

To: Development Services Committee

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

Report Number: DS-22-177

Date of Report: September 7, 2022

Date of Meeting: September 12, 2022

Subject: Potential Acquisition of a Portion of 2425 Simcoe Street North
for Additional Parkland in the Windfields Community

Ward: Ward 2

File: 12-08

1.0 Purpose

The purpose of this Report is to seek Council authority to acquire a portion of 2425 Simcoe Street North for the future development of a parkette. The lands have been identified as an opportunity to provide additional parkland in the Windfields Community. The site is at a key location in proximity to the intersection of Simcoe Street North and Windfields Farm Drive East within the Windfields Main Central Area.

Attachment 1 is a map showing the location of 2425 Simcoe Street North (the “Subject Site”), the lands for potential acquisition (the “Parkette Lands”) and the existing zoning in the area.

Attachment 2 is a map of the Windfields Community showing boundaries of neighbourhoods within the Windfields Community, the Subject Site, the Parkette Lands, the existing and planned parks, and City-owned open space lands.

Attachment 3 is a copy of Schedule “A”, Windfields Land Use and Road Plan, from the Windfields Part II Plan.

2.0 Recommendation

That the Development Services Committee recommend to City Council:

1. That, pursuant to Report DS-22-177 dated September 7, 2022, the Commissioner of Development Services or Director of Planning Services be directed to advance the acquisition of a portion of the southeast quadrant of 2425 Simcoe Street North measuring approximately 0.37 hectares (0.92 ac.) in size as part of the parkland dedication contribution for the residential development proposed on the balance of the

lands by Tribute Communities on behalf of 2285136 Ontario Limited, pursuant to an application for Site Plan Approval (File: SPA-2021-05).

2. That, in the event Part 1 above is approved, conveyance of the land forming part of the parkland dedication contribution to the City shall be required prior to the issuance of a building permit for the structural shell of the 588-unit apartment building proposed as part of the application for Site Plan Approval under File SPA-2021-05, and said conveyance in this manner shall be a condition of the associated site plan agreement.
3. That, in relation to the conveyance described in Part 2 above, the Commissioner of Development Services be authorized to enter into an appropriate agreement with Tribute Communities or a company to be named later to permit the lands acquired by the City to be used as construction access and staging in relation to the development of the balance of the lands municipally known as 2425 Simcoe Street North, in a form and content satisfactory to the Commissioner of Development Services and the City Solicitor.
4. That, following the acquisition of the southeast quadrant of 2425 Simcoe Street North and the conclusion of any agreement with Tribute Communities or a company to be named later for construction access and staging, staff are authorized to initiate the public process to change the zoning from PCC-A(4)/SSC-B "h-57" (Planned Commercial Centre/Automobile Service Centre) to OSP (Park Open Space).

3.0 Executive Summary

Additional parkland is required in Neighbourhood 2 of the Windfields Community due to strong growth in this part of the City.

Tribute Communities intends to construct 18 block townhouses and a 588-unit apartment building at 2425 Simcoe Street North which is within Neighbourhood 2 of the Windfields Community. Tribute Communities has agreed to provide land for a future parkette at 2425 Simcoe Street North as part of their parkland dedication contribution for the proposed residential development.

The City's acquisition of the land will create an expectation that the City will construct a parkette on the lands in the future.

The timing for the transfer of the land to the City and the provision of securities for the park will be dealt with in the Site Plan Agreement and would include all requirements that would normally be included in a Subdivision Agreement.

This Report recommends that the City acquire the lands for park purposes.

4.0 Input From Other Sources

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

- Commissioner of Community Services
- Commissioner of Finance Services

- City Solicitor

5.0 Analysis

5.1 Background

The Windfields Community has experienced strong growth over the last decade. Tribute Communities and other developers continue to develop residential and commercial projects in the area. The community has been developed in accordance with the Windfields Part II Plan which identifies four Neighbourhood Parks and an extensive open space network (see Attachment 3). A number of smaller parkettes have also been developed within various residential subdivisions to provide additional parkland for residents.

2285136 Ontario Limited owns lands that are located south of Windfields Farm Drive East with frontage on both Simcoe Street North and Steeplechase Street (the Subject Site - see Attachment 1). Tribute Communities on behalf of 2285136 Ontario Limited has submitted an application for Site Plan Approval (File: SPA-2021-05) for the development of 18 block townhouses and a 588-unit apartment building. The proposed residential development includes on-site indoor and outdoor private amenity spaces. The Site Plan Approval application does not include a portion of the southeast quadrant of the Subject Site. This Report recommends advancing the acquisition of a portion of the southeast quadrant of the Subject Site, i.e. the Parkette Lands (see Attachment 1).

The Subject Site is located within the Windfields Main Central Area Boundary. Staff note that pursuant to Policy 8.6.3.3 of the Windfields Part II Plan, parks and open space are additional permitted uses within the Windfields Main Central Area. Consequently, no amendments to the Windfields Part II Plan are required to develop lands for a park within the Main Central Area.

5.2 Details of the Parkette Lands

The following are details for the potential acquisition of the Parkette Lands:

Windfields Community Neighbourhood: Neighbourhood 2 (see Attachment 2)

Land Area: Approximately 0.37 hectares (0.92 ac.)

Frontage: Approximately 53 metres (170.5 ft.) on the west side of Steeplechase Street

Existing Use: Vacant

Official Plan Designation: Planned Commercial Centre within the Windfields Main Central Area Boundary

Zoning: PCC-A(4)/SSC-B “h-57” (Planned Commercial Centre/Automobile Service Centre)

Adjacent Uses: The following land uses are adjacent to the Parkette Lands:

- **North:** Vacant lands which are to be developed with 18 block townhouses and 588 apartment units (File: SPA-2021-05)
- **South:** Street townhouses fronting onto Steeplechase Street and Hill Rise Court, and stacked townhouses at 2500 Hill Rise Court
- **East:** Steeplechase Street, beyond which are street townhouses fronting onto Symington Avenue and 153 block townhouses on Danzatore Path, Larida Path, Barbarolli Path, Earleville Path and Mojave Path
- **West:** Vacant lands which are to be developed with 18 block townhouses and 588 apartment units (File: SPA-2021-05), beyond which is Simcoe Street North

Environmental Condition: The Subject Site, including the Parkette Lands, was subject to a Record of Site Condition in 2017 for a residential intended use. A change of use from residential to parkland does not require the submission of a new Record of Site Condition.

Cultural Heritage Value Including Archaeological Resources: Archaeological assessments which included the area of the Parkette Lands were completed as a condition of approval of the parent draft plan of subdivision prepared by RioCan (File: S-O-2011-03), with no issues raised.

Easements: The development plans by Tribute Communities for the Subject Site do not include any permanent services or easements traversing the Parkette Lands.

5.3 Park Supply in Windfields

Development Services staff have identified the possibility of a future parkland deficit of approximately 0.38 hectares (0.94 ac.) in Neighbourhood 2 of the Windfields Community based upon strong growth. Neighbourhood 2 of the Windfields Community is the area east of Simcoe Street North, north of Britannia Avenue East (see Attachment 2). The City's standards for the classification, supply, facilities, functioning and service area of parks are contained in Table 4, Classification of Parks, in the Oshawa Official Plan. The provisions of Table 4 serve as a guideline for the acquisition, spatial distribution and development of respective parks and recreation facilities. Table 4 suggests that Neighbourhood Parks (which include parkettes) should generally be supplied at a rate of 0.8 hectares (1.98 ac.) per 1,000 population. Table 4 also suggests that Neighbourhood Parks should generally have a maximum service radius of 0.8 kilometres (0.5 miles).

Currently, the amount of parkland existing in Neighbourhood 2 totals 3.86 hectares (9.54 ac.). Based on an anticipated population growth from 2,763 in 2016 to approximately 5,300 with the build-out of active development applications in this neighbourhood, the calculated parkland need is 4.24 hectares (10.48 ac.). This is greater than the amount currently provided. Any future additional residential development (for which ample opportunity remains in the neighbourhood) would potentially result in an even greater parkland deficit.

5.4 Reasons for Acquisition

Acquisition of the Parkette Lands is recommended for the following key reasons:

1. In the absence of acquiring the Parkette Lands, the potential need for additional parkland in the future to address the parkland deficit would have to be addressed through acquiring an alternative site(s) at full market value and in locations that may not be as locationally or contextually ideal as the Parkette Lands within the Windfields Main Central Area.
2. Acquisition of the Parkette Lands will provide additional opportunities for open space and public recreation within the Windfields Main Central Area in proximity to new intensive residential growth.
3. The quality of life for residents and employees of nearby businesses is improved when additional parkland is introduced into the urban fabric.
4. Development Services and Community Services staff are confident that a safe, urban parkette can be established on the Parkette Lands that is in harmony with and supports existing and planned surrounding residential and commercial development.
5. It is appropriate to acquire parkland in the same general area where projects have been developed at a density that generates significant parkland dedication requirements, and the opportunity exists to readily acquire actual land as opposed to collecting cash-in-lieu of parkland payments.
6. If the Parkette Lands are not acquired, Tribute Communities may choose to develop the lands, thereby further exacerbating the parkland deficit by adding more residential uses.

5.5 Parkland Dedication and Development

Building permit applications for new housing and Planning Act applications for subdivisions require consideration of parkland dedication.

The Subject Site is located in a subdivision developed by RioCan (Draft Plan of Subdivision S-O-2011-03). This draft plan includes the lands at all corners of Simcoe Street North and Windfields Farm Drive, including the 504-unit apartment building at 2550 Simcoe Street North and the lands on the west side of Bridle Road, north of Windfields Farm Drive East. This draft plan of subdivision was not required to provide parkland as it was originally expected this subdivision would be developed entirely with commercial uses. It was anticipated that cash-in-lieu of parkland would be paid at the building permit stage for each proposed commercial building based on the City's approved parkland dedication rates. However, RioCan and Tribute have subsequently partnered to advance several medium density and high density residential developments in the southern section of the draft plan of subdivision in accordance with the zoning of the lands.

The Planning Act and the City's current Parkland Dedication By-law 91-2007, as amended (to be replaced on September 18, 2022 by the new Parkland Dedication By-law 63-2022,

as amended) provide the City the option to collect land for park or other recreational purposes (“parkland dedication”) or cash-in-lieu of parkland, or a combination of both. Where cash-in-lieu of parkland dedication is accepted for residential developments, the amount paid is based on the City’s approved per unit rates, or on the value of either 5% of the land or 1 hectare for every 500 units proposed based on an appraisal.

Tribute Communities has agreed to provide a combination of parkland and cash-in-lieu. They would convey ownership of the Parkette Lands, and the cash-in-lieu payment would be based on the City’s per unit rates for all townhouses and apartments proposed.

In June 2022, Tribute Communities paid \$983,940 as a cash-in-lieu of parkland payment prior to the issuance of the first building permits for the 18 block townhouse units and 588 apartment units being developed on the Subject Site.

The Parkette Lands will be required to be conveyed to the City prior to the issuance of a building permit for the structural shell of the 588-unit apartment building tower as a condition of the site plan agreement.

A survey depicting the lands to be acquired will be required, and shall be undertaken at the sole cost of the developer.

Tribute Communities will also be responsible for the installation of water, sanitary sewer and storm sewer services to the Parkette Lands.

As a condition of conveyance of the Parkette Lands to the City, Tribute Communities has requested permission to utilize the Parkette Lands as construction access and staging for the townhouses and the apartment building. As a condition of the conveyance, Tribute Communities will be responsible to restore the Parkette Lands to a suitable geotechnical, environmental and landscaping state including appropriate fencing, rough grading, fine grading, topsoil and sodding. The fencing, rough grading, topsoiling and sodding of the Parkette Lands are considered to be the “basic” park development work. The basic park development ensures that residents have a basic park that is sodded until the City is prepared to develop the park with park facilities (“finished” park).

The cost to finish a park is the City’s responsibility. Tribute Communities has expressed interest in constructing the park to a finished state on behalf of the City subject to reimbursement by the City. This would be pursuant to a design approved by Community Services staff and pursuant to Development Services staff reporting back to the Development Services Committee and Council on the proposed timing of full parkette construction and costs to the City for having Tribute Communities fully finish the parkette from a “basic” development state.

In the event that Tribute Communities determines to formally seek the City’s consent to construct the parkette to a finished state on behalf of the City, staff will report back to the Development Services Committee as set out above. If Tribute Communities decides not to construct the parkette on behalf of the City, Community Services staff will advance the construction of the parkette through normal capital budget processes following acquisition of the Parkette Lands and after construction by Tribute Communities of the adjacent residential development is complete.

In the event the City does not acquire the Parkette Lands as part of Tribute Communities' parkland dedication, Tribute Communities may develop this portion of the Subject Site in the future in accordance with Zoning By-law 60-94 which may include additional townhouses, apartments and/or commercial uses.

In the event the City does not acquire the Parkette Lands as part of Tribute Communities' parkland dedication, Tribute Communities' will be required to make an additional cash-in-lieu of parkland payment. The additional payment would be based on the value of 1 hectare for every 500 units proposed [or 1.212 hectares (2.99 ac.) to reflect the 588-unit apartment building and 18 block townhouses currently proposed], minus the \$983,940 that has already been paid. An appraisal of the lands would have to be undertaken at the cost of Tribute Communities to determine the value. A report back to the Development Services Committee would not be required. The value of 1.212 hectares (2.99 ac.) is expected to be greater than \$983,940.

6.0 Financial Implications

There are no immediate direct costs associated with acquisition of the Parkette Lands.

In addition to potentially acquiring approximately 0.37 hectares (0.92 ac.) of parkland, the City has also collected \$983,940 as cash-in-lieu of parkland.

In the event Tribute Communities requests to finish the parkette, staff will report back to the Development Services Committee on costs to the City for having the developer fully finish the parkette.

There will be costs to develop and maintain the lands for parkland purposes in the event that the City acquires the Parkette Lands. These costs are unknown at this time given that designs have not been undertaken. Any future parkette development costs would be added in future capital and operating budget submissions, where necessary. The finishing of the parkette could cost approximately \$500,000 to \$1,000,000. This parkette is not identified in the City's Development Charge Background Study or 2022-2031 Capital Budget forecast. It will be included in the 2024 Development Charge Background Study.

If the City acquires the Parkette Lands, the City would forgo approximately \$10,000 in annual revenue collected in the form of property taxes from the Parkette Lands portion of the Subject Site based on the current vacant use of the property. The annual revenue collected in the form of property taxes would be higher if Tribute develops the Parkette Lands for residential and/or commercial purposes.

If the City acquires the Parkette Lands, the City would forgo an additional cash-in-lieu of parkland payment and development charge payment for any new residential and/or commercial development that could have taken place on the Parkette Lands.

If the City does not acquire the Parkette Lands, Tribute Communities will be responsible for an additional cash-in-lieu of parkland payment.

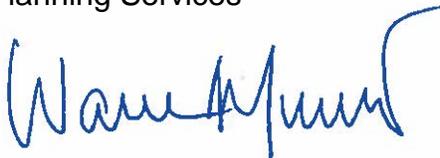
If the City does not acquire the Parkette Lands and the City continues to pursue acquiring parkland elsewhere in the Windfields Community, the City may be required to pay full market value for the lands.

7.0 Relationship to the Oshawa Strategic Plan

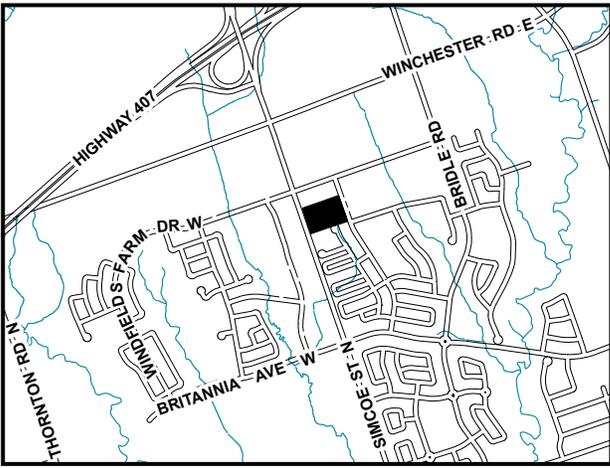
The Recommendation in this Report advances the Accountable Leadership and Economic Prosperity and Financial Stewardship goals of the Oshawa Strategic Plan.



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



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



**Item: DS-22-177
Attachment 1**

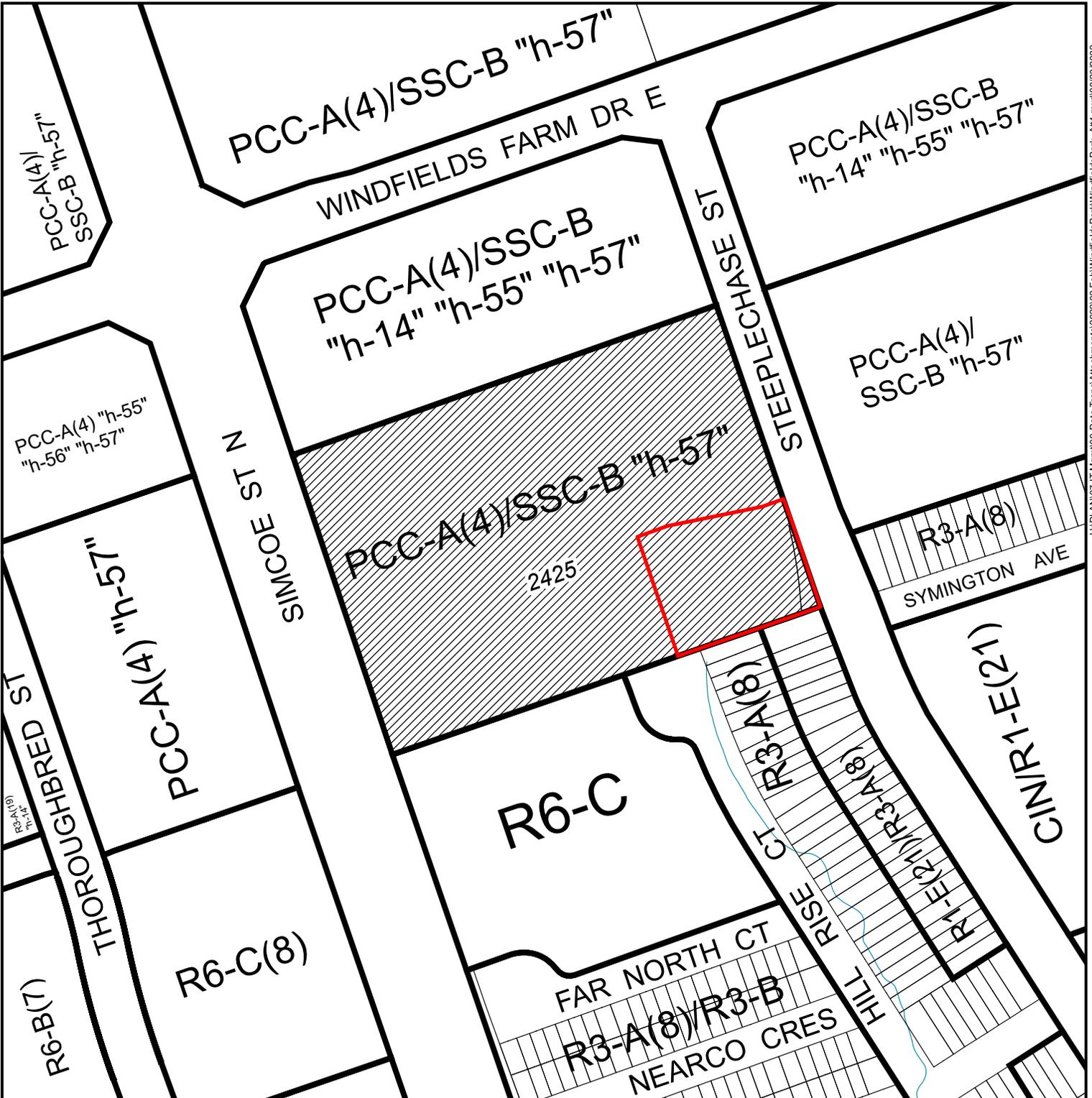
Development Services Department

Subject: Potential Acquisition of Additional Parkland in the Windfields Community
Address: 2425 Simcoe Street North
Ward: Ward 2
File: 12-08

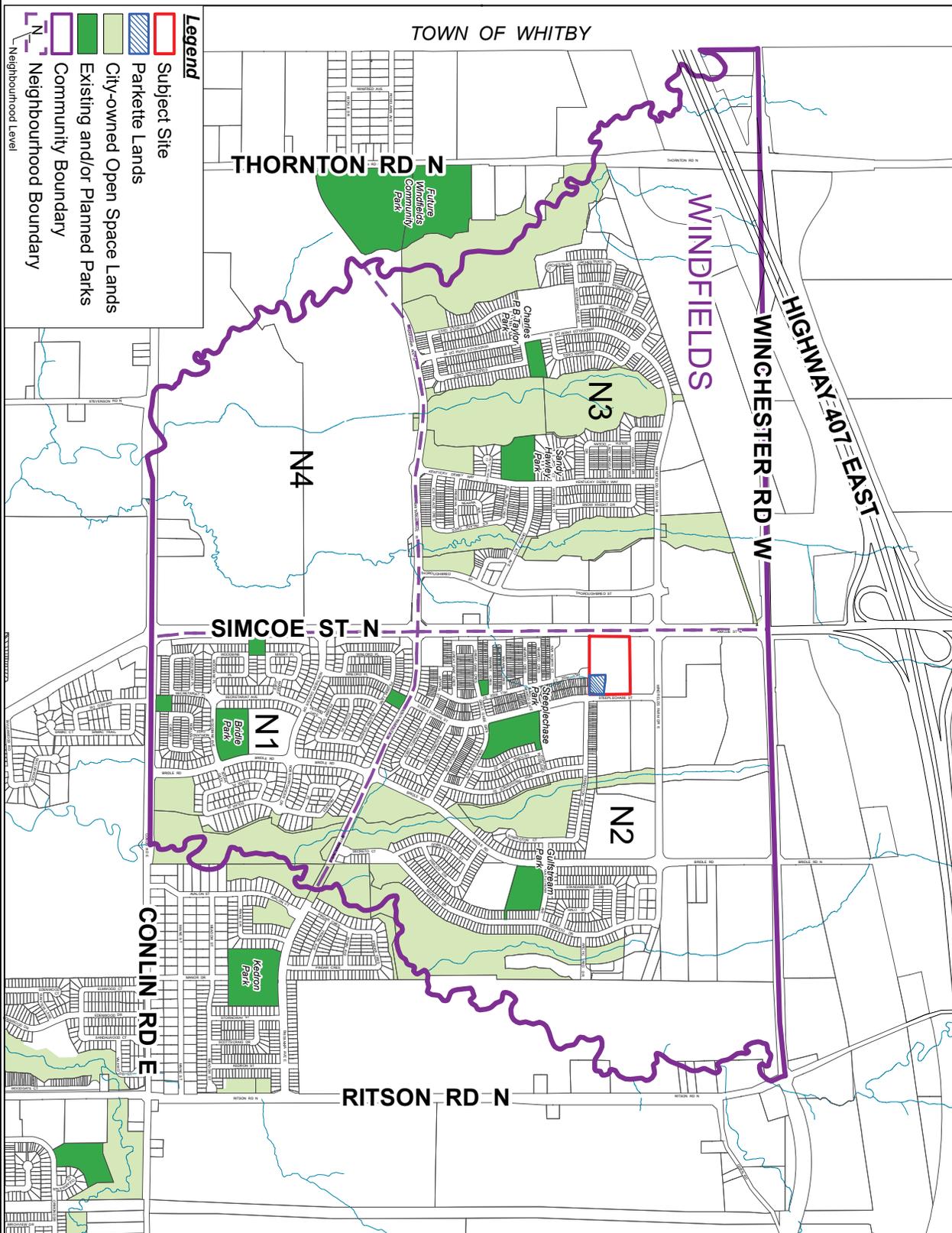


Subject Site 

Lands for Potential Acquisition (the "Parkette Lands") 



Title: Existing and Planned Parks in the Windfields Neighbourhoods
 Subject: Potential Acquisition of Additional Parkland in the Windfields Community
 Address: 2425 Simcoe Street North
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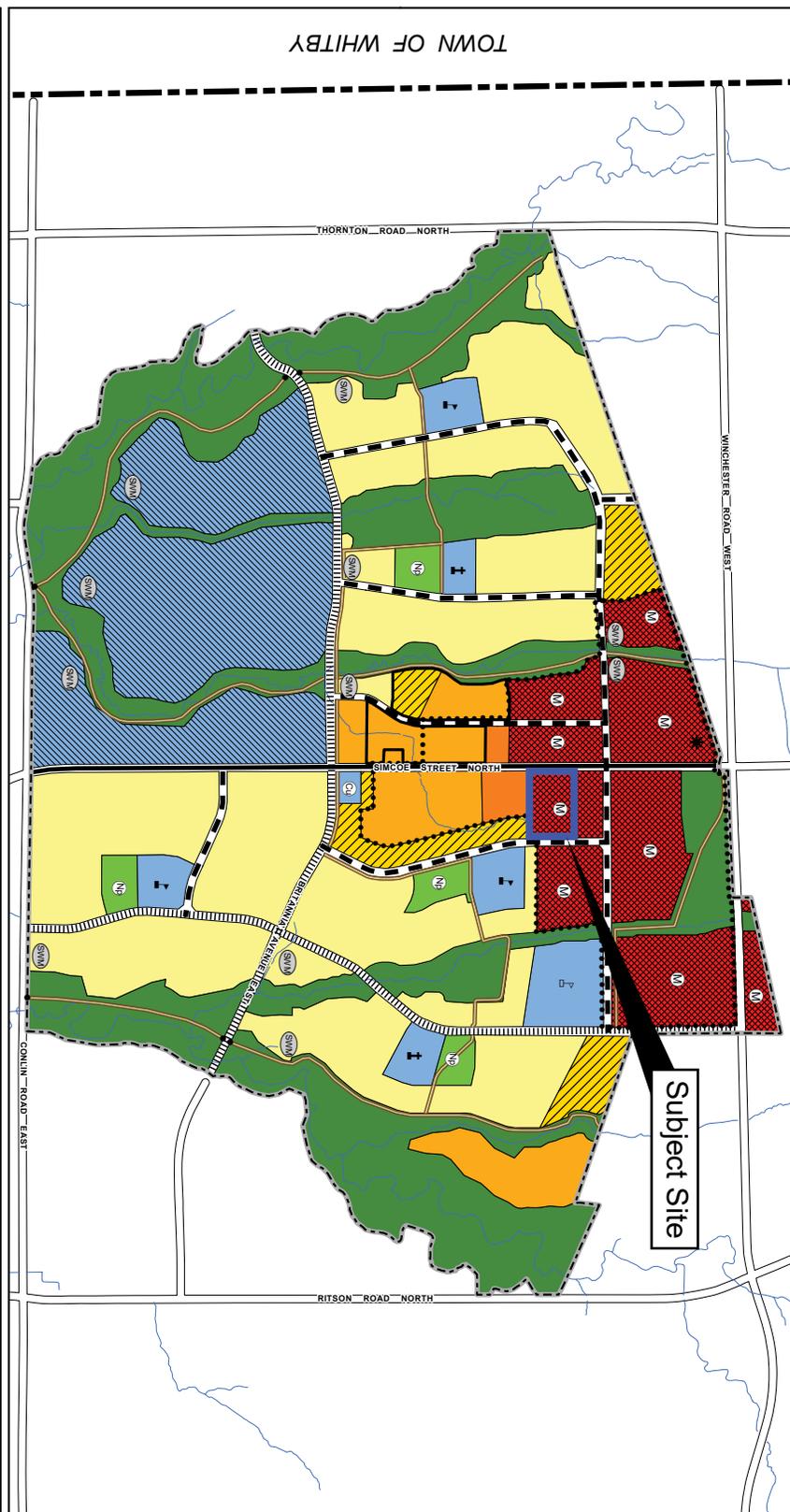
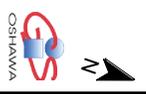
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City of Oshawa
Development Services Department



Title: Schedule 'A' Windfields Land Use and Road Plan
 Subject: Potential Acquisition of Additional Parkland in the Windfields Community
 Address: 2425 Simcoe Street North
 Ward: Ward 2
 File: 12-08

City of Oshawa
 Development Services Department



Schedule 'A' Windfields Land Use and Road Plan
 Part II Plan for the Windfields Planning Area
 March 2021
 Development Services Department

Legend

Residential Low Density Residential	Commercial Planned Commercial Centre - Main	Transportation Type 'B' Arterial Road
Residential Medium Density I Residential	Community Use Public Elementary School	Type 'C' Arterial Road
Residential Medium Density II Residential	Public Secondary School	Collector Road
Residential High Density I Residential	Separate Elementary School	Recreational Trail
Subject to Policy 8.6.6, 14. in the Windfields Part II Plan	Institutional University of Ontario	Transit Station
Open Space and Recreation Neighbourhood Park	Institute of Technology	Pedestrian Underpass
Open Space and Recreation		Stormwater Management Facilities
		Main Central Area Windfields Planning Area Boundary

Scale: 0, 100, 200, 400, 600 Meters