



Monday, April 17, 2023, 1:30 p.m.

Council Chamber

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Pages

Public Meeting

Additional Agenda Items

(As may be presented at the meeting)

Declarations of Pecuniary Interest

(As may be presented by Council Members)

Presentations

Region of Durham - Overview of Durham Region's newly endorsed Economic Development Strategy

Simon Gill, Director of Economic Development and Tourism, Region of Durham, to provide a presentation concerning an overview of the Region's newly endorsed Economic Development Strategy.

Delegations

Gagan Hajatri - Application for Demolition of 195 Simcoe Street North under Section 34, Part IV of the Ontario Heritage Act

Gagan Hajatri requesting to address the Economic and Development Service Committee concerning the Application for Demolition of 195 Simcoe Street North under Section 34, Part IV of the Ontario Heritage Act.

Referrals from Council

ED-23-94 - Robert McLaughlin Gallery's Board of Directors Requesting

**Leasehold Improvements to Arthur's on the 4th, Robert McLaughlin Gallery
(Ward 4)**

Reports from Advisory Committees

None.

Items Requiring Direction

None.

Public Consent Agenda

Correspondence with recommendations

ED-23-86 - Terry Ward, Vice President of the Board of Directors for Simcoe Hall, requesting assistance to repair the City-owned the road and sidewalk (Ward 5)

39

Recommendation

That Correspondence ED-23-86, dated March 3, 2023, concerning Terry Ward, Vice President of the Board of Directors for Simcoe Hall, requesting assistance to repair the City-owned the road and sidewalk be referred to staff for a report.

ED-23-87 - George Lysyk & Sons Ltd. requesting the City of Oshawa to enter into an agreement concerning the design, tendering, and construction work for the road urbanization on Dieppe Court (Ward 5)

43

Recommendation

That Correspondence ED-23-87 concerning George Lysyk & Sons Ltd. requesting the City of Oshawa to enter into an agreement concerning the design, tendering, and construction work for the road urbanization on Dieppe Court be referred to staff for a report.

Staff Reports/Motions with recommendations

ED-23-61 - Proposed renaming of Ortono Avenue (Ward 5)

45

Recommendation

That the Economic and Development Services Committee recommend to City Council:

Whereas, Plan 167, a registered plan of subdivision in the City of Oshawa was registered in February of 1913 with the street names Park Avenue, Lakeview Avenue, Birch Avenue, and Russell Avenue, amongst others; and,

Whereas, following the conclusion of the Second World War and the construction of Highway 401, several streets were closed and other streets were renamed in honour of Second World War battles such as Normandy, Dunkirk and Dieppe; and,

Whereas, there is a street named Ortono Avenue located south of Highway 401 and west of Wilson Road South; and,

Whereas, on March 9, 2023, the Ontario Regiment Museum submitted correspondence to the City (see Attachment 1) advising that the street name of Ortono was incorrect and should be spelt Ortona in reference to the Battle of Ortona; and,

Whereas, there are fifteen (15) dwellings on Ortono Avenue; and,

Whereas, reviewing a potential street name change would involve consulting with the existing residents on Ortono Avenue to obtain their comments on the possible renaming of their street and advising them of the process to change a street name and of the Council policy to provide an ex-gratia payment to offset personal costs to change their address;

Therefore, be it resolved that the Economic and Development Services Department be authorized to initiate a consultation process with the residents of Ortono Avenue and the Ontario Regiment Museum regarding the potential street name change and report back to the Economic and Development Services Committee on the results of that consultation.

ED-23-62 - Process for Handling Applications made under Various Sections of the Ontario Heritage Act (All Wards)

47

Recommendation

That the Economic and Development Services Committee recommend to City Council:

1. That, pursuant to Report ED-23-62 dated April 12, 2023, Economic and Development Services staff be authorized to implement the staff recommended processes for applications made under Sections 27, 29, 33 and 34 of the Ontario Heritage Act, as outlined in Section 5.3 of said Report; and,
2. That, pursuant to Report ED-23-62 dated April 12, 2023, Economic and Development Services staff be directed to undertake a detailed review of the heritage policies of other municipalities and recommend appropriate heritage policies for inclusion in the Oshawa Official Plan, through the process of carrying out and reporting on the City's next Municipal Comprehensive Review of the Oshawa Official Plan.

ED-23-63 - Application for Demolition of 195 Simcoe Street North under Section 34, Part IV of the Ontario Heritage Act (Ward 4)

67

Recommendation

That the Economic and Development Services Committee recommend to City Council:

Whereas, the dwelling located at 195 Simcoe Street North, known as the Robert McLaughlin House, is a “listed, non-designated” property on the City’s Register of Properties of Cultural Heritage Value or Interest under Section 27 of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18 (the “Heritage Act”) but is not currently designated; and,

Whereas, on February 2, 2021, Nantuck Investments Inc. (the “Owner”) submitted to City staff notice of their intention to demolish the Robert McLaughlin House; and,

Whereas, on March 15, 2021, the then Development Services Committee considered Heritage Oshawa’s recommendation to designate the Robert McLaughlin House, and recommended to City Council that the property be designated, and that staff be directed to investigate with the Owner any possible opportunities for the adaptive reuse of the property; and,

Whereas, on March 29, 2021, City Council directed staff to undertake, among other matters, the process to designate the Robert McLaughlin House as a property of cultural heritage value or interest under the Heritage Act; and,

Whereas, on April 1, 2021, staff issued notice of the City’s intention to designate the Robert McLaughlin House, advising that any person may, on or before May 3, 2021, file a Notice of Objection to the proposed designation; and,

Whereas, a Notice of Objection dated April 30, 2021 was received from the Owner with respect to the proposed designation, which was subsequently referred by City staff to the then Conservation Review Board for a hearing and recommendation to City Council concerning the designation; and,

Whereas, the Conservation Review Board has now been amalgamated with other various tribunals as the Ontario Land Tribunal; and,

Whereas, the appeal process remains ongoing, and a hearing date has not been scheduled by the Ontario Land Tribunal; and,

Whereas on March 16, 2023, the Owner submitted an application under Section 34 of the Heritage Act requesting to demolish a portion of the Robert McLaughlin House and construct an addition to the rear of the remaining portion of the dwelling, in order to facilitate the adaptive reuse of the building for two commercial units and six residential apartment units (see Attachment 1); and,

Whereas, under the Heritage Act, Council has until May 15, 2023 to deem the

application either complete or incomplete and give notice to the Owner, and if Council fails to issue such a notice, the application is deemed complete; and,

Whereas, under the Heritage Act, after deeming the application complete, Council would have 90 days to deny, approve or approve with conditions the application to demolish; and,

Whereas, under the Heritage Act, Council must consult with Heritage Oshawa within the aforementioned 90 day period, prior to making a decision on the application; and,

Whereas, Economic and Development Services staff consider Attachment 1 to contain sufficient information for Council to make a decision under the Heritage Act; and,

Whereas, Council's decision on the application does not preclude Council's position on the designation of the property, a matter which remains under consideration at the Ontario Land Tribunal;

Therefore, be it resolved:

1. That, pursuant to Item ED-23-63, City Council deem the application submitted by Nantuck Investments Inc. under Section 34 of the Ontario Heritage Act concerning 195 Simcoe Street North, to be a complete application; and,
2. That, pursuant to Item ED-23-63, Economic and Development Services staff be authorized to provide Notice of Complete Application to Nantuck Investments Inc., owner of 195 Simcoe Street North, by no later than May 5, 2023, in accordance with the requirements of Section 34 of the Ontario Heritage Act; and,
3. That, pursuant to Item ED-23-63, Economic and Development Services staff be directed to consult with Heritage Oshawa on May 25, 2023 on the application under the Ontario Heritage Act received from Nantuck Investments Inc. with respect to 195 Simcoe Street North, and report back to the Economic and Development Services Committee on June 6, 2023.

ED-23-65 - Revised Applications to Amend the Oshawa Official Plan, Samac Secondary Plan and Zoning By-law 60-94, 1664 Simcoe Street North, 17 and 25 Niagara Drive, Karmina Developments Ltd. (Ward 2)

173

Recommendation

That the Economic and Development Services Committee recommend to City Council:

1. That, pursuant to Report ED-23-65 dated April 12, 2023, the revised application submitted by Karmina Developments Ltd. to amend the Oshawa Official Plan (File: OPA-2019-03) to permit a maximum residential density of 592 units per hectare at 1664 Simcoe Street North and 17 and 25 Niagara Drive be approved, generally in accordance with the comments contained in said Report, and the necessary by-law be passed in a form and content acceptable to the Commissioner, Economic and Development Services Department and the City Solicitor; and,
2. That, pursuant to Report ED-23-65 dated April 12, 2023, the revised application submitted by Karmina Developments Ltd. to amend the Samac Secondary Plan (File: OPA-2019-03) to permit a maximum residential density of 592 units per hectare at 1664 Simcoe Street North and 17 and 25 Niagara Drive be approved, generally in accordance with the comments contained in said noted Report, and the necessary by-law be passed in a form and content acceptable to the Commissioner, Economic and Development Services Department and the City Solicitor; and,
3. That, pursuant to Report ED-23-65 dated April 12, 2023, the revised application submitted by Karmina Developments Ltd. to amend Zoning By-law 60-94 (File: Z-2019-12) to rezone 1664 Simcoe Street North and 17 and 25 Niagara Drive from R3-A/R4-A/R6-A “h-48” (Residential) to an appropriate R6-D (Residential) Zone to permit a new 7-storey, 142-unit apartment building be approved, generally in accordance with the comments contained in said Report, and the necessary by-law be passed in a form and content acceptable to the Commissioner, Economic and Development Services Department and the City Solicitor; and,
4. That, in accordance with Section 34(17) of the Planning Act and notwithstanding that the Zoning By-law Amendment proposed in Report DS-19-186 dated October 16, 2019 presented at the public meeting of October 21, 2019 differs to some degree from the proposed amendment recommended to be approved by City Council pursuant to Part 3 of this Recommendation, such differences are not substantial enough to require further notice and another public meeting.

ED-23-70 - Front Ending Agreement with Broccolini Thornton Limited Partnership (Ward 2)

197

Recommendation

That the Economic and Development Services Committee recommend to City

Council:

1. That pursuant to Report ED-23-70 dated April 12, 2023 regarding the request from Broccolini Thornton Limited Partnership to enter into a Front Ending Agreement with Broccolini Thornton Limited Partnership and any other developer with work on Thornton Road North in the vicinity of 1680 Thornton Road North for the construction of work associated with the road widening and left-turning lane storage requirements on Thornton Road North, that the Commissioner, Economic and Development Services Department be authorized to sign the agreement provided the agreement is in a form and content acceptable to the City Solicitor and the Commissioner, Corporate and Finance Services Department; and,
2. That, pursuant to Report ED-23-70 dated April 12, 2023, funding in the amount of \$5,129,864.47 in Development Charge and Growth Related Non DC funding for 73-0461 Thornton Road North Growth Related Widening for the reimbursement to Broccolini Thornton Limited Partnership be provided, subject to the execution of the Front Ending Agreement authorized by Item 1; and,
3. That, pursuant to Report ED-23-70 dated April 12, 2023, Council waive the Purchasing By-law requirements and allow Broccolini Thornton Limited Partnership to construct the work associated with the road widening and left-turning lane storage requirements on Thornton Road North as described and set forth by the City of Oshawa in the Site Plan Agreement for 1680 Thornton Road North.

ED-23-77 - City-initiated Amendments to the Oshawa Official Plan and Zoning By-law 60-94 Related to the City of Oshawa Parking Study (All Wards)

205

Recommendation

That the Economic and Development Services Committee recommend to City Council:

1. That, pursuant to Report ED-23-77 dated April 12, 2023, the City-initiated Amendment to the Oshawa Official Plan as generally set out in Attachment 1 of said Report be approved, and the necessary by-law be passed in a form and content acceptable to the Commissioner, Economic and Development Services Department and the City Solicitor; and,
2. That, pursuant to Report ED-23-77 dated April 12, 2023, the City-initiated Amendment to Zoning By-law 60-94 as generally set out in Attachment 2 of said Report be approved, and the necessary by-law be

passed in a form and content acceptable to the Commissioner,
Economic and Development Services Department and the City Solicitor;
and,

3. That, in accordance with Section 34(17) of the Planning Act and notwithstanding that the Zoning By-law Amendment proposed in Report ED-23-37 dated March 1, 2023 presented at the public meeting of March 6, 2023 differs to some degree from the proposed amendment recommended to be approved by City Council pursuant to Part 2 of this Recommendation in Report ED-23-77, such differences are not substantial enough to require further notice and another public meeting.

ED-23-80 - Heritage Oshawa By-law (All Wards)

223

Recommendation

That the Economic and Development Services Committee recommend to City Council:

Whereas, Section 28 of the Ontario Heritage Act, R.S.O. 1990, c.0.18 (the “Act”), provides that the council of any municipality may, by by-law, establish a municipal heritage committee, with a minimum of five members, to advise and assist the council on matters of cultural heritage value and interest including the designation of heritage properties and heritage conservation districts under Parts IV and V of the Act, and such other heritage matters as the Council may specify by by-law; and,

Whereas, City Council established a municipal heritage committee pursuant to the Act through By-law 59-95, styled as Heritage Oshawa; and,

Whereas, By-law 59-95 was subsequently repealed and replaced with By-law 29-2006, which in turn was later repealed and replaced with By-law 02-2011; and,

Whereas, in addition to reaffirming the establishment of Heritage Oshawa as the City’s Municipal Heritage Committee, By-law 02-2011 includes various provisions setting out operating procedures for the Committee; and,

Whereas, subsequent to passing By-law 02-2011 in 2011, City Council has since adopted the Advisory Committees of Council Policy and Procedure (the “Policy”) which sets out provisions for the operation of all Advisory Committees of Council, including Heritage Oshawa, and requires each Advisory Committee to have a Council-approved Terms of Reference; and,

Whereas, the Policy and Terms of Reference documents are reviewed during each term of Council to ensure they remain up to date and accurate based on current legislation and other Council by-laws or policies; and,

Whereas, the operating procedures set out in By-law 02-2011 are now addressed in the Advisory Committees of Council Policy and Procedure and/or its approved Terms of Reference;

Therefore be it resolved:

1. That City Council reaffirms the establishment of Heritage Oshawa as a Municipal Heritage Committee pursuant to the Ontario Heritage Act; and,
2. That Heritage Oshawa is an Advisory Committee of Council and will operate under the Advisory Committees of Council Policy and Procedure and Committee Terms of Reference as may be amended by Council; and,
3. That By-law 02-2011 be repealed and replaced with a by-law generally in the form and content as set out in Attachment 1 to Item ED-23-80.

ED-23-81 - Common Element Condominiums – Public Meetings and Notices of Application (All Wards)

Recommendation

That the Economic and Development Services Committee recommend to City Council:

Whereas, the City of Oshawa is the approval authority for applications for plans of condominium in Oshawa; and,

Whereas, Ontario Regulation 544/06 under the Planning Act was approved in 2006 to provide regulations for processing applications for plans of subdivision and plans of condominium; and,

Whereas, prior to July 1, 2016, Ontario Regulation 544/06 stipulated that for applications for common element condominiums and vacant land condominiums, the approval authority must issue a notice of application if a complete application is received and must hold a public meeting in a prescribed manner; and,

Whereas, on July 1, 2016 the Province of Ontario passed Ontario Regulation 178/16 which had the effect, in part, of amending Ontario Regulation 544/06 such that for applications for common element condominiums, the approval authority is not required to issue a notice of application for a complete application or hold a public meeting; and,

Whereas, Item 56 of the City's Delegation By-law 29-2009, as amended, delegates the approval of condominium applications that do not require a public meeting under the Condominium Act or under Council policy to the Commissioner, Economic and Development Services Department or the Director

of Planning Services; and,

Whereas, the delegation is subject to the proposed plan of condominium being consistent with the approved site plan and zoning; and,

Whereas, in accordance with Item 56 of the City's Delegation By-law 29-2009, as amended, the City does not issue notices of applications or hold public meetings for proposed standard condominiums or phased condominiums; and,

Whereas, the Condominium Act and the regulations under the Condominium Act do not require a public meeting for an application for a plan of condominium submitted to an approval authority under the Planning Act; and,

Whereas, although the City does not have a policy requiring public meetings for common element condominiums, since July 1, 2016 the City of Oshawa has continued to issue notices of application and hold public meetings for applications for common element condominiums; and,

Whereas, a condominium is not a form of development but is rather a type of tenure of a property, and it does not create development or land use permissions for a property; and,

Whereas, removing the requirement for notice of application and holding a public meeting for common elements condominiums will further enhance the City's development application processing and make efficient use of Economic and Development Services staff resources; and,

Whereas, it is appropriate to continue to issue notice of application and hold a public meeting for any application for common element condominium that proposes to convert an existing rental property to condominium tenure;

Therefore be it resolved:

1. That, pursuant to Item ED-23-81, Schedule "A" to Delegation By-law 29-2009, as amended, be further amended by adding to Item 56 the text " , Planning Act" after the text "Condominium Act" under the heading "Delegated Authority", and the appropriate amending by-law be passed; and,
2. That it is a policy of Oshawa City Council that applications for common elements condominiums do not require a public meeting and do not require a notice of application unless said application proposes to convert an existing rental property to condominium tenure.

Recommendation

That the Economic and Development Services Committee recommend to City Council:

1. That, pursuant to Report ED-23-82 dated April 12, 2023, the revised application submitted by Regita Enterprise Inc./Schleiss Development Company Limited to amend Zoning By-law 60-94 (File: Z-2014-03) in order to implement a revised draft plan of subdivision (File: S-O-2014-04) for 1500 Conlin Road East be approved, generally in accordance with the comments in said Report, and the necessary by-law be passed in a form and content acceptable to the Commissioner, Economic and Development Services Department and City Solicitor; and,
2. That, pursuant to Report ED-23-82 dated April 12, 2023, the revised application submitted by Regita Enterprise Inc./Schleiss Development Company Limited to implement a revised draft plan of subdivision (File: S-O-2014-04) featuring 29 blocks to accommodate up to 344 single detached dwellings, 13 blocks for 72 street townhouse dwellings, 1 low residential block to accommodate up to 50 block townhouse dwellings, 2 medium density residential blocks to accommodate up to 178 block townhouse dwellings, a portion of a mixed use block, an elementary school block, a walkway block, 3 parkette blocks, 2 stormwater management pond blocks, 2 open space blocks, 7 landscape strip blocks, 2 road widening blocks, 4 reserve blocks and new arterial, collector and local roads at 1500 Conlin Road East be approved, subject to the conditions as generally set out in Attachment 5 of said Report; and,
3. That, in accordance with Section 34(17) of the Planning Act and notwithstanding that the Zoning By-law Amendment proposed in Report DS-16-19 dated February 3, 2016 presented at the public meeting of February 8, 2016 differs to some degree from the proposed amendment recommended to be approved by City Council pursuant to Part 1 of this Recommendation, such differences are not substantial enough to require further notice and another public meeting.

ED-23-84 - Revised Proposed New Telecommunication Tower and Related Equipment, 900 Colonel Sam Drive, SpectraPoint Inc. on behalf of Rogers Communications Inc. and R. Knocker & Son Paving Contractors Ltd. (Ward 5)

259

Recommendation

That the Economic and Development Services Committee recommend to City Council:

That, pursuant to Report ED-23-84 dated April 12, 2023, the Commissioner, Economic and Development Services Department be authorized to advise Innovation, Science and Economic Development Canada that the City has no objection to the revised proposal by SpectraPoint Inc. on behalf of Rogers Communications Inc. on lands owned by R. Knocker & Son Paving Contractors Ltd. at 900 Colonel Sam Drive to install a 35 metre (114.83 ft.) high monopole telecommunication tower with related at-grade equipment and fencing, subject to Rogers Communications Inc. addressing such matters as siting and tower design to the satisfaction of the Commissioner, Economic and Development Services Department
(File: SPA-2022-09).

ED-23-88 - Municipal Consent Process and Franchise Renewal with Enbridge Gas (All Wards)

297

Recommendation

That the Economic and Development Services Committee recommend to City Council:

1. That, pursuant to Report ED-23-88 dated April 12, 2023, that staff be authorized to update the current franchise agreement, to the satisfaction of the Commissioner, Economic and Development Services Department and the City Solicitor, for a term of no greater than 20 years, and that the updated agreement be executed in accordance with the City's delegation by-law; and,
2. That, pursuant to Report ED-23-88 dated April 12, 2023, that Council endorse the consolidated Municipal Consent Requirements as a guide for staff to advance Municipal Consent permits; and,
3. That staff be directed to review the General Fees and Charges By-law with respect to the fees charged for Municipal Consents for both area residents and utility service providers through the 2023 review of the City's General Fees and Charges By-law.

Public Discussion Agenda

Matters Excluded from the Consent Agenda

Items Introduced by Council Members

Items Pulled from the Information Package

Questions to Staff Concerning the Committee's Outstanding Items List

Closed Consent Agenda

Closed Correspondence with recommendations

ED-23-85 - Request to Purchase City-owned land at Chopin Park (Ward 5)

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

(See Pages C1 to C5)

Recommendation

That Correspondence ED-23-85, dated March 17, 2023, concerning a request to purchase City-owned land at Chopin Park be referred to staff for a report.

ED-23-92 - Ministry of Transportation submitting a Notice of Application for Approval to Expropriate Land in the vicinity of Wilson Road South and Highway 401 (Ward 5)

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

(See Pages C6 to C24)

Recommendation

That Correspondence ED-23-92, dated March 28, 2023, concerning the Ministry of Transportation submitting a Notice of Application for Approval to Expropriate Land be referred to staff for a report.

ED-23-93 - Request to Purchase 1 Mary Street North (Ward 4)

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

(See Pages C25)

Recommendation

That Correspondence ED-23-93, concerning a request to Purchase 1 Mary Street North be referred to staff for a report.

Closed Staff Reports/Motions with recommendations

ED-23-64 - Invitation to Use Region-Owned Land on Ritson Road South on a Temporary Basis (Ward 4)

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

(See Pages C26 to C32)

Recommendation

That the Economic and Development Services Committee recommend to City Council:

That staff be directed to proceed in accordance with Section 2.0 of Closed Report ED-23-64 dated April 12, 2023.

ED-23-66 - Proposed Lease Amendment: 100 Simcoe Street South, Oshawa PUC Networks Inc. (Ward 4)

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

(See Pages C33 to C60)

Recommendation

That the Economic and Development Services Committee recommend to City Council:

That, pursuant to Report ED-23-66 dated April 12, 2023, the Commissioner, Economic and Development Services Department be authorized to execute an amendment to the lease agreement with Oshawa PUC Networks Inc. (operating as Oshawa Power) for 100 Simcoe Street South generally consistent with the terms and conditions as set out in Section 5.4 of said Report and in a form and content satisfactory to the Commissioner, Economic and Development Services Department and the City Solicitor.

ED-23-68 - Update on the Combined Disposal and Acquisition Strategy Related to City-owned Lands on Eulalie Avenue (Ward 4)

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

(See Pages C61 to C93)

Recommendation

That the Economic and Development Services Committee recommend to City Council:

That, pursuant to Closed Report ED-23-68 dated April 12, 2023, the Commissioner, Economic and Development Services Department be authorized to proceed as outlined in Section 5.3 of said Report.

ED-23-69 - Update on City-owned Lands at 0 William Street East and 0 Ritson Road North (Ward 4)

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

(See Pages C94 to C104)

Recommendation

That the Economic and Development Services Committee recommend to City Council:

That pursuant to Closed Report ED-23-69 dated April 12, 2023, staff be authorized to proceed as outlined in Sections 5.5 and 6.0 of said Report for the City-owned lands municipally known as 0 William Street East and 0 Ritson Road North.

ED-23-71 - Disposal Strategy: City-owned Land on the West Side of Haig Street, Known Municipally as 0 Haig Street (Ward 4)

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

(See Pages C105 to C114)

Recommendation

That the Economic and Development Services Committee recommend to City Council:

That, pursuant to Closed Report ED-23-71 dated April 12, 2023, staff be authorized to execute the disposal strategy outlined in Section 5.3 of said Closed Report for the City-owned land located on the west side of Haig Street and known municipally as 0 Haig Street, that was declared surplus to municipal requirements by City Council on December 12, 2022.

ED-23-72 - Disposal Strategy: City-owned land located at 0 and 20 Harbour Road, at the northeast corner of Simcoe Street South and Harbour Road (Ward 5)

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

(See Pages C115 to C137)

Recommendation

That the Economic and Development Services Committee recommend to City Council:

That, pursuant to Closed Report ED-23-72 dated April 12, 2023, staff be authorized to execute the disposal strategy outlined in Section 5.3 of said Closed Report for 0 and 20 Harbour Road, which form part of the northeast corner of Simcoe Street South and Harbour Road, that were declared surplus to municipal requirements by City Council on April 11, 2016.

ED-23-74 - Proposed Improvements to Public Interface along Simcoe Street South, south of Harbour Road (Ward 5)

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

(See Pages C138 to C145)

Recommendation

That the Economic and Development Services Committee recommend to City Council:

That pursuant to Closed Report ED-23-74 dated April 12, 2023, that staff be authorized to proceed in accordance with Closed Item ED-23-74 concerning proposed improvements to the public interface along Simcoe Street South, south of Harbour Road.

ED-23-79 - Potential Acquisition of Land on Thornton Road North (Ward 2)

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

(See Pages C146 to C148)

Recommendation

That the Economic and Development Services Committee recommend to City Council:

That, pursuant to Closed Item ED-23-79 concerning the potential acquisition of land on Thornton Road North, the Commissioner, Economic and Development Services Department be authorized to proceed as set out in said Closed Item.

ED-23-83 - Request to Amend Licence Agreement between the Ontario Regiment R.C.A.C. Regimental Museum and the City of Oshawa at the South Field of the Oshawa Executive Airport (Ward 2)

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

(See Pages C149 to C193)

Recommendation

That the Economic and Development Services Committee recommend to City Council:

That pursuant to Closed Report ED-23-83 dated April 12, 2023, the Commissioner, Economic and Development Services Department be authorized to proceed as outlined in Section 2.0 of said Report.

ED-23-89 - Proposed Terms of Reference for Request for Proposal to Operate a Golf Course on City-owned Land (Ward 2)

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

(See Pages C194 to C210)

Recommendation

That the Economic and Development Services Committee recommend to City Council:

1. That the Terms of Reference for the Request for Proposals to operate a golf course on City-owned land be endorsed as generally set out in Attachment 3 to Report ED-23-89 dated April 12, 2023; and,
2. That, pursuant to Report ED-23-89 dated April 12, 2023, staff be authorized to proceed with the Request for Proposal in general accordance with Attachment 3 to said Report, and report back to the Economic and Development Services Committee and City Council with an overview of any submissions and a recommendation on next steps in the process.

ED-23-90 - Proposed Licence Agreement for the Cordova Valley Clubhouse at 863 Glen Street (Ward 5)

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

(See Pages C211 to C225)

Recommendation

That the Economic and Development Services Committee recommend to City Council:

That, pursuant to Closed Report ED-23-90 dated April 12, 2023, the Commissioner, Economic and Development Services Department be authorized to proceed as outlined in Section 2.0 of said Report.

ED-23-91 - Direction on Proposed Settlement Respecting Appeals of Applications to Amend Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision for Lands South of Renaissance Drive, West of Park Road South (Ward 5)

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

(See Pages C226 to C285)

Recommendation

That the Economic and Development Services Committee recommend to City Council:

That, pursuant to Closed Report ED-23-91 dated April 12, 2023, Legal Services and Economic and Development Services be authorized to advance the recommendation outlined in said Report in regards to appeals filed by SO Developments Inc. for the applications to amend Zoning By-law 60-94 and for approval of a draft plan of subdivision, for lands located south of Renaissance Drive, west of Park Road South.

ED-23-73 - Request to Purchase City-owned Land on the west side of Grandview Street South, south of Dianne Drive (Ward 5)

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

(See Pages C286 to C319)

Recommendation

That the Economic and Development Services Committee recommend to City Council:

That pursuant to Closed Report ED-23-73 dated April 12, 2023, the Commissioner, Economic and Development Services Department be authorized to proceed as outlined in Section 2.0 of said Closed Report.

Closed Discussion Agenda

Matters Excluded from the Consent Agenda

Items Requiring Direction

None.

Matters Tabled

Item DS-21-58 - Update Employment Land Inventory List

Report DS-21-58 concerning a request to publish an updated and modernized design of the land inventory in Report DS-15-34. (Tabled March 8, 2021 until the Regional Report on such matters Region-wide has been completed)

Recess

Planning Act Public Meeting (6:30 p.m.)

Additional Agenda Items

(As may be presented at the meeting)

Declarations of Pecuniary Interest

(As may be presented by Council Members)

Application ED-23-78

Presentation

GHD - Application to Amend Zoning By-law 60-94, Rossland Residences Corp., 555 Rossland Road West (Ward 4)

Bryce Jordan, GHD, to provide a presentation concerning the Application to Amend Zoning By-law 60-94, Rossland Residences Corp., 555 Rossland Road West.

Delegations

(As requested)

Correspondence

ED-23-67 - Various Residents submitting comments in opposition to ED-23-78 concerning Application to Amend Zoning By-law 60-94, Rossland Residences Corp., 555 Rossland Road West (Ward 4)

323

Recommendation

That Correspondence ED-23-67 regarding Various Residents submitting comments in opposition to ED-23-78 concerning Application to Amend Zoning By-law 60-94, Rossland Residences Corp., 555 Rossland Road

West be referred to Report ED-23-78.

Reports

ED-23-78 - Application to Amend Zoning By-law 60-94, Rossland Residences Corp., 555 Rossland Road West (Ward 4)

329

Recommendation

That, pursuant to Report ED-23-78 dated April 12, 2023, concerning the application submitted by GHD Limited on behalf of Rossland Residences Corp. to amend Zoning By-law 60-94 (File: Z-2023-02) to permit the development of six stacked townhouse buildings (apartment buildings) with a total of 179 dwelling units at 555 Rossland Road West, staff be directed to further review and prepare a report and recommendation back to the Economic and Development Services Committee. This direction does not constitute or imply any form or degree of approval.

Adjournment



February 22, 2023

Mary Medeiros
City Clerk, City Clerk Services
City of Oshawa
5th Floor, Rundle Tower, City Hall
50 Centre Street South
Oshawa, ON L1H 3Z7

Dear Ms. Medeiros,

On behalf of The Robert McLaughlin Gallery's (RMG) Board of Directors, we are submitting a request to make capital improvements to the event rental space at the RMG known as Arthur's on the 4th (Arthur's).

As part of our plans for revenue recovery from the COVID-19 pandemic, the RMG plans to invest in our venue rental program. Part of this investment includes making improvements to our primary rental space – Arthur's. This space has been identified in the annual facility asset overview reports conducted by the City, in particular the finishings and carpet, as beyond their useful life and in need of replacement. The leasehold improvements will include:

- Replacement of carpet with marmoleum flooring
- Removal of coffee service station to increase flexibility of the space
- Replacement of lighting fixtures
- Painting on walls and trim
- Acquiring new furniture to improve accessibility and flexibility of use

In accordance with our lease, the RMG is requesting approval from City Council to proceed with these leasehold improvements to the building. Arthur's provides a vital event space for our community. Furthermore, the changes to the space will help us to realize our revenue recovery goals in the wake of the pandemic.



The concept design and tender and construction documents are attached to this submission. The RMG has already been in communication with Facilities and Planning, and will work closely with City staff to ensure that the design meets all requirements.

We look forward to hearing from you regarding next steps.

With thanks,

Carrie Williamson
Chair, Board of Directors
williamsonc@whitby.ca

Lauren Gould
CEO
lgould@rmg.on.ca

Encl.

2022-11-23 RMG Arthurs Renovation Concept

2023-02-15 RMG Arthurs Issued for Tender and Construction



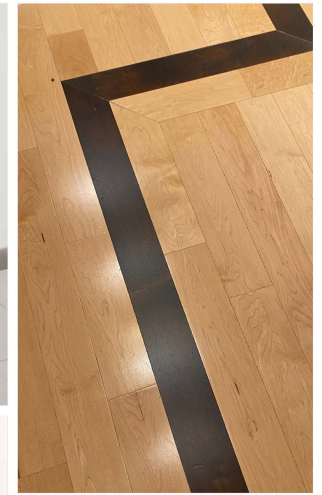
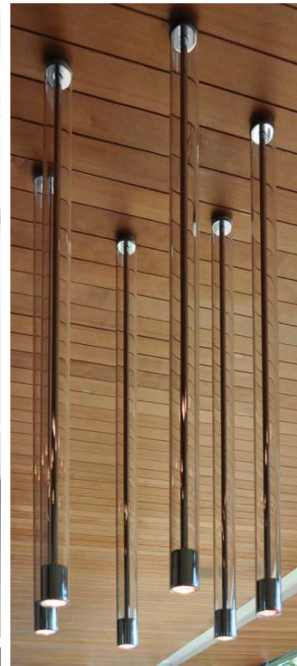
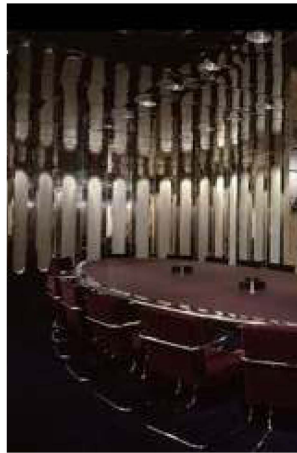
RE-ENVISIONING ARTHUR'S ON THE 4TH | THE ROBERT MCLAUGHLIN GALLERY | 23 NOV 2022 | DENIZENS OF DESIGN INC. | T: +1.647.297.3865 | E: STUDIO@DENIZENS.CA | DENIZENS.CA





“
Space has
always been
the spiritual
dimension of
architecture.
It is not the
physical
statement of
the structure
so much
as what it
contains that
moves us.

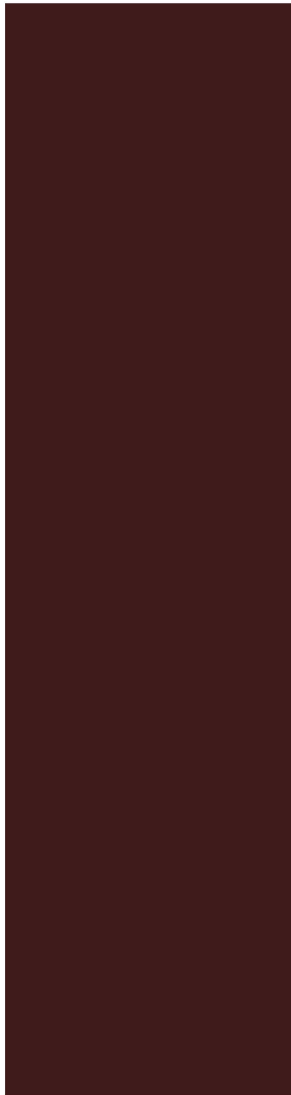
- ARTHUR ERICKSON



RE-ENVISIONING ARTHUR'S ON THE 4TH | 2022-11-23
DENIZENS OF DESIGN | FOR THE ROBERT MCLAUGHLIN GALLERY

CONCEPT





Arthur's On The 4th, has always held true to the notion of honouring the legacy of the Architect who created it. Not only in its naming, but in the way its original details have been preserved and maintained over time.

Just like the Erickson expansion in 1984, our proposal commits to honouring the existing structure, while elevating the space to the needs of its present day use. Improvements will provide a timeless aesthetic that takes cues from Erickson's own architectural and interior design sensibilities of the past; while contemporary finishes and modular furnishings will improve its saleability in today's market. The resulting space will be transformed into a highly flexible dining venue for events.



RE-ENVISIONING ARTHUR'S ON THE 4TH | 2022-11-23
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CONCEPT STATEMENT





seamless
floor and bar
material

Erickson
inspired
details

integrity
of existing
structure

stainless
and wood
elements

modular
furniture



RE-ENVISIONING ARTHUR'S ON THE 4TH | 2022-11-23
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LOOK & FEEL





feature lighting



Erickson inspired
furniture



stainless bar
storage



existing marble
counter



marmoleum floor
& bar cladding



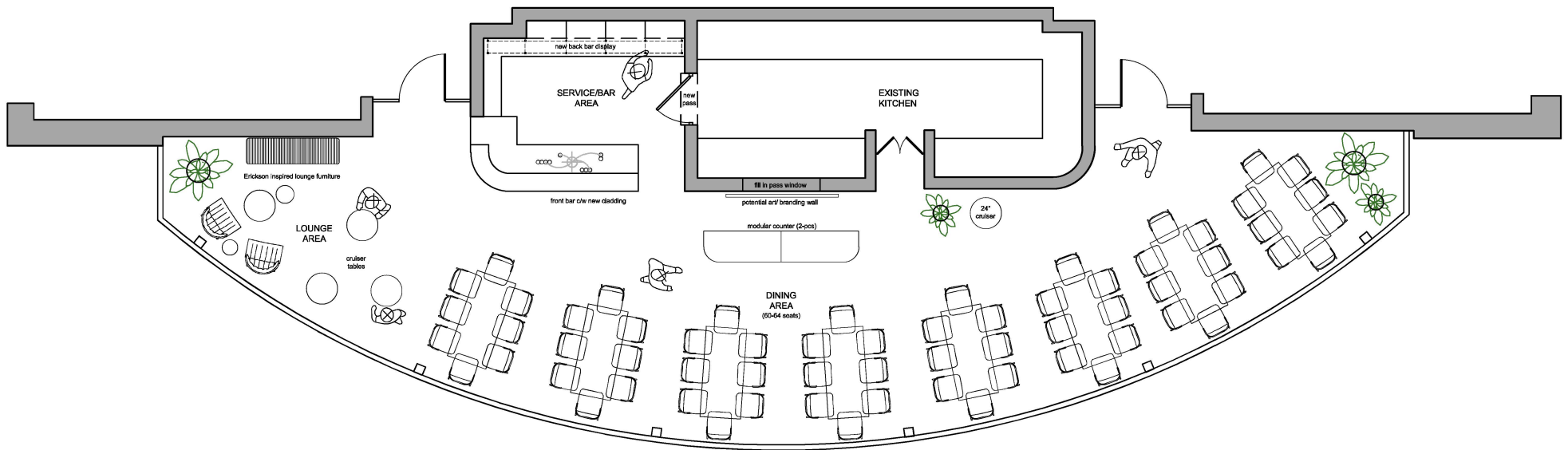
two-tone wood
furniture



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MATERIALS & FINISHES





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FLOOR PLAN





movable
plants

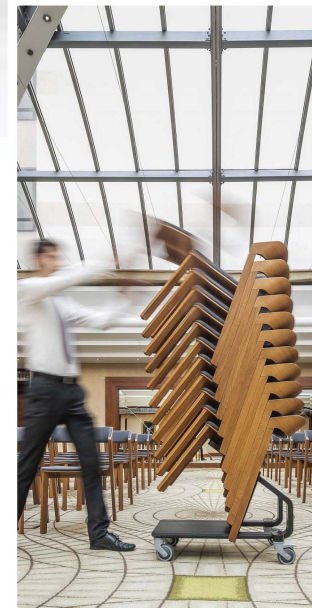
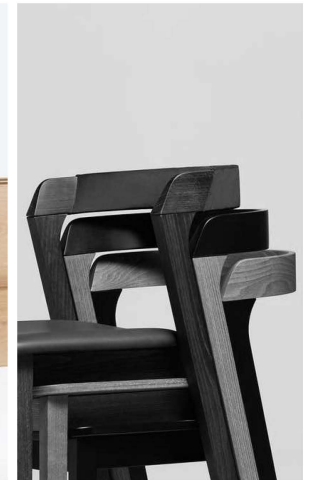
modular
service stands

flip-top tables

stacking
chairs

lightweight
louge
furniture

storage/
nesting
capabilities



RE-ENVISIONING ARTHUR'S ON THE 4TH | 2022-11-23
DENIZENS OF DESIGN | FOR THE ROBERT MCLAUGHLIN GALLERY

FLEXIBLE FURNITURE





feature bar lighting
(Canadian designed)



marmoleum bar
cladding



existing countertop
material preserved



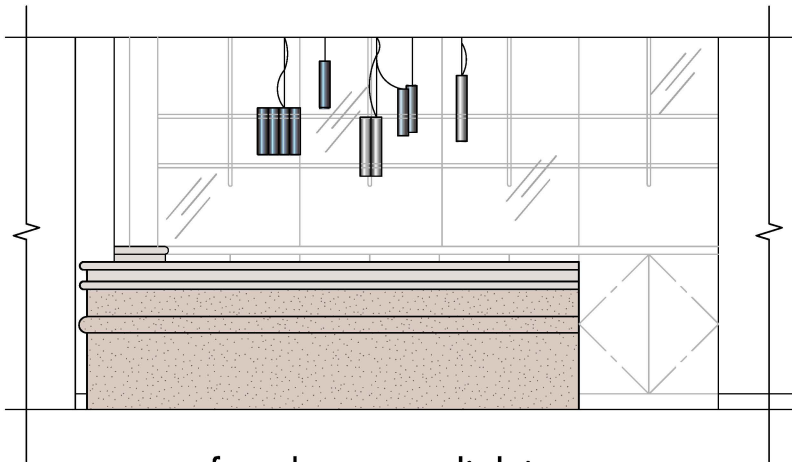
Erickson inspired
stainless back bar



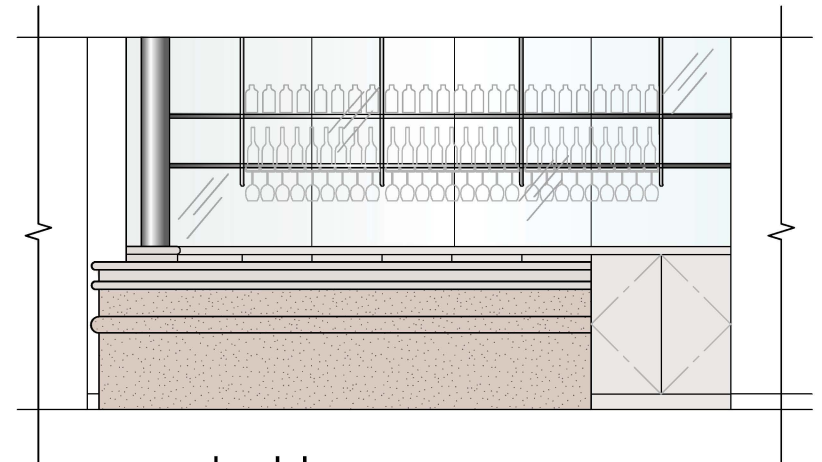
existing back bar
mirror



new cabinet fronts in
neutral colour



front bar - new lighting



back bar - new storage



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BAR UPGRADES - ELEVATIONS



Lighting is the most often overlooked element of many renovation projects; but it is critical to creating the correct ambiance for the space.

To maintain the integrity of the design, we are proposing some simple upgrades. Replacing the existing monopoint lights with similar, sleeker, dimmable LED fixtures and a feature light over the bar; both by Canadian designers and manufactured locally, will elevate the ambiance and aesthetic.



bar feature



general lighting



RE-ENVISIONING ARTHUR'S ON THE 4TH | 2022-11-23
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LIGHTING IMPROVEMENTS





ISSUED FOR TENDER & CONSTRUCTION

ARTHUR'S ON THE 4TH

72 Queen Street, Oshawa, Ontario, L1H 3Z3
for
The Robert McLaughlin Gallery

Project No. 22009 | Date. 15 February 2023

Interior Design Drawings

ID001 GENERAL NOTES
ID201 DEMOLITION & PARTITION PLAN
ID301 REFLECTED CEILING PLAN
ID401 FLOOR AND WALL FINISH PLAN
ID501 FURNITURE PLAN &
INTERIOR ELEVATIONS
ID801 MILLWORK DRAWINGS

ISSUED FOR TENDER & CONSTRUCTION

Project No. 22009 | Date. 15 February 2023

Interior Designer

DENIZENS OF DESIGN INC.

703 Bloor Street West | Box 5
Toronto, Ontario | M6G 1L5

647.297.3865 | www.denizens.ca



CONSTRUCTION ABBREVIATIONS	GENERAL CONSTRUCTION NOTES	GENERAL PARTITION PLAN NOTES	GENERAL DEMOLITION NOTES	GENERAL REFLECTED CEILING NOTES
AL Aluminum AN Anodized AO Automatic door operator AS Acoustic seal BF Barrier free, barrier free hardware CH Coat hook CID Clear inside dimension CL Closer CLC Closer, Concealed CLR Clear finish CR Card reader CYL Cylinder C/W Complete With DB Dead bolt DC Door contact DP Door pull DPR Door pull – recessed DS Door stop – door mounted DSF Door stop – floor mounted DSO Door stop – overhead recessed DSW Door stop – wall mounted ED Exit device EP Epoxy ESP Escutcheon plate EQ Equal ES Electric strike (E) Existing (E/R) Existing/relocated FG Fixed glazing FL Floor FPL Flush pull FRR Fire resistance rating GB Gypsum Board GK Gasket GL Glazing, glass GLB Glass – back painted GLL Glass – laminated GLT Glass – tempered GLS Glass – safety GWG Georgian wire glass HC Hollow core HCC Honey comb core HG Hinge HGPC Hinge, centre pivot HGPO Hinge, offset pivot HM Hollow metal (doors and frames to be ULC fire rated per schedule, insulated at exterior) HR Hour INSUL Insulated, insulation KP Kick plate L Length/long LA Latch LS Lock set MAG Magnetic lock MTL Metal PAD Keypad PB Push to lock button PP Push plates PRS Privacy set PS Passage set PT Paint, painted PVT Pivot Hinge (R) Relocated RB Rubber RR Remote release SC Solid core SS Stainless steel STD Stained, stain STL Steel TH Threshold THK Thick, Thickness TT Thumb turn TYP Typical VF Verify in the Field VNR Veneer WD Wood	1. ARCHITECTURAL/ INTERIOR DESIGN DRAWINGS AND SPECIFICATIONS ARE TO BE READ IN CONJUNCTION WITH SCOPE OF WORK, SPECIFICATIONS AND THE MECHANICAL, ELECTRICAL AND ACOUSTIC DOCUMENTS. 2. DRAWINGS SHALL BE SITE VERIFIED FOR DETAILED LAYOUT AND DIMENSIONS. ALL DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE CONSULTANTS. 3. PROVIDE ALL CONSTRUCTION HOARDING AND SIGNAGE AS REQUIRED TO COMPLETE REQUIRED PROJECT PHASING AND SEPARATION OF WORK. HOARDING IS TO BE SEALED, INSULATED STUD WALL CONSTRUCTION UNLESS OTHERWISE APPROVED WITH THE OWNER. ALL HOARDING IS TO PROVIDE DUST FREE PROTECTION TO ALL NEIGHBOURING AREAS AND SUCH IS TO INCLUDE SEALED BULKHEADS ABOVE EXISTING CEILINGS AS REQUIRED. PROVIDE EXIT DOORS & EXIT SIGNAGE IN CONSTRUCTION HOARDING TO EGRESS DOORS AS REQUIRED BY CODE. VERIFY AND COORDINATE THE HOARDING LAYOUT WITH THE OWNER ON SITE AND PROVIDE A LAYOUT DRAWING FOR REVIEW BEFORE COMMENCING WORK. 4. EXTERIOR DIMENSIONS ARE TAKEN FROM OUTSIDE FACE OF FINISHED WALL TO OUTSIDE FACE OF FINISHED WALL UNLESS NOTED OTHERWISE. 5. INTERIOR DIMENSIONS ARE TAKEN FROM OUTSIDE FACE TO OUTSIDE FACE OF GYPSUM WALL BOARD UNLESS OTHERWISE NOTED. 6. ALL LOW HEIGHT PARTITIONS THAT TERMINATE BELOW THE CEILING SLAB/ROOF DECK ARE TO BE FINISHED (GB, CORNER BEAD, TAPE, PAINT, ETC.) OR BE PROVIDED WITH A PAINTED MDF CAP UNLESS NOTED OTHERWISE. REFER TO APPLICABLE DETAILS. 7. WALL TYPES ARE GENERIC. PROVIDE FURRING AROUND COLUMNS AND MECHANICAL AND ELECTRICAL ITEMS/DEVICES AS REQUIRED. 8. VERIFY ALL ROUGH OPENING DIMENSIONS ON SITE. 9. MAKE GOOD ANY EXISTING WORK AND/OR FINISHES THAT ARE MODIFIED OR AFFECTED BY NEW CONSTRUCTION. 10. PROVIDE MODIFICATIONS TO THE EXISTING LIFE SAFETY SYSTEMS AS SHOWN ON THE DRAWINGS AND AS REQUIRED TO COMPLETE NEW WORK. PROVIDE TESTING AND VERIFICATIONS AS REQUIRED. REFER TO MECHANICAL AND ELECTRICAL DRAWINGS FOR COORDINATION, SPECIFICATIONS AND LOCATIONS. 11. IT IS THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN ALL NECESSARY PERMITS REQUIRED BY RELEVANT AUTHORITIES PRIOR TO COMMENCEMENT OF WORK. 12. ALL WORK IS TO BE CARRIED OUT ACCORDING TO RELEVANT CODES, STANDARDS AND AS PER DRAWINGS AND SPECIFICATIONS ISSUED BY THE DESIGNER, ARCHITECT AND ENGINEERS. 13. SUBMIT REQUIRED CHANGES TO THE DESIGNER/ARCHITECT FOR APPROVAL PRIOR TO COMMENCEMENT OF WORK. 14. ALL NEW CONDUIT AND PIPING FOR ELECTRICAL AND MECHANICAL ITEMS ARE TO BE CONCEALED WITHIN WALLS OR THE ACCESS FLOOR CAVITY WHEREVER POSSIBLE, UNLESS OTHERWISE NOTED. LAYOUT AND VERIFY ALL LOCATIONS WITH THE CONSULTANTS BEFORE COMMENCING INSTALLATION. ALL EXPOSED CONDUIT AND PIPING IS TO BE INSTALLED TIGHT TO THE CEILING SLAB, GANGED TO GATHER NEAT AND ORDERLY WHERE POSSIBLE AND INTERSECT AT 90°. REFER ALSO TO MECHANICAL AND ELECTRICAL DRAWINGS. 15. REPAIR AND FINISH TO MATCH ANY SURFACES (WALLS, FLOORS, CEILING, ETC.) THAT ARE DAMAGED BY THE INSTALLATION OR DEMOLITION OF ANY ITEMS THAT ARE PART OF THIS CONTRACT. 16. ALL CLOSETS ARE TO TYPICALLY RECEIVE ONE PAINTED MDF SHELF AND ONE BRUSHED STAINLESS STEEL COAT ROD. 17. "SHELVING" ON PLANS TYPICALLY REFER TO ADJUSTABLE SHELVES UNLESS NOTED OTHERWISE. 18. NO PRESSURE TREATED OR FIRE TREATED WOOD IS TO BE USED IN CONSTRUCTION ASSEMBLIES. 19. ALL MDF IS TO BE LOW VOC OR WHEAT/STRAW BOARD. 20. CONTRACTOR IS TO PROVIDE MECHANICAL AND ELECTRICAL INTERFERENCE DRAWINGS TO COORDINATE THE LOCATIONS OF NEW AND RELOCATED SERVICES, DEVICES, ETC. WITH THE EXISTING CONDITIONS TO THE CONSULTANTS FOR REVIEW PRIOR TO STARTING WORK.	1. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH CONSULTANTS DRAWINGS AND SPECIFICATIONS. REPORT ANY DISCREPANCIES TO THE DESIGNER FOR CLARIFICATION. 2. ALL NUMERICAL DIMENSIONS ARE HARD DIMENSIONS. CONTRACTOR TO REPORT ANY DISCREPANCIES TO DESIGNER ONCE PARTITIONS HAVE BEEN CHALKED ON SITE. 3. NEW PARTITIONS ARE TO BE CHALKED ON SITE AND APPROVED BY DESIGNER PRIOR TO INSTALLATION OF FLOOR AND CEILING TRACK. 4. NEW PARTITIONS ARE TO BE FIXED DIRECTLY TO CLEAN FLOOR SURFACE, PARTITIONS TO BE TAPED, SANDED SMOOTH AND MADE READY TO RECEIVE FINISHES. 5. DRYWALL PARTITION EDGES TO BE SMOOTH AND PLUMB LINE TRUE. 6. THE CONTRACTOR IS TO ENSURE VARYING PARTITION THICKNESS TO COORDINATE WITH DOOR FRAME SIZES. REPORT ANY DISCREPANCIES TO DESIGNER FOR CLARIFICATION. 7. THE CONTRACTOR IS TO REPAIR DAMAGE TO EXISTING PARTITIONS AND/OR EXISTING FIRE SEPARATIONS WITHIN THE AREA OF SCOPE OF WORK SHOWN AS TO REMAIN. RATINGS ARE TO MATCH EXISTING. 8. THE CONTRACTOR IS TO ENSURE SUFFICIENT BLOCKING IS PROVIDED IN AREAS WHICH REQUIRE SUPPORT FOR PARTITION OR CEILING MOUNTED EQUIPMENT OR MATERIALS. 9. ALL MATERIALS USED SHALL BE NEW UNLESS OTHERWISE NOTED. 10. THE CONTRACTOR IS RESPONSIBLE FOR FURRING, CUTTING, PATCHING AND FINISHING AT LOCATIONS WHERE BASE BUILDING PARTITIONS OR COLUMNS ARE TO RECEIVE ELECTRICAL CONDUIT AND BOXES, AS PER SPECIFICATIONS AT COMPLETION OF ELECTRICAL WORK. 11. PROVIDE 19MM THK. PLYWOOD BACKING IN GB WHERE FRAMELESS GLAZING MEETS WALL OR CEILING ACROSS TWO STUDS SPACES FOR FULL HEIGHT OF GLAZING. 12. ALL OPENINGS TO BE PREPARED TO ACCEPT NEW WINDOWS AND DOORS AS PER MANUFACTURER'S SPECS. 13. THE CONTRACTOR IS TO ENSURE ACCTUCAL CAULKING IS PROVIDED AT PARTITION CONNECTIONS TO COLUMNS, CORE, FINISHED CEILING, BRICK AND U/S OF STRUCTURE. 14. SEAL AROUND ALL PENETRATIONS IN PARTITIONS AND MAKE READY TO ACCEPT NEW FINISHES. 15. THE GB SHEATHING OF ALL ACOUSTIC PARTITIONS IS TO BE CONTINUOUS. NON-ACOUSTIC WALLS ARE CONSTRUCTED SO THAT THE END STUDS BUTT INTO THE FINISHED FACE OF THE ACOUSTIC PARTITIONS TO MAINTAIN ACOUSTIC SEPARATIONS 16. REFER TO DETAIL DRAWINGS FOR WALL TYPES AND DIMENSIONS OF SPECIFIC AREAS. 17. DIMENSIONS FROM A PARTITION ARE TAKEN FROM FACE OF PARTITION TO CENTRE OF THE SERVICE OR GROUP OF SERVICES UNLESS OTHERWISE NOTED. 18. THE CONTRACTOR IS TO SUBMIT SHOP DRAWINGS AND SAMPLES TO DESIGNER FOR APPROVAL OF MILLWORK UNITS PRIOR TO FABRICATION, AS REQUIRED. 19. PREPARE ALL EXISTING DOORS AND WALLS WITHIN THE PROJECT AREA AS REQUIRED TO ACCEPT NEW PAINT FINISHES. 20. REPAINT ENTIRE WALL TO MATCH EXISTING WHEREVER NEW WORK OR REPAIRS HAVE BEEN COMPLETED OR WHERE ANY DAMAGE TO EXISTING FINISHES HAS OCCURRED DURING CONSTRUCTION. VERIFY ALL FINISHES TO BE MATCHED ON SITE. 21. CONTRACTOR TO ENSURE THAT TRADES HAVE COMPLETED THEIR PORTION OF THE WORK BEFORE BOARDING UP BOTH SIDES OF THE STUDS. THIS IS TO INCLUDE INSPECTIONS AS REQUIRED BY LOCAL AND PROVINCIAL BY-LAWS AND BUILDING CODES. 22. SOUND BATTS IN PARTITIONS ARE TO CONTINUE BEHIND POWER AND DATA OUTLETS WITHOUT INTERRUPTION. 23. STAGGER OUTLETS OCCURRING ON OPPOSITE SIDES OF THE SAME PARTITION TO MAINTAIN ACOUSTICAL INTEGRITY. 24. THE CONTRACTOR IS TO ENSURE THAT ALL DRYWALL IS FLUSH, CLEAN AND FREE FROM DUST PRIOR TO APPLICATION OF ALL WALL FINISHES.	5. REMOVE CAREFULLY, BUBBLE WRAP AND STORE FOR REUSE ANY LIGHT FIXTURES, ELECTRICAL DEVICES, BOXES AND ASSOCIATED WIRING ON SURFACES TO BE DEMOLISHED OR MODIFIED (REFER TO ELEC DWGS). HAND OVER TO OWNER ANY ITEMS THAT ARE NOT TO BE REUSED. ALL OTHER DEMOLISHED ITEMS ARE TO BE REMOVED FROM THE SITE IN A TIMELY MANNER. 6. CAREFULLY REMOVE ALL RETURN AND SUPPLY AIR DIFFUSERS AND STORE FOR REUSE. REFER TO MECHANICAL DRAWINGS. 7. INSPECT ALL EXISTING DOORS (INCLUDING FRAMES AND HARDWARE) NOTED AS "TO REMAIN" AND ENSURE THAT ALL COMPONENTS ARE IN GOOD WORKING ORDER. REPAIR OR REPLACE, TO MATCH, ANY DAMAGED OF DEFECTIVE COMPONENTS. 8. THE EXISTING EXTERIOR GLAZING AND FRAMES ARE TO REMAIN. PROTECT DURING CONSTRUCTION. 9. REMOVE ALL PROJECTIONS FROM EXISTING CONCRETE FLOORS. PATCH AND GRIND TO MAKE SMOOTH ALL HOLES, CRACKS AND BLEMISHES. 10. REPAIR AND FINISH TO MATCH ANY SURFACES (WALLS, FLOORS, CEILING ETC.) THAT ARE DAMAGED BY THE INSTALLATION OR DEMOLITION OF ANY ITEMS THAT ARE PART OF THIS CONTRACT. 11. THE AREAS WHERE EXISTING FLOOR FINISHES, WALL BASE, ETC. HAVE BEEN REMOVED, PREPARE SUB FLOORS, WALL AND COLUMNS TO ACCEPT NEW FINISHES AS REQUIRED. 12. REMOVE CAREFULLY, BUBBLE WRAP AND STORE FOR REUSE ANY LIGHT FIXTURES, ELECTRICAL DEVICES, BOXES AND ASSOCIATED WIRING ON SURFACES TO BE DEMOLISHED OR MODIFIED (REFER TO ELEC. DWGS). HAND OVER TO OWNER OR LANDLORD ANY ITEMS THAT ARE NOT TO BE REUSED AS REQUESTED BY THE OWNER OR LANDLORD. ALL OTHER DEMOLISHED ITEMS ARE TO BE REMOVED FROM THE SITE IN A TIMELY MANNER.	10. EXISTING EMERGENCY CIRCUIT FIXTURES, TO REMAIN. VERIFY ON SITE. DESIGNATE ADDITIONAL FIXTURES TO EMERGENCY CIRCUITS TO SUIT NEW LAYOUT AS REQUIRED. 11. EXPOSED CONCRETE BEAMS (BOTTOM AND TWO SIDES) ARE TO BE LEFT UNPAINTED. 12. EXISTING EXTERNAL DUCT INSULATION ON EXISTING DUCTS IS TO BE REMOVED. CLEAN RESIDUE OFF DUCTS AS REQUIRED. FLOOR AND WALL NOTES 1. THE CONTRACTOR IS TO PROVIDE DRAW-DOWNS OF EACH PAINT COLOUR TO DESIGNER FOR APPROVAL PRIOR TO COMMENCEMENT OF WORK. 2. ALL NEW MATERIALS FOR INSTALLATION, FINISHING AND SEALING ARE TO BE EXECUTED TO MANUFACTURER'S INSTRUCTIONS AND SPECIFICATIONS FOR APPLICATION AND INTENDED USE. 3. ALL MATERIALS LISTED ARE TO BE USED AS SPECIFIED. ANY ALTERNATIVES ARE TO BE SUBMITTED TO DESIGNER FOR APPROVAL PRIOR TO ORDERING AND INSTALLATION. 4. THE CONTRACTOR IS TO ENSURE THAT ALL DRYWALL IS FLUSH, CLEAN AND FREE FROM DUST PRIOR TO APPLICATION OF ALL WALL FINISHES. 5. ALLOW FOR PAINT TOUCH-UPS AFTER MILLWORK AND FURNITURE INSTALLATION. 6. ALL NEW PARTITIONS AND BASE BUILDING SURFACES REQUIRING REPAIR SHALL BE PRIMED AND RECEIVE 2 COATS OF FINISH AS SPECIFIED. DARK PAINT COLOURS TO RECEIVE 4 COATS OF PAINT, AS REQUIRED. 7. THE CONTRACTOR IS TO MAKE SITE GOOD, LEVEL AND READY TO ACCEPT INSTALLATION OF ALL NEW FLOOR FINISHES. PREPARE/STRIP/ SWM SLAB/SUBFLOOR AS REQUIRED TO ENSURE LEVEL SURFACE. REMOVE EXCESS ADHESIVE FROM FLOOR, BASE AND WALL SURFACES WITHOUT DAMAGE. CLEAN, SEAL AND WAX FLOOR AND BASE SURFACES TO FLOORING MANUFACTURERS' INSTRUCTIONS, AS REQUIRED. 8. PROVIDE MANUFACTURER'S MAINTENANCE DATA FOR ALL FINISHES TO OWNER AT THE COMPLETION OF THE PROJECT. TURN OVER TO OWNER FULL BOX OF NEW FLOORING AT COMPLETION. 9. THE CONTRACTOR IS TO COORDINATE INSTALLATION OF DIFFERING FLOORING MATERIALS WITH EACH OTHER AND WITH BASEBOARD MATERIALS. 10. TRANSITIONS BETWEEN FLOOR FINISHES AT DOOR WILL OCCUR DIRECTLY AT CENTRE LINE OF THE DOOR ON CLOSED POSITION. 11. QUICK RELEASE ADHESIVE TO BE USED FOR CARPET INSTALLATION. 12. MAKE GOOD ALL EXISTING AREAS AFFECTED BY CONSTRUCTION OR DEMOLITION AND ANY SURFACES NOTED AS EXISTING. 13. REFER TO INTERIOR ELEVATIONS FOR DETAILS AND EXTENT OF WALL FINISHES. 14. ALL FINISHES TO CONFORM TO MINIMUM FLAME SPREAD RATING AND SMOKE CLASSIFICATION BY OBC 2012. GENERAL FURNITURE NOTES 1. ALL A/V EQUIPMENT AND APPLIANCES INCLUDING BUT NOT LIMITED TO TELEVISIONS, CONSOLES, RACKS, ETC. ARE TO BE SUPPLIED AND INSTALLED BY THE OWNERS FORCES UNLESS OTHERWISE NOTED. 2. ALL FURNITURE, FILE CABINETS, ETC. ARE TO BE SUPPLIED BY THE OWNER UNLESS OTHERWISE NOTED.
GENERAL REFLECTED CEILING NOTES 1. REFER TO ARCHITECTURAL DRAWINGS FOR EXACT LOCATION OF CEILING FIXTURES. REFER TO ENGINEERING DRAWINGS FOR SPECIFICATIONS AND DETAILS. ALL LOCATIONS TO BE VERIFIED ON SITE. 2. WHEREVER EXISTING FIXTURES (LIGHTING, APPLY/RETURN AIR GRILLES, ETC.) ARE DAMAGED OR IN POOR WORKING ORDER, CONTRACTOR IS TO CHECK WITH THE OWNER'S INVENTORY IF THEY ARE AVAILABLE TO BE REUSED. CONTRACTOR IS TO PROVIDE NEW FIXTURES TO MATCH EXISTING IF REQUIRED. 3. CONTRACTOR TO PROVIDE AND SITE VERIFY OPENINGS IN FINISHED CEILINGS TO ACCOMMODATE SPRINKLERS, EXIT LIGHTS, ACCESS PANELS, RECESSED DOWN LIGHTS AND AIR DIFFUSERS. REFER TO REFLECTED CEILING PLAN AND ENGINEERING DRAWINGS AND SPECIFICATIONS. 4. CONTRACTOR TO PROVIDE AIR TRANSFER DUCTS OR DUCTED RETURN IN ACCORDANCE WITH MECHANICAL DRAWINGS WHERE CONSTRUCTION OCCURS ABOVE SUSPENDED CEILING TO U/S OF DECK. 5. ALL ELECTRICAL AND MECHANICAL DEVICES (SMOKE DETECTORS, FIRE ALARM SPEAKERS, SPRINKLER HEADS, ETC.) ARE TO BE CENTRED IN CEILING TILES. EXISTING DEVICES ARE TO REMAIN UNLESS OTHERWISE INDICATED. 6. RELOCATE EXISTING ELECTRICAL AND MECHANICAL DEVICES (EXIT SIGNS, EMERGENCY LIGHTS, ETC.) TO SUIT NEW LAYOUT AS REQUIRED. VERIFY LOCATIONS ON SITE. 7. ELECTRICAL CONSULTANT TO CONFIRM QUANTITY AND LOCATION OF LUMINAIRES REQUIRED TO ACHIEVE LIGHTING LEVELS AND DISTRIBUTION AS REQUIRED BY LOCAL GOVERNING CODES AND REGULATIONS. 8. ALL MECHANICAL AND ELECTRICAL WORK SHALL BE DONE IN ACCORDANCE WITH THE ONTARIO BUILDING CODE (OBC), ONTARIO BUILDING ELECTRICAL SAFETY CODE (OBEC), C.S.A. STANDARDS, U.L.C., N.F.P.A., O.H.S.A. AND OTHER AUTHORITIES HAVING JURISDICTION INCLUDING BUT NOT LIMITED TO THE FOLLOWING: – PLUMBING SHALL CONFORM TO THE LOCATION PLUMBING CODE – HVAC SHALL CONFORM TO THE ONTARIO BUILDING CODE AND A.S.H.R.A.E. STANDARDS. – ALL EQUIPMENT ACCESSORIES AND CONTROLS SHALL CONFORM TO A.S.H.R.A.E. 90.1 MINIMUM STANDARDS FOR ENERGY EFFICIENCY. – THE SPRINKLER SYSTEM SHALL CONFORM TO APPLICABLE NFPA AND I.A.O.C. STANDARDS AND TO ALL AUTHORITIES HAVING JURISDICTION. UNLESS OTHERWISE SPECIFIED, HANGERS SHALL CONFORM TO THE REQUIREMENTS OF NFPA.				

REVISION RECORD

2023-02-15 ISSUED FOR CLIENT REVIEW

ISSUE RECORD

North Arrow

Seal

DENIZENS

DENIZENS OF DESIGN INC. | BCIN | ARIDO | IDOC | NCDD
703 Bloor Street West | Box 5 | Toronto, ON | M6G 1L5
t. 647.297.3865 | studio@denizens.ca | www.denizens.ca

Client/Project
ARTHUR'S ON THE 4TH
THE ROBERT MCLAUGHLIN GALLERY

72 QUEEN STREET
OSHAWA/ ONTARIO

22009	As Noted	CT	DF
Project No.	Scale	Drawn by	Reviewed by

GENERAL NOTES &
ABBREVIATIONS

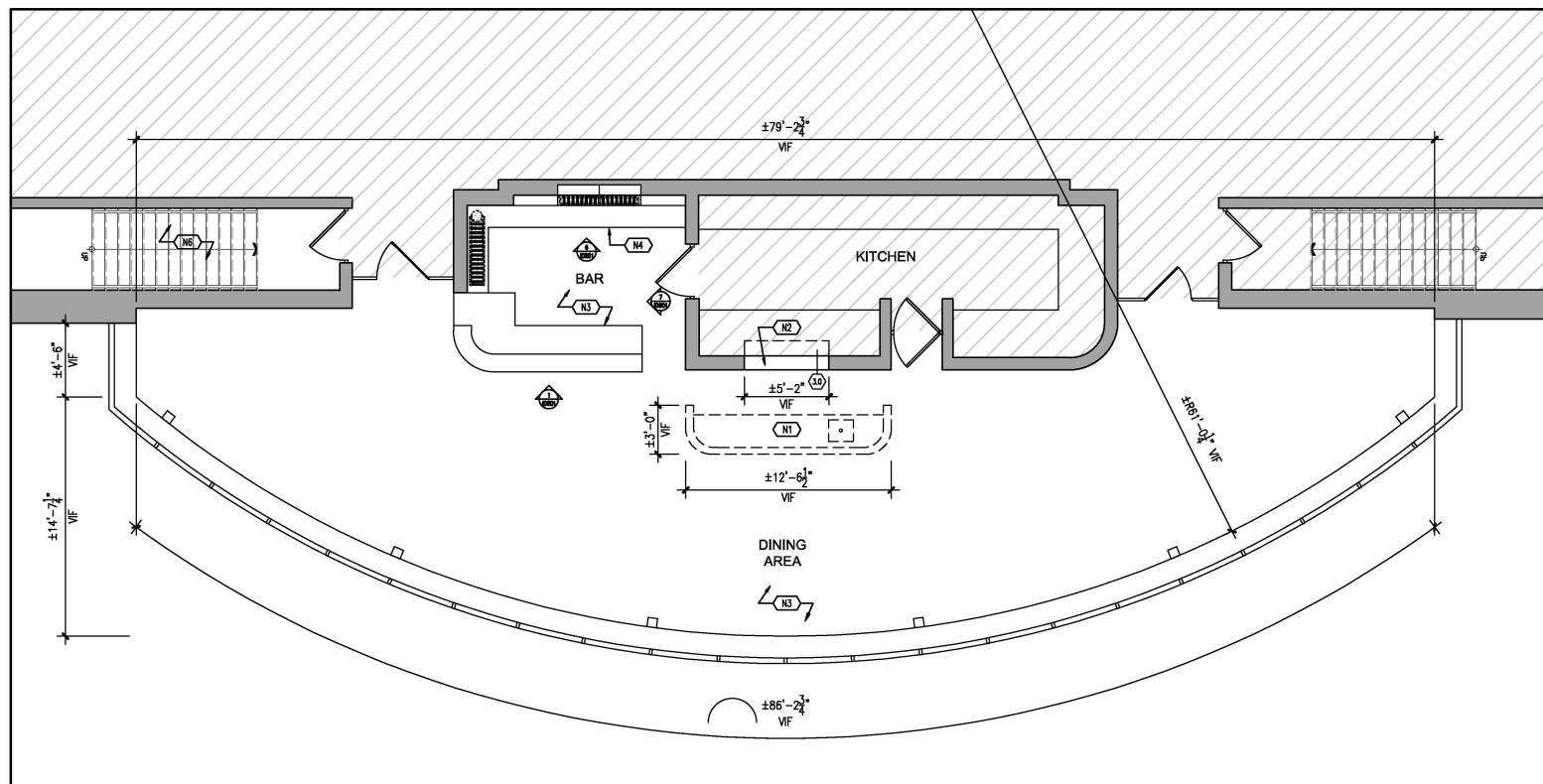
ID001

Drawing Title

Drawing No.

General Notes and Abbreviations

1 ID001 SCALE: NTS



REVISION RECORD

2023-02-15 ISSUED FOR CLIENT REVIEW

ISSUE RECORD

North Arrow

Seal

3 Partition and Demolition Plan

ID201 SCALE: 3/16"=1'-0"

PARTITION AND DEMOLITION LEGEND		KEY NOTES	
SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
	INDICATES AREA NOT INCLUDED IN PROJECT SCOPE		DEMOLISH EXISTING SERVER STATION: INCLUDING PARTIAL HEIGHT PARTITION, COUNTER, REMOVE AND/OR CAP ANY PLUMBING/ELECTRICAL OR OTHER SERVICES WITHIN THIS AREA, AS REQUIRED
	DASHED LINES DENOTE EXISTING CONSTRUCTION TO BE DEMOLISHED		DEMOLISH KITCHEN PASS WINDOW SHELVEING: INCLUDING PARTIAL HEIGHT PARTITION, COUNTER, REMOVE AND/OR CAP ANY PLUMBING/ELECTRICAL OR OTHER SERVICES WITHIN THIS AREA, AS REQUIRED
	DENOTES NEW MILLWORK; REFER TO ID801		REMOVE EXISTING FLOORING THROUGHOUT DINING AND BAR AREA. PATCH AND MAKE GOOD SUBFLOOR TO RECEIVE NEW FINISHES, AS REQUIRED.
	DENOTES EXISTING PARTITION TO REMAIN. VERIFY DIMENSIONS AND DETAILS ON SITE AS REQUIRED.		REMOVE EXISTING BACK BAR LOWER CABINET DOORS, PREPARE TO BE REPLACED WITH NEW. SALVAGE HINGE HARDWARE IF IN GOOD CONDITION; OTHERWISE REPLACE WITH NEW.
	DENOTES NEW GB PARTITION. REFER TO CONSTRUCTION ASSEMBLIES. SEE 2/ID201		FILL PASS-THROUGH WINDOW WITH DRYWALL PARTITION, MATCH EXISTING THICKNESS AND CONSTRUCTION TYPE.
	INDICATES EXISTING DOOR TO REMAIN.		DEMOLISH EXISTING CARPET AT STAIRCASE AND PREPARE STAIRS TO RECEIVE NEW FINISH.



3.0 Fill Partition Existing Pass Window
Match existing thickness
Make GB flush with existing; seamless patch and repair; prepare to receive finish

1 Partition and Demolition Plan Notes

ID201 SCALE: NTS

2 Construction Assemblies

ID201 SCALE: NTS

34

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Client/Project
ARTHUR'S ON THE 4TH
THE ROBERT MCLAUGHLIN GALLERY

72 QUEEN STREET
OSHAWA/ ONTARIO

22009 As Noted CT DF
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PARTITION PLAN
Drawing Title

ID201
Drawing No.

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2023-02-15 ISSUED FOR CLIENT REVIEW

ISSUE RECORD

North Arrow

Seal

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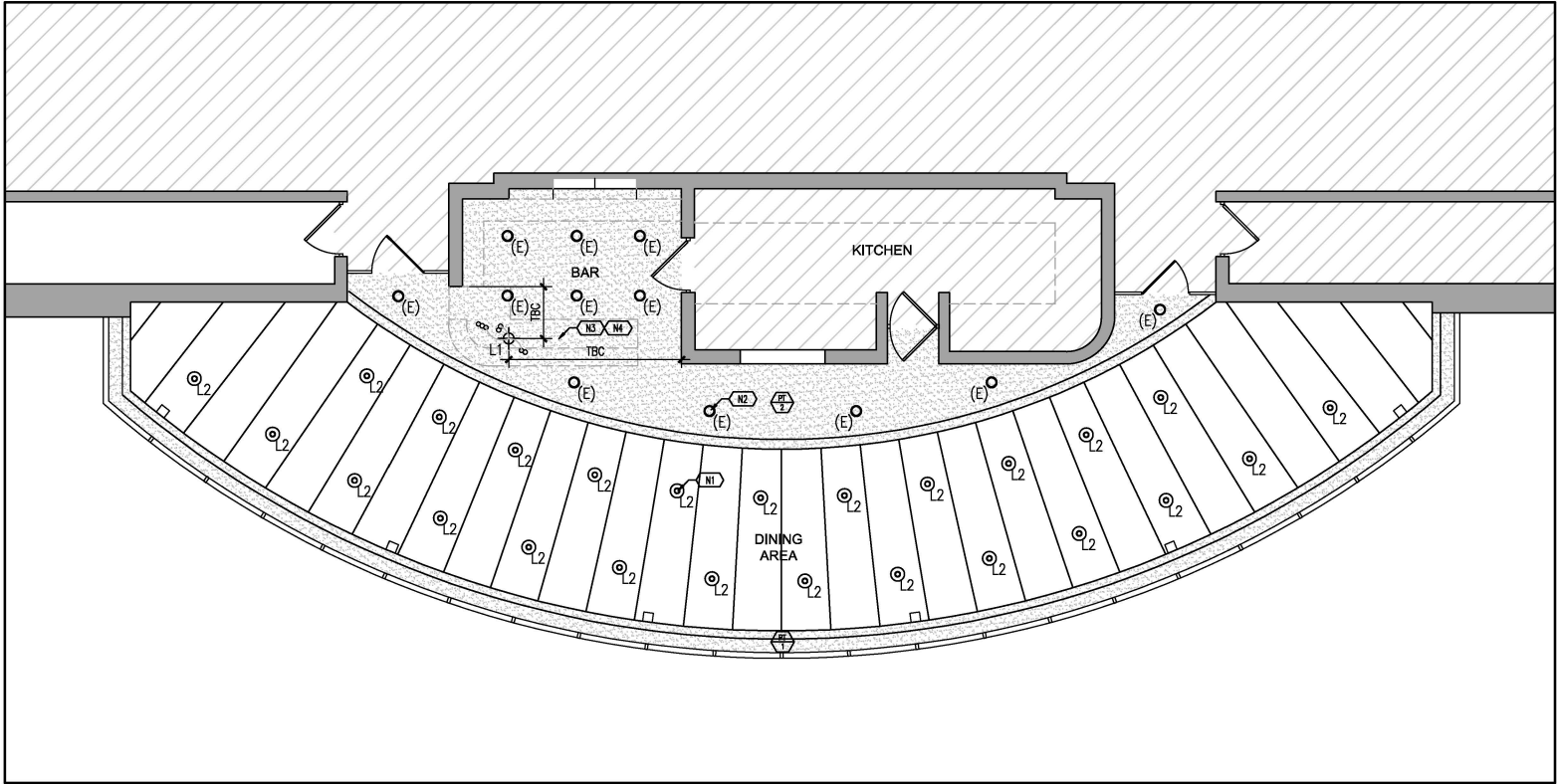
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










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REFLECTED CEILING
PLAN
Drawing Title

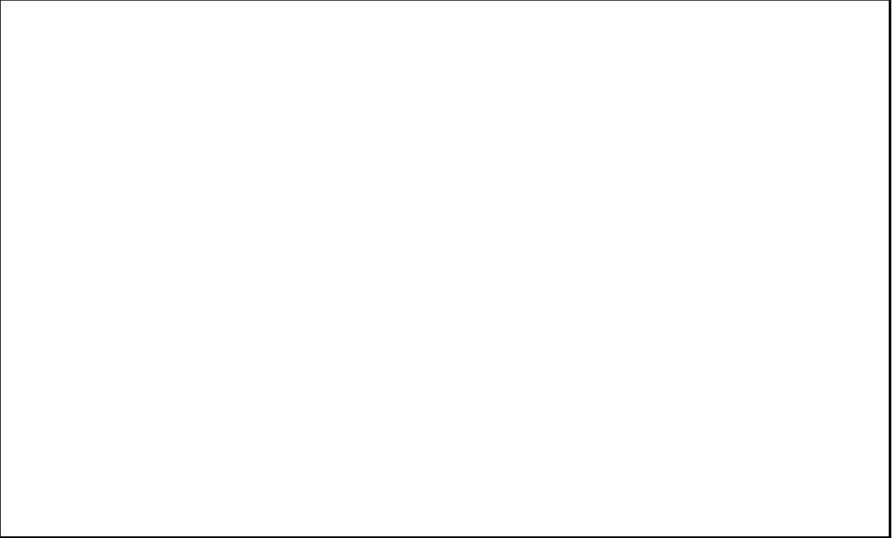
ID301
Drawing No.



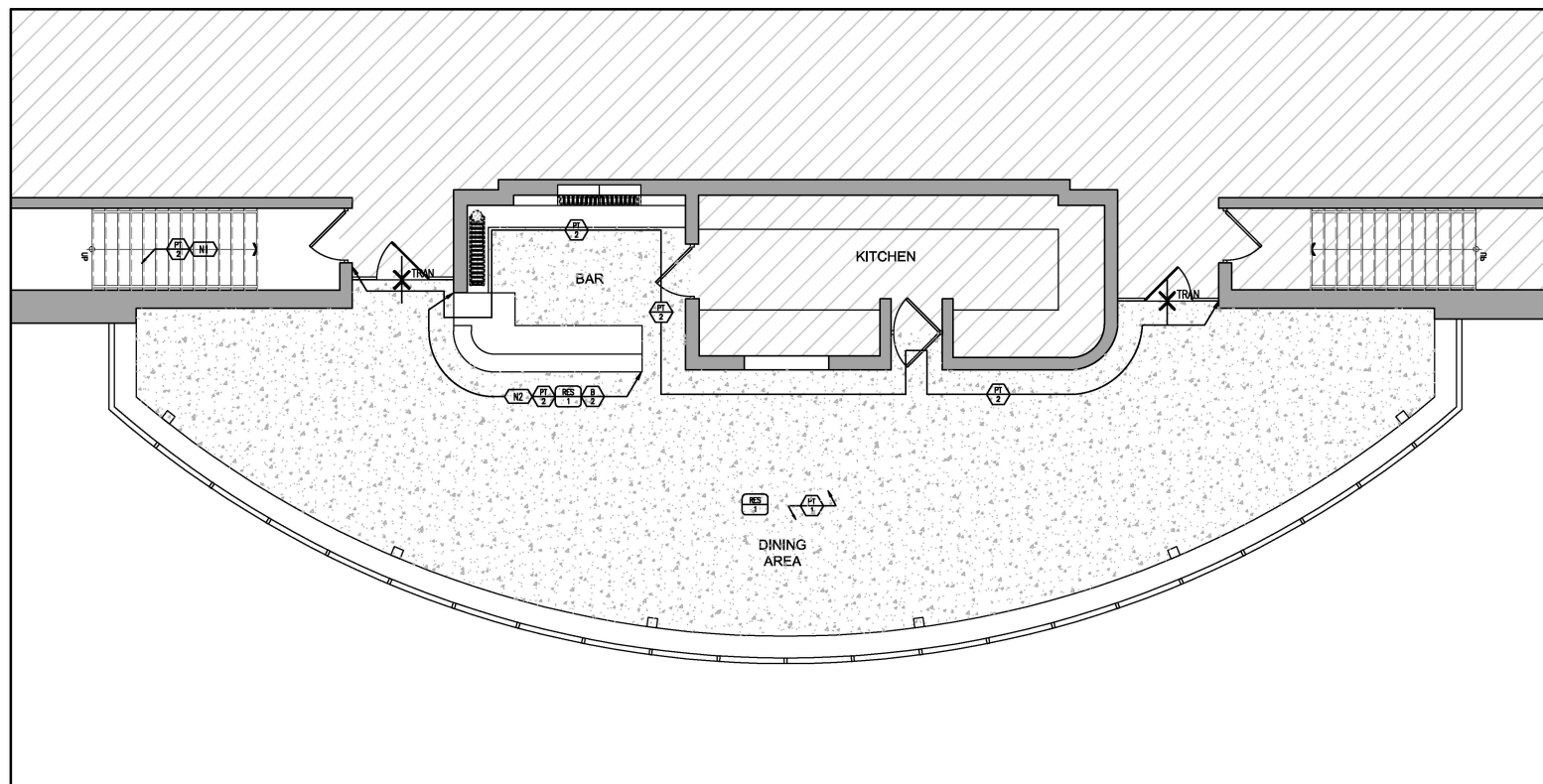
3 Reflected Ceiling Plan
ID301 SCALE: 1/4"=1'-0"

LIGHTING LEGEND			KEY NOTES	
SYMBOL	DESCRIPTION		SYMBOL	DESCRIPTION
	TYPE: RECESSED DOWNLIGHT LOCATION: DINING AREA / BAR			REMOVE EXISTING SURFACE MOUNTED MONOPOINT LIGHTS AND REPLACE WITH NEW L2 FIXTURES. ENSURE DIMMING COMPATIBILITY WITH EXISTING SWITCHES AND REPLACE DIMMERS/ TRANSFORMERS AS REQUIRED.
	TYPE: FEATURE PENDANT LOCATION: OVER BAR SUPPLY BY CLIENT, INSTALL BY GC			
	TYPE: SURFACE MOUNTED FIXTURE LOCATION: DINING AREA SUPPLY BY CLIENT, INSTALL BY GC			ALL EXISTING POT LIGHT TRIM AND INTERIOR HOUSINGS TO BE PAINTED ON SITE TO MATCH NEW CEILING FINISH. REPLACE EXISTING LAMPS WITH NEW LED DIMMABLE LAMPS
CEILING TYPE SCHEDULE				
SYMBOL	HATCH	SPECIFICATION		
		EXISTING GB CEILING. PREPARE TO ACCEPT NEW PAINT FINISHES, COLOUR TBD.		PROVIDE NEW ELECTRICAL SERVICES (JUNCTION BOX, CIRCUITRY ETC.) FOR NEW PENDANT FEATURE LIGHTS AT BAR. ENSURE CORRECT DIMMING COMPATIBILITY AND INSTALL NEW DIMMER SWITCH IN LOCATION OF CLIENT'S CHOOSING.
		EXISTING UPHOLSTERED CEILING TO REMAIN. PROTECT FROM DAMAGE DURING NEW LIGHTING INSTALL.		

1 Reflected Ceiling Plan Notes
ID301 SCALE: NTS



2 Reserved
ID301 SCALE: NTS



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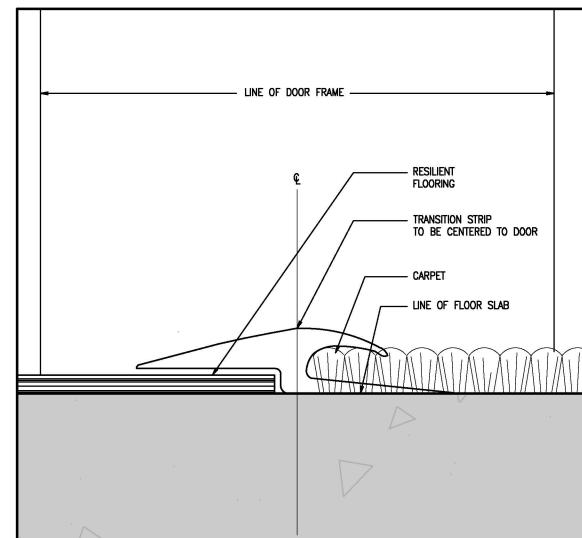
North Arrow

Seal

3 Floor and Wall Finish Plan

ID401 SCALE: 1/4"=1'-0"

PAINT FINISH SCHEDULE		FLOOR FINISH SCHEDULE			KEY NOTES	
SYMBOL	SPECIFICATION	SYMBOL	HATCH	SPECIFICATION	SYMBOL	DESCRIPTION
PT-1	GENERAL WALL PAINT - OFF WHITE MFR.: BENJAMIN MOORE COLOUR: TBD CODE: TBD WALL SHEEN: EGGSHELL CEILING SHEEN: FLAT ALL WALLS AND CEILING TO BE PAINTED PT-1 UNLESS OTHERWISE NOTED.	RES-1		RESILIENT (LINOLEUM) FLOORING CLADDING MFR.: FORBO STYLE: MARMOLEUM NAME: COCOA CODE: 3580 COLOUR: MILK CHOCOLATE LOCATION: FLOORING THROUGHOUT; FRONT BAR CLADDING; SEAMING LOCATIONS TBD	RES-1	FOLLOWING DEMOLITION ASSESS CONDITION OF STAIRCASE AND CONFIRM IF TREAD STRIPS EXIST. PROVIDE NEW TREAD STRIPS IF NONE ARE ALREADY EMBEDDED INTO THE STAIRCASE. PAINT STAIR TREADS AND RISERS
PT-2	CEILING WALL PAINT - TAUPE MFR.: BENJAMIN MOORE COLOUR: TBD CODE: TBD WALL SHEEN: EGGSHELL CEILING SHEEN: EGGSHELL DOOR & FRAME SHEEN: SATIN BASEBOARDS: SATIN STAIRS: EPOXY PAINT APPROPRIATE FOR FLOORING (MATCH EXISTING FINISH FROM OTHER STAIRCASE ON SITE)	BASE SCHEDULE			RES-2	REFER TO ELEVATION 1/ID501 FOR EXTENT OF PAINT, RESILIENT (FLOORING) CLADDING AND SEAMLESS COVE BASE.
TRANSITION SCHEDULE		SYMBOL	SPECIFICATION			
TRANS	LOCATION	PT-1	EXISTING WOOD BASEBOARDS TO REMAIN. TO BE PAINTED PT-2			
TRANS	SPECIFICATION	PT-2	SHOE MOULD LOCATION: THROUGHOUT SPACE TO COVER MARMOLEUM SEAMS MFR.: BY CONTRACTOR TYPE: TBD PROFILE: TBD HEIGHT: TBD FINISH: UNLESS OTHERWISE NOTED. PAINTED - PT-2			
TRANS	RESILIENT FLOORING TO EXISTING CARPET	RES-1	LINOLEUM COVE BASE LOCATION: AT BAR FRONT MFR.: SEE RES-1 HEIGHT: TO UNDERSIDE OF BAR FRONT DECORATIVE RIB DETAIL			



2 Detail: Flooring Transition Strip

ID401 SCALE: NTS

1 Floor and Wall Finish Plan Notes

ID401 SCALE: NTS

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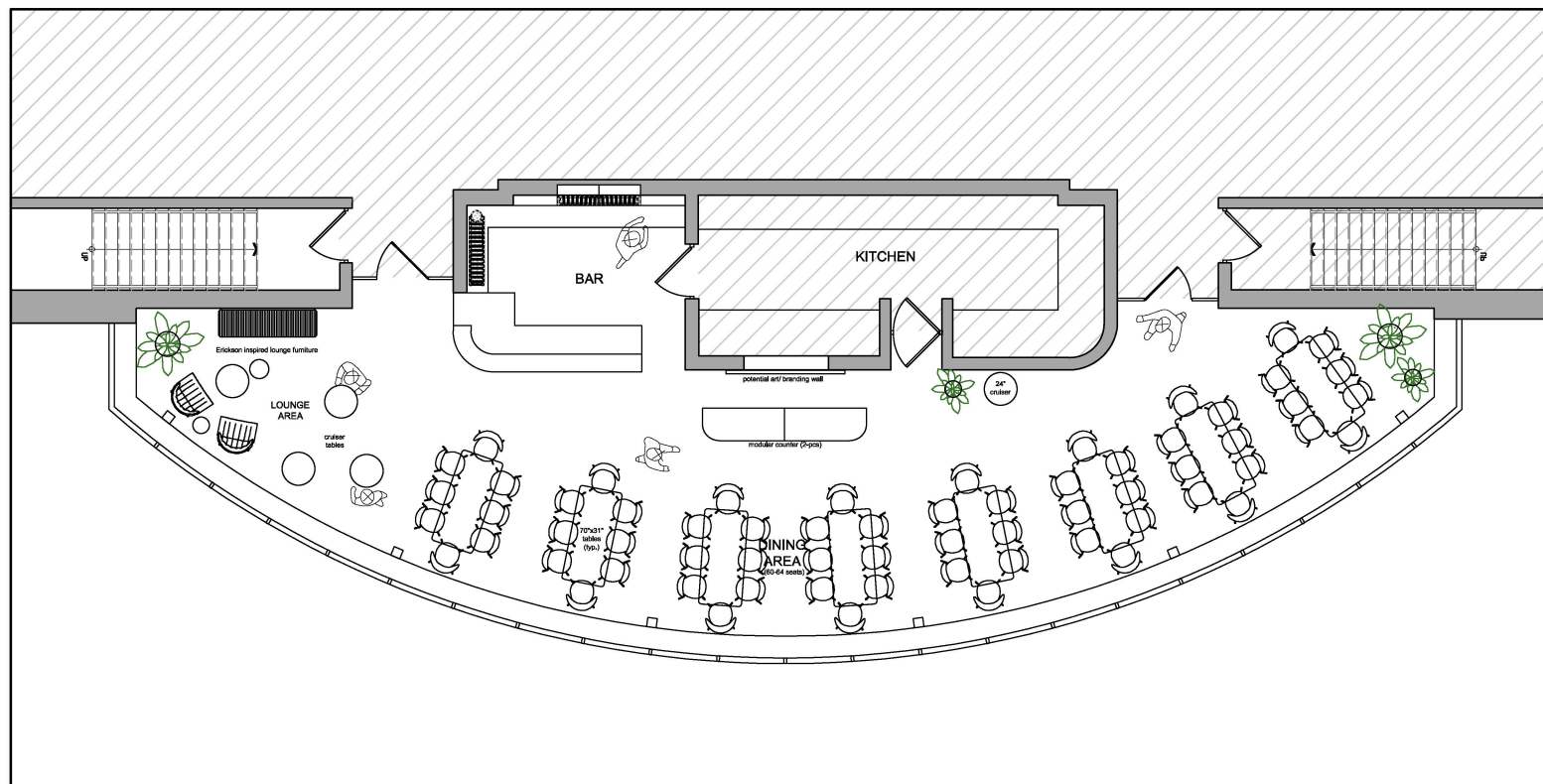
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Project No. Scale Drawer by Reviewed by

FLOOR AND WALL
FINISH PLAN
Drawing Title

ID401
Drawing No.

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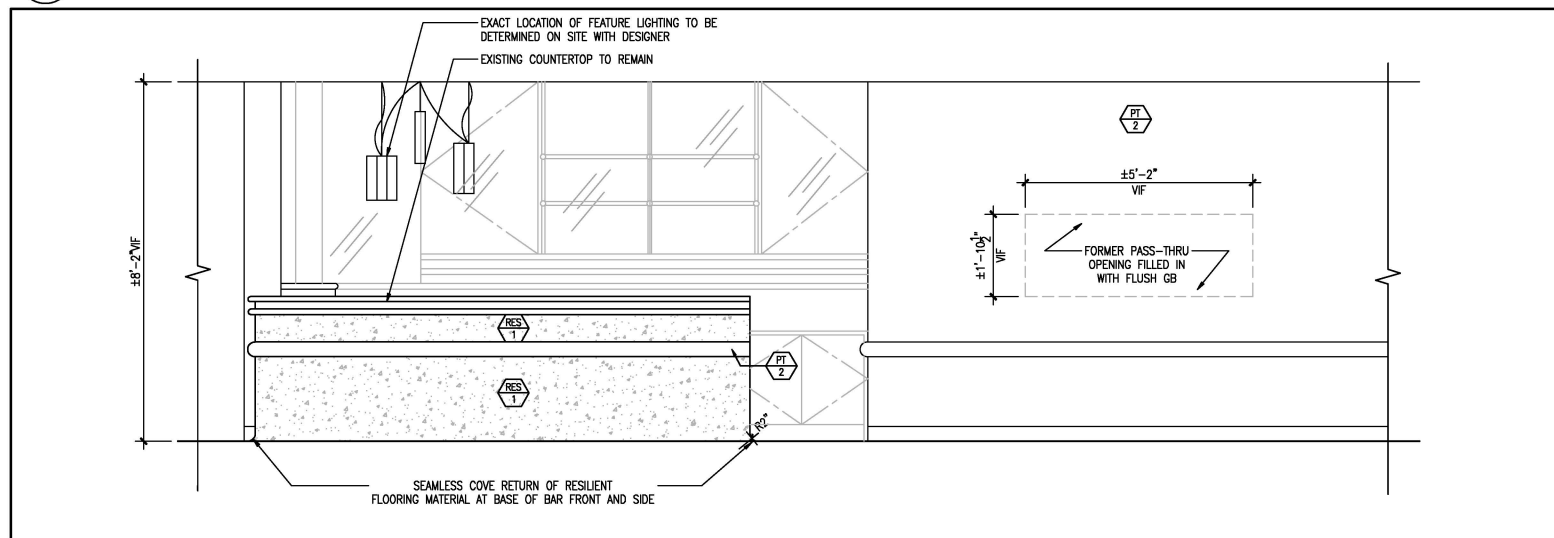
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North Arrow

Seal

3 Furniture Plan
ID501 SCALE: 1/4"=1'-0"



1 Front Bar Elevation
ID501 SCALE: 1/2"=1'-0"

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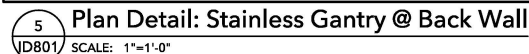
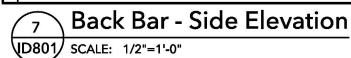
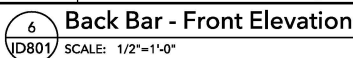
Client/Project
ARTHUR'S ON THE 4TH
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72 QUEEN STREET
OSHAWA/ ONTARIO

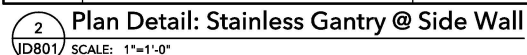
22009 As Noted CT DF
Project No. Scale Drawn by Reviewed by

FURNITURE PLAN AND
INTERIOR ELEVATIONS ID501
Drawing Title Drawing No.

REVISION RECORD



1 Millwork Notes
JD801 SCALE: NTS



ISSUE RECORD

North Arrow

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ID801

ED-23-86

From: Terry Ward <M.F.I.P.P.A Sec. 14(1)>
Sent: Friday, March 3, 2023 11:31 AM
To: Brian Nicholson <BNicholson@oshawa.ca>
Subject: Simcoe Hall request for assistance

Brian

My name is Terry Ward, Vice President of the Board of Directors for Simcoe Hall. We find ourselves in new of your assistance again.

The agency has received a grant to renovate our food bank operations with the goal of increasing not our capacity to store food but the number of clients we serve daily. This is being done to address the significant demand we are experiencing today but also the projected increase in the coming months and years.

As part of the renovation, we are relocating the foodbank to a different building within our facilities to improve on the process of receiving food donations/deliveries as well as flow of clients for registration and receiving hampers.

One of the challenges we have with our property, and its limited space, is the distancing of our clients/staff and vehicles (cars and trucks) who are picking up or making deliveries. As safety is a top priority, we are looking at alternatives that would reduce or potentially eliminate this risk.

As such we are hoping to use an entrance located on the east side of the building on Celine for intake of clients and hamper distribution. However, the road and sidewalk located in the immediate area are treacherous and present a danger, not only to pedestrians but vehicles as well.

We attempted to address this issue when we repaved our parking and driveways but the firm, we engaged, refused to address it as this is city property. Some effort was made, apparently, to engage with the city but from what I understand there was no action taken.

I was hoping you could provide some guidance as to how and who we should engage to understand the likelihood of the city addressing this issue and timeline. As this is a grant, we do have a timeline to complete the task, else the funds must be returned.

I have included some photos to assist you in understanding the issue. We look forward to your guidance and support.

ED-23-86



ED-23-86



GEORGE LYSYK & SONS LIMITED

Via email: WMunro@oshawa.ca

March 21st, 2023

Attn: Warren Munro
The Corporation of the City of Oshawa
50 Centre Street South
Oshawa, ON
L1H 3Z7

**Re: George Lysyk & Sons Ltd.
465 Dieppe Court – Staked Townhouse Development
City of Oshawa File No.: SPA-2022-06
Front Ended Funding Agreement**

Dear Commissioner Munro,

This letter is to serve as a formal request for the City of Oshawa to enter into an agreement with George Lysyk & Sons Ltd. to allow the same to take responsibility, on behalf of the City, for the design, tendering, and construction work associated with the road urbanization on Dieppe Court.

As previously established through the purchase and sales agreement of the subject development (465 Dieppe Court), the urbanization of the Dieppe Court right-of-way is the responsibility of the City of Oshawa. Our intention is to begin underground servicing works in late Spring 2023, with construction of the stacked townhouse to follow once all the services have been installed. In the interest of public safety and access requirements to the subject development, the urbanization of Dieppe Court needs to occur at the same time underground servicing is occurring.

If the City permits, George Lysyk and Sons Ltd. will proceed immediately with the design and construction of Dieppe Court on their behalf. Should you have any further questions regarding this matter, please do not hesitate to contact the undersigned.

Thank you for your consideration.

Sincerely,



Max Lysyk, P.Eng
Development Manager – George Lysyk & Sons Ltd.

Economic and Development Services Committee – April 17, 2023

Proposed renaming of Ortono Avenue (File: 12-12-4031) (Ward 5)

That the Economic and Development Services Committee recommend to City Council:

Whereas, Plan 167, a registered plan of subdivision in the City of Oshawa was registered in February of 1913 with the street names Park Avenue, Lakeview Avenue, Birch Avenue, and Russell Avenue, amongst others; and,

Whereas, following the conclusion of the Second World War and the construction of Highway 401, several streets were closed and other streets were renamed in honour of Second World War battles such as Normandy, Dunkirk and Dieppe; and,

Whereas, there is a street named Ortono Avenue located south of Highway 401 and west of Wilson Road South; and,

Whereas, on March 9, 2023, the Ontario Regiment Museum submitted correspondence to the City (see Attachment 1) advising that the street name of Ortono was incorrect and should be spelt Ortona in reference to the Battle of Ortona; and,

Whereas, there are fifteen (15) dwellings on Ortono Avenue; and,

Whereas, reviewing a potential street name change would involve consulting with the existing residents on Ortono Avenue to obtain their comments on the possible renaming of their street and advising them of the process to change a street name and of the Council policy to provide an ex-gratia payment to offset personal costs to change their address;

Therefore, be it resolved that the Economic and Development Services Department be authorized to initiate a consultation process with the residents of Ortono Avenue and the Ontario Regiment Museum regarding the potential street name change and report back to the Economic and Development Services Committee on the results of that consultation.



**ONTARIO
REGIMENT
MUSEUM**
www.tankmuseum.ca

905-728-6199
info@ontrmuseum.ca
1000 Stevenson Road North Oshawa
Ontario, Canada, L1J 5P5

Item: ED-23-61
Attachment 1

City of Oshawa,

The Battle of Ortona was fought in December 1942 when the 1st Canadian Corps continued their mission to clear the eastern coast of Italy during the Second World War. The 1st Canadian Infantry Division, supported by the 1st Canadian Armoured Brigade, cleared the town in the face of fanatical resistance from German Paratroopers. The fierce battle was called "Little Stalingrad" by reporters at the time and received international attention.

The Ontario Regiment fought in the Battle, receiving a Battle Honour for its efforts in clearing the approaches to the city, and supporting efforts to isolate the defenders.

A street in Oshawa was intended to be named after the battle to honour that memory and our local citizens that were involved, but for some reason the name was misspelled to Ortono.

The Ontario Regiment Museum, as part of the Regimental Family, believes that it would be appropriate to address this historical error, and correct the name of the street to Ortona as was initially intended.

Thank you

Jeremy N Blowers

Jeremy Neal Blowers
Executive Director

905-728-6199 x256
jeremy@ontrmuseum.ca



To: Economic and Development Services Committee

From: Warren Munro, HBA, MCIP, RPP, Commissioner,
Economic and Development Services Department

Report Number: ED-23-62

Date of Report: April 12, 2023

Date of Meeting: April 17, 2023

Subject: Process for Handling Applications made under Various
Sections of the Ontario Heritage Act

Ward: All Wards

File: 12-04-0239

1.0 Purpose

On March 8, 2021, the then Development Services Committee referred to staff a motion recommending that staff “review the heritage policies of other municipalities in order to develop in a timely way policies for the comprehensive protection and conservation of Oshawa’s cultural heritage assets and report back to Council with recommendations for appropriate new heritage policies for Council to consider integrating into Oshawa’s Official Plan” (Item DS-21-57).

On September 26, 2022, City Council endorsed Item DS-22-185, the tenth report of Heritage Oshawa (HTG-22-45), which recommended that the City create and implement documents necessary to implement Sections 33 and 42 of the Ontario Heritage Act (“Heritage Act”).

Section 33 of the Heritage Act provides the legislative framework for the processing of applications to alter properties designated under Section 29, Part IV of the Heritage Act.

Section 42 of the Heritage Act provides the legislative framework for the processing of applications to demolish, alter, remove/demolish heritage attributes, or erect a new building or structure in a Heritage Conservation District (“H.C.D.”).

Through review and investigation of this matter, staff noted that the creation of processes to implement Sections 33 and 34 of the Heritage Act would logically be accompanied by processes for applications under Sections 27(9) and 34 of the Heritage Act. Staff also found that municipalities commonly provide formal processes and forms for applications for heritage designation under Section 29 of the Heritage Act.

In consideration of the foregoing, the purpose of this Report is to advance proposed processes for each of these application types for Council's consideration.

Attachment 1 is a flow chart illustrating the staff recommended process for applications under Section 27, Part IV of the Heritage Act to demolish a "listed, non-designated" property under Section 27, Part IV of the Heritage Act.

Attachment 2 is a flow chart illustrating the staff recommended process for applications under Section 33, Part IV of the Heritage Act to alter a designated property under Section 29, Part IV of the Heritage Act.

Attachment 3 is a flow chart illustrating the staff recommended process for applications under Section 34, Part IV of the Heritage Act to demolish, or demolish/remove heritage attributes from, a designated property under Section 29, Part IV of the Heritage Act.

Attachment 4 is a copy of the South Field Heritage Conservation District Plan, which details the Council-approved process for applications under Section 42, Part V of the Heritage Act to demolish, alter, remove/demolish heritage attributes, or erect a new building or structure within the South Field H.C.D. Owing to its length, this document is not attached but rather is available at the following link: <https://www.oshawa.ca/en/parks-recreation-and-culture/resources/Documents/South-Field-Heritage-District-Plan.pdf>.

Attachment 5 is an excerpt from the minutes of the March 8, 2021 meeting of the then Development Services Committee, concerning Item DS-21-57, being a Notice of Motion to have staff review the heritage policies of other municipalities, which was referred to staff for a report.

Attachment 6 is a summary of the results of staff's investigation of the heritage permit processes in place for other Ontario municipalities with respect to Sections 27, 29, 33, 34 and 42 of the Heritage Act.

Attachment 7 is a listing of heritage permit fees for other Ontario municipalities compiled through staff's investigation of the processes in place in other municipalities to implement under Sections 27, 29, 33, 34 and 42 of the Heritage Act.

Attachment 8 is a draft flow chart released by the Provincial government illustrating the process to designate a property under Section 29 of the Heritage Act.

2.0 Recommendation

That the Economic and Development Services Committee recommend to City Council:

1. That, pursuant to Report ED-23-62 dated April 12, 2023, Economic and Development Services staff be authorized to implement the staff recommended processes for applications made under Sections 27, 29, 33 and 34 of the Ontario Heritage Act, as outlined in Section 5.3 of said Report.
2. That, pursuant to Report ED-23-62 dated April 12, 2023, Economic and Development Services staff be directed to undertake a detailed review of the heritage policies of

other municipalities and recommend appropriate heritage policies for inclusion in the Oshawa Official Plan, through the process of carrying out and reporting on the City's next Municipal Comprehensive Review of the Oshawa Official Plan.

3.0 Executive Summary

Not applicable.

4.0 Input From Other Sources

Staff reviewed the websites of several municipalities that have processes for reviewing applications under Sections 27, 29, 33, 34, and 42 of the Heritage Act, as follows:

- Town of Ajax
- City of Burlington
- Town of Cobourg
- City of Hamilton
- Town of Kincardine
- City of Kitchener
- City of Mississauga
- City of Ottawa
- City of Pickering
- City of Sault Ste. Marie
- City of Sudbury
- City of Waterloo
- City of Barrie
- Municipality of Clarington
- City of Guelph
- City of Kawartha Lakes
- City of Kingston
- City of Markham
- Town of New Tecumseth
- City of Peterborough
- Municipality of Port Hope
- City of St. Catharines
- City of Toronto
- Town of Whitby

5.0 Analysis

5.1 Background

5.1.1 Direction to Review Municipal Heritage Policies

At the March 8, 2021 meeting of the then Development Services Committee, Item DS-21-57 was introduced as a Notice of Motion, and subsequently referred to staff for a report. Owing to its length, this Item is affixed to this Report as Attachment 5.

As noted in Section 1.0 of this Report, the motion recommended that staff review the heritage policies of other municipalities with the aim of developing policies for the comprehensive protection and conservation of the Oshawa's cultural heritage assets. As part of this process, staff would report back to Council with recommendations for appropriate new heritage policies for Council to consider integrating into Oshawa's Official Plan.

It is appropriate that such a review be undertaken as part of Oshawa's next Municipal Comprehensive Review of the Oshawa Official Plan. This will commence with the approval of Envision Durham, the Region of Durham's Municipal Comprehensive Review of the Durham Regional Official Plan, by the Province. It is anticipated that the Region's new official plan developed through Envision Durham will be brought forward to Regional

Council for adoption prior to the 2023 Summer recess. Once adopted, the Region's new official plan will be submitted to the Province for approval.

Economic and Development Services staff would include as part of the City's upcoming Municipal Comprehensive Review process a detailed review of the heritage policies of other municipalities and recommend appropriate heritage policies for inclusion in the Oshawa Official Plan.

5.1.2 Sections 33 and 42 of the Heritage Act

On June 23, 2022, Heritage Oshawa passed the following motion (HTG-22-45):

"Whereas the Mandate of Heritage Oshawa is to advise and assist Council on all matters relating to the preservation and promotion of cultural heritage resources within the city of Oshawa; and,

Whereas the approved 2022 Heritage Oshawa Workplan states "Advise and assist Council on all matters relating to cultural heritage including, but not limited to, buildings and structures, cultural heritage landscapes and archeological sites; and,

Whereas there is current Provincial legislation regarding Altering a Part IV Designated Property, such as a Heritage Permit and all necessary information;

Therefore be it resolved that the city of Oshawa create and implement any and all such documents necessary to implement Part 33 (1) and 42 (1) of the Ontario Heritage Act."

On September 12, 2022, the then Development Services Committee considered HTG-22-45 as Item DS-22-185. The Development Services Committee forwarded Item DS-22-185 to Council as presented. Council endorsed DS-22-185 on September 26, 2022.

Section 33 of the Heritage Act provides the legislative framework for the processing of applications to alter properties designated under Section 29, Part IV of the Heritage Act.

Section 42 of the Heritage Act provides the legislative framework for the processing of applications to:

- Alter properties designated as part of an H.C.D under Section 41, Part V of the Heritage Act. This excludes building interiors, which cannot be protected through H.C.D. designation.
- Erect any building or structure in an H.C.D.
- Demolish/remove "heritage attributes" in an H.C.D. "Heritage attributes" in an H.C.D. are those features deemed to have cultural heritage interest or value, as listed within the Heritage Conservation District Plan ("H.C.D. Plan").
- Demolish properties designated within an H.C.D.

5.1.3 Section 34 of the Heritage Act

Section 34 of the Heritage Act provides the legislative framework for the processing of applications to demolish properties designated under Section 29, Part IV of the Heritage Act. It also provides the framework for applications to demolish/remove “heritage attributes” from designated properties. “Heritage attributes” in a Part IV designation are those features deemed to have cultural heritage interest or value, as listed within the Designation Statement and Description contained within a property’s designation by-law.

5.1.4 Section 27(9) of the Heritage Act

Section 27(9) of the Heritage Act provides the legislative framework for the processing of applications to demolish properties placed on the Municipal Register by Council as “listed, non-designated” properties.

Under Section 27(9), Council has 60 days after a property owner submits to the City a Notice of Intention to Demolish to decide whether to permit the demolition, or provide Notice of Intention to Designate and begin the process under Section 29 of the Heritage Act. Pursuant to Section 27(11) of the Heritage Act, the Notice of Intention to Demolish must be accompanied by such plans and shall set out such information as Council may require.

5.2 Investigation

Given the direction to staff under Item DS-22-185 with respect to the process for handling applications made under Sections 33 and 42 of the Heritage Act, as well as the logical association of applications made under Section 27(9), 29, and 34 of the Heritage Act, Economic and Development Services staff have investigated the following:

- The existing staff process for handling such applications;
- The number of applications received to date of each type of application;
- The number of listed, non-designated properties under Section 27, Part IV of the Heritage Act, that would potentially be subject to Section 27 of the Heritage Act, current and projected;
- The number of properties designated under Section 29, Part IV of the Heritage Act, that would potentially be subject to Sections 33 and 34 of the Heritage Act, current and projected;
- The number of properties listed in the Heritage Oshawa Inventory of City of Oshawa Heritage Properties as having potential for heritage designation and therefore potentially candidates for applications for designation under Section 29 of the Heritage Act;
- The number of properties designated under Section 41, Part V of the Heritage Act, that would potentially be subject to Section 42 of the Heritage Act, current and projected; and,

- The processes put in place by other municipalities – including other Durham Region municipalities and municipalities elsewhere in Ontario considered to be leaders in heritage conservation – including the use of application forms (see Attachment 6) and the associated required submittals and processing fees (see Attachment 7).

Based on the foregoing, staff have created a recommended new procedure for the identified application types, as outlined in Section 5.3 of this Report. Staff have also identified the powers which would need to be delegated to staff from Council, in order to effectively implement the recommended processes.

5.2.1 Application Forms or “Heritage Permits”

“Heritage permit” is a term commonly used to reference an application form or forms intended to facilitate applications made under the Heritage Act, including under Sections 27(9), 33, 34 and 42.

Attachment 6 to this Report is a summary of the heritage permit processes in place for various other Ontario municipalities, compiled through staff’s investigation of the processes under Sections 27, 33, 34 and 42 of the Heritage Act that are in place for other municipalities. Attachment 6 also identifies those municipalities with formal processes and forms to accept requests for heritage designation under Section 29 of the Heritage Act.

Attachment 6 indicates that:

- With some exceptions, municipalities largely do have heritage permits in place to coordinate the processing of applications under Sections 33, 34 and 42 of the Heritage Act;
- With respect to applications to demolish listed, non-designated properties under Section 27(9) of the Heritage Act, only a minority of municipalities have formal processes in place to handle such applications; and,
- Roughly half of the municipalities investigated have processes in place to accept requests for heritage designation under Section 29 of the Heritage Act.

5.2.2 Heritage Permit Fees

Attachment 7 to this Report is a listing of heritage permit fees charged by other Ontario municipalities, compiled through staff’s investigation of the processes under Sections 27, 33, 34 and 42 of the Heritage Act that are in place for other municipalities.

Attachment 7 indicates that, with some exceptions, municipalities do not charge fees for heritage permits. In staff’s view, this may be attributable to the desire on the part of municipalities to encourage heritage designation by not burdening the owners of designated properties with additional costs through heritage permit fees. A heritage permit fee would be in addition to the fees associated with building permits, demolition permits, or planning application fees required as part of a larger application.

In view of the foregoing and in consideration of the findings identified in Attachment 7, staff recommend that fees not be included within the processes outlined under Section 5.3 of this Report.

5.3 Recommended Next Steps

5.3.1 Section 27(9) Applications

Attachment 1 to this Report is a flow chart illustrating the staff recommended process for applications under Section 27(9), Part IV of the Heritage Act to demolish a “listed, non-designated” property under Section 27, Part IV of the Heritage Act.

In order to implement the recommended process, staff recommend that the following actions be undertaken:

- Update the City’s website to include an application form for applications to remove “listed, non-designated” properties from the Municipal Register; and,
- Pursuant to Section 27(11) of the Heritage Act, include in said application form an optional requirement for a Cultural Heritage Evaluation Report (C.H.E.R.) to be submitted as part of the application, at the discretion of the Commissioner of Economic and Development Services.

Staff note that among those municipalities surveyed having formal application processes under Section 27(9) of the Heritage Act (see Attachment 6), the majority required a C.H.E.R. to be submitted with a Section 27(9) application, in consultation with staff.

5.3.2 Section 29 Applications

Attachment 8 to this Report is a flow chart created by the Province illustrating the process for designation under Section 29, Part IV of the Heritage Act.

In order to formalize the receipt of requests to initiate the Part IV designation process, staff recommend the following actions be undertaken:

- Update the City’s website to include an application form for applications to request designation under Section 29, Part IV of the Heritage Act, including a requirement for proof of ownership where the request is from the owner of the subject property, and any relevant research compiled;
- In instances where the request is from the owner of the subject property, present the request to Heritage Oshawa; and,
- In instances where the request is not from the owner of the subject property, present the request to the Economic and Development Services Committee.

5.3.3 Section 33 Applications

Attachment 2 to this Report is a flow chart illustrating the staff recommended process for applications under Section 33, Part IV of the Heritage Act to alter a designated property under Section 29, Part IV of the Heritage Act.

In order to implement the recommended process, staff recommend that the following actions be undertaken:

- Advance for Council's consideration amendments to the Delegation of Authority By-law 29-2009, as amended, to allow the Commissioner of Economic and Development Services to issue Notice of Complete Application under Section 33(4) of the Heritage Act;
- Advance for Council's consideration amendments to the Delegation of Authority By-law 29-2009, as amended, to allow the Commissioner of Economic and Development Services to issue Notice of Incomplete Application under Section 33(4) of the Heritage Act;
- Update the City's website to include an application form for applications to alter Part IV designated properties; and,
- Within said application form, include an optional requirement for a Heritage Impact Assessment (H.I.A.) and/or a Conservation Plan to be submitted as part of the application, at the discretion of the Commissioner of Economic and Development Services.

5.3.4 Section 34 Applications

Attachment 3 to this Report is a flow chart illustrating the staff recommended process for applications under Section 34, Part IV of the Heritage Act to demolish, or demolish/remove heritage attributes from, a designated property under Section 29, Part IV of the Heritage Act.

In order to implement the recommended process, staff recommend the following actions be undertaken:

- Advance for Council's consideration amendments to the Delegation of Authority By-law 29-2009, as amended, to allow the Commissioner of Economic and Development Services to issue Notice of Complete Application under Section 34(4) of the Heritage Act;
- Advance for Council's consideration amendments to the Delegation of Authority By-law 29-2009, as amended, to allow the Commissioner of Economic and Development Services to issue Notice of Incomplete Application under Section 34(4) of the Heritage Act;
- Update the City's website to include an application form for applications to demolish, or remove heritage attributes from, a Part IV designated property; and,

- Within said application form, include an optional requirement for a H.I.A. and/or a Conservation Plan to be submitted as part of the application, at the discretion of the Commissioner of Economic and Development Services.

5.3.5 Section 42 Applications

The City of Oshawa currently has only one (1) H.C.D., that being the South Field H.C.D. at the Oshawa Executive Airport. Attachment 3 to this Report is a copy of the South Field Heritage Conservation District Plan (the “South Field H.C.D. Plan”), which contains the Council-approved process for applications under Section 42 to demolish, alter, remove/demolish heritage attributes, or erect a new building or structure within the South Field H.C.D.

Commonly across Ontario, a municipal council will delegate review and approval of certain classes of alterations to City staff, rather than requiring Council approval for all alterations. Currently, there is no delegated authority to City staff from Oshawa City Council for the review of alterations.

Given that the property in the South Field H.C.D. is all City-owned, and the only privately-owned building is the No. 10 Building owned by the 420 Wing, the South Field H.C.D. Plan did not recommend undertaking such delegation to staff. It did, however, note that if in the future it is found that the volume of applications becomes exceedingly cumbersome to be dealt with solely by City Council, Council may undertake such delegation in the future. This option would also be relevant in the event Council were to advance an H.C.D. for another area of the City.

In view of the foregoing, staff do not recommend any additional next steps within this Report with respect to applications under Section 42 of the Heritage Act.

6.0 Financial Implications

As discussed in Section 5.2.2 of this Report, staff do not recommend that fees be included within the processes outlined under Section 5.3 of this Report. Consequently, there are no direct financial implications associated with the recommendations of this Report.

7.0 Relationship to the Oshawa Strategic Plan

The recommendation in the Report advances the Accountable Leadership and Cultural Vitality goals of the Oshawa Strategic Plan.

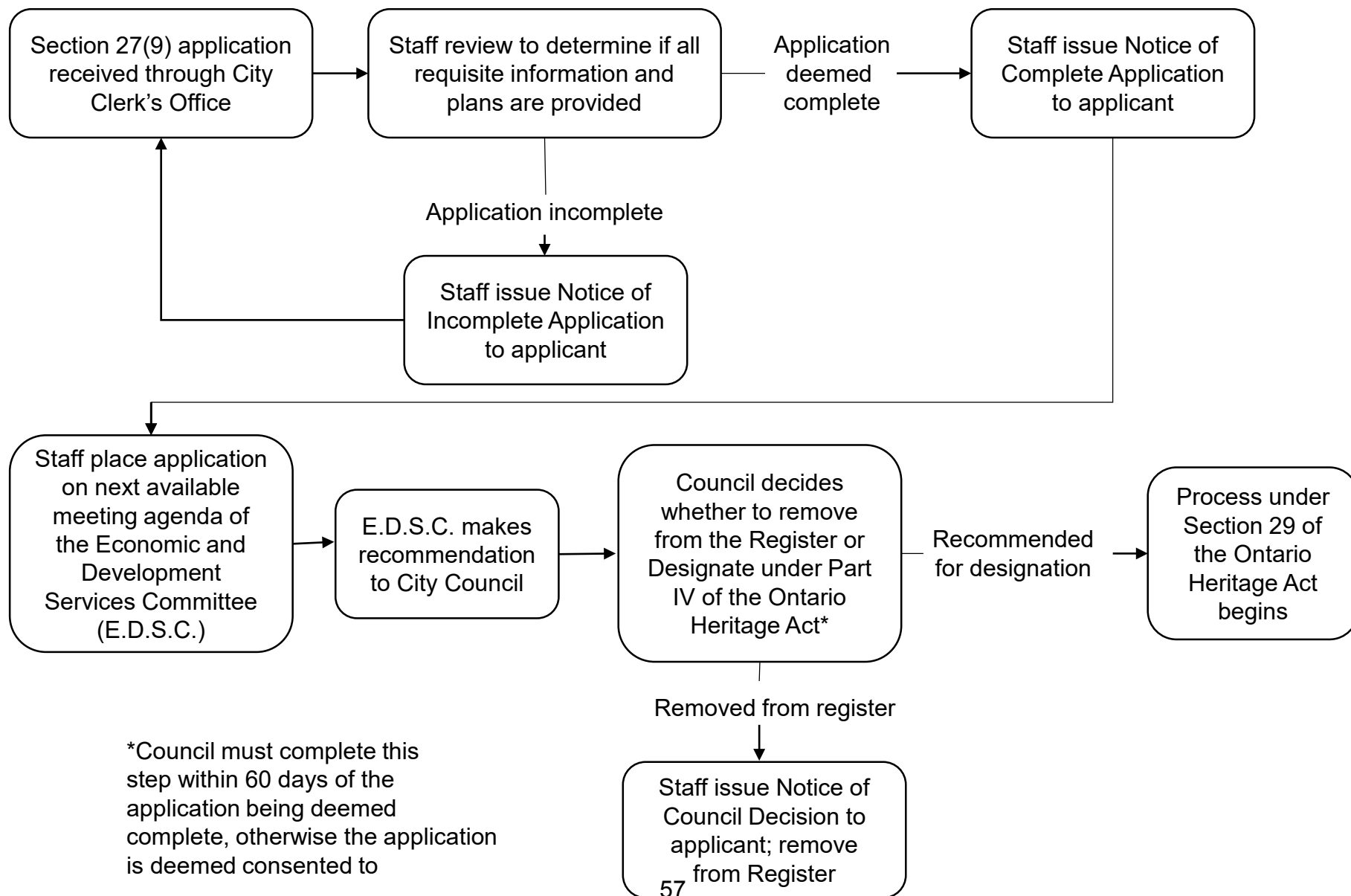


Tom Goodeve, M.Sc.Pl., MCIP, RPP, Director,
Planning Services

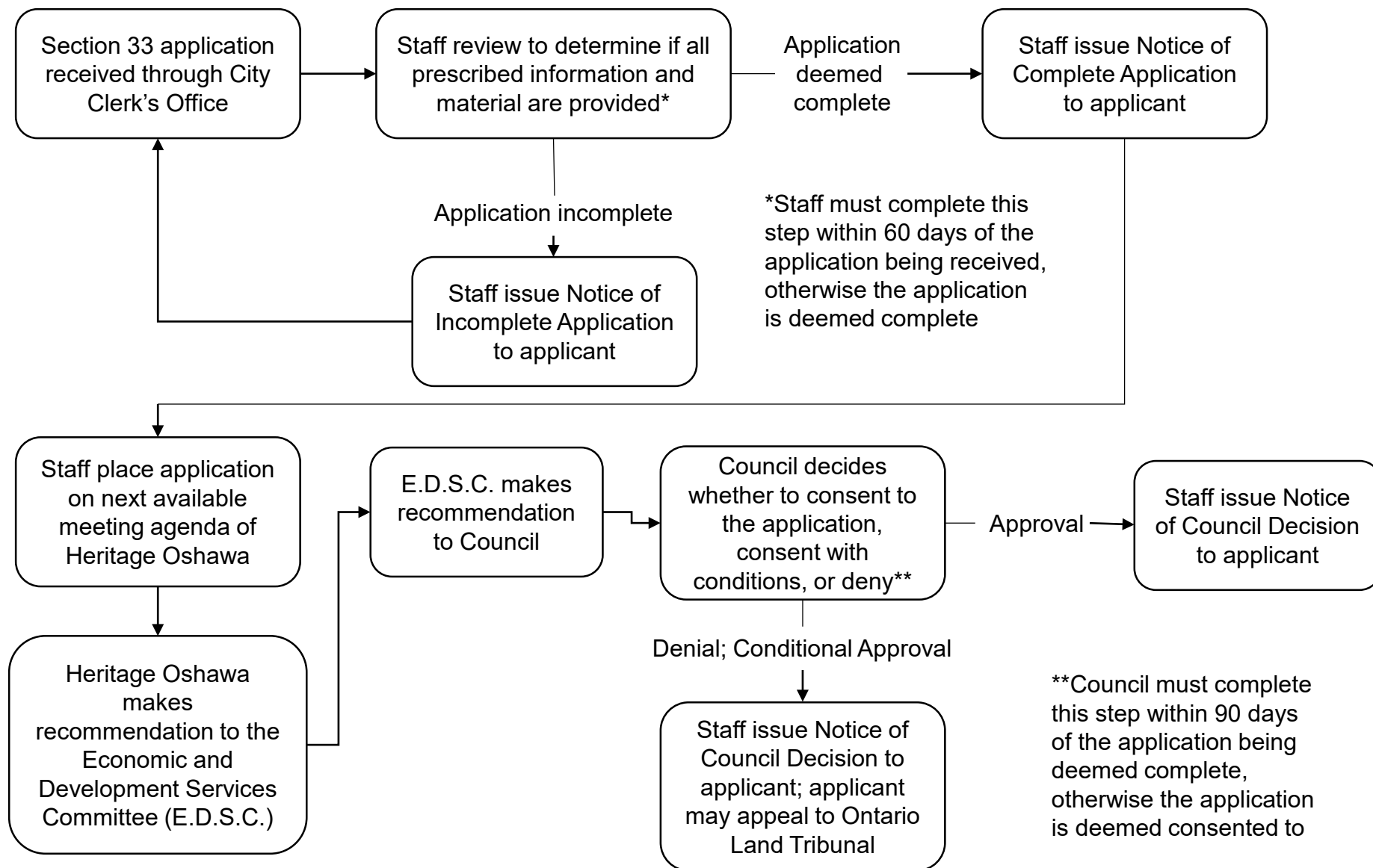


Warren Munro, HBA, MCIP, RPP, Commissioner,
Economic and Development Services Department

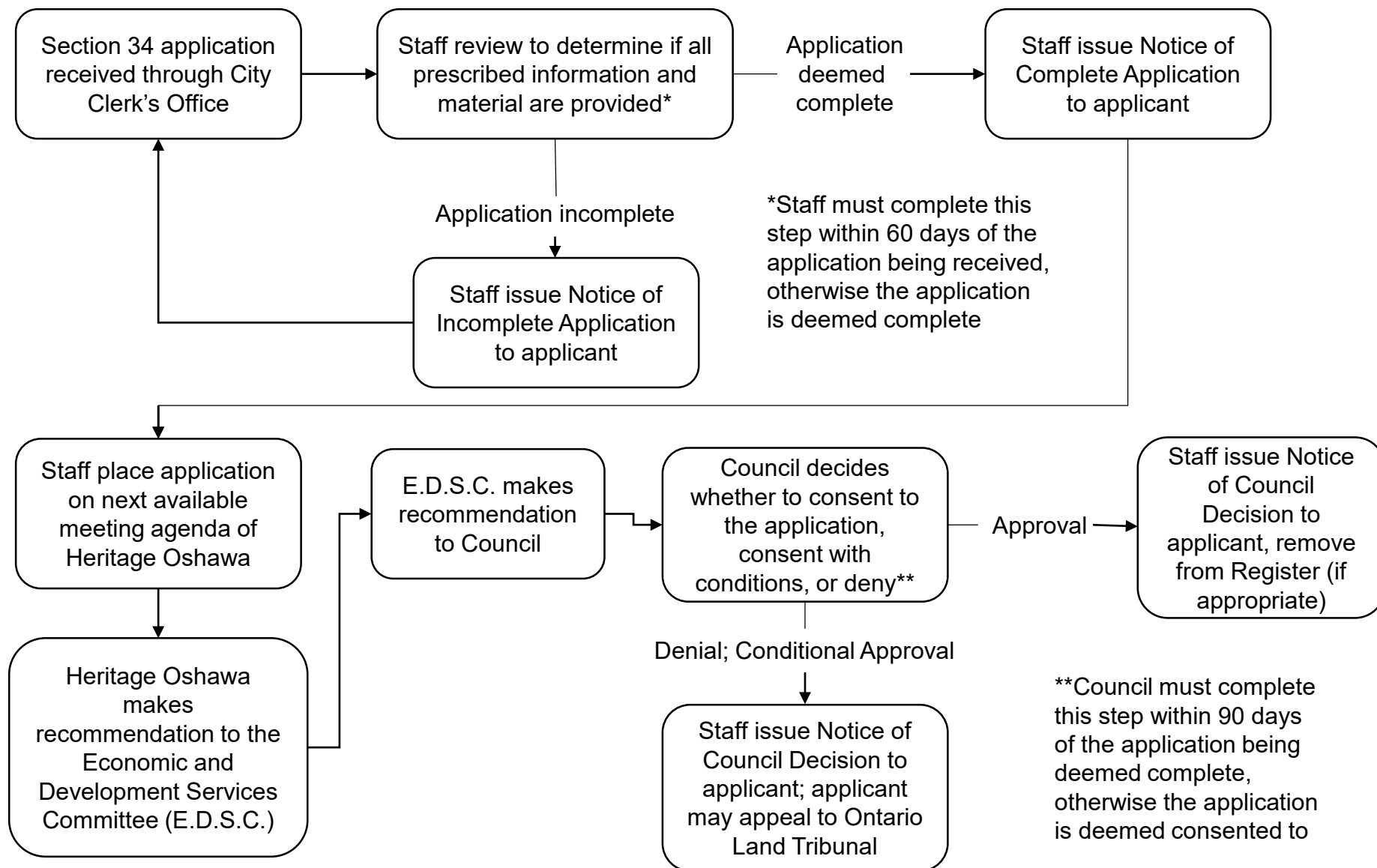
Staff Recommended Process for Applications under Section 27(9) of the Ontario Heritage Act



Staff Recommended Process for Applications under Section 33 of the Ontario Heritage Act



Staff Recommended Process for Applications under Section 34 of the Ontario Heritage Act



“That the Development Services Committee recommend to City Council:

Whereas cultural heritage resources enrich a community and are a shared responsibility and legacy for future generations. Since a number of current heritage assets could be at risk given Oshawa’s rapid growth and massive new development plans, a timely investigation of expanding the City’s ongoing commitment to the protection and conservation of heritage resources has benefits; and,

Whereas other municipalities have strong and comprehensive cultural heritage conservation policies within their Official Plans; and,

Whereas Oshawa has just five heritage policies in its Official Plan which could be strengthened, considering the importance of the City safeguarding of its cultural heritage resources, and having mechanisms to protect them; and,

Whereas the City of Markham clearly states that the protection and conservation of its cultural heritage is essential to the character of the community and contributes to other social, cultural, economic, and environmental objectives; and,

Whereas among Markham’s Heritage Policies that Oshawa could consider, in no particular order, are:

- To give immediate consideration to the designation of any significant cultural heritage resource under the Ontario Heritage Act if that resource is threatened with demolition, inappropriate alterations or other potentially adverse impacts; and,
- To impose conditions of approval on development containing a cultural heritage resource itself and adjacent lands to ensure the continued protection of the cultural heritage resources; and,
- To provide for the protection and conservation of cultural heritage resources or the mitigation of adverse effects on cultural heritage resources as a condition of minor variance and severance approval and associated agreements; and,
- If an order of an Officer is not completed with in accordance with the order as deemed confirmed or as confirmed or modified by the Committee or Judge, the City may cause the property to be repaired or demolished accordingly and the amount spent on the repair or demolition may be added to the collector’s role and collected in the same manner and with the same priorities as municipal real property taxes; and,
- To avoid the demolition of properties of significant cultural heritage resources as listed in the Register of Property of Cultural Heritage Value or Interest by:
 - a) encouraging the conservation, and where appropriate, the restoration of these properties; and,
 - b) developing minimum standards for the maintenance of heritage attributes in a heritage property standards by-law; and,

- To consider the use of the following development incentives, when appropriate for specific development proposals, to facilitate the retention, conservation and restoration of cultural heritage resources: a) increasing the height and density of development otherwise permitted; b) transfer of height and density of development on site or to other areas of the city; and c) excluding designated cultural heritage resources from the parking requirements of the zoning by-law; and,
- To use fiscal tools, incentives and financial assistance, where appropriate, to facilitate the maintenance and conservation of protected heritage properties including making available grants, loans and other incentives as provided for under the Ontario Heritage Act, the Municipal Act and other sources;

Now therefore Oshawa Council direct staff, in consultation with the Heritage Oshawa advisory committee and the public, to review the heritage policies of other municipalities in order to develop in a timely way policies for the comprehensive protection and conservation of the Oshawa's cultural heritage assets and report back to Council with recommendations for appropriate new heritage policies for Council to consider integrating into Oshawa's Official Plan."

Summary of Heritage Permits Available in Ontario Municipalities (2023)

Municipality	Section 27(9) Application for Demolition	Section 29 Application for Designation	Section 33 Application for Alteration	Section 34 Application for Demolition	Section 42 Application for Alteration or Demolition
Ajax	No	No	Yes	Yes	Yes
Barrie	No	Yes	No	No	No
Burlington	No	No	Yes	Yes	Yes
Clarington	No	No	Yes	Yes	Yes
Cobourg	No	No	Yes	Yes	Yes
Guelph	Yes	Yes	Yes	Yes	Yes
Hamilton	No	No	Yes	Yes	Yes
Kawartha Lakes	No	Yes	No	No	No
Kincardine	No	Yes	No	No	No
Kingston	No	Yes	Yes	Yes	Yes
Kitchener	No	No	Yes	Yes	Yes
Markham	No	No	Yes	No	Yes
Mississauga	No	No	No	No	No
New Tecumseth	No	Yes	No	No	No
Ottawa	Yes	Yes	Yes	Yes	Yes
Peterborough	No	No	Yes	Yes	Yes
Pickering	No	No	Yes	Yes	Yes
Port Hope	No	No	Yes	Yes	Yes
Sault Ste. Marie	No	Yes	No	No	No

Municipality	Section 27(9) Application for Demolition	Section 29 Application for Designation	Section 33 Application for Alteration	Section 34 Application for Demolition	Section 42 Application for Alteration or Demolition
St. Catharines	No	Yes	Yes	Yes	Yes
Sudbury	No	Yes	No	No	No
Toronto	No	No	Yes	Yes	Yes
Waterloo	No	No	Yes	Yes	Yes
Whitby	Yes	No	Yes	Yes	Yes
Total	3/24 Yes	10/24 Yes	17/24 Yes	16/24 Yes	17/24 Yes

Listing of Fees for Heritage Permits in Ontario Municipalities (2022)

Municipality	Fee Description
Ajax	There is no fee for submitting a Heritage Permit application.
Barrie	There is no fee for submitting a Heritage Permit application.
Burlington	There is no fee for submitting a Heritage Permit application.
Clarington	There is no fee for submitting a Heritage Permit application.
Cobourg	There is no fee for submitting a Heritage Permit application.
Guelph	There is no fee for submitting a Heritage Permit application.
Hamilton	There is no fee for submitting a Heritage Permit application.
Kawartha Lakes	There is no fee for submitting a Heritage Permit application.
Kincardine	There is no fee for submitting a Heritage Permit application.
Kingston	\$300.00
Kitchener	There is no fee for submitting a Heritage Permit application.
Markham	There is no fee for submitting a Heritage Permit application.
Mississauga	There is no fee for submitting a Heritage Permit application.
New Tecumseth	There is no fee for submitting a Heritage Permit application.
Ottawa	<p>Staff-level authority:</p> <ul style="list-style-type: none"> • Alterations: \$274.00 • Additions: \$821.00 <p>Council-level authority:</p> <ul style="list-style-type: none"> • Minor Alterations: \$2,295.00 • Major Alterations: \$8,757.00 • Demolitions: <ul style="list-style-type: none"> ◦ Part IV/Grade 1/Contributing: \$13,683.00 ◦ Grade 2/Non-Contributing: \$2,737.00 • New Construction in a Heritage Conservation District: <ul style="list-style-type: none"> ◦ Small-scale new construction: \$3,284.00 ◦ Medium-scale new construction: \$5,473.00 ◦ Large-scale new construction: \$8,757.00
Peterborough	There is no fee for submitting a Heritage Permit application.
Pickering	There is no fee for submitting a Heritage Permit application.
Port Hope	There is no fee for submitting a Heritage Permit application.
Sault Ste. Marie	There is no fee for submitting a Heritage Permit application.
St. Catharines	\$254.75
Sudbury	There is no fee for submitting a Heritage Permit application.

Municipality	Fee Description
Toronto	There is no fee for submitting a Heritage Permit application.
Waterloo	There is no fee for submitting a Heritage Permit application.
Whitby	There is no fee for submitting a Heritage Permit application.

Economic and Development Services Committee – April 17, 2023

Application for Demolition of 195 Simcoe Street North under Section 34, Part IV of the Ontario Heritage Act (File: 12-04-0319) (Ward 4)

That the Economic and Development Services Committee recommend to City Council:

Whereas, the dwelling located at 195 Simcoe Street North, known as the Robert McLaughlin House, is a “listed, non-designated” property on the City’s Register of Properties of Cultural Heritage Value or Interest under Section 27 of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18 (the “Heritage Act”) but is not currently designated; and,

Whereas, on February 2, 2021, Nantuck Investments Inc. (the “Owner”) submitted to City staff notice of their intention to demolish the Robert McLaughlin House; and,

Whereas, on March 15, 2021, the then Development Services Committee considered Heritage Oshawa’s recommendation to designate the Robert McLaughlin House, and recommended to City Council that the property be designated, and that staff be directed to investigate with the Owner any possible opportunities for the adaptive reuse of the property; and,

Whereas, on March 29, 2021, City Council directed staff to undertake, among other matters, the process to designate the Robert McLaughlin House as a property of cultural heritage value or interest under the Heritage Act; and,

Whereas, on April 1, 2021, staff issued notice of the City’s intention to designate the Robert McLaughlin House, advising that any person may, on or before May 3, 2021, file a Notice of Objection to the proposed designation; and,

Whereas, a Notice of Objection dated April 30, 2021 was received from the Owner with respect to the proposed designation, which was subsequently referred by City staff to the then Conservation Review Board for a hearing and recommendation to City Council concerning the designation; and,

Whereas, the Conservation Review Board has now been amalgamated with other various tribunals as the Ontario Land Tribunal; and,

Whereas, the appeal process remains ongoing, and a hearing date has not been scheduled by the Ontario Land Tribunal; and,

Whereas on March 16, 2023, the Owner submitted an application under Section 34 of the Heritage Act requesting to demolish a portion of the Robert McLaughlin House and construct an addition to the rear of the remaining portion of the dwelling, in order to facilitate the adaptive reuse of the building for two commercial units and six residential apartment units (see Attachment 1); and,

Whereas, under the Heritage Act, Council has until May 15, 2023 to deem the application either complete or incomplete and give notice to the Owner, and if Council fails to issue such a notice, the application is deemed complete; and,

Whereas, under the Heritage Act, after deeming the application complete, Council would have 90 days to deny, approve or approve with conditions the application to demolish; and,

Whereas, under the Heritage Act, Council must consult with Heritage Oshawa within the aforementioned 90 day period, prior to making a decision on the application; and,

Whereas, Economic and Development Services staff consider Attachment 1 to contain sufficient information for Council to make a decision under the Heritage Act; and,

Whereas, Council's decision on the application does not preclude Council's position on the designation of the property, a matter which remains under consideration at the Ontario Land Tribunal;

Therefore, be it resolved:

1. That, pursuant to Item ED-23-63, City Council deem the application submitted by Nantuck Investments Inc. under Section 34 of the Ontario Heritage Act concerning 195 Simcoe Street North, to be a complete application.
2. That, pursuant to Item ED-23-63, Economic and Development Services staff be authorized to provide Notice of Complete Application to Nantuck Investments Inc., owner of 195 Simcoe Street North, by no later than May 5, 2023, in accordance with the requirements of Section 34 of the Ontario Heritage Act.
3. That, pursuant to Item ED-23-63, Economic and Development Services staff be directed to consult with Heritage Oshawa on May 25, 2023 on the application under the Ontario Heritage Act received from Nantuck Investments Inc. with respect to 195 Simcoe Street North, and report back to the Economic and Development Services Committee on June 6, 2023.

City of Oshawa
City Council
50 Centre Street South
Oshawa, Ontario
L1H 3Z7

RE: Application to Demolish under Section 34 of the Ontario Heritage Act

Good morning,

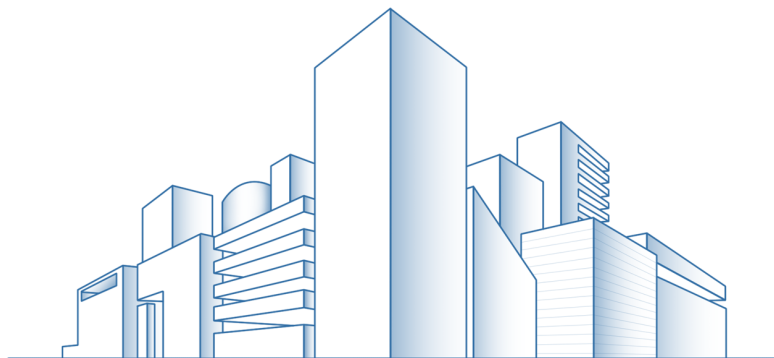
Please find attached the following materials in support of our Application to Demolish as outlined in section 34 of the Ontario Heritage Act, R.S.O 1990, c. O.18, as amended on 2022, c. 21, Sched. 6. for 195 Simcoe Street North, Oshawa, Ontario.

- Report and photos of current historic features describing the impact of the proposed plan.
- Proposed development plan, elevations, and site plan.
- Affidavit of Applicant, Nantuck Investments Inc.

Applicant
Nantuck Investments Inc.
schhangur@hotmail.com
416 417 0379
195 Simcoe St. N., Oshawa, Ontario, L1G 4T1.

Consultant, Architectural
StijlTree Architectural Designers
Contact@StijlTree.com
416 319 9336
1 Select Avenue, Scarborough, Ontario, M1V 5J3.

Consultant, Legal
Friedman Estate Litigation
mvernon@felitigation.com



StijlTree

An Appropriate Rebuilding of 195 Simcoe St. N

A proposal to rebuild and adapt the McLaughlin House after it was destroyed by fire.



Gagan Hajatri
2-17-2023

AN APPROPRIATE REBUILDING OF 195 SIMCOE ST. N

Introduction

This report describes the remediation and proposed rebuilding of 195 Simcoe Street North, Oshawa, Ontario, PT PIN 16316-0008 (LT), PT LT 3 PLAN H50003 E/S SIMCOE STREET, EAST WHITBY; CITY OF OSHAWA; REGIONAL MUNICIPALITY OF DURHAM.

This report is presented to the City of Oshawa as part of an Application to Demolish under Section 34 of the Ontario Heritage Act. It is provided as a supplement to the proposed plans to be read alongside the conservation plans shown. This application is made to address the significant damage and destruction of the building after a fire. This report comments on the project as far as StijlTree's involvement with the project in the respect of architectural characteristics and rebuilding design.

This document is prepared for the express purpose of Nantuck Investments Inc. This document is under copyright and may not be reproduced or sold in whole or part therein without permission of the author.

Sources Consulted

This report comments on the design proposed for 195 Simcoe St. North as part of a Permit to Demolish under the Ontario Heritage Act.¹ In support of that application, this report considers the existing structure at 195 Simcoe Street North as an existing building of heritage importance. This is derived from the report from the Heritage Committee, the building's elaborate history, and the documentation of existing building conditions created by the design team at StijlTree in April of 2018. The Standards & Guidelines for Conservation of Provincial Heritage Properties is referenced in regard to the goals and methods of conservation.²

These sources are provided in the appendix, where appropriate.

¹ R.S.O. 1990, c. O.18, amended 2022 c. 21, Sched. 6, accessed Jan 23, 2023

² Published by the Ministry of Heritage, Sport, Tourism and Culture Industries

Summary of Building Events

These events are summarized to the best of StijlTree's knowledge of the project and the resulting process of their work. Events outside of StijlTree's scope are not included here. For all history prior to the commencement of the project, please see the detailed historical report in the appendix attached.

Apr 2018 | StijlTree contacted by the owner, Sherland Chhangur to obtain a Change of Use and Interior Renovations permit to legalize the existing building into four apartments after bylaw officer provided a notice of unlawful occupation.

Oct 2018 | StijlTree prepared drawings and application for the Committee of Adjustment in Oshawa for a Minor Variance for existing building conditions.

Nov 2018 | The Committee of Adjustment recommended the application be commented on by Heritage Oshawa.

Jan 2019 | Heritage Oshawa reviewed the application and the application was approved. It was sent back to the Committee of Adjustment for consideration at the next meeting.

Feb 2019 | The Committee of Adjustment approved the Application and the Site Plan Approval Process was initiated.

Apr 2019 | The building was unlawfully entered by an unknown person and was set on fire. The fire appeared to cause significant structural damage.

Oct 2019 | A Structural Engineer arrived on site to assess damage and concluded major structural damage had occurred and recommended demolition of the building after determining that the existing building was no longer structurally viable.

Recommendations for a new build

Methodology

A new construction of a heritage building may be necessary where to not intervene would subject the property to decay and ruin. Under the Standards & Guidelines for Conservation of Provincial Heritage Properties, the proposed changes are prepared upon advice from qualified engineers on the state of the building. Philosophically, a new build should reflect the past; however, it would be irresponsible to try to rebuild it to its original state and disconnect it from its role in Oshawa's history beyond its first use. The building has seen substantial alteration after it was no longer home to the McLaughlin family, where brick veneer has been painted over, loss of the original window sills and headers, and the loss of the large porch. The local area has since densified from the time of the McLaughlins as this location is part of the City of Oshawa's plan for commercial

AN APPROPRIATE REBUILDING OF 195 SIMCOE ST. N

buildings along Simcoe Street. The building needs to respond to this change and exist beyond a relic of historical retelling. Finally, the building needs to be viable for its owners. Maintenance of a building, property costs, mortgages, must all be covered to keep the building in good shape. It was the lack of viability that led to its decline in care over the years before the purchase from the current owner, and we seek to change that.

Goals and Solutions

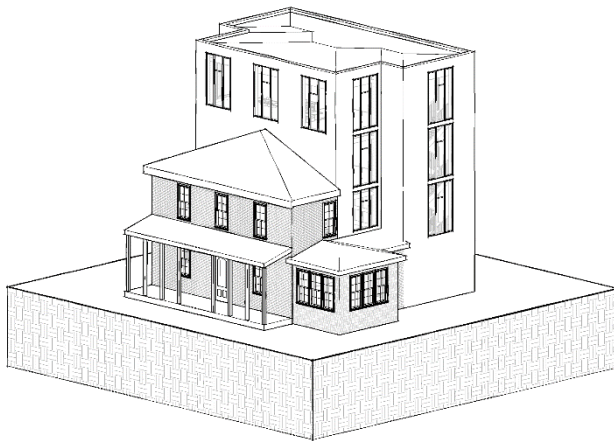


Figure 2: Overview of West and South facades, conceptual.

Our primary goal with this is to preserve the historical character while allowing for a continued use for the building. When considering historical character we focus on two aspects. First, the significance of the building as an ambassador for its architectural style, including elements identified in the heritage report attached. Alongside the physical importance, we want to preserve the local impact of Robert McLaughlin in the City of Oshawa. Our proposal incorporates these elements for a new development that keeps neoclassical stylings and aims to keep the front façade intact or rebuilt, as appropriate, while upgrading the internal framing of the building. The Classic Revival

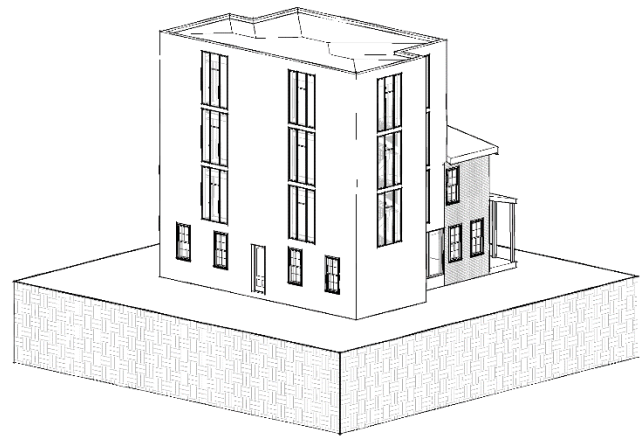


Figure 1: Overview of North and East facades, conceptual.

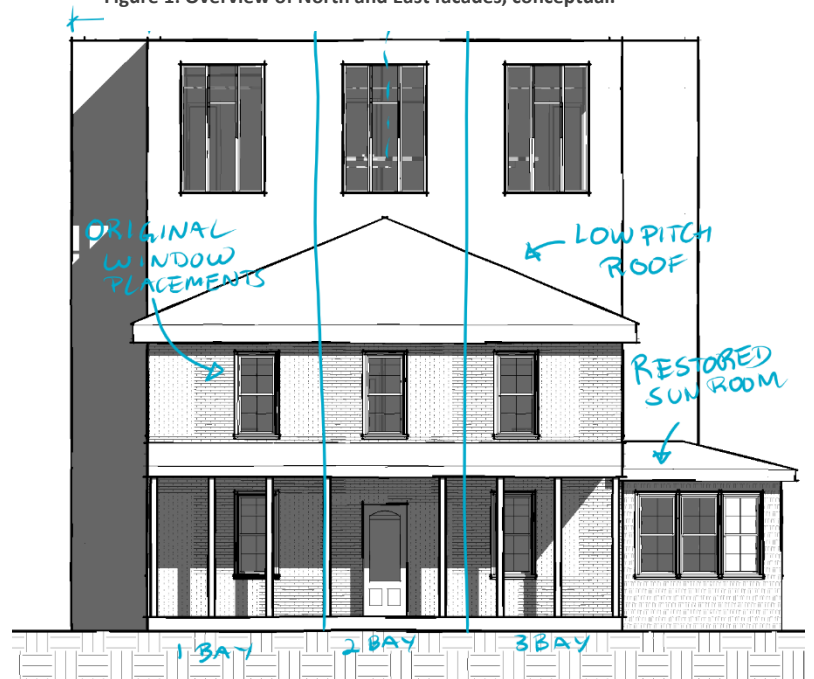


Figure 3: Proposed Western facade (facing Simcoe Street North).

AN APPROPRIATE REBUILDING OF 195 SIMCOE ST. N

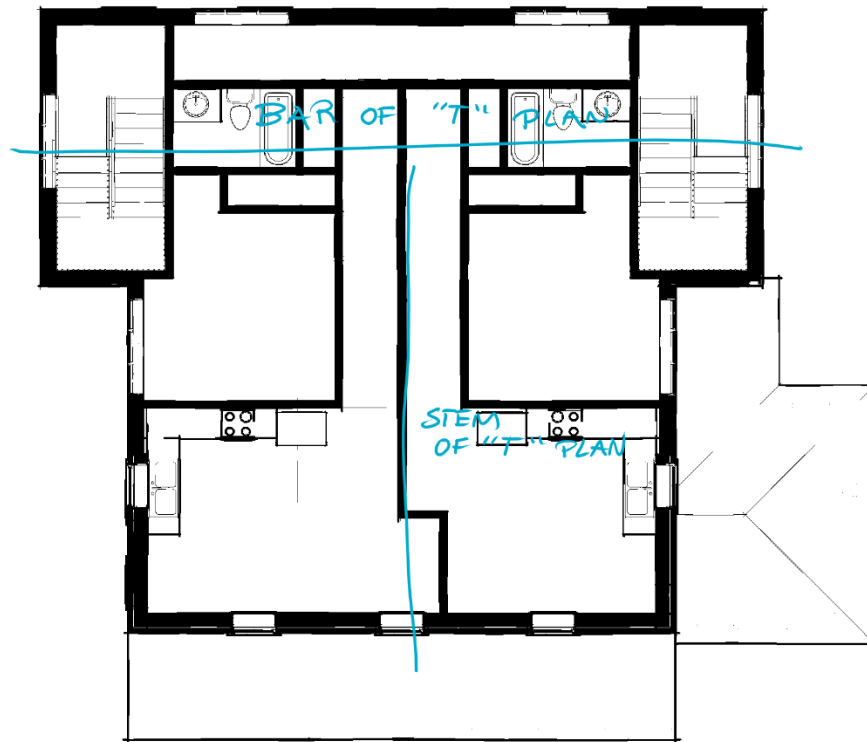


Figure 4: Conceptual Floor Plan showing T shape of the building footprint.

style is preserved in the symmetrical 3 bay plan from the front façade, shown here in Figure 3. The low sloping roof, the use of yellow brick, and older quions are all intended to be restored. Here, the delicacy of this particular example of the style is extended with a restored porch that extends the full width of the building, as it would have in its original construction. With this, we bring the building closer to its original stylistic intent than it was prior to the fire with restorations to soffits, frieze, and dental cornice, as identified in the report. The “T” shaped plan is modified in our rendition to allow for a modern addition to the rear, but overall the structure stays true to that concept, as shown here in Figure 4. The building’s orientation is kept the same, cornering Elgin and Simcoe. In our project, the roofing materials would be restored as much as feasible. The asphalt shingles are integral to the design, but restoring the copper roof of the sunroom is under considerations due to high material costs of copper roof. The main door and transom are kept in tact, with the door being restored using historical photographs. The decorative columns are kept and more are added to restore the symmetry and rhythm of the façade, as shown in Figure 3. The windows on the front are restored with the same size and type of windows as the original construction, but meeting modern thermal efficiency requirements. The brick lintels and cement sills are to be restored; they had been painted over entirely. Where they are damaged, repairs are to be completed to ensure the structural integrity of the windows. The full set of plans provides details for the restoration and concept proposal for this building.

AN APPROPRIATE REBUILDING OF 195 SIMCOE ST. N

From the street, these design decisions, along with a commemorative plaque, show the building's colonialist style while still presenting itself as a modern building. To honour the local impact of Robert McLaughlin, we propose to keep the name of the building as The McLaughlin house and then incorporate McLaughlin Motors iconography into the gingerbread and décor of the house's exterior, since the details of the original intricate woodwork have been lost. This may include some elements representing slipstreams, wheels, and engines. We are looking to highlight McLaughlin Motors more than the link to GM with this intervention. In addition to this, we would like a portion of the plaque to commemorate Robert McLaughlin himself, subject to final review from the Heritage Committee.

We would like to propose the use of the building as a home geared towards those in recovery from addiction or in financial recovery. With nearby resources, this would be a wonderful way to cater to people who would have a hard time obtaining those resources otherwise. The main floor will be commercial suites, with the veranda open for the public seating. The primary access will be through a central doorway that leads into a vestibule, with branching off rooms for accommodations and stairs leading to other levels. In this central space, we would like to reuse the bricks from the original McLaughlin home to create an accent wall, clearing them of the whitewash paint before hand. In each commercial suite, we would also like to provide a small section of brick to tie each unit in to the historical fabric of the building.

With these interventions, we hope to be able to connect the public with Robert McLaughlin and the Classical Revival style. The Georgian plan is still incorporated and heavily referenced in the modern building; as well as keeping the façade proportionate. Other consideration will be made as the design moves forward.

Conclusion

The existing building at 195 Simcoe St. North has been damaged beyond reasonable repair by a fire. Furthermore, prior to the fire, alterations to the building over the years had changed the cultural heritage value from the original intent. A modern structure can be rebuilt here incorporating and restoring original heritage characteristics of the building while better serving its immediate community's needs.

Appendix 1: Heritage Report



Research Report

McLaughlin House
195 Simcoe Street North
Oshawa, ON

Prepared for Heritage Oshawa
Melissa Cole, Local Heritage Consultant
November 2017

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Introduction

i. Purpose of Report

This report evaluates the cultural heritage significance of 195 Simcoe Street North in the City of Oshawa in accordance with Ontario Regulation 9/06, Criteria for Determining Cultural Heritage Value or Interest.

The purpose of this undertaking is to more fully determine the heritage value of the property in accordance with the Ontario Heritage Act (the Act)

ii. Legislative Context

Ontario Regulation 9/06 under the Ontario Heritage Act sets out the criteria for determining cultural heritage value or interest, which is required in order to designate a property under the provisions of Part IV of the Act.

A property may be designated under Section 29 of the Act if it meets one or more of the following criteria for determining whether it is of cultural heritage value or interest.

1. The property has design value or physical value because it:
 - i. is a rare, unique, representative or early example of a style, type, expression, material or construction method,
 - ii. displays a high degree of craftsmanship or artistic merit, or
 - iii. demonstrates a high degree of technical or scientific achievement.
2. The property has historical value or associative value because it,
 - i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,
 - ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or
 - iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
3. The property has contextual value because it,
 - i. is important in defining, maintaining or supporting the character of an area,
 - ii. is physically, functionally, visually or historically linked to its surroundings, or
 - iii. is a landmark.

After analyzing the history of and heritage attributed to the subject property, it is concluded that the subject property merits designation under the Ontario Heritage Act in light of criteria 1 (i) 2 (i) and 3 (i, ii).

Description of Property

i. **Location**

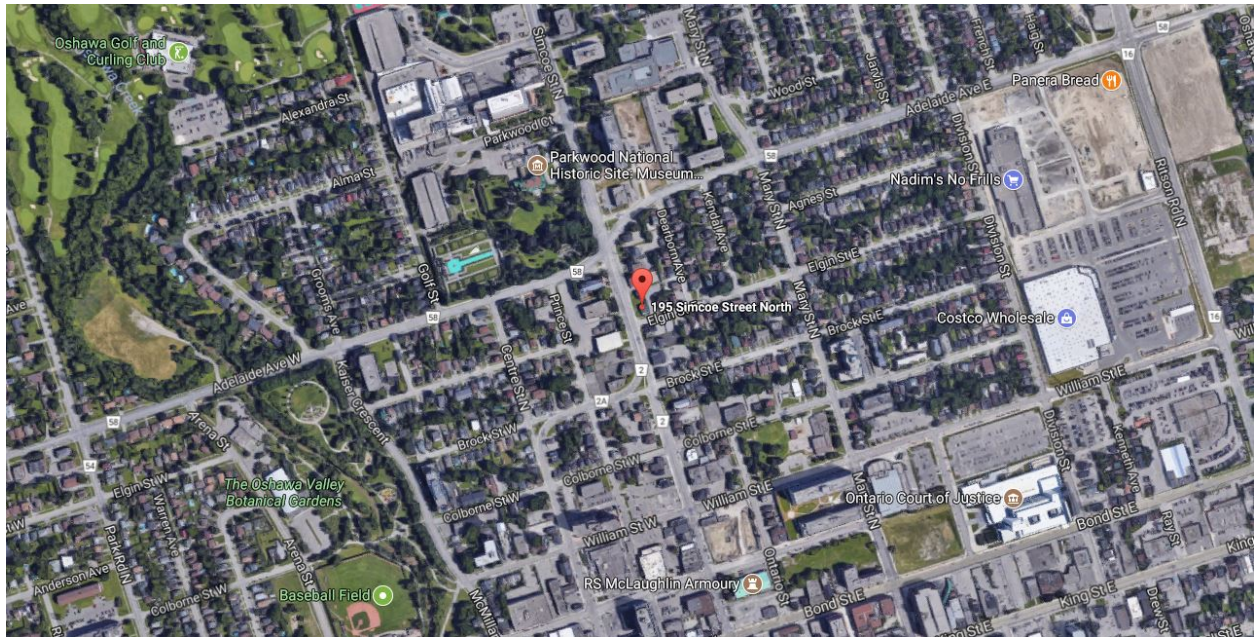
The house at 195 Simcoe Street North is located south of Adelaide Avenue East and north of Elgin Street East.

ii. Legal Description

The property at 195 Simcoe Street North is located on the northwest part of lot 10 in the 2nd concession East Whitby Township, now the City of Oshawa. It is part of the plan known as the Karr Plan on the east side of Simcoe Street North.

iii. Site Description

Built circa 1887, the dwelling at 195 Simcoe Street North sits on a medium size lot. Located in a residential neighbourhood of early 20th century buildings, this home stands on the northeast corner of Simcoe Street North and Elgin Street East in the City of Oshawa. It was 1 of 4 homes in Oshawa that Robert McLaughlin, founder of the McLaughlin Carriage Company, resided in. Currently the building stands vacant.



Location of 195 Simcoe Street North, Google Map August 2017

Historical Context

i. Summary

The house at 195 Simcoe Street North is designed in the Classical Revival Style (Neo-classical). This home is a fine example of early brick construction in Oshawa. Constructed circa 1887, prior to the construction boom in the 1920s when the McLaughlin automobile factory and other industries were profitable. It is known as the “McLaughlin Home”. It was home to Robert McLaughlin and his wife Eleanor and domestic servant Elizabeth Welles from approximately 1901 - 1919. Mr. R. McLaughlin had moved his flourishing carriage works business to Oshawa in 1879. Enniskillen, the town where the business was originally located, lacked the efficient shipping facilities and Oshawa had a railway.

After spending decades as a family home, it was converted into office space in the 1960s. The building currently sits vacant on a medium size lot with little landscaping. The property is located a short distance away from Parkwood Estate National Historic site, which was the home of Robert McLaughlin’s son, Robert Samuel McLaughlin. The lot is part of an area of Simcoe Street North that contains businesses and is adjacent to an established residential area. The home stands in a neighbourhood that forms part of the transition from the downtown commercial centre to the residential area of Oshawa.

ii. Early Lot History

Isabella Shaw received the patent for lot 10, concession 2 on May 16th, 1798. It was sold to Francis Leys in 1819 who in turn sold it to Norris Karr in 1832. It was during the ownership of the land by the Karr (Kerr) family that, beginning in 1834, the earliest subdivision into ¼ and ½ acre lots took place. Early directories indicate that, in 1837, occupants of this lot included both the actual owners and tenants. These individuals included Thomas Chatterson, William Karr (Kerr), James Ross and Sullivan Turner. (Walton 1837)

The 1877 Beers Map of the Village of Oshawa indicates that the southwest section of Concession 2, Lot 10 was subdivided by this time but there was no house on the property.

The home was purchased by Robert McLaughlin and his wife in 1901 and they sold the property in 1919 to a member the James Family. The home remained in the James family until the 1950s.

iii. Owners

Robert McLaughlin (1836-1921)

Robert McLaughlin was founder of the McLaughlin Carriage Company and father of Colonel Robert Samuel McLaughlin (General Motors of Canada). He was married to Mary Smith in 1864 with whom he had two daughters and three sons named Robert Samuel, George and John. He started the carriage business in Enniskillen. In 1877, after his wife, Mary, mother of his five children, passed away, Robert moved the company to Oshawa for the excellent available shipping facilities. His family occupied a home on the corner of Athol and Alberts Street. When in 1899 the carriage company was destroyed by fire, Robert relocated the company to Gananoque but returned to Oshawa within the following year. His second wife Sarah Jane died this same year.

In 1901 he was widowed and living with his 34 year old daughter Mary Jane on Colbourne Street in Oshawa with a domestic servant, Besse McKweon. In 1901 he married Eleanor McCulloch, who became his third wife.

According to the 1911 Oshawa Census, Robert McLaughlin was living with his third wife Eleanor and servant Elizabeth Welles at 195 Simcoe Street North, Oshawa, Ontario. Dorothy McLaughlin Henderson describes this home that her grandfather Robert lived in:

“They resided in a yellow brick house. The house originally had a back kitchen and driving shed. It had an old fashioned garden – English style.”

When Robert McLaughlin died in 1921, from colon cancer, he was residing at 337 Simcoe Street North, located across the road from Parkwood Estate. Today there is a condo there called “Robert McLaughlin Heights”. He resided at 195 Simcoe Street North for approximately 19 years.

In addition to his role in the McLaughlin Carriage Company, he was a member of the town’s first board of health (1884) and its first board of water commissioners (1904), a school trustee and municipal councillor, mayor in 1899, a supporter of the Salvation Army, first president of the local Young Men’s Christian Association, a Freemason and a Templar, and an elder in St Andrew’s Presbyterian Church.

List of Owners/Tenants 1921 – 1990s according to Vernon’s City Directories

Date	Name	Owner /Tenant *
1921	R H James (Mayor of Oshawa 1909)	Owner
1924 – 1952	Lorne C James	Owner
1954	Fredk. R., James D.A. Self	Owner Tenant
1960	Dr. J.P.G Maroois Fredk. R., James	Tenant Owner
1965	Pilot Insurance Co. Dr. H.H. Vollmer Dr. J. Maroois Dr. W. Langmaid	Tenants
1970	Pilot Insurance Co. Dr. H.H. Vollmer Dr. J. Maroois Dr. G.A. Kindree	Tenants
1987	Dr. Larry Hurren Dr. John P. Maroois Dr. John P. Parry Parnor Pharmaceutical Management Ltd.	Tenants
1995	Dr. Larry Hurren, Dentist Dr. John P. Maroois Dr. John P. Parry Parnor Pharmaceutical Management Ltd.	Tenants

Current Owner

The current owner is [REDACTED]. On April 27, 2017 [REDACTED] made a presentation to Heritage Oshawa regarding the property at 195 Simcoe Street North. He was requesting comment of the demolition application for 195 and 201 Simcoe Street North. It currently stands vacant.

Structural Design and Architecture

i. Date of Construction

This home was built circa 1887.

ii. Form and Design

The house is a fine example of early brick construction in Oshawa. Typical of the Classical Revival style, the structure has a symmetrical 3-bay Georgian plan but with more refined, delicate features. The yellow brick has been covered in white paint. Quoins were present, on the corners of the home according to an image of the home from the collection of the Oshawa Archives. They have since been painted over.

This home is Classical Revival in style featuring, full two storey, 3-bay front façade (centre door, flanking windows), a T-shaped plan, hipped roof, quoining on the corners (currently covered in white paint), with three chimneys, one is located on the south side and two are located the east side of the building. The wide soffits are panelled and connected to the frieze by a decorative dental cornice.

A corner property, the house is oriented to the west onto Simcoe Street North. Elgin Street West is located to the south of the property. The builder or architect is not known.

The arrangement of all the features creates a formal, solid and sturdy building that was once a family home but has been converted to office use.

iii. Foundation

The foundation appears to be cement.

iv. Roof

Typical of the Classical Revival style, the hipped roof features a large overhang that is ornamented with dentil blocks along the cornice. The roof cladding is asphalt shingles. The one-storey side “sunroom” features a copper roof. There are two brick chimney stacks rising from the roof at the rear (east side) and another brick chimney rising from the roof on the south façade.

v. Entrances

The main door case features a portico that contains a single leaf (replacement) door with transom. The portico has a set of columns at the front, set on a stepped square plinth with simple square capitals at the top. The home once featured a Regency Style verandah but many don't survive because they were made from wood which is less durable than products such as stone. A south entry is located within the same area of where an original south entry was located. Some renovations have occurred on the south façade where the sunroom is located today. There is a third door opening on the rear (east façade) that may be a renovation.

vi. Window Openings

The fenestration (window placement) is balanced on the prominent (west) facade but irregular on the remaining sides. The windows on the prominent west façade feature three large multi panes over single panel double hung sash windows topped by brick lintels and set on cement lug sills. Multi-paned sashes are seen on other period examples but most of these sashes are believed to be replacements. Some are double hung, others are fixed. Most of the upper sashes still contain 6 panes and the lower sashes would most likely have contained 9 panes based on the longer length of the lower sashes. Today they are single panes.

The south and west façades feature window openings that have been covered over by brick. The brick lintels are still evidenced through the white paint.

Applicability of Ontario Regulation 9/06 of the *Ontario Heritage Act*

In light of the findings of this report, it is concluded that the house located at 195 Simcoe Street North meets the criteria outlined in Regulation 9/06. The property meets the criteria for designation prescribed by the Province of Ontario under the three categories of 1. design or physical value, 2. historical/associative value and 3. contextual value.

- 1 (i) This property has design and physical value because the building contains examples of Classical Revival design in the central front entranceway with transom, returned eaves, the front façade containing a 3-bay design (centre door, flanking windows).
- 2 (i) This property has associative value as it was the home of Robert McLaughlin, founder of the McLaughlin Carriage Company and his third wife Eleanor McLaughlin, a family that had tremendous economic impact on the growth of Oshawa.
- 3 (i) This property has contextual value because 195 Simcoe Street North is important in defining, maintaining and supporting the area in which it stands because it is one of the early homes constructed on Simcoe Street North which is reflective of Oshawa's early settlers and the beginnings of development in this part of the city.
- 3 (ii) This property is historically linked to its surroundings because it forms part of the Parkwood Estate story due to its location and previous owner, Robert McLaughlin, founder of the McLaughlin Carriage Company and father of Colonel R.S. McLaughlin.

Resources

Blumenson, John. *Ontario Architecture: A Guide to Styles and Building Terms 1784 to the Present*. Toronto 1990

Bergey, Milton. *A Great Canadian Industry and Its Founder, 1921*

Durham Land Registry Office, Whitby ON.

East Whitby Township census, 1901, 1911, www.collectionscanada.ca

Genealogy File, Oshawa Archives

Henderson, Dorothy McLaughlin. *Robert McLaughlin - Carriage Builder*. Toronto 1972

Heritage Oshawa Minutes

Vernon's City of Oshawa Directory, 1921 -1995

Walton Directory,

www.ontarioarchitecture.com

Current Photographs of the Property



West Façade facing west onto Simcoe Street North



Location of the home on the northeast corner of Simcoe Street North and Elgin Street



West and North façade



West Façade



South and East Façades



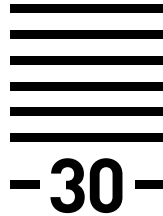
East Façade, Rear of the Building

Historical Photographs/Illustrations



Robert McLaughlin House, Oshawa Archives Collection
West and South Façades

Appendix 2: Engineer's Report



-30- Forensic Engineering

40 University Avenue
Suite 800
Toronto, ON
M5J 1T1

Office 416-368-1700
30fe.com

Mr. Sherland Chhangur
103 Radley Street
Woodbridge, ON
L4L 8K5

January 7, 2020

Dear Mr. Chhangur:

Re: Environmental Assessment after Fire Loss

Location: 195 Simcoe Street North, Oshawa, ON
Your File: Nantuck Investments
Our File: 191361CDM
Incident Date: April 22, 2019

1.0 BACKGROUND

We were contacted by Mr. Sherland Chhangur regarding a fire that occurred on April 22, 2019, at 195 Simcoe Street North in Oshawa, Ontario (the 'subject building'). The fire reportedly caused damage to the roof and floor structures, the exterior wall assemblies, and the interior finishes. We were asked to conduct an environmental assessment for combustion by-products and mould throughout the subject property.

Samples were collected and third-party results were obtained for designated substances throughout the property. A Designated Substances Survey report, and a Scope of Work document addressing the asbestos and lead containing materials and mould-impacted areas for demolition will be issued under separate cover. A Structural Assessment report has also been issued under separate cover

This report is based on our site examination, the reported information, and an independent engineering analysis. This report is a summary¹ overview of the circumstances surrounding this loss and should not be considered a complete technical document. Should you require a more detailed report, one can be prepared.

¹ This report has been kept brief as requested. Should litigation be contemplated, we recommend a full report be commissioned.



2.0 SITE EXAMINATION

Mr. Grant Elligsen, CRSP, P.Eng., and Ms. Claire Miller, B.E.Sc., P.Eng., of 30 Forensic Engineering, attended the site of the incident loss on October 1, 2019, to assess the building materials to identify and delineate potential designated substances, and to conduct a structural assessment of the subject building. The subject building was a multi-unit residential two-storey structure with a basement.

Mr. Elligsen revisited the site on January 2, 2020, to record our observations with respect to visible mould and moisture damage, to make intrusive cuts into interior and perimeter wall cavities to address combustion by-products contamination, and to provide recommendations for restoration and/or demolition of the impacted property.

3.0 METHODOLOGY

The following sections discuss the methodology of our mould and combustion by-products analysis.

3.1 Combustion By-Product Analysis

Carbon particles, soot, and other fire residuals, such as char, are products of incomplete combustion, which occurs when there is insufficient oxygen present to allow a fuel to react without producing by-products. When viewed under a microscope, surface samples containing soot are readily discernible from samples containing dust and other particulate matter due to the differences in particulate colour, morphology, and size. Other fire residuals, such as char or carbon particles from (non-fire) industrial sources, are more difficult to distinguish and require higher resolution microscopy offered by a third-party laboratory.

The analytical definitions from the third-party laboratory, EMSL Analytical Inc., for combustion by-product analyses include:

- Soot or black carbon – a randomly-formed particulate of carbon, commonly with a spherical to pseudo-spherical morphology, that is a by-product of uncontrolled combustion.
- Char or carbonized material – a solid decomposition product of natural or synthetic origin that maintains, at least in part, its original form.
- Ash – residue left after complete carbonization of the material which does not maintain its original form.
- Charcoal – char obtained from wood, peat, coal, or other organic material.
- Carbon black – an industrial manufactured spherical carbon material with sizes below 1 µm produced for varying uses, including paint pigment, copier toner, and automobile tires.



3.2 Visual Intrusive Mould Assessment

We completed our visual intrusive assessment along accessible surfaces within the subject building. We assessed the surfaces by visually identifying signs of water damage and/or suspect mould growth. In areas where we observed evident water damage, or where the presence of mould growth was suspected, we made a destructive test cut in the finishes to assess the condition of the cavities and other building materials present.

3.3 Moisture Content Assessment

We used a GE Protimeter BLD5360 Surveymaster Dual-Function Moisture Meter ('moisture meter') to obtain the moisture content (MC) along accessible surfaces that were suspected to have been impacted by water damage and/or mould growth.

This moisture meter was used to assess the moisture content (%MC) and/or wood moisture, equivalent (%WME) of porous building materials, which reportedly had been impacted by water. In search mode, the moisture meter is held at a 25° angle against the surface in question to detect relative %MC beneath the surface of the material in question. In measure mode, the moisture meter pin electrodes are inserted into the suspect substrate to obtain the %WME of various material(s) between the electrodes. The values obtained are compared against reference value(s) ('the control') of known "dry" building material(s).

The reported values have been summarized in the table below:

Less than 17% WME	"DRY"	Optimal state
17-20% WME	"AT RISK"	Moist conditions that may or may not support mould amplification*
Greater than 20% WME	"WET" or "SATURATED"	High water activity and the likelihood of mould amplification*

*Mould amplification is dependent upon current environmental conditions and the composition of the building materials.

4.0 RESULTS AND DISCUSSION

The following sections discuss our mould assessment observations and our combustion by-product analysis, as well as the combustion by-products lab results from EMSL Analytical Inc..

4.1 Visual Observations

During our site attendances, we visually reviewed the subject property by conducting a room-by-room walkthrough. Photographs from our site examination are included in Appendix A.



Based on our observations:

- The southwest elevation of the building was partially consumed by the fire.
- The roof of the building was partially consumed by the fire, extensively damaged, and open to the outdoors. The construction of the roof had deteriorated further during the time between our first and second site visits, and the hole in the roof had begun to collapse in on itself, nearly doubling in size.
- Snow melt was dripping from the outer roof onto the second level floor.
- The majority of the second level ceiling had collapsed, and asbestos containing vermiculite insulation and debris covered the entire second level floor.
- Debris on the second level was frozen in approximately 3 inches of ice.
- The southwest quarter of the building was structurally damaged, including the second level southwest bedrooms and Apartment 1 located on the south elevation of the main level.
- There was black stained and settled particulate in all rooms of the building. We found black water-suppression streaks on interior and perimeter walls and windows throughout the property.
- We also observed black stained and settled particulate in the ceiling cavities and inside the interior and perimeter wall cavities throughout the property.
- The main level ceiling materials were in various states of collapse and water was dripping to the main level floor.
- Water was trapped in an interior door header and a large water bubble had formed. Water was slowly dripping from the bubble.
- The moisture meter confirmed every perimeter and interior wall finish were wet from full height. The WME readings were greater than 40% from all measured finishes in all locations, indicating substantial mould impacts in the concealed wall cavities and ceiling voids were likely.
- Visually confirmed mould impacts were found throughout the subject building on numerous wall and ceiling finishes. Where exposed, we observed visually confirmed mould impacts in ceiling voids and interior and perimeter wall cavities.
- We inspected the perimeter wall cavities and observed that there was no exterior sheathing present. Brick was secured to the exterior structure of the home.
- There was a water stain at approximately 12 inches above the main level floor, indicating that at one point there would have been approximately 12 inches of standing water on the main level. Electrical sockets within this 12-inch range were plugged with debris from the water damage throughout the main level.
- The floor in the basement was an exposed dirt floor and was wetted to the point of mud.
- There was excessive wood rot and mould growth on the basement floor joists and framing members.
- There was a strong fire and smoke odour throughout the interior of the subject property.



4.2 Third-Party Combustion By-Product Results

We submitted six samples to EMSL Analytical Inc. A summary of the submitted samples and analytical results are presented in Appendix B.

EMSL Analytical Inc. analyzed the samples via Polarized Light Microscopy (PLM), Stereomicroscopy, epi-Reflected Light Microscopy (RLM), and by using standard ASTM D6602 to determine the presence of any combustion by-products from the fire. Results of these analyses are presented in Appendix C.

The results indicated that all samples had char and/or soot concentrations above the reportable detection limit of 1%. This included:

- Exterior wall cavities were found to have char concentrations between 30 and 70%;
- Interior wall cavities were found to have char concentrations up to 15% and soot concentrations up to 40%; and
- Surface samples taken from discoloured surfaces where found to have char and soot concentrations up to 80%.

There was no area to collect a control sample as all areas throughout the subject building were observed to have been impacted.

5.0 CONCLUSIONS

Our conclusions, based on the observations and the third party findings detailed above, are as follows:

- We observed extensive mould impacts throughout the subject building on finishes and within wall cavities and ceiling voids.
- We observed excessive wood rot on basement floor joists and framing members.
- Elevated moisture levels were obtained from all walls throughout the property.
- In several locations, water was dripping from the roof to the second level floor and from the main level ceiling to the main level floor.
- We observed signs of water suppression efforts in the form of dried water stains with smoke streaked drips on walls and windows throughout the property.
- We observed significant smoke discolouration on all surfaces and finishes throughout the property.
- Combustion by-product impacts were confirmed throughout the property on exposed surfaces and finishes and within interior and perimeter walls.
- Combustion by-products had impacted the interior side of the exterior brick at the perimeter walls.
- Strong fire and smoke odours were present throughout the property.



- Asbestos containing vermiculite insulation had collapsed from the attic and water had distributed this insulation debris throughout the property.
- Various asbestos and lead containing finishes were confirmed throughout the subject building.

6.0 RECOMMENDATIONS

The following sections outline our previous recommendations issued in our Structural Assessment report:

- *“The roof structure and the damaged portion of the second level floor structure will need to be demolished and reconstructed. Further, the fire-damaged brick on the front elevation of the house will likely need to be replaced with bricks closely matching the originals.”*
- *“In addition to the above, the original construction of the subject house will require work unrelated to the fire incident. The stone foundation walls and main level framing will likely need to be repaired or replaced to ensure that these aspects of the house are structurally sound and meet the requirements of the Ontario Building Code (OBC).”*
- *“Further, since it is likely that all of the interior finishes will need to be removed and replaced as part of the remediation, the vertical and horizontal fire separations between the residential units must be upgraded to meet the requirements of the current 2012 OBC.”*

As a result of these previous recommendations, combined with the observations from our environmental and designated substances site assessments, and the third-party lab results, we recommend two possible options for your consideration:

6.1 Option 1: Demolition (Recommended)

- Demolish the entire structure, including the foundation.
- Prior to any work being performed:
 - 1) A Designated Substance Survey report will be required for the protection of workers and disposal of hazardous materials.
 - 2) A Scope of Work document will be required to provide direction for the demolition in accordance with the Ontario Occupational Health & Safety Act (OHSA) and Ontario Regulation 213/91 – *Construction Projects* (O. Reg. 213/91).

6.2 Option 2: Restoration

- Demolish the roof and the southwest portion of the second and main levels of the property, while ensuring the remainder of the property is structurally supported per the direction of our structural engineers.



- Demolition will have to be completed by hand to protect the structural integrity of building.
- Since we have observed excessive water damage, and combustion by-products have been confirmed throughout the property, remove all smoke- and mould-impacted building materials, including subfloors, following Level III remediation procedures, as outlined in the Canadian Construction Association Standard construction document CCA 82 2004 *"Mould Guidelines for the Canadian Construction Industry."*
- Given the presence of asbestos-containing materials, asbestos-contaminated materials, and lead-containing materials confirmed on various building materials throughout the property, remove all damaged and contaminated building materials following Type 3 abatement procedures as per Ontario Regulation 278/05 and Type 2a lead abatement procedures as per the Ontario Ministry of Labour, *"Load on Construction Projects."*
- Once the abatement and remediation procedures have been completed, successful clearance air sampling as per Ontario Regulation 278/05 and successful post-remediation air sampling for airborne mould elements as per the Canadian Construction Association Standard, CCA 82 2004 document, *"Mould Guidelines for the Canadian Construction Industry"* would be required before the enclosures can be dismantled.
- Once all brick and structural wood have been exposed, the remaining structural components and interior surface of the brick will have to be media-blasted, treated with an anti-microbial agent, and smoke-sealed.
- After the smoke sealing has been completed, restoration can begin according to the permit and design provided by our structural engineers, meeting the requirements of the current 2012 OBC.

Given these considerations, it is our opinion that Option 1 will require less time and resources, making the project more efficient and significantly more cost-effective.

We recommend demolition for this property.

Option 2 comes with several challenges, including meeting the requirements of the current 2012 OBC and multiple additional engineering assessments.

- Once exposed, an engineering assessment of the main level framing will be required to ensure that these aspects of the building are structurally sound.
- The excessive rot on the basement structural components will require the majority of the basement structural components to be replaced, which will also require engineered shoring.
- An engineering assessment of the stone foundation walls will be required to ensure they are structurally sound.
- Since the basement is comprised of an exposed dirt floor, it will be difficult to obtain acceptable post-remediation air samples for airborne mould elements given the Level III mould remediation procedures.



This completes our assessment to date. If you have any questions, please do not hesitate to contact us.

Sincerely,

Grant Elligsen, CRSP, P.Eng.
January 7, 2020

Christopher Ciasnocha, B.A.Sc. (for general review only)
January 7, 2020

The above signature has been electronically applied by Stephanie Jorgensen with the express written permission of Grant Elligsen.

Enclosures: **APPENDIX A: Site Examination Photo Log**

 APPENDIX B: Summary of Wipe and Bulk Sample Analysis Results

 APPENDIX C: ESML Analytical Inc. Test Results & Certificate of Analysis



APPENDIX A: SITE EXAMINATION PHOTO LOG

SITE EXAMINATION PHOTO LOG

Project Name: Environmental Assessment after a Fire Loss, 195 Simcoe Street North, Oshawa, Ontario

Our File: 190818GTE

Date of Visit: January 2, 2020

Visit No.: 2

Reason for Visit: Smoke and Mould Impacts Assessment

Taken by: Grant Elligsen



Figure 1: View of front exterior of subject house and roof consumed by fire

SITE EXAMINATION PHOTO LOG

Project Name: Environmental Assessment after a Fire Loss, 195 Simcoe Street North, Oshawa, Ontario

Our File: 190818GTE

Date of Visit: January 2, 2020

Visit No.: 2

Reason for Visit: Smoke and Mould Impacts Assessment

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Figure 2: View of deteriorated roof and collapsed second level ceiling

SITE EXAMINATION PHOTO LOG

Project Name: Environmental Assessment after a Fire Loss, 195 Simcoe Street North, Oshawa, Ontario

Our File: 190818GTE

Date of Visit: January 2, 2020

Visit No.: 2

Reason for Visit: Smoke and Mould Impacts Assessment

Taken by: Grant Elligsen



Figure 3: View of dripping snow melt and debris frozen in ice on second level

SITE EXAMINATION PHOTO LOG

Project Name: Environmental Assessment after a Fire Loss, 195 Simcoe Street North, Oshawa, Ontario

Our File: 190818GTE

Date of Visit: January 2, 2020

Visit No.: 2

Reason for Visit: Smoke and Mould Impacts Assessment

Taken by: Grant Elligsen



Figure 4: View of collapsing main level ceiling and water and mould damage in ceiling void

SITE EXAMINATION PHOTO LOG

Project Name: Environmental Assessment after a Fire Loss, 195 Simcoe Street North, Oshawa, Ontario

Our File: 190818GTE

Date of Visit: January 2, 2020

Visit No.: 2

Reason for Visit: Smoke and Mould Impacts Assessment

Taken by: Grant Elligsen



Figure 5: View of water bubble trapped in door header

SITE EXAMINATION PHOTO LOG

Project Name: Environmental Assessment after a Fire Loss, 195 Simcoe Street North, Oshawa, Ontario

Our File: 190818GTE

Date of Visit: January 2, 2020

Visit No.: 2

Reason for Visit: Smoke and Mould Impacts Assessment

Taken by: Grant Elligsen



Figure 6: View of moisture meter confirming elevated moisture readings from wall finishes

SITE EXAMINATION PHOTO LOG

Project Name: Environmental Assessment after a Fire Loss, 195 Simcoe Street North, Oshawa, Ontario

Our File: 190818GTE

Date of Visit: January 2, 2020

Visit No.: 2

Reason for Visit: Smoke and Mould Impacts Assessment

Taken by: Grant Elligsen



Figure 7: View of visually confirmed mould impacts on main level ceiling

SITE EXAMINATION PHOTO LOG

Project Name: Environmental Assessment after a Fire Loss, 195 Simcoe Street North, Oshawa, Ontario

Our File: 190818GTE

Date of Visit: January 2, 2020

Visit No.: 2

Reason for Visit: Smoke and Mould Impacts Assessment

Taken by: Grant Elligsen



Figure 8: View of water staining line throughout main level and smoke impacted wall finishes in northeast bedroom (Sample S-4)

SITE EXAMINATION PHOTO LOG

Project Name: Environmental Assessment after a Fire Loss, 195 Simcoe Street North, Oshawa, Ontario

Our File: 190818GTE

Date of Visit: January 2, 2020

Visit No.: 2

Reason for Visit: Smoke and Mould Impacts Assessment

Taken by: Grant Elligsen



Figure 9: View of electrical socket plugged with debris

SITE EXAMINATION PHOTO LOG

Project Name: Environmental Assessment after a Fire Loss, 195 Simcoe Street North, Oshawa, Ontario

Our File: 190818GTE

Date of Visit: January 2, 2020

Visit No.: 2

Reason for Visit: Smoke and Mould Impacts Assessment

Taken by: Grant Elligsen



Figure 10: View of wood rot and mould impacts on basement structural members

SITE EXAMINATION PHOTO LOG

Project Name: Environmental Assessment after a Fire Loss, 195 Simcoe Street North, Oshawa, Ontario

Our File: 190818GTE

Date of Visit: January 2, 2020

Visit No.: 2

Reason for Visit: Smoke and Mould Impacts Assessment

Taken by: Grant Elligsen



Figure 11: View of structurally damaged main level southwest bedroom wall (Sample S-1)

SITE EXAMINATION PHOTO LOG

Project Name: Environmental Assessment after a Fire Loss, 195 Simcoe Street North, Oshawa, Ontario

Our File: 190818GTE

Date of Visit: January 2, 2020

Visit No.: 2

Reason for Visit: Smoke and Mould Impacts Assessment

Taken by: Grant Elligsen



Figure 12: View of smoke impacted perimeter wall cavity in main level northeast bedroom (Sample B-2)

SITE EXAMINATION PHOTO LOG

Project Name: Environmental Assessment after a Fire Loss, 195 Simcoe Street North, Oshawa, Ontario

Our File: 190818GTE

Date of Visit: January 2, 2020

Visit No.: 2

Reason for Visit: Smoke and Mould Impacts Assessment

Taken by: Grant Elligsen



Figure 13: View of smoke impacted vanity in main level east washroom (Sample S-3)

SITE EXAMINATION PHOTO LOG

Project Name: Environmental Assessment after a Fire Loss, 195 Simcoe Street North, Oshawa, Ontario

Our File: 190818GTE

Date of Visit: January 2, 2020

Visit No.: 2

Reason for Visit: Smoke and Mould Impacts Assessment

Taken by: Grant Elligsen



Figure 14: View of smoke impacted perimeter wall cavity in northeast bedroom (Sample S-5) on second level

SITE EXAMINATION PHOTO LOG

Project Name: Environmental Assessment after a Fire Loss, 195 Simcoe Street North, Oshawa, Ontario

Our File: 190818GTE

Date of Visit: January 2, 2020

Visit No.: 2

Reason for Visit: Smoke and Mould Impacts Assessment

Taken by: Grant Elligsen



Figure 15: View of smoke impacted interior wall cavity in southeast bedroom (Sample B-6) on second level



APPENDIX B: SUMMARY OF WIPE AND BULK SAMPLE ANALYSIS RESULTS

**Summary of Wipe & Bulk Sample Analysis Results for the Presence of Combustion
By-Products by Polarized Light Microscopy (PLM), Stereomicroscopy, and epi-
Reflected Light Microscopy (RLM)
Samples Collected January 2, 2020**

Sample Number	Sample Location/Description	Analysis Results (Concentration and Analyte) *Only those analytes with detected concentrations are presented
S-1	Main level, Southwest perimeter bedroom wall, point of loss	10% - 15%, Char
B-2	Main level, Northeast bedroom, North perimeter wall cavity	60% - 70%, Char
S-3	Main level, East washroom, vanity	70% - 80%, Char 1% - 2%, Soot
S-4	Main level, Northeast bedroom, East interior wall	10% - 15%, Char 30% - 40%, Soot
S-5	Second level, Northeast bedroom, East perimeter wall cavity	30% - 40%, Char
B-6	Second level, Southeast bedroom, North interior wall cavity	40% - 50%, Char 5% - 10%, Soot



APPENDIX C: ESML ANALYTICAL INC. TEST RESULTS & CERTIFICATE OF ANALYSIS



EMSL Analytical, Inc.
200 Route 130 North Cinnaminson, NJ 08077
Phone: Toll Free: 800-220-3675 | Fax: 856-786-5971
www.emsl.com info@emsl.com

EMSL Order: 552000004
Customer ID: GKFE78
Customer PO: -

Attn: *Grant Elligsen*
30 Forensic Engineering
40 University Avenue
Suite 800
Toronto, ON M5J 1T1

Phone: 416-368-1700
Fax: -

Collected: 1/2/2020
Received: 1/3/2020
Analyzed: 1/6/2020

Project: 190818GTE

- Laboratory Report - Combustion By-Products -Screening-

EMSL Sample ID	Sample ID	Description	Analyte	Qualifier	Comments (Sample Specific)
552000004-0001	S1	Lv 1, SW bedroom POL	Carbonized Material (Char) Carbonized Material (Ash) Black Carbon (Soot)*	Present Not Present Not Present*	The amount of char in this sample is 10-15%.
552000004-0002	B2	Lv 1, NE perimeter wall cavity	Carbonized Material (Char) Carbonized Material (Ash) Black Carbon (Soot)*	Present Not Present Not Present*	The amount of char in this sample is 60-70%.
552000004-0003	S3	Lv 1, E washroom vanity	Carbonized Material (Char) Carbonized Material (Ash) Black Carbon (Soot)*	Present Not Present Present*	The amount of char in this sample is 70-80%. The amount of presumptive soot in this sample is 1-2%.
552000004-0004	S4	Lv 1, NE bedroom interior wall	Carbonized Material (Char) Carbonized Material (Ash) Black Carbon (Soot)*	Present Not Present Present*	The amount of char in this sample is 10-15%. The amount of presumptive soot in this sample is 30-40%.
552000004-0005	S5	Lv 2, NE bedroom perimeter wall cavity	Carbonized Material (Char) Carbonized Material (Ash) Black Carbon (Soot)*	Present Not Present Not Present*	The amount of char in this sample is 30-40%.

* Black Carbon/Soot analysis is limited to presumptive analysis only. In order to resolve the submicron size and the aciniform morphology of the particles confirmatory analysis by Transmission Electron Microscopy (TEM) is needed.

Methods and instrumentation: Polarized Light Microscopy (PLM), Stereomicroscopy, epi-Reflected Light Microscopy (RLM).





EMSL Analytical, Inc.
200 Route 130 North Cinnaminson, NJ 08077
Phone: Toll Free: 800-220-3675 | Fax: 856-786-5971
www.emsl.com info@emsl.com

EMSL Order: 552000004
Customer ID: GKFE78
Customer PO: -

Attn: Grant Elligsen
30 Forensic Engineering
40 University Avenue
Suite 800
Toronto, ON M5J 1T1

Phone: 416-368-1700
Fax: -

Collected: 1/2/2020
Received: 1/3/2020
Analyzed: 1/6/2020

Project: 190818GTE

- Laboratory Report - Combustion By-Products -Screening-

EMSL Sample ID	Sample ID	Description	Analyte	Qualifier	Comments (Sample Specific)
552000004-0006	B6	Lv 2, SE bedroom interior wall cavity	Carbonized Material (Char) Carbonized Material (Ash) Black Carbon (Soot)*	Present Not Present Present*	The amount of char in this sample is 40-50%. The amount of presumptive soot in this sample is 5-10%.

* Black Carbon/Soot analysis is limited to presumptive analysis only. In order to resolve the submicron size and the aciniform morphology of the particles confirmatory analysis by Transmission Electron Microscopy (TEM) is needed.

Methods and instrumentation: Polarized Light Microscopy (PLM), Stereomicroscopy, epi-Reflected Light Microscopy (RLM).

Christen Helou
Materials Analyst

Eugenia Mirica, Ph.D.
Laboratory Manager

Sample received in acceptable condition unless otherwise noted. The QC data associated with these sample results included in this report meet the method quality control requirements, unless specifically indicated otherwise. Unless noted, results in this report are not blank corrected. This report relates only to the samples reported above and may not be reproduced, except in full, without written approval by EMSL Analytical, Inc.. EMSL Analytical, Inc. bears no responsibility for sample collection activities. **Sample Retention:** Samples analyzed by EMSL Analytical, Inc. will be retained for 60 days after analysis date. Storage beyond this period is available for a fee with written request prior to the initial 30 day period. Samples containing hazardous/toxic substances which require special handling may be returned to the client immediately. EMSL Analytical, Inc. reserves the right to charge a sample disposal fee or return samples to the client. **Change Orders and Cancellation:** All changes in the scope of work or turnaround time requested by the client after sample acceptance must be made in writing and confirmed in writing by EMSL Analytical, Inc.. If requested changes result in a change in cost the client must accept payment responsibility. In the event work is cancelled by a client, EMSL Analytical, Inc. will complete work in progress and invoice for work completed to the point of cancellation notice. EMSL Analytical, Inc. is not responsible for holding times that are exceeded due to such changes. **Warranty:** EMSL Analytical, Inc. warrants to its clients that all services provided hereunder shall be performed in accordance with established and recognized analytical testing procedures and with reasonable care in accordance with applicable federal, state and local laws. The foregoing express warranty is exclusive and is given in lieu of all other warranties, expressed or implied. EMSL Analytical, Inc. disclaims any other warranties, express or implied, including a warranty of fitness for particular purpose and warranty of merchantability. **Limits of Liability:** In no event shall EMSL Analytical, Inc. be liable for indirect, special, consequential, or incidental damages, including, but not limited to, damages for loss of profit or goodwill regardless of the negligence (either sole or concurrent) of EMSL Analytical, Inc. and whether EMSL Analytical, Inc. has been informed of the possibility of such damages, arising out of or in connection with EMSL Analytical, Inc.'s services there under or the delivery, use, reliance upon or interpretation of test results by client or any third party. We accept no legal responsibility for the purposes for which the client uses the test results. EMSL Analytical, Inc. will not be held responsible for the improper selection of sampling devices even if we supply the device to the user. The user of the sampling device has the sole responsibility to select the proper sampler and sampling conditions to insure that a valid sample is taken for analysis. Any resampling performed will be at the sole discretion of EMSL Analytical, Inc., the cost of which shall be limited to the reasonable value of the original sample delivery group (SDG) samples. In no event shall EMSL Analytical, Inc. be liable to a client or any third party, whether based upon theories of tort, contract or any other legal or equitable theory, in excess of the amount paid to EMSL Analytical, Inc. by client there under.

Appendix 3: Notice of Designation

April 1, 2021

File: B-8600-0319

REVISED ON CONSENT ON NOVEMBER 30, 2021

Nantuck Investments Inc
103 Radley Street
Woodbridge, Ontario
L4L 8K4

**Re: Notice of Intention to Designate
Robert McLaughlin House**

Pursuant to Part IV of the *Ontario Heritage Act*, R.S.O. 1990, Chapter O. 18, please be advised that the Council of the Corporation of the City of Oshawa intends to designate the following property as a property of cultural heritage value or interest:

A portion of 195-201 Simcoe Street North, 12-16 Elgin Street East, described as: PT PIN 16316-0008 (LT), PT LT 3 PLAN H50003 E/S SIMCOE STREET, EAST WHITBY; CITY OF OSHAWA; REGIONAL MUNICIPALITY OF DURHAM

1. Location and Description of Property

The property municipally known as 195-201 Simcoe Street North, 12-16 Elgin Street East is a 0.2 hectare (0.5 ac.) parcel legally described as Part of Lots 3 and 4 of Plan H50003 containing the house commonly known as the "Robert McLaughlin House" at 195 Simcoe Street North. The property also contains three other houses which go by the addresses 201 Simcoe Street North, and 12 and 16 Elgin Street East.

The lands to be designated do not include Lot 4 of Plan H50003, which contains the house addressed as 201 Simcoe Street North. The houses municipally addressed as 12 and 16 Elgin Street East are also located on Lot 3 of Plan H50003 and form part of the lands to be designated, but do not possess cultural heritage value or contain heritage attributes.

The Robert McLaughlin House is situated on the west half of Lot 3, Plan H50003, located at the northeast corner of Simcoe Street North and Elgin Street East. The Robert McLaughlin House is two storeys in height, of brick construction, and currently is vacant. It was converted from residential to office uses in the 1960s.

2. Legal Description

The portion of the property at 195-201 Simcoe Street North, 12-16 Elgin Street East to be designated under Part IV of the *Ontario Heritage Act*, R.S.O. 1990, Chapter O. 18 is legally described as:

PT PIN 16316-0008 (LT), PT LT 3 PLAN H50003 E/S SIMCOE STREET, EAST WHITBY;
CITY OF OSHAWA; REGIONAL MUNICIPALITY OF DURHAM

3. Statement of Cultural Heritage Value or Interest

The Robert McLaughlin House is the former home of Robert McLaughlin, founder of the McLaughlin Carriage Company, and his third wife Eleanor McLaughlin. The McLaughlin family had a significant economic and cultural impact on Oshawa. The Robert McLaughlin House was one of four homes in Oshawa that Robert McLaughlin resided in, and is the only residence of his in Oshawa still in existence. Built in 1887, the Robert McLaughlin House is representative of the Classical Revival design, and is an early example of this style in Oshawa.

The Robert McLaughlin House, situated at a prominent corner location, has contextual value as it importantly defines, maintains and supports the area in which it stands as one of the early homes constructed on Simcoe Street North. It is reflective of Oshawa's early development in this part of the City and is historically linked to its surroundings.

The Robert McLaughlin House forms a key part of the story of nearby National Historic Site Parkwood Estate due to its proximity to the Parkwood Estate, which was commissioned by Colonel Robert Samuel (R.S.) McLaughlin, the son of Robert McLaughlin. R.S. McLaughlin served as President of General Motors of Canada from 1918 to 1945, and was one of Canada's leading twentieth century industrialists and philanthropists.

In addition to its connection to Parkwood Estate, the Robert McLaughlin House is also linked to the McLaughlin Carriage Company through its proximity to downtown Oshawa where the McLaughlin Carriage Company offices were located at 50-54 Simcoe Street North from 1878 to 1890. The building at 50-54 Simcoe Street North was commissioned by Robert McLaughlin in 1878, and continues to serve as an office building today.

On the basis of the cultural heritage value or interest outlined above, the Robert McLaughlin House meets the criteria for designation under Part IV of the *Ontario Heritage Act*, R.S.O. 1990, Chapter O. 18, in accordance with Ontario Regulation 9/06, specifically criteria 1(i), 2(i), 3(i) and 3(ii).

4. Heritage Attributes

Design/Physical Value

The following design/physical heritage attributes of the Robert McLaughlin House are representative of Classical Revival design, and make it an early example of this style in Oshawa:

- The arrangement of the front (west) façade in a 3-bay design or “Georgian plan”, but with more refined and delicate features, represented by:

- The central positioning of the front entranceway;
- The five (5) adjacent windows in a symmetrical 3 by 2 arrangement, with three (3) second storey windows positioned above, and one (1) window flanking each side of the entranceway;
- The scale of the house, being two (2) storeys in height and possessing a “T” shaped floor plan;
- The original brick cladding on the entirety of the house, including the “sun room”, all of which has been painted white (the brick was originally yellow and featured quoins on the street-facing corners of the house, typical of Classical Revival styling);
- The existing window openings on the entirety of the house, save and except for the sun room, all exist in their original locations (symmetrically arranged on the west façade but irregular on all others), and are topped by brick lintels and are set on cement lugsills. The north façade features a bricked-in window opening which can be identified by the remnant brick lintel and concrete lugsill;
- The original “sun room” with copper roof to the south of the main house, containing generally the original arrangement of large windows, as well as a second entrance generally in its original location;
- The hipped main roof, featuring a large overhang around the entirety of the house, ornamented along the entirety of the west, south and north facades with dentil blocks along the cornice, as well as three chimneys, two centered above the east façade and one centered above the copper roof on the south façade;
- The returned eaves along the entirety of the main roof, copper roof, as well as on the front portico; and,
- The front (west) central entranceway, typical of a “Georgian plan”, featuring a portico with two columns set on a square plinth topped with simple square capitals.

Contextual Value

The contextual heritage attributes of the Robert McLaughlin House that contribute to the story of the Parkwood Estate, the McLaughlin Carriage Company and the McLaughlin family, and which are reflective of Oshawa’s early development in this part of the City, are as follows:

- The location of the house one (1) City block south of Parkwood Estate at 270 Simcoe Street North and four (4) City blocks north of the former McLaughlin Carriage Company offices at 50-54 Simcoe Street North, all of which are situated facing onto Simcoe Street North, reinforcing its role as one of Oshawa’s most historically important corridors; and,

- The age of the house, being built in 1887 and representing one of the early homes built in the late 1800s and early 1900s on Simcoe Street North that still exist between the downtown (King Street) and Adelaide Avenue, including 118 Simcoe Street North (c. 1900), 185 Simcoe Street North (c. 1910) and 201 Simcoe Street North (c. 1890).

While the full particulars of the Reasons for Designation for the Robert McLaughlin House are normally available for inspection in Planning Services, 8th Floor, City Hall, 50 Centre Street South, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, access to City Hall is subject to COVID-19 protocols. Accordingly, please call or email the City Contact identified below as our business operations are subject to change as the Province of Ontario reopens.

Any person may, on or before the 3rd day of May, 2021, send by registered mail or deliver to the City Clerk, Notice of Objection to the proposed designation, together with a statement of their reasons for the objection and all relevant facts. If a Notice of Objection is received, the Council of the City of Oshawa will refer the matter to the Conservation Review Board for a hearing and a report.

If you require further information or clarification, please contact me at the address shown or by telephone at (905) 436-3311, extension 2402.



Connor Leherbauer, Planner B
Development Services Department

CL/k

- c. Ontario Heritage Trust
10 Adelaide Street East
Toronto, ON M5C 1J3

Appendix 4: Photographs

All photos taken Feb 1, 2023.

AN APPROPRIATE REBUILDING OF 195 SIMCOE ST. N



Figure 5 - Rear of building, showing damaged brick, replaced or removed original windows.

AN APPROPRIATE REBUILDING OF 195 SIMCOE ST. N



Figure 6 - Rear and South Side of building, showing deterioration of brick, replaced and removed windows, and a portion of the fire damaged section of the building. The enclosed sunroom and door was a later modification.

AN APPROPRIATE REBUILDING OF 195 SIMCOE ST. N



Figure 7 - Fire damage shown around the sunroom

AN APPROPRIATE REBUILDING OF 195 SIMCOE ST. N



Figure 8 - Deteriorating chimney with potential for restoration

AN APPROPRIATE REBUILDING OF 195 SIMCOE ST. N



Figure 9 - Front of the building showing extreme fire damage and paint burning off the front.

AN APPROPRIATE REBUILDING OF 195 SIMCOE ST. N



Figure 10 - Front of the building showing window treatments, fire damage, and structurally failing porch.

AN APPROPRIATE REBUILDING OF 195 SIMCOE ST. N



Figure 11 - North West corner of building showing removed or replaced windows.

AN APPROPRIATE REBUILDING OF 195 SIMCOE ST. N



Figure 12 - Interior, showing damage.

AN APPROPRIATE REBUILDING OF 195 SIMCOE ST. N



Figure 13 - Staircase showing significant damage.

AN APPROPRIATE REBUILDING OF 195 SIMCOE ST. N



Figure 14 - Showing significant damage

AN APPROPRIATE REBUILDING OF 195 SIMCOE ST. N



Figure 15 - Showing significant damage

AN APPROPRIATE REBUILDING OF 195 SIMCOE ST. N



Figure 16 - Showing significant damage.

AN APPROPRIATE REBUILDING OF 195 SIMCOE ST. N



Figure 17 - Showing significant damage.

AN APPROPRIATE REBUILDING OF 195 SIMCOE ST. N



Figure 18 - Showing Significant Damage

AN APPROPRIATE REBUILDING OF 195 SIMCOE ST. N



Figure 19 - Showing significant damage.

AN APPROPRIATE REBUILDING OF 195 SIMCOE ST. N



Figure 20 - Showing significant damage.

AN APPROPRIATE REBUILDING OF 195 SIMCOE ST. N



Figure 21 - Showing significant damage and staircase damaged by fire.

AN APPROPRIATE REBUILDING OF 195 SIMCOE ST. N



Figure 22 - Showing significant damage where fire spread through wall.

AN APPROPRIATE REBUILDING OF 195 SIMCOE ST. N



Figure 23 - Showing significant damage where fire caused structural failing of roof.

AN APPROPRIATE REBUILDING OF 195 SIMCOE ST. N



Figure 24 - Showing extent of fire damage, interior black from fire and burn.

AN APPROPRIATE REBUILDING OF 195 SIMCOE ST. N



Figure 25- Showing extent of fire damage, interior black from fire and burn.

AN APPROPRIATE REBUILDING OF 195 SIMCOE ST. N



Figure 26- Showing extent of fire damage, interior black from fire and burn.

AN APPROPRIATE REBUILDING OF 195 SIMCOE ST. N



Figure 27 - Showing extent of fire damage, interior black from fire and burn.

AN APPROPRIATE REBUILDING OF 195 SIMCOE ST. N



Figure 28 - Showing extent of fire damage, interior black from fire and burn.

AN APPROPRIATE REBUILDING OF 195 SIMCOE ST. N



Figure 29- Showing extent of fire damage, interior black from fire and burn.

AN APPROPRIATE REBUILDING OF 195 SIMCOE ST. N



Figure 30 - Showing extent of fire damage, interior black from fire and burn.

AN APPROPRIATE REBUILDING OF 195 SIMCOE ST. N



Figure 31 - Showing extent of fire damage, interior black from fire and burn.

AN APPROPRIATE REBUILDING OF 195 SIMCOE ST. N

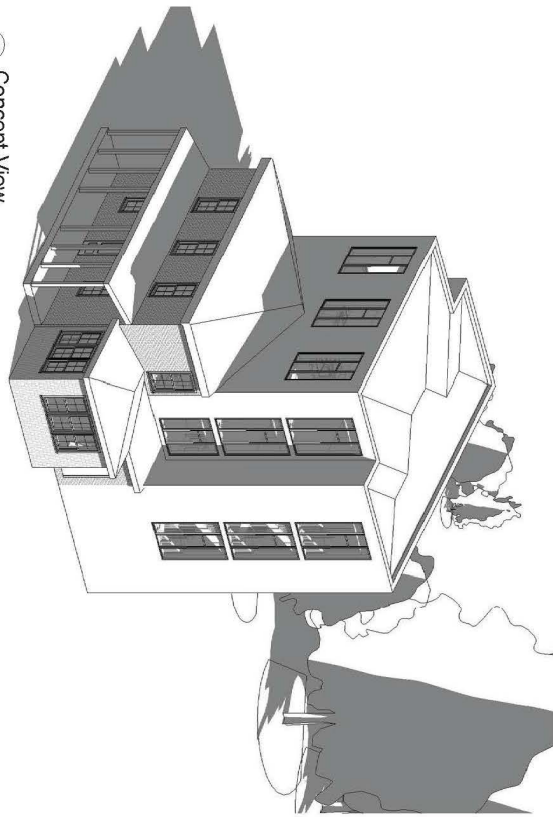


Figure 32 - Basement water system, showing damage and vandalism from arsonist.

AN APPROPRIATE REBUILDING OF 195 SIMCOE ST. N



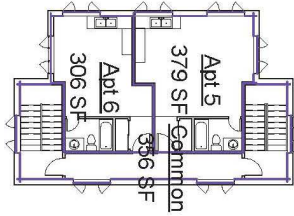
Figure 33 - Existing building foundation, with original wood beams, damaged from fire.



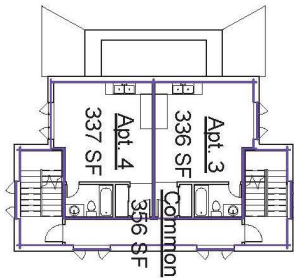
1 Concept View

PROPOSED USE:
2 COMMERCIAL UNITS FIRST STOREY
2 RESIDENTIAL UNITS SECOND STOREY
2 RESIDENTIAL UNITS THIRD STOREY
2 RESIDENTIAL UNITS FOURTH STOREY

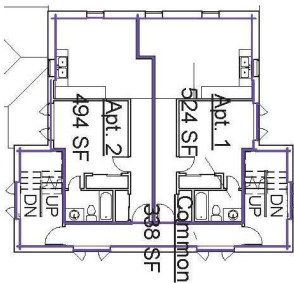
FUTURE ASSEMBLY HALL IN BASEMENT (NOT WITHIN THE SCOPE OF THIS PERM



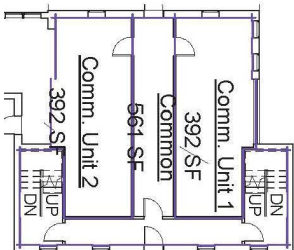
5 Fourth Floor
1" = 20'-0"



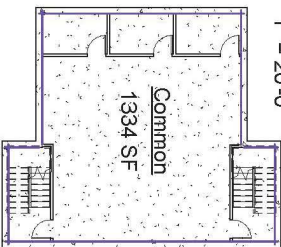
4 Third Floor
1" = 20'-0"



3 Second Floor
1" = 20'-0"



2 Main Floor
1" = 20'-0"



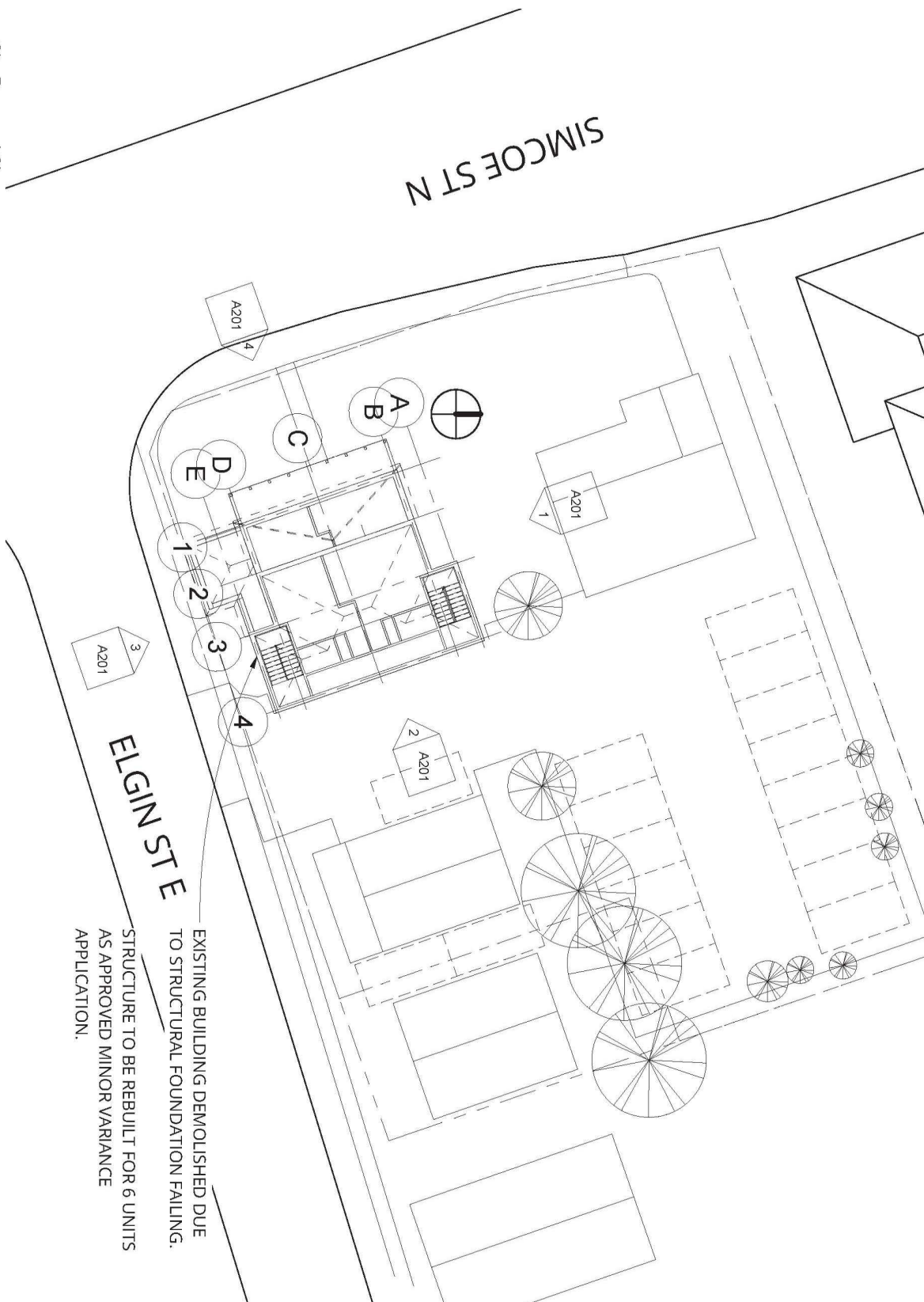
6 Basement
1" = 20'-0"

Sheet List		
Sheet Number	Sheet Name	C R

A000	Cover	1
A001	Proposed Change on Site	1
A002	Existing Site Plan	1

A003	Site Reference Map	1
A101	First Floor	1
A102	Second Floor	1
A103	Third Floor	1
A104	Fourth Floor	1
A105	Basement	1
A106	Ceiling Plans	1
A201	Elevations	1
A301	Sections	1
A302	Sections	1
A401	Assemblies	1
A501	Schedules	1

~~STRUCTURE TO BE REBUILT FOR 6 UNITS AS APPROVED MINOR VARIANCE APPLICATION.~~



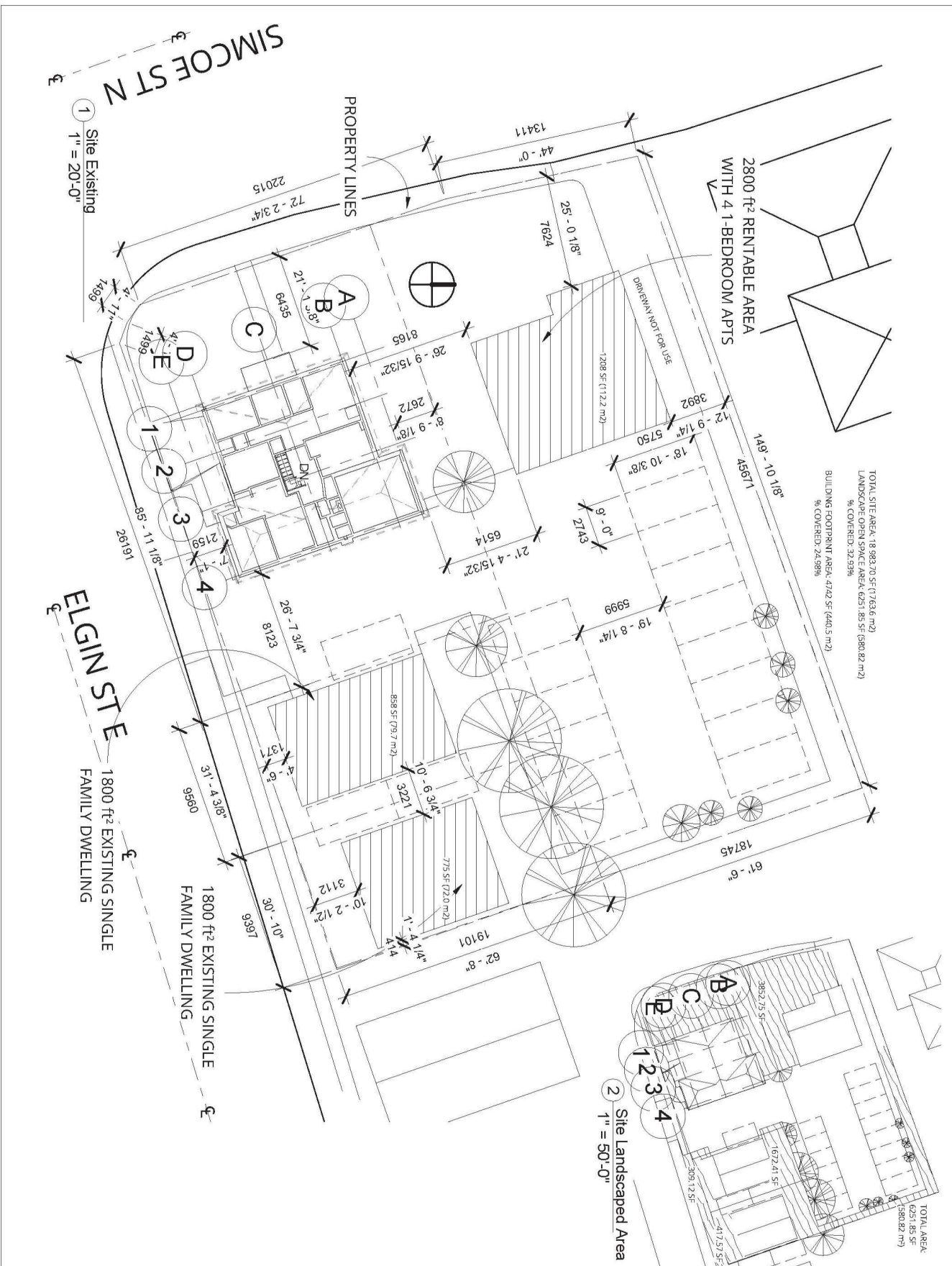
No.	Description	Date
1	Issued for City Review	Jan 30
	158	

Nantuck Dev.

Heritage Restoration

195 Simcoe St. N.
Oshawa, ON
Canada

STYL TREE
795 Middlefield Rd
Unit 2, Scarborough, ON

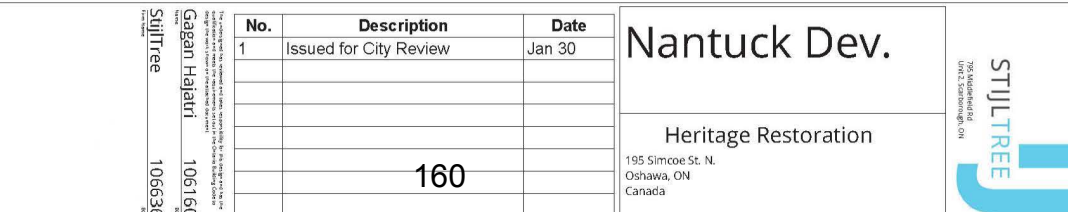


Existing Site Plan			
Project Name	Project Number	Project Date	Project Status
Gagan Halatri	10663	November 26, 2022	As Indefinite
Created By	Checker	Checker	Checker

195 Simcoe St. N.
Oshawa, ON
Canada

795 Middlefield Rd
Unit 2, Scarborough, ON

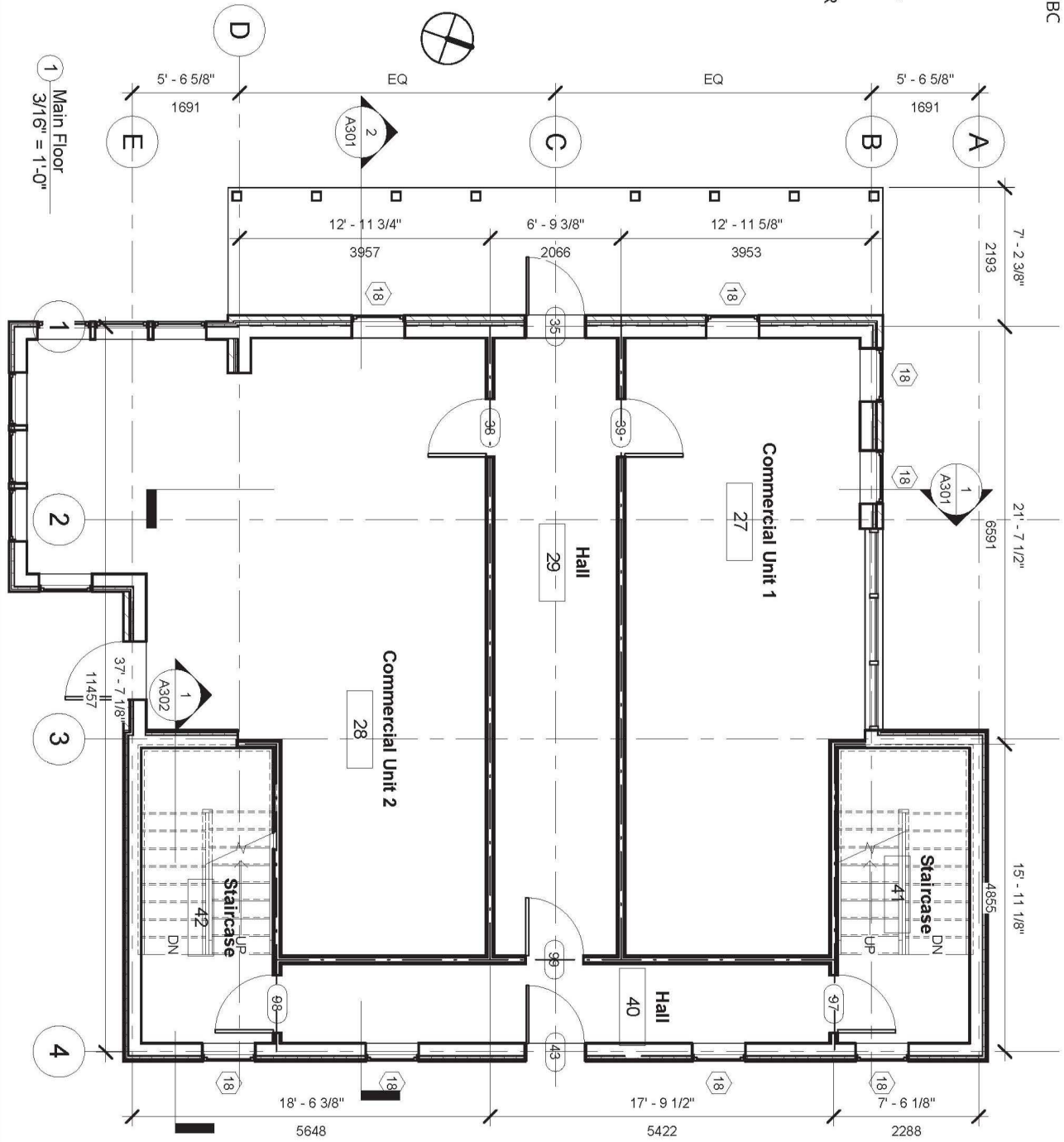
Site Reference Map



Heritage Restoration
195 Simcoe St. N.
Oshawa, ON
Canada

[illegible]

- NOTES
1. ALL CONSTRUCTION TO FOLLOW OBC 2012, AS AMENDED.
 2. COMMERCIAL UNITS SHELL ONLY, TENANTS TO APPLY FOR PERMITS BEFORE OPERATING AND UPGRADE ASSEMBLIES AS NEEDED.
 3. WALL ASSEMBLIES ON SHEET A401.
 4. ROOM SCHEDULE AND WINDOW SCHEDULE ON SHEET A501.
 5. SEE REFLECTED CEILING PLANS FOR SMOKE AND CARBON MONOXIDE ALARM PLACEMENT.



First Floor			
Project	XXXX	Sheet	A101
Revision	November 25, 2022	Scale	3/16" = 1'-0"
Drawn By	CRICKER	Approved	11 x 17

No.	Description	Date
1	Issued for City Review	Jan 30

161

Stiltree 106636

Gagan Hajatri 106160

106636

195 Simcoe St. N.
Oshawa, ON
Canada

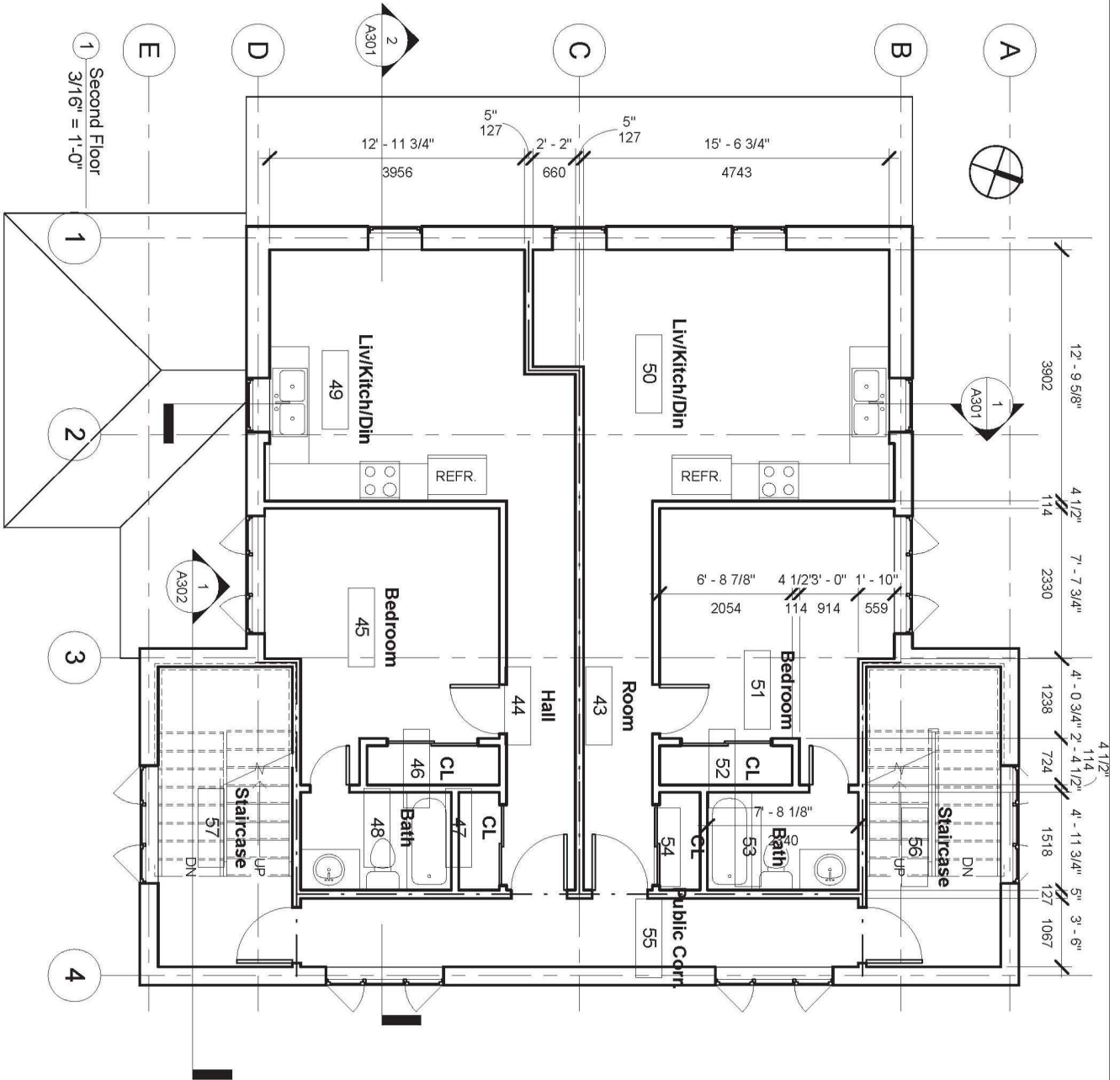
Nantuck Dev.

Heritage Restoration

STILTREE

195 Simcoe St. N.
Oshawa, ON
Canada

- NOTES**
1. ALL CONSTRUCTION TO FOLLOW OBC 2012, AS AMENDED.
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 3. WALL ASSEMBLIES ON SHEET A-401.
 4. ROOM SCHEDULE AND WINDOW SCHEDULE ON SHEET A501.
 5. SEE REFLECTED CEILING PLANS FOR SMOKE AND CARBON MONOXIDE ALARM PLACEMENT.



Nantuck Dev.

Heritage Restoration

195 Simcoe St. N.
Oshawa, ON
Canada

STILTREE
705 McMillan Rd.
Unit 2, Scarborough, ON

No.	Description	Date
1	Issued for City Review	Jan 30

162

StillTree
106636

Gagan Hajatri
106160

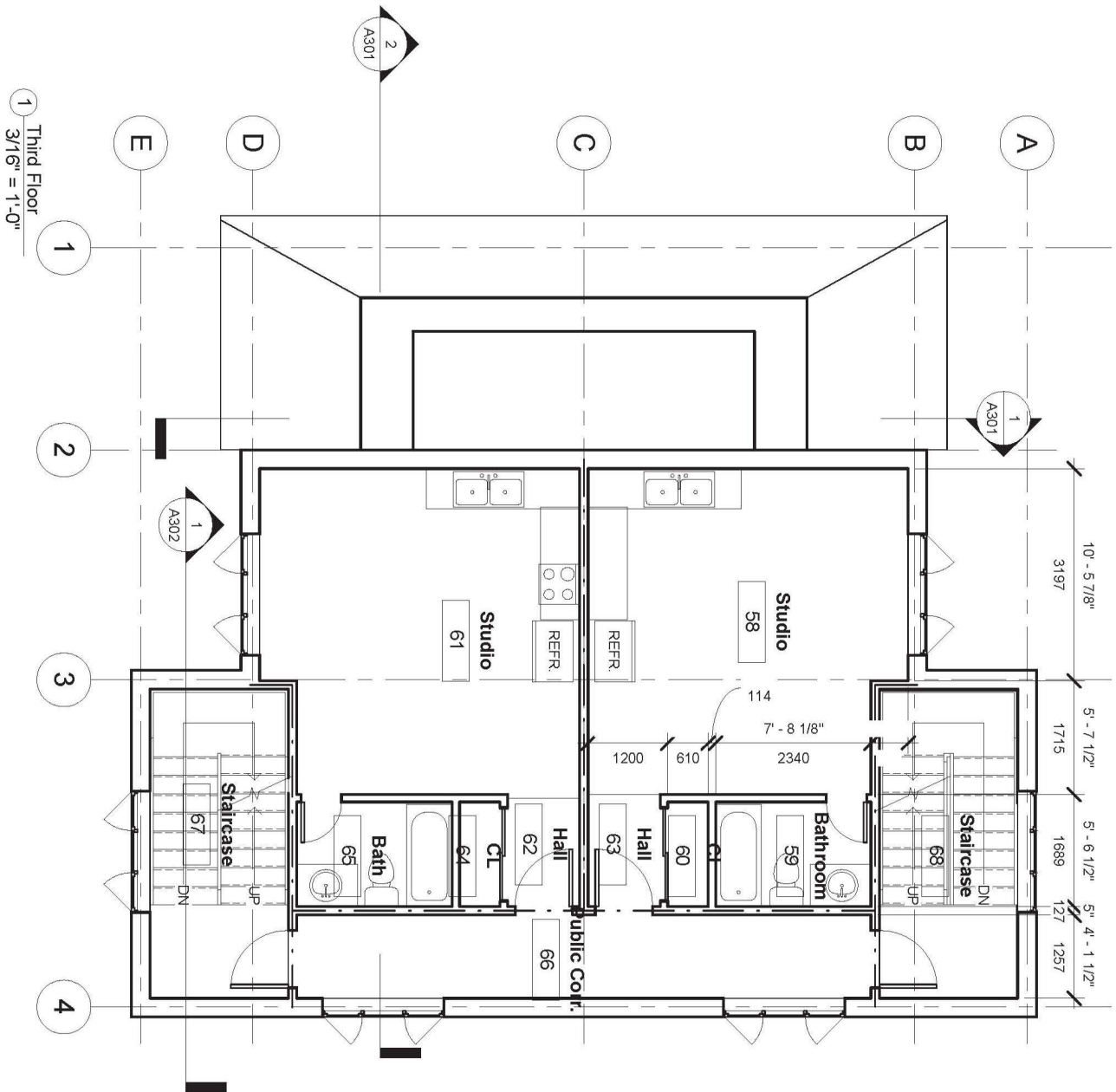
StillTree
106636

Second Floor

A102

3/16" = 1'-0"

- NOTES
1. ALL CONSTRUCTION TO FOLLOW OBC 2012, AS AMENDED.
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 5. SEE REFLECTED CEILING PLANS FOR SMOKE AND CARBON MONOXIDE ALARM PLACEMENT.



Nantuck Dev.

Heritage Restoration

195 Simcoe St. N.
Oshawa, ON
Canada

STJL TREE
705 Midland Rd.
Unit 2, Scarborough, ON

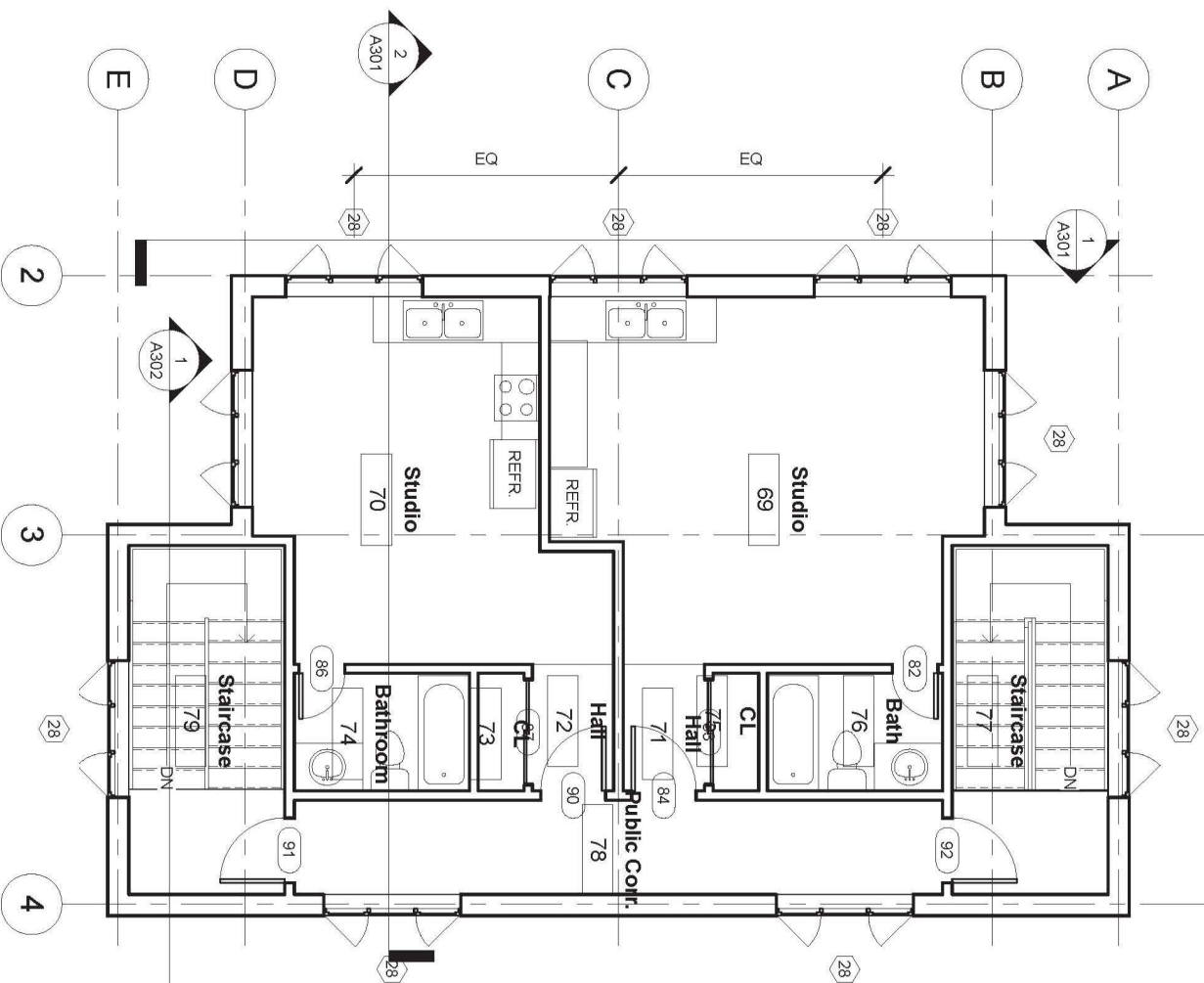
No.	Description	Date
1	Issued for City Review	Jan 30

This drawing has been prepared by the architect and is for the use of the client only. It is not to be used for any other purpose without the written consent of the architect.

Gagan Hajatri 106160
StillTree 106636

Third Floor			
Project No.	XXXX	Sheet No.	A103
Issue Date	November 25, 2022	Scale	3/16" = 1'-0"
Drawn By	JA/UY	Check By	CR/CK

- NOTES
1. ALL CONSTRUCTION TO FOLLOW OBC 2012, AS AMENDED.
 2. COMMERCIAL UNITS SHELL ONLY, TENANTS TO APPLY FOR PERMITS BEFORE OPERATING AND UPGRADE ASSEMBLIES AS NEEDED.
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 4. ROOM SCHEDULE AND WINDOW SCHEDULE ON SHEET A501.
 5. SEE REFLECTED CEILING PLANS FOR SMOKE AND CARBON MONOXIDE ALARM PLACEMENT.



1 Fourth Floor
3/16" = 1'-0"

Nantuck Dev.

Heritage Restoration

195 Simcoe St. N.
Oshawa, ON
Canada

STJLITREE
UNIT 2, Sarnia, ON



No.	Description	Date
1	Issued for City Review	Jan 30

164

This drawing has been prepared by the Architect and the Engineer for the purpose of providing information only. It is not to be used for construction or for any other purpose without the written consent of the Architect and the Engineer.

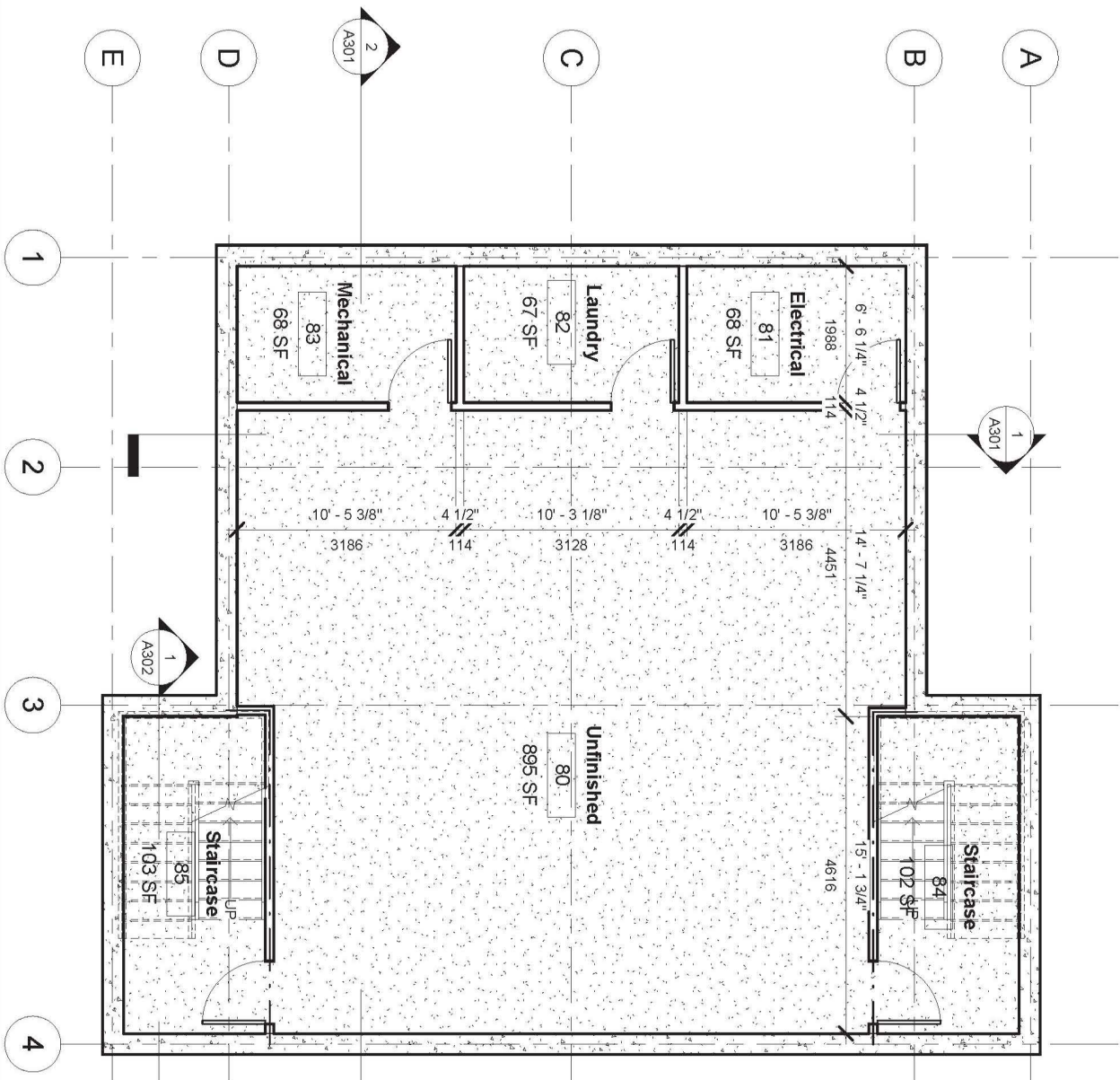
Gagan Hajatri 106160
StillTree 106636

Fourth Floor

Project No.	XXXX	Sheet No.	A104
Issue Date	November 25, 2022	Scale	3/16" = 1'-0"
Drawn By	JA/UY	Approved By	CR/CK

NOTES

1. ALL CONSTRUCTION TO FOLLOW OBC 2012, AS AMENDED.
2. COMMERCIAL UNITS SHELL ONLY, TENANTS TO APPLY FOR PERMITS BEFORE OPERATING AND UPGRADE ASSEMBLIES AS NEEDED.
3. WALL ASSEMBLIES ON SHEET A-401.
4. ROOM SCHEDULE AND WINDOW SCHEDULE ON SHEET A501.
5. SEE REFLECTED CEILING PLANS FOR SMOKE AND CARBON MONOXIDE ALARM PLACEMENT.
6. MECHANICAL TO BE SUBMITTED AS SEPARATE PERMIT.



Nantuck Dev.

Heritage Restoration

195 Simcoe St. N.
Oshawa, ON
Canada

STILTREE
705 Midland Rd.
Unit 2, Scarborough, ON

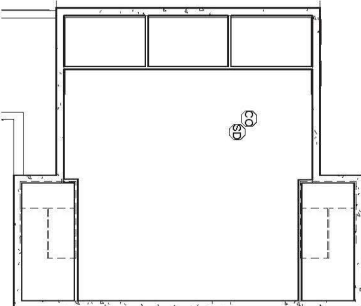
No.	Description	Date
1	Issued for City Review	Jan 30

165

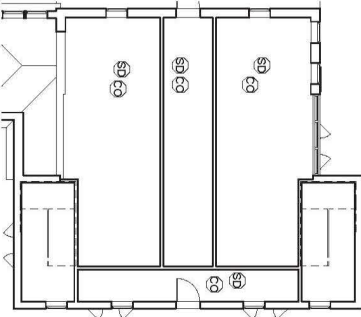
StillTree
Gagan Hajatri 106160
106636

Basement

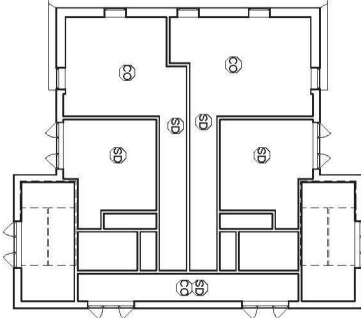
Project	XXXX	Sheet	A105
Issue Date	November 25, 2022	Scale	3/16" = 1'-0"
Drawn By	AJ/UY	Check By	CR/CK



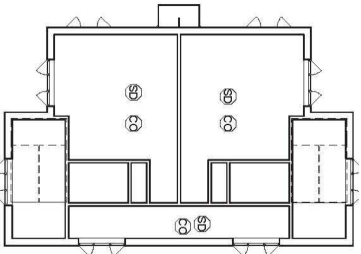
1 Basement
1/16" = 1'-0"



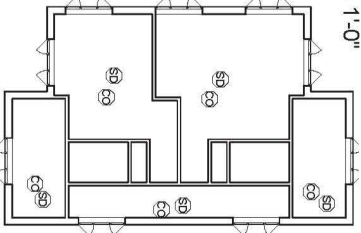
2 Main Floor
1/16" = 1'-0"



3 Second Floor
1/16" = 1'-0"



4 Third Floor
1/16" = 1'-0"



5 Fourth Floor
1/16" = 1'-0"

- CO CARBON MONOXIDE DETECTOR
SD SMOKE DETECTOR
- Ceiling Plan Legend
1/4" = 1'-0"

NOTES:
1. ALL CONSTRUCTION TO FOLLOW OBC
2012, AS AMENDED.
2. LIGHTING PLAN NOT SHOWN.

STILTREE
705 Midland Rd.
Unit 2, Scarborough, ON

Nantuck Dev.

Heritage Restoration
195 Simcoe St. N.
Oshawa, ON
Canada

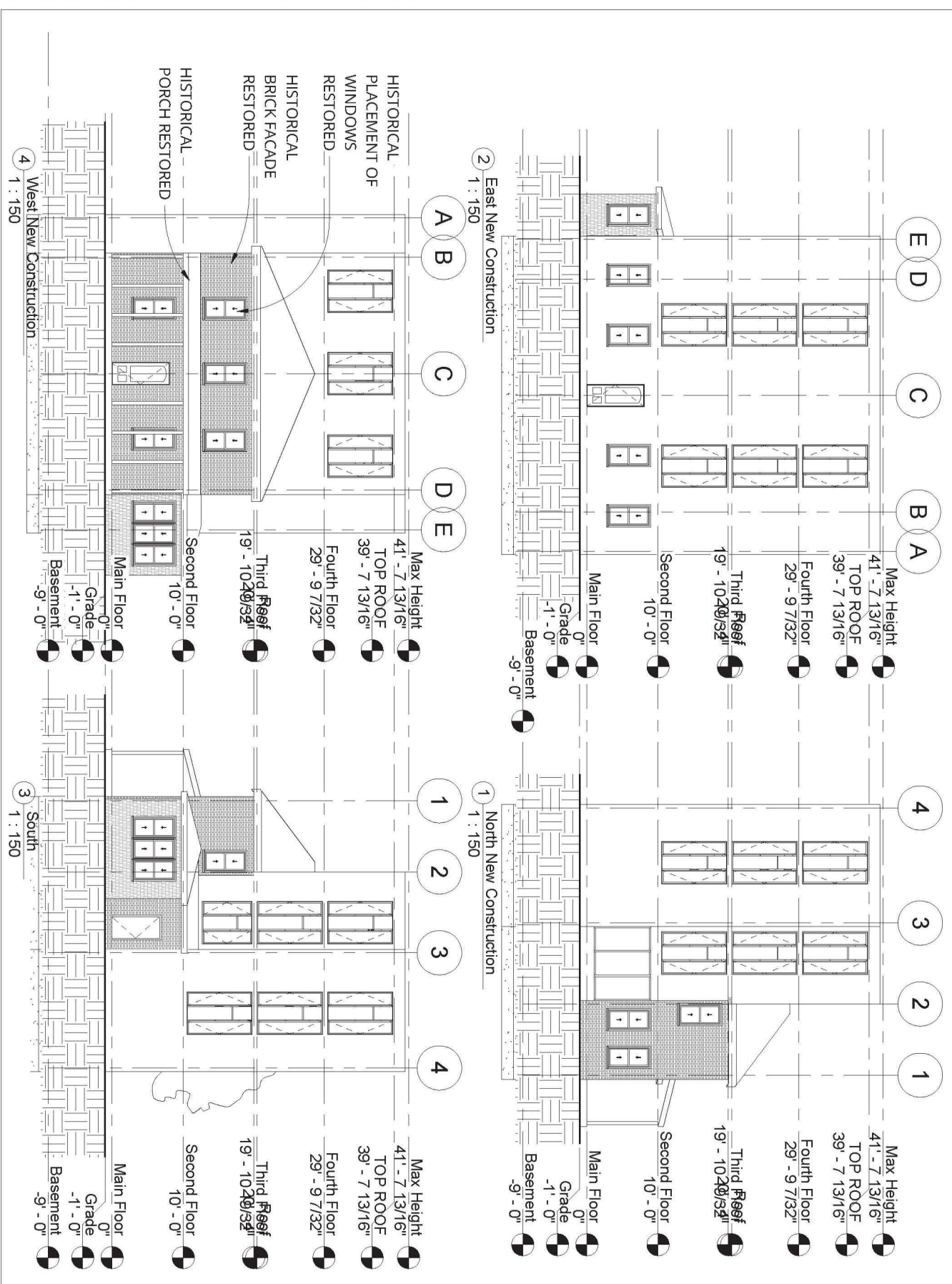
No.	Description	Date
1	Issued for City Review	Jan 30

This drawing has been prepared in accordance with the Ontario Building Code (OBC) and the National Building Code of Canada (NBC) and is intended for use as a guide only. It is not to be used as a basis for construction without the approval of the relevant authority.

Gagan Hajari 106160
Architect

Stiltree 106636
Architect

Ceiling Plans			
Project	XXXX	Sheet	A106
Issue Date	November 25, 2022	Author	AST/MSB/SL
Revised By	Checker	Approved By	AST/MSB/SL



No.	Description	Date
1	Issued for City Review	Jan 30
	167	

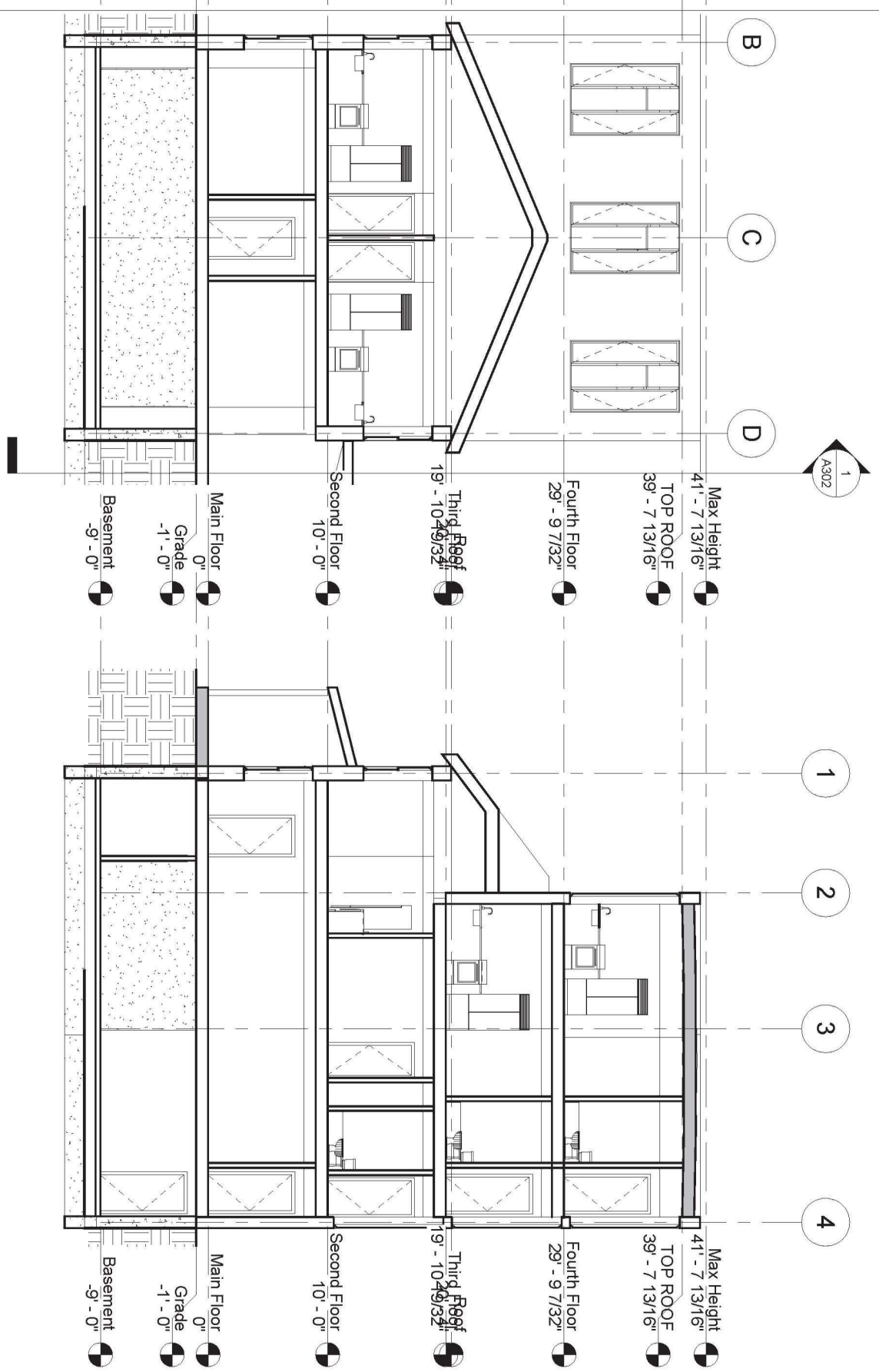
Nantuck Dev.

Heritage Restoration

195 Simcoe St. N.
Oshawa, ON
Canada

1 Section 1
1/8" = 1'-0"

2 Section 2
1/8" = 1'-0"



Nantuck Dev.

Heritage Restoration

195 Simcoe St. N.
Oshawa, ON
Canada

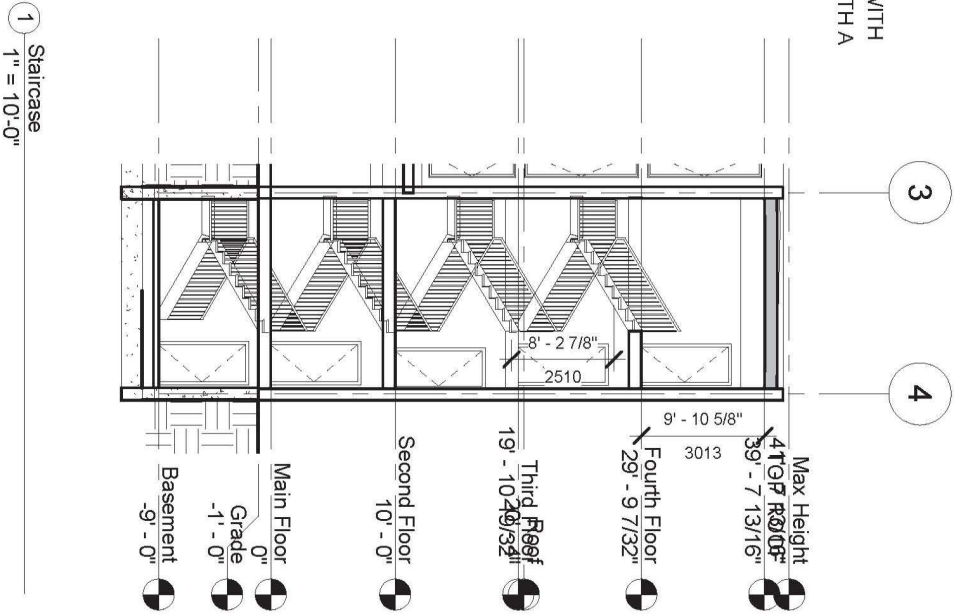
STILTREE
705 Midland Rd.
Unit 2, Scarborough, ON

No.	Description	Date
1	Issued for City Review	Jan 30

Sections			
Project	XXXX	Sheet	A301
Issue Date	November 25, 2022	Scale	1/8" = 1'-0"
Drawn By	JA/UTX	Check By	AM/B - 11.1.17

NOTES:

1. ALL CONSTRUCTION TO FOLLOW OBC 2012, AS AMENDED.
2. GUARDS TO PREVENT CLIMBING.
3. RAILINGS AND GUARDS TO FOLLOW DIV. B. 9.8. WITH NO OPENINGS THAT WOULD ALLOW A SPHERE WITH A DIAMETER OF 100mm TO PASS THROUGH.



Nantuck Dev.

Heritage Restoration

195 Simcoe St. N.
Oshawa, ON
Canada

STILTREE
705 McMillan Rd.
Unit 2, Scarborough, ON



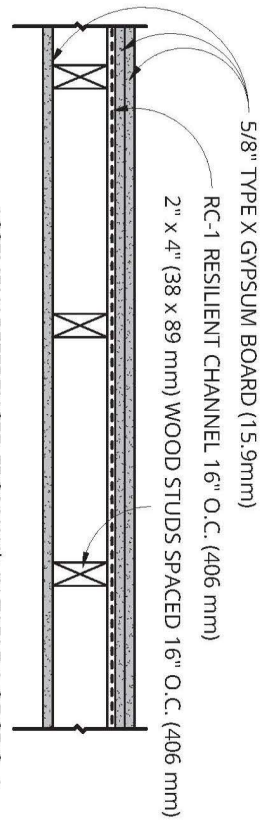
No.	Description	Date
1	Issued for City Review	Jan 30

169

This drawing has been prepared by the Engineering firm of Stiltree Inc. and is the property of Stiltree Inc. It is to be used for the project and location only. It is not to be used for any other purpose without the written consent of Stiltree Inc.

Gagan Hajatri 106160
Stiltree 106636

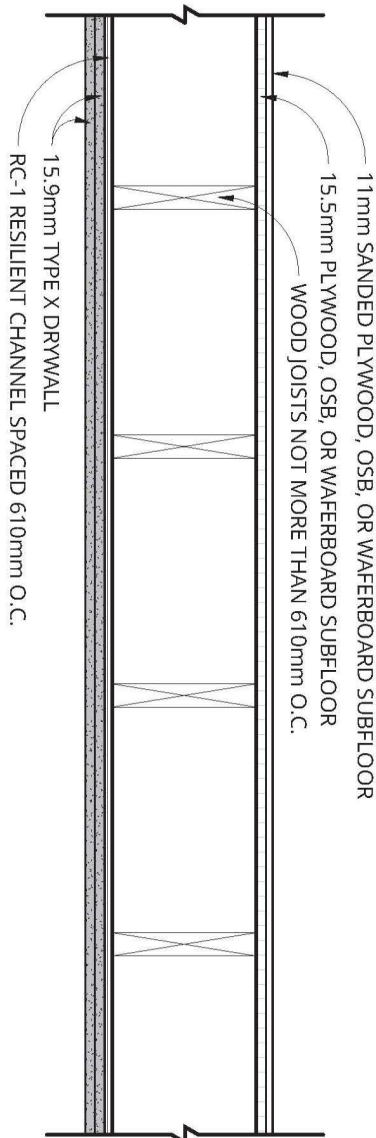
Sections			
Section	XXXX	A302	
Issue Date	November 25, 2022		
Drawn By	JAULIY		
Checked By	CRICKER		



ASSEMBLY REFERENCED FROM W4b IN TABLE 1 OF SB-3, A
SUPPLEMENTARY STANDARD TO THE ONTARIO BUILDING CODE

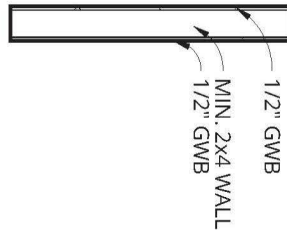
STC OF ASSEMBLY: 54
FIRE-RESISTANCE RATING: 1 HR

1 Interior Fire Rated Wall
1 1/2" = 1'-0"

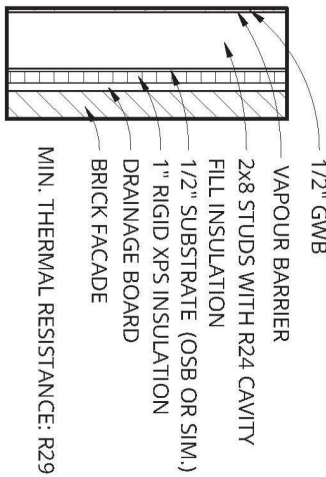


ASSEMBLY REFERENCED FROM F11b IN TABLE 2 OF SB-3, A
SUPPLEMENTARY STANDARD TO THE ONTARIO BUILDING CODE
FIRE RATING: 1 HR
STC: 50

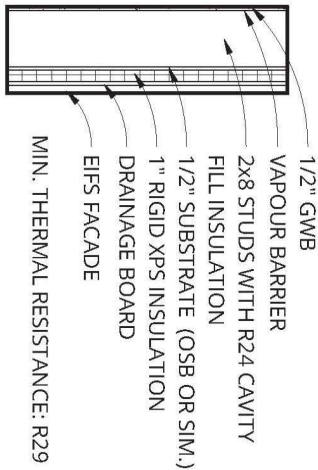
2 Ceiling Floor Assembly
1 1/2" = 1'-0"



NON FIRE RATED INT. WALL



RESTORED BRICK WALL



NEW EIFS WALL

Wall Legend
3/4" = 1'-0"

Nantuck Dev.

Heritage Restoration

195 Simcoe St. N.
Oshawa, ON
Canada

STILTREE
705 McMillan Rd
Unit 2, Scarborough, ON



No.	Description	Date
1	Issued for City Review	Jan 30

170

This drawing has been prepared by the Engineering and Design Division of the City of Oshawa. It is the property of the City of Oshawa and is not to be used for any other purpose without the written consent of the City of Oshawa.
Gagan Hajari 106160
Stiltree 106636

Assemblies

Revised	XXXX	A401
Issue Date	November 25, 2022	As Issued
Drawn	Autliv	As Issued
Checked By	Cricker	As Issued

Room Schedule 2		
#	Name	Area

61	Studio	245 SF
62	Hall	19 SF
63	Hall	20 SF
64	CL	10 SF
65	Bath	40 SF
66	Public Corr.	117 SF
67	Staircase	105 SF
68	Staircase	104 SF
69	Studio	279 SF
70	Studio	209 SF
71	Hall	20 SF
72	Hall	20 SF
73	CL	10 SF
74	Bathroom	40 SF
75	CL	10 SF
76	Bath	40 SF
77	Staircase	104 SF
78	Public Corr.	117 SF
79	Staircase	105 SF
80	Unfinished	895 SF
81	Electrical	68 SF
82	Laundry	67 SF
83	Mechanical	68 SF
84	Staircase	102 SF
85	Staircase	103 SF

33" x 69"	18	8' - 9"	3' - 0"	5' - 9"	2' - 9"	
33" x 48"	24	6' - 6"	2' - 6"	4' - 0"	2' - 9"	
Window 1	28	9' - 8 5/32"	6"	9' - 2 5/32"	6' - 0"	
Window 2	29	9' - 8 5/32"	2' - 8 5/32"	7' - 0"	6' - 0"	

Nantuck Dev.

Heritage Restoration

195 Simcoe St. N.
Oshawa, ON
Canada


IN THE MATTER OF an application by Nantuck Investments Inc. to the City of Oshawa Council for consent under s. 34 of the *Ontario Heritage Act*, RSO 1990, c O.18 to demolish the building on the southwest corner of the property known municipally as 195-201 Simcoe Street North, 12-16 Elgin Street East, legally described as PT PIN 16316-0008 (LT), PT LT 3 PLAN H50003 E/S SIMCOE STREET, EAST WHITBY; CITY OF OSHAWA; REGIONAL MUNICIPALITY OF DURHAM.

I, SHERLAND R. CHHANGUR, of the City of Kawartha Lakes, in the Province of Ontario, SOLEMNLY DECLARE that:

1. I am a director and officer of the corporation Nantuck Investments Inc., which is the registered owner of the property known municipally as 195-201 Simcoe Street North, 12-16 Elgin Street East, legally described as PT PIN 16316-0008 (LT), PT LT 3 PLAN H50003 E/S SIMCOE STREET, EAST WHITBY; CITY OF OSHAWA; REGIONAL MUNICIPALITY OF DURHAM.
2. The City of Oshawa has served notice of its intention to designate a portion of the property at 195-201 Simcoe Street North, 12-16- Elgin Street, including a building on the southwest corner of the lot, legally described as PT PIN 16316-0008 (LT), PT LT 3 PLAN H50003 E/S SIMCOE STREET, EAST WHITBY; CITY OF OSHAWA; REGIONAL MUNICIPALITY OF DURHAM.
3. Nantuck Investments Inc. is making an application to Oshawa Council under section 34 of the *Ontario Heritage Act* for consent to demolish the existing structure.
4. Pursuant to s. 6 of O. Reg. 385/21 made under the *Ontario Heritage Act*, RSO 1990, c O.18 I solemnly declare that the information required under s. 6 of O. Reg. 385/21 and provided with Nantuck Investments Inc's application is accurate.

Affirmed before me: ☐ in person OR ☒ by video conference

AFFIRMED remotely by Sherland R. Chhangur of)
the City of Kawartha Lakes, in the Province of)
Ontario, before me at the City of Barrie, in the)
County of Simcoe, in the Province of Ontario)
on March 3rd, 2023 in accordance with)
O. Reg. 431/20, *Administering Oath or*)
Declaration Remotely.)


D17C979DE4E449A...
A COMMISSIONER ETC.)
Mark Vernon LSO# 65918P)

DocuSigned by:



1E2B3CC98E774CA...

Sherland R. Chhangur

To: Economic and Development Services Committee

From: Warren Munro, HBA, MCIP, RPP, Commissioner,
Economic and Development Services Department

Report Number: ED-23-65

Date of Report: April 12, 2023

Date of Meeting: April 17, 2023

Subject: Revised Applications to Amend the Oshawa Official Plan,
Samac Secondary Plan and Zoning By-law 60-94,
1664 Simcoe Street North, 17 and 25 Niagara Drive, Karmina
Developments Ltd.

Ward: Ward 2

File: OPA-2019-03, Z-2019-12

1.0 Purpose

The purpose of this Report is to provide a recommendation on the revised applications submitted by Karmina Developments Ltd. (the “Applicant”) to amend the Oshawa Official Plan, Samac Secondary Plan and Zoning By-law 60-94 to permit a new 7-storey apartment building containing 142 studio apartment units at 1664 Simcoe Street North and 17 and 25 Niagara Drive (the “Subject Site”).

The proposed building is intended to be marketed as a condominium and the apartment units are expected to be occupied primarily by students attending Durham College and Ontario Tech University (O.T.U.).

The Subject Site is zoned R3-A/R4-A/R6-A “h-48” (Residential). An apartment building is permitted as-of-right on the Subject Site provided there is compliance with all relevant zoning regulations (e.g. height, parking and residential density). However, the proposed development does not comply with the Oshawa Official Plan, Samac Secondary Plan or Zoning By-law 60-94, necessitating the proposed amendments to these planning documents.

Accordingly, the Applicant has submitted applications to amend the Oshawa Official Plan, Samac Secondary Plan and Zoning By-law 60-94 to permit the proposed development given its scale and proposed site/building design.

Attachment 1 is a map showing the location of the Subject Site and the existing zoning in the area.

Attachment 2 is a copy of the original proposed site plan submitted by the Applicant that was presented at the October 21, 2019 public meeting.

Attachment 3 is a copy of the revised proposed site plan submitted by the Applicant after the public meeting incorporating revisions to address certain technical comments.

A public meeting was held on October 21, 2019 concerning the subject applications. At the conclusion of the meeting, the Development Services Committee adopted a recommendation to refer the applications back to staff for further review and the preparation of a subsequent report and recommendation. The minutes of the public meeting form Attachment 4 to this Report.

As requested by the Development Services Committee at the time, the Applicant held a non-statutory community open house on December 2, 2020 to further engage with the local community and to present a revised plan to address concerns that were previously raised.

As a result of the October 21, 2019 public meeting and the December 2, 2020 non-statutory community open house, the Applicant has revised the development proposal. The key differences between the original design (Attachment 2) and the revised design (Attachment 3) are as follows:

- (a) The number proposed studio apartment units has been reduced from 192 to 142;
- (b) The net residential density has been reduced from 800 units per hectare (320 u/ac.) to 592 units per hectare (236 u/ac.);
- (c) The proposed ground floor commercial space has been removed. The original applications proposed to rezone the Subject Site to a MU (Mixed Use) Zone to permit the commercial uses. The Applicant now proposes rezoning the Subject Site to a R6-D (Residential) Zone which does not permit commercial uses;
- (d) The maximum height of the proposed building has been reduced from 9 storeys to 7 storeys with additional height reductions transitioning towards the south lot line of 6 storeys and 4 storeys;
- (e) The minimum building setback to the south lot line has been increased from 1.50 metres (4.92 ft.) to 5.20 metres (17.06 ft.);
- (f) The proposed parking rate per unit has increased from 0.25 spaces per unit to 0.3 spaces per unit; and,
- (g) The proposed number of bicycle parking spaces has increased from 56 spaces to 108 spaces.

2.0 Recommendation

That the Economic and Development Services Committee recommend to City Council:

1. That, pursuant to Report ED-23-65 dated April 12, 2023, the revised application submitted by Karmina Developments Ltd. to amend the Oshawa Official Plan (File: OPA-2019-03) to permit a maximum residential density of 592 units per hectare at 1664 Simcoe Street North and 17 and 25 Niagara Drive be approved, generally in accordance with the comments contained in said Report, and the necessary by-law be passed in a form and content acceptable to the Commissioner of Economic and Development Services and the City Solicitor.
2. That, pursuant to Report ED-23-65 dated April 12, 2023, the revised application submitted by Karmina Developments Ltd. to amend the Samac Secondary Plan (File: OPA-2019-03) to permit a maximum residential density of 592 units per hectare at 1664 Simcoe Street North and 17 and 25 Niagara Drive be approved, generally in accordance with the comments contained in said noted Report, and the necessary by-law be passed in a form and content acceptable to the Commissioner of Economic and Development Services and the City Solicitor.
3. That, pursuant to Report ED-23-65 dated April 12, 2023, the revised application submitted by Karmina Developments Ltd. to amend Zoning By-law 60-94 (File: Z-2019-12) to rezone 1664 Simcoe Street North and 17 and 25 Niagara Drive from R3-A/R4-A/R6-A “h-48” (Residential) to an appropriate R6-D (Residential) Zone to permit a new 7-storey, 142-unit apartment building be approved, generally in accordance with the comments contained in said Report, and the necessary by-law be passed in a form and content acceptable to the Commissioner of Economic and Development Services and the City Solicitor.
4. That, in accordance with Section 34(17) of the Planning Act and notwithstanding that the Zoning By-law Amendment proposed in Report DS-19-186 dated October 16, 2019 presented at the public meeting of October 21, 2019 differs to some degree from the proposed amendment recommended to be approved by City Council pursuant to Part 3 of this Recommendation, such differences are not substantial enough to require further notice and another public meeting.

3.0 Executive Summary

This Department recommends that the revised applications to permit a 7-storey apartment building containing 142 studio apartment units at 1664 Simcoe Street North and 17 and 25 Niagara Drive be approved.

The proposed development is appropriate given the Subject Site's location in an Intensification Area along a Type ‘B’ Arterial Road and Regional Transit Spine (Simcoe Street North) with good access to transit and nearby amenities, including shopping and the Durham College/Ontario Tech University campus, and can be designed to be compatible with adjacent uses.

The proposed development conforms to the Durham Region Official Plan and Provincial Growth Plan, is consistent with the Provincial Policy Statement, adds to the range of housing forms in the Simcoe Street North Corridor, promotes the appropriate development of an under-utilized site and represents good planning.

4.0 Input From Other Sources

4.1 Other Departments and Agencies

No department or agency that provided comments has any objection to the subject applications. Certain technical issues and requirements related to the proposed development have been identified and can be resolved during the site plan approval and building permit processes, if the applications are approved.

4.2 Public Comments

The minutes of the public meeting concerning the subject applications form Attachment 4 to this Report. Ten members of the public provided oral comments at the public meeting.

Planning Services received twelve pieces of written correspondence from members of the public regarding the proposed amendments (Correspondence DS-19-190 to DS-19-194, DS-19-198, DS-19-201 to DS-19-203 and DS-19-205 to DS-19-207).

Key concerns raised by the public are set out below together with a staff response.

4.2.1 Building Height

Comment:

Comments were made expressing concern with the proposed building height.

Staff Response:

The original proposal considered at the October 21, 2019 public meeting was for a 9-storey apartment building. Following the public meeting in 2019 and the non-statutory community open house in 2020, the Applicant has reduced the maximum number of storeys and building height to 7 storeys and 22.60 metres (74.15 ft.). The revised design of the building includes a height step down from 7 storeys to 6 storeys and 4 storeys on the south portion of the building. The section of building closest to the neighbouring property to the south is 4 storeys whereas previously it was 9 storeys.

In addition, the minimum building setback to the south lot line has been increased from 1.5 metres (4.9 ft.) to 5.2 metres (17 ft.).

4.2.2 Density

Comment:

Some individuals expressed concerns regarding the proposed density.

Staff Response:

The original proposal considered at the October 21, 2019 public meeting was for a 192-unit apartment building which equates to a net residential density of 800 u/ha (320 u/ac.). Following the public meeting and the non-statutory community open house, the Applicant has reduced the number of proposed units to 142 which equates to a net residential density of 592 u/ha (236 u/ac.). Density is based on the number of dwelling units on a site, regardless of the size of the units. All of the proposed units are to be studio apartment units. If the 142 studio units were instead 71 two-bedroom units, the density would be 296 units per hectare (118 u/ac.). However, the number of people residing in the building would generally be the same.

4.2.3 Parking

Comment:

Comments were made expressing concern with the amount of the proposed on-site parking supply.

Staff Response:

The original proposal considered at the October 21, 2019 public meeting proposed a parking rate of 0.25 spaces per unit for a 192-unit apartment building. Following the public meeting and the non-statutory community open house, the Applicant has increased the proposed parking rate to 0.3 spaces per unit for the 142-unit apartment building.

In addition, the Applicant has increased the supply of on-site bicycle parking from 56 spaces to 108 spaces, and is no longer proposing commercial floor space.

The Applicant submitted a parking study prepared by Candevcon Limited, a professional traffic consulting firm. The parking study was reviewed by the City's transportation engineers and the conclusions were accepted. The parking rate is appropriate considering each unit is a studio apartment.

4.2.4 Traffic and Congestion

Comment:

Comments were made expressing concern with traffic and congestion in the area and that this proposed development would exacerbate the existing situation.

Staff Response:

Simcoe Street North is designated as a Type 'B' Arterial Road and Regional Transit Spine in the Oshawa Official Plan and Samac Secondary Plan. Type 'B' Arterial Roads are intended to carry moderate levels of traffic, including moderate levels of truck traffic. Simcoe Street North is under the jurisdiction of the Region of Durham.

Niagara Drive is designated as a Collector Road in the Oshawa Official Plan and Samac Secondary Plan. Collector Roads are intended to carry moderate volumes of short distance traffic. Niagara Drive is under the jurisdiction of the City of Oshawa.

A traffic impact study (T.I.S.) prepared by Candevcon Limited was submitted in support of the applications. The T.I.S. concluded that the existing road network can accommodate the trips generated by the proposal. The T.I.S. was reviewed by professional transportation engineers at the City and at the Region of Durham Works Department, and the reviewers have no objections to the key conclusions of the T.I.S.

4.2.5 Intersection Safety

Comment:

Comments were made expressing concern over the safety of drivers turning from Simcoe Street North to Niagara Drive due to delivery drivers stopping on Niagara Drive near the intersection to make deliveries to residents of the apartment building at the northwest corner of Niagara Drive and Simcoe Street North.

Staff Response:

There are currently "No Stopping" signs on both sides of Niagara Drive adjacent to the Subject Site. The southerly leg of Niagara Drive near the Simcoe Street North intersection has three lanes (one westbound, one eastbound, and a centre turning lane).

Staff have investigated creating lay-by parking on the north and/or south sides of the southerly leg of Niagara Drive near its intersection with Simcoe Street North. Due to the existing right-of-way width and the proximity of existing infrastructure, lay-by parking cannot be achieved. As a result, enforcement will continue to be the best tool to prevent delivery drivers from parking on the north side of the south leg of Niagara Drive in the "No Stopping" area. Community and Operations Services staff will investigate installing additional "No Stopping" signage on the southerly leg of Niagara Drive close to the intersection with Simcoe Street North once occupancy of the building has been achieved.

The revised proposed site design includes a surface parking area and a loading area easily accessed from Niagara Drive that delivery drivers will be able to use to park for a short period of time.

Municipal Law Enforcement and Licensing Services staff have advised that they will increase enforcement on the north side of Niagara Drive in the short term. This will augment their first quarter 2023 efforts which resulted in 23 no stopping tickets being issued.

4.2.6 Noise

Comment:

Comments were made expressing concern with increased noise as a result of the proposed development.

Staff Response:

Noises normally associated with residential land uses may be experienced at neighbouring properties.

4.2.7 Privacy

Comment:

Comments were made expressing concern over a potential loss of privacy.

Staff Response:

The original proposal considered at the October 21, 2019 public meeting was for a 9-storey apartment building. Following the public meeting and the non-statutory community open house, the Applicant has reduced the number of storeys and building height to 7 storeys with additional height reductions towards the south lot line of 6 storeys and 4 storeys.

In addition, the minimum building setback to the south lot line has been increased from 1.5 metres (4.9 ft.) to 5.2 metres (17 ft.).

Lastly, to reduce overlook the portion of the building closest to the south lot line does not have any windows facing south.

5.0 Analysis

5.1 Background

The Subject Site is located on the west side of Simcoe Street North, on the south side of the south leg of Niagara Drive (see Attachment 1) and is municipally known as 1664 Simcoe Street North and 17 and 25 Niagara Drive.

The existing Oshawa Official Plan, Samac Secondary Plan and Zoning By-law do not permit the proposed development.

As a result, the Applicant has submitted applications to permit the proposed development.

If the applications are approved, the Applicant intends to submit an application for a draft plan of condominium to register the proposed building as a condominium.

A site plan application (SPA-2019-20) has also been submitted for this property.

The following is background information concerning the subject applications:

Item	Existing	Requested/Proposed
Oshawa Official Plan Designation	Residential within an Intensification Corridor	To an appropriate High Density Residential designation by adding a site specific policy to permit an increased residential density
Samac Secondary Plan Designation	Medium Density I Residential	To an appropriate High Density Residential designation by adding a site specific policy to permit an increased residential density
Zoning By-law 60-94	R3-A/R4-A/R6-A “h-48” (Residential)	To an appropriate R6-D (Residential) Zone to implement the proposed site design with site specific conditions to permit certain performance standards such as, but not necessarily limited to, increased residential density and building height, reduced front, exterior and interior side yard depths and reduced parking, and reduced setback of a parking area to a streetline.
Use	Former sales office	7-storey apartment building containing 142 studio apartment units

The following land uses are adjacent to the Subject Site:

- **North** Niagara Drive, beyond which is a mixed use building containing 133 apartment units and ground floor commercial uses at 1700 Simcoe Street North
- **South** Block townhouse dwellings at 19 Niagara Drive, beyond which is the Oshawa District Shrine Club
- **East** Simcoe Street North, beyond which are three single detached dwellings and a 15 unit apartment building
- **West** Single detached dwellings on Niagara Drive and Canadore Crescent

The following are the proposed development details (see Attachment 2) for the Subject Site:

Site Statistics Item	Measurement
Lot Frontage (Simcoe Street North)	37.70m (123.70 ft.)
Gross Lot Area (inclusive of road widening)	0.25 ha (0.63 ac.)
Net Lot Area (exclusive of road widening)	0.24 ha (0.60 ac.)
Number of Proposed Apartment Units	142 studio apartment units [each unit 25 sq. m. to 46 sq. m. (270 sq. ft. to 495 sq. ft.) in floor area]
Maximum Net Residential Density Permitted	60 u/ha (24 u/ac.) (14 units)
Proposed Net Residential Density	Approximately 592 u/ha (236 u/ac.)
Maximum Building Height Permitted	10.50m (34.45 ft.)
Proposed Building Height	22.60m (74.15 ft.) (maximum 7 storeys, stepping down to 6 and 4 storeys)
Proposed Floor Space Index	2.20
Parking Spaces Required for Condominium Apartment Units	249 (1.45 spaces per unit for residents plus 0.3 spaces per unit for visitors)
Parking Spaces Proposed for Condominium Apartment Units	43 (0.23 spaces per unit for residents plus 0.07 spaces per unit visitors)
Number of Bicycle Parking Stalls Proposed	108
Loading Spaces Required	0
Loading Spaces Proposed	1

On March 6, 2023 the Economic and Development Services Committee held a Planning Act public meeting regarding proposed City-initiated amendments to the Oshawa Official Plan (O.O.P.) and Zoning By-law 60-94 related to the City of Oshawa Parking Study. Report ED-23-37 dated March 1, 2023 proposed that the separate parking rates based on tenure (i.e. condominium versus rental) be eliminated for apartment buildings. In lieu of this approach, an alternative parking rate based on the size of the apartment units (e.g. bachelor units, one-bedroom units, two-bedroom units, three-bedroom units, etc.) was proposed.

Further, Report ED-23-37 proposed introducing a specific parking requirement for any housing development that meets the proposed new definition of “student housing”, which would include buildings within an MU (Mixed Use) Zone adjacent to or in proximity to Simcoe Street North between Conlin Road and the East Branch of the Oshawa Creek East Branch and that contain residential accommodation for students, employees or persons in short-term residence at a university or community college. For such buildings, Report ED-23-37 proposed a parking rate of 0.2 parking spaces per bed and 0.07 parking spaces per bed for visitors.

Based on these proposed City-initiated amendments to Zoning By-law 60-94, the subject proposed development would require 35 parking spaces calculated as follows:

- 28 resident parking spaces for the 142 studio apartment units (0.2 spaces per bed); and
- 7 parking spaces for visitors.

The Applicant proposes 33 resident parking spaces (0.23 spaces per unit) and 10 parking spaces for visitors (0.07 spaces per unit).

5.2 Oshawa Official Plan

The Subject Site is designated Residential in the Oshawa Official Plan (the “O.O.P.”).

The O.O.P. specifies, in part, that areas designated as Residential shall be predominantly used for residential dwellings.

The O.O.P. contains policies which establish various density types and provide general locational criteria for such densities. Table 2: Residential Density Classification has five density categories, with the highest density being High Density II Residential category. This category permits 150 to 300 units per hectare (60 to 120 u/ac.) for locations other than within the Downtown Oshawa Urban Growth Centre, subject to general locational criteria as follows:

- (a) Generally located within or at the periphery of the Downtown Oshawa Urban Growth Centre, or in proximity to arterial roads within the Main Central Areas, Sub-Central Areas Community Central Areas or within Intensification Areas along Regional Corridors; and
- (b) Generally located in such a manner that the scale, form and impacts of this type of housing are generally compatible with adjacent land uses.

Although the Subject Site meets the above mentioned locational criteria as it is within an Intensification Area along a Regional Corridor, the proposed residential density exceeds the maximum allowed under the O.O.P. anywhere in the City.

The Applicant proposes 142 studio apartment units, each with one bed. The proposed development has a net residential density of approximately 592 u/ha (236 u/ac.). Accordingly, an Official Plan Amendment is required to permit the proposed development by adding a site specific policy to permit the proposed increased residential density.

The Subject Site is located on a Regional Corridor and within an Intensification Area.

The O.O.P. specifies, in part, that Regional Corridors shall be planned and developed as mixed-use areas in accordance with the principles outlined in Policy 2.1.6.2 of the O.O.P. and the relevant policies of the underlying land use designation(s), with the objectives of achieving higher density, intensive and compact built form and complementary mixed uses. Development within Regional Corridors shall facilitate and complement higher order transit services, walking and cycling with an emphasis on pedestrian-oriented design that

is focused upon and reinforces the public realm. In this regard, development shall facilitate efficient multi-modal transportation links between, and connections to, the Downtown Main Central Area, the Windfields Main Central Area, Sub-Central Areas and Community Central Areas in Oshawa, as well as Regional Centres and other Centres in adjacent municipalities.

The O.O.P. specifies, in part, that development within Intensification Areas along Regional Corridors shall be planned to support an overall long-term density target of at least 60 residential units per gross hectare (24.28 residential units/gross ac.) and a Floor Space Index of 2.5. It also specifies that buildings at corner locations are to be taller than buildings in mid-block locations.

Policy 6.7 of the O.O.P. specifies:

- (a) The City shall encourage a range of housing accommodation appropriate for the needs of the students enrolled in programs offered by the Ontario Tech University, Trent University, Queen's University and Durham College;
- (b) The City shall encourage an appropriate supply of off-campus student accommodation in appropriate locations including predominantly along arterial road corridors, in a purpose built north student village area and within and around the Downtown Oshawa Urban Growth Centre; and,
- (c) The City shall support, in accordance within Section 4.0 of this Plan, financial incentives for multi-unit residential development along the arterial road corridors near the main north campus of Durham College and the Ontario Tech University, and near Trent University in Oshawa.

The O.O.P. specifies, in part, that the City shall focus residential intensification in appropriate areas within the Downtown Oshawa Urban Growth Centre, Main Central Areas and SubCentral Areas, Transportation Hubs and Commuter Station areas, the Oshawa Harbour Special Development Area, Intensification Areas along Regional and Local Corridors and any other urban areas considered by the City in accordance with Policy 6.4.6, to be appropriate locations for residential intensification, in order to achieve the goals of Policy 6.4.5:

- (a) Accommodate a significant portion of the City's future population growth and assist in achieving the City's annual residential intensification target set out in Policy 1.7;
- (b) Provide for a diverse range and mix of housing types, taking into account affordable housing needs;
- (c) Support efforts to develop active, vibrant neighbourhoods through the provision of a diverse and compatible mix of land uses, high quality public spaces, access to a variety of amenities in reasonable walking distance of residential areas, and development based on site design standards that create attractive, vibrant places and favour the needs of pedestrians and cyclists as a primary design consideration;

- (d) Support transit, walking and cycling as feasible utilitarian and recreational travel options, such as through the implementation of well-connected street networks and active transportation facilities; and,
- (e) Contribute to the achievement of healthy, attractive, complete and sustainable communities.

The Subject Site is shown as a High Volume Recharge Area (H.V.R.A.) on Schedule 'D-2', Environmental Management, and Schedule 'F-1B', High Volume Recharge Areas and Greenbelt Natural Heritage System. Policy 5.6.2 states that the City may require that appropriate studies be undertaken prior to approval of any development in these areas and that development incorporate mitigative measures or stormwater management design practices to maintain an adequate water budget and ground water functions for these areas. Similar studies and mitigative measures may be required to ensure that the development will not adversely impact the groundwater through contamination.

Simcoe Street North is designated as a Type 'B' Arterial Road and a Regional Transit Spine and Niagara Drive is designated as a Collector Road.

This Department has no objection to the approval of the revised application to amend the Oshawa Official Plan to permit High Density II Residential development on the Subject Site to facilitate the proposed apartment building. Section 5.7 of this Report sets out the rationale for this position.

5.3 Samac Secondary Plan

The Subject Site is designated Medium Density I Residential in the Samac Secondary Plan.

The Samac Secondary Plan specifies, in part, that areas designated Medium Density I Residential on Schedule "A" Samac Land Use and Street Plan shall be predominantly used for residential dwellings.

The Medium Density I Residential Designation generally includes such uses as single detached dwellings, semi-detached dwellings, duplexes and townhouses at a density of 30 to 60 units per hectare (12 to 24 u/ac.).

The Applicant proposes 142 studio apartment units, each with one bed. The proposed development has a net residential density of approximately 592 u/ha (236 u/ac.). Accordingly, a Samac Secondary Plan Amendment is required to permit the proposed development by adding a site specific policy to permit the proposed increased residential density.

This Department has no objection to the approval of the revised application to amend the Secondary Plan for the Samac Community to permit High Density II Residential development on the Subject Site to facilitate the proposed apartment building, while maintaining existing permissions for Medium Density I Residential uses. Section 5.7 of this Report sets out the rationale for this position.

5.4 Zoning By-law 60-94

The Subject Site is currently zoned R3-A/R4-A/R6-A “h-48” (Residential) which permits street townhouses, block townhouses and apartments subject to compliance with various regulations including, but not limited to, maximum permitted residential density, maximum building height, minimum required parking and minimum required building setbacks. The proposed development does not comply with the regulations.

The R6-A Zone permits an apartment building with a maximum residential density of 60 units per hectare (24 u/ac.) resulting in a maximum of 14 units on the Subject Site and a maximum height of 10.50 metres (34.45 ft.) (approximately 3 storeys). The R6-A Zone does not permit any commercial uses.

The Applicant has submitted a revised application to amend Zoning By-law 60-94 to permit a 7-storey apartment building containing 142 studio apartment units. The proposed amendment would rezone the subject site to an appropriate R6-D (Residential) Zone to permit the proposed development and would include a special condition with site specific regulations that implement the proposed building/site design including regulations related to increased maximum permitted residential density and building height, reduced minimum building setbacks to the front yard, exterior side yard and interior side yard, reduced minimum required parking and reduced setback of a parking area to a streetline.

The existing “h-48” Holding Symbol applying to the Subject Site requires that prior to redevelopment, the following conditions be fulfilled:

- (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 satisfaction of the Region and City;
- (c) Driveway access is addressed to the satisfaction of the Region and City;
- (d) Noise mitigation is addressed to the satisfaction of the City; and,
- (e) Any necessary cross-access easements are created to the satisfaction of the City.

In the interim, all lawfully existing uses in existing buildings as of July 17, 2006 are permitted.

This Department has no objection to the approval of the revised application to amend Zoning By-law 60-94 for the Subject Site which would:

- Rezone the Subject Site from R3-A/R4-A/R6-A “h-48” (Residential) to an appropriate R6-D (Residential) Zone to permit a maximum of 142 apartment units;
- Implement special zoning regulations to facilitate the proposed site and building designs, including such matters as increased maximum permitted residential density and building height, reduced minimum building setbacks to the front yard, exterior side

yard and interior side yard, reduced minimum required parking and reduced setback of a parking area to a street line; and,

- Maintain the “h-48” holding symbol on the zoning of the Subject Site.

This Department recommends that the current “h-48” holding symbol continue to be applied to the zoning of the Subject Site. The purpose of the “h” holding symbol would be to restrict development of the proposed apartment building until such time as appropriate arrangements have been made with the City or the Region to address the various conditions noted above.

This Department has no objection to the approval of the revised application to amend Zoning By-law 60-94. Section 5.7 of this Report sets out the rationale for this position.

5.5 Student Accommodation Strategy

On April 27, 2010, City Council approved a Student Accommodation Strategy (2010 Strategy). The overall purpose of the 2010 Strategy was to identify, plan for and facilitate a sufficient mix of quality student accommodations that would integrate with the community and advance sound planning and building principles.

The Applicant’s intention is to provide studio units. The Applicant is of the opinion that there is a demand for studio (one-bed) units in proximity to the campus for those students who would prefer to live independently.

5.6 Site Design/Land Use Considerations

The Applicant proposes to develop a 7-storey apartment building transitioning to six storeys and then 4 storeys, containing 142 studio apartment units at the Subject Site. The apartment units are intended to be marketed primarily to students attending Durham College and O.T.U.

The 142 apartment units are to be contained within a building proposed to include on-site amenities for residents such as a gym, study lounge and multi-media rooms.

Driveway access exists from Simcoe Street North and is proposed to be closed. Driveway access also exists from Niagara Drive and is proposed to remain as the sole driveway access. The site design would allow for cross access to be maintained to the property to the south which has no direct vehicular access of its own.

In support of the proposed site design/development the Applicant has submitted a variety of plans and documents including a site plan, floor plans, elevations, landscape plan, lighting plan, grading plan, servicing plan, a planning rationale report, a shadow impact study, a functional servicing and stormwater management report, traffic impact and parking study, an environmental site assessment, an archeological assessment, a noise report and a geotechnical report.

Detailed design matters will be reviewed during the further processing of the site plan application to ensure compliance with the City's Landscaping Design Policies, engineering standards and other policies if the subject revised applications are approved.

Some of the specific matters this Department will be reviewing during the processing of the site plan application, if the subject revised applications are approved, include:

- (a) Site/building design matters including waste collection, loading area, building architecture, and building setbacks;
- (b) Noise impacts;
- (c) Lighting impacts;
- (d) The need to maintain cross access to property to the south;
- (e) Appropriate landscaping and fencing; and,
- (f) Storm water management, grading and servicing matters.

5.7 Basis for Recommendation

This Department has no objection to the revised applications to amend the Oshawa Official Plan, the Secondary Plan for the Samac Community and Zoning By-law 60-94 for the following reasons:

- (a) Developing underutilized properties to a more intensive use in an Intensification Area conforms to the Provincial Growth Plan and is consistent with the Provincial Policy Statement.
- (b) The proposed development conforms to the Durham Regional Official Plan.
- (c) The Subject Site is already zoned to permit apartment buildings albeit at a lower density and lower height.
- (d) The proposed development is an appropriate use, form and scale of development given its location in an Intensification Area and at a corner location.
- (e) The proposed development is transit supportive given its proximity to Durham Region Transit and GO Transit bus stops.
- (f) The proposed development can be designed to be compatible with adjacent land uses.
- (g) The proposed development will make efficient use of existing municipal services such as water and sanitary services.
- (h) The population increase of 142 in 142 studio apartments is consistent with the population increase that would be attributable to a 71 unit apartment building with 2 bedroom units or a 48 unit apartment building with 3 bedroom units.
- (i) The proposed development represents good planning.

6.0 Financial Implications

There are no financial implications associated with the recommendation in this Report.

7.0 Relationship to the Oshawa Strategic Plan

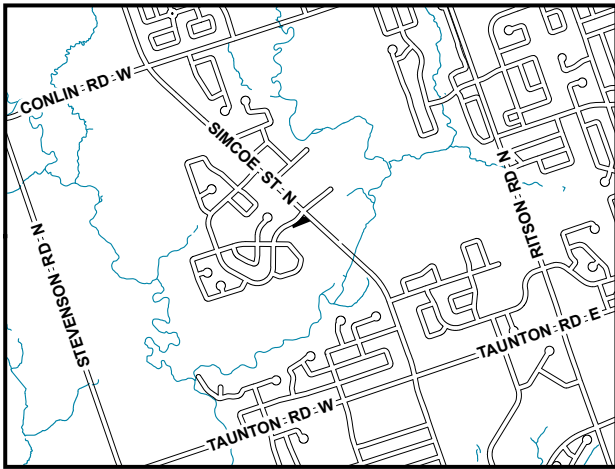
The Recommendation advances the Economic Prosperity and Financial Stewardship goal of the Oshawa Strategic Plan.

A handwritten signature in blue ink, appearing to read "Tom Goodeve".

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

A handwritten signature in blue ink, appearing to read "Warren Munro".

Warren Munro, HBA, MCIP, RPP, Commissioner,
Economic and Development Services Department



**Item: ED-23-65
Attachment 1**

Economic and Development Services

Subject: Revised Applications to Amend the Oshawa Official Plan, Samac Secondary Plan and Zoning By-law 60-94,

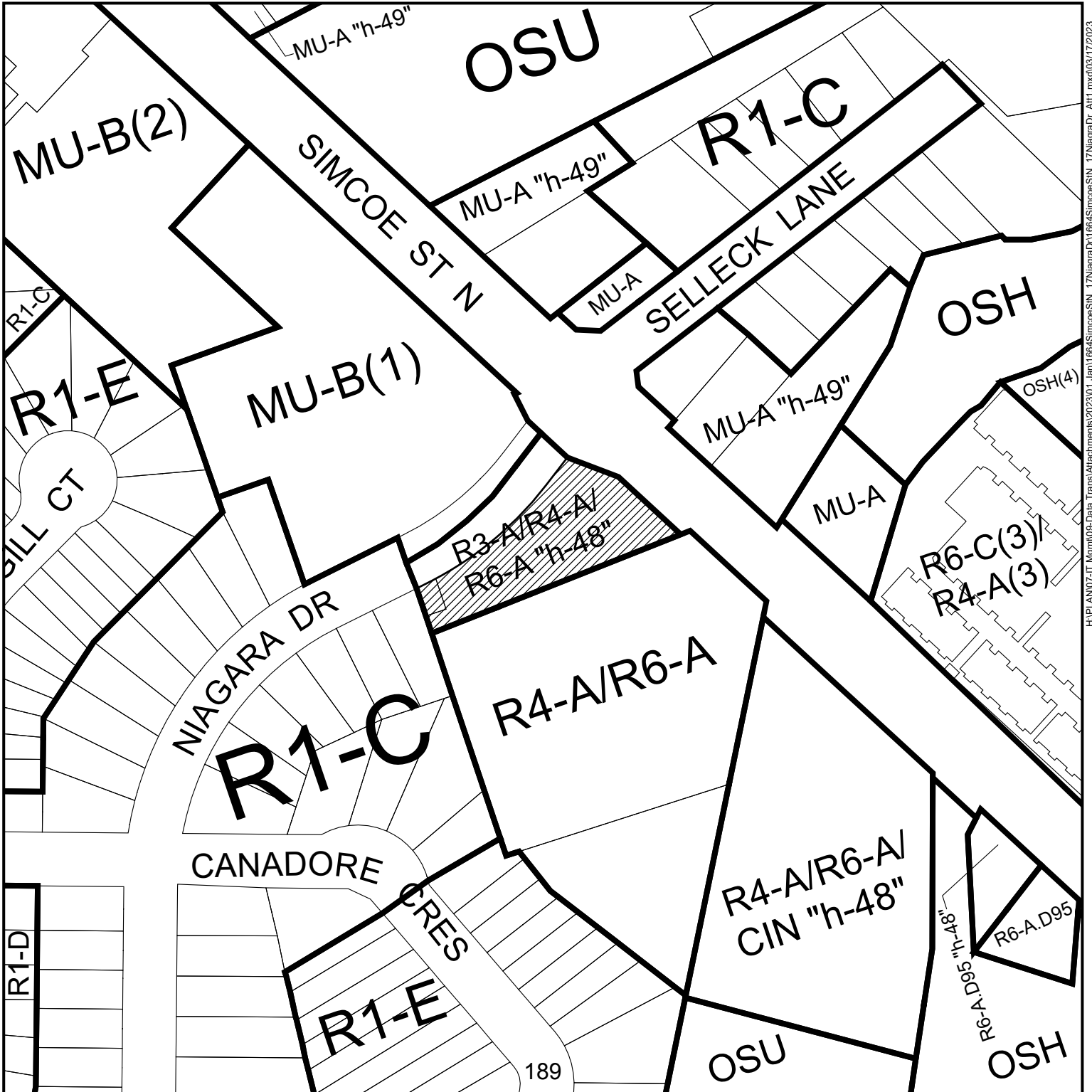
Address: 1664 Simcoe Street North, 17 and 25 Niagara Drive

Ward: Ward 2

File: OPA-2019-03, Z-2019-12

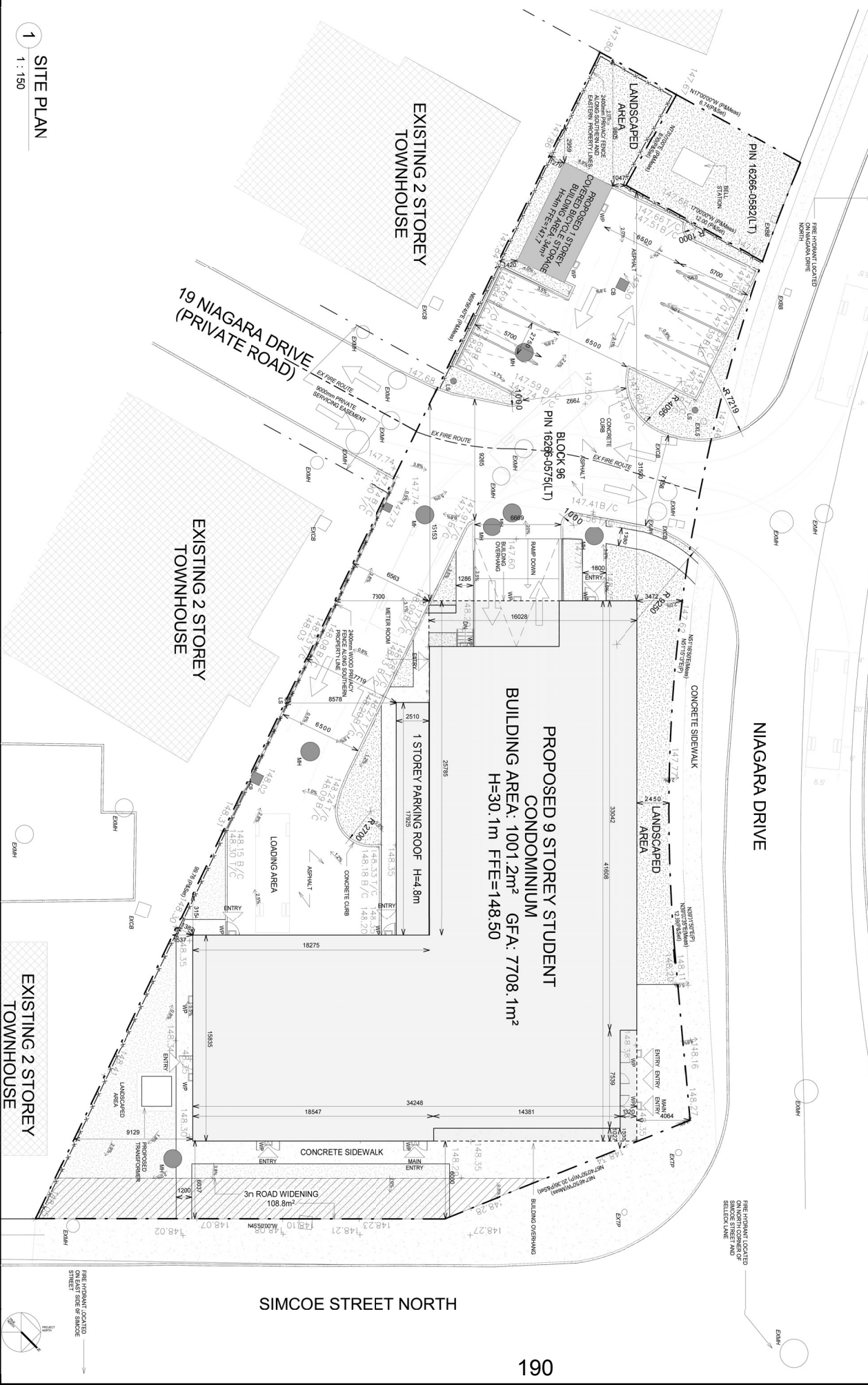


Subject Site



Title: Applicant Submission - Original Site Plan
Subject: Revised Applications to Amend the Oshawa Official Plan, Samac Secondary Plan and Zoning By-law 60-94
Address: 1664 Simcoe Street North - 17 and 25 Niagara Drive
Ward: Ward 2
File: OPA-2019-03, Z-2019-12

City of Oshawa
Economic and Development Services





Excerpts from the Minutes of the Development Services Committee Meeting held on October 21, 2019

Application 2: DS-19-186

Presentation

Rodger Miller, Miller Planning Services provided an overview of the application submitted by Karmina Developments Ltd. to amend the Oshawa Official Plan, Samac Secondary Plan and Zoning By-law 60-94 for lands at 1664 Simcoe Street North, 17 and 25 Niagara Drive.

The Committee questioned Rodger Miller, Miller Planning Services.

Delegations

Nancy McDowell addressed the Development Services Committee in opposition to the application submitted by Karmina Developments Ltd. to amend the Oshawa Official Plan, Samac Secondary Plan and Zoning By-law 60-94 for lands at 1664 Simcoe Street North, 17 and 25 Niagara Drive stating concerns related to the fit of the proposed development with the current neighbourhood, increased density, traffic, access and parking, emergency services and management, noise and safety.

Joanne Ferguson addressed the Development Services Committee in opposition to the application submitted by Karmina Developments Ltd. to amend the Oshawa Official Plan, Samac Secondary Plan and Zoning By-law 60-94 for lands at 1664 Simcoe Street North, 17 and 25 Niagara Drive stating concerns related to the size and scale of the proposed development, increased density, traffic, access and parking, emergency services and management, noise and safety.

Peter Jamieson addressed the Development Services Committee in opposition to the application submitted by Karmina Developments Ltd. to amend the Oshawa Official Plan, Samac Secondary Plan and Zoning By-law 60-94 for lands at 1664 Simcoe Street North, 17 and 25 Niagara Drive stating concerns related to increased density, traffic, access and parking, emergency services and management, noise and safety.

Payge McIntire addressed the Development Services Committee in opposition to the application submitted by Karmina Developments Ltd. to amend the Oshawa Official Plan, Samac Secondary Plan and Zoning By-law 60-94 for lands at 1664 Simcoe Street North, 17 and 25 Niagara Drive stating concerns related to increased density, traffic, access and parking, emergency services and management, noise, safety and privacy.

Gerry McGhee addressed the Development Services Committee in opposition to the application submitted by Karmina Developments Ltd. to amend the Oshawa Official Plan, Samac Secondary Plan and Zoning By-law 60-94 for lands at 1664 Simcoe Street North, 17 and 25 Niagara Drive stating he concurs with the previous speakers' points and provided specific concerns related to increased density and noise.

Lydia Bartkiw addressed the Development Services Committee in opposition to the application submitted by Karmina Developments Ltd. to amend the Oshawa Official Plan, Samac Secondary Plan and Zoning By-law 60-94 for lands at 1664 Simcoe Street North, 17 and 25 Niagara Drive stating she concurs with the previous speakers' points and provided specific concerns related to increased density and safety.

Emil Hanzelka addressed the Development Services Committee in opposition to the application submitted by Karmina Developments Ltd. to amend the Oshawa Official Plan, Samac Secondary Plan and Zoning By-law 60-94 for lands at 1664 Simcoe Street North, 17 and 25 Niagara Drive stating concerns related to the rezoning and fit of the proposed development with the current neighbourhood while referencing Correspondence DS-19-202 and Report DS-19-186.

Irena Leott addressed the Development Services Committee in opposition to the application submitted by Karmina Developments Ltd. to amend the Oshawa Official Plan, Samac Secondary Plan and Zoning By-law 60-94 for lands at 1664 Simcoe Street North, 17 and 25 Niagara Drive stating she concurs with the previous speakers' points and provided specific concerns related to lighting, parking, increased density, speeding, traffic, and safety.

Alfred Bone addressed the Development Services Committee in opposition to the application submitted by Karmina Developments Ltd. to amend the Oshawa Official Plan, Samac Secondary Plan and Zoning By-law 60-94 for lands at 1664 Simcoe Street North, 17 and 25 Niagara Drive stating he concurs with the previous speakers' points and provided specific concerns related to traffic and the proposed development becoming a lodging home.

Lynda Surpeyka addressed the Development Services Committee in opposition to the application submitted by Karmina Developments Ltd. to amend the Oshawa Official Plan, Samac Secondary Plan and Zoning By-law 60-94 for lands at 1664 Simcoe Street North, 17 and 25 Niagara Drive stating she concurs with the previous speakers' points and provided specific concerns related to traffic and safety.

Correspondence

- | | |
|-----------|---|
| DS-19-190 | Irene Standish Submitting Comments in Opposition to the Application to Amend the Oshawa Official Plan, Samac Secondary Plan and Zoning By-law 60-94, 1664 Simcoe Street North, 17 and 25 Niagara Drive, Karmina Developments Ltd. |
| DS-19-191 | Barb Twining Submitting Comments in Opposition to the Application to Amend the Oshawa Official Plan, Samac Secondary Plan and Zoning By-law 60-94, 1664 Simcoe Street North, 17 and 25 Niagara Drive, Karmina Developments Ltd. |
| DS-19-192 | Patricia MacMillan Submitting Comments in Opposition to the Application to Amend the Oshawa Official Plan, Samac Secondary Plan and Zoning By-law 60-94, 1664 Simcoe Street North, 17 and 25 Niagara Drive, Karmina Developments Ltd. |

- DS-19-193 Christene Prosser Submitting Comments in Opposition to the Application to Amend the Oshawa Official Plan, Samac Secondary Plan and Zoning By-law 60-94, 1664 Simcoe Street North, 17 and 25 Niagara Drive, Karmina Developments Ltd.
- DS-19-194 Duane Dorfman Submitting Comments in Opposition to the Application to Amend the Oshawa Official Plan, Samac Secondary Plan and Zoning By-law 60-94, 1664 Simcoe Street North, 17 and 25 Niagara Drive, Karmina Developments Ltd.
- DS-19-198 Residents of Niagara Drive Submitting Comments in Opposition to the Application to Amend the Oshawa Official Plan, Samac Secondary Plan and Zoning By-law 60-94, 1664 Simcoe Street North, 17 and 25 Niagara Drive, Karmina Developments Ltd.
- DS-19-201 Tim Bird Submitting Comments in Opposition to the Application to Amend the Oshawa Official Plan, Samac Secondary Plan and Zoning By-law 60-94, 1664 Simcoe Street North, 17 and 25 Niagara Drive, Karmina Developments Ltd.
- DS-19-202 J Emil Hanzelka Submitting Comments in Opposition to the Application to Amend the Oshawa Official Plan, Samac Secondary Plan and Zoning By-law 60-94, 1664 Simcoe Street North, 17 and 25 Niagara Drive, Karmina Developments Ltd.
- DS-19-203 Mark Olan Submitting Comments in Opposition to the Application to Amend the Oshawa Official Plan, Samac Secondary Plan and Zoning By-law 60-94, 1664 Simcoe Street North, 17 and 25 Niagara Drive, Karmina Developments Ltd.
- DS-19-205 Karl Neubauer Submitting Comments in Opposition to the Application to Amend the Oshawa Official Plan, Samac Secondary Plan and Zoning By-law 60-94, 1664 Simcoe Street North, 17 and 25 Niagara Drive, Karmina Developments Ltd.
- DS-19-206 Karen Waterfield Submitting Comments in Opposition to the Application to Amend the Oshawa Official Plan, Samac Secondary Plan and Zoning By-law 60-94, 1664 Simcoe Street North, 17 and 25 Niagara Drive, Karmina Developments Ltd.
- DS-19-207 Adrian Barrios Submitting Comments in Opposition to the Application to Amend the Oshawa Official Plan, Samac Secondary Plan and Zoning By-law 60-94, 1664 Simcoe Street North, 17 and 25 Niagara Drive, Karmina Developments Ltd.

Moved by Mayor Carter,

“That all correspondence concerning the application submitted by Karmina Developments Ltd. to amend the Oshawa Official Plan, Samac Secondary Plan and Zoning By-law 60-94 at 1664 Simcoe Street North, 17 and 25 Niagara Drive be referred to staff for consideration in the future recommendation report on the matter.” Carried

Reports

DS-19-186 Applications to Amend the Oshawa Official Plan, Samac Secondary Plan and Zoning By-law 60-94, 1664 Simcoe Street North, 17 and 25 Niagara Drive, Karmina Developments Ltd.

Moved by Mayor Carter,

“That pursuant to Report DS-19-186 dated October 16, 2019 the applications submitted by Karmina Developments Ltd. to amend the Oshawa Official Plan and the Samac Secondary Plan (File OPA-2019-03) and to amend Zoning By-law 60-94 (File Z-2019-12) to permit a 9-storey mixed use building containing 192 bachelor apartment units and 120 square metres (1,292 sq. ft.) of ground floor commercial space at 1664 Simcoe Street North and 17 and 25 Niagara Drive be referred back to the Development Services Department for further review and the preparation of a subsequent report and recommendation. This referral does not constitute or imply any form or degree of approval.” Carried on the following vote

Affirmative – Councillors Hurst, McConkey, Marimpietri and Mayor Carter

Negative – None

Absent – Councillors Chapman and Kerr

Adjournment

Moved by Mayor Carter,

“That the meeting adjourn.” Carried

The meeting adjourned at 8:40 p.m.

To: Economic and Development Services Committee

From: Warren Munro, HBA, MCIP, RPP, Commissioner,
Economic and Development Services Department

Report Number: ED-23-70

Date of Report: April 12, 2023

Date of Meeting: April 17, 2023

Subject: Front Ending Agreement with Broccolini Thornton Limited
Partnership

Ward: Ward 2

File: SPA-2022-14

1.0 Purpose

On March 6, 2023, the Economic and Development Services Committee considered Correspondence Item ED-23-58 from Broccolini Thornton Limited Partnership ("Broccolini"), regarding a front ending agreement with the City to undertake the design, tendering, and construction work associated with the road widening and left-turning lane storage requirements on Thornton Road North, as described and set forth by the City of Oshawa in the Site Plan Agreement for 1680 Thornton Road North (File: SPA-2022-14) and adopted the following resolution:

"That Correspondence ED-23-58, dated February 28, 2023, concerning Broccolini Thornton Limited Partnership requesting to enter into an agreement concerning Road Widening and Left-turning lane on Thornton Road North be referred to staff for a report."

The purpose of this Report is to respond to the above noted referral.

Attachment 1 is a copy of ED-23-58.

Attachment 2 is an exhibit detailing the Proposed Widening and Left Lane Construction on Thornton Road North.

Attachment 3 is a list of growth related projects forecasted for 2024.

2.0 Recommendation

That the Economic and Development Services Committee recommend to City Council:

1. That pursuant to Report ED-23-70 dated April 12, 2023 regarding the request from Broccolini Thornton Limited Partnership to enter into a Front Ending Agreement with Broccolini Thornton Limited Partnership and any other developer with work on Thornton Road North in the vicinity of 1680 Thornton Road North for the construction of work associated with the road widening and left-turning lane storage requirements on Thornton Road North, that the Commissioner of Economic and Development Services be authorized to sign the agreement provided the agreement is in a form and content acceptable to the City Solicitor and the Commissioner of Corporate and Finance Services.
2. That, pursuant to Report ED-23-70 dated April 12, 2023, funding in the amount of \$5,129,864.47 in Development Charge and Growth Related Non DC funding for 73-0461 Thornton Road North Growth Related Widening for the reimbursement to Broccolini Thornton Limited Partnership be provided, subject to the execution of the Front Ending Agreement authorized by Item 1.
3. That, pursuant to Report ED-23-70 dated April 12, 2023, Council waive the Purchasing By-law requirements and allow Broccolini Thornton Limited Partnership to construct the work associated with the road widening and left-turning lane storage requirements on Thornton Road North as described and set forth by the City of Oshawa in the Site Plan Agreement for 1680 Thornton Road North.

3.0 Executive Summary

Not Applicable

4.0 Input From Other Sources

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

- Commissioner, Corporate and Finance Services
- City Solicitor

5.0 Analysis

5.1 Thornton Road North – Existing Condition and Future Needs

Thornton Road North from Taunton Road West to Conlin Road West is a 2 lane rural cross section, with a Pavement Condition Rating of 90/100.

In December 2015, the “Thornton Road North Environmental Study Report” was completed under Schedule “C” of the Municipal Environmental Assessment process. The study identified the need for a future four-lane arterial roadway from Taunton Road West to Winchester Road West.

Combined pedestrian and cycling facilities within the boulevards to coincide with the Regional Cycling Plan are a part of the scope within the City's forecast work.

Public consultations were undertaken in 2014 in accordance with the Schedule "C" Municipal Class Environmental Assessment process for Thornton Road North.

The proposed construction interchange on Highway 407 East at Thornton Road North has been deferred with no timeline or budget assigned to its construction.

The timing of the future 4 lane arterial road is currently forecasted for construction in 2033.

5.2 The Broccolini Development

Broccolini has submitted an application for Site Plan Approval for 1680 Thornton Road North to develop the site with two warehouse buildings with associated office space.

This site is identified as one of the potential major industrial building projects in Oshawa for 2023 with an estimated permit value of \$75 million resulting in the creation of 150 jobs.

Based on the traffic analysis presented in the transportation impact study, the proposed development is expected to generate up to 73 (8 truck trips and 65 passenger car trips) and 76 (12 truck trips and 64 passenger car trips) net new automobile trips during the weekday AM and weekday PM peak hours, respectively.

As requested by City staff, a warrant analysis was undertaken to determine whether a southbound right-turn lane and/or a northbound left-turn lane at Thornton Road North into the site is warranted. The warrant analysis indicates that a dedicated left-turn lane with approximately 15 metres (49.21 ft.) of storage is necessary during the PM peak period.

Given that the development is slated to be complete by the end of 2024, Broccolini requires left-turn storages to be built and fully functional by the end of the third quarter of 2024 in the interest of public safety and tenant requirements.

Staff do not have the ability to complete this work in time for the planned completion of the development in the third quarter of 2024.

5.3 Request for Front Ending Agreement

Section 44 of Part III of the Development Charges Act, 1997, S.O. 1997, c.27 allows a municipality to enter into a front ending agreement as a means for advancing public infrastructure (roads, sewers, watermains, etc.) to support development and growth.

Section 44 of Part III of the Development Charges Act, 1997, S.O. 1997, c. 27 reads as follows:

44 (1) A municipality in which a development charge by-law is in force may enter into an agreement, called a front-ending agreement, that,

- (a) applies with respect to work, done before or after the agreement is entered into,
 - (i) that relates to the provision of services for which there will be an increased need as a result of development, and
 - (ii) that will benefit an area of the municipality, defined in the agreement, to which the development charge by-law applies;
- (b) provides for the costs of the work to be borne by one or more of the parties to the agreement; and
- (c) provides for persons who, in the future, develop land within the area defined in the agreement to pay an amount to reimburse some part of the costs of the work.

The terms of the agreement include what is to be built, what the re-payment terms are and any supporting conditions.

Staff would investigate opportunities for collaboration with adjacent developments, to reduce impacts on the public by achieving multiple objectives through one construction project.

5.3.1 Potential Benefits

Entering into a front ending agreement would:

- demonstrate collaboration with the development community;
- allow more projects to be completed by the City;
- shift risk from municipality to developer;
- allow for timely construction of infrastructure;
- include the required controls for the City to ensure proper construction/financial methods and oversight; and,
- reduce risk to the City for potential delays as it would not be a City executed contract.

5.3.2 Potential Risks

Entering into a front ending agreement would also:

- limit the impact ability to fund other large scale projects in 2024 and remainder of the forecast, as pre-budget approval of 73-0455 will result in this project “jumping the line”. There are several other Growth Road Related Projects competing for available funds forecasted in 2024 as show in Attachment 3; and,

- shift control of capital spending from the municipality to the developer.

5.4 Recommendations

On balance, it is recommended that the City proceed with a front ending agreement for the Thornton Road works. While this recommendation may come at the expense of other projects scheduled for 2024, it supports job creation and will result in approximately 150 jobs in the 4th quarter of 2024.

6.0 Financial Implications

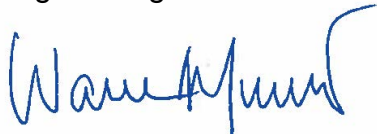
The project, if approved, will be funded with \$4,616,878.02 from the Transportation Roads Development Charge Reserve and \$512,986.45 from the Growth Related Non-Development Charge Reserve.

7.0 Relationship to the Oshawa Strategic Plan

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



Anthony Ambra, P.Eng., Director,
Engineering Services



Warren Munro, HBA, MCIP, RPP, Commissioner,
Economic and Development Services Department

Via e-mail: WMunro@oshawa.ca

February 28, 2023

Attn: Warren Munro
The Corporation of the City of Oshawa
50 Centre Street South
Oshawa, ON
L1H 3Z7

Dear Mr. Munro,

**Re: Broccolini Thornton Limited Partnership
Site Plan Agreement File #SPA-2022-14
Developer Commitment to Road Widening**

This letter is to serve as a formal request for the City of Oshawa to enter into an agreement with Broccolini Thornton Limited Partnership to allow the same to take responsibility, on behalf of the City, for the design, tendering, and construction work associated with the road widening and left-turning lane storage requirements on Thornton Rd N, as described and set forth by the City of Oshawa in the Site Plan Agreement for 1680 Thornton Rd N (file #SPA-2022-14).

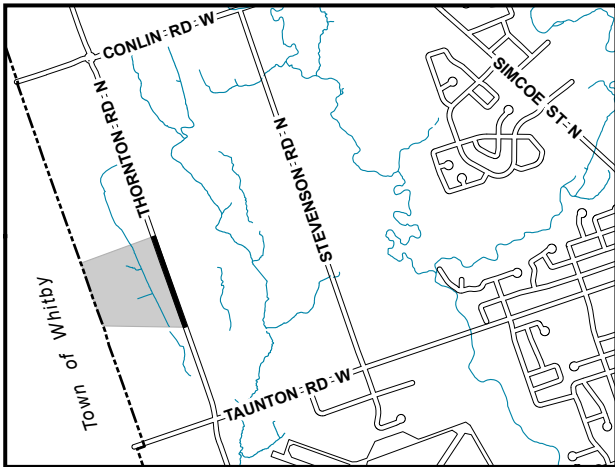
As the development in question is slated to be complete by the end of 2024, Broccolini requires left-turn storages to be built and fully functional by the end of Q3 2024 in the interest of public safety and tenant requirements. If the City of Oshawa permits, Broccolini will proceed immediately with the design and coordination with the City of Oshawa to guarantee the work is completed by said date.

Thank you for consideration.

Respectfully,

_____*Sean Moncrieff*_____

Sean Moncrieff
Real Estate Development Manager
Broccolini Thornton Limited Partnership



Item: ED-23-70
Attachment 2

Economic and Development Services

Subject: Front Ending Agreement with Broccolini Thornton Limited Partnership

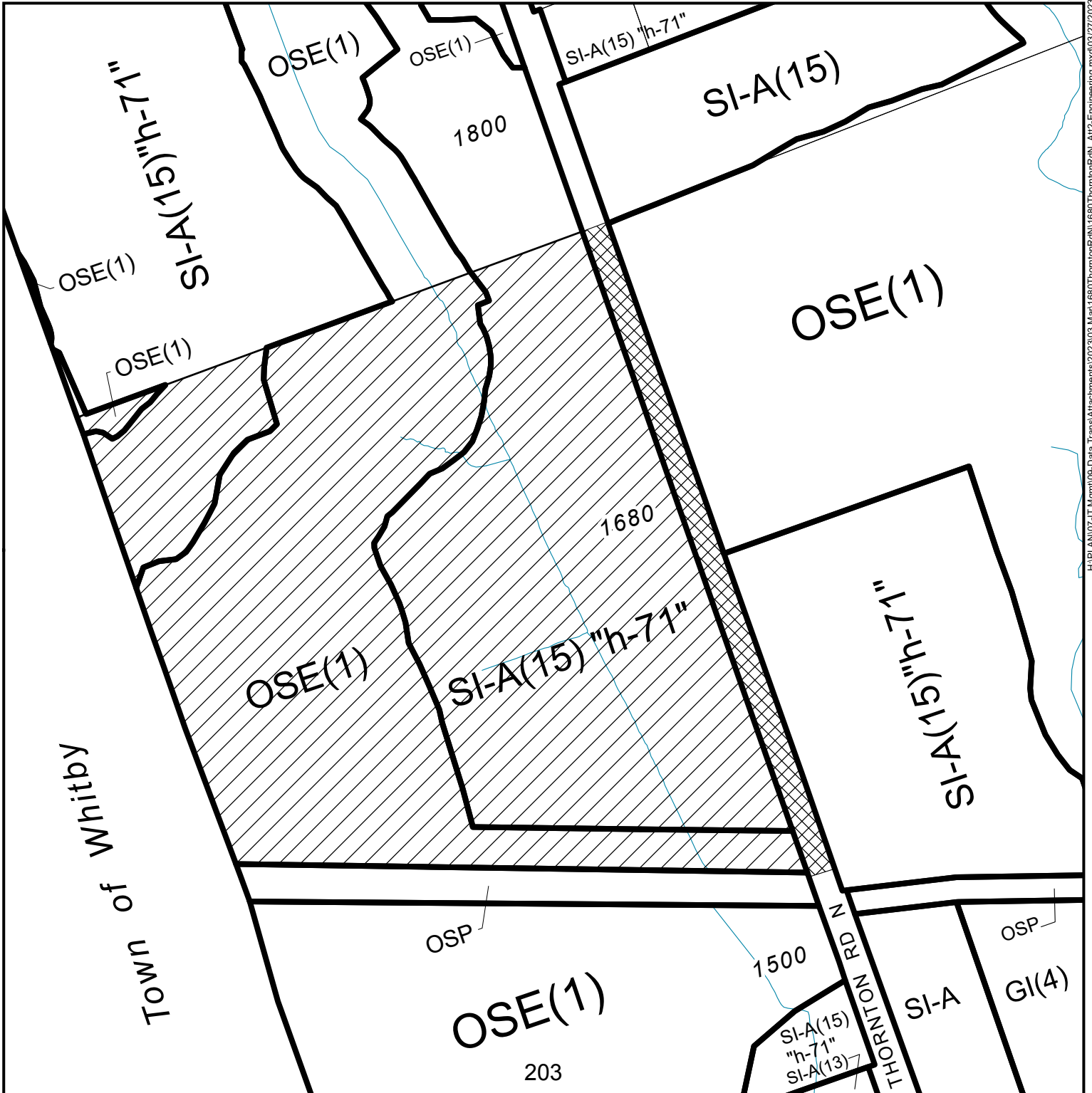
Address: 1680 Thornton Road North

Ward: Ward 2

File: SPA-2022-14

1680 Thornton Road North

Area for Proposed Widening
and Left Lane Construction



List of Growth Related Projects Forecasted for 2024

- (a) 73-0453 Conlin-Wilson Roundabout (\$2,630,000)
- (b) 73-0456 Northwood Roads (\$796,000)
- (c) 73-0457 Columbus Road (\$310,000)
- (d) 73-0459 Central Oshawa Hub Infrastructure Improvements (\$591,000)
- (e) 73-0461 Thornton Road North (\$802,000)
- (f) 73-0463 Townline Rd Intersection Improvements (\$500,000)
- (g) 73-0470 Windfields Collector Road (\$250,000)
- (h) 73-0480 Conlin Road East (\$4,801,000)
- (i) Various Sidewalk & Multi-Use Path Projects (\$6,194,000)

To: Economic and Development Services Committee

From: Warren Munro, HBA, MCIP, RPP, Commissioner,
Economic and Development Services Department

Report Number: ED-23-77

Date of Report: April 12, 2023

Date of Meeting: April 17, 2023

Subject: City-initiated Amendments to the Oshawa Official Plan and
Zoning By-law 60-94 Related to the City of Oshawa Parking
Study

Ward: All Wards

File: 12-03-1458

1.0 Purpose

The purpose of this Report is to provide a recommendation on proposed City-initiated Amendments to the Oshawa Official Plan and Zoning By-law 60-94 related to the City of Oshawa Parking Study. The various proposed amendments are as follows:

1. A proposed City-initiated amendment to the Oshawa Official Plan (“O.O.P.”) to add a new Section 3.9 entitled “Parking” that establishes various policies to guide the consideration of parking-related matters throughout the City including development proposals; and,
2. Proposed City-initiated amendments to Zoning By-law 60-94 (“Z.B.L.”) as follows:
 - (a) Amend Section 2, “Definitions”, by adding a definition for Student Housing; which has been newly revised;
 - (b) Amend Table 39.3B – Residential Parking Requirements by:
 - Changing the calculation of minimum required parking for certain residential uses;
 - Eliminating the application of separate parking rates based on tenure (i.e. rental versus condominium) for certain types of residential uses; and,
 - Adding a parking rate for student housing;

- (c) Amend Subsection 39.4, “Parking Space Standards”, by changing the minimum parking space size requirements for certain residential uses;
- (d) Amend Article 39.9.1 under Subsection 39.9, “Driveway Requirements”, by changing the minimum driveway width requirements for certain residential uses to be consistent with the minimum parking space width requirements in amended Subsection 39.4 for those same residential uses;
- (e) Add a transition rule for proposed residential developments for which a complete building permit application is submitted up to June 28, 2024;
- (f) Add as part of the transition rule a new rule for proposed residential developments for which a complete application for site plan approval has been submitted prior to the date of passing of this amending by-law; and,
- (g) Add as part of the transition rule a new rule for proposed residential developments for which the Committee of Adjustment has already approved a minor variance related to parking supply and/or size to allow the variance to apply, if the relief granted of the Committee is less onerous than the new regulations.

On November 21, 2022, pursuant to its consideration of Item CNCL-22-76, Council passed the following motion:

- “1. That, pursuant to Memorandum CNCL-22-76 dated November 15, 2022, City Council endorse the final report, appendices and prioritized recommendations for the City of Oshawa Parking Study dated January 22, 2021, prepared by IBI Group, as contained in Attachments 1, 2 and 3 of CNCL-21-110 as attached to this Memorandum as Attachment 1 as a general guide to help inform decision making, subject to the comments and recommendations of City staff as outlined in said Attachment; and,
- 2. That, pursuant to Memorandum CNCL-22-76 dated November 15, 2022, City Council authorize the Development Services Department to initiate the statutory public process under the Planning Act for Council to consider proposed City-initiated amendments to the Oshawa Official Plan and Zoning By-law 60-94, generally as set out in Section 5.1.8.1 and Attachments 3 and 4 of CNCL-21-110.”

The proposed amendment to the O.O.P. is generally set out in Attachment 1 to this Report.

The proposed amendment to the Z.B.L. is generally set out in Attachment 2 to this Report.

The proposed changes to Table 39.3B – Residential Parking Requirements contained under Subsection 39.3 of the Z.B.L. are generally outlined in Attachment 3 to this Report.

A public meeting was held on March 6, 2023 concerning the subject City-initiated Amendments. At the conclusion of the meeting, the Economic and Development Services Committee adopted a recommendation that staff be directed to further review and prepare

a subsequent report and recommendation. The minutes of the public meeting form Attachment 4 to this Report.

Through staff's further review subsequent to March 6, 2023, staff have revised the proposed amendment to the Z.B.L. as follows:

- (a) The proposed definition of Student Housing has been updated to reference R6 (Residential) Zones and PSC (Planned Strip Commercial) Zones in addition to MU (Mixed Use) Zones. There are several properties on Simcoe Street North between Conlin Road and the East Branch of the Oshawa Creek that are zoned R6-A, R6-C and PSC-A that permit apartment buildings and/or flats and are intermixed with lands zoned MU along this stretch of Simcoe Street North in proximity to the main campus of Ontario Tech University and Durham College;
- (b) Whereas the proposed zoning amendment presented at the public meeting used a date exactly one year after the date of passing of the amending by-law to set out a transition period, the proposed transition rule for the new zoning regulations has been revised to specify June 28, 2024 as the furthest future date for which the least restrictive regulations of the old and new regulations will apply to any new building or land use;
- (c) The proposed transition rule for the new zoning regulations has been revised to also allow any development proposal for which a complete application for site plan approval has been submitted to the City prior to the date of the amending by-law to utilize the least restrictive regulations of the old and new regulations; and
- (d) The proposed transition rule for the new zoning regulations has been revised to also allow any development proposal for which the Committee of Adjustment has already approved a minor variance related to parking supply and/or size to apply the as-varied standard(s) notwithstanding the new regulations, if the relief granted by the Committee is less onerous than the new regulations.

2.0 Recommendation

That the Economic and Development Services Committee recommend to City Council:

1. That, pursuant to Report ED-23-77 dated April 12, 2023, the City-initiated Amendment to the Oshawa Official Plan as generally set out in Attachment 1 of said Report be approved, and the necessary by-law be passed in a form and content acceptable to the Commissioner of Economic and Development Services and the City Solicitor;
2. That, pursuant to Report ED-23-77 dated April 12, 2023, the City-initiated Amendment to Zoning By-law 60-94 as generally set out in Attachment 2 of said Report be approved, and the necessary by-law be passed in a form and content acceptable to the Commissioner of Economic and Development Services and the City Solicitor; and,
3. That, in accordance with Section 34(17) of the Planning Act and notwithstanding that the Zoning By-law Amendment proposed in Report ED-23-37 dated March 1, 2023 presented at the public meeting of March 6, 2023 differs to some degree from the proposed amendment recommended to be approved by City Council pursuant to Part 2

of this Recommendation in Report ED-23-77, such differences are not substantial enough to require further notice and another public meeting.

3.0 Executive Summary

This Department recommends the approval of the proposed and revised proposed City-initiated Amendments to the Oshawa Official Plan and Zoning By-law 60-94 related to the City of Oshawa Parking Study.

The proposed City-initiated Amendments conform to the Provincial Growth Plan, are consistent with the Provincial Policy Statement, conform to the Durham Regional Official Plan and represent good planning. They provide a framework for the consideration of parking related matters pertaining to private residential developments, and provide an up-to-date approach to implementing residential parking requirements for private properties.

4.0 Input From Other Sources

4.1 Other Departments and Agencies

No department or agency that provided comments has any objection to the City-initiated amendments.

4.2 Public Comments

The minutes of the public meeting concerning the subject City-initiated amendments form Attachment 4 to this Report. Comments were received from a speaker at the public meeting. No written correspondence was received.

Key concerns raised at the public meeting are set out below together with a staff response.

4.2.1 Increased Parking Rate

Comment:

The member of the public that spoke at the public meeting raised a concern with the proposed increase in required parking for two-bedroom rental apartment units.

Staff Response:

The proposed amendment to Zoning By-law 60-94 with respect to required parking for an apartment building is outlined in Section 5.3 of this Report and Attachments 2 and 3.

For any apartment building, the required parking for a two-bedroom rental unit is proposed to increase from 1.0 space per unit to 1.25 spaces per unit. As a result, one (1) additional parking space is required for every four (4) two-bedroom units provided. While not every two-bedroom tenant apartment requires two (2) parking spaces, the proposed change will generally provide two (2) parking spaces for one out of every four two-bedroom apartments.

It is also important to note that the visitor parking rate for all apartment units is proposed to be reduced. For rental apartments, this reduction is from 0.33 spaces per unit to 0.25 spaces per unit.

On November 28, 2022, Bill 23, More Homes Built Faster Act, 2022, received Royal Assent ("Bill 23"). Bill 23 made several changes to the Planning Act, including changes to permit up to three residential units in any "detached house", "semi-detached house" and "rowhouse". The Planning Act now also stipulates that a zoning by-law cannot require more than one parking space per unit in a detached house, semi-detached house or rowhouse containing two (2) or three (3) residential units, regardless of the number of bedrooms in the unit. Many smaller builders in Oshawa favour residential projects with three (3) dwelling units or less and will not be impacted by the proposed amendments to the O.O.P. and Z.B.L.

4.2.2 Cash-in-Lieu of Parking

Comment:

The member of the public raised a concern with the cash-in-lieu of parking policy proposed to be added to the O.O.P.

Staff Response:

The proposed cash-in-lieu of parking policy is required to be in the O.O.P. in order to give Council the flexibility to implement a cash-in-lieu of parking by-law in the future, should it so choose. In order to advance cash-in-lieu of parking, a by-law is required to be passed and specific reserve accounts created to manage any money received. At this time, staff are not recommending the creation of a cash-in-lieu of parking by-law or any accounts to implement the proposed O.O.P. policy. Instead, staff are recommending that an appropriate policy be included in the O.O.P. to provide flexibility in the event Council decides to further investigate and implement a cash-in-lieu of parking by-law and program in the future.

Report CNCL-21-110 dated November 23, 2021, regarding the final report appendices and prioritized recommendations for the City of Oshawa Parking Study, stated that a cash-in-lieu of parking program is currently not feasible. On that basis, the establishment of a by-law and related program was not recommended.

5.0 Analysis

5.1 Background

A significant amount of residential development has occurred in the City of Oshawa in recent years, and this growth is forecasted to continue. In accordance with provincial, regional and local municipal policies, a sizable portion of this residential development has been directed to those areas designated in the O.O.P. as the Downtown Oshawa Urban Growth Centre ("D.O.U.G.C."), Central Areas including Transportation Hubs and Intensification Areas along Regional and Local Corridors. This residential development will generate parking demand.

Through a Request for Proposals process, the City hired IBI Group (“I.B.I.”) to undertake a parking study (the “Parking Study”) on behalf of the City.

The Parking Study was undertaken to develop a forward-looking plan for managing parking in the City. The Parking Study analyzed Oshawa’s City-wide parking opportunities and needs, with a focus on Intensification Areas along Regional and Local Corridors, the D.O.U.G.C. and Transportation Hubs.

At its meeting of December 1, 2021, Council considered Report CNCL-21-110, regarding the final report, appendices and prioritized recommendations for the Parking Study. Report CNCL-21-110 also included comments and recommendations of City staff.

On December 1, 2021, City Council passed the following resolution:

“That Report CNCL-21-110 be referred back to staff to review the comments of members of Council made at the December 1, 2021 Council meeting and further consult with Council members individually to record their parking concerns for feedback to come back to Council with proposed revisions to the Report.”

A copy of Report CNCL-21-110 can be found at the following link: [CNCL-21-110 City of Oshawa Parking Study \(escribemeetings.com\)](#).

On November 21, 2022, Council considered Item CNCL-22-76 and endorsed the final report, appendices and prioritized recommendations for the Parking Study, subject to the comments and recommendations of City staff as outlined in Report CNCL-21-110. In addition, Council authorized the Economic and Development Services Department to initiate the statutory public process under the Planning Act for Council to consider associated proposed City-initiated amendments to the O.O.P. and Z.B.L.

A copy of Item CNCL-22-76 can be found at the following link: [CNCL-22-76 City of Oshawa Parking Study \(escribemeetings.com\)](#).

The proposed City-initiated amendments to the O.O.P. and Z.B.L. are being advanced in response to the recommendations of the Parking Study, including several recommendations as further refined by staff as outlined in Report CNCL-21-110. The proposed amendments to the O.O.P. and Z.B.L. are intended to guide the review and decision-making process with respect to parking related matters associated with planning and development applications. Staff note that appropriate reciprocal amendments to the Z.B.L. have been proposed, where necessary, to ensure that the intent of the amendments as endorsed by Council is applied throughout the Z.B.L. in a consistent manner.

On March 6, 2023, a Planning Act public meeting was held by the Economic and Development Services Committee. The Committee considered Report ED-23-37 and passed the following motion:

“That, pursuant to Report ED-23-37 dated March 1, 2023 concerning the proposed City-initiated amendments to the Oshawa Official Plan and Zoning By-law 60-94 related to the City of Oshawa Parking Study prepared by IBI Group, staff be directed to further review and prepare a subsequent report and

recommendation back to the Economic and Development Services Committee.
This direction does not constitute or imply any form or degree of approval.”

A copy of Report ED-23-37 can be found at the following link: [ED-23-37 City-initiated Amendments to the Oshawa Official Plan and Zoning By-law 60-94 Related to the City of Oshawa Parking Study \(escribemeetings.com\)](#).

5.2 Proposed Amendment to the Oshawa Official Plan

The amendment to the O.O.P. proposes to add a new Section 3.9 entitled “Parking” that establishes various policies to guide the consideration of parking-related matters throughout the City including development proposals.

This proposed amendment to the O.O.P. was a recommendation of the Parking Study on the basis that most comparator municipalities have a standalone parking section in their official plan.

Report CNCL-21-110 and Memorandum CNCL-22-76 both indicated that staff agree with I.B.I.’s recommendation to incorporate a standalone parking section in the O.O.P. Adding a new policy section in the O.O.P. would reinforce the parking policies the City adopted through consideration of the Parking Study.

In view of the foregoing, it is appropriate to amend the O.O.P. as generally set out in Attachment 1 of this Report.

5.3 Proposed Amendment to Zoning By-law 60-94

As noted in Section 1.0 of this Report, the proposed amendment to the Z.B.L. includes such changes as:

- Adding a definition for Student Housing including newly revised language proposed subsequent to the March 6, 2023 public meeting to reference R6 (Residential) Zones and PSC (Planned Strip Commercial) Zones in addition to MU (Mixed Use) Zones;
- Changing the calculation of minimum required parking for certain residential uses;
- Eliminating separate parking rates based on tenure;
- Adding a parking rate for student housing;
- Changing the minimum parking space size requirements for certain residential uses;
- Adding a transition rule for proposed residential developments for which a complete building permit application is submitted up to and including June 28, 2024, as opposed to within one year of the passing of this amending zoning by-law;
- Adding as part of the transition rule a new rule for proposed residential developments for which a complete application for site plan approval has been submitted prior to the date of passing of this amending by-law; and,

- Adding as part of the transition rule a new rule for proposed residential developments for which the Committee of Adjustment has already approved a minor variance related to parking supply and/or size to allow the variance to apply, if the relief granted of the Committee is less onerous than the new regulations.

This proposed amendment to the Z.B.L. was a recommendation of the Parking Study as further refined by staff comments in Section 5.1.8.1 and Attachment 4 of Report CNCL-21-110, and also pursuant to staff's further review of the matter subsequent to the March 6, 2023 public meeting.

Report CNCL-21-110 and Memorandum CNCL-22-76 both indicated that staff agree with I.B.I.'s recommendations with respect to the majority of the proposed changes, but not all. Where there was disagreement, staff provided an alternative recommendation for proposed changes. A summary of all of the recommendations made by I.B.I. and, in turn, by City staff, are contained in Attachment 4 of Report CNCL-21-110.

A copy of Report CNCL-21-110 can be found at the following link: [CNCL-21-110 City of Oshawa Parking Study \(escribemeetings.com\)](https://www.escribemeetings.com/CNCL-21-110).

Through Report CNCL-21-110, staff noted they did not agree with I.B.I. with respect to the magnitude of the proposed reduction in minimum parking requirements in Intensification Areas such as the D.O.U.G.C., Regional Corridors and the Central Oshawa Transportation Hub (centred on the future Central Oshawa GO Station) at this time. This is due, in large part, to major transit projects such as the Oshawa-to-Bowmanville GO Train Extension and Rapid Transit along the Simcoe Street and Highway 2 (King Street West-Bond Street West) corridors not being in place until at least the medium term (i.e. three to five years out) or, certainly in the case of the GO Train Extension to Bowmanville, the long term (i.e. six to ten years out).

In view of the foregoing, it is appropriate to amend the Z.B.L. as outlined in Attachments 2 and 3 of this Report. These amendments are summarized below:

1. Add a definition for Student Housing;
2. Amend Table 39.3B – Residential Parking Requirements to:
 - Eliminate any differences between rental and condominium tenure in terms of required parking rates for block townhouses and apartments;
 - Calculate the minimum required resident parking rate for apartment buildings based on the size of the apartment units (e.g. bachelor units, one-bedroom units, two-bedroom units, three-bedroom units, etc.);
 - Reduce the minimum required visitor parking rate for apartment buildings from 0.33 spaces per unit for rental or 0.30 spaces per unit for condominium to a standard 0.25 spaces per unit;
 - Adjust the calculation of the minimum parking requirement for retirement homes, senior citizens apartment buildings and university residences; and,

- Introduce a parking requirement for any housing development that meets the definition of student housing;
3. Reduce the minimum parking space size requirement for single detached dwellings, semi-detached dwellings/buildings and street townhouse dwellings from:
 - 5.75m long to 5.4m long; and,
 - 2.75m wide to 2.6m wide, except that a parking space adjacent to a solid wall not in a private garage shall be minimum 2.75m wide;
 4. Reduce the minimum parking space requirement for bed and breakfast establishments from:
 - 5.75m long to 5.4m long; and,
 - 2.75m wide to 2.6m wide, except that a parking space adjacent to a solid wall, whether inside or outside of a garage, shall continue to have a minimum width requirement of 3.0m;
 5. Reduce the minimum width of a driveway for a single detached dwelling, semi-detached dwelling/building, a duplex or a street townhouse dwelling from 2.75m to 2.6m to mirror the proposed new minimum parking space width noted above;
 6. Enlarge the minimum parking space size requirement for parking spaces within a private garage for single detached dwellings, semi-detached dwellings/buildings, street townhouse dwellings/buildings, back-to-back townhouse dwellings/buildings, block townhouse dwellings and stacked townhouse dwellings from:
 - 5.75m long to 6.2m long; and,
 - 2.75m wide to 3.0m wide; and;
 7. Implement a transition rule to allow any complete building permit applications submitted up to and including June 29, 2024 to use the least onerous zoning provisions related to parking spaces;
 8. Implement a transition rule to allow any development proposal for which a complete application for site plan approval has been submitted to the City prior to the date of the amending by-law to utilize the least restrictive regulations of the old and new regulations; and,
 9. Implement a transition rule to allow any development proposal for which the Committee of Adjustment has approved a minor variance related to parking supply and/or size to apply the as-varied standard(s) notwithstanding the new regulations, if the relief granted by the Committee is less onerous than the new regulations and the Committee decision occurred prior to June 1, 2023..

This Report does not recommend any changes to the parking requirements related to parking associated with accessory apartments in buildings such as single detached dwellings and semi-detached dwellings (other than proposed new regulations that are

general in nature such as minimum parking space size in garages of single detached dwellings and semi-detached dwellings).

On March 6, 2023, the Economic and Development Services Committee considered Report ED-23-43 concerning the City's regular annual City-initiated housekeeping amendments to the O.O.P., Windfields Part II Plan, Z.B.L., Brownfields Renaissance Community Improvement Plan, Simcoe Street South Renaissance Community Plan and Wentworth Street West Community Improvement Plan. Report ED-23-43 contained proposed amendments to the Z.B.L. to address changes to the Planning Act as a result of Bill 23 related to as-of-right permissions for additional residential units in detached houses, semi-detached houses and rowhouses, including parking regulations. The proposed regulations in Report ED-23-43 do not conflict with the proposed amendments in this Report.

6.0 Financial Implications

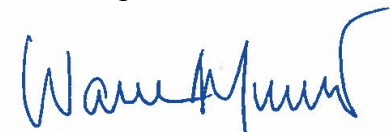
Anticipated costs to the City are included in the appropriate 2023 Departmental budgets and relate primarily to newspaper advertising costs for the public meeting and the passing of any by-laws.

7.0 Relationship to the Oshawa Strategic Plan

The Recommendation contained in this Report advances the Economic Prosperity and Financial Stewardship goal of the Oshawa Strategic Plan.



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



Warren Munro, HBA, MCIP, RPP, Commissioner,
Economic and Development Services Department

Proposed Amendment to the City of Oshawa Official Plan

Purpose:

The purpose of this Amendment to the City of Oshawa Official Plan is to add under Section 3, Transportation, of the Oshawa Official Plan a new section containing policies related to parking that outline best practices and requirements when considering parking-related matters throughout the City, including during the review of development applications.

Location:

This Amendment is general in nature and applies to the City as a whole.

Basis:

The Council of the Corporation of the City of Oshawa is satisfied that this Amendment to the City of Oshawa Official Plan, as amended, is appropriate.

Actual Amendment:

The City of Oshawa Official Plan is hereby amended by adding a new Section 3.9, Parking, as follows:

3.9. Parking

- 3.9.1. The City shall specify off-street parking requirements in the Zoning By-law to ensure that adequate parking facilities are provided to meet the parking demands generated by various types of land uses. Specific land uses may be required to provide easily accessible parking for electric and hybrid vehicles, carpool/vanpool/car share and bicycles. Minimum and maximum parking standards may be defined, as appropriate, to maximize the efficient use of land, and promote active transportation and the use of public transit.
- 3.9.2. Reduced parking requirements may be considered as part of a parking study where it can be demonstrated, to the satisfaction of the City, that the reduced parking supply will be sufficient to meet the development's parking needs, particularly within the Downtown Oshawa Urban Growth Centre, Central Areas, Regional and Local Corridors including Intensification Areas, Transportation Hubs, or any other area of the City where high levels of transit service exist or are planned.
- 3.9.3. The City may develop zoning regulations and/or guidelines to encourage the use of various transportation demand management initiatives including, but not limited to, the provision of hard infrastructure (e.g. secure bike parking, cyclist facilities, and carpool parking spaces) and soft infrastructure and services (e.g. hosting a car

share vehicle site, offering discounted transit passes, and having membership in a transportation demand management association such as Smart Commute).

- 3.9.4. Wherever possible, the amount of surface parking shall be minimized, taking into account the availability and/or viability of alternative modes of travel. Underground and/or structured parking that is appropriately integrated into the urban fabric and is sensitive to the planned design of the interface between the private and the public realm, including along streetscapes and adjacent to parks and open space areas, shall be promoted.
- 3.9.5. Cash-in-lieu of required parking may be considered in accordance with the Planning Act.”

Implementation:

The provisions set forth in the City of Oshawa Official Plan, as amended, regarding the implementation of the Official Plan, shall apply in regard to this Amendment.

Interpretation:

The provisions set forth in the City of Oshawa Official Plan, as amended, regarding the interpretation of the Official Plan, shall apply in regard to this Amendment.

Proposed Amendment to the City of Oshawa Zoning By-law 60-94

being a by-law to amend By-law 60-94, as amended, of The Corporation of the City of Oshawa.

IT IS ENACTED as a by-law of The Corporation of the City of Oshawa by its Council as follows:

1. This By-law, as amended, is further amended by:
 - (a) Amending Section 2: Definitions, by adding a definition for STUDENT HOUSING after the definition of STRUCTURE and before the definition of STUDIO as follows:
 - (i) “STUDENT HOUSING” means a building or part of a building that is located within an MU Zone, R6 Zone or PSC Zone adjacent to or in proximity to Simcoe Street North between Conlin Road and the East Branch of the Oshawa Creek that is owned, leased or operated by a private entity, that contains residential accommodation for students, employees or persons in short-term residence at a university or community college, whether or not shared cooking facilities are provided in the building.”
 - (b) Amending Article 5.12.4 by deleting the Article reference number “39.4.3” and replacing it with Article reference number “39.4.2”.
 - (c) Amending Sentence 24.3.9(2) by deleting the Article reference number “39.4.5” and replacing it with Article reference number “39.4.4”.
 - (d) Amending Sentence 38(B).3.9(2) by deleting the Article reference number “39.4.5” and replacing it with Article reference number “39.4.4”.
 - (e) Amending certain rows and/or columns under the column headings of Table 39.3B – Residential Parking Requirements as follows:
 - (i) Delete the word “condominium” from the third row of the first column and replace with the words “except senior citizens apartment building”.
 - (ii) Delete the text “1.45 per dwelling unit plus 0.3 per dwelling unit for visitors” from the third row of the second column and replace with the text “1.00 per dwelling unit plus 0.25 per bedroom after the first bedroom plus 0.25 per dwelling unit for visitors”.
 - (iii) Delete the fourth row in its entirety.
 - (iv) Delete the text “– condominium including a block townhouse tied to a common elements condominium” from the sixth row of the first column.
 - (v) Delete the seventh row in its entirety.

- (vi) Delete the text “0.38 parking spaces for every suite in a retirement home” in the thirteenth row of the second column and replace with the text “0.30 per suite plus 0.15 per suite for visitors”.
- (vii) Delete the text “0.5 per dwelling unit” in the sixteenth row of the second column and replace with the text “0.45 per dwelling unit plus 0.05 per dwelling unit for visitors”.
- (viii) Add a new row between the current eighteenth and nineteenth rows as follows:

Student Housing	0.2 per bed plus 0.05 per bed for visitors
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- (ix) Delete the text “0.5 spaces per bed” in the current nineteenth row of the second column and replace with the text “0.20 per bed plus 0.05 per bed for visitors”.

(f) Amending Subsection 39.4 as follows:

- (i) Delete Article 39.4.2 in its entirety.
- (ii) Renumber Articles 39.4.3 to 39.4.8, all inclusive, in sequential order as Articles 39.4.2 to 39.4.7, all inclusive.
- (iii) Amend newly renumbered Article 39.4.5 by deleting the comma “,” after the words “semi-detached building” and replacing it with the word “or”, and by deleting the words “or in a private garage serving an individual dwelling in a block townhouse” and replacing with the text “, in which case the minimum parking space width shall be 2.75m”.

- (iv) Add a new Article 39.4.8 as follows:

“39.4.8 Notwithstanding Table 39.4 and Article 39.4.5 to the contrary, the minimum parking space width shall be 3.0m and the minimum parking space length shall be 6.2m for a parking space in a private garage for a single detached dwelling, a semi-detached dwelling, a semi-detached building, a street townhouse dwelling, a street townhouse building, a back-to-back townhouse dwelling, a back-to-back townhouse building, a block townhouse dwelling unit or a stacked townhouse dwelling unit, and these dimensions shall be free and clear of any encroachments of features such as steps or utility-related equipment.”

- (v) Add a new Article 39.4.9 as follows:

“39.4.9 The provisions of Table 39.3B and the various Articles under Subsection 39.4 of this By-law as they existed immediately prior to [date of this amending by-law] shall apply to the erection or use of a building or structure on a lot if a complete building permit application has been received by the Chief Building Official prior to

June 29, 2024. Notwithstanding the foregoing, in cases where a complete building permit application has been received by the Chief Building Official prior to June 29, 2024, or where a complete application for site plan approval under the Planning Act has been submitted to the Economic and Development Services Department prior to [date of this amending by-law], and where the provisions of Table 39.3B and the various Articles under Subsection 39.4 of this By-law as they existed immediately prior to [date of this amending by-law] are more onerous than the provisions of Table 39.3B and the various Articles under Subsection 39.4 as they existed on [insert date of this amending by-law], the use of any land or the erection or use of a building or structure on a lot shall comply with the least restrictive provisions pertaining to such use.”

(vi) Add a new Article 39.4.10 as follows:

“39.4.10 Where the Committee of Adjustment has approved an application granting relief from the provisions in Table 39.3B and under Subsection 39.4 prior to June 1, 2023, the use of any land or the erection or use of a building or structure on a lot shall comply with the least restrictive provisions pertaining to such use of either the Committee of Adjustment decision or Table 39.3B and Subsection 39.4 of this by-law.”

(g) Amending Article 39.9.1 by deleting the text “2.75m” and replacing it with the text “2.6m”.

2. This by-law shall come into force in accordance with the provisions of the Planning Act.

By-law passed this [] day of [], 2023.

Mayor

City Clerk

Proposed Amendment to Table 39.3B – Residential Parking Requirements of Zoning By-law 60-94

Use or Purpose	Minimum Number of Parking Spaces Required
Accessory Apartment	1 parking space per accessory apartment, in addition to residential parking requirements for a single detached dwelling or semi-detached dwelling
Any building not specifically mentioned containing 3 or more dwelling units	1 per dwelling unit plus 0.33 per dwelling unit for visitors
Apartment building - condominium except senior citizens apartment building	1.45 per dwelling unit plus 0.3 per dwelling unit for visitors 1.00 per dwelling unit plus 0.25 per bedroom after the first bedroom plus 0.25 per dwelling unit for visitors
Apartment building – rental, except senior citizens apartment building	1 per dwelling unit plus 0.33 per dwelling unit for visitors
Bed and breakfast establishment	2 parking spaces plus 1 parking space for each bedroom which is available to travelers
Block townhouse – condominium including a block townhouse tied to a common elements condominium	1.65 per dwelling unit plus 0.35 per dwelling unit for visitors
Block townhouse – rental	1.25 per dwelling unit plus 0.35 per dwelling unit for visitors
Duplex	1 per dwelling unit
Flat or dwelling unit other than those listed in this table	1 per dwelling unit
Group home, including correction group home	1 parking space for every 3 residents
Lodging house	0.5 spaces for every lodging unit plus 1 parking space if the lodging house also contains a separate dwelling unit
Nursing home, Long Term Care Facility or crisis care residence	1 parking space for every 4 beds
Retirement home	0.38 parking spaces for every suite in a retirement home 0.30 per suite and 0.15 per suite for visitors
Semi-detached building	4 parking spaces per building

Use or Purpose	Minimum Number of Parking Spaces Required
Semi-detached dwelling	2 per dwelling unit
Senior citizens apartment building	0.5 per dwelling unit 0.45 per dwelling unit plus 0.05 per dwelling unit for visitors
Single detached dwelling	2 per dwelling unit
Street townhouse dwelling	2 per dwelling unit
Student housing	0.2 per bed plus 0.05 per bed for visitors
University residence	0.5 parking spaces per bed 0.2 per bed plus 0.05 per bed for visitors

Note: Red Font = additional language
Strikethrough = deleted language

Excerpts from the Minutes of the Economic and Development Services Committee Meeting held on March 6, 2023

Application ED-23-37

Presentation

Morgan Jones, Senior Planner, provided a presentation concerning the City-initiated Amendments to the Oshawa Official Plan and Zoning By-law 60-94 related to the City of Oshawa Parking Study.

Members of the Committee questioned the Senior Planner.

Delegations

Ihor George Lysyk addressed the Economic and Development Services Committee concerning the City-initiated Amendments to the Oshawa Official Plan and Zoning By-law 60-94 Related to the City of Oshawa Parking Study expressing concerns that he did not support the cash in lieu of parking. Ihor George Lysyk expressed concerns with the proposed increase in tenant parking for apartment buildings for units containing two or more bedrooms.

Correspondence

None.

Reports

ED-23-37 - City-initiated Amendments to the Oshawa Official Plan and Zoning By-law 60-94 Related to the City of Oshawa Parking Study (All Wards)

Moved by Councillor Chapman

That, pursuant to Report ED-23-37 dated March 1, 2023 concerning the proposed City-initiated amendments to the Oshawa Official Plan and Zoning By-law 60-94 related to the City of Oshawa Parking Study prepared by IBI Group, staff be directed to further review and prepare a subsequent report and recommendation back to the Economic and Development Services Committee. This direction does not constitute or imply any form or degree of approval. Carried.

Economic and Development Services Committee – April 17, 2023

Heritage Oshawa By-law

(File: 12-03-3551) (All Wards)

That the Economic and Development Services Committee recommend to City Council:

Whereas, Section 28 of the Ontario Heritage Act, R.S.O. 1990, c.0.18 (the “Act”), provides that the council of any municipality may, by by-law, establish a municipal heritage committee, with a minimum of five members, to advise and assist the council on matters of cultural heritage value and interest including the designation of heritage properties and heritage conservation districts under Parts IV and V of the Act, and such other heritage matters as the Council may specify by by-law; and,

Whereas, City Council established a municipal heritage committee pursuant to the Act through By-law 59-95, styled as Heritage Oshawa; and,

Whereas, By-law 59-95 was subsequently repealed and replaced with By-law 29-2006, which in turn was later repealed and replaced with By-law 02-2011; and,

Whereas, in addition to reaffirming the establishment of Heritage Oshawa as the City's Municipal Heritage Committee, By-law 02-2011 includes various provisions setting out operating procedures for the Committee; and,

Whereas, subsequent to passing By-law 02-2011 in 2011, City Council has since adopted the Advisory Committees of Council Policy and Procedure (the “Policy”) which sets out provisions for the operation of all Advisory Committees of Council, including Heritage Oshawa, and requires each Advisory Committee to have a Council-approved Terms of Reference; and,

Whereas, the Policy and Terms of Reference documents are reviewed during each term of Council to ensure they remain up to date and accurate based on current legislation and other Council by-laws or policies; and,

Whereas, the operating procedures set out in By-law 02-2011 are now addressed in the Advisory Committees of Council Policy and Procedure and/or its approved Terms of Reference;

Therefore be it resolved:

1. That City Council reaffirms the establishment of Heritage Oshawa as a Municipal Heritage Committee pursuant to the Ontario Heritage Act; and,
2. That Heritage Oshawa is an Advisory Committee of Council and will operate under the Advisory Committees of Council Policy and Procedure and Committee Terms of Reference as may be amended by Council; and,
3. That By-law 02-2011 be repealed and replaced with a by-law generally in the form and content as set out in Attachment 1 to Item ED-23-80.



**By-law XX-2023
of The Corporation of the City of Oshawa**

being a by-law to establish a Municipal Heritage Committee.

Whereas Section 28 of the *Ontario Heritage Act, R.S.O. 1990, c.0.18* (the “Act”), provides that the council of any municipality may, by by-law, establish a municipal heritage committee, with a minimum of five members, to advise and assist the council on matters relating to the designation of heritage properties and heritage conservation districts under Parts IV and V of the Act, respectively, and such other heritage matters as the Council may specify by by-law; and,

Whereas in 1995, City Council established a municipal heritage committee pursuant to the Act through By-law 59-95, styled as Heritage Oshawa; and,

Whereas By-law 59-95 was subsequently repealed and replaced with By-law 29-2006, which in turn was later repealed and replaced with By-law 02-2011, which included various provisions setting out operating procedures for Heritage Oshawa; and,

Whereas it is necessary to update By-law 02-2011 to reflect remove reference to the operating procedures currently set out in said By-law as they have been superseded by the Advisory Committees of Council Policy and Procedure and/or Council approved Terms of Reference;

Therefore be it resolved,

1. That City Council reaffirms the establishment of Heritage Oshawa as a Municipal Heritage Committee pursuant to the Ontario Heritage Act; and,
2. That Heritage Oshawa is an Advisory Committee of Council and will operate under the Advisory Committees of Council Policy and Procedure and Committee Terms of Reference as may be amended by Council; and,
3. That the Membership of Heritage Oshawa will consist of a minimum of five (5) members and the membership structure will be set out in the Council-approved Terms of Reference and each member will be appointed by and hold office at the pleasure of Council in accordance with the Advisory Committees of Council Policy and Procedures; and,
4. That Council may, by resolution, remove, appoint or replace members in its sole and unfettered discretion; and,
5. That Heritage Oshawa will:
 - (a) Advise and assist Council on all matters relating to cultural heritage including, but not limited to, buildings and structures, landscapes and archaeological sites; and,
 - (b) Advise Council on means of conserving heritage properties, landscapes and districts; and,

- (c) Advise and assist Council on current heritage conservation programs, regulations and legislation; and,
- (d) Establish criteria for the evaluation of properties of cultural heritage value or interest; and,
- (e) Prepare and maintain an inventory of cultural heritage resources including buildings, structures, landscapes and other elements which are considered by Heritage Oshawa to be of cultural heritage value or interest; and,
- (f) Review development applications associated with cultural heritage resources and provide recommendations to staff and/or Council, as appropriate; and,
- (g) Provide recommendations to Council on properties, landscapes and districts considered by Heritage Oshawa to be worthy of heritage designation; and,
- (h) Promote public awareness, stewardship in heritage conservation and knowledge of cultural heritage resources within the City and heritage conservation issues through programs and activities.

6. This by-law will come into full force and take effect as of the date of its passing.

7. By-law 02-2011, as amended, is hereby repealed.

By-law passed this xx day of xx, 2023.

Mayor

City Clerk

To: Economic and Development Services Committee

From: Warren Munro, HBA, MCIP, RPP, Commissioner,
Economic and Development Services Department

Report Number: ED-23-82

Date of Report: April 12, 2023

Date of Meeting: April 17, 2023

Subject: Revised Applications to Amend Zoning By-law 60-94 and for
Approval of a Draft Plan of Subdivision (S-O-2014-04),
1500 Conlin Road East, Regita Enterprise Inc./Schleiss
Development Company Limited

Ward: Ward 1

File: S-O-2014-04, Z-2014-03

1.0 Purpose

The purpose of this Report is to provide a recommendation on the revised applications submitted by Regita Enterprise Inc./Schleiss Development Company Limited (the “Applicant”) to amend Zoning By-law 60-94 and for approval of a draft plan of subdivision (File: S-O-2014-04) to permit:

- 29 blocks to accommodate up to 344 single detached dwellings;
- 13 blocks for 72 street townhouse dwellings;
- 1 low density residential block to accommodate up to 50 block townhouse dwellings;
- 2 medium density residential blocks to accommodate up to 178 block townhouse dwellings;
- a portion of a mixed use block;
- an elementary school block;
- a walkway block;
- 3 parkette blocks;
- 2 stormwater management pond blocks;
- 2 open space blocks;
- 7 landscape strip blocks;
- 2 road widening blocks;
- 4 reserve blocks; and,
- new arterial, collector and local roads at 1500 Conlin Road East (the “Subject Site”).

Attachment 1 is a map showing the location of the Subject Site and the existing zoning in the area.

Attachment 2 is a copy of the Kedron Land Use and Road Plan from the Kedron Part II Plan showing the location of the Subject Site.

Attachment 3 is a copy of the original proposed draft plan of subdivision S-O-2014-04 submitted by the Applicant and presented at the February 8, 2016 public meeting.

Attachment 4 is a copy of the revised proposed draft plan of subdivision S-O-2014-04 submitted by the Applicant to address certain technical matters.

Attachment 5 is a copy of the recommended conditions of draft approval for revised proposed draft plan of subdivision S-O-2014-04.

On February 8, 2016, a public meeting was held with respect to the subject applications to amend Zoning By-law 60-94 and for approval of the draft plan of subdivision. At the conclusion of the public meeting, the then Development Services Committee adopted a recommendation to refer the applications back to staff for further review and the preparation of a subsequent report and recommendation. The minutes of the February 8, 2016 public meeting form Attachment 6 to this Report.

Subsequent to the February 8, 2016 public meeting, the Applicant revised the development proposal. The key differences between the proposal considered at the public meeting (see Attachment 3) and the revised proposal (see Attachment 4) are as follows:

- The maximum number of single detached dwellings has been reduced from 363 to 344, and the minimum number of single detached dwellings has been reduced from 328 to 296.
- Street townhouse dwellings have been added to the unit mix. Previously the only type of townhouses proposed were block townhouses.
- The configuration of the road pattern north of Britannia Avenue East has been revised to provide a second access point that is necessary for emergency services access.
- The configuration of the road pattern south of Britannia Avenue East has been revised to address certain technical issues and to coordinate with the neighbouring plan of subdivision to the west.
- The Medium Density Residential Block 33 as shown on the original proposed draft plan of subdivision (Attachment 3) has been replaced with street townhouse blocks and public roads (Blocks 30 to 40 and Streets G, H and I – see Attachment 4).
- Street J, Lots 30 and 31 and Block 27 shown on the original proposed draft plan of subdivision (Attachment 3) have been replaced with a residential townhouse block (Block 43 on Attachment 4).
- The configuration of the Community Use Block has been revised as a large portion of the original Community Use Block was located within the Harmony Creek tributary valley and associated buffers.

2.0 Recommendation

That the Economic and Development Services Committee recommend to City Council:

1. That, pursuant to Report ED-23-82 dated April 12, 2023, the revised application submitted by Regita Enterprise Inc./Schleiss Development Company Limited to amend Zoning By-law 60-94 (File: Z-2014-03) in order to implement a revised draft plan of subdivision (File: S-O-2014-04) for 1500 Conlin Road East be approved, generally in accordance with the comments in said Report, and the necessary by-law be passed in a form and content acceptable to the Commissioner of Economic and Development Services and City Solicitor.
2. That, pursuant to Report ED-23-82 dated April 12, 2023, the revised application submitted by Regita Enterprise Inc./Schleiss Development Company Limited to implement a revised draft plan of subdivision (File: S-O-2014-04) featuring 29 blocks to accommodate up to 344 single detached dwellings, 13 blocks for 72 street townhouse dwellings, 1 low residential block to accommodate up to 50 block townhouse dwellings, 2 medium density residential blocks to accommodate up to 178 block townhouse dwellings, a portion of a mixed use block, an elementary school block, a walkway block, 3 parkette blocks, 2 stormwater management pond blocks, 2 open space blocks, 7 landscape strip blocks, 2 road widening blocks, 4 reserve blocks and new arterial, collector and local roads at 1500 Conlin Road East be approved, subject to the conditions as generally set out in Attachment 5 of said Report.
3. That, in accordance with Section 34(17) of the Planning Act and notwithstanding that the Zoning By-law Amendment proposed in Report DS-16-19 dated February 3, 2016 presented at the public meeting of February 8, 2016 differs to some degree from the proposed amendment recommended to be approved by City Council pursuant to Part 1 of this Recommendation, such differences are not substantial enough to require further notice and another public meeting.

3.0 Executive Summary

This Department recommends that the revised applications to amend Zoning By-law 60-94 and for approval of a draft plan of subdivision submitted by Regita Enterprise Inc./Schleiss Development Company Limited be approved.

The revised applications will advance a new residential development that can be designed to be compatible with planned surrounding development, represents good planning and is consistent with Provincial, Regional and City policies.

4.0 Input From Other Sources

4.1 Other Departments and Agencies

No department or agency that provided comments has any objection to the subject applications. Certain technical issues and requirements related to the proposed development have been identified and can be resolved during the further processing of the applications, if the applications are approved.

4.2 Public Comments

The minutes of the February 8, 2016 public meeting concerning the subject applications form Attachment 6 to this Report.

Planning Services has received one piece of written correspondence from members of the public regarding the subject applications (DS-16-30).

Key concerns raised by the public at the public meeting and through the above noted correspondence are set out below together with a staff response.

4.2.1 Impacts of Development on Property Across Townline Road North

Comment:

Comments were made concerning the impacts of widening Townline Road North on the existing dwelling on the east side of Townline Road North in the Municipality of Clarington.

Staff Response:

Townline Road North, north of Conlin Road East, is currently an unimproved street that only services a driveway leading to the rear of 1600 Conlin Road East in Oshawa and 2101 Townline Road North in the Municipality of Clarington. Improvements to Townline Road North are required to facilitate the proposed development and to implement the Oshawa Official Plan (the "O.O.P."). The proposed draft plan of subdivision includes the necessary road widenings to improve the west side of Townline Road North abutting the Subject Site. However, improvements to Townline Road North road cannot be completed until 1600 Conlin Road East which also abuts the west side of Townline Road North in the Municipality of Clarington is developed.

At this time, no lands are proposed to be acquired from 2101 Townline Road North for the required road improvements.

4.2.2 Potential Impacts of Development on Existing Wells

Comment:

Comments were made concerning the potential impacts of the proposed development on the existing well for the existing single detached dwelling at 2101 Townline Road North in the Municipality of Clarington.

Staff Response:

Staff acknowledge that development in the vicinity of properties with private services has the potential to impact existing wells. For this reason, new development is subject to the Region of Durham Well Interference Policy.

The City's standard conditions of draft approval for new draft plans of subdivision in proximity to existing residential dwellings with private services include the following conditions that must be satisfied prior to registration of the draft plan of subdivision:

"That prior to the preparation of engineering drawings the development be subject to an investigation of the adjacent existing developed residential areas for any possible interference with existing private sewerage disposal systems. Should there be a conflict, satisfactory arrangements shall be made to provide alternate services to the affected properties to the satisfaction of Building Services and the Region of Durham."

"That the subdivider provide property owners with private well systems in the area surrounding the Draft Plan with a copy of the Region of Durham Well Interference Policy."

The above noted conditions are included in the recommended conditions of draft approval which form Attachment 5 to this Report.

5.0 Analysis

5.1 Background

The Subject Site is located on the west side of Townline Road North, north of Conlin Road East, on lands municipally known as 1500 Conlin Road East (see Attachment 1).

The following is background information concerning the subject applications:

Item	Existing	Requested
Oshawa Official Plan Designation	Residential and Open Space and Recreation	No change
Kedron Part II Plan Designation	Low Density Residential, Medium Density I Residential, Mixed Use I, Public Elementary School, Community Use, Parkette, Open Space and Recreation, Stormwater Management Facilities, Type 'C' Arterial Road, Collector Road, On Road Cycling Lanes, On Road Cycling Routes and Class II Trails	No change
Zoning By-law 60-94	AG-A (Agricultural)	Appropriate zones that implement the requested zoning and the revised proposed draft plan of subdivision

Item	Existing	Requested
Use	Agricultural	Single detached dwellings, street townhouses, block townhouses, mixed-use, a public elementary school, community use, parkettes, recreational trails, open space, stormwater management ponds and arterial, collector and local roads

The following land uses are adjacent to the Subject Site:

- **North** Agricultural land
- **South** Conlin Road East, beyond which are single detached dwellings, open space, a portion of the TransCanada and Enbridge pipeline corridor and a vacant future commercial development block
- **East** A single detached dwelling and agricultural land at 1600 Conlin Road East, and the unimproved Townline Road North road allowance, beyond which is agricultural land in the Municipality of Clarington
- **West** Agricultural land: however, a draft plan of subdivision (S-O-2014-05) is being developed by Treasure Hill on these lands

The following are the proposed development details for the Subject Site:

Site Statistic Items	Measurement
Gross Area of Draft Plan	42.90 ha (106.00 ac.)
Net Residential Area of Single Detached Dwellings (Blocks 1 to 29)	12.34 ha (30.49 ac.)
Range of Number of Proposed Single Detached Dwellings (Blocks 1 to 29)	296 to 344
Net Residential Density Range of Single Detached Dwellings (Blocks 1 to 29)	24.0 u/ha (9.72 u/ac) to 27.88 u/ha (11.29 u/ac.)
Lot Frontages of Proposed Single Detached Dwelling Lots (Blocks 1 to 29)	Minimum – 9.10 m (29.86 ft.) Maximum – 15.30 m (50.20 ft.)
Net Residential Area of Street Townhouse Dwellings (Blocks 30 to 42)	1.62 ha (4.00 ac.)
Number of Proposed Street Townhouse Dwellings (Blocks 30 to 42)	72
Net Residential Density of Street Townhouse Dwellings (Blocks 30 to 42)	44.44 u/ha (17.99 u/ac.)

Site Statistic Items	Measurement
Net Residential Area of Low Density Townhouse Block (Block 43)	1.68 ha (4.15 ac.)
Maximum Number of Proposed Low Density Townhouse Dwellings (Block 43)	50
Maximum Net Residential Density of Low Density Townhouse Block (Block 43)	30 u/ha (12 u/ac.)
Net Residential Area of Medium Density I Residential Blocks (Blocks 44 and 45)	2.96 ha (7.31 ac.)
Maximum Number of Proposed Residential Units in the Medium Density I Residential Blocks (Blocks 44 and 45)	178
Maximum Net Residential Density of Medium Density I Residential Blocks (Blocks 44 and 45)	60 u/ha (24 ac.)
Net Area of Mixed Use Block 47	0.37 ha (0.91 ac.)
Area of Public Elementary School (Block 48)	3.02 ha (7.46 ac.)
Area of Community Use Block 52	0.39 ha (0.96 ac.)
Area of Parkettes (Blocks 49 to 51)	Block 49 – 0.19 ha (0.47 ac.) Block 50 – 0.60 ha (1.48 ac.) Block 51 – 0.60 ha (1.48 ac.) Total – 1.39 ha (3.43 ac.)
Area of Open Space (Blocks 53 to 54)	6.82 ha (16.85 ac.)
Area of Walkway (Block 55)	0.02 ha (0.05 ac.)
Area of Stormwater Management Blocks (Blocks 63 and 64)	2.95 ha (7.29 ac.)

5.2 Oshawa Official Plan and Kedron Part II Plan

The Subject Site is designated as Residential and Open Space and Recreation in the O.O.P.

The O.O.P. specifies, in part, that areas designated as Residential shall be predominately used for residential dwellings.

The O.O.P. also states that lands designated as Open Space and Recreation within urban areas shall be predominantly used for recreation, conservation, reforestation, etc. These uses shall have regard for the natural environment and be compatible with their surroundings.

The tributary of the Harmony Creek system on the Subject Site is shown as Hazard Lands and Natural Heritage System in the O.O.P.

The Natural Heritage System refers to a connected system of environmental components consisting of key natural heritage features, key hydrologic features, riparian corridors and areas identified for natural cover regeneration/reforestation that will improve connectivity and habitat. It is intended to achieve a linked open space and natural heritage system. When opportunities for public ownership arise, the O.O.P. requires that all reasonable efforts be made to support the acquisition and/or conveyance of lands within the Natural Heritage System for natural heritage conservation purposes.

Hazard Lands shall be used primarily for the preservation and conservation of land and/or the environment. These lands shall be managed in a manner to complement adjacent land uses and protect adjacent lands from physical hazards.

Schedule "A-2", Corridors and Intensification Areas, of the O.O.P. identifies Conlin Road East as a Local Corridor. Schedule "B", Road Network, identifies Conlin Road East as an Existing Type 'B' Arterial Road, Townline Road North as a Future Type 'B' Arterial Road, Britannia Avenue East as a Future Type 'C' Arterial Road, and Street 'P' as a Future Collector Road.

In the Kedron Part II Plan, the Subject Site is designated as Low Density Residential, Medium Density I Residential, Mixed Use I, Public Elementary School, Community Use, Parkette, Open Space and Recreation and Stormwater Management Facilities. Class II Trails consisting of off-road walking and cycling facilities are generally shown running northwest-southeast along the TransCanada and Enbridge pipeline corridor and north-south along the Harmony Creek tributary valley. On-Road Cycling Lanes are generally shown along Townline Road North and Britannia Avenue East and On-Road Cycling Routes are generally shown along the planned north-south Collector Road (Street 'P' on Attachment 4).

The Low Density Residential designation generally includes uses such as single detached, semi-detached and duplex dwellings at a density up to 30 units per hectare (12 u/ac.). In addition, Section 8.7.4.4 of the Kedron Part II Plan specifies that notwithstanding any other provisions of the Kedron Part II Plan or the Part I Plan to the contrary, the minimum net residential density for Low Density Residential areas shall be 24 units per hectare (10 u/ac.).

The Medium Density I Residential designation generally includes uses such as semi-detached, duplex and townhouse dwellings at a density up to 60 units per hectare (24 u/ac.). In addition, Section 8.7.4.5 of the Kedron Part II Plan states that single detached dwellings shall not be permitted in areas designated as Medium Density I Residential.

The Mixed Use I designation generally includes a combination of single use medium density residential buildings (including townhouses, stacked townhouses and low to mid-rise apartment buildings) and single use commercial or community use buildings or as mixed use buildings that would include office, personal service and/or retail uses in combination with residential uses. The residential component of areas designated as Mixed Use I shall have a density range of 45 units per hectare (18 u/ac.) to 85 units per hectare (34 u/ac.), although there is no minimum density requirement for residential units within mixed use buildings. In addition to the above, Section 8.7.3.3.5 of the Kedron Part II

Plan states that the area designated as Mixed Use I located abutting the future Britannia Avenue East Extension, east of Grandview Street North, shall have a maximum combined gross floor area for office, personal service and/or retail uses of 1,858 square metres (20,000 sq. ft.).

The Community Use designation in the Kedron Part II Plan generally includes schools, places of worship, day care centres, libraries and nursery schools that, by nature of their activity, scale and design, are compatible with surrounding land uses.

The Kedron Part II Plan states that an Official Plan Amendment is not required to use the Community Use site or the public elementary school sites for Low Density Residential or Medium Density I Residential uses, provided the site is not needed for either the intended community use or public elementary school. One Community Use site and one public elementary school site are proposed in the subject draft plan.

The Kedron Part II Plan specifies that Parkettes shall have a minimum site area of approximately 0.60 hectares (1.48 ac.).

A portion of the Harmony Creek watercourse within the revised proposed draft plan of subdivision is designated as Hazard Lands and Natural Heritage System on Schedule "C", Kedron Environmental Management Plan, in the Kedron Part II Plan.

The Open Space and Recreation system is intended to achieve a linked open space and natural heritage system. The City requires the conveyance of lands designated Open Space and Recreation.

The subject applications conform to the O.O.P. and Kedron Part II Plan.

5.3 Zoning By-law 60-94

The Subject Site is zoned AG-A (Agricultural). The following uses are permitted in the AG-A Zone:

- (a) Accessory retail stands for the sale of seasonal produce, produced on the farm;
- (b) Agricultural uses including a maximum of one farm dwelling;
- (c) One single detached dwelling on an existing lot or on a lot created by consent; and,
- (d) Riding stable.

The Applicant proposes to amend Zoning By-law 60-94 to implement the revised proposed draft plan of subdivision. The proposed zoning amendment would:

- Rezone the proposed single detached dwelling lots (Blocks 1 to 29) from AG-A (Agricultural) to an appropriate R1-E (Residential) Zone including special regulations related to minimum interior and exterior side yard depth, minimum front yard depth, maximum lot coverage and maximum building height;
- Rezone the proposed street townhouse dwelling lots (Blocks 30 to 42) from AG-A (Agricultural) to R3-A (Residential);

- Rezone the proposed Low Density Residential block (Block 43) from AG-A (Agricultural) to an appropriate R4 (Residential) Zone including special regulations related to minimum lot frontage, minimum yard depth abutting a street line, maximum height and maximum density;
- Rezone the proposed Medium Density I Residential Blocks (Blocks 44 and 45) proposed for block townhouses from AG-A (Agricultural) to an appropriate R4 (Residential) Zone including special regulations related to minimum lot frontage, minimum yard depth abutting a street line and maximum height;
- Rezone the proposed Mixed Use Block (Block 47) from AG-A (Agricultural) to MU-B (Mixed Use) to match the zoning of the Mixed Use Block on the lands to the west in the neighbouring draft plan of subdivision;
- Rezone the proposed Public Elementary School (Block 48) from AG-A (Agricultural) to an appropriate CIN/R1-E/R3-A/R4-A (Community Institutional/Residential) Zone. The purpose of including Residential Zones is to permit single detached dwellings, street townhouses or block townhouses in the event the site is not required for an elementary school or other community uses;
- Rezone the Community Use site (Block 52) from AG-A (Agricultural) to an appropriate CIN/R4-A (Community Institutional/Residential) Zone. The purpose of including the R4 (Residential) Zone is to permit block townhouses in the event the site is not required for community uses;
- Rezone the proposed Parkettes (Block 49 to 51) and Open Space associated with the pipeline corridor (Block 54) to the OSP (Park Open Space) Zone; and,
- Rezone the proposed Open Space associated with the Harmony Creek tributary (Block 53) and the Stormwater Management Ponds (Blocks 63 and 64) from AG-A (Agricultural) to the OSH (Hazard Lands Open Space) Zone;

It is recommended that the “h-14” holding symbol be applied to the developable portions of the revised proposed draft plan of subdivision. The holding symbol would be removed when a subdivision agreement is executed which includes acceptable financial provisions with respect to services and facilities. An additional holding symbol is recommended to be applied to Blocks 43, 44, 45 and 47 which would be removed when a site plan agreement is executed for the development of each block.

While the holding symbols are in place only existing uses, model homes, a temporary sales office and UR (Urban Reserve) Zone uses will be permitted.

This Department has no objection to the rezoning which would implement the revised proposed draft plan of subdivision. Section 5.5 of this Report sets out the rationale for this position.

5.4 Subdivision Design/Land Use Considerations

The revised proposed draft plan of subdivision includes 29 blocks to accommodate up to 344 single detached dwellings, 13 blocks for 72 street townhouse dwellings, 1 low density residential block to accommodate up to 50 block townhouse dwellings, 2 medium density residential blocks to accommodate up to 178 block townhouse dwellings, a portion of a mixed use block, an elementary school block, a walkway block, 3 parkette blocks, 2 stormwater management pond blocks, 2 open space blocks including a block that is occupied by the TransCanada and Enbridge gas pipelines, 7 landscape strip blocks, 2 road widening blocks, 4 reserve blocks and new arterial, collector and local roads (see Attachment 4).

As per the Kedron Major Roads Class Environmental Assessment, the design of the new Type 'C' Arterial Road (i.e. Britannia Avenue East) includes a combination of a centre median, a sidewalk on one side, a multi-use path on the other side and an on-road cycling lane. The design of the new Collector Road (i.e. Street 'P' on Attachment 4) includes a combination of a sidewalk on both sides of the road and on-road cycling routes. A Class II Trail is proposed in the pipeline block and along the Harmony Creek tributary.

The revised proposed draft plan of subdivision shows the proposed single detached dwelling areas (Blocks 1 to 29) in blocks rather than lots. These residential blocks are proposed to be lotted out later in the development approval process as market opportunities present themselves. The Applicant has requested a flexible approach to the zoning and draft plan approval of these blocks in order to efficiently respond and adjust to these market opportunities. This approach has been used during the approval of other draft plans of subdivision in the City.

The revised proposed draft plan of subdivision has been designed to be integrated with the draft plan of subdivision (S-O-2014-05) proposed by Treasure Hill to the west.

Detailed design matters will be reviewed during the further processing of the applications to ensure compliance with the City's Landscaping Design Policies, engineering standards and other policies if the applications are approved.

This Department has no objection to the revised proposed draft plan of subdivision subject to the recommended conditions of draft approval generally outlined in Attachment 5. Section 5.5 of this Report sets out the rationale for this position.

5.5 Basis for Recommendation

This Department has no objection to the approval of the revised applications submitted by the Applicant to amend Zoning By-law 60-94 and for approval of the subject draft plan of subdivision for the following reasons:

- (a) The proposed development (including single detached dwellings, street townhouse dwellings, low and medium density residential blocks for block townhouses, parkettes, an elementary school, a community use block and a mixed use block) at this location is consistent with the Provincial Policy Statement and conforms with the Provincial Growth Plan;

- (b) The proposed development conforms with the Durham Regional Official Plan, the O.O.P. and the Kedron Part II Plan;
- (c) The proposed development contributes to a range of housing types in the area;
- (d) The proposed development provides multiple opportunities for active transportation through the provision of sidewalks, a walkway block, recreational trails, multi-use paths, cycling lanes and cycling routes;
- (e) The design of the subdivision is appropriate for the Subject Site and the proposed development can be designed to be compatible with existing and planned surrounding land uses;
- (f) The draft plan incorporates the natural heritage feature on the Subject Site (creek valley) and a pipeline corridor which will be conveyed to the City at no cost;
- (g) The draft plan incorporates three parkette blocks which will be conveyed to the City at no cost;
- (h) The Region of Durham and the Central Lake Ontario Conservation Authority have no objection to the applications; and,
- (i) The proposed development represents good planning.

6.0 Financial Implications

Based on the approval of the Kedron Part II Plan, the City has effectively assumed that there will be certain capital costs related to the construction of arterial and collector roads and finishing the development of the parkettes.

The above costs would be funded through Development Charges.

There will be long-term maintenance costs associated with the proposed development (e.g. maintenance of the roads, walkway, parkettes, open space valley lands and pipeline corridor).

7.0 Relationship to the Oshawa Strategic Plan

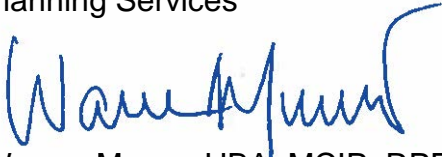
The Recommendations in this Report advance the Economic Prosperity and Financial Stewardship, Social Equity and Environmental Responsibility goals of the Oshawa Strategic Plan.




Anthony Ambra, P.Eng., Director,
Engineering Services

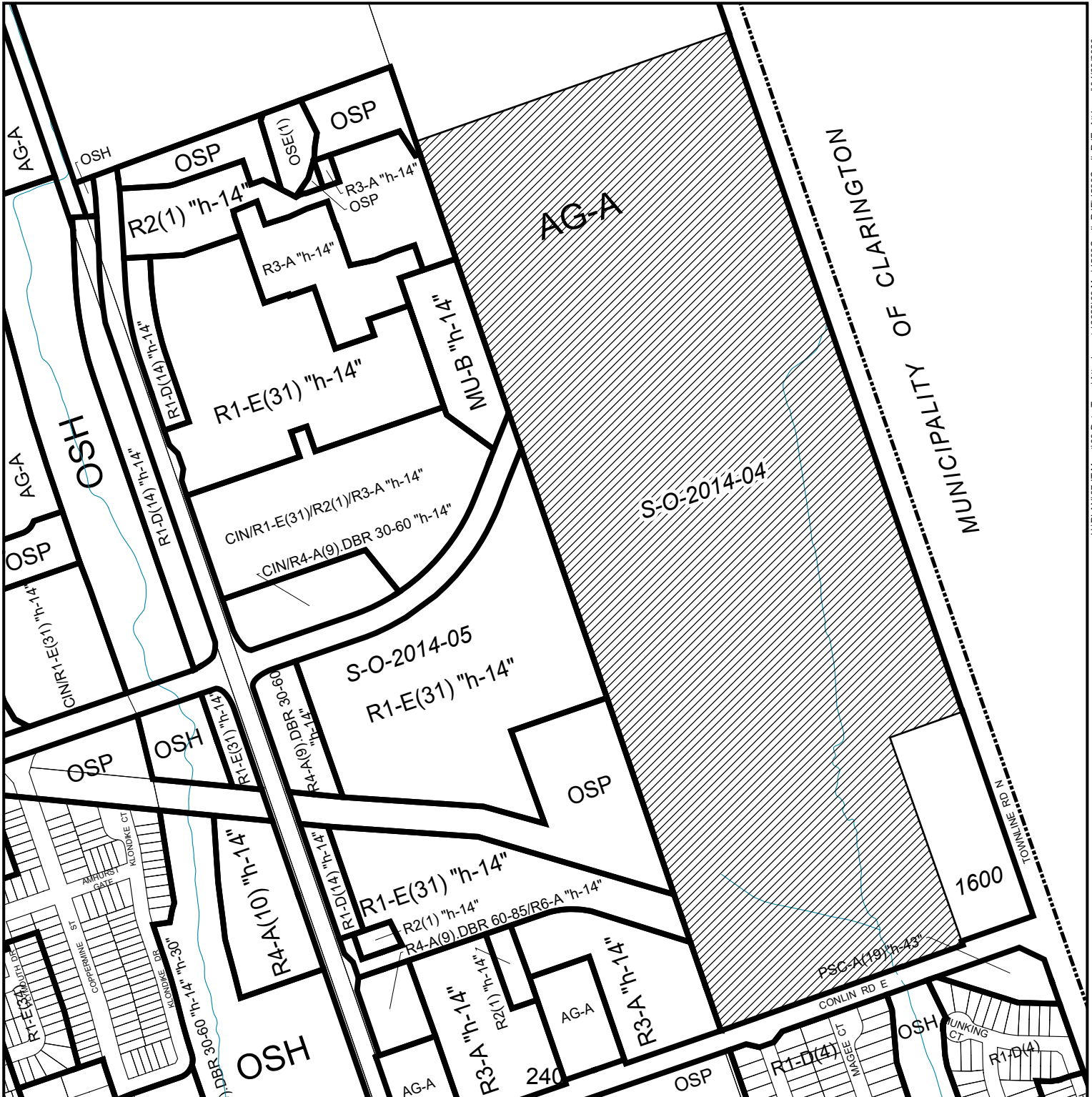


Tom Goodeve, M.Sc.Pl., MCIP, RPP, Director,
Planning Services

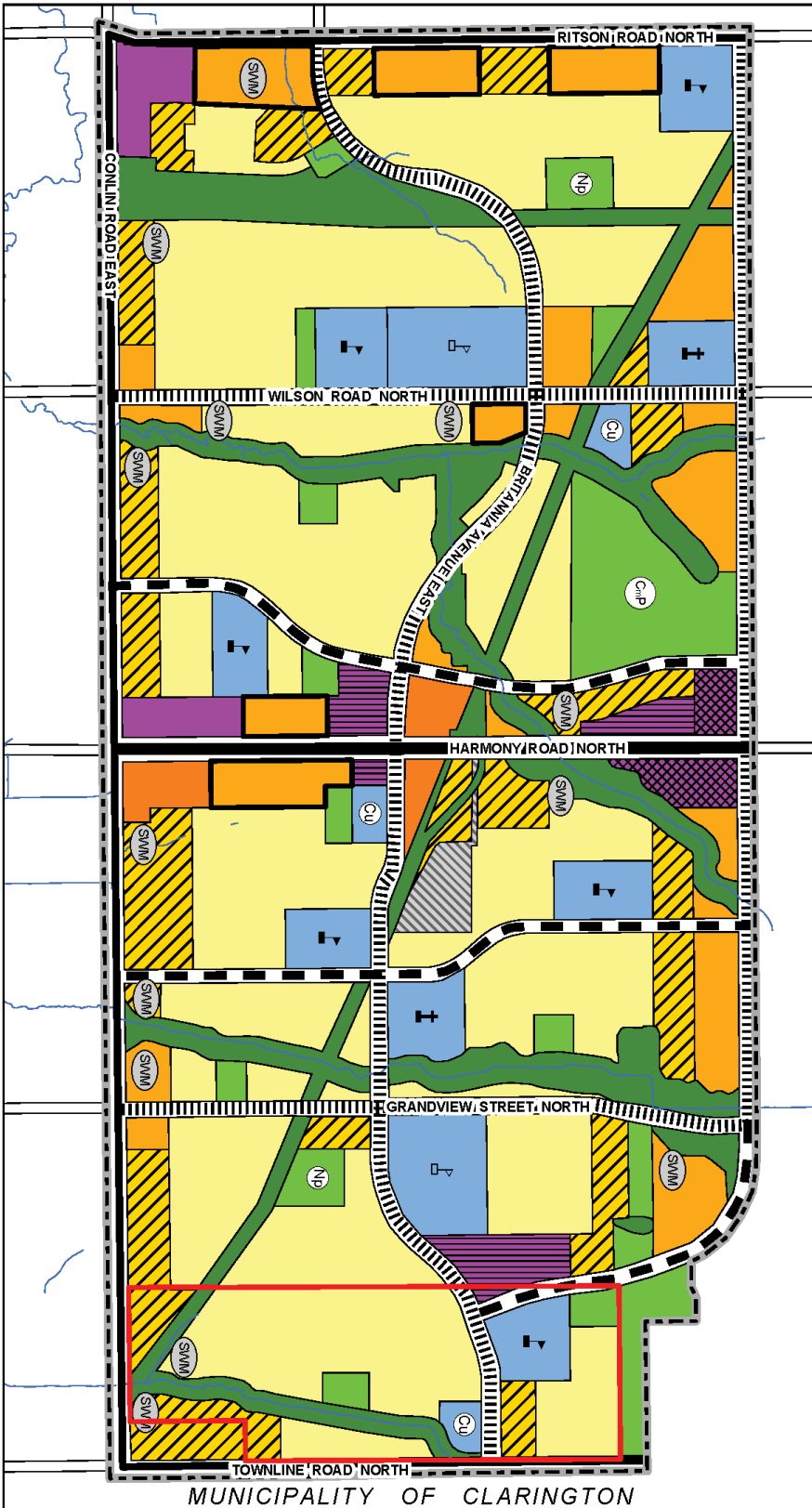


Warren Munro, HBA, MCIP, RPP, Commissioner,
Economic and Development Services Department

Subject Site 



Title: Kedron Land Use and Road Plan from the Kedron Part II Plan showing the location of the Subject Site
 Subject: Revised Applications to Amend Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision (S-O-2014-04),
 1500 Conlin Road East, Regia Enterprise Inc./Schleiss Development Company Limited
 Ward: Ward 1
 File: S-O-2014-04, Z-2014-03
 Subject Site



Schedule 'A'
Kedron Land Use and Road Plan
 Part II Plan for the Kedron Planning Area

July 2022
 Development Services
 Department

0 50 100 200 300 Meters

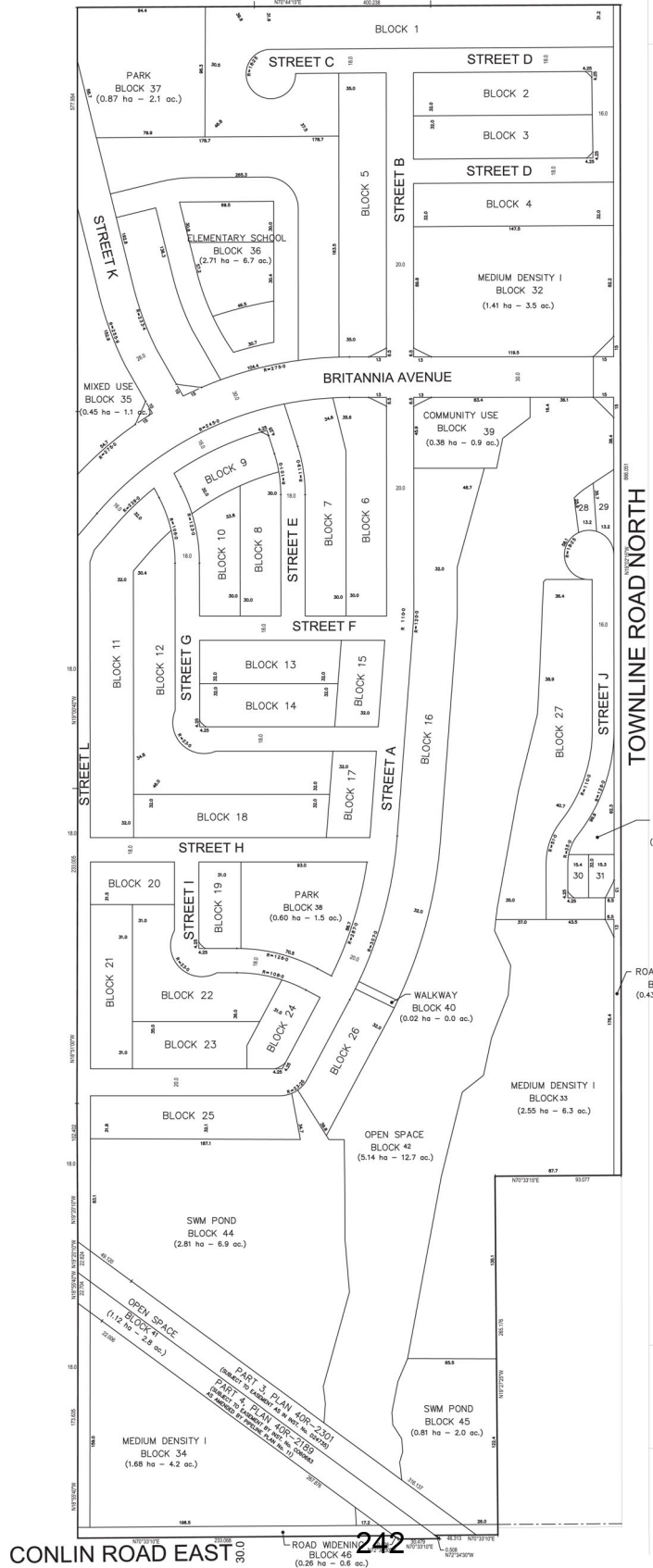
Legend

Residential	Parkette	Mixed Use I
Low Density Residential	Open Space and Recreation	Mixed Use II
Medium Density I Residential	Schematic Diversion Channel	Transportation
Medium Density II Residential	Community Use	Type 'A' Arterial Road
High Density I Residential	Public Elementary School	Type 'B' Arterial Road
Subject to Policy 8.7.4.9 in Kedron Part II Plan	Public Secondary School	Type 'C' Arterial Road
Open Space and Recreation	Separate Elementary School	Collector Road
Neighbourhood Park	Community Use	Stormwater Management Facilities
Community Park	Mixed Use	Kedron Part II Plan Boundary
	Mixed Use Node	Utilities

Title: Original Proposed Draft Plan of Subdivision S-O-2014-04
Subject: Revised Applications to Amend Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision (S-O-2014-04), 1500 Conlin Road East, Regita Enterprise Inc./Schleiss Development Company Limited
Ward: Ward 1
File: S-O-2014-04, Z-2014-03

Item: ED-23-82
Attachment 3

City of Oshawa
Economic and Development Services

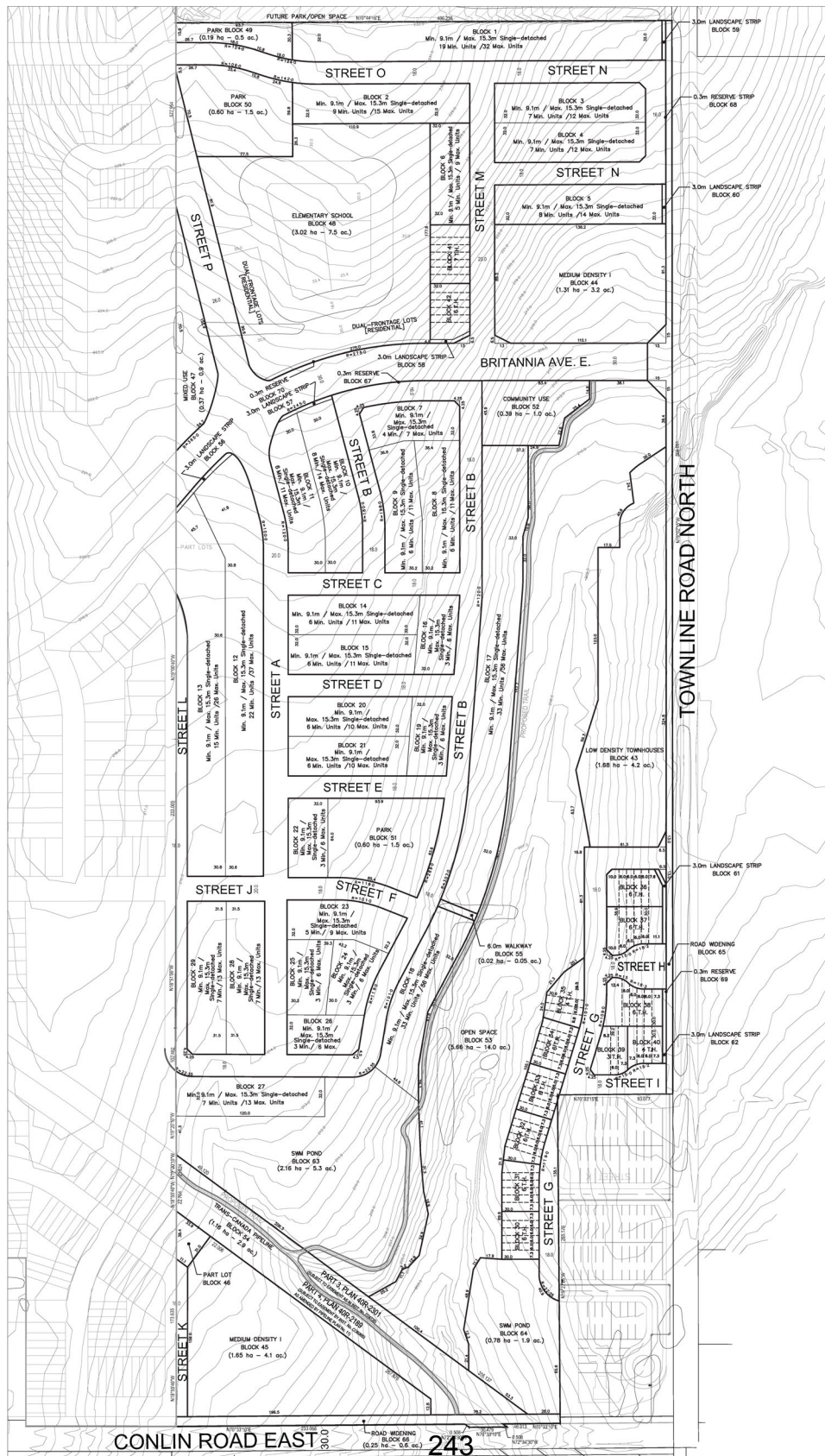


Title: Revised Proposed Draft Plan of Subdivision S-O-2014-04
Subject: Revised Applications to Amend Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision (S-O-2014-04), 1500 Conlin Road East, Regita Enterprise Inc./Schleiss Development Company Limited
Ward: Ward 1
File: S-O-2014-04, Z-2014-03

Item: ED-23-82

Attachment 4

City of Oshawa
Economic and Development Services



CONLIN ROAD EAST 300 243

City of Oshawa Conditions of Approval for Draft Plan of Subdivision S-O-2014-04
Last date of revision February, 2023 by Regita Enterprise Inc./Schleiss Development Company Limited

A. General

1. The final 40M plan for registration shall show the following:
 - (a) All single detached lots shall have a minimum frontage of nine (9) metres measured at the street line. This may be varied by the Director of Planning Services as appropriate.
 - (b) All street townhouses shall have a minimum lot frontage of six (6) metres measured at the street line. This may be varied by the Director of Planning Services as appropriate.
 - (c) A mix of single detached lot sizes to the satisfaction of Planning Services.
 - (d) Some reconfiguration of lots or blocks may be required if:
 - (i) final engineering for the stormwater management facilities determines that the lands for the facilities must be increased in area or reconfigured in shape to accommodate the volume of post development runoff or to increase the buffer areas from valley lands or environmentally sensitive areas.
 - (ii) as a result of further stormwater management fluvial geomorphological and/or geotechnical slope investigations or if the developable limits or “top of bank” represented on this draft plan has been incorrectly illustrated due to unforeseen circumstances.
 - (iii) final engineering for the lot grading and servicing design impacts building envelopes or it is determined there is a need for rear yard catch basins.
2. The subdivider shall enter into a subdivision agreement with the City to ensure the fulfillment of the City's requirements, financially or otherwise.
3. The subdivider hereby acknowledges that the current City funding practices may change prior to plan registration or development and that the timing of the registration shall be at the City's discretion based on the City's financial ability to fund projects.
4. Any approvals which are required from the Region of Durham, Ministry of the Environment, Conservation and Parks, Ministry of Tourism, Culture and Sport, Ministry of Natural Resources and Forestry, Central Lake Ontario Conservation Authority (“C.L.O.C.A.”), Enbridge, Oshawa Power and Utilities Corporation, TransCanada Pipelines, Enbridge Pipeline, Bell Canada, Rogers Communications Inc., Canada Post, Durham District School Board and any other regulatory authority for the development of this plan be obtained by the subdivider and written confirmation be provided to Engineering Services.

5. A draft of the final 40M plan for registration be submitted to Planning Services for review and comment by all agencies and departments.
6. A draft of the 40R Plans related to engineering matters shall be submitted to Engineering Services with the engineering submission for review and comment.
7. The subdivider shall implement all requirements of the Environmental Impact Study, Master Environmental Servicing Plan, Kedron Major Roads Environmental Assessment, Townline Road Environmental Assessment, Conlin Road East Environmental Assessment, etc., and any other report that has been submitted in support of this Draft Plan application to the satisfaction of the City.
8. The subdivider shall pay for a peer review of any study, report or guideline, if/as required by the City.

B. Engineering Plans/Drawings Required

9. Engineering drawings, including Traffic Management Plans, be prepared in accordance with City policies and requirements including the City's Neighbourhood Traffic Management Guide. Prior to the preparation of the subdivision agreement, the plans and drawings are to be submitted to and approved by Engineering Services. The engineering drawings shall include Utility Co-ordination Plans which illustrate and establish the final design and location of all above-ground and below-ground utility plant and structures that service the plan. Further that the landscape plans, streetscape/architectural control guidelines and urban design guidelines shall be coordinated with engineering drawings and further that the engineering plans shall co-ordinate the driveways, street utility hardware and street trees in order to ensure that conflicts do not exist and street trees are accommodated.
10. In the event that the subdivision agreement is not executed within one (1) calendar year from the date of approval of the engineering drawings, they shall be resubmitted to Engineering Services for approval again prior to execution of the subdivision agreement.

C. Servicing

11. The subdivider acknowledges that authority to provide any subdivision pre-servicing approval, prior to execution of a subdivision agreement, is delegated to the Director of Engineering Services. Pre-servicing, in accordance with the City's design guidelines and standards, will only be considered where it is not possible to execute and register the subdivision agreement in the time frame required to commence servicing for approved engineered services that has otherwise been found to be acceptable with confirmation from all agencies and authorities involved in the conditions set out in the conditions of draft plan approval.
12. The subdivider enter into an agreement with the adjoining developer of the draft plan of subdivision S-O-2014-05 and the adjoining property owner at 1600 Conlin Road East for the equitable sharing of infrastructure costs and land costs serving the subject draft plan S-O-2014-04 and that a copy of fully executed agreement between those parties be provided to Engineering Services.
13. The subdivider shall arrange for, and pay the cost of all services required to service the plan, in accordance with the City policies and requirements.

14. Satisfactory arrangements shall be made for financing the City's share of servicing before the final plan is released for registration.
15. Any Construction activities, including service connections that impact the existing pavement of the surrounding road network will require full restoration by the subdivider to the satisfaction of Engineering Services, and be identified on the engineering drawings.
16. The subdivider shall pay the full cost of the City's services within this plan, including those that may be sized to accommodate the servicing requirements of privately owned property outside the limits of this plan. In addition, any payment received from the subdivider for the services covered by the City's Development Charge By-law, for which this subdivider has paid shall be used to reimburse this subdivider for such services to the extent of this subdivider's cost provided a front-ending agreement is executed in accordance with the requirements of the Development Charges Act.
17. The cost of any City services outside of the plan necessitated by this development to be installed, extended, relocated or altered to provide services across or through adjacent privately owned lands which are subject to a separate draft plan approval to service this plan shall be the responsibility of the subdivider. Furthermore it is the sole responsibility of the subdivider to negotiate with the adjacent land owner(s) and secure appropriate easement(s) and/or lands required, and convey the same to the City at no cost and in a physical and environmental condition acceptable to Engineering Services.

D. Stormwater

18. This development shall comply with City policies and by-laws with respect to stormwater management.
19. A final storm drainage scheme for the lands within and abutting this plan shall be submitted to Engineering Services for approval prior to preparation of the engineering drawings for this subdivision. The engineering design for this plan shall generally follow the storm drainage scheme as described in the submitted Preliminary Stormwater Drainage and Functional Servicing Report, prepared by D.G. Biddle & Associates Limited, revised February 1, 2023.
20. The stormwater management facilities (Blocks 63 and 64) shall be designed, developed and conveyed at no cost to the City.
21. That the subdivider provide a fixed contribution satisfactory to Engineering Services for the long term maintenance and rehabilitation cost of the storm water management facilities. To facilitate fee calculations for each phase of development, the subdivider shall, with the 1st detailed engineering submission, provide a plan that corresponds to the stormwater management report quality calculations, identifying the phased contributing drainage areas/impervious values.
22. That the Subdivider acknowledge that Block 44 will be developed with a privately owned internal road system where the storm sewer servicing can be managed and the overland flow will be drained directly to the creek and the over controls will apply in SWMF #29 as recommended in Preliminary Stormwater Drainage and Functional Servicing Report, prepared by D.G. Biddle & Associates Limited , revised February 1, 2023.

23. The subdivider provides the City with copies of all Operation and Maintenance Manuals for all stormwater management ponds as well as low impact development facilities at the engineering submission stage.
24. The subdivider acknowledges that the full and complete build-out of the Stormwater Management Facility forming Block 64 is dependent on the co-operation of the adjacent property owner to the east (1600 Conlin Road East). The entire Stormwater Management Facility must be developed by one subdivider, must be contained within one set of engineering drawings and must be addressed in one subdivision agreement.
25. The land within the draft plan shall not be unreasonably graded, filled or stripped except in compliance with the City's Site Alteration By-law 85-2006, as amended, or in advance of building activity, so as to cause dust and increased stormwater runoff from the lands resulting in erosion and silting of roads, services, valley lands, creeks and privately owned property. The subdivider shall undertake their work in compliance with Ontario Regulation 406/19 regarding excess fill.

E. Road Design & Details

26. The subdivision acknowledges that development of this Draft Plan or portions of this Draft Plan may be restricted until such time that all necessary arrangements have been made with the adjacent developers (S-O-2014-05 and 1600 Conlin Road East) for the provision of access, as necessary, to the City's satisfaction.
27. All streets and cul-de-sacs, including dedicated corner sight triangles and pavement elbows, shall be designed to City standards.
28. The final plan for registration shall be revised to incorporate the City's minimum road geometric design criteria. The subdivider shall reduce the number of residential building lots or reconfigure some of the lot structure as determined necessary to meet the geometric design criteria.
29. The subdivider shall ensure that all streets properly align with existing and proposed development outside the limits of and abutting this plan. In this regard, the subdivider shall provide written verification to Engineering Services as part of the draft 40M Plan submission, from an Ontario Land Surveyor that the alignment of all streets and their extension outside the limits of this plan will meet the design requirements of the City.
30. Reserves, as may be required by Engineering Services in each phase, be shown on draft 40M plans and conveyed to the City.
31. Any reserves which are required to be dedicated as public highway with the registration of this plan, shall be included in draft of the final 40M plan of subdivision for dedication as public highway or alternatively a by-law shall be prepared for the purpose of dedicating the existing reserve as public highway.
32. The City will close, convey or dedicate any reserves, road allowances or road widenings necessitated by the development of this plan or any road allowance abutting this plan, provided the subdivider has met all of the requirements of the City,

financially or otherwise, subject to the determination of the Commissioner of Economic and Development Services, in this sole discretion.

33. The subdivider acknowledges that current City policy provides consideration of a reduced road allowance width:
 - a. Of eighteen (18) metres provided the road in question services less than 100 units and that the Commissioner of Economic and Development Services shall require the minimum standard 20 metre road allowance width if it is determined that the construction and/or maintenance of the public services within the road allowance is not financially or otherwise feasible; and
 - b. Of sixteen (16) metres for service roads abutting arterial roads or other public lands and, the Commissioner of Economic and Development Services shall require the minimum standard twenty (20) metre or, where necessary, twenty (20) metres plus road allowance in consideration that the final future road grade for Street B has not been concluded/warrants the additional width. Alternatively a wider landscape strip adjacent to the service road may be required.
34. The subdivider is required to pay the full cost of the temporary termination of any street (in the form of a cul-de-sac) to the satisfaction of Engineering Services, and further, that the subdivider acknowledges that the method of termination may restrict the availability of building permits for any lot/block that would be affected by such temporary termination.
35. The final plan for registration shall be revised or that the lot/block structure be altered at the intersection of Britannia Avenue East and Streets A and P to accommodate any additional road allowance as may be required to provide for a roundabout design or other engineering details not yet presented. In this regard, any abutting lots or blocks shall not be developed until such time that the road allowance requirement has been determined. Further that all costs associated with this intersection control feature be borne entirely by the subdivider.
36. That the subdivider pay for all traffic management features as may be determined necessary by the City during the review of the engineering submission for this development. These features will be designed and constructed to the satisfaction of Engineering Services.
37. All streets shall be named to the satisfaction of Planning Services.
38. Streets G, I, K and L together with the related fronting and/or flanking lots and blocks be developed in conjunction with adjacent lands to the satisfaction of the Planning Services.
39. The subdivider shall construct all required bike lanes and multi-use path on Britannia Avenue East and bike routes on Street P within the road allowance to the satisfaction of Engineering Services and at no cost to the City.

F. Studies/Reports/Guidelines Required

Stormwater Report/Functional Servicing Report

40. The subdivider is required to submit for approval a detailed stormwater management report and/or functional servicing report, completed by a water resource engineer, that must address, but is not limited to, the following issues:
- a. Water quality control including design details on pond sizing and forebay sizing;
 - b. The oversizing of any stormwater management facility and storm sewer system to accommodate additional stormwater flows from adjacent development to the East of this plan;
 - c. Major and minor flow routes, their conveyance capacity, including cross-sectional details of roads;
 - d. Erosion and sediment controls;
 - e. Outfall pipe sizing requirements and erosion protection works at the outlet;
 - f. Foundation drain discharge points and flow rates;
 - g. Infiltration potential of the lands using Low Impact Development (LID) Technologies;
 - h. Floodplain mapping to review floodplain limits by re-running the Hec-Ras model using the new flows based on this development;
 - i. Groundwater condition of the stormwater management facility block(s);
 - j. Water ponding depth within the roadways;
 - k. Maintenance/operating manual for the stormwater management facility(ies);
 - l. Long term monitoring plan to confirm pond design and assess the performance of the facility(ies);
 - m. In regards to the area to the north where the major system is proposed to discharge uncontrolled to Harmony Creek, the Conceptual Lot Grading Plan does not match Figure 3 and 4 in the FSSR on Townline Road. The drainage figures show a high point on Townline Road which is not shown on the Grading Plan. Please ensure, at the engineering stage, that the Grading Plan is consistent with the SWM scheme shown in the FSSR;
 - n. Further details on how the major/minor system split will be and achieved and the design of the discharge location of the major system directly to Harmony Creek should be provided at the engineering stage;
 - o. The downstream impact analysis should compare proposed flows to the existing flows presented in Table 2.1 of the Kedron MESP; and,
 - p. Drainage Area 14 is modelled as a NASHYD in the VO modelling and on the drainage figures it shows an imperviousness of 0%. As this area is proposed to be park, it should be modelled as STANDHYD with the corresponding imperviousness reflected in the model. Please ensure this area is updated at the engineering stage.

Furthermore, the subdivider is required to implement and bear the cost of all the necessary stormwater features/works recommended in the said report.

Hydrogeological

41. The subdivider shall submit for review and approval a Hydrogeological Assessment report to Engineering Services, completed by a licensed hydrogeological engineer, that may be included in a Soils/Geotechnical Report that addresses, but not be limited to, the following issues:
- a. The sizing of the Foundation Drain Collector System (FDC);
 - b. Opportunities to apply low impact development technology within the draft plan;
 - c. Any potential for formation of calcium carbonate buildup in the foundation drains and service connections within this draft plan and provide appropriate remedial measures. Recommended mitigation measures are to be incorporated into the engineering design as per Section 4.4 of the City of Oshawa Engineering Design Criteria Manual;
 - d. The ability to minimize the extent of building footing drains below the seasonal high groundwater table by means of changing the overall design of this development;
 - e. Opportunities to avoid having saturated backyards and/or ponding water situations; and
 - f. The subdivider acknowledges that they will provide all necessary mitigation measures as it relates to ground water seepage at the detailed engineering design stage to ensure that the basements will not be negatively affected by the groundwater seepage.
 - g. The slope stability analysis to ensure that the slope along the Harmony Creek tributary is stable, not only for the purpose of this development but also for the construction of the ponds
 - h. Recommendations on the pond design given that the pond elevations could be lower than the groundwater table
42. The subdivider is required to implement and bear the cost of all the necessary low impact development measures/works recommended in the Hydrogeological Assessment report and submit a Maintenance/Operating Manual for the low impact development measures.

Soils/Geotechnical

43. The subdivider shall complete a soils/geotechnical report and the recommendations of said report shall be implemented as appropriate with the subdivision agreement including those related to municipal services and road structure, and any requirement that development on engineered fill be certified by a licensed geotechnical engineer. This report shall be submitted to Engineering Services for review and acceptance in conjunction with the first engineering submission, together with soils profiles plotted on a separate set of the engineered construction drawings. The report must also include an orientation map illustrating the lots affected by any proposed engineered fill recommendations.

Soil Management

44. The subdivider shall complete a soil management report for implementation by a licensed geotechnical engineer. This report shall be submitted to Engineering Services for review and acceptance in conjunction with the Site Alteration Permit.

Fluvial Geomorphological

45. The subdivider shall retain a qualified professional to complete, submit and receive approval for a Fluvial Geomorphological Assessment report for the eastern branch of the Harmony Creek to determine the extent of the creek works (internally and externally) that is required to be completed to accommodate this development. Further, the subdivider shall carry out and bear the cost of all the necessary creek work recommended in the said report.
 - (a) The proposed outfall locations, alignment and design must be reviewed by a fluvial geomorphologist and any recommendations shall be incorporated into the engineering plans.
 - (b) The Fluvial Geomorphological Assessment report shall include the proposed creek re-alignment works at Townline Road North as shown Drawing XS-2 prepared by D.G. Biddle and Associates Limited dated May 2018.

Stream Corridor Protection Limits

46. The subdivider shall revise and re-submit to Engineering Services the Stream Corridor Protection Limits report for the east branch of the Harmony Creek branch that must address, but not be limited to, the following issues;
 - a. Flooding hazard limits;
 - b. Erosion hazard limits;
 - c. Fisheries buffers;
 - d. Stream corridor protection limits; and
 - e. Stream works downstream of the Townline Road North creek crossing.

Furthermore, the subdivider is required to implement and bear the cost of all necessary works recommended in the said report or as negotiated with the downstream landowners.

Record of Site Condition

47. The subdivider agrees to retain a licensed geo-environmental engineer to verify, to the satisfaction of the City and the Region of Durham that the site has been made suitable for the proposed uses. A Record of Site Condition ("R.S.C.") acknowledged by the Ministry of the Environment, Conservation and Parks ("M.E.C.P.") shall be required to be submitted to Planning Services prior to final approval, any site disturbance and/or registration, if required by the Region of Durham's Site Contamination Protocol.

Traffic Management

48. The subdivider shall retain a licensed traffic engineer to complete a traffic management report which details any required feature for design, operation and construction of all Streets in the plan and that the report be submitted to Engineering Services for review and acceptance as part of the engineering plans package. The traffic management measure shall be implemented to Engineering Services satisfaction at the subdivider's cost.

Noise

49. Prior to the preparation of the subdivision agreement and as part of the first engineering submission the subdivider agrees to retain a licensed acoustical engineer to complete and submit to Planning Services for review and acceptance a noise impact study which addresses the impact of noise generated from road traffic, and/or the surrounding land uses and is based on the detailed grading of the site to the satisfaction of Planning Services. Further, the subdivider shall implement the recommendations for noise controls at no cost to the City, confirm that the implemented noise mitigation features(s) is/are in compliance with the M.E.C.P. standards and provide the necessary warning clauses.

Streetscape/Architectural Control Guidelines

50. Prior to offering any model/property for sale, the subdivider shall engage a control architect, satisfactory to Planning Services. This control architect will complete and submit to Planning Services for review and acceptance streetscape/architectural control guidelines which are satisfactory to Planning Services, approve all models offered for sale and certify that all building permits plans comply with the City approved guidelines.

Urban Design Guidelines

51. Prior to preparation of the subdivision agreement, the subdivider shall engage an urban design and landscape architect, satisfactory to Planning Services, to complete and submit urban design guidelines for lands adjacent to Conlin Road East to Planning Services for approval.

Tree Inventory and Assessment

52. Prior to issuance of a site alteration permit, the subdivider shall engage a certified arborist to complete a tree inventory and assessment to the satisfaction of Parks Planning and Development and Planning Services. The tree inventory and assessment shall be submitted to Planning Services.

Archaeological Study

53. Prior to issuance of a site alteration permit or any other soil disturbance, the subdivider shall undertake an archaeological study by a licensed archaeologist to be reviewed by the Ministry of Tourism, Culture and Sport, and entered into the Ontario Public Register of Archaeological Reports and correspondence documenting this review and acceptance to be submitted to Planning Services.

G. Phasing

54. If this subdivision is to be developed by more than one registration, an overall development and phasing plan must be submitted and approved by Planning Services and Engineering Services prior to the first submission of engineering drawings, to ensure an adequate street pattern and servicing scheme prior to preparation of the engineering drawings. Engineering drawings will not be accepted until the phasing plan has been submitted and approved.
55. The use of temporary emergency access locations is discouraged. The need for temporary emergency access locations shall be reviewed to determine alternative phasing and inclusion of other portions of the approved road network of the draft plan.

H. Lots

56. The lot pattern for those blocks and street shown on the plan for residential development must be detailed on the engineering drawings and draft 40M Plan to properly assess requirements for items such as municipal infrastructure, individual servicing and utility coordination.
57. The residential lots/blocks shown on the School Block 48 are not approved.

I. Street Lighting

58. The subdivider shall implement the same decorative street lighting standard used on the adjacent lands (within adjacent draft plan S-O-2014-05) and further agrees to pay for any additional costs associated with the street lighting upgrades.

J. Utility Easement & Blocks

59. The City will grant any easements required for utilities, stormwater management and servicing on City-owned lands necessitated by the development of the plan and relinquish any redundant easements, provided the subdivider has met all the requirements of the City, financially or otherwise.
60. The subdivider shall grant free of charge any easements or blocks required for servicing and the conveyance of overland flows. Easements shall be in a location and of a width as determined by Engineering Services and/or the Region of Durham and be granted upon request at any time after draft approval of the plan.
61. The final plan for registration shall include and accommodate Block(s) and easement(s) required to facilitate the installation of any utility services which cannot be accommodated in any City right-of-way to the satisfaction of Engineering Services.

K. Private Wells and Septic Systems

62. Prior to the preparation of engineering drawings for development of Blocks 30 to 40 and 43 and 64 the subdivider shall undertake to an investigation of any possible interference with existing private sewerage disposal systems for the existing single detached dwellings at 1600 Conlin Road East and 2101 Townline Road North. Should there be a conflict, satisfactory arrangements shall be made to provide

alternate services to the affected properties to the satisfaction of Building Services and the Region of Durham.

63. The subdivider shall provide property owners with private well systems in the area surrounding the Draft Plan with a copy of the Region of Durham Well Interference Policy.

L. Driveways

64. The location of all driveways shall maintain a minimum one (1) metre clearance from all above ground utility structures or other like apparatus where practical to the satisfaction of Engineering Services.
65. Under conditions where the right-of-way of the road is less than twenty (20) metres and there is no sidewalk on that side of the road, a plan shall be submitted to the satisfaction of Engineering Services showing the proposed siting of the buildings on lots which indicate the length of the driveway leading to a private garage, which is to be fitted with a roll-up type door, and which has a minimum length of seven (7) metres from the street line to the garage.
66. The subdivider shall provide roll-up type garage doors where the front yard setback to the garage is seven (7) metres or less.

M. Future Development Blocks

67. Blocks 13, 33, 46 and 47 shall be developed in conjunction with adjacent lands to the satisfaction of Planning Services.

N. Creeks/Valleys/Environmental Features

68. That any approval in relation to stormwater management, erosion control and any works required within the east branch of the Harmony Creek Valley shall be obtained by the subdivider from Engineering Services and the Central Lake Ontario Conservation Authority ("C.L.O.C.A.").
69. The Open Space Block 53 shall be conveyed to the City at no cost and in a physical condition acceptable to Parks Planning and Development, Planning Services and Engineering Services. The Open Space Block shall be modified as necessary, to include all lands below top of bank, all natural hazard lands related to the valley, all wetland buffers areas, fisheries buffers, drip lines and lands above top of bank required for a recreational trail, buffers, maintenance access and/or erosion allowance access, if determined necessary by Parks Services, Planning Services and Engineering Services.

O. Walkways

70. Block 55, shall be conveyed, designed and constructed to City standards, at no cost to the City.
71. The subdivider shall demonstrate that any walkway block for the provision of overland flow has a sufficient width to convey the major overland flow and is prepared to reduce or reconfigure the number of residential building lots as determined necessary. In this regard, any abutting lots or blocks shall not be

developed until such time that an adequate width of the walkway block has been confirmed.

P. Landscaping

72. Landscape plans shall be submitted to Planning Services no later than the second submission of engineering plans (detailed design) for each phase.
73. This development shall comply with the City's Landscaping Design Policies and requirements. Without limiting the generality of the foregoing, the subdivider shall prepare and coordinate the landscape plans with the engineering drawings to the satisfaction of Planning Services and Engineering Services. The following shall be submitted to Planning Services:
 - a. The landscape submission shall include, but is not limited to:
 1. Landscape strip block(s);
 2. Stormwater Management Facilities;
 3. Stormwater outfalls;
 4. Channel design;
 5. Round-a-bout(s) and medians;
 6. Preservation/protection of existing site features and vegetation;
 7. Restorative/enhancement planting for the open space blocks;
 8. Compensation planting;
 9. Park concept and grading for the parkette blocks;
 10. Street tree planting;
 11. Fencing; and
 12. Recreational trails outside of road right-of-ways.
 - b. A statement from a Landscape Architect shall certify that the measures employed to promote the preservation of existing site features and vegetation are appropriate.
74. The subdivider will undertake to the satisfaction of Planning Services and Engineering Services and at no cost to the City:
 - a. The design and installation of landscaping in any new channel be to the satisfaction of Planning Services in Blocks 53;
 - b. The installation of landscaping, fencing and drainage facilities in the landscape strips;
 - c. The design and construction to finished asphalt of all recreational trails and structures outside of the road allowances in the draft plan of subdivision;
 - d. The construction of the roundabouts and medians, including the installation of landscaping and drainage facilities as necessary;
 - e. The installation of enhancements and restoration planting in the open space blocks;
 - f. The installation of fencing of open space lands where adjacent to lots/blocks; and,
 - g. The installation of street trees, in accordance with the City standards and requirements.

75. The subdivider shall design and construct at no cost to the City, the finished asphalt of recreational trails and all structures deemed necessary to achieve the connection/crossing including lighting through Open Space Block 54 to the satisfaction of Planning Services and the design shall be submitted as part of the landscape submission to Planning Services.
76. Any blocks required for a landscape strip shall be conveyed to the City at no cost, in an acceptable physical condition. Any landscape strip block shall be of sufficient width to permit the landscape strip not to exceed a 4:1 slope or other slope acceptable to Planning Services. If the landscape strip abuts a service road an alternative slope suitable to the design may be considered through the coordinated submission of engineering and landscape plans.
77. The subdivider shall provide a fixed payment through the subdivision agreement (10% of the estimated cost of the construction item) to provide for the long term maintenance and rehabilitation of items such as entrance features, walls and enhancements to fences, which exceed City standards and which are requested by either the subdivider or the City.
78. The subdivider shall deposit with the City a public lands damage deposit and monetary security in amounts to be specified in the subdivision agreement as determined by Planning Services. This shall ensure that the public lands are not damaged and that certain site improvements, landscaping, fencing and vegetation preservation, in accordance with the approved conditions and plans, are carried out.

Q. Parkland

79. Parkette Blocks 49, 50 and 51 shall be conveyed to the City at no cost, in a physical condition acceptable to Planning Services to satisfy in part of the parkland provisions of the Planning Act. Cash-in-lieu of parkland shall be provided to satisfy the balance of the parkland dedication provisions of the Planning Act at a rate of 5% for the entire Draft Plan, save and except for Blocks 43, 44 and 45 and 47 for which cash-in-lieu of parkland will be paid at the time of the issuance of building permits, to the satisfaction of the Commissioner of Economic and Development Services.
80. The subdivider shall undertake, at no cost to the City, the grading, sodding, fencing and installation of the drainage facilities in the Parkette Blocks 49, 50 and 51 in accordance with the approved plans or in lieu of undertaking the actual work the City may accept at its discretion, an appropriate fixed payment to the City.
81. The subdivider shall be advised that it may request permission from Council to fully "finish" the park, including any facilities and appropriate park furniture, as an alternative to waiting for the City to "finish" the park. The subdivider's request must include the proposed timing of full park construction, the costs to the City and a proposed method and timeline for reimbursement by the City. The subdivider's request is to be made to the Commissioner of Economic and Development Services who shall report to Committee and Council on the request. The subdivider is advised that the timing of the finishing of the park is at Council's discretion and that Council cannot at this time, commit to the approval of any request by the subdivider to "finish" the park on the City's behalf.

R. Endangered/Threatened Species

82. The subdivider shall carry out all required measures and works required by the Ministry of Natural Resources and Forestry ("M.N.R.F.") and M.E.C.P. with regard to the Species at Risk ("S.A.R.") (Endangered Species Act, 2007) known to inhabit the property, if any. No demolition or disturbance of habitat in accordance with M.N.R.F. and M.E.C.P. requirements shall commence prior to a copy of a clearance letter from the M.N.R.F. and M.E.C.P. being received by Planning Services.

S. Zoning

83. The Zoning By-law shall be appropriately amended in order to implement the draft plan.

T. Construction Access and Haul Route

84. The heavy construction access and haul route shall be approved by Engineering Services. Details regarding the proposed location of the construction access and haul route shall be submitted to Engineering Services prior to the first submission of the engineering drawings. Engineering drawings will not be accepted until the heavy construction access and haul route has been approved.

Excerpts from the Minutes of the Development Services Committee Meeting held on February 8, 2016

Application 4: DS-16-19

Delegations

No public comments were received.

Correspondence

Moved by Councillor Pidwerbecki,

“That Correspondence DS-16-30 from Coleen Dennis submitting comments in opposition to the applications to amend Zoning By-law 60-94 and for approval of a draft plan of subdivision (S-O-2014-04) at 1500 Conlin Road East submitted by Regita Enterprise Inc./Schleiss Development Company Limited be added to the agenda.” Carried on 2/3 Vote of Members Present

DS-16-30 Coleen Dennis – Submitting Comments in Opposition to the Applications to Amend Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision (S-O-2014-04), 1500 Conlin Road East, Regita Enterprise Inc./Schleiss Development Company Limited

Moved by Councillor Pidwerbecki,

“That Correspondence DS-16-30 from Coleen Dennis submitting comments in opposition to the applications to amend Zoning By-law 60-94 and for approval of a draft plan of subdivision (S-O-2014-04) at 1500 Conlin Road East submitted by Regita Enterprise Inc./Schleiss Development Company Limited, be referred to staff.” Carried

Report

DS-16-19 Applications to Amend Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision (S-O-2014-04), 1500 Conlin Road East, Regita Enterprise Inc./Schleiss Development Company Limited

Moved by Councillor Pidwerbecki,

“That pursuant to Report DS-16-19 dated February 3, 2016, the applications submitted by Regita Enterprise Inc./Schleiss Development Company Limited to amend Zoning By-law 60-94 (File: Z-2014-03) and for approval of a draft plan of subdivision (File: S-O-2014-04) to permit the development of single-detached dwelling lots, medium density residential, a mixed-use block, an elementary school block, a walkway block, parkette blocks, stormwater management blocks, open space blocks and new arterial, collector and local roads at 1500 Conlin Road East be referred back to the Development Services Department for further review and the preparation of a subsequent report and recommendation. This referral does not constitute or imply any form or degree of approval.” Carried

To: Economic and Development Services Committee

From: Warren Munro, HBA, MCIP, RPP, Commissioner,
Economic and Development Services Department

Report Number: ED-23-84

Date of Report: April 12, 2023

Date of Meeting: April 17, 2023

Subject: Revised Proposed New Telecommunication Tower and Related
Equipment, 900 Colonel Sam Drive, SpectraPoint Inc. on behalf
of Rogers Communications Inc. and R. Knocker & Son Paving
Contractors Ltd.

Ward: Ward 5

File: SPA-2022-09

1.0 Purpose

The purpose of this Report is to provide a recommendation on a revised telecommunication tower proposal by SpectraPoint Inc. as agent on behalf of Rogers Communications Inc. ("Rogers") as applicant and R. Knocker & Son Paving Contractors Ltd. as owner at 900 Colonel Sam Drive (the "Subject Site").

Rogers proposes to erect a 35 metre (114.83 ft.) high monopole telecommunication tower with related at-grade equipment and fencing on the Subject Site.

The Subject Site is owned by R. Knocker & Son Paving Contractors Ltd. (the "Owner"). Rogers proposes to lease from the Owner a 10 metre (32.81 ft.) by 10 metre (32.81 ft.) area to erect a 35 metre (114.83 ft.) high monopole telecommunication tower and related equipment, which will be fenced.

Attachment 1 is a map showing the location of the Subject Site, the location of the proposed telecommunication tower within the Subject Site and the existing zoning in the area.

Attachment 2 is a copy of the Site Selection Report submitted by SpectraPoint Inc. on behalf of Rogers.

Attachment 3 is a revised site plan, including an elevation plan, submitted by SpectraPoint Inc. on behalf of Rogers indicating a 35 metre (114.83 ft.) high monopole telecommunication tower.

Attachment 4 is a copy of the City's Telecommunication Policy as approved by Council.

Attachment 5 is a copy of comments received from the Canadian Wildlife Service.

A public meeting was held on June 6, 2022 in accordance with Council's Telecommunication Policy. At the conclusion of the public meeting, the Development Services Committee directed staff to further review and prepare a subsequent report and recommendation back to the Economic and Development Services Department. The minutes of the public meeting form Attachment 6 to this Report.

Subsequent to the June 6, 2022 public meeting, the Applicant revised the proposal. The key differences between the proposal considered at the June 6, 2022 public meeting (see Attachment 2) and the revised proposal (see Attachment 3) are as follows:

- The height of the tower has been reduced from 40 metres (131.23 ft.) to 35 metres (114.83 ft.).
- The type of tower has been revised from a lattice tri-pole design to a monopole tower design.

2.0 Recommendation

That the Economic and Development Services Committee recommend to City Council that, pursuant to Report ED-23-84 dated April 12, 2023, the Commissioner of Economic and Development Services be authorized to advise Innovation, Science and Economic Development Canada that the City has no objection to the revised proposal by SpectraPoint Inc. on behalf of Rogers Communications Inc. on lands owned by R. Knocker & Son Paving Contractors Ltd. at 900 Colonel Sam Drive to install a 35 metre (114.83 ft.) high monopole telecommunication tower with related at-grade equipment and fencing, subject to Rogers Communications Inc. addressing such matters as siting and tower design to the satisfaction of the Commissioner of Economic and Development Services (File: SPA-2022-09).

3.0 Executive Summary

Not applicable.

4.0 Input From Other Sources

4.1 Other Departments and Agencies

No department or agency that provided comments on the telecommunication tower proposal has any objection.

The Airport Manager has no objections. However, an application to NAV CANADA is required to ensure that the proposed tower will not impact any current flight procedures and will be listed and identified in all aviation publications and maps. Further, the Airport Manager has identified that the tower must have appropriate lighting.

4.2 Public Comments

The minutes of the June 6, 2022 public meeting form Attachment 6 to this Report.

Planning Services received two pieces of written correspondence from members of the public regarding the proposed telecommunication tower (Correspondence Item DS-22-151).

The key concerns raised at the public meeting and through the above noted correspondence are set out below together with a staff response.

4.2.1 Impact on Migratory Birds

Comment:

Concerns were raised with respect to the impact the proposed tower may have on birds in the area considering the Subject Site's proximity to the Second Marsh and bird migration corridors.

Staff Response:

As a result of the concerns raised by the public regarding the impact of the proposed tower on migratory birds, Planning Services staff contacted the Federal Ministry of the Environment and Climate Change ("E.C.C.C.") for direction since migratory birds are under the purview of E.C.C.C. A copy of the comments received from the Canadian Wildlife Service branch of E.C.C.C. form Attachment 5 to this Report.

The primary hazard for birds associated with telecommunication towers are towers greater than 60 metres (196.85 ft.) in height with guy wires and steady-burning aircraft lighting which attracts and disorients birds during the night. This may lead to increased collisions with towers and guy wires used on larger towers. Flashing light systems do not have the same effect and are safer for birds than steady-burning lights and safer than towers with no lights.

The Airport Manager has advised that a flashing light system or no lighting may be acceptable for airport lighting for the proposed telecommunication tower subject to the approval of NAV Canada and Transport Canada.

The Central Lake Ontario Conservation Authority (C.L.O.C.A.) has no objection to the proposed telecommunication tower subject to the applicant obtaining a C.L.O.C.A. permit and satisfying certain technical matters related to floodproofing at the base of the tower and the associated equipment compound.

The applicant has also reduced the tower height from 40 metres (131.2 ft.) to 35 metres (114.8 ft.) and changed the design from a lattice tri-pole design to a monopole design that would be more visible to birds during the daytime since it would be a solid structure rather than the more open but complex lattice structure. The proposed monopole tower design is a free standing structure that does not require any guy wires.

5.0 Analysis

5.1 General

5.1.1 Oshawa Official Plan and Zoning Provisions for Telecommunication Facilities

Telecommunication facilities are permitted in any land use designation in the Oshawa Official Plan subject to any regulatory requirements. Telecommunication facilities are also permitted in any zone in Zoning By-law 60-94 under the Public Use section provided the proposal conforms to the Oshawa Official Plan.

5.1.2 Innovation, Science and Economic Development Canada

Innovation, Science and Economic Development Canada ("I.S.E.D.C.") approves licences for radio and telecommunication companies to operate and ultimately authorizes and approves the locations of telecommunication antennas and towers.

A goal of I.S.E.D.C. is to find mutually acceptable locations for new antennas or towers. As such, it has defined roles for the City, the telecommunication company and I.S.E.D.C.

For telecommunication tower proposals on private property, the City has an opportunity to influence the location of new antennas and towers, not only from a land use compatibility perspective but from the community's perspective.

However, the City cannot prohibit the installation of a tower or an antenna on private property. It is I.S.E.D.C.'s position that telecommunication facilities licensed by the authority of the Federal Government are not subject to municipal planning regulations such as the Oshawa Official Plan, Zoning By-law 60-94 or site plan control.

Telecommunication companies wishing to establish new towers or antennas must do the following:

- For certain proposed installations, telecommunication providers are required to consult with the City and follow any reasonable land use consultation process established by the City, including public consultation.
- Consult with Transport Canada where applicable to ensure antennas and tower structures comply with painting and lighting requirements for aeronautical safety.
- Ensure that telecommunications facilities operate in a manner that complies with Health Canada's limits of exposure to radio-frequency field emissions.
- If necessary, undertake an environmental assessment to comply with the Canadian Environmental Assessment Act.

Consultation between the City and telecommunication providers is intended to:

- (a) Discuss site options;
- (b) Ensure that local processes related to telecommunication systems are respected;
- (c) Address reasonable and relevant concerns; and,

(d) Obtain City concurrence in writing.

A telecommunication provider is prohibited from starting the installation of a telecommunication system until any required consultation process with the City has been completed or I.S.E.D.C. confirms concurrence with the consultation process undertaken. Consultation responsibilities will normally be considered complete when a telecommunication provider has:

- (a) Concluded consultation requirements with the City;
- (b) Carried out public consultation through the process established by the City; and,
- (c) Addressed all reasonable and relevant concerns.

All consultation is to be completed within 120 days of a telecommunication provider's initial formal contact with the City. Where unavoidable delays are encountered, the City is expected to indicate to the telecommunication provider when a response can be expected to the proposal. If the City is not responsive, the telecommunication provider may contact I.S.E.D.C. Depending on the individual circumstances, I.S.E.D.C. may support additional time or consider the City's consultation process complete.

In the event a telecommunication provider and the City cannot reach an agreement on the location of the telecommunication facility then I.S.E.D.C. can make a decision as to what is appropriate.

5.1.3 Council Policy for New Telecommunication Facilities

The City's policy for new telecommunication facilities was adopted by Council in June 2007 and amended in June 2008 and September 2014. A copy of the current Council policy forms Attachment 4 to this Report. The applicant has submitted a site plan application pursuant to the Council Policy.

5.2 900 Colonel Sam Drive

Rogers is proposing to construct a 35 metre (114.83 ft.) high monopole style telecommunication tower with related at-grade equipment and fencing generally located at the northwest corner of the Subject Site at 900 Colonel Sam Drive.

To the north of the Subject Site is the C.N. Railway mainline, beyond which is the Highway 401 corridor. To the east of the Subject Site is a vacant lot fronting onto Colonel Sam Drive zoned for certain Select Industrial uses and existing uses. To the west of the Subject Site is an industrial use (Lesco Industrial Restoration), also zoned for certain Select Industrial uses and existing uses. To the south of the Subject Site is Colonel Sam Drive, beyond which is the Second Marsh provincially significant coastal wetland.

Rogers has advised that the proposed telecommunication facility is required to improve coverage for the area surrounding the Subject Site. The installation would also provide an opportunity to accommodate future technology services (i.e. 5G) as well as potential co-location with other licensed carriers, helping to reduce the number of future structures in the area. This principle is encouraged by both the City and I.S.E.D.C.

Rogers advises that it investigated the potential to use other sites including other service providers' sites in the area but was unable to find any that met its locational needs in this area.

In accordance with City Council policy, Rogers has submitted a Site Selection Report (see Attachment 2) and a revised site plan for the proposed telecommunication facility (see Attachment 3).

6.0 Financial Implications

There are no financial implications associated with the recommendation in this Report.

7.0 Relationship to the Oshawa Strategic Plan

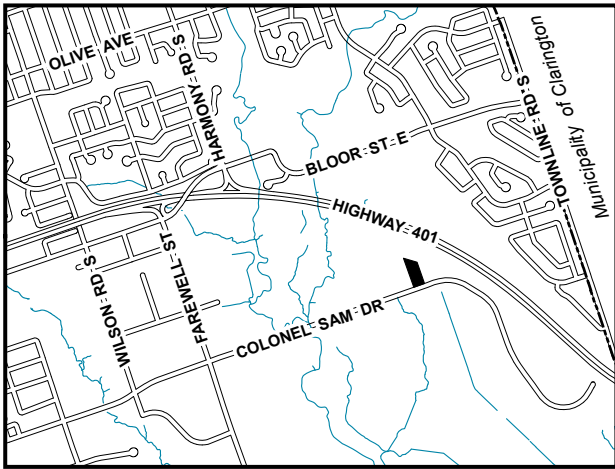
The Recommendation advances the Accountable Leadership goal of the Oshawa Strategic Plan.



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



Warren Munro, HBA, MCIP, RPP, Commissioner,
Economic and Development Services Department



**Item: ED-23-84
Attachment 1**

Economic and Development Services

Subject: Revised Proposed New Telecommunication Tower and Related Equipment, 900 Colonel Sam Drive, SpectraPoint Inc. on behalf of Rogers Communications Inc. and R. Knocker & Son Paving Contractors Ltd.

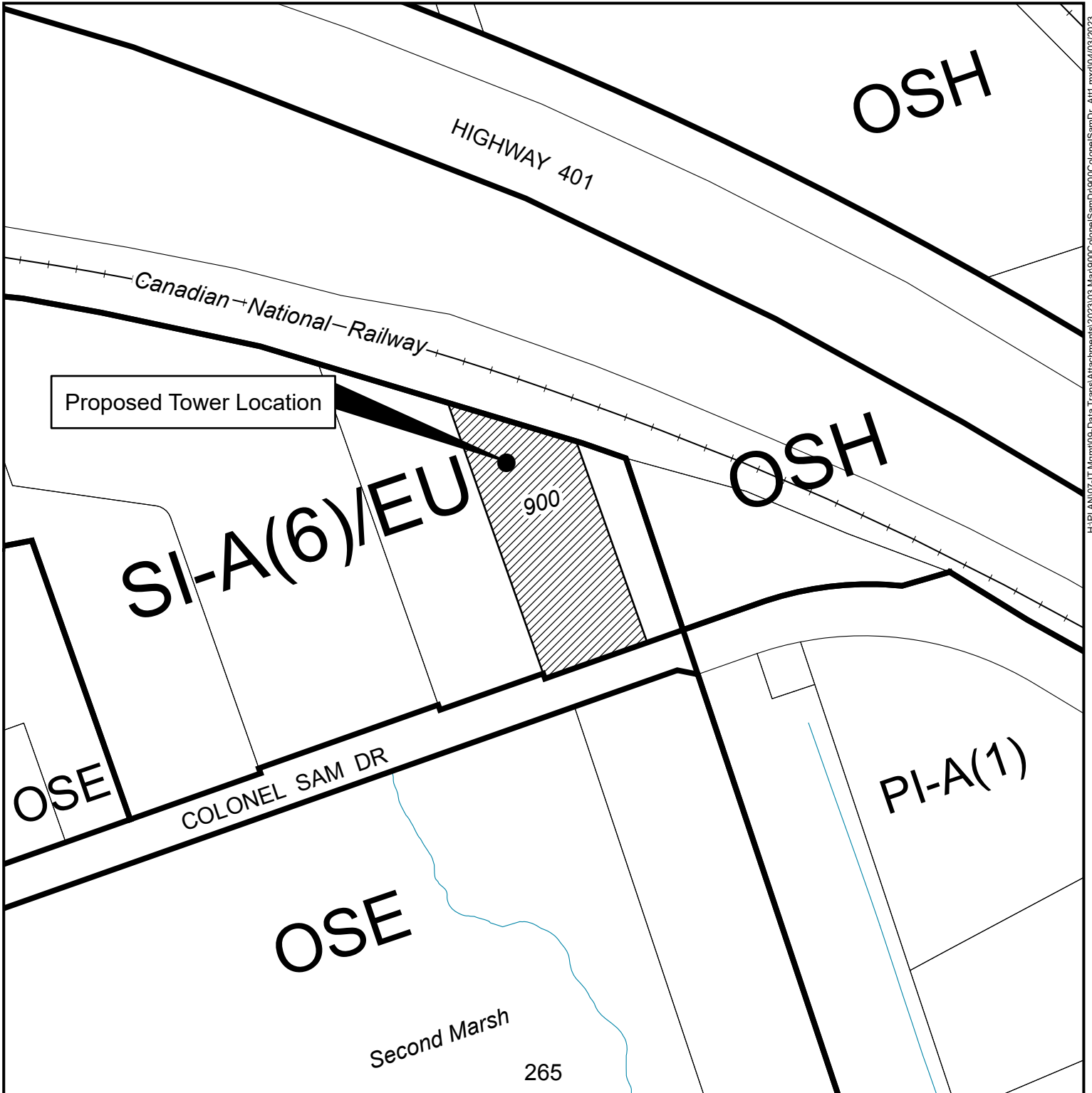
Address: 900 Colonel Sam Drive

Ward: Ward 5

File: SPA-2022-09



Subject Site





Site Selection Report – Wireless Communications Site

Rogers Site Name: C7538

Proposed Location: 900 Colonel Sam Drive Oshawa, Ontario

Wireless Communications Site

Introduction

The on-going increase in the use of wireless devices such as Smart Phones and Tablets for broadband wireless communication and internet access for personal, business and emergency purposes require the development of new wireless communication infrastructure. This includes new antennas and their support structures to meet demands of increased capacity and broadening services areas. Canadians currently use more than 28 million wireless devices daily. More importantly, each year Canadians place more than 6 million calls to 911 or other emergency numbers from their mobile phones.

Rogers Communications Inc. "Rogers" constantly strives to improve coverage and network quality for the sake of their clients. In the recent past, due to subscriber feedback, our Network Planning and Engineering departments have become aware of coverage deficiencies within the general area of south east Oshawa near Colonel Sam Drive.

This document outlines the site selection process in accordance with the requirements of Innovation, Science and Economic Development Canada's Spectrum Management and Telecommunications Policy, CPC-2-0-03, Issue 5 (July 15, 2014) and provides a description of the system associated with the proposed wireless communication installation on property known as 900 Colonel Sam Drive.

Background & Coverage Requirement

The selection of a wireless communications site works similarly to fitting a piece into a puzzle. In this case, the puzzle is a complex radio network, situated in a suburban setting. Client demand, radio frequency engineering principles, local topography and land use opportunities working in concert with one another to direct the geography of our sites.

In order to achieve a reliable wireless network, carriers must provide a seamless transmission signal to alleviate any gaps in coverage. Gaps in coverage are responsible for dropped calls, and unavailable service to clients. Rogers Communications Inc. would utilize the following proposed site location in order to provide high quality network signal for its high-speed wireless voice and data network.

Wireless communication carriers constantly strive to improve coverage and network quality for the sake of their clients. Our current coverage in south east Oshawa is well below our acceptable standards and we need to respond to our customers' requests for improved coverage in these areas.

The site as proposed will achieve the necessary engineering coverage objectives for our network. The proposed location will enhance much relied upon communication services in the area such as EMS Response, Police and Fire; will significantly improve our wireless signal quality for the local residents; those traveling along the major roads as well provide local subscribers with Rogers' 4G wireless network coverage and capacity for products and services such as BlackBerry, iPhone, cellular phone and wireless internet through the Rogers Rocket Stick technology in the surrounding area.

Proposed Site Location

The Subject Property, with an approximate area of 0.4 hectares is known as 900 Colonel Sam Drive, Oshawa, Ontario.

The geographic coordinates for the site are as follows:

Latitude	(NAD83)	N	43° 53' 00.6"
Longitude	(NAD83)	W	78° 48' 53.8"

Figure 1 - Location Map

As shown on Figure 1, the Subject Property is located at a commercial/ industrial site on the north side of Colonel Sam Drive.



Proposed Facility Location

The proposed wireless communication installation will be located on a property known as 900 Colonel Sam Drive, Oshawa, Ontario. The property is currently a commercial/ industrial property.

A copy of Rogers' surveyed site plan has been attached for your reference and information.

Figure 2 – Proposed tower location on subject property is shown with yellow circle in aerial photo below.



Description of Proposed System

As determined by Rogers' radio frequency engineers, Rogers is proposing to construct a 40-metre high (approximately 131.2 feet) Lattice Tri-pole, which will be able to meet our network requirements.

This particular site will be a 3 sectored 1900 UMTS/HSPA & 700/2100/2600 LTE site, for the initial provision of services using (6) antennas, allowing for loading of future LTE and other technologies.

The Lattice Tri-pole design has been used throughout Southern Ontario and is appropriate for suburban areas such as Oshawa. The design, construction and installation of the facility will be consistent with required engineering practices including structural adequacy.

We have included, for your consideration, photo simulations at the end of this report which illustrate the proposed installation from nearby locations and along major roads.

Rogers's installation as proposed will not affect the existing drainage patterns servicing the property's current use.

Access to the installation during construction and for maintenance purposes will be via an existing driveway entrance to the proposed location on the subject property. The site would occupy a compound area of approximately 100 sq. metres, which will include both tower and equipment cabinet location as outlined on the site plan provided. The compound will also contain a walk-in equipment cabinet (WIC) containing radio equipment, backup battery power, maintenance tools, manuals and a first aid kit.

The installation would provide an opportunity to accommodate future technology services as well as potential co-location with other licensed carriers helping reduce the number of future structures in the area, which is encouraged by the City of Oshawa and Innovation, Science and Economic Development Canada.

Co-location Assessment

Rogers Communications Inc. makes every effort to locate cellular sites where they will be the least visually obtrusive and always makes an initial effort to co-locate on existing structures. Apart from being encouraged by Innovation, Science and Economic Development Canada, co-location is one of the cornerstones of Rogers' site development philosophy.

Other potential site locations were evaluated and opportunities to co-locate onto existing structures were investigated. However, the wireless communication structures in the surrounding area that were evaluated are all beyond the distance or below the height required in order to address the coverage deficiencies in the area; are not suitable for our network needs and would not improve our existing signal coverage to the expected quality levels.

As part of our initial site evaluation process Rogers looked for an existing structure in the area, which would be suitable to install antennas. Unfortunately, there are none.

Since there were no suitable structures readily available for co-location to accommodate our network coverage requirements, Rogers Communications Inc. had to consider the construction of its own installation.

A survey of installations in the surrounding area in relation to our proposed site location are illustrated on an aerial shown below - (Figure 3).

Figure 3 – Co-location Map



LEGEND:

Blue pin – Bell Mobility Structure

The tower located east of the proposed location is unsuitable because it is too far from the required coverage area and over capacity.

Photo Simulation

Please refer below for a sample of the installation for your reference (Figure 4). An additional package of viewscales is attached to this report. It simulates the view of the proposed installation from major visible intersections. The process of simulating the proposed facility into the existing conditions of each viewscale was done by superimposing an image of the proposed structure on a photograph taken for each viewscale.

Figure 4 – Sample image of proposed installation



Municipal and Public Consultation Process

Rogers Communications Inc. is regulated and licensed by Innovation, Science and Economic Development Canada to provide inter-provincial wireless voice and data services. As a federal undertaking, Rogers is required by Innovation Science and Economic Development Canada to consult with land-use authorities in siting antenna locations.

The consultation process established under Innovation, Science and Economic Development Canada's authority is intended to allow the local land-use authorities the opportunity to address land-use concerns while respecting the federal government's exclusive jurisdiction in the siting and operation of wireless voice and data systems.

As the provisions of the Ontario Planning Act and other municipal by-laws and regulations do not apply to federal undertakings, wireless communication facilities are not required to obtain municipal permits of any kind. Rogers is however required to follow established and documented wireless protocols or processes set forth by land-use authorities.

The City of Oshawa has developed a protocol for establishing telecommunication facilities in the municipality. Rogers will be pleased to follow City policy for public consultation.

Location of surrounding residential uses

There are no residential dwellings located approximately 120 metres from the proposed installation, as shown in Figure 5 below.

Figure 5 – Surrounding residential dwellings.



Federal Requirements

In addition to the requirements for consultation with municipal authorities and the public, Rogers must also fulfill other important obligations including the following:

Canadian Environmental Assessment Act

Innovation, Science and Economic Development Canada requires that the installation and modification of antenna systems be done in a manner that complies with appropriate environmental legislation. This includes the Canadian Environmental Assessment Act, 2012 (CEAA 2012), where the antenna system is incidental to a physical activity or project designated under CEAA 2012, or is located on federal lands.

Rogers attests that the radio antenna system as proposed for this site is not located within federal lands or forms part of or incidental to projects that are designated by the Regulations Designating Physical Activities or otherwise designated by the Minister of the Environment as requiring an environmental assessment. In accordance with the Canadian Environmental Assessment Act, 2012, this installation is excluded from assessment.

*For additional detailed information, please consult the Canadian Environmental Assessment Act at:
<http://laws-lois.justice.gc.ca/eng/acts/C-15.21/>*

Engineering Practices

Rogers attests that the radio antenna system as proposed for this site will be constructed in compliance with the National Building Code and The Canadian Standard Association, and respect good engineering practices including structural adequacy.

Transport Canada's Aeronautical Obstruction Marking Requirements

Rogers anticipates that the proposed installation will require markings or lighting and will submit the necessary applications to the appropriate parties to obtain required approvals.

In the instance where our structure requires lighting/markings, these requirements would be in compliance with CAR 621 Standards Obstruction Markings. The aforementioned standards provide for:

A combination of a medium intensity flashing white light during the day and steady burning aviation red light and/or flashing aviation red beacons at night

For additional detailed information, please consult Transport Canada at:
<http://www.tc.gc.ca/eng/civilaviation/regserv/cars/part6-standards-standard621-3808.htm>

Health Canada's Safety Code 6 Compliance

Health Canada is responsible for research and investigation to determine and promulgate the health protection limits for Exposure to the RF electromagnetic energy. Accordingly, Health Canada has developed a guideline entitled "Limits of Human Exposure to Radiofrequency Electromagnetic Field in the Frequency Range from 3kHz to 300 GHz – Safety Code 6". The exposure limits specified in Safety Code 6 were established from the results of hundreds of studies over the past several decades where the effects of RF energy on biological organisms were examined.

Radio communication, including technical aspects related to broadcasting, is under responsibility of the Ministry of Industry (Innovation, Science and Economic Development Canada), which has the power to establish standards, rules, policies and procedures. Innovation, Science and Economic Development Canada, under this authority, has adopted Safety Code 6 for the protection of the general public. As such, Innovation, Science and Economic Development Canada requires all proponents and operators to ensure that their installations and apparatus comply with the Safety Code 6 at all times.

Rogers Communications Inc. attests that the radio antenna system described in this notification package will at all times comply with Health Canada's Safety Code 6 limits, as may be amended from time to time,

for the protection of the general public including any combined effects of additional carrier co-locations and nearby installations within the local radio environment. In fact, emissions levels of Roger's wireless communication installations are far below the limits outlined in Safety Code 6.

More information in the area of RF exposure and health is available at the following web site: *Safety Code 6*: http://www.hc-sc.gc.ca/ewh-semt/pubs/radiation/radio_guide-lignes_direct-eng.php and <http://www.hc-sc.gc.ca/ewh-semt/radiation/cons/stations/index-eng.php>

Innovation, Science and Economic Development Canada's Spectrum Management

Please be advised that the approval of this site and its design is under the exclusive jurisdiction of the Government of Canada through Innovation, Science and Economic Development Canada. For more information on Innovation, Science and Economic Development Canada's public consultation guidelines including CPC-2-0-03 Issue 5 contact (<http://www.ic.gc.ca/epic/site/smt-gst.nsf/en/sf08777e.html>) or the local Innovation, Science and Economic Development Canada office at spectrum.toronto@ic.gc.ca:

Toronto District Office

Room 909, 9th Floor

55 St. Clair Ave. E.

Toronto, ON

M4T 1M2

Tel.: 416-973-8215

Fax: 416-954-3553

Email: spectrum.toronto@ic.gc.ca

General information relating to antenna systems is available on Innovation, Science and Economic Development Canada's Spectrum

Management and Telecommunications website (<http://www.ic.gc.ca/epic/site/smt-gst.nsf/en/home>)

Public consultation obligations

Rogers Communications Inc. is committed to effective public consultation. The public will be invited to provide comments to Rogers about this proposal by mail, electronic mail, phone or fax.

Innovation, Science and Economic Development Canada's rules contain requirements for timely response to your questions, comments or concerns. We will acknowledge receipt of all communication within **14 days** and will provide a formal response to the Municipality and those members of the public who communicate to Rogers, within **60 days**. The members of the public who communicated with Rogers will then have **21 days** to review and reply to Rogers a final response.

Conclusion

Access to reliable wireless communications services is of great importance to residents' and travelers' safety and well-being in today's society. Wireless technology has fast become the preferred method of conducting business and personal communications among a large part of the population.

The trend of future telecom is to become truly "wireless", that is the delivery of the voice and data communications via conventional telephone lines, such as telephone poles along streets and roads, will be virtually obsolete. The current wireless infrastructure will be able to meet this trend and still provide a reliable system.

Rogers feels that the proposed site is well located to provide and improve wireless voice and data services in the targeted area. The proposed site is also situated and designed to have minimal impact on surrounding land uses.

Rogers looks forward to working with the City of Oshawa in providing improved wireless services to the community.

Rogers Communications Inc.
Network Implementation

Proponent's Contact Information - Rogers Communications Inc.

SpectraPoint Inc. – Acting as Agent for Rogers Communications Inc.

3307-89 Dunfield Avenue
Toronto, ON M4S 0A4

Contact: William Elder
Site Acquisition Specialist
Phone: 416.726.8555
welder@spectrapoint.ca

PROPOSED
TELECOMMUNICATION INSTALLATION
900 COLONEL SAM DRIVE

PART OF LOT 3
BROKEN FRONT CONCESSION
CITY OF OSHAWA
REGIONAL MUNICIPALITY OF DURHAM



ALEX MARTON LTD.

METRIC
DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN
BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

PART	PART OF LOT	CONCESSION	P.L.A.	AREA sq.m
1				901
2				100
3	3	BROKEN FRONT	16378-2018 (LT)	279
4				49

BEARINGS SHOWN ARE GRID BEARINGS AND ARE DERIVED FROM OBSERVED REFERENCE POINTS (CRPTS) 1 AND 2 BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17, AND 83 (CSRS) (1972.0 EPOCH).

POINT ID	NORTHING	EASTING
ORP 1	481137.09	675506.18
ORP 2	481159.48	675614.09

ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE DERIVED FROM GPS OBSERVATIONS USING REAL TIME NETWORK OBSERVATIONS.

CERTIFY THAT:
THE SURVEY WAS COMPLETED ON THE 23TH DAY OF OCTOBER, 2020.

NOVEMBER 11, 2020

DATE

A. MARTON

AMENDMENTS		 Rogers™	
No.	DESCRIPTION	DATE	
			LATITUDE N43°53'00.6" 43.883504 LONGITUDE W78°48'53.8" -78.814930 ELEVATION 79.3

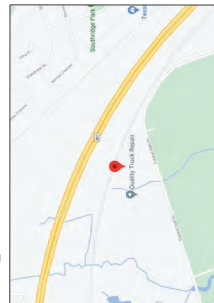
SITE: BLOOR GO STATION (C7538)



PARTY CHIEF : P.C.	FILE NAME: 2020-245(C7536).DWG
DRAWN : F.V.W.	PLOT SCALE: 1:350

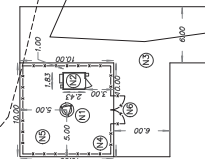


- | | |
|-----|----------------------------------|
| SSB | SHORT STANDARD IRON BAR |
| SSB | DONVAM FLEISCHMANN PETROCH LTD., |
| SSB | NORTH, SOUTH, EAST, WEST |
| SSB | PROPERTY IDENTIFIER NUMBER |
| SSB | CENTRAL LINE |
| SSB | OVERHEAD |
| SSB | CHAIN LINK FENCE |
| SSB | TOP OF BANK |
| SSB | TOPOGRAPHIC BANK |
| SSB | CATCH BASIN |
| SSB | DRAINAGE |
| SSB | ELEVATION ON THE GROUND |
| SSB | DECIDUOUS TREE |

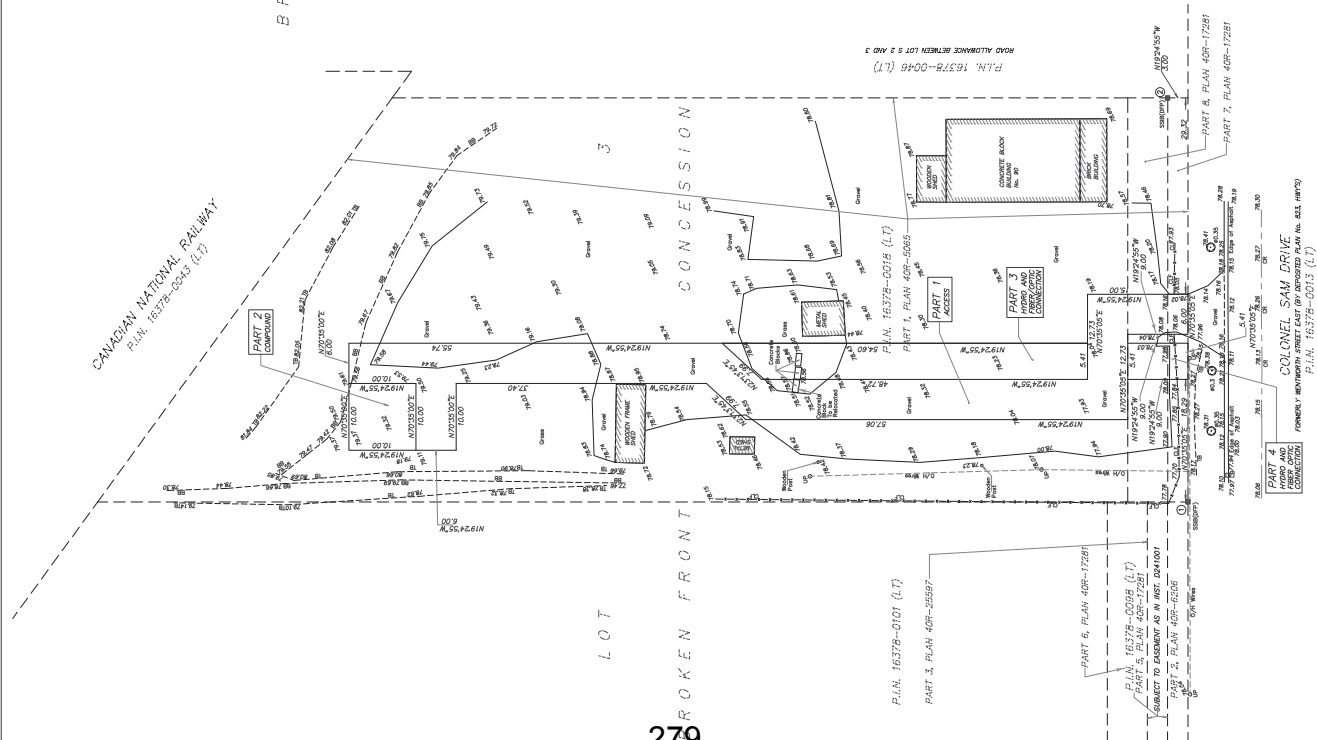


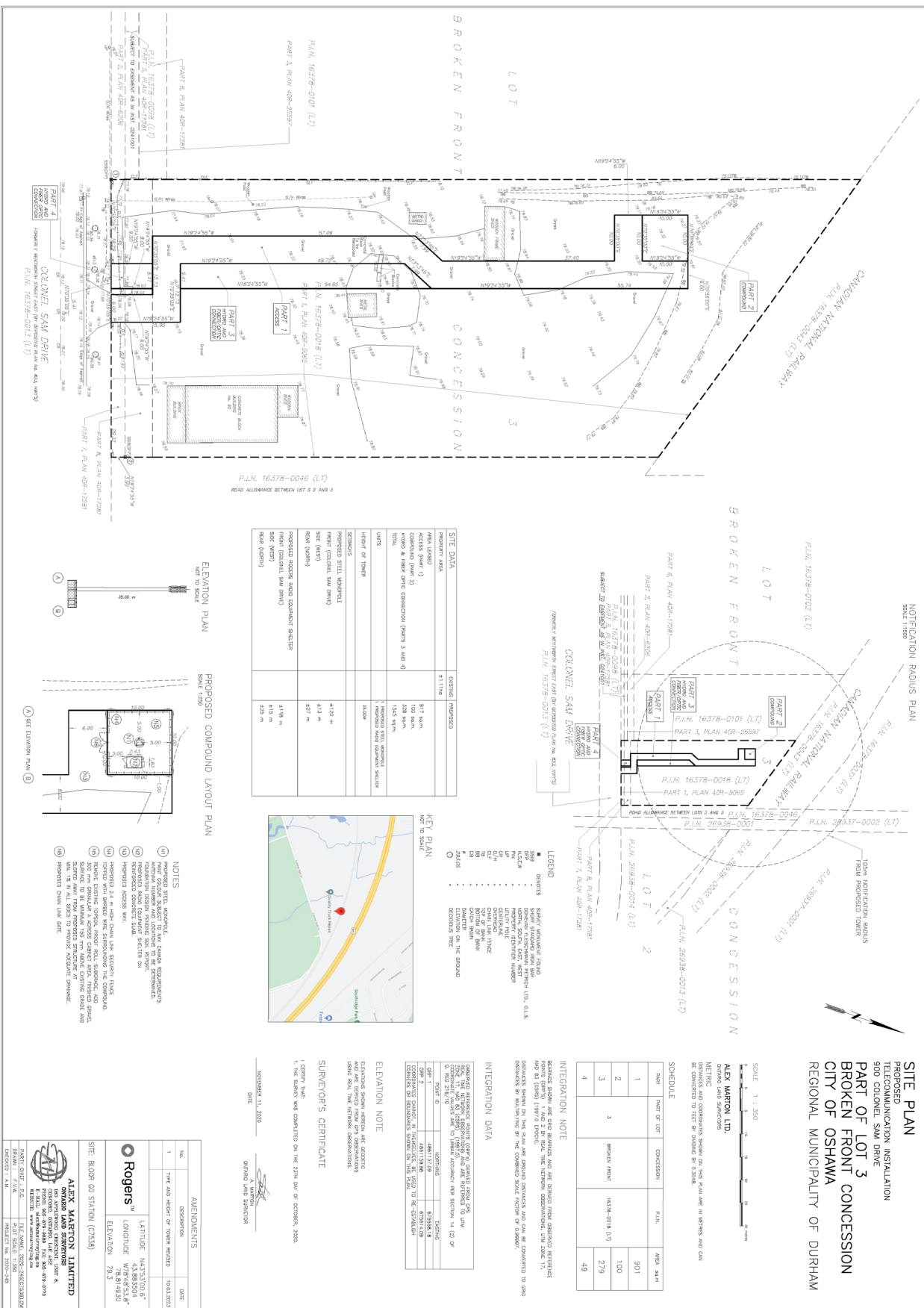
SITE DATA		EXISTING	PROPOSED
PROFENT AREA		±1.11 ha	
AREA LISHED			917 sq.m
COMPOUND (PART 1)			100 sq.m
COMPOUND (PART 2)			329 sq.m
HYDRO & FIBER OPTIC CONNECTION (PARTS 3 AND 4)			1,345 sq.m
TOTAL			
UNITS			PROPOSED LATTICE TR-POLE PROPOSED RAO EQUIPMENT SHELTER
HEIGHT OF TOWER			40.00m
STEWARDS			
PROPOSED LATTICE TR-POLE			±120 m
TR-POLE FRONT (COLONIAL SAM DRIVE)			±13 m
SIDE (WEST)			±27 m
BACK (NORTH)			
PROPOSED ROGERS RAO EQUIPMENT SHELTER			±118 m
TR-POLE FRONT (COLONIAL SAM DRIVE)			±15 m
SIDE (WEST)			±25 m
BACK (NORTH)			

PROPOSED COMPOUND LAYOUT PLAN



ELEVATION PLAN





Council Policy for New Telecommunication Facilities

1. Purpose

To establish policies and procedures for the installation of new telecommunication antennas, towers and related structures which emphasize the following:

- Selecting locations for telecommunication facilities which ultimately minimize the number of such facilities and their visual impact;
- Allowing input from the public; and
- Providing a clear process for the installation of new telecommunications facilities.

Innovation, Science and Economic Development Canada, the approval authority for regulating telecommunications facilities, ensures that municipalities are consulted prior to the construction of towers and antenna structures. The role of the City is to provide comments with respect to land use compatibility and community input. Innovation, Science and Economic Development Canada advises that the City has no constitutional authority to regulate or prohibit telecommunications facilities.

2. Source

City Council approval on June 11, 2007, as amended on June 2, 2008 and September 22, 2014.

3. Policy

3.1 Definitions

Antenna shall mean a device for transmitting and receiving electromagnetic waves, wireless communication signals or other communication signals.

Alternative tower structures shall mean man-made support structures that camouflage or conceal the presence of antennas or towers such as flagpoles, clock towers, church steeples, street lights, artificial trees and other everyday features.

Co-location shall mean the placement of one or more antenna on the same telecommunication tower or alternative tower structures.

Equipment Shelter shall mean a structure containing equipment necessary to transmit and receive signals.

Height shall mean the height of an antenna system measured from the lowest ground level at the base, including the foundation, to the tallest point of the antenna system. Depending on the particular installation, the tallest point may be an antenna, lightning rod, aviation obstruction lighting or some other appurtenance. Any attempt to artificially reduce the height (addition of soil, aggregate, etc.) will not be included in the calculation or measurement of the height of the antenna system.

Telecommunications Facilities shall mean telecommunication tower and/or antenna and an equipment shelter.

Telecommunications Towers shall mean structures designed and constructed to support one or more antennas, including lattice towers, monopoles and guyed towers.

3.2 Site Selection for New Telecommunication Towers

- (a) The installation of new telecommunications towers is discouraged unless all other options within the telecommunication company search area have been explored and are considered inappropriate. The preferred methods of achieving additional capacity are:
 - (i) Co-location on existing towers;
 - (ii) Location on hydro transmission towers;
 - (iii) Location of towers within or adjacent to hydro transmission corridors;
 - (iv) Use of alternative tower structures; and
 - (v) Clustering adjacent to existing telecommunication towers.
- (b) A telecommunication tower shall be located in a manner which minimizes its visual impact. When locating a new telecommunication tower the following shall be considered:
 - (i) Avoidance of natural features, significant vegetation, hazard lands (e.g. floodplains, steep slopes) and environmentally sensitive areas;
 - (ii) Locations shall be sensitive to residential areas, historic sites, environmentally sensitive areas and hazard lands;
 - (iii) Alternative tower structures are encouraged within the Major Urban Area and Hamlet boundaries as identified in the Oshawa Official Plan;
 - (iv) An appropriate setback shall be maintained from road right-of-ways;
 - (v) Avoiding areas of topographical prominence, where possible, to minimize long/short range views; and
 - (vi) Locations and heights that are in compliance with Transport Canada's requirements relative to the Oshawa Municipal Airport.

3.3 Site Design and Layout

(a) New Telecommunication Towers

The following shall be considered in the site design and layout of new telecommunications towers:

- (i) Planting of trees and shrubs around the perimeter fencing to mitigate the visual impact of the tower and equipment shelter,

- (ii) Small identification sign(s) of the telecommunication company may be permitted on the equipment shelter or perimeter fencing subject to the issuance of a sign permit as necessary; and
- (iii) Where alternative tower structures are not feasible, telecommunication towers and equipment shelters should blend in with the context (e.g. colour, etc.) of its surroundings. The architecture of an equipment shelter should reflect the area within which it is located (e.g. pitched roof, or brick if in a residential area).

(b) Installations on Roof Tops or Existing Structures

When locating a telecommunication antenna or equipment shelter on rooftops or existing structures, telecommunication companies shall endeavour to minimize the visual impacts of such uses by considering the following:

- (i) Wall mounted antenna on the side of a building are discouraged below the roof but may be permitted subject to appropriate design. Wall mounted antenna on penthouses and stairwells above the roof are preferred;
- (ii) Utilizing alternative tower structures;
- (iii) New antennas should have a maximum height of 6 metres above the highest point of the building or existing structure and it should be setback a minimum of 3 metres from the roof edge on a building;
- (iv) Equipment shelters on roof tops should be setback from the roof edge as appropriate with appropriate consideration of the structural design of the roof;
- (v) The colour and architectural style of the antenna and equipment shelter shall blend in with the building or structure;
- (vi) If an equipment shelter is aboveground and related to a roof-top antenna then the architecture of the equipment shelter must reflect appropriate urban design considerations related to the area within which it is located (e.g. pitched roof, brick if in a residential area); and
- (vii) Locations and heights that are in compliance with Transport Canada's requirements relative to the Oshawa Municipal Airport.

3.4 Other

- (a) The City will encourage buildings greater than 6 storeys to be pre-designed to accommodate antenna and equipment shelters.
- (b) Telecommunication companies shall be encouraged to remove facilities after their lease has expired.

4. Procedure

4.1 Pre-consultation

Prior to the installation of telecommunications facilities, telecommunication companies are encouraged to consult with the City's Planning Services Branch in the Development Services Department to discuss the site search area, site selection, including land use compatibility, sensitive visual areas and vistas, existing and proposed land uses and other potential impacts. Consultation with the Chief Building Official may also be required.

Telecommunications companies are requested to consult with the City on proposals that involve above ground equipment shelters even though they may be exempt according to Innovation, Science and Economic Development Canada's procedures to ensure the shelters are appropriately located, designed (e.g. architecture) and landscaped given the site context (e.g. in a residential area).

4.2 Submission Requirements

For the purposes of administration and processing, telecommunication companies will be required to complete an application for site plan approval. The application shall be submitted to the Planning Services Branch in the Development Services Department with the appropriate fee. Such applications are not processed under the Planning Act.

(a) New Telecommunication Towers

All proposals for new telecommunication towers, where consultation with the City is required by Innovation, Science and Economic Development Canada, will generally include the following information:

- (i) Written justification from the telecommunication company, as to the need for the telecommunication tower and that the proposed location for the new tower is the preferred alternative. Non-tower, co-location and alternative tower structures shall be addressed in the justification;
- (ii) A site plan showing such items as the subject property, including the existing property lines and the leased area (if applicable), existing and proposed buildings, fences, buffering, building elevations, access, parking and the type and height of the proposed tower structure. Additional plans such as a landscape plan, a site servicing/grading plan and erosion and sediment control plan may also be required later in the review process;
- (iii) Pictures of the location and the proposed tower and associated facilities superimposed on the picture from four directions, north, south, east and west;
- (iv) A plan showing the horizontal distance between the tower installation and the nearest residential zone and/or residential dwelling; and
- (v) A public notification package containing the information required by Appendix 1 – Innovation, Science and Economic Development Canada's Default Public Consultation Process – Public Notification Package in Innovation, Science

(b) Installations on Roof Top or Existing Structures

All proposals for telecommunication antenna or equipment shelters on roof tops or existing structures, where consultation with the City is required by Innovation, Science and Economic Development Canada, will generally include the following information:

- (i) A statement from the telecommunication company on the need for any increase in proposed tower height if the increased height is greater than 25% of the originally approved height;
- (ii) A plan showing the location and setbacks for the proposed antenna and associated facilities on the roof top or existing structure;
- (iii) A plan showing such items as building elevations and the location, type and height of the proposed antenna. A site plan showing such items as the subject property, the leased area, existing and proposed buildings, fences, buffers, access and parking is required for any aboveground equipment shelter. Additional plans such as a landscape plan, a site servicing/grading plan and erosion and sedimentation control plan may also be required at a later date for any aboveground equipment shelter/uses related to the antenna;
- (iv) Any relevant information as may be required by the Chief Building Official at a later date during the review process; and
- (v) Upon review of the site plan, the Development Services Department may require the telecommunication company to submit pictures of the building or structure with the proposed antenna and equipment shelter superimposed on the picture from four directions; north, south, east and west.

(c) Alterations to Existing Facilities

Where a modification to an existing site is proposed, which may include, but not be limited to, an increase in the height of the tower, additional equipment shelters or entrances, an amendment to an approved Site Plan may be required.

4.3 Public Consultation Process

(a) Exemptions from Public Consultation

Public consultation is not required in the following situations:

- (i) For installations of roof-top antenna, roof-top equipment shelters and wall mounted antenna that do not project more than 2 metres from the face of the building provided they are designed and are in a location on the roof acceptable to the Development Services Department; and

- (ii) Co-location of an antenna on an existing telecommunication tower or hydro tower.

City Council may also exempt other proposals from public consultation as appropriate. For example, City Council may consider exempting proposals from the public process where towers are proposed adjacent to 250 kv or 500 kv hydro towers or adjacent to other telecommunication towers or where equipment shelters related to a roof top antenna are located on sites which are occupied by non-residential uses or that about non-residential uses.

Notwithstanding any provisions of this policy to the contrary the City's policy does not apply to the following types of installations, based on Innovation, Science and Economic Development Canada's exemption criteria:

- (i) New Antenna Systems: where the height is less than 15 metres above ground level. This exclusion does not apply to antenna systems proposed by telecommunications carriers, broadcasting undertakings or third party tower owners;
- (ii) Existing Antenna Systems: where modifications are made, antennas added or the tower replaced, including to facilitate sharing, provided that the total cumulative height increase is not greater than 25% of the height of the initial antenna system installation. No increase in height may occur within one year of completion of the initial construction. This exclusion does not apply to antenna systems using purpose built antenna supporting structures with a height of less than 15 metres above ground level operated by telecommunications carriers, broadcasting undertakings or third party tower owners;
- (iii) Non-Tower Structures: antennas on buildings, water towers, lamp posts, etc. may be excluded from consultation provided that the height above ground of the non-tower structure, exclusive of appurtenances, is not increased by more than 25%;
- (iv) Temporary Antenna Systems: used for special events or emergency operations and must be removed within three months of the start of the emergency or special event; and
- (v) No consultation is required prior to performing maintenance on an existing antenna system.

(b) Required Public Consultation

- (i) Subject to the exemptions set out above, a public meeting is required for any new tower or any new aboveground equipment shelter.
- (ii) The Development Services Department shall give written notice, by regular mail, of the public meeting to the owners and tenants of the lands within the circulation area around the subject property, to all Members of City Council and to adjacent municipalities if the new tower is within 500 metres of the municipal boundary. The notice shall be sent at least 30 days before the public meeting date. A newspaper advertisement notifying the public of any

tower proposed to be 30 metres or more in height is required as part of the public consultation process. The newspaper advertisement will be paid for by the telecommunication company.

The circulation area for the notice is as follows:

- Within the Major Urban Area boundary - 120 metres or 4 times the height of the tower which ever is greater measured from the outside perimeter of the supporting structure. For the purpose of this requirement, the outside perimeter begins at the furthest point of the supporting mechanism, be it the outermost guy line, building edge, face of the self-supporting tower, etc.;
- In all other areas – 250 metres measured from the outside perimeter of the supporting structure. For the purpose of this requirement, the outside perimeter begins at the furthest point of the supporting mechanism, be it the outermost guy line, building edge, face of the self-supporting tower, etc.;

The notice shall include, at a minimum, the following information:

- The location of the proposed site;
- Date, time and location of Public Meeting; and
- The name and telephone number of a contact person employed by the telecommunication company, as well as a municipal contact person.

An information package provided by the telecommunication company will be included with the mailed notice.

The notice shall be clearly marked, making reference to the proposed antenna system, so that it is not misinterpreted as junk mail and that the face of the package must clearly reference that the recipient is within the prescribed notification radius of the proposed antenna system.

- (iii) The Public Meeting shall be held by the Development Services Committee.

At the Public Meeting, the telecommunication company shall be responsible for displaying all the necessary drawings and pictures and making a presentation. Subsequent to the Public Meeting, the telecommunication company shall provide to the Development Services Department a letter indicating how the telecommunication company will address the concerns raised at the public meeting.

4.4 Approvals

(a) **Letter of Recommendation with a Public Meeting**

- (i) After the public meeting, the Development Services Department will prepare a report for the consideration by the Development Services Committee. The telecommunication company and any person that attended the public meeting and left their names will be invited to the Development Services

Committee meeting to make any comments on the staff report, as appropriate. The Development Services Committee will then make a recommendation to Council. The telecommunication company or any person can request to speak to Council if they do not agree with the Development Services Committee recommendation. Council will then take a position on the proposal.

- (ii) The Development Services Department will issue to the telecommunication company (with a copy to Innovation, Science and Economic Development Canada) a Letter of Recommendation (Yes; No; Yes with conditions) stating that the company has consulted with the City and advising of Council's position on the proposal. Such letter will be provided within two weeks from the date of Council's decision or, in the case where a Letter of Undertaking is required, when a Letter of Undertaking has been completed to the City's satisfaction.

(b) **Letter of Recommendation without a Public Meeting**

- (i) City Council delegates the responsibility to provide the City's position on any proposal that does not require a public meeting to the Commissioner of Development Services;
- (ii) The Development Services Department will issue to the telecommunication company (with a copy to Innovation, Science and Economic Development Canada) a Letter of Recommendation (Yes; No; Yes with conditions) stating that the company has consulted with the City and advising of the City's position on the proposal. Such letter will be provided within two weeks of site plan approval including the execution of a Letter of Undertaking if required.

(c) **Letter of Undertaking**

- (i) A Letter of Undertaking is required only in situations where:
 - A new telecommunication tower is proposed;
 - A new aboveground equipment shelter is proposed; and
 - An upgrade to an existing facility is required by the City to improve the aesthetics or address grading issues.
- (ii) When the Development Services Department is satisfied with the site location, layout and design, the telecommunication company shall provide a Letter of Undertaking in the City's prescribed format. The Letter of Undertaking may address such matters as:
 - Site design, landscaping, grading and servicing and building elevations;
 - Approval for any new driveway entrances;
 - Signage;
 - Security deposits for site improvements;
 - The removal of all structures upon expiration of the lease;
 - A commitment to accommodate other telecommunication companies on site where feasible; and
 - Other conditions as required.

(d) Proposals on City Land

- (i) Any proposal from a telecommunication company to acquire or lease land from the City for a telecommunication facility shall be placed on the Development Services Committee agenda;
- (ii) If the proposal has merit then it should be referred to the Council for approval in principle to acquire or lease City land;
- (iii) In the event Council approves in principle the sale or lease of City land, the process for considering the merits of the proposed tower or proposed aboveground equipment shelter shall be coordinated by Planning Services including the scheduling of a public meeting in accordance with this policy;
- (iv) Once Council takes a formal position on a proposal on City land, after any required public meeting, then Development Services will report on the proposed terms of the lease; and
- (v) The process for any proposal that does not require a public meeting shall be coordinated by Development Services.

4.5 Time Limit for Construction

Any antenna system that has followed a consultation process with the City shall be constructed within three (3) years of the conclusion of the consultation process. Extensions to the time limit are permitted for a specified time period if a proponent secures the agreement of the City in writing and provides a copy of the agreement to the local Innovation, Science and Economic Development Canada office.

Note: Minor changes to or deviations from this policy and procedure may be made by the Commissioner of Development Services. Any significant changes must be approved by City Council.

Appendix 1 – Industry Canada’s Default Public Consultation Process - Public Notification Package

The proponent must ensure that at least **30 days** are provided for public comment. Notification must provide all information on how to submit comments to the proponent in writing. Notices must be clearly marked, making reference to the proposed antenna system, so that it is not misinterpreted as junk mail. The notice must be sent by mail or be hand delivered. The face of the package must clearly indicate that the recipient is within the prescribed notification radius of the proposed antenna system. The proponent must also provide a copy of the notification package to the land-use authority and the local Industry Canada office at the same time as the package is provided to the public.

Notification must include, but need not be limited to:

- 1) the proposed antenna system’s purpose, the reasons why existing antenna systems or other infrastructure cannot be used, a list of other structures that were considered unsuitable and future sharing possibilities for the proposal;
- 2) the proposed location within the community, the geographic coordinates and the specific property or rooftop;
- 3) an attestation¹⁹ that the general public will be protected in compliance with Health Canada’s Safety Code 6 including combined effects within the local radio environment at all times;
- 4) identification of areas accessible to the general public and the access/demarcation measures to control public access;
- 5) information on the environmental status of the project, including any requirements under the *Canadian Environmental Assessment Act, 2012*;
- 6) a description of the proposed antenna system including its height and dimensions, a description of any antenna that may be mounted on the supporting structure and simulated images of the proposal;
- 7) Transport Canada’s aeronautical obstruction marking requirements (whether painting, lighting or both) if available; if not available, the proponent’s expectation of Transport Canada’s requirements together with an undertaking to provide Transport Canada’s requirements once they become available;
- 8) an attestation that the installation will respect good engineering practices including structural adequacy;
- 9) reference to any applicable local land-use requirements such as local processes, protocols, etc.;

¹⁹ Example: I, (*name of individual or representative of company*) attest that the radio installation described in this notification package will be installed and operated on an ongoing basis so as to comply with Health Canada’s Safety Code 6, as may be amended from time to time, for the protection of the general public, including any combined effects of nearby installations within the local radio environment.

- 10) notice that general information relating to antenna systems is available on Industry Canada's Spectrum Management and Telecommunications website (<http://www.ic.gc.ca/towers>);
- 11) contact information for the proponent, land-use authorities and the local Industry Canada office; and
- 12) closing date for submission of written public comments (not less than **30 days** from receipt of notification).

Robert Bedic

From: Wildlife Ontario (ECCC) <wildlifeontario@ec.gc.ca>
Sent: Friday, March 31, 2023 10:34 AM
To: Robert Bedic
Cc: Enviroinfo (ECCC)
Subject: RE: PIC-20230330-104926 NATURE-ON-JB Migratory Birds and Telecommunication Towers

Good morning Robert,

Thank you for your email, regarding the proposed installation of a telecommunications tower at 900 Colonel Sam Drive in Oshawa, ON. We appreciate that there are concerns related to the impacts of telecommunications towers on wildlife, such as the one you raised in your email.

The responsibility for wildlife conservation in Canada is shared between the federal and provincial/territorial governments and Indigenous governments and organizations. On non-federal lands, land use planning and the conservation of wildlife habitat are primarily matters of provincial jurisdiction. However, there are instances where the [Migratory Birds Convention Act](#) (MBCA) and [Species at Risk Act](#) (SARA) apply on non-federal lands.

The federal SARA was designed to work collaboratively with provincial and territorial legislation to protect species at risk. Under SARA, the federal government is responsible for migratory birds and aquatic species at risk wherever they occur, as well as terrestrial species at risk found on federal lands. Under those circumstances, certain SARA prohibitions protecting individuals and residences (e.g., nests or dens) of endangered, threatened and extirpated species apply automatically.

The federal MBCA and its regulations prohibit the disturbance or destruction of migratory bird nests and eggs in Canada when they contain a live bird or viable egg, and protect individual migratory birds from attempts to capture, kill, injure, or harass, except under authority of a permit. The legislation and regulations apply to all lands and waters in Canada, regardless of ownership. Environment and Climate Change Canada is responsible for administering the MBCA on behalf of the federal government. It is the individual or company's responsibility to comply with the MBCA and its regulations. Note that there are some species of birds that are not protected under the MBCA (e.g. raptors), but do receive protections under provincial legislation.

Regarding impacts to wildlife, the primary concern related to telecommunications towers is mortality due to collision for migratory birds. This is among the top sources of [anthropogenic mortality](#) for migratory birds in Canada, with an approximate estimated mortality of 220,000 birds/year. Mortality risks are highest at guyed towers with steady burning lights at night and are ≥ 60 m tall. In general, mortalities at shorter towers contribute negligibly to overall estimates of annual bird mortality.

Transport Canada regulates obstruction marking and lighting through [Standard 621](#) of the *Canadian Aviation Regulations* (CARS). For structures > 105 m tall, [lighting configurations](#) exist to reduce bird fatalities. For a 30 m pole tower that is not guyed and does not support overhead transmission lines, obstruction lighting is not required since collision risks for migratory birds are thought to be low. However, we would encourage you to contact Transport Canada to ensure compliance with Standard 621.

We trust that this information will be of use to you.

Kind regards,

Canadian Wildlife Service
335 River Road
Ottawa, Ontario, K1V 1C7
Tel: 613-990-8355
Fax: 613-990-8400
E-mail: wildlifeontario@ec.gc.ca

From: Robert Bedic <RBedic@oshawa.ca>
Sent: March 30, 2023 9:40 AM
To: 'ec.enviroinfo.ec@canada.ca' <ec.enviroinfo.ec@canada.ca>
Subject: PIC-20230330-104926 NATURE-ON-JB Migratory Birds and Telecommunication Towers

You don't often get email from rbedic@oshawa.ca. [Learn why this is important](#)

Good morning,

The City of Oshawa is processing an application for a new telecommunication tower at 900 Colonel Sam Drive, Oshawa, Ontario, that a local environmental group has expressed concerns about due to the proposed tower's proximity to a migratory bird route and the tower's potential impact on Migratory Birds. We have been reviewing information from a number of resources, including the information available online on Environment and Climate Change Canada's website, but there doesn't seem to be any information specific to migratory birds and telecommunication towers. We have reviewed information specific to buildings and wind turbines but nothing related to communication towers beyond the general comments in the Guidelines to Avoid Harm to Migratory Birds which recommends having regard for reflectivity of glass panels, lights, use of guy wires and height for new structures.

In this instance the proposed tower does not include guy wires and lighting will be in accordance with Transport Canada's requirements, which includes provisions for bird friendly lighting in certain instances. The proposed tower is a monopole design and will have a height of 35m (114.83 ft.).

We have consulted with the local conservation authority and they have advised that their primary concern as it relates to birds is to ensure that construction activities for the installation of the tower take place outside of breeding bird season. In addition, they advised that migratory birds are under the purview of Environment and Climate Change Canada.

Therefore, we are asking if Environment and Climate Change Canada would have any objection to a new telecommunication tower at 900 Colonel Sam Drive, Oshawa, Ontario, from a migratory birds perspective and/or any information/regulations related to migratory birds and telecommunication towers.

Please contact me if you have any questions or require any additional information. Thanks.



Robert Bedic, Principal Planner | City of Oshawa
905-436-3311 ext. 2401 | 1-800-667-4292
RBedic@oshawa.ca | www.oshawa.ca
"Dedicated to serving our community."



Excerpts from the Minutes of the Development Services Committee Meeting held on June 6, 2022

Application - DS-22-117 - Pursuant to Council Policy for New Telecommunication Facilities

Presentation

SpectraSite Inc. - Proposed New Telecommunication Tower and Related Equipment

Chris Leggett, SpectraSite Inc. provided an overview of the proposed new telecommunication tower and related equipment, 900 Colonel Sam Drive on behalf of Rogers Communications Inc. and R. Knocker and Son Paving Contractors Ltd.

Members of the Development Services Committee questioned Chris Leggett, SpectraSite Inc.

Delegations

Peter Taylor, Friends of the Second Marsh - Proposed New Telecommunication Tower and Related Equipment, 900 Colonel Sam Drive, SpectraPoint Inc. on behalf of Rogers Communications Inc. and R. Knocker & Son Paving Contractors Ltd.

Peter Taylor, President, Friends of Second Marsh addressed the Development Services Committee concerning the Proposed New Telecommunication Tower and Related Equipment, 900 Colonel Sam Drive, SpectraPoint Inc. on behalf of Rogers Communications Inc. and R. Knocker & Son Paving Contractors Ltd. Mr. Taylor expressed concerns about the height of the tower being increased from 40 meters to 50 meters, the likelihood of additional equipment needing to be added that would make it even larger obstacle, and a tower should not be placed in the natural migration corridor.

Correspondence

DS-22-151 - Various comments in opposition to DS-22-117 regarding the Proposed New Telecommunication Tower and Related Equipment, 900 Colonel Sam Drive, SpectraPoint Inc. (Ward 5)

Moved by Councillor Chapman

That Correspondence DS-22-151 from Various Residents submitting comments concerning DS-22-117 regarding the Proposed New Telecommunication Tower and Related Equipment, 900 Colonel Sam Drive, SpectraPoint Inc. on behalf of Rogers Communications Inc. and R. Knocker & Son Paving Contractors Ltd. be referred to Report DS-22-117.

Motion Carried

Reports

DS-22-117 - Proposed New Telecommunication Tower and Related Equipment, 900 Colonel Sam Drive, SpectraPoint Inc. on behalf of Rogers Communications Inc. and R. Knocker & Son Paving Contractors Ltd. (Ward 5)

Moved by Councillor Chapman

That, pursuant to Report DS-22-117 dated June 1, 2022, staff be directed to further review and prepare a subsequent report and recommendation back to the Development Services Committee concerning the telecommunication tower, related equipment and fencing proposed by SpectraPoint Inc. on behalf of Rogers Communications Inc. and R. Knocker & Son Paving Contractors Ltd. at 900 Colonel Sam Drive (File: SPA-2022-09). This direction does not constitute or imply any form or degree of approval.

Affirmative (6): Councillor Marimpietri, Councillor McConkey, Councillor Chapman, Councillor Hurst, Councillor Kerr, and Mayor Carter

Motion Carried (6 to 0)

To: Economic and Development Services Committee

From: Warren Munro, HBA, MCIP, RPP, Commissioner,
Economic and Development Services Department

Report Number: ED-23-88

Date of Report: April 12, 2023

Date of Meeting: April 17, 2023

Subject: Municipal Consent Process and Franchise Renewal with
Enbridge Gas Inc.

Ward: All Wards

File: 03-05

1.0 Purpose

On May 25, 2020, City Council considered Item CNCL-20-100 regarding the maintenance of boulevard fixtures and directed Engineering staff to advance the development of Municipal Access Agreements with utility service providers to facilitate terms of maintenance of utility infrastructure and communication protocols.

On April 3, 2023, City Council considered Item ED-23-38 regarding a request from Enbridge Gas Inc. to enter into a franchise renewal agreement and referred the Item back to staff for a further report to Economic and Development Services Committee.

The purpose of this Report is to respond to the two above-noted directions.

Attachment 1 to this Report is a copy of Report CNCL-20-100, dated May 25, 2020 regarding the maintenance of boulevard fixtures.

Attachment 2 to this Report is a copy of Report ED-23-38, dated March 1, 2023 regarding a franchise renewal agreement with Enbridge Gas Inc. ("Enbridge Gas"). Owing to its length, this document is not affixed to this Report but can be viewed at the following link: [ED-23-38 Request for a Franchise Renewal between Enbridge Gas and the City of Oshawa \(escribemeetings.com\)](#).

Attachment 3 to this Report is a draft Municipal Consent Requirements for the installation of utility/plant within City of Oshawa Right of Ways.

2.0 Recommendation

That the Economic and Development Services Committee recommend to City Council:

1. That, pursuant to Report ED-23-88 dated April 12, 2023, that staff be authorized to update the current franchise agreement, to the satisfaction of the Commissioner, Economic and Development Services Department and the City Solicitor, for a term of no greater than 20 years, and that the updated agreement be executed in accordance with the City's delegation by-law.
2. That, pursuant to Report ED-23-88 dated April 12, 2023, that Council endorse the consolidated Municipal Consent Requirements as a guide for staff to advance Municipal Consent permits.
3. That staff be directed to review the General Fees and Charges By-law with respect to the fees charged for Municipal Consents for both area residents and utility service providers through the 2023 review of the City's General Fees and Charges By-law.

3.0 Executive Summary

Not Applicable

4.0 Input From Other Sources

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

- Chief Administrative Officer
- Commissioner, Corporate and Finance Services
- Commissioner, Community and Operations Services
- City Solicitor

5.0 Analysis

5.1 Municipal Consent Process

On May 25, 2020, City Council considered Item CNCL-20-100 (see Attachment 1) regarding the maintenance of boulevard fixtures and directed Engineering staff to advance the development of Municipal Access Agreements with utility service providers to facilitate terms of maintenance of utility infrastructure and communication protocols.

Engineering Services is finalizing its consolidated Municipal Consent Requirements (M.C.R.) for installation of utility/plant within the City of Oshawa. The M.C.R. will bring together current standards and guidelines from across the City into one document and identify industry best practices for dealing with utilities in boulevards.

The M.C.R. lays out the requirements for the Municipal Consent Process. This includes but is not limited to the following:

- General Requirements;

- Emergency Work;
- Requirements for Application Submission;
- Drawing/Construction Requirements;
- Resident and Business Notification;
- Reporting impacted/damages to Existing Infrastructure;
- Boulevard Restoration;
- Maintenance of Existing Utility Infrastructure; and,
- Non-compliance.

Engineering Services has engaged utility service providers who maintain fixtures on City boulevards to develop their own maintenance programs to proactively address their fixtures to address issues related to graffiti, damage and vandalism. Furthermore, Operations Services initiated proactive patrols in 2019 to address damaged fixtures on the boulevard. In most cases, roads patrol staff are able to report issues to the applicable agencies to achieve timely resolutions.

This Report recommends that Council endorse the Municipal Consent Requirements.

5.2 Franchise Agreement

On April 3, 2023, City Council considered Item ED-23-38 (see Attachment 2) regarding a request from Enbridge Gas to enter into a franchise renewal agreement and referred the Item back to staff for a further report to Economic and Development Services Committee.

The current renewal agreement was executed on July 21, 2003 for a term of 20 years from the date of passing.

The agreement provides consent from the City of Oshawa to:

- distribute, store and transmit gas in and through the City of Oshawa; and,
- enter upon municipal roads and lay, construct, maintain, replace, remove, operate and repair a gas system.

It is important to note that Article 13 of the Agreement acknowledges that the Agreement is subject to all regulating statutes and all municipal by-laws of general application, except by-laws which have the effect of amending the Agreement.

Staff note that public utility providers have the authority to install infrastructure right-of-ways, subject to approval and associated fees as outlined in the Public Transportation and Highway Improvement Act, R.S.O. 1990, c. P.50 and the Public Service Works on Highways Act, R.S.O. 1990 c. P.49.

This Report recommends that the City execute the franchise renewal agreement.

5.3 General Fees and Charges By-law

The General Fees and Charges By-law 13-2003, as amended ("By-law 13-2003"), is subject to annual reviews to ensure the City of Oshawa's fees are responsible and

reasonable based on the cost to deliver the City's programs and services as well as ensuring the City's fees are in line with our comparator municipalities.

Currently, By-law 13-2003 imposes a fee of \$782 per municipal consent. In addition, utility service providers are subject to Road Occupancy Permit Fees and Pavement Degradation Fees when proposed utility work includes cutting into the pavement. It is important to note that By-law 13-2003 distinguishes between an Access to Property Permit for an Oshawa resident from a Municipal Consent for a utility service provider. Staff note that an Access to Property Permit for a resident for matters such as a curb cut generally have minimal disruption and impact on the community and surrounding neighbourhood. This is contrary to the staff experience with respect to Municipal Consents for utilities. While it is acknowledged that utility service providers are valuable community partners and provide a valuable service to the community and surrounding neighbourhood, it has occasionally resulted in a negative experience for residents.

On that basis, the Report recommends that By-law 13-2003 be reviewed in the 2nd Quarter of 2023 and update it, if necessary, through the 2023 annual update of By-law 13-2003 to reflect both the consolidated Municipal Consent Requirements and the differences between an Oshawa resident Municipal Consent and a utility service provider municipal consent.

6.0 Financial Implications

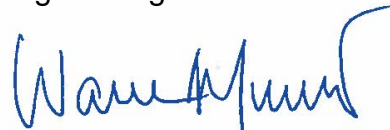
There are no financial implications associated with the Report.

7.0 Relationship to the Oshawa Strategic Plan

This Report advances the Accountable Leadership and Economic Prosperity and Financial Stewardship goals of the Oshawa Strategic Plan.



Anthony Ambra, P.Eng., Director,
Engineering Services



Warren Munro, HBA, MCIP, RPP, Commissioner,
Economic and Development Services Department

Council in Committee of the Whole – May 25, 2020

Maintenance of Boulevard Fixtures

Whereas on June 17, 2019 the Corporate Services Committee referred Report CORP-19-59 concerning the maintenance of boulevard fixtures to staff for the development of an enforcement protocol for damaged, unsafe and unsightly equipment on City boulevards and associated lands; and,

Whereas the Boulevard By-law 136-2006, as amended (“Boulevard By-law”), is a by-law to govern and regulate the maintenance, occupancy, use of, and other matters pertaining to, those portions of public highways under the jurisdiction of the City of Oshawa known as boulevards; and,

Whereas the Boulevard By-law is passed pursuant to the *Municipal Act, 2001*, S.O. 2001, c. 25, which grants municipalities broad powers to pass by-laws respecting, amongst other things, matters addressing health and safety and nuisance control; and,

Whereas the Boulevard By-law currently only requires utility service providers to maintain utility boxes in a condition which is free from all defacing marks, tagging and graffiti; and,

Whereas the Boulevard By-law provides for the issuance of Administrative Monetary Penalties which are an effective and efficient enforcement tool;

Therefore be it resolved,

1. That pursuant to CNCL-20-MM, dated May 19, 2020, Council pass a by-law to further amend Boulevard By-law 136-2006, as amended, to require fixture owners to maintain utility boxes in a manner that ensures they are not broken, leaning, damaged, misaligned and continue to function as intended in a form and content acceptable to the Commissioner of Corporate Services and the City Solicitor and that the amending by-law be provided to Council for its review prior to passage; and,
2. That Utility Service Providers be directed to initiate a proactive approach to guarantee the maintenance of utility pedestals and plant in the city including dealing with graffiti, damage and vandalism; and,
3. That Operations staff initiate a proactive patrol to identify damaged utility fixtures on the boulevard and report issues to the applicable agencies for resolution and if not resolved engage with Municipal Law Enforcement for the issuance of Administrative Monetary Penalties; and,
4. That Engineering staff continue to advance the development of Municipal Access Agreements with Utility Service Providers to facilitate terms of maintenance of utility infrastructure and communication protocols and report back to Council through the Development Services Committee; and,

5. That a communication plan is developed and implemented to increase awareness for residents to report damaged fixtures to Service Oshawa; and,
6. That a copy of CNCL-20-MM be provided to the Region of Durham and all the Utility Service Providers; and,
7. That any further initiatives dealing with this issue report to Council through the Development Services Committee.

Municipal Consent Requirements

for the Installation of Plant
within City of Oshawa Streets

Contacts:

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All other inquires can contact **Service Oshawa 905.436.3311**

Municipal Consent Requirements:

<https://www.oshawa.ca/en/transportation-parking/road-occupancy-permits.aspx>

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1.0 Introduction

The Municipal Consent Requirements (M.C.R.) provide for the efficient review of applications pertaining to non-municipally owned installations within City of Oshawa right-of-ways.

Adherence to these requirements will protect the interests of the City of Oshawa, the community and the Utility Service Providers (U.S.P.) occupying the right-of-way. To this end, all applications will be reviewed with consideration to their impact on physical and social environment and the City's infrastructure. It is important that these objectives are taken into consideration in the planning and design of all work being proposed and carried out within the streets, right-of-ways or other lands owned and maintained by the City of Oshawa.

The City of Oshawa emphasizes that all U.S.P.s and third parties must work together and with the City to achieve the protection of the existing and proposed underground infrastructure and consider initial placements strategically in such a manner as to enable future installations and works. Accordingly, submissions must clearly state why a particular design and placement location is being proposed.

The submission must also:

- (i) implement drawing and construction standards established by the City;
- (ii) be circulated to all affected stakeholders and obtain signoffs from same for absence of conflict;
- (iii) include minimum clearances and depths; and,
- (iv) consider joint works to minimize disturbance to both City streets and residents.

This document applies to all U.S.P.s, commissions, agencies, boards, associations, and private stakeholders, proposing to undertake work with City of Oshawa right-of-ways.

2.0 General Requirements

In making an application for installation with the City's road allowance, the Applicant must agree that:

- If the work arising out of an application does not commence within (6) months of the issuance of the consent, the applicant will be required to apply for an extension of the Municipal Consent, including any additional fees required.
- Applications will be checked against a list of planned capital projects submitted to the Oshawa Municipal Services Coordinating Committee (O.M.S.C.C.). For proposed work that is anticipated to cause a major disruption but was not identified on the list of planned capital projects, the Applicant may be required to submit an explanation of why the project was not identified at the time the list was prepared prior to the application being processed.

- A Road Occupancy Permit (R.O.P.) must be issued prior to the commencement of work within the City Road Allowance.
- The applicant shall provide as-constructed drawings of the completed work where required to the City's Utility Coordinator, as set out in the document.

3.0 Work Requiring Only a Road Occupancy Permit

The following types of work require only an R.O.P.:

- Emergency work required to maintain or restore existing service
- Exploratory work to investigate subsurface conditions
- The construction of service connections

All other types of work require both Municipal Consent and a Road Occupancy Permit.

Applications for an R.O.P. shall be made on the standard form "Road Occupancy Permit Application Form" that can be obtained through Service Oshawa. R.O.P. forms can also be filled out online through the City of Oshawa website www.oshawa.ca.

A plan or other information indicating the nature and location of the work being proposed shall accompany the R.O.P. Application. In instances where Municipal Consent is required, the signed/approved Municipal Consent drawing and approval letter must be presented in order to obtain an R.O.P.

An application for an R.O.P. shall be completed and returned no later than 5 working days prior to the proposed closure or occupancy of arterial collector roads and 2 days in advance of work being proposed on local roads. This notice is exclusive of Sundays, and statutory Holidays. Where the project requires amendment to the Traffic By-law, 8 weeks notification is required. The permit must be retained for inspection at the work site at all times.

The Applicant has the responsibility to ensure that all affected parties are notified of the work and that the appropriate locates and clearances are obtained prior to commencing any installation.

3.1 Emergency Work

3.1.1 Scope

The requirements and process for emergency work shall apply to work requiring a new excavation and be limited to the repairs or actions required in response to a failure of, or damage to, existing plant that results in, or has the potential to result in danger to the public, a loss of an essential service, and/or damage infrastructure or other utility plant

3.1.2 Requirements

Emergency work is permitted prior to submission of an R.O.P. Application. Telephone notice shall be given immediately, upon commencement of the Emergency Work, to the City and on the next working day, the Applicant shall:

- Submit an application for an R.O.P.
- Notify E.M.S. or police if assistance is required, including using 9-1-1 services if deemed appropriate.
- Submit a Municipal Consent Submission form to the City's Utility Coordinator if the installation of new or additional infrastructure is required for the emergency repair.

4.0 Work Requiring Municipal Consent (as well as a Road Occupancy Permit)

When work requires excavation within the City of Oshawa right-of-way, or the work is for the placement of additional infrastructure, approval for the work is granted by a Municipal Consent. With the exception of "Emergency Work", no excavation shall commence before the issuance of a Municipal Consent.

Municipal Consents and R.O.P.s are only issued to U.S.P.s, commissions, agencies, municipal/ regional departments and private applicants which have the authority to construct, operate and maintain their infrastructure on the public road allowance as established through legislation or terms of a Municipal Access Agreement or Franchise Agreement.

The Applicant understands, and agrees that in making an application for Municipal Consent and/or R.O.P., the Applicant agrees to abide by the terms and conditions of the consent and/or permit.

5.0 Application Submission

The application shall be submitted to the City's Utility Coordinator for review and approval. Incomplete submissions will be returned to the Applicant. The date of the application will be the date on which the City receives the completed application submission.

One application submission shall be completed for each road location where the proposed work is to be carried out. If, in the opinion of the City's Utility Coordinator, additional applications are required due to length of the work proposed, the applicant shall provide the additional applications required.

5.1 Municipal Consent Fee

In accordance with City of Oshawa "General Fees and Charges By-Law 13-2003", all applications shall include a Municipal Consent Fee per street included in the application. A street is generally considered to be 700 metres in length. Any street in excess of 700 metres will be charged an additional Municipal Consent Fee, as appropriate.

5.2 Circulation

Prior to submitting an application, the Applicant shall circulate drawings of its proposed work to all members of the O.M.S.C.C. and any other agency, commission, or person that may be impacted by the work, for the purpose of receiving comments, avoiding conflicts and determining if a joint installation with another party is feasible.

All circulated parties shall be afforded 15 business days from the date of issuance if the circulation is made electronically or by courier, or 18 business days if by mail, to provide comments to the Applicant and determine if a joint installation with the Applicant is feasible,

The Applicant shall attach to the application:

- A dated confirmation from each party that it has received the circulation
- A circulation list which identifies:
 - The parties receiving the circulation;
 - The contact details and method of delivery to each party;
 - The date that the circulation was issued; and,
 - The date of the response, if any, from each party.

Prior to submitting an application, the Applicant shall resolve any identified conflicts and, where applicable, negotiate the terms of a joint installation. By submitting an application, the Applicant confirms that:

- The Applicant has resolved all objections received and conflicts identified as of the date of the application; and,
- The Applicant has explored all other options for installing its proposed equipment that will avoid excavating in a street, including but not limited to, using the existing facilities of private parties.

If, at any time after the permit application is submitted, the Applicant becomes aware of a conflict, it must immediately advise the City of that conflict.

Should the City become aware of a conflict or be advised that a joint installation is feasible after the circulation period or after the permit application has been submitted, the City will not issue a permit until the Applicant has resolved the conflict, or fully explored the feasibility of a joint Installation, to the City's satisfaction.

Should a conflict be identified following the issuance of a permit, the Applicant shall contact the City's Utility Coordinator before continuing construction. Work shall not commence until the City's Utility Coordinator has approved an alternate location and/or route for the proposed infrastructure. The Applicant will identify these changes in their as-constructed submission.

5.3 Incomplete Applications

Municipal Consent applications that do not comply with the M.C.R. will not be reviewed. The Applicant will be notified by the City's Utility Coordinator and informed on the specific parts of the M.C.R. with which the application does not comply.

5.4 Application Review Period

The date of the application will be the date on which the complete application is received by the City. Applications will normally be processed within 20 business days of receipt.

The time required for review will vary depending on the nature, size and complexity of the proposed work and the completeness and clarity of the application package. Additionally, a high volume of applications may occasionally delay the approval and issuance of permits.

6.0 Application Drawing Requirements

6.1 Drawing Requirements

The application drawings will show:

- A scale of 1:200 horizontal and 1:100 vertical and be dimensioned in metric;
- A prominent arrow indicating the direction north;
- A Key Map;
- A Legend;
- Street names, property and building numbers. If a municipal address is not available, provide dimensions from the location of work to the nearest intersection of street lines;
- Horizontal control monuments within 5 metres of the proposed work;
- Lot, Concession and Township if in rural areas;
- Property lines, right-of-way limits and easement limits;
- Street lines, road pavement, sidewalks, guide rail, driveways, boulevards and curbs;
- Street furniture including vaults, transformers, pedestals, regulators, hydrants, poles etc., and structures such as, but not limited to, railway lines, entrances, encroachments etc. which may impact on the work;
- All existing above ground structures within 10 metres, if an above ground plant is proposed;
- Trees/dripline;
- The outline of adjacent surface and subsurface structures;

- A description, location and dimensions of existing plant;
- A description, location and dimensions of proposed plant;
- The distances from the proposed work to adjacent street lines. Define start and end of construction with tie-in dimensions to the nearest intersection;
- Construction methods and related details for the installation of underground plant;
- All utility depths references based on geodetic elevations; and,
- Sign off by other utilities with respect to existing location of their plant, location of proposed plant by the Applicant with no conflict for future undertakings.

For the purpose of preparing the application drawings "adjacent surface and subsurface structures" and "adjacent plant" shall mean infrastructure that may be impacted by the work or is located with the applicable minimum clearance distances.

The drawing shall be grey scale with bold distinct line types to distinguish between types of proposed facilities.

6.2 Clearance from Other Plant

Horizontal and vertical clearances shall comply with Appendix 'A', Horizontal and Vertical Clearance Guidelines. The indicated clearances are minimums and shall be interpreted to be measured from, the outermost edge of the existing plant to the outermost edge of the proposed plant.

Any encasement, steel plating or other non-excavatable material shall be considered to be part of the proposed plant and must meet the required clearance from existing plant.

Exemptions from the minimum clearances may be granted, at the discretion of the affected plant owners and the approval of the City, acting reasonably. At a minimum, any consideration for exemption will require written consent from the affected plant owners giving explicit permission to the Applicant to reduce the clearance. The Applicant may be required to submit a detailed drawing identifying the existing and proposed plant.

6.3 Depth of Cover

Depth of cover for all installations shall meet the depths set out in the City Oshawa Engineering Design Standards. Where there is a conflict at the proposed depth of cover, the Applicant shall plan to go to a deeper depth to accommodate the existing plant and meet the required clearances.

Where an Applicant demonstrates that the depth requirements cannot be met, exemptions may be granted on a case-by-case basis. Applicants should contact the City for such an exemption at the planning stage of their projects, prior to submission of a Municipal Consent application.

Under no circumstances shall plant be installed shallower than the minimum depths indicated without specific written consent from the City.

6.4 Curbed/Uncurbed Roads

The Applicant must provide a cross section for all proposed road crossing showing all existing infrastructure being crossed. The minimum depth of cover for all road crossings shall be determined by the City's Utility Coordinator on a street by-street basis and provided on the application, as applicable,

6.5 Boulevards

The minimum depth of cover within the City's boulevards on all streets shall be 900mm.

6.6 Tree Protection Zone

For any means of construction other than directional boring, the minimum depth of cover shall be 1.5 metres within the tree protection zone. If the installation of plant is executed via directional boring, the depth of cover may be reduced to a minimum of 1.2 metres within the tree protection zone.

6.7 Alignments

Wherever possible, installation of plant should follow the alignments shown in the standard right-of-way cross sections in the City of Oshawa Engineering Design Standards.

The City, at its sole discretion, may direct the Applicant to propose an alternate alignment if, in the opinion of the City's Utility Coordinator, the proposed alignment is not in the best interests of the efficient and organized usage of the right-of-way.

7.0 Moratorium on Newly Improved Streets

To ensure long-term sustainability of the City's infrastructure, the City enforces a moratorium on all newly improved streets.

The moratorium ensures that the integrity of the pavement structure is protected and also serves to minimize the disruptions and inconvenience to the public resulting from repeated construction activity.

Unless otherwise stated the moratorium applies to the whole street, from property line to property line. The expiry of the moratorium shall be measured from December 31 of the calendar year in which the improvement was performed.

7.1 Duration

The moratorium shall apply within:

- 3 years from the date of:
 - Maintenance or repair work undertaken on roads, curbs, sidewalks, and boulevards;
 - Construction, reconstruction, maintenance, or repair of embankments, handrails of highway bridges, rail bridges, pedestrian bridges and culverts; and,

- 5 years from the date of:
 - Construction or reconstruction of roads, curbs, sidewalks and boulevards;
 - Full resurfacing of streets including base repairs;
 - Construction, reconstruction, maintenance or repair of abutment walls, piers, un-waterproofed bridge approaches, slope protection of highway bridges, rail bridges and pedestrian bridges; and,
 - Construction, reconstruction, maintenance or repair of culverts.

7.2 Exceptions

While these requirements represent the City's current policy, it is recognized that under certain circumstances, such as emergency work referenced in Section 3 of the M.C.R., providing new services for a customer, or construction identified by the City as being necessary to ensure public safety, an exception to the moratorium may be made. Exceptions may be made, at the sole discretion of the City, provided that the Applicant has investigated and evaluated all other options and can demonstrate that they are not feasible or practical.

When such exceptions are granted, the Applicant shall exhaust all trenchless methods available to minimize the number and size of cuts in the street. The City, acting reasonably, may request more extensive site restoration than would normally be expected, at the Applicants expense, in order to mitigate the concerns of public inconvenience, premature degradation and aesthetics of newly improved streets.

8.0 Construction Requirements

8.1 Scope

These requirements cover the work proposed by the Applicant within the City of Oshawa's right-of-ways and describe, the procedures to be followed before, during and after construction work.

Work must be completed in accordance with the restrictions shown on posted signs, the conditions listed on the R.O.P. and the requirements outlined in this document. There shall be no deviation from the approved drawings for any part of the proposed installation without prior approval from the City.

8.2 Insurance

Proof of liability insurance for the construction, operation and maintenance of plant shall be provided to the satisfaction of the Durham Municipal Insurance Pool (D.M.I.P.) as set out in the authority or agreement under which the Applicant occupies the right-of-way.

8.3 Pre-Inspection

During the pre-inspection process the City's Utility Coordinator meets with the applicant representative and reviews the proposed work prior to construction start. All permits

issued with a pre-inspection indicated may not proceed until pre-inspection is complete. When requesting a pre-inspection, that Applicant's representative should:

- Ensure all Utility locates are on site (ground or hard copy);
- Provide an approved permit number to the City's Utility Coordinator;
- Contact the City's Utility Coordinator a minimum of 48 hours before the requested pre-inspection time; and,
- Ensure a hard copy of the R.O.P. is onsite for review/confirmation by the City's Utility Inspector.

Should there be something missing that prevents the pre-inspection from being carried out (i.e. locates) an additional inspection fee will be charged for any subsequent visits.

At pre-inspection, the City's Utility Coordinator will:

- Notify the Applicant's representative that work may not start if other contractors are present in the proposed work area unless coordinated with the other contractor(s);
- Require proof that traffic control has been taken into consideration including pedestrian traffic and that a traffic protection plan has been complete for the site;
- Record any existing damages in the work area on the City right-of-way to be used in the future should any claims or disputes arise;
- Review impacts on hard surfaces and ensure all road cuts and sidewalk cuts have been identified and approved;
- Review clearances from existing utilities and street furniture;
- Red line and markup applications with adjustments agreed upon during site inspection; and,
- Provide final sign-off on applications if all-conditions are met at pre-inspection allowing work to proceed or decline the R.O.P. if conditions have not met.

8.4 Resident and Business Notification

The Applicant must notify the adjacent property owner(s) and/or business locations along the affected frontage in writing providing the name of the Applicant, Contractor/U.S.P. where applicable, and a contact phone number. The Applicant should clearly describe the nature of the proposed work, the expected duration, and the proposed restoration practices.

8.5 Documents Required To Be On-Site

The Applicant shall ensure that, as a minimum, copies of the following documents are kept on-site at all times and shall make these documents available for viewing immediately upon being request by City of Oshawa staff:

- R.O.P.;
- Approved/Stamped Municipal Consent Drawing;
- Approval Letter;
- Notification to adjacent residents and businesses, where applicable; and,
- Any red lined drawings issued through pre-inspection.

8.6 Temporary Service Drops

Temporary services drops shall be permitted as a temporary means to supply servicing to a resident or business with the permanent service being installed at a future date.

Temporary service drops shall be subject to the following requirements:

- Installed in a manner that ensures the safety of residents, pedestrians, and vehicles;
- Have a high regard for aesthetics;
- Maintain pedestrian access, and where practical, vehicular access, to all public and private properties;
- Be buried such that it does not constitute a tripping hazard;
- Not cross sidewalks, driveways or walking paths along the surface;
- Not lie unprotected on the ground at any location;
- Not be strung using trees with a trunk diameter of less than 300mm. When using a tree, the cable shall be affixed to the tree with tape or with a minimal wrap-around. Under no circumstances shall cables be attached to trees using screws, nails or other destructive methods;
- Shall be no less than 4.5 metres in height when crossing a road, sidewalk, driveway or walking path;
- Enter and leave a utility pedestal at a 90 degree angle;
- Not cross over a property that is not serviced by this cable without the consent of the affected property owner;
- Include notice to all residents of all properties affected by the temporary service connection including an estimated date of permanent service installation and removal of the temporary cable; and,
- Shall remain in a closed and safe condition at all times.

The Applicant shall use best effort to install the permanent service as soon as possible. In the winter or early spring, frost conditions may delay the permanent installation. However, in general, temporary service drops shall be removed within 45 days.

Immediately upon installation of the permanent service, regardless of whether or not restoration has been completed, all materials and equipment associated with the temporary service drop shall be removed from the site by the U.S.P.

8.7 Locates and Protection of Plant

Prior to the commencement of any excavation, the Applicant shall obtain locates from all owners of underground plant in the work area to determine the location of all such plant and shall comply with any standards and instructions from the plant owners when working near their plant. The Applicant shall comply with City of Oshawa Engineering Design Standards when excavating, shoring, piling, backfilling and compacting around existing plant or as directed by the owner of the plant and the City's Utility Coordinator.

8.8 Working Hours

The Applicant shall comply with Noise By-law 112-82, as amended, of the Corporation of the City of Oshawa available at:

www.oshawa.ca/uploads/16/NoiseBy-law112-82.pdf

In addition, the Applicant shall:

- Maintain equipment in a good working condition.
- Restrict idling of service equipment to the minimum necessary for the proper performance of the specified work.

Working hours will be as noted in Noise By-law 112-82, as amended.

8.9 Trenchless Installations

Where the work is being undertaken using trenchless installation methods, pilot holes and any other damage to the street infrastructure shall be restored as per the requirements of this document. The location of the pilot holes and the measured depth of the existing plant must be clearly depicted on the location certificate.

8.10 Reporting Impact/Damage to Existing Plant

Any impact to existing plant including, but not limited to, the protective coating, support, cathodic protection or the housing of the plant, shall be reported to the City's Utility Coordinator and plant owner immediately. The plant shall remain exposed, with the excavation properly supported, until the plant owner has assessed the damage and made repairs or authorized the Applicant to proceed.

8.11 Hard Surface Restoration

Hard surfaces shall not be impacted without prior approval from the City of Oshawa. Should it be determined during construction that a hard surface needs to be altered, the

City of Oshawa must be notified prior to any work occurring. The following should be followed when impacting hard surfaces:

- If to carry out the works it is necessary to alter, break, or disturb an existing pavement, curb, gutter and/or sidewalk, the Applicant shall undertake a permanent repair immediately upon completion of the work to the satisfaction of the City unless alternative arrangements are made with the City. Temporary repairs are permitted after December 15 but must be reinstated to a permanent repair no later than April 30 of the following calendar year.
- When using asphalt for temporary sidewalk restoration, the Applicant shall ensure compacted base and positive drainage. Without good compaction and positive drainage, water that collects in in depressions freezes and may result in personal injury.
- Where sidewalks are disturbed, a minimum (1) sidewalk bay must be replaced as per the City's Engineering Design Standards. If disturbance takes place within a pedestrian crossing ramp, the Applicant must replace the sidewalk bay as per the City's Engineering Design Standards including tactile warning plates in accordance with the Accessibility for Ontarians with Disabilities Act (A.O.D.A.). Asphalt and concrete patches are not acceptable as final restorations.
- Where sidewalk sections of 15 metres or more are required to be removed and replaced, the Applicant must submit a sidewalk design completed as per the City's Engineering Design Standards and signed by a Professional Engineer. The City of Oshawa reserves the right to review the design and determine whether or not the design is acceptable. Where there is the opportunity for coordination with the City's Capital Works Contract, the City and the Applicant shall enter into negotiations regarding cost sharing and scheduling as it pertains to the permanent restoration of concrete sidewalks, concrete curbs and road structures.
- Each year, the Applicant must submit to the City of Oshawa's Engineering Department a list of 4 pre-qualified contractors for the purpose of hard surface restorations.
- Unshrinkable fill is to be used in all cuts under hard surfaces, including both road and sidewalk surfaces unless permission has been obtained from the City of Oshawa to install compacted granular and it is installed under geotechnical supervision.
- Asphalt driveway aprons shall be fully restored at the Applicant's cost if the utility cut is the second cut in the apron.

8.12 Pavement Degradation Fee

Utility providers should take every opportunity available to avoid cutting into the road pavement. In instances where this is unachievable, a degradation fee will be applied to the Municipal Consent Fee.

This fee is intended to compensate the City for the loss of pavement life due to the utility cut and will be based on a unit cost per square metre (\$/m²) of impacted pavement area depending on the age of the asphalt being cut as shown in Table 1 below.

Table 1

Age of Road (Years)	Degradation Fee
0 to 15	\$40 sq.m
15+ to 30	\$32 sq.m
30+ to 45	\$24 sq.m
45+ to 55	\$18 sq.m
55+ to 70	\$11 sq.m

Pavement Degradation fees will be charged as part of the R.O.P. process.

8.13 Working Around and Replacement of Horizontal Control Monuments

Prior to the commencement of construction, the City of Oshawa will identify any monuments within the proposed working area of the Applicant. Common places include sidewalk bays and top of curbs. The Applicant will be responsible for the replacement cost of any monument removed to facilitate the work.

It is suggested that the contractor installs highly visible stakes in the boulevard opposite the monuments and make all workers aware of the monument. If the monument is to be circled with paint, care must be taken not to cover the face of the monument in any paint or overspray.

The Applicant is to avoid moving equipment, materials and machinery over the bay of curb/sidewalk containing the monument and the monument itself. The Applicant shall be responsible for the preservation of all survey monuments identified by the City of Oshawa. It is also encouraged to leave in surrounding bays of sidewalk and curb if possible to ensure stability of the bay that the monument is in itself. It is also expected that the contractor will leave in the monument identified for removal as long as possible without impact to the work schedule. Exceptions will be made to those monuments identified for removal to facilitate work.

If the Applicant is unable to find a monument that has been identified by the City they are to call the City of Oshawa's Survey Department, who will identify the exact location of the monument onsite at no charge. Survey monuments are inventoried yearly and the contractor could be held, responsible for a previously removed monument if not identified as missing prior to the commencement of work.

At the completion of major project works the City of Oshawa will inspect the condition of the monuments and make notes to any changes observed over the length of the works. Monuments that are damaged/destroyed/missing/disturbed after the contractors operations will be replaced at the contractor's expense by the City.

Table 2

Item	Price
Urban Style Monument Cap	\$55.00
Rural Style Monument Cap	\$85.00
Urban/Rural Cap Install and Cosine Integration	\$1,500.00

If the replacement of the monument is identified during the consent review the cost associated with its replacement of that monument will be added to the Municipal Consent fee. The City of Oshawa's Survey Department will maintain an inventory of all monuments damaged during utility works and provide the U.S.P. with an invoice at the end on the year.

8.14 Non-Compliance

Should any construction begin that is not in compliance with the conditions of the permit(s) and this document, the Applicant may be issued a stop work order and may be required to perform temporary restoration and move all equipment and materials off-site until these requirements are met in full. The permit may be cancelled and a new application may be required.

Depending on the severity of the infraction, the issuance of new permits for some or all of the work by the same Applicant may be withheld or delayed until the infraction has been addressed by the Applicant to the satisfaction of City staff.

If City staff is required to visit the site at any time due to non-compliance of permit, expenses may be charged back to the Applicant, as appropriate.

The R.O.P. shall be null and void if the Applicant should fail to meet the requirements of the permit, and in that case, a new application for a permit shall be made.

9.0 Interpretation

Changes to the policy numbering, cross referencing of policy sections and/or minor editorial changes to this document may be made by the Commissioner of Economic and Development Services. Major changes to the document will require the approval of the Economic and Development Services Committee and Council.

Appendix 'A'

General Utility Cover/Clearance Guideline

Conduit/Buried Cable

Construction Method

Trench

- 0.6 metre horizontal clearance from all existing underground cable/conduit
- 0.3 metre vertical clearance from all existing underground cable/conduit
- 1.0 metre horizontal clearance from all storm/sanitary sewer and watermain
- 0.3 metre vertical clearance from all storm/sanitary sewer and watermain
- 0.5 metre horizontal clearance from back edge of curb
- 0.9 metre minimum cover in boulevards
- 1.5 metres minimum cover under all trees

Boring

- 1.0 metre horizontal clearance from all existing underground cable/conduit
- 0.3 metre vertical clearance from all existing underground cable/conduit
- 1.0 metre horizontal clearance from all storm/sanitary sewer and watermain
- 0.3 metre vertical clearance from all storm/sanitary sewer and watermain
- 0.5 metre horizontal clearance from back edge of curb
- 0.9 metre minimum cover in boulevards
- 1.5 metre minimum cover under all trees

Road crossing depths to be determined by City staff in order to avoid conflict with existing underground services and underdrains. Refer to the City's Engineering Design Standards for Subdrain and Utility crossing details.

Hydro Transformers/Poles

- 0.5 metre from edge of transformer/pole/guy and anchor to edge of sidewalk
- 0.5 metre from edge of transformer/pole/guy and anchor to edge of curb
- 1.0 metre from edge of transformer/pole/guy and anchor to edge of driveway
- 3.0 metres from edge of transformer to existing trees
- 1.5 metres from edge of transformer to pedestals or light poles
- 3.0 metres from operating side of transformer to pedestal or light poles

Pedestals

- 1.0 metre from driveways
- 0.5 metre from edge of sidewalk
- 1.0 metre offset from back edge of curb
- 1.0 metre offset from storm/sanitary sewer and watermain
- Locate outside tree dripline

Grade Level Box/ Flushmount/Vault

- 0.5 metre from driveways
- 0.5 metre from edge of sidewalk – some instance where this isn't achievable. GLB will be forced to be located adjacent to sidewalk

- 0.5 metre offset from back edge of curb
- 1.0 metre offset from storm/sanitary sewer and watermain
- Locate outside tree dripline

Both pedestals and GLB should ideally be located within park space or alongside lots where achievable.

***Hydrants – No utility infrastructure to be place between and existing hydrant and watermain.**

ED-23-67

From: Lynsey Peever Peever <M.F.I.P.P.A Sec. 14(1)>

Sent: Sunday, March 26, 2023 11:53 AM

To: clerks <clerks@oshawa.ca>

Cc: Tim Ryan <TRyan@oshawa.ca>

Subject: re. Notice of Pubic Meeting - Planning Act - 555 Rossland Road West

Hello,

I am member of the public opposing the application to amend Zoning By-law 60-94 to rezone the land from R1-C/CIN/SO-D to R6-C for safety reasons.

The intersection of 555 Rossland road west has two high schools (Monsignor Paul Dwyer and RS McLaughlin), one elementary school (Adelaide McLaughlin) and several businesses sharing the same intersection all in a very close proximity. In past years, before this intersection was built up to what it is currently (without the addition consideration of your building proposal), there have been two school crossing fatalities and several serious vehicular accidents. Safety is the number one issue and concern. It is unfathomable to think the city of Oshawa is contemplating the allowance of adding 179 units to an already congested, bombarded area let alone building it beside the main intersection. I absolutely attest this idea. The amount of traffic, people/pedestrians, traffic lights, bus stops that all exist at this location, already suffers the risk and effects of pedestrian safety and congestion. I ask you please do not worsen the safety concern of how busy this area already is. I am a parent of three young children who have just started at Adelaide McLaughlin elementary school and I feel the effects of stress and concern for safety everyday. I ask you please do not worsen the safety concern of how busy this area is.

Sincerely,

Matt & Lynsey

Mount Hood Court, Oshawa

ED-23-67

From: <M.F.I.P.P.A Sec. 14(1)>
Sent: Monday, March 27, 2023 7:00 PM
To: Tim Ryan <TRyan@oshawa.ca>
Subject: Zoning by-law 60-94

Hi Tim,

I read in the paper about the application to amend the zoning by-law at 555 Rossland Road West.

I have some serious concerns regarding this project including the congestion at that intersection and the affect the influx of people will have on traffic and the nearby schools.

It is noted that they want to reduce required parking as well as permit encroachments of stairs into front and rear yards. This to me is providing substandard housing with not enough parking for the tenants or space for children to play in the name of providing more housing.

There is always a concern of an increase in crime/violence in a high density area as well.

Do you have additional material available regarding this project?

I look forward to your response

Mary-Anne Finlay

ED-23-67

From: barb laing <M.F.I.P.P.A Sec. 14(1)>

Sent: Sunday, April 2, 2023 6:50 PM

To: Tim Ryan <TRyan@oshawa.ca>

Subject: Application to amend zoning by-law 60-90(File Z-2023-02)

Dear Tim Ryan:

This email is to address opposition to the zoning by-law application as mentioned above to build high density stacked townhomes on the property on the SW corner of Rossland and Stevenson Roads in Oshawa.

We have lived in this area for over 30 years – our children attending all three of the schools adjacent to this property. Our concerns are about safety for pedestrians, traffic flow and quality of life generally for area residents.

Over the time period we have lived in this area we have noticed the traffic flow on Rossland, Thornton and Stevenson and all area roads have increased dramatically. Not only does the increased traffic make it difficult to exit out of the subdivision by vehicle, it increases noise and makes it difficult for pedestrians to cross the busy intersections. Fatalities have occurred at these intersections over the years as well as numerous accidents. At certain times of the day due to school entry there are numerous school buses and children trying to cross the roads as well which adds to the congestion. Residents from the planned complex will need to enter and exit somewhere along Rossland as well which will impact traffic flow and perhaps require an additional turning lane. As this is a regional road I would think it would be important to keep traffic flowing smoothly thereby not add additional entries and exits to impede this flow.

Additional parking is also a concern. With an increase in housing comes additional need for adequate parking. Presently parents and staff of school children in the area already experience an inadequate supply of parking spots for visiting the school and over flow sometimes flows into the nearby plaza causing even more congestion there. Concern arises then about new residents from the proposed townhomes parking off site in the plaza and impeding customers and students frequently the businesses there.

Another concern is that there are very few large parks in the immediate area as it is. Where are children from this complex going to safely play? Has there been thought gone into the plan as well to allow for a safe leisure area for these and all area residents – or will paved spaces and concrete take over the space?

City planners need to address the issues of quality of life and safety for ALL the residents in the city – quality versus quantity. Tax revenue should only be one factor in the equation when it comes to changing zoning for housing. Housing is important but should not take precedent over existing neighbourhoods and quality of life. For this

ED-23-67

reason care should be taken with this decision and perhaps scale down the size of the development to allow for a safer and more pleasant neighbourhood.

Barbara Laing

<M.F.I.P.P.A Sec. 14(1)>

Oshawa, On

<M.F.I.P.P.A Sec. 14(1)>

<M.F.I.P.P.A Sec. 14(1)>

ED-23-67

From: Michael Hance <M.F.I.P.P.A Sec. 14(1)>

Sent: Sunday, April 2, 2023 10:41 PM

To: Tim Ryan <TRyan@oshawa.ca>

Subject: File Z-2023-02

Below are some concerns I have about the 179 Townhouses proposed for the corner of Rossland and Stevenson:

My name is Michael Hance and I am speaking not only as a long-term area resident but as a former School Community Council chair at both Adelaide McLaughlin Public School and R.S. McLaughlin Collegiate and Vocational Institute. Additionally, my wife has worked at McLaughlin CVI for over 20 years. As well, we are both past members of the Brookside Park executive. Considering our involvement and familiarity with the area and its facilities, I feel highly qualified to comment. The proposal to construct 179 townhouse units on the southwest corner of Rossland and Stevenson is concerning to me on several fronts.

First of all, the increase in traffic in such close proximity to three schools and a busy Day Care is a recipe for disaster. I was part of the process that secured two crossing guards at the Rossland-Stevenson intersection. It was determined that three schools and a plaza generated a potentially deadly mix of vehicular and pedestrian traffic. The volume of traffic, particular and the beginning and end of the school day, is already problematic with buses and parents forced to wait on the streets until able to access congested pickup areas. A very busy bus stop on the southwest corner and the students from Dwyer racing to catch their ride home only worsens the danger factor. As such, frustration is already high. Adding the traffic associated with 179 more homes to one of the intersection's corners will likely push the problem well beyond the tipping point.

But not all students are bused or otherwise driven to school. Many walk. Even two crossing guards are sometimes insufficient to control traffic across four through lanes and an additional turning lane at all four corners. Increasing the volume of traffic, reducing sightlines, and even more pedestrian traffic to the area will only increase the danger to schoolchildren as they wait to cross Rossland and Stevenson. Already, it has been determined dangerous enough to warrant a speed camera in front of Dwyer.

Equally as worrisome is the increased number of students who will undoubtedly frequent the Rosslynn Plaza, known to the students as "The Depot." Already, high numbers of students congregate there during lunch and after-school hours. Fights are frequent, more so since students from out of area are bused in from poorly served new developments. Even more problematic is intimidation and conflicts with area residents using Lovell Drugs and the CIBC branch. The numbers of students cutting through the parking lot in order to reach the various food outlets create problems for drivers and

ED-23-67

pose significant danger for those students; adding significantly to those numbers will only exacerbate the problem.

Another issue stems from the future of Monsignor Paul Dwyer Catholic School. Rumours abound concerning its imminent closure. Certainly this would reduce both vehicular and pedestrian traffic. However, if the trend towards allowing high-density development of every vacant lot in the city continues, it is safe to assume even more housing will be proposed and, if past experience demonstrates, permitted. This will only serve to increase volumes of traffic to levels which promise tragedy at the doorsteps of the two remaining schools.

R.S. McLaughlin CVI is already at capacity, in fact it is slightly over. Adelaide McLaughlin is also full. If and when Dwyer closes, many of those students living in the area will undoubtedly transfer to MCVI. Students living in the proposed development as well as those who inhabit any residential developments that might arise should Dwyer close will overwhelm MCVI and Adelaide McLaughlin will quickly overwhelm the ability of local schools to deliver quality education given the size of the buildings and the ever-increasing demands on the system.

Finally, at the risk of sounding provincial, the influx of new residents attracted by these developments often bring “big city” problems with them. High-density developments have proven time and again to be areas especially associated with gangs and drugs; this is the driving force behind the need for a new police station for the Simcoe North development area as was highlighted by several local candidates of all political stripe in the last municipal and regional elections. To even consider putting such a development literally next door to three schools is reprehensively irresponsible on the part of city council.

I realize this smacks of NIMBY attitudes but when the threats are very real, when the problems are so obvious, such an attitude is not only natural but prudent and necessary.

Michael Hance

<M.F.I.P.P.A Sec. 14(1)> or <M.F.I.P.P.A Sec. 14(1)>

To: Economic and Development Services Committee

From: Warren Munro, HBA, MCIP, RPP, Commissioner,
Economic and Development Services Department

Report Number: ED-23-78

Date of Report: April 12, 2023

Date of Meeting: April 17, 2023

Subject: Application to Amend Zoning By-law 60-94, Rossland
Residences Corp., 555 Rossland Road West

Ward: Ward 4

File: Z-2023-02

1.0 Purpose

The purpose of this Report is to provide background information for the Planning Act public meeting on the application submitted by Rossland Residences Corp. (the “Applicant”) to amend Zoning By-law 60-94 to permit a development with six (6) stacked townhouse buildings (apartment buildings) with a combined total of 179 dwelling units located on lands municipally known as 555 Rossland Road West (the “Subject Site”).

The Applicant intends to register the proposed development as a standard condominium. If the subject application to amend Zoning By-law 60-94 is approved, the Applicant will be required to submit an application for approval of a draft plan of condominium at the appropriate time.

Attachment 1 is a map showing the location of the Subject Site and the existing zoning in the area.

Attachment 2 is a copy of the proposed site plan submitted by the Applicant.

A notice advertising the public meeting was mailed to all assessed property owners within 120 metres (400 ft.) of the Subject Site and to all required public bodies. In addition, a notice was published in the Oshawa This Week newspaper and two (2) signs giving notice of the application have been posted on the Subject Site. The notice was also posted on the City’s website and communicated through its Corporate Twitter and Facebook social media accounts.

The notice regarding the public meeting provided an advisory that the meeting is open to the public and will take place in person in the Council Chamber at Oshawa City Hall. Members of the public wishing to address the Economic and Development Services

Committee through electronic means rather than appear in-person to make a delegation were invited to register their intent to participate electronically by 12:00 p.m. on April 14, 2023.

2.0 Recommendation

That, pursuant to Report ED-23-78 dated April 12, 2023, concerning the application submitted by GHD Limited on behalf of Rossland Residences Corp. to amend Zoning By-law 60-94 (File: Z-2023-02) to permit the development of six stacked townhouse buildings (apartment buildings) with a total of 179 dwelling units at 555 Rossland Road West, staff be directed to further review and prepare a report and recommendation back to the Economic and Development Services Committee. This direction does not constitute or imply any form or degree of approval.

3.0 Executive Summary

Not applicable.

4.0 Input from Other Sources

4.1 Other Departments and Agencies

The subject application has been circulated for comment and the identification of issues to a number of departments and agencies. These comments and issues will be considered and reported on, as appropriate, in a subsequent staff report which will provide a recommendation on the application.

5.0 Analysis

5.1 Background

The Subject Site is generally located at the southwest corner of Rossland Road West and Stevenson Road North, and is municipally known as 555 Rossland Road West (see Attachment 1).

The following is background information concerning the subject application:

Item	Existing	Requested/Proposed
Oshawa Official Plan Designation	Residential	No change

Item	Existing	Requested/Proposed
Zoning By-law 60-94	R1-C/CIN/SO-D (Residential/Community Institutional/Specialized Office) Zone	An appropriate R6-C (Residential) Zone with site specific regulations to permit certain performance standards related to matters such as, but not necessarily limited to, increased residential density, lot coverage and permitted encroachments of stairs and partially above-ground parking structure into certain required yards, reduced required parking and reduced building setbacks to the adjacent public streets to the north and east and to the south interior side lot line
Use	Vacant	Six stacked townhouse buildings (apartment buildings) with a total of 179 dwelling units

The following land uses are adjacent to the Subject Site:

- North:** Rossland Road West, beyond which is Monsignor Paul Dwyer Catholic High School including Grandview Kids Rehabilitation Centre
- South:** Adelaide McLaughlin Public School and R.S. McLaughlin Collegiate and Vocational Institute
- East:** Stevenson Road North, beyond which are single detached dwellings
- West:** Semi-detached dwellings on Berwick Crescent

The following are the proposed development details for the Subject Site:

Site Statistics Item	Measurement
Lot Frontage	Rossland Road West – 186m (610.24 ft.) Stevenson Road North – 43.30m (142.66 ft.)
Lot Area	1.06 ha (2.62 ac.)
Number of Proposed Stacked Townhouse Units and Bedroom Types	179 units: - 47 one-bedroom units - 114 two-bedroom units - 18 three-bedroom units
Proposed Net Residential Density	168.86 u/ha (68.37 u/ac.)
Proposed Maximum Building Height	17.36m (56.96 ft.) (generally presenting as 4 to 5 storeys)

Site Statistics Item	Measurement
Parking Spaces Required	Apartment units at a condominium rate: 260 spaces for residents (1.45 spaces per unit) 54 spaces for visitors (0.3 spaces per unit) Total: 314
Parking Spaces Provided	179 spaces for residents (1.0 space per unit) 36 spaces for visitors (0.2 spaces per unit) Total: 215
Number of Bicycle Parking Stalls Proposed	Short term: 30 Long term: 20 Total: 50

On March 6, 2023, the Economic and Development Services Committee held a Planning Act Public meeting regarding proposed City-initiated amendments to the Oshawa Official Plan (O.O.P.) and Zoning By-law 60-94 related to the City of Oshawa Parking Study. Report ED-23-37 dated March 1, 2023 recommended that the separate parking rates based on tenure (i.e. condominium versus rental) be eliminated for apartment buildings, and that the parking rate instead be based on the size of the apartment units (e.g. bachelor units, one-bedroom units, two-bedroom units, three-bedroom units, etc.). It also recommended that the visitor parking rate be reduced from 0.33 spaces per unit for rentals and 0.30 spaces per unit for condominiums to 0.25 spaces per unit regardless of tenure. Based on these proposed City-initiated amendments to Zoning By-law 60-94, the subject proposed development on the Subject Site would require 262 parking spaces calculated as follows:

- 47 parking spaces for the 47 one-bedroom units (1.0 space per unit);
- 143 parking spaces for the 114 two-bedroom units (1.25 spaces per unit);
- 27 parking spaces for the 18 three-bedroom units (1.5 spaces per unit); and,
- 45 parking spaces for visitors.

This requirement exceeds the number of parking spaces actually being proposed by the Applicant by 47 spaces.

5.2 Oshawa Official Plan

The Subject Site is designated Residential in the O.O.P.

The O.O.P. specifies, in part, that areas designated as Residential shall be predominantly used for residential dwellings.

The O.O.P. contains policies which establish various density types and provide general locational criteria for such densities. Table 2, Residential Density Classification, in the O.O.P. identifies five density categories, including the High Density I Residential category. This category permits 85 to 150 units per hectare (34 to 60 u/ac.), subject to general locational criteria as follows:

- (a) Generally located at the periphery of neighbourhoods along arterial roads, or within or at the periphery of the Downtown Oshawa Urban Growth Centre, or in proximity to arterial roads within the Main Central Areas, Sub-Central Areas Community Central Areas or within Intensification Areas along Regional Corridors; and,
- (b) Generally located in such a manner that the scale, form and impacts of this type of housing are generally compatible with adjacent land uses.

The proposed development at 555 Rossland Road West would have a net residential density of approximately 168.86 units per hectare (68.37 u/ac.) which is greater than the High Density I Residential classification.

It should be noted that in order to provide for flexibility in the interpretation of the text and schedules of the O.O.P., all numbers and quantities (with the exception of floor space indices) shall be considered to be approximate. Policy 10.1.2(a) specifies that minor changes to such numbers and quantities will be permitted without the need for an Official Plan amendment, provided that such changes do not affect the intent of the O.O.P. This policy would apply in the consideration of minor deviations from the density ranges outlined in Table 2 of the O.O.P., which serves as a guideline for reviewing matters related to the density of development.

Rossland Road West and Stevenson Road North are both designated as Type 'B' Arterial Roads on Schedule "B", Road Network, of the O.O.P. Rossland Road West is also designated as a Regional Transit Spine on Schedule "B-1", Transit Priority Network, of the O.O.P.

The policies and provisions of the O.O.P. will be considered during the further processing of the subject application.

5.3 Zoning By-law 60-94

The Subject Site is currently zoned R1-C/CIN/SO-D (Residential/Community Institutional/Specialized Office).

The R1-C Zone permits single detached dwellings.

The CIN Zone permits a variety of community uses, including, but not limited to, a church, elementary school and secondary school.

The SO-D Zone permits uses such as, but not limited to, a flat, office and personal service establishment.

Stacked townhouses are considered to be an apartment building under Zoning By-law 60-94. An apartment building is not permitted in any of the aforementioned zones. The Applicant has submitted an application to amend Zoning By-law 60-94 to rezone the Subject Site from R1-C/CIN/SO-D to an R6-C (Residential) Zone subject to a special condition to permit the proposed development. In order to implement the proposed buildings/site design, site specific regulations are proposed such as increased residential density, lot coverage, permitted encroachments of stairs into the required front and rear

yards (east and west sides of site, respectively) and permitted encroachment of a partially above ground parking structure into certain required yards, reduced required parking, and reduced building setbacks to the adjacent public streets to the north and east and to the interior side lot line to the south.

The subject application will be reviewed against the provisions of Zoning By-law 60-94 during the further processing of the application.

5.4 Site Design/Land Use Considerations

The Applicant proposes to develop six (6) stacked townhouse buildings (apartment buildings) with a combined total of 179 dwelling units (see Attachment 2).

The proposed development includes surface parking and one level of underground parking. Driveway access to the private condominium road would be from Rossland Road West only.

The proposed development also includes the following features:

- Communal outdoor amenity area to the south of Building E including a children's playground at grade;
- Central courtyards between Buildings A and B and between Buildings C and D; and,
- Private balconies for each dwelling unit including rooftop terraces for upper level units.

In support of the proposed development the Applicant has submitted a variety of plans and documents including a site plan, floor plans, elevation plans, planning justification report, landscape plans, waste management plan, grading plan, servicing plan, functional servicing and stormwater management report, geotechnical investigation, noise impact study, traffic impact study and parking assessment.

Detailed design matters will be reviewed during the further processing of the application to ensure compliance with the City's Landscaping Design Policies, engineering standards and other policies. This Department will conclude its position on the site design after it has received and assessed comments from the circulated departments, agencies and the public.

Some of the specific matters this Department will be reviewing during the further processing of the subject application include:

- (a) The appropriateness of the proposed residential density at this location;
- (b) The appropriateness of the proposed zoning regulations including the proposed parking rate;
- (c) Site/building design matters including driveway access, parking, refuse storage and collection, loading, building architecture, fire access and landscaping;
- (d) Servicing and stormwater management matters;

- (e) Transportation considerations;
- (f) Noise attenuation; and,
- (g) Crime Prevention Through Environmental Design matters.

6.0 Financial Implications

There are no financial implications associated with the recommendation in this Report.

7.0 Relationship to the Oshawa Strategic Plan

Holding a public meeting on development applications advances the Accountable Leadership Goal of the Oshawa Strategic Plan.



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

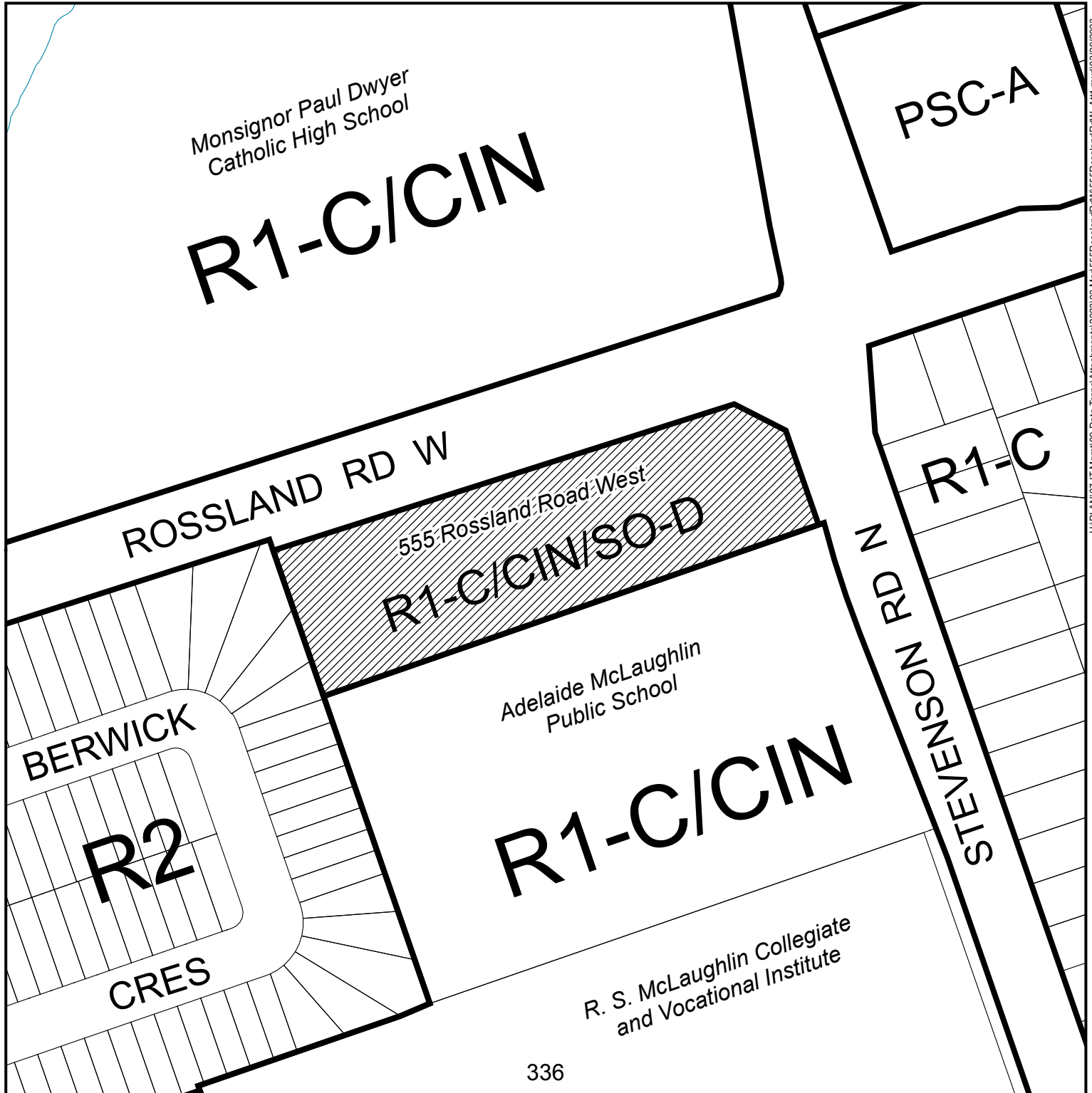
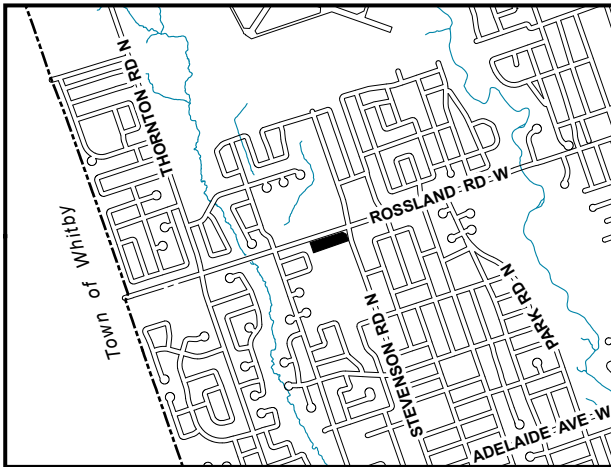


Warren Munro, HBA, MCIP, RPP, Commissioner,
Economic and Development Services Department

Subject: Application to Amend Zoning By-law 60-94,
Rossland Residences Corp.
Address: 555 Rossland Road West
Ward: Ward 4
File: Z-2023-02



Subject Site 



City of Oshawa
Economic and Development Services
OSHAWA/OS

