PLANNING, HERITAGE & ECONOMIC DEVELOPMENT STANDING COMMITTEE

AGENDA

(available also at www.citywindsor.ca)

Monday, February 8, 2016
4:30 p.m.
Council Chambers, 3rd Floor, Windsor City Hall

Members:

Councillor Bill Marra, Chairperson (Ward 8)
Councillor Chris Holt (Ward 4)
Councillor Irek Kusmierczyk (Ward 7)
Councillor Hilary Payne (Ward 9)
Councillor Ed Sleiman (Ward 5)

Member Lynn Baker
Member Barb 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 (Planning Act Matters) held December 14, 2015 (SCM 20/2016)

   5.2. Minutes of the Planning Heritage & Economic Development Standing Committee meeting (Planning Act Matters) held January 11, 2016 (SCM 22/2016)

6. PRESENTATION & DELEGATIONS (PLANNING ACT MATTERS)

7. PLANNING ACT MATTERS
   7.1. Deauville Apartments Inc. – 8750 Wyandotte Street East - Condominium Conversion Ward 6 (S 6/2016)
8. ADOPTION OF THE MINUTES

8.1. Minutes of the Planning, Heritage & Economic Development Standing Committee meeting held December 14, 2015 (SCM 19/2016)

8.2. Minutes of the Planning, Heritage & Economic Development Standing Committee meeting held January 11, 2016 (SCM21/2016)

9. PRESENTATIONS AND DELEGATIONS (COMMITTEE & ADMINISTRATIVE MATTERS)

10. HERITAGE ACT MATTERS


10.2. Willistead Park, 1899 Niagara Street – Benches, Ward 2 (S 59/2015)

11. ADMINISTRATIVE ITEMS

11.1. Conveyance of part of closed alley between Walker Road and Turner Road abutting 3527 Walker Road (to be consolidated with 3511 Walker Road) - SAA/4586, Ward 9 (S 73/2015)


11.3. Ward 6 - Request to close the east/west alley north of Wyandotte St. E., west of Westchester Dr., abutting 8750 & 8850 Wyandotte St. E.; File No.: SAA/4480 (S 2/2015)

11.4. Additional Information for S 2/2015 - Request to close the east/west alley north of Wyandotte St. E., west of Westchester Dr., abutting 8750 & 8850 Wyandotte St. E. (SCM 11/2016)
12. COMMITTEE MATTERS

13. QUESTION PERIOD

14. ADJOURNMENT
**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 #: SCM 31/2015**
**Report Date: 12/14/2015**

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<th>Author’s Contact:</th>
<th>Date to Council: 2/8/2016</th>
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<tr>
<td>John R. Calhoun</td>
<td>Clerk’s File #: MBA/5350</td>
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<td><a href="mailto:jcalhoun@citywindsor.ca">jcalhoun@citywindsor.ca</a></td>
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**To:** Mayor and Members of City Council

**Subject:** Ontario Heritage Conference
Niagara-on-the-Lake
April 30 – May 3, 2015

**RECOMMENDATION:**
Receive for Information.

**EXECUTIVE SUMMARY:**
N/A

**BACKGROUND:**
The Ontario Heritage Conference has been sponsored for several years by the Architectural Conservancy of Ontario (ACO) and Community Heritage Ontario, and now by the Canadian Association of Heritage Professionals. For more than the last seven years the City has funded the costs of the Heritage Planner and one Committee member to attend; in 2015 the member was Andrew Foot. Member Simon Chamely also attended the conference.

**DISCUSSION:**
The conference theme was “Ontario Heritage: An Enriching Experience”. There were general sessions, breakout groups in the conference centre (located at the edge of the developed area), tours and evening events. And there were times to visit the historic downtown of Niagara-on-the-Lake, at the outlet of the Niagara River on Lake Ontario.
The opening reception was held inside the Navy Hall, rebuilt after 1812. A film depicted the burning of the town in December 1813. I took a tour to Willowbank, the 1830s mansion in Queenston that is now the home of a Heritage Conservation Diploma Program. The house is a perpetual work in progress in order to teach several conservation techniques. The program also uses the 1914-1950s former Laura Secord School a few blocks away. Another tour went to downtown Thorold, where their revitalization program has had a number of successes but has not always used good materials for rehabilitation. Also in Thorold was a dinner in the Keefer Mansion, an elegant 1886 hillside home converted to a B&B. Nearby Port Dalhousie is the site of a 2009 OMB case where a 17-storey tower was approved for a low-rise heritage conservation district but not yet built; it is also the end of one path of the Welland Canal.

Jennifer Keesmaat, chief planner for Toronto, spoke of some of the 6000 heritage permits applied for in 2014. In some cases a tall building is set well back behind a historic façade. She encouraged “design tenacity, creativity and collaboration”, and adaptive reuse. Jim Mountain (Ottawa) spoke of main street programs in Canada, primarily in Quebec and Saskatchewan; he encouraged “revitalization for decades, not just prettying up”.

Another speaker talked about the role of women during war, noting that in the Niagara region during the War of 1812 the battle lines and home front were sometimes the same. Some women were directly involved near the front lines; others managed farms to keep producing food and other goods with limited labour. The topic “Measuring the impacts of cultural heritage conservation” identified ways to measure some parts of community well being, happiness, welfare and quality of life, as well as (who) will benefit as a result of investment in historic conservation.

Community Heritage Ontario membership is from heritage committees across the Province; the AGM included your Windsor representatives as voting members.

The next Ontario Heritage Conference will be in Stratford and St. Mary’s from May 12-15, 2016.

The conference provided the opportunity to visit local heritage sites, learn about how heritage practice is applied from professionals in their fields, and network with people from across Ontario about their heritage concerns.

**RISK ANALYSIS:**

N/A

**FINANCIAL MATTERS:**

On April 7, 2015 Council approved funding for attendance (M127-2015).
CONSULTATIONS:
N/A

CONCLUSION:
Receive the report.

APPROVALS:

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<tr>
<td>John Calhoun</td>
<td>Heritage Planner</td>
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<tr>
<td>Michael Cooke</td>
<td>Manager Planning Policy</td>
</tr>
<tr>
<td>Thom Hunt</td>
<td>City Planner / Executive Director</td>
</tr>
<tr>
<td>Shelby Askin Hager</td>
<td>City Solicitor</td>
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<tr>
<td>Helga Reidel</td>
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NOTIFICATIONS:

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APPENDICES:

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

Councillor Marra  
Councillor Sleiman  
Councillor Payne  
Councillor Kusmierczyk  
Councillor Holt

Citizens  
Anthony Gyemi  
Dorian Moore

Regrets  
Barb Bjarneson

Delegations  
Timothy McWilliams

Also present are the following from Administration:  
Wira Vendrasco, Deputy City Solicitor  
Thom Hunt, City Planner  
Don Wilson, Manager of Development Applications  
Jim Abbs, Planner III  
Greg Atkinson, Planner III  
John Calhoun, Heritage Planner  
Tony Ruffolo, Right-of-Way Supervisor  
John Revell, Chief Building Official  
Anna Ciacelli, Supervisor of Council Services  
Marianne Sladic, Senior Steno Clerk, Planning

1. CALL TO ORDER  
The Chair calls the meeting to order at 4:34 pm.

The Chair goes over the process of the Committee.

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

4. **ADOPTION OF MINUTES**
   
   Moved by Anthony Gyemi, seconded by Councillor Kusmierczyk.

   **THAT** the minutes of the meeting of the Planning & Economic Development Standing Committee held Monday, November 9, 2015 BE ADOPTED.

   Motion **CARRIED, UNANIMOUSLY**.

5. **COMMUNICATIONS**

   None

6. **PRESENTATIONS AND DELEGATIONS**

   None

7. **PLANNING ACT MATTERS**

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

7.3 **AZAR HOLDINGS – 0 & 1166 Eastlawn Ave.**

   Mr. Jim Abbs presents the item.

   Tony Azar (Azar Holdings) is in agreement with the recommendations. Mr. Azar adds that further discussion with Tony Ruffolo (Public Works) regarding a phasing of development. Because part of the lands front existing road access, those lands would be developed first. The second phase would begin development commencing completion of the road and services extension.

   Mr. Azar also advises that although Public Works would like to see the alley closed, Mr. Azar is not wish to close the alley due to possible future utility servicing requirements. The Chair notes the alley closure is not part of the recommendations. The Chair also acknowledges the request for phased development and Mr. Ruffolo’s agreement with the request.

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

   Mr. Tim McWilliams (resident) – 1250 Belle Isle Blvd. – Present as an unofficial representative of some of the area residents. Mr. McWilliams requests the following:
   - Not change the entire section. Develop the area already accessible
   - The area not accessible to be designated as parkland
   - Would like to minimize neighbourhood congestion
   - Provide some quiet and green space.
Mr. Robert Strickland (former resident/owns property in area) is in agreement with the proposed development. Sees it as an improvement to the area.

Councillor Holt inquires as to the proposed development, noting concern from Police Services regarding ‘snout houses’. Mr. Azar advises they ensure compliance in order to appease Police Services.

Councillor Holt to Administration regarding changing the zoning by-law regarding snout houses, given that the subject regularly comes up. Mr. Abbs advises there is nothing in the zoning by-law that specifically addresses that, however, when in-fill and new subdivisions occur, the City tries to work with the developer to ensure that regulations can be put in place to deter that type of development being constructed. In this case, a special provision in the zoning by-law was put in place to specifically prohibit that type of house. Councillor Holt inquires if there’s anything that can be requested of Administration to come forward with a change to the policy that would allay Police Services from bringing forth this type of concern? Mr. Abbs advises the Committee can make that recommendation regarding that design standard. Councillor Holt notes he will be in touch with Administration regarding such request.

Councillor Holt thanks Mr. Azar for his efforts with in-fill development.

Councillor Sleiman addresses Administration regarding the requirement from Public Works that no permit will be provided until curbs, gutters and base concrete are in place. Councillor Sleiman suggests the curbs and gutters would best be added later due to probability of damage/ destruction during construction. Mr. Ruffolo advises this has always been standard practice.

Mr. Gyemi inquires about the properties that back onto Belle Isle View. Mr. Abbs advises some are privately owned and now can be developed, should the owner(s) choose to.

Mr. Gyemi seeks more clarification regarding the 12m as opposed to 15m wide lots. Mr. Abbs advises this was how the original development was laid out in 1926. However, all the interior sides are the same in the RD1.1 category and RD1.2 category. What you will see is some of the homes will be narrower than others, but they’ll have the same spacing and setbacks.

Mr. Gyemi also adds his comments to Councillor Holt’s concerns regarding snout houses and would like to be part of the discussion regarding request to change the zoning by-law. Mr. Abbs advises the change to by-law can be constructed, however, the answer as to why must also be addressed.

Moved by Councillor Sleiman, seconded by Councillor Kusmierczyk.

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

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

2. THAT the owner enters into a servicing agreement with the Corporation of the City of Windsor, such agreement to provide for the following matters:
a. The owner shall agree to include all items as set out herein and other relevant matters set out in CR 233/98 (Standard Servicing Agreement).

b. The owner shall agree that the Chief Building Official shall not be required to issue building permits until such time as the owner has constructed curbs and base asphalt on the final pavement structure fronting the said block;

c. The owner shall agree to extend Eastlawn Avenue and all municipal and utility services. This includes removing the temporary cul-de-sac and barricade, and replace with concrete curbs and gutter, including boulevard, existing driveways and road restoration. All work done to the satisfaction of the City Engineer.

d. The owner shall agree to close and remove all redundant driveway approaches and restore the boulevard to the satisfaction of the City Engineer;

e. In the event the Owner(s) is required to oversize any services, to service other lands, the Owner agrees that any over-sizing costs to be paid by the Corporation to the Owner shall be based on cost-sharing and tender process satisfactory to the City Engineer. Any cost-sharing agreed to will be subject to the approval by the Corporation's City Council. Benefitting landowners will be required to pay their share of servicing costs prior to the release of permits for benefitting lands.

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

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

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

5. THAT the development occur in two phases. The first phase on lands accessible lands from the portion of Eastlawn Avenue currently constructed to municipal standard. The second to commence once access and services are available to the remaining lands.

Motion CARRIED, UNANIMOUSLY AS AMENDED.
7.1 **1849677 ONTARIO LTD. – 3820 Tecumseh Rd. E.**

Mr. Tom Cadman presents the item.

Scott Allen (MHBC) – Agent – Is in complete agreement with the recommendations and is available for questions.

Said, Amira & Hakim Meddaoui (Owner/Applicant) are also present for questions.

The Chair inquires if there is anyone in the audience to speak on this matter.

Mr. Moore inquires if any residents in the building have expressed interest in purchasing their unit once it becomes a condo? Mr. Allen advises that none of the residents have expressed interest at this time. Mr. Allen notes in the short term, the objective is to upgrade the housing stock through improvements, addressing all the requirements. Mr. Moore inquires whether the upgrades are still required should the property not convert to condos? Mr. Cadman advises that all issues raised on the Work Order from the Building Department must be addressed, regardless of whether the application is approved or denied.

Councillor Sleiman inquires whether the request for condominium conversion is to sell off the property in future or for the tax break? Mr. Allen advises his client seeks flexibility in their building stock, thereby having the opportunity to sell separate units, should the opportunity arise, or if they wish to release themselves from that asset. Mr. Allen states that upon reassessment of the property following upgrades, the tax relieve isn’t as high as they would be prior to upgrades.

Councillor Holt to Administration regarding vacancy rate and asks how is it trended? Mr. Cadman advised he checked with CMHC earlier for an update, which was due earlier this month but has yet to come surface. Mr. Cadman suspects it may be up lately.

Councillor Kusmierczyk asks when the current owners acquired the property. Mr. Allen advises the purchase took place August of 2015.

Councillor Kusmierczyk to Administration, regarding parkland conveyance, due the funds stay within that ward? The Chair advises it does not. Mr. Cadman advises the funds are collected and remain with Parks to disperse as required at this time.

Mr. Gyemi inquires if there are other upgrades intended other than those required? Mr. Allen advises that suite upgrades occur as they become vacated. Mr. Allen advises upgrades have been carried out by the current owners.

Mr. Gyemi to the Building Department, inquires whether the lighting requirements are up to code? Mr. Revell confirms they have been updated.

Moved by Councillor Sleiman, seconded by Mr. Moore.

That the application of 1849677 Ontario Limited for approval of a draft plan of condominium for a property legally described as the North Part of Lot 362 to 364, inclusive Plan 961, Parts 1 and 2, 12R-1996, City of Windsor known municipally as 3820 Tecumseh Road East, to permit the conversion of a 3-storey rental apartment building containing 23 residential dwelling units to condominium tenure, as shown on the attached Map No. CDM-005/15-2, **BE APPROVED** subject to the following:
A. The owner shall enter into a condominium agreement to provide for the following together with all items contained in the Consultation section of this report;

B. That the draft plan approval shall lapse on ____________ (3 years from the date of approval);

C. Existing tenants shall be given a right of first-refusal to purchase the dwelling unit they presently occupy;

D. In the event that existing tenants do not exercise their option to purchase their dwelling unit, they shall be offered a life time non-transferable lease which shall be registered on title and binding on all subsequent owners. Such lease shall be satisfactory in form and content to the City Solicitor;

E. The owner shall agree to comply with and remedy all site/building defects and deficiencies, including submission of applicable certificates, as contained in the:
   1. Building Condition Assessment report prepared by TSS Building Science (London) Incorporated, completed April 3, 2015, with all corrections and improvements to be cleared as completed by a Professional Engineer retained by the owner; and
   2. Building Department’s Order to Repair dated October 28, 2015, as included in Appendix ‘A’ of this report.

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

F. The owner shall agree to comply with and address any requirements identified in the Public Works Department – Engineering -Development, Projects & Right-of-Way October 15, 2015 comments (in Appendix ‘A’), as indicated below, to the satisfaction of the City Engineer or designate:
   1. Installation of a sanitary sewer-sampling manhole, if one does not exist, at the property line; and
   2. Registration of an easement centered over the existing municipal sewers on private property.

G. The owner shall agree to remedy all safety and security deficiencies identified in the Windsor Police Services October 19, 2015 comments (in Appendix ‘A’), as indicated below, to the satisfaction of the Director of Planning for Windsor Police Services:
   1. Installation of locks of higher security (i.e. Medeco, Primus) with a key design that is patent protected and where unauthorized key duplication is restricted, on all exterior doors of the building;
   2. Repair or replacement of the fencing at the northeast corner of the property to to deter trespassing through this area of the property;
   3. Provision of a certificate, prepared by a qualified lighting consultant/engineer, verifying that, as per Section 3.2.7.1 of Ontario Regulation 332/12, that every exit, public corridor or corridor providing access to an exit, shall be equipped to provide illumination to an average level of not less than 50 lux (4.64 foot-candles) at floor or tread level and at all points such as angles and intersections at changes of level where there are stairs or ramps and that the minimum value of the illumination shall be not less than 10 lux (0.93 foot-candles);
   4. Removal of any graffiti on the building or other structures on the property; and
   5. Trimming and thinning of all trees and shrubbery located on the site, particularly at in front of first floor windows, to provide appropriate visibility for security purposes.
H. The owner shall agree to submit a photometric plan to both the Corporation’s Landscape Architect and the Director of Planning for Windsor Police Services for approval, prior to final approval and registration of the condominium plan. The photometric plan shall be prepared by a qualified lighting consultant (i.e. lighting engineer, landscape architect, etc.) in accordance with the City Guidelines found in CR228/2005 Lighting Intensity Standards Study, showing all anticipated lighting improvements, including replacement of existing fixtures that are not of “Full Cut-Off” type. The photometric plan shall include any manufacturer product data sheets and verification that any proposed fixtures are ‘Full Cut-Off’, with the following minimum and maximum illumination levels measured in foot-candles (Fc):

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

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

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

The plan is to address the following issues:

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

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

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

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

   a. Every barrier-free entrance shall be equipped with a power door operator. Such power door openers shall be mounted according to the specifications set out in the Ontario Building Code;
b. If a barrier-free entrance incorporates a vestibule (like the primary entrance in this case), a door leading from the vestibule into the floor area shall be equipped with a power door operator; and

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

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

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

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

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

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

The Chair comments regarding the concern over tax implications, noting the considerable amount of investment required for this type of property. In the end, there is a considerable benefit to the tenants, having the building upgraded to current requirements.

Motion CARRIED, UNANIMOUSLY.

7.1 1849677 ONTARIO LTD. – 3580 Seminole St.

Mr. Tom Cadman presents the item. Mr. Cadman advises that Public Works wishes to add a condition to the report.

Mr. Ruffolo in reference to Recommendation I.F.1. Public Works had requested a contribution of $500 regarding alley upkeep. The alley is closed, therefore the recommendation is inappropriate. Also, the property to the north appears to be used as access to the site, therefore, Public Works is asking for those lands to be acquired by the Applicant.

Scott Allen (MHBC) – Agent – Is in complete agreement with the recommendations, are willing to proceed and is available for questions.

Said, Amira & Hakim Meddaoui (Owner/Applicant) are also present for questions.
The Chair inquires if there is anyone in the audience to speak on this matter.

Councilor Holt inquires about the escalation of calls to Police. Amira Meddaoui addresses the question informing the Committee that she manages the building and have added a superintendent and a few staff members who reside in the building in order to give the tenants someone to go to in an emergency situation and to deal with the Police, in the hopes to decrease the number of calls.

Councillor Sleiman inquires whether the alley is owned by the applicant. Mr. Wilson advises the alley had been closed in 2005. Councillor Sleiman inquires to the property north of that. Mr. Wilson informs that is privately owned.

Mr. Moore inquires if this is also a recent acquisition for the Applicants? Mr. Allen confirms the property was purchased in August 2015.

Moved by Councillor Kusmierczyk, seconded by Mr. Moore.

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

A. The owner shall enter into a condominium agreement to provide for the following together with all items contained in the Consultation section of this report;

B. That the draft plan approval shall lapse on ______________ (3 years from the date of approval);

C. Existing tenants shall be given a right of first-refusal to purchase the dwelling unit they presently occupy;

D. In the event that existing tenants do not exercise their option to purchase their dwelling unit, they shall be offered a life time non-transferable lease which shall be registered on title and binding on all subsequent owners. Such lease shall be satisfactory in form and content to the City Solicitor;

E. The owner shall agree to comply with and remedy all site/building defects and deficiencies, including submission of applicable certificates, as contained in the:

1. Building Condition Assessment report prepared by TSS Building Science (London) Incorporated, completed April 3, 2015, with all corrections and improvements to be cleared as completed by a Professional Engineer retained by the owner; and

2. Building Department’s Order to Repair dated October 28, 2015, as included in Appendix ‘A’ of this report.

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

F. The owner shall agree to comply with and address any requirements identified in the Public Works Department – Engineering -Development, Projects & Right-of-Way September 29, 2015 comments (in Appendix ‘A’), as indicated below, to the satisfaction of the City Engineer or designate:
1. Contribution of $500.00, prior to final approval and registration of the condominium plan, payable to the Public Works Department and deposited in the General Fund intended for the upkeep of alleys within the City of Windsor; and

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

3. That the lands to the north (alley) be acquired by the Applicant

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

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

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

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

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

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

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

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

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

The plan is to address the following issues:

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

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

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

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

J. The owner shall agree to re-paint the parking space pavement markings in the parking area in compliance with Section 24.20.10.1 of By-law 8600, including 1 designated and appropriately signed Type ‘A’ (3.5m x 5.5m) accessible parking space and provide a bicycle rack facility for a minimum of 3 bicycles, at a visible and safe location near an entrance to the building, to the satisfaction of the City Engineer and Chief Building Official;

K. 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;

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

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

Motion CARRIED, UNANIMOUSLY AS AMENDED.
The Chair concludes the Planning Act portion of the meeting.

There being no further business, the meeting is adjourned at 5:24 pm.

_________________________________  ____________________________________
Councillor Bill Marra, Chair                  Don Wilson, Secretary

/ms
Subject: Minutes of the Planning Heritage & Economic Development Standing Committee meeting (Planning Act Matters) held January 11, 2016
Planning Act Minutes
Planning, Heritage & Economic Development Standing Committee
City of Windsor

Monday, January 11, 2016
4:34 PM

Members Present:

Chairperson
Ward 8—Councillor Marra

Councillors
Ward 7 - Councillor Kusmierczyk
Ward 5 - Councillor Sleiman (Vice Chairperson)

Planning Act Citizens
Anthony Gyemi
Dorian Moore

Members absent:
Ward 4 — Councillor Holt
Ward 9 — Councillor Payne
Member Bjarneson

Delegations
Ray Belisle (Item 7.1)

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
Tom Cadman, Planner III
Justina Nwaesei, Planner II
Samantha Leger, Co-Op Student - Planning
John Calhoun, Heritage Planner (4:46)
Laura Diotte – Urban Design
Adam Pillon, Engineering
John Revell, Chief Building Official
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 4:34 o’clock p.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None Disclosed.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None Requested.

4. COMMUNICATIONS

None Presented.

5. ADOPTION OF THE PLANNING ACT MINUTES

5.1. Minutes of the Planning, Heritage & Economic Development Standing Committee meeting held November 9, 2015 (Planning Act Matters)

Deferred to the February meeting.

6. PRESENTATION & DELEGATIONS (PLANNING ACT MATTERS)

Please see section 7.1 and 7.2

7. PLANNING ACT MATTERS


Ms. Nwaesei presents the item.

Mr. Rio Aiello – President – Dior Homes – is available for questions.
The Chair inquires if there is anyone in the audience to speak on this item.

Ray Belisle (property owner) – 1453 Parent rental property. Mr. Belisle noted concern over sewer consumption. Advised he had spoken to Councillor Holt as well. Mr. Pillon informed Mr. Belisle that Public Works recommended a backwater valve to avoid flooding in the area. Also through Site Plan Control Process, if there’s a parking lot, the development is restricted to pre-development flows which will not allow any additional water to enter the system through this development.

Mr. Belisle mentioned a few other items to which the Chair advised this forum was in regards to the application brought forth, however, the Chair advised he would personally contact Councillor Holt to respond to Mr. Belisle and follow-up on his property concerns.

Mr. Gyemi to Administration, inquired as to why it was limited to six (6) units? Was it to control the size of development or was that what the applicant requested? Ms. Nwaesei advised it was both. First of all, the Applicant asked for only six units. Also, the neighbourhood is predominantly low density. Although the zoning would permit up to eight (8) units, a cap of 6 units was recommended.

Mr. Gyemi notes 10 parking spaces shown on the rendered drawing attached, which would be adequate for 8 units. Is there a concern for later addition of units? Ms. Nwaesei advised there are areas of zoning issues which will be addressed through the Site Plan Control process, which will impact the number of parking spaces available.

To the applicant, Mr. Gyemi posed several questions regarding building orientation, characteristics, etc., at which point the Chair noted that they are items that are discussed in the Site Plan Control.

Councillor Sleiman asked the Applicant if the property will be a rental or if he intends to convert to condominium? Mr. Aiello advises it will strictly be a rental property. He has no intention of converting to condominium.

Councillor Sleiman asks if the units will be available to the general public. Mr. Aiello advised he is aiming at a more family oriented renters.

Mr. Moore to Administration, inquires whether the building has adequate setbacks? Ms. Nwaesei advised that such details are addressed through Site Plan Control. Mr. Hunt further adds that discussions and negotiations typically occur between departments and the developer at the Site Plan stage to ensure requirements are met, such as setbacks, orientation, parking, etc.

Moved by: Councillor Kusmierczyk
Seconded by: Councillor Sleiman

Decision Number: PHED350
That an amendment to the Zoning By-law 8600 BE APPROVED to change the zoning of the land located on the northwest corner of the intersection of Parent Avenue and Shepherd Street East, described as Lots 162 and 163, Plan 937, from Institutional District 1.1 (ID1.1)
Plan to Residential District 3.1 (RD3.1), and by adding a special zoning provision as shown below:

(i) Notwithstanding the provisions of clause (a) of subsection (1) of Section 12 of By-law 8600, for the land described as Lots 162 and 163, Plan 937, situated on the northwest corner of the intersection of Parent Avenue and Shepherd Street east, a maximum of six dwelling units shall be permitted.

Carried, Unanimously

Agenda Item: S 53/2015
Clerk’s File: ZB/12377

7.2. CDM-006/15 [CDM/4526] - 1849677 Ontario Ltd. – 5501-5533 Reginald St. - Condo Conversion Ward 8

Mr. Tom Cadman presents the item.

Scott Allen (MHBC) – Agent – Is in complete agreement with the recommendations and is available for questions.

Amira Meddaoui & Amine Hakim (Owner/Applicant) are also present for questions.

The Chair inquires if there is anyone in the audience to speak on this matter.

Moved by: Councillor Sleiman
Seconded by: Member Gyemi
Decision Number: PHED 351

I That the application of 1849677 Ontario Limited for approval of a draft plan of condominium for a property legally described as Part of Lot 114, Concession 1, City of Windsor, known municipally as 5501 to 5533 Reginald Street, to permit the conversion of a rental townhome complex containing 17 residential dwelling units to condominium tenure, as shown on the attached Map No. CDM-006/15-2, BE APPROVED subject to the following:

A. The owner shall enter into a condominium agreement to provide for the following together with all items contained in the Consultation section of this report;

B. That the draft plan approval shall lapse on ____________ (3 years from the date of approval);

C. Existing tenants shall be given a right of first-refusal to purchase the dwelling unit they presently occupy;

D. In the event that existing tenants do not exercise their option to purchase their dwelling unit, they shall be offered a life time non-transferable lease which shall be registered on title and binding on all subsequent owners. Such lease shall be satisfactory in form to the City Solicitor;
E. The owner shall agree to comply with and remedy all site/building defects and deficiencies, including submission of applicable certificates, as contained in the:

1. Building Condition Assessment report prepared by TSS Building Science (London) Incorporated, completed April 3, 2015, with all corrections and improvements to be cleared as completed by a Professional Engineer retained by the owner; and

2. Building Department’s Order to Repair dated December 2, 2015, as included in Appendix ‘A’ of this report.

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

F. The owner shall agree to comply with and address any requirements identified in the Public Works Department – Engineering -Development, Projects & Right-of-Way October 26, 2015 comments (in Appendix ‘A’), as indicated below, to the satisfaction of the City Engineer or designate:

1. Submission of Site Servicing Plans for storm, sanitary and water services;

2. Installation of a sanitary sewer-sampling manhole, if one does not exist, at the property line;

3. Removal and replacement of the existing lead-in walk in the Reginald Street right-of-way;

4. Removal of the existing driveway approaches 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;

5. All non-residential driveway approaches of concrete shall be in compliance with City of Windsor Standard Drawing AS-204;

6. 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; and

7. Execution of a reciprocal agreement with the abutting property owners, if required, for services.

G. The owner shall agree to remedy all safety and security deficiencies identified in the Windsor Police Services October 27, 2015 comments (in Appendix ‘A’), as indicated below, to the satisfaction of the Director of Planning for Windsor Police Services:

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

2. Installation of a one-way privacy viewing port on the entry door of each residential unit;

3. Installation of a locking ring/and or post attached to the patio floor or adjacent wall for all residential units to prevent theft of items;
4. Removal of the temporary chain link fence by the dwelling units at the far south end of the property that extends to the wooden privacy fence on the property line, to provide access to the surrounding amenity area; and

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

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

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

I. The owner shall agree to address the requirements identified in the comments from the Corporation’s Landscape Architect’s October 26, 2015 comments (in Appendix ‘A’), as indicated below, to the satisfaction of the Corporation’s Landscape Architect:

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

   The plan is to address the following issues:

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

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

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

J. The owner shall agree to provide a minimum of 1 Type ‘A’ (3.5m x 5.5m) accessible parking space, as per By-law 8600, in the complex parking area, designated with appropriate signage and with access aisles that meet the specifications as set out in the
Integrated Accessibility Standards under the AODA. All improvements are to be to the satisfaction of the City Engineer and Chief Building Official;

K. 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;

II That the owner shall remove the existing sign encroaching into the Reginald Street right-of-way or alternatively, enter into an Encroachment Agreement with the City to provide for the encroachment, to the satisfaction of the Civic Engineer and Chief Building Official.

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

Carried, Unanimously.

Agenda Item: S 64/2015
Clerk’s File: ZP/12403

There being no further business, the meeting of the Planning, Heritage and Economic Development Standing Committee is adjourned at 4:59 o’clock p.m

Ward 8 Councillor Marra
(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.”

REPORT #: S 6/2016  
Report Date: 1/5/2016

To: Mayor and Members of City Council


RECOMMENDATION:

I. That the application of Deauville Apartments Inc. for approval of a draft plan of condominium for a property legally described as Lots 99 to 103, inclusive, Plan 1564, including the 9.144 m wide alley immediately to the north of Lots 99 to 103, inclusive RP1564 (if closed and acquired), City of Windsor known municipally as 8750 Wyandotte Street East, to permit the conversion of a 3-storey rental apartment building containing 36 residential dwelling units, to condominium tenure, as shown on the attached Map No. CDM-007/15-2, BE APPROVED subject to the following:

A. The owner shall enter into a condominium agreement to provide for the following together with all items contained in the Consultation section of this report;

B. That the draft plan approval shall lapse on ____________ (3 years from the date of approval);

C. Existing tenants shall be given a right of first-refusal to purchase the dwelling unit they presently occupy;

D. In the event that existing tenants do not exercise their option to purchase their dwelling unit, they shall be offered a life time non-transferable lease which shall be registered on title and binding on all subsequent owners. Such lease shall be satisfactory in form 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 Cha!l.Eng Consulting Engineers, completed August 18, 2015, 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 December 3, 2015 as included in Appendix A of this report.

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

F. The owner shall agree to comply with and address any requirements identified in the Public Works Department – Engineering - Development, Projects & Right-of-Way November 9, 2015 comments (in Appendix A), as indicated below, to the satisfaction of the City Engineer or designate:

1. Submission of Site Servicing Plans for storm, sanitary and water services;
2. Installation of a sanitary sewer-sampling manhole, if one does not exist, accessible at the property line;
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;
4. Gratuitous conveyance to the Corporation of a 1.8 metre wide road widening across the entire Wyandotte Street East frontage of the property;

G. The owner shall agree to remedy all safety and security deficiencies identified in the Windsor Police Services’ December 11, 2015 comments (in Appendix A), as indicated below, to the satisfaction of the Director of Planning & Physical Resources, Windsor Police Services:

1. Construction of a vestibule at the main exterior door of each of the building’s 6 sections (as indicated on page 4 of Appendix D – Building Section Plan), with the following:
   i. the interior door of each vestibule having locks installed of higher security (i.e. Medeco, Primus) with a key design that is patent protected and where unauthorized key duplication is restricted; and
   ii. a communication (i.e. intercom) and building entry system, with resident directory panel, within each vestibule, that enables residents within each of the building’s 6 separate sections to communicate with visitors prior to granting access to the building and that no resident names appear on the resident directory panel or alternatively, installation of a wireless doorbell system, with a resident directory panel (resident names should not appear on the panel), for all units in each of the building’s 6 sections, that would allow residents to respond to a visitor’s ring, go to the interior door of the vestibule and permit entry;

2. Alternatively, if no vestibule is constructed at the main exterior door of each of the building’s 6 sections (as indicated on page 4 of Appendix D – Building Section Plan), the following is acceptable:
   i. 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 the 6 existing main exterior doors and that these doors be kept locked;
   ii. installation of a communication (i.e. intercom) and building entry system, with resident directory panel, that enables residents within each of these sections to communicate with visitors prior to granting access to the building and that
no resident names appear on the resident directory panel or alternatively, installation of a wireless doorbell system, with a resident directory panel (resident names should not appear on the panel), for all units in each of the building’s 6 sections, that would allow residents to respond to a visitor’s ring, go to the main exterior door and permit entry;

3. 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 the existing rear exterior doors of each of the building’s 6 separate sections (as indicated on page 4 of Appendix D – Building Section Plan) and that these doors be kept locked;

4. Installation of a one-way privacy viewing port on the entry door of each resident unit within the building;

5. 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);

6. Installation of a locking ring/and or post attached to the patio floor or adjacent wall of all residential units on the ground floor to prevent theft of items stored on the patio;

7. Removal or reconfiguration of the parking spaces abutting the rear entry doors of Sections C and D (as indicated on page 4 of Appendix D – Building Section Plan) to provide unrestricted access and installation of “No Parking” signage and/or pavement markings in front of the doors;

8. Replacement of the existing municipal address on the sign in front of the building with a minimum address number height of 3 inches for a location no greater than 25 feet (7.5m) from the curb line or edge of pavement and a minimum address number height of 6 inches for a location greater than 25 feet (7.5m) from the curb line or edge of pavement, as per By-law 196-2011; and

9. Affixing on the main door of each of the 6 sections (as indicated on page 4 of Appendix D – Building Section Plan) within the building, the range of unit numbers found in each section - i.e. ‘Section A: Units 101-30’; a minimum address number height of 3 inches is required for a location no greater than 25 (7.5m) feet from the curb line or edge of pavement, as per By-law 196-2011.

H. The owner shall agree to submit a photometric plan to 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 November 23, 2015 comments (in Appendix ‘A’), as indicated below, to the satisfaction of the Corporation’s Landscape Architect:
   1. Provision of visual screening with tall evergreen shrubs in the planting bed along the south fence line of the pool enclosure to provide more privacy.

J. The owner shall agree to address the requirements identified in the Diversity and Accessibility Officer’s December 24, 2015 comments (in Appendix ‘A’), as indicated below, to the satisfaction of the Diversity and Accessibility Officer and the Chief Building Official:
   1. Installation of a ramp in compliance with all applicable legislation and regulations including the AODA and Ontario Building Code, that meets the specifications as set out in the Integrated Accessibility Standards (s. 80.23) under the AODA, to provide access to the 6 main doors located on the lower level of the building (as indicated on page 4 of Appendix D – Building Section Plan); and
   2. Construction of a slip resistant walkway in compliance with all applicable legislation and regulations including the AODA and Ontario Building Code, that meets the specifications as set out in the Integrated Accessibility Standards (s. 80.23) under the AODA, from the parking area to the ramp described in the previous condition.

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, 7 visitor parking spaces designated with appropriate signage and a bicycle rack facility accommodating a minimum of 4 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 acquire the alley at the rear of the property in order to provide adequate room for maneuvering and parking spaces within the alley, to the satisfaction of the City Engineer and Chief Building Official;

III That the owner shall either remove the parking spaces, encroaching onto the Wyandotte Street East right-of-way, on the east and west side of the building or enter into an Encroachment Agreement with the Corporation in order to provide for the existing parking spaces, to the satisfaction of the City Engineer, and Chief Building Official;

IV That the owner shall grant an easement in favor of the property owner of 564 Alan Crescent for access to the rear of their property from Wyandotte Street East;

V Final approval of the plan of condominium shall not be considered until all of the required works or undertakings identified in the ‘Recommendations’ 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 Wyandotte Street East, between Isack Drive and Westchester Drive and is known municipally as 8750 Wyandotte Street East (Lots 99 to 103, inclusive, Plan 1564).
WARD: 6  PLANNING DISTRICT: 19  ZDM: 14
APPLICANT: DEAUVILLE APARTMENTS INCORPORATED
AUTHORIZED AGENT: Shibley Righton LLP (Jerry Goldberg)
PROPOSAL: The applicant is applying for condominium approval to permit the conversion of a 3-storey apartment building constructed in 1963, containing 36 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>36 Residential Dwelling Units</td>
<td>Total 45 spaces on site – 2 of which encroach on Wyandotte Street East 12 more encroach on the alley at the rear of the property</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>80.21 m</td>
<td>48.5 m</td>
<td>0.57 hectares</td>
<td>Total 45 spaces</td>
</tr>
<tr>
<td>263.16 ft</td>
<td>159.12 ft</td>
<td>1.4 acres</td>
<td></td>
</tr>
</tbody>
</table>

All measurements are approximate.

NEIGHBOURHOOD CHARACTERISTICS:
The subject property has frontage on the north side of Wyandotte Street East. The surrounding uses are comprised of singled detached dwellings to the north, rental apartment buildings and semi-detached residential dwellings to the south, a rental apartment building to the east and a condominium apartment building to the west.

TRAFFIC, ACCESS AND PARKING:
The building and parking area have access from Wyandotte Street East, a Class II Arterial Road and the parking area has access off of Wyandotte Street East.

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 Lauzon 10 bus route exists along Wyandotte Street East, adjacent to the subject property, and the Crosstown 2 bus route exists on Riverdale Avenue, a few blocks to the east.

DISCUSSION:
During the review and consideration at PHEDSC (Nov 9th 2015) of the related Street and Alley Closing application - File SAA/4480, John and Susan Malone, owners of the adjacent property at 564 Alan Crescent, backing onto the alley, objected to the closure as it would prevent them from accessing their rear yard for storage of a boat.

Since there is no access to the alley from the east or west, the only way for the Malones to access their rear yard is through the Deauville Apartment Inc. property. Therefore, Administration has included as a condition of approval of this condominium conversion application, that Deauville Apartment Inc. provide an easement in favor of John and Susan.
Malone to access their rear yard from Wyandotte Street East. A similar requirement has also been included in the alley closing for an easement for 564 Allen Crescent.

**RISK ANALYSIS:**

N/A

**FINANCIAL MATTERS:**

N/A

**CONSULTATIONS:**

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

**PLANNING ACT MATTERS:**

**PLANNING ANALYSIS:**

**Official Plan:**

The subject property is designated “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 0.6 percent of the existing rental supply.

Rent rolls were not submitted for this property. However, based on similar buildings in the area, this building is probably comprised predominantly of 2-bedroom apartments. 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 45 surface parking spaces available on the property, 2 of which encroach on the Wyandotte Street East right-of-way and an additional 12 spaces encroach on the alley on the north side of the building. In order to permit the continued use of the existing parking spaces encroaching onto the alley, Administration has included a condition of approval requiring the applicant to acquire the alley. In the event the applicant cannot obtain approval to acquire the alley, the applicant will be required to enter into an Encroachment Agreement with the City to permit parking within the alley.

It should be noted that this same requirement was applied for the approval of the condominium conversion of 8650 Wyandotte Street East, the apartment building on adjacent property to the west.

The applicant has applied to close and acquire this alley under related File SAA/4480, which was deferred by PHEDSC on November 9, 2015 so it could be dealt with at the same time as this condominium conversion application.

The applicant will also be required to submit an application to enter into an Encroachment Agreement with the City to permit parking on the Wyandotte Street East right-of-way.
There currently does not appear to be a parking problem with this property. Since the approval of this application will only result in a change of tenure of the dwelling units in the building, not the overall number of units and given the proximity to a Transit Windsor bus route on Wyandotte Street East, as well as the availability of on-street parking in the general area, 45 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, 7 visitor parking spaces designated with appropriate signage and a bicycle rack facility accommodating a minimum of 4 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 through the Draft Plan Approval of the plan of subdivision - Registered Plan 1564 (refer to Council Resolution CR416/2007 in Appendix ‘B’).

**ACCESSIBILITY:**

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

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

**ISSUES TO BE RESOLVED:**

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

**CONCLUSION:**

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

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

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

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

SAH   HR

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

BUILDING INSPECTION DIVISION:

ORDER TO REPAIR

UNDER THE MAINTENANCE AND OCCUPANCY BY-LAW
147-2011
AS AMENDED BY BY-LAW 213-2011

To: DEAUVILLE APARTMENTS INC.  
UNIT # 2179, 124 STREET  
SURREY, BRITISH COLUMBIA  
V4A 3M4

Description: PLAN 1564, LOT 99 to LOT 103  
262.91 FR IRR. D

Property Address: 8750 WYANDOTTE ST. E.

Roll Number: 060-330-05400-0000

Violation Number: 15 214508

Date of Inspection: December 3, 2015

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

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

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

TAKE NOTICE that the property, owned by you, situated at: 5501 REGINALD ST  
Does not conform to the standards set forth in By-law Number 147-2011 as amended by By-law 213-2011

DESCRIPTION OF PROPERTY:

36 UNIT APARTMENT BUILDING – 3 FLOORS WALK-UP
DEFECT 1 (ELECTRICAL & FIRE ALARM)
Section 1.1
Every owner of a residential property shall maintain the property or part thereof they occupy or control in a clean, sanitary and safe condition in accordance with municipal by-laws.

CORRECTION
1 - The owner shall request an Electrical Safety Authority inspector to carry out an inspection of the electrical wiring for the entire property and prepare a report listing the existing hazards or unsafe conditions and deficiencies. The owner shall obtain the services of a competent Licence Electrical Contractor to make all necessary repairs to the electrical systems and provide a letter from the Electrical Authority stating that inspections have been carried out and the building is safe to occupy.

2 - Submit recent Fire Alarm Verification Report.

DEFECT 2 (HANDRAILS OR GUARDS)
Section 1.10
A handrail or guard shall be provided and maintained in good repair as follows:
(a) At least one side of stairs less than 1 100 mm (3ft 7in) in width,
(b) two sides of stairs 1 100 mm (3ft 7in) in width or greater, and
(c) two sides of a curved stair used as an exit.
(d) Handrails are not required for stairs
   i) within dwelling units having not more than 2 risers, or
   ii) for exterior stairs having not more than 3 risers and serving not more than one dwelling unit.
(e) Only one handrail is required on exterior stairs having more than 3 risers provided such stairs serve not more than one dwelling unit.

CORRECTION
Install exterior Handrails to both sides of each of the concrete entrance steps to lower level.

DEFECT 3 (INTERIOR CLADDING OF WALLS & CEILINGS)
Section 3.2
Interior claddings of every wall and ceiling shall be maintained so as to be free of large holes, cracks, leaks, deteriorating material, visible mould and mildew, and loose material.

CORRECTION
Repair the cracked interior finish on the wall of Courtyard Stairwell F.

DEFECT 4 (EXTERIOR WALLS)
Section 1.7
All exterior walls shall be maintained in a watertight condition and in good repair so that they remain straight, level and plumbed (unless otherwise designed), presenting an appearance that is uniform and neat in the opinion of the Officer and free from any damaged, defective, unsecured or deteriorated materials and any conditions that may result in the infestation of rodents, vermin or insects.

CORRECTION
1 – COURTYARD RETAINING WALLS – Repair the interior concrete retaining walls AND concrete sill which shows areas of cracking and deterioration.

2 – MASONRY - There is localized cracking in the brick masonry facade: step cracking above several windows, vertical masonry cracking at corners, and mortar loss and deteriorated masonry units, in particular below the first level windows and areas of past snow piling. Mortar joints are to be re-pointed in areas of loose or deteriorated mortar, replace damaged sections, and repair lintels showing corrosion.
3 – WINDOWS/ DOORS
   a) There are several areas of loose/cracked sealant at the perimeter of windows and doorways. Apply new weather-resistant caulking around all exterior gaps where required, around windows, doors, and any other penetrations through the exterior walls.
   b) The concrete threshold under some entry doors has large cracks and voids, allowing moisture to enter, creating further deterioration. Repair all concrete thresholds at exterior entry doors to prevent water damage.

DEFECT 5 (STAIRS, PORCHES and LANDINGS)
Section 1.9
All stairs, porches, landings, loading docks, guards, handrails, balconies, canopies, awnings, fire escapes, rainwater pipes, flashings, and supports for solar panels, air conditioners, and all similar equipment shall be maintained in good repair, properly anchored and free from defects and unsafe conditions.

CORRECTION

1 – BALCONY SLABS – There are several locations of spalling and cracking on the balcony slabs, with deterioration of some slabs to the point where concrete has fallen off, and there is corrosion at the slab edges. Balcony at Unit #9 has exposed re-bar. All balconies are to be repaired by an approved contractor specializing in concrete repair, apply a waterproof membrane / sealant to the underside of the slab, and install drip edges to prevent further deterioration.

2 – BALCONY GUARDRAILS – Some of the tubular steel supports of the guards have begun to show rust. In Unit #37, the mid-post of the guardrail had completely rusted off. Repair all guards where required, ensure adequate support and paint and seal as required to ensure longevity of the guards for safety.

**NOTE:** ALL PERTINENT PERMITS MUST BE OBTAINED PRIOR TO COMMENCING WORK ON 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: November 5, 2016

Dated at Windsor, Ontario, on December 4, 2015

John Revell, MCIP, RPP
Chief Building Official

Per:

Oliver Pozar
Inspector/Property Standards Officer
Building Department
Telephone: 519-255-6611 x6184
e-mail: opozar@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:
8750 Wyandotte Street East
(Deauville Apartments Incorporated)

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
December 11th, 2015

BACKGROUND

The Windsor Police Service has no objection to the proposed plan of condominium application for the property located at 8750 Wyandotte Street East (file CDM-007/15) to convert the existing apartment building from rental status to condominium status. Approval 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 Friday December 4th, 2015 with the following findings:

1. The main exterior doors on the front of each of the building’s 6 (sections ‘A’ through ‘F’) sections were found to be absent of any locks or similar access control measures. Since there are no vestibules at these 6 entry points, anyone can very easily enter without detection and gain access to the building and common areas (such as coin operated laundry facilities). This is not safe. Furthermore, there is no tenant board that might offer the ability for tenants to be contacted by visitors without compromising the building’s security.

   **Recommendation:** These doors must be properly secured, either by way of a vestibule with locked interior door or exterior door locks if no vestibule is to be installed. In either situation, a tenant board with intercom should be installed to all for the secure screening and admittance of visitors if feasible. Another acceptable alternative would be the implementation of wireless...
2. Most of the main entry doors for each apartment unit have one way viewing ports to allow tenants to see who is at the door before opening it. However the unit inspected did not have this on one of its doors. All other necessary target hardening features for each unit were found to be in good working order (such as dead bolt locks, steel door frames, locks for all windows, solid core doors, etc.). **Recommendation:** All residential units must have a privacy viewing port to allow tenants to safely screen visitors.

3. Interior stairwells had lighting however light fixtures were only located at floor levels with no lights for intermediate landings, creating darker areas. **Recommendation:** All stairwells need proper illumination that provides lighting for the entire space. This can be rectified either by adding fixtures at intermediate landings or increasing the wattage of existing lights.

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

5. The ground floor residential units have no means to properly secure BBQ's, bicycles, etc. This increases the risk for theft. **Recommendation:** Each ground floor unit needs to have an eye bolt anchor or heavy duty lock ring installed into the adjacent wall or concrete pad to permit personal items of value to be locked and secured.

6. There are rear common entry doors for each of the building’s 6 sections that are kept locked and only accessible by tenants and maintenance staff. However the inspection revealed that the rear doors for Units ‘C’ and ‘D’ were blocked by parking spaces that come right up to the edge of the building. A clear access path must be maintained for these doors at all times. **Recommendation:** A clear path, suitable to permit easy, ongoing pedestrian entry and egress for back doors ‘C’ and ‘D’ must be established by way of highly visibly pavement markings to denote no parking is allowed. These pavement markings are to be accompanied by a sign above each door stating “No Parking”.

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

8. The building’s main address number on the sign out front is very small (only 2” high) and difficult to see easily from the adjacent roadway (Wyandotte Street), creating difficulties for police responders to easily and quickly locate the building when called in an emergency situation. **Recommendation:** The address number on the lawn sign needs to be a minimum of 5” high, mounted on a background of contrasting colour, and not have any obstructions so that it can be easily seen from the roadway. An additional number of equal size should also be mounted on the building’s façade facing Wyandotte Street.
9. It was difficult to quickly and properly identify the individual addresses associated with each of the 6 building sections. When police are called to assist, there will be confusion locating a particular unit within a particular section. **Recommendation:** Each of the 6 lettered sections of the building should have the range of individual address numbers stenciled on the glass of the main door and this lettering should be at least 4” high (ex: Section ‘E’: Units 134 – 338).

10. The lines that demarcate parking spaces in the surrounding surface parking lot are faded in some areas. **Recommendation:** Parking lot should be re-painted, including visitor spaces.

11. 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, however they are not full cut off (which is the City standard) and total illumination output is not known (but appears inadequate). The owner needs to ensure lighting for the property is adequate.

**Recommendations:**

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

**SUMMARY**

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

As a point of reference, the subject address does generate a regular number of calls requiring police response and intervention on an annual basis. A review of the police incident history at the property has been made for the past four complete years plus year-to-date as of the end of November and is summarized below. These calls are predominantly for such incidents as disorderly conduct, domestic disputes, fights, break and enter, noise, suspicious persons, and summons/subpoenas.

<table>
<thead>
<tr>
<th>YEAR</th>
<th>8750 Wyandotte Street East</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>19</td>
</tr>
<tr>
<td>2012</td>
<td>27</td>
</tr>
<tr>
<td>2013</td>
<td>36</td>
</tr>
<tr>
<td>2014</td>
<td>32</td>
</tr>
<tr>
<td>2015 (YTD as of Nov 30)</td>
<td>9</td>
</tr>
<tr>
<td><strong>Average</strong></td>
<td><strong>24.6 incidents per year</strong></td>
</tr>
</tbody>
</table>

Therefore our recommendation would be to grant approval of the application subject to the successful resolution of all safety and security deficiencies noted. This would be confirmed in a follow up inspection after the applicant makes all necessary corrections.
WINDSOR FIRE & RESCUE SERVICES:
WFRS has no concerns regarding the conversion to condos.

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

PLANNING – LANDSCAPE ARCHITECT:
Pursuant to the application for draft plan of condominium approval to permit the conversion of an existing rental apartment building to condominium status at 8720 Wyandotte St. 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.

1. Provide a photometric plan to the satisfaction of Windsor Police and the Corporation’s Landscape Architect, pursuant to the standards of Council Resolution 228/2005, showing adequate coverage of all parking and pedestrian circulation areas.
2. The existing exterior entryway lighting is not acceptable. Replace existing exterior lighting and provide any additional required lighting in accordance with the approved photometric plan. 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:
3. Provide visual screening with tall evergreen shrubs in the planting bed along the south fence line of the pool enclosure to provide more privacy.

C) SITE AMENITIES
Other than the pool there are no other site amenities including playground equipment, picnic tables, benches etc. on the site. There are some concerns raised around the pool area however and the Corporation’s Landscape Architect supports the recommendations made by the Property Standards Inspector with respect to the structural items in the Landscape.

Recommended:
4. Bicycle rakes at each of the southern entrances to the building for bicyclists residing at the complex to secure their vehicles.

Required If Applicable:
5. Fulfillment of General Provision Parkland Conveyance as per the Planning Act Section 42 (1) at a rate of 2% for Commercial and Industrial uses and 5% for all other uses. 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
PWD – ENGINEERING - DEVELOPMENT, PROJECTS & RIGHT-OF-WAY:

We have reviewed servicing requirements of the subject land pertinent to a condominium conversion application. The applicant is requesting approval of a Plan of Condominium conversion of three storey apartment building containing 36 dwelling units from rental to condominium tenure. The subject lands are located on the north side of Wyandotte St between Isack Drive and Westchester Drive.

The site may be serviced by a 375mm diameter PVC sanitary sewer which is located on the north side of Wyandotte Street East and by a 250mm diameter VP storm sewer located on the south side of Wyandotte Street East. A site servicing plan and sampling manhole will be required for the subject property given that there is no record. Reciprocal agreements for servicing and access way be required.

The Wyandotte Street East right-of-way width, does not meet City Official Plan Schedule X requirements which is 28m. The right-of-way is currently 24.4m and as such a 1.8m land conveyance is required along the entire Wyandotte Street East frontage of the subject lands. The existing driveway approaches meet City Standard.

The existing/proposed angled parking along the north of the building is encroaching on the alley and does not comply with City Bylaw #25-2015. A Street and Alley closing application has been submitted to the City for the subject alley. If approved, parking would be permitted as proposed on the north side. If Alley Closing is unsuccessful an encroachment application would be required.

This department has no objection to the applicant's request subject to the following condition:

Site Servicing Plans- The owner agrees to submit a site servicing plan (storm, sanitary, water) for the subject lands to the satisfaction of the Chief Building Official, the City Engineer and ERCA in regulated areas, prior to the issuance of any construction permits for the subject lands.

Sanitary Sampling Manhole - The owner agrees to install a sanitary sampling manhole accessible at the property line of the subject lands to the City Engineer at all times. The determination of the requirement or interpretation if a sampling manhole exists, or exceptions to such, will be to the satisfaction of the City Engineer.

Street Opening Permits- The applicant 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.

Land Conveyance- The owner agrees to convey 1.8m along the entire Wyandotte Street East frontage to meet the City Official Plan Schedule X requirements of 28m right-of-way.

Alley Acquisitions- The owner agrees to acquire the alley abutting the subject property if closed by the Street and Alley Closing Committee

OR

Encroachment Agreement- The owner agrees to apply for an encroachment agreement for the parking within the alley.

Tony Ruffolo, Right-of-Way Supervisor

PWD - TRANSPORTATION PLANNING:

The above noted application is for approval of a plan of condominium to permit the conversion of a 3 storey apartment building containing 36 dwelling units from rental to condominium tenure. There are a
total of 45 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:

- Wyandotte Street East is classified as a Class II Arterial road with a required right-of-way width of 28m, as per Schedule X of the Official Plan. The current right-of-way width is 24.4m; therefore, a land conveyance 1.8m is required.
- The minimum required accessible parking spaces should be provided on the subject property.
- Based on parking requirements set out in the Zoning By-Law, a minimum of 4 bicycle parking spaces provided on the subject property is required.
- The proposed change from apartment to condominium tenure will not have a negative impact on the transportation system.

PWD - ENVIRONMENTAL SERVICES:
With respect to the above noted application for condominium status, there are no issues for collection assuming the location of the bin remains the same. They need to ensure the specs of the enclosure will allow us enough room to collect. The doors are required to be open for us to collect as well. I would ask 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) Given the pod configuration of the building (each entrance only leads to several units) the most practical thing that can be done to maximize accessibility is create an accessible path leading from the closest parking lot to the lower units. In order to do this:
   - An accessible walkway and ramp must be built from the closest parking lot to a
   - Ramp (which needs to be built) to access the units on the lower level.

   I have no preference as to which side of the building the accessible path should lead from.

Walkway (to connect parking lot to ramp going down to lower units)

1) The walkway should be constructed and maintained as slip-resistant, level and free from all obstructions. The walkway shall be in compliance with the AODA. See Integrated Accessibility Standards s. 80.23 (regulation under the AODA)
   https://www.ontario.ca/laws/regulation/110191#BK122

Parking spaces
The accessible parking spots should be in the parking lot adjacent to the accessible route to the lower level units.

Accessible Parking and Access aisles (according to AODA)

2) 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.

3) Ramp – The ramp which needs to be put in to access the lower units must comply with all applicable legislation including the AODA. See Integrated Accessibility Standards s. 80.24 (regulation under the AODA) https://www.ontario.ca/laws/regulation/110191#BK122

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 $1,443,000 @ Multi-Res Tax Rate (.04347812) = $62,738.93 (without penalty/interest charges etc.)

2015 Assessment of $1,443,000 @ Residential Tax Rate (.01829756) = $26,403.37 (without penalty/interest charges etc.)

This would be the worst case scenario with a Tax Loss of... $36,335.56

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 = 0.04347812
2015 Residential Tax Rate = 0.01829756

<table>
<thead>
<tr>
<th>Location</th>
<th>No of Units</th>
<th>2015 Multi-Res. Assessment prior to conversion</th>
<th>CVA Tax @ Multi-residential Rate*</th>
<th>Assessment per unit after conversion</th>
<th>CVA Taxes/unit @ Residential rate*</th>
<th>Total CVA Taxes @ Residential rate*</th>
<th>2015 Annualized Tax loss*</th>
</tr>
</thead>
<tbody>
<tr>
<td>8750 Wyandotte St East.</td>
<td>36</td>
<td>$1,443,000</td>
<td>$62,739</td>
<td>$40,083</td>
<td>$733</td>
<td>$26,403</td>
<td>- $36,335</td>
</tr>
</tbody>
</table>

* Values Rounded up

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

Rick Murdoch,
Assessment Data Analyst

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

OFFICIAL PLAN POLICIES & COUNCIL RESOLUTION REGARDING CONDOMINIUM CONVERSIONS

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

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

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

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

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

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

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

(a) the definition of affordable rental housing is the least expensive of:

   (i) a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or

   (ii) a unit for which the rent is at or below the average market rent of a unit in the regional market area (Windsor and Essex County).
Council will evaluate the approval of a plan of condominium for the conversion of an existing residential rental building to condominium status according to the following criteria:

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

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

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

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

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

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

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

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

(i) the condition of the development as it relates to the safety and security of residents under the requirements of the Ontario Fire Code;
(j) the condition of public and private infrastructure including sidewalks and sewerage systems.

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

**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. PL.010233)

(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 ‘D’ – Plan of Condominium
PLAN OF CONDOMINIUM (CONVERSION)

APPLICANT: Deauville Apartments Inc.

SCALE: N.T.S
DATE: October, 2015
FILE NO: CDM-007/16-1

PLANNING & BUILDING DEPARTMENT
PLAN OF CONDOMINIUM (CONVERSION)

APPLICANT: Deauville Apartments Inc.

LEVELS 1, 2 and 3
Building Sections Plan

ALLEY

Rear Property Line

Section C

Section D

Section B

Section A

Section E

Section F

LEVELS 1, 2 and 3

Wyandotte Street East

PLAN OF CONDOMINIUM (CONVERSION)

APPLICANT: Deauville Apartments Inc.
APPENDIX “E” – Site Photos (January 14, 2016)

Street View – looking north at front of building

Street View – looking N/W at east side of building

Street View – looking N in east side parking area

Street View – looking N/E at west side of building
View in Alley – NE corner of property looking west

View in Alley – N/W corner of property looking west

View in Alley – NW corner of property looking east

View at east side stairs looking N/W
View looking east at main entry door for Section F on lower level
Subject: Minutes of the Planning, Heritage & Economic Development Standing Committee meeting held December 14, 2015
Members Present:

Chairperson
Ward 8—Councillor Marra

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

Planning Act Citizens
Anthony Gyemi
Dorian Moore

Heritage Act Citizens
Lynn Baker
Andrew Foot
John Miller

Members absent:
Member Bjarneson
Member Chamely
Member DiMaio

Delegations
Tony Azar, Applicant (Item 7.3)
Tim McWilliams, resident (Item 7.3)
Rob Strickland, former property owner/resident (Item 7.3)
Scott Allen, Mike Meddaoui and Said Meddaoui, representing the owner (Item 7.1 & 7.2)
David Anstett and Marissa Limoge, representing U-Haul (Item 11.1)
Frank LaRosa, representing Full Service Group Construction (Item 10.1)
James & Patricia Hong, owners (Item 10.1)
ALSO PRESENT ARE THE FOLLOWING FROM ADMINISTRATION:

- Wira Vendrasco, Deputy City Solicitor
- Thom Hunt, Executive Director Planning, Building Services/City Planner
- Don Wilson, Manager of Development Applications
- John Revell, Chief Building Official
- Tony Ruffolo, Right of Way Supervisor
- Greg Atkinson, Planner III Economic Development
- Jim Abbs, Planner III
- John Calhoun, Heritage Planner
- Anna Ciacelli, Supervisor of Council Services
- Marianne Sladic, Steno Clerk Senior

1. CALL TO ORDER

The Chairperson calls the meeting of the Planning, Heritage and Economic Development Standing Committee to order at 4:34 o’clock p.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None Disclosed.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None Requested.

4. COMMUNICATIONS

None Presented.

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

Moved by: Member Gyemi
Seconded by: Councillor Kusmierczyk

THAT the minutes of the Planning, Heritage & Economic Development Standing Committee meeting held November 9, 2015 (Planning Act Matters) BE APPROVED as presented.

Carried.

Agenda Item: SCM 22/2015
Clerk’s File:

6. PRESENTATION & DELEGATIONS (PLANNING ACT MATTERS)

Please see section 7.1, 7.2, and 7.3.

7. PLANNING ACT MATTERS


Moved by: Councillor Sleiman
Seconded by: Member Moore

Decision Number: PHED 345

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

A. The owner shall enter into a condominium agreement to provide for the following together with all items contained in the Consultation section of this report;

B. That the draft plan approval shall lapse on ____________ (3 years from the date of approval);

C. Existing tenants shall be given a right of first-refusal to purchase the dwelling unit they presently occupy;

D. In the event that existing tenants do not exercise their option to purchase their dwelling unit, they shall be offered a life-time non-transferable lease which shall be registered on title and binding on all subsequent owners. Such lease shall be satisfactory in form and content to the City Solicitor;
E. The owner shall agree to comply with and remedy all site/building defects and deficiencies, including submission of applicable certificates, as contained in the:

1. Building Condition Assessment report prepared by TSS Building Science (London) Incorporated, completed April 3, 2015, with all corrections and improvements to be cleared as completed by a Professional Engineer retained by the owner; and

2. Building Department’s Order to Repair dated October 28, 2015, as included in Appendix ‘A’ of this report.

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

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

1. Installation of a sanitary sewer-sampling manhole, if one does not exist, at the property line; and

2. Provide City with an easement centered over the existing municipal sewers on private property, at it’s entire expense.

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

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

2. Repair or replacement of the fencing at the northeast corner of the property to deter trespassing through this area of the property;

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

4. Removal of any graffiti on the building or other structures on the property; and

5. Trimming and thinning of all trees and shrubbery located on the site, particularly at in front of first floor windows, to provide appropriate visibility for security purposes.

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

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

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

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

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

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

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

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

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

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

   a. Every barrier-free entrance shall be equipped with a power door operator. Such power door openers shall be mounted according to the specifications set out in the Ontario Building Code;
b. If a barrier-free entrance incorporates a vestibule (like the primary entrance in this case), a door leading from the vestibule into the floor area shall be equipped with a power door operator; and

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

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

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

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

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

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

Carried.

Agenda Item: S 50/2015
Clerk’s File: ZP/12384

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

Moved by: Councillor Kusmierczyk
Seconded by: Member Moore

Decision Number: PHED 346
I That the application of 1849677 Ontario Limited for approval of a draft plan of condominium for a property legally described as Lots 52 to 54, inclusive, Plan 1071, City of Windsor known
municipally as 3580 Seminole Street, to permit the conversion of a 3-storey rental apartment building containing 17 residential dwelling units, to condominium tenure, as shown on the attached Map No. CDM-004/15-2, BE APPROVED subject to the following:

A. The owner shall enter into a condominium agreement to provide for the following together with all items contained in the Consultation section of this report;

B. That the draft plan approval shall lapse on ____________ (3 years from the date of approval);

C. Existing tenants shall be given a right of first-refusal to purchase the dwelling unit they presently occupy;

D. In the event that existing tenants do not exercise their option to purchase their dwelling unit, they shall be offered a life time non-transferable lease which shall be registered on title and binding on all subsequent owners. Such lease shall be satisfactory in form and content to the City Solicitor;

E. The owner shall agree to comply with and remedy all site/building defects and deficiencies, including submission of applicable certificates, as contained in the:

1. Building Condition Assessment report prepared by TSS Building Science (London) Incorporated, completed April 3, 2015, with all corrections and improvements to be cleared as completed by a Professional Engineer retained by the owner; and

2. Building Department’s Order to Repair dated October 28, 2015 as included in Appendix ‘A’ of this report.

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

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

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

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

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

1. Installation of locks of higher security (i.e. Medeco, Primus) with a key design that is patent protected and where unauthorized key duplication is restricted, on all exterior doors of the building;
2. Provision of a certificate, prepared by a qualified lighting consultant/engineer, verifying that, as per Section 3.2.7.1 of Ontario Regulation 332/12, every exit, public corridor or corridor providing access to an exit, shall be equipped to provide illumination to an average level of not less than 50 lux (4.64 foot-candles) at floor or tread level and at all points such as angles and intersections at changes of level where there are stairs or ramps and that the minimum value of the illumination shall be not less than 10 lux (0.93 foot-candles);

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

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

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

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

   f. uncovered parking areas - 0.5 min./4.0 max.;
   g. walkways - 0.5 min./2.0 max.;
   h. building entrances - 3.5 min./8.0 max.;
   i. loading and outdoor garbage storage areas - 1.0 min./2.5 max.; and
   j. after hours lighting (11:00pm to 5:00am) - 0.5min./2.0max.

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

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

The plan is to address the following issues:

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

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

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

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

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

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

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

b. If there are steps at a barrier free entrance, a ramp must be provided in accordance with legislation;

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

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

K. The owner shall agree to provide a minimum of 1 Type ‘A’ (3.5m x 5.5m) accessible parking space, as per By-law 8600, as close as possible to the main entrance or secondary entrance, designated with appropriate signage and access aisles that meet the specifications as set out in the Integrated Accessibility Standards under the AODA and a bicycle rack facility accommodating a minimum of 3 bicycles at a visible and safe location near an entrance to the building. All improvements are to be to the satisfaction of the City Engineer and Chief Building Official;
L. The owner shall agree to provide adequate storage space for appropriate and approved garbage, recycling and yard waste containers, in compliance with municipal by-laws, to the satisfaction of the Manager of Environmental Services and Chief Building Official;

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

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

Carried.

Agenda Item: S 27/2015
Clerk’s File: ZP/12383


Moved by: Councillor Sleiman
Seconded by: Councillor Kusmierczyk

Decision Number: PHED 347
1. THAT an amendment to Zoning By-law 8600 BE APPROVED amending the zoning of Lots 55 to 86 (inclusive) and Part of Lot 87, Registered Plan 1211, City of Windsor; located at 1166 Eastlawn Avenue and 0 Eastlawn Avenue, from Institutional District 1.1 (ID1.1) and Residential District 1.1 (RD1.1) to Residential District 1.2 (RD1.2) and adding a site specific provisions as follows:

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

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

   a. The owner shall agree to include all items as set out herein and other relevant matters set out in CR 233/98 (Standard Servicing Agreement).

   b. The owner shall agree that the Chief Building Official shall not be required to issue building permits until such time as the owner has constructed curbs and base asphalt on the final pavement structure fronting the said block;

   c. The owner shall agree to extend Eastlawn Avenue and all municipal and utility services. This includes removing the temporary cul-de-sac and barricade, and
replace with concrete curbs and gutter, including boulevard, existing driveways and road restoration. All work done to the satisfaction of the City Engineer.

d. The owner shall agree to close and remove all redundant driveway approaches and restore the boulevard to the satisfaction of the City Engineer;

e. In the event the Owner(s) is required to oversize any services, to service other lands, the Owner agrees that any over-sizing costs to be paid by the Corporation to the Owner shall be based on cost-sharing and tender process satisfactory to the City Engineer. Any cost-sharing agreed to will be subject to the approval by the Corporation's City Council. Benefitting landowners will be required to pay their share of servicing costs prior to the release of permits for benefitting lands.

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

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

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

5. THAT the development OCCUR in two phases. The first phase on lands accessible lands from the portion of Eastlawn Avenue currently constructed to municipal standard. The second to commence once access and services are available to the remaining lands.

Carried.

Agenda Item: S 21/2015
Clerk’s File: ZP/12328

8. ADOPTION OF THE MINUTES
Minutes  
Planning, Heritage & Economic Development Standing Committee  
Monday, December 14, 2015

8.1. Minutes of the Planning, Heritage & Economic Development Standing Committee meeting held November 9, 2015

Moved by: Member Foot  
Seconded by: Councillor Kusmierczyk

THAT the Minutes of the Planning, Heritage & Economic Development Standing Committee meeting held November 9, 2015 BE ADOPTED as presented.

Carried.

Agenda Item: SCM 27/2015  
Clerk’s File:

9. PRESENTATIONS AND DELEGATIONS (COMMITTEE & ADMINISTRATIVE MATTERS)

Please see Item 10.1

10. HERITAGE ACT MATTERS

10.1. Hong Family House, 1566 Pillette Road - Heritage Alteration Permit & Community Heritage Fund

John Calhoun, Heritage Planner, appears before the Planning, Heritage and Economic Development Standing Committee and provides background regarding the Heritage Alteration Permit & Community Heritage Fund for 1566 Pillette Road—Hong Family House and provides some detail regarding the work that has been completed.

Mr. LaRosa, representing Full Service Group Construction, appears before the Planning, Heritage and Economic Development Standing Committee regarding the Heritage Alteration Permit & Community Heritage Fund for 1566 Pillette Road—Hong Family House and indicates there are very minimal alterations being done and provides some detail regarding the actual alterations.

Councillor Sleiman questions the type of work and whether committee approval should be required since it is very minimal. Administration provides information on the process with these types of applications.

Councillor Holt inquires about the additional information that was provided and received clarification from Administration. Administration provides information regarding the additional amount of $559.35 that is being requested for brick/work repair that was requested and indicates that the funds are available and an amendment to the recommendation will be required.

Councillor Holt also acknowledges the Hong Family for their efforts in preserving local heritage.
Moved by: Councillor Holt  
Seconded by: Member Baker

Decision Number: **PHED 348**

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

II. THAT a Community Heritage Fund grant for an amount of $10,132 and an additional amount of $559.35 for brick work/repair of the Hong Family House, 1566 Pillette Road, **BE APPROVED**, provided that funds up to the approved amount will be disbursed when work is complete, and work receipts produced. The Chief Building Official and the City Planner will determine if work is according to applicable codes and historic standards.  
Carried.  

councillor Payne was absent when the vote was taken on this matter.

**Agenda Item: S 51/2015**
Clerk’s File: MB/10970

11. **ADMINISTRATIVE ITEMS**

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

Greg Atkinson, Planner III, appears before the Planning, Heritage and Economic Development Standing Committee and provides background regarding the Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 9082 TECUMSEH (CANADA) LTD / AMERCO / U-Haul for the former Wickes Manufacturing / Windsor Bumper Co. facility located at 9082, 9100, and 9152 Tecumseh Road East (Ward 8) and acknowledges all the hard work completed by all parties involved. He indicates that Americo has applied for a number of grants totaling $1.6 million in grants and tax cancellations over a 13 year period. This is the maximum available through the CIP program.

David Anstett and Marissa Limoge, representing U-Haul, appear before the Planning, Heritage and Economic Development Standing Committee and provides background regarding the Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 9082 TECUMSEH (CANADA) LTD / AMERCO / U-Haul for the former Wickes Manufacturing / Windsor Bumper Co. facility located at 9082, 9100, and 9152 Tecumseh Road East (Ward 8) and are pleased with the report, indicating the property will be used for the future.

Councillor Kusmierczyk thanks the applicants and inquires as to the timeline when they will be open for business. The applicants explain they are doing the renovations in 3 phases over the next
6 years. They indicate that vehicles are being rented currently on site, next they will work on the storage areas, and they’d like to complete the work prior to the timeline indicated if possible.

Councillor Kusmierczyk inquires about financial details of the fund. Mr. Atkinson provides an explanation regarding the fund and the balance.

Councillor Sleiman inquires as to the financial component of the project. Administration explains the financial components in detail as per Appendix A.

The applicant indicates repairs to the building are underway. Vehicles are stored outside the building currently and extensive work has been completed to the outside of the site. Repairs to the interior of the building are ongoing.

Moved by: Councillor Kusmierczyk
Seconded by: Councillor Sleiman

Decision Number: PHED 349
THAT the request made by 9082 TECUMSEH (CANADA) LTD to participate in the Environmental Study Grant Program BE APPROVED for the proposed Phase II Environmental Site Assessment Study and Risk Assessment Study at 9082, 9100 and 9152 Tecumseh Road East pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and

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

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

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

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

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

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

Carried.
Councillor Payne was absent when the vote was taken on this matter.

Agenda Item: S 57/2015
Clerk’s File: Z/8955

12. COMMITTEE MATTERS

None presented.

13. QUESTION PERIOD

None.

14. ADJOURNMENT

There being no further business, the meeting of the Planning, Heritage and Economic Development Standing Committee is adjourned at 5:56 o’clock p.m
Subject: Minutes of the Planning, Heritage & Economic Development Standing Committee meeting held January 11, 2016
Minutes
Planning, Heritage & Economic Development Standing Committee
City of Windsor

Monday, January 11, 2016
4:30 PM

Members Present:

Chairperson
Ward 8 – Councillor Marra (Chairperson)

Councillors
Ward 7 - Councillor Kusmierczyk
Ward 5 – Councillor Sleiman

Planning Act Citizens
Member Gyemi
Member Moore

Members
Member Baker
Member Chamely

Regrets--Councillors
Councillor Payne
Councillor Holt

Regrets--Planning Act Citizens and Members
Member Bjarneson
Member DiMaio
Member Foot
Member Miller

Delegations
Mr. Rio Aiello – President – Dior Homes (Item 7.1)
Ray Belisle, resident (Item 7.1)
Scott Allen (MHBC) – Agent representing Applicant (Item 7.2)
Amira Meddaoui & Amine Hakim (Owner/Applicant) (Item 7.2)
ALSO PRESENT ARE THE FOLLOWING FROM ADMINISTRATION:
   Wira Vendrasco, Deputy City Solicitor
   Thom Hunt, Executive Director Planning, Building Services/City Planner
   Don Wilson, Manager of Development Applications
   John Revell, Chief Building Official
   Adam Pillon, Right of Way Supervisor
   Justina Nwaesie, Planner II Development Review
   Thomas Cadman, Planner III Subdivisions
   Laura Diotte, Planner III Special Projects
   John Calhoun, Heritage Planner
   Anna Ciacelli, Supervisor of Council Services
   Marianne Sladic, Steno Clerk Senior

1. CALL TO ORDER

   The Chairperson calls the meeting of the Planning, Heritage and Economic Development Standing Committee to order at 4:34 o'clock p.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

   None disclosed.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

   None requested.

4. COMMUNICATIONS

   None presented.

5. ADOPTION OF THE PLANNING ACT MINUTES

   None presented.
6. PRESENTATION & DELEGATIONS (PLANNING ACT MATTERS)

Please see Planning Act Minutes Re: Items 7.1 and 7.2

7. PLANNING ACT MATTERS

7.1. 1762643 Ontario Inc. (Dior Homes) - 1493 Parent Ave. - Zoning By-law Amendment to permit construction of a multi-unit residential building. Ward 4

Moved by: Councillor Kusmierczyk
Seconded by: Councillor Sleiman

Decision Number: PHED 350
That an amendment to the Zoning By-law 8600 BE APPROVED to change the zoning of the land located on the northwest corner of the intersection of Parent Avenue and Shepherd Street East, described as Lots 162 and 163, Plan 937, from Institutional District 1.1 (ID1.1) to Residential District 3.1 (RD3.1), and by adding a special zoning provision as shown below:

(i) Notwithstanding the provisions of clause (a) of subsection (1) of Section 12 of By-law 8600, for the land described as Lots 162 and 163, Plan 937, situated on the northwest corner of the intersection of Parent Avenue and Shepherd Street east, a maximum of six dwelling units shall be permitted.

Carried.

Agenda Item: S 53/2015
Clerk’s File: ZB/12377

7.2. 1849677 Ontario Ltd. - 5501 to 5533 Reginald Street - Condominium Conversion Ward 8

Moved by: Councillor Sleiman
Seconded by: Member Gyemi

Decision Number: PHED 351
That the application of 1849677 Ontario Limited for approval of a draft plan of condominium for a property legally described as Part of Lot 114, Concession 1, City of Windsor, known municipally as 5501 to 5533 Reginald Street, to permit the conversion of a rental townhome complex containing 17 residential dwelling units to condominium tenure, as shown on the attached Map No. CDM-006/15-2, BE APPROVED subject to the following:
A. The owner shall enter into a condominium agreement to provide for the following together with all items contained in the Consultation section of this report;

B. That the draft plan approval shall lapse on ____________ (3 years from the date of approval);

C. Existing tenants shall be given a right of first-refusal to purchase the dwelling unit they presently occupy;

D. In the event that existing tenants do not exercise their option to purchase their dwelling unit, they shall be offered a lifetime 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 TSS Building Science (London) Incorporated, completed April 3, 2015, with all corrections and improvements to be cleared as completed by a Professional Engineer retained by the owner; and

2. Building Department’s Order to Repair dated December 2, 2015, as included in Appendix ‘A’ of this report.

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

F. The owner shall agree to comply with and address any requirements identified in the Public Works Department – Engineering -Development, Projects & Right-of-Way October 26, 2015 comments (in Appendix ‘A’), as indicated below, to the satisfaction of the City Engineer or designate:

1. Submission of Site Servicing Plans for storm, sanitary and water services;

2. Installation of a sanitary sewer-sampling manhole, if one does not exist, at the property line;

3. Removal and replacement of the existing lead-in walk in the Reginald Street right-of-way;

4. Removal of the existing driveway approaches 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;

5. All non-residential driveway approaches of concrete shall be in compliance with City of Windsor Standard Drawing AS-204;

6. 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; and

7. Execution of a reciprocal agreement with the abutting property owners, if required, for services.
G. The owner shall agree to remedy all safety and security deficiencies identified in the Windsor Police Services October 27, 2015 comments (in Appendix ‘A’), as indicated below, to the satisfaction of the Director of Planning for Windsor Police Services:

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

2. Installation of a one-way privacy viewing port on the entry door of each residential unit;

3. Installation of a locking ring/and or post attached to the patio floor or adjacent wall for all residential units to prevent theft of items;

4. Removal of the temporary chain link fence by the dwelling units at the far south end of the property that extends to the wooden privacy fence on the property line, to provide access to the surrounding amenity area; and

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

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

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

I. The owner shall agree to address the requirements identified in the comments from the Corporation’s Landscape Architect’s October 26, 2015 comments (in Appendix ‘A’), as indicated below, to the satisfaction of the Corporation’s Landscape Architect:

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

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

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

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

J. The owner shall agree to provide a minimum of 1 Type ‘A’ (3.5m x 5.5m) accessible parking space, as per By-law 8600, in the complex parking area, designated with appropriate signage and with access aisles that meet the specifications as set out in the Integrated Accessibility Standards under the AODA. All improvements are to be to the satisfaction of the City Engineer and Chief Building Official;

K. 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;

II That the owner shall remove the existing sign encroaching into the Reginald Street right-of-way or alternatively, enter into an Encroachment Agreement with the City to provide for the encroachment, to the satisfaction of the Civic Engineer and Chief Building Official.

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

Carried.

Agenda Item: S 64/2015
Clerk’s File: ZP/12403

The meeting of the Planning, Heritage and Economic Development Standing Committee is adjourned at 4:59 o’clock p.m. due to lack of quorum. No further business is conducted.

8. ADOPTION OF THE MINUTES

N/A

9. PRESENTATIONS AND DELEGATIONS (COMMITTEE & ADMINISTRATIVE MATTERS)

N/A
10. HERITAGE ACT MATTERS

10.1. 446 Indian Road (Sandwich HCD) - Request for Demolition

Due to lack of quorum this item is not discussed.

11. ADMINISTRATIVE ITEMS

N/A

12. COMMITTEE MATTERS

N/A

13. QUESTION PERIOD

N/A

14. ADJOURNMENT

Due to lack of quorum, the meeting of the Planning, Heritage and Economic Development Standing Committee is adjourned at 4:59 o’clock p.m

Ward 8 Councillor
Bill Marra (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”

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<td>Author’s Contact:</td>
<td>Date to Council: February 8, 2016</td>
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<tr>
<td>John R. Calhoun</td>
<td>Clerk’s File #: MBA/2274</td>
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<td><a href="mailto:jcalhoun@citywindsor.ca">jcalhoun@citywindsor.ca</a></td>
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To: Mayor and Members of City Council

Subject: Heritage Recognition Awards 2016

RECOMMENDATION:
THAT the Built Heritage Awards for 2016 BE APPROVED for the owners of 167-181 Ferry Street, 1291-1293 Victoria Avenue, 793 Devonshire Road and 1241-1247 Wyandotte Street East; and
THAT the owners of these four properties and of one recently designated property (the Montreuil-Buckland-Vichos House at 4187 Riverside Drive East) BE RECOGNIZED for their contributions to the City of Windsor.

EXECUTIVE SUMMARY:
N/A

BACKGROUND:
For many years the City Council has recognized property owners for long-time heritage stewardship and/or recent well-done rehabilitations. Also, owners of newly designated buildings have been presented a heritage plaque. These recognitions have often been in conjunction with Heritage Week in Ontario in late February.

DISCUSSION:
Heritage designation plaque:

One property received heritage designation in 2015, and its owners are to be recognized with a plaque: The Montreuil-Buckland-Vichos House at 4187
Riverside Drive East (corner Rossini Boulevard) was built in 1924 with cobblestone walls. The saucer magnolia tree in front is a notable property feature. Owners Jerry Kavanaugh and Stephen Berrill of ADA Architects bought this house from their firm’s founder and rehabilitated it; they received a Built Heritage Award in 2012.

**Built Heritage Awards:**

The Committee and Council are asked to choose properties for Built Heritage Awards for 2016. Recognition could be for reasons such as a long-term good property stewardship or a recent well-done rehabilitation. Properties must be within Windsor, but need not be on the Windsor Municipal Heritage Register. The following have been nominated by the PHEDSC heritage at-large members; other properties may also be considered:

**Windsor Star, now University of Windsor, 167-181 Ferry Street** – Register listed 2007-2008, approval for partial demolition 2012 – Work is nearing completion on the School of Social Work, housed in two former Windsor Star buildings. The facades have been retained and/or reconstructed faithfully, and a contemporary addition constructed to the west. Toronto Architect Craig Goodman is the lead designer.

**Semi-detached residences, 1291-1293 Victoria Avenue** – Register listed 2013 – This red brick building constructed about 1927 has two units, each two storeys. It has a hipped roof, tall side chimneys and stone sills. A curving balustrade extends the full width of an open porch, with brick piers. The rounded first-floor porch is supported by square wood columns with Ionic caps; the second floor has balusters. The owner faithfully reproduced the deteriorated porch features with designs matching the original elements; she utilized the services of architect Surendra Bagga.
Chick-McDougald House, 743 Devonshire Road – Register listed 2012 – The entrance of this c.1930 Tudor Revival house is on a 45° angle in the inset of an L, and it has half-timbering on the second storey of the projected front gable. The new owner has repointed the brick, replaced the driveway and sidewalks and installed a new kitchen.

Windsor Youth Centre, 1241-1247 Wyandotte Street East – not listed – This is a two-and-one-half-storey brick house with a one-storey storefront addition. The rehabilitation for the Windsor Youth Centre retained much of the original woodwork, retaining a home-like feel to the meeting spaces for at-risk youth.

Official Plan:

The Official Plan states that “Council will recognize Windsor’s heritage resources by: … Presenting plaques and certificates to buildings and persons representing the outstanding restoration and conservation of Windsor’s heritage resources by means of an annual heritage conservation awards programme.” (9.3.3.1.(e))

“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:

No risk has been identified.

FINANCIAL MATTERS:

A minimal cost will be incurred for certificates. The cost of the plaque is paid from the heritage committee operating fund.

CONSULTATIONS:

Heritage at-large members of the Standing Committee met in January in-person and by email to discuss possible awardees.
CONCLUSION:

The owners of the newly designated property should be recognized by presentation of a plaque, and the owners of four properties should be given Built Heritage Awards to recognize their good heritage stewardship for their properties and for the residents of the City of Windsor.
**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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To: Mayor and Members of City Council

Subject: Willistead Park, 1899 Niagara Street - Benches

Ward 2

**RECOMMENDATION:**
That the benches and litter bins selected for Willistead Park (per Appendix ‘B’) to **BE APPROVED**.

**EXECUTIVE SUMMARY:**
N/A

**BACKGROUND:**

Under the requirement of Ontario Heritage Act and the designation for Willistead, modifications to the park are to be considered by the Planning, Heritage & Economic Development Standing Committee, and City Council for approval.

Willistead was Windsor’s first heritage designation, in 1976 (By-Law No. 5334). Later, amendments to the Ontario Heritage Act provided for descriptions of heritage features to be included in the by-laws, and an amended designation was approved in 2012 (By-Law No. 149-2012; statement of significance attached as Appendix ‘A’). An identified feature is “Its setting on 6.2 hectares of parkland, with open spaces and stands of mature shade trees, and limited hardscape features”.

Design changes to the grounds of Willistead Park were submitted in late 2013; these included relocation and widening of pedestrian paths, gateway modifications, and
changes to the setting of the Queen Victoria Fountain. Council approved changes to the walkways in March 2014 (M137-2014) and other items were to be determined later.

**DISCUSSION:**

This report outlines the changes to occur in Willistead Park prior to Art in the Park (June, 2016). Other changes to the grounds will be presented in a later report.

**Proposal:**

Several new elements yet to be installed are being presented for PHEDSC and Council approval. These elements include:

- pedestrian benches
- trash receptacles

Specific design details are included in Appendix ‘B’. The benches and trash receptacles are the same as the new facilities approved and installed in Paterson Park in the Sandwich Heritage Conservation District. The concrete pads for these items have already been installed.

**RISK ANALYSIS:**

There is minimal risk in approving this Heritage Alteration Permit. The proposed park furniture is consistent with high quality, durable design installed elsewhere in the City.

**FINANCIAL MATTERS:**

Funds are through a previous capital program approved by Council for improvements to Willistead Park.

**CONSULTATIONS:**

The Parks Department (Michael Clement) consulted with the Planning Department to ensure that the alterations to Willistead Park were consistent with the designation of the park.

**CONCLUSION:**
The proposed installation at the Willistead property is consistent with the heritage designation by-law, with a design fitting well in the context of the park grounds. Approval is thus recommended.

**APPROVALS:**

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**APPENDICES:**

‘A’ – Heritage designation by-law, statement of significance
‘B’ – Design of benches and trash receptacles
Willistead, 1899 Niagara Street
By-Law No. 149-2012 approved by City Council, October 15, 2012

This schedule amends By-Law No. 5334 (approved January 12, 1976) to include Reasons for Designation.

SCHEDULE “B”

REASONS FOR DESIGNATION:

DESCRIPTION OF HISTORIC PLACE

Built from 1904 to 1906, Willistead comprises three Tudor Revival-style buildings (a 2-1/2 storey manor house, a 2-1/2 storey coach house and a 1-1/2 storey gate house) on 6.2 hectares of parkland. It is located in the premier residential area of the former town of Walkerville.

HISTORICAL VALUE

The historical value of Willistead resides in its outstanding Tudor Revival style architecture and in its association with the family of Hiram Walker, who founded Walkerville, which is now part of the City of Windsor. It also has social value as an important community resource for many decades since 1921. Willistead Manor has locational value and landmark status as the “crown jewel” of this historic Walkerville neighbourhood.

Willistead was completed in 1906 for E. (Edward) Chandler Walker (1851-1951), second son of distillery magnate Hiram Walker, who established the model “company” town of Walkerville. Chandler was founding president (1890) of the Walkerville Land and Building Company and, following his father’s death in 1899, became president of Hiram Walker and Sons. In 1921, his surviving brothers, with the concurrence of his widow, Mary Elizabeth Griffin Walker, donated the estate to the Town of Walkerville for public use, ushering in Willistead’s lengthy history as an important community resource. In subsequent years, the manor house was occupied by town council and police, a library and the Art Gallery of Windsor. Following restoration in 1978-81, it became a conference and special-events facility.

DESIGN VALUE

Willistead was designed in the style of an opulent 16th century English Tudor manor home by renowned Detroit architect Albert Kahn, during his pre-industrial period (1888-

1 1915
The epitome of Edwardian elegance, with both Elizabethan and Jacobean characteristics, the grand, 36-room, L-shaped manor house features superior materials and craftsmanship, combining half-timber construction, rustic stone, brick and ornately carved wood under a picturesque grouping of medieval red tile roofs and chimneys.

The coach house, which originally housed horses and carriages with living quarters on the upper floors, and the gate house, which served as the gardener’s cottage, display a continuity of external materials, workmanship and design, effectively complementing the manor house. An iron fence with limestone piers, designed by Stahl Kinsey and Chapman, c. 1915, surrounds the flagstone courtyard of the manor house and the entire site. Other structures of note include the stone portico (19th century) moved from Hiram Walker’s home in Detroit, and the Queen Victoria Diamond Jubilee Fountain, the Walker family’s gift to Walkerville in 1897 (moved from the Walkerville train depot in 1958); both stand in the park.

CONTEXTUAL VALUE

The Willistead complex, in its park setting, has landmark status as the centrepiece of this premier residential neighbourhood developed by the Walkers in the early decades of the 1900s. Comprising many architecturally significant heritage buildings, Walkerville was modelled after Britain’s innovative “Garden City Plan.”

CHARACTER-DEFINING ELEMENTS

Features that contribute to the historical value of Willistead Manor include:

- Outstanding interior details of the manor house (first and second storeys, primary north-south section); these include marble fireplaces, quarter-cut oak paneling in most principal rooms, hand-carved balustrade and newel posts on the elegant wide staircase leading from the Great Hall, other hand-carved ornamental woodwork featuring typically Elizabethan motifs including Tudor Roses, and fixtures that are original or replicated from early documentation; also the large scale of the great hall, dining room, “morning room” and library;
- Its relationship to other significant Walkerville heritage homes;
- Its proximity to St. Mary’s Anglican Church (1904), commissioned by Hiram Walker’s Sons in memory of their parents;
- The Queen Victoria Diamond Jubilee Fountain (1897) relocated to the park;
- The stone portico relocated from Hiram Walker’s home in Detroit.

Exterior features that contribute to the historical value of the Willistead Manor include:

2 Stahl
- High contrast half-timbering, combined with stonework, brick and stucco;
- Overall quality of materials and craftsmanship (e.g., an Austrian-trained wood carver executed the exterior and interior wood carvings, and Scottish stonemasons hand cut and fitted the limestone quarried in Amherstburg);
- Hand-carved exterior verge boards;
- Steeply pitched red clay-tile roof slightly flared at the base, with gabled dormers;
- Tall and prominent chimneys, with each chimney pot of a different design;
- Variety of windows, including many multi-pane leaded windows.

**Characteristic that contributes to the contextual value of Willistead Manor include:**

- The size and grandeur of the manor house with complementary coach house and gate house;
- Its setting on 6.2 hectares of parkland, with open spaces and stands of mature shade trees, and limited hardscape features; and
- Enclosure of the entire property by an iron and limestone fence with a gate house.
Appendix ‘B’: Benches, Litter Units

Trystan Ultra Plus Bench

Trystan TU-3A Litter Unit

Trystan TU3a 2 liner recyclers
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 73/2015
Report Date: 12/18/2015
Author’s Contact: Donald Wilson
Manager of Development Applications
519-255-6543 ext. 6392
dwilson@citywindsor.ca

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

To: Mayor and Members of City Council

Subject: Conveyance of part of closed alley between Walker Road and Turner Road abutting 3527 Walker Road (to be consolidated with 3511 Walker Road) - SAA/4586
Ward 9

RECOMMENDATION:

I. That City of Windsor By-law 187-2000 registered on title June 16, 2000 as Instrument Number LT274866 BE AMENDED as follows:

2.(i) alley lands abutting properties zoned CD3.3 on Walker Road being conveyed at the price of $11.00 per square foot without easements or $5.50 per square foot with easements, proportionate share of survey cost and deed preparation in addition.

II. That the City Solicitor BE DIRECTED to prepare an 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.

EXECUTIVE SUMMARY:

N/A
**BACKGROUND:**

By-law Number 187-2000 approved the closure and conveyance of the north/south alley between Walker Road and Turner Road from Lappan Avenue to Calderwood Avenue and registered on title on June 16, 2000 as Instrument Number LT274866. The alley lands being conveyed are subject to easements in favour of Enwin Utilities Limited, The Windsor Utilities Commission, Bell Canada and Cogeco Cable registered on title June 22, 2002 as Instrument Number LT275306. The alley will therefore be conveyed at $5.50 per square foot plus proportionate share of survey and deed preparation fees.

**DISCUSSION:**

The new owner of the property at 3527 Walker Road (Plan 1126, Lots 727 & 728) (to be consolidated with 3511 Walker Road – Plan 1126, Lots 729-731) has requested conveyance of his one-half width portion of the noted alley being Parts 24 and 25, 12R17983. Council’s policy requires administration to review the conveyance price to reflect current land values. Administration has determined that the conveyance price needs to be adjusted upward to $5.50 per square foot for lands containing easements.

**RISK ANALYSIS:**

There is no known risk associated with this conveyance. Amending the by-law will allow for the conveyance of the closed alley to the abutting property owner for possible development.

**FINANCIAL MATTERS:**

Registration costs of the amending by-law will be borne by the City. Administration is recommending that the conveyance price be set as follows:

- alley lands abutting properties zoned CD3.3 with easements on Walker Road being conveyed at the price of $11.00 per square foot without easements or $5.50 per square foot with easements, proportionate share of survey cost and deed preparation in addition

**CONSULTATIONS:**

Comments were received from Frank Scarfone, Manager of Real Estate Services regarding the current land value.

**CONCLUSION:**
The City of Windsor closed the subject alley with the intention of conveying it to the abutting land owners. The amending by-law will allow for the conveyance of the alley at current land values to the abutting owner.

APPENDICES:

1. Appendix "A"-Extract from 12R17983
2. Appendix "B" - Drawing
STREET AND ALLEY CLOSING
APPENDIX 'B'

APPLICANT: 

SCALE: 1:500

DATE: January, 2016
FILE NO: SAA/4588
MAP NO: 1

PLANNING DEPARTMENT - DEVELOPMENT DIVISION
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 25/2016
Report Date: 1/20/2016
Author’s Contact:
Adam Szymczak
Senior Planner
519-255-6543 ext 6250
aszymczak@citywindsor.ca

Date to Council: February 8, 2016
Clerk’s File #: Z2016

To: Mayor and Members of City Council

Subject: Removal of Holding Symbol Application Fee Review - City Wide - M76-2015

RECOMMENDATION:

THAT this report BE NOTED AND FILED.

EXECUTIVE SUMMARY:

N/A

BACKGROUND:

On March 2, 2015, City Council approved motion M76-2015:

“Moved by Councillor Gignac, seconded by Councillor Marra,

M76-2015 That Administration BE DIRECTED to report back to Council on draft recommendations that could be used going forward, on how to more equitably apply the “Holding” fee charge.”

Some property owners believe that the current fee to remove the “H” symbol is excessive where the property owner also gratuitously conveys land to the City as a condition of removing of the “H” symbol.
DISCUSSION:

Section 36 of the Planning Act authorizes municipalities to use the holding symbol “H” in conjunction with any use designation in a zoning by-law, in order to specify the use to which any lands, buildings or structures may be put to at such time in the future as the holding symbol is removed by amendment to the by-law. Such a procedure provides the applicant with certainty about the future use of the property.

The Holding symbol also permits the municipality to withhold land from development or redevelopment for an interim period until such time the conditions have been satisfied. Holding symbols are used to achieve orderly staging of development, to ensure adequate infrastructure and community services and facilities are or will be available, to mitigate negative impacts of incompatible land uses or any source of nuisance or hazard and to ensure the execution of legal agreements, approval of subdivision plans or approval of necessary studies, among other things.

Several sections of the Planning Act authorize municipalities to obtain gratuitous land conveyances for road widening or other municipal purposes as a condition of approvals under the Planning Act. A gratuitous conveyance is not the only means to acquire land for road widening and other right-of-way improvements.

The City may purchase land on a willing-buyer willing seller basis or it may expropriate the land for the right-of-way improvement. The former requires a property owner that is willing to sell the land at an agreeable price. The latter can be a lengthy and costly process.

The long standing provincial approach to development in Ontario is that development should pay for itself, rather than have the general taxpayer pay for development. This is evidenced not only by the provisions of the Planning Act, but also the Development Charges Act.

Tunnock Consulting Ltd was retained in the fall of 2007 to conduct a User Fee Review in the Building & Development Department (CAO773). The guiding principal for the User Fee Review was to ensure that the fees are able to recover full costs to provide its services. This is in keeping with the above noted concept that development pays for itself. Development charges, oversizing costs, local improvement and other fees are examples of new development being required to pay for infrastructure and other development costs.

The consultant determined the indirect and direct costs of processing planning applications and made several recommendations in a report to Council. Tunnock Consulting Ltd recommended that “the application fees and fees for other services be designed to reflect full cost recovery”. The consultant stated that “full cost recovery ensures that taxpayers at large do not subsidize specific services consumed or used by the development industry”.

Page 2 of 4
Tunnock calculated salary and benefit costs of $925.57 and overheard costs of $200.35 to process an application to remove the holding symbol. These costs include staff time in confirming conditions have been satisfied, preparation of legal documents such as development agreements or land transfers, the preparation and processing of an amending by-law, mailing notifications and processing amendments to the zoning maps.

The consultant recommended an application fee of $1,126.00 for the removal of the Holding Symbol in 2008. The fee charged by the City of Windsor at the time of the report was $264.00.

As of January 4, 2016, the City of Windsor charges an application fee of $1,297.40 to remove a Holding Symbol.

It is noted that the cost associated with removing the H symbol are not significantly affected by the nature of the conditions to be satisfied. Arbitrarily choosing a lower fee because the public perceives the fee to be unfair is less equitable to everyone, as some applicants would be paying full cost recovery and other applicants would be paying less than full cost recovery.

Lowering fees will move the department away from full cost recovery, will have a budgetary impact and will likely result in future demands for other fee reductions that are not based on full cost recovery. Reducing a fee or introducing a new lower fee category means either increasing other fees or addressing the departmental budgetary impact by transferring these costs to the general taxpayer by way of increased taxes.

**RISK ANALYSIS:**

N/A

**FINANCIAL MATTERS:**

Any reduction in the fee for removing the holding symbol will have a negative budgetary impact.

**CONSULTATIONS:**

Wira Vendrasco, Deputy Solicitor, Legal Services
Don Wilson, Manager of Development Review, Planning & Building Services
CONCLUSION:

Any changes to the current fee structure will move the department and the City away from full cost recovery, will introduce inequality to the fee structure by increasing other fees to make up for any budgetary shortfalls and will likely increase demands for other fee reductions and/or the creation of special fee categories.

Based on the above, Administration does not recommend any change to the application fee for removing the holding symbol.

However, should council wish to reduce the fee or provide a different fee for a different purpose, the appropriate resolution would be:

“THAT the application fee for removing the holding symbol when the only condition is the gratuitous conveyance of land for the purpose of road widening BE REDUCED to $(amount to be determined by Council)”

Council will have to provide direction as to the desired fee for this application if it is not to be at the full cost recovery amount.

APPROVALS:

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<tr>
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<tr>
<td>Adam Szymczak</td>
<td>Senior Planner</td>
</tr>
<tr>
<td>Thom Hunt</td>
<td>City Planner and Executive Director Planning &amp; Building Services</td>
</tr>
<tr>
<td>Shelby Askin Hager</td>
<td>City Solicitor and Corporate Leader Economic Development and Public Safety</td>
</tr>
<tr>
<td>Helga Reidel</td>
<td>Chief Administrative Officer</td>
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NOTIFICATIONS:

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APPENDICES: NONE
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 2/2015  Report Date: 10/7/2015
Author’s Contact:
Justina Nwaesei
Planner II - Development Review
519-255-6543 ext. 6165
jnwaesei@citywindsor.ca

Date to Council: 11/9/2015
Clerk’s File #: SAA2015

To: Mayor and Members of City Council

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

RECOMMENDATION:
I. That the 9.14 metres (30 feet) wide east/west alley located north of Wyandotte Street East, west of Westchester Drive, abutting the north lot lines of the properties known as 8750 and 8850 Wyandotte Street East, and shown as Parts 1 and 2 on Drawing No. CC-1683 attached hereto as Appendix “A”, BE ASSUMED for subsequent closure;

II. That the 9.14 metres (30 feet) wide east/west alley located north of Wyandotte Street East, west of Westchester Drive, abutting the north lot line of the property known as 8750 Wyandotte Street East, and shown as Part 1 on Drawing No. CC-1683 attached hereto as Appendix “A”, BE CLOSED AND CONVEYED entirely to the abutting property owner fronting on Wyandotte Street East (i.e. owner of 8750 Wyandotte Street East), subject to easements as noted in Recommendation IV below;

III. That the 9.14 metres (30 feet) wide east/west alley located north of Wyandotte Street East, west of Westchester Drive, abutting the north lot line of the property known as 8850 Wyandotte Street East, and shown as Part 2 on Drawing No. CC-1683 attached hereto as Appendix “A”, BE CLOSED AND CONVEYED to the abutting property owners, subject to easements as noted in Recommendation IV below;

IV. That the closures noted above in Recommendations II and III be implemented subject to the following:
a. Easements, subject to their being accepted in the City’s standard form and in accordance with the City’s standard practice, be granted to:

i. Bell Canada, Cogeco Cable Canada LP, & Enwin Utilities Ltd.

V. Conveyance Cost **BE SET** as follows:

a. For land abutting properties zoned RD1.1: $1.00 plus deed preparation fee and proportionate share of the survey cost as invoiced to the Corporation by an Ontario Land Surveyor.

b. For land abutting properties zoned RD3.4: $53.82 per square metre ($5.00 per square foot) without easements or $26.91 per square metre ($2.50 per square foot) with easements. Survey cost & deed preparation fee included.

VI. That The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number. CC-1683, **attached** hereto as Appendix “A”;

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

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

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

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

**EXECUTIVE SUMMARY:**

N/A

**BACKGROUND:**

Deauville Apartments Inc. (c/o Ricky Genovese), owner of the property known as 8750 Wyandotte Street East, applied to close the 30ft (9.14m) wide east/west alley north of Wyandotte St. E., west of Westchester Dr., abutting the property municipally known as 8750 Wyandotte St. E., shown as Part 1 on Drawing No. CC-1683 **attached** hereto as Appendix “A”.

The applicant provided the following reason for requesting the closure:
The closure would facilitate the incorporation of the entire alley width into the lands known as 8750 Wyandotte Street East, for the purpose of Condo conversion application.

The subject alley appears untraveled, and is comprised of asphalt and grass. There are encroachments within the alley, including part of a paved parking lot and a garbage dumpster. There is a wooden screening fence on the north side of the alley. The fence separates the abutting low density residential developments north of the alley from the subject alley. There is no sewer in the alley and no curb cut to alley from Westchester Drive.

After the initial review of the application, the Planning Division amended the application by expanding the area of proposed closure to include the portion of the subject east-west alley abutting the property municipally known as 8850 Wyandotte Street East. The additional portion of alley is shown as Part 2 on Drawing No. CC-1683 attached hereto as Appendix “A”. The areas of requested closure are also shown on the aerial photo attached hereto as Appendix “B”.

**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 “E” would be relevant as shown below.

a. *Does the subject alley serve commercial properties?* The answer is **NO**.

b. *Does the subject alley serve properties fronting on heavily traveled streets i.e. major arterial routes?* The answer is **YES and NO**.

Part 1 of the subject alley serves the residential property (8750 Wyandotte Street East) which fronts on a heavily traveled route (Wyandotte Street East) classified as Class II Arterial Road. According to the Street and Alley Closing policy attached to this report as Appendix “E” Part 1 of the subject alley would be deemed indispensable. However, it appears that access to/from the subject Part 1 is entirely from the rear of the property known as 8750 Wyandotte Street East. There is no vehicular access to/from the easterly portion of the subject alley (i.e. Part 2 on Drawing No. CC-1683) and no curb cut to the alley from Westchester Drive. Furthermore, no other abutting property is served by Part 1 of the subject alley. It is equally important to note that the applicant for this alley closure is the owner of the abutting property fronting on Wyandotte Street East and known as 8750 Wyandotte Street East.

Therefore, although the Street and Alley Closing policy would deem Part 1 to be indispensable, the circumstances surrounding Part 1 render this portion of the subject alley dispensable. Based on the same circumstances, it would be more...
appropriate to convey the entire Part 1 to the owner of 8750 Wyandotte Street East.

The subject alley does not serve the abutting residential property known as 8850 Wyandotte Street East. There is a fence separating 8750 and 8850 Wyandotte Street East.

c. *Does the subject alley contain sewers, and must the alley remain accessible for servicing?* The answer is **NO**; there are no records of sewers in the subject alley.

d. *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**.

e. *Does the subject alley contain Fire Department connections that are deemed to be necessary for fire fighting access?* The answer is **NO**. Appendix “C” also shows the Fire Department has no concerns with the requested closure.

The Planning Department deems the entire length (i.e. Parts 1 and 2) of the subject alley “dispensable”, and supports the requested closure of the said alley.

**RISK ANALYSIS:**

From the City’s perspective, there are no obvious risks associated with the requested closures, provided that the existing encroachments in the subject alley are rectified by the conveyance of the closed alley to the abutting property owners after the alley closing by-law is approved.

**FINANCIAL MATTERS:**

For land abutting properties zoned RD1.1: $1.00 plus deed preparation fee and proportionate share of the survey cost as invoiced to the Corporation by an Ontario Land Surveyor.

For land abutting properties zoned RD3.4: $53.82 per square metre ($5.00 per square foot) without easements or $26.91 per square metre ($2.50 per square foot) with easements. Survey cost & deed preparation fee included.

This report is in favour of conveying the entire Part 1 to the abutting property owner fronting Wyandotte Street east. Therefore, the conveyance cost for the area of the alley within Part 1 would be at the rate stipulated for abutting properties zoned RD3.4 properties (for the south half of Part 1) and the rate stipulated for abutting properties zoned RD1.1 (for the north half of Part 1).

**CONSULTATIONS:**
Consultations were held with City Administrative Departments and Utility Companies, which resulted in the information outlined in Appendix “C” attached.

There were no objections from all of the municipal departments and all of the external agencies contacted. However, Transportation Planning has requested exchange of lands to increase the existing right-of-way width for Wyandotte Street by 1.8m on the north side of Wyandotte Street. The Street and Alley closing process is not the appropriate means for acquiring lands for road widening; therefore, the exchange of lands cannot be included in the recommendation contained in this report.

Easements are required by Bell Canada, Cogeco Cable Canada LP, and ENWIN Utilities Ltd.

Abutting/affected property owners were notified of the proposed closure. Phone calls were received from these two abutting property owners:

- Ryan Asseltine - one of the owners of 572 Alan Crescent; and
- Susan and John Malone – one of the owners of 564 Alan Crescent

Ryan Asseltine said he may object. Susan and John Malone are objecting. Appendix “C” contains two emails from Susan and John Malone stating their objections and why they are objecting to the closure of the subject alley.

Site Photos taken on October 2, 2015 attached as Appendix “D” confirm the following:

- The subject alley has no curb cut from Westchester Drive; therefore, there is no provision for access through the alley from Westchester Drive.
- There is a continuous wood screening fence from a point at approximately the west limit of Westchester Drive going west towards Isack Drive. The subject wooden fence lines up with the fence on the north limit of the closed east-west alley behind 8650 Wyandotte Street East.
- There is a hydro pole and some pine trees located in a manner that further makes it quite difficult to imagine that one could drive through the alley from Westchester Drive.
- It would appear that the only way Susan and John Malone could access the alley would be by going through the property known as 8750 Wyandotte Street East; thereby, trespassing through private property.

Accordingly, we have no evidence in support of Susan and John Malone’s claim for access via the subject alley.

The other issues raised by Susan and John Malone (in their emails) do not form part of the determining factors for recommending the closure of any alley in the City of Windsor. See Appendix “E” for the Street and Alley Closing Policy.

CONCLUSION:
The Planning Division has reviewed the applicable policy as well as the comments of the municipal departments and external agencies, and has determined that the subject alley is dispensable. The recommendation is for approval of the closure of Parts 1 and 2 on Drawing Number CC-1683, subject to easements.

APPENDICES:

1. APPENDIX “C”, CONSULTATIONS, SAA/4480
2. APPENDIX “D”, SITE PHOTOS (taken October 2, 2015), SAA/44803. APPENDIX “E”, Classification of Alleys and Suitability for Closure, SAA 44804. APPENDIX A5. APPENDIX B
<table>
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<tr>
<th>Agency</th>
<th>Comments</th>
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<tr>
<td>Bell Canada</td>
<td>Bell Canada will require a transfer of easement over the lands in order to protect our existing aerial installations.</td>
</tr>
<tr>
<td>Planning – Development</td>
<td>No objections from a Parks or Landscape Architectural perspective.</td>
</tr>
<tr>
<td>Parks &amp; Facilities</td>
<td>No objections from a Parks or Landscape Architectural perspective.</td>
</tr>
<tr>
<td>Cogeco Cable Systems Inc.</td>
<td>Cogeco requires an easement over the entire portion.</td>
</tr>
<tr>
<td>Fire and Rescue Services</td>
<td>No concerns.</td>
</tr>
<tr>
<td>EnWin Utilities – Hydro</td>
<td>No objections to alley closing, however, an easement named to Enwin Utilities Ltd. is required for the entire alley upon closing to accommodate existing 16kV high voltage primary and 120/240 volt hydro distribution. Also a proposed new 3 phase 27kV high voltage overhead pole line is being constructed (2015)</td>
</tr>
<tr>
<td>Windsor Utilities – Water</td>
<td>No objections. Easement not required.</td>
</tr>
<tr>
<td>Public Works – Engineering</td>
<td>This 9.14m (30foot) wide alley appears to be comprised of asphalt and grass. The asphalt portion is used for parking by residents of the Deauville Apartments at 8750 Wyandotte Street East. There are hydro poles, overhead hydro lines and guy wires throughout this alley. We have no record of municipal sewers existing within the alley but there appears to be a catch basin drain within the paved area of the alley. There also appears to be asphalt paving for parking a garbage dumpster, concrete parking bumpers and a barbecue grill and table within the subject alley. There is a wooden screened fence on the north side of the alley separating the residential area to the north. There is no curb cut to alley from Westchester Drive. This alley appears to serve no useful purpose by CR146/200; therefore we have no objections to the closure of this alley.</td>
</tr>
<tr>
<td>Public Works – Environmental</td>
<td>No concerns.</td>
</tr>
<tr>
<td>Public Works – Transportation</td>
<td>No objections. This alley is only accessible from 8750 Wyandotte St. E. and is used as access to the parking spaces in the rear of this building. The section of alley behind 8850 Wyandotte is a grass alley with no vehicular access required. The right-of-way is deficient by 1.8m as per sch. X therefore we would ask for an exchange of lands to increase the existing ROW by 1.8m on the north side of Wyandotte.</td>
</tr>
<tr>
<td>Transit Windsor</td>
<td>No comments.</td>
</tr>
<tr>
<td>Union Gas</td>
<td>No gas line running in alleyway. No easement required. We do have 2” steel main running along the west side of Westchester Drive.</td>
</tr>
<tr>
<td>Windsor Police Services</td>
<td>The Windsor Police Service supports this application for closure as it is necessary to facilitate improvements to the property with respect to a condominium conversion application. The closure of this alley will enable the property owner to better facilitate safe onsite vehicular maneuvering and parking for tenants and visitors, deficiencies identified as needing correction in the condominium conversion application’s safety and security inspection.</td>
</tr>
<tr>
<td>Legal Department</td>
<td>For land abutting properties zoned RD1.1: $1.00 plus deed preparation fee and proportionate share of the survey cost as invoiced to the Corporation by an Ontario Land Surveyor For land abutting properties zoned RD3.4: $53.82 per square metre ($5.00 per square foot) without easements or $26.91 per square metre ($2.50 per square foot) with easements. Survey cost &amp; deed preparation fee included.</td>
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</table>
From: Jack Malone <malonesr@yahoo.com>
Sent: Monday, September 14, 2015 7:39 PM
Reply To: Jack Malone
Cc: Gignac, Jo-Anne (Councillor); Jack Malone
Subject: 8750 Wyandotte E. Alley Closing

Dear Councilor:

As a follow up to my phone call earlier today, (made at 10:52am Monday Sept 14) I object to the closing of the alley, which runs along the back of our property. We have 100 feet running along the alley and for the last 40 + years have used the alley access to take in and out of our yard our boat, which is a 24 foot sail boat and trailer. We also use the access to bring in and out construction equipment and gardening and tree trimming etc.

We would prefer to see the alley stay the way it is, over the years we have put up with having our fence painted (without our permission) have had cars crash through our fence, fireworks at all times of the night and constantly have dogs relieve themselves behind our fence and the owners do not clean up even after being asked.

We purchased this property in 1972 knowing that we would have access to the alley.

I trust that you will look into this matter and inform me of any meetings.

Sincerely Mrs Susan Malone
564 Alan Crescent
Windsor, ON N8S1V7

From: Jack Malone [mailto:malonesr@yahoo.com]
Sent: Wednesday, September 23, 2015 4:02 PM
To: Nwaesi, Justina
Subject: Fw: 8750 Wyandotte St. E. Alley Closing

Dear Ms. Justina Nwaesi:

We own land with 100 feet abutting the alley at 8750 Wyandotte E. and received a letter from the city regarding it's purchase and closure.

we object to the closing for the following reasons:

We moved into our home in 1972 and installed the gate in the fence to use to:

1. removed plum and peach trees 1974 & 1976
2. access to install above ground pool 1979
3. access for builder to put addition on house 1982
4. used access when car port built 1991
5. used access when dismantled above ground pool 1992
6. on ground pool installed 1993
7. 2.5 car garage built and driveway cemented in 2001, with rear garage door.
8. tree company used access to trim trees and remove apple tree 2012
9. use access spring and fall every year to move 24foot sailboat to Southport sailing Club for summer and back to backyard in the fall for the winter.
10. Earth delivered and trees trimmed on a regular interval over the years.
11. had shingles replaced on sheds.

We want to keep our rear access to the alley.

Thank you for your attention to this matter,
Sincerely,
Susan & John Malone
564 Alan Crescent
Windsor,ON N8S1V7
View of subject alley looking west from Westchester Dr.

View of the subject alley & abutting property to the south (8850 Wyandotte St.E.) looking south from Westchester Drive

View of the subject alley & abutting southerly property (567 Westchester Dr.) looking west from Westchester Dr.

View of the subject alley & abutting southerly property (8750 Wyandotte St.E.) looking west from the rear yard of the building

View of the subject alley and the rear yards of the abutting southerly properties (8750 & 8850 Wyandotte St.E.) behind 8650 Wyandotte St.E.

View of the subject alley and the previously closed alley southerly behind 8650 Wyandotte St.E.
(1) Alleys that are **indispensable**. These would be 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; alleys or streets which 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; and, alleys which contain Fire Department connections that are deemed to be necessary for fire fighting access.

(2) Alleys that, **have some usefulness**, are nevertheless dispensable and may or may not be a complete liability.

(3) Alleys that appear to serve **no useful purpose**, either now, or anticipated. Such alleys are 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. Remnant or stub-end streets which are dead-ended and do not serve as access to other streets.

(4) Alleys 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.

**Suitability for Closing:**

Following are the criteria and suitability for closing alleys in each of the above classifications.

- Indispensable 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, emergency services (i.e. ambulance) and 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 complete or adequately access; and would noticeably interfere with street traffic, thereby reducing the access capacity of the adjacent arterial, collector, or street for business.

- Alleys having some usefulness should **be considered for closing** only upon request of abutting owners rather than by encouragement of the City.

- 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.

- Alleys that are clearly obsolete should **not be closed** unless there is a municipal need or specific development proposals acceptable to the City are submitted.
APPENDIX “A”  CC-1683  SAA 4480
STREET AND ALLEY CLOSING

APPENDIX 'B'

APPLICANT: Deauville Apartments Inc.

SCALE: 1:500

DATE: JULY, 2015
FILE NO: SAA/4480
MAP NO: 1
Subject: Additional Information for S 2/2015 - Request to close the east/west alley north of Wyandotte St. E., west of Westchester Dr., abutting 8750 & 8850 Wyandotte St. E. (Request by Deauville Apartments Inc. - owner of 8750 Wyandotte St. E.)

Clerk’s Note:
The PHED Standing Committee at the meeting held November 9, 2015 referred this matter back to the PHED Standing Committee for further consideration concurrently with the report for the Condominium Conversion application for 8750 Wyandotte Street East. (See Item 7.1 – Report No. S 6/2016 on this Agenda)
The above matter was first considered at the November 9, 2015 Planning, Heritage & Economic Development Standing Committee (PHEDSC) meeting. One of the delegates named Susan Malone (owner of 564 Alan Crescent) spoke against the recommended closure stating that she and her family require the alley for access to their rear yard for various activities. She reiterated her concerns as outlined in her email of September 23, 2015 to Justina Nwaesei (City’s Development Division staff). Susan emphasized her existing use of the alley for “access spring and fall every year to move 24foot sailboat to Southport sailing Club for summer and back to the backyard in the fall for the winter”.

The committee members considered a number of ways to help the home owner of 564 Alan Crescent; one of the options was the idea of an easement to provide the required rear yard access to 564 Alan Crescent. After much discussion, the Standing Committee deferred the matter and asked that the Report S 2-2015 be returned to the Planning, Heritage & Economic Development Standing Committee for further consideration concurrently with the report for the Condo conversion application for 8750 Wyandotte Street East.

The subject report for Condo conversion application is ready and the recommendation therein includes requirement for easement in favour of 564 Alan Crescent.

Consequently, the Recommendation contained in Report S 2-2015 of the Planning, Heritage & Economic Development Standing Committee, of its meeting held November 9, 2015, regarding alley closure behind 8750 Wyandotte Street East shall BE AMENDED as shown below:

I. That the 9.14metres (30feet) wide east/west alley located north of Wyandotte Street East, west of Westchester Drive, abutting the north lot lines of the properties known as 8750 and 8850 Wyandotte Street East, and shown as Parts 1 and 2 on Drawing No. CC-1683 attached hereto as Appendix “A”, BE ASSUMED for subsequent closure;

II. That the 9.14metres (30feet) wide east/west alley located north of Wyandotte Street East, west of Westchester Drive, abutting the north lot line of the property known as 8750 Wyandotte Street East, and shown as Part 1 on Drawing No. CC-1683 attached hereto as Appendix “A”, BE CLOSED AND CONVEYED entirely to the abutting property owner fronting on Wyandotte Street East (i.e. owner of 8750 Wyandotte Street East), subject to easements as noted in Recommendations IV & V below;

III. That the 9.14metres (30feet) wide east/west alley located north of Wyandotte Street East, west of Westchester Drive, abutting the north lot line of the property known as 8850 Wyandotte Street East, and shown as Part 2 on Drawing No. CC-1683 attached hereto as Appendix “A”, BE CLOSED
AND CONVEYED to the abutting property owners, subject to easements as noted in Recommendation IV below;

IV. That the closures noted above in Recommendations II and III be implemented subject to the following:

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

      i. Bell Canada, Cogeco Cable Canada LP, & Enwin Utilities Ltd.

V. That the closure noted above in Recommendation II be implemented subject to the following:

   a. A temporary easement for access only be granted to the current owners of 564 Alan Crescent as long as they remain the owners of 564 Alan Crescent.

VI. Conveyance Cost BE SET as follows:

   a. For land abutting properties zoned RD1.1: $1.00 plus deed preparation fee and proportionate share of the survey cost as invoiced to the Corporation by an Ontario Land Surveyor.

   b. For land abutting properties zoned RD3.4: $53.82 per square metre ($5.00 per square foot) without easements or $26.91 per square metre ($2.50 per square foot) with easements. Survey cost & deed preparation fee included.

VII. That The City Planner BE REQUESTED to supply the appropriate legal description, in accordance with Drawing Number. CC-1683, attached hereto as Appendix "A";

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

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

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

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

__________________________  
Justina Nwaesei  
Planner II – Development Review

__________________________  
Don Wilson  
Manager of Development Applications

__________________________  
Askin Hager, Sheila  
City Solicitor and Corporate Leader Economic Development and Public Safety

__________________________  
Thom Hunt  
City Planner / Executive Director

__________________________  
Helga Rendel  
Chief Administrative Officer

DW/JIN/