Members:

Ward 8 – Councillor Bill Marra (Chairperson)

Ward 4 - Councillor Chris Holt

Ward 7 - Councillor Irek Kusmierczyk

Ward 9 - Councillor Hilary Payne

Ward 5 – Councillor Ed Sleiman

Member Lynn Baker
Member Barbara Bjarneson
Member Simon Chamely
Member Michael DiMaio
Member Andrew Foot
Member Anthony Gyemi
Member John Miller
Member Dorian Moore
1. CALL TO ORDER

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

4. COMMUNICATIONS

5. ADOPTION OF THE PLANNING ACT MINUTES
   5.1. Minutes of the Planning, Heritage & Economic Development Standing Committee meeting held November 9, 2015 (Planning Act Matters)

6. PRESENTATION & DELEGATIONS (PLANNING ACT MATTERS)

7. PLANNING ACT MATTERS
   7.1. CDM-005/15 [CDM/4525] - 1849677 Ontario Ltd. - 3820 Tecumseh Rd. E. - Condo Conversion
        Ward 5 S 50/2015
   7.2. CDM-004/15 [CDM/4524] - 1849677 Ontario Ltd. - 3580 Seminole St. - Condo Conversion
        Ward 5 S 27/2015
        Ward 6 S 21/2015
8. **ADOPTION OF THE MINUTES**
   8.1. Minutes of the Planning, Heritage & Economic Development Standing Committee meeting held November 9, 2015

9. **PRESENTATIONS AND DELEGATIONS (COMMITTEE & ADMINISTRATIVE MATTERS)**

10. **HERITAGE ACT MATTERS**
   10.1. Hong Family House, 1566 Pillette Road - Heritage Alteration Permit & Community Heritage Fund S 51/2015

11. **ADMINISTRATIVE ITEMS**
   11.1. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 9082 TECUMSEH (CANADA) LTD / AMERCO / U-Haul for the former Wickes Manufacturing / Windsor Bumper Co. facility located at 9082, 9100, and 9152 Tecumseh Road East (Ward 8) S 57/2015

12. **COMMITTEE MATTERS**

13. **QUESTION PERIOD**

14. **ADJOURNMENT**
Subject: Minutes of the Planning, Heritage & Economic Development Standing Committee meeting held November 9, 2015 (Planning Act Matters)
A meeting of the Planning Heritage & Economic Development Standing Committee is held this day commencing at 4:30 pm in Council Chambers, there being present the following members:

Councillor Marra
Councillor Sleiman
Councillor Payne
Councillor Kusmierczyk
Councillor Holt

Citizens
Anthony Gyemi
Dorian Moore
Barb Bjarneson

Regrets

Delegations

Also present are the following from Administration:
Wira Vendrasco, Deputy City Solicitor
Thom Hunt, City Planner
Don Wilson, Manager of Development Applications
Jim Abbs, Planner III
Greg Atkinson, Planner III
Justina Nwaesei, Planner II (4:39 pm)
John Calhoun, Heritage Planner (4:51 pm)
Adam Pillon, Public Works – Engineering
Matt McCulloch, Public Works - Engineering
John Revell, Chief Building Official
Dan Lunardi, Manager of Inspections (East)
Anna Ciacelli, Supervisor of Council Services
Marianne Sladic, Senior Steno Clerk, Planning

1. **CALL TO ORDER**
The Chair calls the meeting to order at 4:30 pm.

The Chair goes over the process of the Committee.

2. **DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**
None
3. **REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS**

None

4. **ADOPTION OF MINUTES**

Moved by Councillor Sleiman, seconded by Anthony Gyemi.

**THAT** the minutes of the meeting of the Planning & Economic Development Standing Committee held Monday, October 13, 2015 BE ADOPTED.

Motion **CARRIED, UNANIMOUSLY.**

5. **COMMUNICATIONS**

None

6. **PRESENTATIONS AND DELEGATIONS**

None

7. **PLANNING ACT MATTERS**

The Chair asks if there are any delegates present for any of the items.

7.1 **ROBERT ETHIER – 3329 Sandwich St.**

Mr. Jim Abbs presents the item on behalf of Adam Szymczak.

Mr. David Sundin (solicitor) and Mr. Ethier are available for questions. Mr. Sundin advises they are in agreement with the recommendations. Mr. Sundin notes the applicant has fully renovated the units.

Ms. Bjarneson requests comment from applicant regarding a complaint from a tenant advising the building was unsafe. Mr. Sundin was surprised to hear of the complaint, advising he’s seen both units and is impressed with the finishes and work that have gone into them from foundation to roof.

Ms. Bjarneson inquires how many units there are in the main building? Mr. Sundin advises there is a 2-bedroom basement unit with fully equipped kitchen and laundry facility. The main floor has 7 bedroom units with shared kitchen and bathroom facilities and a separate laundry facility on the main level.

Ms. Bjarneson inquires as to access with single lane driveway. Mr. Sundin notes there is ample space between the main building and the additional single room dwelling for parking which is accessible through the single and a half lane driveway. Ms. Bjarneson inquires if a number of the residents have cars? Mr. Sundin advises only one tenant has a car at the moment.
Councillor Sleiman inquires the size of the 1-bedroom unit? Mr. Ethier advises it’s approximately 400 sq. ft. Councillor Sleiman inquires the size of the main building? Mr. Ethier advises it’s roughly 1500 sq. ft. two-storey.

Councillor Sleiman asks if the 1-bedroom unit is currently rented? Mr. Ethier confirms it is. Councillor Sleiman asks if it is a family member? Mr. Ethier advises it is a single individual.

Councillor Sleiman inquires if the applicant intends to sell the 1-bedroom house/unit in future? Mr. Ethier advises he does not.

To Administration, Councillor Sleiman asks if it is possible to sell the 1-bedroom unit? Mr. Abbs advises they cannot sever the property due to lack of space to create two lots on the site.

Ms. Bjarneson inquires whether the applicant has concerns over proper zoning for the 9 bedroom unit in the main building given that it generally houses students? Also, about the safety of the building, referring to questions posed at the last meeting, presuming they’ll be addressed through the Building Code and concerns from Police? Finally, question concerning the storage shed and whether that may be converted to another unit in future? Mr. Abbs refers the question to the Building Dept. Mr. Revell advises the applicant will be required to apply for a building permit in order to remove the Holding Provision which will require a review and inspection of the property in order to ensure it meets compliance and all safety systems are in place. In regards to the storage shed, it would have to go back for review to ensure it complies with all zoning regulations and by-law requirements, and also subject to Ontario Building Code Provisions to ensure safety for any future use. This would require a rezoning to convert the shed.

Ms. Bjarneson inquires whether the main unit was reviewed and inspected when it was converted to a 9-bedroom residence? Mr. Revell advises the most recent permit they have on file is from 1960. The topic is currently the additional 1-bedroom unit. The building department would not have any reason to inspect the main building. Ms. Bjarneson inquires if in order to inspect the main unit, it would need to be complaint driven? Mr. Revell confirms. Mr. Abbs adds the application is specifically for the one-bedroom dwelling unit in an existing ancilliary building. Mr. Revell advises there have been complaints received in the past that have been addressed, mostly for property standards and building condition issues.

Mr. Gyemi inquires whether the unit will be reviewed as originally a garage to unit or as a new build? Mr. Revell advises it is being reviewed as an existing building and must meet the minimum standards of the Building Code. It doesn’t ensure the quality of the construction, but must ensure the safety and security of the building for approval.

Mr. Gyemi inquires whether the building will require a separate address? The Chair advises that question is address in Section 2b of the recommendations. Mr. Abbs advises it will have a unique address.

The Chair asks if there is anyone else in attendance regarding this application.

Moved by Ms. Bjarneson, seconded by Councillor Holt.

1. That an amendment to Zoning By-law 8600 **BE APPROVED** changing the zoning of the northerly Part of Lot 10, Registered Plan 40 (PIN 01253-0323), situated on the east side
of Sandwich Street, south of Brock Street, known municipally as 3329 Sandwich Street by adding a site specific provision with a holding symbol on the following basis:

“325. For the lands comprising of the northerly Part of Lot 10, Registered Plan 40 (PIN 01253-0323), situated on the east side of Sandwich Street, south of Brock Street, one dwelling unit in an existing building ancillary to the main residential use in the main building is an additional permitted use. [ZDM 4; ZNG/4488]”

2. That the holding symbol BE REMOVED when the Owner makes application to remove the holding symbol and when the following conditions have been satisfied:

a) The Owner obtain an occupancy permit for the one dwelling unit in the building identified as “1 Bedroom house” in Appendix B – Applicant Site Plan in the Staff Report to the Planning, Heritage and Economic Development Standing Committee (File No. Z-013/15 [ZNG/4488]); and

b) The Owner obtain an additional municipal address number on the existing property for the dwelling unit in the building identified as “1 Bedroom house” in Appendix B – Applicant Site Plan in the Staff Report to the Planning, Heritage and Economic Development Standing Committee (File No. Z-013/15 [ZNG/4488]).

Ms. Bjarneson noted concern over the main building but has been relieved to hear from the solicitor that it has been renovated.

Motion CARRIED, UNANIMOUSLY.

7.2 PENSKE TRUCK LEASING CANADA – 4505 Fourth St.

Mr. Jim Abbs presents the item, noting also correction to Page 3 of the report. Advises Ambassador Drive should actually read Fourth St.

Mr. Joe Passa (architect/agent) is available for questions and is in agreement with the recommendations.

Ms. Bjarneson inquires whether there will be more lighting, given the request for an auto dealership and will that be handled under Site Plan Control? Mr. Abbs advises there is currently a Site Plan Agreement on the site. The only time Site Plan would come into play again is if there was any new construction to the site, which there is not. Mr. Passa advises that at this time the applicant has only made comment about internal renovations. There has been no discussion regarding any external changes/renovations. Ms. Bjarneson inquires about the extent of the lighting? Mr. Passa advises that he doesn’t believe there would be any significant increase/change to the lighting necessary.

The Chair asks if there is anyone in the audience to speak on the application.

The Chair asks Mr. Abbs if he still stands by his recommendation? Mr. Abbs advises he does.

Moved by Mr. Gyemi, seconded by Councillor Kusmierczyk.
1. **THAT** an amendment to Zoning By-law 8600 **BE APPROVED**, amending the zoning for Lots 26 To 39; 67 To 81; 96 To 110; 139 To 153 & Part of Lots 66, 111 and 138, Part of Closed Hudson & Fifth Streets; Part Closed Alley, Plan 1154; Lots 19 To 22, Part of Closed Alley Plan 1209;( Parts 63, 65, 67, 69, 71, 77, 79, 81, 83, 85 and 87, 12R-4051; Parts 5 & 6, 12R-10153,City of Windsor, (Municipally known as 4505 Fourth Street) from Manufacturing District (MD) 1.4 to (Holding) Manufacturing District (H)MD1.4 with special provisions to add the following permitted use:

   “A Motor Vehicle Dealership.”

2. That the Hold symbol be removed from the site when the following requirements are met:

   i.) “enclose the roadside ditch along Continental Avenue abutting the subject property in a manner satisfactory to the City Engineer.”

   ii.) “Construct at their own expense and according to City of Windsor specifications, a concrete curb and gutter along Continental Avenue abutting the subject Lands. All work to be to the satisfaction of the City engineer, **OR**

       Pay the Corporation, the sum of $1500.00 being the owner’s contribution towards future construction of concrete curb and gutter along Continental Avenue abutting the subject property.”

Motion **CARRIED, UNANIMOUSLY.**

The Chair concludes the Planning Act portion of the meeting.

There being no further business, the meeting is adjourned at 4:52 pm.

__________________________________________

Councillor Bill Marra, Chair

__________________________________________

Don Wilson, Secretary
MISSION STATEMENT
“Our City is built on relationships – between citizens and their government, businesses and public institutions, city and region – all interconnected, mutually supportive, and focused on the brightest future we can create together”

REPORT #: S 50/2015
Report Date: 12/2/2015

Author’s Contact:
Tom Cadman, MCIP, RPP
Planner III, Subdivisions
tcadman@citywindsor.ca
519-255-6543, ext. 6457

Date to Council: 12/14/2015
Clerk’s File #: ZP/12384

To: Mayor and Members of City Council

Subject: CDM-005/15 [CDM/4525] - 1849677 Ontario Ltd. - 3820 Tecumseh Rd. E. - Condo Conversion
Ward 5

RECOMMENDATION:
That the application of 1849677 Ontario Limited for approval of a draft plan of condominium for a property legally described as the North Part of Lot 362 to 364, inclusive Plan 961, Parts 1 and 2, 12R-1996, City of Windsor known municipally as 3820 Tecumseh Road East, to permit the conversion of a 3-storey rental apartment building containing 23 residential dwelling units to condominium tenure, as shown on the attached Map No. CDM-005/15-2, BE APPROVED subject to the following:

A. The owner shall enter into a condominium agreement to provide for the following together with all items contained in the Consultation section of this report;
B. That the draft plan approval shall lapse on __________ (3 years from the date of approval);
C. Existing tenants shall be given a right of first-refusal to purchase the dwelling unit they presently occupy;
D. In the event that existing tenants do not exercise their option to purchase their dwelling unit, they shall be offered a life time non-transferable lease which shall be registered on title and binding on all subsequent owners. Such lease shall be satisfactory in form and content to the City Solicitor;
E. The owner shall agree to comply with and remedy all site/building defects and deficiencies, including submission of applicable certificates, as contained in the:
   1. Building Condition Assessment report prepared by TSS Building Science (London) Incorporated, completed April 3, 2015, with all corrections and improvements to be cleared as completed by a Professional Engineer retained by the owner; and
   2. Building Department’s Order to Repair dated October 28, 2015, as included in Appendix ‘A’ of this report.
All corrections and improvements shall be to the satisfaction of the Chief Building Official.

F. The owner shall agree to comply with and address any requirements identified in the Public Works Department – Engineering -Development, Projects & Right-of-Way October 15, 2015 comments (in Appendix ‘A’), as indicated below, to the satisfaction of the City Engineer or designate:

1. Installation of a sanitary sewer-sampling manhole, if one does not exist, at the property line; and
2. Provide City with an easement centered over the existing municipal sewers on private property, at it’s entire expense.

G. The owner shall agree to remedy all safety and security deficiencies identified in the Windsor Police Services October 19, 2015 comments (in Appendix ‘A’), as indicated below, to the satisfaction of the Director of Planning for Windsor Police Services:

1. Installation of locks of higher security (i.e. Medeco, Primus) with a key design that is patent protected and where unauthorized key duplication is restricted, on all exterior doors of the building;
2. Repair or replacement of the fencing at the northeast corner of the property to deter trespassing through this area of the property;
3. Provision of a certificate, prepared by a qualified lighting consultant/engineer, verifying that, as per Section 3.2.7.1 of Ontario Regulation 332/12, that every exit, public corridor or corridor providing access to an exit, shall be equipped to provide illumination to an average level of not less than 50 lux (4.64 foot-candles) at floor or tread level and at all points such as angles and intersections at changes of level where there are stairs or ramps and that the minimum value of the illumination shall be not less than 10 lux (0.93 foot-candles);
4. Removal of any graffiti on the building or other structures on the property; and
5. Trimming and thinning of all trees and shrubbery located on the site, particularly at in front of first floor windows, to provide appropriate visibility for security purposes.

H. The owner shall agree to submit a photometric plan to both the Corporation’s Landscape Architect and the Director of Planning for Windsor Police Services for approval, prior to final approval and registration of the condominium plan. The photometric plan shall be prepared by a qualified lighting consultant (i.e. lighting engineer, landscape architect, etc.) in accordance with the City Guidelines found in CR228/2005 Lighting Intensity Standards Study, showing all anticipated lighting improvements, including replacement of existing fixtures that are not of “Full Cut-Off” type. The photometric plan shall include any manufacturer product data sheets and verification that any proposed fixtures are ‘Full Cut-Off’, with the following minimum and maximum illumination levels measured in foot-candles (Fc):

a. uncovered parking areas - 0.5 min./4.0 max.;
b. walkways - 0.5 min./2.0 max.;
c. building entrances - 3.5 min./8.0 max.;
d. loading and outdoor garbage storage areas - 1.0 min./2.5 max.; and
e. after hours lighting (11:00pm to 5:00am) - 0.5min./2.0max.
I. The owner shall agree to address the requirements identified in the comments from the Corporation's Landscape Architect's September 28, 2015 comments (in Appendix 'A'), as indicated below, to the satisfaction of the Corporation's Landscape Architect:

1. Submission of a Landscape Plan (3 full-size copies of all plans) prior to final approval and registration of the condominium plan. The Landscape Plan shall be prepared by a Landscape Architect registered with the OALA, complete with plant material, surface treatments, site amenities, proposed exterior lighting (including wall mounted luminaries) and all details. The Landscape Plan shall include the location of all existing and proposed light fixtures and any manufacturer product data sheets and verification that any replacement or proposed fixtures are ‘Full Cut-Off’.

The plan is to address the following issues:

a. Consideration of a wider diversity of Genus when selecting species, in order to reduce total loss during a pathogen epidemic as seen with the Emerald Ash Beetle and Dutch Elm Disease;

b. Selection of plant species capable of withstanding the Windsor/Essex County climatic including cold and heat hardiness, soil conditions, and any other environmental conditions that may affect the sustainability of a plant's health; and

c. Coordination of trees and light poles/signs to reduce conflict.

2. Payment of a cash-in-lieu equivalent of street tree fees for six (6) trees, as required on a per lot basis, as per CR332/79, in accordance with the Corporation's Schedule of Fees.

J. The owner shall agree to address the requirements identified in the Diversity and Accessibility Officer's October 9, 2015 comments (in Appendix 'A'), as indicated below, to the satisfaction of the Diversity and Accessibility Officer and the Chief Building Official:

1. Provision of a minimum of 2 barrier free entrances to building. One of the barrier-free entrances shall be the principal entrance to the building and the other one shall be off of a primary parking area;

a. Every barrier-free entrance shall be equipped with a power door operator. Such power door openers shall be mounted according to the specifications set out in the Ontario Building Code;

b. If a barrier-free entrance incorporates a vestibule (like the primary entrance in this case), a door leading from the vestibule into the floor area shall be equipped with a power door operator; and

2. Installation of signage at any non-accessible entrances that directs persons to an accessible entrance.

K. The owner shall agree to provide a minimum of 1 Type 'A' (3.5m x 5.5m) accessible parking space, as per By-law 8600, as close as possible to the main entrance or secondary entrance, designated with appropriate signage and with access aisles that meet the specifications as set out in the Integrated Accessibility Standards under the AODA and a bicycle rack facility accommodating a minimum of 3 bicycles at a visible and safe location near an entrance to the building. All improvements are to be to the satisfaction of the City Engineer and Chief Building Official;

L. The owner shall agree to provide adequate storage space for appropriate and approved garbage, recycling and yard waste containers, in compliance with municipal by-laws, to the satisfaction of the Manager of Environmental Services and Chief Building Official;
M. The owner shall agree to include a warning clause in the condominium agreement to the satisfaction of the City Solicitor, indicating to future condominium owners that there are a limited number of on-site parking spaces available and that a designated parking space for every dwelling unit may not be available.

II That the owner shall submit an application to close the alley on the north side of the property and acquire it in order to assume the sewers within the alley that service the property, to the satisfaction of the City Engineer, Manager of Development, and Chief Building Official;

III Final approval of the plan of condominium shall not be considered until all of the required works or undertakings identified in ‘1. Recommendations I’ of this report have been completed to the satisfaction of the respective agencies and departments, and a Condominium Agreement has been registered against the subject lands.

EXECUTIVE SUMMARY:
N/A

BACKGROUND:
APPLICATION INFORMATION:
LOCATION: Northeast corner of Tecumseh Road East and Westcott Road and is known municipally as 3820 Tecumseh Road East (North Part of Lot 362 to 364, inclusive Plan 961, Parts 1 and 2, 12R-1996).
WARD: 5 PLANNING DISTRICT: 4 ZDM: 11
APPLICANT: 1849677 ONTARIO LIMITED
AUTHORIZED AGENT: MHBC Planning, Urban Design & Landscape Architecture
PROPOSAL: The applicant is applying for condominium approval to permit the conversion of a 3-storey apartment building constructed in 1974, containing 23 residential dwelling units (1 formerly a commercial unit has been converted to an apartment), from rental to condominium tenure.
**SITE INFORMATION:**

<table>
<thead>
<tr>
<th><strong>OFFICIAL PLAN</strong></th>
<th><strong>ZONING</strong></th>
<th><strong>CURRENT USE</strong></th>
<th><strong>AVAILABLE PARKING</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Mixed Use</td>
<td>Commercial District CD2.1</td>
<td>23 Residential Dwelling Units</td>
<td>Total of 23 spaces</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>WIDTH</strong></th>
<th><strong>DEPTH</strong></th>
<th><strong>AREA</strong></th>
<th><strong>PARKING @ 1.25 SPACES PER UNIT</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>35.01 m</td>
<td>Irregular</td>
<td>0.11 hectares</td>
<td>Total 29 spaces</td>
</tr>
<tr>
<td>114.85 ft</td>
<td>Irregular</td>
<td>0.27 acres</td>
<td></td>
</tr>
</tbody>
</table>

*All measurements are approximate.*
NEIGHBOURHOOD CHARACTERISTICS:
The subject property has frontage on the north side of Tecumseh Road East. The surrounding uses are comprised of an alley and singled detached dwellings to the north, retail and automotive service uses to the east, commercial and personal service uses to the south and mixed uses to the west.

TRAFFIC, ACCESS AND PARKING:
The building has access from Tecumseh Street East, a Class II Arterial Road and the parking area has access off both Tecumseh Street East and through an alley to the north of the property, from Aubin Road, a Local Road.

Section 11.5.4.3 (h) of the Official Plan stipulates that applications for conversion of rental buildings to condominium, must address the adequacy of on-site parking. The parking supply is discussed further under the Planning Act Matters - ‘Zoning By-law’ Section of this report.

RELATIONSHIP TO MUNICIPAL SERVICES:
Windsor Transit operates the Transway 1C bus route on Tecumseh Road East, adjacent to the subject property.

DISCUSSION:
N/A

RISK ANALYSIS:
N/A

FINANCIAL MATTERS:
N/A

CONSULTATIONS:
Comments received from municipal departments, service units and external agencies are included in Appendix ‘A’.

As required in the Planning Act, notice was provided by advertisement in the Windsor Star. In addition, a courtesy notice to all property owners and tenants within 120 metres (400 feet) of the subject parcel were sent by mail.

PLANNING ACT MATTERS:

PLANNING ANALYSIS:

OFFICIAL PLAN:
The subject property is designated “Mixed Use” in the City of Windsor Official Plan. The use is a permitted use.

The City of Windsor has established policies for conversion that are set out in the Official Plan. The policies cover a variety of items including site and building upgrading and tenant
accommodation and notification, and rental vacancy rate benchmarks (see attached Appendix 'B'). These City of Windsor policies are designed to protect the interests of tenants and future condominium owners.

**EVALUATION OF STRUCTURAL INTEGRITY, LANDSCAPING AND SAFETY OF TENANTS:**

Comments have been prepared by the appropriate individuals and municipal divisions regarding items such as structural integrity of the building and property standard compliance, upgrading of landscaping, the appropriateness of the site, and safety issues related to the building and safety of the residents. Comments on these items are contained in this report and have been included in the recommendations section.

**TENANT ACCOMMODATION:**

The requirements of the Official Plan policies for satisfying the “feasibility of accommodation of existing residents of the rental housing development within the proposed condominium development”, will be addressed by the applicant offering all tenants in the complex who do not wish to purchase their unit, a lifetime lease. No tenant will be required to vacate their unit by reason of sale of the unit. However, tenants will remain subject to all applicable rental legislation.

**RESIDENTIAL RENTAL MARKET VACANCY RATE:**

The Official Plan policies specify that if the vacancy rate is above 3%, conversions may be allowed. The most recent figures from Canada Mortgage and Housing (October 2014) indicate that the vacancy rate for the City of Windsor is approximately 4.3%.

**IMPACT ON RENTAL HOUSING SUPPLY & RENTAL AFFORDABILITY:**

The Official Plan policies specify that the conversion of rental housing to condominium status will not have an adverse impact on the supply of rental housing in the City and as it relates to affordable housing. The proposed conversion, when totalled with any other dwelling units which have been approved for conversion in the previous two-year period, cannot result in the conversion of 5% or more of the existing rental stock. Currently, the percentage of units approved for conversion in the last two years, is 0.6 percent of the existing rental supply.

The building is comprised of 1-bedroom units that have rents ranging from $548.52 to $695.00 per month, for an overall average of $524.02 per month. The 2014 CMHC Rental Market Report for the Windsor CMA, indicates the average rent for a building with 1-bedroom units in Windsor is $661.00. The average monthly rental for units within this building is below the average rental rate for the Windsor CMA.

**TAXATION IMPLICATIONS:**

Unrelated to consideration of planning issues, there are tax implications that Council has requested on previous condominium conversion applications to be included as part of administration’s reports. This information can be found under the Taxation section in Appendix ‘A’.

**ZONING BY-LAW**

The property is zoned Commercial District 2.1 (CD2.1) in By-law 8600, which does not permit a multiple dwelling building (See attached Appendix 'C'). However, the building was constructed in 1974, prior to adoption of By-law 8600, under By-law 728 and was zoned C2. The C2 zoning permitted any use in the C1 zone, which permitted any R3 uses which included multiple dwellings. Therefore, the existing residential use is a legal non-conforming use and is permitted.
The evaluation criteria for development listed in 6.3.2.5 (d) of the Official Plan, states that a development must have adequate off-street parking. There are a total of 23 parking spaces available on the site. Zoning By-law 8600 requires 29 parking spaces. However, Section 24.10.15.1 of By-law 8600 stipulates that a deficiency does not have to be made up if the existing building had insufficient parking spaces, visitor parking spaces, accessible parking spaces or bicycle parking spaces, prior to the adoption of By-law 8600. Such is the case with this property.

However, it is recommended that a minimum of one (1) Type ‘A’ (3.5m x 5.5m) accessible parking space be designated with appropriate signage and a bicycle rack facility accommodating a minimum of 3 bicycles be installed at a visible and safe location near an entrance.

There currently does not appear to be a parking problem with this property. Since the approval of this application will only result in a change of tenure of the dwelling units in the building, not the overall number of units and given the proximity to a Transit Windsor bus route on Tecumseh Road East, as well as the availability of alternate on-street parking on both Westcott Road and Aubin Road, 23 parking spaces would appear to be adequate to meet the needs of condominium owners and tenants.

**PARKLAND CONVEYANCE/PAYMENT-IN-LIEU:**

The requirement for parkland conveyance/cash-in-lieu thereof, was addressed for this property at the time the building permit was issued in 1973 (refer to Council Resolution CR416/2007 in Appendix ‘B’).

**ACCESSIBILITY:**

Pursuant to the Accessibility for Ontarians with Disabilities Act 2005, the Province of Ontario is developing mandatory standards for the built environment.

The City of Windsor does not warrant or confirm that approval of a condominium conversion will be sufficient to achieve compliance with future built environment standards.

**ISSUES TO BE RESOLVED:**

The applicant will be responsible for the completion of all the improvements and corrections to the building and property, as identified in the Recommendation and Consultation sections of this report.

**CONCLUSION:**

The application has been processed and evaluated considering the Ontario Planning Act and Condominium Act, City of Windsor Official Plan policies and comments received from municipal staff and outside agencies. Administration is recommending that the draft plan be approved based upon the relevant legislation and policies of the Official Plan.

Approval is to be granted upon the satisfactory completion of the improvements and corrections to the property related to the dwelling units, safety, security and amenity features, as identified in the Recommendation and Consultation sections of this report. All physical improvements to
the site and building are to be completed prior to final approval by the City and registration of
the condominium plan.
I concur with the above comments and opinion of the Registered Professional Planner.

Don Wilson, Manager of Development Applications

Thom Hunt, City Planner/Executive Director

I am not a registered Planner and have reviewed as a Corporate Team Leader

SAH    HR

APPENDICES:

1. APPENDIX A - Agency Comments
2. APPENDIX B - Excerpts from City of Windsor Official Plan
3. APPENDIX C - Excerpts from Zoning By-law 8600
4. APPENDIX D - Plan of Condominium
5. APPENDIX E - Site Photos
APPENDIX ‘A’
COMMENTS FROM DEPARTMENTS AND EXTERNAL AGENCIES

BUILDING INSPECTION DIVISION:

To: 1849677 ONTARIO LTD
     C/O MIKE MEDAOUI
     470 DUNDAS ST SUITE 106
     LONDON ON N6B 1W3

Description: PLAN 961; N PT LOT 362 TO 364; RP 12R1996; PARTS 1 & 2

Property Address: 3820 TECUMSEH RD E

Roll Number: 010-380-00100-0000

Violation Number: 15 209291

Date of Inspection: October 28, 2015

WHEREAS Section 15.1(3) of the Building Code Act, S.O. 1992, c.23, as amended, authorizes municipalities to enact by-laws prescribing standards for the maintenance and occupancy of all property within the municipality and for prohibiting the occupancy or use of such property that does not conform to the standards; and for requiring any property that does not conform with the standards to be repaired and maintained to conform with the standards as described herein or the site to be cleared of all buildings, structures, debris or refuse and the lands left in a graded and levelled condition;

AND WHEREAS the Official Plan for The Corporation of the City of Windsor includes provisions relating to property conditions as required by section 15.1(3) of the Building Code Act, S.O. 1992, c.23, as amended;

AND WHEREAS The Corporation of the City of Windsor has passed By-law 147-2011 as amended by by-law 213-2011, being a By-law to establish Standards for the Maintenance and Occupancy of Property in the City of Windsor;

TAKE NOTICE that the property, owned by you, situated at: 3820 TECUMSEH RD E

Does not conform to the standards set forth in By-law Number 147-2011 as amended by By-law 213-2011

 DESCRIPTION OF PROPERTY: This is a 3 storey, brick clad multi-residential building.

DEFECT 1: Section 1.1
Every owner of a residential property shall maintain the property or part thereof they occupy or control in a clean, sanitary and safe condition in accordance with municipal by-laws.

CORRECTION:
(1) REPLACE NORTH ENTRANCE LIGHT (BULB & COVER)
(2) REPLACE EXTERIOR LIGHT FIXTURE @ THE SOUTH STAIRWELL ROOF ACCESS DOOR
(3) PROVIDE AN E.S.A. CERTIFICATE OF INSPECTION FOR THE BUILDING

DEFECT 2: Section 1.7
All exterior walls shall be maintained in a watertight condition and in good repair so that they remain straight, level and plumbed (unless otherwise designed), presenting an appearance that is uniform and neat in the opinion of the Officer and free from any damaged, defective, unsecured or deteriorated materials and any conditions that may result in the infestation of rodents, vermin or insects.
CORRECTION:
(1) REPOINT DAMAGED/OPEN MORTAR JOINTS THROUGHOUT THE EXTERIOR OF THE BUILDING & REPLACE ANY CRACKED OR DAMAGED BRICK CLADDING:
   (a) THE LOWER 3' PORTION OF BRICK ON THE NORTH WALL
   (b) DAMAGED BRICK ON BOTH NORTH & SOUTH EXTERIOR STAIRWELL ACCESS WALLS LOCATED ABOVE THE FLAT ROOF
(2) SEAL ALL EXTERIOR PENETRATIONS ON THE EAST SIDE @ THE HYDRO CABLE
(3) REPLACE THE NORTH SIDE DRYER VENT COVER @ GROUND LEVEL
(4) INSTALL COVERS ON ALL EXTERIOR A/C SLEEVES AS / P.ENG. REPORT

DEFECT 3: Section 1.9
All stairs, porches, landings, loading docks, guards, handrails, balconies, canopies, awnings, fire escapes, rainwater pipes, flashings, and supports for solar panels, air conditioners and all similar equipment shall be maintained in good repair, properly anchored and free from defects and unsafe conditions.

CORRECTION:
(1) REPLACE DAMAGED/MISSING STAIR NOSING THROUGHOUT BOTH STAIRWELLS
(2) SECURE HANDRAIL CAPPING ON THE FRONT (SOUTH) STAIRS ON THE LANDING BETWEEN THE 1ST & 2ND FLOORS

DEFECT 4: Section 1.32
The integrity of all fire separations shall be maintained.

CORRECTION:
SEAL ALL PENETRATIONS (ELECTRICAL) FROM THE HALLWAY INTO THE STAIRWELLS WITH A FIRE RATED CAULKING. PROVIDE THE MANUFACTURER'S DOCUMENTATION FOR THE PRODUCT USED.

DEFECT 5: Section 1.41
Means of egress and exits shall be provided and maintained to the satisfaction of the Officer and shall conform, where practical, to the intent of the Ontario Building Code.

CORRECTION:
(1) MAINTAIN ALL EXIT SIGNAGE & EMERGENCY LIGHTING AS WELL AS ALL CORRIDOR, STAIRWELL & EXTERIOR LIGHTING.
(2) INSTALL EMERGENCY LIGHTING @ BOTH THE NORTH & SOUTH ENTRANCE DOOR LOCATIONS.

DEFECT 6: Section 3.2
Interior claddings of every wall and ceiling shall be maintained so as to be free of large holes, cracks, leaks, deteriorating material, visible mould and mildew, and loose material.

CORRECTION:
(1) REPAIR DAMAGED LAUNDRY ROOM WALL CLADDING
(2) REPAIR WATER DAMAGED WALL CLADDING THROUGHOUT BOTH STAIRWELLS
DEFECT 7: Section 3.18
Every window in a leased dwelling unit that is located above the first storey of a multiple dwelling shall be equipped with an approved guard or a mechanism that would prevent any part of the window from opening greater than would permit the passage of a 100 mm diameter (4 inch) sphere. Such safety devices shall offer protection to the height of at least 1.07 m (3 feet 6 inches) above the floor but shall not prevent the windows from being fully opened by an adult without the use of tools during an emergency.

CORRECTION:
INSTALL WINDOW LOCKS AS SPECIFIED TO MEET THE REQUIREMENTS AS SPECIFIED IN BYLAW 147-2011.

DEFECT 8: Section 3.25
Every dwelling unit shall be equipped with a smoke alarm that shall be:
(a) installed on every floor level in conformance with the manufacturers’ instructions or recommendations for installation;
(b) clearly audible within sleeping areas even though the doors to the sleeping areas may be closed;
(b) either wired directly into the electrical system without a disconnect switch, or be battery powered. Sufficient additional replacement batteries shall be maintained nearby at all times as replacements for the smoke alarm, should it be battery powered so that at any given time such smoke alarm may have its battery or batteries replaced as warranted in order to keep it fully operational; and
(d) continuously operating, except during periods of unavoidable electrical power interruption or battery replacement, as the case may be.

CORRECTION:
PROVIDE EACH UNIT WITH AN OPERABLE SMOKE ALARM WHICH IS TO BE INSTALLED AS / THE MANUFACTURER'S SPECIFICATIONS.

YOU ARE HEREBY REQUIRED, by this Order, to do the work required to repair the defects set forth in this Order and make the said property conform to the standards set forth in the said By-law

ON OR BEFORE: December 5, 2015

Dated at Windsor, Ontario, on November 5, 2015

John Revell, MCIP, RPP
Chief Building Official
Per:

____________________________________
Eddy Staudt
Inspector/Property Standards Officer

Building Department
Telephone: 519-255-6611 x6192
e-mail: estaudt@citywindsor.ca
NOTICE:

1. If the owner or person against whom an Order has been made or their agent wishes to appeal such Order, they must within FOURTEEN (14) DAYS from the service of the Order upon him, file a Notice of Appeal, duly completed, with the Secretary of the Property Standards Committee.

2. Attached hereto is a Notice of Appeal form.

3. In the event that you do not appeal this Order, the said Order shall be deemed confirmed.

4. A photocopy of this document may be offered in evidence to the Court, should a trial result from a charge, which may be filed in an enforcement procedure. Copies of these documents may be obtained or examined at Building Department, City Hall, on workdays between 8:30 a.m. and 4:30 p.m.

5. If such repair or clearance is not done within the time specified in this Order, the Corporation may carry out the repair or clearance at the expense of the owner.

6. This Order is pursuant to Section 15.2(2) of the BUILDING CODE ACT, S.O. 1992, c.23, as amended.

WINDSOR POLICE SERVICES:

Tecumseh Court Apartments
3820 Tecumseh Road East

Conversion to Condominium Status Application

Results of Safety & Security Inspection

prepared by: Barry Horrobin, M.A., CLEP, CMM-III - Director of Planning & Physical Resources
WINDSOR POLICE SERVICE
October 19th, 2015

BACKGROUND

The Windsor Police Service has no objection to the proposed plan of condominium application for the property located at 3820 Tecumseh Rd. East (file CDM-005/15) to convert the existing apartment building from rental status to condominium status. Support of the application is however subject to the applicant adequately addressing and correcting all the various safety and security issues/deficiencies identified in this inspection report prior to a rezoning being granted.

The inspection is in accordance with sections 11.5.4.3(h) and 11.5.4.3(k) of the official plan dealing with the need to consider rental to condominium conversions based on certain conditions and criteria. Specifically, subsection (h) addresses the need for the applicant to provide adequate on site parking, Zoning By-law compliance, vehicular and emergency access and screening of adjacent land uses. Subsection (k) addresses the condition of the development as it relates to the safety and security for residents and the public according to the principles of Crime Prevention Through Environmental Design (CPTED) as stipulated by the Windsor Police Service.

RESULTS OF SITE INSPECTION

The safety and security inspection for the subject property was carried out in consultation with the onsite property manager on Thursday October 15th, 2015 with the following findings:

1. The main exterior doors (both front and rear) used for common building entry are secured with just simple locks that are easily duplicable at a local hardware store. This leaves the building vulnerable to unauthorized access by non-residents, breaching building security.

   **Recommendation:** These doors need to have locks installed on them that are of higher security and cannot be easily duplicated (for example MEDECO or PRIMUS) to establish proper building entry security for all tenants.
2. A large section of the chain link fence at the northeast corner of the property is missing, creating a very obvious trespassing risk into the rear of the parking lot. This facilitates unlawful access to parked vehicles and the back of the site in general. **Recommendation:** This section of fencing needs to be fully restored in order to eliminate the trespassing problem.

3. The interior stairwells do not have enough lighting. The inspection revealed an adequate number of light fixtures however a number were not operating properly, creating noticeably darker conditions in some areas. **Recommendation:** All light fixtures need to be in good working order to produce the proper amount of illumination.

4. The refuse dumpster did not have a proper enclosure constructed around it that meets City standards. This creates a nuisance risk that is problematic. **Recommendation:** Owner needs to provide a proper fenced enclosure around the refuse dumpster to come into compliance.

5. Graffiti was observed on the rear exterior access door used by tenants. When this is allowed to remain, it sends a message that criminal behaviour is tolerated and thereby reduces comfort of tenants. **Recommendation:** This graffiti needs to be fully eradicated as soon as possible to send a message the property owner is in control and does not tolerate such behavior.

6. Vehicular parking is not clear for visitors. The inspection revealed no signed/identified parking designated specifically for visitors. **Recommendation:** A tangible quantity of visitor spaces is required, complete with appropriate signage to direct users where they can park.

7. Soft landscaping on the property is overgrown in some areas, resulting in blocked sightlines, most notably in front of first floor windows. **Recommendation:** The owner needs to trim all shrubs to properly restore visibility and remove potential hiding spaces for intruders.

8. There did not appear to be any provision for the parking of bicycles on the site. Without a proper rack to lock bicycles, vulnerability to theft increases. **Recommendation:** Owner needs to provide an area with a proper rack where bicycles can be properly parked and secured. Its location should be highly visible or be in an area of the building accessible by tenants. An area right near the main (front) building entrance is recommended.

9. Lighting for the property does not appear to be adequate in some key locations and it is not clear if illumination levels meet recognized industry standards for establishing good safety and security. Some fixtures exist, such as wall-mounted floodlights for perimeter parking, however they are not full cut off (which is the City standard) and total illumination output is not known. Lights at building entrances were missing or inadequate. The owner needs to ensure lighting for the property is adequate.

**Recommendations:**

- Surface parking spaces at the side/rear of the building need to be properly illuminated to a minimum lighting level of at least 1.75 foot-candles, using cut off style lighting (to eliminate glare). Metal halide or LED fixtures are highly recommended as they produce a clean, bright, white luminosity that will enhance visibility and witnessing potential.
- The common entry points to the building (front and back doors) need to have illumination levels of at least 4.0 foot-candles.
- A photometric plan showing all anticipated lighting improvements is required prior to final approval.
SUMMARY

The current physical condition of the property is generally acceptable; however the safety deficiencies noted in this report are important and warrant correction prior to approval of the change in status from rental to condominium.

As a point of reference, the subject address does generate a regular number of calls requiring police response and intervention on an annual basis. A review of the police incident history at the property has been made for the past four plus current years and is summarized below. These calls are predominantly for such incidents as theft, disorderly conduct, break and enter, noise, and domestic disturbances.

<table>
<thead>
<tr>
<th>YEAR</th>
<th>3820 Tecumseh Road East</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>13</td>
</tr>
<tr>
<td>2012</td>
<td>33</td>
</tr>
<tr>
<td>2013</td>
<td>30</td>
</tr>
<tr>
<td>2014</td>
<td>38</td>
</tr>
<tr>
<td>2015 (as of Oct 15&quot;)</td>
<td>20 (extrapolates to 25)</td>
</tr>
<tr>
<td>Average</td>
<td>27.8 incidents per year</td>
</tr>
</tbody>
</table>

Therefore our recommendation would be to grant approval of the application subject to the successful resolution of all safety and security deficiencies noted. This would be confirmed in a follow up inspection after the applicant makes all necessary corrections.

WINDSOR FIRE & RESCUE SERVICES:

WFRS has no concerns regarding the conversion to condos.

John Lee | Chief Fire Prevention Officer
Windsor Fire & Rescue Services

PLANNING – LANDSCAPE ARCHITECT:

Pursuant to the application for a zoning amendment (CDM-005/15) for approval of a plan of condominium to permit the conversion on the subject, please note no objections. Please also note the following comments:

Landscape Plan:
Owner is REQUIRED to provide a landscape plan with landscape improvements along the facades of Westcott Road and Tecumseh Road East, prepared by a qualified professional, to the satisfaction of the Corporation’s Landscape Architect.

In addition to the landscape plan requirements; there are no existing trees on the property. The owner is REQUIRED to provide payment of street tree fees for 6 trees (3 on each Road Right-of-way) as per CR 332/79 on a per lot basis in accordance with the Corporation's Schedule of Fees. It does not appear that these trees can be accommodated on the municipal right-of-way, therefore the fee may be made as Cash-in-Lieu as a Parkland Levy for future development in Ford Test Track Park.

Photometric Plan:
REQUIRED a total Outdoor Lighting Photometric Plan and Manufacturers’ Product Data Sheets for each light fixture proposed verifying ‘Full Cut Off’ (night sky Friendly), prepared by a qualified lighting professional.
consultant (i.e. lighting engineer, landscape architect, etc.), in accordance with the City Guidelines found in CR228/2005 Lighting Intensity Standards Study, for review to the satisfaction of the City’s Landscape Architect in consultation with Police Services prior to issuance of any permits are administered with the following minimum and maximum illumination levels measured in foot-candles (Fc):

a. uncovered parking areas 0.5 min./4.0 max.,
b. walkways 0.5 min./2.0 max.,
c. building entrances 3.5 min./8.0 max.,
d. loading and outdoor garbage storage areas 1.0 min./2.5 max.,
e. after hours lighting (11:00pm to 5:00am) 0.5min./2.0max.

Parkland Dedication:
REQUIRED IF APPLICABLE, Parkland Conveyance as per the Planning Act Section 42 (1) at a rate of 2% for Commercial and Industrial uses and 5% for all other uses (including residential). As per the Planning Act Section 42 (6), Payment in the form of cash-in-lieu may be acceptable where land is not required by the City for parks or other recreational purposes (i.e. public greenspace, bikeways, trails, streetscape development etc.) to be determined at the time of issuance of a permit by the Building Department. As land is not available on this property, cash-in-lieu is an acceptable option for parkland development in Ford Test Track, which is the closest park in proximity to the subject property.

No other conditions are proposed by the Landscape Architect.

Stefan Fediuk, Landscape Architect

PWD – ENGINEERING - DEVELOPMENT, PROJECTS & RIGHT-OF-WAY:
We have reviewed the servicing requirements of the subject lands relative to a plan of condominium application and have the following comments.

The subject land at 3820 Tecumseh Rd E is located at the north east corner of Tecumseh Rd E and Westcott Rd. The applicant's intent of this application is to convert an existing 3-story rental apartment building, containing 23 residential dwelling units to condominium tenure.

Sewers
The site may be serviced by the following available sewers:

- Sanitary Sewer- 200mm PVC Pipe- in Alley
- Storm Sewer- 150mm PVC Pipe -in Alley
- 250mm PVC Pipe- on Westcott Rd

We encourage the applicant to use existing connections wherever possible to minimize the amount of work within the right-of-way.

As stated above, the available sewers are in the alley to the north of the property with the storm sewer partially on private property. We ask that the applicant either:

- Close and acquire the alley to the north of the property and assume the sewers, as they appear to only be providing service to said property.
- Close and acquire the alley to the north of the property, provide a sewer easement for the sewers, and provide a sampling manhole on the sewers.
No new buildings, structures or construction is proposed for the site, and no change in surface/ground material has been proposed (no site plan submitted). As a result, no storm water detention calculations are needed.

**Right-of-Way**
The City of Windsor’s official plan classifies Tecumseh Rd E as a class II arterial road and Westcott Rd as a local. Schedule 'X’ requires a right-of-way width of 27m for this segment of Tecumseh Rd E and Westcott Rd requires 20m. The current right-of-way widths at the subject property satisfy these requirements so therefore no land conveyance is required.

Typically at an un-signalized intersection with an arterial road a 4.6m x 4.6m corner cut is required. Being that this building structure is situated at or near the south and west property lines, conveyance of a corner cut off will not be possible.

As noted above, there is an alley present to the north of the property. We ask that the applicant close the alley and acquire the lands.

We have no objections to this Plan of Condominium application subject to the following conditions:

**Alley Closing** - Prior to the issuance of a building Permit, the applicant shall apply to the Street and Alley Closing Committee to close the existing alley adjacent to the subject property.

**Alley Acquisition** – The applicant agrees prior to issuance of a building Permit, to acquire any portion of the closed alley abutting the property that is not currently owned by the applicant.

**Sampling Manhole** - Prior to the issuance of a Building Permit, the applicant(s) shall agree to install a sanitary sewer-sampling manhole, if one does not already exist, at the property line of the subject lands to the satisfaction of the Corporation's City Engineer.

**Sewer Easement** – The applicant agrees to provide an easement centered over the existing municipal sewers on private property.

Tony Ruffolo,
Right-of-Way Supervisor

**PWD - TRANSPORTATION PLANNING:**
The above noted application is for approval of a plan of condominium to permit the conversion of an existing 3-storey rental apartment building, containing 23 residential dwelling units to condominium tenure. There are a total of 23 surface parking spaces available on the site. The property is designated Mixed Use and is zoned CD2.1.

After review of the subject lands, Transportation Planning has the following comments:

- **Tecumseh Road East** is classified as a Class II Arterial road with a required right-of-way width of 27m, as per Schedule X of the Official Plan. The current right-of-way width is 26.2m. A land conveyance of 0.4m for right-of-way widening is required; however, the existing building is at the property line and the applicant has no intention to change the existing site therefore a land conveyance is not required at this time. There are existing sidewalks on both sides of Tecumseh Road East.

- **Westcott Road** is a municipal roadway classified as a Local road that requires a 20m right-of-way width in accordance to the Official Plan. The existing right-of-way is 20.1m therefore a land conveyance is not required. There are existing sidewalks on both sides of Westcott Road.
Based on parking requirements set out in the Zoning By-Law, a minimum of 28 parking spaces are required.

Based on parking requirements set out in the Zoning By-Law, a minimum of 1 Type A and 1 Type B accessible parking space is required.

Based on parking requirements set out in the Zoning By-Law, a minimum of 3 bicycle parking spaces provided on the subject property is required.

The proposed change from apartment to condominium tenure will not have a negative impact on the transportation system.

**PWD - ENVIRONMENTAL SERVICES:**

PWD – Environmental Services has no concerns with the application.

Anne-Marie Albidone,  
Manager, Environmental Services

**DIVERSITY and ACCESSIBILITY OFFICER:**

1. Require at minimum 2 barrier free entrances to building. One of the barrier-free entrances shall be the principal entrance to the building and the other one shall be off of a primary parking area.

2. Every barrier-free entrance shall be equipped with a power door operator. Such power door openers shall be mounted according to the specifications set out in the Ontario Building Code.

3. If a barrier-free entrance incorporates a vestibule (like the primary entrance in this case), a door leading from the vestibule into the floor area shall be equipped with a power door operator.

4. There shall be signage placed at any non-accessible entrances that directs persons to an accessible entrance.

Some examples of acceptable signage:

Accessible Parking and Access aisles

5. Four per cent of the total number of parking spaces for the use of persons with disabilities, where there are between 13 and 100 parking spaces in accordance with the following ratio, rounding up to the nearest whole number:

   i. Where an even number of parking spaces for the use of persons with disabilities are provided in accordance with the requirements of this paragraph, an equal number of parking spaces that meet the requirements of a Type A parking space and a Type B parking space must be provided.

   ii. Where an odd number of parking spaces for the use of persons with disabilities are provided in accordance with the requirements of this paragraph, the number of parking spaces must be divided equally between parking spaces that meet the requirements of a Type A parking space and a Type B
parking space, but the additional parking space, the odd-numbered space, may be a Type B parking space.

Type A, parking space which has a minimum width of 4.6 m and signage that identifies the space as “van accessible”.

Type B, a standard parking space which has a minimum width of 4.6 m.

--With access aisles that meet the specifications as set out in the Integrated Accessibility Standards under the AODA.

6. Designated accessible parking spaces shall be the nearest parking space or spaces to the principal entrance of the main building.

7. Any Conditions tied to these comments should be to the approval of the Chief Building Official and the Diversity and Accessibility Officer.

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Second Entrance Front door—Needs actuator at front door and in vestibule

If an instance occurs where there is a discrepancy between the conditions noted and legislation, the higher standard shall prevail.

Gayle M. Jones,
Diversity and Accessibility Officer

TAXATION:
Finance / Assessment Division has no objection to this proposal. In the scenario presented, the entire property would be taxed at the Residential Tax Rate.

IF...The values remained the same, the Tax loss could be...
2015 Assessment of $727,000 @ Multi-Res Tax Rate (.04347812) = $31,608.60 (without penalty/interest charges etc.)

2015 Assessment of $727,000 @ Residential Tax Rate (.01829756) = $13,303.00 (without penalty/interest charges etc.)

This would be the worst case scenario with a Tax Loss of... $18,300.00

The tax reduction implication takes effect on the date of registration and would therefore be pro-rated accordingly.

The financial impact would result from the differential - pro-rated between the time the facility remained at Multi-Residential Tax Rate, to the time it converted to Residential Tax Rate. The later this date is within the calendar year, the less financial impact it has.

The potential implications of the approval of this condominium conversion on the City of Windsor tax revenues, has been provided by the Taxation & Financial Projects Department and are summarized as follows:

<table>
<thead>
<tr>
<th>Location</th>
<th>No of Units</th>
<th>2015 Multi-Res. Assessment prior to conversion</th>
<th>CVA Tax @ Multi-residential Rate*</th>
<th>Assessment per unit after conversion</th>
<th>CVA Taxes/unit @ Residential rate*</th>
<th>Total CVA Taxes/unit @ Residential rate*</th>
<th>2015 Annualized Tax loss*</th>
</tr>
</thead>
<tbody>
<tr>
<td>3820 Tecumseh E.</td>
<td>23</td>
<td>$727,000</td>
<td>$31,609</td>
<td>$31,609</td>
<td>$578</td>
<td>$13,302</td>
<td>- $18,306</td>
</tr>
</tbody>
</table>

* Values Rounded up

All questions relating to the tax revenue implications should be addressed to the Taxation & Financial Projects Department.

Rick Murdoch,
Assessment Data Analyst

Transit Windsor, Union Gas, Windsor Utilities (Water) and ENWIN Powerlines have not responded or have indicated they have no concerns or objection to the proposal.
APPENDIX ‘B’

OFFICIAL PLAN POLICIES & COUNCIL RESOLUTION REGARDING CONDOMINIUM CONVERSIONS

11.5.4 Rental Housing Conversion to Condominium Policies
(added by OPA#63, June 21, 2007, B/L 100/2007)

Rental housing conversion to condominium refers to the change in tenure of a rental housing property to condominium status.

**NOTIFICATION 11.5.4.1**
Prior to the consideration of a condominium application by Council or any of its subcommittees, the following notification shall be given:

(a) the owner shall notify all current tenants to provide them with the details of the application. The notice is to be mailed by first class mail within 60 days of the time the application is deemed to be complete by the Department of Building and Development. Furthermore, a copy of the notice is to be submitted to the Manager of Development for approval prior to mailing;

(b) at the time the notice referenced in (a) is mailed, the owner shall post copies of the notice at locations within the subject building that are highly visible to tenants, including but not limited to: entrances, mail rooms and elevator lobbies.

(c) the owner shall notify all prospective tenants that an application has been submitted to convert the building(s) subject of the application to condominium. Such notice shall be given prior to the signing of a lease or the occupancy of a rental unit.

**AFFORDABILITY 11.5.4.2**
City Council shall ensure that the conversion of rental housing to condominium status will not have an adverse impact on the supply of rental housing in the City, particularly as it relates to affordable housing. For the purpose of this Plan, the definition of affordability shall be consistent with the definition contained in the Provincial Policy Statement (March 2005) being:

(a) the definition of affordable rental housing is the least expensive of:
   (i) a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or
   (ii) a unit for which the rent is at or below the average market rent of a unit in the regional market area (Windsor and Essex County).
Council will evaluate the approval of a plan of condominium for the conversion of an existing residential rental building to condominium status according to the following criteria:

(a) the proposal satisfies the intent of policy 11.5.3.1;

(b) the proposal satisfies the intent of policy 11.5.4.2;

(c) the rental vacancy rate for private apartments in the City of Windsor as defined and reported yearly through Canada Mortgage and Housing Corporation has been at or above 3 per cent for the preceding two-year reporting period. Consideration is to be given to the vacancy rate data as it applies to building characteristics including: structure type, location, age and size;

(d) the proposed conversion, when totalled with any other dwelling units which have been approved for conversion in the previous two-year period, will not result in the conversion of 5% or more of the existing rental stock;

(e) the proposed accommodation of existing tenants of the rental housing development within the proposed condominium development or, if accommodation within the proposed condominium is not feasible, the plan for relocating existing tenants to other rental housing developments;

(f) the structural integrity of the building and the condition of the development as it relates to the health and safety of the residents and the public under the requirements of the Ontario Building Code as prescribed by the Corporation of the City of Windsor’s Property Standard and Maintenance By-law, all as ascertained by a professional engineer;

(g) the condition or proposed provision of landscaping areas, playground equipment and other amenities;

(h) the appropriateness of the site for the type of development, including such considerations as the provision of adequate on-site parking, compliance with the Zoning By-law, vehicular and emergency access and screening of adjacent land uses;

(i) the condition of the development as it relates to the safety and security of residents under the requirements of the Ontario Fire Code;

(j) the condition of public and private infrastructure including sidewalks and sewerage systems.
(k) the condition of the development as it relates to the safety and security of residents and the public according to the principles of Crime Prevention Through Environmental Design (CPTED) as stipulated by the Windsor Police Service.

Council may attach such conditions as it deems appropriate to the approval of a plan of condominium. The applicant may be required to satisfy these conditions within a specific time period not being less than three years, failing which, draft plan approval shall lapse. Such conditions may include, but are not limited to:

(a) the owner providing information to the tenants as to the timing of the transition from rental units to condominium units and the means by which leases, if any, are to be terminated;

(b) the owner agreeing to provide existing tenants with the right of first refusal to purchase their unit or other unit in the development so as to minimize residential relocation problems;

(c) the owner agreeing to offer any tenant who does not wish to purchase the unit they occupy a lifetime non-transferable lease which shall be registered on title and binding on all subsequent owners;

(d) the owner agrees to provide required plans including but not limited to: site plans, parking plans, elevation plans, lighting plans and landscaping plans that may be required to show features and details of the site and shall be included in the condominium agreement as deemed necessary;

(e) the owner agrees to the conveyance of land and provision of easements as required by the municipality;

(f) the fulfilment of any financial requirement to the City; and

(g) the owner agrees to the conveyance of lands for public open space purposes or payments-in-lieu thereof in accordance with the Open Space policies of this Plan.

(h) the owner agrees to enter into a condominium agreement with the Corporation of the City of Windsor and to complete all required improvements and/or corrections to the satisfaction of the municipality prior to the registration of the final plan of condominium.
Parkland Contribution for Condominium Conversions


I That the evaluation criteria contained in Appendix ‘A’ (below) concerning the conveyance of parkland or payment in lieu, for applications involving the conversion of rental properties to condominium BE APPROVED;

II That the Acting City Planner BE DIRECTED to include the evaluation criteria as part of the Official Plan review.

APPENDIX ‘A’
(to CR416/2007)

Evaluation Criteria
Parkland Conveyance/Payment in lieu
For Rental to Condominium Conversions

1. If the subject property is within Registered Plans 1465 to 1644 (inclusive) or is within a registered 12M Plan that follows Plan 12M-002, then parkland conveyance or a cash-in-lieu payment thereof would have been a requirement of the original plan of subdivision approval. For these plans, no additional conveyance or payment in lieu would be required as a condition of approval, to convert the building from rental to condominium status.

2. If the subject property is not within the plans referenced in item 1 (above) but contains a building that was issued a building permit on or after August 10, 1970, then parkland conveyance or a payment in lieu would have been a requirement of the issuance of the building permit. For these properties, no additional conveyance or payment in lieu would be required as a condition of approval, to convert the building from rental to condominium status.

3. If the subject property or building does not fall into either of the items listed above, then parkland conveyance or a payment in lieu has never been collected and should be collected as a condition of draft plan of condominium approval.
APPENDIX ‘C’
Excerpt Zoning By-law 8600

SECTION 15 - COMMERCIAL DISTRICTS 2. (CD2.)

(1) COMMERCIAL DISTRICT 2.1 (CD2.1)

(a) Permitted Uses

(i) A retail store, not including a retail store for the sale of motor vehicles or heavy machinery; wholesale store; bakery not exceeding 500 square metres in net floor area; confectionery not exceeding 500 square metres in net floor area; a garden centre and, exclusive of a lot in a Business Improvement Area, a temporary outdoor vendor’s site.
(AMENDED by B/L 8614, June 23, 1986 AND B/L 232-2006, Jan. 18, 2007)

(ii) A personal service shop; day nursery; funeral home; church; church hall; tourist home.
(AMENDED by B/L 11922, Sept. 23/1994)

(iii) A business, financial, medical or veterinary office; professional studio; commercial school;

(iv) A light repair shop; gas bar; an existing service station; an existing automobile repair garage.
(AMENDED by B/L 11614, Nov. 1/1993)

(v) A restaurant; take-out food outlet; micro-brewery; drive-through food outlet; drive-through restaurant;

(vi) Place of entertainment and recreation; private hall;

(vii) A public parking area; parking garage;

(viii) Any use accessory to the foregoing uses, not including an outdoor storage yard unless otherwise specifically permitted by this by-law.
(AMENDED by B/L 232-2006, Jan. 18, 2007)

(b) Regulations:

(i) Maximum building height - equal to the length of the longest exterior lot line or 14 metres, whichever is the lesser;
(ii) A TOURIST HOME shall have a maximum occupancy of 10 persons not including the receiving family or staff and shall be licensed as a Type I Lodging House under City of Windsor By-law Number 5900, as the same may be amended from time to time.  

(ADDED by B/L 11922, Sept. 23/1994)

(iii) Supplementary Regulations:

See Section
21 re: Supplementary Use Regulations
22 re: Supplementary Lot Regulations
23 re: Supplementary Building Regulations
24 re: Parking Space Regulations
25 re: Parking Area Regulations

(AMENDED BY B/L 11922, Sept. 23/1994)
APPENDIX ‘D’ – Plan of Condominium

LOCATION MAP
APPLICANT: 1849677 Ontario Ltd.

SUBJECT LANDS: 3820 Tecumseh Rd E

PLANNING & BUILDING DEPARTMENT

SCALE: N.T.S
DATE: August, 2015
FILE NO: CDM-008/15
PLANT OF CONDOMINIUM (CONVERSION)

APPLICANT: 1849677 Ontario Ltd.
PLAN OF CONDOMINIUM (CONVERSION)

APPLICANT: 1849677 Ontario Ltd.

SCALE: N.T.S
DATE: August, 2015
FILE NO: CDM-009/15-4
On Tecumseh Rd. E.; looking at front of building.

On Tecumseh Rd. E.; looking north-east at west side of building.

Street View – looking east at west side of building

Street View – looking north-west at east side of building and parking area
MISSION STATEMENT
“Our City is built on relationships – between citizens and their government, businesses and public institutions, city and region – all interconnected, mutually supportive, and focused on the brightest future we can create together”

To: Mayor and Members of City Council

Subject: CDM-004/15 [CDM/4524] - 1849677 Ontario Ltd. - 3580 Seminole St. - Condo Conversion
Ward 5

RECOMMENDATION:
I. That the application of 1849677 Ontario Limited for approval of a draft plan of condominium for a property legally described as Lots 52 to 54, inclusive, Plan 1071, City of Windsor known municipally as 3580 Seminole Street, to permit the conversion of a 3-storey rental apartment building containing 17 residential dwelling units, to condominium tenure, as shown on the attached Map No. CDM-004/15-2, BE APPROVED subject to the following:

A. The owner shall enter into a condominium agreement to provide for the following together with all items contained in the Consultation section of this report;
B. That the draft plan approval shall lapse on ___________ (3 years from the date of approval);
C. Existing tenants shall be given a right of first-refusal to purchase the dwelling unit they presently occupy;
D. In the event that existing tenants do not exercise their option to purchase their dwelling unit, they shall be offered a life-time non-transferable lease which shall be registered on title and binding on all subsequent owners. Such lease shall be satisfactory in form and content to the City Solicitor;
E. The owner shall agree to comply with and remedy all site/building defects and deficiencies, including submission of applicable certificates, as contained in the:

1. Building Condition Assessment report prepared by TSS Building Science (London) Incorporated, completed April 3, 2015, with all corrections and improvements to be cleared as completed by a Professional Engineer retained by the owner; and
2. Building Department’s Order to Repair dated October 28, 2015 as included in Appendix ‘A’ of this report.

All corrections and improvements shall be to the satisfaction of the Chief Building Official.

F. The owner shall agree to comply with and address any requirements identified in the Public Works Department – Engineering -Development, Projects & Right-of-Way September 29, 2015 comments (in Appendix ‘A’), as indicated below, to the satisfaction of the City Engineer or designate:

1. Contribution of $500.00, prior to final approval and registration of the condominium plan, payable to the Public Works Department and deposited in the General Fund intended for the upkeep of alleys within the City of Windsor; and

2. Execution of an Encroachment Agreement between the owner, 1849677 Ontario Limited, and the City of Windsor to provide for encroachment of parking spaces into the Central Avenue right-of-way on the east side of the property.

G. The owner shall agree to remedy all safety and security deficiencies identified in the Windsor Police Services October 13, 2015 comments (in Appendix ‘A’), as indicated below, to the satisfaction of the Director of Planning for Windsor Police Services:

1. Installation of locks of higher security (i.e. Medeco, Primus) with a key design that is patent protected and where unauthorized key duplication is restricted, on all exterior doors of the building;

2. Provision of a certificate, prepared by a qualified lighting consultant/engineer, verifying that, as per Section 3.2.7.1 of Ontario Regulation 332/12, every exit, public corridor or corridor providing access to an exit, shall be equipped to provide illumination to an average level of not less than 50 lux (4.64 foot-candles) at floor or tread level and at all points such as angles and intersections at changes of level where there are stairs or ramps and that the minimum value of the illumination shall be not less than 10 lux (0.93 foot-candles);

3. Installation of a dead bolt lock with a 1 inch throw on the entry door of each residential unit within the building;

4. Trimming and thinning of all trees and shrubbery located on the site, particularly at the front of the building and along the west property line, to provide appropriate visibility for security purposes; and

5. Replacement of the existing municipal address sign at the main entrance to the building with a minimum address number height of 3 inches for a location no greater than 25 feet from the curb line or edge of pavement and a minimum address number height of 6 inches for a location greater than 25 feet from the curb line or edge of pavement, as per By-law 196-2011.

H. The owner shall agree to submit a photometric plan to both the Corporation’s Landscape Architect and the Director of Planning for Windsor Police Services for approval, prior to final approval and registration of the condominium plan. The photometric plan shall be prepared by a qualified lighting consultant (i.e. lighting engineer, landscape architect, etc.) in accordance with the City Guidelines found in CR228/2005 Lighting Intensity Standards Study, showing all anticipated lighting improvements, including replacement of existing fixtures that are not of “Full Cut-Off” type. The photometric plan shall include any manufacturer product data sheets and verification that any proposed fixtures are ‘Full Cut-Off’, with the following minimum and maximum illumination levels measured in foot-candles (fc):

Page 2 of 9
a. uncovered parking areas - 0.5 min./4.0 max.;  
b. walkways - 0.5 min./2.0 max.;  
c. building entrances - 3.5 min./8.0 max.;  
d. loading and outdoor garbage storage areas - 1.0 min./2.5 max.; and  
e. after hours lighting (11:00pm to 5:00am) - 0.5min./2.0max.

I. The owner shall agree to address the requirements identified in the comments from the Corporation’s Landscape Architect’s September 28, 2015 comments (in Appendix ‘A’), as indicated below, to the satisfaction of the Corporation’s Landscape Architect:

1. Submission of a Landscape Plan (3 full-size copies of all plans) prior to final approval and registration of the condominium plan. The Landscape Plan shall be prepared by a Landscape Architect registered with the OALA, complete with plant material, surface treatments, site amenities, proposed exterior lighting (including wall mounted luminaries) and all details. The Landscape Plan shall include the location of all existing and proposed light fixtures and any manufacturer product data sheets and verification that any replacement or proposed fixtures are ‘Full Cut-Off’.

The plan is to address the following issues:
   a. Consideration of a wider diversity of Genus when selecting species, in order to reduce total loss during a pathogen epidemic as seen with the Emerald Ash Beetle and Dutch Elm Disease;
   b. Selection of plant species capable of withstanding the Windsor/Essex County climatic including cold and heat hardiness, soil conditions, and any other environmental conditions that may affect the sustainability of a plant’s health; and
   c. Coordination of trees and light poles/ signs to reduce conflict.

2. Payment of fees for three (3) trees on the Seminole Street frontage, as per CR332/79, on a per lot basis, in accordance with the Corporation’s Schedule of Fees.

J. The owner shall agree to address the requirements identified in the Diversity and Accessibility Officer’s November 23, 2015 comments (in Appendix ‘A’), as indicated below, to the satisfaction of the Diversity and Accessibility Officer and the Chief Building Official:

1. Provision of a minimum of 2 barrier free entrances to building. One of the barrier-free entrances shall be the principal entrance to the building and the other one shall be off of a primary parking area;
   a. Every barrier-free entrance shall be equipped with a power door operator. Such power door openers shall be mounted according to the specifications set out in the Ontario Building Code;
   b. If there are steps at a barrier free entrance, a ramp must be provided in accordance with legislation;
   c. If a barrier-free entrance incorporates a vestibule (like the primary entrance in this case), a door leading from the vestibule into the floor area shall be equipped with a power door operator; and

2. Installation of signage at any non-accessible entrances that directs persons to an accessible entrance.
K. The owner shall agree to provide a minimum of 1 Type ‘A’ (3.5m x 5.5m) accessible parking space, as per By-law 8600, as close as possible to the main entrance or secondary entrance, designated with appropriate signage and access aisles that meet the specifications as set out in the Integrated Accessibility Standards under the AODA and a bicycle rack facility accommodating a minimum of 3 bicycles at a visible and safe location near an entrance to the building. All improvements are to be to the satisfaction of the City Engineer and Chief Building Official;

L. The owner shall agree to provide adequate storage space for appropriate and approved garbage, recycling and yard waste containers, in compliance with municipal by-laws, to the satisfaction of the Manager of Environmental Services and Chief Building Official;

M. The owner shall agree to include a warning clause in the condominium agreement to the satisfaction of the City Solicitor, indicating to future condominium owners that there are a limited number of on-site parking spaces available and that a designated parking space for every dwelling unit may not be available.

II Final approval of the plan of condominium shall not be considered until all of the required works or undertakings identified in ‘1. Recommendations I’ of this report have been completed to the satisfaction of the respective agencies and departments, and a Condominium Agreement has been registered against the subject lands.

EXECUTIVE SUMMARY:

N/A

BACKGROUND:

APPLICATION INFORMATION:

LOCATION: Northwest corner of Seminole Street and Central Avenue and is known municipally as 3580 Seminole Street (Lots 26 to 28, inclusive, and the North Part of Lot 29, Plan 77).

WARD: 5 PLANNING DISTRICT: 4 ZDM: 11

APPLICANT: 1849677 ONTARIO LIMITED

AUTHORIZED AGENT: MHBC Planning, Urban Design & Landscape Architecture

PROPOSAL: The applicant is applying for condominium approval to permit the conversion of a 3-storey apartment building constructed in 1974, containing 17 residential dwelling units (1 formerly a commercial unit has been converted to a bachelor apartment), from rental to condominium tenure.
SITE INFORMATION:

<table>
<thead>
<tr>
<th>OFFICIAL PLAN</th>
<th>ZONING</th>
<th>CURRENT USE</th>
<th>AVAILABLE PARKING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>Residential District RD3.1</td>
<td>17 Residential Dwelling Units</td>
<td>Total of 17 spaces</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>WIDTH</th>
<th>DEPTH</th>
<th>AREA</th>
<th>PARKING @ 1.25 SPACES PER UNIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>30.39 m</td>
<td>33.98 m</td>
<td>0.10 hectares</td>
<td>Total 21 spaces</td>
</tr>
<tr>
<td>99.7 ft</td>
<td>111.48 ft</td>
<td>0.25 acres</td>
<td></td>
</tr>
</tbody>
</table>

All measurements are approximate.

NEIGHBOURHOOD CHARACTERISTICS:

The subject property has frontage on the north side of Seminole Street. The surrounding uses are comprised of an alley and single detached dwellings to the north, a commercial plaza and single detached dwellings to the east, a commercial use and single detached dwellings to the south the Ford automotive plant to the west.
**TRAFFIC, ACCESS AND PARKING:**

The building has access from Seminole Street, a Class I Collector Road and the parking area has access off of Central Avenue a Local Road.

Section 11.5.4.3 (h) of the Official Plan stipulates that applications for conversion of rental buildings to condominium, must address the adequacy of on-site parking. The parking supply is discussed further under the Planning Act Matters - ‘Zoning By-law’ section of this report.

**RELATIONSHIP TO MUNICIPAL SERVICES:**

Windsor Transit operates the Ottawa 4 bus route on Seminole Street, adjacent to the subject property.

**DISCUSSION:**

N/A

**RISK ANALYSIS:**

N/A

**FINANCIAL MATTERS:**

N/A

**CONSULTATIONS:**

Comments received from municipal departments, service units and external agencies are included in Appendix ‘A’.

As required in the Planning Act, notice was provided by advertisement in the Windsor Star. In addition, a courtesy notice to all property owners and tenants within 120 metres (400 feet) of the subject parcel were sent by mail.

**PLANNING ACT MATTERS:**

**PLANNING ANALYSIS:**

**OFFICIAL PLAN:**

The subject property is designated “Mixed Use” in the City of Windsor Official Plan. The residential use is a permitted use.

The City of Windsor has established policies for conversion that are set out in the Official Plan. The policies cover a variety of items including site and building upgrading and tenant accommodation and notification, and rental vacancy rate benchmarks (see attached Appendix ‘B’). These City of Windsor policies are designed to protect the interests of tenants and future condominium owners.

**EVALUATION OF STRUCTURAL INTEGRITY, LANDSCAPING AND SAFETY OF TENANTS:**

Comments have been prepared by the appropriate individuals and municipal divisions regarding items such as structural integrity of the building and property standard compliance, upgrading of landscaping, the appropriateness of the site, and safety issues related to the building and safety
of the residents. Comments on these items are contained in this report and have been included in the recommendations section.

**Tenant Accommodation:**

The requirements of the Official Plan policies for satisfying the “feasibility of accommodation of existing residents of the rental housing development within the proposed condominium development”, will be addressed by the applicant offering all tenants in the complex who do not wish to purchase their unit, a lifetime lease. No tenant will be required to vacate their unit by reason of sale of the unit. However, tenants will remain subject to all applicable rental legislation.

**Residential Rental Market Vacancy Rate:**

The Official Plan policies specify that if the vacancy rate is above 3%, conversions may be allowed. The most recent figures from Canada Mortgage and Housing (October 2014) indicate that the vacancy rate for the City of Windsor is approximately 4.3%.

**Impact on Rental Housing Supply & Rental Affordability:**

The Official Plan policies specify that the conversion of rental housing to condominium status will not have an adverse impact on the supply of rental housing in the City and as it relates to affordable housing. The proposed conversion, when totalled with any other dwelling units which have been approved for conversion in the previous two-year period, cannot result in the conversion of 5% or more of the existing rental stock. Currently, the percentage of units approved for conversion in the last two years, is 0.6 percent of the existing rental supply.

The building is comprised predominantly of 1-bedroom units. The Rent Roll indicates there are 16 1-bedroom apartments in the building that have rents ranging from $609.60 to 800.00 per month and 1 bachelor apartment with a rent of $675 per month, for an overall average of $633.64 per month. The 2014 CMHC Rental Market Report indicates the average rent for a building with 1-bedroom units in Windsor is $661.00. The average monthly rental for units within this building is below the average rental rate for Windsor.

**Taxation Implications:**

Unrelated to consideration of planning issues, there are tax implications that Council has requested on previous condominium conversion applications to be included as part of administration’s reports. This information can be found under the Taxation section in Appendix ‘A’.

**Zoning By-Law**

The property is zoned Residential District 3.1 (RD3.1) in By-law 8600, which permits a multiple dwelling building (See attached Appendix ‘C’). The existing apartment building also contained a commercial unit which has been converted to an apartment unit and would comply under this zoning category. The existing apartment building is permitted under this zoning category.

The evaluation criteria for development listed in 6.3.2.5 (d) of the Official Plan, states that a development must have adequate off street parking. There are a total of 17 parking spaces available on the site. Zoning By-law 8600 requires 21 parking spaces. However, Section 24.10.15.1 of By-law 8600 stipulates that a deficiency does not have to be made up if the existing building had insufficient parking spaces, visitor parking spaces, accessible parking spaces or bicycle parking spaces, prior to the adoption of By-law 8600. Such is the case with this property.
However, it is recommended that a minimum of one (1) Type 'A' (3.5m x 5.5m) accessible parking space be designated with appropriate signage and a bicycle rack facility accommodating a minimum of 3 bicycles be installed at a visible and safe location near an entrance.

There currently does not appear to be a parking problem with this property. Since the approval of this application will only result in a change of tenure of the dwelling units in the building, not the overall number of units and given the proximity to a Transit Windsor bus route on Seminole Street, as well as the availability of on-street parking on Central Avenue, 17 parking spaces would appear to be adequate to meet the needs of condominium owners and tenants.

**PARKLAND CONVEYANCE/PAYMENT-IN-LIEU:**

The requirement for parkland conveyance/cash-in-lieu thereof, was addressed for this property at the time the building permit was issued in 1974 (refer to Council Resolution CR416/2007 in Appendix 'B').

**ACCESSIBILITY:**

Pursuant to the Accessibility for Ontarians with Disabilities Act 2005, the Province of Ontario is developing mandatory standards for the built environment.

The City of Windsor does not warrant or confirm that approval of a condominium conversion will be sufficient to achieve compliance with future built environment standards.

**ISSUES TO BE RESOLVED:**

The applicant will be responsible for the completion of all the improvements and corrections to the building and property, as identified in the Recommendation and Consultation sections of this report.

**CONCLUSION:**

The application has been processed and evaluated considering the Ontario Planning Act and Condominium Act, City of Windsor Official Plan policies and comments received from municipal staff and outside agencies. Administration is recommending that the draft plan be approved based upon the relevant legislation and policies of the Official Plan.

Approval is to be granted upon the satisfactory completion of the improvements and corrections to the property related to the dwelling units, safety, security and amenity features, as identified in the Recommendation and Consultation sections of this report. All physical improvements to the site and building are to be completed prior to final approval by the City and registration of the condominium plan.
I concur with the above comments and opinion of the Registered Professional Planner.

Don Wilson, Manager of Development Applications
Thom Hunt, City Planner/Executive Director

I am not a registered Planner and have reviewed as a Corporate Team Leader

SAH   HR

APPENDICES:

1. APPENDIX A - Agency Comments
2. APPENDIX B - Excerpts from City of Windsor Official Plan
3. APPENDIX C - Excerpts for Zoning By-law 8600
4. APPENDIX D - Plan of Condominium
5. APPENDIX E - Site Photos
APPENDIX ‘B’

OFFICIAL PLAN POLICIES & COUNCIL RESOLUTION REGARDING CONDOMINIUM CONVERSIONS

11.5.4 Rental Housing Conversion to Condominium Policies
(added by OPA#63, June 21, 2007, B/L 100/2007)

Rental housing conversion to condominium refers to the change in tenure of a rental housing property to condominium status.

NOTIFICATION 11.5.4.1 Prior to the consideration of a condominium application by Council or any of its subcommittees, the following notification shall be given:

(a) the owner shall notify all current tenants to provide them with the details of the application. The notice is to be mailed by first class mail within 60 days of the time the application is deemed to be complete by the Department of Building and Development. Furthermore, a copy of the notice is to be submitted to the Manager of Development for approval prior to mailing;

(b) at the time the notice referenced in (a) is mailed, the owner shall post copies of the notice at locations within the subject building that are highly visible to tenants, including but not limited to: entrances, mail rooms and elevator lobbies.

(c) the owner shall notify all prospective tenants that an application has been submitted to convert the building(s) subject of the application to condominium. Such notice shall be given prior to the signing of a lease or the occupancy of a rental unit.

AFFORDABILITY 11.5.4.2 City Council shall ensure that the conversion of rental housing to condominium status will not have an adverse impact on the supply of rental housing in the City, particularly as it relates to affordable housing. For the purpose of this Plan, the definition of affordability shall be consistent with the definition contained in the Provincial Policy Statement (March 2005) being:

(a) the definition of affordable rental housing is the least expensive of:
   (i) a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or
   (ii) a unit for which the rent is at or below the average market rent of a unit in the regional market area (Windsor and Essex County).
(b) low and moderate income households as referenced above, shall mean households with incomes in the lowest 60th percentile of the income distribution for renter households in the regional market area (Windsor and Essex County).

**EVALUATION CRITERIA 11.5.4.3** Council will evaluate the approval of a plan of condominium for the conversion of an existing residential rental building to condominium status according to the following criteria:

(a) the proposal satisfies the intent of policy 11.5.3.1;

(b) the proposal satisfies the intent of policy 11.5.4.2;

(c) the rental vacancy rate for private apartments in the City of Windsor as defined and reported yearly through Canada Mortgage and Housing Corporation has been at or above 3 per cent for the preceding two-year reporting period. Consideration is to be given to the vacancy rate data as it applies to building characteristics including: structure type, location, age and size;

(d) the proposed conversion, when totalled with any other dwelling units which have been approved for conversion in the previous two-year period, will not result in the conversion of 5% or more of the existing rental stock;

(e) the proposed accommodation of existing tenants of the rental housing development within the proposed condominium development or, if accommodation within the proposed condominium is not feasible, the plan for relocating existing tenants to other rental housing developments;

(f) the structural integrity of the building and the condition of the development as it relates to the health and safety of the residents and the public under the requirements of the Ontario Building Code as prescribed by the Corporation of the City of Windsor’s Property Standard and Maintenance By-law, all as ascertained by a professional engineer;

(g) the condition or proposed provision of landscaping areas, playground equipment and other amenities;

(h) the appropriateness of the site for the type of development, including such considerations as the provision of adequate on-site parking, compliance with the Zoning By-law, vehicular and emergency access and screening of adjacent land uses;

(i) the condition of the development as it relates to the safety and security of residents under the requirements of the Ontario Fire Code;

(j) the condition of public and private infrastructure including sidewalks and sewerage systems.
(k) the condition of the development as it relates to the safety and security of residents and the public according to the principles of Crime Prevention Through Environmental Design (CPTED) as stipulated by the Windsor Police Service.

**CONDITIONS OF APPROVAL 11.5.4.4**

Council may attach such conditions as it deems appropriate to the approval of a plan of condominium. The applicant may be required to satisfy these conditions within a specific time period not being less than three years, failing which, draft plan approval shall lapse. Such conditions may include, but are not limited to:

(a) the owner providing information to the tenants as to the timing of the transition from rental units to condominium units and the means by which leases, if any, are to be terminated;

(b) the owner agreeing to provide existing tenants with the right of first refusal to purchase their unit or other unit in the development so as to minimize residential relocation problems;

(c) the owner agreeing to offer any tenant who does not wish to purchase the unit they occupy a lifetime non-transferable lease which shall be registered on title and binding on all subsequent owners;

(d) the owner agrees to provide required plans including but not limited to: site plans, parking plans, elevation plans, lighting plans and landscaping plans that may be required to show features and details of the site and shall be included in the condominium agreement as deemed necessary;

(e) the owner agrees to the conveyance of land and provision of easements as required by the municipality;

(f) the fulfilment of any financial requirement to the City; and

(g) the owner agrees to the conveyance of lands for public open space purposes or payments-in-lieu thereof in accordance with the Open Space policies of this Plan.

(h) the owner agrees to enter into a condominium agreement with the Corporation of the City of Windsor and to complete all required improvements and/or corrections to the satisfaction of the municipality prior to the registration of the final plan of condominium.
Parkland Contribution for Condominium Conversions


I  That the evaluation criteria contained in Appendix ‘A’ (below) concerning the conveyance of parkland or payment in lieu, for applications involving the conversion of rental properties to condominium BE APPROVED;

II  That the Acting City Planner BE DIRECTED to include the evaluation criteria as part of the Official Plan review.

APPENDIX ‘A’
(to CR416/2007)

Evaluation Criteria
Parkland Conveyance/Payment in lieu
For Rental to Condominium Conversions

1. If the subject property is within Registered Plans 1465 to 1644 (inclusive) or is within a registered 12M Plan that follows Plan 12M-002, then parkland conveyance or a cash-in-lieu payment thereof would have been a requirement of the original plan of subdivision approval. For these plans, no additional conveyance or payment in lieu would be required as a condition of approval, to convert the building from rental to condominium status.

2. If the subject property is not within the plans referenced in item 1 (above) but contains a building that was issued a building permit on or after August 10, 1970, then parkland conveyance or a payment in lieu would have been a requirement of the issuance of the building permit. For these properties, no additional conveyance or payment in lieu would be required as a condition of approval, to convert the building from rental to condominium status.

3. If the subject property or building does not fall into either of the items listed above, then parkland conveyance or a payment in lieu has never been collected and should be collected as a condition of draft plan of condominium approval.
APPENDIX ‘C’
Excerpt Zoning By-law 8600

SECTION 12 - RESIDENTIAL DISTRICTS 3. (RD3.)

(l) Residential District 3.1 (RD3.1)

(a) Permitted Uses

(i) A double duplex dwelling; multiple dwelling; residential care facility; lodging house; convent; monastery;


(iv) Any use accessory to the foregoing uses.

(v) Notwithstanding the provisions of clause (a) of subsection (l) of Section 12 of By-law 8600, for the lands comprising Lots 187 and 188, Registered Plan 548, situated on the north side of Brock Street, west of Bloomfield Road, a maximum of six dwelling units shall be permitted. (ADDED by B/L 9545, O.M.B. Order R880673, April 20, 1990 AS AMENDED Jan. 8, 1991)

(b) Regulations

(i) Minimum lot frontage - 18 metres

(ii) Minimum lot area - 550 square metres for the first 4 dwelling units; 85 square metres for each additional dwelling unit.

(iii) Notwithstanding the provisions of sub-paragraph (ii) of this paragraph, on a corner lot having a minimum frontage of 30 metres on each of the exterior lot lines, the maximum number of permitted dwelling units may be increased by 25%.

(iv) Maximum main building height

Interior Lot - 9 metres

Corner Lot - 9 metres, where any exterior lot line is less than 30 metres in length; or
14 metres, where each exterior lot line is a minimum of 30 metres in length. (AMENDED by B/L 9057, July 7/87)

(v) Maximum lot coverage - 35% of the lot area

(vi) Minimum landscaped open space yard - 35% of the lot area.

(vii) (DELETED by B/L 162-1998, June 24, 1998)

(viii) The minimum side yard width on each side shall be equal to 30% of the building height except:

1. Where a habitable room window of any dwelling unit faces a side lot line, the minimum side yard width on that side shall be 6.0 metres;

2. Where an access area is provided between a building wall having no habitable room windows and a side lot line, the minimum side yard width shall be the greater of 3.0 metres or 30% of the building height.


(ix) Minimum front yard depth - 6 metres

(x) Minimum rear yard depth - 7.5 metres

(xi) Notwithstanding the provisions of sub-paragraphs (i) to (x) inclusive of this paragraph, SEMI-DETACHED OR DUPLEX DWELLING, A MULTIPLE DWELLING having a maximum of 4 dwelling units, double duplex dwelling or TOWNHOME DWELLINGS and any use accessory thereto shall be in accordance with the provisions of paragraph (b) of subsection (2), of Section 11, RD2.2 DISTRICT, of this by-law applicable thereto.


(xii) Notwithstanding the provisions of sub-paragraph (i) to (x) inclusive of this paragraph, any building used for a LODGING HOUSE for the accommodation of a maximum of ten (10) persons and any use accessory thereto shall be in accordance with the provisions of paragraph (b), of subsection (1), of Section 10, RD1.1 DISTRICT, of this by-law applicable thereto; provided, further, that the whole of the building shall be used for a lodging house and may also include any use accessory thereto.

(xiii) Notwithstanding the provisions of sub-paragraphs (i) to (x) inclusive of this paragraph, any additions to an EXISTING SINGLE-UNIT DWELLING, EXISTING DUPLEX DWELLING, EXISTING SEMI-DETACHED DWELLING and any use accessory to the foregoing uses shall be in
accordance with the provisions of paragraph (b), of subsection (2), of Section 11, **RD2.2 DISTRICT**, of this by-law applicable thereto.

(xiv) Supplementary Regulations:

- See Section
  21 re: Supplementary Use Regulations
  22 re: Supplementary Lot Regulations
  23 re: Supplementary Building Regulations
  24 re: Parking Space Regulations
  25 re: Parking Area Regulations
PLAN OF CONDOMINIUM (CONVERSION)

APPLICANT: 1849677 Ontario Ltd.

SCALE: N.T.S
DATE: August, 2015
FILE NO: CDM-094/15-1
PLAN OF CONDOMINIUM (CONVERSION)

APPLICANT: 1849677 Ontario Ltd.

PLANNING & BUILDING DEPARTMENT

SCALE: N.T.S
DATE: August, 2015
FILE NO: CDM-004/15-3
APPENDIX ‘E’ – Site Photos (November 12, 2015)

On Seminole Street; looking north at front of building. On Seminole St.; looking north-east at west side of building.

On Central Ave.; looking north-west at east side of building. On Central Ave.; looking west at east side of building, parking area and alley adjacent to property.
MISSION STATEMENT
“Our City is built on relationships – between citizens and their government, businesses and public institutions, city and region – all interconnected, mutually supportive, and focused on the brightest future we can create together”

REPORT #: S 21/2015
Report Date: 10/27/2015
Author’s Contact:
Jim Abbs, MCIP, RPP
Planner III - Subdivisions
519-255-6543, ext. 6317
jabbs@citywindsor.ca

Date to Council: 12/14/2015
Clerk’s File #: ZP/12328

To: Mayor and Members of City Council


RECOMMENDATION:

1. THAT an amendment to Zoning By-law 8600 BE APPROVED amending the zoning of Lots 55 to 86 (inclusive) and Part of Lot 87, Registered Plan 1211, City of Windsor; located at 1166 Eastlawn Avenue and 0 Eastlawn Avenue, from Institutional District 1.1 (ID1.1) and Residential District 1.1 (RD1.1) to Residential District 1.2 (RD1.2) and adding a site specific provisions as follows:

   No exterior wall of an attached garage shall project greater than 1.2 metres beyond the front and side walls of the dwelling unit.

2. THAT the owner enters into a servicing agreement with the Corporation of the City of Windsor, such agreement to provide for the following matters:

   a. The owner shall agree to include all items as set out herein and other relevant matters set out in CR 233/98 (Standard Servicing Agreement).
   b. The owner shall agree that the Chief Building Official shall not be required to issue building permits until such time as the owner has constructed curbs and base asphalt on the final pavement structure fronting the said block;
   c. The owner shall agree to extend Eastlawn Avenue and all municipal and utility services. This includes removing the temporary cul-de-sac and barricade, and replace with concrete curbs and gutter, including boulevard, existing driveways and road restoration. All work done to the satisfaction of the City Engineer.
   d. The owner shall agree to close and remove all redundant driveway approaches and restore the boulevard to the satisfaction of the City Engineer;
   e. In the event the Owner(s) is required to oversize any services, to service other lands, the Owner agrees that any over-sizing costs to be paid by the Corporation
to the Owner shall be based on cost-sharing and tender process satisfactory to the City Engineer. Any cost-sharing agreed to will be subject to the approval by the Corporation’s City Council. Benefitting landowners will be required to pay their share of servicing costs prior to the release of permits for benefitting lands.

f. The owner shall agree to construct a concrete sidewalk along the EAST side of Eastlawn Avenue, along the frontage of the subject lands, connecting to the North side of Tranby Avenue, to the satisfaction of the City Engineer

3. THAT prior to the issuance of permits for the extension of Eastlawn Avenue, the owner shall provide a reference plan sufficient to create a 0.3 m reserve on WESTERLY limit of the existing Eastlawn Avenue Right of way adjacent to Lots 59 through 81, Registered Plan 835 and a 0.3 m reserve on the EASTERLY limit of the existing Eastlawn Avenue Right of way adjacent to Lots 51 through 54, Registered Plan 1211.

4. THAT 0.3 m on the WESTERLY limit of the existing Eastlawn Avenue Right of way adjacent to Lots 59 through 81, Registered Plan 835 and 0.3m on the EASTERLY limit of the existing Eastlawn Avenue Right of way adjacent to Lots 51 through 54, Registered Plan 1211, BE CLOSED by by-law for the purpose of creating a 0.3 metre reserve, until such time as the individual owners of Lots 59 through 81, Registered Plan 835 and Lots 51 through 54, Registered Plan 1211 have paid their proportionate share of costs for construction of infrastructure associated with the extension of Eastlawn Avenue. When a proportionate share of said infrastructure costs are paid, the appropriate portion of the 0.3m reserve BE DECLARED a public highway.

EXECUTIVE SUMMARY:

N/A

BACKGROUND:

APPLICATION INFORMATION:

LOCATION: 1166 Eastlawn Avenue and 0 Eastlawn Avenue

WARD: 6 PLANNING DISTRICT: 19-RIVERSIDE ZDM: 10 & 14

APPLICANT: Azar Holdings Inc.

REGISTERED OWNER\AUTHORIZED AGENT:

Owner: Windsor Essex Catholic District School Board

PROPOSAL:

The applicant is requesting an amendment to Zoning By-law 8600 for property located on the east side of Eastlawn Avenue, between Edgar Street and Tranby Avenue. The site is legally described as Lots 55 to 86 (inclusive) and Part of Lot 87, Registered Plan 1211.

The applicant is requesting to rezone the land to Residential District 1.2 (RD1.2) to facilitate construction of 32 single detached dwellings on existing lots. The lots for the residential units
were created in 1926 by Registered Plan 1211. The size of the existing lots complies with the regulations of the RD1.2 zone category. Any new construction will be required to comply with the regulation of the RD1.2 category.

The subject land is zoned as ID1.1 and RD1.1 under By-law 8600 and designated as residential use under the City of Windsor Official Plan. The parcel was the site of St Maria Goretti Catholic School.

The Applicant is required to enter into a development agreement with the City of Windsor for the construction of the extension of Eastlawn Avenue and the construction of required municipal and utility services prior to the construction of any buildings on lots that do not currently have frontage on a street that has been assumed by the City for Public Use.

**SITE INFORMATION:**

<table>
<thead>
<tr>
<th>Official Plan</th>
<th>Zoning</th>
<th>Current Use</th>
<th>Previous Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>Current – ID 1.1 and RD1.1 Proposed - Residential District (RD) 1.2 (See Appendix E)</td>
<td>Vacant School</td>
<td>School/School Grounds</td>
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<table>
<thead>
<tr>
<th>Frontage</th>
<th>Depth</th>
<th>Area</th>
<th>Shape</th>
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</thead>
<tbody>
<tr>
<td>396.24 m</td>
<td>31.70 m</td>
<td>1.26 ha</td>
<td>rectangular</td>
</tr>
<tr>
<td>1300 ft</td>
<td>104 ft</td>
<td>3.1 acres</td>
<td></td>
</tr>
</tbody>
</table>

All measurements are approximate.

**NEIGHBOURHOOD CHARACTERISTICS:**

The site is located within a predominantly residential area, with existing single unit dwellings to the north, south east and west. There is multiple unit residential development to the west, on the south side of Tranby Avenue and there is existing commercial and multiple unit residential to the east along Lauzon Road. (Air Photo in Appendix E)
REQUESTED ZONING AMENDMENT

APPLICANT: Azar Holdings Inc.

DATE: November, 2015
FILE NO: Z-016/15, ZN6/8550

PLANNING & BUILDING DEPARTMENT
DISCUSSION:
N/A

RISK ANALYSIS:
N/A

FINANCIAL MATTERS:
N/A

CONSULTATIONS:
Comments are included in Appendix ‘A’. As required in the Planning Act, notice was provided by advertisement in the Windsor Star. In addition a notice to all property owners and tenants within 120 metres (400 feet) of the subject parcel was sent by mail.

PLANNING ACT MATTERS:

PLANNING ANALYSIS:

The proposed development is consistent with the Provincial Policy Statement in that the development promotes the efficient use of existing land pattern and promotes cost-effective development patterns and standards to minimize land consumption and servicing costs

Official Plan:
The site is designated Residential. The proposed use is consistent with the Residential designation.

Zoning:
The subject site is currently zoned Institutional District (ID) 1.1 and Residential District (RD) 1.1 following the property limits of the former school site and yard. The majority of the site falls within the ID 1.1 zone. The applicant is requesting that the entire site be zoned to permit Single detached Residential Buildings on 12m (+/-39”) lots.

The exiting residential development in the area is subject to the RD1.1 zone category. The RD1.1 zone requires a minimum lot width of 15m (+/-49’). While the lot width proposed by the applicant is not the same as the existing lot widths on the west side of Eastlawn Avenue, the 12m lot width with single detached dwellings is certainly compatible with the existing form of housing.

The lot width requested is consistent with the regulations of the RD1.2 zone category. Any new construction will be required to comply with the regulation of the RD1.2 category.

Windsor Police Service comments indicate a desire to limit the possibility for the construction of garage forward style or “snout” houses in order to limit areas that are obscured from view. A regulation to limit the distance a garage can be set forward from the front wall of the dwelling
unit is included in the recommendation. The distance of 1.2 m (approx. 4’) is suggested by the Planning Department to permit a porch at the entrance of the dwelling unit that could be even with the front of the garage, while not extending into the required front yard. The applicant has indicated that the WPS request would be compatible with the development contemplated for the site.

A Draft By-law is attached as Appendix “C”

Infrastructure:

The extension of Eastlawn Avenue to Tranby Avenue will be built to the current City of Windsor Standard, to the Satisfaction of the City Engineer. To facilitate the construction, the applicant will enter into a development agreement with the City that fully describes the scope of work to be undertaken in the Eastlawn Road allowance.

ISSUES TO BE RESOLVED:

The construction of an extension to Eastlawn Avenue will give landowners with frontage on the west side of Eastlawn Avenue the opportunity to connect to municipal and utility services and develop their land. To ensure that the owners on the west side of Eastlawn pay their share of the cost for all services in the area, the City is requesting the applicant provide a reference plan reference plan sufficient to create a 0.3 m reserve at the westerly limit and on a portion of the easterly limit of the existing Eastlawn Avenue Right of way. This 0.3 m of Eastlawn Avenue will be closed and will prohibit access to Eastlawn Avenue from Lots 59 through 81, Registered Plan 835 and Lots 51 through 54, Registered Plan 1211 without city permission. City permission for access to Eastlawn Avenue will be given when the affected owners pay their respective share of the servicing costs. As well, additional planning approvals (i.e. variances, severances) may be required due to the current zoning of the west side of Eastlawn Avenue. (15.0m lot width required.)

Public Works has requested that the applicant apply to close the alley to the east of the subject lands. The applicant is not in favour of adding this condition, as he is of the opinion that the lots, as they exist on the original plan of subdivision, are of sufficient size for the development envisioned. As additional lands are not required for the existing lots to comply with the regulation in the RD 1.2 zone category, the Planning Department does not support Public Works request, and has not included the request as a condition of approval.

CONCLUSION:

The proposed zone change complies with the provisions of the Provincial Policy Statement and the City of Windsor Official Plan, City of Windsor Zoning By-law (as amended) and will provide additional housing opportunities in an established area.

Therefore we find that the proposed amendment to By-law 8600 is does constitute good and consistent land use planning.
I concur with the above comments and opinion of the Registered Professional Planner.

*Don Wilson, Manager of Development Applications*

*Thom Hunt, City Planner/Executive Director*

I am not a registered Planner and have reviewed as a Corporate Team Leader

*SAH  HR*

**APPENDICES:**

1. APPENDIX A - Agency Comments
2. APPENDIX B - Existing Zoning Category
3. APPENDIX C - Draft By-law
4. APPENDIX D - Site Photos
5. APPENDIX E - Maps
Planning Policy

No objections or requirements from Planning Policy.

Enwin Utilities:

Water Engineering has no objections.

Windsor Police Service:

I feel the proposed residential redevelopment on the former elementary school site is a good use of the property from an infill perspective. Replacing a vacated school with new homes is likely to be the most compatible re-use of this site and I foresee no problems arising from it. I would however like to bring forward the following features as they relate to this new subdivision from the perspective of optimizing safety and security:

- The application calls for the construction of single family homes. It is important to remember in new subdivisions such as this to ensure the resultant design will allow for each individual property to be easily identified in the event of an emergency. This is so that emergency service responders can accurately locate the right address where an emergency call for assistance is required. Therefore, it is very important that each separate dwelling unit have a prominently displayed address number that is at least 5” high, is of a contrasting colour to the backdrop onto which it is mounted, and can be easily seen from the adjacent roadway without obstruction. This will optimize the address number location and subsequent identification by Police/Fire/Ambulance during an emergency response.

- Pedestrian safety is very important in all residential neighbourhoods. This includes appropriate sidewalk infrastructure to connect to adjacent areas and proper street lighting as well. Lighting provided should be LED, in keeping with the new municipal standard. This type of light source offers significantly greater overall visibility and quality of illumination generated, which in turn is beneficial to public safety.

- Very importantly, the architectural design of the new homes must not represent a “snout house” appearance. What is being referred to here is where the front entrance of the home is essentially obscured from view from the abutting roadway due, at least in part, to the protrusion of the attached garage toward the front of the property at the street. A “snout house” design de-emphasizes architectural orientation to the street, thereby reducing the level of natural citizen surveillance within the neighbourhood. Houses where the front door is not easily observable from the roadway are more susceptible to criminalization since the limited observability of such offers criminals a greater degree of discretion. It is requested that a condition be placed that will limit the forward extent of any attached garages that could lead to this problem.

Finance / Assessment Division

Finance / Assessment would ‘allow’ this request.

Union Gas

Union Gas has no issue with this application.
Transportation Planning

After review of the subject lands pertinent to the subject application, Transportation Planning has the following comments:

- Eastlawn Avenue is classified as a Local Road that requires a right-of-way width of 20 metres. The current right-of-way width is 20.1 metres. No land conveyance is required. There are sidewalks on the east side of Eastlawn Avenue.
- Edgar Street is classified as a Class II Collector road that requires a right-of-way width of 20.1 metres. The current right-of-way width is 20.1 metres. There are existing bike lanes and a signed route along Edgar Street.
- Tranby Avenue is classified as a Local Road that requires a right-of-way width of 20.1 metres.
- This subdivision design shall meet the requirements for new neighbourhoods in the City of Windsor Traffic Calming Policy.
- With the extension of Eastlawn Avenue to Tranby Avenue sidewalks along the east side of Eastlawn Avenue are required

GECDSB:

On behalf of the School Board we request that the following conditions be included in the development agreement:

1. requiring sidewalks on at least one side of the proposed street extension to facilitate student safety.
2. notice of school availability clause. That a condition be included in the development agreement requiring notice on title for purchasers of lots to be aware that students may not be able to attend the closest neighbourhood school and could be bused to a distant school with available capacity.

Pursuant to Section 34 of the Planning Act we request written notice of any further action or decision on this application.

Thank-you for the opportunity to comment.
THE CORPORATION OF THE CITY OF WINDSOR
OFFICE OF THE CITY ENGINEER
ENGINEERING - DEVELOPMENT, PROJECTS & RIGHT-OF-WAY

Memo

Date: September 30, 2015
To: Planning Department, Attention: Jim Abbs
CC: Tony Ruffolo, Right-of-Way Supervisor
Subject: 1166 Eastlawn & 0 Eastlawn
Z-016/15; Roll #060-300-09600-0000 & 060-300-09500-0000

The applicant is requesting an amendment to Zoning By-law 8600 for property located on the east side
of Eastlawn Avenue, between Edgar Street and Tranby Avenue. The property is municipally known as
1166 Eastlawn Avenue and 0 Eastlawn Avenue. The Property is legally described as Lots 55 to 86
(inclusive) and Part of Lot 87, Registered Plan 1211.

The subject land is zoned as ID1.1 and RD1.1 under By-law 8600 and designated as residential use
under the City of Windsor Official Plan. The lot was the site of St Maria Goretti Catholic School.

The applicant is now requesting to rezone the land to Residential District 1.2 (RD1.2) to facilitate
construction of 32 single detached dwellings on existing lots, in conformity with the residential
designation of the City of Windsor Official Plan.

After reviewing the servicing requirements of the subject lands pertinent to the subject application, we
have the following comments:

ROADS AND RIGHTS-OF-WAY:

Eastlawn Avenue is a municipal roadway classified as a Local Road requiring a 20 metre right-of-way
width in accordance with the Official Plan. The existing right-of-way width is 20m. There is a sidewalk
on the east side of the roadway that leads to the existing school and cul-de-sac. The remainder of the
right-of-way is undeveloped south of the cul-de-sac. The development is required to have 8.6m
pavement widths a connection to Tranby Avenue and remove the existing cul-de-sac to City standards.

The existing grass alleyway along the east side of the property does not serve any municipal purpose and
is required to be closed by the applicant.

SEWERS:

There are municipal storm and sanitary sewers within the abutting road ways, available to service the
subject property as follows:

Eastlawn Avenue
Sanitary Sewer: 250mm Poly-vinyl Chlorine Sewer
Storm Sewer: 375mm Concrete Sewer

File: TZ/11626
The applicant should note that these sewers stop near the existing cul-de-sac on Eastlawn. A sewer study is required for this development as well as the west side of Eastlawn. The sewer extension will be required as part of the development any oversizing of sewer or cost sharing will be based on a public tender and subject to approval of City Engineer.

**Edgar Street**
- Sanitary Sewer: 900mm Concrete Sewer
- Storm Sewer: 1350mm Concrete Sewer

The applicant will be required to submit a site servicing drawing of existing and proposed services and connections. Existing connections must be used when available.

We have no objections to this rezoning Application, subject to the following conditions:

**Development Agreement** – The applicant agrees to enter into a Development Agreement with the Corporation of the City of Windsor with the General Provisions of Council Resolutions 233/98 and any other specific requirements.

**Alley Closing** – Prior to the issuance of a Building Permit, the applicant shall apply to the Street and Alley Closing Committee to close the existing alley adjacent to the subject property.

**Backwater Valve** – The applicant(s) agree to install backwater valve or similar apparatus on any connection to municipal combined sewer, as precaution and to mitigate possible damage from surcharge of the sewer.

**Building Permits** – The applicant(s) shall agree that the Chief Building Official shall not be required to issue a Building Permit for any lot or block within the proposed development until the following requirements have been met:

i) The applicant(s) shall have constructed curbs and base asphalt on the final pavement structure fronting the said lot or block.

ii) The relative development charges shall have been paid to the Corporation in accordance with the terms of the agreement.

iii) The applicant(s) shall have deposited with the Corporation a performance bond in the amount of uncompleted works contained in this agreement.

iv) An individual lot-grading plan shall have been submitted to the Chief Building Official

**Cul-de-Sac Reconstruction** – The applicant(s) shall agree to remove, at their expense, the temporary cul-de-sac and barricade, and replace with concrete curbs and gutter, including boulevard, existing driveways, and road restoration. All work to be to the satisfaction of the Corporation’s City Engineer.

**Redundant Driveway Approaches** – The applicant(s) shall agree to close and remove all redundant driveway approaches and restore the boulevard, all to the satisfaction of the City Engineer.

**Sidewalks** – The Owner(s) further agrees to:

(a) Construct at their own expense and according to City of Windsor Standard Specifications, a concrete sidewalk along the entire east side Eastlawn frontage of the subject lands. All work to be to the satisfaction of the Corporation’s City Engineer;

(b) The owner will comply with Council Resolution 436/2004, which outlines the notification to new homeowners, and the schedule in which sidewalks will need to be constructed.
If you have any further questions or concerns, please contact Michael Cappucci, in the Engineering Department at 519-255-6257, ext. 6355.

[Signature]

Tony Ruffolo
Right-of-Way Supervisor

[Signature]

MC
Residential District 1.2 (RDl.2)

(a) Permitted Uses

(i) One single-unit dwelling;
   (AMENDED by B/L 33-2001, October 23, 2001, OMB Decision/Order No. 1716, OMB Case No. PL010233)

(ii) An existing duplex dwelling or existing semi-detached dwelling;

(iii) Any use accessory to the foregoing uses.

(b) Regulations

(i) Minimum lot width - 12 metres

(ii) Minimum lot area - 370 square metres

(iii) Maximum lot coverage

   One storey main building - 35% of the lot area
   Two storey main building - 30% of the lot area
   All Accessory Buildings - 10% of the lot area

   For the purpose of this clause, lot coverage shall not include bonus rooms above a garage forming part of the main building.
   (AMENDED by B/L 33-2001, October 23, 2001, OMB Decision/Order No. 1716, OMB Case No. PL010233)

(iv) Maximum building height

   Main Building - 2 storeys
   (DELETED by B/L 11093, July 20/92 And AMENDED by B/L 10358, July 16/90)

(v) Minimum front yard depth - 6 metres

(vi) Minimum rear yard depth - 7.5 metres
(vii) Minimum side yard width - 1.2 metres on one side and 2.5 metres on the other side; provided, however, that, where there is an attached garage or carport or where there is an exterior side yard, the minimum side yard width on each side shall be 1.2 metres.

(viii) Notwithstanding the provisions of sub-paragraphs (i) to (vii) inclusive, of this paragraph, any additions to an existing duplex, dwelling or an existing semi-detached dwelling shall be in accordance with the provisions of paragraph (b) of subsection (l), of Section 11, RD2.1 District, of this by-law, applicable thereto.

(ix) Prior to the issuance of a building permit to construct a new dwelling on a lot, a municipal sanitary sewer, an approved storm water outlet, municipal hydro and water services and a paved road shall be available to service the subject lot.

(ADDED by B/L 33-2001, October 23, 2001, OMB Decision/Order No. 1716, OMB Case No. PL010233)

(x) Supplementary Regulations:
  - See Section
  21 re: Supplementary Use Regulations
  22 re: Supplementary Lot Regulations
  23 re: Supplementary Building Regulations
  24 re: Parking Space Regulations
  25 re: Parking Area Regulations
BY-LAW NUMBER
-2015

A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW"

Passed the day of , 2015.

WHEREAS it is deemed expedient to further amend By-law Number 8600 of the Council of The Corporation of the City of Windsor, cited as the "City of Windsor Zoning By-law" passed the 31st day of March, 1986, as heretofore amended:

THEREFORE the Council of The Corporation of the City of Windsor enacts as follows:

1. By-law Number 8600 is further amended by changing the District Maps or parts thereof referred to in Section 3, of the by-law and made part thereof, so that the zoning district symbol of the lands described in Column 3 shall be changed from that shown in Column 5 to that shown in Column 6:

<table>
<thead>
<tr>
<th>Item Number</th>
<th>Zoning District Map Part</th>
<th>Lands Affected</th>
<th>Official Plan Amendment Number</th>
<th>Zoning Symbol</th>
<th>New Zoning Symbol</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>10 &amp; 14</td>
<td>Lots 55 to 86 (inclusive) and Part of Lot 87, Registered Plan 1211</td>
<td>N/A</td>
<td>ID1.1 and RD1.1</td>
<td>RD1.2</td>
</tr>
</tbody>
</table>

2. That subsection 1 of Section 20, of said by-law, is amended by adding the following paragraph:

"327 For the lands comprising of Lots 55 to 86 (inclusive) and Part of Lot 87, Registered Plan 1211, City of Windsor, no exterior wall of an attached garage shall project greater than 1.2 metres beyond the front and side walls of the dwelling unit."

3. The said by-law is further amended by changing the District Maps or parts thereof referred to in Section 3, of said by-law and made part thereof, so that the lands described in Column 3 are delineated by a broken line and further identified by the zoning symbol shown in Column 5:

<table>
<thead>
<tr>
<th>Item Number</th>
<th>Zoning District Map Part</th>
<th>Lands Affected</th>
<th>Official Plan Amendment Number</th>
<th>Zoning Symbol</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>10 &amp; 14</td>
<td>Lots 55 to 86 (inclusive) and Part of Lot 87, Registered Plan 1211</td>
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<td>S.20(1)327</td>
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</tbody>
</table>
DREW DILKENS, MAYOR

CLERK

First Reading  - , 2015
Second Reading - , 2015
Third Reading - , 2015
APPENDIX “D”

BLANK PER PLANNING
REQUESTED ZONING AMENDMENT

APPLICANT: Azar Holdings Inc.

FILE NO: Z-016/15, ZNG/4556
Subject: Minutes of the Planning, Heritage & Economic Development Standing Committee meeting held November 9, 2015
Minutes
Planning, Heritage & Economic Development Standing Committee
City of Windsor

Monday, November 09, 2015
4:30 PM

Members Present:

Chairperson
Ward 8 – Councillor Marra (Chairperson)

Councillors
Ward 4 - Councillor Holt
Ward 7 - Councillor Kusmierczyk
Ward 9 - Councillor Payne
Ward 5 - Councillor Sleiman (Vice-Chairperson)

Planning Act Citizens
Anthony Gyemi
Barbara Bjarneson
Dorian Moore

Heritage Act Citizens
Lynn Baker
Andrew Foot
John Miller
Michael DiMaio
Simon Chamely

Delegations
Robert Ethier, applicant and David Sundin, Solicitor (Item 7.1)
Joe Passa, (Item 7.2)
Dave Woodall, and Elaine Weeks, citizen (Item 10.1)
Ann Marie Meloche, applicant (Item 10.2)
Susan Malone, resident, Jerry Goldberg, Solicitor, Ron Ellig, resident (Item 11.2)
Elizabeth Passa, applicant (item 11.3)
Martin Schuurman, applicant and Myles Schuurman (Item 11.6)

ALSO PRESENT ARE THE FOLLOWING FROM ADMINISTRATION:
Wira Vendrasco, Deputy City Solicitor
Thom Hunt, Executive Director Planning, Building Services/City Planner
Don Wilson, Manager of Development Applications
John Revel, Chief Building Official
Dan Lunardi, Manager of Inspections
Greg Atkinson, Planner III Economic Development
Adam Pillon, Technologist I Development Projects and Right of Way
Matt McCullough, Zoning Coordinator
Kevin Alexander, Planner III Special Projects
1. CALL TO ORDER

The Chairperson calls the meeting of the Planning, Heritage and Economic Development Standing Committee to order at 4:30 o’clock p.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None disclosed.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None requested.

4. COMMUNICATIONS

None presented

4.1. Correspondence for Planning, Heritage & Economic Development Standing Committee - November 9, 2015

Moved by: Councillor Payne
Seconded by: Councillor Holt

Decision Number: PHED 332

That the Correspondence for the Planning, Heritage & Economic Development Standing Committee regarding the notice of Public Meeting to Consider an Amendment to Zoning By-Law 8600 (Robert Ethier, 3329 Sandwich Street) BE RECEIVED as presented.

Carried.

Agenda Item: CMC 3/2015
Clerk’s File: ZB/12330

5. ADOPTION OF THE PLANNING ACT MINUTES

5.1. Minutes of the PHED Standing Committee meeting held October 13, 2015
Moved by: Councillor Sleiman
Seconded by: Mr. Gyemi

That the Minutes of the Planning, Heritage & Economic Development Standing Committee (Planning Act Matters) held October 13, 2015 BE RECEIVED for information. Carried.

Agenda Item: SCM 6/2015
Clerk’s File:

6. PRESENTATION & DELEGATIONS (PLANNING ACT MATTERS)

7. PLANNING ACT MATTERS

7.1. Robert Ethier, 3329 Sandwich Street, Amendment to Zoning By-law 8600, to allow a residential unit within an existing ancillary building as an additional permitted use

Moved by: Ms. Bjarneson
Seconded by: Councillor Holt

Decision Number: PHED 333

1. That an amendment to Zoning By-law 8600 BE APPROVED changing the zoning of the northerly Part of Lot 10, Registered Plan 40 (PIN 01253-0323), situated on the east side of Sandwich Street, south of Brock Street, known municipally as 3329 Sandwich Street by adding a site specific provision with a holding symbol on the following basis:

“325. For the lands comprising of the northerly Part of Lot 10, Registered Plan 40 (PIN 01253-0323), situated on the east side of Sandwich Street, south of Brock Street, one dwelling unit in an existing building ancillary to the main residential use in the main building is an additional permitted use. [ZDM 4; ZNG/4488]”

2. That the holding symbol BE REMOVED when the Owner makes application to remove the holding symbol and when the following conditions have been satisfied:
   a) The Owner obtain an occupancy permit for the one dwelling unit in the building identified as “1 Bedroom house” in Appendix B – Applicant Site Plan in the Staff Report to the Planning, Heritage and Economic Development Standing Committee (File No. Z-013/15 [ZNG/4488]); and
   b) The Owner obtain an additional municipal address number on the existing property for the dwelling unit in the building identified as “1 Bedroom house” in Appendix B – Applicant Site Plan in the Staff Report to the Planning, Heritage and Economic Development Standing Committee (File No. Z-013/15 [ZNG/4488]).

Carried.

Agenda Item: S 16/2015
Clerk’s File: ZB/12330

7.2. Penske Truck Leasing Canada Ltd., 4505 Fourth Street, Amendment to Zoning By-law 8600, permit a Motor Vehicle Dealership that would allow the site to be
used for a Truck Rental and Leasing Facility

Moved by: Mr. Gyemi  
Seconded by: Councillor Kusmierczyk  

Decision Number: **PHED 334**

1. **THAT** an amendment to Zoning By-law 8600 **BE APPROVED**, amending the zoning for Lots 26 To 39; 67 To 81; 96 To 110; 139 To 153 & Part of Lots 66, 111 and 138, Part of Closed Hudson & Fifth Streets; Part Closed Alley, Plan 1154; Lots 19 To 22, Part of Closed Alley Plan 1209;( Parts 63, 65, 67, 69, 71, 77, 79, 81, 83, 85 and 87, 12R-4051; Parts 5 & 6, 12R-10153,City of Windsor, (Municipally known as 4505 Fourth Street) from Manufacturing District (MD) 1.4 to (Holding) Manufacturing District (H)MD1.4 with special provisions to add the following permitted use: “A Motor Vehicle Dealership.”

2. That the Hold symbol be removed from the site when the following requirements are met:
   
i.) “Enclose the roadside ditch along Continental Avenue abutting the subject property in a manner satisfactory to the City Engineer.”

   ii.) “Construct at their own expense and according to City of Windsor specifications, a concrete curb and gutter along Continental Avenue abutting the subject Lands. All work to be to the satisfaction of the City engineer,

   **OR**

   Pay the Corporation, the sum of $1500.00 being the owner’s contribution towards future construction of concrete curb and gutter along Continental Avenue abutting the subject property.”

   Carried.

   **Agenda Item: S 17/2015**  
   Clerk’s File: ZB/12327

8. **ADOPTION OF THE MINUTES**

8.1. Minutes of PHEC Standing Committee meeting held October 13, 2015

Moved by: Councillor Sleiman  
Seconded by: Mr. Chamely  

That the Minutes of the Planning, Heritage & Economic Development Standing Committee held October 13, 2015 **BE RECEIVED** for information.

   Carried.

   **Agenda Item: SCM 7/2015**  
   Clerk’s File:

9. **PRESENTATIONS AND DELEGATIONS (COMMITTEE & ADMINISTRATIVE MATTERS)**

10. HERITAGE ACT MATTERS

10.1. St. George's Church & Hall, 1949 Devonshire Court – Demolition of Property on Windsor Municipal Heritage Register WARD 4

John Calhoun, Heritage Planner, appears before the Planning, Heritage and Economic Development Standing Committee and provides a brief history regarding the subject property and what is being recommended by administration. Mr. Calhoun indicates that should the pair of buildings remain in place, there is a concerning engineering report that was attached to the administrative report, which details the structural integrity of both buildings. He concludes by advising that administration recommends allowing the demolition to occur.

Dave Woodall, representative, appears before the Planning, Heritage and Economic Development Standing Committee regarding the administrative report entitled -- St. George’s Church & Hall, 1949 Devonshire Court, demolition of Property on Windsor Municipal Heritage Register and is available for questions.

Elaine Weeks, citizen, appears before the Planning, Heritage and Economic Development Standing Committee regarding the administrative report entitled -- St. George’s Church & Hall, 1949 Devonshire Court, demolition of Property on Windsor Municipal Heritage Register and provides a brief history of St. George’s Church & Hall. She concludes by requesting that the committee make an inquiry to the diocese encouraging sale of the property instead of demolishing it.

Councillor Holt inquires whether there were attempts by the diocese to sell the building. Mr. Woodall indicates there were not.

Councillor Holt inquires as to the estimate of repairs that are required. Mr. Woodall doesn’t have that amount available.

Councillor Sleiman inquires as to his opinion of the condition of the building. Mr. Woodall indicates it’s beyond repair. In his opinion, the hall is in serious structural disrepair. It would require dismantling of a big part of the building and it being rebuilt.

Councillor Payne refers to Mr. Becker’s engineering report and the issue of temporary fencing to be installed. He inquires as to whether this is complete and if not, if the City is incurring liability as a result. Administration responds by indicating the fence hasn’t been installed and the property is private property not City property.

Mr. Woodall indicates the application has been made to the City to install the fence. Administration indicates they are recommending the installation of the fence and the application is in process.

Councillor Kusmierczyk inquires as to the start date of the application. Administration indicates that the start date would be approximately the date on the administrative report.

The City Planner provides a comparison to the type of request receive and indicates that the Diocese could consider standing down their application for the demolition request.
Councillor Kusmierczyk inquires as to the building department process. Mr. Revell, Chief Building Official indicates under normal circumstances they would defer the inspection process to let the application process work out. An inspector can attend the property and a report would be provided to determine if safety is involved. What type of safety would depend on the inspectors report back. He also indicates that the Engineer’s report would be considered.

An inquiry is made to Mr. Woodall as to whether anybody is currently occupying the buildings. Mr. Woodall indicates there are a few remnants of furniture in the building although the parishioners don’t have access to the building.

Moved by: Councillor Holt  
Seconded by: Mr. Foot

Decision Number: PHED 335

That the report of the City Planner dated October 23, 2015 entitled “St. George’s Church & Hall, 1949 Devonshire Court—Demolition of Property on Windsor Municipal Heritage Register Ward 4” BE REFERRED to Council, and during this time that A REQUEST BE MADE to the Diocese for them to consider standing down on the demolition request; and further

That the Diocese BE REQUESTED to facilitate contact with the proposed interested purchaser; and

That Administration BE REQUESTED to send a building inspector to the site to facilitate the agreement to enter permit application process for the temporary fence to be installed before December 15, 2015.

Carried.

Agenda Item: S 19/2015  
Clerk’s File: MBA 2015

10.2. Chateau Park Lodge, 2990B Riverside Dr W (Sandwich HCD) – Heritage Alteration Permit – Replace shed Ward 2

Mr. Calhoun provides clarification of the location of the shed.

Anne Marie Meloche, applicant appears before the Planning, Heritage and Economic Development Standing Committee regarding the administrative report Chateau Park Lodge, 2990B Riverside Dr. W. (Sandwich HCD) Heritage Alteration Permit Replace Shed Ward 2 and is available for questions.

Moved by: Mr. Foot  
Seconded by: Councillor Sleiman

Decision Number: PHED 336

That the request to construct a new shed, replacing a smaller shed at 2990B Riverside Drive West BE GRANTED, according to provisions in the Sandwich Heritage
Conservation District Plan and the *Ontario Heritage Act* for properties within heritage conservation districts.

Carried.

Agenda Item: S 5/2015
Clerk’s File: MBA/9191

10.3. **McKee Park, 3036 Sandwich Street (Sandwich HCD) - Install Lights - Ward 2**

Moved by: Councillor Sleiman
Seconded by: Councillor Kusmierczyk

Decision Number: **PHED 337**

THAT the proposed installation of light poles and light fixtures at McKee Park, 3036 Sandwich Street, **BE GRANTED** under provisions of Part V of the *Ontario Heritage Act* and of the Sandwich Heritage Conservation District (HCD) Plan.

Carried.

Agenda Item: S 20/2015
Clerk’s File: MBA/10359

11. **ADMINISTRATIVE ITEMS**

11.1. **Facade Improvement Program for ‘Mainstreets’ City Wide**

Kevin Alexander, Planner III, Special Projects appears before the Planning, Heritage and Economic Development Standing Committee and provides a brief history regarding the report and the Council question it responds to. He also cites the success and positive feedback that has been received, and how administration continues to build on that.

Councillor Payne inquires as to the program’s effectiveness inquiring why the program has been in effect for 7 years and there have only been a few applications.

Mr. Alexander indicates the previous program was a loan program and most property owners didn’t apply. It was also a cumbersome application process.

Some financial details of the program are discussed.

Councillor Holt inquires as to whether there is any interest to branching out from the Mainstreet areas. Administration indicates this particular report refers to Mainstreets but other areas may be considered as per Council’s direction.

Moved by: Councillor Holt
Seconded by: Councillor Kusmierczyk

Decision Number: **PHED 338**

I. That the Planning and Building Department **BE DIRECTED** to prepare a Community Improvement Plan (CIP) and Urban Design Guidelines to implement a Facade Improvement Program for ‘Main Streets’ under Section 28 of the *Planning Act* for the Wyandotte Town Centre and Walkerville Business Improvement Areas;
II. That the Planning and Building Department BE DIRECTED to include the Wyandotte Town Centre and Walkerville Business Improvement Areas as the first ‘Main Streets’ to take advantage of funding through a Facade Improvement Program for ‘Main Streets’; and

III. That By-Law 42-1998 for the Commercial Area Facade Improvement Strategy Community Improvement for the City Centre Community Improvement Project Area Plan and By-Law 43-1998 for the Commercial Area Facade Improvement Strategy Community Improvement Plan for Wyandotte Town Centre Community Improvement Project Area BE REPEALED.
Carried.

Agenda Item: S 14/2015
Clerk’s File: SPL/10759

11.2. Ward 6 - Request to close the east/west alley north of Wyandotte St. E., west of Westchester Dr., abutting 8750 & 8850 Wyandotte St. E.; File No.: SAA/4480

Justina Nwaesei, Planner II appears before the Planning, Heritage and Economic Development Standing Committee and provides a brief outline of the report.

Mr. Goldberg, Solicitor, appears before the Planning, Heritage and Economic Development Standing Committee and provides a brief outline of the request and indicates he supports the administrative recommendation.

Susan Malone, area resident appears before the Planning, Heritage and Economic Development Standing Committee and expresses concern with the administrative recommendation as she has a boat stored in the backyard and requires access through the alley to store it at the back part of her property.

Ron Ellig, resident, appears before the Planning, Heritage and Economic Development Standing Committee and indicates that his father lives in the area and he fears that the fence will be damaged by a snow plow, and is currently broken down, also cars already parked there.

Councillor Kusmierczyk inquires as to what the plans are for the alley. Mr. Goldberg indicates his client would like to extend/improve the parking, as well as improving the pavement/lighting in the area.

Councillor Payne inquires as to legislation and who has a right to the alley. Administration indicates that according to the Municipal Act 2001, discretion is given to Council to divide alleys how they wish.

Moved by: Councillor Kusmierczyk
Seconded by: Councillor Holt

Decision Number: PHED 339

That the report of the City Planner dated October 7, 2015 entitled “Ward 6—Request to close the east/west alley north of Wyandotte St. E., west of Westchester Dr.
11.3. Request to close the east/west alley between Lamont and Valebrook, east of Sixth Street - Ward 1; File No.: SAA/4462

Justina Nwaesei, Planner II provides background regarding the administrative report.

Elizabeth Passa, applicant appears before the Planning, Heritage and Economic Development Standing Committee regarding the administrative report request to close the east/west alley between Lamont and Valebrook, east of Sixth Street—Ward 1, File No. SAA/4462, and is available for questions

Moved by: Councillor Kusmierczyk
Seconded by: Councillor Payne

Decision Number: PHED 340

I. That the 12ft (3.7m) wide east/west alley between Lamont Street and Valebrook Street, east of Sixth Street, abutting the properties municipally known as 2307, 2313, 2319, 2323, 2327, 2331, 2335, 2339, 2343, 2347, 2351, and 2357 Lamont Street, shown on Drawing No. CC-1680 attached hereto as Appendix “A”, BE ASSUMED for subsequent closure;

II. That the 12ft (3.7m) wide east/west alley between Lamont Street and Valebrook Street, east of Sixth Street, abutting the properties municipally known as 2307, 2313, 2319, 2323, 2327, 2331, 2335, 2339, 2343, 2347, 2351, and 2357 Lamont Street, shown on Drawing No. CC-1680 attached hereto as Appendix “A”, BE CLOSED AND CONVEYED to the abutting property owners;

III. Conveyance Cost BE SET as follows:

Abutting properties zoned RD2.3 & DRD1.1: $1.00 plus deed preparation plus proportionate share of survey cost.

IV. That The City Planner BE REQUESTED to supply the appropriate legal description, in accordance with Drawing Number. CC-1680, attached hereto as Appendix “A”;

V. That The City Planner, or designate, BE AUTHORIZED to publish the required legal notice;

VI. That The City Solicitor BE REQUESTED to prepare the necessary by-law(s);

VII. That The Chief Administrative Officer and City Clerk BE AUTHORIZED to sign all necessary documents approved as to form and content satisfactory to the City Solicitor; and
VIII. That the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003. Carried. Councillor Marra was absent at the time the vote was taken.

11.4. **Brownfield Redevelopment and Economic Revitalization Community Improvement Plans (CIP) – 2015 Update and Responses to CQ8-2015 (City-wide)**

Greg Atkinson, Planner III Economic Development, appears before the Planning, Heritage and Economic Development Standing Committee and provides a brief outline regarding the administrative report.

Councillor Payne inquires as to whether current legislation interferes with this program. Mr. Atkinson indicates the program is restricted to grants which generally do not interfere with the legislation and it is essentially a tax freeze which applicants can utilize.

Councillor Holt suggests the brownfield redevelopment program is not as well used as some of the others, and inquires whether more suggestions on improvements to the plan will be received in the 5 year review. Administration indicates an analysis will be forthcoming.

Councillor Sleiman inquires whether the applicant is approached regarding the program or if it’s up to the owner to come forward to apply. Administration indicates the property owner is normally the one that will apply, but marketing of the program also exists in addition to presentations to different agencies being conducted to advertise the program.

Moved by: Councillor Holt  
Seconded by: Councillor Payne  

Decision Number: **PHED 341**

> THAT Report No. S 18-2015 updating Council on the use and implementation of the Brownfield Redevelopment and Economic Revitalization Community Improvement Plans and providing a response to CQ8-2015 **BE RECEIVED** for information; and  
> THAT Administration **BE DIRECTED** to initiate a comprehensive review of the Brownfield Redevelopment and Economic Revitalization Community Improvement Plans. Carried.
> Councillor Marra was absent at the time the vote was taken.

Agenda Item: S 18/2015  
Clerk’s File: SPL/10759

11.5. **Request to close Part of Elsmere Avenue, from the north limit of South Pacific Avenue to the south limit of the Canadian Pacific Railway - Ward 10**  
File No.: SAS/4479
Decision Number: PHED 342

I. That the 66ft (20.1m) wide portion of Elsmere Avenue right-of-way located north of South Pacific Avenue, abutting the south limit of the Canadian Pacific Railway Corridor, shown on Drawing No. CC-1682 attached hereto as Appendix “A”, BE ASSUMED for subsequent closure;

II. That the 66ft (20.1m) wide portion of Elsmere Avenue right-of-way located north of South Pacific Avenue, abutting the south limit of the Canadian Pacific Railway Corridor, shown on Drawing No. CC-1682 attached hereto as Appendix “A”, BE CLOSED AND RETAINED by the Corporation of the City of Windsor for the purpose of sale as residential building lot(s);

III. That The City Planner BE REQUESTED to supply the appropriate legal description, in accordance with Drawing Number. CC-1682, attached hereto as Appendix “A”;

IV. That The City Planner, or designate, BE AUTHORIZED to publish the required legal notice;

V. That The City Solicitor BE REQUESTED to prepare the necessary by-law(s);

VI. That The Chief Administrative Officer and City Clerk BE AUTHORIZED to sign all necessary documents approved as to form and content satisfactory to the City Solicitor; and

VII. That the matter BE COMPLETED electronically pursuant to By-law Number 366-2003.

Carried.
Councillor Marra was absent at the time the vote was taken.

Agenda Item: S 4/2015 - 1
Clerk’s File: SAA2015

11.6. Economic Revitalization Community Improvement Plan application made by Martin Schuurman for 2711 St. Etienne Blvd WARD 8

Greg Atkinson, Planner III Economic Development provides a brief outline of the administrative report.

Martin Schuurman, applicant and Myles Schuurman appear before the Planning, Heritage and Economic Development Standing Committee and provide a brief outline of their operation and how it has diversified into aerospace and other consumer goods in the last little while. He indicates the expansion will allow larger machinery to be brought in. He concludes by displaying some examples of parts that are manufactured at his facility.
Minutes
Planning, Heritage & Economic Development Standing Committee
Monday, November 09, 2015

Some general inquiries are asked including ability to find labour and the interest in investing in Windsor. Mr. Schuurman indicates they didn’t want to move to the States, and the logistics of our area is a key. The means of getting products across, currently and when the new border crossing is built is positive. He also states that he thinks Windsor has the best skilled trades labour force in the area.

Moved by: Councillor Kusmierczyk
Seconded by: Councillor Sleiman

Decision Number: PHED 343

I. THAT the request made by Martin Schuurman to participate in the Business Retention and Expansion Grant Program BE APPROVED for 100% of the municipal portion of the tax increment resulting from the proposed development located at St. Etienne Blvd for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Economic Revitalization Community Improvement Plan; and

II. THAT, Administration BE DIRECTED to prepare an agreement between the City and Martin Schuurman to implement the Business Retention and Expansion Grant Program in accordance with all applicable policies, requirements, and provisions contained within the Economic Revitalization Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications; and

III. THAT, the CAO and City Clerk BE AUTHORIZED to sign the Business Retention and Expansion Grant Agreement. Carried.

Agenda Item: S 15/2015
Clerk’s File: SPL/10759

12. COMMITTEE MATTERS

12.1. Minutes of the Windsor BIA Advisory Committee meeting held July 23, 2015

Moved by: Councillor Holt
Seconded by: Councillor Kusmierczyk

Decision Number: PHED 344
That the Minutes of the Windsor BIA Advisory Committee meeting held July 23, 2015 BE RECEIVED for information
Carried.
Councillor Marra was absent at the time the vote was taken

Agenda Item: SCM 5/2015
Clerk’s File:

13. QUESTION PERIOD
None.

14. ADJOURNMENT

There being no further business, the meeting of the Planning, Heritage and Economic Development Standing Committee is adjourned at 6:48 o’clock p.m

__________________________________________  Supervisor of Council Services
Councillor Marra  (Chairperson)
REPORT #: S 51/2015  
Report Date: 11/16/2015  
Author’s Contact:  
John R. Calhoun  
jcalhoun@citywindsor.ca  
519-255-6543x6179  
Date to Council: December 14, 2015  
Clerk’s File #: MB/10970

To: Mayor and Members of City Council

Subject: Hong Family House, 1566 Pillette Road – Heritage Alteration Permit & Community Heritage Fund – Ward 8

RECOMMENDATION:

I. THAT the Heritage Alteration Permit application for the Hong Family House, 1566 Pillette Road, for changes from stucco to cement board, and changes to the roof edges, BE GRANTED.

II. THAT a Community Heritage Fund grant for an upset amount of $10,132 to the owner of the Hong Family House, 1566 Pillette Road, BE APPROVED, provided that funds up to the approved amount will be disbursed when work is complete, and work receipts produced. The Chief Building Official and City Planner will determine if work is according to applicable codes and historic standards.

EXECUTIVE SUMMARY:  
N/A
BACKGROUND:

City Council approved the heritage designation for the Hong Family House with By-Law No. 97-2011 in June 2011, following listing in the Windsor Municipal Heritage Register the previous September. The statement of significance from the by-law is attached as Appendix ‘A’.

Since designation there has been ongoing discussion between the owner and the heritage planner about needed repairs. There has been some difficulty in finding contractors and/or craft specialists to work on the project. The owner was able to obtain bids from two contractors; one submitted a heritage alteration permit application on October 13, 2015 (Appendix ‘B’). Work has begun, though with the awareness that some requested alterations might not be approved, thus requiring re-work.

On November 12, 2015 the owner submitted a request for Community Heritage Funding for $12,053 (Appendices ‘C’ and ‘D’), including $9793 for part of the cost of repairs and $2260 for elevation drawings.

DISCUSSION:

Property Description:

The Hong Family House, built in 1928, is of an exotic Tudor Revival style, with one-and-one-half storeys. The second storey has stucco half-timbering (including diagonal and curved members), with stucco lightly textured in no discernable pattern. There is a group of three windows under a shingled triangular gable, and a high-pitch dormer that is inset at its base. The roof has slopes of two or more angles, flared in or out toward the base.

There is brick on the first floor (red mixed with grey including periodic projected bricks), and a shaped-block foundation. The front window set is surrounded by red bricks on the sides and alternating red and grey on the lintel. Against the right side is tall, rectangular brick chimney with two chimney pots.

The asymmetrical façade includes a projected centre-left porch with brick piers supporting offset short wood posts. A garage is attached to the left front corner; it repeats the offset porch posts, and has a flared roof and panelled doors.
Proposal:

The overall plan is to repair the exterior of the home to look as if well maintained while keeping the heritage appearance elements. The joints between roofing, stucco and wood have experienced failures that have admitted water into the walls, and have caused deterioration of the wood supporting the second-storey walls. The owners and others have done some repairs in the past but they have not been durable. These are all being repaired, with replacement material needed in many locations.

Much of the work is to keep the same exterior items and materials, but there are changes proposed.

The first request is to replace all the stucco half-timbering with “Hardi-board”, a cementitious material. The sheets chosen for this location are lightly textured in a repeated pattern that is observable but is subtle.

The second request is to modify the roof edges by removing the lowest row of shingles. The roof slopes are “flared in or out near the base”, according to the designation description.

The Community Heritage Fund request is for a grant of up to $12,053. This includes $9793 for 15% of the $65,288 (including HST) bid for repairs. (The other bid for $54,410 omits repair for the leaning chimney on the south side, a designated feature.) The request also includes 100% of the $2260 cost for elevation drawings; the recommendation is for $339, or 15% of this cost, for a total grant of $10,132.

Legal provisions:

The designation by-law includes historical and architectural attributes (see Appendix ‘A’). In accordance with the Ontario Heritage Act, changes to designated property that affect listed features must be considered for approval by City Council, after consulting with the Planning, Heritage & Economic Development Standing Committee.

Part IV, clause 39. (1) of the Ontario Heritage Act provides that “The council of a municipality may pass by-laws providing for the making of a grant or loan to the owner of a property designated under this Part for the purpose of paying for the whole or any part of the cost of alteration of such designated property on such terms and conditions as the council may prescribe.”

The City’s Community Heritage Fund (reserve fund 157) exists to encourage the conservation of the built heritage through the provision of financial assistance to owners wishing to acquire and/or conserve designated heritage properties. The policies for Community Heritage Fund grants are outlined on the City website. This fund is limited to designated properties, and generally for heritage attributes listed in the designation by-law.
Architectural Considerations:

The stucco half-timbering, with its irregular patterns, and the multiple roof angles are distinctive character-defining elements of the exotic Tudor Revival style of the Hong Family House.

The 1928 home was one of the first houses of the Reaume Organization “Country Club District” development, then in Ford City. Most of the Reaume Organization properties, including their office building at 483 Ouellette Avenue (now Lazare’s Furs) were designed by architect Albert Lothian. There are only a few documented Lothian residential works, including the houses at 283 Jefferson Boulevard and at 833 Patrice Drive, and his own home at 8560 Riverside Drive East. The architect of 1566 Pillette Road is unknown, though it is of a style that could be by Lothian. Lothian also designed Assumption High School (now Dillon Hall at the University of Windsor) and St. Clare Church (now St. Peter’s Maronite), 166 Tecumseh Road West.

The request to consider material other than stucco for the half-timbering raised issues of differences of the resulting appearance. The new product needed to have similar texture. The trim needed to retain the depth between the boards and the masonry, so that the result appears to be well-maintained original material. The product chosen has a subtle texture, appearing to be a good substitute for the non-descript irregular texture of the original. The new trim boards are of wood, as are the originals.

The second request, to modify the roof edges by removing the lowest row of shingles, is based upon the observation that the bottom row of shingles has no material backing them. (A few Tudor Revival houses have shingles curled under the eaves, but they have cylindrical-shaped wood backing.) As a result, the eavestroughs hang low over the top line of wood trim, and that rainwater cannot be carried away from the walls. The owners remember the eavestroughs being higher before a couple of re-roofing jobs. The solution offered is to correct the apparent non-original design change, and allowing for better positioning of eavestroughs to carry water away from the walls.

The nearby home at 839 Thompson Boulevard has a similar design with some differences of details.

No other design changes are proposed for the property, other than repairs. For example, some of the boards supporting the porch and garage had been capped with wood, which when removed shows rotted material. These are to be replaced with wood matching the original shapes. The leaning chimney and the unsteady corner garage pillar have been reconstructed using the original bricks and their patterns.

Official Plan:

The Windsor Official Plan states “Council will recognize Windsor’s heritage resources by: Designating individual buildings, structures, sites and landscapes as heritage properties under the Ontario Heritage Act.” (9.3.3.1(a))
The Plan includes protection (9.3.4.1). “Council will protect heritage resources by: (c) Requiring that, prior to approval of any alteration, partial demolition, removal or change in use of a designated heritage property, the applicant demonstrate that the proposal will not adversely impact the heritage significance of the property …”

The Windsor Official Plan includes (9.3.6.1.), “Council will manage heritage resources by: (e) providing support and encouragement to organizations and individuals who undertake the conservation of heritage resources by private means”.

**RISK ANALYSIS:**

The risk of taking no action for this property is the potential loss of the building because of weakness caused by continuing water intrusion. Options offered to the owners have included the replacement of most of the heritage details with standard modern materials, resulting in a more typical-looking home. Any exterior changes to the property need to retain the important appearance elements, as defined in the designation by-law.

For the Community Heritage Fund, no City funds will be expended until the project is determined by the Planning and Building Services Department to be complete according to good practices. No payment will be made if there are unauthorized alterations.

**FINANCIAL MATTERS:**

Expenditures in addition to the Community Heritage Fund grant are entirely those of the property owner. The owner is aware that work undertaken before grant approval might not be funded. The owner is requesting a grant of $12,053, with no loan request.

For repairs, the guidelines provide: “The amount of any loan/grant combination for any one designated property in any single year may be appropriate to the extent of the restoration work proposed, and to the historic and/or architectural significance of the property. As a general principle, awards will be limited to a maximum of $50,000 unless the Windsor Heritage Committee so recommends and Council approves. The award from the Community Heritage Fund will generally be given according to the following formula: Grant: 15 percent of the award in the form of a grant & Low Cost Loan: 85 percent of the award.”

No heritage grants have been given previously for this property. Because this request covers repairs that were more than two years in conception and implementation, and because there have been no previous requests, the heritage planner encouraged the owner to apply for two years’ worth, or up to $15,000 for 15% of $100,000 of work.

The guidelines provide for a minimum of two quotes for similar work. The owner received proposals (Appendix 'D') from two qualified contractors: Full Service Group for $65,288 and from Towsley Construction for $54,410. The Full Service bid included repair of the leaning chimney, not included in Towsley’s proposal. In addition, Towsley
prepared four elevation drawings at a cost of $2260, now in the owner’s possession. All prices included HST.

The recommended Community Heritage Fund grant includes $9793 for 15% of the $65,288 (including HST) of the higher bid. Usually recommendations are based upon lower bids but the higher amount is suggested in this instance.

The request also includes 100% of the $2260 cost for elevation drawings. The Community Heritage Fund Guidelines include “An architectural/engineering study by a restoration specialist may be funded by a matching grant …”. The drawings provided are four elevations that appear to be to-scale, matched against photos, though they are not by a “restoration specialist”. The recommended funding is 15% of this cost, or $339. The total recommended grant is $10,132.

The available balance of the fund is about $33,000 above current obligations.

The owner also anticipates making an additional request from the 30% property tax rebate recently approved by City Council. At current rates the rebate would be about $670 per year, but could change with tax rate changes and/or reappraisal.

**CONSULTATIONS:**

The owner and heritage planner have held many discussions beginning with the preparation of the designation proposal that Council passed in mid-2011. This included several discussions and site visits specifically related to needed repairs, considering both design and funding. In late 2015 these discussions sometimes included the contractor chosen by the owner.

**CONCLUSION:**

For the property at 1566 Pillette Road, the Hong Family House, the proposed alteration to use textured cementitious panels of appropriate texture and thickness to replace the stucco should be an approved modification to the designated property, with minimal resulting change to the appearance. The change to the bottom edge of the roofing corrects a non-historic modification to the roof and improves the ability to direct water away from the walls.

A grant of $10,132 from the Community Heritage Fund is recommended to assist with part of the costs of significant repairs and documentation for this heritage-designated property.

**APPENDICES:**

1. 'A' Heritage Designation By-Law - Statement of Significance
2. 'B' Heritage Alteration Permit application (part)
3. 'C' Community Heritage Fund application
4. 'D' Full Service Group proposal
5. 'D' Towsley proposal & drawings bills
From By-law No. 97-2011, June 7, 2011:
Hong Family House, 1566 Pillette Road

REASONS FOR DESIGNATION:

DESCRIPTION OF HISTORIC PLACE

The Hong Family House is on the east side of Pillette Road, between the Canadian National Railroad and Tecumseh Road East. The house was built in 1928 in an exotic Tudor Revival style, and has been in continuous use. It has been occupied by the Hong family, early Chinese-Canadian immigrants and their descendants, since 1953.

HISTORICAL VALUE

Since 1953, this home has been occupied by the Hong family. In 1918 and before, Hong family members paid the exorbitant “Head Tax” that the Canadian government charged Chinese immigrants, in order to discourage Chinese immigration. They were one of four Chinese-Canadian families in Windsor. The Hong family had also lost two brothers in World War II. When the house was constructed in 1928, ownership and occupancy were limited to Caucasians.

DESIGN VALUE

This house, built in 1928, is of an exotic Tudor Revival style, one-and-one-half storeys, with stucco half-timbering (including diagonal and curved members) on the second floor, brick on the first floor (red mixed with grey including periodic projected bricks), and a shaped-block foundation. The asymmetrical façade includes a projected centre-left porch with brick piers supporting offset short wood posts, a group of three second-floor windows under a shingled triangular gable, and a high-pitch dormer that is inset at its base. The front window set is surrounded by red bricks on the sides and alternating red and grey on the lintel. The roof has slopes of two or more angles, flared in or out toward the base. Against the right side is tall, rectangular brick chimney with two chimney pots. A garage is attached to the left front corner; it repeats the offset porch posts, and has a flared roof and panelled doors.

CONTEXTUAL VALUE

The Tudor Revival house addressed 1566 Pillette Road was built in 1928 in the village of Ford City, later East Windsor, and since 1935 part of the City of Windsor. It originally had a street address of 1068 Pillette and was changed to its present address about 1937.
The home was one of the first houses of the Reaume Organization “Country Club District” development. The Reaume Organization flagship model homes were Tudor Revival designs. The builder was David Guitard.

New home construction stopped with the Great Depression in late 1929. About half the lots facing Pillette Road between the CN Railroad and Tecumseh Road East were built on, including the neighbours on either side of 1566, but almost none of the lots on the parallel streets were occupied. The remaining lots were built on mostly in the late 1940s with small houses.

**CHARACTER DEFINING ELEMENTS**

**Feature that contributes to the historical value of the Hong Family House include:**

- Its association with the Hong family, a pioneering Chinese-Canadian family from a time when the “Head Tax” was required for all Chinese immigrants.

**Exterior features that contribute to the architectural value of the Hong Family House include:**

- Built in 1928, of an exotic Tudor Revival style.
- One-and-one-half storeys.
- Stucco half-timbering (including diagonal and curved members) on the second floor.
- Brick on the first floor (red mixed with grey including periodic projected bricks).
- Shaped-block foundation.
- Porch projected centre-left, with brick piers supporting offset short wood posts.
- Three second-floor windows grouped under a shingled triangular gable.
- High-pitch dormer with a pair of windows inset at its base.
- Roof slopes of two or more angles, flared in or out near the base.
- Chimney against the right side, brick, with two chimney pots.
- Garage attached to the left front corner, with offset posts, flared roof and panelled doors.

**Characteristic that contributes to the contextual value of the Hong Family House include:**

- One of the first houses of the Reaume Organization “Country Club District” development, in the former municipality of Ford City.
Address of Work: 1566 Pilbofe st

Designation By-Law No. or District: ________________________________

2. TYPE OF APPLICATION Check all that apply:
   - Alteration
   - Addition
   - Demolition
   - Erection
   - Maintenance
   - Removal
   - Repair

3. HERITAGE DESCRIPTION OF BUILDING (if necessary) Describe the current design or appearance of locations on the building where work is requested. Include site plan, photographs, history, architectural description, number of storeys, style, features, etc.

   Style: ____________ Storey: ________ Story: ________

4. DESCRIPTION OF WORK (if necessary) The description should be more detailed and extensive depending on the project. Include a written summary of work to be done along with any elevations, drawings, measurements, paint samples, information on building materials, window sizes and configurations, decorative details proposed.

   Remove a replace square & timber from second storey
   Replace white lattice board
   Rearrange real time Work in original state

5. NOTES FOR DECLARATION The applicant agrees that the proposed work shall be done in accordance with this application, including attachments, and understands that the issuance of the Heritage Alteration Permit under the Ontario Heritage Act shall not be a waiver of any of the provisions of any By-Law of the Corporation of the City of Windsor, or the requirements of the Building Code Act, RSO 1980, c51.

   The applicant acknowledges that in the event a permit is issued, any departure from the conditions imposed by the Council of the Corporation of the City of Windsor, or plans and specifications approved is prohibited and could result in the permit being revoked. The applicant further agrees that if the Heritage Alteration Permit is revoked for any cause of irregularity, in the relation to non-conformance with the said agreements, By-Laws, acts or regulations that, in consideration of the issuance of the permit, all claims against the City for any resultant loss or damage are hereby expressly waived.

   APPLICANT Signature(s) ____________________________ Date 07/15/2015

   ____________________________ ____________________________
CITY OF WINDSOR
COMMUNITY HERITAGE FUND

APPLICATION FOR LOAN AND/OR GRANT
(To be completed in full)

APPLICANT/AGENT/OWNER INFORMATION

1. APPLICANT(S): Patricia Hong
   Address, City: 1566 PILLETTE RD, Postal Code: N8V-3C2
   Email: jdhong@primys.ca, Telephone: 519-945-9980

2. AGENT/ARCHITECT/ENGINEER/SOLICITOR:
   Address, City: ____________________________ Postal Code: ________________________________
   Email: ____________________________________________ Telephone: ___________________

3. REGISTERED OWNER(S): SAME AS APPLICANT
   Address, City: ____________________________ Postal Code: ________________________________
   Email: ____________________________________________ Telephone: ___________________

PROPERTY FOR WHICH HERITAGE FUND ASSISTANCE IS REQUESTED

4. HERITAGE NAME OF PROPERTY: HONG FAMILY HOUSE

5. MUNICIPAL ADDRESS: 1566 PILLETTE ROAD

6. LEGAL DESCRIPTION (Lot and Plan): LOT 40 PLAN 1063

7. ASSESSMENT ROLL NUMBER(S): 010-240-142.00 (25)

8. EXISTING USE: SINGLE FAMILY RESIDENCE

9. THIS PROPERTY IS DESIGNATED UNDER THE ONTARIO HERITAGE ACT
   YES ☐ By-law No. 97-2011 Date: June 7, 2011

REQUESTED HERITAGE FUND ASSISTANCE

10. AMOUNT AND TYPE OF FINANCIAL ASSISTANCE REQUESTED:
    Loan $__________________
    Grant $9,743.00
    TOTAL $9,743.00

    NOTE: Details for loan/grant are set out in the attached pamphlet “Windsor’s Community Heritage Fund”.

11. If a loan is requested, please indicate your term of repayment: __________ years.

12. Are there any outstanding mortgages or liens against this property?
    NO ☐ Amount: ____________________ Institution: ____________________
    YES ☐ Amount: ____________________ Institution: ____________________

13. If your application for a loan, grant or loan/grant combination is in an amount not to exceed
    $15,000, you may be required to obtain a property appraisal from a real estate agent or certified
    appraiser. If your application is in an amount in excess of $15,000, you may be required to obtain
    an appraisal from a certified appraiser.

14. Have you previously received assistance from the City for the property named above?
    NO ☐
YES □ Amount: ___________ __________ Date: ____________________________

Source of funds: ____________________________________________________________________________________________

REASONS FOR REQUESTING HERITAGE FUND ASSISTANCE

A. Rehabilitation of Owner's designated property:

15. Describe fully here (or on attached sheets) the proposed work to be undertaken:

See attached,\[More text]

16. The applicant is responsible for providing at least two written estimates from qualified contractors and/or qualified design consultants for the proposed restoration work. The estimates should contain sufficient detail to permit a review of individual components of the proposed work. Attach estimates to this form when filing. (Some specifications are available from the Heritage Planner—see contact information at the bottom of this page.)

17. Describe any new uses of the property, if different from the existing use.

18. The application shall include recent, dated photographs of the property, to clearly illustrate the areas of the property that are the subject of the proposed work. Any available architectural drawings should be included as well.

19. Early photographs or drawings showing the property's original appearance should be submitted, if available, to assist in the review of the application.

B. Purchase of designated property:

20. Indicate the full price of the property you wish to purchase: $ ___________ __________ and include a copy of the "offer to purchase."

21. Indicate your other sources of funding, the amount you will receive, and any subsequent liens/mortgages.

C. Architectural/engineering study of Owner's designated property:

22. Indicate the full price of the architectural/engineering study by a restoration specialist: $ ___________ __________ and include a copy of the estimate or invoice from the study.

SIGNATURES

APPLICANT OR AGENT \[Signature\] __________ Date: __________

REGISTERED OWNER(S) X [Signature] Patricia Heng Date: Nov 12, 2016

CHECKED/RECEIVED BY 

HERITAGE PLANNER \[Signature\] __________ Date: Nov 13, 2016

This application should be completed and filed with the:
Planning Department
Suite 404 - 400 City Hall Square East
Windsor ON N9A 7K6

For assistance or information on filing, please contact the Planning Department:
Telephone: 519-255-6543 x 6179 Fax: 519-255-6544

NOTICE WITH RESPECT TO COLLECTION OF PERSONAL INFORMATION:

We also acknowledge that the information requested on this form is required in order to process the application to the Windsor Heritage Committee. Please be advised that the information in this application form may be released to the public in an electronic format, i.e. website and/or paper format, i.e. agenda or minutes.

Questions about this collection of information can be made to Karen Kadour, Committee Coordinator - 519-255-6222 x 6430

Dated: Nov 12, 2016 Signed: [Signature]

Signature of Applicant
THE SCOPE OF WORK FOR THIS PROJECT IS AS FOLLOWS:

DEMOLITION:
- Removal of all batten board and stucco
- Removal of all rotted materials, sheathing, etc.
- Removal of all aluminum capping, flashing, and eaves troughs
- Removal of 2 concrete window sills
- Removal of 1 window @ garage

MASONRY:
- Repair brick columns in front
- Chimney repair
- Supply and install 2 new concrete window sills

CARPENTY AND FRAMING:
- Repair and replace all necessary rotted sheathing, framework, decorative pieces, etc. Including all facia board, window/door frames, etc.

WINDOWS:
- Supply and install new garage window 56x29 complete with wood mullions

THERMAL AND MOISTURE PROTECTION:
- Supply and install tyvek home wrap around perimeter of home at exposed areas.

EXTERIOR CLADDING:
- Supply and install new James Hardie stucco panel
- Supply and install new hardie batten boards
- Supply and install new aluminum facia, eaves trough and necessary touch up, follow ups also included

CLEAN UP AND DISPOSAL:
- The entire property will be kept free of debris on a daily basis and disposed of
SOFFIT:
- Remove old soffit and replace with Hardie board soffit at front porch, back porch and car port

SUB TOTAL: $57,776.80
HST: $8,633.31
TOTAL: $66,410.11

We trust the above meets with your approval,

FRANK LAROSA
FULL SERVICE GROUP CONSTRUCTION

TERMS OF PAYMENT:
1. DEPOSIT UPON ACCEPTANCE OF CONTRACT $13,282.02
2. DEMOLITION PHASE COMPLETION $19,923.03
3. INSTALLATION OF TYVEK AND COMPLETION OF WOOD REPAIRS $16,602.53
4. COMPEITION OF HARDIE BOARD AND ALUMINUM $9,961.52
5. UPON PROJECT COMPLETION $6,641.11
TOTAL $66,410.11

Thank you
August 10, 2015

Patricia Hong
1566 Pillette Rd
Windsor, Ontario
N8Y 3C2

Re: Exterior Façade Upgrades

Thank you for considering Towsley Construction Co. Inc. to quote on this project.

To supply and install, the total contract amount is Forty-Eight Thousand One Hundred & Fifty ($48,150.00) dollars, H.S.T. extra.

The following is included:

- **General Requirements**
  - Includes building permit
  - Includes general cleaning and disposal of all construction debris from site
  - Includes general layout as required
  - Includes all dump fees
  - Includes temporary washroom facilities
  - Includes all scaffolding
  - Includes final construction cleaning
  - Includes all required follow-ups

- **Sitework**
  - Includes removal and disposal of all existing batten boards and exterior stucco finishes on all four elevations at second floor locations
  - Includes removal and disposal of all existing fascia and eaves-troughs on all four elevations at second floor locations
  - Includes removal and disposal of (2) existing concrete window sills at north elevation
  - Includes removal and disposal of (1) existing garage window at north elevation

- **Masonry**
  - Includes labour and materials to form and pour in place (2) new concrete window sills

- **Thermal & Moisture Protection**
  - Includes supply and installation of Tyvek HomeWrap; air and wind barrier around the perimeter of the home at all exposed areas
• **Exterior Doors/Windows**
  - Includes supply and installation of (1) 56” x 29” Martindale, Northstar Arctic Series replacement Fixed-Fixed vinyl casement window, white interior, white exterior complete with Low E/Argon gas, hardware and interior mullions

• **Finishes**
  **Exterior facade**
  - Includes supply and installation of new James Hardie building products:
    HardiePanel stucco panels and HardieTrim batten boards in colours matching existing house closely on all four elevations at second floor locations
  - Includes supply and installation of new aluminum fascia and 5” aluminum eaves-trough at match existing closely
  - Includes labour and materials to install all required roof flashings, and drip caps
  - Includes labour and materials to cap existing second floor windows
  - Includes labour and materials to cap all decorative beams and special pieces in aluminum

We trust the above meets with your approval.

Brian H. Towsley
Towsley Construction Co. Inc.

• **Not included in contract**
  - Interior or exterior light fixtures (supplied by owner; installed by electrician)
  - New door chimes, bells, etc.
  - Landscaping, seed, sod, etc.
  - Electrical panel modifications or upgrade if required
  - Replacement of existing rotten wood sheathing and framing
  - Alterations to existing interior finishes
  - Modifications to existing decks/porches
  - Modifications to existing driveway
  - Exterior grading
  - Existing porch soffits to remain

**Terms of Payment**
- Payment upon acceptance of contract $ 9,630.00
- Demolition phase completion $ 14,445.00
- Installation of Tyvek air and moisture barrier complete $ 12,037.50
- New stucco panels and battens in place $ 7,222.50
- Contract substantially completed $ 4,815.00

  **Total** $ 48,150.00
  **H.S.T.** $ 6,259.50
  **Total W/H.S.T.** $ 54,409.50
Contract and terms of payment accepted by:

_____________________________ Date: ______________________
Patricia Hong

Towsley Construction Co. Inc. representative:

_____________________________ Date: ______________________
Brian H. Towsley

Note: This contract is valid for 30 days
INVOICE

July 1, 2015

Patricia Ilong
1566 Pillette Avenue
Windsor, Ontario
N8Y 3C2

Job. No: E024
Invoice No: E024-01

Re: Exterior Renovations

- Proposal Drawings -- site measure

Total $1,000.00
H.S.T. $130.00
Total W/H.S.T. $1,130.00

ACCOUNTS ARE DUE WHEN RENDERED
Interest Shall Be Payable At The Rate of 24% Per Annum. Interest On Accounts
Paid Within 7 Days Shall Be Waived

HST: #R133402065

IN FULL
THANKS
BRION TOWSLEY
JULY 15, 2015
INVOICE

July 15, 2015

Patricia Hong
1566 Pillette Avenue
Windsor, Ontario
N8Y 3C2

Job. No: E024
Invoice No: E024-02

Re: Exterior Renovations

- Proposal Drawings - Presentation


Total
H.S.T.
Total W/H.S.T.

$ 1,000.00
$  130.00
$ 1,130.00

ACCOUNTS ARE DUE WHEN RENDERED
Interest Shall Be Payable At The Rate of 24% Per Annum. Interest On Accounts
Paid Within 7 Days Shall Be Waived

HST: #R133402065

2050 FASAN DRIVE, OLDCASTLE, ONTARIO N0R 1L0
519-737-7260  FAX 519-737-7231
Visit our award winning website @ www.towsleyconstruction.com

TEST
Memo

To:
From:
Today’s Date:
Date to Council:
Subject:

Don Wilson
Manager of Development Applications

Thom Hunt
City Planner / Executive Director
Planning & Building

SAH HR
To: Mayor and Members of City Council

Subject: Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 9082 TECUMSEH (CANADA) LTD / AMERCO / U-Haul for the former Wickes Manufacturing / Windsor Bumper Co. facility located at 9082, 9100, and 9152 Tecumseh Road East (Ward 8)

RECOMMENDATION:

THAT the request made by 9082 TECUMSEH (CANADA) LTD to participate in the Environmental Study Grant Program BE APPROVED for the proposed Phase II Environmental Site Assessment Study and Risk Assessment Study at 9082, 9100 and 9152 Tecumseh Road East pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and

THAT the request made by 9082 TECUMSEH (CANADA) LTD to participate in the Brownfield Tax Assistance Program BE APPROVED for the proposed remediation and redevelopment at 9082, 9100 and 9152 Tecumseh Road East for up to 3 years pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and

THAT the request made by 9082 TECUMSEH (CANADA) LTD to participate in the Brownfield Rehabilitation Grant Program BE APPROVED for 70% of the municipal portion of the tax increment resulting from the proposed redevelopment at 9082, 9100 and 9152 Tecumseh Road East for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and

THAT, Administration BE DIRECTED to prepare a tax cancellation by-law to implement the Brownfield Tax Assistance Program in accordance with the Municipal Act and that the appropriate information and material be sent to the Minister of Finance requesting
relief from the education portion of the taxes for 9082, 9100 and 9152 Tecumseh Road East in accordance with the Provincial Brownfield Financial Tax Incentive Program; and

THAT, Administration **BE DIRECTED** to prepare an agreement between 9082 TECUMSEH (CANADA) LTD and the City to implement the Brownfield Tax Assistance and Rehabilitation Grant Programs in accordance with all applicable policies, requirements, and provisions contained within the Brownfield Redevelopment Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications;

THAT, the CAO and City Clerk **BE AUTHORIZED** to sign the Brownfield Tax Assistance and Rehabilitation Grant Agreements; and

THAT 9082 TECUMSEH (CANADA) LTD **BE ASKED** to participate in promoting the redevelopment of the property as a brownfield success story.

**EXECUTIVE SUMMARY:**

N/A

**BACKGROUND:**

Brownfield Redevelopment Community Improvement Plan

Brownfield sites are properties that may be contaminated due to previous industrial or commercial uses such as a manufacturing facility or gas station. City Council approved a Brownfield Redevelopment CIP at its April 19, 2010 meeting for the purpose of encouraging the study, clean-up, and redevelopment of contaminated properties.

The approval of the CIP was the result of nearly five years of study and consultation, which began in October 2005. The Brownfield Redevelopment CIP contains a number of financial incentive programs that encourage the study, clean up, and redevelopment of Brownfield sites. The applications submitted by 9082 TECUMSEH (CANADA) LTD are the sixth request the City has received for incentives under the Brownfield Redevelopment CIP. This is the first request for brownfield incentives under the Brownfield Tax Assistance and Brownfield Financial Tax Incentive Programs.

Importance of Brownfield Redevelopment

In 2009 the City’s Planning Department identified 137 brownfield properties (i.e. 226 hectares or 559 acres) that are available for redevelopment. While the inventory is not exhaustive, it illustrates the significance of Windsor’s brownfield stock and the need to work with land owners to put these properties back into productive use.

Historically, there has been little interest in redeveloping brownfield sites due to the uncertainty surrounding the extent of contamination and the potential cost of clean-up. The Brownfield CIP provides financial incentives to undertake the necessary studies.
and remedial work necessary to redevelop brownfield sites and reduce the potential negative impacts to the City's environment and neighbourhoods.

The benefits associated with brownfield redevelopment go far beyond the boundaries of the property. For example, they are often strategically located within existing built up areas of the City where services and other infrastructure, such as roads, schools, community facilities and public transit are already available, therefore additional infrastructure costs are not incurred to service these areas. The redevelopment of these sites also remove the negative stigma often associated with some brownfield properties, which increases the value of the subject property and adjacent properties.

Brownfield sites also represent a significant underutilization of the land base. According to the National Round Table on the Environment and the Economy (2003), every hectare redeveloped through a brownfield project saves up to an estimated 4.5 hectares of greenfield land from being developed (i.e. agricultural land on the edge of the City); and for every dollar invested in a brownfield redevelopment, it is estimated that $3.80 is invested in the economy.

Site Background

The former Wickes Manufacturing facility, which was also known as Windsor Bumper Co. and East Side Plating Co. operated as a heavy metal stamping and electroplating from approximately 1953 to the early 1990s. Following a prolonged period of vacancy and tax arrears the City of Windsor assumed ownership of the approximate 4.5 hectare (11 acre) brownfield in site in 2009 with the objective to facilitate its redevelopment.

During the time the property was owned by the City several barriers to redevelopment were addressed, such as:

- Completion of Phase I, II, and III Environmental Site Assessments;
- Cancellation of tax arrears owing on the property;
- Removal of the Federal and Provincial liens attached to the property;
- Eviction of tenants;
- Securing the property with fencing and personnel monitoring the property; and
- Removal of barrels, and miscellaneous waste materials from the site.

A 2013 request for proposals (RFP) seeking an interested purchaser to clean up and redevelop the site led to negotiations with the AMERCO Real Estate Company (AMERCO), which is the real estate division for U-Haul International. The sale of the property to 9082 TECUMSEH (CANADA) LTD—a company created and owned by AMERCO—was finalized in September 2015.

The site is located along Tecumseh Road East—an arterial road within an area containing a mix of commercial, residential and industrial uses (see Map 1). The property is designated ‘Industrial’ in the City’s Official Plan and zoned MD 1.2 (Manufacturing District), which permits a range of industrial and service commercial uses.
DISCUSSION:

Proposed Brownfield Redevelopment

The property was purchased by AMERCO in September 2015 for use as a storage and truck rental facility. The site was purchased partly because of its brownfield status, which fits with U-Haul’s corporate objectives regarding environmental sustainability. AMERCO recently rezoned the property to add a site specific zoning provision to the MD1.2 zoning to allow ‘truck, trailer, and equipment rental/lease’ as additional permitted use. AMERCO has also submitted an application for site plan approval in anticipation of renovating 58,000 square feet (5,400 m$^2$) of the existing industrial building for use as a
storage facility (the total size of the existing building is 123,145 square feet or 11,440 m$^2$). Redevelopment plans also call for the construction of new 5,388 square foot (500 m$^2$) and 2,497 square foot (230 m$^2$) buildings as well as landscaping and paving.

Because a Record of Site Condition (RSC) is not required prior to building permit issuance, environmental work will proceed concurrently with redevelopment efforts. A RSC summarizes the environmental condition of a property, based on the completion of environmental site assessments. Filing a RSC in the Environmental Site Registry indicates the property meets certain standards for a particular land use and can reduce potential liability for property owners and municipalities.

AMERCO has decided to undertake a risk assessment approach to filing a RSC, which is an alternative to a traditional ‘dig and dump’ approach, which simply removes the contamination from the site. A dig and dump cleanup can be difficult and costly where existing buildings are being reused, making it economically unviable—particularly in lower value real estate markets such as Windsor’s.

A risk assessment scientifically examines the risk posed to humans, plants, wildlife and the natural environment from exposure to contaminants. A risk assessment typically includes:

- Assessing potential risks based on the proposed land use;
- Setting a property-specific standard for each contaminant found on the site that is appropriate for the proposed land use; and
- Identifying required risk management measures, if any are required, that must be incorporated into the proposed redevelopment such as a barrier that blocks exposure to contaminants.

The Ministry of the Environment and Climate Change must approve the property-specific standards. While risk assessment is an economical approach to filing a RSC it can take significantly longer than a traditional clean up. To assist in offsetting some of the costs related to filing a RSC and redevelopment AMERCO has applied for the following financial incentive programs under the City’s Brownfield Redevelopment CIP:

Environmental Study Grant Program

The Environmental Study Grant program offers a matching grant to property owners of brownfield sites to conduct environmental studies that provide information on the type and extent of contamination and potential remediation costs. The program offers 50% of the cost of up to two eligible studies (i.e. per property/project) up to a total maximum grant value of $25,000.

AMERCO proposes to undertake two eligible studies:

1. Phase II Environmental Site Assessment (ESA) study to further characterize the site and delineate the extent of contamination near the site boundaries. The work includes installation of a deep monitoring well, laboratory analysis and summary of results. Previous Phase II ESA work completed by the City of Windsor and AMERCO will be incorporated in the final report. Additional Phase II ESA work is
required to address data gaps in the current delineation of the soil and groundwater impacts. The planned Phase II ESA work will be based on more stringent standards than previous work commissioned by the City.

2. Risk Assessment study, which will support the filing of a RSC. The study will evaluate all potential risks to human health and ecological life, develop property-specific standards, and recommend risk management measures to prevent harmful effects to human and ecological users of the property. The process of completing a risk assessment involves multiple rounds of consultation and feedback with the Ministry of the Environment and Climate Change and is expected to take approximately 24 months.

Clearly identifying the type and delineating the extent of contamination as well as estimating clean up costs and developing a viable cleanup plan are essential steps in moving toward the filing of a RSC and redeveloping the site. Upon completion the City would retain a copy of the final studies.

Brownfield Property Tax Assistance Program

The Brownfields Property Tax Assistance Program may cancel any increase in municipal property taxes on a brownfield property for up to three years during rehabilitation and redevelopment. Through the municipality—property owners may also apply to the Province for a matching cancellation of any increase in education property taxes. Under the tax cancellation provision of the Municipal Act (i.e. section 365.1) the program may continue for up to three years during which time it’s assumed remediation and redevelopment are taking place.

The value of tax cancellation must be offset by eligible costs, which are the costs of any action taken to reduce the concentration of contaminants on, in, or under the property to permit a RSC to be filed (e.g. Phase II ESA, Risk Assessment, environmental remediation, placing of clean fill, installing environmental controls, monitoring, environmental insurance premiums, etc.).

To enact the program, Council must pass a tax cancellation by-law and make application to the Ministry of Municipal Affairs and Housing (i.e. on behalf of AMERCO) for cancellation of the education portion of the tax levy under the Provincial Brownfield Financial Tax Incentive Program (BFTIP). A tax cancellation agreement between the City and AMERCO is also required, which would cause any tax cancellation be repaid should a RSC not be filed.

Brownfield Rehabilitation Grant Program

The Brownfield Rehabilitation Grant Program starts after the Brownfield Property Tax Assistance Program and Provincial BFTIP end. The purpose of the program is to encourage the remediation, rehabilitation and adaptive re-use of brownfield sites by providing grants to help pay for remediation costs not fully disbursed by the Brownfield Tax Assistance Program and BFTIP as well as non-environmental rehabilitation costs normally associated with brownfield site redevelopment (e.g. demolishing buildings, building rehabilitation and retrofit works, development application and building permit fees, and upgrading on-site /off-site infrastructure).
The program offers annual grants funded through the increase in municipal property tax levy created by the investment for up to 10 years to help offset eligible costs. In total the Tax Assistance and Rehabilitation Grant programs may offer up to 13 years of tax-based incentives. The annual grants are based on 70% of the difference between the municipal tax levy at the time of grant issuance and the date of approval to participate in the program. Annual grants are only paid out following the filing of a RSC, reassessment of the property and the payment of the property taxes for the year in which the grant is to be provided.

The CIP specifies Brownfield Rehabilitation Grants will equal 70% of the municipal property tax increase for a project that employs standard construction methods and 100% of the municipal property tax increase for projects that achieve any level of Leadership in Energy and Environmental Design (LEED) certification. Should Council wish to approve less than the maximum Brownfield Rehabilitation Grant value it would achieve this by limiting how many years the grant payments would continue (i.e. between 1 and 10 years).

Brownfield Development Charges Exemption Program

There is no application form for this program, however if approved under the Brownfield Rehabilitation Grant Program AMERCO would automatically receive a 60% reduction in development charges owing in accordance with the Brownfield Redevelopment CIP and the City’s Development Charges By-law (No. 60-2015).

CIP Goals

City staff are supportive of the application as it meets all of the eligibility requirements specified within the Brownfield Redevelopment CIP. The proposed filing of a RSC and redevelopment of the former Wickes property supports the following CIP goals:

- To promote the remediation, rehabilitation, adaptive re-use and redevelopment of brownfield sites throughout the City of Windsor in a fiscally responsible and sustainable manner over the long term;
- Improve the physical and visual quality of brownfield sites;
- Improve environmental health and public safety;
- Provide opportunities for new housing, employment uses, and commercial uses;
- Increase tax assessment and property tax revenues;
- Promote Smart Growth, including the reduction of urban sprawl and its related costs, energy efficiency through the construction of buildings that meet Leadership in Energy and Environmental Design (LEED) standards, and green planning and building practices;
- Improving the land use compatibility of potential brownfield sites with surrounding land uses;
- Increase community awareness of the economic, environmental and social benefits of brownfield redevelopment; and
- Utilize public sector investment to leverage significant private sector investment in brownfield remediation, rehabilitation, adaptive re-use, and redevelopment.
Policy Support

The clean up and redevelopment of the site is supported by numerous policies within the 2014 Provincial Policy Statement, the City’s Official Plan, the City’s Environmental Master Pan, and Community Strategic Plan.

RISK ANALYSIS:

There is little risk associated with the approval of the CIP applications. Staff resources are required for the upfront administration of the grant programs, finalization of the legal agreements, and making application to the Province under the BFTIP. Limited staff resources related to on-going monitoring of the employment use and issuance of annual grants will also be required over the next thirteen years.

Should Council refuse the request for financial incentives from AMERCO or approve an insufficient amount of incentives there is a risk of the project not moving forward. Should the clean up and redevelopment not occur the property would remain vacant and continue to negatively affect the surrounding properties and natural environment. The property would also remain a security and safety risk for the community as was illustrated in June 2014 when the property was subject to arson that destroyed 48,000 square feet of the building.

The RFP issued in 2013 touted the availability of financial incentives as part of the City’s Brownfield Redevelopment CIP, which was a key factor in attracting a purchaser. Refusing AMERCO’s request for financial initiatives under the CIP could be seen as acting in bad faith on the part of the City.

Approval to participate in the Tax Assistance Program is a prerequisite for participation in the Provincial Brownfield Financial Tax Incentive Program, which would contribute an estimated $83,247 in tax cancellation during the first three years of the project. Refusing the request to participate in this program would preclude the leverage of this Provincial tax cancellation.

FINANCIAL MATTERS:

Based on the proposed environmental and redevelopment plans submitted by AMERCO, Administration estimates the post RSC and redevelopment property value assessment to be $5,800,000. In terms of timing, it is estimated that the property value will increase to $3,800,000 within the first 18 months as a result of environmental work and initial redevelopment and the balance of the assessment increased would occur upon completion of redevelopment (i.e. after approximately 36 months).

Based on a commercial tax class the corresponding tax levy increase after 18 is estimated to be $178,746 (municipal $124,406.95 / education $54,340). The corresponding tax levy increase after 36 months is estimated to be $272,824.29
(municipal $189,884.29 / education $82,940). Based on these estimates the total maximum value of grants available through the CIP would be $1,657,310. The breakdown of this maximum grant value is as follows (please see Appendix A for an annual breakdown):

- Environmental Study Grants: $25,000.00
- Tax Assistance Program/BFTIP: $273,835.62
- Brownfield Rehabilitation Grant: $1,329,190.00
- Development Charges Exemption $29,284.89

Total $1,657,310.40

Environmental Study Grant Program

The estimated cost of the proposed Phase II ESA study is $45,000 (exclusive of HST) and the estimated cost of the Risk Assessment study is $125,000 (exclusive of HST). It is likely the Phase II ESA study would be complete first, which would receive a $15,000 grant upon completion. Upon completion of the Risk Assessment, an additional $10,000 grant would be issued. If approved the total Environmental Study Grant value would be $25,000 and be paid out of the Brownfield Strategy/Remediation Account, which has a current balance of $1,188,103.

Brownfield Property Tax Assistance Program

Tax cancellation during the three year program is estimated to total $273,835.62 with the City’s portion being $190,588.17 and the Provincial/education portion being $83,247.45. Increases in municipal and education tax levies during the first three years would be cancelled by City Council via by-law and not collected in accordance with Section 365.1 of the Municipal Act. The municipal portion would be charged to the annual provision for property tax write-offs. The education portion would be charged back to the Province as a deduction from its quarterly payments.

Brownfield Rehabilitation Grant Program

Following the filing of an RSC and completion of redevelopment of the site the increase in annual municipal tax levy is estimated to be $189,884—70% of which (i.e. $132,909) would be paid as an annual grant totaling $1,329,190 over the ten year lifespan of the program. The City would retain 30% of the municipal tax increase (i.e. $56,965) throughout the lifespan of the grant program, which is estimated to total $559,650 over the lifespan of the program. Following completion of the grant program, the City would retain the full increase in municipal taxes, in perpetuity.

Brownfield Development Charges Exemption Program

The development charges owing for the new buildings are estimated at $48,808, which would be reduced to $19,523 if approved by Council to participate in the Brownfield
Rehabilitation Grant Program. The 60% reduction in development charges would not be collected as per the provisions of the Development Charges By-law.

The total estimated cost of filing a RSC and redeveloping the site is $6,174,174 (USD), which at the time of writing this report equals $8,223,011.95 (CAD). If approved for the maximum grant value—approximately 20% of the eligible investment costs would be offset through the CIP. Administration consider the recommended grant value reasonable as the average percentage of eligible costs offset by previously approved Brownfield Redevelopment and Economic Revitalization CIP grants is 25%.

CONSULTATIONS:

The development and approval of the Brownfield Redevelopment CIP was subject to extensive stakeholder and public consultation, which sought input from a wide range of stakeholders and internal City departments.

Planning staff have consulted with the applicant prior to accepting the Brownfield CIP applications. Staff from the Planning, Finance, Building, Engineering, and Legal Departments were consulted in the preparation of this report.

CONCLUSION:

City Staff recommend Council approve the requests from 9082 TECUMSEH (CANADA) LTD (AMERCO) to participate in the Environmental Study Grant, Tax Assistance, and Brownfield Rehabilitation Grant Programs and direct Administration to make application to the Province under the BFTIP program on AMERCO’s behalf. The proposed redevelopment of the former Wickes property is the product of ten years of work and resources put into the City’s brownfield program and management of this property. Significant contributions from the Federation of Canadian Municipalities and several City departments have been put toward the study, clean-up, and sale of the site. The process of vesting ownership, studying, managing, issuing an RFP, and sale of the property has built capacity within Administration and will serve as a model for future brownfield sites that require a similar level of intervention to be repurposed.

The proposed further study, clean-up, and redevelopment of this brownfield site conforms to the Brownfield Redevelopment CIP; assists the City in the achievement of a number of CIP, Official Plan, Environmental Master Plan, and Community Strategic Plan goals; and exemplifies the purpose for which the Brownfield Redevelopment Strategy was created. Administration also recommend 9082 TECUMSEH (CANADA) LTD (AMERCO) be asked to participate in promotion the property as a brownfield success story (e.g. at conferences, in print material, signage on the property, and nomination for brownfield and/or sustainability awards).
APPENDICES:

1. Map 1: Location
2. Appendix A: Estimated Annual Financial Incentives
## Appendix A: Estimated Annual Financial Incentives

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<th>Year of Grant</th>
<th>Environmental Study Grants</th>
<th>Tax Assistance Program</th>
<th>Brownfield Financial Tax Incentive Program (Provincial)</th>
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### Assumptions

- **Current Property Value Assessment**: $81,000
- **Current Tax Levy**: $0
- **Estimated Property Value Assessment (18 months)**: $3,800,000
- **Estimated Property Value Assessment (36 months)**: $5,800,000
- **2015 Municipal Commercial Tax Rate**: 3.273867%
- **Estimated Total Tax Levy (0-18 months)**: $3,810 (municipal $2,651.83 / education $1,158.30)
- **Estimated Total Tax Levy (18-36 months)**: $178,747 (municipal $124,406.95 / education $54,340)
- **Estimated Total Tax Levy (Years 4-13)**: $272,824 (municipal $189,884.29 / education $82,940)