

Development Services Committee Meeting

Monday, March 25, 2019
Committee Meeting Room, Council Building 1:30 p.m.

Agenda

Notice to Correspondents:

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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 and Accessibility 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 March 25, 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

Derek Grieve, Heritage Oshawa requesting to address the Development Services Committee concerning a designation of 494 King Street (See DS-19-47).

Derek Grieve, Heritage Oshawa requesting to address the Development Services Committee concerning a designation of 100 Simcoe Street South (See DS-19-47).

Kristopher Edwards requesting to address the Development Services Committee regarding Correspondence DS-19-50 concerning Urban Growth Centre Community Improvement Plan, 17 Brock Street West.

Correspondence Requiring Action

None

Referrals from Council and Standing Committees

None.

Reports from Advisory Committees

Report of Heritage Oshawa (DS-19-47)

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

Development Applications for 137 and 141 Simcoe Street North and 10, 14, 20_and 24
 Colborne Street East (HTG-19-22 – Item 6)

Recommendation

Whereas Heritage Oshawa has concerns about the impact of the proposed apartment building in the area of 137 and 141 Simcoe Street North and 10, 14, 20 and 24 Colborne Street East, on the heritage attributes of neighbouring properties and the local area; and,

Whereas the proposed building is directly adjacent to 147 Simcoe Street North, the Knox Presbyterian Church, listed as a Class A property in the Heritage Oshawa Inventory, with a high potential for designation; and,

Whereas the construction of an apartment tower next to 147 Simcoe Street North has the potential to obscure the heritage value and attributes of the church; and,

Whereas the proposed apartment building is in a stretch containing many (approximately 10) properties in the Inventory of heritage significance on the stretch of Simcoe Street between William Street and Adelaide Avenue:

Therefore, Heritage Oshawa opposes the proposed development.

Designation of 39 Athol Street West

(HTG-19-22- Item 8)

Whereas Heritage Oshawa has a research report on 39 Athol Street West, Cowen House, listed as a Class A property in the Heritage Oshawa Inventory; and,

Whereas 39 Athol Street West has architectural heritage value, built in approximately 1858, and is a Georgian style dwelling with Italianate elements, such as the distinctive front entryway; and,

Whereas 39 Athol Street West has associative value as it was occupied by prominent Oshawa families, the Cowans and McMillans, in the 19th and early 20th centuries; and,

Whereas 39 Athol Street West has associative value as its owners were founders of many significant industrial concerns in Oshawa, including the Malleable Iron Company, the Fittings plant, Oshawa Manufacturing (Cedar Dale Works) and Ontario Savings & Loan and Western Bank of Canada; and,

Whereas 39 Athol Street West has contextual value through it's long association with St. George's Anglican church as rectory and offices; and,

Whereas Heritage Oshawa's mandate states 'cultural heritage resources enhance the quality of life for Oshawa citizens by providing a connection to the community's past and creating a sense of place. These historical buildings and landscapes add an economic benefit to the city while contributing to making Oshawa a beautiful place to live'; and,

Whereas heritage designation recognizes the importance of a property to the local community, protects the property's cultural heritage value, encourages good stewardship and conservation, and promotes knowledge and understanding about the property; and,

Whereas the advantages of heritage designation include:

- Conserving irreplaceable, highly visible resources;
- Recognizing community identity;
- Qualifying the property owner for tax credits (when available);
- Acknowledging Oshawa's architectural past;
- Contributing to the local quality of life;
- Benefiting economic sectors, including tourism;
- Promoting sound conservation practices;
- Encouraging pride in the history and cultural heritage resources of the community; and,

Whereas designation is protective of only those heritage attributes specified in the Designation By-law; therefore owners of designated properties are free to make alterations to those aspects of their property that are not listed as heritage attributes in the property's Designation By-law (most often the interiors); and,

Whereas owners of designated properties are not prohibited from undertaking alterations that affect the listed heritage attributes, but only require written approval from City Council; and

Whereas owners of designated properties do not require Council approval for minor alterations or regular maintenance to a designated property, including choice of paint colour; and,

Whereas owners of designated properties are not:

- Required to restore the property to its original condition;
- Required to open their property to the public;
- Expected to incur expenses beyond those of any other responsible property owner;

Therefore be it resolved that 39 Athol Street West be added to the register as a designated property of a cultural heritage significance under the Ontario Heritage Act.

3. Designation of 500 Howard Street, Malleable Iron Building (HTG-19-22 – Item 9)

Whereas Heritage Oshawa has a research report on 500 Howard Street, the Malleable Iron Building, listed as a Class A property in the Heritage Oshawa Inventory; and

Whereas 500 Howard Street has architectural heritage value as the high quality building, constructed in the 19th century, that combines functional industrial structure with the visual appeal of red brick with buff brick accents, which when used as corbelling are an important design element, and later modifications to the building have maintained overall design elements; and,

Whereas 500 Howard Street has associative value as it was the site of the Ontario Malleable Iron Company for over 100 years, a significant contributor to the industrial growth of Oshawa; and,

Whereas 500 Howard Street has associative value as the Malleable Iron Company was founded by John and William Cowan, brothers who played a significant role in the development of Oshawa, both commercially and socially in the late 19th and early 20th century; and,

Whereas 500 Howard Street has contextual value as a business founded on bringing an innovative technology to Canada, which allowed it to become a leader in Canada, supplying and supporting the growth of the auto industry, and providing components for equipment in both World Wars; and,

Whereas Heritage Oshawa's mandate states 'cultural heritage resources enhance the quality of life for Oshawa citizens by providing a connection to the community's past and creating a sense of place. These historical buildings and landscapes add an economic benefit to the city while contributing to making Oshawa a beautiful place to live'; and,

Whereas heritage designation recognizes the importance of a property to the local community, protects the property's cultural heritage value, encourages good stewardship and conservation, and promotes knowledge and understanding about the property; and,

Whereas the advantages of heritage designation include:

- Conserving irreplaceable, highly visible resources;
- Recognizing community identity;
- Qualifying the property owner for tax credits (when available);
- Acknowledging Oshawa's architectural past;
- Contributing to the local quality of life;
- Benefiting economic sectors, including tourism;
- Promoting sound conservation practices;
- Encouraging pride in the history and cultural heritage resources of the community; and,

Whereas designation is protective of only those heritage attributes specified in the Designation By-law; therefore owners of designated properties are free to make alterations to those aspects of their property that are not listed as heritage attributes in the property's Designation By-law (most often the interiors); and,

Whereas owners of designated properties are not prohibited from undertaking alterations that affect the listed heritage attributes, but only require written approval from City Council; and

Whereas owners of designated properties do not require Council approval for minor alterations or regular maintenance to a designated property, including choice of paint colour; and,

Whereas owners of designated properties are not:

- Required to restore the property to its original condition;
- Required to open their property to the public;

• Expected to incur expenses beyond those of any other responsible property owner:

Therefore be it resolved that 500 Howard Street be added to the register as a designated property of cultural heritage significance under the Ontario Heritage Act with the understanding that the heritage attributes only pertain to the Ontario Malleable Iron Office Building.

Designation of 100 Simcoe Street South

(HTG-19-22 – Item 10)

Whereas Heritage Oshawa has a research report on 100 Simcoe Street South, the Oshawa Public Utilities Commission building, a registered non-designated property in the Heritage Oshawa Inventory; and,

Whereas 100 Simcoe Street South has architectural heritage value as a unique and definitive example of the Art Deco style, considered to be 'modernistic' at the time of its building in 1930; and,

Whereas 100 Simcoe Street South has architectural value as its exterior is virtually unchanged since construction and is sturdily built of steel and cement; and,

Whereas 100 Simcoe Street South has associative as it was built to house the Oshawa Public Utility and has done so over the past 89 years; and,

Whereas 100 Simcoe Street South has contextual value as the Oshawa Public Utility has an exemplary history that echos the development of Oshawa into a flourishing city through the actions of its citizens; and,

Whereas Heritage Oshawa's mandate states 'cultural heritage resources enhance the quality of life for Oshawa citizens by providing a connection to the community's past and creating a sense of place. These historical buildings and landscapes add an economic benefit to the city while contributing to making Oshawa a beautiful place to live'; and,

Whereas heritage designation recognizes the importance of a property to the local community, protects the property's cultural heritage value, encourages good stewardship and conservation, and promotes knowledge and understanding about the property; and,

Whereas the advantages of heritage designation include:

- Conserving irreplaceable, highly visible resources;
- Recognizing community identity;
- Qualifying the property owner for tax credits (when available);
- Acknowledging Oshawa's architectural past;
- Contributing to the local quality of life;

- Benefiting economic sectors, including tourism;
- Promoting sound conservation practices;
- Encouraging pride in the history and cultural heritage resources of the community; and,

Whereas designation is protective of only those heritage attributes specified in the Designation By-law; therefore owners of designated properties are free to make alterations to those aspects of their property that are not listed as heritage attributes in the property's Designation By-law (most often the interiors); and,

Whereas owners of designated properties are not prohibited from undertaking alterations that affect the listed heritage attributes, but only require written approval from City Council; and

Whereas owners of designated properties do not require Council approval for minor alterations or regular maintenance to a designated property, including choice of paint colour; and,

Whereas owners of designated properties are not:

- Required to restore the property to its original condition;
- Required to open their property to the public;
- Expected to incur expenses beyond those of any other responsible property owner:

Therefore be it resolved that 100 Simcoe Street South be added to the register as a designated property of cultural heritage significance under the Ontario Heritage Act.

5. New Heritage Research Report for 494 King Street East

(HTG-19-01)

Designation of 494 King Street East

(HTG-19-22 – Item 7)

(See pages 1 to 19)

Whereas Heritage Oshawa has a research report (DS-19-06) on 494 King Street East, listed as a Class A property in the Heritage Oshawa Inventory, which includes the Rogers House and the associated large lot with expansive landscaped front, side, and rear yards, and mature vegetation; and,

Whereas 494 King Street East, built in the 1920s, has design or physical value as a formal, solid, and sturdy house built in Colonial Revival style with Georgian elements, particularly the Classical centre door-case with pre-1850 Georgian styling; and,

Whereas the property consists of a residential corner lot of a uniquely large size and character and long setbacks from the three abutting streets; and,

Whereas the residential lot at 494 King St. E. was created as a key part of the 1928 plan of subdivision, and this lot was designed so as to deliberately retain an expansive surrounding yard and uninterrupted panoramic views of a house that may have predated the subdivision and the current, similarly sited, house; and,

Whereas a report presented at the January 2019 meeting of Heritage Oshawa regarding a tree preservation plan (HTG-19-03), mapped the many mature trees on the property that constitute important heritage attributes of the property; and,

Whereas 494 King Street East has associative value as it was built at a time of economic expansion in Oshawa as a result of the success of the McLaughlin automobile factory and associated industries and reflects the increasing prosperity of the City during that era; and,

Whereas 494 King Street East has a long association with the Rogers family, a long-term Oshawa area family; and,

Whereas 494 King Street East has contextual value as it is part of a streetscape between Ritson Road and Wilson Road that includes 34 properties of heritage significance, including 23 properties evaluated as 'Class A,' and is valued by the community for its park-like setting and vistas and views afforded by the long setbacks of the house from three abutting streets; and,

Whereas Heritage Oshawa's mandate states, 'cultural heritage resources enhance the quality of life for Oshawa citizens by providing a connection to the community's past and creating a sense of place. These historical buildings and landscapes add an economic benefit to the city while contributing to making Oshawa a beautiful place to live'; and,

Whereas heritage designation recognizes the importance of a property to the local community, protects the property's cultural heritage value, encourages good stewardship and conservation, and promotes knowledge and understanding about the property; and,

Whereas the advantages of heritage designation include:

- Conserving irreplaceable, highly visible resources;
- Recognizing community identity;
- Qualifying the property owner for tax credits (when available);
- Acknowledging Oshawa's architectural past;
- Contributing to the local quality of life;
- Benefitting economic sectors, including tourism;
- Promoting sound conservation practices;

• Encouraging pride in the history and cultural heritage resources of the community; and,

Whereas designation is protective of only those heritage attributes specified in the Designation By-law; therefore owners of designated properties are free to make alterations to those aspects of their property that are not listed as heritage attributes in the property's Designation By-law (most often the interiors); and,

Whereas owners of designated properties are not prohibited from undertaking alterations that affect the listed heritage attributes, but only require written approval from City Council; and,

Whereas owners of designated properties do not require Council approval for minor alterations or regular maintenance to a designated property, including choice of paint colour; and,

Whereas owners of designated properties are not:

- Required to restore the property to its original condition;
- Required to open their property to the public;
- Expected to incur expenses beyond those of any other responsible property owner;

Therefore be it resolved that 494 King Street East, including the house and surrounding property with vegetation, be preserved in situ and added to the register as a Designated Property of cultural heritage significance under the Ontario Heritage Act.

Port of Oshawa Working Group Report (DS-19-52)

The Port of Oshawa Working Group respectfully reports and recommends to Development Services Committee its First Report

 Correspondence dated February 26, 2019 submitted by the solicitors representing the Oshawa Port Authority concerning the Harbour Road extension agreement timelines (PORT-19-01)

(See Page 20)

That Correspondence PORT-19-01 dated February 26, 2019 submitted by the solicitors representing the Oshawa Port Authority concerning the Harbour Road extension agreement timelines be received for information.

2. Report from the Region of Durham concerning Proposed Amalgamation of the Oshawa and Hamilton Port Authorities (PORT-19-02)

(See Pages 21 to 54)

That Report PORT-19-02 submitted by the Region of Durham concerning the Proposed Amalgamation of the Oshawa and Hamilton Port Authorities be received for information.

 Resolution from the City of Hamilton concerning the proposed amalgamation of Hamilton Port Authority and Oshawa Port Authority (PORT-19-04)

(See Page 55)

That and PORT-19-04 be received for information.

4. Mayor to Name a Replacement to Attend Port of Oshawa Working Group Meetings (PORT-19-09)

That the Mayor be given the authority to name a replacement to attend the Port of Oshawa Working group meetings when he cannot attend due to other municipal business.

Port of Oshawa Working Group Report (DS-19-53)

The Port of Oshawa Working Group respectfully reports and recommends to Development Services Committee its Second Report

 Correspondence from Colin Carrie, Member of Parliament – Oshawa - Certificate of Intent to Amalgamate Port Authorities (Oshawa and Hamilton), Canada Gazette, Part I, vol. 153, February 9, 2019 (PORT-19-05)

(See Pages 56 to 59)

That the Mayor, the Commissioner, Development Services Department and the Chair of the Port of Oshawa Working Group provide a response to Correspondence PORT-19-05 from Colin Carrie providing a copy of the Canada Gazette, Part 1, vol. 153, February 9, 2019 regarding a certificate of intent to amalgamate Oshawa and Hamilton Port Authorities.

2. Correspondence from Sylvie Robitaille, Manager, Ports and Seaway Policy, Transport Canada- Update on Transport Canada Port Modernization Review (PORT-19-06)

(See Page 60)

That Correspondence PORT-19-06 from Sylvie Robitaille, Manager, Ports and Seaway Policy, Transport Canada concerning an update on Transport Canada Port Modernization Review be referred to staff for a direct response

Reports/Motions Requiring Action

None.

Public Consent Agenda

Correspondence

DS-19-50 Kristopher Edwards - Urban Growth Centre Community Improvement Plan, 17 Brock Street West

(See Pages 61 to 62)

Recommendation

That the Development Services Committee recommend to City Council:

That Correspondence DS-19-50, dated March 19, 2019 from Kristopher Edwards be referred to Report DS-19-41 concerning Application under the Urban Growth Centre Community Improvement Plan, 17 Brock Street West, 2276712 Ontario Inc.

DS-19-51 Thushan Rupakanthan - Permit for home bakery business

(See Page 63)

Recommendation

That the Development Services Committee recommend to City Council:

That Correspondence DS-19-51, dated March 8, 2019 from Thushan Rupakanthan requesting a permit for a home bakery business be referred to staff for a report.

DS-19-54 Sabrina Sgotto, Weston Consulting – Heritage Designation of 494 King Street East

(See Page 64)

Recommendation

That the Development Services Committee recommend to City Council:

That Correspondence DS-19-54, dated March 20, 2019 from Sabrina Sgotto be referred to Item 5 of DS-19-47 concerning the designation of 494 King Street East.

Reports

DS-19-41

Application under the Urban Growth Centre Community Improvement Plan, 17 Brock Street West, 2276712 Ontario Inc

(See Pages 65 to 70)

Recommendation

That the Development Services Committee recommend to City Council:

- 1. That, pursuant to Report DS-19-41 dated March 20, 2019, the application submitted by 2276712 Ontario Inc. under the City's Urban Growth Centre Community Improvement Plan for an Increased Assessment Grant for the development of a 2-storey addition of office space be approved in accordance with the comments in said Report.

DS-19-45

Draft Preferred Land Use Option for the South Field at the Oshawa Executive Airport

(See Pages 71 to 77)

Recommendation

That the Development Services Committee recommend to City Council:

That, pursuant to Report DS-19-45 dated March 20, 2019, the Development Services Department be authorized to hold a public open house to present and obtain comments on:

- The Background Study for the South Field Master Plan; and
- The draft preferred land use option for the South Field which is based on a Heritage, Recreational and Public Use theme.

DS-19-49

Request from 1700 Simcoe Street (ARI) Ltd. and CHC Student Housing Inc. that the City Consent to the Sale of 1700 Simcoe Street North

(See Pages 78 to 85)

Recommendation

That the Development Services Committee recommend to City Council:

Whereas, a 133 unit purpose-built student apartment building was constructed at 1700 Simcoe Street North (see Attachment 1); and,

Whereas, the City provided financial assistance for the project subject to conditions as detailed in the following agreements:

- Instrument No. DR860511 registered on December 2, 2009 being a Notice of Development Charges Deferral Agreement between DC Land Corp. and The Corporation of The City of Oshawa;
- Instrument No. DR1066663 registered on February 28, 2012 being a Notice of Tax Cancellation Agreement between DC Land Corp. and The Corporation of the City of Oshawa; and,
- Instrument No. DR1066664 registered on February 28, 2012 being a Notice of Amending Agreement between DC Land Corp. and The Corporation of the City of Oshawa, amending the Development Charges Deferral Agreement registered as Instrument No. DR860511, (collectively, the "D.C. and Tax Agreements"); and,

Whereas, a restriction has been registered on title prohibiting the transfer or conveyance of the Subject Site without the prior written consent of the City which consent shall not be unreasonably withheld to ensure any future owner is aware of the operating covenants under the D.C. and Tax Agreements (i.e. operating a student purpose-built apartment building for 10 years (January 1, 2021); and,

Whereas, by letter dated March 15, 2019, the proposed purchaser, Canadian Student Living Group Limited Partnership (C.S.L.) has advised that it is aware of all the relevant agreements and acknowledges it will be bound by the conditions of the D.C. and Tax Agreements (see Attachment 2); and;

Whereas the current owners have requested the City's consent to sell the Subject Site to C.S.L.;

Therefore, pursuant to DS-19-49, City Council:

- Consents to the sale of the Subject Site from CHC Student Housing Oshawa Inc. and 1700 Simcoe Street (ARI) Ltd. to Canadian Student Living Group Limited Partnership or its nominee.
- Authorizes the Commissioner, Development Services Department to execute such documentation and to do such things as may be necessary to give effect to the City's consent in a form or forms acceptable to the City Solicitor.
- 3. Authorizes and directs the City Solicitor to discharge the following instruments from title to the Subject Site after January 1, 2021:

- The Development Charge and Tax Agreements; and,
- The s.118 Restrictive Covenant (Instrument No. DR860602 registered on December 2, 2009 being an Application to Annex Restrictive Covenants or any subsequent s. 118 Restrictive Covenant registered pursuant to the Development Charge and Tax Agreements).

Discussion Agenda

Matters Excluded From Consent Agenda

Items to Be Introduced By Councillors

Closed Consent Agenda

Closed Correspondence

None.

Closed Reports

DS-19-42

Request by 1307341 Ontario Inc. for a New Occupancy Licence Agreement with the City of Oshawa for the use of Rotary Hall located at 254 Centre Street South by the Air Cadets

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

(See Pages C86 to C102)

Recommendation

That pursuant to Report DS-19-42 dated March 20, 2019, the Development Services Committee authorize the Commissioner of Development Services or Director of Planning Services to enter into a new Occupancy Licence Agreement with 1307341 Ontario Inc. for its use of Rotary Hall located at 254 Centre Street South by the Air Cadets, consistent with the terms and conditions as generally set out in said Report and in a form and content satisfactory to the City Solicitor and the Commissioner of Development Services.

DS-19-46

Offer to Purchase City-Owned Land, Unimproved Portion of Hudson Street between Townline Road South and the Merivale Court/Merivale Street Extension

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

(See Pages C103 to C117)

Recommendation

That the Development Services Committee recommend to City Council:

- 1. That, pursuant to Report DS-19-46 dated March 20, 2019, the Commissioner of Development Services be authorized to execute an Agreement of Purchase and Sale for the City-owned unimproved portion of the Hudson Street road allowance between Townline Road South and the Merivale Court/Merivale Street extension generally in accordance with the terms as set out in this Report, together with such documents as are required to complete the transaction in the opinion of Legal Services and further that the Agreement and other documents be in a form and content satisfactory to Legal Services and the Commissioner of Development Services.
- That, pursuant to Report DS-19-46 dated March 20, 2019, the Commissioner of Development Services be authorized, from time to time, to extend condition, requisition and completion dates established by the purchase and sale agreement as the Commissioner of Development Services may consider advisable in consultation with Legal Services.

DS-19-48 Potential Acquisition of Surplus Properties Owned by Durham District School Board, in accordance with Ontario Regulation 444/98

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

(See Pages C118 to C178)

Recommendation

That the Development Services Committee recommend to City Council:

That staff be authorized to proceed as directed in Report DS-19-48 concerning the potential acquisition of surplus properties owned by Durham District School Board, in accordance with Ontario Regulation 444/98.

Closed Discussion Agenda

Matters Excluded from Closed Consent Agenda
Closed Correspondence Requiring Action

None.

Closed Reports/Motions Requiring Action

None.

Adjournment