

To: Development Services Committee

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

Report Number: DS-21-150

Date of Report: September 8, 2021

Date of Meeting: September 13, 2021

Subject: Application to Amend Zoning By-law 60-94, Post Office LP (Atria Development), 47 Simcoe Street South, and Associated Proposal Regarding the City-owned Parking Lot (Lot 16) Located Directly East of 47 Simcoe Street South, on the South Side of Athol Street East Between Celina Street and Albert Street

File: Z-2021-05

1.0 Purpose

The purpose of this Report is to provide background information for the Planning Act public meeting on the application submitted by WND Associates Limited on behalf of Post Office LP (Atria Development) (the “Applicant”) to amend Zoning By-law 60-94, to permit a new 8-storey, 143-unit apartment building at 47 Simcoe Street South (the “Subject Site”). The existing building on the property (former Oshawa Federal Building and Post Office) is intended to be incorporated as the two-storey base of the proposed building.

The Applicant also proposes to develop the City-owned public parking lot (“Parking Lot 16”) located directly east of the Subject Site, on the south side of Athol Street East between Celina Street and Albert Street, to provide off-site parking for the proposed apartment building. The proposed development of Parking Lot 16 by the Applicant could potentially involve the construction of a decked parking structure on the site of Parking Lot 16.

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

Attachment 1 is a map showing the location of the Subject Site and Parking Lot 16, together with the existing zoning in the area.

Attachment 2 is a copy of the proposed site plan submitted by the Applicant for 47 Simcoe Street South.

Attachment 3 is a copy of Closed Correspondence DS-21-21 dated January 22, 2021 containing a request by the Applicant for the use of Parking Lot 16.

Attachment 4 is a copy of an email dated August 23, 2021 from the Applicant clarifying that acquisition of Parking Lot 16 is their preferred option (including, if necessary, construction of a decked parking structure to provide public parking).

A notice advertising the public meeting was mailed to all assessed property owners within 120 metres (400 ft.) of the Subject Site and Parking Lot 16 and to all required public bodies. In addition, a notice was published in the Oshawa This Week newspaper and signs giving notice of the application have been posted on the Subject Site. The notice was also posted on the City's website and communicated through its Corporate Twitter and Facebook social media accounts.

Given the current COVID-19 pandemic and pursuant to the direction of Public Health Ontario, members of the public were invited to submit correspondence concerning this matter as in-person delegations are not possible at this time. Electronic delegations will be permitted provided delegates registered their intent to participate by 4:30 p.m. on September 8, 2021.

2.0 Recommendation

That, pursuant to Report DS-21-150 dated September 8, 2021, the application submitted by WND Associates Limited on behalf of Post Office LP (Atria Development) to amend Zoning By-law 60-94 (File Z-2021-05) to permit a new 8-storey, 143-unit apartment building at 47 Simcoe Street South, and the associated proposal to develop Parking Lot 16 of the Oshawa Municipal Parking System to provide off-site parking for the proposed apartment building, be referred back to the Development Services Department for further review and the preparation of a subsequent report and recommendation. This referral does not constitute or imply any form or degree of approval.

3.0 Executive Summary

Not applicable.

4.0 Input from Other Sources

4.1 Other Departments and Agencies

The subject application has been circulated for comment and the identification of issues to a number of departments and agencies. These comments and issues will be considered and reported on, as appropriate, in a subsequent staff report which will provide a recommendation on the application.

5.0 Analysis

5.1 Background

The Subject Site generally occupies both the southeast corner of Simcoe Street South and Athol Street East and the southwest corner of Celina Street and Athol Street East, and is municipally known as 47 Simcoe Street South (see Attachment 1). The Subject Site has frontage on each of Simcoe Street South, Athol Street East and Celina Street.

The Subject Site is currently occupied by the former Oshawa Federal Building and Post Office building and is identified as a Class A property on the Inventory of City of Oshawa Heritage Properties (the “Inventory”). The Inventory identifies properties of cultural heritage value or interest within the City of Oshawa. Class A properties are properties that have been evaluated by Heritage Oshawa and are determined to have the highest potential for designation. The former Oshawa Federal Building and Post Office building is intended to be incorporated as the two-storey base of the proposed apartment building.

In association with the proposed rezoning of the Subject Site, the Applicant proposes to develop Parking Lot 16 of the Oshawa Municipal Parking System to provide off-site parking for the proposed apartment building. Parking Lot 16 generally occupies both the southeast corner of Celina Street and Athol Street East and the southwest corner of Albert Street and Athol Street East. Parking Lot 16 has frontage on each of Celina Street, Athol Street East and Albert Street, and is situated directly east of the Subject Site. The Applicant has recently expressed a preference to acquire rather than lease Parking Lot 16 from the City. If necessary, the Applicant has advised City staff that the existing surface public parking would be replaced on-site by constructing a decked parking structure.

The following tables provide background information concerning the subject application as it relates to both the Subject Site and Parking Lot 16:

Subject Site: 47 Simcoe Street South

Item	Existing	Requested/Proposed
Oshawa Official Plan Designation	Downtown Oshawa Urban Growth Centre (within the Downtown Main Central Area)	No change
Zoning By-law 60-94	CBD-A (Central Business District)	An appropriate CBD-A (Central Business District) Zone to implement the proposed development with site specific conditions to permit certain performance standards such as, but not limited to, increased building height, reduced (zero) on-site parking spaces, reduced building setbacks to street lines above 12m in height, and to permit residential units on the first floor which are not behind non-residential uses.

Item	Existing	Requested/Proposed
Use	Vacant former Oshawa Federal Building and Post Office	An 8-storey building containing 143 apartment units. The existing building is intended to be incorporated as the two-storey base of the proposed building.

Parking Lot 16 (south side of Athol Street between Celina and Albert Streets)

Item	Existing	Requested/Proposed
Oshawa Official Plan Designation	Downtown Oshawa Urban Growth Centre (within the Downtown Main Central Area)	No change
Zoning By-law 60-94	CBD-B.T25 (Central Business District)	No change. Parking lots and parking garages (both public and private) are permitted.
Use	City-owned paved surface parking lot containing 106 parking spaces for paid parking	<p>Development of Parking Lot 16 in order to provide a site in proximity to 47 Simcoe Street South where all of the parking proposed in association with the development of 47 Simcoe Street South (128 spaces in total) can be accommodated.</p> <p>City staff note that the future of the existing 106 public paid parking spaces at Parking Lot 16 will need to be assessed. Potential options include, but are not limited to, the following:</p> <ol style="list-style-type: none"> 1. Maintain status quo, retain ownership of Parking Lot 16 and refuse the Applicant's request, including the use of any component of the Oshawa Municipal Parking System (this would effectively preclude the Applicant's ability to provide off-site parking other than through an arrangement with a private third party, which would also require zoning approval by the City for the Subject Site to have no parking on-site). 2. Lease the required parking spaces to the Applicant through the re-allocation of public paid parking spaces at a variety of facilities in the Oshawa Municipal Parking System located in proximity to the Subject Site, which may or may not include spaces at Parking Lot 16.

Item	Existing	Requested/Proposed
		<p>3. Declare Parking Lot 16 as surplus to municipal needs in the event it is demonstrated that the Oshawa Municipal Parking System has a surplus of parking spaces in the vicinity of Parking Lot 16, and sell Parking Lot 16 to the Applicant (resulting in the loss of 106 public paid parking spaces).</p> <p>4. Declare Parking Lot 16 as surplus to municipal needs and sell the site to the Applicant, with the proviso that some or all of the supply of 106 public paid parking spaces continue to be provided on-site and leased back to the City for municipal public paid parking purposes. Note: This would necessitate the construction of a decked parking structure, as noted below.</p> <p>5. Declare Parking Lot 16 as surplus to municipal needs and sell the site to the Applicant, with the proviso that some or all of the supply of 106 public paid parking spaces continue to be provided on-site as a privately owned and operated public paid parking lot, for a minimum specified period of time. Note: This would necessitate the construction of a decked parking structure, as noted below.</p> <p>6. The City retains ownership of Parking Lot 16 and authorizes the Applicant to construct a parking deck on behalf of the City and the Applicant owns the portion of parking garage above the surface level or leases on a long term basis the appropriate number of parking spaces in the new deck for the residents at 47 Simcoe Street South.</p> <p>Given that the current configuration of Parking Lot 16 is optimal and maximizes the amount of surface parking that can be provided on-site (i.e. 106 parking spaces), accommodating the 128 spaces proposed by the Applicant to serve the residents for the proposed apartment building at 47 Simcoe Street South would necessitate the construction of a</p>

Item	Existing	Requested/Proposed
		decked parking structure if all 128 spaces were to be provided at the Parking Lot 16 site. A decked parking structure would also be required if any amount of public paid parking at Parking Lot 16 is intended to continue to be provided on-site, together with 128 parking spaces for the residents of the proposed apartment building.

The following land uses are adjacent to the Subject Site:

- **North** Athol Street East, beyond which is a three-storey mixed-use building with a restaurant on the ground floor (Legend of Fazio’s) and apartments above and a two-storey retail store
- **South** A two-and-a-half-storey commercial building (Lord Simcoe Place)
- **East** Celina Street, beyond which is Parking Lot 16
- **West** Simcoe Street South, beyond which is a vacant commercial building and Simcoe Street United Church

The following land uses are adjacent to Parking Lot 16:

- **North** Athol Street East, beyond which are two (2) two-storey mixed-use buildings, [one having a retail store on the ground floor with apartments above and one having a restaurant on the ground floor (Jimmy Guaco’s) with apartments above], and a seven-storey apartment building
- **South** A privately owned surface parking lot fronting onto Albert Street and a two-and-a-half storey apartment building fronting onto Celina Street
- **East** Albert Street, beyond which is a five-storey office building and the Tribute Communities Centre
- **West** Celina Street, beyond which is the Subject Site (former Oshawa Federal Building and Post Office) and a two-and-a-half storey commercial building (Lord Simcoe Place)

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

Site Statistics Item	Measurement
Lot Frontage	Simcoe Street South – 47.21m (154.88 ft.) Athol Street East – 70.64m (231.76 ft.) Celina Street – 47.29m (155.15 ft.)
Gross Lot Area (inclusive of road widenings)	0.33 ha (0.82 ac.)

Site Statistics Item	Measurement
Net Lot Area (exclusive of road widenings)	0.31 ha (0.77 ac.)
Number of Proposed Apartment Units	143 units: - 14 bachelor units - 55 one-bedroom units - 65 two-bedroom units - 9 three-bedroom units
Maximum Net Residential Density Permitted	550 units per hectare (223 u/ac.)
Proposed Net Residential Density	460 units per hectare (186 u/ac.)
Permitted Maximum Building Height	12.0m (39.4 ft.)
Proposed Maximum Building Height	32.0m (105.0 ft.) (8 storeys)
Proposed Floor Space Index (gross)	3.2
Parking Spaces Required	143 spaces (1.0 space per unit for residents)
On-site Parking Spaces Proposed	0 spaces
Off-site Parking Spaces Proposed	128
Number of Bicycle Parking Stalls Proposed	151

The following provides key details and site characteristics for Parking Lot 16:

Item	Details
Legal Description	Parts 1 to 9 on Registered Plan 40R-4161
Lot Area	Approximately 3,642 square metres (39,203 sq. ft.)
Lot Frontage	Celina Street – ±61m (±200.13 ft.) Athol Street East – 58.16m (190.81 ft.) Albert Street – ±61m (±200.13 ft.)
Available Public Paid Parking Spaces	106
Peak Utilization Capacity (source: Final Report for the City of Oshawa Parking Study, dated January 22, 2021; calculations completed 2018)	11:30 a.m. to 1:30 p.m. – 86% Special Events (8:00 p.m. to 9:00 p.m.) – 96%
Monthly Permit Cost	\$73.00
Average Annual Parking Revenue Note: the 2020 values are significantly lower, owing, in part, to the parking payment holiday instituted in response to the COVID-19 pandemic.	2016: \$894,421.99 2017: \$919,424.42 2018: \$884,431.61 2019: \$824,330.05 2020: \$217,455.78

5.2 Oshawa Official Plan

The Subject Site is designated as Downtown Oshawa Urban Growth Centre within the Downtown Main Central Area in the Oshawa Official Plan (“O.O.P.”).

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

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

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

The O.O.P. contains policies which establish various density types and provide general locational criteria for such densities. The proposed residential development at 47 Simcoe Street South would have a net residential density of approximately 460 units per hectare (186 u/ac.) which is classified as the High Density II Residential density type. The locational criteria for High Density II Residential development will be reviewed to assist in the analysis of the proposal.

Table 2, Residential Density Classification, in the O.O.P. is a guideline that indicates that uses in the High Density II Residential category, which generally permits 150 to 550 units per hectare (60 to 223 u/ac.) within the Downtown Oshawa Urban Growth Centre, are subject to the following general locational criteria:

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

Simcoe Street South is designated as a Type ‘B’ Arterial Road on Schedule “B”, Road Network of the O.O.P., and as a Regional Transit Spine on Schedule “B-1”, Transit Priority Network, of the O.O.P.

Both Celina Street and Albert Street are designated as Type 'C' Arterial Roads on Schedule "B", Road Network, of the O.O.P. Athol Street East is classified as a local road.

The policies and provisions of the O.O.P. will be considered during the further processing of the subject application.

5.3 Zoning By-law 60-94

The Subject Site is currently zoned CBD-A (Central Business District) which permits a variety of residential and commercial uses, including, but not limited to, apartment building, flat, hotel, office, personal service establishment, restaurant, retail store and retirement home. The use proposed by the Applicant is permitted in the CBD-A Zone but does not comply with certain regulations dealing with matters such as, but not limited to, maximum building height, on-site parking spaces, minimum building setbacks to street lines above 12 metres (39.4 ft.) in height, and the location of residential units on the first floor.

The Applicant has submitted an application to amend Zoning By-law 60-94 to rezone the Subject Site from a generic CBD-A Zone to a CBD-A Zone subject to a special condition to permit the proposed 8-storey apartment building with a 6-storey addition built on the top of the two-storey podium. In order to implement the proposed building/site design, special regulations are proposed related to maximum building height, on-site parking spaces, minimum building setbacks to street lines above 12 metres (39.4 ft.) in height, and the location of residential units on the first floor.

The subject application will be reviewed against the provisions of Zoning By-law 60-94 during the further processing of the application.

5.4 Parking

The Applicant has advised that due to structural elements of the existing building on the Subject Site that is proposed to be retained, it is not possible to construct underground parking on-site for the proposed development. In addition, the footprint of the existing building covers almost the entire Subject Site (see Attachment 2), significantly limiting the ability to provide any on-site parking for the development. Consequently, no on-site parking is proposed by the Applicant for the subject development.

5.4.1 Request to Use Parking Lot 16

Through a letter dated January 22, 2021, the Applicant submitted a request to the City to consider an off-site option for providing parking for the proposed development. The off-site location proposed was Parking Lot 16, a City-owned parking lot situated on the south side of Athol Street East between Celina Street and Albert Street, directly east of the Subject Site. On February 8, 2021, the Development Services Committee considered Closed Correspondence DS-21-21 (see Attachment 3) containing the Applicant's request, and passed the following motion:

"That Correspondence DS-21-21 dated January 22, 2021 concerning a request by Atria Development for use of the municipal parking lot on Athol Street be referred to staff for a report."

The Transportation Impact Study submitted by WSP in support of the subject application determined that three municipal parking lots in the vicinity of the Subject Site could accommodate the estimated parking required to support the proposed development, specifically:

- Parkade 1 at the southeast corner of Bond Street West and Centre Street North (adjacent to the former bus terminal at 47 Bond Street West);
- Parkade 3 located on the east side of Mary Street North, between King Street East and Bond Street East (the Mary Street Parking Garage); and,
- Parking Lot 16 on the south side of Athol Street East between Celina Street and Albert Street.

However, by letter dated August 9, 2021, WSP subsequently clarified that the use of Parking Lot 16 as the only parking facility to support the proposed development should be pursued as the preferred option.

On August 23, 2021, the Applicant confirmed that the preferred option is to acquire Parking Lot 16 to provide off-site parking for the proposed development on the Subject Site and if necessary, construct a decked parking structure to provide public parking.

5.4.2 Proposed Use of Parking Lot 16

In considering the Applicant's request to use Parking Lot 16 to provide off-site parking for the proposed apartment building on the Subject Site, staff have identified a number of potential options to explore as part of the further processing of the application.

These options, which are identified above in Section 5.1 of this Report, will need to be assessed in consideration of the existing capacity of the Oshawa Municipal Parking System in the vicinity of Parking Lot 16.

5.5 Site Design/Land Use Considerations

The Applicant proposes to develop a new 8-storey, 143-unit apartment building on the Subject Site (see Attachment 2). The existing 2-storey building will be incorporated to form the base of the proposed building. An outdoor loading area is proposed at the southeast corner of the Subject Site, with access from Celina Street.

In support of the proposed site design/development, the Applicant has submitted a variety of plans and documents including a site plan, floor plans, building elevations, planning justification report, shadow study, grading plan, servicing plan, stormwater management report, landscape plan, transportation and parking study, heritage impact assessment, geotechnical and hydrogeological investigation, and environmental site assessments.

Detailed design matters will be reviewed during the further processing of the application to ensure compliance with the City's Landscaping Design Policies, engineering standards and other policies. This Department will conclude its position on the site design after it has

received and assessed comments from the circulated departments, agencies and the public.

Some of the specific matters this Department will be reviewing during the further processing of the subject application include:

- (a) The appropriateness of the proposed zoning regulations;
- (b) The appropriateness of the proposed parking rate and the proposed arrangements with the City for the use of Parking Lot 16;
- (c) Site/building design matters including loading, building architecture, building setbacks, waste collection, fire access and landscaping;
- (d) The impacts of proposed building shadows;
- (e) Noise attenuation;
- (f) Servicing and stormwater management matters;
- (g) Heritage matters;
- (h) The environmental condition of the Subject Site and requirement for a Record of Site Condition to be filed with the Ministry of the Environment, Conservation and Parks; and,
- (i) Crime Prevention Through Environmental Design issues.

6.0 Financial Implications

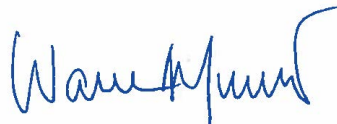
There are no financial implications associated with the recommendation in this Report.

7.0 Relationship to the Oshawa Strategic Plan

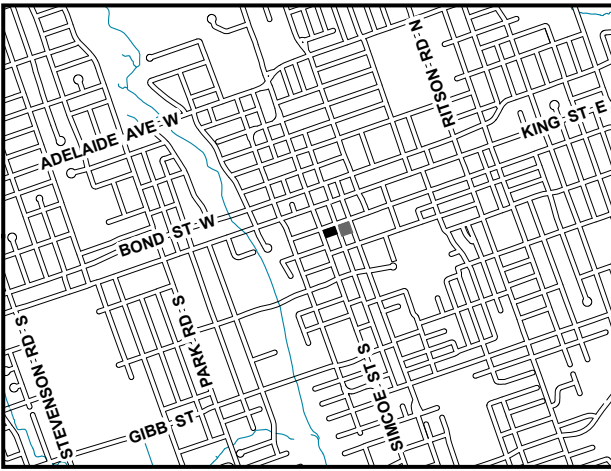
Holding a public meeting on the development application advances the Accountable Leadership Goal of the Oshawa Strategic Plan.



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



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





Item: DS-21-150
Attachment 1

Development Services Department

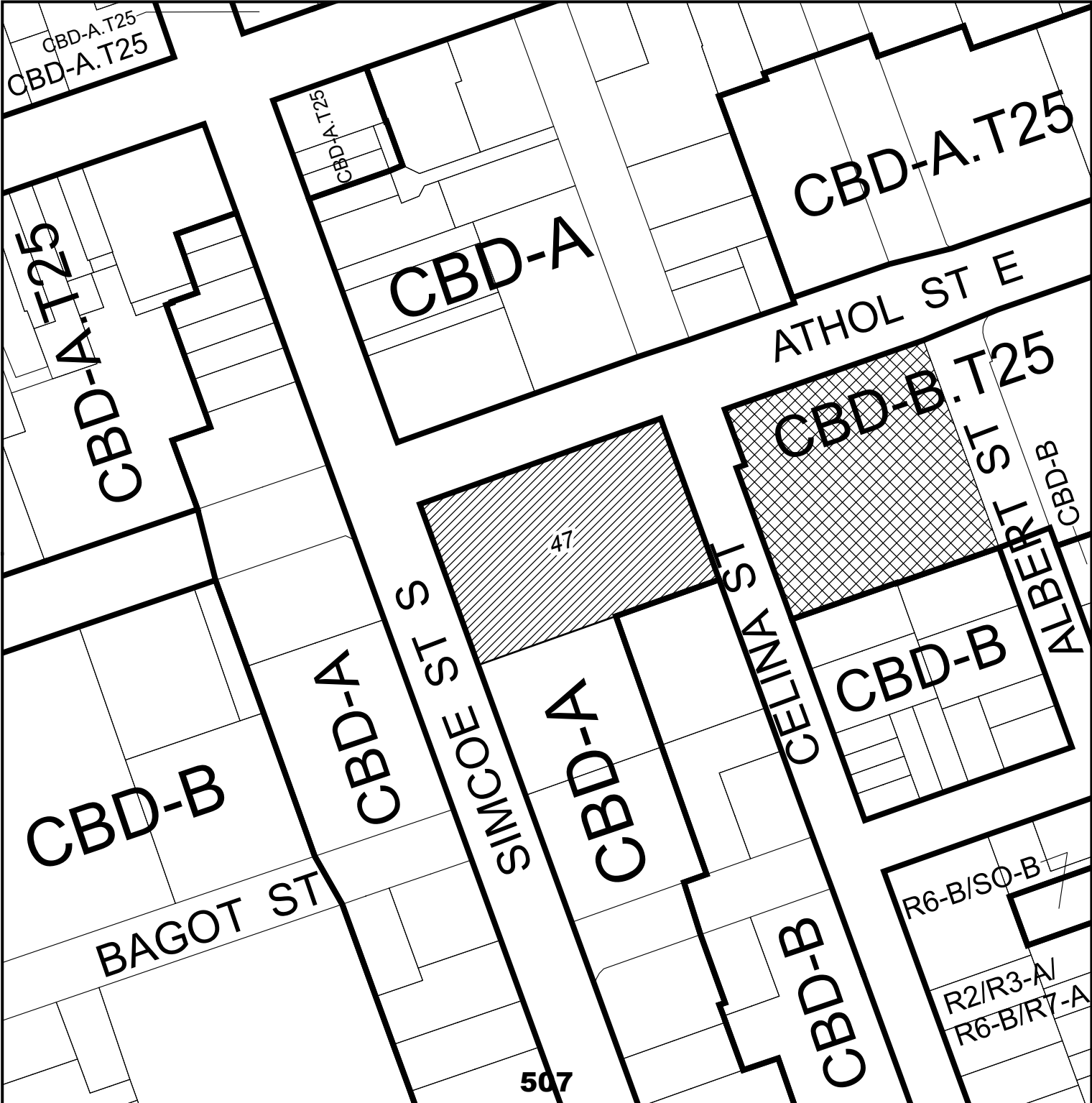
Subject: Application to Amend Zoning By-law 60-94, Post Office LP (Atria Development), 47 Simcoe Street South, and Associated Proposal Regarding the City-owned Parking Lot (Lot 16) Located Directly East of 47 Simcoe Street South, on the South Side of Athol Street East Between Celina Street and Albert Street

Address: 47 Simcoe Street South and Lot 16

File: Z-2021-05

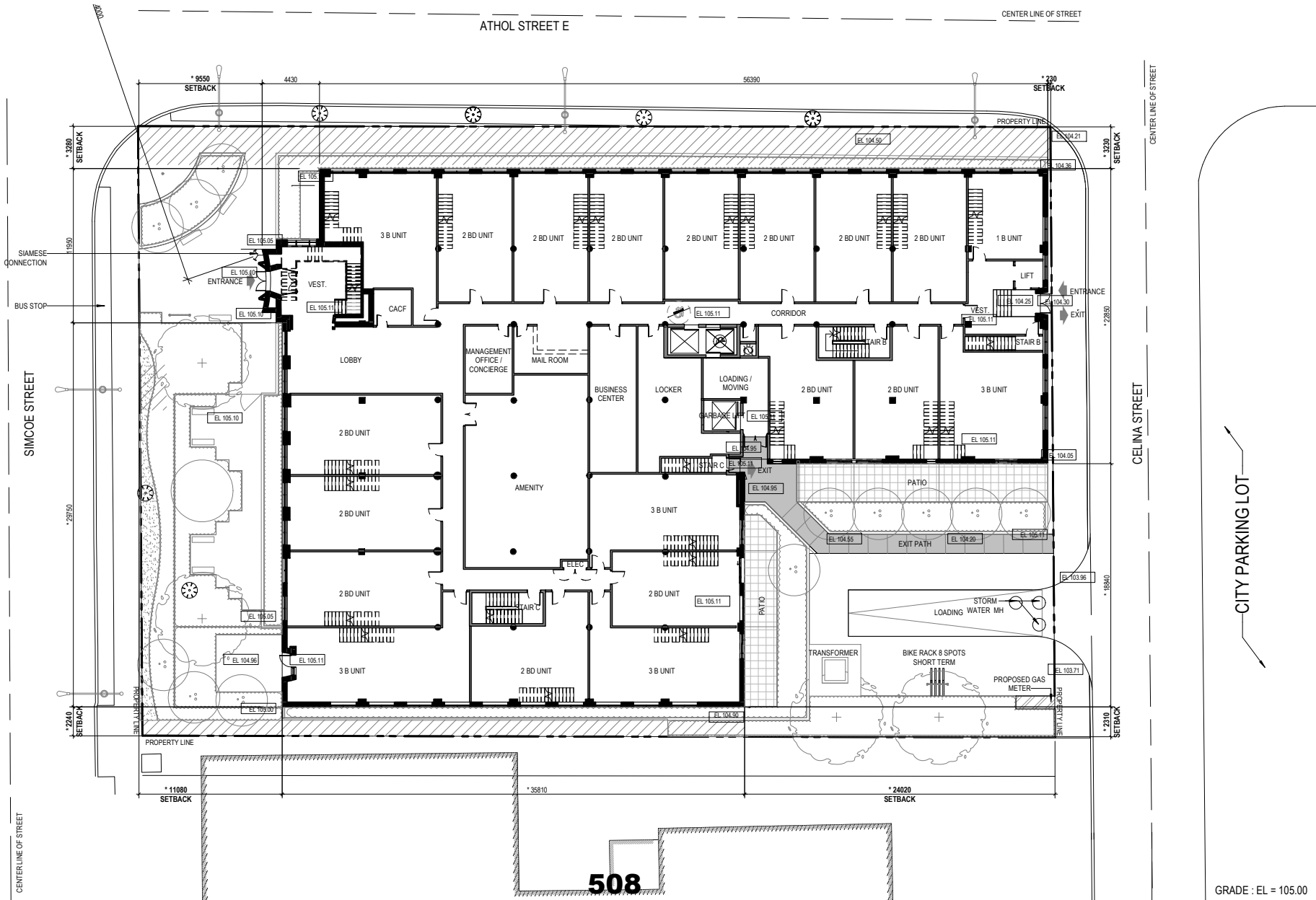
City-owned Parking Lot (Lot 16) 
Subject Site 

N



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Title: Proposed Site Plan Submitted by the Applicant for 47 Simcoe Street South
 Subject: Application to Amend Zoning By-law 60-94, Post Office LP (Atria Development), 47 Simcoe Street South, and Associated Proposal Regarding the City-owned Parking Lot (Lot 16) Located Directly East of 47 Simcoe Street South, on the South Side of Athol Street East Between Celina Street and Albert Street
 Address: 47 Simcoe Street South
 File: Z-2021-05



GRADE : EL = 105.00

Victoria White

From: Shane Kennedy <shane.kennedy@atria.ca>
Sent: Monday, August 23, 2021 1:51 PM
To: Victoria White; Dave Pearce
Subject: RE: 47 Simcoe Street South - Atria

Good afternoon Victoria,

Please accept this email as written confirmation that it is Atria's preference to acquire the Parking Lot through an outright purchase.

Although we had listed a number of options in our letter earlier this year, our initial discussions with our lending partners has confirmed that outright ownership is highly preferred in order to secure financing for the development, as this is the industry norm for condominium developments.

Regards,

Shane



Shane Kennedy | Director of Development
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atriadevelopment.ca

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From: Victoria White [mailto:VWhite@oshawa.ca]
Sent: Monday, August 23, 2021 1:32 PM
To: Shane Kennedy ; Dave Pearce
Subject: 47 Simcoe Street South - Atria

Good afternoon Shane and Dave,

I hope this email finds you well.

As discussed in our meeting on August 11th, WSP provided a professional opinion letter clarifying that the use of the City-owned parking lot located at the southeast corner of Celina Street and Athol Street West (the "Parking Lot") is the preferred option to provide parking for the proposed development at 47 Simcoe Street South (the "Site"). At this meeting we also discussed the potential options of Atria either acquiring or leasing the Parking Lot.

Please note that staff are preparing a report to Committee and Council concerning the proposed development at the Site and would like to confirm if Atria's request is to either acquire or lease the Parking Lot. Accordingly, it is requested that you respond to this email to confirm, in writing, if it is Atria's preference to either acquire or lease the Parking Lot from the City to address the parking issued for the proposed development at 47 Simcoe Street South.

Please let me know if you have any questions.

Thank you,



Victoria White, Planner B | City of Oshawa
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