



Development Services Committee Meeting

Monday, June 16, 2014

Committee Meeting Room, Council Building

1:30 p.m.

Agenda

Notice to Correspondents

The personal information contained in your correspondence to Oshawa City Council or its Committees is collected under the Municipal Act, 2001. Any personal information you choose to disclose in your correspondence will be used to receive your views on relevant issues to enable the City to make its decision on the matter. This information will become part of the public record.

For more information about the Development Services Committee or if you have accessibility needs and require alternate formats or other accommodations, please contact Melissa Pringle, Committee Co-ordinator; Tel: 905-436-3311 extension 2212; T.T.Y.: 905-436-5627; email: mpringle@oshawa.ca or in-person. Please provide a minimum of one business day's notice in advance of the meeting if accommodation is required.

Development Services Committee

The Development Services Committee is made up of five members. Mayor Henry is an Ex Officio member.

Below are the members of the Development Services Committee:

Councillor Aker, Chair
Councillor Pidwerbecki, Vice-Chair
Councillor Chapman, Member
Councillor Marimpietri, Member
Councillor Sanders, Member
Mayor Henry, Ex Officio

The Development Services Committee is responsible for providing advice and recommendations to Council resulting from the operations of Planning Services, Building Permit and Inspection Services, Engineering Services, Economic Development Services (including real estate, tourism, and the operation of the Oshawa Municipal Airport) and Administration and Accessibility Services.

Development Services Committee meetings are held at 1:30 p.m. on the following dates in 2014:

January 13, 2014
February 3, 2014
February 24, 2014
March 24, 2014
April 14, 2014
May 5, 2014
May 26, 2014
June 16, 2014
September 8, 2014
December 8, 2014

Members of the public may address the Committee concerning an item on the agenda by submitting a written request to the Committee Co-ordinator before 4:30 p.m. on the Wednesday preceding the Monday meeting.

Please Note

Please ensure all personal electronic devices are turned to an inaudible function during the meeting.

The City of Oshawa maintains a scent free policy. Please refrain from wearing or using perfumes, colognes or other scented products at this meeting.

DEVELOPMENT SERVICES COMMITTEE

June 16, 2014

Public Agenda

Declarations of Pecuniary Interest

(As may be presented by Committee Members)

Matters Requiring Direction

Presentation

Stuart Craig, Vice-President of Planning and Development, RioCan Development to provide an update on the development at Winchester Road and Simcoe Street.

Delegations

Michael Dominguez requesting to address the Development Services Committee concerning Report DS-14-129, 'Recommended City-Initiated Amendments to the Oshawa Official Plan and Zoning By-law 60-94 Related to Accessory Apartments Required to Implement Provincial Legislation'.

Emil Hanzelka requesting to address the Development Services Committee concerning Report DS-14-129, 'Recommended City-Initiated Amendments to the Oshawa Official Plan and Zoning By-law 60-94 Related to Accessory Apartments Required to Implement Provincial Legislation'.

Yolanda Van Grootel requesting to address the Development Services Committee concerning Report DS-14-121, 'Revised Applications Submitted by Select Avenue Developments to Amend the Oshawa Official Plan and Zoning By-law 60-94 for 185 Hillcroft Street'.

Rosemary McConkey requesting to address the Development Services Committee concerning a policy for due diligence when dealing with corporate matters.

Delegation Requests (requires 2/3 vote)

Correspondence Requests

DS-14-148 Rosemary McConkey – Requesting to Address the Development Services Committee Concerning a Policy for Due Diligence When Dealing with Corporate Matters

(See Page 1)

Referrals from City Council

None.

Advisory Committee Reports

None.

Additional Agenda-Related Items (requires 2/3 vote to add)

Public Consent Agenda

That all items listed under the heading of Public Consent Agenda for the June 16, 2014 Development Services Committee meeting be adopted as recommended.

Correspondence

DS-14-134 Annette Carto – Submitting a Petition in Opposition to the Proposed Sidewalk on the North Side of Kettering Drive

(See Pages 2 to 5)

Recommendation

That the Development Services Committee recommend to City Council:

That Correspondence DS-14-134 dated June 1, 2014 from Annette Carlo submitting a petition in opposition to the proposed sidewalk on the North side of Kettering Drive, be received for information.

DS-14-135 Region of Durham – Forwarding a Copy of Regional Report 2014-P-31, Titled '#CycleON Action Plan 1.0'

(See Pages 6 to 14)

Recommendation

That the Development Services Committee recommend to City Council:

That Correspondence DS-14-135 dated May 26, 2014 from Roger Saunders, Director, Strategic Planning, Region of Durham forwarding a copy of Regional Report 2014-P-31, titled '#CycleON Action Plan 1.0', be received for information.

DS-14-137 Greenbrae Farm – Route for Gas Pipeline Through North Oshawa

(See Pages 15 to 18)

Recommendation

That Correspondence DS-14-137 dated June 2, 2014 from Martin Feaver, Greenbrae Farm submitting comments regarding the route for the gas pipeline through North Oshawa, be referred to the special Development Services Committee meeting on July 16, 2014.

DS-14-145 Christine Naumovski – Submitting Comments in Support of Report DS-14-129, 'Recommended City-Initiated Amendments to the Oshawa Official Plan and Zoning By-law 60-94 Related to Accessory Apartments'

(See Page 19)

Recommendation

That the Development Services Committee recommend to City Council:

That Correspondence DS-14-145 dated June 11, 2014 from Christine Naumovski submitting comments in support of Report DS-14-149, 'Recommended City-Initiated Amendments to the Oshawa Official Plan and Zoning By-law 60-94 Related to Accessory Apartments', be received for information.

DS-14-146 Spark Centre – Requesting a \$30,000 Annual Contribution from the City of Oshawa to Operate 'The Loft' in Downtown Oshawa

(See Pages 20 to 22)

Recommendation

That the Development Services Committee recommend to City Council:

That Correspondence DS-14-146 dated June 10, 2014 from Dennis Croft, Executive Director, Spark Centre requesting a \$30,000 annual contribution from the City of Oshawa to operate 'The Loft' in Downtown Oshawa, be referred to staff.

DS-14-147 Oshawa Airport Golf Club – Requesting the City of Oshawa Review its Lease Agreement to Reflect the Rate of Ten Percent of Gross Revenues

(See Page 23)

Recommendation

That Correspondence DS-14-147 dated June 11, 2014 from William Wallace and Robert Perkins, Oshawa Airport Golf Club requesting the City of Oshawa review its lease agreement to reflect the rate of ten percent of gross revenues, be referred to staff for a report.

Reports

Administration and Accessibility Services

DS-14-113 Declaration of City-Owned Lands Along Park Road South Abutting 547 Cromwell Avenue as Potentially Surplus

(See Pages 24 to 30)

Recommendation

That the Development Services Committee recommend to City Council:

That pursuant to Report DS-14-113 dated June 11, 2014, the City-owned lands on the east side of Park Road South and immediately north of 547 Cromwell Avenue (generally described as Part of Lots 131, 132 and 133, Registered Plan 296), as identified on Attachment 1 to Report DS-14-113, be declared as potentially surplus to municipal requirements; and that, given the localized nature of the issue, the newspaper advertising requirements of By-law 97-2000 be waived and that notice inviting public input and comment on the declaration be mailed only to the abutting property owners and the Region of Durham.

DS-14-127 Proposed Lease Renewal, 1 Mary Street North, Unit C, Bayshore Healthcare

(See Pages 31 to 35)

Recommendation

That pursuant to Report DS-14-127 dated June 11, 2014 and the delegated authority of the Development Services Committee pursuant to By-Law 29-2009, as amended, the Commissioner of Development Services be authorized to approve and execute a lease amendment with Bayshore Healthcare Ltd. consistent with the content of said Report and in a form and content satisfactory to the City Solicitor.

DS-14-131 Proposed Lease Amendment with 2094874 Ontario Ltd. (D. Kallinteris) for the Jubilee Pavilion (Architectural Building Elevations and Site/Floor Plan)

(See Pages 36 to 44)

Recommendation

That the Development Services Committee recommend to City Council:

1. That, pursuant to Report DS-14-131 dated June 11, 2014, the lease with 2094874 Ontario Ltd. for the Jubilee Pavilion be amended, as necessary, with respect to the proposed building architecture and site/floor plan consistent with said Report and that the approval of the final physical improvements be delegated to the Director of Planning Services; and,

2. That the Mayor and Clerk be authorized to execute any documentation or amending agreements to give effect to the foregoing, said agreements to be in a form and content satisfactory to the Commissioner, Development Services and the City Solicitor.

DS-14-138 Request by Metrolinx to Install a Ticket Vending Machine in the Platform Area of the Oshawa Bus Terminal

Recommendation

That the Development Services Committee recommend to City Council:

Whereas the City and GO Transit have a Memorandum of Understanding regarding GO Transit's use of bus platforms in the Downtown Oshawa Bus Terminal; and,

Whereas Metrolinx (GO Transit's successor) wishes to locate a Ticket Vending Machine (T.V.M.) inside the bus platform area; and,

Whereas a T.V.M. is not permitted by the Memorandum of Understanding; and,

Whereas the lessee of the lobby in the Bus Terminal and Metrolinx ticket agent has no objection to the installation of a T.V.M. in the bus platform area provided it is only available for use after agency business hours; and,

Whereas Delegation By-law 29-2009, as amended, delegates the approval of leases (less than \$75,000 per annum) to the Development Services Committee and the execution of said lease (satisfactory in form and content to the City Solicitor) to the Commissioner, Development Services or the Director, Economic Development Services; and,

Whereas a T.V.M. is accessory to the use of the platforms and will facilitate the availability of transit tickets after the ticket agency is closed; and,

Whereas the Memorandum of Understanding is intended to be reviewed and made current in a new lease document in the next year;

Therefore be it resolved that pursuant to its delegated authority, the Development Services Committee authorizes the Commissioner of Development Services to execute an amendment to the Memorandum of Understanding between the City and Metrolinx (the successor of the Greater Toronto Transit Authority) to place a Ticket Vending Machine in the platform area of the Downtown Oshawa Bus Terminal at no additional rent and that the placement of the Ticket Vending Machine and the content of the amendment to the Memorandum of Understanding be acceptable to the Commissioner of Development Services and City Solicitor; and further that Metrolinx be responsible for all installation costs, all utility costs and pay an administrative fee of \$1,000.

DS-14-140 Proposed Declaration of City Lands at 485 and 501 Normandy Street as Surplus to Municipal Needs and Requirements and Direction on Disposal Strategy

(See Pages 45 to 62)

Recommendation

That the Development Services Committee recommend to City Council:

1. That pursuant to Report DS-14-140 dated June 11, 2014, the City-owned lands at 485 and 501 Normandy Street be declared surplus to municipal needs and requirements; and,
2. That subject to the approval of Part 1 above, a recommended process for disposing of the City-owned lands at 485 and 501 Normandy Street.

Building Permit and Inspection Services

None.

Economic Development Services

None.

Engineering Services

DS-14-119 2013 Consortium Watercourse Monitoring Program, Oshawa Creek

(See Pages 63 to 73)

Recommendation

That the Development Services Committee recommend to City Council:

That Report DS-14-119 dated June 11, 2014 regarding the 2013 Consortium Watercourse Monitoring Program on Oshawa Creek be received for information and that staff report back on the results of the 2014 program including an action plan to address identified issues and concerns.

DS-14-120 Proposed Boundary Road Agreement between the City of Oshawa and the Municipality of Clarington for Townline Road

(See Pages 74 to 83)

Recommendation

That pursuant to Report DS-14-120 dated June 11, 2014 and the City's Delegation of Authority By-Law 29-2009, as amended, the Commissioner of Development Services be authorized to execute a Boundary Road Agreement with the Municipality of Clarington for Townline Road consistent with Attachment 1 to said Report and satisfactory to the City Solicitor.

DS-14-122 Status Report on the Region of Durham's Municipal Class Environmental Assessment Studies for Simcoe Street North and the Manning Road/Adelaide Avenue Interconnection

(See Pages 84 to 94)

Recommendation

That the Development Services Committee recommend to City Council:

That Report DS-14-122 dated June 11, 2014 regarding the status of Municipal Class Environmental Assessments by the Region of Durham on Simcoe Street North and the Manning Road/Adelaide Avenue Interconnection be received for information.

DS-14-123 Status Report on the City of Oshawa's Municipal Class Environmental Assessment Studies of Conlin Road East, Thornton Road North and Townline Road North

(See Pages 95 to 101)

Recommendation

That the Development Services Committee recommend to City Council:

That Report DS-14-123 dated June 11, 2014 regarding the status of the City of Oshawa's Municipal Class Environmental Assessment (M.C.E.A.) Studies of Conlin Road East, Thornton Road North and Townline Road North be received for information; and that the Commissioner of Development Services be authorized to finalize the Environmental Study Reports for the Conlin Road East and Thornton Road North M.C.E.A.'s, file them with the Ministry of the Environment and provide information reports back to the Development Services Committee; and that staff report back on the final results of the Townline Road North M.C.E.A.

DS-14-141 Conveyance of Lands and Easements to City from U.O.I.T. and Dantonbury (Tribute) for Britannia Avenue West

Recommendation

That the Development Services Committee recommend to City Council:

Whereas Dantonbury (Tribute) is required to construct Britannia Avenue West (west of Simcoe Street) as part of a Council approved subdivision; and,

Whereas the engineering design of Britannia Avenue West requires the conveyance to the City of lands and easements from UOIT and Dantonbury which secure a properly configured road allowance, culvert crossing and the City's ability to maintain grading and slopes beyond the south edge of the road allowance; and,

Whereas both UOIT and Dantonbury (Tribute) have agreed to convey the required lands and easements to the City;

Therefore be it resolved that the City accept from UOIT and Dantonbury (Tribute) lands and easements to the satisfaction of the Commissioner of Development Services for the above-noted purposes and that such conveyances be undertaken in a manner satisfactory to the City Solicitor.

DS-14-143 Simcoe Street North and Britannia Road East Intersection Improvements

Recommendation

That the Development Services Committee recommend to City Council:

Whereas the east leg of the Britannia Road/Simcoe Street North intersection was constructed to a 3-lane urbanized cross-section in 2006; and,

Whereas the west leg of the Britannia Road/Simcoe Street North intersection is required to be constructed by Dantonbury (Tribute) to a 4-lane urbanized cross-section, with continuous centre median and on-road bike lanes, as part of its subdivision on the west side of Simcoe Street North; and,

Whereas the east leg of the Britannia Road/Simcoe Street North intersection needs to be altered to align with the new lane configuration on the west leg of the intersection to ensure the safe operation of the full new signalized intersection; and,

Whereas Dantonbury (Tribute) has agreed to design, primarily fund (\pm \$180,000) and construct the alterations to the east leg of the Britannia Road/Simcoe Street North intersection; and,

Whereas it is appropriate, fair and reasonable for the City to make a financial contribution to the alterations to the east leg of the Britannia Road/Simcoe Street North intersection given that it is not in the Dantonbury (Tribute) subdivision; and,

Whereas the Director, Finance Services/Treasurer has advised that funds are available;

Therefore be it resolved that the City provide an appropriate contribution, not to exceed \$25,000, to the realignment of the east leg of the Britannia Road/Simcoe Street North intersection to be funded from the appropriate Reserve Fund to the satisfaction of Director, Finance Services/Treasurer.

Planning Services

DS-14-101 Requested Incentives under the Central Business District Renaissance Community Improvement Plan and Other Incentives, Phase 1 (Eastern Part) of 100 Bond Street East, Bond and Mary Development Inc. (Hans Jain)

(See Pages 102 to 117)

Recommendation

That the Development Services Committee provide direction, in the form of a recommendation to Council, in respect to the request by Bond and Mary Development Inc. for financial incentives.

DS-14-121 Revised Applications Submitted by Select Avenue Developments to Amend the Oshawa Official Plan and Zoning By-law 60-94 for 185 Hillcroft Street

(See Pages 118 to 135)

Recommendation

That the Development Services Committee recommend to City Council:

1. That pursuant to Report DS-14-121 dated June 11, 2014, the revised application submitted by Select Avenue Developments to amend the Oshawa Official Plan (File: B-3100-0364) to re-designate the subject site at 185 Hillcroft Street from Industrial to Residential be approved in accordance with the comments contained in the above noted Report and the necessary by-law be passed; and,
2. That pursuant to Report DS-14-121 dated June 11, 2014, the revised application submitted by Select Avenue Developments to amend Zoning By-law 60-94 (File: Z-2013-08) to rezone the subject site at 185 Hillcroft Street from GI (General Industrial)/SI-A (Select Industrial) to R6-C (Residential) subject to an appropriate special condition to permit an apartment building and to implement the proposed site/building design be approved in accordance with the comments contained in the above noted Report and the necessary by-law be passed; and,
3. That in accordance with Section 34(17) of the Planning Act and notwithstanding that the rezoning proposed in the public meeting report and the public meeting differs to some degree from that approved by City Council, such differences are not substantial enough to require further notice and another public meeting.

DS-14-124 Doors Open Oshawa 2014 Event

(See Pages 136 to 143)

Recommendation

That the Development Services Committee recommend to City Council:

1. That pursuant to Report DS-14-124 dated June 11, 2014, Council endorse the Doors Open Oshawa 2014 event as described; and,
2. That City Hall be included as a site in Doors Open Oshawa 2014 on Saturday, September 27, 2014 between 10:00 a.m. and 4:00 p.m., with access similar to 2013; and,
3. That the City of Oshawa provide funding in an estimated amount of \$1,100 + HST for a bus shuttle service from the UOIT/Durham College main campus to the Windfields Farm Doors Open 2014 site to be funded by the City Treasurer from the \$150,000 provided by Minto Metropia Windfields LP for a Heritage Program for Windfields Farm.

DS-14-125 Request Submitted by 1387925 Ontario Ltd. (Ihor Lysyk) to Amend the Council Conditions of Approval for an Application Under the University and College Area Renaissance Community Improvement Plan: 1909 Simcoe Street North (File: B-1200-0021)

(See Pages 144 to 147)

Recommendation

That the Development Services Committee recommend to City Council:

Whereas on April 29, 2013 City Council considered Report DS-13-85 and approved, subject to conditions, an application submitted by Ihor Lysyk under the University and College Area Renaissance Community Improvement Plan for an Increased Assessment Grant to facilitate the development of an 18 unit apartment building (64 beds) at 1909 Simcoe Street North (Attachment 1); and,

Whereas one of the conditions required the building to be completed and available for occupancy by December 31, 2014; and,

Whereas by letter dated May 12, 2014, Ihor Lysyk requested a one year extension to the condition related to completion and occupancy (Attachment 2);

Therefore be it resolved that the request dated May 12, 2014 from 1387925 Ontario Ltd. (Ihor Lysyk) to amend the conditions of approval for the application under the University and College Area Renaissance Community Improvement Plan for 1909 Simcoe Street North be approved such that now the building shall be completed and available for occupancy by December 31, 2015 and provided the building foundation is completed by August 31, 2015.

DS-14-126 Request Submitted by Kiya Investment Corp. to Amend the Council Conditions of Approval for an Application Under the University and College Area Renaissance Community Improvement Plan: 710 King Street West (File: B-1200-0026)

(See Pages 148 to 150)

Recommendation

That the Development Services Committee recommend to City Council:

Whereas on November 25, 2013 City Council considered Report DS-13-250 and approved, subject to conditions, an application submitted by Kiya Investment Corp. under the University and College Area Renaissance Community Improvement Plan for an Increased Assessment Grant to facilitate the development of a 25 unit apartment building (46 beds) at 710 King Street West (Attachment 1); and,

Whereas one of the conditions required the building to have a foundation completed by August 31, 2014; and,

Whereas another condition required the building to be completed and available for occupancy by December 31, 2015; and,

Whereas by letter dated May 29, 2014, Kiya Investment Corp. requested a one year extension to the conditions related to completion of the foundation and the completion of the building and occupancy;

Therefore be it resolved that the request dated May 29, 2014 from Kiya Investment Corp. to amend the conditions of approval for the application under the University and College Area Renaissance Community Improvement Plan for 710 King Street West, be approved such that now the foundation shall be completed by August 31, 2015 and the building shall be completed and available for occupancy by December 31, 2016.

DS-14-128 Request from Property Owner to Purchase a Portion of the City-owned Thomas Street Road Allowance for a Residential Lot Addition (121 Thomas Street)

(See Pages 151 to 157)

Recommendation

That the Development Services Committee recommend to City Council:

That pursuant to Report DS-14-128 dated June 11, 2014, Mr. John Jones of 121 Thomas Street be advised that the City of Oshawa respectfully declines his request to acquire part of the Thomas Street road allowance abutting the westerly limit of 121 Thomas Street.

DS-14-129 Recommended City-Initiated Amendments to the Oshawa Official Plan and Zoning By-law 60-94 Related to Accessory Apartments Required to Implement Provincial Legislation

(See Pages 158 to 197)

Recommendation

That the Development Services Committee recommend to City Council:

1. That pursuant to Report DS-14-129 dated June 11, 2014, the City-initiated amendments to the Oshawa Official Plan (File: B-3100-0362) and Zoning By-law 60-94 (File: Z-2013-05) related to accessory apartments in single detached dwellings and semi-detached dwellings be approved in order to implement the Province's direction pursuant to changes made to the Planning Act through the *Strong Communities through Affordable Housing Act, 2011* and the necessary by-laws be passed generally in accordance with Attachments 1 and 2 in the above-noted Report; and,
2. That in accordance with Section 34(17) of the Planning Act and notwithstanding that the rezoning proposed in the public meeting report and at the public meeting differs to some degree from that approved by City Council, such differences are not substantial enough to require further notice and another public meeting; and,
3. That the General Fees and Charges By-law be amended to include new terminology by adding Accessory Apartments in the column with single detached and semi-detached dwellings for Committee of Adjustment applications and that the notice provisions of the City's Notice By-law 147-2007 be waived for this minor change.

DS-14-130 Application for Removal of "h-12" Holding Symbol – 2015-2019 Simcoe Street North, 2 Taylorwood Road Ltd., (File: B-3200-1271)

(See Pages 198 to 199)

Recommendation

Whereas on April 27, 2009 Council passed By-law 29-2009 which delegated the approval of applications to remove "h" holding symbols to the Development Services Committee subject to the conditions for lifting the holding symbol being fulfilled to the satisfaction of the Commissioner of Development Services and the necessary by-law being presented to Council for approval; and,

Whereas 2 Taylorwood Road Ltd. the owner of 2015-2019 Simcoe Street North intends to develop a 14 unit apartment building and a 9 unit block townhouse building on the site (Attachment 1); and,

Whereas the site is zoned MU-A(3)"h-12" (Mixed Use) which permits apartment buildings and block townhouses; and,

Whereas the “h-12” holding symbol is in place to ensure the following conditions are satisfied:

- a) Site plan approval is obtained from the City;
- b) Appropriate arrangements are made for the provision of adequate water, sanitary, storm, foundation drainage and transportation services to the development to the satisfaction of the City and Region;
- c) Driveway access to the satisfaction of the City and Region;
- d) Noise mitigation to the City’s satisfaction; and
- e) Any necessary cross-access easements are created to the satisfaction of the City; and,

Whereas the owner has submitted an application to remove the “h-12” holding symbol to advance conditional building permits for the proposed development; and,

Whereas it is expected that site plan approval will be granted shortly; and,

Whereas the Commissioner of Development Services is satisfied that the conditions for lifting the holding symbol will be satisfied;

Therefore be it resolved that the application submitted by 2 Taylorwood Road Ltd. to remove the “h-12” holding symbol for 2015-2019 Simcoe Street North to facilitate the development of an apartment building and block townhouse building be approved and the necessary by-law be passed.

DS-14-132 Application for Removal of “h-49”, 1645-1655 Simcoe Street North, 2345703 Ontario Inc., (File: B-3200-1272)

(See Pages 200 to 201)

Recommendation

Whereas on April 27, 2009 Council passed By-law 29-2009 which delegated the approval of applications to remove “h” holding symbols to the Development Services Committee subject to the conditions for lifting the holding symbol being fulfilled to the satisfaction of the Commissioner of Development Services and the necessary by-law being presented to Council for approval; and,

Whereas 2345703 Ontario Inc. the owner of 1645-1655 Simcoe Street North intends to develop a 15 unit apartment building on the site (Attachment 1); and,

Whereas the site is zoned MU-A “h-49” (Mixed Use) which permits apartment buildings; and,

Whereas the “h-49” holding symbol is in place to ensure the following conditions are satisfied:

- a) Site plan approval is obtained from the City;
- b) Appropriate arrangements are made for the provision of adequate water, sanitary, storm, foundation drainage, and transportation services to the development to the satisfaction of the City and Region;
- c) Driveway access to the satisfaction of the City and Region;
- d) Noise mitigation to the City's satisfaction; and
- e) Any necessary cross-access easements are created to the satisfaction of the City; and,

Whereas the owner has submitted an application to remove the "h-49" holding symbol to advance conditional building permits for the proposed development; and,

Whereas it is expected that site plan approval will be granted shortly; and,

Whereas the Commissioner of Development Services is satisfied that the conditions for lifting the holding symbol will be satisfied;

Therefore be it resolved that the application submitted by 2345703 Ontario Inc. to remove the "h-49" holding symbol for 1645-1655 Simcoe Street North to facilitate the development of an apartment building be approved and the necessary by-law be passed.

DS-14-133 Application for Removal of "h-49", 1909 Simcoe Street North, 1387925 Ontario Ltd. (Ihor Lysyk) (File: B-3200-1269)

(See Pages 202 to 203)

Recommendation

That the Development Services Committee recommend to City Council:

Whereas on April 27, 2009 Council passed By-law 29-2009 which delegated the approval of applications to remove "h" holding symbols to the Development Services Committee subject to the conditions for lifting the holding symbol being fulfilled to the satisfaction of the Commissioner of Development Services and the necessary by-law being presented to Council for approval; and,

Whereas 1387925 Ontario Ltd. (Ihor Lysyk) the owner of 1909 Simcoe Street North intends to develop a 18 unit apartment building on the site (Attachment 1); and,

Whereas the site is zoned MU-A "h-49" (Mixed Use) which permits apartment buildings; and,

Whereas the "h-49" holding symbol is in place to ensure the following conditions are satisfied:

- a) Site plan approval is obtained from the City;
- b) Appropriate arrangements are made for the provision of adequate water, sanitary, storm, foundation drainage and transportation services to the development to the satisfaction of the City and Region;
- c) Driveway access to the satisfaction of the City and Region;
- d) Noise mitigation to the City's satisfaction; and
- e) Any necessary cross-access easements are created to the satisfaction of the City; and,

Whereas the owner has submitted an application to remove the "h-49" holding symbol to advance conditional building permits for the proposed development; and,

Whereas it is expected that site plan approval will be granted shortly; and,

Whereas the Commissioner of Development Services is satisfied that the conditions for lifting the holding symbol will be satisfied;

Therefore be it resolved that the application submitted by 1387925 Ontario Ltd. to remove the "h-49" holding symbol for 1909 Simcoe Street North to facilitate the development of an apartment building be approved and the necessary by-law be passed.

DS-14-136 Requests to Designate Certain Buildings and the Northern Dancer Cemetery in the Core Farm Area of the Former Windfields Farm and Trillium Cemetery Pursuant to the Ontario Heritage Act

(See Pages 204 to 223)

Recommendation

That the Development Services Committee recommend to City Council:

That pursuant to Report DS-14-136 dated June 11, 2014, staff be directed to:

- a) Report back through the Development Services Committee on the costs and a go forward strategy with the University of Ontario Institute of Technology associated with undertaking building audit(s) and a heritage research report(s) on the core farm area of former Windfields Farm lands; and,
- b) Initiate the process to designate the Trillium Cemetery under the Ontario Heritage Act including retaining a consultant to prepare a heritage research report; and,
- c) Defer designation requests pending the completion of the University of Ontario Institute of Technology and Durham College Campus Master Plan, building audit(s) and a heritage research report(s).

DS-14-139 Draft Proposed Program for 'Honouring the Windfields Farm Legacy'

(See Pages 224 to 232)

Recommendation

That the Development Services Committee recommend to City Council:

- (1) That pursuant to Report DS-14-139 dated June 11, 2014 regarding a Draft Proposed Program for 'Honouring the Windfields Farm Legacy', the Development Services Department:
 - (a) Be authorized to consult the public on the Draft Proposed Program for 'Honouring the Windfields Farm Legacy'; and,
 - (b) Be directed to report back on:
 - (i) Public input received on the Draft Proposed Program for 'Honouring the Windfields Farm Legacy';
 - (ii) A recommended final version of a program for 'Honouring the Windfields Farm Legacy'; and,
 - (iii) Recommended timing and costing for implementing the City items in the recommended Program for 'Honouring the Windfields Farm Legacy'.

DS-14-142 Request from Bond and Mary Development Inc. to Further Extend the City's Option to Purchase Deadline, 100 Bond Street East, (File: SPA-2007-26)

(See Pages 233 to 236)

Recommendation

That the Development Services Committee recommend to City Council:

Whereas on September 12, 2011 Bond and Mary Development Inc. purchased 100 Bond Street East (Attachment 1) from the City; and,

Whereas, pursuant to the original Purchase and Sale Agreement, the City Manager executed an Option to Repurchase Agreement dated September 12, 2011 with Bond and Mary Development Inc. that allowed the City to exercise the Option to Repurchase the site if the Owner had not lawfully commenced construction (pouring of foundation walls) by March 12, 2014 of the required development; and,

Whereas on December 16, 2013 Council approved a request by Bond and Mary Development Inc. to change the Option to Repurchase date from March 12, 2014 to August 29, 2014 subject to conditions; and,

Whereas an amending Option Repurchase Agreement dated January 31, 2014 was executed to implement the Council direction; and,

Whereas by letter dated June 5, 2014 (Attachment 2) Bond and Mary Development Inc. has requested that the Option to Repurchase Agreement be further amended by changing the option to repurchase date from August 29, 2014 to December 31, 2014; and,

Whereas it is appropriate to approve such a request in consideration of the comments in the developer's letter;

Therefore be it resolved:

1. That the request from Bond and Mary Development Inc. to extend the City's Option to Repurchase date from August 29, 2014 to December 31, 2014 be approved on terms acceptable to the Commissioner, Development Services and the City Solicitor including, without limitation, a release and indemnity in favour of the City and terms to the effect that the extension is without prejudice to the City's rights including under the Option to Repurchase and that time remains of the essence; and,
2. That the Commissioner of Development Services or City Manager be authorized to execute any documentation to give effect to Part 1 above in a form acceptable to the City Solicitor.

Other

DS-14-144 Development Services Committee's Outstanding Items Status Report

(See Pages 237 to 240 and Page C1)

Recommendation

That the Development Services Committee recommend to City Council:

That Report DS-14-144, being the Development Services Committee's Outstanding Items Status Report, be received for information.

Discussion Agenda

Matters Excluded from Consent Agenda

Items to Be Introduced By Councillors

Closed Portion of Meeting

None.

Adjournment

Development Services Committee – June 16, 2014

Additional Items Provided at Meeting:

1. **DS-14-150** – Ministry of Municipal Affairs and Housing – Comments Regarding the City-Initiated Amendments to Implement Changes to the Planning Act Resulting from Bill 140 to Authorize Second Units