

Development & Heritage Standing Committee Meeting

Date: Monday, January 8, 2024

Time: 4:30 o'clock p.m.

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

All members will have the option of participating in person in Council Chambers or electronically and will be counted towards quorum in accordance with Procedure By-law 98-2011 as amended, which allows for electronic meetings. The minutes will reflect this accordingly. Any delegations have the option to participate in person or electronically.

MEMBERS:

Ward 1 – Councillor Fred Francis

Ward 4 – Councillor Mark McKenzie

Ward 7 – Councillor Angelo Marignani

Ward 9 – Councillor Kieran McKenzie

Ward 10 – Councillor Jim Morrison (Chairperson)

Member Anthony Arbour

Member Joseph Fratangeli

Member Daniel Grenier

Member John Miller

Member Charles Pidgeon

Member Robert Polewski

Member Khassan Saka

Member William Tape

ORDER OF BUSINESS

Item #	Item Description
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1.	CALL TO ORDER
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READING OF LAND ACKNOWLEDGEMENT

We [] would like to begin by acknowledging that the land on which we gather is the traditional territory of the Three Fires Confederacy of First Nations, which includes the Ojibwa, the Odawa, and the Potawatomi. The City of Windsor honours all First Nations, Inuit and Métis peoples and their valuable past and present contributions to this land.

2.	DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF
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3.	REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS
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3.1	Application for Approval of the Conversion of an existing Non-Residential Building at 1500 Ouellette Avenue to a Residential and Commercial Plan of Condominium; Applicant - Ryan Michael Solcz Prof. Corp; File No. CDM-004/22 [CDM/6939]; Ward 3 (S 62/2023) Clerk's Note: The applicant is requesting that this matter be WITHDRAWN as they do not wish to proceed with their application.
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4.	COMMUNICATIONS
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5.	ADOPTION OF THE <i>PLANNING ACT</i> MINUTES
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6.	PRESENTATION DELEGATIONS (<i>PLANNING ACT</i> MATTERS)
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7.	<i>PLANNING ACT</i> MATTERS
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8.	ADOPTION OF THE MINUTES
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9. **PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)**

10. ***HERITAGE ACT* MATTERS**

11. **ADMINISTRATIVE ITEMS**
 - 11.1. Downtown CIP/Demolition Control By-law Exemption Report-527 Marentette Ave; Owner: Fouad Badour (**S 165/2023**)
 - 11.2. Closure of part of east/west alley located between Leonard Road and George Avenue, Ward 5, SAA-7136 (**S 167/2023**)
 - 11.3. Sandwich CIP Application Report, 3549 Peter Street; Owners: Roseland Homes LTD (c/o Evanz Minas) (**S 164/2023**)

12. **COMMITTEE MATTERS**

13. **QUESTION PERIOD**

14. **ADJOURNMENT**



Subject: Application for Approval of the Conversion of an existing Non-Residential Building at 1500 Ouellette Avenue to a Residential and Commercial Plan of Condominium; Applicant - Ryan Michael Solcz Prof. Corp; File No. CDM-004/22 [CDM/6939]; Ward 3

Reference:

Date to Council: August 1, 2023
Author: Justina Nwaesei, MCIP, RPP
Senior Planner - Subdivisions
519-255-6543, ext. 6165
jnwaesei@citywindsor.ca

Planning & Building Services
Report Date: May 12, 2023
Clerk's File #: Z/14543

To: Mayor and Members of City Council

Recommendation:

I THAT the application of Ryan Michael Solcz Prof. Corp for approval of a Plan of Condominium to permit the conversion of a four-storey office building to a condominium tenure with 10 dwelling units (3rd and 4th floors), 2 commercial units (1st and 2nd floors), 31 underground parking units and 21 surface parking units, as shown on the attached Map Nos. CDM-004/22-1, CDM-004/22-2 & CDM-004/22-3, for a property legally described as Pt Lots 14 to 17 (incl.), Block 9, Plan 358, City of Windsor, known municipally as 1500 Ouellette Avenue, **BE APPROVED** subject to the following:

- A. The Owner(s) shall enter into a condominium agreement to provide for the following together with all items contained in the Consultation section of this report;
- B. The draft plan approval shall lapse on _____ (3 years from the date of approval);
- C. The Owner(s) shall agree to comply with and remedy all site/building defects and deficiencies, including submission of applicable certificates, as contained in the:
 - 1. Structural Integrity Report dated November 2022, prepared by Haddad, Morgan and Associates Ltd., with all corrections and improvements to be cleared as completed by a Professional Engineer or Professional Architect retained by the owner;
- D. Upon completion of the interior renovation work under Permit No. 2022 127256 000 00 authorizing residential uses on the 3rd & 4th floor, the Owner(s) shall agree to remedy any site and/or building defects and deficiencies as noted in the

1. Building Department's Work Order at final inspection. All corrections and improvements shall be to the satisfaction of the City's Chief Building Official;
 2. Fire & Rescue's Inspection Report. All corrections and improvements shall be to the satisfaction of the City's Fire Chief.
- E. The Owner(s) shall agree to comply with, and address, any requirements identified in the Building Department's comments of March 7, 2023, as included in Appendix "A" of this report and, as indicated below, to the satisfaction of the City's Chief Building Official:
1. Asphalt pavement of the above grade parking area
 - Remove deteriorated asphalt pavement, implement top and soffit concrete delamination repairs and install new water proofing membrane before reinstatement of the asphalt pavement.
 2. Basement level overhead door trench cover is deteriorated
 - Replace basement overhead door trench cover.
 3. Some localized cracking in the exterior EIFS system and concrete block above the overhead door in basement level on west wall
 - Repair cracks in the exterior EFIS system cladding along with the crack in the west wall concrete block wall.
- F. The Owner(s) shall agree to comply with, and address, any requirements identified in the Public Works Department – Engineering Development, Projects & Right-of-Way, comments dated March 14, 2023 (in Appendix "A"), as indicated below, to the satisfaction of the City Engineer or designate:
1. Installation of a Sanitary Sampling Manhole at the property line of the subject land, accessible to the City Engineer; and
 2. Gratuitously convey a 6.1 m x 6.1 m corner cut-off at the intersection of Ouellette Avenue and Shepherd Street East, prior to final condominium approval, in accordance with City of Windsor Standard Drawing AS-230;
- G. The Owner(s) shall agree to remedy all safety and security deficiencies identified in the Windsor Police Services' comments dated March 6, 2023 (in Appendix "A"), as indicated below, to the satisfaction of the Director of Planning & Physical Resources, Windsor Police Services.
1. Confirm that exterior doors have locks installed on them that are of higher security and cannot be easily duplicated (for example MEDECO or PRIMUS), to establish proper building entry security for all tenants.
 2. Reduce the garage door delay to be no more than approximately 10 – 15 seconds, allowing adequate time for vehicle passage yet limiting ease of illegal entry capability. Furthermore, educate ALL underground parking garage users to remain within view of the door each time they enter and exit before leaving the site or proceeding to their parking space, to visually confirm nobody has entered inappropriately.

3. Remove the graffiti tag on the sign situated at the vehicular entrance to the property off Dufferin Place (east side) identifying the site as "Private Parking", as such markings portray disorder that reduces feelings of safety for users.
 4. Install a one-way viewing port within the entry door for each of the residential units, to allow residents to quickly view visitors prior to opening their door.
 5. Secure the undesignated exterior space on the east side of the building that is visually shrouded and discreetly positioned to ensure trespassers cannot easily gain access and then remain for undefined periods. Among measures to achieve this would be fencing the space in, using a fence type that still allows visibility, and installing motion-activated floodlights that will quickly detect and deter access by trespassers.
 6. Confirm there is adequate lighting for all exterior areas and the underground parking garage by completing the following:
 - (a) Illuminate the exterior surface parking spaces to a minimum lighting level of at least 1.50 foot-candles, using full cut off style lighting (to eliminate glare) in order to establish and maintain conditions that will promote and sustain feelings of safety for users. LED fixtures are highly recommended as they produce a clean, bright, white luminosity that will enhance visibility and witnessing potential. In this regard, fixtures should possess colour temperatures of 4000 degrees Kelvin (4000K), with a corresponding minimum colour rendering index (CRI) value of 70;
 - (b) Provide illumination levels of at least 4.5 foot-candles for the exterior common entry points to the building (front and side/back doors) to optimize safe conditions; also, provide a minimum level of at least 3.5 foot-candles at the overhead door leading into the underground parking garage;
 - (c) Provide a minimum illumination level of at least 2.5 foot-candles for the underground parking garage;
 - (d) Illuminate any abutting walkways/sidewalks on site with, at least, 1.80 foot-candles;
 - (e) Submit a photometric plan showing all anticipated lighting improvements for approval by Windsor Police Director of Planning and the City's Landscape Architect prior to corrective works being implemented.
- H. The owner shall agree to address the requirements identified in the comments from the Corporation's Landscape Architect's March 9, 2023 comments (in Appendix 'A'), as indicated below, to the satisfaction of the Corporation's Landscape Architect:
1. The Owner is to remove one permanent ground sign to comply with Sign Bylaw section 6.6.3.
 2. The Owner is to apply for a variance to the Sign Bylaw where the remaining sign does not comply with the Regulations for Group 2 Permanent Ground Signs in section 6.6.
 3. If the business directory sign is to be retained, then in addition to a variance, the Owner will require an Encroachment Agreement with the City for this sign.

4. Provide a total Outdoor Lighting Photometric Plan and Manufacturers' Product Data Sheets for each light fixture proposed verifying 'Full Cut Off' (night sky Friendly), prepared by a qualified lighting consultant (i.e. lighting engineer, landscape architect, etc.), in accordance with the City Guidelines found in CR228/2005 Lighting Intensity Standards Study, for review to the satisfaction of the City's Landscape Architect in consultation with Police Services prior to issuance of Approval, with the following minimum and maximum illumination levels measured in foot-candles (Fc):
 - a. uncovered parking areas 0.5 min./4.0 max. (1.2 optimal),
 - b. walkways 0.5 min./2.0 max. (1.2 optimal),
 - c. building entrances 3.5 min./8.0 max. (4.5 optimal),
 - d. loading and garbage storage areas 1.0 min./2.5 max. (1.2 optimal).

5. Provide Full cut-off lighting (per CR 228/2005) with lens 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.

6. Parkland Conveyance in accordance with s.42 of the Planning Act.

- I. The owner shall agree to address the requirements identified in the April 5, 2023 comments from the Corporation's Diversity & Accessibility Officer (in Appendix 'A'), as indicated below, to the satisfaction of the Corporation's Chief Building Official and the Diversity and Accessibility Officer:
 1. Require at minimum 2 barrier free entrances to building. One of the barrier-free entrances shall be the principal entrance to the building and the other one should be off one of the primary parking areas.
 2. Every barrier-free entrance shall be equipped with an accessible power door operator. Such power door openers shall be mounted according to the specifications set out in the Ontario Building Code. The main entrance had this already installed and in working order so please ensure the other barrier-free entrance also has this.
 3. If there are steps at a barrier free entrance a ramp must be provided in accordance with legislation and to the satisfaction of the Chief Building Official and the Accessibility Officer.
 4. If a *barrier-free* entrance incorporates a vestibule (like the primary entrance in this case), a door leading from the vestibule into the *floor area* shall be equipped with a power door operator.
 5. There shall be signage placed at any non-accessible entrances that directs persons to a barrier free entrance.
 6. Accessible Parking and Access Aisles shall also be provided in accordance with the Diversity & Accessibility Officer's comments found in Appendix A attached to this report. The number and type of accessible parking spaces is to be calculated separately for each off-street parking facility. The accessible spaces may be distributed among the off-street parking facilities to provide equivalent or greater accessibility in terms of distance to an accessible entrance or user convenience.

- J. The Owner(s) shall agree to comply with Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, and in effect for buildings and complexes with a common lobby, common indoor or sheltered space, in a form satisfactory to Canada Post Corporation;

- K. The Owner(s) shall agree to comply with Enbridge Gas Inc.'s (operating as Union Gas) request that as a condition of final condominium approval that the owner/developer provide to Union the necessary easements and/or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Enbridge Gas Inc.;
- L. The Owner(s) shall agree to comply with the following conditions of approval to the satisfaction of Bell Canada:
1. The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.
 2. The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

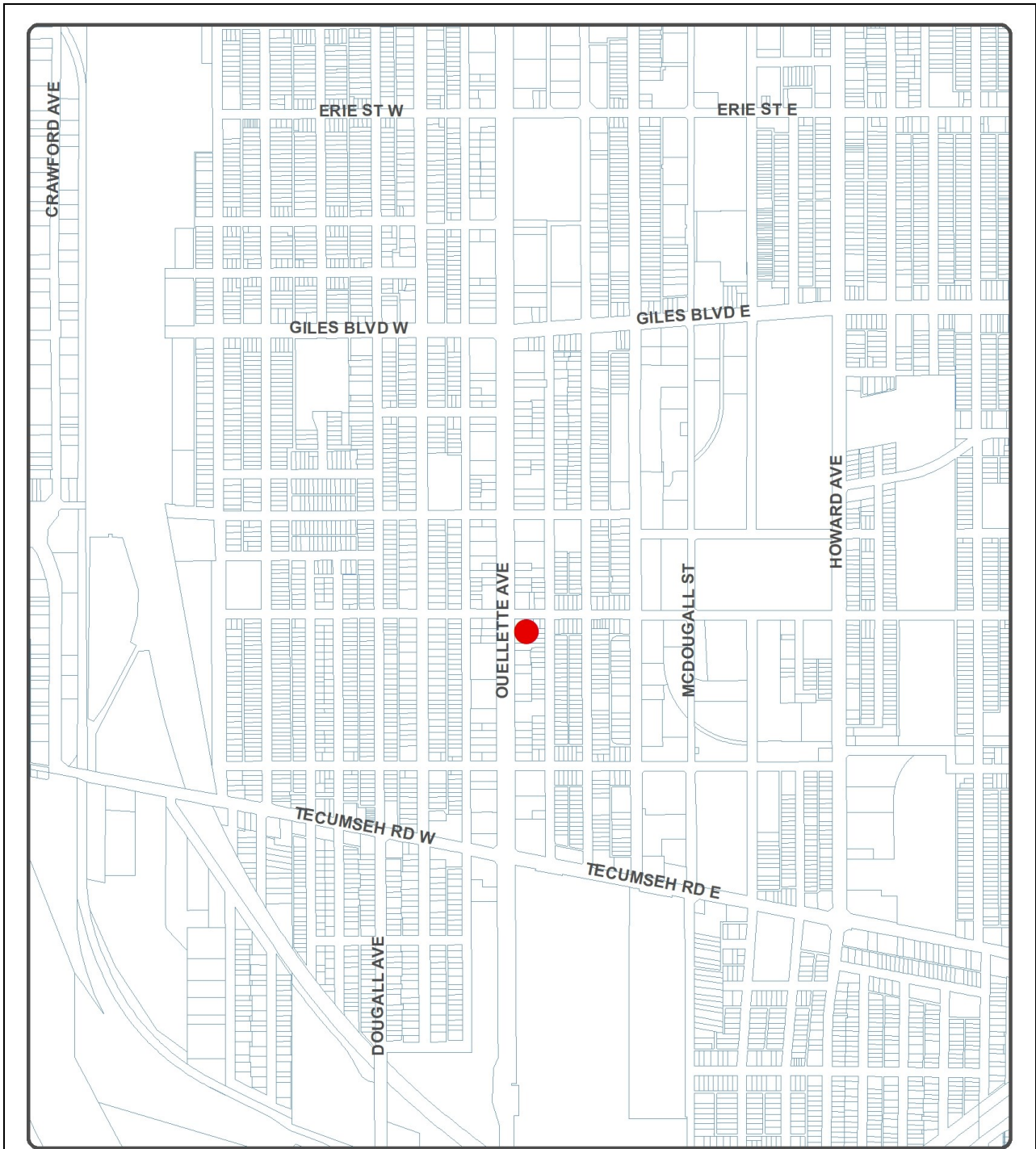
II THAT the Final Approval of the Plan of Condominium **SHALL NOT** be considered until all of the required works or undertakings identified in "Recommendation I of this report have been completed to the satisfaction of the respective agencies and departments, and a Condominium Agreement has been registered against the subject lands.

Executive Summary:

N/A

Background:

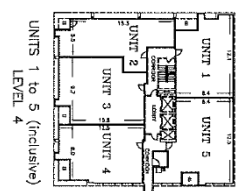
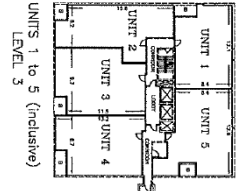
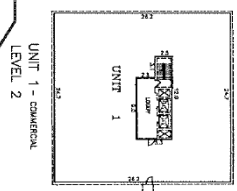
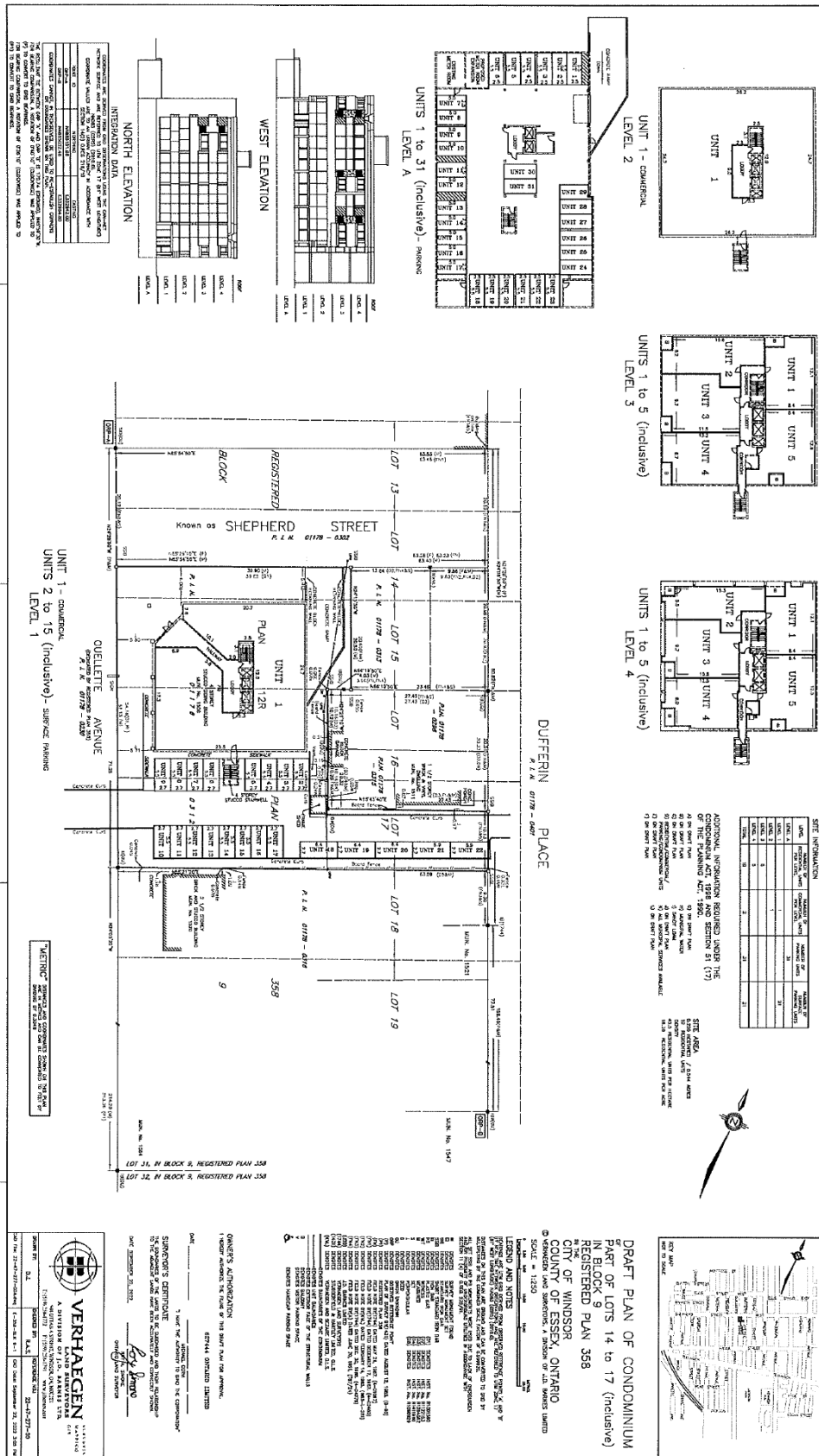
KEY MAP



KEY MAP - CDM-004/22, CDM-6939

 SUBJECT LANDS





UNIT INFORMATION

UNIT	NUMBER OF UNITS	NUMBER OF FLOORS	NUMBER OF PARKING SPACES
UNIT 1	1	2	2
UNIT 2	1	2	2
UNIT 3	1	2	2
UNIT 4	1	2	2
UNIT 5	1	2	2

ADDITIONAL INFORMATION REQUIRED UNDER THE ACT OF THE PLANNING ACT, 1990, SECTION 31 (17)

- 1. AS TO UNIT 1:
 - a) 20 UNIT PLAN
 - b) 20 UNIT PLAN
 - c) 20 UNIT PLAN
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 - x) 20 UNIT PLAN
 - y) 20 UNIT PLAN
 - z) 20 UNIT PLAN



DRAFT PLAN OF CONDOMINIUM
 PART OF LOTS 14 to 17 (inclusive)
 IN BLOCK 9
 REGISTERED PLAN 358
 IN THE
 CITY OF WINDSOR
 COUNTY OF ESSSEX, ONTARIO
 CONDOMINIUM REGISTRATION NUMBER 0000000000
 SCALE = 1:250

LEGEND AND NOTES

1. UNITS 1 TO 5 (inclusive) - COMMERCIAL
2. UNITS 1 TO 5 (inclusive) - RESIDENTIAL
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99. UNITS 1 TO 5 (inclusive) - COMMERCIAL
100. UNITS 1 TO 5 (inclusive) - RESIDENTIAL

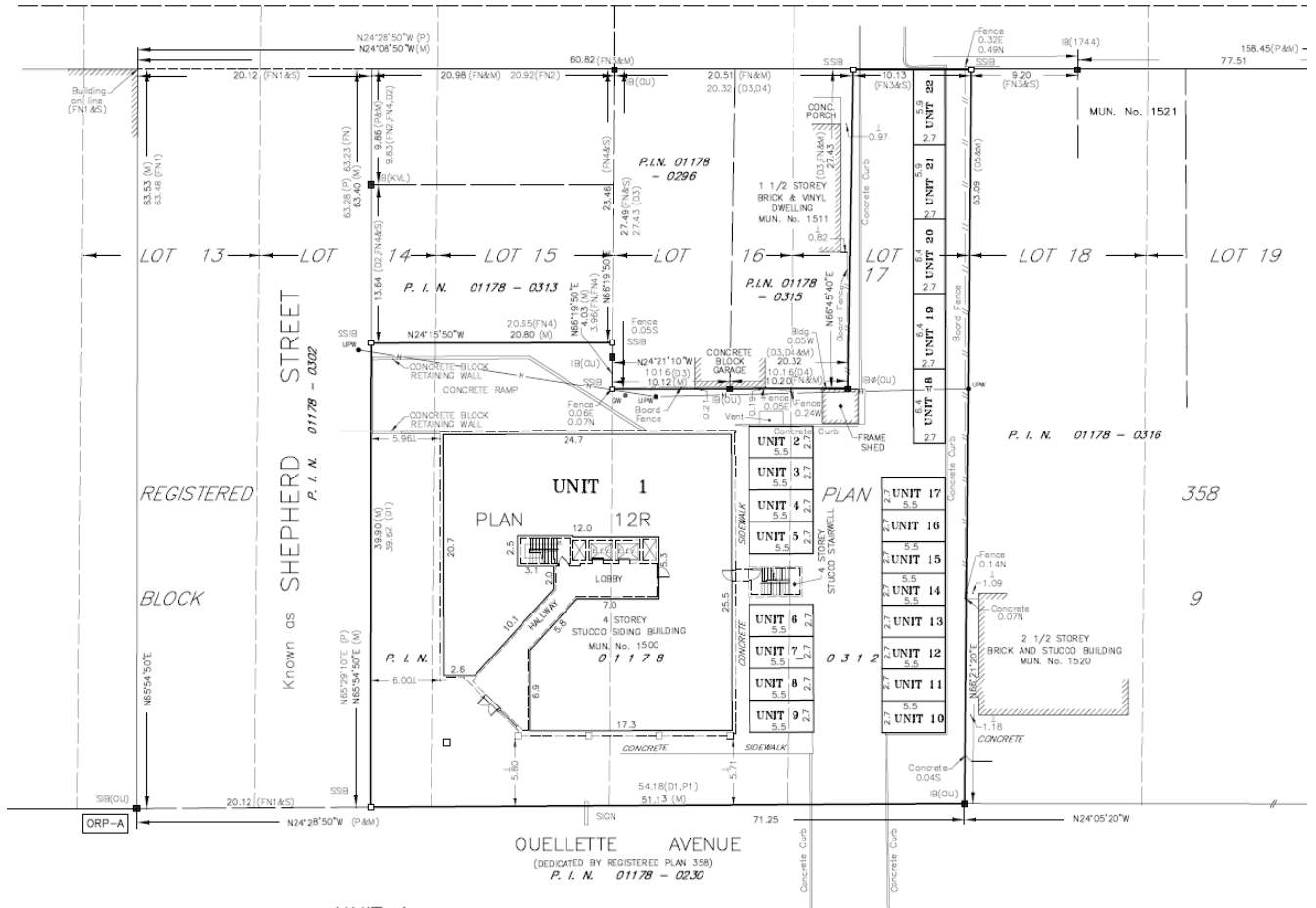
OWNER'S AUTHORIZATION
 I, **VERHAEGEN**, in the name of the Board of Directors, do hereby authorize the preparation of this plan and the registration of the same.

VERHAEGEN
 A DIVISION OF VERHAEGEN GROUP INC.
 1000 VERHAEGEN DRIVE
 WINDSOR, ONTARIO N9A 6K4
 TEL: 519-253-7700
 FAX: 519-253-7701
 E-MAIL: SALES@VERHAEGEN.COM

REGISTERED CERTIFICATE
 I, **VERHAEGEN**, in the name of the Board of Directors, do hereby certify that the above plan is a true and correct copy of the original plan as shown to me by the architect.

DATE: 2024-01-08
BY: *[Signature]*
NAME: **VERHAEGEN**

Map No. CDM-004/22-1



UNIT 1 - COMMERCIAL
UNITS 2 to 15 (inclusive)- SURFACE PARKING
LEVEL 1

"METRIC" DISTANCES AND COORDINATES ARE IN METRES AND CEILING DIVIDING BY 0.3048

SITE INFORMATION

LEVEL	NUMBER OF RESIDENTIAL UNITS PER LEVEL	NUMBER OF COMMERCIAL UNITS PER LEVEL	NUMBER OF PARKING UNITS	NUMBER OF SURFACE PARKING UNITS
LEVEL A			31	
LEVEL 1		1		21
LEVEL 2		1		
LEVEL 3	5			
LEVEL 4	5			
TOTAL	10	2	31	21

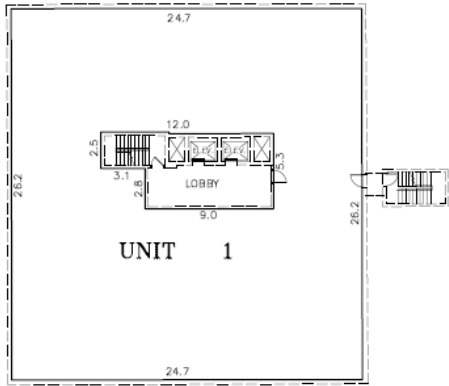
ADDITIONAL INFORMATION REQUIRED UNDER THE CONDOMINIUM ACT, 1998 AND SECTION 51 (17) OF THE PLANNING ACT, 1990.

- A) ON DRAFT PLAN
- B) ON DRAFT PLAN
- C) ON DRAFT PLAN
- D) RESIDENTIAL/COMMERCIAL/PARKING/CONDOMINIUM UNITS
- E) ON DRAFT PLAN
- F) ON DRAFT PLAN
- G) ON DRAFT PLAN
- H) MUNICIPAL WATER
- I) SANDY LOAM
- J) ON DRAFT PLAN
- K) ALL MUNICIPAL SERVICES AVAILABLE
- L) ON DRAFT PLAN

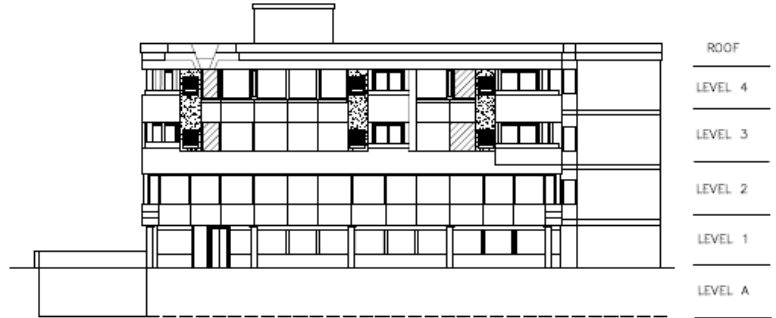
SITE AREA

0.220 HECTARES / 0.544 ACRES
10 RESIDENTIAL UNITS
DENSITY
45.5 RESIDENTIAL UNITS PER HECTARE
18.38 RESIDENTIAL UNITS PER ACRE

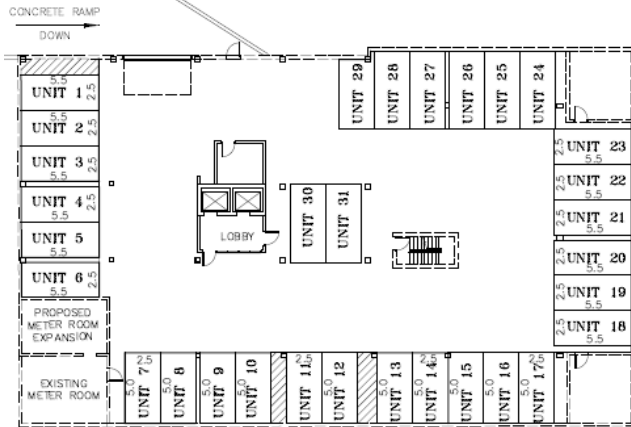
Map No. CDM-004/22-2



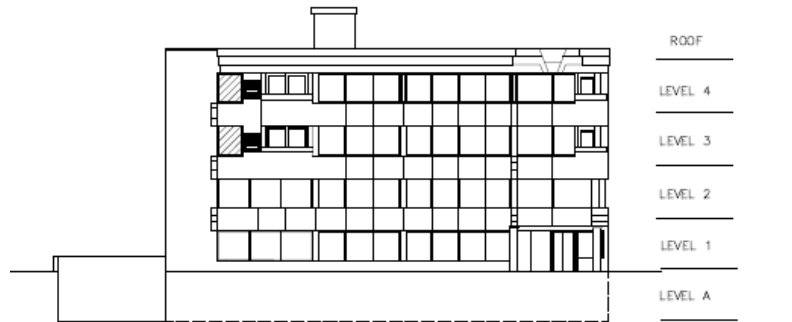
UNIT 1 – COMMERCIAL
LEVEL 2



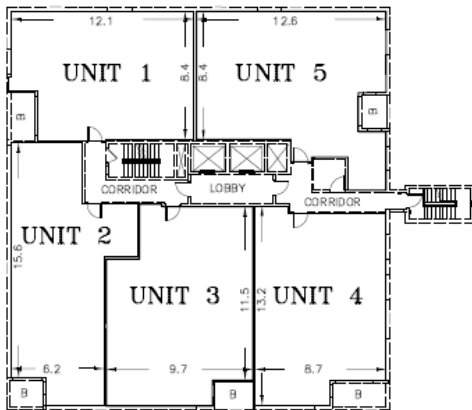
WEST ELEVATION



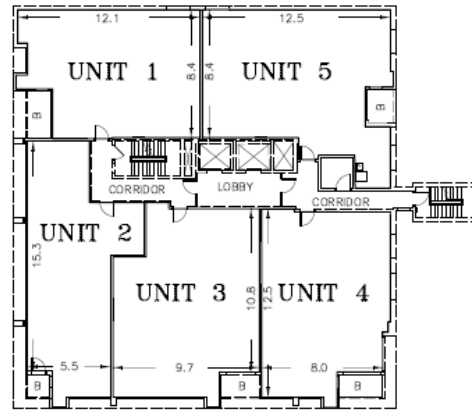
UNITS 1 to 31 (inclusive) – PARKING
LEVEL A



NORTH ELEVATION



UNITS 1 to 5 (inclusive)
LEVEL 3



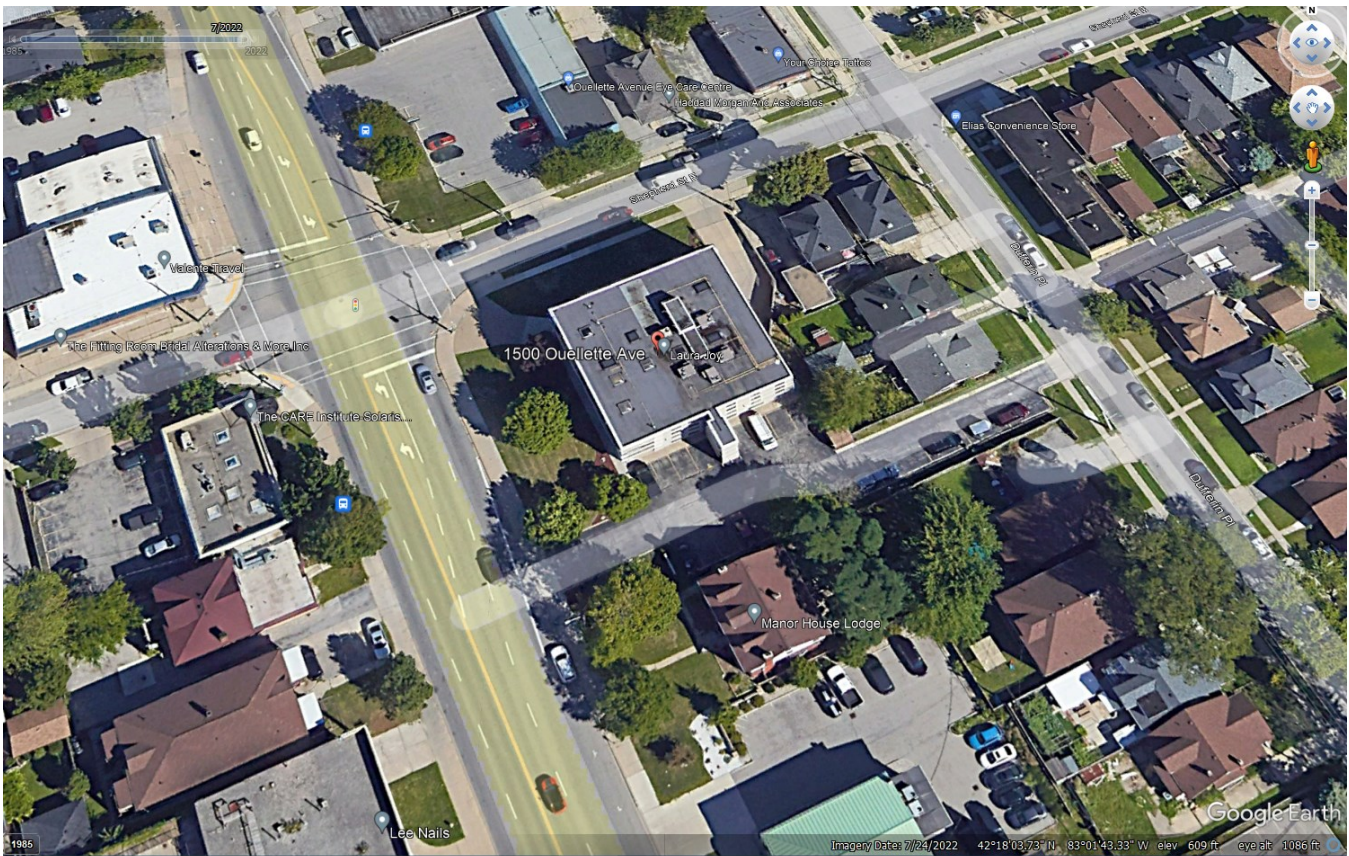
UNITS 1 to 5 (inclusive)
LEVEL 4

Map No. CDM-004/22-3

SITE INFORMATION:

OFFICIAL PLAN	ZONING	CURRENT USE	AVAILABLE PARKING
Mixed Use Corridor	Commercial District 3.5 (CD3.5), plus S.20(1)49	Office Building <i>(under renovation to change to a Combined Use building with 10 Residential Dwelling Units and 2 Commercial Units)</i>	Total 52 spaces on site (31 underground and 21 surface parking)
FRONTAGE	DEPTH	AREA	PARKING @ 1.25 SPACES PER DWELLING UNIT [12 SPACES REQ'D FOR 10 DWELLING UNITS]; AND 1 SPACE PER 45 M² GFA OF BUSINESS OFFICE SPACE [28 SPACES REQ'D FOR 1300 M ² (+/-) GFA]
51.13 m (Ouellette Ave.)	Irregular	0.220 hectares (0.544 acres)	Total parking provided on-site = 52 spaces
39.90 m (Shepherd St. E)			
10.13 m (Dufferin Pl.)			
<i>All measurements are approximate.</i>			

NEIGHBOURHOOD CHARACTERISTICS:



Source: 2022 Google Aerial Photo

The subject property is within a mixed-use area of the city, and has three (3) frontages (one on the east side of Ouellette Avenue, another on the west side of Dufferin Place and a third on the south side of Shepherd Street East). The surrounding uses are comprised of the following:

East side – Dufferin Place ROW, single detached dwellings, combined use (residential and commercial) building;

North side – Shepherd Street East ROW, single detached dwellings, duplex dwelling(s), medical office (eye care centre), business office, personal service shop;

West side – Ouellette Avenue ROW, medical offices, multiple dwelling, and combined use (residential & commercial) building; and

South side - immediately abutting the site is a lodging house (Manor Lodge), next is a medical office (dental centre), followed by an apartment building, more commercial uses further south along Ouellette Avenue frontage and low profile residential uses further south along Dufferin Place frontage.

A site visit took place on May 10, 2023. Site photos are attached as Appendix E to this report.

TRAFFIC, ACCESS AND PARKING:

The building has pedestrian access (concrete sidewalk) off Ouellette & Shepherd intersection. The building also has underground parking area access off Shepherd Street E. and surface parking access off Ouellette Avenue and Dufferin Place.

RELATIONSHIP TO MUNICIPAL SERVICES:

The City's records show that there is an existing 750mm diameter brick pipe combined sewer within Ouellette Avenue R.O.W., a 375mm diameter brick pipe combined sewer within Dufferin Place R.O.W. and a 1050mm diameter RCP Storm sewer located on Shepherd Street East R.O.W., all available to service the subject property.

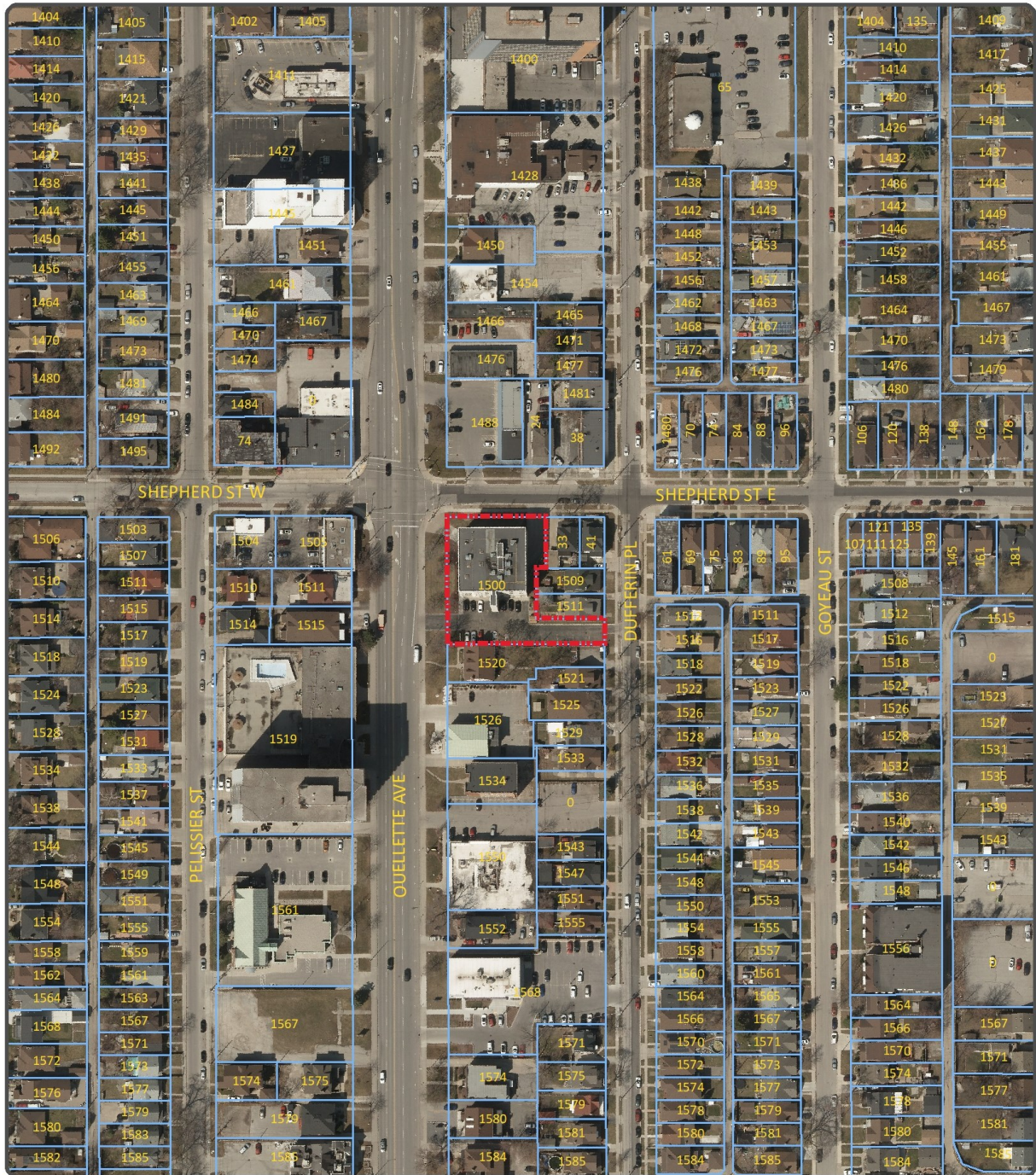
Municipal watermains, fire hydrants and LED streetlights are available on abutting rights-of way and in the subject area.

There are concrete sidewalks, curbs & gutters on both sides of the abutting rights-of-way.

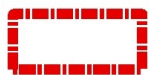
Three municipal roadways abut the subject property and are classified as follows in the City of Windsor Official Plan:

- Ouellette Avenue – Class II Arterial Road;
- Shepherd Street East – Local Road; and
- Dufferin Place - Local Road

The closest existing transit routes to the subject property are with the Transway 1A & Transway 1C, which run along Ouellette Avenue. The closest existing bus stops to this property are located across the street on Ouellette at Shepherd Northeast & Southwest Corners providing direct transit service to the subject property.



AERIAL MAP - CDM-004/22, CDM-6939



SUBJECT LANDS



Source: EIS

Discussion:

PLANNING ANALYSIS:

OFFICIAL PLAN:

The subject property is designated “Mixed Use Corridor” in the City of Windsor Official Plan. An interior renovation permit (Permit No. 2022 127256 000 00) was issued August 2022 for the change of the existing four-storey office building to a combined use building by converting the 3rd and 4th floors to residential use (10 dwelling units). The combined use building is a form of Mixed Use development that is permitted in the “Mixed Use Corridor” designation and will remain permitted if the application for condominium conversion is approved.

Notwithstanding the ongoing interior renovations to the existing office building, the applicant’s request is best characterized as a non-residential conversion. The City of Windsor has established the following policies in section 11.5.5 of the Official Plan for evaluation of non-residential conversions; (see Appendix B for more relevant excerpts from the OP).

Section 11.5.5.1: Council will evaluate a plan of condominium for the conversion of an existing non-residential building or structure to a residential condominium according to the following criteria:

- (a) The proposal satisfies the general intent of policy 11.5.3.1;
- (b) The appropriateness of allowing the residential use in the area as provided for in the Land Use chapter of this Plan;
- (c) The application of site plan control; and
- (d) The structural integrity of the building and the condition of the common elements as ascertained by a professional engineer.

EVALUATION OF 11.5.5.1(a) - THE PROPOSAL SATISFIES THE GENERAL INTENT OF POLICY 11.5.3.1:

Policy 11.5.3.1 (new Development evaluation criteria) of the OP can be found in Appendix B attached to this report. Various municipal departments and external agencies have evaluated the applicant’s request in accordance with policy 11.5.3.1 and 11.5.5.1. Comments received can be found in Appendix A attached to this report. Below is a summary of the evaluation of the applicant’s request per policy 11.5.3.1:

- (a) **Provincial legislation, policies and applicable guidelines; satisfied.** Provincial Policy Statement 2020 promotes and encourages residential intensification, and increase in housing types and tenures to address on going housing crisis in Ontario.
- (b) **Provision of adequate infrastructure services, amenities and community facilities and services; satisfied.** The building is in an established mixed-use area of the city with adequate municipal services as discussed earlier in this report under Neighbourhood Characteristics – “Relationship to Municipal Services”.
- (c) **Impact upon the transportation system and adjacent land uses; satisfied.** There are existing buildings containing residential and commercial uses in the subject area and the land use designation encourages such buildings. The future condominium owners and tenants could improve ridership for transit Windsor. Residential uses help nearby businesses, so this proposed development would positively impact adjacent commercial uses.
- (d) **Impact upon any natural features or functions on the site or in the surrounding area; satisfied.** No impact identified.

(e) **The condominium is considered to be necessary, timely and in the public interest;** Yes. Conversion of a non-residential building to a plan of residential & commercial condominium is beneficial in solving housing crisis; therefore, it is in the public interest.

(f) **The condominium is designed within the parameters of the Urban Design chapter of this Plan, Volume II: Secondary Plans & Special Policy Areas and other relevant standards and guidelines;** satisfied. There is a 1989 site plan approval for the existing building.

(g) **The condominium, the condominium units, and the common elements are suitable for their intended purpose;** satisfied or will be satisfied prior to final approval.

(h) **The condominium, the condominium units, and the common elements meet the requirements of the Zoning By-law, and other municipal by-laws;** meets zoning by-law per Zoning Coordinator's comments in Appendix A attached. Will meet other municipal by-laws, such as sign by-law, prior to final approval.

(i) **The interrelationship between the design of the proposed plan of condominium and site plan control matters relating to any development on the land;** satisfied. The plan of condominium is being created within an existing building that was subject of a site plan approval and agreement in 1989. The City's Landscape Architect's comment in Appendix A attached to this report confirms that in 2020, the landscaping was restored and improved upon, and in general, the overall landscaped areas of the site are in very good condition.

EVALUATION OF 11.5.5.1 (b) - THE APPROPRIATENESS OF ALLOWING THE RESIDENTIAL USE IN THE AREA AS PROVIDED FOR IN THE LAND USE CHAPTER OF THIS PLAN:

The Land Use designation is Mixed Use Corridor, which permits medium and high profile residential uses as stand-alone buildings or part of a commercial-residential mixed-use building.

EVALUATION OF 11.5.5.1 (c) - THE APPLICATION OF SITE PLAN CONTROL:

As noted already in this report, the subject property was subject of a site plan approval in 1989 (SPC-043/89). The City's Site Plan Approval Officer's comment in Appendix A attached to this report confirms that Site Plan Approval is not required for the proposed Plan of Condominium. It should be noted that the Building Permit issued for the creation of the 10 residential units on the 3rd and 4th floor of the existing building was for interior renovation.

EVALUATION OF 11.5.5.1 (d) - THE STRUCTURAL INTEGRITY OF THE BUILDING AND THE CONDITION OF THE COMMON ELEMENTS AS ASCERTAINED BY A PROFESSIONAL ENGINEER:

The applicant submitted a Structural Integrity Report dated November 2022, prepared by Haddad, Morgan and Associates Ltd., with recommended corrections and improvements. This report recommends that all the recommended corrections and improvements in the Structural Integrity report be cleared as completed by a Professional Engineer or Professional Architect retained by the owner. Comments have been prepared by the appropriate individuals and municipal divisions regarding items such as structural integrity of the building and property standard compliance, landscaping, the appropriateness of the site, and safety issues related to the building and safety of future residents. Comments on these items are contained in this report and have been included in the recommendations section of this report.

ZONING BY-LAW

The property is zoned Commercial District 3.5 (CD 3.5) in By-law 8600. The CD3.5 zoning category permits dwelling units in a combined use building with some permitted commercial uses. The CD3.5 zoning also permits a stand-alone multiple dwelling building (See attached

Appendix C for a complete list of uses permitted in the CD3.5 zoning district. The existing apartment building is permitted under this zoning category. A special zoning provision in section 20(1)49 of By-law 8600, also applies to the easterly 26m of the subject land, along the west side of Dufferin Place ROW. Section 20(1)49 permits the maximum building height of 9.0 metres and the maximum floor area ratio of 1.5.

TABLE 24.20.5.1 - REQUIRED PARKING SPACE, Zoning By-law 8600, confirms the required minimum number of parking spaces for Dwelling Units in a Combined Use Building is 1.25 for each dwelling unit; and Business Office is 1 for each 45m² GFA (Gross Floor Area). Based on the above, 12 parking spaces minimum are required for the 10 dwelling units and 28 parking spaces minimum are required for the 1300 m² (approx.) GFA of Business Office in the building. The minimum parking required for the property is 40 spaces. Existing number of parking spaces is 52 [31 underground parking spaces and 21 surface parking spaces]. Therefore, the current number of parking spaces available on this site meets the “parking space/unit ratio” necessary under Section 24.20 - Parking Space Provisions of By-law 8600.

Section 24.22.1 - REQUIRED VISITOR PARKING SPACES, Zoning By-law 8600, requires a minimum of 15 percent of parking spaces to be marked as visitor parking, for Dwelling Units in a Combined Use Building. 15% of 52 parking spaces is 7.8spaces; therefore, 7 visitor parking spaces minimum are required for the subject property.

TABLE 24.24.1 – REQUIRED ACCESSIBLE PARKING SPACES, Zoning By-law 8600, confirms that, for 26 to 100 parking spaces, the minimum number of Type A accessible parking required is 2 percent of parking spaces (that is 2% of 52spaces = 1) and the minimum number of Type B parking spaces required is 2 percent of parking spaces (that is 2% of 52spaces = 1). Note Type ‘A’ has 3.5m x 5.5m minimum size and Type ‘B’ has 2.5m x 5.5m minimum size. There are currently two Type ‘A’ (3.5m x 5.5m) underground accessible parking spaces on site.

However, it is recommended that the applicant provide Accessible Parking and Access Aisles that meet the specifications as set out in the Integrated Accessibility Standards under the AODA (Accessibility for Ontarians with Disability Act).

PARKLAND CONVEYANCE/PAYMENT-IN-LIEU:

The City’s records show that the requirement for parkland conveyance/cash-in-lieu thereof, was not addressed for this property at the time the building permit was issued in 1989 (refer to By-law 429/2001, attached as Appendix D to this report). This report contains provision regarding compliance with the Planning Act and By-law 12780 with respect to Parkland Conveyance.

ACCESSIBILITY:

The Corporation’s Diversity and Accessibility Officer has provided comments, found in attached Appendix A to this report, to address accessibility for future tenants and visitors on the property.

The recommendations in this report contain conditions for approval of the draft plan of condominium from accessibility perspective, per the Diversity and Accessibility Officer.

BUILDING AND FIRE INSPECTIONS:

A final inspection of the work authorized by Permit No. 2022 127256 000 00, issued August 2022, for interior renovation of the third and fourth floors of the existing office building for conversion from office use to residential use (10 dwelling units total) will be conducted by Building Department staff when the subject work is completed and the developer requests a final inspection. Any site/building defects and deficiencies noted at the time of final inspection(s) shall be remedied to the satisfaction of the Chief Building Official.

On April 20, 2023 a fire inspection of the subject building was conducted; see notes below:

“The construction has not been completed. They are still working under the building permit. There were a few things that needed to be done to pass the fire inspection. The owner is working on those while he waits for the construction to be finished. As per our procedure, owners are given 30 days to complete items on the order. I will re-inspect at that point to ensure compliance.”

Note: Clearance shall be required from the Chief Building Official and the Chief Fire Prevention Officer, prior to Final Plan approval.

Risk Analysis: N/A

Climate Change Mitigation and Adaptation:

This application is mainly about a change in tenure, so there is no Climate Change impact. The change in the use of the building from commercial to combined use (residential and commercial) building is already approved by permit.

Financial Matters:

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. The estimated potential assessment implications are as shown in the table below:

2022-Tax class		Full rate	Municipal only
CT (Commercial Occupied)		0.04305320	0.03425320
RT (Residential)		0.01853760	0.01700760
	Assessment	Full Taxes	Municipal Only
Pre-Dev - CT	\$ 2,395,000	\$ 103,112	\$ 82,036
Total-Pre-Dev - CT	\$ 2,395,000	\$ 103,112	\$ 82,036
Post-Dev - CT	\$ 1,027,582	\$ 44,241	\$ 35,198
Post-Dev - CT-Surface	\$ 19,041	\$ 820	\$ 652
Post-Dev - CT-Underground	\$ 25,424	\$ 1,095	\$ 871
Post-Dev - RT	\$ 1,400,000	\$ 25,953	\$ 23,811
Total Post-Dev	\$ 2,472,047	\$ 72,108	\$ 60,532
Increase	\$ 77,047	\$ 31,005	\$ 21,505

There is an estimated increase of \$77,047 in tax assessment for the proposed condominium building on the subject property, resulting in increased tax revenue annually of \$31,005 of which \$21,505 is the municipal portion. This is an estimate only and dependant on MPAC’s assessment on the type of registration-(Condo vs Apartment style), value and use. Upon completion, MPAC will assess the registered use, value and provide the respective tax class to the Municipality.

Consultations:

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

Notice of Public meeting was provided by advertisement in the Windsor Star.

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 subject to a number of conditions including the satisfactory completion of the improvements and corrections to the property related to the dwelling units, safety, security and amenity features, as identified in the Recommendation and Consultation sections of this report. All physical improvements to the site and building are to be completed prior to final approval by the City and registration of the condominium plan.

Planning Act Matters:

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

Michael Cooke, MCIP, RPP

Manager of Planning Policy / Deputy
City Planner

Thom Hunt, MCIP, RPP

City Planner / Executive Director,
Planning & Development

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

JP

JM

Approvals:

Name	Title
Michael Cooke	Manager of Planning Policy / Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner of Economic Development & Innovation
Joe Mancina	Chief Administrative Officer

Notifications:

Name	Address	Email
Ryan Michael Solcz Prof. Corp. c/o Ryan Michael Solcz	201-1500 Ouellette Avenue Windsor ON, N8X 1C7	ryan@solczlaw.com
647444 Ontario Ltd. c/o Michael Cervi	201-1500 Ouellette Avenue Windsor ON, N8X 1C7	mcervi@bellnet.ca
Verhaegen Land Surveyors c/o Roy Simone	944 Ottawa Street, Windsor ON, N8X 2E1	rsimone@vshbbsurveyor.com

Appendices:

- 1 APPENDIX A – Municipal Departments and External Agencies Comments
- 2 APPENDIX B - Excerpts from City of Windsor Official Plan
- 3 APPENDIX C - Excerpts from Zoning By-law 8600
- 4 APPENDIX D - By-law 429/2001 (amended By-law 12780)
- 5 APPENDIX E - Site Photos

APPENDIX A – COMMENTS (From Municipal Department & External Agencies)

BRUNO DESANDO – CANADA POST

This development, as described, falls within our centralized mail policy. I will specify the condition which I request to be added for Canada Post Corporation's purposes.

- a) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service. If you have any questions or concerns regarding these conditions, please contact me. I appreciate the opportunity to comment on this project.

KAREN KOSKI – WINDSOR FIRE & RESCUE

I attended on April 20th and conducted the fire inspection. The construction has not been completed. They are still working under the building permit. There were a few things that needed to be done to pass the fire inspection. The owner is working on those while he waits for the construction to be finished. As per our procedure, owners are given 30 days to complete items on the order. I will re-inspect at that point to ensure compliance.

GORD JOYNSON – ENBRIDGE GAS

After reviewing the provided drawing at 1500 Ouellette Ave. and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area. A PDF drawing has been attached for reference.

Please Note:

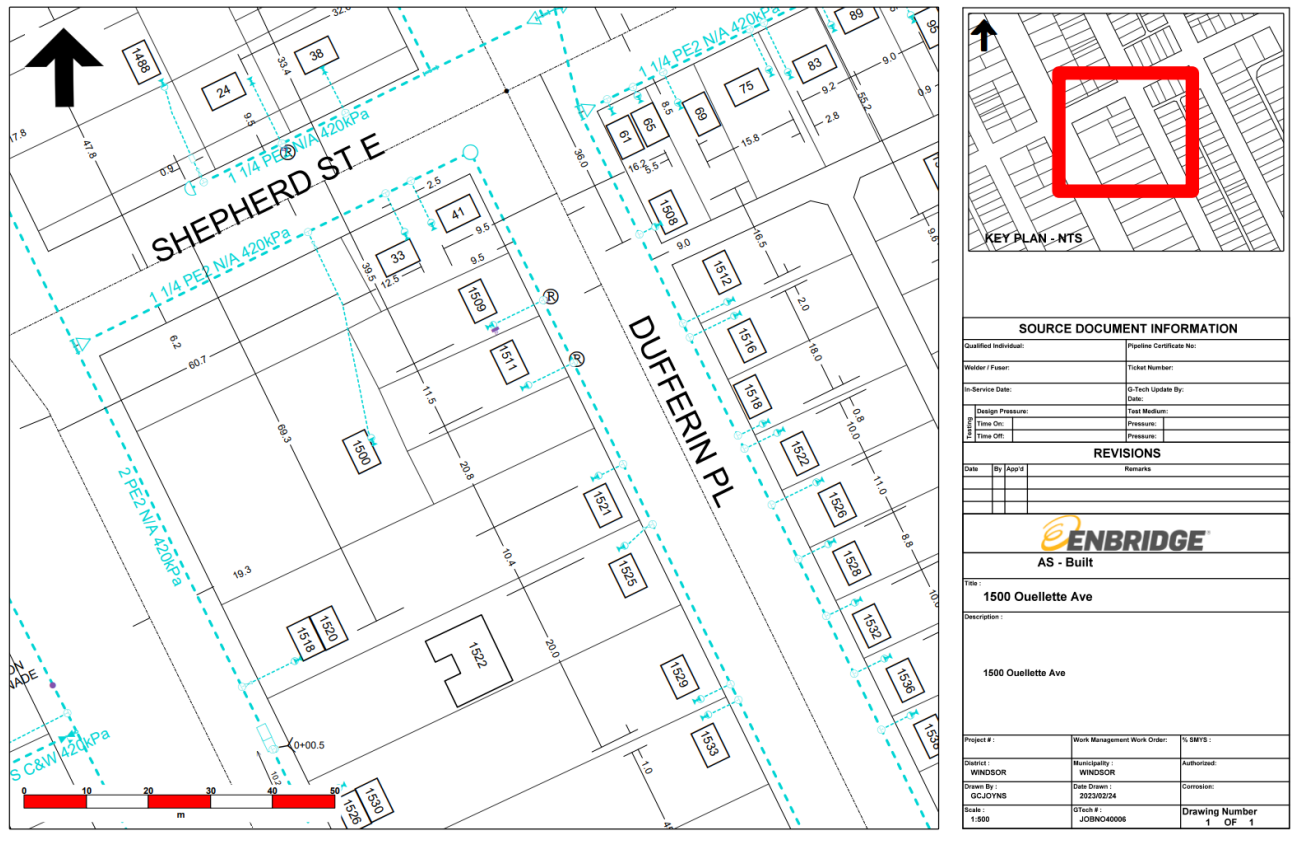
- 1. The shown piping locations are approximate and for information purposes only**
- 2. The drawings are not to scale**
- 3. This drawing does not replace field locates. Please contact Ontario One Call for onsite locates prior to excavating, digging, etc**

Enbridge Gas requires a minimum separation of 0.6m horizontal and 0.3m vertical from all of our plant less than NPS 16 and a minimum separation 1.0m horizontal and 0.6m vertical between any CER-regulated and vital pipelines. For all pipelines (including vital pipelines), when drilling parallel to the pipeline, a minimum horizontal clearance measured from the edge of the pipeline to the edge of the final bore hole of 1 m (3.3 ft) is required. Please ensure that this minimum separation requirement is maintained, and that the contractor obtains locates prior to performing any work and utilizes safe excavation practices while performing any work in the vicinity.

Also, please note the following should you find any abandoned infrastructure in the area:

- Any pipe that is excavated, please assume that it is live
- If during the course of any job, any pipe is found that is not on the locate sheet and is in conflict with your work, please call our emergency number (1-877-969-0999), and one of our Union Gas representatives will respond to determine if that plant is in fact live or dead
- Please note that our Enbridge Gas representative will respond to the live or dead call within 1-4 hours, so please plan your work accordingly

Please contact me if you have any further questions or concerns.



KELLY BUCHANAN – ENBRIDGE GAS

Thank you for your correspondence with regards to draft plan of approval for the above noted project.

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

Should you require any further information, please contact the undersigned.

JACQUELINE CABRAL – SITE PLAN CONTROL

Site Plan is not applicable for this proposed development pursuant to the Planning Act and City of Windsor By-law 1-2004.

JASON SCOTT – TRANSIT WINDSOR

Transit Windsor has no objections to this development. The closest existing transit routes to this property are with the Transway 1A & Transway 1C. The closest existing bus stops to this property are located across the street on Ouellette at Shepherd Northeast & Southwest Corners providing direct transit service to this property. This will be maintained with our City Council approved Transit Master Plan.

KRISTINA TANG – HERITAGE PLANNING

The building is existing. There is no built heritage nor archaeological comments.

JOSE MEJALLI – ASSESSMENT MANAGEMENT OFFICER

Please see estimated potential assessment implications as follows:

Assessment Impact estimate		
1500 Ouellette Ave		
040 540 06000		
Level 4- 5 x 700- new condo units	3500	sq.ft
Level 3- 5 x 700- new condo units	3500	sq.ft
Level 2- 1 unit- Commercial	5600	sq.ft
Level 1- 1 unit- Commercial	5600	sq.ft
Level 1- Surface parking spaces	21	
Level A-Underground- parking spaces	31	
Current commercial space/sq.ft	92	sq.ft

2022-Tax class		Full rate	Municipal only
CT		0.04305320	0.03425320
RT		0.01853760	0.01700760
	Assessment	Full Taxes	Municipal Only
Pre-Dev - CT	\$ 2,395,000	\$ 103,112	\$ 82,036
Total-Pre-Dev - CT	\$ 2,395,000	\$ 103,112	\$ 82,036
Post-Dev - CT	\$ 1,027,582	\$ 44,241	\$ 35,198
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Total Post-Dev	\$ 2,472,047	\$ 72,108	\$ 60,532
Increase	77,047	\$ 31,005	\$ 21,505

Estimated increase in assessment of \$77,047 resulting in increased tax revenue annually of \$31,005 of which \$21,505 is the municipal portion.

BARRY HORROBIN – WINDSOR POLICE

BACKGROUND

The Windsor Police Service has no objection to the proposed plan of condominium application for the property located at 1500 Ouellette Avenue (file CDM-004/22) to convert the existing four-storey office building to condominium tenure to create ten (10) dwelling units and two (2) commercial units. Support of the application is however subject to the applicant adequately addressing and correcting all safety and security issues/deficiencies identified in this inspection report prior to a rezoning being granted.

The inspection is in accordance with sections 11.5.3.1 and 11.5.5.1 of the Official Plan pertaining to condominium conversions based on certain conditions and criteria. Specifically, this report addresses the need for the applicant to provide adequate physical amenities and/or modifications that will ensure an adequate level of safety and security for all building users, based on 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 owner/agent on Thursday March 2nd, 2023 with the following findings:

POSITIVE SAFETY & SECURITY FEATURES of NOTE

It is important to make mention the building exhibits a number of well thought out measures that will promote and maintain safety and security, most notably:

- Building provides tenants with CCTV technology to permit viewing of activity in a proactive manner that will help prevent problematic activity and also facilitate report of suspicious persons, etc.
- Individual residential units possess high quality, programmable electronic locks and secured vestibules on each floor to maintain access control.
- Stairwells are well maintained with proper illumination to provide visibility.
- Soft landscaping elements on the property were observed to be well maintained such that they do not pose a safety risk.
- The main tenant board outside the front (primary) entrance will be configured so as not to directly identify resident's actual unit location – this is a sound measure for preventing criminals from targeting individuals to victimize.
- Owner plans to provide several visitor parking spaces within the existing outside lot to accommodate safe, convenient parking for all visitors.

ISSUES REQUIRING ATTENTION & CORRECTION

1. It is unclear if main exterior doors (both front and side/rear) used for common building entry by tenants are secured with just simple locks, whereby the keys are easily duplicable at a local hardware store, or not. This potentially leaves the building vulnerable to unauthorized access by non-residents, breaching building

security space.

Recommendation: The applicant needs to confirm that exterior door locks doors need to have locks installed on them that are of higher security and cannot be easily duplicated (for example MEDECO or PRIMUS) to establish proper building entry security for all tenants.

2. The overhead door leading to/from the underground parking garage stays open too long, resulting in an elevated risk for unauthorized individuals to easily, and very discreetly, gain physical access into the building. Such access facilitates criminal behavior and needs to be deterred.

Recommendation: The door delay should be reduced to be no more than approximately 10 – 15 seconds, allowing adequate time for vehicle passage yet limiting ease of illegal entry capability. Furthermore, ALL u/g parking garage users should be educated to remain within view of the door each time they enter and exit before leaving the site or proceeding to their parking space, to visually confirm nobody has entered inappropriately.

3. There is a sign situated at the vehicular entrance to the property off Dufferin Place (east side) identifying the site as having "Private Parking" only. This sign was observed to be covered in graffiti.

Recommendation: The graffiti tag on this sign needs to be removed, as such markings portray disorder that reduces feelings of safety for users.

4. Each outer door leading into the residential units require the ability of the tenant to visually screen visitors before opening their door. Notwithstanding other measures in place to help screen visitors, something is still needed for when a person arrives at an individual residence.

Recommendation: Each of the residential units needs to have a one-way viewing port installed within the entry door to allow residents to quickly view visitors prior to opening their door.

5. There is an undesignated exterior space on the east side of the building that is visually shrouded and discreetly positioned. Its current physical condition exhibits signs of trespassing and loitering, thereby reducing security by facilitating easy access by unauthorized individuals that is unsafe.

Recommendation: This space needs to be secured in some fashion to ensure trespassers cannot easily gain access and then remain for undefined periods. Among measures to achieve this would be fencing the space in, using a fence type that still allows visibility, and installing motion-activated floodlights that will quickly detect and deter access by trespassers.

6. Lighting for the property appears to be generally good but it is not clear if illumination levels meet recognized industry standards for establishing proper levels of safety and security. The owner needs to confirm there is adequate lighting for all exterior areas and the underground parking garage.

Recommendations:

- Exterior surface parking spaces need to be properly illuminated to a minimum lighting level of at least 1.50 foot-candles, using full cut off style lighting (to eliminate glare) in order to establish and maintain conditions that will promote and sustain feelings of safety for users. LED fixtures are highly recommended as they produce a clean, bright, white luminosity that will enhance visibility and witnessing potential. In this regard, fixtures should possess colour temperatures of 4000 degrees Kelvin (4000K), with a corresponding minimum colour rendering index (CRI) value of 70.
- The exterior common entry points to the building (front and side/back doors) need to have illumination levels of at least 4.5 foot-candles to optimize safe conditions. A minimum level of at least 3.5 foot-candles is required at the overhead door leading into the underground parking garage.
- The underground parking garage needs to have a sustained minimum illumination level of at least 2.5 foot-candles.
- Any abutting walkways/sidewalks on site need to be illuminated to at least 1.80 foot-candles.
- A **photometric plan** showing all anticipated lighting improvements is required for approval by Windsor Police Director of Planning and the City's Landscape Architect prior to corrective works being undertaken.

SUMMARY

The current physical condition of the property is generally very good, notwithstanding the ongoing construction activity that is taking place; however the safety deficiencies noted in this report are important and warrant correction prior to approval of the change in status to condominium.

As a point of reference, the subject address does generate a modest quantity of calls requiring police response and intervention on an annual basis. This may increase with the addition of residential units but is not anticipated to be a concern. A review of the police incident history at the property has been made for the past five full years and is summarized below. The data reveals just a few calls and were primarily for such incidents as suspicious persons, trouble unknown, break and enter, and delivery of summons & subpoenas.

YEAR	1500 Ouellette Avenue
2018	3
2019	4
2020	9
2021	6
2022	4
Average	5.2 incidents per year

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.



KARINA RICHTERS – ENVIRONMENTAL SUSTAINABILITY & CLIMATE CHANGE

No comments from the Environmental Sustainability and Climate Change team.

JUAN CORVALAN - BELL CANADA

We have reviewed the circulation regarding the above noted application. The following paragraphs are to be included as a condition of approval:

“The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost."

Upon receipt of this comment letter, the Owner is to provide Bell Canada with servicing plans/CUP at their earliest convenience to planninganddevelopment@bell.ca to confirm the provision of communication/telecommunication infrastructure needed to service the development.

It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

To ensure that we are able to continue to actively participate in the planning process and provide detailed provisioning comments, we note that we would be pleased to receive circulations on all applications received by the Municipality and/or recirculations.

We note that WSP operates Bell Canada's development tracking system, which includes the intake and processing of municipal circulations. However, **all responses to circulations and requests for information, such as requests for clearance, will come directly from Bell Canada, and not from WSP.** WSP is not responsible for the provision of comments or other responses.

Barbara Rusan – Building Department

The Building Code Act, Section 8.(1) & 10. (1) requires that a building permit be issued by the Chief Building Official for construction, repairs/renovations, change of use or demolition of a building.

On August 8, 2022, the Office of the Chief Building Official issued permits (CPBC #2022-127256 & 2022-138400) for conversion of existing offices on the third and fourth floor to ten (10) residential units – As of Feb. 27/22, occupancy approval has not been granted.

Building department has reviewed defects and the corrections noted in The Structural Integrity Report prepared by Haddad, Morgan and Associates Ltd. (William Tape Ph.D., P.E., P.Eng.), dated November 2022. (as provided by the Planning Department.

Repairs noted below must be completed as a condition of final approval and registration:

Conditions:

1. Asphalt pavement of the above grade parking area

- Remove deteriorated asphalt pavement, implement top and soffit concrete delamination repairs and install new water proofing membrane before reinstatement of the asphalt pavement – **Building permit required.**
2. Basement level overhead door trench cover is deteriorated
 - Replace basement overhead door trench cover – **Building permit required.**
 3. Some localized cracking in the exterior EIFS system and concrete block above the overhead door in basement level on west wall
 - Repair cracks in the exterior EIFS system cladding along with the crack in the west wall concrete block wall - **Building permit required.**

Due to the limited Ontario Building Code related information received in the Structural Integrity Report prepared by Haddad, Morgan and Associates Ltd., review of the required repairs for compliance to the Ontario Building Code has not yet been conducted.

It is strongly recommended that the owner and/or applicant contact the Building Department to determine building permit needs for the required repairs prior to building permit application submission.

The City of Windsor Building Department can be reach by phoning 519-255-6267 or, through email at buildingdept@citywindsor.ca

STEFAN FEDIUK

Pursuant to the application (CDM 004/22) for a draft plan of Condominium Approval to permit the conversion of an existing four-storey office building to condominium status at 1500 Ouellette Avenue, please note the following items to be addressed by the applicant prior to final approval of the condominium:

A) LANDSCAPING

In September of 1989 the property was subject to Site Plan Control (SPC-043/89) at which time landscaping was a requirement for approval. In 2020, the landscaping was restored and improved upon. In general the overall landscaped areas of the site are in very good condition. **Therefore no further landscape improvements are required.**

B) SITE AMENITIES AND SIGNAGE

There are no site amenities on the property other than existing signage and the constrained site does not allow new site amenities to be added.

There are two ground signs located in relationship to the property. One immediately south of the parking lot entrance to Ouellette Avenue, and a taller business directory sign oriented to Ouellette Avenue in front of the building. The change of use would result in the allowable signage to fall into a Group 2 Residential and Commercial uses (Table 2.1 (a) of the Sign Bylaw). Such signs fall under the Sign Bylaw Section 6.6; Regulations for Permanent Ground Signs.

Group 2 uses allow for only 1 Permanent Ground sign per lot with a total sign face area of 1.0m² and a maximum height of 1.5 metres. The sign located south of the main access from Ouellette Avenue may comply with the height but exceeds the total sign

face area allowed. The larger business directory sign is not in compliance and encroaches into the municipal right of way.

Recommended:

1. **The Owner will need to consider removing one sign to comply with Sign Bylaw 6.6.3.**
2. **The Owner will require to apply for a variance to the Sign Bylaw where the remaining sign does not comply with the Regulations for Group 2 Permanent Ground Signs in Section 6.6.**
3. **If the business directory sign is to be retained, then in addition to a variance, the Owner will require an Encroachment Agreement with the City.**

C) LIGHTING

Outdoor lighting of the parking and circulation areas is insufficient and substandard.

1. Provide a **total Outdoor Lighting Photometric Plan and Manufacturers' Product Data Sheets** for each light fixture proposed verifying 'Full Cut Off' (night sky Friendly), prepared by a qualified lighting consultant (i.e. lighting engineer, landscape architect, etc.), in accordance with the City Guidelines found in CR228/2005 Lighting Intensity Standards Study, for review to the satisfaction of the City's Landscape Architect in consultation with Police Services prior to issuance of **Approval** with the following minimum and maximum illumination levels measured in foot-candles (Fc):
 - 1.1. uncovered parking areas 0.5 min./4.0 max. (1.2 optimal),
 - 1.2. walkways 0.5 min./2.0 max. (1.2 optimal),
 - 1.3. building entrances 3.5 min./8.0 max. (4.5 optimal),
 - 1.4. loading and garbage storage areas 1.0 min./2.5 max. (1.2 optimal).
2. Provide Full cut-off lighting (per CR 228/2005) requires that lens be parallel to the ground, not tilted. As situated the existing light fixtures create glare to dwelling units of neighbouring building(s) and passing traffic both vehicular and pedestrian in nature.

D) PARKLAND CONVEYANCE

4. 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.

ZAID ZWAYYED – ZONING COORDINATOR

- The Proposed use is permitted.
- There is no work or alteration to the existing parking area
- Existing deficiencies in the loading space, bicycle spaces and visitor spaces are not required to be made up per section 24.10.15.1.
- There is a sufficient amount of parking spaces to the satisfaction of section 24 requirements.
- The proposal complies with the requirements of ZBL/8600.

CLARE AMICARELLI – TRANSPORTATION PLANNING

- Ouellette Avenue is classified as a Class II Arterial Road according to the Official Plan with a required right-of-way width of 38.2 metres. The current right-of-way along the frontage of the subject property is sufficient, therefore, no conveyance is required.
- Shepherd Street East is classified as a Local Road according to the Official Plan with a required right-of-way width of 20 metres. The current right-of-way along the frontage of the subject property is sufficient, therefore, no conveyance is required.
- Dufferin Place is classified as a Local Road according to the Official Plan with a required right-of-way width of 20 metres. The current right-of-way along the frontage of the subject property is sufficient, therefore, no conveyance is required.
- A corner cut off of 6.1 metres is required at the intersection of Ouellette Ave and Shepherd St E per AS-230.
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

ENWIN

HYDRO ENGINEERING:

No Objection, provided adequate clearances are achieved and maintained. ENWIN has existing overhead pole lines along the east limits with 120/208 volt and 120/240 volt secondary hydro distribution.

Prior to working in these areas, we would suggest notifying your contractor and referring to the Occupational Health and Safety Act and Regulations for Construction Projects to confirm clearance requirements during construction.

Also, we suggest referring to the Ontario Building Code for permanent required clearances for New Building Construction.

WATER ENGINEERING:

Water Engineering has no objections. There is an existing 50mm water service for the existing building.

AMY KUREK – ENGINEERING

We have reviewed the application for plan of condominium to permit the conversion of floors 3 and 4 into 10 residential condominium units and have the following comments:

Sewers

The site may be serviced by a 750mm Brick Combined Sewer or 375mm Brick combined sewer located in the Dufferin Place right-of-way and a 1050mm Reinforced concrete storm sewer located within Shepherd Street E right-of-way. If possible existing connections should be utilized. Any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice B.P 1.3.3.

Due to the presence of commercial units within the building, the applicant is required to provide a new sampling manhole at the property line, if one does not already exist.

Right-of-Way

Ouellette Avenue is classified as a class 2 arterial road according to the Official Plan requiring a 38.2 m right-of-way; the current right-of-way width is 38.2 therefore no land conveyance is required. Shepherd Street East is classified as a local road according to the Official Plan; the current right-of-way width is 20.10 therefore no land conveyance is required. Dufferin Place is classified as a local road according to the Official Plan; the current right-of-way width is 20.10 therefore no land conveyance is required. A corner cut-off of 6.1 x 6.1 metres is required at the intersection of Ouellette Ave and Shepherd St E per AS-230

There is currently raised curbing located in the right-of-way at both existing access off Ouellette Avenue and Dufferin Place that will need to be removed and access as per AS-204 will need to be constructed. A site plan including the sign located on the Ouellette Avenue side of the property is required to determine if the sign is encroaching within the right of way; if the sign is encroaching appropriate agreements will be required or removal.

In summary we have no objection to the proposed plan of subdivision, subject to the following requirements:

Corner Cut-Off – The owner(s) agrees, prior to the issuance of a construction permit, to gratuitously convey a 6.1 m x 6.1 m corner cut-off at the intersection of Ouellette Ave and Shepherd St E in accordance with City of Windsor Standard Drawing AS-230.

Sanitary Sampling Manhole– The owner agrees for all non-residential uses, 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.

If you have any further questions or concerns, please contact Amy Kurek, of this department at akurek@citywindsor.ca

DIVERSITY AND ACCESSIBILITY - GAYLE JONES

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. Require at minimum 2 barrier free entrances to building. One of the barrier-free entrances shall be the principal entrance to the building and the other one should be off of one of the primary parking areas.
2. Every barrier-free entrance shall be equipped with an accessible power door operator. Such power door openers shall be mounted according to the specifications set out in the Ontario Building Code. The main entrance had this already installed and in working order so please ensure the other barrier-free entrance also has this.
3. If there are steps at a barrier free entrance a ramp must be provided in accordance with legislation and to the satisfaction of the Chief Building Official and the Accessibility Officer.
4. If a *barrier-free* entrance incorporates a vestibule (like the primary entrance in this case), a door leading from the vestibule into the *floor area* shall be equipped with a power door operator.
5. There shall be signage placed at any non-accessible entrances that directs persons to a barrier free entrance.

Some examples of the type of signage being requested :



6. Accessible Parking and Access Aisles

Since more than one off-street parking facility is provided on the site, the number and type of accessible parking spaces is to be calculated separately for each off-street parking facility. The accessible spaces may be distributed among the off-street parking facilities to provide equivalent or greater accessibility in terms of distance to an accessible entrance or user convenience.

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:

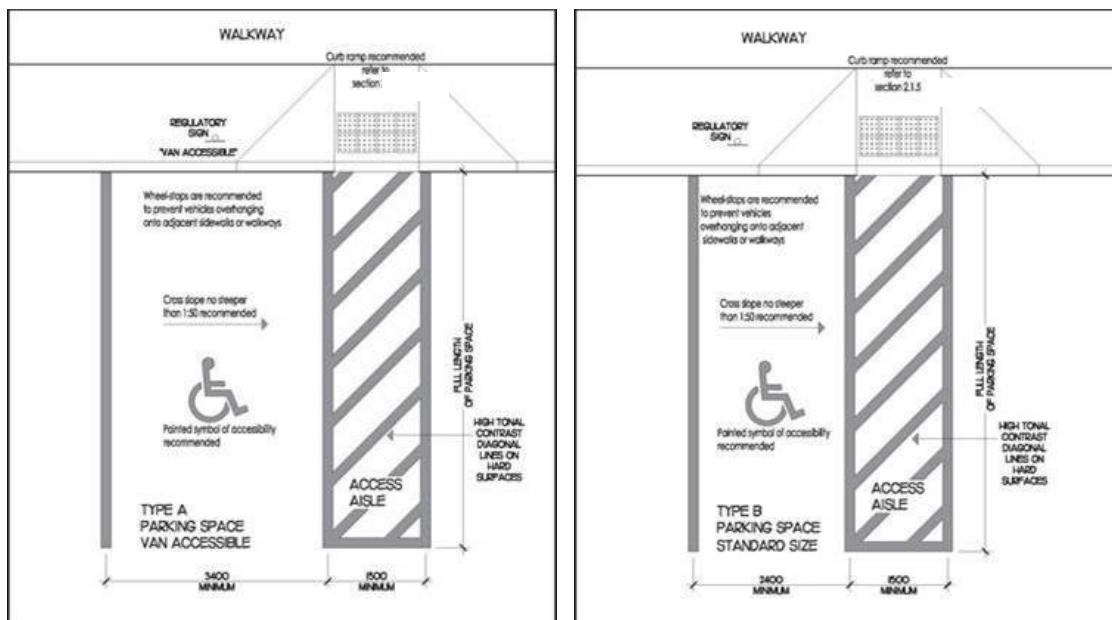
- i. Where an even number of parking spaces for the use of persons with disabilities are provided in accordance with the requirements of this paragraph, an equal number of parking spaces that meet the requirements of a Type A parking space and a Type B parking space must be provided.
- ii. Where an odd 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 spaces consist of wider parking spaces which accommodate larger vehicles such as vans that are equipped with transfer ramps and has signs that identifies the spaces as “VAN ACCESSIBLE”. An Accessible Permit is required to use these spaces;

Type B spaces are standard accessible parking spaces. An Accessible Permit is required to use these spaces;

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



7. It is preferable that the designated accessible parking spaces be the nearest parking space or spaces to the principal entrance of the main building, however if this is not possible or feasible the designated accessible parking spaces can be the nearest space(s) to a secondary entrance. Please ensure appropriate curb ramps are provided (i.e.- to the access aisles)
8. Any Conditions tied to these comments should be to the approval of the Chief Building Official and the Diversity and Accessibility Officer.

- (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;
- (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.

11.5.5 Non-Residential Conversion Policies

*EVALUATION
CRITERIA*

11.5.5.1 Council will evaluate a plan of condominium for the conversion of an existing non-residential building or structure to a residential condominium according to the following criteria:

- (a) The proposal satisfies the general intent of policy 11.5.3.1;
- (b) The appropriateness of allowing the residential use in the area as provided for in the Land Use chapter of this Plan;
- (c) The application of site plan control; and
- (d) The structural integrity of the building and the condition of the common elements as ascertained by a professional engineer.

*CONDITIONS OF
APPROVAL*

11.5.5.2 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, failing which, draft plan approval may be withdrawn.

11.6 Zoning

A municipality can regulate the use and development of lands, buildings and other structures under the zoning provisions of the *Planning Act*.

11.6.1 Objectives

ZONING

11.6.1.1 To provide for the establishment of a zoning by-law.

EXEMPTIONS

11.5.2.8 Council may exempt a plan of condominium from some or all of the provisions of the Planning Act which apply to plans of condominium in accordance with the Condominium Act. Applications for exemptions may be considered by Council if:

- (a) Residential building is constructed or a building permit for its construction has been issued;
- (b) The development has received site plan control approval; and
- (c) The development does not contain any occupied residential rental units.

11.5.3 New Development Policies

*EVALUATION
CRITERIA*

11.5.3.1 Council will evaluate a plan of condominium for a proposed new development or building that was intended for residential use but that was not previously occupied according to the following criteria:

- (a) Provincial legislation, policies and applicable guidelines;
- (b) Provision of adequate infrastructure services, amenities and community facilities and services;
- (c) Impact upon the transportation system and adjacent land uses;
- (d) Impact upon any natural features or functions on the site or in the surrounding area;
- (e) The condominium is considered to be necessary, timely and in the public interest;
- (f) The condominium is designed within the parameters of the Urban Design chapter of this Plan, Volume II: Secondary Plans & Special Policy Areas and other relevant standards and guidelines;
- (g) The condominium, the condominium units, and the common elements are suitable for their intended purpose;
- (h) The condominium, the condominium units, and the common elements meet the requirements of the Zoning By-law, and other municipal by-laws; and

- (i) The interrelationship between the design of the proposed plan of condominium and site plan control matters relating to any development on the land. (Added by OPA #66-11/05/07-B/L209-2007)

CONDITIONS OF APPROVAL

11.5.3.2 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, failing which, draft plan approval may be withdrawn.

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 Planning Department. 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; and
- (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:

APPENDIX C – Excerpts from Zoning By-law 8600

16.5 COMMERCIAL DISTRICT 3.5 (CD3.5)

16.5.1 PERMITTED USES

<i>Business Office</i>	<i>Personal Service Shop</i>
<i>Child Care Centre</i>	<i>Place of Entertainment and Recreation</i>
<i>Commercial School</i>	<i>Place of Worship</i>
<i>Food Outlet - Take-Out</i>	<i>Professional Studio</i>
<i>Hotel</i>	<i>Public Hall</i>
<i>Medical Office</i>	<i>Repair Shop - Light</i>
<i>Medical Appliance Facility</i>	<i>Restaurant</i>
<i>Micro-Brewery</i>	<i>Retail Store</i>

Dwelling Units in a Combined Use Building with any of the above uses

Double Duplex Dwelling

Duplex Dwelling

Lodging House

Multiple Dwelling

Residential Care Facility

Semi-Detached Dwelling

Townhome Dwelling

Existing Funeral Establishment

Existing Gas Bar

Existing Service Station

Restaurant with Drive-through existing before November 1, 2004

Any use accessory to any of the above uses, including a *Caretaker's Residence*. An *Outdoor Storage Yard* is prohibited.

16.5.5 PROVISIONS

- .1 Lot Frontage – minimum 15.0 m
- .2 Lot Area – minimum
For a *building* containing only non-residential uses 400.0 m²
- .4 Building Height – maximum
Equal to the length of the longest *exterior lot line*
- .8 Landscaped Open Space Yard – minimum 30.0% of *lot area*
- .10 Gross Floor Area
Within the same *building*, for a *Retail Store, Personal Service Shop, Repair Shop – Light*, or any combination thereof 250.0 m²
- .11 Gross Floor Area Ratio – maximum 3.0
- .15 For a *Combined Use Building*, all *dwelling units*, not including entrances thereto, shall be located above the non-residential uses
- .17 Exposed flat concrete block walls or exposed flat concrete walls, whether painted or unpainted, are prohibited.

Commercial District 3.5 (CD3.5) continued on next page

16.5 COMMERCIAL DISTRICT 3.5 (CD3.5) – continued**16.5.5 PROVISIONS (continued)**

- .20 Building Setback – minimum
- a) From an *exterior lot line*: 6.0 m
 - b) From an *exterior lot line* abutting Pelissier Street or Dufferin Place for that part of the building having a *building height* of more than 12.0 m: 18.0 m
 - c) From an *interior lot line* where a habitable room window faces the *interior lot line* for that part of the *building* having a *building height* of 12.0 m or less: 6.0 m
 - d) From an *interior lot line* where a habitable room window faces the *interior lot line* for that part of the *building* having a *building height* of more than 12.0 m: 11.0 m
 - e) From an *interior lot line* where a habitable room window does not face the *interior lot line* for that part of the *building* having a *building height* of 12.0 m or less: 3.0 m
 - f) From an *interior lot line* where a habitable room window does not face the *interior lot line* for that part of the *building* having a *building height* of more than 12.0 m: 25.0% of building height
- .50 Any new *building* or *structure* shall be erected on a *through lot*, except that where a lot is not a *through lot*, one *accessory building* or one accessory structure having a maximum *gross floor area* of 40.0 m² may be erected on such lot.
- .60 Dwelling Unit Density – maximum *dwelling units* per hectare
- a) Lot Frontage less than 30.0 m: 100
 - b) Lot Frontage 30.0 m or more: 230
 - c) Where both the *landscaped open space yard* is greater than 40% of the *lot area* and the *lot frontage* is more than 30.0 metres, the maximum *dwelling units* per hectare may be increased by 15%.
- .70 Notwithstanding Sections 16.5.5.1 to 16.5.5.60, a *Double Duplex Dwelling*, *Duplex Dwelling*, *Semi-Detached Dwelling* or *Townhome Dwelling* shall comply with the provisions of Section 11.2.5.

Art Gallery	1 for each 45 m ² GFA
Automatic Car Wash	0
Automobile Repair Garage	1 for each 45 m ² GFA
Automobile Sales Lot	1 for each 45 m ² GFA
Bake Shop	1 for each 22.5 m ² GFA
Bakery	1 for each 45m ² GFA for the first 2,700 m ² GFA and 1 for each additional 180 m ²
Billiard Hall	1 for each 22.5 m ² GFA
Bingo Hall	1 for each 22.5 m ² GFA
Bowling Alley	4 per alley
Building Material Recycling Centre	1 for each 45 m ² GFA
Business Office	1 for each 45 m ² GFA
Church (including a Church Hall)	1 for each 5.5 m ² GFA uses as a church, chapel or sanctuary AND 1 for each 36 m ² GFA not used as a church, chapel or sanctuary
Club	1 for each 22.5 m ² GFA
Coin Operated Car Wash	0
College Student Residence	1 for each 4 beds
Collision Shop	1 for each 45 m ² GFA
Combined Use Building – Dwelling Units	1.25 for each dwelling unit
Commercial School	2.5 for each classroom or teaching area AND 1 for each 22.5 m ² of GFA of cafeteria, auditorium, gymnasium and other area of assembly
Confectionary	1 for each 45 m ² GFA for the first 2,700 m ² GFA AND 1 for each additional 180 m ²
Confectioner’s Shop	1 for each 22.5 m ² GFA
Contractor’s Office	1 for each 45 m ² GFA used as a business office AND 1 for each 200 m ² GFA used as a warehouse
Convenience Store	1 for each 22.5 m ² GFA
Convent or Monastery	1 for each 4 beds
Correctional Facility	1 for each 2 beds
Day Nursery	1.5 for each classroom or teaching area
Double-duplex Dwelling	4
Drive-through Food Outlet	1 for each 22.5 m ² GFA
Drive-through Restaurant	1 for each 7.5 m ² GFA
Duplex Dwelling	2
TABLE 24.20.5.1 - REQUIRED PARKING SPACES	
USE	PARKING RATE - MINIMUM
Elementary School	1.5 for each classroom or teaching area
Entertainment Lounge	1 for each 7.5 m ² GFA

Motor Vehicle Salvage Operation	1 for each 45 m ² GFA for the first 2,700 m ² GFA AND 1 for each additional 180 m ²
Multiple Dwelling containing a maximum of 4 Dwelling units	1 for each dwelling unit
Multiple Dwelling containing a minimum of 5 Dwelling units	1.25 for each dwelling unit
Museum	1 for each 45 m ² GFA
Outdoor Market	0
Pawnshop	1 for each 22.5 m ² GFA
Personal Service Shop	1 for each 22.5 m ² GFA
Pharmacy	1 for each 22.5 m ² GFA
Place of Entertainment and Recreation	1 for each 36 m ² GFA
Power Generation Plant	1 for each 200 m ² GFA
Professional Studio	1 for each 45 m ² GFA
Public Hall	1 for each 7.5 m ² GFA
Residential Care Facility	1 for each 4 beds
Restaurant	1 for each 7.5 m ² GFA
Retail Store	1 for each 22.5 m ² GFA
Secondary School	1.5 for each classroom or teaching area AND 1 For each 22.5 m ² of GFA of cafeteria , auditorium, gymnasium and other area of assembly
Self-storage Facility	2
Semi-Detached Dwelling	1 for each dwelling unit
Service Station	1 for each 45 m ² GFA
Shelter	1 for each 6 beds
Single –unit Dwelling	1
Stacked Dwelling Unit	1 for each dwelling unit
Take-Out Food Outlet	1 for each 22.5 m ² GFA
Temporary Outdoor Vendor’s Site	0
Theatre	1 for each 6 seats
Tourist Home	1 for each guest room AND 1 for each 22.5 m ² GFA used for a restaurant, convention hall, meeting room and other places of assembly
TABLE 24.20.5.1 - REQUIRED PARKING SPACES	
USE	PARKING RATE - MINIMUM
Townhome Dwelling having an attached garage or carport	1 for each dwelling unit
Townhome Dwelling without an attached garage or carport	1.25 for each dwelling unit

24.22.1 REQUIRED VISITOR PARKING SPACES

- .1 For a Townhome Dwelling without an attached garage or carport, Multiple Dwelling with a minimum of five dwelling units, or Dwelling Units in a Combined Use Building, a minimum of 15 percent of parking spaces shall be marked as visitor parking.
- .5 If the calculation of the number of visitor parking spaces results in a number containing a fraction, the number shall be rounded DOWN to the nearest whole number, but in no case shall there be less than one visitor parking space and one required parking space.

24.22.10 SIZE OF VISITOR PARKING SPACE

- .1 Each visitor parking space shall have a minimum length of 5.5 metres and a minimum width of 2.5 metres, except where one side of the parking space is flanked by a wall or fence, each visitor parking space shall have a minimum length of 5.5 metres and a minimum width of 3.5 metres.

24.24 ACCESSIBLE PARKING SPACE PROVISIONS [ZNG/4046]

(AMENDED by B/L 48-2014, April 15, 2014)

24.24.1 REQUIRED ACCESSIBLE PARKING SPACES

- .1 There shall be provided accessible parking spaces as shown in Table 24.24.1:

TABLE 24.24.1 – REQUIRED ACCESSIBLE PARKING SPACES		
TOTAL NUMBER OF PARKING SPACES IN PARKING AREA	REQUIRED NUMBER OF ACCESSIBLE PARKING SPACES – MINIMUM	
	TYPE A	TYPE B
1 to 25	1 space	0
26 to 100	2 percent of parking spaces	2 percent of parking spaces
101 to 200	1.5 percent of parking spaces	0.5 space plus 1.5 percent of parking spaces
201 to 1,000	0.5 space plus 1 percent of parking spaces	1 space plus 1 percent of parking spaces
1,001 or more	5 spaces plus 0.5 percent of parking spaces	5.5 spaces plus 0.5 percent of parking spaces

- .2 If the calculation of the number of required Type A and Type B accessible parking spaces results in a number containing a fraction, the number shall be rounded up to the nearest whole number:

24.24.10 SIZE OF ACCESSIBLE PARKING SPACE

- .1 A Type A accessible parking space shall have a minimum width of 3.5 metres and a minimum length of 5.5 metres.
- .2 A Type B accessible parking space shall have a minimum width of 2.5 metres and a minimum length of 5.5 metres.

24.24.15 ACCESS AISLES

- .1 An access aisle, that is the space between or beside accessible parking spaces that allows persons with disabilities to get in and out their vehicles, shall be

APPENDIX 'D' – By-law 429-2001 (amended By-law 12780)

BY - LAW NUMBER 429-2001

A BY-LAW TO AMEND BY-LAW NUMBER 12780,
BEING A BY-LAW TO PROVIDE FOR THE
CONVEYANCE OF LAND OR THE PAYMENT OF
MONEY IN LIEU OF LAND TO THE MUNICIPALITY FOR
PARKS OR OTHER PUBLIC RECREATIONAL PURPOSES

Passed the 26th day of November, 2001.

WHEREAS it is deemed expedient to further amend By-law Number 12780 passed the 6th day of January, 1997;

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

1. That By-law Number 12780 is amended as follows:

(1) That Section 1 be amended by adding the following thereto:

"(i) "Senior Property Agent" means the Senior Property Agent for the Corporation from time to time."

(2) That the following be added as Section 2.1 and Section 2.2 as follows:

"2.1 As a condition of development or redevelopment of land for commercial or industrial purposes, the owner shall convey to the Corporation for park or other public recreational purposes an amount of land not exceeding two percent (2%) of the land proposed for development or redevelopment.

2.2 In the event that the land is to be developed or redeveloped for more than one purpose, then the provisions of this by-law shall apply to each such purpose in the same proportion as the purpose for which the lands are to be developed or redeveloped."

(3) That the following be added as Section 3.1:

"3.1 Notwithstanding Section 2.1 the Council may require the payment of money equal to the value of the land otherwise required to be conveyed under this by-law and, for the purpose of determining the amount of such payment, the value of the land shall be determined as of the day before the day of the issuance of a building permit in respect of the development or redevelopment, or, where more than one building

APPENDIX 'D' – By-law 429-2001 (amended By-law 12780)

permit is required for the development or redevelopment, as of the day before the issuance of the first permit."

- (4) That Section 4.1 be deleted and the following substituted therefore:

"4.1 Where an owner disputes the money equal to the land referred to in Section 3, 3.1, 4 or 4.2, the following shall apply:

- (a) Where the land has been the subject of an arms-length transaction of purchase and sale within the preceding twelve months, the sale price shall be deemed the value of the land.
- (b) An owner may provide an appraisal of the land, satisfactory to the Senior Property Agent, that has been prepared by an appraiser accredited with the Appraisal Institute of Canada ; or
- (c) The owner may apply to the Ontario Municipal Board for a determination of the value of the land."

- (5) That the following be added as Section 4.2:

"4.2 For the purposes of Section 2.1 the money equal to the value of the land, required to be paid under Section 3.1 shall be determined by the Senior Property Agent."

2. That this by-law shall come into force and take effect on January 1, 2002.

MICHAEL HURST, MAYOR

JOHN SKOROBOHACZ, CITY CLERK

First Reading - November 26, 2001
Second Reading - November 26, 2001
Third Reading - November 26, 2001

APPENDIX E - SITE PHOTOS (taken May 10, 2023)



Photo 1: Ouellette Avenue Vehicular Entrance



Photo 2: Ouellette Avenue View

APPENDIX E - SITE PHOTOS (taken May 10, 2023)



Photo 3: View from Ouellette & Shepherd intersection



Photo 4: Close View of main pedestrian entrance off Ouellette & Shepherd

APPENDIX E - SITE PHOTOS (taken May 10, 2023)



Photo 5: View of north wall and access to underground parking along Shepherd St.



Photo 6: Close view of access to underground parking along Shepherd St.



Photo 7: Close view of rear vehicular access & neighbouring houses along Dufferin Place



Subject: Downtown CIP Grant Applications/Demolition Control By-law Exemption Request made by Fouad Badour (Owner) for 0, 507, 527 Marentette Avenue, Ward 3

Reference:

Date to Council: January 8, 2024

Author: Laura Strahl
Planner III - Special Projects
519-255-6543 ext. 6396
lstrahl@citywindsor.ca

Tracy Tang
Planner II - Revitalization & Policy Initiatives
519-255-6543 ext. 6449
ttang@citywindsor.ca

Nathan Li
Planning Assistant
519-255-6543 ex
Planning & Building Services
Report Date: 2023-12-05
Clerk's File #: SPL2023

To: Mayor and Members of City Council

Recommendation:

- I. **THAT** the Chief Building Official **BE AUTHORIZED** to issue a demolition permit to the registered owner Fouad Badour for the single unit dwelling located at 527 Marentette Avenue to facilitate the construction of a two (2) story eight (8) unit dwelling.
- II. **THAT** any minor changes **BE SUBJECT** to the approval of the City Planner and Chief Building Official at the time of issuance of the Building Permit.
- III. **THAT** the Chief Building Official **BE DIRECTED** to require, as a condition of the demolition permit:
 - i. The redevelopment identified in Appendix 'B' be substantially complete within two (2) years following the issuance of the demolition permit;

- ii. If the redevelopment, including construction of a new building, is not substantially complete within two (2) years of the commencement of the demolition the Clerk enter the sum of Twenty Thousand Dollars (\$20,000) on the collectors roll of the property;
- IV. **THAT** the City Solicitor **BE DIRECTED** to register a notice of Condition #2 in the land registry office against the property in the event that the redevelopment is not substantially complete within two (2) years following the commencement of the demolition.
- V. **THAT** the request made by Fouad Badour for the proposed development at 0, 507, 527 Marentette Avenue, to participate in:
 - i. the Building/Property Improvement Tax Increment Grant Program **BE APPROVED** for 100% of the municipal portion of the tax increment resulting from the proposed development for up to five (5) years or until 100% of the eligible costs are repaid pursuant to the Downtown Windsor Enhancement Strategy and Community Improvement Plan;
 - ii. the New Residential Development Grant Program **BE APPROVED** for \$20,000 towards eligible costs of eight (8) new residential units (\$2,500 per new residential units) pursuant to the Downtown Windsor Enhancement Strategy and Community Improvement Plan.
- VI. THAT Administration **BE DIRECTED** to prepare the agreements between the City and Fouad Badour to implement the Building/Property Improvement Tax Increment Grant Programs at 0, 507, 527 Marentette Avenue in accordance with all applicable policies, requirements, and provisions contained within the Downtown Windsor Enhancement Strategy and Community Improvement Plan.
- VII. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Building/Property Improvement Tax Increment Grant Program agreements at 0, 507, 527 Marentette Avenue to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the City Treasurer as to financial implications.
- VIII. THAT the City Treasurer **BE AUTHORIZED** to issue payment of \$20,000 for grants under the New Residential Development Grant Program for 0, 507, 527 Marentette Avenue to Fouad Badour upon completion of the eight (8) new residential units subject to the satisfaction of the City Planner and Chief Building Official.
- IX. Grant funds in the amount of \$20,000 under the New Residential Development Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to the City Centre Community Development Planning Fund (Project #7011022) when work is completed.
- X. THAT the approval to participate in the Building/Property Improvement Tax Increment Grant Program **EXPIRE** if the grant agreement is not signed by

applicant within one year following Council approval. The City Planner may extend the deadline for up to one year upon request from the applicant.

- XI. THAT should the new residential units not be completed in two (2) years, City Council **AUTHORIZE** that the funds under the New Residential Development Grant Program be uncommitted and made available for other applications.

Executive Summary:

N/A

Background:

Property Location:

527 Marentette

Description: LT 3 PL 519 WINDSOR ; WINDSOR

0 Marentette

Description: PT LT 2 PL 519 DESIGNATED AS PART 1, PLAN 12R-26615 CITY OF WINDSOR

507 Marentette

Description: LT 1 PL 519 WINDSOR ; WINDSOR

The subject report makes recommendations for grants under the Downtown CIP and exemption under Demolition Control By-law 131-2017.

On October 23, 2023, a Downtown CIP grant application was submitted for the purpose of constructing a two-story, eight-unit dwelling located at 0, 507, 527 Marentette Avenue (See Appendix A for location map). The owner also applied for an exemption from Demolition Control By-law 131-2017 to demolish the existing single unit dwelling located at 527 Marentette Avenue.

The property is located within the Downtown Community Improvement Plan (Downtown CIP) area (outside of the CBD and any BIAs). The property is also located within Schedule H of the Demolition Control By-law 131-2017.

Downtown CIP

The Downtown Windsor Community Improvement Plan (Downtown CIP) was approved by City Council on September 29, 2017 and an adopting by-law was passed by City Council on October 16, 2017.

The Downtown CIP provides financial incentives to encourage new residential development, retail investment, facade improvements, and building/property improvements.

Fouad Badour, owner of the properties located at 527, 0, 507 Marentette Avenue, has applied for financial incentives under the Building/Property Improvement Tax Increment Grant Program and the New Residential Development Grant Program. The applicant is

proposing to construct a new two-story eight-unit dwelling located at 527, 0, 507 Marentette Avenue (See Appendix B).

Demolition Control By-law 131-2017

Demolition Control By-law 131-2017 was approved by City Council on August 28, 2017 to encourage orderly development and prevent speculative demolition of residential dwellings in the vicinity of traditional commercial streets.

The owner applied for an exemption from Demolition Control By-law 131-2017 to demolish the existing single unit dwelling located at 527 Marentette Avenue which would facilitate their redevelopment plans for the property.

Discussion:

Downtown CIP

Building/Property Improvement Tax Increment Grant Program:

This program is intended to provide economic incentive for the development, rehabilitation and redevelopment of properties in Downtown Windsor. The program provides an annual grant equal to 100% of the increase in municipal property taxes for five years, after the project is completed and reassessed to help offset the costs of rehabilitating and redeveloping properties, as long as such development results in an increase in assessment and therefore an increase in property taxes. Grants are only paid after completion of a development and subject to meeting all the requirements within the Downtown Windsor Enhancement Strategy and Community Improvement Plan.

The proposed redevelopment on the property will increase the assessed value and therefore increase municipal taxes. This project qualifies for the Building/Property Improvement Tax Increment Grant and the Financial Matters section of this report discusses the estimated grant amount.

New Residential Development Grant Program:

The New Residential Development Grant Program is intended to provide an incentive to stimulate residential development within Downtown Windsor. The program will consist of a grant whereby property owners will be eligible to receive a grant to \$2,500 for every new residential unit, up to a maximum of \$50,000 per property.

The owner proposes to construct eight new residential units, therefore the project will reach the maximum grant of \$20,000 under the program.

Exemption to Demolition Control By-law 131-2017

Section 3 of the Demolition Control By-Law 131-2017 states that *"...no person shall demolish the whole or any part of any residential property in the control area described*

in Section 2 hereof unless the person is the holder of a demolition permit issued by Council under the provisions of this by-law.” The decision to issue (or not to issue) a demolition permit is at City Council’s sole discretion.

Section 5 of the Demolition Control By-Law 131-2017 states that “...*Council shall, on an application for a demolition permit, issue a demolition permit where a building permit has been issued to erect a new building on the site of the residential property sought to be demolished.*” Section 7 states that a demolition permit may be issued with the following conditions:

- (a) That the applicant for the demolition permit construct and substantially complete the new building to be erected on the site of the residential property to be demolished by not later than such date as may be determined by Council, provided, however, that such date is not less than two years from the day demolition of the existing residential property is commenced;*

- (b) That, on failure to complete the new building within the time specified in the permit issued, the Clerk shall be entitled to enter on the collectors roll, to be collected in like manner as municipal taxes, such sum of money as may be determined by Council but not in any case to exceed the sum of Twenty Thousand Dollars (\$20,000.00) for each dwelling unit contained in the residential property in respect of which the demolition permit is issued, and such sum shall, until payment thereof, be a lien or charge upon the land in respect of which the permit to demolish the residential property is issued;*

- (c) That notice of conditions in this section 7 be registered in the land registry office against the land to which it applies.*

Section 11.11 of the City’s Official Plan requires the filing of redevelopment plan as a condition of approval for a demolition permit for areas subject to Demolition Control By-Laws. Section 11.11.1.2 requires that “*Redevelopment plans shall include plans for:*

- (a) Replacement Buildings;*
- (b) Replacement of Demolished dwelling units and;*
- (c) Landscaped open space.”*

Demolition Control By-law 131-2017 applies to properties containing a residential dwelling unit located within 100 metres (328 feet) of traditional commercial streets, which includes properties north and south of Wyandotte St E between McDougall Avenue and Gladstone Avenue.

The subject property is located at 527 Marentette Avenue. A one-storey single unit residential detached dwelling constructed in approximately 1910 is on the property. The

parcel is 282 square metres in size and it is not listed on the Municipal Heritage Register.

The proposed drawings (Appendix B) show a two-storey eight-unit dwelling. The four upper-floor units will have five bedrooms and two bathrooms in each unit, while the four lower-level units will have two bedrooms and one bathroom in each unit. The application and drawings are consistent with the requirements of Sections 11.11 regarding a Redevelopment Plan.

Risk Analysis:

Downtown CIP

There is low risk associated with the approval of the subject Downtown CIP grant applications. An agreement between the City and owner will be prepared to ensure the Building/Property Improvement Tax Increment Grant Program requirements and provisions of the Downtown Windsor Enhancement Strategy and Community Improvement are met. The New Residential Development Grant will only be paid after the work is complete to the satisfaction of the City Planner.

The Building Department has not received or conducted a review of the building plans to confirm compliance with the Ontario Building Code and applicable law (e.g. zoning by-law). A review of the drawings will be conducted to ensure that the City's incentives are being used appropriately and the City is receiving good value for the public investment allocated through the Downtown Incentive Program(s) "toolkit". As a requirement of Section 28 (7.3) of the Planning Act, Administration has confirmed that the total amount of all of the grants does not exceed the total cost of the project.

Exemption to Demolition Control By-law 131-2017

There is low risk associated with approval of the requested demolition. The proposed redevelopment will be subject to a Zoning By-law review, and the building permit review process will take into consideration the plan's compliance with the Ontario Building Code and other relevant legislation. The owner has demonstrated there is a redevelopment plan for the property and, should Council decide to approve their request, is expected to construct the new dwelling within the two-year time frame set out in the recommendations section.

A building permit is required for the new construction, and any new construction approval must conform to the Ontario Building Code. Inspections will be undertaken as part of the permit issuance process for new development.

If the new dwelling is not substantially complete within two years of demolition permit issuance, a penalty in the amount of \$20,000 will be added to the tax roll of the property.

Climate Change Risks

Climate Change Mitigation:

The demolition of the existing single unit dwelling affects climate change, because the existing structure will not be re-used and will likely end up in a land fill. However, the proposed residential redevelopment implements Environmental Master Plan Objective C1: Encourage in-fill and higher density in existing built areas. The proposal will increase the residential density and will make efficient use of the property within an area that has excellent access to public transit and other amenities. The rehabilitation of the site contributes to the revitalization and densification of the Downtown Neighbourhood, thereby contributing to a complete community. The construction of the new building will utilize modern building methods, which will conform to the Ontario Building Code concerning safety and energy efficiency.

Utilizing an existing site in a built-up area of the City also promotes efficiency on the existing infrastructure network by not promoting development on greenfield land.

Climate Change Adaptation:

As temperatures increase and when considering the Urban Heat Island effect for the City of Windsor, the property appears to be located near a Heat Vulnerability area. However, the rehabilitation of the existing site and construction of the new building will utilize modern building methods, which will conform to the Ontario Building Code concerning energy efficiency.

Financial Matters:

New Residential Development Grant Program:

As mentioned in the discussion section of the report the proposed redevelopment is eligible for \$20,000 under the New Residential Development Grant Program.

CIP Reserve Fund 226 holds the funds for all active CIPs in the City. As CIP grant applications are approved, the approved grant amount is transferred to the capital project account (City Centre Community Development Planning Fund (Project #7011022) to be kept as committed funds, until the grant is ready to be paid out. The current uncommitted balance in the CIP reserve fund is \$685,379.89 however this balance does not account for other CIP grant requests that are currently being considered by the standing committee or have been endorsed by the standing committee and are not yet approved by City Council.

If approved, funds will be transferred from the CIP reserve fund to the City Centre Community Development Planning Fund (Project #7011022) to disperse the maximum amount of \$20,000 for the *New Residential Development Grant Program* identified in this report when all work is completed.

Building/Property Improvement Tax Increment Grant Program:

The program provides an annual grant equal to 100% of the increase in municipal property taxes for five (5) years, with the possibility of a five (5) year extension, up to a total of ten (10) years if the project is considered a Catalyst Project; a designated heritage property, projects where at least 20% of the residential units are considered affordable or the project is certified LEED bronze. The subject property is not eligible for a five-year extension.

It is estimated that the redevelopment will result in municipal taxes of \$12,506 a year. It should also be noted that the estimates used for purposes of this report are very preliminary and subject to further refinement of the design plans and ultimately subject to MPAC’s assessment.

The proponent indicates the estimate costs for the projects \$1,693,200. The Planning Act stipulates that the grants under a CIP cannot be more than the eligible costs. The total estimated grant amount of \$77,190 (including the \$20,000 under the New Residential Development Grant Program) is 4.6% of the estimate eligible costs.

Estimated Building/Property Improvement Tax Increment Grant for 0, 507, 527 Marentette		
Annual Pre Development Municipal Taxes	Annual Estimate Post Development Municipal Tax <u>Increase</u>	Total Estimate Grant Over Five Years
\$1,068	\$11,438	\$57,190

Assumptions

Current Property Value Assessment (2023 – Residential) \$59,800

Estimate Total Post Development Assessment (2023 – Residential) \$700,000

Because the Grant Program does not cancel taxes, the applicant must pay the full amount of property taxes annually and will subsequently receive a grant for the difference between the pre and post-development municipal taxes. The City will retain the amount of pre-development (base) municipal taxes throughout the lifespan of the grant program; however will be foregoing any incremental property taxes which could otherwise be used to offset future budget pressures.

Consultations:

The owner of the properties located at 0, 507, 527 Marentette Avenue has been consulted regarding grants related to the improvements outlined in this report, as well as the application for exemption from Demolition Control By-law 131-2017 and the requirement of a Redevelopment Plan.

Carolyn Nelson, Manager of Property Valuation & Administration, Taxation & Financial Projects was consulted with respect to the Downtown CIP Building/Property Improvement Tax Increment Grant Program.

Josie Gualtieri, Financial Planning Administrator was also consulted regarding the Downtown CIP.

Conclusion:

The demolition of the existing residential dwelling located at 527 Marentette Avenue will facilitate the construction of a two-storey eight-unit dwelling, thereby meeting the intent of Demolition Control By-law 131-2017. The proposed redevelopment will be subject to Building Department review, constitutes orderly development, and the requested demolition is not considered speculative.

Staff recommends that the application for the New Residential Development Grant Program and Building/Property Improvement Tax Increment Grant for five (5) years be approved.

Administration also recommends that Council grant the requested demolition permit application submitted by the owner of 527 Marentette Avenue, and that a condition be imposed requiring the redevelopment to be substantially complete within two years of demolition permit issuance.

Planning Act Matters:

N/A

Approvals:

Name	Title
Josie Gualtieri	Financial Planning Administrator
John Revell	Chief Building Official
Neil Robertson	City Planner (A)
Wira Vendrasco	City Solicitor (A)

Carolyn Nelson	Manager, Property Valuation & Administration, Taxation, Treasury & Financial Projects
Lori Gregg	Deputy Treasure, Taxation, Treasury & Financial Planning
Janice Guthrie	Commissioner, Finance and City Treasurer
Jelena Payne	Commissioner, Economic Development
Joe Mancina	Chief Administrative Officer

Notifications:

Name
Fouad Badour

Appendices:

- 1 Appendix 'A' - Location Map and Existing Condition
- 2 Appendix 'B' - Proposed Development

Appendix 'A' – Location Map and Existing Condition



LOCATION MAP : 507-527 MARENTETTE AVENUE



SUBJECT PROPERTY



Appendix 'A' – Location Map and Existing Condition



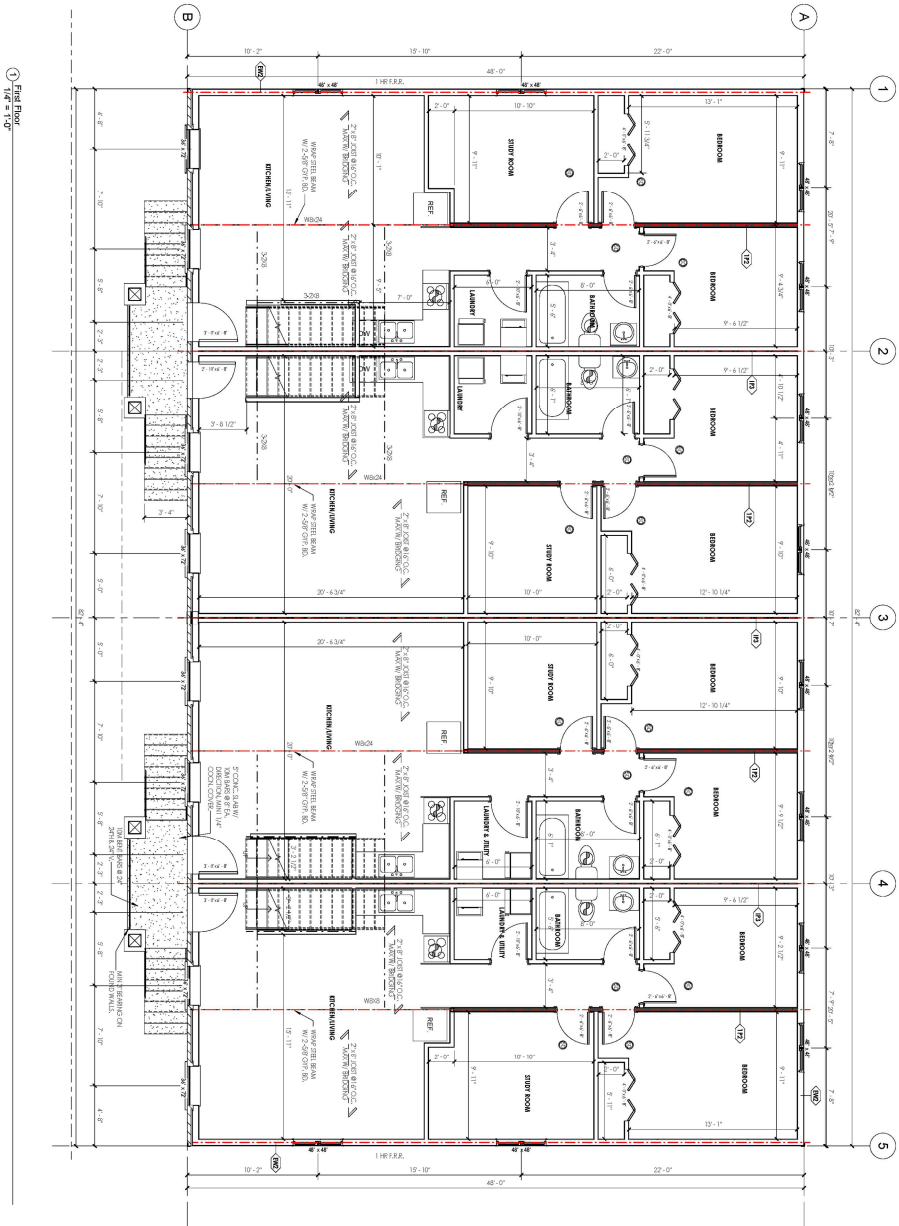
November 2023 Google Street View of property looking west.

Appendix 'A' – Location Map and Existing Condition



December 2020 Google Street View of property looking west.

Appendix 'B' - Proposed Development



① First Floor
1/8" = 1'-0"

Municipality of Windsor
www.windsor.ca

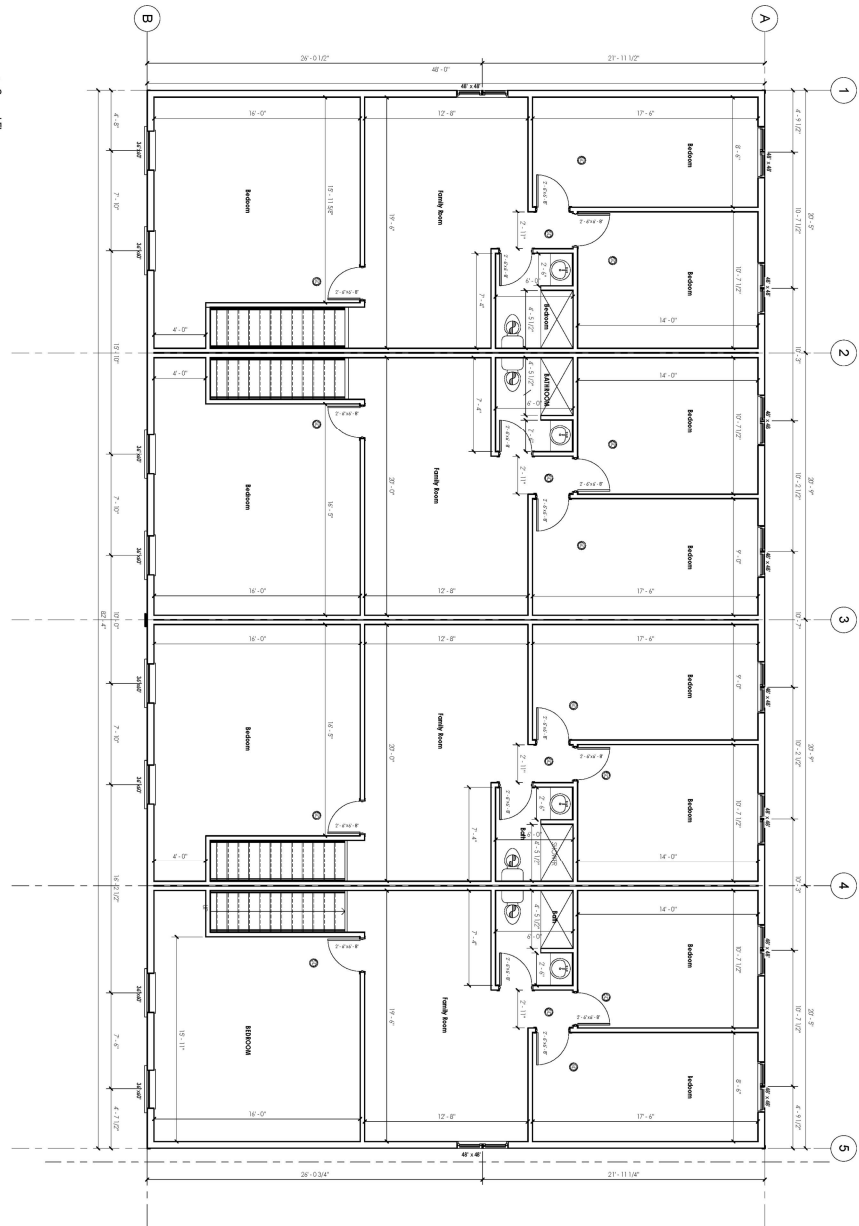
ASSOCIATION
OF MUNICIPALITIES
OF ONTARIO

No.	Description	Date
1	Revision	2022-08-25


Prepared by: V.P.B.
 Checked by: M.B.
 Date: August 2022
 Project number: 2206

8 UNIT DEVELOPMENT
 527 Marquette
 Windsor ON
 First Floor Plan
 A2
 1/8" = 1'-0"

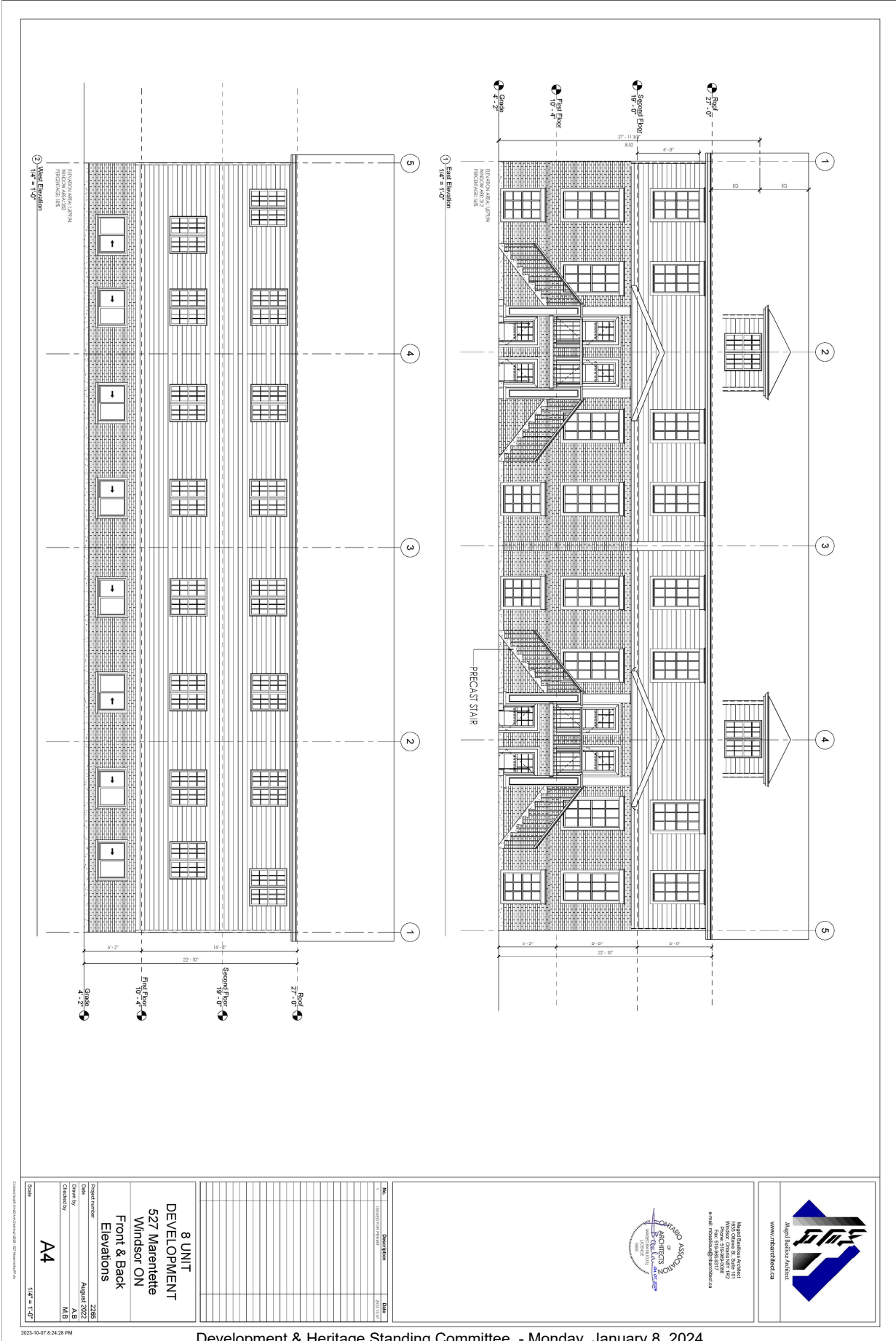
Appendix 'B' - Proposed Development



① Second Floor
1/4" = 1'-0"

 <p>Windsor Association of Architects 1005 Dundas St. East, 10th Floor Windsor, Ontario N9A 5S6 Phone: 519-253-0000 Fax: 519-253-0001 Email: association@windsorarch.ca</p>	
<p>www.mhsdfrd.ca www.mhsdfrd.ca</p>	
<p>8 UNIT DEVELOPMENT 527 Marquette Windsor ON</p> <p>Second Floor Plan</p>	
<p>Project number: 2285 Date: August 2022 Drawn by: V.P. Checked by: M.B.</p>	<p>A3</p>
<p>Scale: 1/4" = 1'-0"</p>	

Appendix 'B' - Proposed Development



② Rear Elevation
 Elevations
 1/4" = 1'-0"

① Front Elevation
 Elevations
 1/4" = 1'-0"

8 UNIT DEVELOPMENT
 527 Marantette
 Windsor ON
 Front & Back Elevations

Project Number: 2205
 Date: August 2022
 Drawn By: A.B.
 Checked By: M.B.

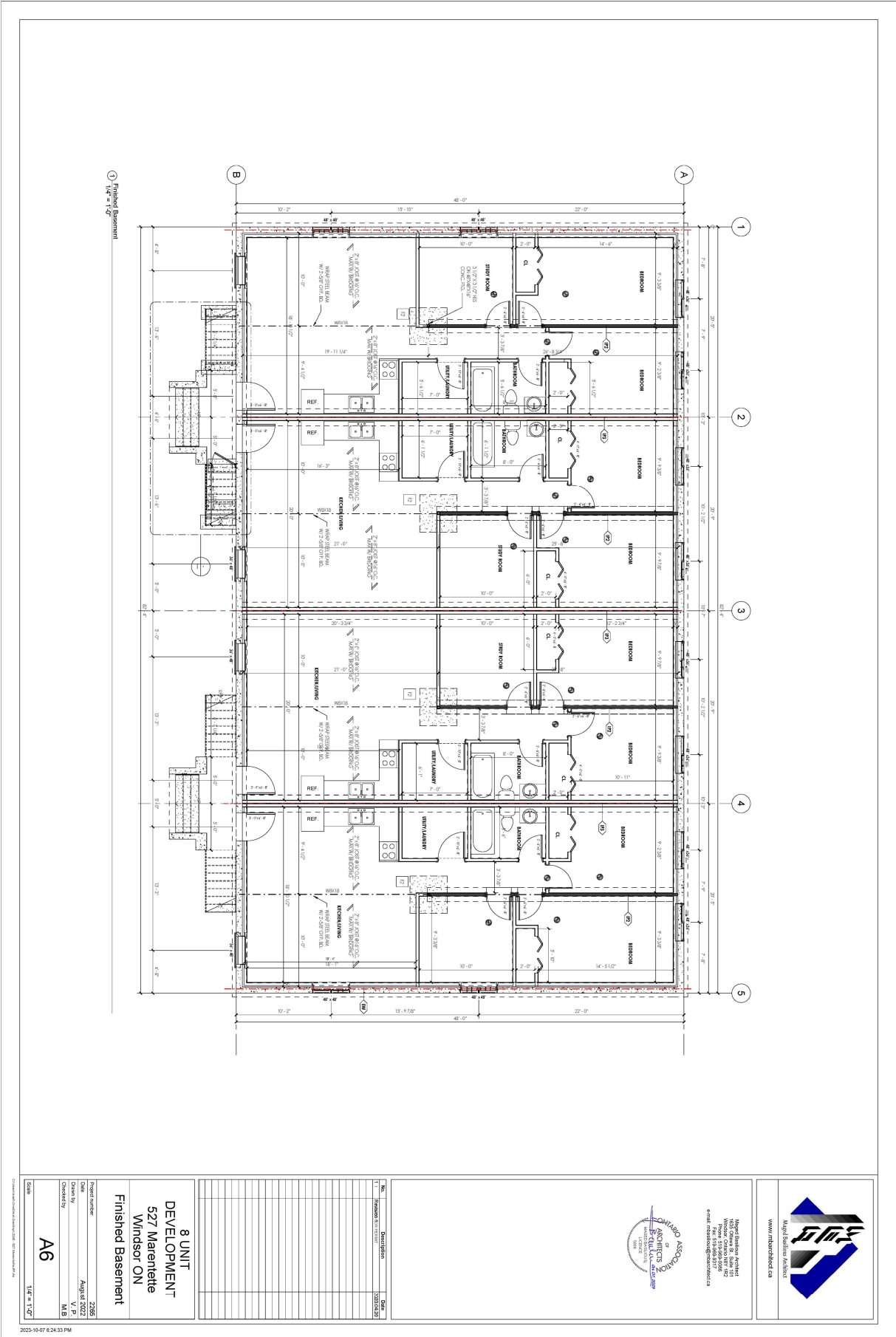
A4

1/4" = 1'-0"

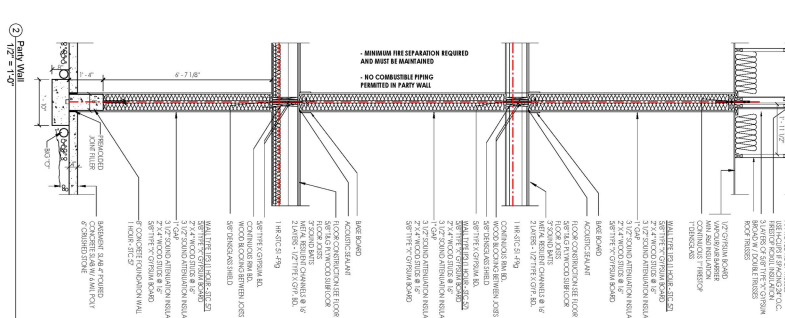
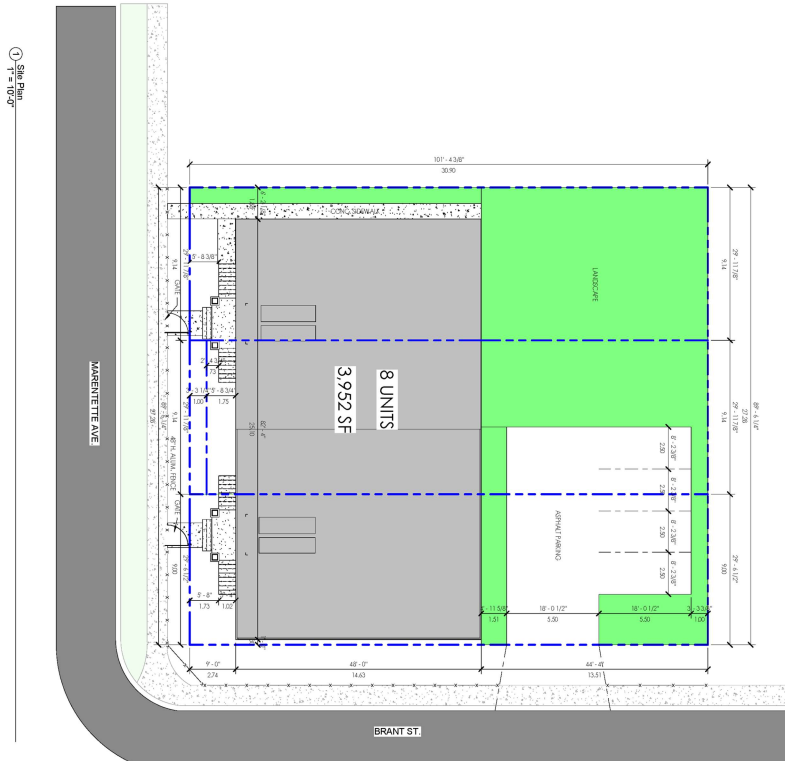




MARRIOTT ASSOCIATES
 ARCHITECTS & ENGINEERS
 1000 Lakeshore Blvd. East
 Suite 1000
 Windsor, Ontario N9A 6K1
 Phone: 519-253-8888
 Email: marriott@marriott.ca
 www.marriott.ca

Appendix 'B' - Proposed Development



Appendix 'B' - Proposed Development



 Municipality of Windsor 527 Marquette Windsor, Ontario N9Z 1R2 Tel: 519-253-1111 Email: info@windsor.on.ca www.windsor.on.ca	 Association of Architects and Engineers of Ontario	Project number: 2306 Date: August 2022 Drawn by: M.B. Checked by: M.B. Scale: As Indicated
8 UNIT DEVELOPMENT 527 Marquette Windsor ON Site Plan		
2023-10-07 8:24:34 PM		



Subject: Closure of part of east/west alley located between Leonard Road and George Avenue, Ward 5, SAA-7136

Reference:

Date to Council: January 8, 2024
Author: Brian Nagata, MCIP, RPP
Planner II - Development Review
(519) 255-6543 ext. 6181

Planning & Building Services
Report Date: December 6, 2023
Clerk's File #: SAA2023

To: Mayor and Members of City Council

Recommendation:

- I. THAT the 34.42 metre portion of the 5.49-metre-wide east/west alley located between Leonard Road and George Avenue, abutting the property known municipally as 2321 George Avenue (legally described as Lot 89 & Part of Block B, Plan 1088; Part of Block A, Plan 1238), and shown on Drawing No. CC-1841 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "subject alley", **BE ASSUMED** for subsequent closure;
- II. THAT the subject alley **BE CLOSED AND CONVEYED** to the owner of the abutting property known municipally 3995 Tecumseh Road East (legally described as Lots 92 to 93 and Part of Lot 90 & Block B, Plan 1088; Part of Block A, Plan 1238) and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - a. 3.0-metre-wide easement, measured 1.50 metres from either side of the following utility infrastructure, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - i. Bell Canada to accommodate existing buried facilities;
 - ii. ENWIN Utilities Ltd. to accommodate existing 16kV primary, 120/240V and 347/600V overhead secondary hydro distribution pole line; and
 - iii. MNSi. to accommodate existing overhead infrastructure.
 - b. 6.0-metre-wide easement, measured 3.00 metres from either side of the following utility infrastructure, subject to there being accepted in the City's

standard form and in accordance with the City's standard practice, be granted to:

- i. The Corporation of the City of Windsor to accommodate existing 250.0 millimetre PVC sanitary sewer.

III. THAT Conveyance Cost **BE SET** as follows:

- a. For alley conveyed to abutting lands zoned CD2.1, \$20.00 per square foot without easements plus HST (if applicable) and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor, and \$10.00 per square foot with easements plus HST (if applicable) and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
- b. For alley conveyed to abutting lands zoned RD1.2 is assessed at \$1.00 plus HST (if applicable), deed preparation fee and proportionate share of the survey costs as invoiced to the City by an Ontario Land Surveyor.

IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1841, *attached* hereto as Appendix "A".

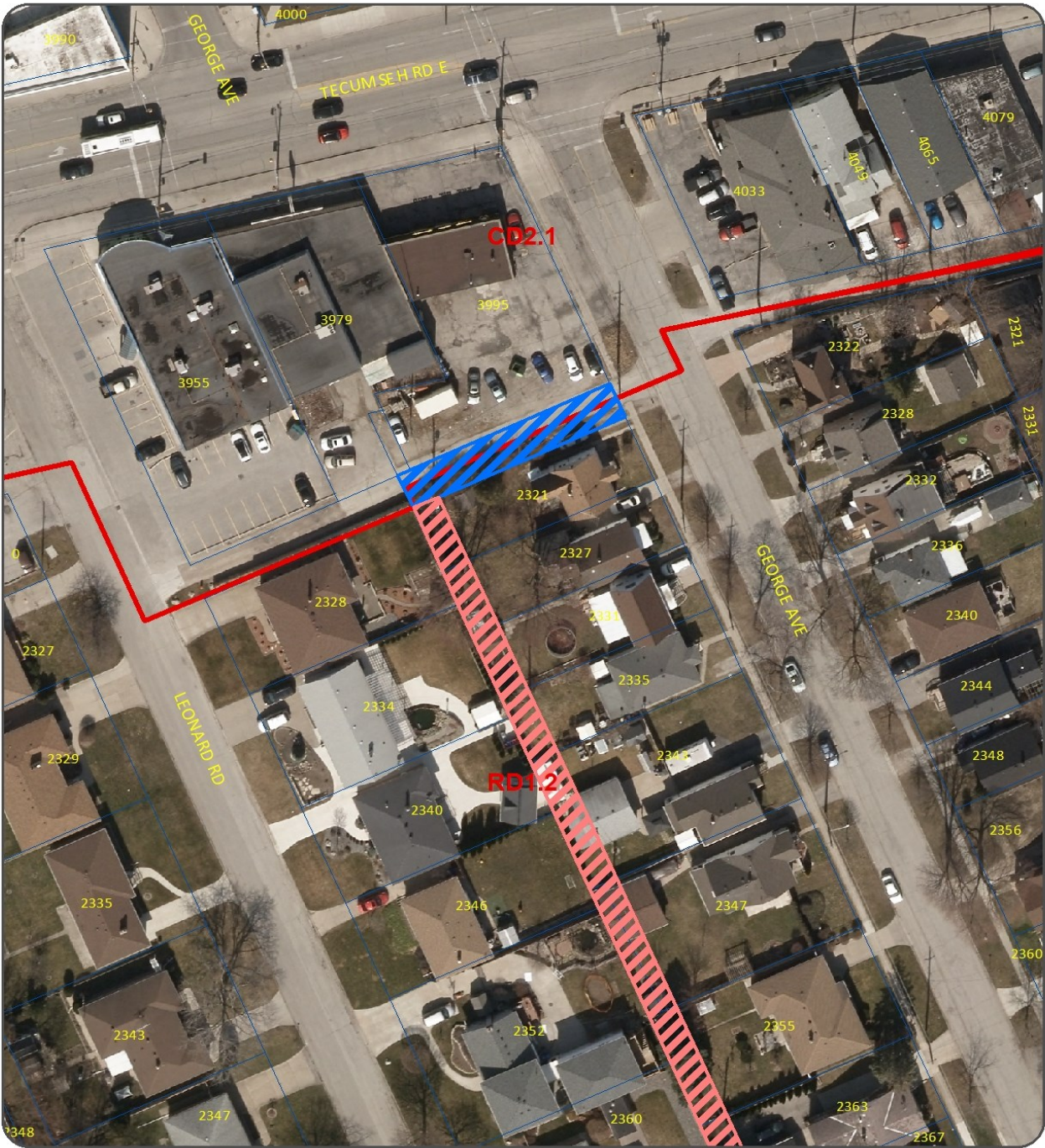
V. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).

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

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

Executive Summary:

N/A



STREET & ALLEY CLOSING (SAA/7136)

1:750

APPLICANT : 5030537 ONTARIO INC.



 REQUEST FOR CLOSURE

 PREVIOUSLY CLOSED ALLEY

PLANNING DEPARTMENT - PLANNING POLICY

DATE: SEPTEMBER, 2023

Background:

The applicant, Odaye Hayo, representative of 5030537 Ontario Inc., owner of the property known municipally as 3995 Tecumseh Road East (the subject property), applied to close the 34.42 metre portion of the 5.49-metre-wide east/west alley located between Leonard Road and George Avenue (the alley), and shown on Drawing No. CC-1841 attached hereto as Appendix "A", and also shown on the aerial photo attached hereto as Appendix "B".

The east/west alley was opened by The Corporation of the Township of Sandwich East on October 14, 1952 by Instrument No.'s SE48844 and SE48845.

The alley is maintained and composed primarily of asphalt bordered by grass, vegetation and gravel to the south. The gravel portion of the alley makes up part of a driveway serving the single unit dwelling at 2321 George Avenue. The driveway has been in place since at least 1969 (1969 City of Windsor Aerial Photo). The alley contains utility poles with overhead wires supported by guy wires and anchors, as well as a fence belonging to 2328 Leonard Road. The alley includes a curb cut off of George Avenue. There are no Encroachment Agreements on record for the use of the alley.

The applicant wishes to close the alley for the purpose of enclosing the subject property to alleviate ongoing criminal activity stemming from the alley.

Discussion:

The decision to recommend closure of an alley is derived from the City's *Classification of Alleys and Suitability for Closure* guideline document (the document), *attached* hereto as Appendix "E". The document details four classifications of alleys based on their usefulness, and provides corresponding criteria for determining suitability for closure.

Classification of Public Right-of-Ways

The initial step is to determine if the alley is indispensable. This is achieved through the evaluation of the following criteria set forth in Section 1 of the document.

1. *Does the subject alley serve commercial properties?*

- a. The alley serves as a tertiary means of vehicular access to the subject property, which is occupied by an Existing Automobile Repair Garage.
- b. The alley **indirectly** serves as a secondary means of vehicular access to the rear parking area at 3979 Tecumseh Road East, which is occupied by a commercial building.
 - The portion of the east/west alley not being recommended for closure serves as a direct means of vehicular access to the rear parking area on this property.

2. *Does the subject alley serve properties fronting on heavily traveled streets i.e. major arterial routes?*
 - a. The subject property fronts Tecumseh Road East, a designated Class II Arterial Road on *Schedule F: Roads and Bikeways* to the City of Windsor *Official Plan*.

3. *Does the subject alley contain sewers, and must the alley remain accessible for servicing?*
 - a. There is a 250.0 millimetre PVC sanitary sewer located within the alley.
 - The Public Works Department has confirmed that they have no objection to the recommended closure on the condition that an easement is granted to The Corporation of the City of Windsor for access to maintain and repair the sanitary sewer.
 - The granting of this easement is included as a condition of closure under Recommendation II of this report.

4. *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?*
 - a. The alley does not serve as the only vehicular means of access to any rear parking areas or garages.

5. *Does the subject alley contain Fire Department connections that are deemed to be necessary for firefighting access?*
 - a. The alley does not contain any Fire Department connections.

6. *Does the subject alley lie within a Holding zone or 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?*
 - a. The alley does not lie within a Holding zone or other similar undeveloped areas.

Based on the above, the Planning Department deems the alley “indispensable”.

Notwithstanding the alley being deemed indispensable, the Planning Department is recommending that it be closed and conveyed to the owner of the subject property for the following reason:

- The aforesaid factors that deem the alley indispensable stem solely from the subject property’s use of the alley.

The standard manner of conveyance of offering abutting property owners first right to purchase their half of the alley is not possible in this situation. The conveyance of the south half of the alley to 2321 George Avenue will eliminate the tertiary means of vehicular access to the subject property.

It is our recommendation that, upon closure, the owner of the subject property be given a chance to acquire the alley. Hence the recommendation is to close and convey the alley to the owner of the subject property.

Risk Analysis:

The recommended closure will divest the City of associated liability risks and maintenance costs. The recommended closure poses no known risk to City.

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

The rate for an alley conveyed to abutting lands zoned CD2.1 is assessed at \$20.00 per square foot without easements plus HST (if applicable) and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor, and \$10.00 per square foot with easements plus HST (if applicable) and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

The rate for an alley conveyed to abutting lands zoned RD1.2 is assessed at \$1.00 plus HST (if applicable), deed preparation fee and proportionate share of the survey costs as invoiced to the City by an Ontario Land Surveyor.

Consultations:

Consultations were held with Municipal Departments and Utility Companies, which resulted in the information found in *attached* hereto as Appendix "C".

Environmental Services

Environmental Services noted that they believe there is private garbage collection in the east/west alley.

The applicant, via November 15, 2023 email, confirmed that their private garbage collection service accesses the subject property directly from George Avenue.

The portion of the east/west alley abutting 3979 Tecumseh Road East is not being recommended for closure. The applicant noted in the aforesaid email that they have invited the owner of 3979 Tecumseh Road East to use their refuse bin.

Private garbage collection services for 3955 Tecumseh Road East access the property directly from Leonard Road.

Public Works - Right-of-Way

Public Works - Right-of-Way confirmed that the driveway approach to the alley will need to be removed and boulevard reinstated to City of Windsor standards as a condition of conveyance if the purchaser does not intend to use the access. This includes the graveled portion serving 2321 George Avenue. They further noted that if the purchaser does intend to use the access, they must obtain a permit to bring the driveway approach into compliance with City of Windsor Standard Engineering Drawing AS-204. 2321 George Avenue would also be required to obtain a permit if they wish to retain or establish a driveway approach off of George Avenue. The retention of the existing driveway approach will require 2321 George Avenue to purchase the portion of the alley encroached on by their gravel driveway.

The applicant, during the Planning Department's November 22, 2023 site visit, verbally confirmed that they do not intend to use the driveway approach if they are successful in purchasing the alley. They further noted that they do not have an issue with restoring the boulevard to City of Windsor standards.

The Legal Department on previous alley closure applications indicated that the closure and conveyance of alleys should not be conditional on works being undertaken within the public right-of-way. This consequently means that the restoration of the boulevard will need to be dealt with independently from the alley closure process by the respective Municipal Department.

The owner of 2321 George Avenue, Steven Zavitz, via November 29, 2023 phone conversation with the Planning Department, confirmed that he has no interest in purchasing the alley or obtaining a permit to retain or establish a driveway. Steven further noted that he will abandon his driveway and rely on on-street parking if the alley closure is approved.

Public Works - Traffic

Public Works - Traffic through their comments noted that the recommended closure will create a dead end, which will have the potential to increase/invite additional camping and public mischief. They also noted that it could also impact parking access to 3979 Tecumseh Road East. They finally noted that it is believed that criminal activity can be better combated by fencing and as such the alley should remain open.

Windsor Police through their comments noted that they have no concerns or objections with the recommended closure to prevent the occurrence of illegal activity (as noted by the applicant). They further noted that while their incident response records do not indicate any notable criminal activity, closure of the alley will nonetheless help to control access into this less observable space which will assist to deter problematic activity

from taking place. They lastly noted that closure will not create problems for police to otherwise gain access for emergency incident response or vehicle patrol purposes within the immediate area, as there will still be other options available to the police for such purposes.

The portion of the east/west alley abutting 3979 Tecumseh Road East is not being recommended for closure.

Transportation Planning

Transportation Planning through their comments noted that the recommended closure will create a dead end that will subsequently impact the movements of 3979 Tecumseh Road East, since there is no left turn from Leonard Road to Tecumseh Road East. Therefore, they recommend that the alley should remain open.

The closure will add an additional 0.55 kilometres of travel distance for vehicles to get from 3979 Tecumseh Road East to the signalized intersection at George Avenue and Tecumseh Road East.

Notice of this application was issued to property owners abutting the alley by regular mail on September 20, 2023, with no objections being received as of the date of writing this report.

Notice of Development & Heritage Standing Committee meeting and Council meeting are published in the Windsor Star prior to each of the meetings. In addition, notice of each of the public meetings will be mailed to the abutting/affected property owners prior to the meetings.

Conclusion:

The Planning Department recommends closure of the alley shown on attached Appendix "A", subject to easements in favour of Bell Canada, ENWIN Utilities Ltd., MNSi and The Corporation of the City of Windsor as in Recommendation II of this report.

The closed alley is to be conveyed to the owner of the subject property as in Recommendation II of this report.

Planning Act Matters:

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

Greg Atkinson, MCIP, RPP
Manager of Development

Neil Robertson, MCIP, RPP
Acting City Planner

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

JP

JM

Approvals:

Name	Title
Greg Atkinson	Manager of Development/Deputy City Planner
Neil Robertson	Acting City Planner / Executive Director, Planning & Development Services
Kate Tracey	Senior Legal Council, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development & Innovation
Joe Mancina	Chief Administration Officer

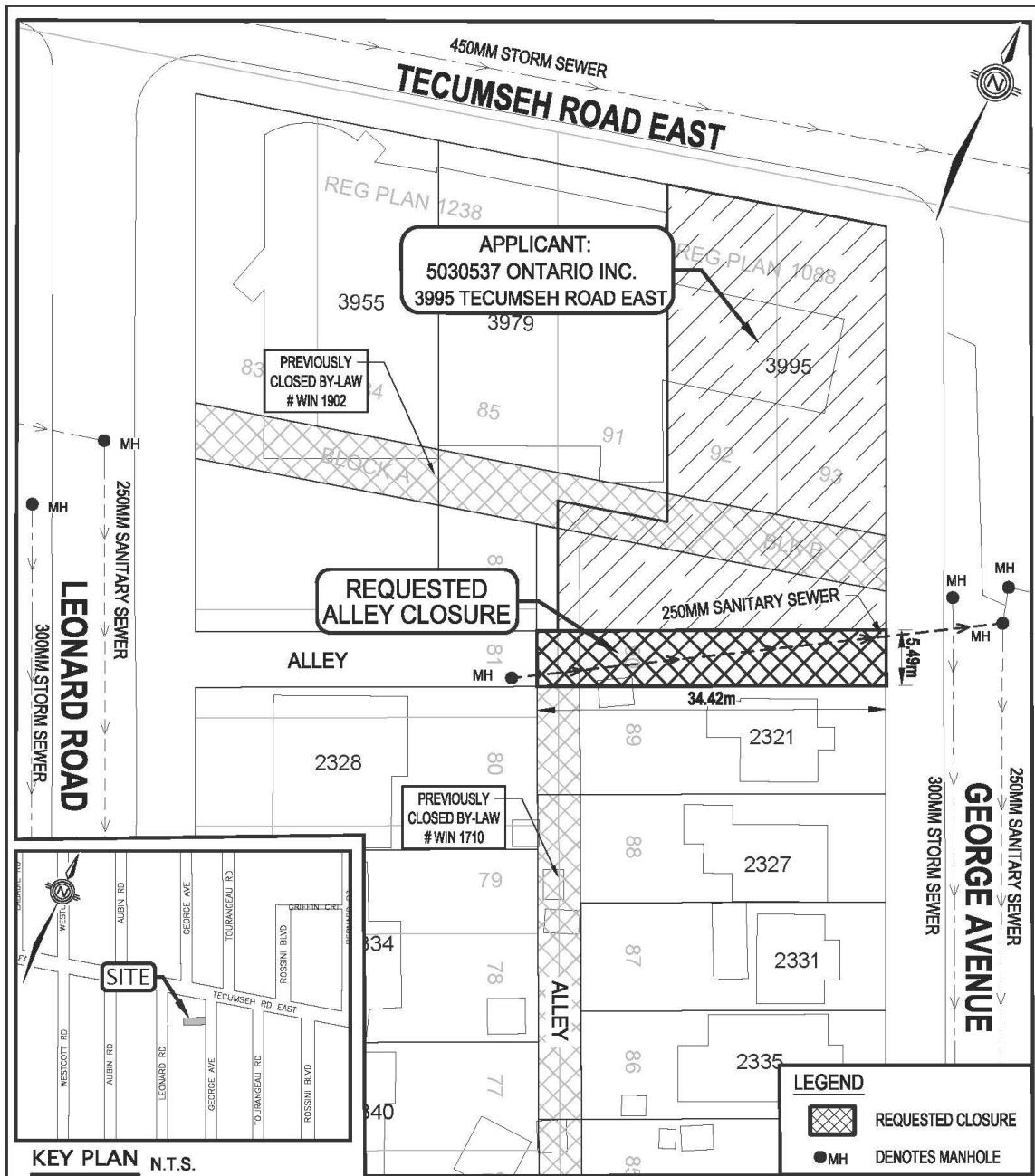
Notifications:

Name	Address	Email
Ward 5 Councillor Ed Sleiman	350 City Hall Square West, Suite 220 Windsor, Ontario N9A 6S1	esleiman@citywindsor.ca
List of mailing labels for property owners abutting alley issued to Clerks office		

Appendices:

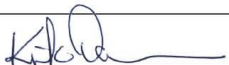
- 1 Appendix A - Drawing No. CC-1841
- 2 Appendix B - EIS Drawing - Aerial Photo
- 3 Appendix C - Consultations with Municipal Departments and Utility Companies
- 4 Appendix D - Site Photos
- 5 Appendix E - Classification of Alleys and Suitability for Closure

APPENDIX "A"
Drawing No. CC-1841

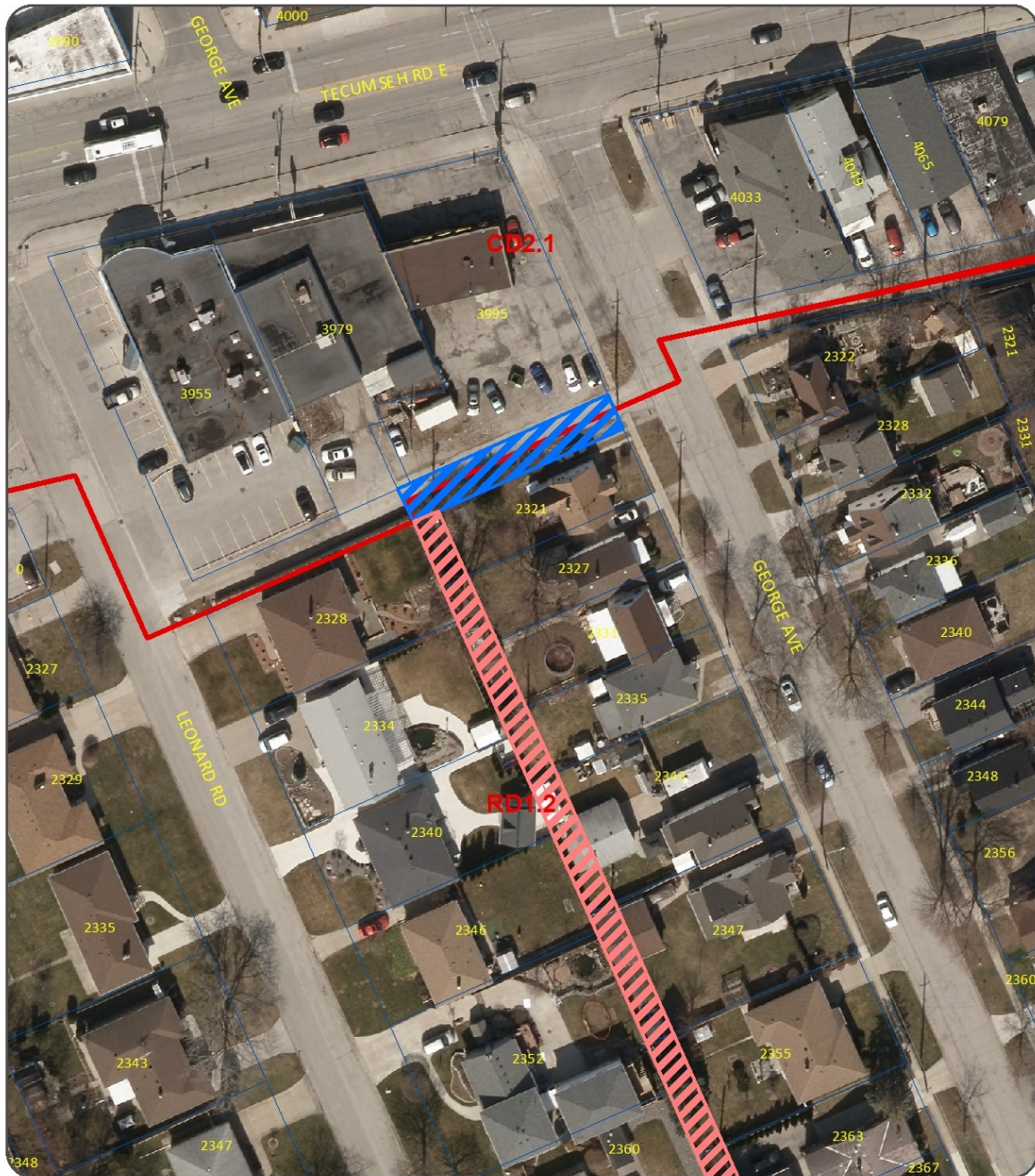


THE CORPORATION OF THE CITY OF WINDSOR - ENGINEERING DEPARTMENT

**Proposed East/West Partial Alley Closure between George Avenue & Leonard Road;
 South of Tecumseh Road East**

 Kirk Tamm, Manager of Geomatics	SCALE: 1:500	DATE: NOV 2023	REVISED: —	DWG. NO. CC-1841
	DWN BY: UT	CHKD BY: PJU / MM	REVISION NO.: —	

APPENDIX "B" EIS Drawing - Aerial Photo



STREET & ALLEY CLOSING (SAA/7136)

1:750

APPLICANT : 5030537 ONTARIO INC.

 REQUEST FOR CLOSURE

 PREVIOUSLY CLOSED ALLEY



PLANNING DEPARTMENT - PLANNING POLICY

DATE: SEPTEMBER, 2023

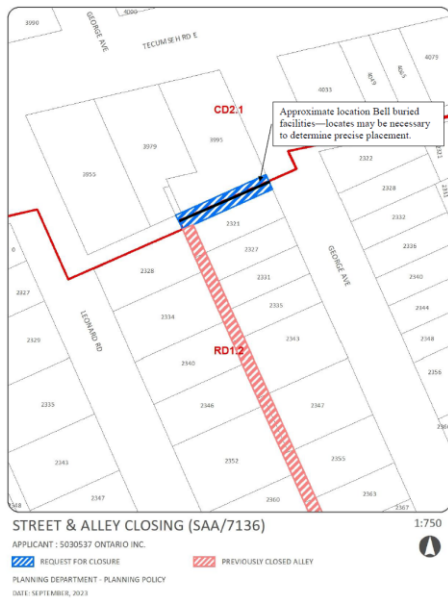
APPENDIX “C”

Consultations with Municipal Departments and Utility Companies

BELL CANADA WSP

Bell Canada requests a 3.0 m easement, to measure 1.5 m on either side of the existing buried facilities; or an easement over the entire closure area.

[Charleyne Hall - Bell Canada External Liaison, Right of Way & Indigenous Relation]



COGECO CABLE SYSTEMS INC.

No comments provided

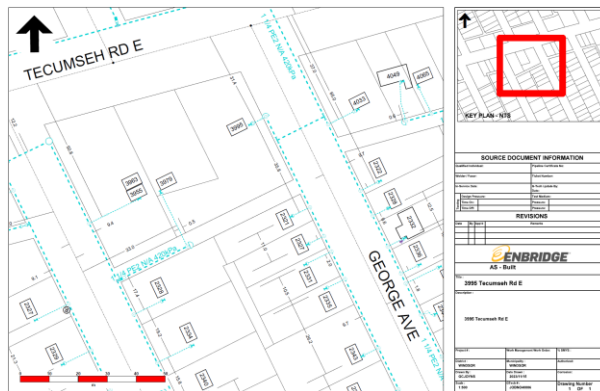
ENBRIDGE GAS

After reviewing the provided drawing at alley behind 3995 Tecumseh Rd E. and consulting our mapping system, please note that Enbridge Gas has no active infrastructure in the proposed area. A PDF drawing has been attached for reference.

Also, please note the following should you find any abandoned infrastructure in the area:

- Any pipe that is excavated, please assume that it is live
- If during the course of any job, any pipe is found that is not on the locate sheet and is in conflict with your work, please call our emergency number (1-877-969-0999), and one of our Union Gas representatives will respond to determine if that plant is in fact live or dead
- Please note that our Enbridge Gas representative will respond to the live or dead call within 1-4 hours, so please plan your work accordingly

[Gord Joynson - Drafter / Estimator]



ENVIRONMENTAL SERVICES

This request will not affect operations at Environmental Services, however I do want to note that we believe there is private alley collection in this alley. It is recommended that all abutting businesses be notified of the request (if they have not already been).

[Anne-Marie Albidone - Manager, Environmental Services]

ENWIN UTILITIES - HYDRO

No Objection to alley closing within the requested section shown, however, an easement named to ENWIN Utilities Ltd. is required upon closing for the whole width and length of the entire alley to accommodate the existing 16kV primary, 120/240V and 347/600V overhead secondary hydro distribution pole line.

Please be advised of the overhead 27.6kV, 3-phase power lines on the northern and eastern limit of the property along Wyandotte St E and George Ave

Please be advised of the overhead 16kV, 1-phase power line on the southern limit of the property along the properties back alley.

Please be advised of the overhead 120/240V secondary conductor along the eastern and southern limit of the property.

Please be advised of the overhead 347/600V secondary conductor along the southern limit of the property.

Prior to working in these areas, we suggest notifying your contractor and referring to the Occupational Health and Safety Act and Regulations for Construction Projects to confirm clearance requirements during construction and demolition. Also, we suggest referring to the Ontario Building Code for required clearances for New Building Construction.

[Nillavon Balachandran - Hydro Engineering Technologist]

ENWIN UTILITIES - WATER

Water Engineering has no objections.

[Bruce Ogg - Water Project Review Officer]

LEGAL DEPARTMENT

It looks like a sanitary sewer line runs under this portion of the alley.

For the portion of the subject alley zoned CD2.1 abutting 3995 Tecumseh Rd E, \$20.00/sq. ft. without easements or \$10.00/sq. ft. with easements.

For the portion of the subject alley zoned RD1.2, it can be sold to the abutting owner to the south at a cost of \$1.00 plus deed preparation fee and proportionate share of the survey as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

For Survey costs, please contact an Ontario Land Surveyor for a quote.

[Stephanie Santos - Coordinator of Real Estate Services]

MNSi

MNSi will require an Aerial Easement across the West end of this closure as shown on the sketch below along the pole line.

[Dave Hartleib - Outside Plant Manager]

**PARKS & FACILITIES**

Parks Design & Development, Forestry and Natural Areas has no concern on this Liaison.

[Sherif Barsom - Landscape Architect]

PLANNING DEPARTMENT

No comments provided

PLANNING DEPARTMENT - LANDSCAPE ARCHITECT

There are no objections to the closure from a landscape architectural or urban design perspective.

However, it appears that the proposed closure may affect the access and serviceability to some of the commercial businesses situated within this block of Tecumseh Rd East.

[Stefan Fediuk - Landscape Architect]

PUBLIC WORKS - ENGINEERING

The proposed alley closure is approximately 5.3 m (17.5 feet) wide and composed of asphalt. There is a municipal sanitary sewer located in the alley; an easement would be required for the sanitary sewer. There are no manholes within the proposed alley closure. There are guy-wires, a wooden hydro pole, and overhead wires located within the alley; an easement would be required for utilities. There is a driveway approach on the east side of the proposed closure. The driveway approach to the alley will be the responsibility of the new owner(s) to remove and reinstate curbs and sidewalk as per City of Windsor standards as part of the alley closure process. Should the abutting owners use this access, they will be required to obtain a permit to maintain the approach as per AS-204. The gravel driveway for 2321 George is currently located in the subject alley without approval. If the alley is closed, the property owner at 2321 George could apply to construct a new driveway approach off George Avenue. This subject alley has some usefulness by CR146-2005; however, we have no objections to the closure subject to the easement.

[Lea Marshall - Technologist I]

PUBLIC WORKS - TRAFFIC

The east/west alley currently provides access to parking for 3 properties including the applicant. Closing the east portion of the alley will create a dead end, which will have the potential to increase invite additional camping and public mischief. This could also impact parking access to 3979 Tecumseh Road East. It is the believed that criminal activity can be better combated by fencing. It is recommended that the east/west alley remain open.

[Mike Spagnuolo - Signal Systems Analyst]

ROGERS COMMUNICATIONS

No comments provided

TELUS COMMUNICATIONS

TELUS has no underground infrastructure in the area of your proposed work.

[Meghna Patel - Permit Coordinator]

TRANSPORTATION PLANNING

The east/west alley currently provides access to parking for 3 properties including the applicant. Closing the east portion of the alley will create a dead end. This would impact the movements of 3979 Tecumseh Rd E, since there is no left turn from Leonard Road to Tecumseh Road. It is recommended that the east/west alley remain open.

[Siddharth Dhiman - Transportation Planner I]

TRANSIT WINDSOR

Transit Windsor has no objections to this development.

[Jason Scott - Supervisor, Planning]

WINDSOR FIRE

No comments provided

WINDSOR POLICE

The Windsor Police Service has no concerns or objections with the closure of this section of east-west alley located immediately behind 3995 Tecumseh Road East to prevent the occurrence of illegal activity (as noted by the applicant). While our incident response records do not indicate any notable criminal activity, closure will nonetheless help to control access into this less observable space to help deter problematic activity from taking place. Closure will not create problems for police to otherwise gain access for emergency incident response or vehicle patrol purposes within the immediate area, as there will still be other options available to the police for such purposes. The end result from this closure will hopefully mitigate problems going forward.

[Barry Horrobin - Director of Planning & Physical Resources]

APPENDIX "D"
Site Photos (November 22, 2023)



Figure 1 - Looking south towards George Ave driveway approach to Alley (2321 George Ave on right)



Figure 2 - Looking west towards Leonard Rd from Alley (2321 George Ave on left)



Figure 3 - Looking east towards George Ave from Alley (3955 Tecumseh Rd E on left)



Figure 4 - Looking west towards Leonard Rd from Alley (3955 Tecumseh Rd E on right)



Figure 5 - Looking south at guy wires and anchors in Alley (2321 George Ave on left)



Figure 6 - Looking north towards 3979 Tecumseh Rd E from Alley



Figure 7 - Looking west towards Leonard Rd from Alley (2328 Leonard Rd on left)



Figure 8 - Looking west towards 2321 George Ave driveway and driveway approach partially in Alley



Figure 9 - Looking north towards 2321 George Ave driveway approach and Alley driveway approach

APPENDIX “E”

Classification of Alleys and Suitability for Closure

Classification of Public Rights-of-Ways:

Currently streets and alleys fall into four classifications on the basis of their usefulness:

- 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 firefighting 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:

- 1) 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.
- 2) Alleys having some usefulness should **be considered for closing** only upon request of abutting owners rather than by encouragement of the City.
- 3) 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.
- 4) 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.



Subject: Sandwich CIP Application Report, 3549 Peter Street; Owners: Roseland Homes LTD (c/o Evanz Minas)

Reference:

Date to Council: January 8, 2024
Author: Author: Kevin Alexander, MCIP RPP
Senior Planner Special Projects
519-255-6543 x6732
kalexander@citywindsor.ca

Nathan Li
Planning Assistant
519-255-6543 x6438
nli@citywindsor.ca

Planning & Building Services
Report Date: November 28, 2023
Clerk's File #: SPL2023

To: Mayor and Members of City Council

Recommendation:

- I. **THAT** the request for incentives under the Sandwich Incentive Program made by the registered owner Roseland Homes LTD (C/O: Evanz Minas) of the property located at 3549 Peter Street, **BE APPROVED** for the following programs:
 - i. *Development and Building Fees Grant* for 100% of the Development and Building Fees identified in the Sandwich CIP to a maximum amount of \$20,000;
 - ii. *Revitalization Grant Program* for 70% of the municipal portion of the tax increment for up to 10 years (+/- \$4,034.8 per year);
- II. **THAT** the CAO and City Clerk **BE AUTHORIZED** to sign the Sandwich Incentive Program Agreement for the *Revitalization Grant* in accordance with all applicable policies, requirements, and provisions contained within the Olde Sandwich Towne Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the City Treasurer as to financial implication;
- III. **THAT** funds to a maximum amount of \$20,000 under the *Development Building Fees Grant Program* **BE TRANSFERRED** from the CIP Reserve Fund 226 to the

Sandwich Community Development Plan Fund (Project 7076176) once the work is completed;

- IV. **THAT** grants **BE PAID** to Roseland Homes LTD upon completion of the one (1) story four (4)-unit single family dwelling from the *Sandwich Community Development Plan Fund* (Account 7076176) to the satisfaction of the City Planner and Chief Building Official; and,
- V. **THAT** grants approved **SHALL LAPSE** if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date. Extensions **SHALL BE** given at the discretion of the City Planner.

Executive Summary:

N/A

Background:

On January 26, 2009, City Council passed by-laws to establish the Sandwich Heritage Conservation District Plan (By-law 22-2009), Olde Sandwich Towne Community Improvement Plan (By-law 27-2009), and Supplemental Development and Urban Design Guidelines (By-law 28-2009). These By-laws came into effect on October 18, 2012. One of the key recommendations of the Olde Sandwich Towne Community Improvement Plan (Sandwich CIP) is the implementation of the Incentive Program(s).

On June 17, 2013 through M265-2013 Council activated the following Incentive Programs from the Sandwich Incentive Program:

- a) Commercial/Mixed Use Building Facade Grant Program
- b) Revitalization Grant Program
- c) Commercial Core Feasibility Grant Program
- d) Development Charge Grant Program
- e) Development and Building fees Grant Program
- f) Neighbourhood Residential Rehabilitation Grant Program.

On June 17, 2013 Council also received the Development Review Process for development applications within the Sandwich Heritage Conservation District (HCD) area, and within the Sandwich Community Improvement Plan (CIP) Area (outside of the Sandwich HCD Area) (M264-2013).

Discussion:

The Building Department issued an order to repair the single-detached dwelling located at 3549 Peter Street on August 13, 2020.

On August 20th, 2020, the single-detached dwelling located at 3549 Peter Street experienced significant fire damage. In May 2021, another severe fire caused enough

damage to warrant a review for an emergency order to waive Demolition Control bylaw 20-2007.

The Office of the Chief Building Official, pursuant to Building Code Act S. 15.10(1), determined that the condition of the fire damaged building posed an immediate danger to public health or safety. The owner was ordered to remove the immediate danger by demolishing the building pursuant to the emergency powers under BCA S. 15.10(3) and S. 15.4(1) for failing to comply with violation VY 2020-265796.

On October 5, 2023, a Sandwich CIP grant application with Site Plan and Elevation Design was submitted for the purpose of constructing a one (1) story four (4) unit multi-residential dwelling located at 3549 Peter Street (See Appendix 'A' for location map). The property will require a minor variance for relief from the required minimum lot width of 18 metres.

The property is located within the Olde Sandwich Towne Community Improvement Plan (Sandwich CIP) area (outside of the Sandwich Heritage Conservation District), and for the purpose of financial incentives, located within Target Area 3.

One of the general requirements of Section 10.3 q) of the Sandwich CIP requires that approval of any application for the financial incentive program is based on the compatibility of the proposed use with the vision and goals of the CIP, the Sandwich Community Planning Study (CPS), and the Olde Sandwich Towne Supplemental Development and Urban Design Guidelines (Sandwich Urban Design Guidelines) and any other guidelines applicable to the CIP area. The following identifies how this particular development addresses section 10.3 (q) of the CIP.

Sandwich Vision and Design Guidelines

The Sandwich CIP and CPS

The construction of the proposed building located at 3549 Peter Street is consistent with the Vision and Goals for Sandwich Town.

Sandwich CIP Urban Design Guidelines

The proposed development is in keeping with the Sandwich Urban Design Guidelines, in terms of siting and scale, use of materials, proportion, height and built form, profile and selection of materials.

Sandwich Incentive Program

The proposal is located within Target Area 3 of the Sandwich CIP Area and eligible for the following Incentive programs. The eligible costs for each incentive program are based on the costs estimates provided by the applicant, as the project is implemented these costs could fluctuate slightly which could have a minor impact on the eligible costs for each incentive program. The application is consistent with the general program requirements identified in Section 10.3 of the CIP, and with the following program specific requirements:

Development and Building fees Grant Program

The purpose of the program is to provide an additional incentive to augment the other incentive programs and to facilitate and spur adaptive re-use, redevelopment and new construction. The program provides a grant equal to 100% of the fees paid for the eligible types of development applications and building permits. The application requires variances through the Committee of Adjustment (COA) for relief from the required minimum lot width of 18 m. The Building Permit drawings have not been submitted and fees will need to be determined in the future. Recommendation III of the report will include a maximum amount of \$20,000 to ensure that all fees are captured. Based on the information we have at the time of this report the following fees are required:

- Minor Variance Application Fee—\$2,499.00
- Building Permit Fee—to be determined
- Demolition Permit Fee—to be determined
- Public Works Permit Fees—to be determined
- Parkland Dedication Fee—to be determined

TOTAL: To Be Determined

Revitalization Grant Program

The purpose of this program is to use the tax increase that can result when a property is rehabilitated, redeveloped, or developed to provide assistance in securing the project financing and offset some of the costs associated with the rehabilitation. The program will provide an annual grant equal to 70% of the increase in municipal property taxes for 10 years after project completion as long as the project results in an increase in assessment and therefore an increase in property taxes. Grant payments will cease when the total grant along with all other grants and loans provided equals the cost of rehabilitating the lands and buildings, or after 10 years, whichever comes first.

Based on the project description and current value vs. estimated post-project assessment value of land, and buildings identified in the Grant Application, the property assessment is expected to increase.

The confirmed current value assessment of the subject property located at 3549 Peter Street is \$17,400. The owner currently pays annual total property taxes of \$337.50 (based upon 2023 tax levies). The municipal portion, to which the grant would apply, is \$307.93. The Applicant estimates that construction will cost around \$250,000. However, some of the proposed costs that will be incurred, although eligible for purposes of the application, may not result in a direct increase in assessment value. In other words, the grant is calculated and paid, not on the post-project value or projections made in this report, but on the actual post-development value assessment, as determined by MPAC after project completion. Administration has estimated the Post-Redevelopment Property Value Assessment based on the drawings and

information provided to be \$340,000. The grant will however be based upon the actual tax increment once the assessment has been determined by MPAC.

For illustrative purposes, the table below identifies the annual grant equal to 70% of the increase in City property taxes for 10 years after project completion, based on the Current Value Assessment and the (projected) Estimated Post Project Assessment Value. The taxes retained by the City over the duration of the grant program is equal to a 30% increase of the tax increment. After completion of the grant program (10 years), the City will collect the full value of municipal tax increase (\$5,764 annually).

Estimated Revitalization Tax Increment Grant for 3135 Peter		
Annual Pre Development Municipal Taxes	Annual Estimate Post Development Municipal Tax <u>Increase</u>	Annual Estimate Value of Grant (70% of the municipal increase)
\$337.5	\$5,764	\$4,034.80

Assumptions

Current Property Value Assessment (2023 – Residential)	\$17,400
Estimate Total Post Development Assessment (2023 – Residential)	\$340,000

Risk Analysis:

The Building Department has not received or conducted a review of the building plans to confirm compliance with the Ontario Building Code and applicable law (e.g. zoning by-law). A review of the drawings will be conducted to ensure that the City’s incentives are being used appropriately and the City is receiving good value for the public investment allocated through the Sandwich Incentive Program(s) “toolkit”. As a requirement of Section 28 (7.3) of the Planning Act, Administration has confirmed that the total amount of all of the grants does not exceed the total cost of the project.

The *Development and Building Fees Grant* will not be paid until all work is completed and inspected by Administration as per the Site Plan and Elevation Drawings, and Building Permit. The *Revitalization Grant* will not be paid until an agreement for the Sandwich Incentive Program have been registered on title between the owner and the City of Windsor and the property taxes for the applicable year paid.

There is little risk associated with approval of a tax increment-based grant such as the *Revitalization Grant Program* as the payments commence after the eligible work has been completed and the property reassessed by MPAC, and will only continue if the development remains eligible in accordance with the Sandwich CIP. Should the development fail to meet its requirements under the CIP, grant payments would cease.

Climate Change Risks

Climate Change Mitigation:

The creation of a new dwelling affects climate change as new materials will have to be brought in, which causes emissions. However, the rehabilitation of the site contributes to the revitalization of the Sandwich Town Neighbourhood limiting vehicular travel and promoting walking and other alternative modes of transportation, thereby contributing to a complete community. The construction of the new building will utilize modern building methods, which will conform to the Ontario Building Code concerning safety and energy efficiency.

Utilizing an existing site in a built-up area of the City also promotes efficiency on the existing infrastructure network by not promoting development on greenfield land.

Climate Change Adaptation:

As temperatures increase and when considering the Urban Heat Island effect for the City of Windsor, the property does not appear to be located within a Heat Vulnerability area. However, the rehabilitation of the existing site and construction of the new building will utilize modern building methods, which will conform to the Ontario Building Code concerning energy efficiency.

Financial Matters:

On February 22, 2021, Council approved the 2021 budget, which included a new reserve fund for all active CIPs in the City. As CIP grant applications are approved, the approved grant amount will be transferred to the capital project account to be kept as committed funds, until the grant is ready to be paid out. The current uncommitted balance of the CIP reserve fund is \$685,379.89 however this balance does not account for other CIP grant requests that are currently being considered by the Development & Heritage Standing Committee/City Council standing committee or have been endorsed by the standing committee and are not yet approved by City Council.

If approved, funds will be transferred from the CIP Reserve Fund 226 to the *Sandwich Community Development Plan Fund* (project 7076176) to disperse the maximum amount of \$20,000 for the *Development and Building Fees Grant Program* identified in this report.

The *Revitalization Grant* will be based upon the municipal tax increase and will be calculated by the Finance Department in consultation with the Municipal Property Assessment Corporation (MPAC) once the project is completed.

Eligible Incentive Programs	Grant
------------------------------------	--------------

<i>Development and Building Fees Grant</i>	\$20,000
<i>Note: Development and Building Fees are paid upfront by the applicant and these fees are approximate and can change at the time of Building Permit</i>	
<i>Revitalization Grant</i>	\$40,348
<i>*\$4,034.80 per year between years 1 to 10</i>	
Total	\$60,348

Except for the *Revitalization Grant*, the owner will be reimbursed through the project *Sandwich Community Development Plan Fund (project 7076176)*. The *Revitalization Grant* is funded through the municipal portion of the annual tax levy. The applicant must pay the property taxes in full annually and will subsequently receive a grant for the difference between the pre and post development municipal taxes.

Consultations:

The owner of the property located at 3549 Peter Street have been consulted regarding grants related to the improvements outlined in this report. Carolyn Nelson, Manager of Property Valuation & Administration, Taxation & Financial Projects, Jose Mejalli, Assessment Manager Officer, and Josie Gualtieri, Financial Planning Administrator were consulted with respect to the *Sandwich CIP Revitalization Grant Program*. Planning & Building Department staff were consulted regarding Fees with respect to the *Building & Development Fees Program*

Conclusion:

The existing lot has sufficient area to allow the owner Roseland Homes LTD to construct a one (1) story four (4) unit dwelling, thereby meeting the intent while also providing an opportunity to attract new residents to the neighbourhood by increasing the number of residential units through the redevelopment of a vacant property. The incentive program application meets all of the eligibility criteria as identified in the Discussion section of this report and is compatible with the Sandwich Urban Design Guidelines.

There are sufficient funds in the CIP Reserve Fund 226 to provide funds for the *Development & Building Fees* grant amount, which has been applied for by the applicant for this project with the *Revitalization Grant* portion funded through the municipal portion of the annual tax levy. Administration recommends approval of the application request for CIP grants through the Sandwich CIP Incentive Program for the property located at 3549 Peter Street.

Approvals:

Name	Title
Kevin Alexander	Senior Planner – Special Projects
Josie Gualtieri	Financial Planning Administrator
John Revell	Chief Building Official
Neil Robertson	City Planner (A)
Wira Vendrasco	City Solicitor (A)
Lorie Gregg	Deputy Treasurer, Taxation, Treasury & Financial Projects
Janice Guthrie	Commissioner, Finance and City Treasurer
Jelena Payne	Commissioner, Economic Development
Joe Mancina	Chief Administrative Officer

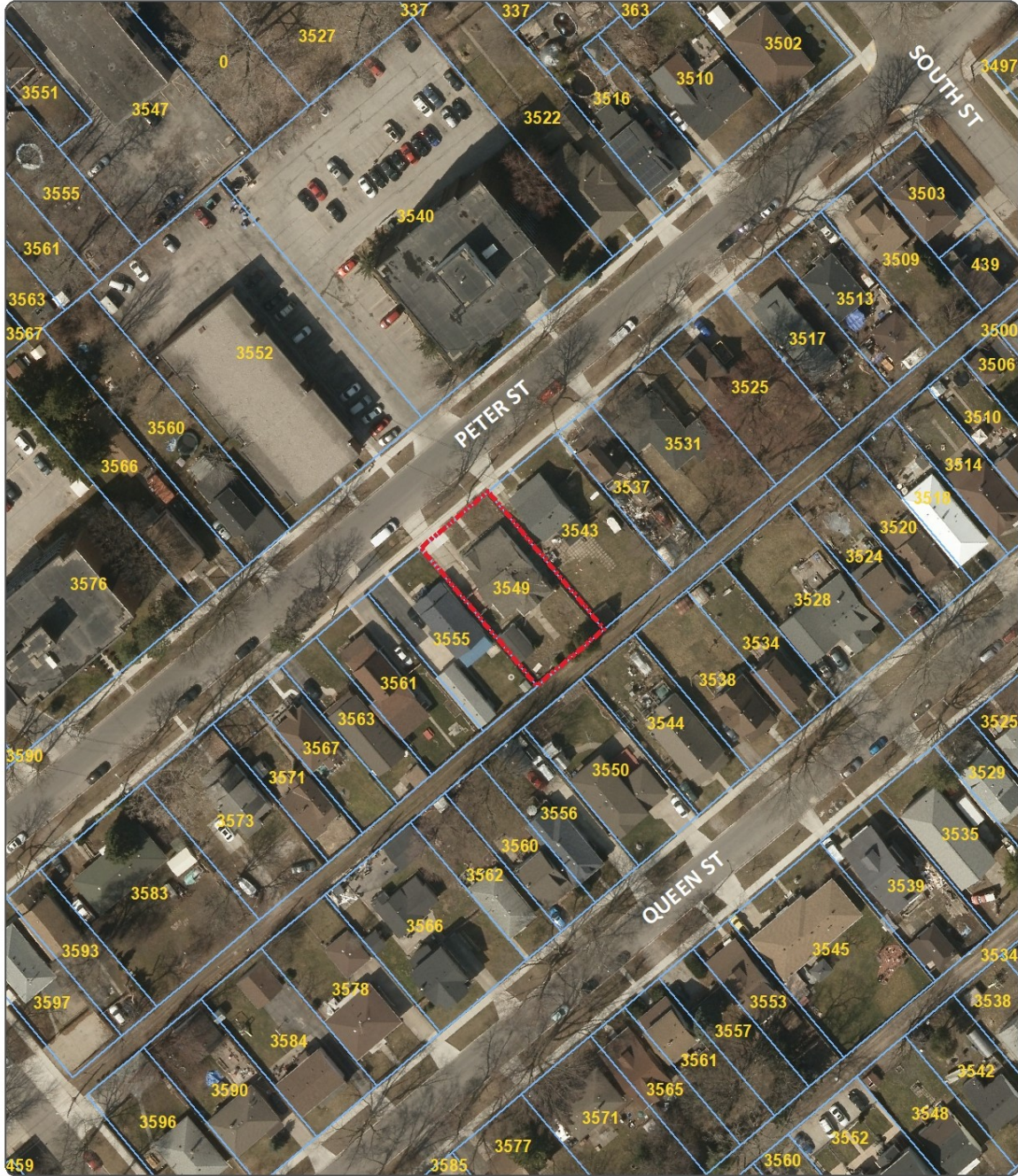
Notifications:

Name	Email
Roseland Homes LTD	info@roselandhomesltd.com

Appendices:

- 1 Appendix 'A' - Location Map & Existing Condition
- 2 Appendix 'B' - Proposed Development

Appendix 'A' – Location Map and Existing Condition



LOCATION MAP : 3549 PETER STREET



SUBJECT PROPERTY

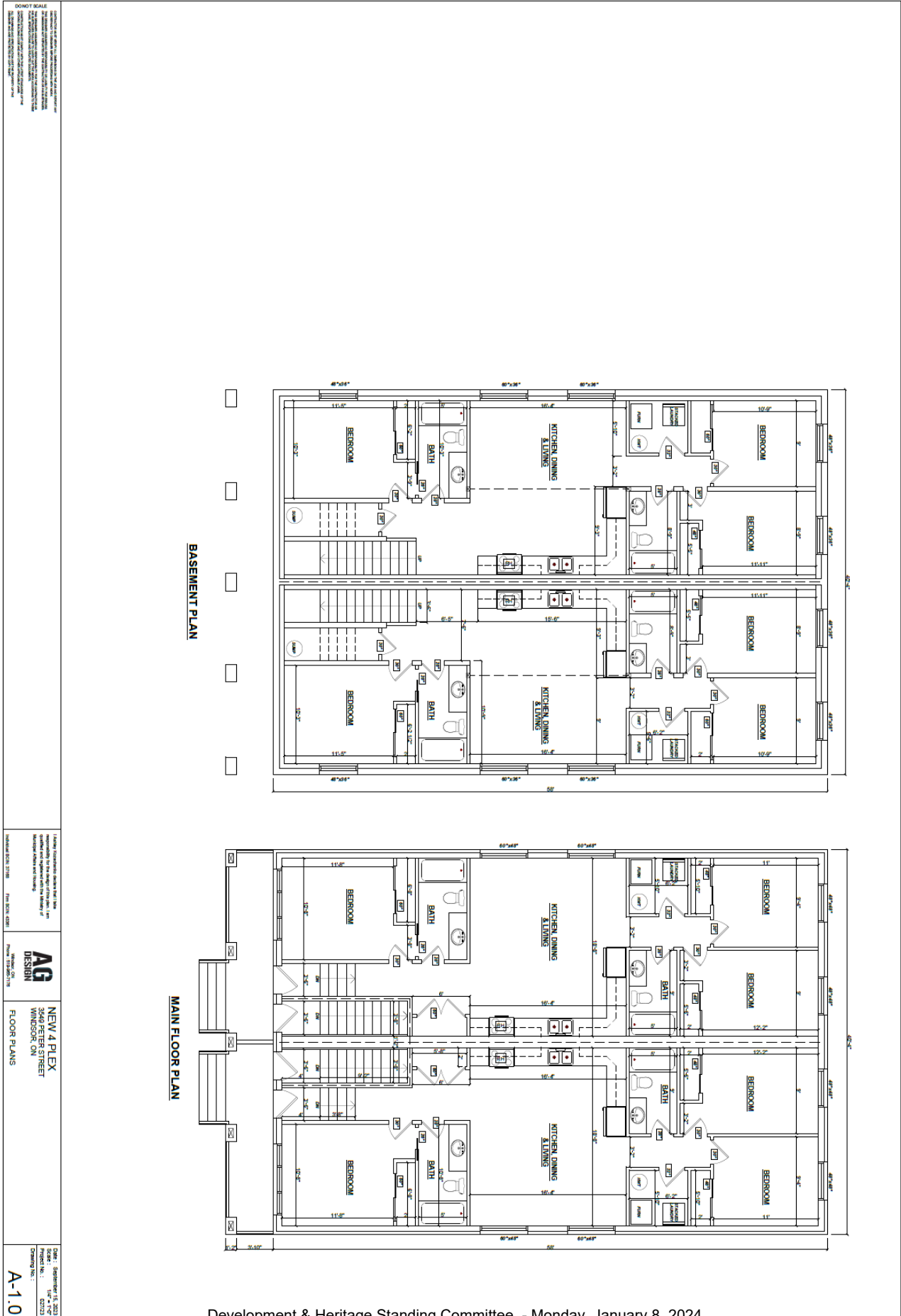


Appendix 'A' – Location Map and Existing Condition



2021 Google Street View of property looking east.

Appendix 'B' – Proposed Development



Appendix 'B' – Proposed Development

