



Planning Act Public Meeting Report

To: Development Services Committee

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

Report Number: DS-22-73

Date of Report: April 6, 2022

Date of Meeting: April 11, 2022

Subject: Applications to Amend the Oshawa Official Plan and Zoning
By-law 60-94, Joel Gerber on behalf of TT7 Inc., 70 King Street
East

Ward: Ward 4

File: OPA-2022-01, Z-2022-01

1.0 Purpose

The purpose of this Report is to provide background information for the Planning Act public meeting on the applications submitted by Joel Gerber on behalf of TT7 Inc. (the "Applicant") to amend the Oshawa Official Plan ("O.O.P.") and Zoning By-law 60-94 to permit a new 21-storey, 114-unit rental apartment building at 70 King Street East (the "Subject Site"). The existing 6-storey mixed-use commercial/residential building (former Genosha Hotel) will be retained.

The Applicant also proposes to fund the construction of two additional floors on the existing 7-level City-owned parking garage ("Parkade 3") located directly east of the Subject Site, at the northeast corner of King Street East and Mary Street North, to provide dedicated off-site parking consisting of approximately 200 spaces for both the proposed apartment building and the existing mixed-use building (former Genosha Hotel).

Attachment 1 is a map showing the location of the Subject Site, Parkade 3 and the existing zoning in the area.

Attachment 2 is a copy of the proposed site plan submitted by the Applicant.

Attachment 3 is a copy of the proposed east building elevation plan submitted by the Applicant and showing a proposed pedestrian bridge located on the fifth floor to connect with Parkade 3.

Attachment 4 is a list of uses permitted in the CBD (Central Business District) Zone.

A notice advertising the public meeting was mailed to all assessed property owners within 120 metres (400 ft.) of the Subject Site and Parkade 3 and to all required public bodies. In addition, a notice was published in the Oshawa This Week newspaper and a sign giving notice of the applications has 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.

The notice regarding the public meeting provided an advisory that the meeting is open to the public and will take place in person in the Council Chamber at Oshawa City Hall. Members of the public wishing to address the Development Services Committee through electronic means rather than appear in-person to make a delegation were invited to register their intent to participate electronically by 4:30 p.m. on April 6, 2022.

2.0 Recommendation

That, pursuant to Report DS-22-73 dated April 6, 2022, concerning the applications submitted by TT7 Inc. to amend the Oshawa Official Plan (File: OPA-2022-01) and Zoning By-law 60-94 (File: Z-2022-01) to permit the development of a 21 storey apartment building containing 114 dwelling units at 70 King Street East and the associated proposal to add two storeys to Parkade 3 of the Oshawa Municipal Parking System to provide off-site parking for the proposed apartment building, staff be directed to further review and prepare a report and recommendation back to the Development Services Committee. This direction 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 applications have 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 applications.

5.0 Analysis

5.1 Background

The Subject Site is located at the northwest corner of King Street East and Mary Street North and is municipally known as 70 King Street East (see Attachment 1). The Subject Site has frontage on King Street East and Mary Street North.

The Subject Site is currently occupied by a 6-storey mixed-use building (the former Genosha Hotel) and is designated as a property of cultural heritage value or interest under Part IV of the Ontario Heritage Act, R.S.O. 1990, c. O.18, as amended (the "Ontario

Heritage Act”). The existing 6 storey mixed-use commercial/residential building will be retained.

In association with the proposed rezoning of the Subject Site, the Applicant proposes to fund the construction of two additional floors on Parkade 3 of the Oshawa Municipal Parking System to provide dedicated off-site parking for the proposed apartment building. Parkade 3 occupies both the northeast corner of King Street East and Mary Street North and the southeast corner of Bond Street East and Mary Street North. Parkade 3 has frontage on each of King Street East, Bond Street East and Mary Street North, and is situated directly east of the Subject Site. The Applicant previously expressed an interest to construct additional floors to Parkade 3 via a letter submitted to the City Clerks dated September 13, 2020. On October 26, 2020, City Council passed the following motion (CORP-20-30):

- “1. That pursuant to the letter dated September 13, 2020 from Summers and Co. Developments Inc., City staff be authorized to hire a structural engineer to undertake a structural assessment Mary Street Parking Garage;
2. That all associated costs related to the structural assessment of the Mary Street Parking Garage shall be paid for by Summers & Co. Developments Inc. or TT7 Inc.; and,
3. That the Commissioner of Corporate Services be authorized to execute an agreement with Summers & Co. Developments Inc. or TT7 Inc. to complete a structural assessment of the Mary Street Parking Garage consistent with the terms and conditions as generally set out in the aforementioned recommendations and in a form and content satisfactory to the Commissioner of Corporate Services and the City Solicitor.”

Items 1 to 3 above have been completed, including the completion of a Feasibility Study prepared by WSP, dated May 26, 2021. The findings of the Feasibility Study concluded that subject to certain limitations, it is feasible to expand the structure by adding two (2) parking levels.

The following table provides background information concerning the subject applications as they relate to both the Subject Site and Parkade 3:

Subject Site: 70 King Street East

Item	Existing	Requested/Proposed
Oshawa Official Plan Designation	Downtown Oshawa Urban Growth Centre within the Downtown Main Central Area which permit a maximum residential density of 550 u/ha (223 u/ac.)	Downtown Oshawa Urban Growth Centre within the Downtown Main Central Area subject to a site specific policy to permit a maximum residential density of 972 u/ha (393 u/ac.)

Item	Existing	Requested/Proposed
Zoning By-law 60-94	CBD-A.T25 (Central Business District)	An appropriate CBD (Central Business District) Zone to implement the proposed development with site specific conditions to permit certain performance standards such as increased residential density and building height, reduced building setbacks to street lines above 12m (39.4 ft.) in height, and zero required on-site parking spaces.
Use	6 storey mixed-use commercial/residential building containing 1,084 sq. m. (11,668 sq. ft.) of vacant commercial floor area and 86 apartment units	Retain the existing 6 storey mixed-use commercial/residential building and construct a new 21-storey, 114-unit apartment building to the north of the existing 6 storey mixed-use commercial/residential building.

Parkade 3 (1 Mary Street North)

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.T25 Central Business District) Zone	No change. A parking garage (both public and private) is permitted.
Use	City-owned parking structure containing 654 parking spaces for paid parking	<p>The addition of two (2) parking levels at Parkade 3 in order to provide a site in proximity to 70 King Street East where all of the parking proposed in association with the existing development (86 spaces) and proposed development (114 spaces) of 70 King Street East can be accommodated.</p> <p>City staff note that the future of Parkade 3 will need to be assessed. Potential options include, but may not be limited to the following:</p> <ol style="list-style-type: none"> 1) Maintain status quo, refuse the Applicant's request to fund the construction of two (2) additional levels of parking at Parkade 3, 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

Item	Existing	Requested/Proposed
		<p>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).</p> <p>2) Lease the equivalent number of additional parking spaces in the existing Parkade 3 or other City owned parking facility to the Applicant rather than authorize the construction of the two new levels.</p> <p>3) The City accepts the Applicant’s offer to fund the construction of two (2) additional levels on parking at Parkade 3 on behalf of the City. The Applicant and City would enter into an agreement outlining the terms of the funding and construction, and the City would undertake the hiring of consultants to design and construct the additional parking levels. The Applicant would then acquire air rights above the Mary Street road allowance for the pedestrian connection and enter into a long term lease to be determined through a separate report with the City which would allocate the appropriate number of parking spaces on the new parking levels for the residents at the new apartment building.</p>

The following land uses are adjacent to the Subject Site:

- **North** A Bell office and utility building
- **South** King Street West, beyond which are 1- and 2-storey commercial buildings containing a hotel, restaurants and offices
- **East** Mary Street North, beyond which is a municipal parking garage (Parkade 3)
- **West** A Bell office and utility building beyond which is the Victoria Street Plaza and Regent Theatre operated by Ontario Tech University.

The following land uses are adjacent to the Parkade 3:

- **North** Bond Street East, beyond which are 12-storey and 20-storey mixed-use buildings
- **South** King Street East, beyond which is a commercial plaza

- **East** Offices and a restaurant
- **West** Mary Street North, beyond which is the Subject Site and a Bell office and utility building

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

Site Statistics Item	Measurement
Lot Frontage	King Street East – 41.4m (135.8 ft.) Mary Street North – 55.1m (180.7 ft.)
Lot Area	0.2059 ha (0.51 ac.)
Number of Existing Apartment Units in Existing Mixed-Use Building (former Genosha Hotel)	86 units: <ul style="list-style-type: none"> ▪ 61 bachelor units ▪ 24 one-bedroom units ▪ 1 two-bedroom unit
Number of Proposed Apartment Units in Proposed new Apartment Building	114 units: <ul style="list-style-type: none"> ▪ 4 bachelor units ▪ 84 one-bedroom units ▪ 8 two-bedroom units ▪ 16 three bedroom units ▪ 2 four-bedroom units
Combined Number of Proposed Apartment Units	200 units
Proposed Combined Residential Density	972 units per hectare (393 u/ac.)
Permitted Maximum Building Height	25m (82 ft.)
Proposed Maximum Building Height	71.5m (234.5 ft.) (21 storeys)
Proposed Combined Floor Space Index	11.4
Parking Spaces Required for Existing Mixed-Use Building (former Genosha Hotel)	Residential – 0 Commercial – 0 [The Committee of Adjustment granted a minor variance (File: A-2017-75) to permit the existing 86 apartment units in the existing building with zero (0) required parking spaces. Zoning By-law 60-94 does not require any parking at this location for non-residential uses.]
Parking Spaces Required for Proposed Apartment Building	Residential – 114 (1.0 per unit)
Number of Currently Leased Off-Site Parking Spaces in Parkade 3 for Existing 86 Apartments	45
On-Site Parking Spaces Proposed	0

Site Statistics Item	Measurement
Off-Site Parking Spaces Proposed	200: <ul style="list-style-type: none"> ▪ Approximately an additional 200 new spaces on two additional parking levels (100 spaces per level) to account for 86 spaces for the existing development and 114 spaces for the proposed development.
Number of Bicycle Parking Stalls Proposed	16

The following provides key details and site characteristics for Parkade 3:

Item	Details
Existing Height	6 storeys (7 parking levels including roof level)
Available Public Paid Parking Spaces	654
Peak Utilization Capacity (source: Final IBI Group Report for the City of Oshawa Parking Study, dated January 22, 2021; calculations completed 2018)	Weekday (11:30 a.m. to 1:30 p.m.) – 33% Special Events (8:00 p.m. to 9:00 p.m.) – 49%
Current Monthly Permit Cost	\$87.00
Average Annual Parking Revenue Note: the 2020 and 2021 values are significantly lower, owing, in part, to the parking payment holiday instituted in response to the COVID-19 pandemic.	2016: \$435,459 2017: \$512,479 2018: \$536,835 2019: \$582,659 2020: \$298,987 2021: \$282,715

5.2 Oshawa Official Plan

The Subject Site and Parkade 3 are designated as Downtown Oshawa Urban Growth Centre within the Downtown Main Central Area in the O.O.P.

The Subject Site and Parkade 3 are 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 residential density type related to the proposed development is greater than the High Density II Residential density type. Nevertheless, the locational criteria for High Density II Residential development has been used to analyze the proposal.

Table 2 in the 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.) are to be located as follows:

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

The proposed 114-unit apartment building in addition to retention of the existing mixed-use commercial/residential which has 86 apartment units would result in the Subject Site having a residential density of 972 units per hectare (393 u/ac.) which is greater than the High Density II Residential classification. The proposed density is not permitted under the Downtown Oshawa Urban Growth Centre within the Downtown Main Central Area designation. Therefore, an amendment to the O.O.P. is required.

King Street East 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.

Mary Street North is designated as a Type 'C' Arterial Road on Schedule "B", Road Network of the O.O.P.

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

5.3 Zoning By-law 60-94

The Subject Site is currently zoned CBD-A.T25 (Central Business District) which permits a variety of residential and commercial uses, including, but not limited to, an apartment building (see Attachment 4). The use proposed by the Applicant is permitted in the CBD-A.T25 Zone but does not comply with certain regulations dealing with matters such as, but

not limited to, maximum residential density, maximum building height, on-site parking spaces, and minimum building setbacks to street lines above 12 metres (39.4 ft.) in height.

The Applicant has submitted an application to amend Zoning By-law 60-94 to rezone the Subject Site from CBD-A.T25 Zone to a site specific CBD-A Zone subject to a special condition to permit the proposed apartment building. In order to implement the proposed building/site design, special regulations are proposed related to maximum residential density, maximum building height, on-site parking spaces and minimum building setbacks to street lines above 12 metres (39.4 ft.) in height.

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

5.4 Parking

Zoning By-law 60-94 requires 114 parking spaces for a 114-unit apartment building at this location. The Applicant has advised that due to technical constraints on the Subject Site, it is not possible to construct underground, above-ground or surface parking on-site for the proposed development. Consequently, no on-site parking is proposed by the Applicant for the subject development.

The Applicant was previously granted a minor variance (File: A-2017-75) to permit zero parking spaces for the 86 apartment units in the existing building. Notwithstanding the minor variance approval, owing to market demands, the Applicant currently rents 45 parking spaces at Parkade 3 for the existing apartments.

5.5 Heritage

The existing 6-storey mixed-use commercial/residential building (former Genosha Hotel), which was originally constructed in 1929 and is designated under Part IV of the Ontario Heritage Act, is proposed to be retained.

The Subject Site was designated under the Ontario Heritage Act by By-law 70-2005 passed by City Council on June 13, 2005. By-law 70-2005 contains the following listing of attributes to be protected and conserved:

- The overall massing of the 6-storey rectangle, flat-roofed building with 1- and 2-storey brick additions on the north façade
- Three distinct divisions to the building, specifically including the following:
 - Commercial Street Level section
 - Semi-circular arches at street level on north façade
 - Size and proportion of the street level display windows on the south and east façades

- Intermediate section
 - o Windows:
 - Grid-like organization of window placements (12 windows across by 5 windows down) across entire intermediate section of building
 - Window design or suitable substitution (combination of casement sashes in 4 divisions, 2 side-by-side in 6 sections, with an upper transom-like band)
 - Lintels and lugsills in contrasting materials of limestone or concrete
 - Central frontispiece of two columns of windows with doors and balconettes on 6th floor
 - Shared recessed lintels on 6th floor balcony windows
 - o Unpainted variegated buff-yellow brick on south and east façade
 - o Light gray stucco on north and west façades
 - o 7 ornamental balconettes on south and east façades
 - o Vertical ribbons of projecting brick simulating columns (some terminate in a loop while others drop until they intersect a limestone rectangle then terminate at the first floor)
- Attic or Roof-line section
 - o Dentiling at roof-line in contrasting materials on south and east façades and on 2-storey addition
 - o Projecting cap at southwest corner and remnants of same at southeast corner.

The Applicant went through an approval process between 2015 and 2018 to redevelop the existing Genosha Hotel building into mixed-use building with 86 apartment units and 1,084 square metres (11,668 sq. ft.) of commercial floor space. This process included consultation with Heritage Oshawa and approval by City Council for certain modifications to the building including elements identified in By-law 70-2005, including, but not limited to, the replacement of the limestone “mantel”, the replacement of severely damaged limestone and granite at the structural columns, and installation of a canopy above the ground floor.

In support of the proposed development of the new 21-storey apartment building, the Applicant has provided a Heritage Impact Assessment prepared by a+LiNK Architecture Inc. The Applicant will be required to submit an application to Council for approval of an alteration under Section 33 of the Ontario Heritage Act. Section 33 requires that the application for alteration be reviewed by the City’s Municipal Heritage Committee, Heritage Oshawa, and that the alteration be consented to by City Council. The Planning Act

applications with the Heritage Impact Assessment have been circulated to Heritage Oshawa for their review and comment.

5.6 Site Design/Land Use Considerations

The Applicant proposes to develop a new 21-storey, 114-unit apartment building on the Subject Site partially overhanging the existing building (see Attachments 2 and 3). The existing 6-storey mixed-use commercial/residential building (former Genosha Hotel), which is designated under the Ontario Heritage Act, will be retained. The Applicant proposes to construct the apartment building on the north portion of the property which is currently used as an outdoor parking lot, loading area and waste storage area.

The Applicant's plans identify a potential pedestrian bridge that would span between the proposed apartment building and Parkade 3 over Mary Street North to provide direct pedestrian access between the two buildings, if parking for the proposed apartment building were to be provided in Parkade 3.

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, lighting plan, planning justification report, functional servicing and stormwater management report, heritage impact assessment, geotechnical investigation, noise study and an environmental site assessment.

Detailed design matters will be reviewed during the further processing of the applications 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 applications include:

- (a) The appropriateness of the proposed building height and residential density at this location;
- (b) The appropriateness of the proposed zoning regulations;
- (c) The appropriateness of the proposed addition of parking levels at Parkade 3 to provide dedicated parking for the proposed apartment building;
- (d) Site/building design matters including loading, building architecture, building setbacks, waste collection, and landscaping;
- (e) The appropriateness of the potential enclosed pedestrian bridge between Parkade 3 and the proposed apartment building over Mary Street North and the necessary arrangements required to address its construction, maintenance and liability, including the granting of air rights above the Mary Street road allowance;
- (f) The impacts of proposed building shadows;

- (g) Noise attenuation;
- (h) Servicing and stormwater management matters;
- (i) Heritage matters;
- (j) The interface between vehicular and pedestrian traffic entering and exiting the proposed building with Mary Street North, which also contains a bike lane;
- (k) The environmental condition of the Subject Site; and,
- (l) 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 development applications 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

Development Services Department

Subject: Applications to Amend the Oshawa Official Plan and Zoning By-law 60-94, Joel Gerber on behalf of TT7 Inc.,

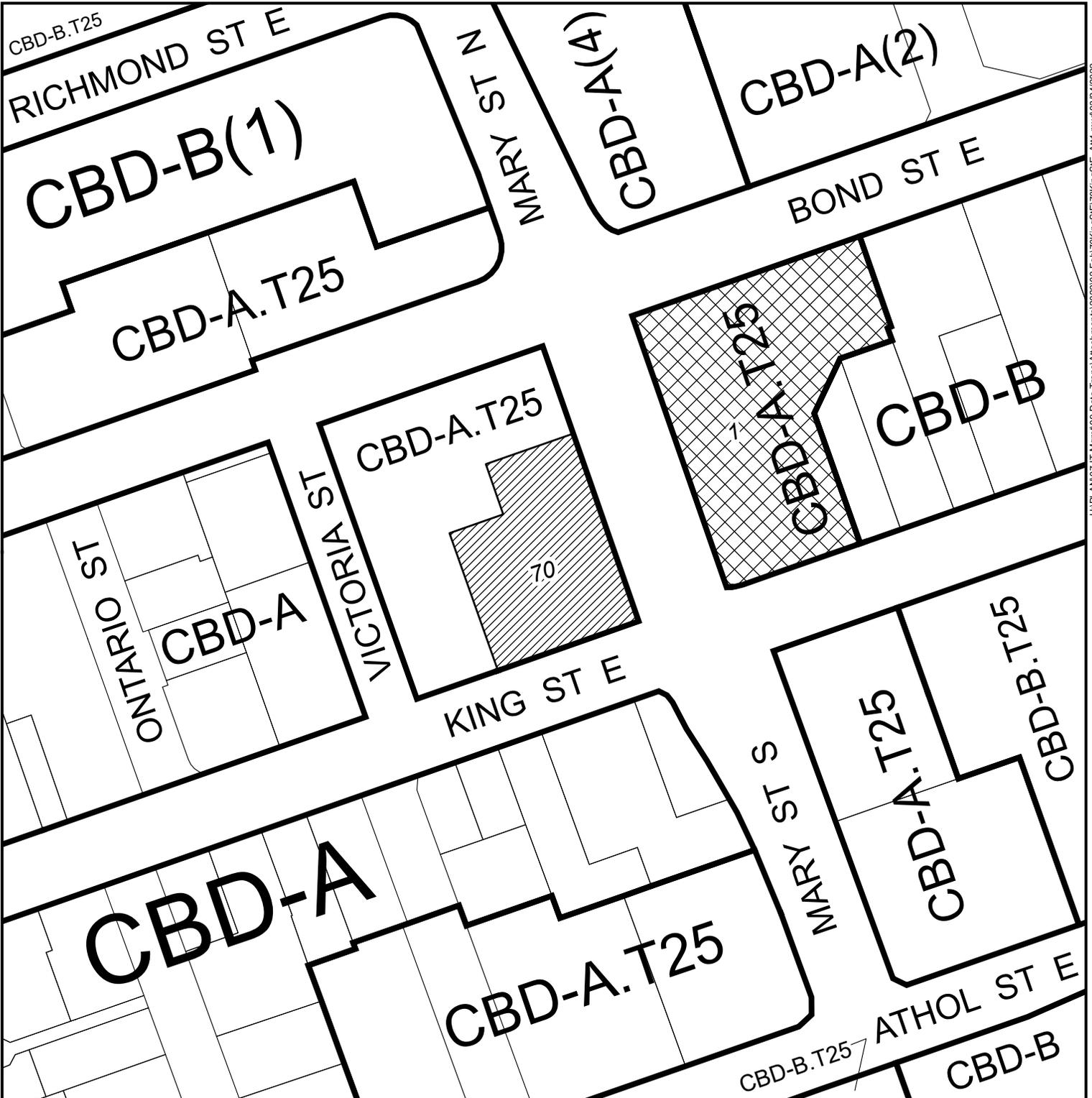
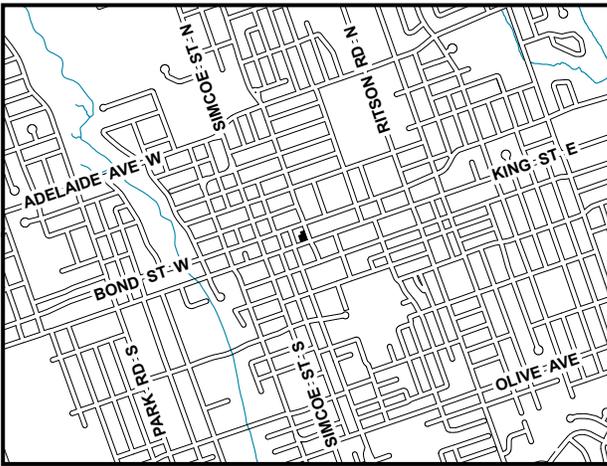
Address: 70 King Street East

Ward: Ward 4

File: OPA-2022-01, Z-2022-01

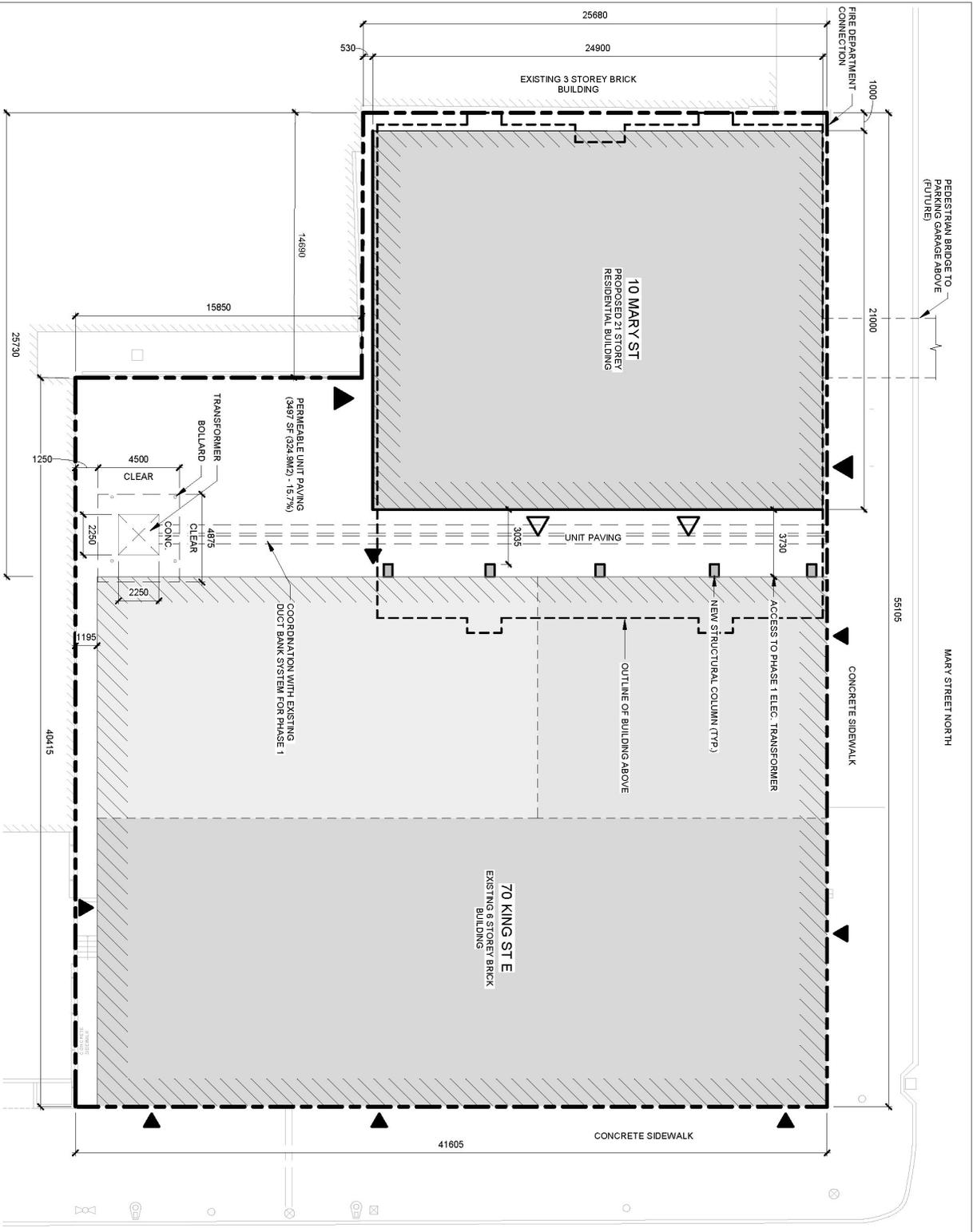
City-owned Parkade 3 – 1 Mary Street North 

Subject Site – 70 King Street East 



Title: Applicant Submission- Site Plan
 Subject: Applications to Amend the Oshawa Official Plan and Zoning By-law 60-94, Joel Gerber on behalf of TTT7 Inc.,
 Address: 70 King Street East
 Ward: Ward 4
 File: OPA-2022-01, Z-2022-01

City of Oshawa
 Development Services Department



KING STREET EAST

No.	ISSUED FOR SPA	2021/XXXX
1	ISSUED FOR SPA	2020/07/15
	DESCRIPTION	DATE
		YYYY/MM/DD

AS101
PROPOSED
SITE PLAN

Genosha Phase II
 10 Mary Street N, Oshawa, ON
 PROJECT No:

SCALE: 1 : 200
 JULY 2020

GROSS FLOOR AREA



GENERAL NOTES
 ALL DIMENSIONS AND INFORMATION ON THESE DRAWINGS MUST BE VERIFIED BY THE APPLICANT. THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICANT'S ARCHITECTS, ENGINEERS, AND OTHER PROFESSIONALS. THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICANT'S ARCHITECTS, ENGINEERS, AND OTHER PROFESSIONALS. THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICANT'S ARCHITECTS, ENGINEERS, AND OTHER PROFESSIONALS.

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List of Permitted Uses in the CBD-A.T25 (Central Business District) Zone:

- (a) Animal hospital
- (b) Apartment building
- (c) Apartment hotel
- (d) Art gallery
- (e) Automobile rental establishment
- (f) Automobile repair garage
- (g) Bus depot
- (h) Church
- (i) Cinema
- (j) Club
- (k) Commercial recreation establishment
- (l) Convention centre
- (m) Craft Brewery
- (n) Crisis care residence
- (o) Cultural centre
- (p) Day care centre
- (q) Financial institution
- (r) Flat
- (s) Funeral home
- (t) Hospital
- (u) Hotel
- (v) Lodging house
- (w) Long Term Care Facility
- (x) Merchandise service shop
- (y) Museum
- (z) Nursing home
- (aa) Office
- (bb) Parking garage or parking lot
- (cc) Personal service establishment
- (dd) Printing establishment
- (ee) Restaurant
- (ff) Retail store
- (gg) Retirement home
- (hh) School
- (ii) Studio
- (jj) Tavern
- (kk) Television or radio broadcasting station or studio
- (ll) Theatre
- (mm) Trade centre