

Harbour Road Area Community Improvement Plan



Investing in our
Community

The City of Oshawa Harbour Road Area Community Improvement Plan consists of the following:

- Part A – The Preamble which does not constitute part of the actual Community Improvement Plan but is included for reference.

- Part B – The actual Harbour Road Area Community Improvement Plan consisting of text and Figure 1 which identifies the lands to which the Community Improvement Plan applies.

- Part C – Appendix 1 is the notice of the statutory public meeting and does not constitute part of the actual Community improvement Plan but is included for reference.

Adopted by Oshawa City Council on June 12, 2017

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Note: Sections 8.0, 9.0, 10.0, 11.0 and Figure 1 constitute the Harbour Road Area Community Improvement Plan as adopted by By-law 49-2017 pursuant to Section 28 (4) of the Planning Act, R.S.O. 1990, c. P.13. Other sections of this document are provided for information purposes only.

Part A

Preamble

1.0 Introduction

The lands generally on the north side of Harbour Road between Simcoe Street South and the Montgomery Creek and south of Wellington Avenue East (identified as the “Harbour Road Area”) currently sit vacant and/or underutilized. However, these lands have the potential to be redeveloped into an attractive mixed-use residential/commercial area with a variety of housing options.

The goals of the Harbour Road Area Community Improvement Plan are:

- Increase the provision of a range of accommodation in the Harbour Road Area;
- Increase assessment and job creation;
- Reduce greenfield development through infilling and intensification consistent with Provincial Policy; and,
- Use municipal services more effectively.

The objective of the Harbour Road Area Community Improvement Plan is:

- To intensify the Harbour Road Area and develop this area with residential uses and mixed residential/commercial uses to support an overall long-term density target of at least 60 residential units per gross hectare to help achieve Provincial objectives related to intensification.

Based on the goals and objective of this Plan, a financial incentive program has been created to encourage development and redevelopment in the Harbour Road Area Community Improvement Project Area.

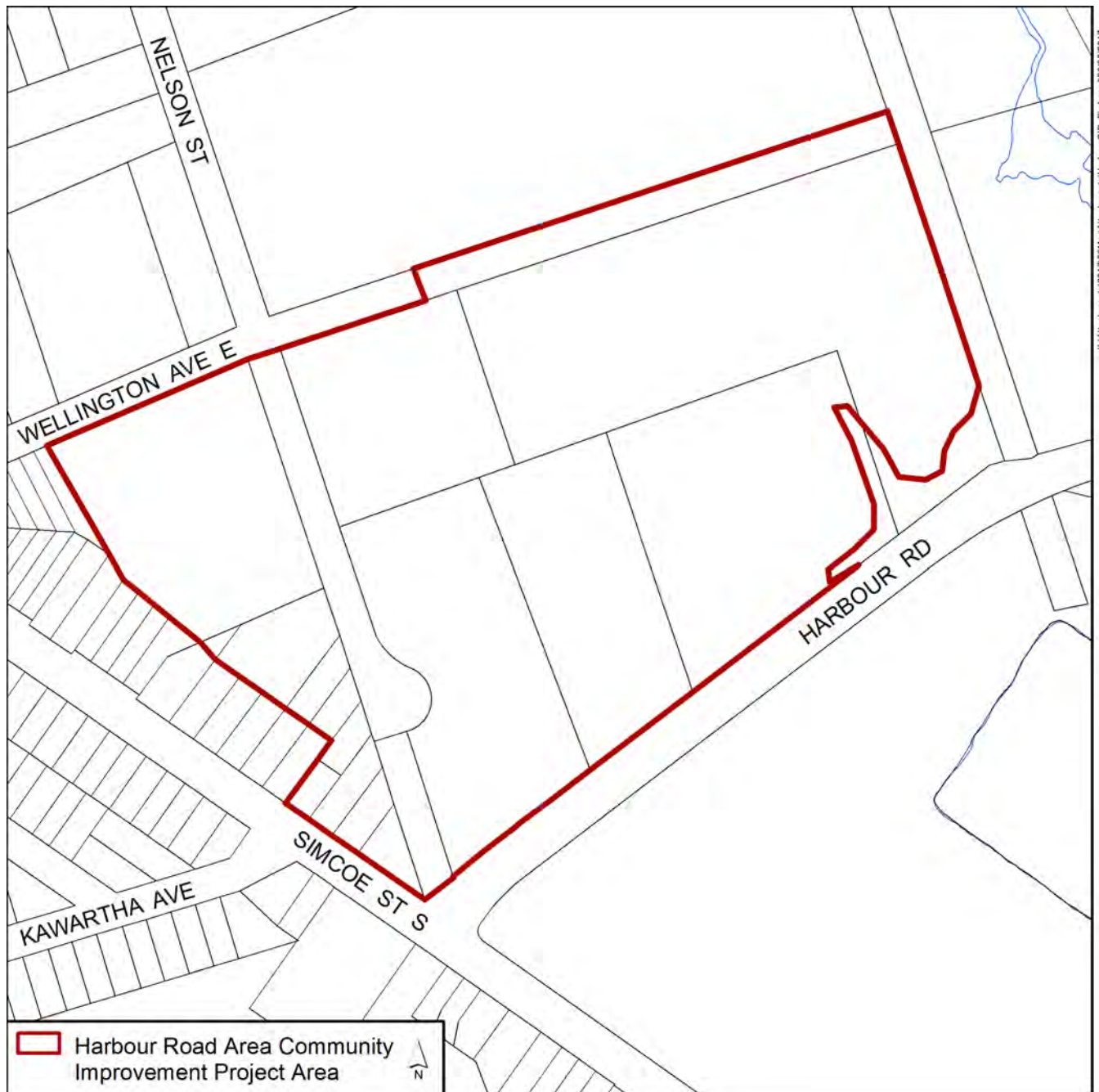
The City of Oshawa has a rich and successful history of using Community Improvement programs to improve certain areas of the City. The programs range from incentives to improve the City’s Urban Growth Centre to incentives to promote the remediation and redevelopment of brownfield sites.

2.0 Harbour Road Area Community Improvement Project Area

The Harbour Road Area Community Improvement Plan applies to all lands within the designated Harbour Road Area Community Improvement Project Area (Project Area), as shown on Figure 1.

The boundaries are based on the recommendations in the Harbour Road Land Use Study completed in 2006, which concluded that residential development on the north side of Harbour Road would support a revitalized harbour, waterfront and neighbourhood.

Figure 1: Harbour Road Area Community Improvement Project Area



3.0 Ontario Planning Act

Section 28 of the Ontario Planning Act allows municipalities, where it is indicated in an Official Plan relating to community improvement, to designate by by-law “an area covered by such an official plan as a community improvement project area” and subsequently, “a plan suitable for adoption as a community improvement plan for the community improvement project area.”

The Harbour Road Area Community Improvement Plan as contained in Sections 8 to 11 and Figure 1 of this document (Part B) has been prepared in accordance with the provisions of the Ontario Planning Act, 1990, R.S.O.

The process to prepare this Community Improvement Plan included a statutory public meeting held in accordance with Section 17 of the Planning Act, 1990, R.S.O. The statutory public meeting was held on May 8, 2017 and was advertised in local newspapers.

This Community Improvement Plan was approved by City Council on June 12, 2017 after receiving public input.

4.0 Background Information

4.1 Oshawa Official Plan

The Oshawa Official Plan land use designations for the Harbour Road Area Community Improvement Plan are shown on Figure 2. The Project Area is currently designated as Residential. The Harbour Road Area Community Improvement Plan is also located in a Special Development Area in the Oshawa Official Plan, which aims to achieve higher density, intensive and compact built form.

The Project Area is comprised of vacant and/or underutilized properties, which are appropriate for redevelopment and intensification.

Policy 2.3.6.17(g) of the Oshawa Official Plan notes that the lands on the north side of Harbour Road can develop with limited ground floor office, retail, personal service establishments and restaurants on the ground floor of multi-storey mixed-use buildings along Harbour Road subject to such uses having direct pedestrian access to Harbour Road and being included in the Zoning By-law.

Policy 2.14.2.6 of the Official Plan states that “lands designated as Residential in the Oshawa Harbour Special Development Area will aim to achieve higher density, intensive and compact built form.” Policy 2.14.2.6 also states that “development in areas designated as Residential within the Oshawa Harbour Special Development Area shall be planned to support an overall long-term density target of at least 60 residential units per gross hectare”. These policies encourage increased residential growth in the Harbour Area.

Community Improvement policies provided in Section 4 of the Oshawa Official Plan are also applicable. Section 4.1.1 of the Official Plan states that “the City shall support programs and policies which will improve physically deteriorated areas of the City and which will be socially and economically beneficial to specific areas and the entire City.” Section 4 also notes that the City has the ability to designate by by-law a Community Improvement Project Area.

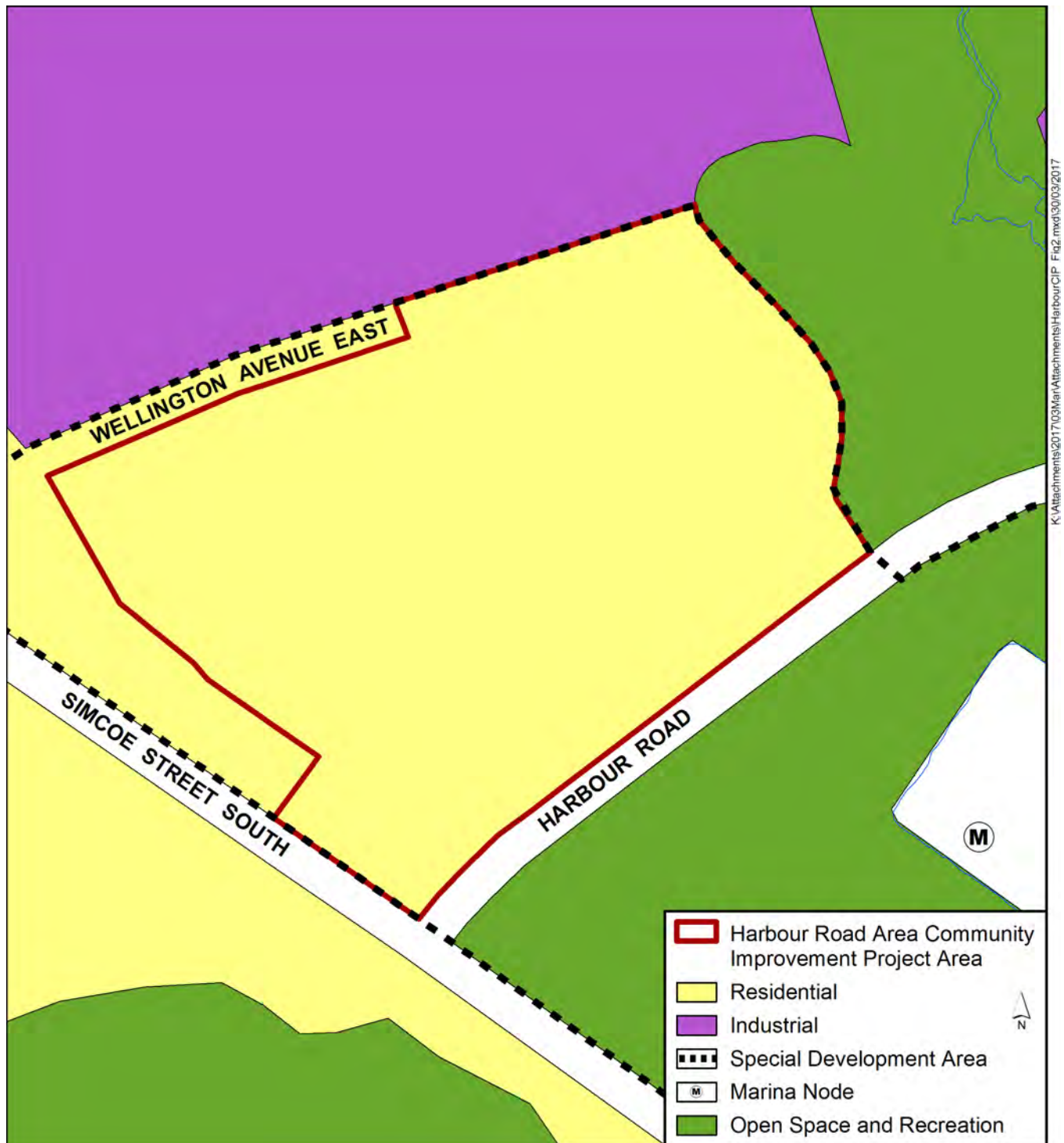
Policy 4.2.3(f) states that the “Harbour Road Area consisting of lands generally north of Harbour Road between Simcoe Street South and the Montgomery Creek and south of Wellington Avenue East exhibits some indicators of economic decline such as inefficient uses, under utilization and vacant property. Various improvements are required to redevelop vacant lands and convert inefficient uses to residential uses and mixed residential/commercial uses. Some properties may also require the rehabilitation of contaminated lands prior to *development*.”

Policy 4.3.4 establishes Sub-area F and states that this “area is comprised of certain lands generally north of Harbour Road between Simcoe Street South and the

Montgomery Creek and south of Wellington Avenue East. Various improvements are required to redevelop vacant lands and convert inefficient uses to residential uses and mixed residential/commercial uses. Some properties may also require the rehabilitation of contaminated lands prior to *development*."

Finally, Policy 4.4.3(m) states the "provision of incentive programs for certain types of *residential intensification* and development including residential uses and mixed residential/commercial uses on certain lands on the north side of Harbour Road between Simcoe Street South and the Montgomery Creek and south of Wellington Avenue East."

Figure 2: Official Plan Land Use Designations



4.2 Community Improvement Policies in the Oshawa Official Plan

Section 4.0 of the Oshawa Official Plan contains a number of policies pertaining to community improvement. Schedule “C-1” Renaissance Community Improvement Area of the Oshawa Official Plan delineates six Sub-areas: Sub-area A, Sub-area B, Sub-area C, Sub-area D, Sub-area E and Sub-area F.

The Harbour Road Area Community Improvement Plan is located in Sub-area F on Schedule “C-1”.

Sub-area F is based on the following criteria:

- The Harbour Road Area which exhibits indicators of economic decline such as inefficient uses, underutilization and vacant property. Various improvements are required to redevelop vacant underutilized land with residential and mixed use land uses. Some properties may also require the rehabilitation of contaminated lands prior to development.

Section 8 of this Community Improvement Plan describes a financial incentive program to address these issues.

As a prerequisite for the adoption of a Community Improvement Plan, Council has designated the Harbour Road Area Community Improvement Project Area as a Community Improvement Project Area by by-law pursuant to Section 28 (2) of the Planning Act.

4.3 Zoning By-law

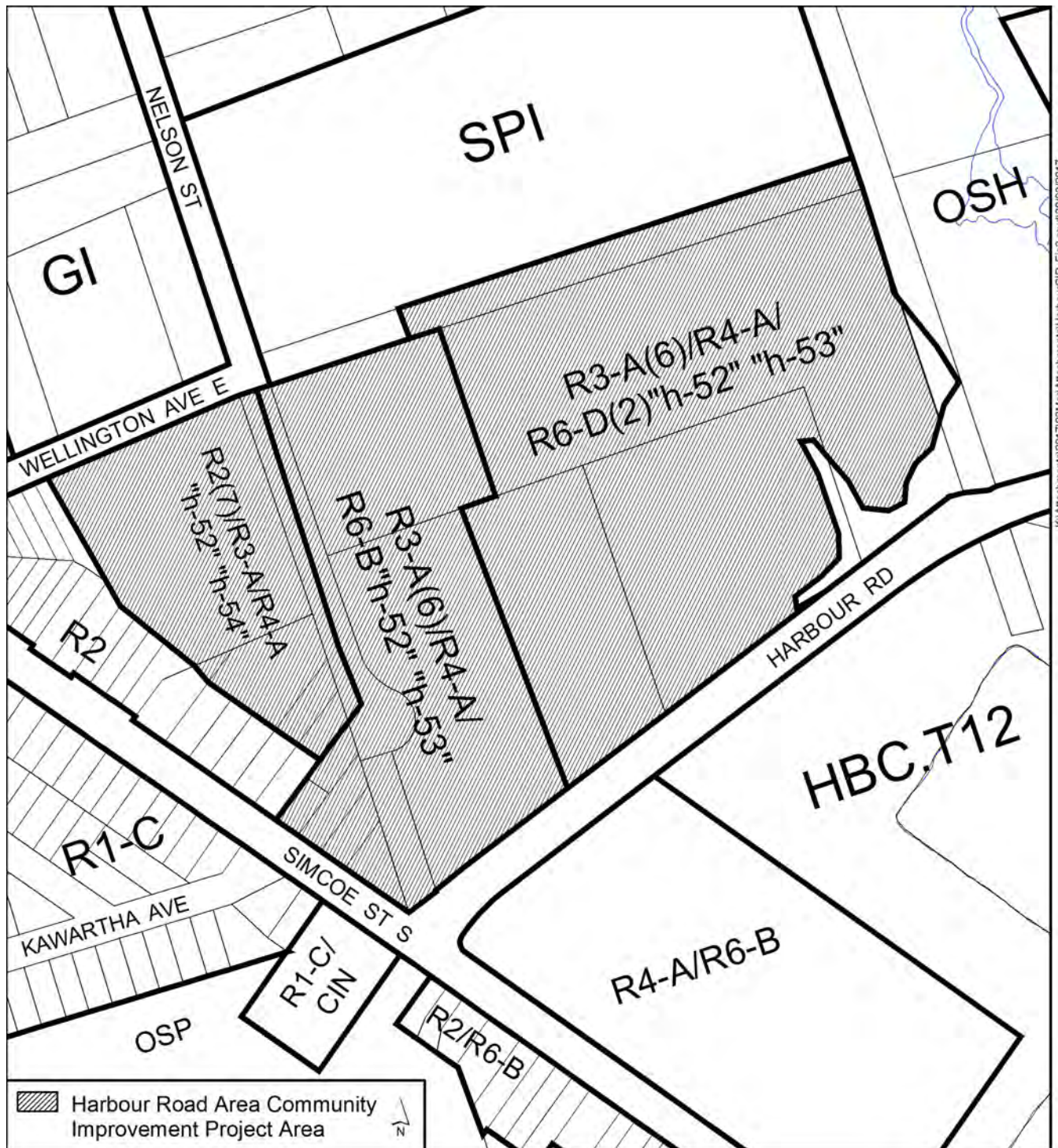
The current zoning in the Harbour Road Area Community Improvement Project Area generally reflects the opportunity to redevelop vacant underutilized lands with residential uses. Figure 3 shows the zoning for the properties located within the Project Area.

The current zoning, as of May 2017, in the proposed Project Area permits a range of residential land uses. The zoning permits single and semi-detached dwellings, street townhouses, block townhouses, apartment buildings, home for the aged, nursing homes and retirement homes, subject to certain special conditions and holding symbols.

The City is in the process of advancing changes to the zoning to also permit mixed use residential/commercial development.

It should be noted that Section 4 and Figures 2 and 3 are intended to provide a general overview of the planning framework at the time that this Community Improvement Plan was prepared. For specific and current information regarding the Official Plan and Zoning By-law, the actual documents should be consulted.

Figure 3: City of Oshawa Zoning By-law 60-94



5.0 Previous Harbour Studies

A Harbour Road Land Use Study was completed in 2006. This study reviewed various land use options for the lands north of Harbour Road, west of Montgomery Creek, south of Wellington Avenue East and east of Simcoe Street South.

The Harbour Road Land Use Study concluded that a residential focus is the preferred land use option for the Harbour Road Area. It was determined that residential development on the north side of Harbour Road would support a revitalized harbour and

waterfront, the clean-up and redevelopment of brownfield lands, the expansion of an existing residential community, residential intensification and local commercial business.

The Harbour Road Land Use Study also recommended mixed-use development with commercial uses on the ground floor with pedestrian access to the Harbour Road sidewalk.

The Harbour Road Land Use Study was endorsed, in principle, by Council in February 2007.

6.0 Benefits of the Harbour Road Area Community Improvement Plan

The objective of the Harbour Road Area Community Improvement Plan is to intensify the Harbour Road Area and with residential uses and mixed residential/commercial uses to support an overall long-term density target of at least 60 residential units per gross hectare to help achieve Provincial objectives related to intensification.

The Harbour Road Area Community Improvement Plan was prepared on the basis that the development of the Harbour Road Area with residential uses and mixed residential/commercial uses is in the public interest since the development will help to:

- Revitalize the Harbour Road Area by providing opportunities for new housing;
- Increase assessment and job creation;
- Reduce greenfield development through infilling and intensification; and
- Create a Harbour Area that is appealing, accessible, and conducive to residential uses and mixed residential/commercial uses.

7.0 Community Improvement Plan Funding Sources

The grant program described in this Plan is funded solely by the City of Oshawa.

Part B
The City of Oshawa
Harbour Road Area
Community Improvement Plan

8.0 Community Improvement Plan

The City of Oshawa Harbour Road Area Community Improvement Plan consists of one financial incentive program, which is outlined below.

8.1 Harbour Road Area Community Improvement Goals

The Harbour Road Area Community Improvement Plan was prepared on the basis that the development and redevelopment of the residential uses and mixed residential/commercial uses in this area of the City is in the public interest since the development and redevelopment will help to:

- Increase the provision of a range of accommodation in the Harbour Road Area;
- Increase assessment and job creation;
- Reduce greenfield development through infilling and intensification consistent with Provincial Policy; and,
- Use municipal services more effectively.

8.2 Increased Assessment Grant Program

This program is intended to provide a financial incentive for the development and redevelopment of properties in the Harbour Road Area Community Improvement Project Area by providing a grant to pay a portion of City taxes attributable to the increased assessment over a nine-year period. This program is not structured as a tax rebate program and any tax increases relating to reassessments resulting from property improvements will be phased in.

8.2.1 Area of Application

The Increased Assessment Grant Program is available to all registered property owners within the Harbour Road Area Community Improvement Project Area for the City of Oshawa, as illustrated in Figure 1.

8.2.2 Details

Grants will be paid over a nine-year period with Year 1 of the program defined as the first full calendar year in which taxes are paid after the project has been completed and reassessed. For example, if an eligible building is completed and reassessed effective May 1, 2018, Year 1 of the grant schedule would be 2019. The first annual grant would be provided at the end of 2019 based upon 12 months (i.e. January to December).

The Increased Assessment Grant will be provided for approved projects on a declining basis over a nine-year period in accordance with Table 1.

Table 1: Grant Amounts per Year: Based on the Increased Assessment Value

Year of Increased Assessment Value	Grant as a Percentage of the Year 1 City Taxes on Increased Assessment Value
Year 1	90%
Year 2	80%

Year of Increased Assessment Value	Grant as a Percentage of the Year 1 City Taxes on Increased Assessment Value
Year 3	70%
Year 4	60%
Year 5	50%
Year 6	40%
Year 7	30%
Year 8	20%
Year 9	10%

8.2.3 Eligibility for Grant

The applicants for an Increased Assessment Grant must be the registered owner(s) of the property and must undertake improvements to their property, which shall be of sufficient size and cost to result in a reassessment of the property. City staff will conduct a title search of the property and review property tax records. Property owners who are in arrears of property taxes are not eligible to receive the Increased Assessment Grant.

The provision of any Increased Assessment Grant will be administered on a first come first served basis to the limit of available funding in accordance with any administrative rules governing this and other grant programs.

8.2.4 General Terms of Grant Program

The Increased Assessment Grant applies to the construction of residential uses or mixed-use commercial/residential uses that result in an increase in assessed value. The eligible residential uses are limited to apartments, flats or block townhouses. Standalone commercial buildings are not eligible.

Any Increased Assessment Grant will be provided in accordance with a grant schedule shown on Table 1 in Section 8.2.2 to the registered owners of the property or the declarant of a condominium property on an annual basis. The declarant is the original owner of the development.

Any Increased Assessment Grant will be provided following the payment of all property tax installments for the year.

Any Increased Assessment Grant represents a percentage of increased taxes payable resulting from the improvements. Owing to this, the total value of the work completed and the amount of the City portion of the taxes paid prior to, and after redevelopment would have to be known.

All property taxes owing for each year, including in relation to a condominium, property taxes in relation to each unit of the condominium, must be fully paid for the entire year prior to the provision of any annual grant amount under this program. If a property tax installment is missed or payment is late, the City will have the option, without notice and at its own discretion, to reduce or to terminate any or all future grant payments.

Notwithstanding any administrative rules governing this and other grant programs, the City will not pay an annual grant which exceeds the City portion of the property tax collected in any year on the increased assessed value.

If a general reassessment subsequently reduces the annual property taxes owing for a property, the annual grant amount will be provided in accordance with the schedule but will not exceed the amount of the City portion of the taxes collected on the increased assessed value.

Tax increases resulting from general reassessments, changes in tax legislation or increases in the tax rate are not eligible to be considered for the purposes of calculating the grant.

If the ownership of rental property changes, in whole or in part, before the grant period lapses, the subsequent owner is not entitled to future grant payments.

The amount of the grants over the life of the program shall not exceed the value of the work completed as indicated on the building permit application.

Increased Assessment Grants cannot be assigned to another person or Corporation and will only be provided to the registered owner of the rental property or the declarant of a condominium property as the case may be.

Applications for the Increased Assessment Grant Program must be submitted and approved before a building permit is issued.

All participating owners are required to enter into an agreement with the City to specify the terms of the grants as determined by this Plan and City Council to the satisfaction of the City.

All grants under the Increased Assessment Grant Program must be approved by Oshawa City Council.

Buildings or dwelling units that are constructed under the Increased Assessment Grant Program and are subsequently demolished or eliminated before the grant period expires shall not receive the remainder of the grants.

Outstanding work orders issued by a Department of the City of Oshawa must be satisfactorily addressed before a grant is approved.

8.2.5 Other Programs

Provided all eligibility criteria and conditions are met for this program, participation in the Increased Assessment Grant Program does not preclude the owners from being eligible for other grant and/or loan programs offered in the City's other Community Improvement Plans.

8.2.6 Work Already Commenced

The Increased Assessment Grant Program will not be retroactively applied to development where building permits were issued prior to the commencement of the program.

8.3 Procedures

8.3.1 Grant Application Submitted Prior to Issuance of a Building Permit

The applicant is required to submit a completed Increased Assessment Grant application form to the City for approval prior to the issuance of a building permit.

8.3.2 Council Approval

All applications must be approved by City Council.

8.3.3 Current Assessment Determined

City staff will record the current assessment of the property and determine the amount of the City taxes payable.

8.3.4 Increased Assessment Value Determined

The applicant shall ensure that a post improvement assessment of the property is undertaken. Using the post improvement assessment, City staff shall determine the difference between the amount of City taxes prior to the construction of the building and the amount of City taxes to be paid after the construction of the building. The difference is known as the “increased assessment value” and shall be the portion eligible for a partial grant under this program. Subsequent increases in assessed value or increases to the tax rate are not eligible to be used to determine the amount of the grant.

8.3.5 Provision of Grant

Following the completion of the work, final building inspection by Building Permit and Inspection Services of the Development Services Department and the payment of all property tax installments for that year, the Increased Assessment Grant will be provided for approved projects on a declining basis over a nine-year period in accordance with Table 1 in Section 8.2.2 of this Community Improvement Plan.

8.3.6 Agreement with City

The applicant will be required to enter into an agreement with the City to address matters such as but not limited to an approved accessibility plan, architectural control, the use of local trades where possible, compliance with City’s by-laws and performance timelines.

8.4 Duration

The Increased Assessment Grant Program in the Harbour Road Area Community Improvement Plan will run until December 31, 2029. The Increased Assessment Grant will not be applied retroactively. Grant applications will not be accepted after December 31, 2029. Applications received before December 31, 2029 and that may be approved will continue to be honoured.

8.5 Monitoring

Planning Services will review and monitor the Harbour Road Area Community Improvement Plan on an as needed basis in order to determine if the Increased Assessment Grant Program is achieving the goals and objective set out in the Plan, and if program adjustments are needed.

The following parameters may be monitored:

- Number of applications received;
- Number of approved applications;
- Project details (number of units/jobs created);
- Total increase in assessment;
- Total dollar value of construction; and,
- An estimate of the financial benefit to the Oshawa economy.

The overview of the results will be reported to Council on an as needed basis and will be used to recommend any adjustments that should be made to the Harbour Road Area Community Improvement Plan.

8.6 Cancellation

The City of Oshawa may discontinue the Increased Assessment Grant Program in the Harbour Road Area Community Improvement Plan at any time without an amendment to this Plan. Applications that were approved before the cancellation of the Increased Assessment Grant Program in this Community Improvement Plan will continue to be honoured.

9.0 Implementation

The Harbour Road Area Community Improvement Plan will be implemented through the provisions of Section 4 of the Oshawa Official Plan and Section 28 of the Planning Act, 1990, R.S.O.

The overall implementation of the Increased Assessment Grant Program shall be the responsibility of the Development Services Department.

The Increased Assessment Grant will be administered on a case-by-case basis in accordance with the Administrative rules governing this grant program and contained in Section 8 of this Plan.

10.0 Interpretation

Sections 8 to 11 of this document, along with Figure 1 shall form the actual Community Improvement Plan for the Harbour Road Area Community Improvement Project Area. Sections 1 to 7 and Figures 2 and 3 do not constitute part of the actual Community Improvement Plan.

Changes to the Harbour Road Area Community Improvement Project Area boundary and the addition of financial incentive programs shall require an amendment to this

Plan. This Plan has been prepared in accordance with and shall be deemed to conform to the City of Oshawa Official Plan.

This Plan shall be referred to as the Harbour Road Area Community Improvement Plan for the City of Oshawa. At such time as other Community Improvement Plans are prepared for this or other areas, this title may be modified for clarification purposes without requiring an amendment to this Plan.

11.0 Conclusion

The Harbour Road Area Community Improvement Plan provides a framework to guide community improvement throughout the Harbour Road Area Community Improvement Project Area, in order to proactively strengthen the Harbour Road Area lands. This Plan offers a financial incentive program to address a number of opportunities in Oshawa's Harbour Road Area, including residential and commercial growth and intensification.

PART C

Appendices

Appendix 1: Notice of the Statutory Public Meeting

Notice of Public Meeting – Planning Act

What: A Planning Act public meeting will be held by a Joint Development Services Committee and Finance Committee to consider the proposed Harbour Road Area Community Improvement Plan and related Official Plan amendments (File: B-1200-0040)

When: May 8, 2017 – 6:30 p.m.

Where: Council Chamber, Oshawa City Hall, 50 Centre Street South.
Use South Parking Lot to enter City Hall.

Why:

The purpose of the public meeting is to consider a proposed Official Plan Amendment and a proposed Community Improvement Plan initiated by the City:

- (a) The purpose of the proposed amendment to the Oshawa Official Plan is to enable the preparation of a new Community Improvement Plan which includes a financial incentive program for the development of apartments, flats or block townhouses as well as commercial uses when part of mixed use buildings and where permitted by the zoning by-law on the lands shown shaded on the map; and
- (b) The purpose of the proposed Community Improvement Plan is to enable the City to provide financial incentives for the development of apartments, flats or block townhouses as well as commercial uses when part of mixed use buildings and where permitted by the zoning by-law on the lands shown shaded on the map.

How:

City Contact: Warren Munro, City Hall, 50 Centre Street South, Oshawa, Ontario L1H 3Z7 or by telephone at 905-436-3311, extension 2410 or by email to wmunro@oshawa.ca.

To Provide Comments: Written submissions to the City of Oshawa may be delivered prior to the adoption of the proposed Community Improvement Plan and related Official Plan amendments to the attention of the City Contact shown above.

To Obtain Additional Information and Material: Additional information and material regarding the application is available between 8:30 a.m. and 4:30 p.m., Monday to Friday, in the Development Services Department, 8th Floor, Rundle Tower, City Hall, 50 Centre Street South, Oshawa, Ontario L1H 3Z7, or by calling or emailing the City Contact shown above.

To Access the Report: Copies of the staff report for the public meeting will be available beginning May 5, 2017, either online at www.oshawa.ca/agendas-DevServices or by contacting the City Contact shown above.

To Be Notified of the Decision:

If you wish to be notified of the adoption of the Harbour Road Area Community Improvement Plan and related Official Plan Amendments or of the refusal of a request to adopt the Harbour Road Area Community Improvement Plan and related Official Plan Amendments, you must make a written request to the City Clerk, 50 Centre Street South, Oshawa, Ontario L1H 3Z7.

To Appeal:

Official Plan Amendments: An Official Plan Amendment adopted by Oshawa City Council is forwarded to the Region of Durham for approval, unless it is determined that the Amendment is exempt from Regional approval during the review process. For an exempt Amendment, the decision to adopt by Oshawa City Council becomes final, subject to any appeals during the statutory appeal period.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Oshawa before the proposed Official Plan Amendment is adopted, the person or public body is not entitled to appeal the decision of the Council of the City of Oshawa, or the Region of Durham, as the case may be, to the Ontario Municipal Board.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Oshawa before the proposed Official Plan Amendment is adopted, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to add the person or public body as a party.

For more information about this matter, including information about preserving your appeal rights, please contact the City at the City Contact information shown above.

Community Improvement Plan: A Community Improvement Plan adopted by Oshawa City Council becomes final, subject to any appeals during the statutory appeal period.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Oshawa before the proposed Community Improvement Plan is adopted, the person or public body is not entitled to appeal the decision of the Council of the City of Oshawa, as the case may be, to the Ontario Municipal Board.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Oshawa before the proposed Community Improvement Plan is adopted, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to add the person or public body as a party.

For more information about this matter, including information about preserving your appeal rights, please contact the City at the City Contact information shown above.

Freedom of Information and Protection of Privacy Act: Information will be collected in accordance with the Freedom of Information and Protection of Privacy Act. With the exception of personal information, all comments will become part of the public record.

Accessibility: The City of Oshawa is committed to providing services as set out in the Accessibility for Ontarians with Disabilities Act, 2005. If you have accessibility needs and require alternate formats or other accommodations, please contact Laura Davis, Committee Coordinator at 905-436-3311, extension 2475, or by email to ldavis@oshawa.ca.



To find out more about this program, please contact:

City of Oshawa
Planning Services
50 Centre Street South
8th Floor, Rundle Tower
Oshawa, Ontario L1H 3Z7

Telephone: 905-436-3853 or toll-free at 1-800-667-4292

Email: planning@oshawa.ca

Website: www.oshawa.ca/planning