

# Economic and Development Services Committee Meeting Agenda



Monday, February 5, 2024, 1:30 p.m.

Council Chamber

## **Members of the Committee:**

Councillor Marimpietri, Chair

Councillor Chapman, Vice-Chair

Councillor Giberson

Councillor Gray

Councillor Kerr

Mayor Carter, Ex Officio

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**Pages**

## **Public Meeting**

### **Land Acknowledgement**

The City of Oshawa is situated on lands within the traditional and treaty territory of the Michi Saagiig and Chippewa Anishinaabeg and the signatories of the Williams Treaties, which include the Mississaugas of Scugog Island, Curve Lake, Hiawatha and Alderville First Nations, and the Chippewas of Georgina Island, Rama and Beausoleil First Nations.

We are grateful for the Anishinaabeg who have cared for the land and waters within this territory since time immemorial.

We recognize that Oshawa is steeped in rich Indigenous history and is now present day home to many First Nations, Inuit and Métis people. We express gratitude for this diverse group of Indigenous Peoples who continue to care for the land and shape and strengthen our community.

As a municipality, we are committed to understanding the truth of our shared history,

acknowledging our role in addressing the negative impacts that colonization continues to have on Indigenous Peoples, developing reciprocal relationships, and taking meaningful action toward reconciliation.

We are all Treaty people

### **Additional Agenda Items**

(As may be presented at the meeting)

### **Declarations of Pecuniary Interest**

(As may be presented by Council Members)

### **Presentations**

None.

### **Delegations**

None.

### **Referrals from Council**

None.

### **Reports from Advisory Committees**

Heritage Oshawa respectfully reports and recommends to the Economic and Development Services Committee:

#### **ED-24-21 - Windfields Farm/Northern Dancer Cemetery Participation in Doors Open (Previously HTG-24-08) (Ward 2)**

##### Recommendation

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

That the Doors Open Committee open the Windfields Farm/Northern Dancer cemetery to the public during Doors Open, 2024.

### **Items Requiring Direction**

#### **ED-24-14 - Update concerning Council's Direction to Designate 117 King Street East under Part IV of the Ontario Heritage Act (Ward 4)**

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##### Recommendation

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

That, pursuant to Report ED-24-14 dated January 31, 2024, the Economic and Development Services Committee select an appropriate option under Section 5.3 of said Report, concerning the property owner's requested revisions to the draft Designation Statement and Description for 117 King Street East which is to be

designated under Part IV of the Ontario Heritage Act.

**ED-24-16 - Update concerning Council's Direction to Designate 149 Harmony Road South under Part IV of the Ontario Heritage Act (Ward 3)**

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Recommendation

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

That, pursuant to Report ED-24-16 dated January 31, 2024, the Economic and Development Services Committee select an appropriate option under Section 5.9 of said Report in response to Correspondence ED-24-05, being a notice of objection to the City's intention to designate the property municipally known as 149 Harmony Road South under Part IV of the Ontario Heritage Act, submitted by Overland LLP on behalf of the Property Owner.

**Public Consent Agenda**

**Correspondence with recommendations**

**Staff Reports/Motions with recommendations**

**ED-24-19 - Revised Applications to Amend the Secondary Plan for the Samac Community and Zoning By-law 60-94, 1494339 Ontario Limited, for lands generally located at the southeast corner of Ritson Road North and Luple Avenue (Ward 1)**

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Recommendation

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

1. That, pursuant to Report ED-24-19 dated January 31, 2024, the revised application submitted by D.G. Biddle and Associates Limited on behalf of 1494339 Ontario Limited to amend the Secondary Plan for the Samac Community (File: OPA-2022-06) to permit an increased residential density of approximately 102 units per hectare (41 units/ac.) on lands generally located at the southeast corner of Ritson Road North and Luple Avenue and to redesignate that portion of the same lands associated with the tributary of the Oshawa Creek from Medium Density I Residential to Open Space and Recreation 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; and,
2. That, pursuant to Report ED-24-19 dated January 31, 2024, the revised application submitted by D.G. Biddle and Associates Limited on behalf of 1494339 Ontario Limited to amend Zoning By-law 60-94 (File: Z-2022-07), to rezone lands generally located at the southeast corner of Ritson

Road North and Luple Avenue from FD (Future Development) to an appropriate R6-C (Residential) zone to permit a six (6) storey, 46 unit apartment building, and to an appropriate R1-E (Residential) Zone to permit four (4) single detached dwellings, and OSH (Hazard Lands Open Space) for that portion of the lands associated with the tributary of the Oshawa Creek, 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; 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-23-157 dated September 6, 2023 presented at the public meeting of September 11, 2023 differs to some degree from the proposed amendment recommended to be approved by City Council pursuant to Part 2 of this Recommendation, such differences are not substantial enough to require further notice and another public meeting.

**ED-24-20 - Revised Applications to Amend Zoning By-law 60-94 and for approval of a Draft Plan of Subdivision, 1279 Simcoe Street North, Katanna Simcoe Ltd. (Ward 2)**

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Recommendation

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

1. That, pursuant to Report ED-24-20 dated January 31, 2024, the revised application submitted by Katanna Simcoe Ltd. to amend Zoning By-law 60-94 (File: Z-2022-12) to permit 170 block townhouse dwellings consisting of 11 live/work units, 69 traditional block townhouse units and 90 back-to-back block townhouse units, a road widening block and a private parkette, on lands municipally known as 1279 Simcoe Street North 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 the City Solicitor; and,
2. That, pursuant to Report ED-24-20 dated January 31, 2024, the revised application submitted by Katanna Simcoe Ltd. for approval of a draft plan of subdivision (File: S-O-2022-05) for 1279 Simcoe Street North featuring one development block and one road widening block to facilitate the development of a proposed common elements plan of condominium featuring 170 block townhouse dwellings be approved, and that the Commissioner of Economic and Development Services or Director of Planning Services be authorized to impose appropriate conditions in the draft plan of subdivision approval Planning Act decision; 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-23-01 dated January 4, 2023 presented at the public meeting of January 9, 2023 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.

### **Public Discussion Agenda**

#### **Matters Excluded from the Consent Agenda**

#### **Items Introduced by Council Members**

#### **Items Pulled from the Information Package**

None.

#### **Questions to Staff Concerning the Committee's Outstanding Items List**

### **Closed Consent Agenda**

#### **Closed Correspondence with recommendations**

#### **Closed Staff Reports/Motions with recommendations**

**ED-24-17 - Request to Acquire a Portion of City-owned Lands at 99 Thornton Road South (Wards 4 and 5)**

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

(See Pages C1 to C10)

#### **Recommendation**

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

That, pursuant to Report ED-24-17 dated January 31, 2024, the Director, Planning Services, be authorized to respond to Closed Correspondence ED-23-201 in accordance with Section 5.6 of said Report.

### **Closed Discussion Agenda**

#### **Matters Excluded from the Consent Agenda**

#### **Items Requiring Direction**

**ED-24-18 - Results of the Request for Expression of Interest Process for the Future Use of the City-owned Public Parking Lot (Lot 4) located on the North Side of Athol Street East, between Centre Street South and Simcoe Street South (Ward 4)**

Closed Pursuant to Section 239 (2)(c), 239 (2)(i), 239 (2)(j), and 239 (2)(k) of the Municipal Act

(See Pages C11 to C139)

Recommendation

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

That, pursuant to Report ED-24-18 dated January 31, 2024, the Economic and Development Services Committee select an appropriate option as set out in Section 5.3 of Closed Report ED-24-18 dated January 31, 2024 concerning next steps for the future use of the City-owned Parking Lot 4.

**Matters Tabled**

None.

**Adjournment**

To: Economic and Development Services Committee

From: Anthony Ambra, P.Eng., Commissioner,  
Economic and Development Services Department

Report Number: ED-24-14

Date of Report: January 31, 2024

Date of Meeting: February 5, 2024

Subject: Update concerning Council's Direction to Designate 117 King Street East under Part IV of the Ontario Heritage Act

Ward: Ward 4

File: 12-04-2116

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## **1.0 Purpose**

The purpose of this Report is to obtain Council's direction on whether or not to consent to the property owner's requested revisions to the draft Designation Statement and Description prior to proceeding with the designation of 117 King Street East (the "Subject Property") under Part IV of the Ontario Heritage Act, R.S.O. 1990, c. O.18 (the "Ontario Heritage Act").

On December 12, 2022, Council considered Report ED-22-214 dated November 23, 2022 and adopted the following as part of a multi-part recommendation:

- "1. That, pursuant to Report ED-22-214 dated November 23, 2022, Economic and Development Services staff be authorized to undertake the process established in the Ontario Heritage Act to designate the property located at 117 King Street East as a property of cultural heritage value or interest under the Ontario Heritage Act by undertaking actions such as the following:
  - (a) Obtaining an updated Heritage Research Reports to provide evidence that the subject property specifically addresses the requirements of the Ontario Heritage Act;
  - (b) Preparing a Notice of Intention to Designate the property located at 117 King Street East under the Ontario Heritage Act which will generally include the Designation Statement and Description with input from Heritage Oshawa and the owner;
  - (c) Publishing the Notice in the Oshawa This Week newspaper;

- (d) Forwarding the Notice to the Ontario Heritage Trust and the owner in accordance with the Ontario Heritage Act; and,
- (e) Preparing the necessary by-law which will generally include the Designation Statement and Description with input from Heritage Oshawa and the owner for subsequent consideration by Council.”

Pursuant to Council’s direction in this regard, Economic and Development Services staff retained the services of Archeological Research Associates Ltd. (“A.R.A. Ltd.”) for the preparation of a heritage research report for 117 King Street East (see Attachment 5). The findings of said heritage research report were used by City staff to inform the contents of the draft Designation Statement and Description.

Economic and Development Services staff subsequently consulted with Heritage Oshawa and the property owner on the draft Designation Statement and Description. On October 30, 2023, the property owner provided to City staff a version of the draft Designation Statement and Description with their requested revisions.

Attachment 1 is a map showing the Subject Property and the existing zoning in the area.

Attachment 2 is an aerial photo of the Subject Property showing key site features.

Attachment 3 is a copy of the draft Designation Statement and Description with the property owner’s requested revisions shown in track changes.

Attachment 4 is correspondence from the Heritage Operations Manager at Archaeological Research Associates Ltd. confirming that they have no issue with the property owner’s requested revisions.

Attachment 5 is a copy of the Heritage Research Report for the Subject Property procured from Archaeological Research Associates Ltd. Owing to its length, this updated Heritage Research Report is not attached but can be found at the following link:  
[https://www.oshawa.ca/en/parks-recreation-and-culture/resources/Documents/Heritage-Research-Rpt\\_King-St-E-117\\_2023.pdf](https://www.oshawa.ca/en/parks-recreation-and-culture/resources/Documents/Heritage-Research-Rpt_King-St-E-117_2023.pdf).

## **2.0 Recommendation**

That, pursuant to Report ED-24-14 dated January 31, 2024, the Economic and Development Services Committee select an appropriate option under Section 5.3 of said Report, concerning the property owner’s requested revisions to the draft Designation Statement and Description for 117 King Street East which is to be designated under Part IV of the Ontario Heritage Act.

## **3.0 Executive Summary**

Not applicable.



## **4.0 Input From Other Sources**

### **4.1 Input from City staff**

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

- Chief Administrative Officer
- Commissioner, Community and Operations Services
- Commissioner, Safety and Facilities Services
- City Solicitor

### **4.2 Consultation with the Property Owner**

On October 23, 2023, the owner of the Subject Property, Atria Development Corp. (“Atria”), was sent a copy of the draft Designation Statement and Description prepared by staff and asked for their input.

On October 30, 2023, Atria provided to City staff a version of the draft Designation Statement and Description with their requested revisions (see Attachment 3).

### **4.3 Consultation with Archaeological Research Associates Ltd.**

On November 6, 2023, staff requested the Heritage Operations Manager at A.R.A. Ltd. to review Atria’s requested revisions, and advise whether they had any concerns. A.R.A. Ltd. subsequently advised that they had no issue with Atria’s requested revisions as they do not change the intent of the listed heritage attributes (see Attachment 4).

### **4.4 Consultation with Heritage Oshawa**

On September 28, 2023, Heritage Oshawa indicated they had no comments on the draft Designation Statement and Description as originally drafted.

On November 23, 2023, Heritage Oshawa was consulted on Atria’s requested revisions, as well as A.R.A. Ltd.’s response to the requested revisions, and made the following motion:

“That, pursuant to Report HTG-23-67 dated November 17, 2023, Heritage Oshawa supports the revisions to the Draft Designation Statement of 117 King Street East, as presented.”

## **5.0 Analysis**

### **5.1 Background**

As noted in Section 1.0 of this Report, on December 12, 2022, Council considered Report ED-22-214 dated November 23, 2022 and adopted a motion to, among other matters, authorize staff to undertake the process established in the Ontario Heritage Act to designate the property located at 117 King Street East as a property of cultural heritage value or interest under the Ontario Heritage Act by undertaking

various actions. Among these actions was the procurement of an updated Heritage Research Report for the Subject Property.

Pursuant to Council's direction in this regard, Economic and Development Services staff retained the services of A.R.A. Ltd. for the preparation of a heritage research report for the Subject Property (see Attachment 5). Once completed, the heritage research report was used by City staff to prepare a draft Designation Statement and Description for the Subject Property.

On September 28, 2023, Heritage Oshawa was consulted on the draft Designation Statement and Description for the Subject Property, as originally drafted by staff. Staff were advised that they had no comments.

On October 23, 2023, Atria was consulted on the draft Designation Statement and Description, as prepared by staff and accepted by Heritage Oshawa, and asked for their input.

On October 30, 2023, Atria responded back to City staff with a modified version of the draft Designation Statement and Description containing requested revisions (see Attachment 3).

On November 6, 2023, the Heritage Operations Manager from A.R.A. Ltd. was asked to review Atria's requested revisions and advise whether they had any concerns. A.R.A. Ltd. stated that they had no issue with Atria's requested revisions as they do not change the intent of the listed heritage attributes (see Attachment 4).

On November 23, 2023, Heritage Oshawa was consulted on Atria's requested revisions, as well as A.R.A. Ltd.'s response to the requested revisions. As noted in Section 4.4 of this Report, Heritage Oshawa supported the proposed revisions to the Draft Designation Statement and Description.

## **5.2 Effect of Requested Revisions**

The only requested revision that would have the potential to limit the heritage attributes of the property is the revision relating to the rectangular window openings.

This requested revision from the property owner will result in only those window openings on the north and east elevations of the building to be listed as heritage attributes (i.e. those street-facing elevations visible from King Street East and Charles Street), omitting any other openings on the remaining interior-facing elevations. It is staff's understanding that this revision was requested in light of the property owner's plans to redevelop the Subject Property, incorporating the original 1948 building into the design, with alterations to the south and west elevations of the building facing the interior of the property.

City staff have no issue with the aforementioned revision as the windows facing the public realm at the corner of King Street East and Charles Street will remain listed as heritage attributes.

### **5.3 Options**

#### **5.3.1 Option 1: Consent to the Property Owner’s Requested Revisions**

Should the Economic and Development Services Committee wish to consent to the property owner’s requested revisions to the draft Designation Statement and Description regarding 117 King Street East, the following recommendation should be adopted:

“That the Economic and Development Services Committee recommend to Council that, pursuant to Report ED-24-14 dated January 31, 2024, Economic and Development Services staff be authorized to continue the designation process for 117 King Street East, as directed by Council on December 12, 2022, and incorporate the property owner’s requested revisions into the draft Designation Statement and Description to be included in a Notice of Intention to Designate.”

#### **5.3.2 Option 2: Refuse the Property Owner’s Requested Revisions**

Should the Economic and Development Services Committee wish to refuse the property owner’s requested revisions to the draft Designation Statement and Description regarding 117 King Street East, the following recommendation should be adopted:

“That the Economic and Development Services Committee recommend to Council that, pursuant to Report ED-24-14 dated January 31, 2024, Economic and Development Services staff be authorized to continue the designation process for 117 King Street East, as directed by Council on December 12, 2022, without incorporating the property owner’s requested revisions into the draft Designation Statement and Description to be included in a Notice of Intention to Designate.”

### **6.0 Financial Implications**

There are no financial implications associated with this Report.

### **7.0 Relationship to the Oshawa Strategic Plan**

The recommendation in the Report advances the Cultural Vitality goal of the Oshawa Strategic Plan.



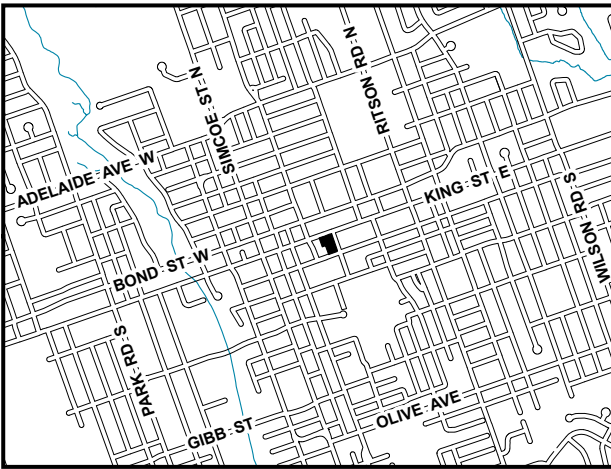
Tom Goodeve, M.Sc.Pl., MCIP, RPP, Director,  
Planning Services



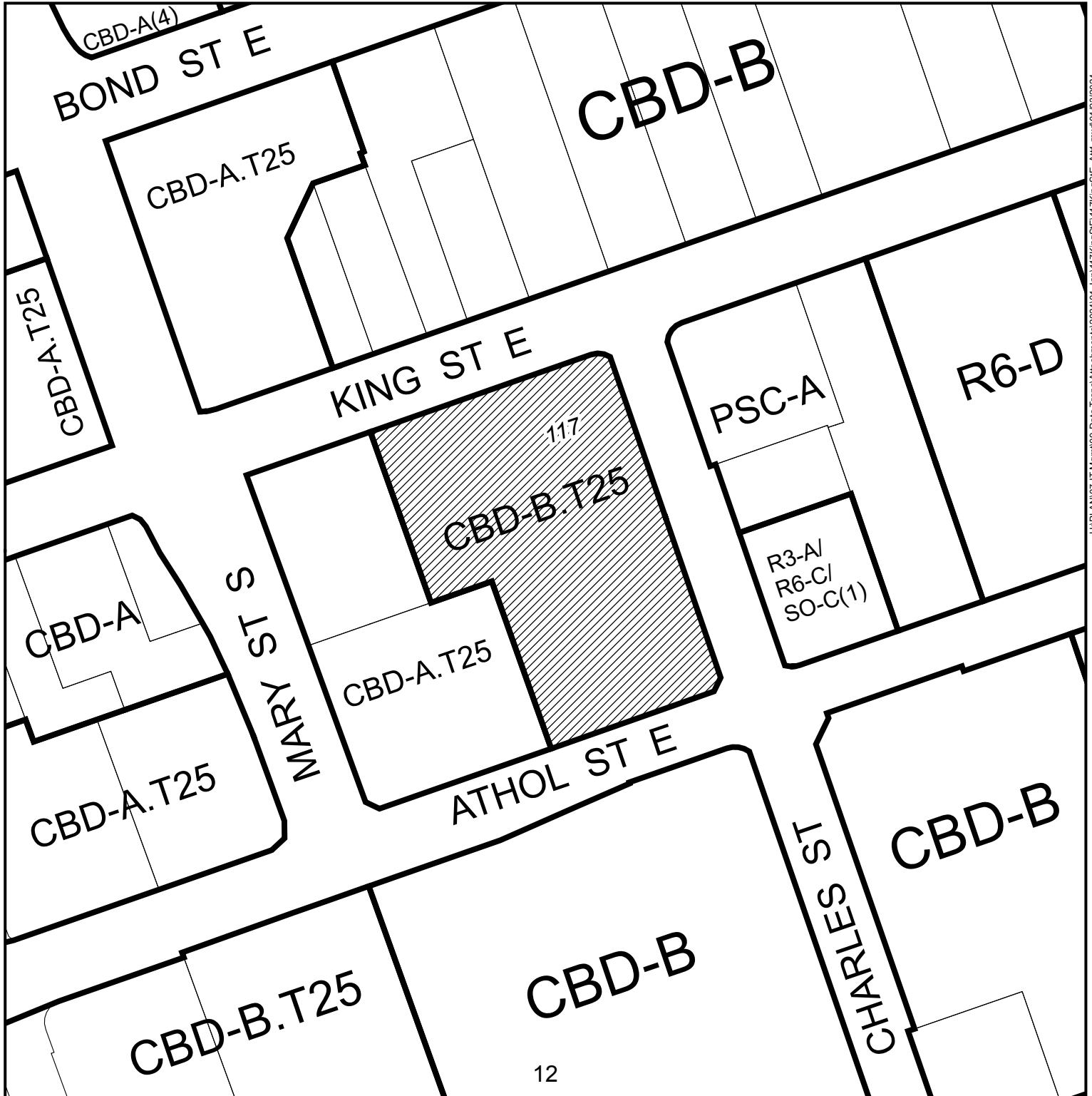
Anthony Ambra, P.Eng., Commissioner,  
Economic and Development Services Department

Subject: Update concerning Council's Direction to Designate 117 King Street East under Part IV of the Ontario Heritage Act

Ward: Ward 4  
File: 12-04-2116



Subject Site 




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Subject: Update concerning Council's Direction to Designate 117 King Street East under Part IV of the Ontario Heritage Act

Item: ED-24-14  
Attachment 2

Ward: Ward 4  
File: 12-04-2116



 Subject Site

City of Oshawa  
Economic and Development Services 



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**Schedule “A” to By-Law Number \_\_-2023  
Passed This \_\_Day of \_\_, 2023**

**Designation Statement and Description of Property**

**Location and Description of Property:**

The property at 117 King Street East, commonly known as the Oshawa Clinic, is located in the downtown core of the City of Oshawa, bounded by King Street East to the north, Charles Street to the east, Mary Street South to the west, and Athol Street East to the south. The original east wing of the Oshawa Clinic, built in 1948, is located at the corner of King Street East and Charles Street. It consists of a two-storey structure clad in red brick.

**Legal Description:**

The property at 117 King Street East to be designated under Part IV of the *Ontario Heritage Act*, R.S.O. 1990, Chapter O. 18 is legally described as:

LOTS 3 – 5 PLAN 115, LOTS 1 & 5 PART LOTS 2 & 6 PLAN 46, EAST WHITBY;  
OSHAWA.

**Statement of Cultural Heritage Value or Interest:**

The original 1948 east wing of 117 King Street East (the “Subject Building”) has design value as a representative example of a purpose-built public structure, constructed with refined classical features in the Beaux-Arts architectural style. The two-storey wood frame brick clad building features a parapet, symmetrical massing, moulded stone banding, and formal entranceway typical of Beaux-Arts design applied to public buildings. The Subject Building exhibits muted decorative Classical elements exhibited in the overall symmetry and rhythm window openings which are treated with classical finishes.

The Subject Building has historical and associative value due to its direct associations with the Oshawa Clinic, the oldest operating medical clinic in Oshawa. The Oshawa Clinic started in 1927 as a partnership between Dr. Grant L. Bird and Dr. Oscar G. Mills. This type of clinic is one where the private practitioners come together to form a corporation of medical services. The doctors own the building, the equipment and invest in the expansion of the facilities. To accommodate the growth of their practice through the 1930s and to continue to serve the health care needs of the citizens of Oshawa, they opened the Oshawa Clinic on the corner of King Street East and Charles Street on December 1, 1948.

The Subject Building has associative value as the first corporate style clinic to operate in Ontario. This operational approach to health care was based on the Mayo Clinic located in Rochester, Minnesota. The Subject Building has operated as a medical facility in its current location for over 80 years. The Oshawa Clinic expanded in 1961, 1971, and 1987, and is well known for serving the Durham Region and as one of the oldest and largest medical clinics in Canada.

The Oshawa Clinic is prominently situated on the corner of Charles Street and King Street East, a major street in Oshawa. The classical influences of the Subject Building combined with its use as a clinic for over 80 years is memorable and easily discernible for the public.

On the basis of the cultural heritage value or interest outlined above, the Subject Building at 117 King Street East meets the criteria for designation under Part IV of the Heritage Act, in accordance with Ontario Regulation 9/06, specifically criteria 1, 4, and 9.

## **Heritage Attributes:**

### **Design/Physical Value:**

- [Overall Simple, rectilinear massing form](#) and orientation of the Subject Building
- Flat roof with plain red brick parapet
- Raised rectangular brick panels which span the parapet.
- Flemish bond red brick cladding
- Stone banding
- [Series of rectangular window openings with red brick flat arch with keystone, steel lintel and stone sills visible from the public realm on the on the principal \(north\) and east elevations.](#)
- Stone frontispiece with two columns supporting a flat roof architrave inscribed with "Oshawa Clinic"
- Recessed entranceway with transom

### **Contextual Value:**

- Location on the corner of Charles Street and King Street East within the community of Oshawa
- Narrow set back at the corner of King Street East and Charles Street

## Harrison Whilsmith

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**From:** kayla.jonasgalvin@araheritage.ca  
**Sent:** Monday, November 6, 2023 2:12 PM  
**To:** Harrison Whilsmith  
**Cc:** amy.barnes@araheritage.ca; Meaghan Harrington  
**Subject:** RE: 117 King Street East Oshawa Clinic

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Harrison,

These changes do not change the intent of our heritage attributes, so we do not have an issue with the changes.

Thanks!

**Kayla Jonas Galvin, MA, RPP, MCIP, CAHP**

**Heritage Operations Manager**

Hamilton Office: 205 Cannon St East, Hamilton, ON L8L 2A9

Kitchener Office: 465 Maple Ave- Unit 9, Kitchener, ON N2H 6N5

P 519.804.2291 x120

E [kayla.jonasgalvin@araheritage.ca](mailto:kayla.jonasgalvin@araheritage.ca)

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**From:** Harrison Whilsmith <HWhilsmith@oshawa.ca>  
**Sent:** Monday, November 6, 2023 11:31 AM  
**To:** 'kayla.jonasgalvin@araheritage.ca' <kayla.jonasgalvin@araheritage.ca>  
**Cc:** amy.barnes@araheritage.ca; Meaghan Harrington <MHarrington@oshawa.ca>  
**Subject:** RE: 117 King Street East Oshawa Clinic

Hi Kayla,

Prior to the issuance of Notice of Intent to Designate for 117 King Street East, our Council gave us direction to receive input on the draft Designation Statement and Description from our municipal heritage committee and the property owner. Our heritage committee had no comments, but the owner came back to us with requested revisions to the identified heritage attributes – see attached. Their changes were done in ‘Track Changes’ and are shown in red.

I’ve been asked to reach out to see if you / your team had any thoughts on these revisions. Do you / your team have any issues with the revisions as requested by the property owner?

Thank you,



Harrison Whilsmith, Planner A | City of Oshawa

905-436-3311 ext. 2697 | 1-800-667-4292

[HWhilsmith@oshawa.ca](mailto:HWhilsmith@oshawa.ca) | [www.oshawa.ca](http://www.oshawa.ca)

"Dedicated to serving our community."





To: Economic and Development Services Committee

From: Anthony Ambra, P.Eng., Commissioner,  
Economic and Development Services Department

Report Number: ED-24-16

Date of Report: January 31, 2024

Date of Meeting: February 5, 2024

Subject: Update concerning Council's Direction to Designate  
149 Harmony Road South under Part IV of the Ontario Heritage  
Act

Ward: Ward 3

File: 12-04-0218

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## **1.0 Purpose**

The purpose of this Report is to obtain Council's direction on whether or not to continue the process to designate the former Harmony Public School at 149 Harmony Road South (the "Subject Property") under Part IV of the Ontario Heritage Act, R.S.O. 1990, c. O.18 (the "Ontario Heritage Act") after considering the notice of objection submitted by Overland LLP on behalf of the owner of the Subject Property, Colony Real Estate Development Ltd. (the "Property Owner").

On October 30, 2023, Council considered Report ED-23-196 dated October 11, 2023 and adopted the following as part of a multi-part recommendation:

- "1. That, pursuant to Report ED-23-196 dated October 11, 2023, Economic and Development Services staff be authorized to undertake the process established in the Ontario Heritage Act to designate the property known as the former Harmony Public School, located at 149 Harmony Road South, as a property of cultural heritage value or interest under Part IV of the Ontario Heritage Act by undertaking actions such as the following:
- (a) Preparing a Notice of Intention to Designate the property known as the former Harmony Public School, located at 149 Harmony Road South, under the Ontario Heritage Act which will generally include the Designation Statement and Description as described in the Heritage Research Report affixed to Attachment 8 of said Report;
  - (b) Circulating the Notice in accordance with the requirements of the Ontario Heritage Act;

- (c) Forwarding the Notice to the Ontario Heritage Trust and the owner in accordance with the Ontario Heritage Act; and,
- (d) Preparing the necessary by-law which will generally include the Designation Statement and Description for subsequent consideration by Council.”

On November 6, 2023, Economic and Development Services staff circulated the Notice of Intention to Designate the Subject Property in accordance with the requirements of the Ontario Heritage Act.

On November 30, 2023, the City received a notice of objection to the designation of the Subject Property from Overland LLP, on behalf of the Property Owner.

On January 29, 2024, City Council considered the above noted notice of objection (Correspondence ED-24-05) and referred the matter to staff for a report.

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

Attachment 2 is an aerial photo of the Subject Property showing key site features.

Attachment 3 is a copy of the Notice of Intention to Designate prepared for the Subject Property which was circulated on November 6, 2023.

Attachment 4 is a copy of the notice of objection to the designation of the Subject Property dated November 30, 2023 submitted by Overland LLP on behalf of the Property Owner.

Attachment 5 is a copy of the Heritage Research Report dated September 19, 2023 prepared by Archaeological Research Associates Ltd. for the Subject Property. Owing to its length, this Heritage Research Report is not attached but can be found at the following link: [https://www.oshawa.ca/en/parks-recreation-and-culture/resources/Documents/Heritage-Research-Rpt\\_149-Harmony-Rd-S-\(2023\).pdf](https://www.oshawa.ca/en/parks-recreation-and-culture/resources/Documents/Heritage-Research-Rpt_149-Harmony-Rd-S-(2023).pdf).

Attachment 6 is a draft flow chart released by the Provincial government illustrating the process to designate a property under Section 29 (Part IV) of the Ontario Heritage Act.

## **2.0 Recommendation**

That, pursuant to Report ED-24-16 dated January 31, 2024, the Economic and Development Services Committee select an appropriate option under Section 5.9 of said Report in response to Correspondence ED-24-05, being a notice of objection to the City's intention to designate the property municipally known as 149 Harmony Road South under Part IV of the Ontario Heritage Act, submitted by Overland LLP on behalf of the Property Owner.

## **3.0 Executive Summary**

Not applicable.

## **4.0 Input From Other Sources**

### **4.1 Input from City staff**

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

- Chief Administrative Officer
- Commissioner, Corporate and Finance Services
- City Solicitor

### **4.2 Consultation with Archaeological Research Associates Ltd.**

Upon receipt of the Property Owner's notice of objection, Economic and Development Services staff consulted with the Heritage Operations Manager at Archaeological Research Associates Ltd. ("A.R.A. Ltd.") who prepared the Heritage Research Report for the Subject Property. After having reviewed the Property Owner's reasons for objection outlined in the notice of objection, A.R.A. Ltd. advised staff that "the basis of their objection does not appear to be rooted in the validity of the reason for designation/heritage merit."

## **5.0 Analysis**

### **5.1 Background**

In October 2022, the Provincial government introduced Bill 23, the "More Homes Built Faster Act, 2022" ("Bill 23"), which included amendments to the Ontario Heritage Act. These Bill 23 amendments to the Ontario Heritage Act came into effect on January 1, 2023.

One of these amendments was to limit the duration a property may remain a "listed, non-designated property" on the City's Register of Properties of Cultural Heritage Value or Interest (the "Register") to two (2) years. Under this new legislative requirement, any property currently on the Register as a "listed, non-designated property" must either be designated under Part IV of the Ontario Heritage Act by December 31, 2024, or be removed from the Register entirely.

Further, in the event a property is removed from the Register, the Bill 23 amendments mandate that the property may not be re-introduced into the Register for a further five (5) years, during which time the property would have no protection under the Ontario Heritage Act from demolition or alteration.

The Subject Property is currently identified as a listed, non-designated property on the City's Register and is subject to the aforementioned statutes.

As noted in Section 1.0 of this Report, on October 30, 2023, Council considered Report ED-23-196 dated October 11, 2023 and adopted a motion to, among other matters, authorize staff to undertake the process established in the Ontario Heritage Act to designate the property known as the former Harmony Public School, located at 149 Harmony Road South, as a property of cultural heritage value or interest under Part IV of the Ontario Heritage Act by undertaking various actions. Among these actions was the

preparation and circulation of a Notice of Intention to Designate the Subject Property under the Ontario Heritage Act.

Pursuant to Council's direction, an appropriate Notice of Intention to Designate was prepared and subsequently circulated on November 6, 2023 by Economic and Development Services staff in accordance with the requirements of the Ontario Heritage Act (see Attachment 3).

On November 30, 2023, the City received a notice of objection to the designation of the Subject Property from Overland LLP, on behalf of the Property Owner (see Attachment 4).

The above noted notice of objection was subsequently considered by City Council on January 29, 2024 as Correspondence ED-24-05 and referred back to staff for a report.

## **5.2 Heritage Research Report**

A Heritage Research Report, prepared by a qualified heritage consultant, provides a municipality with the requisite information to inform the contents of a designation by-law and Designation Statement and Description for a property of cultural heritage value or interest.

This required information includes:

- Evidence that the property in question meets two or more of the criteria for designation under the Heritage Act in relation to the following three categories:
  - Design or physical value;
  - Historical/associative value;
  - Contextual value;
- A Statement of Cultural Heritage Interest or Value; and,
- A listing of heritage attributes at a level of detail which identifies individual features of the property in question.

As per Council's direction pursuant to Report ED-23-55 dated March 1, 2023, Economic and Development Services staff retained the services of A.R.A. Ltd. for the preparation of a Heritage Research Report for the Subject Property (see Attachment 5).

## **5.3 Historical Significance of 149 Harmony Road South**

On the basis of the cultural heritage value or interest outlined in the Heritage Research Report dated September 19, 2023 prepared by A.R.A. Ltd. (see Attachment 5), the former Harmony Public School at 149 Harmony Road South meets the criteria for designation under Part IV of the Heritage Act, in accordance with Ontario Regulation 569/22 subsection 1(2), specifically criteria 1, 4, 8, and 9.

Some key findings of the Heritage Research Report for the Subject Property are as follows:

- 149 Harmony Road South has design value as a representative example of an educational building constructed in a refined Beaux-Arts architectural style. The property contains the following heritage attributes that reflect its value:
  - Two-storey Beaux-Arts building;
  - Flat roof;
  - Brick parapet with date stone marker which reads “Harmony Public School, East Whitby NO.1 1924”;
  - Moulded cornice and frieze with dentils;
  - Brick cladding including Flemish and Running bond with brick quoining;
  - Symmetrical façade;
  - Centered frontispiece with portico exhibiting Classical influences including fluted wood columns with “Corinthian” style capitals, entablature supporting a gabled pediment decorated with dentils and recessed rectangular doorway with arched transom and smooth stone detailing; and,
  - Rectangular window openings with flat arch with four over four and eight over eight windows.
- 149 Harmony Road South is directly associated with the Farewell family and their influence on the role of education in the village of Harmony.
- 149 Harmony Road South has associative value as the primary educational institution which has served the needs of the Harmony community for 161 years.
- 149 Harmony Road South is historically linked to its surroundings as one of the last vestiges of the Village of Harmony, which has largely disappeared into the City of Oshawa.

#### **5.4 Heritage Designation Process**

The Ontario Heritage Act provides the framework for the identification, conservation and protection of cultural heritage resources, and empowers a municipality to designate, by by-law, a property to be of cultural heritage value or interest in order to protect the property’s cultural heritage value.

The designation of the Subject Property is governed by Part IV, Section 29 of the Ontario Heritage Act for individual property designation.

Attachment 6 illustrates the process to designate a property under Section 29 (Part IV) of the Ontario Heritage Act.

Where a Council chooses to initiate the process to designate a property under Section 29 (Part IV) of the Ontario Heritage Act, they are required to issue a notice of intention to designate, together with a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property. If the owner of the property in question does not support designation of their property, they have the opportunity to serve notice of objection on the clerk of a municipality within 30 days after the date the notice of intention to designate was circulated.

#### **5.4.1 Notice of Objection**

As previously noted, on November 30, 2023, a notice of objection was submitted by Overland LLP on behalf of the Property Owner, pursuant to Part IV, Section 29 of the Ontario Heritage Act (see Attachment 4).

Pursuant to the requirements of the Ontario Heritage Act, Council must consider the notice of objection and make a decision on whether or not to withdraw the Notice of Intention to Designate within 90 days after the end of the initial 30 day period established to provide the Property Owner the opportunity to serve notice of objection to the designation (i.e. March 5, 2024). If a decision is not made within the 90 day timeframe, the Notice of Intention to Designate is automatically deemed to be withdrawn.

#### **5.4.2 Potential Notice of Appeal**

Should Council wish to proceed with the designation of the Subject Property by selecting Option 1 outlined in Section 5.9.1 of this Report, a designation by-law must also be passed within 90 days after the expiry of the period the Property Owner has to file a notice of objection to the proposed designation. Given that this 90 day period ends on March 5, 2024, the designation by-law would need to be passed by Council at its meeting of February 26, 2024. Accordingly, an appropriate by-law has been prepared for adoption by Council in the event Option 1 is selected.

As described in Part IV, Section 29 of the Ontario Heritage Act, any individual may appeal the designation by-law to the Ontario Land Tribunal within thirty (30) days after the notice of by-law passing is issued. In the event of an appeal and referral to the Ontario Land Tribunal, the appropriate City staff, with the potential assistance of a heritage consultant, would need to participate in the hearing.

### **5.5 Property Standards By-law 1-2002 and Heritage Properties**

The City's Property Standards By-law 1-2002, as amended, ("Property Standards By-law") prescribes minimum standards for the maintenance and occupancy of buildings, structures, and surrounding lands. It is intended to:

- Address the City's strategic goal of "Social Equity: Ensure an inclusive, healthy and safe community";

- Provide a mechanism to maintain properties and buildings to a minimum standard;
- Provide tools to maintain and enhance the character/image of the City;
- Sustain property values;
- Preserve the tax base; and,
- Protect the safety and the quality of life of residents and businesses.

On October 26, 2020, City Council considered Report CORP-20-29 and adopted the following recommendation:

“That Council approve a by-law to amend Property Standards By-law 1-2002, as amended, in a final form and content acceptable to Legal Services and the Commissioner of Corporate Services to establish standards specific to heritage properties.”

By-law 90-2020, passed by Council on October 26, 2020, further amended the Property Standards By-law 1-2002 to provide for the protection of properties with cultural heritage value or interest. The Property Standards By-law 1-2002 can be found at the following link: <https://www.oshawa.ca/en/Document-Feeds/General-By-Laws/PropertyStandardsBylaw1-2002.pdf>.

Under the amended By-law, standards are now provided for the maintenance of designated heritage properties to ensure that no heritage attribute is altered, demolished, removed or relocated.

Currently, the Subject Property is not subject to the new standards as a listed, non-designated property. It would be if it were designated.

## **5.6 Heritage Property Tax Reduction Program**

On March 21, 2011, Council adopted a Heritage Property Tax Reduction Program which provides annual tax reductions for eligible heritage properties as an incentive to encourage property owners to restore and maintain heritage properties within the City. The amount of the Heritage Property Tax Reduction is 40% of the City and education portions of the property taxes. At this time, the Region of Durham does not participate in the program and therefore there is currently no reduction of the Region’s portion of the property taxes.

In order to qualify for the Heritage Property Tax Reduction Program, a property must meet the following criteria:

- a) Be located in the City;
- b) Be designated under Part IV or Part V of the Ontario Heritage Act;
- c) Be subject to a Heritage Easement Agreement with the City; and,
- d) Comply with additional eligibility criteria as set out in By-law 106-2011.

Additional eligibility criteria set out in By-law 106-2011 include, but are not limited to:

- a) The property is not subject to any by-law contravention, work order or outstanding municipal requirements or liens; and,
- b) The property is in good and habitable condition and meets all of the City's requirements related to the heritage property.

In 2023, the total City and education portions of the property taxes for 149 Harmony Road South was \$21,867.93. If the entirety of 149 Harmony Road South was granted the 40% reduction to the City and education portions of the property taxes, it would result in a reduction of approximately \$4,745.64 in the amount of property taxes paid annually to the City and School Boards by the property owner.

However, this value is anticipated to be lower in consideration that only the former school building and its immediate surroundings are considered to be part of the heritage attributes to be protected under the Ontario Heritage Act. Therefore, only the former school building and the immediate surrounding area would be eligible to receive the rebate, and not the entire property at 149 Harmony Road South. In the event that the property owner applies for the Heritage Property Tax Reduction Program, staff will work with the property owner and the Municipal Property Assessment Corporation in order to determine the eligible rebate value. The 40% reduction will only apply to the former school building and immediate surrounding area that is considered by staff to be eligible under the Heritage Property Tax Reduction Program.

## **5.7 Proposed Development**

On October 19, 2023, Economic and Development Services staff received a Stage 1 Pre-Consultation application for the Subject Property.

As described in the Property Owner's notice of objection to the proposed designation, the submission includes a 14-block townhouse development containing approximately 73 residential units. Staff note that two (2) of these townhouse blocks are actually semi-detached buildings, each containing two (2) semi-detached dwelling units. The submission also proposes the full demolition of the former Harmony Road School in order to establish an access point from Harmony Road South opposite Hoskin Avenue.

## **5.8 Property Owner's Reasons for Objection**

In their notice of objection, Overland LLP on behalf of the Property Owner, advised that on October 19, 2023 they submitted a pre-consultation request to the City's Planning Services Branch to discuss impending applications for a zoning by-law amendment, a plan of subdivision, a plan of condominium and site plan approval for the redevelopment of the Subject Property. The development proposal features twelve (12) block townhouse buildings containing a total of 69 townhouse units as well as two (2) semi-detached buildings containing a total of four (4) semi-detached units, all on a private road.

To accommodate the proposed development, the former Harmony Public School building would be demolished.



The following subsections summarize the Property Owner's reasons for their objection to the City's intention to designate the Subject Property under Part IV of the Ontario Heritage Act, together with a staff response.

### **5.8.1 Site Access**

#### **Reason for Objection:**

The Property Owner expressed concern that the designation of the Subject Property will restrict the opportunities for site access to the property due to the former Harmony Public School's location on the site. They feel this would impact their ability to achieve the form and scale of redevelopment they envision for the Subject Property.

It was also noted in the notice of objection that site access issues were considered by Heritage Oshawa in 2015 in response to a development proposal that was presented to the advisory committee. In the presentation given by Rodger Miller, on behalf of a prospective purchaser of the Subject Property, it was stated that the Region of Durham advised that a road/driveway access to the Subject Property that is aligned with the centre line of Hoskin Avenue is the only option that provides sufficient space for safe traffic flow, and that relocating the former Harmony Public School for adaptive reuse was determined not to be economically viable by their client, Brookfield Homes.

#### **Staff Response:**

Following the submission of the Property Owner's Stage 1 Pre-Consultation application on October 19, 2023, Economic and Development Services staff circulated the proposal to various departments and agencies for their review and comment. One of the parties circulated on the submission was the Regional Works Department at the Region of Durham.

In their response to City staff received on November 29, 2023, Regional Works staff indicated that "In order to avoid operational conflicts with Hoskin Avenue, the proposed access for this site is to be located at the south end of the property."

Therefore, according to the Region of Durham, the preferred access point to the Subject Property from Harmony Road South is now at the south end of the property as opposed to directly opposite Hoskin Avenue. In light of this new information, City staff believe the location of the former Harmony Public School as it currently exists would not preclude the Property Owner from securing a new driveway access to the Subject Property from Harmony Road South in the future.

### **5.8.2 Previous Designation Attempts**

#### **Reason for Objection:**

It was argued that the Subject Property should not be designated given that there were two previous opportunities, in September 2015 and September 2019, for Council to designate the Subject Property, and on each occasion a recommendation to designate the Subject Property was not adopted by Council.

**Staff Response:**

On June 25, 2015, an informal proposal to demolish the former school building and redevelop the site at 149 Harmony Road South was presented to Heritage Oshawa by Rodger Miller of Urban Terra, on behalf of Brookfield Homes. It is City staff's understanding that at the time, Brookfield Homes was not the property owner. Rather, they were a prospective purchaser of the Subject Property.

Heritage Oshawa passed the following motion in response to the presentation:

“That Heritage Oshawa seek clarification regarding the alignment of the new road into the proposed development with Hoskin Avenue or if it can be accommodated in the existing driveway north of the school building; and,

That Brookfield Homes seek additional information on adaptive reuse of 149 Harmony Road South; and,

That in the event that the building must be demolished, that Brookfield Homes identify options to commemorate the building.”

On August 27, 2015, a follow-up presentation was given to Heritage Oshawa by Rodger Miller of Urban Terra, on behalf of Brookfield Homes. Heritage Oshawa was advised by Rodger Miller that according to the Region of Durham, a road/driveway access to the site that is aligned with the centre line of Hoskin Avenue is the only option that provides sufficient space for safe traffic flow. Heritage Oshawa was also advised that while relocating the former school building for adaptive reuse was determined not to be economically viable, the proponent is willing to work with Heritage Oshawa to ensure the building is appropriately commemorated in the new development.

On September 28, 2015, Council considered Report HTG-15-70 being further information concerning a development proposal by Brookfield Homes for 149 Harmony Road South, and endorsed the following motion:

“Whereas Heritage Oshawa would prefer to leave the school building located at 149 Harmony Road South in situ or be used for adaptive reuse; and,

Whereas the Region of Durham has determined that the only access option that provides sufficient traffic flow and entrance from the development onto Harmony Road South would be a new access that matches the existing centre line on Hoskin Avenue; and,

Whereas this development would leave no option other than the removal of the Heritage Oshawa Inventory Building at 149 Harmony Road South;

Therefore be it resolved that if a development is approved, the plan must include a commemorative project for the school building developed in consultation with Heritage Oshawa and the proponent.”

It is worth noting that neither a formal development application nor a building permit to demolish was submitted by Brookfield Homes for the Subject Property, nor did they end up purchasing the Subject Property.

In 2018, Heritage Oshawa's work plan included investigating the heritage designation of the Subject Property given that it was declared surplus and listed for sale by the Durham District School Board and that a heritage research report had already been prepared. On September 27, 2018, Heritage Oshawa recommended that the Subject Property be designated under Part IV of the Ontario Heritage Act (HTG-18-61). The Development Services Committee referred Heritage Oshawa's recommendation in this regard to staff for a report.

On September 23, 2019, Council considered Report DS-19-139 dated September 4, 2019 and adopted the following recommendation:

“That pursuant to Report DS-19-139 dated September 4, 2019, the property known as 149 Harmony Road South be included on the City of Oshawa Register of Properties of Cultural Heritage Value or Interest as a listed, non-designated property.”

By including the property on the City's Register as a listed, non-designated property, the City placed certain protections on the former Harmony Public School as prescribed under Part IV, Section 27 of the Ontario Heritage Act. Under the aforementioned Section of the Ontario Heritage Act, the property owner of a listed, non-designated property may not demolish the building or structure unless Council is first given at least sixty (60) days' notice of the owner's intention to demolish. This notification is meant to give Council time to designate the structure if they so choose.

Staff note that neither of the two (2) previous recommendations adopted by Council in 2015 and 2019 concerning the Subject Property precludes Council from directing staff to designate the Subject Property at a later date. In fact, Council's decision in 2019 to list the Subject Property on the Register as a “listed, non-designated property” was purposeful and an appropriate use of Section 27 of the Ontario Heritage Act. Having properties listed is an important first step in ensuring the preservation of cultural heritage attributes, especially where redevelopment of a property is anticipated at some future point in time. It also allows for further evaluation of the Subject Property by a Property Owner to investigate opportunities for restoration and/or adaptive reuse of the building.

In October 2022, the Provincial government introduced Bill 23, which included amendments to the Ontario Heritage Act. These Bill 23 amendments to the Ontario Heritage Act came into effect on January 1, 2023.

One of these amendments was to limit the duration a property may remain a “listed, non-designated property” on the City's Register to two (2) years. Under this new legislative requirement, any property currently on the Register as a “listed, non-designated property”, must either be designated under Part IV of the Ontario Heritage Act by December 31, 2024, or be removed from the Register entirely.

Further, in the event a property is removed from the Register, the Bill 23 amendments mandate that the property may not be re-introduced into the Register for a further five (5) years, during which time the property would have no protection under the Ontario Heritage Act from demolition or alteration.

The Subject Property is currently identified as a listed, non-designated property on the City's Register and is subject to the aforementioned conditions.

City staff are of the opinion that the Bill 23 amendments to the Ontario Heritage Act, specifically the timeline associated with the removal of listed, non-designated properties from the City's Register, warranted Council's recent motion to advance designation of the Subject Property in a timely manner.

### **5.8.3 Maintenance Concerns**

#### **Reason for Objection:**

The Property Owner expressed concern that the designation of the Subject Property will trigger financial implications in connection with, but not limited to, municipal property tax considerations and maintenance costs.

#### **Staff Response:**

In the event the Subject Property is designated under Part IV of the Ontario Heritage Act, the property would be subject to Section 9 of the Property Standards By-law 1-2002. The aforementioned Section provides standards for the maintenance of designated heritage properties to ensure that no heritage attribute is altered, demolished, removed or relocated without Council's consent. This is consistent with the requirements of the Ontario Heritage Act with respect to processing requests to alter or demolish cultural heritage attributes designated under Part IV of the Ontario Heritage Act.

Staff note that heritage designation of a building under the Ontario Heritage Act does not directly impose expenses beyond those expected of any property owner maintaining a property of a similar age. Older buildings typically require more upkeep and repairs as a result of the age of the structure – this is equally true for older buildings that are not designated under Section 29, Part IV of the Ontario Heritage Act. The Property Owner's concerns related to financial implications appear not to be based on perceived increased levels of maintenance as a result of heritage designation, but rather on costs associated with maintaining the existing building at all, given the Property Owner's intention to demolish the building and redevelop the Subject Property with new block townhouses and semi-detached dwellings.

Staff note that if the Subject Property is designated under Part IV of the Ontario Heritage Act, and the eligibility criteria for the City's Heritage Property Tax Reduction Program are satisfied, the Property Owner may qualify for a reduction of 40% of the property taxes paid annually to the City and School Boards, for those lands associated with the former school building and the immediate surrounding area. In the event that the Subject Property is designated and the Property Owner applies for the Heritage Property Tax Reduction Program, staff will work with the Property Owner and the Municipal Property Assessment

Corporation in order to determine the eligible rebate value. The 40% reduction will only apply to the former school building and immediate surrounding area that is considered by staff to be eligible under the Heritage Property Tax Reduction Program.

City staff note that the Heritage Property Tax Reduction Program provides a useful financial opportunity to owners of designated heritage properties to offset potential above-average expenses to maintain aging structures and heritage attributes.

#### **5.8.4 Coordination with Proposed Development**

##### **Reason for Objection:**

The Property Owner has indicated that they are preparing planning and development applications for the redevelopment of the Subject Property. They also state that the treatment of the former Harmony Public School building will be addressed in the context of the intended redevelopment through consultation with City staff. The Property Owner is concerned that designation of the Subject Property may have the effect of sterilizing the property in light of the site access issue should the former Harmony Public School building be required to remain in situ.

Overland LLP further notes that proceeding with designation of the Subject Property without resolution of the site access issue raised by the Property Owner will necessitate their client's appeal to the Ontario Land Tribunal to protect for the intended redevelopment of the Subject Property.

##### **Staff Response:**

Staff note that the Property Owner's development proposal shows a full demolition of the existing former Harmony Road School building in order to accommodate a new condominium development featuring 69 block townhouse units and four (4) semi-detached dwelling units on a private road. There is no alternative proposed treatment of the former Harmony Public School building by the Property Owner at this time.

As previously noted, Regional Works staff have reviewed the Stage 1 Pre-Consultation application submitted by the Property Owner to the City on October 19, 2023. City staff have been advised that in order to avoid operational conflicts with Hoskin Avenue, the proposed access for the Subject Property is to be located at the south end of the property. City staff are of the opinion that a project design which retains the former Harmony Public School building in its current location (for adaptive re-use) will not impede the redevelopment of the remainder of the Subject Property.

In the event Council chooses to advance heritage designation under Option 1 as outlined in Section 5.9.1 of this Report, the Ontario Heritage Act provides a legislative process for Property Owners who wish to alter or demolish a designated property. This process allows for a municipality to request additional information, such as a Heritage Impact Assessment and/or plans and elevations, among other documents, to ensure that all reasonable efforts are made to preserve and/or adaptively reuse the cultural heritage attributes associated with the designated property. Through this process a municipality has the opportunity, where deemed appropriate and feasible, to approve alterations that accommodate

redevelopment of a property for more intensive uses while preserving key design elements, if not all design elements, of a designated heritage property.

## **5.9 Options**

### **5.9.1 Option 1: Proceed with the Designation**

Should the Economic and Development Services Committee wish to dismiss the notice of objection and proceed with the designation of 149 Harmony Road South, the following recommendation should be adopted:

“That the Economic and Development Services Committee recommend to Council that, pursuant to Report ED-24-16 dated January 31, 2024, City staff be directed to proceed with the designation of the property known as the former Harmony Public School, located at 149 Harmony Road South, as a property of cultural heritage value or interest under Part IV of the Ontario Heritage Act and that the appropriate by-law, which will include a Designation Statement and Description for the subject property, be passed in a form and content acceptable to the City Solicitor and the Commissioner of Economic and Development Services.”

Staff note that in the event Council chooses to proceed with designation of the Subject Property as a property of cultural heritage value or interest under Part IV of the Ontario Heritage Act, an appropriate by-law has been prepared for Council’s adoption at their February 26, 2024 meeting. As discussed in Section 5.4.2 of this Report, the necessity of having Council pass the designation by-law at the February 26, 2024 meeting is as a result of the March 5, 2024 deadline for Council to either withdraw the Notice of Intention to Designate or to proceed with the designation and pass an appropriate by-law for the same. If Council wishes to proceed with the designation of the Subject Property but does not pass the appropriate implementing by-law by the March 5, 2024 deadline, the Notice of Intention to Designate is automatically deemed to be withdrawn.

Upon the by-law passing, staff would issue a notice of the passing of the by-law and any person, including the Property Owner, who objects to the by-law may appeal to the Tribunal within 30 days after the date of publication of the notice.

### **5.9.2 Option 2: Withdraw Notice of Intention to Designate**

Should the Economic and Development Services Committee wish to withdraw the Notice of Intention to Designate and not proceed with the designation of 149 Harmony Road South, the following recommendation should be adopted:

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

1. That, pursuant to Report ED-24-16 dated January 31, 2024, City staff be directed to not proceed with designation of the property known as the former Harmony Public School, located at 149 Harmony Road South, as a property of cultural heritage value or interest under Part IV of the Ontario Heritage Act; and,

2. That, pursuant to Report ED-24-16 dated January 31, 2024, City staff be directed to issue a notice of withdrawal in accordance with Section 29(7) of the Ontario Heritage Act.”

Staff note that in the event Council chooses to withdraw the Notice of Intention to Designate the Subject Property as a property of cultural heritage value or interest under Part IV of the Ontario Heritage Act, the Subject Property would be removed from the City’s Register and the City may not include the property again in the Register for a period of five (5) years after issuing its notice of withdrawal.

## **6.0 Financial Implications**

In the event Council chooses to proceed with the designation of the Subject Property under Part IV of the Ontario Heritage Act, the associated designation by-law will be subject to a 30 day appeal period. In the event of an appeal and referral to the Ontario Land Tribunal, the appropriate City staff, with the potential assistance of a heritage consultant, would need to participate in the hearing. These costs would be accommodated through the Corporate Litigation Account.

If the Subject Property is designated under Part IV of the Ontario Heritage Act, and the eligibility criteria for the City’s Heritage Property Tax Reduction Program are satisfied, the Property Owner may qualify for a reduction of 40% of the property taxes paid annually to the City and School Boards.

In 2023, the total City and education portions of the property taxes for 149 Harmony Road South was \$21,867.93. If the entirety of the property were granted the 40% reduction to the City and the education portions of the property taxes, it would result in a reduction of approximately \$4,745.64 in the amount of property taxes paid annually to the City and School Boards by the Property Owner (\$3,773.17 in City taxes and \$972.47 in education taxes).

However, this value is anticipated to be lower in consideration that only the former school building and the immediate surrounding area would be eligible to receive the rebate, and not the Subject Property in its entirety. In the event that the Property Owner applies for the Heritage Property Tax Reduction Program, staff will work with the Property Owner and the Municipal Property Assessment Corporation to determine the eligible rebate value. The 40% reduction will only apply to the portion of 149 Harmony Road South that is considered by staff to be eligible under the Heritage Property Tax Reduction Program.

## 7.0 Relationship to the Oshawa Strategic Plan

The recommendation in the Report advances the Cultural Vitality goal of the Oshawa Strategic Plan.

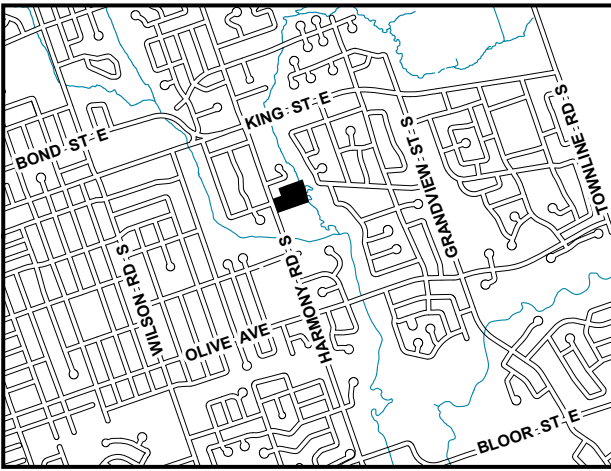


Tom Goodeve, M.Sc.Pl., MCIP, RPP, Director,  
Planning Services



Anthony Ambra, P.Eng., Commissioner,  
Economic and Development Services Department





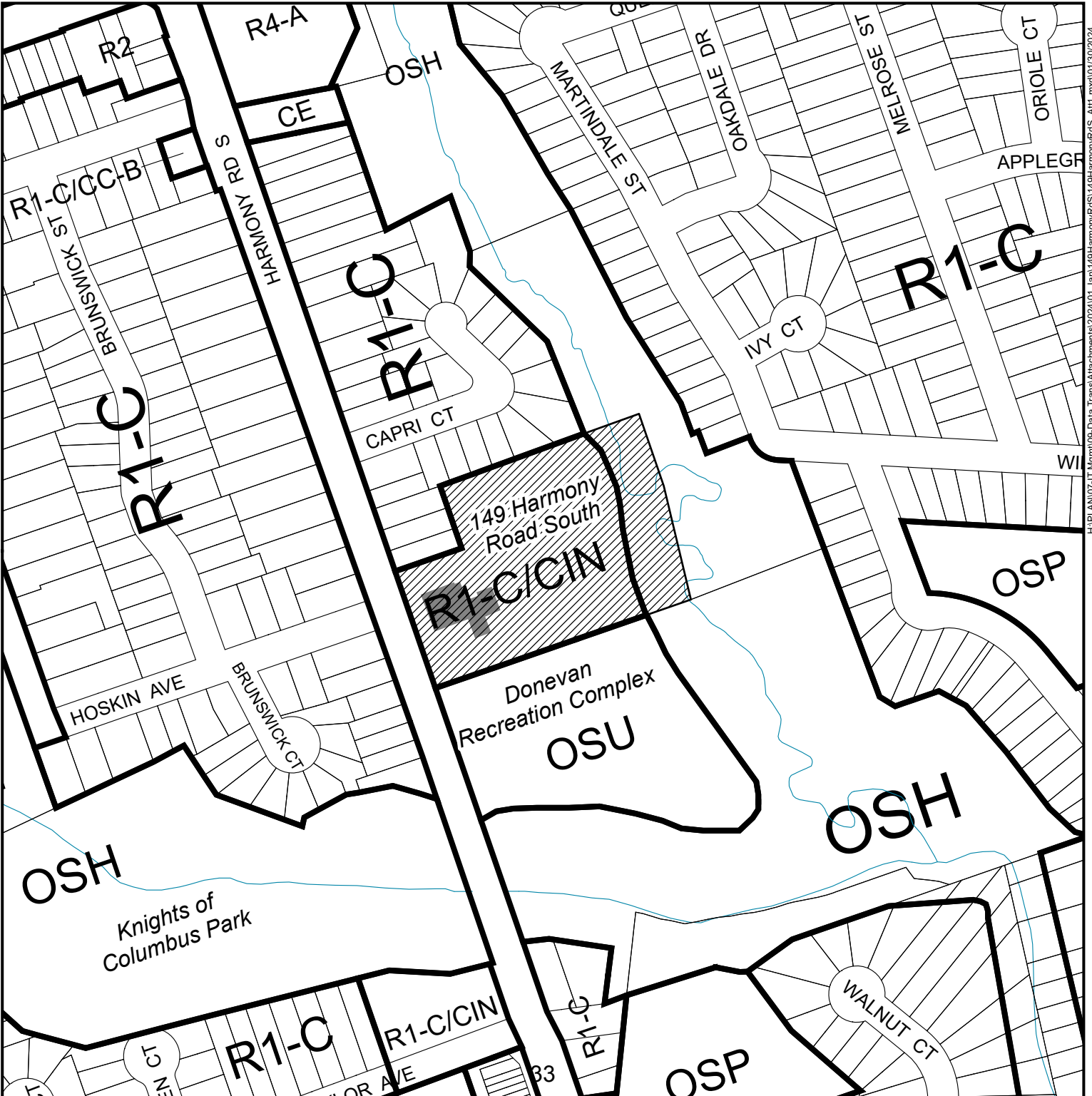
Economic and Development Services

Subject: Update concerning Council's Direction to Designate  
149 Harmony Road South under Part IV of the  
Ontario Heritage Act

Ward: Ward 3  
File: 12-04-0218



Subject Property




Subject: Update concerning Council's Direction to Designate  
149 Harmony Road South under Part IV of the Ontario Heritage Act

Item: ED-24-16  
Attachment 2

Ward: Ward 3  
File: 12-04-0218



 Subject Property

City of Oshawa  
Economic and Development Services 



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## Notice of Intention to Designate Property of Cultural Heritage Value or Interest

**Take notice that the Council of The Corporation of the City of Oshawa intends to designate the following property of cultural heritage value or interest pursuant to the provisions of Part IV of the Ontario Heritage Act, R.S.O 1990, Chapter O.18:**

### **149 Harmony Road South**

(described as PART LOTS 16, 19 SHEET 4B PLAN 357, LOT 18 SHEET 4B PLAN 357, EAST WHITBY)

The property municipally known as 149 Harmony Road South, site of the former Harmony Public School, is located on the east side of Harmony Road South. The property is surrounded by flat topography and features a two-storey, red brick school structure with classical influences, built in 1924.

### **Statement of Cultural Heritage Value or Interest**

149 Harmony Road South has design value as a representative example of an educational building constructed in a refined Beaux-Arts architectural style. The two-storey red brick building with its flat roof, classical portico, rectangular envelope and parapet, is representative of typical Beaux-Arts design applied to public buildings. The subject building exhibits classical decorative elements such as dentils, brick quoin detailing, moulded cornice and frieze, portico with decorative pediment supported by wood columns with Corinthian capitals, and a large double door topped with an arched transom. The overall symmetry across all elevations, and the façade's centered and decorative frontispiece, are all additional features associated with the style.

149 Harmony Road South is directly associated with the Farewell family and their influence on the role of education in the village of Harmony. The Farewells were United Empire Loyalists and were one of the earliest settler families in the area, arriving in 1801. The Farewell family founded the Village of Harmony which was initially known as "Farewell Corners". Many members of the Farewell family, including the patriarch and Village of Harmony founder A.M. Farewell, are buried in the Farewell Memorial Cemetery located ½ km north along Harmony Road South. Abraham Farewell, son of the family's patriarch A.M. Farewell, served as one of the first teachers at the Harmony community school built in 1812 and the extant building at 149 Harmony Road South sits on land donated by A.M. Farewell to the village for a school in 1851.

149 Harmony Road South has associative value as the primary educational institution which has served the needs of the Harmony community for 161 years.

149 Harmony Road South is historically linked to its surroundings as one of last vestiges of the Village of Harmony, which has largely disappeared into the City of Oshawa.

149 Harmony Road South's relatively large size and prominent location along Harmony Road South, coupled with its classical architectural influence and enduring use as an educational institution for over 160 years, is memorable and easily discernible for the public and is considered a landmark.

On the basis of the cultural heritage value or interest outlined above, the property at 149 Harmony Road South 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 569/22 subsection 1(2), specifically criteria 1, 4, 8, and 9.

### **Heritage Attributes**

The following list of heritage attributes reflects the values described in the Statement of Cultural Heritage Value or Interest:

- Two-storey Beaux-Arts building;
- Flat roof;
- Brick parapet with date stone marker which reads “Harmony Public School, East Whitby NO.1 1924”;
- Moulded cornice and frieze with dentils;
- Brick cladding including Flemish and Running bond with brick quoining;
- Symmetrical façade;
- Centered frontispiece with portico exhibiting Classical influences including fluted wood columns with “Corinthian” style capitals, entablature supporting a gabled pediment decorated with dentils and recessed rectangular doorway with arched transom and smooth stone detailing;
- Rectangular window openings with flat arch with four over four and eight over eight windows;
- Location within the City of Oshawa, formerly the village of Harmony; and,
- Orientation, setback, and visibility from Harmony Street South.

The full particulars for the subject property, including heritage attributes to be protected, are available for inspection in Planning Services, 8<sup>th</sup> Floor, City Hall, 50 Centre Street South, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday. If you would like to obtain further details, please contact Harrison Whilsmith, Planner A, at (905) 436-3311 ex. 2697 or by email at [hwhilsmith@oshawa.ca](mailto:hwhilsmith@oshawa.ca).

Any person may, on or before the 6th day of December, 2023, 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 consider the objection on or before the 5th day of March, 2024.

Dated this 6th day of November, 2023.

Mary Medeiros, City Clerk  
50 Centre Street South  
Oshawa, ON L1H 3Z7

Christopher J. Tanzola  
Partner  
Direct 416-730-0645  
Cell 416-428-7493  
ctanzola@overlandllp.ca

Overland LLP  
5255 Yonge St, Suite 1101  
Toronto, ON M2N 6P4  
Tel 416-730-0337  
overlandllp.ca

REC'D CITY CLERK SVCS  
23 NOV 30 PM 4:35



November 30, 2023

**VIA ELECTRONIC SUBMISSION AND COURIER**

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

Dear Ms. Medeiros:

**RE: 149 Harmony Road South, Oshawa  
Notice of Intention to Designate, issued by the City of Oshawa on November 6, 2023  
\*\*\* NOTICE OF OBJECTION \*\*\* pursuant to s. 29(5) of the *Ontario Heritage Act***

We are the lawyers for Colony Real Estate Development Ltd. ("Colony"), the owner of the property municipally known as 149 Harmony Road South (the "Property") in the City of Oshawa (the "City").

We are in receipt of the City's Notice of Intention to Designate the Property under Part IV, section 29 of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18 (the "OHA"), issued on November 6, 2023 (the "Notice of Intention"). On behalf of Colony, we hereby object to the Notice of Intention pursuant to section 29(5) of the OHA and request that City Council withdraw the Notice of Intention.

Prior to the issuance of the Notice of Intention, the proposed designation and Staff's recommendation to begin the designation process for the Property were considered by City Council at its meeting on October 30, 2023. On October 26, 2023, we submitted a letter to City Council advising of Colony's concerns with the proposed designation of the Property. A copy of our letter to City Council is enclosed as **Appendix A**.

Our reasons for the objection are set out below and include those set out in our letter of October 26, 2023. The City has previously considered these objections and determined that the Property should not be designated. We are asking City Council to be consistent in its assessment of the heritage merits of the Property weighed against its future use and conclude that the Property not be designated.

**THE PROPERTY & PROPOSED DEVELOPMENT**

The Property is approximately 4.92 acres (1.99 hectares) in size and is located on the east side of Harmony Road South, opposite Hoskin Avenue and one block south of King Street East. The

Property has limited frontage along Harmony Road South, a regional road under the jurisdiction of the Region of Durham (the “Region”) and is currently occupied by the former Harmony Public School. The former Harmony Public School is located along this frontage and directly opposite Hoskin Avenue. Access from the Regional road opposite Hoskin Avenue presents a real and significant limitation on the redevelopment of the Property, as has previously been considered and acknowledged by City Council. The Property is currently listed on the City’s Register of Properties of Cultural Heritage Value or Interest.

On October 19, 2023, Colony submitted a pre-consultation request to the City’s Planning Department to discuss impending applications for a zoning by-law amendment, a plan of subdivision, a plan of condominium and site plan approval for the redevelopment of the Property. The development proposal would see the Property intensified with a 14-block townhouse development containing approximately 73 residential units (the “Proposed Development”). As noted, the Proposed Development takes access from Harmony Road South in the location permitted by the Region and is, therefore, in conflict with the existing school building.

## **REASONS FOR THE OBJECTION**

### Previous Designation Attempts & Site Access Issue

As detailed in our letter, the Property had been the subject of two previous recommendations for designations in September 2015 and September 2019, respectively. On each occasion, a recommendation to designate the Property was not adopted by City Council.

As noted above and in our previous letter, Colony is concerned that the designation will restrict the already limited opportunities for site access to the Property due to the former Harmony Public School’s location and will impact its ability to achieve the form and scale of redevelopment envisioned by the Proposed Development. Colony has consistently raised this concern with City Staff, the Economic and Development Services Committee (the “Committee”) and City Council since it acquired the Property in 2016.

In fact, the site access issue was specifically considered by Heritage Oshawa in 2015 in response to a proposal to redevelop the Property, as documented in the Public Report to the Committee titled *Proposed Designation Pursuant to Ontario Heritage Act: 149 Harmony Road South (Former Harmony Public School) (DS-19-139)* dated September 4, 2019 (the “2019 Staff Report”). A copy of the 2019 Staff Report is enclosed as **Appendix B**.

The 2019 Staff Report states the following on page 5:

*On August 27, 2015 a follow-up presentation was given to Heritage Oshawa by Rodger Miller of Urban Terra, on behalf of Brookfield Homes. Heritage Oshawa was advised that according to the Region of Durham, a road/driveway access to the site that is aligned with the centre line of Hoskin Avenue is the only option that provides sufficient space for safe traffic flow. Heritage Oshawa was also advised that while relocating the former school*

building for adaptive reuse was determined not to be economically viable, the proponent is willing to work with Heritage Oshawa to ensure the building is appropriately commemorated in the new development. Heritage Oshawa passed the following motion (HTG-15-70) in response to the presentation:

*"Whereas Heritage Oshawa would prefer to leave the school building located at 149 Harmony Road South in situ or be used for adaptive reuse; and,*

*Whereas the Region of Durham has determined that the only access option that provides sufficient traffic flow and entrance from the development onto Harmony Road South would be a new access that matches the existing centre line on Hoskin Avenue; and,*

*Whereas this development would leave no option other than the removal of the Heritage Oshawa Inventory Building at 149 Harmony Road South;*

*Therefore be it resolved that if a development is approved, the plan must include a commemorative project for the school building developed in consultation with Heritage Oshawa and the proponent." [Empasis added.]*

As further noted by Councillor Kerr at the meeting of the Committee on October 16, 2023 and the meeting of City Council on October 30, 2023, the site access issue had also formed part of the justification for not proceeding with the designation of the Property in 2019.

We note that neither the Notice of Intention nor the supporting *Evaluation of Cultural Heritage Value or Interest Report* prepared by Archeological Research Associates Ltd. and dated September 19, 2023 provide new reasons in support of designation that would not have previously been before City Council.

#### Coordination with Proposed Development

As noted above, Colony is preparing planning and development applications for the redevelopment of the Property. As the application process moves forward, the treatment of the former Harmony Public School will be addressed in the context of the intended redevelopment through consultation with City Staff. The designation of the Property may have the effect of sterilizing the Property in light of the site access issue should the former Harmony Public School be required to remain in situ.

Proceeding with the designation of the Property without the resolution of the site access issue raised by our client will necessitate our client's appeal to the Ontario Land Tribunal to protect for the intended redevelopment of the Property.

Maintenance Concerns

We note that the City's website regarding designated properties states that "*Owners are not expected to incur expenses beyond those of any other property owner.*"<sup>1</sup> Our client is concerned that the proposed designation will trigger financial implications in connection with, but not limited to, municipal property tax considerations and maintenance costs if the Property is designated.

We would appreciate confirmation from the City as to the limitation of such financial implications in accordance with the City's website.

Please send notice of any decision in respect of this matter and all required notices under the OHA to both Colony, as the owner of the Property, and to Overland LLP, the undersigned and Justine Reyes ([jreyes@overlandllp.ca](mailto:jreyes@overlandllp.ca)). Our contact information is set out herein.

Yours truly,  
**Overland LLP**



Per: Christopher J. Tanzola  
Partner

Encl.

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<sup>1</sup> <https://www.oshawa.ca/en/parks-recreation-and-culture/designated-properties.aspx>



APPENDIX A

Letter from Overland LLP dated October 26, 2023

Christopher J. Tanzola  
Partner  
Direct 416-730-0645  
Cell 416-428-7493  
ctanzola@overlandllp.ca

Overland LLP  
5255 Yonge St, Suite 1101  
Toronto, ON M2N 6P4  
Tel 416-730-0337  
overlandllp.ca



October 26, 2023

**VIA ELECTRONIC SUBMISSION**

Mayor Dan Carter and Members of City Council  
City of Oshawa  
50 Centre Street South  
Oshawa, ON L1H 3Z7

Your Worship and Members of City Council:

**RE: Item ED-23-196 – Update on Impacts of Bill 23 on the City of Oshawa Register of Properties of Cultural Heritage Value or Interest (Wards 3 and 4)  
149 Harmony Road South**

We are the lawyers for Colony Real Estate Development Ltd. ("Colony"), the owner of the property municipally known as 149 Harmony Road South (the "Property") in the City of Oshawa (the "City").

Colony acquired the Property from the Durham District School Board in April 2016, and is in the process of preparing applications for a zoning by-law amendment and site plan approval to redevelop the property with residential uses (the "Applications"). The development proposal would see the Property intensified with a townhouse form of development. There have been preliminary discussions with City Staff regarding the development proposal and a pre-consultation meeting request and concept site plan were submitted to the City's Planning Department on October 19, 2023.

The Property is located on the east side of Harmony Road South, opposite Hoskin Avenue and one block south of King Street East. The Property has limited frontage along Harmony Road South, a regional road under the jurisdiction of the Region of Durham (the "Region") and is currently occupied by the former Harmony Public School.

Due to the location of the Property on the regional road network, the intersection with Hoskin Avenue, and the current location of the Harmony Public School building, a heritage designation that requires the school building to remain in-situ would seriously impact the ability to achieve an appropriate form and scale of revitalization for the Property.

Our client does not support the designation of the Property under Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended (the "OHA"). Consequently, we are asking Council not to proceed with the designation process for this Property at this time.

## STAFF REPORT

We have reviewed the report *ED-23-196 - Update on Impacts of Bill 23 on the City of Oshawa Register of Properties of Cultural Heritage Value or Interest* (the "**Staff Report**") dated October 11, 2023 and the related *Evaluation of Cultural Heritage Value or Interest Report* prepared by Archaeological Research Associates Ltd. (ARA) on September 19, 2023 (the "**CHVI Report**") in respect of the Property and the former Harmony Public School.

In our view, the cultural heritage value attributed to the Property through the CHVI Report does not seem to be tied primarily to the physical attributes of the former Harmony Public School, but rather its associative value as a historical educational institute. For example, the CHVI Report notes the following:

- *149 Harmony Road South is a well-built structure but does not display a high degree of craftsmanship or artistic value. The materials and ornamentation designs are typical of Beaux-Arts public buildings.*
- *149 Harmony Road South is historically linked to its surroundings as one of last vestiges of Village of Harmony, which has largely disappeared into the City of Oshawa.*
- *149 Harmony Road South does not clearly yield or have the potential to yield information that contributes to the understanding of a community or culture.*
- *Although 149 Harmony Road South served the surrounding community, the influence of the school property on the character of the surrounding area has not been demonstrated.*
- *149 Harmony Road South does not reflect the ideas of an architect, builder, designer, or theorist. Research did not reveal a notable builder or architect of the building. Research also did not find that that the design of the school generates new or key ideas in the field of architecture.*

## THIRD ATTEMPT AT DESIGNATION – PREVIOUS EFFORTS FAILED

We understand that the Property had been the subject of two previous recommendations for designation in September 2015 and in September 2019, respectively, on the basis of its cultural heritage value or interest. On both occasions, City Council refused to approve the designation, with the latter resulting in the Property being listed on the City's Register of Properties of Cultural Heritage Value or Interest (the "**Heritage Register**").

Substantively, neither the CHVI Report nor the Staff Report provide persuasive new reasons in support of the designation of the former Harmony Public School that would not have been taken into account on these previous occasions. In fact, the Staff Report is clear that this third attempt at designation is being done merely as a procedural reaction to a change in the legislative framework.

As addressed below, and in any event, the existing listing on the Heritage Register does afford the Property a measure of protection until December 31, 2024 without any further action by Council at this time.

Despite Council's previous decisions not to designate the Property, on October 16, 2023, the Economic and Development Services Committee adopted Staff's recommendation to initiate the process of designating the Property under Part IV of the OHA. As a result, Colony finds itself once more having to oppose the designation in order to maintain the ability to move forward with its development intentions.

### **SITE ACCESS ISSUE**

Colony is concerned that the potential designation of the Property will restrict site access and will in turn severely limit the planned redevelopment of the Property.

As noted above, the Property has limited frontage along Harmony Road South, a regional road under the jurisdiction of the Region. The former Harmony Public School is located along this frontage and directly opposite Hoskin Avenue. As identified in the letter from D.G. Biddle & Associates Limited, our client's planning consultant, dated September 29, 2023 (attached as **Appendix A**), opportunities for access to the property are limited and could conflict with full retention of the former Harmony Public School on the property due to its location opposite to Hoskin Avenue. We note that this concern was also raised with the Economic and Development Services Committee in 2019 when the prior recommendation for designation of the Property was brought forward by Staff. This was specifically noted by Councillor Kerr at the October 16, 2023 meeting of the Economic and Development Services Committee – i.e., the site access issue had been raised previously and formed part of the justification for not proceeding with the designation of the Property in 2019.

### **ALTERNATIVES TO DESIGNATION**

As noted above (and in the Staff Report), in accordance with the changes to the OHA made through the *More Homes Built Faster Act, 2022*, the City has at least until **December 31, 2024** to make a decision as to whether the Property should be designated if no applications for the Property are submitted. If the Applications are made before December 31, 2024, then because the Property is already listed on the Heritage Register, the City can consider the heritage status in response to the Applications in accordance with timelines set out in the OHA.

Given that the Applications are expected to be submitted to the City for review in short order, proceeding with the designation of the Property without the benefit of the context of the intended redevelopment, could have the effect of sterilizing the Property to development by virtue of the identified site access issue. A recommendation to designate the Property despite this access issue will necessitate our client's formal objection and probable appeal to the Ontario Land Tribunal to protect for the intended redevelopment of the Property.

Instead the City could defer this matter to a later date in 2024 and revisit the issue of designation once the Applications have been submitted.<sup>1</sup>

For these reasons, our client requests that City Council not adopt the recommendation to initiate the designation process, or in the alternative, defer this item until the submission of the impending Applications and that staff be given direction to continue discussions with our client through the planning process for the Property. A deferral will allow for further consultation between Staff and our client's consultants with respect to the treatment of the former Harmony Public School building and a consistent assessment of the Property with all the relevant supporting documentation.

Please send notice of any decision in respect of this matter and all required notices under the OHA to both Colony as the owner of the Property and to the undersigned and Justine Reyes ([jreyes@overlandllp.ca](mailto:jreyes@overlandllp.ca)).

Yours truly,  
**Overland LLP**



Per: Christopher J. Tanzola  
Partner

Encl.

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<sup>1</sup> If for some reason the Applications are not forthcoming, the City would still have over a year to address this matter.

**APPENDIX "A"**

Letter from D.G. Biddle & Associates Limited, dated September 29, 2023



# **D. G. Biddle & Associates Limited**

consulting engineers and planners

96 KING ST. E., OSHAWA, ONTARIO L1H 1B6    PHONE (905) 576-8500    FAX (905) 576-9730  
e-mail: info@dgbiddle.com

September 29, 2023

Planning Department  
City of Oshawa  
50 Centre Street South  
Oshawa ON L1H 3Z7

Attention: Connor Leherbauer

**RE: 149 Harmony Road South, Harmony Public School Building  
Heritage Research Report  
Our File: 115175**

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Dear Mr. Leherbauer:

D.G. Biddle and Associates Limited has been retained by the owner, Colony Real Estate Development Inc., to provide professional land use planning consulting services in support of development applications for the property at 149 Harmony Road South in the City of Oshawa, the Harmony Road Public School.

We are in receipt of Evaluation of 149 Harmony Road South - Harmony Public School report prepared by Archaeological Research Associates Ltd. for the City of Oshawa (September 19, 2023).

On September 9, 2019, the Oshawa Heritage Committee brought forward a proposal to the Development Services Committee to designate 149 Harmony Road South as a heritage property. The Development Services Committee recommended to Council that the property not be designated, but instead to list the property on the City of Oshawa's Register of Properties of Cultural Heritage Value or Interest. The recommendation to not designate was approved by City Council on September 23, 2019.

The owner purchased the property from the Durham District School Board with the intent to redevelop the property under the permissions of the Region of Durham and City of Oshawa Official Plans.

Harmony Road South and the properties fronting onto Harmony are designated as **Regional Corridor** in the Region of Durham Official Plan, with an underlying **Living Areas** land use designation. The Regional Corridor designation is intended to allow for higher density residential, commercial, and mixed-use development with

minimum residential density requirements of 60 units per hectare. The Living Areas land use designation does not specify a minimum or maximum density permission, but instead defers to the local official plan.

The City of Oshawa Official Plan designates the property for **Residential** land uses. Location criteria found in Table 2 of the Oshawa Official Plan would generally allow for **Medium Density I Residential** land use and density permissions due to its location on an arterial road and at the periphery of a residential neighbourhood. The Medium Density I Residential land use designation permits densities of 30 to 60 units per hectare.

Harmony Road South is a Regional Road under the jurisdiction of the Region of Durham. The Region's intersection spacing protocol will require any new driveway into the property to line up opposite Hoskin Avenue. Site access is restricted along Harmony Road South due to the site's limited frontage and proximity to Hoskin Avenue. No other site access location is feasible due to restrictions of turning movements into and out of the site and due to potential conflicting turning movements on Harmony. A site access opposite Hoskin Avenue is the only feasible option.

Unfortunately, the Harmony Road Public School is located at the intersection of Harmony Road with Hoskin Avenue. The location of the existing building does not permit feasible site access in line with the Region's site access protocol.

As such, the designation of the Harmony Road Public School would severely limit access to the site, which in turn will severely limit any future development potential of the site. For this reason, the owner is opposed to the designation of the Harmony Road Public School under the Ontario Heritage Act.

Yours Truly,  
**D.G. BIDDLE & ASSOCIATES LIMITED**

*Ashlee Prescott*

Ashlee Prescott  
Junior Planner

Cc. Monica Chen, Colony Real Estate Development Inc. (via email)



**APPENDIX B**

Public Report from City Staff dated September 4, 2019

To: Development Services Committee

From: Warren Munro, HBA, RPP, Commissioner,  
Development Services Department

Report Number: DS-19-139

Date of Report: September 4, 2019

Date of Meeting: September 9, 2019

Subject: Proposed Designation Pursuant to Ontario Heritage Act:  
149 Harmony Road South (Former Harmony Public School)

File: B-8600-0353

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## **1.0 Purpose**

The purpose of this report is to seek Council's direction on whether or not to designate the property located at 149 Harmony Road South (former Harmony Public School) as a property of cultural heritage value or interest under Part IV of the *Ontario Heritage Act*.

On September 27, 2018, Heritage Oshawa recommended that the property located at 149 Harmony Road South be designated under the *Ontario Heritage Act*.

On January 14, 2019, Development Services Committee referred the recommendation from Heritage Oshawa to staff for a report.

Attachment 1 shows the location of 149 Harmony Road South as well as the existing zoning in the area.

Attachment 2 is an air photo showing the footprint of the former school building at 149 Harmony Road South.

Attachment 3 is a copy of the September 2012 Heritage Research Report prepared by Melissa Cole, a local heritage consultant, for 149 Harmony Road South.

Attachment 4 is a copy of Report DS-14-74 dated April 9, 2014 regarding an offer from the Durham District School Board (D.D.S.B.) to sell 149 Harmony Road South to the City.

Attachment 5 is correspondence dated May 27, 2019 from Monica Chen, representing Colony Real Estate Development Ltd., the owner of 149 Harmony Road South, indicating that the owner does not support the designation of their property under Part IV of the *Ontario Heritage Act*.

Attachment 6 is correspondence dated May 29, 2019 from Michael J. Fry of D.G. Biddle & Associates Ltd., on behalf of Colony Real Estate Development Ltd., outlining the reasons the owner does not support the designation of 149 Harmony Road South.

Attachment 7 is a Cultural Heritage Evaluation & Options Analysis relating to 149 Harmony Road South dated May 30, 2019, prepared by Golder Associates Ltd. for Colony Real Estate Development Ltd.

Attachment 8 is a copy of email correspondence dated August 13, 2019 from Michael J. Fry of D. G. Biddle & Associates Ltd., on behalf of Colony Real Estate Development Ltd., confirming that the property owner does not support the designation of 149 Harmony Road South, including any part of the former school building, notwithstanding the recommendations contained in the Cultural Heritage Evaluation & Options Analysis dated May 30, 2019 prepared by Golder Associates Ltd. for the owner (see Attachment 7).

## **2.0 Recommendation**

That the Development Services Committee select an appropriate option as set out in Section 5.9 of Report DS-19-139 dated September 4, 2019.

## **3.0 Executive Summary**

Not applicable.

## **4.0 Input From Other Sources**

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

- Commissioner, Finance Services
- City Solicitor
- Heritage Oshawa
- Owner of 149 Harmony Road South (Colony Real Estate Development Ltd.)

## **5.0 Analysis**

### **5.1 Heritage Oshawa Inventory of City of Oshawa Heritage Properties**

The Heritage Oshawa Inventory of City of Oshawa Heritage Properties (the Inventory) identifies properties of cultural heritage value or interest within the City of Oshawa. The Inventory includes all properties on the City of Oshawa Register of Properties of Cultural Heritage Value or Interest as well as properties identified as 'Class A' or 'Class B'.

Class A properties are properties that have been evaluated by Heritage Oshawa and determined to have the highest potential for designation.

Class B properties are properties that have been evaluated by Heritage Oshawa and determined to have good potential for designation.

149 Harmony Road South (see Attachments 1 and 2) is identified in the Inventory as a Class A property.

## **5.2 The City of Oshawa Register of Properties of Cultural Heritage Value or Interest**

The City of Oshawa Register of Properties of Cultural Heritage Value or Interest (the Register) is the list of properties from the Inventory that have been formally recognized by Council, pursuant to Section 27 of the *Ontario Heritage Act*, as being properties within the City of Oshawa having cultural heritage value or interest.

The Register includes "designated" and "listed, non-designated" properties.

A property is automatically added to the Register as a designated property once it is designated in accordance with the process established in the *Ontario Heritage Act*.

A property is added to the Register as a listed, non-designated property by resolution of Council.

149 Harmony Road South is currently not on the City of Oshawa Register of Properties of Cultural Heritage Value or Interest.

## **5.3 Background**

### **5.3.1 Heritage Research Report**

On June 28, 2012 Heritage Oshawa passed the following resolution:

"That Heritage Oshawa recommend to the Development Services Committee:

Whereas Harmony Public School and Ritson Public School are closing and are to be decommissioned at the end of June 2012; and,

Whereas it is anticipated that the Durham District School Board will be considering the future of these school buildings; and,

Whereas Harmony Public School is a Class A and Ritson Public School is a Class B on the Heritage Oshawa Inventory of Heritage Properties;

Whereas Heritage Oshawa recognizes the cultural heritage importance of both of these schools;

Therefore be it resolved:

1. That Council initiate discussion with the Durham District School Board regarding future uses for Harmony Public School and Ritson Public School; and,
2. That Heritage Oshawa be consulted in the planning process for any future adaptive reuse.

3. That a research report should be prepared for both buildings in the near future.”

Heritage Oshawa subsequently engaged Melissa Cole, a qualified heritage consultant, to prepare a heritage research report for 149 Harmony Road South. Ms. Cole’s heritage research report dated September 2012 forms Attachment 3 to this report.

The September 2012 heritage research report for 149 Harmony Road South provides evidence that the property meets one or more of the criteria for designation under the *Ontario Heritage Act* (Ontario Regulation 9/06) under the following three categories:

1. Design or physical value
2. Historical or associative value
3. Contextual value

### **5.3.2 Heritage Oshawa Follow-up to Research Report**

Subsequent to its receipt of the heritage research report, Heritage Oshawa did not recommend designation of the school under the *Ontario Heritage Act*. Rather, on November 22, 2012, it passed a resolution to receive the heritage research report for information and to monitor future activities related to the subject school property.

Accordingly, when a letter dated February 5, 2014 from the D.D.S.B. was received by the City offering to sell 149 Harmony Road South as a surplus school site, City staff advised Heritage Oshawa in this regard.

On February 24, 2014 the Development Services Committee referred to staff for a report the letter from the D.D.S.B. offering to sell the Harmony Public School site located at 149 Harmony Road South (see Attachments 1 and 2) to the City.

On March 11, 2014 Heritage Oshawa recommended that Council consider purchasing the school site for re-purposing as an Arts, Culture and Heritage Education Centre.

On April 7, 2014 Council referred to staff Heritage Oshawa’s recommendation that the school site be considered for acquisition and re-purposing as an Arts, Culture and Heritage Education Centre.

On April 28, 2014 Council considered Report DS-14-74 (see Attachment 4) regarding the offer from the D.D.S.B. and passed the following motion:

“That, pursuant to Report DS-14-74 dated April 9, 2014, the Durham District School Board be advised that the City does not wish to acquire the Harmony Road Public School site at 149 Harmony Road South.”

On June 25, 2015 a proposal to demolish the former school building and redevelop the site at 149 Harmony Road South was presented to Heritage Oshawa by Rodger Miller of Urban Terra, on behalf of Brookfield Homes. Heritage Oshawa passed the following motion in response to the presentation:

"That Heritage Oshawa seek clarification regarding the alignment of the new road into the proposed development with Hoskin Avenue or if it can be accommodated in the existing driveway north of the school building; and,

That Brookfield Homes seek additional information on adaptive reuse of 149 Harmony Road South; and,

That in the event that the building must be demolished, that Brookfield Homes identify options to commemorate the building."

On August 27, 2015 a follow-up presentation was given to Heritage Oshawa by Rodger Miller of Urban Terra, on behalf of Brookfield Homes. Heritage Oshawa was advised that according to the Region of Durham, a road/driveway access to the site that is aligned with the centre line of Hoskin Avenue is the only option that provides sufficient space for safe traffic flow. Heritage Oshawa was also advised that while relocating the former school building for adaptive reuse was determined not to be economically viable, the proponent is willing to work with Heritage Oshawa to ensure the building is appropriately commemorated in the new development. Heritage Oshawa passed the following motion (HTG-15-70) in response to the presentation:

"Whereas Heritage Oshawa would prefer to leave the school building located at 149 Harmony Road South in situ or be used for adaptive reuse; and,

Whereas the Region of Durham has determined that the only access option that provides sufficient traffic flow and entrance from the development onto Harmony Road South would be a new access that matches the existing centre line on Hoskin Avenue; and,

Whereas this development would leave no option other than the removal of the Heritage Oshawa Inventory Building at 149 Harmony Road South;

Therefore be it resolved that if a development is approved, the plan must include a commemorative project for the school building developed in consultation with Heritage Oshawa and the proponent."

On September 14, 2015 the Development Services Committee endorsed the recommendation of Heritage Oshawa (DS-15-177).

On September 28, 2015 City Council adopted the recommendation of the Development Services Committee as contained in DS-15-177.

The D.D.S.B. subsequently sold 149 Harmony Road South to Colony Real Estate Development Ltd. (the current owner) on April 11, 2016.

### **5.3.3 Heritage Oshawa Recommendation to Designate**

Given that both the former Harmony Public School at 149 Harmony Road South and the former Ritson Public School at 300 Ritson Road South were declared surplus by the D.D.S.B. and that heritage research reports for both properties had previously been

prepared, Heritage Oshawa determined as part of its 2018 work plan to seek heritage designation for both former school sites. With respect to 149 Harmony Road South, on September 27, 2018 Heritage Oshawa recommended the following to Development Services Committee (HTG-18-61):

“Whereas Heritage Oshawa has a research report on Harmony Public School at 149 Harmony Road South which is a Class A property in the Heritage Oshawa Inventory and recommended designation; and,

Whereas Harmony Public School was built in 1924, the year of incorporation for the City of Oshawa; and,

Whereas Harmony Public School has architectural value as a rare example of a schoolhouse of Classic Revival style with an elaborate Greek Doric portico entrance, an embodiment of a philosophy of natural light, spaciousness and good ventilation introduced in the late 1800s when small wooden schoolhouses were replaced with those such as the Harmony Public School; and,

Whereas Harmony Public School has associative value as public schools have stood on the site for over 150 years, the current building was constructed at a time when the population was expanding, increasing demand for schooling; and,

Whereas Harmony Public School has associative value with the Farewell family, one of the first to settle in the Village of Harmony in 1804; and,

Whereas Harmony Public School has contextual value as a landmark in the City of Oshawa, near the Farewell Cemetery; and,

Whereas the benefits of designating this property include promoting knowledge and understanding of Oshawa’s cultural heritage, recognizing highly visible resources, recognizing the community’s identity, and inspiring pride in Oshawa’s citizens because the City has been built with care, thought, and hard work over the past 100 years; and,

Whereas the responsibilities of the owners of designated properties do not extend to upkeep or expenses beyond those of any property owner;

Therefore be it resolved that the building and site at Harmony Public School be designated as a property of cultural heritage significance under the *Ontario Heritage Act*.”

On January 14, 2019 the Development Services Committee referred HTG-18-61 to staff for a report.

#### **5.4 Historical Significance of 149 Harmony Road South**

The heritage research report dated September 2012 (see Attachment 3) generally summarizes the cultural heritage value or interest of 149 Harmony Road South as follows:

1. The school building located at 149 Harmony Road South has design and physical value because the building is an example of a school that was built in the 1920s representative of the Classic Revival architectural style.
2. This property has associative value because:
  - Harmony Public School has direct association with the Farewell family. The land on which the school sits was donated by Akeus Farewell. The Farewells were one of the first families to settle in the Village of Harmony. They came to the area in circa 1804.
  - Harmony Public School is historically linked to the City of Oshawa as it is representative of the Village of Harmony that now lies within the City of Oshawa. That is where the name of the school originates.
3. This property has contextual value because Harmony Public School is a landmark in the City of Oshawa; approximately 0.5 km to the north is located Farewell Cemetery which represents another landmark in a community that was once known as the Village of Harmony.

After analyzing the history of, and heritage attributed to, the subject property, the heritage research report concludes that the subject property meets several of the criteria outlined in Ontario Regulation 9/06, Criteria for Determining Cultural Heritage Value or Interest, and merits designation under the *Ontario Heritage Act*.

### 5.5 The Provincial Policy Statement

The Provincial Policy Statement (P.P.S.) provides policy direction on matters of provincial interest related to land use planning and development. Section 3 of the *Planning Act* requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the *Act*.

Section 2.6 of the P.P.S. addresses Cultural Heritage and Archaeology and in particular states that (among other things):

“Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.”

This Section of the P.P.S. does not currently apply to the properties adjacent to 149 Harmony Road South since it is not a designated property. It would apply if it was designated.

### 5.6 Heritage Designation Process

The *Ontario Heritage Act* provides a framework for identification, conservation and protection of cultural heritage resources.



The *Ontario Heritage Act* empowers a municipality to designate, by by-law, a property to be of cultural heritage value or interest.

A heritage designation under the *Ontario Heritage Act*:

- Recognizes the importance of a property to the local community;
- Protects the property's cultural heritage value;
- Encourages good stewardship and conservation; and
- Promotes knowledge and understanding about the property.

The designation of 149 Harmony Road South would be governed by Part IV of the *Ontario Heritage Act* for individual property designation.

The *Ontario Heritage Act* requires that a municipal council must consult with its municipal heritage committee, where one exists, before considering a designation.

The *Ontario Heritage Act* specifies that a Notice of Intention to Designate a property be served on the owner and the Ontario Heritage Trust as well as being published in a newspaper having general circulation in the municipality. Based on City policy any Notice of Intention to Designate would be published in both the Oshawa This Week and Oshawa Express newspapers.

A Notice of Intention to Designate a property must include:

1. The Description of Property so that it can be readily identified;
2. The Statement of Cultural Heritage Value or Interest, which identifies the property's heritage significance;
3. The Description of Heritage Attributes outlining the particular features that should be protected for the future; and
4. A statement that any notice of objection to the designation must be filed with the municipality within 30 days after the date of publication of the newspaper notice.

If no objections are filed with the municipality within 30 days after the date of publication of notice in the newspaper, the council can proceed to pass a by-law designating the property.

If an objection to a designation is filed with the municipality within the 30 day period, Council must refer the objection to the Conservation Review Board (Review Board) for a hearing. The Review Board will then hold a hearing and make recommendations to Council. Council is not bound to follow the recommendations of the Review Board but must consider the Review Board's report. Council then decides whether to pass a designating by-law or withdraw its intention to designate.

All properties that are designated by Council are automatically listed on the City of Oshawa Register of Properties of Cultural Heritage Value or Interest.

It should be noted that while the heritage designation process as described above currently applies, changes to this process have been approved under Bill 108 and will come into effect on a day to be named by proclamation of the Lieutenant Governor.

## **5.7 Register Designated Versus Register Non-designated**

### **5.7.1 Non-designated Properties Listed on the Register**

149 Harmony Road South is currently identified on the Heritage Oshawa Inventory of City of Oshawa Heritage Properties as a Class A property. A Class A property has no standing, or special protection, under the *Ontario Heritage Act*.

Pursuant to Section 27 of the *Ontario Heritage Act*, Council may choose to elevate the status of a Class A property by adding it to the City of Oshawa Register of Properties of Cultural Heritage Value or Interest as a "listed, non-designated" property. This can be done through a resolution of Council, subject to consultation with Heritage Oshawa.

There is no legislated appeal process for the addition by Council of a listed, non-designated property to the City's Register. However, under changes to the *Ontario Heritage Act* introduced through Bill 108, an owner of a Class A property that has been added to the Register will have the ability, as of a date to be named by proclamation of the Lieutenant Governor, to request that Council re-consider its decision to add the subject property to the City's Register.

A listed, non-designated property is protected under the *Ontario Heritage Act* to the extent that a municipality can withhold a demolition permit for up to 60 days after receiving an application from the property owner to demolish or remove the building or structure. This 60 day period enables municipal councils, if they so choose, to designate the property by by-law as a property of cultural heritage value or interest, and thereby seek to prevent demolition.

There are no legislated obligations regarding proposed alterations to a listed, non-designated property. However, the City's standard practice is for Heritage Oshawa to review and comment on alteration proposals for listed, non-designated properties.

### **5.7.2 Designated Properties Listed on the Register**

A designated property is given protection under the *Ontario Heritage Act* from alteration and demolition. The owner of a designated property must apply to Council for approval of demolition or any alteration that may impact heritage attributes established in the designation by-law, and receive consent in writing from Council. Council must first consult with its municipal heritage committee (Heritage Oshawa) prior to deciding on the proposed alteration or demolition. The *Ontario Heritage Act* further details the process for requests for approval of alteration or demolition and the associated appeal process.

### **5.7.3 Effect on Process to Alter or Demolish**

Only the property owner can object to Council's decision regarding an application to alter or demolish a designated structure. In the case of an application for alteration, the owner

has 30 days from the issuance of the Notice of Decision to Refuse, to object to Council's decision. This objection is then referred to the Conservation Review Board (C.R.B.). The C.R.B. holds a hearing and reports to Council on the matter. Council considers the C.R.B. report and makes a final decision on the request for alteration. If Council refuses to consent to the application for alteration, then the property cannot be altered.

In the case of a designated property, if the owner applies to Council to demolish a designated structure, the owner has 30 days to appeal Council's decision to the Local Planning Appeal Tribunal (L.P.A.T.). The L.P.A.T. deals with the matter and makes a final decision.

Where demolition of a property identified on the City's Register as a listed, non-designated property is proposed, the owner is required to give Council at least 60 days' notice in writing of the owner's intention to demolish the building. This notification is typically given through submission of an actual demolition permit application. There is no decision/appeal/objection process associated with this requirement.

It is important to note that while the processes described above regarding applications to alter or demolish structures or buildings identified in the City's Register currently apply, changes to these processes have been approved under Bill 108 and will come into effect on a day to be named by proclamation of the Lieutenant Governor.

### **5.8 Heritage Property Tax Reduction Program**

On March 21, 2011 Council adopted a Heritage Property Tax Reduction Program. This program provides annual tax reductions for eligible heritage properties as an incentive to encourage property owners to restore and maintain heritage properties within the City.

The amount of the Heritage Property Tax Reduction is 40% of the City and education portions of the property taxes. At this time, the Region of Durham does not participate in the program and therefore the reduction does not apply to the Region's portion of the property taxes.

In order to qualify for the Heritage Property Tax Reduction Program, a property must meet the following eligibility criteria:

1. Be located in the City;
2. Be designated under Part IV or Part V of the *Ontario Heritage Act*;
3. Be subject to a Heritage Easement Agreement with the City; and
4. Comply with additional eligibility criteria as set out in By-law 106-2011.

Additional eligibility criteria set out in By-law 106-2011 include, but are not limited to:

1. The property is not subject to any by-law contravention, work order or outstanding municipal requirements or liens; and
2. The property is in good and habitable condition and meets all of the City's requirements related to the heritage property.

In 2018, 40% of the City and school board portion of the taxes for 149 Harmony Road South amounted to approximately \$4,828 (the total 2018 City and school board portion of the taxes are \$12,069). The foregoing values do not include Regional taxes given that the Region of Durham does not participate in the City's Heritage Property Tax Reduction Program.

## 5.9 Options

The September 2012 heritage research report for 149 Harmony Road South (see Attachment 3) establishes the reasons for designation pursuant to the *Ontario Heritage Act*. Notwithstanding Heritage Oshawa's November 22, 2012 resolution and on the basis of the research report, on September 27, 2018, Heritage Oshawa recommended that 149 Harmony Road South be designated under Part IV of the *Ontario Heritage Act*.

After notice of Heritage Oshawa's motion to designate 149 Harmony Road South was issued to the property owner (Colony Real Estate Development Ltd.), correspondence dated May 27, 2019 was received by staff from Monica Chen representing Colony Real Estate Development Ltd. (see Attachment 5). Additional correspondence dated May 29, 2019 from Michael J. Fry of D. G. Biddle & Associates Ltd. on behalf of Colony Real Estate Development Ltd., was subsequently received by staff (see Attachment 6).

Through this correspondence staff were informed that the owner does not support the designation of 149 Harmony Road South on the basis that it would restrict the future development potential of the property and does not take into account the intent of the infill and intensification policies of the Regional Official Plan and the City of Oshawa Official Plan.

Staff subsequently received a Cultural Heritage Evaluation & Options Analysis dated May 30, 2019, prepared by Golder Associates Ltd. (Golder) for the property owner (see Attachment 7). Golder concluded that the school building can be partially demolished (i.e. the north single-storey wing and the later 1957 addition, which is not identified as a heritage attribute) and compatibly incorporated into the proposed development without substantially losing its integrity, cultural heritage significance, or importance to the local community.

While demolishing the north wing and the 1957 addition and reconstituting the structure as a two-storey hall with a single-storey south wing would enable development and safe vehicle access, and retain the building for community use, it would result in an asymmetrical structure and present an "unbalanced" street facing façade.

To guide these structural changes and adaptive re-use of the building, Golder recommends conducting a heritage conservation plan for the rehabilitation of the building in a new configuration and use.

To confirm the position of the property owner in view of Golder's recommendation, staff contacted Michael J. Fry of D. G. Biddle & Associates Ltd. (the owner's consultant). Email correspondence dated August 13, 2019 was received from the same confirming that the property owner does not support designation of the property including any part of the former school building, notwithstanding Golder's recommendation (see Attachment 8).

Staff notes that Golder's conclusion that the school building could be partially retained while allowing access to the site that is aligned with Hoskin Avenue is relevant with regard to resolution DS-15-177 endorsed by Council on September 28, 2015, referenced in Section 5.3.2. The presentation to Heritage Oshawa in June and August 2015 by Urban Terra on behalf of Brookfield Homes did not provide any option for development of the site which did not involve the full demolition of the school building. Golder's option involving the partial demolition of the school building, and the retention of the two-storey hall and single-storey south wing, was not presented to Heritage Oshawa at that time. Heritage Oshawa has not commented on Golder's analysis as the current property owner is opposed to designation of any part of the building, including the two-storey hall and single-storey south wing.

Given the contrasting positions of Heritage Oshawa and the property owner, three options are available to the Development Services Committee on a go forward basis to deal with this matter.

#### 5.9.1 Option 1: Status Quo

Should the Development Services Committee wish to maintain the status quo and have 149 Harmony Road South remain as a "Class A" property on the Heritage Oshawa Inventory of City of Oshawa Heritage Properties, then the following recommendation should be adopted:

"That the Development Services Committee recommends to City Council:

1. That, pursuant to Report DS-19-139 dated September 4, 2019, 149 Harmony Road South not be designated under the *Ontario Heritage Act* but rather remain as a "Class A" property on the Heritage Oshawa Inventory of City of Oshawa Heritage Properties."
2. That Council affirm its position, as identified in resolution DS-15-177 and adopted on September 28, 2015, that in the event a development is approved at 149 Harmony Road South involving the demolition of the former Harmony Public School, the development plan must include a commemorative project for the school building developed in consultation with Heritage Oshawa and the proponent.

#### 5.9.2 Option 2: Designate

Should the Development Services Committee wish to designate 149 Harmony Road South as a property of cultural heritage value or interest, in which case it would be added as a designated property to the City of Oshawa Register of Properties of Cultural Heritage Value or Interest, then the following recommendation should be adopted:

"That the Development Services Committee recommends to City Council:

That, pursuant to Report DS-19-139 dated September 4, 2019, Development Services staff be authorized to undertake the process established in the *Ontario Heritage Act* to designate the property located at 149 Harmony Road South as a property of cultural heritage value or interest under the *Ontario Heritage Act* by undertaking the following:

- (a) Prepare a Notice of Intention to Designate the property located at 149 Harmony Road South under the *Ontario Heritage Act*;
- (b) Publish the Notice in the Oshawa This Week and Oshawa Express newspapers;
- (c) Forward the Notice to the Ontario Heritage Trust and the owner in accordance with the *Ontario Heritage Act*; and
- (d) Prepare the necessary by-law and Designation Statement and Description, with input from Heritage Oshawa, for subsequent consideration by Council."

### **5.9.3 Option 3: Add to the City's Register as a Listed, Non-designated Property**

Should the Development Services Committee wish Council to formally recognize 149 Harmony Road South as a property having cultural value or interest pursuant to Section 27 of the *Ontario Heritage Act*, in which case it would become a "listed, non-designated" property on the City's Register, then the following recommendation should be adopted:

"That the Development Services Committee recommends to City Council:

That, pursuant to Report DS-19-139 dated September 4, 2019, the property known as 149 Harmony Road South be included on the City of Oshawa Register of Properties of Cultural Heritage Value or Interest as a listed, non-designated property.

## **6.0 Financial Implications**

The costs associated with the designation of a property under the *Ontario Heritage Act* are related to notice requirements, which can be accommodated within the Department's budget.

In the event of any objection to the Notice of Intention to Designate and referral to the Conservation Review Board (or to the Local Planning Appeal Tribunal, once changes to the *Ontario Heritage Act* establishing the Local Planning Appeal Tribunal as the appeal body come into effect on a day to be named by proclamation of the Lieutenant Governor), the appropriate City staff, with the potential assistance of a heritage consultant, would need to participate in the associated hearing. These costs can be accommodated within the Departmental budget.

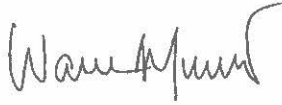
If 149 Harmony Road South is designated under the *Ontario Heritage Act* and the eligibility criteria for the City's Heritage Property Tax Reduction Program are satisfied, the property owner would be eligible for a reduction of 40% of the taxes paid annually to the City and school boards.

Finance Services has advised that 40% of the City and school board portion of the taxes for 149 Harmony Road South in 2018 amounts to approximately \$4,828 (the total 2018 City and school board portion of the taxes is \$12,069).

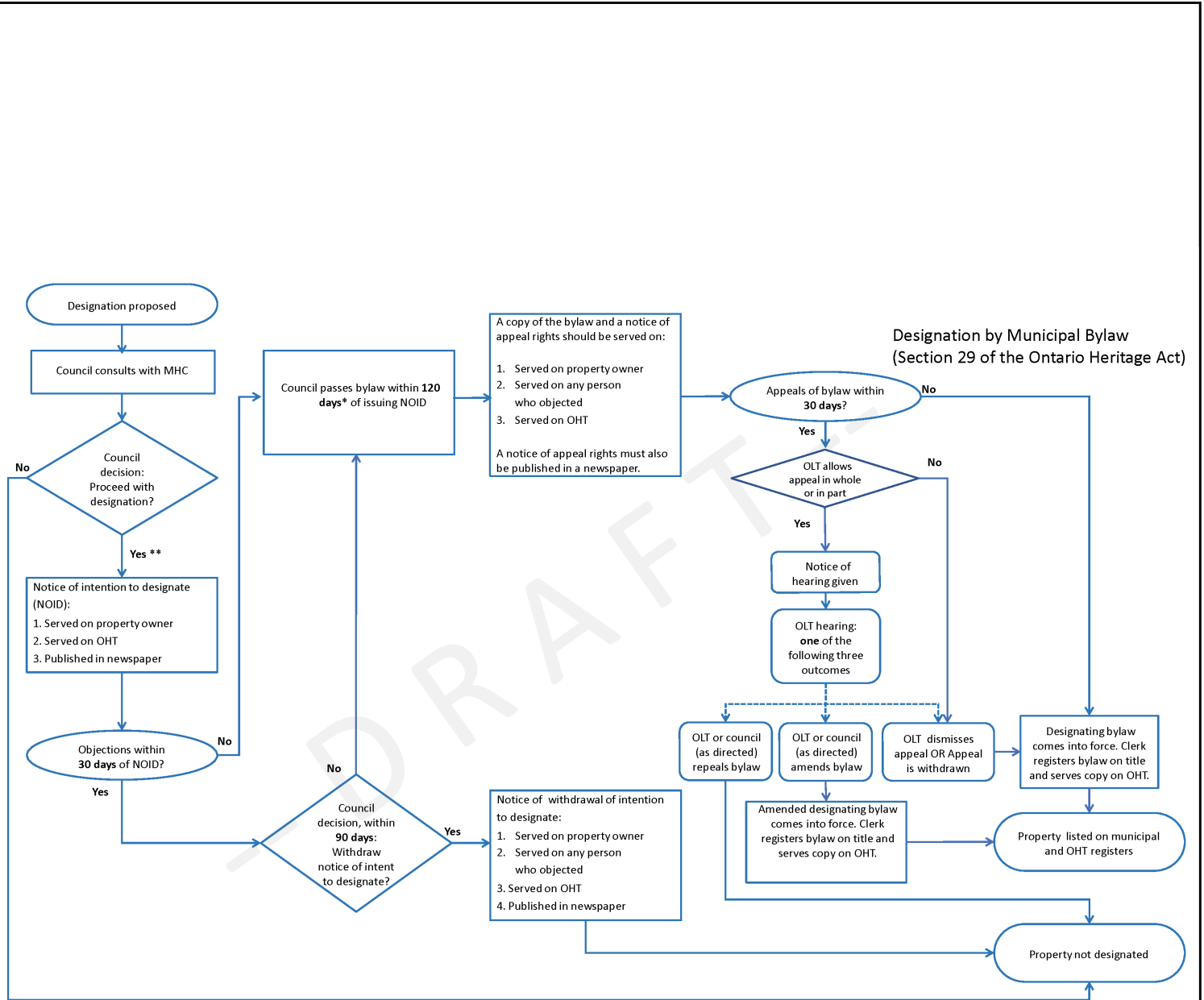
If 149 Harmony Road South is redeveloped as an infill development, the new development may accrue property taxes.

## **7.0 Relationship to the Oshawa Strategic Plan**

The information in this report addresses the Cultural Vitality goal of the Oshawa Strategic Plan.



Warren Munro, HBA, RPP, Commissioner,  
Development Services Department



\*If council fails to meet these timelines, the NOID will be deemed withdrawn, and council must issue a notice of withdrawal. For exceptions to the 120-day timelines, please consult the guidance text.  
\*\* Council has a limited 90 day period to give its notice of intention to designate a property when the property is subject to an official plan amendment, a zoning bylaw amendment, or plan of subdivision.

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To: Economic and Development Services Committee

From: Anthony Ambra, P.Eng., Commissioner,  
Economic and Development Services Department

Report Number: ED-24-19

Date of Report: January 31, 2024

Date of Meeting: February 5, 2024

Subject: Revised Applications to Amend the Secondary Plan for the Samac Community and Zoning By-law 60-94, 1494339 Ontario Limited, for lands generally located at the southeast corner of Ritson Road North and Luple Avenue

Ward: Ward 1

File: OPA-2022-06, Z-2022-07

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## **1.0 Purpose**

The purpose of this Report is to provide a recommendation on the revised applications submitted by D.G. Biddle and Associates Limited on behalf of 1494339 Ontario Limited (the “Applicant”) to amend the Secondary Plan for the Samac Community and Zoning By-law 60-94, as amended, to permit four (4) single detached dwellings and a six (6) storey, 46 unit rental apartment building on lands generally located at the southeast corner of Ritson Road North and Luple Avenue (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 Schedule ‘A’, Samac Land Use and Street Plan, from the Secondary Plan for the Samac Community.

Attachment 3 is a copy of the original proposed site plan submitted by the Applicant and considered at the September 11, 2023 public meeting.

Attachment 4 is a copy of the revised proposed site plan submitted by the Applicant incorporating revisions to address certain public and technical comments.

On September 11, 2023, a public meeting was held concerning the subject development applications. At the conclusion of the public meeting, the Economic and Development Services Committee adopted a recommendation to direct staff to further review the subject applications and prepare a subsequent report and recommendation back to the Economic

and Development Services Committee. The minutes of the September 11, 2023 public meeting form Attachment 5 to this Report.

Subsequent to the September 11, 2023 public meeting, the Applicant revised the subject development proposal. The key differences between the original proposal considered at the public meeting (see Attachment 3) and the revised proposal (see Attachment 4) are as follows:

1. The Applicant has revised the proposed Amendment to the Samac Secondary Plan to redesignate the open space lands on the Subject Site from Medium Density I Residential to Open Space and Recreation;
2. The number of parking spaces for the apartment building has been reduced from 63 to 62. The proposed parking rate is now 1.33 spaces per unit (1 space per unit for residents and 0.33 spaces per unit for visitors), which still complies with the minimum parking requirement of Zoning By-law 60-94, as amended, for rental apartment buildings;
3. The Applicant has shifted the proposed sidewalk on the south side of Luple Avenue onto the Subject Site rather than within the public road allowance, at the request of the City; and,
4. The site design has been revised to relocate the two (2) proposed electric vehicle parking spaces and associated charging equipment off of the hydro easement lands.

## **2.0 Recommendation**

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

1. That, pursuant to Report ED-24-19 dated January 31, 2024, the revised application submitted by D.G. Biddle and Associates Limited on behalf of 1494339 Ontario Limited to amend the Secondary Plan for the Samac Community (File: OPA-2022-06) to permit an increased residential density of approximately 102 units per hectare (41 units/ac.) on lands generally located at the southeast corner of Ritson Road North and Luple Avenue and to redesignate that portion of the same lands associated with the tributary of the Oshawa Creek from Medium Density I Residential to Open Space and Recreation 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-24-19 dated January 31, 2024, the revised application submitted by D.G. Biddle and Associates Limited on behalf of 1494339 Ontario Limited to amend Zoning By-law 60-94 (File: Z-2022-07), to rezone lands generally located at the southeast corner of Ritson Road North and Luple Avenue from FD (Future Development) to an appropriate R6-C (Residential) zone to permit a six (6) storey, 46 unit apartment building, and to an appropriate R1-E (Residential) Zone to permit four (4) single detached dwellings, and OSH (Hazard Lands Open Space) for that portion of the lands associated with the tributary of the Oshawa Creek, 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.

3. That, in accordance with Section 34(17) of the Planning Act and notwithstanding that the Zoning By-law Amendment proposed in Report ED-23-157 dated September 6, 2023 presented at the public meeting of September 11, 2023 differs to some degree from the proposed amendment recommended to be approved by City Council pursuant to Part 2 of this Recommendation, 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 revised applications to amend the Secondary Plan for the Samac Community and Zoning By-law 60-94, as amended, to permit the development of four (4) single detached dwellings and a six (6) storey, 46 unit apartment building on lands generally located at the southeast corner of Ritson Road North and Luple Avenue.

The proposed development is appropriate given the Subject Site's location along a Type 'B' Arterial Road with access to transit, parks and nearby amenities, and can be designed to be compatible with adjacent land uses.

The proposed development conforms to the Provincial Growth Plan, is consistent with the Provincial Policy Statement, conforms to the Durham Regional Official Plan, is within the City's Built Boundary and represents good planning. The proposed development will help the City's efforts to achieve the delivery of 23,000 new housing units in Oshawa by 2031, as targeted by the Province.

### **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 revised 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 revised applications are approved.

#### **4.2 Public Comments**

The minutes of the September 11, 2023 public meeting concerning the subject application form Attachment 5 to this Report. Three members of the public provided oral comments at the public meeting. Several letters were also received from the public with respect to the subject applications containing comments and expressing objections to the applications.

Key concerns raised by the public at the public meeting and in the written correspondence are set out below together with a staff response.

#### **4.2.1 Traffic Impacts**

**Comment:**

Comments were received concerning the impact of the proposed development on vehicular traffic in the area, as well as the adequacy of the study methods used to prepare the Traffic Impact Study (“T.I.S.”) submitted in support of the applications.

**Staff Response:**

The Subject Site will have driveway access on Luple Avenue only, with no driveways on Ritson Road North.

Ritson Road North is designated as a Type “B” Arterial Road on Schedule ‘B’, Road Network, of the Oshawa Official Plan. Luple Avenue is a local road.

Type “B” Arterial Roads are intended to carry moderate volumes of traffic, including moderate volumes of truck traffic. Ritson Road North is under the jurisdiction of the Region of Durham. Local roads are intended to collect light volumes of traffic moving between points of origin and the collector road system.

The Applicant hired GHD, a professional consulting company with transportation engineering expertise, to prepare a T.I.S. which was submitted in support of the revised applications. The analysis found that the proposed development is expected to generate a total of 17 two-way trips during the weekday morning peak hour traffic period, consisting of 4 inbound trips and 13 outbound trips and 18 two-way trips during the weekday afternoon peak hour traffic period, consisting of 11 inbound trips and 7 outbound trips. The analysis also concluded that traffic generated by the proposed development will have a negligible impact on the study area road network with no improvements required at intersections in the study area under the future 2030 total traffic scenario.

Professional engineering staff at both the City and the Region of Durham reviewed the T.I.S. and have no objection to the methodology or the conclusions.

In response to the comments shared at the September 11, 2023 public meeting with respect to traffic infiltration through the neighbourhood to destinations to the east, the City’s Community and Operations Services department is investigating the possibility of installing a stop sign at an intersection on Luple Avenue east of the development.

#### **4.2.2 Parking**

**Comment:**

Concerns were expressed regarding the potential for increased street parking as a result of the proposed development.

**Staff Response:**

Zoning By-law 60-94, as amended, requires one (1) parking space per unit for residents and 0.33 parking spaces per unit for visitors for rental apartment buildings. The proposed

site design for the apartment building includes 62 parking spaces (47 spaces for residents and 15 for visitors) which complies with the minimum parking requirements. A minimum of 2 parking spaces per unit are required for each of the single detached dwellings.

#### **4.2.3 Ritson Road North Sidewalk**

**Comment:**

Comments were made regarding the lack of sidewalks on the east side of Ritson Road North.

**Staff Response:**

Ritson Road North is a Regional Road under the jurisdiction of the Region of Durham. This segment of Ritson Road North is forecast to be reconstructed in 2028 subject to Regional Council budget approval, and a sidewalk is intended to be constructed at that time. If the subject applications are approved, the proposed apartment building would likely start construction in 2025 and take approximately two years to complete, with subsequent occupancy by residents. It is anticipated that the Region will begin reconstruction of Ritson Road North with new sidewalks shortly thereafter.

The proposed road widening to be conveyed to the Region from the Subject Site provides sufficient space for the inclusion of a future 1.8 metre (5.9 ft.) wide sidewalk along the east side of Ritson Road North.

#### **4.2.4 Height, Density and Privacy**

**Comment:**

Comments were made regarding the appropriateness of the height and density of the proposed development, and potential impacts on privacy on neighbouring residential development.

**Staff Response:**

The applications feature a six storey (18.5m) apartment building generally located at the southeast corner of the intersection of Ritson Road North and Luple Avenue and four (4) single detached dwellings fronting Luple Avenue abutting the existing residential neighbourhood.

Ritson Road North is classified as a Type “B” Arterial Road. The policies of the Provincial Growth Plan, Durham Regional Official Plan and City of Oshawa Official Plan encourage appropriate residential intensification along arterial roads. The proposed density of the apartment building is appropriate given its frontage on Ritson Road North at the periphery of the neighbourhood, close to transit. The proposed height of the building is comparable to other developments that have recently been approved or completed in similar contexts, such as the new apartment building at 976 Simcoe Street North completed in 2023. The proposed apartment building will be located at the far west section of the Subject Site. It will be approximately 50 metres (164 ft.) from the nearest home on the north side of Luple

Avenue and 75 metres (246 ft.) from the nearest existing homes on the south side of Luple Avenue and Northfield Avenue.

The proposed single detached dwellings fronting Luple Avenue provide a transition across the Subject Site between the apartment building and the neighbouring low rise residential neighbourhood to the east.

#### **4.2.5 School Capacities**

##### **Comment:**

Comments were made regarding the ability of nearby schools to accommodate children from the proposed development.

##### **Staff Response:**

The Durham District School Board and Durham Catholic District School Board were each circulated the subject applications. Neither has expressed any objections to the approval of the applications.

#### **4.2.6 Concerns About Hydro One Transmission Infrastructure**

##### **Comment:**

Concerns were expressed regarding the impact of hydro transmission infrastructure on the health and safety of the future residents of the proposed apartment building.

##### **Staff Response:**

The Applicant proposes driveway access, parking and landscaping within the hydro easement lands that bisect the Subject Site. The Applicant owns these lands and Hydro One Networks Inc. ("H.O.N.I.") has an easement that bisects the Subject Site.

Secondary uses such as roads, parking and landscaping are allowed within H.O.N.I.'s transmission corridors provided compatibility with the safety and maintenance requirements of the transmission equipment can be demonstrated. H.O.N.I. has completed a technical review of the proposed development and entered into a construction agreement with the Applicant. As a result of the technical review, the proposed electric vehicle charging stations were relocated to a location outside the transmission easement.

H.O.N.I. did not identify the proximity of the proposed apartment building to the transmission easement as a concern in the comments provided to the City.

#### **4.2.7 Loss of Natural Environment and Green Space**

##### **Comment:**

Comments were made concerning the loss of the natural environment and existing green space on the Subject Site as a result of the proposed development.

**Staff Response:**

If the subject applications are approved, an area representing approximately 50% of the Subject Site [0.577 hectares (1.43 ac.)] will be conveyed to the City for natural heritage conservation and stewardship. Additionally, these lands will be rezoned from FD (Future Development) to OSH (Hazard Land Open Space) in Zoning By-law 60-94, as amended, and redesignated from Medium Density I Residential to Open Space and Recreation on Schedule 'A', Samac Land Use and Street Plan, in the Secondary Plan for the Samac Community.

A chainlink fence is required along the future property line between the open space lands being conveyed to the City and the developable portion of the Subject Site.

The proposed single detached dwellings and apartment building and associated parking areas will not encroach on the creek, flood limits, erosion limits or forest drip line setbacks. Restoration planting will be required within the open space lands.

The proposed development will include an oil and grit separator (O.G.S.) and an underground storm water storage chamber. These devices will capture sediment, hydrocarbons and oil in the Subject Site's stormwater and prevent them from entering the creek. The use of an O.G.S. is a modern common practice in infill developments.

The Central Lake Ontario Conservation Authority (C.L.O.C.A.) has reviewed the revised subject applications and has no objection.

**4.2.8 Increased Risk of Fire and Flooding for Adjacent Properties**

**Comment:**

Concerns were raised regarding an increased risk of fire, flooding and other hazards resulting from the proposed development.

**Staff Response:**

In support of the subject applications, the Applicant has submitted variety of plans and reports including, but not limited to, a geotechnical report, a stormwater management report, and grading, servicing and erosion control plans, in order to demonstrate that there will be no negative impacts on neighbouring properties during and after construction. Engineering Services, Fire Services and C.L.O.C.A. staff have review this material and have no objections to the subject applications.

The proposed apartment building development will use an underground stormwater storage chamber sized to hold sufficient stormwater such that the rate of release of stormwater to the creek from the apartment building site will be slower than the rate at which stormwater flows currently.

**4.2.9 Construction Impacts**

**Comment:**

A comment was made concerning the impact that the development would have on the neighbourhood while the construction is underway.

**Staff Response:**

The redevelopment of any site typically results in temporary noise during construction. Through the site alteration permit process and the City’s Noise By-law and Dust and Mud Control By-law, the City has controls for noise, dust, mud, site drainage and hours of construction. The Applicant has submitted an erosion and sediment control plan which demonstrates measures to prevent sediment from flowing to neighbouring properties or the creek during construction and features a mud mat to minimize mud tracking onto the adjacent roads.

**5.0 Analysis**

**5.1 Background**

The Subject Site is generally located at the southeast corner of Ritson Road North and Luple Avenue (see Attachment 1).

The following is background information concerning the subject revised applications:

Item	Existing	Requested/Proposed
<b>Oshawa Official Plan Designation</b>	Residential in part and Open Space and Recreation in part	No change
<b>Samac Secondary Plan Designation</b>	<p><b>Schedule ‘A’ Samac Land use and Street Plan</b> – Medium Density I Residential</p> <p><b>Schedule ‘B’ Samac Environmental Management Plan</b> – Natural Heritage System and Hazard Lands</p>	<p><b>Schedule ‘A’ Samac Land use and Street Plan</b></p> <ul style="list-style-type: none"> <li>▪ High Density I Residential in part, with a site specific policy to also allow Medium Density I and Medium Density II</li> <li>▪ Open Space and Recreation in part</li> </ul> <p><b>Schedule ‘B’ Samac Environmental Management Plan</b></p> <ul style="list-style-type: none"> <li>▪ No change</li> </ul>
<b>Zoning By-law 60-94</b>	FD (Future Development)	<ul style="list-style-type: none"> <li>▪ R1-E (Residential) to permit four (4) single detached dwellings</li> <li>▪ R6-C (Residential) to permit a six (6) storey, 46 unit apartment building with site specific conditions to permit certain performance standards such as, but not</li> </ul>



Item	Existing	Requested/Proposed
		necessarily limited to, reduced front, interior and exterior side yard depths, reduced landscaped open space and reduced lot frontage <ul style="list-style-type: none"> <li>▪ OSH (Hazard Lands Open Space) for the lands associated with the tributary of the Oshawa Creek</li> </ul>
<b>Use</b>	Vacant (formerly a single detached dwelling)	<ul style="list-style-type: none"> <li>▪ 4 single detached dwellings each on their own future lot fronting onto Luple Avenue</li> <li>▪ 6 storey, 46 unit apartment building</li> </ul>

The following land uses are adjacent to the Subject Site:

- **North** Luple Avenue, beyond which are two-storey single detached dwellings and vacant City-owned lands traversed by hydro transmission towers and lines
- **South** Ritson Fields Park
- **East** One- and two-storey single detached dwellings
- **West** Ritson Road North, beyond which is a Region of Durham waste management facility

The following are the proposed revised development details for the Subject Site:

Site Statistics Item	Measurement
Gross Lot Area (inclusive of road widening and open space conveyances)	1.11 ha (2.74 ac.)
Net Lot Area of the Proposed Single Detached Dwelling lots	0.13 ha (0.32 ac.)
Number of Single Detached Dwellings Proposed	4
Lot Frontage of the Proposed Single Detached Dwellings	Lot 1 – 15.27m (50.10 ft.) Lot 2 – 10m (32.81 ft.) Lot 3 – 10m (32.81 ft.) Lot 4 – 10m (32.81 ft.)
Residential Density of the Proposed Single Detached Dwellings	30.78 units per hectare (12.47 u/ac.)
Lot Frontage of the Proposed Apartment Building	Ritson Road North – 19.70m (64.63 ft.) Luple Avenue – 55.80m (183.07 ft.)
Net Lot Area of the Proposed Apartment Building	0.45 ha (1.11 ac.)

<b>Site Statistics Item</b>	<b>Measurement</b>
Number of Proposed Apartment Units	46 units
Residential Density of the Proposed Apartment Building	102.22 units per hectare (41.38 u/ac.)
Height of Proposed Apartment Building	18.50m (60.70 ft.)
Floor Space Index of the Proposed Apartment Building	0.92
Parking Spaces Required for the Proposed Apartment Building	62 (1.0 space per unit for residents plus 0.33 spaces per unit for visitors)
Parking Spaces Proposed for the Proposed Apartment Building	62 (1.0 space per unit for residents plus 0.33 spaces per unit for visitors)

**5.2 Oshawa Official Plan**

The Subject Site is designated Residential and Open Space and Recreation in the Oshawa Official Plan (“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. The proposed apartment building would have a net residential density of approximately 102 units per hectare (41 u/ac), which is classified as the High Density I Residential density type. The locational criteria for the High Density I Residential Category have been used to assist in the analysis of the proposal.

Table 2, Residential Density Classification, in the O.O.P. is a guideline that indicates that uses in the High Density I Residential category, which generally permits 85 to 150 units per hectare (34 to 60 u/ac.), are subject to the following locational criteria:

- (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 or along Regional Corridors.
- (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 O.O.P. also specifies, in part, that lands designated as Open Space and Recreation within Oshawa’s Major Urban Area shall be predominantly used for recreation, conservation, reforestation, cemeteries, allotment gardens, community gardens, nursery gardening, existing golf courses and campgrounds. These uses shall have regard for the natural environment and be compatible with their surroundings.

Areas of the Subject Site to the west and south, which include a tributary of the Oshawa Creek System, are designated as Natural Heritage System and Hazard Lands in Schedule ‘D-1’, Environmental Management, 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 all reasonable efforts be made to support the acquisition and/or conveyance of lands within the Natural Heritage System for natural heritage conservation purposes.

The O.O.P. specifies, in part, that Hazard Lands shall be used primarily for the preservation and conservation of the 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.

Ritson Road North is designated as a Type "B" Arterial Road in Schedule 'B', Road Network, of the O.O.P. Luple Avenue is a local road.

The subject applications conform to the O.O.P.

### **5.3 Secondary Plan for the Samac Community**

The Subject Site is designated Medium Density I Residential in the Secondary Plan for the Samac Community (see Attachment 2).

The Secondary Plan for the Samac Community specifies, in part, that areas designated as 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 is proposing to develop a six (6) storey apartment building containing 46 units on part of the Subject Site. The proposed apartment building has a net residential density of approximately 102.22 units per hectare (41.38 units/ac.). Accordingly, an amendment to the Secondary Plan for the Samac Community is required to permit the proposed apartment by changing the designation of that part of the Subject Site proposed to be developed for the apartment building to High Density I Residential designation. The High Density I Residential designation generally includes such uses as low rise and medium rise apartments at a density range of 85 to 150 units per hectare (34 to 60 u/ac.).

An amendment to the Samac Secondary Plan is not required to permit the 4 single detached dwellings.

Areas of the Subject Site to the west and south are designated as Natural Heritage System and Hazard Lands on Schedule 'B', Samac Environmental Management Plan, in the Secondary Plan for the Samac Community.

The Secondary Plan for the Samac Community also specifies, in part, that the City shall endeavor to retain areas designated as Natural Heritage System in Schedule 'B', Samac Environmental Management Plan, in a natural state wherever possible.

The Secondary Plan for the Samac Community specifies, in part, that areas designated as Hazard Lands shall be used primarily for the preservation and conservation of the natural land or the environment, and shall be managed in such a fashion as to complement adjacent land uses and protect such uses from any physical hazards or their effects.

Should the subject applications be approved, the areas of the Subject Site associated with the tributary of the Oshawa Creek will be conveyed to the City for natural heritage conservation purposes. Accordingly, an amendment to the Secondary Plan for the Samac Community is required to redesignate these areas from Medium Density I Residential to Open Space and Recreation on Schedule 'A', Samac Land Use and Street Plan.

A portion of the Subject Site associated with the tributary of the Oshawa Creek is identified as part of a Waste Management Disposal Assessment Area on Schedule 'B', Samac Environmental Management Plan. The Waste Disposal Assessment Areas shown on this schedule have been identified in consultation with the Ministry of the Environment, Conservation and Parks as posing or having the potential to pose an environmental health hazard. The extent and exact location of the Waste Disposal Assessment Areas have been determined in relation to the severity of the existing or potential hazard. The Applicant is not proposing any development within the Waste Management Disposal Area.

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 I Residential development on the Subject Site to facilitate the proposed apartment building and to redesignate the area of the Subject Site associated with the tributary of the Oshawa Creek from Medium Density I Residential to Open Space and Recreation.

Section 5.6 of this Report sets out the rationale for this position.

#### **5.4 Zoning By-law 60-94**

The Subject Site is currently zoned FD (Future Development) in Zoning By-law 60-94, as amended (see Attachment 1).

The FD Zone is intended to implement Policy 9.3.3 of the O.O.P. This policy states that the City may zone lands to an agricultural or other appropriate zoning category where there is insufficient information to determine specific zoning categories or where the development of the lands is considered to be premature or not in the public interest. It goes on to state that such lands shall be zoned in accordance with the policies of the O.O.P. at such time as there is sufficient information to determine specific zoning categories and the development of such lands is no longer considered to be premature or not in the public interest.

The FD Zone permits:

- (a) Agricultural uses, but not including new farm dwellings;
- (b) Existing uses, located in existing buildings or structures, provided such uses continue in the same manner and for the same purpose for which they were used on the day this By-law was passed, and new one storey accessory buildings; and,

(c) Outdoor recreational uses without any buildings or structures.

The intent of the FD Zone is to allow existing uses to continue until the property is rezoned to accommodate a different use.

The FD Zone does not permit single detached dwellings or apartment buildings.

The Applicant has submitted a revised application to amend Zoning By-law 60-94, as amended, to permit 4 single detached dwellings and a 6-storey, 46 unit apartment building.

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

- Rezone the northeast portion of the Subject Site to an appropriate R1-E (Residential) Zone to permit four (4) single detached dwellings;
- Rezone the lands associated with the tributary of the Oshawa Creek to OSH (Hazard Lands Open Space); and,
- Rezone the balance of the Subject Site to an appropriate R6-C (Residential) Zone to permit a six (6) storey, 46 unit apartment building with site specific conditions to permit certain performance standards such as, but not necessarily limited to, reduced front, interior and exterior side yard depths, reduced lot frontage and reduced landscaped open space.

Section 5.6 of this Report sets out the rationale for this position.

## **5.5 Site Design/Land Use Considerations**

The Applicant proposes to develop four (4) single detached dwellings fronting onto Luple Avenue and a six (6) storey apartment building with frontage on Ritson Road North containing 46 units, together with associated residential and visitor parking (see Attachment 4). Driveway access for the proposed apartment building is proposed from Luple Avenue opposite Falconridge Drive.

Each apartment unit will have access to a private balcony or patio. In addition, common indoor amenity areas and a locker room will be provided.

Hydro transmission towers, lines and an associated easement bisect the Subject Site and encumber a 33 metre (108.27 ft.) wide by 120 metre (393.70 ft.) long area (see Attachment 4). The Applicant proposes driveway access, parking and landscaping within the hydro easement lands.

The Applicant has also submitted an application for site plan approval (File: SPA-2022-20) for the proposed development of the apartment building. The Applicant intends on submitting future consent applications to the City to create individual lots for the four (4) proposed single detached dwellings.

The area of the Subject Site traversed by the tributary of the Oshawa Creek (see Attachment 4) is intended to be conveyed to the City from the Applicant. These lands are

not included in the calculations of building setbacks, residential density or landscaped open space. The Applicant proposes to construct a storm water outfall through these lands to discharge storm water to the tributary. An easement in favour of the apartment building lands would be required in this regard.

In support of the proposed site design/development the Applicant has submitted a variety of plans and documents including a site plan, floor plans, elevation plans, landscape plans, a servicing plan, a grading plan, erosion and sediment control plans, a lighting plan, functional servicing and stormwater management reports, a stormwater management operations and maintenance manual, a stormtech/infiltration reservoir monitoring program, dust impact and odour studies, a calcium carbonate memo, a noise study, a planning justification report and a traffic impact study.

Detailed design matters will be reviewed during the further processing of the application for site plan approval (File: SPA-2022-20) to ensure compliance with the City's Landscaping Design Policies, engineering standards and other policies if the subject applications are approved.

Some of the specific matters this Department will be reviewing during the further processing of the application for site plan, should the subject applications be approved, include:

- (a) Site/building design matters including driveway access, parking, refuse storage and collection, building architecture, landscaping, lighting, fire access and outdoor amenity area design;
- (b) Noise attenuation;
- (c) Landscaping, fencing and additional tree planting;
- (d) Servicing, grading and stormwater management matters; and,
- (e) Crime Prevention Through Environmental Design matters.

## **5.6 Basis for Recommendation**

This Department has no objection to the approval of the subject revised applications for the following reasons:

- (a) Redeveloping an under-utilized property at this location along an arterial road at the periphery of a neighbourhood is consistent with the Provincial Policy Statement and conforms to the Provincial Growth Plan.
- (b) The proposed development conforms to the Durham Regional Official Plan.
- (c) The proposal will advance development that is within the City's Built Boundary.
- (d) The development can be designed to be compatible with surrounding land uses.

- (e) The development will make efficient use of existing municipal services such as water and sanitary services.
- (f) The proposed development will be designed to comply with the minimum parking requirements of Zoning By-law 60-94, as amended, for apartment buildings and single detached dwellings.
- (g) The proposed development is transit supportive as the Subject Site is close to an existing Durham Region Transit bus route (Route 407).
- (h) The applications will protect the natural heritage features located on the Subject Site and will require the area associated with these features to be conveyed to the City for long-term protection and stewardship.
- (i) Although the Subject Site is entirely designated for Medium Density I Residential uses, approximately 68% of the site is not developable due to the open space/natural heritage lands, hydro easement and road widening. The use of the balance of the Subject Site for an apartment building and single detached dwellings makes efficient use of the developable lands.
- (j) The Region of Durham, C.L.O.C.A., H.O.N.I. and the School Boards have no objection to the approval of the applications.
- (k) The proposed rental apartment building will help the City's efforts to achieve the delivery of 23,000 new housing units in Oshawa by 2031, as targeted by the Province.
- (l) The proposed development represents good planning.

## **6.0 Financial Implications**

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

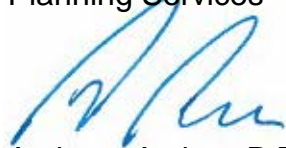
The subject applications were submitted prior to July 1, 2023 and therefore the Applicant will not be eligible for a refund under the Planning Act as amended by Bill 109 (More Homes for Everyone Act, 2022) if the City does not make a decision on the Zoning By-law Amendment application within a certain timeframe.

## **7.0 Relationship to the Oshawa Strategic Plan**

The Recommendation in this Report advances the Economic Prosperity and Financial Stewardship, Social Equity and Environmental Responsibility goals of the Oshawa Strategic Plan.

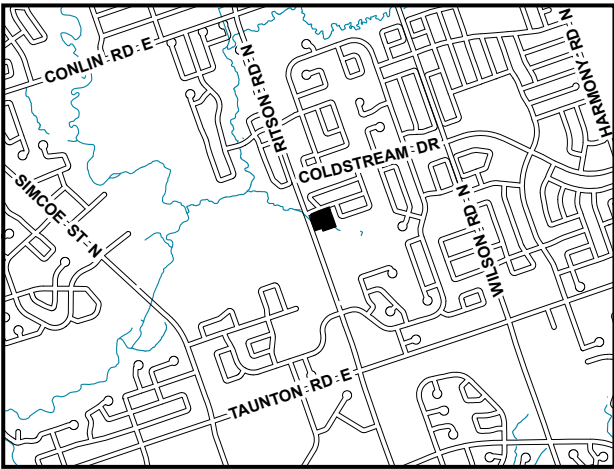


Tom Goodeve, M.Sc.Pl., MCIP, RPP, Director,  
Planning Services



Anthony Ambra, P.Eng., Commissioner,  
Economic and Development Services Department





**Item: ED-24-19  
Attachment 1**

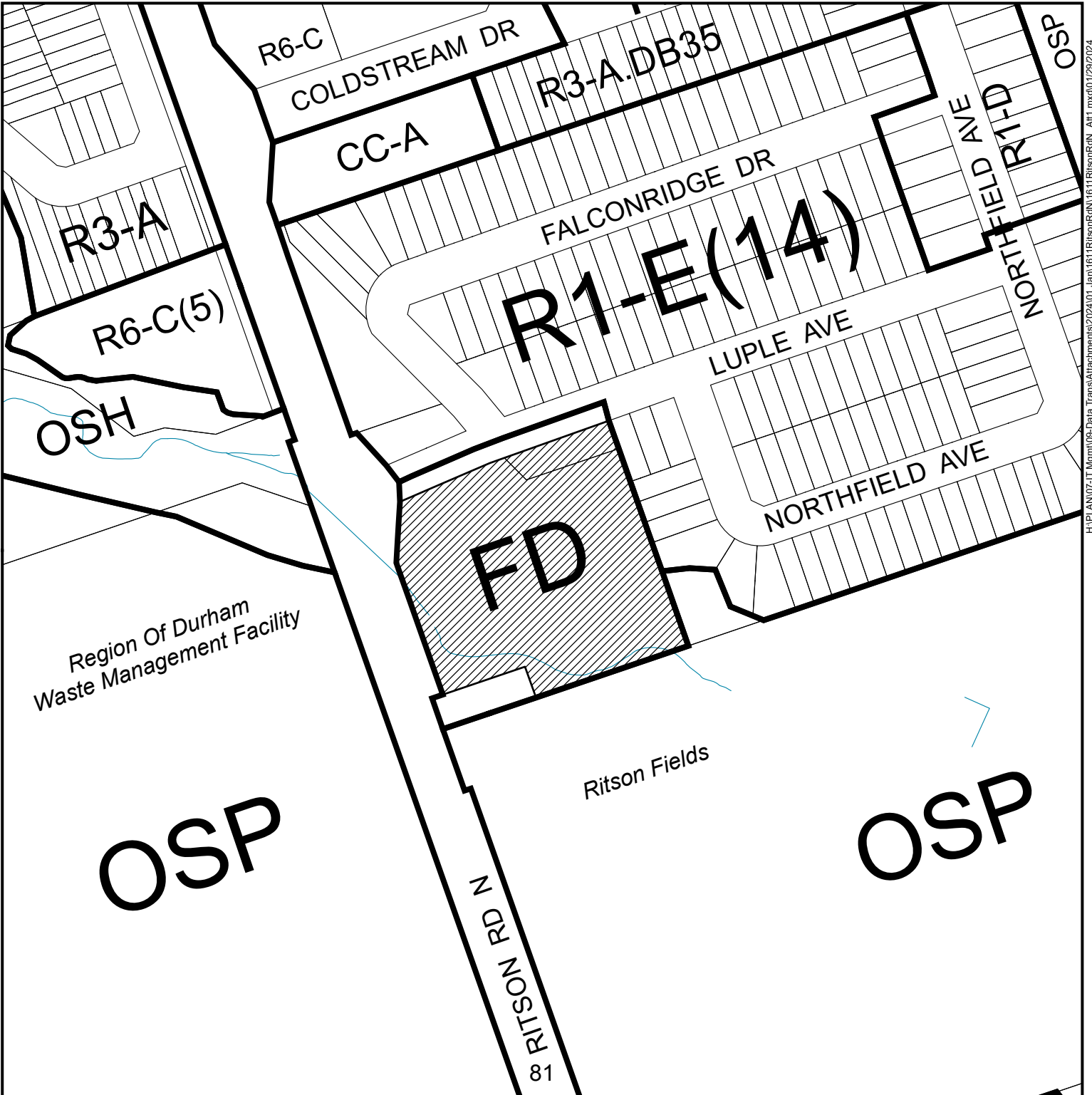
Economic and Development Services

**Subject:** Revised Applications to Amend the Secondary Plan for the Samac Community and Zoning By-law 60-94, 1494339 Ontario Limited, for lands generally located at the southeast corner of Ritson Road North and Luple Avenue

**Ward:** Ward 1  
**File:** OPA-2022-06, Z-2022-07



Subject Lands

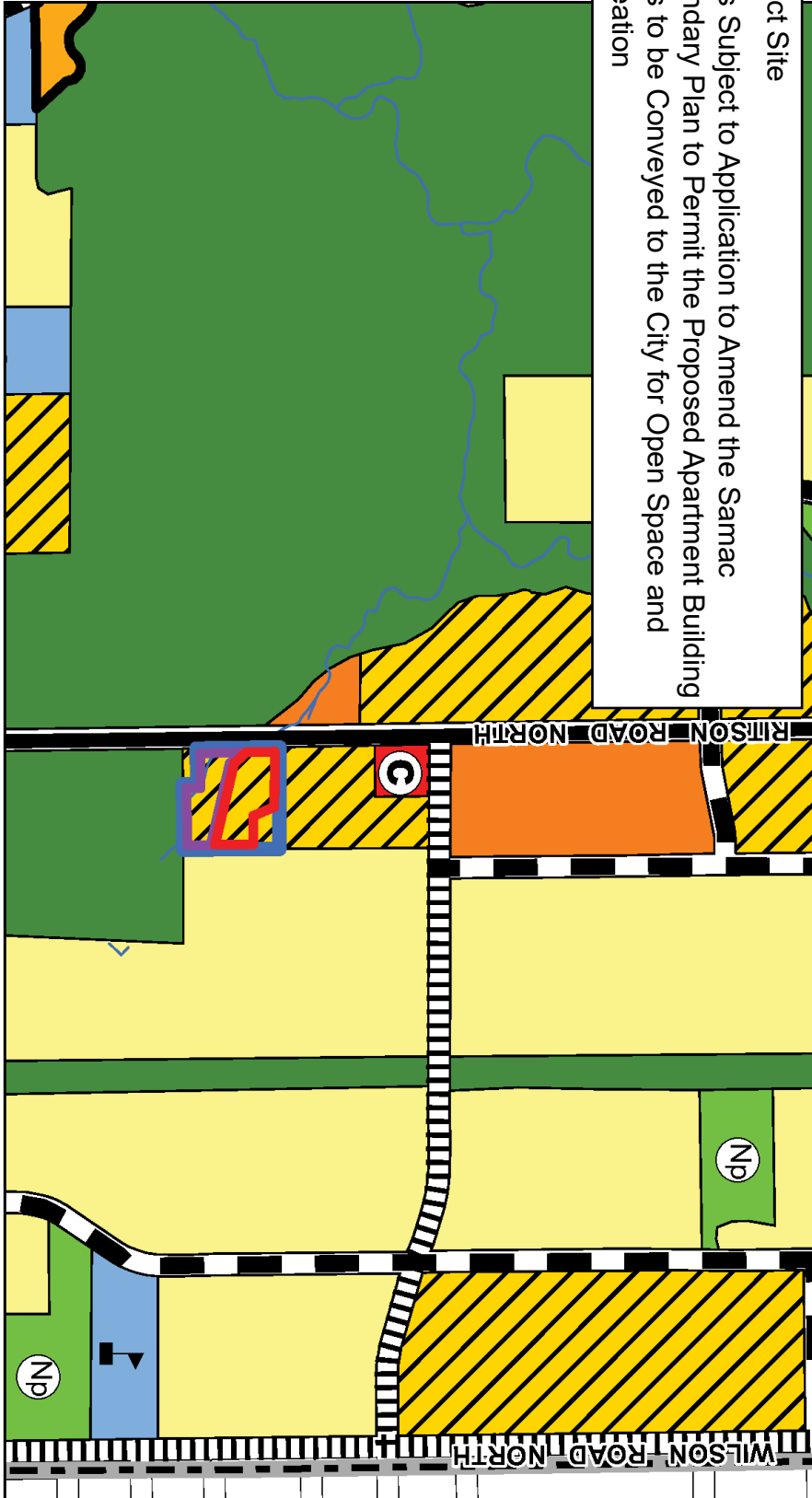


Title: Schedule 'A', Samac Land Use and Street Plan  
 Subject: Revised Applications to Amend the Secondary Plan for the Samac Community and Zoning By-law 60-94, 1494339 Ontario Limited, for lands generally located at the southeast corner of Ritson Road North and Luple Avenue  
 Ward: Ward 1  
 File: OPA-2022-06, Z-2022-07

City of Oshawa  
 Economic and Development Services



- Subject Site
- Lands Subject to Application to Amend the Samac Secondary Plan to Permit the Proposed Apartment Building
- Lands to be Conveyed to the City for Open Space and Recreation



**Schedule 'A' Samac Land Use and Street Plan**  
 Secondary Plan for the Samac Community Official Plan of the former Oshawa Planning Area  
 July 2023  
 Development Services Department

0 50 100 200 300 Meters

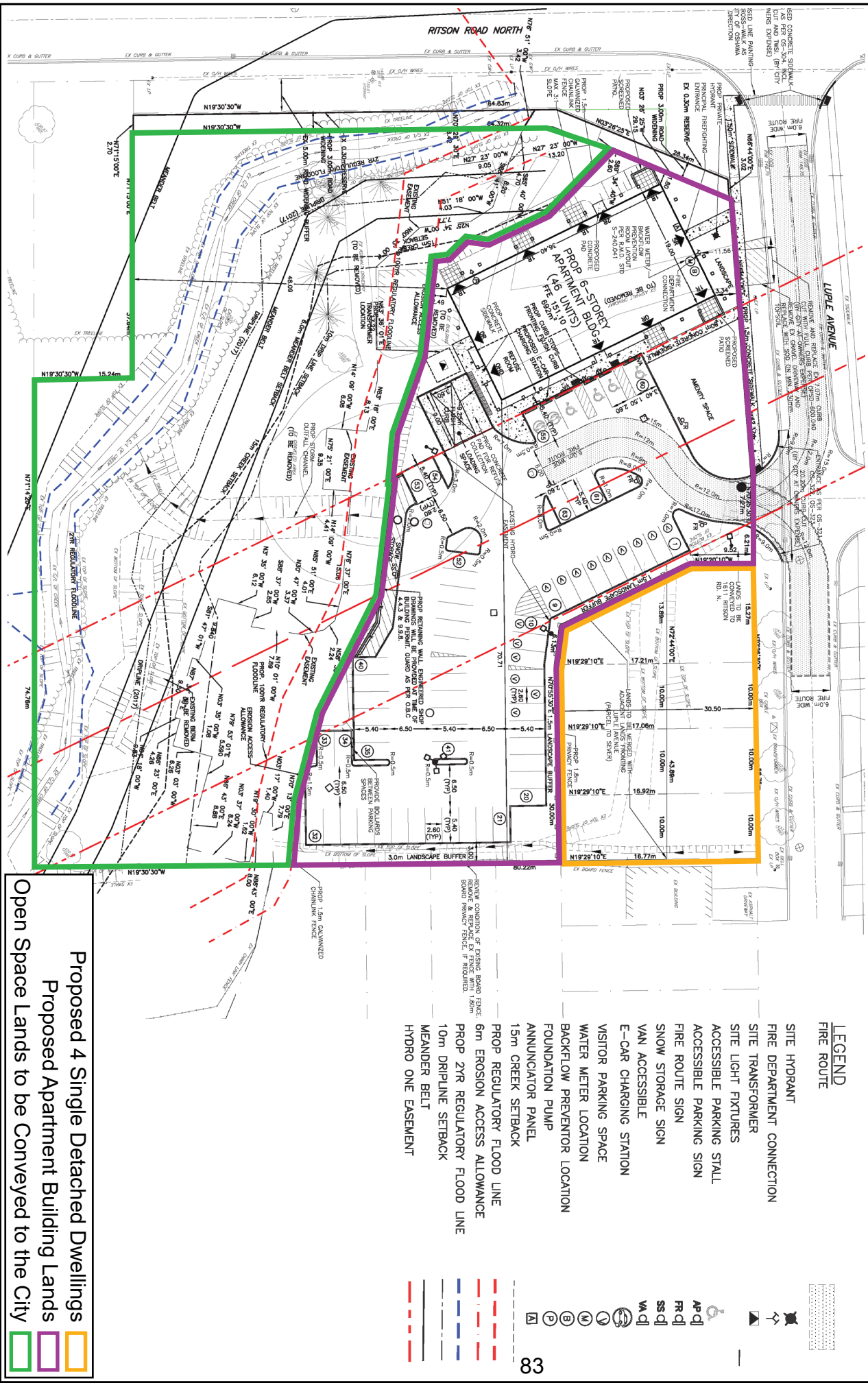
July 2023  
Development Services Department

**Legend**

Residential Low Density	Open Space and Recreation Neighbourhood Park	Institutional Institutional
Residential Medium Density I	Open Space and Recreation Open Space and Recreation	Mixed Use Mixed Use Commercial/Residential
Residential Medium Density II	Commercial Planned Commercial Strip	Mixed Use Residential
Residential High Density I	Commercial Convenience Commercial	Mixed Use Node
Subject to Policy 4.23 in the Samac Secondary Plan	Centre Community Use	Transportation Type 'A' Arterial Street
Subject to Policy 4.24 in the Samac Secondary Plan	Place of Worship	Transportation Type 'B' Arterial Street
Subject to Policy 4.25 in the Samac Secondary Plan	Other Public Elementary School	Transportation Type 'C' Arterial Street
Samac Secondary Plan	Separate Elementary School	Collector Street
Samac Secondary Plan		Samac Community Boundary

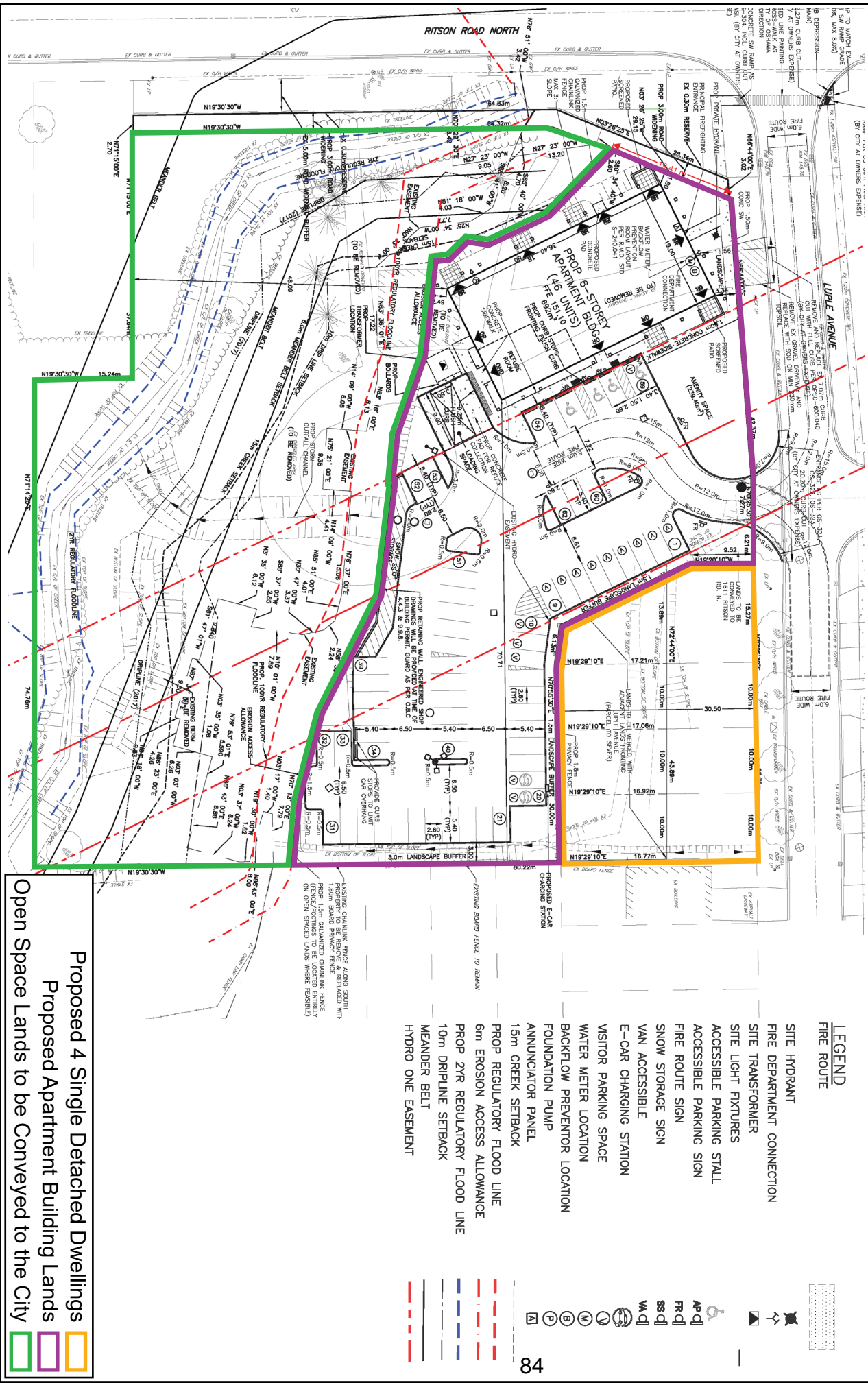
Title: Applicant Submission – Original Proposed Site Plan  
 Subject: Revised Applications to Amend the Secondary Plan for the Samac Community and Zoning By-law 60-94,  
 1494339 Ontario Limited, for lands generally located at the southeast corner of Ritson Road North and Luple Avenue  
 Ward: Ward 1  
 File: OPA-2022-06, Z-2022-07

City of Oshawa  
 Economic and Development Services



Title: Applicant Submission – Revised Proposed Site Plan  
 Subject: Revised Applications to Amend the Secondary Plan for the Samac Community and Zoning By-law 60-94,  
 1494339 Ontario Limited, for lands generally located at the southeast corner of Ritson Road North and Luple Avenue  
 Ward: Ward 1  
 File: OPA-2022-06, Z-2022-07

City of Oshawa  
 Economic and Development Services



Proposed 4 Single Detached Dwellings  
 Proposed Apartment Building Lands  
 Open Space Lands to be Conveyed to the City

**Excerpts from the Minutes of the Economic and Development Services Committee Meeting held on September 11, 2023**

**Application ED-23-157**

Councillor Nicholson left the meeting.

**Presentation**

**D.G. Biddle & Associates Limited - Applications to Amend the Secondary Plan for the Samac Community and Zoning By-law 60-94, 1494339 Ontario Limited, lands generally located at the southeast corner of Ritson Road North and Luple Avenue (Ward 1)**

Michael Fry, D.G. Biddle & Associates Limited, provided a presentation concerning the Applications to Amend the Secondary Plan for the Samac Community and Zoning By-law 60-94, 1494339 Ontario Limited, for lands generally located at the southeast corner of Ritson Road North and Luple Avenue.

Councillor Gray left the meeting.

The Committee questioned Michael Fry.

**Delegations**

**Mark Prior - Item ED-23-157**

Mark Prior addressed the Economic and Development Services Committee concerning Report ED-23-157 concerning development applications submitted by 1494339 Ontario Limited for lands generally located at the southeast corner of Ritson Road North and Luple Avenue, stating he is concerned with heavy traffic, parking, speeding and safety as a result of the proposed application.

The Committee questioned Mark Prior.

**Bryan Peters - Item ED-23-157**

Bryan Peters addressed the Economic and Development Services Committee concerning Report ED-23-157 concerning development applications submitted by 1494339 Ontario Limited for lands generally located at the southeast corner of Ritson Road North and Luple Avenue, expressing concerns with the number of schools in the area and possible overpopulation, the height of the buildings and traffic.

The Committee questioned Bryan Peters.

**Titi Olubuyide - Item ED-23-157**

Titi Olubuyide addressed the Economic and Development Services Committee concerning Report ED-23-157 concerning development applications submitted by 1494339 Ontario Limited for lands generally located at the southeast corner of Ritson Road North and Luple Avenue, expressing concerns with the demolition process, specifically the possibility of flooding.

The Committee questioned Titi Olubuyide.

**Correspondence**

None

To: Economic and Development Services Committee

From: Anthony Ambra, P.Eng., Commissioner,  
Economic and Development Services Department

Report Number: ED-24-20

Date of Report: January 31, 2024

Date of Meeting: February 5, 2024

Subject: Revised Applications to Amend Zoning By-law 60-94 and for approval of a Draft Plan of Subdivision, 1279 Simcoe Street North, Katanna Simcoe Ltd.

Ward: Ward 2

File: S-O-2022-05, Z-2022-12

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## **1.0 Purpose**

The purpose of this Report is to provide a recommendation on the revised applications submitted by Katanna Simcoe Ltd. (the “Applicant”) to amend Zoning By-law 60-94 (File: Z-2022-12) and for approval of a draft plan of subdivision (File: S-O-2022-05) to permit 170 block townhouse dwellings, eleven (11) of which would be live/work units, a road widening block and a private parkette on lands municipally known as 1279 Simcoe Street North (the “Subject Site”).

The Applicant intends to register the proposed development as a common elements plan of condominium pursuant to File C-O-2022-08.

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 draft plan of subdivision (File: S-O-2022-05) submitted by the Applicant and considered at the January 9, 2023 public meeting.

Attachment 3 is a copy of the original common elements draft plan of condominium (File: C-O-2022-08) submitted by the Applicant and considered at the January 9, 2023 public meeting.

Attachment 4 is a copy of the revised common elements draft plan of condominium (File: C-O-2022-08) submitted by the Applicant to address certain technical matters.

Attachment 5 is a copy of the original proposed site plan submitted by the Applicant and considered at the January 9, 2023 public meeting.

Attachment 6 is a copy of the revised proposed site plan submitted by the Applicant to address certain technical matters.

Attachment 7 is a list of the uses permitted in the PSC-A (Planned Strip Commercial) Zone.

On January 9, 2023, a public meeting was held with respect to the subject development applications. At the conclusion of the public meeting, the Economic and Development Services Committee adopted a recommendation to direct staff to further review the applications and prepare a subsequent report and recommendation back to the Economic and Development Services Committee. The minutes of the January 9, 2023 public meeting form Attachment 8 to this Report.

Subsequent to the January 9, 2023 public meeting, the Applicant revised the subject development proposal. The key differences between the proposal considered at the public meeting (see Attachment 5) and the revised proposal (see Attachment 6) are as follows:

- The main driveway access from Simcoe Street North has been relocated from the north side of the Subject Site to the south side of the Subject Site.
- A secondary access to Simcoe Street North for emergency services has been added to the proposed site design.
- The overall total number of proposed block townhouse dwellings has been reduced from 172 to 170, as follows:
  - The number of proposed live/work dual frontage block townhouse dwellings has been reduced from 12 units to 11 units;
  - The number of proposed traditional block townhouse dwellings has been reduced from 88 units to 69 units; and,
  - The number of proposed back-to-back block townhouse dwellings has been increased from 72 units to 90 units.
- The proposed visitor parking rate has been increased from 0.25 spaces per unit to 0.35 spaces per unit.
- The size of the private parkette has been increased from approximately 577 square metres (6,211 sq. ft.) to 972 square metres (10,463 sq. ft.).
- The Applicant has clarified and reduced the list of business uses requested to be permitted in the live/work units.
- Certain changes to building locations and the alignment of private roads have been made to address various technical comments.



## **2.0 Recommendation**

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

1. That, pursuant to Report ED-24-20 dated January 31, 2024, the revised application submitted by Katanna Simcoe Ltd. to amend Zoning By-law 60-94 (File: Z-2022-12) to permit 170 block townhouse dwellings consisting of 11 live/work units, 69 traditional block townhouse units and 90 back-to-back block townhouse units, a road widening block and a private parkette, on lands municipally known as 1279 Simcoe Street North 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 the City Solicitor.
2. That, pursuant to Report ED-24-20 dated January 31, 2024, the revised application submitted by Katanna Simcoe Ltd. for approval of a draft plan of subdivision (File: S-O-2022-05) for 1279 Simcoe Street North featuring one development block and one road widening block to facilitate the development of a proposed common elements plan of condominium featuring 170 block townhouse dwellings be approved, and that the Commissioner of Economic and Development Services or Director of Planning Services be authorized to impose appropriate conditions in the draft plan of subdivision approval Planning Act decision.
3. That, in accordance with Section 34(17) of the Planning Act and notwithstanding that the Zoning By-law Amendment proposed in Report ED-23-01 dated January 4, 2023 presented at the public meeting of January 9, 2023 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 Katanna Simcoe Ltd. for the lands municipally known as 1279 Simcoe Street North be approved.

The proposed development is appropriate given the Subject Site's location along Simcoe Street North, which functions as a Regional Corridor with good access to transit, services and nearby amenities.

The revised applications will advance new residential development on an underutilized site that can be designed to be compatible with existing surrounding residential development and open space, is consistent with Provincial, Regional and City policies and represents good planning. The proposed development will help the City's efforts to achieve the delivery of 23,000 new housing units in Oshawa by 2031, as targeted by the Province.

## **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 revised applications are approved.

### **4.2 Public Comments**

The minutes of the January 9, 2023 public meeting concerning the subject applications form Attachment 8 to this Report.

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

#### **4.2.1 Traffic Impacts**

##### **Comment:**

Comments were made expressing concern with the potential traffic impacts that the proposed development will have on roads in the area.

##### **Staff Response:**

The Subject Site is currently designated as Planned Commercial Strip and Residential in the Oshawa Official Plan (the "O.O.P.") and is zoned PSC-A (Planned Strip Commercial) and R4-A/R6-C/EU (Residential/Existing Use) in Zoning By-law 60-94. The existing O.O.P. designations and zoning permit a variety of commercial uses as well as medium and high density residential uses. One-hundred-and-seventy (170) block townhouse dwellings are currently already permitted on the Subject Site. The purpose of the subject rezoning application is to implement the proposed development with site specific conditions to permit certain performance standards such as, but not necessarily limited to, reduced yard depths and landscaped open space and increased lot coverage and building height, and to permit live/work units.

The Applicant submitted a Traffic Impact Study (T.I.S.) for the proposal, prepared by CGE, a professional transportation engineering consulting company, as part of the original application submission. The Applicant subsequently provided a Traffic Impact Study Addendum (Addendum), prepared by CGE, to respond to certain technical comments made by the Region of Durham on the original T.I.S.

The key conclusions of the T.I.S. and Addendum are as follows:

- The anticipated trips from the proposed redevelopment are 83 two-way trips during the weekday morning peak hour and 98 two-way trips during the afternoon peak hour. Results of the trip generation analysis show that the estimated weekday morning peak hour trips from the retail store use previously located on the Subject Site are

comparable to the proposed townhouse development, and the previous retail store use would have slightly more in the weekday peak hour than the proposed townhouse development. Consequently, it is anticipated that the proposed development will not have significant traffic impacts on the adjacent road network.

- A Two-Way Left Turn Lane (T.W.L.T.L.) is presently provided in the centre of Simcoe Street North in the vicinity of the proposed driveway access.
- Field observations show that there are no sight distance obstructions that obscure the view of vehicles at the proposed driveway.
- The AutoTURN swept path analysis shows that the site design presents no safety concerns for the circulation of vehicles and the site design is expected to operate acceptably.
- Observations made during the traffic counts revealed that there are occasions when the T.W.L.T.L. is occupied by multiple motorists separately seeking to access different properties on Simcoe Street North simultaneously. Despite the northbound queues from the nearby Taunton Road intersection and traffic signals, motorists were seen making the left-turns from the Simcoe Street North T.W.L.T.L. safely and without significant delays.
- The redevelopment proposes to close one of the two regular existing driveway accesses to the Subject Site and will have a positive effect on access management along this section of Simcoe Street North.
- The various planned transit initiatives along Simcoe Street North may ultimately restrict and eliminate left turns in the future.
- Analysis reveals that acceptable levels of service are maintained at the Simcoe Street North and Russett Avenue intersection with full build-out of the proposed development as well as in 2030.
- According to the Institute of Transportation Engineers' "Parking Generation Handbook, 5<sup>th</sup> Edition", the anticipated peak parking demand for the proposed townhouse development is 227 spaces. The proposed parking supply of 400 spaces is therefore sufficient to meet the anticipated peak parking demand.
- The Applicant proposes to provide a number of Transportation Demand Management (T.D.M.) strategies including 107 bicycle parking spaces, transit incentives and T.D.M. communication outreach.

As a result of the Region's comments on the original T.I.S. and associated Addendum, the main driveway access along Simcoe Street North for the proposed development was shifted from the northern portion of the Subject Site to the southerly limit, to be farther from the Simcoe Street North and Taunton Road intersection.

A secondary emergency access has been added on the northern portion of the Subject Site to allow access for emergency services only in the event that the main southerly driveway becomes blocked or unusable in an emergency.

The Region of Durham Works Department and the City's transportation engineering staff have no objection to the key conclusions of the T.I.S. and associated Addendum as they relate to impacts on area streets, and have no objections to the revised applications.

#### **4.2.2 Parking**

##### **Comment:**

Comments were made that the amount of visitor parking proposed for the development is not adequate.

##### **Staff Response:**

Zoning By-law 60-94 requires a minimum of 1.65 parking spaces per unit for residents and 0.35 parking spaces per unit for visitors for condominium block townhouses. The proposed development consists of a total of 170 block townhouse units. Therefore, a minimum of 281 parking spaces are required for residents and 60 parking spaces are required for visitors.

Both the original site plan (see Attachment 5) and the revised site plan (see Attachment 6) show a minimum of two (2) resident parking spaces associated with each residential unit, with one (1) parking space located in a private garage and one (1) parking space located on the private driveway in front of the garage. Therefore, the proposed development meets the requirements of Zoning By-law 60-94 for resident parking.

The original proposal submitted by the Applicant (see Attachment 5) proposed a reduced visitor parking rate of 0.25 parking spaces per unit (for the then-proposed 172 units) for a total of 43 visitor parking spaces. The Applicant has since revised the proposed site design (see Attachment 6) to provide visitor parking at a rate of 0.35 parking spaces per unit (for the current proposed 170 units) for a total of 60 visitor parking spaces. This represents an increase of 17 additional visitor parking spaces from the previous design, and meets the minimum required visitor parking rate for condominium block townhouses under Zoning By-law 60-94.

## **5.0 Analysis**

### **5.1 Background**

The Subject Site is generally located on the east side of Simcoe Street North, south of Taunton Road East, and is municipally known as 1279 Simcoe Street North (see Attachment 1).

The property was formerly the site of the Millwork/Rona building supply store.

The following is background information concerning the subject revised applications:

<b>Item</b>	<b>Existing</b>	<b>Requested/Proposed</b>
<b>Oshawa Official Plan Designation</b>	Planned Commercial Strip and Residential	No change
<b>Zoning By-law 60-94</b>	PSC-A (Planned Strip Commercial) and R4-A/R6-C/EU (Residential/Existing Use)	Appropriate Zones to implement the proposed development with site specific conditions to permit certain performance standards such as, but not necessarily limited to, reduced yard depths and landscaped open space and increased lot coverage and building height, and to permit live/work units.
<b>Use</b>	Vacant former building supply store	11 live/work block townhouse dwellings, 69 traditional block townhouse dwellings and 90 back-to-back block townhouse dwellings on new private roads, as well as a road widening block and a private parkette along the east side of Simcoe Street North.

The following land uses are adjacent to the Subject Site:

- North**      A restaurant fronting onto Simcoe Street North, and block townhouses and apartment buildings fronting onto Taunton Road East
- South**      Commercial plazas fronting onto Simcoe Street North, and block townhouses and City-owned open space fronting onto Mary Street North
- East**        Apartment buildings fronting onto Taunton Road East and Mary Street North
- West**        Simcoe Street North, beyond which are a retail store, automobile repair garages, a restaurant and a self-serve car wash.

The following are the proposed development details for the Subject Site:

<b>Site Statistics Item</b>	<b>Measurement</b>
Lot Frontage on Simcoe Street North	87.40m (286.75 ft.)
Gross Lot Area (inclusive of road widening)	3.17 ha (7.83 ac.)
Net Lot Area (exclusive of road widening)	3.12 ha (7.71 ac.)
Number of Proposed Block Townhouse Dwelling Units	Live/Work Block Townhouse Units – 11 Back-to-Back Block Townhouse Units – 90 Traditional Block Townhouse Units – 69 Total: 170 Units

<b>Site Statistics Item</b>	<b>Measurement</b>
Permitted Maximum Net Residential Density	60 u/ha (24 u/ac.)
Proposed Net Residential Density	54.49 u/ha (22.05 u/ac.)
Permitted Maximum Building Height	10.5m (34.5 ft.)
Proposed Maximum Building Height	14m (46.0 ft.)
Parking Spaces Required	281 spaces for residents (1.65 spaces per unit) plus 60 spaces for visitors (0.35 spaces per unit)  Total: 341 spaces
Parking Spaces Provided	340 spaces for residents (2.0 spaces per unit) plus 60 spaces for visitors (0.35 spaces per unit)  Total: 400 spaces

**5.2 Oshawa Official Plan**

The Subject Site is designated as Planned Commercial Strip and Residential in the O.O.P. The western portion of the Subject Site abutting Simcoe Street North is designated Planned Commercial Strip and the eastern portion is designated Residential.

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

Areas designated as Planned Commercial Strip shall permit commercial uses that, by nature of their function, require direct access or exposure afforded by frontage on an arterial road. In addition, mixed commercial-residential and residential developments without a commercial component may be permitted within areas designated as Planned Commercial Strip subject to the inclusion of appropriate policies in the zoning by-law and any other relevant policies of the O.O.P.

The O.O.P. contains policies which establish various residential density types and provide general locational criteria for such densities. Table 2, Residential Density Classification, has five (5) density categories including Medium Density I Residential. The proposed mixed-use development at 1279 Simcoe Street North would have a net residential density of 54.49 units per hectare (22.05 u/ac.) which is classified as the Medium Density I Residential density type.

The general representative housing type/form within the Medium Density I Residential category generally consists of single detached, semi-detached, duplex and townhouse dwellings with a density range of 30 to 60 units per hectare (12 to 24 u/ac.), subject to general locational criteria as follows:

- (i) Generally located at the periphery of neighbourhoods in proximity to arterial and collector roads, or located within Main Central Areas, Sub-Central Areas, Community Central Areas, Local Central Areas or Regional and Local Corridors, or generally located in areas that are undergoing transition, such as neighbourhoods containing a

range of land uses, in which higher density residential uses could be developed without generating undue adverse impacts on adjacent land uses.

- (ii) Generally located in such a manner that the scale, form and impacts of this type of housing are generally compatible with adjacent land uses.

O.O.P. Policy 2.3.1.4 states:

“2.3.1.4 Certain types of home occupation uses may be permitted in areas designated as Residential or integrated into residential developments.

“Home occupation” uses mean uses that:

- (a) Are secondary to the use of a dwelling unit for residential purposes and shall not involve any changes to the external character of the dwelling unit or property such as outside storage or display areas;
- (b) Do not generate adverse effects such as that from electrical interference, signs, excessive traffic, parking or noise;
- (c) Involve the provision of personal or professional services or producing custom or artisanal products; and
- (d) Do not include uses such as kennels or animal services, automobile or truck repair or paint shops, furniture stripping or any other activities which may otherwise be incompatible with the adjacent residential area.

In addition to complying with the foregoing requirements, home occupation uses shall only be permitted subject to the inclusion of appropriate provisions in the zoning by-law.”

Schedule ‘A-2’, Corridors and Intensification Areas, of the O.O.P. designates Simcoe Street North as a Regional Corridor. Schedule ‘B’, Road Network, designates Simcoe Street North as a Type ‘B’ Arterial Road. Simcoe Street North is also identified as a Regional Transit Spine on Schedule ‘B-1’, Transit Priority Network, of the O.O.P.

The O.O.P. specifies that development along Regional Corridors shall generally consist of compact, human scale, higher density development that is transit-supportive and has a strong pedestrian-oriented focus.

The subject applications conform to the O.O.P.

### **5.3 Zoning By-law 60-94**

The westerly portion of the Subject Site is currently zoned PSC-A (Planned Strip Commercial) and the easterly portion of the Subject Site is zoned R4-A/R6-C/EU (Residential/Existing Use) in Zoning By-law 60-94 (see Attachment 1).

The R4-A Zone permits block townhouses up to a maximum density of 60 units per hectare (24 u/ac).

The R6-C Zone permits apartment buildings, long term care facilities, nursing homes and retirement homes up to a maximum density of 150 units per hectare (60 u/ac.).

The EU Zone permits existing uses, located in existing buildings or structures, provided such uses continue in the same manner and for the same purpose for which they were used on the day Zoning By-law 60-94 was passed, and new one storey accessory buildings.

The PSC-A Zone permits a variety of residential and commercial uses, including, but not limited to:

- Apartment building
- Block townhouse
- Financial institution
- Flat
- Office
- Personal service establishment
- Restaurant
- Retail store
- Retirement home

The full list of the uses permitted in the PSC-A Zone is included in Attachment 7.

Back-to-back townhouses are considered block townhouses under Zoning By-law 60-94.

Block townhouses and a variety of commercial uses are permitted in the PSC-A Zone and block townhouses are permitted in the R4-A Zone subject to compliance with the applicable zoning regulations. However, the proposed site and building designs do not comply with a number of zoning regulations related to matters such as, but not necessarily limited to, minimum yard depths and landscaped open space, and maximum lot coverage and building height. The Applicant also proposes commercial floor space in the block townhouse buildings adjacent to Simcoe Street North.

Zoning By-law 60-94, as amended, defines home occupations as follows:

““HOME OCCUPATION” means an occupation or business conducted for gain or profit within a dwelling unit by any resident of that dwelling unit, excluding the following occupations or businesses: kennels or other animal services, automobile repair garage or automobile body shop or paint shop, medical offices with the exception of massage therapy, restaurants, taxi services, bed and breakfast establishments and newspaper or catalogue distribution centres.”

The following are key regulations applicable to home occupations:

- (a) Home occupations are permitted in all zones that permit dwelling units.



- (b) The home occupation must be secondary to the use of the dwelling unit and be carried out by a resident or residents of the dwelling unit.
- (c) The total floor area taken up by all home occupations in the dwelling unit shall be no more than twenty-five percent (25%) of the total floor area of the dwelling unit and shall be confined to one area and shall not exceed 28 square metres (301 sq. ft.).
- (d) Except for the home day care of a maximum of five persons (children or adults), no more than three persons shall be present in the dwelling unit at any time to receive treatment, services or instructions.
- (e) No retail sales shall be permitted as part of a home occupation use other than the sale of what is produced or repaired on-site.
- (f) The home occupation shall be restricted to the dwelling unit.
- (g) Outdoor storage is not permitted.
- (h) No additional parking spaces need be provided for a home occupation use apart from what is required for the dwelling unit.
- (i) The property shall not be used as a meeting place or a point of departure for off-site work.
- (j) No contracting equipment or supplies which are intended for use or consumption off-site, nor any bulk storage of hazardous or noxious chemicals or other materials, shall be permitted to be kept or stored on the property.

The Applicant proposes that the eleven (11) units in Blocks 1.1 and 1.2 adjacent to Simcoe Street North (see Attachment 6) have enhanced home occupation permissions (live/work units) as follows:

- With respect to item (c) above, the Applicant proposes that the entire ground floor of each individual unit may be used as a home occupation (not including the garage). This would represent approximately 53 square metres (570 sq. ft.). This would still represent only approximately 25% of the floor space of each unit.
- With respect to item (e) above, the Applicant proposes that a retail store be allowed to sell products that are not produced or repaired on-site.

As a result, the Applicant has applied to amend Zoning By-law 60-94 to introduce site specific conditions to implement the proposed development and site design.

This Department has no objection to an amendment to Zoning By-law 60-94 which would rezone the Subject Site to add an appropriate R4-A (Residential) Zone including special regulations related to, but not necessarily limited to, permitted uses in the live/work units, minimum required front yard and rear yard depths, minimum landscaped open space and maximum permitted lot coverage and building height.

Section 5.6 of this Report sets out the rationale for this position.

**5.4 Subdivision and Condominium**

**5.4.1 Standard Condominium Versus a Common Elements Condominium**

The Condominium Act, 1998 permits four different types of condominiums: common elements, phased, vacant land and leasehold. The Applicant is proposing to establish a common elements condominium for the proposed 170 block townhouse units.

To implement a common elements condominium, a declaration is registered which converts certain lands into common elements that are owned in common by the owners of specified freehold lands situated in the same land registry division. A common elements condominium does not have any units. Each owner’s percentage interest in the common elements will be specified in the declaration, will be appurtenant to the owner’s freehold land and will not be severable from it. Arrears of common expenses will result in a lien in favour of the condominium corporation on the default owner’s freehold land.

An example of a common elements condominium would be the common ownership of a private road. The owner of the lands serviced by the road could be part of a common elements condominium corporation for the road and would pay proportionately its common expenses (maintenance, repair, management and insurance). This type of condominium enables a positive obligation (the payment of common expenses) to “run with the land”.

The following chart identifies the key differences between a standard condominium and a common elements condominium:

<b>Standard Condominium</b>	<b>Common Elements Condominium</b>
A standard condominium cannot be registered until all dwelling units are built. Therefore, the developer cannot close a deal with a purchaser on any of the units until all the units are built.	A common elements condominium is registered before any dwelling is conveyed. The developer can close a deal with a purchaser when the unit is completed. The developer does not have to wait until all units are built to close a real estate deal.
The individual units and common elements are created with the registration of the plan and are part of the condominium. The homeowners are subject to the by-laws of the condominium corporation.	The individual units are created through either a plan of subdivision, consent approval or removal of part lot control. The dwelling units are not part of the condominium and therefore the homeowners are not subject to any condominium by-laws. The homeowners only have an interest in the common elements.

**5.4.2 Draft Plan of Condominium and Draft Plan of Subdivision**

The Applicant has submitted an application for approval of a common elements draft plan of condominium (File: C-O-2022-08). The common elements condominium would be tied to the proposed 170 block townhouse dwellings. The following would generally be the common elements (see Attachments 4 and 6):

- (a) The private road providing access to each individual townhouse driveway;

- (b) The internal sidewalks/walkways;
- (c) The common outdoor amenity area (parkette);
- (d) Community mailbox(es);
- (e) Visitor parking spaces; and,
- (f) Bicycle parking spaces.

The 170 individual townhouse dwelling lots are proposed to be created through the removal of part lot control. These lots are commonly referred to as Parcels of Tied Land (“P.O.T.L.s”). The individual P.O.T.L.s have a percentage of the respective owner’s interest in the common elements but are not part of the condominium. To date, the Applicant has not submitted an application to remove part lot control. Applications to remove part lot control are delegated to the Commissioner of Economic and Development Services or Director of Planning Services for approval.

The Applicant proposes a draft plan of subdivision with two (2) blocks: one (1) block for a road widening and one (1) block for the proposed condominium townhouse development. A part lot control by-law under the Planning Act can only be approved for lands in a registered plan of subdivision.

The City has approved other common element condominium block townhouse developments. Recent examples include the sites at the southwest corner of Phillip Murray Avenue and Park Road South (SO Developments Inc.), 849 Rossland Road West (Delpark Homes) and 250 Harmony Road South (Marlin Spring).

Applications for approval of a draft plan of condominium are delegated to the Commissioner of Economic and Development Services or Director of Planning Services for approval. The condominium application will not be approved unless the zoning by-law amendment application is approved.

## **5.5 Site Design/Land Use Considerations**

The revised plans submitted by the Applicant propose a total of 170 block townhouse units consisting of eleven (11) dual frontage live/work block townhouse dwellings, 69 traditional block townhouse dwellings and 90 back-to-back block townhouse dwellings, on private roadways (see Attachment 6). One full-movement driveway access and one right-out only emergency access are proposed from Simcoe Street North. The 170 block townhouse dwellings are proposed to be tied to a common elements condominium.

The eleven (11) units in Townhouse Blocks 1.1 and 1.2 abutting Simcoe Street North are proposed to be live/work townhouse units with the ground floor of each unit designed to accommodate commercial space with residential floorspace above. These units are proposed to have front doors for the commercial spaces facing Simcoe Street North with a secondary/residential access from the proposed private road. The remaining 69 traditional block townhouse dwellings and 90 back-to-back block townhouse dwellings will have frontage on the private condominium roads only. The individual driveways for all 170 units will have driveway access from the private roads only.

Each of the 170 units will have at least two (2) parking spaces: one (1) in the garage and one (1) in the driveway in front of the garage. Some units will have longer driveways which may be able to accommodate a third parked vehicle.

In support of the proposed development, the Applicant has submitted a variety of plans and documents including a draft plan of subdivision, a draft plan of condominium, a site plan, floor plans, elevation plans, a landscape plan, a servicing plan, a grading plan, a functional servicing and stormwater management report, a planning justification report, a T.I.S. and Addendum, a geotechnical report, a hydrogeological investigation, Phase 1 and 2 environmental site assessments, and a noise study.

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

Some of the specific matters this Department will be reviewing during the processing of the future application for site plan approval, should the subject applications be approved, include:

- (a) Site/building design, including building architecture;
- (b) Stormwater management, servicing and grading matters;
- (c) Landscaping and fencing;
- (d) Noise attenuation;
- (e) Lighting;
- (f) Fire route;
- (g) Design of the emergency access driveway;
- (h) Snow removal and storage;
- (i) Waste collection; and,
- (j) Crime Prevention Through Environmental Design matters.

## **5.6 Basis for Recommendation**

This Department has no objection to the approval of the subject revised applications submitted by the Applicant to amend Zoning By-law 60-94 and for approval of a draft plan of subdivision for the following reasons:

- (a) The use of the Subject Site for the proposed block townhouse dwellings is permitted under the existing zoning and the proposed special regulations to implement the site design are appropriate at this location.
- (b) The proposed live/work unit regulations are appropriate given the Subject Site is located in an area having zoning where a range of commercial uses are already permitted.
- (c) Redeveloping an under-utilized property at this location along an arterial road is consistent with the Provincial Policy Statement and conforms to the Provincial Growth Plan.

- (d) The proposed development conforms to the Durham Regional Official Plan and the O.O.P.
- (e) The proposal will advance development that is within the City's Built Boundary. The Growth Plan for the Greater Golden Horseshoe established a Built Boundary for municipalities within which a certain percentage of all new residential development must take place to reduce the demand for new residential growth in greenfield areas.
- (f) The proposed development contributes to a range of housing types in the area.
- (g) The proposed development along an arterial road that is also a Regional Corridor and Transit Spine is transit supportive given its proximity to Durham Region Transit bus routes (Routes 407, 901, 905 and 915).
- (h) The proposed development will make more efficient use of existing municipal services such as water and sanitary service.
- (i) The proposed development is in proximity to existing schools and shopping areas.
- (j) The proposed development has been designed to be compatible with surrounding land uses.
- (k) The proposed development will help the City's efforts to achieve the delivery of 23,000 new housing units in Oshawa by 2031, as targeted by the Province.
- (l) The applications represent good planning.

## **6.0 Financial Implications**

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

The subject applications were submitted prior to July 1, 2023 and therefore the Applicant will not be eligible for a fee refund under the Planning Act as amended by Bill 109 (More Homes for Everyone Act, 2022) if the City does not make a decision on the Zoning By-law Amendment application within a certain timeframe.

## 7.0 Relationship to the Oshawa Strategic Plan

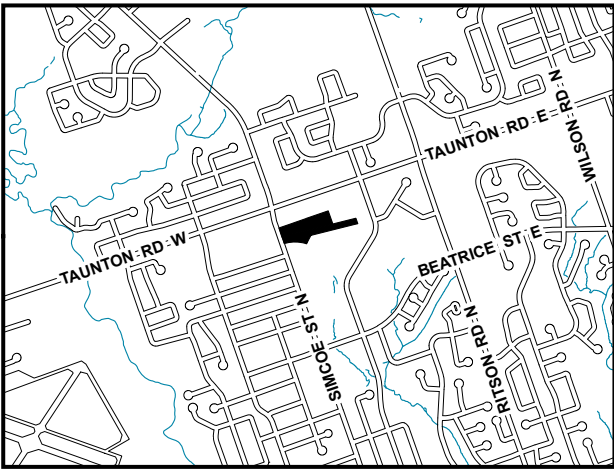
The Recommendation in this Report advances the Economic Prosperity and Financial Stewardship, Social Equity and Environmental Responsibility goals of the Oshawa Strategic Plan.



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



Anthony Ambra, P.Eng., Commissioner,  
Economic and Development Services Department



**Item: ED-24-20  
Attachment 1**

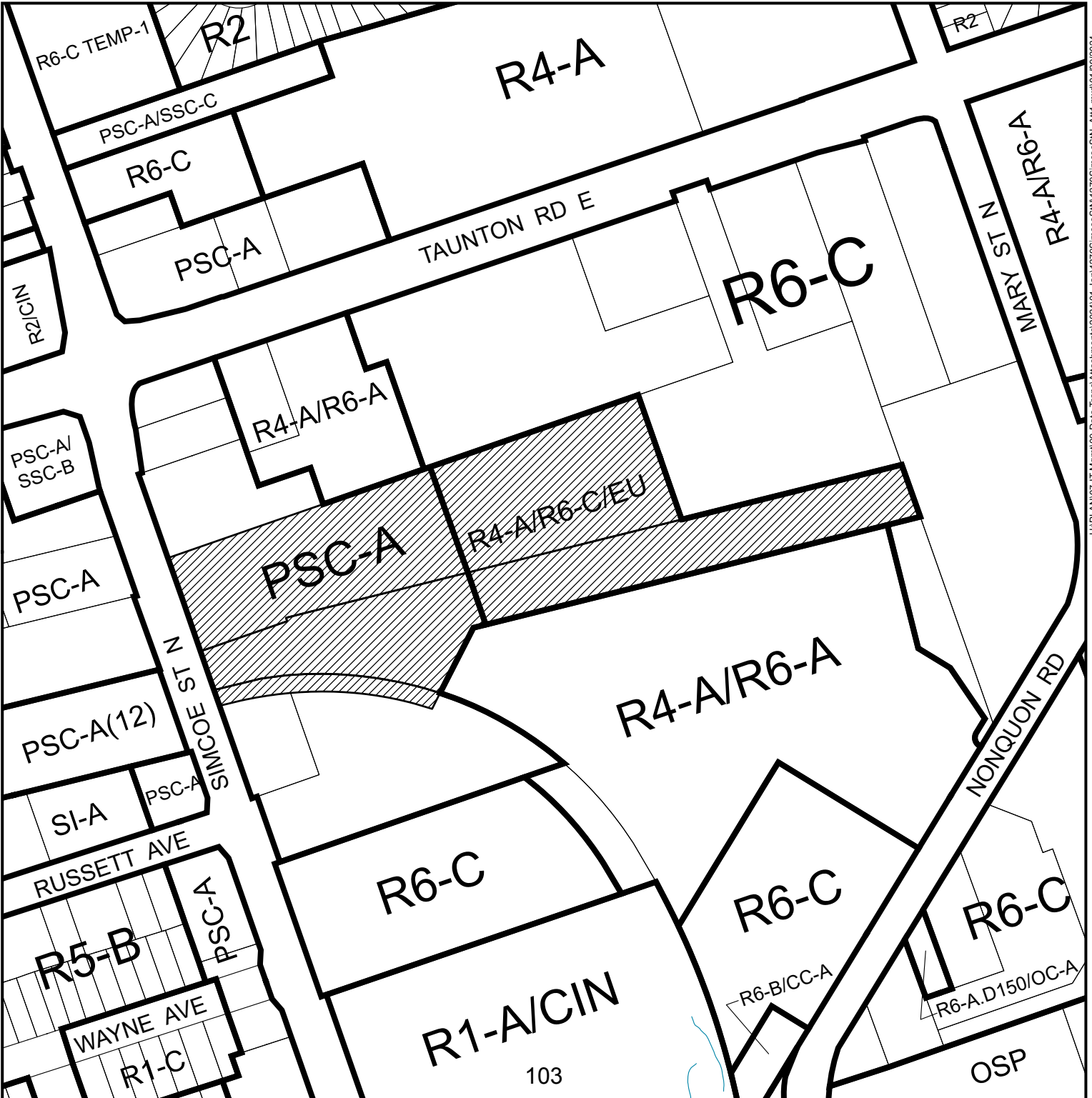
Economic and Development Services

**Subject:** Revised Applications to Amend Zoning By-law 60-94 and for approval of a Draft Plan of Subdivision, 1279 Simcoe Street North, Katanna Simcoe Ltd.

**Ward:** Ward 2  
**File:** S-O-2022-05, Z-2022-12



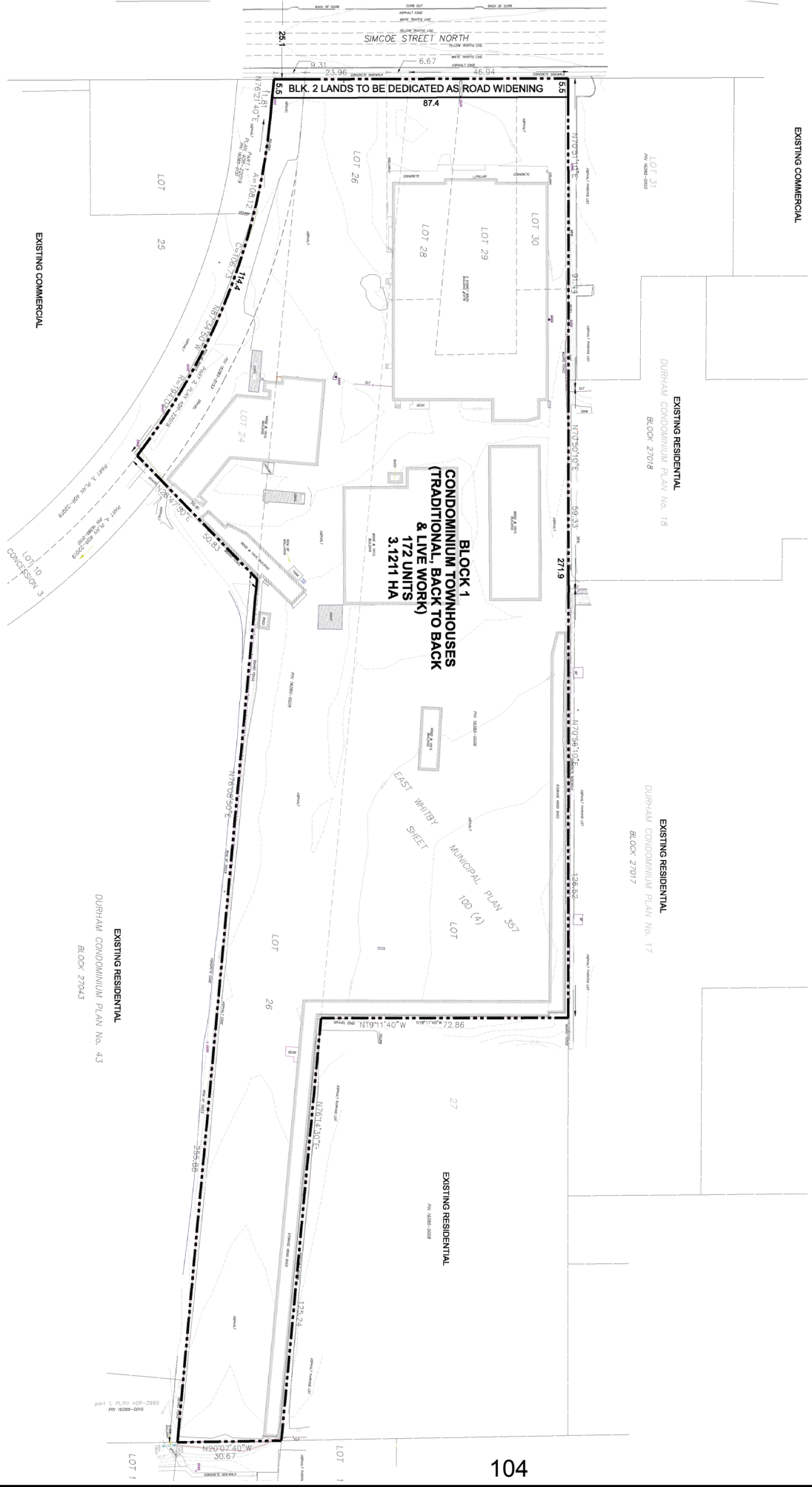
Subject Site



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**Title:** Proposed Draft Plan of Subdivision  
**Subject:** Revised Applications to Amend Zoning By-law 60-94 and for approval of a Draft Plan of Subdivision, 1279 Simcoe Street North, Katanna Simcoe Ltd.  
**Ward:** Ward 2  
**File:** S-O-2022-05, Z-2022-12

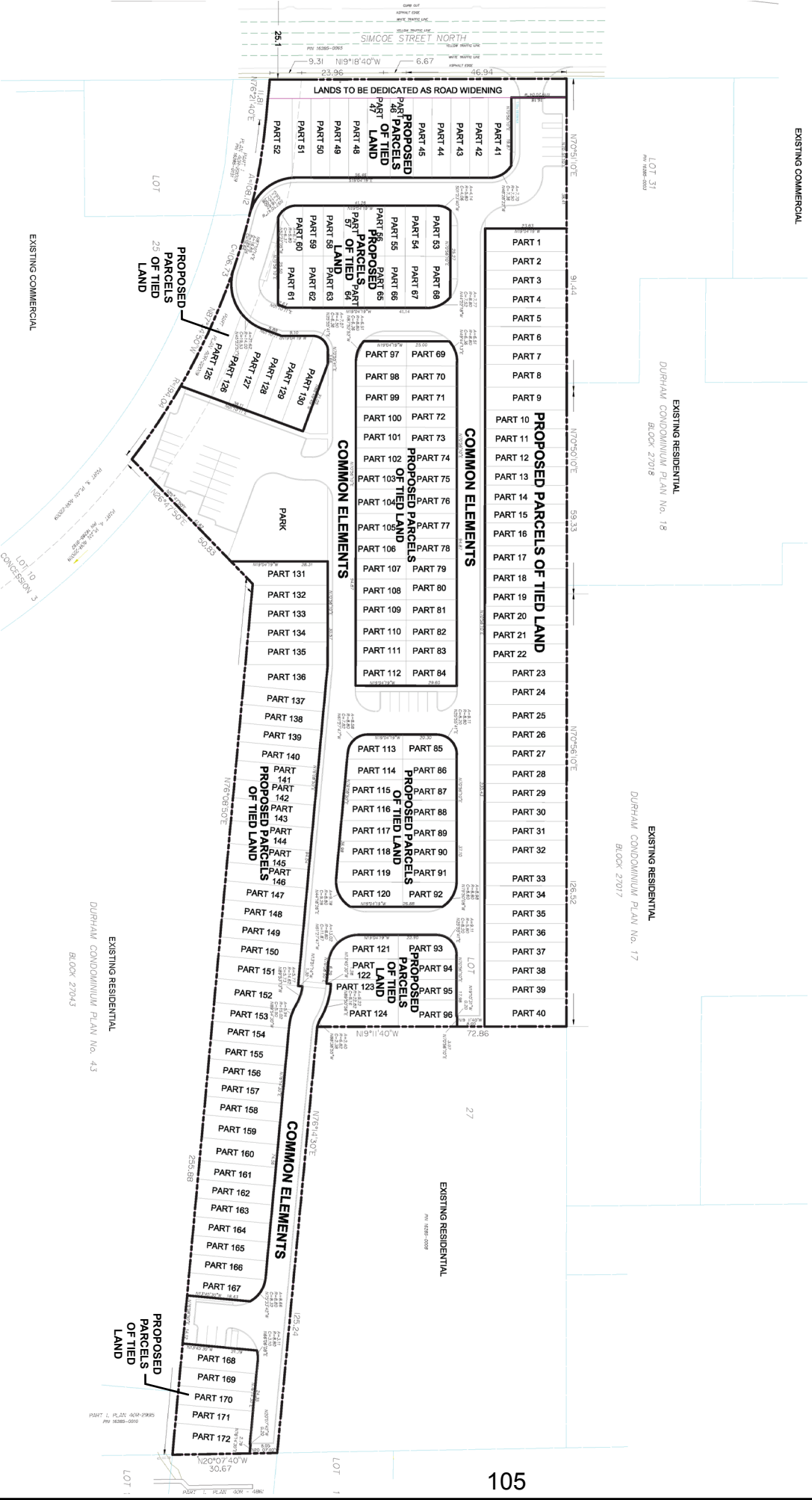
**City of Oshawa**  
**Economic and Development Services**





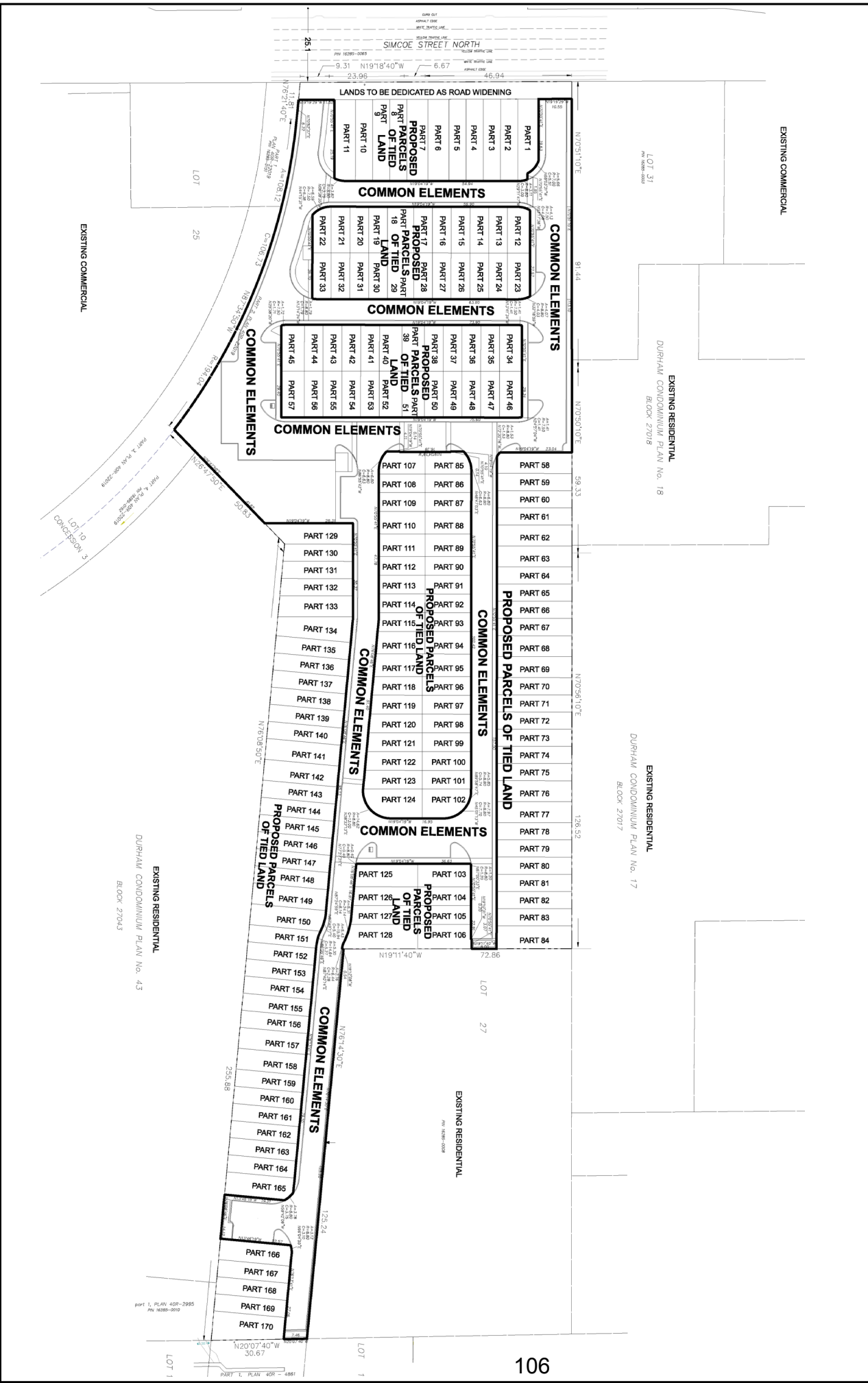
Title: Original Common Elements Draft Plan of Condominium Considered at the January 9, 2023 Public Meeting  
 Subject: Revised Applications to Amend Zoning By-law 60-94 and for approval of a Draft Plan of Subdivision, 1279 Simcoe Street North, Katanna Simcoe Ltd.  
 Ward: Ward 2  
 File: S-O-2022-05, Z-2022-12

Economic and Development Services  
 City of Oshawa  

Title: Revised Common Elements Draft Plan of Condominium  
 Subject: Revised Applications to Amend Zoning By-law 60-94 and for approval of a Draft Plan of Subdivision, 1279 Simcoe Street North, Katanna Simcoe Ltd.  
 Ward: Ward 2  
 File: S-O-2022-05, Z-2022-12

City of Oshawa  
 Economic and Development Services



Title: Original Site Plan Considered at the January 9, 2023 Public Meeting  
 Subject: Revised Applications to Amend Zoning By-law 60-94 and for approval of a Draft Plan of Subdivision, 1279 Simcoe Street North, Katanna Simcoe Ltd.  
 Ward: Ward 2  
 File: S-O-2022-05, Z-2022-12

Economic and Development Services  
 City of Oshawa  




Title: Revised Site Plan  
Subject: Revised Applications to Amend Zoning By-law 60-94 and for approval of a Draft Plan of Subdivision,  
Ward: 1279 Simcoe Street North, Katanna Simcoe Ltd.  
File: S-O-2022-05, Z-2022-12



Site Statistics & Key Plan Legend

Item	Area (sq. m)	Count	Area (sq. m)	Count
Lot Area	23171.03m <sup>2</sup>			
Building Area	11183.84m <sup>2</sup>			
FRS	534			
Lot Coverage	48.0%			
Open Landscaped Area	15166.64m <sup>2</sup>			
Types of Units				
1st Flr (Townhouse)	21576	48		
1st Flr (Semi-Block)	17909	90		
1st Flr (Semi-Block)	25818	11		
1st Flr (Townhouse)	18915	21		
<b>Total</b>		<b>170</b>		

Paving Space	TOTAL	
	Required	Provided
Surface Parking	1487 Per Unit (079K, 2013)	1037 Per Unit (079K, 2410)
Street Parking	032K Per Unit (079K, 513)	032K Per Unit (079K, 487)
Other Parking	032K Per Unit (079K, 813)	032K Per Unit (079K, 47)
<b>Total</b>	<b>2110 Per Unit (079K, 1119)</b>	<b>1110 Per Unit (079K, 474)</b>

**List of Permitted Uses in the PSC-A (Planned Strip Commercial) Zone:**

- (a) Animal hospital
- (b) Apartment building
- (c) Art gallery
- (d) Auction establishment
- (e) Automobile rental establishment
- (f) Automobile repair garage
- (g) Automobile sales and service establishment
- (h) Block townhouse
- (i) Brew your own operation
- (j) Church
- (k) Cinema
- (l) Club
- (m) Commercial recreation establishment, except a billiard hall
- (n) Commercial school
- (o) Craft Brewery
- (p) Crisis care residence
- (q) Day care centre
- (r) Financial institution
- (s) Flat
- (t) Funeral home
- (u) Hotel
- (v) Lodging house
- (w) Long Term Care Facility
- (x) Merchandise service shop
- (y) Museum
- (z) Nursing home
- (aa) Office
- (bb) Outdoor storage accessory to a permitted use in the PSC-A Zone
- (cc) Peddle
- (dd) Personal service establishment
- (ee) Printing establishment
- (ff) Private School
- (gg) Restaurant
- (hh) Retail store
- (ii) Retirement home
- (jj) Studio
- (kk) Tavern
- (ll) Taxi establishment
- (mm) Theatre

**Excerpts from the Minutes of the Economic and Development Services Committee Meeting held on January 9, 2023**

**Declarations of Pecuniary Interest**

None.

**Application ED-23-01**

**Presentation**

**Weston Consulting - Applications to Amend Zoning By-law 60-94**

Jane McFarlane, Planner, Weston Consulting presented an overview of the applications to amend Zoning By-law 60-94 and for approval of Draft Plan of Subdivision and a Common Elements Draft Plan of Condominium for lands located at 1279 Simcoe Street North submitted by Katanna Simcoe Ltd.

Moved by Councillor Giberson

That the presentation be extended by two minutes.

Motion Carried

Jane McFarlane continued to address the Committee concerning the development applications for lands located at 1279 Simcoe Street North submitted by Katanna Simcoe Ltd.

Members of the Committee questioned Jane McFarlane.

**Delegations**

**Cynthia Burtney - Applications to Amend Zoning By-law 60-94 and for approval of a Draft Plan of Subdivision and a Common Elements Draft Plan of Condominium, 1279 Simcoe Street North, Katanna Simcoe Ltd.**

Cynthia Burtney addressed the Committee concerning the development applications for lands located at 1279 Simcoe Street North submitted by Katanna Simcoe Ltd. and expressed concerns with increased traffic and disruptive traffic flow in the area and a reduction of recreational areas on the subject site. Cynthia also expressed concern with the reduced set back for the site, the types of businesses that would be permitted in the Live/Work units and the provision of more accessible and smaller units for seniors.

Moved by Councillor Giberson

That the delegation's time be extended by two minutes.

Motion Carried

Cynthia continued to express concerns to the Committee regarding the subject site with respect to traffic and parking.

**Cynthia Metas - Applications to Amend Zoning By-law 60-94 and for approval of a Draft Plan of Subdivision and a Common Elements Draft Plan of Condominium, 1279 Simcoe Street North, Katanna Simcoe Ltd.**

Cynthia Metas addressed the Committee concerning the development applications for lands located at 1279 Simcoe Street North submitted by Katanna Simcoe Ltd. and expressed concern with increased traffic in the area and suggested a new traffic study be completed.

**Bruce Ottenbright - Applications to Amend Zoning By-law 60-94 and for approval of a Draft Plan of Subdivision and a Common Elements Draft Plan of Condominium, 1279 Simcoe Street North, Katanna Simcoe Ltd.**

Bruce Ottenbright addressed the Committee concerning the development applications for lands located at 1279 Simcoe Street North submitted by Katanna Simcoe Ltd., noting that there is no parking available for businesses operating in the live/work units.

**Tim Dobson - Applications to Amend Zoning By-law 60-94 and for approval of a Draft Plan of Subdivision and a Common Elements Draft Plan of Condominium, 1279 Simcoe Street North, Katanna Simcoe Ltd.**

Tim Dobson addressed the Committee concerning the development applications for lands located at 1279 Simcoe Street North submitted by Katanna Simcoe Ltd., expressing concern with a lack of commercial parking for businesses in the live/work units and the safety and adequacy of the proposed permitted parking.

Members of Council questioned Tim Dobson.

**Correspondence**

None.

**Reports**

**ED-23-01 - Applications to Amend Zoning By-law 60-94 and for approval of a Draft Plan of Subdivision and a Common Elements Draft Plan of Condominium, 1279 Simcoe Street North, Katanna Simcoe Ltd. (Ward 2)**

Moved by Councillor Kerr

That, pursuant to Report ED-23-01 dated January 4, 2023, concerning the applications submitted by Katanna Simcoe Ltd. to amend Zoning By-law 60-94 (File: Z-2022-12) and for approval of a draft plan of subdivision (File: S-O-2022-05) and a common elements draft plan of condominium (File: C-O-2022-08) to permit 12 live/work block townhouses, 88 block townhouses, 72 back-to-back block townhouses, a road widening block and a private parkette at 1279 Simcoe Street North, 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.

Motion Carried