



## Development Services Committee Meeting

**Monday, February 4, 2019  
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.

The City of Oshawa is committed to providing services as set out in the Accessibility for Ontarians with Disabilities Act, 2005. If you have accessibility needs and require alternate formats or other accommodations please contact City Clerk Services at Tel: 905-436-3311 email: [clerks@oshawa.ca](mailto:clerks@oshawa.ca) or in-person.

Agendas and minutes can be found at: <http://calendar.oshawa.ca/Meetings>.

## **Development Services Committee**

The Development Services Committee is made up of five members. Mayor Carter is an Ex Officio member of all Standing Committees.

Below are the members of the Development Services Committee:

Councillor Marimpietri, Chair  
Councillor McConkey, Vice-Chair  
Councillor Chapman, Member  
Councillor Hurst, Member  
Councillor Kerr, Member  
Mayor Carter, 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, the Oshawa Executive Airport and Administration Services.

Development Services Committee meetings are held at 1:30 p.m. on the following dates in 2019:

January 14, 2019  
February 4, 2019  
February 25, 2019  
March 25, 2019  
April 15, 2019  
May 6, 2019  
May 27, 2019  
June 17, 2019  
September 9, 2019  
September 30, 2019  
October 21, 2019  
November 18, 2019  
December 9, 2019

Members of the public may address the Committee concerning an item on the agenda by submitting a written request to City Clerk Services before 4:30 p.m. on the Tuesday preceding the Monday meeting.

### **Please Note**

All personal electronic devices must be 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.

Video recording and photography during Committee meetings is permitted in the area designated in the Committee Meeting Room and Council Chamber.

# **Development Services Committee**

**February 4, 2019**

## **Matters Requiring Direction**

### **Additional Agenda Items**

(As may be presented at the meeting)

### **Declarations of Pecuniary Interest**

(As may be presented by Committee Members)

### **Presentations**

None.

### **Delegations**

Donna Taylor, President/CEO and Harbour Master, Oshawa Port Authority requesting to address the Development Services Committee concerning the Harbour Road Extension Agreement

### **Correspondence Requiring Action**

None.

### **Referrals from Council and Standing Committees**

#### **DS-19-14**

Joe Arruda requesting the 2019 Development Services Department Budget include a new FTE staff person to work on and promote the City's Active Transportation Network

---

(See Pages 1 to 2)

“That Correspondence CNCL-19-08 from Joe Arruda requesting the 2019 Development Services Department Budget include a new FTE staff person to work on and promote the City's Active Transportation Network be referred to the Development Services Committee.”

**DS-19-15** Oshawa Port Authority submitting a new Proposal for the Harbour Road Extension Agreement

**DS-19-16** Oshawa Port Authority Providing the Corporation of the City of Oshawa Six Months Written Notice Pursuant to Section 2 of the Agreement to Cause to be Constructed the Extension of Harbour Road

---

(See Pages 3 to 5)

“That Correspondence CNCL-18-82 from the Oshawa Port Authority providing the Corporation of the City of Oshawa six months written notice pursuant to Section 2 of the Agreement to cause to be constructed the extension of Harbour Road be referred to Development Services staff to report back to Development Services Committee on February 4, 2018 and then to Council on February 8, 2019.”

## **Reports from Advisory Committees**

### **Third Report of Heritage Oshawa (DS-19-22)**

Heritage Oshawa respectfully reports and recommends to the Development Services Committee its Third Report.

1. Windfields Farm Legacy Working Group Report (HTG-19-16)

Recommendation

Whereas on February 22, 2016 City Council approved the Windfields Farm Legacy Plan; and,

Whereas one of the action items assigned to Heritage Oshawa is to run a Grade 8 essay contest; and,

Whereas it is appropriate to open up the contest to other mediums in addition to essays, such as multimedia, videos, displays and models; and,

Whereas as a result of consulting with the Durham District School Board opening up the contest to other mediums will likely be of more interest of Grade 8 students and therefore they may be more likely to participate in the contest;

Therefore be it resolved that the Grade 8 contest under the Windfields Farm Legacy Plan be expanded to allow other mediums such as multimedia videos, displays and models.

## **Reports/Motions Requiring Action**

None.

## Public Consent Agenda

### Correspondence

**DS-19-21** James Roderick McGillawee – In support of the City of Oshawa constructing the Harbor Road extension up to the boundary of the Second Marsh

---

(See Page 6)

Recommendation

That the correspondence from James Roderick McGillawee concerning the Harbour Road Extension be referred to Report DS-19-19.

### Reports

**DS-19-18** Request for Property Access Agreement for Durham Region Transit Service at 1661 Harmony Road North (Delpark Homes Centre)

---

Recommendation

That the Development Services Committee recommend to City Council:

Whereas, the City of Oshawa owns the subject property at 1661 Harmony Road North (Delpark Homes Centre); and,

Whereas, the Durham Region Works Department has requested that the City approve and execute a Property Access Agreement to continue to allow the Durham Region Transit Commission (D.R.T.) to provide transit service (Bus Route 405) on the subject property; and,

Whereas it is standard practice for the Region to have Property Access Agreements to provide transit services on such properties; and,

Whereas, the Property Access Agreement would allow D.R.T. to continue to utilize and access the interior driveway network and a designated transit stop location on the subject property on a non-exclusive basis for the provision of public transit services, and would facilitate their maintenance and repair of any transit-related infrastructure such as signs, bus shelters etc.; and,

Whereas, any transit service on the subject property must be in a safe location/route acceptable to City staff and D.R.T. staff; and,

Whereas, D.R.T.'s existing Bus Route 405 and associated transit stop on the subject property provides an essential service to the residents of Oshawa and users of the Delpark Homes Centre by connecting them to a premier City recreation and community facility via public transit; and,

Whereas, City staff have no objections to the request for a Property Access Agreement at 1661 Harmony Road North to reflect D.R.T.'s use of the subject property for public transit services, provided the form and content of the Agreement is satisfactory to the Commissioner, Development Services Department and Legal Services; and,

Whereas, Legal Services has advised that D.R.T. is a separate entity and should be party to any agreement;

Therefore be it resolved that pursuant to DS-19-18:

1. That the request by the Durham Region Works Department to obtain a Property Access Agreement to allow the Durham Region Transit to provide transit services including a dedicated transit stop located at 1661 Harmony Road North be approved; and,
2. That the Commissioner, Development Services Department be authorized to execute a Property Access Agreement with the Region of Durham and the Durham Region Transit subject to the Agreement being in a form and content satisfactory to the Commissioner, Development Services Department and Legal Services.

**DS-19-19**

Declaration of Certain City-Owned Lands as Surplus: Part of the Unimproved Portion of Harbour Road Road Allowance East of Farewell Street and a Proposal from the Oshawa Port Authority to Construct a Private Driveway Access rather than a City-owned Collector Road

---

(See Pages 7 to 43)

Recommendation

That the Development Services Committee recommend to City Council:

Whereas there is considerable history with the last term of Council concerning the 1976 Harbour Road Extension Agreement between the City and the former Oshawa Harbour Commission (now Oshawa Port Authority) and a proposal by the Oshawa Port Authority (O.P.A.) to construct a private driveway rather than a City collector road; and,

Whereas by memorandum dated January 8, 2019 the Commissioner of Development Services provided Council with the background from the previous term of Council for information; and,

Whereas by letter dated January 21, 2019 the O.P.A. presented a new proposal to the City related to this matter that the O.P.A. Board requires acceptance by February 15, 2019; and,

Whereas representatives of the O.P.A. made a presentation to Council on January 22, 2019 concerning the new proposal and responded to questions; and,

Whereas on January 22, 2019 City Council referred the O.P.A.'s correspondence (CNCL-19-14) to CNCL-18-82 which is the O.P.A.'s notice under the Harbour Road Extension Agreement triggering the City's requirement to construct the road extension; and,

Whereas on January 22, 2019 City Council referred Correspondence CNCL-18-82 from the O.P.A. to Development Services staff to report back to Development Services Committee on February 4, 2019 and to Council on February 8, 2019; and,

Whereas on January 22, 2019 City Council also decided that in the event that Council chooses not to proceed with the construction of the Harbour Road extension, the funds set aside for this project from Development Charges be set aside and earmarked for the Go Train Mobility Hub (Page 15 of 2020-2023) Capital Budget Submission 73-0459 and that the Provincial Government, Metrolinx and all involved agencies be informed of this action; and,

Whereas the new proposal dated January 21, 2019 from the O.P.A. is appropriate from a financial, environmental and asset management perspective and which involves a proposed amendment to the Land Use, Development and Municipal Services Agreement between the O.P.A. and the City;

Therefore, be it resolved:

1. That, pursuant to DS-19-19, City Council approve, in principle, the request from the Oshawa Port Authority to amend the 1976 Harbour Road Extension Agreement to convey a portion of the City-owned Harbour Road road allowance east of Farewell Street to the Federal Crown, "as is where is" and for a nominal amount to allow the Oshawa Port Authority to construct a driveway access rather than a City-owned collector road subject to the following amendments to the Land Use, Development and Municipal Services Agreement between the City of Oshawa and the Oshawa Port Authority, dated July 15, 2010 as extended:
  - (a) Clarification that the Oshawa Port Authority will secure the future of the 120 metre Second Marsh buffer zone by limiting its uses to the current uses set out in the Oshawa Port Authority's Land Use Plan as a zone that will be maintained as a buffer and berm area with no public access, and planted with indigenous species in recognition of the proximity of Oshawa's Second Marsh;

- (b) Extending the term of the Land Use, Development and Municipal Services Agreement for an additional 30 years beyond July 15, 2020;
  - (c) The Oshawa Port Authority be requested to consult with the City during the last two years of the amending agreement on the use and ownership of the Second Marsh buffer;
  - (d) Addition of a Clause acknowledging that the City will be able to engage the Oshawa Port Authority's dredge contractor at the same time as the Oshawa Port Authority will be dredging the port area;
  - (e) Addition of a Clause that if the dredged material, after being tested by the City, is deemed qualified for disposal in the berm on the buffer zone by the appropriate Government Agency standards, the Oshawa Port Authority agrees to nominate an area for the placement of this material in the berm; and,
- 2. That, in the event Part 1 above is approved, the Mayor and Clerk be authorized to execute an amending agreement or new agreement and any required documentation concerning the Harbour Road Extension Agreement and the Land Use, Development and Municipal Services Agreement with the Oshawa Port Authority and, as necessary, the Federal Crown, in a form and content acceptable to the Commissioner, Development Services Department and Legal Services; and,
  - 3. That, in the event Part 1 above is approved, the requirement to declare the subject City-owned lands, being a portion of the Harbour Road road allowance east of Farewell Street, as generally identified on Attachments 1 and 2 to DS-19-19 as potentially surplus and all requirements in accordance with By-law 97-2000 be waived; and,
  - 4. That, in the event Part 1 above is approved, the subject City-owned land comprising part of the Harbour Road road allowance east of Farewell Street as generally shown on Attachments 1 and 2 to DS-19-19 be declared surplus to municipal needs and requirements and conveyed to the Federal Crown subject to the City retaining a portion of the Harbour Road road allowance sufficient to accommodate the City's current and planned needs for the waterfront trail; and,
  - 5. That, in the event that Part 1 above is approved, all of the City-owned unimproved portion of the Harbour Road road allowance east of Farewell Street be formally closed by By-law as a Public Highway and that the notice requirements (e.g. newspaper advertisements) of the City's Notice By-law 147- 2007, as amended, be waived; and,



6. That, in the event that Part 1 above is approved, once the Harbour Road road allowance east of Farewell Street is closed by by-law then the City initiate an amendment to the Oshawa Official Plan to delete the collector road designation.

## **Discussion Agenda**

### **Matters Excluded From Consent Agenda**

### **Items to Be Introduced By Councillors**

## **Closed Consent Agenda**

### **Closed Correspondence**

### **Closed Reports**

DS-19-17      Proposed Lease Amendment: 100 Simcoe Street South, Oshawa PUC Networks Inc.

---

Closed Pursuant to Section 239(2)(c) of the Municipal Act

(See Pages C44 to C64)

Recommendation

That the Development Services Committee recommend to City Council:

That, pursuant to Report DS-19-17 dated January 29, 2019, the Commissioner, Development Services Department be authorized to execute an amendment to the lease agreement with Oshawa PUC Networks Inc. for 100 Simcoe Street South generally consistent with the terms and conditions as generally set out in Section 5.5 of this Report and in a form and content satisfactory to the Commissioner, Development Services Department and City Solicitor.

DS-19-20      Proposed Amendment to Acquisition Strategy for Eastern Part of 505 Simcoe Street South

---

Closed Pursuant to Section 239(2)(c) of the Municipal Act

(See Pages C65 to C86)

Recommendation

That the Development Services Committee recommend to City Council:

That staff be directed to proceed as set out in Report DS-19-20 concerning the proposed amendment to the acquisition strategy for the eastern part of 505 Simcoe Street South.

## **Closed Discussion Agenda**

### **Matters Excluded from Closed Consent Agenda**

### **Closed Correspondence Requiring Action**

DS-19-23      Valerie Hunt - Application to Columbus Community Advisory Committee

---

(See Page C87)

### **Closed Reports/Motions Requiring Action**

None.

### **Adjournment**