is outside of the property limits.

In response to questions from R. McConkey, K. Kakish stated that pets are allowed and that 139 parking spaces will be provided underground as well as six (6) accessible spaces based on Accessibility for Ontarians Disability Act requirements.

In response to a question from R. McConkey, T. Ryan stated that a required parking aisle of 6.5m and the site plan was reviewed by Fire Services through the Site Plan process and no concerns were raised.

In response to a question from R. McConkey, K. Kakish stated that a chainlink fence would not impede on the stormwater pond and would create visibility between the building and the fence abutting the Daniels development.

In response to a question from C. Naylor, K. Kakish stated that parking has been oversupplied and therefore no variance is required.

In response to a question from C. Naylor, K. Kakish stated that the emergency vehicle access was reviewed through the Site Plan process and no concerns were raised.

In response to a question from C. Naylor, K. Kakish stated that the proposal is in compliance with height requirements under the Zoning By-law as well as NAV Canada Airport requirements.

G. White stated that vehicle speed on Ormond Drive is a concern as is the shadowing that will occur as a result of the development.

T. Ryan stated that concerns with traffic and speed should be raised with your local Councillor or Service Oshawa.

In response to a question from Councillor Nicholson, K. Kakish stated that full cooking facilities are geared toward seniors and parking would likely not comply if defined as an Apartment building.

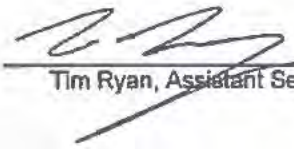
R. Adams stated that Chartwell should consult with the public to satisfy the concerns raised tonight and is opposed to the proposal.

Moved by K. Thompson, seconded by L. Smith,
"THAT the application by CSH (Wynfield II) Inc. for 1231 Ormond Drive, Oshawa, Ontario, be approved." The Chair declared that the application BE APPROVED.

The APPROVAL of the application granted herein is based upon the following reasons:

1. The Committee is of the opinion that the variances granted are minor in nature.
2. The Committee is of the opinion that the variances granted are desirable for the appropriate development of the subject property.
3. The Committee is of the opinion that the granting of the variances maintains the general intent and purpose of the Official Plan and Zoning By-law.

CARRIED.


Tim Ryan, Assistant Secretary-Treasurer

Committee of Adjustment

File: A-2019-24

DECISION UNDER THE PLANNING ACT

Committee of Adjustment Application for 1231 Ormond Drive

An application has been submitted by **CSH (Wynfield II) Inc.** for variances from the City's Zoning By-law 60-94.

The application relates to **1231 Ormond Drive** (Part Lot 8, Concession 4, 40R-29910, Parts 1 and 3)

The purpose and effect of the application is to permit a retirement home with the variances in Column 1 below, instead of the requirements in Column 2 below, as required by Zoning By-law 60-94 for a retirement home in a R6-C (Residential) Zone.

Zoning Item	Column 1	Column 2
Minimum Interior Side Yard Depth (North Side)	0m	10.5m
Minimum Interior Side Yard Depth (South Side)	2.5m	10.5m
Minimum Rear Yard Depth	3.5m	10.5m
Minimum Landscaped Open Space	28%	35%
Definition of Retirement Home	Living units may also include cooking facilities	Cooking facilities not permitted in living units

This application was heard by the Committee of Adjustment on April 10, 2019 and with Notice of Hearing having been given as directed by the Committee of Adjustment, THE DECISION OF THE COMMITTEE IS THAT THE APPLICATION BE APPROVED.

The APPROVAL of the application granted herein is based upon the following reasons:

1. The Committee is of the opinion that the variances granted are minor in nature.
2. The Committee is of the opinion that the variances granted are desirable for the appropriate development of the subject property.
3. The Committee is of the opinion that the granting of the variances maintains the general intent and purpose of the Official Plan and Zoning By-law.

All written and oral submissions received by the Committee of Adjustment were considered in making this decision.

NOTE: Any appeal from the above decision must be made on or before April 30, 2019.

NOTE: The Planning Act provides for appeals to be filed by "persons". As groups or associations, such as residents or ratepayers groups which do not have incorporated status, may not be considered "persons" for the purposes of the Act, groups wishing to appeal this decision should do so in the name or names of individual group members, and not in the name of the group.

Andrew Johnson

Lindsay Smith

Kevin Thompson

Patrick Corvetti

DECISION UNDER THE PLANNING ACT

Committee of Adjustment Application for 431 Woodmount Drive

An application has been submitted by CSH Wynfield Retirement Residence Inc. for variances from the City's Zoning By-law 60-94.

The application relates to **431 Woodmount Drive** (Part Lot 8, Concession 4, 40R-26194, Parts 1, 2, 4, 5, 6, and 7), Oshawa.

The purpose and effect of the application is to permit a retirement home with the variances in Column 1 below, instead of the requirements in Column 2 below, as required by Zoning By-law 60-94 for a retirement home in a R6-C(2) (Residential) Zone.

Zoning Item	Column 1	Column 2
Minimum Exterior Side Yard Depth	3m	7.5m
Minimum Rear Yard Depth	0m	7.5m

This application was heard by the Committee of Adjustment on April 10, 2019 and with Notice of Hearing having been given as directed by the Committee of Adjustment, THE DECISION OF THE COMMITTEE IS THAT THE APPLICATION BE APPROVED.

The APPROVAL of the application granted herein is based upon the following reasons:

1. The Committee is of the opinion that the variances granted are minor in nature.
2. The Committee is of the opinion that the variances granted are desirable for the appropriate development of the subject property.
3. The Committee is of the opinion that the granting of the variances maintains the general intent and purpose of the Official Plan and Zoning By-law.

All written and oral submissions received by the Committee of Adjustment were considered in making this decision.

NOTE: Any appeal from the above decision must be made on or before April 30, 2019.

NOTE: The Planning Act provides for appeals to be filed by "persons". As groups or associations, such as residents or ratepayers groups which do not have incorporated status, may not be considered "persons" for the purposes of the Act, groups wishing to appeal this decision should do so in the name or names of individual group members, and not in the name of the group.

Andrew Johnson

Lindsay Smith

Kevin Thompson

Robert Adams

Patrick Corvetti

Ronald Bremner

M.F.I.P.A. [REDACTED] [REDACTED]

April 30, 2019

To Whom It May Concern:

The purpose of this letter is to appeal a single decision of the City of Oshawa Committee of Adjustment that was rendered on April 10, 2019. The decision pertained to the following files:

A-2019-24:

1231 Ormond Drive

CSH (Wynfield II) Inc.

Application for relief from provisions of Zoning By-law 60-94 to permit a retirement home with reduced side yard and rear yard depths, landscaped open space and to allow cooking facilities in living units.

A-2019-25

431 Woodmount Drive

CSH (Wynfield II) Inc.

Application for relief from provisions of Zoning By-law 60-94 to permit a retirement home with reduced side yard and rear yard depths.

Neighbourhood homeowners object to the A-2019-24 and A-2019-25 decisions for two reasons. First, the two applications differ, insofar as A-2019-24 contains an additional provision to allow cooking facilities in living units, yet both applications were voted on simultaneously—a process that we argue was flawed. Secondly, regarding A-2019-24, we believe the provision for cooking facilities in living units would fundamentally alter the demographic and psychographic profile of building residents, increase the likelihood of vehicle ownership by residents, and exacerbate parking and traffic congestion problems.

CSH (Wynfield II) Inc. ("Chartwell") now operates two buildings in the neighbourhood. Those residences currently cause traffic and parking problems because historically Chartwell has failed to provide sufficient staff and visitor parking. The company has applied to build a third residence with 201 units, and 139 parking spaces, but no visitor parking spots. The relief Chartwell sought on April 10th, would add 169 cooking facilities in living units. We contend that this change has turned the retirement home into a virtual apartment building, and that it should be regarded as such.

Immediately south of Chartwell's site plan, the Daniel's Corporation is about to build four-story, stacked townhouses on land that Chartwell made available to it. Both organizations plan to access their parking facilities via Ormond Drive.

These plans are a parking and traffic tsunami in the making. Coldstream Drive, which is immediately adjacent to Ormond Drive will become the main route to and from Ritson Road. Coldstream Drive already experiences heavy traffic from drivers who take this route to avoid Taunton Road.

Of particular concern to Ormond Drive homeowners is the safety of young school age children, who regularly cross Coldstream Drive and walk north on Ormond Drive to attend Kedron Public School. Chartwell is proposing one access point to its parking facility via Ormond Drive, which is directly in the path of these young children wending their way to and from School. Seniors, people with disabilities, plus daycare parents and children must also navigate the same stretch of Ormond Drive.

Over a two-day period, a petition (see attachment) in opposition to the Chartwell plan was circulated amongst Ormond Drive homeowners. Of the 33 homes between Woodmount Drive and Coldstream Drive, 28 homes were reachable. Twenty-seven (27) homes signed the petition. One home preferred to remain neutral. That represents 96 percent opposition to Chartwell's plan. The petition has been registered with the City of Oshawa.

Ormond Drive homeowners first learned of Chartwell's plan at the Committee of Adjustment meeting on April 10, 2019. Homeowners and City of Oshawa

Councillors attempted to oppose Chartwell's application for relief, on the basis of potential parking and traffic problems. However, the Committee Chair ruled that parking and traffic concerns were outside the Committee's mandate. Subsequent to the Committee of Adjustment meeting, attempts were made to discuss neighbourhood concerns with Chartwell's representative; however, she was unreachable until quite recently.

The City of Oshawa has been aware of parking and traffic concerns on this section of Ormond Drive for many years. In fact, in connection with the 1231 Ormond Drive project, it has required Chartwell to do a parking study, which has yet to be filed. It should be noted that several years ago, the City of Oshawa reduced parking space requirement as a function of the gross floor area of buildings. We understand the City now questions that decision. Also worth noting is the fact that the section of Ormond Drive under discussion is the most heavily ticketed area in Oshawa. That notwithstanding, the City has allowed Chartwell's plan to advance to this point because it exceeds the by-laws. At the Committee of Adjustment meeting, Chartwell's representative repeatedly relied on the by-laws to defend the company's plan. But this argument is irrelevant when the issue at hand and our appeal is Chartwell's application for relief from the provisions of Zoning By-law 60-94.

However, by applying for relief from the provisions of a zoning by-law, Chartwell is arguing, in effect, that circumstances should alter cases. Furthermore, a Committee of Adjustment, *per se*, owes its existence to the same principle. The Ormond Drive homeowners acknowledge the importance of by-laws as a frame of reference; however, we too believe that circumstances alter cases. Discretion must be exercised, in the public interest—public safety being of paramount interest.

We have noted that the Committee of Adjustment is required to apply four tests in adjudicating applications for relief. We believe Application A-2019-24 fails all four tests:

The variance request was not minor. Cooking spaces (169 of 201 units) fundamentally change the nature of the proposed residence.

A-2019-24 is inappropriate for the development of the land. It would use one relatively narrow interior road to access a parking garage.

The general intent and purpose of the City's Zoning By-Law is maintained, but the circumstances on Ormond Drive do not match any general intent and purpose.

To the extent that the general intent and purpose of the Official Plan also must consider the public interest, A-2019-24 compromises public safety.

Simply stated, Chartwell's plan is not in the public interest. It makes a bad situation on Ormond Drive, even worse. For all the reasons mentioned above, the homeowners on Ormond Drive appeal the April 10th decision of the City of Oshawa Committee of Adjustment, which we believe would have a deleterious effect on the purpose and intent of the Official Plan and Zoning By-Law, as well as the proper and orderly development of the municipality.

Sincerely yours,

PP. R. Brenner .
Ormond Drive Homeowners

Notice of Received Petition

The following is a verbatim transcription of the preamble to a petition received by City Clerk Services.

The retirement building that Chartwell wants to add to its existing campus on Ormond Dr. is a source of huge concern to homeowners on Ormond Dr. Not only would a seven-story structure tower over the neighbourhood, but it would exacerbate parking and traffic problems that exist because Chartwell has done an inadequate job of addressing staff and visitor parking needs. Clearly, the 201-unit building, with only 139 parking spaces and no provisions for visitor parking, would fall well short of absorbing the current parking deficit and addressing future demands. The influx of residents, workers, visitors and service vehicles would swap Ormond Drive's capacity. Shift changes would be a traffic nightmare. And Chartwell's Committee of Adjustment application (10-April-19) to add 169 cooking spaces in living units would fundamentally alter the proposed building.

To compound the problem, this section of Ormond Dr. will soon have to absorb traffic from a new four-story condominium building. And, if that is not enough, this 320-meter stretch of Ormond Dr. between Woodmount Dr and Coldstream Dr. often resembles a drag strip. Speeding is the norm and public safety is always at risk. For all these reasons, Ormond Dr. Residents are facing a perfect storm.

By adding my name to this document of objection against the proposed retirement building, I call on Chartwell to consider the public interest, i.e. to be governed by what it should do, given the street's limited capacity, nor what it can do, based on ill-suited by-laws; to show respect for its neighbours by reverting to a five-story, 150 unit structure (including rooftop mechanicals), with no cooking spaces in living units; to develop sufficient staff and visitor parking; and to gain permissions from the Region to gain permanent access from Ritson Rd to the Chartwell complex.

34 signatures

Memo



To: Robert Bedic, Senior Planner
Development Services Department, City of Oshawa

From: Dewan Karim

Date: November 18, 2019

Subject: *Parking Study Peer Review*
Chartwell Wynfield Retirement Residences

Our File: 19-1870

Item: DS-19-231
Attachment 7

Dillon Consulting has been retained by the City of Oshawa to conduct a peer review of the *Chartwell Wynfield Phase 3 Retirement Residences, Oshawa Parking Brief* prepared by The Municipal Infrastructure Group (TMIG) and dated May 31, 2019.

The parking brief outlines the parking requirements and estimated parking demand of an addition to the Chartwell Wynfield Retirement Residences located at the southeast corner of Ritson Road North and Woodmount Drive, in the City of Oshawa. The findings of the peer review are outlined below.

Objectives of the Parking Review

To understand and review the TMIG report, we performed the following steps:

1. Review of the existing and proposed development, parking by-law, proposed parking and area context for the subject site development;
2. Review of parking demand in proxy sites similar to subject site and a comparison of parking demand;
3. Review of future parking demand including a verification of the analysis and assumptions provided in the TMIG Parking Brief (dated May 31, 2019); and,
4. Provide conclusions and recommendations from the review of parking demand.

Review of Existing and Proposed Parking Supply

We understand the following phases of the existing and proposed development have been identified:

- Phase 1: existing Long Term Care and Day Care (451 Woodmount Drive)
- Phase 2: existing Retirement Residence (431 Woodmount Drive)
- Phase 3: proposed Retirement Residence (1231 Ormond Drive)

We understand the existing phases (1 and 2) consist of 101 parking spaces on-site and an additional 35 parking spaces provided in a temporary gravel parking lot. As part of the Phase 3 development, the

temporary parking lot being used for staff and visitor parking to address on-street parking demand will be replaced by underground parking in the Phase 3 development.

Review of City parking Bylaw

Parking requirements for development within the City of Oshawa are described in Zoning By-Law 60-94. Its application to the site is described in Table 1 below.

Table 1: City of Oshawa Zoning By-Law 60-94 Site Parking Requirements

Phase	Use	Size	Rate	Spaces Required	Spaces Provided/Proposed
1	Day Care Centre	5 employees	1 per 2 employees	3	101 ¹
	Nursing Home	172 beds	1 per 4 beds	43	
2	Retirement Home	107 suites	0.38 per suite	41	
Total Existing				87	101
3	Retirement Home	201 suites	0.38 per suite	76	118
Total Future				163	219

1: With additional 35 parking spaces in the temporary gravel lot, total supply is 136 spaces under existing conditions.

The proposed total future parking exceeds the by-law requirement of 163 parking spaces and was calculated correctly in the parking brief prepared by TMIG. The total number of proposed parking spaces is 219 for all three phases.

Review of Parking Demand for Phase 3

We reviewed the proxy site data provided in the TMIG parking brief and performed an analysis to understand different users that are expected to generate parking demand in the proposed Phase 3 building. Three separate users of building have been identified: staff, building occupant and visitors. The nature of parking demand varies among these user groups and is reflected in our analysis.

Table 2 contains an analysis of the parking demand for the future Phase 3 building. The parking demand for each user group was calculated as follows:

- **Staff:** The parking brief prepared by TMIG concluded that the staffing rate for the 169 apartment style units would be the same as the demand reported by Chartwell for Phase 1 (0.38 per unit) and that 12 staff would attend the 32-memory living units for a total peak parking demand of 44 vehicles. The approach in the brief is reasonable.

- Residents:** The parking brief describes the parking demand at two other Chartwell residences in Mississauga (Heritage Glen) and London (Royalcliffe) that have similar apartment style units to what is proposed in Phase 3 of this development. The parking utilization per occupied suites at these sites is 0.23 and 0.34, respectively. This analysis uses the Mississauga Heritage Glen residence as the proxy site for resident parking demand as its land use and transportation characteristics are most similar to the Oshawa site and the London site does not have similar transportation access. Using the 0.23 rate results in a peak parking demand of 39 spaces for 169-apartment style units. As per data from the 2016 Transportation Tomorrow Survey 2016, driving mode share for trips (originating in a radius of roughly 3 km around each retirement residence) taken by people over age 75 and originating in the Mississauga proxy area is 59%, while the same metric is 73% near the Oshawa site. This is largely due to higher transit quality in the Mississauga proxy area. Therefore, there could be a slightly higher demand for resident parking at the Oshawa site. However, we have assumed that the Mississauga rate of 0.23 will apply since this rate is per occupied unit. In reality, this is conservative since occupancy was only 78% and 96% at the Mississauga and London proxy sites.
- Visitors:** The parking brief did not include an analysis of visitor parking demand. A parking ratio of 0.09 visitors per unit was calculated based on peak parking usage confirmed by Chartwell for the Phase 1 and 2 buildings and our own analysis. Page 2 of the parking brief describes a peak parking demand of 95 vehicles excluding visitors (85 staff, 3 day-care staff, and 7 residents). Therefore, it was assumed that the remaining 26 vehicles were visitors out of the 121 vehicles observed at peak during the on-site survey. A total of 26 visitors for 279 beds and units (for Phase 1 and 2) implies a visitor parking demand of 0.09 vehicles per unit or bed. This translates to a total peak parking demand of 19 vehicles for the Phase 3 addition.

Table 2: Future Phase 3 Parking Demand

User Group	Relevant Units	Demand per Unit	Peak Parking Demand
Staff	201	N/A	44
Residents	169 (excludes memory living units)	0.23	39
Visitors	201	0.09	19
Total	201	0.51	102

The total peak parking demand for the Phase 3 addition to the site is estimated to be 102 vehicles based on the analysis above.

Total Future Parking Demand

Excluding the temporary gravel lot of approximately 35 parking spaces, the existing site has a parking supply of 101 spaces and a peak parking demand of 121 vehicles. Four of those 121 vehicles were

parked on the street during the original survey and some were observed to be visiting the site. To be conservative, they are assumed to be a part of the total site parking demand.

Table 3 displays the total future site parking demand for the existing Phase 1 and 2 buildings, as well as the Phase 3 addition. As described in the parking brief, parking spaces are assumed to be shared between Phases 1, 2, and 3.

Table 3: Total Future Parking Demand

Phase	Use	Size	Parking Spaces Proposed	Peak Parking Demand	Deficiency
1	Day Care Centre	5 employees	80 (21 surface parking spaces and temporary lot of 35 spaces removed)	121	41 ¹
	Nursing Home	172 beds			
2	Retirement Home	107 suites			
3	Retirement Home	201 suites	139	102	-37
Total Future			219	223	4¹

1: Currently served by 136 spaces including the temporary parking lot. In the future, the parking proposed in Phase 3 will be shared with Phase 1 and 2 activities and will cover part of this deficiency.

As proposed, the site is expected to have a small parking deficiency of 4 spaces.

Conclusions and Recommendations

Based on the aforementioned analysis, we recommend the following to address the site parking demand:

- We recommend staggered working hours to manage staff parking demand on-site and avoid spillover to street parking.
- We recommend clear signage and directions at main entrances for visitor parking spaces that would accommodate demand for all three phases.
- No travel demand management measures were proposed for the Phase 3 development. Given that the site is located close to bus service on Ritson Road North and Conlin Road East and a quality network of pedestrian and cycling facilities south of Taunton Road that connect to Downtown Oshawa, a small portion of staff or visitors could use alternative modes of transportation. The site and development should provide information on alternative travel options to residents, staff and visitors to reduce vehicle parking demand.

- This analysis finds a small parking deficiency is largely from a lack of consideration for visitor demand in the parking brief. To accommodate future site parking demand, the following options could be considered to provide potential solutions:
 1. Add 4 more dedicated visitor parking spaces and 2 dedicated pick-up/drop-off spaces to the site if sufficient space is available.
 2. Arrange shared visitor parking solutions between visitor and staff based on site demand during peak hours.
 3. Provide small vehicle (such as motorcycle) or bicycle parking for visitor and staff.

From: [Roland Roovers](#)
To: [Robert Bedic](#)
Subject: RE: Parking Study Peer Review Proposal
Date: Wednesday, October 23, 2019 2:45:23 PM
Attachments: [image002.png](#)
[image004.png](#)
[image006.png](#)
[image008.png](#)

Thank you Robert for the opportunity.

Based on my review of the parking data, parking supply of 219 spaces is expected to be sufficient for the peak parking demand at combined Phases 1, 2 and 3.

Therefore, we will not submit a proposal for peer review for this site.

Regards,

Roland

Roland Roovers, P.Eng.
Senior Transportation Manager

GHD

Proudly employee owned

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Please consider our environment before printing this email

From: Robert Bedic <RBedic@oshawa.ca>
Sent: Wednesday, October 23, 2019 12:58 PM
To: Roland Roovers <Roland.Roovers@ghd.com>
Subject: Parking Study Peer Review Proposal

Good afternoon Roland,

The City of Oshawa is processing a site plan approval application for a new retirement home and are looking to have the parking study submitted by the applicant peer reviewed and am wondering if your firm would be interested and could provide a quote for the review. We are looking at a short turnaround for the work as we are intending to report to our Development Services Committee on this development on December 9, 2019. In terms of the requested timeline, we are looking for the following:

- Quotes to be provided by interested consultants by November 1, 2019
- Peer review completed by November 15, 2019

If you are interested, please provide a quote for the work by November 1, 2019. For your information I have attached a copy of the parking study that will be the subject of the peer review.

Please contact me if you have any questions. Thanks.



Robert Bedic, Senior Planner | City of Oshawa
905-436-3311 ext. 2401 | 1-800-667-4292
RBedic@oshawa.ca | www.oshawa.ca
"Dedicated to serving our community."



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Development Service Committee Chair Marimpietri,
Committee Members and any Councillors attending Monday's DSC meeting.

RE: Report DS-19-231 LPAT - Chartwell and Ormond Drive Community

BE CONVINCED OF THE PROBLEM

Since April 10th, I have spent countless hours analyzing Chartwell's Phase 3 site plan proposal, identifying and attempting to resolve, with City Senior Planners and more recently with Chartwell Planning Consultants, the Phase 3 problems, specifically:

1. The unsafe choke point for traffic entering and exiting the Chartwell buildings at the site laneway on Ormond Drive;
2. Deficient parking for Phase 3 staff, visitors, and residents of 169 apartment-style units with full kitchens;
3. A project scaled too large to be compatible with the location.

I have pursued this matter on behalf of my neighbours, who shovel each other's driveways, cut each other's lawns, and invite each other over for dinner.

It is fortunate that my professional background equipped me to refute key threshold issues presented by the Chartwell project during two mediation meetings arranged by Commissioner Munro Sept. 27 and Nov 25th.

The Nov. 18th Peer Review by Dillon Consulting actually validates my 7-month-long objections to Chartwell's TMIG parking studies. However, the City only made the Review available to me Mon. Dec. 2nd, after the Mon. Nov 25th mediation meeting.

THE DILLON REVIEW FORECAST RESTS ON A MISTAKE: Report DS 19-231 relies heavily on the Dillon Review to support its recommendation to you. But Dillon's parking forecast rests on one key choice that makes all the difference, i.e. Dillon Consulting's decision to use Chartwell's Mississauga property as a proxy to predict Phase 3 resident parking demand.

I have serious concerns about Dillon's choice of the Mississauga Heritage Glen Residence as the proxy site for resident parking demand.

Dillon's case for Mississauga is specious. The Review uses "land use and transportation characteristics" as proxy site decision criteria. By these measures, Dillon says Mississauga is "most similar to the Oshawa site and the London site does

not have similar transportation access." But then, Dillon undercuts its own argument by reporting that people over 75 who travel within a 3 km radius of the Mississauga proxy are less inclined to drive than those near the Oshawa site because the Mississauga proxy area has higher transit quality.

But the damning case against Dillon's use of "transportation characteristics" as a proxy site differentiator goes beyond the Peer Review's inconsistency. Research shows that public transit use is not even relevant for people over 75. According to Statistics Canada, "Relatively few seniors use public transit." To be specific, 6.8% of adults 75-84 use public transit as their main form of transportation. "Given the statistics on having a driver's licence, it is not surprising..." (StatsCan). In March 2017, State Farm Insurance surveyed intent to give up a drivers licence, by age. They discovered, "Canadian drivers are reluctant to give up the wheel once they get older..." In fact, only 22% of Adults 75-79 expect to give up their licence and a further 29% of Adults 80-84 plan to do so (State Farm). Even Chartwell's Planning Consultant (TMIG) noted in Section 5.1 of its Transportation Impact Study that "... the 2011 Transportation Tomorrow Survey (TTS) however suggests that a very low proportion of trips will be taken by transit."

The Dillon Review puts yet another stake in the heart of its Mississauga proxy decision. With respect to the applicability of using Mississauga's per unit rate of 0.23, Dillon says, "In reality, this is conservative since occupancy was only 78% [Mississauga] and 96% [London] at the Mississauga and London proxy sites."

Mississauga is highly suspect. But Dillon had another proxy site option, Chartwell's London Royalcliffe property with a resident parking rate of 0.34. Had Dillon chosen London, its parking demand forecast would be 20 parking spaces higher. And if that scenario were to materialize, it would plunge the Ormond Drive neighbourhood, into parking hell, yet again.



Temporary Dirt Parking Lot



On-street parking



School Children crossing laneway

With so much at stake and so many unknowns, more scrutiny of Mississauga and London is needed. Regrettably, the Dec. 2nd release of the Dillon review negated the opportunity to research Mississauga and London more thoroughly and to discuss the implications, before Report DS-19-231 was drafted. However, it is not too late to vet the Mississauga and London sites and still provide Oshawa Council with a recommendation in advance of the January 22, 2020 meeting.

As identified earlier, beyond the parking issue, there are other concerns with the Phase 3 site plan proposal.

FOOTPRINT VARIANCES ARE SIGNIFICANT: These are highlighted in the charts in Report DS-19-231. Note the extent of the footprint Chartwell's Phase 3 proposed project covers and how the proposed plan exceeds the Zoning By-law: on the north side by 100%; south side 76%; rear side 67%. Area residents contend that this project is too large for the neighbourhood.

CHARTWELL'S INTERIOR LANEWAY IS A CHOKEPOINT: The interior laneway is a major point of access/egress for Phase 3 residents, visitors and staff, in addition to handling the vehicle spillover from Phases 1 and 2. It will become a chokepoint for those attempting to access the Phase 3 parking garage. Vehicular traffic will increase 150% along this narrow laneway that must also accommodate service and emergency vehicles, and pedestrian traffic. To mitigate this situation Oshawa Council asked the Region to consider permanent access from Ritson Road. The Region has agreed to right-in access, subject to the City's direction. I mention this for the sake of completeness because the DS Report failed to include the Region's right-in access accommodation.

Additional variances were identified by the City several months after the April 10th Committee of Adjustment meeting and after I made my LPAT Appeal. City staff and Chartwell agreed bilaterally to bypass the Committee of Adjustment process and include the additional variances in an expanded LPAT Hearing. One of these variances is triggered because of the Zoning By-Law requirements pertain to one of the lots only; however, the proposed driveway is intended to services all the lots, i.e. Phase 1, 2 and 3.

As suggested earlier, this multi-purpose road, will become a huge chokepoint.

OSHAWA'S PARKING RATE IS BETWIXT AND BETWEEN: There is nothing in the DS Report about the parking study the City has undertaken. The results have been delayed but are anticipated in the first quarter of 2020. By the time the Chartwell

Phase 3 building is built, Oshawa's parking rate will have changed. Other municipalities like Whitby are at 0.6 rate for retirement residences.

Oshawa's is 0.38, which even Chartwell and its consultant TMIG stated in its May 2019 parking study "is considered low for this development." Whitby will soon be conducting a peer review of their own rate. Many of Whitby and Oshawa's newer retirement residences are experiencing parking issues. Chartwell is coming on board with this Phase 3 proposal just before the parking study is made public. By the time the building is up, it is reasonable to assume Oshawa will have bumped up its parking rate.

THINGS ARE NOT WHAT THEY SEEM: Report DS-19-231 implies that, since Chartwell has agreed to some minor tweaks, the Chartwell project will be providing safe access/egress, adequate parking and compatibility with the neighbourhood. Area residents dispute this claim.

AN INCONVENIENT TRUTH IS HARD TO ACCEPT: If London turns out to be a better proxy site than Mississauga, that outcome would be inconvenient. It would negate the April 10, 2019 decision by the Committee of Adjustment. It would send Chartwell back to its drafting board to create a site plan that, in the words of the City's Official Plan, would, "... ensure compatibility with the character of the surrounding neighbourhood (Section 6.6.4)."

As inconvenient as that outcome would be, the viability of the Ormond Drive neighbourhood and public safety are on the line.

So while, supporting the Committee of Adjustment decision and allowing the Respondent (Chartwell) and the Appellant (Bremner) to proceed to the LPAT Hearing might seem tactically clever and financially beneficial, it would be short-term thinking. After all, the City only truly benefits when it gets its development plan right. At the LPAT Hearing, I will have the facts on my side. The possibility exists that I will prevail, in which case this matter will end up back in the City's lap. But not in a good way. Life teaches that we can run but we can't hide.

SOME IS NOT ALL: For the sake of clarity, I am not arguing that all Phase 3 apartment residents will retain a car. I am saying that some will retain a car. Predicting "some" is the challenge. When Statistics Canada and State Farm tell us that few seniors use public transit and most drive, is it so difficult to believe that 0.34 could be the more accurate parking rate? Driving means independence, whether you are 16 or 76.

According to Chartwell's Parking Brief, these residences with full kitchens "... have been catered to younger seniors (roughly aged 75+)."

We have an opportunity to avoid the LPAT process with its inherent risks and settle this proxy matter once and for all by studying the relevance of Mississauga Heritage Glen and London Royalcliffe as proxy sites. If there is going to be consensus on a possible settlement, a motion in support of the Committee of Adjustment decision must be tabled.

THE MOST RESPECTFUL & BENEFICIAL PROCESS TO RESOLVE THE PROBLEM is for Oshawa Council to direct Development Services, regarding the Chartwell project, to ensure:

1. Improved traffic access/egress by incorporating in its plan the Region of Durham's agreement to a right-in access to Ritson Rd
2. More adequate parking, and
3. A safer site for young children walking to school, elderly Chartwell occupants, people with disabilities, and others by scaling the project down to be compatible with the neighbourhood.

Many municipalities require concessions from developers and the reconfiguration of projects along this line after considering concerns raised by their residents.

Should you wish to discuss this matter in more detail, please do not hesitate to call me.

Ron Bremner
M.F.I.P.A. Sec 14 (1)

From: Doug Robertson <Doug.Robertson@Durham.ca>
Date: December 6, 2019 at 9:00:23 AM EST
Subject: Chartwell Wynfield Phase 3 Ritson Access
To: Rosemary McConkey <RMcConkey@oshawa.ca>
Cc: ron bremner [M.F.I.P.A. Sec 14 (1)], Ramesh Jagannathan
<Ramesh.Jagannathan@Durham.ca>, Steve Mayhew
<Steve.Mayhew@Durham.ca>, Warren Munro <WMunro@oshawa.ca>, Robert Bedic
<RBedic@oshawa.ca>, Lynda Motschenbacher <Lynda.Motschenbacher@Durham.ca>

Councillor McConkey,

As requested at our meeting of December 5, 2019, this email provides a summary of the Region's assessment of the potential to provide a Ritson Road access for the Chartwell complex on Ormond Drive. This information was previously provided to City staff in October 2019, and it remains valid.

Regional staff have reviewed the studies submitted by Chartwell in support of their Phase 3 development, as well as traffic data supplied by the City and additional information provided by Mr. Bremner. Regional staff also visited the site several times throughout June, July, August and September to observe any traffic volume, parking, speeding and operations issues on Ormond Drive associated with the operation of the existing Chartwell Wynfield site.

Our findings can be summarized as follows:

- The existing and projected traffic volumes on Ormond Drive are consistent with its classification as a collector road.
- We did not observe any significant delays/queuing, even during shift change times. Chartwell's Traffic Impact Study indicates continued good traffic operations post-development.
- The speed data and our observations indicate some issues with speeding, but our observations indicate that this is generally related to through traffic on Ormond rather than Chartwell site traffic.
- There is some limited on-street parking activity associated with the existing Chartwell site that appears to be generated primarily by short-term visitors, including external (non-Chartwell) service staff. The parking is generally along the south side of Ormond Drive adjacent to the existing buildings.

As discussed at our meeting, although not ideal from a Regional road access management point of view, it is appreciated that the proposed access from Ritson Road would help to mitigate residents' concerns regarding traffic volumes/operations at Chartwell's Ormond driveway. Parking and speeding issues would not be significantly affected by the proposed access; these issues are best addressed by the City through the Site Plan Approval process and by traffic regulation, enforcement and/or traffic calming on Ormond Drive. Although the existing and projected traffic volumes are

consistent with Ormond Drive's classification as a collector road, and our findings do not indicate significant problems with the existing Chartwell site operation, we recognize that the proposed Ritson access would reduce the traffic from the expanded Chartwell site on Ormond Drive, which would help to address the residents' concerns with the proposed development.

Under the Region's Entranceway Policy, the Ritson access would not normally be allowed because suitable access is available from a lower order road (Ormond Drive). However, there is adequate space to accommodate an access as per the spacing guideline for a Type B Arterial in the Regional Official Plan (Schedule E, Table E7). As discussed at our meeting, in an effort to help the City address the residents' concerns regarding traffic volumes and operations, the Region is willing to permit a right-in access from Ritson Road to the Chartwell site because it would:

- Accommodate the major inbound traffic direction without unduly restricting outbound traffic, since most site traffic is from/to the south;
- Help to distribute site traffic better during times of peak demand and reduce the traffic using Chartwell's Ormond driveway;
- Avoid the conflicts and potential collisions on Ritson Road that would result from allowing left turns in and out of the access and outbound right turns; and
- Avoid the need for a raised median on Ritson Road (required with a right-in/right-out access), which would require significant widening and reconstruction of Ritson Road and would create a fixed obstacle collision hazard within the roadway.

We note that the developer is not currently proposing access from Ritson Road, and their current Site Plan submission does not show such an access. If the City and developer are interested in getting Regional approval for a right-in access, we will require submission of:

1. A traffic brief that provides revised site and total traffic volume projections and demonstrates that the right-in access would have significant usage;
2. A revised site plan showing how the proposed access would be incorporated into the on-site circulation; and
3. A functional design plan showing a northbound right turn auxiliary lane and entranceway design that will effectively prevent inbound left turns and all outbound movements.

All of the above have to be completed to the satisfaction of the Region before we can approve the access. All works required for the access would be 100% developer cost.

Note that since the Region has stated that the proposed development can operate acceptably without the Ritson Road access, we cannot require the developer to provide this access as a condition of Site Plan Approval. We will permit it if the City requires the developer to provide it.

Please contact me if you have any questions on the above.

Regards,

Doug Robertson, P.Eng., PTOE

Project Manager - Transportation Infrastructure

Regional Municipality of Durham, Works Department