Planning, Heritage & Economic Development Standing Committee Meeting

**Date:** Tuesday, August 07, 2018  
**Time:** 4:30 PM

**Location:** Council Chambers, 1st Floor, Windsor City Hall

**MEMBERS:**

Ward 4 - Councillor Chris Holt  
Ward 5 - Councillor Ed Sleiman  
Ward 7 - Councillor Irene Kusmierczyk  
Ward 8 - Councillor Bill Marra (Chairperson)  
Ward 9 - Councillor Hilary Payne  
Member Baker  
Member Bjarneser  
Member DiMaio  
Member Foot  
Member Gyemi  
Member Miller  
Member Moore
ORDER OF BUSINESS

<table>
<thead>
<tr>
<th>Item #</th>
<th>Item Description</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>CALL TO ORDER</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>COMMUNICATIONS</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>ADOPTION OF THE PLANNING ACT MINUTES</td>
<td></td>
</tr>
<tr>
<td>5.1.</td>
<td>Adoption of the Planning, Heritage &amp; Economic Development Standing Committee meeting minutes held July 9, 2018 <em>(PLANNING ACT ITEMS ONLY)</em> <em>(SCM 298/2018)</em></td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>PRESENTATION &amp; DELEGATIONS <em>(PLANNING ACT MATTERS)</em></td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>PLANNING ACT MATTERS</td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>ADOPTION OF THE MINUTES</td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td>PRESENTATIONS AND DELEGATIONS <em>(COMMITTEE &amp; ADMINISTRATIVE MATTERS)</em></td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td>HERITAGE ACT MATTERS</td>
<td></td>
</tr>
</tbody>
</table>
11. **ADMINISTRATIVE ITEMS**

11.1. Response to CQ 30-2016 regarding targeted financial incentive programs and/or rebates to increase occupancy of vacant commercial space *(S 114/2018)*

11.2. (ACSP) Closure of alley system between E.C. Row Ave., Sydney Ave., West of Turner Rd. and East of Byng Rd. - Ward 9 *(S 115/2018)*

12. **COMMITTEE MATTERS**

13. **QUESTION PERIOD**

14. **ADJOURNMENT**
Subject: Adoption of the Planning, Heritage & Economic Development Standing Committee meeting minutes held July 9, 2018
Planning, Heritage & Economic Development Standing Committee Meeting

Date: Monday, July 09, 2018
Time: 4:30 o’clock p.m.

Members Present:

Councillors
Ward 4 - Councillor Holt
Ward 5 - Councillor Sleiman
Ward 7 - Councillor Kusmierczyk
Ward 8 – Councillor Marra (Chairperson)
Ward 9 - Councillor Payne

Members
Member Baker
Member Bjarneson
Member DiMaio
Member Foot
Member Gyemi
Member Miller
Member Moore

ALSO PRESENT ARE THE FOLLOWING FROM ADMINISTRATION:

Thom Hunt, City Planner
Debbie Cercone, Executive Director Housing and Childrens Services
Wira H.D. Vendrasco, Deputy City Solicitor
Greg Atkinson, Planner III - Economic Development
Kristina Tang, Planner II - Revitalization & Policy Initiatives
Sahar Jamshidi, Planner II – Development Review
Mike Clement, Manager of Parks Development
Trevor Kezwer, Executive Initiatives Coordinator
Kelly Goz, Coordinator, Housing Administration & Policy
Jolayne Susko, Coordinator, Housing Administration & Policy
Anna Ciacelli, Supervisor of Council Services
Delegations

- Item 7.1 Caroline Taylor, concerned citizen
- Item 7.1 Marina Clemens, Chair, Housing Advisory Committee
- Item 7.1 Michelle Friesen, Executive Director Family to Family Support Network
- Item 7.1 Philippa von Ziegenweidt, resident of Ward 6
- Item 11.1 Doug Lauzon, area resident
- Item 11.2 Sinisa Sinic, applicant

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.

5. ADOPTION OF THE PLANNING ACT MINUTES

5.1. Minutes of the Planning, Heritage & Economic Development Standing Committee (Planning Act Matters) meeting held May 14, 2018

Moved by: Member Bjarneson
Seconded by: Member Gyemi

THAT the Minutes of the Planning, Heritage and Economic Development Standing Committee meeting (Planning Act Matters) meeting held May 14, 2018 BE ADOPTED as presented. Carried.
6. PRESENTATION & DELEGATIONS (PLANNING ACT MATTERS)

None.

7. PLANNING ACT MATTERS

7.1. Official Plan and Zoning By-law Amendments initiated by the City of Windsor to permit second units within residential areas (City-wide) - File No. OPA 122[OPA/5538] and Z-009/18 [ZNG/5571]

Greg Atkinson, Senior Planner, appears before the Planning, Heritage and Economic Development Standing Committee regarding the administrative report Official Plan and Zoning By-law Amendments initiated by the City of Windsor to permit second units within residential areas and provides a brief description of residential units and indicates that they are either contained within the primary dwelling unit (e.g. in the basement) or within an accessory building located on the same property (e.g. above a detached garage).

A summary of the Official Plan Amendment changes are provided as follows:

- Permits second units within residential areas.
- Prohibits second units within basements in flood plain areas.
- Outside of flood plain areas basement units must disconnect downspouts, install a sump pump, and where possible a backflow prevention valve.
- Must be smaller than primary dwelling unit.
- Limits exterior changes to heritage properties.
- Second unit in accessory building cannot be severed.
- Building Permit is required.
- Total number of lodgers must not exceed three.

A summary of the Zoning By-Law Amendment changes are provided as follows:

- Gives effect to Official Plan policies.
- Maximum size of a second unit is 50% of the area of the main building or 100 m2 (1076 sq. ft.).
- Requires one parking space outside of core neighbourhoods (i.e. east of Prince Rd, North of Tecumseh Rd, and west of Henry Ford Centre Dr / Cadillac St).
Mr. Atkinson indicates that the amendments are consistent with the Provincial Policy Statement, conforms with the Official Plan (as amended), and administration recommends adopting the changes.

Caroline Taylor, resident

Caroline Taylor, resident appears before the Planning, Heritage and Economic Development Standing Committee in opposition to the administrative recommendation in the report Official Plan and Zoning By-law Amendments initiated by the City of Windsor to permit second units within residential areas and indicates that when these units are sold they become student housing with absentee landlords that turn into unsafe buildings. She suggests that the City and the Province include more funding for affordable housing and take care of the current housing shortage that exists instead of adding more problems.

Marina Clemens, Chair Housing Advisory Committee

Marina Clemens, Chair Housing Advisory Committee appears before the Planning, Heritage and Economic Development Standing Committee in support of the administrative recommendation in the report Official Plan and Zoning By-law Amendments initiated by the City of Windsor to permit second units within the residential areas and indicates it is important for the City to communicate this information so that the community is aware of the regulations and start building these units. Ms. Clemens indicates that the waiting list for affordable housing is increasing and the secondary suites will alleviate some of the wait times.

Philippa von Ziegenweidt, resident of Ward 6

Philippa von Ziegenweidt, resident of Ward 6 appears before the Planning, Heritage and Economic Development Standing Committee in support of the administrative recommendation in the report Official Plan and Zoning By-law Amendments initiated by the City of Windsor to permit second units within the residential areas and notes that continued enforcement of poorly maintained properties should be increased. Ms. von Ziegenweidt adds that she is not entirely in favour of the second units in basements as seniors and the aging population may have mobility issues that would prevent them from using basement units or upper level units and she agrees that affordable housing in the City is lacking.

Michelle Friesen, Executive Director Family to Family Support Network

Michelle Friesen, Executive Director Family to Family Support Network appears before the Planning, Heritage and Economic Development Standing Committee in support of the administrative recommendation in the report Official Plan and Zoning By-law Amendments initiated by the City of Windsor to permit second units within the residential areas and indicates many groups would be interested in these type of housing units and urges the Committee and Council to adopt the administrative recommendation.
Councillor Kusmierczyk requests clarification that in the East Riverside area there is a prohibition on the basement second units but main floor and units within accessory buildings would be allowed. Administration acknowledges this statement.

Member Bjarneson inquires whether there will be regulations related to the price of the second units and that she thinks they would typically be less expensive than other housing units. Administration indicates that price would not be regulated and they would anticipate these units to be more affordable than other housing units due to their smaller size. They add that other regulations may be necessary and may be proposed in the future based on experience with the new policies and zoning. Second units must comply with the same building and fire codes applicable to all housing.

Member Moore requests clarification regarding secondary units being separate from the primary unit and whether that is a stipulation. Mr. Atkinson indicates that secondary units are separate from the primary unit and it does have to be separate as part of the legislation as these secondary units must have their own separate access to the street or alley and access to these units cannot travel through the primary dwelling.

Councillor Payne inquires about how many of these secondary units may be expected. Administration doesn’t anticipate many the first year, although interest may grow in the future.

Councillor Sleiman states that with the affordable housing waiting list very high, these secondary units may alleviate some of the burden and inquires whether permits are necessary. Administration indicates that a permit is necessary and all regulations need to be adhered to as well as inspections as is the requirement of any other new housing unit. He adds that the second units are rentable.

Member Gyemi inquires whether the units can be built in the main part of a garage. Administration indicates that second units can be built in the main part of a garage.

Administration indicates that these units would fit the existing fabric of the community and are a good way to accommodate increased residential density. Enforcement would still be in place, zoning specifics are necessary and all other regulations have to be followed.

Councillor Kusmierczyk inquires about the conversion of secondary suites to air b&b’s. Administration indicates that they will include this on their list of items related to second units that will be monitored.

Moved by: Councillor Sleiman
Seconded by: Member Moore

Decision Number: PHED 590
THAT Official Plan Amendment No. 122 as shown in Appendix 1 to Report # S 102/2018 regarding new policies authorizing the use of second residential units BE ADOPTED; and,
THAT an amendment to Zoning By-law 8600 as shown in Appendix 2 to Report # S 102/2018 permitting second residential units BE PASSED.
Carried.

There being no further business the meeting of the Planning, Heritage and Economic Development Standing Committee (Planning Act Items) portion is adjourned at 5:11 o’clock p.m.

The Chairperson calls the Administrative portion of the Planning, Heritage & Economic Development Standing Committee meeting to order at 5:12 o’clock p.m.

8. ADOPTION OF THE MINUTES

8.1. Adoption of the Planning, Heritage & Economic Development Standing Committee meeting minutes held June 11, 2018

Moved by: Member Baker
Seconded by: Councillor Sleiman

THAT the minutes of the Planning, Heritage and Economic Development Standing Committee meeting held June 11, 2018 BE ADOPTED as presented.
Carried.

Report Number: SCM 258/2018
Clerk’s File: MB2018

9. PRESENTATIONS AND DELEGATIONS (COMMITTEE & ADMINISTRATIVE MATTERS)

See Item 7.1, 11.1 and 11.2.
10. HERITAGE ACT MATTERS

10.1. Jackson Park, 125 Tecumseh Road East- Demolition of Listed Washroom and Maintenance Buildings on the Windsor Municipal Heritage Register (Ward 3)

Kristina Tang, Heritage Planner (A) appears before the Planning, Heritage and Economic Development Standing Committee regarding the administrative report Jackson Park, 125 Tecumseh Road East-Demolition of Listed Washroom and Maintenance Buildings on the Windsor Municipal Heritage Register and provides a brief outline of the request. Administration is recommending demolition and they indicate it would not adversely impact other features in the park, as well as enhance public amenities.

Member Miller requests that in future the colours of replacement buildings should be vetted through the heritage committee for input.

Moved by: Member Miller
Seconded by: Councillor Holt

Decision Number: PHED 591
I. That the demolition of the washroom and maintenance buildings in Jackson Park BE APPROVED.

II. That the City Planner BE DELEGATED the approval authority to approve the Site Plan Application associated with the replacement washroom and maintenance buildings, and the improvements to the parking lots, drives, and connecting trails in Jackson Park.

Carried.

Report Number: S 95/2018
Clerk’s File: SR/12394

10.2. Cunningham’s Sheet Metal, 1478 Kildare Road - Community Heritage Fund Grant (Ward 4)

Kristina Tang, Heritage Planner (A) appears before the Planning, Heritage and Economic Development Standing Committee regarding the administrative report Cunningham’s Sheet Metal, 1478 Kildare Road—Community Heritage Fund Grant and provides a brief outline of the applications as well of the work that was completed. Administration is recommending approval of the grant request.

Councillor Holt commends the owner for investing in the area.
Moved by: Councillor Holt  
Seconded by: Member Foot

Decision Number: **PHED 592**  
THAT the owners of Cunningham’s Sheet Metal, 1478 Kildare Road, **BE GRANTED** an upset amount of $2,245 from the Community Heritage Fund (Reserve Fund 157) for repair work conducted on the front masonry facade.  
Carried.

Report Number: S 96/2018  
Clerk’s File: MBA/12747

There being no further business the meeting of the Planning, Heritage and Economic Development Standing Committee (Heritage Items) portion is adjourned at 5:23 o’clock p.m.

The Chairperson calls the Administrative Matters portion of the Planning, Heritage & Economic Development Standing Committee meeting to order at 5:24 o’clock p.m.

11. **ADMINISTRATIVE ITEMS**

11.1. **(ACSP) Closure of North / South alley between Malcolm St. & Sydney Ave., West of Parkwood Ave. & East of Woodlawn Ave. - Ward 9**

Doug Lauzon, area resident

Doug Lauzon, area resident, appears before the Planning, Heritage and Economic Development Standing Committee regarding administrative report (ACSP) Closure of North/south alley between Malcolm St. & Sydney Ave., West of Parkwood Ave. & East of Woodlawn Ave. and indicates that many neighbours have continuously maintained the current alley and concludes by requesting clarification on the closure request. Councillor Marra explains the current Alley Closing Subsidy process and that it is a great deal less expensive utilizing this method and that the closure is a method to legalize and address liability issues.

Moved by: Councillor Payne  
Seconded by: Councillor Kusmierczyk

Decision Number: **PHED 593**  
I. That the north-south alley having the width of 4.27m, between Malcolm St. & Sydney Ave., West of Parkwood Ave. & East of Woodlawn Ave., as shown on Drawing CC-1731 attached hereto as Appendix “A”, **BE ASSUMED** for subsequent closure;
II. That the north-south alley having the width of 4.27m, between Malcolm St. & Sydney Ave., West of Parkwood Ave. & East of Woodlawn Ave., as shown on Drawing CC-1731 attached hereto as Appendix “A, BE CLOSED AND CONVEYED to the abutting property owners subject to the following:

i. Easements, subject to their being accepted in the City’s standard form and in accordance with the City’s standard practice, be granted to:

   a. Bell Canada, Managed Network Systems Inc., COGECO CONNEXION Inc. and Enwin Utilities Ltd.

ii. Conveyance Cost BE SET as follows:

   • Abutting properties zoned RD1.1:

      1. $1.00 plus alley subsidy cost of $99.00 during the alley subsidy program;

      2. $1.00 plus alley subsidy cost of $99.00 after the expiration of the alley subsidy program

III. That The City Planner BE REQUESTED to supply the appropriate legal description, in accordance with Drawing Number CC-1731, attached hereto as Appendix “A”

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

V. 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

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

VII. If there are existing alley approaches, and these approaches become obsolete after the alley closure, the City shall remove existing alley approaches in the future when budget funds exist. Alternatively should property owners that abut the approaches to the closed alley wish to retain the alley approaches as driveways, permits from Public Works shall BE REQUIRED

Carried.
11.2. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 2609998 Ontario Inc. for 1012 Drouillard Road (Ward 5)

Greg Atkinson, Senior Planner appears before the Planning, Heritage and Economic Development Standing Committee regarding the administrative report Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 2609998 Ontario Inc. for 1012 Drouillard Road and provides a brief overview of the application including details of the funding and indicates that Administration is recommending approval of the application.

Sinisa Sinic, applicant

Sinisa Sinic, applicant, appears before the Planning, Heritage and Economic Development Standing Committee regarding the administrative report Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 2609998 Ontario Inc. for 1012 Drouillard Road and encourages the City to approve the application as this funding and the renovation would have a positive impact for the neighbourhood and for the community.

Councillor Sleiman inquires about future plans for the building. The applicant indicates that they intend to operate a business out of the location for the foreseeable future.

Councillor Holt requests clarification about the necessity of an environmental assessment for the building. The applicant indicates that the bank required the assessment. Mr. Atkinson adds that the environmental assessment is not part of the City’s requirements.

Councillor Payne inquires as to setting a precedent approving a building in the Brownfield redevelopment grant category. Administration indicates this application falls within the eligibility rules and this type of application may become more common over time. Several other applications of this nature have been approved.

Moved by: Councillor Sleiman
Seconded by: Councillor Holt

Decision Number: PHED 594
THAT the request made by 2609998 Ontario Inc. to participate in the Environmental Site Assessment Grant Program BE APPROVED for the completion of the proposed Phase II Environmental Site Assessment Study at 1012 Drouillard Road pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,
THAT the City Treasurer BE AUTHORIZED to issue payment up to a maximum of $5,675 based upon the completion and submission of a Phase II Environmental Site Assessment Study completed in a form acceptable to the City Planner and City Solicitor.
Carried.

Report Number: S 100/2018
Clerk’s File: SPL/10759

11.3. CQ53-2016 Ojibway Street Extension - Ward 10

Moved by: Councillor Holt
Seconded by: Councillor Kusmierczyk

Decision Number: PHED 595
THAT the report by the City Planner dated June 22, 2018 entitled “CQ53-2016 Ojibway Street Extension – Ward 10” BE RECEIVED.
Carried.

Report Number: S 106/2018
Clerk’s File: SR2018

12. COMMITTEE MATTERS

None.

13. QUESTION PERIOD

Councillor Holt inquires about the process of the new requirements under the Planning Act. Administration provides information on the policies moving forward and reiterates that any discussion pertaining to matters that come before the Planning, Heritage and Economic Development Standing Committee or City Council pertaining to Planning Act items should be carried out during the Standing Committee or during the Council Meeting. Administration also indicates the process is new and they are proceeding with caution to ensure that all legislative processes are being followed.
14. ADJOURNMENT

There being no further business the meeting of the Planning, Heritage and Economic Development Standing Committee is adjourned at 5:50 o’clock p.m.

Ward 8—Councillor Marra
(Chairperson)  Supervisor of Council Services
Subject: Annual Reporting on Implementation and Request to Amend the Downtown Windsor Enhancement Strategy and Community Improvement Project Area (By-law 144-2017)

Reference:
Date to Council: August 7, 2018
Author: Laura Diotte, MCIP, RPP
Planner III - Special Projects
519-255-6543 ext. 6396
lbdiotte@citywindsor.ca

Planning & Building Services
Report Date: July 12, 2018
Clerk’s File #: SPL/10759

To: Mayor and Members of City Council

Recommendation:

I. THAT the Overview of Applications Received under the Downtown CIP contained in Appendix D BE RECEIVED for information by Council as the annual reporting required under the Downtown Windsor Enhancement Strategy and Community Improvement Plan.

II. THAT By-law 144-2017 BE AMENDED to include the lands shown on Appendix A.

Executive Summary:
N/A

Background:

Annual Reporting on Implementation

Section 9.4 ‘Monitoring Program’ of the Downtown Windsor Enhancement Strategy and Community Improvement Plan (Downtown CIP) requires that annual reporting on implementation be provided to City Council. Annual reporting is due in September 2018, therefore, this report will provide the annual report required under the Downtown CIP.
Project Area Boundary Amendment Request

The Downtown CIP was approved by City Council on September 29, 2017 and By-law 155-2017 was passed by City Council on October 16, 2017. By-law 144-2017 was passed on September 29, 2017 to designate the Downtown Windsor Enhancement Strategy and Community Improvement Project Area (Project Area). The Downtown CIP provides financial incentives to encourage new residential development, retail investment, facade improvements, and building/property improvements for property owners and tenants within the Project Area.

The owner (Piroli Construction Inc.) of 850 Wyandotte Street West, 0 Crawford Avenue and 530 – 572 Crawford Avenue has submitted a letter to the Planning Department requesting an amendment to the boundary of the Project Area to include 850 Wyandotte Street West, 0 Crawford Avenue and 530 – 572 Crawford Avenue (see proposed boundary amendment in Appendix A, letter in Appendix B, and property location in Appendix C).

Discussion:

Annual Reporting on Implementation

This report will serve as the annual reporting on the implementation and monitoring of the incentive programs. Appendix D contains an overview of the amount of grants approved by Council. To date, no grants have been paid out because grant payment is made once the projects are completed. The highlights from the applications received to date under the Downtown CIP are listed below:

- 179 new residential units proposed for Downtown Windsor.
- 7 new storefront retail units proposed.
- An average of $7.89 of private sector investment made for every incentive dollar provided.
- 163 refurbished hotel units proposed.
- Approximately $59,354,974 proposed new investment being made in Downtown Windsor.
- Estimated increase in assessment upon completion of the proposed projects is $27,319,000.
- Estimated increase in annual property taxes upon completion of the proposed projects is $671,209.
- If all applications approved by Council the balance of the City Centre Community Planning Fund would be $276,127

Existing Boundary

The original boundary of the CIP was based on the City Centre Planning District as
identified in the City of Windsor Official Plan. This long standing boundary includes
the downtown core from the Detroit River to Erie Street, Marentette/Howard to the
east and Caron Avenue/former Rail cut to the west (shown in Appendix A). This
area includes the commercial/mixed use core of downtown and the surrounding
residential communities that are in close proximity of the Downtown core.

During the Downtown Windsor Enhancement Strategy and Community
Improvement Plan public consultation phase, the lands that are currently occupied
by CBC Radio were added to the Downtown CIP Project Area to include potential
development land within the Downtown CIP.

Requested Boundary Amendment

The owner of 850 Wyandotte Street West, 0 Crawford Avenue and 530 – 572
Crawford Avenue has requested a boundary adjustment to include the properties
where development is proposed. The owner proposes a six (6) floor, 160 unit,
residential apartment building targeted towards middle income retirees. The owner
indicates that there will be delays in achieving full occupancy (may take 24-30
months to achieve full occupancy); revitalization in this area will take time and this
is the first large development of this type in the area; and, economies of this
development carry risk. Additionally, the owner indicates that returns and cash
flows do not justify proceeding without the grants under the Downtown CIP.

Staff have reviewed this request and have determined that the properties at 850
Wyandotte and 0 Crawford Avenue have been vacant since 1990 and 1989
respectively. Additionally, the property north of 850 Wyandotte Street West, known
as 0 Salter is vacant and the Planning Department has received inquiries regarding
the redevelopment of the lands. These properties, along with the residential and
commercial properties along Wyandotte Street West, Crawford Avenue and
University Avenue as shown in Schedule C are a logical extension of the Project
Area boundary. The inclusion of these lands in the Project Area will allow the
affected properties to be eligible to apply for financial incentives under the
Downtown CIP. The redevelopment of these properties at this time is unlikely
without the incentives under the Downtown CIP.

The proposed boundary expansion would include vacant lands, residential
properties along Crawford Avenue and commercial properties along University
Avenue. Additionally, within the proposed expanded boundary is the Canadian
Pacific Railway. Specifically, the current zoning and land uses of the subject
properties is outlined below:

- 850 Wyandotte Street – (CD2.2) Vacant Land
- 0 Crawford Avenue – (CD2.2) Vacant Land
- 0 Salter Avenue – (RD2.2) Vacant Land
- 815 University Avenue – (CD2.2) Existing apartment building
- 831 University Avenue – (CD2.2) Vacant Two-Storey Commercial Building
- 851 University Avenue – (CD2.2) One Storey Commercial Building (Convenience Store)
- 859 University Avenue – (CD2.2) Single Family Dwelling – Commercial Use
- 867-893 University Avenue – (CD2.2) Multi-Residential
- 314-316 Crawford Avenue – (CD2.2) Multi-Residential
- 328 – 524 Crawford Avenue – (RD2.2) Single Family Residential
- 0 University Avenue – Canadian Pacific Railway

**Risk Analysis:**

There is low risk associated with the inclusion of the lands identified in Schedule A. The lands are a logical extension of the existing boundary. The majority of these lands are vacant and have been undeveloped for many years. The provision of incentives may stimulate the development of these lands.

**Financial Matters:**

The City Centre Community Development fund is dedicated to funding the grant programs under the Downtown CIP and currently has an uncommitted balance of $276,127. The incentive programs have been successful, as the fund started with a balance of $724,000 and council has approved and committed grants in the amount of $447,873 to projects downtown within the first year. Council should be aware that additional funds are not currently included in the budget and as such consideration may be required, given the success of the program, to designating further amounts in future budgets to fund the Downtown CIP. Staff will continue to monitor the fund and advise City Council if additional funds are required for this program.

By expanding the boundary the financial incentive programs will be available to the lands within the new boundary. This means that more properties can apply for the incentives that are available. Most of the programs receive funding from the fund, however, the tax increment grant component of the Downtown Windsor Enhancement Strategy and CIP is funded by property owners paying taxes in full, and being granted back the portion of the incremental municipal taxes that result from the proposed development.

**Consultations:**

Notice was published in the Windsor Star in accordance with the *Planning Act* to give the notice of the Public Meeting to consider the proposed amendment to By-law 144-2017 for the requested boundary adjustment to the Downtown Windsor Enhancement Strategy and Community Improvement Project Area.

The following staff were consulted in preparation of this report:
Conclusion:
Staff recommend that the boundary amendment to the Downtown CIP Project Area (By-law 144-2017) be approved as shown on Schedule ‘A’ to stimulate development on vacant properties in the proposed boundary change area.

Planning Act Matters:
I concur with the above comments and opinion of the Registered Professional Planner.

Neil Robertson, MCIP, RPP, Manager of Urban Design
Thom Hunt, MCIP, RPP, City Planner

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

SAH

Approvals:

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neil Robertson</td>
<td>Manager of Urban Design</td>
</tr>
<tr>
<td>Thom Hunt</td>
<td>City Planner/Executive Director of Planning and Building Services</td>
</tr>
<tr>
<td>Wira Vendrasco</td>
<td>Deputy City Solicitor</td>
</tr>
<tr>
<td>Shelby Askin Hager</td>
<td>City Solicitor</td>
</tr>
<tr>
<td>Don Nantais</td>
<td>Financial Planning Admin.</td>
</tr>
<tr>
<td>Joe Mancina</td>
<td>Chief Financial Officer/City Treasurer</td>
</tr>
<tr>
<td>Onorio Colucci</td>
<td>Chief Administrative Officer</td>
</tr>
</tbody>
</table>

Notifications:

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>Address</td>
<td>Email</td>
</tr>
<tr>
<td>---------------</td>
<td>---------</td>
<td>---------------------------</td>
</tr>
<tr>
<td>Robert Millson</td>
<td></td>
<td><a href="mailto:rgmillson@millsonlaw.com">rgmillson@millsonlaw.com</a></td>
</tr>
<tr>
<td>Rob Piroli</td>
<td></td>
<td><a href="mailto:rob@piroliconstruction.com">rob@piroliconstruction.com</a></td>
</tr>
</tbody>
</table>

**Appendices:**
- Appendix A - Proposed Project Area Boundary Amendment
- Appendix B - Letter From Property Owner
- Appendix C - Property Map
- Appendix D - Overview of Applications under the Downtown CIP
July 9, 2018

The Corporation of the City of Windsor
Planning and Building Department – Planning Division
Attention: Thom Hunt – City Planner
350 City Hall Square West, Suite 200
Windsor, Ontario N9A 7K6

Dear Sir:

Re: 850 Crawford Avenue, Windsor Ontario (“Property”)
My File No.: P11913

We act as solicitors for Piroli Construction Inc. (“Piroli”) which purchased the Property on the 28th day of June 2018 from Loblaw Properties Limited.

Piroli proposes to construct a six (6) floor apartment building on the Property with the following characteristics:

i. Forty-Five Million Dollar ($45,000,000.00) project;
ii. 160 units adding approximately 156,000 square feet of residential space to the downtown urban core;
iii. 40% one bedroom units and 60% two bedroom/ two bath units;
iv. 3.6 acre (1.48 hectare) site provides ample above ground parking for each tenant plus visitor’s parking;
v. Extensive landscaping to provide outdoor amenities for tenants; and
vi. Each apartment is condo style and amenities include washer/dryer in each unit, walk out balcony with glass railings, granite counter tops, five (5) stainless steel appliances in kitchen, individual unit temperature controls and higher end finishes.
Piroli built and owns two (2) recently completed apartment buildings in Leamington Ontario containing 210 rental units. The building to be constructed on the Property will be similar in appearance. The existing buildings can be viewed at www.seacliffheights.ca. This will be an extremely attractive building.

The target tenants are middle income retirees. Piroli completed three (3) feasibility studies which indicate:

i. There is a high concentration of middle income retirees in the immediate area;

ii. There is need for more middle income accommodation in the core area; and

iii. Two (2) of the studies advised there will be an absorption rate problem and delays in filling the building.

For the past fifteen (15) years the Property was owned by Loblaw Properties Limited ("Loblaw"). Loblaw attempted to develop the site for a food supermarket or a grocer and was unable to justify the development.

Residential Development has not proceeded due to risks as to the cash flow of the project while the building fills with tenants and the unknowns in constructing an apartment building in this part of the urban downtown core where there has been no new residential development in decades. Two (2) of the feasibility studies completed by Piroli confirm there will be delays in filling the building.

The City of Windsor can assist with these issues if the Property and the proposed 160 unit apartment building qualify for abatements under the Community Improvement Plan ("CIP").

In particular CIP abatements are required for the following reasons:

i. There will be delays in achieving full occupancy of the apartment building with resulting cash flow problems. Piroli anticipates full occupancy of the Property will not be achieved for 24 to 30 months;

ii. Revitalization of the neighbourhood will take time;

iii. This will be the first new large apartment building in the area and the economics of this development carry risk; and

iv. The return and cash flows do not justify proceeding if property tax abatements are not available under the CIP.

The Property lies west of the existing CIP project area boundary by less than one hundred (100) yards. Only the CP Rail corridor separates the Property from the CIP project area.

Piroli wishes to make application to adjust the westerly boundary of the CIP project area to include the Property. The Property would be added to the CIP project area by extending the boundary west...
along Wyandotte Street West to Crawford Avenue. The boundary would head north on Crawford Avenue to the northerly boundary of the Property and then easterly to the CP Rail corridor.

Piroli believes the proposed development will meet all criteria and policy guidelines under the City of Windsor CIP and be of significant benefit to the community. The development would increase the number of people choosing to live in the downtown Windsor area and create a desirable residential area with amenities necessary to support day to day living in the downtown core. This will encourage other property improvements in neighboring properties that will contribute to a vibrant and healthy downtown core. Piroli believes this project will be a “Catalyst” project. The building will be 6 stories and highly visible. The development will result in a significant increase in land value that results in increased municipal assessment. The investment will spur additional investment in surrounding areas and will create 160 residential units. The development will convey a message of neighborhood progress and stability.

Piroli proposes to provide a range of housing which is not currently available in the downtown core. This housing will be more affordable than luxury accommodation and will provide more amenities than minimum standard accommodation. The development uses land which has not been used productively for any purpose in the last fifteen (15) years and is located in an area serviced by public transportation and a nearby grocery store. In the event the Urgent Care Facility is constructed on the nearby Grace Hospital lands then medical facilities will be within walking distance of the development.

Piroli has the expertise and financial resources to complete this development. The abatements requested under the CIP make the development economically viable.

Piroli is proceeding with all studies required for the development including a Planning Justification Report, Noise Study, Traffic Study, Sanitary Storm Study, Storm Detention Scheme, Ministry of Natural Resources and Forestry Study and a Noise Mitigation Study all at his own expense. Piroli has the financial resources to guarantee the development will proceed but Piroli needs assistance from the Community Improvement Plan to justify making the investment. The cash flow in the short run and the uncertainty in the longer run can only be justified in the event property tax abatements are available under the CIP program.

Piroli hereby requests that the boundary of the Community Improvement Plan be amended to include the Property. Thereafter Piroli will make application under the Community Improvement Plan for the specific incentives allowed under the Community Improvement Plan.

We understand that an application will be required under the Planning Act. We understand further that the request for amendment of the Planning Improvement Project Area boundary requires Council approval. Our office has been instructed to proceed with these Applications with all possible speed.

Provided the Application for abatements under the Community Improvement Plan is approved, Piroli will file all required Applications for rezoning and site plan approval. Piroli will proceed with all Applications simultaneously at his own cost and at his own risk in order to obtain approvals necessary to commence construction early in 2019.
On behalf of Piroli we request the assistance of the City of Windsor and advise that Mr. Piroli and our office are available at all times to attend at the City for meetings, consultations and provide whatever information is requested.

Yours very truly,

Robert G. Millson Professional Corporation

[Signature]

Robert Millson

RGM:jj

Enclosures

cc. Rob Piroli
Appendix C: Downtown Windsor Enhancement Strategy and Community Improvement
Project Area Proposed Boundary Amendment - Property Map

Proposed Lands Added to the Project Area  Existing Boundary  Proposed Boundary Amendment
Properties Owned by Peroli Construction  Potential Redevelopment Site

Meters
0  100  200  400

UNIVERSITY AVE W
SALTER AVE
CRAWFORD AVE
CARON AVE
JANETTE AVE
WYANDOTTE ST W
## Appendix D - Overview of Incentive Applications - Downtown Windsor Enhancement Strategy and Community Improvement Plan

<table>
<thead>
<tr>
<th>Application</th>
<th>New Residential Units</th>
<th>New Retail Units</th>
<th>Estimated Investment*</th>
<th>Program Grants</th>
<th>Tax Increment Grant**</th>
<th>Total of Incentives</th>
<th>Grant to Investment Ratio</th>
<th>Current Assessment</th>
<th>Estimated Post Development Assessment</th>
<th>Increased Assessment</th>
<th>Current Taxes (Annual)</th>
<th>Estimated Post Development Taxes</th>
<th>Increased Taxes (Annual)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 Ouellette</td>
<td>24</td>
<td></td>
<td>$3,556,000</td>
<td>$50,000</td>
<td>$52,522</td>
<td>$57,200</td>
<td>6.17</td>
<td>$428,250</td>
<td>$3,600,000</td>
<td>$3,171,750</td>
<td>$7,146</td>
<td>$59,766</td>
<td>$52,620</td>
</tr>
<tr>
<td>415 Pelissier Street</td>
<td>11</td>
<td></td>
<td>$5,604,800</td>
<td>$110,000</td>
<td>$529,244</td>
<td>$635,244</td>
<td>11.65</td>
<td>$357,000</td>
<td>$1,934,073</td>
<td>$1,577,073</td>
<td>$86,204</td>
<td>$191,434</td>
<td>$185,204</td>
</tr>
<tr>
<td>212 - 248 Erie Street</td>
<td>3</td>
<td></td>
<td>$3,500,000</td>
<td>$120,000</td>
<td>$65,260</td>
<td>$85,260</td>
<td>8.16</td>
<td>$335,000</td>
<td>$1,854,073</td>
<td>$1,519,073</td>
<td>$105,004</td>
<td>$191,434</td>
<td>$185,204</td>
</tr>
<tr>
<td>0 Victoria</td>
<td>2</td>
<td>2</td>
<td>$13,251,000</td>
<td>$80,000</td>
<td>$1,854,073</td>
<td>$1,854,073</td>
<td>17.06</td>
<td>$335,000</td>
<td>$11,816,000</td>
<td>$10,451,000</td>
<td>$52,222</td>
<td>$396,054</td>
<td>$343,832</td>
</tr>
<tr>
<td>333 Riverside Drive West</td>
<td>3</td>
<td></td>
<td>$385,000</td>
<td>$6,645</td>
<td>$2,000</td>
<td>$2,000</td>
<td>3.32</td>
<td>$7,159,119</td>
<td>$7,159,119</td>
<td></td>
<td>$671,209</td>
<td></td>
<td></td>
</tr>
<tr>
<td>411 Pelissier</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>179</strong></td>
<td><strong>7</strong></td>
<td><strong>$59,354,974</strong></td>
<td><strong>$447,022</strong></td>
<td><strong>$6,712,097</strong></td>
<td><strong>$7,159,119</strong></td>
<td><strong>7.89</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*The estimated investment on new construction projects is the reported construction only estimate provided by the applicant. The estimated investment for the other projects are based on quotes provided by the applicant.

**Total amount of the Tax Increment based grant for 5 to 10 years depending on the duration approved.
Subject: Response to CQ 30-2016 regarding targeted financial incentive programs and/or rebates to increase occupancy of vacant commercial space

Reference:
Date to Council: August 7, 2018  
Author: Laura Diotte, MCIP, RPP  
Planner III - Special Projects  
519-255-6543 ext. 6396  
Planning & Building Services  
Report Date: August 7, 2018  
Clerk’s File #: ST2018

To: Mayor and Members of City Council

Recommendation:

I. THAT report S 114/2018 BE RECEIVED for information in response to CQ30-2016 regarding targeted financial incentive programs and/or rebates to increase occupancy of vacant commercial space.

BACKGROUND:

On July 4, 2016 Councillor Holt asks “that Administration report to the Planning, Heritage & Economic Development Standing Committee on options for Council to consider offering targeted financial incentive programs and/or use of rebates to realize increased occupancy of vacant commercial space.”

The City has implemented several programs over the past few years that are targeted towards the reuse of existing buildings and strengthening development/redevelopment in existing built up areas. This report will provide an overview of the Community Improvement Plans and vacancy tax rebate programs that are aimed at vacant commercial space.

DISCUSSION:

The following table provides an overview of the programs offered by the City and how the programs provide incentives to occupy vacant commercial space. Many of the programs below, such as the Downtown CIP, Windsor Building Facade Improvement CIP, and the changes to the vacancy tax rebate program, have been implemented since the time this Council question was asked.
<table>
<thead>
<tr>
<th>Program</th>
<th>Description</th>
<th>How it targets occupancy of vacant commercial buildings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upper Storey Residential Conversion (Downtown CIP)</td>
<td>Offers a $5000 grant for every new residential unit created on the upper storey of existing mixed use buildings within the Downtown CIP Project Area.</td>
<td>To qualify for the grant the space must be vacant or underutilized space that has never been used for residential. Therefore this provides an incentive to reuse vacant commercial space as residential.</td>
</tr>
<tr>
<td>Retail Investment Grant Program (Downtown CIP)</td>
<td>Offers a 50% matching grant towards renovating interior of buildings for retail purposes within the Downtown CIP Project Area.</td>
<td>Encourages existing space to be renovated for retail purposes in the downtown provide that it has been vacant for the past six (6) months.</td>
</tr>
<tr>
<td>Building/Property Improvement Tax Increment Grant Program (Downtown CIP)</td>
<td>Offers an annual grant for 5 to 10 years in the amount of the municipal increase in taxes as a result of building/property improvements within the Downtown CIP Project Area.</td>
<td>Encourages existing buildings or vacant land downtown to be redeveloped and used for a productive use.</td>
</tr>
<tr>
<td>Commercial/Mixed Use Building Facade Improvement Grant Program (Downtown CIP)</td>
<td>Offers a 50% matching grant (maximum $20,000 per property) towards eligible costs of improving the exterior of commercial/mixed use buildings.</td>
<td>Improving the facades of commercial buildings increases the opportunity for owners to attract tenants for commercial space.</td>
</tr>
<tr>
<td>Brownfield Redevelopment CIP</td>
<td>Provides grants towards feasibility studies, Environmental Site Assessments, property taxes, rehabilitation and development charges for the reuse of brownfields.</td>
<td>Encourages the rehabilitation and reuse of brownfield sites and vacant buildings.</td>
</tr>
<tr>
<td>Economic Revitalization CIP</td>
<td>Offers annual grant for 10 years in the amount of the municipal increase in taxes as a result of business development, business</td>
<td>Providing incentives for targeted businesses can make the reuse of existing buildings more viable.</td>
</tr>
<tr>
<td>Program</td>
<td>Description</td>
<td>How it targets occupancy of vacant commercial buildings</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------</td>
</tr>
<tr>
<td>Windsor Building Facade Improvement CIP for Main Streets (within BIAs, except Sandwich, Downtown, and Ford City)</td>
<td>Grants towards improvement of exterior features Within BIAs.</td>
<td>Improving the facades of commercial buildings increases the opportunity for owners to attract tenants for commercial space.</td>
</tr>
<tr>
<td>Commercial/Mixed Use Building Facade Grant and Loan (Sandwich Towne CIP)</td>
<td>Offers a grant of 70% of the cost of eligible facade and storefront improvement/restoration works to commercial/mixed use properties (max. $15,000 per projects) and offers a grant of 70% of cost of eligible interior and exterior maintenance and improvement works to commercial and mixed use buildings (max. $30,000) in Sandwich Towne.</td>
<td>Improving the facades of commercial buildings increases the opportunity for owners to attract tenants for commercial space.</td>
</tr>
<tr>
<td>Revitalization Grant Program (Sandwich Towne CIP)</td>
<td>Offers annual grant equal to 70% of the increase in City property taxes for up to 10 years after project completion in Sandwich Towne.</td>
<td>Encourage existing buildings or vacant land in Sandwich Towne to be redeveloped.</td>
</tr>
<tr>
<td>Commercial Core Feasibility Study Grant Program (Sandwich Towne CIP)</td>
<td>Offers a grant to 50% of the cost of an eligible feasibility study (max. grant of $5,000) in Sandwich Towne.</td>
<td>This grant offers owners and prospective investors to undertake feasibility in the commercial core of Sandwich Towne which may involve the reuse of vacant commercial space.</td>
</tr>
<tr>
<td>Program</td>
<td>Description</td>
<td>How it targets occupancy of vacant commercial buildings</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Development Charges and Development and Building Fees Grant Programs (Sandwich Towne CIP)</strong></td>
<td>Offers a grant equal to between 50% and 100% of the City Development Charge paid and grant equal to 100% of the fees paid for a wide range of development application and building permit types in Sandwich Towne.</td>
<td>By offsetting some of the costs of development or redevelopment the reuse of vacant commercial space can become more viable.</td>
</tr>
<tr>
<td><strong>Changes to the Vacancy Tax Rebate Program</strong></td>
<td>As of 2017, vacant ground floor commercial properties within the Downtown Windsor Business Improvement Area can only apply for one year for the full vacancy tax rebate of 30%, followed by 15% vacancy tax rebate in the next year, then 0% vacancy tax rebate thereafter. Previously, owners of vacant ground floor commercial buildings downtown could apply for a 30% vacancy tax rebate year after year.</td>
<td>The change in the vacancy tax rebate program is a way to encourage property owners to find tenants for their vacant commercial buildings. Administration will report back to Council regarding implementation of the changes and options to eliminate certain discounts on classes of vacant lands in late summer/early fall.</td>
</tr>
</tbody>
</table>

**RISK ANALYSIS:**

The report is only for information purposes to provide an overview of existing programs that provide incentives for vacant properties, therefore there is low risk associated with this report.

**FINANCIAL MATTERS:**

Each of the programs identified in this report have financial implications which have been identified and included within multiple reports which have come forth to City Council. Financial costs have also been quantified within each grant application that has been submitted and brought forth for Council consideration.
CONSULTATIONS:
Janice Guthrie, Deputy Treasurer Taxation and Revenue

CONCLUSION:
Council has approved many Community Improvement Plans and changes to the vacancy tax rebate program that are aimed at providing incentives to occupy vacant commercial properties since the Council question has been asked. Administration from the Finance Department will also be reporting back to Council in late summer/fall regarding the vacancy tax rebate program. Additionally, each Community Improvement Plan requires annual reporting and a comprehensive analysis at the five year anniversary where staff can make recommendations related to the incentive programs. The five year review will allow staff to review the effectiveness of the programs and make adjustments if needed.

APPROVALS:

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neil Robertson</td>
<td>Manager of Urban Design</td>
</tr>
<tr>
<td>Thom Hunt</td>
<td>City Planner/Executive Director of Planning and Building Services</td>
</tr>
<tr>
<td>Wira Vendrasco</td>
<td>Deputy City Solicitor</td>
</tr>
<tr>
<td>Shelby Askin Hager</td>
<td>City Solicitor</td>
</tr>
<tr>
<td>Don Nantais</td>
<td>Financial Planning Admin.</td>
</tr>
<tr>
<td>Joe Mancina</td>
<td>Chief Financial Officer/City Treasurer</td>
</tr>
<tr>
<td>Onorio Colucci</td>
<td>Chief Administrative Officer</td>
</tr>
</tbody>
</table>

NOTIFICATIONS:

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Subject: (ACSP) Closure of alley system between E.C. Row Ave., Sydney Ave., West of Turner Rd. and East of Byng Rd. - Ward 9

Reference:
Date to Council: August 7, 2018
Author: Sahar Jamshidi
Planner II - Development Review
sjamshidi@citywindsor.ca
519-255-6543, x.6449

Planning & Building Services
Report Date: July 11, 2018
Clerk’s File #: SAA2018

To: Mayor and Members of City Council

Recommendation:

I. That the alley system having the width of 4.27m, located between E.C. Row Ave. and Sydney Ave., West of Turner Rd. and East of Byng Rd., as shown on Drawing CC-1736 attached hereto as Appendix “A”, BE ASSUMED for subsequent closure;

II. That the alley system having the width of 4.27m, located between E.C. Row Ave. and Sydney Ave., West of Turner Rd. and East of Byng Rd., as shown on Drawing CC-1736 attached hereto as Appendix “A”, BE CLOSED AND CONVEYED to the abutting property owners subject to the following:

i. Easements, subject to their being accepted in the City’s standard form and in accordance with the City’s standard practice, be granted to:

   a. Bell Canada, Managed Network Systems Inc., COGECO CONNEXION Inc. and Enwin Utilities Ltd., The Windsor Utilities Commission, Union Gas Limited

ii. Conveyance Cost BE SET as follows:
• Abutting properties zoned RD1.1:

1. $1.00 plus alley subsidy cost of $99.00 during the alley subsidy program;

2. $1.00 plus alley subsidy cost of $99.00 after the expiration of the alley subsidy program

III. That The City Planner BE REQUESTED to supply the appropriate legal description, in accordance with Drawing Number CC-1736, attached hereto as Appendix “A”

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

V. 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

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

VII. If there are existing alley approaches, and these approaches become obsolete after the alley closure, the City shall remove existing alley approaches in the future when budget funds exist. Alternatively should property owners that abut the approaches to the closed alley wish to retain the alley approaches as driveways, permits from Public Works shall BE REQUIRED

**Executive Summary:**

NA.

**Background:**

At its meeting on October 1, 2012, Councillor Payne asked the following question: CQ24-2012 “Asks for a report on the feasibility of a proactive program to offer certain alleys for sale, possibly for a nominal payment to abutting property owners so as to relieve the City of the cost of maintaining such alleys in perpetuity.”
On December 2nd, 2013 City Council adopted B38/2013 which approved a Capital Budget for 2014 that included enhanced funding for specific Capital Projects. One of the projects was the Alley Closing Subsidy Program (ACSP) outlined in CR240/2013, attached hereto as Appendix “E”.

On December 21, 2015 City Council adopted B28-2015, which approved the continuation of the ACSP for an additional 2 years (through 2017), using the balance of funds remaining from the previously approved 2014 Enhanced Capital Funding Plan allocation $790,000.00, attached hereto as Appendix “E”.

On January 15, 2018 City Council adopted B15/2018, which approved the continuation of the ACSP using the balance of funds remaining from the previously approved 2014 Enhanced Capital Funding Plan allocation $299,779 (approximately; through 2019), attached hereto as Appendix “E”.

A total of 32 private properties abut the alley system between E.C. Row Ave. and Sydney Ave., West of Turner Rd. and East of Byng Rd. The 32 private properties were provided with a petition, and 17 property owners (53%) signed the petition in support of closing the alley (see Appendix “B” for a map of the properties abutting the alley.)

The site visit by Planning Department staff confirmed that the alley is a good candidate for closure as it is a grass covered alley with some gravel at its east and west approaches and appears to be untraveled. All abutting properties have driveways from either E.C. Row Ave., Sydney Ave., Turner Rd. or Byng Rd. Currently the alley is accessible at its south end from Sydney Ave. and at its east end from Turner Rd. A private fence blocks access to the alley at its west end from Byng Rd. (See Appendix “D”, Site visit photos).

There are no municipal sewers or manholes located in the alley system, however there are utility poles located within the alley system servicing COGECO CONNEXION Inc., Managed Network Systems Inc., Bell Canada and Enwin Utilities Ltd. Furthermore, The Windsor Utilities Commission and Union Gas Limited do have underground infrastructure located within the alley system. Easements will be granted. (See Appendix “D”, Site visit photos for location of the utility poles.)

Planning Department has received comments from a variety of City Departments and outside agencies. There have been no objections to closing the alley system as shown on Drawing No. CC-1736 attached hereto as Appendix “A”.

Discussion:

Planning Department’s analysis of the requested alley closure:
The first test is to determine whether the subject alley is dispensable or not. To make such determination the guideline attached herein as Appendix “F” would be relevant as shown below.
a. Does the subject alley serve commercial properties or serve properties fronting on heavily traveled streets i.e. major arterial routes? The answer is NO. The abutting properties are predominantly used for residential purpose and are zoned RD1.1.

b. Does the subject alley contain sewers, and must the alley remain accessible for servicing? The answer is NO.

c. Does the subject alley serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive? The answer is NO.

d. Does the subject alley contain Fire Department connections that are deemed to be necessary for firefighting access? The answer is NO.

e. Does the subject alley have some usefulness? The answer is NO. The alley is only accessible from its north end; however there are numerous encroachments within the alley that prevent travelling through the entire length of the alley. There are utility poles located in the alleys (servicing COGECO CONNEXION Inc., Managed Network Systems Inc., Bell Canada, Enwin Utilities Ltd., WUC and Union Gas Limited easements required).

f. Does the alley have no useful purpose? It should be noted that alleys that appear to serve no useful purpose are typically alleys in residential areas and locations where generally the lots are wide enough for side drives, or those alleys abutting parks and other parcels of land that do not require any servicing from the alley. The subject alley falls under the above category of alleys, so the answer is NO, currently it does not serve any useful purpose. “Alleys that serve no useful purpose should be closed, if at all possible, and in fact, the owners abutting thereon should be encouraged to accept conveyance.” (Excerpt from Appendix “F” attached).

g. Is the subject alley lying in holding zones and other similar undeveloped areas where the alley system is clearly obsolete and has never been developed, but where the City needs to keep its options open until new area plans are prepared and development is imminent? The answer to the question is NO.
In consideration of the above analysis, it is clear that the recommendation to close the subject alley is consistent with the Street and Alley closing classification (see Appendix “F” attached.)

Planning is recommending conveyance of the closed alley to the abutting property owners. The Planning Department fully supports the closure of the subject alley shown on Drawing No. CC-1736, attached herein as Appendix “A”.

Closed alleys are customarily divided into parcels along the centreline of the alley in order to convey half of the alley to each abutting property owner. Where encroachments or other obstructions are present, the alley may be divided either partially or entirely in other ways to address such situations in a manner deemed appropriate by the City Planner.

**Risk Analysis:**

As outlined in the previous council report C 145/2017 (Decision Number: B15/2018), alley closings under the ACSP would lower the City’s risk as the City will no longer own the alleys, however, there is still the risk that the City could be left with remnant parcels if not all residents purchase their portion (and/or any abutting portions) of the alley. The City cannot require purchase or other acquisition of these alleys, and so this risk must be tolerated. This risk is associated with the proposed partial closure of the alley shown on Drawing No. CC-1731 attached herein as Appendix “A”.

**Financial Matters:**

Conveyance Cost **BE SET** as follows:

- **Abutting properties zoned RD1.1:**
  1. $1.00 plus alley subsidy cost of $99.00 *during* the alley subsidy program;
  2. $1.00 plus alley subsidy cost of $99.00 *after* the expiration of the alley subsidy program

**Consultations:**

Consultations were held with City Administrative Departments and Utility Companies, which resulted in the information outlined in Appendix “C”.
Planning Department has received comments from a variety of departments and outside agencies. There have been no objections to closing the alley as shown on Drawing No. CC-1736 attached hereto as Appendix “A”.

Conclusion:

The Planning Department has considered all the comments received and recommends closure of the subject alley shown on the attached Appendix “A”, subject to conveyance costs.

The alley shall be divided into parcels to be conveyed to abutting property owners as deemed appropriate by City Planner.

Planning Act Matters:
NA

Approvals:

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neil Robertson</td>
<td>Manager of Urban Design</td>
</tr>
<tr>
<td>Thom Hunt</td>
<td>City Planner</td>
</tr>
<tr>
<td>Wira Vendrasco</td>
<td>Deputy City Solicitor</td>
</tr>
<tr>
<td>Shelby Askin Hager</td>
<td>City Solicitor</td>
</tr>
<tr>
<td>Onorio Colucci</td>
<td>Chief Administrative Officer</td>
</tr>
</tbody>
</table>

Notifications:

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Councillor Hilary Payne</td>
<td>350 City Hall Square West, Suite 220</td>
<td><a href="mailto:hpayne@citywindsor.ca">hpayne@citywindsor.ca</a></td>
</tr>
<tr>
<td>Ward 9</td>
<td>Windsor, ON N9A 6S1</td>
<td></td>
</tr>
<tr>
<td>MICHAEL SHAW &amp; MICHELL SHAW</td>
<td>3174 BYNG RD WINDSOR ON N8W 3G9</td>
<td>NA</td>
</tr>
<tr>
<td>All abutting property owners</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Appendices:

1 Appendix A (CC drawing)
2 Appendix B (Location Map)
3 Appendix C (Comments)
4 Appendix D (Site Visit Photo)
6 Appendix F (Alley Classification)
7 Appendix G (ACSP Process)
STREET & ALLEY CLOSING (SAA/5439)
APPLICANT: MICHELL SHAW
SUBJECT LANDS
PLANNING DEPARTMENT - DEVELOPMENT DIVISION
DATE: MARCH, 2018
<table>
<thead>
<tr>
<th>Agency</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bell Canada</td>
<td>Bell Canada’s request for easement protection.</td>
</tr>
<tr>
<td>Public Works - Transportation Planning</td>
<td>No objections</td>
</tr>
<tr>
<td>Cogeco Cable Systems Inc.</td>
<td>Cogeco will require an easement at this location.</td>
</tr>
<tr>
<td>Enwin Utilities – Hydro</td>
<td>No Objection, however, an easement named to EnWin utilities Ltd. is required upon closing along the entire east and west alley to accommodate the existing 27.6kV overhead hydro distribution, poles and down guy wires. Also, an easement named to EnWin is required upon closing to the entire north and south alley to accommodate the existing 120/240V overhead distribution, poles and down guy wires.</td>
</tr>
<tr>
<td>Enwin Utilities – Water</td>
<td>Water Engineering has no objections. An easement for WUC will be required for the portion of the alley that runs east to west from Byng to Turner as shown below.</td>
</tr>
<tr>
<td>MNSI</td>
<td>MNSi requires an easement for this alley</td>
</tr>
<tr>
<td>Public Works – Engineering</td>
<td>The east/west portion of the alley closure is approximately 4.26m (14.0ft) wide, appears to be untraveled and composed mostly of grass. The north/south portion of the alley closure is approximately 4.26m (14.0ft) wide, also appears to be untraveled and composed mostly of grass. There are no municipal sewers or manholes located in the closure. There are hydro poles running through the closure, and dips for the communication services. Also, guy wires and anchors are found within the closure. An easement is required for the utilities. There appears to be fence encroachments within the closure. There is a single driveway approach and curb cut on Turner Rd to access the alley; it may be the responsibility of the City to remove the curb cut in the future when funds exist, if the alley is not purchased. Should the abutting owners use this access they will be required to obtain a driveway permit to complete and maintain the approach to City Standard AS-221 or AS-222. This alley appears to serve no useful purpose by CR146/2005; therefore we have no objections to the closure of this alley.</td>
</tr>
<tr>
<td>TELUS</td>
<td>TELUS has no infrastructure in the area of your proposed work. Permit expires six(6) months from approval date.</td>
</tr>
<tr>
<td>Union Gas</td>
<td>Union Gas Limited does have facility located within the East-West part of the proposed alley system. Easement rights will be required prior to the disposition of same.</td>
</tr>
<tr>
<td>Windsor Police Services</td>
<td>The Windsor Police Service supports the closure of this &quot;T-shaped&quot; alley, comprised of a short east-west section and a longer north-south section. Based on a site visit conducted July 19th, 2018, this alley does not appear required for property access by abutting property owners and it is also not required to facilitate police incident response or for carrying out neighbourhood patrol activities. In its current state, it offers opportunities for loitering and...</td>
</tr>
</tbody>
</table>
property crime to potentially occur due to the ability for individuals to gain discreet access to the rear of abutting properties. These are not desirable for the neighbourhood and closure would help remove this risk. It should be pointed out that the westerly portion of the east-west alley has what appears to be an illegally erected fence partition that restricts access (see attached photo). Since the alley is not yet closed, this fence would presumably be illegal and should be removed until such time the alley becomes legally closed.

<table>
<thead>
<tr>
<th>Environmental Services – Solid Waste</th>
<th>No concerns from Environmental Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Windsor Fire &amp; Rescue Services</td>
<td>No concerns with closure</td>
</tr>
<tr>
<td>Parks, Recreation and Facilities</td>
<td>No objections from a Landscape or Parks perspective.</td>
</tr>
</tbody>
</table>
Standing on Sydney Ave. at the south end of the alley system, looking north.
Standing on Turner Rd. at the east end of the alley, looking west.
Standing on Byng Rd. at the west end of the alley, looking east.
That the report of the City Engineer dated October 28, 2013 entitled “Options for Expansion and/or Acceleration of Proactive Sale of Alleys Pilot Program approved by Executive Committee” BE RECEIVED; and further,

That Council APPROVE the Alley Closing Subsidy Program (Appendix A) as follows:

Option V – Expand Zoning Eligibility / Increase Pilot Program Funding Level
Expand the zoning beyond the current parameters of the proposed pilot program to include other zoning districts with low density residential use. (i.e. RD2.1) plus add proactive sale of previously closed alley lands that remain as remnant parcels. At this time this would apply only to those alleys which were closed prior to 1980. Maintain the pilot program as a 2-year program. Increase funding to $200,000 per year. Approximately 10 alleys and some remnant parcels will be able to be closed annually under this option. (These 10 alleys are above the number of alleys which will be closed which do not qualify for any subsidy under the Program). This option expands the eligibility and addresses the strong demand for the program.

In order to complete the work described above, additional departmental resources are required; specifically 2 additional temporary staffing resources (Planner II and Street and Alley Legal Clerk ($168,159 per year).

This option expands the eligibility and better addresses the strong demand for the program.

B28-2015
I. That the Alley Closing Subsidy Program BE CONTINUED for an additional 2 years (through 2017), using the balance of funds remaining from the previously approved 2014 Enhanced Capital Funding Plan allocation $790,000.00;
II. That the ASCP implementation process be amended as indicated in “Appendix B” of this report.
III. That Administration REPORT back to City Council with a status update regarding the Alley Closing Subsidy Program (ACSP) prior to 2018 budget deliberations;
IV. That Administration review ACSP prior to 2018 budget deliberations to determine the appropriateness of creating a permanent alley closing subsidy program.
B15/2018

I. That the Alley Closing Subsidy Program **BE CONTINUED** using the balance of funds remaining from the previously approved 2014 Enhanced Capital Funding Plan allocation $299,779 (approximately; through 2019);

II. That the process to sell previously closed alleys **BE AMENDED** to retain the owner-driven initiative, and not include the proactive process conducted by the City, due to minimal success in the proactive approach;

III. That the ASCP implementation process **BE AMENDED** as indicated in Appendix A of this report to remove the Proactive Previously Closed Alley Subsidy Process, and reflect the changes made to the Previously Closed Alley Subsidy Process by Request;

IV. That prior to 2019 budget deliberations administration **REPORT BACK** to City Council with details of making the Alley Closing Subsidy Program (ACSP) permanent.
The City’s alleys fall into one of four general classifications based on their usefulness. Alleys may move from one category to another based on changes in circumstances. (i.e. relocation of utilities). The four classifications of alleys are:

1. **Indispensable**
   These are alleys serving commercial properties and properties fronting on heavily traveled streets i.e. major arterial routes and alleys which contain sewers and must remain accessible for servicing.

   These alleys should not be closed, conveyed, reduced or otherwise jeopardized through minority interests unless a suitable substitute alley is opened in lieu thereof. They are essential from the viewpoint of fire protection, police protection, loading or unloading of goods, refuse collection, servicing of blocked sewers and utility services. Without such alleys, the above noted services would at least be more costly if not impossible to a complete or adequate extent; and would noticeably interfere with street traffic, thereby reducing the capacity of the adjacent arterial, collector, or business access street.

2. **Dispensable**
   These alleys are typically alleys in residential areas and locations where generally the lots are wide enough for side drives, or those alleys abutting parks and other parcels of land which do not require any servicing from the alley. In short, they serve no useful purpose, either now or anticipated.

   The alleys in this category should be closed if at all possible, and the owners abutting the alleys should be encouraged to accept conveyance. If an abutting property owner requires access through the public right-of-way, access cannot be denied. Therefore, unless an alternate access can be found, the right-of-way cannot be closed.

3. **Have Some Level of Usefulness**
   These alleys are alleys which, having some usefulness, are nevertheless not indispensable nor on the other hand, a complete liability. (e.g. Alley is grass or gravel and may have a sewer or access to garages).

   These alleys should be considered for closing only upon request of abutting owners rather than by encouragement of the City.

4. **Located in Planned Development Districts**
   These alleys are those located in the Planned Development Districts and other similar undeveloped areas where the alley system is clearly obsolete and has never been developed, but where the City needs to keep its options open until new area plans are prepared and development is imminent.

   These alleys should not be closed unless specific development proposals acceptable to the City are submitted.

In addition to the four *general classifications* of alleys above, there may be further complicating *specific attributes* to individual alleys:

- the alley may be fully or partially closed;
- the alley may be encroached upon.
Alley Closing Subsidy Program Process (approved through B15/2018)

1. Where a resident/owner wishes to close an alley a resident/owner will request to Planning Department to be added to the queue of requests for consideration in the Alley Closing Subsidy Program.

2. The Planning Department staff will review the requests on a first come first serve basis and determine which requests conform to the ACSP criteria.

3. Where the alley is:
   a) located in a predominately residential area; AND
   b) the alley abuts residential property; AND
   c) the alley is likely to be deemed “Dispensable”, or “Have Some Level of Usefulness” as outlined in the Alley Closing Process Policy, the primary contact will be invited to circulate a petition to close the subject alley.

4. A petition consisting of the Names, Addresses, Phone Numbers and Assessed Value of the properties abutting the subject alley will be created by the Planning Department staff. The primary contact will have 30 calendar days in which to complete and submit a petition.

5. The primary contact will circulate the petition to affected homes and obtain signatures in support.

   A successful petition will consist of:
   a) 50%+1 of property owners representing 50% of the assessed value of the properties abutting the alley must agree to purchase at least the portion of the alley abutting their property, AND
   b) A $100.00 payment for each alley parcel to the City of Windsor for the portion of the alley
   c) Will be submitted within 30 calendar days

6. The Program Coordinator will review the submitted petition and confirm if acceptable. Planning Department staff will notify all adjacent landowners and provide receipt for funds for those who have paid.

7. Should the petition not be submitted to the Planning Department within 30 calendar days, the subject alley will be moved to the end of the queue, and the next resident/owner on the list will be invited to submit a petition.

   (The following 9 steps, in italics, are largely the same as steps 2 through 10 of the STANDARD Street & Alley Closing Process).
8. A form is circulated for comments from city departments and utility companies – usually 2-3 weeks is given

9. Comments are compiled by Planning

10. Planner prepares the report to monthly Planning, Heritage and Economic Development Standing Committee (PHEDSC). Council Services Department does notification (notification to all abutting or affected property owners) for PHEDSC meeting.

11. PHEDSC meeting makes Recommendation on planning report for council’s consideration.

12. Agenda review for council’s meeting (normally 3-4 weeks after PHEDSC).

13. Following Council’s approval, Planning Dept. requests a reference plan from an Ontario Land Surveyor (OLS).

14. Once the registered 12R plan (survey) is received from OLS,
   - Windsor Star Ad prepared. Normally appears in The Windsor Star about 1 month before Bylaw sent to Council.
   - Forms are sent to abutting property owners with a copy of the ad and to determine the proper division of the alley.

15. Following the ad, Legal Department prepares the Bylaw for council’s consideration.

16. After the by-law is approved, Council Services Dept. arranges for registration and distribution of registered bylaw. (2 weeks)

17. Property owners who didn’t sign the petition will be encouraged to purchase their portion of the alley for $100.00. Each alley parcel will be offered for sale for $100.00. In the circumstance that no one is interested in the property, that part of the alley will remain City lands.

   If, over time, a property owner wishes to purchase a portion of the alley and it is still owned by the City, it can be purchased, and the fee to purchase each parcel will be $100.00.

18. Once the registered by-law is received by Planning Department, Planning Department staff sends letters to owners who have shown an interest to purchase. A reminder is also sent to those who have not responded to the original request in an attempt to get a commitment from them to purchase.
19. Deeds are prepared by Planning Dept. staff for those who have paid $100.00. Property owners will execute all forms to legally transfer the alley. The deeds are reviewed by Legal for accuracy and returned to Planning Dept. for registration on title electronically in approximately 2-3 weeks.

20. All fees and charges other than $100.00 cost of the alley will be absorbed by the ACSP account.

21. The Planning Department may extend deadlines if deemed appropriate.