PLANNING, HERITAGE & ECONOMIC DEVELOPMENT STANDING COMMITTEE

AGENDA

(available also at www.citywindsor.ca)

Monday, August 8, 2016
4:30 o’clock p.m.
Council Chambers, 3rd Floor, Windsor City Hall

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 July 11, 2016 - Planning Act Minutes (SCM 118/2016)

6. PRESENTATION & DELEGATIONS (PLANNING ACT MATTERS)

7. PLANNING ACT MATTERS

7.1. Proposed Draft Plan of Subdivision, Between Little River Road and Riverside Drive, west of Bellagio (Chateau Avenue extension), Part of Lots 142 and 143, Concession 1, City of Windsor SDN 001/16 (ZNG/4649- Ward 7 (S 142/2016)

7.2. Application for Approval of the Conversion of a Rental Property to Plan of Condominium – Riverside 1805 Incorporated, 1805 Riverside Drive West - CDM-001/16 [CDM/4648]; Ward 2 (S 118/2016)

7.3. Application for Approval of the Conversion of a Rental Property to Plan of Condominium – 2057458 Ontario Incorporated, 3445 Riverside Drive East - CDM-002/16 [CDM/4650]; Ward 5 (S 136/2016)
8. ADOPTION OF THE MINUTES

8.1 Minutes of the Planning, Heritage & Economic Development Standing Committee meeting held July 11, 2016 (SCM 115/2016)

9. PRESENTATIONS AND DELEGATIONS (COMMITTEE & ADMINISTRATIVE MATTERS)

10. HERITAGE ACT MATTERS

10.1 3177-3181 Sandwich Street - Heritage Alteration Permit for Front Wall (Sandwich HCD) (S 137/2016)

10.2 Harris House, 1380 Ypres Avenue - Request for Heritage Designation (Ward 4) (S 138/2016)

11. ADMINISTRATIVE ITEMS

11.1 Request under the Alley Closing Subsidy Program (ACSP) to close an alley system located between Randolph Ave. and California Ave., south of Grove and north of Girardot St.; File No.: SAA/4390 (S 144/2016)

12. COMMITTEE MATTERS

13. QUESTION PERIOD

14. ADJOURNMENT
Subject: Minutes of the Planning, Heritage & Economic Development Standing Committee meeting held July 11, 2016 - Planning Act Minutes
Members Present:

Chairperson
Ward 5 – Councillor Sleiman (Vice Chairperson)

Councillors
Ward 4 – Councillor Holt
Ward 7 – Councillor Kusmierczyk
Ward 9 – Councillor Payne

Planning Act Citizens
Anthony Gyemi
Barb Bjarneson

Members absent:
Ward 8 – Councillor Marra
Dorian Moore

Delegations
None

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
Sahar Jamshidi, Planner II
John Calhoun, Heritage Planner
Adam Pillon, Engineering
John Revell, Chief Building Official
Onorio Colucci, CAO
Matthew Johnson, Economic Development Officer
Anna Ciacelli, Supervisor of Council Services
Marianne Sladic, Senior Steno Clerk, Planning
1. CALL TO ORDER

The Chairperson calls the meeting of the Planning, Heritage and Economic Development Standing Committee to order at 4:36 o’clock p.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

Item 11.2 to be withdrawn
Moved by Councillor Kusmierczyk
Seconded by Councillor Holt

4. COMMUNICATIONS

None

5. ADOPTION OF THE PLANNING ACT MINUTES

5.1. Minutes of the Planning, Heritage & Economic Development Standing Committee meeting held May 9, 2016 (Planning Act Matters)

Moved by Member Bjarneson
Seconded by Councillor Kusmierczyk

6. PRESENTATION & DELEGATIONS (PLANNING ACT MATTERS)
7. **PLANNING ACT MATTERS**


Ward 3

Ms. Sahar Jamshidi introduces the report and is available to answer questions and provide clarification on behalf of the author, Ms. Justina Nwaesei.

Mr. Shawn Lippert (Applicant) is in complete agreement with the recommendations and is available for questions.

The Vice-Chair asks if there is anyone in the audience to speak on the item. Seeing none, the Vice-Chair notes the additional information received regarding the item (letter from Diane Brightwell, dated June 30, 2016).

Member Bjarneson mentions the suggestion for lighting and paving. Mr. Lippert advises lighting wouldn’t be a problem but paving would be. Ms. Bjarneson inquires how he intends to lineate the lot? Mr. Lippert advises the lot would be cleaned up and lineated. Ms. Bjarneson notes the lot could use some improvement and has some outdoor storage, which she will address with Administration. Ms. Bjarneson inquires to the gate between the north and south of the property and whether it will be taken down? Mr. Lippert advises the gate will remain.

Mr. Lippert advises he is only operating at the location for 15 days, from 7-11 pm in October. The property is in use year round by the owner of the property.

Member Bjarneson asks if the applicant has discussed clean up with the owner of the property. Mr. Lippert informs that he has. They have come to an agreement that Mr. Lippert will provide the suggested lighting. The owner was not present for questions. Ms. Bjarneson mentions the driveways and curb cuts. Mr. Lippert advises, based on the parking study done, much of those items weren’t as important as some of the other items, which were taken care of. Ms. Jamshidi advises she’s not sure of the need for curb cuts unless there was a new opening, in which a permit would also be required. But when they go through the Site Plan process, these issues are considered.

Ms. Bjarneson inquires about liability insurance. Mr. Lippert informs that they carry $5 million coverage.

Ms. Bjarneson, to Administration, inquires whether outdoor storage is permitted on the site? Ms. Jamshidi responds citing what is allowed under the zoning of the property. However, without researching the history of the property, Ms. Jamshidi is unable to advise whether storage is legal non-conforming or that it was grandfathered in. Ms. Bjarneson inquires whether there is some mechanism that would address the outdoor storage issue? Mr. Revell advises that once the applicant goes through the Planning process, they would come to the Building Dept., for a ‘change
Ms. Bjarneson mentions the suggestion for paved parking. If/when it goes through Site Plan and it is decided that it’s not a requirement, how could it be improved upon esthetically? Mr. Wilson advises any required parking would have to be paved and curbed, etc., in accordance with the zoning by-law or alternatively brought to the Committee of Adjustment for a variance to the zoning regulations. Ms. Bjarneson inquires whether anyone had spoken to the owner of the property or just the applicant? Mr. Wilson notes he’s at a disadvantage, given the author isn’t currently present to confirm, but believes all correspondence has been with the applicant.

The Vice-Chair inquires whether the application is going through Site Plan Control? Ms. Jamshidi advises once the request for ‘change of use’ permit is requested and the zoning review determines additional parking is required on site, then that will incur Site Plan approval, in which case updates will be required to current standards. Ms. Nwaesei (author) has flagged it as needing to go for Site Plan Approval, but it will be the development of the parking area that will trigger it. However, if no additional parking is required, they cannot be required to go through Site Plan to pave that area. Mr. Lippert doesn’t feel they’ll require more parking due to the demographic of their employees and patrons.

Moved by Councillor Payne
Seconded by Councillor Holt

Decision Number: XXX

II. That an amendment to the Zoning By-law 8600 BE APPROVED to change the zoning of the land located on the west side of McDougall Street, south side of Ellis Street East and north side of Shepherd Street East, described as Pt Lot 85, Concession 1, and Part 3 on Plan 12R 14001, by adding a site specific zoning provision allowing “a haunted house” as additional permitted use in an existing building on the subject land;

III. That the City Planner BE DIRECTED to conduct a study of the area affected by Special Zoning Provision s.20(1)50 of By-law 8600 and prepare a Planning Report for Council’s consideration.

Member Bjarneson hopes the Corporation will take this opportunity and have the property owner clean up and be proactive in enhancing the property to current standards.

Motion CARRIED, UNANIMOUSLY.
There being no further business, the meeting of the Planning, Heritage and Economic Development Standing Committee is adjourned at 5:05 o’clock p.m.

__________________________________________
Ward 5 Councillor Sleiman
(Vice-Chairperson)

__________________________________________
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”

To: Mayor and Members of City Council

Subject: Proposed Draft Plan of Subdivision, Between Little River Road and Riverside Drive, west of Bellagio (Chateau Avenue extension), Part of Lots 142 and 143, Concession 1, City of Windsor SDN 001/16 (ZNG/4649- Ward 7)

RECOMMENDATION:
That the application of 1473511 Ontario Ltd. for Draft Plan of Subdivision approval of Part of Lots 142 and 143, Concession 1, City of Windsor; BE APPROVED on the following basis:

That this approval applies to the draft plan of subdivision, as shown on the attached Map No. SDN-001/016, which will facilitate the construction of single unit, detached dwellings.

A. That the Draft Plan Approval shall lapse on ________ (3 years from the date of approval).

B. That this approval applies to the draft plan of subdivision presented on plan identified as project #15-475 Sheet No.1, Revision 3 dated February 29, 2016 prepared by RC Spencer Associates INC, showing 55 lots for single unit detached dwellings, two blocks for future development and one road allowance.

C. That prior to the execution and registration of a Subdivision Agreement between the Owner(s) and the Corporation of the City of Windsor, the Owner(s) shall submit for approval of the City Planner, final draft M-Plans which shall include the names of all road allowances within the plan, as approved by the Corporation.

D. That the owner enter into a subdivision 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 in the results of circularization and other relevant matters set out in CR 233/98 (Standard Subdivision Agreement).
b. The Owner(s) agrees to gratuitously convey, prior to the issuance of a building permit, the following rights-of-way, in accordance with the approved Plan of Subdivision:

   i. 22.0m right-of-way for Chateau Avenue (Street A) between Beverley Glen Street East and Wyandotte Street East
   ii. 20.0m right-of-way for Beverly Glen Street
   iii. 20.0m right of way for Chateau Avenue/Court north of Wyandotte Street East;

c. The Owner(s) agrees to gratuitously convey, prior to the issuance of a building permit, the following blocks:

   i. 2.8m road widening on north and south sides of Wyandotte Street East to match existing 30m Wyandotte Street ROW to the east.
   ii. 4.6m x 4.6m corner cut offs on all corners of the intersections of Wyandotte Street East and Chateau Avenue, Beverly Glen Street and Chateau Avenue and Little River Boulevard and Chateau Avenue, in accordance with City of Windsor Standard AS-230;
   iii. A 0.3 m reserve on all lots and blocks with side yard flanking Wyandotte Street East, Beverley Glen Street East and Little River Boulevard,

d. The Owner(s) shall comply with all the following requirements relating to sidewalks:

   i. Sidewalk shall be constructed:
      1. on both sides of Chateau Avenue, between Little River Boulevard and Wyandotte Street East,
      2. on the east side of Chateau Avenue, north of Wyandotte Street East

   to the satisfaction of the City Engineer and the City Planner;

e. The Owner(s) agree to retain a Consulting Engineer to undertake a sightline analysis of the following intersections:

   i. Wyandotte Street East and Chateau Avenue,
   ii. Beverley Glen Street East and Chateau Avenue, and,
   iii. Little River Boulevard and Chateau Avenue;

   The sight line analysis shall be prepared to the satisfaction of the City Engineer.

f. The Owner(s) agree that any mitigation resulting from the site line analysis that requires alteration of the Plan of Subdivision shall be completed prior to registration of the Final Plan of Subdivision to the satisfaction of the City Engineer.

g. The Owner(s) agree that changes in radius or alignment of the proposed Beverly Glen Street ROW to align with the existing portion of Beverley Glen Street (to the west at Pearson Avenue) that requires alteration of the Plan of Subdivision shall be completed prior to registration of the Final Plan of Subdivision to the satisfaction of the City Engineer.
h. The Owner(s) agree to retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems to the satisfaction of the City Engineer, prior to the issuance of a construction permit.

i. The study shall review the proposed impact and recommend solutions to addressing the problems and ultimate implementation of solutions should there be a negative impact to the system.

ii. The study shall be finalized to the satisfaction of the City Engineer.

i. The Owner(s) agree to:

i. convey to the Corporation 5% of the lands to be developed for residential uses for park purposes to the satisfaction of the Executive Director of Parks and the City Planner prior to the issuance of a construction permit. The parkland conveyed shall be 2 (two) 10.93m x 21.75m blocks abutting the Ganatchio Trail, and

ii. to provide the balance as cash in lieu of parkland as permitted in Section 51.1 of the Planning Act to the satisfaction of the Executive Director of Parks and the City Planner;

j. The owner agrees to pay the corporation its share of the costs as determined by the City Engineer for previously oversized services that were constructed to ensure that the subject lands could be serviced prior to the issuance of a construction permit.

k. In the event the Owner(s) is required to oversize any services, to service other lands, The Owner agrees that any oversizing 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.

l. The Owner(s) agree to:

i. undertake an engineering analysis to identify stormwater quality and quantity measures as necessary to control any increases in flows in downstream watercourses, up to and including the 1:100 year design storm, to the satisfaction of the Municipality and the Essex Region Conservation Authority.

ii. install stormwater management measures identified above, as part of the development of the site, to the satisfaction of the City Engineer and the Essex Region Conservation Authority.

iii. obtain the necessary permit or clearance from the Essex Region Conservation Authority prior to undertaking site alterations and/or construction activities.

NOTES TO DRAFT APPROVAL  (File: SDN-001/16)

1. The applicant is directed to Section 51(39) of The Planning Act 1990 regarding appeal of any imposed conditions to the Ontario Municipal Board. Appeals are to be directed to the City Clerk and Licence Commissioner of the City of Windsor.
2. It is the applicant's responsibility to fulfill the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City of Windsor, to the attention of the Executive Director/City Planner, quoting the above-noted file number.

3. Required agreements with the Municipality will be prepared by the City Solicitor.

4. The applicant should consult with an Ontario Land Surveyor for this proposed plan concerning registration requirements relative to the Certification of Titles Act.

5. The final plan approved by the Corporation of the City of Windsor must be registered within thirty (30) days or the Corporation may withdraw its approval under Section 51(59) of The Planning Act 1990.

6. All plans of subdivision/condominium are to be prepared and presented in metric units and certified by the Ontario Land Surveyor that the final plan is in conformity to the approved zoning requirements.

7. Where agency conditions are required to be included in the City's Subdivision Agreement, the applicant is required to forward a copy of the agreement to the agencies in order to facilitate their clearance of conditions for final approval of this plan.

That the City Clerk and Licence Commissioner BE AUTHORIZED to issue the required notice respecting approval of the draft plan of subdivision under Section 51(37) of The Planning Act, and;

That the subdivision agreement shall BE REGISTERED against lands to which it applies prior to the final registration of the Plan of Subdivision, and;

That prior to the final approval by the Corporation of the City of Windsor, the Executive Director/City Planner shall BE ADVISED, in writing, by the appropriate agencies that conditions have been satisfied, and;

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

**EXECUTIVE SUMMARY:** N/A

**BACKGROUND:**

**APPLICATION INFORMATION:**

**LOCATION:** Between Little River Road and Riverside Drive, west of Bellagio (Chateau Avenue extension), Part of Lots 142 and 143, Concession 1, City of Windsor

**WARD:** 7  **PLANNING DISTRICT:** 03 – EAST RIVERSIDE  **ZDM:** 9

**REGISTERED OWNER/APPLICANT:** 1473511 Ontario Ltd.

**Agent:** RC Spencer and Associates

**PROPOSAL:**

Page 4 of 11
The applicant is requesting Draft Plan Approval for Plan of Subdivision consisting of 55 lots for single detached dwellings and 2 blocks for future development. The lots to be created comply with the zoning provisions for this area. If future development of the 2 blocks contains uses other than single detached residential dwellings, a zoning by-law amendment application will be required.
SITE INFORMATION:

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<th>OFFICIAL PLAN</th>
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<td>(East Riverside</td>
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<td>Secondary Plan)</td>
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<th>WIDTH</th>
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<tr>
<td>98 m</td>
<td>+/-1070 m</td>
<td>9.3 ha</td>
<td>irregular</td>
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<td>321.5 ft</td>
<td>+/-3510 m</td>
<td>23 acres</td>
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All measurements are approximate.

NEIGHBOURHOOD CHARACTERISTICS:

The site is located between a predominantly residential (single detached dwellings) area to the East, and vacant lands used for agricultural purposes to the West. The site is separated from Riverside Drive by existing lots and is adjacent to additional residential development to the south.

CONSULTATION:

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.

DISCUSSION:

PLANNING ANALYSIS:


The proposed development is an infill development 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 within the East Riverside Secondary Plan. The proposed use is consistent with the Residential designation.

Zoning:
The north side of Wyandotte St East is currently zoned all Residential District (RD)1.1 while south of Wyandotte St East the west side of the subject site is currently zoned Residential District (RD) 1.1 and Residential District (RD) 1.2, with a hold provision. The hold provision is in place to ensure that any development in the area is properly serviced and that the property owner has executed and registered a subdivision agreement and the plan of subdivision has been registered.

The applicant proposes to create lots that comply with the relevant sections of the RD1.1 and RD1.2 zone categories.

**Issues to Be Resolved:**

The proposed Beverly Glen Street right of way currently angles to the north to connect with the current terminus of Beverly Glen Street at Pearson Avenue. The alignment follows a sanitary sewer trunk that was installed in 1974. While not problematic for this specific development, sightlines will become an issue along Beverley Glen Street when streets from future developments (Lublin Avenue and Icewater Avenue) connect to Beverly Glen Street. Therefore, it is important that the Beverly Glen Street right of way begin to curve slightly to ensure proper future connectivity. The radius for this curve has not yet been determined, but will be identified by Public Works. The requirement for the change in radius for the Beverly Glen Street ROW will be included as a condition of draft approval and will be reflected in the Registered Final Plan of Subdivision.

A .3m reserve blocks are required on the exterior lot lines on Lots 1, 13, 14, and 55 adjacent to Wyandotte Street East, Lots 34, 35, Blocks 56 and 57 adjacent to Beverley Glen Street East and Blocks 56 & 57 adjacent to Little River Boulevard. These 0.3m reserve blocks are required to ensure that driveways are not constructed from the identified lots and blocks to the adjacent roads. This requirement will be included as a condition of draft approval and will be reflected in the Registered Final Plan of Subdivision.

Blocks 56 & 57 north Beverley Glen Street are reserved by the applicant for future development. The developer wishes to maintain flexibility for different housing types in the future, expecting that market forces will inform a possible change of housing type. A Zoning By-law Amendment to permit a housing type other than Single Detached Dwellings will be required, if a change from the currently permitted single detached dwellings be desired on the Blocks 56 & 57.

The development of these lands presents an opportunity to “smooth out” the road allowance adjacent to the Ganatchio Trail by acquiring 2 parcels of land that project into the Riverside Drive road allowance as part of the required 5% parkland dedication. (see below). The remainder of the 5% parkland dedication shall be collected as cash in lieu. These lands to be dedicated are already zoned GD1.1, the same zone category as Ganatchio Trail lands.
RISK ANALYSIS: N/A

FINANCIAL MATTERS: N/A

CONSULTATIONS:

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

The site was reviewed by the Ministry of Natural Resources and Forestry (MNRF) though the Proponent driven Species at Risk Screening process. MNRF indicates no objection to the proposed development. The Essex Region Conservation Authority (ERCA) also state no objection from a Natural Heritage perspective.

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.

CONCLUSION:

Planner’s Opinion and Conclusions:

The proposed draft plan of subdivision complies with the provisions of the Provincial Policy Statement and the City of Windsor Official Plan, City of Windsor Zoning By-law and will provide housing opportunities in an established area.
Therefore we find that the proposed Draft Plan of Subdivision to create 55 single unit residential lots and 2 blocks for future development does constitute good and consistent land use planning.

**PLANNING ACT MATTERS:**

Jim Abbs, MCIP, RPP  
Planner III – Subdivisions

*I concur with the above comments and opinion of the Professional Planner*

Don Wilson, MCIP, RPP  
Manager of Development Applications

Thom Hunt, MCIP, RPP  
City Planner

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

Wira Vendrasco  
Acting City Solicitor

**APPROVALS:**

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<tr>
<th>Name</th>
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<tr>
<td>Don Wilson</td>
<td>Manager of Development Applications</td>
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<td>Thom Hunt</td>
<td>City Planner/Executive Director</td>
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<td>Wira Vendrasco</td>
<td>Acting City Solicitor</td>
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<td>Onorio Colucci</td>
<td>Chief Administration Officer</td>
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## NOTIFICATIONS:

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<thead>
<tr>
<th>Name</th>
<th>Address</th>
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<tbody>
<tr>
<td>RC Spencer Associates Inc.</td>
<td>261 Shepherd St. E.</td>
<td>rcs <a href="mailto:Spencer@rcspencer.ca">Spencer@rcspencer.ca</a></td>
</tr>
<tr>
<td>Attn: Richard C. Spencer, P. Eng., P.E.</td>
<td>Windsor, ON N8X 2K6</td>
<td></td>
</tr>
<tr>
<td>1473511 Ontario Ltd.</td>
<td>25 Amy Croft Drive,</td>
<td>st ev e@ valentegroup.com</td>
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<tr>
<td></td>
<td>Unit 23B,</td>
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<td>Tecumseh, ON N8N 2L9</td>
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<tr>
<td>Councillor Kusmierczak</td>
<td>(Ward 7)</td>
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<td>Property Owners and Tenants within 120m of subject property</td>
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## APPENDICES:

1. Appendix A - Agency Comments
2. Appendix B - Current Zoning
3. Appendix C - Mapping
APPENDIX A – Agency Comments

Enwin Utilities:
Water Engineering has no objections
Hydro Engineering has no objections

Windsor Police Service:

I feel the proposed single detached, infill residential on the subject lands is an appropriate and reasonable use of the property, consistent with what exists in the immediate neighbourhood. This reinforces the likelihood the development will be compatible and I therefore have no concerns with 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 detached dwellings. 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.

- The Windsor Police supports the proposed roadway layout which shows access connections to the new Street ‘A’ (extension of Chateau Avenue) at two different locations; namely: Wyandotte Street East and Beverley Glen Street. This is consistent with the Official Plan in ensuring the development will facilitate adequate emergency service delivery/response.

- Pedestrian safety is very important in all residential neighbourhoods; even infill situations like what is being proposed here. In this regard, sidewalks need to be provided to ensure proper and safe movement of pedestrians, plus proper LED street lighting as well. Highly visible, marked crosswalks may be necessary to optimize pedestrian safety where Chateau Avenue intersects with Wyandotte Street.

- 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. Additionally, the required side yard widths need to be maintained as this will further contribute to achieving proper natural surveillance characteristics for the neighbourhood once it is fully built out. This type of condition has been provided for other draft plans of subdivision agreements in the past to ensure a proper design and it is hoped the same can be applied here. The wording I have seen used is…”No exterior wall of an attached garage shall project greater than 1.2 metres beyond the front and side walls of the dwelling unit”.

Respectfully,

Barry Horrobin, B.A., M.A., CLEP, CMM-III
Director of Planning & Physical Resources
WINDSOR POLICE SERVICE
Windsor Fire Service:

No concerns with this development.

Finance / Assessment Division

The 2016 CVA (Current Value Assessment) as “Farm Land” FT (Farmlands Taxable FULL) tax class.

The existing assessment falls within the Farmlands tax class – the redevelopment proposal will have an effect of:

- changing the tax class to residential
- increasing the current assessment base
- increasing the municipal tax revenue

We have no objections and look forward to monitoring the progress of this redevelopment.

Union Gas

It is Union Gas Limited’s (“Union”) request that as a condition of final approval that the owner/developer provide to Union the necessary easements and/or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Union.

Transportation Planning

The applicant is requesting Draft Plan Approval for a Plan of Subdivision consisting of 55 lots for single detached dwellings and 2 blocks for future development. The lots to be created comply with the zoning provisions for this area. If future development of the 2 blocks contains uses other than single detached residential dwellings, an additional zoning by-law amendment application will be required.

The site is currently designated Residential in the City of Windsor Official Plan and is currently zoned (H) RD1.2, and RD1.1. The Holding provision may be removed once a Final Plan of Subdivision has been registered on the site. The property is located between Little River Road and Riverside Drive, west of Bellagio (Chateau Avenue extension), more particularly described as Part of Lots 142 and 143, Concession 1, City of Windsor. The site comprises 9.3 ha of land that is currently vacant.

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

- Chateau Avenue is classified as a Class II Collector road between Firgrove Drive and Little River Boulevard and has a 22 metre right-of-way width in accordance with the City of Windsor Official Plan. The extension of Chateau Avenue shall maintain the 22 metre right-of-way width. The pavement width and new curb and gutter shall be to City of Windsor standard.

- Wyandotte Street East is classified as a Class II Arterial road and requires a 42 metre right-of-way width in accordance with the City of Windsor Official Plan. The current right-of-way width is 24.4 metres; therefore, a land conveyance is required to match the existing 30 metre right-of-way adjacent to the proposed development.

- Beverly Glen Street is classified as a Local Road with an existing right-of-way width of 20 metres east of the proposed subdivision. The City of Windsor Official Plan requires that all Local roads have a 20 metre right-of-way; therefore Beverly Glen shall be constructed with a 20 metre right-of-way width.
• Sidewalks are required on one side of all Local Roads and both sides of Collector Roads. The sidewalk should continue along the east side of Chateau Avenue to connect with the existing sidewalk south of Little River Boulevard.

• This subdivision design shall meet the requirements for new neighbourhoods in the City of Windsor Traffic Calming Policy.

• A gratuitous land conveyance for a 4.6m x 4.6m corner cut-off is required on all corners at the intersections of Chateau Avenue and Wyandotte Street East, Chateau Avenue and Beverly Glen Street and Chateau Avenue and Little River Boulevard as per the Official Plan.

• This section of Little River Boulevard has an existing multi-use trail and Wyandotte Street East has an existing signed route.

• The alignment of the Beverly Glen Drive right-of-way within the limits of this plan shall be revised so that Beverly Glen Drive alignment follows a smooth, continuous curve from its existing limit east of Pearson Avenue to its existing limit west of Bellagio Drive. This revision is required to ensure that adequate turning sight distance is provided at the Chateau Drive/Beverly Glen intersection and other future intersections along Beverly Glen Drive. Without this revision, the ability to provide intersections or accesses along the future Beverly Glen Drive for the properties west of the subject lands will be compromised.

• All driveways shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings (AS-221 and AS-222).

• A Transportation Impact Study (TIS) has been received and reviewed by Transportation Planning. Comments regarding the TIS will be addressed separately.

**Transportation Planning (Traffic Impact Study):**

1) if development of the “future development” blocks is not part of this application, and if a separate future application will be needed to develop the “future development” blocks, then the number of trips generated by the development will be lower than the normal threshold where a TIS is required (100 peak hour trips).

2) Another factor that would warrant a TIS is a new connection to an arterial road, which is proposed as part of this development application. However, due to the size and nature of this development, as well as the lack of identified existing capacity or safety issues that may be affected by the development, a transportation statement (limited scope study) focused would be sufficient to Transportation Planning. The TIS that has been provided by the applicant (“Chateau Drive, North of Little River East Riverside Area Traffic Impact Analysis, R.C. Spencer & Associates, 20 April 2016) addresses some, but not all, of the issues that a transportation statement would address.

3) Specifically, the issues of concern to Transportation Planning are:

   a. The potential need for auxiliary lanes at the proposed Wyandotte/Chateau intersection:
      
      i. Based on the traffic count information provided in the TIS and the development size, it appears that auxiliary lanes will not be required at Wyandotte & Chateau. **This issue has been addressed.**

   b. Sight lines at the Wyandotte/Chateau and Little River/Chateau intersections:
i. No information has been provided on this item. **This issue has not been addressed.**

4) A sight line analysis of all proposed intersections and connections to existing roads shall be provided. In any cases where adequate turning sight distance cannot be provided, the TIS shall recommend mitigating measures. All analysis assumptions for the alignment of the unconstructed segment of Beverly Glen Drive shall be clearly noted.

5) Since the sight line analysis may potentially affect property requirements and subdivision layout, Transportation Planning recommends that a sight line analysis, satisfactory to the City Engineer, be received before the subdivision application is approved, and that any mitigating measures of the sight line analysis be reflected in either a revised subdivision plan or conditions of subdivision approval, as appropriate.

**Essex Region Conservation Authority:**

The following is provided for your information and consideration as a result of our review of the Notice to Consider Draft Plan of Subdivision (SDN-001-16). The application indicates that the draft plan of subdivision would create 57 single detached residential lots fronting on Chateau Street.

We have reviewed this application based on the mandate of the Essex Region Conservation Authority and provide the following comments:

**Section 28 Conservation Authorities Act**

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulations under the Conservation Authorities Act, (Ontario Regulation No. 158/06). The subject parcel falls within the regulated area of the Little River and Detroit River. The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by the regulations.

**Water Resources Management**

We are concerned with the potential impact of the quality and quantity of runoff in the downstream watercourse due to future development on this site. We therefore request the inclusion of the following Draft Plan of Subdivision conditions:

1. That the developer undertakes an engineering analysis to identify stormwater quality and quantity measures as necessary to control any increases in flows in downstream watercourses, up to and including the 1:100 year design storm, to the satisfaction of the Municipality and the Essex Region Conservation Authority.

2. That the developer installs stormwater management measures identified above, as part of the development of the site, to the satisfaction of the Municipality and the Essex Region Conservation Authority.

3. That the developer obtains the necessary permit or clearance from the Essex Region Conservation Authority prior to undertaking site alterations and/or construction activities.

4. We would advise the owners to submit an Application for Permit to this office along with the associated base cost fee of $1750.00 (for the first hectare of the development), plus the additional $400.00 per hectare for the remainder of the development. Submission of the application should be directed to the attention of Ms. Lisa Pavan, Administrative Associate: Watershed Management
Service (lpavan@erca.org) or by telephone at 519-776-5209 ext. 346. An Application for Permit and our current fee schedule is available on our website www.erca.org.

Natural Heritage Policies Of The PPS 2014

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance under the Provincial Policy Statement (PPS 2014). Based on our review, we have no objection to the application (Draft Plan of Subdivision) with respect to natural heritage policies.

If you should have any questions or require any additional information, please do not hesitate to contact the ERCA Watershed Planner, Michael Nelson by phone at (519) 776-5209 ext. 347 or by e-mail at mnelson@erca.org.

Ministry of Natural Resources and Forestry:

Based on the response prepared by EcoTec (dated February 9, 2015) and the clarification that no vegetation clearing will occur as part of this project, MNRF has no further comments/concerns with respect to the Endangered Species Act, 2007.
Memo

Date: July 7, 2016
To: Planning Department, Attention Jim Abbs
From: Adam Pillon, Right-of-Way supervisor

Subject: Chateau Avenue, North of Little River Boulevard
Roll No: 060-460-20800-0000;
Part of Lots 142 and 143, Concession 1

The applicant's requesting Draft Plan Approval for Plan of Subdivision consisting of 55 lots for single detached dwellings and 2 blocks for future development. The subject land is currently zoned (H) RD1.2 and RD1.1 under By-law 8600 and designated as residential use under 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 Right-of Way
Chateau Avenue between Little River Boulevard and Wyandotte Street East is a municipal roadway classified as a Collector Road requiring a minimum 22.0 metre right-of-way width in accordance with the Official Plan. North of Wyandotte Street East Chateau Avenue is classified as a Local Road requiring a minimum 20.0 meter right-of-way width in accordance with the Official Plan. Beverly Glen Street is a municipal roadway classified as a Local Road requiring a minimum 20.0 metre right-of-way in accordance with the Official Plan.

A one (1) foot reserve will be required along the limits of the Little River Boulevard, Beverly Glen Street and Wyandotte Street East right-of-ways to prevent driveway access.

Corner cut-offs (4.6m x 4.6m) will be required at the following intersections:
   a) Chateau Avenue/Little River Boulevard
   b) Chateau Avenue/Beverly Glen Street
   c) Chateau Avenue/Wyandotte Street East

Additionally, a geotechnical report may be required to determine the capacity of the soil below the road bed and building envelopes. The land of the proposed development has been stripped of the topsoil and filled with approximately 1.0 metre of clay soil. The native topsoil was then restored.
Cost Sharing
The proposed development will be subject to cost sharing for the road construction of Little River Boulevard, within the limits of the subject lands. The City of Windsor has contributed 11.07% of the total cost on behalf of the Querin property owners. The amount paid by the City was $50,630.40. An additional amount will be required for the completion of Little River Boulevard (repairs, surface asphalt and sidewalks), which will be determined by the City Engineer based on 11.07% of the total cost. The overall amount must be paid in full to the City of Windsor prior to the release of building permits.

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

- Little River Boulevard
  - Sanitary Sewer: 250mm Poly-vinyl Chlorine Sewer

- Wyandotte Street East
  - Storm Sewer: 450mm Concrete Sewer

The owner shall agree to pay, prior to the issuance of construction permits, the appropriate development charges related to the Wyandotte Street East storm sewer, in accordance with the City’s Development Charges By-law. Also, there is an oversizing charge associated with the Little River Boulevard sanitary sewer stub; this value is yet to be determined by the City of Windsor.

A servicing study is required for this development. The sewer extension will be required as part of the development, and if oversizing of the sewer is required cost sharing will be based on a public tender and subject to the approval of the City Engineer.

Storm Water Management
The existing ditches that run along the east and west limits of the proposed development must be removed or relocated in a way that will not impede the existing storm water flow. Storm water must be managed in a way that will not adversely affect the neighboring properties.

We have no objection to the Subdivision Application, subject to the following conditions:

Subdivision 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 233/88 and any other specific requirements.

Corner Cut-Off – The owner(s) agrees, prior to the issuance of a construction permit, to gratuitously convey a 4.6m x 4.6m (15‘ x 15’), corner cut-off at the intersection of Chateau Avenue and Little River Boulevard, Chateau Avenue and Beverly Glen Street...
and Chateau Avenue and Wyandotte Street East, in accordance with City of Windsor Standard Drawing AS-230.

**Servicing Study:** The owner agrees, at its own expense, to retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems, satisfactory in content to the City Engineer and prior to the issuance of a construction permit. The study shall review the proposed impact and recommend solutions to addressing the problems and ultimate implementation of solutions should there be a negative impact to the system. The study shall be finalized in agreement with the City Engineer.

**Video Inspection (Mainline):** The applicant shall agree to conduct at its entire expense a video inspection, or pay the cost of similar inspection, of ALL EXISTING sanitary/storm sewers on Chateau Avenue which will be tapped to service the development, all to the satisfaction of the City Engineer.

**Oversizing**

a) The Owner further agrees to pay to the Corporation, prior to the issuance of a construction permit, its share of the cost as determined by City Engineer for previously oversized services that were constructed to ensure that the subject lands could be serviced.

b) In the event that the Owner is required to oversize any services in order to service other vacant lands, it is agreed that any oversizing costs to be paid by the Corporation to the Owner shall be based on a cost-sharing scheme satisfactory to the City Engineer. Any cost-sharing scheme agreed to will be subject to the approval by the Corporation's City Council. Payment of any oversizing will be based on its inclusion in a Public Works Budget subject to Council's approval in a future year.

If you have any further questions or concerns, please contact Rob Perissinotti of this department at 519-255-8257 ext. 6615.

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Adam Pillon
Right-of-Way Supervisor

RP/ti

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City of Windsor | 350 City Hall Square West | Windsor, ON | N9A 6S1
www.citywindsor.ca
Appendix B : RD 1.1 and RD1.2 Zone Category

(l) Residential District 1. (RD1.1)

(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;

(iv) Any use accessory to the foregoing uses.

(b) Regulations

(i) Minimum lot width - 15 metres
   (AMENDED by B/L 33-2001, October 23, 2001, OMB Decision/Order No. 1716, OMB Case No. PL010233)

(ii) Minimum lot area - 460 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, 1992; Amended By B/L 10358, July 16, 1990)

(v) Minimum front yard depth - 6 metres

(vi) Minimum rear yard depth - 7.5 metres

(vii) Minimum side yard width - 1.5 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 1.5 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

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

(2) **Residential District L2 (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) (DELETED by B/L 33-2001, October 23, 2001, OMB Decision/Order No. 1716, OMB Case No. PL010233)

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

(iv) 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 (1), 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

(AMENDED by B/L 33-2001, October 23, 2001, OMB Decision/Order No. 1716, OMB Case No. PL010233)
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 118/2016 Report Date: 6/7/2016
Author’s Contact: Date to Council: 8/08/2016
Thomas J. Cadman, MCIP, RPP Clerk’s File #: ZP/12480
Planner III, Subdivisions
519 255-6543 ext 6457
tcadman@citywindsor.ca

To: Mayor and Members of City Council

Subject: Application for Approval of the Conversion of a Rental Property to Plan of Condominium – Riverside 1805 Incorporated, 1805 Riverside Drive West - CDM-001/16 [CDM/4648]; Ward 2

RECOMMENDATION:

I. That the application of Riverside 1805 Inc. for approval of a draft plan of condominium for a property legally described as Lot 4 and Part Park Lot, Plan 58, City of Windsor known municipally as 1805 Riverside Drive West, to permit the conversion of a 3-storey rental apartment building containing 16 residential dwelling units, to condominium tenure, as shown on the attached Map No. CDM-001/16-1, 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 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 Amec Foster Wheeler, Environment & Infrastructure, completed August 10, 2015, for Riverside 1805 Inc. with all corrections and improvements to be cleared as completed by a Professional Engineer or Professional Architect retained by the owner.
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 April 20, 2016 comments, as revised June 6, 2016 (in Appendix A), as indicated below, to the satisfaction of the City Engineer or designate:

1. Removal of the existing asphalt driveway approaches on Riverside Drive and reconstruction in such width and location as approved by the City Engineer, including provision of straight flare driveway approaches and termination of raised curbs so that the raised curbs do not extend into the driveway approaches, outside the subject property;

2. Both driveway approaches shall be of concrete and in compliance with City of Windsor Standard Drawing AS-204;

3. The existing driveway approach located on the west side of the property is to be reconstructed to avoid the pedestrian crosswalk; and

4. Apply for street opening permits for sewer taps, drain taps, flatworks, landscaping, curb cuts and driveway approaches prior to commencement of any construction on the public highway.

G. The owner shall agree to remedy all safety and security deficiencies identified in the Windsor Police Services’ April 10, 2016 comments (in Appendix A), as indicated below, to the satisfaction of the Director of Planning & Physical Resources, Windsor Police Services:

1. Installation/replacement of existing “J-hook locks with “drop-pin dead bolt locks or an appropriate “drop-bar” mechanism on all patio doors in residential units within the building; and

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);

H. The owner shall agree to submit a photometric plan to the Corporation’s Landscape Architect and the Director of Planning & Physical Resources, 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 April 14, 2016 comments (in Appendix ‘A’), as indicated below, to the satisfaction of the Corporation’s Landscape Architect:

1. Replacement of the tree at front of property with a broadleaf deciduous tree.

J. The owner shall agree to address the requirements identified in the Diversity and Accessibility Officer’s May 22, 2016 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, a door leading from the vestibule into the floor area shall be equipped with a power door operator; and
   c. If there are steps (or a step up) at a barrier free entrance, a ramp must be provided in accordance with legislation and to the satisfaction of the Chief Building Official and the Accessibility Officer.

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

K. The owner shall agree to install appropriate signage and re-paint the parking space pavement markings on-site, in compliance with Section 24.20.10.1 of By-law 8600, provide 1 Type ‘A’ (3.5m x 5.5m) accessible parking space, 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 (s. 80.23) under the AODA, 1 visitor parking space designated with appropriate signage and a bicycle rack facility accommodating a minimum of 2 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, Diversity and Accessibility Officer 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. The owner is advised that they will be entitled to once a week collection from the City and if further collections are needed, there is a fee;

M. The owner shall agree to provide a cash-in-lieu of payment for 5% parkland conveyance as per The Planning Act, to the satisfaction of the Executive Director of Parks;

II Final approval of the plan of condominium shall not be considered until all of the required works or undertakings identified in “Recommendation 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: North side of Riverside Drive West, between Campbell Avenue and Bridge Avenue and is known municipally as 1805 Riverside Drive West (Lot 4 and Part Park Lot, Plan 58).

WARD: 2  PLANNING DISTRICT: 16  ZDM: 3

APPLICANT: RIVERSIDE 1805 INCORPORATED

AUTHORIZED AGENT: Farhat & Associates LLP (Rashid Farhat)

PROPOSAL: The applicant is applying for condominium approval to permit the conversion of a 3-storey apartment building constructed in 1963, containing 16 residential dwelling units, from rental to condominium tenure.

MAP OF SUBJECT LANDS
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 3.4 (RD3.4)</td>
<td>16 Residential Dwelling Units</td>
<td>Total 18 spaces on site</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>WIDTH</th>
<th>DEPTH</th>
<th>AREA</th>
<th>PARKING @ 1.25 SPACES PER UNIT</th>
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<td>85.0 m</td>
<td>0.17 hectares</td>
<td>Total 20 spaces</td>
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<tr>
<td>69.0 ft</td>
<td>278.8 ft</td>
<td>0.43 acres</td>
<td></td>
</tr>
</tbody>
</table>

All measurements are approximate.

NEIGHBOURHOOD CHARACTERISTICS:
The subject property has frontage on the south side of Riverside Drive West. The surrounding uses are comprised of single detached dwellings to the south, a rental apartment building to the west, Straith Park to the east and Centennial Park to the north on the north side of Riverside Drive West.

TRAFFIC, ACCESS AND PARKING:
The building and parking area have access from Riverside Drive West, classed as a Scenic Drive. It also has a gated access off of Josephine Avenue, to the rear which is a Local Road.

The westerly driveway encroaches onto the Windsor Essex Community Housing Corporation property to the west, at 140 Bridge Avenue. However, a right-of-way agreement was registered on February 20, 1964 (Instrument no. 300108) between the two property owners to permit the encroachment.

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:
The Dominion 5 bus route exists at the corner of Riverside Drive West and Campbell Avenue, one block to the east.

DISCUSSION:

PLANNING ANALYSIS:
OFFICIAL PLAN:
The subject property is designated “Residential” 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 2015) indicate that the vacancy rate for the City of Windsor is approximately 3.9%.

**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 0.8 percent of the existing rental supply.

The building is comprised predominantly of 2-bedroom units, with a few 1-bedroom units. The 2015 CMHC Rental Market Report (October 2015) indicates the average rent for 2-bedroom apartments in Windsor is $817.00, the lowest average rent of any of the CMA’s in Ontario.

**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 3.4 (RD3.4) in By-law 8600, which permits a multiple dwelling building (See attached Appendix ‘C’). 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 18 surface parking spaces available on the property.

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 at the corner of Riverside Drive West and Campbell Avenue, one block to the east, 18 parking spaces would appear to be adequate to meet the needs of condominium owners and tenants.

However, it is recommended that the applicant provide a minimum of one (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 (s. 80.23) under the AODA, 1 visitor parking spaces designated with appropriate signage and a bicycle rack facility accommodating a minimum of 2 bicycles at a visible and safe location near an entrance to the building.

PARKLAND CONVEYANCE/PAYMENT-IN-LIEU:

Based on the evaluation criteria, as per Council Resolution CR416/2007 (refer to Appendix ‘B’ of this report), the property was part of a plan of subdivision approval (Plan 58), which predated provisions in “The Planning Act” that permitted the conveyance of parkland or payment of cash-in-lieu thereof to a municipality. Therefore, parkland conveyance or a cash-in-lieu payment was not collected for this property through the subdivision approval process.

In addition, issuance of a building permit for construction of the building occurred in 1963, prior to Council Resolution CR775/70, which prescribed the collection of payment in-lieu of parkland conveyance, at the time of issuance of a building permit for construction. As a result, no cash-in-lieu payment was collected at that time either.

Therefore, the applicant will be required to provide a payment in-lieu of parkland conveyance for this property. As per By-law 33-2016, the payment in-lieu of parkland conveyance is $14,400.00 (16 x $900.00 per unit).

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.

RISK ANALYSIS:

N/A
FINANCIAL MATTERS:

The Finance Department provided the following information related to the Financial Issues related to this report. Depending on the assessment value that MPAC will determine, the loss in taxation revenues could be:

- 2015 Assessment of $651,000 @ Multi-Res Tax Rate \(0.04152812\) = $28,304.
- 2015 Assessment of $651,000 @ Residential Tax Rate \(0.01634756\) = $11,911.

This would be the worst case scenario with a Tax Loss of... $16,384.00. However, typically the assessment value following these conversions tends to increase, thereby mitigating the worst case tax loss noted above. In the majority of previous conversions, there have been net taxation revenue losses as the increased assessment has not been sufficient to offset the significantly lower tax rate.

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

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 within 120 metres (400 feet) of the subject parcel was sent by mail.

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.

PLANNING ACT MATTERS:

Thomas J. Cadman, MCIP, RPP
Planner III – Subdivisions

I concur with the above comments and opinion of the Professional Planner

Don Wilson—Manager of Development Applications
Thom Hunt—City Planner

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

WHDV—Acting City Solicitor

OC—Chief Administrative Officer

APPROVALS:

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Don Wilson</td>
<td>Manager of Development Applications</td>
</tr>
<tr>
<td>Thom Hunt</td>
<td>City Planner/Executive Director</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 Administration Officer</td>
</tr>
</tbody>
</table>

NOTIFICATIONS:

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>c/o Brian Marks Riverside 1805 Inc.</td>
<td>2708 Young Street, Station K 1356 Toronto ON, M4P 3J4</td>
<td><a href="mailto:brian.marks@me.com">brian.marks@me.com</a></td>
</tr>
<tr>
<td>c/o Rashid Farhat, Farhat &amp; Associates Law Firm</td>
<td>Suite 1, 2480 Ouellette Ave. Windsor, ON N8X 1L4</td>
<td><a href="mailto:rfarhat@farhatlaw.ca">rfarhat@farhatlaw.ca</a></td>
</tr>
</tbody>
</table>

APPENDICES:

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

BUILDING INSPECTION DIVISION:

The Building Inspections Division comments for the subject Condo Conversion file are as follows:

The Building Inspections Division reviewed the applicants structural building assessment report and accepts the findings of the report. A site inspection was conducted on March 29, 2016 to review the building for compliance with the City of Windsor’s Property Standards By-Law #147-2011, as well as review the findings noted in the building assessment report.

The site inspection noted the following deficiencies pursuant to By-law #147-2011:

1. Lateral bracing for the wood roof trusses was missing in several areas
2. The one hour Fire-separations around the boiler room had service penetrations that lacked an appropriate fire-stop system
3. Suite doors and service/boiler room doors opening into an exit corridor lacked appropriate self-closing devices

As a result of our findings on March 29, 2016 an Order to Repair was issued (see attached) pursuant to By-Law #147-2011 on March 31, 2016 to the registered owners of the property. On May 6, 2016 a follow up inspection was conducted to review the status of the Order to Repair, all items noted in the Order were complied with and the Order to Repair enforcement file was closed.

At this time the property is in general conformance with the City of Windsor’s Property Standards By-Law #147-2011.

Trusting this is the information you require, should you require any further information please advise.

Best Regards,

Roberto Vani, C.E.T., CBCO
Manager of Inspections/ Deputy CBO
City of Windsor Planning & Building Department, Inspections Division
ORDER TO REPAIR
UNDER THE MAINTENANCE AND OCCUPANCY BY-LAW 147-2011 AS AMENDED BY BY-LAW 213-2011

To: RIVERSIDE 1805 INC
STATION K P O BOX 1356
2708 YONGE ST
TORONTO ON M4R 3J4

Description: PLAN 58 PT PARK LOT 4;69X69R
X279.08X278.5 ANGLE; 0.43AC 69.00FR

Property Address: 1805 RIVERSIDE DR W
Roll Number: 050-060-02100-0000
Violation Number: 16 119543

Date of Inspection: March 29, 2016
WHEREAS Section 15.1(0) 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: 1805 RIVERSIDE DR W
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 16 unit apartment building with no basement

DEFECT Section 1.4
Every part of a property shall be maintained in a structurally sound condition so as to be capable of sustaining its own weight, the loads due to the use and occupancy, and the loads imposed by natural causes such as wind, rain and snow.

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

CORRECTION
The truss roof has some lateral bracing missing, repair so as to maintain structural stability.
The boiler service rooms have penetrations which need to be sealed by a non combustable product that will maintain a 1 hour fire separation.
All rental units, boiler or service rooms require automatic closers on doors opening into the exit corridor

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: May 1, 2016
Dated at Windsor, Ontario, on March 31, 2016

John Revell, MCIP, RPP
Chief Building Official

Per:

Inspector/Property Standards Officer
Building Department
Telephone: 519 255-6611 x 6264
e-mail: bsuszek@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:

1805 Riverside Drive West

Conversion to Condominium Status Application

Results of Safety & Security Inspection

preparation by: Barry Horrobin, M.A., CLEP, CMM-III - Director of Planning & Physical Resources

WINDSOR POLICE SERVICE

April 10th, 2016

BACKGROUND

The Windsor Police Service has no objection to the proposed plan of condominium application for the property located at 1805 Riverside Drive West (file CDM-001/16) 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 Wednesday April 6th, 2015 with the following findings:

1. Patio doors within individual residential units were found to have locks that did not function properly and did not offer adequate safeguarding against unlawful entry. This elevates vulnerability to crime. **Recommendation:** The patio doors inside each unit require a secure type of lock to protect against unlawful entry. A “drop pin” type of lock as opposed to a “J-hook” lock is required in order to be effective.

2. On site vehicular access to the parking lot located at the rear of the property building is very narrow and somewhat confusing due to inadequate pavement markings and signage. The laneway width observed during the inspection revealed a situation whereby the roadway width appears deficient for the safe and proper maneuvering of two-way traffic into and out of the site. While this may be deemed an “existing condition” that could therefore be subject to “grandfathering”, it impacts safety and definitely needs to be addressed. **Recommendation:** Ideally, this laneway should be widened and have appropriate pavement markings and signs installed to better accommodate safe two-way
traffic. If widening is not feasible and/or the application is subject to a “grandfathering” clause, there still needs to be pavement markings and signs installed to safely direct drivers.

3. 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 safely secured. Its location needs to be highly visible (such as immediately outside the main entrance facing Riverside Drive or be inside in an area of the building accessible by tenants) to deter theft.

4. 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 the rear surface parking lot, however they are not full cut off (which is the City standard) and total illumination output is not known. There were lights noticed at building entry points as well but the owner needs to ensure lighting for the property is adequate.

**Recommendations:**

- Surface parking spaces at the rear of the building, along with the laneway leading back to the parking and the vehicular drop off area at the front 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). LED fixtures are highly recommended as they are very efficient and produce a clean, bright luminosity that enhances 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 for review prior to final approval.

**SUMMARY**

The current physical condition of this property is very good; 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 five complete years and is summarized below. These calls are predominantly for such incidents as theft, disorderly conduct, threats/harassment, break and enter, assault, suspicious persons/vehicles, assault, and motor vehicle theft.

<table>
<thead>
<tr>
<th>YEAR</th>
<th>1805 Riverside Drive West</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>1</td>
</tr>
<tr>
<td>2012</td>
<td>7</td>
</tr>
<tr>
<td>2013</td>
<td>7</td>
</tr>
<tr>
<td>2014</td>
<td>3</td>
</tr>
<tr>
<td>2015</td>
<td>5</td>
</tr>
<tr>
<td>TOTAL</td>
<td>23</td>
</tr>
<tr>
<td>Average</td>
<td>4.6 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:**
This building has been inspected and is in compliance, no issues from fire.

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

PLANNING – LANDSCAPE ARCHITECT:

Pursuant to the application CDM-001/16 RIVERSIDE 1805 INCORPORATED for a draft plan of Condominium Approval to permit the conversion of an existing rental apartment building to condominium status at 1805 Riverside Drive West, please note the following items to be addressed by the applicant prior to final approval of the condominium:

A) EXTERIOR LIGHTING

Outdoor lighting of the parking and circulation areas is insufficient and substandard. The Corporation’s Landscape Architect supports the recommendations made by the Windsor Police Services as follows:

1. Provide 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 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 Approval with the following minimum and maximum illumination levels measured in foot-candles (Fc):
   1.1. uncovered parking areas 0.5 min./4.0 max. (1.2 optimal),
   1.2. walkways 0.5 min./2.0 max. (1.2 optimal),
   1.3. building entrances 3.5 min./8.0 max. (4.5 optimal),
   1.4. loading and garbage storage areas 1.0 min./2.5 max. (1.2 optimal).

2. Provide Full cut-off lighting (per CR 228/2005) requires that lens be parallel to the ground, not tilted. As situated the existing light fixtures create glare to dwelling units of neighbouring building(s) and passing traffic both vehicular and pedestrian in nature.

B) LANDSCAPING

In general the overall landscaped areas of the site are in satisfactory condition. Some improvements to be made include:

Recommended:
1. Replace poorly pruned tree at front of property. Select a broadleaf deciduous tree that will become a stately presence along Riverside Drive.

C) SITE AMENITIES

There are no other site amenities on the property and the constrained site does not allow for such to be added. There is a Neighbourhood Open Space (Straith Park) immediately adjacent the subjects site’s east property boundary.

Recommended:
2. There are no recommendations for site amenities outside of any required Parkland Conveyance listed below, which may be considered by the Parks Department for future improvements to Straith Park or the Riverfront Parks which are immediately across Riverside Drive from the subject site.

D) Parkland Conveyance

3. Fulfillment of General Provision Parkland Conveyance, if applicable, as per the Planning Act Section 42 (1) at a rate of 2% for Commercial and Industrial uses and 5% for all other uses. 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.

**Stefan Fediuk**  
*Landscaping Architect, OALA, CSLA*

**PWD – ENGINEERING - DEVELOPMENT, PROJECTS & RIGHT-OF-WAY:**

We have reviewed the servicing requirements of the subject lands pertinent to the rezoning amendment application. The applicant is requesting approval of a Plan of Condominium conversion of a three-storey apartment building containing 16 dwelling units from rental to condominium tenure. The subject lands are located on the south side of Riverside Drive West between Bridge Avenue and Campbell Avenue.

**Sewers**

The site may be serviced by a 300mm diameter vitrified clay combined sewer, located on the south side of the building connecting in the centerline of Josephine Avenue.

**Right-of-Way**

The current right-of-way width of Riverside Drive West is 16.3m. The approved Riverside Drive Environmental Assessment does not require a conveyance; therefore, a land conveyance for road widening is not required. Currently, there are two driveways on Riverside Drive. One existing approach appears to encroach on the abutting property to the west.

In summary, we have no objections to the Plan of Condominium application, subject to the following requirements:

**Driveway Approaches – The Owner further agrees:**

1. To construct driveway approaches in such width and location as approved by the City Engineer;
   a. The existing driveway approach located on the west side of the property is to be reconstructed to avoid the pedestrian crosswalk.
   b. To provide straight flare driveway approaches and to terminate the raised curbs at the property line, to the satisfaction of the City Engineer.
   c. Unless otherwise noted, to construct all non-residential driveway approaches of concrete in accordance with City of Windsor Standard Drawing AS-204.

**Street Opening Permits**

- The owner agrees to obtain street opening permits for sewer taps, drain taps, flatworks, landscaping, curb cuts, and driveway approaches from the City Engineer, prior to commencement of any construction on the public highway.

**Reciprocal Access**

- The owner agrees to enter into a reciprocal agreement with the abutting property owners for driveway access, if required.

*Adam Pillon, Right-of-Way Supervisor*
PWD - TRANSPORTATION PLANNING:
The above noted application is for approval of a plan of condominium to permit the conversion of a 3 storey apartment building containing 16 dwelling units from rental to condominium tenure. There are a total of 18 surface parking spaces available on the site. The property is designated Residential and is zoned RD3.4.

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

- The Official Plan classifies Riverside Drive West as a Scenic drive with a required right-of-way width of 24m. The current right-of-way width is 16.3m; however the approved Riverside Drive Environmental Assessment does not require a conveyance; therefore, a land conveyance for road widening is not required.

- The applicant currently has two all-moves driveways on Riverside Drive. In keeping with the direction of the Official Plan to minimize driveway proliferation (OP 7.2.1.12), Transportation Planning requests that the applicant revise the site plan to consolidate these two accesses. After further discussions, the two driveways are required for pick-up/drop-off. Transportation Planning is satisfied with this explanation.

- The existing westerly driveway approach shall be reconstructed to be outside of the current pedestrian crosswalk.

- The minimum required accessible parking spaces should be provided on the subject property.

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

PWD - ENVIRONMENTAL SERVICES:
With respect to the above noted application for condominium status, there are no issues for collection and that the applicant be advised that as a condominium they will be entitled to once a week collection from the City. If further collections are needed there is a fee.

Anne-Marie Albidone, Manager, Environmental Services

DIVERSITY and ACCESSIBILITY OFFICER: (Email May 22, 2016)
In addition to complying with any necessary legislation and regulations made thereunder including but not limited to the Ontario Building Code, the Highway Traffic Act, and the AODA my conditions are as follows:

1. Provide 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 there are steps (or a step up) at a barrier free entrance a ramp must be provided in accordance with legislation and to the satisfaction of the Chief Building Official and the Accessibility Officer.

4. 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.
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. It is preferable that the designated accessible parking spaces be the nearest parking space or spaces to the principal entrance of the main building, however if this is not possible or feasible the designated accessible parking spaces can be the nearest space(s) to a secondary entrance.

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

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 $651,000 @ Multi-Res Tax Rate (0.04152812) = $28,304.25 (without penalty/interest charges etc.)

2015 Assessment of $651,000 @ Residential Tax Rate (0.01634756) = $11,911.71 (without penalty/interest charges etc.)

This would be the worst case scenario with a Tax Loss of... $16,384.00

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>2016 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 @ Residential rate*</th>
<th>2016 Annualized Tax loss*</th>
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<tbody>
<tr>
<td>1805 Riverside Dr East</td>
<td>16</td>
<td>$651,000</td>
<td>$28,304</td>
<td>$40,688</td>
<td>$745</td>
<td>$11,920</td>
<td>- $16,384</td>
</tr>
</tbody>
</table>

* Values Rounded up

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

Jose Mejalli, A.I.M.A,
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).
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).

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.)

(4) Residential District 3.4 (RD3.4)

(a) Permitted Uses

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

(ii) A multiple dwelling; residential care facility; lodging house; convent; monastery;

(iii) Any use accessory to the foregoing uses.

(b) Regulations

(i) The minimum lot frontage, maximum number of dwelling units, maximum building height, minimum front yard, rear yard and side yard widths and minimum landscaped open space area shall be as existing.

(ii) 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: Riverside 1805 Inc (Brian Marks).

SCALE: N.T.S
DATE: March, 2016
FILE NO: CDM-001/16-2
UNITS 1 to 6, (Incl.)
LEVELS 2 & 3

PLAN OF CONDOMINIUM (CONVERSION)

APPLICANT: Riverside 1805 Inc (Brian Marks).

SCALE: N.T.S
DATE: March, 2016
FILE NO: CDM-001/16-3
NORTH ELEVATION

APPLICANT: Riverside 1805 Inc (Brian Marks).

PLANNING & BUILDING DEPARTMENT

SCALE: N.T.B
DATE: March, 2018
FILE NO: GDM-001/16-5
ELEVATION

APPLICANT: Riverside 1805 Inc (Brian Marks).

PLANNING & BUILDING DEPARTMENT

SCALE: N.T.S
DATE: March, 2016
FILE NO: CDM-001/16-4
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 136/2016
Report Date: 7/11/2016
Author’s Contact:
Thomas J. Cadman, MCIP, RPP
Planner III, Subdivisions
519 255-6543 ext 6457
tcadman@citywindsor.ca

To: Mayor and Members of City Council

Subject: Application for Approval of the Conversion of a Rental Property to Plan of Condominium – 2057458 Ontario Incorporated, 3445 Riverside Drive East - CDM-002/16 [CDM/4650]; Ward 5

RECOMMENDATION:

I

THAT the application of 2057458 Ontario Inc. for approval of a draft plan of condominium for a property legally described as Part Blocks B, C and D, Plan 499, City of Windsor known municipally as 3445 Riverside Drive East, to permit the conversion of a 9-storey rental apartment building containing 80 residential dwelling units, to condominium tenure, as shown on the attached Map No. CDM-002/16-1, 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 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. Revised Building Condition Assessment report dated July 4, 2016 prepared by Pinchin Environmental Limited, for 2057458 Ontario Inc. with all corrections and improvements to be cleared as completed by a Professional Engineer or Professional Architect retained by the owner; and
2. Building Department’s Order to Repair dated April 14, 2016 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 April 18, 2016 comments (in Appendix A), as indicated below, to the satisfaction of the City Engineer or designate:

1. Removal of the existing asphalt driveway approaches on Riverside Drive West and Erskine Street and reconstruction in such width and location as approved by the City Engineer, including provision of straight flare driveway approaches and termination of raised curbs so that the raised curbs do not extend into the driveway approaches, outside the subject property;

2. Both driveway approaches shall be of concrete and in compliance with City of Windsor Standard Engineering Drawing AS-204; and

3. Apply for street opening permits for sewer taps, drain taps, flatworks, landscaping, curb cuts and driveway approaches prior to commencement of any construction on the public highway.

G. The owner shall agree to remedy all safety and security deficiencies identified in the Windsor Police Services’ April 15, 2016 comments (in Appendix A), as indicated below, to the satisfaction of the Director of Planning & Physical Resources, 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 ground level exterior doors of the building, as well as on the door accessing the stairwell leading to the underground garage, on the west side of the property, and that these doors be kept locked;

2. Installation of a robust self-closing door mechanism on the door at the bottom of the stairwell accessing the underground parking garage on the west side of the property to ensure the door closes and latches effectively;

3. Trimming and thinning the trees hiding the address sign on the east side of the driveway on Riverside Drive East;

4. Removal of all names of residents appearing on the building resident directory panel;

5. Installation of a lock on the laundry room window and modification of the frame to allow the window to be opened a maximum of four (4) inches;

6. Installation of a lock on the storage shed on the west side near the garden area;

7. Repair and maintenance in proper working order, of the overhead vehicular door leading to the underground parking garage and setting the closing time delay on the door opener to not exceed 20-25 seconds; and

8. Provision of a certificate, prepared by a qualified lighting consultant/engineer, verifying that, as per Section 1.34 (c) of Windsor Property Standards By-law 147-2011, that parking garages and parking structures shall be adequately lighted at all times, so that the number and arrangement of light fixtures is such as to provide an average level of illumination of at least 54 lux (five foot-candle) at floor level over the entire floor area with a minimum level of 11 lux (one foot-candle) at any location on the floor (this shall include parking garage isles, parking spots, staircases and public corridors/exits);
H. The owner shall agree to submit a photometric plan to the Corporation's Landscape Architect and the Director of Planning & Physical Resources, 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):

- uncovered parking areas - 0.5 min./4.0 max;
- walkways - 0.5 min./2.0 max;
- building entrances - 3.5 min./8.0 max;
- loading and outdoor garbage storage areas - 1.0 min./2.5 max.;
- 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 April 14, 2016 comments (in Appendix ‘A’), as indicated below, to the satisfaction of the Corporation’s Landscape Architect:

1. Submission of a detailed Arborist’s Report, showing the location of all existing trees on the property with a trunk diameter of at least 250 mm and indicating their size, species, and an evaluation of tree health, prepared by any one of the following professionals: Arborist (ISA certified) or Registered Professional Forester (RPF);

2. Any required landscape improvements shall be based on the results of the Arborist’s Report.

J. The owner shall agree to address the requirements identified in the Diversity and Accessibility Officer’s April 29, 2016 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, a door leading from the vestibule into the floor area shall be equipped with a power door operator; and
   c. If there are steps (or a step up - curb) at a barrier free entrance, a ramp or curb cut must be provided in accordance with legislation and to the satisfaction of the Chief Building Official and the Accessibility Officer and City Engineer.

2. If there are more than 2 entrances then the additional entrances shall have signage that directs individuals to the location of a nearby accessible entrance.

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

K. The owner shall agree to provide 1 Type ‘A’ (3.5m x 5.5m) and 1 Type ‘B’ (2.5m 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 (s.80.23) under the AODA, 9 visitor parking spaces designated with appropriate signage and a bicycle rack...
facility accommodating a minimum of 5 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, Diversity and Accessibility Officer 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. The owner is advised that they will be entitled to once a week collection from the City and if further collections are needed, there is a fee;

II That the owner shall either remove the existing landscaping encroaching into the Riverside Drive right-of-way or enter into an Encroachment Agreement with the City, to the satisfaction of the City Engineer and Chief Building Official, to allow this encroachment.

III Final approval of the plan of condominium shall not be considered until all of the required works or undertakings identified in “Recommendation I and II” 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: South side of Riverside Drive East, between Pratt Place and Strabane Avenue, known municipally as 3445 Riverside Drive East (Alexander Park Apartments)

WARD: 5 PLANNING DISTRICT: 4 ZDM: 6

APPLICANT: 2057458 ONTARIO INCORPORATED

AUTHORIZED AGENT: McKenzie Lake Lawyers LLP (Michael Lake)

PROPOSAL: The applicant is applying for condominium approval to permit the conversion of a 9-storey apartment building constructed in 1972, containing 80 residential dwelling units, 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 3.4 (RD3.4)</td>
<td>80 Residential Dwelling Units</td>
<td>Total 97 spaces on site (61 surface &amp; 36 underground)</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>21.03 m</td>
<td>85.0 m</td>
<td>0.17 hectares</td>
<td>Total 20 spaces</td>
</tr>
<tr>
<td>69.0 ft</td>
<td>278.8 ft</td>
<td>0.43 acres</td>
<td></td>
</tr>
</tbody>
</table>

All measurements are approximate.
NEIGHBOURHOOD CHARACTERISTICS:

The subject property has frontage on the south side of Riverside Drive East. The surrounding uses are comprised of low profile residential dwellings to the south, a condominium high-rise and assisted living high-rise to the west, a nonprofit and rental apartment buildings to the east and low profile residential and Alexander Park to the north on the north side of Riverside Drive East.
**TRAFFIC, ACCESS AND PARKING:**

The building and parking area have access from Riverside Drive West, classed as a Scenic Drive. It also has access off of Erskine Street, to the rear which is 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:**

The Crosstown 2 bus route exists on Wyandotte Street East, one block to the south.

**DISCUSSION:**

**PLANNING ANALYSIS:**

**OFFICIAL PLAN:**

The subject property is designated “Residential” 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 2015) indicate that the vacancy rate for the City of Windsor is approximately 3.9%.

**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 0.8 percent of the existing rental supply.

The building has 80 units, comprised predominantly of 1 and 2-bedroom units. The 2015 CMHC Rental Market Report (October 2015) indicates the average rent in Windsor for 1 and 2-bedroom units in buildings with 50 to 99 units, is $747.00 and $893.00, respectively. This averages out to $820.00. This average monthly rental is comparable with the CMHC’s average 2-bedroom rental rate of $817.00 for the Windsor CMA, the lowest average rent of any of the CMA’s in Ontario.

**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 3.4 (RD3.4) in By-law 8600, which permits a multiple dwelling building (See attached Appendix ‘C’). 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 61 surface and 36 underground parking spaces, for a total of 97 available on the property.

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 proximity to a Transit Windsor bus route on Wyandotte Street East, one block to the south, 97 parking spaces would appear to be adequate to meet the needs of condominium owners and tenants.

However, it is recommended that the applicant provide a minimum of one (1) Type ‘A’ (3.5m x 5.5m) and one (1) Type ‘B’ (2.5m 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 (s. 80.23) under the AODA, 1 visitor parking spaces designated with appropriate signage and a bicycle rack facility accommodating a minimum of 5 bicycles at a visible and safe location near an entrance to the building.

**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 1972 (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.

RISK ANALYSIS:
N/A

FINANCIAL MATTERS:
The Finance Department provided the following information related to the Financial Issues related to this report. The potential loss of taxation revenue from the conversion could be (depending on any assessment changes from MPAC):

2015 Assessment of $3,665,000 @ Multi-Res Tax Rate (0.04152812) = $152,201
2015 Assessment of $3,665,000 @ Residential Tax Rate (0.01634756) = $59,914

This would be the worst case scenario with a Tax Loss of... $92,287. However, typically the assessment value following these conversions tends to increase, thereby mitigating the worst case tax loss noted above. In the majority of previous conversions, there have been net taxation revenue losses as the increased assessment has not been sufficient to offset the significantly lower tax rate.

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

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 within 120 metres (400 feet) of the subject parcel was sent by mail.

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.

PLANNING ACT MATTERS:
I concur with the above comments and opinion of the Professional Planner

Don Wilson, MCIP, RPP—Manager of Development Applications

Thom Hunt, MCIP, RPP—City Planner

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

WHDV—Acting City Solicitor

OC—Chief Administrative Officer

**APPROVALS:**

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
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<tbody>
<tr>
<td>Don Wilson</td>
<td>Manager of Development Applications</td>
</tr>
<tr>
<td>Thom Hunt</td>
<td>City Planner/Executive Director</td>
</tr>
<tr>
<td>Wira Vendrasco</td>
<td>Acting City Solicitor</td>
</tr>
<tr>
<td>Onorio Colucci</td>
<td>Chief Administration Officer</td>
</tr>
</tbody>
</table>

**NOTIFICATIONS:**

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Email</th>
</tr>
</thead>
</table>
| 2057458 Ontario Incorporated | 1000 Young Street, Suite 500  
Toronto ON, M4W 2K2  | jpmackay@timberceek.com               |
| c/o Michael Lake, McKenzie  
Lake Lawyers LLP | 140 Fullanor Street, Suite 1800  
London, ON N6A 5P2 | lake@mckenzielake.com              |

**APPENDICES:**

APPENDIX A - Agency Comments
APPENDIX B - Excerpts from City of Windsor Official Plan
APPENDIX C - Excerpts for Zoning By-law 8600
APPENDIX D - Plan of Condominium
APPENDIX E - Site Photos
ORDER TO REPAIR

UNDER THE MAINTENANCE AND OCCUPANCY BY-LAW

147-2011

AS AMENDED BY BY-LAW 213-2011

To: 2057458 ONTARIO INC TRUSTEE
     25 PRICE ST
     TORONTO ON M4W 1Z1

Description: PLAN 499; PT BLOCKS B; C & D

Property Address: 3445 RIVERSIDE DR E

Roll Number: 010-060-13200-0000

Violation Number: 16 122776

Date of Inspection: April 14, 2016

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: 3445 RIVERSIDE DR 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 an 8 storey, 80 unit, brick veneer clad residential apartment building c/w a detached single level Underground Parking Garage (UPG).
DEFECT Section 1.5

Where the Officer has doubt as to the structural condition or adequacy of the property, the Officer may request that a report of a professional engineer and/or architect, licensed to practice in Ontario, or other competent person acceptable to the Chief Building Official or designate, be prepared at the owner’s expense, and be submitted to the Officer.

CORRECTION

Have a qualified professional engineer in the Province of Ontario review the detached underground parking garage structural components as well as the above grade asphalt parking surface. A detailed survey of the upg should be completed prior to any repair work to ensure the extent of deterioration is fully understood. There is considerable leaking from the area of the pedestrian access stairwell which needs to be addressed, unsure if this is also due to the condition of the shingled roof.

----------------------------------------------------------------------------------------------------------------------------------

DEFECT 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

Minor efflorescence noted on the soffit of numerous balconies and on a few of the exterior walls along the balcony area need to be cleaned to remove.

----------------------------------------------------------------------------------------------------------------------------------

DEFECT Section 1.11

A guard shall be installed and maintained in good repair as follows:

(a) Except for the edges of the floor pits in repair garages and loading docks, every surface to which access is provided for other than maintenance purposes, including but not limited to exterior lands, porches, decks, balconies, mezzanines, galleries, raised walkways and roofs, shall be protected by a guard on each side which is not protected by a wall and where there is a difference in elevation to adjacent surfaces of more than 600 mm (23 5/8 in).

(b) Every exterior stair with more than 6 risers and every ramp shall be protected with guards on all open sides where the difference in elevation between the adjacent ground level and the stair or ramp exceeds 600 mm (23 5/8 in).

(c) When an interior stair has more than 2 risers, the side of the stair and the landing or floor level around the stairwell shall be enclosed by walls, or be protected by guards, except that a stair to an unfinished basement in a dwelling unit is permitted to have 1 unprotected side.

CORRECTION

The guards located on the roof patio area for the penthouse suite (unit 901) are cause for serious concern as they have gates which allow the occupants or any guests onto the entire roof surface. The guards located along the parapet of that roof do not meet the height or loading criteria of the ontario building code at numerous locations. The occupants are storing their property outside of their area and with high winds some of these objects may be blown from the roof and could cause damage to property or persons below. Numerous parapet guards have rusted out connectors or are secured with concrete blocks. The required guards need to meet the obc and any additional guards should either be repaired, replaced or removed.
DEFECT Section 1.12

All roofs shall be maintained in good repair and in a watertight condition.

CORRECTION
(a) the asphalt shingled roof above the pedestrian access stairwell to the underground parking garage needs to be replaced.

(b) there are areas of concern on the flat roof of the building which were noted in the engineer's report which need to be addressed.

(c) the penthouse suite concrete patio stones were placed directly on the flat roof surface as opposed to placing them on rigid styrofoam panels as was done for the wood maintenance/service walkway. Provide confirmation from a qualified individual that this practice is acceptable or repair if necessary.

----------------------------------------------------------------------------------------------------------------------------------

OBTAIN ALL REQUIRED PERMITS PRIOR TO THE COMMENCEMENT OF ANY WORK BEING DONE AS A RESULT OF THIS ORDER TO REPAIR

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: JULY 08, 2016.

Dated at Windsor, Ontario, on JUNE 08, 2016.

John Revell, MCIP, RPP
Chief Building Official

Per:

Eddy Staudt C.B.C.O.
Inspector/Property Standards Officer
Building Department
Telephone: 519-255-6611 x 6192
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:
3445 Riverside Drive East
2057458 Ontario Inc.

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
April 15th, 2016

BACKGROUND

The Windsor Police Service has no objection to the proposed plan of condominium application for the property located at 3445 Riverside Drive East (file CDM-002/16) 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 Monday April 11th, 2016 with the following findings:

The main exterior doors (both front and rear) used for common building entry are secured with just simple locks whereby the keys 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.

The pedestrian access to/from the underground parking garage located on the west side of the site is insecure and unsafe in its current configuration. The door at ground level was found to be unlocked, permitting anyone to gain access into the discrete, unobservable stairwell. This presents a significant risk to tenants. Furthermore, the door at the garage level is not functioning properly either as it does not latch or stays in an unlocked position. Recommendation: The door at the garage level needs to be repaired with a proper heavy duty closer such that it closes completely with each use and leaves the door in a latched/locked position. At grade level, this door needs to be outfitted with a secure lock, be kept closed at all times, and should only be capable of being opened by tenants from inside the stairwell.

The refuse dumpster did not have a proper enclosure constructed around it that meets City standards. This can trigger problematic behaviour.

Recommendation: Owner needs to provide a proper fenced enclosure around the refuse dumpster to come into compliance.

It was unclear from the inspection how well the building’s street address number can be clearly seen from the adjacent roadway (Riverside Drive East). This is critical for police responders during an emergency response.

Recommendation: The property owner needs to ensure the street address number is
clearly visible from the road, without any visual obstructions. The number should be at least 5” high and mounted on a background of contrasting colour to optimize visibility of it by police responders.

Tenant call buzzers in the main lobby had tenant names and actual unit numbers clearly identified. This loss of anonymity places those residents at greater risk of being targeted for crime. **Recommendation:** Individual tenant names should not be placed on the building directory board and be removed where they are present or the buzzer/call number must not be the same as the actual unit number.

The laundry room is a space on the ground floor open 24 hours per day and is accessible to all tenants. It has a window that was found to not have a lock, placing the space at risk of unlawful entry. **Recommendation:** The window in the laundry room needs to have a functioning lock and the frame should be modified to permit the window to slide open no more than 4”. Both measures will help safeguard the space.

The storage shed on the west side near the garden area was found to have no lock on the door, making items inside highly vulnerable to theft. **Recommendation:** This shed needs to have a proper lock installed to prevent loss of items inside of it.

The large overhead vehicular door leading down into the underground parking garage was observed to be stopped in the open position. Because of this, it was not possible to determine the length of delay when open. **Recommendation:** This door needs to be maintained in proper working order and the time delay when opened must not exceed 20-25 seconds.

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 such as right near the main (front) building entrance.

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 need to meet standards as well. The owner needs to ensure lighting for the property is adequate.

**Recommendations:**
- Surface parking spaces at the side and rear of the building and the access laneway 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). 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. This same quantity of light is also required for the base of the parking garage ramp at the overhead door and at the door for the grade level pedestrian door leading from the underground parking garage.
- The underground parking garage needs to have a minimum illumination level of at least 2.5 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 modest but 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 five full years and is summarized below. These calls are predominantly for such incidents as theft, property damage, disorderly conduct, threats & harassment, noise, and domestic disturbances.

<table>
<thead>
<tr>
<th>YEAR</th>
<th>3445 Riverside Drive East</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>21</td>
</tr>
<tr>
<td>2012</td>
<td>13</td>
</tr>
<tr>
<td>2013</td>
<td>18</td>
</tr>
<tr>
<td>2014</td>
<td>33</td>
</tr>
<tr>
<td>2015</td>
<td>22</td>
</tr>
<tr>
<td>Average</td>
<td>21.4 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:

This building has been inspected and is in compliance, no issues from fire.

John Lee  
Chief Fire Prevention Officer  
Windsor Fire & Rescue Services

PLANNING – LANDSCAPE ARCHITECT:

Pursuant to the application CDM-002/16 ALEXANDER PARK APARTMENTS for a draft plan of Condominium Approval to permit the conversion of an existing rental apartment building to condominium status at 3445 Riverside Drive East, please note the following items to be addressed by the applicant prior to final approval of the condominium:

A) LIGHTING

Outdoor lighting of the parking and circulation areas is insufficient and substandard. The Corporation’s Landscape Architect supports the recommendations made by the Windsor Police Services as follows:

1. Provide 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 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 Approval with the following minimum and maximum illumination levels measured in foot-candles (Fc):

   1.1. uncovered parking areas 0.5 min./4.0 max. (1.2 optimal),
   1.2. walkways 0.5 min./2.0 max. (1.2 optimal),
   1.3. building entrances 3.5 min./8.0 max. (4.5 optimal),
   1.4. loading and garbage storage areas 1.0 min./2.5 max. (1.2 optimal).
2. Provide Full cut-off lighting (per CR 228/2005) requires that lens be parallel to the ground, not tilted. As situated the existing light fixtures create glare to dwelling units of neighbouring building(s) and passing traffic both vehicular and pedestrian in nature.

**B) LANDSCAPING**

In general the overall landscaped areas of the site are in **very good condition**.

**Recommended:**

1. **Provision of a detailed Arborist’s Report**, showing the location of all existing trees on the property with a trunk diameter of at least 250 mm and indicating their size, species, and an evaluation of tree health, prepared by any one of the following professionals: Arborist (ISA certified) or Registered Professional Forester (RPF).

2. No landscape improvements required pending results of the Arborist’s Report.

**C) SITE AMENITIES**

There are no other site amenities on the property and the constrained site does not allow for such to be added. There is a Riverfront Open Space (Alexander Park) immediately across Riverside Drive from the subject site.

**Recommended:**

3. There are no recommendations for site amenities outside of any required Parkland Conveyance listed below, which may be considered by the Parks Department for future improvements to Alexander Park which are immediately across Riverside Drive from the subject site.

**D) PARKLAND CONVEYANCE**

Fulfillment of General Provision **Parkland Conveyance**, if applicable, as per the Planning Act Section 42 (1) at a rate of 2% for Commercial and Industrial uses and **5% for all other uses**. 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.

**Stefan Fediuk**

*Landscape Architect, OALA, CSLA*

**PWD – ENGINEERING - DEVELOPMENT, PROJECTS & RIGHT-Of-WAY:**

We have reviewed the servicing requirements of the subject lands pertinent to the rezoning amendment application. The applicant is requesting approval of a Plan of Condominium conversion of a nine-storey apartment building containing 80 dwelling units from rental to condominium tenure. The building is known municipally as 3445 Riverside Drive.

**Sewers**

The subject property may be serviced by a 600mm diameter vitrified clay combined sewer, a 375mm PVC storm, and a 825mm reinforced concrete sanitary sewer located on Riverside Drive East. The property may also be serviced by a 250mm vitrified clay storm sewer and a 200 mm vitrified clay sanitary sewer on Erskine Street.

**Right-of-Way**

The Official Plan classifies Riverside Drive East as a Scenic drive with a required right-of-way width of 24m. The current right-of-way width is 20m; however the approved Riverside Drive Environmental Assessment does not require any additional property for road improvements; therefore, a land conveyance for road widening is not required.
The Official Plan classifies Erskine Street as a Local Road with a required right-of-way width of 20m. The current right-of-way width is 20.1m; therefore a land conveyance for road widening is not required.

Existing landscaping appears to be located within the public right-of-way. The applicant will be required to remove or enter into an encroachment agreement to the satisfaction of the City Engineer. City Standard requires a concrete approach without raised curbs therefore the existing asphalt approach will need to be replaced as per AS-204.

In summary, we have no objections to the Plan of Condominium application, subject to the following requirements:

**Driveway Approaches** - The Owner further agrees:

(a) To construct driveway approaches in such width and location as approved by the City Engineer;

(b) To provide straight flare driveway approaches and to terminate the raised curbs at the property line, to the satisfaction of the City Engineer.

(c) Unless otherwise noted, to construct all non-residential driveway approaches of concrete in accordance with City of Windsor Standard Drawing AS-204.

**Encroachment Agreement** - The owner agrees to submit application and execute an agreement with the Corporation for the existing landscape encroachment in the Riverside Drive right-of-way to the satisfaction of the City Engineer.

**Street Opening Permits** - The owner agrees to obtain street opening permits for sewer taps, drain taps, flatworks, landscaping, curb cuts, and driveway approaches from the City Engineer, prior to commencement of any construction on the public highway.

Adam Pillon,
*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 8 storey apartment building containing 80 dwelling units from rental to condominium tenure. There are a total of 61 surface parking spaces available on the site and 36 underground. The property is designated Residential and is zoned RD3.4.

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

- The Official Plan classifies Riverside Drive East as a Scenic drive with a required right-of-way width of 24m. The current right-of-way width is 20m; however the approved Riverside Drive Environmental Assessment does not require any additional property for road improvements; therefore, a land conveyance for road widening is not required.

- The Official Plan classifies Erskine Street as a Local Road with a required right-of-way width of 20m. The current right-of-way width is 20.1m; therefore a land conveyance for road widening is not required.

- The minimum required accessible parking spaces should be provided on the subject property and shall be located near the principal pedestrian building entrance.
• All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings (AS-203 and AS-204).

• A curb cut shall be provided in front of the main entrance of the building for accessibility purposes; it should be shown on the site plan and shall comply with Standard drawings AS-403 and AS-404.

• The minimum required bicycle parking spaces should be provided on the subject property.

• The clear throat length recommended for this property is 8m. The parking spaces nearest the Riverside Drive access should be revised or relocated to meet this requirement and eliminate the conflict between parking vehicles and vehicles entering the site.

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

PWD - ENVIRONMENTAL SERVICES:

With respect to the above noted application for condominium status, there are no issues for collection and that the applicant be advised that as a condominium they will be entitled to once a week collection from the City. If further collections are needed there is a fee.

Anne-Marie Albidone,
Manager, Environmental Services

DIVERSITY and ACCESSIBILITY OFFICER:

In addition to complying with any necessary legislation and regulations made thereunder (including but not limited to the Ontario Building Code, the Highway Traffic Act, and the AODA) my conditions are as follows:

1. Provide 2 barrier free entrances to building. One of the barrier-free entrances 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 a door leading from the vestibule into the floor area shall be equipped with a power door operator.

4. If there are more than 2 entrances then the additional entrances shall have signage that directs individuals to the location of a nearby accessible entrance.

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. It is preferable that the designated accessible parking spaces be the nearest parking space or spaces to the principal accessible entrance of the main building, however if this is not possible or feasible the designated accessible parking spaces can be the nearest space(s) to a secondary entrance.

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

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 $3,665,000 @ Multi-Res Tax Rate (0.04152812) = $152,201 (without penalty/interest charges etc.)

2015 Assessment of $3,665,000 @ Residential Tax Rate (0.01634756) = $59,914 (without penalty/interest charges etc.)

This would be the worst case scenario with a Tax Loss of... $92,287

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:
2015 Multi-Residential Tax Rate = 0.04152812
(municipal portion only)

2015 Residential Tax Rate = 0.01634756
(municipal portion only)

<table>
<thead>
<tr>
<th>Location</th>
<th>No of Units</th>
<th>2016 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 @ Residential rate*</th>
<th>2016 Annualized Tax loss*</th>
</tr>
</thead>
<tbody>
<tr>
<td>3445 Riverside Drive East</td>
<td>80</td>
<td>$3,665,000</td>
<td>$152,201</td>
<td>$45,813</td>
<td>$749</td>
<td>$59,914</td>
<td>- $92,287</td>
</tr>
</tbody>
</table>

* Values Rounded up

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

Roger E. Lauzière, A.I.M.A.
Manager of Property Assessment

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).
(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).

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.)

(4) Residential District 3.4 (RD3.4)

(a) Permitted Uses

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

(ii) A multiple dwelling; residential care facility; lodging house; convent; monastery;

(iii) Any use accessory to the foregoing uses.

(b) Regulations

(i) The minimum lot frontage, maximum number of dwelling units, maximum building height, minimum front yard, rear yard and side yard widths and minimum landscaped open space area shall be as existing.

(ii) 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
APPENDIX “E” – Site Photos (June 15, 2016)

Street View Riverside – looking south at front of building

Street View Riverside – looking S/E at west side of building

Street View Riverside – looking S/W in east side of building

View - looking E at main door on west side of building
Street View - looking N on Erskine at 2\textsuperscript{nd} access to parking lot
Subject: Minutes of the Planning, Heritage & Economic Development Standing Committee meeting held July 11, 2016
Minutes
Planning, Heritage & Economic Development Standing Committee
City of Windsor

Monday, July 11, 2016
4:30 o'clock p.m.

Members Present:

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

Councillors-Regrets
Ward 8 - Councillor Marra (Chairperson)

Planning Act Citizens
Member Bjarneson
Member Gyemi

Planning Act Citizens-Regrets
Member Moore

Heritage Act Citizens
Member Baker
Member Foot
Member Chamely

Heritage Act Citizens-Regrets
Member DiMaio
Member Miller

ALSO PRESENT ARE THE FOLLOWING FROM ADMINISTRATION:

Onorio Colucci, Chief Administrative Officer
Thom Hunt, Executive Director Planning, Building Services/City Planner
Don Wilson, Manager Development Applications
Wira Vendrasco, Deputy City Solicitor
Delegations
Shawn Lippert—Applicant (Item 7.1)
Carol Anne Winters, Ward 6 resident (Item 11.1)

1. CALL TO ORDER
The Vice-Chairperson calls the meeting of the Planning, Heritage & Economic Development Standing Committee to order at 4:36 o’clock p.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF
None disclosed.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

Brownfield Redevelopment Community Improvement Plan (CIP) Application
Submitted by Valente Development Corp. for 325 Devonshire Road

Moved by: Councillor Kusmierczyk
Seconded by: Councillor Payne

That Item 11.2, the report of the City Planner, dated June 23, 2016, entitled Brownfield Redevelopment Community Improvement Plan (CIP) Application submitted by Valente Property Corp. for 325 Devonshire Road BE WITHDRAWN.
Carried.

Report Number: S 125/2016
Clerk’s File: Z/8955

4. COMMUNICATIONS
None presented.
5. ADOPTION OF THE PLANNING ACT MINUTES


Moved by: Member Bjarneson
Seconded by: Councillor Kusmierczyk

That the Minutes of the Planning, Heritage and Economic Development Standing Committee (Planning Act Matters) meeting held June 13, 2016 BE ADOPTED as presented. Carried.

Report Number: SCM 102/2016

6. PRESENTATION & DELEGATIONS (PLANNING ACT MATTERS)

See Item 7.1 below.

7. PLANNING ACT MATTERS

7.1. Zoning Bylaw Amendment Application to add "Haunted House" use as additional permitted use on the property known as 1441 McDougall; Applicant - Shawn Lippert; File No.: Z-007/16; ZNG/4681; Ward # 3

Moved by: Councillor Payne
Seconded by: Councillor Holt

Decision Number: PHED 388

I. That an amendment to the Zoning By-law 8600 BE APPROVED to change the zoning of the land located on the west side of McDougall Street, south side of Ellis Street East and north side of Shepherd Street East, described as Pt Lot 85, Concession 1, and Part 3 on Plan 12R 14001, by adding a site specific zoning provision allowing “a haunted house” as additional permitted use in an existing building on the subject land;

II. That the City Planner BE DIRECTED to conduct a study of the area affected by Special Zoning Provision s.20(1)50 of By-law 8600 and prepare a Planning Report for Council's consideration.

Carried.

Report Number: S 113/2016
Clerk's File: ZB/12562
The meeting of the Planning, Heritage and Economic Development Standing Committee (Planning Act Matters) portion is adjourned at 5:05 o'clock p.m.

The meeting of the Planning, Heritage and Economic Development Standing Committee (Heritage Act Matters) is called to order at 5:07 o'clock p.m.

8. ADOPTION OF THE MINUTES


Moved by: Member Chamely
Seconded by: Member Baker

That the Minutes of the Planning, Heritage and Economic Development Standing Committee held June 13, 2016 BE ADOPTED as presented.

Carried.

Report Number: SCM 101/2016
Clerk’s File:MB2016

9. PRESENTATIONS AND DELEGATIONS (COMMITTEE & ADMINISTRATIVE MATTERS)

See item 11.1 below.

10. HERITAGE ACT MATTERS

10.1. Ontario Heritage Conference 2016 Report, City of Stratford and Town of St Mary’s May 12 – May 15, 2016 (Citywide)

John Calhoun, Heritage Planner, appears before the Planning, Heritage & Economic Development Standing Committee and provides a brief outline of the report regarding Ontario Heritage Conference 2016 Report, City of Stratford and Town of St. Marys May12-May15, 2016 providing details of the attendees and highlights of the event.

Moved by: Councillor Kusmierczyk
Seconded by: Councillor Payne

Decision Number: PHED 389

Carried.

Report Number: S 115/2016
Clerk’s File: MBA2016
10.2. Additional Listings in the Windsor Municipal Heritage Register; Designation Correction

John Calhoun, Heritage Planner, provides a brief overview of the report regarding Additional Listings in the Windsor Municipal Heritage Register; Designation Corrections, and provides specifics regarding the three administrative recommendations. Specifically that 20 properties are being added to the Municipal Heritage Register, removing one property and amending the designation of one property as there was an error in the spelling of the name.

Councillor Payne inquires as to how many properties are listed on the current Heritage register and expresses concerns with the practice of not informing property owners that their properties are being listed on the register. Mr. Calhoun indicates that there are currently 1169 properties listed on the register of which 770 are register listed, 118 are designations and 281 are properties in heritage conservation districts.

Councillor Payne inquires as to the administration’s plan moving forward. Mr. Calhoun indicates that there is no specific plan for a certain number of listings and that the listing prohibits demolition without City Council approval.

Councillor Payne expresses concern with the process and that the owners of these properties being put on the listing are not being notified prior to this occurring. Administration indicates that owners are notified when the report is approved at Council.

Councillor Payne inquires as to whether there is an appeal process. Administration indicates there is no formal appeal process. If the owner strongly objects it can be brought forward to the committee and then to Council for final decision. Councillor Payne inquires as to the legal implications. The legal implications are provided. The Ontario Heritage Act requirements are being adhered to.

Moved by: Councillor Holt
Seconded by: Member Foot

Decision Number: PHED 390

I. THAT the following 20 properties of cultural heritage value or interest
BE ADDED to the Windsor Municipal Heritage Register:
- 1206-08-10-12 Argyle Road & 2115-23-35-37 Ontario Street – Terrace – c1913 – 8 two-storey stuccoed units around corner – Walkerville
- 2050 Devonshire Court – House – c1926 – Picturesque English Revival – Walkerville
- 3983 Howard Avenue – Allen House – c1880 – Farm house – South Windsor
- 1033 Huron Church Road – House – c1855 – Frame two-storey – Sandwich
- 808 Marion Avenue – Jeanne d’Arc School – c1920 – One-storey masonry – Core
- 804 McDougall St – Burroughs Building – 1920 – Arch. Albert Kahn – Core
I. THAT the following properties BE IDENTIFIED as not listed on the Windsor Municipal Heritage Register:

- 189 McEwan Avenue – Donald A. Banwell House – c1922 – Arch. Gilbert J.P. Jacques – Core
- 1519 Ouellette Avenue – Commercial 2-storey – c1969 – Arches – Core
- 166 Randolph Place – Alphonse Nestman House – c1924 – Arch. Gilbert J.P. Jacques; Tudor Revival – Sandwich
- ~3150 Riverside Drive East – Ford Powerhouse Screen House – 1923 – Arch. Albert Kahn – Ford City
- 5375 Riverside Drive East – House – c1935 – Tudor Revival; massive chimney – Riverside
- 3370 Sandwich St – House – c1910 – Brick bungalow with Tudor Revival elements – Sandwich
- 1658-94 Tecumseh Road East – Windermere Block – c1925 – Commercial 2-storey brick – South Walkerville
- 815 Victoria Avenue – James W. Brien House – 1937 – Late Tudor Revival – Core
- 923 Victoria Avenue – House – 1924 – Prairie School – Core
- 939 Victoria Avenue – W.W. Moxley House – 1914 – Bungalow / Craftsman – Core
- 1005 Victoria Avenue – Alfred G. Bellinger House – c1920 – Arch. Gilbert J.P. Jacques – Core

II. THAT the following property BE IDENTIFIED as not listed on the Windsor Municipal Heritage Register:


And

III. THAT the Clerk BE AUTHORIZED to issue a Notice of Intention to Amend the Designation for the Miers-Fraser House, 841 Kildare Road.

Carried.

Councillor Payne voting nay.

Report Number: S 120/2016
Clerk’s File: MBA2016

There being no further business, the Heritage Act Matters portion of the Planning, Heritage & Economic Development Standing Committee meeting is adjourned at 5:26 o’clock p.m.

The chair calls the Administrative items portion of the Planning, Heritage & Economic Development Standing Committee meeting to order at 5:26 o’clock p.m.

11. **ADMINISTRATIVE ITEMS**

Don Wilson, Manager of Development Applications appears before the Planning, Heritage & Economic Development Standing Committee, and provides a brief overview and history of the report regarding Conveyance of part of closed Clairview Avenue abutting 429 Fairview.

Carol Anne Winters, Ward 6 resident

Carol Anne Winters, Ward 6 resident, appears before the Planning, Heritage & Economic Development Standing Committee, in support of the administrative recommendation regarding the report Conveyance of part of closed Clairview Avenue abutting 429 Fairview and concludes by providing some reasons for the request.

Councillor Holt inquires whether Ms. Winters is in favour of the recommendation in the report. Ms. Winters indicates that she is in agreement with the recommendation.

Moved by: Councillor Kusmierczyk  
Seconded by: Councillor Holt

Decision Number: PHED 391

I. That former Town of Riverside conveyance By-law 2791 BE AMENDED to authorize the conveyance of part of closed Clairview Avenue described as Part Clairview Avenue, Plan 1164, Riverside, closed by R310550 abutting Lots 1, 2, 3, Plan 1164; Windsor, being PIN 01070-0173 closed by former Town of Riverside By-law 2760 registered on title August 19, 1964 as Instrument Number R310550 to the owners of 429 Fairview, and the lands BE CONVEYED at $1.00 plus deed preparation costs.

II. Easements, subject to their being accepted in the City’s standard form and in accordance with the City standard practice BE GRANTED to:
   i. Enwin Utilities Ltd. and Bell Canada

III. That the City Solicitor BE DIRECTED to prepare the amending by-law for Council’s consideration; and further, 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 any subsequent transactions BE COMPLETED electronically pursuant to By-law Number 366-2003.

Carried.  
Report Number: S 110/2016  
Clerk’s File: SAA2016
11.2. Brownfield Redevelopment Community Improvement Plan (CIP) Application
Submitted by Valente Development Corp. for 325 Devonshire Road

See Section 3—Request for Deferrals, Referrals and/or Withdrawals for final disposition of this matter.

Report Number: S 125/2016
Clerk’s File: Z/8955

12. COMMITTEE MATTERS

None presented.

13. QUESTION PERIOD

None requested.

14. ADJOURNMENT

There being no further business the meeting of the Planning, Heritage and Economic Development Standing Committee is adjourned at 5:32 o’clock p.m.

Ward 5 Councillor Sleiman  
(Vice Chairperson)  

Supervisor of Council Services
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 137/2016
Report Date: 7/12/2016
Author’s Contact:
John R. Calhoun, AICP
Heritage Planner
jcalhoun@citywindsor.ca
519-255-6543 x 6179
Report Date: 7/12/2016
Date to Council: 8/08/2016
Clerk’s File #: MBA/10319 MBA/9191

To: Mayor and Members of City Council

Subject: 3177-3181 Sandwich Street - Heritage Alteration Permit for Front Wall (Sandwich HCD)

RECOMMENDATION:
That any modifications to the front wall of 3177-3181 Sandwich Street that require Council approval according to the Sandwich Heritage Conservation District Plan BE DELEGATED to the Heritage Planner as to expedite the approval process and remedy the wall’s structural issues.

EXECUTIVE SUMMARY: N/A

BACKGROUND:
This property is part of the Sandwich Heritage Conservation District, which became effective October 19, 2012.

The architect for the property owners, Jason Grossi, notified City inspectors in early June that the front wall was leaning and might be at risk of falling over the sidewalk. Subsequently hoarding was installed over the abutting sidewalk. The architect sent a request to the Heritage Planner on July 4, 2016, with a list of optional changes to the property. The actual work to be done will be determined after partial disassembly of the front wall to determine how it functions.

**DISCUSSION:**

**Property Description:**

This is a two-storey masonry building, located on the east side of Sandwich Street between Detroit Street and Mill Street. The south half of the first floor is occupied by Billie’s Place; the remainder of the building has residential units. A driveway extends along the north side to parking in the rear. The date of construction is unknown, but the current configuration is believed to be a 1910s modification of an older building.

**Proposal:**

The overall plan is to repair the now-leaning masonry front wall, with proper engineering and in accordance with recognized good heritage practices, the Sandwich Heritage Conservation District (HCD) Plan and the Olde Sandwich Towne Community Improvement Plan (CIP) Urban Design Guidelines.

However the architect requests that the specific design be decided only after the causes of the leaning wall are determined, and that investigation requires partial disassembly of the wall. The architect requests that the replacement or rebuilt wall be designed with any one of the following options:

1. Remove and reinstate brick in exiting pattern and coursing with improved structural and architectural detailing for long-term exposure (utilizing proper anchorage, cap flashings, through-wall flashings, and historic mortar compositions);

2. Remove and reinstate brick in existing pattern and coursing and full brick replacement at the ground floor to match with improved structural and architectural details for long-term exposure (utilizing proper anchorage, through-wall flashings, cap flashings and historic mortar compositions);

3. Remove and reinstate brick in existing pattern and coursing at the second floor façade and up to the top of the parapet ABOVE the ground floor area of façade (utilizing proper anchorage, through-wall flashings, cap flashings and historic mortar compositions and structural support), and replace the ground floor area of façade with grey limestone of similar detailing and expression as represented in the original
photograph depicting the building in *The Township of Sandwich* by Frederick Neal, 1909, pg. 40;

4. Remove and reinstate brick in existing pattern at the second floor façade up to the top of the parapet above the ground floor area of façade (utilizing proper anchorage, through-wall flashings, cap flashings and historic mortar compositions and structural support), and replace the ground floor façade with a new façade that is compliant with the Heritage Conservation District Policies and the CIP Urban Design Guidelines using historic materials that are proportional to the existing historic contextual elevation of Sandwich Street; or

5. Same as option #1 except with completely new brick of similar size, texture and colour in case we find replacing with the existing brick to be problematic (i.e. many dead bricks are encountered, etc.).

The request to delegate the design approvals to staff is to allow the applicant to take positive action in response to whatever is discovered to be causing the problem, if possible before the wall collapses. The more typical process is for a design to be considered and proposed by an applicant, then reviewed by staff, then either approved or sent to Committee and Council for decision as required by the HCD Plan.

**Legal provisions:**

The *Ontario Heritage Act* (41.1(5)(c)) includes the requirement for “a description of the heritage attributes of the heritage conservation district and of properties in the district”. Changes to the properties within the district are to be considered according to (d) “policy statements, guidelines and procedures for achieving the stated objectives and managing change in the heritage conservation district”. Some are approved by Council after review by the Committee; some are approved by staff.

**Architectural Considerations:**

3177-3181 Sandwich Street is on the east side of the main thoroughfare of the Sandwich neighbourhood commercial district, south of mid-block between Detroit Street and Mill Street. It is a two-storey masonry building, with the front wall at the sidewalk. The first floor façade has stucco parging, with a storefront window on the south half and two other doors. The second storey is of an orange brick extending to a parapet, with seven rectangular windows. The side walls are also of stucco; most of the south side is inaccessible because of an adjacent building that is slightly shorter and shallower.

The date of construction is unknown, but a 1909 publication includes a photo of a building with a sign on the side “E. Lassaline, Furniture Dealer & Undertaker”, and city directories from the 1910s and 1920s include such an occupant and business at this location. That photo shows a building about half the current width, with similar height but different details such as arched windows; the style could have been constructed in the 1890s or earlier. The 1924 Fire Insurance Map of this location shows a building perhaps doubled in width. It is tentatively concluded that the current building consists of the building shown in 1909, which was changed about 1915-1920 with an addition and
replacement of the front wall with the current brick. The stucco parging of the first floor and sides appears to be an even later change.

The architectural significance of the existing first-floor façade, with stucco parging and an irregular mix of doors and windows, is minimal. The second storey has typical commercial building features including cast sills, and brick patterns such as projected rows and bricks installed on angles; however many buildings of the early 20th century have more elaborate brick detailing.

Sandwich Heritage Conservation District (HCD)

This proposal is to be considered with the Sandwich HCD Plan’s visions and goals, and principles:

Visions and Goals (p. 3.1) include:
“Encourage the retention, conservation and appropriate adaptation of the District’s heritage buildings, architectural details and streetscapes rather than their demolition and replacement;
...
Promote sensitive restoration practices that make gentle and reversible changes, when necessary, to significant heritage buildings;
...
Encourage individual building owners to understand the broader context of heritage preservation and take responsibility for stewardship of the heritage attributes of their buildings.”

Principles (p. 3.2) include:
“Find a Viable Social or Economic Use - Buildings that are vacant or under-utilized come to be perceived as undeserving of care and maintenance regardless of architectural or historic merit. City Council and staff should actively encourage and support appropriate forms of adaptive reuse when necessary to preserve heritage properties.
Preserve Traditional Setting - A building is intimately connected to its site and to the neighbouring landscape and buildings. Land, gardens, outbuildings and fences form a setting that should be considered during plans for restoration or change. An individual building is perceived as part of a grouping and requires its neighbours to illustrate the original design intent. When buildings need to change there is a supportive setting that should be maintained.
...
Restore to Authentic Limits - Resist the temptation to embellish a restoration and add details and decorations that would not have been part of the history of the building.
...
Respect Historic Accumulations - A building is both a permanent and a changeable record of history. The alterations that have been made since the original construction also tell part of the history of the place and the building. Some of those alterations may have been poorly conceived and executed and research may determine that they can be removed. Other alterations and additions may have merits that warrant incorporating them into the permanent history of the building. In many cases, it is difficult and
unrewarding to fix a point in history as the target date for restoration. It is more appropriate to aim for a significant period in the history of the building, but be flexible in accommodating more recent interventions that are sympathetic and have improved the historical or functional nature of the building. Respect does not mean rigid.

**Make New Replacements Distinguishable** - The construction eras and historical progression should be self-evident. Although new work should be sympathetic to the original and match or mimic as appropriate, it should not attempt to appear as if built as part of the original

Table 6.1 (p. 6.2) includes this item requiring Council approval (after Committee review) for “Major Projects”:

“Major alterations visible from street or other public space”

This table also provides for staff approval of “Alterations to Heritage Attributes Visible from Street or Public Space”:

“Removal or installation of cladding and siding”

Alterations (p. 7.10) – Recommendations and Guidelines include:

- “Potential alterations should be preceded by a period of research into the original style and appearance of the building;
- Conservation work should be based on historic documentation such as historic photographs, drawings and physical evidence from the building itself;

... Before beginning any alteration, record the pre-existing state of the building though drawings, notes and photographs. “Before and after” photographs can often be a source of pride for the owner and builder;

... If it is impossible to restore an original aspect of the building, the replacement should approximate the original in style, size and proportion;
- If adding to the building, incorporate similar forms, materials, scale and design. Avoid concealing original features of the building, especially entrances and decorative detailing. Work should be distinct from the original construction and should be reversible to the original form; and
- Limit all changes to the basic structure to the essential and intervene only when necessary.”

**Sandwich Urban Design Guidelines**

Changes to the building, especially the elements that can be viewed from the street, need to be consistent with the Olde Sandwich Towne CIP Supplemental Development and Urban Design Guidelines (Sandwich Urban Design Guidelines) which were developed based on internationally accepted urban design principles.

**Proposal Options**

This section evaluates the required heritage processes for the options for work on this building.
Option 1. Remove and reinstate brick in exiting pattern and coursing with improved structural and architectural detailing for long-term exposure (utilizing proper anchorage, cap flashings, through-wall flashings, and historic mortar compositions)

The “architectural detailing” includes brick patterns on the second storey with projections of about 1/3 to 1/2 of the depth of a brick. There is no protection from absorbing rain water into the exposed top side of these bricks. The proposal would add protective materials on top of these exposed bricks. If the added material will be minimally visible from the ground level, this would be considered a minor change that could be approved by staff. The “structural detailing” will be behind the outer surfaces, thus not visible when finished and not subject to heritage review.

Option 2. Remove and reinstate brick in existing pattern and coursing and full brick replacement at the ground floor to match with improved structural and architectural details for long-term exposure (utilizing proper anchorage, through-wall flashings, cap flashings and historic mortar compositions);

In addition to the work of Option 1, this proposal would replace the stucco parging on the first floor by exposing the existing brick that could be the same as the upper floor. It is unknown what parts of the brick remain, particularly where doors and windows have been changed. This option would be considered a “major project” requiring Committee review and Council approval.

Option 3. Remove and reinstate brick in existing pattern and coursing at the second floor façade and up to the top of the parapet ABOVE the ground floor area of façade (utilizing proper anchorage, through-wall flashings, cap flashings and historic mortar compositions and structural support), and replace the ground floor area of façade with grey limestone of similar detailing and expression as represented in the original photograph depicting the building in *The Township of Sandwich* by Frederick Neal, 1909, pg. 40;

In addition to the upper-floor work of Option 1, this proposal would replace the stucco parging on the first floor with installation of limestone cut to patterns similar to the 1909 photo. This option would be considered a “major project” requiring Committee review and Council approval.

Option 4. Remove and reinstate brick in existing pattern at the second floor façade up to the top of the parapet above the ground floor area of façade (utilizing proper anchorage, through-wall flashings, cap flashings and historic mortar compositions and structural support), and replace the ground floor façade with a new façade that is compliant with the Heritage Conservation District Policies and the CIP Urban Design Guidelines using historic materials that are proportional to the existing historic contextual elevation of Sandwich Street; or

In addition to the upper-floor work of Option 1, this proposal would replace the stucco parging on the first floor with an undefined design that conforms to the HCD and CIP. This option would be considered a “major project” requiring Committee review and Council approval.
Option 5. Same as option #1 except with completely new brick of similar size, texture and colour in case we find replacing with the existing brick to be problematic (i.e. many dead bricks are encountered, etc.).

If staff determined that the new brick was a very close match, and the second-storey work was that of Option 1, this proposal would be considered a minor change and approved by staff.

Additional options could be the use of new brick for the designs of Options 2-4, which would be considered a "major project" requiring Committee review and Council approval.

The request of the Committee and Council is to delegate the authority for all options for this project to Administration.

Official Plan:

The Windsor Official 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:

There is a relatively minor risk in approving the requested delegation for this heritage alteration permit, since administrative staff are quite knowledgeable about building heritage features. The greater risk is that the building wall could collapse while work is delayed approximately two months for review and decision by the Committee and Council.

For the work at 3177-81 Sandwich St, the architect and project leader is Jason Grossi, M.Arch., OAA, AIA, MRAIC, of Studio g+G of Windsor. His recent projects include the Sandwich Brewery (nearing completion at 3230-32 Sandwich St) and the rehabilitation of the Sandwich Post Office. The City has chosen him as the architectural consultant for the Sandwich Fire Hall conversion to the library. He is also part of the architectural consulting team that the City recently chose to work on Mackenzie Hall, Willistead and the Jackson Park gates. His work is well regarded by Planning staff, noting detailed historic research and attention to modern details.

This is a unique situation where preservation of a fragile building requires a quick response to unknown existing structural details, with a well qualified architect who can provide appropriate choices. Staff approval would increase the options for keeping this building standing.
FINANCIAL MATTERS:

The owner is responsible for all project costs. The owner is eligible for the Sandwich Economic Incentive Program. The level of incentive will be determined later if the applicant is interested in applying. A modified Site Plan Review process may be required to ensure improvements are consistent with agreed upon drawings.

CONSULTATIONS:

The Heritage Planner met with the architect on several occasions. Building Division staff visited the site on several occasions and assisted with necessary permits. Special Projects Planner Kevin Alexander assisted with historic references and design ideas.

CONCLUSION:

The repair of the failing façade wall of 3177-3181 Sandwich Street may require rapid construction of a design based upon investigation of factors that are currently unknown. The requested delegation for staff approval provides for timely approval of a design that is consistent with the Sandwich HCD and Sandwich Urban Design Guidelines and the vision and goals for Sandwich Town identified in the Sandwich CIP.

PLANNING ACT MATTERS: N/A

APPROVALS:

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<thead>
<tr>
<th>Name</th>
<th>Title</th>
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<tbody>
<tr>
<td>Michael Cooke</td>
<td>Manager, Planning Policy</td>
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<tr>
<td>Thom Hunt</td>
<td>City Planner / Executive Director</td>
</tr>
<tr>
<td>Wira Vendrasco</td>
<td>Acting City Solicitor, approving on behalf of City Solicitor</td>
</tr>
<tr>
<td>Onorio Colucci</td>
<td>CAO</td>
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NOTIFICATIONS:

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<tr>
<th>Name</th>
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<tr>
<td>Jason Grossi, architect Studio g+G inc.</td>
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APPENDICES: ‘A’: Historic photo & Fire Insurance maps
Appendix ‘A’ – 3177-3181 Sandwich Street – 1909 Photo and Fire Insurance Maps

Photo in *The Township of Sandwich*, by Frederick Neal, 1909:

1924 Fire Insurance map, when the address was 17-19 Sandwich St N:
1937 Fire Insurance map, when the street numbers changed after amalgamation to 3181-3179-3177:

1952 Fire Insurance map:

The building is shown as full brick (not veneer) with concrete block extensions to the rear (not extant).
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”

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<tr>
<th>REPORT #: S 138/2016</th>
<th>Report Date: 7/13/2016</th>
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<tr>
<td>Author’s Contact:</td>
<td>Date to Council: 8/08/2016</td>
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<tr>
<td>Kristina Tang, Planner II-Revitalization &amp; Policy Initiatives</td>
<td>Clerk’s File #: MBA/12615</td>
</tr>
<tr>
<td>519 255 6543 ext. 6435</td>
<td></td>
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<tr>
<td><a href="mailto:ktang@citywindsor.ca">ktang@citywindsor.ca</a></td>
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John R. Calhoun, Heritage Planner
519 255 6543 ext. 6179
jcalhoun@citywindsor.ca

To: Mayor and Members of City Council

Subject: Harris House, 1380 Ypres Avenue- Request for Heritage Designation (Ward 4)

RECOMMENDATION:
THAT the City Clerk BE AUTHORIZED to publish a Notice of Intention to Designate the Harris House, at 1380 Ypres Avenue, in accordance with Part IV of the Ontario Heritage Act for the reasons attached in Appendix ‘A’.

Front (south) elevation of the Harris House
EXECUTIVE SUMMARY: N/A

2. BACKGROUND:

The Harris House, located at 1380 Ypres Avenue, was listed on the Windsor Municipal Heritage Register on June 9, 2008. At some point in 1986, the original owners’ son, Gregory Harris, who was managing his parent’s estate, had requested for the property to be designated; however he withdrew his request shortly after to sell the property. On February 29, 2016, the owners of the property, Catherine Lysack and the late Stewart Neufeld, requested heritage designation for this property. The owners had volunteered the Harris House for the Doors Open 2016 event in September, which celebrates built heritage by allowing the public to visit heritage sites.

3. DISCUSSION:

Proposal:

The request is to designate this property individually, under provisions of Part IV of the Ontario Heritage Act regarding municipal designation.

Legal provisions:

Part IV, Section 27 of the Ontario Heritage Act provides for designation of “property situated in the municipality that is of cultural heritage value or interest”. The Act (27.(1.1)(c)) includes the requirement for “a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property”. Also, there are provisions for a municipal heritage committee to be consulted about a designation before the council makes a decision on it.

Ontario Regulation 9/06 provides criteria for designation under the Ontario Heritage Act. Part 1.(2) of the regulation is underlined for emphasis:

“A property may be designated under section 29 of the Act if it meets one or more of the following criteria for determining whether it is of cultural heritage value or interest:

1. The property has design value or physical value because it,
   i. is a rare, unique, representative or early example of a style, type, expression, material or construction method,
   ii. displays a high degree of craftsmanship or artistic merit, or
   iii. demonstrates a high degree of technical or scientific achievement.

2. The property has historical value or associative value because it,
   i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,
   ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or

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iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.

3. The property has contextual value because it,
   i. is important in defining, maintaining or supporting the character of an area,
   ii. is physically, functionally, visually or historically linked to its surroundings, or
   iii. is a landmark.”

Designation requires consideration from Council in two steps: The Notice of Intention to Designate (current step), which provides direction for the City Clerk to give notice to the owner, a newspaper and others of Council’s intent to initiate the heritage designation. After thirty days, and if there is no objection, the Council may pass a by-law to designate the property in accordance with the *Ontario Heritage Act*.

The Harris House meets more than one of the criteria for designation listed above.

**Architectural Considerations:**

The Harris House is a two storey home with architectural expressions from the Modernist Movement. More precisely, the design is a combination of residential design elements found in the International Style and Prairie Style. The Harris House is representative as one of Windsor’s earliest residential examples of the Modernist architectural style. The Modernist movement encompasses the ideas that the form of the building should be based on the volume of the space the building was used for, efficiency in layout, and overall lack of ornamentation and decorative detailing.

![East elevation of Harris House; the breezeway and garage are shown on the right](image)

The Harris House reflects the “Elemental” and “Rectilinear” architectural design motifs that commonly define the International Style, including the breakup of the massing with the use of elemental modules which reflect the functional layout of the interior spaces. Other International Style elements include the asymmetrical facade, angular edges,
plain smooth wall surfaces, flat roof design and metal casement windows flush with outer walls.

The Prairie Style elements include the horizontal proportions seen in the building, the emphatic flat roof, deeply projecting eaves beyond the walls, rectangular triple set of windows, centered chimney with horizontal narrow stones on the east elevation, plain use of materials like stucco and strips of natural wood. The many windows allow for bright spaces in the interior. The second floor of the house is nearly half the size of the first floor area with the un-built area used as a large expanse of open roof deck delineated by thin railing. On the ground floor, the breezeway extends into more open space.
East elevation showing the various stone and cement plaster materials used consistently on the first floor of the building (on left); and view from the north of the one storey breezeway and attached garage projection (on right).

Some other unique exterior features of the building include the trellis-like eave projection details, and the seven semi-circular concrete basement window wells that surround the building. The one-story breezeway on the north elevation connecting to the stucco garage on the north elevation is similar in style and material to the rest of the building, and provides an extension of the eaves and open deck area above it. Details of the garage design include the curved walls above the narrow rectangular windows and stone sills. The wood frame garage door has the same simplistic and clean rectilinear style.

There are many modern featured details in the interior, some of which were very advanced technology used for its time. The Flutex glass in the vestibule, insulating thermo-paned ground floor windows, radiant hot water heating in floors and recessed/indirect ceiling lights were all emerging technologies and materials of the day. Other elegant features of the interior that remain are the curved walls, wall niche, simplistic designed Italian marble fireplace, original bathroom fixtures, and laminated wood panel and another fireplace in the den. The open floor plan design allows easy movement/flow from one room to another. However, the interior features are not proposed to be part of the designation.

The Harris House has received architectural interest over the years and has been featured in several different publishing. The Harris house was reported in the “Windsor Daily Star” article dated December 31, 1948 as one of the “higher-priced private homes” constructed in that year. The Harris House was also featured in an “International Metropolis” article dated December 16, 2013 and in a book by John Blumenson (architect & architectural historian) on Ontario Architecture.
Even though the subject lands were subdivided in 1924, they were left vacant for many years. The subject property construction was completed in 1948 and was located on Lot 943 & Lot 944 of Registered Plan 1155. Based on historic fire insurance plans, only the 1952 fire insurance plan showed the development within the block. The 1952 plan
shows the two storey subject property and the one storey detached garage, both constructed of concrete block.

The main building and garage appear to be largely original with little exterior alterations. The redwood siding on the second floor was stained and painted at some point in time. According to the architectural drawings, wood shutters were to be installed on the second floor however it is undetermined if they were installed. The drawings also show what appears to be wood frame enclosure for the breezeway, which now has sliding glass doors.

The original design of the property included a walk-out rock garden with glass doors from the basement to the north side of the dwelling. According to information provided by the current owner from the son of the original owners, this feature had drainage issues and the original owners filled in the space with concrete.

The previous owners, the Schlegels, also bought the eastern half of Lot 942 to accommodate a pool with a picket-fence. The kitchen has been remodelled several times.

The house is in good condition and has maintained much of its architectural integrity.

**Historical or Associative Considerations:**

The subject property is located within the South Walkerville area, which was made up of formerly lands in the Town of Walkerville as well as the City of Windsor, with the dividing line being the alley between Lincoln Road and Gladstone Avenue. After World War I and during the time of industrial growth, Windsor and border cities were experiencing population growth which resulted in a pressing housing shortage. Through the prosperous years of growth in the 1920s, Canadians continued to remember and honour those who had contributed greatly to the war. The first subdivision to develop lands on the south end of Walkerville in 1921 had its east-west streets named after famous battle sites during World War I.

As housing needs continued to grow, the portion of lands bounded by Vimy Road on the North, Kildare Road on the east, Ypres Avenue on the South, and Forest Avenue on the west, were registered as subdivision Plan 1155 on November 21, 1924 by Essex Real Estate Company Ltd., signed by Clyde Curry. He advertised it as the Memorial Park Development and was selling them as 40-foot lots, also marketing in the 1925 advertisement that there was a 32 acre Parkland within the subdivision which had been sold to the City of Windsor, who would designate it as Memorial Park to honour the War.

Some lots were bought and constructed on, however it was not until the late 1940s after World War II that the South Walkerville area was truly built out. Based on Land Registry Office records, Clarence and Marion Harris bought the land in 1945. The construction of the building was completed in 1948. The 1948 City Directories show that there were not many residents living on Ypres Avenue yet. Residents living on Ypres Avenue were located close to Lincoln Road crossing on the west and then Kildare Road on the east. The Harris family was listed in the City directories from 1949 onwards, with the record

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including Clarence as a financial agent, working at Motor-Mart which was a used car sales business, subsequently recorded to be at Owner’s Auto Exchange business in the 1960 City directory.

Subsequent owners include Istvan and Margit Schlegel who held ownership from 1986 to 2011 when Stewart Wayne Neufeld and Catherine Louise Lysack bought the property.

Garnet Andrew McElroy (1897-1986) was a Windsor architect who designed many of the commercial buildings for S.S. Kresge & Co., which was the largest 20th century retail company (renamed Kmart Corporation and now evolved into Sears Holdings Corporation). He is most known for his progressive designs using Art Deco and Modernist architectural styles. McElroy studied at the Detroit Technical Institute and the University of Michigan, then trained under local architect Gilbert J.P. Jacques and was a draftsman under Detroit architect Albert Kahn from (1917-1919). He opened his own practice in Windsor in 1921 then joined S.S. Kresge Co. as a staff architect in their Detroit office in 1923 and continued as a consultant for many years after. He also operated in a separate partnership from 1928-1931 under McElroy, McIntosh & Gauthier. McElroy resided in Windsor and remained active until 1969. His local works include the Assumption College High School and Chapel (1957), Cunningham Sheet Metal (1928) on Kildare Road, and the Wilkinson Shoe Store (c.1930) on Ouellette Avenue.

**Contextual Considerations:**

The subject property is located on a visible corner on the northwest of Ypres Avenue and Moy Avenue. Although originally subdivided as forty feet lots in the registered plan, many of the properties fronting onto Ypres Avenue east of Woodlawn Avenue opposite what became the Memorial Park were developed into lots with larger frontages.

Should the Harris House be designated, it would be the first in the South Walkerville area, although several more are recognized by listing on the municipal register.

**Official Plan Policy:**

The Windsor Official Plan includes (9.0) “A community’s identity and civic pride is rooted in physical and cultural links to its past. In order to celebrate Windsor’s rich history, Council is committed to recognizing, conserving and enhancing heritage resources.”

Objectives include (9.2.4) “To increase awareness and appreciation of Windsor’s heritage resources and encourage participation by individuals, organizations and other levels of government in heritage conservation.”

Also, (9.3.2.1) “Council will identify Windsor’s heritage resources by: ... (c) Researching and documenting the history and architectural and contextual merit of potential heritage resources on an individual property basis”.

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(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”

(9.3.7.1) “Council will integrate heritage conservation into the development and infrastructure approval process by: ... (f) utilizing the demolition control provisions of the Planning Act and the Heritage Act to assist in the protection of heritage buildings and structures”

4. **RISK ANALYSIS:**

If designated, modifications or additions that affect any identified heritage feature will require approval by Council, after consultation of the municipal heritage committee. If not designated, inappropriate changes could be made to the building and demolition may be more readily allowed.

5. **FINANCIAL MATTERS:**

The City will pay the costs of legal notices and registering the by-law amendment with the Land Registry Office. The Committee’s heritage operating budget will cover the cost of the designation plaque. Once designated, the owner could apply for grants from the City’s Community Heritage Fund to repair features identified in the designation, and they could request property tax reductions for the costs of eligible improvements under the City’s heritage tax rebate program.

6. **CONSULTATIONS:**

The policy planner met the owners on-site and discussed identified heritage features. Consultations have also been made with the city’s landscape architect Stefan Fediuk, and Planner II-Urban Design, Adam Coates.

7. **CONCLUSION:**

The Harris House located at 1380 Ypres Avenue is one of the earliest residential examples of the Modernist architectural style featuring design elements from the International Style and Prairie Style. Designed by Windsor architect Garnet A. McElroy, its emphatic flat roof design, use of smooth stucco and red-siding and stone materials, corner windows and deeply projecting trellis-like eaves, and stone capped and veneered chimney, are rare for its time. The long-time residents and original owners of the building were financial agent Clarence Harris and his wife Marion. Administration recommends initiating the designation process for the Harris House under Part IV of the Ontario Heritage Act to recognize and conserve its historical, architectural, and contextual features for years to come.

**PLANNING ACT MATTERS:** N/A
APPROVALS:

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APPENDICES:

1 Appendix 'A': Proposed Heritage Designation By-law
Appendix ‘A’: Proposed Heritage Designation By-Law

Reasons for Designation / Statement of Significance
Harris House
1380 Ypres Avenue

Description of Historic Place

The Harris House, constructed in 1948, is located at 1380 Ypres Avenue, at the northwest corner of Ypres Avenue and Moy Avenue. The dwelling is a two storey home with architectural expressions from the Modernist Movement featuring a combination of residential design elements found in the International Style and Prairie Style, designed by architect Garnet McElroy. It is one of the earliest vernacular residential example of the Modernist Style with its emphatic flat roof design, use of smooth stucco, redwood siding and stone materials, corner windows and deeply projecting trellis-like eaves. Long-time resident and original owner of the building were financial agent Clarence Harris and his wife Marion.

Cultural Heritage Value or Interest

Design or Physical Value:

The Harris House is unique and an early vernacular example of the Modernist style building which features residential design elements from the International & Prairie architectural styles. The building use of rectangular massing, asymmetrical facade, angular edges, plain smooth wall surfaces, flat roof design, metal casement of windows flush with outer walls, reflect the International style. Prairie style elements include the horizontal proportions seen in the building, the emphatic flat roof, deeply project eaves beyond the walls, rectangular triple set of windows, centred chimney with horizontal narrow stones on the east elevation, plain use of materials like stucco and strips of natural wood. Other unique exterior features of the building include the trellis-like eave projection and the semi-circular basement cement window cell wall.

Historical or Associative Value:

The property is part of the South Walkerville area which was an expansion of the original border city built areas in the 1920s due to housing shortages from the high population growth. The subdivision and street names such as Ypres Avenue in the area also reflects the time period when many Canadians remembered and honoured those who had contributed greatly during the Great War.

Harris House was designed by Windsor architect, Garnet Andrew McElroy (1897-1986), who had designed many of the commercial buildings for S.S. Kresge & Co and is most known for his progressive designs using Art Deco and Modernist architectural styles. In addition to his own practice and several partnerships in Windsor, he was also a long-time staff architect and consultant for S.S. Kresge Co. McElroy resided in Windsor and remained active until 1969. His local works include Assumption College High School and Chapel, Cunningham Sheet Metal on Kildare Road, and the Wilkinson Shoe Store on Ouellette Avenue.

Contextual Value:

The subject property is located on a visible corner on the northwest of Ypres Avenue and Moy Avenue. Although originally subdivided as forty feet lots in the registered plan, many of the
properties fronting onto Ypres Avenue east of Woodlawn Avenue opposite what became the Memorial Park were developed into lots with larger frontages.

Character Defining Elements:

Exterior features that contribute to the design or physical value of the Harris House:

- Built 1948
- Two storey rectangular building with one storey projection
- Modernist architectural style, combined with residential design elements found in the International Style & Prairie Style, including:
  - Asymmetrical design
  - Emphatic flat roof
  - Horizontally double layered wooden boxed fascia
  - Deeply projecting eaves and exposed rafters
  - Copper eavestrough & downspout painted white
  - Redwood siding on second floor
  - Rectangular stone chimney with stone cap
  - Corner windows flush with outer walls on the second floor
  - Second floor area approximately half the size of the ground floor
  - Large expanse of open roof deck
  - Simple thin low balcony wood railing on second floor
  - Trellis-like eaves projecting horizontally and diagonally upward slanting on first floor
  - Smooth exterior finish lacking ornamentation
  - Smooth white cement plaster finish on the top three-fifths of the first floor separated by a cut-stone band on top of stacked stone veneer on two-fifths of the bottom first floor
  - Ground floor windows mostly in groups of threes
  - Semi-circular concrete basement window wells
  - Recessed front door flanked by sidelights with angular geometric patterns
  - Two concrete top stone pedestals flanking front entrance concrete steps with stone walls
  - Projecting one-storey breezeway connecting to enclosed stucco garage on north elevation
  - Garage with narrow rectangular window strip with stone sills and curved wall top

Features that contribute to the historical or associative value of the Harris House:

- Part of the subdivision registered in 1924 to provide relief to housing shortages
- Located within South Walkerville subdivision memorializing World War I
- Designed by local architect Garnet Andrew McElroy

Features that contribute to the contextual value of the Harris House:

- Located at the northwest corner of Ypres Avenue and Moy Avenue
- Across from a wooded section of Memorial Park
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 144/2016  
Report Date: 7/22/2016

Author’s Contact:
Sahar Jamshidi, M.U.P., C.E.T.  
Planner II – Development Review

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Date to Council: 8/8/2016
Clerk’s File #: SAA2016

To: Mayor and Members of City Council

Subject: Request under the Alley Closing Subsidy Program (ACSP) to close an alley system located between Randolph Ave. and California Ave., south of Grove and north of Girardot St.; File No.: SAA/4390 Ward 2

RECOMMENDATION:
I. That the alley system having the width of 6.10m (20ft), located between Randolph Ave. and California Ave., south of Grove and north of Girardot St., as shown on Drawing CC-1690 attached hereto as Appendix “A”, BE ASSUMED for subsequent closure;

II. That the alley system having the width of 6.10m (20ft), located between Randolph Ave. and California Ave., south of Grove and north of Girardot St., as shown on Drawing CC-1690 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, MNSi, COGECO CONNEXION, and Enwin Utilities Ltd (Hydro)

   ii. Conveyance Cost BE SET as follows:
• Abutting properties zoned RD 1.2:

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-1690, 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

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

VIII. If the existing alley 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:

N/A

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 “F”.
On December 21, 2015 City Council adopted B28-2015, which approved the continuation of the **Alley Closing Subsidy Program (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 “F”.

Prior to the ACSP program being approved by City Council, there was interest expressed by one of the residents on this block to close the T-shaped alley system. In 2016, *Mr. Mohamad Ammar*, one of the owners of 1133 Randolph Ave. agreed to be the main contact for the ACSP program and circulate the petition. This alley system is the tenth **qualified alley** on the waiting list of 157 applicants (as of July 22, 2016) for the ACSP program, with the alley abutting his property qualifying under the ACSP criteria. The completed document was returned to the City’s Planning Department for processing.

A total of 12 private properties abut the alley system that is being considered for closure. The 12 private properties were provided with a petition, and 9 property owners signed the petition (75%), and 8 of the property owners supporting the closure of the alley have paid the $100 alley subsidy program fee (67 %.) (see Appendix “B” for a map of the properties abutting the alley system.)

The site visit by Planning Department staff confirmed that the alley is a good candidate for closure. Currently the alley is accessible through the curb cuts at its north and south ends. (See Appendix “D”, Site visit photos).

**There are no municipal sewers or manholes in the alley.** There are utility poles and overhead utility lines throughout the alley. No encroachments appear to exist along the entire length of the alley. (See Appendix “D”, Site visit photos).

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-1690 attached hereto as Appendix “A”. Windsor Police strongly supports the closure of this alley.

**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 properties are zoned RD 1.2 and the abutting properties are used for residential purpose.
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 very lightly travelled. It is used by through traffic only and is not used for gaining access to rear of any properties abutting the alley. There are utility poles located in the alleys (servicing COGECO CONNEXION, MNSi, Bell Canada and Windsor Utilities (Hydro), 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-1690, attached herein as Appendix “A”.

**RISK ANALYSIS:**
There is no known risk associated with the proposed closure of the entire alley system shown on Drawing No. CC-1690 attached herein as Appendix “A”.

**FINANCIAL MATTERS:**

Conveyance Cost **BE SET** as follows:

- Abutting properties zoned RD 1.2:
  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 entire alley system as shown on Drawing No. CC-1690 attached hereto as Appendix “A”. Windsor Police strongly supports the closure of this alley.

**Easements are required in favour of Bell Canada, MNSi, COGECO CONNEXION, and Enwin Utilities Ltd (Hydro).**

**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.
**APPROVALS:**

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**NOTIFICATIONS:**

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<td></td>
<td>Windsor, ON  N9B 2V3</td>
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<tr>
<td>All Abutting/Affected Property Owners</td>
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**APPENDICES:**

1 Appendix A (CC Drawing)
2 Appendix B (Location Map)
3 Appendix C (Comments)
4 Appendix D (Site Visit Photos)
5 Appendix E (CR 240)
6 Appendix F (Alley Classification)
### Agency | Comments
--- | ---
Bell Canada | Easement required.

**Planning – Landscape Architect**

- No objection from a Landscape Architectural or Parks perspective.

**Parks Development**

- COGECO is attached to the pole line within the entire footprint of this application. An Easement is required on behalf of COGECO CONNEXION

**Cogeco Cable Systems Inc.**

- COGECO is attached to the pole line within the entire footprint of this application. An Easement is required on behalf of COGECO CONNEXION

**Fire & Rescue Services**

- No comments received

**Enwin Utilities – Hydro**

- HYDRO ENGINEERING
  - No objection to alley closing, however, an easement named to Enwin Utilities Ltd. Is required for the entire alley upon closing to accommodate existing 16 kv and 120/240 volt hydro distribution, poles and guy wires

**Windsor Utilities – Water**

- Water Engineering has no objections

**Public Works – Engineering**

- The subject alley closure is approximately 6.10m (20ft) wide, appears to be untraveled and is composed of grass. There are no manholes or catch basins in the alley. There are two concrete approaches into the alley off Girardot Street and Grove Avenue. There are no sewers that run through the alley; however there are sewers on Randolph Avenue, Girardot Avenue and Grove Avenue. There are hydro poles and overhead guy wires located on the West side of the Alley. This alley appears to serve no useful purpose by CR146/2005; therefore we have no objections to the closure of this alley, subject to the alley closure, the concrete approaches will be the responsibility of the city to remove in the future when funds exist. Should the abutting owners use this access they will be required to get a permit.

**Public Works - Environmental**

- No concerns from Environmental Services.

**Public Works – Transportation**

- No comments received

**Transit Windsor**

- No comments received

**Union Gas**

- Union gas has no issue with this alley closure.

**Windsor Police Services**

- The Windsor Police Service supports the closure of this alley. In its current grassed over condition, it is not required for police patrol or incident response purposes and only serves to create opportunities for discrete access to abutting properties and attract potentially unlawful behaviour such as trespassing, loitering, drug use, etc. Closure will permit local residents to have a greater observation capability and control over the activity that goes on within their neighbourhood, making for a situation of improved safety.

**MNSI – telecommunications**

- MNSi will require an easement through these alleys as shown on the attached plan.

**TELUS**

- TELUS has no infrastructure in the area of your proposed work.
Figure 1
Standing on Grove Ave. Looking South into the north-south alley – View of the curb cut at the north end of the alley
Figure 2
Standing on Grove Ave. Looking South into the north-south alley – View of the curb cut at the north end of the alley
Figure 3
Standing on Girardot St. Looking North into the north-south alley – View of the curb cut at the south end of the alley
Figure 4
Standing on Girardot St. Looking north into the north-south alley – View of the curb cut at the south end of the alley
From the minutes for the Council Meeting held on December 2, 2013.

CR240/2013

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.
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.