



CITY OF WINDSOR AGENDA 8/24/2020

City Council Meeting

Date: Monday, August 24, 2020

Time: 11:00 o'clock a.m.

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

Clerk's Note: All members will be participating electronically and will be counted towards quorum in accordance with Procedure By-law 98-2011 as amended, which allows for electronic meetings during a declared emergency. The minutes will reflect this accordingly.

MEMBERS:

Mayor Drew Dilkens

Ward 1 – Councillor Fred Francis

Ward 2 – Councillor Fabio Costante

Ward 3 – Councillor Rino Bortolin

Ward 4 – Councillor Chris Holt

Ward 5 – Councillor Ed Sleiman

Ward 6 – Councillor Jo-Anne Gignac

Ward 7 – *vacant*

Ward 8 – Councillor Gary Kaschak

Ward 9 – Councillor Kieran McKenzie

Ward 10 - Councillor Jim Morrison

ORDER OF BUSINESS

Item #	Item Description
1.	ORDER OF BUSINESS
1.1.	In the event of the absence of the Mayor, Councillor Morrison has been Appointed Acting Mayor for the month of August, 2020 in accordance with By-law 176-2018, as amended.
2.	CALL TO ORDER
3.	DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF
4.	ADOPTION OF THE MINUTES
5.	NOTICE OF PROCLAMATIONS
6.	COMMITTEE OF THE WHOLE
7.	COMMUNICATIONS INFORMATION PACKAGE (This includes both Correspondence and Communication Reports)
7.2.	Energy Projects Summary Update 2020 (C 148/2020)
7.3.	Response to CQ10-2019 Regarding Housing Development and Regulation in Near-Campus Neighbourhoods - City Wide (C 137/2020)
8.	CONSENT AGENDA
8.1.	Confirm and Ratify Report – Waiver of User Fees for AEP Events Inc. Drive-In Concert Series – City Wide (C 161/2020)
8.2.	City Hall Square Plaza and Civic Esplanade, City Wide (C 155/2020)

- 8.3. Agreements with Greater Essex County School Board and the Windsor Essex Catholic District School Board for the collection of waste at schools located within Windsor and Essex County (**C 117/2020**)
- 8.4. Purchase of Twelve (12) SUV - Mid Size Crossover Vehicles for the By-Law Enforcement Division - City Wide (**C 157/2020**)

CONSENT COMMITTEE REPORTS

- 8.5. Response to CQ 27-2019 regarding potential affordable housing incentives (**SCM 220/2020**) (**S 86/2020**)
Clerk's Note: Administration submitting **attached** memo dated July 17, 2020 as additional information.
- 8.6. Response to Council Question CQ20-2019 regarding inclusionary zoning (City-wide) (**SCM 221/2020**) (**S 46/2020**)
- 8.7. Report No. 48 of the International Relations Committee - Twin City Initiatives (**SCM 211/2020**) (**SCM 98/2020**)
- 8.8. Minutes of the Property Standards Committee of its meeting held May 19, 2020 (**SCM 225/2020**) (**SCM 182/2020**)
- 8.9. Minutes of the International Relations Committee of its meeting held June 18, 2020 (**SCM 226/2020**) (**SCM 195/2020**)
- 8.10. Minutes of the Transit Windsor Advisory Committee of its meeting held May 26, 2020 (**SCM 235/2020**) (**SCM 183/2020**)
- 8.11. Recommendation of a Revised Local Improvement Policy and Initiation of Construction of a Sanitary Sewer and Private Drain Connections on Baseline Road from 7th Concession Road to 8th Concession Road as a Local Improvement under this new policy – City Wide (**SCM 237/2020**) (**SCM 60/2020**)
Clerk's Note: There are two recommendations from the Standing Committee that require Council Direction/Approval.
- 8.12. Housekeeping Amendments to By-Law 160-2010- A By-Law to Prescribe Swimming Pool Enclosures and Maintenance in the City of Windsor - City Wide (**SCM 238/2020**) (**S 82/2020**)

9. REQUEST FOR DEFERRALS, REFERRALS AND/OR WITHDRAWALS

10. PRESENTATIONS AND DELEGATIONS

11. **REGULAR BUSINESS ITEMS** (Non-Consent Items)
 - 11.1. Proposed Expropriation of lands at 3316 Howard Avenue for the Howard Avenue/South Cameron Boulevard improvements - Ward 4 (**C 160/2020**)
 - 11.2. Report No. 8 of the Transit Windsor Advisory Committee - Request to recognize Transit Windsor as an essential service (**SCM 236/2020**) (**SCM 184/2020**)
 - 11.3. Open Streets 2020 (**C 162/2020**)
12. **CONSIDERATION OF COMMITTEE REPORTS**
 - 12.1. (i) Report of the Special In-Camera meeting or other Committee as may be held prior to Council (if scheduled)
13. **BY-LAWS** (First and Second Reading)
14. **MOVE BACK INTO FORMAL SESSION**
15. **NOTICES OF MOTION**
 - 15.1. Councillor Holt's Notice of Motion (**SCM 243/2020**) (*attached*)
16. **THIRD AND FINAL READING OF THE BY-LAWS**
17. **PETITIONS**
18. **QUESTION PERIOD**
19. **STATEMENTS BY MEMBERS**

20. UPCOMING MEETINGS

Environment, Transportation & Public Safety Standing Committee
Wednesday, August 26, 2020
4:30 p.m. (held electronically)

21. ADJOURNMENT



Subject: Energy Initiatives, Energy Projects Summary Update

Reference:

Date to Council: August 24, 2020

Author: Sergio Grando

Manager of Energy Initiatives

Asset Planning Department

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Asset Planning

Report Date: July 16, 2020

Clerk's File #: MU/8327

To: Mayor and Members of City Council

Recommendation:

The report of the Manager of Energy Initiatives, dated July 16, 2020, related to Energy Initiative projects, **BE RECEIVED** for information.

Executive Summary:

N/A

Background:

This report is intended to provide Council with an update as to the various energy reduction measures implemented throughout the City's building portfolio.

Discussion:

The Energy Initiatives division of Asset Planning has been engaged in the development and implementation of a number of significant energy efficiency projects. Below is a brief description of projects completed or initiated since 2014 to date.

A – Renewable Energy

1. A 350 kW photovoltaic array was commissioned on the rooftop of the Windsor International Aquatic and Training Center on March 27th 2015 under the provincial Independent Electricity System Operator (IESO) Feed-In-Tariff (FIT) 2.0 Program. The PV system generates approximately 500,000 kWh of electricity earning the City

an income of approximately \$250,000 annually under a 20 year agreement with the IESO.

As of May 31, 2020 this system has:

- realized revenues of \$1,105,887
- generated over 2 million kWh of electricity
- equivalent of powering 174 homes for a year
- reduced carbon emissions by 60 tonnes

2. The City has installed two additional PV systems under IESO FIT 3.0 at the following locations.

- a. WFCU Center - 500 kW system, commercial operation date August 2016.
- b. Transit Windsor - 500 kW system, new commercial operation date January 3, 2018.*

As of May 31, 2020 the two systems have:

- realized combined revenues of \$1,415,621**
- generated over 3.5 million kWh of electricity
- equivalent of powering 305 homes for a year
- reduced carbon emissions by 105 tonnes

* - The Transit Windsor PV system was destroyed by a tornado in August 2016; one week after the system was commissioned.

** - Revenues include \$250,000 from loss revenue insurance recovery.

3. The City had received contracts from IESO to proceed with two PV projects under FIT 5.0 at the Parks and Recreation Maintenance Yard and Little River Pollution Control Plant. These projects would have generate approximately 480,000 kWh of electricity and \$100,000 annually under a 20 year agreement with IESO. Unfortunately the Provincial Government cancelled the small FIT program in June 2018.

B - Lou Romano Water Reclamation Plant Turbo Blowers

Air blowers are used in the aeration process at water treatment plants. Lou Romano Water Reclamation Plant installed two turbo blowers in October 2015 that are saving approximately 1,480,000 kWh or \$255,000 (combined energy and demand costs) annually with a payback period of 3.1 years.

As of May 31, 2020 this project:

- realized operational saving of approximately \$1.1 million (cumulative as of May 2020)
- reduced electricity consumption by approximately 6.5 million kWh (cumulative as of May 2020)

- equivalent of powering 567 homes for a year
- reduced carbon emissions by 195 tonnes

C - Combined Heat and Power (Embedded Generation)

Combined Heat and Power (CHP) or cogeneration systems are an efficient means of on-site self-generating of electricity and thermal energy for a facility. The electricity produced partially displaces the electricity purchased from the provincial grid. The heat produced as a by-product of electricity production is captured and utilized to offset the thermal load of the facility. These two combined processes result in overall annual utility costs reduction.

1. A 400 kW CHP system was commissioned on December 28, 2017 at Huron Lodge Long Term Care Facility. As per the results of our Detailed Engineering Study (DES), the plant will displace 2.7 million kWh from the provincial electricity grid and generate sufficient heat to offset approximately 65% of the facilities thermal load. Annual net cost saving is in excess of \$203,000.

Recently the City successfully completed a yearlong (April 19, 2019 – April 18, 2020) monitoring and verification process as prescribed by the Independent Electricity System Operator (IESO) in order to qualify for capital incentive funding of \$506,200.

The unit achieved 94% of anticipated savings or 2,576,000 kWh of production and a total system efficiency of 67.8% that meets the program rules requirement of 65%. These very positive results allows the City to secure the total allowable capital incentive of \$506,200.

2. An 800 kW CHP system was commissioned at the WFCU Center in August 2018. As per the results of our Detailed Engineering Study (DES), the plant will displace 5.6 million kWh from the provincial electricity grid and generate sufficient heat to offset approximately 68% of the facilities thermal load. Projected annual net cost saving is \$428,000.
3. Currently this Unit is under a similar yearlong M & V process that began in September 2019, as prescribed by the IESO. Upon achieving the IESO program requirements the City is eligible for capital incentive funding of \$977,000.

Due to COVID – 19 the M & V period is suspended until such a time as the facility achieves normal full electrical load activity.

4. An additional 800 kW CHP system will be commissioned in late July at the WIATC. As per the results of our Detailed Engineering Study (DES), the plant will displace 5.8 million kWh from the provincial electricity grid and generate sufficient heat to offset approximately 70% of the facilities thermal load. Projected annual net cost saving is in excess of \$367,000. Upon achieving the prescribed IESO program requirements the City will be eligible for capital incentive funding of \$1.1 million.

D - LED Lighting Conversion Project

City Council approved the implementation of an LED lighting retrofit and redesign conversion project for 32 facilities that represent the Corporation's highest electricity consumers. The project will be implemented in three (3) phases at a net City cost of \$3.45 million resulting in a reduction of electricity consumption by 3.8 million kWh and realizing operational savings of \$550,000 annually.

Phase 1 (8 buildings) of the retrofit program is near completion (late Summer 2020) and will result in consumption reduction of approximately 1.8 million kWh and \$260,000 annually in operational savings. Greenhouse gas emissions will be reduced by 54 tonnes.

At the time of writing this report the tender package for Phase 2 (11 buildings) was being issued with an anticipated start date of October 2020. This phase will reduce consumption by 1.5 million kWh and generate annual savings of \$220,000. Greenhouse gas emissions will be reduced by 45 tonnes.

The final Phase 3 (12 buildings) will commence in the spring of 2021 with a projected completion date of fall 2021. This last phase will reduce consumption by 0.8 million kWh and \$118,000 in operational savings. Greenhouse gas emissions will be reduced by 24 tonnes.

The total greenhouse gas emissions reduction of the LED Lighting Conversion Project is 123 tonnes; the equivalent of powering 357 homes for a year or removing 305 passenger vehicles from Canadian roads.

E - Embedded Energy Manager, saveONenergy Process and Systems Initiative

The Energy Initiatives division has hired two full time dedicated staff to assist with the multitude of energy related projects that are currently being developed and implemented across the City's building portfolio. These positions were initially hired through the IESO's saveONenergy Process and Systems Initiative in May 2013 and August 2016 respectively and hold the title of Supervisor of Energy Contracts.

Currently under the new interim framework the IESO is directly managing the program and will reimburse the City of Windsor up to a maximum of \$150,000 annually for one position only, based on verification of 3,750 megawatt-hours (MWh) of electricity consumption savings. Since participating in the Embedded Energy Manager program the City has received approximately \$650,000 in salary reimbursement payments.

F - Additional Energy Reduction Measures

1. WFCU LED Lighting and Ice Plant Upgrade

An LED Lighting Retrofit & Re-design was implemented in 2015/2016 that included the three community rinks, the main spectator bowl and the associated lighted advertising panels. The controls to both ice plants were also upgraded during this period. Total electricity savings are 960,000 kWh annually as well as a reduction of

5,000 cubic meters of natural gas representing operational savings of approximately \$152,120.

This project was being paid off through annual operational savings of \$152,120 and in January 2020 the repayment was completed and the project was closed. Going forward the balance of the operational savings for 2020 and subsequent future years has been approved by Council to be utilized for energy related matters.

2. WFCU Dehumidification Upgrades

In 2015 the controls to the humidification units were upgraded to a higher energy efficient system. This has resulted in annual electricity reduction of approximately 300,000 kWh and operational savings of over \$40,000.

3. Intelligent Electronic Compressor Controller

Intelligent electronics compressor controllers were installed on approximately 60 air conditioning units at designated City buildings in 2014-15. Air conditioning is one of the largest energy consumers in both the residential and industrial sectors. Many of the City's existing rooftop air conditioning units use old and inefficient technology. Installing electronic control units adds state of the art intelligence to air conditioning systems and improves their energy efficiency.

Estimated annual electricity consumption reduction of 104,000 kWh and operational savings of over \$15,000.

4. Lou Romano Water Reclamation Plant, the Industrial Conservation Initiative (ICI)

This is an electricity cost reduction program administered by the Province of Ontario's IESO. The ICI provides an incentive for large Class A electricity consumers to reduce their electricity consumption during provincial peak demand days and thus significantly lowering their electricity costs. Until recently only consumers with monthly peak demand exceeding 3 megawatts (MW) were eligible to participate. In March 2017 Ontario expanded the ICI program to include customers with monthly electricity peak demand of 1 MW or greater. Lou Romano Water Reclamation Plant (LRWRP) is an excellent candidate to participate in the newly revised ICI provincial program.

To participate, LRWRP is retrofitting one of its 1.2 MW emergency generators by incorporating a Selective Catalytic Reduction (SCR) system which is a requirement of the Ministry of Environment, Conservation and Parks. The cost of the SCR system including environmental assessment and installation is approximately \$370,000. This will allow LRWRP to reduce consumption from the electricity grid by powering the emergency generator during the provincial five (5) coincident peak demand days. The generator is expected to be operational in the fall of 2020 resulting in potential annual savings of up to \$200,000.

As part of this process the LRWRP electricity account has been reclassified from Class B customer to Class A in order to take advantage of a lower Global Adjustment

(GA) rate afforded to Class A accounts. As a result compared to the 2016 base year LRWRP has reduced operating costs by approximately \$1,000,000.

5. Reclassification from Class B to Class A Customer

Similar to LRWRP describe above in point number 4, the Little River Pollution Control Plant (LRPCP) and the Windsor International Aquatic and Training Center (WIATC) have also been reclassification from Class B to Class A customers. This has resulted in combined operating cost reductions compared to 2016 base year of \$454,000.

6. Transit Windsor Improvements and Upgrades

- a. The Transit Windsor bus garage constructed in 1978 currently houses all city buses and is the primary maintenance and administrative facility for Transit Windsor. The facility is approximately 132,800 square feet in size with an annual utility cost of \$315,000.

A preliminary engineering study undertaken by Energy Initiatives identified the ventilation equipment as exceeding its useful life. Implementation of the replacement of make-up air and exhaust fans as well as the installation of nitrate oxide and carbon dioxide detection systems began in the fall of 2017 and completed in April 2018. The anticipated electricity reduction is 120,000 kWh and annual savings of \$18,000.

- b. The bus garage component occupies approximately 100,000 square feet of space and is utilized primarily as a parking depot for buses as they terminate their daily routes. By strategically positioning the bus dispatcher in an enclosed kiosk the temperature setting for the garage was lowered from 70 degrees to 55 degrees Fahrenheit. This has resulted in a reduction of natural gas consumption by approximately 45,000 cubic meters and annual cost savings of \$13,000.

7. WFCU Heat Pumps

WFCU Centre concourse cooling and heating is provided through two roof-top air handling units (RTUs). The units run continuously throughout the year, even when the concourse is not occupied, as they provide air conditioning to two smaller offices in the area. These two offices are now being cooled and heated by two dedicated small heat pumps installed in December 2017 therefore the RTUs will no longer need to operate when the concourse area is unoccupied. Savings are expected to be over 76,000 kWh annually or approximately \$11,400.

8. Forest Glade Arena Ice Plant Upgrades

The ice plant controls were upgrade to infrared technology in April 2019, similar to the improvements made at the WFCU Center and Capri Pizza Sports Complex. This allows for more consistent and efficient ice making capabilities as well as better management of ice temperature set points. Savings are expected to be approximately 23,300 kWh annually or \$3,500.

G - Future Projects and Opportunities

The above list of activities provides an overview of projects that have been completed or are in progress. There are however a number of future opportunities and initiatives that administration is investigating and/or developing which include the following:

1. Energy / Battery Storage

For years, battery storage was considered elusive, hindered by high upfront costs and technical setbacks. But over the past decade, battery storage has taken great leaps toward mainstream use, expanding exponentially alongside renewable technologies.

Advances in technology and materials have greatly increased the reliability and output of modern battery systems, and economies of scale have dramatically reduced the associated cost.

Large-scale battery storage is an emerging technology and presents an opportunity to reduce expenses associated with peak-time electricity use. By charging battery banks “off-peak” and utilizing this stored electricity when costs are increased by time-of-use billing, grid electricity demand can be trimmed when costs are highest.

Energy Initiatives undertook a Battery Storage feasibility Study which was completed in November 2019. The study identified opportunities for installing a 1MW system at LRWRP and a 500 kW at LRCP. The savings vary depending on model/type selected. As an example based on a “shared savings” model, which involves no upfront capital, or ongoing maintenance costs, the City would realize combined annual savings that range between \$150,000 and \$300,000.

Administration will be issuing an RFP in September 2020 the results of which will form a report and recommendation for City Council to consider.

2. Net Metering

“Net metering” is an agreement with the local distribution company (EnWin Utilities Ltd.) and Ontario’s Independent Electricity System Operator (IESO) to utilize on-site the renewable power generated at a facility. Electricity production in excess of that utilized by the building is delivered to the local utility grid and credited to the customer to offset future electricity costs. Customers are still responsible for charges not calculated on the basis of the customer’s consumption (i.e. monthly fixed charges or peak demand based charges). Excess monthly renewable generation greater than monthly consumption creates a credit for the customer that can be carried forward for up to a rolling 12 month period. After a positive credit balance has been carried for that period, any excess generation credit is reduced to zero and lost by the customer.

Under Ontario’s net metering program, customers can generate renewable energy onsite for their own use, and receive bill credits for any surplus electricity sent to the grid. The customer draws from the grid when their onsite needs are not met by the renewable energy source.

Administration will be issuing an RFP in September 2020 for PV Solar installations to include advancing such technologies as PV glass, solar thermal applications, and double sided panels with tracking mechanisms, which reportedly yield up to 40% more electricity production.

3. Micro-grid

A micro-grid is a small network of electricity users with a local source of supply (photovoltaic system, battery storage) that is usually attached to provincial grid but is able to function independently. This micro-grid can deliver power to corporate facilities, electric charging stations, streetlights etc.

Because net metering allows for the integration of renewable energy generation and energy storage, it is a suitable arrangement for a photovoltaic solar and battery storage scheme which sees one or more properties supported by a microgrid generation system. Further integrating battery storage with photovoltaic solar generation can deliver a comprehensive solution to minimize electricity costs while providing increased reliability in the form of standby backup power.

For the Corporation, such an installation would ideally be located in proximity to a cluster of city-owned properties where generation, storage, and utilization infrastructures could be condensed. Viable hubs for rooftop solar power generation, battery storage, and onsite use are currently being investigated.

The Lou Romano and/or the Little River waste water treatment plants are potential micro-grid sites as both are being contemplated for battery storage and PV installations.

5. Solar Thermal

Solar-thermal collectors can be combined with photovoltaic (PV) modules to produce hybrid PV-thermal (PV-T) collectors. These can deliver both heat and electricity simultaneously from the same installed area and at a higher overall efficiency compared to individual solar-thermal and PV panels installed separately. Hybrid PV-T technology provides a particularly promising solution when roof space is limited or when heat and electricity are required at the same time.

This technology will be reviewed in the context of the Net Metering program being proposed.

6. Sub-Metering

Sub-metering is the monitoring of the electrical, gas, water, steam, or other commodities' consumption by individual equipment, processes, or systems within a building. Sub-metering can be used to measure the energy consumption of HVAC, lighting, refrigeration, compressors, pumps, and more. In addition to the main meter used by utilities to determine overall building or facility consumption, sub-metering utilizes individual meters that allow building and facility managers to have real-time

visibility into the energy use and performance of their equipment, creating opportunities for energy and capital expenditure savings.

Traditionally utility bill analysis uses information that is outdated (up to 60 days after usage) and is too aggregated (bills represent a 28- 35 day period not 15 minute intervals). Sub-metering addresses this information gap, providing real-time granular visibility of energy consumption. This information can be utilized to optimize the facility's operations and save energy.

Benefits include:

- Identification of unnecessary equipment running at night, off shift, or during weekends.
- Ability to transmit information back to operators and facility managers on the same day.
- Comparison and benchmarking of usage across similar facilities over time.
- Detection of utility bill errors by comparing sub-meter usage with actual utility bill.
- Better management of electricity usage when facility faces demand limits or peak usage pricing from the utility.

A sub-metering pilot project will be initiated in late fall 2020 at our larger energy usage sites for example, WIATC and WFCU Center.

7. Enterprise wide Energy Management System Software

Centralized and common support for the development and installation of an energy management system throughout the City of Windsor's many properties and buildings brings an enhanced means of addressing shared issues. This includes joining and leveraging similar projects for overall capital cost savings, and bettering communication and transparency concerning energy asset management throughout the Corporation.

Because energy data is currently received at regular billing intervals, heightened consumption is ordinarily observed between thirty and forty-five days following an event. Daily monitoring enabled by an integrated monitoring system can prevent the persistence of increased consumption and cost by alerting the Energy Initiatives Unit. By responding to anomalies in individual equipment use, staff can prolong the life of motors, pumps, compressors, and other systems throughout the Corporation.

The development of an integrated energy management system requires liaison between the City of Windsor's Asset Planning, Facilities, and Information Technology (I.T.) departments, and local utilities to work toward establishing its fundamental elements of hardware, software, and infrastructure including distributed sub-metering and building automation systems.

Administration anticipates commencing this project in 2021/2022.

8. Voltage Harmonization Pilot Project

Electrical distribution systems in Canada are designed around a common set of voltage standards to ensure the reliable operation of electrical equipment within buildings. Since electrical substations often supply a large number of diverse facilities, a compromised voltage level that balances the needs of multiple buildings is typically deployed. As a result, facilities can experience fluctuating voltage levels in excess of what is required.

A “Voltage Harmonizer” monitors and controls electricity entering a facility and lowers its voltage to the minimum required level for reduced electricity costs. The benefits of Voltage Harmonizers were investigated at the Art Gallery of Windsor, 400 City Hall Square East, the Forest Glade Arena, and the Capri Pizza Recreation Complex. Among the five buildings, the 400 City Hall Square East facility presented the greatest overall annual savings of approximately \$12,000 per year. A pilot project based on the analysis is being considered in 2021.

9. WIATC Wastewater Energy Transfer Pilot Project

Administration is currently analyzing the design of a Wastewater Energy Transfer (WET) system, proposed by Noventa Energy Partners, to supply environmentally friendly energy to Windsor’s District Energy System (DEW) and Windsor International Aquatic and Training Center (WIATC).

Wastewater is an abundant and underutilized source of thermal energy in North America. Sewers experience predictable flow profiles and consistent temperatures ranging between 18°C and 25°C year-round. The high density and specific heat capacity of wastewater, coupled with its constant availability, makes it an excellent source of thermal energy or a heat sink for heat pump-based HVAC systems.

Noventa’s patented Huber ThermWin® WET system is capable of rejecting and extracting thermal energy to/from wastewater and repurposing it to supply heating and cooling to DEW system and WIATC respectively. The WET system will be able to supply the DE System with chilled water while simultaneously supplying low-grade hot water to the WIATC.

This initiative is projected to generate operational savings of approximately \$200,000 and reduce GHG emissions by 715 tonnes annually.

10. Electric Vehicles and Charging Stations

The City of Windsor’s 2017 Community Energy Plan and the Corporate Energy Management Plan identify the need for the city wide availability of publicly accessible electric vehicle charging stations at the numerous sites of interest in addition to curb-side locations. With the assistance of a \$110,000 Natural Resources Canada capital grant, the City will be installing 11 dual wand (22 charging connectors) electric vehicle charging stations in various locations to include downtown, east, west, and south Windsor.

Construction will start in late fall 2020 with a completion date of late summer 2021.

11. Voltage Harmonization Pilot Project

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A pilot project based on the analysis is being considered in 2021.

Risk Analysis:

There is no risk in accepting this project update report. All known risks associated with each project have been previously outlined to Council at time of approval.

Financial Matters:

Identified below is a summary table depicting the various energy related initiatives and the associated financial impact to the City.

Project	Estimated Annual Savings / Revenues	Estimated Annual Electrical Savings / Production	Annual Natural Gas Savings	Net Approved Project Costs	Government Incentives	Simple Payback in Years
WIATC 350kW PV System*	\$250,000	500,000 kWh		\$1.2 million	\$0.539/kWh produced	4.7
WFCU Centre 500kW PV System*	\$245,000	750,000 kWh		\$2.3 million**	\$0.329/kWh produced	9.1
Transit Windsor 500kW PV System*	\$245,000	750,000 kWh		\$1.4 million	\$0.329/kWh produced	5.7
LRWRP Turbo Blowers	\$255,000	1.48 million kWh		\$1.1 million	\$298,000	3.1
Huron Lodge 400kW CHP	\$203,000	2.6 million kWh		\$1.9 million	\$506,200	9.3

WFCU Centre 800kW CHP System	\$428,000	5.6 million kWh		\$2.2 million	\$977,000	5.1
WIATC 800kW CHP System	\$368,000	5.8 million kWh		\$2.1 million	\$1,100,000	5.7
LED Corporate Wide Lighting Conversion	\$560,000	3.8 million kWh		\$3.45 million	\$195,000	6.3
WFCU Centre Upgrades	\$206,000	1.3 million kWh	5,000 m ³	\$696,000	\$139,000	3.4
ICI Program****	\$1,454,000	N/A		\$66,000	\$0	N/A
Embedded Energy Manager Program	N/A	N/A		\$0	\$650,000	N/A
Miscellaneous	\$100,900	623,300 kWh	105,000 m ³	\$182,000	\$820,000***	N/A
TOTAL	\$4,314,900	23,203,300 kWh	110,000 m³	\$16,594,000	\$4,685,200	

* - All PV systems have a 20-year contract with the Province of Ontario.

** - Includes \$720,000 spent to upgrade the WFCU roof.

*** - Approximately \$750,000 of Transit Windsor ventilation upgrade was funded from Provincial Infrastructure Funding Program.

**** - One time savings

Consultations:

N/A

Conclusion:

For Council information

Planning Act Matters:

N/A

Approvals:

Name	Title
Melissa Osborne	Senior Manager of Asset Planning
Joe Mancina	Chief Financial Officer / Office of the City Treasurer

Name	Title
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email

Appendices:



Subject: Response to CQ10-2019 Regarding Housing Development and Regulation in Near-Campus Neighbourhoods - City Wide

Reference:

Date to Council: August 24, 2020

Author: Jude Malott, Executive Initiatives Coordinator

519-255-6100 ext.6804

jmalott@citywindsor.ca

Legal Services, Real Estate & Risk Management

Report Date: 7/1/2020

Clerk's File #: GH/6905

To: Mayor and Members of City Council

Recommendation:

That City Council **RECEIVE** this response to CQ10-2019 for information.

Executive Summary:

Concerns around affordable housing, residential rental licensing and near-campus neighbourhoods surrounding the University of Windsor and St. Clair College have been and continue to be the subject of considerable reporting by Administration to Council. In response to Council's Questions, as well as to changes in Provincial Acts and their implementing regulations, Council has directed Administration to implement various programs and strategies. A review of the reporting to date surrounding the questions raised in this Council Question also reveals that some of these issues are persistent and often beyond the regulatory jurisdiction of the City to address.

Background:

At its meeting of May 6, 2019, Council approved CR243/2019 authorizing a response to the following Council Question from Councillor Costante:

CQ 10-2019:

Asks that administration report back on a comprehensive affordable housing strategy that includes, but is not limited, to the following:

Incentives and partnerships with the University and College on developing more student housing on campus;

What, if any, legislative options City Council has to require the University and College to provide safe and affordable student housing to their increasing student population;

Options for developing a University, College and City of Windsor education strategy for students to learn their rights with respect to property standards and their rights as tenants in Ontario;

Incentives for private investment in affordable higher density housing in specific zones that would be less intrusive on residential neighbourhoods with the intent of maintaining existing residential neighbourhoods for more permanent residents, piloted in to Ward 2;

Options for a residential rental license that includes a pilot in Ward 2 with the intent of being rolled out city-wide if successful after a definite time period to be decided by council;

What strategies and legislative options have been used by other municipalities in Ontario and elsewhere regarding student housing; and

Review our lodging home by-law and ways to improve it to capture more rental properties in our community and allow for better opportunities to enforce property standards.

The intent of this council question is to provide incentives for safe and affordable housing in a concentrated manner that does not intrude on residential neighbourhoods, particularly those surrounding Ward 2.

The City of Windsor is the Consolidated Municipal Service Manager for housing and homelessness program delivery in Windsor and the County of Essex. The *Housing Services Act, 2011* legislates that Service Managers set the vision for housing by establishing a local housing and homelessness plan that reflects provincial interests. Service Managers amend this plan at least once every five years, with each amended plan approved by Council and the Ministry of Municipal Affairs and Housing. Throughout 2013, the City of Windsor provided leadership in the development and implementation of the original **Windsor Essex Housing and Homelessness Plan (HHP)**. Since that time, the HHP has guided the work of the City and the community in delivering housing and homelessness services.

Conducting the legislated five-year review of the Windsor Essex Housing and Homelessness Master Plan presented the Housing Services Department with an opportunity to review the successes achieved so far under the original HHP and set the foundation for continuing improvements over the next five to ten years. Through community consultation, Administration developed **Home, Together: Windsor Essex Housing and Homelessness Master Plan (“the Master Plan”)**. The Master Plan was approved by City Council on December 2, 2019 (CR612/2019) and the Ministry of Municipal Affairs and Housing on March 24, 2020. The Master Plan refocuses City's efforts towards long-term housing outcomes and better addresses underlying systemic issues that contribute to homelessness and housing insecurity. As a guiding document, the Master Plan is instrumental in shifting the City's service delivery responses towards effective solutions founded in best practices for addressing housing and homelessness needs.

In 2010, concerns about a rezoning request to allow a lodging home in a near-campus neighbourhood resulted in the preparation of **Report 16015, Planning Department's Response to Council's Directive Regarding Lodging Houses** (CR152/2010). This report contains input from many City departments, local government agencies, regional stakeholders and Windsor residents as well as substantial review of existing reports, research and other municipalities' approaches to regulating lodging houses. Report 16015 discusses the legislative considerations surrounding housing variety, neighbourhood diversity, health and safety compliance and affordability required under the *Planning Act*, the *Municipal Act*, the Ontario Building Code and Fire Code, the City's Official Plan and Zoning By-law 8600. Importantly, Report 16015 comments on considerations in relation to the Ontario Human Rights Code and related case law necessary when attempting to regulate residential rental housing.

Report 16015 recommended Council direct the City Planner to prepare a report for the Planning Standing Committee addressing the land use issues related to lodging houses and provide appropriate options for consideration. In response to this directive, Administration returned **Report 16750, Lodging Home OPA & ZBA in Response to Council's Motions M420-2012 & M421-2012** to the Planning and Economic Development Committee on October 15, 2013. In this report, Administration recommends modifications to the Official Plan and Zoning By-Law to update definitions of lodging homes to capture more properties and some of the address land use concerns raised in Report 16015. It also comments on concerns outside of the scope of zoning or the Official Plan and discusses *Planning Act* limits in distinguishing lodging homes from households comprised of unrelated individuals.

On October 2, 2017, Council received **Report C 169/2016, Residential Rental Licensing** for information. This report and attachments reflect considerable previous time and effort devoted to the issue of licensing residential rental housing and includes Report 16750 in its appendices. Several municipalities were surveyed regarding their approaches and considerations in implementing residential licensing regimes. Based on these results, Administration presented three options for Council's consideration but recommended against pursuing a residential licensing program in favour of using existing property standards and maintenance by-laws to address neighbourhood concerns.

Report C 28/2017, Residential Rental Enforcement and Future Zoning was also brought to Council on October 2, 2017. This report discusses the issues facing residential rental housing related to housing stock, tenant population and the broader community, as well as legislative and regulatory challenges through legal non-conforming use and Ontario Human Rights Code compliance. It recommended the creation of a by-law amendment to establish a ratio limiting the number of bedrooms to a dwelling's floor area to control neighbourhood densities.

Both C 169/2016 and C 28/2017 were deferred by Council until February 2018, when Council supported the establishment of a future city wide zoning by-law amendment to establish a ratio limiting the number of bedrooms in a dwelling in order to manage residential density recommended in Report 16750 through CR61/2018. Council also approved the hiring of two temporary Building By-law Officers and one Temporary Fire Prevention Officer for a two year pilot to increase enforcement of existing property

standards by-laws in order to address substandard dwelling units and improve the safety of Windsor's housing stock.

In June 2019 the Provincial Government passed Bill 108, *More Homes, More Choices Act*, which amended the *Planning Act* and *Development Charges Act* to encourage more housing supply. This includes the provision of up to two additional dwelling units per property, faster development approvals timelines, and overhaul of the development charges system.

The Provincial Government issued a new **Provincial Policy Statement, 2020** (PPS 2020) that came into effect on May 1, 2020. The PPS 2020 encourages planning authorities to permit and facilitate a range of housing options, including new development as well as residential intensification, within previously developed areas in order to respond to current and future needs. The PPS 2020 also clarified that it shall be implemented in a manner that is consistent with Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms.

The changing nature of the legislation under the Planning Act, including the PPS reference to OHRC compliance created concerns that the Administrative recommendations to limit number of bedrooms in a dwelling as supported by CR 61/2018 could not effectively be achieved and/or stand up to scrutiny/appeal under the new regime.

On July 13, 2020, Council passed an Interim Control By-law to prohibit new residential development of the following dwelling types in most areas of the City: Group Home, Lodging House, Shelter, or a dwelling with five or more dwelling units. The main purposes of the study are to:

- Review those definitions that relate to dwellings and dwelling units, or are residential in nature;
- Review zoning districts, and provisions to determine an appropriate range of permitted residential uses;
- Ensure compatibility with existing development, while allowing or encouraging certain areas to evolve to a higher-density and/or higher profile residential development;

Ensure residential zoning provisions are consistent with the PPS 2020, especially, but not limited to, Policy 4.4 that requires the implementation of the PPS in a manner that is consistent with Ontario Human Rights Code. Accommodation/housing is a protected social area in the Ontario Human Rights Code.

On August 24, 2020 Council will receive **Report S 86/2020, Response to CQ 27-2019 Regarding Potential Affordable Housing Incentives**. This report details a number of possible financial incentives through Community Improvement Plans (CIPs) and development-related incentives to encourage growth in affordable housing in Windsor. It discusses strategies to sustain and expand the affordable housing supply in alignment with Goal 1 of the Master Plan and advises the requirements for pursuing them.

A bibliography of the reports described in this background, as well as others referenced within this report, is available in Appendix A.

Discussion:

The needs of students have not been specifically addressed in the City's Housing and Homelessness Plans to date, nor in the Housing and Homelessness Plans of other comparable municipalities like Hamilton, London or Waterloo. Although many students who attend the University of Windsor or St. Clair College are established Windsor residents prior to enrollment, a significant portion of Windsor's student population moves to here primarily to attend school for just a few years.

Currently, there is a sizeable gap between the need for affordable housing and the available supply, which has led to long wait times for existing Windsor residents. Increased extra-regional and international recruitment by post-secondary institutions in recent years has also placed even more pressure on Windsor's already low vacancy rates as students outbid our most vulnerable residents for a limited number of dwelling units close to transit and amenities.

Post-secondary institutions are best equipped to establish eligibility conditions and service timelines that work for students. Because of this, they are viewed as the most appropriate service providers for affordable student housing. The tools available to municipalities to incentivise or compel post-secondary institutions, as well as limitations in doing so, are discussed in the sections that follow.

Several licensing regime proposals have been brought before Council, However Council has after much deliberations decided not to adopt any. Instead, Council has directed Administration to pursue education and outreach activities alongside increased enforcement of existing by-laws to ensure properties are maintained within prescribed standards. Complaints received through 311 are routed to the appropriate department and investigated by City staff in Building, By-law Enforcement or Fire. Inspectors and enforcement officers then communicate with callers and property owners with the goal of bringing neglected properties back into compliance, including issuing Orders to Comply or Repair and, if necessary, remedying certain unsafe conditions by assigning a contractor and applying the costs to the property tax bill.

Municipalities do not have authority to levy fines against offenders, however. If compliance cannot be reached voluntarily, the municipality initiates a *prosecution* against the offender by laying a charge. The charge must be proven beyond a reasonable doubt in order to obtain a conviction and have a fine imposed by the Ontario Provincial Offences Court. To be successful in court, officers must present lawfully gathered evidence to prove the validity of their charge.

For charges related to exterior conditions like tall grass, broken windows, or missing shingles, officers can gather the necessary evidence, usually photographs and notes, from lawfully accessed exterior locations. When investigating a private residence, inspections and enforcement personnel have limited ability to gain access without the participation of a property owner or resident. Section 16(1)(a) of the *Building Code Act* requires officers not to enter or remain in room or place being used as a dwelling without the informed consent of the occupier, including informing them that the right of entry can be refused. Staff cannot simply enter a private residence to determine

compliance – entry without permission is only permissible by warrant or where there is significant proof of an immediate danger to health or safety, whether a licensing regime is in place or not.

It should be understood that implementing a licensing regime does not guarantee safe living conditions for tenants. Rather, it only allows for inspections to take place in the homes in which a license has been issued or where access has been granted to determine if a license should be issued. It is likely that only landlords whose properties already meet standards will come forward to comply, leaving non-compliant property owners to continue offering substandard dwellings. Tenants under an agreement and/or lease with a negligent landlord may be ‘coached’ to provide limited information and access to inspection and enforcement personnel; the onus to ensure ongoing compliance and tenant safety is still left effectively in the hands of landlords. Educating tenants on their rights prior to entering into a lease agreement and making them aware of the City resources available to assist when issues arise empowers tenants and helps establish the trust necessary for inspectors and officers to gain the lawful entry necessary for successful pursuit of charges in the courts. Because of this, Administration maintains the position that the use of existing by-laws along with the continued development of a public outreach/education program such as the one currently in place is a more effective manner to deal with rental housing concerns than a licensing regime.

On incentives and partnerships with the University and College on developing more student housing on campus

Grants and loans are the primary tools available to provide direct financial incentives to increase affordable housing development. Grants usually help offset the upfront costs associated with developing affordable housing or reduce the increased tax burden that comes with the developed property's increased value.

Because they are Provincial institutions and not private businesses, the most significant financial incentives usually employed to spur development do not appeal to post-secondary institutions. The City usually encourages desired development by forgoing revenues, either by freezing the property tax rate of a targeted development for a set number of years or by reducing development charges. These actions offer no incentive to post-secondary institutions as they are already exempt from both. Grants to offset development (permit) fees could be offered on qualifying projects, making the resulting projects less expensive; however, the fees associated with permits and approvals make up a relatively small portion of total construction costs for large-scale projects and are unlikely to provoke the desired response unless accompanied by more significant offerings.

The City is willing to work with institutions to negotiate land exchanges if appropriate. However, it should be noted that the University also possesses significant land expropriation powers through the *University Expropriation Powers Act, 1990* and would likely not require municipal intervention to address issues with acquiring specific lands.

On legislative options to require the University and College to provide safe and affordable student housing to their increasing student population

Municipalities are creatures of the Province. The *Municipal Act, 2001* gives them powers to pass by-laws and govern, but only within their jurisdiction.

Municipalities are not authorized by the *Municipal Act* to compel post-secondary institutions to undertake any specific kind of construction or development outside of the terms of a development agreement. There are no legislative mechanisms to allow the City to require post-secondary institutions to house their students.

On incentives for private investment in affordable higher density housing in specific zones that would be less intrusive on residential neighbourhoods with the intent of maintaining existing residential neighbourhoods for more permanent residents

Under the Ontario Human Rights Code, every person has the right to be treated equally in the area of housing without discrimination due to any of the grounds set out in the Code specifically, or grounds considered to be analogous to those enumerated in the Code. The Ontario Human Rights Commission's (OHRC) Policy on Human Rights and Rental Housing states that discrimination includes any distinction based on a prohibited ground. Municipal by-laws, policies and practices are subject to review by the OHRC if they create or perpetuate disadvantage for people identified by Code grounds.

The OHRC has very clearly stated that it, "believes, and the *Planning Act* clearly states, that zoning should focus on planning and land-use issues, and should not be used to choose the people who will live in the housing" (OHRC, 2010). Any zoning that either explicitly or implicitly serves to exclude development based on the tenure of its residents would be target for review by the OHRC and unlikely to withstand legal challenges.

On options for developing a University, College and City of Windsor education strategy for students to learn their rights with respect to property standards and tenants in Ontario

Prior to COVID-19, Building By-law Officers and Fire Safety Officers have been invited to attend St. Clair College orientation sessions three times a year at the Downtown and South Windsor Main Campus. Management usually speaks to new students each year at Main Campus orientations and officers were also available with educational resources and 311 type literature. At these events, City staff aimed to teach students about:

- 311 service and how to make a building condition or land use complaint
- Common building condition issues like bedrooms in basements, smoke alarms, carbon monoxide detectors, etc.
- Basics on the Residential Tenancies Act and rental agreement requirements
- Issues with renting individual rooms as opposed to group cohabitation

- City departments and resources available to support student tenants

Residents can access some of these educational materials online via Windsor Fire Services' website. By-law enforcement also maintains a page on the City's website on neighbourly behaviour with links and videos on property standards by-laws.

When on-campus classes return, staff from Building and Fire can resume student outreach efforts. By-law Enforcement Officers also attended these events as workloads allow, but increased call volumes have required labour hours to be focused on enforcement activities. To improve coordination between departments and show students the full range of City departments available to keep neighbourhoods safe, By-law Enforcement Officers could join Building and Fire at these events. However, their participation may be limited by workload demands.

To assist residents in the interim, online educational materials could be improved. Those currently available online could be reviewed and those not currently online could be created in a digital form.

Any strategies should be developed in collaboration with post-secondary institutions through the Town and Gown Committee.

On options for a residential rental license that includes a pilot in Ward 2 with the intent of being rolled out city-wide if successful after a definite time period to be decided by council;

The Ontario Human Rights Code prohibits discrimination in housing based on age, with student status being analogous to age. Should a residential rental licensing program be limited to only Ward 2, it will likely be successfully challenged on human rights grounds.

Past court interpretations have struck down initiatives in other municipalities to implement residential rental licensing in areas based on their presumed occupants. When the City of London launched a licensing regime targeting student areas near their post-secondary institutions, a human rights concern was raised and resolved by ensuring the by-law was applied city-wide. Any rental licensing program pursued in Windsor should be piloted city-wide in order to ensure compliance with the Ontario Human Rights Code.

It should also be noted that residential rental licensing has not been shown to improve housing affordability. Rather, such by-laws have the ability to arbitrarily limit access to low-cost rental housing for all residents, not just students, by reducing the number of available units overall.

On strategies and legislative options used by other municipalities in Ontario and elsewhere regarding student housing

City of Oshawa

A review of Ontario municipalities found only the City of Oshawa with a specific strategy for addressing student housing needs. Oshawa approved its Student Accommodation Strategy on April 27, 2010. This strategy was prepared within the framework for land use planning in Ontario and relies on several previous studies and extensive public

consultation. The plan aims to enable a mix of quality student accommodations that integrates with the existing community, using zoning to promote student housing development along a designated corridor of largely vacant, undeveloped lands surrounding the UOIT and Durham College campuses in north Oshawa. Follow-up reports identify the Community Improvement Plan and Development Charge By-law exemptions as “instrumental in kick-starting development which may not otherwise have occurred.”

Because the lands in the near-campus neighbourhoods in this region of Oshawa are not yet developed, zoning controls can be an effective tool to encourage appropriate development. However, areas surrounding the University of Windsor are already within the boundaries of Windsor’s Economic Revitalization Community Improvement Plan, which provides successful applicants with a grant to offset 100% of the development charges paid for a project. A similar study could be produced at Council’s direction, but the areas around Windsor’s post-secondary institutions are already developed and compliance with zoning would only be required of new developments.

City of Waterloo – Northdale Neighbourhood

Waterloo has two post-secondary institutions, the University of Waterloo and Wilfrid Laurier University, located within its well-established Northdale neighbourhood. In 2012, the City of Waterloo approved the Northdale Land Use and Community Improvement Plan Study to address issues related to the changing resident demographics and development pressures associated with increased demand for student housing. Although the study does not mention student housing specifically, one of its guiding principles was that Northdale be “a complete community that accommodates a diverse demographic and range of land use,” indicating that having a neighbourhood predominantly of any one use (including student accommodations) is to be avoided.

The urban design guidelines resulting from the Northdale Plan Study do not attempt to maintain existing residential neighbourhoods in near-campus neighbourhoods as they currently are. Instead, it lays out guidelines for built environments that are distinctly urban in order to increase the density of available housing in Northdale for all residents, including students, by increasing the intensity of allowable development. To adapt to the pressures of increased housing demands in Northdale, including those of students, the Northdale Plan Study Urban Design and Built Form Guidelines state clearly that “the low-density, single detached house will no longer be the predominant housing form in the Northdale neighbourhood.” Instead, new development should be focused on mixed-use, mixed-density development that supports diverse transit and pedestrian activities.

The Northdale Land Use and Community Improvement Plan Study and its related land-use plan, community improvement plan and urban design guidelines were approved by Waterloo City Council in 2012. In response, multiple appeals were filed with the Ontario Municipal Board (OMB), largely by those impacted by the changes in zoning the Plan recommends. The OMB has put into effect the recommended Official Plan policies, zoning by-law changes and community improvement plan with some property-specific exceptions. Two new zones were created – “Northdale Mixed Use” and “Northdale Commercial.” These zones establish the maximum permissible residential density through a measure of bedrooms per hectare rather than by establishing a limit to the

number or size of bedrooms per dwelling unit in order to achieve the desired development in appropriate areas.

Development applications received since the plan was approved have trended towards mixed-used buildings with fewer beds per unit and more variety in unit arrangements, shifting away from previous trends of low-rise single detached dwellings with many bedrooms designed primarily with students in mind. The City of Waterloo continues to actively consult with community stakeholders and develop additional guidelines as needed to support the Northdale Plan, including a streetscape master plan and environmental assessment.

City of Ottawa – Sandy Hill Neighbourhood

Ottawa's Sandy Hill neighbourhood faces some similar challenges to those experienced by residents of Ward 2 who live near the University of Windsor. In Sandy Hill, near the University of Ottawa and not far from Parliament Hill, a historic neighbourhood is experiencing increased housing quality and affordability issues. A significant increase in student enrollment over the last decade at the nearby university has created a demand for housing nearby. Developers are responding by replacing existing single detached dwellings with multi-unit rental buildings geared towards a single tenant group, which is changing the composition and character of the neighbourhood for existing long-term residents.

In response to these issues, Ottawa's Zoning, Intensification & Neighbourhoods Unit of their Planning, Infrastructure and Economic Development Department produced a discussion paper in 2016 to explore the issues and intent behind R4 Zoning Review as well as considerations for possible solutions. On July 12, 2017 Ottawa City Council implemented Interim Control By-law 2017-245 to freeze development and undertake a review of the R4 zoning applied to most of Ottawa's inner urban established neighbourhoods. Further papers were produced in 2017 containing draft proposals and public commentary received through consultation. The resulting R4 Zoning Review Zoning Proposals Report to the Planning Committee in June 2018 led to Zoning By-law Amendment 2018-206. This amendment established a limit of 4 units in a dwelling in either single detached or multi-unit buildings. To address the needs of large or extended family housing, it added a new term, "oversized dwelling unit", to permit homes with up to 8 bedrooms to be constructed provided they met certain requirements, including only being permitted in single detached dwellings. The zoning of the properties remained unchanged.

The purpose of the R4 Zone is to allow for a wide mix of residential building forms from detached homes to low rise apartment dwellings no more than four storeys tall. In response to regulations limiting the number of bedrooms in a dwelling unit, developers adapted their designs to meet regulations while still addressing the unchanged market demand for student housing near the University of Ottawa. Rather than producing "bunkhouse" style units with many bedrooms per unit, developers designed buildings composed only of bachelor and one-bedroom units in order to continue to meet market demand for student housing. The City's website now identifies "inappropriate caps on the permitted number of units" as a hindrance to developing the kind of "viable walk-up apartment building" the R4 Zone is intended to contain.

The City of Ottawa continues to consult with residents, developers, and apartment seekers and refine its zoning by-law.

On reviewing our lodging home by-law and ways to improve it to capture more rental properties in our community and allow for better opportunities to enforce property standards.

Under Business Licensing By-law 395-2004,

“Lodging House” shall mean and include any house or other building or portion thereof in which more than three persons are harboured, received or lodged for hire, with or without meals but does not include a hotel, hospital, nursing home, home for the young or the aged or institution if the hotel, hospital or institution is licensed, approved or supervised under any general or special Act.

What has been traditionally licensed as a “lodging home” in Windsor – residences that rent individual bedrooms to individual tenants with a common living space and kitchen, some with personal care and some without – are not the types of residences of primary concern to residents in near-campus neighbourhoods. Currently, lodging houses are categorized as follows:

- Class 1, where the operator provides no assistance to the resident in caring for their health or personal needs, including washing, dressing or eating; or
- Class 2, where the operator provides assistance to the resident in caring for their health and personal needs, including washing, dressing or eating.

There are currently 18 licensed lodging houses in the City of Windsor: 7 Class 1 lodging homes and 11 Class 2 lodging homes.

Resident concerns around student housing focus on low-rise, high-density single unit dwellings which may or may not be occupied by the owner and which are rented out to one or more tenants. The *Residential Tenancies Act, 2006* permits tenants to invite other occupants to reside in the unit with them – i.e. “roommates.” Occupants residing as roommates of a tenant may or may not have any form of written tenancy agreement and has no contractual relationship with the property owner, only the tenant. Dwellings occupied in this manner fall outside of the City’s Licensing By-law when most (sometimes all but one) of the occupants do not have an actual contractual relationship with the property owner. Occupants living in the dwelling with the permission of the tenant but without a rental agreement with the property owner cannot be counted towards the “more than three persons harboured” defined in the City’s Licensing By-law.

Risk Analysis:

There is no risk associated with receiving this report for information.

Financial Matters:

There are no financial implications associated with accepting this report for information.

Financial incentives to entice development, which to date have largely been provided in the form of grants, are subject to the legislative provisions of the Municipal and Planning Acts. There is a budgetary cost associated with enforcement services as well as program delivery which would require a direct funding source.

Consultations:

Rob Vani, Manager of Inspections

Joe Baker, Manager of Permit Services

Michael Cooke, Manager of Planning Policy

Neil Robertson, Manager of Urban Design

Greg Atkinson, Planner III – Economic Development

Don Nantais, Financial Planning Administrator

Craig Robertson, Supervisor of Licensing

Bill Tetler, Manager of By-law Enforcement

Sonia Bajaj, Coordinator of Housing Administration and Development

Wira Vendrasco, Deputy City Solicitor – Legal and Real Estate

Conclusion:

The City has maintained a comprehensive affordable housing strategy since the first release of the Windsor Essex Housing and Homeless Plan in 2014. To date, like other comparable municipalities, this strategy has not included specific plans for affordable student housing. Students present different motivations, hindrances and economic considerations than low-income residents when pursuing housing that are more appropriately addressed by post-secondary institutions than municipal housing systems. Incentivising these institutions is challenging as the revenues the City usually offers to forego to encourage specific development – i.e. property taxes and development charges – are not paid by colleges or universities. No legislative mechanisms exist for the City to compel post-secondary institutions to provide affordable housing, or any housing at all, to the students they attract, nor has the Province put any such legislation in place.

Options for residential rental licensing have been presented to Council in previous reports but Council has decided not to adopt them. Pursuing a pilot program in an area based on the presumed age of its residents (i.e. students) has been successfully challenged previously as discriminatory and by Ontario Human Rights Commission. Instead of building licensing regimes which could increase housing costs and reduce the available housing supply during a period of exceptionally low vacancy and affordability, programs focusing on education and increasing the City's capacity to enforce existing by-laws have been pursued. Because inspectors and enforcement officers must prove their charges in court, education and the cooperation that comes with it are vital to securing the lawful right of entry that successful prosecutions rely on. Administration continues to work with students, landlords and post-secondary

institutions to educate residents about their rights and responsibilities and enforce City by-laws and provincial code standards.

Several definitions related to residential uses are being reviewed as part of Residential Interim Control By-law Study adopted by Council on July 13, 2020.

Planning Act Matters:

N/A

Approvals:

Name	Title
John Revell	Chief Building Official
Thom Hunt	City Planner / Executive Director of Planning and Building Services
Gary Cian	Deputy License Commissioner, Senior Manager of Policy, Gaming, Licensing and By-law Enforcement
Janice Guthrie	On behalf of Chief Financial Officer / City Treasurer
Valerie Critchley	City Clerk, Licence Commissioner and Corporate Leader for Public Engagement and Human Services
Shelby Askin Hager	City Solicitor and Corporate Leader, Economic Development and Public Safety
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email

Appendices:

- 1 Appendix A - Referenced Works

Appendix A – Referenced Works

City of Windsor

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Council Report: C 161/2020

Subject: Confirm And Ratify Report – Waiver Of User Fees for AEP Events Inc. Drive-In Concert Series – City Wide

Reference:

Date to Council: August 24, 2020

Author: Valerie Critchley

City Clerk & Corporate Leader – Public Engagement & Human Services

(519) 255-6100 ext 6434

vcritchley@citywindsor.ca

Council Services

Report Date: 8/11/2020

Clerk's File #: MH/13786

To: Mayor and Members of City Council

Recommendation:

THAT the results of the email poll conducted by the City Clerk on August 10, 2020 approving the following recommendation **BE CONFIRMED AND RATIFIED**:

THAT the request from AEP Events Inc. to stage the Drive-In Concert Series at Riverfront Festival Plaza and Riverfront Civic Terrace, on the following dates: August 14 - 15, August 21 - 22, September 25 – 26, October 2 – 3, October 9 – 10, October 15 – 16, 2020 **BE APPROVED**; and further,

THAT the request from AEP Events Inc. to waive the total rental fees of \$22,890 for the Riverfront Festival Plaza and Riverfront Civic Terrace **BE APPROVED**; and further,

THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign the Special Events Agreement, to be satisfactory in form to the City Solicitor and content to the Executive Director of Recreation & Culture.

Executive Summary:

N/A.

Background:

Section 3.7 of Procedure By-law 98-2011 provides the following:

“Telephone and/or email polls of Members of Council shall be permitted only upon authorization by the Mayor or CAO, in emergency situations requiring Council direction where time does not permit holding a special meeting of Council and/or quorum of Council cannot physically convene to consider a

matter. The results of a poll must be confirmed and ratified at the next public meeting of Council".

Discussion:

The COVID-19 pandemic has had a devastating effect on the entertainment business, affecting the ability of musical artists to perform live as their source of income. Many municipalities across Ontario are exploring and approving live performance opportunities with prospective entrepreneurs to support the livelihood of artists, including drive-in performance dates that adhere to pandemic regulations and restrictions. The province of Ontario has allowed these types of drive-in events to occur in Stages 2 and 3. Recently, Council has approved supporting similar style public viewings at Riverfront Festival Plaza in support of the Windsor International Film Fest and the arts community.

AEP Events Inc. is an entertainment production service and has supported festivals in Windsor for many years, and is locally-owned by businessman Sean Atkins. AEP Events Inc. is a well-known production and tech service for many national and international music artists and events. To support local musicians and provide employment opportunities for artists, AEP Events Inc. is proposing to host a series of drive-in live performances at Riverfront Festival Plaza by providing video enhanced productions. Their budget consists of staff overhead which would be recovered in entrance fees to the patron, while all equipment gear will be donated in support of the artists. The Special Events Resource Team (SERT) and the Windsor Essex County Health Unit have no objections provided the applicant adheres to the safety precautions and health guidelines for the Stage that Windsor is in at that time.

The applicant has requested the use of the plaza for six weekends, starting the weekend of August 14th. He is aware of the approved booking of WIFF for Drive-in movies and is proposing to work around those dates (before and after). The applicant is requesting a waiver of fees to use the plaza for these concerts similar to WIFF. There is a strong possibility that there will be other organizations that will also request waivers of fees as part of recovery efforts from COVID-19. Should that be the case, Administration will continue to review and bring forward for consideration as required.

Following are the dates he is requesting:

August 14 - 15, 2020

August 21 - 22, 2020

September 25 – 26, 2020

October 2 – 3, 2020

October 9 – 10, 2020

October 15 – 16, 2020

The fees for the six weekends would add up to \$22,890. All other costs associated with the event would be the applicant's responsibility.

As a result of the poll, the recommended resolution was passed, with Councillors Bortolin, Holt and McKenzie voting nay.

Risk Analysis:

In light of the ongoing COVID-19 pandemic, and the rapid rate at which the situation is changing, this motion was put forward for Council's consideration via email poll as it was an emergency situation requiring Council direction given that time did not permit holding a special meeting of Council.

Financial Matters:

The total amount of the approved waiver is \$22,890.00 as outlined above.

Consultations:

N/A.

Conclusion:

It is recommended that the results of the email poll conducted on August 10, 2020 be confirmed and ratified.

Planning Act Matters:

N/A.

Approvals:

Name	Title
Valerie Critchley	City Clerk
Jan Wilson	Corporate Leader Parks, Facilities, Recreation & Culture
Joe Mancina	City Treasurer
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email

Appendices:



Subject: City Hall Square Plaza and Civic Esplanade, City Wide

Reference:

Date to Council: August 24, 2020

Author: Adam Coates

Senior Urban Designer

519 253-6543 Ext. 6352

acoates@citywindsor.ca

Planning & Building Services

Report Date: July 24, 2020

Clerk's File #: APM/9120

To: Mayor and Members of City Council

Recommendation:

- I) THAT City Council **APPROVE** the use of \$550,0000 (plus any applicable taxes) funded from 2020 and 2021 Pay as you go funding in the respective amounts of \$243,000 and \$307,000 from the City Hall Civic Plaza / Esplanade Project (PLN-021-07) for immediate use to complete the Phase 1 – Programming and Conceptual Design for the City Hall Square Plaza and Civic Esplanade work; and,
- II) That City Council **PRE-APPROVE** and **AWARD** any procurement(s) necessary that are related to the Phase 1 – Programming and Conceptual Design of the City Hall Square Plaza project, provided that the procurement(s) are within approved budget amounts, pursuant to the Purchasing By-Law 93-2012 and amendments thereto; satisfactory in financial content to City Treasurer, and in technical content to the Corporate Leader of Parks, Recreation & Culture and Facilities, the City Planner, and the City Engineer; and,
- III) That the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to take any such action required to effect the recommendation noted above and sign any required documentation/agreement(s) for Phase 1 – Programming and Conceptual Design for the City Hall Square Plaza and Civic Esplanade project, satisfactory in legal form to the City Solicitor, in technical content to Corporate Leader of Parks, Recreation & Culture and Facilities, the City Planner, and the City Engineer and in financial content to the City Treasurer; and,
- IV) That the Purchasing Manager **BE AUTHORIZED** to issue Purchase Orders as may be required to effect the recommendation noted above, subject to all specification being satisfactory in legal form to the City Solicitor; in technical content to the Corporate Leader of Parks, Recreation & Culture and Facilities, the City Planner, and the City Engineer; in financial content to the City Treasurer, and further; and,

- V) That the City Planner **BE DELEGATED** the authority to approve the Site Plan Control Application and **BE AUTHORIZED** to approve minor changes to the design to allow for the construction of City Hall Square Plaza; and,
- VI) That City Council **APPROVE** the City Hall Square Plaza and Civic Esplanade Project Charter attached as Appendix A and outlined in this report; and further,
- VII) That Administration **BE AUTHORIZED** to take any other steps as may be required to bring effect to these resolutions, and that the CAO and City Clerk **BE AUTHORIZED** to execute any required documents for that purpose, subject to legal approval by the City Solicitor, financial approval by the City Treasurer, and technical approval by the City Engineer.

Executive Summary:

NA

Background:

On March 8, 1993, Council adopted the *Civic Square Urban Design Study and Master Plan* that recommend a preferred Master Plan which set the physical and planning framework for the coordinated development of the “Civic Square” area of downtown. It envisioned the Civic Square developing over time as a unified governmental precinct (i.e. a campus) that acknowledges the rich context of the past and present conditions.

Subsequently, on October 31, 1994, Council adopted the *Windsor City Centre Revitalization & Design Study* “as a guide for the revitalization of the City Centre” (MI03-94). The Windsor City Centre Revitalization & Design Study is a comprehensive study that was commissioned by the City and Province “*to present a comprehensive plan for managing growth and change which will maximize the positive economic and social impact of the casino in rejuvenating the heart of the City.*” The study reaffirmed the vision and urban design direction first proposed by the *Civic Square Urban Design Study and Master Plan*.

Through the years, many improvements have been made along the Civic Esplanade and Civic Square that resulted in several of the readily identifiable features as it stands today.

On January 20, 2014, City Council received a report for the development of a New City Hall Facility. (Report 16526) The report outlined the New City Hall Project and provided approval and direction (CR20/2014).

Moriayama & Teshima Architects in a joint venture with Architecttura Architects were awarded the RFP to provide architectural services for the New City Hall. The RFP included instruction to the Architects to consider the surrounding context for the new City Hall building.

Accordingly, a high level organizational and concept was provided to the architect which incorporated the direction established by the *Civic Square Urban Design Study and Master Plan* and subsequent investments. It is also a concept that entrenches the idea

that although the Civic Square may be comprised of separate buildings, it will still look and function like one unified campus.

The intent of the organizational site plan is to define spaces (i.e. where things can go) and opportunities for connectivity, not dictate the level and quality of the final product. The following bullet points describe the elements, their intent and opportunities that were presented by the conceptual site plan:

- Extending the Civic Esplanade;
- Enhancing the East/west Connection;
- Senator Croll Park / Tourism Bureau Linkage; and,
- Closing City Hall Square East Roadway.

The concept was presented to Council on May 8th 2014 and formed the basis for the design of the treatments immediately surrounding the new City Hall building. This included the closure and design of the portion of City Hall Square East between the new 350 City Hall building and 400 City Hall building.

Currently, the new 350 City Hall surrounding site has been constructed as per the approved site plan drawings for the new 350 City Hall Building. The next step in unifying the campus concept will be to design the City Hall Square Plaza, and reviewing the Civic Esplanade and how the entire project will tie into the riverfront and the surrounding downtown.

ICIP Grant

On October 30, 2019 City Council authorized administration to submit an application for the *Investing in Canada Infrastructure Program – Community Culture and Recreation Stream* (ICIP-CCR) grant program. The City Hall Square Plaza and elements of the Civic Esplanade were included as part of the *Connecting People and Places* project that was submitted.

The Connecting People and Places project consists of a continuous connection from City Hall's new City Hall Square Plaza to Windsor's riverfront parks with enhancements based on the attributes outlined in the Central Riverfront Implementation Plan (CRIP) and heading east to a new parkette and the gateway to the Walkerville district. The submitted project consists of multiple segments, including:

- City Hall Square Plaza;
- The Civic Esplanade;
- Pedestrian Crossing at Riverside;
- Festival Plaza;
- Great Western Park, and;
- Walkerville Parkette and Gateway.

The City was advised that our project submission was not recommended by the Provincial review committee on August 7, 2020. As such all placeholder funding required to make up the \$20.7M in City funding for the projects is no longer applicable

and the funding has been returned to the original funding sources. Further details on the impact of this on the City Hall Civic Plaza / Esplanade project is outlined in the Financial Matters section of the report.

Discussion:

This project is being undertaken in order to provide conceptual designs of the Civic Esplanade as well as design and construction of a new public open space as part of the Civic Square.

This report discusses the City Hall Square Plaza and Civic Esplanade portion of the ICIP-CCR project. The pedestrian connection at Riverside Dr. will be reviewed as part of developing the conceptual designs for the Civic Esplanade. This report primarily focusses on the first phase of the project, *Programming and Conceptual Designs*. A phased approach to delivering this project has been pursued in order to mitigate risks associated with timing, funding, and the ICIP-CCR grant application. This is discussed in the risk section of the report.

The former 350 City Hall building has been removed and the vision for the new Civic Square includes a new plaza. The objective of the project is to construct an inviting, flexible, multi-use, context sensitive outdoor space that balances the needs of City Hall and the public. The new space will connect 350 City Hall and the 400 building physically and visually to the Civic Esplanade and reinforce the objectives in the *Windsor Civic Square Urban Design Study Masterplan and Design Guidelines* and the *Windsor City Centre Revitalization and Design Study*.

The City Hall Square Plaza (CHSP) is the southern anchor of the Civic Esplanade and the design and programming of the new plaza will affect the existing conditions of the Civic Esplanade. For that reason, the Civic Esplanade will be reviewed and a conceptual design will be adopted to update the vision for the Civic Esplanade and to set priorities moving forward.

The CHSP has been identified to be located on the site of the former 350 City Hall building. This project is multi-faceted and involves the input and knowledge of many of the City's departments.

Consultants will be retained to complete the necessary background studies (i.e. impact assessments, geotechnical investigations, archaeological investigations, etc.), undertake public engagements, develop conceptual and detailed design, assist in the tendering process, and provide construction administration duties.

The Planning Department and Corporate Projects will work together to deliver this project in 2 phases.

Phase 1 – Programming and Conceptual Design for the CHSP and Civic Esplanade

The first phase involves providing a review and developing the direction for the Civic Esplanade, as well as detailed conceptual design for City Hall Square Plaza. This will include stakeholder/public consultations to help define the overall project program, and conceptual designs. The Planning Department will be the project lead during the first phase and will be supported by Corporate Projects. The scope of Phase 1 includes:

- CHSP and the Civic Esplanade, from 350 City Hall and connecting to the waterfront;
- Evaluation of the existing conditions and previous master plans/studies;
- Public consultation and stakeholder consultations;
- Developing the CHSP Project Program;
- Update the conceptual design for the length of the Civic Esplanade, with particular attention given to the impacts that the CHSP will have on Charles Clark Square; and,
- Develop a conceptual design for the City Hall Square Plaza.

To stay aligned with the project delivery timelines, *RFP 59-20 Design Services for the Civic Esplanade and City Hall Square Phase 1* was issued on June 12th, 2020. The RFP generated a lot of interest, and the City received multiple requests to extend the closing date. These requests were accommodated, and the closing date was July 24th, 2020. The project team is evaluating the service proposals and will be conducting interviews prior to the announcement of the successful candidate.

Phase 2 – Detailed Design and Construction of CHSP

The second phase is detailed design, and construction of a new City Hall Square Plaza. During the second phase, Corporate Projects will be the project lead and will be supported by the Planning Department. The scope of Phase 2 includes:

- Developing Construction Documents for the CHSP;
- Procurement of Construction Services;
- Project Administration during construction; and,
- Oversee Project Closeout.

Milestones

Project Milestones have been identified and set the framework for appropriate approvals prior to proceeding to the next phase.

	Milestone	Target
Phase 1	Announcement of successful Grant funding (estimated date)	Q3 2020
	RFP - Retain Program and Concept design Consultant	August 2020
	Community Engagement and Project Program Refinement	Dec 2020
	Steering Committee adopts Project Program	Jan 2021
	Conceptual Designs of City Hall Square and Civic Esplanade	May 2021

	Adoption of Conceptual Design	June 2021
Phase 2	Engage Archaeological Consultant	June, 2021
	Detailed Design, and Tender*	June - February 2022
	Construction of City Hall Square Plaza**	May - December 2022
	Start of Operations**	January 2023

* Subject to Program Requirements and outcome of Consultation Process

Existing By-Laws and Permits Required

During Phase 1 – Programming and Conceptual Design of the project, no permanent construction work is being completed.

During Phase 2 - Detailed Design, the project will be subject to Site Plan review and approval by City Council as per the Site Plan Approval Delegation By-law 11275. Recommendation IV of this report requests that Site Plan Approval be delegated to the City Planner to expedite the review process at that time. Further to Site Plan review, Building permits will be required from the City of Windsor Building Department for this project at the appropriate time.

Risk Analysis:

A detailed risk analysis has been completed as part of the attached Project Charter. (see Appendix A)

Timing Risks

As with any capital project, there is a timing risk related to unforeseen conditions or events that can have considerable impact on both timelines for project completion as well as budget implications. This risk is partially mitigated by delivering the project in a phased approach with appropriate approval milestones.

Financial Risks

The grant funding requested for this project has not been approved. As a result there is a shortfall in the necessary funding to complete this project. This risk will be mitigated by developing a phased approach to the project delivery. This approach allocates financial resources to the project that are only required for Phase 1 – Program and Conceptual Development. This allows the project to move forward and maintain flexibility prior to moving into Phase 2 – Detailed Design and Construction. Administration is also seeking other grant opportunities for this project which may become available prior to Phase 2 needing to commence.

Technical Risks

As with many capital projects, there are risks related to soil conditions and archeological considerations. In order to mitigate this risk the City is following the required protocols.

This risk is partially mitigated with the completion of a Stage 1 Archeological Assessment that was completed for the Civic Square. (MTSC File Number 0002575) A Stage 2 Archaeological Assessment is scheduled to be completed prior construction commencing.

Financial Matters:

Council Report C167/2019 recommended that funding for the City Hall Square and Civic Esplanade project (PLN-021-07), along with funding sources from several other projects, be directed to the new ICIP-CCR project (PFO-011-20) for the 2020 8-year Capital Budget and be deemed as placeholder funding, ensuring that these funds remain allocated as matching funding for this grant. (CR529/2019). In light of the grant not being awarded all funding has been returned to the original projects. The amounts by year returned to the City Hall Square and Civic Esplanade Project (PLN-021-07) are as follows:

Year	Amount
2020	\$243,000
2021	\$1,050,000
2022	\$2,000,000
2024	\$200,000
2025	\$200,000
2026	\$627,000
2027	\$200,000
Total	\$4,520,000

Administration requires \$550,000 in funding from the City Hall Plaza / Esplanade Project (PLN-021-07) to be approved for immediate use to complete Phase 1 of this project. This requires all of the 2020 funding \$243,000 as well as \$307,000 from 2021 to be committed for immediate use. All other remaining funding for project will continue to be identified as approved in principle for this project. Administration is also actively seeking other grant opportunities to assist in cost of the construction phase of this project.

Operational Cost

All operating costs for the site and the City Hall Square Plaza will be referred to future operating budgets. Given that a program has not been finalized for the City Hall Square Plaza, there is no reasonable way to estimate an annual operating and maintenance budget. Major elements of the program could have significant effects on the operating cost associated with the plaza. Prior to Phase 2 – Detailed Design and Construction, administration will have an understanding of the operating cost. Further to that, decisions surrounding program elements will be reviewed through the lens of their impacts on operating and maintenance objectives.

Consultations:

Cathy Masterson, Manager Cultural Affairs
Heidi Baillargeon, Manager of Parks Development
Dana Paladino, Purchasing and Risk Management
Melissa Osborne, Senior Manager Asset Planning
Dave Soave, Manager Operating Budget and Financial Administration
Carrie McCrindle, Financial Planning Administrator
Tina Italiano, Financial Analyst
Wadah Al-Yassiri, Project Administrator

Conclusion:

In conclusion, the City Hall Square Plaza and Civic Esplanade project will be phased so that the project can be delivered successfully and adhere to ICIP grant application requirements, internal funding requirements, and stakeholder and public consultation desires. The consultant retained for the Programming and Conceptual Design phase will consult with internal and external stakeholders and refine the program and vision for the project. This project approach gives the City the most flexibility to adjust to the outcomes of the ICIP grant program and internal funding priorities.

Planning Act Matters:

N/A

Approvals:

Name	Title
Don Nantais	Financial Planning Administrator
James Chacko	Senior Manager of Parks
Jan Wilson	Corporate Leader of Park, Recreation and

Name	Title
	Culture and Facilities
France Isabelle Tunks	Senior Manager of Engineering
Mark Winterton	City Engineer
Neil Robertson	Manger of Urban Design
Thom Hunt	City Planner
Shelby Askin Hager	City Solicitor
Joe Mancina	Chief Financial Officer & City Treasurer
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email

Appendices:

- 1 Appendix A – City Hall Square Plaza and Civic Esplanade Project Charter



City Hall Square Plaza and Civic Esplanade

Project Charter
June 2020

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- Appendix A – Civic Esplanade Segments
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- Appendix D – Organizational Hierarchy
- Appendix E – Change Request Register

1. OVERVIEW

1.1. Introduction

This document defines the scope and establishes the framework and overall approach for the **New City Hall City Square Plaza and Civic Esplanade Project**. (CHSP) This charter includes a rationale for the project, an overview of project goals, objectives, defines the project scope, and provides an assessment of risk. This document also provides an overview of the implementation strategy and deliverables, describes the project team structure, outlines roles and responsibilities, and defines the project environment.

The contents of this document must be reviewed and signed by the Project Executive Committee and Project Administrators to ensure all parties have a clear understanding of the goals of the implementation. The Charter allows all project participants to work towards a common goal and clarify expectations while becoming the standard against which changes to project scope and duration are identified and evaluated.

1.2. High Level Objective

This project is being undertaken in order to provide conceptual designs of the Civic Esplanade (Refer to Appendix A) as well as design and construct a new public open space as part of the Civic Square. (refer to Appendix B) The former 350 City Hall building has been removed and the vision for the new Civic Square includes a new plaza. The objective of the project is to construct an inviting, flexible, multi-use, context sensitive outdoor space that balances the needs of City Hall and the public. The new space will connect 350 City Hall physically and visually to the Civic Esplanade and reinforce the objectives in the Windsor Civic Square Urban Design Study Masterplan and Design Guidelines and the Windsor City Centre Revitalization and Design Study.

The City Hall Square Plaza is the southern anchor of the Civic Esplanade and the design and programming of the new plaza will affect the existing conditions of the Civic Esplanade. For that reason, the Civic Esplanade will be reviewed and conceptual design will be adopted to update the vision for the Civic Esplanade and to set priorities moving forward.

1.3. Goals, Objectives and Critical Success Factors

This project will be a cultural and community asset once complete. The project will be considered successful by the degree in which the conditions of the project are met. It should be noted and understood that these conditions rely on the assumption that sufficient resources and funding are assigned to the project.

The project goals are to:

- Provide a functional, flexible and programmable outdoor space for public use;
- Create outdoor space for civic ceremonies and announcements;
- Incorporate the heritage, cultural and context of the existing plaza and esplanade;
- Increase accessibility and use of the Civic Square and Esplanade;
- Increase the connectivity and cultural footprint that the Civic Square has on the core of the city.
- Provide “green/sustainable” features integrated into the design, as well as solutions which provide for climate mitigation or adaptation opportunities;

- Provide design solutions that incorporate operating and maintenance objectives that align with the Asset Management Plan, including whole of life cost and the triple bottom line objectives;
- Reinforce the “Civic Campus Concept” selected for the New City Hall Building Design;
- Integrate Public Art through out the project.

To ensure that the project meets the high-level objective, the following chart outlines some detailed objectives with measurable criteria. These objectives are to be considered the means by which the project’s success will be evaluated.

Objective		Measurement
1	Project support from community and stakeholders	<ul style="list-style-type: none"> • Implement a Community Engagement Strategy. • Provide conceptual design options for public input, administrative and City Council feedback.
2	Increases public accessibility and usability of Civic Square and Esplanade.	<ul style="list-style-type: none"> • Identify accessibility needs and build them into the project design. • Consult with WAAC (Windsor Accessibility Advisory Committee) and other grounds for input and direction. • Follow AODA design requirements. • Co-ordinate scope and program with the Municipal Cultural Master Plan. • Co-ordinate project with the Connecting People and Places ICIP Project.
3	Follow environmentally conscious and sustainable design principles.	<ul style="list-style-type: none"> • Co-ordinate the design with the City of Windsor Environmental Master Plan. • Implement designs that consider passive sustainable built environment solutions, renewable electricity sources, heat island mitigation, increased multimodal connectivity. • Consult Pollution Control and other environmental stakeholders.
4	Provide resources for post construction operation of the Plaza	<ul style="list-style-type: none"> • Co-ordinate the development with the City’s Asset Management Plan. • Develop a programming and operating/maintenance strategy for the space.
5	Project Communication and Public Relations	<ul style="list-style-type: none"> • Meetings held at key stages of decision making throughout the project as called by the chair of the Executive Committee. • Milestone updates to the media as to the projects progress. • Develop a project website with updates for the public, media releases, and timeline update.
6	Project Documentation and Accounting	<ul style="list-style-type: none"> • Provide Project Reports and Updates to the Executive Committee. • Have consultant provide written monthly progress reports and updated budget forecasts. • Variance identified and mitigation actions approved.
7	Design & Construction, including adherence to timelines, quality and budget	<ul style="list-style-type: none"> • The design is in accordance with the expectations of the end users, City Departments such as Parks, Recreation, Culture, Planning, Facilities, etc. • The construction in accordance with the design intent, proposal documents and specifications. • Regular monitoring of budget and timelines to completion.

2. SCOPE

2.1. High Level Scope

The New City Hall Square Plaza (CHSP) has been identified to be located on the site of the former 350 City Hall building. This project is multi-faceted and involves the input and skills of many of the City's departments.

Preliminary project program elements includes:

- Connect City Hall to the Civic Esplanade;
- Open ceremonial space for announcements and gatherings;
- Audio/Visual capabilities to support the ceremonial space and the square in general;
- Water feature, which may include ice skating facilities and splash pad;
- Accessory Building / Pavilion (public washrooms and equipment);
- Tying into the existing site features and integration with existing 350 City Hall Building;
- Other potential features such as: shade structures, water features, ramps, retaining walls, fencing/railings, landscaping, irrigation, seating, lighting & electrical, communication features, security features, fencing/screening, signage, vendor space, etc.;

Various consultants will be retained to complete the necessary background studies (i.e. impact assessments, geotechnical investigations, archaeological investigations, etc.), undertake preliminary and detailed design, assist in the tendering process, and provide construction administration duties.

The Planning Department and Corporate Projects will work together to deliver this project in 2 phases.

Phase 1 – Programming and Conceptual Design for the Esplanade and CHSP

The first phase involves providing a review and developing the direction for the Civic Esplanade, as well as detailed conceptual design for City Hall Square Plaza. This will include stakeholder/public consultations to help define the overall project program, and conceptual designs. The Planning Department will be the project lead during the first phase and will be supported by Corporate Projects. The scope of Phase 1 includes:

- CHSP and the Civic Esplanade, from 350 City Hall and connecting to the waterfront;
- Evaluation of the existing conditions and previous master plans/studies;
- Public consultation and stakeholder consultations;
- Developing the CHSP Project Program;
- Update the conceptual design for the length of the Civic Esplanade. (including all segments as defined in Appendix A), with particular attention given to the impacts that the CHSP will have on Charles Clark Square.
- Develop a conceptual design for the City Hall Square Plaza.

Phase 2 – Detailed Design and Construction of CHSP

The second phase is detailed design, and construction of a new City Hall Square Plaza. During the second phase, Corporate Projects will be the project lead and will be supported by the Planning Department. The scope of Phase 2 includes:

- Developing Construction Documents for the CHSP;
- Procurement of Construction Services;
- Project Administration during construction;
- Oversee Project Closeout.

2.2. Out of Scope

- Site remediation or environmental remediation for demolished 350 City Hall Site;
- Any major infrastructure and service work that is not directly related to the City Hall Square Program;
- Additional Parking needs;
- Full Design, Build-out of the segments of the Civic Esplanade;
- Full Design, Build-out and decommissioning of Charles Clark Square.

2.3. Assumptions

These are statements that are used as a fundamental basis for conducting the project. The following assumptions are deemed to be factual during the project:

- Project is proceeding under the assumption that the *Investing in Canada Infrastructure Program: Community, Culture and Recreation* (ICIP-CCR) grant funding application will be successful;
- Sufficient capital and operational funds will be dedicated to this project and future phases;
- Senator David A. Croll Park will remain the same;
- The Cenotaph, a heritage listed structure, will remain the same;
- Heritage Park fountains will be returned to running state;
- The double row of trees that flank the civic esplanade will remain;
- The Inuksuk and Rose Garden may be moved or altered;
- Decisions and recommendations made during the project will be based on information available at the time and are subject to modification during the project;
- Purchases and contracts will be executed in compliance with the Purchasing By-law;
- Project initiatives are fully supported by the Senior Executives of the City of Windsor.

2.4. Constraints

- Archaeological constraints, this site has been identified in a Stage 1 Archaeological Study. Stage 2 assessment for some of the included scope of work beyond the footprint of the former 350 City Hall Square building will be required;
- Archaeological constraints may affect the timelines and scope of the project;
- Physical constraints include existing infrastructure, existing buildings, and existing esplanade design elements;
- Timing constraints around when grant funding will be announced for this project;
- Changing project program/scope depending on the outcome of public consultations. Final program will not be known until after the project has commenced.

2.5. Deliverables

Deliverable		Description
Phase 1	Project Program	<p>The proponent will develop a Community Engagement Plan, documenting internal and external stakeholders input;</p> <p>The proponent will provide a finalized Project Program for CHSP based on the outcomes of the Community Engagement Plan;</p> <p>The Steering Committee will approve the final Project Program prior to finalizing a Conceptual Design.</p>
	Conceptual Design	<p>The proponent will provide conceptual designs for the Civic Esplanade and CHSP.</p> <p>The proponent will provide cost estimates and phasing plan.</p> <p>The Steering Committee will approve a Conceptual Design prior to commencing with the Detailed Design phase for the CHSP. Including construction estimates.</p>
Phase 2	Detailed Design	<p>Provide Design Development drawings for review;</p> <p>Prepare final Construction Drawings and Project Manual.</p>
	City Hall Square Plaza Construction	<p>Design-Bid-Build competitive process of construction services for the Plaza.</p> <p>Provide construction administration duties;</p> <p>Provide As-Built Drawings and documentation as well as an Operation and Maintenance Manual as part of close out documents.</p>

2.6. Budget and Financials

The City Hall Square Plaza project is one of the six sub-projects identified in the Investing in Canada Infrastructure Program – Community, Culture and Recreation Stream Grant (ICIP-CCR) as outlined in Council Report C167/2019. The award of grant funding will be subject to a competitive process, where the merits of the City's application will be weighed against those of competing municipalities' applications.

The grant, should the City be successful, will leverage Federal and Provincial grant funding of up to 40% and 33.33% of eligible costs respectively. The City is responsible for funding the remaining 26.67% of the eligible costs and 100% of the ineligible costs.

Council Report C167/2019 recommended that the City Hall Square and Civic Esplanade project (PLN-021-07) funding be directed to the new ICIP-CCR project (PFO-011-20) for the 2020 8-year Capital Budget and be deemed as placeholder funding, ensuring that these funds remain allocated as matching funding for this grant. (CR529/2019)

As indicated in the report, the City's (ICIP-CCR) "Connecting People and Places" project is comprised of six sub-projects, with a total estimated cost of \$57.4M. Net of \$20M and \$16.66M in Federal and Provincial funding, respectively, City costs are estimated at \$20.7M. Of the \$20.7M total, \$4.6M is allocated in the year 2020 and will be the funding source for front-end project services, including design services.

The budget identified for the City Hall Square Plaza portion of the project totals \$15,157,390. The table below summarizes the overall estimated project costs.

ITEM / COST COMPONENT	BUDGET \$
Phase 1 – Program and Design	
Professional Fees – Program and Design	\$ 450,000
Miscellaneous	\$ 100,000
Phase 2 – Detailed Design and Construction	
Construction Cost	\$ 10,000,000
Professional Fees – Detailed Design and Construction	\$ 1,500,000
Miscellaneous	\$ 500,000
Project Contingency	\$ 2,607,390
Total Budgeted Project Cost*	\$ 15,157,390

*per Council Report C167/2019 regarding the ICIP grant application (October 2019)

The original timelines associated with this grant indicate that Provincial review and project recommendations for Federal review are likely to be completed by end of Q1 2020. The Federal review and project approvals are anticipated to be sometime in Q3 2020.

Design services are being tendered for this project prior to the award of the ICIP grant in Q3 2020 and will be considered ineligible cost with regards to the grant funding.

This project was submitted as part of an application for the ICIP (Investing in Canadian Infrastructure Program) grant funding, and therefore, no aspect of this project, which is reliant on the grant funded portion of the budget, will commence or be committed to until such time that the grant funding is approved. In the event the City is not successful, in whole or in part, in securing the associated grant then the scope of the project will need to be adjusted or additional funding may need to be dedicated to the project. In this situation, a report to City Council would be provided including a summary of the situation and various options for City Council to consider and provide direction to administration.

2.7. Milestones

	Milestone	Target
Phase 1	Announcement of successful Grant funding (estimated date)	Q3 2020
	RFP - Retain Program and Concept design Consultant	August 2020
	Community Engagement and Project Program Refinement	Dec 2020
	Steering Committee adopts Project Program	Jan 2021
	Conceptual Designs of City Hall Square and Civic Esplanade	May 2021
	Adoption of Conceptual Design*	June 2021
Phase 2	Engage Archaeological Consultant	June, 2021
	Detailed Design, and Tender**	June - February 2022
	Construction of City Hall Square Plaza**	May - December 2022
	Start of Operations**	January 2023

* Subject to Grant Funding Approval

** Subject to Program Requirements and outcome of Consultation Process

2.8. Risks

Risks are inherent in any project. Designing and constructing a large civic space such as the one being proposed inherently carries a degree of risk. Administration has undertaken measures where applicable in order to reduce the noted risks. A listing of the main risks as well as the mitigating measures can be found in **Appendix C**.

3. GOVERNANCE

3.1. Reporting Structure

The project reporting structure will be a Steering Committee. Roles and responsibilities in the project clarify decision-making responsibilities, sources of authority, communication to appropriate individuals, accountability for project deliverables and objectives, as well as commitment to the project.

The project organization is composed of a hierarchy of committees and a working team. It is expected that all team members will be identified and available for the duration of the project. All team members are involved for the duration of the project in a part time capacity. It is imperative that each individual is available to the project as required to ensure the project's success. Necessary replacement of individual team members should be done promptly.

Appendix B provides an organizations hierarchy of the projects organizational structure and includes all levels of participation from the Corporation of the City of Windsor.

3.2. Roles & Responsibilities

Role	Responsibilities
Steering Committee	<ul style="list-style-type: none"> • Meet quarterly to review project progress and budget reports. • Provide guidance and strategic advice throughout the project. • Remove constraints or mitigate risks that affect the project. • Address any issue that have major implications to the overall success of the project. • Commit political support to the project.
Arbitrator	<ul style="list-style-type: none"> • Settle disputes and act as a final arbitrator should the executive committee not reach a resolution. • Approve significant reports to steering committee and City Council, at their discretion. • Provide guidance to the Project Sponsor.
Project Sponsor	<ul style="list-style-type: none"> • Call and chair Executive Committee meetings. • Oversee business management and project management issues that arise outside the formal business of the Steering Committee. • Provide support and ensures that the necessary resources, both financial and human, are available to the project. • Demonstrate the corporation's overall commitment to the project. • Remove major barriers to progress. • Approve all reports to Steering Committee and City Council. • Co-sign all contracts to contractors / consultants / vendors with project manager. • Ensure reports on progress and budget are reported out to the Steering Committee
Executive Committee	<ul style="list-style-type: none"> • Receive and approve monthly progress reports on project activity and to monitor performance

	<ul style="list-style-type: none"> • Review, approve and oversee implementation of detailed work plan for the project. • Review and approve detailed monthly financial report (budget versus actual) • Approve changes to budget allocation, change orders and contingency expenditure according to the rules for spending and within overall project budget. • Ensure project direction is consistent with departmental and end users' needs. • Review and resolve business issues. • Ensure compliance with all City by-laws. • Through Administrative Resources, maintain minutes of all meetings, general records and other resources. • Maintain issues list.
Project Administrator (s)	<p>Project administration will be a joint effort. Urban Design will be the project lead during the first phase of the project and will be supported by Corporate Projects. For the second phase of the project, Corporate Projects will be the lead and Urban Design will act as support. The lead project administrator will be responsible for the following responsibilities under their perspective phases.</p> <ul style="list-style-type: none"> • Develop a detailed work plan. • Manage the day-to-day aspects of the project. • Respond to media requests for information. • Prepare reports on progress and budget for the executive committee, steering committee and Council. • Identify and manage project risks and issues and escalate them to the executive committee as required. • Monitor progress to ensure successful completion of the project. • Liaise with and maintain a working relationship with agencies, contractors, consultants and other stakeholders. • Co-sign all contracts to contractors / consultants / vendors with project sponsor • Approval of all project invoices.
Working Team	<ul style="list-style-type: none"> • Execute project activities at the direction of the project manager. • Ensure project direction is consistent with departmental and end users' needs.
Project Accountant	<ul style="list-style-type: none"> • Provide fiscal responsibility for the project including tracking project expenditures. • Provide monthly account analysis to Project Sponsor. • Prepare monthly reports on budget for the Executive Committee and quarterly to the Steering Committee and Council. • Review account allocations for appropriateness. • Review invoices for appropriate approvals. • Track holdbacks.
Project Legal Resource	<ul style="list-style-type: none"> • In conjunction with the Project Administrator, advise and structure all project contracts • Ensure all conditions listed and contracts are presented for approval of appropriate parties with Council approval as needed

Project Purchasing and Risk Resources	<ul style="list-style-type: none"> Provide immediate advice on purchasing by-law requirements. Manage insurance certification (Builders Risk/WSIB etc). Ensure appropriate adherence to the Purchasing By-law.
Project Communication	<ul style="list-style-type: none"> Develop and implement Communication Strategy Media Relations, Social Media, Advertising, Event Planning, Video Updates, Visual Identity, including graphics and photography Website Survey Promotions General Communications
Parks & Facilities Resources	<ul style="list-style-type: none"> Provide technical review of drawings related to functionality and maintenance of the facility. Provide input on the requirements and compliance during the design process. Provide support and guidance regarding standard specifications.

3.3. Rules for Spending

City Council has previously approved, on other projects, recommendations made as to the rules for spending that would be strictly adhered to. The following summarizes the proposed recommendations:

Role	Rules for Spending
City Council	<ul style="list-style-type: none"> Must approve all requests for an increase to the overall total budget of the project.
Steering Committee	<ul style="list-style-type: none"> All requests for increases to project budget will be brought before the Steering Committee.
Executive Committee	<ul style="list-style-type: none"> Can approve all changes to allocations within the overall budget over \$100,000. Can approve draws from the project contingency funds over \$100,000 for individual items. Can approve draws of contingency after 50% of the contingency has been spent.
Project Sponsor	<ul style="list-style-type: none"> Can approve contingency funds up to \$100,000 per item to a maximum total use of up to 50% of the contingency budget. All items will be reported out to the Executive Committee
Project Administrator	<ul style="list-style-type: none"> Can approve contingency funds up to \$50,000 per item to a maximum total use of up to 50% of the contingency budget. All items will be reported out to the Executive Committee

The Project Sponsor and Project Administrator are limited to a collective maximum use of up to 50% the project contingency budget. Approval of all requests for proposals and tenders shall be in accordance with the Purchasing By-law.

3.4. Changes in Scope

The scope change process is used to clearly define requests for project and work plan changes. An issue may trigger the scope change control process if it causes an impact to the project's critical path (duration of the project); it requires a change to deliverables (content, cost); or it requires a change in project resources. Changes in project scope are documented on a case-by-case basis through a formal change request approved by appropriate levels as noted below and signed by the Project Sponsor.

4. APPROVAL - Project Charter Sign-off Sheet

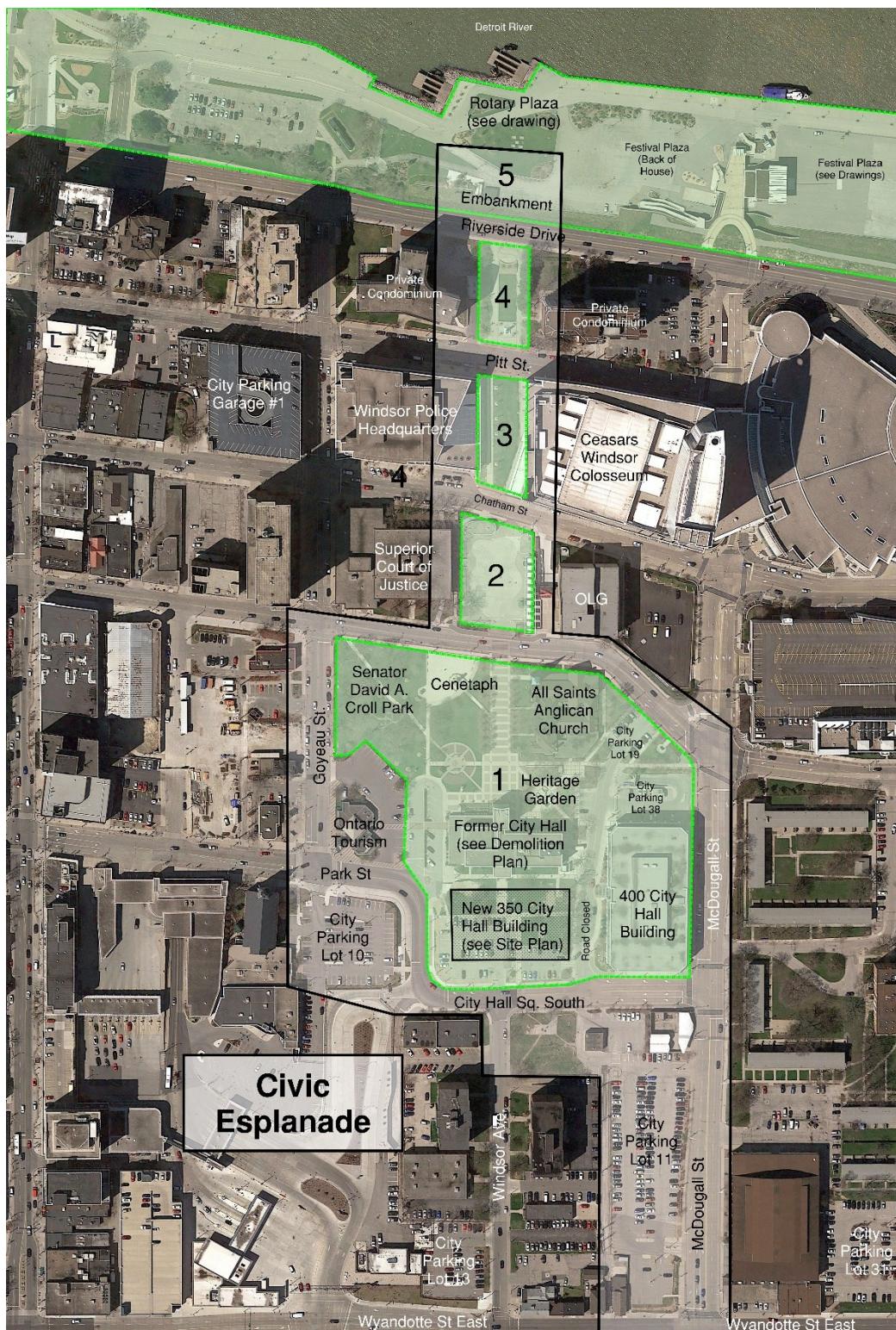
This document contains the Project Charter of the New City Hall Square Plaza.

I am in agreement with the contents of this Project Charter.

Executive Committee	Signature	Date
Shelby Askin Hager Project Sponsor/Chair City Solicitor		
Thom Hunt Co-Sponsor/Deputy Chair City Planner		
Jan Wilson Co-Sponsor/Deputy Chair Corporate Leader – Parks, Recreation, Culture & Facilities		
Mark Winterton City Engineer		
Joe Mancina City Treasurer		
Neil Robertson SM - Planning		
France Isabelle Tunks SM - Engineering		
James Chacko SM - Parks		
Adam Coates Project Administrator – Program & Conceptual Design		
Wadah Al-Yassiri Project Administrator – Detailed Design & Construction		

Appendix A

CIVIC ESPLANADE SEGMENTS



SEGMENT No. 1 – CIVIC SQUARE

Location: From City Hall Square St. South to University Avenue East

New City Hall Square Plaza will be designed as part of Civic Square segment at the location of former 350 City Hall Building. (refer to Appendix B)

Existing Site Amenities

- Heritage Garden
- Tree-lined esplanade to University Avenue.
- The Essex County War Memorial Cenotaph
- Senator David A. Croll Park
- All Saints' Anglican Church
- Circular node / landscape features (swings & inuksuk)
- City Hall Square West parking / delivery area
- City Hall Square East road closure and streetscape improvements between 350 & 400 City Hall Square.
- Lot 38. Public parking and employee underground parking access.
- "Wall of Names," French Settlers Monument

SEGMENT No. 2 – CHARLES J. CLARK SQUARE

Location: University Avenue East to Chatham Street East

Existing Site Amenities

- Outdoor ice skating rink – Concrete surface
- Concession and washroom building
- Zamboni storage and utility building (refrigeration plant, chiller and condenser)
- Tiered seating and landscape features

SEGMENT No. 3 – WINDSOR POLICE HQ & ONTARIO COURT OF JUSTICE

Location: Chatham Street East to Pitt Street East

Existing Site Amenities

- Concrete sidewalks
- Tree & light colonnade

SEGMENT No. 4 – CIVIC GREEN

Location: Pitt Street East to Riverside Drive East

Existing Site Amenities

- Tower of Freedom – Underground Railroad Monument
- Landscape features (grass waves, trees)
- Concrete sidewalks

SEGMENT No. 5 – ROTARY PLAZA / FESTIVAL PLAZA

Location: North of Riverside Drive East

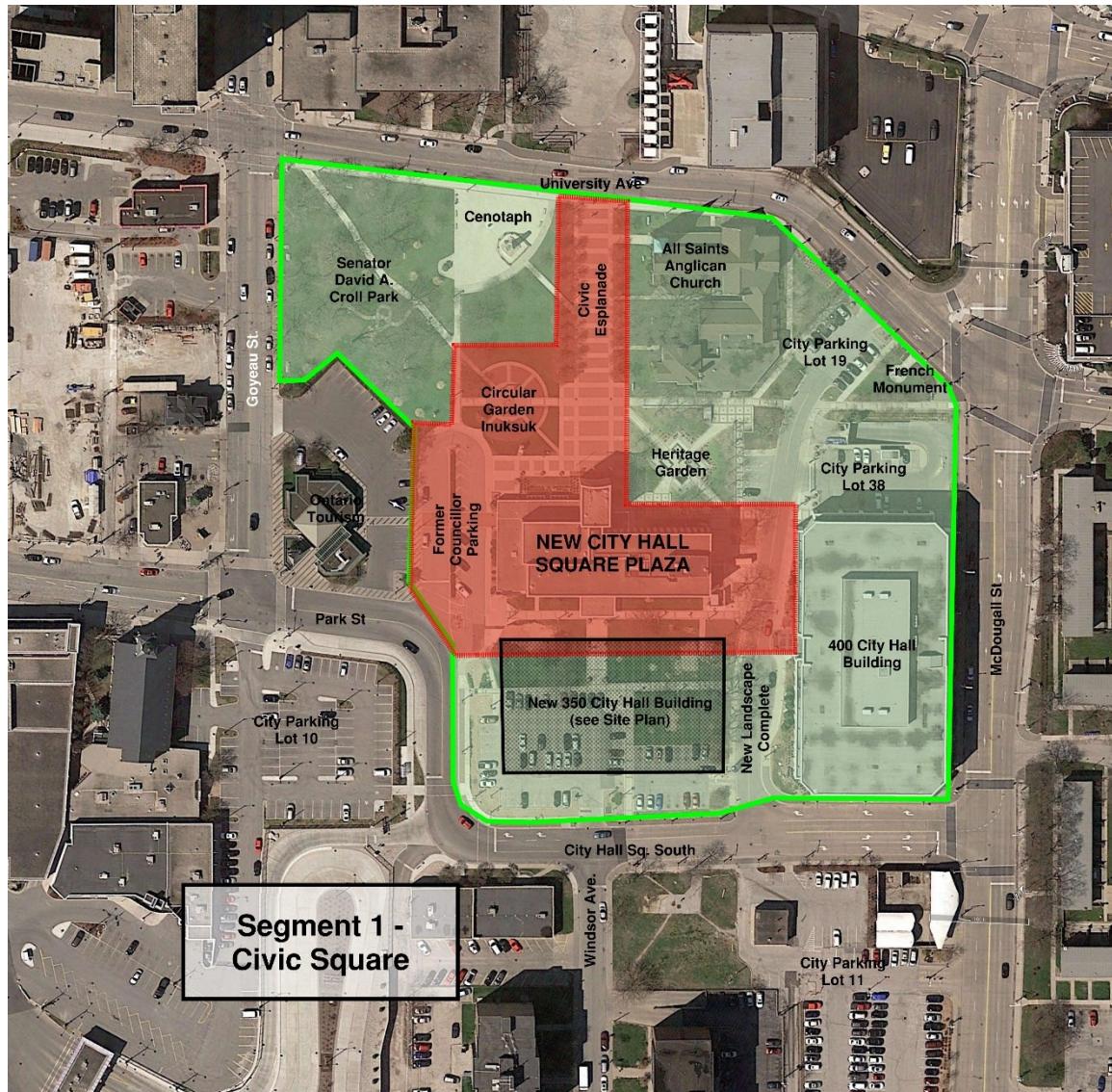
Existing Site Amenities

- Riverside Drive crossing
- Elevation difference at embankment
- Rotary Plaza
- Festival Plaza Concept (Back of house)

Appendix B

CIVIC SQUARE

Green Boundary – Civic Square
Red Boundary – City Hall Square Plaza



New City Hall Square Plaza infill at former 350 City Hall Square building location and interface condition with existing plaza.

Appendix C

RISK ASSESSMENT

Risk Category	Specific Risk	Risk Level	Mitigation
Timeline Risk	<ul style="list-style-type: none"> Archaeological requirements may extend timelines 	<ul style="list-style-type: none"> Moderate 	<ul style="list-style-type: none"> This risk is not predictable, as the impacts to the timeline are not known until the Archaeological work has commenced. Hire an Archaeological Consultant after conceptual design is completed to conclude any required documentation for the area of the plaza.
	<ul style="list-style-type: none"> Undefined Project Program 	<ul style="list-style-type: none"> Moderate 	<ul style="list-style-type: none"> Complete program refining tasks, such as community engagement, as the first task for the consultant. Refine conceptual design direction during public engagement process to minimize the need to return to the public for further conceptual direction after the program is adopted.
	<ul style="list-style-type: none"> Grant funding may impact timelines 	<ul style="list-style-type: none"> Low 	<ul style="list-style-type: none"> This project has been submitted as part of a larger project grant application. The project timelines and milestones are able to adjusted to align with funding programs. The project team has already anticipated this in the schedule to help mitigate the impacts.
Capital Cost Risks	<ul style="list-style-type: none"> Unknown program elements may add to the capital cost of the project. 	<ul style="list-style-type: none"> Moderate 	<ul style="list-style-type: none"> Some of the program elements have been defined, but more program elements will be revealed during the Community Engagement and concept design phase for the project. The project will be a Design-Bid-Build delivery so that the entire program will be defined prior to tendering for construction. Construction estimates will be provided at major design milestones in order to identify budget issues as early as possible.

City Hall Square Plaza

	<ul style="list-style-type: none"> Grant funding may not become tangible. 	<ul style="list-style-type: none"> Moderate to Significant 	<ul style="list-style-type: none"> If the project is unsuccessful at securing Federal and Provincial grant funding then the scope of the project may need to be refined or further capital will need to be dedicated to the project. The Design-Bid-Build delivery methodology will allow for changes to scope and design prior to tendering for construction.
Operating Cost Risks	<ul style="list-style-type: none"> The cost to operate and maintain the space is unknown prior to a defined program and finished design. 	<ul style="list-style-type: none"> Moderate 	<ul style="list-style-type: none"> The asset will be accounted for in the City of Windsor Asset Management Plan. The project team will provide an Operations and Maintenance Manual as part of the project closeout.
Resource Risks	<ul style="list-style-type: none"> This is a large project that requires the involvement of multiple departments. Allocation of sufficient internal and external resources is critical to the success of the project. 	<ul style="list-style-type: none"> Low to Moderate 	<ul style="list-style-type: none"> Mitigation of these risks is planned to be on the basis of allocating sufficient dedicated and experienced internal as well as external resources to this project.
	<ul style="list-style-type: none"> There are other high profile and time-consuming initiatives currently underway that are competing for administrative resources. 	<ul style="list-style-type: none"> Low to Moderate 	<ul style="list-style-type: none"> The Project Governance structure includes a Steering Committee of Councillors ensuring that as resource allocation risks arise, Council has the opportunity to reallocate resources from other projects or efforts to ensure appropriate resourcing to this project.
Environmental Risk	<ul style="list-style-type: none"> The project could have adverse environmental effects. 	<ul style="list-style-type: none"> Low to Moderate 	<ul style="list-style-type: none"> The project will reference the Climate Change Action Plan and Climate Change Adaptation Plan in consultation with City Environmental staff. Integrate passive and high efficiency solutions into the design of the plaza to address heat island effect, flood mitigation, energy use, etc. Project components must meet or exceed any applicable energy efficiency standards for buildings outlined in the Pan-Canadian Framework on Clean Growth and Climate Change.

Appendix D

ORGANIZATIONAL HIERARCHY



Appendix E

CHANGE REQUEST REGISTER

Project Name:	City Hall Square and Civic Esplanade
Project Admin:	Adam Coates / Wadah Al-Yassiri
Project Sponsor:	Shelby Askin Hager



Council Report: C 117/2020

Subject: Agreement with Greater Essex County School Board and the Windsor Essex Catholic District School Board for the collection of waste at schools located within Windsor and Essex County.

Reference:

Date to Council: August 24, 2020

Author: Anne-Marie Albidone

Manager, Environmental Services

519-974-2277 ext. 3123

aalbidone@citywindsor.ca

Public Works - Operations

Report Date: June 8, 2020

Clerk's File #: SW/13361

To: Mayor and Members of City Council

Recommendation:

THAT City Council **AUTHORIZE** THE Chief Administrative Officer and City Clerk to sign an agreement with the Greater Essex County School Board for waste collection services at schools within Essex County for a period of 3 years with the option to extend an additional 2 years, at a fixed fee of \$29.00 per lift for the first two years of the contract subject to annual adjustments in year three and any subsequent year equal to the CPI and the average fuel prices for the twelve-months immediately preceding the date of the fixed two year period, in form satisfactory to the City Solicitor, in financial content satisfactory to the Chief Financial Officer and City Treasurer, and in technical content satisfactory to the City Engineer.

THAT City Council **AUTHORIZE** THE Chief Administrative Officer and City Clerk to sign an agreement with the Windsor Essex Catholic District School Board (WECDSB) for waste collection services at schools within Essex County for a period of 3 years with the option to extend an additional 2 years, at a fixed fee of \$29.00 per lift for Front End Loader Waste Collection, as well as \$21.00 per lift for Front End loader Cardboard Collection and finally \$140.00 per haul for Roll Off Bin Haulage for the first two years of the contract subject to annual adjustments in year three and any subsequent year equal to the CPI and the average fuel prices for the twelve-months immediately preceding the date of the fixed two year period, in form satisfactory to the City Solicitor, in financial content satisfactory to the Chief Financial Officer and City Treasurer, and in technical content satisfactory to the City Engineer.

Executive Summary:

N/A

Background:

The Environmental Services division currently collects Greater Essex County School Board (GECSB) and Windsor Essex Catholic District School Board (WECDSB) schools within the City limits, which includes 11 GECSB schools producing revenues of \$23,408 annually based on 44 weeks in a standard collection year; as well as 18 WECDSB schools, and producing revenues of \$38,192 annually base on 44 weeks in a standard collection year. Despite this having been a long-standing service, there is no formal agreement to do so. In May 2020, the GECSB & WECDSB approached the City of Windsor to formalize an agreement for the existing service as well as an expansion of the service to all schools within Essex County; the agreements would be independent of each other.

Discussion:

Collection of schools provides the City of Windsor with a revenue stream to offset operational costs. The Environmental Services Division currently services 11 of the 46 schools of the GECSB and 18 of the 39 for WECDSB. Environmental Services has two Front End Loader (FEL) trucks and staffing available to service all 85 schools in Essex County. The only additional costs would be additional fuel to drive to the county, the cost to purchase and maintain FEL bins, and the additional tipping fees. The per lift service fee charged will offset all of the additional costs.

Should the City of Windsor not enter into an agreement with the GECSB & WECDSB we would no longer service the 29 schools currently serviced within the City of Windsor, effective September 2020, and would lose revenue of approximately \$61,600 per year based on our current rate per lift. While this loss in itself is not a large amount, it contributes to the overall reduction of revenue in this service area over the years including revenue losses realized from the many successful condominium conversion applications resulting in non-recoverable service for the converted building.

Should the City of Windsor enter into the agreements with the two Boards, there will be a gain of 56 schools, effective September 2020, and an increase in revenue related to the new schools added plus increased fees for the currently services schools of approximately \$141,178 per year related to all services provided. This revenue gain will be partially offset by an increase in tip fees and the cost to purchase and maintain the required 6-yard bins. A formal agreement will also provide revenue certainty over the next three years.

Risk Analysis:

As with any agreement, there are stipulations that the service provider must adhere to. Some of these stipulations carry some risk. Many of the risks identified by Administration were addressed through negotiations with the GECSB and the WECDSB, however some risks remain.

Financial Risk

The service fee must remain fixed for the first 2 years of the 3 year agreement. There is a low risk that the wage increases and the landfill tipping fee increases will exceed the fee set. This risk has been mitigated by including an estimated wage and tipping fee increase in the fee provided for the first 2 years. Fees for subsequent years will be adjusted according to CPI and Fuel Price Index.

There is a low risk that revenue will be lost by not entering into an agreement. The loss in revenue will be minor, however should there be other revenue losses or additional service requirements that do not generate revenue, this small loss could contribute to a more significant financial impact.

There is a low risk of hold back from GECSB for a failure to comply with the terms of the agreement. The failure to comply is mitigated by the fact that the City of Windsor has two truck in its fleet and the service is offered 6 days per week.

Legal Risk

In the event that the City contracts to provide the services, the City will be obligated to provide those services in accordance with the agreement. Failure to do so could result in damages and litigation.

Financial Matters:

The average cost to collect a FEL waste bin is \$29.00 per lift when costs to service both the County and the City schools are considered. This cost includes labour, equipment and landfill tipping fees. The agreement requires this fee to remain fixed for the first 2 years of the 3 year agreement subject to annual adjustments in any subsequent years equal to the CPI and average fuel prices for the twelve-months immediately preceding the date of the fixed 2 year period.

Currently, the City of Windsor provides FEL services to 11 GECSB schools, and realizes a yearly revenue of approximately \$23,408. The City of Windsor also provides FEL services to 18 WECDSB schools, and realizes a yearly revenue of approximately \$38,192. Not entering into these agreements will result in a budget shortfall related to this recovery revenue of approximately \$61,600. Should the City not enter into agreement to provide waste collection services to the Boards, a budget issue will be required to decrease the current revenue budget resulting in a budget increase for Public Works. Should the City of Windsor enter into the agreement, an additional \$138,978 in revenue will be realized at the increased fee of \$29 per lift.

In addition to the regular ongoing operating expenses to provide the FEL service under this agreement, the City would be required to purchase 85 FEL bins and 4 roll off bins at a cost of approximately \$86,187 including non-refundable HST. All bins will be purchased through the capital budget and will be repaid with annual payments from the Environmental operating budget over 7-years at a rate of \$12,312 per annum plus applicable annual capital financing cost repayment.

Summary of Annual Budget Estimates at Increased rate per lift:

	Additional Service	Current Service	Total Service
Revenue - Waste Lifts	\$125,048	\$63,800	\$188,848
Revenue - Cardboard	6,930	\$0	\$ 6,930
Revenue - Roll Off Truck Only	\$7,000	\$0	\$ 7,000
Total Revenue	\$138,978	\$ 63,800	\$202,778
<hr/>			
Labour	\$15,423	\$7,866	\$23,289
Fringe	5,090	2,596	7,686
Truck	28,100	14,331	42,431
Tipping Fees	12,289	6,270	18,559
Bins	15,000	0	15,000
Total Expenses	\$75,902	\$31,063	\$106,965
<hr/>			
Net Revenue	\$63,076	\$32,737	\$95,813
<hr/>			

While the annual revenue and expense estimates result in a net revenue for the City, the net benefits to providing this service annually are in fact greater as the staff and truck costs are currently included in the annual expense budgets. Addition of waste collection service for the GECSB and WECDSB will result in the reallocation of existing staff and equipment to accommodate expanded collection routes in the current schedule. The required budget adjustments related to this contract will be brought forward as part of the 2021 operating budget development submissions.

It should also be noted that with the collection of cardboard being included by both Boards, a benefit will also be realized by the Essex Windsor Solid Waste Authority in terms of additional market revenue from incoming material that is currently not coming to the recycling facility.

Consultations:

Cindy Becker, Financial Planning Administrator – Public Works

Dana Paladino, Manager of Risk and Insurance

Alex Vucinic, Purchasing Manager

Shelby Askin-Hager, City Solicitor

Dwayne Dawson, Executive Director of Operations

Mark Winterton, City Engineer

Conclusion:

Entering into the agreement will secure revenue in the FEL service area and make further use of established equipment and staffing. The anticipated revenue is intended to offset any negative variance and secure a positive revenue for the service.

Planning Act Matters:

N/A

Approvals:

Name	Title
Cindy Becker	Financial Planning Administrator
Dwayne Dawson	Executive Director of Operations
Mark Winterton	City Engineer
Shelby Askin-Hager	City Solicitor
Joe Mancina	City Treasurer
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email

Appendices:



Subject: Purchase of Twelve (12) SUV - Mid Size Crossover Vehicles for the By-Law Enforcement Division - City Wide

Reference:

Date to Council: August 24, 2020

Author: Chad Goebel

Fleet Coordinator

519-255-6560 x4235

cgoebel@citywindsor.ca

Public Works - Operations

Report Date: July 30, 2020

Clerk's File #: AL2020

To: Mayor and Members of City Council

Recommendation:

THAT City Council **APPROVE** a pre-commitment of the 2021 Fleet Replacement Capital Budget in amount of \$124,554.24 (\$122,400 for four (4) units plus non-refundable HST) for immediate use in order to take advantage of competitive bidding; and,

That Council **PRE-APPROVE** and **AWARD** any procurement(s) necessary that are related to the purchase of twelve (12) SUV – Mid Size Crossover Vehicles, provided that the procurement(s) are within approved budget amounts, pursuant to the Purchasing By-Law 93-2012 and amendments thereto; satisfactory in financial content to the Chief Financial Officer and City Treasurer, and in technical content to the City Engineer; and,

THAT the Purchasing Manager **BE AUTHORIZED** to issue a purchase order to the successful vendor in the amount not to exceed \$369,600.00 (excluding HST) for the purchase of the twelve (12) SUV type vehicles identified in the request as a result of the tendering process, subject to approval as to technical content by the City Engineer and in financial content to the Chief Financial Officer and City Treasurer.

Executive Summary:

N/A

Background:

The COVID Pandemic has created many irregularities in the automotive manufacturing sector and its processes, resulting in delays in orders and even unavailability of products in some cases. There are a total of 12 units in the existing By-Law Enforcement Division that are all at the end of their useful life. This request for approval to purchase is to replace eight (8) scheduled for replacement in 2020 as well as four (4) scheduled for replacement in 2021 in our By-Law Enforcement Division, from the City fleet.

Discussion:

To select the replacement units, a Tender will be issued by the Purchasing Department upon council approval. Submissions will be evaluated in accordance with the purchasing By-Law criteria to determine a successful, compliant vendor for the replacement of all twelve (12) units simultaneously.

Risk Analysis:

The existing units are all at the end of their useful life. Any delay in replacement may result in costly repairs to the unit and the By-Law Enforcement Division risk being able to provide the expected level of service.

Financial Matters:

The eight (8) units scheduled for replacement in 2020 have been approved by the Fleet Review Committee in consideration of forecasted fleet replacements and additions and by City Council during the 2020 capital budget process, CR B57/2020. We are now requesting pre-commitment of funds for the additional four (4) units previously scheduled for replacement in 2021 to allow for replacement of all twelve (12) vehicles simultaneously.

The total cost of the twelve (12) vehicles to be purchased under this tender is not to exceed \$369,600.00 excluding HST, or \$376,104.96 including non-refundable HST. The approved 2020 budget for the replacement of eight (8) units is \$249,108.48 including non-refundable HST and the 2021 approved in principle budget for the replacement of the additional four (4) units is \$126,996.48. The total budget allotted for replacement of all twelve (12) units is \$376,104.96.

Administration requests Council approval for a pre-commitment of 2021 Fleet Replacement capital funds in the amount of \$124,544.24 including non refundable HST for four (4) units scheduled to be replaced in the 2021 capital replacement project.

All Replacement costs and related funding will be charged to the 2020 Corporate Fleet Replacement Project 7201008 (8 units) and a new 2021 Corporate Fleet Replacement Project (4 units) that will be set up for use should Council approve this requested pre-commitment.

Consultations:

N/A

Conclusion:

Administration recommends the purchase of these twelve (12) SUV – Mid Size Crossover Vehicles for the By-Law Enforcement Division.

Planning Act Matters:

N/A

Approvals:

Name	Title
Cindy Becker	Financial Planning Administrator – Public Works Operations
Angela Marazita	Fleet Manager
Dwayne Dawson	Executive Director of Operations
Mark Winterton	City Engineer
Alex Vucinic	Purchasing Manager
Dan Seguin	On behalf of City Treasurer
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email

Appendices:



Committee Matters: SCM 220/2020

Subject: Response to CQ 27-2019 regarding potential affordable housing incentives

Moved by: Councillor Morrison

Seconded by: Councillor Sleiman

Decision Number: **DHSC 179**

THAT Administration **BE DIRECTED** to begin the process for the creation of an Affordable Housing Community Improvement Plan.

Carried.

Report Number: S 86/2020

Clerk's File: GH/6905

Clerk's Note: The recommendation of the Standing Committee and Administration are **not** the same. Administration submitting the **attached** memo dated July 17, 2020 as additional information.

Subject: Response to CQ 27-2019 regarding potential affordable housing incentives**Reference:**

Date to Council: July 13, 2020

Author: Neil Robertson, Manager Urban Design/Deputy City Planner

519-255-6543, ext. 6461

nrobertson@citywindsor.ca

Planning & Building Services

Report Date: June 19, 2020

Clerk's File #: GH/6905

To: Mayor and Members of City Council

Recommendation:

THAT Report # S 86/2020 responding to CQ 27-2019 regarding potential incentives that can be offered to encourage the investment in affordable housing **BE RECEIVED** for information.

Executive Summary:

N/A

BACKGROUND:

On September 23, 2019, Councillor Bortolin submitted the following Council Question:

Asks administration to report back on potential incentives that can be offered to encourage the investment in affordable housing, including but not limited to, a community-wide CIP specific to housing and a consideration given to Development Charges waivers. (CQ 27-2019)

The City of Windsor, as the designated service manager responsible for the administration and funding of housing and homelessness programs in Windsor and Essex County, prepared and adopted the *Home, Together: Windsor Essex Housing and Homelessness Master Plan (HHMP)* approved by City Council on December 2, 2019 (CR612/2019) and the Ministry of Municipal Affairs and Housing on March 24, 2020. The 10-year plan is legislatively mandated by the Province with a purpose to provide a comprehensive approach to delivering a system of housing and homelessness service solutions. The HHMP identifies goals, strategies, targets and specific actions aimed at

meeting the housing and support needs of all residents.

Specifically, the *Home, Together: Windsor Essex Housing and Homelessness Master Plan* under Goal 1: Sustain and Expand Social and Affordable Housing Supply includes the following strategies that are directly related to the Council Question above:

- **Strategy 1** – Adjust municipal land use planning regulations and offer incentives to increase the supply of affordable housing; and,
- **Strategy 2** – Identify municipal surplus properties and pursue the use for affordable housing developments.

DISCUSSION:

The CQ asks staff to explore the potential incentives that can be offered to encourage the investment in affordable housing both through a possible CIP developed for affordable housing, and through other tools that may be available to municipalities.

As such, the discussion is broken up into two main parts: 1) the incentives and activities that could be offered through an approved Community Improvement Plan; and, 2) the other potential incentives that could be considered to encourage the investment in affordable housing. The first part will look at the possible direct financial incentives that could be considered, and the other activities permitted under the Community Improvement provisions of the *Planning Act*. The second part of the report discusses some of the other potential incentives available to support affordable housing either under other pieces of legislation or other sections of the *Planning Act*.

PART 1 – COMMUNITY IMPROVEMENT PLAN INCENTIVES AND ACTIVITIES

Section 106 of the *Municipal Act* prohibits municipalities from directly or indirectly assisting private businesses unless those programs and incentives have been identified within an adopted Community Improvement Plan (CIP). This includes builders and developers that can deliver new affordable housing units to the market.

Section 28 of the *Planning Act* gives municipalities the ability to prepare CIPs. A Community Improvement Plan is a tool that allows a municipality to take actions to support specific actions, improvements and redevelopment within a specific area, referred to as a Community Improvement Project Area. This can include specific areas of the city, or can be targeted at specific city-wide issues, including affordable housing.

As such, most direct financial incentives that can be made available to potential affordable housing developers would require a CIP to offer them. This section puts forward a number of potential CIP incentive programs and activities that could be considered to encourage the development of affordable housing. For the purposes of carrying out a Community Improvement Plan, a municipality may engage in the

following:

1. Acquire, hold, clear, grade or otherwise prepare land for community improvement;
2. Construct, repair, rehabilitate or improve buildings on land acquired or held by it in conformity with the community improvement plan;
3. Sell, lease, or otherwise dispose of any land and buildings acquired or held by it in conformity with the community improvement plan; and
4. Make grants or loans in conformity with the CIP to the registered owners, assessed owners or assignees to pay for eligible costs.

A CIP may prove to be a useful tool for supporting the construction of new affordable housing units because it will allow the City to:

- Implement the strategies and actions identified in Goal 1: Sustain and Expand Social and Affordable Housing Supply in the *Home, Together: Windsor Essex Housing and Homelessness Master Plan*, where possible;
- Define “affordable housing” based on local needs, with the definition being used for the purpose of the CIP and its proposed incentive programs;
- Establish CIP objectives to address the provision of affordable housing and other supporting activities;
- Identify opportunities to develop incentives and/or programs to support the development of affordable housing;
- Actively participate in land acquisition, clearing land, and selling land to support affordable housing;
- Identify changes needed to land use planning policies, zoning, and/or other bylaws, policies, and practices; and
- Identify monitoring measures to assist with future affordable housing reports and to allow for the adjustment of affordable housing programs over time.

Tax Increment Financing Grants (TIF)

Although branded and structured a little differently in each CIP, one of the most useful and sought after grant programs that is included in all of the City's current CIPs is the Tax Increment Financing Grants. Generally, this program provides an annual grant equal to 100% of the increase in municipal portion of property taxes for between five and ten years depending on the CIP, and criteria of the program. The amount of the

grant will be determined based upon the incremental increase in the municipal taxes that result from the eligible work being completed. The tax increment will be established after the final inspection of the improvements in accordance with the Ontario Building Code and when MPAC has established a new assessment value. The total amount of the grant provided cannot exceed the value of the eligible work that resulted in the reassessment. The grant is paid out after the project is completed and MPAC has reassessed it.

The TIF grants are in place to help offset the capital costs of constructing, rehabilitating and/or redeveloping properties, as long as such development results in an increase in assessment that in turn results in an increase in property taxes. Proponents are still required to pay the property taxes at the rate that was in place before construction and reassessment.

The TIF grants are more of an incentive for projects that have owners and operators that are committed to the longer term, largely because they take up to ten years to be paid out in full. They are most effective for larger projects that are developed on vacant land or have a lower assessment to start with. Based in the current residential tax rates, it will require an increase of approximately \$28,000 to \$29,000 in assessed value for every \$500 in annual grants.

Upfront Grants for Affordable Units

Council could also consider an outright grant for the provision of affordable units, similar to the *New Residential Development Grant Program* offered by the *Downtown Windsor Enhancement Strategy and CIP*. The program would provide a grant for each affordable housing unit, up to a program defined maximum amount. This program is aimed at off-setting some of the front end construction costs associated with building the affordable units.

This program would require Council to identify a funding source to draw from. This budget could end up being depleted quickly depending on the level of uptake for the program. The timing of payment for this type of grant is important in order to protect the municipality and to make sure that the units are completed in accordance with the program's requirements. As such, the grant payment does not usually happen until the units have been constructed and inspected.

Development Fee Grants

There are a number of planning approvals and other construction related permits (building permits, right-of-way permits, etc.) required for any new development. These development fees are collected by the various municipal departments at the time of application to cover the administrative costs associated with reviewing and inspecting the project.

Development fees are a cost that are accounted for in the overall cost of the project, with a reduction in them resulting in a project being less expensive. It should be noted that the Development fees make up a relatively small portion of the entire construction cost. As such, a program like this is useful and is intended to compliment some of the other incentive programs. This program would also require Council to identify a funding source for this type of grant program. It is also recommended that the grant be paid out once the affordable units have been completed.

Development Charges Grants

Traditionally, Development Charges (DCs) have been fees collected from developers at the time a building permit to help pay for the cost of infrastructure required to provide municipal services to new development, such as roads, transit, water and sewer infrastructure, community centres and fire and police facilities. The Provincial Government has recently made changes to the *Development Charges Act* through Bill 108, *More Homes, More Choices Act, 2019*, that came into effect on January 1, 2020.

The new legislation has now separated the “hard” (e.g. roads, water and sewer infrastructure, police, fire etc.) and the “soft” (e.g. general government, libraries and ambulance facilities) services, and removed the “soft” services from the Development Charges Bylaw. As a result, the costs associated with providing the “soft services”, like libraries and ambulance, will now be addressed by a separate Community Benefits Charges. In February 2020 the province announced further proposed changes to the Community Benefit Charges to restore libraries and ambulance to “hard services” include parkland acquisition, affordable housing and child care facilities in the “soft services”. Due to the COVID pandemic the province has not released any additional information about these proposed changes.

Another one of the big changes that is intended to encourage the development of affordable housing is making Development Charges payable in equal annual installments for three types of development: rental housing; institutional development; and non-profit housing – 5 years for rentals and institutional (6 payments in total); and, 20 years for non-profits (21 payments in total).

A CIP could include a Development Charge Equivalent Rebate Program for affordable housing projects that are not eligible for the reduced DCs offered through an exemption under the Development Charges Bylaw (discussed later in the report). The grant would be equal to an amount offsetting full or partial rebate of the Development Charges still owing. A grant program would require that the City’s Development Charges account be made whole in accordance with the *Development Charges Act*. In other words, the developer would be required to pay the full Development Charges, which would be deposited in the appropriate DC account. The Developer would then be provided a rebate/grant in the amount of the Development Charges from another account set up (and funded) for the purpose of providing incentives for affordable housing.

Depending on what the province ultimately decides to include in the Community Benefits Charges, an Affordable Housing CIP could include a grant program that also rebates the Community Benefit Charges for affordable housing projects.

No Interest Loans

Another option is for the City to offer no interest loans to developers that construct affordable housing units. *The Olde Sandwich Towne Community Improvement Plan* includes the *Commercial/Mixed Use Building Improvement Loan Program* that provides a no interest loan equivalent to 70% of the cost of eligible improvements to commercial and mixed use buildings up to a maximum of \$30,000, repayable over a 5 year period.

The specifics (e.g. eligible amount, maximum amount, etc.) for a no interest loan program would be changed to reflect the aim of providing more affordable housing units. For example, the City of London's recently adopted Affordable Housing CIP offers the two following loan programs to assist with the development of new affordable units:

1. **Affordable Housing Development Loan Program** is a municipally funded loan program that provides financial assistance to off-set the up-front costs associated with the development of new affordable housing units. The focus of the program is to encourage private and non-profit housing developers to create new affordable housing units. Qualifying developers would receive either a \$10,000 loan, a \$15,000 loan or a \$20,000 loan. To be eligible, developer properties would need to have at least five affordable units that remain affordable for at least 20 years. The interest-free loans would be paid back over a 10-year. If a building has more than 10 units, developers must ensure that no more than two-thirds of the units are affordable, presumably to encourage a healthy mix of income levels and prevent the geographic concentration of affordable units.
2. **Additional Residential Unit Loan Program** is a municipally funded loan program that provides financial assistance to off-set costs associated with creating new additional residential units and to improve the affordability of home ownership. The focus of the program is to encourage homeowners to create new additional housing units within their existing home/building. To qualify, homeowners would have to occupy the home with which they were applying for the loan. The homeowners must rent out an affordable space on a long-term basis, meaning short-term rentals such as those arranged through Airbnb would not qualify. Homeowners must obtain a residential rental unit licence. Loans are capped at \$20,000 and would be interest-free for a period of 10 years. 25 per cent of the loan would be forgivable.

Feasibility Study Program

Like any project that a private sector developer will undertake, an affordable housing project must be a financially viable proposition in order for it to move forward.

Developers often conduct studies to determine the financial feasibility of potential projects, including some sensitivity analysis that helps them to determine what happens to the project as certain variables, costs or assumptions change.

A feasibility study program may prove to be useful by allowing developers to explore their options for providing affordable housing, including an evaluation of what happens to the financial performance of the project when possible incentives are factored in. The goal of such a program would be to explore ways to make financially challenging projects like affordable housing economically viable.

An example of a similar program that is offered through the City of Windsor's Brownfields Redevelopment CIP is the Feasibility Study Grant Program that provides a financial incentive in the form of a grant to help offset the cost of conducting feasibility studies on brownfield buildings and lands. The program is a "50-50" matching grant program where the City of Windsor will provide a grant to an applicant for up to 50% of the cost of an eligible feasibility study up to a maximum grant of \$7,500 per feasibility study.

The City of Sudbury offers the Feasibility Grant Program as part of its Affordable Housing CIP. Their program provides up to \$5,000 to assist in the completion of feasibility studies, building renovation designs, or business plans to assist in the creation of affordable housing units. This program recognizes that there are additional costs associated with creating affordable housing and provides a grant to help stimulate the design and creation of more affordable housing.

Additionally, The Canada Mortgage and Housing Corporation (CMHC) Seed Funding program offers successful applicants interest-free loans and/or non-repayable contributions to help with costs related to pre-development activities. This can include business plans, preliminary designs, development permits and more. A number of Windsor housing projects have been the recipient of CMHC's Seed funding program including the affordable housing development at 3100 Meadowbrook funded by all three levels of government. This funding could be combined with any program offered by the City.

Other CIP Strategies

It is common that multiple parcels need to be consolidated in order to have a large enough site to make a redevelopment project feasible. The land consolidation process may be costly and time consuming enough to be a significant deterrent to affordable housing. Other barriers to land assembly include property owners that are uninterested/unwilling to sell; land speculation; accessing to financing because the land has no demonstrable short-term revenue stream; and, fragmented ownership. For these reasons, it is common to see the municipality taking an active role in the land consolidation process.

In addition to the financial incentive programs that can be offered through an approved CIP, the *Planning Act* also permits the municipality to undertake the following community improvement activities in an effort to facilitate the development of affordable housing:

1. Acquire, hold, clear, grade or otherwise prepare land for community improvement;
2. Construct, repair, rehabilitate or improve buildings on land acquired or held by it in conformity with the community improvement plan; and,
3. Sell, lease, or otherwise dispose of any land and buildings acquired or held by it in conformity with the community improvement plan.

Some of these activities would be necessary to implement the goal to Sustain and Expand Social and Affordable Housing Supply under the *Home, Together: Windsor Essex Housing and Homelessness Master Plan*. The ability to “sell, lease, or otherwise dispose of land” also supports the strategy to “identify municipal surplus properties and pursue the use for affordable housing developments.”

Sale of Land at Less than Market Value

The City of Windsor may choose to dispose of municipally owned land or buildings within the Community Improvement Project Area for the purpose of developing affordable housing units. This is consistent with *Home, Together: Windsor Essex Housing and Homelessness Master Plan* strategy to “identify municipal surplus properties and pursue the use for affordable housing developments”

The City has the option to dispose of municipally owned property or buildings at less than market value in order to encourage the development of affordable housing. In order to facilitate land transactions for affordable housing, Council has the option to deem any property located within the Community Improvement Project Area to be a “Special Project” as defined by the City of Windsor’s “Disposal of Land” policy for the purposes of Community Improvement (in this case providing affordable housing).

Properties that are deemed to be a “Special Project” have more flexibility in how they can be disposed of using one or more of the following methods:

- Direct offer of purchase and sale;
- Request for Proposals;
- Expression of Interests;
- Land exchange(s); or
- Any other method deemed to be appropriate by City Council.

Consolidation of Land

It is common that multiple parcels need to be consolidated in order to have a site large enough to make an affordable housing project feasible. The land consolidation process may be costly and time consuming enough to be a significant deterrent to the development occurring. Other barriers to land assembly include property owners that are uninterested/unwilling to sell; land speculation; accessing to financing because the land has no demonstrable short-term revenue stream; and, fragmented ownership. To address these challenges municipality have the legislative ability to play an active role in the land consolidation process. The City can explore the opportunities to facilitate the assembly of land for affordable housing projects as part of a CIP.

PART II – REGULATORY CHANGES (NON-CIP INCENTIVES)

In addition to the potential incentives and activities that are permitted by an approved CIP, there are also a number of regulatory changes or tools that may be useful in promoting the development of affordable housing. They can also be considered incentives in the sense that they make it easier and/or less costly to provide affordable housing. That being said, each should be evaluated individually within the context of their original intent, legislative framework, and to ensure that there are not any unintended negative consequences of implementing the idea/concept.

The regulatory regime that applies to the development of affordable housing is fairly prescriptive. In other words, affordable housing projects are subject to the same planning approvals, building permits and municipal requirements as other types of development. Furthermore, they can get quite complicated from a financial and risk perspective, maybe to the point that it deters potential developers from pursuing affordable housing projects. However, the following areas are discussion points that could be considered to address some of the barriers facing affordable housing.

Also, some are in the process of implementation, while others will be the subject of future reports to Council as the changes resulting from Bill 108 make their way through the system. They are highlighted in this report to demonstrate some of the activities that are already taking place to encourage the development of affordable housing, and as a way to identify and track them as possible options for supporting the development of affordable housing.

Additional Dwelling Units (Secondary Suites)

Bill 108, *More Homes, More Choice Act*, 2019 amended parts of the *Planning Act* to improve the affordable housing system and require municipalities to establish Official Plan policies and zoning that authorize the use of additional residential units. One change under Bill 108 is a requirement that municipal Official Plans and Zoning By-laws contain provisions permitting an additional residential dwelling unit within a detached house, semi-detached house, or rowhouse, and within an accessory structure on the

same property, for total of three dwelling units. Amendments to the *Development Charges Act* will also exempt additional units, including ones located in ancillary or accessory buildings from payment of Development Charges.

Council recently considered and passed an OPA 130 and Zoning Bylaw Amendments that bring the City into compliance with the legislative changes brought about by Bill 108, *More Homes, More Choice Act, 2019*.

Development Charges Exemptions

The *Development Charges Act* currently provides an exemption from Development Charges for certain uses. The City of Windsor's current Development Charges bylaw is currently under review. While a new DC Bylaw has been deferred due to the COVID pandemic and is now planned to become effective by the end of 2020, it is anticipated that DC fee incentives for development within the core area will remain in the new bylaw to encourage redevelopment, including affordable housing units in this area.

The Act also provides municipalities with the flexibility to implement any local exemptions that it deems necessary. For example, the current bylaw provides partial exemptions for infill developments in the core area of the city. Generally, the core area is defined by Riverside Drive (north), Tecumseh Road (south), Pillette Road (east), Prince Road (west).

The table below provides a summary of the current Development Charges for the different areas of the city, and the savings that are realized if a project is located in the core area of the city:

Residential Unit Type	City Wide (Per Unit)	Sandwich South (Per Unit)	Core Area (Per Unit)	Savings (City vs. Core)	Savings (City vs. Sandwich)
Single detached units	\$30,053	\$44,196	\$2,282	\$27,771	\$41,914
Semi, row, townhouse units	\$21,335	\$29,887	\$1,617	\$19,718	\$28,270
Apartment units	\$14,366	\$21,198	\$1,092	\$13,274	\$20,106

Unlike the grant option provided above, a Development Charge exemption would be implemented through the Development Charges bylaw. As such, there is not the same requirement to make the Development Charges account whole, meaning that it would be forgone revenue instead of requiring Council to establish an account to fund the grant program.

Community Benefit Charges

The new community benefits charge would complement development charges by giving municipalities the flexibility to fund growth-related capital infrastructure costs of other community services. For example, funds generated through community benefits charges could be used to support community priorities such as acquiring land for parks, supporting affordable housing or building child care facilities which will be needed **due to growth**.

A municipality is required to have a community benefit strategy before passing a community benefits charges bylaw. The community benefit strategy has to comply with all of the prescribed requirements. It is important to note that community benefits charge authority has not been proclaimed and is not in effect at this time. In addition the province has not released information about additional announced changes. The charge will be assessed as a percentage of land value which will be determined immediately before a building permit is issued (with new zoning in place). The maximum charge is capped at 15% of land value for a single-tier municipality like Windsor.

In addition to the services specified by the regulations, the 15% charge is also expected to pay for parkland acquisition, meaning that if a municipality has a community benefits charge by-law in place it cannot also apply the basic parkland dedication provisions found in the *Planning Act*. Community priorities like affordable housing, child care, land for parks, and other services can also be funded through a new Community Benefit Charge; however, they will all be competing for the same pot of money.

Since the Community Benefit Charge is identified as a potential funding source for a number of growth-related capital infrastructure costs and community services, the appropriate allocation of funding for affordable housing should be determined as part of the required Community Benefit Strategy.

Also, to help reduce the costs to build certain types of development that are in high demand, amendments to the *Planning Act* provides for the Minister to prescribe that a community benefits charge cannot be imposed on certain types of development or redevelopment. Currently, the Minister is proposing that the certain types of developments be exempt from charges for community benefits under the *Planning Act* including Non-profit housing.

Reduced Parking Requirements

The minimum parking requirements for residential developments contained within the City's Comprehensive Zoning Bylaw aim to ensure that new residents have a dedicated place for their vehicles without creating negative spillover effects on the surrounding area. Parking requirements affect the affordability of developing housing because they increase the land area required for development.

Since lower-income households tend to own fewer cars than higher income households, it may be forcing developers to provide and develop parking facilities that may not be

needed. There may be circumstances where a one-size-fits-all parking requirement results in excess land dedicated to parking that might otherwise be used for additional housing or amenity space.

Reduced off-street parking requirements can lead to lower development costs, potentially free up land for additional units, and reduce the cost of housing for residents. There are already reduced parking requirements in the City's Zoning Bylaw for the Central Business District (CBD) and the Business Improvement Areas (BIAs) in recognition of a concentration of services within walking distance and convenient access to transit.

The City of Belleville has formalized the idea of reducing parking for affordable housing by implemented a policy that allows for the reduction of parking. They did so after thoroughly studying the issue, and answering the following questions:

- Whether affordable rental housing required the same level of parking as market housing;
- If the existing parking standards caused additional expense to developers;
- Under what circumstances should reduced parking standards for affordable rental housing be considered;
- How reduced requirements were beneficial in Belleville or elsewhere; and,
- How the City could effectively implement reduced parking requirements for affordable housing?

One of the outcomes of the study was to determine that reducing the parking requirements for medium and high density affordable rental housing projects through the minor variance process. All minor variance applications for reduced parking will be evaluated based upon the criterion established through the Affordable Rental Housing Reduced Parking Guide which was being developed to assist Staff and the Committee of Adjustment members in their considerations of such applications. At the time of this report, the City of Belleville was considering the following guidelines to incentivize purpose built affordable rental housing:

- Grant a variance to medium and high density affordable rental housing that achieves between 0.5 – 0.75 parking spaces per unit in walkable and transit accessible neighbourhoods, which would bring the number of parking spaces in Belleville closer to the parking provided in the case studies (that were part of the study undertaken).
 - Walkable neighbourhoods should be defined as neighbourhoods that have amenities that may meet the daily needs of a tenant within a 5 to 10 minute walk (400 – 800 metre radius) of the proposed development. Amenities considered to meet daily needs could include grocery stores,

- schools, community facilities, and retail plazas that include businesses that carry food products;
- Transit accessible neighbourhoods are neighbourhoods that offer transit within a 5 to 10 minute walk (400 – 800 metre radius) of the proposed development; and,
- In neighbourhoods that are less walkable (more than 800 metres to amenities) and less transit accessible (more than 800 metres to transit), parking variances should be granted at a ratio that achieves between 0.75 – 1 parking spaces per unit.

The City of Belleville also implemented a plan to cover the application fees for developers that were pursuing a parking variance for affordable housing.

The intent of such a policy is to encourage affordable rental housing to locate close to amenities and transit in return for a reduction in parking requirements, which in turn can lower the overall development costs for the project, but also makes the project a better option for someone without a car. Conversely, locations close to amenities and transit may end up having higher land costs, which could cut into the savings from the reduced parking.

It should be noted that the City's Planning Department has been supportive of parking reductions for mid- to high- density development projects located in areas with good access to transit and amenities. Some recent examples include:

- 3100 Meadowbrook Lane (City-funded affordable housing project) - 145 affordable rental units - ~181 parking spaces required, reduced to 130 through a Zoning Bylaw Amendment;
- 840 Wyandotte St E. – 24 residential units w/ 3-4 commercial units - ~45 parking spaces required, 30 provided through minor variance reduction;
- 531 Pelissier St. – 24 residential units w/ 3 commercial units – minor variance to permit parking off-site, requirement was 18 which they achieved;
- 781 Erie St. – 15 residential units w/ 1 commercial unit - ~ 15 required, 7 provided through minor variance reduction; and,
- 955 Ouellette Ave. - 32 residential units - 40 required, 36 provided through minor variance reduction.

Although the Planning Department has been supportive of a balanced reduction in parking, having guidelines would provide an additional level of certainty to developers at the early stages of project conception, making it easier to mitigate the potential risk associated with having to pursue a minor variance.

Development Streamlining

Pre-consultation with Planning Department staff is strongly encouraged and recommended as a routine business practice for potential investors/developers seeking development approval from the City. Early pre-consultation will allow the Planning Department to ensure that all relevant planning policies and regulations have been conveyed to the applicant early in the process including expected timelines for approval. Doing so early in the process may also save time in the long run because early feedback from the City presents an opportunity for the proponent to refine proposed concepts prior to submitting a formal application, and avoid costly delays down the road.

Pre-consultation may also help to streamline the development review process once applications have been submitted. Reviews and approvals can be coordinated for complex affordable housing projects in an effort to minimize the length of time it takes to obtain final approval from the City. Staff can also assist with coordinating planning and construction with the requirements of the grant programs offered by other levels of government.

Additionally, a formal pre-consultation process that includes the Housing Services Department would help potential affordable housing developers to identify the specific and current housing gaps in Windsor. The Housing Services Department has access to the social housing waiting list data to assist developers in the type of housing most in need and can offer guidance on the Provincially and Federally funded programs that can be leveraged to assist with the financial viability of an affordable housing project.

For major development affordable housing applications, the City could also explore procedural and other time-related incentives such as, scheduling extra or single-agenda-item City Council meetings, and/or assigning administrative staff dedicated to expedite the review and processing of affordable housing applications.

Canada Mortgage and Housing Corporation Programs

The Canada Mortgage and Housing Corporation is the lead in delivering National Housing Strategy Initiatives over the next 10 years by offering funding opportunities for new construction and repair/renewal to local private and non-profit organizations with the purpose of increasing the housing stock or sustaining the existing affordable housing supply. A summary of the CMHC includes:

- *The Federal Lands Initiative* which identifies surplus federal lands and buildings to create affordable, sustainable, accessible and social housing communities;
- *The Solutions Lab* that provides funding for unique ideas and new building techniques that will reform the affordable housing sector;
- *Rental Construction Financing* that offers low-cost loans to encourage the construction of sustainable rental apartment projects; and

- *The National Housing Co-Investment Fund* which provides low-cost loans and capital contributions for building new affordable housing shelters, transitional and supportive housing.

Many of the incentive programs and other activities permitted by an approved CIP can be combined with Federal and Provincial programs. The eligibility criteria for the Federal and Provincial programs requires municipal support and/or contributions, which can in the form of municipal financial incentives. This aligns with one of the key guiding principles of the *Home, Together: Windsor Essex Housing and Homelessness Master Plan* to leverage additional resources from all levels of government.

RISK ANALYSIS:

There is no risk associated with receiving this report for information.

The risk associated with creation of a Community Improvement Plan for affordable housing is relatively low. The risk that the CIP does not result in the development of new affordable housing units remains, especially if the economics for the projects still require heavy levels of subsidization from upper levels of government.

There is a moderate risk of some unintended negative consequences associated with implementing some of the regulatory changes cited in this report without a thorough analysis and consultation, particularly because there will be a number of municipal priorities competing for the limited funding.

FINANCIAL MATTERS:

There are no financial implications associated with accepting this report for information; however, any financial incentive program offered by the City would have a financial cost to deliver it. Some would be deferred or reduced revenue, and others would require the establishment of a direct funding source to pay the grants or loans. The specific financial implications of each program would be estimated in response to Council direction to implement a CIP for affordable housing.

CONSULTATIONS:

The Planning, Housing, Social Planning and Legal Departments were consulted in the preparation of this report, specifically:

- Stephen Lynn – Manager, Social Policy & Planning;
- Sonia Bajaj – Coordinator, Housing Administration and Development; and,
- Wira Vendrasco – Deputy City Solicitor, Legal and Real Estate.

CONCLUSION:

There are a number of possible financial and development related incentives described in this report that could be used to encourage the development of affordable housing in

Windsor. A number of them would require an approved Community Improvement Plan under the *Planning Act* to implement, while others would be implemented through their respective enabling legislation.

Council direction would be required to undertake a CIP specifically for affordable housing. The preparation of a CIP would be consistent with and an implementation tool for the legislatively mandated *Home, Together: Windsor Essex Housing and Homelessness Master Plan* approved by City Council on December 2, 2019 (CR612/2019) and the Ministry of Municipal Affairs and Housing on March 24, 2020. A CIP with financial incentive programs would also be an important implementation tool in support of a number of the strategies identified in *Home, Together* plan.

The implementation of the incentives identified under *Part II - Regulatory Changes (Non-CIP Incentives)* should be given consideration after being evaluated individually within the context of their original intent and its legislative framework. This would avoid any negative unintended consequences that may arise from moving forward with a direction before having a thorough understanding of the issue and possible solution.

PLANNING ACT MATTERS:

N/A

APPROVALS:

Name	Title
Thom Hunt	City Planner, Executive Director of Planning & Building
Wira Vendrasco	Deputy City Solicitor, Legal & Real Estate
Shelby Askin Hager	City Solicitor- Corporate Leader, Public Safety and Economic Development
Debbie Cercone	Executive Director, Housing and Children's Services
Jelena Payne	Community Development and Health Commissioner – Corporate Leader, Social Development and Health
Onorio Colucci	Chief Administrative Officer (CAO)

NOTIFICATIONS:

Name	Address	Email

Appendices:

- 1 Appendix A - Affordable Housing Research Summary Report
- 2 Appendix B – Additional Information memo dated July 17, 2020

AFFORDABLE HOUSING COMMUNITY IMPROVEMENT PLANS

London Affordable Housing Community Improvement Plan (2020)

Affordable Definition	CIP Programs	Description	Program Details	Requirements
Affordable housing may be used to define housing that costs less than or equal to the "average market rent" or "average market price" but does not include municipally-run Community Housing or other community housing programs. Under this definition, "affordable" means the range of housing for households that earn too much to qualify for "income security" programs, but who do not earn enough to be able to pay market rates without paying more than 30% of their pre-tax income.	<i>Affordable Housing Development Loan Program</i>	Providing financial assistance to off-set the up-front costs associated with the development of new affordable housing units	<ul style="list-style-type: none"> - Three (3) levels of loan: \$ 10,000 per unit (LOW) \$ 15,000 per unit (MEDIUM) \$ 20,000 per unit (HIGH) 	<ul style="list-style-type: none"> - In buildings with more than ten (10) units there must be mixed affordability - A minimum of five (5) affordable rental units must be created. - In mixed buildings of Market and Affordable units, where there are more than ten (10) units in the building, no more than two-thirds (66%) of the units may be affordable units.
	<i>Additional Residential Unit Loan Program</i>	Providing financial assistance to off-set costs associated with creating new additional residential units and to improve the affordability of home ownership.	<ul style="list-style-type: none"> - Loans are the lesser of \$20,000 or the cost of eligible works. 	<ul style="list-style-type: none"> - The new Additional Residential Unit is required to be within an existing residential building - The Additional Residential Unit is permitted within or on the same property as the existing single or semi-detached home or street townhouse - Owner-occupancy is required - The Additional Residential Unit must maintain a valid Residential Rental Unit License (RRUL), which must be renewed with the City every year

Greater Sudbury Affordable Housing Community Improvement Plan (2018)

Affordable Definition	CIP Programs	Description	Program Details	Requirements
Same as the definition provided in the Provincial Policy Statement, 2014	<i>Tax Increment Equivalent Grant</i>	Council may provide grants to the owner or tenant of an eligible property to help offset costs associated with its rehabilitation, reuse, development and redevelopment of the property, provided that the improvement to the	<ul style="list-style-type: none"> - The maximum number of years that any individual application can benefit from is five (5) years. In year one (1) through three (3) of the program, the grant to the property owner/tenant is equal to 100% of the tax increment. In years four (4) and five (5), the grant decreases to 50% of the tax increment. 	<ul style="list-style-type: none"> - The development or redevelopment must include a minimum of 4 units which qualify as "affordable"; the four (4) units minimum does not apply to non-profits developments of fewer units

		property result in an increase in assessment and taxation.		
	<i>Planning and Building Fee Rebate Programs</i>	<p>This program provides financial relief to property owners who undertake development or redevelopment projects within eligible areas. The rebate applies to most municipal fees related to development or redevelopment, including:</p> <ul style="list-style-type: none"> - Official Plan Amendment - Zoning Amendments - Minor Variances - Consents to Sever Land - Site Plan Control Agreements - Building and Demolition Permits - Sign Applications 	<ul style="list-style-type: none"> - The total amount of incentive provided under the planning fee component of this program will not exceed \$25,000 annually. The maximum amount of incentive provided under the planning fee component of this program to any approved eligible property will not exceed \$5,000. - The total amount of incentive provided under the building component of this program will not exceed \$100,000 annually. The maximum amount of incentive provided under the building fee component of this program to any approved eligible property will not exceed \$30,000. 	<ul style="list-style-type: none"> - The development or redevelopment must include a minimum of 4 units which qualify as "affordable"; the four (4) units minimum does not apply to non-profits developments of fewer units
	<i>Feasibility Grant Program</i>	Financial assistance for feasibility studies, building renovation design, or business plans will be provided through this program.	<ul style="list-style-type: none"> - A grant up to a maximum of \$5,000 can be applied for. 	<ul style="list-style-type: none"> - The development or redevelopment must include a minimum of 4 units which qualify as "affordable"; the four (4) units minimum does not apply to non-profits developments of fewer units
	<i>Residential Incentive Program (per-door grant)</i>	The purpose of this program is to jump-start affordable housing in location that best serve the needs of tenants.	<ul style="list-style-type: none"> - A grant of \$10 per square foot of newly created affordable habitable residential space, or \$20,000 per affordable dwelling unit, whichever is lesser. 	<ul style="list-style-type: none"> - The development or redevelopment must include a minimum of 4 units which qualify as "affordable"; the four (4) units minimum does not apply to non-profits developments of fewer units
	<i>Second Unit Incentive Program</i>	The purpose of this program is to encourage the creation of second units by Non-Profit, or Charitable Institutions.	<ul style="list-style-type: none"> - The program will provide a maximum funding amount of 50% of the approved project costs to a maximum of \$50,000. 	<ul style="list-style-type: none"> - The sum of the mortgages/encumbrances (e.g. other charges on property) registered on the title and program funding cannot exceed the market value of the home.
Cambridge Affordable Housing Community Improvement Plan (2016)				
Affordable Definition	CIP Programs	Description	Program Details	Requirements

Same as the definition provided in the Provincial Policy Statement, 2014	<i>Affordable Housing Incentive Program</i>	The Affordable Housing Incentive Program will exempt municipal fees for developments that meet the definition of affordable housing.		
	<i>Affordable Housing City of Cambridge Development Charges Deferral Program</i>	Through the Affordable Housing Development Charges Deferral Program, the development charge will be paid 20 years after the issuance of a building permit.		
	<i>Affordable Housing Tax Increment Grant Program</i>	This program would provide a grant to property owners who undertake the development or redevelopment of their properties that would result in a reassessment of the properties.	<ul style="list-style-type: none"> - This incentive program would be applied over a 20 year period. - The grant amount for this program shall not exceed 100% of the increase in the City portion of the taxes in years one to 15, decreasing to 80% in year 16, 60% in year 17, 40% in year 18, 20% in year 19, with the owner paying the full amount of taxes in year 20. 	

Peterborough Affordable Housing Community Improvement Plan (2012)

Affordable Definition	CIP Programs	Description	Program Details	Requirements
Same as the definition provided in the Provincial Policy Statement, 2005	<i>Municipal Incentive Program</i>	The Municipal Incentive Program will waive these municipal fees (planning application fees, parkland fees and cash-in-lieu of parking fees) for developments that meet the definition of affordable housing.		
	<i>Development Charges Grant Program</i>	Assistance will be in the form of a grant from the Affordable Housing Partnership Reserve Fund for any new affordable housing units.		
	<i>Affordable Housing Tax Increment Based Grant Program</i>	This program would provide a grant to property owners who undertake the rehabilitation of their properties that	<ul style="list-style-type: none"> - The grant amount for this program shall not exceed 100% of the increase in the Municipal portion of the taxes in years one to five of the program, decreasing to 80% in year six, 60% in 	

		would result in a reassessment of the properties.	year seven, 40% in year eight, 20% in year nine and with the owner paying the full amount of taxes in year ten.	
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COMMUNITY IMPROVEMENT PLANS THAT INCLUDE AFFORDABLE HOUSING COMPONENT

Barrie Community Improvement Plan (2019)

Affordable Definition	CIP Programs	Description	Program Details	Requirements
<p>In the case of ownership housing:</p> <ul style="list-style-type: none"> - Housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low to moderate income households. Annual household income will be based upon the most recent Census of Canada statistics for the City of Barrie which is updated every five years. <p>In the case of rental housing:</p> <ul style="list-style-type: none"> - A unit for which the rent does not exceed 30 percent of gross annual household income for low to moderate income households. Annual household income will be based upon the most recent Census of Canada statistics for the City of Barrie which is updated every five years. <p>Low to moderate income: means households with an annual household income in the lowest 40th percentiles.</p>	<i>Affordable Housing Development Program Incentives</i>	<p>Where an application is approved under the Affordable Housing Development Grant program, assistance will be in the form of a grant for:</p> <ul style="list-style-type: none"> - Eligible Planning Act application fees - Eligible Building Permit fees - Tax increment based funding for the incremental tax increase paid back over a five year period, except where the properties are exempt from taxes Applicable Development Charges. 	<p>a) Emergency Housing, Transitional Housing, Social Housing and Purpose-built Rental Housing: a payment equalling 100% of the DCs based on the percentage of affordable units within the development. Purpose-built rental not offered as affordable units, will qualify for 25% of the DCs to a maximum of \$250,000 for the project provided the units are offered and kept at a rate geared not to exceed 30% of gross annual household income for 60th income percentile households. All projects are eligible for 100% of the building permit fees and planning application fees for the entire residential project.</p> <p>b) Affordable home ownership offered by Not-For-Profit service providers, charitable service providers offering a sweat-equity type of ownership model, or other innovative partnerships or models which offer affordable home ownership units within the development and which have processes and/or mechanisms in place to ensure the continued affordability of the unit for a specified period of time. The value of the grant for this form of affordable housing would be the same as for a) above with the building permit fees portion of the grant based on only the units that are affordable.</p>	

Affordable Housing: The proposed development is for purpose-built rental units, affordable rental housing units along the housing continuum, with greater than three units, or contains a minimum of 25% affordable units of the total number of residential units proposed in an ownership project.	<i>Additional Affordable Residential Units Incentives (Per Door Grant)</i>	To jump-start affordable housing in locations that best serve the needs of the community, especially those proposed developments geared to the low and low to moderate income households, a grant of \$10 per square foot of newly created affordable housing residential space to a maximum of \$20,000 per affordable dwelling unit, whichever is lesser may be applied for as part of the overall incentives under the Affordable Housing Development Grant Program.	<ul style="list-style-type: none"> - The maximum amount of incentive provided under this aspect of the program to any approved eligible property will not exceed \$200,000. 	
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Sault Ste. Marie Rental Housing Community Improvement Plan (2014)

Affordable Definition	CIP Programs	Description	Program Details	Requirements
No definition provided.	<i>Rental Housing Tax Increment Equivalent Grant</i>	The Rental Housing Tax Increment Equivalent Grant Program will provide a grant to property owners who undertake the development or redevelopment of properties that result in a reassessment.	<ul style="list-style-type: none"> - Grants are equal to a percentage of the municipal tax increment on a declining rate basis for a maximum 3 year period. When an approved project is complete, a grant will be paid annually by the City to the eligible applicant following the full payment of property taxes. In year one, the grant to the approved applicant may equal 75% percent of the incremented taxes for the subject property. (year 1 = 75%; year 2 = 50%; year 3 =25%) 	<ul style="list-style-type: none"> - A significant total project investment is required, creating a minimum of four new rental units.
	<i>Assisted Living Facilities</i>	The grants also support the inclusion of assisted living facilities and encourage developments that exceed the minimum requirements for barrier free designs.	<ul style="list-style-type: none"> - Projects that provide facilities that contribute to an improved assisted living environment or exceed the minimum number of barrier free units required under the Ontario Building Code will be eligible for one additional year of incentive of up to 75% tax grant. 	

Pembroke Community Improvement Plan (August 9, 2016)

Affordable Definition	CIP Programs	Description	Program Details	Requirements
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Same as the definition provided in the Provincial Policy Statement, 2014	<i>Affordable Housing Study Grant</i>	The Affordable Housing Study Grant promotes the development of new affordable living in Pembroke through the funding of background studies.	<ul style="list-style-type: none"> - A grant of 50% to a maximum of \$5,000 of eligible project costs. 	<ul style="list-style-type: none"> - Studies to support an affordable housing development of 4 or more units in the CIP project area.
	Development Application Fees and Building Permit Fees for Affordable Rental Housing	Despite the City of Kitchener Municipal Code, eligible <i>affordable rental housing</i> providers may request an exemption from the payment of development application fees and/or building permit fees		<ul style="list-style-type: none"> - The eligibility criteria includes that proponents must be a Not-For-Profit Corporation, a minimum of 30 percent of residential units must be set at or below 80 percent of average market rent for the regional area, and that projects are located within 450 metres from transit corridors across the city.



ADDITIONAL INFORMATION MEMO

TO: Mayor and Members of City Council

FROM: Planning & Building Services

DATE: July 17, 2020

SUBJECT: Supplementary Information to Report No. S 86/2020 - Response to CQ 27-2019 regarding potential affordable housing incentives

The Development and Heritage Standing Committee (DHSC) received the report titled "Response to CQ 27-2019 regarding potential affordable housing incentives" (the report) at its regular meeting on July 13, 2020. The report presented the DHSC with a range of potential incentives to support the development of affordable housing in the community. After some discussion, the DHSC passed the following motion:

THAT Administration BE DIRECTED to begin the process for the creation of an Affordable Housing Community Improvement Plan.

Consequently, this memo was prepared in an effort to provide Council with more information about the process, timelines and budget implications of developing a city-wide Community Improvement Plan for affordable housing.

The *Home, Together: Windsor Essex Housing and Homelessness Master Plan* (HHMP) that was approved by City Council on December 2, 2019 (CR612/2019) and the Ministry of Municipal Affairs and Housing on March 24, 2020 will be a key foundational piece for an affordable housing CIP. The 10-year plan identifies the goals, strategies, targets and specific actions aimed at meeting the housing and support needs of all residents. Included are a number strategies and actions that would require a CIP to implement.

The report (Council Report: S 86/2020) that this memo is expanding on also provides a wide range of possible incentive types and other CIP-enabled activities that will be explored during the development of the CIP. Specifically, the CIP will look at different incentive programs available to determine the right mix and level of incentives needed to implement the strategies identified in the *Home, Together: Windsor Essex Housing and Homelessness Master Plan*.

The following is a high level description of the components of an affordable housing CIP. All of the City's current CIPs follow a similar format, with them having two main sections. The first is the background information that outlines the vision and objectives for the CIP, as well as, provides the foundation and rationale for the financial incentive programs, and other activities or actions that will end up being included in the CIP. The HHMP will be a source of a significant amount of background information for an affordable housing CIP.

The second section is the more substantive part of the CIP, as it builds on the background information and transitions to policy recommendations, specific incentive programs and actions that can be taken to achieve the vision and objectives outlined in the first section. This section typically takes a significant amount of review, analysis and consultation to determine the appropriate course of action. As such, all of this information and analysis will be done in collaboration with staff from the Planning, Housing, Social Planning, Legal and Finance Departments, as well as any community partners/stakeholders necessary to deliver recommendations for incentive

programs and actions that strike a balance between incentivizing potential developers/investors and being fiscally responsible.

The development of an affordable housing CIP, following the general structure described above, will take approximately ten (10) months to complete, with the timing and start date subject to any further project prioritization by Council. This will mean targeting a Council meeting around June 2021 for final adoption of the CIP. This timeline includes circulating the draft CIP, and providing the statutory public notice of 20 days before the required public hearing (i.e. the Development and Heritage Standing Committee). The final CIP will be presented to Council for final adoption by bylaw. It will also specify funding requirements for Council's consideration accompanied by all of the necessary information such as amount, duration, purpose, etc. and request funding commitment for each financial incentive program recommended.

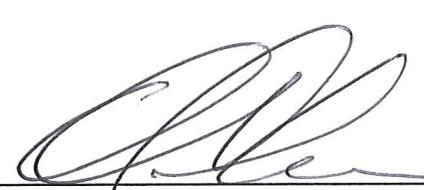
Although not a project that was anticipated as part of the Capital Budget, the costs associated with the preparation of an Affordable Housing CIP can be covered by the *Neighbourhood Studies and Design Guidelines* fund (Project ID 7045003) by reprioritizing some of the other future studies that have been identified. This fund provides money to study and implement design standards and physical features/amenities that contribute to a higher quality of life in local neighbourhoods, and to address some of the more pressing planning/development related challenges facing Windsor. A CIP for affordable housing is consistent with this definition. It is estimated that the development of a CIP for affordable housing will be in the range of \$20,000 to \$30,000 if it is prepared in-house.

However, the costs reflected above only address the preparation of a CIP for affordable housing. Any financial incentive program offered by the City will have a financial cost to deliver it. Some would be deferred or reduced revenue, and others would require the establishment of a direct funding source to pay the grants or loans. The specific financial implications of each program would be estimated as part of the development of each financial incentive program for affordable housing and presented to Council with the draft CIP.

In summary, should Council direct it, the Planning Department will take the lead on the development of a CIP for affordable housing. It will do so in consultation and collaboration with the Housing, Social Planning, Legal and Finance departments. The CIP will take around ten months to complete, at a cost of approximately \$20,000 to \$30,000 to prepare it in-house.



Thom Hunt
City Planner



Onorio Colucci
Chief Administrative Officer



Committee Matters: SCM 221/2020

Subject: Response to Council Question CQ20-2019 regarding inclusionary zoning (City-wide)

Moved by: Councillor Sleiman

Seconded by: Councillor Morrison

Decision Number: **DHSC 180**

THAT the report of the Senior Planner dated June 24, 2020 entitled "Response to Council Question CQ20-2019 regarding Inclusionary Zoning (City-wide)" **BE RECEIVED** for information.

Carried.

Report Number: S 46/2020

Clerk's File: Z2020

Clerk's Note: The recommendation of the Standing Committee and Administration are the same.

Subject: Response to Council Question CQ20-2019 regarding Inclusionary Zoning (City-wide)**Reference:**

Date to Council: July 13, 2020

Author: Greg Atkinson, Senior Planner

519-255-6543 ext. 6582

gatkinson@citywindsor.ca

Planning & Building Services

Report Date: June 24, 2020

Clerk's File #: Z2020

To: Mayor and Members of City Council

RECOMMENDATION:

THAT Report # S 46/2020 responding to CQ20-2019 regarding inclusionary zoning and how it could be applied to the City of Windsor **BE RECEIVED** for information.

EXECUTIVE SUMMARY:

N/A

BACKGROUND:

On July 22, 2019, Councillor Costante asked CQ 20-2019 as follows:

That administration report back on inclusionary zoning and how it could be applied to the City of Windsor.

The theory of inclusionary zoning is that it allows municipalities to require private developers to provide a required number of affordable dwelling units within market housing projects and maintain the affordability of those units for a set period of time. Most of the policy experience with inclusionary zoning has been in the United States, however Vancouver and Montreal have 'inclusionary-like' programs.

Ontario Legislation

In Ontario, the province has established a highly restrictive legislative scheme in the *Planning Act* (PA) for allowing inclusive zoning. At the present time inclusive zoning is only permitted under three circumstances as follows:

- 1) Being a prescribed municipality (s.16(4) PA),
- 2) If not a prescribed municipality, being a municipality that has a protected major transit station area (s.16(5) PA) in accordance with the requirements of s.16(15) PA, or
- 3) If not a prescribed municipality, being a municipality that has an area in respect of which a development permit system is established in response to an Order issued by the Minister of Municipal Affairs and Housing pursuant to s.70.2.2(1) PA.

As of the date of the writing of this report the status of these three circumstances in Windsor is as follows:

- 1) No municipality in Ontario has been prescribed by regulation pursuant to s.16(4) PA.
- 2) S.16(15) PA indicates that a protected major transit station is the area surrounding and including an existing or planned “*higher order transit*” station or stop that has been so delineated in the applicable Official Plan. The PA defines “*higher order transit*” to mean “*transit that operates in whole or in part in a dedicated right of way, including heavy rail, light rail and buses*”. At the present time Windsor does not have any areas that fall within the definition of “*higher order transit*”.
- 3) The Minister of Municipal Affairs and Housing has not issued any Order to Windsor under s.70.2.2.(1)PA.

As of the date of writing this report inclusionary zoning is not legislatively available in Windsor.

DISCUSSION:

While different forms of inclusionary zoning are used in a number of US Cities as well as Vancouver and Montreal—no municipality within Ontario has implemented inclusionary zoning. While a number of Ontario municipalities have expressed an interest in inclusionary zoning, the PA effectively restricted the use of this affordable housing tool to municipalities that have higher order transit systems, which are primarily located within the Greater Toronto area.

Requirement for Assessment Report

Where municipalities are permitted to establish inclusionary zoning policies, they must prepare an assessment report before adopting the parts of an official plan that contain

inclusionary zoning policies. The assessment report must be updated every five years for the purpose of determining whether any of the inclusionary zoning policies should be amended. The assessment report must contain the following:

- a) An analysis of demographics and population in the municipality.
- b) An analysis of household incomes in the municipality.
- c) An analysis of housing supply by housing type currently in the municipality and planned for in the official plan.
- d) An analysis of housing types and sizes of units that may be needed to meet anticipated demand for affordable housing.
- e) An analysis of the current average market price and the current average market rent for each housing type, taking into account location in the municipality.
- f) An analysis of potential impacts on the housing market and on the financial viability of development or redevelopment in the municipality from inclusionary zoning by-laws, taking into account:
 - i) value of land,
 - ii) cost of construction,
 - iii) market price,
 - iv) market rent, and
 - v) housing demand and supply.
- g) A written opinion on the analysis described in section f) from a person independent of the municipality and who, in the opinion of the council of the municipality, is qualified to review the analysis.

Assessment reports must also be made available to public before inclusionary zoning policies are adopted or before parts of the official plan that contain inclusionary zoning policies are amended.

Official Plan Requirements

Municipalities that are permitted to establish inclusionary zoning policies must ensure the Official Plan contains:

- a) goals, objectives, and a description of the measures and procedures proposed to attain those goals and objectives; and
- b) prescribed provisions and matters, which include:
 - i) the minimum size, not to be less than 10 residential units, of development or redevelopment to which an inclusionary zoning by-law would apply.
 - ii) the locations and areas where inclusionary zoning by-laws would apply.
 - iii) the range of household incomes for which affordable housing units would be provided.

- iv) the range of housing types and sizes of units that would be authorized as affordable housing units.
- v) the number of affordable housing units that would be required.
- vi) the period of time for which affordable housing units would be maintained as affordable.
- vii) how measures and incentives would be determined.
- viii) how the price or rent of affordable housing units would be determined.
- ix) percentage of the net proceeds to be distributed to the municipality from the sale of an affordable housing unit.
- x) The circumstances under which off-site units would be considered.

Zoning By-law Requirements

Where Official Plan policies have been adopted a zoning by-law must be passed to give effect to the policies. The zoning by-law must specify:

- a) the number of affordable housing units or gross floor area to be included in particular development;
- b) the period of time that dwelling units must be maintained as affordable;
- c) the price at which affordable units may be sold or leased; and
- d) any other prescribed matters.

Along with passing an inclusionary zoning by-law—a procedure for monitoring and ensuring the units remain affordable must be created.

Toronto has been studying the issue for the past ten years and is proceeding to create an inclusionary zoning framework. Toronto's analysis has focussed on requiring a percentage of affordable dwelling units within any increase in density approved under Section 37 of the PA. Section 37 concerns increased height and density by-laws that allow buildings to exceed the maximum height and dwelling unit density specified in the Zoning By-law. Additional height and density is typically authorized in exchange for community benefits such as affordable housing, protection of natural or cultural heritage resources, provision of public parking, or parkland.

For example, if the zoning by-law permits 100 dwelling units 'as-of-right' and a Section 37 by-law authorizes an additional 30 units—a certain percentage of these additional units would have to be affordable (e.g. 20% requirement would result in 6 affordable units). Financial impact analysis conducted by N. Barry Lyon Consultants Limited, on behalf of the City of Toronto, focussed on residual land value assessment applying inclusionary zoning in three market scenarios: strong, moderate, emerging markets.

Residual land value is calculated by starting with the revenue expected from a proposed

development project and subtracting the project costs (hard and soft) as well as developer profit. If the residual value is more than the purchase price of the property, the project is viable. If it is less than the purchase price, it's assumed that the property would not be developed. Requirements to include affordable units within a development would decrease the project revenue and the residual land value.

The analysis found that for condominium developments within strong Toronto markets (e.g. Downtown and areas surrounding subway or Go transit stations) a 20% affordable housing requirement would be economically viable. Note that inclusionary zoning requirements only applied to increased density permitted through Section 37 by-law in the analysis. In moderate markets (e.g. Etobicoke, Scarborough, and Yonge-Eglinton Centre) a 10% affordable housing requirement would be economically viable. In emerging markets (e.g. areas where new transit infrastructure has been approved but not yet funded) no level of inclusionary zoning requirement would be economically viable.

The economic viability of purpose-building rental projects is more sensitive than condominium projects due to more challenging financing requirements, delayed revenue, and greater market risk. Accordingly, Toronto's analysis only assumed a 5% affordable housing requirement on increased density for purpose built rental projects.

Toronto's study was based on the provisions of s.37 PA. However Bill 108, the *More Homes, More Choice Act, 2019* repealed Section 37 of the *Planning Act* and replaced it with a Community Benefits Charges framework. This legislation will come into effect upon proclamation by the Lieutenant Governor. We are unaware of the proclamation date at the present time. The repeal of s.37 PA may have put the conditions precedent to the use of inclusionary zoning into jeopardy.

Home Together: Windsor Essex 10 Year Housing and Homelessness Master Plan

The City of Windsor is the Consolidated Municipal Service Manager for the delivery housing and homelessness programs in Windsor and the County of Essex. In 2019, the Housing Services Department completed the Legislated Five-Year Review of the Home Together: Windsor Essex 10 Year Housing and Homelessness Master Plan (HHMP), a report that will be instrumental in shifting the City's responses in service delivery to reflect effective solutions and best practices to address housing and homelessness needs. The HHMP was endorsed and approved by City Council (CR612/2019) on December 2, 2019 and the Ministry of Municipal Affairs and Housing on March 24, 2020.

The Best and Promising Practices Review report, an accompanying report to the HHMP, informs the HHMP and presents findings on evidence based and promising practices for housing and homelessness systems. The Regulatory and Planning

Options (Appendix 3) included inclusionary zoning as one of the tools in the overall framework to expand the supply of affordable housing; recognizing that the HHMP is a 10 year plan. Given the current state of the legislation, a shift in focus to other planning tools may be required to achieve an increase in affordable housing.

RISK ANALYSIS:

There is no risk associated with receiving this report for information.

FINANCIAL MATTERS:

N/A

CONSULTATIONS:

Planning, Housing, Social Policy and Planning, and Legal Departments were consulted in the preparation of this report.

CONCLUSION:

Inclusionary zoning is not permitted in Windsor under the current legislative framework.

With the repeal of s.37 PA it is not clear if Toronto or any municipality in Ontario can legislatively move forward with inclusionary zoning at this time.

PLANNING ACT MATTERS:

N/A

APPROVALS:

Name	Title
Michael Cooke	Manager of Planning Policy/Deputy City Planner
Thom Hunt	City Planner
Debbie Cercone	Executive Director, Housing and Children's Services
Jelena Payne	Community Development and Health Commissioner – Corporate Leader, Social Development and Health
Wira Vendrasco	Deputy City Solicitor
Shelby Askin Hager	City Solicitor
Onorio Colucci	CAO

NOTIFICATIONS:

Name	Address	Email

APPENDICES:

1. Planning Act (inclusionary zoning provisions)
2. Ontario Regulation 232/18 Inclusionary Zoning

Planning Act

R.S.O. 1990, CHAPTER P.13

PART III OFFICIAL PLANS

Official plan

Contents of official plan

16 (1) An official plan shall contain...

Inclusionary zoning policies

(4) An official plan of a municipality that is prescribed for the purpose of this subsection shall contain policies that authorize inclusionary zoning by,

- (a) authorizing the inclusion of affordable housing units within buildings or projects containing other residential units; and
- (b) providing for the affordable housing units to be maintained as affordable housing units over time. 2016, c. 25, Sched. 4, s. 1 (2).

Same

(5) An official plan of a municipality that is not prescribed for the purpose of subsection (4) may contain the policies described in subsection (4) in respect of,

- (a) a protected major transit station area identified in accordance with subsection (15) or (16), as the case may be; or
- (b) an area in respect of which a development permit system is adopted or established in response to an order under subsection 70.2.2 (1). 2019, c. 9, Sched. 12, s. 2 (2).

Adoption of inclusionary zoning policies

(5.1) The policies described in subsection (4) may be adopted in respect of an area described in clause (5) (a) or (b) as part of an official plan or an amendment to an official plan that includes policies,

- (a) that identify an area as the protected major transit station area described in clause (5) (a); or
- (b) that must be contained in an official plan before the development permit system described in clause (5) (b) may be adopted or established. 2019, c. 9, Sched. 12, s. 2 (2).

Goals and objectives

(6) The policies described in subsection (4) shall include goals and objectives and a description of the measures and procedures proposed to attain those goals and objectives. 2016, c. 25, Sched. 4, s. 1 (2).

Prescribed provisions and matters

(7) The policies described in subsection (4) shall include the prescribed provisions and provisions about the prescribed matters. 2016, c. 25, Sched. 4, s. 1 (2).

No limitation

(8) Each subsection of this section shall be read as not limiting what an official plan is required to or may contain under any of the other subsections. 2016, c. 25, Sched. 4, s. 1 (2).

Assessment report

(9) Before adopting the parts of an official plan which contain policies described in subsection (4), the council of the municipality shall ensure that an assessment report has been prepared. 2016, c. 25, Sched. 4, s. 1 (3).

Updating of assessment report

(10) Within five years after the parts of its official plan which contain policies described in subsection (4) come into effect, the council of the municipality shall ensure that an updated assessment report is prepared for the purpose of determining whether any of those parts of the official plan should be amended. 2016, c. 25, Sched. 4, s. 1 (3).

Periodic updating

(11) As long as its official plan contains policies described in subsection (4), the council of the municipality shall ensure that an updated assessment report is prepared within five years after the date of the most recent updated assessment report, for the purpose of determining whether any of the parts of the official plan which contain policies described in subsection (4) should be amended. 2016, c. 25, Sched. 4, s. 1 (3).

Requirements relating to assessment reports

(12) The council of the municipality shall ensure that the initial assessment report and every updated assessment report includes the information and documents specified in the regulations and complies with the requirements specified in the regulations. 2016, c. 25, Sched. 4, s. 1 (3).

Assessment reports to be made available to public

(13) The council of the municipality shall ensure that the initial assessment report is made available to the public before the parts of the official plan which contain policies described in subsection (4) are adopted and that every updated assessment report is made available to the public before any amendments to the parts of the official plan which contain policies described in subsection (4) are adopted. 2016, c. 25, Sched. 4, s. 1 (3).

PART V **LAND USE CONTROLS AND RELATED ADMINISTRATION**

By-laws to give effect to inclusionary zoning policies

35.2 (1) If the official plan in effect in a local municipality contains policies described in subsection 16 (4),

- (a) the council of the municipality shall pass one or more by-laws under section 34 to give effect to the policies, if the municipality is prescribed for the purpose of subsection 16 (4);
- (b) the council of the municipality may pass one or more by-laws under section 34 to give effect to the policies, if the municipality is not prescribed for the purpose of subsection 16 (4). 2016, c. 25, Sched. 4, s. 4.

Content of by-law

(2) If a by-law is passed under section 34 to give effect to policies described in subsection 16 (4), the by-law,

- (a) shall require that the development or redevelopment of specified lands, buildings or structures include,
 - (i) the number of affordable housing units determined under the regulations or, in the absence of such regulations, the number of affordable housing units determined under the by-law, or
 - (ii) affordable housing units occupying the gross floor area determined under the regulations or, in the absence of such regulations, the gross floor area determined under the by-law;
- (b) shall require that the affordable housing units be maintained as affordable housing units for the period of time determined under the regulations or, in the absence of such regulations, for the period of time determined under the by-law;
- (c) shall require that the affordable housing units meet the requirements and standards specified in the regulations or, in the absence of such regulations, that the affordable housing units meet requirements and standards specified in the by-law;
- (d) in addition to requiring that the affordable housing units meet the requirements and standards specified in the regulations, may require that the affordable housing units meet additional requirements and standards specified in the by-law;
- (e) shall provide for the measures and incentives specified in the regulations to support the policies described in subsection 16 (4) or, in the absence of such regulations, may provide for measures and incentives to support those policies;

- (f) in addition to providing for the measures and incentives specified in the regulations to support the policies described in subsection 16 (4), may provide for additional measures and incentives to support those policies;
- (g) shall require that when the affordable housing units are sold or leased, they be sold at the price or leased at the rent determined under the regulations or, in the absence of such regulations, may require that when the affordable housing units are sold or leased, they be sold at the price or leased at the rent determined under the by-law;
- (h) shall include the prescribed provisions and provisions about the prescribed matters; and
- (i) shall require that the owners of any lands, buildings or structures that are to be developed or redeveloped under the by-law enter into agreements with the municipality, dealing with the matters mentioned in clauses (a) to (h) and ensuring continued compliance with those matters. 2016, c. 25, Sched. 4, s. 4.

Procedure to ensure affordability maintained

(3) A council of a municipality that passes a by-law giving effect to policies described in subsection 16 (4) shall establish a procedure for monitoring and ensuring that the required number of affordable housing units, or the required gross floor area to be occupied by affordable housing units, as the case may be, is maintained for the required period of time. 2016, c. 25, Sched. 4, s. 4.

Same

(4) The procedure required under subsection (3) shall include the prescribed provisions and provisions about the prescribed matters. 2016, c. 25, Sched. 4, s. 4.

Restrictions on authority

(5) If a council of a municipality passes a by-law giving effect to policies described in subsection 16 (4), the council may, subject to the prohibitions or restrictions contained in the regulations, authorize the erection or location of some or all of the required affordable housing units in or on lands, buildings or structures other than those that are the subject of the development or redevelopment giving rise to the by-law requirement for affordable housing units. 2019, c. 9, Sched. 12, s. 7.

No authority for payment in lieu

(6) For greater certainty, if a council of a municipality passes a by-law giving effect to policies described in subsection 16 (4), nothing in this section authorizes the council to authorize the payment of money in lieu of the provision of any or all of the required affordable housing units. 2016, c. 25, Sched. 4, s. 4.

Registration of agreements

(7) An agreement entered into under clause (2) (i) may be registered against the land to which it applies and the municipality is entitled to enforce the provisions of the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, against any and all subsequent owners of the land. 2016, c. 25, Sched. 4, s. 4.

Application of *Municipal Act, 2001* or *City of Toronto Act, 2006*

(8) Section 446 of the *Municipal Act, 2001* or section 386 of the *City of Toronto Act, 2006*, as the case may be, applies to the requirements imposed by an agreement entered into under clause (2) (i). 2016, c. 25, Sched. 4, s. 4.

Reports and information

(9) A council of a municipality that passes a by-law giving effect to policies described in subsection 16 (4) shall provide the prescribed reports and information concerning affordable housing units in the municipality to the prescribed persons or classes of persons at such times, in such manner and in accordance with such other requirements as may be prescribed. 2016, c. 25, Sched. 4, s. 4.

Planning Act

ONTARIO REGULATION 232/18 INCLUSIONARY ZONING

Definitions

1. In this Regulation,

“inclusionary zoning by-law” means a by-law passed under section 34 of the Act to give effect to the policies described in subsection 16 (4) of the Act; (“règlement municipal relatif au zonage d’inclusion”)

“non-profit housing provider” means,

- (a) a corporation without share capital to which the *Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing,

Note: On the day subsection 211 (1) of the *Not-for-Profit Corporations Act, 2010* comes into force, clause (a) of the definition of “non-profit housing provider” in section 1 of the Regulation is revoked and the following substituted: (See: O. Reg. 232/18, s. 9)

- (a) a corporation to which the *Not-for-Profit Corporations Act, 2010* applies that is in good standing under that Act and whose primary object is to provide housing,

- (b) a corporation without share capital to which the *Canada Business Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing,

- (c) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*, or

- (d) an organization that is a registered charity within the meaning of the *Income Tax Act* (Canada) or a non-profit organization exempt from tax under paragraph 149 (1) (l) of that Act, and whose land is owned by the organization, all or part of which is to be used as affordable housing; (“fournisseur de logements sans but lucratif”)

“offsite unit” means an affordable housing unit that is required in an inclusionary zoning by-law and that is erected or located in or on lands, buildings or structures other than those that are the subject of the development or redevelopment giving rise to the by-law requirement for affordable housing units. (“logement hors site”)

Assessment report

2. (1) An assessment report required by subsection 16 (9) of the Act shall include information to be considered in the development of official plan policies described in subsection 16 (4) of the Act, including the following:

1. An analysis of demographics and population in the municipality.
2. An analysis of household incomes in the municipality.
3. An analysis of housing supply by housing type currently in the municipality and planned for in the official plan.
4. An analysis of housing types and sizes of units that may be needed to meet anticipated demand for affordable housing.
5. An analysis of the current average market price and the current average market rent for each housing type, taking into account location in the municipality.
6. An analysis of potential impacts on the housing market and on the financial viability of development or redevelopment in the municipality from inclusionary zoning by-laws, including requirements in the by-laws related to the matters mentioned in clauses 35.2 (2) (a), (b), (e) and (g) of the Act, taking into account:
 - i. value of land,
 - ii. cost of construction,
 - iii. market price,
 - iv. market rent, and
 - v. housing demand and supply.
7. A written opinion on the analysis described in paragraph 6 from a person independent of the municipality and who, in the opinion of the council of the municipality, is qualified to review the analysis.

(2) The analysis described in paragraph 6 of subsection (1) shall take into account the following related to growth and development in the municipality:

1. Provincial policies and plans.

2. Official plan policies.

(3) An updated assessment report required by subsection 16 (10) or (11) of the Act shall contain the information specified in subsection (1).

Official plan policies

3. (1) Official plan policies described in subsection 16 (4) of the Act shall set out the approach to authorizing inclusionary zoning, including the following:

1. The minimum size, not to be less than 10 residential units, of development or redevelopment to which an inclusionary zoning by-law would apply.
2. The locations and areas where inclusionary zoning by-laws would apply.
3. The range of household incomes for which affordable housing units would be provided.
4. The range of housing types and sizes of units that would be authorized as affordable housing units.
5. For the purposes of clause 35.2 (2) (a) of the Act, the number of affordable housing units, or the gross floor area to be occupied by the affordable housing units, that would be required.
6. For the purposes of clause 35.2 (2) (b) of the Act, the period of time for which affordable housing units would be maintained as affordable.
7. For the purposes of clause 35.2 (2) (e) of the Act, how measures and incentives would be determined.
8. For the purposes of clause 35.2 (2) (g) of the Act, how the price or rent of affordable housing units would be determined.
9. For the purposes of section 4, the approach to determine the percentage of the net proceeds to be distributed to the municipality from the sale of an affordable housing unit, including how net proceeds would be determined.
10. The circumstances in and conditions under which offsite units would be permitted, consistent with paragraphs 2, 3 and 4 of section 5.
11. For the purposes of paragraph 2 of section 5, the circumstances in which an offsite unit would be considered to be in proximity to the development or redevelopment giving rise to the by-law requirement for affordable housing units.

(2) Official plan policies described in subsection 16 (4) of the Act shall set out the approach for the procedure required under subsection 35.2 (3) of the Act to monitor and ensure that the required affordable housing units are maintained for the required period of time.

Net proceeds from sale of affordable housing unit

4. (1) An inclusionary zoning by-law may require a portion of the net proceeds from the sale of an affordable housing unit to be distributed to the municipality.

(2) A by-law referred to in subsection (1) shall set out the percentage of the net proceeds to be distributed to the municipality, which shall not exceed 50 per cent.

(3) If a by-law referred to in subsection (1) is in force, an agreement referred to in clause 35.2 (2) (i) of the Act shall provide that, where an affordable housing unit is sold, a percentage of the net proceeds from the sale shall be distributed to the municipality in accordance with the by-law.

Restrictions on offsite units

5. The authority of a council of a municipality under clause 35.2 (5) (a) of the Act is subject to the following restrictions:
 1. Offsite units shall not be permitted unless there is an official plan in effect in the municipality that sets out the circumstances in and conditions under which offsite units would be permitted.
 2. Offsite units shall be located in proximity to the development or redevelopment giving rise to the by-law requirement for affordable housing units.
 3. The land on which the offsite units are situated shall be subject to an inclusionary zoning by-law.
 4. Offsite units shall not be used to satisfy the by-law requirement to include a number of affordable housing units, or gross floor area to be occupied by affordable housing units, that applies to the development or redevelopment in which the offsite units are permitted.

Restrictions on the use of s. 37 of the Act

6. The authority of a council of a municipality under section 37 of the Act is subject to the following restrictions and prohibitions:

1. Any increase in the height and density of a development or redevelopment permitted in return for facilities, services or matters under section 37 of the Act is deemed not to include:
 - i. the height and density associated with the affordable housing units required in an inclusionary zoning by-law,
 - ii. any increase in height and density permitted in an inclusionary zoning by-law as an incentive described in clause 35.2 (2) (e) of the Act.
2. For greater certainty, the council shall not use its authority under section 37 of the Act with respect to a development or redevelopment giving rise to a by-law requirement for affordable housing units in an area in which a community planning permit system is established.

Note: On the day section 9 of Schedule 12 to the *More Homes, More Choice Act, 2019* comes into force, section 6 of the Regulation is revoked. (See: O. Reg. 300/19, s. 1)

Reports of municipal council

7. (1) For the purposes of subsection 35.2 (9) of the Act, if a council of a municipality passes an inclusionary zoning by-law, the council shall ensure that a report is prepared and made publicly available at least every two years.
- (2) The council shall ensure that each report describes the status of the affordable housing units required in the by-law, including the following information for each year that is the subject of the report:
 1. The number of affordable housing units.
 2. The types of affordable housing units.
 3. The location of the affordable housing units.
 4. The range of household incomes for which the affordable housing units were provided.
 5. The number of affordable housing units that were converted to units at market value.
 6. The proceeds that were received by the municipality from the sale of affordable housing units.

Exemptions from inclusionary zoning by-law

8. (1) An inclusionary zoning by-law does not apply to a development or redevelopment where,
 - (a) the development or redevelopment contains fewer than 10 residential units;
 - (b) the development or redevelopment is proposed by a non-profit housing provider or is proposed by a partnership in which,
 - (i) a non-profit housing provider has an interest that is greater than 51 per cent, and
 - (ii) a minimum of 51 per cent of the units are intended as affordable housing, excluding any offsite units that would be located in the development or redevelopment;
 - (c) on or before the day an official plan authorizing inclusionary zoning was adopted by the council of the municipality, a request for an amendment to an official plan, if required, and an application to amend a zoning by-law were made in respect of the development or redevelopment along with an application for either of the following:
 - (i) approval of a plan of subdivision under section 51 of the Act, or
 - (ii) approval of a description or an amendment to a description under section 9 of the *Condominium Act, 1998*; or
 - (d) on or before the day the inclusionary zoning by-law is passed, an application is made in respect of the development or redevelopment for a building permit, a development permit, a community planning permit, or approval of a site plan under subsection 41 (4) of the Act.
- (2) Despite clause (1) (b), an inclusionary zoning by-law applies to any offsite units that would be permitted in a development or redevelopment.

9. OMITTED (PROVIDES FOR AMENDMENTS TO THIS REGULATION).

10. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION).

Français

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Committee Matters: SCM 211/2020

Subject: Report No. 48 of the International Relations Committee - Twin City Initiatives

Moved by: Councillor Morrison

Seconded by: Councillor Sleiman

Decision Number: **DHSC 184**

THAT Report No. 48 of the International Relations Committee – Twin City Initiatives indicating:

That APPROVAL BE GIVEN to an expenditure in the upset amount of \$5,000 for the You + Me Sculpture Project and, in lieu of the \$25,000 conditional commitment for the Sculpture Project, that Administration BE REQUESTED to report back on the costs associated with the Sister City Post and options for a permanent twin city exhibit at City Hall.

BE APPROVED.

Carried.

Report Number: SCM 98/2020

Clerk's File: MB2020

Clerk's Note: The recommendation of the Standing Committee and the Advisory Committee are the same.



Committee Matters: SCM 98/2020

Subject: Report No. 48 of the International Relations Committee - Twin City Initiatives

April 14, 2020

REPORT NO. 48
of the
INTERNATIONAL RELATIONS COMMITTEE
Meeting held February 26, 2020

Present: Councillor Fred Francis, Chair
Councillor Fabio Costante
Councillor Gary Kaschak
Councillor Ed Sleiman
Jerry Barycki
Ronnie Haidar
William Ma
Steven Spagnuolo
L.T. Zhao

Your Committee submits the following recommendation:

That **APPROVAL BE GIVEN** to an expenditure in the upset amount of \$5,000 for the You + Me Sculpture Project and, in lieu of the \$25,000 conditional commitment for the Sculpture Project, that Administration **BE REQUESTED** to report back on the costs associated with the Sister City Post and options for a permanent twin city exhibit at City Hall.

Carried.

Note: Photos of Sister City Posts in Los Angeles and San Francisco are **attached** for Council's information.

CHAIR

COMMITTEE COORDINATOR

NOTIFICATION		
International Relations Committee	On file	
Cathy Masterson Manager of Cultural Affairs	cmasterson@citywindsor.ca	

Sister City Posts in Los Angeles and San Francisco





Committee Matters: SCM 225/2020

Subject: Minutes of the Property Standards Committee of its meeting held May 19, 2020

Moved by: Councillor Morrison
Seconded by: Councillor Sleiman

Decision Number: **DHSC 185**

THAT the minutes of the Property Standards Committee of its meeting held May 19, 2020 **BE RECEIVED** for information.

Carried.

Report Number: SCM 182/2020

Clerk's File: MB2020



Committee Matters: SCM 182/2020

Subject: Minutes of the Property Standards Committee of its meeting held May 19, 2020

Property Standards Committee
Meeting held May 19, 2020

A meeting of the Property Standards Committee is held this day commencing at 9:30 o'clock a.m. via teleconference, there being present the following members:

Councillor Rino Bortolin, Chair
Councillor Ed Sleiman
Darrel Laurendeau
Matthew Wachna

Absent:

Councillor Chris Holt

Also present are the following resource personnel:

Rob Vani, Manager of Inspections/Deputy Chief Building Official
Dan Lunardi, Manager of Inspections/Deputy Chief Building Official
Nicole Brush, Building By-law Enforcement Officer
Jay McGuire, Building By-law Enforcement Officer
Karen Kadour, Committee Coordinator

1. Call to Order

The Chair calls the meeting to order at 9:34 o'clock a.m. and the Committee considers the Agenda being Schedule A attached hereto, matters which are dealt with as follows:

2. Disclosure of Interest

None disclosed.

3. Adoption of the Minutes

Moved by D. Laurendeau, seconded by M. Wachna,
That the minutes of the Property Standards Committee of its meeting held June 6, 2019 **BE ADOPTED** as presented.
Carried.

4. Request for Deferral, Referral of Withdrawal

Moved by Councillor Sleiman, seconded by D. Laurendeau,
That the matter Item 5.2 relating to Di Gioia Cleaners Ltd./Smart Holdings Inc. – 167 Erie Street East **BE WITHDRAWN** as the property has been sold.
Carried.

Moved by Councillor Sleiman, seconded by M. Wachna,
That the matter Item 5.3 relating to Maria Folino and Alberto Folino – 280 Aylmer Avenue **BE DEFERRED** noting that the Building Department has no objection to the deferral, and will allow Administration sufficient time to prepare a report to Council regarding the demolition of the building.
Carried.

5. Appeals

5.1 1451799 Ontario Inc. - 933 Goyeau Street

Amina Meddaoui, representative of 1451799 Ontario Inc. is present via teleconference regarding property at 933 Goyeau Street, Plan 1303 N. Pt. Lot 160. The Notice of Appeal dated September 4, 2019 was received within the 14-day time frame.

The presentation entitled 933 Goyeau Street – OTR 19-218632 is **attached** as Appendix "A".

Jay McGuire, Building Enforcement Officer provides a summary of his concerns relating to 933 Goyeau Street as follows:

- The date of inspection was August 19, 2019.
- There was evidence of deterioration of the steel trim channel, which protects the casing for the railings.
- Evidence of concrete damage and when the steel channel shows that level of deterioration, water is penetrating into the units, which can cause damage to the ceilings and the belongings of the tenants who reside in the building.
- Second floor railings have deteriorated.
- Interior conditions have been satisfied and are in compliance.

In response to a question asked by Councillor Sleiman regarding the immediate safety of the building, R. Vani responds the Building Department has no objection to allow an extension of time to comply with the Order to Repair.

M. Laurendeau asks if a professional engineer has been engaged to inspect the building and to make a recommendation on the integrity of the cladding, and if so, has a general contractor been engaged to provide quotes. R. Vani responds that the Building

Department did issue a permit on March 16, 2020 to do the repairs to the balcony. He adds it is his understanding that they have not done any inspections since that date.

Amina Meddaoui, appellant indicates the work on the building is underway and should be complete within a week or two. She adds they will not require more than a month to complete the work.

The Chair asks if the committee provides an extension of time, will this matter come back to the committee, or will the Building Department proceed from that point. R. Vani responds we will proceed with our normal enforcement after the new deadline provided by the committee and he adds this matter will not come back.

Moved by Councillor Sleiman, seconded by D. Laurendeau,

That the Order to Repair VY 19-218632 regarding property at 933 Goyeau Street Windsor, Ontario by 1451799 Ontario Inc. **BE CONFIRMED** and further, that an extension of time for two (2) months to July 19, 2020 **BE APPROVED**.

Carried.

5.2 Di Gioia Cleaners Ltd./Smart Holdings Inc. – 167 Erie Street East.

This matter has been withdrawn.

5.3 Maria Folino and Alberto Folino – 280 Aylmer Avenue

This matter has been deferred at the request of the appellant pending a Planning report and direction by City Council.

6. Adjournment

There being no further business, the meeting is adjourned at 9:57 o'clock a.m.

CHAIR

COMMITTEE COORDINATOR



Committee Matters: SCM 226/2020

Subject: Minutes of the International Relations Committee of its meeting held June 18, 2020

Moved by: Councillor Morrison
Seconded by: Councillor Sleiman

Decision Number: **DHSC 186**

THAT the minutes of the International Relations Committee of its meeting held June 18, 2020 **BE RECEIVED** for information.

Carried.

Report Number: SCM 195/2020

Clerk's File: MB2020



Committee Matters: SCM 195/2020

**Subject: Minutes of the International Relations Committee of its meeting held
June 18, 2020**

International Relations Committee

Meeting held June 18, 2020 via Teleconference

A meeting of the International Relations Committee is held this day commencing at 11:00 o'clock a.m. via teleconference, there being present the following members:

Councillor Francis, Chair
Councillor Fabio Costante
Councillor Gary Kaschak
Councillor Ed Sleiman (arrives at 11:07 a.m.)
Daniel Ableser
Scott Despins
Jerry Barycki
Ronnie Haidar
William Ma
Steven Spagnuolo
L.T. Zhao

Regrets received from:

Maria Belenkova

Also present are the following resource personnel:

Sandra Gebauer, Council Assistant
Karen Kadour, Committee Coordinator

1. Call to Order

The Chair calls the meeting to order at 11:01 o'clock a.m. and the Committee considers the Agenda being Schedule A attached hereto, matters which are dealt with as follows:

2. Declaration of Conflict

None disclosed.

3. Adoption of the Minutes

Moved by Councillor Costante, seconded by R. Haidar,
That the minutes of the International Relations Committee of its meeting held
February 28, 2020 **BE ADOPTED** as presented.
Carried.

4. Business Items

4.1 Medical Supplies for Changchun, China

The Chair indicates although medical supplies were ordered to be sent to Changchun, China due to COVID-19, it was determined that the supplies would remain in the City of Windsor and be distributed to the city's frontline workers.

The City of Changchun contacted the City of Windsor in April 2020 with an offer to send 20,000 medical masks and to absorb the costs associated with the International shipping. A logistics company was contacted to determine if they could help facilitate the delivery of the masks however, the masks that they had available did not meet Canadian standards.

A similar situation arose with Guro, South Korea, (not one of our twin cities) who offered to send 10,000 non-surgical masks, which were not acceptable due to the types of masks available.

Moved by Councillor Sleiman, seconded by R. Haidar,

That the verbal update provided by the Chair regarding the purchase of medical supplies for Changchun, China due to COVID-19 and the decision to distribute the supplies to the City of Windsor frontline workers **BE RECEIVED**.

Carried.

4.2 2020 Children's Art Exchange

S. Gebauer states our contact in Gunsan, South Korea inquired about the 2020 Children's Art Exchange and asked that if the City of Windsor decided not to host the event this year, if we would consider sending children's artwork as they are planning to hold their exhibition at the end of this year.

S. Gebauer expresses concern that the children's art could be collected, however, due to COVID-19, and the fact that many of our City facilities are currently closed, finding a space to display the drawings would be a challenge and we would have to get creative.

R. Haidar suggests collecting children's art and placing it on a multimedia video to share with the community and with our twin cities, which would demonstrate the sister city relationships and that we're all in this together.

D. Ableser proposes the IRC work with Communications to undertake a 3D video. S. Gebauer to contact Communications and to report back to the IRC.

Moved by R. Haidar, seconded by D. Ableser,
That the 2020 Children's Art Exchange **MOVE FORWARD** and that Administration
BE REQUESTED to report back on the feasibility of creating a Virtual Children's Art
Exchange for 2020.

Carried.

4.3 Update regarding Possible Twin City Posts

S. Gebauer indicates at the February 26, 2020 meeting, the IRC was provided with photos of "Sister City Posts" located in Los Angeles and San Francisco. There was discussion on the possibility of erecting something similar on the City Hall Campus, which would display the names of our twin cities. The Parks and Traffic Departments were consulted on the potential of designing and creating the Twin City Post and an estimate of \$14,000 was quoted.

J. Barycki requests that a preliminary design of the Twin City post be provided.

Moved by J. Barycki, seconded by S. Spagnuolo,
That Administration **BE REQUESTED** to provide a rendering of the Twin City Post
for consideration by the International Relations Committee.
Carried.

4.4 Twin Cities with the Corporation of the City of Windsor

Moved by Councillor Kaschak, seconded by Councillor Sleiman,
That the "Twin Cities with the Corporation of the City of Windsor" document **BE RECEIVED**.
Carried.

5. Communications

5.4 E-mails from Krzysztof Stanowski, Director International Centre & Daniel Gorbaczyk, Lublin, Poland regarding the LGBT+ Community

The Chair reports an e-mail from an individual in Toronto was received by the Mayor and City Council regarding discriminating policies in Lublin.

J. Barycki states the allegations are not true and he refers to the statement from Krzysztof Stanowski, Director International Centre.

In response to a question asked by D. Ableser regarding if a response was sent to the complainant, the Chair indicates he is not aware of a response being sent.

Councillor Sleiman states as a false accusation has been made, it would be appropriate to respond to the complainant.

Councillor Kaschak advises that as the complaint was initially sent to the Mayor's Office, it would be fitting to follow-up with the Mayor's Office. S. Gebauer to contact the Mayor's Office on this matter.

5.5 E-mail from Jerry Barycki regarding the 20th Anniversary of the Twinning Relationship between Lublin, Poland and the City of Windsor.

J. Barycki states June 26, 2020 will mark the 20th anniversary of the twinning relationship between Windsor and Lublin, Poland. The two decades of well-documented, active cooperation have been very productive. For the 20th Anniversary, they have prepared an exhibition, which will be in the form of an electronic document. S. Gebauer to work with Communications to ask if the electronic document can be displayed on the City of Windsor website and to assist with a display at City Hall at a later date.

Moved by Councillor Sleiman, seconded by Councillor Kaschak,
That the following Communications **BE RECEIVED:**

- 5.1 Letter to Mayor Dilkens dated March 6, 2020 from the Mayor of Saltillo, Mexico extending an invitation for the Mayor and a delegation of three to visit Saltillo from July 18 to July 21, 2020.
- 5.2 Letter to Mayor Dilkens from the Mayor of Changchun, China dated March 31, 2020 regarding the COVID-19 pandemic.
- 5.3 E-mail from Trudy Baek, Manager of International Affairs, Gunsan, South Korea dated May 14, 2020 regarding the Children's Art Exhibit
- 5.4 E-mails from Krzysztof Stanowski, Director International Centre and Daniel Gorgaczuk, City of Lublin, Poland dated May 15, 2020 regarding the LGBT+ community – **attached**.
E-mail dated May 15, 2020 from the Chair, IRC to Members of Council regarding the LGBT+ community/
- 5.5 E-mail from Jerry Barycki regarding the 20th Anniversary of the Twinning relationship between Windsor and Lublin, Poland.

Carried.

6. New Business

In terms of a possible twinning with the United States, S. Gebauer reports we were asked in the past to gather some information from the City of Detroit regarding their policy

on twinning. It was determined that there is an organization called Sister Cities International, whose headquarters are located in Washington D.C. and that they are responsible for linking cities in the US with Cities worldwide based on culture, education, information and trade exchanges. The organization is membership based and as a member, they assist with the networking and support required to get to the sister city status. They also have other programs including high school homestay programs, annual conferences and so on.

It is generally agreed S. Gebauer will contact the City of Detroit International Relations Committee or similar committee regarding a potential collaboration with the City of Windsor's International Relations Committee.

7. Date of Next Meeting

The next meeting will be held at the call of the Chair.

8. Adjournment

There being no further business, the meeting is adjourned at 11:57 o'clock a.m.

CHAIR

COMMITTEE COORDINATOR



Committee Matters: SCM 235/2020

Subject: Minutes of the Transit Windsor Advisory Committee of its meeting held May 26, 2020

Moved by: Councillor Costante

Seconded by: Councillor McKenzie

Decision Number: **ETPS 771**

THAT the minutes of the Transit Windsor Advisory Committee of its meeting held May 26, 2020 **BE RECEIVED**.

Carried.

Report Number: SCM 183/2020

Clerk's File: MB2020



Committee Matters: SCM 183/2020

**Subject: Minutes of the Transit Windsor Advisory Committee of its meeting held
May 26, 2020**

Transit Windsor Advisory Committee

Meeting held May 26, 2020 via Teleconference

A meeting of the Transit Windsor Advisory Committee is held this day commencing at 9:30 o'clock a.m. via teleconference, there being present the following members:

Councillor Kieran McKenzie, Chair
Councillor Chris Holt
Councillor Rino Bortolin
Bernie Drouillard
Nathanael Hope

Absent:

Christi Chauvin
Ryan Hooey
Renee Morel
Carmen Salloum

Also present are the following resource personnel”

Pat Delmore, Executive Director, Transit Windsor
David Calibaba, Manager, Sales & Marketing, Transit Windsor
Steve Habrun, Manager, Operations, Transit Windsor
Karen Kadour, Committee Coordinator

1. Call to Order

The Chair calls the meeting to order at 9:30 o'clock a.m. and the Committee considers the Agenda being Schedule A attached hereto, matters which are dealt with as follows:

2. Declaration of Conflict

None disclosed.

3. Adoption of the Minutes

Moved by Councillor Holt, seconded by B. Drouillard,
That the minutes of the Transit Windsor Advisory Committee of its meeting held November 28, 2019 **BE ADOPTED** as presented.
Carried.

4. Business Items

4.1 Transit Windsor Advisory Committee 2019 Annual Report

Moved by Councillor Holt, seconded by B. Drouillard,
That the Transit Windsor Advisory Committee 2019 Annual Report **BE**
ACCEPTED.
Carried.

4.2 Public Transit amidst COVIDD-19 – Transit Windsor Service

P. Delmore provides an overview of the Transit Windsor service amidst COVID-19 as follows:

- As per the Mayor's order, Transit Windsor was shutdown for one month.
- Now operating on an enhanced Sunday service schedule with the front of the bus cordoned off for the driver and for people with mobility issues.
- The riders enter from the back of the bus and no fares are being charged at this time.
- The seats are limited to 10 per bus with 1 additional seat for those with mobility issues.
- There are additional buses on hand if a driver reaches the maximum level of seats available on the bus.
- There has been a 90% drop in public transit use over the past three weeks over the same period in 2019.
- Ridership across the country has been a challenge, as they cannot provide two metres of social distancing on the buses.
- The next step is to recognize the huge costs related to public transit and the need to get back to front door boarding in order to collect the fares.

M. Winterton advises there have been challenges relating to ensuring the safety of the public and the workers. He acknowledges the fine work that P. Delmore along with his team have done during this difficult time.

In response to a question asked by Councillor Bortolin regarding the next steps to reinstate bus service, P. Delmore responds that some municipalities are going back to front door and fare collection in June/July 2020 and will be installing Plexiglass. He adds that there are capital costs associated with the purchase of Plexiglass, which is difficult to acquire at this time. He notes that the City of Edmonton is considering the cancellation of public transit for the summer months due to the costs.

Councillor Holt asks when the City made the decision to cancel the bus service how many other municipalities acquiesced. P. Delmore replies there were some

municipalities that cancelled their bus routes and only kept their mainline services. He adds that the City of Windsor was the only municipality that cancelled all service.

B. Drouillard reports there were several transit systems that were shut down in Michigan. He states that Brampton and Hamilton eliminated routes and concentrated only on certain roads and this practice is ongoing due to low ridership. He adds it will be a challenge to protect the drivers.

In response to a question asked by Councillor Holt regarding if any municipality has declared "transit" as an essential service, P. Delmore responds this has not been done formally.

The Chair questions if the workers feel safe on the buses. P. Delmore states that safety is their number one concern and that personal protective equipment has been provided to the drivers. He indicates the automated announcement system on the buses is utilized to educate riders on hand washing and the use of hand sanitizer.

Moved by Councillor Holt, seconded by N. Hope,

That City Council **BE REQUESTED** to consider recognizing Transit Windsor as an essential service.

Carried.

At the request of the Chair, a recorded vote is taken.

Aye votes – Councillors McKenzie, Councillor Bortolin, Councillor Holt, Bernie Drouillard and Nathanael Hope.

Nay votes – None

Councillor Holt indicates it is imperative that City Council works to regain the confidence of the transit system. By declaring transit as an essential service, we will be saying it is integral to building a city that takes mobility seriously.

Councillor Bortolin expresses concern that when thousands of people are stranded for a month without transit service and without any mitigation plan; we need to understand it is an essential service. If people do not understand and know that transit is there when they need it most, they will not be able to rely on it and will find other arrangements.

The Chair states it is critical that an open discussion be held to understand the decision making process that will go into any adjustment to service levels.

4.3 Investing in Canada Infrastructure Program (CIP) Update

P. Delmore provides the following update relating to the Investing in Canada Infrastructure Program (CIP):

- Three of the projects submitted to the Investing in Canada Infrastructure Program were approved which will assist in the 2020/2021 transit service.
- The three successful projects include:
 - The replacement of 16 buses in addition to the 3 buses to expand the fleet.
 - A 2.5 million project for the design and upgrade of the Transit Windsor terminal, bus shelters and customer amenities.
 - Phase 1 of the completion of the Transit Master Plan in the amount of \$3 million.

In response to a question asked by the Chair regarding the key differences in the new buses as compared to the older fleet, P. Delmore responds that the new buses are identical to the 24 buses received two years ago.

Moved by N. Hope, seconded by Councillor Bortolin,
That the Investing in Canada Infrastructure Program (CIP) verbal update by the Executive Director of Transit Windsor **BE RECEIVED.**
Carried.

4.4 2020 and 2021 Services Plans

S. Habrun succinctly provides the following overview regarding the 2020 and 2021 Services Plans:

- The plan is to enhance the Sunday service with the new Sunday service schedule to increase service across all roads that currently operate on Sundays. It is expected this will be implemented in September 2020.
- There has been a recommendation for a small route tweak with Transway 1C that would see the bus stay on Tecumseh Road in both directions on the east end. The change to the 1C Transway route was to be discussed at a Public Open House, however, due to COVID it is postponed at this time.
- In 2021, the plan is to dive into the Transit Windsor Master Plan with the implementation of Route 18 which goes from Tecumseh Mall, Devonshire Mall and St. Clair College to connect the east end to the southern portion of the city.
- The implementation of this route would allow the rider to reach their destination in 30 minutes.
- The operating costs for this route is subject to approval by City Council at its 2021 budget deliberations.
- Plan to undertake an annual review. Due to COVID will be reviewing plans with a different lens, i.e. bringing in "on demand" service sooner.

Councillor Bortolin states that with respect to the Plan going forward, obviously, there will be budget implications. This year transit has taken a "beating" on the operation, which will parlay into 2021 to some degree and ridership will most likely be down for the rest of this year. He asks how do we see the budget implications affecting the plans going

forward as there are plans coming from Federal/Provincial dollars for these programs some of which are matched with local dollars. He questions do we see any of these at risk?

M. Winterton responds that we do know that projections have been reviewed through year-end. Transit Windsor continues to run a significant deficit and it will likely be the highest variance in the 2020 budget. Many of the unknowns are what is going to happen at senior levels of government. We do not know what funding is coming from them. As it relates to what the impact will be on the Transit Windsor Master Plan and the Service Delivery Review, it is their intention to continue with the plans.

P. Delmore reports that when the Transit Windsor Master Plan was brought to this committee, the Board and City Council, one of the things that Dillon Consulting did was to make the plan very flexible. There are a number of ways to implement the different phases of the Master Plan and there are capital dollars through ICEP to support the implementation of the Plan.

In response to a question asked by the Chair regarding if the Consultant quantified the returns on investment for transit in our community, P Delmore responds this was not undertaken.

The Chair asks if reports relating to “investing in transit” can be provided for the committee at the next meeting. P. Delmore responds those reports will be provided.

5. Date of Next Meeting

The next meeting will be held at the call of the Chair.

6. Adjournment

There being no further business, the meeting is adjourned at 10:56 o'clock a.m.

CHAIR

COMMITTEE COORDINATOR



Committee Matters: SCM 237/2020

Subject: Recommendation of a Revised Local Improvement Policy and Initiation of Construction of a Sanitary Sewer and Private Drain Connections on Baseline Road from 7th Concession Road to 8th Concession Road as a Local Improvement under this new policy – City Wide

Moved by: Councillor McKenzie

Seconded by: Councillor Costante

Decision Number: **ETPS 773**

- I. THAT Council **APPROVE** the update to the Corporate Policy titled "Local Improvement Policy Consolidation" as outlined in SCHEDULE A (attached).
- II. THAT Fees and Charges By-law 392/2002 **BE AMENDED** to include the additional fees as outlined in SCHEDULE B (attached) and that City Solicitor **BE DIRECTED** to prepare that amending by-law.
- III. THAT the following local improvement Council Resolutions CR292/2003, CR1215/85, CR1607/89, CR179/2005, M214-2010, CR8/2012, CR1406/95 and M39-2014 **BE RESCINDED**.
- IV. THAT Council Resolution CR4/2020 adopted by Council on January 6, 2020, previously approving the construction of sanitary sewer and private drain connections on Baseline Road from 7th Concession Road to 8th Concession Road, **BE RESCINDED**.
- V. THAT Council **APPROVE** the construction of a sanitary sewer and private drain connections on Baseline Road from 7th Concession Road to 8th Concession Road, as shown on attached Drawing C-3551 as a local improvement under the provisions of O. Reg. 586/06 under the *Municipal Act*, with repayment term not to exceed 20 years at an interest rate deemed appropriate by Administration, and that Notice of Intention to pass Local Improvement Charges By-Law **BE GIVEN** to the public and affected owners, including the intention to apply to the Local Planning Appeal Tribunal under section 8 of O. Reg. 586/06 for approval to undertake the work as a local improvement, in accordance with the attached report of the City Engineer.
- VI. THAT 30 days after giving Notice of Intention to Pass a Local Improvement By-law, Council **PASS** a By-law for the construction of sanitary sewer and private drain connections on Baseline Road from 7th Concession Road to 8th Concession Road as a local improvement in accordance with Section 5 of O. Reg. 586/06,

unless any affected owner files an objection with the Clerk to the work being undertaking as a local improvement.

- VII. THAT the net City costs of approximately \$605,508 **BE FUNDED** from Project # 7159000 Local Improvement Sanitary Sewer.
- VIII. THAT Property Standards By-law 9-2019 **BE AMENDED** by inserting “, or such time period as may be approved by Council,” after the words “...the property owner will have one (1) year” in Schedule A, section 1.21, and that City Solicitor **BE DIRECTED** to prepare the amending by-law.
- IX. THAT Council **APPROVE** a three year extension starting after the sanitary sewer becomes available as a result of the sanitary sewer local improvement works on Baseline Road, for compliance with the Property Standards By-law 9-2019, Schedule A, section 1.21, by the property owners of lands municipally known as 3149, 3530, 3716 and 3965 Baseline Road.
- X. THAT Council **APPROVE** as a local improvement works on private property under the provisions of Part III of O. Reg. 586/06 under the *Municipal Act*, for the decommissioning of septic systems and construction of sanitary private drain connections on private property, to be completed by the property owners. This applies to the properties abutting Baseline Road from 7th Concession Road to 8th Concession Road when property owners request and consent to this work and that Notice of Intention to pass Local Improvement Charges By-law **BE GIVEN** to the public and affected owners in accordance with section 36.6 of O. Reg. 586/06.
- XI. THAT for local improvement works on private property, the Chief Administration Officer and City Clerk **BE AUTHORIZED** to sign agreements, not to exceed 20 years, with property owners that consent to their lots being specially charged to raise the cost of the work related to decommissioning of septic systems and construction of sanitary private drain connections on private property abutting Baseline Road from 7th Concession Road to 8th Concession Road which agreement shall be satisfactory in form to the City Solicitor, in technical content to the City Engineer and in financial content to the City Treasurer.
- XII. THAT for local improvement works on private property, Council **BE AUTHORIZED** to pass by-laws as required for the decommissioning of septic systems and construction of sanitary private drain connections on private property abutting Baseline Road from 7th Concession Road to 8th Concession Road as a local improvement in accordance with Part III of O. Reg. 586/06 under the *Municipal Act*, and at an interest rate deemed appropriate by Administration.

Carried.

Moved by: Councillor McKenzie
Seconded by: Councillor Costante

Decision Number: **ETPS 774**

THAT property owners with septic systems less than 10 years old **BE GIVEN** either 3 years to hook into the trunk line once made available or the difference between the age of their septic system and the 10 year timeframe, whichever is greater.

Carried.

Councillor Francis voting nay.

Report Number: S 60/2020
Clerk's File: SW/13662

Clerk's Note: The recommendation of the Standing Committee and Administration are **not the same**.

Subject: Recommendation of a Revised Local Improvement Policy and Initiation of Construction of a Sanitary Sewer and Private Drain Connections on Baseline Road from 7th Concession Road to 8th Concession Road as a Local Improvement under this new policy – City Wide

Reference:

Date to Council: 6/24/2020
Author: Stacey McGuire
Project Administrator
519-255-6100 ext 1734
smcguire@citywindsor.ca
Projects & Right-of-Way
Report Date: 3/27/2020
Clerk's File #: SW/13662

To: Mayor and Members of City Council

Recommendation:

- I. That Council **APPROVE** the update to the Corporate Policy titled “Local Improvement Policy Consolidation” as outlined in SCHEDULE A (attached).
- II. That Fees and Charges By-law 392/2002 **BE AMENDED** to include the additional fees as outlined in SCHEDULE B (attached) and that City Solicitor **BE DIRECTED** to prepare that amending by-law.
- III. That the following local improvement Council Resolutions CR292/2003, CR1215/85, CR1607/89, CR179/2005, M214-2010, CR8/2012, CR1406/95 and M39-2014 **BE RESCINDED**.
- IV. That Council Resolution CR4/2020 adopted by Council on January 6, 2020, previously approving the construction of sanitary sewer and private drain connections on Baseline Road from 7th Concession Road to 8th Concession Road, **BE RESCINDED**.
- V. That Council **APPROVE** the construction of a sanitary sewer and private drain connections on Baseline Road from 7th Concession Road to 8th Concession Road, as shown on attached Drawing C-3551 as a local improvement under the provisions of O. Reg. 586/06 under the Municipal Act, with repayment term not to exceed 20 years at an interest rate deemed appropriate by Administration, and that Notice of Intention to pass Local Improvement Charges By-Law **BE GIVEN** to the public and affected owners, including the intention to apply to the Local Planning Appeal Tribunal under section 8 of O. Reg. 586/06 for approval to

undertake the work as a local improvement, in accordance with the attached report of the City Engineer.

- VI. That 30 days after giving Notice of Intention to Pass a Local Improvement By-law, Council **PASS** a By-law for the construction of sanitary sewer and private drain connections on Baseline Road from 7th Concession Road to 8th Concession Road as a local improvement in accordance with Section 5 of O. Reg. 586/06, unless any affected owner files an objection with the Clerk to the work being undertaking as a local improvement.
- VII. That the net City costs of approximately \$605,508 **BE FUNDED** from Project # 7159000 Local Improvement Sanitary Sewer.
- VIII. That Property Standards By-law 9-2019 **BE AMENDED** by inserting “, or such time period as may be approved by Council,” after the words “...the property owner will have one (1) year” in Schedule A, section 1.21, and that City Solicitor **BE DIRECTED** to prepare the amending by-law.
- IX. That Council **APPROVE** a three year extension starting after the sanitary sewer becomes available as a result of the sanitary sewer local improvement works on Baseline Road, for compliance with the Property Standards By-law 9-2019, Schedule A, section 1.21, by the property owners of lands municipally known as 3149, 3530, 3716 and 3965 Baseline Road.
- X. That Council **APPROVE** as a local improvement works on private property under the provisions of Part III of O. Reg. 586/06 under the Municipal Act, for the decommissioning of septic systems and construction of sanitary private drain connections on private property, to be completed by the property owners. This applies to the properties abutting Baseline Road from 7th Concession Road to 8th Concession Road when property owners request and consent to this work and that Notice of Intention to pass Local Improvement Charges By-law **BE GIVEN** to the public and affected owners in accordance with section 36.6 of O. Reg. 586/06.
- XI. That for local improvement works on private property, the Chief Administration Officer and City Clerk **BE AUTHORIZED** to sign agreements, not to exceed 20 years, with property owners that consent to their lots being specially charged to raise the cost of the work related to decommissioning of septic systems and construction of sanitary private drain connections on private property abutting Baseline Road from 7th Concession Road to 8th Concession Road which agreement shall be satisfactory in form to the City Solicitor, in technical content to the City Engineer and in financial content to the City Treasurer.
- XII. That for local improvement works on private property, Council **BE AUTHORIZED** to pass by-laws as required for the decommissioning of septic systems and construction of sanitary private drain connections on private property abutting Baseline Road from 7th Concession Road to 8th Concession Road as a local improvement in accordance with Part III of O. Reg. 586/06 under the Municipal Act; and at an interest rate deemed appropriate by Administration.

Executive Summary:

On January 6, 2020, Council passed Council Resolution CR4/2020 which approved construction of a sanitary sewer and private drain connections on Baseline Road from 7th Concession Road to 8th Concession Road. This was the first local improvement to be processed under a local improvement policy update passed in November of 2019 (the 2019 Policy).

Five (5) objections were received by the objection deadline under O. Reg. 586/06. An additional written objection as well as a petition signed by owners of twenty-four (24) properties on Baseline Road were received after the deadline. The majority of the objections to the project concerned the costs of paying for the sanitary sewer and private drain connections within the public right-of-way in addition to the cost of septic sewer changeover. The objections received prompted Administration to consider the impacts of the 2019 Policy on this project and to explore ways to address the objections received.

The 2019 Local Improvement Policy was reviewed and substantially amended. The proposed amended local improvement policy is attached as Schedule "A" and a detailed explanation of the changes is included in the Discussion section of this report.

Baseline Road has been identified by Administration as being a priority for construction of a sanitary sewer for the following reasons:

- No existing sanitary sewer
- High level of benefit from an environmental standpoint due to number of septic systems that can be decommissioned following the work
- Suitable outlet exists without the need to oversize sewers
- Construction of a sanitary sewer on Baseline Road may provide development opportunities through property severances and/or development of vacant lots, which may in turn add tax revenue to the City
- The environmental benefit to the Baseline Municipal Drain abutting the properties in question

Administration reviewed options to address property owner concerns. The following recommendations by Administration are being offered for Council's consideration:

- Three (3) year extension to Property Standards by-law 9-2019, Schedule A, section 1.21 which states that a property must connect to a municipal sewer within one (1) year from the date that the sewer becomes available, for properties with new septic systems. This would apply to all four (4) of the property owners with existing permits for septic systems upgrades.
- Revisions to the Local Improvement Policy which would decrease the per metre frontage costs assessed to property owners. For property owners, this will lower the overall per linear metre frontage assessment cost of the local improvement from \$450.81 to \$244.21. The City would absorb the additional costs associated with this change.

- Option for a private Local Improvement for septic system changeover on private property. This approach may provide attractive interest rates and borrowing terms for homeowners while reducing their up-front capital costs related to septic system changeovers on private property.

The total estimated cost of the Baseline sanitary sewer project including watermain reconstruction, design and contract administration is \$2,722,368 of which \$779,360 is estimated to be fully recovered from the benefitting property owners and \$1,337,500 will be recovered from EnWin – Water. The remaining net cost to the City is \$605,508 and is proposed to be funded under the Local Improvement Sanitary Sewer Project (ID# 7159000) which is currently in a surplus position with funds available to undertake this work. Funding to homeowners for the private local improvement would come from the City's current working capital. In essence, a loan will be provided to the homeowner, repayable in accordance with the proposed terms and conditions.

Administration recommends approval of the recommendations of this report. This will include cancellation of the local improvement approved by CR4/2020 and approval of a new Baseline Road local improvement under the new local improvement policy. The proposed local improvement policy changes and proposed local improvement process related to private infrastructure on private property will provide financial assistance to the abutting property owners to address objections raised.

Background:

Local Improvement Policy

At its meeting of November 18, 2019, Council passed Council Resolution CR554/2019, which approved updates to the Corporate Policy Library, including the policy entitled “Local Improvement Policy Consolidation” (the 2019 Policy).

The 2019 Policy, part 1.1 Sewers states where:

- A storm and/or sanitary sewer does not exist; and
- Abutting property owners have requested in writing a storm and/or sanitary sewer be installed as a local improvement; or
- The City initiates the installation of a storm and/or sanitary sewer as a local improvement.

The abutting property owners will be assessed for:

- The **full cost**, per metre, for the construction of a sanitary sewer and/or a storm sewer along the property frontage;
- Any additional required services (e.g. curb and gutter, PDC, etc.) and restoration related to the original request

The City will pay:

- The remainder of the cost of sewers at intersections and road drainage;

- Seventy-five percent (75%) of the cost of the storm sewers for the first 45.72 meters (150 feet) of lot flankage;
- Any additional costs of the work

Prior to the 2019 Policy, under Council Resolution CR292/2003, a uniform flat rate of \$140.00 per metre of frontage was used on all petitions prepared for the construction of a sanitary sewer when only one sewer is being constructed. This rate has not changed since 2003.

The 2019 Policy considered the following Council resolutions that existed regarding local improvements and the correlated cost sharing policies:

- CR292/2003 – Local improvement act - Storm and sanitary sewer policy
- CR1215/85 – Cost sharing policy setting forth special assessments for pavements and sidewalks constructed under the provisions of the local improvement act
- CR1607/89 – Policy for assessment of costs for streetlighting constructed as local improvements
- CR179/2005 – Local Improvement Policy – Cost Assessments – Rehabilitation of Deteriorated Roads
- M214-2010 – Sidewalks fully subsidized by the Corporation on Transit Windsor Routes
- CR8/2012 – Policy for rehabilitation of badly deteriorated rural roads where the majority of abutting properties are side lot properties.
- CR628/1992 – Provision of local municipal services expanded to include the South Windsor and Roseland Planning Districts
- CR621/1980 – Local improvement act – policy for petitions in planned development districts
- CR1406/95 – Ornamental streetlighting under local improvement act
- M39-2014 – Local roads within 2000ft of a proper storm outlet to be considered for Road Rehab Capital Budget only after they have exhausted the local improvements process

Municipal Sanitary Local Improvement on Baseline Road

On January 6, 2020, Council passed Council Resolution CR4/2020 which approved construction of a sanitary sewer and private drain connections on Baseline Road from 7th Concession Road to 8th Concession Road under the 2019 Policy. This was the first local improvement processed under the 2019 Policy.

Notices were mailed to affected property owners on January 13, 2020 advising them of the City's intention to proceed with the local improvement and notice was advertised in

the Windsor Star on Saturday, January 18, 2020. The notices included a list of lots to be specially charged and the estimated cost per linear metre frontage and for private drain connections. Property owners were given the option to pay these costs annually over a period of ten (10) years. Interest at prescribed rates would apply to the overall cost and the annual payment would be made through a charge added to the final property tax bill.

In accordance with O. Reg. 586/06, property owners have thirty (30) days from the date the notice is sent to submit to the City Clerk an objection in writing to the work being undertaken as a local improvement. The deadline for objections was Tuesday, February 18, 2020. Five (5) objections were received by the deadline with an additional objection received Wednesday, February 19, 2020. Additionally, on March 11, 2020, a petition was filed with the clerk signed by owners of twenty-four (24) properties on Baseline Road. This petition was not checked for sufficiency but was considered in the writing of this report.

The majority of the objections to the project concerned the costs of paying for the sanitary sewer and private drain connections within the public right-of-way in addition to the cost of septic sewer changeover.

Extension of Repayment Terms to 20 Years

On April 27, 2020, Council received a report from the City Engineer in response to CQ3-2020 "Extended Payment Terms for Drainage/Local Improvement Assessments". As a result, Council passed CR136/2020 that states, "That a 20-year payment option for property owners to repay special charges for drainage and local improvements BE IMPLEMENTED at interest rates deemed appropriate by administration."

Discussion:

The objections received from the residents on Baseline Road prompted Administration to consider the impacts of the 2019 Policy on this project and to explore ways to address the objections received. The following sections consider the resulting proposed changes to the 2019 Policy, suggested next steps for the Baseline Road municipal sanitary local improvement and a new option for a private local improvement.

Local Improvement Policy

As discussed above, the 2019 Policy has undergone review and revision in response to concerns raised by homeowners. Further Administration took the opportunity to review the policy as a whole to address various inconsistencies and provided additional clarity. The proposed policy is attached as Schedule "A" with the major revisions summarised as follows:

Sewers:

- The per meter frontage cost to install a new storm or sanitary sewers charged to residents will be based on cost to install a 300 mm and 250 mm diameter pipe

respectively, and not the actual pipe size which may be greater. These pipe sizes are the minimum used by the City, and avoid overcharging residents at the downstream end of a system. Furthermore, restoration of the mainline sewer trench is assumed to **exclude** hard surface restoration (e.g. road pavement, sidewalks and driveways). These changes were made to ensure that all residents were charged an equitable amount. This per meter frontage cost will be added to the City's Fees and Charges By-law.

Pavements:

- Clarified the section refers to unpaved roads.
- Clarified that improvements to flankage roads may be undertaken under the general rate at the City's option.

Sidewalks:

- Added cost of restoration to the City's portion of a sidewalk local improvement constructed on a transit route, or those meeting the condition of the Pedestrian Generator Policy.
- Removed reference to collector or arterial roads, as these sidewalks are generally constructed by the City as part of rehabilitations and improvements.

Streetlighting

- Removed reference to streetlighting along flankage roads as this infrastructure is generally constructed by the City as part of rehabilitations and improvements.

The existing local improvement resolutions CR292/2003, CR1215/85, CR1607/89, CR179/2005, M214-2010, CR8/2012, CR1406/95 and M39-2014 may now be rescinded as each has been reviewed and considered as part of the proposed new policy consolidation. CR628/1992 and CR621/1980 will remain in effect as they deal with full municipal services in specific development areas.

Municipal Sanitary Local Improvement on Baseline Road

Construction of sanitary sewers on roadways where residents and businesses are utilizing septic tanks has been a long-standing goal of the province and the City. Septic tanks cause environmental contamination to watercourses by delivering health-endangering contaminants, including bacteria, viruses, parasites and nitrate, through overflows to storm systems. In this case, the storm system servicing Baseline Road is the Baseline Municipal Drain located south of and adjacent to the properties on the south side of Baseline Road.

Baseline Road from 7th Concession Road to 8th Concession road has been identified by Administration as being a priority for construction of a sanitary sewer for a number of reasons:

- There is no sanitary sewer on Baseline Road.
- Proximity of Baseline Municipal Drain
- Construction of a sanitary sewer will result in the elimination of septic systems from approximately 65 properties. This represents a high level of benefit from an environmental standpoint.
- A deep, 975mm diameter reinforced concrete trunk sewer is available on 8th Concession Road which can provide a convenient outlet for the proposed sewer. No sewers need to be oversized or extended outside the footprint of the subject block of Baseline Road for this project.
- Zoning By-law 8600 prohibits the erection of a building on a lot unless a paved street, municipal storm water outlet, municipal sanitary sewer, municipal electrical service and municipal water service are available. As such, any property fronting on Baseline Road or fronting on County Road 42 with rear property line adjacent to Baseline cannot develop further unless these municipal services are available. Construction of a sanitary sewer on Baseline Road may provide development opportunities through property severances and/or development of vacant lots.

The City of Windsor's Property Standards By-law 9-2019 states that all sewage shall be discharged directly into a municipal sewage system where one is available. Further, a property shall be deemed to be serviced by an available City sewer system if the sewer system is within 30.0 metres of any said property abutting municipal rights-of-way.

Property owners fronting on County Road 42 with rear lot frontage on Baseline Road were included in the list of assessable properties since they will have access to and will be required under by-law 9-2019 connect to the proposed sewer on Baseline Road. There are currently no plans in the approved 8 year capital budget to extend a sanitary sewer on County Road 42 between 7th Concession Road and 8th Concession Road.

In response to property owner objections, Administration reviewed options to address this. The following recommendations by Administration are being offered for Council's consideration:

- **Three (3) Year extension for Properties with New Septic Systems**

Property Standards By-law 9-2019 states that in the event a City sewer system becomes available, the property owner will have one (1) year to connect to the available sewer and decommission the private sewer system. A search of permit records found that four (4) properties have replaced their septic systems between 2008 and 2018 with new Class 4 leaching bed systems as recommended in the Ontario Building Code. These properties are 3149, 3530, 3716 and 3965 Baseline Road. No additional properties have been issued permits by the City to replace their septic systems.

Administration recommends offering a three (3) year extension to connect to the proposed sewer on Baseline Road after the sewer becomes available to the four homes listed above in recognition of the cost incurred to replace their septic system in recent years. This recommendation is in keeping with a similar extension granted

to properties with septic systems less than 10 years old along 8th Concession Road at the time the 8th Concession trunk sanitary sewer was constructed under Infrastructure Stimulus Funding. If Council agrees with this recommendation, By-law 9-2019 would need to be amended accordingly.

- **Rewards to the Local Improvement Policy Payments**

The Baseline Road local improvement was reviewed under the old and new policies to determine the impact of the 2019 Policy changes on this project. Under the policy in place prior to the 2019 Policy, a rate of \$140 per metre frontage was used to assess the abutting properties, plus the cost of private drain connections. This rate was established in 2003 under CR292/2003 and is no longer sufficient to cover the cost of mainline sewer construction due to increases in the cost of materials and labour. Under the 2019 Policy, in lieu of a rate, abutting property owners were to be assessed the actual cost of the work, including full restoration and private drain connections, less the cost to the City for intersections and road drainage.

Administration is recommending a new \$210 flat rate be added to the City's Fees and Charges By-law for sanitary sewer construction, which more accurately reflects current mainline sewer construction costs for a 250mm sanitary mainline sewer, including restoration by topsoil and grass only (excludes hard surface removal and replacement). Under the proposed changes to the 2019 Policy, abutting residents will be charged this flat rate plus the cost of boulevard restoration (topsoil and sod only up to 2m from the pavement edge) and the full cost of private drain connections.

The City will review the new rates included in the City's Fees and Charges By-law annually and amend accordingly based on inflation and changes in construction pricing. This will ensure a reasonable change in rate annually rather than a drastic increase in costing going forward.

To further address the residents' objections, this report recommends cancelling the previously circulated local improvement approved by CR4/2020 under the 2019 Policy. The new recommendation is to proceed under the revised policy set out in this report. For property owners, this will lower the overall per linear metre frontage assessment cost of the local improvement from \$450.81 under the 2019 Policy to \$244.21 (includes boulevard restoration). The City would absorb the additional costs (a net cost increase from \$113,508 under the 2019 Policy to \$605,508 under this proposed policy) associated with this change. This will impact the number of projects that can be completed in a given year based on available funding.

- **Private Local Improvement for Septic System changeover on Private Property**

Property owners have expressed concern with the cost of the work required on private property to connect to the proposed sewer once it is available. This work will involve, in some cases, internal plumbing changes, new private drain connections on private property and decommissioning of the septic system.

In accordance with Schedule A, section 1.23 of Property Standards by-law 9-2019, in order to decommission, septic tanks, treatment units, leaching beds or dry wells, they shall be pumped dry and the contents disposed of at a suitable disposal site and a receipt of the disposal fee shall be submitted to the Officer. The tanks, treatment units or dry wells shall be disposed of to the satisfaction of the Officer, cavities shall be filled with sand or other suitable material and the ground graded to match existing grades. Existing building drain(s) not being reused shall be removed from the foundation wall and the foundation wall shall be repaired and made impervious to water.

Given the depth of the lots on Baseline as well as the location of the majority of septic systems in the rear yard, the costs associated with the above may be higher than for conventional subdivision lots.

Part III of O. Reg. 586/06 allows a property owner to raise the cost of undertaking works as local improvements on private property by requesting that the municipality impose special charges on the lots of consenting property owners upon which all or part of the works are or will be located. This allows 100 % of the cost of the work on private property to be assessed to the property owner and the costs to be paid over a repayment period similar to the municipal local improvement charges.

This approach may provide more attractive interest rates and borrowing terms for homeowners than they would otherwise be able to obtain. The upfront capital costs to the property owners will be spread out over time, however, the total cost will increase with the addition of interest charges. The City would facilitate the collection of annual payments from the homeowners by way of a charge which is added to the final property tax bill. The charge would be supported through a local improvement charges by-law and agreements with the consenting property owners.

To date the City has not undertaken local improvements related to private infrastructure on private property. In the event that Council approves the recommendation to proceed with the private local improvement, only those properties that specifically request this and consent to be included in the private local improvement will be included. Those not wishing to be included will be required in accordance with Property Standards by-law 9-2019 to apply for a permit for septic system changeover within one (1) year of receiving notice from the City that the sanitary mainline sewer is available. The property owners involved in the private local improvement will have the same timelines to complete the work, however repayment will be in accordance with the private local improvement charges process.

Administration suggests the process below for the private local improvement.

Proposed Process for Private Local Improvement Infrastructure on Private Property

- Any property owner who would be required to connect to the proposed sanitary sewer on Baseline Road from 7th Concession Road to 8th Concession Road

would have the option to enter into an agreement with the City to raise the cost of undertaking the decommissioning of their septic system and construction of sanitary private drain connection on private property and request that the costs be recovered by imposing special charges on their lot(s). Such an owner could submit a request which must include:

- Municipal address and roll number of the property
- Legal name of the owner(s) of the property
- A statement that the owner consents to their lot(s) being specially charged
- A copy of an estimate from a contractor to undertake the works
- If the lot is intended to be subdivided, the proposed method of apportioning special charges among the proposed new lots
- The City would prepare an agreement with the consenting property owners to raise all of the costs of the work.
- The agreement would include:
 - The estimated cost of the work based on the quote provided by the property owner
 - The estimated lifetime of the work
 - The amount of special charges for each lot to be specially charged
 - The manner in which cost over run or under run is to be dealt with, if the actual cost of the work differs from the estimated cost of the work
 - When the special charges for the lot are to be paid
- The property owner(s) would be specially charged for 100% of the actual cost of the work plus the City's cost of advertising, giving notices and interest on borrowing.
- The property owner(s) would be required to sign the agreement
- The City Clerk would determine the sufficiency of the agreement and certifies the same
- A person who has signed an agreement may withdraw his or her name from the agreement by filing a written withdrawal with the clerk before the clerk has certified the sufficiency of the agreement, but not after.
- The City would pass a by-law to undertake the works as a local improvement and give notice to the public of its intention to pass the by-law.
- Once the work has been completed, the property owner would supply the City with the final invoice from the contractor.
- The City would prepare a local improvement roll in accordance with section 36.10 of O. Reg. 586/06 and give notice of the local improvement roll to the owners to be specially charged.
- The City Treasurer would certify the local improvement roll and the City would pass a special charges by-law in accordance with sections 36.11 and 36.14 of O. Reg. 586/06 respectively.
- The City would then pay the contractor directly and the special charges would be put on the property owner's taxes over the approved number of years (not to exceed 20 years). Annual charges would include an amount for interest at a rate that is considered appropriate.

- At any time during the required repayment term, the property owner may request a payout value. This value would reflect all remaining amounts to be paid in regards to the principal and any interest amount outstanding.

This report recommends cancelling of the local improvement as approved by CR4/2020 and approval of a new local improvement incorporating the considerations outlined above. This would effectively restart the local improvement process, including new notices to the affected property owners and a new objection period. It remains Administration's recommendation that the City apply to LPAT for approval to undertake this work as a local improvement.

If within thirty (30) days of the new notices with respect to the construction of sanitary sewers are given, and no objections to the work being undertaken are filed under section 8 of O. Reg. 586/06, the municipality will be deemed to have received LPAT's approval. If any objection with the reasons in support of it is filed with the Clerk, the Clerk will forward all objections to the Tribunal, together with the application as soon as is reasonably possible for a hearing.

It should be noted that any **property owner who has previously filed an objection** based on CR4/2020 and wishes for their objection to remain despite the City's efforts to mitigate objections, **must submit a new objection** by email, mail or in person, within the objection window prescribed under the new notice. Previous objections will not automatically be counted as the previous local improvement approved under CR4/2020 will be cancelled. Only objections received by the City clerk within the objection window will be considered at any LPAT hearing on this matter.

Extension of Repayment Terms to 20 Years

Current practice for the City's local improvement program is to offer owners the option of paying the assessed charges in a single payment within thirty (30) days of receipt of an invoice or to add the charges to the owner's property taxes in ten (10) equal annual installments with interest calculated at the stated Infrastructure Ontario borrowing rate + 0.5% per annum. Going forward in accordance with CR 136/2020 Administration will examine how interest rates are set to ensure it is equitable and appropriately addresses the added risk to the Corporation of the extended term.

Administration is recommending a period of ten (10) years be offered with the option to extend the period in an amount not to exceed twenty (20) years total for both the municipal mainline sanitary local improvement as well as the private local improvement in keeping with the recent council approval for this in CR136/2020 and CR138/2020.

Risk Analysis:

Local Improvement Policy

The proposed changes to 2019 Policy will result in an increased cost to the City. This will impact the number of projects that can be completed in a given year based on available funding. To manage this risk, Administration will prioritize and schedule the projects based on need and benefit versus cost.

Municipal Sanitary Local Improvement on Baseline Road

Local improvement work is consistent with the requirements set forth by O. Reg. 586/06 under the Municipal Act. As such, associated risks to the Corporation are considered minimal.

Construction of a sanitary sewer on Baseline Road from 7th Concession Road to 8th Concession Road will result in the elimination of septic systems from approximately 65 properties with a mix of residential, commercial and manufacturing uses. Septic tanks contribute to water quality issues within the City's watershed and ecosystem through the release of health endangering contaminants by infiltration and overflows to the storm sewers and ditch system. Should this project not proceed, the subject properties will continue to use septic systems and property owners will incur additional costs as aging systems are replaced by the owners. Furthermore, the existing septic systems that are not replaced will continue to age and increase the potential for contamination of the City's storm system.

Local Improvement for Septic System changeover of Private Property

As the City has never before processed a local improvement on private property under Part III of O. Reg. 586/06, should Council choose to proceed with the recommendations of this report, a precedent may be set which would allow future projects of this nature to proceed accordingly. The Engineering Department is currently reviewing eight (8) similar sanitary local improvement projects for consideration over the next seven (7) years. As such, there is a financial risk in terms of funding and cash flow related to these private local improvements.

Extension of Repayment Terms to 20 Years

There are a number of financial impacts associated with the extension of a repayment period longer than ten (10) years. This would include such items as assessing the impact to City funding, the impact on available cash flows, and costs associated with the administration of the program, etc. The portion which remains to be funded, over time, by the taxpayer is in essence a loan with the City becoming the financing authority on a long-term basis.

In terms of cash flow, in today's economic environment wherein interest rates are very low and affordable, it would be advantageous for a property owner to accept and maintain a 20-year repayable loan from the City. In contrast, where interest rates are initially higher and then fall over the repayment period, a property owner can choose a payout based upon the remaining balance outstanding. The same does not hold true for the city, as interest rates rise over the 20-year period, the City would be essentially forgoing interest revenue until the full balance owing is collected. In order to address this risk and to be consistent with Council's direction, interest rates will be set going forward at the discretion of Administration with appropriate consideration to an appropriate risk premium to address the long term nature of the local improvement repayment.

Under the current policy, property owners are provided with the choice to pay their share of the cost in full. Those property owners who require financial assistance with the full payment can choose to access alternative financing through various lending institutions which would likely have provisions for longer-term repayment periods and attractive interest rates.

Financial Matters:

Local Improvement Policy Consolidation Change

It is proposed that all local improvements approved in a given year continue to be funded through the appropriate local improvement project based on funding availability. The proposed policy changes being recommended will result in an increased proportion of costs being borne by the City as compared to the 2019 Policy while providing a more accurate and fair assessment of local costs to abutting property owners. Projects will be prioritized to maximize environmental benefits and will proceed based on approvals and available budget.

Municipal Sanitary Local Improvement on Baseline Road

EnWin – Water has plans to replace the existing watermain and service connections on Baseline Road. Combining this work with the local improvement project will create efficiencies in both projects. EnWin –Water will reimburse the City the full cost of the watermain portion of the work plus an administration fee for engineering and contract administration related to the watermain. This will partially offset the net cost to the City for the overall works.

The estimated costs to the City and abutting **lots for the municipal local improvement portion of the work on public right-of-way only** (watermain work excluded) are outlined in the attached Schedule 'C'. The abutting lots will be assessed the costs of the construction based on a rate per meter of frontage and a fixed rate per private drain connection.

The total estimated cost of this project including watermain reconstruction, design and contract administration is \$2,722,368 of which \$779,360 is estimated to be fully recovered from the benefitting property owners and \$1,337,500 will be recovered from EnWin – Water. Recoveries from EnWin - Water include a 7% administration fee. The remaining net cost to the City is \$605,508 as is detailed in the table below.

Description	Amount
EXPENSES	
Construction (Sanitary sewer, private drain connections, pavement and boulevard restoration and contingency)	\$1,153,000
Watermain Construction (EnWin – Water)	\$1,250,000
Engineering and Project Administration (15%)	\$172,950
Miscellaneous (survey, drafting, geotechnical investigation, inspection, non-recoverable HST)	\$146,418
Total Expenses	\$2,722,368
REVENUES	
Construction Cost Recoveries from EnWin - Water	\$1,250,000
Administration & Restoration Fees (EnWin – Water)	\$87,500
Property Assessment – Local Improvement Roll	\$779,360
Total Revenue	\$2,116,860
TOTAL NET CITY COST	\$605,508

The Local Improvement Sanitary Sewer Project (ID# 7159000) is currently in a surplus position with sufficient funds to fund this project.

Local Improvement on Private Property – Septic Changeover

There is no required funding source as it relates to the private local improvement. At the time that the homeowners completes the required works, the City would be required to pay the contractor from the City's working capital. A corresponding long-term loan would be set up from the property owner which would decline each year until such time as the full cost, inclusive of interest is repaid. Should all properties consent to participating in the private local improvement, approximately \$1M in additional funding would be required for this purpose. The City current has sufficient working capital to fund the estimated loan in full however should City Council extend the terms to other projects, the amount could initially be considered significant.

Consultations:

Legal Department - Wira Vendrasco

Finance Department - Janice Guthrie, Carrie McCrindle, Melissa Osborne

Engineering Department - Adam Mourad, Janelle Coombs, Jane He

Building Department – Rob Vani, Dan Lunardi

Conclusion:

The proposed local improvement policy changes provide a fair and equitable assessment of costs to abutting property owners as well as an opportunity to clarify various terms and application within the policy. Further, Administration is proposing a local improvement process related to private infrastructure on private property that will provide financial assistance to the abutting property owners to address objections raised.

The proposed local improvement on Baseline Road is recommended as it removes 58 residential properties from septic systems. It further addresses environmental issues within the adjacent Baseline Municipal Drain.

Planning Act Matters:

N/A

Approvals:

Name	Title
Fahd Mikhael	Manager of Design & Development
France Isabelle-Tunks	Senior Manager of Engineering and Deputy City Engineer
Mark Winterton	City Engineer
Shelby Askin Hager	City Solicitor and CLT member, Public Safety and Economic Development
Joe Mancina	Chief Financial Officer and City Treasurer
Onorio Colucci	Chief Administrative Officer

Notifications:

List to be sent directly to Clerks

Appendices:

- 1 Schedule A - Proposed Local Improvement Consolidation dated June 8, 2020
- 2 Schedule B - Additions to the 2020 User Fee Schedule
- 3 Drawing C-3551
- 4 Engineer's Report
- 5 Schedule C - Ontario Regulation 586/06 Local Improvement Special Charges - Cost Breakdown

THE CORPORATION OF THE CITY OF WINDSOR POLICY

Service Area:	Office of the City Engineer	Policy No.:	
Department:	Engineering	Approval Date:	
Division:	Design and Development	Approved By:	
		Effective Date:	IMMEDIATE
Subject:	Local Improvement Policy Consolidation	Procedure Ref.:	
Review Date:		Pages:	Replaces: CR1215/85, CR292/2003, CR179/2005, CR8/2012, M214-2010, CR1607/89, M39/2014
Prepared By:	Janelle Coombs/Adam Mourad		Date: June 8, 2020

1. PURPOSE

- 1.1 To present a cost-sharing policy setting forth special assessments for municipal infrastructure such as storm and sanitary sewers, street lighting, sidewalks, pavements, curbs and gutters and private drain connections constructed under the provisions of the Local Improvement Regulation, O. Reg. 586/06.
- 1.2 To address the situation where there are no sanitary or storm sewers in an existing neighbourhood of the City. Some areas of the City are still serviced by septic tanks with no sanitary sewers. Elimination of the remaining septic tanks within the City is considered a high priority to reduce environmental issues and improve water quality in the municipal drainage system and receiving water bodies.
- 1.3 To address streets that may have a sanitary sewer and roadside ditches, but no storm sewer. In order to close the roadside ditches, the ditches would need to be replaced with a storm sewer.
- 1.4 To consolidate and replace the following existing Council Resolutions regarding local improvements and the correlated cost sharing policies (Appendix A):
 - CR292/2003 - Storm and Sanitary Sewer Policy
 - CR1215/85 - Pavement and Sidewalk Cost-Sharing Policy
 - CR1607/89 - Cost-Sharing for Street Lighting
 - CR179/2005 - Cost-Sharing for Rehabilitation of Deteriorated Roads
 - M214-2010 - Pedestrian Generator Policy
 - CR8/2012 - Local Improvements of Majority Side Lot Properties Policy
 - CR1406/95 - Ornamental Street Lighting
 - M39-2014 - Road Rehabilitation of Rural Cross section roads not within 2000 feet of a storm outlet

- 1.5 To encourage the construction of municipal infrastructure where current municipal infrastructure is deficient.

2. **SCOPE**

This Policy applies to all roads and highways within the municipal boundaries of the City of Windsor. This policy does not apply to lands without any municipal infrastructure such as greenfield developments.

3. **DEFINITIONS**

- 3.1 **Approved Rate** – for the purpose of this policy, refers to the rate set out in the Fees and Charges By-law 392-2002 for a 250mm diameter sanitary sewer and a 300mm diameter storm sewer.
- 3.2 **Oversizing** – for the purpose of this policy, refers to any sewer larger than a 250mm diameter sanitary sewer and a 300mm diameter storm sewer
- 3.3 **Frontage** – the property line along or abutting the municipal roadway. On a corner lot, the frontage shall be considered to be the shorter of the property lines regardless of the direction the building on the property faces.
- 3.4 **Flankage** – for the purpose of this policy, refers to the longest dimension of the corner lot that abuts the local improvement, typically the full depth of the lot.
- 3.5 **Private Drain Connection** – for the purpose of this policy, refers to the sewer pipe length from the centre line of the right-of-way to the private property line.
- 3.6 **Boulevard Restoration** – for the purpose of this policy, means the installation of sod (or seed if approved) and topsoil up to a maximum of 2 metres from the back of curb or edge of pavement. Property owners will be assessed for the full frontage of the lot. Any additional restoration is to be paid by the City.

3.7 **GENERAL ASSESSMENTS**

- 3.7.1 All local improvements are subject to applicable fees for engineering, project administration, interest charges, and applicable taxes.
- 3.7.2 All existing approved local improvements will be governed by the policy in place at the time of their approval.

- 3.7.3** The costs for abutting property owners will be based on the assessable property frontage which excludes intersections and City owned properties.
- 3.7.4** Unless noted for lot flankage (side lot), all costs are assessed according to the property frontage (front or rear yard width) adjacent to the works.
- 3.7.5** In the case of irregular shaped lots, adjustments to the assessment are made on a case-by-case basis to mitigate over/under assessing an irregular lot.

4. POLICY

In accordance with the described purpose and scope, this policy specifies cost-sharing arrangements for the construction of storm and sanitary sewers, pavements, curbs and gutters, sidewalks, private drain connections and street lighting as local improvements, implemented under the provisions of Ontario Regulation 586/06, made under the Municipal Act, 2001.

4.1 SEWERS

Where:

- A storm and/or sanitary sewer does not exist; and
- Abutting property owners have requested in writing a storm and/or sanitary sewer be installed as a local improvement; or
- The City initiates the installation of a storm and/or sanitary sewer as a local improvement

The abutting property owners will be assessed for:

- The cost at the approved rate, per metre of frontage, of a new storm and/or sanitary sewer;
- The full cost for the construction of a private drain connection and cleanout extending from the centre line of the right-of-way to the property line of the benefiting property;
- 100% of the cost for boulevard restoration.

In addition, where flankage properties exist, those property owners will be assessed for:

- 25% of the approved rate, per metre of flankage, for the construction of a storm sewer and boulevard restoration for the first 45 metres of lot flankage;
- 100% of the cost for any remaining works over and above the first 45 metres of lot flankage, at the approved rate.

The City will pay:

- The remainder of the total cost of the work, as outlined in section 4.6.

4.2 PAVEMENTS

Where:

- Unpaved alleys or roads, including residential or local industrial roads, exist within the City right-of-way; and
- Abutting property owners have requested in writing these unpaved alleys and/or roads be paved; or
- The City initiates the installation of road pavement as a local improvement

The abutting property owners will be assessed for:

- 100% of the cost, per metre of frontage, for the construction of the road base and asphalt and/or concrete pavement up to 8.6 metres in width;
- 100% of the cost for the construction of curb and gutter, if applicable;
- 100% of the cost for boulevard restoration.

In addition, where flankage properties exist, those property owners will be assessed for:

- 25% of the cost, per metre of flankage, for construction of the road base and pavement for the first 45 metres of lot flankage;
- 25% of the cost for boulevard restoration for the first 45 metres of lot flankage;
- 100% of the cost for any remaining works over and above the first 45 metres of lot flankage.

The City will pay:

- The remainder of the total cost of the work, as outlined in section 4.6.

Pavements will be designed to such structural and geometric standards as the City Engineer determines to be appropriate, having regard for subsoil conditions, vehicular loads, and other relevant matters.

Residential pavements will be constructed to a minimum width of 8.6 metres measured face to face of curbs.

Where, at the City's option, a pavement is constructed of greater width or structural strength than is required, the City shall assume the cost of the additional work. In the case of residential streets, "a greater width" will mean in excess of 8.6 metres.

This policy applies only to pavements constructed on rights-of-way assumed by the City.

4.2.1 RURAL PAVED ROADS

For the rehabilitation of badly deteriorated rural paved roads where the majority of the abutting properties are side lot properties, the City may undertake the following:

- That where the percentage of side lot properties are greater than or equal to 50% of the total frontage for the street segment, reconstruct the roadway with or without the addition of curbs and gutters at no cost to the abutting residents (local improvements will not apply).
- That where this applies, proceed without the provisions of Ontario Regulation 586/06 for Local Improvements.

4.3 CURBS AND GUTTERS

Where:

- A paved road is currently without curbs and gutters; and,
- Pavement rehabilitation/reconstruction is to be undertaken by the City; and
- Abutting property owners have requested in writing curbs and gutters be installed; or
- The City initiates the installation of curbs and gutters as a local improvement in conjunction with a pavement rehabilitation project

The abutting property owners will be assessed for:

- 100% of the cost, per metre of frontage, for the construction of concrete curbs and gutters;
- 100% of the cost for boulevard restoration.

In addition, where flankage properties exist, those property owners will be assessed for:

- 25% of the cost, per metre of flankage, for the construction of concrete curbs and gutters and boulevard restoration for the first 45 metres of lot flankage;
- 100% of the cost for any remaining works over and above the first 45 metres of lot flankage.

The City will pay:

- The remainder of the total cost of the work, as outlined in section 4.6.

The curbs and gutters, and rehabilitated/reconstructed pavements will be of geometric design, as the City Engineer determines to be appropriate.

4.4 SIDEWALKS: RESIDENTIAL AND PEDESTRIAN GENERATOR POLICY

Where:

- A paved road is currently without sidewalks; and,
- Abutting property owners have requested in writing sidewalks be installed; or
- The City initiates the installation of sidewalks as a local improvement

The abutting property owners will be assessed for:

- 100% of the cost, per metre of frontage, for the construction of concrete sidewalks;
- 100% of the cost for boulevard restoration.

In addition, where flankage properties exist, those property owners will be assessed for:

- 25% of the cost, per metre of flankage, for the construction of sidewalks and boulevard restoration for the first 45 metres of lot flankage;
- 100% of the cost for any remaining works over and above the first 45 metres of lot flankage.

The City will pay:

- The remainder of the total cost of the work, as outlined in section 4.6.

New sidewalks will be constructed to meet the Accessibility for Ontarians with Disabilities Act (AODA) requirements, except where the safety of pedestrians warrants a greater width, or the City Engineer determines a greater width is necessary and/or desirable.

Where a residential sidewalk is constructed wider than the AODA standard, the abutting property owners will only be assessed for a standard AODA width sidewalk. The City will pay the balance of the cost in addition to the amounts set out above.

Where a sidewalk meets the conditions of the Pedestrian Generator Policy, the total cost of the sidewalk and boulevard restoration will be paid by the City.

Where a sidewalk is constructed on a transit route, the total cost of the sidewalk and boulevard restoration will be paid by the City.

4.5 STREET LIGHTING

Where:

- A municipal right-of-way is currently without street lighting; and,
- Abutting property owners have requested in writing street lighting be installed; or
- The City initiates the installation of street lights as a local improvement

The abutting property owners will be assessed for:

- 50% of the cost for standard street lighting;
- 50% of the cost for boulevard restoration.

In addition, where flankage properties exist, those property owners will be assessed for:

- 25% of the cost for street lighting and boulevard restoration along the first 45 metres of lot flankage;
- 100% of the cost of any remaining works over and above the first 45 metres of lot flankage.

The City will pay:

- The remainder of the total cost of the work, as outlined in section 4.6.

If ornamental street lighting is requested by the property owners, then the owners will be responsible for 100% of the cost difference between standard street lighting and ornamental street lighting.

4.6 CITY'S SHARE FOR LOCAL IMPROVEMENT WORK

For all local improvement work implemented under this policy, the City's share of the cost will consist of the following:

- The cost for the work at intersections;
- The cost for the work in front of city owned property and alleys;
- The cost related to road drainage;
- The cost of additional road width greater than 8.6 metres;

- The cost of oversizing sewers larger than the diameter set out in the approved rate;
- The remainder of the total cost that is not defined in the assessable local improvement work under this policy.

5. RESPONSIBILITY

5.1 The responsibilities of the City, City Council, the Committee of Revision, the City Engineer, the City Treasurer, the City Clerk, and the abutting property owners, are set out in the Municipal Act, 2001 - Ontario Regulation 586/06.

5.2 The responsibilities are as follows:

- 5.2.1** City Council may authorize the work be done as a local improvement by passing a Local Improvement Charges By-law for such work.
- 5.2.2** Once the local improvement work is completed, Council shall pass a Special Charges By-law to impose charges on abutting property owners.
- 5.2.3** The Committee of Revision shall hear objections to the local improvement roll and make decisions to finalize the Local Improvement Roll.
- 5.2.4** The City Engineer shall implement the work as a local improvement and follow the provisions of the O. Reg. 586/06.
- 5.2.5** The City Treasurer shall certify the Local Improvement Roll.
- 5.2.6** The City Clerk shall receive petitions for or against local improvement work, appeals to the assessment notice; and shall certify the sufficiency of such petitions.
- 5.2.7** The abutting property owners may petition for or against a local improvement work. After the Special Charges by-law is passed, the owners are obligated to pay their share of the local improvement charges by lump sum or through their property taxes over 10 years.
- 5.2.8** The Local Improvement Roll, or Record of Assessment, shall be maintained by the City Clerk office and City Treasurer.

6. GOVERNING RULES AND REGULATIONS

The Municipal Act, 2001 - Ontario Regulation 586/06 is the governing legislation.

7. RECORDS, FORMS AND ATTACHMENTS

7.1 The Local Improvement Roll, or Record of Assessment, shall be maintained by the City Clerk and City Treasurer. Local improvement booklets, which outline the local improvements generated in any given year and the statement of the work costs, are maintained by the Clerk's office and City Engineer's office.

7.2 The related forms include:
The petition form;
Notice of Local Improvement Charges By-law;
Notice of Local Improvement Special Charges By-law.

7.3 Appendix A:
Attachment A: CR292/2003
Attachment B: CR1215/85
Attachment C: CR1607/89
Attachment D: CR179/2005
Attachment E: M214-2010
Attachment F: CR8/2012
Attachment G: CR1406/95
Attachment H: M39-2014

LOCAL IMPROVEMENT ACT – STORM & SANITARY SEWER POLICY

CR292/2003

That **APPROVAL BE GIVEN** for the following policy for the assessment of costs of storm and sanitary sewers constructed as Local Improvements under the Municipal Act, 2001 - Ontario Regulation 119/03, to be effective immediately:

- (a) That as provided for by Section 9 of Regulation 119/03, a uniform flat rate of \$140.00 per metre of frontage be used on all petitions prepared for the construction of a sanitary sewer when only one sewer is being constructed.
- (b) That as provided for by Section 9 of Regulation 119/03, a uniform flat rate of \$99.00 per metre of frontage be used on all petitions prepared for the construction of a storm sewer when only one sewer is being constructed.
- (c) That in the event that both storm and sanitary sewers are constructed simultaneously on a street, that the above be modified so as to further reduce the rate chargeable for the storm sewer to \$72.00 per metre.
- (d) That in the event curbs and gutters and surface asphalt are constructed on a street following sewer construction, the City will absorb the following:
 - The remainder of the cost of intersections and drainage.
 - Seventy-five percent (75%) of the cost of the first 45.72 metres of lot flankage.
 - Fifty percent (50%) of the remainder of the net cost of the work.
- (e) That all outstanding Local Improvement Act sanitary sewer petitions that are returned sufficiently signed before June 1, 2003, be considered at the 2000 rates of \$130.00 per metre.
- (f) That this policy apply only to sewers constructed on assumed streets.
- (g) That as provided for by Section 15 of Regulation 119/03, 75% of the first 45.72 metres of lot flankage be borne on the general rate except in those cases where the property owner is connected only to the frontage sewer when it shall be 100% on the general rate.
- (h) That the cost of all private drain connections from the main sewer to the property line be charged to the benefiting property in accordance with Section 10(2) of Regulation 119/03.
- (i) That the above rates be evaluated within two (2) years from date of this Council Resolution.

and further, Council Resolution CR1095/2000 adopted by Council on October 16, 2000, establishing the present policy for the cost-sharing of sewers constructed under the Local Improvement Act **BE RESCINDED.**

That effective immediately the following cost-sharing policy setting forth special assessments for pavements and sidewalks constructed under the provisions of The Local Improvement Act BE APPROVED:

- A. (ii) Alley Pavements, or
- (iii) Pavements: Residential or Local Industrial - rights-of-way which are not served by full underground sewer services.

The City will absorb:

- (a) The cost of intersections and drainage
- (b) Fifty (50%) percent of the remainder of the total cost of the work
- (c) Seventy-five (75%) percent of the cost of the first 150 feet of the lot flankage

- B. Pavements: Residential and Local Industrial – on rights-of-way which are served by full underground sewer services.

The City will absorb:

- (a) The cost of intersections and drainage
- (b) Sixty-seven (67%) percent of the remainder of the total cost of the work
- (c) Seventy-five (75%) of the cost of the first 150 feet of the lot flankage

- C. (a) Pavements will have such structural and geometric design as the Commissioner of Works shall determine to be appropriate, having regard to subsoil conditions, vehicular loads, and other relevant matters.

(b) Residential pavements will be constructed to a minimum width of 28 feet measured face-to-face of curbs, and shall have top soil and seed or sod placed on unpaved portions of the boulevard between the curb and sidewalk (or where no sidewalks exist, a point in the boulevard determined by the Commissioner of Works).

(c) Where, at the City's option, a pavement is constructed of greater width or structural strength than is required for the abutting properties the City shall assume the cost of the additional work. In the case of residential streets, "a greater width" will mean in excess of 28 feet.

(d) That this policy apply only to pavements constructed on assumed street rights-of-way.

- D. Sidewalks: Residential and School Approach

- 1. In the residential areas, sidewalks will be 4 ft. wide, except where the safety of pedestrians warrants a greater width.

2. Where a 4-ft. wide residential sidewalk is constructed, the City will absorb:
 - (a) The cost of the walk at intersections.
 - (b) Seventy-five (75%) percent of the cost of the first 150 feet of lot flankage.
 - (c) Twenty-five (25%) percent of the remainder of the total cost of the work.
3. Where a residential sidewalk is constructed wider than 4 ft. for pedestrian safety, the abutting property owners will be assessed for only a 4-ft. wide walk. The City will absorb the balance of the cost in addition to the amounts set out in 2(a) and 2(b) above.
4. Where a sidewalk:
 - Is required to serve more than the abutting properties or is required on a school approach street;
 - Is required for the safety of children in the community travelling to and from school;
 - Is requested or endorsed by a School Board; and
 - Where it would be inequitable to charge the full cost of the walk to the abutting property owners;The sidewalk will be termed a 'school approach sidewalk' and the total cost therefore will be paid by the City.

And further, that Council Resolution 94/68 adopted on January 22, 1968, and that Council Resolution 305/73 adopted on April 9, 1973 setting forth a policy in respect of such Local Improvements BE RESCINDED.

SCHEDULE "B"
TO
COUNCIL MINUTES

1215
/jr
November 27, 1989

C/Wks
C/Fin

1607/89 That the policy regarding the provision of lighting under the Local Improvement Act as set forth in Council Resolution 982/82 adopted on August 16, 1982 **BE AMENDED** in Clause C(1) to read as follows:

C. Costs

1. Local and Minor Collector Streets - (Types I, II, III)

(c) Street lighting as defined above shall be installed on existing unlit local and minor collector streets under the provisions of the Local Improvement Act wherein the cost of:

- (i) Lighting of intersections with standard lighting;
- (ii) Fifty percent (50%) of the remaining cost of standard lighting;
- (iii) Seventy-Five percent (75%) of the first 45.72 metres of directly abutting lot flankage will be charged to the General Rate;

(iv) All remaining costs will be assessed to the benefitting owners;

(v) Note: Lighting of unlit flankage (side) streets may be installed outside the provisions of The Local Improvement Act only if the following conditions are present:

- (a) the flankage street is abutted by corner lots only;
- (b) the adjacent mainline local and minor collector streets are currently served by existing standard lighting in accordance to policy;

and further, that the cost of this flankage street **BE CHARGED** One Hundred (100%) to the General Rate.

SL/89 mq

1 City Council Agenda
Page 171 of 216

Carried.

Toth/Wilson

C/Wks
C/Sol

1608/89 That the actions of the Landfill #3 Advisory Committee to ban industrially and commercially generated potentially recyclable old corrugated cardboard, that is not municipally collected, effective January 1, 1990 **BE ENDORSED** and the Commissioner of Works **BE AUTHORIZED** to limit the collection of old corrugated cardboard to those commercial and industrial businesses that presently receive collection services by the City forces and at the same time urge those businesses to take all necessary steps to reduce the quantities of old corrugated cardboard through recycling; and that the City Solicitor **BE REQUESTED** to prepare the necessary by-law for this purpose.

SWL-L/89 mq

2

Carried.

Toth/Wilson

C/Wks
C/Sol

1609/89 That a ban of industrially and commercially generated potentially recyclable old corrugated cardboard, that is not municipally collected from being disposed of at the City's Transfer Station **BE IMPLEMENTED** effective January 1, 1990 and that the City Solicitor **BE REQUESTED** to prepare the necessary by-law for this purpose.

Carried.

SWL-L/89 mq

2

THE CORPORATION OF THE CITY OF WINDSOR POLICY

Manual:	Public Works	Policy #:	PW.A1.05
Section:	Engineering	Approval Date:	March 29, 2005
Department:	Engineering and Corporate Projects	Effective Date:	March 29, 2005
		Approved By:	CR179/2005
Subject:	Local Improvement Policy – Cost	Pages:	
	Assessments – Rehabilitation of Deteriorated Roads		Replaces:
			Date:

1.0 POLICY

1.1 In accordance with the described purpose and scope of this policy, the policy specifies cost-sharing arrangements in cases where rehabilitation and reconstruction roadwork has been undertaken, and where abutting property owners have requested curbs and gutters be installed or rehabilitated during the same project.

1.1.1 The abutting property owners will be assessed for:

- the cost of curbs and gutters and boulevard restoration

The City will absorb:

- the cost of intersections not attributable to lot frontage;
- seventy-five percent (75%) of the cost of the first 45.72 meters of lot frontage;
- the cost of drainage;
- the cost of rehabilitating or reconstructing the existing deteriorated pavement;
- The curbs and gutters, and rehabilitated or reconstructed pavements will be of geometric design, as the City Engineer should determine to be appropriate.

2.0. DEFINITIONS

2.1 The definition of “deteriorated” will be as defined by the City’s Road Condition Rating System.

2.2 Section 1(1) of Ontario Regulation 119/03 defines the terminology used throughout the Regulation.

3.0. PURPOSE

3.1 The goal of the policy is to address a deficiency in the current local improvement policies with respect to deteriorated pavements without curbs and gutters, to encourage the construction of curbs and gutters and boulevard restoration at the abutting owners’ expense, while the deteriorated pavement is being rehabilitated or reconstructed by the City at its cost.

3.2 There are two policies in place for the reconstruction of pavements in established neighbourhoods as Local Improvements:

- CR292/2003 (**Attachment A**) establishes the policy for the assessment of costs for construction of pavements following Local Improvement sewer construction, providing a favourable assessment rate to property owners to encourage the construction of pavements, including curbs and gutters.
- CR1215/85 (**Attachment B**) establishes the policy for the assessment of costs for the construction of pavements on rights-of-way serviced by full underground services and not serviced by full underground services. In both instances, the City absorbs the cost of intersections and drainage. In the instance of full underground services existing, the City will absorb sixty-seven percent (67%) of the remainder of the total cost of the work. In the instance of full underground services not existing, the City will absorb fifty percent (50%) of the remainder of the total cost of the work.

Neither of the above policies addresses the situation where a pavement does not have curbs and gutters and is deteriorated to the extent that it requires rehabilitation or reconstruction at the City's cost, and where abutting property owners, or the City, wish to construct curbs and gutters and boulevard restoration at the same time as the pavement rehabilitation or reconstruction.

4.0 SCOPE

- 4.1** This Policy applies to all roads and highways within the Municipal Boundaries of the Corporation of the City Of Windsor.
- 4.2** This policy describes the conditions for the undertaking of local improvements as described in sec 3.1 and how abutting property owners will be assessed for the cost of the curbs and gutters and boulevard restoration.
- 4.3** This policy is for the assessment of costs for the construction of curbs and gutters and boulevard restoration on pavements which are (i) presently without curbs and gutters and (ii) deteriorated to the extent that they require rehabilitation or reconstruction, to be undertaken as Local Improvements under the *Municipal Act, 2001-Ontario Regulation 119/03*:
 - (a) That this policy applies only to curbs and gutters constructed on assumed streets.
 - (b) That this policy applies only to streets presently serviced by either (i) separated storm and sanitary sewers, or (ii) combined sewers.

5. RESPONSIBILITY

- 5.1** The responsibilities of the City, through City Council, the Court of Revision, the City Engineer, the City Treasurer, the City Clerk and the abutting property owners are enunciated in the Municipal Act, 2001-Ontario Regulation 119/03.
- 5.2** The local improvement role, or record of assessment, shall be maintained by the City Treasurer.

6. GOVERNING RULES AND REGULATIONS

6.1 The Municipal Act, 2001-Ontario Regulation 119/03 is the governing Regulation.

- Section 1(2) of Regulation 119/03 provides that the City may construct curbs and gutters and boulevard restoration as a local improvement.
- Section 9(1) of Regulation 119/03 provides that the City may specially assess property owners (a) abutting directly on the work according to the extent of their respective frontages by imposing an equal special charge per meter frontage, and (b) not abutting on the work but immediately benefiting by it to the extent of their respective frontages by imposing an equal special charge per meter frontage.
- Section 12(a) of Regulation 119/03 provides that the City pay the cost of drainage of a pavement.
- Section 12(b) of Regulation 119/03 provides that the City pay the cost of intersections.

The Municipal Act, 2001-Ontario Regulation 119/03 enunciates:

- The rules that apply for passing a local improvement charges by-law to undertake a proposed work.
- The required notice to be given before passing a local improvement charges by-law.
- How applications can be made to the Ontario Municipal Board to undertake a work as a local improvement.
- The requirement for and sufficiency of petitions for local improvement works.
- How local improvement costs are borne.
- The establishment and authority of a Court of Revision.
- The establishment of a local improvement role and how the role should be set out.
- Public Notices required before special local improvement charges are imposed.
- The rules that apply for passing a local improvement by-law to provide the amount to be specially charged property owners as set out in the local improvement role.

7. RECORDS, FORMS AND ATTACHMENTS

7.1 Attachment A: CR292/2003

Attachment B: CR1215/85

Moved by Councillor Marra, seconded by Councillor Postma,

M214-2010

WHEREAS: The use of the Local Improvement Policy is a mechanism for residents to petition City Council for local infrastructure improvements; and

WHEREAS: The Pedestrian Generator Policy is used by City Administration as it relates to assessing the need for the construction of sidewalks in any given neighbourhood; and

WHEREAS: From time to time, local improvement petitions will come from neighbourhoods that are residential in nature, and it is a designated Transit Windsor Route, and new sidewalks are required, the current policy requires that the residents of the subject neighbourhood are compelled to financially contribute towards the construction of the sidewalks; and

WHEREAS: When it comes to pedestrian and transit safety issues, the Corporation should be absorbing 100% of the costs for the construction of sidewalks;

THEREFORE BE IT RESOLVED THAT:

Administration proceed with amendments, effective immediately, to the Local Improvement Petition Policy and the Pedestrian Generator Policy in order to ensure that in these such circumstances, sidewalks deemed necessary by the City Engineer **BE CONSTRUCTED** and the cost will be fully subsidized by the Corporation's share of the infrastructure project.

Carried.

Councillor Hatfield was absent from the meeting when the votes was taken on this matter.

Local Improvement Candidate Roads with Majority Side Lot Properties Policy

CR8/2012 (Report No. 15678)

That **APPROVAL BE GIVEN** for the following policy for the rehabilitation of badly deteriorated rural roads where the majority of the abutting properties are side lot properties, to be effective immediately:

- a. That where the percentage of side lot properties is greater than or equal to 50% of the total frontage for the street segment, the City **BE AUTHORIZED** to reconstruct the roadway with or without the addition of curbs and gutters at no cost to the abutting residents.
- b. That where this policy applies, the City **BE AUTHORIZED** to proceed without the provisions of Ontario Regulation 586/06 for Local Improvement.
- c. That administration **BE AUTHORIZED** to prioritize the reconstruction of these roads based on their inclusion in the Capital Budget as required.

CR1406/95

The City of Windsor Street lighting Policy requires that installation of ornamental street lighting on local streets be by use of the Local Improvement Act with all costs over and above the cost for the installation of standard street lighting borne 100 percent by the directly abutting property owners. The 800 block of Monmouth Avenue has standard street lighting existing and, therefore, the costs to replace this lighting with ornamental lighting would be borne 100 percent by the abutting owners including all administrative and debenturing costs as no standard street lighting costs are applicable.

Moved by Councillor Valentinis, seconded by Councillor Payne,

M39-2014 That Report No. 155 of the Executive Committee of Council of its meeting

held November 25, 2013 regarding CQ36-2013 Road Rehab Protocol Revision **BE ADOPTED**

as presented.

Carried.

Report Number **16835** SW2014

Internal Distribution

Chief Administrative Officer

Chief Financial Officer & City Treasurer

Public Works [Mario Sonego, City Engineer]

External Distribution

Claire Lauzon	3165 Parkwood Avenue Windsor, ON N8W 2K6
Mark Rivest	3473 Turner Road Windsor, ON N8W 3M6

Abstract Budget File

The following recommendation of the Executive Committee **BE APPROVED** as follows:

Moved by Councillor Dilkens, seconded by Councillor Marra,

THAT the City of Windsor's listing for potential Road Rehabilitation inclusion in the Capital Budget program **BE AMENDED** to include roads without curb and **gutter** and/or that have ditches that are **not within approximately 2,000 feet (2 blocks) of a proper storm outlet**; and the Road Rehab list for the 2015 budget **BE REPRIORITIZED** to include these roads; and

THAT for local roads within 2,000 feet of a proper storm outlet, roads **BE CONSIDERED** for the Road Rehabilitation Capital Budget Program **ONLY** after they have exhausted the Local Improvements process, **both resident and City initiated**.

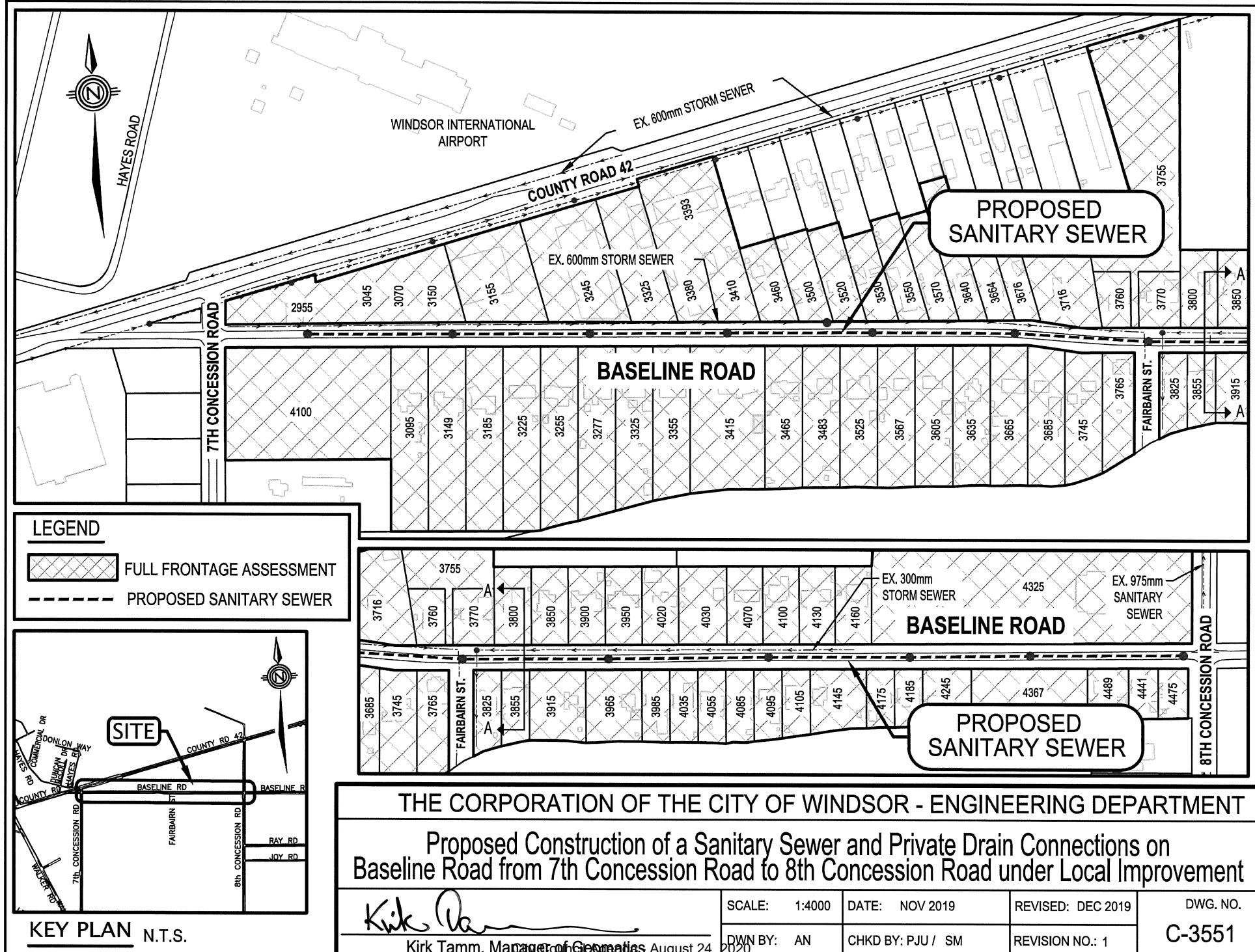
Carried.

Livelink #16835, SW2013

Clerk's Note: The administrative report authored by the City Engineer dated November 15, 2013 entitled *CQ36-2013 Road Rehab Protocol Revision* is attached as background information.

SCHEDULE 'B' – ADDITIONS TO THE 2020 USER FEE SCHEDULE

Category/Division	Sub-category/ Sub-division	Fee/Service	HST Appl?	2020 Fee Excluding HST (Recommended)	
				Cost	Unit of Measure
Engineering	Engineering	Local Improvement Flat Rate – Sanitary Sewer	N	\$210	Per linear metre property frontage
Engineering	Engineering	Local Improvement Flat Rate – Storm Sewer	N	\$200	Per linear metre property frontage



THE CORPORATION OF THE CITY OF WINDSOR - ENGINEERING DEPARTMENT

Proposed Construction of a Sanitary Sewer and Private Drain Connections on Baseline Road from 7th Concession Road to 8th Concession Road under Local Improvement

Kirk Pa

Kirk Tamm, Manager of Geomatics August 24

DWN B
2020

DWN BY: AN 2020 | CHKD BY: PJJ / SM

REVISION NO.: 1

C-3331

C-3551



Office of the City Engineer

Date: March 18, 2020

To: Chief Administrative Officer

From: City Engineer

Subject: Proposed Construction of Sanitary Sewer and Private Drain Connections on Baseline Road from 7th Concession Road to 8th Concession Road – REVISED POLICY

The following is a report for the construction of sanitary sewer and private drain connections on Baseline Road from 7th Concession Road to 8th Concession Road prepared under a new proposed Local Improvement Consolidation Policy. It is proposed to carry out this work under the provisions of Ontario Regulation 586/06, made under the Municipal Act 2001 by applying to the Local Planning Appeal Tribunal to undertake the proposed work as local improvement.

A City by-law to undertake the work as local improvement under Section 5 of Ontario Regulation 586/06 will be recommended to Council for approval, provided that NO OBJECTIONS to the work being undertaken are filed under Section 8 of Ontario Regulation 586/06 within 30 days after the notice of the City's intention to pass the by-law is given to the public and to the affected property owners.

The estimated cost of local improvement portion of the work is \$1,153,000, HST excluded, for the sanitary sewer, private drain connections and road and boulevard restoration. The total estimated cost for the Baseline project including watermain is \$2,722,368. Watermain construction costs will be recovered by Enwin - Water Division and the balance of the cost of reconstruction work here within noted will be charged to the City's Capital Works Budget.

A portion of the local improvement cost thereof will be assessed against the abutting properties detailed as follows:

REGISTERED PLAN	LOTS
1519	LOTS 1 TO 20 INCLUSIVE
1523	PART OF LOT 1 PART OF LOTS 3 TO 6 INCLUSIVE LOTS 7 TO 9 INCLUSIVE
CON 7	PART LOT 16 PART GORE LOT 17 PART BASELINE ROAD (CLOSED)
CON 10	PART LOT 16



Office of the City Engineer

The properties to be assessed are registered under assessment roll numbers

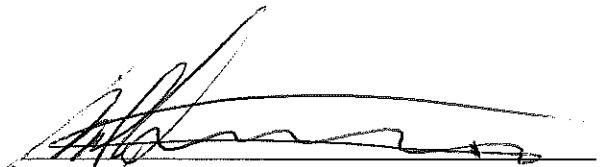
**090-010-02500 to 090-010-03000 inclusive,
090-010-04400,
090-010-05300 to 090-010-11200 inclusive**

Assessment Information:

The adjusted total frontage is 2,681.964 meters from which 374.911 meters are being deducted for the road right-of-way and City owned or assessed properties and 34.904 metres added for special adjustment frontage, leaving a total abutting frontage of 2,272.149 meters, which is equal to the assessable frontage.

The estimated cost to the abutting landowners is \$779,360. The single payment rate per meter of frontage is \$244.41 in accordance with a new proposed Local Improvement Consolidation Policy while the annual special charges rate per meter of frontage for ten (10) years at 2.56% interest is \$27.99. Additionally, the estimated single payment rate per property for private drain connection is \$3,206.83, while the estimated annual special charges rate per private drain connection for ten (10) years at 2.56% interest is \$367.55. The property owners have the right to select either a single payment or the annual special charges over the period of ten years.

The remaining estimated total local improvement works cost is \$201,008. The estimated lifetime of the complete work is not less than ten (10) years.



MARK WINTERTON
CITY ENGINEER

SM/vd

SCHEDULE 'C'

Construction of Sanitary Sewer & Private Drain Connections On Baseline Road

From 7th Concession Road to 8th Concession Road

Revised per Proposed Local Improvement Consolidation Policy

Ontario Regulation 586/06 Local Improvement Special Charges- Cost Breakdown
(HST Excluded)

Description	Total Estimated Cost	Owners Cost	City's Cost	Commuted Cost per metre of assessable frontage or per connection	Annual Cost per metre or per connection for 10 years
Construction of Sanitary Sewer and Private drain connections on Baseline Road from 7 th Concession Road to 8 th Concession Road	\$1,472,368*	\$779,360	\$693,008	\$244.21/L.M frontage and \$3,206.83 /connection	\$27.99/L.M frontage and \$367.55 /connection

*Local Improvement component only (excludes watermain and HST). Total cost of the work is \$2,722,368, including watermain. Recoveries from Enwin- Water Division is estimated at \$1,337,500 and includes a 7% administration fee which will partially offset the City's cost above related to engineering and contract administration. The balance of the cost for the above-noted reconstruction will be charged to Project ID #7159000.

**2.56% interest rate is applied over the ten (10) years of annual payment period.



Committee Matters: SCM 238/2020

Subject: Housekeeping Amendments to By-Law 160-2010- A By-Law to Prescribe Swimming Pool Enclosures and Maintenance in the City of Windsor - City Wide

Moved by: Councillor Kaschak

Seconded by: Councillor Costante

Decision Number: **ETPS 775**

THAT Council **PASS** By-law XX-2020 being "A By-law To Establish Standards, Regulations and Maintenance Requirements for Swimming Pools, Their Enclosures and Equipment" and, **REPEAL** By-law Number 10-2010, being "A By-law To Establish Standards, Regulations and Maintenance Requirements for Swimming Pools, Their Enclosures and Equipment".

Carried.

Report Number: S 82/2020

Clerk's File: SB2020

Clerk's Note: The recommendation of the Standing Committee and Administration are the same.

Subject: Housekeeping Amendments to By-Law 160-2010- A By-Law to Prescribe Swimming Pool Enclosures and Maintenance in the City of Windsor - City Wide**Reference:**

Date to Council: July 22, 2020

Author: Roberto Vani

Manager of Inspections

519-255-6267 x 6834

rvani@citywindsor.ca

Planning & Building Services

Report Date: June 11, 2020

Clerk's File #: SB2020

To: Mayor and Members of City Council

Recommendation:

That Council PASS By-law XX-2020 being "A By-law To Establish Standards, Regulations and Maintenance Requirements for Swimming Pools, Their Enclosures and Equipment" and, **REPEAL** By-law Number 10-2010, being "A By-law To Establish Standards, Regulations and Maintenance Requirements for Swimming Pools, Their Enclosures and Equipment".

Executive Summary:

N/A

Background:

The proposed new Swimming Pool By-Law is established pursuant to the authority of the s. 10(2) of the Municipal Act, 2001, which provides the authority to pass By-laws respecting health, safety and well-being of persons, protection of persons, and property and structures including fences. The underlying objective of a swimming pool bylaw is to implement a layered approach to safety and in doing so foster a safe swimming pool/hot tub environment for all residents. A swimming pool bylaw can also regulate swimming pool maintenance, required enclosures (see Appendix "B" diagrams) and associated equipment. An effective bylaw ensures residents maintain safe and secure backyard environments for their family, friends and neighbours, while still deriving full enjoyment from their pools and hot tubs. Additionally, such a bylaw will ensure residents maintain their swimming pools, associated equipment and winter covers to

mitigate blight and the spread of insect borne disease during breeding season for the protection of persons.

Administration has undertaken a review of the City's current swimming pool bylaw to address an increase in public complaints related to swimming pool maintenance. Specifically, swimming pools/covers not being maintained or pools not put into service during swimming pool season that have stagnant water (see Appendix "A" photos) that promotes the breeding of mosquitos that are known vectors for West Nile and Zika virus in our region.

Administration has sought out the best practices/regulations from a number of by-laws from other municipalities and have incorporated them into one comprehensive by-law. Highlights of the new proposed bylaw are as follows:

- *2.15 - Defined swimming pool season – 'June 1st – Oct 31st,*
- *2.17 - Definition – 'Good Repair'*
- *2.18 - Definition - 'Stagnant Water'*
- *5.6 - Minimum water level in swimming pools*
- *5.11 - Swimming pool removal and site restoration requirements*
- *5.14 - Chemical storage requirements*
- *7.1 - Swimming pool maintenance*

7.4 - Backwash discharge requirements

Discussion:

N/A

Risk Analysis:

N/A

Financial Matters:

The City of Windsor's 2020 User Fee Schedule Bylaw includes inspection fees for the administration of orders issued under the swimming pool bylaw. Orders issued pursuant to the bylaw are levied an inspection fee of \$200.00 at the time of issuance. Additional fees are applied at various stages of non-compliance and prosecution if necessary to encourage compliance and defer the cost of enforcement from the taxpayer to the contravener.

In addition to inspection fees, the bylaw also allows the City to take whatever action is required to bring the property into compliance with an order issued pursuant to the bylaw; the costs of such action may be added to the tax roll, and collected in the same manner as taxes.

Consultations:

Dan Lunardi, Manager of Inspections

Joe Baker, Manager of Permit Services

Building Bylaw Officers – C. Jedlinski, N. Brush, I. Sakal, J. McGuire, M. Forte

Conclusion:

Administration recommends that Council pass the new Swimming Pool By-law. This by-law will improve clarity of the regulations for the public and mitigate blighted swimming pools and the spread of disease in the community.

Planning Act Matters:

N/A

Approvals:

Name	Title
Don Nantais	Financial Planning Administrator-Building & Planning
John Revell	Chief Building Official
Shelby Askin Hager	City Solicitor
Joe Mancina	City Treasurer
Joe Mancina for Onorio Colucci	Chief Administrative Officer

Notifications:

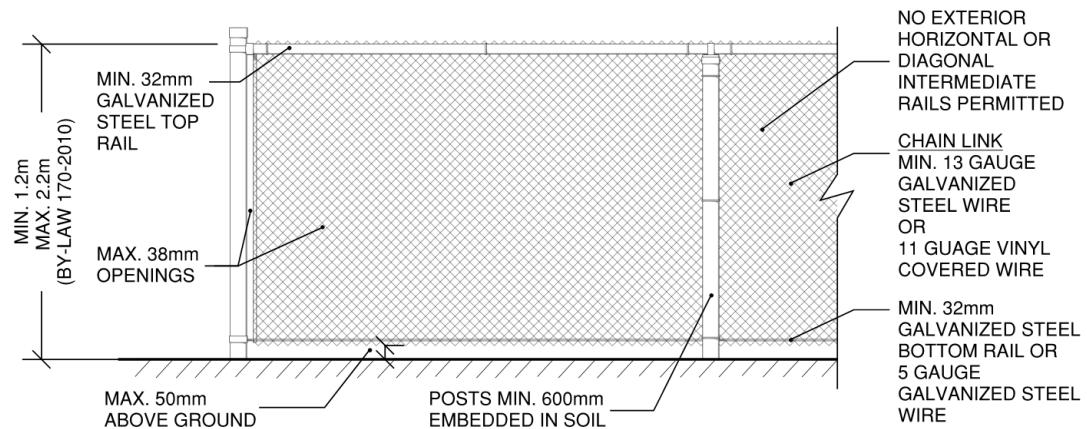
Name	Address	Email
Pools By Angelo	2950 Jefferson Blvd. Windsor N8T 3J2	pba@poolsbyangelo.com
Blue Water Pools	2531 Dougall Ave. Windsor N8X 1T5	margaret@bluewaterpools.ca
Paradigm Pools	303 Edinborough St. Windsor N8X 3C3	info@paradigm pools.com
Perciballi Pools	11624 Tecumseh Rd E. Windsor, ON N8N 1L7	info@perciballipools.com

Appendices:

- 1 Appendix A - Photos - Standing Water - Debris - Damaged
- 2 Appendix B - Swimming Pool Enclosure Diagrams

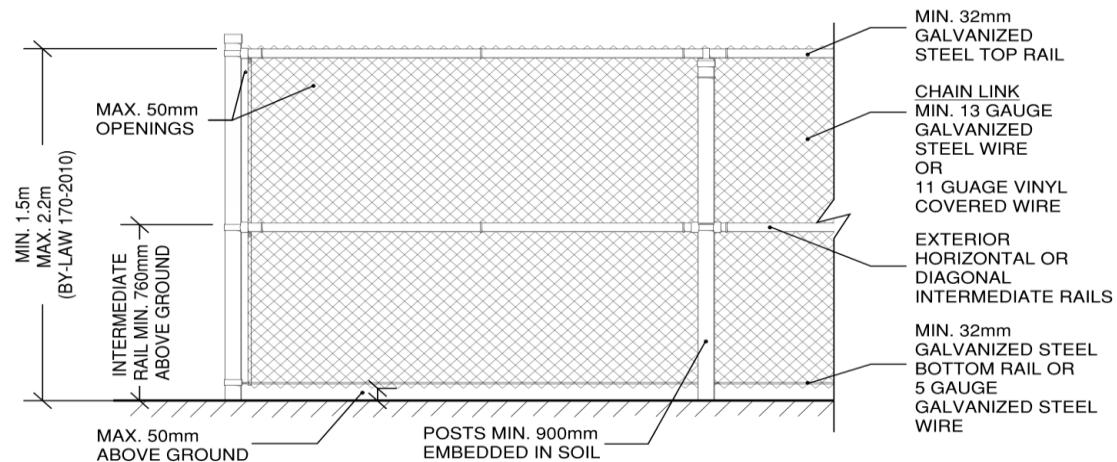






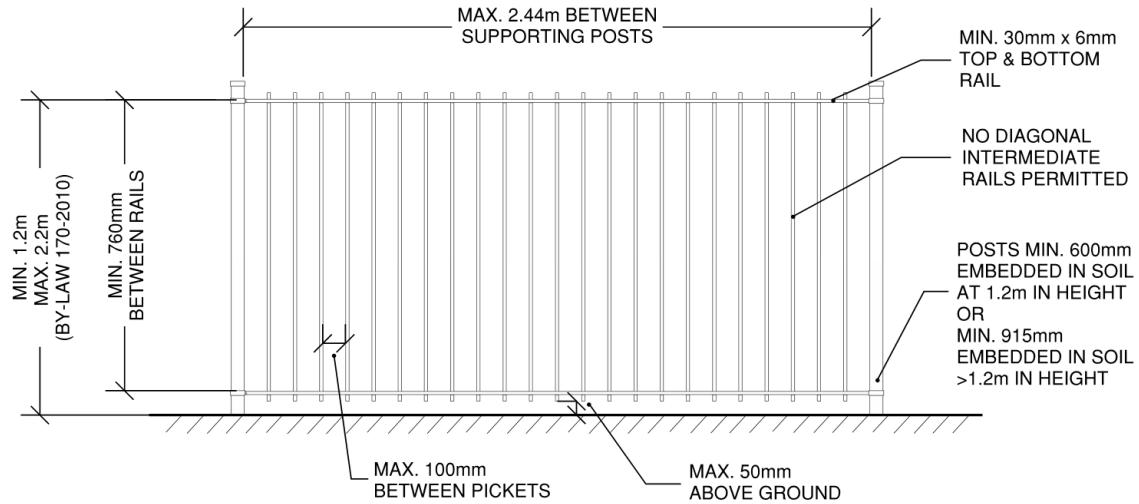
SECTION 6.3 CHAIN LINK CONSTRUCTION WITHOUT INTERMEDIATE EXTERIOR RAILS

NOT TO SCALE



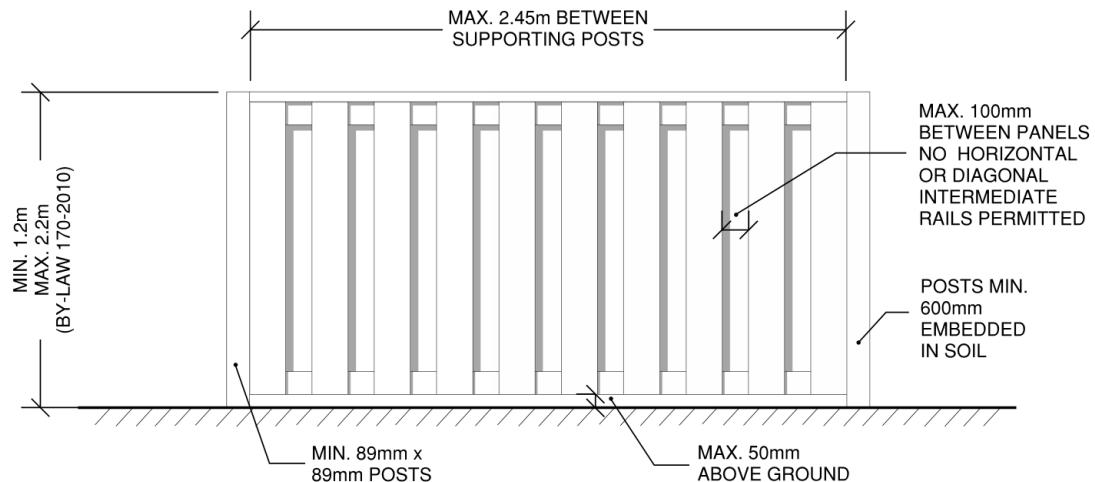
SECTION 6.4 CHAIN LINK CONSTRUCTION WITH INTERMEDIATE EXTERIOR RAILS

NOT TO SCALE



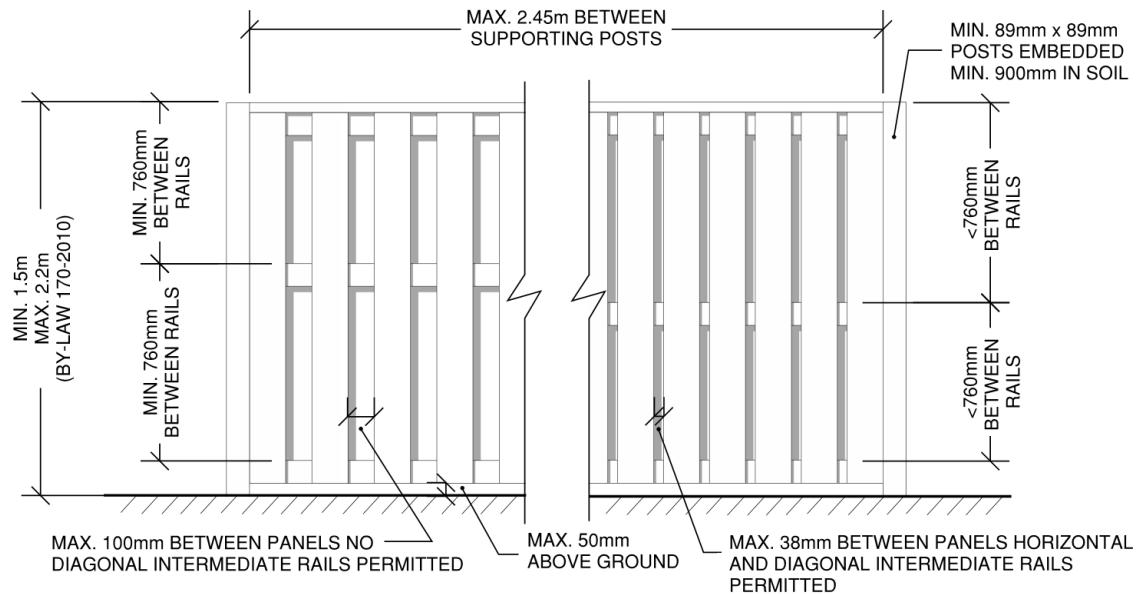
SECTION 6.8 METAL PICKET OR TUBE CONSTRUCTION

NOT TO SCALE



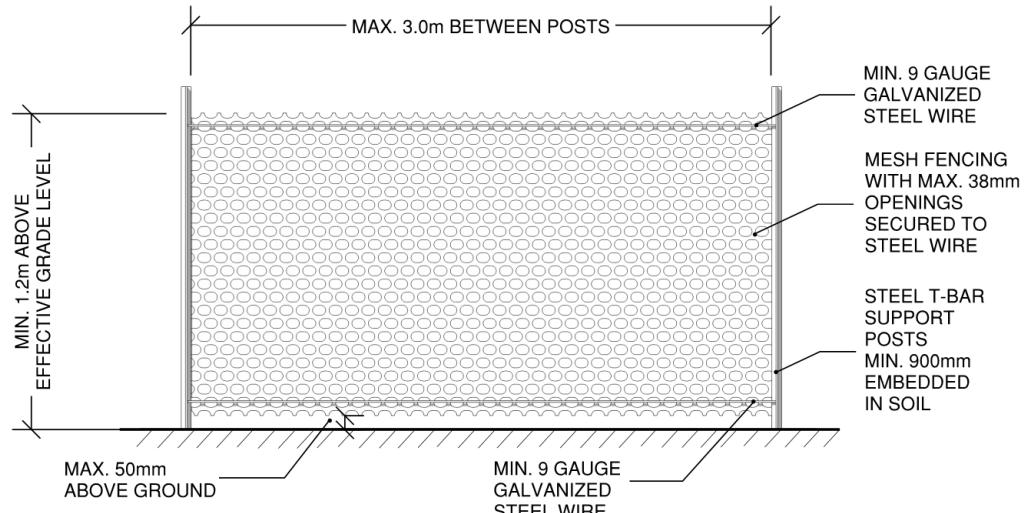
SECTION 6.6 VERTICAL PANEL CONSTRUCTION WITHOUT INTERMEDIATE RAILS

NOT TO SCALE



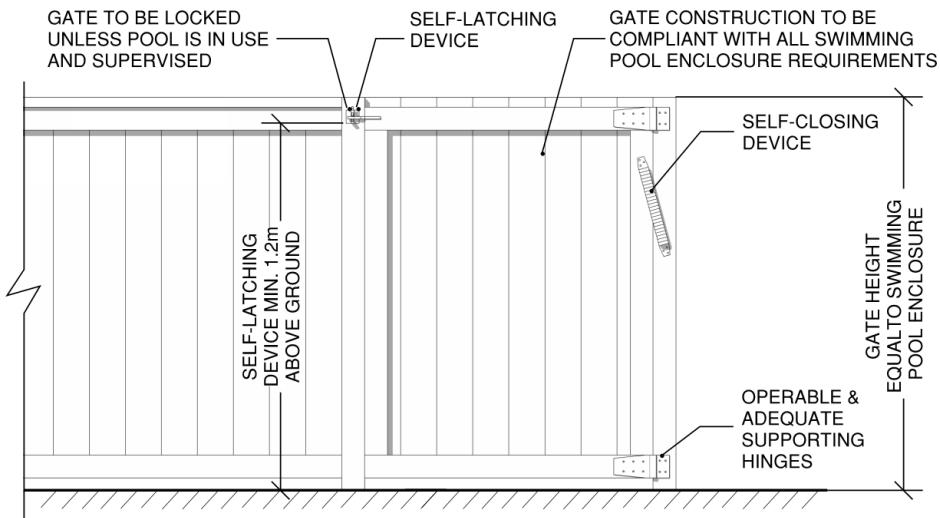
SECTION 6.6 VERTICAL PANEL CONSTRUCTION WITH INTERMEDIATE RAILS

NOT TO SCALE



SECTION 5.3 TEMPORARY SWIMMING POOL ENCLOSURE DURING CONSTRUCTION

NOT TO SCALE



SECTION 6.10 SWIMMING POOL ENCLOSURE SINGLE GATE

NOT TO SCALE



SECTION 5.7 & 5.8 ABOVE GROUND SWIMMING POOL DECK AND ENCLOSURE

NOT TO SCALE



Council Report: C 160/2020

Subject: Proposed Expropriation of lands at 3316 Howard Avenue for the Howard Avenue/South Cameron Boulevard improvements - Ward 4

Reference:

Date to Council: August 24, 2020

Author: Patrick Brode

Senior Legal Counsel

519-255-6100 ext 6377

pbrode@citywindsor.ca

Legal Services, Real Estate & Risk Management

Report Date: August 7, 2020

Clerk's File #: APM2020

To: Mayor and Members of City Council

Recommendation:

That the City Council of the City of Windsor sitting as an Expropriation Authority under the Expropriations Act **APPROVE** the taking of the lands being part of lots 1 and 2 in Registered Plan 1093 as in R1359374 as shown on Schedule "A" in the City of Windsor for Howard Avenue/South Cameron Boulevard improvements.

Executive Summary:

N/A

Background:

On May 25, 2020, City Council instructed the City Solicitor to commence the expropriation process for the above lands. The lands are currently vacant. They are included in the plans for the Central Box Study Area Class Environmental Assessment, and are essential for the improvements to Howard Avenue as shown on the conceptual engineering drawings attached as Schedule "B".

It was not possible to reach an agreement with the owner for the purchase of the lands.

The City Solicitor's office has served the owner, Darling Akouri, with the Notice of Application for Approval to Expropriate and has published the required notice three times in the local newspaper. The time period for the owner to request a Hearing of Necessity into the taking of the lands has expired.

Discussion:

The lands proposed to be expropriated are essential to the completion of the Central Box improvements on Howard Avenue.

Risk Analysis:

Without these lands, the improvement on Howard Avenue and South Cameron Boulevard will not be possible.

Financial Matters:

As the purpose of this report is for City Council to consider whether or not to take the required lands, there are no financial considerations required for this report other than the making of the payment to the owner for the appraised value of the property under section 25 of the Expropriations Act. The Howard Ave - South Corridor Infrastructure project (ECP-003-08) was previously reported for this same area. Therefore, there is approved funding for the project to acquire land. Pre-commitment of funding approval in 2023 of \$100,000 and 2024 of \$2,834,000 was adopted by Council at its meeting held May 25, 2020 (CR269/2020).

Consultations:

Frank Scarfone, Manager of Real Estate Services
Melissa Osborne, Senior Manager of Asset Planning
Mark DiPasquale, Financial Planning Administrator

Conclusion:

That the City Council of the City of Windsor sitting as an approving authority, approves the expropriation of the above described lands and that the City Solicitor be authorized to proceed with a Certificate of Approval to be executed by the City Clerk and Chief Administrative Officer and the registration of a Plan of Expropriation and all other documents necessary to complete the transaction and to make the section 25 Offer of Compensation consistent with the City's appraisal of the land.

Approvals:

Name	Title
Patrick Brode	Senior Legal Counsel
Shelby Askin Hager	City Solicitor and Corporate Leader, Economic Development and Public Safety
Mark Winterton	City Engineer
Mark DiPasquale	Financial Planning Administrator
Joe Mancina	Chief Financial Officer/City Treasurer and Corporate Leader Finance and Technology
Onorio Colucci	Chief Administrative Officer

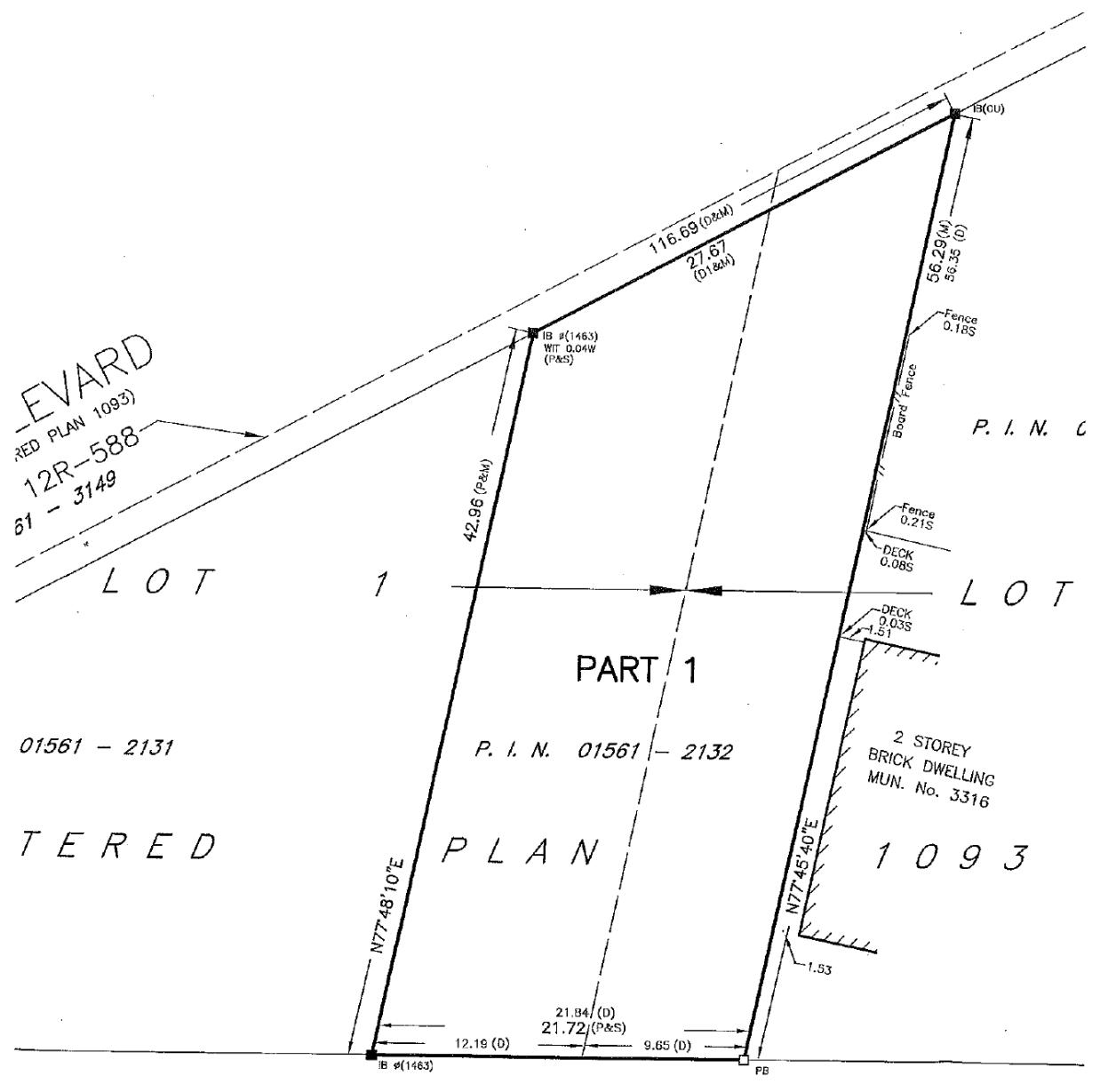
Notifications:

Name	Address	Email

Appendices:

- 1 Schedule "A" – Part 1 being the proposed lands to be expropriated
- 2 Schedule "B" – Conceptual Engineering drawing

Schedule "A"

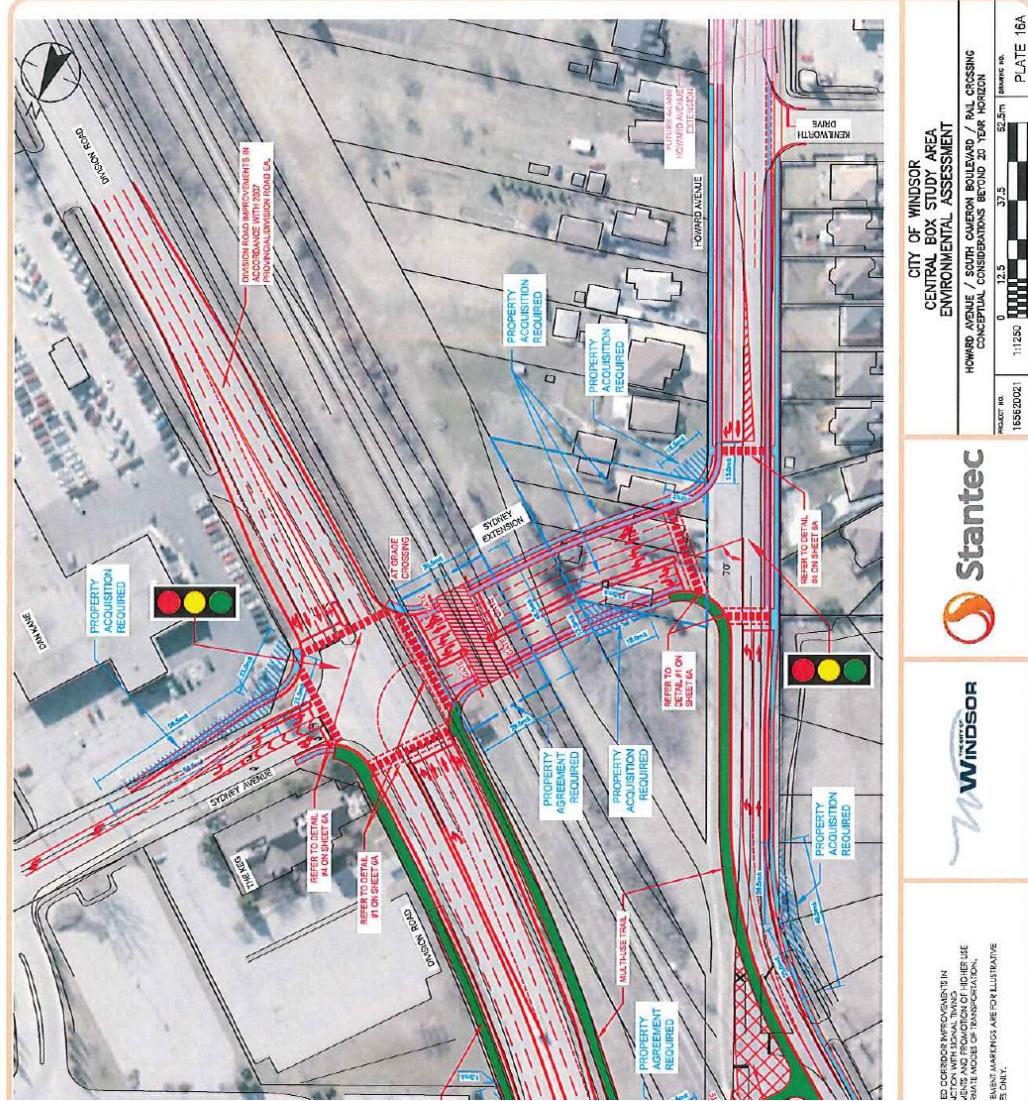


HOWARD AVENUE

(FORCED ROAD AS WIDENED BY REGISTERED PLAN 1093)

P. I. N. 01561 - 3153

Schedule "B"





Committee Matters: SCM 236/2020

Subject: Report No. 8 of the Transit Windsor Advisory Committee - Request to recognize Transit Windsor as an essential service

Moved by: Councillor McKenzie

Seconded by: Councillor Costante

Decision Number: **ETPS 772**

THAT Administration **BE REQUESTED** to prepare a report outlining what constitutes an essential service under pandemic response protocols and how that designation informs service level commitments to the community from the City with a specific focus on Public Transit; and,

THAT the report **ADDRESS** legal consequences or obligations that derive from this designation if any and, what legal or procedural options could be considered to improve the decision making process including but not limited to only Council consultation when service levels for essential services are to be altered; and,

THAT the report **OUTLINE** the emergency powers afforded to the Chief Executive of the City of Windsor as outlined by Provincial Legislation; and further,

THAT the report **BE BROUGHT BACK** to the Environment, Transportation and Public Safety Standing Committee for consideration.

Carried.

Report Number: SCM 184/2020
Clerk's File: MB2020

Clerk's Note: The recommendation of the Standing Committee and the Advisory Committee are **not** the same.



Committee Matters: SCM 184/2020

Subject: Report No. 8 of the Transit Windsor Advisory Committee - Request to recognize Transit Windsor as an essential service

REPORT NO. 8
of the
TRANSIT WINDSOR ADVISORY COMMITTEE
of its meeting held May 26, 2020

Present: Councillor Kieran McKenzie, Chair
Councillor Chris Holt
Councillor Rino Bortolin
Bernie Drouillard
Nathanael Hope

Your Committee submits the following recommendation:

Moved by Councillor Holt, seconded by N. Hope,
That City Council **BE REQUESTED** to consider recognizing Transit
Windsor as an essential service.
Carried.

CHAIR

COMMITTEE COORDINATOR

Notification:

Name	Email Address
Transit Windsor Advisory Committee	On File



Council Report: C 162/2020

Subject: Open Streets 2020

Reference:

Date to Council: August 24, 2020
Author: Michelle Staadegaard
Coordinator City Events Initiatives
Tel: 519-816-0711
Email: mstaadegaard@citywindsor.ca
Recreation and Culture
Report Date: 8/12/2020
Clerk's File #: SPL/12373

To: Mayor and Members of City Council

Recommendation:

THAT Administration's recommendation to cancel Open Streets Windsor 2020 scheduled on Sunday, September 20, 2020 due to ongoing restrictions in relation to COVID-19 **BE APPROVED** and further;

THAT Administration **BE DIRECTED** to continue with planning two Open Street Windsor Events in 2021, as approved in the 2020 budget.

Executive Summary:

N/A

Background:

Open Streets are unique events that have been held in over 100 cities in North America and involve the temporary closure of roadways to vehicular traffic, allowing people to use them for a host of healthy and fun participatory activations and physical activities like walking, cycling, yoga, dancing and fitness.

The City of Windsor has annually hosted Open Streets Windsor every September since 2016 to an audience of up to 10,000 participants. Open Streets Windsor covers an approximately eight-kilometre span from Sandwich in to the west to Ford City in the East. Throughout the route, Business Improvement Associations (BIA), Community Organizations and Not-For Profit Organizations host over 200 activations through the eight-kilometre span within eight hubs – participatory activations include exercise and

dance classes, art-making, installations, workshops, performances, street games, water stations, obstacle courses and neighbourhood tours. Open Streets Windsor requires over 300 volunteers to assist in the road closure and over 200 volunteer organizations to host participatory activations. As part of the 2020 Budget process, Council approved funding for a second event that would close streets to vehicular traffic for the community to participate in cycling and pedestrian activities.

Discussion:

Due to the pandemic, many Open Streets events throughout the globe have been cancelled due to the strict pandemic health regulations and recommendations. The additional event that was approved through the 2020 budget process, and intended to take place in the late spring or early summer, was not planned or promoted due to the pandemic and provincial orders restricting gatherings of any kind at that time.

On August 13, 2020 the City of Windsor entered into Stage 3 of Ontario's "Framework for Reopening our Province." Stage 3 increased the gathering size of outdoor events from ten to a maximum of one hundred.

In consultation with the Special Events Resource Team (SERT) and Windsor-Essex County Health Unit, recommendations were made to alter the route evaluating several factors including current regulations, timelines, population density, traffic volumes and resources including volunteers and staff. A number of options were considered for a modified event that would be in compliance with provincial and local health guidelines. Due to these restrictions, the activations and hubs that are traditionally part of Windsor's Open Streets event would not be permitted. Consideration was also given to the resources that would be available to organize a modified event which would still require hundreds of volunteers to staff barricades at intersections, and provide services at rest stops. It is noted that the majority of volunteers that participated in the most recent Open Streets events are International students from the University of Windsor and St. Clair College who are not likely to be available this year.

Based on the evaluation of the restrictions and available resources, Administration is recommending the cancellation of Open Streets 2020.

Risk Analysis:

O.Reg. 364/20: Rules for Areas in Stage 3, sets out that no person shall attend an organized public event of more than 100 people if it is outdoors. Given that this is an organized event that is normally meant to, and would very likely attract more than 100 people, those participating in the event could be in contravention of the Regulation if proper controls were not in place to limit entry and congregation. Open Streets has a reputation of being a fun-filled event with activities and a certain level of excitement, and attracts individuals and families looking to partake in same. To successfully stage Open Streets without violating or encouraging violation of the regulation, the event would be pared down to simply allow the passing through of pedestrians on the roadway. Without

proper controls, permitting Open Streets for 2020 could ultimately increase the risk of spreading COVID19.

Cancelling of Open Streets for 2020 is consistent with many other public large scale events that have either been cancelled, or not supported, as precaution to assist in preventing the spread of COVID-19.

Should Council direct that we proceed with the 2020 event it would be inconsistent with efforts made to date regarding other events to limit the spread of COVID-19, and would be difficult to prevent congregations of people within the event space. An increase in volunteers required to manage crowds would be required, should there not be enough volunteer's available, additional staff would be required at an additional cost to the Corporation to ensure safety of the event.

Financial Matters:

As per the approved 2020 Operating Budget, the Recreation & Culture department has a budget of \$111,500 to operate up to two Open Streets Windsor events per year. Given the event would not proceed for 2020 any budgetary savings for this one year could be utilized to mitigate the financial impacts of COVID 19. Going forward the base budget amount of \$111,500 would be utilized to fund future Open Street events each year.

Consultations:

Special Events Resource Team (SERT)

Windsor-Essex County Health Unit (WECHU)

Deputy City Solicitor – POA, Purchasing, and Risk Management

Conclusion:

The City of Windsor recognizes the importance and community impact of special events such as Open Streets Windsor but also recognizes the importance of the safety and health of the event participants, volunteers and staff.

Planning Act Matters:

N/A

Approvals:

Name	Title
Michelle Staadegaard	Acting Manager Community Development
Jen Knights for Ray Mensour	Executive Director Recreation & Culture
Jan Wilson	Corporate Leader Parks, Recreation & Culture and Facilities
Joe Mancina	Chief Financial Officer
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email
SERT		

Appendices:

N/A



Notice of Motion: SCM 243/2020

Subject: Councillor Holt's Notice of Motion

Councillor Holt, at the July 27, 2020 City Council meeting, gave notice of the following proposed Motion pending Administrative comment (**attached**).

Moved by Councillor Holt, seconded by Councillor _____

That with regards to the City of Windsor receiving requests for written submissions regarding an application for a Cannabis Retail Store Authorization, from the Alcohol and Gaming Commission of Ontario (AGCO), that Administration **BE DIRECTED** to follow provincial guidelines for locations of cannabis retail stores at the City of Windsor's new municipal guidelines, as well as the City of Windsor's zoning requirements, and to approve accordingly those applications that meet these minimum standards, without the need for Council approval, and further,

That Administration **BE DIRECTED** to report back to Council as communication items on the application submissions that have been forwarded to the AGCO.

GP/13047

TO: Mayor and Members of City Council
FROM: Chief Administrative Officer
DATE: July 30, 2020
SUBJECT: Additional Information for Notice of Motion regarding Municipal Guidelines for Cannabis Retail Stores

This memo is in relation to the discussion held at Council on Monday, July 27, 2020 regarding Report C 149/2020: Application for a Cannabis Retail Store Authorization at 3514 Walker Road, Unit 2. Councillor Holt gave notice that he intended to introduce the following draft motion for Council's consideration at the August 4, 2020 meeting of Council, pending administrative comment at that meeting:

"That with regards to the City of Windsor receiving requests for written submissions regarding an application for a Cannabis Retail Store Authorization, from the Alcohol and Gaming Commission of Ontario (AGCO), that Administration BE DIRECTED to follow provincial guidelines for locations of cannabis retail stores as the City of Windsor's new municipal guidelines, as well as the City of Windsor's zoning requirements, and to approve accordingly those applications that meet these minimum standards, without the need for Council approval; and further,

That Administration BE DIRECTED to report back to Council as communication items on the application submissions that have been forwarded to the AGCO."

Subsequent to the notice of motion, the Mayor and City Council requested additional information from Administration, specifically regarding what The Corporation of the City of Windsor's existing approved guidelines (Appendix B) are on this matter in comparison to the provincial guidelines. Appendix A compares both guidelines as it relates to opposing a proposed cannabis retail store location.

It should be noted, by adopting the AGCO's guidelines as the City's new guidelines, only the Planning Department would be consulted for zoning and distance from a school (Appendix C). Windsor Police Service, Windsor-Essex County Health Unit, and other City departments would no longer need to provide comments.

For clarity, based on the new resolution (see above) adopted by Council, the only applications that the City would object to are those within 150 metres of a school and those that are in a location where the zoning does not permit it.

To Council for information.



Onorio Celucci
Chief Administrative Officer

Appendix A – Comparison Table of AGCO Guidelines and City of Windsor Guidelines pertaining to Cannabis Retail Store Locations

Appendix B – Previous Policy Statement

Appendix C – Proposed Policy

Comparison Table of AGCO Guidelines and City of Windsor Guidelines pertaining to Cannabis Retail Store Locations

AGCO's Guidelines for a Proposed Cannabis Retail Store Location	City of Windsor's Guidelines for Returning Comments for a Proposed Cannabis Retail Store Location as per previous Policy Statement (Appendix B)
<ul style="list-style-type: none"> • Cannabis retail stores cannot be located in a municipality that has passed a resolution prohibiting cannabis retail stores from being located in the municipality. • The Registrar cannot issue an RSA to a proposed cannabis retail store located less than 150 metres from a school or private school, as defined in the Education Act. This will be determined as follows: <ul style="list-style-type: none"> i. When the school or private school is the primary or only occupant of a building, 150 metres shall be measured from the property line of the property on which the school or private school is located. ii. When the school or private school is not the primary or only occupant of a building, 150 meters shall be measured from the boundary of any space occupied by the school or private school within the building. <p>(The above rules do not apply if the private school is located on a reserve or if the private school only offers classes through the Internet.)</p>	<ul style="list-style-type: none"> • In order to help ensure public health and safety, protecting youth and reducing illegal sales, retail cannabis stores are discouraged where nearby properties are servicing youth and vulnerable individuals. • The City's opposition for those proposed cannabis retail sites where a site is: <ul style="list-style-type: none"> i. Within 150 metres of another cannabis retail store, so as to prevent undue clustering and concentration of such stores in an area; ii. Within any identified publicly owned or operated community facility performing a public assembly function analogous to a school, such as recreational facilities, community centres, libraries, playgrounds and public parks; • The City's opposition where the site is in an area where a "Retail Use" is not listed as a permitted use in the City's Zoning By-laws, • That the Province have regard for concerns expressed by health and/or treatment service providers to the AGCO (including operators of shelters, group homes, addiction counselling or other independently managed health services) where the location of a cannabis retail store is within 150 metres of their establishment, • Comments on any other relevant factors of local importance.

Adopted by CR533/2019 & CR534/2019 - Item 7.1.14 – Appendix F of CR9/2019

Previous Municipal Cannabis Policy Statement Regarding the Location of Proposed Retail Stores for The Corporation of The City of Windsor

Purpose:

The purpose of this policy statement is to act as a tool to assist the Municipality when evaluating the location of any recreational cannabis retailer store proposed within the City of Windsor. This policy statement is being adopted by City Council in support of their decision to opt in to the selling of recreational cannabis as per Ontario Regulation 468/18.

Applications for a license to operate a recreational cannabis retail store must be approved by the Alcohol and Gaming Commission of Ontario (AGCO). The AGCO has expressed that they will provide a 15-day window for the municipality to issue any comments with respect to any proposed retail store.

It is important to note that this policy statement has no legal basis. The AGCO is the provincial authority that licenses cannabis retail operators, authorizes cannabis retail locations and licenses senior store staff. The City of Windsor will have no licensing authority and will have no recourse if the AGCO issues a license despite any objections by the municipality.

The Municipality of Windsor has chosen to allow retail sales of recreational cannabis. The following provides municipal staff with guidance on commenting to AGCO when a notice on a specific proposed cannabis retail site is provided on the site location.

Principles for Cannabis Retail Store Locations:

For the purposes of this policy statement, a cannabis retail store shall mean a store licensed by the AGCO.

1. Cannabis Retail Stores and Sensitive Land Uses and Activities:

In order to help ensure public health and safety, protecting youth and reducing illegal sales, retail cannabis stores are discouraged where nearby properties are servicing youth and vulnerable individuals. The City of Windsor has adopted the following guidelines:

- i. the City's opposition for those proposed cannabis retail sites where a site is:

1. Within 150 m of another cannabis retail store, so as to prevent undue clustering and concentration of such stores in one area;
2. Within any identified publicly owned and or operated community facility performing a public assembly function analogous to a school, such as recreational facilities, community centres, libraries, play grounds and public parks;
- ii. the City's opposition where the site is in an area where a "Retail Use" is not listed as a permitted use in the City's Zoning By-laws,
- iii. that the Province have regard for concerns expressed by health and/or treatment service providers to the AGCO (including operators of shelters, group homes, addiction counselling or other independently managed health service) where the location of a cannabis retail store is within 150m of their establishment,
- iv. comments on any other relevant factors of local importance, and
- v. that the City's responses to the AGCO be posted to the City's website for accountability and transparency.

2. Relationship to Other Applicable Law:

Land Use Planning - The provincial licensing process does not remove the requirements to comply with the City of Windsor's Zoning By-laws and other municipal planning documents. The definitions within the City of Windsor Official Plan and Zoning By-law are applicable to all retail, including cannabis retail stores. Retail sale of cannabis from a provincially licensed store will be legal provided that the existing zoning category on the parcel specifies that a "retail store" is a permitted use.

Municipal Building Inspections – While the licensing of the store operation is the responsibility of the AGCO, the Building Code applies to cannabis retail store locations. Therefore, where a building permit is required, the building inspector will undertake responsibilities as required. Fire Code compliance is also mandatory.

3. Consultation and Implementation:

It is recommended that the City Planner be delegated the authority to develop a process and identify the staff and technical resources that may be consulted during the 15 day window for municipal comment. Comments may only be submitted to the AGCO during the 15 day consultation period.

The technical resources referenced above will include a map that identifies all parcels zoned to permit a "Retail Store". In addition, the map will identify the location of all: public and private schools; addiction treatment, harm reduction facilities and emergency shelters; municipal parks, and any other sensitive land uses where a separation from a proposed recreational cannabis retail store ought to be identified.

Municipal departments and external agencies that may be consulted during the 15 day window include but are not limited to:

- Windsor Police Service
- Windsor-Essex County Health Unit
- City of Windsor Department of Community Development and Health
- City of Windsor Legal Department
- City of Windsor Department of Parks, Recreation and Culture
- Windsor Fire and Rescue Services
- City of Windsor Building Department

THE CORPORATION OF THE CITY OF WINDSOR PROPOSED POLICY

Service Area:	Office of the CAO	Policy No.:	
Department:	Chief Administrative Office	Approval Date:	
Division:		Approved By:	
		Effective Date:	
Subject:	Municipal Cannabis Retail Policy	Procedure Ref.:	
Review Date:		Pages:	Replaces: N/A
Prepared By:	Jude Malott	3	Date: N/A

1. POLICY

- 1.1. This policy provides direction for returning comments to the Alcohol and Gaming Commission of Ontario (AGCO) regarding specific Cannabis Retail Store Application sites within the City of Windsor.
- 1.2. This policy is adopted in support of Council's decision to opt in to the sale of recreational cannabis as per Ontario Regulation 468/18 under the *Cannabis Licence Act, 2018*.

2. PURPOSE

- 2.1. To establish criteria for evaluating proposed cannabis retail store locations in order to return comments to the AGCO.
- 2.2. To promote consistent and transparent recommendations to City Council in a manner consistent with Council Resolution **insert CR# once adopted**.

3. SCOPE

- 3.1. This policy applies to all properties within the City of Windsor.
- 3.2. The provincial licensing process does not remove the requirements to comply with the City of Windsor's Zoning By-laws and other municipal planning documents.
 - 3.2.1. The definitions within the City of Windsor Official Plan and Zoning By-law are applicable to all retail activities, including cannabis retail stores.
 - 3.2.2. Retail sale of cannabis from a provincially licensed store is legal provided the existing zoning category on the parcel specifies a retail store is a permitted use.
- 3.3. Proposed locations must comply with all applicable legislation.

4. RESPONSIBILITY

- 4.1. The Chief Administrative Officer will:

- 4.1.1. Develop and maintain a process for returning comments to the AGCO within the established 15 calendar day window;
- 4.1.2. Provide, or delegate another member of administration to provide, the commentary report to the AGCO within the comment period.
- 4.1.3. Bring forward a Council Report containing any commentary reports regarding cannabis retail applications submitted to the ACGO as a communications item.

4.2. Office of the CAO Staff, under the direction of the Chief Administrative Officer or as he or she may further direct, will gather comments from relevant municipal departments.

4.3. Other City Staff, under direction of their Department Manager or designate, will receive and review proposed locations circulated by the Chief Administrative Officer or designate and return comments according to the established procedure.

5. GOVERNING RULES AND REGULATIONS

5.1. The AGCO is the provincial authority which licenses cannabis retail operators, authorizes cannabis retail locations and licenses senior store staff. The City of Windsor has no licensing authority over cannabis retail stores and has no recourse if the AGCO issues a license despite municipal objections.

5.2. Definitions

5.2.1. For the purposes of this policy, a *cannabis retail store* shall mean a store licensed by the AGCO for the sale of recreational cannabis.

5.3. Guidelines for Returning Comments

5.3.1. The City of Windsor is opposed to proposed cannabis retail store locations where a site is:

5.3.1.1. less than 150 metres from a school or private school, as defined in the Education Act. This will be determined as follows:

5.3.1.1.1. When the school or private school is the primary or only occupant of a building, 150 metres shall be measured from the property line of the property on which the school or private school is located.

5.3.1.1.2. When the school or private school is not the primary or only occupant of a building, 150 meters shall be measured from the boundary of any space occupied by the school or private school within the building.

5.3.1.1.3. The above rules do not apply if the private school is located on a reserve or if the private school only offers classes through the Internet.

5.3.1.2. In an area where a retail use is not listed as a permitted use in the City's Zoning By-laws

6. RECORDS, FORMS AND ATTACHMENTS

- 6.1.** All reports produced in accordance with this policy will be retained and filed by Council Services.
- 6.2.** Records will be retained in accordance with the Municipal Freedom of Information and Protection of Privacy Act and the City of Windsor's Records Retention By-law.