

A meeting of the **Planning, Heritage and Economic Development Standing Committee** is held this day commencing at 4:30 o'clock p.m. in Council Chambers there being present the following members:

Councillor Holt
Councillor Kusmierczyk
Councillor Payne
Councillor Sleiman (Acting Chair)
Councillor Marra (Chair)

Regrets

Councillor Marra

Also present are the following from Administration:

Wira Vendrasco, Deputy City Solicitor
Don Wilson, Manager of Development Applications
Tom Cadman, Planner III
Kevin Alexander, Planner III
Adam Pillon, Technologist I, Development Projects & Right of Way
Rob Vani, Manager of Inspections, West
Sandra Gebauer, Council Assistant

1. CALL TO ORDER

The Chairperson calls the meeting of the Planning, Heritage and Economic Development Standing Committee to order at 4:33 o'clock p.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None.

4. COMMUNICATIONS

None presented.

5. **ADOPTION OF THE MINUTES**

Moved by B. Bjarneson, seconded by Councillor Kusmierczyk,
THAT the minute of the Planning, Heritage and Economic Development
Standing Committee (*Planning Act* Matters) meeting held May 25, 2015 **BE
ADOPTED** as presented.

Carried.

6. **PRESENTATIONS AND DELEGATIONS FOR PLANNING ACT
MATTERS**

None.

7. **PLANNING ACT MATTERS**

Minutes for the Planning Act Matters are attached as Appendix "A".

**Item 1 Amiraco Properties Incorporated, 475 Bruce Avenue, application to
permit the conversion of a 6-storey, 45 unit residential apartment
building from rental to condominium status.**

Moved by Councillor Payne, seconded by Barbara Bjarneson,
I That the application of Amiraco Properties Incorporated for approval of a
draft plan of condominium for a property legally described as Lots 26 to 28,
inclusive, and the North Part of Lot 29, Plan 77, City of Windsor known
municipally as 475 Bruce Avenue, to permit the conversion of a 6-storey
apartment building containing 45 residential dwelling units from rental to
condominium status, as shown on the attached Map No. CDM-001/15-2, **BE
APPROVED** subject to the following:

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

1. Building Condition Assessment report prepared by TSS Building Science (London) Incorporated, completed October 22, 2014 with all corrections and improvements to be cleared as completed by a Professional Engineer retained by the owner;
2. Works Department – Engineering -Development, Projects & Right-of-Way comments listed in Appendix ‘A’ of this report;
3. Diversity and Accessibility Officer - comments listed in Appendix ‘A’ of this report;

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

- F. The owner shall agree to remedy all safety and security deficiencies as identified in the report of the Windsor Police Service dated March 20, 2015, as included in Appendix ‘A’. All corrections and improvements shall be to the satisfaction of the Chief of Police;
- G. The owner agrees to address the requirements and deficiencies identified in the report from the Planning Department’s Landscape Architect, dated February 25, 2015, as included in Appendix ‘A’;
- H. All landscaping improvements will be to the satisfaction of the Planning Department’s Landscape Architect and to the satisfaction of the Manager of Development Applications;
- I. The owner shall agree to provide adequate screened storage space for appropriate and approved garbage, recycling and yard waste containers, in compliance with municipal by-laws to the satisfaction of the Manager of Environmental Services and Chief Building Official;
- J. The owner shall agree to provide a minimum of 1 Type ‘A’ (3.5m x 5.5m) accessible parking space designated with appropriate signage and a bicycle rack facility accommodating a minimum of 4 bicycles. All improvements are to be to the satisfaction of the City Engineer and Chief Building Official; and

II That the owner shall enter into an Encroachment Agreement with the City to provide for encroachment into the Bruce Avenue right-of-way of the air shaft/vent from the underground parking structure, at the north east corner of the property, and the concrete walls from the parking garage entrance, to the satisfaction of the City Engineer and Chief Building Official.

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

Carried.

Livelihood # 17722, ZP/12120

Item 2 Amiraco Properties Incorporated, 76 Tecumseh Road East, application to permit the conversion of an 8-storey, 72 unit residential apartment building from rental to condominium status.

Moved by Councillor Payne, seconded by Councillor Holt

I That the application of Amiraco Properties Incorporated for approval of a draft plan of condominium for a property legally described as Lots 51 to 56, inclusive, Plan 891, City of Windsor known municipally as 76 Tecumseh Road East, to permit the conversion of an 8-storey apartment building containing 72 residential dwelling units from rental to condominium status, as shown on the attached Map No. CDM-002/15-2, **BE APPROVED** subject to the following:

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

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

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

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

D. The owner shall agree to remedy all site/building defects and deficiencies as contained in the:

1. Building Condition Assessment report prepared by TSS Building Science (London) Incorporated, completed June 12, 2014 with all corrections and improvements to be cleared as completed by a Professional Engineer retained by the owner;

2. Works Department - Engineering -Development, Projects & Right-of-Way comments listed in **Appendix 'A'** of this report;

3. Diversity and Accessibility Officer - comments listed in Appendix 'A' of this report;

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

E. The owner shall agree to remedy all safety and security deficiencies as identified in the report of the Windsor Police Service dated March 16, 2015, as included in **Appendix 'A'**. All corrections and improvements shall be to the satisfaction of the Chief of Police;

F. The owner agrees to address the requirements and deficiencies identified in the report from the Planning Department's Landscape Architect, dated February 25, 2015, as included in **Appendix 'A'**.

G. All landscaping improvements will be to the satisfaction of the Planning Department's Landscape Architect and to the satisfaction of the Manager of Development.

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

- I. The owner shall agree to provide adequate screened storage space for appropriate and approved garbage, recycling and yard waste containers, in compliance with municipal by-laws and to ensure acceptable access for pickup, to the satisfaction of the Manager of Environmental Services and Chief Building Official;
- J. The owner shall agree to revise the parking plan to ensure access for waste collection services, resurface the pavement in all parking areas and re-line the parking spaces, all to the satisfaction of the Manager of Development Applications, City Engineer and Chief Building Official;
- K. The owner shall agree to provide a minimum of 1 Type 'A' (3.5m x 5.5m) accessible parking space designated with appropriate signage and a bicycle rack facility accommodating a minimum of 4 bicycles. All improvements are to be to the satisfaction of the City Engineer and Chief Building Official;
- L. The owner agrees to include a warning clause in the condominium agreement to the satisfaction of the City Solicitor, indicating to future condominium owners that there are a limited number of on-site parking spaces available and that a designated parking space for every dwelling unit may not be available.

II That the owner shall enter into an Encroachment Agreement with the City to provide for the parking spaces fronting Dufferin Place and Goyeau Street, to the satisfaction of the City Engineer and Chief Building Official.

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

IV Provide answers and a response to Council regarding all concerns presented by the tenants, as listed on submission provided by Phil Daiken, and noted at the PHEDSC.

Carried.

Dorian Moore voting nay.

Liveline # 17723, ZP/12121

8. ADOPTION OF THE MINUTES

Moved by Councillor Payne, seconded by Councillor Kusmierczyk,
THAT the minutes of the Planning, Heritage and Economic Development
Standing Committee meeting held May 11, 2015 **BE ADOPTED** as presented.

Carried.

Moved by Councillor Payne, seconded by Councillor Kusmierczyk,
THAT the minutes of the Planning, Heritage and Economic Development
Standing Committee meeting held May 25, 2015 **BE ADOPTED** as presented.

Carried.

9. **PRESENTATIONS AND DELEGATIONS (Committee & Administrative matters)**

Item 3 Application by the Owner of 3342 Bloomfield Road for an exemption from Demolition Control By-law 20-2007 and an application for Financial Incentives under the Sandwich Community Improvement Plan.

Matt Bushman, President, Bushante Development Group and owner of the property located at 3342 Bloomfield Road, appears before the committee and is available for questions.

Moved by Councillor Payne, seconded by Councillor Holt,

I. THAT an exemption from Demolition Control By-law 20-2007, **BE GRANTED** to Matthew Buschman from Buschante Development Group (owner under an Agreement of Purchase and Sale), the owner of the property located at 3342 Bloomfield Road, to allow for the construction of a two (2) storey three (3) unit multiple residential dwelling, on condition that the Olde Sandwich Towne Community Improvement Plan Supplemental Development and Urban Design Guidelines be incorporated into this development as per the attached drawings identified in Appendix "C", and that any changes will be subject to the approval of the City Planner through the Site Plan Review process.

II. THAT, the request for incentives under the Sandwich Incentive Program(s) "toolkit" made by BUSCHANTE DEVELOPMENT GROUP, owner of the property located at 3342 Bloomfield Road, **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 (+/- \$10,204.00);
- ii. Revitalization Grant Program for 70% of the municipal portion of the tax increment for up to 10 years (+/- \$2,416.00 per year); and

III. THAT, the CAO and City Clerk **BE AUTHORIZED** to sign the Sandwich Incentive Program(s) Agreements 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 CFO/City Treasurer as to financial implication.

Carried.

Livelihood # 17751 Z/8581

10. **HERITAGE ACT MATTERS**

None

11. **ADMINISTRATIVE ITEMS**

None
12. **COMMITTEE MATTERS**

None.

13. **QUESTION PERIOD**

None.

14. **ADJOURNMENT**

There being no further business, the meeting is adjourned at 6:12 o'clock p.m.



CHAIR



COUNCIL ASSISTANT

A meeting of the Planning Heritage & Economic Development Standing Committee is held this day commencing at 4:48 pm in Council Chambers, there being present the following members:

Councillor Sleiman
Councillor Payne
Councillor Kusmierczyk
Councillor Holt

Citizens

Barbara Bjarneson
Anthony Gyemi
Dorian Moore

Regrets

Councillor Marra

Delegations

Also present are the following from Administration:

Wira Vendrasco, Deputy City Solicitor
Don Wilson, Manager of Development Applications
Tom Cadman, Planner III
Kevin Alexander, Planner III
Adam Pillon, Public Works
Rob Vani, Manager of Inspections, West
Sandra Gebauer, (A) Council Assistant, Council Services

1. **CALL TO ORDER**

The Vice-Chair calls the meeting to order at 4:33 pm.

The Vice-Chair goes over the process of the Committee.

2. **DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**

None

3. **ADOPTION OF MINUTES**

Moved by B. Bjarneson, seconded by Councillor Kusmierczyk.

THAT the minutes of the meeting of the Planning & Economic Development Standing Committee held Monday, May 25, 2015 BE ADOPTED.

Motion **CARRIED, UNANIMOUSLY.**

4. **REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS**

None

5. **COMMUNICATIONS**

None

6. **PRESENTATIONS AND DELEGATIONS**

None

7. **PLANNING ACT MATTERS**

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

Item 1 **AMIRACO PROPERTIES INC. – 475 Bruce Ave.**

Mr. Tom Cadman presents the item.

Scott Allen (agent) of MHBC notes his client's agreement with the recommendations. Mr. Syed Maddoui was also present.

Kristen (& Janet) Mackenzie and Diane Menard (tenants) of the building present their concerns regarding the following:

- Purchase and/or lease of units, conversion inquiries
- Elevators in disrepair and breaking down regularly
- Removal of air conditioning units/sleeves.
- Several other maintenance issues throughout the property.

Mr. Allen begins to explain the concept of the lifetime lease and attempts to advise the process for Condo Conversion. Mr. Cadman confirms.

Several Committee members inquire regarding process of Conversion, benefits to tenants, lost revenue to the City, repairs and tenancy. Mr. Cadman clarifies the Conversion process and time allotted for the Recommendations (requirements) to be completed in order for the conversion to be approved. Mr. Cadman informs the Committee, for the benefit of the tenants, that the laws of the Tenancy Act are followed, allowing tenants the option to either purchase their unit or continue to rent for as long as they choose and to depart, without penalty. Mr. Cadman further advises the loss to the City is felt most in the first year, however, once converted, the property's value increases, thereby increasing the taxes again.

Some of the Committee questions were regarding building complaints. Mr. Vani advised inspections are complaint driven. They follow the Property Standards Act. Air conditioned units are considered luxury items and not covered in the Act.

Moved by Councillor Payne, seconded by Barb Bjarneson, with the added request to have building elevators checked.

Mr. Gyemi comments that requesting additional inspection of elevators may be unnecessary as they are governed by the TSSA and regulated.

I That the application of Amiraco Properties Incorporated for approval of a draft plan of condominium for a property legally described as Lots 26 to 28, inclusive, and the North Part of Lot 29, Plan 77, City of Windsor known municipally as 475 Bruce Avenue, to permit the conversion of a 6-storey apartment building containing 45 residential dwelling units from rental to condominium status, as shown on the attached Map No. CDM-001/15-2, **BE APPROVED** subject to the following:

- A. The owner shall enter into a condominium agreement to provide for the following together with all items contained in the Consultation section of this report;
- B. That the draft plan approval shall lapse on _____ (3 years from the date of approval);
- C. Existing tenants shall be given a right of first-refusal to purchase the dwelling unit they presently occupy;
- D. In the event that existing tenants do not exercise their option to purchase their dwelling unit, they shall be offered a life time non-transferable lease which shall be registered on title and binding on all subsequent owners. Such lease shall be satisfactory in form and content to the City Solicitor;
- E. The owner shall agree to remedy all site/building defects and deficiencies as contained in the:
 - 1. Building Condition Assessment report prepared by TSS Building Science (London) Incorporated, completed October 22, 2014 with all corrections and improvements to be cleared as completed by a Professional Engineer retained by the owner;
 - 2. Works Department – Engineering -Development, Projects & Right-of-Way comments listed in **Appendix 'A'** of this report;
 - 3. Diversity and Accessibility Officer - comments listed in **Appendix 'A'** of this report;

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

- F. The owner shall agree to remedy all safety and security deficiencies as identified in the report of the Windsor Police Service dated March 20, 2015, as included in **Appendix 'A'**. All corrections and improvements shall be to the satisfaction of the Chief of Police;
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- II** That the owner shall enter into an Encroachment Agreement with the City to provide for encroachment into the Bruce Avenue right-of-way of the air shaft/vent from the underground parking structure, at the north east corner of the property, and the concrete walls from the parking garage entrance, to the satisfaction of the City Engineer and Chief Building Official.
- III** Final approval of the plan of condominium shall not be considered until all of the required works or undertakings identified in '1. Recommendations I' of this report, have been completed to the satisfaction of the respective departments and a Condominium Agreement has been registered against the subject lands.

Motion **CARRIED AS AMENDED, UNANIMOUSLY.**

Item 2 **AMIRACO PROPERTIES INC. – 76 Tecumseh Rd. E.**

Mr. Tom Cadman presents the item. Mr. Cadman noted the following errors in the report: 1) Page 3, under the 1. Application Information section: in the Location: paragraph. Delete the word "West" after Goyeau Street. 2) Page 4, under the Planning Analysis Section: in the Official Plan paragraph. The designation of the subject property should read "Commercial Corridor", NOT, "Residential Low Profile Area" in the City Centre Planning District in the Official Plan.

Scott Allen (agent) of MHBC notes his client's agreement with the recommendations. Mr. Syed Maddoui was also present.

David Clark (1654 Dufferin Place) notes concern over lack of parking and a demolished home/land being used for parking. Ms. Bjarneson and Ms. Vendrasco suggest contacting Transportation Planning regarding on-street permit parking as possible resolution.

Ken O'Halloran (1647 Goyeau) voices a similar complaint as that of Mr. Clark.

Several tenants also came up to speak: Phil Daiken, Bev Turner, Tom Hebert and Jane Daiken. Mr. Daiken expressed several concerning deficiencies regarding public areas, elevators, parking, security and fire alarms etc. that needed to be addressed. It was requested that Mr. Daiken's list remain so they could be reviewed. The other tenants had similar concerns, including concerns over tenancy. As with the first application, Mr. Cadman explained the procedures and requirements for Condo Conversion and also clarified the option for lifetime lease or purchase of unit.

Regarding the question posed as to why the conversion, Mr. Maddoui advised it was in order to save on property and increase value of the property for better re-sale in the future.

The Committee questions Administration and applicant/agent regarding concerns raised by the tenants, area residents as well as their own. Mr. Cadman, Mr. Vani and Mr. Wilson provide comment and instruction on how to deal with some of the issues at this time. Some of the concerns may not be within municipal approval jurisdiction. It is noted that the matter can be deferred or reported direct to Council however Mr Wilson states some of these concerns may take a period of time to respond that would not make the next Council meeting. Tenants renting units are not subject to condominium fees

Moved by Councillor Payne, seconded by Councillor Holt.

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- H. The owner shall agree to provide a cash-in-lieu of payment for 5% parkland conveyance as per The Planning Act, to the satisfaction of the Executive Director of Parks;
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- L. The owner agrees to include a warning clause in the condominium agreement to the satisfaction of the City Solicitor, indicating to future condominium owners that there are a limited number of on-site parking spaces available and that a designated parking space for every dwelling unit may not be available.

II That the owner shall enter into an Encroachment Agreement with the City to provide for the parking spaces fronting Dufferin Place and Goyeau Street, to the satisfaction of the City Engineer and Chief Building Official.

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

IV Provide answers and a response to Council regarding all concerns presented by the tenants, as listed on submission provided by Phil Daiken, and noted at the PHEDSC.

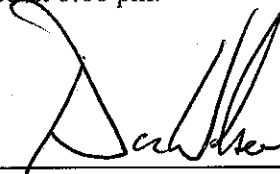
Motion **CARRIED AS AMENDED**. Dorian Moore voting nay.

The Vice-Chair concludes the meeting.

There being no further business, the meeting is adjourned at 6:08 pm.



Councillor Ed Sleiman, Vice-Chair



Don Wilson, Secretary