

Minutes of the Development Services Committee meeting held in the Committee Meeting Room, Council Building, Oshawa Civic Administration Complex on Monday, February 4 2019 at 1:30 p.m.

Present: Councillor Marimpietri, Chair
Councillor McConkey, Vice-Chair
Councillor Chapman, Member
Councillor Hurst, Member
Councillor Kerr, Member
Mayor Carter, Ex Officio

Also

Present: Councillor Giberson
Councillor Gray
Councillor Nicholson
L. Davis, Council-Committee Co-ordinator
H. Leznoff, Council-Committee Co-ordinator
P. Ralph, Commissioner, Development Services
W. Munro, Director, Planning Services
J. Shestowsky, Manager, Administrative and Access Services
A. Ambra, Director, Engineering Services
M. Harrington, Principal Planner

Absent: None.

Public Agenda

Additional Agenda Items

Moved by Councillor McConkey,
"That the delegation requests by Larry Ladd and Tom Mitchell be added to the Development Services Committee agenda for February 4, 2019." Carried

Declarations of Pecuniary Interest

None.

Presentations

None.

Delegations

Moved by Councillor McConkey,
"That the delegations by Donna Taylor, Larry Ladd and Tom Mitchell be heard."
Carried

Donna Taylor and Bruce McArthur addressed the Development Services Committee concerning the Harbour Road Extension in favour of the proposal.

The Committee questioned Donna Taylor and Bruce McArthur.

Larry Ladd addressed the Development Services Committee concerning the Harbour Road Extension.

The Committee questioned Larry Ladd.

Tom Mitchell addressed the Development Services Committee concerning the Harbour Road Extension.

The Committee questioned Tom Mitchell.

Correspondence Requiring Direction

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

"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."

Moved by Councillor McConkey,

"That Council Referral DS-19-14 concerning a request from Joe Arruda to add staff related to the Active Transportation Network be referred to the 2020 budget." Lost by the following vote

Affirmative – Councillor McConkey

Negative – Councillors Chapman, Hurst, Kerr, Marimpietri and Mayor Carter

Absent – None

Moved by Councillor Chapman,

"That Council Referral DS-19-14 concerning a request from Joe Arruda to add staff related to the Active Transportation be referred to staff." Withdrawn

Moved by Councillor McConkey,

"That Council Referral DS-19-14 concerning a request from Joe Arruda to add staff related to the Active Transportation be referred to the operating budget deliberations of the February 8, 2019 meeting of City Council." Lost by the following vote

Affirmative – Councillors Hurst, McConkey and Marimpietri

Negative – Mayor Carter, Councillors Chapman and Kerr

Absent - None

Moved by Councillor Chapman,

"That the Development Services Committee recommend to City Council:

That Correspondence DS-19-14 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 received for information." Carried

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

"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."

Moved by Councillor Chapman,

"That DS-19-15 and DS-19-16 be referred to Report DS-19-19 concerning the Harbour Road Extension." Carried

Reports from Advisory Committees

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.

Moved by Councillor Hurst,

“The Development Services Committee Recommend to Council:

That Item DS-19-22 being the Third Report of Heritage Oshawa regarding the Windfields Farm Legacy Working Group Report be endorsed.” Carried

Reports/Motions Requiring Action

None.

Public Consent Agenda

Moved by Councillor McConkey,

“That all items listed under the heading of Public Consent Agenda for the February 4, 2019 Development Services Committee meeting be adopted as recommended, with the exception of DS-19-19” Carried

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

Recommendation (Carried – See Page 4)

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 (Carried – See Page 4)

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

Recommendation (Carried – See Page 8)

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

Moved by Councillor Chapman,

"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.
7. That, in the event that Part 1 above is approved, the Oshawa Port Authority be advised that City Council accepts the 30 year extension of the term of the Land Use, Development and Municipal Services Agreement beyond July 15, 2020, but that the City respectfully requests that the Oshawa Port Authority consider an additional 25 years beyond July 15, 2050 for a total extension of 55 years. For greater clarity and certainty the Oshawa Port Authority is advised that the City can "live with" the 30 year extension as part of this agreement on this matter but respectfully requests that the Oshawa Port Authority consider a total extension of 55 years from July 15, 2020." Carried by the following vote:

Affirmative – Councillors Chapman, Hurst, Kerr, Marimpietri and Mayor Carter

Negative – Councillor McConkey

Absent - None

Items To Be Introduced By Councillors

DS-19-24 Continued Discussions with Oshawa Port Authority for Cooperation and Collaboration

Moved by Councillor Chapman,

"That the Development Services Committee recommend to City Council:

That the Mayor and staff continue with discussions with the Oshawa Port Authority (O.P.A.) to forward and enhance the cooperation and collaboration between the City and the O.P.A. including, but not limited to:

- a) The use of lands on the west wharf for industrial purposes; and,

- b) The O.P.A. partnering with the City of Oshawa in making a joint approach to the Ontario Government to seek the earliest reconstruction of the 401 interchange at Bloor/Farwell/Harmony; and to the Region of Durham to make access improvements to their portion of the interchange and adjacent roads and to upgrade Farwell Avenue to meet the needs of current users and the projected 12,000 truck movements outlined by the Port Authority in their presentation to Council.” Carried by the following vote

Affirmative – Councillors Chapman, Hurst, Kerr, McConkey, Marimpietri and Mayor Carter

Negative – None

Absent – None

Moved by Councillor McConkey,

“That the Development Services Committee recommend to City Council:

That the City and the O.P.A. agree to discuss the cost of a privacy fence north of the barbed-wire fence along the north side of the driveway on a 50/50 basis” Lost on the following vote

Affirmative – Councillors Marimpietri and McConkey

Negative – Councillors Chapman, Hurst, Kerr and Mayor Carter

Absent – None

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

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

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.

Discussion Agenda

Matters Excluded From Closed Consent Agenda

Moved by Councillor McConkey,

“That the meeting recess for 5 minutes in order to shut down the web stream; and,

That in accordance with Section 239(2) of the Municipal Act, the meeting reconvene in a session closed to the public to consider Report DS-19-17 concerning a proposed lease amendment: 100 Simcoe Street South, Oshawa PUC Networks Inc., related to proposed or pending acquisition or disposition of land by the municipality, Report DS-19-20 concerning a proposed amendment to the acquisition strategy for eastern part of 505 Simcoe Street South, related to a proposed or pending acquisition or disposition of land by the municipality, and Report DS-19-23 concerning the Application to the Columbus Community Advisory Committee, related to matters about an identifiable individual”
Carried

The Committee recessed at 3:40 p.m. and reconvened at 3:50 p.m. in closed session with the following in attendance: Councillors Chapman Hurst, Kerr, Marimpietri, McConkey and Mayor Carter. Also in attendance were Councillor Nicholson, L. Davis, Council-Committee Coordinator; H. Leznoff, Council-Committee Coordinator, the Commissioner, Development Services Department; the Director, Planning Services and the Principle Planner.

All other staff and members of the public left the meeting.

Closed meeting discussions took place.

Moved by Councillor Kerr,

“That the Committee rise from closed session and report.” Carried

The Committee rose from closed session at 4:02 p.m.

Closed Meeting Report

The following is a summary of the closed portion of the meeting.

The Committee questioned the Commissioner, Development Services Department regarding Report DS-19-17.

The Committee questioned the Commissioner, Development Services Department regarding Report DS-19-20.

The Committee questioned the Commissioner, Development Services Department regarding Report DS-19-23.

This concludes the closed meeting report.

Moved by Councillor Chapman,

“That the Development Services Committee adopt the recommendation contained in Report DS-19-17 concerning a Proposed Lease Amendment: 100 Simcoe Street South, Oshawa PUC Networks Inc.” Carried by the following vote

Affirmative – Councillors Chapman, Hurst, Kerr, McConkey, Marimpietri and Mayor Carter

Negative – None.

Absent – None

Moved by Councillor Chapman,

“That the Development Services Committee adopt the recommendation contained in Report DS-19-20 concerning a Proposed Amendment to the acquisition strategy for eastern part of 505 Simcoe Street South.” Carried by the following vote

Affirmative – Councillors Chapman, Hurst, Kerr, Marimpietri and Mayor Carter

Negative – Councillor McConkey

Absent – None

Closed Correspondence Requiring Action

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

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

Moved by Councillor Chapman,

“That the Development Services Committee recommend to Council:

That notwithstanding the approved Council approved Terms of Reference for the Columbus Community Advisory Committee that sets the limit for the number of members at 5 that an additional member being Valerie Hunt be appointed as the sixth member of the Committee.” Carried by the following vote

Affirmative – Councillors Chapman, Hurst, Marimpietri, McConkey and Mayor Carter

Negative – Councillor Kerr

Absent – None

Adjournment

Moved by Councillor Hurst

“That the meeting adjourn.” Carried

The meeting adjourned at 4:06 p.m.