

Via email: vwhite@oshawa.ca

May 28th, 2024

Attn: Victoria White
Principal Planner | City of Oshawa
50 Centre Street South
Oshawa, ON
L1H 3Z7

Re: Public Meeting – Bloor-Simcoe Intensification Study (File: 12-03-3568)
Comments regarding: 140 Bloor Street East, Oshawa

Dear Ms. White,

The following letter is to serve as formal correspondence related to our company's holdings at 140 Bloor Street East presented to City Staff and Council to consider during the ongoing deliberations related to the Bloor-Simcoe Intensification Study and associated with Interim Control By-law 133-2023.

Section 1.0 – 140 Bloor Street East

140 Bloor Street East is located on the north side of Bloor Street East between Merritt and Howard Streets. 140 Bloor Street East has approximately 17 metres (56 feet) of frontage and 676 square metres (7276 square feet) of lot area. Our company has owned 140 Bloor Street East since December 2007. In the time since our acquisition of 140 Bloor Street East, we have attempted to consolidate property in the surrounding area. However, we have been unsuccessful for a variety of reasons including but not limited to the surrounding owner's unwillingness to sell and redevelop or their unrealistic expectations with respect to value. In the past few years, our company has made multiple competitive offers to purchase 134 Bloor Street East, 641 Merrit Street, and 637 Merritt Street to no avail. Accordingly, our company is now left with no alternative but to redevelop 140 Bloor Street East without the consolidation of the surrounding properties.

Section 1.1 – PSC-A Zone Regulations vs IA-A Zone Regulations

140 Bloor Street East is currently zoned PSC-A (Planned Strip Commercial) in Zoning By-law 60-94. We strongly support the current uses permitted in the PSC zoning, which permits a wide variety of residential and commercial uses for this important corridor. While we acknowledge that the uses proposed in the new IA-A (Intensification Area) zone aligns strongly with the uses currently permitted by the PSC-A zone for our property, we take serious issue with four of the regulations in the new IA-A zone which, if approved, would severely restrict our ability to

redevelop 140 Bloor Street East in 2024. These regulations in the new IA-A zone regulations that our company objects to are as follows:

- minimum frontage requirement of 30 metres in proposed new Table 38(C).2
- maximum front yard setback of 6 metres in proposed new Table 38(C).2
- minimum rear yard setback of 3 metres in proposed new Table 38(C).2
- minimum interior yard setback of 3 metres in proposed new Table 38(C).2

We have been actively advancing preliminary site plan drawings following the PSC-A zoning regulations with the goal of submitting for site plan approval no later than the end of the fourth quarter in 2024. The site is currently awaiting confirmation of the last utility shut-off from Enbridge Gas, after which we intend to demolish the existing structure. Our current development scenario is for a three-storey mixed-use building with approximately 265 square metres (2,850 square feet) of commercial floor space on the main level and a total of 4 flats on the second and third floors.

Section 1.1.1 – Minimum Frontage

The current PSC-A zone regulations do not have a minimum frontage requirement as noted by Table 18.2 of Zoning By-law 60-94 as detailed below:

18.2.1 No person shall within any PSC Zone use any land or erect or use any building or structure except in compliance with the regulations as set out in Table 18.2 and this Subsection.

Table 18.2 - Regulations for PSC Zones

Zones		PSC-A and PSC-B
Minimum Interior Side Yard and Rear Yard Depth (m)	Abutting a Residential Zone	4.5
	Abutting a Commercial Zone	0.0
	Abutting a Zone Other Than Residential or Commercial	3.0
Maximum Height (m)		13.0
Maximum Density – Dwelling Units Per Hectare		85

(60-2005)

This is completely juxtaposed to the proposed minimum 30.0 metres of frontage proposed in the new IA zone category. Our company understands the need to consolidate property in a general sense. However, it is not practical in this case owing to specific circumstances of 140 Bloor Street East. Despite concerted efforts for several years, we have been unable to acquire 134 Bloor Street East, 641 Merrit Street, and 637 Merritt Street to the west. The properties to the east at 146 and 152 Bloor Street East are fully developed with a Tim Horton's and likely will not be redeveloped for a long time. Accordingly, we strongly believe that our site should be permitted to develop consistent with the regulations for PSC Zones contained in Table 18.2 shown above. Otherwise, if

the minimum 30.0m lot frontage requirement currently proposed in the IA-A zone regulation is approved, we would be forced to apply to the Committee of Adjustment to seek a variance to redevelop 140 Bloor Street E.

Section 1.1.2 – Minimum and Maximum Side and Rear Yard Depths

No maximum or minimum yard setbacks exist within the current PSC zone as shown in Table 18.2 of Zoning By-law 60-94 (see Section 1.1.1). Whereas if approved, the proposed IA-A zoning regulations would implement a minimum front yard and exterior side yard setbacks of 3.0m and a maximum front yard and exterior site yard setbacks of 6.0m along Bloor and Simcoe Streets. Consistent with our position on the proposed IA-A zoning minimum frontage detailed in Section 1.1.1, our company requests the current PSC zone regulations requiring no maximum or minimum front, side and rear yard setbacks be upheld for 140 Bloor Street E.

The regulations in the PSC zone have been in effect since 1994. Although our company purchased this site in 2007, the property only recently became available for redevelopment. We had always intended a mixed-use building on the property, similar to what we constructed at 848 Simcoe Street South with ground floor commercial and residential flats above as shown below:



With respect to the minimum rear yard and interior side yard setbacks of 3.0m currently proposed in the IA-A zone regulations, these two setbacks would have serious land use implications for our property. If approved, these setbacks would ultimately result in an undevelopable site and would force us to the Committee of Adjustment to seek applicable variances for redevelopment. Consistent with our position regarding the minimum frontage and maximum front yard setback, our company supports the regulations in the current PSC-A zone which, while still challenging, will allow for the redevelopment of the site.

Section 1.1.3 – Cumulative effect of proposed IA-A zone regulations

The cumulative effect of the minimum frontage, the maximum front yard setback, minimum exterior side yard setbacks and the minimum rear yard setback requirements as proposed in the IA-A zone regulations will render our site as undevelopable without the amalgamation of the surrounding properties. Given the soaring land prices in the GTA and the looming housing crisis, we are confident that Council did not intend to limit the developability of land along the Bloor Street Corridor. However, if Council approves the currently proposed IA zoning regulations, they will ultimately limit development along the Bloor Street Corridor for years to come.

Section 2.0 – Supportive Planning Context

Our company feels very strongly that 140 Bloor Street E should be developed with a mixed-use concept as permitted by the PSC zone regulations. Section 2.0 outlines specific policies from the City of Oshawa's Official Plan, Region of Durham's Official Plan and the Provincial Policy Statement that support our rationale.

Section 2.1 – City of Oshawa Official Plan Context

Developing the lands at 140 Bloor Street East with a mixed-use building consisting of approximately 265 square metres (2,850 square feet) of commercial floor space on the main level and a total of 4 flats on the second and third floors is supported by the following policies of the City of Oshawa Official Plan (with emphasis added by myself in bold):

Policy 2.1.5.3 – Regional Corridors shall be planned and developed as **mixed-use areas** in accordance with the principles outlined in Policy 2.1.6.2 of this Plan and the relevant policies of the underlying land use designation(s), with the objectives of achieving higher density, intensive and compact built form and complementary mixed uses. Development within Regional Corridors shall facilitate and complement higher order transit services, walking and cycling with an emphasis on pedestrian-oriented design that is focused upon and reinforces the public realm.

Policy 7.2.13 – The City shall **encourage and promote the development** of the Southeast Oshawa Area as a **mixed-use area** in accordance with this Plan and City Council's approved land use concept.

Redeveloping 140 Bloor Street East consistent with the existing PSC zone regulations aligns with the goals and objectives of and conforms to the Oshawa Official Plan.

Section 2.2 – Durham Regional Official Plan Context

Developing the lands at 140 Bloor Street East with a mixed-use building consisting of approximately 265 square metres (2,850 square feet) of commercial floor space on the main level

and a total of 4 flats on the second and third floors is supported by the following policies of the Durham Regional Official Plan (with emphasis added by myself in bold):

Policy 1.1.1 The basis of this Plan is:

b) over time, the density of Urban Areas will continue to increase:

Policy 3.3.8 To achieve greater diversification of the Region's economic base, Regional Council shall in cooperation with area municipal Councils:

c) support and promote the rejuvenation, redevelopment and renewal of Urban Growth Centres, Regional Centres and **Corridors**, regeneration areas and brownfield sites;

Policy 3.3.8 To achieve greater diversification of the Region's economic base, Regional Council shall in cooperation with area municipal Councils:

e) ensure the provision of housing with **a variety of types, sizes and tenure** in Urban Areas, to meet the needs of a diversified labour force;

Policy 4.2 Policies that will enable a wide **variety of housing by type, size and tenure** in Urban Areas shall be contained within area municipal official plans.

Policies 4.3.2 a) and c) Regional Council shall support opportunities to **increase the supply of housing** in Urban Areas through intensification, taking into account the adequacy of municipal services and the physical potential of the housing stock. Housing intensification shall include, but not be limited to, the following:

a) the **conversion of single detached dwellings** into multiple residential units

c) the creation of new residential units on vacant or **underdeveloped lands** through infilling in Urban Areas

Policy 4.3.9 In the preparation of area municipal official plans, Councils of the area municipalities shall ensure the inclusion of policies and designations to implement the intent of the Plan and the provisions of this Section and the following:

a) policies and implementation procedures required to meet the objectives of the PPS and this Plan, particularly with respect to **housing types, density, intensification and affordability**;

b) policies for **higher density, mixed use development** in Regional and locals Centres and **Corridors**;

Policy 11.3.19 In support of existing and future transit services, development adjacent to a Transportation Hub, Commuter Station, Rapid Transit Spine and the High Frequency Transit Network designated on Schedule 'C' – Map 'C3', Transit Priority Network, shall provide for:

a) complementary higher density and **mixed uses** at an appropriate scale

Redeveloping 140 Bloor Street East consistent with the existing PSC zone regulations aligns with the goals and objectives of and conforms to the Durham Regional Official Plan.

Section 2.3 – Provincial Policy Statement Context

The PPS works with other Provincial Plans, Regional Plans and Municipal planning documents to advance matters of a Provincial interest. Together they support the government's goals with respect to:

- increasing housing
- supporting jobs
- reducing red tape

Redeveloping 140 Bloor Street East consistent with the existing PSC zone regulations aligns with the following PPS policies, but are not limited to only these (with emphasis added by myself in bold):

1.1.1 Healthy, liveable and safe communities are sustained by:

a) promoting **efficient** development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;

e) promoting the integration of land use planning, growth management, **transit-supportive development, intensification** and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing cost;

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

f) are **transit-supportive**, where transit is planned, **exists** or may be developed.

It is important to note that the above list is not meant to be exhaustive but in the interest of time and reducing unnecessary duplication I have only listed a few of the many policies that would

support our position. Nevertheless, by developing 140 Bloor Street East with a mixed-use building consisting of approximately 265 square metres (2,850 square feet) of commercial floor space on the main level and a total of 4 flats on the second and third floors is consistent with the goals and objectives of and conforms to the Provincial Policy Statement.

Section 3.0 – Master Block Concept Plans

It is noted that Recommendation 2 of Report ED-24-44 recommends that Council direct staff to prepare two Master Block Concept Plans, one of which will include our lands at 140 Bloor Street East. Given our position with respect to the existing PSC-A zone regulations and our imminent site plan approval submission, it would be appropriate for Council to direct staff to ensure that the Master Block Concept Plans presented to Council aligns with our intentions for the redevelopment of 140 Bloor Street East.

Section 4.0 – Conclusion related to zone regulations for 140 Bloor Street East

As outlined in Section 1.1, the request to retain the existing PSC-A zone regulations for 140 Bloor Street East is appropriate and will facilitate the redevelopment of the site in the near future. However, if the proposed IA-A zone regulations are approved and implemented, these zoning change would render our property undevelopable, ultimately forcing our company to seek multiple variances at the Committee of Adjustment for any type of redevelopment application. Therefore, it would be inappropriate for Council to advance amendments to the zoning by-law as proposed by Report ED-24-44 as it will serve to frustrate the development of the 140 Bloor Street East site for the foreseeable future.

Section 5.0 – Recommendations to Council

On balance, our company agrees with the general intent of the Bloor-Simcoe Intensification Study and associated Interim Control Bylaw 133-2023 as it relates to the list of permitted uses which align strongly with the current PSC-A zone category. However, we have serious concerns with respect to proposed IA-A zone regulations referenced in Section 1.1 of this letter as well as the requirement for a City led Master Block Concept Plans process and request that Council direct Staff as follows:

1. Notwithstanding the Bloor-Simcoe Intensification Study and associated Interim Control By-law 133-2023, the lands known as 140 Bloor Street East will be subject to the relevant provisions of Article 18.2 of Zoning Bylaw 60-94.
2. That Council direct staff to ensure that the Staff developed Master Block Concept Plans presented to Council for consideration aligns with our development proposal for 140 Bloor Street East.

Should you have any further questions regarding this matter, please do not hesitate to contact the undersigned.

Sincerely,

A handwritten signature in black ink that reads "Max Lysyk". The signature is written in a cursive, flowing style.

Max Lysyk, P.Eng.

Development Manager – Lysyk Group

Cc: *Legislative Services (Clerks), City of Oshawa*
Anthony Ambra, City of Oshawa
Tom Goodeve, City of Oshawa
Tracey Adams, City of Oshawa
Mayor Dan Carter, City of Oshawa
City of Oshawa Council