

APPENDIX A- Excerpts from Zoning By-law 8600

SECTION 3 – DEFINITIONS

AMENITY AREA means a *landscaped open space yard* or a recreational facility as an *accessory use* to a *dwelling* or a *dwelling unit* located on the same *lot*.

BUILDING HEIGHT means:

1. For any *building* with a flat roof, a roof having a slope of less than 20.0 degrees, or a roof with at least two contiguous slopes, where the lowest slope is greater than the uppermost slope, the vertical distance in metres between the *grade* and the highest point of the roof.

Where a *building height* provision is expressed in storeys, the *building height* in metres shall be the number of storeys permitted multiplied by 4.0 m.

Example: If the minimum building height is 2 storeys and the maximum building height is 3 storeys, multiplying 2 storeys by 4.0 m results in a minimum building height of 8.0 m and multiplying 3 storeys by 4.0 m results in a maximum building height of 12.0 m.

2. For a *main building* with a roof other than that described in clause 1 of this subsection, the vertical distance in metres between the *grade* and the mid-point between the lowest eaves and the highest point of the roof.

Where *building height* is expressed in storeys, the minimum *building height* in metres shall be the number of storeys required multiplied by 4.0 m, and the maximum *building height* in metres shall be the number of storeys permitted multiplied by 4.0 m plus an additional 2.0 m for the roof.

Example: If the maximum building height is 2 storeys, multiplying 2 storeys by 4.0 m plus 2.0 m for the roof, results in a maximum building height of 10.0 m.

Example: If the minimum building height is 2 storeys and the maximum building height is 3 storeys, multiplying 2 storeys by 4.0 m results in a minimum building height of 8.0 m and multiplying 3 storeys by 4.0 m plus 2.0 m for the roof results in a maximum building height of 14.0 m.

3. For an *accessory building* with a roof other than that described in clause 1 of this subsection, the vertical distance in metres between the *grade* and the highest point of the roof.

BUILDING SETBACK means the horizontal distance measured at right angles from a *lot line* to the closest wall of any *building* or *structure* on the same *lot*.

DOUBLE DUPLEX DWELLING means one *dwelling* divided into four *dwelling units* by vertically attaching two *duplex dwellings* with no direct internal connection between the *dwelling units*. A *multiple dwelling*, *semi-detached dwelling*, *stacked dwelling*, or *townhome dwelling* is not a *double duplex dwelling*.

DUPLEX DWELLING means one *dwelling* divided horizontally into two *dwelling units* with no direct internal connection between the *dwelling units*. A *single unit dwelling* with two *dwelling units* is not a *duplex dwelling*.

DWELLING means a *building* or *structure* that is occupied for the purpose of human habitation. A *correctional institution*, *hotel*, *motor home*, *recreational vehicle*, *tent*, *tent trailer*, or *travel trailer* is not a *dwelling*.

DWELLING UNIT means a unit that consists of a self-contained set of rooms located in a *building* or *structure*, that is used or intended for use as residential premises, and that contains kitchen and bathroom facilities that are intended for the use of the unit only.

GRADE

1. For the purpose of Section 5.10.9, means the average elevation of the finished surface of the ground adjacent to the *accessory building*.
2. For the remainder of the By-law, means the average elevation of the crown of that part of the *street* abutting the *front lot line*. Where the elevation of a point on a *building* located on the *lot* is equal to the *grade* elevation, that point is deemed to be "at grade".

LANDSCAPED OPEN SPACE means an area open to the sky and maintained with one or more of the following ground covers: bark; flowers; grass; mulch; ornamental stone, block or brick, excluding construction grade aggregate; shrubs; trees; water feature; wood chips; and may include outdoor recreational facilities accessory to a *dwelling* or *dwelling unit*.

MULTIPLE DWELLING means one *dwelling* containing a *minimum* of three *dwelling units*. A *double duplex dwelling*, *semi-detached dwelling*, *stacked dwelling*, or *townhome dwelling* is not a *multiple dwelling*.

SCENERY LOFT means an *amenity area* which occupies a fully enclosed room or group of rooms, is located above the uppermost *storey* of a *main building*, is fully and readily accessible to all residential occupants of the *building*, and is not used in whole or in part as a *dwelling unit*.

SEMI-DETACHED DWELLING means one *dwelling* divided vertically into two *dwelling units* by a common interior wall having a *minimum* area above *grade* of 10.0 sq. m., and may include, where permitted by Section 5.99.80, up to two additional *dwelling units*.

SINGLE UNIT DWELLING means one *dwelling* having one *dwelling unit* or, where permitted by Section 5.99.80, one *dwelling* having two *dwelling units*. A single family dwelling is a *single unit dwelling*. A *duplex dwelling*, *mobile home dwelling*, *semi-detached dwelling unit*, or *townhome dwelling unit*, is not a *single unit dwelling*.

TOWNHOME DWELLING means one *dwelling* vertically divided into a row of three or more *dwelling units* attached by common interior walls, each wall having a *minimum* area above *grade* of 10.0 sq. m., and may include, where permitted by Section 5.99.80, additional *dwelling units*. A *semi-detached dwelling* is not a *townhome dwelling*.

SECTION 5 – GENERAL PROVISIONS

5.35 EXCEPTIONS TO MAXIMUM BUILDING HEIGHT PROVISIONS

- 5.35.1 **FIXTURES OR STRUCTURES** - The features or structures listed in Table 5.35.1 may extend above the permitted maximum *building height*, provided that such fixtures or structures are erected only to such height as is necessary to accomplish their purpose:

TABLE 5.35.1		
Antenna	HVAC Equipment	Skylight
Belfry	Mechanical Penthouse	Smokestack
Chimney	Protective Fencing	Solar Panel
Cupola	Satellite Dish	Spire
Fire Wall	Screening Fencing	Water Tank

- 5.35.5 **SCENERY LOFT** - A *scenery loft* shall be an additional permitted facility on a *multiple dwelling* or a *combined use building* provided that the *multiple dwelling* or *combined use building* has a minimum *building height* of 30.0 metres and the *scenery loft* shall have a maximum height of 4.0 metres and a maximum *gross floor area* of 100.0 square metres.

SECTION 11 - RESIDENTIAL DISTRICTS 2. (RD2.)

11.2 RESIDENTIAL DISTRICT 2.2 (RD2.2)

11.2.1 PERMITTED USES

One *Double Duplex Dwelling*
 One *Duplex Dwelling*
 One *Multiple Dwelling* containing a maximum of four *dwelling units*
 One *Semi-Detached Dwelling*
 One *Single Unit Dwelling*
Townhome Dwelling
 Any use accessory to any of the preceding uses

11.2.5 PROVISIONS

.1	Duplex Dwelling	
.1	Lot Width – minimum	12.0 m
.2	Lot Area – minimum	360.0 m ²
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m

.2	Semi-Detached Dwelling	
.1	Lot Width – minimum	15.0 m
.2	Lot Area – minimum	450.0 m ²
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m
.3	Single Unit Dwelling	
.1	Lot Width – minimum	9.0 m
.2	Lot Area – minimum	270.0 m ²
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m
.4	Double Duplex Dwelling or Multiple Dwelling	
.1	Lot Width – minimum	18.0 m
.2	Lot Area – minimum	540.0 m ²
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.80 m
.5	Townhome Dwelling	
.1	Lot Width – minimum	20.0 m
.2	Lot Area – per <i>dwelling unit</i> – minimum	200.0 m ²
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.50 m

11.5 RESIDENTIAL DISTRICT 2.5 (RD2.5)

11.5.1 PERMITTED USES

Double Duplex Dwelling

Duplex Dwelling

Multiple Dwelling

Semi-Detached Dwelling

Single Unit Dwelling

Townhome Dwelling

Any use accessory to the above uses

11.5.5 PROVISIONS

.1 Double Duplex Dwelling

.1	Lot Width – minimum / maximum	18.0 m / 24.0 m
.2	Lot Area – minimum / maximum	540.0 m ² / 840.0 m ²
.3	Lot Coverage – maximum	50.0%
.4	Main Building Height – minimum / maximum	7.0 m / 14.0 m
.5	Front Yard Depth – minimum / maximum	6.0 m / 7.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m

.2 Duplex Dwelling

.1	Lot Width – minimum / maximum	12.0 m / 15.0 m
.2	Lot Area – minimum / maximum	360.0 m ² / 525.0 m ²
.3	Lot Coverage – maximum	50.0%
.4	Main Building Height – minimum / maximum	7.0 m / 14.0 m
.5	Front Yard Depth – minimum / maximum	
	<i>Detached garage or carport in rear yard</i>	3.0 m / 4.0 m
	<i>No detached garage/carport in rear yard</i>	6.0 m / 7.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m

.3 Semi-Detached Dwelling

.1	Lot Width – minimum / maximum	15.0 m / 18.0 m
.2	Lot Area – minimum / maximum	450.0 m ² / 630.0 m ²
.3	Lot Coverage – maximum	50.0%
.4	Main Building Height – minimum / maximum	7.0 m / 14.0 m
.5	Front Yard Depth – minimum / maximum	
	<i>Detached garage or carport in rear yard</i>	3.0 m / 4.0 m
	<i>No detached garage/carport in rear yard</i>	6.0 m / 7.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m

.4 Single Unit Dwelling

.1	Lot Width – minimum / maximum	9.0 m / 12.0 m
.2	Lot Area – minimum / maximum	270.0 m ² / 420.0 m ²
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – minimum / maximum	7.0 m / 14.0 m

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| .5 | Front Yard Depth – minimum / maximum | |
| | Detached <i>garage</i> or <i>carport</i> in <i>rear yard</i> | 3.0 m / 4.0 m |
| | No detached <i>garage/carport</i> in <i>rear yard</i> | 6.0 m / 7.0 m |
| .6 | Rear Yard Depth – minimum | 7.50 m |
| .7 | Side Yard Width – minimum | 1.20 m |
| .5 | Multiple Dwelling with four <i>dwelling units</i> or less | |
| .1 | Lot Width – minimum / maximum | 18.0 m / 24.0 m |
| .2 | Lot Area – minimum / maximum | 540.0 m ² / 840.0 m ² |
| .3 | Lot Coverage – maximum | 50.0% |
| .4 | Main Building Height – minimum / maximum | 7.0 m / 14.0 m |
| .5 | Front Yard Depth – minimum / maximum | 6.0 m / 7.0 m |
| .6 | Rear Yard Depth – minimum | 7.50 m |
| .7 | Side Yard Width – minimum | 1.20 m |
| .6 | Multiple Dwelling with 5 or more <i>dwelling units</i> | |
| .1 | Lot Width – minimum | 20.0 m |
| .2 | Lot Area – per <i>dwelling unit</i> – minimum | 166.0 m ² |
| .3 | Lot Coverage – maximum | 50.0% |
| .4 | Main Building Height – minimum / maximum | 7.0 m / 18.0 m |
| .5 | Front Yard Depth – minimum / maximum | 6.0 m / 7.0 m |
| .6 | Rear Yard Depth – minimum | 7.50 m |
| .7 | Side Yard Width – minimum | 2.50 m |
| .7 | Townhome Dwelling | |
| .1 | Lot Width – minimum | 20.0 m |
| .2 | Lot Area – per <i>dwelling unit</i> – minimum | 190.0 m ² |
| .3 | Lot Coverage – maximum | 50.0% |
| .4 | Main Building Height – maximum | 14.0 m |
| .5 | Front Yard Depth – minimum / maximum | 6.0 m / 7.0 m |
| .6 | Rear Yard Depth – minimum | 7.50 m |
| .7 | Side Yard Width – minimum | 2.50 m |
| .50 | Notwithstanding Section 24, for a <i>townhome dwelling</i> unit that fronts a <i>street</i> , the required number of <i>parking spaces</i> shall be one <i>parking space</i> for each <i>dwelling unit</i> . | |
| .50 | For all <i>dwelling</i> s, except a <i>Multiple Dwelling</i> with five or more <i>dwelling units</i> , the exterior walls shall be entirely finished in brick. | |
| .60 | Where a <i>garage</i> forms part of the <i>main building</i> , no exterior wall enclosing the <i>garage</i> shall project more than 1.0 m beyond the front wall or side wall of the <i>dwelling</i> . | |

APPENDIX B – Consultations Table

Anne Marie Albidone – Environmental Services

Garbage collection occurs in the alley abutting this property. Therefore the alley must remain accessible at all times. Otherwise, there are no concerns from Environmental Services.

Jose Mejalli – Assessment Management Officer

No objection to the zoning amendment to allow development of a 4-storey, *multiple dwelling* with 23 *units* in total and related parking.

Jennifer Nantais – Environmental & Sustainability Coordinator

In response to the application for a zoning amendment there are no objections. Please also note the following comments for consideration:

Energy Conservation, Air Quality and Climate Change:

Please note PPS 2020 energy conservation and efficiency policies as they relate to long-term economic prosperity (1.7.1 (j)), as well as improved air quality and reduced greenhouse gas emissions (1.8.1). In addition, the City of Windsor Community Energy Plan (approved July 17 2017) aims to improve energy efficiency; modifying land use planning; reducing energy consumption and greenhouse gas emissions; and fostering green energy solutions throughout Windsor, while supporting local economic development.

As per these policies the developer should consider energy efficiency in the building design as recommended in the requested energy study. This may include but not be limited to increased insulation, energy efficient appliances and fixtures, high efficiency windows and doors.

In addition, EV charging infrastructure should be included.

Opportunities to increase resiliency such as providing strategic back-up power capacity is warranted.

The large scale paving of natural space will increase the urban heat island effect in the area. It is recommended that the developer consider shade trees, white colour roofs or green roofs to mitigate this impact. For more suggestions please consult the following resources: LEED, Built Green Canada, and EnerGuide.

To promote the use of active transportation, bike racks should be included.

Stormwater Management:

Consideration should be given, as per PPS 2020 Section 1.6.6.7 to maximize the extent and function of vegetative and pervious surfaces; and promote stormwater management best practices, including stormwater attenuation and reuse, water conservation and efficiency, and low impact development.

Please note that this area of Windsor has a high risk of basement flooding. The applicant should be aware of this risk and take additional measure to minimize the risk of flooding.

Landscaping

Consideration for shade trees are recommended to minimize the urban heat island impacts. Consideration of native, drought resistant plants is encouraged to limit watering requirements and enhance natural habitat.

In addition we encourage the developer to consider community gardening space for residents. Local food production is very popular in Windsor and a space for community garden boxes could be beneficial.

The Environmental Sustainability & Climate Change team has also requested an Energy Study to be completed during the pre-submission stage this past summer.

Canada Post

This development, as described, falls within our centralized mail policy.

I will specify the condition which I request to be added for Canada Post Corporation's purposes.

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

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

If you have any questions or concerns regarding these conditions, please contact me. I appreciate the opportunity to comment on this project.

Jason Scott – Transit Windsor

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Walkerville 8. The closest existing bus stop to this property is located directly in front of this property on Riverside at Hall Southwest Corner providing excellent transit coverage to this development. This will be maintained with our Council approved Transit Master Plan. Transit Windsor has no plans or any intention to relocate this bus stop for this development. If the bus stop needs to temporarily be closed for construction on the property, Transit Windsor requires a minimum of 2 weeks notice.

ERCA

The following is provided as a result of our review of Zoning By-Law Amendment Z-044-21 ZNG 6633. The applicant proposes a site-specific exemption to the zoning by-law, to permit one *multiple dwelling* on the subject land. Currently, one *multiple dwelling* containing a maximum of 4 *dwelling units* is permitted on the subject land. The applicant is also requesting for a maximum lot coverage of 30.9%, a maximum building height of 24m, minimum building setback of 0.2m for interior side yard in the area beyond 30m from the Riverside Drive right-of-way, and a minimum building setback of 31.9m from the rear lot line. The proposed development is a multi-storey, *multiple dwelling* with 23 *dwelling units* total. The proposed building will have 4 storeys above grade and 1 storey below grade with 50 above grade parking spaces and 20 below grade parking spaces.

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES ASSOCIATED WITH THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the *Planning Act* as well as our regulatory role as defined by Section 28 of the *Conservation Authorities Act*.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the *Conservation Authorities Act*). As a result, a permit is not required from ERCA for issues related to Section 28 of the *Conservation Authorities Act*, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservations Authorities Act*, (Ontario Regulation No. 158/06).

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 PPS, 2020 - Stormwater Management

If this property is subject to Site Plan Control and a site plan application submission in the future, we request to be included in the circulation of the Site Plan Control application. We reserve to comment further on stormwater management concerns, until we have had an opportunity to review the specific details of the proposal, through a complete and detailed site plan application submission.

PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the *Planning Act*. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

FINAL RECOMMENDATION

With the review of background information and aerial photograph, ERCA has no objection to the proposed Zoning By-law Amendment. However, we reserve to comment further on storm water management concerns, until we have had an opportunity to review the specific details of the proposal through the site plan approval stage.

Barbara Rusan – Building

Comments from the City of Windsor Building Division relating to the subject line matter are as follows:

- The Building Code Act, Section 8.1(1) requires that a building permit be issued by the Chief Building Official for any construction or demolition of a building. It is strongly recommended that the owner and/or applicant contact the Building Division to determine building permit needs for the proposed project. The City of Windsor Building Divisions can be reached by phone at 519-255-6267 or through email at buildingdept@citywindsor.ca
- A Record of Site Condition registered on file with the Ministry, is a pre-requisite to Building Permit issuance for the proposed residential use.

Sherif Barsom – Parks D&D

Please note that there are no comments for this liaison from our Parks design and development dept..

Patrick Winters – Engineering & ROW

The subject lands are located at 1247 Riverside Dr. E, designated as Residential on the Land Use Schedule D of the Official Plan. The property is zoned Residential District 2.2 (RD2.2) by Zoning By-law 8600, with site-specific zoning provision S.20(1)310. The applicant proposes a site-specific exemption to the zoning by-law, to permit one multiple dwelling on the subject land. Currently, one multiple dwelling containing a maximum of 4 dwelling units is permitted on the subject land. The applicant is also requesting for a maximum lot coverage of 30.9%, a maximum building height of 24m, minimum building setback of 0.2m for interior side yard in the area beyond 30m from the Riverside Drive right-of-way, and a minimum building setback of 31.9m from the rear lot line.

This site is within the limits of the Riverside Dr. Vista Improvement Environmental Assessment (EA). The EA does not identify any property requirements from this parcel. The current Riverside Drive right-of-way width is 17.4m. Similarly, Hall Ave. is designated as a local road requiring a 20.0m right-of-way. The current right-of-way width is 20.1m and therefore no land conveyance is required along the Hall Ave. frontage. Furthermore, a 4.6m x 4.6m corner cut-off conveyance will be required at the southwest corner of the Riverside Dr. E. and Hall Ave. intersection.

The existing concrete retaining wall fronting Riverside Dr. E is encroaching onto the right-of-way. The applicant shall have this wall removed, including footings, from City property and relocate it to private property if necessary.

The subject lands are serviced by an 825 mm diameter vitrified clay pipe sanitary sewer on Riverside Dr. E., a 450mm diameter reinforced concrete pipe sanitary sewer and a 450mm diameter reinforced concrete pipe storm sewer on Hall Ave. A stormwater management report is required to be completed for the subject lands; storm management facilities must be constructed on site and will ultimately outlet to the municipal sewer using an allowable release rate based on a runoff coefficient of $C = 0.43$. A sanitary sampling manhole will need to be installed on any new sanitary connection at the property line to the satisfaction of the City Engineer.

In summary, we have no objections to the proposed site plan control application, subject to the following requirements:

Site Plan Control Agreement – The applicant enter into an amended agreement with the City of Windsor for all requirements under the General Provisions of the Site Plan Control Agreement for the Engineering Department.

Storm Detention - Prior to the issuance of a Building Permit, the applicant(s) shall agree to retain a consulting engineer for the design and preparation of drawings, satisfactory to the City Engineer, for an internal stormwater detention scheme to service the subject lands. The purpose of this scheme will be to ensure that the storm drainage being directed to the Corporation's storm sewer or ditch, from the lands in their improved state, be restricted using an allowable release rate based on a runoff coefficient of $C = 0.43$. If these drawings are approved, the applicant(s) shall agree to construct this storm detention scheme, to the satisfaction of the City Engineer.

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

Corner Cut-Off – The owner(s) agrees, prior to the issuance of a construction permit, to gratuitously convey a 4.6 m x 4.6 m (15' x 15') corner cut-off at the intersection of Riverside Dr. E. and Hall Ave. in accordance with City of Windsor Standard Drawing AS-230.

Oil & Grit Separator – The owner shall agree to install an approved oil & grit separator on site for the new development to control sediment into the storm water drainage system to the satisfaction of the City Engineer.

Encroachment – The owner agrees to remove the existing retaining wall encroachment into the Riverside Dr. E. right-of-way and the boulevard is to be restored to the satisfaction of the City Engineer.

Stefan Fediuk – Landscape Architect

Pursuant to the application for a zoning amendment (Z 044/21) to permit a site-specific exemption to the zoning by-law, to permit one *multiple dwelling* on the subject, please note no objections.

Please also note the following comments:

Zoning Provisions for Parking Setback:

There are no additional zoning requirements from a landscape architectural or urban design perspective.

Urban Design:

This segment of Riverside Drive East is designated as a Civic Way in the Official Plan (Schedule G), and adjacent to the Greenway System (Schedule 'B') of Central Riverfront Lands. Development along Riverside Drive is to be complementary to those areas as identified in the Official Plan sections 8.11.12.12 and 8.11.12.13, which require the provision of enhanced landscape and urban design for the frontages of the development along Civic Ways. Enhancement of the proposed SWM area as vegetative will help to provide this enhancement.

In addition, substantial tree planting would help mediate between the scale of the proposed development and the scale of the surrounding residential properties.

Furthermore, fencing and/or hedge planting along the south property boundary may be required in order to provide privacy for the abutting.

Climate Change:

Aside from Stormwater Management proposals for this application, the applicant has not addressed climate change requirements found in the PPS (see 1.1.3.2 c) & d). The project summary does site sections of the PPS that include climate change resilience through adaptation and mitigation (PPS 1.8 Energy Conservation, Air Quality and Climate Change) especially PPS1.8.1 which states:

- Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the *impacts of a changing climate* through land use and development patterns which:
 - f) promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and *green infrastructure*; and
 - g) maximize vegetation within *settlement areas*, where feasible.The PPS defines Green Infrastructure as: "...natural and human-made elements that provide ecological and hydrological functions and processes. *Green infrastructure* can include components such as natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces, and green roofs."

Section 4.2.1 Healthy and Liveable City of the Official Plan also supports the PPS's climate change requirements in 4.2.1.4 which states: "To protect against climate change and its possible adverse effects on human health, the physical environment, economy and quality life."

However, the proposal as per the accompanying site plan is silent to those requirements. Climate change adaptation also needs to address to air quality and heat island effect reduction. Therefore, it is recommended that the development proposal provide measures for adaptation through the provision of shade trees for heat reduction as well as Green Infrastructure through Low Impact Design best practices (i.e. trees and vegetative landscaped edges of the stormwater management area) to reduce and slow the flow of storm water to the proposed SWM area.

Tree Preservation:

N/A

Parkland Dedication:

All requirements will be determined at the time a Site Plan application is received

Rania Toufeili – Transportation

- Riverside Drive East is classified as a Scenic Drive per the Official Plan with a required right-of-way width of 24 meters. No conveyance is required per the Riverside Vista Improvement Environmental Assessment.
- Hall Avenue is classified as a local road per the Official Plan with a required right-of-way width of 20 meters. The current right-of-way width is sufficient and therefore no conveyance is required.
- A 4.6 meter corner cut-off is required at the corner of Hall Avenue and Riverside Drive East.
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings (AS-203 and AS-204).
- All new exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

Enwin

Hydro Engineering: No Objections to the proposed Multiple Dwelling.

Water Engineering: Water Engineering Has No Objections to Rezoning

Kristina Tang – Heritage Planner

Archaeological Assessment Report Entitled, " Stage 2: Archaeological Assessment 1247-1271 Riverside Drive Lot 6 and Part of Lot 92, Concession 1 Geographic Township of Sandwich East City of Windsor Essex County, Ontario", Dated Sep 6, 2016, Filed with MTCS Toronto Office on Sep 13, 2016, MTCS Project Information Form Number P109-0053-2016, MTCS File Number 0003405, has been entered into the Ontario Public Register of Archaeological Reports. Although the report recommends that no further archaeological assessment of the property is recommended, the applicant is still to note the following archaeological precautions:

1. Should archaeological resources be found during grading, construction or soil removal activities, all work in the area must stop immediately and the City's Planning & Building Department, the City's Manager of Culture and Events, and the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries must be notified and confirm satisfaction of any archaeological requirements before work can recommence.
2. In the event that human remains are encountered during grading, construction or soil removal activities, all work in that area must be stopped immediately and the site

secured. The local police or coroner must be contacted to determine whether or not the skeletal remains are human, and whether the remains constitute a part of a crime scene. The Local police or coroner will then notify the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Heritage, Sport, Tourism and Culture Industries.

Contacts:

Windsor Planning & Building Department:

519-255-6543 x6179, ktang@citywindsor.ca, planningdept@citywindsor.ca

Windsor Manager of Culture and Events:

Michelle Staadegaard, (O) 519-253-2300x2726, (C) 519-816-0711,

mstaadegaard@citywindsor.ca

Ontario Ministry of Heritage, Sport, Tourism and Culture Industries

Archaeology Programs Unit, 1-416-212-8886, Archaeology@ontario.ca

Windsor Police: 911

Ontario Ministry of Government & Consumer Services

A/Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures, 1-416-212-7499, Crystal.Forrest@ontario.ca

APPENDIX D – DRAFT BY-LAW AMENDMENT

B Y - L A W N U M B E R -20212
A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600
CITED AS THE "CITY OF WINDSOR ZONING BY-LAW"

Passed the day of , 2022.

WHEREAS it is deemed expedient to further amend By-law Number 8600 of the Council of The Corporation of the City of Windsor, cited as the "City of Windsor Zoning By-law" passed the 31st day of March, 1986, as heretofore amended:

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

1. That subsection 1 of Section 20, of said by-law, is amended by adding the following amended paragraph:

“310. SOUTHWEST CORNER OF RIVERSIDE DRIVE EAST AND HALL AVENUE

For the lands comprising part of Lot 92, Concession 1, [PIN 01150-0313 LT] and Lot 6, Registered Plan 433 [PIN 01150-0110 LT], the following shall apply:

ADDITIONAL PERMITTED USES:

Multiple Dwelling with five or more *dwelling units* ^(New use)

Business Office

Business Office in a *Combined Use Building* with any of the uses permitted in Section 11.2.1, provided that all dwelling units, not including entrances thereto, are located entirely above a *business office*;

ADDITIONAL PROVISIONS FOR *BUSINESS OFFICE* & *BUSINESS OFFICE* IN A *COMBINED USE BUILDING*:

- | | | |
|-----|---|------------------------|
| .3 | Lot Coverage - Total - maximum | 30.0% |
| .4 | Building Height – maximum | 14.0 m |
| .8 | Landscape Open Space Yard – minimum | 15% of <i>lot</i> area |
| .20 | Building Setback – minimum: | |
| | a) From the <i>exterior lot line</i> along Hall Avenue – 1.20 m; and 3.20 m for any part of the <i>building</i> above 8.0 m in height; | |
| | b) From the <i>exterior lot line</i> along Riverside Drive - 6.0 m; and 8.0 m for any part of the <i>building</i> above 8.0 m in height; | |
| | c) From an <i>interior lot line</i> – 15.0 m, for the area within 30.0 m from the Riverside Drive right-of-way; and 1.50 m for the remainder of the area; | |
| | d) From the <i>rear lot line</i> – 50.0 m; | |
| .50 | <i>Parking spaces</i> shall be setback a minimum of 12.0 m from the south limit of Riverside Drive East right-of-way, and shall be screened from Riverside Drive East and adjacent dwellings. | |
| .55 | The minimum parking area separation from the abutting north-south alley shall be 1.10 m. | |
| .90 | A <i>parking space</i> is prohibited in any required <i>front</i> yard. | |
| .95 | Vehicular access is prohibited along the Riverside Drive frontage and along the east-west alley abutting Hall Avenue situated at the most southerly limit of the subject land. | |

ADDITIONAL PROVISIONS FOR *MULTIPLE DWELLING* WITH FIVE OR MORE *DWELLING UNITS*: ^(New provisions)

1. The provisions in Section 20(1)310 that apply to a *Business Office* and a *Combined Use Building* shall also apply to a *multiple dwelling* with five or more *dwelling units*, save and except for s.20(1)310.3, s.20(1)310.4, s.20(1)310.8 and 20(1)310.20(d); and

2. The following additional provisions shall apply to a *multiple dwelling* with five or more *dwelling units*:

- .2 Lot Area – minimum - 93.0 m² per unit
- .3 Lot Coverage – maximum - 35%
- .4 Main Building Height – maximum - 18.0 m
- .8 Landscape Open Space Yard – minimum - 35% of *lot area*
- .20 Building setback from rear lot line - minimum - 30.0 m

3. A scenery loft shall be an additional permitted facility on a *multiple dwelling* with five or more *dwelling units*, subject to the following:

- a. The “*Exceptions To Maximum Building Height Provisions*” shall not apply to a scenery loft on the subject land; and
- b. The Scenery Loft Provisions in section 5.35.5 of by-law 8600 shall not apply, save and except the requirement for a 4.0 metres maximum height. [ZDM 6; ZNG/4153; ZNG/5270; ZNG/6633]”

2. The said by-law is further amended by changing the Zoning District Maps or parts thereof referred to in Column 2, of said by-law and made part thereof, so that the lands described in Column 3 are delineated by a broken line and further identified by the zoning symbol shown in Column 5:

1. Item Number	2. Zoning District Map Part	3. Lands Affected	4. Official Plan Amendment Number	5. Zoning Symbol
1	6	Part of Lot 92, Concession 1, [PIN 01150-0313 LT] and Lot 6, Registered Plan 433 [PIN 01150-0110 LT]	-	S.20(1)310

DREW DILKENS, MAYOR

CLERK

First Reading - , 2022
 Second Reading - , 2022
 Third Reading - , 2022

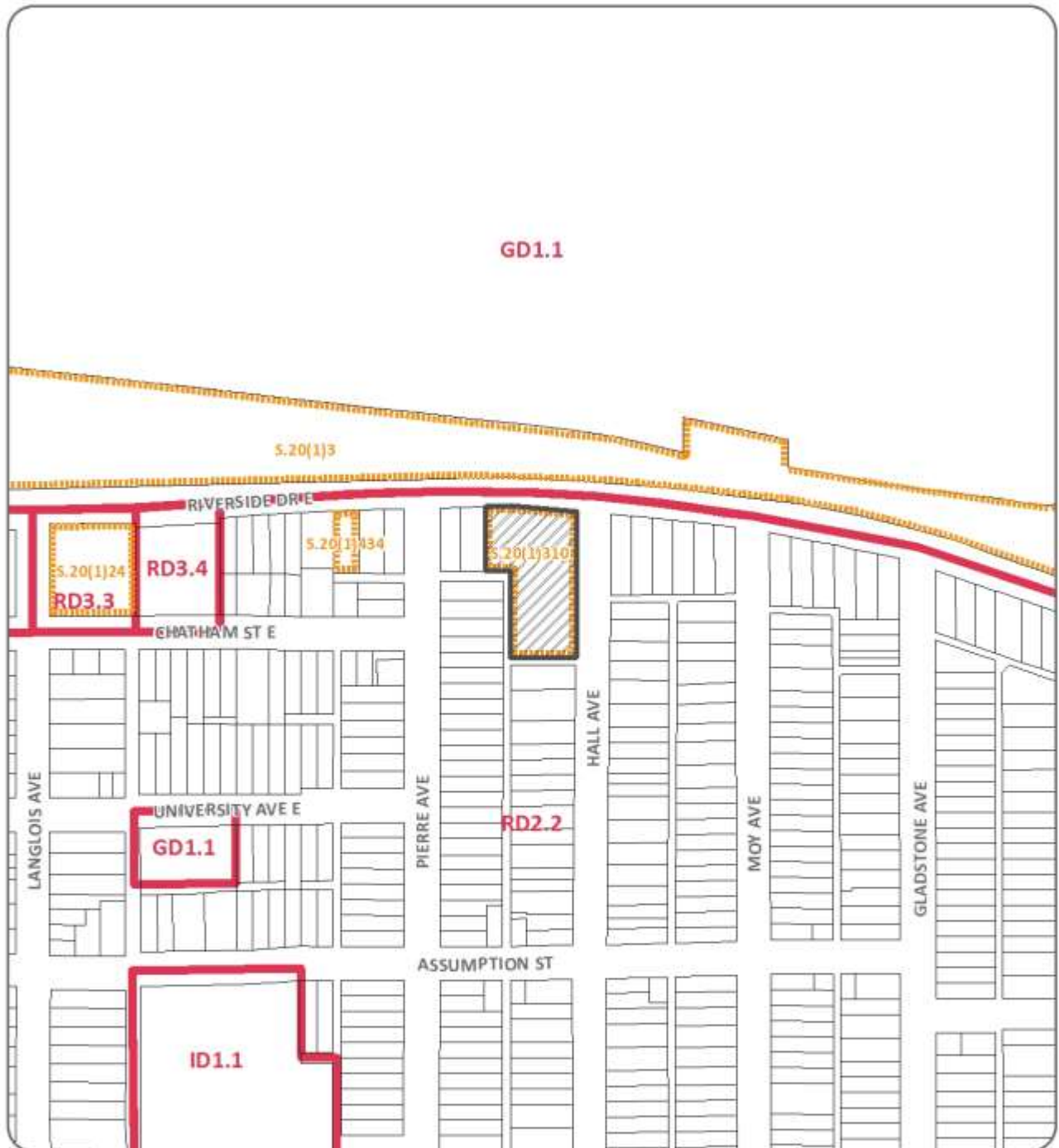
SCHEDULE 2

1. By-law _____ has the following purpose and effect:

To amend the zoning of the lands located on the southwest corner of Riverside Drive East and Hall Avenue, described as part of Lot 92, Concession 1, [PIN 01150-0313 LT] and Lot 6, Registered Plan 433 [PIN 01150-0110 LT], so as to permit the development of a multiple dwelling with 5 or more units on the subject land.

The amending by-law maintains the RD2.2 zoning on the subject land, deletes an existing special section [s.20(1)310] on the subject land and replaces the special section with an expanded version that accommodates the proposed 5-storey, 42-unit multiple dwelling on the subject land.

2. Key map showing the location of the lands to which By-law _____ applies.



PART OF ZONING DISTRICT MAP 6

N.T.S.

SCHEDULE 2

Applicant: St. Clair Rhodes Development Corporation



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : JUNE 2022
FILE NO. : Z-044/21, ZNG-6633



File No.: 21-2724

September 13, 2022

The Corporation of the City of Windsor
Planning Department
350 City Hall Square
Windsor, ON
N9A 6S1

Attention: Justina Nwaesei, MCIP RPP
Senior Planner

Request for Relief from Section 45 (1.3)
1247 Riverside Drive East
City of Windsor

In light of the two-year moratorium on minor variances or zoning by-law amendments to amend site specific zoning by-law amendments, on behalf of St. Clair Rhodes Development Corporation, we respectfully request that Council pass a resolution to permit the Development and Heritage Standing Committee to grant relief from this provision to permit Minor Variance Applications for the above noted site should they become necessary in the next two years. The request is pre-emptive in nature as the final design has not been completed.

Background

The Planning Act provides the basis for the establishment of a Committee of Adjustment to evaluate requests for relief from regulations of a Zoning By-law.

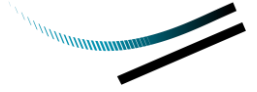
In Section 45 (1) of the Act, the Committee of Adjustment may authorize the approval of minor variances from the provisions of the by-law, if in its opinion said variance is desirable for the appropriate development or use of the land, building or structure.

Section 45 (1.3) states that "Subject to subsection (1.4), no person shall apply for a minor variance from the provisions of the by-law in respect of the land, building or structure before the second anniversary of the day on which the by-law was amended."

The Act does, however, also provide Municipalities the ability, through Council resolution, to allow minor variance applications to proceed on a case-by-case basis, resolution to permit minor variance applications to proceed within the 2-year time frame (Section 45 (1.4) of the Planning Act).

In situations where a proposed minor variance upholds or otherwise does not offend the intent of the recent Zoning By-law Amendment, Council may approve a resolution permitting the application to proceed to the Committee of Adjustments.

3200 Deziel Drive
Suite 608
Windsor, Ontario
Canada
N8W 5K8
Telephone
519.948.5000
Fax
519.948.5054



Conclusion

As such, the applicant has made a request of City Council, by way of the City Solicitor and the Planning Department in accordance with Section 45 (1.4), to permit such a resolution to be passed.

We trust that the application can be processed at your earliest convenience.

DILLON CONSULTING LIMITED

Karl Tanner MCIP, RPP
Partner
zcs:dt

cc: Dino Maggio – St. Clair Rhodes Development Corporation
Jerry Kavanaugh – ADA Inc.
Jason Thibert – ADA Inc.

CR41/2023 - Item 8.3 - Written Submission
October 3, 2022
Development & Heritage Standing Committee
Item 7.3
Written Submission

Subject: FW: Residents Reply to File No: Z-044/21 ZNG/6633
Date: Thursday, September 29, 2022 2:02:44 PM
Attachments: [1247 Riverside Rezoning Residents Response.pdf](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello-

I am submitting a letter outlining a response compiled collectively and collaboratively with dozens of residents of the Pierre, Hall, Moy, and Riverside neighbourhoods adjacent to the proposed development at 1247 Riverside Drive.

While we emphatically support development of this site *in principle*, at this time, and based on the plans presented in the Development & Heritage Standing Committee Agenda, **we collectively and firmly oppose the zoning exemptions** requested by the Development group, on the basis of concerns outlined in the letter. Several residents have expressed a desire to speak as delegates at the Committee meeting, and they will send in this request separately.

We do hope to work with the development group and the city to make improvements to the plan, for the benefit of both the neighbourhood and its future residents, and as such would like to request further community consultation and engagement on the plans for the development prior to granting any zoning amendments.

Thank you for forwarding this letter to all concerned parties, and we look forward to a robust conversation Monday afternoon.

Cheers,

Nicole

Nicole Baillargeon

Director, Mean Studio
www.meanstudio.ca

Pierre-Hall-Moy Neighbourhood Residents Response to Application for Zoning Amendment for 1247 Riverside East, Windsor, ON

In response to the Zoning Amendment Application before the City of Windsor's Development & Heritage Standing Committee (File No: Z-044/21 ZNG/6633) proposed zoning amendment and re-development of the properties at 1247 and 1271 Riverside Drive East (the "Site") and the related documents made available to the public via City of Windsor website, the residents representing Pierre-Hall-Moy Avenues and Riverside Drive whom are directly impacted by the proposed development have engaged in vigorous discussion and this letter is a product of that discussion. Some of the main concerns brought forward were height of the building and its monolithic massing, the disassociation with the character and history of the neighbourhood, parking, pedestrian and cyclist access to the riverfront and safety concerns regarding increased density and additional traffic.

Introduction

Primarily, the residents would like to commend the development group, for their recognition of the potential of the land to be developed and for bringing this opportunity to our neighbourhood. We fully understand and value the capital investment that it will take to make this vision a reality and furthermore would like to partner in good faith with the development group and the City in extracting the most value from this opportunity for current and future residents, the developer, and the City, and to ensure the most successful, sustainable, long-view of development for our neighbourhood.

We would like to point out to the development group, Development & Heritage Standing Committee and City Council that our neighbourhood is very inclusive and diverse; we, as a group, very much value our neighbours and what every individual brings to the table. This neighbourhood includes residents from all walks of life, from construction workers, small business owners, retirees, artists, professors, landscape architects, urban planners, architects, engineers and community organisers. We have organised ourselves through the years around various issues via letter drops, in-person meetings, social media groups, and chats. With this being said, the development group should know that the concerns below have been assessed and articulated by a well-informed

group of concerned neighbours, many with professional qualifications and accreditations to support their assertions. Perhaps the most valuable aspect of the conversation is that we also have lived experience from all the residents of the neighbourhood regarding day-to-day conditions in the area.

Neighbourhood Concerns

1. **PROPOSED HEIGHT OF THE NEW DEVELOPMENT** - the development team is asking for an increase in height from 14 metres (m) max to 24m with 'scenery loft' which would bring the total height to under 30m. This height, as illustrated in the supplementary documents (Urban Design Brief) appears to be problematic for a few reasons:

- a) The overall height as proposed in the current building form appears to have not considered the neighbourhood architectural fabric – there are no references to any of the existing street front datums. The current massing, in contrast with its adjacent, seemingly excessive expanse of concrete driveway/parking space, appears as an alien monolith placed, not integrated into the neighbourhood.
- b) Frontage along Hall Ave. does not appear to address the issues that arise from doubling the height of the building envelope. This is particularly problematic if “facilitating the pedestrian realm” (Urban Design Brief – 8.3, 8.7) is an objective of the development. Such jarring change in mass, height, and lack of facade interaction with the street would seem to achieve the opposite of “facilitate the pedestrian realm.” Similar conditions could be observed at the Walker Power, and the Children's Aid Society buildings (both listed as precedents in this project brief). These two buildings are a product of past development patterns and we believe should be considered very different from a newly-built residential building in a tightly-knit residential neighbourhood. The Walker Power Building is a fully commercial building, set in a former industrial landscape and so its context is very different. It has been successfully adapted for re-use, and its inclusion of commercial space on the main floor comprises a half-hearted and somewhat successful appeal to pedestrian traffic in relation to its context, which is very different than the neighbourhood surrounding the site in question. The CAS building, on the other hand, is an *institutional* building from a period of time when pedestrian infrastructure and contextual design were disregarded and

de-emphasized. This building in particular is insensitive to its context and actually disregards, de-tracts and diminishes the pedestrian realm along Riverside Drive and perpendicular streets. Neither of these structures named as precedents were originally designed with any consideration for the way that the architecture interacts with surrounding urban fabric, human scale, or pedestrian infrastructure, and their uses and contexts are quite different from the site in question. Unfortunately, we do not believe these are appropriate or desirable precedents for the proposed development of 1247 Riverside.

- c) Unmitigated height and the monolithic approach to the way that the building height is reached is more problematic, potentially, than the total proposed height for the development. A multi-unit development being inserted into a neighbourhood comprised exclusively of single family and duplex residential would benefit from an architectural effort to break down a single mass, in order to present itself as a contextually sensitive and responsive development while still potentially achieving the developer's desires for a taller building accommodating more units. We would suggest as well, that a less monolithic building, more appropriately scaled and integrated with the neighbourhood might be a more comfortable and desirable living situation for many potential residents.

2. SITE PLAN ARRANGEMENT – we have reviewed your proposed site plan and we have significant concerns with the following elements:

- a) The visual and spatial dominance of parking infrastructure results in de-emphasizing and diminishing the neighbourhood's inherent walkability and we worry it could lead to unnecessarily increasing traffic on Hall Avenue - which is home to many young families with active children, neighbours and people from surrounding neighbourhoods walking and biking through to riverfront parks etc.
- b) The added traffic load would negatively affect the already dangerous crossing of Riverside Drive for pedestrians and cyclists
- c) The proposed plan shows two new curb cuts on Hall Avenue for access to surface and below-grade parking spaces. This approach is inconsistent with the City's lack of desire to allow curb cuts for residents in order to maintain the character of our historic neighbourhoods. It is particularly

troublesome that this arrangement is proposed, when one considers that the Hall-Moy neighbourhood is an active/functioning alley neighbourhood. We have services and garbage pickup in the alleyways and they provide access to the majority of our garages/parking spaces. It is disappointing that the proposed development is not willing to consider and follow neighbourhood form on this topic, as there is no foreseeable reason why all the vehicular access to the development could not be done from one of the three active alleys abutting the south end of the site.

- d) Proposing a curb cut leading to a ramp directly on a residential street (Hall Ave) is problematic from a CPTED standpoint as these type of ramps are difficult to surveil and provide a very convenient space for a perpetrator to hide.

3. LACK OF CONNECTION TO STREET - The current proposal does not attempt to create any connection to the street frontage of Hall Avenue. If one considers the proposal as-is, one could conclude that it is behaving more like a modernist tower-in-the-park development, rather than anything modelled after contemporary good urban planning principles (Notably influenced by the writings of Jane Jacobs etc.). It is important to note that the modernist tower-in-park typology of buildings are a demonstrably failed typology and have been torn down around the country, having generally become (always were?) understood as unpleasant places to live. This is generally due to the fact that places which don't establish connection with the surrounding context and furthermore, don't inspire a sense of ownership of the ground plane (stoops, porches, front doors, eyes on the street etc.) create a no-mans-land that inevitably falls into disrepair. Thereby, there is a significant concern in the way that the site plan and the architecture of the proposed development is turning its back onto our neighbourhood.

4. PARKING - The development plan includes approximately 1.65 parking spots per dwelling unit. This is an additional 16 spots (approximately 3500 sqft devoted to parking) above the city's prescribed minimum of 1.25 spots per unit. This approach is not in line with the province's urban planning principles of encouraging multimodal transport and reducing the over-reliance on the car. In general, the over-abundance of parking space created by parking minimums is known to reduce the viability of public and active transportation of all modes and contributes to cities' over-reliance on cars, pollution, and general blight.

At the same time, given that our city is not currently widely walkable or easily accessible via public transit, most homes do have at least one, and often multiple vehicles. Many homes in our older neighbourhood do not have a driveway, or only have room for one car in the alley. Our neighbourhood also includes multi-unit houses and buildings. As a result, many existing households rely on street parking and there is some concern that increased density would put additional stress on the demand for street parking.

The residents of the Pierre-Hall-Moy neighbourhood adjacent to the proposed development expressed both of these concerns and we collectively acknowledge that parking is a complicated problem when we face both the desires for safe walkable neighbourhoods and also the realities of daily life. These conflicting objectives intersect with many other issues and concerns both directly related to this development and more broadly, including alleyway safety/lighting, stormwater management, increased traffic/road safety, and promotion of active and public transportation. We would like to have more discussion on this issue with the development group and the city and to find a resolution that feels more comfortable for all. One solution might be to keep the proposed amount of parking but to reduce its prominence above grade via more inconspicuous location, reduction of auxiliary paved space, additional landscaping, and inclusion of permeable paving where possible.

- 5. RIVERSIDE DRIVE AND ACCESS TO RIVERFRONT** - One of the main draws for potential new residents will surely be immediate and walkable proximity to the Riverfront. We understand that there have been several previous studies and conversations regarding the 4-lanes of traffic along Riverside Drive East between Devonshire and Caron Avenue. We all have many negative experiences with traffic in the area as it pertains to accessing the Riverfront. We see many pedestrians, cyclists, e-scooters, families, independent children, and seniors - both residents of the Pierre-Hall-Moy corridor and those from other neighbourhoods - passing through on their way to access Windsor's splendid Riverfront. With this new investment in the community, we feel that there is an opportunity and imminent need to improve safety and walkability in the area by introducing traffic calming measures on Riverside and within the Pierre-Hall-Moy corridors as well as installing pedestrian and cycling crossing points to the Riverside.

Specifically, we see an opportunity for a traffic signal or pedestrian crossover (PXO) connecting Hall and the riverfront multi-use path. Given the high number of vulnerable road users, active transportation users and others crossing Riverside at Hall on a regular basis and the high ADT and 85th percentile speed of Riverside Dr E, we believe this addition would contribute towards the City's Vision Zero targets (Vision Zero Policy 2020). In addition, this would meet Actions 1C.1, 1E.4, 2D.1, 2D.4, 5B.2, 5B.3 and 5B.5 of the City's Active Transportation Master Plan. Finally, adding a crossing at Hall Avenue would also contribute to meeting section 1.5.1(a) of the Provincial Policy Statement (2020) on facilitating active transportation through community connectivity.

Given these considerations, will the Development group and the City help to provide safer transportation in the area and improve access to the Riverfront?

6. STORMWATER MANAGEMENT - There is a posted stormwater management plan prepared by Aleo Associates Inc., dated November 23, 2021, to support the current rezoning application for the Site. We understand the outcomes of the stormwater assessment separates the Site into the southern portion (0.33 acres) which is allowed to discharge to the storm drain on Hall Avenue and the northern portion (0.64 acres) which needs to be managed at the Site. Based on the submitted site plan there appears to be a considerable proportion of the Site that is proposed to be paved or covered by the structure. These impermeable surfaces restrict the infiltration of precipitation.

- a) Potential for flooding - There was considerable concern raised amongst the neighbourhood about how, in the event of significant storm events, would stormwater be managed, if the capacity of the proposed stormwater system for the Site were to be exceeded. Where would excess stormwater be directed?
- b) Due to a significant proportion of the Site being proposed as covered by impermeable surfaces, there is concern that this could contribute to additional flooding in the neighbourhood. Perhaps there could be consideration by the development group to add some permeable surfaces where a paved or impermeable surface has been proposed to reduce the reliance on the existing stormwater infrastructure in the neighbourhood.
- c) The design drawings for the stormwater management plan are limited in detail and do not provide a depth or profile of the proposed "depressed grass areas." Depending on the depth, would barriers be required for fall

prevention? Concern was expressed regarding the stormwater management area on the northern portion of the property in terms of both the design and the aesthetics. There was concern raised that the retention area would provide a “visual” and physical barrier between the building and the neighbourhood. This is, once again, not in-line with the commitment to “facilitate the urban realm”.

- d) Where will water from the sub-surface parking structure sump be directed into the storm system? How will groundwater be managed if sub-surface parking structure intersects the groundwater table?
- e) There was also a question raised regarding the Intensity Duration Frequency (IDF) curves used to prepare the calculation. What period do the IDF curves from the Windsor airport cover and if they include such significant rainfall events experienced by Windsor on August 29, 2017?

7. NEIGHBOURHOOD CHARACTER, HISTORIC AND SOCIAL CONTEXT - Some residents are concerned that the historic background of the property is disregarded in the proposed new development. It was noted that this property did have a heritage designation but that it was removed by the City prior to demolition in 2013. This Site has an extensive history overlapping the early development of the City. It was home of one of Windsor’s Mayors John Davis (“The John Davis House”). It was also one of the five “hotels” along the Detroit Riverfront during the prohibition era in the United States and was part of the notable “rum-running” history of Windsor’s waterfront. Could some recognition and celebration of the history and social context of the land be incorporated into the building, site design, or landscaping (e.g. public art, material references, visible information boards, plaques, etc.) ?

8. ENVIRONMENTAL CONCERNS

- a) Environmental Site Assessment - There was no information provided on the File No: Z-044/21 ZNG/6633 regarding previous Environmental Site Assessments (ESA) completed for the property. The property was previously utilised as a commercial property, under Ontario Regulation 153/04 (Records of Site Condition - Part XV.1 of the Act under Environmental Protection Act, R.S.O. 1990, c. E.19), which regulates brownfield redevelopment in the province, converting a less-sensitive land use, in this case commercial, to a more-sensitive land use, residential, requires filing for a Record of Site Condition with the Ministry of Environment, Conservation and Parks prior to redevelopment of a brownfield Site. Does the proponent intend to file for a record of Site

Condition? We acknowledge the most recent use of the property as a tavern and entertainment business represents a low-risk use of the property for potential environmental impacts; however, historical use and construction practices at the Site may represent potential contaminating activities (PCAs) to soil and groundwater quality on the Site (e.g. underground fuel storage tanks for heating, asbestos / lead / mercury in construction materials, fill of unknown quality imported to the Site, etc.) and these should be adequately addressed.

- b) Excess Soils - If the intent is to construct underground parking, there will be a large volume of excess soils generated during construction. Will the development group follow requirements under Ontario Regulation 406/19: On-site and Excess Soil Management under Environmental Protection Act, R.S.O. 1990, c., during construction? How will excess soils be managed at the Site?
- c) Construction Noise, Dust and Heavy Truck Traffic - Without information from an ESA there is a concern regarding soil quality and consequently dust arising from construction at the Site. There was a question raised by the neighbourhood regarding noise and dust during construction, especially of a large structure within a residential neighbourhood. How long is the anticipated duration of construction? How will concerns of dust, noise and heavy truck traffic through the residential area be addressed during construction?
- d) To our dismay, the proposed site plan appears to remove all existing mature trees. We insist that as long as these mature trees are healthy, the development group makes all possible accommodations to keep them in place. We also insist as well that the developer plants more trees on the property according to a landscaping plan that prioritises shade and greenery around the site and contributes to the canopy that keeps our neighbourhood shady, comfortable, and beautiful. The abundance of mature trees in our neighbourhood is one of its many draws - but as these are removed, or fallen due to ill health, storms, and damage, the neighbourhood loses the many environmental benefits they provide. New trees should be planted to replace old, and to increase the canopy, but healthy mature trees are invaluable and irreplaceable.

9. DISSEMINATION OF INFORMATION FOR RE-ZONING/ZONING EXEMPTION

APPLICATIONS - The "Notice of Public Meeting" mailed to residents on Pierre-Hall-Moy, dated September 6, 2022, contained insufficient information to inform the community of the application to amend the zoning for the Site. A reference to the "Current Zoning

Applications" page should also be provided, to allow residents more than 10 days prior to the public meeting from when the Council Report is available to review, digest and discuss any publicly available documents supporting a proposed zoning amendment application. Allowing access and additional time for residents to read and understand this material is important to encourage discussion about changes in our community and to foster community engagement in this decision making process. The Reports provided to Council are particularly dense and many members of our community will require additional time to review and decide whether they choose to respond and engage in the Municipal process. There also seems to be some confusion as to whether the documents uploaded to the agenda package for this file are the most recent and up-to-date proposal for the site. We are only able to respond to the proposal we are given access to.

CLOSING

In light of the above-mentioned concerns presented by our neighbours, it would be beneficial for both sides to come to workable solutions directed at the mutual benefits present with this development opportunity. In order to find these mutually beneficial solutions, we would recommend that the development team consider the following:

- A robust neighbourhood engagement process to be initiated by the developer as would be expected of any project of this scale
- Development to take a more neighbourly approach:
 - Contextual design
 - Breaking down of scale and height ("human-scale" design)
 - Revising access strategy to be more in line with the neighbourhood (utilise existing alleyways and improve them to be vital access points)
 - Consider a more eco-friendly approach (less emphasis on cars, less impermeable surfaces, revised location and design of retention pond and water-management strategy, thoughtful landscaping)
 - Consider a more neighbourhood scaled approach along Hall Avenue (street address)
 - Consider researching the rich history of the neighbourhood, the site, and use it to enhance design and beautification of the site plan.

We, the residents of Moy-Hall neighbourhood, submit these concerns for your consideration and at this time, given the proposed plans made publicly available for review, we do not support the re-zoning or zoning exemptions proposed for 1247 Riverside Drive. We would like to see a more considered, and nuanced approach from the development team and a revised design for the site and building. We believe that for a piece of urban architecture to truly be successful, it is imperative to take into

consideration the concerns of residents, the sustainability of the program, and to take a more thoughtful and sensitive design approach. We hope that we can come to an agreement on a design which will truly enrich our neighbourhood, our city and our new neighbours at 1247 Riverside Drive for generations to come.

Warmest regards,

Sinisa Simic for Pierre-Moy-Hall and Riverside Neighbourhood Group.

City of Windsor File No: Z-044/21 ZNG/6633

Pierre-Hall-Moy Neighbourhood Residents

Response to Application for Zoning Amendment for 1247 Riverside East, Windsor, ON

In response to the Zoning Amendment Application before the City of Windsor's Development & Heritage Standing Committee (File No: Z-044/21 ZNG/6633) proposed zoning amendment and re-development of the properties at 1247 and 1271 Riverside Drive East (the "Site") and the related documents made available to the public via City of Windsor website, the residents representing Pierre-Hall-Moy Avenues and Riverside Drive whom are directly impacted by the proposed development have engaged in vigorous discussion and this letter is a product of that discussion. Some of the main concerns brought forward were height of the building and its monolithic massing, the disassociation with the character and history of the neighbourhood, parking, pedestrian and cyclist access to the riverfront and safety concerns regarding increased density and additional traffic.

Introduction

Primarily, the residents would like to commend the development group, for their recognition of the potential of the land to be developed and for bringing this opportunity to our neighbourhood. We fully understand and value the capital investment that it will take to make this vision a reality and furthermore would like to partner in good faith with the development group and the City in extracting the most value from this opportunity for current and future residents, the developer, and the City, and to ensure the most successful, sustainable, long-view of development for our neighbourhood.

We would like to point out to the development group, Development & Heritage Standing Committee and City Council that our neighbourhood is very inclusive and diverse; we, as a group, very much value our neighbours and what every individual brings to the table. This neighbourhood includes residents from all walks of life, from construction workers, small business owners, retirees, artists, professors, landscape architects, urban planners, architects, engineers and community organisers. We have organised ourselves through the years around various issues via letter drops, in-person meetings, social media groups, and chats. With this being said, the development group should know that the concerns below have been assessed and articulated by a well-informed

group of concerned neighbours, many with professional qualifications and accreditations to support their assertions. Perhaps the most valuable aspect of the conversation is that we also have lived experience from all the residents of the neighbourhood regarding day-to-day conditions in the area.

Neighbourhood Concerns

1. **PROPOSED HEIGHT OF THE NEW DEVELOPMENT** - the development team is asking for an increase in height from 14 metres (m) max to 24m with 'scenery loft' which would bring the total height to under 30m. This height, as illustrated in the supplementary documents (Urban Design Brief) appears to be problematic for a few reasons:

- a) The overall height as proposed in the current building form appears to have not considered the neighbourhood architectural fabric – there are no references to any of the existing street front datums. The current massing, in contrast with its adjacent, seemingly excessive expanse of concrete driveway/parking space, appears as an alien monolith placed, not integrated into the neighbourhood.
- b) Frontage along Hall Ave. does not appear to address the issues that arise from doubling the height of the building envelope. This is particularly problematic if “facilitating the pedestrian realm” (Urban Design Brief – 8.3, 8.7) is an objective of the development. Such jarring change in mass, height, and lack of facade interaction with the street would seem to achieve the opposite of “facilitate the pedestrian realm.” Similar conditions could be observed at the Walker Power, and the Children's Aid Society buildings (both listed as precedents in this project brief). These two buildings are a product of past development patterns and we believe should be considered very different from a newly-built residential building in a tightly-knit residential neighbourhood. The Walker Power Building is a fully commercial building, set in a former industrial landscape and so its context is very different. It has been successfully adapted for re-use, and its inclusion of commercial space on the main floor comprises a half-hearted and somewhat successful appeal to pedestrian traffic in relation to its context, which is very different than the neighbourhood surrounding the site in question. The CAS building, on the other hand, is an *institutional* building from a period of time when pedestrian infrastructure and contextual design were disregarded and

de-emphasized. This building in particular is insensitive to its context and actually disregards, de-tracts and diminishes the pedestrian realm along Riverside Drive and perpendicular streets. Neither of these structures named as precedents were originally designed with any consideration for the way that the architecture interacts with surrounding urban fabric, human scale, or pedestrian infrastructure, and their uses and contexts are quite different from the site in question. Unfortunately, we do not believe these are appropriate or desirable precedents for the proposed development of 1247 Riverside.

- c) Unmitigated height and the monolithic approach to the way that the building height is reached is more problematic, potentially, than the total proposed height for the development. A multi-unit development being inserted into a neighbourhood comprised exclusively of single family and duplex residential would benefit from an architectural effort to break down a single mass, in order to present itself as a contextually sensitive and responsive development while still potentially achieving the developer's desires for a taller building accommodating more units. We would suggest as well, that a less monolithic building, more appropriately scaled and integrated with the neighbourhood might be a more comfortable and desirable living situation for many potential residents.

2. SITE PLAN ARRANGEMENT – we have reviewed your proposed site plan and we have significant concerns with the following elements:

- a) The visual and spatial dominance of parking infrastructure results in de-emphasizing and diminishing the neighbourhood's inherent walkability and we worry it could lead to unnecessarily increasing traffic on Hall Avenue - which is home to many young families with active children, neighbours and people from surrounding neighbourhoods walking and biking through to riverfront parks etc.
- b) The added traffic load would negatively affect the already dangerous crossing of Riverside Drive for pedestrians and cyclists
- c) The proposed plan shows two new curb cuts on Hall Avenue for access to surface and below-grade parking spaces. This approach is inconsistent with the City's lack of desire to allow curb cuts for residents in order to maintain the character of our historic neighbourhoods. It is particularly

troublesome that this arrangement is proposed, when one considers that the Hall-Moy neighbourhood is an active/functioning alley neighbourhood. We have services and garbage pickup in the alleyways and they provide access to the majority of our garages/parking spaces. It is disappointing that the proposed development is not willing to consider and follow neighbourhood form on this topic, as there is no foreseeable reason why all the vehicular access to the development could not be done from one of the three active alleys abutting the south end of the site.

- d) Proposing a curb cut leading to a ramp directly on a residential street (Hall Ave) is problematic from a CPTED standpoint as these type of ramps are difficult to surveil and provide a very convenient space for a perpetrator to hide.

3. LACK OF CONNECTION TO STREET - The current proposal does not attempt to create any connection to the street frontage of Hall Avenue. If one considers the proposal as-is, one could conclude that it is behaving more like a modernist tower-in-the-park development, rather than anything modelled after contemporary good urban planning principles (Notably influenced by the writings of Jane Jacobs etc.). It is important to note that the modernist tower-in-park typology of buildings are a demonstrably failed typology and have been torn down around the country, having generally become (always were?) understood as unpleasant places to live. This is generally due to the fact that places which don't establish connection with the surrounding context and furthermore, don't inspire a sense of ownership of the ground plane (stoops, porches, front doors, eyes on the street etc.) create a no-mans-land that inevitably falls into disrepair. Thereby, there is a significant concern in the way that the site plan and the architecture of the proposed development is turning its back onto our neighbourhood.

4. PARKING - The development plan includes approximately 1.65 parking spots per dwelling unit. This is an additional 16 spots (approximately 3500 sqft devoted to parking) above the city's prescribed minimum of 1.25 spots per unit. This approach is not in line with the province's urban planning principles of encouraging multimodal transport and reducing the over-reliance on the car. In general, the over-abundance of parking space created by parking minimums is known to reduce the viability of public and active transportation of all modes and contributes to cities' over-reliance on cars, pollution, and general blight.

At the same time, given that our city is not currently widely walkable or easily accessible via public transit, most homes do have at least one, and often multiple vehicles. Many homes in our older neighbourhood do not have a driveway, or only have room for one car in the alley. Our neighbourhood also includes multi-unit houses and buildings. As a result, many existing households rely on street parking and there is some concern that increased density would put additional stress on the demand for street parking.

The residents of the Pierre-Hall-Moy neighbourhood adjacent to the proposed development expressed both of these concerns and we collectively acknowledge that parking is a complicated problem when we face both the desires for safe walkable neighbourhoods and also the realities of daily life. These conflicting objectives intersect with many other issues and concerns both directly related to this development and more broadly, including alleyway safety/lighting, stormwater management, increased traffic/road safety, and promotion of active and public transportation. We would like to have more discussion on this issue with the development group and the city and to find a resolution that feels more comfortable for all. One solution might be to keep the proposed amount of parking but to reduce its prominence above grade via more inconspicuous location, reduction of auxiliary paved space, additional landscaping, and inclusion of permeable paving where possible.

- 5. RIVERSIDE DRIVE AND ACCESS TO RIVERFRONT** - One of the main draws for potential new residents will surely be immediate and walkable proximity to the Riverfront. We understand that there have been several previous studies and conversations regarding the 4-lanes of traffic along Riverside Drive East between Devonshire and Caron Avenue. We all have many negative experiences with traffic in the area as it pertains to accessing the Riverfront. We see many pedestrians, cyclists, e-scooters, families, independent children, and seniors - both residents of the Pierre-Hall-Moy corridor and those from other neighbourhoods - passing through on their way to access Windsor's splendid Riverfront. With this new investment in the community, we feel that there is an opportunity and imminent need to improve safety and walkability in the area by introducing traffic calming measures on Riverside and within the Pierre-Hall-Moy corridors as well as installing pedestrian and cycling crossing points to the Riverside.

Specifically, we see an opportunity for a traffic signal or pedestrian crossover (PXO) connecting Hall and the riverfront multi-use path. Given the high number of vulnerable road users, active transportation users and others crossing Riverside at Hall on a regular basis and the high ADT and 85th percentile speed of Riverside Dr E, we believe this addition would contribute towards the City's Vision Zero targets (Vision Zero Policy 2020). In addition, this would meet Actions 1C.1, 1E.4, 2D.1, 2D.4, 5B.2, 5B.3 and 5B.5 of the City's Active Transportation Master Plan. Finally, adding a crossing at Hall Avenue would also contribute to meeting section 1.5.1(a) of the Provincial Policy Statement (2020) on facilitating active transportation through community connectivity.

Given these considerations, will the Development group and the City help to provide safer transportation in the area and improve access to the Riverfront?

6. STORMWATER MANAGEMENT - There is a posted stormwater management plan prepared by Aleo Associates Inc., dated November 23, 2021, to support the current rezoning application for the Site. We understand the outcomes of the stormwater assessment separates the Site into the southern portion (0.33 acres) which is allowed to discharge to the storm drain on Hall Avenue and the northern portion (0.64 acres) which needs to be managed at the Site. Based on the submitted site plan there appears to be a considerable proportion of the Site that is proposed to be paved or covered by the structure. These impermeable surfaces restrict the infiltration of precipitation.

- a) Potential for flooding - There was considerable concern raised amongst the neighbourhood about how, in the event of significant storm events, would stormwater be managed, if the capacity of the proposed stormwater system for the Site were to be exceeded. Where would excess stormwater be directed?
- b) Due to a significant proportion of the Site being proposed as covered by impermeable surfaces, there is concern that this could contribute to additional flooding in the neighbourhood. Perhaps there could be consideration by the development group to add some permeable surfaces where a paved or impermeable surface has been proposed to reduce the reliance on the existing stormwater infrastructure in the neighbourhood.
- c) The design drawings for the stormwater management plan are limited in detail and do not provide a depth or profile of the proposed "depressed grass areas." Depending on the depth, would barriers be required for fall

prevention? Concern was expressed regarding the stormwater management area on the northern portion of the property in terms of both the design and the aesthetics. There was concern raised that the retention area would provide a “visual” and physical barrier between the building and the neighbourhood. This is, once again, not in-line with the commitment to “facilitate the urban realm”.

- d) Where will water from the sub-surface parking structure sump be directed into the storm system? How will groundwater be managed if sub-surface parking structure intersects the groundwater table?
- e) There was also a question raised regarding the Intensity Duration Frequency (IDF) curves used to prepare the calculation. What period do the IDF curves from the Windsor airport cover and if they include such significant rainfall events experienced by Windsor on August 29, 2017?

7. NEIGHBOURHOOD CHARACTER, HISTORIC AND SOCIAL CONTEXT - Some residents are concerned that the historic background of the property is disregarded in the proposed new development. It was noted that this property did have a heritage designation but that it was removed by the City prior to demolition in 2013. This Site has an extensive history overlapping the early development of the City. It was home of one of Windsor’s Mayors John Davis (“The John Davis House”). It was also one of the five “hotels” along the Detroit Riverfront during the prohibition era in the United States and was part of the notable “rum-running” history of Windsor’s waterfront. Could some recognition and celebration of the history and social context of the land be incorporated into the building, site design, or landscaping (e.g. public art, material references, visible information boards, plaques, etc.) ?

8. ENVIRONMENTAL CONCERNS

- a) Environmental Site Assessment - There was no information provided on the File No: Z-044/21 ZNG/6633 regarding previous Environmental Site Assessments (ESA) completed for the property. The property was previously utilised as a commercial property, under Ontario Regulation 153/04 (Records of Site Condition - Part XV.1 of the Act under Environmental Protection Act, R.S.O. 1990, c. E.19), which regulates brownfield redevelopment in the province, converting a less-sensitive land use, in this case commercial, to a more-sensitive land use, residential, requires filing for a Record of Site Condition with the Ministry of Environment, Conservation and Parks prior to redevelopment of a brownfield Site. Does the proponent intend to file for a record of Site

Condition? We acknowledge the most recent use of the property as a tavern and entertainment business represents a low-risk use of the property for potential environmental impacts; however, historical use and construction practices at the Site may represent potential contaminating activities (PCAs) to soil and groundwater quality on the Site (e.g. underground fuel storage tanks for heating, asbestos / lead / mercury in construction materials, fill of unknown quality imported to the Site, etc.) and these should be adequately addressed.

- b) Excess Soils - If the intent is to construct underground parking, there will be a large volume of excess soils generated during construction. Will the development group follow requirements under Ontario Regulation 406/19: On-site and Excess Soil Management under Environmental Protection Act, R.S.O. 1990, c., during construction? How will excess soils be managed at the Site?
- c) Construction Noise, Dust and Heavy Truck Traffic - Without information from an ESA there is a concern regarding soil quality and consequently dust arising from construction at the Site. There was a question raised by the neighbourhood regarding noise and dust during construction, especially of a large structure within a residential neighbourhood. How long is the anticipated duration of construction? How will concerns of dust, noise and heavy truck traffic through the residential area be addressed during construction?
- d) To our dismay, the proposed site plan appears to remove all existing mature trees. We insist that as long as these mature trees are healthy, the development group makes all possible accommodations to keep them in place. We also insist as well that the developer plants more trees on the property according to a landscaping plan that prioritises shade and greenery around the site and contributes to the canopy that keeps our neighbourhood shady, comfortable, and beautiful. The abundance of mature trees in our neighbourhood is one of its many draws - but as these are removed, or fallen due to ill health, storms, and damage, the neighbourhood loses the many environmental benefits they provide. New trees should be planted to replace old, and to increase the canopy, but healthy mature trees are invaluable and irreplaceable.

9. DISSEMINATION OF INFORMATION FOR RE-ZONING/ZONING EXEMPTION

APPLICATIONS - The "Notice of Public Meeting" mailed to residents on Pierre-Hall-Moy, dated September 6, 2022, contained insufficient information to inform the community of the application to amend the zoning for the Site. A reference to the "Current Zoning

Applications" page should also be provided, to allow residents more than 10 days prior to the public meeting from when the Council Report is available to review, digest and discuss any publicly available documents supporting a proposed zoning amendment application. Allowing access and additional time for residents to read and understand this material is important to encourage discussion about changes in our community and to foster community engagement in this decision making process. The Reports provided to Council are particularly dense and many members of our community will require additional time to review and decide whether they choose to respond and engage in the Municipal process. There also seems to be some confusion as to whether the documents uploaded to the agenda package for this file are the most recent and up-to-date proposal for the site. We are only able to respond to the proposal we are given access to.

CLOSING

In light of the above-mentioned concerns presented by our neighbours, it would be beneficial for both sides to come to workable solutions directed at the mutual benefits present with this development opportunity. In order to find these mutually beneficial solutions, we would recommend that the development team consider the following:

- A robust neighbourhood engagement process to be initiated by the developer as would be expected of any project of this scale
- Development to take a more neighbourly approach:
 - Contextual design
 - Breaking down of scale and height ("human-scale" design)
 - Revising access strategy to be more in line with the neighbourhood (utilise existing alleyways and improve them to be vital access points)
 - Consider a more eco-friendly approach (less emphasis on cars, less impermeable surfaces, revised location and design of retention pond and water-management strategy, thoughtful landscaping)
 - Consider a more neighbourhood scaled approach along Hall Avenue (street address)
 - Consider researching the rich history of the neighbourhood, the site, and use it to enhance design and beautification of the site plan.

We, the residents of Moy-Hall neighbourhood, submit these concerns for your consideration and at this time, given the proposed plans made publicly available for review, we do not support the re-zoning or zoning exemptions proposed for 1247 Riverside Drive. We would like to see a more considered, and nuanced approach from the development team and a revised design for the site and building. We believe that for a piece of urban architecture to truly be successful, it is imperative to take into

consideration the concerns of residents, the sustainability of the program, and to take a more thoughtful and sensitive design approach. We hope that we can come to an agreement on a design which will truly enrich our neighbourhood, our city and our new neighbours at 1247 Riverside Drive for generations to come.

Warmest regards,
Pierre-Moy-Hall Neighbourhood Residents

Brenda Francis Pelkey + Mayer Schulman
248 Hall Ave.

Nadja Pelkey
250 Hall Ave.

Peter Guba + Gabriela Guerra
381 Moy Ave.

Robert Beer
207 Moy Ave.

Naomi Pelkey
250 Hall Ave.

Margot Schulman
250 Hall Ave.

Lucy Howe + Zeke Moores
308 Hall Ave.

Sinisa Simic + Nicole Baillargeon
396 Hall Ave.

Russel Dupuis
166 Pierre Ave.

The Malanka Family
288 Hall Ave.

Donna Bergamin
331 Moy Ave.

Courtney Thomas + Justin Bondy
522 Hall Ave.

Jordan + Jesse Marchand
277 Hall Ave.

Susan Johnson Washington
260 Hall Ave.

Cameron McNaughton + Ameer Stieler
382 Moy Ave.

Diana Radulescu
371 Moy Ave.

Elise Keller + Johnny Oran
305 Hall Ave.

Ramona Marte
1240 Assumption St.

Stephanie Hill + Andrea Pollock
212 Hall Ave.

Arun Rattan
365 Moy Ave.

Janine Pfaff
341 Moy Ave.



HERITAGE PERMIT APPLICATION

Revised 12/2021

CORPORATION OF THE CITY OF WINDSOR

Planning Dept., Suite 320-350 City Hall Sq W, Windsor ON N9A 6S1
519-255-6543 | 519-255-6544 (fax) | planningdept@citywindsor.ca

1. Applicant, Agent and Registered Owner Information

Provide in full the name of the applicant, registered owner and agent, the name of the contact person, and address, postal code, phone number, fax number and email address. If the applicant or registered owner is a numbered company, provide the name of the principals of the company. If there is more than one applicant or registered owner, copy this page, complete in full and submit with this application.

APPLICANT Jennifer Matotek, Executive Director, Art Windsor-Essex
Contact Name(s) Nadja Pelkey, Associate Curator Projects & Partnerships, Art Windsor-Essex
Company or Organization Art Windsor-Essex (Legal name: The Art Gallery of Windsor)
Mailing Address 401 Riverside Drive West, Windsor, ON

Postal Code N9A 7J1
Email project contact: npelkey@artwindsor.essex.ca Phone(s) (519) 977-0013

REGISTERED OWNER IF NOT APPLICANT

Contact Name(s) _____
Company or Organization _____
Mailing Address _____

Postal Code _____
Email _____ Phone(s) _____

AGENT AUTHORIZED BY REGISTERED OWNER TO FILE THE APPLICATION

Contact Name(s) _____
Company or Organization _____
Mailing Address _____

Postal Code _____
Email _____ Phone(s) _____

Who is the primary contact?

- Applicant Registered Owner Agent

5. PROPOSED WORK

Provide a detailed written description of work to be done, including any conservation methods you plan to use. Provide details, drawings, and written specifications such as building materials, measurements, window sizes and configurations, decorative details, etc.. Attach site plans, elevations, product spec sheets, etc. to illustrate, if necessary.

Look Again! Outside: Sandwich Town is a temporary outdoor public art project which will situate five reproductions from Art Windsor-Essex's collection through Sandwich Town.

Frames are made of steel and painted black in accordance with the heritage feel of the neighbourhood
Reproductions will be in place for a period of 12 months with a possibility to renew the agreement.

6. HERITAGE PERMIT RATIONALE

Explain the reasons for undertaking the proposed work and why it is necessary.

This project is part of a larger project of Look Again! Outside. Current installations are present in Downtown Windsor, and on the main campus of St Clair College.

We are working towards bringing this project to all BIA areas in Windsor before expanding again.

The project in Sandwich is supported by the Ontario Trillium Foundation and a Community Benefits grant from WDBA.

Describe the potential impacts to the heritage attributes of the property.

This project is designed to blend into the neighbourhood and provide opportunities for residents and visitors to encounter artworks in unexpected places that inspire conversations about the past present and future of these places.

7. CHECKLIST OF MATERIALS SUBMITTED Check all that apply:

Required:

- Photographs (showing the current condition and context of existing buildings, structures, and heritage attributes that are affected by the application)
- Site plan/ Sketch (showing buildings on the property and location of proposed work)
- Drawings of proposed work (e.g. existing and proposed elevations, floor plans, roof plans, etc., as determined by Heritage Planning staff)
- Specifications of proposed work (e.g. construction specification details)

Potentially required (to be determined by Heritage Planning staff):

- Registered survey
- Material samples, brochures, product data sheets etc.
- Cultural Heritage Evaluation Report
- Heritage Impact Assessment (HIA)
- Heritage Conservation Plan
- Building Condition Assessment

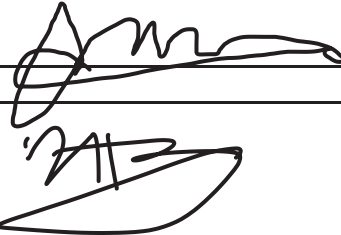
8. NOTES FOR DECLARATION

The applicant hereby declares that the statements made herein and information provided are, to the best of their belief and knowledge, a true and complete representation of the purpose and intent of this application.

The applicant agrees that the proposed work shall be done in accordance with this application, including attachments, and understands that the issuance of the Heritage Alteration Permit under the Ontario Heritage Act shall not be a waiver of any of the provisions of any By-Law of the Corporation of the City of Windsor, or the requirements of the Building Code Act, RSO 1980, c51.

The applicant acknowledges that in the event a permit is issued, any departure from the conditions imposed by the Council of the Corporation of the City of Windsor, or plans and specifications approved is prohibited and could result in the permit being revoked. The applicant further agrees that if the Heritage Alteration Permit is revoked for any cause of irregularity, in the relation to non-conformance with the said agreements, By-Laws, acts or regulations that, in consideration of the issuance of the permit, all claims against the City for any resultant loss or damage are hereby expressly waived.

APPLICANT Signature(s)



Date November 25, 2022

Date November 25, 2022

SCHEDULE A

A. Authorization of Registered Owner for Agent to Make the Application

If the applicant is not the registered owner of the land that is the subject of this application, the written authorization of the registered owner that the applicant is authorized to make the application must be included with this application form or the authorization below must be completed.

I, _____, am the registered owner of the land that is
name of registered owner
subject of this application for a Heritage Alteration Permit and I authorize
_____ to make this application on my behalf.
name of agent

Signature of Registered Owner

Date

If Corporation – I have authority to bind the corporation.

B. Consent to Enter Upon the Subject Lands and Premises

I, _____, hereby authorize the members of the Windsor Heritage Committee and City Council and staff of the Corporation of the City of Windsor to enter upon the subject lands and premises described in Section 3 of the application form for the purpose of evaluating the merits of this application and subsequently to conduct any inspections on the subject lands that may be required as condition of approval. This is their authority for doing so.

Signature of Registered Owner

Date

If Corporation – I have authority to bind the corporation.

C. Acknowledgement of Applicant

I understand that receipt of this application by the City of Windsor Planning Department does not guarantee it to be a complete application. Further review of the application will occur and I may be contacted to provide additional information and/or resolve any discrepancies or issues with the application as submitted.

I further understand that pursuant to the provisions of the Ontario Heritage Act and the Municipal Freedom of Information and Protection of Privacy Act, this application and all material and information provided with this application are made available to the public.

Signature of Applicant

November 25, 2022

Date

DO NOT COMPLETE BELOW – STAFF USE ONLY

Approval Record

Date Received by Heritage Planner: _____

Building Permit Application Date, if needed: _____

Application Approval (City Council):
 Development & Heritage Standing Committee: _____
 City Council: _____

Application Approval (City Planner):
 Heritage Planner: _____
 Staff Decision Appealed to City Council: _____
 If so, Date to City Council: _____
 Council Decision Appealed: _____

Additional Notes / Conditions:

DECISION

Heritage Permit No.: _____ Date: _____

Council Motion or City Planner's Signature: _____

Please contact Heritage Planning to request inspections at ktang@citywindsor.ca

CONTACT INFORMATION

Planning Department - Planning Policy
 Corporation of the City of Windsor
 Suite 320 - 350 City Hall Square West
 Windsor ON N9A 6S1
 planningdept@citywindsor.ca
 519-255-6543 x 6179
 519-255-6544 (fax)
 http://www.citywindsor.ca



Look Again! Outside Heritage Permit Appendix

Updated December 09, 2022

Look Again! Outside Project History

In 2021 AWE launched *Look Again!* in Downtown Windsor, placing reproductions of artworks from the Art Windsor-Essex collection directly in the community. The success of that project inspired the expansion to every BIA area in Windsor.

Art Windsor-Essex is transforming into a community centered gallery for the 21st century. As part of our strategic plan we are working to make the works in our collection relevant, accessible and compelling to audiences. *Look Again! Outside* Brings artworks out of the vault and into the street.

Reproductions will be installed in selected sites for a period of one year, installation and removal is handled by Art Windsor-Essex.

We have recently completed an edition of *Look Again! Outside* at St Clair College's main campus in Windsor, and in Amherstburg with support from donors and partners.



Look Again! Outside: Downtown Windsor



Left: Reproduction of *No One – In Particular #3, Series 1*, 2001, silicone, hair, fabric, 56.0 cm x 77.0 cm, by Evan Penney, from the Collection of the Art Gallery of Windsor

Right: Reproduction of *Untitled, [Self-Portrait of the Artist as Shaman]*, ca. 1975 acrylic on canvas 121.9 cm x 96.5 cm by Norval Morrisseau from the Collection of the Art Gallery of Windsor

Photography by Frank Piccolo



Locations & Artworks:

Look Again! Outside is pedestrian-focused. We have worked with local BIAs to identify places with the following features:

Potential to pause:

Seating or a natural gathering point.

Clear view:

A space that does not interfere with visibility for pedestrians or motor vehicles.

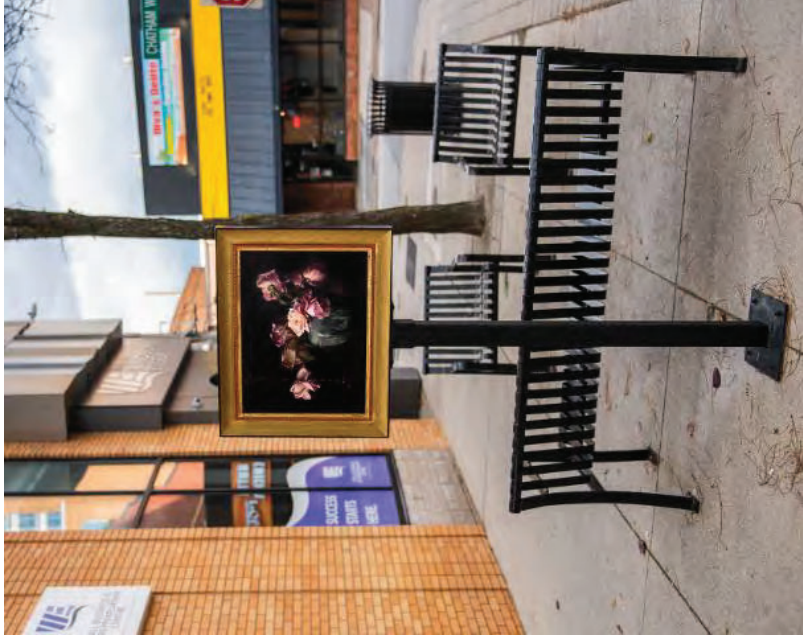
Landmark:

Is there a place the neighbourhood is especially proud of?

AWE's collection is home to over 4,000 artworks, *Look Again! Outside* allows us to connect works from the collection directly to neighbourhoods. We have selected works that can inspire conversations in an informal, public environment.



Frame Styles & Reproduction Locations:



- Frames for the display of artwork reproductions are designed to blend into the environment and work nicely with outdoor furniture like lamp posts and benches.

- Sites included in this document were chosen in consultation with Mary Ann Cuderman and Thomas Coke of the Sandwich Towne BIA, if there are alternate sites that committees or city staff feel would be more suitable for logistical reasons we are happy to explore options and locate reproductions in the areas where installation is simple and safe.

- We are hoping to install in early spring, reproductions will be in place for 12-24 months. In our Downtown project we are seeking to renew the initial 12 month installation for another year as all the reproductions are in excellent condition and the community response has been wonderful.



Frame Design:

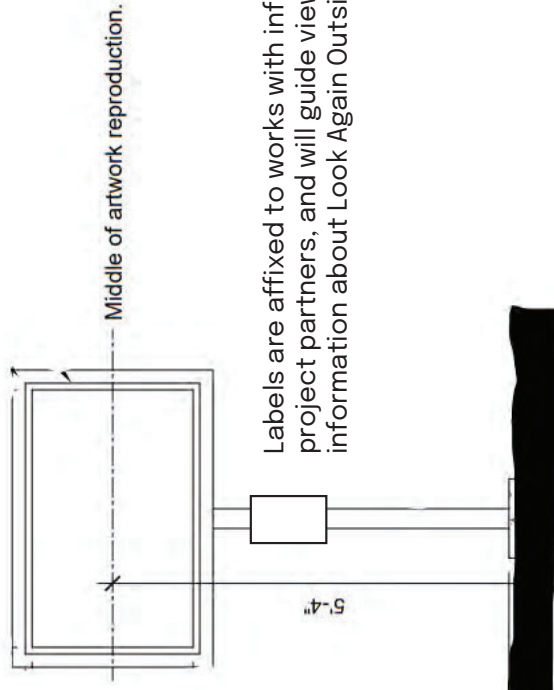
Look Again! Outside: Sandwich Towne
Frame design

Frames are constructed from steel, with a 6" x8" plate steel base. Frames are finished with a satin finish black paint to blend with street furnishings

Frame dimensions are variable according to reproduction size.

All frames are 5'4" from centre of reproduction to the ground to replicate gallery hanging height.

Any frame wider than 36" will have a second stand.



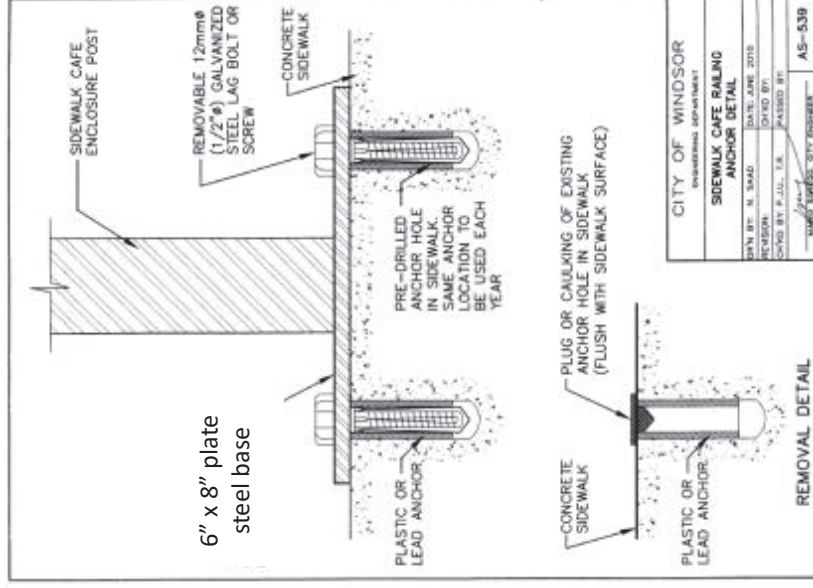
Labels:



Left: Label installed on work downtown
Above: Label sample from Look Again!
Outside: St Clair College



Installation & Removal Details:



AWE has collaborated with city staff to identify spaces where reproductions can be safely installed in spaces that enrich the experience of walking through the neighbourhood.

If a reproduction needs to be temporarily removed or moved to another location due to construction or other reason AWE will remove the frame at the City's request and work to identify a new location.

In the event of an urgent need to remove a reproduction, AWE authorizes The City of Windsor to remove the reproduction.



Fabrication & Materials:

Reproductions are printed on outdoor quality 3M vinyl, and mounted on rigid alupanel. The frames are made from steel, and finished in high-quality, weatherproof paint. Frame materials and design blend in with the feel of the neighbourhood.



Frame Construction:
(cutaways for detail)

- A. Exterior (green for contrast) and Interior frames constructed from steel. Larger works also have vertical supports on the interior frame.
- B. Interior frame provides additional strength and mounting surface for the prints.
- C. Images are mounted and secured to interior frame
- D. Hardware is concealed with channel of black plastic, also sealing work from weather.



Timeline:

Fall 2022: Submit applications and project information to City staff, connect with relevant staff and stakeholders.

Late Fall/Early Winter 2022: Seek approval from City Council after consultation with staff and stakeholders.

Winter 2022: Prepare and Fabricate. Consult with City of Windsor Staff on precise locations, modify plans as necessary.

Late Winter - Spring 2023 (weather permitting): Install reproductions across other BIA Areas.

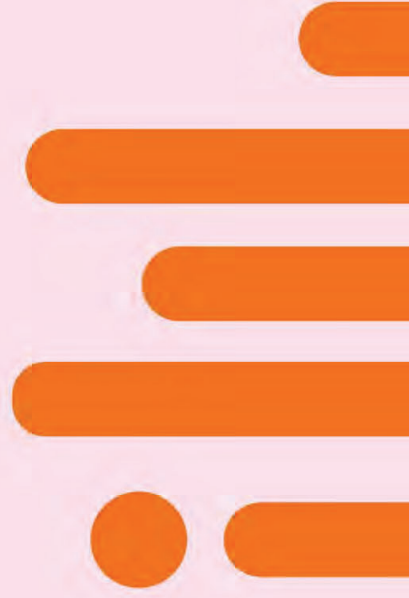
Spring 2023: Full public launch. Works will remain in place for one year from public launch.

Spring 2023 - Winter 2023: Programming to enhance engagement with works.

Late Winter-Spring 2024: Review project, seek to extend permissions where desirable. De-install where necessary.

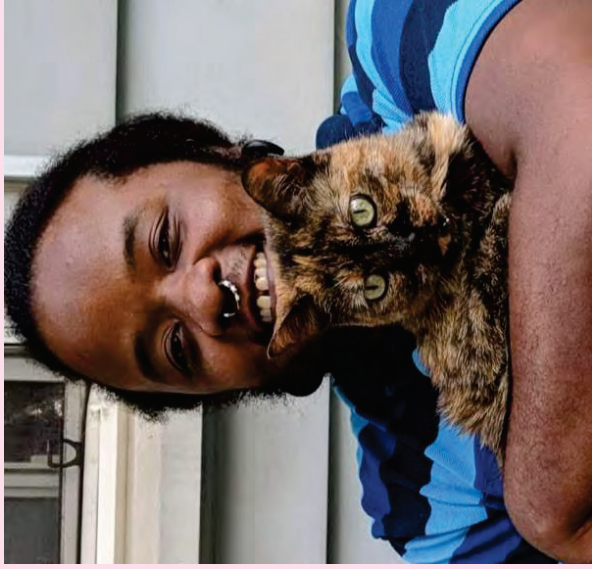


Olde Sandwich Towne

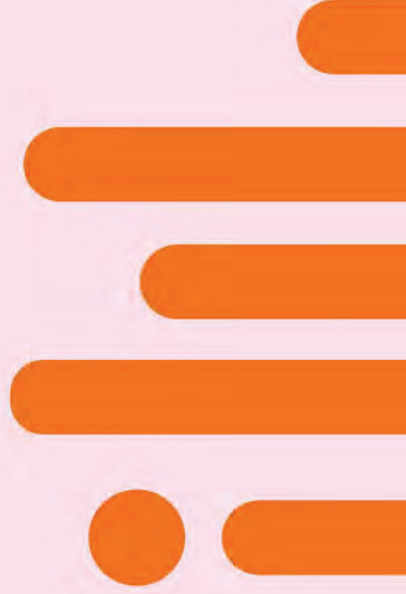


Olde Sandwich Towne Co-Curator

Reginald S. Tolson



- AWE received a Community Benefits grant for *Look Again! Outside* in Sandwich, and through that support have hired local resident Reginald S. Tolson as Co-Curator to select the works for the neighbourhood.
- Reginald has selected work that he feels represents the “Past, present and future” of the neighbourhood.
- Reginald S. Tolson is a resident of Sandwich Towne, and a third-year Business Administration student at University of the People. He has a passion for innovative urban planning solutions which promote sustainable work/life balances. When he is not studying, he enjoys casual research, yarn crafting, gardening and digital world-building.



Sandwich Street

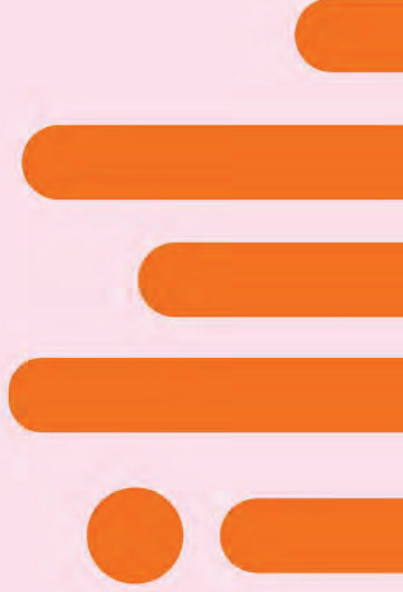
Bench area on existing concrete pad



Frederick Verner, View of Sandwich, December 1879, Windsor, Ontario 1896, 14cm x48cm, watercolour over graphite on paper. Gift of W.T. Grant in memory of his wife Janet B. Grant, 1980, 1980.017

Frame Size around reproduction: 12"x40"
(reproduction will double actual size of work)
Total Frame Height: 66"

Note: The height of frames is the same as the hanging height would be in a gallery space.



Sandwich Street

Near planter on existing concrete pad



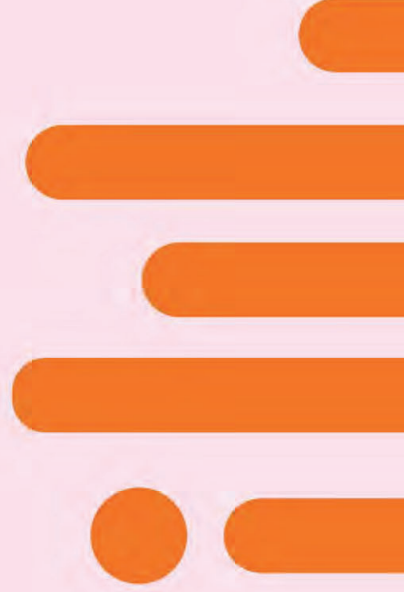
Kenneth Saltmarche, *Untitled (panel for the Cleary Auditorium)*, 1959-1960, oil and gold leaf on masonite, 122.0 cm x 244.0 cm

Gift of the Cleary International Centre, 1993, 1993.024

Frame Size around reproduction: 28" x 51" (reproduction will be approx. 50% of actual size)

Total Frame Height: 66"

Note: The height of frames is the same as the hanging height would be in a gallery space.



Mill Park

On existing concrete pad near bench



Fritz Brandtner, *Untitled (Ship at Harbour)*, date unknown, ink and wash on paper, 28.0 cm x 38.0 cm
Given by Mrs. C.J. Grimwood in memory of her husband, Carroll J. Grimwood, 1980, 1980.056

Frame Size around reproduction: 15"x18"

Total Frame Height: 66"

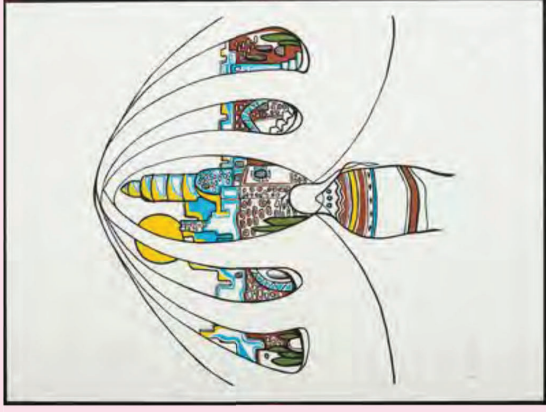
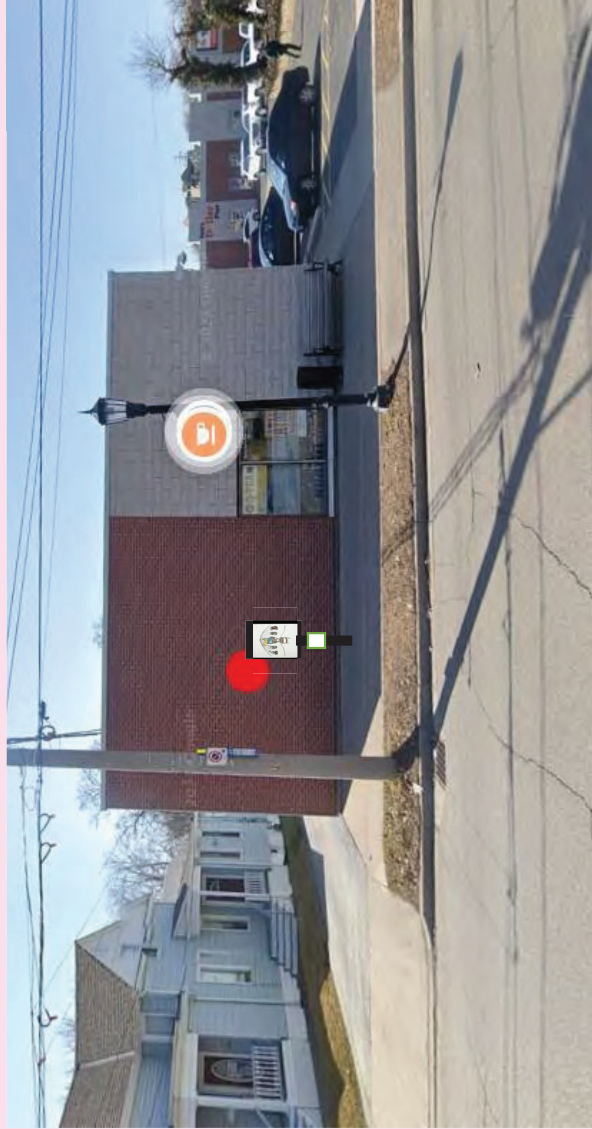
Note: The height of frames is the same as the hanging height would be in a gallery space.



Mill Street

Option A, Private Property

We are seeking permission from the property owner to place this work in the sidewalk in front of the brick wall.



Daphne Odjig, *Vision*, (from the *Jerusalem Series*), not dated, ca. 1976, Serigraph on Arches paper, 156/250, 74.5 cm x 55.5 cm
Gift of Philip Gevik, 2017, 2017.023

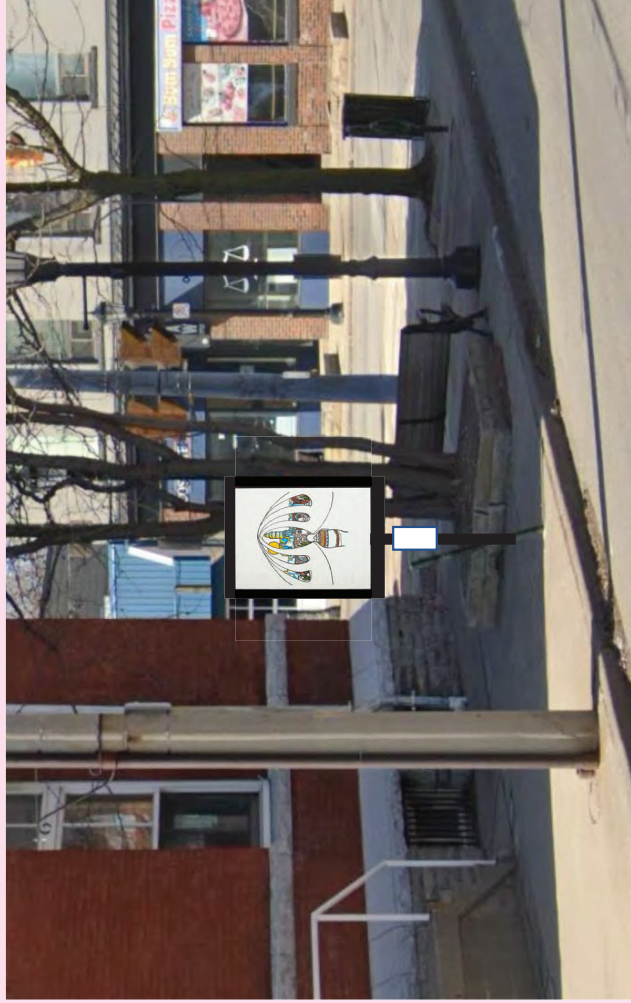
Frame Size around reproduction: 33"x25"

Total Frame Height: 66"

Note: The height of frames is the same as the hanging height would be in a gallery space.

Mill Street

Option B, Behind Planter at corner of Mill and Sandwich Street



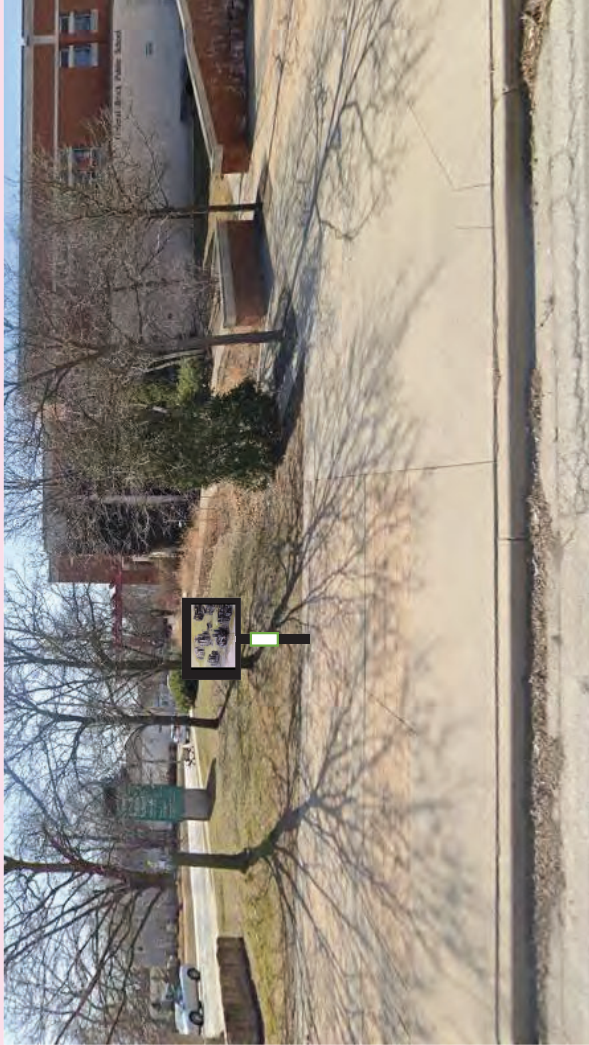
Daphne Odjig, *Vision*, (from the *Jerusalem Series*), not dated, ca. 1976, Serigraph on Arches paper, 156/250, 74.5 cm x 55.5 cm
Gift of Philip Gevik, 2017, 2017.023

Frame Size around reproduction: 33"x25"
Total Frame Height: 66"
Note: The height of frames is the same as the hanging height would be in a gallery space.



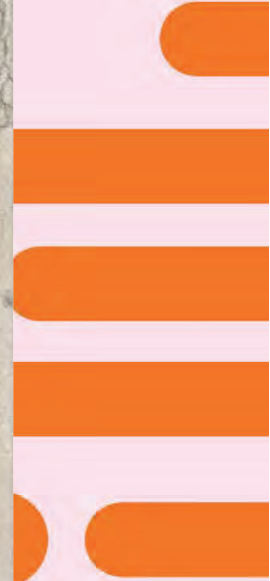
Brock Street

General Brock Public School / WPL Local
History Branch

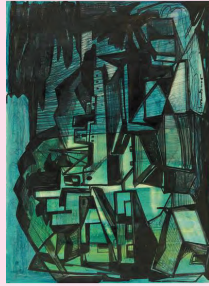


Eleanor Bond, *Study after Protective Communities in an Aging City*, 1998-2000, oil on board, 41.0 cm x 57.0 cm
Gift of the artist, 2001, 2001.009

Frame Size around reproduction: 19" x 26"
Total Frame Height: 66"
Note: The height of frames is the same as the hanging height would be in a gallery space.



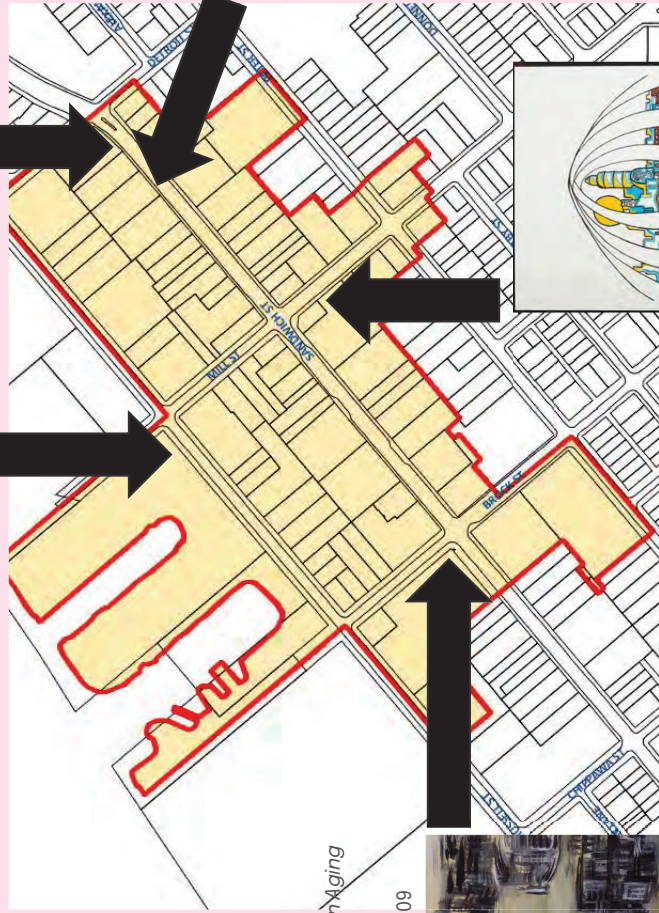
Olde Sandwich Towne Map



Fritz Brandtner, *Untitled (Ship at Harbour)*, date unknown, ink and wash on paper, 28.0 cm x 38.0 cm
Given by Mrs. C.J. Grimwood in memory of her husband, Carroll J. Grimwood, 1980, 1980.056



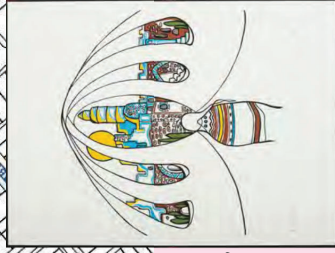
Frederick Verner, *View of Sandwich*, December 1879, Windsor, Ontario 1896, 14cm x48cm, watercolour over graphite on paper. Gift of W.T. Grant in memory of his wife Janet B. Grant, 1980, 1980.017



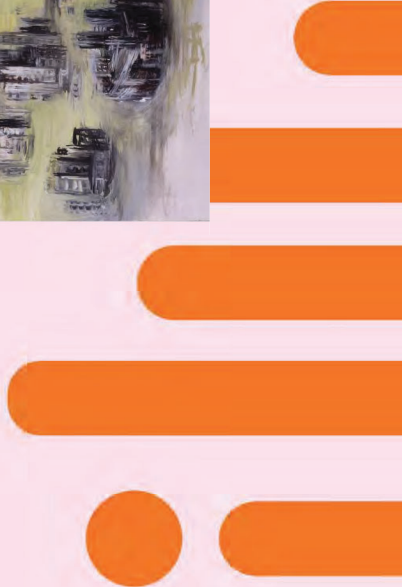
Eleanor Bond, *Study after Protective Communities in an Aging City*, 1998-2000, oil on board, 41.0 cm x 57.0 cm
Gift of the artist, 2001, 2001.009

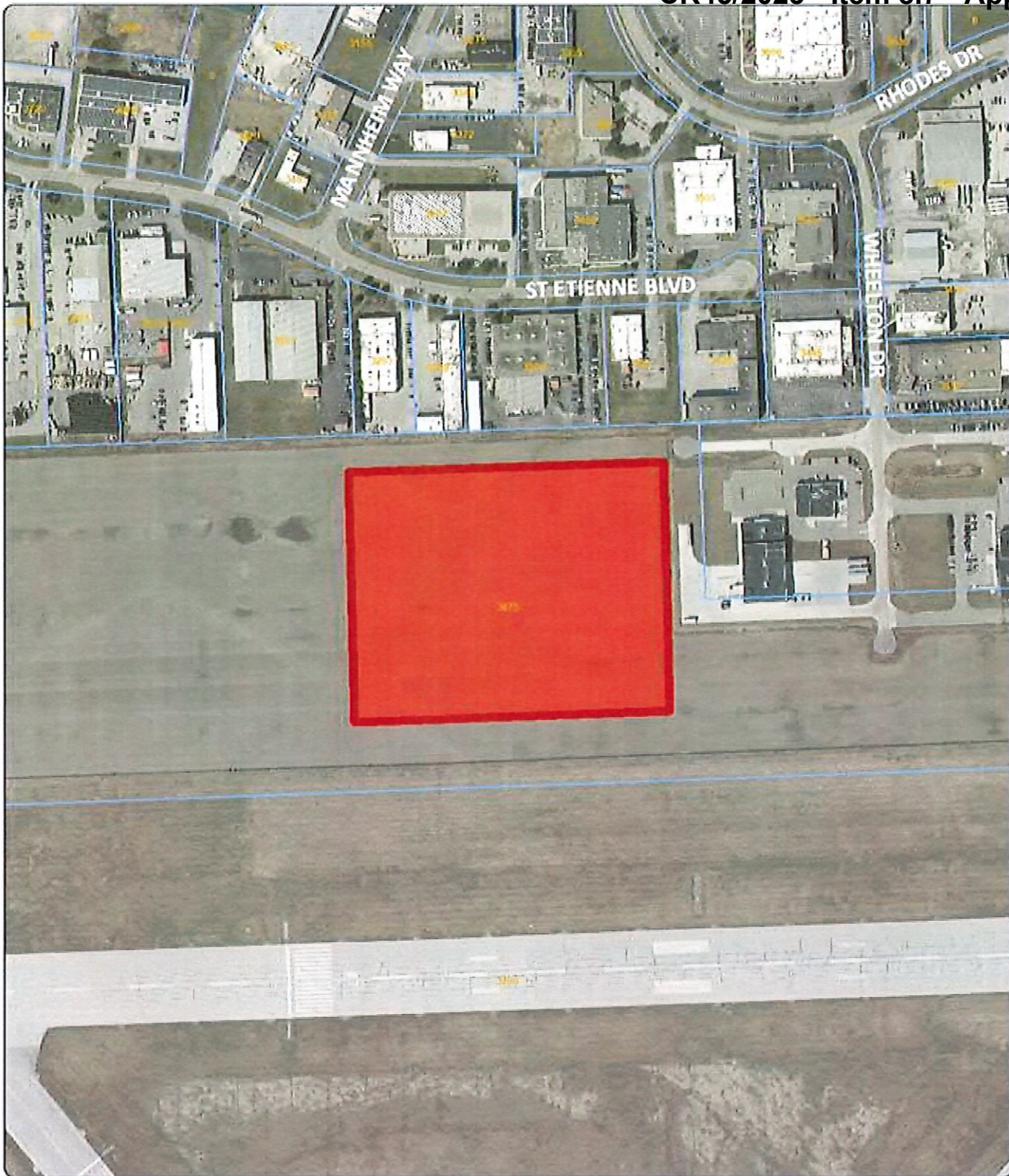


Kenneth Saltmarche, *Untitled (panel for the Cleary Auditorium)*, 1959-1960, oil and gold leaf on masonite, 122.0 cm x 244.0 cm
Gift of the Cleary International Centre, 1993, 1993.024



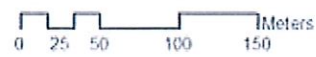
Daphne Odjig, *Vision*, (from the Jerusalem Series), not dated, ca. 1976, Serigraph on Arches paper, 156/250, 74.5 cm x 55.5 cm
Gift of Philip Gevik, 2017, 2017.023





LOCATION MAP : 3475 WHEELTON DRIVE

 SUBJECT SITE

 Meters
0 25 50 100 150





DS C&K's parent company produces battery packs, parts for electric vehicles, automotive stamping components, and micro electric mobility. The company was established in 1995 and has 7 factories including the head office and R&D center in Korea and 3 additional factories in China and Poland.

DS C&K is planning to manufacture and assemble a component (aluminum battery casing) for NextStar Energy. DS C&K manufactures aluminum and steel materials through stamping, machining, and various welding techniques. In addition, our company uses state of art automated robots, cleaning machines, welding machine, fusion equipment, and inspection equipment to produce a very precise battery casing.

Due to the customer's entry into Canada, DS C&K decided to build a manufacturing facility to supply parts to NextStar by 2024. Currently, we supply components to Stellantis, LGES, Renault, Nissan, and GM.

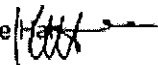
DS C&K plans to create 200 jobs over two phases. Our company will invest \$32M for the construction of the building and an additional \$49 M in equipment for Phase 1 & 2. The total investment will be around 80 M USD.

The financial assistance from the City of Windsor would assist Dongshin Canada in selecting Windsor as its preferred site. This funding would help close the gap between incentives being offered from Michigan, USA. In addition, inflation has substantially increased the cost of building supplies, logistics and equipment – as a result, our overall CAPX is much higher than what we budgeted. The CIP tax grant help us to offset some of this additional cost and make the project viable in Windsor.

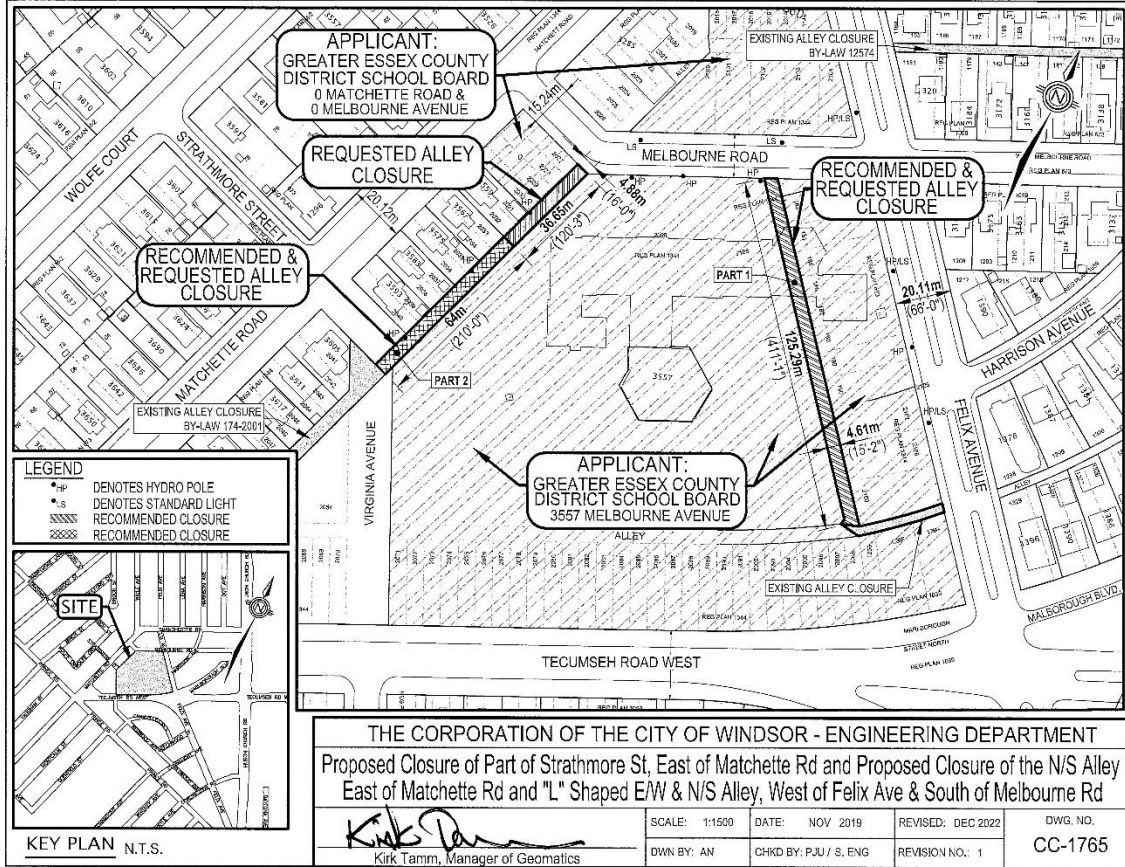
This would enable DS C&K to proceed with its multimillion-dollar investment, which will lead to the creation of several hundred jobs. This will contribute to diversification and aligns with goals of Windsor Works.

DS C&K would like to thank Mayor Dilkens, City Council and the city staff for all your support.

DS C&K Inc.

Kwanghee Han 

APPENDIX "A"
Drawing No. CC-1765



APPENDIX "B" EIS Drawing - Aerial Photo



STREET & ALLEY CLOSING (SAA/5925)

1:2,000

APPLICANT : GREATER ESSEX COUNTY DISTRICT SCHOOL BOARD

 SUBJECT LAND



PLANNING DEPARTMENT - DEVELOPMENT DIVISION

DATE: DECEMBER, 2022

APPENDIX "C"**Consultations with Municipal Departments and Utility Companies****BELL CANADA WSP**

As with our previous response, we request an easement over the entire alley at the rear of the properties on Matchette Road, or a strip 3 m wide for the entire length of the alley. The approximate location of our aerial plant is shown in yellow below. (Bell File: 519-19-506).

[Charleyne Hall, Bell Canada External Liaison]

**CANADA POST**

Canada Post has no comments for the attached application.

[Bruno DeSando, Delivery Planning]

COGECO CABLE SYSTEMS INC.

Please be advised that Cogeco will require an easement.

[Rebecca Borsellino, Senior Agreements Administrator]

ENVIRONMENTAL SERVICES

No concerns from Environmental Services.

[Anne-Marie Albidone, Manager, Environmental Services]

ENWIN UTILITIES - HYDRO

No Objection, however, an easement named to ENWIN Utilities Ltd. is required for the entire east / west Strathmore Street upon closing to accommodate existing overhead 16 kV hydro distribution, poles and down guy wires.

No Objection, however, an easement named to ENWIN Utilities Ltd. is required for the entire north / south alley behind Matchette Rd upon closing to accommodate existing overhead 120/240 volt hydro distribution, poles and down guy wires.

No Objection, to Felix Ave alley closure.

[Steve Zambito Hydro Engineering Technologist]

ENWIN UTILITIES - WATER

Water Engineering has no objections.

[Technical Services Dispatch]

LEGAL DEPARTMENT

For lands abutting properties zoned Institutional ID1.1, as the abutting property is not an operating school, \$2.50 per square foot without easements and \$1.25 per square foot with easements, plus deed preparation fee and proportionate share of the survey cost as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

For lands abutting properties zoned Residential RD1.3: \$1 plus deed preparation fee and proportionate share of the survey cost as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

[Chris Carpenter, Coordinator of Real Estate Services]

MNSi

MNSi will require an aerial easement through the subject properties as indicated on the Subject Map below in green.

[Dave Hartleib, Outside Plant Manager]

**PARKS & FACILITIES**

No comments provided.

PLANNING DEPARTMENT

No comments provided

PLANNING DEPARTMENT - LANDSCAPE ARCHITECT

No objection from a Parks or Landscape architectural perspective.

[Stefan Fediuk - Landscape Architect]

PUBLIC WORKS - ENGINEERING

The subject N/S alley closure located at the rear of properties on Matchette Road is approximately 4.87m (16ft) wide and is partially paved and composed of grass. The 'L' shaped alley closure is composed of grass. The N/S alley appears to be used for parking access for 3557 Melbourne Road. There are hydro poles and overhead wires located on the west side of the N/S alley, an easement is required for utilities. There are no sewers, manholes, or catch basins located in the alley closures. There appears to be fence

encroachments from 3593, 3583, and 3559 Matchette Road within the N/S closure. For the additional requested street closure of Strathmore Street south of Matchette Road, it is approximately 15.2m (49.7ft) wide and appears to be partly composed of gravel and grass. The applicant is required to reinstate the barrier curb, construct and maintain a driveway approach to City standard AS-204. The two alleys and right-of-way appear to serve no useful purpose; therefore, we have no objections to the closure of this alley.

[Adam Pillon - Manager of Right-of-Way]

PUBLIC WORKS - TRAFFIC

No concerns with closing Part 3 or Part 4.

Regarding Part 2, there is a garage at the rear of 3559 Matchette that requires vehicular access. The alley would need to remain accessible behind 3559 Matchette and north to Melbourne.

Regarding Part 1, ROW is currently used for vehicle, pedestrian and bicycle traffic connectivity to the adjacent neighbourhood. Consideration of south parking lot should be addressed. If parking lot is required to satisfy the required amount of parking spaces on site, then ROW is needed to access the parking lot. Strathmore should also be retained should the site ever be developed, the full ROW would be needed.

[Mike Spagnuolo, Signal Systems Analyst]

ROGERS COMMUNICATIONS

No comments provided

TELUS COMMUNICATIONS

TELUS has no infrastructure in the area of your proposed work. Permit expires six (6) months from approval date.

[Indira Sharma, Project Support]

TRANSPORTATION PLANNING

No comments provided

TRANSIT WINDSOR

No comments provided

UNION GAS

After reviewing the provided drawing and consulting our mapping system, please note that Enbridge Gas has an active service going across the proposed alley closure West of Felix Ave. A PDF drawing has been attached for reference.

Please Note:

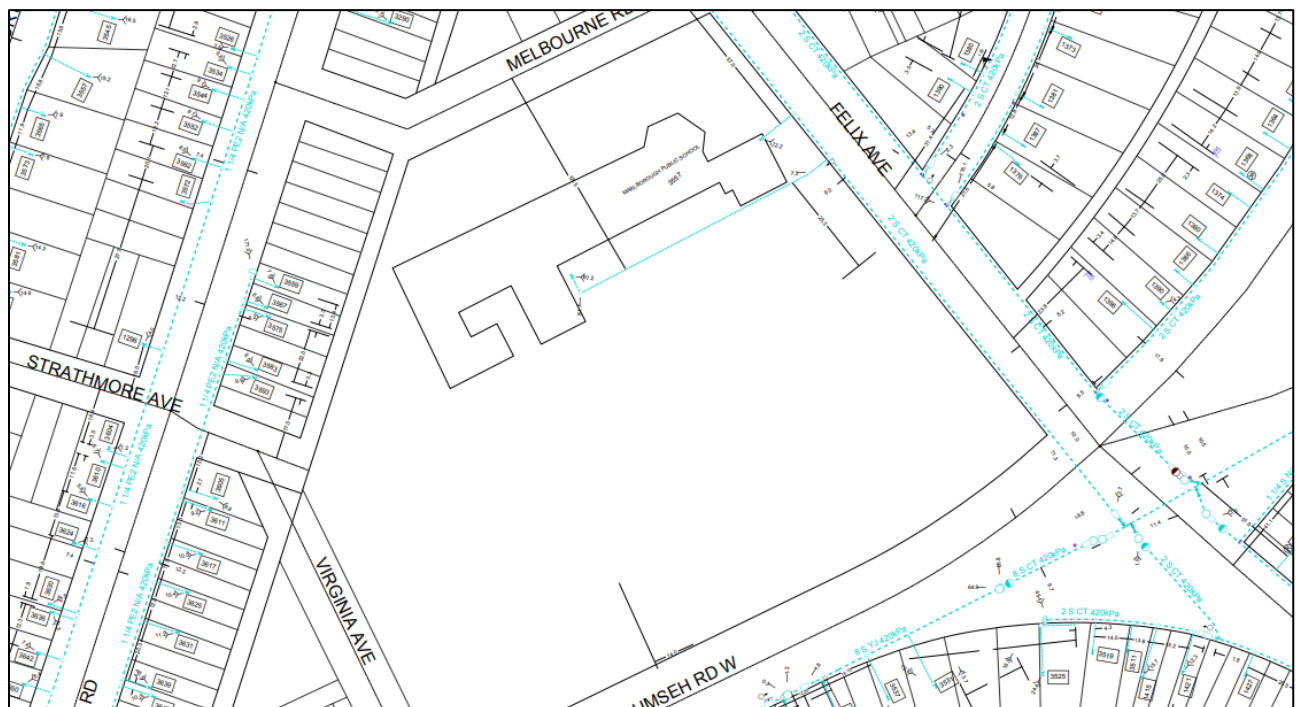
1. The shown piping locations are approximate and for information purposes only
2. The drawings are not to scale
3. This drawing does not replace field locates. Please contact Ontario One Call for onsite locates prior to excavating, digging, etc.

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

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

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

[Sandro Aversa, Drafter / Estimator, Construction & Growth]



WINDSOR FIRE

No concerns to close from WFR.

[John Lee - Chief Fire Prevention Officer]

WINDSOR POLICE

The Windsor Police Service has no objections with the proposed closures being requested by the school board in relation to its property in general. On the section of Strathmore Street south of Matchette Road, this is currently an open vehicular access to parking facilities into the school property – an access also used by Windsor Police periodically to access the school property for incident response and mobile patrol purposes. Assuming the Strathmore Street closure will still maintain a vehicular access of some kind for emergency response.....or an alternative property access can be identified, we have no concerns or objections to the application.

[Barry Horrobin, Director of Planning & Physical Resources]

APPENDIX "D"
Site Photos (June 30, 2022)



Figure 1 - Looking north towards north/south alley from Strathmore Crescent



Figure 2 - North/south alley looking north from point adjacent to 3559 Matchette Road (left)



Figure 3 - Rear garage at 3559 Matchette Road



Figure 4 - Looking south towards north/south alley from Melbourne Road (Marlborough Public School on left)



Figure 5 - North/south alley looking south from point immediately north of 3559 Matchette Road (left)



Figure 6 - North/south alley looking south from point adjacent to 3583 Matchette Road (right)

APPENDIX "E"

Classification of Alleys and Suitability for Closure

Classification of Public Rights-of-Ways:

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

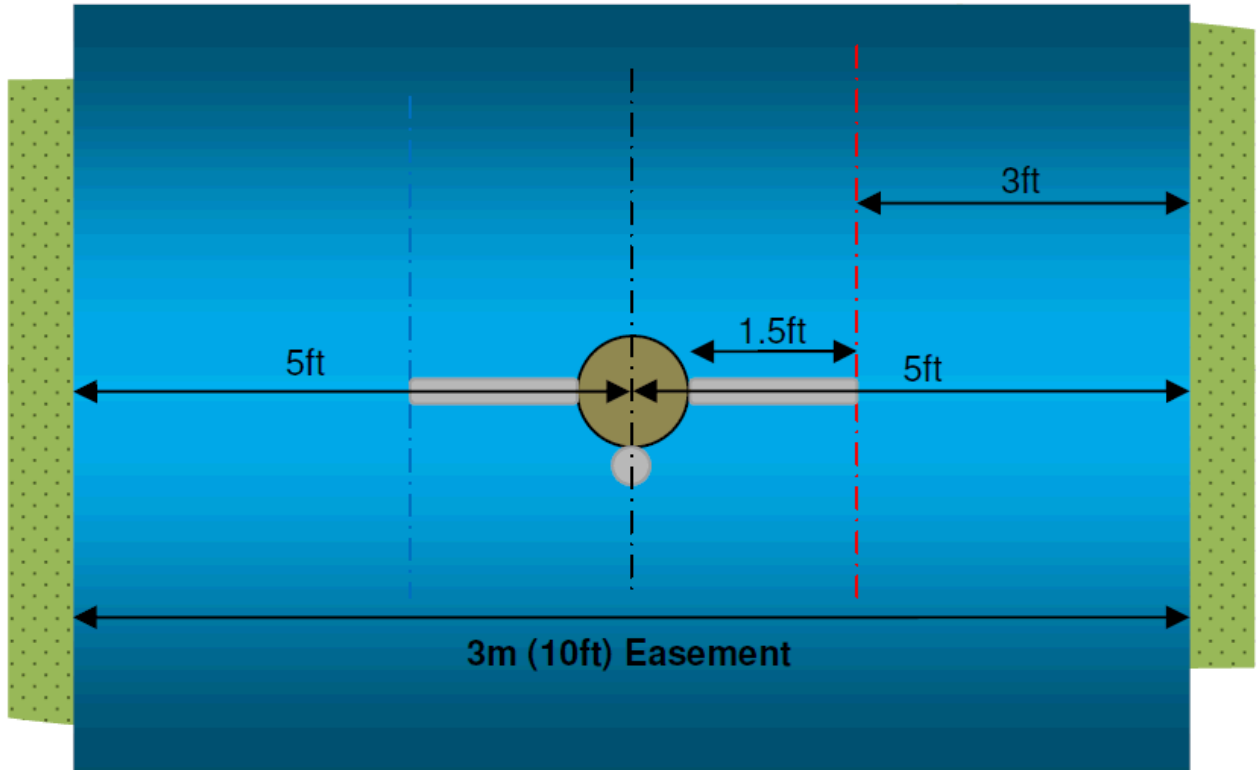
- 1) Alleys that are **indispensable**. These would be alleys serving commercial properties and properties fronting on heavily traveled streets i.e. major arterial routes and alleys which contain sewers and must remain accessible for servicing; alleys or streets which serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive; and, alleys which contain Fire Department connections that are deemed to be necessary for firefighting access.
- 2) Alleys that, **have some usefulness**, are nevertheless dispensable and may or may not be a complete liability.
- 3) Alleys that appear to serve **no useful purpose**, either now, or anticipated. Such alleys are in residential areas and locations where generally the lots are wide enough for side drives, or those alleys abutting parks and other parcels of land that do not require any servicing from the alley. Remnant or stub-end streets which are dead-ended and do not serve as access to other streets.
- 4) Alleys lying in Holding zones and other similar undeveloped areas where the alley system is **clearly obsolete** and has never been developed, but where the City needs to keep its options open until new area plans are prepared and development is imminent.

Suitability for Closing:

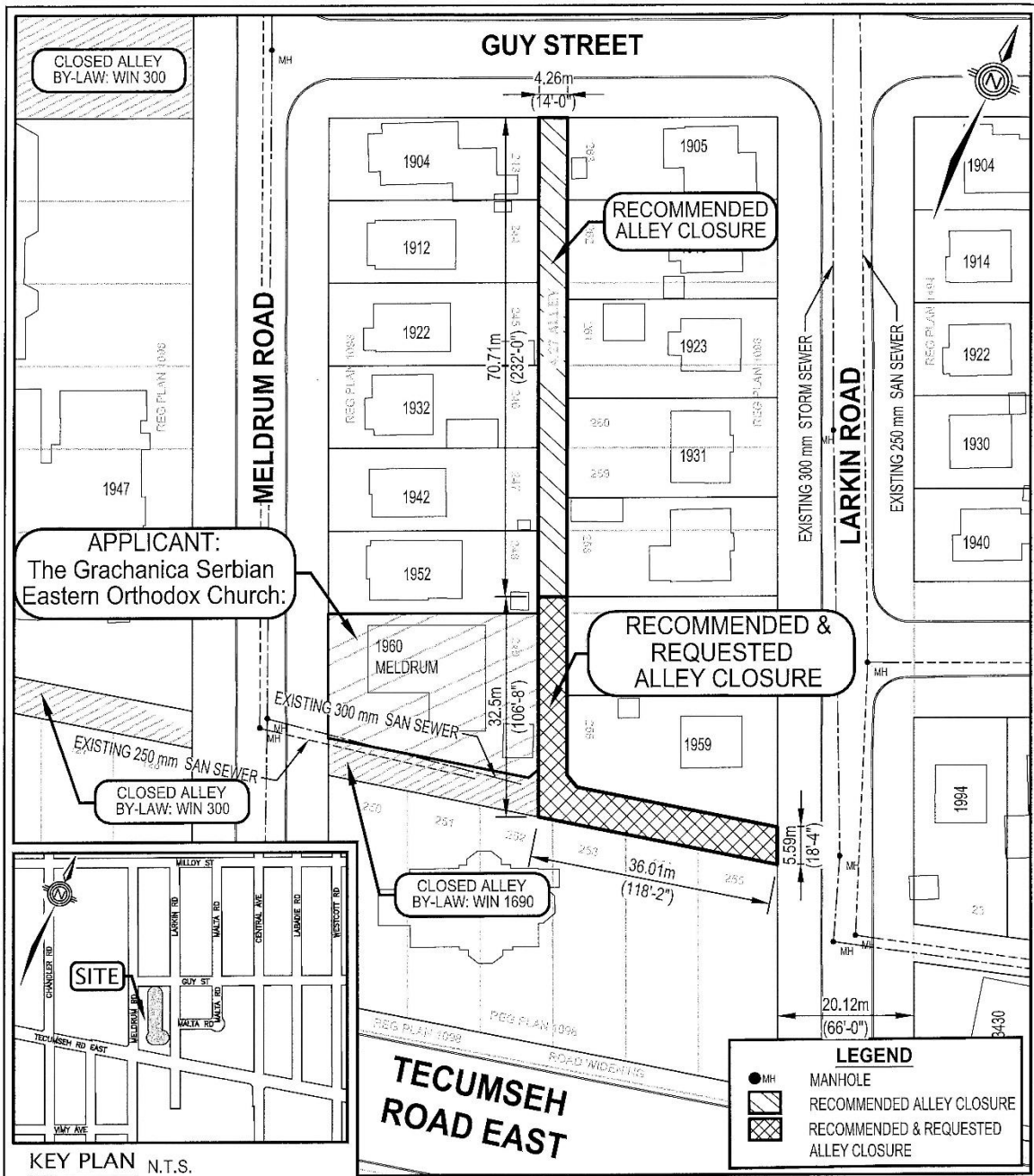
Following are the criteria and suitability for closing alleys in each of the above classifications.

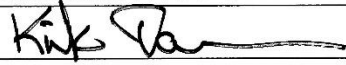
- 1) Indispensable alleys should **not be closed**, conveyed, reduced or otherwise jeopardized through minority interests unless a suitable substitute alley is opened in lieu thereof. They are essential from the viewpoint of fire protection, police protection, emergency services (i.e. ambulance) and loading or unloading of goods, refuse collection, servicing of blocked sewers and utility services. Without such alleys, the above noted services would at least be more costly if not impossible to complete or adequately access; and would noticeably interfere with street traffic, thereby reducing the access capacity of the adjacent arterial, collector, or street for business.
- 2) Alleys having some usefulness should **be considered for closing** only upon request of abutting owners rather than by encouragement of the City.
- 3) Alleys that serve no useful purpose should **be closed** if at all possible, and in fact the owners abutting thereon should be encouraged to accept conveyance.
- 4) Alleys that are clearly obsolete should **not be closed** unless there is a municipal need or specific development proposals acceptable to the City are submitted.

APPENDIX "F"
EnWin Utilities Ltd. Aboveground Hydro Easement Diagram



APPENDIX "A"
Drawing No. CC-1809



THE CORPORATION OF THE CITY OF WINDSOR - ENGINEERING DEPARTMENT Proposed Closure of North/South Alley and East/West Alley Between Meldrum Road & Larkin Road, North of Tecumseh Road East to Guy Street			
 Kirk Tamm, Manager of Geomatics	SCALE: 1:750	DATE: MARCH 2022	REVISED:
	DWN BY: JLH	CHKD BY: PJU / MC	REVISION NO.:
			DWG. NO. CC-1809

APPENDIX "B"
EIS Drawing - Aerial Photo



STREET & ALLEY CLOSING (SAA/6689)

1:750

APPLICANT : SERBIAN ORTHODOX CHURCH

 SUBJECT LANDS

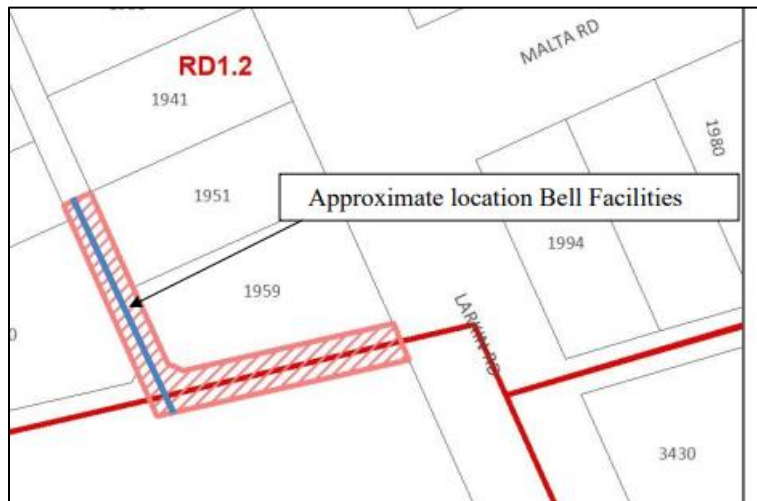
PLANNING DEPARTMENT - DEVELOPMENT DIVISION

DATE: OCTOBER, 2022



APPENDIX "C"**Consultations with Municipal Departments and Utility Companies****BELL CANADA WSP**

Bell Canada requests an easement over the closure area to protect existing aerial facilities.

[Charleyne Hall, Bell Canada External Liaison - Right-of-Way]**CANADA POST**

No comments provided

COGECO CABLE SYSTEMS INC.

No comments provided

ENVIRONMENTAL SERVICES

No comments provided

ENWIN UTILITIES - HYDRO

If no open alley exists, we will require a minimum 10 ft wide easement (5 ft each side of the pole line) to accommodate the pole, anchors and existing overhead plant.

Also, please note communications may also require easements (ie: Bell, Cogeco).

[Jeremy Allossery, Hydro Engineering Technologist]**ENWIN UTILITIES - WATER**

Water Engineering has no objections.

[Bruce Ogg, Water Project Review Officer]

LEGAL DEPARTMENT

For lands conveyed to RD1.2, \$1 plus deed preparation and proportionate share of the survey cost as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor. For lands abutting ID1.1, \$5.00 per sq/ft without easements and \$2.50 with easements.

[Denise Wright, Lease Administrator]

MNSi

MNSi will require an aerial easement through the subject properties please.

[Dave Hartleib, Outside Plant Manager]

PARKS & FACILITIES

Please note that Parks Design & Development has no comments pertaining to the SAA/6689 LIAISON.

[Sherif Barsom, Landscape Architect]

PLANNING DEPARTMENT

No comments provided

PLANNING DEPARTMENT - LANDSCAPE ARCHITECT

No objections from a landscape architectural perspective.

[Stefan Fediuk, Landscape Architect]

PUBLIC WORKS - ENGINEERING

Both the north/south and east/west section of the alley closure is composed of grass. There are no sewers or manholes that are located within the alley. There are hydro poles and guy wires within the alley, an easement will be required for utilities. There is a driveway approach at the end of the east/west alley segment allowing entry from Larkin Rd. If the alley is closed, a driveway permit will be required by the property owner of 1980 Meldrum Road to keep and maintain the driveway approach to City Standard AS-204. This alley appears to have no useful purpose by CR146/2005; therefore, we have no objections to the closure subject to the easement.

[Adam Pillon - Manager Right-of-Way]

PUBLIC WORKS - TRAFFIC

The alley system is not used for vehicular access and not required for pedestrian access. Given that the applicant owns all adjoining properties adjacent to the alley entrance into their parking lot, there are no concerns with closing the alley as shown. Applicant should borne all associated costs including additional No Exit signage required at the north access on Guy St.

Consideration should be given to close the entire alley system at the same time.

[Mike Spagnuolo, Signal Systems Analyst]

ROGERS COMMUNICATIONS

No comments provided

TELUS COMMUNICATIONS

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

[Meghna Patel, Permit Coordinator]

TRANSPORTATION PLANNING

No concerns with the proposed closure.

[Rania Toufelli, Policy Analyst]

TRANSIT WINDSOR

No comments provided

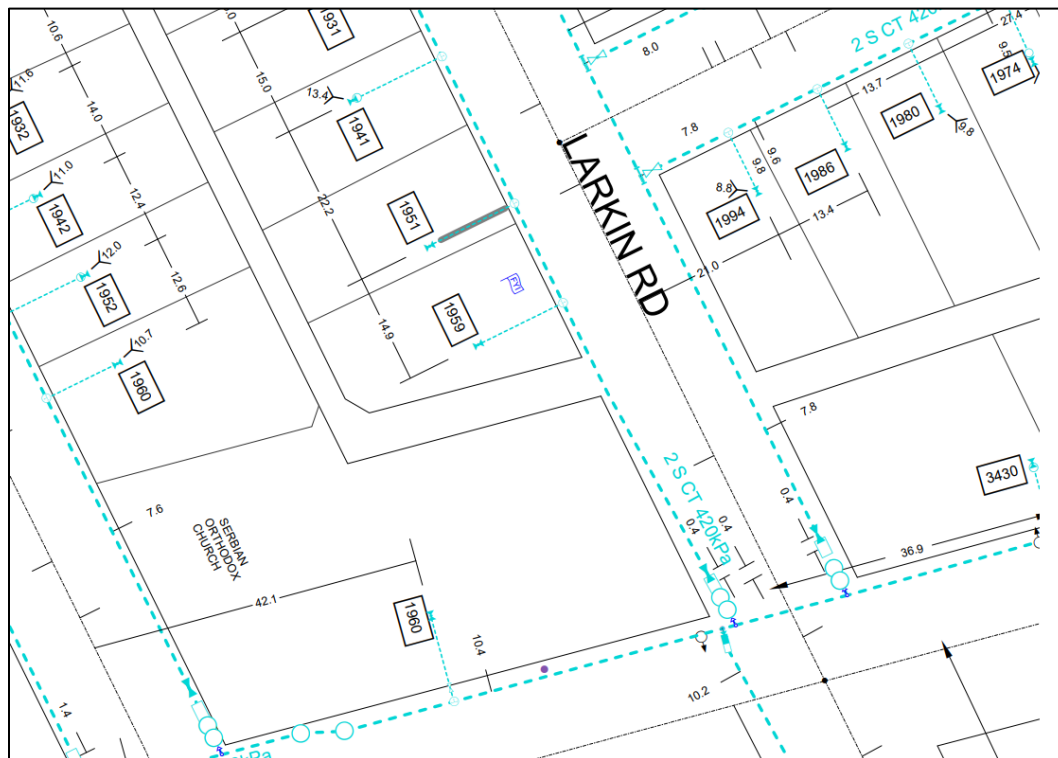
UNION GAS

After reviewing the provided drawing between Meldrum Rd & Larkin Rd and consulting our mapping system, please note that Enbridge Gas has no active infrastructure in the proposed area. A PDF drawing has been attached for reference.

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

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

[Jose Dellosa, Drafter / Estimator]



WINDSOR FIRE

Windsor fire and rescue has no issue.

[Mike Coste, Chief Fire Prevention Officer]

WINDSOR POLICE

The Windsor Police Service has no concerns or objections with the closure of this section of alley situated behind the church property. The alley in question is a grassed laneway currently accessible to vehicular traffic but its situational configuration lends itself to facilitating discreet activity, which may be problematic. Closure will not create problems for police to otherwise gain access for emergency incident response or vehicle patrol purposes within the immediate area, as other viable options will remain for this. The end result from this closure will allow for better access control of this space by the Church, which will subsequently generate more beneficial safety and security outcomes.

[Barry Horrobin, Director of Planning & Physical Resources]

APPENDIX "D"
Site Photos (June 28, 2022)



Figure 1 - North/south alley looking north from 1960 Meldrum Road



Figure 2 - North/south alley looking north towards Guy Street



Figure 3 - North/south alley looking south from 1922 Meldrum Road



Figure 4 - North/south alley looking south from 1960 Meldrum Road



Figure 5 - East/west alley looking east towards Larkin Road



Figure 6 - Looking west towards east/west alley from Larkin Road

APPENDIX "E"

Classification of Alleys and Suitability for Closure

Classification of Public Rights-of-Ways:

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

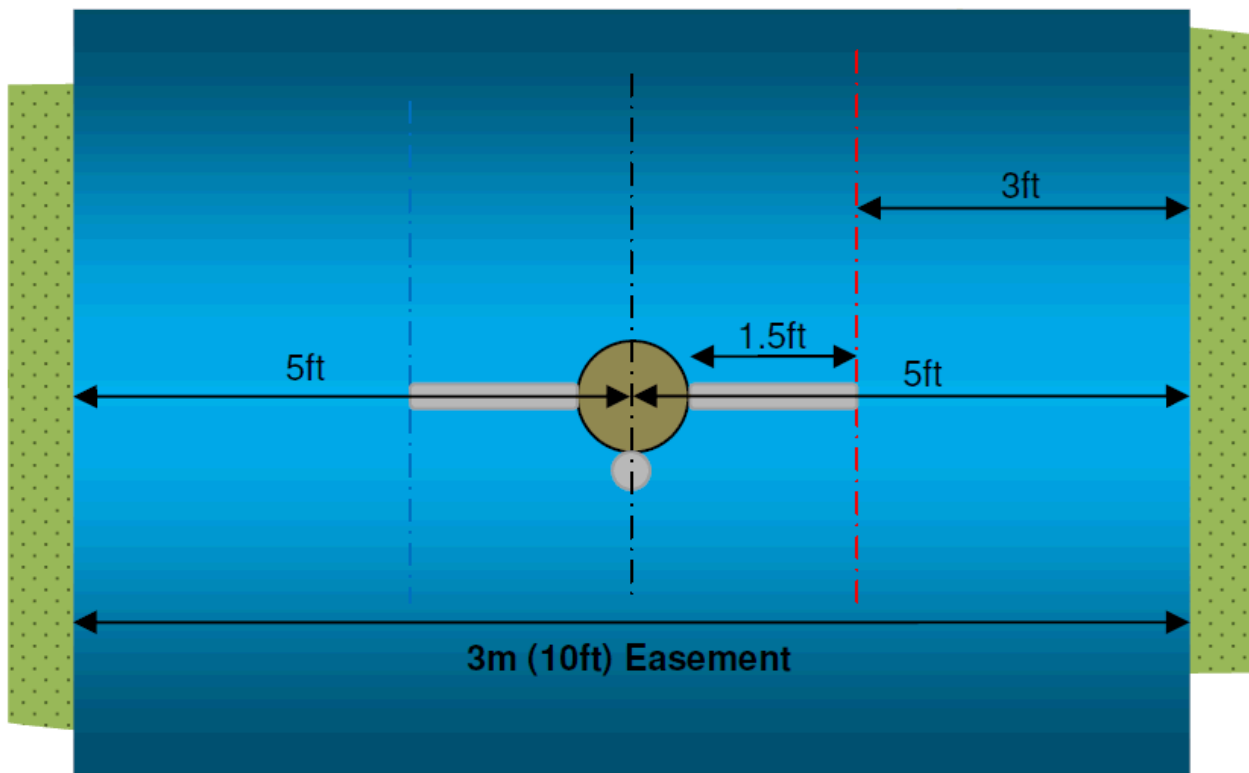
- 1) Alleys that are **indispensable**. These would be alleys serving commercial properties and properties fronting on heavily traveled streets i.e. major arterial routes and alleys which contain sewers and must remain accessible for servicing; alleys or streets which serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive; and, alleys which contain Fire Department connections that are deemed to be necessary for firefighting access.
- 2) Alleys that, **have some usefulness**, are nevertheless dispensable and may or may not be a complete liability.
- 3) Alleys that appear to serve **no useful purpose**, either now, or anticipated. Such alleys are in residential areas and locations where generally the lots are wide enough for side drives, or those alleys abutting parks and other parcels of land that do not require any servicing from the alley. Remnant or stub-end streets which are dead-ended and do not serve as access to other streets.
- 4) Alleys lying in Holding zones and other similar undeveloped areas where the alley system is **clearly obsolete** and has never been developed, but where the City needs to keep its options open until new area plans are prepared and development is imminent.

Suitability for Closing:

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

- 1) Indispensable alleys should **not be closed**, conveyed, reduced or otherwise jeopardized through minority interests unless a suitable substitute alley is opened in lieu thereof. They are essential from the viewpoint of fire protection, police protection, emergency services (i.e. ambulance) and loading or unloading of goods, refuse collection, servicing of blocked sewers and utility services. Without such alleys, the above noted services would at least be more costly if not impossible to complete or adequately access; and would noticeably interfere with street traffic, thereby reducing the access capacity of the adjacent arterial, collector, or street for business.
- 2) Alleys having some usefulness should **be considered for closing** only upon request of abutting owners rather than by encouragement of the City.
- 3) Alleys that serve no useful purpose should **be closed** if at all possible, and in fact the owners abutting thereon should be encouraged to accept conveyance.
- 4) Alleys that are clearly obsolete should **not be closed** unless there is a municipal need or specific development proposals acceptable to the City are submitted.

APPENDIX "F"
EnWin Utilities Ltd. Aboveground Hydro Easement Diagram



APPENDIX "G"
Correspondence to Notice of Application

1904 Meldrum Road

From: [REDACTED]
Sent: Thursday, April 14, 2022 7:08 AM
To: Matthews, Meghan <MMatthews@citywindsor.ca>
Subject: Re: SAA/6689 || 1904 Meldrum

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

You are most welcome to share the email if it helps to close it all off.

If our neighbor behind us doesn't want to purchase his half of the ally. Would we have the option to buy his half as well?

Thank you.

From: [REDACTED]
Sent: Wednesday, April 13, 2022 5:43 PM
To: Matthews, Meghan <MMatthews@citywindsor.ca>
Subject: Ally close-off Meldrum

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I emailed the city about this matter a while back. Now that there is an application to close off the ally. Does this now mean I have the option to buy our portion of the ally from the city? If so how much will it cost to purchase?

The last time I requested this info I was told to submit an application and money. However I did not want to waste my money for the application if the city was going to turn down the application and keep my money. So if it guaranteed we will get it, I will apply to purchase.

Any information is appreciated.

Thank you.

John & Sarah Schenk

Resident at:
1904 Meldrum Rd

1923 Larkin Road

From: [REDACTED]
Sent: Friday, April 22, 2022 3:31 PM
To: Matthews, Meghan <MMatthews@citywindsor.ca>
Subject: Re: SAA/6689 || 1923 Larkin

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you for getting back to me so quickly.

Yes, we are interested so feel free to include my email wherever needed.

Have a great weekend.

[REDACTED]

From: [REDACTED]
Sent: Friday, April 22, 2022 3:17 PM
To: Matthews, Meghan <MMatthews@citywindsor.ca>
Subject: Alley closure at Meldrum and Larkin

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon, Meghan.

My [REDACTED] and I live at 1923 Larkin Rd and received the notice in the mail regarding the application for the alley to be partly closed. We spoke with our neighbours and they have also reached out to you to let you know that we are interested in acquiring our portion of the alley if this is an option. Please email me back to let me know what we can do to potentially make this happen.

Thank you,

[REDACTED]

1931 Larkin Road

From: [REDACTED]
Sent: Wednesday, April 20, 2022 1:52 PM
To: Matthews, Meghan <MMatthews@citywindsor.ca>
Subject: Re: SAA/ 6689 || 1931 Larkin

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Meghan

Yes I would definitely be interested in the ally. I will watch for further emails or letters regarding this matter.

Thank you for getting back to me.

[REDACTED]

From: [REDACTED]
Sent: Tuesday, April 19, 2022 6:17 PM
To: Matthews, Meghan <MMatthews@citywindsor.ca>
Subject: Partial closing alley - Larkin

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

My name is [REDACTED] I reside at 1931 Larkin. I received your letter regarding the partial closing of the ally between Meldrum and Larkin. I'm just curious why it's just the beginning and not the entire ally. Is there anything that the rest of the homeowners can do to get the entire ally closed or is this just for the Church? Can you please forward the meeting date and time as many of us would like the ally and we will be in attendance.

I appreciate your time!

[REDACTED]

1941 Larkin Road

From: Matthews, Meghan <MMatthews@citywindsor.ca>

Sent: Thursday, April 14, 2022 10:07 AM

To: Matthews, Meghan <MMatthews@citywindsor.ca>

Subject: SAA/6689 || 1941 Larkin Rd || Comments

I spoke to [REDACTED] this morning who lives at 1941 Larkin Road. [REDACTED] would like to request that the whole alley be closed. [REDACTED] believed the N/S alley between Larkin & Meldrum were on the alley subsidy list previously. He think it will help with reduce the amount of break-ins and suspicious activity in the alley. [REDACTED] also believes it would help reduce the rat population as garbage and other debris is dumped into the alley.

[REDACTED]

1941 Larkin Road

[REDACTED]

MEGHAN MATTHEWS | STREET & ALLEY LEGAL CLERK



Planning and Building Department

350 City Hall Square West | 210 | Windsor, ON | N9A 6S1

(519)-255-6543 ext. 6310 | Fax (519) 255-6544

www.citywindsor.ca

CR48/2023 - Item 8.10 - Written Submission

January 9, 2023
Development & Heritage Standing Committee
Item 11.5 – Written Submission

On Tue, Jan 10, 2023 at 12:39 PM Nagata, Brian <bnagata@citywindsor.ca> wrote:

Hi Nik,

Not a problem.

Please refer to my responses to your questions in red below.

Regards,

BRIAN NAGATA, MCIP, RPP, B.A.A., Dipl.URPI | PLANNER II – DEVELOPMENT REVIEW



Planning & Building Services

350 City Hall Square West | Reception - 2nd Floor | Windsor, ON | N9A 6S1

(519) 255-6543 ext. 6181

From: Nik Gacesa

Sent: January 10, 2023 12:04 PM

To: Nagata, Brian <bnagata@citywindsor.ca>

Cc: Matthews, Meghan <MMatthews@citywindsor.ca>; Mckenzie, Kieran <kmckenzie@citywindsor.ca>

Subject: Re: SAA-6689 (North/South Alley between Guy Street & 1980 Meldrum Road; East/West Alley between North/South Alley & Larkin Road)

Thank you for the information.

Regarding the East/West portion of the Alley.

Costs will be \$1 for the North half of the East/West Alley and \$5 per sq ft for the South half of the East/West Alley. Please confirm. **Correct**

What if we attached the whole portion of the East/West Alley to the Mun.No.1959? That has a RD1.2 Zoning? Would that affect the price of the Alley? **The price would remain the same as the south half will continue to be used for institutional purposes.**

The price for the North/South portion of the Alley we are closing would be \$1, also? Please Confirm.. **Correct (save and except that portion that abuts the ID1.1 zoned lands)**

I do have a question. How will Enwin and others access the North/South Alley without an easement for access from the East/West Alley? It is a long way from Guy Street. **EnWin et. al. will ask the property owner/tenant for permission to enter their property to access the infrastructure**

Thank You for Your Time

Nik Gacesa

On Tue, Jan 10, 2023 at 11:01 AM Nagata, Brian <bnagata@citywindsor.ca> wrote:

Good morning Nik,

Thank you for attending last evenings' Development & Heritage Standing Committee meeting, and speaking to your application.

You raised questions about the easements and the purchase price that required a more detailed follow-up response from administration.

The easements required to be granted in favour of Bell Canada, EnWin Utilities Ltd. and MNSi will **only** be applied to the alley. Notwithstanding these easements, please note that the *Ontario Building Code* requires a minimum building setback of 3.0 metres from above ground electrical conductors (hydro lines).

The east/west alley located between Larkin Road and the north/south alley will be assessed at the following rates:

- North half will be assessed at \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
- South half of the alley will be assessed at \$5.00 per square foot.

Please feel free to contact me if you have any questions.

Regards,

BRIAN NAGATA, MCIP, RPP, B.A.A., Dipl.URPI|PLANNER II – DEVELOPMENT REVIEW

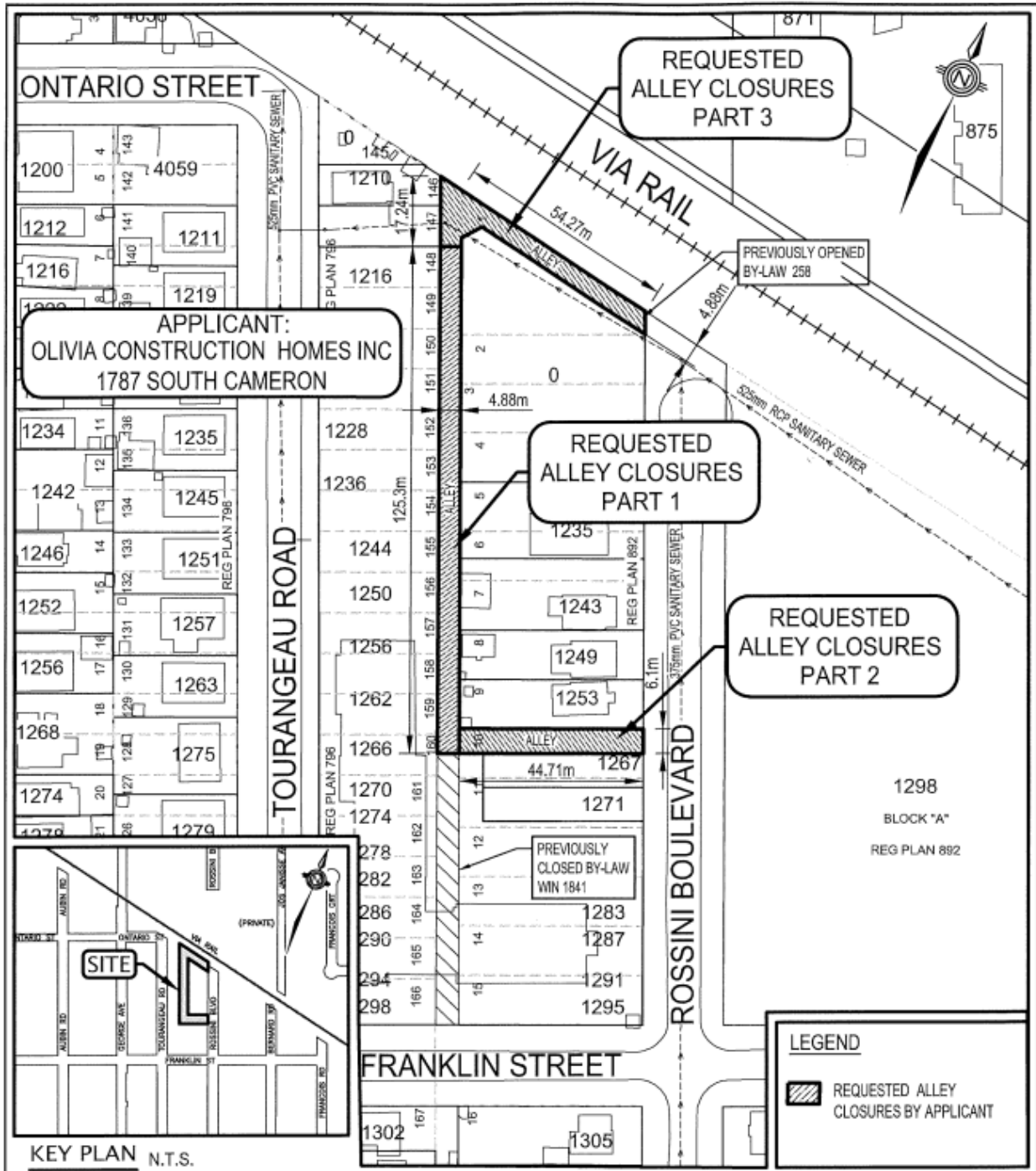


Planning & Building Services

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(519) 255-6543 ext. 6181

APPENDIX "A"
Drawing No. CC-1787



THE CORPORATION OF THE CITY OF WINDSOR - ENGINEERING DEPARTMENT

Proposed Alley Closures North of Franklin Street and South of Via Rail
between Tourangeau Road and Rossini Boulevard

 Kirk Tamm, Manager of Geomatics	SCALE: 1:1250	DATE: MAY 2021	REVISED:	DWG. NO.
	DWN BY: A.C	CHKD BY: PJU / CA / AP	REVISION NO.:	CC-1787