

To: Economic and Development Services Committee

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

Report Number: ED-23-187

Date of Report: October 11, 2023

Date of Meeting: October 16, 2023

Subject: Application to Remove Part Lot Control, John Novak,  
574 Cartier Avenue

Ward: Ward 4

File: PLC-2019-10

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## **1.0 Purpose**

The purpose of this Report is to seek Council's direction on the application to Remove Part Lot Control submitted by John Novak (the "Applicant") to permit the severance of 574 Cartier Avenue (the "Subject Site") into two (2) lots. The Applicant proposes to divide the existing duplex building situated on the Subject Site such that it becomes a semi-detached building by creating a new lot line through the building and Subject Site. The Applicant's intention is to legalize one (1) additional unit in each half of the building, providing a total of four (4) dwelling units on the Subject Site.

The City's Delegation By-law 29-2009, as amended ("Delegation By-law"), delegates to the Commissioner of Economic and Development Services ("Commissioner") or the Director of Planning Services ("Director") the authority to approve applications to Remove Part Lot Control and pass by-laws to designate lands not subject to part lot control. The Delegation By-law specifies that controversial applications proposed to be denied require a report to Council. The subject application is considered controversial and is recommended by staff to be denied on the basis that the Applicant proposes to divide a property in an unsafe location, i.e. within a flood plain, and add additional dwelling units in the building.

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

Attachment 2 is an air photo of the Subject Site, showing key site features and the surrounding area.

Attachment 3 is a photo of the Subject Site and existing duplex building situated on the Subject Site.

Attachment 4 is a copy of a draft 40R Plan showing the existing building and the proposed lot line through the Subject Site and building.

Attachment 5 is a copy of the floodway and flood fringe mapping from the Two-Zone Floodplain Mapping and Flood Mitigation Study prepared by Greck and Associates Limited (“Greck”) in 2021 for the City and the Central Lake Ontario Conservation Authority (“C.L.O.C.A.”).

Attachment 6 is a copy of the safe access through floodplain mapping from the Two-Zone Floodplain Mapping and Flood Mitigation Study prepared by Greck in 2021 for the City and C.L.O.C.A.

## **2.0 Recommendation**

That the Economic and Development Services Committee select an appropriate option as set out in Section 5.2.5 of Report ED-23-187 dated October 11, 2023.

## **3.0 Executive Summary**

Not applicable.

## **4.0 Input From Other Sources**

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

- City Solicitor
- Municipal Law Enforcement and Licensing Services (“M.L.E.L.S.”)
- Fire Services
- C.L.O.C.A.
- Region of Durham

## **5.0 Analysis**

### **5.1 Background**

The Subject Site is located at the northwest corner of Cartier Avenue and Durham Street and is municipally known as 574 Cartier Avenue (see Attachment 1).

The Subject Site is described as Lot 90 and Part Lot 89 in Registered Plan of Subdivision 627. This plan of subdivision was registered in 1955, and includes most properties and roads in the area generally bounded by King Street West to the north, Waverly Street South to the west, Radisson Avenue to the south and Stevenson Road South to the east. The majority of the homes in this plan were built in the 1950s and 1960s. The management of hazard lands and natural heritage systems was not as robust during this period as it is today. For example, the Goodman Creek traverses rear yards of residential properties between Gibb Street and Montcalm Avenue, and is under the ownership of the respective property owners where it crosses their lands. Under current planning practices, the Goodman Creek watercourse would have been transferred to City ownership through the plan of subdivision approval process.

In 1963, Ivan Novak, the owner of the Subject Site at the time (and the father of the Applicant), obtained a building permit to construct a two-storey duplex on the Subject Site. At the time, the Subject Site was zoned R-2A (Residential) in Zoning By-law 3415 (the predecessor of the current Zoning By-law 60-94). The R-2A Zone only permitted single family dwellings, semi-detached buildings/dwellings and dual dwellings (duplexes).

According to the Applicant, Ivan Novak installed a basement apartment (3<sup>rd</sup> unit) in the duplex in 1968. The additional unit was not permitted by Zoning By-law 3415 and Ivan Novak did not obtain a building permit from the City for the additional unit.

In 1978, Ivan Novak obtained a building permit for a “two storey rear addition to the main floor unit of an existing 2-1/2 storey duplex”. The zoning at the time was still R-2A (Residential). It is likely that City staff at the time were not aware of the illegal addition of the third unit in the basement of the original building. Furthermore, it is not clear how such a large addition could have been justified and approved as an addition to one of the two units recognized in the building at the time. According to the Applicant, the addition was attached to the original building by a staircase that serves the original building only, and there is no access into the addition from the staircase.

According to the Applicant, Ivan Novak constructed two new dwelling units in the addition, and the internal floor space was not actually directly accessible from or connected to the main floor unit of the original building. This brought the number of units on the Subject Site to five (5). Based on the definitions in Zoning By-law 3415, the building had become an apartment building (3 or more dwelling units), which was not permitted by the Zoning By-law in effect at the time.

In 1994, the City repealed Zoning By-law 3415 and passed Zoning By-law 60-94. In Zoning By-law 60-94, the Subject Site was zoned R2 (Residential). The R2 Zone permits only single detached dwellings, semi-detached buildings/dwellings and duplexes. A 4-unit apartment building is not permitted.

The Applicant has not been able to provide any documentation that demonstrates the additional units were legal. City staff have checked available City records and found that only two (2) units were ever legalized in the building.

In 1996, Fire Services conducted an inspection of the building. Fire Services noted that the use of the building was an “apartment building”.

The Applicant purchased the property from Ivan Novak in 1998.

In 2005, Fire Services approved a Fire Safety Plan for the building. The Fire Safety Plan noted that there were six (6) apartments in the building. In 2006, Fire Services conducted another inspection of the building. The purpose of these inspections was to ensure the safety of occupants from fire, not to recognize/legalize the use of the Subject Site.

In 2016, the City received a complaint related to the illegal use of the Subject Site as an apartment building. M.L.E.L.S. investigated the illegal use and in 2018, the City charged the Applicant with the use of the Subject Site as an apartment building contrary to Zoning By-law 60-94.

In 2019, the Applicant plead guilty and paid a fine of \$1,500.

According to the Applicant, only two (2) dwelling units are currently rented out and occupied.

The Subject Site is currently assessed as a “fiveplex” for property tax purposes.

## **5.2 Application to Remove Part Lot Control**

In 2019, the Applicant submitted an application to Remove Part Lot Control to the City. The purpose of the application is to divide the Subject Site into two lots following an internal building wall that separates the original building structure from the section of the building comprising the addition. The intent of the Applicant is to divide the existing building such that it becomes a semi-detached building. Attachment 4 is a copy of the draft 40R Plan showing the proposed new lots.

The Applicant’s intention is to legalize one (1) additional dwelling unit in each new lot, since a semi-detached dwelling was permitted to have one (1) accessory apartment in 2019. This would result in two (2) dwelling units on each lot, or four (4) units in total on the Subject Site.

Typically, applications to Remove Part Lot Control to create new lots that are supported by staff are approved by the Commissioner or Director subject to a series of conditions. Conditions for applications of this nature typically include matters related to:

- Taxes being current;
- Compliance with Zoning By-law 60-94, or, approval from the Committee of Adjustment;
- Preparation and deposit of an appropriate 40R plan describing the proposed lots;
- Preparation of a building audit with respect to spatial separation for a new lot line through the building. If necessary, a building permit may need to be obtained for work to bring the building or wall into compliance with the Ontario Building Code Act, 1992, s.o.1992, c.23 (the “O.B.C.”) considering it will now form a property line; and,
- Creation of the additional parking spaces required.

Additional conditions may apply based on the site specific nature of the particular proposal such as requirements for flood-proofing and the conveyance of road widenings.

### 5.2.1 Provincial Policy Statement

The Provincial Policy Statement, 2020 (“P.P.S.”) provides policy direction on matters of provincial interest related to land use planning and development. Section 3.1 of the P.P.S. states, in part:

“3.1.1 Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:

- a) *hazardous lands* adjacent to the shorelines of the *Great Lakes - St. Lawrence River System* and *large inland lakes* which are impacted by *flooding hazards, erosion hazards* and/or *dynamic beach hazards*;
- b) *hazardous lands* adjacent to *river, stream and small inland lake systems* which are impacted by *flooding hazards* and/or *erosion hazards*; and
- c) *hazardous sites.*”

“3.1.2 *Development and site alteration* shall not be permitted within:

- a) the *dynamic beach hazard*;
- b) *defined portions of the flooding hazard along connecting channels* (the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers);
- c) areas that would be rendered inaccessible to people and vehicles during times of *flooding hazards, erosion hazards* and/or *dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the *development* and the natural hazard*; and
- d) a *floodway* regardless of whether the area of inundation contains high points of land not subject to flooding.” [underline added]

“3.1.6 Where the *two zone concept* for *flood plains* is applied, *development and site alteration* may be permitted in the *flood fringe*, subject to appropriate floodproofing to the *flooding hazard* elevation or another *flooding hazard* standard approved by the Minister of Natural Resources and Forestry.”

The two zone concept is an approach to flood plain management where the flood plain is differentiated into two parts: the floodway and the flood fringe.

The P.P.S. defines “development” and “floodway” as follows:

“**Development:** means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the *Planning Act*, but does not include:

- a) activities that create or maintain *infrastructure* authorized under an environmental assessment process;
- b) works subject to the *Drainage Act*, or
- c) for the purposes of policy 2.1.4(a), underground or surface mining of *minerals* or advanced exploration on mining lands in *significant areas of mineral potential* in Ecoregion 5E, where advanced exploration has the same meaning as under the *Mining Act*. Instead, those matters shall be subject to policy 2.1.5(a).” [underline added]

“**Floodway:** for *river, stream and small inland lake systems*, means the portion of the *flood plain* where *development* and *site alteration* would cause a danger to public health and safety or property damage.

Where the one zone concept is applied, the *floodway* is the entire contiguous *flood plain*.

Where the *two zone concept* is applied, the *floodway* is the contiguous inner portion of the *flood plain*, representing that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage. Where the *two zone concept* applies, the outer portion of the *flood plain* is called the *flood fringe*.”

The two zone concept is applied in this area of the City. The Subject Site is located within the floodway. Therefore, as per Policy 3.1.6 of the P.P.S., the severance of the lot is not permitted. The two zone concept is discussed in further detail in Section 5.2.3 of this Report.

## 5.2.2 Oshawa Official Plan

The Subject Site is designated Residential within the Downtown Main Central Area on Schedule ‘A’, Land Use, of the Oshawa Official Plan (the “O.O.P.”). Cartier Avenue and Durham Street are local roads.

The Subject Site is also located within an area identified as Hazard Lands as shown on Schedule ‘D-1’ Environmental Management of the O.O.P.

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

The O.O.P. further specifies, in part, that Hazard Lands shall be used primarily for the preservation and conservation of land and/or the environment. These lands shall be

managed in a manner to complement adjacent land uses and protect adjacent lands from physical hazards. It further specifies that no buildings or structures shall be permitted in Hazard Lands within flood plains.

Policy 5.8.2 of the O.P.P states, in part:

“*Development and site alteration* shall not be permitted within:

- (a) The dynamic beach hazard;
- (b) Areas that would be rendered inaccessible to people and vehicles in times of flooding hazard, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and
- (c) A floodway regardless of whether the area of inundation contains high points of land not subject to flooding.” [underline added]

Policies 5.8.10 and 5.8.11 of the O.O.P. state:

“5.8.10 Prior to approval of a proposed intensification project including *development* within the Two Zone Floodplain Management Policy Area, the City, in consultation with the Conservation Authority, may require the proponent to complete, in addition to other municipal requirements, a thorough assessment to ensure flooding conditions will not be exacerbated for upstream and/or downstream properties. The assessment shall identify and recommend appropriate measures for implementation to address potential impacts.”

“5.8.11 Development and site alteration will generally be directed away from both flooding and erosion hazards and corresponding access allowances associated with watercourses in accordance with policies established by the Conservation Authority and associated technical guidelines for natural hazards, as may be issued by the Ontario Ministry of Natural Resources and Forestry and updated from time to time.”

The O.O.P. defines “development” and “Hazard Lands” as follows:

““*Development*”, except as used in the context described in Policy 9.4.1, means the creation of a new lot, a change in land use, or the construction of buildings and structures, any of which require approval under the Planning Act, or that are subject to the Environmental Assessment Act, but does not include:

- (i) The construction of facilities for transportation, infrastructure and utilities used by a public body;
- (ii) Activities or works under the Drainage Act (in the case of lands on the Oak Ridges Moraine, this applies only to the reconstruction, repair or maintenance of an existing drain approved under the Drainage Act); and

(iii) The carrying out of agricultural practices on land that continues to be used for agriculture uses.” [underline added]

“*Hazard Lands* refer to lands having physical characteristics such as poor drainage, swamps, organic soils, flood and erosion susceptibility, steep slopes, instability or any other physical conditions which could cause property damage, loss of life or damage to the *environment* if developed upon.”

Consistent with the P.P.S., O.O.P. Policy 5.8.2 does not permit the severance of the Subject Site within the floodway. The two zone concept is discussed in further detail in Section 5.2.3 of this Report.

### **5.2.3 Two Zone Flood Hazard Policy**

Significant flood hazards are known to exist along the Oshawa Creek and Goodman Creek upstream of the Canadian Pacific Railway embankment. The severity of flooding within this area is largely attributed to the limited flow capacity provided by the bridge and railway embankment crossing downstream of the confluence of the Goodman Creek and the Oshawa Creek. Since 1997, the City and C.L.O.C.A. have utilized a two zone flood hazard policy to regulate the flood risks within the associated flood plains.

In 2019, the City and C.L.O.C.A. retained Greck to undertake an update to the delineation of the two zone hazard area based on the latest hydrologic and hydraulic modelling for the Oshawa Creek watershed, assess the possible impacts associated with future land use and climate change, and identify possible floodplain reduction solutions.

Greck completed the Two Zone Floodplain Mapping and Flood Mitigation Study (“Two Zone Study”) for the Oshawa and Goodman Creeks in 2021. The report can be accessed on C.L.O.C.A.’s website here: <https://www.cloca.com/oshawa-goodman-creek-study>.

Greck’s Two Zone Study is a tool used by the City and C.L.O.C.A. to implement P.P.S. Policies 3.1.2 and 3.1.6 and O.O.P. Policies 5.8.2 and 5.8.10.

Attachment 5 to this Report is a copy of the floodway and flood fringe mapping from the Two Zone Study. It demonstrates that the Subject Site is located within the floodway.

The Two Zone Study assessed all roads in the study area to determine if they could be safely used during a flood event. This is particularly important to ensure that during a flood event, people could have adequate, safe ingress or egress to and from the flood hazard area. The limit for safe vehicular ingress was defined by roads where during the regulatory storm event, flood depths were equal or greater than 0.4 metres (1.31 ft.). As per Ministry of Natural Resources and Forestry guidelines, a flood depth of 0.4 metres (1.31 ft.) or less allows for passage of private vehicles. Emergency vehicles such as firetrucks or ambulances typically can drive through flood depths of up to 1.0 metre (3.28 ft.).

Attachment 6 is a copy of the safe ingress and egress mapping from the Two Zone Study. The Two Zone Study found that the segments of Cartier Avenue and Durham Street adjacent to the Subject Site would have flooding greater than 0.4 metres (1.31 ft.) in depth during a flood event.

In 2022, the Applicant provided a survey prepared by IBW Surveyors. The survey confirms that the roads are below the flood elevation and that the entire building is susceptible in a flood event, with no safe access to or from the Subject Site.

In any case, the P.P.S. and O.O.P. do not permit development within the floodway whether or not safe access can be provided on the streets.

#### 5.2.4 Zoning By-law 60-94

The Subject Site is zoned R2 (Residential) in Zoning By-law 60-94. The R2 Zone permits only single detached dwellings, semi-detached buildings/dwellings and duplexes. A 5-unit apartment building is not a permitted use.

The following are definitions from Zoning By-law 60-94:

**“DUPLEX”** means the whole of a building, which was not originally constructed as a single detached dwelling, that consists of two dwelling units, one of which has at least fifty percent (50%) of its gross floor area located wholly or partially above the other and each of which has an independent entrance either directly from the outside or through a common vestibule or hallway.

**“SEMI-DETACHED BUILDING”** means a building containing two dwelling units, other than a duplex, with the following characteristics:

- (a) The two dwelling units are attached vertically above and below grade by a common wall at least 6.0m in length and at least one storey, in addition to any basement, in height;
- (b) Each of the two dwelling units has an independent entrance from the exterior; and
- (c) Each of the two dwelling units directly faces the street line.

**“SEMI-DETACHED DWELLING”** means one of the two dwelling units constructed in a semi-detached building.

Although a semi-detached building/dwelling is permitted by the current zoning, the proposed severance would not comply with the following zoning regulations:

- (a) The building would not meet the definition of a semi-detached building. The common wall between each dwelling would be only 4.70 metres (15.42 ft.) long which is less than the minimum length of 6 metres (19.69 ft.);
- (b) The rear yard for Part 2 on the draft 40R Plan (which, together with Part 1, reflect the two new proposed lots) would be entirely paved and result in 0% landscaped open space, whereas a minimum of 50% of the rear yard of a corner lot must be maintained as landscaped open space;
- (c) The rear yard depth for Part 2 would be only 4.55 metres (14.93 ft.) whereas the R2 Zone requires a minimum rear yard depth of 7.50 metres (24.61 ft.); and,

- (d) The front yard depths would be 2.30 metres (7.55 ft.) for Part 1 and 2.70 metres (8.85 ft.) for Part 2, whereas the R2 Zone requires a minimum front yard of 6 metres (19.69 ft.).

The Applicant would have to obtain approval for minor variances from the Committee of Adjustment for relief from these regulations.

In order to comply with the minimum parking requirements for Part 1, a new driveway and parking area would need to be created on the north side of the building accessed from Durham Street.

On May 29, 2023, Oshawa City Council passed an amendment to Zoning By-law 60-94, in part, in response to Bill 23, the *More Homes Built Faster Act*, 2022. Bill 23 introduced permissions for up to two (2) accessory apartments in any serviced residentially zoned detached dwelling, semi-detached dwelling or rowhouse in Ontario. The City's zoning amendment introduced, in part, a regulation that would prohibit the introduction of accessory apartments in any dwellings within any Hazard Lands as determined by C.L.O.C.A.

In addition to the zoning items noted above, the Applicant would also need to apply to the Committee of Adjustment for a minor variance or submit a Zoning By-law Amendment application to request permission to add an accessory apartment in each proposed semi-detached dwelling notwithstanding the flooding hazard, if the subject Removal of Part Lot Control application were approved. This approval would not be necessary to create the separate lots, but it would be required to add the accessory apartments after the lots were created.

There are other properties in this general area that are used or developed as triplexes or apartment buildings. However, these other properties either pre-date regulations preventing intensification within the flood plain, are located in the flood fringe where development is permitted subject to conditions, or are outside of the flood plain altogether. For example, 639 Cartier Avenue was rezoned in 1997 to legalize an existing triplex. However, the property is not within the flood plain, and the road in front of the property is in the flood fringe with flood elevations below 0.4 metres (1.31 ft.).

## **5.2.5 Options**

### **5.2.5.1 Recommended Option 1: Deny the Application to Remove Part Lot Control**

This Department recommends denial of the subject application for the following reasons:

- The P.P.S. does not permit new lot creation within the floodway;
- The O.O.P. does not permit new lot creation within the floodway;
- Safe ingress and egress is not possible to or from the Subject Site during flood events;
- The existing building is susceptible to flooding in a flood event;

- Flood proofing the building would not alleviate the issues associated with the flooding hazard;
- Approving the severance would allow more people to reside on a property that is subject to flooding at levels that pose a potential threat to life;
- C.L.O.C.A. recommends the subject application be denied; and,
- This Department will not support an application for a minor variance or rezoning that would permit additional dwelling units at the Subject Site.

In the event the Economic and Development Services Committee chooses to deny the subject application, the following recommendation should be adopted:

“That the Economic and Development Services Committee recommend to City Council that, pursuant to Report ED-23-187 dated October 11, 2023, the application to Remove Part Lot Control (File: PLC-2019-10) to create two (2) semi-detached dwelling lots on lands municipally known as 574 Cartier Avenue be denied.”

In the event the application is denied, the Applicant will not be able to rent or occupy more than two (2) dwelling units in the building.

#### **5.2.5.2 Option 2: Conditionally Approve the Application to Remove Part Lot Control**

This Department does not recommend approval of the application. However, in the event the Economic and Development Services Committee chooses to approve the application, the following recommendation should be adopted:

“That the Economic and Development Services Committee recommend to City Council that, pursuant to Report ED-23-187 dated October 11, 2023, the application to remove Part Lot Control (File: PLC-2019-10) to create two (2) semi-detached dwelling lots on lands municipally known as 574 Cartier Avenue be approved subject to the following conditions:

- (a) All taxes for the subject site must be current at the time of passing of the by-law;
- (b) The applicant shall submit a building audit prepared by a qualified designer for the assessment of the existing building and use of spaces as separate semi-detached dwellings on separate lots and obtain the necessary building permit;
- (c) The applicant shall obtain a building permit to address the Ontario Building Code requirements including, but not limited to, the required demising wall, spatial separation between semi-detached dwellings, fire separation, Sound Transmission Class, heating, ventilation and air conditioning, plumbing, etc., and all plans shall be prepared by a qualified designer(s), and complete said work;
- (d) The applicant shall demonstrate to the satisfaction of the Region of Durham that a site screening questionnaire has been completed and signed by a qualified person. If potential contamination is found, a Record of Site Condition compliant Phase 1 Environmental Site Assessment report will be required;

- (e) The applicant shall deposit a 40R Plan at the Land Registry Office describing the proposed lots and a copy of the deposited and stamped plan shall be provided to the City upon receipt from the Land Registry Office;
- (f) The proposed lots shall meet the applicable provisions of Zoning By-law 60-94 or, in the alternative, the applicant shall obtain the approval of the Committee of Adjustment for any variances required to ensure conformity with the applicable provisions of Zoning By-law 60-94, and such approvals shall become final and binding prior to the passing of the by-law;
- (g) The applicant shall demonstrate that there are no underground utilities or services on or under the proposed lot line. In the event utilities or services cross property lines, easements shall be required or utilities will need to be relocated at the applicant's expense;
- (h) The applicant shall arrange for and pay the cost of all services required to service the proposed lots in accordance with the policies and/or requirements of the City of Oshawa and the Region of Durham;
- (i) The applicant shall provide a \$400 fixed payment for a street tree in accordance with the City's street tree planting policy;
- (j) The applicant shall obtain all required permits to flood proof all openings into the building to provide a minimum elevation of 105.05 metres (flood elevation of 104.75 metres plus 0.3 metres freeboard). Alternatively, each unit shall be flood proofed in accordance with C.L.O.C.A. requirements;
- (k) All landowners shall enter into Save Harmless/Indemnification Agreements with C.L.O.C.A. and the City, at no cost to C.L.O.C.A. and the City;
- (l) All landowners shall register the said agreements as notices on title with the Land Registry Office, with no end date and held in perpetuity. Proof of registration from the Land Registry Office must be provided to both the City and C.L.O.C.A., prior to the issuance of building permits to create the semi-detached dwellings;
- (m) Any future Purchase and Sale Agreements for any dwelling unit, shall include a clause regarding the Save Harmless/Indemnification Agreement, identifying that it is subject to successors and assigns;
- (n) The Owner shall develop an Emergency Flood Evacuation/Stay in Place Plan, to be posted in each dwelling unit, and included in all Agreements to Purchase and Sale and/or Rental/Lease Agreements;
- (o) Any Rental or Lease Agreements for any dwelling unit shall include warning clauses advising tenants of the flood hazard and the Save Harmless Agreements, and that the Subject Site does not have safe access for emergency vehicles during a flood event;

(p) Any Rental or Lease Agreements for any dwelling unit shall include clauses in which tenants are advised that they are also subject to the Save Harmless/Indemnification Agreement between the Owner, C.L.O.C.A. and the City; and,

(q) This conditional approval shall expire on October 30, 2025.”

This Department and C.L.O.C.A. do not recommend approval of the application. However, these conditions are provided for Council’s consideration in the event Council decides to approve the application. These conditions do not bring the application into conformity with the P.P.S. and O.O.P. Conditions (j) to (p) were prepared in consultation with C.L.O.C.A.

The Applicant would need to satisfy these conditions to the satisfaction of the City and/or C.L.O.C.A. prior to final approval and passing of the by-law by the Director or Commissioner.

Conditional approval of the application would not grant automatic permission to add the proposed accessory apartments in each semi-detached dwelling.

In order to obtain the building permit required to convert the building to a semi-detached dwelling in accordance with these conditions, the Applicant will be required to pay the applicable development charges and cash-in-lieu of parkland fee based on the difference between a duplex and two (2) semi-detached dwellings.

## **6.0 Financial Implications**

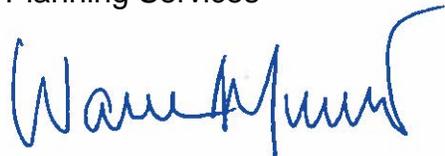
There are no financial implications associated with the Recommendation in this Report.

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

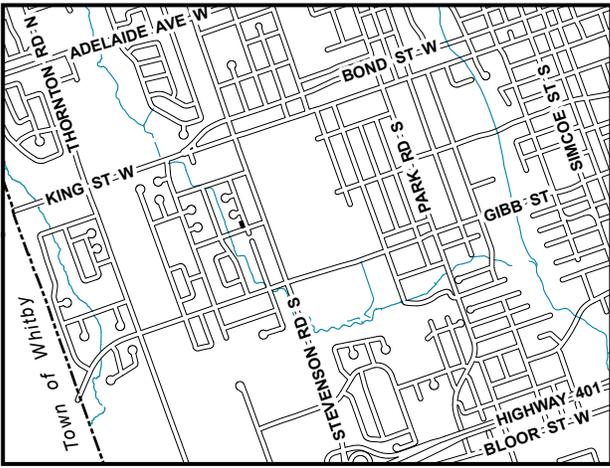
The Recommendation advances the Accountable Leadership and Environmental Responsibility goals of the Oshawa Strategic Plan.



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



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



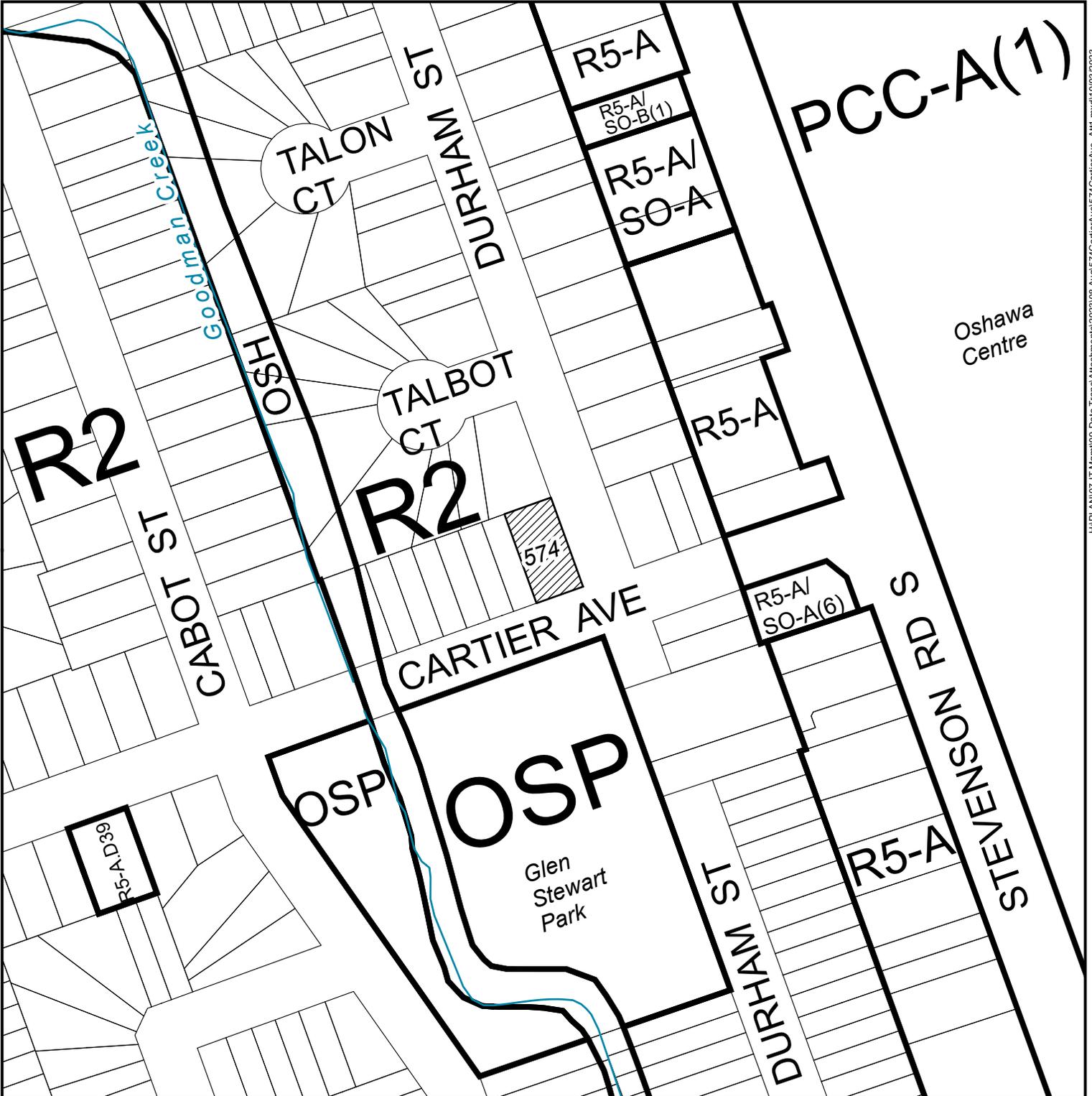
Item: ED-23-187  
Attachment 1

Economic and Development Services

Subject: Application to Remove Part Lot Control, John Novak  
Address: 574 Cartier Avenue  
Ward: Ward 4  
File: PLC-2019-10



Subject Site



Subject: Application to Remove Part Lot Control, John Novak  
Address: 574 Cartier Avenue  
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Item: ED-23-187  
Attachment 2



 Subject Site

City of Oshawa  
Economic and Development Services 



HiPLANN07-IT Mgmt09-Data TransAttachments2023108 Aug1574CartierAve574CartierAve\_A12.mxd(1/03/2023

**Item: ED-23-187  
Attachment 3**

**Title:** Photo of Subject Site  
**Subject:** Application to Remove Part Lot Control, John Novak  
**Address:** 574 Cartier Avenue  
**Ward:** Ward 4  
**File:** PLC-2019-10

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





Title: Floodway and Flood Fringe  
(Oshawa-Goodman Creek 2 Zone Flood Study, Greck and Associates, 2021)  
Subject: Application to Remove Part Lot Control, John Novak  
Address: 574 Cartier Avenue  
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Item: ED-23-187  
Attachment 5

City of Oshawa  
Economic and Development Services



### Legend

- Flood Way
- Flood Fringe
- ☆ Subject Site



Title: Safe Ingress/Egress Through Floodplain  
(Oshawa-Goodman Creek 2 Zone Flood Study, Greck and Associates, 2021)  
Subject: Application to Remove Part Lot Control, John Novak  
Address: 574 Cartier Avenue  
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File: PLC-2019-10



### Legend

- 2A Regulatory Floodplain
- Depths Greater than 0.4m through Roadway
- ☆ Subject Site

