

City Council Meeting

**Date:** Monday, November 27, 2023

**Time:** 4:00 o'clock p.m.

**Location:** Council Chambers, 1<sup>st</sup> Floor, Windsor City Hall

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

**MEMBERS:**

Mayor Drew Dilkens

Ward 1 – Councillor Fred Francis

Ward 2 – Councillor Fabio Costante

Ward 3 – Councillor Renaldo Agostino

Ward 4 – Councillor Mark McKenzie

Ward 5 – Councillor Ed Sleiman

Ward 6 – Councillor Jo-Anne Gignac

Ward 7 – Councillor Angelo Marignani

Ward 8 – Councillor Gary Kaschak

Ward 9 – Councillor Kieran McKenzie

Ward 10 - Councillor Jim Morrison

## ORDER OF BUSINESS

Item #	Item Description
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1.	<b>ORDER OF BUSINESS</b>
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2.	<b>CALL TO ORDER</b> - Playing of the National Anthem
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**READING OF LAND ACKNOWLEDGEMENT**

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

3.	<b>DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF</b>
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4.	<b>ADOPTION OF THE MINUTES</b>
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5.	<b>NOTICE OF PROCLAMATIONS</b>
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**Proclamations**

“Transgender Day of Remembrance and Resilience” – November 20, 2023

“Week of Romanian Pioneers” – November 24, 2023 – December 1, 2023

“World AIDS Day” – December 1, 2023

**Flag Raising Ceremony**

“Transgender Day of Remembrance and Resilience” – November 20, 2023 – November 21, 2023

“80th Anniversary of the Independence of Lebanon” – November 22, 2023 – November 23, 2023

“International Day of Elimination of Violence against Women” – November 24, 2023 – December 1, 2023

“World AIDS Day” December 1, 2023 – December 8, 2023

**Illumination**

“World AIDS Day” December 1, 2023 – December 8, 2023

6. **COMMITTEE OF THE WHOLE**

7. **COMMUNICATIONS INFORMATION PACKAGE** (This includes both Correspondence and Communication Reports)

8. **CONSENT AGENDA**

- 8.1. Approval Process for Temporary Patios on Private Properties – City Wide **(C 146/2023)**
- 8.2. Reappointment of Meetings Investigator - City Wide **(C 130/2023)**
- 8.3. RFP 128-23 Acquisition of One High Pressure Sewer Flusher Truck – City Wide **(C 162/2023)**
- 8.4. Confirm and Ratify Report-Letter of Support for Amtrak-VIA Rail Toronto-Windsor-Detroit-Chicago Intercity Passenger Rail Connection – City Wide **(C 168/2023)**
- 8.5. Confirm and Ratify Report-Connecting Links Program Intake 2024-2025 Grant Funding - Huron Church Road - City Wide **(C 169/2023)**
- 8.6. Confirm and Ratify Report--C.M.H Woods Pumping Station-Removal and Replacement of Underground Diesel Tank- City Wide **(C 170/2023)**
- 8.7. ERCA Non-Mandatory Category Three Programs – Cost Apportioning Agreement – City Wide **(C 161/2023)**
- 8.8. 2024 Schedule of Council and Standing Committee Meetings - City Wide **(C 150/2023)**
- 8.9. 2023 Third Quarter Operating Budget Variance - City Wide **(C 154/2023)**

**CONSENT COMMITTEE REPORTS**

- 8.10. Church Street (Tecumseh Road West to Cul-de-Sac) Traffic Calming – Ward 3 **(SCM 291/2023) & (S 128/2023)**
- 8.11. Response to CQ 19-2022 – Review of the use of Artificial Turf on the Public Right-of-way - City Wide **(SCM 290/2023) & (S 126/2023)**
- 8.12. Response to CR57/2022 – Data Collected and Potential Strategies to Target Rodent Issues – City Wide **(SCM 289/2023) & (S 127/2023)**
- 8.13. Response to CQ 18-2023 – Reversing Recycling and Garbage Collection Days – City Wide **(SCM 288/2023) & (S 125/2023)**
- 8.14. Response to Council Decision ETPS 942 – Options for Addressing Panhandling - City Wide **(SCM 287/2023) & (C 119/2023)**

- and** Panhandling Statistics re Council Question CQ 11-2022 - City Wide (**SCM 111/2023**) & (**S 31/2023**)
- 8.15. Response to CQ 8-2023 - QR Coded Donation Signage to Support Homelessness Service Providers - City Wide (**SCM 236/2023**) & (**S 104/2023**)
- 8.16. Follow-up to C172/2023 – Essex Terminal Railway Whistling Cessation – Ward 4 (**SCM 286/2023**) & (**S 129/2023**)
- 8.17. Active Transportation Master Plan 2022 Update - City Wide (**SCM 285/2023**) & (**S 52/2023**)
- 8.18. Response to CQ 18-2022 – Jackson Park Bandshell Update – Ward 3 (**SCM 238/2023**) & (**S 106/2023**)
- 8.19. 2022 Annual Report of the 10 Year Housing & Homelessness Plan - Master Plan - City Wide (**SCM 292/2023**) & (**S 134/2023**)
- 8.20. Minutes of the Committee of Management for Huron Lodge of its meeting held September 11, 2023 (**SCM 295/2023**) & (**SCM 276/2023**)
- 8.21. Response to CQ 19-2023 – Sandpoint Beach Concession - Ward 7 (**SCM 296/2023**) & (**S 130/2023**)
- 8.22. Contract Approval – Windsor Regional Employment Network – City Wide (**SCM 297/2023**) & (**C 152/2023**)
- 8.23. Motorola Premier One CSR Software and Hosting Agreement 2024-2028 City Wide (**SCM 298/2023**) & (**S 132/2023**)
- 8.24. Response to CQ 28-2023 – Risks of Oak Wilt on the City’s Tree Population – City Wide (**SCM 300/2023**) & (**S 131/2023**)
- 8.25. OPA & Rezoning – Passa Architects - 1235 Huron Church Road - OPA 166 OPA/6902 Z-039/22 ZNG/6901 – Ward 2 (**SCM 301/2023**) & (**S 124/2023**)
- 8.26. Zoning By-law Amendment Application for the north part of the property known as 870 Wyandotte Street East; Applicant: Adiammu Real Estate Inc.; File No. Z-014-23, ZNG/7001; Ward 4 (**SCM 302/2023**) & (**S 136/2023**)
- 8.27. Zoning By-Law Amendment Z028-23(ZNG/7140) - 185 Randolph Place (**SCM 303/2023**) & (**S 135/2023**)  
**Clerk’s Note:** York Zhu, area resident submitting the *attached* email dated November 15, 2023 as a written submission
- 8.28. Official Plan Amendment and Zoning By-law Amendment - City of Windsor - Airport Employment Lands - OPA 177 [OPA-7118] Z 027-23 [ZNG-7117] - Ward 9 (**SCM 304/2023**) & (**S 115/2023**)
- 8.29. Official Plan & Zoning Bylaw Amendments Z 022-23 [ZNG-7067] & OPA 173 [OPA-7070] 1027458 Ontario Inc. Banwell & Leathorne (North A) Multiple Dwelling Development - Ward 7 (**SCM 305/2023**) & (**S 137/2023**)

8.30. Official Plan & Zoning Bylaw Amendments Z 023-23 [ZNG-7068] & OPA 174 [OPA-7071] 1027458 Ontario Inc. Banwell South of Leathorne (North B) Multiple Dwelling Development - Ward 7 **(SCM 306/2023) & (S 138/2023)**

8.31. Minutes of the International Relations Committee of its meeting held July 31, 2023 **(SCM 307/2023) & (SCM 258/2023)**

## 9. **REQUEST FOR DEFERRALS, REFERRALS AND/OR WITHDRAWALS**

9.1. Closure of part of north half of Lillian Street right-of-way, between Vimy Avenue and Memorial Drive, Ward 4, SAS-6629 **(SCM 308/2023) & (S 41/2023)**  
**Clerk's Note:** Administration is requesting that this matter **BE WITHDRAWN** due to a number of concerns being identified.

## 10. **PRESENTATIONS AND DELEGATIONS**

10.1. Annual Sponsor Windsor Recognition Award Presentation

## 11. **REGULAR BUSINESS ITEMS (Non-Consent Items)**

11.1. Municipal Support Resolutions - Independent Electricity System Operator (IESO) Long Term 1 (LT1) RFP - Wards 2 and 5 **(C 141/2023)**

11.2. 2024 Agency Grant Payments - City Wide **(C 160/2023)**

11.3. Development and Implementation of a City Wide Vacant Home Tax Program **(C 94/2023)**

11.4. Award of RFP#82-23 Regional Affordable Housing Strategy Consultant Proposal **(C 148/2023)**

## 12. **CONSIDERATION OF COMMITTEE REPORTS**

12.1. (i) Report of the Special In-Camera meeting or other Committee as may be held prior to Council (if scheduled)

13. **BY-LAWS (First and Second Reading)**

14. **MOVE BACK INTO FORMAL SESSION**

15. **NOTICES OF MOTION**

16. **THIRD AND FINAL READING OF THE BY-LAWS**

17. **PETITIONS**

18. **QUESTION PERIOD**

19. **STATEMENTS BY MEMBERS**

20. **UPCOMING MEETINGS**

Environment, Transportation & Public Safety Standing Committee  
Wednesday, November 29, 2023  
4:30 p.m., Council Chambers

Development & Heritage Standing Committee  
Monday, December 4, 2023  
4:30 p.m., Council Chambers

Windsor Accessibility Advisory Committee  
Tuesday, December 5, 2023  
10:30 a.m., via Zoom

Community Services Standing Committee  
Wednesday, December 6, 2023  
9:00 a.m., Council Chambers

Windsor Licensing Commission  
Thursday, December 7, 2023  
9:30 a.m., Room 140

City Council Meeting  
Monday, December 11, 2023  
4:00 p.m., Council Chambers

21. **ADJOURNMENT**



## **Subject: Temporary Patios on Private Property – Application and Approval Process – City Wide**

### **Reference:**

Date to Council: November 27, 2023  
Author: Rania Toufeili  
Executive Initiatives Coordinator, Office of the CAO  
519-255-6100 ext. 6479  
rtoufeili@citywindsor.ca  
Economic Development & Innovation  
Report Date: October 5, 2023  
Clerk's File #: ACLB2023

**To:** Mayor and Members of City Council

### **Recommendation:**

**THAT** City Council **APPROVE** Administration's recommended process to allow temporary patios on private properties; and further,

**THAT** the 2024 City of Windsor User Fee Schedule **BE AMENDED** to include the application fee for processing Temporary Patio on Private Property applications as outlined in this report.

### **Executive Summary:**

N/A

### **Background:**

Throughout the COVID-19 pandemic, approval of temporary outdoor patios and patio extensions was given under the authority of the Alcohol and Gaming Commission of Ontario (AGCO) Registrar. Effective January 1<sup>st</sup> 2023, the Ontario government amended Ontario Regulation 746/21 under the *Liquor Licence and Control Act, 2019* to benefit businesses in the long-term and create opportunity for growth in the hospitality industry. Bars, restaurants and other licensed establishments can now create or extend temporary patios, subject to approval by their municipality or band council.

Therefore, as of January 1<sup>st</sup> 2023, the AGCO will no longer accept applications or issue liquor licenses for temporary seasonal patio expansions on private property without municipal approvals. As a result, if municipalities determine they wish to allow temporary patios on private property, they are responsible to create the necessary process to secure approval.

Given the short timeframe between the Liquor Licence and Control Act amendment and the start of patio season, the City of Windsor and various other municipalities in Ontario looked to create an interim process to promptly allow patios to operate in 2023 in advance of developing their own new long-term guidelines.

Administration brought forward report C49/2023 (**Appendix 1**) in April 2023 to outline a temporary 2023 review and approval process using the existing Liquor License Clearance Letter process with slight modifications.

In 2023 (from May 1<sup>st</sup> to October 1<sup>st</sup>) there was a total of 10 application submissions. It is likely that there is a larger number of non-compliant temporary patios on private property across Windsor, as some businesses may have carried their seasonal patio operations forward from the pandemic period without being fully aware of new AGCO requirements. Furthermore, resource constraints prevent undertaking proactive City inspections to determine where non-compliant patios may be operating. As businesses become more aware of the AGCO and City requirements, it is expected that the number of temporary patios on private property will increase.

As directed through CR162/2023, a new permanent process for the review and approval of temporary patios on private property is brought forward for Council's consideration and approval.

## **Discussion:**

### **Design and Requirements for Temporary Patios**

#### *Design Criteria*

A number of design criteria were developed based on technical guidelines and best practices of other municipalities in order to achieve safe design, and limit impacts on surrounding neighbourhoods.

The following design criteria are being recommended and will be implemented:

- *Allowable Size:* maximum of 15% of indoor occupancy load.
- *Setback:* 30-meter setback from the patio to all residential buildings or receptors.
- *Parking Requirements:* Accessible parking spaces and any required residential spaces must remain on site. If existing parking spaces or drive aisles are being used for the temporary patio, it shall occupy no more than the greater of 4 parking spaces, or 33% of the provided parking space for the use. Furthermore, alternative parking arrangements may be submitted for review.
- *Fencing/screening requirements:* The temporary patio must be defined by a railing or similar boundary.

In order for the City to review the application's compliance with the design criteria and requirements, a fully dimensioned and labelled property map and floor plans will be required. These documents must clearly illustrate the patio location, size, seating capacity and orientation of tables and chairs, location and design of railing or similar



boundary, setbacks from property limits and the patio. These submission requirements will be comparable to those required by the AGCO as shown in **Appendix 2**. Furthermore, if the applicant is not the owner of the property, they must submit a letter from the property owner confirming permission for the installation and operation of the temporary patio.

Every effort will be made to work with establishments to secure approval for temporary patios and support local businesses. Each temporary patio situation will be unique given the various property layouts and locations throughout the city. The professional expertise of staff within the respective departments reviewing these applications will be critical in achieving the best design to limit any negative impact on surrounding neighbourhoods. As per other similar applications processes in the City, such as Building Permits and Special Events Resource Team (SERT) applications, if business owners are not able to comply with the prescribed requirements and design criteria, their application will be denied for the year in which they are applying.

Additional structures such as tents, platforms, stages, decks, etc. are not addressed under the Temporary Patio application process and will require a separate building permit application submission and approval prior to installation.

#### *Patio Operational Requirements*

According to the Province, temporary patios may only operate for a maximum of eight months per calendar year. Temporary patios are permitted from March 15 until no later than November 15 (maximum 8 months), after which the area must be returned to its original form. This time frame was selected to allow operation from the St. Patrick's holiday to when cooler weather and snowfall would be expected to start.

Applicants will need to reapply for their temporary patio annually, subject to the annual application fee. Annual applications are necessary to ensure that the proposed patio meets the continuously changing provincial legislation and standards, City by-law requirements and associated policies or procedures.

Accessibility must be maintained throughout the temporary patio and business per the Accessibility for Ontarians with Disabilities Act (AODA). Recreation or Entertainment uses are not permitted on any temporary patio.

In order to comply with the noise by-law and minimize disruptions to surrounding neighbourhoods, any type of music, speakers or amplified sounds are not permitted on any temporary patio. In addition to the exclusion of speakers and amplified sounds originating from the outdoor patio itself, doors of any size must not be left in a propped open position at any time, such that loud music/sounds originating from inside the establishment are then projected to the exterior of the property and beyond.

Once businesses have received municipal approval for a temporary outdoor patio, business owner/operators are responsible to notify the Alcohol and Gaming Commission of Ontario (AGCO) prior to selling and serving alcohol on the patio, and ensure compliance with all relevant permissions, including those of the Ontario Building Code, municipal policies and by-laws, and the property owner. The Patio will be required to

meet all safety, accessibility, operation and functioning requirements, as well as requirements in respect of serving alcohol in accordance with Applicable Law.

A full list of requirements for temporary patios on private properties is provided throughout the draft application in **Appendix 3**.

### *Enforcement*

Temporary patios will be inspected in response to complaints made to the City through various channels, including 311. By-law officers will attend if complaints are related to compliance with existing by-laws, or the requirements of temporary patio on private properties process.

At the time of annual application submissions, historical patios will be reviewed for prior complaints and compliance with City requirements to determine if they have impacted surrounding neighbourhoods. Complaints will factor into the future acceptance of an application. Administration will consult with Windsor Police Services on all temporary patios that were approved for the previous year to determine if there have been any complaints or concerns that could affect future approvals of a specific property.

The City of Windsor will retain the authority to inspect all temporary patios and require adjustments to the temporary patio to address compliance with these guidelines and other applicable municipal and provincial regulations. Furthermore, the City of Windsor reserves the right to inspect and revoke any temporary patio approval at any time.

The AGCO will continue to maintain enforcement of alcohol related matters such as consumption and over-service.

### **Application and Review Process**

Requests for temporary patios on private properties can be submitted through the MyWindsor application. Applicants will be required to complete the application form and submit all required documentation. During the application submission process applicants will be prompted and required to pay the full non-refundable application fee.

The City will review the applications for completeness within two business days of submission. Once the application is deemed complete, the application will be processed within five business days. Applications will go through an internal review to ensure compliance with municipal standards and applicable by-laws. The temporary patio requests will be circulated to the Planning, Building and Licensing Departments for comment.

A Building Inspector and Fire Inspector will conduct a site visit to confirm that the assembled patio matches the patio design submitted, and complies with applicable codes and statutes. The on-site review is required to be conducted prior to patio opening and includes verification of maximum occupant load for the space, unobstructed emergency response access, barrier free access, minimum lighting requirements, use of heaters, and railing/enclosure to delineate space.

A letter permitting the patio will be provided once the inter-departmental review is complete and departments approve, and all required on-site inspections have passed. Applicants can submit their approval letter to the AGCO to begin operating the temporary patio.

Administration proposes a \$570.00 + HST annual administrative fee for the review of temporary patios on private property. The cost is broken down in the Financial Matters section of this report. Applicants will be required to re-apply and submit payment for seasonal patios annually. The application fee collected will be applied to the costs associated with the application processing and inspection activities necessary to process the application. Annual applications are necessary to ensure that the proposed patio meets the continuously changing provincial legislation and standards, City by-law requirements and associated policies or procedures.

### **Risk Analysis:**

Effective January 1, 2023, the Province amended legislation to allocate responsibility to review and approve temporary patios on private property to municipalities. In order to mitigate the risk from temporary patios the City has included an indemnity clause in the application form. This will also be part of the approval permit between the City and the applicant:

*The applicant assumes all the risks and responsibilities associated with the temporary patio and shall at all times defend, indemnify and save harmless the City, its officers, servants and agents from and against all loss or damage, and from and against all actions, suits, claims and demands whatsoever which may be made or brought against the City, its officers, servants and agents by reason or in consequence of the temporary patio by the applicant, its servants, agents or employees.*

Written approval from the property owner is also required for temporary patio applications in which the applicant is not the property owner.

Furthermore, Administration may impose terms and conditions on approvals issued on a case-by-case basis to mitigate risks identified during departmental review of the applications, or reject the application where such risks may not be sufficiently mitigated. Additionally, the City retains the authority to inspect and revoke any patio approvals if any new risks are presented in any specific instance.

### **Climate Change Risks**

#### **Climate Change Mitigation:**

N/A

#### **Climate Change Adaptation:**

N/A

### **Financial Matters:**

The City will be collecting an annual fee of \$570.00 + HST associated with the administrative work required to review the temporary patio applications. This fee will

help in cost recovery associated with staff time for reviews, circulation and on-site inspections. The fee will be charged on an annual basis, as departments will need to review any changes to existing professional practices and legislation before approving, and an annual on-site inspection is required.

Table 1 shows the cost breakdown justification for this fee.

*Table 1 – Fee Structure for Temporary Patio on Private Property Applications*

<b>Item</b>	<b>Cost</b>
Fire Inspection Fee	\$ 150.00
Building Inspection Fee	\$ 100.00
Building Application Fee	\$ 25.00
Building Review and Circulation Fee	\$ 220.00
Planning Review Fee	\$ 75.00
<i>TOTAL (excluding 13% HST)</i>	<i>\$ 570.00</i>
<b>TOTAL (including 13% HST)</b>	<b>\$ 644.10</b>

Budget issue 2024-0151 adds the user fee to the user fee schedule for Planning’s \$75 and Building \$220. The Fire and Building inspection fee are already part of the user fee schedule as the fee already existing. All fees included in Table 1 are subject to any future changes or increases to the user fee schedule as part of the 2024 Operating Budget process.

From May 1 to Oct 1 the City only received 10 applications, with the number of applications expected to increase in the coming years as the program expands and business owners become more aware of AGCO requirements.

**Consultations:**

Craig Robertson, Deputy License Commissioner and Acting Senior Manager of Policy, Gaming, Licensing and By-Law Enforcement

Neil Robertson, Deputy City Planner - Growth

Rob Vani, Deputy Chief Building Official/Inspections

Barbara Rusan, Deputy Chief Building Official/Policy and Regulatory Services

Alex Vucinic, Manager of Purchasing and Risk Management

Mark Nazarewich, Senior Legal Council, Legal and Legislative Services

Sandra Bradt, Executive Initiatives Coordinator, Economic Development and Innovation

Josie Gualtieri, Financial Planning Administrator, Financial Planning

Jonathan Wilker, Deputy Fire Chief

Barry Horrobin, Director of Planning & Physical Resources, Windsor Police Services

Alena Sleziak, Manager of Customer Contact Center 311, Communications and Customer Service

**Conclusion:**

During the pandemic, temporary patios on private properties were allowed as a means to comply with physical distancing restrictions while supporting local businesses and addressing economic concerns. These patios have gained popularity, helped local businesses, and created opportunity for growth even once pandemic restrictions were lifted.

Prior to January 1<sup>st</sup> 2023, the Alcohol and Gaming Commission of Ontario (AGCO) was responsible to review and approve temporary patios. The province has since changed the legislation and now the City must provide an approval to businesses that wish to operate a temporary patio on their private property. City Council previously approved an interim process and directed that Administration bring forward a more permanent process prior to the end of the year. Administration supports adopting the process as outlined in this report to support local businesses and address consumer demand.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
Rania Toufeili	Executive Initiatives Coordinator, Office of the CAO
Neil Robertson	Acting City Planner/ Manager of Urban Design
John Revell	Chief Building Official
Mark Nazarewich	Senior Legal Counsel
Janice Guthrie	Commissioner of Finance, Chief Financial Officer/City Treasurer
Jelena Payne	Commissioner, Economic Development & Innovation
Joe Mancina	Chief Administrative Officer

**Notifications:**

Name	Address	Email

**Appendices:**

- 1 Report C 49/2023 - Approval Process for Temporary Patios on Private Properties
- 2 AGCO Floor Plan Guide
- 3 DRAFT Temporary Patio Application

**Subject: Approval Process for Temporary Patios on Private Properties  
2023 – City Wide**

**Reference:**

Date to Council: 2023-04-11  
Author: Rania Toufeili  
Executive Initiatives Coordinator, Office of the CAO  
519-255-6100 ext. 6479  
rtoufeili@citywindsor.ca

Report Date: 2023-03-24  
Clerk's File #:

**To:** Mayor and Members of City Council

**Recommendation:**

**THAT** the report from the Executive Initiatives Coordinator regarding 2023 Temporary Patios on Private Property **BE RECEIVED** for information; and further,

**THAT** City Council **APPROVE** Administration's recommendation for an interim process to allow temporary patios on private properties in 2023 through the existing Liquor License Clearance Letter process; and further,

**THAT** City Council **APPROVE** the administrative fee for processing temporary patio approvals on private property, which is equal to the administrative fee for Liquor License Clearance Letters; and further,

**THAT** City Council **AUTHORIZE** the Chief Building Official, or his designates, to approve compliant applications for temporary patios on private properties for the 2023 season through Liquor License Clearance Letter process; and further,

**THAT** City Council **DIRECT** Administration to develop a process and fee structure to allow temporary patios on private property in the future to ensure compliance with legislation and regulations, and mitigate any risks to the Corporation of the City of Windsor; and further,

**THAT** Administration **SUBMIT** a process to approve temporary patios on private property for City Council's consideration by the end of 2023.

**Executive Summary:**

N/A

## **Background:**

Throughout the COVID-19 pandemic, the Alcohol and Gaming Commission of Ontario Registrar (AGCO) changed guidelines and relaxed existing legislation related to outdoor dining on private property to help businesses recover from the economic effects of COVID-19. On June 8, 2020 the Province amended regulations under the Liquor Licence Act and waived fees to permit licenced establishments to temporarily add or extend patios adjacent to their premises without AGCO approval.

Effective January 1<sup>st</sup> 2023, the Ontario government amended Ontario Regulation 746/21 under the *Liquor Licence and Control Act, 2019* to benefit businesses and create opportunity for growth in the hospitality industry. Bars, restaurants and other licensed establishments are now able to create or extend temporary patios, subject to approval by their municipality or band council.

Throughout the pandemic, approval of all temporary outdoor patios and extensions was under the authority of the AGCO Registrar. As a result, the City has not issued any liquor license clearance letters from 2020-2022 for temporary patios on private property. Effective January 1, 2023, the AGCO will no longer be accepting applications or issuing liquor licenses for temporary seasonal patio expansions on private property without municipal approvals. As the season approaches, businesses are requesting approval to establish temporary patios, placing pressure on municipalities to determine how they will evaluate and review the requests.

## **Discussion:**

Currently, there are three possible situations for a temporary patio request within the City:

1. *Sidewalk Cafes or Patios in the Right-of-Way.*

These patios are in the public right-of-way and may encroach onto the sidewalk or in the boulevard. The Engineering department has an established review process, permit process and guidelines to address requests for patios in the right-of-way.

2. *Patios for Special Events:*

The City may receive requests for a short-term patio in the right-of-way for a special event, typically 2-4 days in duration. These requests are reviewed and processed by the City's Special Events and Resources Team (SERT), through the Culture and Events department, to ensure compliance with municipal standards and reviews from various departments.

3. *Temporary Patios on Private Properties:*

These types of patios were introduced by the Province as part of the pandemic response to help businesses comply with physical distancing measures while maintaining revenue. Effective January 1<sup>st</sup> 2023, the City is now responsible for approving these types of requests. No permanent process exists within the City for these approvals, however Administration is working to develop a simple and



streamlined approach to ensure a timely response to requests. For 2023 a temporary process through the Building department is proposed.

### ***2023 Temporary Patios on Private Property Applications***

To promptly address new requests from bar and restaurant operators for temporary patios on private property in 2023, the City proposes to process and review requests through the existing Liquor License Clearance Letter application process through the Building Department.

Requests for temporary patios on private properties can be submitted through the MyWindsor application.

Within the City's approved Schedule of Fees, there is a current \$297.50 + HST administrative fee associated with the review of Liquor License patio extension applications. This fee will be charged to applicants for the temporary private property patios.

Applications will go through an internal review to ensure compliance with municipal standards and applicable by-laws. The temporary patio requests will be circulated to the Planning, Right-of-Way and Licensing Departments for comment. Departments will have a 24-hour window to complete their review and return comments to Building. Once reviews are complete, the applicant will be provided with a response. If approved, they will receive a temporary patio approval letter.

Once the patio is built out, a Building Inspector will conduct a site visit to confirm that it complies with applicable codes and statutes. This review includes maximum occupant load for the space, unobstructed emergency response access, barrier free access, minimum lighting requirements, use of heaters, and railing/enclosure to delineate space.

According to the Province, temporary patios may only operate for a maximum of eight months per calendar year. Under this short-term process, temporary private property patios in Windsor will be allowed to operate from the date of approval until November 1<sup>st</sup> 2023.

### ***Developing a Permanent Process for the Review of Temporary Patios on Private Property***

With the change in legislation, many municipalities are looking to create an official and permanent process for the review and approval of temporary patios. Similar to the approach being taken in Burlington and Toronto, Windsor is proposing the short-term measure above while pursuing more long-term solutions that comply with municipal standards, by-laws and provincial rules, similar to what exists for Sidewalk Cafes or Patios in the Right-of-Way.

The proposed interim process for 2023 will be used to inform the development of a new long-term City process with appropriate user fees. The number and nature of requests will provide an indication of what can be expected in future years and allow for information gathering, and to identify challenges and mitigation strategies.

Administration will bring forward a report recommending a permanent process and user fees to address temporary patios on private properties going forward for Council's consideration in the fourth quarter of 2023.

### **Risk Analysis:**

Effective January 1, 2023, it has become the City's responsibility to approve temporary patios on private property. It is important that the City develop a procedure for processing these requests in a timely manner to mitigate the risk of extensions being built without proper inspections or approvals, and in non-compliance to City requirements.

As part of the interim process, Administration may impose terms and conditions on approvals issued on a case-by-case basis to mitigate risks identified during departmental review of the applications, or reject the application where such risks may not be sufficiently mitigated.

The requirement for the city to approve requests for temporary patios on private property was not anticipated nor planned for. This interim process is an added responsibility to Building and other departments and its development may take some time. However, Administration recognizes the time sensitive nature of the approvals and the risks that any delays will have on businesses and will prioritize the work to mitigate this risk.

### **Climate Change Risks**

#### **Climate Change Mitigation:**

N/A

#### **Climate Change Adaptation:**

N/A

### **Financial Matters:**

The City will be collecting the standard fee of \$297.50 + HST associated with the administrative work required to review Liquor Licenses. This is the current cost that is incurred by an applicant when submitting an application through Building for review, therefore no financial changes are required.

Once a new permanent process is created to review and approve temporary patios on private properties. Administration will determine what fee is appropriate to recover operating costs and present this to Council with the new process.

### **Consultations:**

Craig Robertson, Deputy License Commissioner and Acting Senior Manger of Policy, Gaming, Licensing and By-Law Enforcement

Neil Robertson, Manager of Urban Design, Deputy City Planner

Adam Pillon, Manager of Right-of-Way

France Isabelle-Tunks, Deputy City Engineer

Rob Vani, Manager of Inspections, Deputy Chief Building Official

Kristina Savi-Mascaro, Deputy City Solicitor, Purchasing, Risk Management and POA

Sandra Bradt, Executive Initiatives Coordinator, Economic Development

Tony Ardovini, Deputy City Treasurer, Financial Planning

Jonathan Wilker – Deputy Fire Chief

**Conclusion:**

The pandemic response resulted in an increase in temporary patios on private properties to comply with physical distancing restrictions and address economic concerns. During the pandemic, the Province allowed bars, restaurants and other licensed establishments to create or extend temporary patios without the need for AGCO approval and these establishments were very well received. As the legislation has changed to require municipal approval, the city has received several inquiries from business owners hoping to continue the practice in 2023.

Administration proposes to use the existing Liquor License Clearance Letter process, with slight modifications, for the review and approval of temporary patios on private properties throughout 2023. In the fourth quarter of 2023, Administration will bring forward a report to Council with a permanent process that can be used to review and approve temporary patios on private properties.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
Rania Toufeili	Executive Initiatives Coordinator, Office of the CAO
Thom Hunt	City Planner/Executive Director of Planning & Development
John Revell	Chief Building Official
Chris Nepszy	Commissioner, Infrastructure Services
Shelby Askin-Hager	Commissioner, Legal and Legislative Services
Joe Mancina	Commissioner, Corporate Services, Chief Financial Officer
Jelena Payne	Commissioner, Economic Development & Innovation
Onorio Colucci	Chief Administrative Officer

**Notifications:**

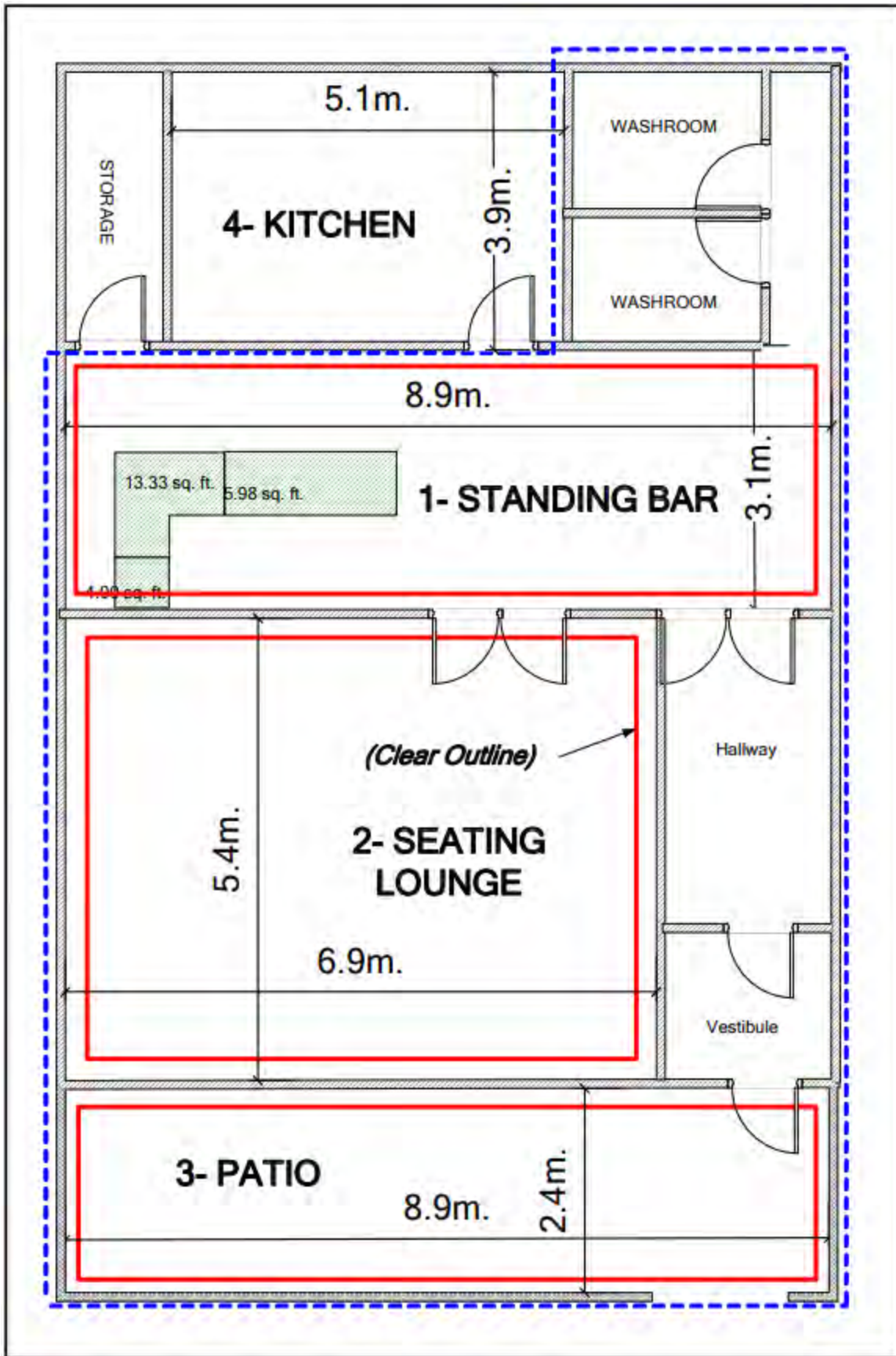
Name	Address	Email

**Appendices:**

# Appendix A – Floor Plan Guide

Floor plans must be submitted with new Liquor Sales Licence applications and alteration applications. **Proposed licensed areas shown on your floor plans must match the areas listed on your application form.**

**Sample floor plan:**



**Floor plan requirements:**

1. Must be to scale, and show dimensions (length and width).
2. Proposed licensed areas must be clearly outlined.

3. Floor plan must show layout of the entire premises.
4. If you wish to license ancillary areas (i.e. Washrooms, Hallways, Stairwells, etc.) with no increase in overall occupancy, the areas must be clearly outlined in a different color.

**Capacity Calculations:**

1. A **separate capacity** is required for each proposed licensed area, except ancillary areas.
2. There are three methods of assigning a capacity to your premises, **either**:
  1. capacity is assigned by the building department; or
  2. capacity is assigned by the fire department; or
  3. capacity is calculated by an architect or professional engineer.
3. If neither the building nor fire department will assign a capacity to the proposed licensed areas, you must submit floor plans that show capacity calculations completed by an architect or professional engineer in accordance with the *Liquor Licence and Control Act, 2019* and its regulations. These floor plans must be stamped and signed by the architect or professional engineer.
4. Licensed areas must be readily distinguishable from areas to which the licence does not apply.

**Sample Application Form Chart:**

Floor Level	Exact Location and Description	Indoors or Outdoors	Tiered Seating Yes/No	Estimated capacity
Basement	Southwest Section – Dining Area	Indoors	Yes No	58
Main Floor	South Section – Patio	Outdoors	Yes No	33
Main Floor	South Section – Seating Lounge	Indoors	Yes No	80

**Sample Floor Plan — Text Version**

**First Section:**

- In this example, the kitchen area is sandwiched in the middle with a storage space on the left and two washrooms on the right.
- The storage space is outlined or marked with a border and shows entrance-exit door. The space is labelled “Storage”.
- The kitchen area is outlined or marked with a border and the width and height dimensions (example, 5.1m width by 3.9m height) are shown using directional arrows. Entrance-exit door is outlined. This area is labelled “4-Kitchen”.
- Washroom 1 and Washroom 2, shows entrance-exit doors. Each washroom is outlined or marked with a border and labelled “Washroom”.
- A final defining border marks the entire area for this first section and encompasses the storage space, kitchen and washrooms.

## **Second Section:**

- The standing bar area shows the width and height dimensions (example, 8.9m width by 3.1m height) using directional arrows. The area is marked as “1-Standing Bar”.
- The standing bar itself is defined by a shape and the dimensions of each segment is shown in square feet.
- A red border outlines the entire area for this second section.

## **Third Section:**

- The seating lounge area is clearly outlined or marked with a red border and shows entrance-exit doors. The height and width dimensions (example, 5.4m height by 6.9m width) are shown using directional arrows. The area is marked as “2-Seating Lounge”.
- In this example, the hallway is located to the right of the seating lounge and is outlined or marked with a border and labelled “hallway”. The entrance-exit doors on one end are outlined. A door on the other end leading to a vestibule is outlined. The vestibule is marked with a border and labelled “vestibule”. A door leading to the patio is outlined.
- A final defining border marks the entire area for this third section and encompasses the seating lounge, hallway and vestibule.

## **Fourth Section:**

- The patio area is clearly outlined or marked with a red border and shows the entrance door connecting to the vestibule. The width and height dimensions (example, 8.9m width by 2.4m height) are shown using directional arrows. The area is marked as “3-Patio”.

Finally, a defining outside border encompasses all four sections: Kitchen, Standing Bar, Seating Lounge and Patio.

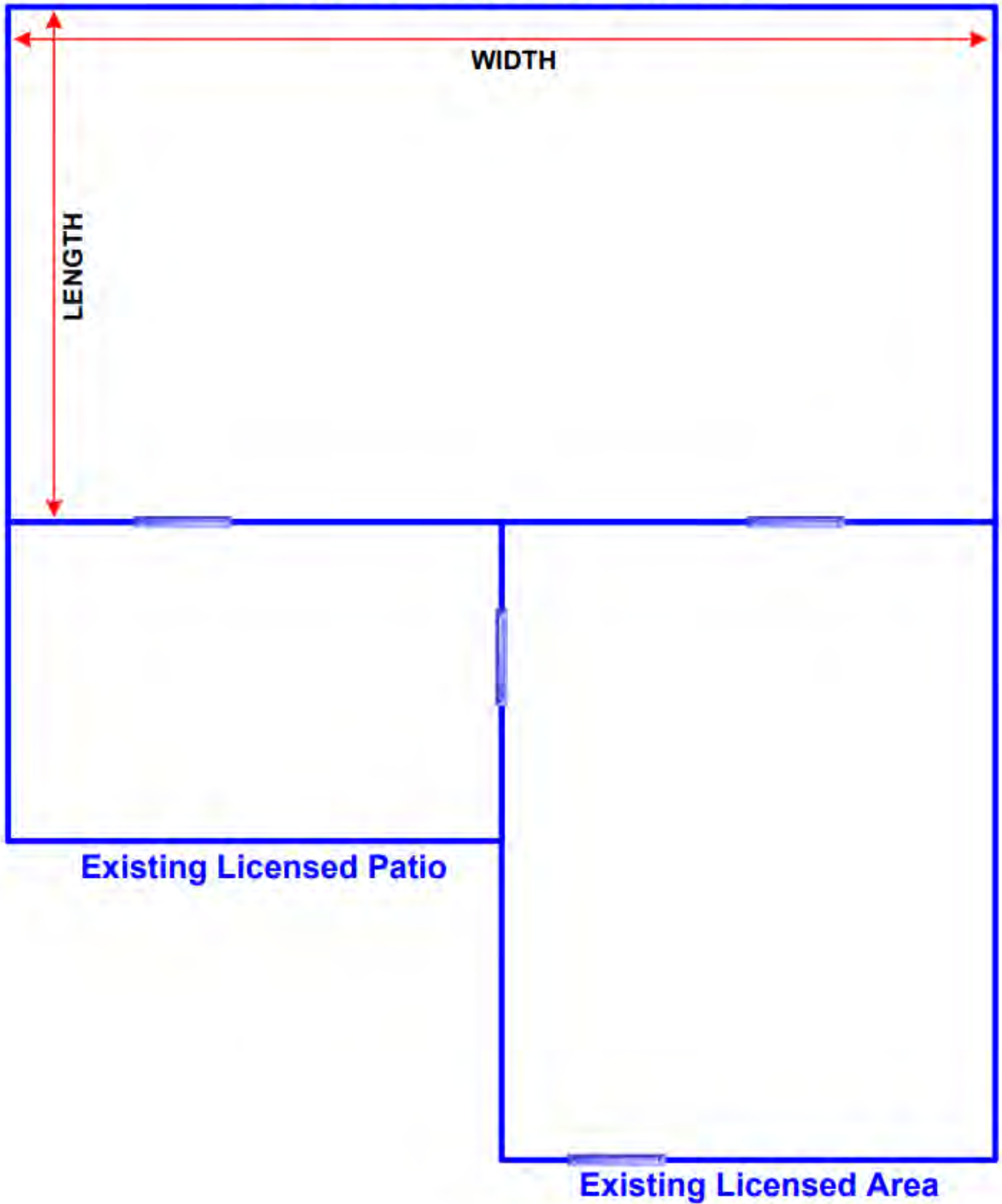
# Appendix B – Calculating the Dimensions of a Proposed Extended Licensed Area

The following is an example of sketch showing the proposed extended area in relation to the existing licensed area(s)

Formula for Maximum Capacity of Extension: Length x Width (metres) divided by 1.11 (metres)



### Proposed Temporary Extension



# Temporary Patio on Private Property Application Form

Please submit this form along with the required attachments to [XXXX@citywindsor.ca](mailto:XXXX@citywindsor.ca).

The application fee for a temporary patio on private property is \$XXX.XX

Applicant Name: \_\_\_\_\_

Applicant Signature: \_\_\_\_\_

Application Date: \_\_\_\_\_

Page 1 of 3

## Applicant Information

Date (YYYY MM DD):

Applicant Name:

Applicant Address:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Applicant Phone Number:

Applicant Email Address:

Name of Establishment:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Address of Establishment:

Liquor License Number:

Liquor License Expiry Date:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Required Attachments

Please check submitted documents (Reference the attached checklist for details about these requirements):

- Property Map (Site Plan)
- Floor Plans
- Landlord Approval (Required for applications if the applicant is not the property owner)

## Acknowledgments

Please check off the boxes to indicate an understanding and compliance with the following requirements:

- The applicant has read and is in agreement with the application requirements (As listed under the Applicant Checklist and Important Information sections of this form).
- The establishment's business and liquor license is valid.
- The applicant assumes all the risks and responsibilities associated with the temporary patio and shall at all times defend, indemnify and save harmless the City, its officers, servants and agents from and against all loss or damage, and from and against all actions, suits, claims and demands whatsoever which may be made or brought against the City, its officers, servants and agents by reason or in consequence of the temporary patio by the applicant, its servants, agents or employees.

Applicant Name: \_\_\_\_\_

Applicant Signature: \_\_\_\_\_

Application Date: \_\_\_\_\_

Page 2 of 3

## APPLICATION REQUIREMENTS

### APPLICANT CHECKLIST

#### ATTACHEMENTS REQUIRED AT APPLICATION SUBMISSION

The following files must be attached with the application form submission:

**Property Map (Site Plan):**

- Fully dimensioned Site Plan identifying the size and location of the proposed outdoor patio on private property.
- Label the location of any parking spaces to be removed for the temporary patio.
- Identify any accessible parking spaces.
- Identify distances from property lines.
- Indicate adjacent residential uses.
- Include Fire Access routes, garbage areas, fire hydrants, fire connections.
- Please note: temporary tents are NOT part of this application process. All temporary tents require a separate building permit prior to erecting.

**Floor Plans:**

Include a floor plan that shows the seating capacity of the restaurant and any existing and proposed seating capacity for the temporary patio.

**Landlord Approval (Required for applications if the applicant is not the property owner):**

Include written approval from the land owner and/or landlord granting permission for the installing and operation of the temporary patio. Please note that proof of ownership **will be required** at submission, and additional search charges may apply.

Applicant Name: \_\_\_\_\_

Applicant Signature: \_\_\_\_\_

Application Date: \_\_\_\_\_

Page 3 of 3

## IMPORTANT INFORMATION

### Design Criteria

- *Allowable Size:* maximum of 50% of indoor occupancy load.
- *Setback:* 30-meter setback from all residential buildings or receptors.
- *Parking Requirements:* Accessible parking spaces and any required residential spaces must remain on site. If existing parking spaces or drive aisles are being used for the temporary patio, it shall occupy no more than the greater of 4 parking spaces, or 33% of the provided parking space for the use. Furthermore, alternative parking arrangements may be submitted for review.
- *Fencing/screening requirements:* The temporary patio must be defined by a railing or similar.

### Requirements

1. The proposed temporary patio must be adjacent to your business.
2. Accessibility must be maintained to and throughout the temporary patio and business per the Accessibility for Ontarians with Disabilities Act (AODA).
3. No garbage routes or fire routes can be blocked by a patio.
4. **Amplified** music/sound and recreation or entertainment uses are not permitted on any temporary patio.
5. If additional structures are incorporated (tents, platforms, stages, decks, etc.) a Building Permit will be required.
6. Temporary patios must not extend in front of adjacent tenant spaces, or beyond the business frontage without permission from the affected adjacent property owner.
7. A minimum setback of 1.2 metres is required where a patio is adjacent to vehicle movement areas.
8. Access between the patio and the restaurant shall not be obstructed by vehicular drive aisles.
9. Once you have received approval for a temporary outdoor patio, business owner/operators are responsible to notify the Alcohol and Gaming Commission of Ontario (AGCO) prior to selling and serving alcohol on your patio, and ensure compliance with all relevant permissions including those of the Ontario Building Code, and their landlord.
10. Fire Department connections and hydrants must be unobstructed.
11. Temporary patios are permitted from March 15 until no later than November 15 (maximum 8 months), after which the area must be returned to its original form.
12. All provincial and public health guidelines must be maintained.
13. All other municipal and Provincial Regulations will continue to apply.
14. The City of Windsor is authorized to inspect all temporary patios and require adjustments to the temporary patio to address compliance with these guidelines and other applicable municipal and provincial regulations.
15. The City of Windsor reserves the right to inspect and revoke any temporary patio approval.
16. The Patio shall meet all safety, accessibility, operation and functioning requirements, as well as requirements in respect of serving alcohol in accordance with Applicable Law.



Council Report: C 130/2023

**Subject: Reappointment of Meetings Investigator - City Wide**

**Reference:**

Date to Council: November 27, 2023

Author: Sandra Gebauer

Council Assistant

519-255-6100 x 6331

sgebauer@citywindsor.ca

Council Services

Report Date: 2023-08-22

Clerk's File #: ACO/12733

**To:** Mayor and Members of City Council

**Recommendation:**

THAT Local Authority Services Ltd. **BE APPOINTED** as the Meetings Investigator for the City of Windsor pursuant to section 239(2) of the *Municipal Act*, S.O. 2001, c.25, as amended; and further,

THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to execute an agreement with Local Authority Services Ltd. for the period January 1, 2024 - December 31, 2028, which agreement is satisfactory in technical content to the Deputy City Clerk, in legal form to the City Solicitor and in financial content to the CFO/City Treasurer.

**Executive Summary:**

N/A

**Background:**

On December 17, 2018, Council adopted the following resolution:

*CR642/2018*

*That Local Authority Services Ltd. **BE APPOINTED** as the Meetings Investigator for the City of Windsor pursuant to section 239(2) of the *Municipal Act*, S.O. 2001, c.25, as amended; and,*

*That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to execute an agreement with Local Authority Services Ltd. for the period January 1, 2019- December 31, 2023, which agreement is satisfactory in technical content to the City*

*Clerk, in legal form to the City Solicitor and in financial content to the CFO/City Treasurer.*

The current agreement with Local Authority Services Ltd., who partners with Aird & Berlis LLP to examine closed meeting complaints, will expire on December 31, 2023 and therefore this matter is being brought to Council for consideration and decision. The term of the new agreement includes an annual retainer of \$250 plus HST, plus the investigation fee, if an investigation is required, which will be charged at an hourly rate ranging from \$495 to \$875, depending on the investigator appointed, plus reasonable expenses, including but not limited to any costs associated with transportation, accommodation, meals, out-of-pocket administrative costs, printing, photocopying, scanning charges, and applicable taxes. There is also an hourly fee charged during the initial inquiry while the lawyers confirm whether the meeting warranted to be closed or not.

Section 239.1 of the *Municipal Act, 2001* provides that a person may request an investigation into whether a municipality, a local board or committee has complied with the closed meeting provisions of the Municipal Act 2001 or the Municipality's Procedure By-law. Such an investigation may be undertaken by a Meeting Investigator appointed by City Council or the Ontario Ombudsman appointed under the *Ombudsman Act*, if Council elects not to make such an appointment.

**Discussion:**

Since January 2019, there have been two (2) requests for a meeting investigation, both of which are still in progress. During the term of this agreement, that began on January 1, 2019 until the present time, the City of Windsor has paid a total of \$1,149.89.

Research was conducted with other municipalities of like size to the City of Windsor with respect how they deal with meetings investigations. The following table demonstrates the results of this research.

<b>Municipality</b>	<b>Meetings Investigator</b>
Barrie	Local Authority Services Ltd. (LAS)
Brampton	Local Authority Services Ltd. (LAS)
Burlington	Local Authority Services Ltd. (LAS)
Chatham/Kent	The Integrity Commissioner fulfils the role of Meetings Investigator
Clarington	Local Authority Services Ltd. (LAS)

Hamilton	Provincial Ombudsman
Kingston	Local Authority Services Ltd. (LAS)
Kitchener	Provincial Ombudsman
London	Provincial Ombudsman
Markham	Local Authority Services Ltd. (LAS)
Mississauga	Provincial Ombudsman
Oshawa	Provincial Ombudsman
Ottawa	The Integrity Commissioner fulfills the role of the Meetings Investigator
Sudbury	Provincial Ombudsman
Vaughn	Local Authority Services Ltd. (LAS)
Waterloo	Local Authority Services Ltd. (LAS)

There are three clear options for Council to consider regarding the appointment of a Meetings Investigator. These options are as follows:

- a) Re-appoint Local Authority Services Ltd. ("LAS) as Meetings Investigator under the new terms outlined above;
- b) Do not appoint a Meetings Investigator and allow any complaints to be handled by the Provincial Ombudsman; or
- c) Follow the course taken by at least two other municipalities and appoint someone other than LAS, such as the City's Integrity Commissioner, Principles *Integrity*, if they wish to take on this role as the Meetings Investigator for the City.

To date, the City's experience with the LAS service (via Amberley Gavel and now Aird & Berlis LLP) has been generally favourable in that it has investigated all complaints with integrity and has provided well-reasoned and thoughtful reports. However, should Council wish to appoint an entity other than LAS it should be aware that there are pros and cons to each alternative option listed above.

The benefit to having the Ombudsman deal with meetings investigations is that there is no cost to the municipalities that are the subject of complaints. Closed meetings complaints are handled in the same manner as any other complaint made to the

Ombudsman's office and are investigated by staff of that Office. However, whereas the Office of the Ontario Ombudsman can take complaints about extensive administrative processes and policies of more than 1,000 public sector and government bodies in Ontario, LAS has extensive municipal experience geared specifically towards examining closed meeting complaints, through a roster of experienced lawyers familiar with the *Municipal Act, 2001* to provide such meeting investigation services.

Appointing the Integrity Commissioner to this role would in essence "combine" two of the municipality's accountability and transparency measures, which may be beneficial as existing experience, and expertise could be effectively leveraged. This is the case in the City of Ottawa where the Integrity Commissioner fulfills both roles. However, it would be premature at this time for the City of Windsor to consider requesting the Integrity Commissioner to take on this added function. Principles *Integrity*, the City's current Integrity Commissioner, is in year one of their contractual arrangement with the City of Windsor, and it would be prudent to contemplate expanding services at the conclusion of the initial contractual cycle.

Given that the experience to date with LAS (Aird & Berlis LLP) has been satisfactory, it is the recommendation of Administration that the contract with LAS be renewed.

**Risk Analysis:**

Having a robust accountability and transparency program is one of the hallmarks of a progressive municipality. The failure to implement and maintain accountability and transparency programs can potentially lead to public criticism and poor decision-making. Therefore, it is in the interest of the municipality to review its systems with respect to accountability and transparency to ensure that they are in compliance with the *Municipal Act* and that they serve the citizens of the City of Windsor in an effective manner.

**Climate Change Risks**

**Climate Change Mitigation:**

N/A

**Climate Change Adaptation:**

N/A

**Financial Matters:**

The cost of entering into this agreement is an annual payment of \$250 for the Program Administrative Fee. When an investigation is needed, an hourly rate of between \$495 and \$875 will be charged. This rate does not include transportation, meals, out of pocket expenses, and printing/scanning.



The current budget is \$5,000.00 - allocated for costs associated with meetings investigations. All expenses will be charged to 001-2950-5033-02942-0111512. Since January 2019, a total of \$1,149.89 has been spent on the meetings investigations program.

**Consultations:**

N/A

**Conclusion:**

Accountability and transparency are very important characteristics of good governance.

Since 2007, the City has instituted many accountability and transparency measures in order to comply with the *Municipal Act* and in order to serve the citizens of the City. Moving forward with the recommendation in this report will ensure that the City of Windsor’s accountability and transparency program continues to operate efficiently and effectively.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
Sandra Gebauer	Council Assistant
Rosa Maria Scalia	Financial Planning Administrator
Anna Ciacelli	Deputy City Clerk/Supervisor, Council Services
Steve Vlachodimos	City Clerk/Licence Commissioner
Dana Paladino	Commissioner, Corporate Services (Acting)
Janice Guthrie	Commissioner, Finance and City Treasurer
Joe Mancina	Chief Administrative Officer

**Notifications:**

Name	Address	Email

**Appendices:**



**Council Report: C 162/2023**

**Subject: RFP 128-23 Acquisition of One High Pressure Sewer Flusher Truck – City Wide**

**Reference:**

Date to Council: November 27, 2023  
Author: Chad Goebel  
Fleet Coordinator  
519-255-6560 x4235  
cgoebel@citywindsor.ca

Public Works - Operations  
Report Date: November 7, 2023  
Clerk's File #: SW/14690

**To:** Mayor and Members of City Council

**Recommendation:**

THAT City Council **APPROVE** the purchase of one (1) High Pressure Sewer Flusher Truck; and,

THAT the Purchasing Manager **BE AUTHORIZED** to issue a purchase order to Carrier Truck Centers Inc. in the amount of \$462,058.00 (excluding HST) for the purchase of one (1) Flusher truck, subject to approval as to technical content by the City Engineer and in financial content to the Chief Financial Officer and City Treasurer.

**Executive Summary:**

N/A

**Background:**

Operating budget issue 2022-0335 was presented and approved by Council for the conversion of a fully depreciated flusher unit to a dedicated unit as required to clean the Corporations sewer assets and continue to provide sewer-cleaning services at the expected levels.

**Discussion:**

To select a unit for purchase RFP # 128-23 was issued by the Purchasing Department on September 6<sup>th</sup>, 2023 and closed on September 27<sup>th</sup>, 2023. The RFP was prepared with specifications developed in accordance with the technical and operational requirements of the service, as it is provided by the City. Advertisement was placed in Biddingo, a national electronic bidding and advertising website, which is broadly

accessible to all potential bidders, both within and outside Canada. The Purchasing Department received one (1) submission. The single submission was reviewed by the Fleet Coordinator to verify the technical submission received was in accordance with the RFP and ensure overall suitability and compliance. Carrier Truck Centers Inc. submitted a proposal that complied with the RFP requirements and met our operational needs.

**Risk Analysis:**

The existing unit is at the end of its useful life. Any further delay in procurement of this unit may cause a negative impact to the service delivery.

**Climate Change Risks**

**Climate Change Mitigation:**

N/A

**Climate Change Adaptation:**

N/A

**Financial Matters:**

This unit was approved by the Fleet Review Committee in consideration of forecasted fleet replacements and by City Council during the 2022 capital budget process CR B28/2021. The budget approved for this unit is \$500,000. The total cost of this additional unit is \$462,058.00 excluding HST, or \$470,190.22 including non-refundable HST.

Procurement costs have been budgeted for in the 2022 Corporate Fleet Additions and Upgrades Project 7221005. There are sufficient uncommitted funds available for this purchase in this project. Surplus funds remaining for this unit will be reprioritized in the 2022 project to fund shortfalls as may be required for other units to be purchased.

**Consultations:**

Cindy Becker – Financial Planning Administrator – Public Works Operations

**Conclusion:**

Administration recommends the purchase of this one (1) High-Pressure Sewer Flusher Truck from Carrier Truck Centers Inc.

Furthermore, procurement of this unit will provide the operational and business continuity necessary for the service delivery.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
Cindy Becker	Financial Planning Administrator – Public Works Operations
Angela Marazita	Fleet Manager
Shawna Boakes	Executive Director of Operations
Shawna Boakes for	Commissioner of Infrastructure Services, City Engineer, Corporate Leader
Alex Vucinic	Purchasing Manager
Janice Guthrie	Commissioner, Corporate Services / Chief Financial Officer / City Treasurer
Joe Mancina	Chief Administrative Officer

**Notifications:**

Name	Address	Email
Carrier Truck Centers Inc.		<a href="mailto:dancountryman@carriercenters.ca">dancountryman@carriercenters.ca</a>

**Appendices:**



**Subject: Confirm and Ratify Report-Letter of Support for Amtrak-VIA Rail Toronto-Windsor-Detroit-Chicago Intercity Passenger Rail Connection – City Wide**

**Reference:**

Date to Council: November 27, 2023

Author: Anna Ciacelli-Deputy Clerk/Supervisor of Council Services

(519) 255-6100 ext 1837

aciacelli@citywindsor.ca

Council Services

Report Date: November 15, 2023

Clerk's File #: MTR2023

**To:** Mayor and Members of City Council

**Recommendation:**

That the results of the email poll conducted by the Deputy Clerk on November 10, 2023 approving the following recommendation **BE CONFIRMED AND RATIFIED:**

**THAT** the report from the Senior Economic Development Officer requesting a Letter of Support for intercity passenger rail service **BE RECEIVED FOR INFORMATION;** and further,

**THAT** City Council **ENDORSE** a Letter of Support from the Mayor to the Minister of Transport supporting the proposed Amtrak-VIA Rail Intercity Passenger Rail Connection; and further,

**THAT** City Council **AUTHORIZE** Administration to represent the City of Windsor at future stakeholder meetings for this project; and further,

**THAT** Administration **BE DIRECTED** to report status updates to City Council as soon as is practical.

**Executive Summary:**

N/A

**Background:**

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

*“Telephone and/or email polls of Members of Council shall be permitted only upon authorization by the Mayor or CAO, in emergency situations requiring Council direction where time does not permit holding a special meeting of Council and/or quorum of Council cannot physically convene to consider a matter. The results of a poll must be confirmed and ratified at the next public meeting of Council”.*

**Discussion:**

A letter of support to the Minister of Transport supporting the proposed Amtrak-VIA Rail Intercity Passenger Rail Connection has been requested from the Mayor of the City of Windsor. Details are provided in the attached report—Appendix A.

Given the tight timelines, Mayor Dilkens authorized the Deputy Clerk to conduct an email poll pursuant to Section 3.7 of the Procedure By-law 98-2011 as amended. As a result of the poll, the recommended resolution to support the letter was approved unanimously.

**Risk Analysis:**

There is a significant risk that the rail connection proposed by VIA Rail and Amtrak will not be considered for funding by Transport Canada without demonstrated support from the City of Windsor, placing the future of the project in jeopardy.

**Climate Change Risks****Climate Change Mitigation:**

N/A.

**Climate Change Adaptation:**

N/A.

**Financial Matters:**

N/A.

**Consultations:**

See administrative report attached as Appendix A.

**Conclusion:**

It is recommended that the results of the email poll conducted by the Deputy Clerk on November 10, 2023, be confirmed and ratified.

**Planning Act Matters:**

N/A.

**Approvals:**

<b>Name</b>	<b>Title</b>
Steve Vlachodimos	City Clerk/Licence Commissioner
Dana Paladino	Interim Commissioner, Corporate Services
Joe Mancina	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>

**Appendices:**

- 1 Report C 163/2023--Letter of Support for Amtrak Via Rail

**Subject: Letter of Support for Amtrak-VIA Rail Toronto-Windsor-Detroit-Chicago Intercity Passenger Rail Connection – City Wide**

**Reference:**

Date to Council: November 27, 2023  
Author: Vito Grammatico  
Senior Economic Development Officer  
519-255-6100 ext. 6416  
vgrammatico@citywindsor.ca  
Economic Development & Innovation  
Report Date: November 8, 2023  
Clerk's File #: MTR2023

**To:** Mayor and Members of City Council

**Recommendation:**

**THAT** the report from the Senior Economic Development Officer requesting a Letter of Support for intercity passenger rail service **BE RECEIVED FOR INFORMATION**; and further,

**THAT** City Council **ENDORSE** a Letter of Support from the Mayor to the Minister of Transport supporting the proposed Amtrak-VIA Rail Intercity Passenger Rail Connection; and further,

**THAT** City Council **AUTHORIZE** Administration to represent the City of Windsor at future stakeholder meetings for this project; and further,

**THAT** Administration **BE DIRECTED** to report status updates to City Council as soon as is practical.

**Background:**

Via Rail Canada Inc. is a Crown corporation that is mandated to operate intercity passenger rail service in Canada. Amtrak is the American national passenger railroad company operating inter-city rail service in 46 of the 48 contiguous U.S. states and three Canadian provinces.

VIA Rail and Amtrak have proposed to establish an intercity passenger rail service to connect Toronto and Chicago through the cities of Windsor and Detroit. The proposed project is being led by Amtrak and VIA Rail, and the Consulate General of Canada in Detroit arranged a meeting with the City of Windsor and the City of Detroit on September 6, 2023 to discuss the proposed connection. Subsequent meetings were held on October 23 2023 and October 26 2023 and included briefings from Amtrak and



VIA Rail on their proposed project. The City of Detroit provided a Letter of Support from their Mayor for the project (Appendix A), and a letter of support to the Minister of Transport has been requested from the Mayor of the City of Windsor.

## **Discussion:**

VIA Rail and Amtrak propose a rail extension to meet travel demand between Michigan communities and those in Southwestern Ontario, promote commerce and economic development opportunities and sustainability, and address the lack of Chicago –Detroit –Toronto rail service by providing an additional transportation alternative between Michigan and Ontario. The project utilizes a rail extension to bridge the 9-mile gap between the existing passenger rail corridors of the Chicago –Detroit Amtrak/MDOT Wolverine Service and the Windsor –Toronto VIA Rail Canada SW Ontario Service. The targeted service start date is late 2027.

This proposal supports the Windsor Works Economic Development Strategy under the pillars of Location and Infrastructure by providing an additional transportation link to Detroit and another powerhouse American city – Chicago. Additional infrastructure provides opportunity to grow the Future Economy and attract Talent.

There are numerous key stakeholders for this project:

- **Border Agencies:**
  - US Customs and Border Protection
  - Canadian Border Services Agency
- **Public Safety Oversight Agencies:**
  - US Department of Homeland Security
  - Public Safety Canada
- **Rail Operators:**
  - Amtrak / National Railroad Passenger Corporation
  - VIA Rail Canada
- **Transportation Agencies**
  - Michigan Department of Transportation
  - US Department of Transportation / Federal Railroad Administration
  - Transport Canada
  - Ontario Ministry of Transportation
- **Host Railroads (Amtrak Wolverine Reroute)**

- Conrail (Detroit)
- CPKC (Detroit)
- Essex Terminal (Windsor)
- VIA Rail Canada (Windsor)
- Local Stakeholders
  - City of Detroit
  - Ford Corporation
  - City of Windsor
  - Michigan station communities
  - VIA SW Ontario Service station communities

The success of the Amtrak-VIA Rail Intercity Passenger Rail Connection relies on the collaboration of critical stakeholders, including border agencies, public safety oversight agencies, rail operators, transportation agencies, host railroads, and local stakeholders. Cooperation among these entities is essential for the project's successful execution.

The next steps for the project as disclosed by Amtrak and VIA Rail are as follows:

1. Request for Final Design & Construction funding in the federal budget (business case submitted by Amtrak/VIA Rail to Transport Canada in October 2023)
2. Continued coordination with U.S. Customs and Border Protection (CBP) and Canada Border Services Agency (CBSA) for staffing cost estimates and border facility design review
3. Continued site planning work with Ford and the City of Detroit for new station at Michigan Central
4. Design concepts for proposed improvements to the Windsor VIA station
5. Discussions with Ford for acquisition or permanent easement for connecting track behind old engine plant
6. Continue coordination with Host Railroads on required improvements (Canadian Pacific Kansas City Limited, Conrail in the U.S.; Essex Terminal Railway in Canada)

A letter from the City of Windsor in support of the project has been requested by Amtrak and VIA Rail. The support letter from Mayor Duggan - City of Detroit is attached as Appendix A.

Administration is requesting authority to continue to participate as this project develops and will bring forward items requiring Council direction for consideration at the appropriate time.

### **Risk Analysis:**

The Amtrak-VIA Rail Intercity Passenger Rail Connection presents several significant benefits to the City of Windsor:

1. **Economic Growth:** The project connects major economic centers, including Chicago, Detroit, and Toronto, enhancing trade and commerce opportunities. Windsor can capitalize on its strategic location, fostering economic growth and business development.
2. **Increased Connectivity:** By bridging the transportation gap and providing a direct rail link, the project facilitates efficient travel between Windsor and these key cities, benefiting both residents and businesses.
3. **Tourism and Hospitality:** Improved transportation options attract tourists, which can boost Windsor's tourism and hospitality industry. A more accessible city can increase the number of visitors and overnight stays.
4. **Sustainability:** By promoting sustainable transportation, the project aligns with Windsor's commitment to environmental responsibility, reducing the city's carbon footprint and supporting eco-friendly transportation alternatives.
5. **Community Accessibility:** Enhanced transportation options offer Windsor residents greater mobility, convenience, and affordability for travel, thereby improving the overall quality of life in the city.

There is a significant risk that the rail connection proposed by VIA Rail and Amtrak will not be considered for funding by Transport Canada without demonstrated support from the City of Windsor, placing the future of the project in jeopardy.

### **Climate Change Risks**

#### **Climate Change Mitigation:**

In 2021, Transportation emissions accounted for almost 40% of the Windsor's Community Emissions. Rail travel is one recognized as a more environmentally-friendly mode of transportation. Via Rail has completed a study to assess the greenhouse gas emissions per passenger-kilometre between Toronto and Windsor compared to other modes of transportation. Currently, these emissions are calculated at 35 kg CO<sub>2</sub>/passenger-kilometre, while air travel and personal vehicle travel are 115 and 71 kg

CO2/passenger-kilometre, respectively. Supporting connections between Chicago and Toronto will provide more opportunities for rail travel and support a reduction in personal vehicle and air travel between the Cities in this corridor.

### **Climate Change Adaptation:**

In the recent Ontario Provincial Climate Change Impact Assessment, Ontario's rail infrastructure in southwestern Ontario is currently rated at a medium risk to climate impacts moving to high risk in the 2050s. Though outside the scope of bridging connections between Toronto and Chicago, when possible opportunities to encourage rail companies to understand and mitigate risks described in the aforementioned report should be taken.

### **Financial Matters:**

No financial support from the City of Windsor is requested at this time nor is it required to issue a letter to the Minister of Transport. Although not anticipated, any future financial support requested from the City of Windsor for this project be brought forth to City Council for consideration and direction.

### **Consultations:**

Chris Nepszy – Commissioner, Infrastructure Services

Karina Richters - Supervisor Environmental Sustainability and Climate Change

### **Conclusion:**

The Amtrak-VIA Rail Intercity Passenger Rail Connection offers immense potential for the City of Windsor. A letter of support from the City to the Minister of Transport contributes significantly to this transformative initiative. Such a letter signals the City's commitment to the project's goals and underscore the benefits it brings to Windsor.

The advantages of this project, including economic growth, increased connectivity, tourism potential, sustainability, and enhanced community accessibility, stand to positively impact Windsor and its residents. Written confirmation of Windsor's support is not only a gesture of endorsement but a strategic move to secure these benefits for the city.

**Approvals:**

<b>Name</b>	<b>Title</b>
Vito Grammatico	Senior Economic Development Officer
Jelena Payne	Commissioner of Economic Development and Innovation
Joe Mancina	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Abe Taqtaq		<a href="mailto:ataqtaq@citywindsor.ca">ataqtaq@citywindsor.ca</a>

**Appendices:**

Appendix A: Letter of Support from the Mayor of Detroit

Appendix B: Route Map

Appendix C: Summary/Fact Sheet



Coleman A. Young Municipal Center  
2 Woodward Avenue, Suite 1126  
Detroit, Michigan 48226

Phone 313•224•3400  
Fax 313•224•4128  
[www.detroitmi.gov](http://www.detroitmi.gov)

October 26, 2023

Honorable Pablo Rodriguez  
Minister of Transport  
House of Commons  
Ottawa, Ontario, Canada  
K1A 0A6

RE: Letter of Support for Amtrak-VIA Rail Toronto-Windsor-Detroit-Chicago  
Intercity Passenger Rail Connection

Dear Minister Rodriguez,

I am writing to express my enthusiastic support for the establishment of the proposed Amtrak-VIA Rail intercity passenger rail service running from Toronto — through Windsor, Ontario and Detroit, Michigan — to Chicago. A passenger rail link between Windsor and Detroit will deliver transportation connectivity across the whole of the corridor and significant opportunities for economic exchange and growth on both sides of the border.

As Mayor of Detroit, I celebrate the deep economic, social, and cultural ties between Detroit and Windsor. A passenger rail link would strengthen these ties greatly by investing in a shared, connected future. A convenient and efficient rail link is certain to increase movement of people along the Toronto-to-Chicago corridor, and especially between Southwestern Ontario and Michigan. That will stimulate economic development by creating jobs, supporting tourism, and facilitating exchange. It will also serve our shared goals to reduce carbon emissions and promote sustainable transportation.

I look forward to working with Transport Canada, my next-door neighbors at the City of Windsor, Amtrak, and the State of Michigan, to ensure the successful implementation of this project. I believe that a partnership between our governments, at all levels, can make this highly-executable vision a reality.

Please contact Luke Polcyn at [luke.polcyn@detroitmi.gov](mailto:luke.polcyn@detroitmi.gov) for assistance on additional questions you may have.

Thank you,

Michael E. Duggan, Mayor  
City of Detroit

## Appendix B: Route Map





# Toronto–Windsor–Detroit–Chicago Intercity Passenger Rail Service Expansion

## Windsor Fact Sheet November 2023

### Project Opportunity

The project will link Amtrak and VIA Rail Canada services in Windsor, ON, leveraging two existing intercity passenger rail services that are separated by a 14.5 km (9 mi) gap. The proposed service would address population and traffic increases and support economic growth. The project provides a new passenger rail connection from Windsor to Detroit and Chicago. Additionally, from Chicago, passengers can access Amtrak's vast national network with connecting services to 35 US states.

The proposed service would be competitive to auto travel times and provide a safe, convenient, and comfortable alternative for travelers. This project is a cost efficient solution by using mostly existing stations and infrastructure.

Additionally, with improvements to the Essex Terminal Railway right-of-way, improvements will be made to 9 grade crossings, improving the safety of both passenger and freight operations.

66,500 passengers each year are projected to take advantage of this new cross-border connection with 14,000 passengers beginning or ending their trip in Windsor.

### Benefits to Windsor

- This proposed service would provide a new transportation option between Chicago, Michigan, and Windsor connecting passengers for both leisure and business travel without the need for a personal automobile.
- A proposed \$44 million investment in rail infrastructure and station improvements - all in Windsor - going towards construction and railroad industry jobs and suppliers.
- The *Tunnel Bus* operated by Windsor Transit provides a vital link for commuters, but does not serve the Amtrak station in Detroit, or the VIA station in Windsor. The new passenger rail service will complement the existing bus service as the solution for longer-distance passengers.
- A new cross-border connection between Windsor and Detroit will increase cross-border capacity without straining existing land crossings. Between FY22 and FY23, US CBP crossings in Detroit increased 35%. Between 2008 and 2018, cross border air travel demand between Toronto/London and Detroit/Chicago increased 37%. The rail connection will provide a new conduit for cross-border travel, through Windsor.



# Proposed Routing

A modified Amtrak *Wolverine* eastbound service would depart the station in Dearborn, MI and split off from the current routing onto Conrail and CPKC tracks on approach to a new proposed Amtrak station at Ford's Michigan Central Innovation Center in Detroit. This new facility would serve as a second Amtrak station in Detroit, specifically serving trains to/from Windsor. After departing Michigan Central Station, trains would continue into Windsor via the Detroit River Rail Tunnel (CPKC). Upon entry into Windsor, trains would utilize the Essex Terminal Railway (ETR) to access the VIA tracks using a new ETR-VIA connection track upon approach to the VIA station.

# Key Project Elements

- Total proposed investment in Windsor: \$44 million
- Improvements to Essex Terminal Railway between the CPKC and VIA tracks including grade crossing improvements at 9 locations
- A new track connection between ETR-VIA that would provide safe and quick access to the station.
- Modification to the existing station tracks and platform to allow seamless integration of Amtrak and VIA operations.
- Construction of a new joint border security facility for CBSA and US CBP screening.

# Proposed Service

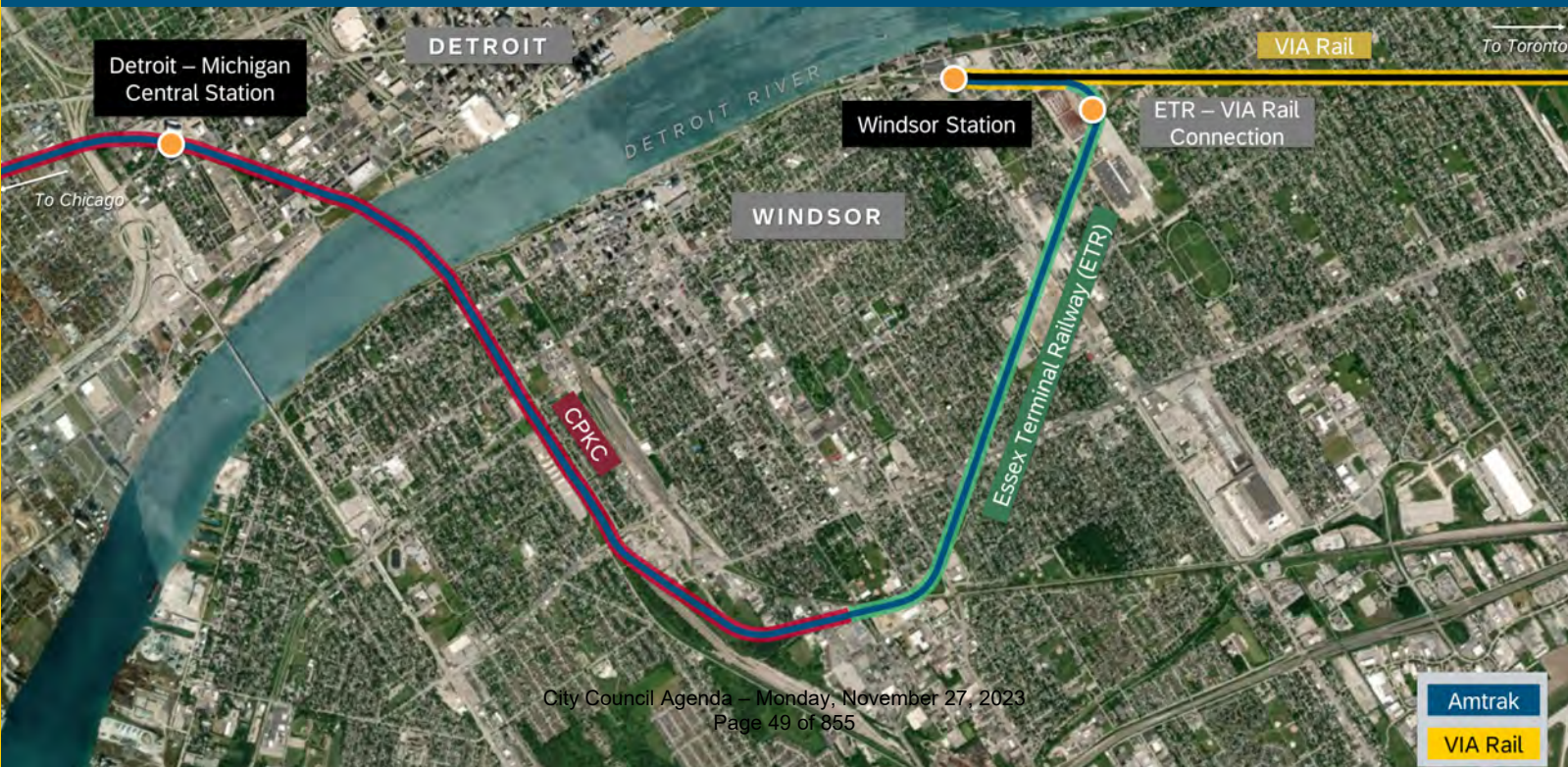
Existing VIA and Amtrak services are well-aligned to connect passengers. Currently VIA train 73 departs Toronto Union Station at 11:30 and arrives in Windsor at 15:45, daily. Chicago-bound passengers would board VIA train 73 to Windsor, ON, where they would alight and enter a new joint border facility at Windsor station. Passengers would clear US CBP inspection before boarding an Amtrak train to Detroit and on to Chicago. The extended Amtrak *Wolverine* train 355 would depart Windsor at 16:45 and arrive in Chicago at 21:25 (central).

For eastbound passengers, Amtrak *Wolverine* train 350 originates in Chicago, departing at 6:45 central and would arrive in Windsor at 13:29. Passengers would exit the train into a secure area for CBSA processing within the new joint border inspection facility before entering Windsor Station. Passengers continuing towards Toronto would board the eastbound VIA train 76 that would depart at a revised schedule time of 14:29 and arrive in Toronto at 18:36.

Cross-border passengers would utilize both Amtrak and VIA services all on a single ticket.

Once funded, the cross-border service could be begin as soon as late 2027 with one daily Amtrak round-trip, with opportunity to increase the service in the future.

# Project Map





## Council Report: C 169/2023

**Subject: Confirm and Ratify Report-Connecting Links Program Intake 2024-2025 Grant Funding - Huron Church Road - City Wide**

**Reference:**

Date to Council: November 27, 2023

Author: Steve Vlachodimos-City Clerk/Licence Commissioner

(519) 255-6100 ext 6488

svlachodimos@citywindsor.ca

Council Services

Report Date: November 15, 2023

Clerk's File #: SW/12414

**To:** Mayor and Members of City Council

**Recommendation:**

That the results of the email poll conducted by the City Clerk on November 7, 2023 approving the following recommendation **BE CONFIRMED AND RATIFIED:**

- 1) THAT City Council **AUTHORIZE** the Chief Administrative Officer to submit an application for the project outlined in this report to the Connecting Links Program 2024-25 subject to the documents being satisfactory in legal form to the Commissioner of Legal & Legislative Services, in financial content to the Commissioner of Corporate Services, Chief Financial Officer/City Treasurer, and in technical content to the Commissioner of Infrastructure Services, or designates; and,
- 2) THAT City Council **SUPPORT** the use of the recommended funding sources and allocations as identified in the Financial Matters section of this report for the City portion of eligible project costs and any ineligible costs; and,
- 3) THAT the CFO/City Treasurer **BE DIRECTED** to transfer the identified funding to the Connecting Links Program 2024-25 project (OPS-002-24) with all funding **DEEMED** placeholder funding until such time that the City is successful in being awarded the Grant; and,
- 4) THAT in the event the City receives written confirmation of the Grant funding being awarded to the City, that the following additional Recommendations **BE APPROVED:**

a) THAT the CFO/City Treasurer **BE DIRECTED** to pre-commit the previously identified placeholder amounts of 2024 funding in the amount of \$400,000 and 2025 funding in the amount of \$471,703 from the Connecting Links Program 2024-25 capital project (OPS-002-24) so that these funds are available for immediate use; and,

b) THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign and execute any agreements, declarations or approvals required resulting from receiving grant funding approval for the Connecting Links Program 2024-25 program subject to such documents being satisfactory in legal form to the Commissioner of Legal & Legislative Services, in financial content to the Commissioner of Corporate Services, Chief Financial Officer/City Treasurer and in technical content to the Commissioner of Infrastructure Services, or designates; and,

c) THAT the Mayor, in addition to the CAO and City Clerk, also **BE AUTHORIZED** to sign and execute any agreements, declarations and other such documents required as part of receiving funding for grants noted in this report, and only if deemed required by the grant provider; and,

d) THAT the Chief Administrative Officer **BE AUTHORIZED** to delegate signing of all claims, progress reports and applicable schedules and other such documents as may be required as part of the request for payment to the Commissioner of Infrastructure Services or designate, subject to financial content approval from the area's Financial Planning Administrator or their manager; and,

e) THAT Council **PRE-APPROVE** and **AWARD** any procurement(s) necessary that are related to the grant awarded project, provided that the procurement(s) are within approved budget amounts, pursuant to the Purchasing By-Law 93-2012 and amendments thereto; satisfactory in financial content to the Commissioner of Corporate Services, Chief Financial Officer/City Treasurer, and in technical content to the Commissioner of Infrastructure Services, or designates; and,

f) THAT the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to take any such action required to effect the recommendation noted above and sign any required documentation/agreement(s) for the grant awarded project, satisfactory in legal form to the Commissioner of Legal & Legislative Services, in technical content to the Commissioner of Infrastructure Services and financial content to the

Commissioner of Corporate Services, Chief Financial Officer/City Treasurer, or designates; and further,

g) THAT the Purchasing Manager **BE AUTHORIZED** to issue Purchase Orders as may be required to effect the recommendation noted above, subject to all specification being satisfactory in technical content to the Commissioner of Infrastructure Services and financial content to the Commissioner of Corporate Services, Chief Financial Officer/City Treasurer, or designates.

5) THAT in the event that the City is not successful in their application to the Connecting Links Program 2024-2025, that the identified placeholder funding **BE RETURNED** to its original funding sources.

**Executive Summary:**

N/A.

**Background:**

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

*“Telephone and/or email polls of Members of Council shall be permitted only upon authorization by the Mayor or CAO, in emergency situations requiring Council direction where time does not permit holding a special meeting of Council and/or quorum of Council cannot physically convene to consider a matter. The results of a poll must be confirmed and ratified at the next public meeting of Council”.*

**Discussion:**

Given the tight timelines, Mayor Dilkens and the CAO, authorized the City Clerk to conduct an email poll pursuant to Section 3.7 of the Procedure By-law 98-2011 as amended. As a result of the poll, the recommended resolution to support the recommendation in the administrative report - Connecting Links Program Intake 2024-2025 Grant Funding – Huron Church Road was approved unanimously.

**Risk Analysis:**

**Climate Change Risks**

**Climate Change Mitigation:**

N/A.

**Climate Change Adaptation:**

N/A.

**Financial Matters:**

N/A.

**Consultations:**

See administrative report attached as Appendix A.

**Conclusion:**

It is recommended that the results of the email poll conducted by the City Clerk on November 7, 2023, be confirmed and ratified.

**Planning Act Matters:**

N/A.

**Approvals:**

Name	Title
Steve Vlachodimos	City Clerk/Licence Commissioner
Dana Paladino	Commissioner, Corporate Services (Interim)
Joe Mancina	Chief Administrative Officer

**Notifications:**

Name	Address	Email

**Appendices:**

1 Appendix A--C 158/2023--Connecting Links Program Intake 2024-2025 Grant Funding - Huron Church Road - City Wide

**Subject: Connecting Links Program Intake 2024-2025 Grant Funding - Huron Church Road - City Wide**

**Reference:**

Date to Council: November 7, 2023

Author: Luigi Congi

Asset Coordinator

519-255-6100 x6136

lcong@citywindsor.ca

Asset Planning

Report Date: October 30, 2023

Clerk's File #: SW/12414

**To:** Mayor and Members of City Council

**Recommendation:**

- 1) THAT City Council **AUTHORIZE** the Chief Administrative Officer to submit an application for the project outlined in this report to the Connecting Links Program 2024-25 subject to the documents being satisfactory in legal form to the Commissioner of Legal & Legislative Services, in financial content to the Commissioner of Corporate Services, Chief Financial Officer/City Treasurer, and in technical content to the Commissioner of Infrastructure Services, or designates; and,
- 2) THAT City Council **SUPPORT** the use of the recommended funding sources and allocations as identified in the Financial Matters section of this report for the City portion of eligible project costs and any ineligible costs; and,
- 3) THAT the CFO/City Treasurer **BE DIRECTED** to transfer the identified funding to the Connecting Links Program 2024-25 project (OPS-002-24) with all funding **DEEMED** placeholder funding until such time that the City is successful in being awarded the Grant; and,
- 4) THAT in the event the City receives written confirmation of the Grant funding being awarded to the City, that the following additional Recommendations be approved:
  - a) THAT the CFO/City Treasurer **BE DIRECTED** to pre-commit the previously identified placeholder amounts of 2024 funding in the amount of \$400,000 and 2025 funding in the amount of \$471,703 from the Connecting Links Program 2024-25 capital project (OPS-002-24) so that these funds are available for immediate use; and,

- b) THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign and execute any agreements, declarations or approvals required resulting from receiving grant funding approval for the Connecting Links Program 2024-25 program subject to such documents being satisfactory in legal form to the Commissioner of Legal & Legislative Services, in financial content to the Commissioner of Corporate Services, Chief Financial Officer/City Treasurer and in technical content to the Commissioner of Infrastructure Services, or designates; and,
  - c) THAT the Mayor, in addition to the CAO and City Clerk, also **BE AUTHORIZED** to sign and execute any agreements, declarations and other such documents required as part of receiving funding for grants noted in this report, and only if deemed required by the grant provider; and,
  - d) THAT the Chief Administrative Officer **BE AUTHORIZED** to delegate signing of all claims, progress reports and applicable schedules and other such documents as may be required as part of the request for payment to the Commissioner of Infrastructure Services or designate, subject to financial content approval from the area's Financial Planning Administrator or their manager; and,
  - e) THAT Council **PRE-APPROVE** and **AWARD** any procurement(s) necessary that are related to the grant awarded project, provided that the procurement(s) are within approved budget amounts, pursuant to the Purchasing By-Law 93-2012 and amendments thereto; satisfactory in financial content to the Commissioner of Corporate Services, Chief Financial Officer/City Treasurer, and in technical content to the Commissioner of Infrastructure Services, or designates; and,
  - f) THAT the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to take any such action required to effect the recommendation noted above and sign any required documentation/agreement(s) for the grant awarded project, satisfactory in legal form to the Commissioner of Legal & Legislative Services, in technical content to the Commissioner of Infrastructure Services and financial content to the Commissioner of Corporate Services, Chief Financial Officer/City Treasurer, or designates; and further,
  - g) THAT the Purchasing Manager **BE AUTHORIZED** to issue Purchase Orders as may be required to effect the recommendation noted above, subject to all specification being satisfactory in technical content to the Commissioner of Infrastructure Services and financial content to the Commissioner of Corporate Services, Chief Financial Officer/City Treasurer, or designates.
- 5) THAT in the event that the City is not successful in their application to the Connecting Links Program 2024-2025, that the identified placeholder funding **BE RETURNED** to its original funding sources.

## **Executive Summary:**

N/A

## **Background:**

Through the Connecting Links program, Ontario is helping municipalities repair their connecting links. The City of Windsor has one road, Huron Church, which is formally designated as a connecting link under section 21 of the Public Transportation and Highway Improvement Act, R.S.O. 1900, c. P. 50 as amended. "Connecting links are municipal roads that connect two ends of a provincial highway through a community or to an international or interprovincial border crossing. These are critical roadways that serve provincial and municipal interests, as they carry long-distance provincial highway traffic moving through communities, as well as local traffic within the community." Source: Ministry of Transportation (MTO) Connecting Links Program Guide.

The City of Windsor has received funding from the Connecting Links program since 2018 resulting in over \$11M in grant funding. On August 28, 2023, Administration received notification that the MTO was accepting applications for the Connecting Links Program 2024-25 funding for new projects (Intake #9). Administration is recommending in this report that an application for Connecting Links Program 2024-25, due by the November 22, 2023, be submitted.

## **Discussion:**

The Connecting Links Program 2024-25 application submission is to be submitted by November 22, 2023 and notification of funding decisions should be received by early 2024. Upon receiving notification of project approval from the Ministry, municipalities can begin the tendering process and incur project costs starting April 1, 2024. Municipalities with one connecting link road, such as Windsor, are allowed to submit one project per year. The program will fund up to 90% of total eligible project costs, to a maximum of \$3M per road project and up to \$5M per bridge project. Projects must be completed by the end the province's fiscal year 2026-2027. The MTO will prioritize projects that best meet the objectives of the Connecting Links Program, addressing critical and urgent connecting link needs first. Funding decisions will take into consideration the Ministry's prioritization of the submitted projects, regional connecting links needs and available budget in any year.

Funding will be provided on a milestone payment approach with these deadlines:

- Milestone 1 - Award of First Contact: 50% before June 30, 2024
- Milestone 2 - Substantial Completion: 35% of awarded funding by December 31 of the fiscal year of completion
- Milestone 3 – Final Report: 15% of awarded funding by March 8 of the fiscal year of completion

The City's proposed project submission is for the partial reconstruction of Huron Church Road between Tecumseh Road West and Dorchester Road southbound, the Huron Church Road and Tecumseh Road West intersection, and the Huron Church Road and



Industrial Drive intersection. This work will consist of a full panel replacement while maintaining the existing structure beneath the surface. As well as joint repairs near the Huron Church Road and College Avenue intersection using a polymer modified resin product. Other locations may involve sidewalk, road panel and curb repairs, along with joint repairs. These repairs could consist of full removal and replacement, partial panel replacement or a polymer modified resin product suitable for the application. The locations and repair method will be determined to ensure that we are best utilizing City funds and ensuring a quality and long lasting product. The project also includes a full upgrade of the traffic signals at Huron Church Road and Industrial Drive.

The project is expected to be completed in the 2025-2026 fiscal year, subject to the timing of grant approval notification.

These sections of road are constantly impacted by the volume of heavy commercial truck traffic which has adversely impacted the road and expedited the deterioration. The total cost for this project is expected to be \$3.871M (including non-recoverable HST). Should the City be successful in obtaining Connecting Links funding of \$3.0M, the City would be required to commit approximately \$871K (22.5% of total costs) to complete the work.

This application has a requirement to supply confirmation of various asset management practices and information. As this has become a common requirement for recent senior levels of government funding, the City of Windsor continues to be in a strong position to meet grant requirements due to strong, readily available asset management information.

### **Risk Analysis:**

There is the potential risk that the application is not selected for funding. If so, this would further delay having this necessary work completed, resulting in the road deteriorating further. A decision would have to be made on whether to wait to apply for Connecting Links funding again in 2025-26 if made available or to rehabilitate the section of road in question, despite the current shortfall in funding, with the City having to fund the full cost of the construction.

### **Climate Change Risks**

#### **Climate Change Mitigation:**

There is no impact to the City's GHG emissions inventory as a result of this grant application. Construction will result in GHG emissions that are accounted for within the Community GHG emissions inventory. Construction emissions in general will be offset by improved drivability and functionality of the infrastructure.

#### **Climate Change Adaptation:**

There is no climate change adaptation risk associated with this grant application. The life and service levels of road infrastructure may be impacted by a number of climate variables including temperature extremes and precipitation. Maintaining roads in good/excellent increases the resiliency of the infrastructure and the road user.

## Financial Matters:

The financial information provided below has been calculated based on the City receiving 90% of total eligible costs, or the maximum funding of \$3,000,000. The \$3,578,703 of total eligible costs represent approximately 92.4% of the total estimated project costs. The City will be responsible for funding the remaining 16.2% of the eligible costs estimated at \$578,703, and 100% of the ineligible costs estimated at \$293,000. The City’s total funding responsibility is estimated to be \$871,703. Design engineering work could be completed in the 2024-2025 fiscal year pending timely notification of a successful application, and construction work could then be completed in the 2025-2026 fiscal year.

### Summary of Project Estimates, Timing, and Funding:

Cost Description (HST Included)	Estimated Eligible Cost			Estimated Total Ineligible Cost	Estimated Total All Costs
	Apr 1/24 - Mar 31/25	Apr 1/25 - Mar 31/26	Estimated Total Eligible Costs		
<b>Engineering / Design</b>	-	-	-	78,000	78,000
<i>Engineering - Internal Labour - \$48,000</i>					
<i>Survey Work - Internal Labour - \$30,000</i>					
<b>Project Management / Contract Administration / QA</b>	20,000	165,000	185,000	-	185,000
<i>Internal Labour - \$185,000</i>					
<b>Construction</b>	-	3,768,550	3,768,550	165,000	3,933,550
<i>Contractor - \$3,335,000 + HST</i>					
<i>Traffic Operations (Signals / Signage / Paint) - \$165,000 (internal)</i>					
<b>Interest and Miscellaneous</b>	-	-	-	50,000	50,000
			3,953,550	293,000	4,246,550
			374,847	-	374,847
			<u>3,578,703</u>	<u>293,000</u>	<u>3,871,703</u>
<b>Maximum Connecting Links Funding (90% of Eligible Costs or \$3M)</b>					3,000,000
<b>City Funding (Unfunded Eligible Costs and 100% of Ineligible Costs)</b>					871,703
<b>Total Net Costs (Excluding HST Rebate)</b>					<u>3,871,703</u>

Administration recommends funding the City’s portion of this project, \$871,703, from previously approved in principle funding in the Road Rehabilitation project OPS-001-07 and available uncommitted funds remaining in the Traffic Signal Upgrade and Replacement project, 7209000, as outlined below:

Road Rehabilitation, OPS-001-07, Fund 221, 2024	\$400,000
Road Rehabilitation, OPS-001-07, Fund 221, 2025	\$306,703
Traffic Signal Upgrade and Replacement, Project ID 7209000	\$165,000

Total City Funding (Unfunded Eligible Costs and 100% of Ineligible Costs) \$871,703

The funding for the Road Rehabilitation work, Project OPS-001-07, was previously approved in principle in the 2023 10-year capital budget. The funding from the Traffic Signal Upgrades and Replacement project is existing funding in that program. All capital programs, on an ongoing annual basis, are reassessed and where necessary funding and / or projects are realigned based on new information and / or opportunities presented, which may affect the prioritization of projects.

Administration has reviewed and determined the opportunity to potentially leverage the \$3,000,000 in grant funding to complete the projects outlined in this report as a priority, and as such, Administration recommends the use of a portion of funding from the noted project above to fund the City’s portion of the overall project costs. This funding would only be considered pre-committed after notification that the city’s application is accepted. Should the application be denied, the funding would be returned to the original sources and considered available for other projects and priorities.

**Consultations:**

CJ Hartford – Contracts Coordinator Operations

Prem Patel – Manager Traffic Operations

**Conclusion:**

Huron Church Road is a vital corridor in the City of Windsor. If the City is successful with this application for the available Connecting Link funding it would provide the necessary funds needed to upgrade this section of roadway. Administration recommends that City Council approve the submission of this project for the current Connecting Links Program.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
Natasha Gabbana	Senior Manager Asset Planning
Cindy Becker	Financial Planning Administrator – Public Works
Shawna Boakes	Executive Director Operations, Deputy City Engineer
Chris Nepszy	Commissioner of Infrastructure Services/City Engineer
Janice Guthrie	Commissioner Corporate Services/CFO
Joe Mancina	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>

**Appendices:**



**Council Report: C 170/2023**

**Subject: Confirm and Ratify Report--C.M.H Woods Pumping Station-  
Removal and Replacement of Underground Diesel Tank- City Wide**

**Reference:**

Date to Council: November 27, 2023  
Author: Steve Vlachodimos--City Clerk/Licence Commissioner  
(519) 255-6100 ext 6488  
svlachodimos@citywindsor.ca  
Council Services  
Report Date: 11/15/2023  
Clerk's File #: SW/14689

**To:** Mayor and Members of City Council

**Recommendation:**

That the results of the email poll conducted by the City Clerk on November 14, 2023 approving the following recommendation **BE CONFIRMED AND RATIFIED:**

THAT the following tender be **ACCEPTED:**

<b>TENDERER:</b>	Vince Ferro Construction Ltd. Suite 200 3244 Walker Road Windsor, ON. N8W 3R8
<b>TENDER NO:</b>	109-23
<b>TOTAL TENDER PRICE:</b>	\$693,829.00, excluding HST
<b>ACCOUNT CHARGED:</b>	007 5410 9998 02942 7221044

and,

THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign a contract with the tenderer, satisfactory in form to the City Solicitor, in technical content to the City Engineer, and financial content to the City Treasurer; and,

THAT the CFO/City Treasurer **BE DIRECTED** to transfer additional funds totalling \$550,000 from the Project ID 7169003 (Pumping Stations - General Repair Costs) to Project ID 7221044 (Woods Underground Diesel Tank) for

the removal and replacement of the underground fuel storage tank at the C.M.H Woods Pumping Station.

**Executive Summary:**

N/A

**Background:**

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

*“Telephone and/or email polls of Members of Council shall be permitted only upon authorization by the Mayor or CAO, in emergency situations requiring Council direction where time does not permit holding a special meeting of Council and/or quorum of Council cannot physically convene to consider a matter. The results of a poll must be confirmed and ratified at the next public meeting of Council”.*

**Discussion:**

Given the tight timelines, Mayor Dilkens authorized the City Clerk to conduct an email poll pursuant to Section 3.7 of the Procedure By-law 98-2011 as amended. As a result of the poll, the recommended resolution to approved the tender was supported unanimously.

**Risk Analysis:**

N/A

**Climate Change Risks**

**Climate Change Mitigation:**

N/A

**Climate Change Adaptation:**

N/A

**Financial Matters:**

N/A

**Consultations:**

See administrative report C 155/2023 attached as Appendix A.

**Conclusion:**

It is recommended that the results of the email poll conducted by the City Clerk on November 14, 2023, be confirmed and ratified.

**Planning Act Matters:**

N/A.

**Approvals:**

Name	Title
Steve Vlachodimos	City Clerk/Licence Commissioner
Dana Paladino	Commissioner, Corporate Services (Interim)
Joe Mancina	Chief Administrative Officer

**Notifications:**

Name	Address	Email

**Appendices:**

1 Report C 155/2023--CMH Woods Pumping Station-Removal and Replacement of underground Diesel Tank-City Wide

**Subject: C.M.H. Woods Pumping Station-Removal and Replacement of Underground Diesel Tank- City Wide**

**Reference:**

Date to Council: November 27, 2023  
Author: Chandana Walgama  
Pollution Control Project Engineer  
519 253 7111 Ext 3274  
Pollution Control  
Report Date: October 25, 2023  
Clerk's File #: SW/14689

**To:** Mayor and Members of City Council

**Recommendation:**

THAT the following tender be **ACCEPTED**:

<b>TENDERER:</b>	Vince Ferro Construction Ltd. Suite 200 3244 Walker Road Windsor, ON. N8W 3R8
<b>TENDER NO:</b>	109-23
<b>TOTAL TENDER PRICE:</b>	\$693,829.00, excluding HST
<b>ACCOUNT CHARGED:</b>	007 5410 9998 02942 7221044

and,

THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign a contract with the tenderer, satisfactory in form to the City Solicitor, in technical content to the City Engineer, and financial content to the City Treasurer; and,



THAT the CFO/City Treasurer **BE DIRECTED** to transfer additional funds totalling \$550,000 from the Project ID 7169003 (Pumping Stations - General Repair Costs) to Project ID 7221044 (Woods Underground Diesel Tank) for the removal and replacement of the underground fuel storage tank at the C.M.H Woods Pumping Station.

**Executive Summary:**

N/A.

**Background:**

The City of Windsor Pollution Control operates two wastewater treatment plants (Lou Romano Water Reclamation Plant (LRWRP) and Little River Pollution Control Plant (LRPCP)) and numerous sanitary and storm water pumping stations across the City. Lou Romano Water Reclamation Plant (LRWRP) receives wastewater from the Riverfront Interceptor Sewer that services the original core section of the City West of Pillette Road, Western –Grand Marais Sanitary Trunk Sewer and the Trunk Sewer from the Town of LaSalle.

C.M.H Woods Pumping Station is the last major combined sewer pumping station upstream of the LRWRP that connects the Riverfront Interceptor Sewer to the LRWRP. Maintaining continuous operation is imperative to the City's core. The C.M.H Woods pumping station is powered by the main utility grid and the emergency diesel generator provides emergency power during a power outage. A power outage would have serious consequences during an intense storm which could include basement and surface flooding.

The existing underground diesel supply tank for the emergency diesel generator has completed its useful service life and require various upgrades to comply with the latest fuel safety regulations imposed by the Technical Standards and Safety Authority (TSSA) and the Ministry of Environment, Conservation and Parks (MECP). For this reason, Pollution Control has decided to replace the existing underground diesel storage tank with an above ground storage tank and implement other regulatory mandated upgrades.

The City of Windsor retained WSP Consultants to design a new diesel fuel storage and delivery system for the emergency generator at the C.M.H Woods Pumping Station that complies with the latest fuel safety regulations. WSP prepared the tender documents to include the removal of the existing underground fuel storage tank ("UST") in compliance with the current environmental regulations.

**Discussion:**

The tender 109-23- "C.M.H Woods Pumping Station-Removal and Replacement of Underground Fuel Tank" advertised on Friday August 25, 2023 and five addendums

were issued during the tender period to clarify items in the tender documents and answer questions by prospective Tenderers.

The Purchasing Department for the City of Windsor oversaw the advertising and distribution of the tenders. Tenders were received until 11:30:59 a.m. (E.D.T.) on Friday October 6, 2023 via electronic bid submission. There were two bids submitted and the following Table summarizes the tender prices. The total tender prices do not include HST:

<b>BIDDER</b>	<b>TOTAL TENDERED PRICE (EXCLUDING HST)</b>
Vince Ferro Construction Ltd.	\$ 693,829.00
Kingdom Construction Limited	\$ 1,973,721.36

WSP Consulting reviewed the bids for compliance and submitted Tender review comments recommending that the City of Windsor award Tender No. 109-23 to Vince Ferro Construction Ltd.

Hence, the Vince Ferro Construction Ltd. was selected as the successful bidder for the Tender 109-23.

**Risk Analysis:**

**Operational Risk:** The current fuel system at the C.M.H Woods Pumping Station has an active TSSA directive to address the variances including the code compliance issues of the existing underground diesel tank. A delay in rectifying the non-compliances could lead to a potential suspension of the fuel supply to the pumping station by the TSSA and eliminate our emergency power supply.

**Financial Risk:** Any fuel leak from the underground fuel tank may lead to a contamination of the surrounding soil and Detroit River, which would require environmental remediation as per provincial regulations and fines imposed by the MECP.

<b>Risk Description</b>	<b>Impacted Objective(s)</b>	<b>Risk Level</b>	<b>Mitigating Strategy / Status</b>	<b>Responsibility</b>
Operational: Failure to replace the	Potential suspension of fuel supply to the pumping station	Significant	Negotiate an extension to	Project Manager, ED-Pollution Control

tank			the variances with TSSA	
Financial: If there is a fuel leak in U/G tank	Additional expenses for the environmental compliance and fines from the MECF.	Significant	Communicate with Manager, Process Eng. and Maintenance.	Project Manager, ED-Pollution Control, City Engineer

**Financial Matters:**

The tender price and the allocation of funds for the project 7221044 is illustrated in the table below:

<b>EXPENSES</b>	
Consulting Fees (WSP) Total	\$68,250
Low Tenderer Construction Costs– Vince Ferro Construction Ltd	\$693,829
Non-Recoverable HST	\$13,414
Project Manager Time Recovery Total Estimated	\$52,000
Contingency for any additional services	\$22,507
<b>GROSS ESTIMATED PROJECT COSTS</b>	<b>\$850,000</b>
<b>REVENUE</b>	
Previously Approved Funding	\$300,000
Transfer from Project 7169003	\$550,000
<b>TOTAL REVENUE</b>	<b>\$850,000</b>

Council previously approved \$300,000 of funding for the project 7221044 (Woods Underground Diesel Tank) as detailed below:

- \$200,000 in 2021 B28/2021
- \$100,000 in 2023 B5/2023

The cost of construction is significantly higher than what was estimated due to ongoing

supply chain issues and increased cost of materials. Administration recommends that funds of \$550,000 be transferred to project 7221044 from 7169003 –Pumping Station General Repair Costs. There is a current surplus of \$930,277 in project 7169003. The transfer would leave approximately \$380,277. Administration has not, as part of the 2024 capital budget, requested additional funding for replenishment in 7169003. The project will be monitored closely and work may be deferred as appropriate to manage the remaining funds which are available over the course of 2024.

It should be noted that mitigating measures, strategies and approaches to address the inflationary costs affecting capital projects is being further explored. The transfer of the funds as noted in this report is necessary at this time in order to allow for the timely execution of the tender noted above so as to manage the noted risk as identified within this report.

Administration is recommending that the transfer from project 7169003 in the above table be processed. Based on this transfer, there will be sufficient funds in 7221044 to carry out the project.

**Consultations:**

Mark DiPasquale, Financial Planning Administrator

**Conclusion:**

Administration is recommending the acceptance of the bid submitted by Vince Ferro Construction Ltd., and the related transfer of \$550,000 to allow for this project to proceed.

**Approvals:**

Name	Title
Ed Valdez	Manager, Process Engineering & Maintenance
Mark DiPasquale	Financial Planning Administrator
Mike Dennis	Manager, Capital Budget & Reserves
Alex Vucinic	Manager of Purchasing
Chris Nepszy	Commissioner, Infrastructure Services
Shelby Askin Hager	City Solicitor, Commissioner, Legal & Legislative Services
Janice Guthrie	Commissioner, Corporate Services CFO/City Treasurer
Joe Mancina	Chief Administrative Officer

**Not**

**ifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Vince Ferro Construction Ltd.  Attn: Rose Ferro	Suite 200, 3244 Walker Road, Windsor, ON. N8W 3R8  Tel: 519 969 4020  Fax: 519 969 4021	vferro@mnsi.net

**Appendices:**

N/A



**Subject: ERCA Non-Mandatory Category Three Programs – Cost Apportioning Agreement – City Wide**

**Reference:**

Date to Council: November 27, 2023  
Author: Rania Toufeili  
Executive Initiatives Coordinator, Office of the CAO  
519-255-6100 ext. 6479  
rtoufeili@citywindsor.ca  
CAO Office  
Report Date: November 7, 2023  
Clerk's File #: E/14691

**To:** Mayor and Members of City Council

**Recommendation:**

**THAT** the report entitled “ERCA Non-Mandatory Category Three Programs – Cost Apportioning Agreement” **BE RECEIVED** for information; and further,

**THAT** City Council **ADOPT** the administrative recommendations as outlined in the report; and further,

**THAT** the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign an updated cost apportioning agreement that aligns with administrative recommendations, to the satisfaction of the City Solicitor as to legal form, City Engineer as to technical content, and the City Treasurer as to financial implications; and further,

**THAT** the CFO/City Treasurer **BE DIRECTED** to establish a Reserve Fund (ERCA Land Acquisition) to be used for the purpose of providing funding to ERCA for future land acquisitions; and further,

**THAT** City Council **SUPPORT** and annual transfer of \$133,000 to the ERCA Land Acquisition Reserve; and further,

**THAT** the CFO/City Treasurer **BE DIRECTED** to include the annual transfer to the ERCA Land Acquisition Reserve as part of the 2024 Operating budget development.

**Executive Summary:**

N/A

## **Background:**

In October 2021, the Province of Ontario released new regulations under the amended Conservation Authorities Act. These regulations have changed the types of services that would be considered mandatory for municipalities to fund. As a result of this, conservation authorities were required to provide an inventory of programs and services that are now considered Category 3 Non-Mandatory Items to their respective municipalities and the Province. In June 2022, ERCA brought forward a list of Category 3 items to the ERCA Board of Directors for endorsement and inclusion in municipal discussion documents. ERCA then consulted with Conservation Ontario and other neighboring conservation authorities to work on preparing a draft agreement for Windsor-Essex County.

In August 2023, ERCA provided Windsor-Essex municipalities with the non-mandatory list of programs and their proposed cost apportioning agreement for negotiation. These provided Category 3 items were previously part of the ERCA services that were mandatorily funded through municipal budgets. The initial term of the proposed ERCA cost apportioning agreement is four years; from January 1, 2024 through December 31, 2027. The various non-mandatory items, along with recommendations, are outlined and discussed in this report.

According to the new regulations, January 1, 2024 is the prescribed day by which an authority is required to enter into their cost apportioning agreements with their participating municipalities.

## **Discussion:**

The following list of ERCA programs are now considered to be Category 3 Non-Mandatory items under the Conservation Authorities Act 2021:

- Land acquisition and protection
- Tree planting on private lands
- Holiday Beach Site management & operations
- Holiday Beach infrastructure and maintenance repairs
- Water quality research & monitoring
- Watershed stewardship & agricultural outreach on private lands
- John R Park Homestead (JRPH) Museum/Visitor's Center operations & programming
- JRPH museum maintenance & preservation reserve
- Curriculum-based outdoor education
- Outreach & community engagement

*Appendix 1* shows the Draft Cost Apportioning Agreement which contains an outline of each item and cost estimates broken down by participating municipality. The proposed cost allocation has been determined on a modified current value assessment (MCVA) with the city's share being set at 48.73% for all categories.

Administration has reviewed each of these items and ERCA's funding model carefully. Additional information and data requests were made to ERCA to make an informed decision on the impact of these programs to the City.

A meeting was held on November 1<sup>st</sup> with ERCA and City Administration to discuss the apportionments and focus in on a series of questions related to land acquisition, watershed stewardship and community outreach. The City also asked a series of questions for clarity and as a follow up on these items, with questions and ERCA responses shown in *Appendix 2*.

Administration's recommendation for each of the Category 3 items is detailed in the following section.

### **Land Acquisitions**

*Administration Recommendation:* Recommends that the City deny the requested funding for Land Acquisition. Alternatively, the City would set aside appropriate funding in a separate reserve which would be held until such time as a funding request is made by ERCA. The amount of funding, which would be provided to ERCA, would be determined based upon lands being considered for purchase and relevance to the City. Land Acquisition makes up the bulk of Windsor's cost apportionment at \$249,724. At the November 1<sup>st</sup> City meeting with ERCA and through follow up correspondence, administration posed questions to gather information regarding the Land Acquisition program and Windsor's apportionment.

There are currently no active discussions on potential land acquisitions by ERCA within Windsor. The City asked about what issues ERCA would have with such a new approach that would allow ERCA to make funding requests for land purchases directly to the City on an as needed basis.

ERCA has indicated that there are remnant properties within the City of Windsor jurisdiction that could be considered for preservation should they become available or threatened. These matters are confidential in nature and require that any determination and/or decision with respect to property acquisition be approved by the ERCA Board of Directors in Committee of the Whole (in-camera).

Furthermore, ERCA indicated that with additional consultation processes that divert from current acquisition processes, there is a potential for jeopardizing ERCA's ability to be successful in securing significant at-risk properties in a timely fashion.

Administration has considered the responses from ERCA but does not view a change in funding method to be overly burdensome.

### **Tree Planting**

*Administration Recommendation:* Recommends that the City continue to participate in this program and agrees with the funding allocation.

The impact of tree planting is felt in both the City and the County, contributes to the overall health of Windsor residents, and is meaningfully representative of ERCA's mandate. ERCA's program provides significant community engagement through Earth



Day where 2200-2300 trees are planted annually at the event. ERCA also works with City Parks to undertake additional planting initiatives. Further, ERCA often plants trees of a greater size and maturity of trees in Windsor when compared with neighboring municipalities. The apportionment provided for Tree Planting is reflective of the work completed throughout Windsor.

### **Holiday Beach**

*Administration Recommendation:* Recommends that the City continue to participate in this program and agrees with the funding allocation.

According to the statistics provided by ERCA, Windsorites are visiting Holiday Beach at a proportion that is reflective of Windsor's apportionment. Windsor also has a high proportion of students attending Education Programs led by ERCA at locations such as Holiday Beach which supports the continuation of this item. Holiday Beach offers a variety of activities and services seasonal campsites, nature trails, a boardwalk, observation tower and many preserved natural features which are widely enjoyed by local residents.

### **Watershed Stewardship and Outreach (Rural & Agricultural)**

*Administration Recommendation:* Recommends that the City continue to participate in this program however that the City's cost apportionment be modified from 48.73% to 5%.

ERCA provides conservation farming advice and soil conservation to agricultural land owners. Incentives are also provided in collaboration with the province to undertake Best Management Practices on local farms can reduce fertilizer applications, mitigate erosion, improve soils, and decrease nutrient and soil runoff that leads to toxic algae blooms in Lake Erie.

The City of Windsor is approximately 7.9% of the land area of Windsor-Essex County. Thus, City Administration consulted with ERCA to determine what justification or rationale supports Windsor having the current apportionment of 48.73% for Watershed Stewardship and Outreach.

ERCA has indicated that, within the jurisdiction of the City of Windsor boundaries is approximately 1550 hectares of agricultural land (inclusive of the Sandwich South annexed lands). This is a large agricultural area which can have a significant impact on downstream resources such as Little River. Runoff from this area of the City of Windsor outlets to Lake St. Clair upstream of water intakes supplying potable water sources for the City.

Furthermore, ERCA reported that in the case for the remainder of the Essex region watershed, a significant portion of this watershed outlets to Lake St. Clair, upstream of potable water sources for the City and abutting urbanized areas. The services provided to the area within the City and the watershed outside of the City boundaries contributes to the provision of safe drinking water sources by ensuring that agricultural practitioners are providing sound stewardship practices.

Separate to the items in the current cost apportioning agreement and as part of the Category 1 (Mandatory) services, ERCA is required to contribute to the protection of existing and future sources of municipal drinking water by delivering the duties, functions, and responsibilities of a source protection authority under the Clean Water Act (2006).

Through administrations internal review, it has been determined that the majority of Windsor's agricultural lands are within the Little River Watershed, which when taken in its entirety is only 3.6% of the land area of Essex County. The area of the Little River Watershed within the City limits is only 2.9%. It is conservatively estimated that under 5% of the total lands in the Essex Region are Windsor agricultural lands. Therefore, a 5% apportionment is proposed for Watershed Stewardship and Outreach.

Separate to the items in the current cost apportioning agreement and as part of the Category 1 (Mandatory) services, ERCA is required to contribute to the protection of existing and future sources of municipal drinking water by delivering the duties, functions, and responsibilities of a source protection authority under the Clean Water Act (2006).

In the case of this item, the total proportion of property value is not representative of the apportionment cost considering the relative size of the agricultural footprint in Windsor with respect to the rest of the County.

### **Water Quality Research and Monitoring Program**

*Administration Recommendation:* Recommends that the City continue to participate in this program and agrees with the funding allocation.

The wellbeing of City residents is dependent on a strong and healthy watershed which is supported by the Water Quality Research and Monitoring Program. Healthy rivers, headwaters, and species in the Essex County watershed are key elements of a sustainable and healthy environment that residents rely on for sources of drinking water, the economy and for recreation. ERCA undertakes its watershed science programs in conjunction with many organizations, including the University of Windsor. ERCA's monitoring program is regarded as an integral part of the Authority's portfolio.

### **Curriculum-based Outdoor Education**

*Administration Recommendation:* Recommends that the City continue to participate in this program and agrees with the funding allocation.

Year to date in 2023, the number of Windsor students that attended ERCA Education Programs is reflective of the City's apportionment. ERCA's outdoor education programs provide services for kindergarten to grade 12 students and teachers to meet the objectives of the provincial curriculum. ERCA has indicated that there is increasing demand within the education sector for programs and services that focus on environmental issues that are germane today.

### **Outreach and Community Engagement**

*Administration Recommendation:* Recommends that the City continue to participate in this program and agrees with the funding allocation.

Many of the ERCA Outreach and Community Engagement events are hosted in the City of Windsor and are beneficial to the local community, which helps support their apportionment. Administration requested additional clarification from ERCA to determine what Outreach and Community Engagement work is currently being undertaken within Windsor. ERCA hosts a number of events including Earth Day at Devonshire Mall, Marsh Monitoring Workshops, Citizen Science Tree Health Monitoring Workshops, the Detroit River evening and other educational occasions. Furthermore, ERCA's Earth Day Tree Planting attracts more than 1,000 volunteers from Windsor.

### **JRPH Museum Operations**

*Administration Recommendation:* Recommends that the City continue to participate in this program and agrees with the funding allocation.

Administration requested supplementary information from ERCA relating to John R. Park Museum usage to determine benefits to Windsor residents and the region. ERCA has provided data which indicates that a significant number of Windsor residents are visiting John R Park Homestead and the experiential education programs held at this site are valuable to local students. Windsor has a high proportion of students attending Education Programs at the Homestead.

The Homestead is unique as it features the original early settler homestead in its original location, as well as a working blacksmith shop, livestock program, heritage orchard and kitchen garden, and pollinator garden to provide an authentic, living history experience. The Homestead has been recognized by Tourism Windsor-Essex-Pelee Island as the Best Museum/ Heritage Space in Windsor-Essex for the past four years and is identified as a destination driver for regional tourism.

### **JRPH Museum & Heritage Buildings Preservations**

*Administration Recommendation:* Recommends that the City continue to participate in this program and agrees with the funding allocation.

Windsor residents are visiting John R Park Homestead at a high proportion and the cost apportionment is justifiable and, in fact, beneficial. Windsor also has a significantly higher proportion of students attending Education Programs at the Homestead. The historic John R. Park buildings and their preservation is a critical component of experiential education programs and regional cultural heritage experience.

In addition to the suggested actions listed for each item above, ERCA is able to make requests to the City and Council for discretionary funding to pursue relevant initiatives.

The financial implications of the proposed recommendations are outlined in the Financial Matters section of this report.

## **Risk Analysis:**

No critical or significant risks are associated with the administrative recommendations to modify the Land Acquisition and Watershed Stewardship programs in the ERCA Cost Apportioning Agreement.

Funds for the Land Acquisition item will be retained by the City and requests can be brought forward by ERCA for review of their strategic land purchases. ERCA indicated that with additional consultation processes that divert from current acquisition processes, there is a potential for jeopardizing ERCA's ability to be successful in securing significant at-risk properties in a timely fashion. When a request is brought forward to the City by ERCA, it will be presented at the next in-camera meeting of Council to facilitate a quick review and maintain confidentiality.

The Watershed Stewardship and Outreach apportionment is proposed to be modified to better reflect Windsor's portion of agricultural lands with respect to the County, and will be funded accordingly to continue this work within Windsor.

## **Climate Change Risks**

### **Climate Change Mitigation:**

The Non-Mandatory Category 3 ERCA items are not actions related to the City's Climate Change mitigation strategy, with the exception of tree plantings. Enhancing tree plantings provides opportunities for improved carbon sequestration.

### **Climate Change Adaptation:**

ERCA continues to make our region a sustainable and resilient place, while supporting a healthy watershed. Administration's recommendation to maintain specific Non-Mandatory programs (as shown in Table 1) supports the climate change adaptation objectives of the City of Windsor, including but not limited to Protecting Public Health and Safety (e.g. water quality monitoring and quality research), Protecting Biodiversity and Enhance Ecosystem function (e.g. planting trees) and Building Community (e.g. educating students and future generations about environmental stewardship).

The items which are recommended for modification or removal from the Category 3 Non-Mandatory list are not expected to pose adverse climate change impacts and the City proposes the appropriate mechanisms to maintain the same level of service as outlined in the report. Land acquisition funding will be retained with the City and requests by ERCA can be made if the need arises. Watershed stewardship is proposed to be apportioned to reflect Windsor's agricultural land, and therefore should be funded appropriately.

## **Financial Matters:**

A financial breakdown of the costs for each ERCA program, along with the modified costs based on Administrative recommendations is shown in Table 1 below.

**Table 1 – Administration Recommendation for Category 3 Non-Mandatory Items**

Item	Administration Recommendation	ERCA's Proposed Average Levy Costs to Windsor	Administration's Recommended Levy
Land Acquisitions	Remove from agreement. The City will establish an "ERCA Land Acquisition" funding reserve to address any requests that may be made by ERCA in future.	\$ 249,742	\$0
Tree Planting	Remain in agreement.	\$ 34,108	\$34,108
Holiday Beach	Remain in agreement.	\$ 4,873	\$4,873
Watershed Stewardship and Outreach (Rural & Agricultural)	Modify Windsor's apportionment contribution from 48.73% to 5% to better reflect Windsor's agricultural land area.	\$ 17,330	\$1,778
Water Quality Research and Monitoring Program	Remain in agreement.	\$ 11,075	\$11,075
Curriculum-based Outdoor Education	Remain in agreement.	\$ 6,716	\$6,716
Outreach and Community Engagement	Remain in agreement.	\$ 23,591	\$23,591
JRPH Museum Operations	Remain in agreement.	\$ 66,444	\$66,444
JRPH Museum & Heritage Buildings Preservations	Remain in agreement.	\$ 25,500	\$25,500
<b>Total Cost Apportionment for Windsor</b>		<b>\$ 439,378</b>	<b>\$174,085</b>

If the recommendations of this report are approved a financial savings of \$265,293 can be expected annually as a results of the modified apportionment agreement. Thus, over a period of 4 years, the estimated total savings from a modified agreement which follows the above administration recommendations would be **\$1,061,176**.

As previously discussed, to facilitate timely responses to ERCA in regards to land acquisitions, Administration is recommending that an "ERCA Land Acquisition" Reserve be established and further that funding be identified as an annual transfer to the reserve. There are currently no active discussions related to land acquisitions and therefore any annual transfer amount would be subjective. As a starting point,

Administration could support an annual transfer of 50% of the proposed savings or \$132,647 (\$133,000 rounded) with the remaining savings being reflected as a reduction to the tax levy. In this regard, over the four-year period, there would be an estimated \$530,588 plus accrued interest available to fund future land acquisitions. Should this amount be deemed insufficient, alternative funding strategies could be developed which would align with any funding requests made by ERCA. Any funding requests would be brought to City Council for approval.

**Consultations:**

Aaron Farough, Senior Legal Counsel, Legal and Legislative Services  
Tom Graziano, Drainage Superintendent, Engineering  
Stacey McGuire, Executive Director of Engineering, Deputy City Engineer  
Neil Robertson, Acting City Planner  
Karina Richters, Supervisor of Environmental Sustainability & Climate Change

**Conclusion:**

The Province of Ontario has released new regulations under the amended Conservation Authorities Act that will change some mandatory programs that were previously funded by municipalities to now be non-mandatory items. ERCA provided the City with a list of the Category 3 Non-Mandatory Items and a draft cost apportioning 4-year term agreement for review and consultation. Administration met with ERCA to discuss the non-mandatory programs and gathered information for review.

Analysis of the programme purpose, information, and statistical data lead to the Administrative recommendations to continue to provide direct support to some discretionary programmes, reduced support to other discretionary programmes, and the elimination and redirection of support for a third set of discretionary programmes for the benefit of all residents.

It is proposed that a majority of items be maintained by ERCA with two of the items to be removed or modified in the agreement. Administration recommends that the City retains the average levy amount for purposes of Land Acquisition within the City's budget, while allowing ERCA to make funding requests for land purchases directly to the City on an as needed basis. Furthermore, it is recommended that Windsor's cost apportionment for Watershed Stewardship and Outreach be modified from 48.73% to 5% as a very small portion of Essex County agricultural lands are within Windsor.

If ERCA requires discretionary funding for any relevant initiatives in the future, they are able to make requests to the City or Council.

**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Rania Toufeili	Executive Initiatives Coordinator, Office of the CAO
Ray Mensour	Commissioner of Community Services
Jelena Payne	Commissioner of Economic Development and Innovation
Shawna Boakes	Executive Director of Operations/Deputy City Engineer
Mark Nazarewich	Senior Legal Counsel
Janice Guthrie	Commissioner of Corporate Services
Joe Mancina	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Tim Byrne, ERCA		TByrne@erca.org
Shelley McMullen, ERCA		SMcMullen@erca.org
Nicole Kupnicki, ERCA		NKupnicki@erca.org

**Appendices:**

- 1 DRAFT Template Cost Apportioning Agreement - ERCA
- 2 Administration Follow up and Questions to ERCA

**DRAFT Cost Apportioning Agreement (“Agreement”)**

**THIS COST APPORTIONING AGREEMENT** made the \_\_\_\_ day of \_\_\_\_\_, 2023.

**BETWEEN:**

**MUNICIPALITY/TOWNSHIP/TOWN/CITY OF**

\_\_\_\_\_  
(hereinafter, “Municipality”)

- and -

**ESSEX REGION CONSERVATION AUTHORITY**

(hereinafter, “ERCA”)

**WHEREAS** the ERCA is a conservation authority established under the Conservation Authorities Act (“Act”) and is governed by members appointed by its participating municipalities in accordance with the [Act](#);

**AND WHEREAS** a Participating Municipality, as defined under the Act, is located wholly or in part within the area under the jurisdiction of ERCA;

**AND WHEREAS** Section 21.1.2 of the Act permits ERCA to provide other non-mandatory programs and services, as it deems advisable, to further the purposes of the Act;

**AND WHEREAS** pursuant to Subsection 21.1.2 (2), if financing under [Section 25](#) (capital costs) or [27](#) (operating costs) by a participating municipality is necessary in order to provide a non-mandatory program or service, the program or service shall not be provided by ERCA unless a cost apportioning agreement has been entered into between ERCA and the participating municipality in respect of the program or service;

**AND WHEREAS** [O. Reg 687/21](#) Section 8 prescribes the minimum provisions to be included in municipal cost apportioning agreements;

**NOW THEREFORE** in consideration of the terms of this agreement and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

**Term of Agreement**

1. Initial Term of the Agreement is January 1, 2024, through December 31, 2027.
2. Thereafter, the Agreement shall continue for additional four-year periods (each “Renewal Term”) unless either party provides written notice of their intention to terminate this Agreement and such notice will be given no less than one-hundred and eighty (180) days and no more than three hundred (300) days prior to the end of such calendar year.

**Agreement Principles**

3. The following principles shall guide the implementation of the Agreement between ERCA and the Municipality:
  - a. The Agreement will provide the overarching terms and conditions for the delivery of non-mandatory programs and services by ERCA that ERCA deems advisable to further the purpose of the Act.
  - b. ERCA wishes to continue to provide beneficial non-mandatory programs and services which support environmental sustainability and cultural heritage in the watershed, as outlined in Schedule A, and collectively described as the ‘funding envelope’.



- c. The Municipality agrees to financially support the programs and services outlined in Schedule A and for such support to be apportioned among the participating municipalities using the Modified Current Value Assessment method, as estimated in Schedule B.
- d. ERCA will not add to or delete from the funding envelope, without identifying such changes in the draft budget, circulated for municipal consultation as required by [O Reg 402/22](#). Any approved changes to the funding envelope shall be reflected in an updated Schedule A and Schedule B to be circulated and posted publicly.
- e. Estimates of required total municipal support as presented in Schedule B, are provided as guidance only, to facilitate municipal budgeting, and are subject to ERCA's annual budgeting process.
- f. ERCA's Board of Directors, through the annual budget process as specified in O. Reg 402/22, shall approve the allocation of resources, to the funding envelope, which may vary annually. The requirement for municipal financial support may fluctuate within the funding envelope but is approximately \$900,000, based on the average cost of program and services delivery as presented in Schedule A.
- g. ERCA may charge a user fee for the delivery of any of the programs and services outlined in Schedule A, where appropriate, to reduce the cost apportioned to the Municipality. User fees are reviewed and revised annually in accordance with the Authority's Fee Policy, which includes a provision for municipal consultation.
- h. Municipal cost apportioning revenues associated with this Agreement will be considered 'last dollar' funding and any unspent program funds or surpluses will inure to this Agreement and successor Agreements. ERCA will maintain appropriate deferred revenue accounts to hold unspent funds, at its discretion, and will not reallocate funds to Category 1 or 2 programs, without municipal approvals.

**Review of Agreement**

- 4. This Agreement shall be reviewed by the parties:
  - a. Prior to the expiry of the Initial Term and each Renewal Term. It shall be the ERCA's responsibility to initiate the review with the Municipality no less than one hundred and eighty (180) days prior to the expiry of the Initial Term or the Renewal Term, as the case may be.

**Dispute Resolution**

- 5. The Municipality and the ERCA will strive to facilitate open and timely communication at all levels.
- 6. Where a dispute arises between two or more parties, the parties agree that dispute resolution practices will be implemented using the following principles:
  - a. Agree to a fair process for mediating issues;
  - b. Utilize and equally share the costs of a neutral facilitator as agreed upon by the parties, if required;
  - c. Identify common agreement / ground, in the best interest of the parties;
  - d. Identify all options to resolve;
  - e. Select best option.

**Early Termination**

- 7. This Agreement may be terminated early by either party and:
  - a. Effective termination date shall be no earlier than December 31<sup>st</sup> of the termination year to provide continuity and stability of operations for a full fiscal year and/or to provide sufficient time to discontinue and/or revise programs or services;
  - b. A party wishing to provide notice of early termination shall provide written notice no later than July 1<sup>st</sup> of the termination year.

**Accountability and Transparency**

8. This Cost Apportioning Agreement shall be made available on ERCA's website.

**Execution**

9. The Agreement may be executed in counterparts in writing or by electronic signature and delivered by mail, facsimile, or other electronic means, including in Portable Document Format (PDF); no one copy needs to be executed by all parties. When each party has executed a counterpart, each of such counterparts shall be deemed to be an original and all such counterparts, when taken together, shall constitute one and the same agreement.

**Other Agreements**

10. The Agreement does not preclude parties from identifying opportunities for further collaboration to benefit both parties, and ensure efficiency, transparency, and accountability in the use of resources, including in-kind services and assistance, coordination of complementary policy and program initiatives, and projects involving third parties. If additional programs and services are requested from ERCA to be delivered on behalf of the Municipality, a separate Category 2 Agreement will be established with the Municipality.

**Watershed-based Resource Management Strategy**

11. The Municipality acknowledges and agrees that certain programs and services identified in Schedule A shall also be included in a Watershed-based Resource Management Strategy that ERCA is required to develop and implement, in accordance with the Act.

**IN WITNESS WHEREOF** the Municipality and the ERCA have signed this Cost Apportioning Agreement.

**MUNICIPALITY**

\_\_\_\_\_  
Name  
Position

\_\_\_\_\_  
Name  
Position  
I / We have authority to bind the Municipality.

**ESSEX REGION CONSERVATION AUTHORITY**

\_\_\_\_\_  
Tim Byrne  
CAO/Secretary-Treasurer

I have authority to bind the ERCA.

**Schedule A – Category 3 Funding Envelope of Programs and Services Requiring Municipal Financial Support Through Cost Apportioning Agreements**

The funding envelope of Category 3 programs and services includes:

Non-Mandatory Program/Service	Program Cost Estimates	Sources of Funding	Budgeted 2023 Municipal Funding Requirement	User Fees
Land acquisition & protection	\$1,819,274	Levy, Gov't grants**	\$40,000	No
Tree planting – private lands	\$644,471	Grants, fees, levy	\$75,000	Yes
Holiday Beach site management & operations	\$336,925	Fees, levy	\$-	Yes
Holiday Beach infrastructure maintenance/repairs	\$1.8 million has been spent on replacing park infrastructure since 2015 using the infrastructure reserve	Levy	\$-	Limited to above
Water quality research & monitoring	\$24,394	Levy	\$-	No
Watershed stewardship & Ag outreach – private lands	\$45,049	Levy, fees, grants	\$73,000	Yes
John R Park Museum/Visitor's Centre operations & programming	\$284,682	Levy, fees, grants	\$135,962	Yes
JRPH museum maintenance & preservation reserve	\$110,190	ERCF(Foundation)/Levy	\$515,000	Limited to above
Curriculum-based outdoor education	\$62,511	Grants, fees	\$-	Yes
Outreach & community engagement	\$64,522	Levy, grants	\$34,150	No
			<b>\$873,112</b>	

The majority of the non-mandatory service areas are core components of integrated watershed management that have been provided for decades. They are funded by a variety of sources as noted above and the program description for each service area is provided below:

### **Land Acquisition & Securement**

Each year ERCA works towards the strategic purchase of lands that have the highest biological value, as indicated by the Land Securement Strategy, and that will have the greatest impact on improving the biological health of the region. While potential acquisitions are evaluated on a case-by-case basis, securement can address flood/erosion issues and potentially ensure the long-term protection of natural heritage links between existing fragmented forests and wetlands.

The land acquisition fund was initiated in 2003 through the Clean Water~Green Spaces Levy and the land acquisition component has comprised the majority of the historical CW~GS levy funding. Once purchased, restoration and management of these lands would be categorized as a mandatory activity.

In 2012, ERCA approved its Land Securement Strategy to provide a guideline for future ERCA land securement efforts. This Strategy aims to provide for the permanent protection of existing natural features through land securement procedures. It is important to note that the Land Securement Strategy focuses on natural heritage features and not on recreational opportunities.

The Land Securement Priority Areas (LSPA) are identified by examining a number of environmental features, through ERCA's Geographic Information System (GIS) analysis. This is addressed in consideration of the following information:

- Priority Existing Natural Areas – including Areas of Scientific or Natural Interest (ANSI), Environmentally Significant Areas (ESA), existing natural areas (both wetland and terrestrial), floodplain, interior woodland, significant woodland, Nature Conservancy of Canada (NCC) Natural Areas.
- Priority Restoration Opportunities – including NCC Natural Areas Conservation Plan priority lands, public lands, physiography, and restoration opportunities (e.g., woodlot, prairie, wetland, riparian/wetland buffers, etc.).
- Connections to Public Lands – areas that are adjacent to, or part of a larger feature (i.e., existing natural area, riparian or wetland buffer restoration) are identified as higher priorities. Similarly, potential to create interior forest by 'rounding edges' and filling in gaps between parcels are also identified.

The recent historical annual levy allocation for land acquisition and protection has been ~\$500,000 and comprises approximately 55% of the levies which are currently associated with non-mandatory programs and services. Government and other grants have been received periodically which have enabled the Authority to acquire significant and important parcels of property, which will remain in the public trust in perpetuity. Funds accumulate until an acquisition is approved by the Board of Directors.

The fund currently exceeds \$1.9 million and is expected to be maintained at that level throughout 2023. Due to the extensive remediation and repairs that are required at the John R Park Homestead museum, the Board of Directors re-directed \$500,000 from land acquisition funding to the JRPH maintenance/preservation reserve fund.

While currently there is no active acquisition that has been brought forward to the Board of Directors, there are many at-risk properties in the region and landowners often indicate an interest in selling a property with no advance indication. The Authority is periodically contacted

by landowners with donations of real property that require consideration for the potential to significantly benefit watershed sustainability in our region that would also have financial impacts. In addition, Holiday Beach Conservation Area ownership remains with Infrastructure Ontario and would be an attractive and beneficial property, vis-a-vis Authority ownership.

Land acquisition is supported by the Board of Directors and will be included in the cost apportioning agreement and is included as a range between \$40,000 and ~\$512,000 in the Category 3 funding envelope.

### **Tree-Planting (Private Lands/Non-ERCA owned properties)**

To achieve a sustainable future, mitigate climate impacts, expand existing remnant tree canopy cover, improve water quality, and keep endangered species from extinction in Canada, collaborative relationships must continue with private landowners to grow the amount of habitat restored in the region. The regional tree canopy cover in 1992 was at 3.71%, the lowest percentage of any county in Ontario. A study conducted by the United Nations established a minimum sustainability target of 12%. Despite recent efforts by ERCA, municipal partners and private landowners, currently the Windsor-Essex Region is estimated to be at approximately 8% forest cover. ERCA has restored over 330 acres of land on private property since 2016. These privately owned restoration sites are an invaluable contribution from our community as they further the rehabilitation of our region. Many member municipal councils have identified tree canopy restoration as a priority for a healthy, sustainable region.

Tree planting and restoration is not only supported by the Board of Directors but widely supported by the region's residents and accordingly, included in the cost apportioning agreement and is included as a range between \$70,000 and ~\$75,000 in the Category 3 funding envelope.

### **Holiday Beach Management/Operations**

Holiday Beach Conservation Area is operated by the Authority under a thirty-year management agreement with the Province of Ontario, that expires in 2031, and can be cancelled with 120 days of notice. The Province of Ontario is the owner of the property and the Management Agreement currently in place has been authorized by the Ministry of Northern Development, Mines, Natural Resources and Forestry (previously MNR). Currently, Infrastructure Ontario holds title on behalf of the Province of Ontario. The Authority has no legal interest in the lands, buildings, or infrastructure on this site, which precludes the ability to levy for this property, as part of Category 1, (mandatory) conservation of lands.

The majority of expenses associated with this site are funded through user fees related to camping, hunting and cottage rentals, however, a minimal amount of levy (\$6,000) was allocated to support the day use in 2022, but not utilized. At the present time, it appears that the site may experience an unbudgeted operating deficit in 2023, primarily due to the ice storm in March 2023. In terms of managing a property for another agency, there should be a reasonable expectation of surplus or minimally, break-even results, however, this expectation may not be realistic, given the issues and risks associated with seasonal camping and the costs to reasonably mitigate risks.

Historically, site operations (without consideration of capital investment), were not profitable, but break-even results were experienced in 2021 and 2022. Administration continues to effect operational changes and evaluation. The site is widely used by the region's residents and will be included in the cost apportioning agreement, however, may not require municipal contributions on a consistent basis during the term of the agreement.

### **Holiday Beach Infrastructure/Asset Maintenance & Replacement**

\$1.8 million has been spent on replacing park infrastructure since 2015, and funded by the infrastructure reserve, which is supported through levy. While there have been significant

repairs and replacements of assets, going back to 2006, failing infrastructure at this site is potentially the single largest source of financial risk to the Authority, due to linear infrastructure including roads, electrical supply, and sewers.

Administration is exploring the feasibility of ownership, which would need to include a consultant's assessment of assets and a comprehensive asset management plan to account for the infrastructure and guide future replacement and investment. Until ownership is addressed, the cost-apportioning agreement would not include a provision for capital asset replacement, however a reasonable provision of \$10,000 for certain emergency repairs related to electrical, sewer and road surfaces, should be contemplated and has been included in the funding envelope.

The operation of Holiday Beach is supported by the Board of Directors and will be included in the cost apportioning agreement and is included as a range between \$NIL and ~\$10,000 in the Category 3 funding envelope.

### **Watershed Stewardship and Agricultural Outreach (private lands)**

Within the Essex region, water health is inextricably linked to farming practices. Because of this, ERCA continues to support the Essex Soil and Crop Improvement Association to facilitate knowledge transfer opportunities. In collaboration with the Ontario Ministry of Agriculture and Rural Affairs and Environment Canada, ERCA provides financial inducements to producers. These incentives to undertake Best Management Practices on local farms can reduce fertilizer applications, mitigate erosion, improve soils, and decrease nutrient and soil runoff that leads to toxic algae blooms in Lake Erie. The extent of lands currently in agricultural production in the Essex Region is approximately 74.1% of the overall watershed. This percentage of land obviously can have a significant impact on the capability of the watershed to respond to flood threats and the impact on erosion associated with problems resulting from the movement of sediment.

As authorized by the Board of Directors, the Demonstration Farm will wind down operations at the end of 2023 in order to more effectively utilize available funding and to provide greater opportunities for staff to engage the agricultural community in these beneficial activities.

Given the prominence of agriculture in the region, agricultural land stewardship and outreach is supported by the Board of Directors, will be included in the cost apportioning agreement, and is included as a range between ~\$35,000 and ~\$73,000 in the Category 3 funding envelope.

### **Water Quality Research & Monitoring**

Healthy rivers, headwaters, and species in our watershed are key elements of a sustainable and healthy environment that residents rely on for sources of drinking water, the economy and for recreation. The ability to track and report on changes to these indicators of healthy watersheds and share that knowledge assists in the understanding of current watershed health and highlights emerging trends, used as a basis for setting environmental management priorities, research opportunities for other agencies, and overall management and protection of watershed resources. ERCA undertakes its watershed science programs in conjunction with the Provincial Water Quality Monitoring Network (PWQMN), Ontario Benthos Biomonitoring Network, the Provincial Groundwater Monitoring Network (PGMN) and works collaboratively with provincial and federal ministries, and with universities, including the Great Lakes Institute for Environmental Research at the University of Windsor. As part of this program, the Authority produces a Watershed Report Card every five years.

While no new levy was required to support this program in 2023, this program will be included in the cost apportioning agreement but may not require significant levy on a consistent basis during the term of the agreement due to other available sources of funding and special water quality

projects. For that reason, it is included as range between \$NIL and \$23,000 in the funding envelope.

### **John R. Park Museum and Fox Creek Conservation Centre operations & related programming**

JRPH Museum is Ontario's only living historical farm museum west of London, giving it significant regional importance. The Homestead is unique as it features the original early settler homestead in its original location, as well as a working blacksmith shop, livestock program, heritage orchard and kitchen garden, and pollinator garden to provide an authentic, living history experience. The Homestead has been recognized by Tourism Windsor- Essex-Pelee Island as the Best Museum/ Heritage Space in Windsor-Essex for the past four years and is identified as a destination driver for regional tourism.

Thousands of schoolchildren attend each year for experiential education programs, exploring the human and natural history of the Essex Region, including our connectedness to, and impacts on the local environment. The John R. Park Homestead, in collaboration with the Windsor-Essex Catholic School Board, has also introduced an Indigenous Innovation education program to help decolonize the site and provide a fulsome history of our region.

While there are restrictive operating covenants in place, that were accepted when the property was transferred in 2008, the Ministry of Environment, Conservation & Parks (MECP), has directed that only the activities such as those related to maintaining the land as a conservation area, may be classified as category 1 program or services, and could include, for example, preserving the wetland and providing public nature trails, boardwalks, beach, and picnic areas, to the extent that supervision of staff is not required. Museum/Visitor Centre operations and related programming fall under Category 3, non-mandatory programs and services, as relayed by MECP in their correspondence of June 15, 2022.

The Board of Directors continue to support the operations of the JRPH site in accordance with the restrictive covenants that are in place despite the need for significant levy funding and the programs and services associated with the museum and visitor's centre will be included in the cost apportioning agreement and is expected to consume approximately \$135,000.

### **John R. Park Museum & Heritage Buildings Preservation**

Recently, the Authority commissioned an asset condition report which revealed the extent of the deterioration of the main house and ancillary buildings, with an estimated remediation cost exceeding \$1million. While it is hopeful that an active fundraising campaign can provide the funds to restore the site to an acceptable level that will prolong the life of the building(s), given the immediate and urgent need for repairs, the Board of Directors approved a re-direction of the customary land acquisition annual levy funding of \$500,000, to the maintenance and preservation reserve fund. Prior to the additional allocation, \$12,000 to \$15,000 was allocated annually for maintenance, specific to the historic buildings, however the new Fox Creek Conservation Centre will also require future repairs & maintenance.

This program of heritage building remediation and maintenance will be included in the cost apportioning agreement and is included as a range between ~\$52,000 and ~\$512,000 in the Category 3 funding envelope.

### **Curriculum-based Outdoor Education**

There is a significant body of research-based evidence surrounding the value of outdoor learning experiences. There is also increasing demand within the education sector for programs and services that focus on environmental issues that are germane today. ERCA's Outdoor Education programs provide experiential and engaging environmental programs and services for kindergarten to grade 12 students and teachers, meeting the objectives of the provincial curriculum. While this program has historically required an average annual levy of approximately

\$30,000 to sustain it, significant fundraising through the Essex Region Conservation Foundation has eliminated the reliance on levy for approximately five years, starting in 2022.

The Outdoor Education program will be included in the cost apportioning agreement, however, may require levy supports during the latter years of the proposed term of the agreement, depending on fundraising success of the Essex Region Conservation Foundation. It is included as a range of \$NIL to ~\$14,000 in the funding envelope.

**Outreach and Community Engagement**

Engaging community members in stewardship opportunities is integral to conservation success across the region. Providing hands-on opportunities for people to connect with nature and take action for the environment raises awareness regarding broader local environmental issues, including increasing natural areas coverage, protecting mature forests, mitigating risks of natural hazards, such as flooding, and impacts of climate change on this region.

There continues to be increased demand from community members for volunteer opportunities to take action for the environment, and ERCA is uniquely positioned to coordinate these opportunities across the region. These stewardship events result in cleaner watersheds and increased habitat, implemented with volunteer support, and are most cost-effective when offered collaboratively on a watershed basis.

This community outreach program has historically required annual levy of approximately \$48,000 however, the 2023 levy requirement was reduced by available grants and carry forward of funds.

Community engagement by the Authority is supported by the Board of Directors, will be included in the cost apportioning agreement, and is included as a range between \$34,000 and ~\$48,000 in the Category 3 funding envelope.

Based on the Board-approved suite of non-mandatory programs and services, the range for municipal levy supports is shown in Schedule B.



**Schedule B – Estimates of Cost Apportionment of Category 3 Programs**

The estimated municipal costs associated with the Category 3 funding envelope outlined in Schedule A will be apportioned among the participating municipalities according to the Modified Current Value Assessment (MCVA), as outlined below. A range is included due to the shifting allocation within the funding envelope in recent budget cycles.

Appendix B- Cost Apportionment Estimates for Category 3 Non-Mandatory Programs & Services																				
Participating Municipality	Amherstburg		Essex		Kingsville		Lakeshore		Lasalle		Leamington		Pelee		Tecumseh		Windsor		Total Avg Levy	Total 2023 Levy
2023 MCVA	6.14%		4.86%		6.57%		9.88%		9.04%		6.34%		0.28%		8.16%		48.73%			
Estimate of Cost Apportionment (Levy) subject to agreement for Non-Mandatory programs and services	Avg Levy	2023	Avg Levy	2023	Avg Levy	2023	Avg Levy	2023	Avg Levy	2023	Avg Levy	2023	Avg Levy	2023	Avg Levy	2023	Avg Levy	2023		
<b>Conservation Services</b>																				
Land Acquisition	\$ 31,483	\$ 2,457	\$ 24,931	\$ 1,946	\$ 33,680	\$ 2,628	\$ 50,636	\$ 3,952	\$ 46,329	\$ 3,616	\$ 32,494	\$ 2,536	\$ 1,412	\$ 110	\$ 41,844	\$ 3,266	\$ 249,742	\$ 19,490	\$ 512,550	\$ 40,000
Tree planting/Wetland construction/Forest Mgmt. Plans	4,300	4,607	3,405	3,648	4,600	4,928	6,915	7,409	6,327	6,779	4,438	4,755	193	207	5,715	6,123	34,108	36,544	70,000	75,000
Holiday Beach Infrastructure Maintenance	614	-	486	-	657	-	988	-	904	-	634	-	28	-	816	-	4,873	-	10,000	-
<b>Water Quality</b>																				
Watershed Stewardship and Outreach (Rural & Agricultural)	2,185	4,484	1,730	3,551	2,337	4,797	3,514	7,212	3,215	6,598	2,255	4,628	98	201	2,904	5,960	17,330	35,570	35,567	73,000
Water Quality Program	1,396	-	1,106	-	1,494	-	2,246	-	2,054	-	1,441	-	63	-	1,856	-	11,075	-	22,730	-
<b>Outreach, Engagement &amp; Education</b>																				
Curriculum-based outdoor education	847	-	670	-	906	-	1,362	-	1,246	-	874	-	38	-	1,125	-	6,716	-	13,783	-
Outreach/Community partnerships	2,974	2,098	2,355	1,661	3,181	2,244	4,783	3,374	4,376	3,087	3,069	2,165	133	94	3,953	2,788	23,591	16,640	48,417	34,150
<b>John R Park Homestead Museum</b>																				
JRPH Museum Operations	8,376	8,351	6,633	6,613	8,960	8,934	13,472	13,432	12,326	12,289	8,645	8,620	376	375	11,133	11,100	66,444	66,248	136,364	135,962
JRPH Museum & Heritage Buildings Preservation	3,215	31,633	2,546	25,050	3,439	33,841	5,170	50,878	4,730	46,550	3,318	32,649	144	1,419	4,272	42,044	25,500	250,936	52,333	515,000
Cost Apportionment low and high estimates in 2023\$	\$ 55,388	\$ 53,630	\$ 43,862	\$ 42,469	\$ 59,254	\$ 57,372	\$ 89,085	\$ 86,256	\$ 81,507	\$ 78,919	\$ 57,168	\$ 55,353	\$ 2,485	\$ 2,406	\$ 73,617	\$ 71,280	\$ 439,378	\$ 425,427	\$ 901,743	\$ 873,112

## ERCA Cost-Appportioning Agreement

### Follow up to the November 1<sup>st</sup> meeting between ERCA and City Administration Administration Questions and ERCA Responses

1. Should it be proposed that the City not fund the Land Acquisition portion of the Category 3 services and instead opt to retain the average levy amount for purposes of Land Acquisition within the City's budget, what issues would ERCA have with such a new approach that would allow ERCA to make funding requests for land purchases directly to the City on an as needed basis?

In all matters within the ERCA's jurisdiction, the watershed principle (regional view based on watershed extents rather than municipal boundaries) is applied. At-risk properties (land parcels that have significant natural heritage features or are adjacent to existing public or protected lands in the ERCA watershed) potentially being negatively impacted on are considered for preservation purposes based on watershed-level (regional) benefit. At this time, there are remnant properties within the City of Windsor jurisdiction that could be considered for preservation should they become available or threatened. These matters are confidential in nature and require that any determination and/or decision with respect to property acquisition be approved by the ERCA Board of Directors in Committee of the Whole (in-camera). Four councillors of the City of Windsor, sit on the ERCA Board. As with any property acquisition, it is imperative that negotiations proceed with the utmost care and caution.

In some cases, land acquisition is a series of complex discussions involving potentially, many numbers of stakeholders. For ERCA to be engaged with additional consultation processes, that divert from current acquisition processes, there is a potential for jeopardizing ERCA's ability to be successful in securing significant at-risk properties in a timely fashion. It is imperative for all municipalities within ERCA's jurisdiction to be aware of the shared benefits of properties preserved for a sustainable watershed.

As an independent entity comprised of municipal membership, ERCA has historically experienced success in receiving grant funding for property acquisition. There are many cases where municipalities are not able to receive funds through federal, provincial, non-governmental agencies and private donors for the purposes of land acquisition. The ability to leverage funding from outside grant sources has alleviated the burden of acquisition cost to any specific municipality.

Windsor as a member municipality has benefited historically with property preservation through this land acquisition program, as it currently operates. In ERCA's earlier response (submitted through the request for statistics provided on September 27, 2023), ERCA had reported that the City of Windsor had received 80% of the land acquisition funding which had been the case in the first 10 years of the program operating (2003-2013 – i.e. Spring Garden). Significant at-risk properties have been preserved, satisfying the provincial policy for securement of significant Natural Heritage features and enjoying a break-even investment in the Clean Water/Green Spaces funding envelope.

2. When looking at Watershed Stewardship and Outreach, a preliminary review indicated that a very small percentage of Windsor lands are agricultural and a majority of farmland is in the

County. Please let us know what justification or rationale supports Windsor having the current apportionment for this item (48.73%).

Again, ERCA is a watershed-based entity. Agricultural outreach and watershed stewardship encompasses a full suite of activities. These program activities range from soil conservation, tree planting and restoration activities along with private property technical advice on natural heritage and natural hazard matters. The health of our watershed is contingent on a number of factors that impact our water quality and ensuring that the agricultural community has opportunity for information and support, benefits our entire region.

Within the jurisdiction of the City of Windsor boundaries is approximately 1550 hectares of agricultural land (inclusive of the Sandwich South annexed lands). This is a large agricultural area which can have a significant impact on downstream resources such as Little River. Runoff from this area of the City of Windsor outlets to Lake St. Clair upstream of water intakes supplying potable water sources for the City.

It is imperative to provide conservation farming advice and soil conservation practices to these watershed stewards. In the case for the remainder of the Essex region watershed, over 75% of the watershed is engaged in agricultural crop production. A significant portion of this watershed outlets to Lake St. Clair, upstream of potable water sources for the City and abutting urbanized areas. The services provided to the area within the City and the watershed outside of the City boundaries contributes to the provision of safe drinking water sources by ensuring that agricultural practitioners are providing sound stewardship practices.

3. The City is presently carrying out a degree of community engagement and outreach as it relates to environmental stewardship, and is looking to expand some of these initiatives. Could you please help us understand the benefits of having this type of work completed through ERCA?

ERCA provides opportunities for local residents to contribute meaningfully through their volunteer experiences and gain real skills that support conservation efforts and connect them to the regional environment. For instance, ERCA has been hosting Earth Day Tree Planting events in the City of Windsor for 24 years. In addition to adding 35,000 trees to the City of Windsor's landscape since 1999, ERCA annually attracts more than 1,000 volunteers from the City of Windsor to this event alone. Typically, due to ERCA's ability to access grant funding for initiatives such as this, costs to the municipality are minimized. In many cases, the entire cost of trees and materials are paid for by grant funding.

In addition to the on-the-ground stewardship events like tree planting and watershed cleanups, numerous engagement activities such as Earth Day at Devonshire Mall, Marsh Monitoring Workshops, Citizen Science Tree Health Monitoring Workshops, the Detroit River evening and others are delivered through the Outreach program.

The City of Windsor is the largest beneficiary of these Outreach programs. From 2018 – 2023, a total of 68 stewardship and outreach activities as detailed above, were hosted. Forty-one of these, or 60%, were hosted in the City of Windsor.

ERCA has been tremendously successful in raising funds through its Foundation (private and corporate donations) and in accessing numerous grant dollars that directly benefit the City of

Windsor. For example, in 2023, ERCA secured \$48,000 for tree stock that was planted in City of Windsor parks.

ERCA has a long-established and committed volunteer base and has a proven track record of mobilizing these volunteers to take action. These programs are most cost-effective when offered collaboratively on a watershed basis.

Also, something that came up in our discussion on Community Outreach was the Earth Day tree planting program, however our understanding is that this initiative falls under the Tree Planting funding item. Any clarification on this is appreciated.

Many of ERCA's staff support both tree planting events and outreach initiatives as there is shared resourcing of FTEs that undertake this work. Specific to the City of Windsor, most of the activities related to tree planting are accounted for in outreach.

**Council Report: C 150/2023****Subject: 2024 Schedule of Council and Standing Committee Meetings - City Wide****Reference:**

Date to Council: November 27, 2023  
Author: Steve Vlachodimos, City Clerk / Licence Commissioner  
svlachodimos@citywindsor.ca  
519-255-6100 ext. 6488  
Council Services  
Report Date: October 11, 2023  
Clerk's File #: ACO2023

**To:** Mayor and Members of City Council

**Recommendation:**

That the "Schedule of City Council and Standing Committee meetings for 2024" attached as Appendix A, along with the "Deadlines for Submission of Reports Scheduled for Consideration at City Council Meetings" attached as Appendix B, and "Deadlines for Submission of Reports Scheduled for Consideration at Standing Committee Meetings" attached as Appendix C for January 1, 2024 to December 31, 2024 **BE APPROVED**; and further,

That the City Clerk **BE AUTHORIZED** to amend Procedure By-law 98-2011 to reflect "that all regular meetings of Council shall commence at 1:00 o'clock p.m., or as approved by Council" as opposed to the 4:00 o'clock p.m. start time currently in place.

**Executive Summary:**

N/A

**Background:**

City Council, at its June 7, 2011 meeting adopted the Procedure By-law 98-2011, as amended that includes provision 27.1(m) which states "The clerk shall present an annual meeting calendar in November for consideration by Council for the meeting schedule for the next year".

**Discussion:**

The procedure by-law is prescriptive in terms of when Council and Standing Committees of Council shall be held, with some flexibility built in to allow administration to put forward a schedule that is as efficient and effective as possible, taking into account statutory holidays, Halloween, the annual Association of Municipalities of Ontario (AMO) and Federation of Canadian Municipalities of Ontario (FCM) conferences, as well as a summer recess in the month of August.

Members of Council and the general public can participate in Council meetings and Standing Committee meetings in person in Council Chambers or electronically.

For reference purposes, attached is the schedule of proposed regular Council meeting dates and Standing Committee dates for the calendar year 2024, along with the deadlines for submitting administrative reports for both Council meetings as well as Standing Committee meetings.

For 2024 Council Meetings will continue to take place in Council Chambers in a hybrid format. This will still require increased staff resources from Council Services, Information Technology and the Facilities Departments and thus continue to result in increased resources both human and financial and budgetary dollars are limited.

Therefore, administration is recommending that Council Meetings for 2024 commence at 1:00 o'clock p.m. as opposed to 4:00 o'clock p.m. to help alleviate some of these added costs and ongoing challenges. Additionally, in the event of any technological issues that may emerge during a meeting this provides a safety net in terms of additional resources being readily available during regular office hours to troubleshoot the issues and allow for the meetings to continue seamlessly. Any in-camera meetings that would be required would be scheduled prior to the 1:00 o'clock p.m. start time for public meetings. Administration will work with members of Council and the general public to ensure that maximum attendance and public participation is accessible and attainable, recognizing that there may be some periodic challenges that will require some scheduling flexibility.

### **Risk Analysis:**

The calendar and deadline schedules will be provided to Administration to allow proper planning and scheduling of issues to be considered by Council and Standing Committees. The risk is minimal to non-existent.

### **Climate Change Risks**

#### **Climate Change Mitigation:**

N/A

#### **Climate Change Adaptation:**

N/A

### **Financial Matters:**

Depending on human resources required to carry out meetings after hours, the budget may be negatively impacted.

### **Consultations:**

The Greater Essex County District School Board and the Windsor-Essex Catholic District School Board were both consulted in terms of March Break; the Association of Municipalities of Ontario (AMO) provided the dates for the annual AMO Conference,

which will be held in Ottawa, Ontario; the Federation of Canadian Municipalities (FCM) provided the dates for the annual FCM Conference which will be held in Calgary, Alberta. These dates were taken into consideration when formulating the 2024 Council Calendar.

**Conclusion:**

As required by the Procedure By-law, it is recommended that the attached Schedule of City Council and Standing Committee meetings for January 1, 2024 to December 31, 2024 be approved. Once adopted, this 2024 schedule will be posted to [www.citywindsor.ca](http://www.citywindsor.ca) for citizens to reference, as well as on Dashboard for employee reference.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
Anna Ciacelli	Deputy City Clerk/Supervisor of Council Services
Steve Vlachodimos	City Clerk / Licence Commissioner
Dana Paladino	Interim Commissioner Corporate Services
Joe Mancina	Chief Administrative Officer

**Notifications:**

Name	Address	Email
Cliff Danby, YourTV		<a href="mailto:Cliff.danby@cogeco.com">Cliff.danby@cogeco.com</a>
Emily Moore, YourTV		<a href="mailto:Emily.Moore@cogeco.com">Emily.Moore@cogeco.com</a>
3Play Media Canada		<a href="mailto:Contact-canada@3playmedica.ca">Contact-canada@3playmedica.ca</a>

**Appendices:**

- 1 2024 Schedule of Meetings
- 2 2024 Deadlines for Submission of Reports Scheduled for Consideration at City Council Meetings
- 3 2024 Deadlines for Submission of Reports Scheduled for Consideration at Standing Committee Meetings

# CITY OF WINDSOR

## SCHEDULE OF MEETINGS - 2024

JANUARY 2024						
S	M	T	W	TH	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

FEBRUARY 2024						
S	M	T	W	TH	F	S
					1	2
3						
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29		

MARCH 2024						
S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

APRIL 2024						
S	M	T	W	TH	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

MAY 2024						
S	M	T	W	TH	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

JUNE 2024						
S	M	T	W	TH	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

JULY 2024						
S	M	T	W	TH	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

AUGUST 2024						
S	M	T	W	TH	F	S
					1	2
3						
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

SEPTEMBER 2024						
S	M	T	W	TH	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

OCTOBER 2024						
S	M	T	W	TH	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

NOVEMBER 2024						
S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

DECEMBER 2024						
S	M	T	W	TH	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

- Statutory Declared Holidays - Windsor City Hall Closed
- School Holidays - March Break
- Regular City Council Meetings (1:00 p.m. Council Chambers, 1st floor, Windsor City Hall)
- FCM Conference - June 6-9, 2024, Calgary, Alberta
- AMO Conference - August 18-21, 2024, Ottawa, Ontario
- Ford Fireworks - June 24, 2024 (rain date June 25, 2024)

### STANDING COMMITTEES

- Development & Heritage Standing Committee (5 members of Council + 8 citizens) 4:30 p.m.
- Community Services Standing Committee (5 members of Council) 9:00 a.m.
- Environment, Transportation & Public Safety Standing Committee (5 members of Council) 4:30 p.m.



**DEADLINES FOR SUBMISSION OF REPORTS  
SCHEDULED FOR CONSIDERATION AT  
CITY COUNCIL MEETINGS  
2024**

<b>DATE OF COUNCIL MEETING</b>	<b>DEADLINE FOR PROPOSED/ DRAFT REPORTS FOR AGENDA REVIEW</b> (Noon Monday) (See notes below)	<b>AGENDA REVIEW MEETING</b> (Tuesday 11:00 a.m.)	<b>DEADLINE FOR SIGNED REPORTS TO CAO</b> (4:00 p.m. Wednesday)	<b>ISSUANCE OF AGENDA BY COUNCIL SERVICES</b> (9:00 a.m. Friday)
January 15	December 29/23*	January 2*	January 3	January 5
January 29	January 15	January 16	January 17	January 19
February 12	January 29	January 30	January 31	February 2
February 26	February 12	February 13	February 14	February 16
March 18	March 4	March 5	March 6	March 8
April 8	March 25	March 26	March 27	March 28*
April 22	April 8	April 9	April 10	April 12
May 13	April 29	April 30	May 1	May 3
May 27	May 13	May 14	May 15	May 17
June 10	May 27	May 28	May 29	May 31
July 8	June 24	June 25	June 26	June 28
July 22	July 8	July 9	July 10	July 12
September 9	August 26	August 27	August 28	August 30
September 23	September 9	September 10	September 11	September 13
October 15	September 27 *	October 1	October 2	October 4
October 28	October 11*	October 15	October 16	October 18
November 12	October 28	October 29	October 30	November 1
November 25	November 8*	November 12	November 13	November 15
December 9	November 25	November 26	November 27	November 29

**Directions:** Staff involved in drafting and/or approving Council reports are encouraged to keep this schedule handy to ensure that reports will appear on the Council meeting dates intended.

- \* early/late due to the holiday
- x No supplementary items **unless emergency**.
- ✓ Each Council report must be created using *Agenda.net*.

Updated November 16, 2023

**DEADLINES FOR SUBMISSION OF REPORTS  
SCHEDULED FOR CONSIDERATION AT  
STANDING COMMITTEE MEETINGS**

**2024**

<b>DATE OF STANDING COMMITTEE MEETING</b>	<b>NAME OF STANDING COMMITTEE</b>	<b>DATE OF AGENDA REVIEW MEETING</b> (Tuesday 11:00 a.m.)	<b>DEADLINE FOR SIGNED REPORTS TO CAO</b> (Wednesday 4:00 p.m.)	<b>ISSUANCE OF STANDING COMMITTEE AGENDA</b>
January 8	Develop & Heritage	*December 12/23	*December 13/23	*December 20/23
January 31	Enviro Transp & PS	January 16	January 17	January 19
February 5	Develop & Heritage	January 23	January 24	January 26
February 7	Community Services	January 23	January 24	January 26
February 28	Enviro Transp & PS	February 13	February 14	February 16
March 4	Develop & Heritage	February 20	February 21	February 23
March 6	Community Services	February 20	February 21	February 23
March 27	Enviro Transp & PS	March 12	March 13	March 15
April 2	Develop & Heritage	March 19	March 20	March 22
April 3	Community Services	March 19	March 20	March 22
April 24	Enviro Transp & PS	April 9	April 10	April 12
May 1	Community Services	April 16	April 17	April 19
May 6	Develop & Heritage	April 23	April 24	April 26
May 29	Enviro Transp & PS	May 14	May 15	May 17
June 3	Develop & Heritage	May 21*	May 22	May 24
June 5	Community Services	May 21*	May 22	May 24
June 26	Enviro Transp & PS	June 11	June 12	June 14
July 2	Develop & Heritage	June 18	June 19	June 21
July 3	Community Services	June 18	June 19	June 21
July 31	Enviro Transp & PS	July 16	July 17	July 19
August 6	Develop & Heritage	July 23	July 24	July 26
September 3	Develop & Heritage	August 20	August 21	August 23
September 4	Community Services	August 20	August 21	August 23
September 25	Enviro Transp & PS	September 10	September 11	September 13
October 2	Community Services	September 17	September 18	September 20
October 7	Develop & Heritage	September 24	September 25	September 27
October 30	Enviro Transp & PS	October 15	October 16	October 18
November 4	Develop & Heritage	October 22	October 23	October 25
November 6	Community Services	October 22	October 23	October 25
November 27	Enviro Transp & PS	November 12	November 13	November 15
December 2	Develop & Heritage	November 19	November 20	November 22
December 4	Community Services	November 19	November 20	November 22

**Directions:** Staff involved in drafting and/or approving Council reports are encouraged to keep this schedule handy to ensure that reports will appear on the intended Council/Standing Committee meeting dates.

Use *Agenda.net* to create all standing committee reports.

**NOTE:** Development & Heritage Standing Committee reports from the meeting (first Monday of the month) will be brought to full Council at the last council meeting of the same month.

**Key:**

\*: early/late due to holiday

Community Services = Community Services Standing Committee

Develop & Heritage = Development & Heritage Standing Committee

Enviro Transp & PS = Environment, Transportation & Public Safety Standing Committee

Updated November 2023



**Council Report: C 154/2023**

**Subject: 2023 Third Quarter Operating Budget Variance - City Wide**

**Reference:**

Date to Council: November 27, 2023  
Author: David Soave  
Manager, Operating Budget Development & Control  
519-255-6100 Ext. 1911  
dsoave@citywindsor.ca  
Financial Planning  
Report Date: October 25, 2023  
Clerk's File #: AF/14372

**To:** Mayor and Members of City Council

**Recommendation:**

THAT City Council **RECEIVE FOR INFORMATION** the 2023 3<sup>rd</sup> Quarter Operating Budget Variance Report as presented by the Chief Financial Officer & City Treasurer; and,

THAT the Chief Administrative Officer and the Chief Financial Officer & City Treasurer **BE DIRECTED** to continue to monitor the 2023 Operating Budget's projected variance and to continue to seek further means for offsetting any potential variances that may arise.

**Executive Summary:**

N/A

**Background:**

Annual operating budgets for all City Departments are traditionally set at the beginning of the calendar year based on best available information and trends. Professional estimates, the current legislative environment, macroeconomic trends (such as currency fluctuations, commodity prices, unemployment figures and business investment, etc.) and other local information available at the time approval is granted are significant inputs to the operating budget. Larger than normal Consumer Price Index (CPI) inflationary annual increases, currently at 4.1% (average for January to September) and the continuing recovery of several key city services from the COVID 19 pandemic, have placed significant pressures on many municipal service budgets. Further to this, and as discussed later in the report, the recent announcement of an unexpected funding shortfall related to the Ambassador Bridge convoy expenses incurred by the City has

created additional pressures. These variances are reflected in the departmental year-end variance projections within this report.

## **Discussion:**

### ***General Considerations***

The financial position of the Corporation is directly impacted by uncontrollable factors such as weather conditions, pandemic recovery, unemployment rates, tax appeals, fuel and utility costs, interest rates, settlement of litigation brought against the City and general inflationary pressures. As of the writing of this report, CPI for the period January to September has been published at 4.1%. This measure is for a basket of goods and does not reflect specific items which impact City services being fuel and utility rates. The trend for these specific items has been higher than the stated 4.1% and while CPI may be projected to fall over the last quarter of the year, the impact may not translate into operating expenditures prior to year end. As a result, material fluctuations in the projected variances could still occur in the wake of significant unforeseen events.

### ***Municipal Levy***

As at Q3, Administration projects that the total overall net municipal year-end financial impact for 2023 will result in a deficit of approximately \$2.0 million (rounded). Details by department are provided in the Table below. To mitigate external pressures noted above, included as part of the 2023 Approved Operating Budget, is a Budget Stabilization Contingency of \$2.7M. As in past practice, this contingency can be used to offset any budget variances at year-end. Should the actual year end variance result in a surplus, any unused Budget Stabilization Contingency may be transferred to the Budget Stabilization Reserve. Conversely, any year-end deficit may be funded from an additional draw from the Budget Stabilization Reserve.

### **Covid Recovery Financial Impacts**

Included in the projected year-end deficit is approximately \$5 million (rounded) in Covid related revenue shortfalls for several areas of the Corporation, including Transit, Recreation, and Public Works. Further to the revenue shortfalls, dividends from YQG and Windsor-Detroit Tunnel Corporation are not likely to materialize in 2023. These financial pressures are no longer covered through upper level of government assistance and have been mitigated to the extent possible by expenditure reductions and/or other revenue generating options. Administration expects that these pressures will continue to impact 2024 and future years operating results until the revenues recover to pre-pandemic levels and/or the revenue budgets are reduced to reflect the lower revenues going forward.

### **Ambassador Bridge Convoy Costs**

As Council will recall, on February 7, 2022 a group of protestors demonstrating against public health measures meant to curb the spread of COVID-19, staged a blockade at the entrance to the Ambassador Bridge at the intersection of Huron Church and College Avenue. This resulted in complete gridlock along the Huron Church corridor along with major disruptions to the surrounding area.

In the period of time following the start of the blockade of the area, significant costs were incurred by the City to manage this emergency. As at December 2022, not all costs had been finalized and the City was estimating a total incremental cost of approximately \$6.9M.

On December 29, 2022, The Honourable Marco Mendicino, then the Minister of Public Safety announced Federal funding up to \$6.9M to cover the City's costs for the blockade, including for policing that helped restore public safety at the bridge and surrounding area.

In March 2023, Administration was contacted by staff at Public Safety Canada (PSC) and requested to provide details and further explanation of the costs incurred as a result of the blockade. Administration was advised that, given there was no existing program that could be used to administer the funding, PSC would need to issue an ex gratia payment for the costs. At this time, finalized costs related to the Ambassador Convoy totalled \$6,995,406.

At the end of the review, PSC advised that funding could not exceed the previously announced \$6.9M resulting in a shortfall of \$95,406.

On September 11, 2023, The Mayor's Office received a letter from the Minister of Public Safety announcing that an ex gratia payment of \$6,094,915 had been approved to assist Windsor with these extraordinary expenses, a shortfall of \$900,491. To reconcile the shortfall, Administration was informed that the requested \$10,000 for foregone transit revenue was not approved. In addition, only 50% of the \$1,780,982 in legal costs were approved.

Despite the City's best efforts to provide timely and accurate information to PSC and further despite recent attempts to contact the Ministry no additional funding is being considered. As such, the shortfall of \$900,491 has been factored into the overall projections for third quarter reducing the projected surplus in Corporate Accounts.

The Table below provides a summary of the 2023 projected year-end variances as of the 3<sup>rd</sup> Quarter, from the largest dollar deficit to the largest surplus, for each of the City Departments and Agencies, Boards, and Committees.

*Please note that detailed departmental variance write-ups for the individual departments can be found in Appendix A: Operating Budget Variance of this report.*

Operating Budget Variance Summary by Department							
Department	2023 Gross Budget	2023 Net Budget	Q1 Projected Variance	Q2 Projected Variance	Q3 Projected Variance	Year-End Final Variance	% of Gross Budget
Transit Windsor	\$42,357,601	\$17,581,466	n/a	(\$1,026,000)	(\$2,629,000)	\$0	(6.2%)
Fire & Rescue	\$52,507,897	\$50,506,467	n/a	(\$1,255,000)	(\$1,354,000)	\$0	(2.6%)
Housing & Children Services *	\$166,764,770	\$29,268,555	n/a	\$301,000	(\$661,000)	\$0	(0.4%)
Recreation & Culture	\$26,551,319	\$13,788,238	n/a	(\$1,400,000)	(\$500,000)	\$0	(1.9%)
Purchasing, Risk & POA	\$10,639,956	\$3,367,337	n/a	(\$1,135,000)	(\$453,000)	\$0	(4.3%)
Parks & Facilities	\$39,883,357	\$30,070,610	n/a	(\$204,000)	(\$379,000)	\$0	(1.0%)
Taxation	\$3,704,444	\$697,709	n/a	\$0	(\$241,000)	\$0	(6.5%)
Building Services	\$8,633,939	\$1,313,075	n/a	(\$342,000)	(\$225,000)	\$0	(2.6%)
Legal Services	\$3,790,714	\$3,470,976	n/a	(\$22,000)	(\$180,000)	\$0	(4.7%)
Council Services	\$6,646,823	\$3,681,446	n/a	(\$412,000)	(\$154,000)	\$0	(2.3%)
Financial Planning	\$4,270,004	\$3,011,664	n/a	\$7,000	(\$131,000)	\$0	(3.1%)
Human Resources	\$7,543,216	\$6,700,452	n/a	\$0	\$0	\$0	0.0%
CAO's Office	\$1,070,193	\$1,070,193	n/a	\$0	\$0	\$0	0.0%
City Council	\$1,125,767	\$968,776	n/a	\$0	\$0	\$0	0.0%
Mayor's Office	\$504,338	\$504,338	n/a	\$0	\$0	\$0	0.0%
Economic Development	\$2,116,390	\$1,852,867	n/a	\$0	\$0	\$0	0.0%
Library Services	\$9,210,381	\$8,249,186	n/a	\$0	\$0	\$0	0.0%
Security & Special Activities	\$3,883,870	\$1,213,106	n/a	\$0	\$0	\$0	0.0%
Pollution Control	\$24,120,651	\$0	n/a	\$0	\$0	\$0	0.0%
Asset Planning	\$1,547,581	\$744,370	n/a	\$2,000	\$2,000	\$0	0.1%
Accounting	\$3,218,530	\$2,585,974	n/a	\$0	\$16,000	\$0	0.5%
Communications	\$4,264,283	\$3,545,355	n/a	\$39,000	\$50,000	\$0	1.2%
Engineering	\$9,443,767	\$2,845,960	n/a	(\$66,000)	\$152,000	\$0	1.6%
Information Technology	\$9,879,728	\$8,170,353	n/a	\$135,000	\$162,000	\$0	1.6%
Planning & Development	\$5,178,686	\$3,328,256	n/a	\$59,000	\$200,000	\$0	3.9%
Employment & Social Services	\$123,194,263	\$8,006,689	n/a	\$351,000	\$403,000	\$0	0.3%
Public Works	\$64,764,224	\$32,290,011	n/a	\$950,000	\$900,000	\$0	1.4%
Huron Lodge	\$31,984,347	\$9,573,835	n/a	\$945,000	\$1,100,000	\$0	3.4%
Corporate Accounts	\$188,467,125	\$90,453,576	n/a	\$168,000	\$1,542,000	\$0	0.8%
Sub-Total: City Departments	\$857,268,164	\$338,860,840	n/a	(\$2,905,000)	(\$2,380,000)	\$0	(0.3%)
Agencies	\$22,634,432	\$22,533,834	n/a	\$346,000	\$346,000	\$0	1.5%
Police Services	\$117,868,133	\$99,005,478	n/a	\$0	\$0	\$0	0.0%
Sub-Total: ABC's	\$140,502,565	\$121,539,312	n/a	\$346,000	\$346,000	\$0	0.2%
Total: Municipal	\$997,770,729	\$460,400,152	n/a	(\$2,559,000)	(\$2,034,000)	\$0	(0.2%)

\* Includes Windsor Essex County Housing Corporation (WECHC).

**Other Non-Tax Levy Funding Sources**

In addition to the Municipal levy variance, other non-tax levy funding sources (summarized in the table below) are estimated to result in a \$7.3 million (rounded) net surplus. Included in this amount are the following which will be transferred to noted Reserves; Building Permit Reserve \$6.6M surplus, On-Off Street Parking (\$260,000) deficit, and Sewer Surcharge \$1.0M surplus.

	2023 Gross Budget	2023 Net Budget	Q1 Projected Variance	Q2 Projected Variance	Q3 Projected Variance	Year-End Final Variance	% of Gross Budget
Building Permit Reserve	\$1,100,244	\$0	n/a	\$6,954,000	\$6,551,000	\$0	595.4%
On-Off Street Parking Res.	\$0	\$0	n/a	(\$335,000)	(\$260,000)	\$0	n/a
Sewer Surcharge Reserve	\$96,922,179	\$0	n/a	\$877,000	\$1,024,000	\$0	1.1%
<b>Total: Other Funding Sources</b>	<b>\$98,022,423</b>	<b>\$0</b>	<b>n/a</b>	<b>\$7,496,000</b>	<b>\$7,315,000</b>	<b>\$0</b>	<b>7.5%</b>

**Risk Analysis:**

There are a number of potential risks that can impact the year-end financial results as follows:

1. Current macro and micro economic conditions such as fuel costs, changes to local unemployment rates, volatility of energy costs, commodity prices and interest rates, as well as supply and demand for products and services. Inflation increased significantly in 2022 to levels not seen in decades as the economy recovered from the pandemic. Although inflation rates have been decreasing in 2023 (currently at 4.1%) from the highs in 2022, CPI rates continue to remain higher than pre-pandemic levels and will continue to materially impact City costs going forward.
2. Remaining financial impacts still contributing to budget variances from the pandemic recovery that are taking longer to return to pre COVID levels (i.e. Transit revenue, Recreation participation and Tunnel & YQG Dividends)
3. Seasonal variability with respect to revenues (e.g. recreation fees) and expenses (e.g. winter control & storm damage).
4. Potential increase in staffing costs due to factors such as sick call replacement, modified duties (particularly in mandated or 24/7 operational areas), WSIB, joint job evaluation or other arbitration decisions, health benefit usage (Green Shield) and such other. Some of these costs may be covered by corporate provisions/reserves.
5. Potential increase to unavoidable expenditures such as emergency repairs and maintenance, related purchases of materials and supplies, legal expenses, streetlight maintenance, etc.

6. The significant use of estimates, historical knowledge and judgement in developing budget and projecting actual expenses for the year implies that actual year-end revenues and expenditures may differ significantly from quarterly projections. One way to mitigate this risk and help to offset any unexpected or one-time variances is by way of the annual corporate contingency budget.

### **Climate Change Risks:**

#### **Climate Change Mitigation**

Climate Change Mitigation initiatives are budgeted throughout the corporation and any variances form part of the departmental and ABC variance descriptions.

#### **Climate Change Adaptation**

Climate Change Adaptation initiatives are budgeted throughout the corporation and any variances form part of the departmental and ABC variance descriptions.

### **Financial Matters:**

Refer to **Appendix A** of this report for detailed descriptions of the projected year-end variances for each department along with any mitigating measures.

Refer to **Appendix B** of this report for additional statistical data. Included in Appendix B are a list of relevant operational and economic statistics (extracted from various sources) as background information and is depicted graphically for the current quarter, along with each of the preceding nine years for ease of reference and comparison purposes.

### **Consultations:**

All departments and ABC's provided comments to augment and clarify the analysis performed by the Financial Planning Department.

### **Conclusion:**

Administration is projecting a municipal levy net operating year-end deficit estimated to be \$2.0 million., As part of the 2023 budget, City Council approved a Budget Stabilization Contingency budget of \$2.7 million. Save and except the funding shortfall related to the Ambassador Bridge convoy costs, Administration will continue to monitor expenditures and revenues to the end of the year with a vision to mitigate any final deficit that may result. As is past practice, the Corporate Contingency could be used to mitigate any budget variances at year-end, with any remaining balance transferred to/from the Budget Stabilization Reserve.

A surplus as it relates to other funding sources of approximately \$7.3 million is projected however as noted, any surplus or deficit within these other funding sources will be



retained within the specified reserve. Administration will continue to monitor the year-end projections inclusive of mitigation measures that may be required.

**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
David Soave	Manager, Operating Budget Development & Control
Tony Ardovini	Deputy Treasurer - Financial Planning
Janice Guthrie	Chief Financial Officer & City Treasurer
Joe Mancina	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>

**Appendices:**

- 1 Appendix A--2023 Operating Budget Variance
- 2 Appendix B - 2023 Operational & Economic Statistics

Operating Budget Variance Summary by Department

Department	2023 Gross Budget	2023 Net Budget	Q1 Projected Variance	Q2 Projected Variance	Q3 Projected Variance	Year-End Final Variance	% of Gross Budget
Transit Windsor	\$42,357,601	\$17,581,466	n/a	(\$1,026,000)	(\$2,629,000)	\$0	(6.2%)
Fire & Rescue	\$52,507,897	\$50,506,467	n/a	(\$1,255,000)	(\$1,354,000)	\$0	(2.6%)
Housing & Children Services *	\$166,764,770	\$29,268,555	n/a	\$301,000	(\$661,000)	\$0	(0.4%)
Recreation & Culture	\$26,551,319	\$13,788,238	n/a	(\$1,400,000)	(\$500,000)	\$0	(1.9%)
Purchasing, Risk & POA	\$10,639,956	\$3,367,337	n/a	(\$1,135,000)	(\$453,000)	\$0	(4.3%)
Parks & Facilities	\$39,883,357	\$30,070,610	n/a	(\$204,000)	(\$379,000)	\$0	(1.0%)
Taxation	\$3,704,444	\$697,709	n/a	\$0	(\$241,000)	\$0	(6.5%)
Building Services	\$8,633,939	\$1,313,075	n/a	(\$342,000)	(\$225,000)	\$0	(2.6%)
Legal Services	\$3,790,714	\$3,470,976	n/a	(\$22,000)	(\$180,000)	\$0	(4.7%)
Council Services	\$6,646,823	\$3,681,446	n/a	(\$412,000)	(\$154,000)	\$0	(2.3%)
Financial Planning	\$4,270,004	\$3,011,664	n/a	\$7,000	(\$131,000)	\$0	(3.1%)
Human Resources	\$7,543,216	\$6,700,452	n/a	\$0	\$0	\$0	0.0%
CAO's Office	\$1,070,193	\$1,070,193	n/a	\$0	\$0	\$0	0.0%
City Council	\$1,125,767	\$968,776	n/a	\$0	\$0	\$0	0.0%
Mayor's Office	\$504,338	\$504,338	n/a	\$0	\$0	\$0	0.0%
Economic Development	\$2,116,390	\$1,852,867	n/a	\$0	\$0	\$0	0.0%
Library Services	\$9,210,381	\$8,249,186	n/a	\$0	\$0	\$0	0.0%
Security & Special Activities	\$3,883,870	\$1,213,106	n/a	\$0	\$0	\$0	0.0%
Pollution Control	\$24,120,651	\$0	n/a	\$0	\$0	\$0	0.0%
Asset Planning	\$1,547,581	\$744,370	n/a	\$2,000	\$2,000	\$0	0.1%
Accounting	\$3,218,530	\$2,585,974	n/a	\$0	\$16,000	\$0	0.5%
Communications	\$4,264,283	\$3,545,355	n/a	\$39,000	\$50,000	\$0	1.2%
Engineering	\$9,443,767	\$2,845,960	n/a	(\$66,000)	\$152,000	\$0	1.6%
Information Technology	\$9,879,728	\$8,170,353	n/a	\$135,000	\$162,000	\$0	1.6%
Planning & Development	\$5,178,686	\$3,328,256	n/a	\$59,000	\$200,000	\$0	3.9%
Employment & Social Services	\$123,194,263	\$8,006,689	n/a	\$351,000	\$403,000	\$0	0.3%
Public Works	\$64,764,224	\$32,290,011	n/a	\$950,000	\$900,000	\$0	1.4%
Huron Lodge	\$31,984,347	\$9,573,835	n/a	\$945,000	\$1,100,000	\$0	3.4%
Corporate Accounts	\$188,467,125	\$90,453,576	n/a	\$168,000	\$1,542,000	\$0	0.8%
<b>Sub-Total: City Departments</b>	<b>\$857,268,164</b>	<b>\$338,860,840</b>	<b>n/a</b>	<b>(\$2,905,000)</b>	<b>(\$2,380,000)</b>	<b>\$0</b>	<b>(0.3%)</b>
Agencies	\$22,634,432	\$22,533,834	n/a	\$346,000	\$346,000	\$0	1.5%
Police Services	\$117,868,133	\$99,005,478	n/a	\$0	\$0	\$0	0.0%
<b>Sub-Total: ABC's</b>	<b>\$140,502,565</b>	<b>\$121,539,312</b>	<b>n/a</b>	<b>\$346,000</b>	<b>\$346,000</b>	<b>\$0</b>	<b>0.2%</b>
<b>Total: Municipal</b>	<b>\$997,770,729</b>	<b>\$460,400,152</b>	<b>n/a</b>	<b>(\$2,559,000)</b>	<b>(\$2,034,000)</b>	<b>\$0</b>	<b>(0.2%)</b>

\* Includes Windsor Essex County Housing Corporation (WECHC).

Operating Budget Variance Summary by Major Account

Major Account	2023 Gross Budget	Q1 Projected Variance	Q2 Projected Variance	Q3 Projected Variance	Year-End Final Variance	% of Gross Budget
<b>REVENUE:</b>						
User Fees, Permits & Charges	(\$138,040,586)	n/a	(\$7,454,000)	(\$5,663,000)	n/a	4.1%
Investment Income & Dividends	(\$40,754,400)	n/a	(\$675,000)	(\$400,000)	n/a	1.0%
Other Miscellaneous Revenue	(\$8,523,720)	n/a	\$5,000	(\$7,000)	n/a	0.1%
Taxes - Education	(\$52,481,209)	n/a	\$0	\$0	n/a	0.0%
Taxes - Municipal	(\$415,416,943)	n/a	\$0	\$0	n/a	0.0%
Recovery of Expenditures	(\$48,329,900)	n/a	(\$717,000)	\$206,000	n/a	(0.4%)
Transfers from Other Funds	(\$15,044,372)	n/a	\$545,000	\$545,000	n/a	(3.6%)
Grants & Subsidies	(\$279,179,599)	n/a	\$11,177,000	\$12,510,000	n/a	(4.5%)
<b>TOTAL REVENUE:</b>	<b>(\$997,770,729)</b>	<b>n/a</b>	<b>\$2,881,000</b>	<b>\$7,191,000</b>	<b>\$0</b>	<b>(0.7%)</b>
<b>EXPENSES:</b>						
Transfers for Social Services	\$248,587,129	n/a	(\$8,812,000)	(\$12,192,000)	n/a	(4.9%)
Purchased Services	\$89,700,403	n/a	(\$1,967,000)	(\$2,077,000)	n/a	(2.3%)
Financial Expenses	\$21,243,372	n/a	(\$52,000)	(\$65,000)	n/a	(0.3%)
Transfers to External Agencies	\$24,316,522	n/a	\$346,000	\$314,000	n/a	1.3%
Operating & Maintenance Supplies	\$22,797,830	n/a	(\$418,000)	(\$436,000)	n/a	(1.9%)
Minor Capital	\$12,470,367	n/a	(\$251,000)	(\$430,000)	n/a	(3.4%)
Transfers to Reserves & Capital Funds	\$114,659,432	n/a	(\$510,000)	(\$176,000)	n/a	(0.2%)
Utilities, Insurance & Taxes	\$31,035,084	n/a	(\$338,000)	(\$138,000)	n/a	(0.4%)
Other Miscellaneous Expenditures	\$3,473,064	n/a	(\$75,000)	(\$128,000)	n/a	(3.7%)
Transfers to Education Entities	\$52,481,209	n/a	\$0	\$0	n/a	0.0%
Salaries & Benefits	\$377,006,317	n/a	\$6,637,000	\$6,103,000	n/a	1.6%
<b>TOTAL EXPENSES:</b>	<b>\$997,770,729</b>	<b>n/a</b>	<b>(\$5,440,000)</b>	<b>(\$9,225,000)</b>	<b>n/a</b>	<b>(0.9%)</b>
<b>TOTAL</b>	<b>\$0</b>	<b>n/a</b>	<b>(\$2,559,000)</b>	<b>(\$2,034,000)</b>	<b>n/a</b>	

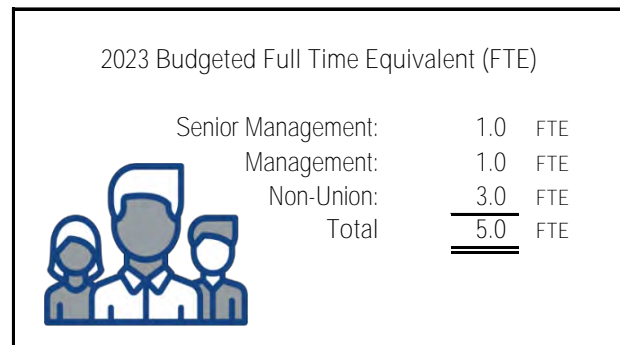
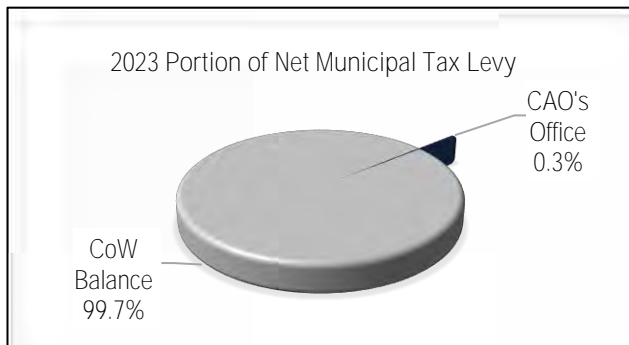
### ADMINISTRATION & REPRESENTATION

### CAO'S OFFICE

#### DEPARTMENTAL OVERVIEW

The Chief Administrative Officer (CAO) works closely with the Mayor and City Council, as well as City Administration through its senior leaders, to ensure Council's goals and objectives are achieved. This is realized through strategic leadership to the Corporation, managing the daily operations of service delivery, and leading ongoing improvements with a goal of greater efficiency.

Financial Summary	2020	2021	2022	2023
Annual Revenue Budget	\$0	\$0	\$0	\$0
Annual Expense Budget	\$1,336,637	\$1,106,545	\$1,103,044	\$1,070,193
Annual Net Budget	\$1,336,637	\$1,106,545	\$1,103,044	\$1,070,193
Annual Net Variance	\$114,810	\$3,656		\$0
Variance as a % of Gross Budget	8.6%	0.3%		0.0%



#### VARIANCE SUMMARY

Description	Q1 Projection	Q2 Projection	Q3 Projection	Year-End Variance
	n/a	\$0	\$0	
<b>Net Total</b>	<b>n/a</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

#### VARIANCE DESCRIPTION

The total departmental year-end variance is projected to be: \$0

The CAO's Office budget contains provisional budgets for corporate matters and it is difficult to anticipate until very close to year end, what these budgets may be used for. Therefore, we are projecting that the CAO Office will have no significant variances at this time.

**ADMINISTRATION & REPRESENTATION**

**CITY COUNCIL**

DEPARTMENTAL OVERVIEW

Ontario Municipalities are governed by municipal councils. The job of municipal councils is to pass resolutions and by-laws governing municipal services, finances and the various regulatory frameworks. These functions are performed based on the delegated authority contained within the Municipal Act and other legislation and regulations. In Windsor, City Council is composed of the Mayor (Head of Council) and 10 Councillors (1 for each of the 10 Wards).

Financial Summary	2020	2021	2022	2023
Annual Revenue Budget	(\$185,000)	(\$156,991)	(\$175,641)	(\$156,991)
Annual Expense Budget	\$1,031,469	\$1,029,184	\$1,050,834	\$1,125,767
Annual Net Budget	\$846,469	\$872,193	\$875,193	\$968,776
Annual Net Variance	\$48,836	\$57,963	\$164,560	\$0
Variance as a % of Gross Budget	4.7%	5.6%	15.7%	0.0%

VARIANCE SUMMARY

Description	Q1 Projection	Q2 Projection	Q3 Projection	Year-End Variance
	n/a	\$0	\$0	
Net Total	n/a	\$0	\$0	\$0

VARIANCE DESCRIPTION

The total departmental year-end variance is projected to be: \$0

No significant variances projected at this time.

**ADMINISTRATION & REPRESENTATION**

**MAYOR'S OFFICE**

DEPARTMENTAL OVERVIEW

*The Mayor is the Head of City Council the Chief Executive Officer (CEO) of the Corporation of the City of Windsor. As Head of Council he presides over all meetings of Council. The Mayor ensures that the laws governing the Municipality are properly executed and enforced. The Mayor has primary responsibility for seeing that the policies of the Municipality are implemented, and he works closely with Council to ensure that this occurs.*

*As CEO, the Mayor has responsibility for all actions taken on behalf of the municipal corporation. Based on the approval of Council, the Mayor has responsibility for directing municipal spending priorities in accordance with local needs and preferences, and oversees the Municipality's administration to ensure that all actions taken by administration are consistent with Council policies.*

*The Mayor has a staff of contract employees hired directly by the Mayor to facilitate the operations of the Mayor's Office.*

Financial Summary	2020	2021	2022	2023
Annual Revenue Budget	\$0	\$0	\$0	\$0
Annual Expense Budget	\$905,325	\$1,455,705	\$505,705	\$504,338
Annual Net Budget	\$905,325	\$1,455,705	\$505,705	\$504,338
Annual Net Variance	\$0	\$0	\$0	\$0
Variance as a % of Gross Budget	0.0%	0.0%	0.0%	0.0%

VARIANCE SUMMARY

Description	Q1 Projection	Q2 Projection	Q3 Projection	Year-End Variance
	n/a	\$0	\$0	
Net Total	n/a	\$0	\$0	\$0

VARIANCE DESCRIPTION

*The total departmental year-end variance is projected to be:* \$0

No significant variances projected at this time.

**ECONOMIC DEVELOPMENT & INOVATION**

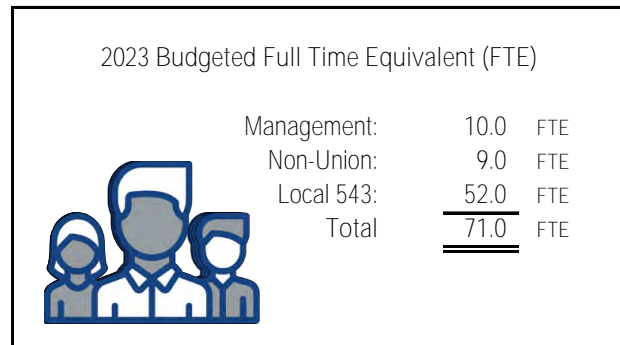
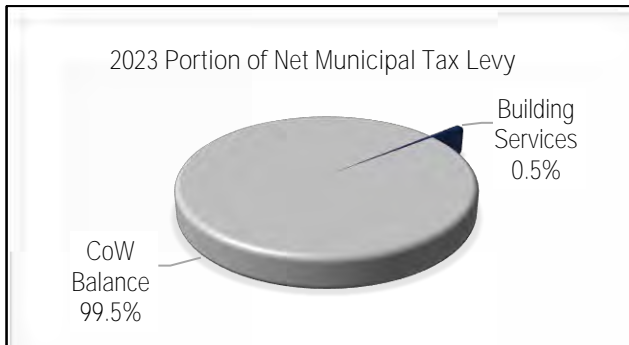
**BUILDING SERVICES**

DEPARTMENTAL OVERVIEW

Building Services is responsible for the application and enforcement of the Ontario Building Code and property related Municipal Bylaws. This includes issuing permits and performing inspections for all construction projects, and investigating and enforcing maintenance & land use Bylaws for all private properties.

Financial Summary	2020 *	2021	2022	2023
Annual Revenue Budget	n/a	(\$5,779,256)	(\$5,842,761)	(\$7,320,864)
Annual Expense Budget	n/a	\$7,752,491	\$7,871,886	\$8,633,939
Annual Net Budget	n/a	\$1,973,235	\$2,029,125	\$1,313,075
Annual Net Variance	n/a	\$61,833	(\$113,227)	(\$225,000)
Variance as a % of Gross Budget	n/a	0.8%	(1.4%)	(2.6%)

\* Historical amounts are not available due to realignment of departments.



VARIANCE SUMMARY

Description	Q1 Projection	Q2 Projection	Q3 Projection	Year-End Variance
Revenue:				
User Fees, Permits & Charges	n/a	(\$406,000)	(\$383,000)	
Expenses:				
Financial Expenses	n/a	\$0	(\$10,000)	
Operating & Maintenance Supplies	n/a	\$0	(\$3,000)	
Purchased Services	n/a	\$0	\$2,000	
Salaries & Benefits	n/a	\$108,000	\$238,000	
Other Miscellaneous Expenditures	n/a	(\$44,000)	(\$69,000)	
<b>Net Total</b>	<b>n/a</b>	<b>(\$342,000)</b>	<b>(\$225,000)</b>	<b>\$0</b>

ECONOMIC DEVELOPMENT & INOVATION

BUILDING SERVICES

VARIANCE DESCRIPTION

*The total departmental Levy year-end variance is projected to be:* (\$225,000) Deficit

User Fees, Permits & Charges: (\$383,000)

The Building By-Law Division is currently expecting a (\$383,000) revenue shortfall by year-end as fees collected by By-Lay Officers, such as enforcement of property standards, residential rental property conditions and the upkeep of vacant buildings, are lower than budgeted.

Financial Expenses:(\$10,000)

The Building Department is expecting a (\$10,000) deficit for 2023 due to credit card transaction charges that were not budgeted for.

Operating & Maintenance Supplies:(\$3,000)

The Building Department is expecting a deficit by year-end totaling (\$3,000) mainly due to Promotional material that was purchased for job fairs and staff as well as specific First Aid supplies that were required for on-site inspections.

Purchased Services: \$2,000

The Building Department is expecting a surplus by year-end of \$2,000 in Postage expense as the postage costs spent by the Building departments for compliance orders and letters are less than budgeted.

Salaries and Benefits: \$238,000

Staffing gaping savings of \$238,000 are estimated for 2023 due to the delay in confirming and hiring the new positions created by the 2023 staff reorganization (BI 2023-0069).

Other Miscellaneous Expenditures: (\$69,000)

The Building Services Department is expecting an overall miscellaneous expense deficit of (\$69,000) primarily due the Residential Rental Licensing program pilot. A legal challenge from local landlords effectively stayed the program for those opposed and has delayed its full implementation.

MITIGATING STEPS

Administration has made concerted efforts to hold the line where possible on discretionary expenses while navigating the challenging situation of the past year and striving to maintain a respectable and safe level of service.



### ECONOMIC DEVELOPMENT & INOVATION

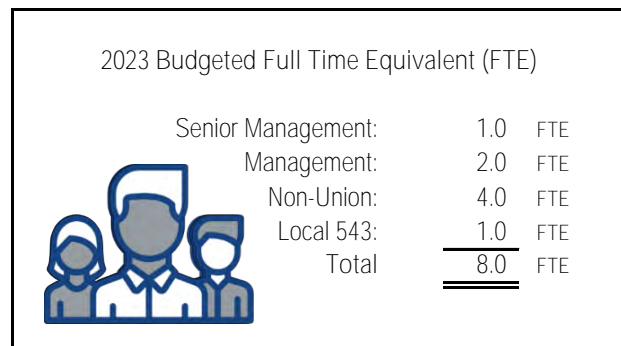
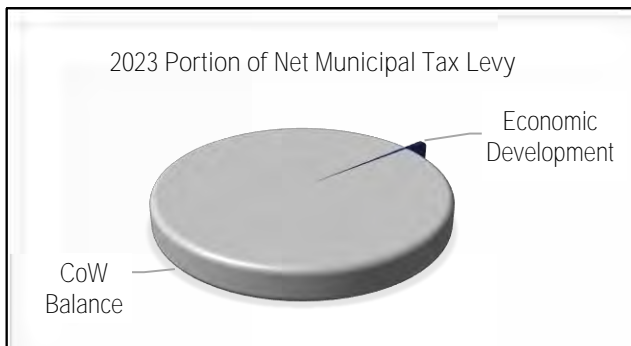
### ECONOMIC DEVELOPMENT

#### DEPARTMENTAL OVERVIEW

Economic Development is responsible for attracting new business development to the region and helping retain existing businesses that foster a vibrant, economically diverse city.

Financial Summary	2020	2021	2022	2023
Annual Revenue Budget	n/a	n/a	\$0	(\$263,523)
Annual Expense Budget	n/a	n/a	\$1,364,556	\$2,116,390
Annual Net Budget	n/a	n/a	\$1,364,556	\$1,852,867
Annual Net Variance	n/a	n/a	\$0	\$0
Variance as a % of Gross Budget	n/a	n/a	n/a	0.0%

Historical amounts are not available due to creation of department in 2022.



#### VARIANCE SUMMARY

Description	Q1 Projection	Q2 Projection	Q3 Projection	Year-End Variance
	n/a	\$0	\$0	
<b>Net Total</b>	<b>n/a</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

#### VARIANCE DESCRIPTION

The total departmental year-end variance is projected to be: \$0

The Economic Development Office is a newly created department and therefore, while there are anticipated savings in 2023 (resulting from the prior year's budget carry-forward), the surplus realized at year end will be carried forward once again to 2024 in an effort to assist in the department's start-up costs.

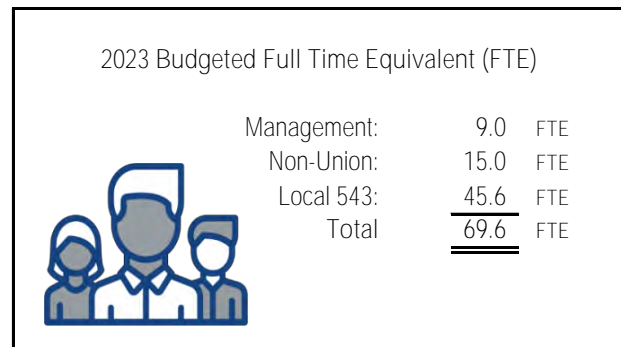
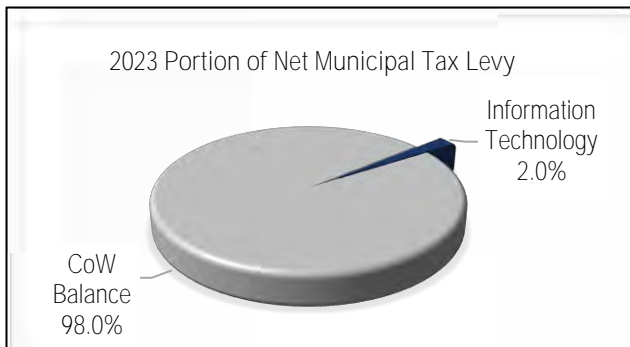
### ECONOMIC DEVELOPMENT & INOVATION

### INFORMATION TECHNOLOGY

#### DEPARTMENTAL OVERVIEW

Provides technology planning, support and operations, which enables City services, and drives efficiencies. Committed to providing innovative, reliable, responsive and secure solutions that align business, process and technology. Provides and supports the systems, applications, computers, networks, data, internet access, security and policies that are critical to the delivery of City services.

Financial Summary	2020	2021	2022	2023
Annual Revenue Budget	(\$1,275,439)	(\$1,362,554)	(\$1,709,375)	(\$1,709,375)
Annual Expense Budget	\$8,224,564	\$8,702,573	\$9,076,667	\$9,879,728
Annual Net Budget	\$6,949,125	\$7,340,019	\$7,367,292	\$8,170,353
Annual Net Variance	\$32,736	\$179,778	(\$31,070)	\$162,000
Variance as a % of Gross Budget	0.4%	2.1%	(0.3%)	1.6%



#### VARIANCE SUMMARY

Description	Q1 Projection	Q2 Projection	Q3 Projection	Year-End Variance
Expenses:				
Purchased Services	n/a	\$20,000	\$35,000	
Salaries & Benefits	n/a	\$105,000	\$122,000	
Other Miscellaneous Expenditures	n/a	\$10,000	\$5,000	
<b>Net Total</b>	<b>n/a</b>	<b>\$135,000</b>	<b>\$162,000</b>	<b>\$0</b>

#### VARIANCE DESCRIPTION

The total departmental year-end variance is projected to be: \$162,000      Surplus

Purchased Services: \$35,000

The majority of this surplus is related to fluctuations in connectivity and phone system costs realized by the department, however, increases are anticipated which will eliminate this surplus in future years. The balance of this surplus is related to small miscellaneous items within various accounts.

**ECONOMIC DEVELOPMENT & INOVATION**

**INFORMATION TECHNOLOGY**

Salaries & Benefits: \$122,000

Recruitments are under way to fill numerous vacancies within the existing staff complement in an effort to bring the department up to full capacity. The IT dept is experiencing significant challenges in recruiting and maintaining qualified candidates to fill these positions.

Other Miscellaneous Expenditures: \$5,000

Various miscellaneous line items within the department are contributing to the year-end variance.

**ECONOMIC DEVELOPMENT & INOVATION**

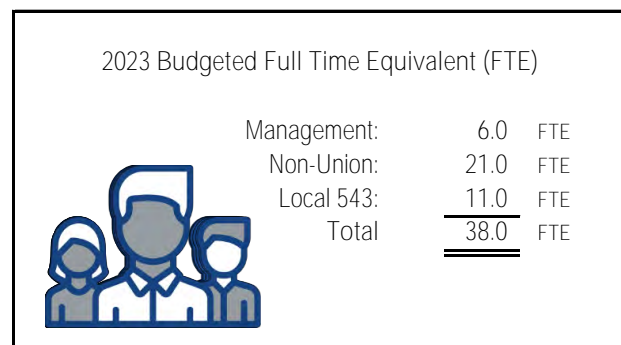
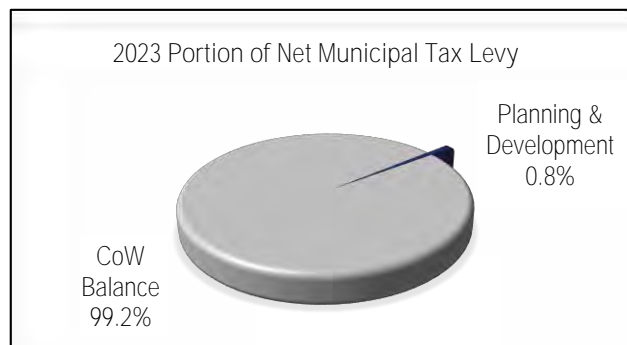
**PLANNING DEVELOPMENT**

DEPARTMENTAL OVERVIEW

Planning Services is responsible for the preparation and implementation of plans regarding land use and development including the Official Plan & Zoning By-law. The division reviews, processes and makes recommendations to Council on land development applications as set out in the Planning Act of Ontario.

Financial Summary	2020	2021	2022	2023
Annual Revenue Budget	n/a	(\$897,846)	(\$934,271)	(\$1,850,430)
Annual Expense Budget	n/a	\$4,059,564	\$4,109,297	\$5,178,686
Annual Net Budget	n/a	\$3,161,718	\$3,175,026	\$3,328,256
Annual Net Variance	n/a	\$793,151	\$622,677	\$200,000
Variance as a % of Gross Budget	n/a	19.5%	15.2%	3.9%

Historical amounts are not available due to realignment of departments.



VARIANCE SUMMARY

Description	Q1 Projection	Q2 Projection	Q3 Projection	Year-End Variance
Revenue:				
User Fees, Permits & Charges	n/a	(\$612,000)	(\$562,000)	
Expenses:				
Salaries & Benefits	n/a	\$701,000	\$827,000	
Purchased Services	n/a	(\$30,000)	(\$65,000)	
<b>Net Total</b>	<b>n/a</b>	<b>\$59,000</b>	<b>\$200,000</b>	<b>\$0</b>

ECONOMIC DEVELOPMENT & INOVATION

PLANNING DEVELOPMENT

VARIANCE DESCRIPTION

*The total departmental year-end variance is projected to be:* \$200,000      Surplus

Revenue: (\$562,000)

Planning Development is projecting a (\$562,000) revenue deficit in development applications due to the delay in confirming and hiring the new positions created in the 2023 staffing reorganization to increase the department's processing capacity.

Salaries and Benefits: \$827,000

Staff gapping is one of the current factors that is contributing to the overall surplus within the Planning Development Department. Over the course of the year, recruitments for several positions are required due to seven positions being approved during the 2023 Operating Budget process as well as a few other unexpected positions needed to be filled

Purchased Services: (\$65,000)

The Planning Development Department's is anticipating a deficit in miscellaneous expenses totalling (\$65,000) for the year. The deficit is noted in Advertising (\$15,000) and in Other Professional Services External (\$50,000) for Surveyors hired to conduct surveys to close alleys, which have increased in 2023.

**CORPORATE SERVICES**

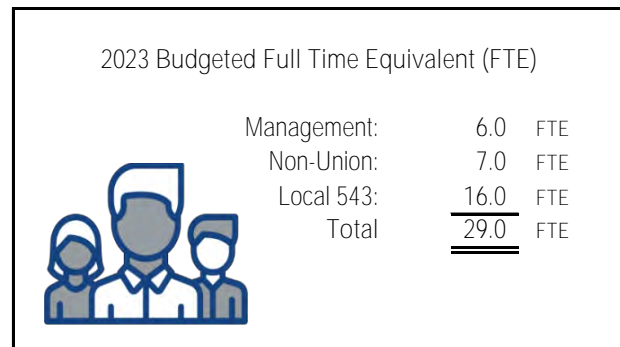
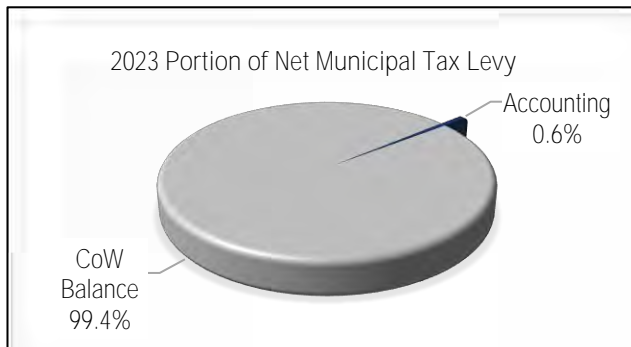
**ACCOUNTING**

DEPARTMENTAL OVERVIEW

The Accounting department provides accounts payable, accounts receivable, accounting and payroll services to the organization.

Financial Summary	2020	2021	2022	2023
Annual Revenue Budget	n/a	n/a	(\$833,103)	(\$632,556)
Annual Expense Budget	n/a	n/a	\$3,162,235	\$3,218,530
Annual Net Budget	n/a	n/a	\$2,329,132	\$2,585,974
Annual Net Variance	n/a	n/a	\$55,004	\$16,000
Variance as a % of Gross Budget	n/a	n/a	1.7%	0.5%

Historical amounts are not available due to realignment of departments.



VARIANCE SUMMARY

Description	Q1 Projection	Q2 Projection	Q3 Projection	Year-End Variance
Expenses:				
Salaries & Benefits	n/a	\$9,000	\$16,000	
Other Miscellaneous Expenditures	n/a	(\$9,000)	\$0	
Net Total	n/a	\$0	\$16,000	\$0

VARIANCE DESCRIPTION

The total departmental year-end variance is projected to be: \$16,000

Salaries & Benefits: \$16,000

A year-end surplus of \$16,000 in salaries is being projected in the Accounting department as a result of staff gapping.

### CORPORATE SERVICES

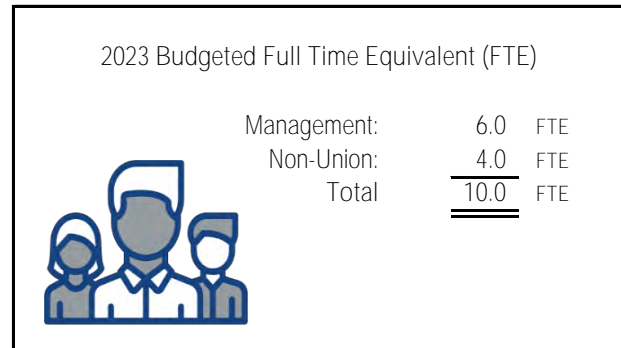
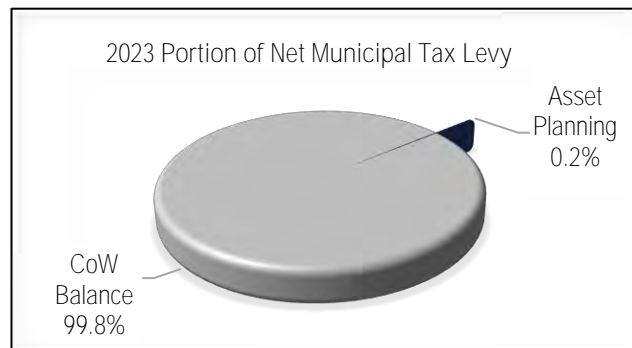
### ASSET PLANNING

#### DEPARTMENTAL OVERVIEW

The Asset Planning department provides asset planning, capital budget development and monitoring, corporate energy management services and capital grant funding programs to the organization.

Financial Summary	2020	2021	2022	2023
Annual Revenue Budget	n/a	n/a	(\$1,010,920)	(\$803,211)
Annual Expense Budget	n/a	n/a	\$1,875,527	\$1,547,581
Annual Net Budget	n/a	n/a	\$864,607	\$744,370
Annual Net Variance	n/a	n/a	(\$35,651)	\$2,000
Variance as a % of Gross Budget	n/a	n/a	(1.9%)	0.1%

Historical amounts are not available due to realignment of departments.



#### VARIANCE SUMMARY

Description	Q1 Projection	Q2 Projection	Q3 Projection	Year-End Variance
Expenses:				
Salaries & Benefits	n/a	\$2,000	\$2,000	
<b>Net Total</b>	<b>n/a</b>	<b>\$2,000</b>	<b>\$2,000</b>	<b>\$0</b>

#### VARIANCE DESCRIPTION

The total departmental year-end variance is projected to be: \$2,000      Surplus

Salaries & Benefits: \$2,000

A year-end surplus of \$2,000 in salaries is being projected in the Asset Planning department as a result of staff gapping.

### CORPORATE SERVICES

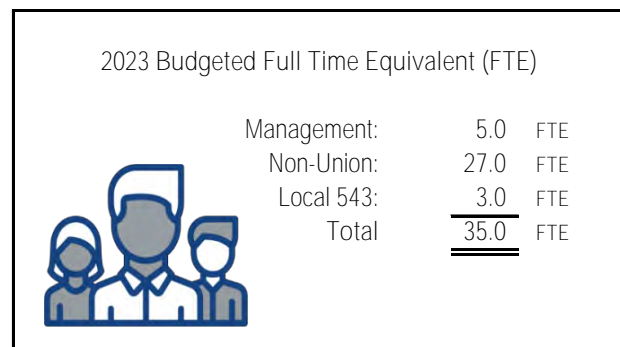
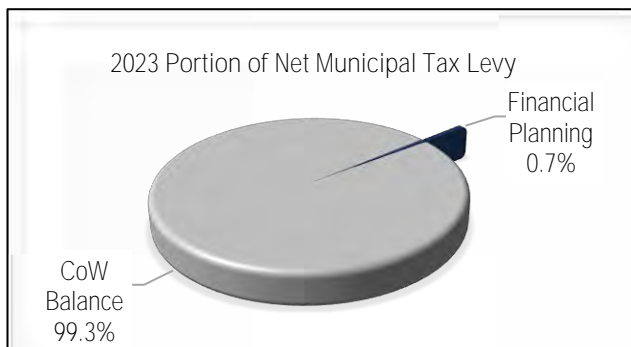
### FINANCIAL PLANNING

#### DEPARTMENTAL OVERVIEW

The Financial Planning department provides operating budget development and monitoring services along with performance measurement and overall financial planning leadership for the Corporation and Council.

Financial Summary	2020	2021	2022	2023
Annual Revenue Budget	n/a	n/a	(\$1,125,237)	(\$1,258,340)
Annual Expense Budget	n/a	n/a	\$3,971,534	\$4,270,004
Annual Net Budget	n/a	n/a	\$2,846,297	\$3,011,664
Annual Net Variance	n/a	n/a	\$100,336	(\$131,000)
Variance as a % of Gross Budget	n/a	n/a	2.5%	(3.1%)

Historical amounts are not available due to realignment of departments.



#### VARIANCE SUMMARY

Description	Q1 Projection	Q2 Projection	Q3 Projection	Year-End Variance
Expenses:				
Salaries & Benefits	n/a	\$20,000	(\$115,000)	
Other Miscellaneous Expenditures	n/a	(\$13,000)	(\$16,000)	
<b>Net Total</b>	<b>n/a</b>	<b>\$7,000</b>	<b>(\$131,000)</b>	<b>\$0</b>

#### VARIANCE DESCRIPTION

The total departmental year-end variance is projected to be: (\$131,000) Deficit

##### Salaries & Benefits: (\$115,000)

As a result of a recent Non-Union Job Evaluation (NUJE) decision, a retro payment of approximately (\$205,000) is anticipated. This deficit will likely be partially offset by estimated gapping of approximately \$90,000, resulting in a projected deficit of (\$115,000) in the Financial Planning Department.



CORPORATE SERVICES

FINANCIAL PLANNING

Other Miscellaneous Expenditures: (\$16,000)

A year-end deficit of (\$16,000) is being projected in the Financial Planning department consisting of a (\$7,500) deficit relating to an increase in the MBNC annual membership and a (\$8,500) deficit as a result of various miscellaneous items.

MITIGATING STEPS

Every effort will be made where possible to limit spending on discretionary expenses in order to minimize the impact of this deficit. It should also be noted that deficits within departments related to job evaluation retroactive payments are offset by a corporate provision for this purpose (as highlighted in the Corporate Accounts).

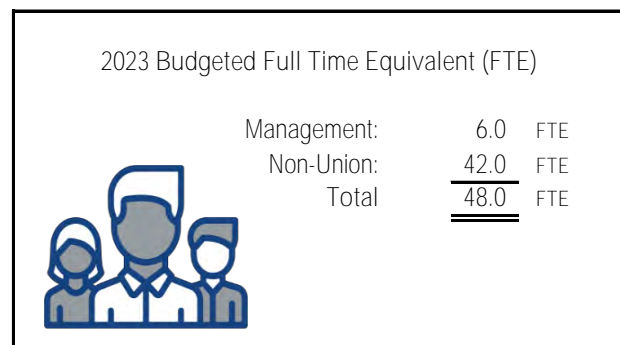
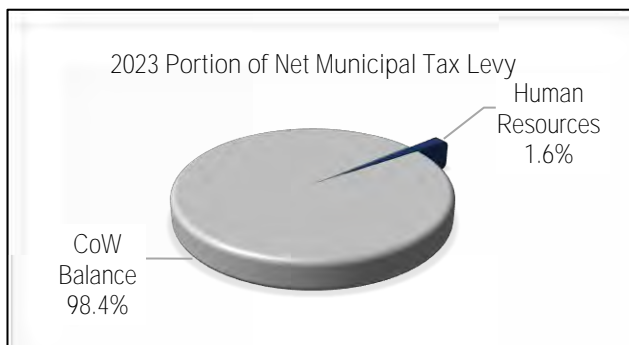
### CORPORATE SERVICES

### HUMAN RESOURCES

#### DEPARTMENTAL OVERVIEW

The Human Resources Department provides various services such as recruitment, compensation management, benefit administration, health and safety initiatives, and employee relations. As an equal opportunity employer, the City's HR Department also endeavours to provide succession management, professional skills development, and mental health initiatives to our corporate employees and retirees.

Financial Summary	2020	2021	2022	2023
Annual Revenue Budget	(\$663,879)	(\$408,842)	(\$919,342)	(\$842,764)
Annual Expense Budget	\$6,296,537	\$6,556,998	\$7,252,526	\$7,543,216
Annual Net Budget	\$5,632,658	\$6,148,156	\$6,333,184	\$6,700,452
Annual Net Variance	\$36,310	\$6,783	\$4,009	\$0
Variance as a % of Gross Budget	0.6%	0.1%	0.1%	0.0%



#### VARIANCE SUMMARY

Description	Q1 Projection	Q2 Projection	Q3 Projection	Year-End Variance
Expenses:				
Purchased Services	n/a	\$129,000	\$129,000	
Salaries & Benefits	n/a	(\$129,000)	(\$129,000)	
<b>Net Total</b>	<b>n/a</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

CORPORATE SERVICES

HUMAN RESOURCES

VARIANCE DESCRIPTION

*The total departmental projected year-end variance is:* \$0

Purchased Services: \$129,000

The projected surplus in Purchased Services is due to several line items that were anticipated, however, will not be required by year-end. In addition, budget carry-forwards from the previous years that were originally requested and approved will no longer be necessary.

Salaries & Benefits: (\$129,000)

The (\$129,000) projected deficit in Salary & Benefits is due to two heavy-workload positions supporting the department, as well as a leave of absence which required backfilling during January to May 2023.

### CORPORATE SERVICES

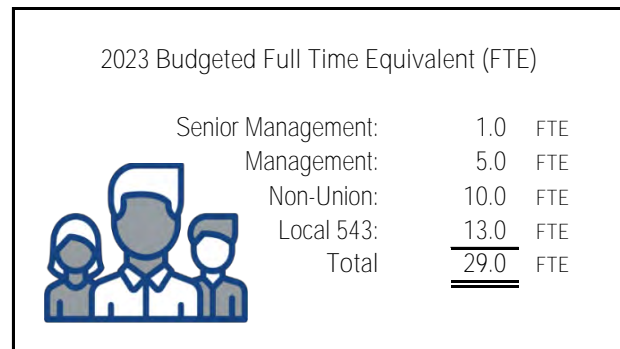
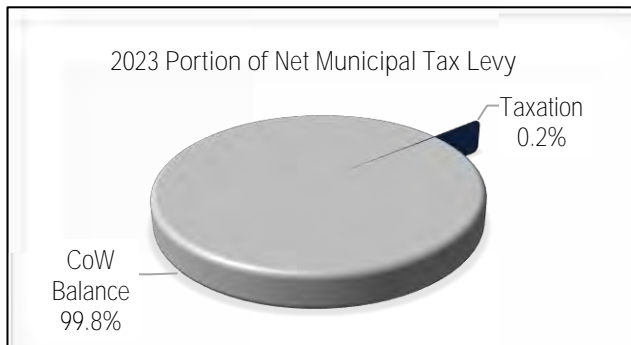
### TAXATION

#### DEPARTMENTAL OVERVIEW

The Taxation department provides property billing and tax collection services, cash management and leadership on corporate financial projects.

Financial Summary	2020	2021	2022	2023
Annual Revenue Budget	n/a	n/a	(\$2,870,561)	(\$3,006,735)
Annual Expense Budget	n/a	n/a	\$3,475,392	\$3,704,444
Annual Net Budget	n/a	n/a	\$604,831	\$697,709
Annual Net Variance	n/a	n/a	(\$268,259)	(\$241,000)
Variance as a % of Gross Budget	n/a	n/a	(7.7%)	(6.5%)

Historical amounts are not available due to realignment of departments.



#### VARIANCE SUMMARY

Description	Q1 Projection	Q2 Projection	Q3 Projection	Year-End Variance
Revenue:				
User Fees, Permits & Charges	n/a	(\$236,000)	(\$503,000)	
Expenses:				
Salaries & Benefits	n/a	\$250,000	\$256,000	
Other Miscellaneous Expenditures	n/a	(\$14,000)	\$6,000	
<b>Net Total</b>	<b>n/a</b>	<b>\$0</b>	<b>(\$241,000)</b>	<b>\$0</b>

#### VARIANCE DESCRIPTION

The total departmental year-end variance is projected to be: (\$241,000)

**CORPORATE SERVICES****TAXATION**User Fees, Permits & Charges: (\$503,000)

A year-end deficit of approximately (\$503,000) is projected for net external revenues within the Taxation Department. This projected deficit consists of (\$124,000) deficit in External User fees, (\$165,000) deficit in Dial-up Fees, (\$56,000) deficit in Letters of Default, (\$138,000) deficit in Ownership Changes, (\$60,000) deficit in Tax Lien Registrations, (\$8,000) deficit in Return Cheque Fees, a (\$7,000) deficit in Tax Certificates and a (\$18,000) deficit in Other External Revenue. These deficits are offset by a \$50,000 surplus in Collection Fees, \$17,000 surplus in Expedited Tax Certificates, and a \$6,000 surplus in Tax Information.

Salaries & Benefits: \$256,000

A year-end surplus of \$256,000 in salaries is being projected in the Taxation department as a result of staff gapping.

Other Miscellaneous Expenditures: \$6,000

A year-end surplus of \$6,000 is being projected in the Taxation department as a result of various miscellaneous items.

### LEGAL & LEGISLATIVE SERVICES

### COUNCIL SERVICES

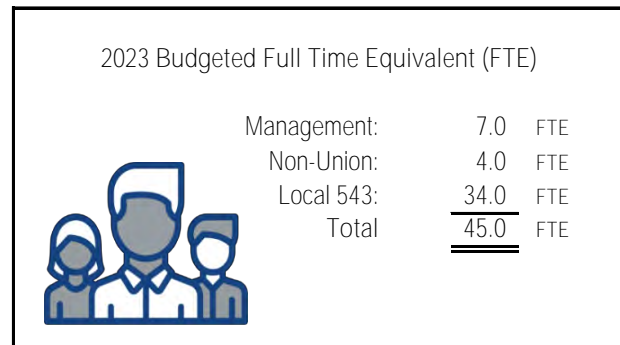
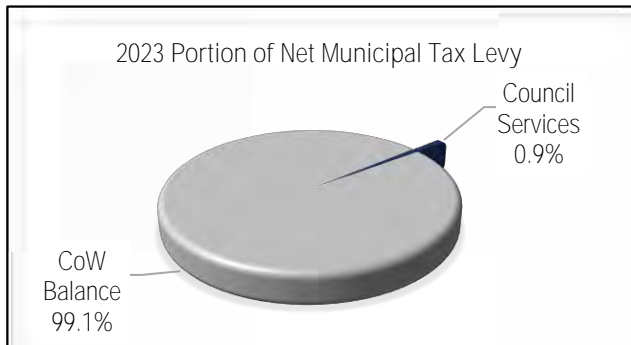
#### DEPARTMENTAL OVERVIEW

*The City Clerk's Office administers the city's legislative process including Elections, Council and Committee meetings, and the maintenance of public records, as a service to City Council, Administration and the citizens of the City of Windsor.*

*Licensing & By-Law Enforcement oversees several categories of business licenses and enforcement of the licensing and various regulatory by-laws to ensure compliance and public health and safety. For example, public vehicles, hospitality, lodging, dirty yards etc. Coordinate licensing hearings for the Windsor Licensing Commission. Also acts as gaming regulator for the AGCO/OLG i.e. bingo, raffles.*

Financial Summary	2020	2021	2022	2023
Annual Revenue Budget	n/a	(\$2,983,945)	(\$3,203,000)	(\$2,965,377)
Annual Expense Budget	n/a	\$6,732,357	\$6,585,297	\$6,646,823
Annual Net Budget	n/a	\$3,748,412	\$3,382,297	\$3,681,446
Annual Net Variance	n/a	(\$484,420)	(\$395,074)	(\$154,000)
Variance as a % of Gross Budget	n/a	(7.2%)	(6.0%)	(2.3%)

*Historical amounts are not available due to realignment of departments.*



#### VARIANCE SUMMARY

Description	Q1 Projection	Q2 Projection	Q3 Projection	Year-End Variance
Revenue:				
User Fees, Permits & Charges	n/a	(\$673,000)	(\$415,000)	
Expenses:				
Purchased Services	n/a	(\$110,000)	(\$110,000)	
Salaries & Benefits	n/a	\$311,000	\$311,000	
Other Miscellaneous Expenditures	n/a	\$60,000	\$60,000	
<b>Net Total</b>	<b>n/a</b>	<b>(\$412,000)</b>	<b>(\$154,000)</b>	<b>\$0</b>

LEGAL & LEGISLATIVE SERVICES

COUNCIL SERVICES

VARIANCE DESCRIPTION

*The total departmental year-end variance is projected to be:* (\$154,000) Deficit

User Fees, Permits & Charges: (\$415,000)

The (\$415,000) projected deficit in User Fees, Permits & Charges is largely due to the by-law enforcement revenue generated from **the Division's Repeat Offender Fee for land maintenance matters. This fee was originally adopted by City Council in 2019 as a deterrent to repeat offenders and as such, the estimated revenue was a projection based on the previous year's issued invoices. Less invoices are projected to be issued than originally estimated as a result of better compliance, which coincides with the original intent of the fee.**

Purchased Services: (\$110,000)

A deficit of (\$110,000) is projected as a result of higher than anticipated costs related to the 2022 Municipal Election. While the Elections Division takes every opportunity to seek out cost savings and efficiencies, the City is sometimes at the mercy of market and vendor pricing and rising inflationary costs (labour, fuel, postage, paper, etc.).

Salaries & Benefits: \$311,000

The \$311,000 projected surplus in Salary & Benefits is due to gapping mainly in the Licensing & Enforcement division.

Other Miscellaneous Expenditures: \$60,000

A surplus of \$60,000 is projected for the Contingency account within the Licensing division as a result of the Residential Rental Licensing project starting mid-way through 2023.

MITIGATING STEPS

Council Services will continue to monitor variances going forward and take any reasonable steps to reduce or eliminate variances while mitigating any negative impact on service levels.

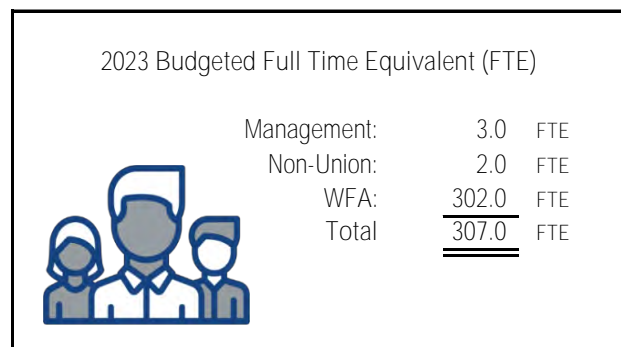
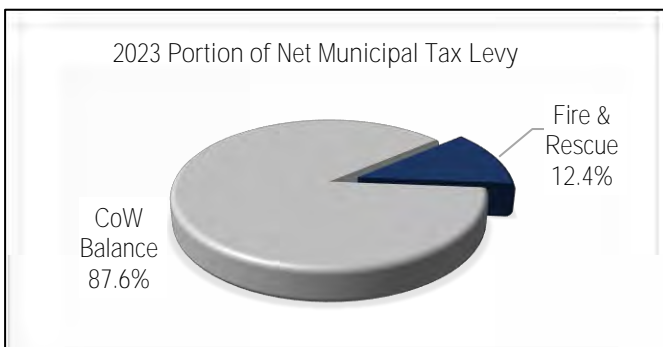
**LEGAL & LEGISLATIVE SERVICES**

**FIRE & RESCUE**

DEPARTMENTAL OVERVIEW

Services to the community include public education, code enforcement, fire plans examination, emergency dispatch, emergency response and fire cause determination. Along with structure fires, firefighters respond to a broad range of emergency incidents including vehicle fires, motor vehicle collisions, medical related emergencies, technical rescue incidents and hazardous materials incidents.

Financial Summary	2020	2021	2022	2023
Annual Revenue Budget	(\$1,481,166)	(\$1,518,324)	(\$1,952,731)	(\$2,001,430)
Annual Expense Budget	\$51,947,069	\$52,177,165	\$52,491,089	\$52,507,897
Annual Net Budget	\$50,465,903	\$50,658,841	\$50,538,358	\$50,506,467
Annual Net Variance	(\$553,373)	(\$812,297)	(\$3,464,816)	(\$1,354,000)
Variance as a % of Gross Budget	(1.1%)	(1.6%)	(6.6%)	(2.6%)



VARIANCE SUMMARY

Description	Q1 Projection	Q2 Projection	Q3 Projection	Year-End Variance
Expenses:				
Minor Capital	n/a	(\$20,000)	(\$34,000)	
Operating & Maintenance Supplies	n/a	(\$110,000)	(\$130,000)	
Salaries & Benefits	n/a	(\$1,125,000)	(\$1,190,000)	
<b>Net Total</b>	<b>n/a</b>	<b>(\$1,255,000)</b>	<b>(\$1,354,000)</b>	<b>\$0</b>



LEGAL & LEGISLATIVE SERVICES

FIRE & RESCUE

VARIANCE DESCRIPTION

The total departmental year-end variance is projected to be: (\$1,354,000) Deficit

Minor Capital: (\$34,000)

Self Contained Breathing Apparatus (SCBA) is showing more wear and tear than anticipated resulting in a projected deficit of (\$34,000) as the SCBA equipment is now 8 years old and requires more frequent maintenance (the useful life of the equipment is 10-15 years). WFRS is working closely with the vendor to take advantage of any warranty issues and coverage remaining.

Operating & Maintenance Supplies: (\$130,000)

A Fuel deficit of approximately (\$90,000) is anticipated for 2023 related to fuel pricing. The year to date average fuel pricing for January through August 2023 is 23% higher for all fuel types than the set budget, and the average fuel pricing for August 2023 is 34% higher for all fuel types than the set budget. At this time, prices reductions have not been considered.

A deficit of (\$40,000) in Fleet Maintenance and Repair account is due to truck damage caused by a no-fault accident. City's self-insured policy requires the department to cover any cost under the deductible of \$100,000. The \$40,000 expense is an estimate at this time and will be mitigated as much as possible through in-house repairs where possible. A complete inspection and final non-destructive testing will determine the full cost.

Salaries & Benefits: (\$1,190,000)

Net Salary variance for WFRS is projected to be in a deficit of (\$1,190,000). The amount is close to evenly split between overtime and regular salary, (\$550,000) and (\$640,000) respectively. Recent pressures in overtime experienced in 2022 were mitigated by 13 over complement firefighters approved in 2023. There are 11 remaining over complement staff as of September and all are expected to be absorbed within the full time complement through planned retirements in 2023. A major contributor in the increased overtime costs is an increase in WSIB claims causing absences that must be filled.

MITIGATING STEPS

Fire & Rescue will continue to work with HR through the Integrated Attendance Management program in an effort to return employees to work as soon as possible. Additionally the department will continue to monitor daily staffing and adjust schedules where able to minimize overtime.

### LEGAL & LEGISLATIVE SERVICES

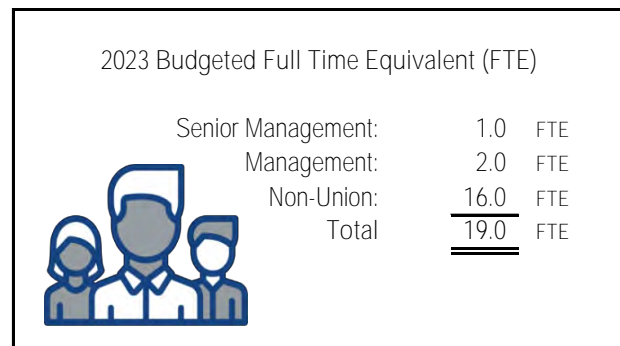
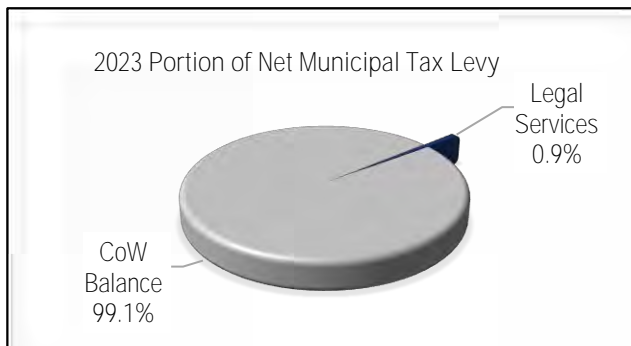
### LEGAL SERVICES

#### DEPARTMENTAL OVERVIEW

The Legal Department provides legal services in connection with administrative tribunal/court litigation, contracts and agreements, expropriations, labour/employment matters, real estate transactions and leases.

Financial Summary	2020	2021	2022	2023
Annual Revenue Budget	n/a	n/a	(\$311,956)	(\$319,738)
Annual Expense Budget	n/a	n/a	\$3,672,157	\$3,790,714
Annual Net Budget	n/a	n/a	\$3,360,201	\$3,470,976
Annual Net Variance	n/a	n/a	\$398,605	(\$180,000)
Variance as a % of Gross Budget	n/a	n/a	10.9%	(4.7%)

Historical amounts are not available due to realignment of departments.



#### VARIANCE SUMMARY

Description	Q1 Projection	Q2 Projection	Q3 Projection	Year-End Variance
Expenses:				
Purchased Services	n/a	(\$32,000)	(\$200,000)	
Salaries & Benefits	n/a	\$10,000	\$20,000	
<b>Net Total</b>	<b>n/a</b>	<b>(\$22,000)</b>	<b>(\$180,000)</b>	<b>\$0</b>

LEGAL & LEGISLATIVE SERVICES

LEGAL SERVICES

VARIANCE DESCRIPTION

*The total departmental year-end variance is projected to be:* (\$180,000) *Deficit*

Purchased Services: (\$200,000)

The (\$200,000) projected deficit in purchased services is related to higher than budgeted litigation & arbitration costs. These costs are hard to predict and fluctuate from year to year depending on both the number of claims and the cost of each claim.

Salaries & Benefits: \$20,000

The \$20,000 projected surplus in Real Estate Services is due to salary gapping.

MITIGATING STEPS

The Legal Department will continue to monitor variances going forward and take any reasonable steps to reduce or eliminate variances while mitigating any negative impact on service levels.

### LEGAL & LEGISLATIVE SERVICES

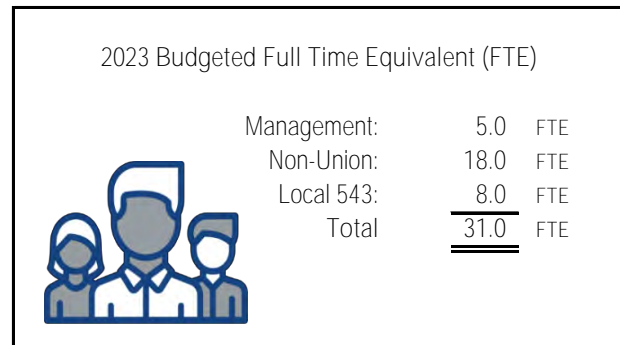
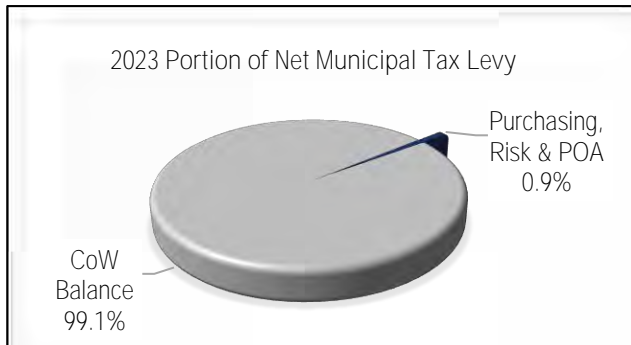
### PURCHASING, RISK & POA

#### DEPARTMENTAL OVERVIEW

Purchasing procures goods and services. Risk Management manages personal injury, property loss claims, and insurance. The Provincial Offences administrator administers POA Court and prosecutes offences.

Financial Summary	2020	2021	2022	2023
Annual Revenue Budget	n/a	n/a	(\$8,964,165)	(\$7,272,619)
Annual Expense Budget	n/a	n/a	\$12,422,984	\$10,639,956
Annual Net Budget	n/a	n/a	\$3,458,819	\$3,367,337
Annual Net Variance	n/a	n/a	(\$199,042)	(\$453,000)
Variance as a % of Gross Budget	n/a	n/a	(1.6%)	(4.3%)

Historical amounts are not available due to realignment of departments.



#### VARIANCE SUMMARY

Description	Q1 Projection	Q2 Projection	Q3 Projection	Year-End Variance
Revenue:				
User Fees, Permits & Charges	n/a	(\$890,000)	(\$220,000)	
Expenses:				
Salaries & Benefits	n/a	\$0	\$12,000	
Utilities, Insurance & Taxes	n/a	(\$245,000)	(\$245,000)	
<b>Net Total</b>	<b>n/a</b>	<b>(\$1,135,000)</b>	<b>(\$453,000)</b>	<b>\$0</b>

LEGAL & LEGISLATIVE SERVICES

PURCHASING, RISK & POA

VARIANCE DESCRIPTION

*The total departmental year-end variance is projected to be:* (\$453,000)      Deficit

User Fees, Permits & Charges: (\$220,000)

This (\$220,000) projected deficit in revenue is due to a reduction in revenue in the Provincial Offences department. A large portion of this projected reduction in revenue can be attributed to less court time due to dwindling Judicial resources. Over the last few years court time has significantly decreased due to a lack of Judicial resources to preside in court leading to a decrease in the volume of matters heard in a year. This causes delays in the conviction of offences and the payment of the fines. In 2023, Judicial Resources continue to decrease and court time has been reduced by 30% compared to 2019 levels.

Salaries & Benefits: \$12,000

The Purchasing division is projected to have a \$12,000 surplus due to salary gapping.

Utilities, Insurance and Taxes: (\$245,000)

The (\$245,000) projected deficit in Risk and Insurance is due to the Insurance Premium. The budget variance in insurance costs can be attributed to two main factors. Firstly, the premium for property insurance saw a slight increase due to adjustments made for inflation and higher coverage limits. Additionally, properties with special exposures were separated from the blanket market, resulting in higher coverage costs. Secondly, the City incurred higher expenses than anticipated for Cyber insurance coverage. Although annual recoveries are completed, the Risk department absorbs any deficit if the insurance premium is higher than expected.

MITIGATING STEPS

POA and Risk will continue to monitor variances going forward and take any reasonable steps to reduce or eliminate variances while mitigating any negative impact on service levels.

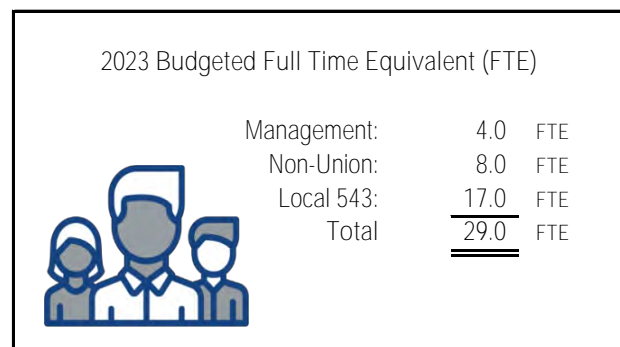
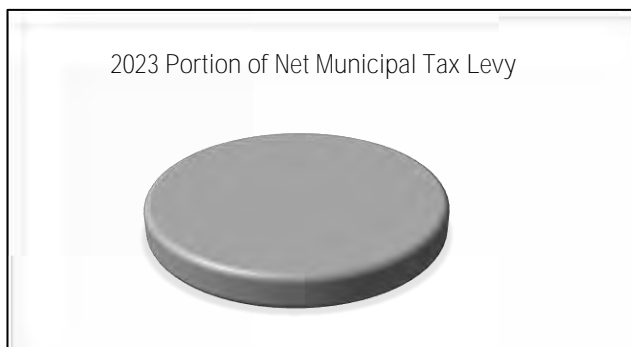
### COMMUNITY SERVICES

### COMMUNICATIONS

#### DEPARTMENTAL OVERVIEW

The Communications Department is the primary point of contact for communication and customer service, internally and externally including the 211/311 Contact Centre, for the City of Windsor.

Financial Summary	2020	2021	2022	2023
Annual Revenue Budget	(\$722,783)	(\$722,465)	(\$715,502)	(\$718,928)
Annual Expense Budget	\$3,826,234	\$3,914,452	\$4,058,175	\$4,264,283
Annual Net Budget	\$3,103,451	\$3,191,987	\$3,342,673	\$3,545,355
Annual Net Variance		(\$68,774)	(\$112,141)	\$50,000
Variance as a % of Gross Budget			(2.9%)	1.2%



#### VARIANCE SUMMARY

Description	Q1 Projection	Q2 Projection	Q3 Projection	Year-End Variance
Revenue:				
Grants & Subsidies	n/a	\$15,000	\$30,000	
Expenses:				
Salaries & Benefits	n/a	\$25,000	\$20,000	
Other Miscellaneous Expenditures	n/a	(\$1,000)	\$0	
<b>Net Total</b>	<b>n/a</b>	<b>\$39,000</b>	<b>\$50,000</b>	<b>\$0</b>

COMMUNITY SERVICES

COMMUNICATIONS

VARIANCE DESCRIPTION

*The total departmental year-end variance is projected to be:* \$50,000      Surplus

Grants & Subsidies: \$30,000

A surplus of \$30,000 is projected from 211 variable RSP Funding at the end of the year. The variance is due to a change in contracted funding to be received for the remainder of 2023 and an increase in variable funding.

Salaries & Benefits: \$20,000

Communications is projecting an overall salary surplus of \$20,000 at the end of 2023. This variance is attributed to vacancies in the positions in the Customer Contact Centre. The surplus is partially offset by the deficit variance from part time staff working more hours to cover the vacant positions.

### COMMUNITY SERVICES

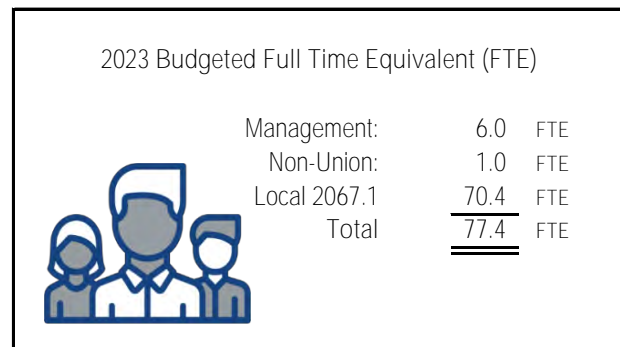
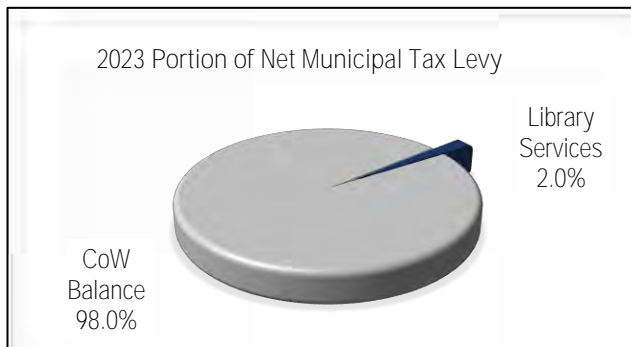
### LIBRARY SERVICES

#### DEPARTMENTAL OVERVIEW

The Windsor Public Library consists of 10 library branches of varying sizes that provide a physical space where people can gather, attend programs, gain access to the internet and access the libraries' collections.

Financial Summary	2020	2021	2022	2023
Annual Revenue Budget	(\$1,071,621)	(\$1,032,621)	(\$964,895)	(\$961,195)
Annual Expense Budget	\$9,276,250	\$9,302,368	\$9,284,880	\$9,210,381
Annual Net Budget	\$8,204,629	\$8,269,747	\$8,319,985	\$8,249,186
* Annual Net Variance	\$658,270	\$799,040	\$461,895	\$176,000 *
Variance as a % of Gross Budget	7.1%	8.6%	5.0%	1.9%

\* As per the Library Act, the Windsor Public Library's annual surplus is transferred to their reserve.



#### VARIANCE SUMMARY

Description	Q1 Projection	Q2 Projection	Q3 Projection	Year-End Variance
Revenue:				
User Fees, Permits & Charges	n/a	(\$100,000)	(\$95,000)	
Expenses:				
Salaries & Benefits	n/a	\$560,000	\$148,000	
Transfers to Reserves & Capital Funds	n/a	(\$510,000)	(\$176,000)	
Other Miscellaneous Expenditures	n/a	\$50,000	\$123,000	
<b>Net Total</b>	<b>n/a</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>



## COMMUNITY SERVICES

## LIBRARY SERVICES

## VARIANCE DESCRIPTION

*The total departmental year-end variance is projected to be:* \$0

User Fees, Permits & Charges- Revenue: (\$95,000)

WPL is anticipating a (\$95,000) deficit in lost User fees due to reduced revenue earned in the user fees and fees & service charges. Fees revenue sources include fines for books and other resources returned late, room rentals, public copier and personal computer usage, and other equipment and service fees. The Windsor Public Library Board has approved the elimination of late fines as of August 2023.

Salaries & Benefits: \$148,000

The Windsor Public Library is projecting a \$148,000 Salary and Benefits surplus for the year ending 2023. Similar to prior years, salary and wage costs for the employees of WPL are below budget due to the historical surplus from the move from 850 Ouellette to the Paul Martin Building. The Central location was able to operate with fewer staff however the budget was not adjusted in anticipation of a new Central branch being built and the requirement to call back additional staff. Vacancies in the permanent staff establishment, gapping and unpaid leaves of absences also contributed to the surplus. The timing of the new bookmobile delivery caused hiring of the driver positions to be delayed. Also, with the retirement of employees in various positions, recruitment has not yet been completed to fill the positions. Gapping in other roles within WPL are also a contributing factor to the overall Salary and Benefits Surplus. Although WPL is still projecting a year end positive variance in Salaries and Benefits, the surplus has been significantly reduced due to some salary overlapping

Transfers to Reserves & Capital Funds: (\$176,000)

It should be noted that the WPL's financial position at the end of each fiscal year is not included with all other City departments to calculate the final City surplus/deficit. Although the WPL's financial statements are consolidated with the City's, the WPL, as per the Public Libraries Act, is a stand alone entity with its own audited financial statements, which include an accumulated surplus or deficit. Although the City provides the WPL with operational support consistent with other departments, the overall surplus or deficit is reported within the financial results of the WPL and is not reported in the overall position of the City at year end, however, it is being provided here for information purposes.

Other Miscellaneous Expenditures: \$123,000

A surplus of approximately \$123,000 of miscellaneous expenses is projected for year end 2023 for WPL. The majority of this surplus is contributed to reduced costs in the fees and services expense account which partially offsets the reduced revenue from the recently eliminated late fees. Also, a transfer from the WPL reserves to provide funding for a new Van anticipated to be delivered in October, which was previously approved by the WPL Board will also contribute to this projected surplus.

COMMUNITY SERVICES

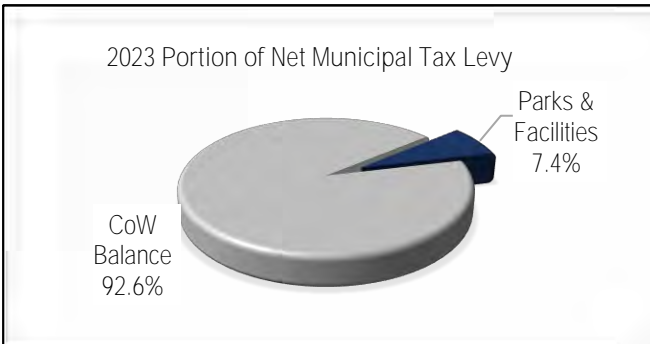
PARKS & FACILITIES

DEPARTMENTAL OVERVIEW


*Parks is responsible for 205 parks, with over 2,500 acres of parkland, 175 km of hard surface trails, 300,000 sqft of horticultural beds, 2300 self watering planters, and 90,000 City owned trees within the urban forest, the Ojibway Nature Centre and the most species diverse parks in Canada. Also responsible for designing and creating unique park experiences and supporting numerous special events.*

*Facilities provides building maintenance and operations, caretaking, security, planning, building construction & renovations, project management, lease administration, and asset management. Committed to supporting the corporation and community by providing safe, clean, well-maintained facilities in a responsive and effective manner.*

Financial Summary	2020	2021	2022	2023
Annual Revenue Budget	(\$13,513,046)	(\$11,523,724)	(\$9,267,862)	(\$9,812,747)
Annual Expense Budget	\$41,450,753	\$40,045,445	\$36,841,100	\$39,883,357
Annual Net Budget	\$27,937,707	\$28,521,721	\$27,573,238	\$30,070,610
Annual Net Variance	\$240,604	\$37,321	(\$326,853)	(\$379,000)
Variance as a % of Gross Budget	0.6%	0.1%	(0.9%)	(1.0%)



2023 Budgeted Full Time Equivalent (FTE)



Senior Management:	1.0	FTE
Management:	27.0	FTE
Non-Union:	8.0	FTE
Local 543:	54.1	FTE
Local 82:	108.4	FTE
<b>Total</b>	<b>198.5</b>	<b>FTE</b>

COMMUNITY SERVICES

PARKS & FACILITIES

VARIANCE SUMMARY

Description	Q1 Projection	Q2 Projection	Q3 Projection	Year-End Variance
<b>PARKS</b>				
Revenue:				
Grants & Subsidies	n/a	\$0	\$218,000	
Expenses:				
Minor Capital	n/a	\$0	(\$32,000)	
Operating & Maintenance Supplies	n/a	(\$95,000)	\$0	
Purchased Services	n/a	(\$73,000)	(\$186,000)	
Salaries & Benefits	n/a	\$0	(\$349,000)	
<b>TOTAL PARKS</b>	n/a	(\$168,000)	(\$349,000)	\$0
<b>FACILITIES</b>				
Revenue:				
Recovery of Expenditures	n/a	\$27,000	\$12,000	
Expenses:				
Operating & Maintenance Supplies	n/a	(\$50,000)	(\$39,000)	
Purchased Services	n/a	(\$106,000)	(\$93,000)	
Salaries & Benefits	n/a	\$104,000	\$90,000	
Other Miscellaneous Expenditures	n/a	(\$11,000)	\$0	
<b>TOTAL FACILITIES</b>	n/a	(\$36,000)	(\$30,000)	\$0
<b>Net Total</b>	n/a	(\$204,000)	(\$379,000)	\$0

VARIANCE DESCRIPTION

The total departmental year-end variance is projected to be: (\$379,000) Deficit

**PARKS**

Grants & Subsidies: \$218,000

The Canada Summer Jobs program provides funding for expenditures related to student employment and offset the Parks Department temporary staffing expenditures. A grant application is submitted every year in early fall based on forecasted eligible costs and student placements. Since it varies every year and is subject to change, the grant funding is not budgeted. For 2023, the grant funding is expected to be \$218,000 based upon forecasts of student employment in Parks.

**COMMUNITY SERVICES****PARKS & FACILITIES**Minor Capital & Purchased Services: (\$218,000)

As a result of current inflationary trends and market fluctuations in the costs of infrastructure and construction materials there is expected to be budget variance of (\$217,863) deficit. Parks administration will continue to monitor the continued escalation in prices of supplies and materials used in the parkland maintenance and attempt to mitigate costs in order to maintain current service levels and reduce the budget variances where possible for the remainder of the year.

Salaries & Benefits (\$349,000)

The temporary salary costs have increased over budget as a result of staffing resources that were required for TFT workers. The deficit of (\$580,000) was a result of the requirement to maintain service levels and perform work and bridge the salary gapping from full time vacant positions as highlighted previously. The additional costs related to student employment is expected to be partially offset by the Canada Summer Job program grant funding detailed earlier in this report.

There are labour savings that are expected to yield a surplus of \$231,000 in the year from the staff attrition and the delay in the recruitment for vacant positions in the Parks Operations and Forestry divisions. As a result there have been savings from staff retirements, leave of absences, long term disabilities and employees transitioning to other departments that have not yet been replaced.

**MITIGATING STEPS**

Parks will continue to monitor variances experienced within this fiscal year and take any reasonable steps to reduce or eliminate variances while mitigating any negative impact on service levels going forward.

**FACILITIES**Recovery of Expenditures: \$12,000

Facilities Division is estimating a surplus of approximately \$12,000 for internal cost recoveries related to work completed and charged back to other departments.

Operating & Maintenance Supplies: (\$39,000)

Facilities is estimating a deficit of (\$39,000) in Operating and Maintenance Supplies as at December 31, 2023. The year-to-date costs for vandalism repairs have already exceeded the approved budget and is double the annual operating budget as at the end of Q3. Based on the trend of increasing vandalism in the past year, the deficit is expected to continue to grow for the remaining year. Prior to the summer season, various outdoor pools were repainted. This is not a routine maintenance done annually and the costs were not budgeted. In addition, higher grade of HVAC filters have been used since the pandemic. These increased costs are likely to contribute to a deficit variance at the end of the year and have been attempted to be mitigated where possible.

Purchased Services: (\$93,000)

Facilities is projecting a year end deficit variance of (\$93,000) in Purchased Services at the end of 2023. Facilities incurred contracted services expenses that were beyond regular preventative maintenance that was absorbed within the Operating Budget. For external contracted services, inflationary costs are also projected to have a negative impact with the rising costs from suppliers experienced in 2023 expected to continue throughout the year..

Salaries & Benefits: \$90,000

A number of budgeted positions have been vacant since the beginning of the year, including Caretakers, Operating Engineer and Facility person due to retirement or transfer. The vacant positions are actively being recruited.

**MITIGATING STEPS**

Facilities Operations Department will continue to monitor variances going forward and take any reasonable steps to reduce or eliminate variances while mitigating any negative impact on service levels.

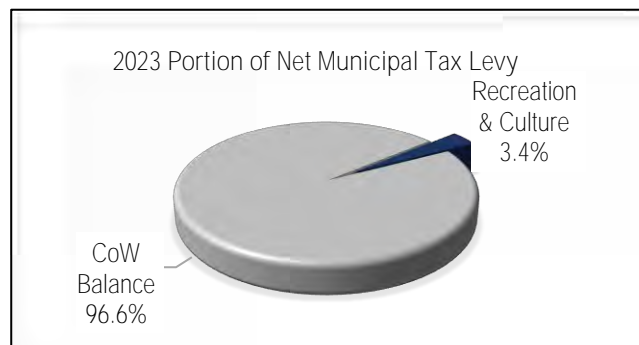
### COMMUNITY SERVICES

### RECREATION & CULTURE


#### DEPARTMENTAL OVERVIEW

Recreation services builds vibrant, healthy, active and connected communities by providing facilities (arenas, pools, community centres) and programs that allow residents to participate in recreational activities. The Culture division provides programs, events and services that express the City's cultural identity, celebrates traditions and improves the quality of life for Windsor residents.

Financial Summary	2020	2021	2022	2023
Annual Revenue Budget	(\$12,014,378)	(\$11,949,514)	(\$12,161,940)	(\$12,763,081)
Annual Expense Budget	\$25,364,844	\$24,992,464	\$25,738,985	\$26,551,319
Annual Net Budget	\$13,350,466	\$13,042,950	\$13,577,045	\$13,788,238
Annual Net Variance	(\$1,362,395)	(\$157,936)	\$3,133	(\$500,000)
Variance as a % of Gross Budget	(5.4%)	(0.6%)	0.0%	(1.9%)



2023 Budgeted Full Time Equivalent (FTE)



Management:	21.0	FTE
Non-Union:	10.0	FTE
Local 543:	35.7	FTE
Local 82:	20.5	FTE
<b>Total</b>	<b>87.2</b>	<b>FTE</b>

#### VARIANCE SUMMARY

Description	Q1 Projection	Q2 Projection	Q3 Projection	Year-End Variance
Revenue:				
User Fees, Permits & Charges	n/a	(\$2,400,000)	(\$1,300,000)	
Expenses:				
Purchased Services	n/a	(\$200,000)	\$0	
Operating & Maintenance Supplies	n/a	\$0	\$143,000	
Salaries & Benefits	n/a	\$1,200,000	\$657,000	
<b>Net Total</b>	<b>n/a</b>	<b>(\$1,400,000)</b>	<b>(\$500,000)</b>	<b>\$0</b>

## COMMUNITY SERVICES

## RECREATION &amp; CULTURE

## VARIANCE DESCRIPTION

*The total departmental year-end variance is projected to be:* (\$500,000) Deficit

User Fees, Permits & Charges: (\$1,300,000)

The department is projecting revenue losses of (\$1,300,000) in membership, drop-in admissions, program registration, rental, commissions, and retail sales of goods & services at recreation facilities in 2023. Recovery since the end of the pandemic has been slower than anticipated, with participants continuing to show hesitation towards returning to some programming, and continued reduction in hours such as at Adventure Bay, which is a result of a continued aquatic staff shortage. This has impacted both drop in and membership sales.

Operating & Maintenance Supplies: \$143,000

The reduced projection in membership and programming sales leads to a lower required expenditure for the program supplies and other expenses relating to running the programs. The savings in the program supplies of \$143,000 offsets the reduced revenues in Recreation and Culture.

Salaries & Benefits: \$657,000

Recreation and Culture is projecting a surplus of \$657,000 in salary and wages caused by vacant positions and a decrease of hourly wages expenses due to reduced operating hours. Recreation and Culture continues to face challenges from the impacts COVID-19, experiencing staff shortages in aquatic and program staff roles which are contributing factors in the delay of implementing full programming at all Recreation and Culture facilities. Adventure Bay is operating at reduced hours since the post pandemic reopening. Salary savings are not proportional to the loss of revenues as Provincial regulations mandate minimum staffing requirements and/or supervisory ratios which are required regardless of the number of participants.

## MITIGATING STEPS

The department will monitor variances throughout 2023 and take any reasonable steps to reduce or eliminate variances while mitigating any negative impact on service levels.

### COMMUNITY SERVICES

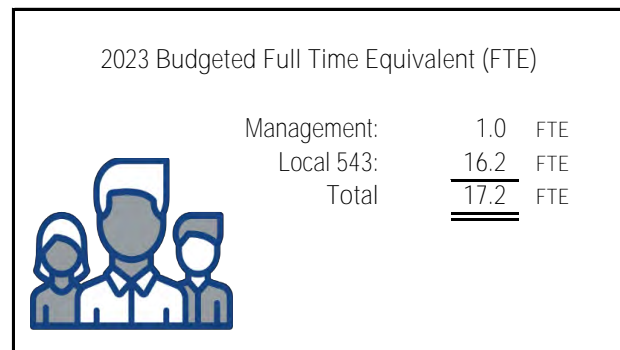
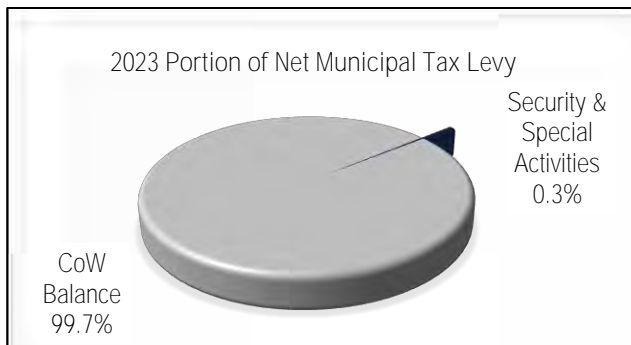
### SECURITY & SPECIAL ACTIVITIES

#### DEPARTMENTAL OVERVIEW

The Security and Special Activities Unit exists to provide facilities management services to the City Hall Square campus and proactive and reactive security measures to the Corporation at large working synergistically with existing agencies, departments and tenants.

Financial Summary	2020	2021	2022	2023
Annual Revenue Budget	n/a	n/a	(\$2,515,286)	(\$2,670,764)
Annual Expense Budget	n/a	n/a	\$3,701,829	\$3,883,870
Annual Net Budget	n/a	n/a	\$1,186,543	\$1,213,106
Annual Net Variance	n/a	n/a	\$343,282	\$0
Variance as a % of Gross Budget	n/a	n/a	9.3%	0.0%

Historical amounts are not available due to creation of department in 2022.



#### VARIANCE SUMMARY

Description	Q1 Projection	Q2 Projection	Q3 Projection	Year-End Variance
Revenue:				
Recovery of Expenditures	n/a	\$29,000	\$38,000	
Expenses:				
Operating & Maintenance Supplies	n/a	(\$40,000)	(\$14,000)	
Purchased Services	n/a	(\$163,000)	(\$126,000)	
Salaries & Benefits	n/a	\$174,000	\$102,000	
<b>Net Total</b>	n/a	\$0	\$0	\$0

COMMUNITY SERVICES

SECURITY & SPECIAL ACTIVITIES

VARIANCE DESCRIPTION

*The total departmental year-end variance is projected to be:* \$0

The Security, Special Activities, City Hall Campus (SAC) Department  
The SAC Department is expecting to report \$0 variance as at December 31, 2023

Recovery of Expenditures: \$38,000

SAC Department is forecasting a surplus of \$29,000 in cost recoveries at the end of 2023. Since the start of the pandemic, SAC been providing COVID enhanced cleaning for the Federal tenant at 400 CHS, and receiving additional monthly revenues for the extra services provided. As of September 30, 2023, the tenant has terminated the enhanced cleaning service which has been accounted for in the projection. In addition to the extra revenues received from enhanced cleaning service, SAC is receiving additional rental revenues that were not budgeted from the new tenants, Tourism Windsor Essex Pelee Island (TWEPI) and Employment & Social Services, however, most of the revenues will be used to offset increased maintenance costs and repay the capital costs incurred during renovations.

Operating & Maintenance Supplies: (\$14,000)

SAC Department is estimating a deficit of (\$14,000) at the end of 2023. Since establishment of SAC Division in 2022, the department added Security function to the scope of the department, in addition to the existing responsibility of facility management in the City Hall Square Campus. In the past year there are increasing incidences of street crimes and vandalism in the City Hall Campus and other City properties that call for a need of more security monitoring. Since the beginning of the year, SAC has installed new security cameras in various areas that require added monitoring, and replaced existing cameras that were no longer functioning that is required to be absorbed in the operating budget.

Purchased Services: (\$126,000)

SAC Department is projecting a deficit of (\$126,000) in Maintenance Services. Since the beginning of 2023, the department has added new spaces to its maintenance portfolio that did not exist prior to this year. TWEPI has temporarily located in the City Hall headquarter until the new location on 98 Chatham office became available. Also two vacant spaces at 185 CHS South are currently under renovation for the new occupants, Employment and Social Services and Fire Prevention departments are beginning to occupy space in 2023. While the renovations are funded by the lease revenue and capital funding, having new tenants will increase maintenance and caretaking responsibility of the department. Any incremental costs not recovered from these new occupants will be a variance at the end of the year. Furthermore, an emergency service agreement was established with Paladin following the bankruptcy proceeding of the existing security service provider, Neptune Security Services. The new agreement results a higher security service cost for SAC.

Salaries & Benefits: \$102,000

SAC Department has a number of vacant regular full time and regular part time positions that the department is actively trying to fill. The total salary gapping savings in the department is expected to be \$102,000.



**INFRASTRUCTURE SERVICES**

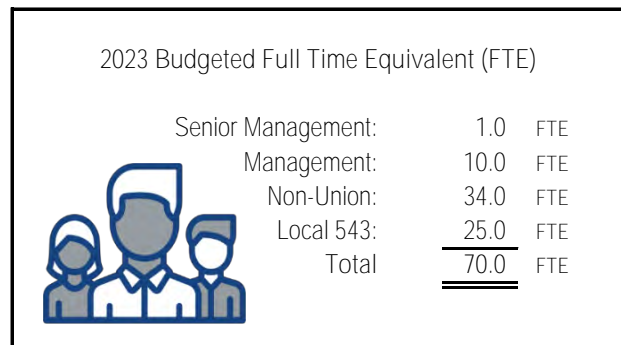
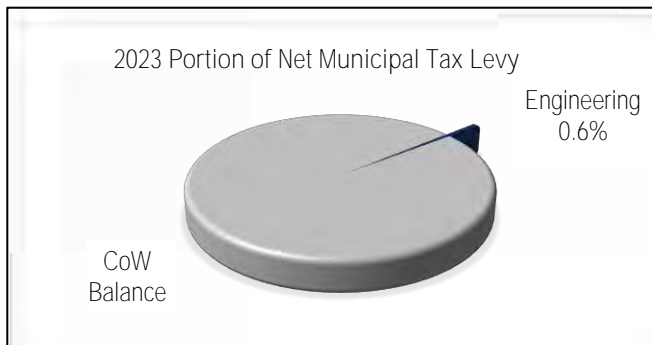
**ENGINEERING**

DEPARTMENTAL OVERVIEW

Engineering is responsible for; project management of municipal infrastructure projects, new buildings and non-building projects; development services; right-of-way permits; GIS system, and CAD services.

Financial Summary	2020	2021	2022	2023
Annual Revenue Budget	n/a	n/a	(\$5,338,928)	(\$6,597,807)
Annual Expense Budget	n/a	n/a	\$7,913,993	\$9,443,767
Annual Net Budget	n/a	n/a	\$2,575,065	\$2,845,960
Annual Net Variance	n/a	n/a	(\$243,858)	\$152,000
Variance as a % of Gross Budget	n/a	n/a	(3.1%)	1.6%

Historical amounts are not available due to realignment of departments.



VARIANCE SUMMARY

Description	Q1 Projection	Q2 Projection	Q3 Projection	Year-End Variance
<b>Revenue:</b>				
Recovery of Expenditures	n/a	\$101,000	\$74,000	
User Fees, Permits & Charges	n/a	(\$142,000)	\$173,000	
Other Miscellaneous Revenue	n/a	(\$4,000)	(\$15,000)	
<b>Expenses:</b>				
Financial Expenses	n/a	(\$35,000)	(\$45,000)	
Minor Capital	n/a	(\$1,000)	(\$46,000)	
Salaries & Benefits	n/a	\$17,000	\$20,000	
Other Miscellaneous Expenditures	n/a	(\$2,000)	(\$9,000)	
<b>Net Total</b>	<b>n/a</b>	<b>(\$66,000)</b>	<b>\$152,000</b>	<b>\$0</b>

## INFRASTRUCTURE SERVICES

## ENGINEERING

## VARIANCE DESCRIPTION

*The total departmental year-end variance is projected to be:* \$152,000      Surplus

Recovery of Expenditures: \$74,000

The department is reporting an anticipated net surplus of \$74,000 in Recovery of Expenditures. This is mainly due to an increase in recoveries from capital projects. This anticipated surplus is offset against additional expenses within salaries and benefits in that area.

User Fees, Permits & Charges: \$173,000

User Fees, Permits & Charges are expected to result in a surplus of approximately \$173,000 by the end of 2023. This is a combination of the following variances:

- a) Expected deficit of (\$195,000) in Right of Way, caused by Sidewalk Cafe Fees being waived for 2023, as well as a decrease in the number of utility permits issued.
- b) Expected surplus of \$368,000 due to an increase in GIS User Fees received in the Geomatics area. This increase is largely attributable to the increases in construction.

Other Miscellaneous Revenue: (\$15,000)

Other Miscellaneous Revenue is anticipated to be in a deficit of (\$15,000) by year end. This is largely due to the decreased demand for the products previously contributing to the Other General Revenue account in Geomatics. Many of these products are now available on the City website at no charge.

Financial Expenses: (\$45,000)

There is a deficit of (\$45,000) anticipated in bank charges. This is a continuing trend caused by the increased use of credit cards for payments made to Right of Way.

Minor Capital: (\$46,000)

The projected deficit of (\$46,000) in the Minor Capital category is largely attributable to increased Computer Software expense in Geomatics.

Salaries & Benefits: \$20,000

The department is reporting an anticipated net surplus of \$20,000 in Salaries and Benefits mainly due to a number of position vacancies throughout the Engineering Division.

Other Miscellaneous Expenditures: (\$9,000)

There is an expected deficit of (\$9,000) in Other Miscellaneous Expenditures caused by increased Membership Fees & Dues and anticipated spending in Training Courses and Conference Registration by the end of the year.

**INFRASTRUCTURE SERVICES**

**POLLUTION CONTROL**

DEPARTMENTAL OVERVIEW

*Pollution Control manages and oversees 49 pumping stations, 2 wastewater treatment plants (treatment of wastewater from Windsor and surrounding municipalities) & the biosolid processing facility.*


Financial Summary	2020	2021	2022	2023
Annual Revenue Budget	n/a	n/a	(\$21,337,790)	(\$24,120,651)
Annual Expense Budget	n/a	n/a	\$21,337,790	\$24,120,651
Annual Net Budget	n/a	n/a	\$0	\$0
Annual Net Variance	n/a	n/a	n/a	n/a
Variance as a % of Gross Budget	n/a	n/a	n/a	n/a

*Historical amounts are not available due to realignment of departments.*

**2023 Portion of Net Municipal Levy**

n/a

2023 Budgeted Full Time Equivalent (FTE)



Management:	9.0	FTE
Non-Union:	3.0	FTE
Local 543:	8.7	FTE
Local 82:	45.0	FTE
Total	<u>65.7</u>	FTE

VARIANCE DESCRIPTION

The Pollution Control Department does not have a municipal levy component within their budget and therefore, no variance is projected for municipal levy purposes.

Refer to the Sewer Surcharge submission for details related to the Pollution Control variance.

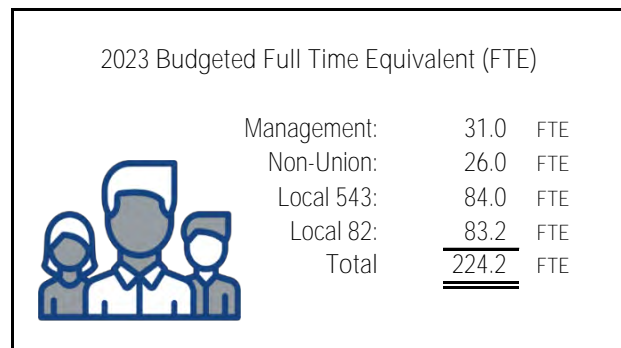
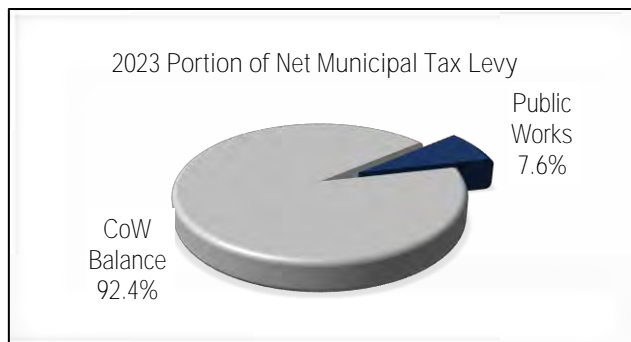
### INFRASTRUCTURE SERVICES

### PUBLIC WORKS

#### DEPARTMENTAL OVERVIEW

The Roads and Infrastructure Services area provides a variety of services related to the planning, design, construction, operation and maintenance of roadways, sanitary and storm sewers, traffic control (signals & signs) and the City's fleet of vehicles. Services also include the City's street lighting, municipal parking and seasonal maintenance including snow clearing. Environmental Services ensures that all residential and municipal waste, recyclables and yard waste are collected in a manner consistent with current standards, Council approved service levels, and environmental requirements.

Financial Summary	2020	2021	2022	2023
Annual Revenue Budget	(\$30,629,406)	(\$27,330,228)	(\$29,641,435)	(\$32,474,213)
Annual Expense Budget	\$59,855,262	\$56,609,038	\$58,680,331	\$64,764,224
Annual Net Budget	\$29,225,856	\$29,278,810	\$29,038,896	\$32,290,011
Annual Net Variance	(\$1,407,608)	(\$2,606,219)	(\$2,935,920)	\$900,000
Variance as a % of Gross Budget	(2.4%)	(4.6%)	(5.0%)	1.4%



#### VARIANCE SUMMARY

Description	Q1 Projection	Q2 Projection	Q3 Projection	Year-End Variance
Revenue:				
Recovery of Expenditures	n/a	(\$500,000)	(\$665,000)	
User Fees, Permits & Charges	n/a	(\$400,000)	(\$450,000)	
Expenses:				
Operating & Maintenance Supplies	n/a	(\$250,000)	(\$370,000)	
Purchased Services	n/a	\$1,050,000	\$1,020,000	
Salaries & Benefits	n/a	\$1,050,000	\$1,365,000	
<b>Net Total</b>	n/a	<b>\$950,000</b>	<b>\$900,000</b>	<b>\$0</b>

**INFRASTRUCTURE SERVICES**

**PUBLIC WORKS**

VARIANCE DESCRIPTION

*The total departmental year-end variance is projected to be:* \$900,000      Surplus

Recovery of Expenditures: (\$665,000)

A total deficit of (\$665,000) is estimated for 2023 related to reduced recovery revenue in the Field Services Division due to several staff vacancies.

User Fees, Permits & Charges: (\$450,000)

A deficit of (\$450,000) is projected for 2023 related to reduced parking ticket revenue. Parking ticket issuance continues to be below pre-COVID issuance levels at a rate of approximately (7.5%) as of August 31, 2023. In addition, there has been expected lost revenue due to delays implementing the 2023 approved increases for both safety related parking infractions and the administrative penalty fee, both implemented in May-June 2023.

Operating & Maintenance Supplies: (\$370,000)

A deficit of approximately (\$370,000) is anticipated for 2023 related to fuel pricing. The year to date average fuel pricing for January through August 2023 is 34% higher for all fuel types than the set budget, and at this time, prices are not expected to decrease.

Purchased Services: \$1,020,000

A surplus of approximately \$1,020,000 is possible for 2023 related to purchased services for the winter control service, Parking Enforcement, streetlight maintenance, and recycle collection. Should Windsor experience average winter conditions in the latter part of the year, a surplus of approximately \$1,000,000 may be realized for 2023. Based on statistics available for January through April, 2023, Windsor experienced a reduction of 38% in the number of days requiring salt, a reduction of 50% in the number of residential roll-outs, and a reduction of 40% in the number of winter control driving hours on main routes over the prior year, 2022, January through April. The final 2023 variance is dependent upon actual winter conditions and resulting service in the final quarter. In addition, a surplus of approximately \$175,000 is expected related to Parking Enforcement based on service savings experienced due to contractor staff vacancies; a deficit of approximately (\$90,000) is expected related to services for streetlight maintenance based on average costs for January through July 2023 experienced; and a deficit of (\$65,000) is expected as a result of timing issues related to the 2023 actual contract adjustments for CPI and fuel vs the budgeted adjustments calculated in the fall of 2022.

Salaries & Benefits: \$1,365,000

A projected overall surplus of approximately \$1,365,000 is estimated for 2023 related to salary and wage for all staff in Public Works. The projected surplus is the net total of the surpluses and deficits expected related to salary and wage gapping due to a number of vacancies across the department resulting from retirements and staff appointments into new positions offset with the hiring of extra staff to accommodate heavy work load situations where required.

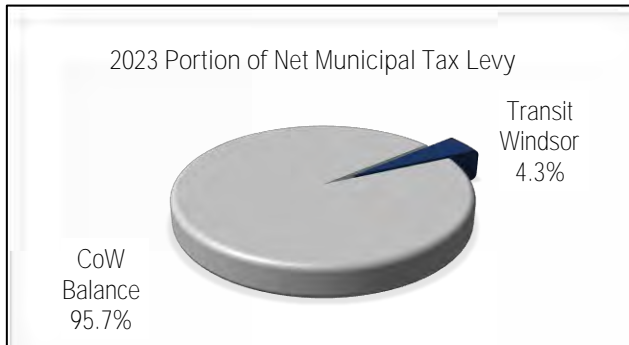
### INFRASTRUCTURE SERVICES

### TRANSIT WINDSOR


#### DEPARTMENTAL OVERVIEW

Transit Services provides residents of and visitors to the City with a variety of transit options that allow for mobility throughout the City for various purposes (employment, school, health care, shopping, etc.).

Financial Summary	2020	2021	2022	2023
Annual Revenue Budget	(\$21,175,090)	(\$21,264,650)	(\$22,896,391)	(\$24,776,135)
Annual Expense Budget	\$36,294,433	\$36,851,094	\$39,317,934	\$42,357,601
Annual Net Budget	\$15,119,343	\$15,586,444	\$16,421,543	\$17,581,466
Annual Net Variance	\$658,202	\$792,839	(\$1,048,416)	(\$2,629,000)
Variance as a % of Gross Budget	1.8%	2.2%	(2.7%)	(6.2%)



2023 Budgeted Full Time Equivalent (FTE)



Management:	15.0	FTE
Non-Union:	17.0	FTE
Hourly	262.0	FTE
<b>Total</b>	<b>294.0</b>	<b>FTE</b>

#### VARIANCE SUMMARY

Description	Q1	Q2	Q3	Year-End
Revenue:				
User Fees, Permits & Charges	n/a	(\$1,489,000)	(\$3,366,000)	
Expenses:				
Operating & Maintenance Supplies	n/a	\$185,000	\$249,000	
Purchased Services	n/a	\$22,000	\$35,000	
Salaries & Benefits	n/a	\$256,000	\$478,000	
Minor Capital	n/a	\$0	(\$25,000)	
<b>Net Total</b>	<b>n/a</b>	<b>(\$1,026,000)</b>	<b>(\$2,629,000)</b>	<b>\$0</b>

**INFRASTRUCTURE SERVICES**

**TRANSIT WINDSOR**

VARIANCE DESCRIPTION

*The total departmental year-end variance is projected to be:* (\$2,629,000)      Deficit

User Fees, Permits & Charges: (\$3,366,000)

Transit is projecting a net deficit of (\$3,366,000) under this category. It comprises of the following:

Transit Revenue: (\$3,416,500)

Transit Windsor is projecting a deficit of (\$3,416,500) for Transit Revenue. Transit has resumed full service operations, including Tunnel and Special Events. Although overall ridership is exceeding pre-pandemic levels, Transit has continued to experience lower ridership rates in non-student categories; hence, the fares collected are reduced from expected levels. The overall ridership in the non-student category is approximately 33% lower than budget. At the time of the Q2 variance projection, administration estimated the reduction in non-student revenue to be in the range of 10%. Based on ridership information obtained in subsequent months, the revenue projection has been further revised to reflect the lower than anticipated non-student ridership through the first three quarters of the year. This reduction in non-student fare revenue is attributable to several factors. A slow return to regular ridership post-pandemic, which other Ontario municipalities have also been experiencing. This could be due to riders finding other options to commute post-pandemic, a greater number of work from home options for employees, and an increase in student ridership resulting in lower capacity for non-student riders. Transit Windsor has continued to see a sharp rise in student ridership, coinciding with the influx of international students, as well as the launch of the Saints Pass for St. Clair College in September 2022. The increased student ridership rates are anticipated to continue for the remainder of the year. Although these increases have helped reduce the overall projected revenue deficit slightly and is factored in the overall calculations, they are not substantial enough to offset the larger than expected revenue shortfall in the non-student fare categories.

Another factor contributing to this deficit is the implementation of the 2023 Transit Windsor Service Plan in phases. Route 418X (representing approx. 45% of the approved service hours and budget) was launched on June 26, 2023. The remainder of the service changes, as approved in the 2023 Operating budget will not launch until early 2024 at the earliest, thereby impacting the projected revenue. The projected revenue loss due to delayed implementation is estimated at (\$742,000). This revenue shortfall due to the service delay also results in expenditure savings of approximately \$1.2 million in accounts such as fuel, salary & maintenance, as identified in the respective explanations below.

Another reason for revenue shortfall is the approved User Fee increase in the budget which was effective July 1.

**INFRASTRUCTURE SERVICES**

**TRANSIT WINDSOR**

Operating & Maintenance Supplies: \$249,000

Transit is projecting a surplus of \$248,600 in this category and it comprises of the following expenses:

Motor Fuels: \$150,400:

A projected surplus of approximately \$150,400 related to fuel is expected for 2023. This surplus can be mainly attributed to lower than budgeted consumption in the 2023 operating budget. Offsetting these savings is higher than anticipated fuel pricing for the year to date.

Vehicle Maintenance and Parts: \$73,700:

The vehicle maintenance and parts accounts are projected to have a year-end surplus of \$73,700. This can be attributed mainly to the additional budget approved in 2023 Operating budget for the 2023 Transit Windsor Service Plan. Due to a later than normal budget approval, Transit will not be able to implement the new routes until later in the year hence resulting in savings in this account.

Facility Operations- Labor Internal: \$24,500:

Due to lower than anticipated needs for caretaking and general facility maintenance charges until August, the department is projecting a surplus of \$24,500. As new service will be implemented later in the year, this variance may be impacted as the year progresses.

Purchased Service: \$35,000

The Advertising expense account is projected to have a year-end surplus of \$35,100. Due to the delayed resumption (May 26, 2023) of Special Events service, the advertising budget had not been used in the early part of 2023. It is expected that a return to historical levels of service will result in typical usage rates for the remainder of the year.

Salaries & Benefits: \$478,000

Transit Windsor is projecting a surplus of \$478,300 in overall Salaries and Wages for 2023. This surplus is attributable due to gapping for new positions approved in the 2023 operating budget. The other factor for these savings is attributable to other vacant position filled by new/temporary staff who are hired at lower steps than the budgeted levels.

The salary surplus is offset by additional wages paid (estimated at \$1.2M) due to the new legislation which was passed in December 2022, which mandates 10 sick days to be paid to federally regulated employers.

Minor Capital:(\$25,000)

Transit is forecasting a deficit of \$25,000 under this category. This is attributable to increase in computer expenses. Transit Windsor currently has a budget for computer supplies which funds the expenses related to computer licenses, supplies, software licenses etc. Over the years, new software has been purchased for fleet maintenance and additional licenses have been purchased without an increase to the budget.

**MITIGATING STEPS**

Transit Windsor has been working to provide quality transit service to customers and increase ridership to pre-pandemic levels. Transit will continue to monitor accounts that are expected to incur deficits and mitigate through a decrease in spending in other accounts that will allow for fewer expenses to be incurred during the year.



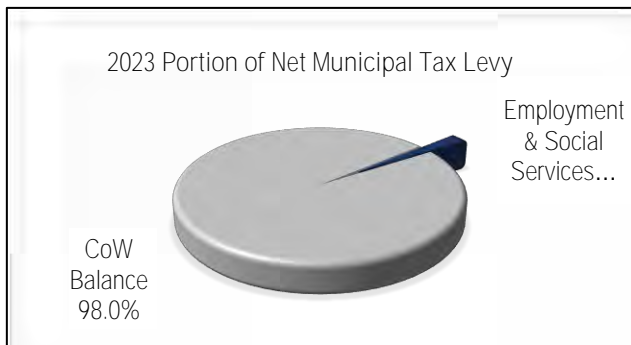
### HUMAN & HEALTH SERVICES

### EMPLOYMENT & SOCIAL SERVICES


#### DEPARTMENTAL OVERVIEW

Employment & Social Services provides basic financial, social and employment assistance for individuals who are in temporary financial need in Windsor, Essex County and Pelee Island.

Financial Summary	2020	2021	2022	2023
Annual Revenue Budget	(\$108,882,445)	(\$108,913,554)	(\$93,448,255)	(\$115,187,574)
Annual Expense Budget	\$116,969,007	\$116,559,418	\$101,037,567	\$123,194,263
Annual Net Budget	\$8,086,562	\$7,645,864	\$7,589,312	\$8,006,689
Annual Net Variance	\$1,673,697	\$1,568,805	\$1,267,504	\$403,000
Variance as a % of Gross Budget	1.4%	1.3%	1.3%	0.3%



2023 Budgeted Full Time Equivalent (FTE)



Senior Management:	1.0	FTE
Management:	20.0	FTE
Non-Union	6.0	FTE
Local 543	192.0	FTE
<b>Total</b>	<b>219.0</b>	<b>FTE</b>

#### VARIANCE SUMMARY

Description	Q1 Projection	Q2 Projection	Q3 Projection	Year-End Variance
<b>Revenue:</b>				
Grants & Subsidies	n/a	\$4,834,000	\$6,506,000	
Recovery of Expenditures	n/a	(\$336,000)	(\$363,000)	
Other Miscellaneous Revenue	n/a	\$9,000	\$8,000	
<b>Expenses:</b>				
Financial Expenses	n/a	(\$17,000)	(\$10,000)	
Minor Capital	n/a	(\$29,000)	(\$1,000)	
Operating & Maintenance Supplies	n/a	\$22,000	(\$19,000)	
Purchased Services	n/a	(\$2,953,000)	(\$2,977,000)	
Salaries & Benefits	n/a	\$933,000	\$1,079,000	
Transfers for Social Services	n/a	(\$2,068,000)	(\$3,802,000)	
Other Miscellaneous Expenditures	n/a	(\$44,000)	(\$18,000)	
<b>Net Total</b>	<b>n/a</b>	<b>\$351,000</b>	<b>\$403,000</b>	<b>\$0</b>

**HUMAN & HEALTH SERVICES**

**EMPLOYMENT & SOCIAL SERVICES**

VARIANCE DESCRIPTION

*The total departmental year-end variance is projected to be:* \$403,000      Surplus

Human & Health Services Office - \$24,000

The Human & Health Services Office is projected to end the year with a \$24,000 net City surplus mainly due to gapping.

Ontario Works (OW) Program Delivery - \$381,000

Ontario Works Program Delivery is primarily funded by the Province and County. The City's share of budgeted OW Program Delivery expenses equates roughly to 26.2 % of the gross cost. The following variances are summarized in terms of the City's share of the gross. Ontario Works Program Delivery is projected to end the year with a net City surplus of \$381,000 comprised of the following:

Staffing costs are projected to be lower than budget by \$489,000 mainly as a result of gapping. OW Caseload sizes levels have been increasing since the beginning of the year and the service needs of clients have been changing, as well. This has increased the Employment Related Expenses (employment supports, bus passes, and related stability supports) and is expected to lead to a (\$241,000) net City deficit. The surplus of \$133,000 in other miscellaneous accounts, such as Office Supply and Contracted Services, is due to implementing more efficient and cost-saving business processes.

Other Employment Services - \$0

Other Employment Services, which include all programs funded by Ministry of Labour, Immigration, Training and Skills Development, are projected to be on budget.

100% Municipal Assistance and OW Financial Assistance - \$(2,000)

100% Municipal Assistance is projected to end the year with a net City deficit of \$(2,000) as a result of discretionary benefit costs being higher than expected and OW Financial Assistance programs are projected to be on budget.

*Note: Due to the nature of the operations for Employment & Social Services, the variance descriptions are expressed by programs instead of major accounts.*

**HUMAN & HEALTH SERVICES**

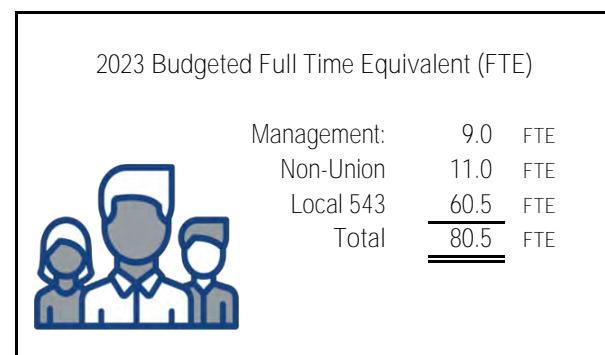
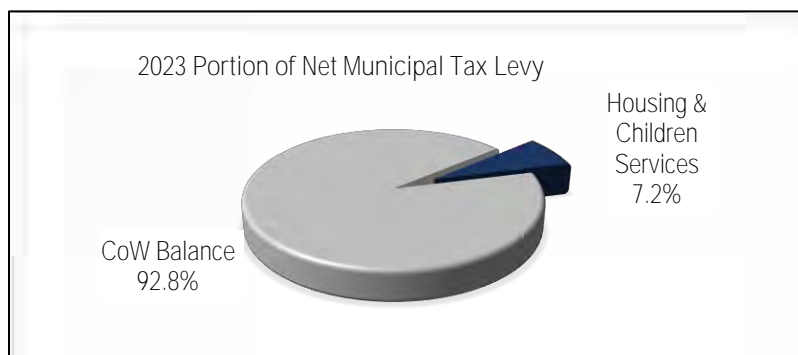
**HOUSING & CHILDREN SERVICES**

DEPARTMENTAL OVERVIEW

Social Housing administers program requirements and funding for 7,800 units including over 34 social housing providers in Windsor and Essex County. The division administers various programs related to homelessness and works with residents in Emergency Shelters and Housing with Supports Homes to ensure basic needs are met and provides assistance with transition back into the community.

The City of Windsor is the Consolidated Municipal Service Manager (CMSM) for Children's Services in Windsor and Essex County. CMSMs are the designated child care and early years service system managers responsible for planning and managing licensed child care services and EarlyON Child and Family Centres in their communities.

Financial Summary	2020	2021	2022	2023
Annual Revenue Budget	(\$97,404,344)	(\$91,607,808)	(\$101,618,222)	(\$137,496,215)
Annual Expense Budget	\$121,172,301	\$116,465,816	\$129,200,728	\$166,764,770
Annual Net Budget	\$23,767,957	\$24,858,008	\$27,582,506	\$29,268,555
Annual Net Variance	\$1,664,625	\$43,423	(\$1,406,961)	(\$661,000)
Variance as a % of Gross Budget	1.4%	0.0%	(1.1%)	(0.4%)



VARIANCE SUMMARY

Description	Q1 Projection	Q2 Projection	Q3 Projection	Year-End Variance
Revenue:				
Grants & Subsidies	n/a	\$5,548,000	\$4,614,000	
Recovery of Expenditures	n/a	(\$38,000)	\$1,567,000	
Transfers from Other Funds	n/a	\$545,000	\$545,000	
Expenses:				
Minor Capital	n/a	(\$16,000)	(\$17,000)	
Operating & Maintenance Supplies	n/a	\$5,000	\$7,000	
Purchased Services	n/a	\$699,000	\$824,000	
Salaries & Benefits	n/a	\$356,000	\$333,000	
Transfers for Social Services	n/a	(\$6,744,000)	(\$8,390,000)	
Utilities, Insurance & Taxes	n/a	\$7,000	\$7,000	
Other Miscellaneous Expenditures	n/a	(\$61,000)	(\$151,000)	
<b>Net Total</b>	<b>n/a</b>	<b>\$301,000</b>	<b>(\$661,000)</b>	<b>\$0</b>

HUMAN & HEALTH SERVICES

HOUSING & CHILDREN SERVICES

VARIANCE DESCRIPTION

*The total departmental year-end variance is projected to be:* (\$661,000) Deficit

As detailed below, a combined year-end City deficit of (\$661,000) is projected for Housing and Children's Services and Windsor Essex Community Housing Corporation (CHC).

Housing Services and CHC is projecting a net city deficit of (\$770,000).

A projected net City deficit of (\$361,000) is expected due to increased Non-Profit Housing subsidy cost in 2023, as well as from the reconciliation of service provider fiscal year-end reports. Offsetting this deficit is a projected net city surplus of \$142,000 in Rapid Housing Initiative (RHI) operating funding as a result of the delay in the completion of the projects. In addition a net City Surplus of \$301,000 is projected for the Windsor Essex Housing Benefit (WEHB) program. Also, a net city surplus of \$92,000 is being projected due to higher than budgeted County revenue and a projected Administration surplus of \$34,000 due to staff gapping.

CHC is also projecting a net city subsidy deficit of (\$1,569,000). This deficit is primarily the result of unit restoration costs and increased costs for insurance premiums and insurance loss events; offset by subsidy savings realized due to social housing mortgage maturities.

At Q3 these above deficits are expected to be offset by a one time \$591,000 Net City surplus (Gross \$921,000) from River Park Non-Profit related to a prior year expenditure recovery that was not accrued.

The Homelessness Prevention Plan (HPP)/Reaching Home budgets is not projecting a variance.

Emergency Preparedness is projecting a \$34,000 City surplus as a result an accrued prior year expense being realized at a lower amount. In addition, the savings was offset by an unbudgeted salary rate increase.

**Children's Services** is projecting a \$75,000 City surplus. The Child Care program anticipates operating within the Province's Municipal contribution requirement. The EarlyON program is not projecting a variance at this time.

Pathway to Potential (P2P) is not projecting a variance at this time.

MITIGATING STEPS

Housing Services is continuing to work closely with CHC to identify and mitigate the current deficit. The majority of the deficit is due to the turnover of existing units. CHC cannot predict, who will leave CHC units. However, with a current waitlist of over 7,500 applicants in need of housing, CHC has very limited means to fully reduce or control this deficit.

*Note: Due to the nature of the operations for Housing & Children Services, the variance descriptions are expressed by programs instead of major accounts.*

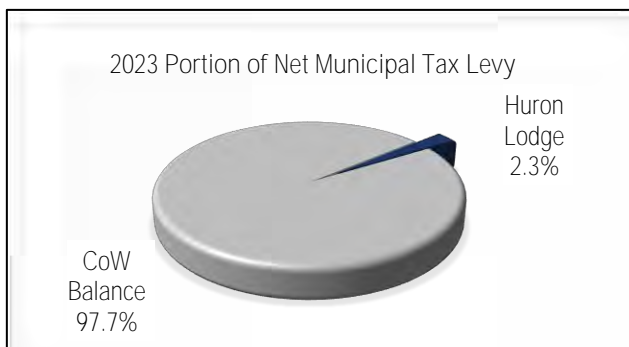
### HUMAN & HEALTH SERVICES

### HURON LODGE


#### DEPARTMENTAL OVERVIEW

Huron Lodge is a long-term care facility committed to providing compassionate, quality care in a home-like setting for those who require 24-hour nursing and personal care.

Financial Summary	2020	2021	2022	2023
Annual Revenue Budget	(\$16,950,506)	(\$18,004,118)	(\$18,059,248)	(\$22,410,512)
Annual Expense Budget	\$24,747,809	\$26,132,683	\$26,521,327	\$31,984,347
Annual Net Budget	\$7,797,303	\$8,128,565	\$8,462,079	\$9,573,835
Annual Net Variance	\$1,033,330	\$522,202	\$1,060,768	\$1,100,000
Variance as a % of Gross Budget	4.2%	2.0%	4.0%	3.4%



2023 Budgeted Full Time Equivalent (FTE)



Management:	9.0	FTE
Non-Union	7.0	FTE
ONA:	26.0	FTE
Local 543	204.2	FTE
<b>Total</b>	<b>246.2</b>	<b>FTE</b>

#### VARIANCE SUMMARY

Description	Q1 Projection	Q2 Projection	Q3 Projection	Year-End Variance
<b>Revenue:</b>				
Grants & Subsidies	n/a	\$780,000	\$1,130,000	
User Fees, Permits & Charges	n/a	\$0	\$70,000	
<b>Expenses:</b>				
Minor Capital	n/a	(\$185,000)	(\$275,000)	
Operating & Maintenance Supplies	n/a	(\$180,000)	(\$260,000)	
Purchased Services	n/a	(\$220,000)	(\$365,000)	
Salaries & Benefits	n/a	\$750,000	\$840,000	
Other Miscellaneous Expenditures	n/a	\$0	(\$40,000)	
<b>Net Total</b>	<b>n/a</b>	<b>\$945,000</b>	<b>\$1,100,000</b>	<b>\$0</b>

**HUMAN & HEALTH SERVICES**

**HURON LODGE**

VARIANCE DESCRIPTION

*The total departmental year-end variance is projected to be:* \$1,100,000      Surplus

Grants & Subsidies: \$1,130,000

Huron Lodge is projecting to end the year with a estimated surplus in the Ministry of Long-Term Care (MLTC) funding account due to one-time provincial funding programs such as COVID-19 Funding for \$490,000, Minor Capital Funding, \$90,000, Medication Safety Funding, \$90,000, Infection Prevention and Control for Staff & Training, \$210,000. The corresponding deficits are explained below for Minor Capital, Operating & Maintenance Supplies, and Purchased Services. An increase in annualized funding to assist with inflationary pressures adds \$250,000 to the surplus.

User Fees, Permits & Charges: \$70,000

On July 1, 2023 the Ministry of Long-Term Care raised the accommodation rates for residents. With the current occupancy trends, Huron Lodge expects to see a surplus of \$70,000 in this account at December 31, 2023.

Minor Capital: (\$275,000)

The MLTC is providing one-time funding streams for minor capital. Eligible expenditures for building equipment and technology to aide in clinical documentation are fully funded and amount to approximately (\$180,000) while other nursing equipment purchased for direct care is expected to add an estimated (\$95,000) to the deficit.

Operating & Maintenance Supplies: (\$260,000):

Additional spending for PPE and chemicals in the first due to outbreak total approximately (\$40,000) which is offset by COVID-19 Funding. The remainder of the negative variance (\$220,000) is attributed to the unstable prices in all areas of the operations including paper products in nursing dietary and administration areas. The additional annualized funding increases of \$250,000 for inflation offset this negative variance.

Purchased Services: (\$365,000):

This projected deficit is primarily due to additional caretaking and security services (\$300,000) at Huron Lodge of which the MLTC provided COVID-19 funding to offset the additional costs. Additionally, Huron Lodge continued some additional infection control shifts beyond the COVID-19 funding period with the caretaking provider to continue enhanced cleaning protocols as the home is experiencing more than average outbreak occurrences.

Salaries and Benefits: \$840,000

Huron Lodge is expecting a surplus in salary accounts of approximately \$840,000 The department is working with Human Resources and Finance departments to fill the positions necessary to meet the MLTC targets and adjust the budget accordingly as approved by S172/2021 CR35/2022 CAO297/2023.

Other Miscellaneous Expenditure: (\$40,000):

This projected deficit is primarily due membership fees and professional dues. Due to several years of incremental annual increases in these fees, the department will adjust the budget line within the overall existing budget to mitigate this variance in the future.

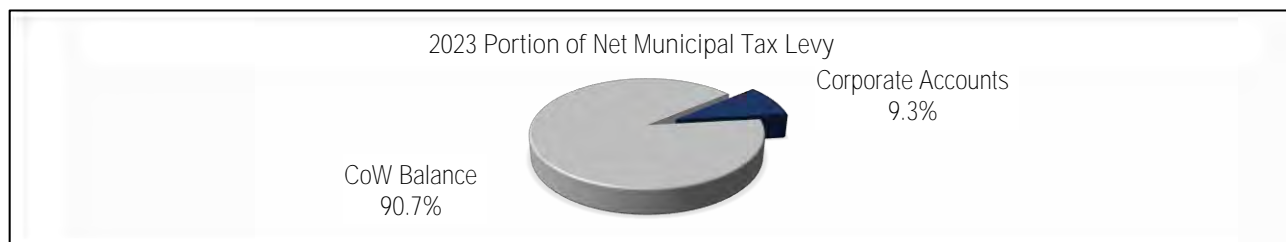
### CORPORATE

### CORPORATE ACCOUNTS

#### DEPARTMENTAL OVERVIEW

The Corporate Accounts encompass a number of financial revenue and expense accounts which are not directly attributable to specific departments of the Corporation. The budgets contained in this section relate to expenditures incurred or revenues generated that impact on the Corporation as a whole as opposed to a specific department.

Financial Summary	2020	2021	2022	2023
Annual Revenue Budget	(\$217,748,697)	(\$131,127,456)	(\$135,372,275)	(\$98,013,549)
Annual Expense Budget	\$242,097,940	\$162,129,721	\$219,926,715	\$188,467,125
Annual Net Budget	\$24,349,243	\$31,002,265	\$84,554,440	\$90,453,576
Annual Net Variance	\$3,648,165	\$2,491,934	\$5,297,210	\$1,542,000
Variance as a % of Gross Budget	1.5%	1.5%	2.4%	0.8%



#### VARIANCE SUMMARY

Description	Q1 Projection	Q2 Projection	Q3 Projection	Year-End Variance
<b>Revenue:</b>				
Investment Income & Dividends	n/a	(\$675,000)	(\$400,000)	
Recovery of Expenditures	n/a	\$0	(\$445,000)	
User Fees, Permits & Charges	n/a	\$0	\$1,388,000	
<b>Expenses:</b>				
Salaries & Benefits	n/a	\$950,000	\$950,000	
Transfers to External Agencies	n/a	\$0	(\$32,000)	
Utilities, Insurance & Taxes	n/a	(\$100,000)	\$100,000	
Other Miscellaneous Expenditures	n/a	(\$7,000)	(\$19,000)	
<b>Net Total</b>	n/a	\$168,000	\$1,542,000	\$0

CORPORATE

CORPORATE ACCOUNTS

VARIANCE DESCRIPTION

The total departmental year-end variance is projected to be: \$1,542,000 Surplus

Investment Income & Dividends: (\$400,000)

Capital Interest Income: \$1,600,000

A year-end surplus of \$1,600,000 is being projected in Capital interest Income with the vast majority due to increasing interest rates resulting from the Bank of Canada's rate increases in 2023.

YOG & Windsor-Detroit Tunnel Dividends: (\$2,000,000)

Cross border and air travel have been severely restricted during the pandemic and its recovery stage, resulting in significant revenue losses for tunnel tolls and airport operations. As the recovery period is ongoing, it is anticipated that the \$2 Million in dividends received from these entities will not be realized in 2023.

Recovery of Expenditures: (\$445,000)

Program Support Recoveries \$455,000:

A year-end surplus of \$455,000 is being projected in Program Support Recoveries due to additional program funding available within Employment & Social Services.

Convoy Cost Recoveries (\$900,000):

Administration estimated that total costs of \$6,995,406 was required to manage the emergency. Administration was informed that only 50% of the \$1,780,982 in legal costs (City and Windsor Police Services) were approved resulting in a shortfall of \$890,491. In addition, \$10,000 related to foregone transit revenue was not approved for a total variance of \$900,491.

User Fees, Permits & Charges: \$1,388,000

A year-end surplus of \$1,388,000 is being projected in Interest and Penalties on Taxes Receivable.

Salaries & Benefits: \$950,000

The Corporate Salary & Wage Provision is projected to end the year with a surplus of approximately \$950,000. This budget contains provisions for JJE, unanticipated WSIB costs, an overtime provision for eligible non-union members, and a general contingency provision. This account contains provisions and accruals for various collective agreements that have been updated to reflect expected costs for the current year.

Fringe Benefits: \$0

Although a total deficit of (\$2.3M) is being projected for all Fringe Benefit Departments, any deficits will be mitigated by a transfer from the Fringe Stabilization Reserve.

Green Shield (\$1,200,000): Based on current trends, the Green Shield account is estimated to be approximately \$1.2 million over budget. Administration will continue to monitor this account closely throughout the balance of the year.

Group Life Insurance (\$93,000): A deficit of (\$93,000) is projected for Group Life Insurance due to greater than average death claims throughout the year.

Short Term Disability (Transit Windsor) (\$58,000): A projected deficit of (\$58,000) is estimated based on a larger number and more lengthy claims in 2023.

Long Term Disability Payments (\$98,000): A projected deficit of (\$98,000) is estimated due to the unpredictability of the number of employees who are expected to be approved for LTD in a given year, the amount of their LTD benefit and the length of time they are claiming the benefit.



CORPORATE

CORPORATE ACCOUNTS

Employment Insurance (\$100,000): A projected (\$100,000) deficit is estimated due to current versus budgeted headcounts.

Canada Pension Plan (\$400,000): A projected (\$400,000) deficit is estimated due to current versus budgeted headcounts.

Employee Health Tax (\$139,000): A projected (\$139,000) deficit is estimated due to accruals recorded for unsettled contracts for the following groups:

2023 Windsor Police Service

2019-2022 Non-Union Salary Market Review

2020-2023 Fire & Rescue Services

2020-2023 Ontario Nurses Association

Sick Leave Gratuity (\$251,000): A projected (\$251,000) deficit is estimated based on actual expenses as of August 31. This account is used to capture the sick leave gratuity payout to eligible retirees, however, this budget is difficult to predict as the timing of employee retirements is often uncertain.

Transfers to External Agencies: (\$32,000)

Waiver of Fees: (\$32,000)

A year-end deficit of (\$32,000) is being projected in Waiver of Fees

Utilities, Insurance, Taxes: \$100,000

A year end Surplus of \$100,000 in being projected in Corporate Utilities.

Electricity: (\$16,000)

A year end deficit of (\$16,000) is being projected in Electricity primarily driven by consumption, offset by a lower rate than budget

Water: \$9,000

A year end surplus of \$9,000 is being projected in Domestic Water primarily driven by consumption

Natural Gas: \$108,000

A year end surplus of \$108,000 is being projected in Natural Gas primarily driven by consumption

District Energy: (\$1,000)

A year end deficit of (\$1,000) is being projected in District Energy

Other Miscellaneous Expenditures: (\$19,000)

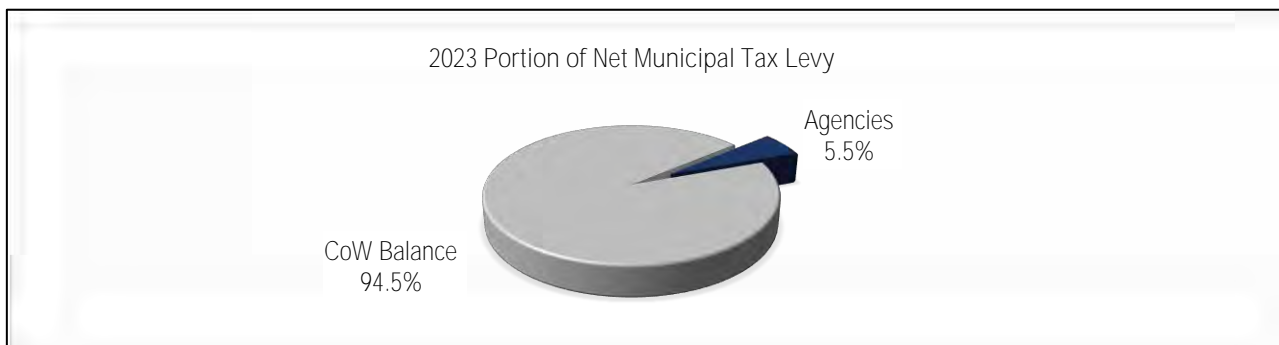
A year-end deficit of (\$19,000) is being projected in various miscellaneous items within the Corporate Accounts budget.

**AGENCIES, BOARDS & COMMITTEES**

**AGENCIES**

DEPARTMENTAL OVERVIEW

Financial Summary	2020	2021	2022	2023
Annual Revenue Budget	(\$100,598)	(\$100,598)	(\$100,598)	(\$100,598)
Annual Expense Budget	\$19,996,396	\$20,558,892	\$20,858,415	\$22,634,432
Annual Net Budget	\$19,895,798	\$20,458,294	\$20,757,817	\$22,533,834
Annual Net Variance	\$1,056,508	\$167,535	\$1,114,860	\$346,000
Variance as a % of Gross Budget	5.3%	0.8%	5.3%	1.5%



VARIANCE SUMMARY

Description	Q1 Projection	Q2 Projection	Q3 Projection	Year-End Variance
Expenses:				
Transfers to External Agencies	n/a	\$346,000	\$346,000	
Net Total	n/a	\$346,000	\$346,000	\$0

VARIANCE DESCRIPTION

The total departmental year-end variance is projected to be: \$346,000      Surplus

Transfers to External Agencies: \$346,000

EMS / Land Ambulance: \$139,000

A projected year-end surplus of \$139,000 is anticipated as this represents the City's share of the 2022 adjustment resulting from an increase in Provincial funding.

Essex Region Conservation Authority (ERCA): \$12,000

The Essex Region Conservation Authority's budget was approved subsequent to the City's budget being approved and has resulted in a \$12,000 surplus.

AGENCIES, BOARDS & COMMITTEES

AGENCIES

Windsor Essex County Health Unit: \$195,000 Surplus

A projected year-end surplus of \$195,000 is anticipated as this represents the City's share of the 2022 Mitigation Funding adjustment approved by the Ministry of Health.

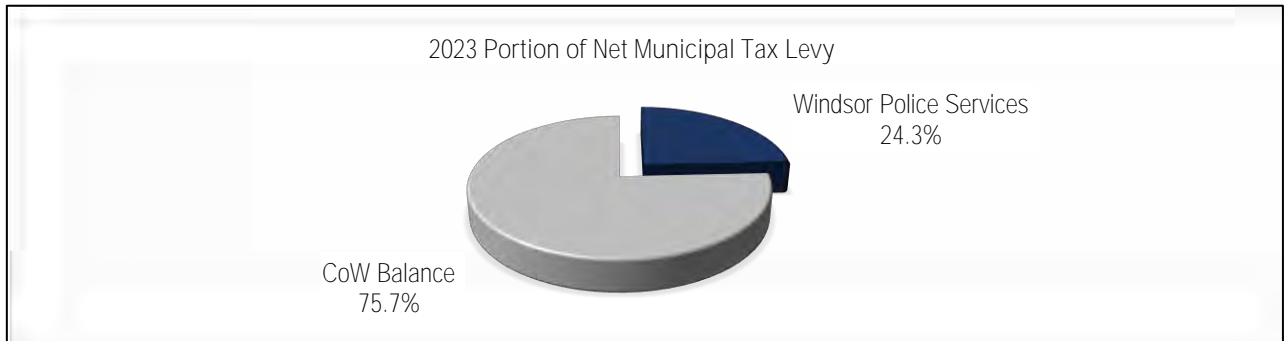
**AGENCIES, BOARDS & COMMITTEES**

**WINDSOR POLICE SERVICES**

DEPARTMENTAL OVERVIEW

The Windsor Police Service (WPS) provides crime prevention, law enforcement, assistance to victims of crime, public order maintenance and emergency response. WPS operates in accordance with principles that ensure the safety and security of all persons and property, safeguarding the fundamental rights guaranteed by the Canadian Charter of Rights and Freedoms and the Human Rights Code.

Financial Summary	2020	2021	2022	2023
Annual Revenue Budget	(\$17,364,207)	(\$17,384,673)	(\$18,042,140)	(\$18,862,655)
Annual Expense Budget	\$109,490,813	\$111,317,082	\$115,019,577	\$117,868,133
Annual Net Budget	\$92,126,606	\$93,932,409	\$96,977,437	\$99,005,478
Annual Net Variance	\$571,091	\$1,530,708	\$620,859	\$0
Variance as a % of Gross Budget	0.5%	1.4%	0.5%	0.0%



VARIANCE DESCRIPTION

The total departmental year-end variance is projected to be: \$0

**OTHER FUNDING SOURCES**

**ON-OFF STREET PARKING RESERVE**

VARIANCE SUMMARY

Description	Q1 Projection	Q2 Projection	Q3 Projection	Year-End Variance
Revenue:				
User Fees, Permits & Charges	n/a	(\$400,000)	(\$360,000)	
Expenses:				
Salaries & Benefits	n/a	\$65,000	\$100,000	
<b>Net Total</b>	n/a	<b>(\$335,000)</b>	<b>(\$260,000)</b>	<b>\$0</b>

VARIANCE DESCRIPTION

The total departmental year-end variance is projected to be: (\$260,000) Deficit

Budgeted Transfer to Reserve	Projected Transfer to Reserve	Projected Year- End Deficit
\$1,557,853	\$1,297,853	(\$260,000)

The On-Off Street Parking Division is expecting an overall net deficit of (\$260,000) for the year, which will result in a reduced transfer to the On-Off Street Parking reserve for the year. The current balance in the reserve is \$887,043 (net of encumbrances). The material causes of this expected variance are outlined below.

User Fees, Permits & Charges: (\$360,000)

A total deficit of (\$360,000) is estimated for 2023 related to reduced hourly and monthly parking revenue. This estimate is based on year to date trends in 2023 as compared to previous years both pre and post pandemic.

Salaries & Benefits: \$100,000

A projected overall surplus of approximately \$100,000 is estimated for 2023 related to salary and wage for all staff in the On-Off Street Parking Division of Public Works. The projected surplus is the net total of the surpluses and deficits expected related to salary and wage gapping due to a number of vacancies across the department resulting from retirements and staff appointments into new positions offset with the hiring of extra staff to accommodate heavy work load situations where required. Offsetting the overall salary and wage surplus is an expected deficit related to permanent gapping charges for the year.

MITIGATING STEPS

Public Works Administration monitors budgets closely and mitigates variances within the Department if feasible. Budget issue submissions will be prepared for the 2024 budget deliberations for variance items that are expected to continue beyond one-year/one-time where there is no available budget reduction to facilitate a reallocation of currently budgeted funds.

**OTHER FUNDING SOURCES**

**BUILDING PERMIT RESERVE**

VARIANCE SUMMARY

Description	Q1 Projection	Q2 Projection	Q3 Projection	Year-End Variance
Revenue:				
User Fees, Permits & Charges	n/a	\$6,500,000	\$6,014,000	
Expenses:				
Financial Expenses	n/a	\$0	(\$40,000)	
Operating & Maintenance Supplies	n/a	\$0	(\$5,000)	
Purchased Services	n/a	(\$536,000)	(\$533,000)	
Salaries & Benefits	n/a	\$990,000	\$1,127,000	
Other Miscellaneous Expenditures	n/a	\$0	(\$12,000)	
<b>Net Total</b>	n/a	\$6,954,000	\$6,551,000	\$0

VARIANCE DESCRIPTION

The total departmental Permit Services year-end variance is projected to be: \$6,551,000      Surplus

**OTHER FUNDING SOURCES**

**BUILDING PERMIT RESERVE**

User Fees, Permits & Charges: \$6,014,000

Building permit revenue at year end is expected to be in a surplus position of \$6,014,000. The surplus in permit revenue is largely due to larger building construction projects such as the Nextstar Battery plant. The battery plant is expected to generate \$6,000,000 in revenue in 2023 and \$2,000,000 in 2024.

Financial Expenses: (\$40,000)

The Building Department is expecting a deficit by year-end totaling (\$40,000) for bank charges due to an unexpected number of large dollar permits being paid for by credit cards.

Operating & Maintenance Supplies: (\$5,000)

The Building Department is expecting a deficit by year-end totaling (\$5,000) mainly due to Promotional material that was purchased for job fairs and staff as well as specific First Aid supplies that were required in order to be on the Battery Plant work site.

Purchased Services: (\$533,000)

Administration of the Building Department is expecting an operating surplus of \$7,087,000 within the Building Services portion of the budget (direct costs). However, after the allocation of indirect costs (beyond Building Services control) expected for the year totalling \$536,000, the overall transfer to the building permit reserve is anticipated to be a net surplus of \$6,551,000. The surplus transfer will go towards the Building Reserve fund that had a beginning balance of \$2,613,049. After the transfer, the Building Reserve Fund's new balance should have a surplus of \$9,164,049.

The \$536,000 deficit expected in Program Support cost is offset by a small surplus of \$3,000 in Postage expense.

Salaries & Benefits: \$1,127,000

The key reason for the staff gaping of \$1,127,000 is due to the delay in hiring of several positions in the Building Department due to new positions being created following the department's major reorganization approved during 2023 Budget (BI 2023-0069).

Other Miscellaneous Expenditures: (\$12,000)

The Building Services Department is expecting an overall miscellaneous expense deficit of (\$12,000) which is made up of ,training and travel expenses.

**OTHER FUNDING SOURCES**

**SEWER SURCHARGE RESERVE**

VARIANCE SUMMARY

Description	Q1 Projection	Q2 Projection	Q3 Projection	Year-End Variance
Revenue:				
User Fees, Permits & Charges	n/a	\$705,000	\$741,000	
Other Miscellaneous Revenue	n/a	\$0	(\$3,690,000)	
Expenses:				
Operating & Maintenance Supplies	n/a	(\$68,000)	(\$100,000)	
Purchased Services	n/a	(\$82,000)	(\$388,000)	
Salaries & Benefits	n/a	\$322,000	\$435,000	
Transfers to Reserves & Capital Funds	n/a	\$0	\$4,200,000	
Utilities, Insurance & Taxes	n/a	\$0	(\$174,000)	
<b>Net Total</b>	<b>n/a</b>	<b>\$877,000</b>	<b>\$1,024,000</b>	<b>\$0</b>

VARIANCE DESCRIPTION

The total departmental year-end variance is projected to be: \$1,024,000      Surplus

Sewer Surcharge

The City is expecting an overall surplus of approximately \$1,024,000 in Sewer Surcharge with PW Operating expecting a surplus of approximately \$270,000 (Salaries and Benefits) and Pollution Control is expecting a surplus of approximately \$754,000.

User Fees, Permits & Charges: \$741,000

The department is reporting a surplus of \$741,000 in User Fees, Permits & Charges. The majority of this surplus is from Sewage Treatment recoveries from 3rd parties. The budgets on Sewer Treatment Recoveries have not been updated for several years even though rates have been increasing. This is discussed within a budget issue requesting a revenue budget increase in the 2024 Operating Budget.

Other Miscellaneous Revenue: (\$3,690,000)

The Pollution Control department is reporting a surplus of \$510,000 for recoveries from backwash from the Windsor Utilities Commission. The budget on this recovery has not been updated for several years even though the sewer surcharge rates have been increasing. This is discussed in a budget issue requesting a revenue budget increase in the 2024 Operating Budget. Offsetting this anticipated surplus of revenue is an anticipated deficit for other Sewer Surcharge-related miscellaneous revenue of approximately (\$4,200,000) for 2023. Due to the timing of the implementation of the 2023 rates, it is anticipated that revenue will be slightly lower than budgeted. However, this is currently being offset by a surplus in Transfers to Reserves & Capital Funds as noted below. Based on current patterns, no additional loss of revenue is expected to be incurred. However, there is a risk that a change in consumption patterns could further impact revenue during the remainder of the year. Revenue and expenses will continue to be assessed and appropriate adjustments will continue to be made throughout the year.

Operating & Maintenance Supplies: (\$100,000)

A projected deficit of (\$100,000) on chemicals, fuels, and oils in LRWRP, which is about 2% over budget. A budget issue increased chemicals, fuels, and oils in 2023. Administration is proceeding with a further budget increase request in 2024 given continued inflationary pressures on these specific accounts.



**OTHER FUNDING SOURCES**

**SEWER SURCHARGE RESERVE**

Purchased Services: (\$388,000)

Contracted Services expenses paid to Synagro is projecting to a deficit of about (\$127,000). The budget was increased in 2023 for inflationary pressures. This deficit is about 9% over budget. The remaining portion of the deficit (\$261,000) is from other external professional fees. Administration is proceeding with a budget increase request in 2024 for these specific accounts.

Salaries & Benefits: \$435,000

A projected overall surplus of approximately \$270,000 in Public Works is estimated for 2023 related to salary and wage for all staff in Public Works. The projected surplus is the net total of the surpluses and deficits expected related to salary and wage gapping due to a number of vacancies across the department resulting from retirements and staff appointments into new positions offset with the hiring of extra staff to accommodate heavy work load situations, where required. Offsetting the overall salary and wage surplus is an expected deficit related to permanent gapping charges for the year. In Pollution Control, there is an expected surplus of \$165,000 related to salary and wage for all staff due to gapping and vacancies across the department.

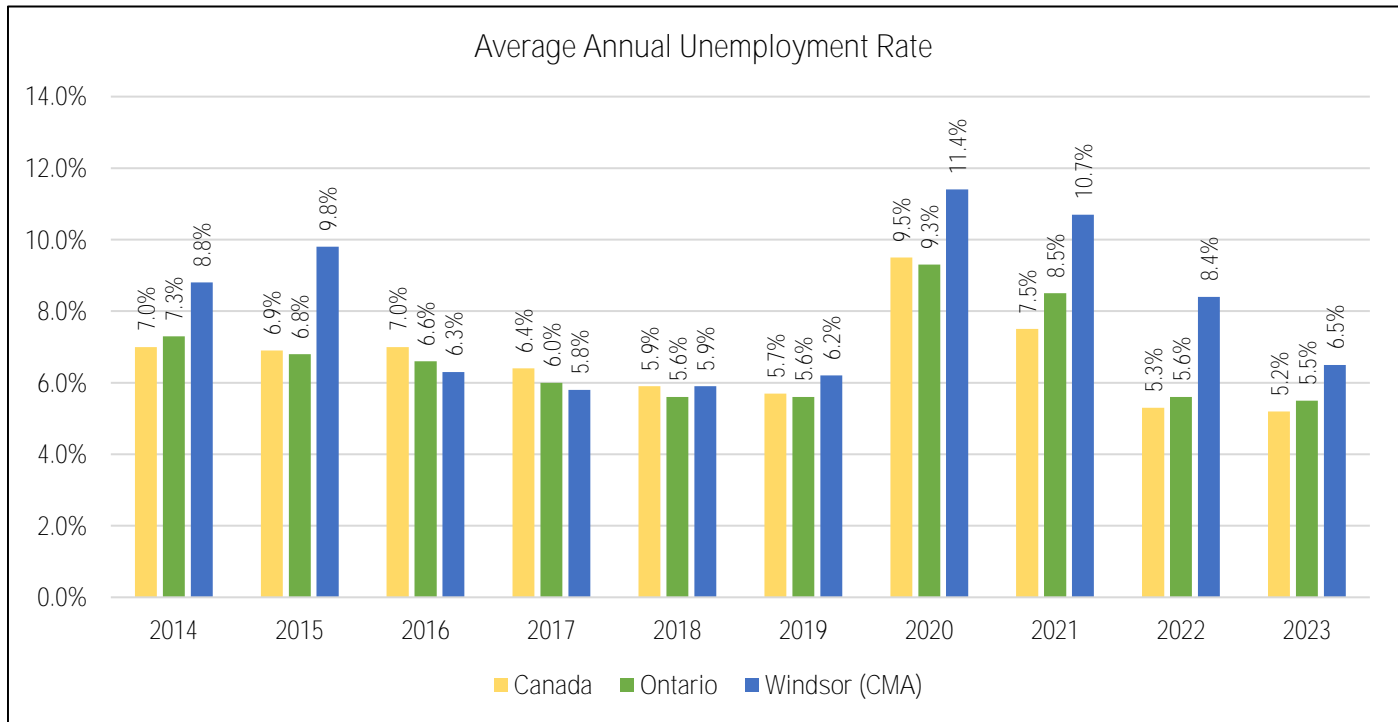
Transfers to Reserves & Capital Funds: \$4,200,000

Transfer to Capital Funds is anticipated to be in a surplus of approximately \$4,200,000, which is due to a holdback in sewer surcharge capital transfers. This is to offset the anticipated deficit of Sewer Surcharge revenue due to the timing of the implementation of the 2023 rates as noted above. As noted above, based on current patterns, no additional loss of revenue is expected to be incurred. However, there is a risk that a change in consumption patterns could further impact revenue during the remainder of the year. Revenue and expenses will continue to be assessed and appropriate adjustments will continue to be made throughout the year.

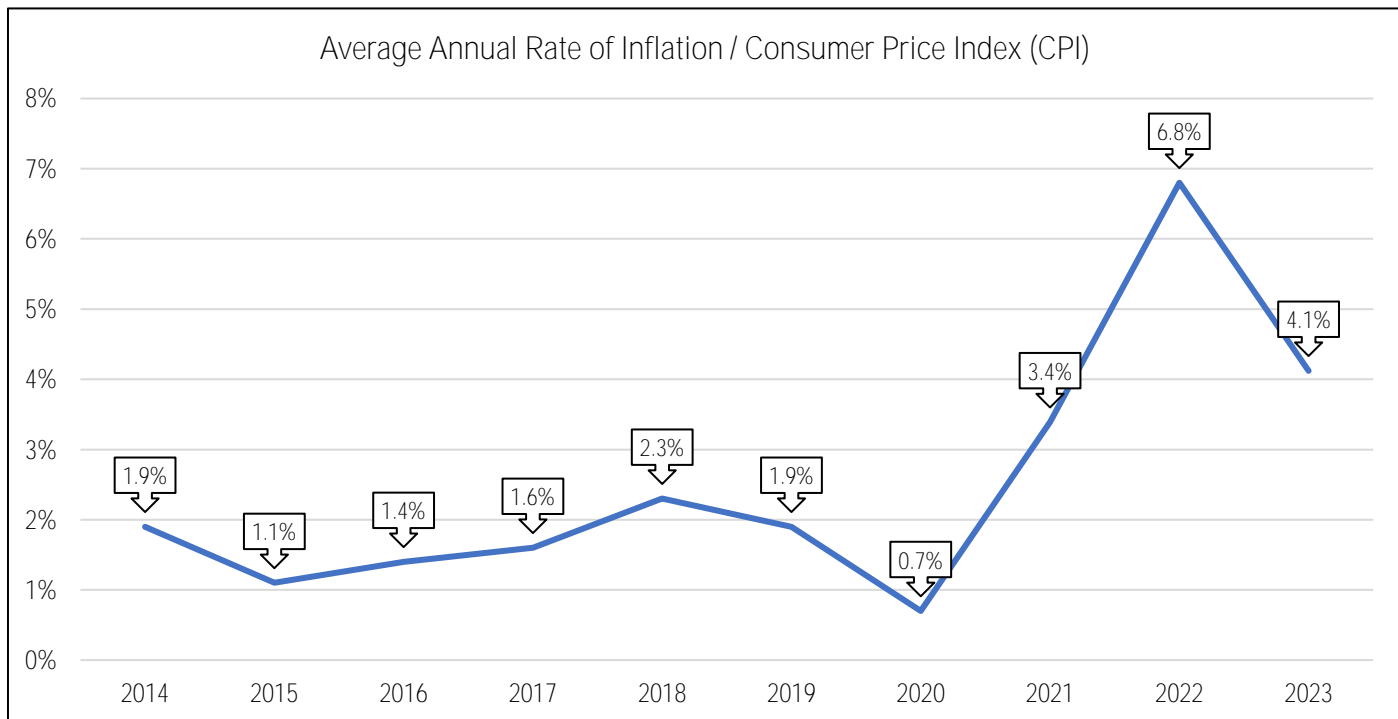
Utilities, Insurance & Taxes: (\$174,000)

Utilities is projecting to a year-end deficit of (\$174,000). This is a significant change from Q2 projections, which projected a utilities deficit of (\$883,000). This is due to decreased consumption in Gas and a flat rate change in Hydro. The estimate was provided by Corporate Finance. Utilities in Pollution Control are expected to be increased corporately in 2024.

ECONOMIC STATISTICS

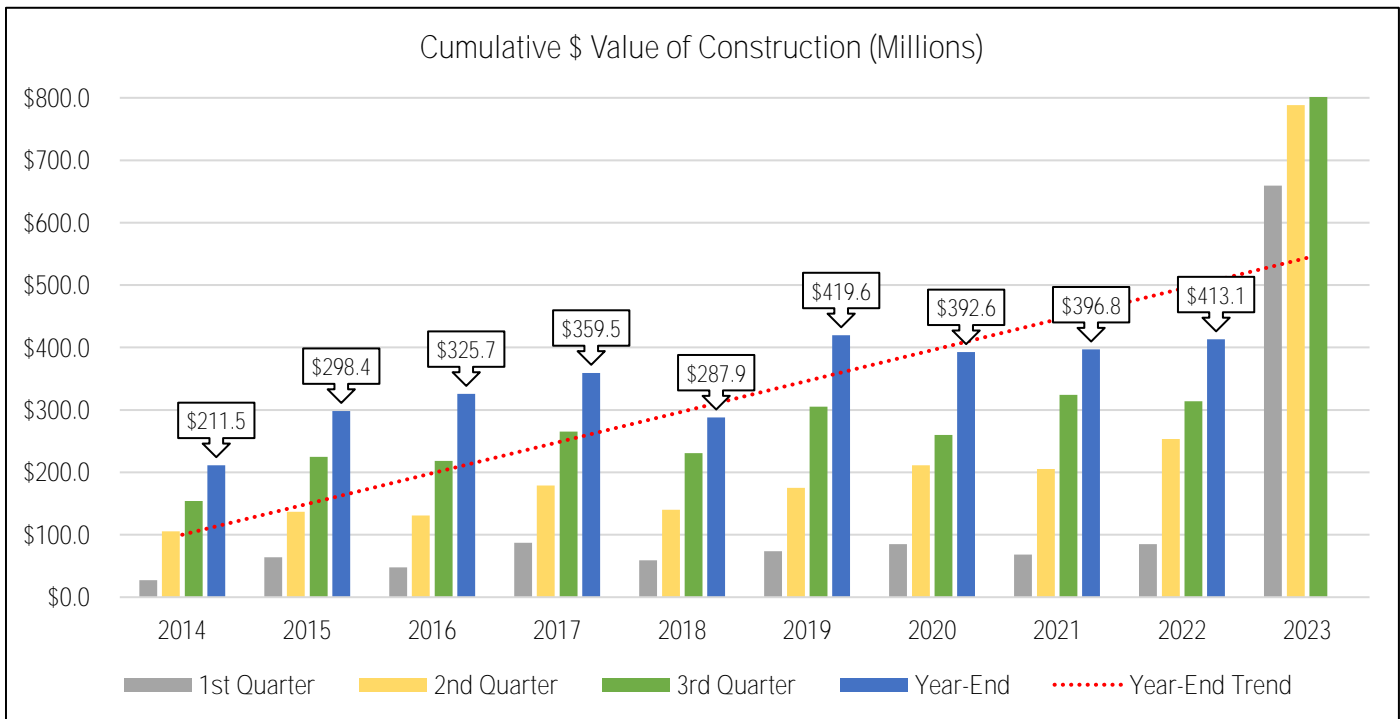
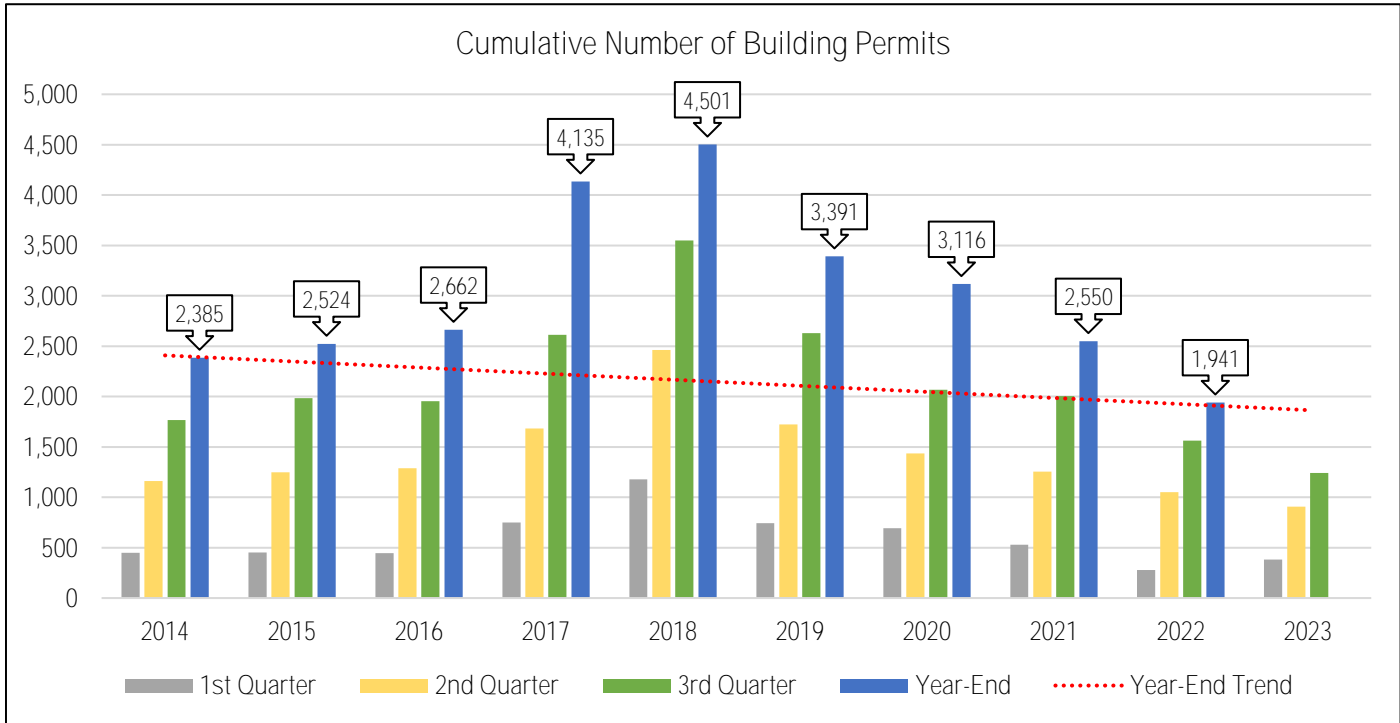


Source: Statistics Canada (3-Month Moving Average, Unadjusted)

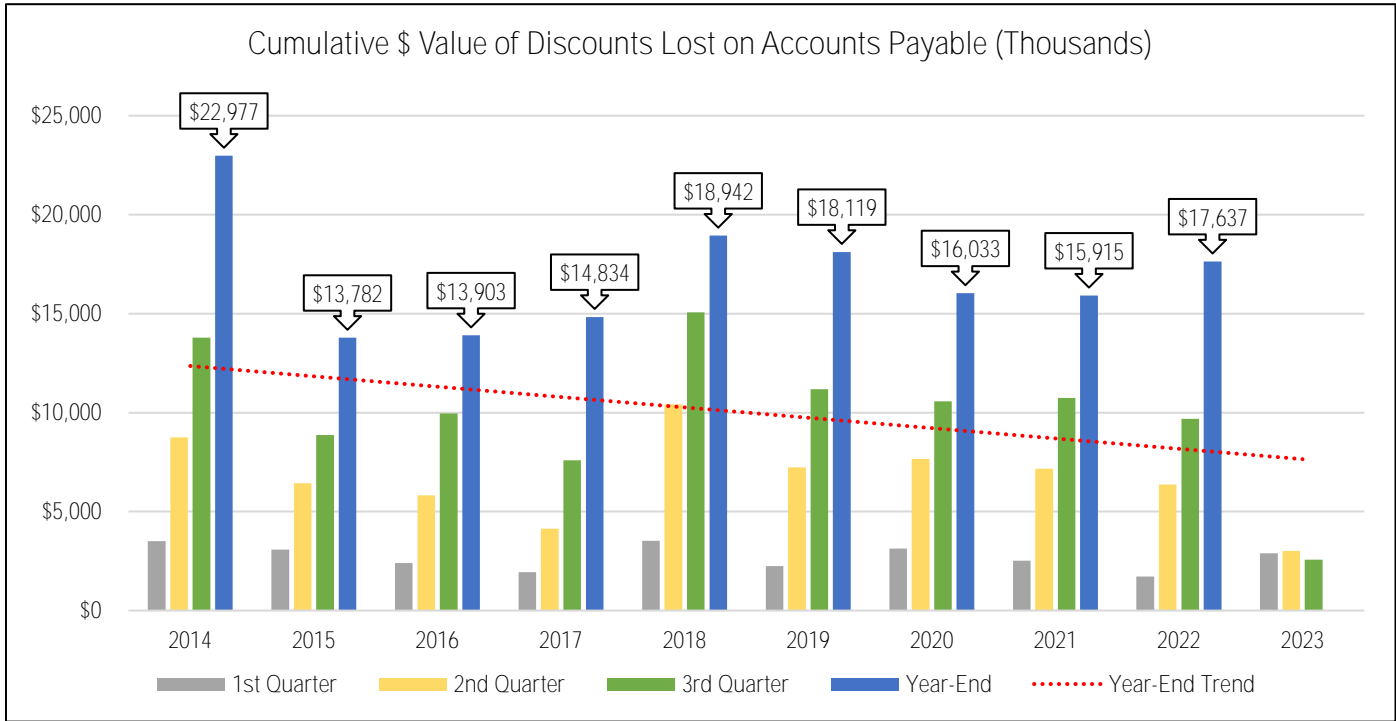


Source: Statistics Canada (All Items, Unadjusted)

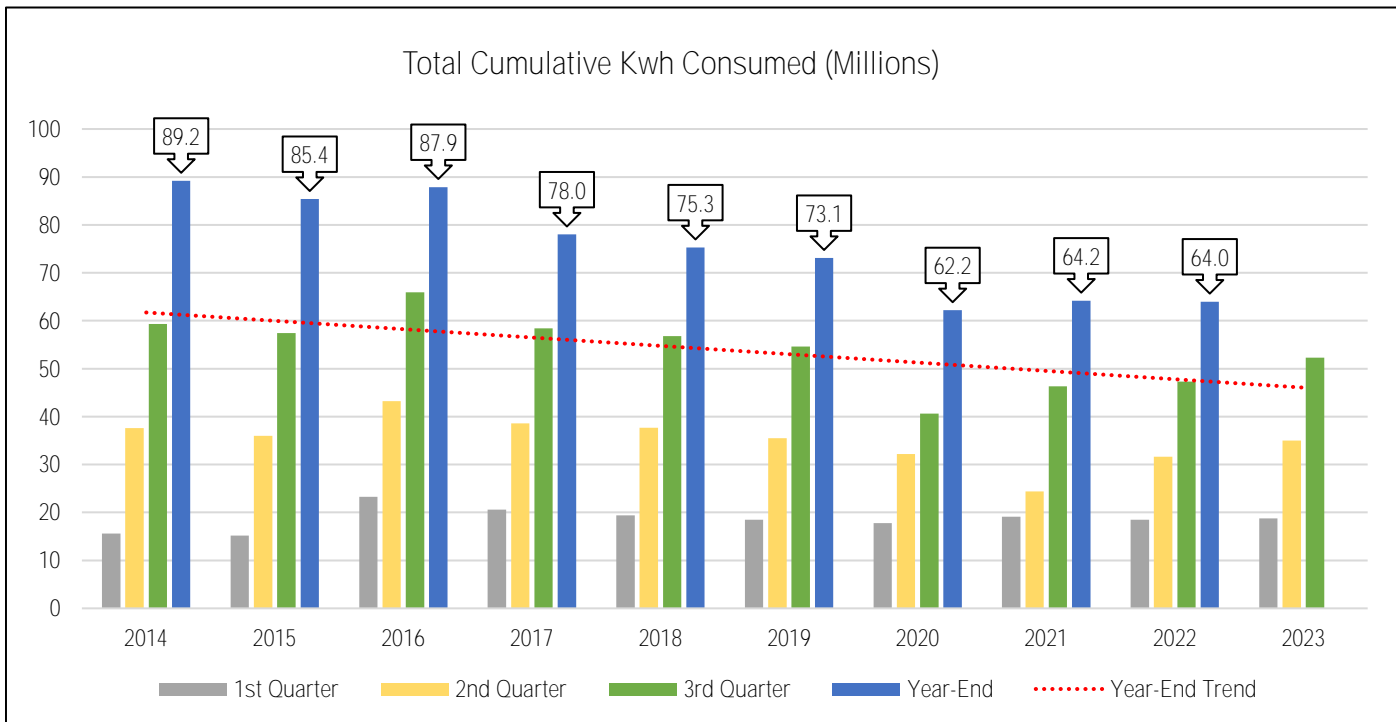
BUILDING SERVICES



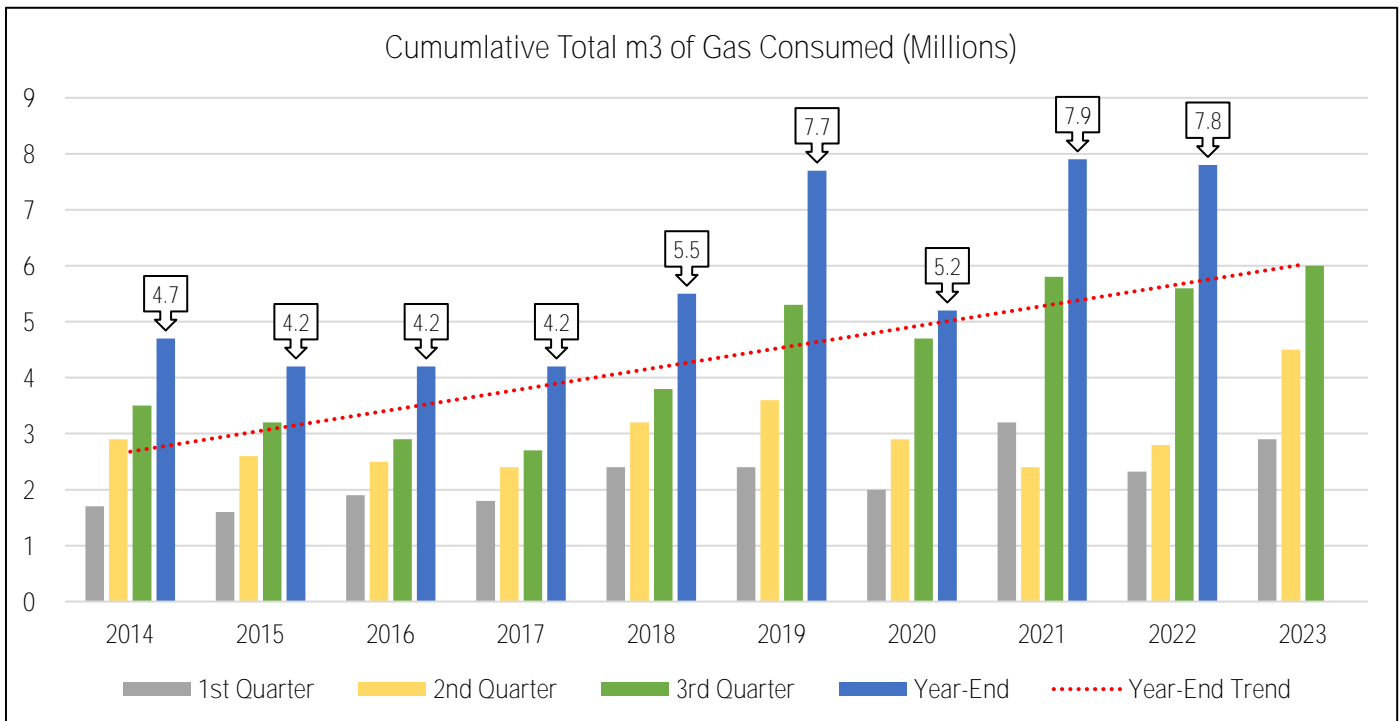
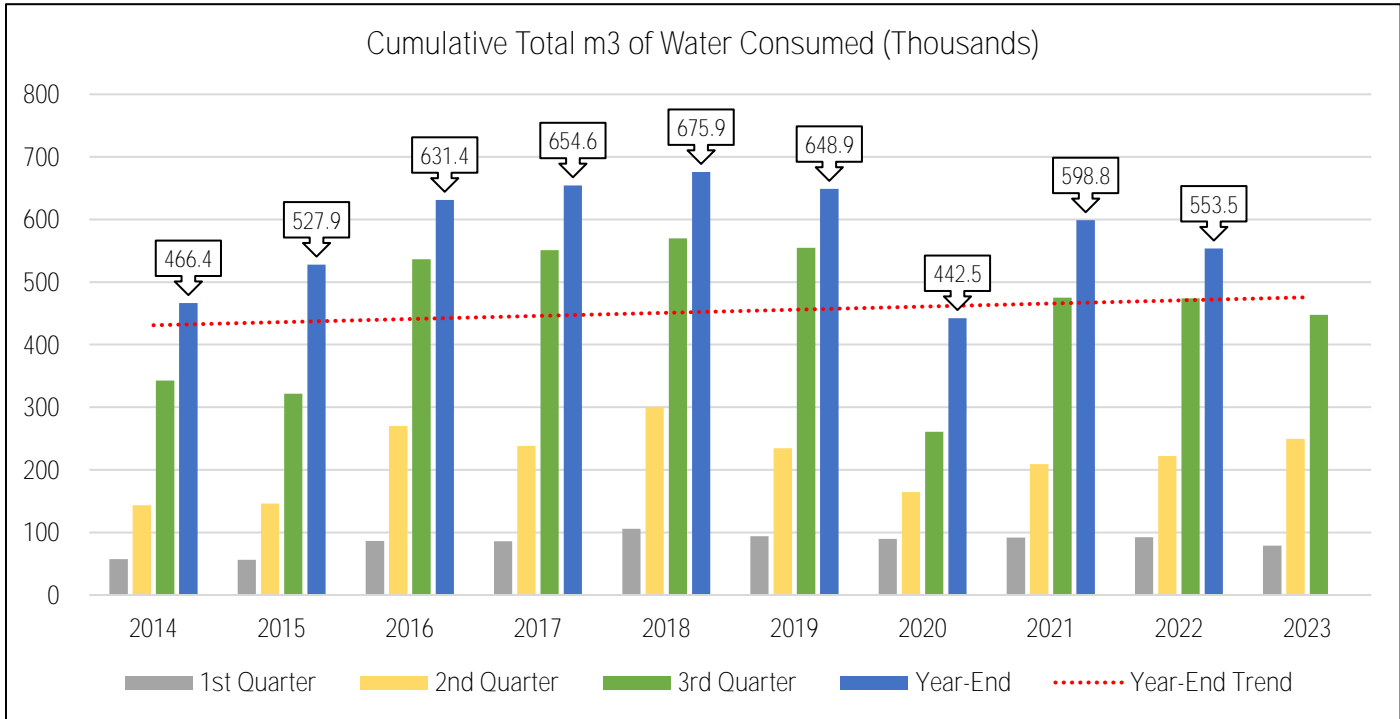
ACCOUNTING



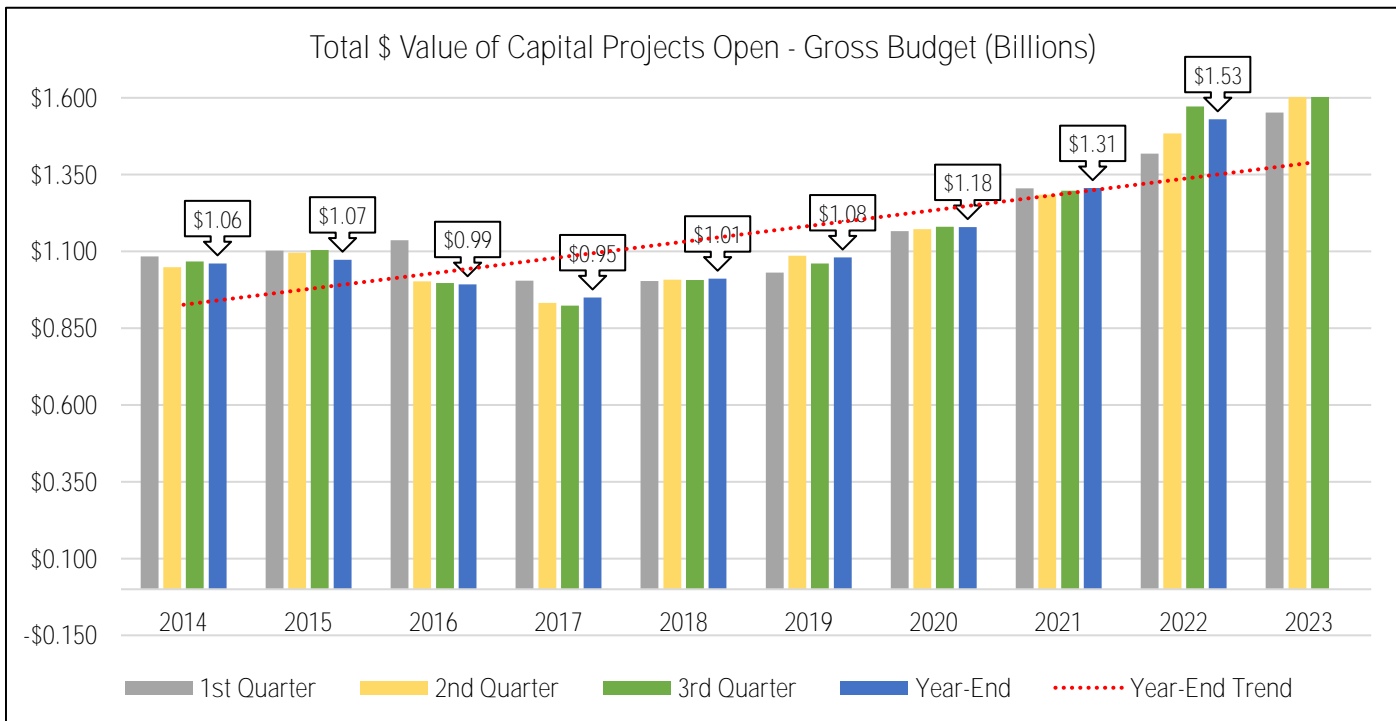
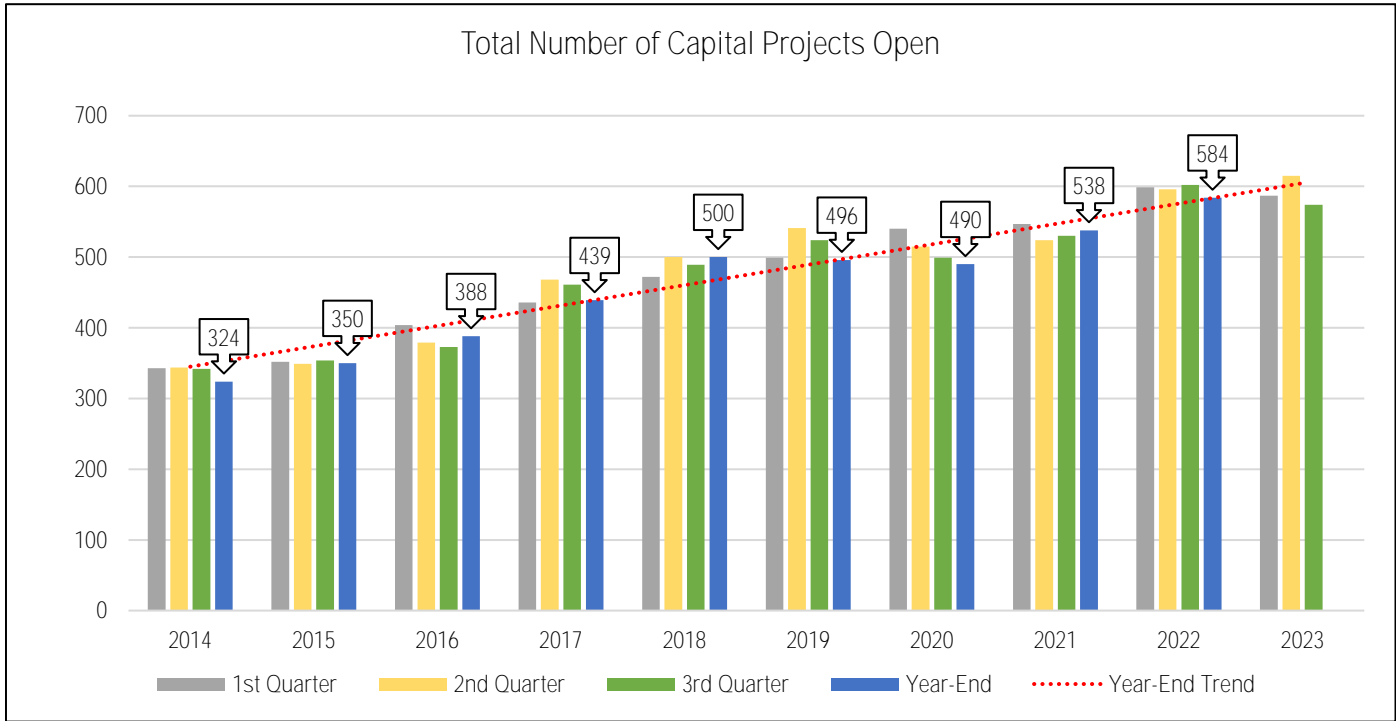
ASSET PLANNING



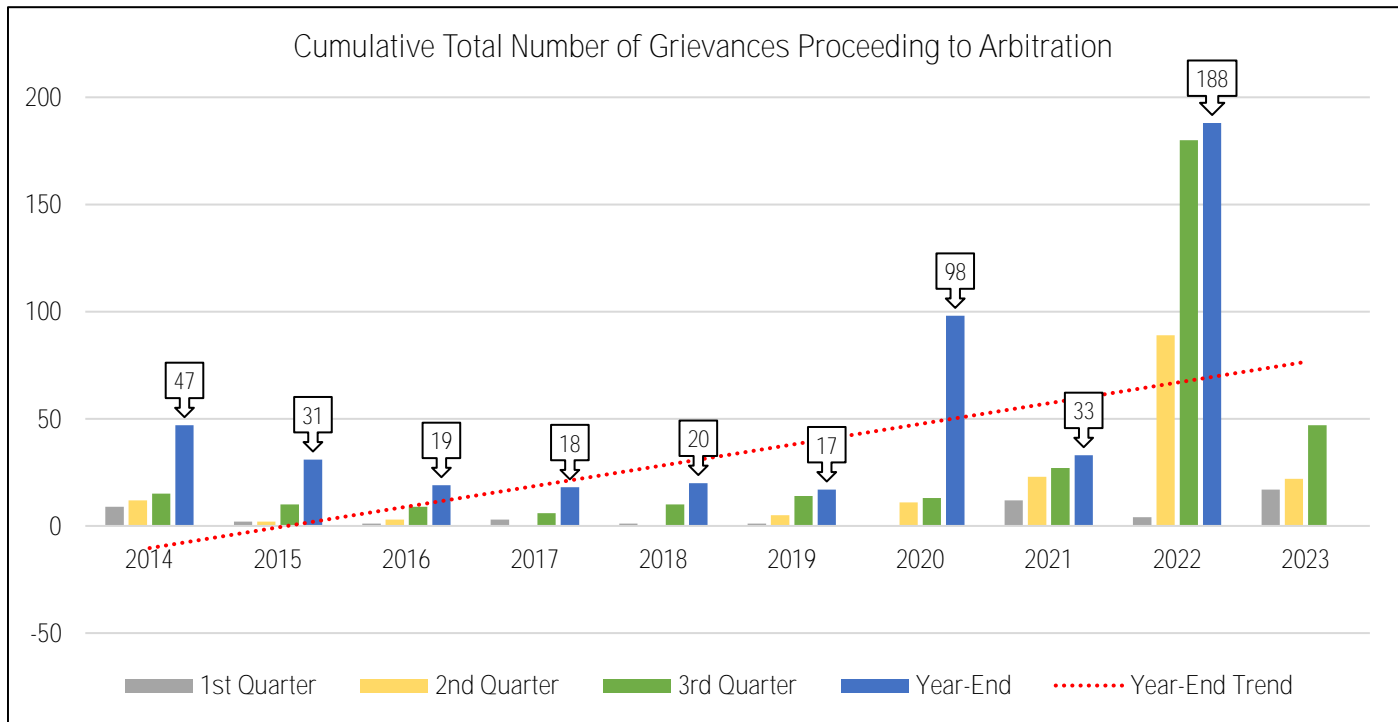
ASSET PLANNING



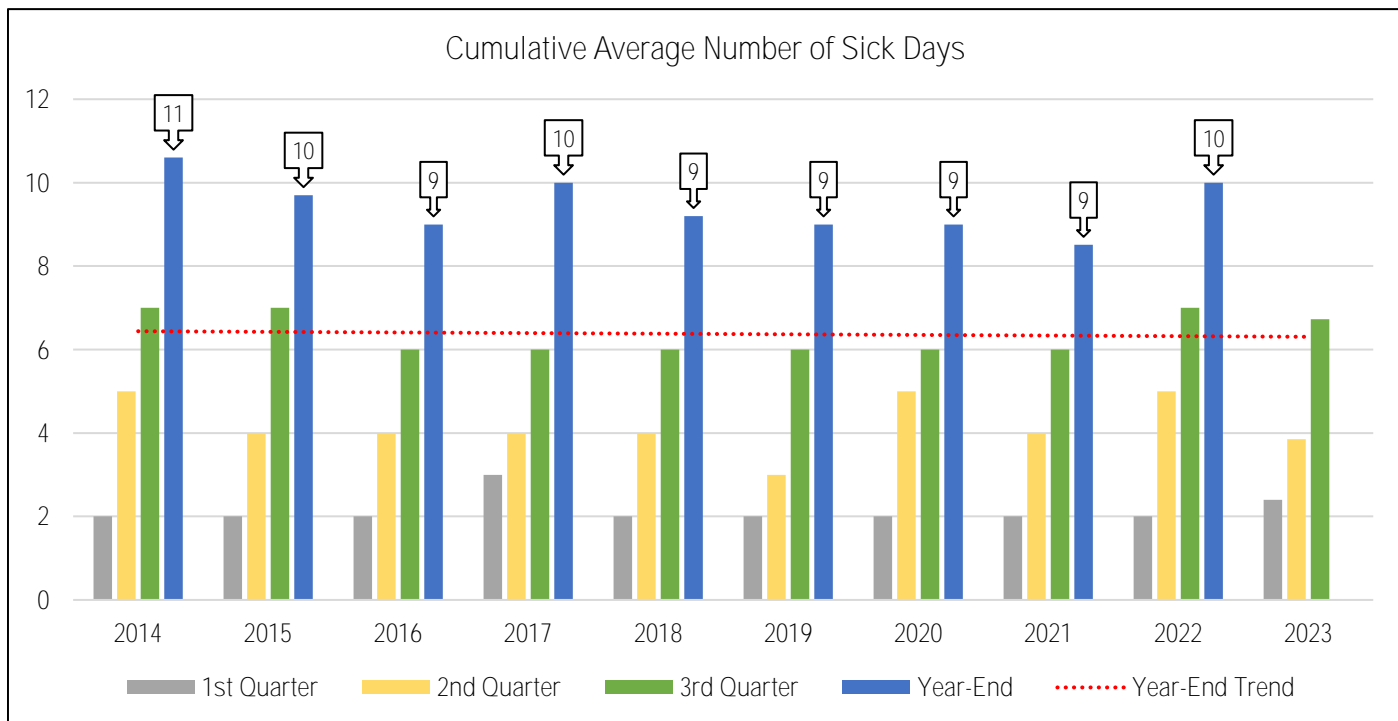
ASSET PLANNING



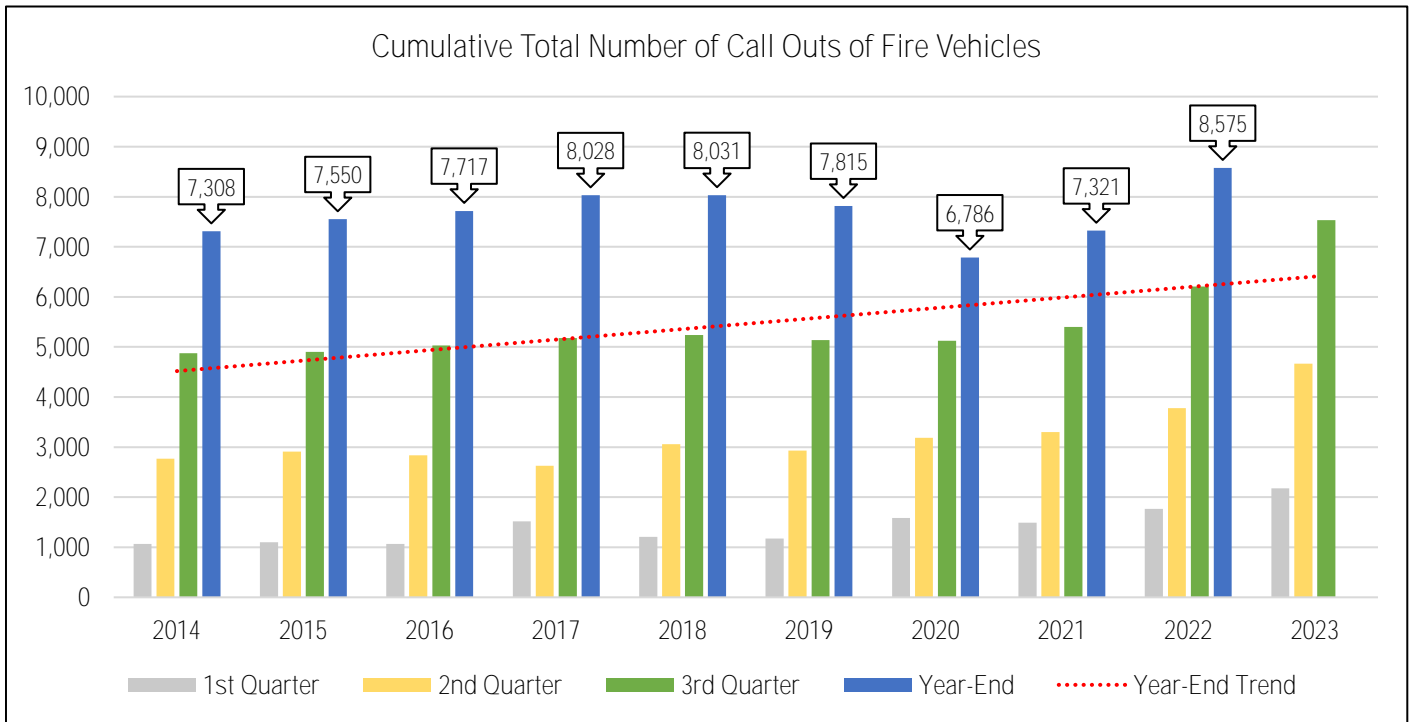
HUMAN RESOURCES



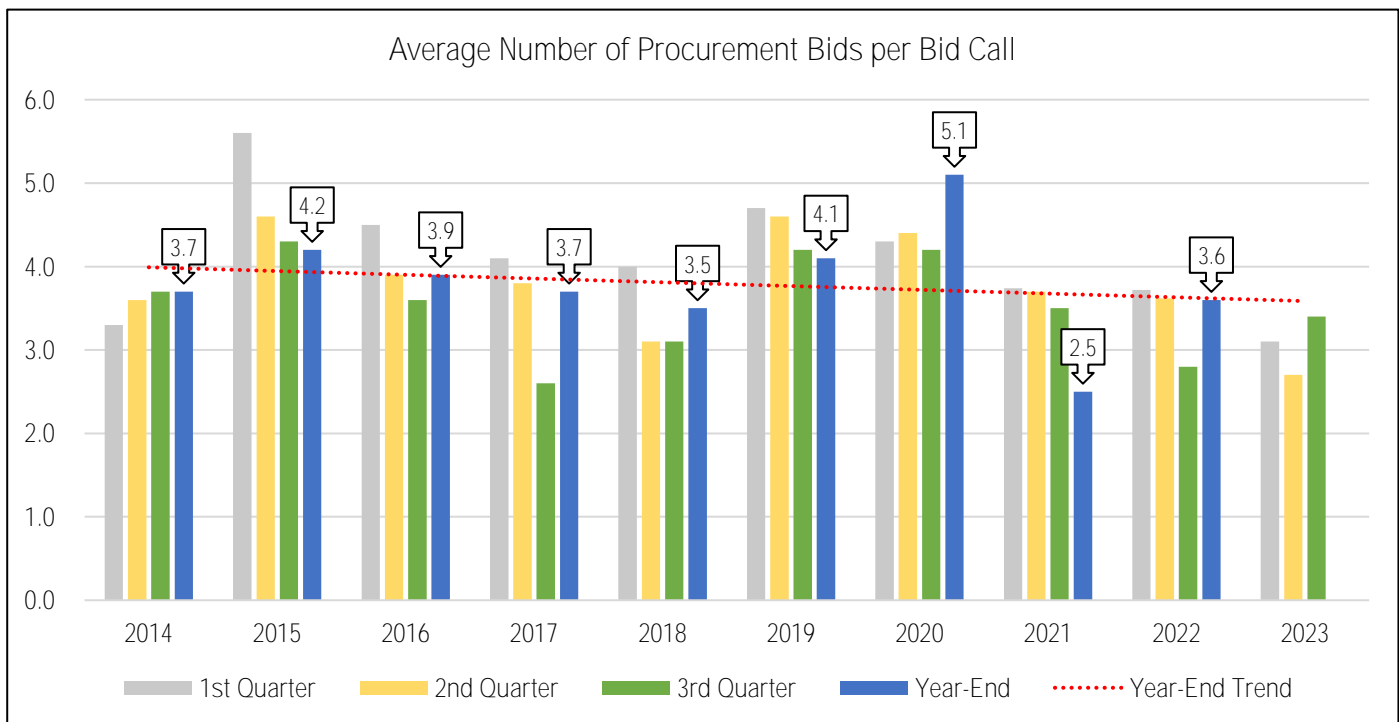
Note: In 2020, 64 of 98 grievances are attributed to Transit Windsor.



FIRE & RESCUE

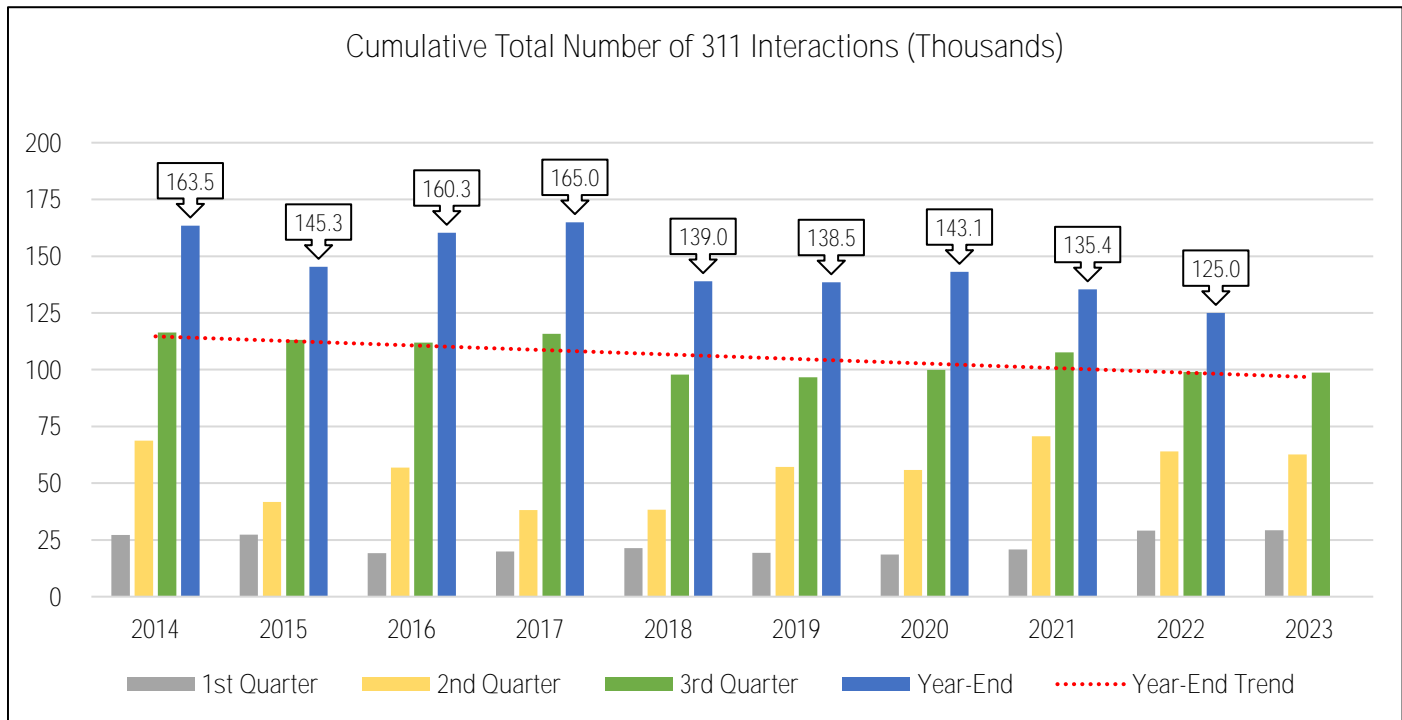


PURCHASING, RISK & POA

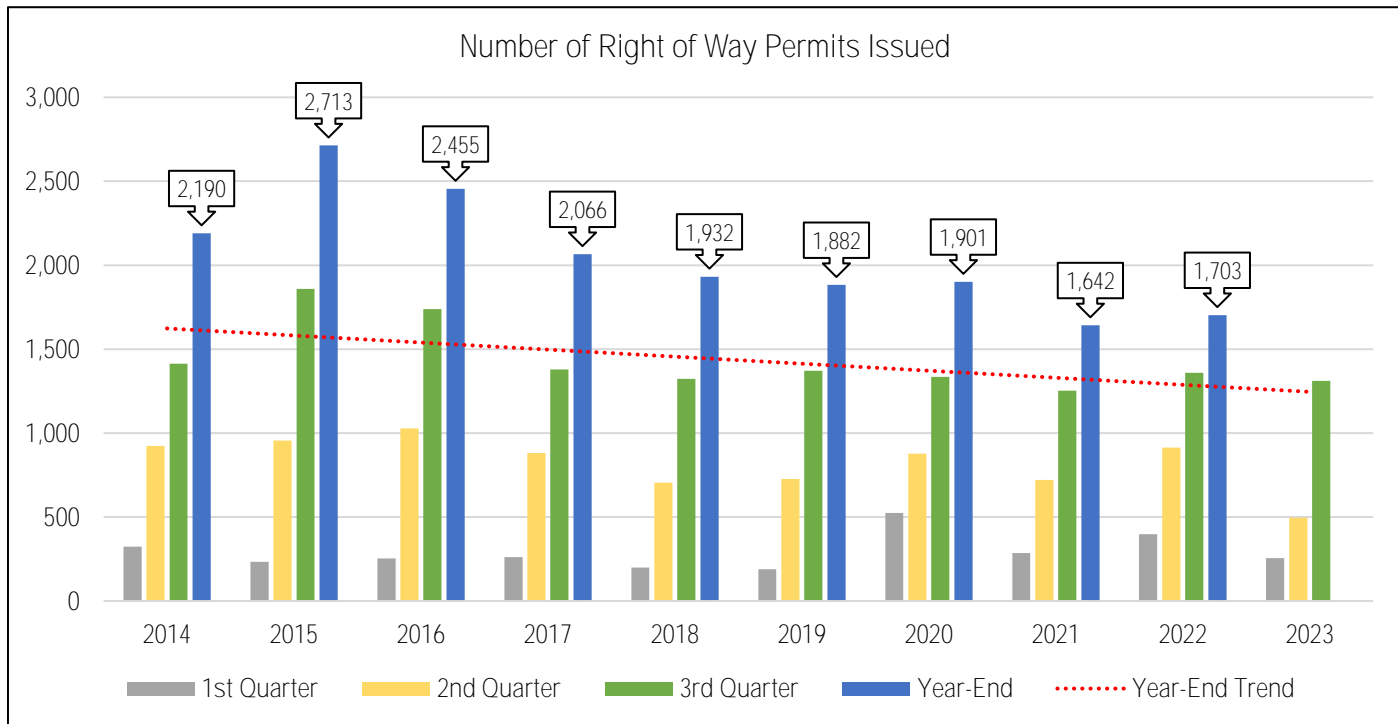




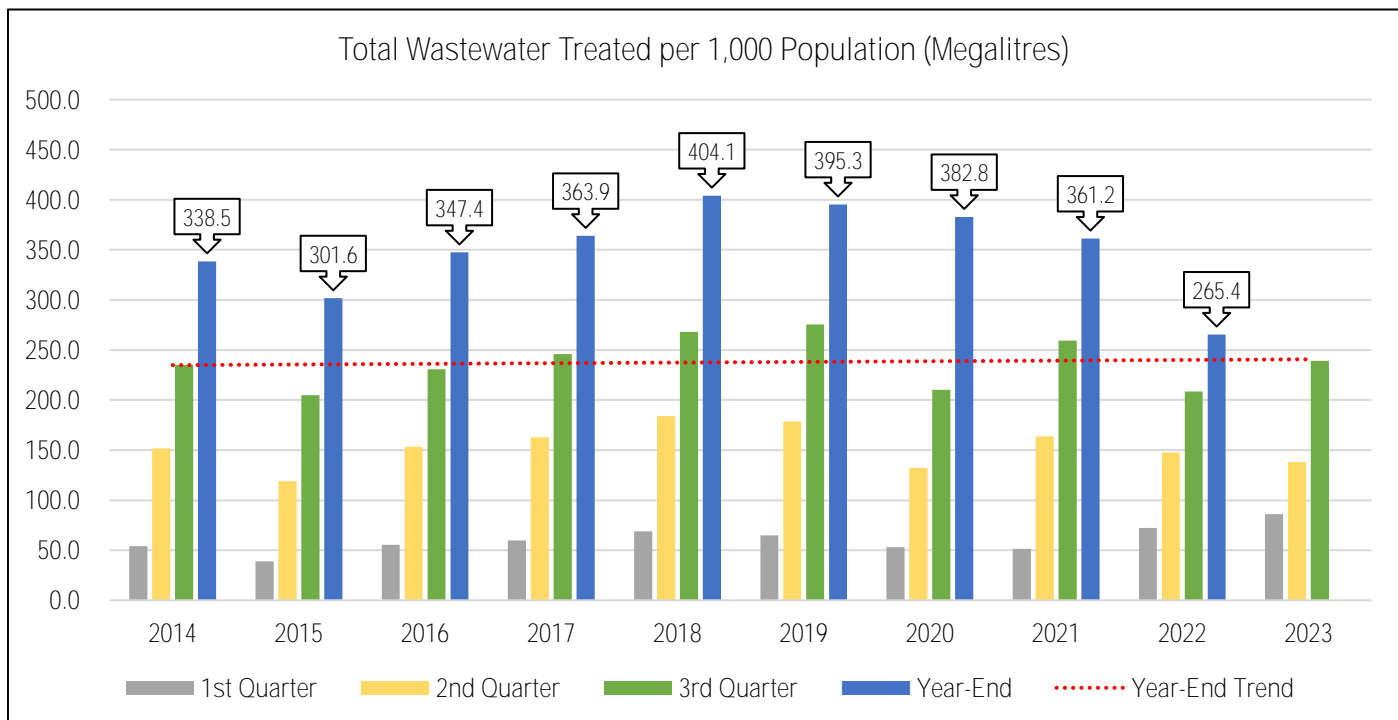
COMMUNICATIONS



ENGINEERING

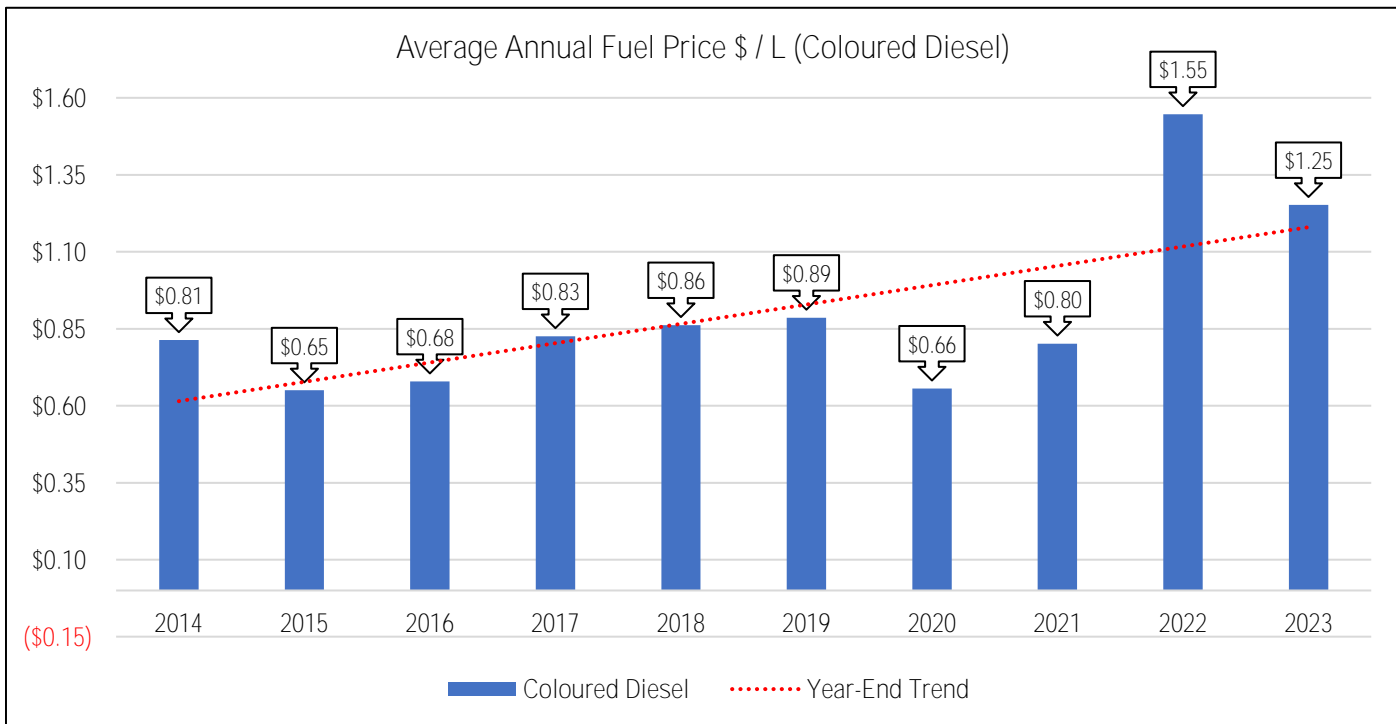
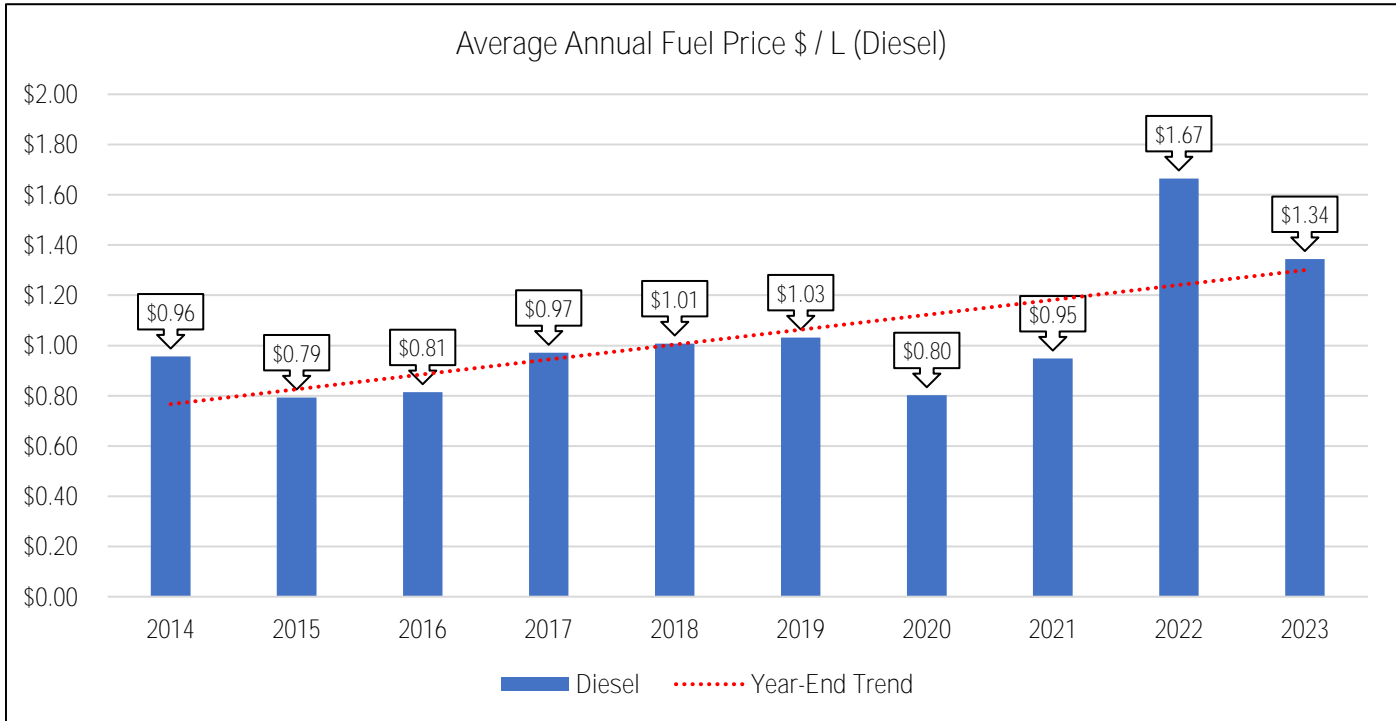


POLLUTION CONTROL

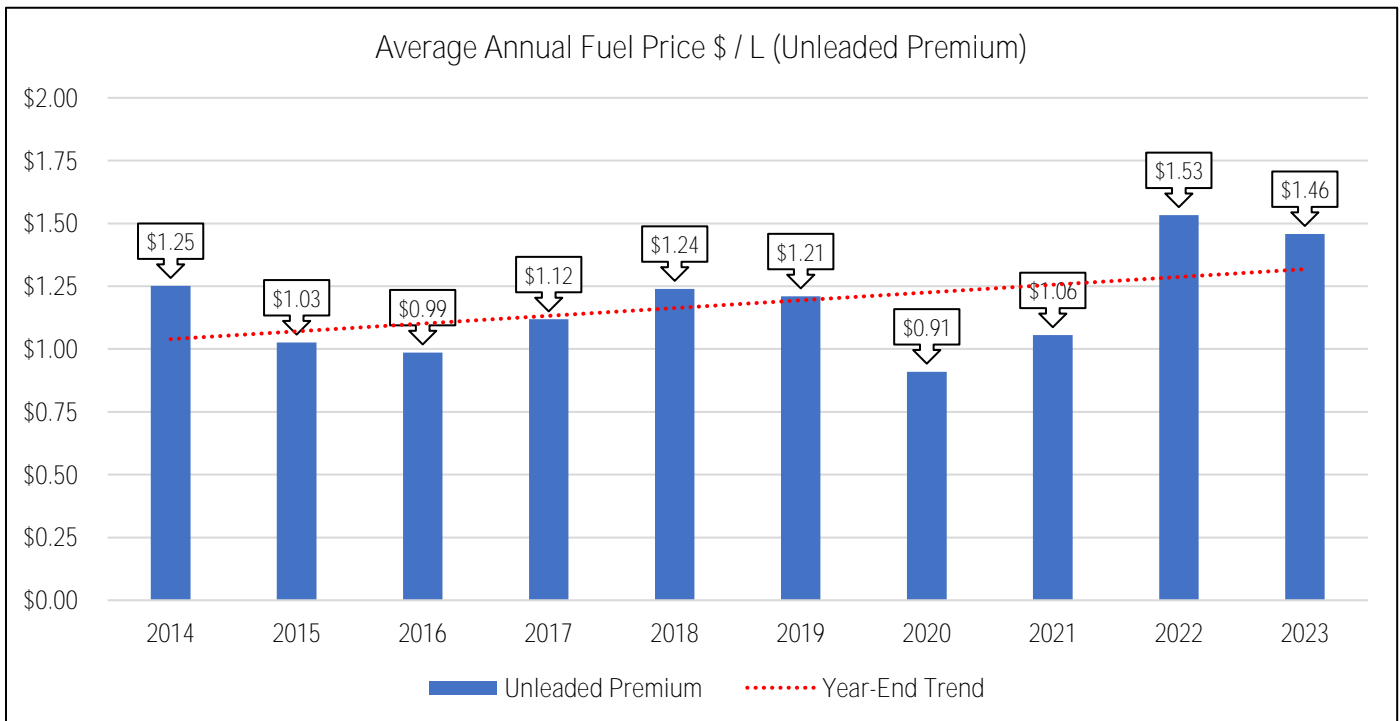
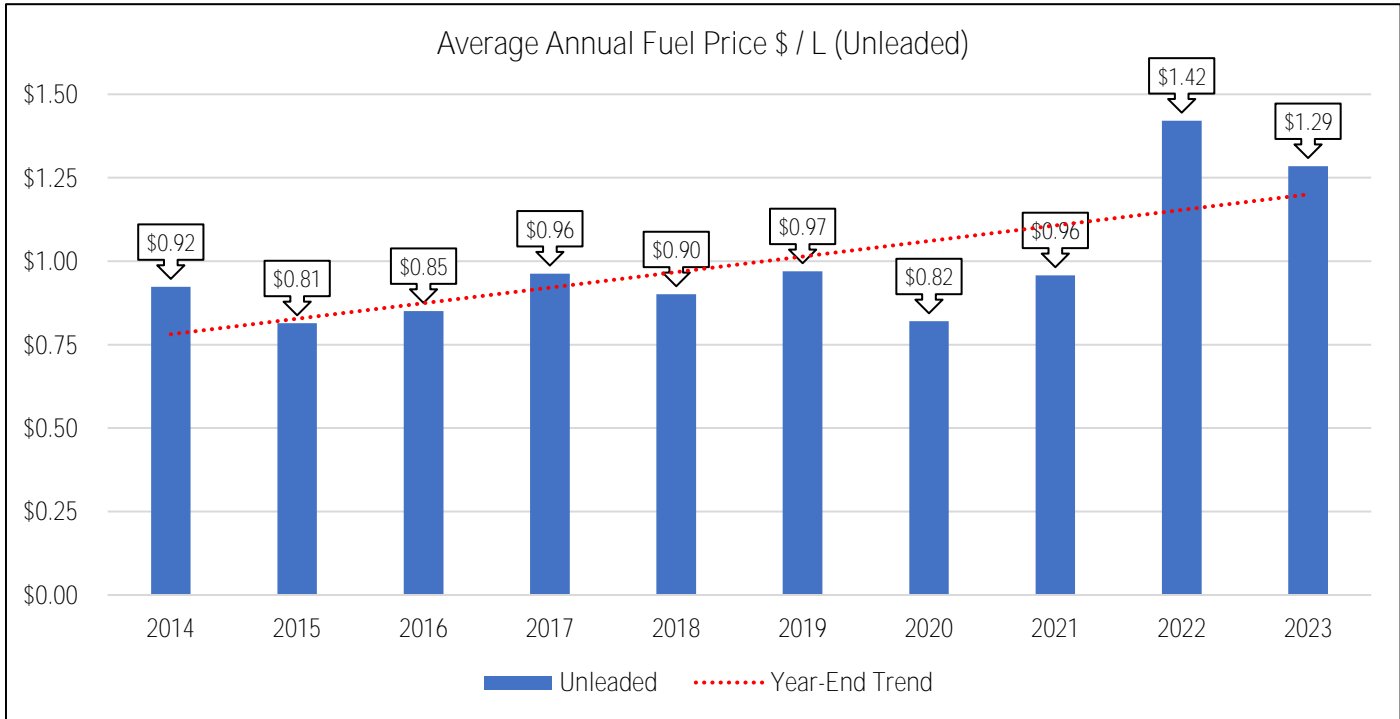


Fluctuations are partially due to changes in precipitation patterns as additional water is treated during heavy storms due to combined sewers.

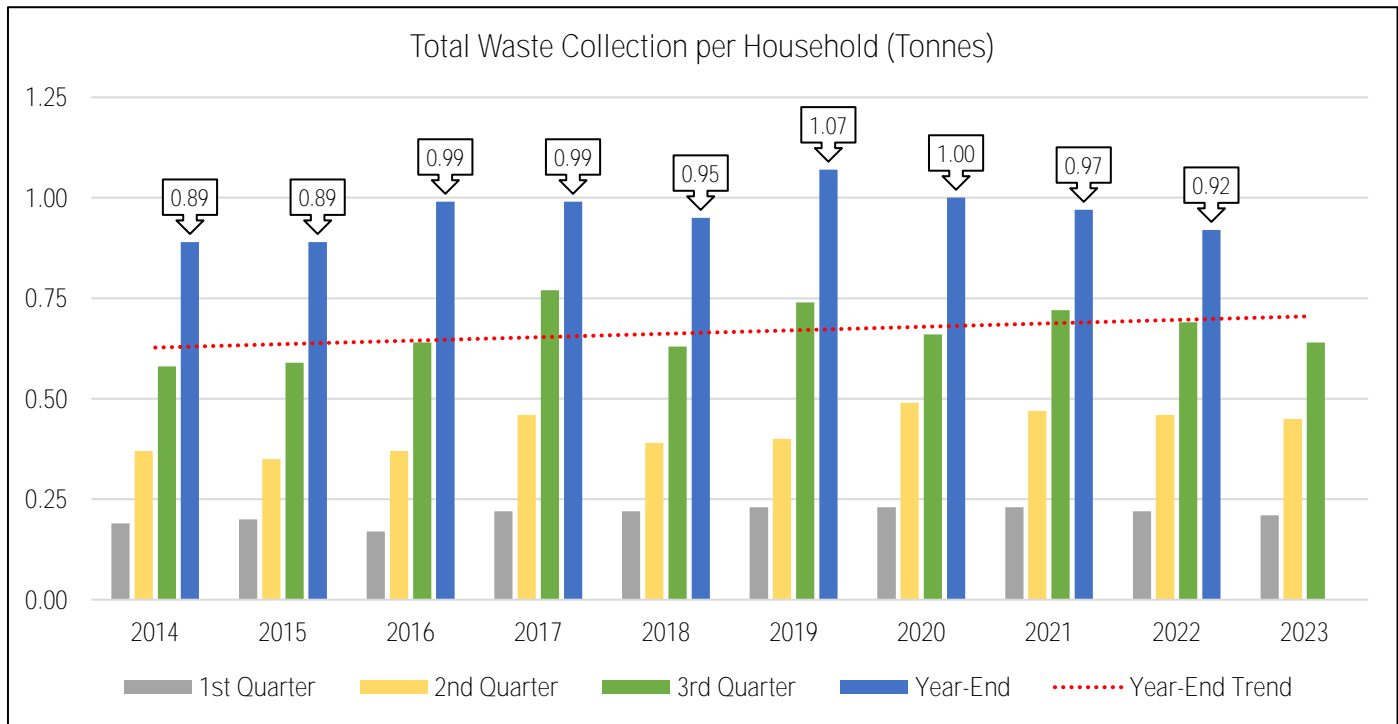
PUBLIC WORKS



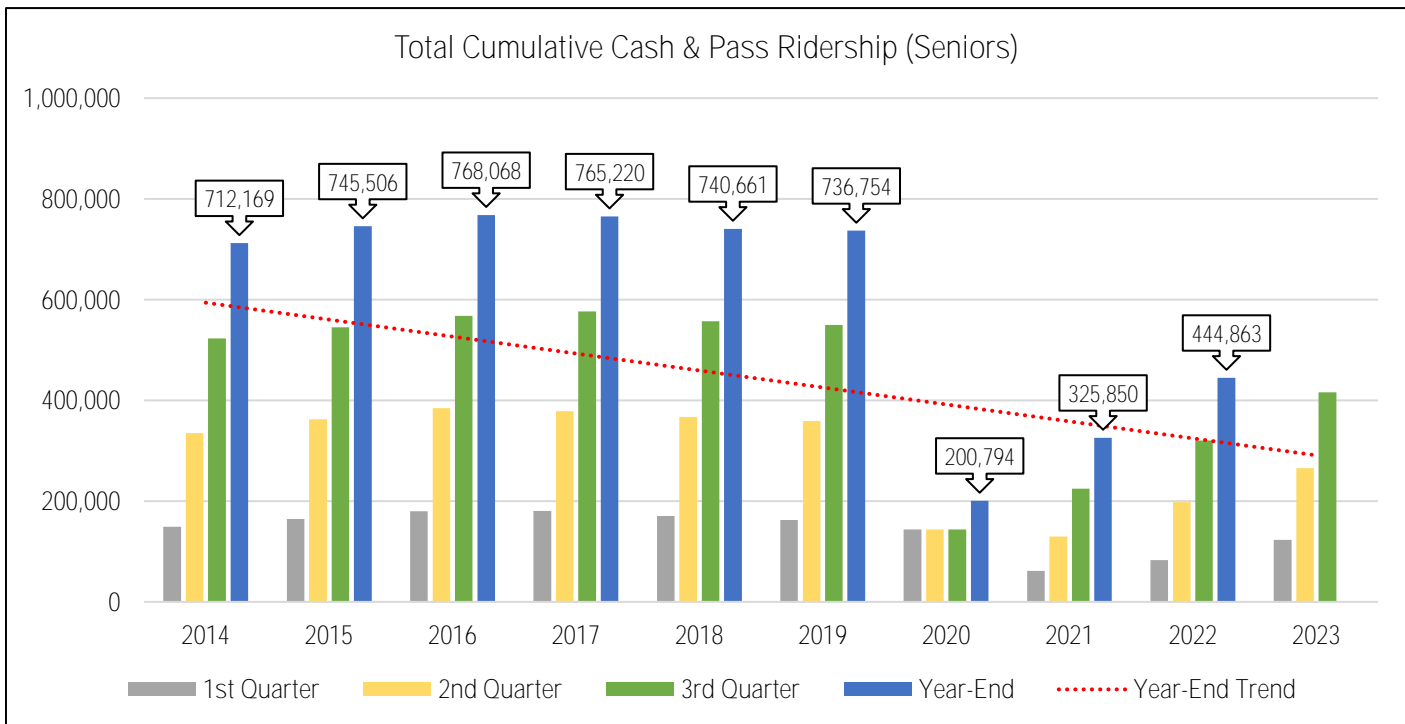
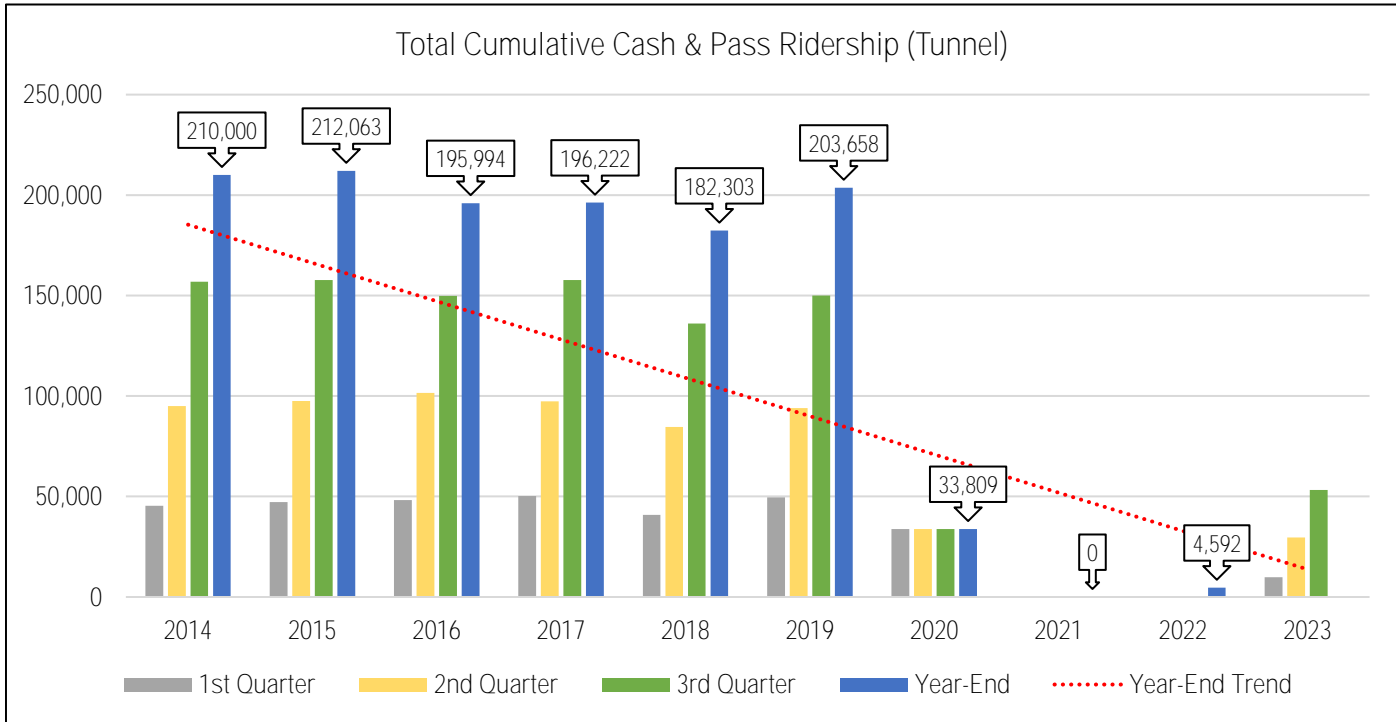
PUBLIC WORKS



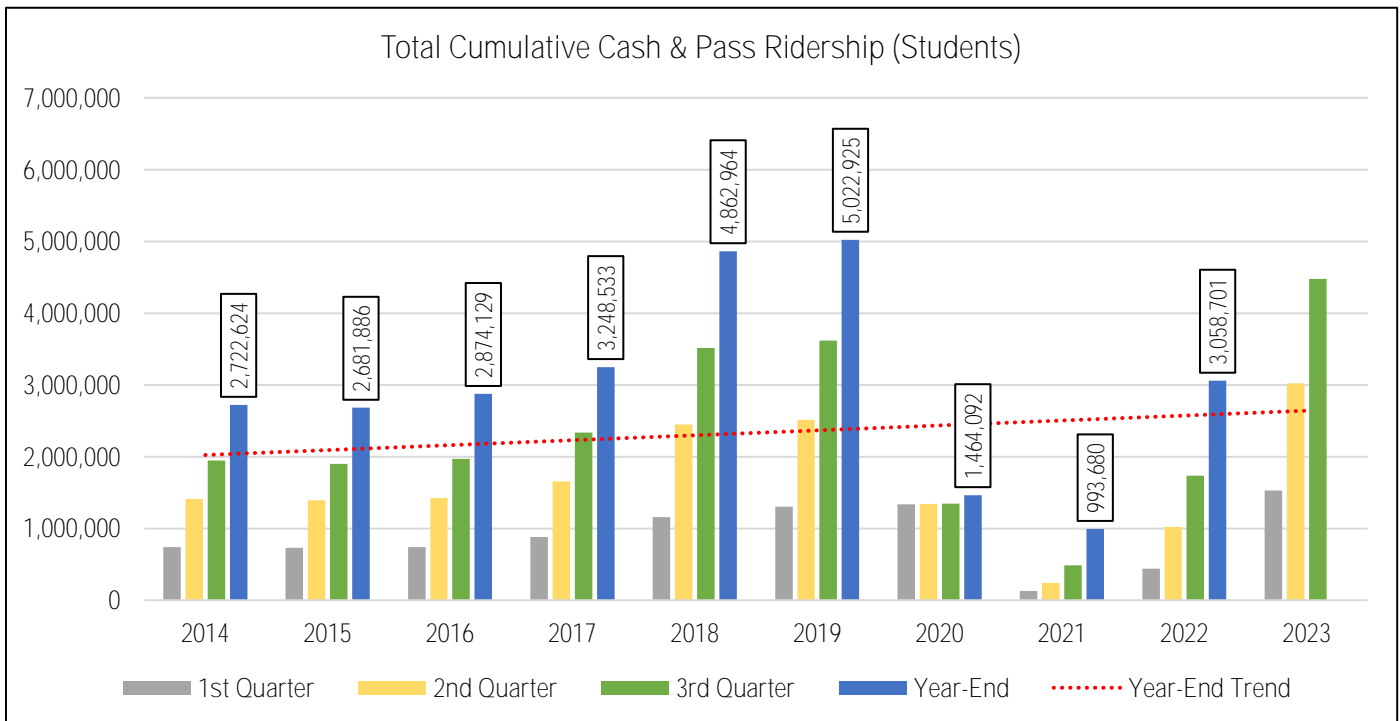
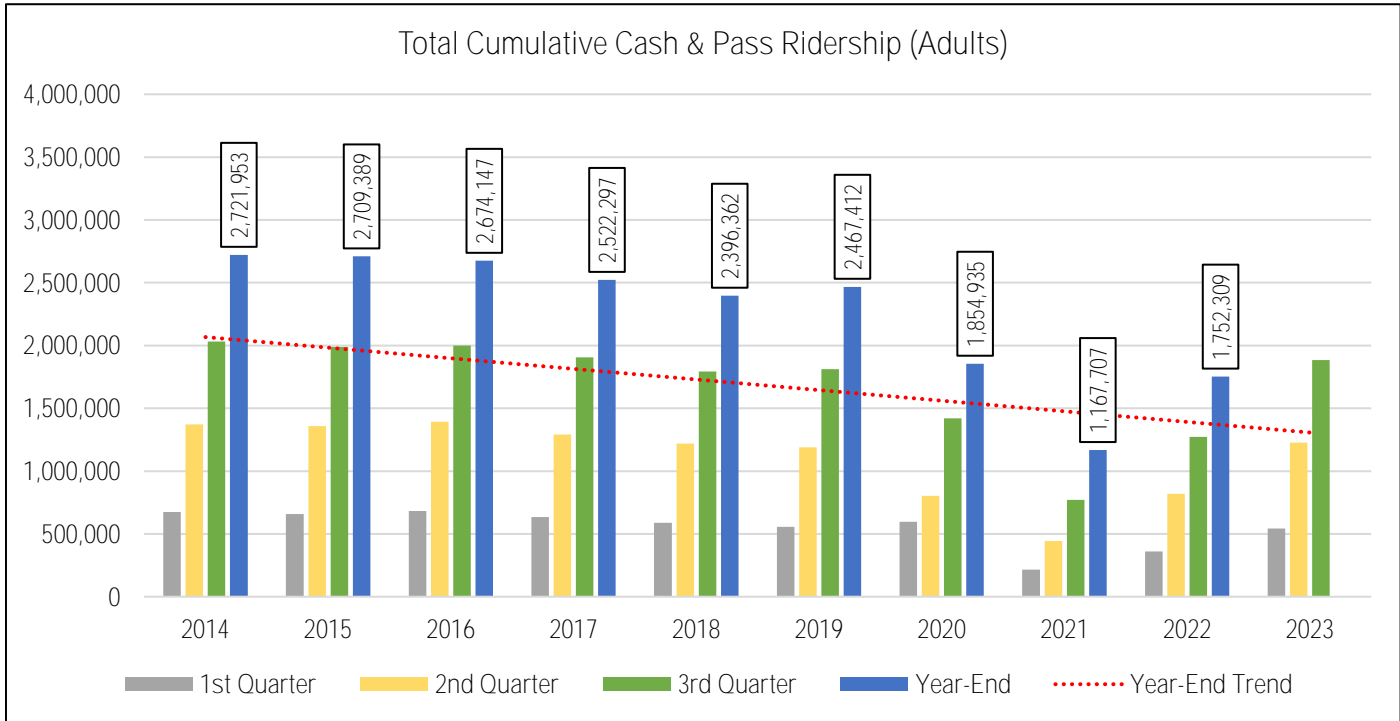
PUBLIC WORKS



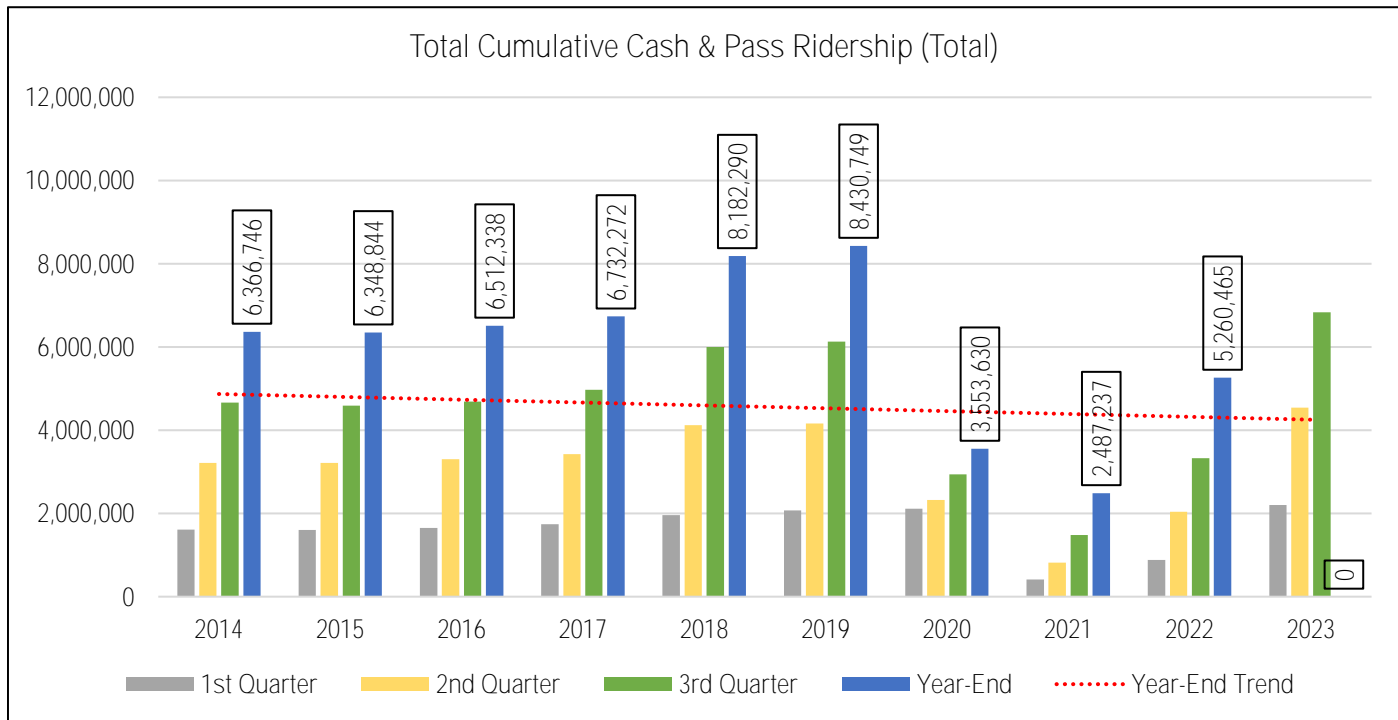
TRANSIT WINDSOR



TRANSIT WINDSOR

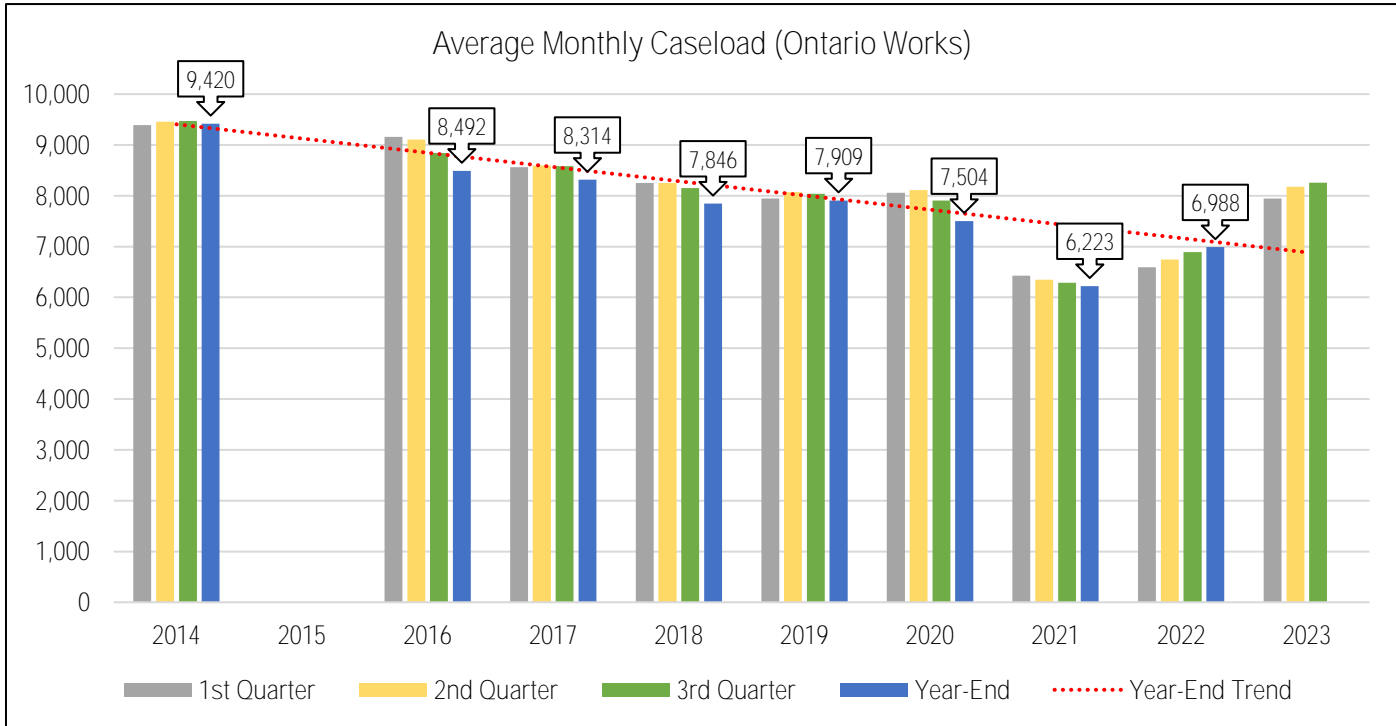


TRANSIT WINDSOR

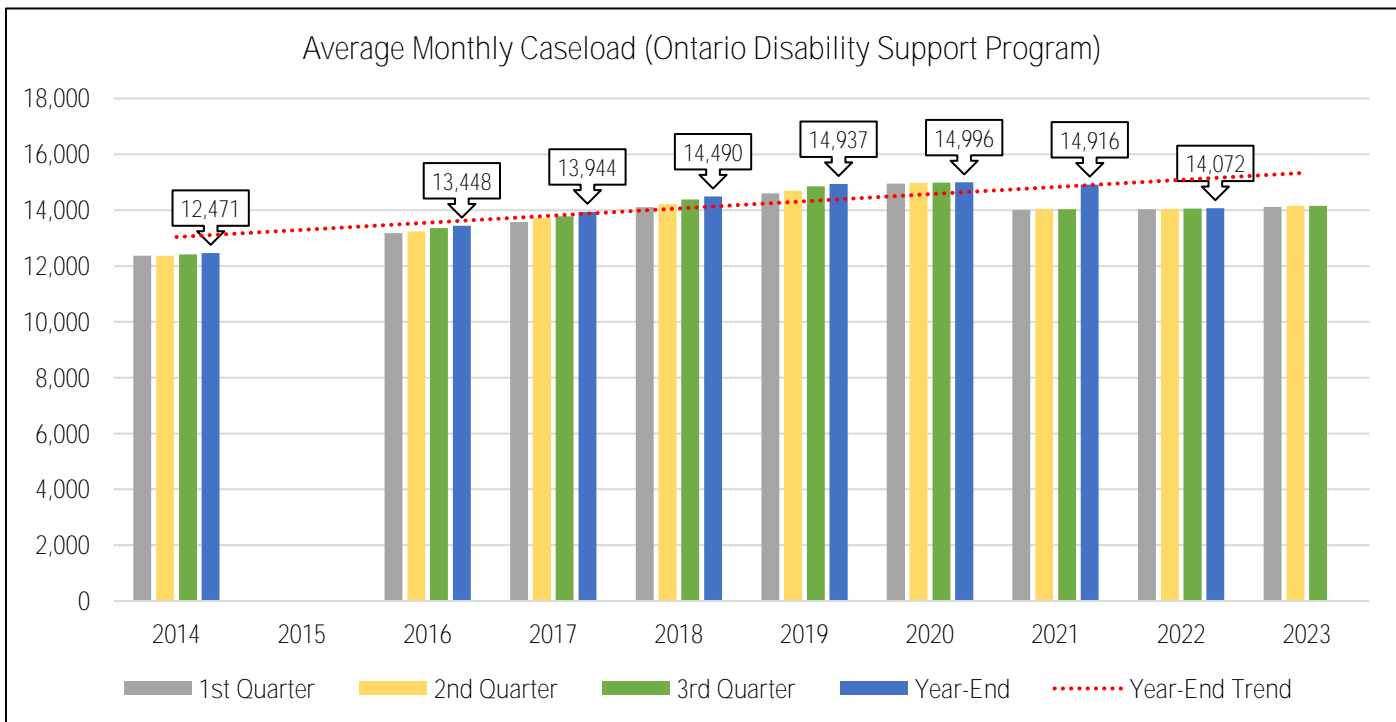




EMPLOYMENT & SOCIAL SERVICES

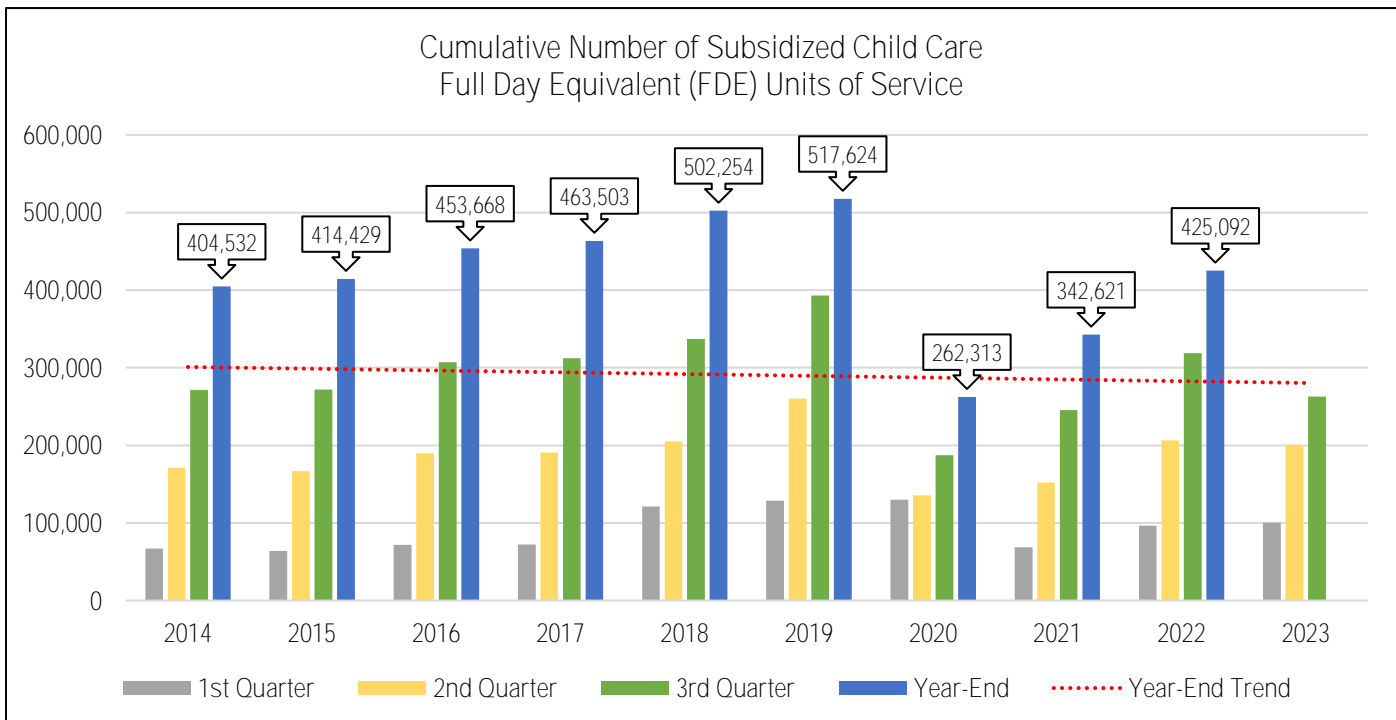
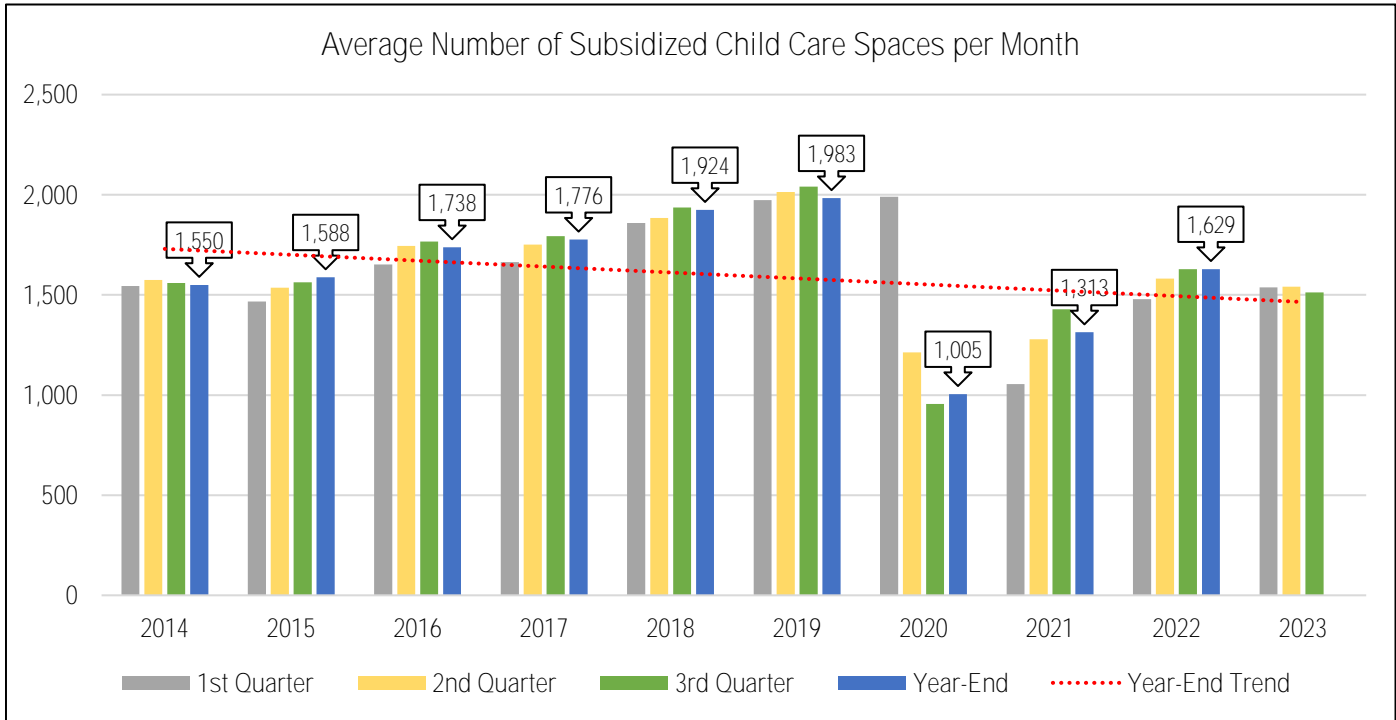


Please note that due to the Provincial OW database change in October 2014, 2015 OW caseload figures are not directly comparable to previous years as the methodology used to calculate the caseload has also changed.

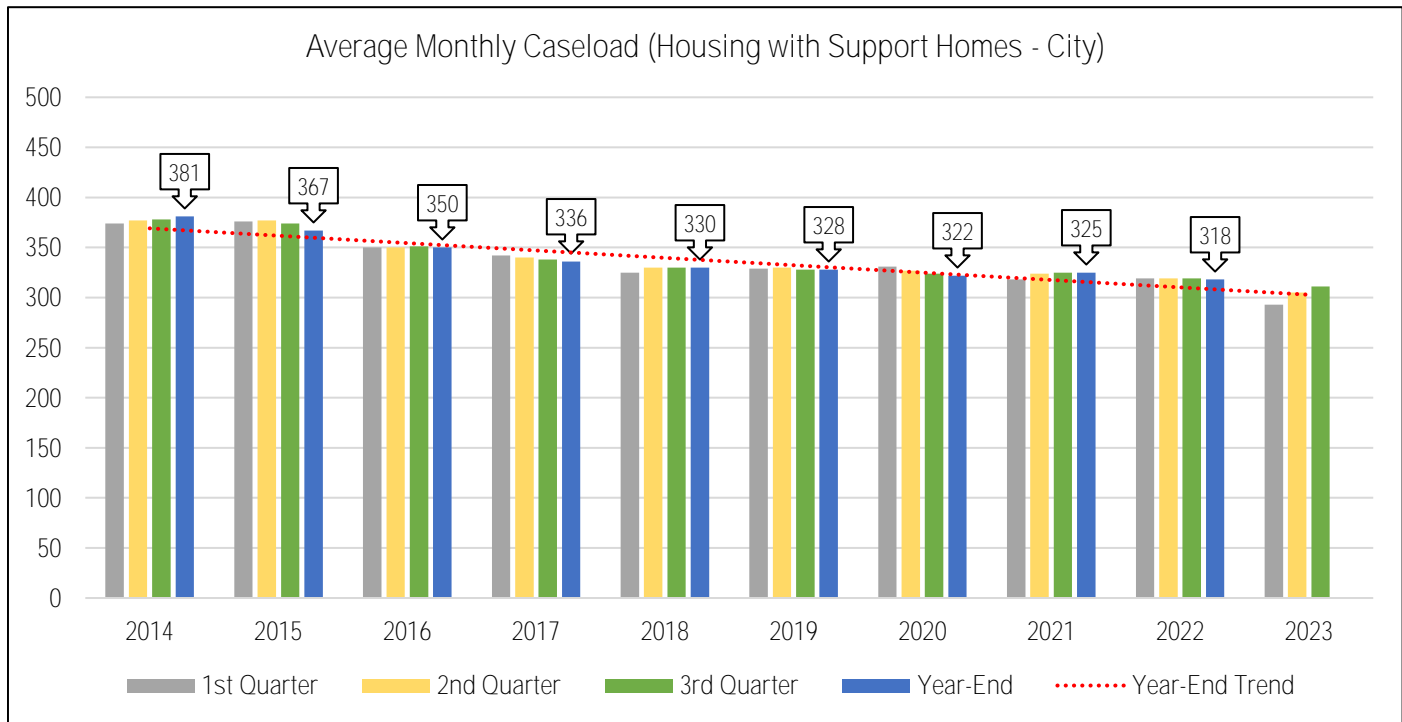


Please note that due to the Provincial ODSP database change in October 2014, 2015 ODSP caseload figures are not directly comparable to previous years as the methodology used to calculate the caseload has also changed.

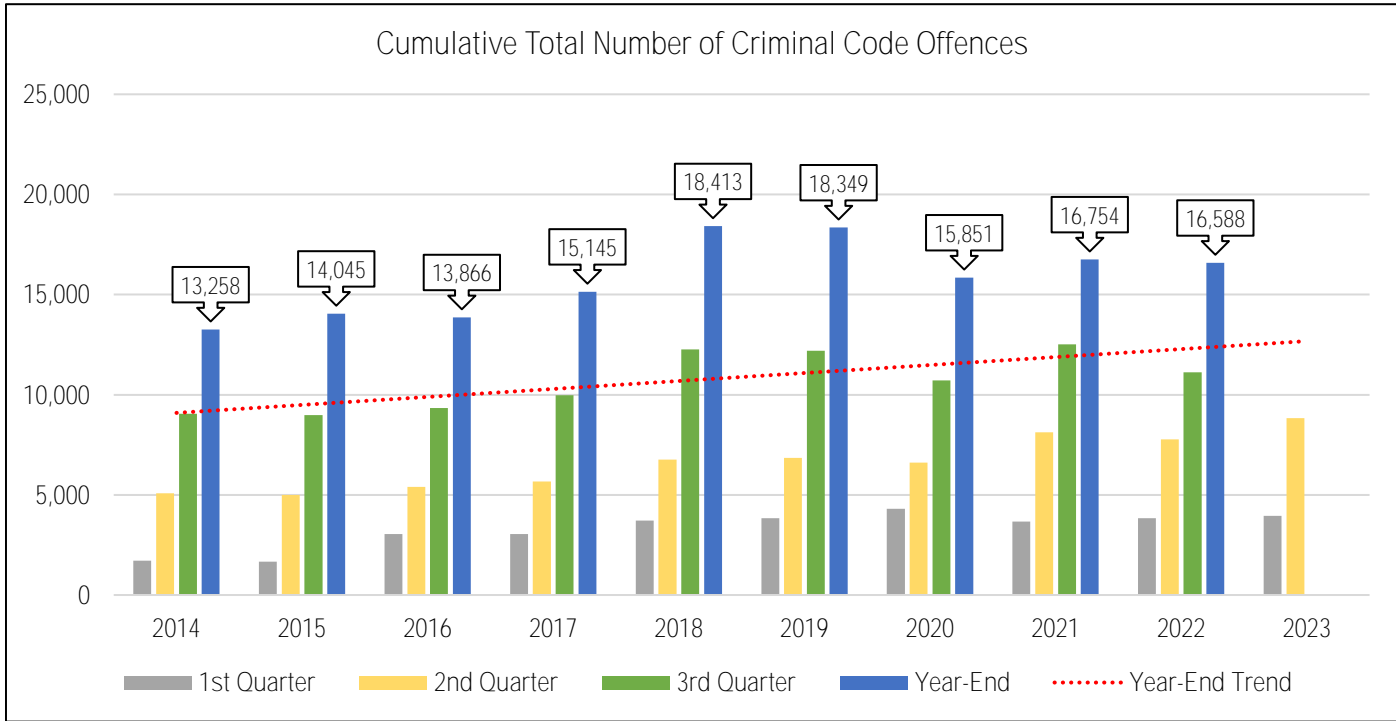
HOUSING & CHILDREN SERVICES



HOUSING & CHILDREN SERVICES



WINDSOR POLICE SERVICES





**Committee Matters: SCM 291/2023**

**Subject: Church Street (Tecumseh Road West to Cul-de-Sac) Traffic Calming – Ward 3**

Moved by: Councillor Renaldo Agostino  
Seconded by: Councillor Mark McKenzie

Decision Number: **ETPS 964**

THAT Administration **BE DIRECTED** to install speed humps on Church Street between Tecumseh Road West and Cul-de-Sac; and,

THAT Council **SUPPORT** the immediate use of \$41,700 in 2026 Pay-As-You-Go funding previously approved as part of the 2023 10-year capital budget from the Traffic Calming Initiatives project, OPS-021-07, and **DIRECT** the City Treasurer to pre-commit those funds as part of the 2024 capital budget; and,

THAT a budget issue with regards to annual maintenance of \$3,090 **BE PRESENTED** as part of the 2025 operating budget development process and be considered a priority item based upon approval for the installations.  
Carried.

Report Number: S 128/2023  
Clerk's File: ST/13863

**Clerk's Note:**

1. The recommendation of the Environment, Transportation & Public Safety Standing Committee and Administration are the same.
2. Please refer to Item 8.6 from the Environment, Transportation & Public Safety Standing Committee held on October 25, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:  
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20231025/-1/9440>

**Subject: Church Street (Tecumseh Road West to Cul-de-Sac) Traffic Calming – Ward 3**

**Reference:**

Date to Council: October 25, 2023  
Author: Clare Amicarelli  
Transportation Planning Coordinator  
519-255-6100 ext. 6463  
camicarelli@citywindsor.ca

Public Works - Operations  
Report Date: October 6, 2023  
Clerk's File #:ST/13863

**To:** Mayor and Members of City Council

**Recommendation:**

THAT Administration **BE DIRECTED** to install speed humps on Church Street between Tecumseh Road West and Cul-de-Sac; and,

THAT Council **SUPPORT** the immediate use of \$41,700 in 2026 Pay-As-You-Go funding previously approved as part of the 2023 10-year capital budget from the Traffic Calming Initiatives project, OPS-021-07, and **DIRECT** the City Treasurer to pre-commit those funds as part of the 2024 capital budget; and,

THAT a budget issue with regards to annual maintenance of \$3,090 **BE PRESENTED** as part of the 2025 operating budget development process and be considered a priority item based upon approval for the installations.

**Executive Summary:**

N/A

**Background:**

*Traffic Calming Policy and Local Road Speed Hump Procedure*

The City of Windsor Traffic Calming Policy was first adopted in 2005. The Policy underwent major updates in 2015 and 2021.

When the 2021 Traffic Calming Policy was brought before Council at its April 19, 2021 meeting, in addition to adopting the proposed policy, Council directed that

Administration report back with additional policy measures related to traffic calming (CR168/2021):

*That administration BE DIRECTED to report back to Council with a policy, including a rollout plan, that would allow residents to request speed bumps if the majority in the subject block wish to see that happen.*

The requested report back was brought before Council on May 9, 2022. The report provided a new Local Road Speed Hump Procedure as well as related minor amendments to the Traffic Calming Policy in order to implement the new procedure. Council adopted this new Procedure.

The following locations are pending approval by Council:

- Kildare Avenue (Richmond Street to Ottawa Street)
- Lone Pine Street (Provincial Road to Maple Leaf Crescent)
- Partington Avenue (Columbia Court to Labelle Street)

The following locations have been approved by Council and are pending construction:

- Academy Drive (Northwood Street to North Service Road West)
- Avondale Avenue (West Grand Boulevard to Norfolk Street)
- Beals Street (Dougall Avenue to Huntington Avenue)

The following locations have been approved by Council and are installed:

- Dandurand Avenue (Piazza Street to Northwood Street)
- Grove Avenue (Janette Avenue to Bruce Avenue)
- Partington Avenue (College Avenue to Tecumseh Road West)
- Victoria Avenue (Tecumseh Road West to Jackson Street)

## **Discussion:**

### *Church Street*

A resident request for traffic calming on Church Street between Tecumseh Rd W and the Cul-de-Sac was received in April 2023. The street was reviewed and confirmed to be eligible for speed humps under the Local Road Speed Hump Program. A resident survey to determine neighbourhood support was carried out from August 2, 2023 to September 1, 2023. Residents were able to vote online or via 311. The results of the survey are summarized in Table 1.

**Table 1: Traffic Calming Approval Survey Results – Church Street**

Criteria	Required	Actual		Result
Level of Support	50% of households or commercial properties voting “yes”  (25 of 49 households)	Yes	51% (25 households)	<b>Pass</b>
		No	2% (1 households)	
		Did Not Vote	47% (23 households)	

Some residents provided additional comments when voting. A summary of comments received are as follows:

- From study area residents voting in support of speed humps:
  - Lots of speeding traffic on the street
  - Would like access to Wear Street blocked at the intersection of Wear Street and Church Street
  - Concerned about how the speed humps will affect the school buses
  - Concerned that installation of speed humps on Church Street will divert traffic to the 2100 block of York Street. Would like a speed hump survey to be conducted for the 2100 block of York Street.
- From study area residents voting against speed humps:
  - Would like an eastbound right turn lane at the corner of Tecumseh Road West and Dougall Avenue

In addition to votes by residents in the study area, 5 responses were received from addresses outside the study area. Of these responses not counted toward the approval threshold, the breakdown is as follows:

- 100% (5 responses) supported speed humps on Church Street
- 0% (0 responses) opposed speed humps on Church Street
- 0% (0 responses) provided no response to speed humps on Church Street

Some additional comments received from these out-of-area responses are as follows:

- Lots of speeding traffic on the street



- Would like to see ongoing enforcement in the neighborhood for noise pollution caused by traffic
- Lots of speeding traffic on York Street

**Risk Analysis:**

No critical or significant risks have been identified with the report recommendations. This location has both sidewalks and curb and gutter, therefore no other pilots affect the installation.

Construction costs for speed humps are subject to normal price variability for materials and tender costs. These financial risks are mitigated by following the procedures in the Purchasing By-law and normal project management practices

**Climate Change Risks**

**Climate Change Mitigation:**

N/A

**Climate Change Adaptation:**

N/A

**Financial Matters:**

*Church Street*

The estimated cost to install speed humps and related signage on Church Street between Tecumseh Road West and Cul-de-Sac summarized in Table 2.

**Table 2: Cost Estimate – Church Street Traffic Calming**

Item	Unit	Cost per Unit		Quantity	Total Cost	
		Initial Installation	Annual Maintenance		Initial Installation	Annual Maintenance
Speed humps and associated signs and pavement markings	Each	\$10,250	\$770	4	\$41,000	\$3,080
“Traffic Calmed Neighbourhood” Signs	Each	\$350	\$5	2	\$700	\$10
<b>Grand Total – Church Street</b>					<b>\$41,700</b>	<b>\$3,090 per year</b>

The Traffic Calming capital budget project 7069022 was established to track and record expenditures related to the initial installation of the speed humps at all locations; however, there are currently insufficient funds available in the project.

The 2023 approved 10-year capital funding plan currently includes funding for Traffic

2026 \$400,000 (\$300,000 approved in principle, \$100,000 pre-committed)  
2028 \$100,000  
2031 \$1,140,000  
2032 \$281,000

Funding for the installation of the speed humps identified in this report will require the use of \$41,000 from the remaining \$300,000 of approved in principle funds in 2026. By doing so, the project will incur financing charges over the next 2 years estimated at \$5,000. It should be noted that Administration is in the process of preparing the 2024 capital budget and has identified traffic calming as a priority item. As such, Administration will review any opportunities which may be available to allocate additional funding within the 2024-25 period to ensure sufficient “in-year” funding is readily available going forward thereby limiting the need to either pre-commit future funding or incur financing charges for such traffic calming projects.

The ongoing annual maintenance cost is estimated as \$3,090 per year (speed hump maintenance (ROW Maintenance): \$3,080 per year; signs and markings (Traffic Operations): \$10 per year). Maintenance costs for initiatives such as this project have not been previously identified within operating budgets and therefore this cost may not be able to be accommodated in the existing Public Works operating budget. Should Council approve the traffic calming plan, an operating budget increase will be brought forward as part of the 2025 budget submission.

**Consultations:**

Operations: Phong Nguy, Manager of Contracts, Field Services and Maintenance

Traffic Operations: Ian Day, (A) Senior Manager of Traffic Operations and Parking Services

Human Resources: Gayle Jones, Diversity and Accessibility Officer

Windsor Fire Rescue Services: Mike Coste, Chief Fire Prevention Officer

Windsor Police Service: Barry Horrobin, Director of Planning and Physical Resources

Transit Windsor: Jason Scott, Manager of Transit Planning

Financial Planning: Cindy Becker, Financial Planning Administrator – Public Works

Asset Planning: Mike Dennis, Manager of Strategic Budget Development and Control

## Public Consultation – Church Street

The resident approval survey was carried out from August 2 to September 1, 2023. Methods used for resident notification and outreach were as follows:

- Mail out to all property owners and tenants in the project area, attached as Appendix A (August 2, 2023)
- Social media posts (August 2, 2023)
- Notification signs posted in the survey area

### Conclusion:

Having met the criteria for speed humps in the Local Road Speed Humps Procedure under the Traffic Calming Policy, Administration recommends installing speed humps on Church Street between Tecumseh Road West and Cul-de-Sac.

### Planning Act Matters:

N/A

### Approvals:

Name	Title
Cindy Becker	Financial Planning Administrator
Shawna Boakes	Executive Director of Operations
Chris Nepszy	Commissioner, Infrastructure Services and City Engineer
Dan Seguin	On behalf of Commissioner, Corporate Services and Chief Financial Officer
Joe Mancina	Chief Administrative Officer

### Notifications:

Name	Address	Email
<i>Area residents and project notification list – Church Street (list provided to Clerks)</i>		

### Appendices:

- 1 Speed Hump-Church Street

August 2, 2023

**RE: TRAFFIC CALMING SPEED HUMP REVIEW SURVEY  
CHURCH STREET (TECUMSEH ROAD WEST TO CUL-DE-SAC)**

Dear Resident,

We are requesting your input on a potential traffic calming speed hump project in your area.

A request for traffic calming has been received for **Church Street**. Church Street currently qualifies for traffic calming speed humps. To determine whether traffic calming speed humps would be supported by neighbourhood residents, a survey is being carried out. We request that you submit your vote online or call 311 to indicate whether you would support traffic calming speed humps on Church Street. **Please place your vote before September 1st, 2023 to ensure that your vote is counted.**

In order to place your vote, please fill out the survey: <https://tinyurl.com/churchsurvey2>



You may also call 311 and state that you are responding to the **traffic calming survey for Church Street**. You will be asked for your name, address, your vote on the traffic calming survey, and given an opportunity for any other comments. After the 30-day survey period, results will be posted to the City's website at <https://tinyurl.com/speedhumpresults>.

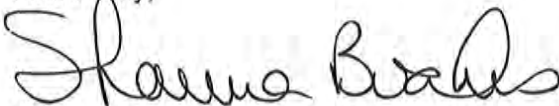
**One vote per household or business will be considered.**

The plan will be brought forward to Council for approval if the required level of residential support described below is reached:

- A minimum of 50% of the households and commercial properties in the survey area must indicate their support for the traffic calming speed humps.

For more information on traffic calming please go to <https://tinyurl.com/tcalming> or search for "traffic calming" on the City website ([www.citywindsor.ca](http://www.citywindsor.ca)). If you have any questions and/or concerns, please do not hesitate to contact Shannon Deehan, Transportation Planning Coordinator, at 519-255-6100, ext. 6188 at your convenience.

Yours truly,



Shawna Boakes, P. Eng.  
Executive Director of Operations  
SB/sd

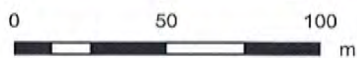
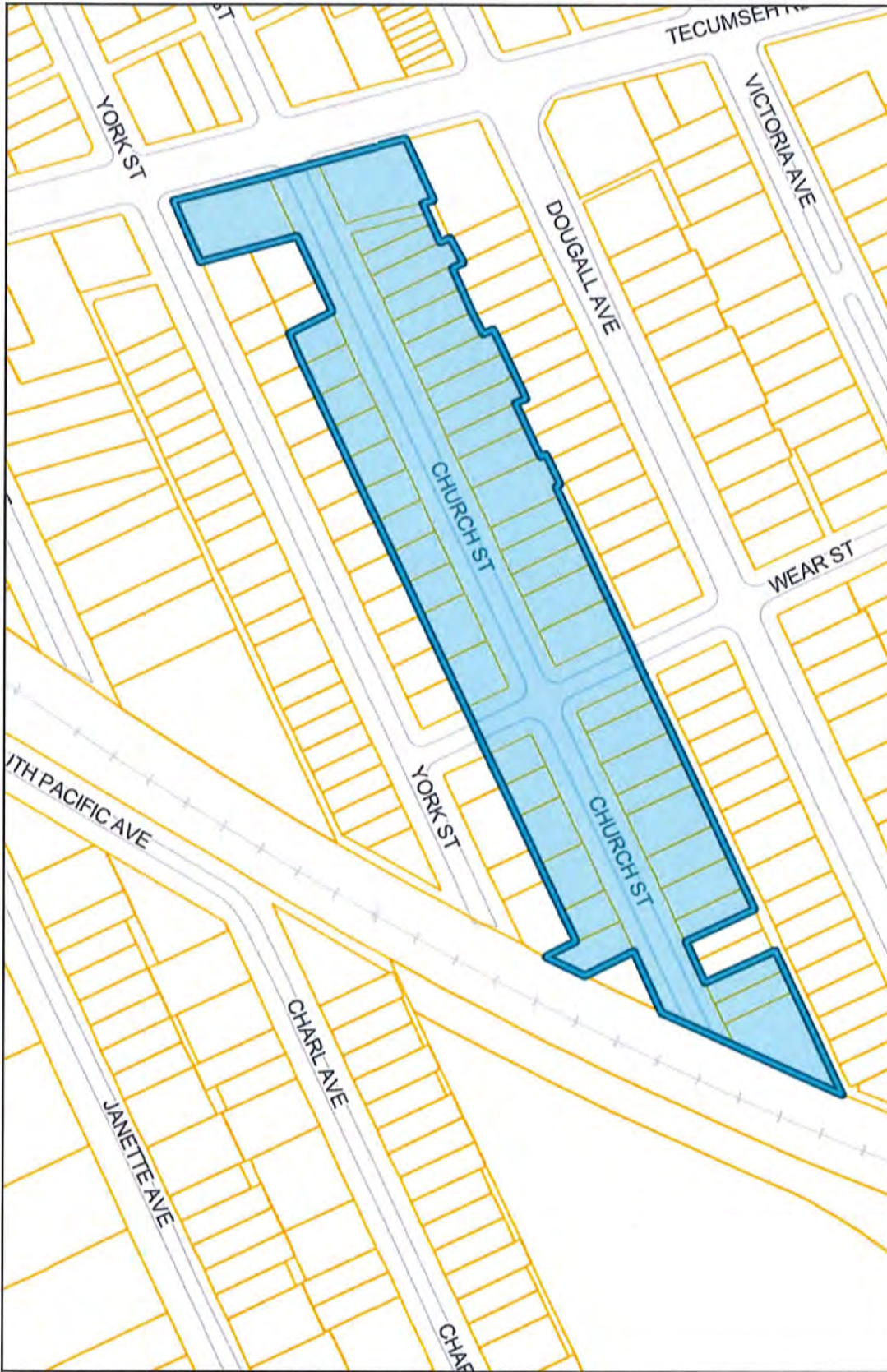
Attachment

C.c. Ward 3 Councillor

## Legend

Property

Parcels



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

## Notes

Survey Area of Church Street from Tecumseh Road West to Cul-De-Sac



**Committee Matters: SCM 290/2023**

**Subject: Response to CQ 19-2022 – Review of the use of Artificial Turf on the Public Right-of-way - City Wide**

Moved by: Councillor Gary Kaschak  
Seconded by: Councillor Mark McKenzie

Decision Number: **ETPS 961**

1. THAT the report of the Technologist III dated October 5, 2023 entitled, "Response to CQ 19-2022 – Review of the use of Artificial Turf on the Public Right-of-way - City Wide" **BE RECEIVED** for information.

Carried.

Report Number: S 126/2023  
Clerk's File: SW2023

**Clerk's Note:**

1. The recommendation of the Environment, Transportation & Public Safety Standing Committee and Administration are the same.
2. Please refer to Item 8.3 from the Environment, Transportation & Public Safety Standing Committee held on October 25, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:  
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20231025/-1/9440>

**Subject: Response to CQ 19-2022 – Review of the use of Artificial Turf on the Public Right-of-way - City Wide**

**Reference:**

Date to Council: October 25, 2023

Author: Amy Kurek

Technologist II

519-255-6257 ext 6216

akurek@citywindsor.ca

Engineering

Report Date: October 5, 2023

Clerk's File #: SW2023

**To:** Mayor and Members of City Council

**Recommendation:**

1. That Council **RECEIVE** the response to CQ19-2022 for information.

**Executive Summary:**

N/A

**Background:**

Councillor McKenzie asked the following question at the September 26, 2022 meeting of Council:

CQ 19-2022

“Asks that Administration undertake a review of the use of artificial turf on the public right-of-way with a view to assess the impacts as it relates to climate change and bio diversity and to assess the on-going use of the material in terms of all potentially affected departments at the City of Windsor.”

This report discusses the current applications of artificial turf by the City of Windsor while taking into account the implications of its use on climate change and bio diversity.

**Discussion:**

The application of artificial turf by the City of Windsor is currently limited to specific use in the public right-of-way as well as in some playgrounds and track areas within

parkland. Specific to rights-of-way, artificial turf is used to minimize risk in areas that are not viable for natural plant material and/or that pose safety concerns from a maintenance perspective. The city currently has no plans to replace viable natural green spaces, inclusive of those used within the right-of-way or in parks, with artificial turf spaces.

Artificial turf is currently installed by the City in the public right-of-way in medians and narrow boulevards, especially on major thoroughfares (e.g. Dougall, Howard, Wyandotte, Huron Church) for the following reasons:

1. In order to alleviate safety concerns related to maintenance of naturally landscaped narrow medians in areas with large volumes of traffic
2. As part of a beautification initiative to replace areas of existing concrete/brick pavers to a more natural facade.
3. As a resolution to areas that are difficult to successfully grow plant material due to the use of salt in the cold months.
4. As a resolution to areas surrounded by hard surfaces that hold heat in the summer months resulting in the inability for plant material to grow due to burning.
5. Reduced weekly maintenance requirements.

The engineering best practice BP 3.2.2 – Landscaping in the Right-of-way was updated on July 16<sup>th</sup>, 2016 to allow artificial turf in the right-of-way under a right-of-way permit taken out by a property owner. There have been approximately 35 permits issued for arterial turf since 2016.

#### Comparison of Artificial Turf versus Grass from an Environmental perspective

##### Artificial turf

- Artificial turf does not provide any food for living creatures. It restricts access to the soil beneath for burrowing insects and to the ground above for soil dwellers such as worms.
- It restricts access to natural materials like leaf litter and grass clippings – essential for feeding soil organisms like worms and microscopic animals and keeping the soil healthy.

##### Grass

- Like all living plants, grass takes up carbon dioxide and releases oxygen.
- A natural lawn acts as an air filter, trapping and absorbing smoke, dust, and pollutants that would otherwise be breathed in by us.
- Provides a home for beetles, other insects and worms, and attracts birds such as starlings that feed on the invertebrates hidden below.
- Provides seed for birds; those of annual meadow grasses and dandelion are particular favourites.
- Improves water quality, promotes infiltration of rainwater and prevents soil erosion.
- Absorbs sound and reduces noise pollution.



While grass provides enhanced environmental benefits compared to artificial turf, as demonstrated above, the impact is not considerable given the areas within the right-of-way where artificial turf is currently being utilized (e.g. medians) are not supportive of a rich biodiversity due to their location and proximity to traffic. In fact, in most cases artificial turf is being used to replace hard surfaces such as concrete which provides no environmental benefits.

In addition, the impact to climate change would be negligible as the use of artificial turf is limited throughout the City. Widespread use of artificial turf in the right-of-way is not anticipated due to cost and as observed by the low number of permits issued for artificial turf installed by property owners in the last seven (7) years (only 35).

### **Risk Analysis:**

The use of natural grassed medians creates a safety concern for maintenance staff, especially on high-speed thoroughfares. This is mitigated through the use of reflective clothing and temporary traffic setups. While installed at a lower capital cost compared to artificial turf or pavement, grass and other natural medians require maintenance at a higher and ongoing operating cost.

Should the number of permits issued to property owners to install artificial turf in the right-of-way as permitted by BP 3.2.2 increase significantly there would be an associated increase in costs to Capital works projects such as City road rehabilitation projects as the City would reinstate the permitted artificial turf rather than topsoil and grass for those properties.

### **Climate Change Risks**

#### **Climate Change Mitigation:**

Grass or other natural plants absorb carbon dioxide. Conversely, production of artificial turf requires energy and therefore increases greenhouse gas emissions. At the end of life of artificial turf will end up in the landfill, whereas grass can be mulched in place.

#### **Climate Change Adaptation:**

N/A

#### **Financial Matters:**

There are no financial impacts associated with the recommendations of this report. Any budgetary impacts from the current use of artificial turf have been accounted for in operating and capital budgets.

#### **Consultations:**

Roberta Harrison, Coordinator Maintenance, Operations

Wadah Al-Yassiri, Manager of Parks and Development, Parks and Facilities

James Scott, Manager of Parks Operations, Parks and Facilities

Fahd Mikhael, Manager of Design, Engineering

Kristina Savi-Mascaro, Purchasing, Risk Management & Provincial Offences

Katrina Richters, Supervisor Environmental Sustainability and Climate Change, Asset Planning

**Conclusion:**

While the findings of this report include information regarding some negative environmental impacts of the use of artificial turf, the current volume at which artificial turf is utilized by the City of Windsor can be deemed to have an insignificant impact.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
Adam Pillon	Manager of Right-of-Way
Stacey McGuire	Executive Director of Engineering/Deputy City Engineer
Shawna Boakes	Executive Director of Operations/Deputy City Engineer
Chris Nepszy	Commissioner, Infrastructure Services
Shelby Askin Hager	Commissioner, Legal and Legislative Services
Joe Mancina	Chief Administrative Officer

**Notifications:**

Name	Address	Email
Kieran Mckenzie		kmckenzie@citywindsor.ca

**Appendices:**

N/A



**Committee Matters: SCM 289/2023**

**Subject: Response to CR57/2022 – Data Collected and Potential Strategies to Target Rodent Issues – City Wide**

Moved by: Councillor Gary Kaschak  
Seconded by: Councillor Renaldo Agostino

Decision Number: **ETPS 960**

THAT the report of the Commissioner of Infrastructure Services dated October 6, 2023, entitled "Response to CR57/2022 – Data Collected and Potential Strategies to Target Rodent Issues" **BE RECEIVED** for information.

Carried.

Report Number: S 127/2023  
Clerk's File: AB2023

**Clerk's Note:**

1. The recommendation of the Environment, Transportation & Public Safety Standing Committee and Administration are the same.
2. Please refer to Item 8.2 from the Environment, Transportation & Public Safety Standing Committee held on October 25, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:  
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20231025/-1/9440>

**Subject: Response to CR57/2022 – Data Collected and Potential Strategies to Target Rodent Issues – City Wide**

**Reference:**

Date to Council: October 25, 2023  
Author: Anne-Marie Albidone  
Manager, Environmental Services  
aalibidone@citywindsor.ca  
519-974-2277 ext. 3123  
Public Works - Operations  
Report Date: October 6, 2023  
Clerk's File #: AB2023

**To:** Mayor and Members of City Council

**Recommendation:**

THAT the report of the Commissioner of Infrastructure Services dated October 6, 2023, entitled "Response to CR57/2022 – Data Collected and Potential Strategies to Target Rodent Issues" **BE RECEIVED** for information.

**Executive Summary:**

N/A

**Background:**

At the February 14, 2022 meeting of City Council, the following resolution was passed:

*That the report of the Commissioner of Legal and Legislative Services dated January 31, 2022 entitled "Response to CQ 24-2021 – By-law to Require All Property Owners to Maintain Their Properties Free from Rodents and Further Researching Best Practices from Other Municipalities – City Wide" **BE RECEIVED** for information; and further,*

*That administration **BE DIRECTED** to report back at a future date on the data collected and potential strategies to target the issue of rodents in our community; and further,*

*That Administration **BE DIRECTED** to initiate an education and awareness campaign so residents are more aware of the existing Rodent Extermination Program.*

This report serves to report on the data collected and potential strategies to target rodent issues in our community.

## Discussion:

The Rodent Extermination Program is a well established program in the Environmental Services Department, with data available on properties baited from 2007 (Table 1). Administration tracks two sets of measures. The first is the number of requests for the Rodent Extermination Service. However, not all request result in baiting. The second measure, which more accurately reflects the rat population trends on residential properties, is the number of properties baited. This data can be seen in Table 1.

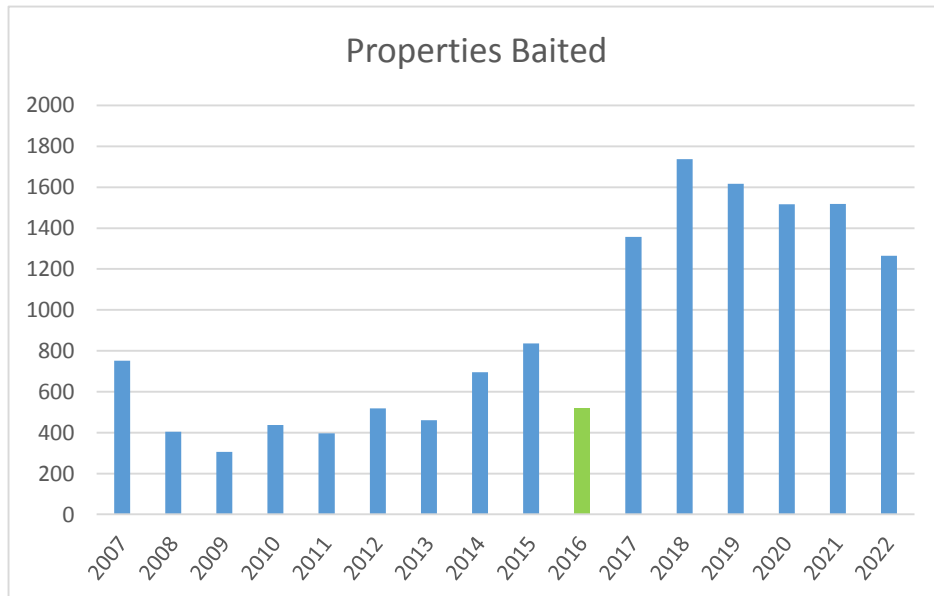


Table 1: Number of properties baited for rodent control by year.

Note that in 2016 a \$100 user fee was implemented, and subsequently removed in 2017.

Since 2018, the number of properties baited has steadily declined. There has also been a decline in the number of requests for the program year over year. In 2021, there was a total of 2,397 service requests for the Rodent Extermination Program, while in 2022 there was 1,735 service requests. Although part of the decline is likely due to education efforts and the baiting portion of the program, a portion of the decline is due to the natural cycle of wildlife populations. As resources such as food and water are plentiful, the population increases. As the population increases, the resources become scarcer, and the population then declines naturally. It is important to note that over the 16 year period depicted in Table 1, there has been little change in the education model.

Over the last year, Administration has undertaken the following education efforts:

1. Advertised and provided information on the program in the 2022/2023 Collection Calendar. This Calendar was delivered to over 90,000 homes, with an additional 1,721 Calendars delivered as requested through 311 in 2022.
2. Updated the City website, including a Frequently Asked Questions page to assist residents in understanding rodent behaviour, rodent attractants and deterrents, and abatement program requirements. [Rats - Frequently Asked Questions \(citywindsor.ca\)](http://citywindsor.ca)

3. Participation in a variety of interviews with media outlets to discuss trends in the rodent population and provide information on the Rodent Extermination Program.
4. Provided targeted education to nine (9) high complaint areas in 2023. This involved canvassing the area to request access to properties to proactively look for rodent activity, and to provide direct information to homeowners on the Rodent Extermination Program.

On average, Environmental Services inspects 30 new properties a week, and monitors the baiting of 125 properties each week.

Other education measures that may be considered to further promote the extermination program include:

- A. Focussed radio segments such as “Experts on call”
- B. Billboards on garbage trucks
- C. Increase number of direct targeted areas (as described in #4 above)
- D. Social media blitzes

### **Risk Analysis:**

Environmental Services is currently staffed to manage the program under the existing education model. Any increases to education efforts could result in additional service needs. There is significant risk that this would lead to long wait times for service, and dissatisfaction among residents. A mitigating measure would be to increase staffing levels. The cost of this option is outlined in the financial section of this report.

Council is reminded that a user fee of \$20 per inspection was approved during the 2023 Budget Deliberations to be brought forward again in 2024 for consideration. This user fee does not fully offset the expenditures in the established program, therefore, an increase in educational efforts would require an offsetting increase in the proposed user fee in order to maintain the same net overall budget.

### **Climate Change Risks**

#### **Climate Change Mitigation:**

N/A

#### **Climate Change Adaptation:**

N/A

### **Financial Matters:**

The current contract for rodent extermination expires on March 31, 2024. It is anticipated that a new tender for the same service will result in increased costs, as there has not been an increase since 2020. It is difficult to estimate what this increase will be, but as a point of reference, a 10% increase would result in an increase to the contracted services of approximately \$5,000 per year.

Should changing the education model increase the demand for the program, this will in turn increase the cost of the program.

Should Council direct Administration to implement the additional suggested educational measures listed in the discussion section of this report, there would likely be a resulting increase in the requests for inspection. This increase would require not only an additional inspector (Waste Collection Operator position), but also the addition of a part-time clerk to assist with the administration of the program. In addition to added labour costs, there will also be increased costs for educational materials.

Summary of Additional Costs:

Waste Collection Operator (L82), wage and fringe	\$ 86,227
Junior Clerk (L543, Level 8), wage and fringe	\$ 41,945
Clothing and Other Staff Costs	\$ 1,000
Billboards	\$ 6,000
Pamphlets, Sign up documents	\$ 1,500
Total Additional Costs	<u>\$136,672</u>

A budget increase of approximately \$136,672, including the addition of 1.6 FTE's would be required to implement an enhanced program as outlined. Administration has prepared a 2024 budget issue for consideration outlining options such as the implementation of the previously approved \$20 user fee, as well as the complete elimination of the rodent control program as a budget reduction option.

- An additional option can be added to the specific rodent control budget issue to provide this third option for consideration of an enhanced education program related to rodent control

**Consultations:**

Cindy Becker, Financial Planning Administrator – Public Works

**Conclusion:**

The rodent extermination program is well established in the City of Windsor. It is clear that the use of the program fluctuates with the rodent population, and is not a reflection of the educational model. However, increased awareness would most likely increase use of the program. This would result in an increase to the cost of the program and should be reviewed in relation to other competing priorities during budget deliberations

**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Cindy Becker	Financial Planning Administrator, Public Works
Shawna Boakes	Executive Director, Operations
Chris Nepszy	Commissioner, Infrastructure Services
Dan Seguin	On behalf of Commissioner, Corporate Services/Chief Financial Officers & City Treasurer
Joe Mancina	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>

**Appendices:**





**Committee Matters: SCM 288/2023**

**Subject: Response to CQ 18-2023 – Reversing Recycling and Garbage Collection Days – City Wide**

Moved by: Councillor Gary Kaschak  
Seconded by: Councillor Renaldo Agostino

Decision Number: **ETPS 966**

THAT the report of the Commissioner of Infrastructure Services dated October 5th, 2023, entitled “Response to CQ 18-2023 – Reversing Recycling and Garbage Collection Days” **BE RECEIVED** for information.

Carried.

Report Number: S 125/2023  
Clerk’s File: SW2023

**Clerk’s Note:**

1. The recommendation of the Environment, Transportation & Public Safety Standing Committee and Administration are the same.
2. Please refer to Item 8.1 from the Environment, Transportation & Public Safety Standing Committee held on October 25, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:  
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20231025/-1/9440>

**Subject: Response to CQ 18-2023 – Reversing Recycling and Garbage Collection Days – City Wide**

**Reference:**

Date to Council: October 25, 2023  
Author: Anne-Marie Albidone  
Manager, Environmental Services  
aalibidone@citywindsorca  
519-974-2277 ext. 3123  
Public Works - Operations  
Report Date: October 5, 2023  
Clerk's File #: SW2023

**To:** Mayor and Members of City Council

**Recommendation:**

THAT the report of the Commissioner of Infrastructure Services dated October 5th, 2023, entitled "Response to CQ 18-2023 – Reversing Recycling and Garbage Collection Days" **BE RECEIVED** for information.

**Executive Summary:**

N/A

**Background:**

At the June 12, 2023 Council meeting, Councillor Gary Kaschak asked the following question:

*CQ 18-2023: Asks in order to achieve increased waste diversion targets & not fill up our Landfill as fast, I ask Administration for a report to look into reversing the garbage day & recycle day schedules with recycling pickup day coming before garbage day. I believe this could in fact get more goods into the recycle stream if being picked up one day before garbage day. I look forward to a report from our Environmental Services group.*

**Discussion:**

Historical data available for review on the City of Windsor recycling collection indicates that garbage has always been collected on a Monday to Thursday schedule while recycling has always been collected on a Tuesday to Friday schedule. It is presumed that when these services were provided in-house, the day-after-garbage recycling schedule was beneficial for staffing purposes and equipment utilization. However, since 2010, these services have mostly been contracted out to a private collection company. The current collection contract expires in March 2025. Administration has released a

Request for Proposals to solicit bids for a new collection contract that would start April 1, 2025, and expire 5 to 7 years thereafter.

The City of Windsor’s current collection contractor has indicated that changing the collection days for recycling and garbage (so that recycling is collected Monday to Thursday, and garbage Tuesday to Friday) would mean a material change to the existing contract. It is unlikely these costs would be offset by any revenue received by the Essex-Windsor Solid Waste Authority (EWSWA) from additional recyclable materials. This is further explored in the Financial section of this report.

Administration also undertook a review of several other municipalities in Ontario to determine if anyone collects recycling on the day before garbage. The following information is provided for Council’s review.

<b>Municipality</b>	<b>Frequency of Collection</b>	<b>Day of service in relation to garbage collection</b>
Durham	Weekly	Same day as garbage
Halton	Weekly	Same day as garbage
Hamilton	Weekly	Same day as garbage
Niagara	Weekly	Same day as garbage
Sudbury	Weekly	Same day as garbage
Waterloo	Weekly	Same day as garbage

Table 1: Frequency and day of collection of Recycling Collection in Ontario Municipalities participating in MBNCCanada.

Based on the review, it appears quite common to provide collection of all streams on the same day.

Administration also reviewed the diversion rate of recycling collection in municipalities that report in the Municipal Benchmarking Network of Canada (MBNC). Diversion rates based on recycling alone are significantly higher in other municipalities compared to the City of Windsor, however this is primarily due to the weekly collection service provided in those municipalities and/or additional material accepted in their programs. Although increasing the frequency of recycling collection would lead to an increase in diversion, Administration does not recommend doing so at this time for two (2) reasons. Firstly, changing collection frequency would result in a major material change to the collection contract and consequently a significant increase in cost. There is no guarantee the contractor would even be capable of increasing collection frequency since it would be challenging to obtain the necessary equipment to do so. Secondly, Council is reminded that effective August 24<sup>th</sup>, 2024, the City of Windsor will no longer be responsible for the recycling program as we will transition to a Producer Responsibility model. Producers are responsible to provide collection at the service levels of 2019 (i.e. bi-weekly for the City of Windsor). Any changes made to the program at this time, is unlikely to be adopted by the producers.

Collection Calendars provided to each homeowner outline the collection days for all waste streams from April of any given year until March of the following year. Therefore, the current collection schedule has already been provided to residents until March 2024. The next collection calendar will span April 2024 until March 2025. The development of that calendar will begin in September 2023 and is expected to be finalized by early December 2023. Any changes to the current collection model would require Council direction no later than November 27, 2023.

### **Risk Analysis:**

Council is reminded that during Statutory Holidays all collection services are delayed by one day. Therefore, the zones receiving collection on a Friday, would receive that collection on Saturday during a holiday week. There is a significant risk of public dissatisfaction should garbage collection be delayed until Saturday as it is general viewed as less acceptable than delaying recycling collection. A mitigating measure would be to have both garbage and recycling collected on the same day, with a Tuesday to Friday schedule, and without any change to collection days on most holiday weeks. This could be achieved under the new collection contract set to begin in 2025.

There is significant risk that the change to collection days will not result in a noticeable change in the weight of recyclable materials received. Although the volume of material may increase slightly, the revenue realized for recyclable goods is based on weight. Many materials recycled in the regional program are light weight. Therefore, there is significant risk that the revenue received by EWSWA will not offset the increased contractual collection cost due to of a material change to the contract.

It should be noted that no matter the direction given by Council for collection in 2024, the producer could change the collection days after August 2024. There is therefore a moderate risk of confusion for residents should a change be made in April 2024 (by Council's direction), and then again in September 2024 (by Producer direction).

### **Climate Change Risks**

#### **Climate Change Mitigation:**

N/A

#### **Climate Change Adaptation:**

N/A

### **Financial Matters:**

It is difficult to ascertain the financial compensation that would be sought by the current collection service provider. However, in order to support a change in collection days, the cost would need to be offset (or substantially offset) by the revenue received by EWSWA from the additional recycling, (if any).

According to the most recent Essex-Windsor Waste Diversion Report (2022), the revenue received averaged \$213/tonne. Council is reminded that the commodity prices for recyclable materials are extremely volatile. This figure is being used for illustration purposes only and should not be considered a representative average.

At \$213/tonne, a modest increase of 10 tonnes per year would yield approximately \$21,300 in additional revenue. This modest increase would have little impact on the equipment needed for collection. A substantial increase of 100 tonnes per year would yield approximately \$213,000 in additional revenue. A substantial increase in tonnes would require additional collection vehicles, which would result in increased compensation from the collection service provider.

**Consultations:**

Michelle Bishop, General Manager, Essex-Windsor Solid Waste Authority  
 Catharine Copot-Nepszy, Diversion Manager, Essex-Windsor Solid Waste Authority  
 Cindy Becker, Financial Planning Administrator

**Conclusion:**

There is little evidence to support that a change in collection days for recycling would result in a noticeable increase in diversion rates. There is, however, information that suggests doing so would result in a likely increase to overall costs for the remainder of the existing contract. Following that, the producers will be responsible for recycling collection and collection days will be at their discretion.

Should Council wish to increase diversion rates, it is suggested that new diversion programs be considered as they become available through the Essex-Windsor Solid Waste Authority.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
Cindy Becker	Financial Planning Administrator – Public Works
Shawna Boakes	Executive Director of Operations
Chris Nepszy	Commissioner, Infrastructure Services
Dan Seguin	On behalf of Commissioner, Corporate Services/Chief Financial Officer & City Treasurer
Joe Mancina	Chief Administrative Officer

**Notifications:**

Name	Address	Email

**Appendices:**



**Committee Matters: SCM 287/2023**

**Subject: Response to Council Decision ETPS 942 – Options for Addressing Panhandling - City Wide**

Moved by: Councillor Renaldo Agostino

Seconded by: Councillor Gary Kaschak

Decision Number: **ETPS 965 ETPS 942**

THAT the committee report of the Environment, Transportation & Public Safety Standing Committee dated March 9, 2023 entitled “Panhandling Statistics re Council Question CQ 11-2022 - City Wide” indicating:

1. THAT the attached additional information relating to panhandling regulation and statistics BE RECEIVED; and,
2. THAT by-law \*\*\*, being a by-law to regulate panhandling, BE CONSIDERED, and, if advisable, BE PASSED; and,
3. THAT administration BE DIRECTED to provide more information related to other options to issuing fines, including but not limited to outreach, to address the aggressive panhandling behaviour, for Councils consideration.

**BE NOTED AND FILED;** and,

THAT the report of the Manager of Homelessness and Housing Support and the Deputy Licence Commissioner, dated July 24, 2023 entitled “Response to Council Decision ETPS 942 – Options for Addressing Panhandling - City Wide” submitted in response to direction provided through Council Decision ETPS 942 **BE RECEIVED** for information; and,

THAT City Council and Administration **ADVOCATE** to the provincial and federal levels of government for increased investments in programs and benefits for Canadians that will reduce poverty and increase affordability; and,

THAT City Council continue to **SUPPORT** programs and services that advance the goals of the 10-year Housing and Homelessness Master Plan, and the creation and expansion of affordable and supportive housing; and,

THAT Administration **BE DIRECTED** to send correspondence on behalf of Windsor City Council Requesting both the Windsor Police Services Board and Windsor Police Administration, that the Windsor Police Service take a more pro-active approach to addressing unsafe behaviours in the public roadways that impact or potentially impact

traffic flows in a manner that is consistent with existing laws that fall within The enforcement scope of the Windsor Police Service; and,

THAT Administration **REPORT BACK** with infrastructure related strategies to discourage unsafe behaviours in the public roadway.  
Carried.

Report Number: C 119/2023, SCM 111/2023, & S 31/2023  
Clerk's File: ACL2023 & ACOQ2023

**Clerk's Note:**

1. The recommendation of the Environment, Transportation & Public Safety Standing Committee and Administration are **NOT** the same.
2. Please refer to Item 8.7 from the Environment, Transportation & Public Safety Standing Committee held on October 25, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:  
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20231025/-1/9440>

**Subject: Response to Council Decision ETPS 942 – Options for Addressing Panhandling - City Wide**

**Reference:**

Date to Council: October 25, 2023

Co-Author: Jennifer Tanner  
Manager, Homelessness and Housing Support  
Human and Health Services  
519-255-5200 x 5250  
[jtanner@citywindsor.ca](mailto:jtanner@citywindsor.ca)

Co-Author: Craig Robertson  
Deputy Licence Commissioner and Acting Senior Manager  
of Licensing and Bylaw Enforcement  
519-255-6100 x 6869  
[crobertson@citywindsor.ca](mailto:crobertson@citywindsor.ca)

Report Date: 7/24/2023  
Clerk's File #: ACL2023

**To:** Mayor and Members of City Council

**Recommendation:**

**THAT** the report titled “Options for Addressing Panhandling” from the Manager of Homelessness and Housing Support and the Deputy Licence Commissioner submitted in response to direction provided through Council Decision ETPS 942 **BE RECEIVED** for information; and,

**THAT** City Council and Administration **ADVOCATE** to the provincial and federal levels of government for increased investments in programs and benefits for Canadians that will reduce poverty and increase affordability; and,

**THAT** City Council continue to **SUPPORT** programs and services that advance the goals of the 10-year Housing and Homelessness Master Plan, and the creation and expansion of affordable and supportive housing.

**Executive Summary:**

N/A



## **Background:**

At the Council meeting of July 11 2022, Councillor Francis asked the following question:

*CQ 11-2022*

*Assigned to Commissioner of Legal and Legislative Services:*

*That Administration report back to City Council regarding the feasibility of establishing a by-law that prohibits panhandling in residential, business, and tourism districts within the City of Windsor, including boulevards and pedestrian refuges.*

A response to CQ-11 was presented on 30 January 2023 (APPENDIX A), and by CR 36/2023 Council directed administration to bring forward a by-law for Council's consideration to reduce aggressive, intimidating, and dangerous panhandling practices. Council also requested statistics regarding tickets issued under the Ontario Safe Streets Act, as well as information about other Ontario municipalities with like by-laws.

At the March 29, 2023 meeting of the Environment, Transportation & Public Safety Standing Committee, Report S 31/2023 was received, outlining the requested statistical information and municipal surveying results. This report also contains the proposed bylaw. The Standing Committee, through Decision Number ETPS 942 directed Administration as such:

*That the attached additional information relating to panhandling regulation and statistics BE RECEIVED; and,  
That by-law \*\*\*, being a by-law to regulate panhandling, BE CONSIDERED, and, if advisable, BE PASSED; and,  
That administration BE DIRECTED to provide more information related to other options to issuing fines, including but not limited to outreach, to address the aggressive panhandling behaviour, for Council's consideration.*

## **Discussion:**

The issue of addressing panhandling activity by way of by-law has been before Council on numerous prior occasions. The initial reports from 2014 and earlier in 2023 are attached for Council's reference in Appendix A and Report S 31/2023, and provide a broad legal overview of the regulation of panhandling.

In summary – as described in the attached reports, the relevant Courts have found that peaceful and non-obstructive panhandling is considered to be a form of expression, and as such is protected by the Charter of Rights and Freedoms. A by-law that acts to limit this right based solely on geographic location would likely not survive a Charter challenge. By-laws that have withstood charter challenges in the past closely mirror the provisions outlined in the *Ontario Safe Streets Act*, 1999, S.O., c. 8.

The *Safe Streets Act* balances the right to panhandle peacefully with the rights of others to use the sidewalks and roadways by prohibiting “solicitation in an aggressive manner”– this is defined as “request[ing], in person, the immediate provision of money or another thing of value, regardless of whether consideration is offered or provided in return, using the spoken, written or printed word, a gesture or other means...[in] a

manner that is likely to cause a reasonable person to be concerned for his or her safety or security”.

Behaviours deemed to be aggressive solicitation under the *Safe Streets Act* include threatening (by word or otherwise), blocking or obstructing the path of someone being solicited, using abusive language, following or otherwise proceeding with the person being solicited, soliciting while intoxicated, and continuing to solicit after being turned down. *The Safe Streets Act* also prescribes specific locations where solicitation cannot occur as outlined in the previous reports.

The regulations contained in the *Safe Streets Act* is currently enforced at the municipal level by Police services, which have the capability to respond on an emergency call-out basis. The City’s Bylaw Enforcement department operates on a complaint-driven basis, with service requests issued by 311 being placed in a queue for assignment. The Enforcement division operates a targeted data driven approach to certain areas to assign resources where there is more demonstrated need, while maintaining a complaint driven model. It is unknown as to whether this by-law will lead to a more effective curbing of dangerous or threatening behaviours. By-law officers will focus on compliance and education, and will work with the Human and Health Services department to facilitate connection to community resources where desired. At this time it is not expected that this by-law will require additional enforcement resources to address, but this cannot be confirmed until after enforcement commences and impacts can be assessed. This includes costs related to any prosecutions that may be undertaken.

### ***Alternatives to Addressing Panhandling***

Panhandling is a complex issue that is a result of systemic failings such as poverty, the shortage of affordable housing, and the lack of immediate access to mental health and addiction services. Administration has conducted research and connected with other municipalities to see if there are any innovative and effective panhandling mitigation strategies that can be implemented in Windsor. The conclusion is that there are no quick and easy strategies to reducing panhandling. The most effective way to reduce panhandling is to address the root causes.

According to the Canadian Observatory on Homelessness, “People who engage in such activities often have real difficulties in participating in the labour market, due to their poverty, hunger, compromised health, disability, mental health challenges and other barriers to employment. Panhandling or squeegeeing allow people to earn income on a day-to-day basis so that they can meet their immediate needs for food, shelter, hygiene products and/or entertainment.”<sup>1</sup>

Windsor is not alone in looking for solutions to panhandling as visible homelessness and panhandling has been on the rise across Canada since the pandemic<sup>2</sup>. Other communities in Ontario are experiencing similar and often more serious challenges, such as emergency shelters over capacity and large homelessness encampments.

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<sup>1</sup> [Panhandling, Busking And Squeegeeing | The Homeless Hub](#)

<sup>2</sup> Overview of Encampments Across Canada: A Right to Housing Approach. The Office of the Federal Housing Advocate.

While it is often assumed that all people who panhandle are also experiencing homelessness, this is not always true. Family Services Windsor-Essex surveyed people in Windsor who were panhandling from April to July 2023 and found that 50% were housed, but faced deep poverty<sup>3</sup> and used panhandling as a way to pay for housing and food.

Modest increases in provincially legislated income assistance rates have not kept up with the current rate of inflation which has resulted in increased housing and grocery costs. A single adult in the Province of Ontario receiving income support through Ontario Works (OW) receives \$733 monthly, which is comprised of \$343 for basic needs and a maximum shelter allowance of \$390. The OW rates have not been increased since 2018 and there are approximately 4,224 single adults receiving OW in Windsor-Essex County as of July 2023. This does not account for the number of people who are currently receiving financial assistance from the Ontario Disability Support Program (ODSP), with a single person receiving \$1,228 monthly. To put this all into perspective, the Canada Mortgage and Housing Corporation lists Windsor's average cost for a one-bedroom unit to be \$1,017.<sup>4</sup> This means that residents in receipt of OW and ODSP, as well as many other low-income earners, are often priced out of the rental market or left spending most of their income on rent, leaving very little left for food and other basic needs.

Effective alternatives to addressing panhandling that do not involve enforcement are already happening in Windsor through the Homelessness Outreach team and access improvements through the 311 Contact Centre, as well as other key services in the downtown core.

In an effort to support those experiencing homelessness and those who sleep outdoors, the City of Windsor has allocated municipal and provincial funding to Family Services Windsor-Essex (FSWE) to deliver outreach services. Homelessness Street Outreach Workers (herein referred to as Homelessness Outreach Workers) interact with people experiencing homelessness, through a variety of progressive engagement techniques, make referrals to emergency shelters, and connect people with appropriate support services that will help them meet their housing, health, financial and social needs. People living outdoors may be disconnected from community services and it often takes multiple interactions to build trust before a person is willing to accept help.

Starting in the summer of 2023, a new schedule for the team of five (5) Homelessness Outreach Workers was developed to better meet the needs of the community, and support those experiencing homelessness as well as those who are panhandling. Four (4) of these Outreach Workers are designated to Windsor and one (1) to Essex County.

Recent enhancements to Homelessness Outreach includes:

- Expanded hours of operation
- Extended service to 7 days a week
- On-call supports in the late evening

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<sup>3</sup> The Government of Canada has officially defined deep poverty as 75% of Canada's official poverty line, the Market Basket Measure (MBM). In the 2021 Census, the MBM for persons not in economic families in large urban population centres in Ontario with a population between 100,000 and 499,999 persons is \$22,170.

<sup>4</sup> Average Market Rent 2022, Canada Mortgage and Housing Corporation

- Establishment of regular service routes in six areas of the city. (i.e. Downtown Windsor, Jackson Park, University Avenue West, Ford City, West Windsor and Walkerville)

**Table 1: FSWE Homelessness Street Outreach Workers Schedule in Windsor\***

Type of Service	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
On the streets	7:30am - 3:30pm	7:30am – 3:30pm	7:30am – 6:00pm	7:30am – 6:00pm	7:30am – 6:00pm	10:00am – 6:00pm	10:00am – 6:00pm
On-call	9:00pm – 12:00am	9:00pm – 12:00am	9:00pm – 12:00am	9:00pm – 12:00am	9:00pm – 12:00am	6:00pm – 12:00am	6:00pm – 12:00am

\*Excludes holidays

Since April 2023, an Homelessness Outreach Worker has also been riding along with Windsor Police approximately two days per week to respond to panhandling concerns in various locations, intersections and boulevards throughout Windsor. There have been positive results from this pilot, including a few direct referrals to Ontario Works that resulted in immediate approvals for financial assistance.

Enhancements are also underway to improve access to Homelessness Outreach Workers through the 311 Contact Centre. A new 311 online service request will allow the public to request homelessness supports 24/7 using the 311Windsor mobile app as well as 311online. Once a service request is created, it is automatically forwarded to the Outreach team for their review, triage and response (which varies depending on the time of day). Leveraging the existing 311 reporting system not only achieves operational efficiencies but it promotes inter-agency coordination and allows for the collection of data for future decision-making.

Another enhancement to be implemented in the near future will utilize the existing 311 phone system’s after-hours interactive voice response (IVR) messaging to include a “Press 1” option whereby calls can automatically be routed to the Homelessness Outreach team. This provides an easy number for the public to remember and an easy way for them to connect directly with the service provider. Data can be collected on how many calls come in after hours seeking homelessness support.

It is important to note that while these changes do simplify and expand access to homelessness supports, they do not provide an immediate 24/7 response from FSWE’s Homelessness Outreach team due to the limitations of their hours of operation, the limited number of staff, and the need to prioritize requests from all areas of the city with varying degrees of urgency. Each 311 request for service needs to be triaged by the Outreach team to determine if Homelessness Outreach is the appropriate support service, when it can be actioned, or if it would be more appropriate to refer the matter to another type outreach service (e.g. Nurse Police Team, MOST Van) or emergency services (i.e. Police or EMS).

In addition to Homelessness Outreach services, the City of Windsor has allocated municipal, provincial and federal funding to support the Homelessness & Housing Help Hub (H4) which provides service for people experiencing homelessness 7 days per week from 8:30am to 6pm. At H4, people experiencing homelessness can receive multi-disciplinary supports to obtain help finding housing, receive medical care, connect with addiction and justice services, or simply to rest and have a snack. In 2022, H4 was attended by an average of 100 people each day.

The City also provides financial support to all three emergency shelters in Windsor including the Welcome Centre Shelter for Women and Families, the Salvation Army and the Downtown Mission and a new emergency shelter program in Leamington. These shelters provide overnight accommodations as well as day time and meal programs for their clients.

There are also services led and funded by other organizations which dovetail with the City-funded services described above to provide additional supports for people who are experiencing homelessness and may be panhandling. A few of these key services are described below.

- Mobile Outreach and Support Team (MOST) van supports the needs of those who have mental health or addiction challenges, require housing, or are street-involved. MOST is made up of a driver trained to support those with physical disabilities, a Social Worker, and an Outreach Worker. MOST will travel via an accessible van from Downtown Windsor to west-end locations with supplies such as food and personal care items. The van operates Monday to Friday from 5pm to 9pm. It is a collaborative initiative between Hôtel-Dieu Grace Healthcare, the Canadian Mental Health Association Windsor Essex County and FSWE.
- Nurse Police Team (NPT) pairs nursing professionals from Windsor Regional Hospital with frontline Windsor Police Officers and offers proactive care to those struggling with mental health and substance use disorders. The NPT team diverts people from the hospital by providing wound care and preventative care to individuals on the street. These supports are currently available Friday to Sunday from 1pm to 1am.
- Hôtel-Dieu Grace Healthcare's (HDGH) Crisis and Mental Wellness Centre at 744 Ouellette offers walk-in mental health services. Serving individuals aged 16 and older, the service is available 7 days per week Monday to Friday 8am to 10pm and Saturday and Sunday 8am to 8pm.

There are many other mobile and outreach services in the community offered by both professional and volunteer groups. Many of these groups meet regularly at the Community Outreach table, chaired by FSWE, to discuss and coordinate their respective services.

While the existing services mentioned above are effective at progressively engaging with vulnerable people and offering services directly to people on the streets of our community, more is needed to end homelessness and panhandling. These challenges require a multifaceted approach that not only aids those in immediate crisis but also addresses the underlying systemic issues contributing to poverty and housing instability.

Council and Administration is urged to advocate to upper levels of government for increased funding and systemic changes such as:

- Increased income support through Ontario Works and the Ontario Disability Support Program
- Increased investments to build new affordable housing
- Increased investments to build and operate more supportive housing
- Increased investments for support services that help people maintain their housing
- Continued support for the plans to develop and operate a new Housing Hub in Windsor that will build on the success of H4 and create approximately 64 permanent supportive housing units for those experiencing chronic homelessness in Windsor-Essex.

**Risk Analysis:**

If there are not increased investments, by all levels in government, in programs aimed at addressing systemic failings such as poverty, the shortage of affordable and supportive housing, and the challenges accessing mental health and addiction services, panhandling is likely to continue in Windsor and other communities across Canada.

**Climate Change Risks:**

N/A

**Climate Change Mitigation:**

N/A

**Climate Change Adaptation:**

N/A

**Financial Matters:**

For the 2023 – 2024 fiscal year, the City of Windsor has been allocated \$20.2 million in provincial and federal funding to provide a variety of homelessness programs including, but not limited to, the H4, emergency shelters, and outreach services. The City of Windsor also contributes \$2.45 million towards these homelessness programs. The Homelessness Street Outreach program is funded a total of \$366,184 through both the Province of Ontario's Ministry of Municipal Affairs and Housing (MMAH) Homelessness Prevention Program (HPP) and the City of Windsor (\$277,703 HPP, \$138,481 City). Administration will continue to advocate for increased provincial and federal funding to support these programs. Requests for municipal funding to support and expand programs and services will be brought forward, as needed, through the budget development process.

At this time, it is not expected that the implementation of this by-law will require additional enforcement resources to address, but this cannot be confirmed until after enforcement commences and impacts can be assessed. As noted in prior reports, the extent of the effort needed to address this type of infraction is largely speculative at this point, but will not result in a need for additional staffing resources at this time. If the situation changes, Council will be advised through budget submissions.

**Consultations:**

Alena Sleziak – Manager, Customer Contact Centre

Doran Anzolin – Executive Initiatives Coordinator, Human and Health Services

Kelly Goz – Manager, Homelessness and Housing Support (A)

Stephen Lynn – Manager, Social Policy and Planning

Linda Higgins – Manager, Intergovernmental Funding and Human Services Integration

Katherine Donaldson – Corporate Policy Coordinator

Kate Tracey – Senior Legal Counsel

**Conclusion:**

Homelessness, affordable housing and poverty are complex and pressing problems that requires continued City Council investments, and further action and investments from the provincial and federal levels of government. Panhandling is a symptom of these systemic issues, but as local data collection has proven, about 50% of people who engage in this activity have a place to live, so this is not solely a homelessness issue. Investments in programs that provide affordable housing, mental health support, and addiction treatment are needed in Windsor-Essex. By tackling the underlying causes of homelessness and providing essential support, meaningful change can be brought to Windsor for the individuals in the community that are experiencing these hardships.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
Jennifer Tanner	Manager of Homelessness and Housing Support
Kirk Whittal	Executive Director of Housing and Children's Services
Craig Robertson	Deputy Licence Commissioner & Acting Senior Manager of Licensing & By-law Enforcement
Andrew Daher	Commissioner of Human and Health Services
Shelby Askin Hager	Commissioner of Legal & Legislative Services
Joe Mancina	Chief Administrative Officer

**Notifications:**

Name	Address	Email
Joyce Zuk, Family Services Windsor Essex		<a href="mailto:jzuk@fswe.ca">jzuk@fswe.ca</a>
Chief Jason Bellaire, Windsor Police Services		<a href="mailto:jbellaire@windsorpolice.ca">jbellaire@windsorpolice.ca</a>
David Musyj,		<a href="mailto:David.Musyj@wrh.on.ca">David.Musyj@wrh.on.ca</a>

Name	Address	Email
Windsor Regional Hospital		
Bill Marra, Hôtel-Dieu Grace Healthcare		<a href="mailto:Bill.Marra@hdgh.org">Bill.Marra@hdgh.org</a>
Sonia Grbevski  Canadian Mental Health Association, Windsor-Essex County Branch		<a href="mailto:sgrbevski@cmha-wecb.on.ca">sgrbevski@cmha- wecb.on.ca</a>

**Appendices:**

1 APPENDIX A - Report C10-2023 - Response to CQ 11-2022 Regarding the Feasibility of Establishing a By-law that Prohibits Panhandling



**Subject: Response to CQ 11-2022 Regarding the Feasibility of Establishing a By-law that Prohibits Panhandling - City Wide**

**Reference:**

Date to Council: January 30, 2023  
Author: Shelby Askin Hager  
City Solicitor/Commissioner, Legal and Real Estate Services  
shager@citywindsor.ca  
519-255-6100 ext 6424  
Legal Services, Real Estate & Risk Management  
Report Date: January 13, 2023  
Clerk's File #: ACL2023

**To:** Mayor and Members of City Council

**Recommendation:**

That Council **RECEIVE** the response to CQ 11-2022 for information.

**Executive Summary:**

n/a

**Background:**

At the Council meeting of July 11 2022, Councillor Francis asked the following question:

CQ 11-2022

**Assigned to Commissioner of Legal and Legislative Services:**

That Administration report back to City Council regarding the feasibility of establishing a by-law that prohibits panhandling in residential, business, and tourism districts within the City of Windsor, including boulevards and pedestrian refuges.

**Discussion:**

**Historical Treatment**

The issue of addressing panhandling activity by way of by-law has been before Council on two prior occasions; those reports are attached for Council's reference and provide a broad legal overview of the regulation of panhandling.

As described in the attached reports, the Courts have found that peaceful and non-obstructive panhandling is considered to be a form of expression, and as such is protected by the *Charter of Rights and Freedoms*. A by-law that acts to limit this right based solely on geographic location would likely not survive a Charter challenge.

Instead, a focus on limitations based on the use of the sidewalk by the person being solicited and the behaviour of the person engaging in solicitation is more in keeping with the balancing of rights under the Charter and is more likely to be successfully upheld if challenged. The primary purpose of sidewalks and roads are the safe and unimpeded movement of travellers on foot or by vehicle. Any desired regulation should therefore be aimed at the manner in which the panhandling is undertaken rather than the act of doing so in the first place.

## **Regulatory Options**

A by-law would supplement and, for the most part, mirror the provisions of the existing Ontario *Safe Streets Act*, 1999, S.O., c. 8. This legislation is very similar to a Vancouver panhandling by-law which withstood judicial scrutiny. The Act balances the right to panhandle peacefully with the rights of others to use the sidewalks and roadways by prohibiting “solicitation in an aggressive manner”— this is defined as “request[ing], in person, the immediate provision of money or another thing of value, regardless of whether consideration is offered or provided in return, using the spoken, written or printed word, a gesture or other means...[in] a manner that is likely to cause a reasonable person to be concerned for his or her safety or security”.

Behaviours deemed to be aggressive solicitation under the *Safe Streets Act* include threatening (by word or otherwise), blocking or obstructing the path of someone being solicited, using abusive language, following or otherwise proceeding with the person being solicited, soliciting while intoxicated, and continuing to solicit after being turned down.

The *Safe Streets Act* also prescribes specific locations where solicitation cannot occur:

- automated teller machines;
- pay telephones or a public toilet facilities;
- taxi stand or a public transit stop;
- in or on a public transit vehicle;
- soliciting a person who is in the process of getting in, out of, on or off a vehicle or who is in a parking lot;
- on a roadway, soliciting a person who is in or on a stopped, standing or parked vehicle.

In addition to the to the above, the Vancouver by-law also addresses sitting or lying in the street in a manner that obstructs or impedes the convenient passage of pedestrian traffic as well as physically approaching and soliciting a pedestrian as a member of a group of three or more persons.

Regulations of this sort – aimed at specifically addressing problematic behaviours without restricting the right to panhandle – are the most viable regulatory options for Council in the event that a by-law is desired. It is noted, however, that these would be largely duplicating existing legislation that is enforced with Windsor Police Services resources rather than City resources. Attempting to expand the scope of the existing legislation by by-law to prohibit all panhandling in specific areas is very unlikely to withstand a legal challenge, given the existing precedent.

**Risk Analysis:**

While there is a risk that a by-law regulating panhandling activities would be challenged, the likelihood of the by-law being successfully upheld is increased by restricting the regulation to the types of matters addressed in the *Safe Streets Act*, representing a balancing of the right to use of the sidewalk with the right to panhandle.

**Climate Change Risks**

**Climate Change Mitigation:**

n/a

**Climate Change Adaptation:**

n/a

**Financial Matters:**

There are no financial implications to the receipt of this report. As noted in prior reports, the extent of the effort needed to address this type of infraction is largely speculative at this point, but will not result in a need for additional staffing resources.

**Consultations:**

None.

**Conclusion:**

Prohibiting panhandling in specific geographic locations within the City by by-law is likely to fail a legal challenge. It is noted, however, that those behaviours concerning solicitation of people in vehicles through any means, including by standing on boulevards and pedestrian refuges, are prohibited under the *Safe Streets Act* and can be actioned immediately by Windsor Police Services.

**Approvals:**

Name	Title
Shelby Askin Hager	City Solicitor/Commissioner, Legal and Legislative Services

Name	Title
Onorio Colucci	Chief Administrative Officer

**Notifications:**

Name	Address	Email

**Appendices:**

- 1 Report 17293 – Response to CQ12-2014 – how to pass a by-law to create a no panhandling area in the downtown core
- 2 Report 17393 – Response to M298-2014 – further information on development of a no panhandling by-law

**THE CORPORATION OF THE CITY OF WINDSOR**  
**Office of the City Solicitor - Legal Services Division**



**MISSION STATEMENT:**

*"Our City is built on relationships – between citizens and their government, business and public institutions, city and region – all interconnected, mutually supportive, and focused on the brightest future we can create together."*

<b>LiveLink REPORT #:</b>	<b>Report Date: August 1, 2014</b>
<b>Author's Name: Susan Hirota, Legal Counsel</b>	<b>Date to Council: January 5, 2015</b>
<b>Author's Phone: 519 255-610 ext. 6493</b>	<b>Classification #:</b>
<b>Author's E-mail: shirota@city.windsor.on.ca</b>	

**To: Mayor and Members of City Council**

**Subject: Response to M298-2014 – further information on development of a no panhandling by-law.**

**1. RECOMMENDATION: City Wide: X Ward(s): \_\_\_\_\_**

That this report from Legal Counsel regarding a response to M298-2014 **BE RECEIVED** for information.

**EXECUTIVE SUMMARY:**

N/A

**2. BACKGROUND:**

At the July 21, 2014 meeting of Council, a report (Livelink #17283 attached as Appendix A) in response to CQ12-2014 (how to pass a by-law to create a no panhandling area in the downtown core) was received and referred back to Administration for further information on the development of a no panhandling by-law including research on time of day restrictions and restrictions to other areas of the City.

**3. DISCUSSION:**

Time Of Day Restrictions

An attempt to limit panhandling to certain hours of the day is vulnerable to *Charter* challenge.

The courts have recognized that panhandling has expressive value that is protected under the *Charter* unless it is obstructive or inconsistent with the function of the place (i.e. interferes with the safe and efficient movement of pedestrians on the sidewalk).

Non-obstructive panhandling is protected expression and a by-law setting reasonable limits on panhandling will be upheld if the panhandler is able to move to an alternate location (i.e. away from an ATM machine) or change the mode of panhandling so that it does not interfere in an obstructive manner with the dominant purpose of the sidewalk.

In one case, the British Columbia Supreme Court commented that Vancouver's City Manager recognized that a previous City of Vancouver by-law that set geographic and timing restrictions on panhandling "simply went too far in terms of restricting panhandling".<sup>1</sup>

The court went on to comment "[t]he panhandler is no different from the tourist who stops another person to ask for information. Neither person is restricted; neither person impedes street movement."

The court also noted that "apart from the spatial restriction in reference to ATM and financial institution locations, there are no other geographic or time restrictions placed upon those who would panhandle. In those locations, I find there is a reasonable inference that panhandling would cause interference with the dominant purpose of the streets. Thus, it [the by-law] does not proscribe location nor the act of panhandling. Rather, it proscribes particular conduct that affects the use of the streets by others."

A by-law that restricts panhandling to certain hours of the day (and thereby prohibits panhandling during the remaining hours of the day) will not be viewed as a reasonable limit on panhandling activities.

#### Restrictions To Other Areas Of The City

The reasons for passing a panhandling by-law (safe and efficient passage of pedestrians on sidewalks, prohibition of panhandling within ten meters of a financial institution) have equal application to all areas of the City and not just the downtown core. Any proposed panhandling by-law should be made applicable to the entire City.

#### **4. RISK ANALYSIS:**

A by-law that places time restrictions on panhandling is unlikely to survive a *Charter* challenge.

#### **5. FINANCIAL MATTERS:**

N/A

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<sup>1</sup> *Federated Anti-Poverty Groups of British Columbia v. Vancouver (City)*, 2002 CarswellBC 607 (S.C.)

**6. CONSULTATIONS:**

N/A

**7. CONCLUSION:**

A panhandling by-law should attempt to balance the interests of all who use the streets and sidewalks. The courts have recognized that non-obstructive panhandling has expressive value protected by the *Charter*. Time restrictions on panhandling are unlikely to survive a *Charter* challenge.

A panhandling by-law should have equal application to all areas of the City and not just the downtown core.

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**Susan Hirota**  
**Legal Counsel**

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**Shelby Askin Hager**  
**City Solicitor**

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**Helga Reidel**  
**Chief Administrative Officer**

**APPENDICES: - Appendix A - Livelink Report 17283**

**DEPARTMENTS/OTHERS CONSULTED:**

**Name:**

**Phone #: 519            ext.**

**NOTIFICATION :**

Name	Address	Email Address	Telephone	FAX

**THE CORPORATION OF THE CITY OF WINDSOR**  
**Office of the City Solicitor - Legal Services Division**



**MISSION STATEMENT:**

*“Our City is built on relationships – between citizens and their government, business and public institutions, city and region – all interconnected, mutually supportive, and focused on the brightest future we can create together.”*

<b>LiveLink REPORT #:</b>	<b>Report Date: May 23, 2014</b>
<b>Author’s Name: Susan Hirota, Legal Counsel</b>	<b>Date to Council: July 21, 2014</b>
<b>Author’s Phone: 519 255-610 ext. 6493</b>	<b>Classification #:</b>
<b>Author’s E-mail: shirota@city.windsor.on.ca</b>	

**To: Mayor and Members of City Council**

**Subject: Response to CQ12-2014 – how to pass a by-law to create a no panhandling area in the downtown core.**

**1. RECOMMENDATION: City Wide:  X  Ward(s):  \_\_\_\_\_**

That this report from Legal Counsel regarding a response to CQ12-2014 **BE RECEIVED** for information.

**EXECUTIVE SUMMARY:**

N/A

**2. BACKGROUND:**

At the April 7, 2014 meeting of Council, Councillor Dilkens asked the following Council Question: CQ12-2014: Asks for Administration to come back with a report on how City Council could pass a by-law creating a “no panhandling” area in the downtown core.

**3. DISCUSSION:**

**Authority**

Council has the authority to pass by-laws respecting the health, safety and well-being of persons<sup>1</sup>; and for the protection of persons and property<sup>2</sup>. Such by-laws may regulate or

<sup>1</sup> *Municipal Act, 2001*, S.O. 2001, c. 25, s. 10(2)(6)

<sup>2</sup> *Municipal Act, 2001*, S.O. 2001, c. 25, s. 10(2)(8)



prohibit respecting a particular matter<sup>3</sup>. Council could pass a by-law prohibiting panhandling in the downtown core but such a by-law would be vulnerable to constitutional challenge<sup>4</sup>.

## **Municipal By-laws**

Municipal by-laws that have been upheld by the courts do not impose an outright ban on panhandling but instead create reasonable limits on panhandling activities.

The British Columbia Supreme Court<sup>5</sup> concluded that Vancouver’s by-law did not violate constitutionally protected rights (freedom of expression; life, liberty and security of the person; equal protection and equal benefit of the law without discrimination) because it entrenched upon those rights as minimally as possible by only prohibiting “obstructive” panhandling that was limited to five activities:

- (1) sitting or lying in the street in a manner that obstructs or impedes the convenient passage of pedestrian traffic, in the course of solicitation;
- (2) continuing to solicit or otherwise harass a pedestrian after the person has made a negative initial response to the solicitation or has otherwise indicated a refusal;
- (3) physically approaching and soliciting a pedestrian as a member of a group of three or more persons;
- (4) soliciting within ten meters of an entrance to a bank, credit union, or trust company or automated teller machine; and
- (5) soliciting an occupant of a motor vehicle in a manner that obstructs or impedes the convenient passage of vehicular traffic in the street.

The British Columbia Supreme Court commented that Vancouver’s by-law “does not proscribe location nor the act of panhandling [but] rather it proscribes particular conduct that affects the use of the streets by others”.

Additionally, the court noted that the prohibition on panhandling within ten meters of an ATM, bank or trust company entrance was “a limited geographic area” and that “the vast majority of sidewalk areas are still available for panhandling”.

## **Provincial Legislation**

In Ontario, the *Safe Streets Act*, 1999, S.O., c. 8, strikes a similar balance. Soliciting in an aggressive manner is prohibited. “Aggressive manner” is defined as “a manner that is likely to cause a reasonable person to be concerned for his or her safety or security”. “Solicit” means “to request, in person, the immediate provision of money or another

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<sup>3</sup> *Municipal Act, 2001*, S.O. 2001, c. 25, s. 8(3)(a)

<sup>4</sup> *Canadian Charter of Rights and Freedoms*, s. 2(b) Freedom of Expression; s. 7 Life, Liberty and Security of the Person; s. 15 Equal Protection and Equal Benefit of the Law Without Discrimination

<sup>5</sup> *Federated Anti-Poverty Groups of British Columbia v. Vancouver (City)*, 2002CarswellBC 607

thing of value, regardless of whether consideration is offered or provided in return, using the spoken, written or printed word, a gesture or other means”.

The *Safe Street Streets Act* deems the following acts to be soliciting in an aggressive manner:

- (1) threatening the person solicited with physical harm, by word, gesture or other means, during the solicitation or after the person solicited responds or fails to respond to the solicitation;
- (2) obstructing the path of the person solicited during the solicitation or after the person solicited responds or fails to respond to the solicitation;
- (3) using abusive language during the solicitation or after the person solicited responds or fails to respond to the solicitation;
- (4) proceeding behind, alongside or ahead of the person solicited during the solicitation or after the person solicited responds or fails to respond to the solicitation;
- (5) soliciting while intoxicated by alcohol or drugs; and
- (6) continuing to solicit a person in a persistent manner after the person has responded negatively to the solicitation.

In addition, the *Safe Streets Act* prohibits solicitation at certain locations:

- (1) soliciting a person who is using, waiting to use, or departing from an automated teller machine;
- (2) soliciting a person who is using or waiting to use a pay telephone or a public toilet facility;
- (3) soliciting a person who is waiting at a taxi stand or a public transit stop;
- (4) soliciting a person who is in or on a public transit vehicle;
- (5) soliciting a person who is in the process of getting in, out of, on or off a vehicle or who is in a parking lot; or
- (6) while on a roadway, soliciting a person who is in or on a stopped, standing or parked vehicle.

Under the *Safe Streets Act*, police officers are authorized to arrest contraveners if, before the alleged contravention, the police officer directed the contravener not to engage in the activity or if the arrest is necessary to prevent the person from continuing or repeating the contravention.

Persons who are convicted under the *Act* are liable to a maximum fine of five hundred dollars on a first offence, and one thousand dollars and/or imprisonment of not more than six months on subsequent convictions.

## **Windsor Police Service Initiative**

The Windsor Police Service, in concert with the Community Outreach And Support Team (COAST), is developing a program that will seek to address some of the social factors related to panhandling in the downtown core.

The plan is to have police officers who are assigned to the downtown core regularly engage those individuals who are panhandling. The officers will attempt to gain insight into the reasons why these individuals are panhandling. COAST members will assist these individuals to put social support mechanisms in place to minimize the panhandling activity.

### **4. RISK ANALYSIS:**

Passing a by-law that outright bans panhandling in the downtown core is vulnerable to constitutional challenge. A by-law similar to Vancouver's is likely to be upheld by the courts as a reasonable limit on constitutionally protected rights.

In addition, or alternatively, resort can be had to the *Safe Streets Act* which prohibits the most aggressive and egregious types of panhandling. A *Charter* challenge to the *Safe Streets Act* was unsuccessful<sup>6</sup>.

The current complement of one Prosecutor, twelve By-law Enforcement Officers and one By-law Clerk will not be increased. The enforcement and prosecution of offences under a new panhandling by-law will be in addition to increasing workloads and will result in other matters (e.g. 311 complaints) being displaced as prioritization occurs.

### **5. FINANCIAL MATTERS:**

If a panhandling by-law is passed, it would be enforced by the Corporation's By-law Enforcement Officers and the Windsor Police Service and prosecuted by the Office of the City Solicitor.

It is difficult to estimate the financial impact of a new panhandling by-law as it is unknown how many charges would be laid. It is also difficult to predict how many hours the Corporation's employees would spend on enforcement and prosecution activities.

The Manager of By-law Enforcement estimates that enforcement time could be in the area of eight hours per charge based upon a first attendance to issue a warning and educate the panhandler on the by-law, a second attendance to investigate and document the offence and issue a ticket, and a third attendance in court if the matter proceeds to trial. The estimated staff cost of a By-Law Enforcement Officer from an initial warning to issuing a ticket and going to Court is currently \$332.34 per incident.

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<sup>6</sup> *R. v. Banks*, 2007 CarswellOnt 5670 (Supreme Court of Canada)

Estimating the amount of prosecution time involved is more difficult because it is greatly influenced by whether the person pleads guilty or requests a trial. If the person pleads guilty, the prosecution time could be as little as an hour or less. If the person requests a trial, the prosecution time could increase to eight hours or more for: reviewing the charge; processing disclosure; serving Evidence Act notices; ordering certified copies of trial documents; preparing witnesses; trial preparation; and time waiting in court for the matter to be reached on the court docket.

Given the financial circumstances of the panhandlers, it is unlikely that any fines imposed could be collected but additional costs would be incurred for collection activities undertaken on outstanding fines.

**6. CONSULTATIONS:**

Inspector Geoff Dunmore, Windsor Police Service/Patrol Response  
Chantelle Anson, Financial Planning Administrator (Legal and Fire & Rescue)  
Ann Kalinowski, Manager of By-law Enforcement

**7. CONCLUSION:**

A by-law that prohibits all panhandling in the downtown core is vulnerable to constitutional challenge. If Council wishes to pass a by-law to supplement the *Safe Streets Act* it is advisable to prohibit specific activities that impede or obstruct the movement of pedestrians and traffic or create other safety concerns.

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**Susan Hirota**  
**Legal Counsel**

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**Shelby Askin Hager**  
**City Solicitor**

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**Lee Anne Doyle**  
**Executive Director of Building/Chief Building Official**

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**Helga Reidel**  
**Chief Administrative Officer**

**APPENDICES:**

n/a

**DEPARTMENTS/OTHERS CONSULTED:**

**Name:**

**Phone #: 519                      ext.**

<b>NOTIFICATION :</b>				
Name	Address	Email Address	Telephone	FAX
Marion Overholt Legal Assistance of Windsor	85 Pitt Street East Windsor, ON N9A 2V3	<a href="mailto:OverholM@lao.on.ca">OverholM@lao.on.ca</a>	519-256-7831 Ext. 214	519-256-1387

**Subject: Panhandling Statistics re Council Question CQ 11-2022 - City Wide**

Moved by: Councillor Renaldo Agostino  
Seconded by: Councillor Mark McKenzie

Decision Number: **ETPS 942**

That the attached additional information relating to panhandling regulation and statistics **BE RECEIVED**; and,

That by-law \*\*\*, being a by-law to regulate panhandling, **BE CONSIDERED**, and, if advisable, **BE PASSED**; and,

That administration **BE DIRECTED** to provide more information related to other options to issuing fines, including but not limited to outreach, to address the aggressive panhandling behaviour, for Councils consideration.

Carried.

Councillor Kieran McKenzie and Councillor Fabio Costante voting nay.

Report Number: S 31/2023  
Clerk's File: ACOQ2023

**Clerk's Note:**

1. The recommendation of the Environment, Transportation & Public Safety Standing Committee and Administration are **not** the same.
2. Please refer to Item 8.3 from the Environment, Transportation & Public Safety Standing Committee held on March 29, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230329/-1/9401>

**Subject: Panhandling Statistics re Council Question CQ 11-2022 - City Wide**

**Reference:**

Date to Council: March 29, 2023  
Author: Shelby Askin Hager  
Commissioner, Legal and Legislative Services  
519-255-6100 ext 6424  
shager@citywindsor.ca  
Legal Services, Real Estate & Risk Management  
Report Date: March 9, 2023  
Clerk's File #: ACOQ2023

**To:** Mayor and Members of City Council

**Recommendation:**

That the attached additional information relating to panhandling regulation and statistics **BE RECEIVED**; and,

That by-law \*\*\*, being a by-law to regulate panhandling, **BE CONSIDERED**, and, if advisable, **BE PASSED**.

**Executive Summary:**

n/a

**Background:**

At the Council meeting of July 11 2022, Councillor Francis asked the following question:

CQ 11-2022

That Administration report back to City Council regarding the feasibility of establishing a by-law that prohibits panhandling in residential, business, and tourism districts within the City of Windsor, including boulevards and pedestrian refuges.

A response to CQ-11 was presented on 30 January 2023, and by CR 36/2023 Council directed administration to bring forward a by-law for Council's consideration to reduce aggressive, intimidating, and dangerous panhandling practices

Council also requested statistics regarding tickets issued under the Ontario Safe Streets Act, as well as information about other Ontario municipalities with like by-laws.

## Discussion:

Table 1: Charges Filed per Year by Agency in Windsor-Essex County

Year	Windsor Police Services	Leamington O.P.P.	Essex O.P.P.	All Agencies
2019	65	4	1	<b>75</b>
2020	23	15	0	<b>16</b>
2021	14	2	0	<b>38</b>
2022	75	0	0	<b>70</b>
<b>All Years</b>	<b>177</b>	<b>21</b>	<b>1</b>	<b>199</b>

Table 2: Paid and Unpaid SSA Charges per Year by Defendant Address

Defendant Types and Payment Outcomes	2019	2020	2021	2022	All Years
<b>Total charges, Addressed Defendants</b>	<b>39</b>	<b>27</b>	<b>10</b>	<b>35</b>	<b>111</b>
Paid charges	3	0	1	3	7 (6%)
Unpaid charges	36	27	9	32	104 (94%)
<b>Total Charges, No Fixed Address Defendants</b>	<b>31</b>	<b>11</b>	<b>6</b>	<b>40</b>	<b>88</b>
Paid Charges	2	0	0	1	3 (3%)
Unpaid charges	29	11	6	39	85 (97%)

Table 3: Total SSA Charges by Offender Frequency Type, 2019-2022

Offender Type	Number of Offenders	Total Charges Filed (%)
One-time Offender	45	<b>45 (23%)</b>
Two-time Offender	20	<b>40 (20%)</b>
Three-time Offender	4	<b>12 (6%)</b>
Four-time Offender	3	<b>12 (6%)</b>
Eleven-time Offender	1	<b>11 (5%)</b>
Thirteen-time Offender	1	<b>13 (7%)</b>
Eighteen-time Offender	2	<b>36 (18%)</b>
Thirty-time Offender	1	<b>30 (15%)</b>
<b>All Offenders</b>	<b>77</b>	<b>199 (100%)</b>

Table 4: Survey of Panhandling By-laws in Ontario Municipalities as of October 2022



Municipality	Population	Pop. Density	Findings
Ajax	126,666	1,900.8/km <sup>2</sup>	No By-law
Barrie	147,829	1,493.1/km <sup>2</sup>	No By-law
Guelph	143,740	1,644.1/km <sup>2</sup>	No By-law
Kitchener	256,885	1,877.7/km <sup>2</sup>	No By-law
Markham	338,503	1,604.8/km <sup>2</sup>	Prohibits “loitering” and “any other activity that is likely to be unwanted or disturbing to persons” under Public Nuisance By-law 2018-55. Minimum fine of \$500 (AMP)
Oakville	213,759	1,538.5/km <sup>2</sup>	No response received
St. Catharines	136,803	1,422.1/km <sup>2</sup>	No By-law
Waterloo	121,436	1,895.7/km <sup>2</sup>	No By-law
London	422,234	1,004.3/km <sup>2</sup>	No By-law
Toronto	2,794,356	4,427.8/km <sup>2</sup>	No response received

### Risk Analysis:

There is no risk in receiving this information.

The risks related to passing a by-law to regulate panhandling include:

- **Effectiveness.** It is unknown as to whether this by-law will lead to a more effective curbing of dangerous or threatening behaviours. By-law officers will focus on compliance and education, and will work with social services to facilitate connection to community resources where desired.
- **Resource Risk.** At this time it is not expected that this by-law will require additional enforcement resources to address, but this cannot be confirmed until after enforcement commences and impacts can be assessed. This includes costs related to any prosecutions that may be undertaken.
- **Safety Risk.** Certain individuals may pose a risk to City staff engaged in enforcement. These situations will be referred to police for enforcement.

- Legal Risk. While there is a risk that a by-law regulating panhandling activities would be challenged, the likelihood of the by-law being successfully upheld is increased by restricting the regulation to the types of matters addressed in the Safe Streets Act, representing a balancing of the right to use of the sidewalk with the right to panhandle.

**Climate Change Risks**

**Climate Change Mitigation:**

n/a

**Climate Change Adaptation:**

n/a

**Financial Matters:**

There are no financial implications to the receipt of this report. As noted in prior reports, the extent of the effort needed to address this type of infraction is largely speculative at this point, but will not result in a need for additional staffing resources at this time. If the situation changes, Council will be advised through budget submissions.

**Consultations:**

Provincial Offenses Act Court

Municipal Survey

**Conclusion:**

Additional information is provided for Council’s consideration.

**Approvals:**

Name	Title
Shelby Askin Hager	Commissioner, Legal and Legislative Services
Onorio Colucci	Chief Administrative Officer

**Notifications:**

Name	Address	Email

**Appendices:**

- 1 Draft Panhandling Bylaw

BY - L A W N U M B E R [REDACTED]

A BY-LAW TO ADDRESS AGGRESSIVE, INTIMIDATING  
AND DANGEROUS SOLICITATION IN THE CITY OF WINDSOR

Passed the [XX] day of [XXXX], 2023.

**WHEREAS** section 8(1) of the *Municipal Act* 2001, S.O. 2001, c. 25, as amended, (the “Municipal Act”) provides that the powers of a municipality shall be interpreted broadly as to confer broad authority on a municipality to (a) enable it to govern its affairs as it considers appropriate, and (b) enhance its ability to respond to municipal issues;

**AND WHEREAS** section 10(2) of the *Municipal Act* empowers a single-tier municipality to regulate matters and pass by-laws respecting the health, safety and well-being of persons of the municipality;

**AND WHEREAS** section 128(1) of the *Municipal Act* provides a municipality the authority to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

**AND WHEREAS** section 425(1) of the *Municipal Act* permits a municipality to pass by-laws providing that any person who contravenes any by-law of the municipality is guilty of an offence;

**AND WHEREAS** concerns regarding public safety and public solicitation practices in the City of Windsor have been raised at a number of public meetings of Council;

**AND WHEREAS** in the interest of public safety and community well-being and to avoid it becoming or continuing to be a public nuisance, the Council of The Corporation of the City of Windsor has deemed it necessary to regulate, abate and prohibit aggressive, intimidating and dangerous solicitation practices in the City of Windsor;

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

**1 SHORT TITLE**

1.1 This By-law may be referred to as the Panhandling By-law.

**2 DEFINITIONS AND INTERPRETATION**

2.1 In this By-law:

“**aggressive manner**” means a manner that is likely to cause a reasonable person to be concerned for his or her safety or security;

“**financial institution**” means a bank, credit union, cheque cashing business and trust company;

“**solicit**”, “**soliciting**” or “**solicitation**” means to request, in person, the immediate provision of money or another thing of value, regardless of whether consideration is offered or provided in return, using a spoken, written or printed word, a gesture or other means, for one’s self or for any other person;

“**street**” means any roadway, sidewalk, pedestrian refuge, boulevard, crescent, court, place or way which the public is ordinarily entitled or permitted to use for the passage of vehicles or pedestrians;

“**traffic control signal**” means a traffic control signal as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H.8

### **3 PROHIBITIONS**

3.1 No person shall solicit in an aggressive manner or in a manner that causes an obstruction.

3.2 For the purposes of section 3.1, soliciting in an aggressive manner includes, but is not limited to:

- (a) soliciting involving threats or physical harm, by word, gesture, or other means;
- (b) soliciting involving abusive or intimidating language;
- (c) soliciting while intoxicated by alcohol or drugs; or
- (d) soliciting in a persistent or continuous manner, or proceeding behind, alongside or ahead of the person solicited.

3.3 A person who engages in any one or more of the activities in section 3.2 shall be deemed to be soliciting in an aggressive manner regardless of whether such actions occurred during the solicitation or after the person solicited has made a negative initial response to the solicitation, otherwise indicated a refusal or failed to respond.

3.4 For the purposes of section 3.1, “causes an obstruction” means to:

- (a) sit, stand or lie on a street in a manner which obstructs or impedes the convenient passage of any pedestrian traffic in a street, in the course of solicitation;
- (b) physically approach and solicit from a pedestrian as a member of a group of three or more persons;
- (c) solicit within 10 m of:
  - i. an entrance to a financial institution;
  - ii. an automated teller machine;
  - iii. a taxi stand or public transit stop; or

- iv. a public toilet facility.
- (d) solicit a person who is in or on a public transit vehicle;
- (e) solicit a person who is in the process of getting in, out of, on or off a motor vehicle or who is in a parking lot; or
- (f) while on a street, solicit a person who is in or on a stopped, standing or parked vehicle, including while the motor vehicle is stopped at a traffic control signal.

**4 OFFENCE**

- 4.1 Any person who contravenes a provision of this By-law, or who consents, allows or permits an act or thing to be done in violation of a provision of this By-law, is guilty of an offence, and shall upon conviction be liable to a fine and any other penalties as provided in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.

**5 SEVERABILITY**

- 5.1 If any provision or part of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the By-law or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

**6 FORCE AND EFFECT**

- 6.1 This By-law shall come into force and take effect on the day of the final passing thereof.

DREW DILKENS, MAYOR

STEVE VLACHODIMOS, CLERK

First Reading - [XX], 2023  
 Second Reading - [XX], 2023  
 Third Reading - [XX], 2023



**Committee Matters: SCM 236/2023**

**Subject: Response to CQ 8-2023 - QR Coded Donation Signage to Support Homelessness Service Providers - City Wide**

Moved by: Councillor Renaldo Agostino  
Seconded by: Councillor Jo-Anne Gignac

Decision Number: CSSC 203

That the report of the Commissioner of Human & Health Services in response to CQ 8-2023 – QR Coded Donation Signage to Support Homelessness Service Providers – City Wide **BE RECEIVED** for information; and,

That City Council **NOT PROCEED** with the QR Coded Donation Signage to Support Homelessness Service Providers; and,

That City Council **ADVOCATE** to the provincial and federal levels of government for increased investments in programs and benefits for Canadians that will reduce poverty and increase affordability; and,

That City Council continues to **ALLOCATE** municipal funding to support and expand programs and services that advance the goals of the 10-year Housing and Homelessness Master Plan, and the creation of affordable housing; and,

That administration **BE REQUESTED** to continue the ongoing work with the community to develop ideas to alleviate issues related to homelessness; and,

That administration **BE REQUESTED** to provide details on where the informational pieces about Homelessness and the services available will be placed when this report proceeds to Council.

Carried.

Report Number: S 104/2023  
Clerk's File: SS2023

**Clerk's Note:**

1. The recommendation of the Community Services Standing Committee and Administration are **not** the same.
2. Please refer to Item 8.1 from the Community Services Standing Committee held on September 6, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230906/-1/9431>

**Subject: Response to CQ 8-2023 - QR Coded Donation Signage to Support Homelessness Service Providers - City Wide**

**Reference:**

Date to Council: September 6, 2023  
Author: Doran Anzolin  
Executive Initiatives Coordinator  
danzolin@citywindsor.ca  
519-255-5200 ext 5354

Report Date: August 21, 2023  
Clerk's File #: SS2023

**To:** Mayor and Members of City Council

**Recommendation:**

**THAT** the report of the Commissioner of Human & Health Services in response to CQ 8-2023 – QR Coded Donation Signage to Support Homelessness Service Providers – City Wide **BE RECEIVED** for information; and,

**THAT** City Council **NOT PROCEED** with the QR Coded Donation Signage to Support Homelessness Service Providers; and,

**THAT** City Council **ADVOCATE** to the provincial and federal levels of government for increased investments in programs and benefits for Canadians that will reduce poverty and increase affordability; and,

**THAT** City Council continues to **ALLOCATE** municipal funding to support and expand programs and services that advance the goals of the 10-year Housing and Homelessness Master Plan, and the creation of affordable housing.

**Executive Summary:**

N/A

## **Background:**

At the February 13, 2023 meeting of City Council, Councillor Agostino asked the following question:

***CQ 8-2023 “Asks Administration to report back to City Council and provide more information regarding QR codes on city property to encourage digital donations in an effort to help those in need. Donation signs/programs similar to those found in the City of Greenville, South Carolina or Daytona Beach. Specifically, is there an opportunity to work with our homelessness/housing service provider partners to place QR coded signs in areas where aggressive behaviour currently could take place in our city so that people can become better educated to the services and supports in our community and can contribute to these organizations digitally? We are entering a cashless era. Could an idea such as this one work for everyone in our community.”***

## **Discussion:**

In response to Councillor Agostino’s question, City of Windsor Administration met with staff from the City of Greenville, South Carolina and the City of Daytona Beach, Florida to learn more about the work they are doing around QR codes and signage.

In Greenville and Daytona Beach, QR Codes are used to discourage people from giving money to panhandlers. In these municipalities, signage with a QR code is set up in defined places throughout the city to allow individuals to scan the QR code via a cell phone and subsequently be directed to a website whereby they can donate to community organizations that offer support to people experiencing homelessness, addictions and mental health, and food insecurity. The QR code signage is intended to allow individuals to give a digital donation, which may be seen as a more efficient process in the current digital age. This provides individuals with an opportunity to donate directly to support services and organizations in the community, trusting that their donation will be put to good use. Providing QR code signage across the city may allow more people to donate to community organizations that offer support services to the community’s most vulnerable population, however, the experiences of other communities have shown that such measures do not have a significant impact on the issue of panhandling or raising of funds.

## **Greenville, South Carolina**

The City of Greenville is the sixth-most populous city in the state of South Carolina with a population of approximately 73,000. Greenville is a popular tourist destination as they are known as the cultural and entertainment centre of the upstate.

The QR code initiative in Greenville came about due to an increase in visible homelessness during the pandemic as services shut down and shelters were trying to do social distancing. As part of a four Pillar strategy to address homelessness, Greenville’s QR Code program was launched in 2022. As of April 2023, they had ten



(10) signs located in targeted areas where there are the most gatherings including transit systems and retail plaza spaces. All digital donations are directed to the municipality first and a city employee keeps a detailed ledger of the inflows and outflows and reports quarterly to their Council. The municipality subsequently disburses the net funds to United Housing Connections, a local organization that delivers social services to individuals experiencing homelessness. The money is used towards the purchase of water, food, and clothing, and their outreach workers will distribute these items to individuals experiencing homelessness throughout the City.

Although the City of Greenville has not seen a significant decrease in panhandling and has only realized a few thousand dollars in digital donations in one year, the City is continuing with this initiative given that it's part of their longer-term homelessness strategy. Greenville city administration noted that if anything, the QR signs has helped with education and awareness in community.

### **Daytona Beach, Florida**

Located on the east coast of Central Florida with a population of approximately 74,000, Daytona Beach is also known as a popular tourist spot as 10 million visitors come to the city every year to enjoy the moderate weather, beautiful beaches, exceptional recreational activities and some of the largest motorsports events in the world including the Daytona 500.

In response to the increase of panhandlers in the community, specifically an increase of panhandlers on roadways and intersections, the City of Daytona Beach QR code initiative came into effect in the Spring of 2023.

Daytona Beach has partnered with First Step Shelter, a not-for-profit community organization that offers shelter and homeless support services. First Step Shelter has the freedom to decide how they will use the digital donations, as the donations go directly to First Step Shelter. The city receives data on the number of people who donate using the QR code. A phone number is also included on the Daytona Beach signs that provide individuals with the option to make a donation via phone call. A phone number on the QR Code signage also provides information regarding community support services.

Due to this initiative just recently kicking off, there is little available data at this time, however, Daytona noted that the impact of the initiative wasn't expected to yield significant results.

### **Other Research & Information**

A similar initiative called Care Meter Pilot Project, came forward to City Council on July 21, 2014. City Council considered Report CR#17202/2014 - Follow up to Communication Item (M192-2014) Outline of Care Meter Pilot by Downtown Windsor Business Improvement Association. Through CR#17202/2014, Council determined that Care Meters would not be an effective enough solution to address the issues of panhandling. A similar initiative to Care Meters was in place in Peterborough from 2011 to 2014, however, due to the low impact to curb panhandling as well as the consensus

for greater resources needed to get to the root problem of the individuals that panhandle and experience homelessness, the initiative came to an end.<sup>1</sup>

## **Current State**

Windsor is not alone in looking for solutions to panhandling as visible homelessness and panhandling have been on the rise not only across Canada but also in other countries since the pandemic.<sup>2</sup> Other communities in Southwestern Ontario are experiencing similar and often even more serious challenges, such as emergency shelters over capacity and large homelessness encampments. The challenges of panhandling and homelessness in Windsor requires a multifaceted approach that not only aids those in immediate crisis but also addresses the underlying issues contributing to poverty and housing instability. While it is often assumed that all people who panhandle are also experiencing homelessness, this is not true. Family Services Windsor-Essex has surveyed people who are panhandling over the past four months and found that 50% were housed but faced deep poverty<sup>3</sup> and used panhandling as a way to pay for housing and food.

Modest increases in provincially legislated income assistance rates have not kept up with the current rate of inflation which has resulted in increased housing and grocery costs. For example, a single adult in the Province of Ontario receiving income support for basic needs and shelter through Ontario Works (OW) receives \$733 monthly, which is comprised of \$343 for basic needs and a maximum shelter allowance of \$390. The OW rates have not been increased since 2018 and there are approximately 4,224 single adults receiving OW in Windsor-Essex County as of July 2023. This does not account for the number of singles who are currently receiving financial assistance from the Ontario Disability Support Program (ODSP). A single recipient of ODSP receives \$1,308 monthly. To put this all into perspective, the Canada Mortgage and Housing Corporation lists Windsor's average cost for a one-bedroom unit to be \$1,017.<sup>4</sup> This means that residents in receipt of OW and ODSP, as well as many other low-income earners, are often priced out of the rental market or left spending most of their income on rent, leaving very little left for food and other basic needs. While administration continues to develop innovative solutions and programs, Council should persist to advocate passionately for increased funding from upper levels of government to bolster social services, affordable housing, and mental health and addiction programs.

Based on the research and interviews conducted, City administration is not recommending the implementation of QR code signs given the limited data, absence of notable outcomes, and the additional resources and costs required to implement. Instead, the department is focussing its efforts and resources on a more targeted strategy as it relates to education and awareness around homelessness and the

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<sup>1</sup> <https://www.trentarthur.ca/news/care-meters-and-panhandling-in-peterborough>

<sup>2</sup> Overview of Encampments Across Canada: A Right to Housing Approach. The Office of the Federal Housing Advocate.

<sup>3</sup> The Government of Canada has officially defined deep poverty as 75% of Canada's official poverty line, the Market Basket Measure (MBM). In the 2021 Census, the MBM for persons not in economic families in large urban population centres in Ontario with a population between 100,000 and 499,999 persons is \$22,170.

<sup>4</sup> Average Market Rent 2022, Canada Mortgage and Housing Corporation

supports and services that are available in Windsor-Essex. Some of these services are described below:

### **City of Windsor Funded Community Supports & Services**

- **Homelessness Housing & Help Hub (H4)** - The City of Windsor has allocated municipal, provincial and federal funding to support the H4 which provides service for people experiencing homelessness 7 days per week from 8:30 am to 6 pm. At H4, people experiencing homelessness can receive multi-disciplinary supports to obtain help finding housing, receive medical care, and connect with addiction and justice services, or simply rest and have a snack.
- **Shelters** - The City also provides financial support to all three emergency shelters in Windsor including the Welcome Centre Shelter for Women and Families, the Salvation Army and the Downtown Mission (DTM). These shelters provide overnight accommodations as well as daytime and meal programs for their clients.
- **Outreach Supports** - To support those experiencing homelessness and those who sleep outdoors, the City of Windsor has allocated municipal and provincial funding to Family Services Windsor-Essex (FSWE) to deliver outreach services. Homelessness Street Outreach Workers interact with people experiencing homelessness, through a variety of progressive engagement techniques, make referrals to emergency shelters, and connect people with appropriate support services that will help them meet their housing, health, financial and social needs. People living outdoors may be disconnected from community services and it often takes multiple interactions to build trust before a person is willing to accept help. In 2022, the Outreach team secured housing placements for 37 individuals experiencing homelessness and has assisted countless others in accessing services at H4 which facilitated 60 additional move-ins.

Based on feedback received by residents, businesses and City Council, a new schedule for the team of five (5) Outreach Workers was developed to better meet the needs of the community, and support those experiencing homelessness as well as those who are panhandling. This includes extending service to 7 days a week, launching on-call supports in the late evening, and establishing regular service routes in downtown Windsor, Jackson Park, University Avenue West, Ford City, West Windsor and Walkerville at no extra cost to the municipality. Since April 2023, an Outreach Worker has also been riding along with Windsor Police approximately two days per week to respond to panhandling concerns in various locations, intersections and boulevards throughout Windsor. There have been positive results from this pilot, including a few direct referrals to our OW office that resulted in immediate approvals for financial assistance.

Requests for outreach services should be directed to 311 and can be made by Councillors or the general public by following the information provided in the Help is Around the Corner flyer/webpage (Appendix A).

## **Community Supports & Services (Non-City Funded)**

There are also services in the community led and funded by other organizations which dovetail with the above noted services to provide additional supports for people who are experiencing homelessness and may be panhandling.

- Mobile Outreach and Support Team (MOST) Van - supports the needs of those who have mental health or addiction challenges, require housing, or are street-involved. MOST is made up of a driver trained to support those with physical disabilities, a social worker, and an outreach worker. MOST will travel via an accessible van to Downtown and West-End Windsor locations M-F from 5pm to 9pm with supplies such as food and personal care items while offering services. The team also responds to 311 calls on homeless encampments during shift times. MOST is a collaborative initiative between Hôtel-Dieu Grace Healthcare (HDGH), Canadian Mental Health Association – Windsor/Essex County Branch (CMHA WECB), Assisted Living Southwestern Ontario (ALSO), and FSWE.
- The new Nurse Police Team (NPT) which pairs nursing professionals from Windsor Regional Hospital with frontline police officers and offers proactive care to those struggling with mental health and substance use disorders.
- Hôtel-Dieu Grace Healthcare's (HDGH) Crisis and Mental Wellness Centre is also a one-stop shop for mental health services. Serving individuals aged 16 and older, the centre is a walk-in service for those experiencing a mental health crisis.
- In partnership with HDGH and the Windsor Police, the Windsor Police Services Community Outreach & Support Team (COAST team provides on-site crisis and mental health assessments to individuals aged 16 and above in Windsor facing complex mental health and psychosocial issues.
- Also in place in Windsor is the Windsor Mobile Crisis Rapid Response Team (MCRRT) is a partnership between Hôtel-Dieu Grace Healthcare and Windsor Police Service (WPS). The MCRRT responds to dispatched calls to individuals presenting with symptoms of mental illness, substance abuse, behavioural disorders, or people in acute crisis situations within Windsor.

A high level overview of the some of the key community services that are helping to mitigate homelessness, mental health, and substance use is provided below in Table 1. This is not an exhaustive list and these services are constantly evolving and improving so the schedule presented below is subject to change.

**Table 1: Key Community Services in Windsor**

Service	Contact #	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
<i>Services Funded by The City of Windsor</i>								
FSWE Outreach	311	7:30am - 3:30pm	7:30am - 3:30pm	7:30am - 6:00pm	7:30am - 6:00pm	7:30am - 6:00pm	10:00am-6:00pm	10:00am-6:00pm
FSWE Outreach (on call)	1-888-933-1831	9:00pm - 12:00am	9:00pm - 12:00am	9:00pm - 12:00am	9:00pm - 12:00am	9:00pm - 12:00am	6:00pm-12:00am	6:00pm - 12:00am
H4	(519) 253-3806	8:30am - 6:00pm	8:30am - 6:00pm	8:30am - 6:00pm	8:30am - 6:00pm	8:30am - 6:00pm	8:30am - 6:00pm	8:30am - 6:00pm
DTM Day Program	(519) 973-5573	8:00 am - 8:00pm	8:00 am - 8:00pm	8:00 am - 8:00pm	8:00 am - 8:00pm	8:00 am - 8:00pm	8:00 am - 8:00pm	8:00 am - 8:00pm
<i>Services Led &amp; Funded by Other Organizations</i>								
MOST Van	(226) 787-5724	5:00pm - 9:00pm	5:00pm - 9:00pm	5:00pm - 9:00pm	5:00pm - 9:00pm	5:00pm - 9:00pm		
Nurse Police Team	Dispatched by Windsor Police	-	-	-	-	1:00pm - 1:00am	1:00pm-1:00am	1:00pm-1:00am
Crisis & Wellness Centre	(519) 973-4435	8:00am - 10:00pm	8:00am - 10:00pm	8:00am - 10:00pm	8:00am - 10:00pm	8:00am - 10:00pm	8:00am - 10:00pm	8:00am - 10:00pm
MCRRT	Dispatched by Windsor Police	9:00am - 10:00pm	9:00am - 10:00pm	9:00am - 10:00pm	9:00am - 10:00pm	9:00am - 10:00pm		
Windsor COAST	(519) 973-4409	8:00am - 4:00pm	8:00am - 4:00pm	8:00am - 4:00pm	8:00am - 4:00pm	8:00am - 4:00pm		

Given the number of services available in the community noted in Table 1 and recognizing that not all residents and businesses are aware of these services, the Human and Health Services department is currently developing a communication strategy that will provide more information about homelessness, the services available in our community, and a call to action for citizens and businesses alike to support efforts to end homelessness in our community. By working collaboratively and diligently, Windsor can continue to become a model for effective and compassionate support for its vulnerable residents, ultimately leading to a more equitable and thriving community for all.

## **Risk Analysis:**

Installing QR code signage for digital donations could present a moderate financial risk as this initiative could cost more than it would raise due to the purchase of equipment, installation, staff time to monitor data and any ongoing updates needed to the signage. In addition, signs being vandalized and the monetary and resource allocation cost associated with replacing the signs is also a risk that must be considered.

There is also a moderate risk that the QR code signage could be modified, leading to fraudulent activities. Individuals could create deceptive signs or place stickers over legitimate QR codes, directing donors to malicious websites that capture personal information or inject malware. Monitoring and providing sufficient safeguards would be challenging for administration due to the number of potential signage installations.

While placing QR code signage in controlled and secured locations can be a mitigation strategy, it is important to acknowledge that no location can be entirely immune to tampering. Some mitigating strategies include designing the QR code to make it difficult to replicate, protect the sign from being physically altered or regularly inspected or monitored it to ensure it hasn't been tampered with. In addition, to ensure the security of financial information, all donation processing must strictly adhere to the criteria outlined by Payment Card Industry (PCI) compliance.

## **Climate Change Risks**

### **Climate Change Mitigation:**

N/A

### **Climate Change Adaptation:**

N/A

## **Financial Matters:**

The City of Windsor allocates over \$22.6 million in provincial, federal and municipal funding to provide a variety of homelessness programs including, but not limited to the H4, emergency shelters, and outreach services. Administration will continue to advocate for increased provincial and federal funding to support Homelessness programs.

The cost of QR code signage consists of the initial expenses for signage procurement and installation, as well as the ongoing maintenance costs associated with the signs, including replacements for damaged or stolen ones. To manufacture and install each QR code sign, the estimated expenditure at 2023 rates is \$294.00 per sign. The maintenance costs are projected to be approximately \$54.00 per sign per year for the entire 15-year lifespan of each sign. This cost covers essential upkeep to ensure the QR code signage's longevity and functionality. As Traffic Operations does not currently have sufficient operating budget to fund additional signage, the ongoing maintenance

costs of these signs would require an operating budget increase. The cost of the initial manufacture and install of the signs would require one-time funding such as budget stabilization reserve funding.

Lastly, if this initiative were to move forward, it is recommended that the money from the digital donations go directly to the designated not-for-profit organizations that provide social and outreach services in the community, as opposed to being managed and distributed by the City of Windsor.

### **Consultations:**

Ian Day, (A) Senior Manager of Traffic Operations and Parking

Cindy Becker, Financial Planning Administrator – Public Works

Linda Higgins, Manager Intergovernmental Funding – Human and Health Services

Jennifer Tanner, Manager of Homelessness and Housing Support

Kirk Whittal, Executive Director Housing & Children Services

Tanya Antoniw, Executive Director Employment & Social Services

Norm Synnott, Executive Director of the Information Technology

Kate Tracey, Senior Legal Counsel

### **Conclusion:**

Homelessness, affordable housing and poverty are complex and pressing problems that require continued investments from all levels of government. Panhandling is a symptom of these systemic issues, but as local data collection has proven, about 50% of people who engage in this activity have a place to live, so this is not solely a homelessness issue. Investments in programs that provide affordable housing, mental health support, and addiction treatment will help the community's most vulnerable population get back on their feet and rebuild their lives. By tackling the underlying causes of homelessness and providing essential support, meaningful change can be brought to Windsor for the individuals in the community that are experiencing these hardships. As seen by the examples in other communities, alternatives to panhandling such as the QR Code Signage, would not make a significant impact to solving the panhandling problem experienced in Windsor.

### **Planning Act Matters:**

N/A

**Approvals:**

Name	Title
Andrew Daher	Commissioner, Human and Health Services
Tony Ardovini	On behalf of Commissioner, Corporate Services, Chief Financial Officer/City Treasurer
Jelena Payne	Commissioner, Economic Development and Innovation
Shelby Askin Hager	Commissioner, Legal and Legislative Services
Joe Mancina	Chief Administrative Officer

**Notifications:**

Name	Address	Email
Joyce Zuk, Family Services Windsor Essex		<a href="mailto:jzuk@fswe.ca">jzuk@fswe.ca</a>
Chief Jason Bellaire, Windsor Police Services		<a href="mailto:jbellaire@windsorpolice.ca">jbellaire@windsorpolice.ca</a>
David Musyj, Windsor Regional Hospital		<a href="mailto:David.Musyj@wrh.on.ca">David.Musyj@wrh.on.ca</a>
Bill Marra, Hôtel-Dieu Grace Healthcare		<a href="mailto:Bill.Marra@hdgh.org">Bill.Marra@hdgh.org</a>
Sonja Grbevski, Canadian Mental Health Association Windsor-Essex County		<a href="mailto:sgrbevski@cmha-wecb.on.ca">sgrbevski@cmha-wecb.on.ca</a>
Bruce Krauter, Essex-Windsor Emergency Medical Services		<a href="mailto:bkrauter@countyofessex.on.ca">bkrauter@countyofessex.on.ca</a>

**Appendices:**

- 1 Appendix A - Help is Around the Corner Poster





# Help IS Around The Corner...

This information sheet is to be used by businesses, residents, etc. to assist in determining who to contact if you encounter someone who may be experiencing homelessness.

**NO**

**Does the person's behaviour pose an immediate safety concern? And/or is there an active crime in progress?**

**YES**

**Engage with Person(s)**

- Hi, are you looking for help?
- Is there anything I can do to assist you?
- Is there someone we can call for you?

**Are they open to assistance? If yes, provide the following resources**

**Crisis and Mental Wellness Centre**  
519-973-4435 | 744 Ouellette Ave.

**Welcome Center Shelter for Women & Families**  
519-971-7595 | 500 Tuscarora

**The Salvation Army**  
519-253-7473 | 355 Church St.

**The Downtown Mission**  
519-973-5573 | 875 Ouellette Ave.

For your safety and theirs it is best to call emergency services **Call 911**

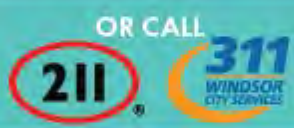
**When contacting it is best to do the following...**

**Describe The Situation**  
- Focus on the Who? What? Why? and When? of the situation.

**Provide the Location**  
- Give the address or closest intersection.  
- If the individual left, provide the direction they are travelling in.

**Provide a Description**  
- Age (estimate)  
- Clothing, height, hair colour  
- Area/location the person frequents

**For non-emergency or for further assistance contact:**  
**Outreach services**  
1-888-933-1831 | or@fswc.ca  
**Windsor Police Non-Emergency**  
519-258-6111





**Committee Matters: SCM 286/2023**

**Subject: Follow-up to C172/2023 – Essex Terminal Railway Whistling Cessation – Ward 4**

Moved by: Councillor Mark McKenzie  
Seconded by: Councillor Renaldo Agostino

Decision Number: **ETPS 962**

THAT the report of the Policy Analyst, Transportation Planning, dated October 6, 2023, entitled, "Follow-up to CR172/2023 - Essex Terminal Railway Whistling Cessation – Ward 4," **BE RECEIVED** for information; and further,

THAT Administration **BE REQUESTED** to continue discussions with Essex Terminal Railway in order to attempt to get the sound decibel levels report released; and,

THAT Administration **BE REQUESTED** to obtain an update from Member of Parliament Kusmierczyk related to his discussions with Federal Transportation Minister in regards to the status of the Rail Safety Grant Fund Program.

Carried.

Report Number: S 129/2023  
Clerk's File: MTR2023

**Clerk's Note:**

1. The recommendation of the Environment, Transportation & Public Safety Standing Committee and Administration are **NOT** the same.
2. Please refer to Item 8.4 from the Environment, Transportation & Public Safety Standing Committee held on October 25, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:  
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20231025/-1/9440>

**Subject: Follow-up to CR172/2023 – Essex Terminal Railway Whistling Cessation – Ward 4**

**Reference:**

Date to Council: October 25, 2023  
Author: Chris Gerardi  
Policy Analyst, Transportation Planning  
519-255-6100 x6830  
cgerardi@citywindsor.ca

Public Works - Operations  
Report Date: October 6, 2023  
Clerk's File #: MTR2023

**To:** Mayor and Members of City Council

**Recommendation:**

THAT report S 129/2023, "Follow-up to C172/2023 - Essex Terminal Railway Whistling Cessation – Ward 4," **BE RECEIVED** for information.

**Executive Summary:**

N/A

**Background:**

At its April 24, 2023 meeting, Council passed the following resolution:

CR172/2023 ETPS940

That Administration **BE DIRECTED** to continue discussions with Transport Canada, The Transportation Minister, the Member of Parliament and the Federal Government to continue to look into grant funding that is available to fund warning system upgrades at the affected crossings, and fund safety measures in and around these crossings; and,

That the Essex Terminal Railway (ETR) **BE REQUESTED** to have an independent organization conduct a study on decibel levels in the subject area; and,

That the information **BE PROVIDED** to Council at a future meeting for their consideration.

**Discussion:**

Administration continues to look into grant funding that is available to fund warning system upgrades at the affected crossings, and fund safety measures in and around these crossings. In the past the City has obtained funding under the Rail Safety

Improvement Program provided by Transportation Canada. It should be noted at the time of this report all initiatives under this program are closed.

Administration will report back to council when an appropriate Rail funding opportunity is identified and requires council approval.

As per council's request, Essex Terminal Railway (ETR) hired a third party to perform decibel level testing. ETR is able to share publicly that it is compliant within the minimum/maximum decibels level readings for level crossings, as per Transport Canada guidelines (see Appendix A).

**Risk Analysis:**

There are no risks to receiving this report for information.

**Climate Change Risks**

**Climate Change Mitigation:**

N/A

**Climate Change Adaptation:**

N/A

**Financial Matters:**

There are no financial implications to receiving this report for information. At the time that funding is available, a future report will be provided to Council.

**Consultations:**

Luigi Congi, Asset Planning

**Conclusion:**

Type here

**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Shawna Boakes	Executive Director, Operations
Chris Nepszy	Commissioner, Infrastructure Services
Joe Mancina	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Councillor Mark McKenzie		
Tony De Thomasis President and CEO Essex Terminal Railway	1600 Tecumseh Rd. East Windsor, ON N8W 1C5	

**Appendices:**

1. Appendix A: ETR – Decibel Levels

**Vivier, Paula**

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**From:** tony dethomasis  
**Sent:** October 4, 2023 5:43 PM  
**To:** Gerardi, Chris (He/Him)  
**Subject:** Essex Terminal Railway - Decibel levels

**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, Chris:

In the spirit of cooperation and community, we have been working with the City on this and currently we are not comfortable with sharing this report and email with the public due to rules and regulations with both Transport Canada and the Railway Association of Canada and the sensitive and confidential nature of the criteria.

We would agree with simply stating that ETR is compliant within the minimum/maximum decibels level readings for level crossings.

We will continue to monitor these levels as per Transport Canada guidelines and acting when necessary.

Regards,

Tony

Sent from my iPhone

October 19, 2023

John West and John-Karel West Response to Council Report: S 129/2023,  
Item No. 8.4

Subject: Follow-up to CR172/2023 – Essex Terminal Railway (ETR) Whistling  
Cessation – Ward 4

We assert that if this council allows the ETR to refuse to provide a copy of the train whistle decibel noise assessment report to city council and the public then you will be setting a dangerous precedent for the future in which any person or company that initially agrees to provide a report to council can later refuse to provide such report based on their opinion that it is sensitive and confidential information without citing any laws that support their decision and are clearly self serving.

In our view, this can and should lead to litigation alleging that the city council acted in bad faith and the person and or company acted in bad faith resulting in costly compensation to all parties.

We assert that the public interest in the proper administration of justice regarding the ETR providing the city and public with the noise assessment report outweighs the interests that would be protected by non-disclosure.

In reference to the council report, it noted the following:

- At the April 24, 2023 council meeting that Administration be directed to continue discussions with Transport Canada, Transportation Minister, MP and federal government to look into grant funding that is available to fund warning system upgrades at the affected crossings and fund safety measures in and around these crossings; and
- That the Essex Terminal Railway have an independent organization conduct a study on decibel levels in the subject areas and;
- That the information be provided to Council at a future meeting for their consideration

This council report also noted that Administration continues to look into grant funding for safety measures and upgrades under the Rail Safety Improvement Program provided by Transport Canada but at the time of this report all initiatives were closed.

**The report noted "as per council's request ETR hired a third party to perform decibel level testing. ETR is able to share publicly that it is compliant within**

the minimum/maximum decibels level readings for level crossings, as per Transport Canada guidelines (see Appendix A)

Appendix A is the October 4, 2023 email from Tony DeThomasis, president and CEO of the ETR to Chris Gerardi, Policy Analyst, Transportation Planning, City of Windsor.

This email stated the following:

Good afternoon Chris,

In the spirit of cooperation and community, we have been working with the City on this and currently we are not comfortable with sharing this report and email with the public due to rules and regulations with both Transport Canada and the Railway Association of Canada and the sensitive and confidential nature of the criteria.

We would agree with simply stating that ETR is compliant within the minimum/maximum decibels level readings for level crossings.

We will continue to monitor these levels as per Transport Canada guidelines and acting when necessary.

Regards

Tony

Sent from my iPhone

We assert that Mr. Tony DeThomasis has not cooperated in this matter and again has failed to provide the necessary documentation, that is the third party decibels level assessment report, without just cause.

In a recent article in the Windsor CBC News dealing with an apartment complex with the neighbours opposing it being built they asked the city – "can you please ensure it's not going to reduce my quality of life.'

Councillor Francis is quoted as "I don't think that's an unfair ask."

Councilor Francis, would you not agree that it is not an unfair ask since we have been asking and telling council for the past year since October 2022 that we want our quality of life back and that we want council to take action



regarding the ongoing train whistle noise that continues to destroy our quality of life all day and night?

We direct **council's** attention to the Railway Safety Act:

### **Power to require information**

- **36 (1)** The Minister may order that a company provide, in the specified form and within the specified period, information or documents that he or she considers necessary for the purposes of ensuring compliance with this Act and with the regulations, rules, orders, standards and emergency directives made under this Act.

We assert that Mr. Tony DeThomasis has no right to withhold the report from city council and the public as he has cited no specific law, rules or regulations to support his opinion; he agreed with and did not object to the **council's April 2023 request to have a third party conduct this assessment**; and only now some 6 months later because he does not want council and the public to see the results of the alleged report that council and the public should just take his word that the ETR is compliant with the minimum/maximum decibel levels for train whistle noise.

Put simply, the reasons given by Mt. DeThomasis do not pass the smell test.

We strongly disagree with the position taken by Mr. DeThomasis that he will not release this report due to rules and regulations with both Transport Canada and the Railway Association of Canada and the sensitive and confidential nature of the criteria, as we have found that these rules and regulations do not exist and the alleged documented decibel levels are not sensitive and confidential as the city and public has a fundamental right to know what noise we are being exposed to and if it is in keeping with the regulation.

Our position of the right to know is supported by the Canada Transportation Agency and section 36(1) of the Railway Safety Act in which the Minister or Transport can order the ETR to produce the report in order to ensure compliance with the Act, and with the regulations, rules, orders, standards and emergency directives made under this Act.

As you will know, the City of Windsor Code of Conduct is applicable in this matter, as it states the following:

The Criminal Code of Canada also governs the conduct of Members of Council.

### 3.111 – Key Principles

The key principles that underline the Code of Conduct are as follows:

[a] Members of Council shall serve and be seen to serve their constituents in a conscientious and diligent manner.

Committees of Council, as a Whole, for example:

[a] request reports as required to aid in their decisions on recommendations to Council.

Therefore, we request that council accept our submissions and advise the ETR immediately in writing that they must provide council and myself with a copy of the report forthwith, or council will contact the Minister of Transport to request that the Minister intervene and order that the report be released.

Submitted by,

John West

John-Karel West



**Committee Matters: SCM 285/2023**

**Subject: Active Transportation Master Plan 2022 Update - City Wide**

Moved by: Councillor Gary Kaschak  
Seconded by: Councillor Mark McKenzie

Decision Number: **ETPS 963**

THAT the report of the Active Transportation Coordinator dated April 26, 2023 entitled "Active Transportation Master Plan 2022 Update" **BE RECEIVED** for information.  
Carried.

Report Number: S 52/2023  
Clerk's File: MB/5331

**Clerk's Note:**

1. The recommendation of the Environment, Transportation & Public Safety Standing Committee and Administration are the same.
2. Please refer to Item 8.5 from the Environment, Transportation & Public Safety Standing Committee held on October 25, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:  
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20231025/-1/9440>

**Subject: Active Transportation Master Plan 2022 Update - City Wide**

**Reference:**

Date to Council: October 25, 2023  
Author: Kathy Quenneville  
Active Transportation Coordinator  
519-255-6100 ext.6287  
kquenneville@citywindsor.ca  
Public Works - Operations  
Report Date: April 26, 2023  
Clerk's File #: MB/5331

**To:** Mayor and Members of City Council

**Recommendation:**

THAT report S 52/2023, "Active Transportation Master Plan 2022 Update" **BE RECEIVED** for information.

**Executive Summary:**

N/A

**Background:**

Active transportation means using human power to get from one place to another, and includes walking, biking, skateboarding, and non-mechanized wheel chairing. It offers numerous benefits to individuals, to our community and the environment. Such benefits include improved health and mental well-being with increased physical activity, mitigation of climate change through reduced greenhouse gas emissions, economic advantages to the City of Windsor with lower cost infrastructure and increased connection with travel surroundings, including businesses, and in providing an optional form of transportation that is accessible and equitable to a wide range of individuals, regardless of age, income or physical ability. By continuing to encourage and support active transportation initiatives, the City can create a healthier, more liveable and sustainable place for its residents and for visitors. In recognition of these benefits, Council approved Walk Wheel Windsor, the City's Active Transportation Master Plan (ATMP), on July 22, 2019.

Action item 5E.2 of the ATMP report recommends annual reporting to City Council on growth in the active transportation network and other active transportation statistics, as well as using the information to report to the public. This report provides an update for the 2022 year and it

summarizes the collaborative efforts across the organization and by our community partners in advancing active transportation. However, it is not to be considered a comprehensive list of all initiatives.

## **Discussion:**

### **2022 Year in Review**

The main indicator of successful implementation is the observation of an increase in walking, cycling, other forms of active transportation and increased sustainable mode share incorporating a combination of active transportation and transit use. The ATMP target is 25% mode share by 2041, which also supports the City's Community Energy Plan recommendation to increase its 10% sustainable mode share target.

Our current method of measuring mode share relies on Census Canada's commuting data and there is no such data available for 2022, as the Census is completed every 5 years. The 2021 Census indicated there was a 9.6% decrease in the total number of commuting trips from 2016, with an associated decrease of almost 3% in the number of people reporting they walked, cycled or took transit to work.

As noted in the ATMP report, Census data only includes commute trips, and does not include trips for other purposes, such as exercise, errands, social outings, or to spend time with family or friends. Surveys completed during the development of the ATMP found that commuting to work was one of the least common reasons why people choose to travel by active modes of transportation. Also, the 2021 census fell within the period of time where Covid-19 related hybrid work and work-from-home policies were still largely in place. As such, it is anticipated that the Census data underrepresents the actual amount of active transportation trips being made by Windsor residents.

Other measures of progress in the implementation of Walk Wheel Windsor is the investment in both staffing and funding resources that are dedicated to active transportation.

- A full-time Active Transportation Coordinator was hired in November 2022 to oversee the implementation of the Plan. Prior to this time, other Transportation Planning staff had taken on some active transportation responsibilities to ensure fulfillment of recommendations made under the ATMP. Many other City department staff, such as Operations, Engineering and Parks, also devote a portion of their time to cycling and pedestrian network maintenance and the administration of projects that include active transportation facilities.
- Roughly \$4 million was budgeted or spent on walking and cycling facilities, and includes:
  - Transportation Planning Department active transportation budget, which includes bikeways development, pedestrian crossovers, environmental study reports, and School Neighbourhood Policy.
  - Parks new trail and walking path development, trail replacement, off-road cycling course development, trail maintenance budget.
  - Active transportation proportion of capital projects expenditure, where active transportation facilities were included in the project scope.
  - Transit Windsor bus shelter maintenance budget.

- Operation budget for sidewalk maintenance, and winter control for sidewalks, multi-use trails and wheelchair ramps.
- Over \$200,000 in Investing in Canada Infrastructure Program (ICIP) Covid-19 grant funding was allocated toward an active transportation project.

While the City continues to seek out all opportunities to make additional funds available to achieve the funding levels contemplated by the ATMP and notwithstanding the significant competing demands on the municipal budget, since the approval of Walk Wheel Windsor, the following active transportation facilities were added to the network between 2020 and 2022:



A complete list of facilities constructed may be found in Appendix 1.

The following are contributions made in 2022 to advance the implementation of the ATMP under the plan's five themed priorities: Connecting Communities, Places for People, Innovation and Integration, Culture Shift and Quality of Life. Appendix 2 is an infographic that highlights these achievements, and which may be used for public promotion of Walk Wheel Windsor 2022 advancements.

### Connecting Communities

Working toward continuously building new and enhancing the existing active transportation infrastructure, to create a citywide network of pedestrian and cycling routes that are safe and comfortable for people of all ages and abilities.

- Approximately 2.8 km of multi-use and cycling facilities were added to the active transportation network:

Facility Type	Street/Park	From	To	Length (km)
Park Trail	Wilson Park	Addie Knox parking lot to splash pad and playground		0.150
Park Trail	Willistead Park	Niagara St to existing multi-use trails		0.040
Park Trail	Stodgell Park	new multi-use trail		0.677
Park Trail	Roseville Gardens Park	new multi-use trail sections added		0.160
Park Trail	Little River Boulevard Park	to Morningstar Ave and to Katella Ave		0.055
Bike Lanes	North Talbot Rd.	East of Howard Ave	East of Southwood Lakes	0.280

Bike Lanes	Ducharme St.	Cancun St	Helsinki Court	0.200
Cycle Tracks	Hawthorne Dr	Roseville Park	Lauzon Pkwy	0.660
Multi-Use Trail	Hawthorne Dr	Lauzon Pkwy	Lauzon Rd	0.530

- Approximately 7 km of sidewalks were added.
- Progress made toward future projects:
  - Public consultation to gauge interest and inform a preliminary design for a roadway re-allocation along Wyandotte St. E., which would include cycling facilities.
  - Preliminary design and public consultation for the Victoria Ave. and Shepherd St. local street bikeways.
  - Concept design and stakeholder consultation to inform a preliminary design for pop-up protected bike lanes along University Ave.
  - Design of a bike facility along Kildare Avenue, which includes traffic calming.
- 11 newly installed traffic signals with bike detection capability.

## Places for People

Strategies that create great places for people, and consider the needs of all road users, or “people centred planning”.

- Sandwich South Sustainable Neighbourhood Action Plan – Council approved a contract with RWDI and Urban Strategies, Inc. to begin working with Administration to develop of a vision for a sustainable neighbourhood, using a Complete Streets concept, where active transportation facilities and transit are key components.
- 39 sidewalk patios were approved.

## Innovation and Integration

Supporting year-round usage of active transportation by making walking, cycling and transit use convenient forms of transportation.

- An ATMP “Quick Win”, the city extended its e-scooter and e-bike share pilot with operator Bird Canada adding 100 e-bikes to its fleet of 450 e-scooters 2022. The Phase I service area covered 17% of the City’s land area.

- A draft Bike Parking Policy was created and endorsed by the Windsor Bicycle Committee.
- Approximately \$1.15 million was budgeted for Active Transportation related maintenance, including bus shelter maintenance and snow removal, sidewalk and trails maintenance and winter control, and BIA ramp salting.
- Over 5.5 million sessions were logged by Transit Windsor users, an increase of almost 2 million from 2019.

## **Culture Shift**

Education and awareness to help foster a culture of active transportation.

- 4,658 school aged children participated in cycling education and skills training courses through the Safety Village.
- 6 schools participated in the Ontario Active School Travel Fund Grant Program, overseen by the Windsor-Essex County Health Unit, where grade 5 & 6 students participated in CAN Bike Safety and Education program, training on safe active school travel, and sessions were led by Bike Windsor Essex.
- Walkability/Bikeability studies completed for 3 city schools
- 46,458 student bus passes were issued (regular bus schedule resumed in September 2022).

## **Quality of Life**

Improving comfort, safety and accessibility for all road users, and celebrating and promoting active transportation.

- 8 new pedestrian crossings were installed:
  - Banwell Rd. roundabout – four (4)
  - Forest Glade Dr. at Rosebriar Rd.
  - McDougall St. at Foch Ave.
  - McNorton St. at Radcliff Ave.
  - North Talbot Rd. at Southwood Lakes Blvd.
- Events attended by Transportation Planning staff to promote Active Transportation: Earth Day, Bike to Work Day and Open Streets.
- City funding was provided to the Windsor Bike Committee for:
  - Hosting Bike to Work Day
  - Providing secure bike parking during the International Fireworks event



- Sponsorship of a cycling film viewed at the Windsor International Film Festival

### **Risk Analysis:**

There are no risks associated with the recommendations of this informational report.

### **Climate Change Risks**

#### **Climate Change Mitigation:**

Reducing transportation related greenhouse gas emissions associated with the burning of fossil fuels will help reduce the impact of climate change. Active transportation which includes walking, cycling and use of public transport, is a sustainable mode of travel that avoid or greatly reduce greenhouse gas emissions. By improving its active transportation network and by encouraging the use of sustainable modes of transport, the City of Windsor would be taking steps toward reaching its sustainability and greenhouse gas reduction goals and targets. The Community Energy Plan estimates that for every two percent mode shift to active transportation results in emissions reductions of about 8,000 tonnes CO<sub>2</sub>, or about one percent of the total transportation emissions in 2041.

#### **Climate Change Adaptation:**

As climate change presents more global and local threats, active transportation provides an alternative mode of travel, where other methods of travel may not be available or accessible.

### **Financial Matters:**

There are no expenditures associated with the recommendations of this informational report.

### **Consultations:**

James Chacko, Senior Manager of Parks

Phong Nguy, Manager of Contracts, Field Services and Maintenance, Public Works Operations

Roberta Harrison, Coordinator Maintenance, Operations

Ian Day, Senior Manager Traffic Operations/Parking, Operations

Jason Scott, Manager of Transit Planning, Transit Windsor

Karina Richters, Supervisor Environmental Sustainability & Climate Change

### **Conclusion:**

The 2022 annual report on active transportation has provided an overview of the progress and developments in the implementation of Walk Wheel Windsor, the City's

Active Transportation Master Plan in the last year. The City continues to demonstrate its commitment to advancing active transportation and pedestrian and cyclist safety through the funding of additional staff resources to facilitate the implementation of Walk Wheel Windsor, by seeking grant opportunities and investing to expand the cycling and pedestrian networks, by improving the user experience and by working with community partners to provide education programs to foster a culture of walking and cycling.

By building upon the achievements noted in this report and by adopting more strategies and actions outlined in the ATMP, the City can move closer to achieving its climate mode share target and continue to pave the way to providing its citizens with safe, accessible, comfortable and convenient sustainable transportation options.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
Shawna Boakes	Executive Director of Operations
Cindy Becker	Financial Planning Administrator
Chris Nepszy	Commissioner of Infrastructure Services
Janice Guthrie	Chief Financial Officer
Joe Mancina	Chief Administrative Officer

**Notifications:**

Name	Address	Email

**Appendices:**

- 1 Appendix 1 - Walk Wheel Windsor Active Transportation Facilities 2020 to 2022
- 2 Appendix 2 - ATMP 2022 Highlights

## Appendix 2 - Walk Wheel Windsor Active Transportation Facilities 2020 - 2022

Year	Facility Type	Street/Park	From	To	Length (km)
2020	Multi-Use Trail	Dougall	Tunnel		0.380
	Multi-Use Trail	Ojibway Pkwy - Realignment	Weaver Rd		0.000
	Multi-Use Trail	Tranby Rd	Parkview	Isabelle	0.300
	Multi-Use Trail	Rhodes/Deziel Drive Ph 1	Kautex	Pillette Rd	2.100
	Multi-Use Trail	Banwell Rd Phase 1	Tecumseh	Palmetto	0.365
	Bike Lanes	Riverside Dr E	Solidarity Towers	Lauzon Rd	1.200
	Bike Lanes	College	Wellington	Crawford	0.250
	Bike Lanes	Pulford /California	Norfolk	Northway	0.448
	Bike Lanes	Memorial	Vimy	Marentette	0.250
	Park Trails	Bridgeview Park	N/A	N/A	0.420
	Park Trails	Langlois Park	N/A	N/A	0.660
	Park Trails	Tranby Park	N/A	N/A	1.150
	Park Trails	Alexander Park	Playground	Viewing Area	0.054
	TOTAL				
2021	Multi-Use Trail	Little River			0.740
	Multi-Use Trail	Rhodes Drive Phase 2	Pillette Rd	Jefferson Blvd	2.100
	Multi-Use Trail	Florence Street			0.520
	Multi-Use Trail	Matchette Road Phase 1	EC Row Expressway	Chappell Ave	1.000
	Multi-Use Trail	EC Row Avenue East	Bliss Rd	Turner Rd	0.404
	Multi-Use Trail	Addition to EC Row Ave Trail	Walker Rd	Riberdy Rd	
	Multi-Use Trail	Walker Road	EC Row Collector North	EC Row Collector South	
	Bike Lanes	Cabana Road Phase 3	Dominion (Mount Royal)	Dougall Ave	1.300
	Park Trail	Central Park (new)			1.603
	Park Trail	Southdale Park (additional trail)			0.350
	Park Trail	Riverside Baseball Park (additional trail)			0.700
	Park Trail	George Avenue Park (new)			0.716
	Park Trail	Alton C Parker Park (new)			0.290
TOTAL					9.723
2022	Multi-Use Trail	Hawthorne Dr	Lauzon Pkwy	Lauzon Rd	0.530
	Bike Lanes	North Talbot Rd	E of Howard Ave	E of Southwood Lakes	0.280
	Bike Lanes	Ducharme St	Cancun St	Helsinki Court	0.200
	Cycle Tracks	Hawthorne Dr	Roseville Park	Lauzon Pkwy	0.660
	Park Trail	Wilson Park	Addie Knox parking lot to splash pad and playground		0.150
	Park Trail	Willistead Park	Niagara St to exsiting multi-use trails		0.040
	Park Trail	Stodgell	new multi-use trail		0.677
	Park Trail	Roseville Gardens Park	new multi-use trail sections added		0.160
	Park Trail	Little River Boulevard Park	to Morningstar Ave and to Katella Ave		0.055
TOTAL					2.752
<b>3 YEAR TOTAL</b>					<b>20.052</b>



# 2022 Active Transportation Highlights



- 9.8 km of active transportation facilities added:
  - 1.08 km park trails
  - 480 m bike lanes
  - 660 m cycle tracks
  - 530 m multi-use trails
  - 7 km of sidewalks
- 11 NEW traffic signals with bike detection
- 39 sidewalk patios approved
- Sandwich South Sustainable Neighbourhood Action Plan
  - City Administration began developing a vision for a sustainable neighbourhood
  - Active transportation and transit are key components
- Bird e-scooter and e-bike share program pilot with 100 e-bikes and 450 e-scooters
- Bike Parking Policy drafted
- Approx. \$1.15 million budgeted for Active Transportation facility maintenance
- Over 5.5 million sessions logged by Windsor Transit users



- 4,658 school aged children participated in cycling education & skills training through the Safety Village
- 6 schools participated in CAN Bike Safety Education Program
- Walkability/bikeability studies completed for 3 schools
- 46,458 student bus passes issued
- Active Transportation Promotion at Events
  - Earth Day
  - Bike to Work Day
  - Open Streets Windsor
- 8 NEW pedestrian crossings installed
  - Banwell Rd. Roundabout (4)
  - Forest Glade Dr. at Rosebriar Rd.
  - McDougall St. at Foch Ave.
  - McNorton St. at Radcliff Ave.
  - North Talbot Rd. at Southwood Lakes Blvd.

Total Active Transportation km added since 2020:	Bike Lanes:	3.93 km
	Multi-use Trails:	8.44 km
	Parks Trails	7.03 km
	Cycle Tracks:	0.66 km

Visit [cyclewindsor.ca](http://cyclewindsor.ca) for more information about the City's Active Transportation Master Plan, Walk Wheel Windsor





**Committee Matters: SCM 238/2023**

**Subject: Response to CQ 18-2022 – Jackson Park Bandshell Update – Ward 3**

Moved by: Councillor Fabio Costante  
Seconded by: Councillor Renaldo Agostino

That the report of the Executive Initiatives Coordinator dated August 21, 2023, entitled “Response to CQ 18-2022 – Jackson Park Bandshell Update-Ward 3” BE RECEIVED for information; and further,

That administration BE REQUESTED to engage in a feasibility study (two Phases) including a Condition Study and a Vision and Rendering Phase along with public consultation with the community and the Schoolboard on its best use and utilization; and,

That administration BE REQUESTED to report back at the next meeting of Council regarding a funding source other than the Budget Stabilization reserve (BSR)

Councillors Renaldo Agostino, Mark McKenzie, and Jo-Anne Gignac voting nay.

The motion is **put** and **lost**.

Moved by: Councillor Jo-Anne Gignac  
Seconded by: Councillor Mark McKenzie

Decision Number: **CSSC 205**

That the report of the Executive Initiatives Coordinator dated August 21, 2023, entitled “Response to CQ 18-2022 – Jackson Park Bandshell Update-Ward 3” **BE RECEIVED** for information; and further,

That the Parks Department **UNDERTAKE** a consultation with the broader community for input on the future of the Jackson Park Bandshell.

Carried.

Councillor Costante voting nay.

Report Number: S 106/2023  
Clerk’s File: SR2023

**Clerk’s Note:**

1. The recommendation of the Community Services Standing Committee and Administration are **not** the same.

2. Please refer to Item 8.3 from the Community Services Standing Committee held on September 6, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230906/-1/9431>

**Subject: Response to CQ 18-2022 – Jackson Park Bandshell Update – Ward 3**

**Reference:**

Date to Council: September 6, 2023  
Author: Samantha Magalas  
Executive Initiatives Coordinator  
smagalas@citywindsor.ca  
226-347-0273

Parks

Report Date: August 21, 2023  
Clerk's File #: SR2023

**To:** Mayor and Members of City Council

**Recommendation:**

THAT the report titled Response to CQ 18-2022 – Jackson Park Bandshell Updates **BE RECEIVED** for information.

**Background:**

On September 6, 2022, Councillor Kieran McKenzie asked the following question:

“Asks that Administration provide an update on the current status and condition of the Jackson Park Band shell and further comment on the viability of a Feasibility Study outlining the scope of work necessary to bring the band shell back into community access and usage within the Parks Department inventory of assets.”

This report is in response to that question.

The original grandstand at Jackson Park was built in 1899 in Grosse Pointe, Michigan and brought to Windsor in 1909. It was reconstructed in the old Windsor fairgrounds by the Windsor Jockey Club. The grandstand and the 85-acre park was bought by the City of Windsor in 1928 from the Jockey Club to create Jackson Park. Shortly after World War Two, a bandshell was constructed within Jackson Park. When combined with the grandstand, the bandshell allowed outdoor entertainment events to proceed in spite of the unpredictable elements. In the summer of 1957, one of the most spectacular fires in Windsor's history totally destroyed both the bandshell and the grandstand.

In 1959, City Council approved the construction of the replacement bandshell. The bandshell was designed by Johnson and McWhinnie and built by Loaring Construction Company. The new bandshell was used for many events throughout the 60's and 70's including the Emancipation Day festival and Windsor's Battle of the Bands. Today, the bandshell is inoperable, in need of repair and sitting empty. One reason, the bandshell was never recommended to be refurbished is that a section of the former seating area of the bandshell currently sits on School Board property which would provide significant challenges in having any sort of large gathering at the Jackson Park bandshell location.

The "Rediscovering Our Parks" the Parks & Outdoor Recreation Master Plan (Parks Master Plan), which was approved by Council on July 4<sup>th</sup> 2016, lists a number of recommendations for Jackson Park. While it speaks about the bandshell specifically and indicates it is in a condition that could be restored or repurposed, there is no formal recommendation to renovate the existing bandshell within the Parks Master Plan.

### **Discussion:**

Following this Council question, Administration met onsite to determine what would be needed to bring back a valid comprehensive answer to the Council question. The building is listed on the Windsor Municipal Heritage Register, so any work proposed should be conducted in a heritage sensitive manner.

In order to develop an accurate estimate to revitalize the bandshell, a Condition Study is required. This would then be followed by a Vision and Rendering Phase. Together, these two phases would help Administration get an accurate assessment of the current condition of the bandshell and surrounding footprint and also, an idea for what needs to be done and what it could be used for moving forward. Below is a breakdown of what would occur during each phase:

#### *Condition Study Phase:*

- Review of the current heritage implications with recommendations to move forward
- Review of the structural integrity (concrete, masonry etc.) of the current state of the building including recommendations
- Review of existing services such as mechanical, electrical, plumbing, sanitary etc.
- Coordination to acquire soils, survey, designated substance and environmental reports for the site
- Assess scope of work from reports and incorporate into recommendations and costing
- Produce a cohesive report outlining the scope of work including budgets and corresponding drawings
- Participate in a public information survey to gather input on suggested public ideas regarding future Bandshell Vision
- Time required to complete above approximately four to five months



### *Vision and Rendering Phase:*

- Implement public survey recommendations into design scope
- Provide floor plans indicating scope of work of rehabilitation and future additions
- Provide a site plan indicating any potential new additions and/or plaza type areas
- Provide a high-level Class D budget for all work recommended
- A final cohesive report outlining the scope of work including budgets and corresponding drawings
- Incorporate public input and make recommendations into the final design along with high level costing
- Time required to complete above approximately four months

Following these two phases, a final cohesive report would then be provided to Council, capturing public input and outlining the scope of work including budgets and corresponding drawings for any potential work. The total timeline for this project would be between nine to ten months. Both Heritage and City Planning have been notified of this report and both departments would need to be consulted should Council wish to proceed with the studies noted.

Presently, any formal concerts or gatherings typically occur on the waterfront at Festival Plaza or Lanspeary Park. In addition, on May 29, 2023 the proposed “Light The Path” concept for the Civic Esplanade and the City Hall Plaza was approved by City Council through CR 229/2023. The Light the Path concept includes the addition of a stage with canopy and tiered planter for performances while providing sheltered seating at Charles Clark Square. The proposed project also contains several spaces for informal gatherings throughout, including the addition of a media screen.

### **Risk Analysis:**

There is a significant financial risk identified, as there is currently no capital budget approved by Council to fund the two phases of this feasibility study, and/or for any future repairs to the bandshell. If City Council wishes to proceed with a feasibility study, a funding source would need to be identified. It should be noted that if Council approves a feasibility study, during the course of the study, there may be findings that determine additional testing might be required (soil, environmental, etc.) at additional costs. At present time Administration is hopeful that not all of the additional studies would be required however it is not possible to know for sure until the feasibility study is completed.

There is significant concern that renovating the bandshell at Jackson Park could lead to challenges in terms of seating. A section of the former seating area of the bandshell currently sits on School Board property. This would provide significant challenges in having any sort of large gathering at the Jackson Park bandshell location.

## **Climate Change Risks**

### **Climate Change Mitigation:**

N/A

### **Climate Change Adaptation:**

N/A

### **Financial Matters:**

It is estimated that to conduct the feasibility study (two phases) described in the Discussion section of the report, including public input, the cost would be approximately \$100,000 plus non recoverable HST. Should additional environmental assessments be required following the completion of the feasibility study, the cost to complete those surveys would be between \$15,000 - \$20,000 plus non recoverable HST.

Currently there is no capital funding available in the budget to proceed with either a feasibility study or for any repair of the bandshell to make it operable again. Should Council wish to proceed, direction will need to be provided to administration to include a budget request as part of the annual budget preparation.

### **Consultations:**

Erika Benson – FPA, Parks

Jamie Scott – Manager, Parks Operations

Donovan Tremblay – Supervisor, Facilities

Mike Murphy – Supervisor, Parks

### **Conclusion:**

The cost to conduct both phases of the feasibility study of the bandshell at Jackson Park is estimated to cost approximately \$100,000 plus non recoverable HST and take upwards of nine to ten months. Should City Council wish to proceed with conducting a feasibility study of the bandshell, a funding source would need to be identified during the 2024 budget process.

**Approvals:**

<b>Name</b>	<b>Title</b>
Samantha Magalas	Executive Initiatives Coordinator – Community Services
Erika Benson	FPA, Parks
Wadah Al-Yassiri	Manager, Parks Design & Development
James Chacko	Executive Director, Parks & Facilities
Ray Mensour	Commissioner, Community Services
Tony Ardovini	On behalf of Commissioner, Corporate Services/Chief Financial Officer
Joe Mancina	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>

**Appendices:**



**Committee Matters: SCM 292/2023**

**Subject: 2022 Annual Report of the 10 Year Housing & Homelessness Plan - Master Plan - City Wide**

Moved by: Councillor Jo-Anne Gignac  
Seconded by: Councillor Mark McKenzie

Decision Number: **CSSC 209**

THAT this report from the Executive Director of Housing and Children's Services regarding the 2022 Annual Report on the Home Together: Windsor Essex 10 year Housing and Homelessness Master Plan **BE RECEIVED**; and further,

THAT the Executive Director of Housing and Children's Services, or their authorized designate **BE AUTHORIZED** to make the necessary submissions in a form and format required under the *Housing Services Act, 2011* related to the Windsor Essex 10 Year Housing and Homelessness Plan for the duration of the plan.

Carried.

Report Number: S 134/2023  
Clerk's File: GH/11710

**Clerk's Note:**

1. The recommendation of the Community Services Standing Committee and Administration are the same.
2. Please refer to Item 6.1 from the Community Services Standing Committee held on November 1, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20231101-1/9443>

**Subject: 2022 Annual Report of the 10 Year Housing & Homelessness Plan - Master Plan - City Wide**

**Reference:**

Date to Council: November 1, 2023  
Author: Kelly Goz  
Manager, Homelessness & Housing Support  
519-255-5200 ext 5362  
kgoz@citywindsor.ca

Report Date: October 16, 2023  
Clerk's File #: GH/11710

**To:** Mayor and Members of City Council

**Recommendation:**

**THAT** this report from the Executive Director of Housing and Children's Services regarding the 2022 Annual Report on the Home Together: Windsor Essex 10 year Housing and Homelessness Master Plan **BE RECEIVED**; and further,

**THAT** the Executive Director of Housing and Children's Services, or their authorized designate **BE AUTHORIZED** to make the necessary submissions in a form and format required under the *Housing Services Act, 2011* related to the Windsor Essex 10 Year Housing and Homelessness Plan for the duration of the plan.

**Executive Summary:**

N/A

**Background:**

The *Housing Services Act, 2011*, requires that every Service Manager have a plan to address housing and homelessness and further requires Service Managers at a minimum review and amend its plan at least once every five (5) years.

In May 2014, City Council approved the Windsor Essex 10 Year Housing and Homelessness Plan (HHP) and approved the implementation of the strategies identified in the HHP (Council Report #17176, Council Resolution #128/2014).

In November 2019, Council approved the renewed Plan titled *Home Together: Windsor Essex Housing and Homelessness Master Plan 2019 – 2028 (HHMP)* (CR 612/2019 Report # S 197/2019).

*Home Together: Windsor Essex Housing and Homelessness Master Plan 2019 – 2028* continues to represent a shift and established the framework of a housing and homelessness system that works more collaboratively across sectors, to ensure efforts were aligned around key goals with a focus on long term housing outcomes. The HHMP aims to improve system integration recognizing the housing and homelessness sector can not end homelessness and address all of the community's housing needs on its own.

Housing Services is also bringing forward this report to highlight some of the more recent provincial and federal policy changes, and identify some of the current challenges the housing and homelessness sector is currently experiencing which were not known when the HHMP *was completed*.

### **Discussion:**

Since the implementation of the HHMP in 2019, the world has endured a public health pandemic, experienced inflationary increases for goods, services, significant increases in rental unit costs, as well as, increases to costs for both resale and new housing in Windsor Essex far exceeding the 2019 estimated projections. Communities have faced additional challenges to respond as a result of evolving provincial and federal housing and homelessness policy and program changes which have both created opportunities and unique challenges to meet the emergency shelter, housing and homelessness support needs of residents in Windsor Essex.

At the time the HHMP was authored, the Current and Future State Report stated that “for housing policy purposes, we are particularly concerned about low and moderate income households, as the private market tends to meet the housing needs of higher income households without any policy intervention” and further “the economy is anticipated to grow, but at a slower rate than the recent past.”

Housing Services is pleased to present the ninth Annual Report to the Community on the Windsor Essex 10 Year Housing and Homelessness Master Plan. Some of the achievements attained in 2022 are highlighted below.

### **GOAL 1: Sustain and Expand Social and Affordable Housing Supply**

The City as Service Manager continues to recognize the need for further affordable housing in Windsor and Essex County and the need to leverage diverse funding sources to create, maintain and preserve affordable rental housing.

***Strategy IV: Advocate for and leverage diverse funding sources, and collaborative opportunities, including with the private sector, to create, maintain and preserve affordable rental housing.***

Notable accomplishments as it relates to creating affordable rental housing units currently under way or close to occupancy include but are not limited to the following:

## **1. Canada Mortgage and Housing Corporation – Rapid Housing Initiative (RHI) - Round 2 Cities Stream**

On August 31, 2021, Housing Services submitted three applications to the CMHC RHI program and on October 14, 2021, the City received CMHC approval to proceed with the following Capital projects:

- a) Crawford youth supportive transitional housing project, a new construction build that will offer up to 15 single bed units for young adults at a cost of \$2,671,113. The Windsor Essex Community Housing Corporation (CHC) is the lead on this construction project.
- b) Bloomfield Development - Phase I which is a new construction project consisting of 12 attached stacked townhome style 2 bedroom units at a cost of \$5,158,004. CHC is the lead on this construction project.
- c) Building Bridges Erie Shores (Leamington) will develop 8 single occupancy standard apartments as part of their Tiny Homes Modular project at a cost of \$1,858,000.

The above projects are scheduled to be completed in 2023. These investments will add 35 total units of affordable housing in Windsor and Essex County.

## **2. Social Services Relief Fund – Phase 5**

In April 2022, the City of Windsor as the Consolidated Municipal Service Manager (CMSM) received an allocation of \$3,404,400 as the fifth and final phase of the Social Services Relief Fund (SSRF5). Housing Services presented Council with City and County based capital project scenarios on August 5, 2022 (CR361/2022) related to projects totalling the \$1,924,960 capital allocation under SSRF5.

The following two projects are being funded through SSRF5:

Augustine Villa Retirement Home and Assisted Living development will create six permanent affordable housing units as an addition to their existing property in Kingsville at a cost of \$700,000. The housing development will include six attached one level row houses with 1-bedroom, open concept self-contained units.

3617 Queen Street – CHC received an allocation for a new construction project to create three permanent affordable housing units at a cost of \$1,224,960. Featuring two independent structures on the property, the affordable housing development includes two one-bedroom units and one three-bedroom. Both projects will rely on a business model that will recover their operating costs through revenues received through the collection of rent.

### **Challenges associated with Strategy IV:**

The City as Service Manager continues its commitment to provide resources and affordable housing within the community, however it is important to note there are often challenges associated with accessing federal and/or provincial funding allocations. Newer funding allocations typically do not cover the entire cost of creating/building new

units therefore, funding needs to be allocated from other sources as well which can lead to a financial shortfall. The increased costs in materials and access to contractors continues to also create additional pressures on project budgets.

Another challenge encountered is when proponents terminate their agreement prior to the end of the funding term. When this occurs, the Service Manager must repay the allocations received back to the Ministry of Municipal Affairs and Housing (MMAH). Despite the Service Manager's efforts to advocate to have these funds remain in the community, MMAH has requested the funds be returned and consequently results in a loss of repayment that could possibly be reallocated within Windsor Essex for future projects. These funds could also help alleviate the loss of affordable housing units that has occurred over time.

***Strategy VI: Conduct a review of the current social housing stock to determine the current and future state of repair and leverage government funding to support capital repair, replacement and upgrading of major building components for social housing.***

In 2020, The Housing Services Department issued a Request for Proposal to hire a consultant to conduct and complete a fulsome review for social housing providers under the Housing Services Act, 2011. As part of that assessment, Building Condition Assessments (BCA) were completed for 31 social housing providers (excluding Windsor Essex Community Housing Corporation). The BCA's have been reviewed by Housing Services and were shared with social housing providers in spring 2022 and indicate there are significant repairs required within the Windsor Essex social housing stock. The significant repairs range from critical and urgent repairs to ongoing repairs required to bring units up to date.

Recommendations from the review are being used to inform the program planning for future capital repair funding offered through the Province of Ontario and/or Government of Canada, where eligible and available. Despite challenges, Housing Services continues to work towards success in mobilizing provincial dollars for Ontario Renovates-Social Housing Repair Program (OR-SHRP) funded under Canada Ontario Community Housing Initiative (COCHI) as part of Ontario's Community Housing Renewal Strategy. The program is intended to provide Windsor Essex social housing provider(s) with funds to rehabilitate units for priority populations that require essential repairs to preserve and extend the functional lifespan of the social housing supply and/or modify units to increase accessibility.

For perspective, the 2022-23 OR-SHRP funding allocation for Windsor and Essex County was \$4.2M. The total OR-SHRP funding requests received in 2022 totalled \$26,371,600.

**Challenges associated with Strategy VI:**

As stated above, the Service Manager continually conducts reviews of the current social housing stock to determine the current and future state of repair and leverage government funding to support capital repair, replacement and upgrades. Many of Windsor and Essex County's social housing units were built between the 1960's and 1970's. These units are an essential part of the community's affordable housing supply.



While some providers have accumulated capital reserves they are often insufficient to adequately maintain the units. The Service Manager continues to monitor and assess the extent of capital deficit for all social housing providers in Windsor and Essex County and works diligently to seek out funding from upper levels of government to address needed capital repairs.

***Strategy VII: Utilize available rent subsidies to maintain current levels of social and affordable housing and to minimize the impact of the expiring housing programs.***

The Service Manager continues to try to utilize available rent subsidies to maintain current levels of social and affordable housing programs and, work towards retaining existing social housing units through rent subsidies after the operating agreements have expired. In order to assist with this, MMAH provided an overview of amendments to Ontario Regulation 367/11 under the Housing Services Act, 2011 (HSA) regarding the new Service Agreement framework for community housing projects that are at the end of their mortgages and operating agreements. The new regulations enable Service Managers to enter into new service agreements with social housing providers whose mortgages have expired. The intent of this regulation is that the Service Manager and social housing provider create an agreement with a minimum term of 10 years that would ensure the operator will remain financially viable for future years.

As mentioned previously, there continues to be a critical risk to rent supplement and housing allowance households linked to expiring funding agreements. These changes have the potential to help alleviate the negative effect the loss of subsidies will have on the housing affordability for some of these households.

**Windsor Essex Housing Benefit (WEHB) and the Canada Ontario Housing Benefit (COHB)**

With the offering of the WEHB and COHB programs the Service Manager has had some success in assisting households with their housing affordability.

The WEHB is a monthly benefit paid directly to eligible low-income households to bridge the gap between affordable rent (roughly 30 percent of income), and average market rent for the service area. 49 additional applicants were deemed eligible in 2022 with an average monthly subsidy amount of \$344.93.

The Canada Ontario Housing Benefit (COHB) is a monthly benefit paid directly to eligible low-income households. Eligible applicants will receive a monthly benefit based on the difference between 80% of the program's Average Market Rent (AMR) for the Windsor Essex service area, and 30% of their Adjusted Family Net Income (AFNI). In 2022, 202 of 232 submitted household applications for Windsor and Essex County were deemed eligible for the COHB by the Ministry of Finance (MOF), on behalf of the Ministry of Municipal Affairs and Housing (MMAH), and are in receipt of an average monthly benefit of \$358.78.

**Challenges associated with Strategy VII:**

The Service Manager continues to utilize available rent subsidies and attempts to mitigate the impact of those that are expiring. These expiring programs add extra

pressure to find alternative solutions to maintain affordable housing. The challenges often faced are due to funding constraints. Rent subsidies require consistent funding to be sustainable and obtaining adequate funds is very challenging. Often times the upper level government budgets are limited and are subject to competing priorities.

### **GOAL 3: Ending Homelessness**

As demonstrated throughout Appendix A, responses to homelessness support programs in Windsor Essex have continued to evolve in order to respond to our neighbours experiencing homelessness. Continuous improvement reviews and adoption of best practices occur regularly to respond to the needs based on data and feedback from program participants. This includes expansion of informal supports being provided by multi-sector stakeholders throughout the emergency shelter system and homelessness drop in programs including the Homelessness & Housing Help Hub (H4) and Essex County Homelessness Hub (ECH2).

#### **Challenges associated with Goal 3:**

A 2022 provincial survey by the Canadian Mental Health Association (CMHA) Ontario indicates that one in four people (24%) have sought help for their mental health challenges, a significant increase from 17% in 2021 and 9% in 2020. Additionally, 43% of people are finding it difficult to access mental health supports, up from 37% at the start of the pandemic<sup>1</sup>. Since the onset of the COVID-19 pandemic in March 2020, rates of emergency medical services (EMS) for suspected opioid overdose in Ontario increased by 57%<sup>2</sup>. While mental illness accounts for about 10% of the burden of disease in Ontario, it receives just 7% of health care dollars. Addiction accounts for 15% of the burden of disease in Ontario and is underfunded. These shortfalls create an ever-widening gap in the system's ability to deliver timely intervention and adequate long-term care<sup>3</sup>.

Modest increases in provincially legislated income assistance rates have not kept up with the current rate of inflation which has resulted in increased housing and grocery costs. For example, a single adult in the Province of Ontario receiving income support for basic needs and shelter through Ontario Works (OW) receives \$733 monthly, which is comprised of \$343 for basic needs and a maximum shelter allowance of \$390. The OW rates have not been increased since 2018 and there are approximately 4,224 single adults receiving OW in Windsor-Essex County as of July 2023. This does not account for the number of singles who are currently receiving financial assistance from the Ontario Disability Support Program (ODSP). A single recipient of ODSP receives \$1,308 monthly. To put this all into perspective, the Canada Mortgage and Housing Corporation lists Windsor's average cost for a one-bedroom unit to be \$1,017.<sup>4</sup> This means that residents in receipt of OW and ODSP, as well as many other low-income earners, are often priced out of the rental market or left spending most of their income on rent, leaving very little left for food and other basic needs. While administration continues to develop innovative solutions and programs, Council should persist in advocating

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<sup>1</sup> [CMHA Ontario](#)

<sup>2</sup> [Ontario COVID-19 Science Advisory Table- Opioid Related Harm](#)

<sup>3</sup> [The Mental Health Crisis Is Real | CAMH](#)

<sup>4</sup> [Average Market Rent 2022, Canada Mortgage and Housing Corporation](#)

passionately for increased funding from upper levels of government to bolster social services, affordable housing, and mental health and addiction programs.

An article written by the Canadian Alliance to End Homelessness in March 2023, noted that the cost-of-living crisis was creating a homelessness crisis in Canada. “In a sample of 14 communities with quality data, 79% saw increases in chronic homelessness since 2020<sup>5</sup>. Increases in homelessness are noticed in Windsor-Essex as well. The By Names Prioritized List data as of September 2023 shows that 644 households were experiencing homelessness in our community.

### **Looking Ahead to 2023**

- Improving discharge planning from provincially funded institutions
- Formalizing cross sector supports for persons experiencing homelessness
- Develop, implement and maintain a public awareness and education campaign on housing and homelessness issues in collaboration with the Regional Community Safety and Wellbeing Plan Windsor Essex County
- Expand use of the Homeless Individuals and Families Information System (HIFIS)
- Expand the number of affordable housing units, using strategies like land banking and partnerships with private and non-profit sector
- Finalize and implement a Regional Affordable Housing Strategy

### **Risk Analysis:**

Risks were identified in the original report at the outset of projects. No further risks have been identified.

### **Climate Change Risks**

#### **Climate Change Mitigation:**

N/A

#### **Climate Change Adaptation:**

N/A

### **Financial Matters:**

All the strategies identified within the 10 Year Housing and Homelessness Master Plan are funded within the approved municipal budget for the respective year and includes funding from the provincial and federal governments.

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<sup>5</sup> [CAEH - Budget 2023 ignores Canada's worsening housing and homelessness crises.](#)

## Consultations:

Diane Wilson, Manager, Social & Affordable Housing  
Jennifer Tanner, Manager, Homelessness & Housing Support  
Michelle Proulx, Coordinator, Housing Administration & Development  
Nancy Jaekel, Financial Planning Admin

## Conclusion:

Significant investments are required to expand affordable housing options which may include capital investments and rent subsidies as well as operating dollars for Housing First programs and supportive housing developments to appropriately support and sustain vulnerable tenancies once housed. Administration continues to advocate to upper levels of government at every opportunity for additional funding in order to support the 10 Year Housing and Homelessness Master Plan.

## Planning Act Matters:

N/A

## Approvals:

Name	Title
Kelly Goz	Manager (A), Homelessness & Housing Support
Kirk Whittal	Executive Director, Housing & Children's Services
Andrew Daher	Commissioner, Human & Health Services
Janice Guthrie	Commissioner, Corporate Services/Chief Financial Officer
Joe Mancina	Chief Administrative Officer

## Notifications:

Name	Address	Email
Rukshini Ponniah-Goulin		<a href="mailto:rukshini@downtownmission.com">mailto:rukshini@downtownmission.com</a>
Joyce Zuk		<a href="mailto:jzuk@fswe.ca">jzuk@fswe.ca</a>
Anna Angelidis		<a href="mailto:angelidis@lscdg.com">angelidis@lscdg.com</a>
Lady Laforet		<a href="mailto:info@welcomecentreshelter.com">info@welcomecentreshelter.com</a>
Karen Kadour		<a href="mailto:kkadour@citywindsor.ca">kkadour@citywindsor.ca</a>

Name	Address	Email
Mary Birch		<a href="mailto:mbirch@countyofessex.ca">mbirch@countyofessex.ca</a>
Danny Pinkson		<a href="mailto:Danny.pinksen@salvationarmy.ca">Danny.pinksen@salvationarmy.ca</a>

**Appendices:**

1 Appendix A - 2022 Annual Report to the Community on the 10 Year Housing and Homelessness Master Plan

# 2022 Annual Report

## Home Together

Windsor Essex

## Housing & Homelessness Master Plan





# OUR COMMUNITY'S VISION

Windsor Essex is an inclusive community where everyone has a safe, affordable, accessible and quality home and everyone lives where they can actively participate.

## GUIDING PRINCIPLES

The following guiding principles will direct our action as a community, in support of the plan:



Achieving our goals is a collective responsibility that will require cross-sectoral collaborative action to develop system-level solutions.



We will implement evidence-based solutions with a focus on efficiency, cost effectiveness and continuous improvement.



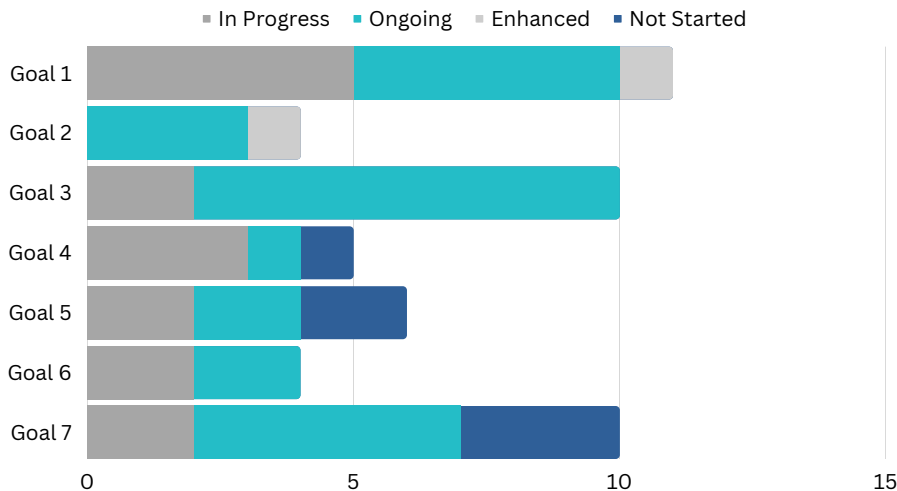
Our programs, services and supports will be people-centred and aimed at helping people obtain and retain housing.



The Plan will be responsive to the National Housing Strategy, Ontario's Community Housing Renewal Strategy and any other future Provincial and Federal housing and homelessness strategies and initiatives.



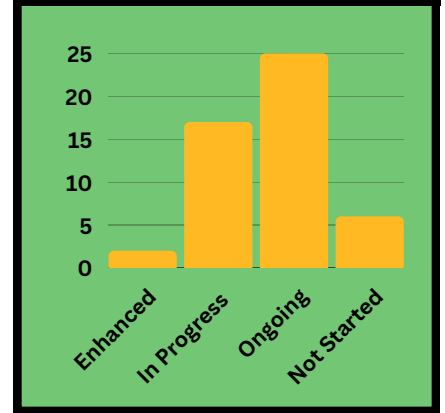
Achieving the goals under the Plan will require leveraging additional resources from all levels of government.



### HOW ARE WE DOING?

The Annual Report highlights the accomplishments achieved in 2022.

### Total Strategies for HHMP



# Goal 1

## Sustain and Expand Social & Affordable Housing



82

Successfully mitigated expiring rent supplement households through conversions to Windsor-Essex Housing Benefit (WEHB) or rent-geared-to-income (RGI) units where appropriate in 2022



**\$461 Average**  
Monthly rent  
subsidy provided  
to households in  
2022  
(6.3% decrease  
from 2021)



**576 Households**  
Housed off the  
Central Housing  
Registry  
(39.5% increase  
from 2021)



**25 Households**  
Number of NEW  
affordable  
housing units  
created in 2022



**724 Units**  
Social housing  
repairs  
completed  
through CMHC  
Repair and  
Renew Program



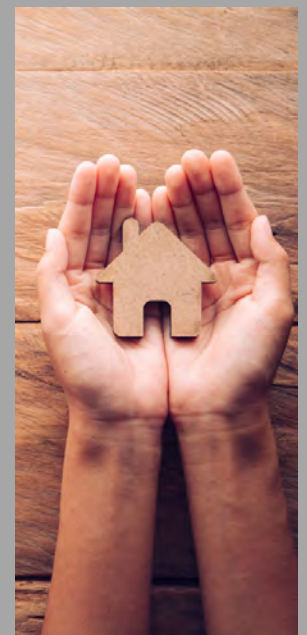
**840 Units**  
Other social  
housing  
repairs  
completed



**900 Households**  
Assisted in RGI, affordable  
rental housing units and/or  
rent assisted units  
(31.5% increase from 2021)

202 Households assisted through  
the Canada-Ontario Housing  
Benefit (COHB)

49 Households assisted through  
Windsor-Essex Housing Benefit  
(WEHB)





# Rental Housing that offers Safe, Accessible and Quality Accommodations.

\$19.2 million in federal funding has assisted in renovating 462 Crawford Street in Windsor. These units are targeted to young adults, those living with physical disabilities, Indigenous People and Black Canadians. They will be operated by Windsor Essex Community Housing Corporation (CHC).



**15  
Units**

Additionally, the federal funding assisted several other housing development projects including but not limited to:

- Eight units at 310 Sherk Street in Leamington, which will be managed by the Bridge Youth Resource Centre and be available to young adults, women, Indigenous People, and Black Canadians;
- Approximately 12 units at 3351 Bloomfield Road in Windsor, which will also be managed by CHC and be available for Indigenous people, women and children, Black Canadians, people who are experiencing homeless or at risk of homelessness, people with physical disabilities, and members of racialized groups.



## Review of the Operational and Building Capacity

Assessments completed by Pretium Engineering Inc. continue. These assessment reports will continue to inform program planning for the Province of Ontario's Community Housing Renewal Strategy Phase II (2022-2025)

# Goal 2

## Sustain and Expand Housing that is Linked with Supports



**“I have found stability. Not only financially, but physically, emotionally, and mentally. I love knowing there are people here that actually care and really do want to help me.”**  
Resident at a local Residential Support Services Home



**339**  
Residents in City Residential Support Services Home



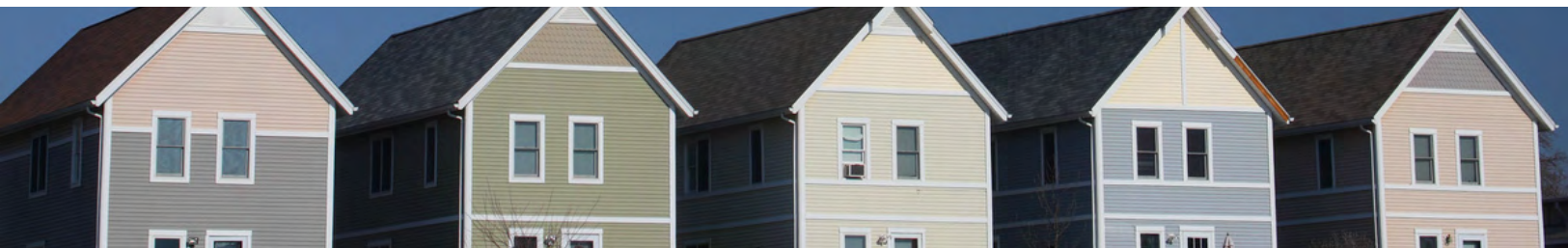
**972**  
Households assisted through Keep the Heat



**226**  
Residents in County Residential Support Services Home



**886**  
Households assisted with Rent Assistance



**54**  
MORE households housed and supported through Windsor Essex Housing Connections



# Goal 3

## Ending Homelessness



### Number of Households Experiencing Chronic Homelessness



### Windsor Essex By-Names Prioritized List Data

**697**  
Households experiencing homelessness were housed  
(28% increase from 2021)



**301**  
Households experiencing chronic homelessness were self-resolved  
(4.8% increase from 2021)



**80**  
Households experiencing chronic homelessness were housed with supports  
(70% increase from 2021)



### Emergency Shelter Stats (\*Homeless Individual & Families Information System Jan.1 - Dec. 31, 2022)



Welcome Centre Shelter for Women

**237 Singles**



Average Length of stay  
**10.47 days**

Welcome Centre Shelter for Families

**551 Individuals**



Average Length of stay  
**34.93 days**

Salvation Army Centre of Hope

**332 Singles**



Average Length of stay  
**11.59 days**

Downtown Mission

**734 Individuals**



Average Length of stay  
**4.64 days**

Leamington Emergency Shelter Pilot Program

**One individual**



Launched in November 2022



# Homelessness & Housing Help Hub (H4)

The Homelessness & Housing Help Hub (H4) is a "one-stop" multidisciplinary service hub. The H4 works towards the community's goal to reduce homelessness by delivering housing focused, homelessness resolution programs that provide a variety of wrap around supports for persons experiencing homelessness.



**35,000**  
Number of visits to H4  
(5.4% increase from 2021)



**1,302**  
Number of unique persons who attended H4



**1,680**  
Number of people at H4 supported by Ontario Works



**151**  
Number of people at H4 assisted with submitting a Central Housing Registry Windsor Essex (CHR) Application



**264**  
Number of referrals and updates made to the Windsor Essex By Names Prioritized List (BNPL) by H4



**100**  
Average number of participants per day at H4



**2**  
Number of Housing Fairs held at H4



**58**  
Number of people housed through supports provided at H4



**130+**  
Number of people assisted through the Shelter Health initiative



**224**  
Number of donations received to support H4 program participants



**60**  
Number of people assisted with identification replacement at H4

## The following Organizations supported H4 in 2022:

- City of Windsor
- Housing Information Services
- Windsor Essex Community Health Centre
- Probation and Parole
- John Howard Society
- Canadian Mental Health Association - Windsor Essex
- Can Am Indian Friendship Centre
- Legal Assistance of Windsor
- Shelter Health initiative
- Family Services Windsor-Essex

## Contact Information

Phone: (519) 253-3806

Address: 400 Wyandotte St. E

(former Windsor Water World)

City Council Agenda – Monday, November 27, 2023

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# Other Day Drop-in Programs

- Downtown Mission Day Program (DTM)**



**864**  
Number of unique persons who attended DTM day program



**16,500**  
Number of visits to DTM day program



**70**  
Average number of participants per day at DTM day program

- Essex County Homelessness Hub (ECH<sup>2</sup>)**



**142**  
Number of unique persons who attended ECH<sup>2</sup>



**570**  
Number of visits to ECH<sup>2</sup>



**7**  
Average number of participants per day at ECH<sup>2</sup>



**4**  
Number of people housed through support provided by ECH<sup>2</sup>



**10**  
Number of new referrals/updates to BNPL from ECH<sup>2</sup>

## Goal 4

### Address Indigenous Housing & Homelessness Needs



**6**  
Indigenous households experiencing homelessness were housed and supported by Indigenous led organizations.  
(40% decrease from 2021)



**10**  
Can Am Urban Native Homes units sustained and maintained through repair.



## Goal 5

### Reduce & Prevent Youth Homelessness



**16**  
Youth experiencing homelessness were housed with appropriate supports  
(60% increase from 2021)

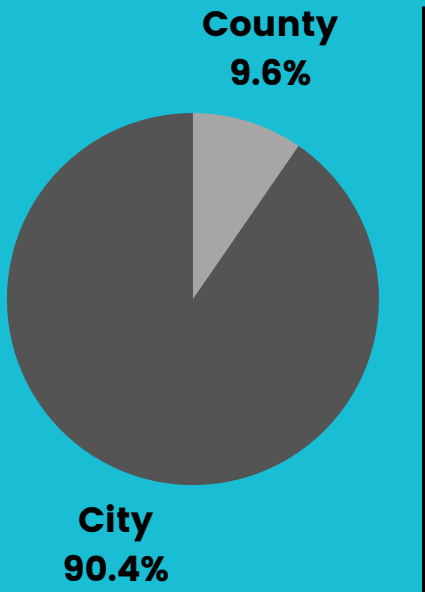
# Goal 6

# Foster Successful Tenancies through Community Collaboration

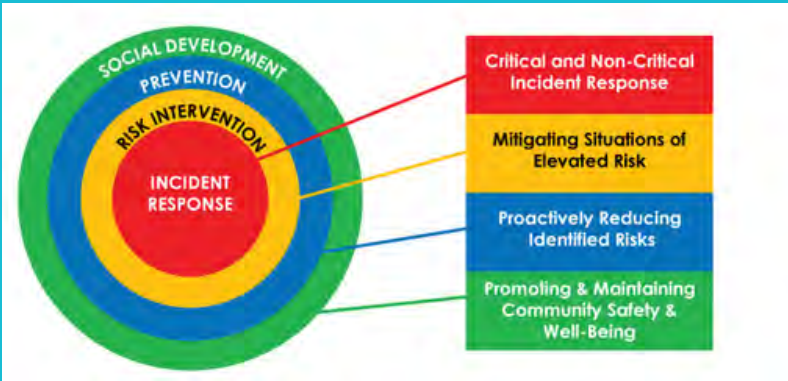


### 2022 RentSmart Course Participation

Course Type	Number of Participants Attended	Percent of Participants
Virtual Course	114	79.2%
In-Person Course	30	20.8%
Tenant Basic Course (3hr)	96	66.7%
Tenant Certificate Course (12hr)	48	33.3%



**2022 RentSmart Participants by Region**



## Windsor Essex Regional Community Safety and Well-Being Plan

The Windsor Essex Regional Community Safety and Well-Being (WERCSWB) Plan supports a collaborative approach to addressing local priorities through the implementation of programs/strategies in four planning areas, including social development, risk intervention, prevention, and incident response. The WERCSWB Plan has a vision to create a community where everyone feels safe; has a sense of belonging, equitable access to services and opportunities; and can have their needs met across Windsor and Essex County.

Using a preventative approach, the WERCSWB Plan has extended its partnerships to include St. Clair College, and will be taking steps towards researching and enhancing the understanding of challenges associated with data collection related to affordable housing.

# Goal 7

## Monitor, Report and Evaluate

	<h3>353</h3>	<p>Total number of staff trained to use Homeless Individuals &amp; Families Information System (HIFIS) in Windsor-Essex County</p>	<h3>7</h3>	<p>Total number of Data Sharing Agreements signed by organizations to implement Homeless Individuals &amp; Families Information System (HIFIS).</p>
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The “Help is Around the Corner” Information Sheet, is designed to be used by businesses and residents to assist in determining who to contact if you encounter someone who may be experiencing homelessness.

<https://www.citywindsor.ca/residents/housing/Documents/Help-is-Around-the-Corner-Poster.pdf>

Quarterly meetings held with the Housing and Homelessness Advisory Committee (HHAC) and monthly with the Windsor Essex Community Advisory Board (CAB) as the champions and to inform the development of a work plan that supports the goals and strategies of the 10 year Housing and Homelessness Master Plan.



**Help IS Around The Corner...**

This information sheet is to be used by businesses, residents, etc. to assist in determining who to contact if you encounter someone who may be experiencing homelessness.

**NO** — Does the person's behaviour pose an immediate safety concern? And/or is there an active crime in progress? — **YES**

**Engage with Person(s)**

Hi, are you looking for help? | Is there anything I can do to assist you? | Is there someone we can call for you?

**Call 911** For your safety and theirs it is best to call emergency services

**When contacting it is best to do the following...**

- Describe The Situation** - Focus on the Who? What? Why? and When? of the situation.
- Provide the Location** - Give the address or closest intersection. - If the individual left, provide the direction they are travelling in.
- Provide a Description** - Age (estimate) - Clothing, height, hair colour - Area/location the person frequents

**Are they open to assistance? If yes, provide the following resources**

- Crisis and Mental Wellness Centre** 519-973-4435 | 744 Ouellette Ave.
- Welcome Center Shelter for Women** 519-971-7595 | 263 Bridge Ave.
- The Salvation Army** 519-253-7473 | 355 Church St.
- The Downtown Mission** 519-973-5573 | 875 Ouellette Ave.

**OR CALL** 211 | 311 Windsor

**For non-emergency or for further assistance contact: Outreach services** 1-888-933-1831 | or@fswe.ca  
**Windsor Police Non-Emergency** 519-258-6111

# COVID-19 Related Responses



In 2022, the City of Windsor received approximately \$4.2 million in additional operating funding from the provincial government to assist vulnerable populations throughout the COVID-19 pandemic. This funding allowed for the continuation of the Homelessness & Housing Help Hub (H4) and COVID Isolation and Recovery Centre (IRC) for people experiencing homelessness. Additionally, the Leamington Emergency Shelter pilot began in November 2022 to support persons experiencing homelessness in the County of Essex who have vital connections to their community including employment, education and medical support. It also assisted the emergency shelters and supportive housing facilities to continue to adhere to public health guidelines including enhanced cleaning and COVID screening in order to protect their staff, residents and the broader community.



## Isolation and Recovery Centre



The Isolation and Recovery Centre continued to provide a space for people experiencing homelessness to safely isolate should they be directed to by public health officials. In 2022, onsite medical supports were provided by the Canadian Mental Health Association and virtual supports provided by the Windsor Essex Community Health Centre. The onsite shelter providers, Welcome Centre Shelter for Women and Families and subsequently the Downtown Mission provided 24/7 shelter support for clients onsite inclusive of client support and wellbeing checks and arranging food deliveries through Feeding Windsor and subsequently the Downtown Mission.



The Welcome Home program offered through Housing Information Services provided basic household items to **269** unique households who obtained housing.





**The City of Windsor is the Service Manager for housing and homelessness programs for the City of Windsor and County of Essex. You can contact us and learn more about our programs and services at the following:**

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**01**

**HOUSING AND CHILDREN'S SERVICES**

**400 City Hall Sq. E. PO Box 428 Station "A"**

**Windsor ON N9A 6L7**

**519-255-5200 ext 6240**

**[sshousing@citywindsor.ca](mailto:sshousing@citywindsor.ca)**

**[www.citywindsor.ca/residents/housing/Pages/Housing.aspx](http://www.citywindsor.ca/residents/housing/Pages/Housing.aspx)**

**02**

**CENTRAL HOUSING REGISTRY**

**Rent-Geared-to-Income (RGI) Applications**

**Portable Housing Benefit (COHB and WEHB) Applications**

**2470 Dougall Ave, Unit 6**

**Windsor ON N8X 1T2**

**519-254-6994**

**[www.chrwec.com](http://www.chrwec.com)**

**03**

**HOMELESSNESS & HOMELESSNESS PREVENTION**

**519-255-5200 ext 5289**

**[sshousing@citywindsor.ca](mailto:sshousing@citywindsor.ca)**

**[www.citywindsor.ca/residents/housing/Housing- with- Supports-and-Homelessness-Prevention/ Pages/default.aspx](http://www.citywindsor.ca/residents/housing/Housing-with-Supports-and-Homelessness-Prevention/Pages/default.aspx)**



**Committee Matters: SCM 295/2023**

**Subject: Minutes of the Committee of Management for Huron Lodge of its meeting held September 11, 2023**

Moved by: Councillor Jo-Anne Gignac  
Seconded by: Councillor Mark McKenzie

Decision Number: **CSSC 210**

THAT the minutes of the Committee of Management for Huron Lodge meeting held September 11, 2023 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 276/2023

**Clerk's Note:**

1. Please refer to Item 7.1 from the Community Services Standing Committee held on November 1, 2023.
2. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/2023101-1/9443>



**Committee Matters: SCM 276/2023**

**Subject: Minutes of the Committee of Management for Huron Lodge of its meeting held September 11, 2023**

## **Committee of Management for Huron Lodge Meeting held September 11, 2023**

A meeting of the Committee of Management for Huron Lodge is held this day commencing at 9:00 o'clock a.m. in the Board Room, Huron Lodge, there being present the following members:

Councillor Ed Sleiman, Chair  
Councillor Fred Francis  
Councillor Jo-Anne Gignac

***Also present are the following resource personnel:***

Alina Sirbu, Executive Director, Long Term Care Administrator of Huron Lodge  
Andrew Daher, Commissioner, Human & Health Services (via MS Teams)  
Doran Anzolin, Executive Initiatives Coordinator  
Amanda Caslick, Executive Director, Long Term Care Administrator (A)  
Karen Kadour, Committee Coordinator

### **1. Call to Order**

The Chair calls the meeting to order at 8:58 o'clock a.m. and the Committee of Management considers the Agenda being Schedule A attached hereto, matters which are dealt with as follows:

### **2. Disclosure of Interest**

None disclosed.

### **3. Adoption of the Minutes**

Moved by Councillor Fred Francis, seconded by Councillor Jo-Anne Gignac,  
That the minutes of the meeting of the Committee of Management for Huron Lodge held September 11, 2023 **BE ADOPTED** as presented.  
Carried.

#### 4. In Camera

Moved by Councillor Jo-Anne Gignac, seconded by Councillor Fred Francis, to move In Camera at 8:59 o'clock a.m. for discussion of the following item:

**Reference: s. 239 (2)(e) – Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board**

Motion Carried.

Discussion on the items of business.

**Verbal Motion is presented by Councillor Fred Francis, seconded by Councillor Jo-Anne Gignac to move back into public session at 9:11 o'clock a.m.**

**Moved by Councillor Jo-Anne Gignac, seconded by Councillor Fred Francis, That the Clerk BE DIRECTED to transmit the recommendation(s) contained in the verbal update discussed at the In Camera Committee of Management for Huron Lodge Long Term Care Home meeting held September 11, 2023 at the next regular meeting.**

Moved by Councillor Jo-Anne Gignac, seconded by Councillor Fred Francis, That the verbal In Camera report relating to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board **BE RECEIVED** and further, that Administration **BE AUTHORIZED** to proceed in accordance with the verbal direction of the Committee of Management for Huron Lodge Long Term Care Home.

Carried.

#### 5. Business Items

##### 5.1 Administrator's Report

Alina Sirbu provides the highlights of the Administrator's Report as follows:

- On June 23, 2023, the Ministry released a COVID-19 Response Measures update indicating that masking will be based on a point-of-care risk assessment consistent with existing Routine Practices and on the return-to-work protocol following COVID-19 infection.
- Huron Lodge estimates the one-time funding streams for COVID-19, infection prevention and control staff and training, medication, safety technology, and minor capital to be approximately \$565,000 in 2023.
- Huron Lodge attained 3-year accreditation status through the Commission on Accreditation of Rehabilitation Facilities (CARF) International.

- In terms of antipsychotics, Huron Lodge is above the provincial average for usage for residents without a diagnosis of psychosis.
- A quality improvement plan based on scholarly peer reviewed research as well as input from the Pharmacist and Medical Director has been developed, and reduction in this indicator will be a primary objective over the following year. The focus will be on enhanced screening on admission and a review of all currently prescribed antipsychotics.
- Huron Lodge has recently revamped their entire wound program, enhancing every aspect of monitoring, assessing and tracking of wounds to improve resident outcomes. Dedicated staff members have been assigned to monitor the most at risk wounds and help provide coaching to staff on wound care and prevention while working with a certified wound care nurse as well as an interdisciplinary committee.

In terms of the rise in the use of antipsychotics, Councillor Jo-Anne Gignac requests that a breakdown based on admissions be provided in the future to the Committee of Management.

Moved by Councillor Jo-Anne Gignac, seconded by Councillor Fred Francis,  
That the report from the Administrator of Huron Lodge providing the Committee of Management with an update on issues related to resident care, the Ministry of Long Term Care, (MLTC), Ontario Health; Home and Community Care Support Services (HCCSS), and other initiatives that impact the Long Term-Care sector **BE RECEIVED** for information and **APPROVED** for the period ending September 11, 2023.

Carried.

## **6. Date of Next Meeting**

The next meeting will be held on November 20, 2023 at 9:00 a.m. via Zoom video conference.

## **7. Adjournment**

There being no further business, the meeting is adjourned at 9:30 o'clock a.m.



**Committee Matters: SCM 296/2023**

**Subject: Response to CQ 19-2023 – Sandpoint Beach Concession - Ward 7**

Moved by: Councillor Mark McKenzie  
Seconded by: Councillor Renaldo Agostino

Decision Number: **CSSC 213**

- I. THAT the report of the Executive Director of Recreation and Culture dated October 13, 2023, entitled “Response to CQ 19-2023 – Sandpoint Beach Concession- Ward 7” **BE RECEIVED** for information; and further,
- II. THAT Administration **BE DIRECTED** to proceed with Option 2, being a mobile vendor opportunity; and further,
- III. THAT Council **PRE-APPROVE** and **AWARD** any procurement(s) necessary that are related to the Sandpoint Beach Concession project, provided that the procurement(s) are within approved budget amounts, pursuant to the Purchasing By-Law 93-2012 and amendments thereto; satisfactory in financial content to Commissioner, Corporate Services/Chief Financial Officer, in legal form to the Commissioner, Legal & Legislative Services; and in technical content to the Executive Director of Recreation & Culture; and,
- IV. THAT the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to take any such action required to effect the recommendation noted herein and sign any required documentation for the Sandpoint Beach Concession project, satisfactory in financial content to Commissioner, Corporate Services/Chief Financial Officer, in legal form to the Commissioner, Legal & Legislative Services; and in technical content to the Executive Director of Recreation & Culture; and,
- V. THAT the Purchasing Manager **BE AUTHORIZED** to issue Purchase Orders as may be required to effect the recommendation noted herein, subject to all specification being satisfactory in financial content to Commissioner, Corporate Services/Chief Financial Officer, and in technical content to the Executive Director of Recreation & Culture; and further,
- VI. THAT administration **BE DIRECTED** to permit Borden Yewchyn the opportunity to operate in accordance with the Sand Point Beach Concession project in the new space subject to obtaining a permit in accordance with Parks By-law 131-

2019 and appropriate licencing in accordance with the Business Licensing By-law 395-2004.

Carried.

Report Number: S 130/2023  
Clerk's File: SR2023

**Clerk's Note:**

1. The recommendation of the Community Services Standing Committee and Administration are **NOT** the same.
2. Please refer to Item 8.3 from the Community Services Standing Committee held on November 1, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/2023101/-1/9443>



**Subject: Response to CQ 19-2023 – Sandpoint Beach Concession – Ward 7**

**Reference:**

Date to Council: November 1, 2023  
Author: Jen Knights  
Executive Director of Recreation and Culture  
jknights@citywindsor.ca  
(519) 253-2300 x 2920

Recreation and Culture  
Report Date: October 13, 2023  
Clerk's File #: SR2023

**To:** Mayor and Members of City Council

**Recommendation:**

- I. THAT the report titled Response to CQ 19-2023 – Sandpoint Beach Concession **BE RECEIVED** for information; and further,
- II. THAT Administration **BE DIRECTED** to proceed with Option 2, being a mobile vendor opportunity; and further,
- III. **THAT** Council **PRE-APPROVE** and **AWARD** any procurement(s) necessary that are related to the Sandpoint Beach Concession project, provided that the procurement(s) are within approved budget amounts, pursuant to the Purchasing By-Law 93-2012 and amendments thereto; satisfactory in financial content to Commissioner, Corporate Services/Chief Financial Officer, in legal form to the Commissioner, Legal & Legislative Services; and in technical content to the Executive Director of Recreation & Culture; and,
- IV. **THAT** the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to take any such action required to effect the recommendation noted above and sign any required documentation for the Sandpoint Beach Concession project, satisfactory in financial content to Commissioner, Corporate Services/Chief Financial Officer, in legal form to the Commissioner, Legal & Legislative Services; and in technical content to the Executive Director of Recreation & Culture; and,
- V. That the Purchasing Manager **BE AUTHORIZED** to issue Purchase Orders as may be required to effect the recommendation noted above, subject to all specification being satisfactory in financial content to Commissioner, Corporate

Services/Chief Financial Officer, and in technical content to the Executive Director of Recreation & Culture.

**Executive Summary:**

N/A.

**Background:**

On June 12, 2023, Councillor Marignani asked the following question:

*That Administration look into reopening the concession stand at Sandpoint Beach and report on the costs and risks concern. Look into programming with pop-up local restaurants featured on weekends.*

This report is in response to that question.

Sandpoint Beach, located at the intersection of Florence Avenue and Riverside Drive East, is a 5-acre park site that is comprised of east and west sand beach areas, Ganatchio Park and Stop 26 Park. The entire area is often referred to simply as “the beach”.

The beach provides amenities such as Essex county’s only supervised (lifeguarded) waterfront swimming area, a playground, washrooms, a grassy area with benches and tables for picnics and gatherings, as well as a non-motorized boat launch that is popular with kayakers and stand up paddleboard enthusiasts.

Sandpoint Beach was acquired in 1976 and established as a beach in 1980. The park and beach are serviced by a 144 car parking lot on the south side of Riverside Drive East, accessible by Florence Avenue with a signalized pedestrian crossing providing an accessible route to the beach. In June 2017, 500 feet of accessible beach matting was added to the area in addition to two amphibious (water) wheelchairs.

Sandpoint Beach is “open” daily from 1 pm – 7 pm, weather and water-quality permitting, from mid-June until Labour Day weekend. Lifeguards are on duty during those hours and are responsible for overseeing the designated swimming zone and residents using the sandy areas of both the smaller east beach and the larger west beach, as well as the playground equipment. The beach area attendance, including both visitors to the sand and the water, averages over 30,000 people per season, or approximately 375 people per day.

The pavilion at Sandpoint Beach houses washroom facilities, the beach Lifeguard Office and first aid station, water fountain, outdoor shower, and the former concession area is now used for storage for the beach accessibility and rescue equipment.

The concession has been closed for over 20 years with users now bringing their own snacks or accessing other food options nearby. Benches and picnic tables along with garbage and recycling receptacles are available for picnic users. Soft drink vending was available in the past but was removed due to continuous vandalism.

## **Discussion:**

The beach is a popular location during the summer months and having the option to purchase food and drinks is likely of interest to many participants. Opportunities for food and refreshments are available nearby at Stop 26 Ice Cream and More, Harbour House Waterfront Eatery, Armando's Pizza, and the Riverside Sportsmen Club. There is also (under long standing agreement) a municipally licensed Class 2 mobile vendor (hot dog cart), located at the southwest corner of Riverside Drive East and Florence Avenue, adjacent to the main City-owned and complementary parking lot. Visiting these businesses requires users to walk or drive to these locations.

There are options that could be considered should Council wish to provide food and beverage options within the beach area directly. Administration is recommending Option 2.

### **Option 1: Renovate to Facilitate 3<sup>rd</sup> Party Vendor Lease of Existing Concession Space**

As noted above, the existing concession space has not been operated as a food service location in over 20 years. A Building Condition Report was completed on January 16, 2017, by the Facilities Department which included the inspection of the exterior building components and building envelope. At that time, the block construction, roof doors and framing were all deemed to be in excellent condition.

The interior of the former concession area is in poor condition and would require inspections, carpentry and technology upgrades to return it to a functional concession space.

The interior is frequented by wildlife in the off-season and identifying the route of pest entry would need to be determined and remedied. The roller window area used in the past to provide food services is fused shut and would need to be serviced or possibly replaced. The counter top at the concession window would also need to be replaced along with the re-installation of the sinks and associated plumbing including a hot water tank. The electrical system would need to be inspected to verify functionality and the ability to support commercial grade appliances such as a refrigerator, freezer, ice cream maker and/or fryer. Depending on the equipment being installed in the space, a grease trap and fire suppression system may also be required. The site does not have mechanical ventilation or air conditioning and any equipment being installed would need to be compatible with a non-ventilated environment.

In addition, the pavilion at Sandpoint Beach does not have public internet access which would likely be required for a Point of Sale (POS) system by a potential vendor.

The former concession area is currently used in the summer by Administration for the secure storage of beach accessibility and safety equipment and finding an alternate on-site storage solution would be needed, and would potentially be a challenge.

## **Option 2: Mobile Vendor Opportunity**

Administration is recommending that a mobile vendor opportunity be explored for the summer 2024 beach season. Currently, there is a municipally licensed Class 2 mobile food vendor (hotdog cart) across the street and in close proximity to the beach, which provides food and beverages. There is a long-term annual agreement (renewed annually) with this food vendor and should Council direct Administration to bring in a secondary vendor located at Sandpoint Beach, the terms of that agreement would need to be honoured.

The current agreement with the vendor ensures a minimum distance from any other operating food vendors. Having an additional vendor on the beach property would only be allowed at the pavilion location to ensure compliance with Schedule M1 of the City's Business Licensing By-law and agreement. In addition, there are other requirements pertaining to the proximity of a vendor to an intersection, entrances to parks including Sandpoint Beach and proximity to other vendors as per City by-law 131-2019.

In accordance with Parks By-law 131-2019, a Permit would be required to provide food, drink or refreshment in the Concession area or park. If a vendor was looking to provide food through a mobile option, the vendor would require permission from the License Commissioner in accordance with Business Licensing By-law 395-2004.

### **Risk Analysis:**

There is moderate risk to investing in Option 1 as the report to Council regarding the capital project to re-locate Sandpoint Beach is in progress. The concept plan presented by Landmark Engineers Inc. and Bezaire Partners noted both food truck parking with options for the current concession space including concession/rental counter space, washrooms, exterior shower and foot wash station, water bottle fill station and/or storage. The final design is still pending.

There is a moderate risk in finding a vendor for Option 1 as a vendor may not want to operate for a short period of time and then be displaced if/when the beach re-location project begins.

There is a financial risk associated with the inspections/repairs to the concession area at the beach as there is no budget available to do so. If Council wishes to re-open the concession, a funding source would need to be identified.

There is low risk to bringing in a mobile option (Option 2). Incorporating a mobile option could require the use of a generator system. As a result, the noise level could become problematic if not properly monitored. Administration would need to ensure the noise produced by any equipment associated with a potential vendor does not produce noise to a dB level that would interfere with the ability of the Lifeguards to communicate with the public and/or each other.

## Climate Change Risks

### Climate Change Mitigation:

N/A

### Climate Change Adaptation:

N/A

### Financial Matters:

A number of inspections and building upgrades will be required under Option 1 before the existing concession space would be functional for a 3<sup>rd</sup> party vendor. The costs could increase if inspections determine additional repairs are required to remediate deficiencies.

Costs under Option 1 include items such as cleaning, inspections, the addition of lighting, security and new equipment and would be approximately \$120,000. There is currently no funding available to support this option. Should Council wish to move forward with the re-opening of the concession, Administration recommends the costs be referred to the 2024 10- year capital budget process and be considered a priority item.

No additional cost is required under Option 2, which is to provide a mobile vendor opportunity.

### Consultations:

Erika Benson - FPA, Parks

Adrian Busa – Manager Facilities Operations

Michael Chantler – Manager of Aquatics

Craig Robertson – Licensing Commissioner/Deputy City Clerk

Alex Vucinic - Purchasing Manager

### Conclusion:

Should City Council wish to re-open the concession at Sandpoint Beach, Administration would recommend using the Budget Stabilization Reserve. However, if City Council directs Administration to provide an opportunity for a mobile vendor, Administration could begin the procurement process immediately.

### Planning Act Matters:

N/A

### Approvals:

Name	Title
Tracy Ou	Financial Planning Administrator
Jen Knights	Executive Director, Recreation & Culture

Name	Title
James Chacko	Executive Director, Parks
Ray Mensour	Commissioner, Community Services
Janice Guthrie	Chief Financial Officer & Corporate Leader, Finance & Technology
Joe Mancina	Chief Administrative Officer

**Notifications:**

Name	Address	Email
Mr. Borden Yewchyn	4824 Malden Rd. (UPPER) Windsor, ON N9E 3T5	<a href="mailto:bigdaddysfoodservice@gmail.com">bigdaddysfoodservice@gmail.com</a>

**Appendices:**

**Date:** October 25, 2023

**To:** Kelly Stuart, Council Services, City of Windsor

**From:** Borden Yewchyn - O/A Big Daddy's Hotdog Cart

**Re:** Item No. 8.3 - Council Report: S 130/2023 - Subject: Response to CQ 19-2023 - Sandpoint Beach Concession - Ward 7

Community Services Standing Committee

November 1, 2023

Item 8.3 - Written Submission

### **Hello, my name is Borden Yewchyn.**

Since 1990, I have owned and operated four licensed and insured hot dog carts in Windsor. Our first daytime location to begin operations was at the Southwest corner of Riverside Dr. E. and Florence Ave. Better known as "Sandpoint Beach." In the spring of 1991, my first hot dog cart (Pluto's Pronto Pups) was used to set up on the gravel portion of the "Ganatchio Trail."

### **A little Family background on me**

In the 1940s, my grandmother owned and operated a lunch counter in Winnipeg, MB. My mother and father met while working at an A&W restaurant in Winnipeg. They married and were eventually allowed to own their own A&W franchise in the 1960s in Windsor, ON. They grew one franchise into three within the City of Windsor and seven between Windsor, Hamilton, and Toronto. They had a few other enterprises locally within the City of Windsor. The experiences I was exposed to while working in these businesses and the many cooperative relationships with staff, suppliers and customers along the journey prepared me to start my enterprise on a solid footing.

### **Past to Present Times**

I recall competing with up to four other hot dog carts on the corner of Riverside Dr. E. and Florence Ave. before the Bi-Law was changed to include a Vending Zone Agreement attached to every location operated while on the Municipal right of way. Because of my seniority then, I was allowed to have first rights in striking an agreement to lease the space for operating my Class 2 Mobile vending cart (Hot Dog Cart). In the early days, before a vending zone agreement, I paid someone to stay overnight with my cart to reserve my location. Competitors would try and sell their wares for 50% off to eliminate me from my post. We survived this onslaught and stayed true to our business model of "best quality foods and service at a fair price." Our industry has sustained through many peaks and valleys because of sound business practices and building solid relationships.

I have successfully scaled my business to include three additional hot dog carts, and I have successfully maintained four active vending zones, complete with a contract agreement. Through the involvement of my immediate family and dozens of students and other fine people, I have been fortunate to build the "Big Daddy's" brand in diversifying my business portfolio to include being an operator of multiple municipal concession buildings located in the City of Windsor, the Town of LaSalle, and the City of Sarnia, and a food truck known as "Big Daddy's Chip Truck" since 1990. My team and I have successfully provided food services while operating food service booths at several significant special events in Windsor and Sarnia during the spring, summer, and fall.

### **Attempts at Re-Opening the Concession Stand at Sandpoint Beach**

In the late 1990s and into the early 2000s, I attempted to strike a deal with Windsor's Parks & Recreation members on multiple occasions to open the mothballed concession stand at Sandpoint Beach. One of the conditions for me to be allowed to operate the concession space required me to relinquish my vending zone across the street. I felt uneasy about this as the future could change with my lease in mind, potentially leaving me without a place for my hot dog cart to operate nearby. I didn't pursue this opportunity again because of this. I have many thoughts on improving and enhancing what already exists within this Park's space. The same can be said for considerations towards potential investments in infrastructure inclusions. I am happy to share these.

### **Windsor Proud**

Having been born and raised in the City of Windsor for most of my life, I feel pride in being part of this landscape for so long. I appreciate having the opportunity to serve the community here at Sandpoint Beach and in and outside other facilities within the City of Windsor for the past 33 years. We have invested tens of thousands of dollars in equipment to offer the best foods and beverages available to the user groups and visitors who buy from us. We have sponsored Minor Sports Associations that are part of the user groups in the facilities. We even offer in-kind food, beverages, and services to user volunteers of these user groups. We are genuinely proud to be part of the community!

My team and I are conscious of how our attitudes and appearance affect the people we contact. We strive to be good ambassadors for the City of Windsor while operating in and around these facilities. We do our best to remain open with regular hours of operation even with the expected closure of Lake St. Clair's water to swimmers at Sandpoint Beach. But we are still here, giving our best efforts to sustain.

**Enhancing and Building a Better Park Space Together**

I look forward to speaking in person on Wednesday, November 1<sup>st</sup>, 2023. And to share my thoughts on improving what infrastructures exist and how to create a better place for residents and visitors of our Beautiful City to enjoy our Jewel of property in Sandpoint Beach/Stop 26 Park.

Sincerely,  
Borden.

Borden Yewchyn  
Big Daddy's Food Service





**Committee Matters: SCM 297/2023**

**Subject: Contract Approval – Windsor Regional Employment Network – City Wide**

Moved by: Councillor Renaldo Agostino  
Seconded by: Councillor Mark McKenzie

Decision Number: **CSSC 211**

THAT City Council **AUTHORIZE** the Executive Director of Employment and Social Services, on behalf of the Human and Health Services Department, as Service Provider, to enter any agreement or related amendment, with The Corporation of the City of Windsor (the “City”), as Service System Manager (“SSM”), for funding related to the provision of Employment Ontario Employment Services within Windsor-Essex County, in form satisfactory to the City Solicitor, in financial content to the City Treasurer, and in content to the Manager of Employment & Training Initiatives; and further,

THAT City Council **AUTHORIZE** the Executive Director of Employment and Social Services or designate, on behalf of the Human and Health Services Department, as Service Provider, to sign and submit all other documents, memoranda, business plans, attestations, and reports required from the City, as SSM, relating to the provision of Employment Ontario Employment Services within Windsor-Essex County, subject to approval of financial content by the City Treasurer as applicable; and further,

THAT the Commissioner of Human and Health Services, or designate, on behalf of the City, as SSM, **BE AUTHORIZED** to execute, sign, amend, and terminate agreements with Service Providers, agencies and/or employers relating to the provision of Employment Ontario Employment Services within Windsor-Essex County, provided such agreements are satisfactory in form to the City Solicitor, technical content to the Executive Director of Employment and Social Services, and financial content by the City Treasurer. For agreements in excess of \$1,000,000, that in addition to Commissioner of Human and Health Services, the Chief Administrative Officer **BE REQUIRED** to sign as secondary authority.

Carried.

Report Number: C 152/2023

Clerk’s File: GP/10258

**Clerk’s Note:**

1. The recommendation of the Community Services Standing Committee and Administration are the same.
2. Please refer to Item 8.1 from the Community Services Standing Committee held on November 1, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20231101-1/9443>

**Subject: Contract Approval – Windsor Regional Employment Network – City Wide**

**Reference:**

Date to Council: November 1, 2023  
Author: Tanya Antoniwi  
Executive Director, Employment & Social Services  
519-255-5200 x 5257  
tantoniw@citywindsor.ca

Employment and Social Services  
Report Date: October 13, 2023  
Clerk's File #: GP/10258

**To:** Mayor and Members of City Council

**Recommendation:**

**THAT** City Council **AUTHORIZE** the Executive Director of Employment and Social Services, on behalf of the Human and Health Services Department, as Service Provider, to enter any agreement or related amendment, with The Corporation of the City of Windsor (the "City"), as Service System Manager ("SSM"), for funding related to the provision of Employment Ontario Employment Services within Windsor-Essex County, in form satisfactory to the City Solicitor, in financial content to the City Treasurer, and in content to the Manager of Employment & Training Initiatives; and further,

**THAT** City Council **AUTHORIZE** the Executive Director of Employment and Social Services or designate, on behalf of the Human and Health Services Department, as Service Provider, to sign and submit all other documents, memoranda, business plans, attestations, and reports required from the City, as SSM, relating to the provision of Employment Ontario Employment Services within Windsor-Essex County, subject to approval of financial content by the City Treasurer as applicable; and further,

**THAT** the Commissioner of Health and Human Services, or designate, on behalf of the City, as SSM, **BE AUTHORIZED** to execute, sign, amend, and terminate agreements with Service Providers, agencies and/or employers relating to the provision of Employment Ontario Employment Services within Windsor-Essex County, provided such agreements are satisfactory in form to the City Solicitor, technical content to the Executive Director of Employment and Social Services, and financial content by the City Treasurer. For agreements in excess of \$1,000,000, that in addition to Commissioner of Health and Human Services, the Chief Administrative Officer **BE REQUIRED** to sign as secondary authority.

## **Executive Summary:**

N/A

## **Background:**

The Corporation of the City of Windsor is the Consolidated Municipal Service Manager (CMSM) for Windsor and Essex County. Through its Employment and Social Services department, the City provides basic income assistance (OW) and employment assistance in accordance with the Ontario Works Act, 1997 and its Regulations. The Ministry of Children, Community & Social Services (MCCSS) funds the Ontario Works program.

In addition, the department is responsible for the delivery of Employment & Training Services (ETS), which was directly funded by the MLITSD or “Ministry”. The City of Windsor is one of ten EO Direct Delivery Agents across Windsor-Essex, and one of six CMSMs in the Province that delivers both Ontario Works and EO programs.

On February 12, 2019, the Ontario government announced the transformation of its employment services to help more people find and keep quality jobs and increase the number of businesses finding the right workers with the right skills. The Ministry of Labour, Immigration, Training and Skills Development (MLITSD) is modernizing the system by creating a new, competitive local service delivery model that integrates social assistance employment services into Employment Ontario (EO). As part of this vision, employment programming for Ontario Works (OW) and the Ontario Disability Support Program (ODSP) are being integrated into EO to create one efficient system. This new model is being delivered by a Service System Manager (SSM), broken out into twelve (12) catchment areas throughout the province.

Through a competitive Call for Proposal (CFP) process, the City of Windsor, along with Workforce WindsorEssex as the consortium partner, submitted its application to become the SSM for the Windsor-Sarnia catchment area. The City of Windsor was ultimately awarded the SSM contract, which took effect on February 1, 2023. The City is now responsible for coordinating and working with service providers to deliver a new and transformative employment services model in the Windsor-Sarnia catchment area. The SSM is now referred to as the Windsor Regional Employment Network (WREN).

## **Discussion:**

As the SSM, the department engaged with existing EO service providers to complete a Service Innovation Planning (SIP) process. Service providers, including ETS, were encouraged to submit their estimated targets for intakes as well as innovative practices for delivering services to support individuals in obtaining and maintaining employment. As an existing EO Service Provider, the ETS division submitted an SIP application to continue to provide Employment Ontario Employment Services within Windsor-Essex.

On October 6, 2023, the SSM confirmed with ETS their participation in continuing to deliver Employment Ontario services. Pending approval, an agreement will be created between the SSM and ETS to confirm the intake level, performance targets, guidelines, etc. This agreement would result in funding flowing from the SSM to the Employment and Training Services Area. ETS would no longer be entering into an agreement with MLITSD for the provision of Employment Services. The contract and associated monitoring are now being completed by the SSM for the entire network.

### **Risk Analysis:**

Due to the City of Windsor's dual role with the SSM and the Employment and Training Services team, there exists a perceived risk of potential conflicts of interest. To address and mitigate this risk effectively, a comprehensive strategy has been established, which includes the following key components:

1. **Separate Staffing Model:** A distinct and separate staffing model has been implemented, ensuring that individuals working on SSM-related matters do not have direct involvement in ETS operations, and vice versa. This separation ensures the independence and impartiality of each unit.
2. **Limited Permissions and Access:** Strict limitations have been imposed on permissions and access to SSM file storage. Only authorized personnel are granted access to sensitive data to maintain confidentiality and prevent unauthorized use.
3. **Offsite SSM Location:** The SSM will operate from an offsite location at the renovated office spaces on 171 and 181 Goyeau Street. This physical separation reinforces the independence and objectivity of the SSM's operations.
4. **Conflict of Interest Procedure:** A comprehensive Conflict of Interest Procedure has been established to provide clear guidelines and expectations for employees in both the SSM and ETS teams. This procedure outlines the steps that must be taken to identify, address, and disclose potential conflicts of interest.
5. **Complaint Resolution Guidelines:** To address concerns and disputes, the SSM has developed formal Complaint Resolution Guidelines. These guidelines provide a structured and transparent process for resolving issues.
6. **Formal Agreement for ETS Standards:** The City of Windsor has established a formal agreement for ETS standards in conjunction with other Integrated Employment Services (IES) providers. This agreement sets clear expectations for service delivery, quality, and compliance with regulations.

In summary, the City of Windsor has adopted a multifaceted approach to ensure the mitigation of conflicts of interest and the preservation of trust within the network. These measures encompass staffing, access controls, physical separation, formal policies, and agreements, all of which collectively support the integrity of both the SSM and ETS functions.

## **Climate Change Risks**

### **Climate Change Mitigation:**

N/A

### **Climate Change Adaptation:**

N/A

### **Financial Matters:**

The City as Service System Manager (SSM) for employment programs in the Windsor-Sarnia catchment area will have a service agreement with the ETS division of Employment & Social Services for the delivery of employment services in Windsor-Essex.

The current ETS agreement with the SSM ends on December 31, 2023. On October 6, 2023, the SSM approved the City of Windsor's SIP application for funding. The new agreement is effective January 1, 2024. The agreement will be renewed annually or as required by the program.

The SSM approved \$3,947,600 in annual operating funding for the City of Windsor's Employment and Training Services (ETS) division in order to deliver the services to the targeted intake level of 2780 individuals. The SSM also approved \$667,200 in annual funding for Employment Related Supports (for Job Seekers). It is anticipated that no additional municipal funding will be required for this program. Annual Performance-Based Funding may also be available from the SSM if employment targets are achieved to address any one-time cost pressures or program needs.

Council approval is required to execute a new agreement with the SSM and is also required to sign any program-related agreements with Service Providers, agencies and/or employers on behalf of the City.

### **Consultations:**

Diane Quinn – Manager, Employment & Training Initiatives

Linda Higgins - Manager, Intergovernmental Funding – Human Services Integration

Hristina Seksenova – Financial Planning Administrator

Kate Tracey - Senior Legal Counsel

Vincenza Mihalo- Executive Director, Human Resources

Doran Anzolin- Executive Initiatives Coordinator

**Conclusion:**

The Employment and Training Services Division is looking forward to continuing to provide excellent Employment Services to the residents of Windsor-Essex County based on the model highlighted above.

**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Tanya Antoniw	Executive Director of Employment & Social Services
Andrew Daher	Commissioner, Human & Health Services
Shelby Askin-Hager	Commissioner, Legal & Legislative Services
Janice Guthrie	Commissioner, Corporate Services/Chief Financial Officer
Joe Mancina	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>

**Appendices:**

N/A



**Committee Matters: SCM 298/2023**

**Subject: Motorola Premier One CSR Software and Hosting Agreement 2024-2028  
City Wide**

Moved by: Councillor Mark McKenzie  
Seconded by: Councillor Jo-Anne Gignac

Decision Number: **CSSC 212**

THAT City Council **SUPPORT** entering into a five-year renewal agreement with Motorola Solutions Canada for the hosting and support of Premier One CSR Software at a 2024 annual cost of \$328,092 plus applicable taxes with annual increases of 3% to be funded from the 311 operating budget; and further,

THAT the City Treasurer/CFO **BE DIRECTED** to consider the additional costs for this agreement as a contractual adjustment in each of the subsequent five-year renewal period for purposes of future operating budget development; and,

THAT City Council **AUTHORIZE** the Chief Administrative Officer and the City Clerk to sign the required agreement subject to satisfactory review as to form by the City Solicitor, as to technical content by the Chief Information Officer/Executive Director of Information Technology and as to financial content by the Chief Financial officer/City Treasurer.

Carried.

Report Number: S 132/2023  
Clerk's File: MC/12263

**Clerk's Note:**

1. The recommendation of the Community Services Standing Committee and Administration are the same.
2. Please refer to Item 8.2 from the Community Services Standing Committee held on November 1, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/2023101-1/9443>

**Subject: Motorola Premier One CSR Software and Hosting Agreement  
2024-2028 City Wide**

**Reference:**

Date to Council: November 1, 2023  
Author: Alena Sleziak, Customer Contact Centre Manager  
519-255-6100 ext 4883  
asleziak@citywindsor.ca  
Communication and Customer Service  
Report Date: October 13, 2023  
Clerk's File #: MC/12263

**To:** Mayor and Members of City Council

**Recommendation:**

THAT City Council **SUPPORT** entering into a five-year renewal agreement with Motorola Solutions Canada for the hosting and support of Premier One CSR Software at a 2024 annual cost of \$328,092 plus applicable taxes with annual increases of 3% to be funded from the 311 operating budget; and further,

THAT the City Treasurer/CFO **BE DIRECTED** to consider the additional costs for this agreement as a contractual adjustment in each of the subsequent five-year renewal period for purposes of future operating budget development; and,

THAT City Council **AUTHORIZE** the Chief Administrative Officer and the City Clerk to sign the required agreement subject to satisfactory review as to form by the City Solicitor, as to technical content by the Chief Information Officer/Executive Director of Information Technology and as to financial content by the Chief Financial officer/City Treasurer.

**Executive Summary:**

N/A

**Background:**

Motorola's Customer Service Request (CSR) software has been used by the municipality since 2005 and provides the platform for the Corporation of the City of Windsor to collect, manage and report on citizen requests for municipal service and information. This application is integral to the operation of the 311 service as well as many city departments responsible for investigating and responding to these requests from residents.

The contract with Motorola Solutions Canada is a cloud hosting agreement under which the vendor provides the application, infrastructure, and operational support services



including upgrades, maintenance, interfaces and mobile apps. In addition, the vendor provides the required redundancy in the hosting of the CSR application in the event a problem exists in the primary hosting facility. There is no technology change required as a result of renewing this agreement with Motorola.

The existing contract with Motorola Solutions Canada approved by Council in 2018 (CR571/2018) expires on December 31, 2023 and therefore a new contract is required

### **Discussion:**

Motorola CSR has been a key component for corporate customer service for many years and is fully integrated into the workflows of requests for service for 33 departments and service areas. It facilitates the intake process of citizen requests for service by providing a means for effectively capturing details of reported issues, and automatically routing the request to the appropriate department for response. It also reduces duplication and tracks the progress and completion of the work done. In 2022 departments responded to 56,313 requests for service.

Another key feature with this application is a robust, searchable knowledge base which is used by front line representatives to answer citizen inquiries. Last year alone, 311 staff answered over 81,951 questions providing important municipal information for our residents. This application works together with the city's EIS system allowing for validation of addresses and mapping incident locations.

CSR also supports an online reporting tool as well as a citizen mobile application *Windsor311* which residents can download for free and use to submit issues 24 hours a day 7 days a week. In 2022 residents using the mobile app entered over 5,800 requests for service.

Embedded business intelligence reporting and mapping capabilities within CSR help to identify trends in reported issues and supports data driven decision making. This was most recently evidenced with the collection of data during the pandemic as well as during major weather events.

Although this Motorola application has performed very well for the Corporation, it is recognized that technological advances continue to evolve and that the Customer Relationship Management (CRM) software landscape has significantly grown with many new vendors and products now available. Similarly, internal business processes, service delivery expectations and other technology systems within the Corporation will frame emerging needs for a dynamic and adaptable CRM solution in the future. In that regard, an exploration and formal review of alternate CRM platforms will be undertaken during the next few years to ensure the ongoing needs of the Corporation and residents will be met moving forward. As a result, Administration did negotiate an early termination clause in the renewal agreement which would allow the City to get out of this contract with 30 days notice.

### **Risk Analysis:**

There is a significant risk if this contract is not renewed. Motorola CSR has been in use for corporate customer service for 18 years. This software is integral to 311 municipal service delivery processes. It is the primary application used to manage workflow in

resolving public requests for service and information and to collect data on customer interactions and requests. Motorola CSR works together with other corporate applications that are used on a daily basis to serve the public with request processing such as AMANDA and EIS. Without it 311 would not be equipped to handle citizen inquiries efficiently and effectively. In order to maintain continuity of service to the public, a renewal of this contract is recommended.

**Climate Change Risks**

**Climate Change Mitigation:**

N/A

**Climate Change Adaptation:**

N/A

**Financial Matters:**

A renewal agreement has been negotiated for a 5-year term. The annual contract price is outlined below and will increase by 3% every year. Upon contract renewal, the expected annual Cloud Hosting Service Fees for 2024 is \$328,092 plus non-recoverable HST, or \$333,866.

The cost of the CSR application will be funded by the 311 Operating Budget in 001-2980-5053-02942-0131729. In 2023 there is an approved budget of \$322,631 for the CSR application inclusive of non-recoverable HST. Additional budget requests will be submitted annually as part of the Operating Budget development process to mitigate year end budget variance, starting with \$11,235 in 2024.

Year	Annual Cost Exclusive of Non-Recoverable HST	Annual Cost Inclusive of Non-Recoverable HST	YOY Operating Budget Increase
2023	\$317,051	\$322,631	N/A
2024	\$328,092	\$333,866	\$11,235
2025	\$337,932	\$343,879	\$10,013
2026	\$348,072	\$354,198	\$10,319
2027	\$358,512	\$364,821	\$10,623
2028	\$369,276	\$375,775	\$10,954

**Consultations:**

Kate Tracey, Senior Legal Counsel  
Trevor Bennet, Manager Business Process Modernization  
Tracy Ou, Financial Planning Administrator  
Emilie Dunnigan, Manager Development Revenue & Finance Administration

**Conclusion:**

The CSR application has proven a valuable asset for the Corporation since the inception of 311 in collecting, managing and reporting on citizen driven municipal requests for service and information. A significant investment has been made and continues to be made in the review and updating of business processes within 311 and the various departments using or integrated with this application. CSR continues to evolve and offer innovative solutions to streamline internal business workflows as well as enhance and simplify citizen access to municipal services.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
Alena Sleziak	Contact Centre Manager
Jason Moore	Senior Manager Communications and Customer Service
Tracy Ou	Financial Planning Administrator
Aftab Ahmad	Chief Information Officer – Executive Director I.T.
Ray Mensour	Commissioner Community Services
Janice Guthrie	Chief Financial Officer/City Treasurer
Shelby Askin Hager	City Solicitor
Joe Mancina	Chief Administrative Officer

**Notifications:**

Name	Address	Email

**Appendices:**



**Committee Matters: SCM 300/2023**

**Subject: Response to CQ 28-2023 – Risks of Oak Wilt on the City’s Tree Population – City Wide**

Moved by: Councillor Jo-Anne Gignac  
Seconded by: Councillor Mark McKenzie

Decision Number: **CSSC 215**

THAT the report of the City Forester and Manager of Forestry & Natural Areas dated October 13, 2023 entitled “Response to CQ 28-2023 – Risks of Oak Wilt on the City’s Tree Population” **BE RECEIVED** for information.

Carried.

Report Number: S 131/2023  
Clerk’s File: SRT2023

**Clerk’s Note:**

1. The recommendation of the Community Services Standing Committee and Administration are the same.
2. Please refer to Item 8.5 from the Community Services Standing Committee held on November 1, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20231101-1/9443>

**Subject: Response to CQ 28-2023 – Risks of Oak Wilt on the City’s Tree Population – City Wide**

**Reference:**

Date to Council: November 1, 2023

Author: Yemi Adeyeye

City Forester and Manager of Forestry & Natural Areas

(519) 253-2300x2760

yadeyeye@citywindsor.ca

Samantha Magalas

Executive Initiatives Coordinator

smagalas@citywindsor.ca

226-347-0273

Parks

Report Date: October 13, 2023

Clerk’s File #: SRT2023

**To:** Mayor and Members of City Council

**Recommendation:**

THAT the report titled Response to CQ 28-2023 – Risks of Oak Wilt on the City’s Tree Population **BE RECEIVED** for information.

**Executive Summary:**

N/A

**Background:**

On September 18 2023, Councillor Kieran McKenzie asked the following question:

Asks that Administration urgently report back to Council on the risks associated with Oak Wilt to the City of Windsor’s tree population along with comprehensive recommendations and strategies - including resource and financial investments for Council consideration to mitigate the risk and protect the tree canopy in the City.

This report is in response to that question.

Oak Wilt is an invasive species. Oak Wilt is a vascular disease of oak trees, caused by the fungus *Bretziella fagacearum*. The fungus grows on the outer sapwood of oak trees, restricting the flow of water and nutrients through the tree. Some oak species are more vulnerable than others and can die within a year of infection.

In June 2023, the first confirmed detection of oak wilt in Canada occurred in the following locations:

- City of Niagara Falls, Ontario
- Township of Springwater, Ontario
- Town of Niagara-on-the-Lake, Ontario

The Canadian Food Inspection Agency (CFIA), as the lead agency with overall oversight, is working with other federal, provincial and municipal governments to survey the area and determine next steps. To help prevent the spread of Oak Wilt, movement restrictions are in place on affected properties.

The Invasive Species Centre (ISC) is also supporting outreach and education about Oak Wilt in this region. The ISC's Oak Wilt Wire is a bi-annual digital newsletter focused solely on Oak Wilt news. This newsletter will highlight Oak Wilt in the news, interesting new research, new developments in prevention and management, community Oak Wilt champions, and updates from Oak Wilt experts.

### **Discussion:**

In recognition of Oak Wilt disease, The City's Forestry and Natural Areas department is doing (or has done) the following:

1. The City of Windsor has, and will continue to cooperate with researchers and Inspectors from CFIA and Natural Resources Canada in monitoring for the insects and the disease.
2. Forestry has mapped out locations for our known oak trees along City streets and in most of our urban parks.
3. During the period of the year when the life cycle of the disease and the insect carriers for this disease are active, Forestry crews monitor the City's trees for signs and symptoms of Oak Wilt.
4. Forestry and Natural Areas staff have attended courses and have been trained to recognize and identify the disease. For example, an Oak Wilt Training Workshop organised by the ISC was held at the Ojibway Nature Centre on September 7, 2023. Oak trees are one of the City of Windsor's more important and common native species. As such, oaks are included in the City's tree planting programs. In recent years the program has shifted focus away from red oaks and concentrated more effort on planting, white oak which are more resistant to Oak Wilt than red oak.
5. The City has modified our requirements with tree maintenance activities in regards to oak trees. The insects that may carry the disease are known to be attracted to fresh wounds or cuts on oak trees. Knowing this, Forestry has instigated a moratorium on all trimming and cutting of oaks from March 31 through to end of October each year, except in cases of emergency or storm damage repair. If trimming or cutting is required, then all wounds are painted over immediately with tree wound sealant or latex paint. Logs and brush are processed into woodchip mulch as soon as possible. Stumps are initially painted and then removed and roots covered as soon as possible.

## **Risk Analysis:**

Oak Wilt disease spreads at a much slower pace than Emerald Ash Borer (EAB), and it has potential for more successful containment than EAB. That said, Oak Wilt disease has a much greater potential to drastically change the City's landscape than that of the impacts of the EAB. If Oak Wilt becomes established in Windsor, all natural areas would be at risk of being negatively impacted, especially the Ojibway Prairie Complex (which is about 1,000 acres in size) comprising of Black Oak Heritage Park, Tallgrass Prairie Heritage Park, Spring Garden Natural Area, Ojibway Park and the Ojibway Prairie Provincial Nature Reserve. Many of these natural areas contain endangered habitats such as Pin and Black Oak Savannah, unique to all of Canada.

Based on the identified cases in Ontario, it is likely that if Oak Wilt disease reaches Windsor, its point of entry/discovery will be on private property as the Forestry division does not enforce best practices on private lands.

Considering the above, the impacts of Oak Wilt on the City tree canopy cover can be significantly worse than what that of the EAB is. Ash trees regenerate quickly in forested lands and even in the pre-EAB era in Windsor/Essex, ash trees did not take a robust role in the biodiversity composition within the City's natural areas, compared to oak trees. Oak trees take much longer to become established and become a significant component of the City's green canopy, in terms of longevity and diversity within the species, and offer a long list of ecological benefits. The oak dominated stands in the City have been identified as 'Old Growth' and Oak Wilt has the potential to wipe out these stands and change these old growth forest types (i.e. Oak Savannah) forever.

In an effort to mitigate the impacts of Oak Wilt on the broader Tree Canopy found within the City of Windsor, the Forestry department in conjunction with Corporate Communications and Community Partners will continue to develop educational and outreach materials to share with the general public. Emphasis will be placed on encouraging landowners to complete preventive inspections of the oak trees on their properties.

## **Climate Change Risks**

### **Climate Change Mitigation:**

N/A

### **Climate Change Adaptation:**

If Oak Wilt became established in Windsor, 10% of City trees (and unknown number on private residence) would be at risk. Environmental health in Windsor will decline due to the destruction of trees and loss of canopy cover. There would be significant loss of environmental benefits including clean air and water, storm water retention, higher property values and the cooling and heating effects that trees provide. The value of these services to the City of Windsor is significant and the loss of these trees and services would be detrimental.

## **Financial Matters:**

Forestry's current budget can handle the expenses of the department's present level of action to mitigate Oak Wilt. If and when the Forestry Department is required to deal with an identified case in the City, additional funding may be required as the cost to address Oak wilt is very costly.

In researching costs, it was determined that the Forestry Supervisor at the City of Niagara indicated that it cost their Forestry Department approximately \$50,000 to deal with the first confirmed case in their City, which included the cost for quarantining, containment and safe removal of 2 oak trees.

**Consultations:**

N/A

**Conclusion:**

The City of Windsor is actively monitoring all City owned oak trees for Oak Wilt disease. Should a case be found within the City of Windsor, on City owned lands, additional funding may be required to deal with the proper containment of the infected trees to try to mitigate the spread.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
Sam Magalas	Executive Initiatives Coordinator
Yemi Adeyeye	City Forester, Manager of Forestry and Natural Areas
Erika Benson	Financial Planning Administrator
James Chacko	Executive Director, Parks & Facilities
Ray Mensour	Commissioner, Community Services
Janice Guthrie	Commissioner, Corporate Services/Chief Financial Officer
Joe Mancina	Chief Administrative Officer

**Notifications:**

Name	Address	Email

**Appendices:**

- 1 Appendix A - ISC - Oak Wilt Factsheet 2023



# Oak Wilt

An Invasive Pathogen Threatening Oak Trees in Canada



P. Kurzeja, Forest Health Division, Michigan D. N. R.

What is it?	Trees at risk:	Where is it?
<p>Oak wilt is a vascular disease of oak trees, caused by the fungus <i>Bretziella fagacearum</i>. The fungus grows on the outer sapwood of oak trees, restricting the flow of water and nutrients through the tree.</p>	<p>All oak species are susceptible and at risk. The red oak group (red, black, pin) is the most susceptible, with mortality frequently occurring within one growing season. Oaks in the white oak group (white, bur) are also affected but are more resistant.</p>	<p>Oak wilt has spread throughout the Eastern United States. In 2023, oak wilt was confirmed for the first time in Canada in Niagara Falls, Ontario. Additional infected sites have been confirmed in Ontario.</p>

## Signs and Symptoms:



Invasive Species Centre

- Leaves turn dull green, brown or yellow
- Discoloration of leaves progressing from the edge of the leaf to the middle
- Wilting and bronzing of foliage starting at top of the tree and moving downwards
- Premature leaf fall (including green leaves)
- White, grey or black fungal mats just under the bark that emit a fruity smell
- Vertical bark cracks in the trunk and large branches as a result of the fungal spore mats (also referred to as pressure pads) exerting outward pressure on the bark


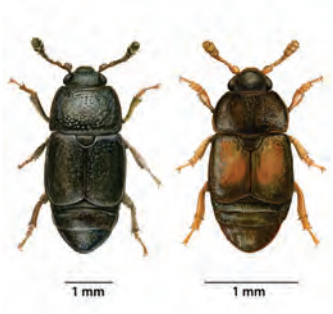

## Impacts:



D.W. French, University of Minnesota, Bugwood.org

- Impacts property values and neighbourhood aesthetics
- Increased costs with tree maintenance, removal and replacement
- Loss of a valued shade tree
- Negative impacts to the forestry industry and production of high value oak products
- Reduction in food source for forest animals provided by oak trees
- Loss of habitat for some species
- Reduction of ecological services (air and water filtering)
- Safety and liability issues

# How is oak wilt spread?

Roots	Insects	Humans
<p>The disease spreads from infected trees to uninfected trees of the same species through root-to-root contact.</p>  <p>James Solomon, USDA Forest Service, Bugwood.org</p>	<p>Insects such as sap-feeding nitidulid beetles can move spores from infected trees to healthy trees.</p>  <p>USDA Forest Service, Northeastern Area State and Private Forestry</p>	<p>Movement of wood products, (particularly those with bark), such as firewood can spread the pathogen over long distances as they can harbor fungal mats.</p>  <p>Joseph OBrien, USDA Forest Service, Bugwood.org</p>

## What can you do?

There is no cure for oak wilt infected trees. The best approach is to avoid or reduce infection in areas where disease occurs by:

- Identifying and removing diseased trees
  - Preventing or severing root connections between diseased and healthy trees
  - Minimizing wounds on healthy trees during the flight period of potential insect carriers
- **DO NOT** prune oak trees from April to July. If pruning must occur, or if a tree is injured, apply a thin layer of wound paint immediately.
  - **DO NOT** move firewood. Oak wilt is spread by the movement of infected wood.

### If you see signs and symptoms of oak wilt, report the sightings to:

- The Canadian Food Inspection Agency (CFIA)  
<http://www.inspection.gc.ca/about-the-cfia/contact-us/eng/1299860523723/1299860643049>
- EDDMapS  
<https://www.eddmaps.org>
- Invading Species Hotline  
1-800-563-7711

### For more information on oak wilt visit:

- Oak wilt species profile on the Forest Invasives Canada website  
<http://forestinvasives.ca/Meet-the-Species/Pathogens/Oak-Wilt>

Produced in collaboration with:



Invasive Species Centre



Ontario





**Committee Matters: SCM 301/2023**

**Subject: OPA & Rezoning – Passa Architects - 1235 Huron Church Road - OPA  
166 OPA/6902 Z-039/22 ZNG/6901 – Ward 2**

Moved by: Councillor Fred Francis  
Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 563**

1. THAT Schedule “A” of Volume I: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by designating Lots 82 to 93, Plan 1046 Town of Sandwich (PIN 01240-0366; 1235 Huron Church Road; Roll No. 050-380-03000), situated on the west side of Huron Church Road, as a Special Policy Area.

2. THAT Chapter 1 in Volume II: Secondary Plans and Special Policy Areas of the City of Windsor Official Plan **BE AMENDED** by adding a new Special Policy Area as follows:

**1.X 1235 Huron Church Road**

<i>LOCATION</i>	1.X.1	The property described as Lots 82 to 93, Plan 1046 Town of Sandwich (PIN 01240-0366), known municipally as 1235 Huron Church Road, situated on the west side of Huron Church Road, south of Girardot Street, is designated on Schedule A: Planning Districts and Policy Areas in Volume I - The Primary Plan.
<i>PERMITTED USES</i>	1.X.2	Notwithstanding the “Open Space” designation of these lands on Schedule D: Land Use in Volume I – The Primary Plan, the following shall be additional permitted main uses: business office, child care centre, commercial school, hotel, medical appliance facility, medical office, multiple dwelling, personal service shop, place of entertainment and recreation, place of worship, professional studio, repair shop – light, retail store, workshop. Further, an automobile repair garage shall be permitted as an accessory use.
<i>PROHIBITED USES</i>	1.X.3	The following uses are prohibited: car wash automatic, car wash coin-operated, and outdoor storage yard.
<i>LANDSCAPED SETBACK REQUIREMENTS</i>	1.X.4	Notwithstanding Special Policy Area 1.2 Huron Church Road Corridor in Chapter 1 of Volume II of the City of Windsor Official Plan, the minimum landscaped setback from the Huron Church Road right-of-way shall

be 3.0 m for a non-residential building and 4.5 m for a residential building.

*DIRECT ACCESS TO HURON CHURCH ROAD* 1.X.5 Notwithstanding Section 7.2.6.4 (iv) in Volume I of the City of Windsor Official Plan, direct access to Huron Church Road is permitted, subject to approval of the City Engineer.

3. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lots 82 to 93, Plan 1046 Town of Sandwich (PIN 01240-0366; 1235 Huron Church Road; Roll No. 050-380-03000), situated on the west side of Huron Church Road, south of Girardot Street, from Green District 1.1 (GD1.1) to a new zoning district as follows:

**16.11 COMMERCIAL DISTRICT 3.11 (CD3.11)  
[ZNG/6901]**

**16.11.1 PERMITTED MAIN USES**

<i>Business Office</i>	<i>Place of Entertainment and Recreation</i>
<i>Child Care Centre</i>	<i>Place of Worship</i>
<i>Commercial School</i>	<i>Professional Studio</i>
<i>Hotel</i>	<i>Repair Shop - Light</i>
<i>Medical Appliance Facility</i>	<i>Retail Store</i>
<i>Medical Office</i>	<i>Workshop</i>
<i>Multiple Dwelling</i>	
<i>Personal Service Shop</i>	

**16.11.2 PERMITTED ACCESSORY USES**

Any use accessory to a permitted main use, including an *Automobile Repair Garage*

**16.11.3 PROHIBITED USES**

*Car Wash Automatic*  
*Car Wash Coin-operated*  
*Outdoor Storage Yard*

**16.11.5 PROVISIONS**

- |     |   |                        |
|-----|---|------------------------|
| .1  | Lot Frontage – minimum  | 15.0 m                 |
| .4  | Building Height   |                        |
|     | a) For a <i>multiple dwelling</i> – minimum   | 14.0 m                 |
|     | b) For any non-residential <i>building</i> – minimum  | 9.0 m                  |
| .8  | Landscaped Open Space Yard – minimum  | 30% of <i>lot area</i> |
| .17 | Exposed flat concrete block walls or exposed flat concrete walls, whether painted or unpainted, are prohibited. |                        |

- .20 Building Setback
  - a) For a *Multiple Dwelling* from a:
 

Front Lot Line - minimum	4.50 m
Side Lot Line - minimum	0.90 m
Rear Lot Line - minimum	5.40 m
  - b) For any non-residential *building* from a:
 

Front Lot Line - minimum	3.00 m
Side Lot Line - minimum	0.90 m
Rear Lot Line - minimum	1.90 m
  
- .50 Section 20(1)278 shall not apply and the area forming the building setback from the *front lot line* shall be a *landscaped open space yard*.
  
- .55 For a *Multiple Dwelling*, required parking shall be 1 parking space per *dwelling unit* and Section 24.22.1 shall not apply.
  
- .60 Notwithstanding Clause .1 in Table 25.5.20.1 in Section 25.5.20, the minimum separation of a *loading space, parking area, or parking space* from Huron Church Road shall be 3.0 m.
  
- .65 Notwithstanding Clause .6 in Table 25.5.20.1 in Section 25.5.20, for a *Multiple Dwelling*, no separation is required between a *building wall* containing a *habitable room window* or containing both a main pedestrian entrance and a *habitable room window* and a *parking area, parking space or loading area*.

4. THAT, when Site Plan Control is applicable:

- A. Prior to the submission of an application for site plan approval, at the discretion of the City Planner, Deputy City Planner, or Site Plan Approval Officer, those documents submitted in support of the applications for amendments to the Official Plan and Zoning By-law 8600 **BE UPDATED** to reflect the site plan for which approval is being sought.
  
- B. The Site Plan Approval Officer **BE DIRECTED** to incorporate the following, subject to any updated information, into an approved site plan attached to an executed and registered site plan agreement:
  - i) Noise control measures identified in Tables 3, 4 and 5 in the Acoustic Assessment Report, prepared by Akoustik Engineering Limited, dated March 29, 2022, subject to the approval of the City Planner, Deputy City Planner, or Site Plan Approval Officer.
  - ii) Requirements of the City of Windsor – Engineering and City of Windsor – Transportation Planning contained in Appendix G of Report S 124/2023, subject to the approval of the City Engineer.

- C. The Site Plan Approval Officer **CONSIDER** all remaining comments contained in Appendix G of Report S 124/2023.

Carried.

Report Number: S 124/2023  
Clerk's File: Z/14671 & Z/14672

**Clerk's Note:**

1. The recommendation of the Development & Heritage Standing Committee and Administration are the same.
2. Please refer to Item 7.1 from the Development & Heritage Standing Committee held on November 6, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/19011106/-1/9445>

**Subject: OPA & Rezoning – Passa Architects - 1235 Huron Church Road  
- OPA 166 OPA/6902 Z-039/22 ZNG/6901 – Ward 2**

**Reference:**

Date to Council: November 6, 2023  
 Author: Adam Szymczak, MCIP, RPP  
 Senior Planner  
 519-255-6543 x6250  
 aszymczak@citywindsor.ca  
 Planning & Building Services  
 Report Date: September 19, 2023  
 Clerk’s File #: Z/14671 & Z/14672

**To:** Mayor and Members of City Council

**Recommendation:**

1. THAT Schedule “A” of Volume I: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by designating Lots 82 to 93, Plan 1046 Town of Sandwich (PIN 01240-0366; 1235 Huron Church Road; Roll No. 050-380-03000), situated on the west side of Huron Church Road, as a Special Policy Area.

2. THAT Chapter 1 in Volume II: Secondary Plans and Special Policy Areas of the City of Windsor Official Plan **BE AMENDED** by adding a new Special Policy Area as follows:

**1.X 1235 Huron Church Road**

<i>LOCATION</i>	1.X.1	The property described as Lots 82 to 93, Plan 1046 Town of Sandwich (PIN 01240-0366), known municipally as 1235 Huron Church Road, situated on the west side of Huron Church Road, south of Girardot Street, is designated on Schedule A: Planning Districts and Policy Areas in Volume I - The Primary Plan.
<i>PERMITTED USES</i>	1.X.2	Notwithstanding the “Open Space” designation of these lands on Schedule D: Land Use in Volume I – The Primary Plan, the following shall be additional permitted main uses: business office, child care centre, commercial school, hotel, medical appliance facility, medical office, multiple dwelling, personal service shop, place of entertainment and recreation, place of worship, professional studio, repair shop – light, retail store, workshop. Further, an automobile repair garage shall be permitted as an accessory use.

<i>PROHIBITED USES</i>	1.X.3	The following uses are prohibited: car wash automatic, car wash coin-operated, and outdoor storage yard.
<i>LANDSCAPED SETBACK REQUIREMENTS</i>	1.X.4	Notwithstanding Special Policy Area 1.2 Huron Church Road Corridor in Chapter 1 of Volume II of the City of Windsor Official Plan, the minimum landscaped setback from the Huron Church Road right-of-way shall be 3.0 m for a non-residential building and 4.5 m for a residential building.
<i>DIRECT ACCESS TO HURON CHURCH ROAD</i>	1.X.5	Notwithstanding Section 7.2.6.4 (iv) in Volume I of the City of Windsor Official Plan, direct access to Huron Church Road is permitted, subject to approval of the City Engineer.

3. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lots 82 to 93, Plan 1046 Town of Sandwich (PIN 01240-0366; 1235 Huron Church Road; Roll No. 050-380-03000), situated on the west side of Huron Church Road, south of Girardot Street, from Green District 1.1 (GD1.1) to a new zoning district as follows:

**16.11 COMMERCIAL DISTRICT 3.11 (CD3.11)**  
**[ZNG/6901]**

**16.11.1 PERMITTED MAIN USES**

<i>Business Office</i>	<i>Place of Entertainment and Recreation</i>
<i>Child Care Centre</i>	<i>Place of Worship</i>
<i>Commercial School</i>	<i>Professional Studio</i>
<i>Hotel</i>	<i>Repair Shop - Light</i>
<i>Medical Appliance Facility</i>	<i>Retail Store</i>
<i>Medical Office</i>	<i>Workshop</i>
<i>Multiple Dwelling</i>	
<i>Personal Service Shop</i>	

**16.11.2 PERMITTED ACCESSORY USES**

Any use accessory to a permitted main use, including an *Automobile Repair Garage*

**16.11.3 PROHIBITED USES**

- Car Wash Automatic*
- Car Wash Coin-operated*
- Outdoor Storage Yard*

**16.11.5 PROVISIONS**

.1	Lot Frontage – minimum	15.0 m
.4	Building Height	
	a) For a <i>multiple dwelling</i> – minimum	14.0 m
	b) For any non-residential <i>building</i> – minimum	9.0 m
.8	Landscaped Open Space Yard – minimum	30% of <i>lot area</i>



- .17 Exposed flat concrete block walls or exposed flat concrete walls, whether painted or unpainted, are prohibited.
- .20 Building Setback
  - a) For a *Multiple Dwelling* from a:
 

Front Lot Line - minimum	4.50 m
Side Lot Line - minimum	0.90 m
Rear Lot Line - minimum	5.40 m
  - b) For any non-residential *building* from a:
 

Front Lot Line - minimum	3.00 m
Side Lot Line - minimum	0.90 m
Rear Lot Line - minimum	1.90 m
- .50 Section 20(1)278 shall not apply and the area forming the building setback from the *front lot line* shall be a *landscaped open space yard*.
- .55 For a *Multiple Dwelling*, required parking shall be 1 parking space per *dwelling unit* and Section 24.22.1 shall not apply.
- .60 Notwithstanding Clause .1 in Table 25.5.20.1 in Section 25.5.20, the minimum separation of a *loading space, parking area, or parking space* from Huron Church Road shall be 3.0 m.
- .65 Notwithstanding Clause .6 in Table 25.5.20.1 in Section 25.5.20, for a *Multiple Dwelling*, no separation is required between a *building wall* containing a *habitable room window* or containing both a main pedestrian entrance and a *habitable room window* and a *parking area, parking space or loading area*.

4. THAT, when Site Plan Control is applicable:

- A. Prior to the submission of an application for site plan approval, at the discretion of the City Planner, Deputy City Planner, or Site Plan Approval Officer, those documents submitted in support of the applications for amendments to the Official Plan and Zoning By-law 8600 **BE UPDATED** to reflect the site plan for which approval is being sought.
- B. The Site Plan Approval Officer **BE DIRECTED** to incorporate the following, subject to any updated information, into an approved site plan attached to an executed and registered site plan agreement:
  - i) Noise control measures identified in Tables 3, 4 and 5 in the Acoustic Assessment Report, prepared by Akoustik Engineering Limited, dated March 29, 2022, subject to the approval of the City Planner, Deputy City Planner, or Site Plan Approval Officer.
  - ii) Requirements of the City of Windsor – Engineering and City of Windsor – Transportation Planning contained in Appendix G of Report S 124/2023, subject to the approval of the City Engineer.
- C. The Site Plan Approval Officer **CONSIDER** all remaining comments contained in Appendix G of Report S 124/2023.

## Executive Summary:

N/A

### Background:

**Location:** 1235 Huron Church Road; Lots 82 to 93, Plan 1046 Town of Sandwich;  
West side of Huron Church Road, south of Girardot Street;  
PIN 01240-0366; Roll No. 050-380-03000

**Ward:** 2      **Planning District:** Sandwich      **Zoning District Map:** 4

**Applicant:** Passa Associates Architects (Joseph Passa)

**Owner:** 1256567 Ontario Ltd. (Jay Abdoullrahman)

**Agent:** Lassaline Planning Consultants (Jackie Lassaline)

**Proposal:** Applicant is requesting amendments to Official Plan Schedule D: Land Use from Open Space to Mixed Use and modifying Special Policy Area 1.2 and to Zoning By-law 8600 from Green District 1.1 (GD1.1) & S.20(1)278 to a new Commercial District zoning and/or a new site specific exception to allow the construction of a Multiple Dwelling with a building height of 13.25 m consisting of 37 dwelling units over four storeys, the construction of a single storey building with a GFA of 270.8 m<sup>2</sup> to be used as a workshop/repair garage, a reduction in required parking for the multiple dwelling, and reduction in the required setback from Huron Church Road.

A total of 51 parking spaces comprising of 37 spaces for the multiple dwelling (at a rate of 1.0 space per dwelling unit) and 14 spaces for the commercial use and 2 loading spaces. The development is required to comply with all other zoning provisions.

The parcel is designated Open Space on Schedule D in the Official Plan, zoned GD1.1 and S.2(1)278 by Zoning By-law 8600, has an area of 4,137 m<sup>2</sup>, a frontage of 151 m, and is occupied by a one-storey commercial building with a GFA of 345.1 m<sup>2</sup> that will remain. Vehicular access is limited to right-in/right-out via southbound Huron Church Road. All plans, drawings and elevations are conceptual and subject to change. The development as proposed is subject to site plan control.

**Submitted Materials:** Attached to Report S 124/2023 as an Appendix:

Appendix A - Planning Rationale Report Revised (PRR)

Appendix B - Conceptual Site Plan

Appendix C - Elevations

Appendix D - Floor Plan First Floor and Typical

Appendix E - Floor Plan Fourth Floor and Perspective Renderings

Not attached to this report but available [online](#) or via [email](#):

Acoustic Assessment Report & Acoustic Assessment Report Addendum

Application for Official Plan Amendment; Application for Zoning By-law Amendment

Archaeological Assessment Stage 1 and 2

Tree Inventory

All documents are available online via the Current Development Applications [page](#) (click on Z-039/22) or via email at [aszymczak@citywindsor.ca](mailto:aszymczak@citywindsor.ca)

**Site Information:**

OFFICIAL PLAN	ZONING - 8600	CURRENT USE	PREVIOUS USE
Open Space (Sch. D) Special Policy 1.2	Green District 1.1 (GD1.1) & S.20(1)278	Taxi Service	Ontario Travel Information Centre
LOT FRONTAGE HURON CHURCH ROAD	LOT DEPTH	LOT AREA	LOT SHAPE
150.6 m	27.3 m	4,112 m <sup>2</sup>	Rectangular
495.4 ft	89.77 ft	44,368 ft <sup>2</sup>	
<i>All measurements are provided by the applicant and are approximate.</i>			

**Neighbourhood:**

Site images are provided in Appendix F. Sections 1.2, 1.3 and 1.4 in the PRR provide additional site and neighbourhood details.

To the northeast is the University of Windsor Alumni Field and other facilities, Windsor Fire Station 4 and Assumption College Catholic High School and the offices of the Windsor-Essex Catholic District School Board (WECDSB). Further east are low profile residential dwellings.

To the south at the intersection of Huron Church Road and Tecumseh Road West are a mix of commercial uses. To the west is a low profile residential area.

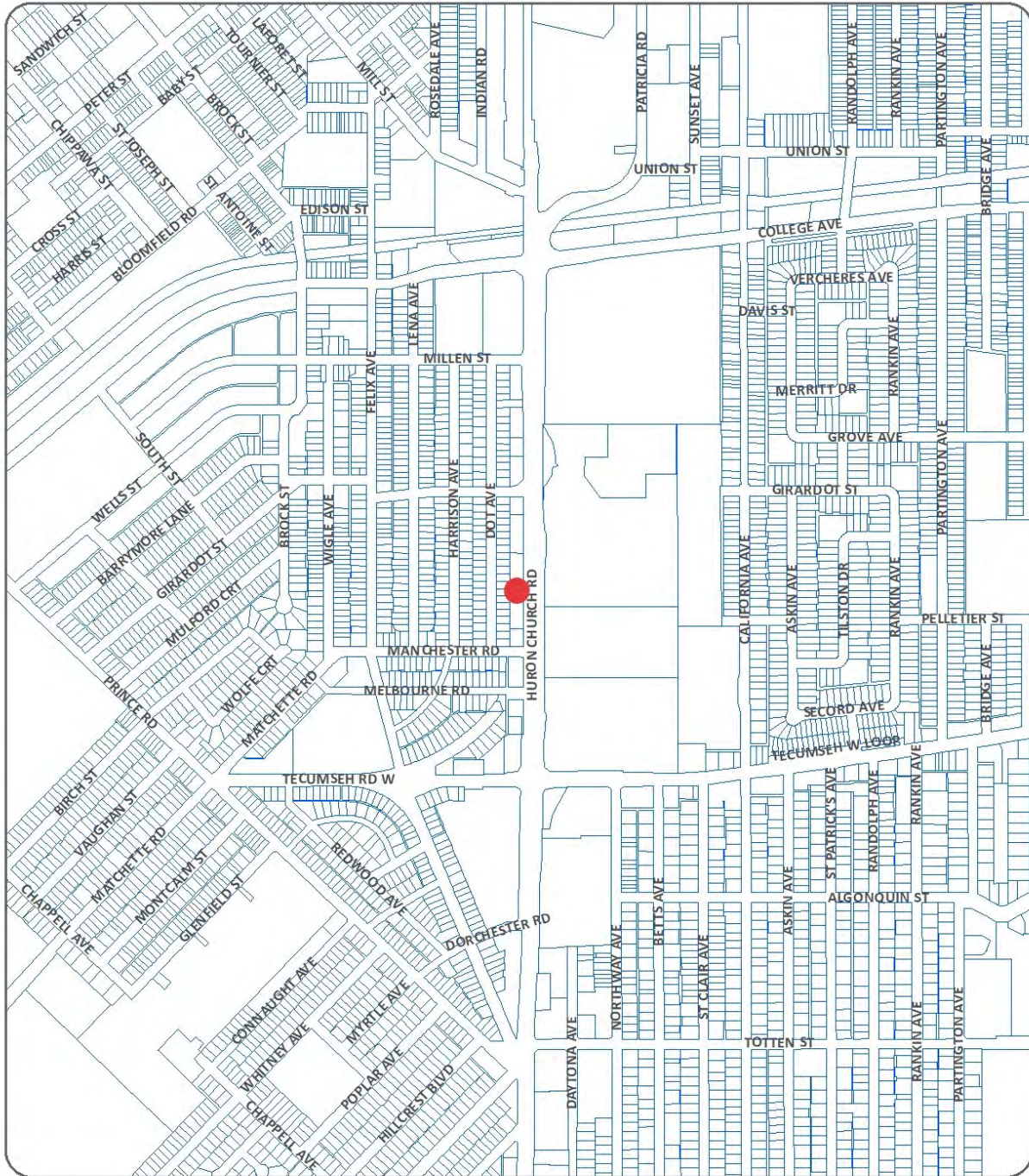
Per Schedule F: Roads and Bikeways in the City of Windsor Official Plan, Huron Church Road is classified as a Class I Arterial Road, having a minimum of three travel lanes in each direction with a raised median and sidewalks on both sides, and provides access to the Ambassador Bridge to the USA, EC Row Expressway and Highway 401.

Girardot Street is classified as a Local Road with two travel lanes, curbs and sidewalks. A pedestrian bridge across Huron Church Road is located just north of Girardot Street.

Public transit is available via the Central 3 bus route with several stops within 400 m of the subject parcel. The Transit Master Plan will maintain similar transit service.

The site may be serviced by a 375mm PVC sanitary sewer and a 1200mm RCP storm sewer located within Huron Church right-of-way. Enwin – Water Engineering notes there is no active watermain near the proposed apartment and that the applicant will have to install water service to the site from an existing source.

Figure 1: Key Map



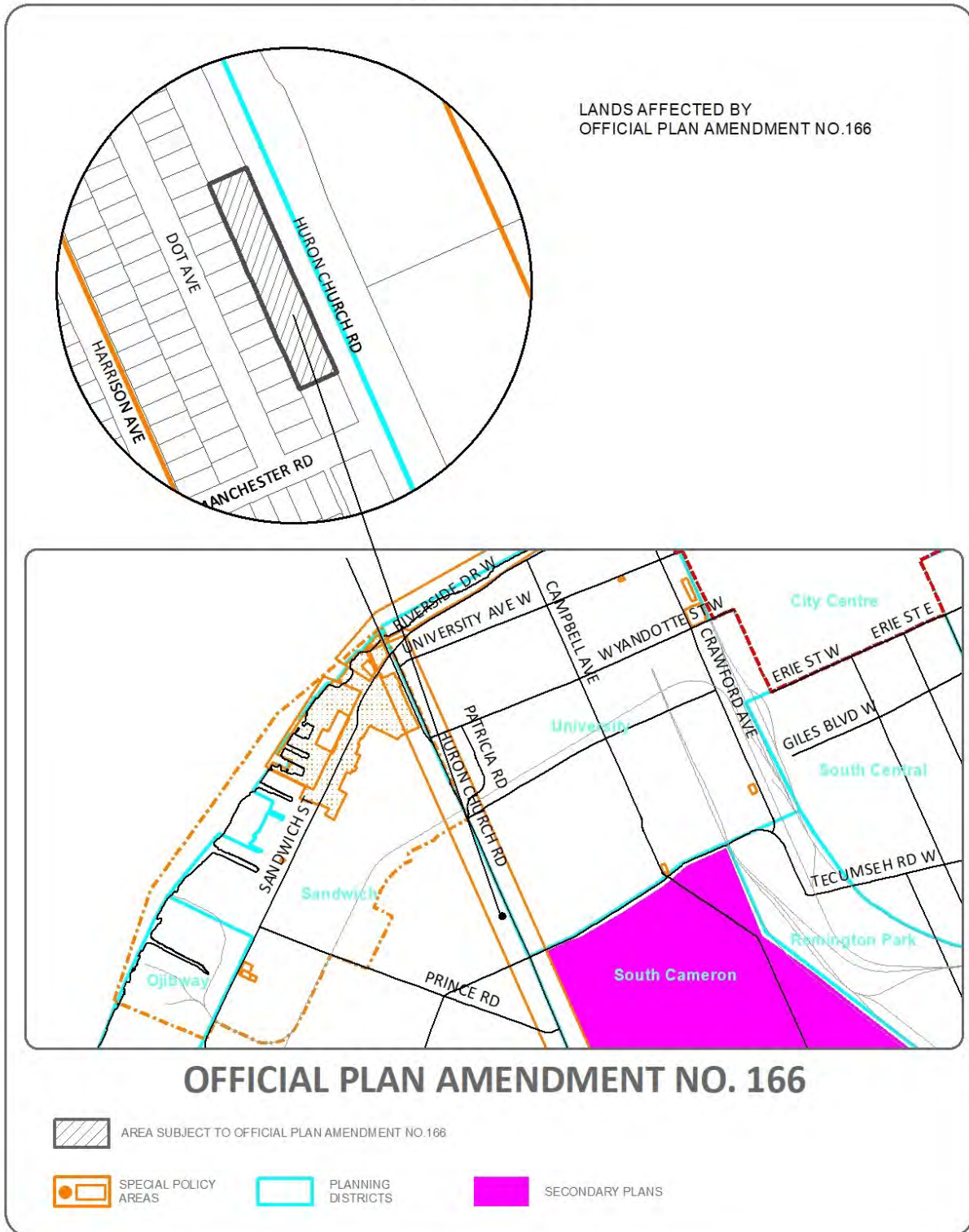
KEY MAP - Z-039/22, ZNG-6901, OPA 166, OPA-6902



● SUBJECT LANDS

Figure 2: Subject Parcel – Official Plan Amendment

## SCHEDULE A



**Figure 3: Subject Parcel - Rezoning**



PART OF ZONING DISTRICT MAP 4

## REZONING

Applicant: Passa Architects



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT

N.T.S.



DATE : JUNE, 2023  
FILE NO. : Z-039/22, ZNG/6901

Figure 4: Neighborhood Map



NEIGHBOURHOOD MAP - Z-039/22, ZNG-6901,  
OPA 166, OPA-6902



SUBJECT LANDS

## Discussion:

### **Stage 1 and 2 Archaeological Assessment (Timmins Martelle Heritage Consultants Inc., 2012 November)**

No archaeological resources were identified during the Stage 2 assessment. The report recommends that the *“subject property may be considered free of any further archaeological concern and no further archaeological assessment work is recommended.”*

The City of Windsor Heritage Planner has requested confirmation that the Archaeological Assessment has been reviewed by the Ministry of Heritage, Sport, Tourism, and Culture Industries (MHSTCI) and that it has been entered into the “Ontario Public Register of Archaeological Reports”. The Heritage Planner requires a final GIS shape file of the subject area for municipal records.

### **Acoustic Assessment Report (AAR) (Akoustik Engineering Limited, 2022 March 29) & Acoustic Assessment Report Addendum (2023 March 22)**

The report concludes that the *“noise impact on the proposed development has been shown in this report to exceed the limits set by the Ontario Ministry of the Environment, Conservation and Parks. However, given that the noise impacts can be mitigated through appropriate building material design (STC), the installation of central air conditioning and warning clauses, it is recommended that the development be given approval with the understanding that the stated noise control measures are implemented.”*

The report notes the following minimum requirements for noise control measures in north, east, and south facing dwelling units:

- a) Installation of air conditioning units;
- b) Type D warning clause be implemented in all development agreements, offers to Purchase, and agreements of Purchase or Sale or Lease; and
- c) Comply with the minimum STC Rating for the building components identified in Table 5 of the Acoustic Assessment Report.

Recommendation 3 in Report S /2023 directs, among other matters, that the Site Plan Approval Officer include the noise control measures identified in the AAR.

The Planning Department requested confirmation that the *“rooftop HVAC system on the existing building (former tourism centre) and that the proposed uses (workshop and repair garage) in the new commercial building were considered as potential noise sources and they were found to not be a significant source of noise which may impact the residential development”*. The AAR Addendum confirms that the *“nearby HVAC has no significant impact on the proposed development”*.

Concerning noise levels from the proposed workshop and repair garage, the AAR Addendum notes that if the proposed uses produce *“noise emissions that impact beyond the property line of the workshop, it will be the responsibility of the operators to apply and receive an Environmental Compliance Approval (ECA) from the Ministry of the Environment, Conservation and Parks that demonstrates that they are operating in compliance to the noise levels given in the MECP document NPC-300”*.



### **Parking Study (RC Spencer Associates Inc., 2023 February)**

The study states that the *“proposed parking supply will sufficiently accommodate peak parking demand. Furthermore, the proposed development is close to existing active transportation facilities and transit, and as such, it is anticipated that the proposed development’s modal split may further reduce the peak parking demand”*. City of Windsor Transportation Planning states that the study is satisfactory.

### **Planning Rationale Report Revised (Lassaline Planning Consultants Inc., 2023 June 15)**

The Planning Rationale Report (PRR) notes that the *“proposed OPA will provide for a policy framework that will allow for residential and commercial uses appropriate and compatible with the site and the neighbourhood”*. The PRR states that an exemption from Special Policy 1.2 is required to allow the proposed multiple dwelling be located closer than the 30 metre setback required in Special Policy 1.2 because the subject parcel is less than 30 metres in depth.

The PRR states the *“site-specific zoning bylaw amendment will establish a regulatory framework to support the development and the future use of the subject lands. The ZBA is not required to authorize the land use that is permitted, rather, it is designed to recognize the legal non-complying regulations associated with the existing building and the proposed change of use”*.

The PRR concludes that the *“as an adaptive re-use of an existing building, plus intensifying the site with a mix of residential and commercial uses in an area within close walking distance of a wide variety of amenities and public services is good planning”* and that the proposed amendments provide *“a good solution for the provision of needed alternative residential accommodation, small commercial uses as adaptive reuse of existing infrastructure, and is a compatible development with an existing adjacent neighbourhood, while supporting a diversity of housing tenures and styles within the municipality”*.

### **Provincial Policy Statement (PPS) 2020:**

The PPS provides direction on matters of provincial interest related to land use planning and development and sets the policy foundation for regulating the development and use of land in Ontario. The review of the PPS 2020 applies to both the Official Plan Amendment and the Zoning By-law amendment.

The proposed amendments are consistent with Policy 1.1.1 of the PPS. They will allow the proposed uses of a multiple dwelling, workshop and repair garage to make use of existing services and infrastructure. The development represents an efficient development and land use pattern that will have no adverse impact on the financial well-being of the City of Windsor, promotes intensification, achieves a cost-effective development pattern & minimizes land consumption and servicing costs.

The amendments are consistent with PPS Policies 1.1.3.1, 1.1.3.2, and 1.1.3.3. The subject parcel is located within the settlement area. The requested amendments promote a land use that makes efficient use of land and existing infrastructure. Active transportation options and transit services are located/ planned adjacent to, or near, the parcel. The subject land represents an appropriate location for intensification.

The amendments are consistent with PPS Policy 1.4. The proposed development is a form of intensification that will expand the range and mix of housing options in the surrounding area. It will facilitate the municipality's ability to accommodate residential growth through intensification, will provide a form of housing that is appropriate in terms of range and mix, and will meet the social, health and well being of current and future residents. Appropriate levels of infrastructure, active transportation, and transit are available or will be available.

The amendments are consistent with PPS Policy 1.2.6 regarding Land Use Compatibility.

The amendments to allow the proposed development are consistent with the overall policy direction of the PPS.

### **City of Windsor Official Plan:**

The subject parcel is designated Open Space on Schedule D: Land Use in Volume I: The Primary Plan and is located within the Huron Church Road Corridor identified in Section 1.2 of Volume II: Secondary Plans and Special Areas.

The applicant is requesting an amendment by changing the land use designation from "Open Space" to "Mixed Use Node" and adding an exception to Special Policy Area 1.2 to allow the proposed uses and development on the subject parcel.

Chapter 6 – Land Use supports a complementary range of housing forms and tenures in all neighbourhood, seeks to promote compact neighbourhoods and balanced transportation systems and seeks to promote selective residential redevelopment, infill and intensification initiatives.

Section 6.1 in the Land Use chapter provides a list of land uses goals. Goal 6.1.1 is to achieve safe, caring and diverse neighbourhoods. Goal 6.1.2 seeks environmentally sustainable urban development. Goal 6.1.3 promotes housing suited to the needs of Windsor's residents. Goal 6.1.14 directs residential intensification to areas of the City where transportation, municipal services and community facilities are readily available.

The proposed development will create a diverse neighbourhood that represents an environmentally sustainable development and that will provide housing that is in demand. The addition of residential uses will create a pedestrian orientated cluster of residential, commercial and employment uses. The proposed development represents a complementary and compact form of housing and intensification that is near different types of transportation.

The locational criteria for a residential development require access to an arterial road, be provided with public transit, and that adequate community services and open spaces are available or planned. The parcel has access to Huron Church Road and transit, parks and schools are located within walking distance.

The Acoustic Assessment Report and Addendum concludes that *"noise impacts can be mitigated through appropriate building material design (STC), the installation of central air conditioning and warning clauses, it is recommended that the development be given approval with the understanding that the stated noise control measures are implemented."*

The creation of a new Mixed Use Node at this location is not in keeping with the general policy direction of the Official Plan. However, the subject parcel is unique in that it is partially developed and provides a selective opportunity for residential intensification. The Planning Department recommends that a new Special Policy Area be created that maintains the Open Space designation but permits a limited range of commercial and residential uses and reduces the landscaped setback from Huron Church Road. The agent indicates that this is acceptable to the applicant.

Notwithstanding that Section 7.2.6.4 (iv) prohibits direct property access to Huron Church Road (a Class I Arterial Road), the subject parcel currently has direct access to Huron Church Road. The design and location of the access areas, including sightlines, will be reviewed during Site Plan Control.

Should Official Plan Amendment 166 be approved, the requested zoning amendment will conform to the Zoning Amendment Policies, Section 11.6.3.1 and 11.6.3.3, of the Official Plan and conform to the general direction of the Official Plan.

### **Zoning By-Law 8600:**

The parcel is zoned Green District 1.1 (GD1.1) which permits a Child Care Centre and a Public Park as main uses and S.20(1)278 which requires a landscaped open space yard with a minimum depth of 10 m along Huron Church Road.

The applicant is requesting an amendment to Zoning By-law 8600 changing the zoning from GD1.1 to Commercial District 3.2 (CD3.2) and adding a site specific exception to allow the uses and development proposed by the applicant. The CD3.2 zoning permits several uses such as Car Wash Automatic, Car Wash Coin-Operated, Food Outlet – Take Out, Micro-Brewery, Public Hall, Restaurant that may create noise, light and odour issues with the adjacent residential uses. The Applicant confirms that the proposed Automobile Repair Garage is an accessory use to the existing taxi service.

As proposed, the development requires several site specific provisions in setbacks from lot lines (the parcel is wide but shallow), reduction in parking area separation of 10 m to 3.0 m along Huron Church Road due to shallow lot depth, a reduction in required parking from 1.25 parking spaces to 1 parking space per dwelling unit, and relief from parking area separations from the residential building due to the placement of parking at grade underneath the second floor of the multiple dwelling.

The Planning Department recommends a new Commercial District 3.11 (CD3.11) zoning district that blends the requested CD3.2 zoning and site specific provisions, as listed in Recommendation 3 in this report. The CD3.11 permits specific uses, allows an Automobile Repair Garage only as an accessory use, and prohibits specific uses. Building height for both the multiple dwelling and non-residential buildings are also restricted. The applicant concurs with the proposed CD3.11 zoning.

The proposed development complies with all other applicable zoning provisions.

### **Site Plan Control:**

Site Plan Control will be the primary planning tool to implement the direction of the PPS and the Official Plan, the provisions of Zoning By-law 8600, and the requirements and recommendations of municipal departments and external agencies. Recommendation 4 provides direction and guidance for the site plan control process.

## **Risk Analysis:**

N/A

## **Climate Change Risks**

### **Climate Change Mitigation:**

In general, intensification and a broader mix of uses will minimize the impacts on community greenhouse gas emissions as these developments create complete communities and neighbourhoods while using currently available infrastructure and facilities such as schools, sewers, sidewalks, and public transit.

### **Climate Change Adaptation:**

The proposed development will provide opportunities to increase resiliency for the development and surrounding area, including stormwater management.

## **Financial Matters:**

N/A

## **Consultations:**

Comments received from municipal departments and external agencies are attached as Appendix G. Recommendation 4 directs the Site Plan Approval Officer to incorporate specific mitigation measures and municipal requirements, and to consider remaining comments, during the Site Plan review process. Statutory notice was advertised in the Windsor Star, a local newspaper. A courtesy notice was mailed to property owners and tenants within 120 m of the subject parcel. Submitted documents were posted on the City of Windsor [website](#).

## **Conclusion:**

The applications have been evaluated for consistency with the Provincial Policy Statement 2020 and conformity with the general policy direction of the Official Plan.

Based on the information presented in this report, and the Planning Rationale Report submitted by the Applicant, it is my opinion that the requested amendment to the City of Windsor Official Plan adding a new Special Policy Area to provide specific policy direction regarding permitted uses, prohibited uses and landscaped setback requirement is consistent with the PPS 2020 and is in general conformity with the Official Plan. The requested amendment to Zoning By-law is consistent with the PPS 2020 and will be in conformity with the Official Plan when OPA 166 is approved.

The proposed amendment will provide modern housing and a limited range of commercial uses subject to additional provisions. Site plan control is an appropriate tool to incorporate the requirements, and consider the comments, of municipal departments and external agencies. The recommendations to amend the Official Plan and Zoning By-law 8600 constitute good planning.

## Planning Act Matters:

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

Greg Atkinson, MCIP, RPP  
Manager of Development

Thom Hunt, MCIP, RPP  
City Planner

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

JP

JM

## Approvals:

Name	Title
Greg Atkinson	Manager of Development / Deputy City Planner
Neil Robertson	City Planner / Executive Director, Planning & Development Services (A)
Wira Vendrasco	Deputy City Solicitor, Legal & Real Estate Services
Jelena Payne	Commissioner, Economic Development & Innovation
Janice Guthrie for	Chief Administrative Officer

## Notifications:

Name	Address	Email
Joseph Passa Passa Architects		<a href="mailto:joseph@passa.ca">joseph@passa.ca</a>
Jay Abdoullrahman 1256567 Ontario Ltd.	1235 Huron Church Road, Windsor ON N9E 2K6	<a href="mailto:p5192547777@hotmail.com">p5192547777@hotmail.com</a>
Lassaline Planning Consultants (Jackie Lassaline)	PO Box 52 1632 County Road 31 St. Joachim ON N0R 1S0	<a href="mailto:jackie@lassalineplan.ca">jackie@lassalineplan.ca</a>
Councillor Costante (Ward 2)		<a href="mailto:fcostante@citywindsor.ca">fcostante@citywindsor.ca</a>
Property owners and tenants within 120 m of the subject lands		

## Appendices:

- 1 Appendix A - Planning Rationale Report Revised 2023 Jun 16
- 2 Appendix B - Conceptual Site Plan Revised 2023 Sep
- 3 Appendix C - Elevations
- 4 Appendix D - Floor Plan First Floor and Typical
- 5 Appendix E - Floor Plan Fourth Floor and Perspective Renderings
- 6 Appendix F - Site Images
- 7 Appendix G - Comments



**REPORT:** **PLANNING RATIONALE REPORT (PRR)**  
**MUNICIPALITY:** CITY OF WINDSOR  
**MUNICIPAL ADDRESS:** 1235 HURON CHURCH RD  
**DEVELOPMENT:** OPA and ZBA  
**DATE:** JUNE 15, 2023 (REV)

1632 County Road 31  
St. Joachim, ON · NOR 1S0  
C 519-563-8814 · E [jackie@lassalineplan.ca](mailto:jackie@lassalineplan.ca)

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<b>FIGURE 7</b>	<b>NEIGHBOURHOOD AERIAL</b>
<b>FIGURE 8</b>	<b>OFFICIAL PLAN SCHEDULE A</b>

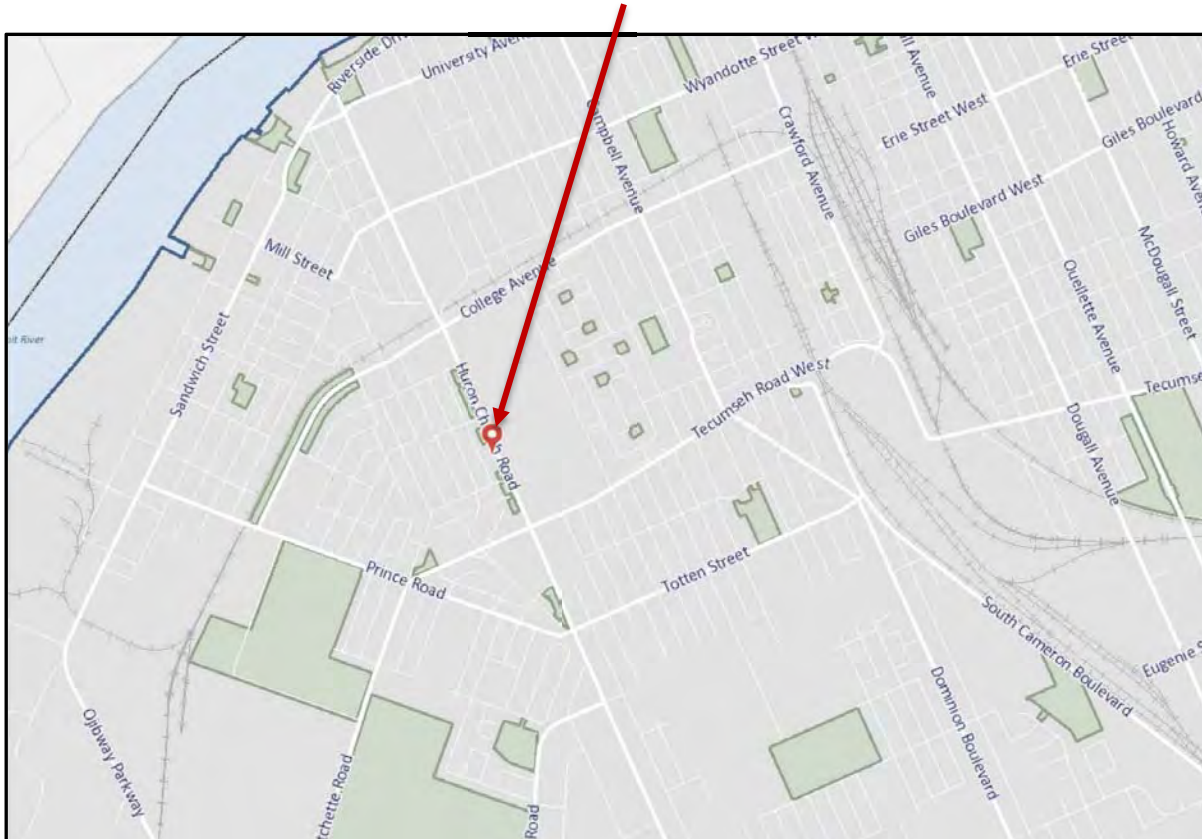
<b>APPENDIX A</b>	<b>CD3.2 ZONING</b>
<b>APPENDIX B</b>	<b>DRAFT SITE PLAN</b>

## 1.0 INTRODUCTION

Lassaline Planning Consultants (LPC) has been retained to undertake a Planning Rationale Report (PRR) regarding the feasibility of an Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) for the construction of a new 4-storey residential apartment building with 35 residential units and the inclusion of commercial uses on site to create a mixed use development. The proposed commercial uses include a new workshop at the south end of the property and the recognition of an existing commercial building for office space on site (former Tourism Ontario building).

A pre-consultation was held with Planning staff at the City of Windsor. A number of accompanying documents and studies were identified to be submitted as part of this OPA and ZBA application. These include a Conceptual Site Plan, a Transportation Impact Study, a Stage 1 Archaeological Assessment, a Noise Study, a Detailed Tree Inventory and Preservation Plan as well as a Planning Rationale Report. Jackie Lassaline, BA MCIP RPP has prepared this PRR to support, explain and justify the requested OPA and ZBA application.

**FIGURE 1 - LOCATIONAL MAP 1235 HURON CHURCH RD proposed development site:**





## 1.1 PURPOSE OF THE REPORT

The property is presently designated 'Open Space' on Schedule D of the Official Plan and zoned 'Green District (GD1.1)' in Comprehensive Zoning By-law (CZB) 8600 for the City of Windsor. The existing Open Space policies and the 'Green District (GD1.1)' recognize the existing tourism bureau and passive green use of the property without potential for development.

The subject property consists of the former Ontario Tourism building and parking for the travelling public until it was made redundant and sold by the Province. There is an existing facility on site that was converted to a taxi service and auto repair facility. The current designation and zoning for the land does not properly reflect the existing commercial use of the property.

The owner is proposing the addition of a 4-storey, 35-unit apartment building and associated parking on the west half of the subject property. At the east half, distance separated on the long, narrow property, the owner is proposing auto repair shop as well as providing for office use through an adaptive reuse for the existing commercial building on site.

An Official Plan Amendment (OPA) is being requested to change the policy framework for the property from the present open space 'Green District' to 'Mixed Use' in the Official Plan to support the proposed mixed use residential use and commercial development. The Official Plan Amendment will provide a policy framework for both the residential and the commercial uses to co-exist on the same property.

A Zoning Bylaw Amendment (ZBA) from Bylaw 8600 is also being requested to establish a new mixed use regulatory framework for the parcel. Commercial Zone regulations tailored on a site specific application will reflect the mix of commercial and residential uses proposed for the site.

This PRR will evaluate the requested amendments in the context of Provincial Policy Statements and the City of Windsor Official Plan policy direction. This PRR will demonstrate the consistency of the proposal with the Provincial Policy Statement (PPS) 2020 and illustrate how the development is consistent with housing policies, provides for healthy community initiatives, provides for healthy, transit-supportive, walkable community policies of the province. This PRR will also highlight and establish the Bylaw regulatory framework to be applied to the property.

## 1.2 1235 HURON CHURCH STREET

The subject lands are owned by '1256567 Ontario Ltd' c/o Jay Abdoullrahman. The subject site has a municipal address of 1235 Huron Church Road (Roll No. 3739-050-380-03000-0000) in Windsor, Ontario.

The site is located within the urban settlement area of the City of Windsor. It is on the west side of Huron Church Road, approximately 500 metres south of College Avenue and approximately 250 metres north of Tecumseh Road West.

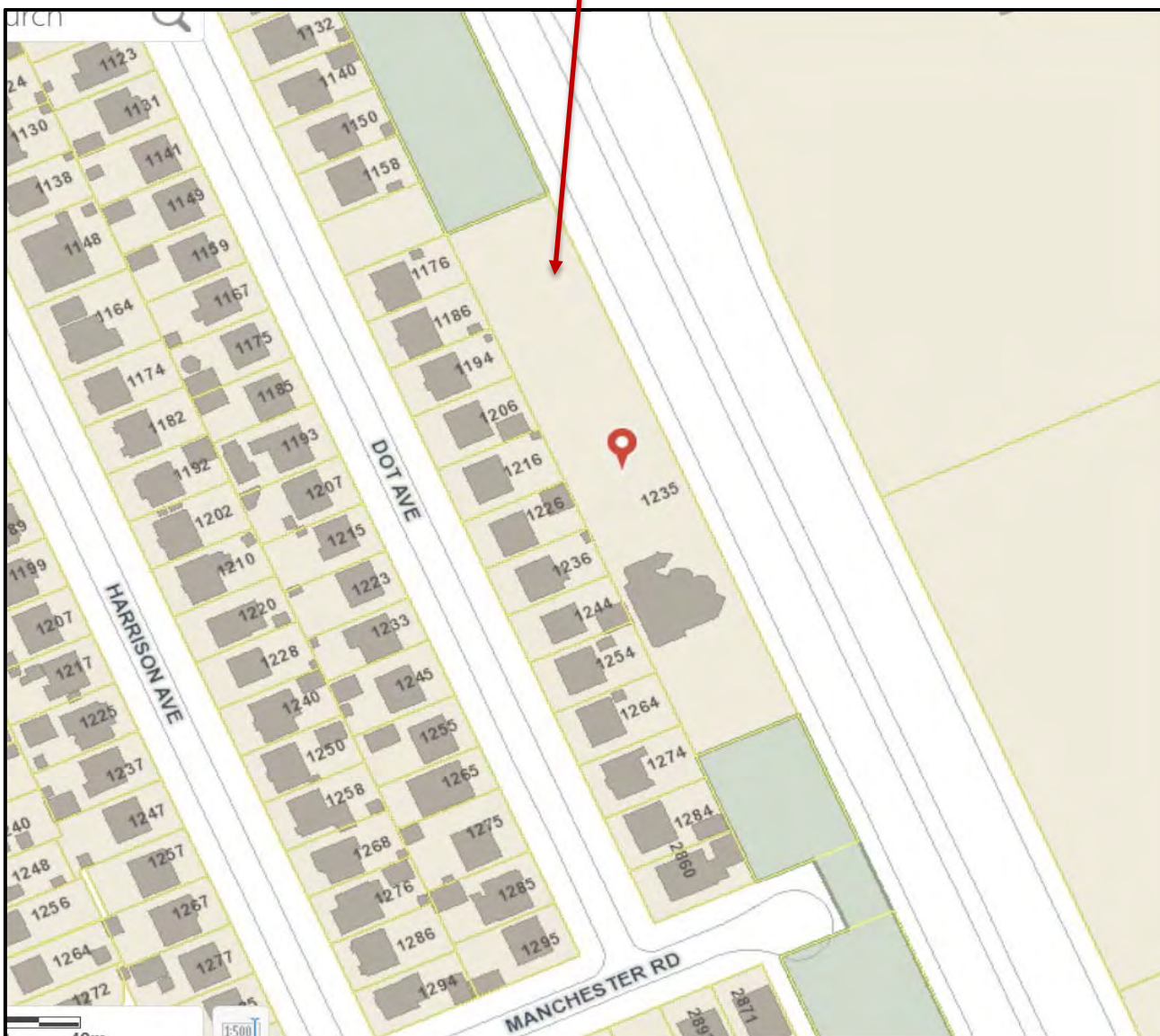
The site consists of a parcel with 151 m frontage on Huron Church Road with a total of 4,137 m<sup>2</sup> (44,513 ft<sup>2</sup>) lot area in a rectangular shape. The lot configuration is wide shallow allowing for distance separation of the mix of uses proposed for the subject site.

**FIGURE 2 – AERIAL PHOTOGRAPH OF 1235 HURON CHURCH**



The lot currently has an existing 345 m<sup>2</sup> (3,715 ft<sup>2</sup>) building (the former Tourism Ontario building) being used for office purposes. The existing building and site is proposed to be re-purposed and adapted to a new commercial use consisting of office space. The owner is also proposing the utilization for a portion of the far eastern part of the property for an auto repair shop. The far west of the property will be the location of the residential apartment building. The utilization of all three uses on the property fully utilizes the capacity of the property for a supportive, mix of uses.

**FIGURE 3 - EXISTING SITE – 1235 HURON CHURCH**



**FIGURE 4 - EXISTING BUILDING (FORMER TOURIST BUREAU)**



### **1.3 PROPOSED DEVELOPMENT**

The proposed development includes a 390m<sup>2</sup> (4,205 ft<sup>2</sup>), 4-storey, 35-unit apartment building that will be located at the northern portion of the parcel with a large frontage on Huron Church Road. The southern portion will include a new 270 m<sup>2</sup> (2,915 ft<sup>2</sup>) building for a workshop and autobody repair shop while the existing one storey, 345 m<sup>2</sup> (3,715 ft<sup>2</sup>) building that is currently vacant will be re-adapted to attract tenancy for office and commercial space.

The apartment buildings orientation, height and massing, as shown on Figures 5 and 6, below are fronting on Huron Church Road with terraces and parking at the rear. There will be a total of 37 parking spaces provided for the apartment residents at a slightly reduced parking rate detailed further in this PRR. The parking spaces are located toward the rear of the property screened almost entirely by the proposed apartment building. There will also be 14 commercial parking spaces on the southern half of the property to accommodate the commercial uses. Fourteen spaces for the commercial uses meets the minimum requirements.

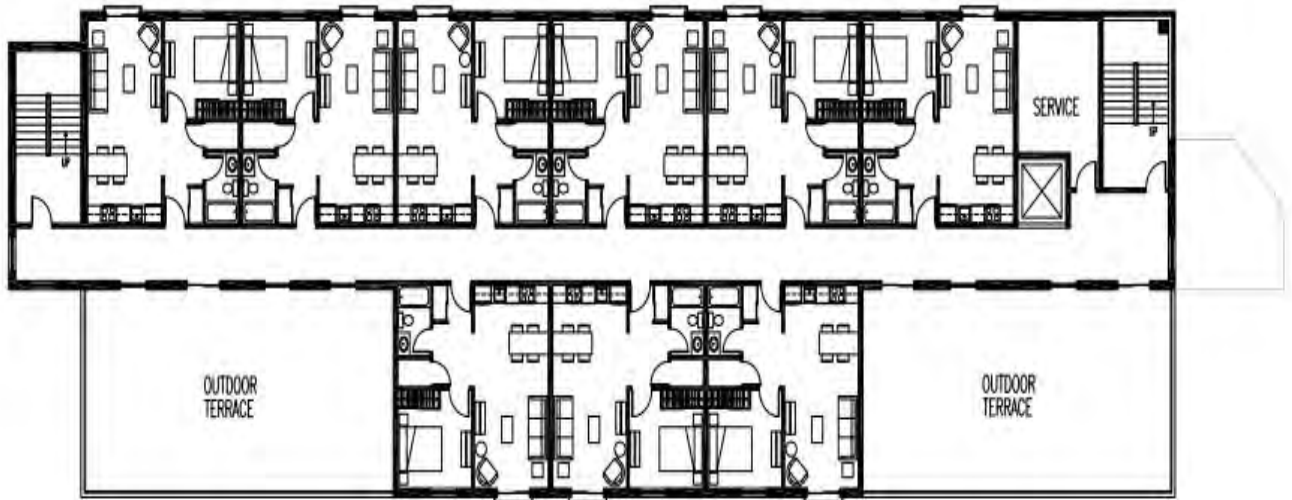
The proposed development will utilize existing sidewalks but also be constructing new portions of sidewalk to City of Windsor standards to make appropriate and safe pedestrian connections alongside the property, supporting the healthy, walkable communities.

All vehicle access to Huron Church Road will consist of driveway approaches with right-in/right out controlled access to utilize existing entrances. This approach will support the collector nature of Huron Church while providing for a design with pedestrian safety as a priority. The controlled access will also support the minimal traffic flow to the residential parking areas by separating traffic flow between the residential and the commercial land uses.

The area of the parcel and the proposed orientation of both the existing building and the proposed building will be accommodated with appropriate separation of uses while balancing with the mixed of uses. The requested OPA and ZBA will provide for a compact urban form with an adaptive reuse element and intensification of an existing lot. The location takes advantage of multiple bus routes and has nearby shopping and multiple education facilities within walking distance.



**FIGURE 6 – BUILDING ELEVATIONS**



PROPOSED FOURTH FLOOR PLAN  
SHEET 414



PROPOSED BUILDING PERSPECTIVE  
SHEET 413



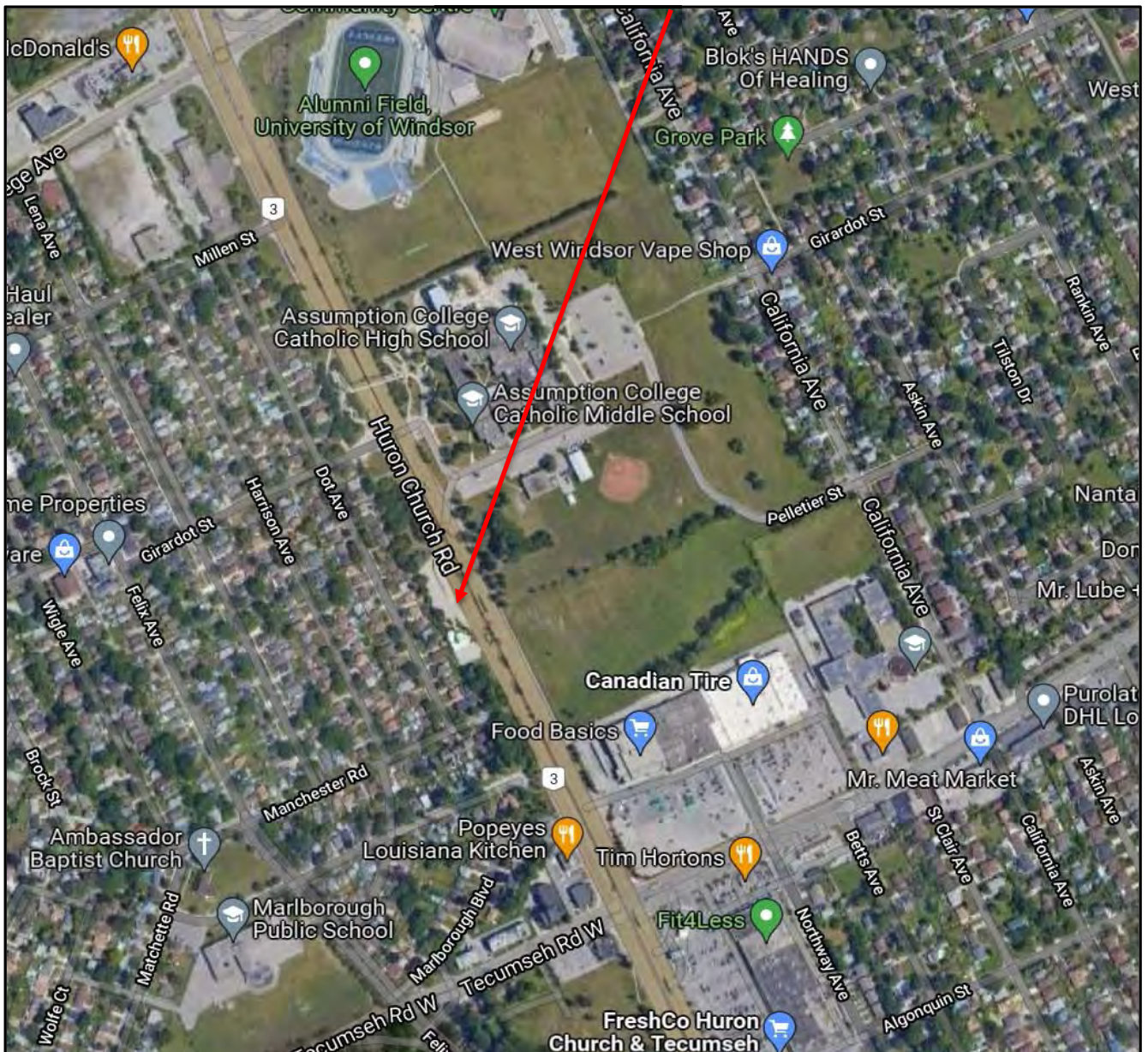
PROPOSED BUILDING PERSPECTIVE  
SHEET 413

## 1.4 NEIGHBOURHOOD LAND USES TO THE SUBJECT PROPERTY:

Please refer below to **FIGURE 7: NEIGHBOURHOOD MAP:**

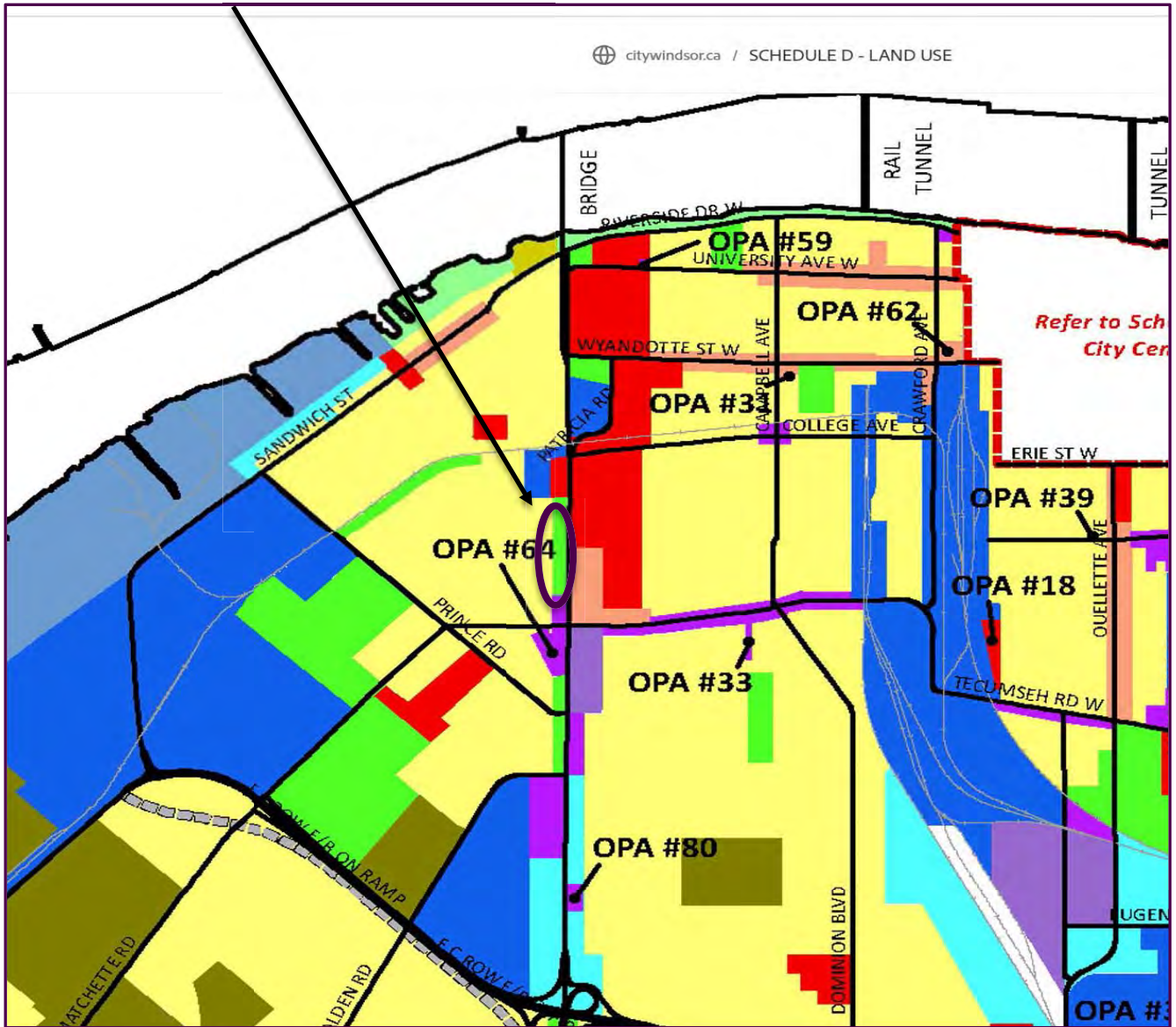
- a) **North – Institutional and Commercial:** Lebel Building, University of Windsor.
- b) **East – Institutional and Mixed Use:** Catholic Education Center, Assumption Catholic Middle School and High School; University of Windsor Football Stadium; Food Basics; BMO; Shoppers Drug Mart; Canadian Tire.
- c) **South – Commercial:** Popeyes Louisiana Kitchen.
- d) **West – Residential:** Residential neighbourhoods.

**FIGURE 7: NEIGHBOURHOOD AERIAL – SUBJECT LANDS**





**FIGURE 8: OFFICIAL PLAN SCHEDULE D: 1235 HURON CHURCH**



	RESIDENTIAL		WATERFRONT RESIDENTIAL		MIXED USE
	OPEN SPACE		WATERFRONT RECREATION		NATURAL HERITAGE
	BUSINESS PARK		WATERFRONT PORT		INDUSTRIAL
	MAJOR INSTITUTIONAL		COMMERCIAL CENTRE		COMMERCIAL CORRIDOR
	FUTURE URBAN AREA		FUTURE EMPLOYMENT AREA		AIRPORT
	MINOR INSTITUTIONAL		PRIVATE RECREATION		

## 1.5 SUMMARY OF STUDIES

### ARCHEALOGICAL REPORT:

**TMHC Inc.**, 1108 Dundas Street, Unit 105, London ON NSW 3A7, is a qualified, licensed archaeological firm with extensive experience and local knowledge, undertook a Stage 1-2 Archaeological Assessment of the subject property. File 2012-100 dated November 2012 has been registered with the Ministry of Heritage, Sport, Tourism and Culture. The following summary was a component of the registered report:

*“Through visual inspection and photo-documentation, the Stage 2 assessment confirmed that 76.9% of the property was extensively disturbed and did not warrant field survey due to its now low potential for housing intact archaeological deposits. The remaining 23.1% of the property was grassed and subject to test pitting at five metre intervals. The grassed areas were also found to contained disturbed soils. Therefore 100% of the subject property has been disturbed by the construction of the Ontario Travel Information Centre. No cultural resources were identified during the archaeological assessment. It is therefore recommended that no further investigation be undertaken and the subject property be considered free of any further archaeological concern, subject to Ministry of Tourism, Culture and Sport approval and the conditions cited in Section 5.0.”*

### NOISE ASSESSMENT

**Akoustic Engineering**, 138 Angstrom Cres, Amherstburg ON, is a qualified, licensed acoustical engineering firm with extensive experience and local knowledge, undertook a Noise Assessment of the subject property with the following conclusion:

*“The noise impact on the proposed development has been shown in this report to exceed the limits set by the Ontario Ministry of the Environment, Conservation and Parks. However, given that the noise impacts can be mitigated through appropriate building material design (STC), the installation of central air conditioning and warning clauses, it is recommended that the development be given approval with the understanding that the stated noise control measures are implemented.”*

## 2. PROVINCIAL POLICY STATEMENT (PPS 2020)

When reviewing a planning application to determine if the requested Official Plan Amendment (OPA) and Zoning Bylaw Amendment (ZBA) makes sound planning, it is imperative that the proposed development is consistent with the Provincial Policy Statements (PPS): "The Provincial Policy Statement provides policy direction for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. It (PPS) recognizes that the wise management of development may involve directing, promoting or sustaining growth. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns."

**"Section 1.1.1 Healthy, liveable and safe communities are sustained by:**

- a) *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*

**COMMENT:**

The proposed development is revitalizing and intensifying an existing lot predominately vacant lands on full municipal services. A mix of residential and commercial uses will contribute to the financial well being of the City of Windsor and Province of Ontario. The development will contribute residential and commercial vibrancy on a parcel currently underutilized. The proposed development supports a healthy community.

- b) *accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs.*

**COMMENT:**

Proposed is a residential, 4-storey apartment building providing alternative housing as rental apartments in a municipality with extremely low vacancy rates. The residential apartments are located on a municipal bus route and have both commercial and institutional amenities within walking distance. Both residents and commercial employees will be able to access other commercial activities in close proximity. The residents are within a short walking distance to churches, Middle School, Highschool or University. The proposal supports the healthy, walking, community while providing for alternative housing tenures and styles.

- c) *avoiding development and land use patterns which may cause environmental or public health and safety concerns;*

**COMMENT:**

There are no environmental or safety concerns with the subject site. The proposal will be further developing a partially developed site. There are no natural features or environmental issues associated with the property.

- e) *promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*

**COMMENT:**

In my professional opinion, the proposal is a sound intensification of an existing site that will provide for needed rental residential apartments. Further, by creating a mixed use development, the proponent will create a work live environment between the residential apartments and the office building. The development being proposed is a great example of a cost-effective intensification and the utilization of existing infrastructure. The 4-storey apartment building will allow residents to easily access a wide range of existing services, including public transit, supportive institutional and commercial amenities.

- f) *improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;*

**COMMENT:**

The proposed development will follow AODA guidelines during the Site Plan process. The draft Site Plan accompanying this OPA and ZBA application has considered the on-site pedestrian access for persons with disabilities and older persons by addressing land use barriers like curbs, denoted walkways and well marked and well-placed handicap parking spaces.

- g) *ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*

**COMMENT:**

According to the Rental Market Survey (RMS) of October 2019, the vacancy rate in the Windsor Census Metropolitan Area (CMA) held steady at **2.9%**. The proposed rental apartment building will provide for an alternative housing tenure in the City that is presently needed and will accommodate future needs. The apartment building will be located on a bus route and within walking distance to the University, providing for apartments for all age categories within the municipality.

*h) promoting development and land use patterns that conserve biodiversity; and*

**COMMENT:**

The intensification of the parcel and use of a well-serviced area with a bus route nearby will reduce the need for development outside the Settlement Area and on or near sensitive environmental lands, therefore helping conserve biodiversity.

*i) Preparing for the regional and local impacts of a changing climate.*

**COMMENT:**

By utilizing a well serviced parcel with a vacant commercial building on it the proposed development will be making services more efficient by placing development where existing infrastructure and walkable community amenities already exist, lessening the burden of new infrastructure on the environment.

***“Section 1.1.3.2 Land use patterns within settlement areas shall be based on:***

*a) densities and a mix of land uses which:*

- 1. efficiently use land and resources;*
- 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- 3. minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- 4. prepare for the impacts of a changing climate;*
- 5. support active transportation;*
- 6. are transit-supportive, where transit is planned, exists or may be developed;*  
*and*
- 7. are freight-supportive; and*

*b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.”*

**COMMENT:**

The proposed development is appropriate for and efficiently uses existing infrastructure and public service facilities. The site is fully serviced in a highly accessible and well-travelled area that is supported by walking distance shopping, public transit and nearby schools of all academic levels.

In my professional opinion, the proposal provides opportunity for residents to have accommodation without the need for a vehicle fully utilizing municipal bus services; is walking supportive; supports active transportation in and around the area for local amenities. The location, transit supportive and work/live orientation of the development effectively reduces the negative impacts of climate change by taking advantage of land in an already built-up area and not expanding into areas that require long vehicle trips.

The intensification of the site, in my professional opinion, can be considered good planning and will contribute well to the local community and economy.

**“Section 1.1.3.3 Settlement Areas**

*Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.”*

**COMMENT:**

The subject lands are centrally located and are appropriate for the designed intensification on existing infrastructure including municipal transit, sidewalks, and full services. The mixed use development will be located within a neighbourhood of mixed and similar uses including supportive institutional uses. In my professional opinion, the tenure and style of housing that is proposed to be supplied will assist in supplying needed alternative rental apartments in the City of Windsor. It is my professional opinion that the proposed mixed use development and adaptive re-use of the existing building will provide an efficient and effective intensification and redevelopment of the site.

**“Section 1.1.3.4 Settlement Areas**

*Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.”*

**COMMENT:**

The proposed development will provide for a new residential apartment building, an adaptive re-use of an existing building for office uses and an addition of a new auto service use. The mixed use development will allow for an appropriate intensification of uses that are supportive to each other while providing needed alternative housing and a live/work scenario. The site is located within walking distance to amenities and services and in my professional opinion can be considered an appropriate re-development of an existing site.

**“Section 1.7.1 Long-term economic prosperity should be supported by:**

- a) promoting opportunities for economic development and community investment-readiness;*
- b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;*
- c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;*
- e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;*

**COMMENT:**

**In my professional opinion that the requested OPA and ZBA is consistent with the 2020 PPS policies by supporting the sound and efficient adaptive re-use and intensification of an existing underutilized parcel with the inclusion of residential and commercial land uses for a mixed use development.** The OPA and ZBA will provide for alternative housing within walking distance to local institutional and commercial amenities. The commercial component will provide for employment opportunities and will provide for a live-work scenario.

### 3. CITY OF WINDSOR OFFICIAL PLAN:

The subject lands are presently designated 'Open Space' on Schedule D of the Official Plan for the City of Windsor. Requested is an Official Plan Amendment (OPA) to adaptively re-use a previously existing Ontario Tourism facility and property to a mixed use development including residential use and commercial use that is to be located on a major arterial road within the city.

Proposed is the construction of a new 4-storey residential apartment building with 35 residential units and the inclusion of commercial uses on site to create a mixed use development. The proposed commercial uses include a new workshop at the south end of the property and the recognition of an existing commercial building for office space on site (former Tourism Ontario building).

Recently the City of Windsor underwent an extensive residential policy review. The following Official Plan review will provide for a review of the Open Space policies and then place the proposed development in context of the newly amended Mixed Use Node policies.

Section 4.0 of this PRR provides site specific OPA policies that are presently applicable and recommended as carry forward into a new site specific 'Mixed Use Node' policy.

#### 3.1 OPEN SPACE POLICY REVIEW:

The subject lands are presently designated 'Open Space' in the City of Windsor Official Plan. The Open Space policies of the City's Official Plan allow only for recreational and leisure areas and facilities. The existing commercial use is not recognized in the Official Plan and would be considered legal non-conforming.

##### **“Section 6.7 Open Space**

*The lands designated as “Open Space” on Schedule D: Land Use provide the main locations for recreation and leisure activities and facilities. In order to recognize the important role that Open Space plays in improving the quality of life of residents and enhancing Windsor’s image, Open Space land uses are divided into two categories: Public Open Space and Private Open Space.”*



**COMMENT:**

Open Space designation is an appropriate policy framework for the previous use of Ontario Tourism Travel facility. The site was deemed redundant and was sold for an adaption to a different use.

An OPA is required to redesignate the site to a Mixed Use Node in order to apply a policy framework that allows for an alternative use than the present tourism bureau.

The proposed OPA will provide for a policy framework that will allow for residential and commercial uses appropriate and compatible with the site and the neighbourhood.

**3.2 MIX USE POLICY REVIEW:**

In June 2022, City of Windsor considered a new policy framework known as ‘Official Plan Amendment No. 159 that implement new policies respecting residential and mixed use developments within the City. The new residential and mix use policies will held build stronger, more complete neighbourhoods within the City. Residential policies include intensification of residential uses; allowance for multiple residential buildings within the City’s corridors and nodes; commercial uses to be located where they can be accessed by residents without impacting the character of the area; directing intensification of residences to the major corridors to reduce reliance on the automobile and support municipal transit and support healthier communities.

In order to change the land designation of the subject property from the previous use of Open Space, an Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) is required to allow for the construction of a new 4-storey residential apartment building with 35 residential units and the inclusion of commercial uses on site to create a mixed use development. The proposed commercial uses include a new workshop at the south end of the property and the recognition of an existing commercial building for office space on site (former Tourism Ontario building).

The proposed development seeks to change the designation in the City’s Official Plan from ‘Open Space’ to ‘Mixed Use’ as it will allow for a mix of residential and commercial uses as proposed.

**‘Section 6.1 of the City’s Official Plan directs that Residential Intensification:**

**6.1.14** *To direct residential intensification to those areas of the City where transportation, municipal services, community facilities and goods and services are readily available.”*

**COMMENT:**

Fronting on Huron Church meets all the criteria to satisfy an appropriate location for intensification. Huron Church as a major arterial road provides for municipal transit, walkability, and supportive commercial and institutional uses within close proximity, an ideal location for residential intensification.

**‘Section 6.9 Mixed Use**

*The lands designated as “Mixed Use” on Schedule D: Land Use provide the main locations for compact clusters of commercial, office, institutional, open space and residential uses. These areas are intended to serve as the focal point for the surrounding neighbourhoods, community or region. As such, they will be designed with a pedestrian orientation and foster a distinctive and attractive area identity.’*

**COMMENT:**

The subject site plan will provide for both residential and commercial uses. With the redesignation of these lands to ‘Mixed Use’ and the Mixed Use designation across the street, the OPA will effectively be clustering like and similar uses together to create the Mixed Use Node. In my professional opinion, the OPA will provide conformity for the proposed use with the intent of the Official Plan policies.

**‘Section 6.9 of the City’s Official Plan lists the objectives of the Mixed Use designation;**

**6.9.1.1** *To encourage multi-functional areas which integrate compatible commercial, institutional, open space and residential uses.*

- 6.9.1.2** *To encourage a compact form of mixed use development.*
- 6.9.1.3** *To provide opportunities to create and maintain special area identities and focal points within Windsor.*
- 6.9.1.4** *To identify strategic location which are highly visible and accessible for mixed use development.*
- 6.9.1.7** *To increase the use of walking, cycling and public transportation within the designated Mixed Use area by fostering a strong live-work-shopping-recreation relationship.*

**COMMENT:**

The proposed development is a great example of implementing the intentions of the Mixed Use Official Plan designation. It is a mixture of medium density residential with commercial uses at a location that is walking distance shopping amenities as well as transit options.

The development also promotes the use of walking and public transportation. The nearest bus stop is only a couple hundred metres away and there is shopping across the street. Students and teachers could walk a short distance to the University if they were to rent a unit, fostering a strong live-work-shopping-recreation relationship. Ojibway parkway is a short bike ride away as is Mic Mac Park and the City’s beautiful waterfront.

In my professional opinion the proposed development, through the OPA, will provide an opportunity to create a healthy, walkable development in conformity with the OP policies of the Mixed Use designation.

**“6.9.2.1 PERMITTED USES**

*Uses permitted in the Mixed Use land use designation include retail and service commercial establishments, offices, cultural, recreation and entertainment uses, and institutional, open space and residential uses, exclusive of small scale Low Profile residential development.”*

**COMMENT:**

In my professional opinion, the OPA conforms with the intent of the 'Mixed Use' designation recognizing the permitted uses are consistent with the proposed uses of the site.

**“6.9.2.2. FORM OF MIXED USE AREAS**

*For the purpose of this Plan, Mixed Use development is further classified as follows:*

- (a) Mixed Use Corridors which occupy linear street frontages with commercial, institutional and open space uses located immediately adjacent to the public right-of-way and residential uses located above grade; and*
- (b) Mixed Use Centres which are large sites developed according to a comprehensive development plan or nodal developments at the intersection of Controlled Access Highways and/or Arterial roads. This type of Mixed Use development provides a regional, community or neighbourhood focal point with a pedestrian oriented design.”*

**COMMENT:**

The proposed development is a mix use development that will provide both residential and commercial uses for a local market. The mix use development will provide for a live work scenario and for the ability for the residents and neighbours to walk to commercial functions. Also, the development is in close proximity to commercial uses that fosters use of the municipal transit and the walkable, healthy community. It is my professional opinion that the OPA conforms with the mixed use designation.

**“6.9.2.3 Mixed Use development shall be located where:**

- (a) there is access to a Controlled Access Highway, Class I or Class II Arterial Roads or Class I Collector Road;*
- (b) full municipal physical services can be provided;*
- (c) public transportation services can be provided; and*
- (d) the surrounding development pattern is compatible with Mixed Use development.”*

**COMMENT:**

The development is on a Class I Arterial Roadway with full municipal services and nearby public transportation. The surrounding development pattern is that of residential, commercial, institutional uses making it ideal for Mixed Use designation. There is also an area directly across the street (slightly to the southeast) which is currently designated Mixed Use in the Official Plan.

The existing Mixed Use area has several businesses including a bank, a grocery store and large retail store (Canadian Tire). It does not have a residential component. The Mixed Use nature of the proposed development will include a large residential element and be indicative of the purpose of a Mixed Use designation.

**“6.9.2.4 Evaluation Criteria**

*At the time of submission, the proponent shall demonstrate to the satisfaction of Municipality that a proposed Mixed Use development is:*

- (a) Feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:*
  - i. Within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;*
  - ii. Within a site of potential or known contamination;*
  - iii. Where traffic generation and distribution is a provincial or municipal concern; and*
  - iv. Adjacent to sensitive land uses and/or heritage resources.*

**COMMENT:**

The pre-consultation process has identified the site as requiring a Noise Study and Transportation Impact Study to address the feasibility of the development. Those studies have been submitted as part of this OPA and ZBA application.

*(b) In keeping with the goals objectives and policies of any secondary plan or guideline plan affecting the surrounding area;*

**COMMENT:**

The property is listed as #2 Huron Church Road Corridor on *Schedule A: Planning Districts and Policy Areas* of the City's Official Plan. The policies for the Huron Church Road Corridor extend from the Ambassador Bridge to Highway #3.

The landscaped setback requirements of Section 1.2.2 of the Special Policy Areas chapter of the Official Plan is for a minimum landscaped setback of ten (10) metres parallel to the road for buildings intended for commercial use.

The landscaped setback for residential development adjacent to Huron Church Road is 30 metres.

As the depth of the property is only slightly less than 30 metres the proposed development is requesting an exemption from the provisions of the Huron Church Road Corridor Special Policy Area.

*(c) Capable of being provided with full municipal physical services and emergency services;*

**COMMENT:**

The site is fully serviced and will have full access available for emergency services.

*(d) Provided adequate off-street parking;*

**COMMENT:**

There will be 37 parking spaces provided for the 35 residential units. The Site Specific ZBA will permit a slightly reduced parking rate from the current 1.25 per dwelling units at 1.06 per dwelling units. Residential uses in Mixed Use designations are intended to provide residents access to amenities without the need to drive, therefore reduced parking requirements are appropriate. There is also a total of 14 commercial parking spaces. There will be ample parking provided mostly at the rear of the parcel hidden away from the highly visible corridor.

*(e) Pedestrian oriented;*

**COMMENT:**

The proposed development is linked by existing sidewalks to shopping areas and transit stops. It will utilize transit services and existing infrastructure that is within walking distance of the proposed development site. The design of the internal and external pathway system for pedestrians has been taken into careful consideration when designing the development.

*(f) Compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and landscaped areas; and*

**COMMENT:**

The proposed development will suit the area with appropriate intensification along a busy corridor. The massing of the buildings has been purposely designed to take into account the visibility from Huron Church Road. The setback constraints were taken into consideration and the height and orientation of the buildings will suit the well-developed area and high visibility of Huron Church Road. The proposal is considered compact urban form for the unique parcel area.

*(g) Acceptable in terms of the proposal's market impacts on other commercial areas (see Procedures chapter)*

**COMMENT:**

The economy will see benefit from the proposed development and market impacts will be positive. The site currently has a vacant building that is expected to have tenancy with the upgraded and intensified site development.

**COMMENT:**

**The Official Plan Amendment (OPA) to designate the subject lands to a site specific 'Mixed Use' designation is appropriate land use to reflect the residential and commercial land uses.**

**It is my professional opinion that the proposed development will conform with the Official Plan policies through the adoption of the OPA.**

## 4.0 SITE SPECIFIC OFFICIAL PLAN AMENDMENT

### HURON CHURCH ROAD CORRIDOR

As identified above, the property is listed as #2 *Huron Church Road Corridor* on *Schedule A: Planning Districts and Policy Areas* of the City's Official Plan. The policies for the *Huron Church Road Corridor* extend from the Ambassador Bridge to Highway #3.

The landscaped setback requirements of Section 1.2.2 of the Special Policy Areas chapter of the Official Plan is for a minimum landscaped setback of ten (10) metres parallel to the road for buildings intended for commercial use.

The landscaped setback for residential development adjacent to Huron Church Road is 30 metres.

**As the depth of the property is only slightly less than 30 metres (the depth is 90 feet), the proposed development is requesting an exemption from the provisions of the Huron Church Road Corridor Special Policy Area.**

Allowing for a site specific Mixed Use policy framework applied to the site makes good planning and conforms with City's Official Plan. This type of residential use is in short supply and this OPA and ZBA will help the City meet its growing demands. The standalone residential use will better suit the subject site given the redevelopment with existing accesses element of the proposal.



## 5.0 ZONING BY-LAW REGULATIONS

The subject lands are zoned 'Green District (GD) 1.1' in the Comprehensive Zoning By-law 8600 for the City of Windsor. Green Districts 1.1 are for public parks and childcare centres only. The current zoning is outdated as it does not reflect the existing commercial use on the property.

### **Proposed Zoning – Commercial District 3.10 - Huron Church Corridor Special Policy Area**

The author is of the professional opinion that the most appropriate zoning for the proposed development would be a Special Policy Area Commercial District zone that identifies Mixed Use permitted uses, similar to Commercial Districts 3.2 and 3.5, "Mixed Use – Ouellette Avenue Corridor" but with emphasis on permitting multiple dwelling standalone residential uses.

*"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."*

The CD3.2 permitted uses include a wide variety of commercial uses including office, retail store and restaurant while only allowing for dwelling units in a combined building with any of the commercial units. The Site-Specific Zoning for 1235 Huron Church Road will allow for standalone residential uses and could encourage ground floor commercial for future intensifying and redevelopment of the site.

The applicant is seeking to change from 'Green District 1.1' to site specific zone, 'Commercial District 3.10', within Section 16 of the Comprehensive Zoning Bylaw.

Single family, semi-detached and townhome dwelling units would not be permitted as they would not fit the intensification goals of the Provincial and municipal policies and would also not fit the characteristics of the neighbourhood in such a prominent and visible spot along the corridor. Future intensification with further medium to high density residential would be desirable along with a wide variety of commercial uses that would have minimal parking and traffic impacts.

The new site-specific zone will also address the site constraints on achieving large setbacks from the roadway and will have provisions for encouraging high design standards along the Huron Church Road Corridor. Currently the existing Special Policy Area provisions call for a 30m setback for residential uses which is the approximate total depth of the site.

The requested ZBA is also proposing to provide site specific regulations to recognize the existing structure on site and compact built urban form of the proposed development.

Please refer to **APPENDIX A – ‘Commercial District 3.2’ ZONE PROVISIONS.**

PROVISION	REQUIRED IN CD3.2	SUBJECT SITE
LOT AREA	For non-residential uses 400m <sup>2</sup>	For non-residential uses 270m <sup>2</sup>
LOT FRONTAGE	Minimum 15m	151m
# UNITS/DENSITY	On lots with frontage of 60m or more = maximum of 330 per hectare	35 units / 0.413 hectares
PARKING	1.25 sp/dwelling unit;  1 sp/45m <sup>2</sup> of GFA for auto repair/business office	1.06 sp/dwelling unit  1 sp/45m <sup>2</sup> of GFA for auto repair/business office
FRONT YARD SETBACK	6.0m	4.5m
INTERIOR SIDE YARD	3.0m, 6.0m	1m
LANDSCAPED OPEN SPACE	30% of lot area	30.9% lot coverage
LOADING SPACES	N/A	2

**COMMENT:**

The site-specific zoning bylaw amendment will establish a regulatory framework to support the development and the future use of the subject lands. The ZBA is not required to authorize the land use that is permitted, rather, it is designed to recognize the legal non-complying regulations associated with the existing building and the proposed change of use.

**COMMENT:**

In my professional opinion, the requested OPA and ZBA will provide a new site-specific regulatory framework to allow for an appropriate land use for the subject site. As an adaptive re-use of an existing building, plus intensifying the site with a mix of residential and commercial uses in an area within close walking distance of a wide variety of amenities and public services is good planning.

The compact form and mixed use nature of the proposal on lands that have already been built upon fits in well with the provinces policies to build on existing infrastructure and reduce the impacts of new development on the environment as well as municipal and provincial expenditures.

This OPA and ZBA will support the City of Windsor's policy initiatives to supply alternative housing through the use of these lands and the design of the development for rental housing. The initiative also supports the municipality's initiative to provide for a healthy, walkable community.

## 6.0 SUMMARY AND CONCLUSIONS

Given the foregoing assessment and my evaluation of the proposal in relation to the PPS 2020, the City of Windsor Official Plan and the Comprehensive Zoning By-law 8600, in my professional opinion the proposed Official Plan Amendment (OPA) and site specific By-law Amendment (ZBA) is consistent with polices of the PPS, OP, and the regulations found in the Zoning By-law.

In addition, it is my professional opinion that the proposed Official Plan Amendment (OPA) and site-specific Zoning By-law Amendment (ZBA) is appropriate and desirable within this policy framework as it will facilitate development of site while also implementing the proposals included in this Planning Justification Report dated June 15, 2023.

In summation, the proposal conforms with Official Plan by providing for appropriate uses for the site and complies with the Zoning Bylaw Amendment (ZBA) that will appropriately establish a site-specific regulatory framework under the 'Commercial Residential District 2.2 (CD2.2)' zone. The OPA and ZBA provides a good solution for the provision of needed alternative residential accommodation, small commercial uses as adaptive reuse of existing infrastructure, and is a compatible development with an existing adjacent neighbourhood, while supporting a diversity of housing tenures and styles within the municipality.

In my professional opinion the requested OPA and ZBA:

- 1) is consistent with the policies of the 2020 Provincial Policy Statements;
- 2) maintains the intent of the relevant policies of the City of Windsor Official Plan;
- 3) maintains the intent of City of Windsor CZB 8600 and when the ZBA is passed, it will establish the regulatory framework required for the development to comply with the CZB;
- 4) makes sound planning.

I hereby certify that this report was prepared by Jackie Lassaline RPP MCIP, a Registered Professional Planner within the meaning of the Ontario Professional Planners Institute Act, 1994.

its Inc.

*Jackie Lassaline*  
Jackie Lassaline BA MCIP RPP  
Principal Planner

# APPENDIX A – MIXED USE – OUELLETTE AVE CORRIDOR (CD3.2)

## 16.2 COMMERCIAL DISTRICT 3.2 (CD3.2)

### 16.2.1 PERMITTED USES

- |   |  |
|---|--|
| <i>Business Office</i>  | <i>Personal Service Shop</i>                 |
| <i>Child Care Centre</i>  | <i>Place of Entertainment and Recreation</i> |
| <i>Commercial School</i>  | <i>Place of Worship</i>                      |
| <i>Food Outlet - Take-Out</i>   | <i>Professional Studio</i>                   |
| <i>Hotel</i>  | <i>Public Hall</i>                           |
| <i>Medical Office</i>   | <i>Repair Shop - Light</i>                   |
| <i>Medical Appliance Facility</i>   | <i>Restaurant</i>                            |
| <i>Micro-Brewery</i>  | <i>Retail Store</i>                          |
| <i>Dwelling Units in a Combined Use Building with any one or more of the above uses</i>   |  |
| <i>Double Duplex Dwelling</i>   | <i>Residential Care Facility</i>             |
| <i>Duplex Dwelling</i>  | <i>Semi-Detached Dwelling</i>                |
| <i>Lodging House</i>  | <i>Townhome Dwelling</i>                     |
| <i>Multiple Dwelling</i>  |  |
| <i>Existing Funeral Establishment</i>   |  |
| <i>Existing Gas Bar</i>   |  |
| <i>Existing Service Station</i>   |  |
| Any use accessory to any of the above, including a <i>Caretaker's Residence</i> . An <i>Outdoor Storage Yard</i> is prohibited. |  |

### 16.2.5 PROVISIONS

- |    |  |   |
|----|--|---|
| 1  | Lot Frontage – minimum   | 15.0 m  |
| 2  | Lot Area – minimum   |   |
|    | For a <i>building</i> containing only non-residential uses:  | 400.0 m <sup>2</sup>  |
| 4  | Building Height – maximum  |   |
|    | a) For the block bounded by Ouellette Avenue, Erie Street, Goyeau Street and Elliott Street:   | 55.0 m  |
|    | b) For any other area:   | Equal to the length of the longest <i>exterior lot line</i> |
| 8  | Landscaped Open Space Yard – minimum   | 30.0% of <i>lot area</i>                                    |
| 10 | Gross Floor Area – Total – maximum   |   |
|    | Within the same <i>building</i> , for a <i>Retail Store</i> , <i>Personal Service Shop</i> , <i>Repair Shop – Light</i> , or any combination thereof                                   | 250.0 m <sup>2</sup>  |
| 11 | Gross Floor Area Ratio – maximum   | 4.5   |
| 15 | For a <i>Combined Use Building</i> , all <i>dwelling units</i> , not including entrances thereto and a <i>Caretaker's Residence</i> , shall be located above the non-residential uses. |   |
| 17 | Exposed flat concrete block walls or exposed flat concrete walls, whether painted or unpainted, are prohibited.  |   |

Commercial District 3.2 (CD3.2) continued on next page

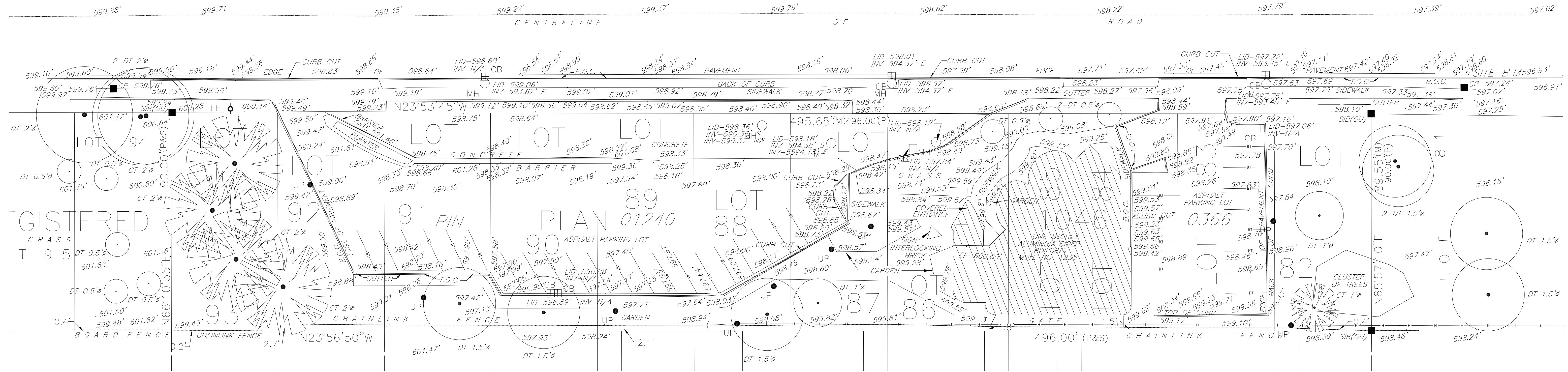
**16.2 COMMERCIAL DISTRICT 3.2 (CD3.2) – continued****16.2.5 PROVISIONS (continued)**

- .20 Building Setback – minimum –
- a) From an *exterior lot line*: 6.0 m
  - b) From an *exterior lot line* abutting Pelissier Street or Dufferin Place for that part of the building having a *building height* of more than 12.0 m: 18.0 m
  - c) From an *interior lot line* where a habitable room window faces the *interior lot line* for that part of the *building* having a *building height* of 12.0 m or less: 6.0 m
  - d) From an *interior lot line* where a habitable room window faces the *interior lot line* for that part of the *building* having a *building height* of more than 12.0 m: 11.0 m
  - e) From an *interior lot line* where a habitable room window does not face the *interior lot line* for that part of the *building* having a *building height* of 12.0 m or less: 3.0 m
  - f) From an *interior lot line* where a habitable room window does not face the *interior lot line* for that part of the *building* having a *building height* of more than 12.0 m: 25.0% of building height
- .50 Any new *building* or *structure* shall be erected on a *through lot*, except that where a *lot* is not a *through lot*, one *accessory building* or one *accessory structure* having a maximum *gross floor area* of 40.0 m<sup>2</sup> may be erected on such lot.
- .60 Dwelling Unit Density - maximum *dwelling units* per hectare:
- a) *Lot Frontage* of less than 30.0 m: 100
  - b) *Lot Frontage* of 30.0 m or more but less than 45.0 m: 230
  - c) *Lot Frontage* of 45.0 m or more but less than 60.0 m: 280
  - d) *Lot Frontage* of 60.0 m or more: 330
  - e) Where both the *landscaped open space yard* is greater than 40% of the *lot area* and the *lot frontage* is more than 30.0 metres, the maximum *dwelling units* per hectare may be increased by 15%.
- .70 Notwithstanding Sections 16.2.5.1 to 16.2.5.60, a *Double Duplex Dwelling*, *Duplex Dwelling*, *Semi-Detached Dwelling* or *Townhome Dwelling* shall comply with the appropriate provisions of Section 11.2.5.

HURON

CHURCH

LINE

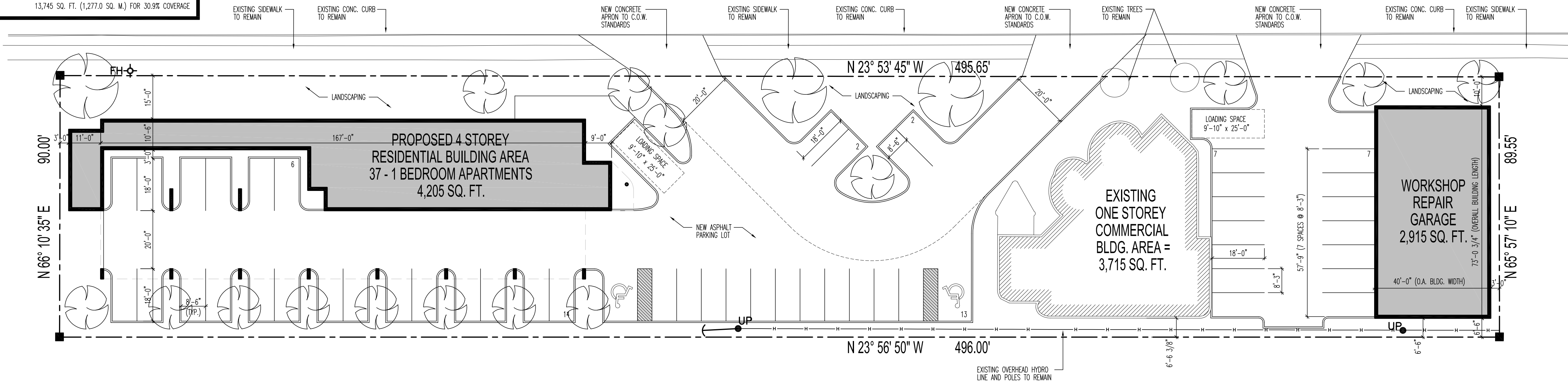


EXISTING SURVEY PLAN SCALE: 1"=0' = 20'-0"

**SITE STATISTICS:**

PROPOSED ZONING FOR SITE:	COMMERCIAL DISTRICT 4.1 (CD4.1) RESIDENTIAL DISTRICT
TOTAL SITE AREA:	44,513 SQ. FT. (4,137.5 SQ. M.)
TOTAL PROPOSED SITE COVERAGE:	10,835 SQ. FT. (1,006.6 SQ. M.)
GROUND FLOOR AREA:	4,205 SQ. FT. (390.7 SQ. M.)
TYPICAL FLOOR AREAS (2nd & 3rd):	18,986 SQ. FT. (1,763.9 SQ. M.)
FOURTH FLOOR AREA:	7,253 SQ. FT. (673.8 SQ. M.)
TOTAL FLOOR AREA OF NEW RESIDENTIAL:	30,444 SQ. FT. (2,828.3 SQ. M.)
WORKSHOP REPAIR GARAGE:	2,915 SQ. FT. (270.8 SQ. M.)
TOTAL FLOOR AREA OF NEW COMMERCIAL:	2,915 SQ. FT. (270.8 SQ. M.)
GROSS PROPOSED FLOOR AREA:	33,359 SQ. FT. (3,099.2 SQ. M.)
TOTAL PROPOSED RESIDENTIAL PARKING SPACES:	37 SPACES - 1 PER APARTMENT UNIT
TOTAL COMMERCIAL PARKING SPACES REQUIRED:	14 SPACES
TOTAL COMMERCIAL PARKING SPACES PROVIDED:	14 SPACES
TOTAL PROPOSED ACCESSIBLE SPACES:	2 TYPE 'A' PARKING SPACES
TOTAL PROPOSED LOADING SPACES:	2
TOTAL LANDSCAPED AREA:	13,745 SQ. FT. (1,277.0 SQ. M.) FOR 30.9% COVERAGE

HURON CHURCH LINE



PROPOSED SITE PLAN SCALE: 1"=0' = 20'-0"

ISSUE DATE (YEAR)	NO.	ISSUED FOR	ISSUE DATE (YEAR)	NO.	ISSUED FOR

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DATE: NOV. 2021  
DRAWN BY: S.S.-M.S.  
SCALE: AS SHOWN  
CASTLE: 2578-SK3

PRELIMINARY SITE PLAN & ELEV., EXIST. SURVEY PLAN & SITE STATISTICS

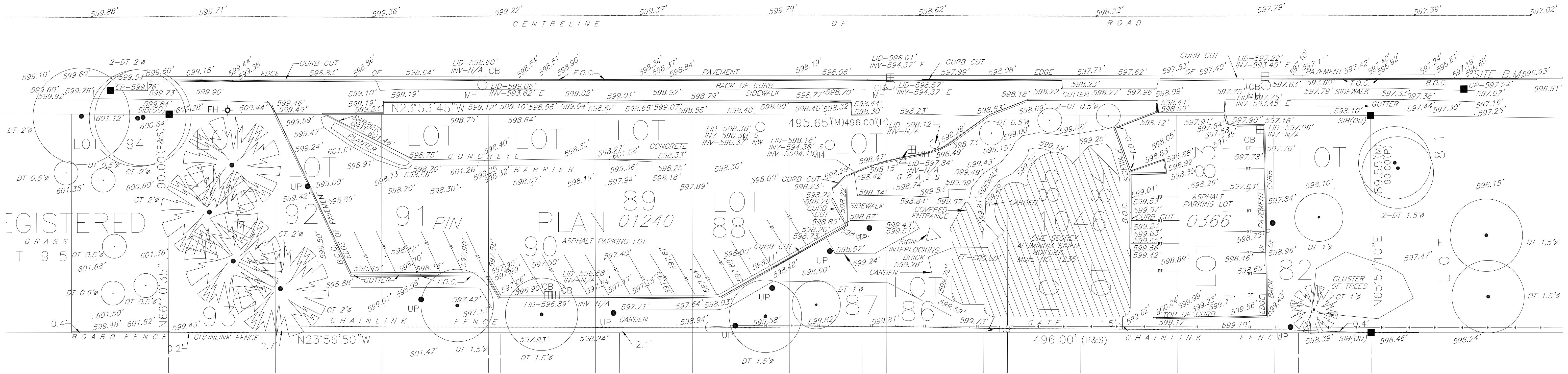
NEW HURON CHURCH DEVELOPMENT  
HURON CHURCH LINE, WINDSOR, ONTARIO

PROJECT: **SK3**

HURON

CHURCH

LINE

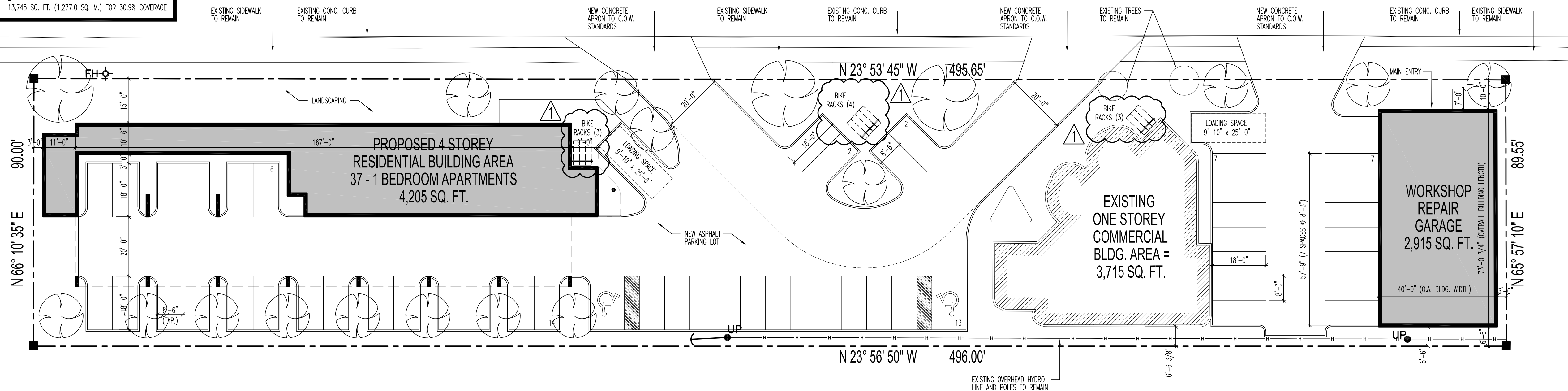


EXISTING SURVEY PLAN  
SCALE: 1"=0' = 20'-0"

**SITE STATISTICS:**

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WORKSHOP REPAIR GARAGE:	2,915 SQ. FT. (270.8 SQ. M.)
TOTAL FLOOR AREA OF NEW COMMERCIAL:	2,915 SQ. FT. (270.8 SQ. M.)
GRSPP PROPOSED FLOOR AREA:	33,359 SQ. FT. (3,099.2 SQ. M.)
TOTAL PROPOSED BIKE RACKS:	10
TOTAL PROPOSED RESIDENTIAL PARKING SPACES:	37 SPACES - 1 PER APARTMENT UNIT
TOTAL COMMERCIAL PARKING SPACES REQUIRED:	14 SPACES
TOTAL COMMERCIAL PARKING SPACES PROVIDED:	14 SPACES
TOTAL PROPOSED ACCESSIBLE SPACES:	2 TYPE 'A' PARKING SPACES
TOTAL PROPOSED LOADING SPACES:	2
TOTAL LANDSCAPED AREA:	13,745 SQ. FT. (1,277.0 SQ. M.) FOR 30.9% COVERAGE

HURON CHURCH LINE



PROPOSED SITE PLAN  
SCALE: 1"=0' = 20'-0"

ISSUE DATE (YEAR)	ISSUED FOR	ISSUE DATE (YEAR)	ISSUED FOR

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DATE: SEPT. 2023  
DRAWN BY: S.S. M.S.  
SCALE: AS SHOWN  
CASTLE: 2578-SK3-1  
CHECK: S.S. M.S.

PRELIMINARY SITE PLAN & ELEV., EXIST. SURVEY PLAN & SITE STATISTICS  
NEW HURON CHURCH DEVELOPMENT  
HURON CHURCH LINE, WINDSOR, ONTARIO

PROJECT NO. 2578  
SHEET SK3-1





PROPOSED SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"

PROPOSED EAST ELEVATION  
SCALE: 1/8" = 1'-0"



PROPOSED NORTH ELEVATION  
SCALE: 1/8" = 1'-0"

PROPOSED WEST ELEVATION  
SCALE: 1/8" = 1'-0"

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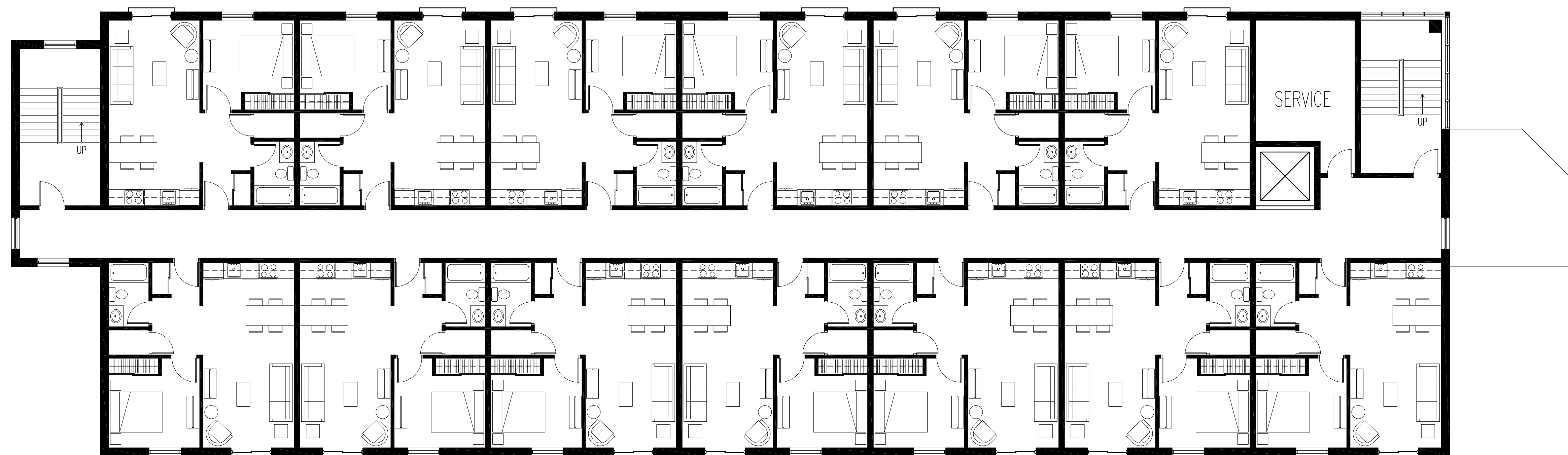
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DATE: NOV. 2021  
DRAWN BY:  
M.S.  
SCALE:  
CASTLE  
2578-SK6  
CLIENT:

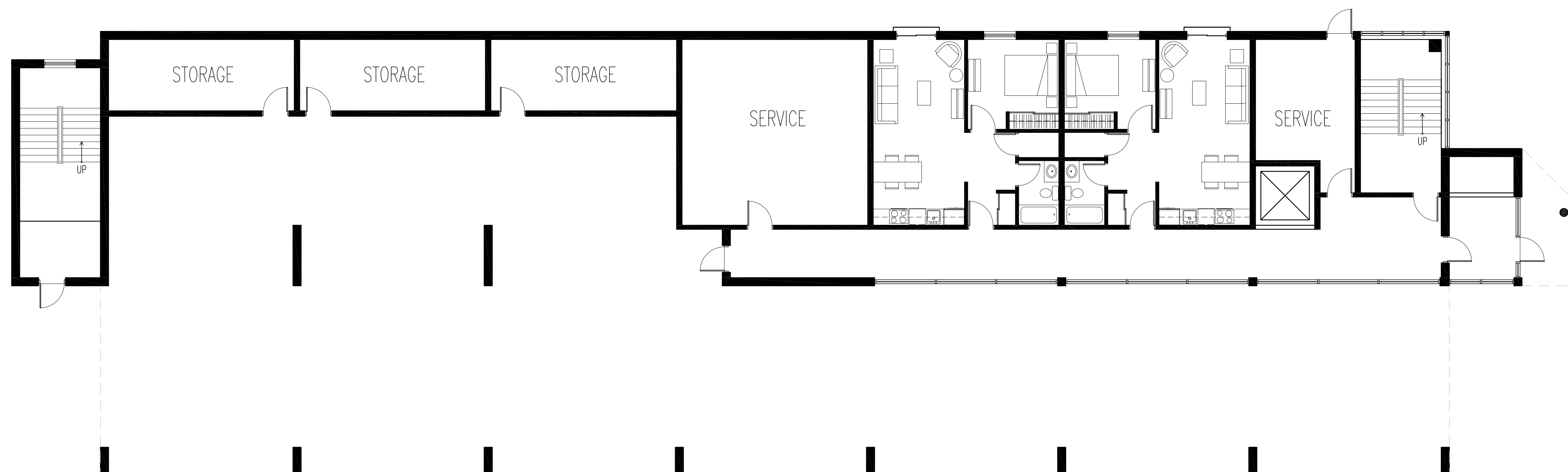
EXTERIOR ELEVATIONS

NEW HURON CHURCH DEVELOPMENT  
HURON CHURCH LINE, WINDSOR, ONTARIO

PROJECT NO.  
2578  
SHEET  
SK6



 PROPOSED TYPICAL FLOOR PLAN - 13 - 1 BEDROOM APARTMENTS  
SCALE: 1/8" = 1'-0"



 PROPOSED FIRST FLOOR - 2 - 1 BEDROOM APARTMENTS  
SCALE: 1/8" = 1'-0"

ISSUE DATE (YARD)	NO.	ISSUED FOR	ISSUE DATE (YARD)	NO.	ISSUED FOR

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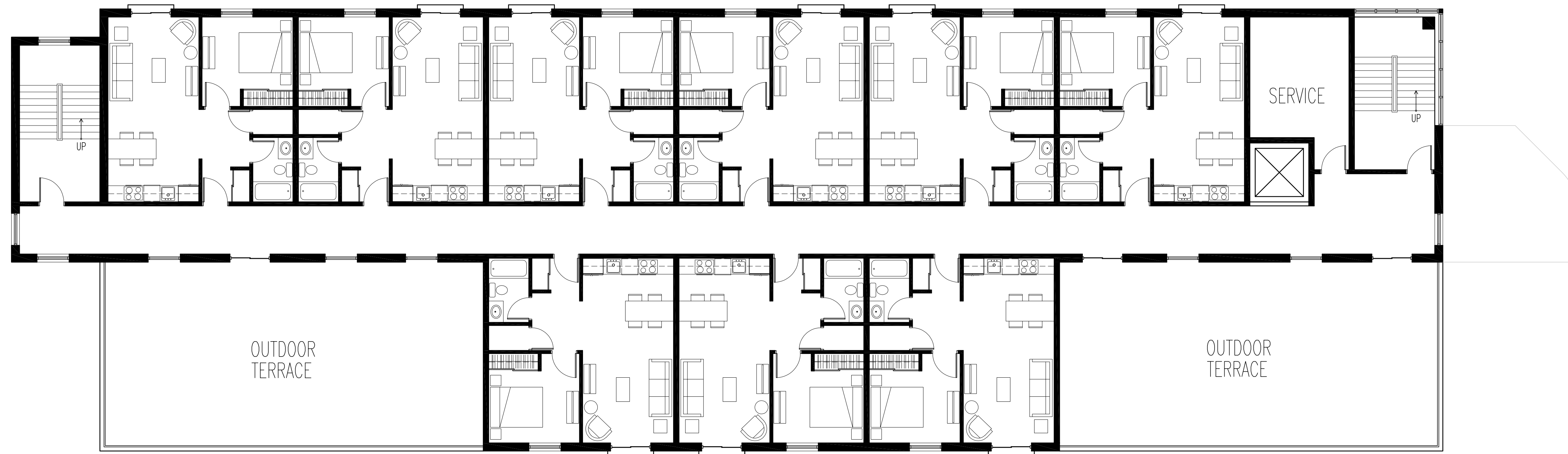
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2578-SK4  
CLIENT

PROPOSED FLOOR PLANS

NEW HURON CHURCH DEVELOPMENT  
HURON CHURCH LINE, WINDSOR, ONTARIO

PROJECT NO. 2578  
SHEET SK4



 **PROPOSED FOURTH FLOOR PLAN - 9 - 1 BEDROOM APARTMENTS**  
SCALE: 1/8" = 1'-0"



**PROPOSED BUILDING PERSPECTIVE**  
SCALE: N.T.S.



**PROPOSED BUILDING PERSPECTIVE**  
SCALE: N.T.S.

ISSUE DATE (Y/MD)	NO.	ISSUED FOR	ISSUE DATE (Y/MD)	NO.	ISSUED FOR

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DATE: NOV. 2021  
DRAWN BY: M.S.  
SCALE: AS SHOWN  
CASTLE: 2578-SK5  
CLIENT:

**PROPOSED FOURTH FLOOR PLAN & BUILDING PERSPECTIVES**  
NEW HURON CHURCH DEVELOPMENT  
HURON CHURCH LINE, WINDSOR, ONTARIO

PROJECT NO. **2578**  
SHEET **SK5**

**S 124/2023 - APPENDIX F - SITE IMAGES**

**IMAGE 1**



**Subject Parcel -- Looking North on Huron Church Road**

**IMAGE 2**



**Looking West on Huron Church Road**

**S 124/2023 - APPENDIX F - SITE IMAGES**

**IMAGE 3**



**Looking South on Huron Church Road towards Tecumseh Road West**

**IMAGE 4**



**Looking South on Huron Church Road towards Tecumseh Road West**

## S 124/2023 - APPENDIX G - COMMENTS

### CANADA POST - BRUNO DESANDO

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.

**Lock-Box Assembly Requirements** - The complete Canada Post Standards Manual for Builders & Developers can be downloaded at:

[https://www.canadapost.ca/cpo/mc/assets/pdf/business/standardsmanual\\_en.pdf](https://www.canadapost.ca/cpo/mc/assets/pdf/business/standardsmanual_en.pdf)

### Compartments Size

- Horizontal lock-box models used in mailrooms must have the following minimums:
  - o Residential compartments must be at least 12.5 x 13.5 cm
  - o Commercial compartments at least 13.5 x 30.5 cm
  - o Parcel compartments at least 30.5 x 30.5 cm
- Vertical lock-box models must have min comp size of 25 x 12.5 cm. (Most models are 40 x 12.7 cm)

**Heights** - All lock-box assemblies must be installed in a manner that will not require the delivery employee to reach higher than 170cm or lower than 45cm when delivering to the equipment. With respect to horizontal lock-boxes, the limits above will likely mean that maximum number of compartments that can be included in each column of residential compartments would be eight

### Rear-loading Lock-boxes

- Projects with more than 100 units are required to be serviced via a rear-loading lock-box assembly.
- There must be a width of at least 100cm of working space from the back of the boxes to the wall.
- A ledge under the bottom row of boxes is also recommended in rear-loading designs. This ledge is to be directly under the bottom row of boxes (no space between ledge and bottom of boxes) and must stick out at least 20cm from the back of the boxes.
- Mailroom door is required to provide a minimum 81cm opening
- Lighting should be at least 100 lux (measured 75 cm from floor)

### Access

- All buildings where the lock-boxes are required to be serviced from inside the building are required to install a Canada Post Crown lock in the building intercom. The intercom is pre-fabricated with an internal housing for the lock. The lock can be obtained from the local deliver supervisor.
- If the building has more than 100 units, a rear-loading lock-box assembly will be installed. The door to the Canada Post delivery area must be fitted with a specific model of deadbolt. This is because Canada Post will supply a key cylinder made specifically for the Canada Post key that will fit inside the deadbolt purchased by the developer.

**Numbering** - Compartments should be numbered vertically and left to right on the delivery side of the boxes

## S 124/2023 - APPENDIX G - COMMENTS

**Grade-level Components** - If the development includes grade level retail or residential units, please take note that door-to-door delivery will not be provided to these units. Canada Post is happy to install a Community Mailbox to provide service to these units. Please coordinate a location with the Canada Post Delivery Planner for the area. If there is no room on the property for the Community Mailbox, service can be provided via another Community Mailbox in the area. Options to service the units from the tower (lobby) lock-boxes or via a front-loading lock box erected on the outside of the building can also be discussed with the Delivery Planner.

### **CITY OF WINDSOR - BUILDING DEPARTMENT – BARBARA RUSAN**

The Building Code Act, Section 8.(1) requires that a building permit be issued by the Chief Building Official for construction or demolition of a building. The building permit review process occurs after a development application receives approval and once a building permit application has been submitted to the Building Department and deemed a complete application.

Due to the limited Ontario Building Code related information received, review of the proposed project for compliance to the Ontario Building Code has not yet been conducted.

The owner and/or applicant should contact the Building Department to determine building permit needs for the proposed project prior to building permit submission. The Building Department can be reached at 519-255-6267 or [buildingdept@citywindsor.ca](mailto:buildingdept@citywindsor.ca)

### **CITY OF WINDSOR - ENGINEERING – AMY KUREK**

We have reviewed the subject Rezoning application and have the following comments:

**Sewers** - The site may be serviced by a 375mm PVC sanitary sewer and a 1200mm RCP storm sewer located within Huron Church right-of-way. If possible existing connections should be utilized. Any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice B.P 1.3.3.

A sanitary sewer servicing study is required to demonstrate there is adequate capacity in the municipal sewer network and the impact based on the proposed development. A sanitary sampling manhole is required on any sanitary connection at the property line to the satisfaction of the City Engineer, if one does not already exist.

**Right-of-Way** - Huron Church Road is classified as a Class 1 Arterial Road according to the Official Plan requiring a right-of-way width of 46 meters; the current right-of-way is 42 meters, however a conveyance is not required at this time.

The proposed two (2) accesses to the site have not been approved by Transportation Planning therefore only one access shall be permitted. Any redundant curb cuts are to be restored to City standards. Approaches must be constructed as per AS-204, complete with straight flares and no raised curbs within the right-of-way. Redundant curb cuts shall be removed and restored in accordance with City Standards to the satisfaction of the City Engineer. Right-of-Way permit is required for any work in the right-of-way.

**Additional Notes to the Applicant** - At the time of SPC the following will be required:

The applicant will be required to submit site servicing drawings and storm detention calculations restricting storm water runoff to pre-development levels, as per the Windsor Essex Regional Stormwater Management Standards Manual:

<https://essexregionconservation.ca/wp-content/uploads/2018/12/WE-Region-SWM-Standards-Manual.pdf>

## S 124/2023 - APPENDIX G - COMMENTS

In summary we have no objection to the proposed development, subject to the following requirements:

**Servicing Study** – The owner agrees, at its own expense, to retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer system, satisfactory in content to the City Engineer and prior to the issuance of a construction permit. The study shall analyze the flow from the proposed development and recommend mitigation measures and implementation of those measures.

If you have any further questions or concerns, please contact Amy Kurek, of this department at [akurek@citywindsor.ca](mailto:akurek@citywindsor.ca)

### **CITY OF WINDSOR - ENVIRONMENTAL SERVICES - ANNE-MARIE ALBIDONE**

No concerns from Environmental Services.

### **CITY OF WINDSOR – PLANNING DEPARTMENT - HERITAGE PLANNING – TRACEY TANG**

Tracy Tang, Planner II on behalf of Kristina Tang, Heritage Planner

The subject property is located within an area of high archaeological potential with special interest, factors including within the Original Huron Reserve area. Accordingly, a Stage 1 archaeological assessment was requested during pre-submission stage.

The Applicant's Planning Rationale Report includes mention that a Stage 1-2 Archaeological Assessment (File 2012-100 dated November 2012) was conducted on the subject property and registered with the Ministry. The recommendation of the study was cited:

*"It is therefore recommended that no further investigation be undertaken and the subject property be considered free of any further archaeological concern, subject to Ministry of Tourism, Culture and Sport approval and the conditions cited in Section 5.0."*

Please provide a final copy of this archaeological report along with the Ministry Letter of Entry into Public Register of Archaeological Reports.

### **CITY OF WINDSOR – PLANNING DEPARTMENT - SITE PLAN CONTROL**

The development proposal is subject to Site Plan Control pursuant to the Planning Act and City of Windsor By-law 1-2004. Where preceding development applications are required, inclusive of Official Plan and Zoning By-law Amendments, request for Site Plan Control Pre-Consultation may be made following completion of the requisite Development and Heritage Standing Committee meeting at <https://ca.cloudpermit.com/login>.



## S 124/2023 - APPENDIX G - COMMENTS

### CITY OF WINDSOR – PLANNING DEPARTMENT - URBAN DESIGNER & LANDSCAPE ARCHITECT – STEFAN FEDIUK

Pursuant to the application for a zoning amendment (**Z 039/22**) to permit Mixed Use development with Commercial and Multiple Dwelling Residential on the subject, please also note the following comments:

**Official Plan & Zoning Provisions Setbacks:** The proposed development falls within the Huron Church Road Corridor (HCRC) (O.P. V2, Sect 1.2) which prescribes that the minimum distance for development along this area be 10m (30ft) from the right-of-way. The applicant is proposing 5m (15ft) from the residential component at the northern end of the property, but only 3m (10ft) from the commercial component at the southern end of the property. The intent of the HCRC was to establish a green gateway to and from the Ambassador Bridge to Hwy 3 (now Hwy 401 and the Herb Grey Parkway). It is recognized that the existing building, formerly the Ontario Tourist Information Centre, at its extreme point is roughly in line with the proposed residential component at 5m (15ft).

It is therefore recommended that all components of the proposed development including, residential, commercial and parking, be required to be setback a minimum of 5m (15ft) as a site specific special provision to the zoning bylaw and Official Plan.

**Tree Preservation & Climate Change:** As the HCRC's intent was to provide a green gateway along Huron Church, the original development as a Tourist Information Centre had provided trees to provide refuge for travelers. These trees are now mature and the intensity of the proposed development proposes for the removal of all these trees. This loss to urban tree canopy will be significant especially along a heavily travelled corridor with international traffic including semi-trucks.

The Planning Rationale references PPS 2020 Section 1.1.1 healthy, liveable and safe communities. Part c expresses no environmental or safety concerns, and indicates that there are no natural features associated with the site. As mentioned above the site is treed with mature vegetation which helps to provide storm water runoff protection and carbon sequestering from pollutants which are health and safety issues. By removing the existing tree cover, there will be environmental and health and safety impacts without mitigation through the development. It is therefore required that the applicant at the time of site plan control, provide a landscape plan that improves the urban tree canopy that is being lost by the proposed development, and sustains the vision of the HCRC as a green gateway.

**Urban Design:** Schedule A of the Official Plan (O.P.) identified the site as part of the HCRC. Huron Church Road is also identified in the O.P. as a Civic Way (Schedule G) and defined in O.P. Subsection 8.11.2.12 to promote and present an attractive and unifying image of the city, especially for travelers. HCRC is a green corridor along this section and development proposed should support that long-term vision. Proposed facade materials should be sustainable and support an enhanced character of a gateway not just to at the municipal level but the international level as this is the busiest land connection between Canada and the USA.

**Parkland Dedication:** All requirements will be determined at the time a Site Plan application is received.

## S 124/2023 - APPENDIX G - COMMENTS

### CITY OF WINDSOR – PLANNING DEPARTMENT - ZONING COORDINATOR – ZAID ZWAYYED

Below is the zoning review for the proposed development:

- Current Zoning Designation: GD1.1 & S.20(1)278
- Proposed Zoning Designation: CD4.1
- Proposed Use:
  - Four storey Multiple dwelling with 37 units, Automobile Repair Garage, and permitting the existing building for commercial use
- Zoning Provisions (17.1):
  - Minimum lot Frontage:
    - 30.0 m (Required)
    - 151.18 m (Provided)
  - **Maximum Main Building Height:**
    - **20.0 m (Required)**
    - **The Applicant must confirm the proposed height (Provided)**
  - Maximum Gross Floor Area- Workshop:
    - 1,100.0 m<sup>2</sup> (Required)
    - 270.80 m<sup>2</sup> (Provided)
  - **Minimum Landscaped Open Space Yard Along Huron Church Road (S.20(1)278):**
    - **10.0 m (Required)**
    - **4.57 m (Provided - Multiple Dwelling) | 3.04 m (Provided - Repair Shop)**
- Section 24 - Parking, Loading and Stacking Provisions
  - **Required Number of Parking Spaces:**
    - **52 spaces (Required)**
    - **51 spaces (Provided)**
  - **Number of Parking Spaces Calculation:**
    - **Multiple Dwelling with 37 units (Proposed rate of 1.06 per unit): 39 spaces**
    - Automobile Repair Garage (1 per 45 m<sup>2</sup>): 6 Spaces
    - Existing Business Office (Cab Service) (1 per 45 m<sup>2</sup>): 7 Spaces
  - **Required Number of Visitor Parking Spaces:**
    - **7 spaces (Required)**
    - **0 Spaces (Provided) (Designated visitor spaces must be shown)**
  - Required Number of Type A Accessible Parking Spaces:
    - 1 space (Required)
    - 1 space (Provided)

## S 124/2023 - APPENDIX G - COMMENTS

- Required Number of Type B Accessible Parking Spaces:
  - 1 space (Required)
  - 1 space (Provided)
- **Curb cuts or ramps for accessible spaces: Must be shown on the submission.**
- **Required Number of Bicycle Spaces:**
  - **3 spaces (Required)**
  - **0 spaces (Provided)**
- Required Loading Spaces:
  - 2 spaces (Required)
  - 2 spaces (Provided)

**Note: The submission shows four parking spaces and two loading spaces located within the required landscaped open space yard along Huron Church Road, which is prohibited per section 24.26.5.**

- **Section 25 – Parking Area Provisions**

- **Parking Area Separation from a building wall containing a main pedestrian entrance facing the parking area (25.5.20.1.5) (Automobile Repair Garage):**
  - **2.0 m (Required)**
  - **0.0 m (Provided)**
- **Parking Area Separation from a building wall containing a habitable room window or containing both a main pedestrian entrance and a habitable room window facing the parking area where the building is located on the same lot as the parking area (25.5.20.1.6) (Multiple Dwelling):**
  - **4.50 m (Required)**
  - **0.0 m (Provided along the west building wall)**

### **CITY OF WINDSOR - TRANSPORTATION PLANNING – CLARE AMICARELLI**

- Huron Church Rd is classified as a Class I Arterial with a required right-of-way width of 46 metres per Schedule X. The existing right-of-way along the frontage of the subject property is not sufficient; however, a conveyance is not required at this time.
- Transportation Planning has reviewed the Parking Study titled, “1235 Huron Church Road Residential Development Windsor, ON” conducted by RC Spencer Associates Inc. in February 2023. Transportation Planning has provided the following comments through a previous email correspondence:
  - The report states that the proposed on-site parking supply will adequately accommodate the anticipated peak parking demand for the site. The report is satisfactory.
  - Bicycle parking must comply with ZBL 8600 and be clearly indicated on revised site plan
  - Accessible parking must comply with ZBL 8600; site plan is deficient 1 Type A accessible space

## S 124/2023 - APPENDIX G - COMMENTS

- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.
  - Due to the increased traffic that will be generated from this site, as well as sight line concerns with the orientation of the driveways as shown on the site plan, Transportation Planning does not approve of the proposed two access points onto Huron Church Rd. The accesses should be combined into one access only. Please note, with this revision to the accesses, the current number of parking spaces must be maintained.
  - All proposed driveways must be 7-9 metres total at the property line (minimum 3.5m/lane, maximum 4.5m/lane).
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

### ENBRIDGE

After reviewing the provided drawing at 1235 Huron Church Rd and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area.

Please Note:

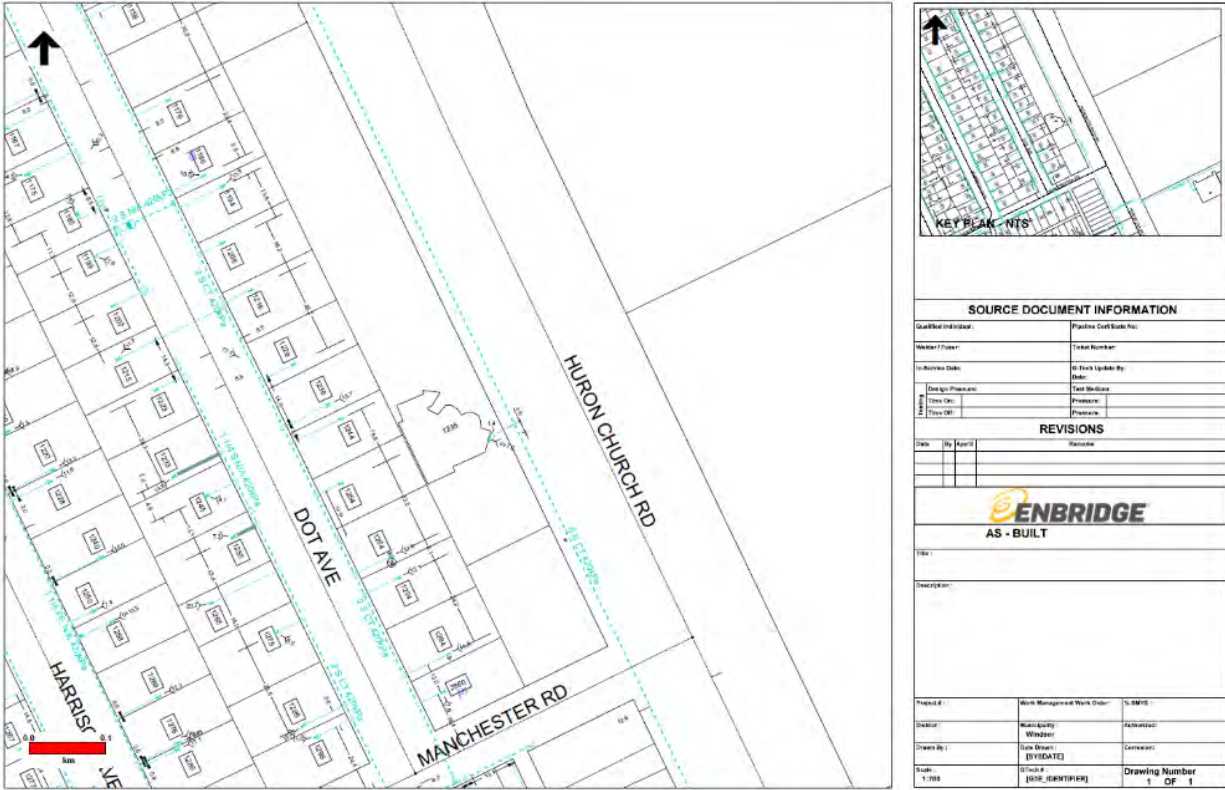
1. The shown piping locations are approximate and for information purposes only
2. The drawings are not to scale
3. This drawing does not replace field locates. Please contact Ontario One Call for onsite locates prior to excavating, digging, etc

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

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

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

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**ENWIN**

**Hydro Engineering:**

No Objection, provided adequate clearances are achieved and maintained. Please note the following.

- 1- ENWIN has 120/208V overhead secondary conductors from the southwest corner of the property along the pole line to the existing building.

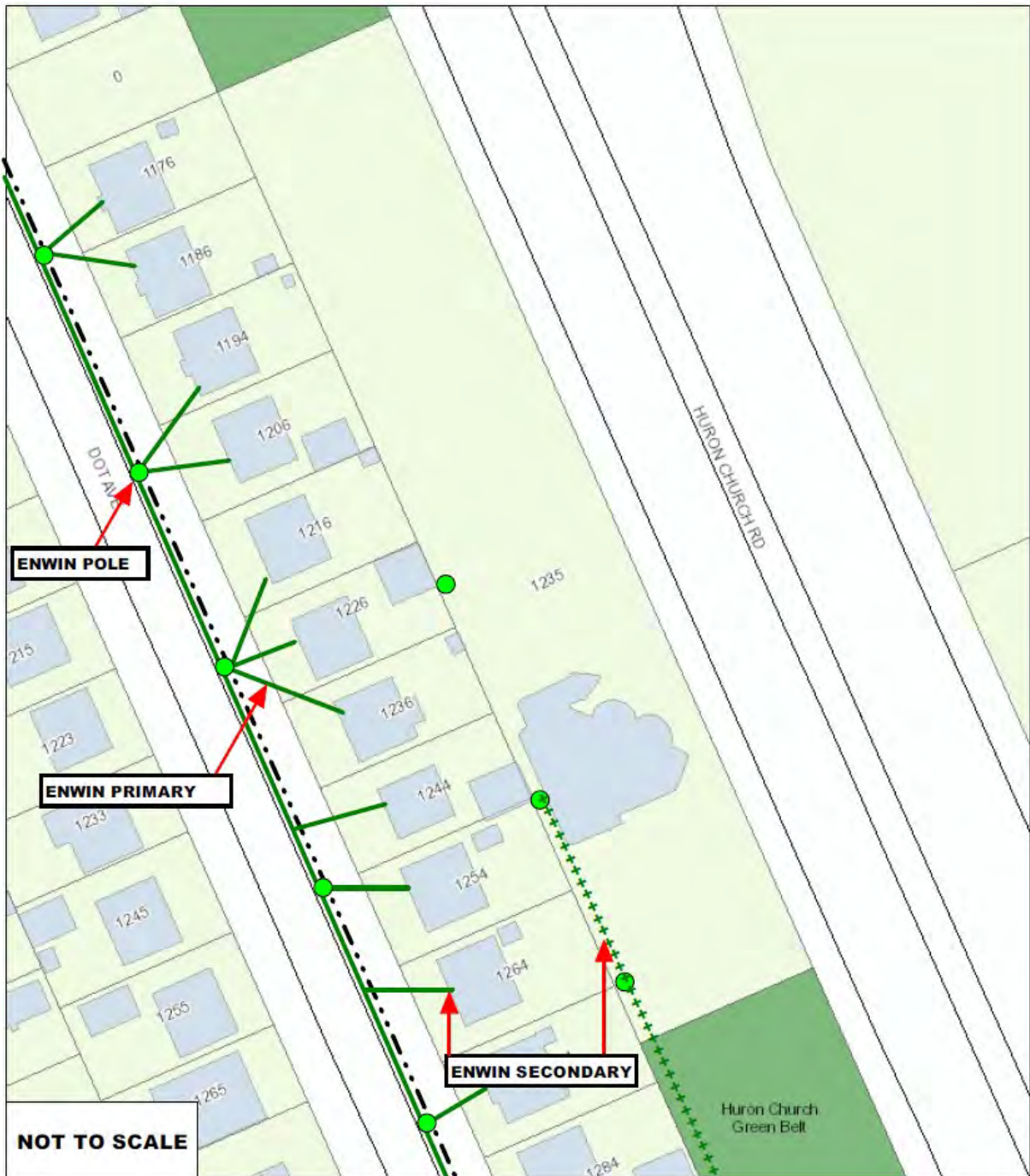
Prior to working in these areas, we would suggest notifying your contractor and referring to the Occupational Health and Safety Act and Regulations for Construction Projects to confirm clearance requirements during construction.

**Water Engineering:**

Water Engineering has no objections. There is no active watermain near where the proposed apartment is planned to go. The developer will have to install water to the site from an existing

## S 124/2023 - APPENDIX G - COMMENTS

source.



### TRANSIT WINDSOR - JASON SCOTT

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Central 3. The closest existing bus stops to this property are either on Tecumseh Huron Church Northwest Corner or Felix at Manchester Southeast Corner. Both bus stops are approximately 380 metres from this property falling within our 400 metre walking distance guidelines to a bus stop. This will be further enhanced with our City Council approved Transit Master Plan with the proposed addition of another secondary route.

**From:** Tanya Caza  
**Sent:** October 21, 2023 4:22 PM  
**Subject:** Rezoning and Official Plan Amendment - 1235 Huron Church

Good afternoon Planning Committee:

Regarding the rezoning application for 1235 Huron Church Road being heard on Monday, November 6, 2023.

I would like it on record that this is a horrible planning idea for the following reasons. This is not a case of NIMBY, it does not make sense to put a 4 storey building on the 2nd busiest road in Windsor where there are no other housing units at all along this stretch. There is plenty of opportunity to house people on less busy streets. What quality of life are these new residents going to have?

**TRAFFIC:**

-Almost **40,000** vehicles travel on Huron Church daily - at a high rate of speed I may add.

I got this number from the following Windsor Star article in 2019 - it could be more by now.

"Huron Church sees about 39,000 vehicles a day and is the main feeder for truck traffic using the Ambassador Bridge. It is the second busiest road in the city behind E.C. Row Expressway. " Dwayne Dawson, City of Windsor

<https://windsorstar.com/news/local-news/total-revamp-of-huron-church-road-to-start-this-spring-traffic-delays-expected#:~:text=Huron%20Church%20sees%20about%2039%2C000,Row%20Expressway.>

**Has a traffic study been done?** How can you put 30+ apartments on the 2nd busiest street in Windsor?

The development that was recently approved a 0 Huron Church is near a grocery store and not near any other homes and will be set back further from the busy road. There is no room for this four-storey building on such a narrow strip of land. I urge you to pay a visit to the site and see for yourselves.

**NOISE**

The Planning Rationale Report posted on the City website says on page 13:

<https://citywindsor.ca/residents/planning/Land-Development/Development-Applications/current-development-applications/Documents/1235%20Huron%20Church%20Road%20-%20Planning%20Rationale%20Report%20Revised.pdf>

NOISE ASSESSMENT Akoustic Engineering, 138 Angstrom Cres, Amherstburg ON, is a qualified, licensed acoustical engineering firm with extensive experience and local knowledge, undertook a Noise Assessment of the subject property with the following conclusion: "The noise impact on the proposed development has been shown in this report to **exceed the limits set by the Ontario Ministry of the Environment, Conservation and Parks**. However, given that the noise impacts can be mitigated through appropriate building material design (STC), the installation of central air conditioning and warning clauses, it is recommended that the development be given approval with the understanding that the stated noise control measures are implemented.

So adding central air and warning residents of the excessive noise is OK for west Windsor residents???

Also, how is adding an automotive repair garage on the other end of the development going to affect the nearby residents? The noise from that is going to make a poor quality of life for the residents that are currently there.

#### **HURON CHURCH URBAN DESIGN MASTER PLAN**

<https://www.citywindsor.ca/residents/planning/Plans-and-Community-Information/Know-Your-Community/Urban-Design/Windsor-SEEN-Urban-Design-Agenda/Pages/Huron-Church-Road-Urban-Design-Master-Plan.aspx>

Under the page "Development Guidelines" 5.3.4:

5.3.4 Traffic Mitigation **The vehicular traffic on Huron Church Road can have a negative impact on the surrounding areas.** (Yet it's ok for this housing development???) The following traffic mitigation techniques are recommended: • Contrasting and textured concrete or paving should be used to signal to motorists to slow down and inform pedestrians where to cross. • All buildings that front onto the street should have articulated façades with pedestrian scale detailing such as to further contribute to an active street edge. • Street trees are to be located within the boulevard adjacent to Huron Church Road

This plan also calls for a tree canopy yet this development would have the removal of several trees!!

#### **EFFECT ON SURROUNDING NEIGHBOURS/OTHER POINTS**

**-the noise from having a parking lot (car doors slamming, horns beeping, etc, headlights), increased rodents due to more garbage, noise from tools in the proposed automotive service station**

**-it is very difficult right now to ride our bicycles or go for walks as it is not safe to do so with the speed at which the traffic travels on Huron Church, how is an apartment building going to help that?**

**-with climate change being a REAL issue, why would you remove that beautiful patch of grass/greenspace and the lovely old pine trees? I think four to six will be removed. Planting new ones isn't an answer as it takes a long time for them to grow - seems the province tried to build on the greenbelt and look how well that turned out?**



## **AIR QUALITY**

It is terrible enough for current homeowners in the area to breathe in that pollution but why expose more people to it? With a rooftop terrace no less. How would a rooftop terrace be enjoyable for these residents?

<https://scholar.uwindsor.ca/etd/5069/> - an article on air quality in the neighbourhood

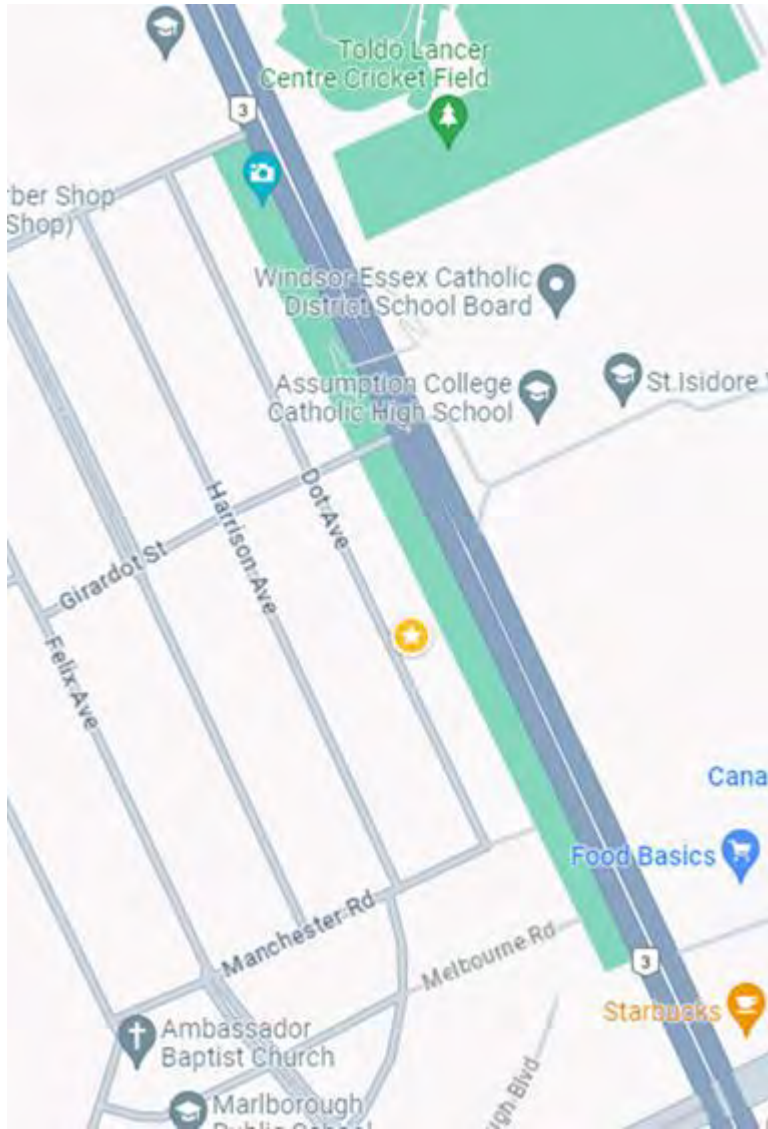
<https://windsorstar.com/news/local-news/noise-mapping-study-confirms-serious-health-concerns-for-huron-church-corridor-residents>

Please don't use the new bridge as an excuse that the traffic will be lessened for these residents. The Gordie Howe bridge will not have duty free or fuel like the Ambassador Bridge will have so truck traffic will still be an issue. It's almost unbearable to hear the constant roar of trucks going by non-stop. The houses shake all the time.

My parents are elderly and have lived in the area for almost 50 years. The traffic/noise/pollution has increased over the years and I cannot understand what good planning puts more people at the edge of this extremely busy corridor. The developer has not invited the nearby residents to any type of meeting out of courtesy to try and mitigate our concerns.



Maps show it as greenspace and that will be gone.



Thank you for reading and I hope that you re-consider allowing this development to happen. I believe it is too large for the narrow strip of land and in a terribly busy location which would make a bad quality of life for the residents of this building.

Tanya

**November 6, 2023**  
**Development & Heritage Standing Committee**  
**Item 7.1 – Written Submission**

**From:** muhsin aljubori

**Sent:** October 23, 2023 11:59 AM

**To:** clerks <[clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)>; Abdulrahman Son <[REDACTED]>

**Subject:** Huron Church Re-Zoning OPA /6902 and ZNG/6901

Hi,

My name is Muhsin Hamdoon, the owner of HAMDOON ENGINEERING LTD with my wife and son. Our family owned company is the owner of a building lot next to a house address 1176 Dot Ave, N9C 3J1, in Windsor.

We received a letter from the City of Windsor regarding re-zoning request (file number OPA /6902 and ZNG/6901) for a building lot close to our building lot. This request if it's passed will allow the requester who own the subjected area to build a four story building of 13.25 m height.

There will be a meeting on November 3, 2023 at 12:00 noon regarding this request. I will not be able to attend this meeting because I have a medical test procedure at Windsor Regional Hospital close to the meeting time. I called the City and one of the clerks suggested send this email.

As this Four story building is too close our building lot which will be built later as a residence house. We decided to:

1) REJECT this zoning request because it will block the view of our anticipated house to Huron Church road, affect privacy of the back yard, and change the area overall view as a single houses residence area. As a results the value of our building lot/Future house will go down.

2) Be notified if this zoning request passed or not after November 3 City meeting.

3) Ensure that We have the right to appeal city decision if this request re-zoning request passed.

Please let me know if you received my email, and the above three points are considered.

Thank you, and have a good day.

Muhsin Hamdoon  
HAMDOON ENGINEERING LTD  
2806 Mangin Cres  
Windsor ON  
N9E 4K7

**November 6, 2023**  
**Development & Heritage Standing Committee**  
**Item 7.1 – Written Submission**

**From:** muhsin aljubori

**Sent:** November 3, 2023 11:01 AM

**To:** clerks <[clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)>

**Subject:** Notice of Standing Committee Meeting - Item 7.1 - OPA & Rezoning - Passa Architects - 1235 Huron Church Road - OPA 166 OPA/6902 Z-039/22 ZNG/6901 - Ward 2

Hi,

I would like to provide this written submission to the Development & Heritage Standing Committee Meeting which will be held on Monday November 6, 2023 at 4:30PM. This submission is regarding item 7.1 in the meeting agenda (1235 Huron Church Road - OPA 166 OPA/6902 Z-039/22 ZNG/6901-Ward 2).

Written Submission:

" I am the owner of family business company "HAMDOON ENGINEERING LTD" who own a building lot next to 1176 Dot Ave., Windsor.

As the rezoning of 1235 Huron Church Road, if it's passes, will allow for multi story building, the privacy of my anticipated future house will be jeopardize. This new multi story building will change the area overall view as a single houses residence area. As a result the value of this area will go down, means personal financial loss. Therefore, I am urging your committee to reject this re-zoning request."

Thank you

Muhsin Hamdoon

HAMDOON ENGINEERING LTD



**Subject: Zoning By-law Amendment Application for the north part of the property known as 870 Wyandotte Street East; Applicant: Adiammu Real Estate Inc.; File No. Z-014-23, ZNG/7001; Ward 4**

Moved by: Councillor Mark McKenzie  
 Seconded by: Councillor Fred Francis

Decision Number: **DHSC 564**

- I. THAT Zoning By-law 8600 **BE AMENDED** for the northerly 1166.8m<sup>2</sup> portion of the lands located on the north side of Wyandotte Street East, west side of Parent Avenue, and south of Brant Street, described as Part of Lots 62 to 68 (incl.), Registered Plan 145, also designated as PART 2 on Reference Plan12R-18708, by adding a site specific zoning provision to permit “One *Multiple Dwelling* containing 11 or more *dwelling units*” as an additional permitted use, subject to additional regulations;

**“491. WEST SIDE OF PARENT AVENUE, SOUTH OF BRANT STREET**

For the northerly 1166.8m<sup>2</sup> portion of the lands comprising PART 2 on Reference Plan12R-18708, the following shall apply to a *Multiple Dwelling* containing 11 or more *dwelling units*:

1. The provisions in Section 11.2.5.4, save and except for section 11.2.5.4.2 and section 11.2.5.4.4
2. Lot Area – minimum 96.0 m<sup>2</sup> per dwelling unit
3. Main Building Height - maximum 10.0 m
4. The provisions set out in section 24.40.1.5 and section 25.5.20.1.6 of By-law 8600 shall be implemented as noted below,
  - a) loading space – minimum 0.0 space
  - b) Parking Area separation from a building wall containing a habitable room window or containing both a main pedestrian entrance and a habitable room window facing the parking area where the building is located on the same lot as the parking area – minimum 3.6 m  
[ZDM 6; ZNG/7001]”

- II. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following, as required, in the Site Plan Approval and the Site Plan Agreement for the proposed development on the subject land:

- a) Alley Paving – The owner shall agree to obtain a Right-of-Way permit to drain and pave at the owner's entire expense, any alley abutting the subject lands which is to remain open. All work shall be to the satisfaction of the City Engineer.
- b) Servicing Study – The owner agrees, at its own expense, to retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems, satisfactory in content to the City Engineer and prior to the issuance of a construction permit. The study shall review the proposed impact and recommend mitigating measures and implementation of those measures;
- c) Parkland dedication of 5% (cash-in-lieu) of the subject vacant parcel;
- d) Tree preservation for the site;
- e) Enbridge Gas minimum separation requirements; and
- f) Canada Post multi-unit policy.

Carried.

Report Number: S 136/2023  
Clerk's File: Z/14601

**Clerk's Note:**

1. The recommendation of the Development & Heritage Standing Committee and Administration are the same.
2. Please refer to Item 7.2 from the Development & Heritage Standing Committee held on November 6, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/19011106/-1/9445>



**Subject: Zoning By-law Amendment Application for the north part of the property known as 870 Wyandotte Street East; Applicant: Adiammu Real Estate Inc.; File No. Z-014-23, ZNG/7001; Ward 4.**

**Reference:**

Date to Council: November 6, 2023  
Author: Justina Nwaesei, MCIP, RPP  
Senior Planner - Subdivisions  
519-255-6543, ext. 6165  
jnwaesei@citywindsor.ca

Planning & Building Services  
Report Date: October 19, 2023  
Clerk's File #: Z/14601

**To:** Mayor and Members of City Council

**Recommendation:**

- I. That Zoning By-law 8600 **BE AMENDED** for the northerly 1166.8m<sup>2</sup> portion of the lands located on the north side of Wyandotte Street East, west side of Parent Avenue, and south of Brant Street, described as Part of Lots 62 to 68 (incl.), Registered Plan 145, also designated as PART 2 on Reference Plan12R-18708, by adding a site specific zoning provision to permit "One *Multiple Dwelling* containing 11 or more *dwelling units*" as an additional permitted use, subject to additional regulations;

**"491. WEST SIDE OF PARENT AVENUE, SOUTH OF BRANT STREET**

For the northerly 1166.8m<sup>2</sup> portion of the lands comprising PART 2 on Reference Plan12R-18708, the following shall apply to a *Multiple Dwelling* containing 11 or more *dwelling units*:

1. The provisions in Section 11.2.5.4, save and except for section 11.2.5.4.2 and section 11.2.5.4.4
2. Lot Area – minimum 96.0 m<sup>2</sup> per dwelling unit
3. Main Building Height - maximum 10.0 m
4. The provisions set out in section 24.40.1.5 and section 25.5.20.1.6 of By-law 8600 shall be implemented as noted below,
  - a) loading space – minimum 0.0 space
  - b) Parking Area separation from a building wall containing a habitable room window or containing both a main pedestrian entrance and a

habitable room window facing the parking area where the building is located on the same lot as the parking area – minimum 3.6 m [ZDM 6; ZNG/7001]”

- II. That the Site Plan Approval Officer **BE DIRECTED** to incorporate the following, as required, in the Site Plan Approval and the Site Plan Agreement for the proposed development on the subject land:
- a) Alley Paving – The owner shall agree to obtain a Right-of-Way permit to drain and pave at the owner’s entire expense, any alley abutting the subject lands which is to remain open. All work shall be to the satisfaction of the City Engineer.
  - b) Servicing Study – The owner agrees, at its own expense, to retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems, satisfactory in content to the City Engineer and prior to the issuance of a construction permit. The study shall review the proposed impact and recommend mitigating measures and implementation of those measures;
  - c) Parkland dedication of 5% (cash-in-lieu) of the subject vacant parcel;
  - d) Tree preservation for the site;
  - e) Enbridge Gas minimum separation requirements; and
  - f) Canada Post multi-unit policy.

**Executive Summary:**

N/A.

**Background:**

1. KEY MAP



## 2. APPLICATION INFORMATION

**LOCATION: 870 Wyandotte Street East** (north side of Wyandotte Street East, west side of Parent Avenue, and south of Brant Street)

**APPLICANT: ADIAMMU REAL ESTATE INC., c/o Aditiya Soma**

**AGENT: PILLON-ABBS INC., c/o Tracey Pillon-Abbs**

**REGISTERED OWNER: SAME AS APPLICANT**

**PROPOSAL:** The applicant is requesting a site-specific amendment to By-Law 8600 to permit one *multiple dwelling* with 5 or more *dwelling units* as additional permitted use on the portion of land shown as PART 1 on the applicant's draft reference plan. PART 1 on the draft reference plan is designated RESIDENTIAL and zoned RD 2.2.

The applicant is also requesting relief from the following zoning by-law provisions:

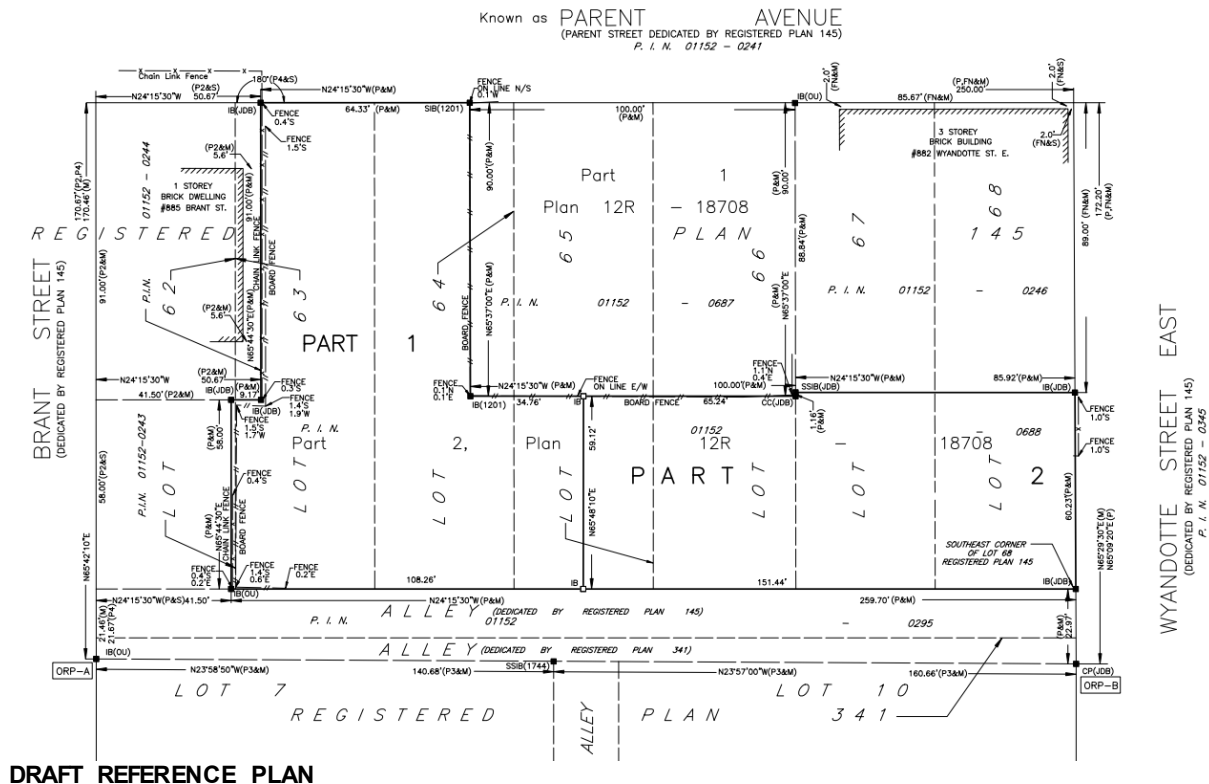
- a) Section 11.2.5.4.4, Main Building Height – maximum - 9.0m; proposed - 10m
- b) Section 25.5.20.1.6, Parking area separation from a habitable room window – minimum – 4.50 m; proposed 3.6 m; and
- c) Section 24.40.1.5, Loading space requirement – minimum – 1, proposed 0.

**SUBMISSIONS BY APPLICANT:**

- Zoning By-law Amendment Application form;
- Property Deed;
- Concept Site Plan;
- Concept Floor plans;
- Renderings;
- Planning Rationale Report dated July 25, 2023, prepared by Pillon Abbs Inc.;
- Topographic Survey;
- Plan of Survey; and
- Draft Reference Plan.

To review the above materials, copy this link:

<https://www.city.windsor.ca/residents/planning/Land-Development/Development-Applications/current-development-applications/Pages/870-Wyandotte-Street-East.aspx>



### 3. SITE INFORMATION

a. Subject land - Land fronting on Parent Avenue, PART 1 on Draft Reference Plan

OFFICIAL PLAN	ZONING & ZDM	CURRENT USE(S)	PREVIOUS USE(S)
RESIDENTIAL - Land Use, Schedule D, OP Vol. 1	RESIDENTIAL DISTRICT 2.2 (RD2.2); ZDM 6	Parking	Residential dwellings ( <i>demolished or moved out of the site</i> )
FRONTAGE	DEPTH	AREA	SHAPE
30.4 m	irregular	1166.8 m <sup>2</sup>	irregular
Note: All measurements are approximate			

b. Land fronting on Wyandotte Street East, PART 2 on Draft Reference Plan

OFFICIAL PLAN	ZONING & ZDM	CURRENT USE(S)	PREVIOUS USE(S)
MIXED USE CORRIDOR & RESIDENTIAL - Land Use, Schedule D, OP Vol. 1	COMMERCIAL DISTRICT 2.2 (CD2.2) and RESIDENTIAL DISTRICT 2.2 (RD2.2); ZDM 6	Combined Use Building (Commercial and Residential) plus Parking	Commercial and Parking
FRONTAGE	DEPTH	AREA	SHAPE
18.36 m	46.159 m	1639.34 m <sup>2</sup>	rectangle
Note: Wyandotte Town Centre BIA; All measurements are approximate			

#### 4. REZONING MAP



PART OF ZONING DISTRICT MAP 6

N.T.S.

### REZONING

Applicant: Adiammu Real Estate Inc.



SITE BOUNDARY



SUBJECT AREA

PLANNING & BUILDING DEPARTMENT



DATE : JUNE 2023  
FILE NO. : Z-014/23, ZNG/7001

## 5. NEIGHBOURHOOD CHARACTERISTICS



## **NEIGHBOURHOOD CHARACTERISTICS & SURROUNDING LAND USE**

The subject neighbourhood contains a mix of residential, commercial, institutional, and open spaces uses. The neighbourhood is part of the Wyandotte Towne Centre Business Improvement Area (BIA). Mixed use developments (residential and commercial uses) are mainly located south of the subject land, along Wyandotte Street Corridor, within the BIA. Commercial uses in the BIA are mostly at street level. Along Parent Avenue, north of Wyandotte Street East, there are different housing options such as single unit dwelling, semi-detached dwelling, duplex dwelling, double duplex dwelling, and multiple dwelling. The neighbourhood contains some vacant buildings and lots.

University Public Park at 1075 University Avenue, Frank W. Begley Public Elementary School at 1093 Assumption Street, and Holy Chaldean Catholic Church at 821 Wyandotte Street East & 686 Marentette Street, are all within walking distance (approximately 400m distance) from the land being rezoned.

### ***North of the subject area of rezoning:***

Single unit dwellings (867 and 885 Brant) fronting on Brant Street.

### ***South of the subject area of rezoning:***

- Combined use building (south part of 870 Wyandotte Street East);
- 10-unit Apartment building (561 Parent Avenue) on the Municipal Heritage Register; and
- 3-sty combined use building – 892 Wyandotte St. E. on the Municipal Heritage Register.

### ***West and southwest of the subject area of rezoning:***

- 7.2 m wide paved north/south Alley;
- Vacant residential land fronting on Brant Street;
- Semi-detached dwelling (835 and 849 Brant Street); and
- 4-storey combined use building with 4 commercial units and 24 residential units (new building at 840 Wyandotte Street East, southwest of the subject land).

### ***East of the subject area of rezoning:***

- Double Duplex dwelling (909, 911 Brant Street);
- Single unit dwelling (532 Parent Avenue);
- 2-unit dwelling (552 Parent Avenue); and
- Duplex Dwelling (566 Parent Avenue);

Attached as **Appendix B** to this report, are Site Photos taken October 18, 2023.

## **MUNICIPAL INFRASTRUCTURE**

- The City's records show that the site may be serviced by a 1500 mm diameter brick combined sewer located within Parent Avenue right-of-way.
- Municipal watermains, fire hydrants, hydro poles and LED streetlights are available to service the subject area.
- There are concrete sidewalks, curbs and gutters along both sides of Wyandotte St. E., Parent Avenue, and Brant Street ROWs. Bike lanes exist within Wyandotte St. E. road pavement.



- Transit Windsor buses (Crosstown 2) run westbound and eastbound along Wyandotte St. E. servicing the subject area. There are bus stops along Wyandotte St. E., within walking distance to the proposed development.
- The City of Windsor Official Plan classifies Wyandotte St. E. as a Class II Arterial Road, Parent Avenue as Class II Collector Road, and Brant Street as Local Road.

Discussion:

## **PLANNING ANALYSIS:**

### **1. PROVINCIAL POLICY STATEMENT (PPS) 2020**

Provincial Policy Statement (PPS) 2020 was issued under section 3 of the Planning Act and came into effect May 1, 2020. PPS 2020 replaces the Provincial Policy Statement issued April 30, 2014 and provides policy direction on matters of provincial interest related to land use planning and development. PPS 2020 sets the policy foundation for regulating the development and use of land in Ontario.

The following policies of PPS 2020 are considered relevant in discussing provincial interests related to this amendment:

*1.1.1 Healthy, liveable and safe communities are sustained by:*

*b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*

This amendment will accommodate a 3-storey, 12-unit multiple dwelling, which is appropriate and will add to the range and mix of residential dwelling types in the subject neighbourhood. The subject amendment is consistent with the above policies (1.1.1.b) of the PPS.

*1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.*

This amendment will facilitate the development of a housing option (3-storey multiple dwelling) similar to some of the existing building stock in the subject area. The recommended amendment will result in an increase in the number of residential units on the subject land. Therefore, this amendment promotes residential intensification. The recommended amendment will support the use of existing sidewalks and bike lanes and facilitate the use of available public transit in the area. The proposed development is within a built-up area of the city and there is existing municipal infrastructure to service the subject development. The subject amendment is consistent with policy 1.1.3.3 of the PPS.

### **1.4 Housing**

*1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:*

*b) permitting and facilitating:*

*1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, ...; and*

*2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*

*c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*

*d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;*

This amendment will permit and facilitate the development of a 12-unit multiple dwelling in a neighbourhood that is serviced by a Business Improvement Area located along a busy city corridor (Wyandotte Street East.) This housing option currently exists in the neighbourhood and there is the social and economic need for more multiple dwellings in the subject area. Approval of the recommended amendment will help the city to meet the social, health, economic and well-being requirements of current and future residents.

This amendment will

- create an opportunity for a higher density, more compact development, in an established residential area containing mostly low-density developments;
- facilitate a net increase in residential units or accommodation;
- result in intensification of the subject site and area;
- facilitate the municipality's ability to accommodate residential growth through intensification;
- provide a form of housing that is appropriate in terms of range and mix, and
- meet the social, health and well-being of current and future residents.

Appropriate levels of infrastructure, public service facilities, active transportation and transit services are available or will be available in the subject area to support projected and current needs. This amendment is consistent with policy 1.4 of the PPS.

### *1.6 Infrastructure and Public Service Facilities*

*1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.*

The subject land is within an area that is serviced by municipal sewage services and municipal water services. The recommended zoning by-law amendment is consistent with policy 1.6.6.2 of the PPS.

In summary, the above planning analysis demonstrates that the recommended zoning by-law amendment is consistent with the relevant Policies of PPS 2020. The applicant's Planning Rationale Report dated July 25, 2023, also demonstrates that the subject zoning by-law amendment is consistent with PPS 2020.

## **2. OFFICIAL PLAN (OP)**

In 2022, the Planning Department completed a city-wide Multi-Unit Residential Interim Control By-law Study resulting in the recommendations for city-wide Official Plan Amendment (OPA 159) and the accompanying zoning by-law amendment (Z-019/22). On June 13, 2022, council adopted OPA 159 and approved zoning amendment file Z-019-22, by CR264/2022. On July 11, 2022, Council passed By-law 100-2022, which adopted OPA 159, and passed By-law 101-2022 for Z-019/22.

The purpose of OPA 159 is to implement policies that will encourage the production of affordable and attainable housing within the City of Windsor. OPA 159 directs intensification to areas within the city where present and future residents will be in proximity to goods and services, public transportation and employment areas.

The following objectives and policies in OPA 159 help to direct residential intensification in the City of Windsor:

6.1.14, RESIDENTIAL INTENSIFICATION - To direct residential intensification to those areas of the city where transportation, municipal services, community facilities and goods and services are readily available.

6.3.1.3, INTENSIFICATION, INFILL & REDEVELOPMENT - To promote residential redevelopment, infill and intensification initiatives in appropriate locations in the city.

6.3.2.4, LOCATIONAL CRITERIA - Residential intensification shall be directed to the Mixed-Use Nodes and areas in proximity to those Nodes. Within these areas Medium Profile buildings, up 4 storeys in height shall be permitted. These taller buildings shall be designed to provide a transition in height and massing from low-profile areas. *New residential development and intensification shall be located where:*

- a) there is access to a collector or arterial road;
- b) full municipal physical services can be provided;
- c) adequate community services and open spaces are available or are planned; and
- d) public transportation service can be provided.

**LAND USE DESIGNATION** - The site being rezoned is designated “RESIDENTIAL” in the Land Use Schedule D of City of Windsor Official Plan.

The objectives and policies of the Residential land use designation establish the framework for development decisions in Residential areas within the City of Windsor.

The Official Plan supports a complementary range of housing forms and tenures in all neighbourhoods (s.6.3.1.1); promotes compact neighbourhoods which encourage a balanced transportation system (s.6.3.1.2); and promotes residential redevelopment, infill and intensification initiatives in appropriate locations in the City of Windsor (s.6.3.1.3).

The above noted objectives of the OP are satisfied by the Recommended Zoning By-law Amendment (Recommended ZBLA), which will permit the proposed development of a 3-storey, 12-unit multiple dwelling on the subject land. The Recommended ZBLA will result in an infill development which, by its very nature, promotes a compact neighbourhood.

OPA 159 deleted the existing s.6.3.2.1 and replaced it with the following:

**PERMITTED USES (S. 6.3.2.1)** – “Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low Profile and Medium Profile dwelling units.

High Profile Residential Buildings shall be directed to locate in the City Centre, Mixed Use Centres and Mixed Use Corridors.”

The proposed development is permitted in the Residential Land Use designation.

As noted already in this report under s.6.3.2.4, new residential development and intensification shall be located where:

- a) *there is access to a collector or arterial road;*

The proposed development is on a property with access to a collector road (Parent Avenue) and an arterial road (Wyandotte Street East).

b) *full municipal physical services can be provided;*

As stated already in this report, there are existing full municipal physical services available to service the subject land.

c) *adequate community services and open spaces are available or are planned; and*

Existing community services, open spaces and public transportation are already in, or near, the neighbourhood and can service the new development.

d) *public transportation service can be provided.*

As noted already in this report, public transportation service is provided in the subject neighbourhood by Crosstown 2 transit buses, which travel eastbound and westbound through Wyandotte Street East near the subject land.

The proposed development satisfies the locational criteria (s.6.3.2.4) of OP Vol. 1. The recommended intensification in this report is supported by the permitted uses in s.6.3.2.1 of the Residential land use designation.

***Evaluation criteria for neighbourhood development pattern***, s.6.3.2.5 of OP Vol. 1. With respect to the proposed development on the subject land, the following evaluation criteria are applicable:

- s.6.3.2.5 (c) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas;
- (d) provided with adequate off street parking;
- (e) capable of being provided with full municipal physical services and emergency services;

The recommended amendment will result in a residential development that can be designed to achieve compatibility with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas. The Concept plan, hereto attached as **Appendix A**, shows adequate off-street parking for the proposed development.

The subject land is within an established (built-up) residential neighbourhood where municipal infrastructure and services are available; therefore, the proposed development is capable of being provided with full municipal physical services and emergency services per s.6.3.2.5 (e).

The applicant's planning consultant concludes in the Planning Rationale Report dated July 25, 2023, that *the proposed development is suitable intensification of affordable residential, is consistent with the PPS, conforms with the intent and purpose of the City of Windsor OP and represents good planning.* This conclusion is supported by the planning analysis in this report.

### 3. ZONING

The land being rezoned is zoned Residential District 2.2 (RD2.2) in the City of Windsor Zoning By-law 8600. PERMITTED USES in the RD2.2 zoning district are:

- *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.*

The proposed 12-unit multiple dwelling is not permitted in the R2.2 zoning. Therefore, the applicant submitted this rezoning application.

The applicant's request for zoning by-law amendment has been considered and supported in this report. As noted already, the applicant is also requesting relief from the following zoning by-law provisions:

- a) Section 11.2.5.4.4, Main Building Height – maximum - 9.0m; proposed - 10m
- b) Section 25.5.20.1.6, Parking area separation from a habitable room window – minimum – 4.50 m; proposed 3.6 m; and
- c) Section 24.40.1.5, Loading space requirement – minimum – 1, proposed 0.

A 10m maximum building height was permitted in the RD2.2 zoning district until July 11, 2022, when Council passed By-law 101-2022. The applicant's request for a 10m maximum building height will have no adverse impact on existing building stock in the neighbourhood; therefore, Planning staff support the applicant's request.

A review of the concept site plan and floor plans shows that the request for reduction in parking area separation from a habitable room window is necessary in order to facilitate the proposed development on the subject land. Therefore, Planning staff support the applicant's request for a 3.6m parking area separation from a habitable room window.

For a multiple dwelling with 9 or more dwelling units, By-law 8600 requires 1 loading space when the gross floor area (GFA) is over 1000m<sup>2</sup> to 7500 m<sup>2</sup> and 0 (zero) loading space when the GFA is 1000m<sup>2</sup> or less. The proposed development is approximately 1036m<sup>2</sup> in GFA. The requested loading reduction from 1 to 0 can be supported based on the fact that the GFA of the development is not much greater than 1,000 m<sup>2</sup>. Furthermore, it is very unlikely that the 12 dwelling units would generate frequent loading needs. Lastly, the rear parking area will provide safe temporary loading zone when needed.

This report contains recommendation for site-specific building area provision of 96m<sup>2</sup> per dwelling unit. The site-specific minimum area recommendation is necessary because the RD2.2 minimum area provision of 540m<sup>2</sup> for a multiple dwelling is intended for a multiple dwelling with a maximum of four dwelling units. At the current rate of 540m<sup>2</sup> for a maximum of 4 dwelling units, the density is 74 dwelling units per hectare (that is, 135m<sup>2</sup> per dwelling unit). Note that the recommended minimum area of 96m<sup>2</sup> per dwelling unit increases the density on the subject land to 104 dwelling units per hectare. The recommended minimum lot area of 96 m<sup>2</sup> per dwelling unit will accommodate the proposed development.

The 12 dwelling units require a minimum of 15 parking spaces at the rate of 1.25 spaces per dwelling unit. The applicant proposes 15 parking spaces (one of which is Type A accessible parking) with access through the rear paved alley. Registered Plan 341 shows the alley as 23'-8" wide (7.2m wide).

A **DRAFT BY-LAW** is attached as **Appendix D** to this report.

#### 4. SITE PLAN

The proposed development is subject to Site Plan Control pursuant to the Planning Act and City of Windsor By-law 1-2004. Request for Site Plan Control Pre-Consultation may be made at <https://ca.cloudpermit.com/login> following completion of the statutory Public meeting at the Development and Heritage Standing Committee meeting.

The following requirements and other municipal and agency requirements found in the **Appendix C** hereto attached are to be considered at Site Plan Control and incorporated, as deemed appropriate, in the Site Plan Agreement.

- a) Alley Paving – The owner shall agree to obtain a Right-of-Way permit to drain and pave at the owner’s entire expense, any alley abutting the subject lands which is to remain open. All work shall be to the satisfaction of the City Engineer.
- b) Servicing Study – The owner agrees, at its own expense, to retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems, satisfactory in content to the City Engineer and prior to the issuance of a construction permit. The study shall review the proposed impact and recommend mitigating measures and implementation of those measures;
- c) Parkland dedication of 5% (cash-in-lieu) of the subject vacant parcel;
- d) Tree preservation for the site;
- e) Enbridge Gas minimum separation requirements; and
- f) Canada Post multi-unit policy.

**Risk Analysis:**

**Climate Change Mitigation:**

Residential intensification minimizes the impact on the community greenhouse gas emissions. Development within existing communities and neighbourhoods use available infrastructure such as sewers, sidewalks, and public transit and, as such, help to mitigate development impact. The proposed residential intensification on the subject land will encourage the use of existing and planned transit and active transportation in the neighbourhood, which will help to minimize the City’s carbon footprint.

**Climate Change Adaptation:**

The proposed construction of a multi-unit residential development on the subject land provides an opportunity to increase resiliency for the nearby Business Improvement Area and the surrounding area. Trees and other landscaping features help create better living conditions and support climate change adaptation. Implementation of the lot-grading plan for this proposed development would help mitigate adverse impacts on climate change.

**Financial Matters:** N/A

**Consultations:**

1. DEPARTMENT AND AGENCIES: **Appendix C**, attached to this report, contains comments from municipal departments and external agencies that were consulted. There are no objections to the requested amendment. However, take note that some municipal departments and external agencies have conditions/requirements for approval of the zoning amendment. Detailed comments can be found in **Appendix C** hereto attached.
2. PUBLIC NOTICE: The City advertised the official notice in the local Newspaper (the Windsor Star Newspaper) in accordance with the Planning Act.

The City will also mail courtesy notice to all properties within 120m (400 feet) of the subject parcel, prior to the Development & Heritage Standing Committee (DHSC) meeting.

**Conclusion:**

Based on my review of the (i) Planning Rationale Report and other materials submitted by the applicant, (ii) relevant policies of the Provincial Policy Statement 2020 and the City of Windsor Official Plan, and (iii) comments from municipal departments and external agencies, it is my opinion that the recommended zoning by-law amendment is consistent with the Provincial Policy Statement 2020 and maintains conformity with the Official Plan.

This amendment constitutes good planning. Staff recommends approval of the recommended zoning by-law amendment.

**Planning Act Matters:**

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

**Greg Atkinson, MCIP, RPP**  
 Manager of Development / Deputy City Planner

**Neil Robertson, MCIP, RPP**  
 Acting City Planner

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

**JP**, Commissioner of Economic Development & Innovation      **JM**, Chief Administrative Officer

**Approvals:**

Name	Title
Greg Atkinson, MCIP, RPP	Manager of Development / Deputy City Planner
Neil Robertson, MCIP, RPP	Acting City Planner
Wira Vendrasco	Deputy City Solicitor
Jelena Payne	Commissioner of Economic Development & Innovation
Janice Guthrie for	Chief Administrative Officer

**Notifications:**

Name	Address	Email
Abutting property owners, tenants/ occupants within 120 m (400 ft) radius of the subject land		
Applicant & Owner: Adiammu Real Estate Inc., c/o Aditya Soma	1680 Campbell Avenue, Windsor Ontario, N9B 2K6	aditya.reddy59@gmail.com
Agent: Pillon-Abbs Inc., c/o Tracey Pillon-Abbs	23669 Prince Albert Road, Chatham, Ontario N7M 5J7	tracey@pillonabbs.ca
Councillor Mark McKenzie	350 City Hall Square W., Suite 510, Windsor, Ontario, N9A 6S1	MMcKenzie@citywindsor.ca

**Appendices:**

- 1 Appendix A, Concept Site Plan and Floor Plans
- 2 Appendix A-1, Renderings
- 3 Appendix B, Site Photos
- 4 Appendix C, Consultations (Comments from Municipal Departments and External Agencies)
- 5 Appendix D, Draft By-law for Z-014-23



EXTERIOR FINISH SCHEDULE	
IDEN. NO.	FINISH DESCRIPTION
1	BRICK
2	HARDIE SIDING
3	HARDIE TRIM
4	CONCRETE KEYSTONE
5	PRECAST SILL
6	H.M. DOORS & FRAMES
7	DOOR & WINDOW GLAZING SYSTEM
8	VINYL WINDOWS
9	ALUMINUM / GLASS BALCONY DOOR
10	MAGIC-PAK
11	METAL GUARDRAIL
12	CONCRETE PATIO SLAB
13	ASPHALT ROOFING SHINGLES
14	ALUMINUM FASCIA

**MULTI-UNIT DWELLING PROPOSAL**  
**5XX PARENT AVE.**  
 WINDSOR, ONT.

**A architectural** 1670 Mercer St.  
 Windsor | Ontario  
 N8X 3P7  
**D design** Tel 519-254-3430  
**A associates** Fax 519-254-3642  
 inc. architect [www.ada-architect.ca](http://www.ada-architect.ca)





EXTERIOR FINISH SCHEDULE	
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**APPENDIX B - SITE PHOTOS – October 18, 2023 site visit File No.: Z-014/23; ZNG/7001**

Parent Avenue view of the vacant land being rezoned

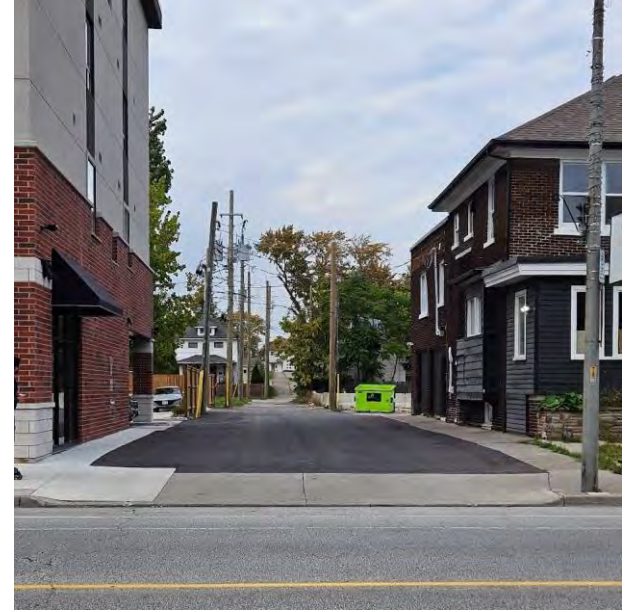


Alley view of the vacant land being rezoned

**APPENDIX B - SITE PHOTOS – October 18, 2023 site visit File No.: Z-014/23; ZNG/7001**



View of the combined use building at 870 Wyandotte St. E., 840 Wyandotte St. E. to the west and south wall of 561 Parent Avenue to the east



View of abutting n/s alley looking north from Wyandotte St. E.

View of the combined use building at 870 Wyandotte St. E. and west wall of 892 Wyandotte St. E.



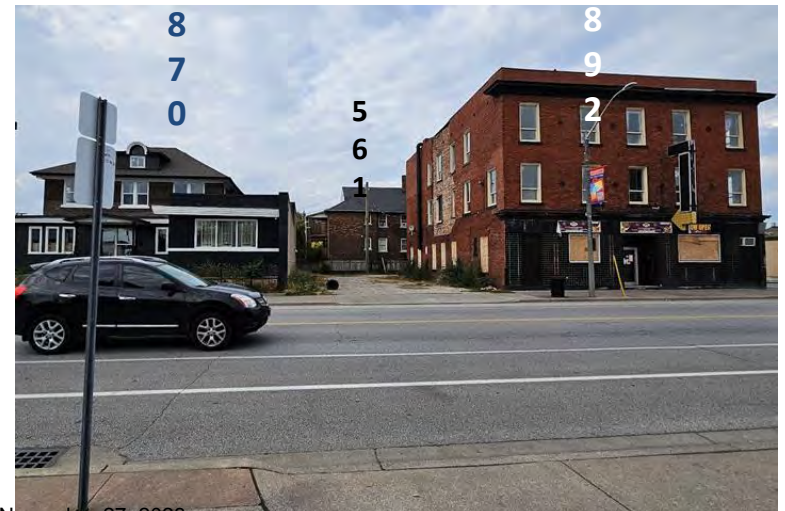
View of abutting n/s alley from the middle of the alley looking south

**APPENDIX B - SITE PHOTOS – October 18, 2023 site visit File No.: Z-014/23; ZNG/7001**

View of Wyandotte St. E. looking west from Parent Avenue



View of Wyandotte St. E. looking east from Parent Avenue



**APPENDIX B - SITE PHOTOS – October 18, 2023 site visit File No.: Z-014/23; ZNG/7001**

View of vacant land being rezoned, looking south from Parent Avenue at Brant Street

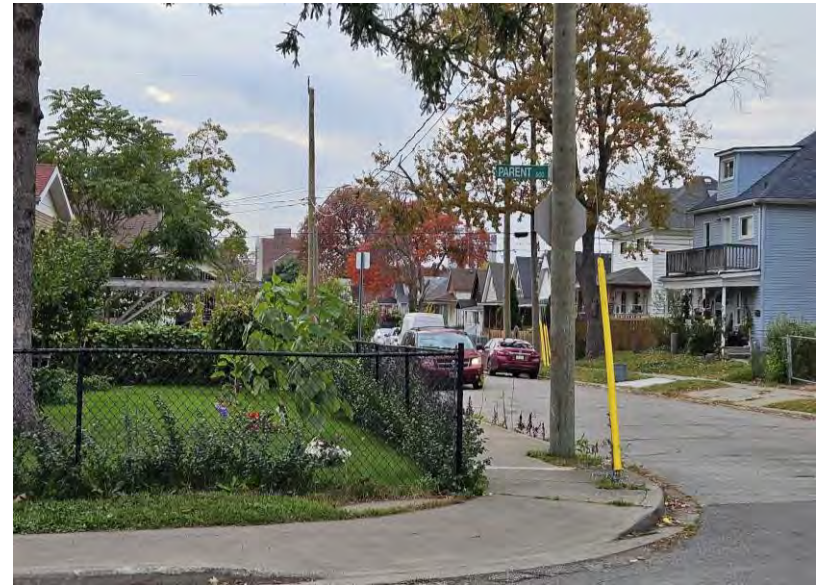


View of Parent Avenue looking north from 561 Parent

Front view of 561 Parent Avenue, looking west from Parent Avenue



View of Parent Avenue and Wyandotte St. intersection looking south from 561 Parent



View of Brant Street, looking west from Parent Avenue intersection.

# APPENDIX D, CONSULTATIONS

## (Comments from Municipal Departments and External Agencies)

### ENVIROMENTAL SERVICES – ANNE MARIE ALBIDONE

No concerns from Environmental Services for the rezoning. However, the applicant should be aware that as a multi-residential property with more than 6 units, they are not entitled to City provided waste collection services. They should seek input from a private collection company for comments on the location of the waste bins.

### ENBRIDGE

After reviewing the provided drawing at 870 Wyandotte St E. and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area. A PDF drawing has been attached for reference.

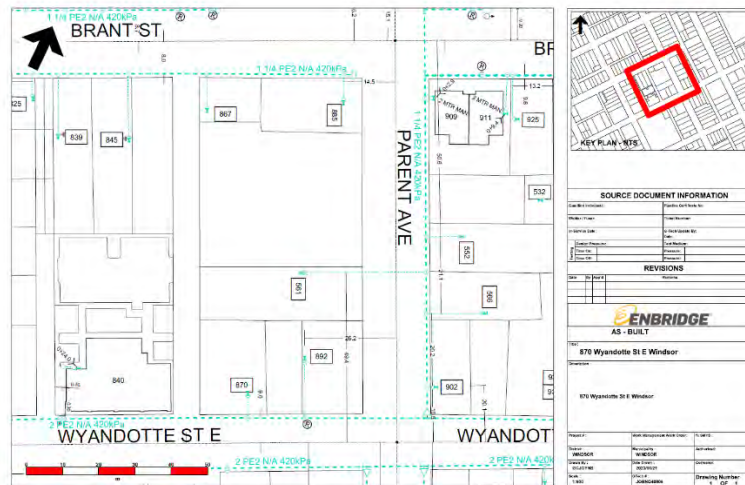
#### Please Note:

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

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

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

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



## **ASSESSMENT MANAGEMENT – JOSE MEJALLI**

No objection to the zoning amendment and additional site-specific zoning provisions as indicated as per attached.

## **CANADA POST – BRUNO DESANDO**

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.

### *Lock-Box Assembly Requirements*

*The complete Canada Post Standards Manual for Builders & Developers can be downloaded at: [https://www.canadapost.ca/cpo/mc/assets/pdf/business/standardsmanual\\_en.pdf](https://www.canadapost.ca/cpo/mc/assets/pdf/business/standardsmanual_en.pdf)*

### *Compartments Size*

- Horizontal lock-box models used in mailrooms must have the following minimums:
  - o Residential compartments must be at least 12.5 x 13.5 cm
  - o Commercial compartments at least 13.5 x 30.5 cm
  - o Parcel compartments at least 30.5 x 30.5 cm
- Vertical lock-box models must have min comp size of 25 x 12.5 cm. (Most models are 40 x 12.7 cm)

### *Heights*

- All lock-box assemblies must be installed in a manner that will not require the delivery employee to reach higher than 170cm or lower than 45cm when delivering to the equipment. With respect to horizontal lock-boxes, the limits above will likely mean that maximum number of compartments that can be included in each column of residential compartments would be eight

### *Rear-loading Lock-boxes*

- Projects with more than 100 units are required to be serviced via a rear-loading lock-box assembly.
- There must be a width of at least 100cm of working space from the back of the boxes to the wall.
- A ledge under the bottom row of boxes is also recommended in rear-loading designs. This ledge is to be directly under the bottom row of boxes (no space between ledge and bottom of boxes) and must stick out at least 20cm from the back of the boxes.
- Mailroom door is required to provide a minimum 81cm opening
- Lighting should be at least 100 lux (measured 75 cm from floor)

### *Access*

- All buildings where the lock-boxes are required to be serviced from inside the building are required to install a Canada Post Crown lock in the building intercom. The intercom is pre-fabricated with an internal housing for the lock. The lock can be obtained from the local deliver supervisor.
- If the building has more than 100 units, a rear-loading lock-box assembly will be installed. The door to the Canada Post delivery area must be fitted with a specific model of deadbolt. This is because Canada Post will

supply a key cylinder made specifically for the Canada Post key that will fit inside the deadbolt purchased by the developer.

#### *Numbering*

- Compartments should be numbered vertically and left to right on the delivery side of the boxes

#### *Grade-level Components*

- If the development includes grade level retail or residential units, please take note that door-to-door delivery will not be provided to these units. Canada Post is happy to install a Community Mailbox to provide service to these units. Please coordinate a location with the Canada Post Delivery Planner for the area. If there is no room on the property for the Community Mailbox, service can be provided via another Community Mailbox in the area. Options to service the units from the tower (lobby) lock-boxes or via a front-loading lock box erected on the outside of the building can also be discussed with the Delivery Planner.

### **TRANSIT – JASON SCOTT**

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Crosstown 2. The closest existing bus stop to this property is located on Wyandotte at Langlois Northwest Corner. This bus stop is approximately 170 metres from this development falling within our 400 metre walking distance guideline to a bus stop. This will be maintained with our City Council approved Transit Master Plan.

### **SITE PLAN CONTROL – JACQUELINE CABRAL**

The development proposal is subject to Site Plan Control pursuant to the Planning Act and City of Windsor By-law 1-2004. Where preceding development applications are required, inclusive of Official Plan and Zoning By-law Amendments, request for Site Plan Control Pre-Consultation may be made following completion of the requisite Development and Heritage Standing Committee meeting at <https://ca.cloudpermit.com/login>. Consultation.

### **LANDSCAPE & URBAN DESIGN – STEFAN FEDIUK**

Pursuant to the application for a zoning amendment (Z 014/23) to permit the development of a 3-storey apartment building, with site-specific zoning provisions on the subject, please note no objections. Please also note the following comments:

#### Urban Design:

The applicant indicates that the proposed 3-storey residential building is to house 10 units, yet the drawings indicate 12 units. The development will be required to be reviewed through Site Plan Control.

#### Zoning Provisions for Parking Setback:

The proposed height with 3-storeys is characteristic of the existing developments immediately south of the subject proposed development.

The proposed setbacks from Parent appear to consider the abutting low profile residence to the north. Therefore the height and front yard setback can be supported from an Urban design perspective.

#### Climate Change & Tree Preservation:

There are two municipal trees on the right-of-way on Parent which are to be preserved both during and after construction. Any proposed removal of these trees will require consultation with the City Forester with respect to replacement and/or compensation to the loss to the urban forest canopy.



With exception to requested relief from front and side yard setbacks, the proposed development does not appear to reduce the overall amount of greenspace to be provided on the subject property. Through Site Plan Control it is highly recommended that the proposed green area to the south of the parking lot be maintained and enhanced with large canopy tree cover to reduce urban heat island effect from the expanse of hard surfacing.

Parkland Dedication:

Require a parkland dedication representing 5% of the subject lands, to the satisfaction of the Executive Director of Parks, as per By-law 12780 and the Planning Act.  
All requirements will be determined at the time a Site Plan application is received.

**PARKS – SHERIF BARSOM**

From Karen and me as for Parks D&D and Natural Areas there are no issues with this Liaison.

From Yemi - He concurs with Stefan's note about trees in this attached comment.

**BUILDING DEPARTMENT – BARBARA RUSAN**

The Building Code Act, Section 8.(1) requires that a building permit be issued by the Chief Building Official for construction or demolition of a building.  
The building permit review process occurs after a development application receives approval and once a building permit application has been submitted to the Building Department and deemed a complete application.

Due to the limited Ontario Building Code related information received, review of the proposed project for compliance to the Ontario Building Code has not yet been conducted.  
It is strongly recommended that the owner and/or applicant contact the Building Department to determine building permit needs for the proposed project prior to building permit submission.

**ENWIN**

No Objection, provided adequate clearances are achieved and maintained.  
Please note the following.

- 1- ENWIN has 120/208V overhead secondary conductors in the alley on the west side of the property.
- 2- ENWIN has 120/240V overhead secondary conductors in the alley on the west side of the property.
- 3- ENWIN has 27.6kV overhead Primary conductors in the alley on the west side of the property.
- 4- ENWIN has a 300KVA, 27.6kV-120/208V three phase overhead transformer bank in the alley.
- 5- ENWIN has a 100KVA, 16kV-120/240V single phase overhead transformer in the alley.

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

**WATER ENGINEERING:**

Water Engineering has no objections.

**ENGINEERING – AMY KUREK**

We have reviewed the subject Rezoning application and have the following comments:

### Sewers

The site may be serviced by a combined sewer located within Parent Avenue right-of-way. If possible existing connections should be utilized. Any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice B.P 1.3.3.

A sewer servicing study is required to demonstrate there is adequate capacity in the municipal network and the impact based on the proposed development. The applicant will also be required to submit site servicing drawings and storm detention calculations restricting storm water runoff to pre-development levels. The total allowable release rate for both storm and sanitary flows into the combined sewer, shall not exceed the predevelopment release rate. All calculations shall be complete as per Windsor Essex Regional Stormwater Management Standards Manual and a complete checklist (linked below) is required with the submission prior to review;

<https://essexregionconservation.ca/wp-content/uploads/2018/12/WE-Region-SWM-Standards-Manual.pdf>.

<https://www.citywindsor.ca/business/buildersanddevelopers/Documents/Checklist-Rational-Method.pdf>

### Right-of-Way

Wyandotte St E is classified as a Class II Arterial Road with a required width of 22 meters. The current right-of-way width is not sufficient; however, a conveyance is not required at this time due to the existing building being at the property line. Parent Avenue is classified as Class II Collector with a required width of 18.3 meters. The current right-of-way width is sufficient; therefore a conveyance is not required. Approaches must be constructed as per AS-204, complete with straight flares and no raised curbs within the right-of-way. Redundant curb cuts shall be removed and restored in accordance with City Standards to the satisfaction of the City Engineer. Right-of-Way permit is required for any work in the right-of-way.

In summary we have no objection to the proposed development, subject to the following requirements:

Alley Paving – The owner shall agree to obtain a Right-of-Way permit to drain and pave at the owner’s entire expense, any alley abutting the subject lands which is to remain open. All work shall be to the satisfaction of the City Engineer.

Servicing Study – The owner agrees, at its own expense, to retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems, satisfactory in content to the City Engineer and prior to the issuance of a construction permit. The study shall review the proposed impact and recommend mitigating measures and implementation of those measures.

If you have any further questions or concerns, please contact Amy Kurek, of this department at [akurek@citywindsor.ca](mailto:akurek@citywindsor.ca)

## **TRANSPORTATION PLANNING – CLARE AMICARELLI**

- Wyandotte St E is classified as a Class II Arterial with a required right-of-way width of 22 meters. The current right-of-way width is not sufficient; however, a conveyance is not

required as the existing building is directly at the property line.

- Parent Ave is classified as a Class II Collector with a required right-of-way width of 18.3 meters. The current right-of-way width is sufficient; therefore, no conveyance is required.
- All parking must comply with Zoning By-Law 8600, otherwise, a Parking Study may be required.
  - o Site plan is deficient 1 type A accessible space and 2 bicycle spaces. Requirement is for 15 total spaces (including 1 type A accessible space) and 2 bicycle spaces.
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

## **HERITAGE PLANNING – TRACEY TANG**

### Heritage

The property is located adjacent and in close vicinity to heritage resources recognized by Council on the Windsor Municipal Heritage Register, including:

- 892 Wyandotte St E — Wyandotte Tavern —1909 — Commercial —Core
- 561 Parent Ave — Lee-Ann Apartments — c1927 — Symmetrical, flared entry hood — Core

Heritage Planning Staff and Urban Design Staff worked together with the Applicant and Architect to ensure that the proposal meets the City of Windsor Intensification Urban Design Guidelines for new development in Stable and Mature Neighbourhoods and considers the heritage context. The design is sympathetic to adjacent heritage resources by having compatible height, massing, scale, setback and architectural style to the area. The new building also proposes compatible building type, colours, and material palettes.

### Archaeology

The subject property is located in an area of low archaeological potential. Nevertheless, the Applicant should be notified of the following archaeological precaution.

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 Citizenship and Multiculturalism 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 Citizenship and Multiculturalism and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Citizenship and Multiculturalism.

Contacts:

Windsor Planning & Building Department:

519-255-6543 x6179, [ktang@citywindsor.ca](mailto:ktang@citywindsor.ca), [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca)

Windsor Manager of Culture and Events (A):

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

[mstaaedegaard@citywindsor.ca](mailto:mstaaedegaard@citywindsor.ca)

Ontario Ministry of Citizenship and Multiculturalism

Archaeology Programs Unit, 1-416-212-8886, [Archaeology@ontario.ca](mailto: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](mailto:Crystal.Forrest@ontario.ca)

## Main Streets Community Improvement Plan

The subject property is located within the Wyandotte Towne Centre Main Street area. Based on the design of the building, which appears to fit with the context of the area in terms of height, massing, scale, portions, and materials, the application is eligible for the Building/ Property Improvement Tax Increment Grant Program – which provides an annual grant equal to 100% of the increase in municipal property taxes for ten (10) years, after the project is completed and reassessed to help offset the costs of rehabilitating and redeveloping properties, as long as such development, redevelopment or rehabilitation results in an increase in municipal property taxes.

\*An application for any financial incentive program must be submitted to the City prior to the commencement of any works to which the financial incentive program will apply and prior to application for building permit.

The applicant applied for grants through the Main Street CIP in February 2023. Please contact Kevin Alexander at [kalexander@citywindsor.ca](mailto:kalexander@citywindsor.ca) for more details.

## **REAL ESTATE SERVICES – DENISE WRIGHT**

No comments from Real Estate Services.



**SCHEDULE 2**

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

To amend the zoning of the northerly 1166.8m<sup>2</sup> portion of the lands located on the north side of Wyandotte Street East, west side of Parent Avenue, and south of Brant Street, described as PART 2 on Reference Plan 12R-18708, so as to permit the development of a 12-unit multiple dwelling on the subject land.

The amending by-law maintains the RD2.2 zoning on the subject land and adds a special zoning provision permitting the construction of a multiple dwelling with 11 or more dwelling units. This amendment will result in the removal of the existing parking area on the northerly portion and enhance the street view along Parent Avenue.

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: Adiammu Real Estate Inc.



SITE BOUNDARY



SUBJECT AREA



PLANNING & BUILDING DEPARTMENT

DATE : JUNE 2023  
FILE NO. : Z-014/23, ZNG/7001



**Subject: Zoning By-Law Amendment Z028-23(ZNG/7140) - 185 Randolph Place**

Moved by: Councillor Mark McKenzie  
Seconded by: Member Anthony Arbour

Decision Number: **DHSC 566**

- I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning on the lands of Lot 11 Plan 766 Town of Sandwich; Lot 12 Plan 766 Town of Sandwich situated on the west side of Randolph Place, and known municipally as 185 Randolph Place by adding a site specific exception to Section 20(1) as follows:

- X. **WEST SIDE OF RANDOLPH PLACE BETWEEN RIVERSIDE DRIVE EAST AND UNIVERSITY AVENUE**

For the 1173.0 m<sup>2</sup> lands comprising of Lot 11 Plan 766 Town of Sandwich; Lot 12 Plan 766 Town of Sandwich; a *multiple dwelling* with 11 or more units shall be an additional permitted use subject to the following provisions:

- .1 Lot Area – minimum 97.0 m<sup>2</sup> per dwelling unit
- .2 Lot Frontage – minimum – 27.0 m
- .3 Lot Coverage – maximum – 45.0 %
- .4 Main Building Height – maximum – 10.0 m
- .5 Building Setback:
  - a) *front yard depth* - minimum 6.0m
  - b) *rear yard depth* - minimum 7.5 m
  - c) *side yard width* - minimum 2.0 m on one side, and 3.4 m on the other side

6. Parking:

- a) *Parking spaces* – minimum 7 spaces
- b) *Bicycle Parking Spaces* –minimum 15 spaces
- c) A *parking space* is prohibited in any required *front yard*
- d) *Parking aisle width* – as existing

7. Exterior walls shall be covered in facebrick on a minimum of 3.0 m from above grade on the North, East, and South elevations.

8. For the purpose of this provision any roof other than 4.5/12 is prohibited.

- II. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following, as required, in the site plan approval and site plan agreement:

- a) The requirements and recommendations of municipal departments and agencies as noted in this report and detailed in Appendix I attached.

Carried.

Report Number: S 135/2023

Clerk's File: Z/14670

**Clerk's Note:**

1. The recommendation of the Development & Heritage Standing Committee and Administration are the same.
2. Please refer to Item 7.4 from the Development & Heritage Standing Committee held on November 6, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/19011106/-1/9445>



**Subject: Zoning By-Law Amendment Z028-23(ZNG/7140) - 185  
Randolph Place**

**Reference:**

Date to Council: November 6, 2023

Author: Frank Garardo, MCIP, RPP  
Senior Planner  
Corporation of the City of Windsor  
Planning and Building Services  
350 City Hall Square West, Suite 210  
Windsor, Ontario N9A 6S1  
T. (519) 255-6543 x 6446  
F. (519) 255-6544  
E. fgarardo@citywindsor.ca

Report Date: October 17, 2023  
Clerk's File #: Z/14670

**To:** Mayor and Members of City Council

**Recommendation:**

I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning on the lands of Lot 11 Plan 766 Town of Sandwich; Lot 12 Plan 766 Town of Sandwich situated on the west side of Randolph Place, and known municipally as 185 Randolph Place by adding a site specific exception to Section 20(1) as follows:

**X. WEST SIDE OF RANDOLPH PLACE BETWEEN RIVERSIDE DRIVE EAST  
AND UNIVERSITY AVENUE**

For the 1173.0 m<sup>2</sup> lands comprising of Lot 11 Plan 766 Town of Sandwich; Lot 12 Plan 766 Town of Sandwich; a *multiple dwelling* with 11 or more units shall be an additional permitted use subject to the following provisions:

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- .3 Lot Coverage – maximum – 45.0 %
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- .5 Building Setback:
  - a) *front yard depth* - minimum 6.0m

- b) *rear yard depth* - minimum 7.5 m
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- a) *Parking spaces* – minimum 7 spaces
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- d) *Parking aisle width* – as existing

7. Exterior walls shall be covered in facebrick on a minimum of 3.0 m from above grade on the North, East, and South elevations.

8. For the purpose of this provision any roof other than 4.5/12 is prohibited.

II. That the Site Plan Approval Officer **BE DIRECTED** to incorporate the following, as required, in the site plan approval and site plan agreement:

- a) The requirements and recommendations of municipal departments and agencies as noted in this report and detailed in Appendix I attached.

**Executive Summary:**

N/A

**Background:**

**Application Information**

**Location:** 185 Randolph Place

**Ward:** 2      **Planning District:** Riverwest      **Zoning District Map:** 3

**Applicant:** Tilcap Randolph Inc.

**Owner:** Same as Applicant

**Agent:** Pillon Abbs Inc.; c/o Tracey Pillon-Abbs, MCIP, RPP

**Submitted Documents**

Application Form, Conceptual Plans (attached as Appendix A), Planning Rationale Report (attached as Appendix C), Parking Study (attached as Appendix D), Urban Design Brief and shadow study (attached as Appendix E), Topographic survey.

**Proposal:**

The applicant is requesting an amendment to Zoning By-law 8600 by changing the zoning on the lands to facilitate construction of a multi-unit residential building with a total of 12 dwelling units. The proposed multi-unit residential will include (7) vehicular

parking spaces, including one (1) barrier free spot, and fifteen (15) bicycle parking spaces.

The subject lands are designated as Residential on Schedule D: Land Use in the Official Plan and currently Zoned as Residential District 2.2 (RD2.2) in the Zoning by-law 8600. The RD2.2 zoning permits townhome dwellings and one multiple dwelling containing a maximum of four dwelling units.

The applicant has proposed to change the zoning to a site specific Residential District (RD2.2) zone to permit a multi-unit dwelling with five or more units on the subject lands.

The proposed development is subject to site plan control.

**Site Information**

OFFICIAL PLAN	ZONING	CURRENT USE	PREVIOUS USE
Residential	Residential District 2.2 (RD2.2)	Vacant lands (previous detached dwelling)	Unknown
LOT FRONTAGE	LOT DEPTH	LOT AREA	LOT SHAPE
27.64 m	40.82 m	1173 m <sup>2</sup>	Irregular
90.68 ft	133.9 ft	12615 sq. ft	
<i>All measurements are provided by the applicant and are approximate.</i>			

Figure 1: Key Map



## **Neighbourhood Description:**

The subject parcel is located on the west side of Randolph Place; north of University Avenue West, South of Riverside Drive West. The subject lands are located in the Riverwest Planning Area and located in close proximity to the University of Windsor.

Site images are provided in Appendix B. The Planning Rational Report (PRR) attached as Appendix C also contains site images.

## **SURROUNDING LAND USE:**

**North:** Residential uses – low profile dwellings, Riverside Drive West, Riverfront parks, Riverfront trail, and further north, the Detroit River.

**East:** Residential uses – low profile dwellings.

**West:** Residential uses – low profile dwellings, and further west, the University of Windsor Campus.

**South, South-East:** Residential land uses, including multi-unit residential.

Riverside Drive West in this neighbourhood serves as the dividing line between the Central Riverfront park system on the north side and the developed area to the south.

Randolph Place is designated as a Mature Neighbourhood on Schedule A-1: Special Policy Areas of the City of Windsor Official Plan. Heritage properties are located within close proximity to the subject site at 205, 235, 257, 150, 166, and 218 Randolph Place.

University of Windsor and various commercial uses, are located less than 500m to the west.

Public transit is currently available via the Transway 1C bus route located on University Avenue West. The closest bus stop is located within less than 140 m at the intersection of University Avenue West and Randolph Place. The nearest bicycle network facilities are located on the Riverfront Trail System.

## **MUNICIPAL INFRASTRUCTURE:**

- The City's records show that there are municipal storm and sanitary sewers within the abutting roadways, available to service the subject land,
- The closest fire hydrant is located on the centre median on Randolph Place less than 40 metres from subject site,
- Street lights are located on Randolph Place,
- There are sidewalks located on both sides of Randolph Place,
- The nearest bicycle network facilities are located on the Riverfront Trail System,
- ENWIN has overhead power distribution wires in the subject area. ENWIN has provided further information on further requirements during site plan control and

construction of the proposal, including potential easements and relocation of existing services,

- The closest existing transit route to this property is the Transway 1C. Bus stop is located at the intersection of Randolph Place and University Ave West,
- Randolph Place is designated as a local road,
- Riverside Drive East is classified as a Scenic Drive in the Official Plan,
- University Avenue is designated as a Class II Arterial. (approx. 100 m south of the subject lands).

Figure 2: Subject Parcel – Rezoning

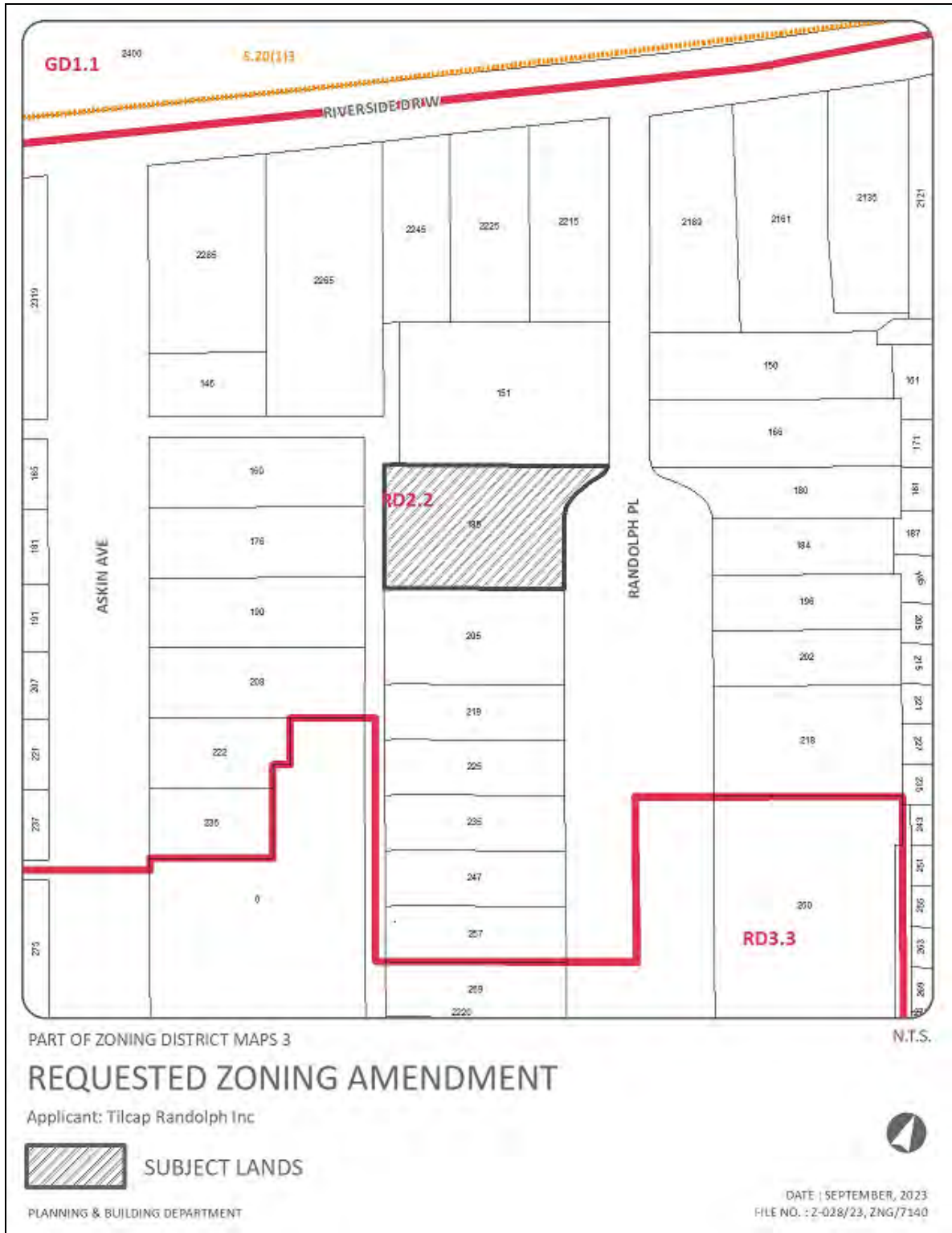


Figure 3: Neighbourhood Map





## Discussion:

### PROVINCIAL POLICY STATEMENT (PPS) 2020

The Provincial Policy Statement (PPS) provides direction on matters of provincial interest related to land use planning and development and sets the policy foundation for regulating the development and use of land in Ontario. The zoning bylaw amendment promotes residential intensification and infill and would result in a development on a site which is currently vacant. This is consistent with the Provincial Policy Statement in that the development within a settlement area promotes the efficient use of existing land, promotes cost-effective development patterns and standards to minimize land consumption and servicing costs. Related to this direction, the PPS states:

#### *1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns*

##### *1.1.1 Healthy, liveable and safe communities are sustained by:*

*a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*

*b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*

*c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*

*f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;*

*g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*

*i) preparing for the regional and local impacts of a changing climate.*

With respect to 1.1.1(a) – The requested multiple dwelling development promotes cost-effective development by redeveloping a recently vacant site. The amendment will introduce an increase in residential units; thereby, resulting in an efficient use of land, municipal services and infrastructure. Furthermore, the amendment will promote efficient development and land use pattern that will positively impact the financial well-being of the City of Windsor.

With respect to 1.1.1(b) - The recommended amendment will bring about the accommodation of a new *multi-unit*, purpose built rental housing type that will constitute an appropriate market-based range and mix of residential types.

With respect to 1.1.1(c) – There are no known environmental or public health and safety concerns.

With respect to 1.1.1(f) - Sidewalks improve *accessibility for persons with disabilities and older persons*. As noted already in this report, there are existing concrete sidewalks on both sides of Randolph Place. The concept plan shows proposed on-site sidewalks, which connect to the public sidewalks.

With respect to 1.1.1(g) – The subject land is in an area of the city that is built-up and serviced by necessary infrastructure and public utilities.

With respect to 1.1.1(i) –The proposed development with 12 dwelling units will support the use of public transit and help to reduce carbon foot-print, causing a positive impact on climate change. The impacts of climate change can be further addressed at the time of site plan approval when the lot-grading provisions, stormwater management measures, servicing study, landscaping requirements and much more, will be discussed in details and incorporated in the site plan approval and site plan agreement.

In summary, the recommended zoning by-law amendment will facilitate an efficient development on the subject land and sustain a healthy, liveable and safe community. The recommended zoning by-law amendment is consistent with policy 1.1.1 of the PPS.

Policy 1.1.3.1 and Policy 1.1.3.2 state:

*1.1.3.1 Settlement areas shall be the focus of growth and development.*

*1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

*a) efficiently use land and resources;*

*b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*

*c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*

*d) prepare for the impacts of a changing climate;*

*e) support active transportation;*

*f) are transit-supportive, where transit is planned, exists or may be developed; and ...*

*Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.*

*1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned*

*infrastructure and public service facilities required to accommodate projected needs.*

This amendment creates an opportunity for growth and development within the City of Windsor settlement area. This amendment will facilitate the development of a low profile housing option, which is an infill development and promotes residential intensification. The amendment will facilitate a transit-supportive multi-unit residential development that will efficiently use land, resources, and existing infrastructure. The subject amendment is consistent with policies 1.1.3.1 and 1.1.3.2 of the PPS.

*Policy 1.4 Housing states:*

#### *1.4 Housing*

*1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:*

*b) permitting and facilitating:*

*1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, ...; and*

*2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*

*c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*

*d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;*

The proposed zoning by-law amendment would provide a form of housing that is appropriate in terms of range and mix. In terms of supporting active transportation and transit, the site of the proposed zoning amendment is served directly by Transit Windsor. The subject amendment is consistent with policies 1.4.3 of the PPS.

#### *1.6 Infrastructure and Public Service Facilities*

*1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.*

The subject land is within an area that is serviced by municipal sewage services and municipal water services. The recommended zoning by-law amendment is consistent with policy 1.6.6.2 of the PPS.

*1.6.6.7 Planning for stormwater management shall:*

*e) maximize the extent and function of vegetative and pervious surfaces; and*

*f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.*

The Site Plan Review process will further address storm water management and landscaping features. The recommended amendment is consistent with policy 1.6.6.7 (f) of the PPS.

*1.7 Long-Term Economic Prosperity*

*1.7.1 Long-term economic prosperity should be supported by:*

*b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;*

*c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities.*

This amendment encourages residential intensification which provides additional housing supply to the city. This amendment, therefore, represents an appropriate response to the housing needs in the City of Windsor. The proposed development of a 12-unit multiple dwelling will optimize the availability and use of land, infrastructure and public service facilities. The amendment is consistent with policy 1.7.1 of the PPS.

*1.8 Energy Conservation, Air Quality and Climate Change*

*1.8.1 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:*

*a) promote compact form and a structure of nodes and corridors;*

*b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas; and*

*g) maximize vegetation within settlement areas, where feasible.*

The amendment promotes a compact development that is transit-supportive, in an area that promotes active transportation and connectivity through the existing and planned sidewalks and multi-use trails. The recommended amendment contains zoning provisions (building setbacks, lot coverage) within the subject site and enhance air quality and positively impact storm management design for the site. The developer will be required to submit a landscaping plan during the Site Plan review process.

## OFFICIAL PLAN (OP)

A **safe, caring and diverse community** encourages a range of housing types to ensure that people have an opportunity to live in their neighbourhoods as they pass through the various stages of their lives. “As the city grows, more housing opportunities will mean less sprawl onto agricultural and natural lands.” S. 3.2.1.2 (Neighbourhood Housing variety), OP Vol. 1.

**Land Use Designation:** The site is designated “Residential” in Schedule D of City of Windsor Official Plan. The objectives and policies of the Residential land use designation establish the framework for development decisions in Residential areas within the City of Windsor.

**Permitted Uses:** s. 6.3.2.1, OP Vol. 1. “Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low Profile and Medium Profile dwelling units.”

S. 6.2.1.2 of the Official Plan defines low profile developments as *6.2.1.2 (a) Low Profile developments are buildings or structures generally no greater than three (3) storeys in height*; The proposed amendment conforms to the Residential land use designation.

S 6.3.2.3 of the Official plan further defines low profile developments as small scale forms: single detached, semi-detached, duplex and row and multiplexes with up to 8 units; and large scale forms: buildings with more than 8 units. The applicant’s concept plan identifies a 2.5 storey multi-unit residential dwelling. Site specific provisions and urban design principles have been provided for further context on land use compatibility and built-form.

**Residential Land Use (chapter 6, OP Vol):** The Official Plan’s objectives are to support a complementary range of housing forms, promote compact residential form for new developments and promote selective residential redevelopment, infill and intensification initiatives in the City of Windsor. Objective 6.1.1 is to achieve safe, caring and diverse neighbourhoods. Objective 6.1.2 seeks environmentally sustainable urban development. Objective 6.1.3 promotes housing suited to the needs of Windsor’s residents.

Objective 6.3.1.1 supports a complementary range of housing forms and tenures in all neighbourhoods. Objective 6.3.1.2 seeks to promote compact neighbourhoods and balanced transportation systems. Objective 6.3.1.3 seeks to promote residential redevelopment, infill and intensification initiatives in appropriate locations in the City.

The proposed development will help to support a diverse neighbourhood that represents a sustainable community and will provide housing that is in demand. The proposed development will help to encourage residential uses on vacant and under-utilized lots. The proposed residential development represents a complementary and compact form of housing and intensification that is near sources of transportation.

Objective 6.3.2.4 of the Official Plan outlines the locational criteria for residential development to be located in areas with access to collector or arterials roads, full

municipal services can be provided, adequate community services and open spaces are available or are planned for, and public transportation service can be provided. The subject lands can be serviced by full municipal physical services and existing community services, open spaces and public transportation are available or planned for in the neighbourhood. Administration is satisfied the proposed amendment meets the evaluation criteria of the Official Plan. 6.3.2.4.

Objective 6.3.2.5 of the Official Plan outlines the evaluation criteria for a neighbourhood development pattern for zoning amendments to be:

*(a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:*

*(i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;*

*(ii) adjacent to sources of nuisance, such as noise, odour, vibration and dust;*

*(iii) within a site of potential or known contamination;*

*(iv) where traffic generation and distribution is a provincial or municipal concern; and*

*(v) adjacent to heritage resources.*

*(b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;*

*(c) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas;*

*(d) provided with adequate off street parking;*

*(e) capable of being provided with full municipal physical services and emergency services; and*

*(f) facilitating a gradual transition from Low Profile residential development to Medium and/or High profile development and vice versa, where appropriate.*

**Mature Neighbourhood (Schedule A-1: Special Policy Areas):** The City of Windsor Official Plan (S1.52.2 of VII) identifies Mature Neighbourhoods in the City. These areas are not designated as Heritage Areas or Heritage Conservation Districts. However, the areas reflect the cultural heritage of the City that should be considered. When considering the development of these areas, the below policies should be applied:

*1.52 Mature Neighbourhoods as Heritage Resources (added by OPA#159 – APPROVED July 11, 2022, B/L# 100-2022)*

*1.52.1 Schedule A-1 identifies Mature Neighbourhoods in the City. These areas are not designated as Heritage Areas or Heritage Conservation Districts. However, the areas reflect the cultural heritage of the City and should be protected. When considering the development of these areas, the policies of Section 9.3.7(d) shall be applied.*

1.52.2 *Infill and intensification within Mature Neighbourhoods, shown on Schedule A-1, shall be consistent with the built form, height, massing, architectural and landscape of the area. Council will adopt Design Guidelines to assist in the design and review of development in these areas.*

The applicant has provided a conceptual layout and design brief (attached as Appendix E). The layout includes consideration for the proposals impact with adjacent structures in terms of size, profile, character, respect for local heritage buildings, width and setback patterns, and the preservation of natural and landscaped elements that contribute to their identity.

**City of Windsor Intensification Guidelines:** The City of Windsor intensification Guidelines provide further direction for infill and intensification within existing neighbourhood patterns and designated “Mature Neighbourhoods”.

*“It is the intent of the Urban Design Guidelines to ensure that intensification in the **Mature Neighbourhoods** reflects a consistency of style. Within a locality of consistent character there are usually predominant building materials, textures, and ranges of colour, particularly in detail and decoration. Good infill buildings should recognise characteristic materials, textures, and colours used locally and in adjacent buildings. These should be re-interpreted and incorporated as part of the new building.*

General Guidelines (s2.2): *“Low Profile development in the Stable and Mature Neighbourhoods includes single-detached, semi-detached, duplex, townhouses, and apartments that are generally no greater than three (3) storeys in height”.*

The applicant has provided a Design Brief to provide further architectural context on the proposed low profile building in a designated mature neighbourhood. The Design Brief also provides recommendations to consider for future approval processes, such as site plan control which will help align the development with the goals, objectives and policies of the City.

**Energy Conservation**, s.8.5.2.8 of OP Vol. 1: The proposed infill redevelopment is a compact, transit-oriented development with increased density, making transit service a viable investment for the City, per s.8.5.2.8(b), OP Vol. 1. Landscaping can further assist in reducing heating and cooling requirements. The recommended amendment is structured to conform with s.8.5.2.8(c), OP Vol. 1.

**Infill Development**, s.8.7.2.3 of OP Vol. 1: The proposed infill residential development on the subject land is capable of being designed to function as an integral and complementary part of the existing residential development pattern. The requirements under s.8.7.2.3 can be more appropriately addressed at the time of Site Plan Approval. If Council approves the recommended zoning by-law amendment, the next step in the development process is for the proponent to submit an application for site plan review and approval, which will ensure that the proposed residential development is in keeping with the Official Plan built form policy for infill developments as in section 8.7.2.3, OP Vol. 1.

**Amendments Must Conform**, s. 11.6.3.1 of OP Vol. 1: *“All amendments to the Zoning By-law(s) shall conform with this Plan”.* Based on the analysis provided in this report,

the recommended zoning by-law amendment maintains conformity with the Official Plan.

### **Zoning By-Law:**

The subject site is currently zoned Residential (RD2.2) in the City of Windsor Zoning By-law 8600. The current zoning permits townhome dwellings units with additional dwelling units. The subject parcel has an existing lot frontage of 27.64 metres in width and an area of 1173 square meters and could accommodate multiple townhome dwelling units with additional dwelling units. (total of twelve). The applicant has requested to combine the townhome dwelling units and erect a multiple dwelling. The Planning department would be able to utilize Planning Act tools and include site plan control principles.

The applicants have proposed a multi-unit dwelling with twelve (12) dwelling units; as such the proposed development requires a Zoning By-law amendment to include “multiple dwelling” as an additional permitted use. The applicant’s requests for a zoning change would permit a multiple dwelling with site specific provisions in regards to parking, bicycle parking spaces, maximum height, and setbacks.

The Planning department recommends that if the multiple dwelling is approved, then site specific provisions be included to implement site plan control principles. Relevant excerpts from Zoning By-law 8600 are attached as Appendix G.

The recommendations include:

- No parking in the front yard.
- Minimum of 15 bicycle parking spaces.
- Maximum main building height of 10 m.
- Maximum lot coverage of 45 percent.

**DRAFT BY-LAW:** A draft by-law is attached as Appendix J.

The following items were taken into consideration in drafting of a recommended site specific zoning by-law provision.

### **Zoning Regulations:**

**Minimum Lot Area and Dwelling units:** The recommended zoning provision would permit a maximum of twelve (12) dwelling units on the subject parcel.

**Lot Coverage/Landscaped Open Space:** The applicant’s proposal identifies the development will maintain the current permitted maximum forty-five percent (45%) lot coverage.

**Lane Access:** The applicant’s concept plan identifies parking will be located at the rear of the building with vehicular access through the alley at the rear. Administration is recommending no vehicular parking area shall be located in the front yard. This will assist with a landscaping area fronting on Randolph Place.



**Parking Provisions:** The applicants have provided a parking study which will provide a minimum of seven (7) parking spaces, including one (1) barrier free spot, and fifteen (15 bicycle parking spaces) for the twelve dwelling units, which is slightly below the required 1.25 spaces/unit or 15 required spaces in the current provisions of the Zoning by-law.

The development will include fifteen (15) bicycle parking spaces, which exceeds the minimum requirements; encouraging a more sustainable mode of transportation. The proposed reduction in parking spaces combined with the inclusion of bicycle parking functions to support active transportation.

It is worth mentioning that a Bus stop is located within 140 m from the subject parcel, a multi-use trail (Riverside trails) is located within 100 m of the subject parcel; and the site is located within a short walking distance to the University of Windsor Campus.

**Setbacks:** Administration is recommending maintaining similar setbacks as adjacent parcels to assist with the separation from the adjacent low profile developments. Furthermore, to assist with landscaping, massing, building separations, and the context of any future buildings on the subject lands, administration is recommending the following setbacks to be included in the zoning by-law amendment:

- minimum rear yard width setback - 7.5 m
- minimum front yard width setback - 6.0 m
- minimum side yard width setback - 2.0 m on one side, and 3.4 m on the other side

**Building Height:** The applicant has requested a site specific 10 metre maximum height which slightly exceeds the maximum permitted 9 metre height. The proposal includes a low roof pitch angle (4.5/12) which generally results in a lower peak height between the grade and highest point of the roof. The proposed increase in building height does not result in more gross floor area but rather supports a structure that is more compatible with adjacent properties.

**Site Plan Control:** The proposed development will be subject to site plan control. The requirements and concerns of municipal departments will be considered during the site plan control process. Recommendation II provides additional direction to include departmental comments concerning the circulation of any SPC application, including the enhancing of landscaping features.

**Consultations:**

Comments received from municipal departments and external agencies are attached as Appendix I. Municipal departments have noted no objection to the proposed amendment subject to some requirements, which could be addressed at the time of site plan approval.

Public Notice: Statutory notice was advertised in the Windsor Star, a local daily newspaper. A courtesy notice was mailed to property owners and tenants within 120m of the subject lands.

**Risk Analysis:**

N/A

## **Climate Change Risks**

### **Climate Change Mitigation:**

In general, residential infill minimizes the impact on the Community greenhouse gas emissions as these developments create complete communities and neighbourhoods while using currently available infrastructure such as sewers, sidewalks, and public transit.

### **Climate Change Adaptation:**

The development proposal incorporates landscaping and building design elements to improve energy efficiency and increase resiliency of the development and surrounding area.

### **Financial Matters:**

N/A

### **Planner's Opinion:**

The *Planning Act* requires that a decision of Council in respect of the exercise of any authority that affects a planning matter, “*shall be consistent with*” Provincial Policy Statement 2020. The requested zoning amendment has been evaluated for consistency with the Provincial Policy Statement 2020 and conformity with the policies of the City of Windsor Official Plan.

The proposed Multiple Dwelling represents a compact form of low profile density development that meets the requirements of current and future residents. Furthermore, it represents a form of residential intensification, is set in a location with access to infrastructure, public service facilities, and is close to municipal amenities.

Based on the information presented in this report, it is my opinion that the proposed zoning by-law amendment is consistent the PPS, with the policy direction of the City of Windsor Official Plan, is compatible with existing and permitted uses in the surrounding neighbourhood and constitutes good planning.

### **Conclusion:**

Staff recommend approval of an amendment to Zoning By-law 8600, changing the zoning on the lands to permit a multiple dwelling unit. Direction is also provided to the Site Plan Approval Officer in Recommendation II for matters raised from consultations with municipal departments and external agencies.

### **Planning Act Matters:**

*Frank Garardo MCIP, RPP*

Senior Planner

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

*Neil Robertson, MCIP, RPP*

City Planner (A)

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

JP JM

**Approvals:**

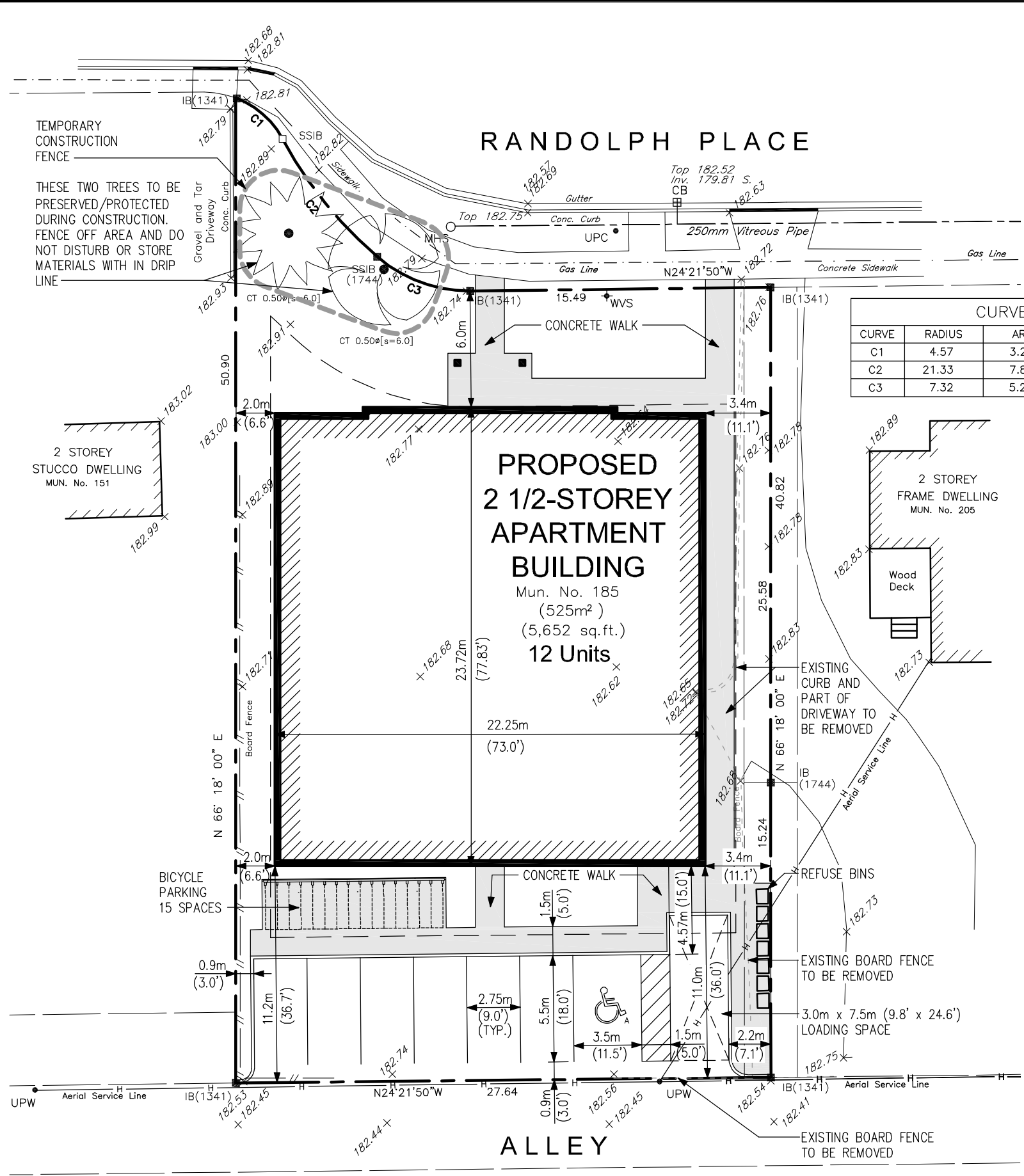
<b>Name</b>	<b>Title</b>
Neil Robertson, MCIP, RPP	Manager of Planning / Deputy City Planner
Neil Robertson, MCIP, RPP	Acting City Planner
Wira Vendrasco	Deputy City Solicitor
Jelena Payne	Commissioner of Economic Development & Innovation
Janice Guthrie for	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Tracey Pillon-Abbs Pillon Abbs Inc.	23699 Prince Albert Road Chatham, ON N7M 5J7	tpillonabbs@gmail.com
Property owners and tenants within 120 m of the subject lands		

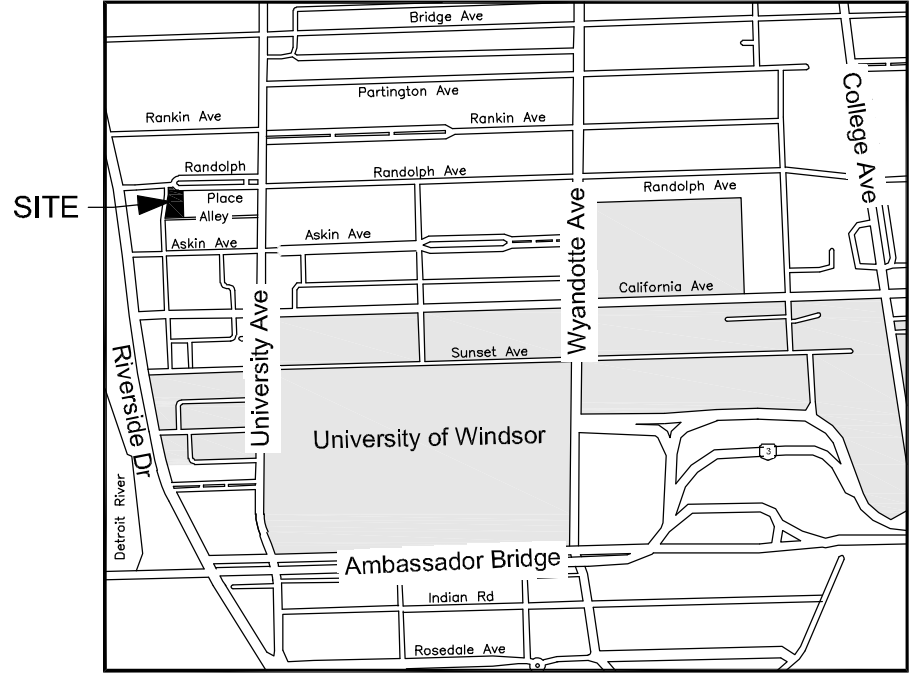
**Appendices:**

- 1 Appendix A, Conceptual Plans
- 2 Appendix B, Site Images
- 3 Appendix C, Planning Rationale Report
- 4 Appendix D, Parking Study
- 5 Appendix E, Urban Design Brief
- 6 Appendix F, Excerpts from Official Plan
- 2 Appendix G, Excerpts from Zoning By-Law
- 3 Appendix H, Excerpt from PPS 2020
- 4 Appendix I, Consultations
- 5 Appendix J, Draft Amending By-Law



**CURVE SCHEDULE**

CURVE	RADIUS	ARC	CHORD	CHORD BEARING
C1	4.57	3.28	3.21	N17°34'00"E
C2	21.33	7.86	7.82	N27°33'40"E
C3	7.32	5.24	5.13	N03°31'20"W



**Location Map**

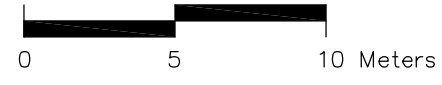
SCALE: 1:250

**DETAILS OF DEVELOPMENT**

ZONING – RESIDENTIAL DISTRICT RD 2.2	REQUIRED	PROVIDED	VARIANCE REQUIRED
LOT WIDTH (MINIMUM)	18.0m	27.64m (90.68')	
LOT AREA (MINIMUM)	540 m <sup>2</sup>	1,173.2m <sup>2</sup> (12,628.2 sq.ft.) (0.29 Acres)	
LOT COVERAGE (MAXIMUM)	45%	44.7%	
BUILDING HEIGHT	9.0m	9.93m (32.58')	✓
FRONT YARD (MINIMUM)	6.0m	6.0m (19.7')	
REAR YARD (MINIMUM)	7.5m	11.0m/11.2m (36.0')/(36.7')	
SIDE YARD (MINIMUM)	1.8m	2.0m/3.4m (6.6')/(11.1')	
DWELLING UNITS (MAXIMUM)	4	12	✓
PARKING SPACES = 12x1.25	15	7	✓
LOADING SPACE	1	1	
BICYCLE SPACES	2	15	
PARKING SEPARATION			
• INTERIOR LOT/ALLEY (MINIMUM)	0.9m	0.9m (3.0')	
• HABITABLE WINDOW	4.5m	4.87m (16.0')	
ACCESS AREA INGRESS/EGRESS TO PARKING FROM ALLEY SHALL BE BY WAY OF ACCESS AREA			✓
BUILDING AREA	–	525m <sup>2</sup> (5,652 sq.ft.)	

**Site Plan**

SCALE: 1:250



**LEGAL DESCRIPTION:**

LOTS 11 AND 12, PART OF LOT 10,  
REGISTERED PLAN 766,  
In The  
CITY OF WINDSOR,  
COUNTY OF ESSEX, ONTARIO

ISSUED FOR:

**MEO & ASSOCIATES INC.**  
Architectural & Engineering Consultants  
www.meogroup.net

825 Kingsway Drive, Burlington, Ontario, Canada, L7T 3H8  
Tel. 905-632-6952; Fax 905-632-8870; mpskovk@meoassociates.com  
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Tel. 519-250-8088; Fax 519-250-8070; rmeo@meoassociates.com

CLIENT:  
**TILCAP RANDOLPH INC.**

PROJECT:  
**RANDOLPH PLACE APARTMENTS**  
185 Randolph Place Windsor, Ontario

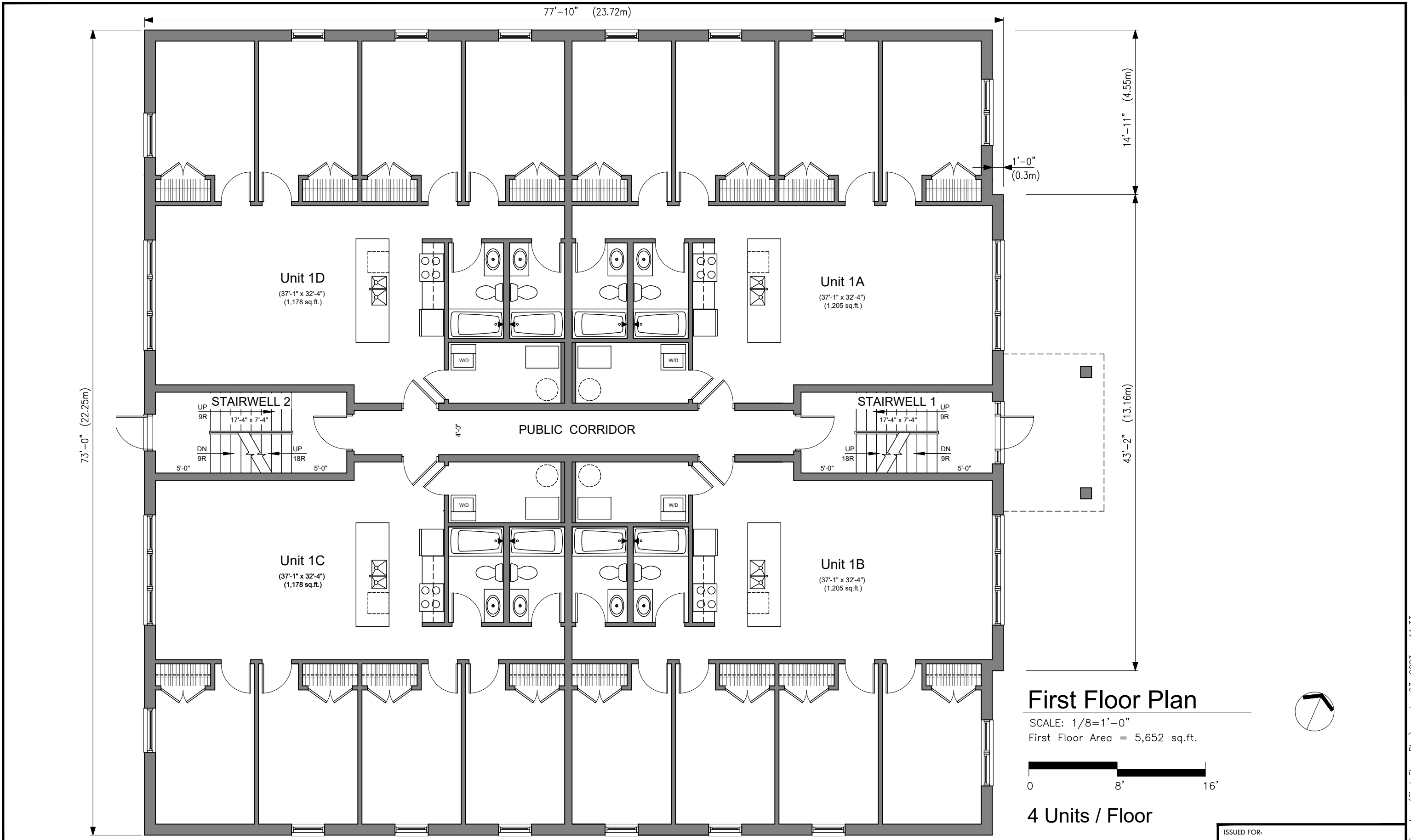
DRAWING TITLE:  
**PRELIMINARY SITE PLAN**

SCALE: **1:250**

DATE:  
**AUGUST 1, 2023**  
DRAWN BY:  
**I.A.Z.**

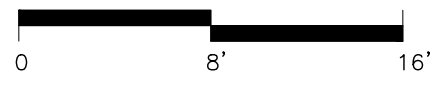
PROJECT NUMBER:  
**4754**

SHEET NUMBER:  
**P1**



### First Floor Plan

SCALE: 1/8"=1'-0"  
 First Floor Area = 5,652 sq.ft.



4 Units / Floor



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CLIENT:  
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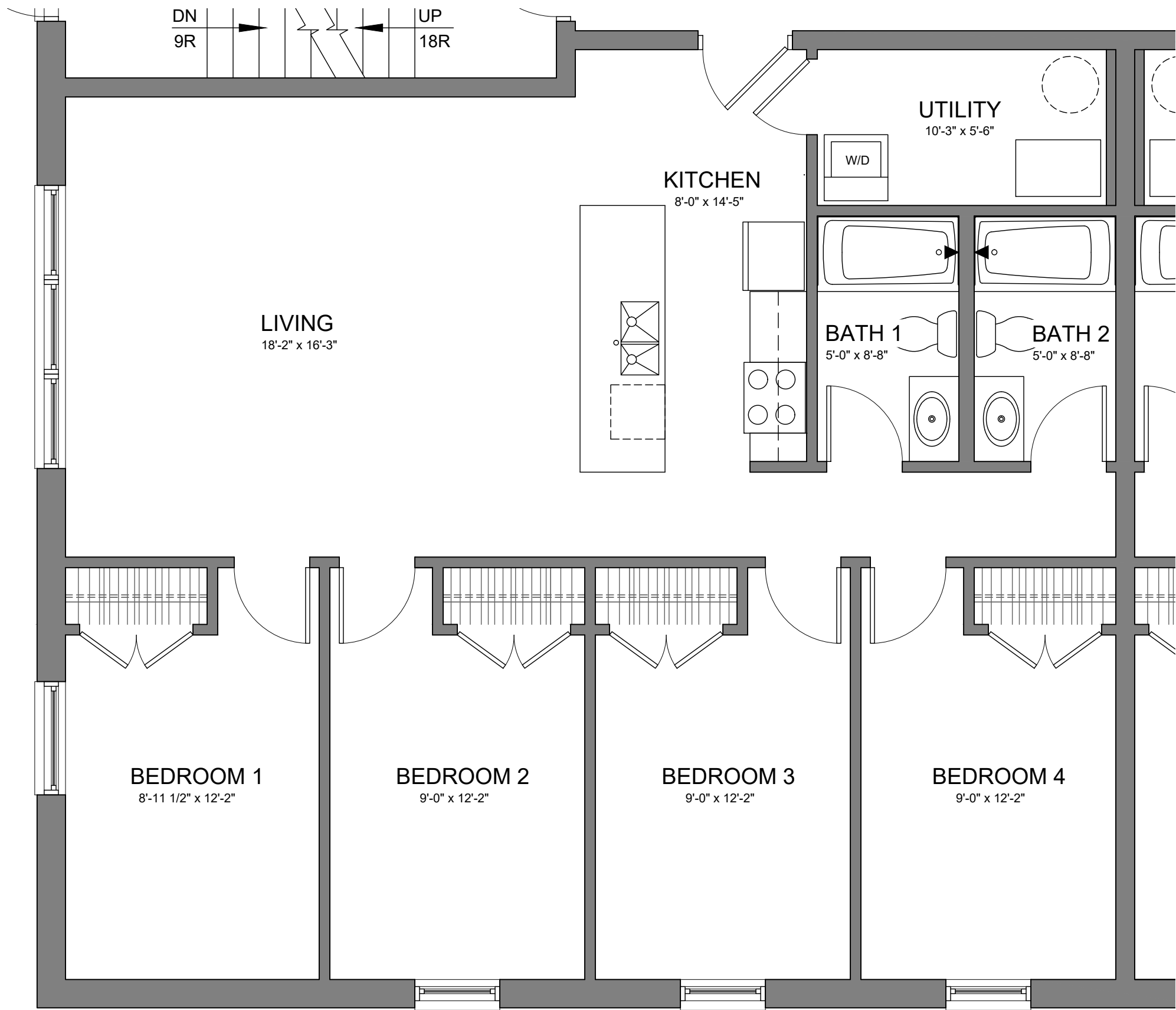
PROJECT:  
**RANDOLPH PLACE APARTMENTS**

DRAWING TITLE:  
**FIRST FLOOR PLAN**  
 SCALE: 1/8" = 1'-0"  
 ACAD REFERENCE:  
 4746 -P2- FI Plan

DATE:  
**JUNE 22, 2023**  
 DRAWN BY:  
 I.A.Z.

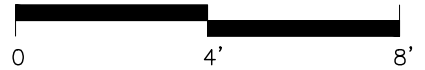
ISSUED FOR:  
 PROJECT NUMBER:  
**4754**

SHEET NUMBER:  
**P2**



### Typical Unit Plan

SCALE: 1/4" = 1'-0"  
 Typical Floor Area = 1,187 sq.ft.



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CLIENT:  
**TILCAP RANDOLPH INC.**

PROJECT:  
**RANDOLPH PLACE APARTMENTS**

DRAWING TITLE:  
**TYPICAL UNIT PLAN**

DATE:  
**JUNE 22, 2023**

PROJECT NUMBER:  
**4754**

SHEET NUMBER:  
**P3**

SCALE:  
**1/4" = 1'-0"**

ACAD REFERENCE:  
**4746 -P2- Fl Plan**

DRAWN BY:  
**I.A.Z.**

4754 -P2- Fl Plan.dwg, (Typical Floor Plan) Jun 23, 2023 - 11:35am



# East Elevation

SCALE: 1/8" = 1'-0"

Exterior Colour Schedule	
Material	Colour
FACEBRICK	RED
HARDIEPLANK HORIZONTAL SIDING	TAUPE
TRIM, BRACKETS	GREEN
ASPHALT SHINGLES	GREEN
WINDOWS	BLACK
METAL FASCIA, GUTTERS	BLACK
STONE SILL	GREY

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CLIENT:  
**TILCAP RANDOLPH INC.**

PROJECT:  
**RANDOLPH PLACE APARTMENTS**

DRAWING TITLE:  
**EAST ELEVATION**

DATE:  
**JULY 27, 2023**

PROJECT NUMBER:  
**4754**

SHEET NUMBER:  
**P4**

SCALE:  
**1/8" = 1'-0"**

ACAD REFERENCE:  
**4746 -P4- Elev**

DRAWN BY:  
**I.A.Z.**



# South Elevation

SCALE: 1/8" = 1'-0"

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Tel. 519-250-8088; Fax 519-250-8070; rmeo@meoassociates.com

CLIENT:  
**TILCAP RANDOLPH INC.**

PROJECT:  
**RANDOLPH PLACE APARTMENTS**

DRAWING TITLE:  
**SOUTH ELEVATION**

DATE:  
**JULY 13, 2023**

PROJECT NUMBER:  
**4754**

SHEET NUMBER:  
**P5**

SCALE:  
**1/8" = 1'-0"**

ACAD REFERENCE:  
**4746 -P4- Elev**

DRAWN BY:  
**I.A.Z.**



ASPHALT SHINGLES

HARDIEPLANK  
HORIZONTAL SIDING



## West Elevation

SCALE: 1/8" = 1'-0"

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Architectural & Engineering Consultants  
www.meogroup.net

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Tel. 519-250-8088; Fax 519-250-8070; rmeo@meoassociates.com

CLIENT:  
**TILCAP RANDOLPH INC.**

PROJECT:  
**RANDOLPH PLACE APARTMENTS**

DRAWING TITLE:  
**WEST ELEVATION**

DATE:  
**JULY 13, 2023**

PROJECT NUMBER:  
**4754**

SHEET NUMBER:  
**P6**

SCALE:  
**1/8" = 1'-0"**

ACAD REFERENCE:  
**4746 -P4- Elev**

DRAWN BY:  
**I.A.Z.**



# North Elevation

SCALE: 1/8"=1'-0"

**MEO & ASSOCIATES INC.**  
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CLIENT:  
**TILCAP RANDOLPH INC.**

PROJECT:  
**RANDOLPH PLACE APARTMENTS**

DRAWING TITLE:  
**NORTH ELEVATION**

DATE:  
**JUNE 22, 2023**

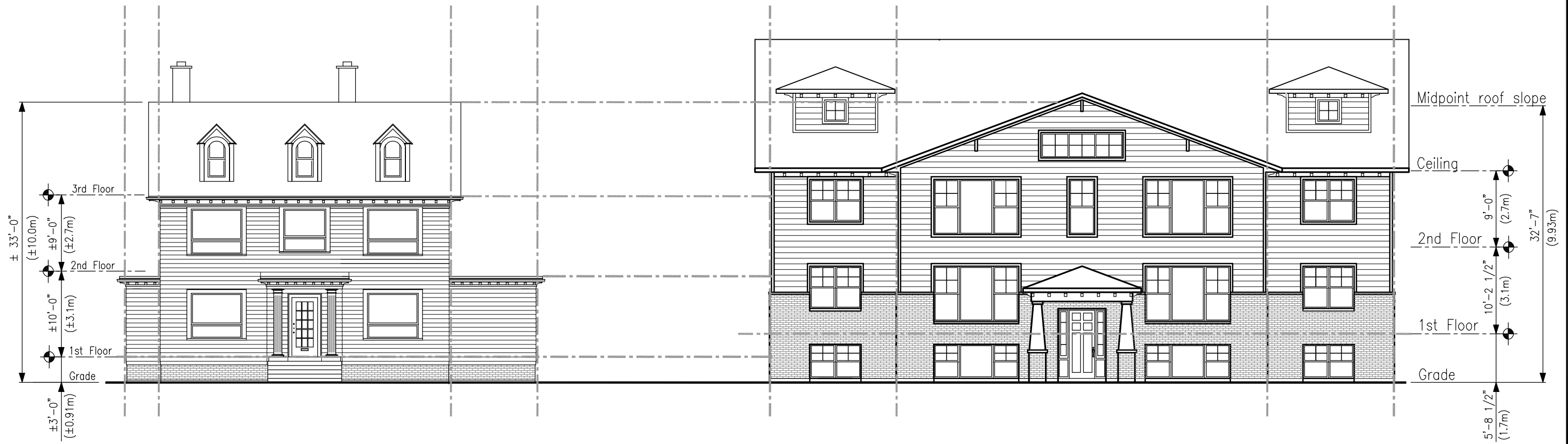
PROJECT NUMBER:  
**4754**

SHEET NUMBER:  
**P7**

SCALE:  
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ACAD REFERENCE:  
**4746 -P4- Elev**

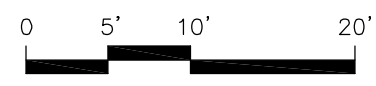
DRAWN BY:  
**I.A.Z.**



**205 RANDOLPH PLACE**  
EXISTING HERITAGE PROPERTY

**185 RANDOLPH PLACE**  
PROPOSED BUILDING

**STREET VIEW ELEVATIONS**



**MEO & ASSOCIATES INC.**  
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CLIENT:  
**TILCAP RANDOLPH INC.**

PROJECT:  
**RANDOLPH PLACE APARTMENTS**

DRAWING TITLE:  
**STREET VIEW ELEVATIONS**

DATE:  
**JULY 13, 202**

PROJECT NUMBER:  
**4754**

SHEET NUMBER:  
**P8**

SCALE:  
**Not to Scale**

ACAD REFERENCE:  
**4746 -P4- Elev**

DRAWN BY:  
**I.A.Z.**

**APPENDIX “B”  
Site Images**



Image 1- Subject Parcel 185 Randolph Place



Image 2- Subject Parcel 185 Randolph Place (vacant lands)



Image 3 – Subject Parcel (looking West on Randolph Place)



Image 4- Subject Parcel 185 Randolph Place (looking South on Randolph Place)



Image 5 – Subject Parcel (looking North on Randolph Place)



Image 6 – Subject Parcel (looking East from parcel)



Image 7 - Subject parcel (looking East from back alley)

# PLANNING RATIONALE REPORT

## ZONING BY-LAW AMENDMENT PROPOSED RESIDENTIAL DEVELOPMENT

185 Randolph Place  
Windsor, Ontario

August 2, 2023

Prepared by:



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# 1.0 INTRODUCTION

I have been retained by Tilcap Randolph Inc. (herein the "Applicant"), to provide a land use Planning Rationale Report (PRR) in support of a proposed development located at 185 Randolph Place (herein the "Site") in the City of Windsor, Province of Ontario.

The Site is currently a vacant parcel of land in Ward 2, in the Riverwest Planning District and was previously used for residential.

It is proposed to construct a 2.5 storey multiple dwelling with a total of 12 residential units. The units are proposed to be rental.

Parking, bicycle storage and a loading area are provided on-site. Access to the parking area will be from an existing alley.

The Site has access to full municipal services.

The Site will provide for a new housing choice in an existing built-up area, which is an example of "Missing Middle", while respecting the existing built heritage resources and built form in the area.

The target market is intended for students.

An application for Zoning By-law Amendment (ZBA) is required.

Once the ZBA has been approved, the Applicant will proceed with a Site Plan Control (SPC) application in order to complete the detailed design requirements. A building permit will also be required prior to any construction or site alterations.

Pre-submission was completed by the Applicant (City File #PS-10/23). Comments dated March 21, 2023, were received and have been incorporated into this PRR.

The purpose of this report is to review the relevant land use documents, including the Provincial Policy Statement (PPS) 2020, the City of Windsor Official Plan (OP) and the City of Windsor Zoning By-law (ZBL).

This PRR will show that the proposed development is suitable intensification of residential, is consistent with the PPS, conforms to the intent and purpose of the City of Windsor OP and represents good planning.

## 2.0 SITE AND SURROUNDING LAND USES

### 2.1 Description of Site and Ownership

The Site has been owned by Tilcap Randolph Inc. since January 2023 and is made up of one (1) irregularly shaped parcel of land located on the west side of Randolph Place north of University Avenue West and south of Riverside Drive West (see the area in blue on Figure 1a – Site Location).



Figure 1a – Site Location (Source: City of Windsor GIS)

The Site is locally known as 185 Randolph Place and is legally described as Lot 11 Plan 766 Town of Sandwich; Lot 12 Plan 766 Town of Sandwich; Part Lot 10 Plan 766 Town of Sandwich, Parts 1, 2 and 3 Plan 12R25736; S/T & T/W R1353907; Windsor (ARN 3739-050-100-05300-0000).

## 2.2 Physical Features of the Site

### 2.2.1 Size and Site Dimension

The Site, subject to the proposed development, consists of a total area of 1,173.2 m<sup>2</sup>, with a lot width of 27.64 m along Randolph Place and an irregular lot depth.

### 2.2.2 Existing Structures and Previous Use

The Site is currently vacant (see Figure 1b – Site Street View).



Figure 1b – Site Street View (Source: Pillon Abbs Inc.)

The previous use of the Site was for residential. A single detached dwelling has been demolished.

### **2.2.3 Vegetation**

The Site has an open grassed area.

There are some mature trees located on the municipal Right of Way (R-O-W) and along the alley.

### **2.2.4 Topography, Drainage and Soil**

The Site is flat and is outside the regulated area of the Essex Region Conservation Authority (ERCA).

The Site is part of the Windsor Area Drainage.

The Site is not impacted by Source Water Protection areas.

The soil is made up of Brookston Clay Loan (Bcl).

### **2.2.5 Other Physical Features**

There is an existing driveway and fencing along a portion of the Site.

The Site backs onto an alley on the west side.

### **2.2.6 Municipal Services**

The property has access to municipal water, storm and sanitary services.

Randolph Place is a north / south local residential road with parking on both sides of the roadway.

Streetlights and sidewalks are located on both sides of Randolph Place. There is a boulevard down the centre of the roadway with mature trees.

The closest fire hydrant is located south of the Site on the boulevard.

The Site has access to transit with the closest bus stop located at the corner of Randolph Place and University Avenue West, Stop ID: 1084 (Bus #1C).

The Site is in close proximity to major transportation corridors, including Riverside Drive West, University Ave West and Huron Church Road.

### **2.2.7 Nearby Amenities**

There are several schools nearby, including the University of Windsor and West Gate Public School.

There are many parks and recreation opportunities in close proximity to the Site, including Riverfront Trail, Ernest Atkinson Park, Windsor Sculpture Park, Assumption Park and Centennial Park.

The nearest library is Leddy Library.

There is nearby shopping in the form of plazas and malls, as well as employment, places of worship and local amenities.

## 2.3 Surrounding Land Uses

Overall, the Site is located in an existing built up area in Ward 2 and within the Riverwest Planning District.

The surrounding area is primarily residential, consisting of single detached homes, converted dwellings, a four-storey apartment building and 2 three-storey apartment buildings in close proximity to the Site.

A site visit was undertaken on June 10, 2023. Photos were taken by Pillon Abbs Inc.

**North** – The lands directly north of the Site are used for residential with access from Randolph Place (see Photos 1 - North).



Photos 1 – North

**South** – The lands directly south of the Site are used for residential with access from Randolph Place. Beyond the properties directly south are the Randolph Manor Executive Apartments and Randal Court Apartments, Skyline Living (see Photos 2 - South).



Photos 2 – South



**East** – The lands east of the Site, beyond the median, are used for residential with access from Randolph Place (see Photos 3 - East).



Photos 3 – East

**West** – The lands west of the Site, beyond the alley, are used for residential with access from Askin Avenue (see Photo 4 - West).



Photo 4 – West

# 3.0 PROPOSAL AND CONSULTATION

## 3.1 Development Proposal

It is proposed to develop the Site for residential and construct a new multiple dwelling.

A Concept Plan has been prepared by MEO & Associates Inc., dated August 1, 2023 (see Figure 2a – Concept Plan).

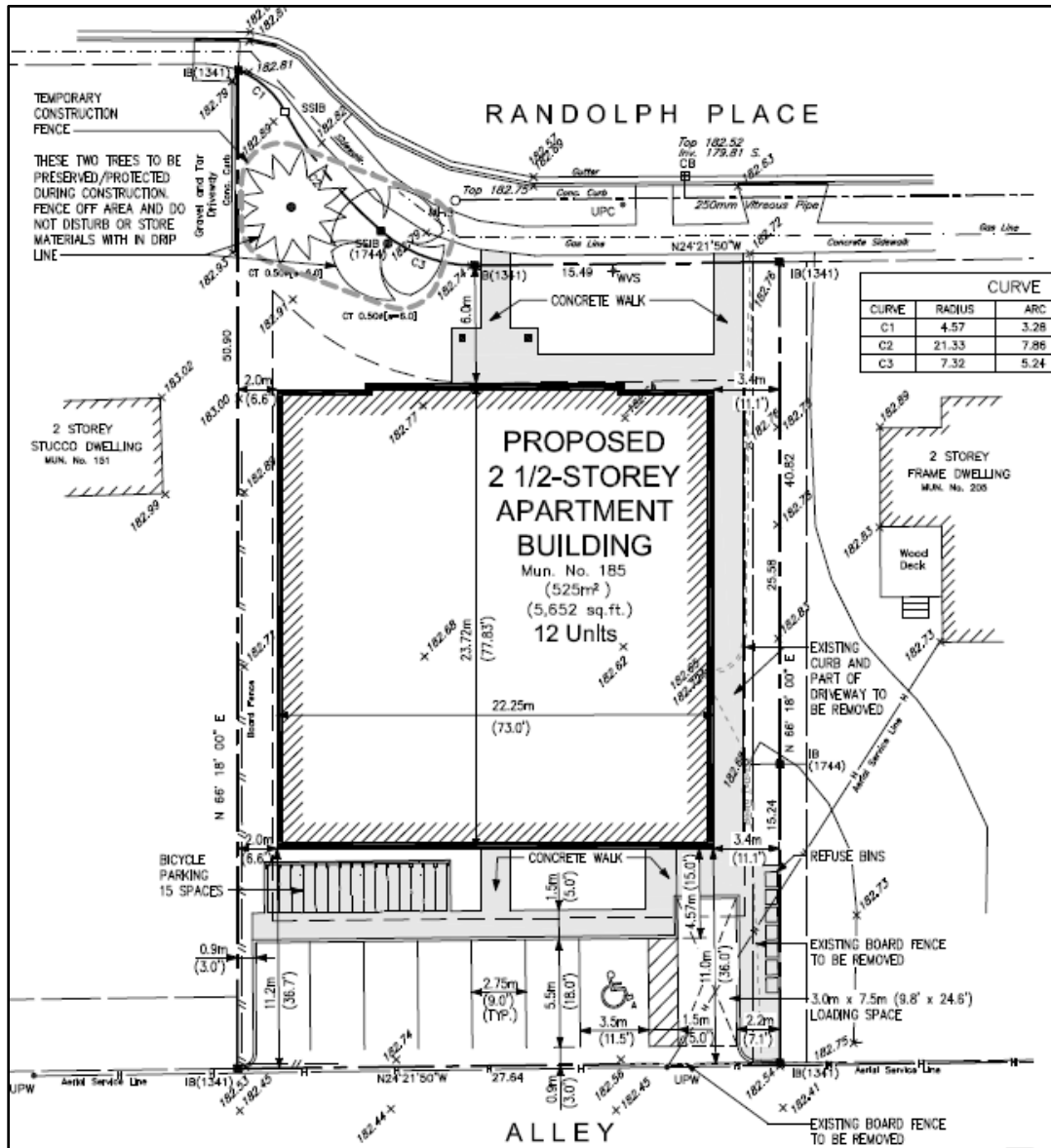


Figure 2a – Concept Plan

The concept plan illustrates a preliminary proposal.

The proposed development takes inspiration from the cultural heritage of the surrounding neighbourhood for the design aesthetic, specifically, the brick, horizontal siding, fenestration, and architectural details used on the exterior.

The intent is to incorporate a similar brick and siding style, which is complementary to the neighbouring heritage building to the south.

A total of 12 residential units are proposed. The target market is intended for students.

There are similar types of development in the area, such as the three-storey building at 269 Randolph Place (Randolph Manor).

The proposed built form is a harmonious blend of modern and traditional aesthetics.

The building features a sloped roof, enhancing the residential character and complementing the surrounding structures. A decorative dormer enriches the roofline, enhancing the visual interest of the building and incorporating architectural features found within the surrounding neighbourhood.

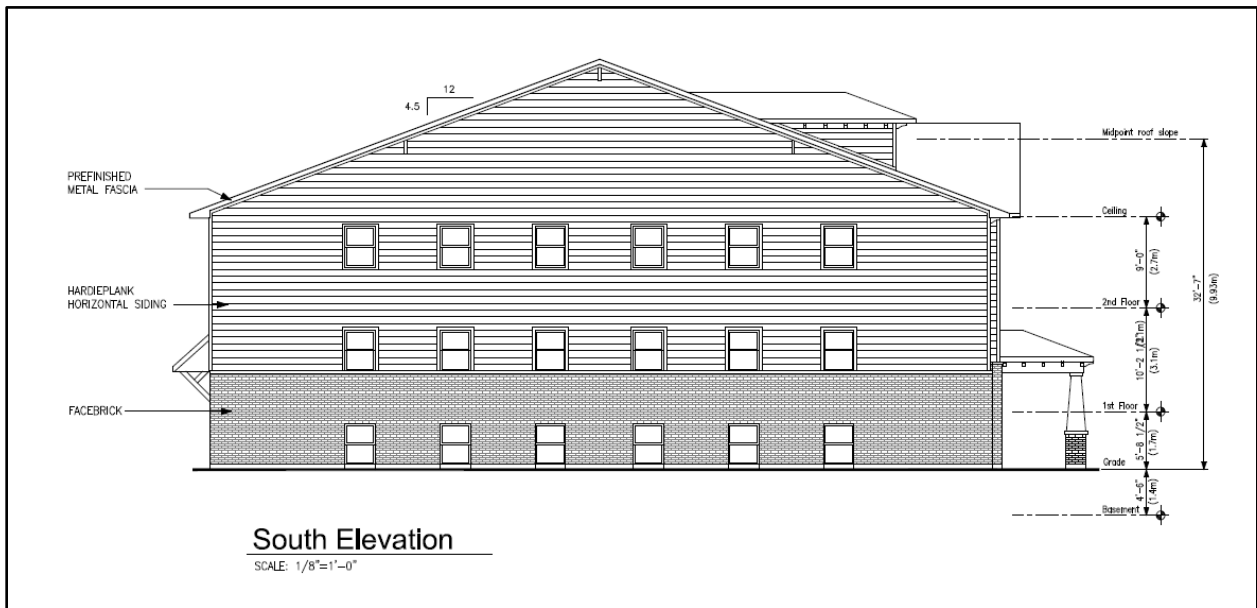
The proposed multiple dwelling will be 2.5 storey (9.93 m) in height.

The total building area is proposed to be 525 m<sup>2</sup> in size, which will result in a total lot coverage of 44.7%.

Based on the size of the Site (0.117 ha), the proposed gross density will be 102.56 units per hectare (uph).

The units are proposed to be rental.

The building will face Randolph Place with a primary pedestrian entrance (see Figure 2b – Elevations).



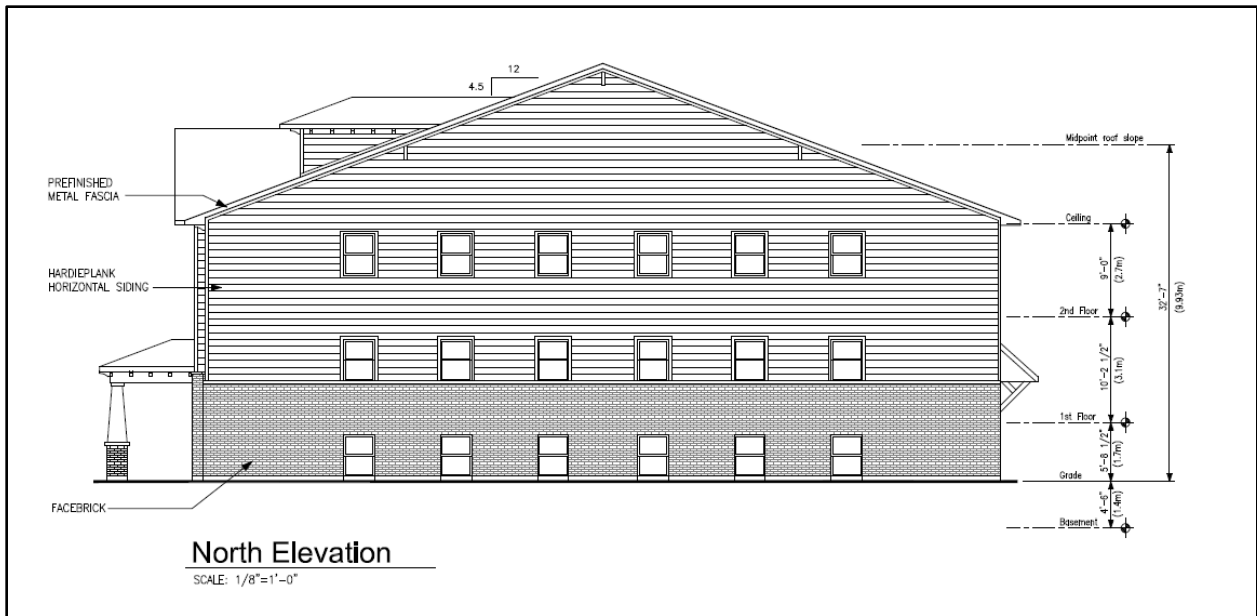
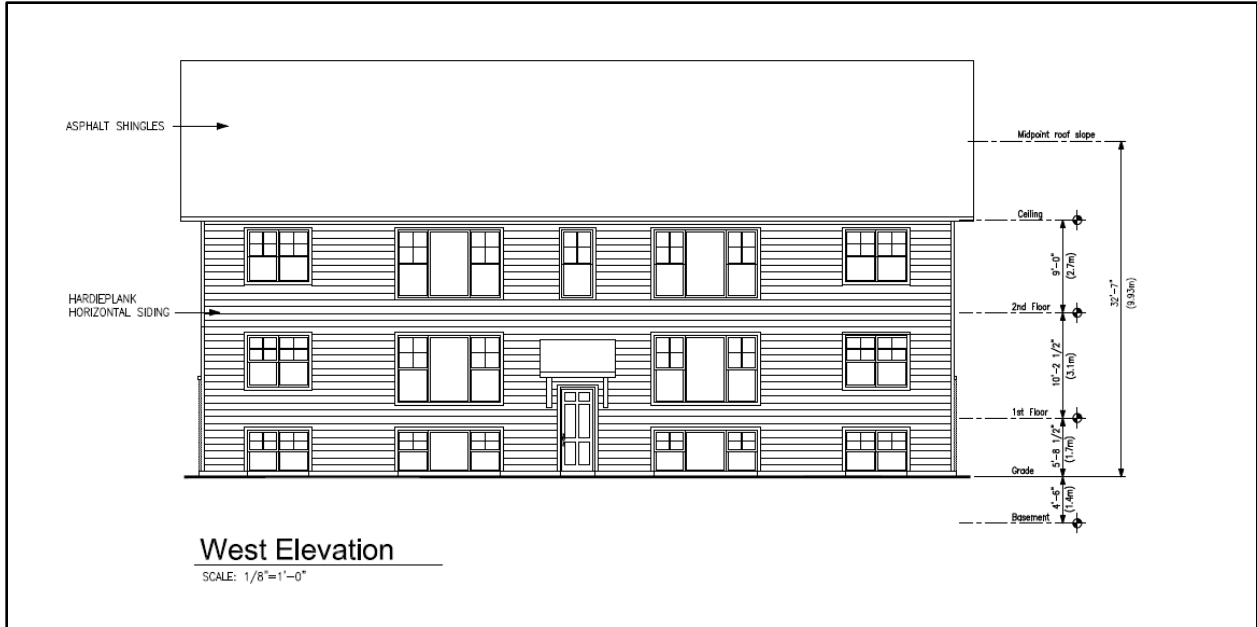


Figure 2b – Elevations

A secondary building entrance is located on the west side of the building adjacent to the surface parking area accessed from the alley.

Units will be 109.44 m<sup>2</sup> in size with 4 bedrooms each (see Figure 2c – Floor Plan).

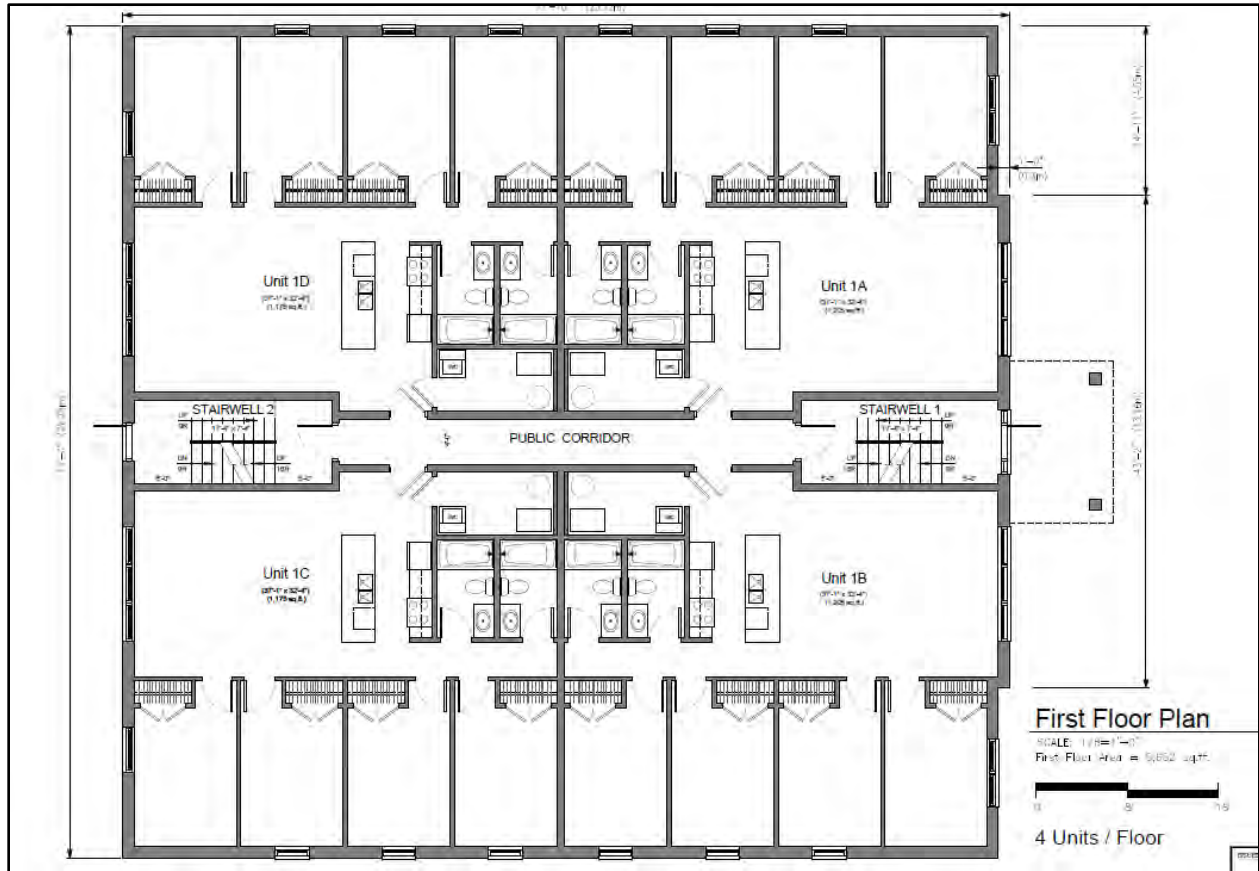


Figure 2c – Floor Plan

A total of 48 bedrooms are proposed within the 12 dwelling units.

Parking for 7 spaces are proposed to be located at the rear of the dwelling with vehicle access from the alley on the west side of the Site.

Parking includes visitor and barrier free spaces.

Bicycle parking with 15 spaces and 1 loading area are provided on-site.

The main outdoor amenity space proposed is the area at the northeast corner of the building and in front of the main entrance on the east elevation, adjacent to Randolph Place. In addition, there is amenity space available at the rear of the building, adjacent to the west elevation.

The Site has access to full municipal services, including water, storm and sewers.

All sidewalks will be paved.

Landscaping will be provided. Two existing trees at the front corner of the Site will be preserved.

A landscaped buffer as well as board fencing will be installed between the north and south-facing exterior of the building and the neighbours.

Waste management is handled with outdoor refuse bins positioned alongside the loading area.

## **3.2 Public Consultation Strategy**

In addition to the statutory public meeting, the *Planning Act* requires that the Applicant submit a proposed strategy for public consultation with respect to an application as part of the complete application requirements.

At this time, the required public meeting will be sufficient as the proposed development is small scale.

No informal public open house is proposed to be held.



## **4.0 APPLICATIONS AND STUDIES**

Pre-submission was completed by the Applicant (City File #PS-10/23). Comments dated March 21, 2023 were received and have been incorporated into this PRR.

The proposed development requires an application for Zoning By-law Amendment (ZBA) along with required support studies.

The following explains the application and other required approvals as well as the required support studies.

### **4.1 Zoning By-Law Amendment**

A site specific Zoning By-law Amendment (ZBA) is required to permit the proposed development of a multiple dwelling with 5 or more dwelling units as an additional permitted use.

The zoning for the Site is proposed to be changed from Residential District 2.2 (RD2.2) category to a site specific Residential District 2.2 (RD2.2 - S.20(1)(XXX)) category as shown on Map 3 of the City of Windsor Zoning By-Law (ZBL).

In addition to the change in zoning for the permitted use of a multiple dwellings with 5 or more dwelling units as an additional permitted use, the proposed development will comply with all zone provisions set out in the RD2.2 Zone, except relief is required from certain provisions.

The ZBA is detailed, and the justification is set out in Section 5.1.3 of this PRR.

### **4.2 Other Application**

Once the ZBA has been approved, the Applicant will proceed with a Site Plan Control (SPC) application in order to complete the detailed design requirements.

A building permit will also be required prior to any construction or site alterations.

### **4.3 Supporting Studies**

The following studies have been prepared to support the application.

#### **4.3.1 Urban Design**

A Urban Design Brief (UDB) was prepared by Dillon Consulting, dated August 2023.

The purpose of the report was to assess the design features of the proposed development based on the City of Windsor's urban design policies, including the Intensification Guidelines.

A shadow assessment was also conducted as part of the UDB.

The UDB also provides recommendations to consider for future approval processes, such as SPC which will help align the development with the goals, objectives and policies of the City.

Recommendations include such design elements as;

- Building massing and material (ie main entrance to be clearly defined),
- Public / Private amenity space (ie appealing, accessible and connected),
- Heritage integration,
- Pedestrian Accessible Amenities, and
- Landscaping (ie strategic).

The report concluded that, with the recommendations, the proposed development will align with the City's guidelines and will not have any adverse effects on the neighbourhood.

### **4.3.2 Parking**

A Parking Study was prepared by RC Spencer Associates Inc. Consulting Engineers, dated July 2023.

The report was prepared to examine the impacts on reducing the required parking for the proposed development.

As the intended market for the units will be for students, the report used the required bedrooms as part of the assessment.

On street parking is available, the Site is walkable, there is extra bicycle parking, and there is access to transit.

It was concluded that the proposed parking is in keeping with current sustainable policies and that 7 parking spaces could adequately accommodate the proposed development.

## 5.0 PLANNING ANALYSIS

### 5.1 Policy and Regulatory Overview

#### 5.1.1 Provincial Policy Statement

The Provincial Policy Statement, 2020 (PPS) provides policy direction on matters of provincial interest related to land use planning and development providing for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environments.

The PPS is issued under Section 3 of the Planning Act and came into effect on May 1, 2020. It applies to all land use planning matters considered after this date.

The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The following provides a summary of the key policy considerations of the PPS as it relates to the proposed development.

PPS Policy #	Policy	Response
1.0	.....Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns.....	Windsor has directed growth where the Site is located which will contribute positively to promoting efficient land use and development patterns.  Residential use on the Site represents an efficient development pattern that optimizes the use of land.
1.1.1	Healthy, liveable and safe communities are sustained by:  a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;  b) accommodating an appropriate affordable and	The proposed development is consistent with the policy to build strong healthy, and livable communities as it provides for a development where people can live, work and play.  The proposed development offers a new housing choice.

PPS Policy #	Policy	Response
	<p>market-based range and mix of residential types, employment, institutional, recreation, park and open space, and other uses to meet long-term needs;</p> <p>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</p> <p>d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;</p> <p>e) promoting.....cost-effective development patterns and standards to minimize land consumption and servicing costs;</p> <p>f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;</p> <p>h) promoting development and land use patterns that conserve biodiversity.</p>	<p>There are similar types of development in the area.</p> <p>There are no anticipated environmental or public health and safety concerns as the area is established.</p> <p>The development pattern does not require expansion of the settlement area as it is considered infilling and intensification.</p> <p>The proposed development will not change lotting or street patterns in the area.</p> <p>The Site has access to full municipal services and is close to existing local parks, places of worship, and schools.</p> <p>Accessibility of units will be addressed at the time of the building permit.</p> <p>Public service facilities are available, such as local schools.</p> <p>The development pattern is proposed to be an efficient use of the Site.</p>
1.1.2	Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years.	The proposed development will help the City of Windsor meet the full range of current and future residential needs through intensification.

PPS Policy #	Policy	Response
	Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.	The Site will provide for residential infilling within an existing settlement area.
1.1.3.1	Settlement areas shall be the focus of growth and development.	<p>The proposal enhances the vitality of the municipality, as the proposal is within an existing settlement area.</p> <p>There will be no urban sprawl as the proposed development is within the existing settlement area and is an ideal infilling opportunity.</p>
1.1.3.2	<p>Land use patterns within settlement areas shall be based on densities and a mix of land uses which:</p> <ul style="list-style-type: none"> <li>a) efficiently use land and resources;</li> <li>b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;</li> <li>c) minimize negative impacts to air quality and climate change, and promote energy efficiency;</li> <li>d) prepare for the impacts of a changing climate;</li> </ul>	<p>The Site will provide for a new housing choice in an existing built-up area, which is an example of "Missing Middle", while respecting the existing built heritage resources and built form in the area.</p> <p>The total density of the proposed development is considered appropriate as most of the surrounding area has a mix of densities.</p> <p>The Site provides for an infilling opportunity allowing a transition within an existing established neighbourhood.</p> <p>The Site offers an opportunity for intensification by creating a new housing choice for students.</p>

PPS Policy #	Policy	Response
	<p>e) support active transportation;</p> <p>f) are transit-supportive, where transit is planned, exists or may be developed; and</p> <p>g) are freight-supportive.</p>	<p>The design and style of building will blend well with the scale and massing of the existing surrounding neighbourhood.</p> <p>Residents will have immediate access to local amenities, shopping, employment, recreational areas, and institutional uses.</p> <p>Transit is available for the area.</p> <p>The Site is pedestrian friendly.</p> <p>The Site is located close to major transportation corridors.</p>
1.1.3.3	<p>Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.</p>	<p>The proposed development is located on a Site that is physically suitable.</p> <p>The Site is generally level which is conducive to easy vehicular movements.</p> <p>The intensification can be accommodated for the proposed development as it is an appropriate use of the Site.</p> <p>Parking will be provided on-site, including space for tenants and visitors.</p> <p>Extra bicycle parking will be provided.</p>
1.1.3.4	<p>Appropriate development standards should be promoted</p>	<p>The proposed residential building will be built with a</p>

PPS Policy #	Policy	Response
	which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.	<p>high standard of construction allowing a seamless integration with the existing neighbourhood.</p> <p>There will be no risks to the public as identified in the support studies.</p> <p>The Site is outside of the ERCA regulated area.</p>
1.1.3.5	Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.	The City has established targets for intensification and redevelopment. The proposed development will assist in meeting those targets as the Site is located in an existing built-up area.
1.1.3.6	New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.	<p>The proposed development does have a compact built form.</p> <p>The proposed building size will allow for the efficient use of land, pedestrian and vehicle access, infrastructure and public services.</p>
1.4.1 - Housing	<p>To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:</p> <p>a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through</p>	<p>The proposed development will provide for an infill and intensification opportunity in the existing built-up area.</p> <p>The Site offers an opportunity for intensification in an area with a mix of densities.</p> <p>Municipal services are available.</p>

PPS Policy #	Policy	Response
	<p>residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and</p> <p>b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.</p>	
1.4.3	<p>Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area.</p>	<p>The proposed density is compatible with the surrounding area and will provide an appropriate transition between buildings.</p> <p>The Site is close to local amenities and the University of Windsor.</p> <p>There is suitable infrastructure, including transit.</p>
1.6.1 - Infrastructure	<p>Infrastructure and public service facilities shall be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs.</p>	<p>The development can proceed on full municipal services.</p> <p>Electrical distribution will be determined through detailed design.</p> <p>Access to public transit is available.</p>



PPS Policy #	Policy	Response
1.6.6.2 - Sewage, Water and Stormwater	Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.	The proposed development will be serviced by municipal sewer, water and storm, which is the preferred form of serving for settlement areas.
1.6.6.7 - Stormwater	<p>Planning for stormwater management shall:</p> <ul style="list-style-type: none"> <li>a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;</li> <li>b) minimize, or, where possible, prevent increases in contaminant loads;</li> <li>c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;</li> <li>d) mitigate risks to human health, safety, property and the environment;</li> </ul>	<p>There will be no anticipated impacts on the municipal system and will not add to the capacity in a significant way.</p> <p>There will be no risk to health and safety.</p>

PPS Policy #	Policy	Response
	<p>e) maximize the extent and function of vegetative and pervious surfaces; and</p> <p>f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.</p>	
1.6.7.1 - Transportation	Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.	The Site is in close proximity to major transportation corridors and has access to transit.
1.6.7.2	Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.	The proposed development contributes to the City's requirements for development within an existing built-up area.
1.6.7.4	A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.	<p>The proposed development contributes to the City's requirement for infilling and intensification within an existing settlement area.</p> <p>The proposed density, scale, and building height will blend with the existing land use pattern.</p> <p>The height of the proposed development is keeping in context with the surrounding area and with the adjacent</p>

PPS Policy #	Policy	Response
		heritage recognized property.
2.1.1 - Natural Heritage	Natural features and areas shall be protected for the long term.	There are no natural features that apply to this Site.
2.2.1 - Water	Planning authorities shall protect, improve or restore the quality and quantity of water.	The required support studies have been prepared in support of the proposed development as it pertains to stormwater management.  The Site is outside the regulated area of ERCA.
2.6.1 - Heritage	Significant built heritage resources and significant cultural heritage landscapes shall be conserved.	The Site is adjacent to a heritage property.  The UDB has assess how the proposed development can be integrated.
3.0 - Health and Safety	Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.	There are no natural or human-made hazards.  The Site is outside the regulated area of ERCA.

Therefore, the proposed development is consistent with the PPS and the Province's vision for long-term prosperity and social well-being.

### 5.1.2 Official Plan

The City of Windsor Official Plan (OP) was adopted by Council on October 25, 1999, approved in part by the Ministry of Municipal Affairs and Housing (MMAH) on March 28, 2000 and the remainder approved by the Ontario Municipal Board (OMB) on November 1, 2002. Office consolidation version is dated September 7, 2012.

The OP implements the PPS and establishes a policy framework to guide land use planning decisions related to development and the provision of infrastructure and community services throughout the City.

The lands are designated "Residential" according to Schedule "D" Land Use attached to the OP for the City of Windsor (see Figure 3 –OP).

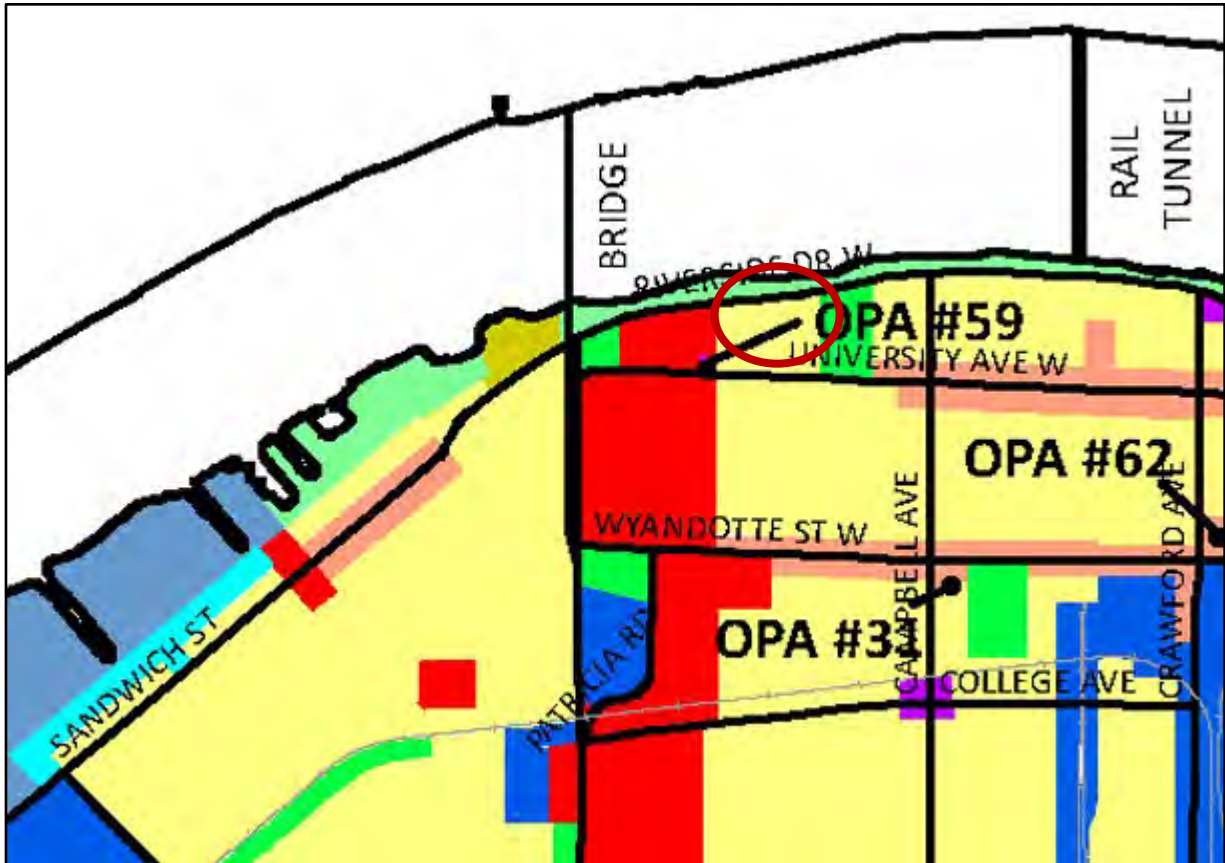


Figure 3 –OP

The proposed use is permitted in the "Residential" designation.

The Site is also located within a "Mature Neighbourhood" according to Schedule "A-1" attached to the OP.

The following provides a summary of the key policy considerations of the OP as it relates to the proposed development.

OP Policy #	Policy	Response
3.1	The planning of Windsor's future is guided by the following vision taken from	The proposed development will support the City's vision by providing residential in an

OP Policy #	Policy	Response
	Dream Dare Do – The City of Windsor Community Strategic Plan.	<p>existing built-up area where citizens can live, work and play.</p> <p>The proposed development should incorporate design features to protect, maintain and improve the quality of life for present and future generations by integrating the principles of sustainability and place making.</p>
3.2.1.2 – Growth Concept, Neighbourhood Housing Variety	Encouraging a range of housing types will ensure that people have an opportunity to live in their neighbourhoods as they pass through the various stages of their lives.	<p>The proposed development supports one of the City's overall development strategies of providing for a range of housing types.</p> <p>The Site will provide for a new housing choice in an existing built-up area, which is an example of "Missing Middle" while respecting the existing built heritage resources and built form in the area.</p> <p>There are similar types of development in the area.</p>
3.2.1.3 – Growth Concept, Distinctive Neighbourhood Character	Windsor will keep much of what gives its existing neighbourhoods their character – trees and greenery, heritage structures and spaces, distinctive area identities, parks, and generally low profile development outside the City Centre. Around the neighbourhood centres, the existing character of the neighbourhood will be retained and enhanced.	<p>The Site will provide for a new housing choice in an existing built-up area, which is an example of "Missing Middle", while respecting the existing built heritage resources and built form in the area.</p> <p>The proposed built form is a harmonious blend of modern and traditional aesthetics.</p>
4.0 - Healthy Community	The implementing healthy community policies are interwoven throughout the	The proposed development will support the City's goal of promoting a healthy community.

OP Policy #	Policy	Response
	remainder of the Plan, particularly within the Environment, Land Use, Infrastructure and Urban Design chapters, to ensure their consideration and application as a part of the planning process.	The proposed development is close to nearby transit, employment, shopping, local/regional amenities and parks.
6.0 - Preamble	A healthy and livable city is one in which people can enjoy a vibrant economy and a sustainable healthy environment in safe, caring and diverse neighbourhoods. In order to ensure that Windsor is such a city, Council will manage development through an approach which balances environmental, social and economic considerations.	The proposed development supports the policy set out in the OP as it is suited for the residential needs of the City.
6.1 - Goals	<p>In keeping with the Strategic Directions, Council's land use goals are to achieve:</p> <p>6.1.1 Safe, caring and diverse neighbourhoods.</p> <p>6.1.3 Housing suited to the needs of Windsor's residents.</p> <p>6.1.10 Pedestrian oriented clusters of residential, commercial, employment and institutional uses.</p>	<p>The proposed development supports the goals set out in the OP as it provides for the intensification of residential offering a new housing choice.</p> <p>The target market is intended for students.</p> <p>Care in the design of the proposed multiple dwelling has taken into consideration the existing heritage resources and built form in the area.</p> <p>The Site provides for an infilling opportunity allowing a transition between existing buildings.</p>
6.1.14 – Residential Intensification	To direct residential intensification to those areas of the City where transportation, municipal	The Site has access to transportation, full municipal services and local amenities.

OP Policy #	Policy	Response
	services, community facilities and goods and services are readily available.	
6.2.1.2 – General Policies, Type of Development Profile	<p>For the purpose of this Plan, Development Profile refers to the height of a building or structure. Accordingly, the following Development Profiles apply to all land use designations on Schedule D: Land Use unless specifically provided elsewhere in this Plan:</p> <p><b>(a) Low Profile developments are buildings or structures generally no greater than three (3) storeys in height;</b></p> <p>(b) Medium Profile developments are buildings or structures generally no greater than six (6) storeys in height; and</p> <p>(c) High Profile developments are buildings or structures generally no greater than fourteen (14) storeys in height.</p>	<p>The proposed development is considered a low profile development as it is proposed to have 2.5 storeys constructed on the Site.</p> <p>The building is considered small in scale.</p> <p>The proposed development is in keeping with the neighbouring heights and densities found along Randolph Place.</p> <p>Many of the residential dwellings along this stretch of Randolph Place have similar setbacks and heights.</p>
6.3.1.1 – Range of Forms & Tenures	To support a complementary range of housing forms and tenures in all neighbourhoods	<p>It is proposed to construct a 2.5 storey building with 12 residential rental units.</p> <p>The proposed development will offer a new housing choice which will complement the existing neighbourhood.</p>
6.3.1.2 - Neighbourhoods	To promote compact neighbourhoods which encourage a balanced transportation system.	<p>The proposed development takes advantage of the entire Site.</p> <p>The Site will be pedestrian friendly, with paved sidewalks</p>

OP Policy #	Policy	Response
		<p>connection to the roadway, alley and parking area.</p> <p>The Site has access to transit and is in close proximity to major transportation corridors.</p>
6.3.1.3 – Intensification, Infill & Redevelopment	To promote residential redevelopment, infill and intensification initiatives in locations in accordance with this plan.	<p>The proposed development is considered infill and intensification.</p> <p>The parcel of land is vacant and appropriate for redevelopment.</p>
6.3.2.1 – Permitted Uses	Uses permitted in the Residential land use designation identified on Schedule D: Land Use include <b>Low Profile</b> , and Medium Profile dwelling units. High Profile Residential Buildings shall be directed to locate in the City Centre, Mixed Use Centres and Mixed Use Corridors.	The proposed development is a permitted use in the OP as it is considered a low profile development.
6.3.2.4 – Location Criteria	<p>Residential intensification shall be directed to the Mixed Use Nodes and areas in proximity to those Nodes. Within these areas Medium Profile buildings, up 4 storeys in height shall be permitted. These taller buildings shall be designed to provide a transition in height and massing from low-profile areas.</p> <p><b>New residential development and intensification</b> shall be located where: a) there is access to a collector or arterial road; b) full municipal physical services can be provided; c) adequate community services</p>	<p>The Site is located near major transportation corridors.</p> <p>Full services are available.</p> <p>Local amenities are close by.</p> <p>The proposed development is located close to transit.</p>



OP Policy #	Policy	Response
	and open spaces are available or are planned; and d) public transportation service can be provided.	
6.3.2.5 – Evaluation for a Neighbourhood	<p>At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed residential development within an area having a Neighbourhood development pattern is:</p> <p>(a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:</p> <p>(i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;</p> <p>(ii) adjacent to sources of nuisance, such as noise, odour, vibration and dust;</p> <p>(iii) within a site of potential or known contamination;</p> <p>(iv) where traffic generation and distribution is a provincial or municipal concern; and</p> <p>(v) adjacent to heritage resources.</p> <p>(b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;</p> <p>(c) In existing neighbourhoods, compatible with the surrounding area in terms of scale, massing, height, siting, orientation,</p>	<p>This PRR has undertaken the required evaluation of provincial legislation.</p> <p>There are no constraint areas that impact this Site.</p> <p>The Site will provide for a new housing choice in an existing built-up area, which is an example of "Missing Middle".</p> <p>No anticipated traffic concerns.</p> <p>An UDB has been prepared to assess how the existing built heritage resources and built form in the area can be respected.</p> <p>A Parking Study has been prepared to confirm that the requirement can be reduced.</p> <p>The proposed development will be strategically located to provide efficient ease of the proposed new access into the parking area from the alley.</p> <p>The Site is capable of accommodating the proposed development in terms of scale, massing, height and siting.</p> <p>Full municipal services can be provided.</p> <p>The setbacks and the design features incorporated into the</p>

OP Policy #	Policy	Response
	<p>setbacks, parking and amenity areas. In <b>Mature Neighbourhoods</b> as shown on Schedule A-1, compatible with the surrounding area, as noted above, and consistent with the streetscape, architectural style and materials, landscape character and setback between the buildings and streets;</p> <p>(d) provided with adequate off street parking;</p> <p>(e) capable of being provided with full municipal physical services and emergency services; and</p> <p>(f) facilitating a gradual transition from Low Profile residential development to Medium and/or High Profile development and vice versa, where appropriate, in accordance with Design Guidelines approved by Council.</p>	<p>proposed development provide for a transition between the low-rise multiple dwelling building and the low-rise single detached dwellings along Randolph Place.</p> <p>The City's design guidelines can be followed.</p>
7.0 - Infrastructure	<p>The provision of proper infrastructure provides a safe, healthy and efficient living environment. In order to accommodate transportation and physical service needs in Windsor, Council is committed to ensuring that infrastructure is provided in a sustainable, orderly and coordinated fashion.</p>	<p>The proposed development is close to nearby transit, off a major transportation corridor and has access to full municipal services.</p>
8.7.2.3 – Built Form, Infill Development	<p>Council will ensure that proposed development within an established neighbourhood is designed to function as an integral and complementary part of that area's existing</p>	<p>The Site provides for an infilling opportunity allowing a transition between buildings.</p> <p><b>Massing</b> – The proposed development, a two and a half storey residential building, fits</p>

OP Policy #	Policy	Response
	<p>development pattern by having regard for:</p> <ul style="list-style-type: none"> <li>(a) massing;</li> <li>(b) building height;</li> <li>(c) architectural proportion;</li> <li>(d) volumes of defined space;</li> <li>(e) lot size;</li> <li>(f) position relative to the road;</li> <li>(g) building area to site area ratios;</li> <li>(h) the pattern, scale and character of existing development; and</li> <li>(i) exterior building appearance,</li> <li>(j) Council adopted Design Guidelines that will assist in the design and review of applications for development in accordance with the policies noted above</li> </ul>	<p>well into this block pattern, contributing to the overall architectural diversity in the area.</p> <p>The height is what is proposed if the development were a single detached dwelling.</p> <p><b>Building height</b> – the height of the proposed development is keeping in context with the surrounding area and with the adjacent heritage property.</p> <p>The proposed building height exceeds the existing permitted height by 0.93m, and this slight increase does not undermine the existing building context.</p> <p><b>Architectural proportion</b> – The proposed development embraces the local architectural vernacular, showcasing face brickwork on its façades that mirrors the traditional brick structures in the surrounding area.</p> <p><b>Volume of defined space</b> – The proposed building maintains an active street frontage with a prominent pedestrian entrance that adds to the walkability and human scale of the neighborhood.</p> <p><b>Lot size</b> – This design approach strengthens the continuity and cohesive identity of the block.</p>

OP Policy #	Policy	Response
		<p><b>Building area</b> – The design considerations of the proposed development demonstrate a balance between fitting into the existing context and adding a unique architectural contribution to the block.</p> <p><b>Pattern, scale and character</b> – The Site is capable of accommodating the proposed development in terms of scale, massing, height and siting.</p> <p><b>Exterior building appearance</b> – The proposed 2.5 storey residential development takes inspiration from the cultural heritage of the surrounding neighbourhood for the design aesthetic, specifically, the brick, horizontal siding, fenestration, and architectural details used on the exterior.</p>
9.3.1.1 – Cultural Heritage Resources Definition	For the purpose of this Plan, heritage resources include built heritage resources and cultural heritage landscapes that Council has identified as being important to the community.	<p>The Site does not contain cultural heritage resources.</p> <p>The Site is within the vicinity of a heritage property listed on the City of Windsor Municipal Heritage Register.</p> <p>Historical elements will be incorporated into the design of the proposed multiple dwelling.</p>
9.3.3.1 – Heritage Properties	Council will recognize Windsor's heritage resources.....	An UDB has been completed and has determined the impact that the proposed development may have on the area.

OP Policy #	Policy	Response
		The proposed 2.5 storey residential development takes inspiration from the cultural heritage of the surrounding neighbourhood for the design aesthetic, specifically, the brick, horizontal siding, fenestration, and architectural details used on the exterior.
10.2.20.1 – Design Brief	The Urban Design Brief should provide a description and analysis of the site and surrounding context. Photographs and a context map showing the subject site in relation to the existing neighbourhood should be included.	<p>An UDB has been completed.</p> <p>The UDB has provided recommendations, such as landscaping.</p> <p>The UDB has taken into account that the Site is within a mature neighbourhood and near properties with heritage values.</p>
10.2.20.2	The Urban Design Brief should provide an analysis of the design rationale for the building, landscape, and site design elements of the proposed development and explain why the proposed development represents the optimum design solution. Discussion should consider the following: i) How the design of the proposed development meets the intent of the City's applicable urban design guidelines and policies; ii) How the design addresses existing site conditions and constraints such as lot size, grading, or natural heritage features; iii) How the design of the proposed development integrates with the existing neighbourhood and enhances its function and aesthetics;	<p>Recommendations are set out in the UDB.</p> <p>The design considerations of the proposed development demonstrate a balance between fitting into the existing context and adding a unique architectural contribution to the block.</p> <p>A shadow assessment was also conducted as part of the UDB.</p> <p>No impacts on the surrounding properties are anticipated.</p>

OP Policy #	Policy	Response
	and, iv) How the design of the proposed development will influence and integrate with future development in the neighbourhood.	

Therefore, the proposed development will conform to the City of Windsor OP.

### 5.1.3 Zoning By-law

The City of Windsor Zoning By-Law (ZBL) #8600 was passed by Council on July 8, 2002, and then a further Ontario Municipal Board (OMB) decision was issued on January 14, 2003.

A ZBL implements the PPS and the City OP by regulating the specific use of property and provide for its day-to-day administration.

According to Map 3 attached to the ZBL the Site is currently zoned Residential District 2.2 (RD2.2) category (see Figure 4 – Zoning).



Figure 4 –Zoning

The zoning for the Site is proposed to be changed to a site specific Residential District 2.2 (RD2.2 - S.20(1)(XXX)) category as shown on Map 3 of the City of Windsor Zoning By-Law (ZBL) in order to permit a multiple dwellings with 5 or more dwelling units as an additional permitted use.

*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*

A review of the RD2.2 zone provisions, as set out in Section 11.2.5.4 of the ZBL is as follows:

<b>Zone Regulations</b>	<b>Required RD 2.2 Zone</b>	<b>Proposed</b>	<b>Compliance and/or Relief Requested with Justification</b>
Permitted Uses	Multiple Dwelling containing a max of four dwelling units	Multiple dwellings with 5 or more dwelling units	A zoning amendment is required to permit the proposed development as an additional permitted use.
Min Lot Width	18.0 m	27.64 m	Complies
Min Lot Area	540.0 m <sup>2</sup>	1,173.2 m <sup>2</sup>	Complies
Max Lot Coverage	45.0 %	44.7 %	Complies
Max Building Height	9.0 m	9.93 m	Relief required.  The request is to increase the height by 0.93 m.  This will allow the proposed building to be built similar to the buildings located on the abutting lands.  The request is minor.  An UDB has been completed/  The height of the proposed development is keeping in context with the surrounding area and with the adjacent heritage property.
Min Front Yard Depth	6.0 m	6.0 m	Complies

<b>Zone Regulations</b>	<b>Required RD 2.2 Zone</b>	<b>Proposed</b>	<b>Compliance and/or Relief Requested with Justification</b>
Min Rear Yard Depth	7.50 m	11.0 m	Complies
Min Side Yard	1.80 m	2.0 m / 3.4 m	Complies
Parking Spaces Required (Table 24.20.20.5.1)	Multiple Dwelling containing a minimum of 5 dwelling units:  1.25 parking spaces required for each dwelling unit  12 x 1.25 =15 space	7	Relief required.  The request is to decrease the required parking space by 8.  A Parking Study has been completed.  On street parking is available, the site is walkable, there is extra bicycle parking and there is access to transit.
Visitor Parking (24.22.10)	15 percent of parking spaces marked  = 2 (rounded down)	2	Complies
Accessible Parking Spaces Required (Table 24.24.1)	For 1 to 24 total number of Parking Spaces  Type A – 1 parking spaces  Total B - 0 parking spaces  = 1 parking spaces	1	Complies
Bicycle Parking (24.30.1)	10 to 19 parking spaces in parking area:  = 2 spaces required	15	Complies  Extra provided.
Loading	1,000 m <sup>2</sup> or less	1	Complies



Zone Regulations	Required RD 2.2 Zone	Proposed	Compliance and/or Relief Requested with Justification
(Table 24.40.1.5)	= 0  1 required (based on proposed building size 711.4 m <sup>2</sup> )		
Parking Area Separation (Table 25.5.20.1.3)	An interior lot line or alley - 0.90 m	0.9 m	Complies
Parking Area Separation (Table 25.5.20.1.6)	A building wall containing a habitable room window or containing both a main pedestrian entrance and a habitable room window facing the parking area where the building is located on the same lot as the parking area – 4.50 m	4.57 m	Complies

Therefore, in addition to the change in zoning for the permitted use of a multiple dwelling with 5 or more dwelling units, the proposed development will comply with all zone provisions set out in the RD2.2 Zone except for the following, which requires site specific relief:

1. *increase the maximum height from 9.0 m to 9.93 m, and*
2. *decrease the minimum parking space requirement from 15 to 7.*

## **6.0 SUMMARY AND CONCLUSION**

### **6.1 Context and Site Suitability Summary**

#### **6.1.1 Site Suitability**

The Site is ideally suited for residential development for the following reasons:

- The land area is sufficient to accommodate the proposed development with adequate transition from abutting land uses,
- The Site is generally level which is conducive to easy vehicular movements,
- The Site will be able to accommodate municipal water, storm and sewer systems,
- There are no anticipated traffic concerns,
- There are no natural heritage concerns,
- There are no cultural heritage concerns,
- There are no hazards, and
- The location of the proposed development is appropriate.

#### **6.1.2 Compatibility of Design**

The proposed development has been designed to be compatible with the existing built-up area, including the low profile residential uses in the area.

The proposed development is a low profile form of development which incorporates sufficient setbacks to allow for appropriate landscaping and buffering.

The building has been designed to address compatibility within a mature neighbourhood and near heritage resources.

The proposed development will be strategically located to provide efficient ease of the proposed new access into the parking area from the alley.

The Site is capable of accommodating the proposed development in terms of scale, massing, height and siting.

The proposed development will not obstruct the heritage resources.

#### **6.1.3 Good Planning**

The proposal represents good planning as it addresses the need for the City to provide infilling, which contributes to a new housing choice and intensification requirements set out in the PPS and the OP.

Residential use on the Site represents an efficient development pattern that optimizes the use of land.

The proposed development will not change lotting or street patterns in the area and will not result in the isolation of any of the heritage resources.

There are similar types of development in the area.

#### **6.1.4 Natural Environment Impacts**

The proposal does not have any negative natural environmental impacts.

#### **6.1.5 Municipal Services Impacts**

Full municipal services are available, which is the preferred form for development.

#### **6.1.6 Social and/or Economic Conditions**

The proposed development does not negatively affect the social environment as the Site is in close proximity to major transportation corridors, transit, open space and community amenities.

Infilling in an existing built-up area of the City contributes toward the goal of 'live, work and play' where citizens share a strong sense of belonging and a collective pride of place.

The proposal does not cause any public health and safety concerns. The proposal represents a cost effective development pattern that minimizes land consumption and servicing costs.

Based on the Site area, the proposed development will result in a total net density, which is appropriate for the area.

There will be no urban sprawl as the proposed development is within the existing settlement area and is an ideal infilling opportunity.

## **6.2 Conclusion**

In summary, it would be appropriate for Council for the City of Windsor to approve the ZBA to permit the proposed development on the Site as it is appropriate for infilling and will offer residential in an area of mixed densities.

The Site will provide for a new housing choice for students, which is an example of "Missing Middle", while respecting the existing built heritage resources and built form in the area.

This PRR has shown that the proposed development is consistent with the PPS, conforms with the intent and purpose of the City of Windsor OP and represents good planning.

The report components for this PRR have set out the following, as required under the City of Windsor OP:

*10.2.13.2 Where a Planning Rationale Report is required, such a study should:*

- (a) Include a description of the proposal and the approvals required;*
- (b) Describe the site's previous development approval history;*
- (c) Describe major physical features or attributes of the site including current land uses(s) and surrounding land uses, built form and contextual considerations;*
- (d) Describe whether the proposal is consistent with the provincial policy statements issued under the Planning Act;*
- (e) Describe the way in which relevant Official Plan policies will be addressed, including both general policies and site-specific land use designations and policies;*
- (f) Describe whether the proposal addresses the Community Strategic Plan;*
- (g) Describe the suitability of the site and indicate reasons why the proposal is appropriate for this site and will function well to meet the needs of the intended future users;*
- (h) Provide an analysis of the compatibility of the design and massing of the proposed developments and land use designations;*
- (i) Provide an analysis and opinion as to why the proposal represents good planning, including the details of any methods that are used to mitigate potential negative impacts;*
- (j) Describe the impact on the natural environment;*
- (k) Describe the impact on municipal services;*
- (l) Describe how the proposal will affect the social and/or economic conditions using demographic information and current trends; and,*
- (m) Describe areas of compliance and non-compliance with the Zoning By-law.*

**Planner's Certificate:**

I hereby certify that this report was prepared by Tracey Pillon-Abbs, a Registered Professional Planner, within the meaning of the Ontario Professional Planners Institute Act, 1994.



**Tracey Pillon-Abbs, RPP  
Principal Planner**



# STUDENT HOUSING DEVELOPMENT 185 RANDOLPH PLACE, WINDSOR, ON

## PARKING STUDY

Prepared by:



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File No.: 23-1461

July 2023

**STUDENT HOUSING DEVELOPMENT, 185 RANDOLPH PLACE, WINDSOR, ON  
PARKING STUDY (JULY 2023)**

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**Appendix B – ITE Parking Generation References**

- Multifamily Housing (Low-Rise)
  - Per Dwelling Unit
  - Per Bedroom

## INTRODUCTION AND BACKGROUND

A student housing development is proposed for an existing residential property located at 185 Randolph Place, in Windsor, Ontario. The subject property is located between Riverside Drive West and University Avenue West; it fronts Randolph Place on the east and backs onto an alley on the west. Randolph Place is a short north / south residential roadway running from Riverside Drive at the north to University Avenue West at the south. The site is located less than 1/2 km from the University of Windsor and is intended to exclusively house students attending the university. The developer is proposing a 2½-storey student apartment building comprised of 48 bedrooms (within 12 dwelling units). The proposed residential redevelopment is to be serviced by seven parking spaces (including one accessible space), a loading space, and 15 bicycle parking spaces. The parking spaces are to be accessed from the alley located to the west of the site. The site plan is provided in Appendix A; it also identifies where the site is located relative to the University of Windsor.

The City's zoning bylaw requires 1.25 parking spaces per dwelling unit for a residential low-rise building; however, the bylaw also suggests (in Table 24.20.5.1) that a minimum of one parking space per four beds will provide sufficient parking for a university student residence building. The bylaw, therefore, requires 12 spaces for the proposed 48-bedroom student residence. Accordingly, a variance is required to address the shortfall of 5 parking spaces. Therefore, the purpose of this study is to evaluate the anticipated peak parking demand (generated by the subject redevelopment proposal) with respect to the proposed on-site parking supply.

## ITE PARKING GENERATION MANUAL VS. WINDSOR BYLAW REQUIREMENTS

The Institute of Transportation Engineers (ITE) Parking Generation Manual (5<sup>th</sup> Edition) reports parking demand studies and statistics from various land uses across North America. Since there is no specific land use code for student housing, multifamily low-rise residential development (Land Use Code 220) is the most appropriate for the subject development proposal. As referenced in Appendix B, the ITE's fitted curve equation (per dwelling unit) suggests that a minimum parking supply of 14 parking spaces should sufficiently accommodate the anticipated demand, whereas the ITE's average rate equation (per bedroom) suggests a minimum of 32 parking spaces. Therefore, it can be concluded that the City of Windsor's by-law requirements and the ITE Parking Generation Manual's peak parking demand estimates both require more parking spaces than the amount currently provided on-site. Accordingly, a further study of the site-specific peak parking supply / demand was undertaken.



On-street parking is permitted on Randolph Place; however, a residential permit is required between the hours of 8:00am and 8:00pm, as denoted by the “No Parking” sign located directly in front of the subject residence:



**Figure 1: Residential Parking Permit Sign**

The parking bylaw indicates that on-street parking is unrestricted between the hours of 8:00pm and 8:00am, as well as on weekends and holidays. Permits are available to students through the Parking Enforcement Office on McDougall Street in Windsor. Up to two residential permits are available for each residence, so the parking shortfall could be reduced to three on-site spaces. Theoretically, this deficiency in on-site parking could be compensated by increasing resident reliance on transit use and / or active transportation modes. Accordingly, area transit and active transportation options were evaluated to determine the likelihood of increased modal split for the subject residential redevelopment proposal.

Currently, Windsor Transit provides two Route 1C stops on University Avenue West, less than 200m from the Randolph Place residence. Additional transit routes are provided along University Avenue and the surrounding area, including four within 400m of the site access. The following graphic shows the Windsor Transit routes located within the area.

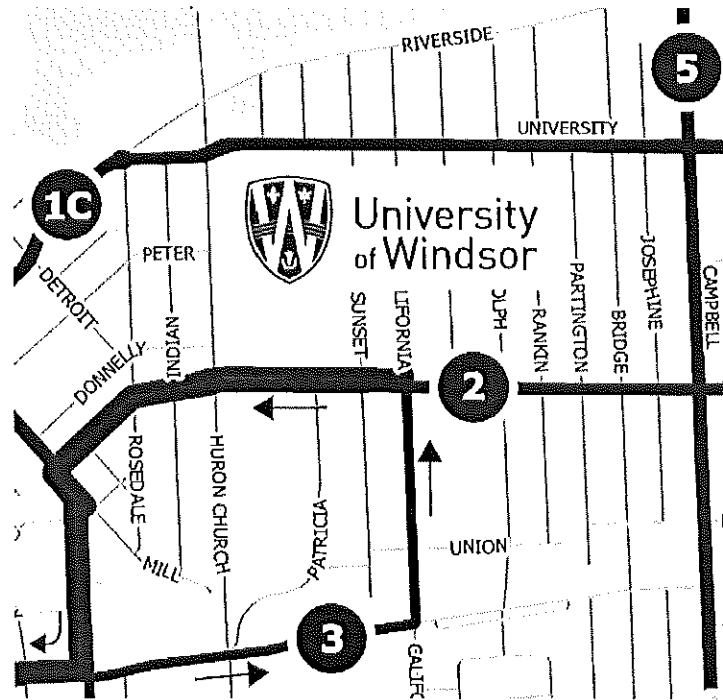


Figure 2: Windsor Transit Routes

Active transportation facilities are also provided within the study area; sidewalks are provided on both sides of Randolph Place and University Avenue West, and several destinations are within walking distance of the development (like food venues, commercial establishments, etc.). The Riverfront Trail is provided on the north side of Riverside Drive West (with parks and activity areas readily available for recreation), while University Avenue West currently offers on-street bicycle lanes to facilitate active transportation connectivity to / from the east and west. In August 2022, a Municipal Class Environmental Assessment was completed for University Avenue; the study considered opportunities to optimize the right-of-way to achieve safe, efficient, comfortable, and convenient travel for roadway users of all ages, abilities, and modes within the study corridors for a 20-year study horizon. Per the City of Windsor's Active Transportation Master Plan (page 35), modal split for the site could be approximately 16% within a ten-year horizon and 22% by the year 2041. Accordingly, it is the engineers' opinion that this anticipated modal split trend could result in a further lowering of the site's peak parking demand.

Realistically, the proposed parking supply is in keeping with current sustainability policies intended to encourage non-auto modes of travel, particularly within built-out and mature neighbourhoods. Furthermore, by limiting the availability of on-site vehicle parking and offsetting this through the provision of 15 bicycle spaces (13 more than the City's requirement of 2 bicycle spaces), the developer is being proactive in encouraging an increased modal split for the subject area. Therefore, due to the anticipated increased modal split for the area, it is the engineers' opinion that the proposed on-site parking supply (and available on-street parking supply options) could adequately accommodate the redevelopment's peak parking demand.

## SUMMARY AND CONCLUSIONS

A student housing development is proposed for an existing residential property located at 185 Randolph Place, in Windsor, Ontario. The subject property is located between Riverside Drive West and University Avenue West; it fronts Randolph Place on the east and backs onto an alley on the west. The site is located less than 1/2 km from the University of Windsor and is intended to exclusively house students attending the university. The developer is proposing a 2½-storey student apartment building comprised of 48 bedrooms (within 12 dwelling units). The proposed residential redevelopment is to be serviced by seven parking spaces (including one accessible space), a loading space, and 15 bicycle parking spaces. The parking spaces are to be accessed from the alley located to the west of the site.

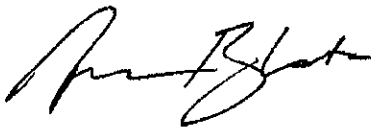
The City's zoning bylaw requires 12 spaces for the subject residential redevelopment, so a variance will be required. The ITE Parking Generation Manual (5<sup>th</sup> Edition) references suggest that a minimum parking supply of 14 spaces could accommodate the subject development's 48 bedrooms (within 12 units). On-street residential parking is available on Randolph Place (for a limit of two residential parking permit holders), resulting in a theoretical parking shortfall of three spaces for the subject redevelopment proposal; however, the subject site is within close proximity of existing active transportation facilities and reliable transit options. Accordingly, it is anticipated that the site's increased modal split will reduce auto-reliance for students dwelling within the proposed residences.

The proposed parking supply is in keeping with current sustainability policies intended to encourage non-auto modes of travel, particularly within built-out and mature neighbourhoods. Furthermore, by limiting the availability of on-site vehicle parking and by providing 15 bicycle spaces (13 more than the City's requirement of 2 bicycle spaces), it is the engineers' opinion that the current site plan proactively encourages an increased modal split for the subject area.

Therefore, it is the engineers' opinion that the proposed on-site parking supply of 7 parking spaces could adequately accommodate the anticipated peak parking demand for the subject 48-bedroom student housing development proposal.

All of which is respectfully submitted,

**RC Spencer Associates Inc.**



**Aaron D. Blata, M.Eng., P.Eng., PTOE**  
Professional Traffic Operations Engineer  
Associate / Leamington Office Manager

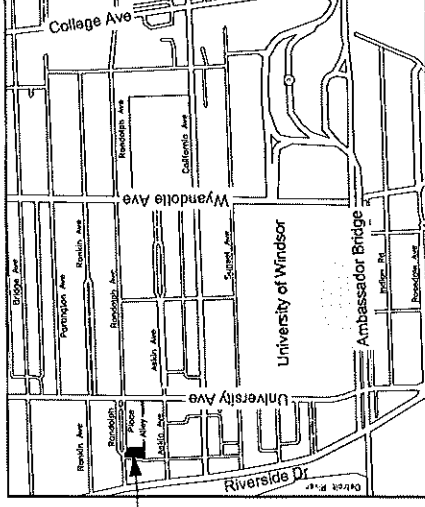
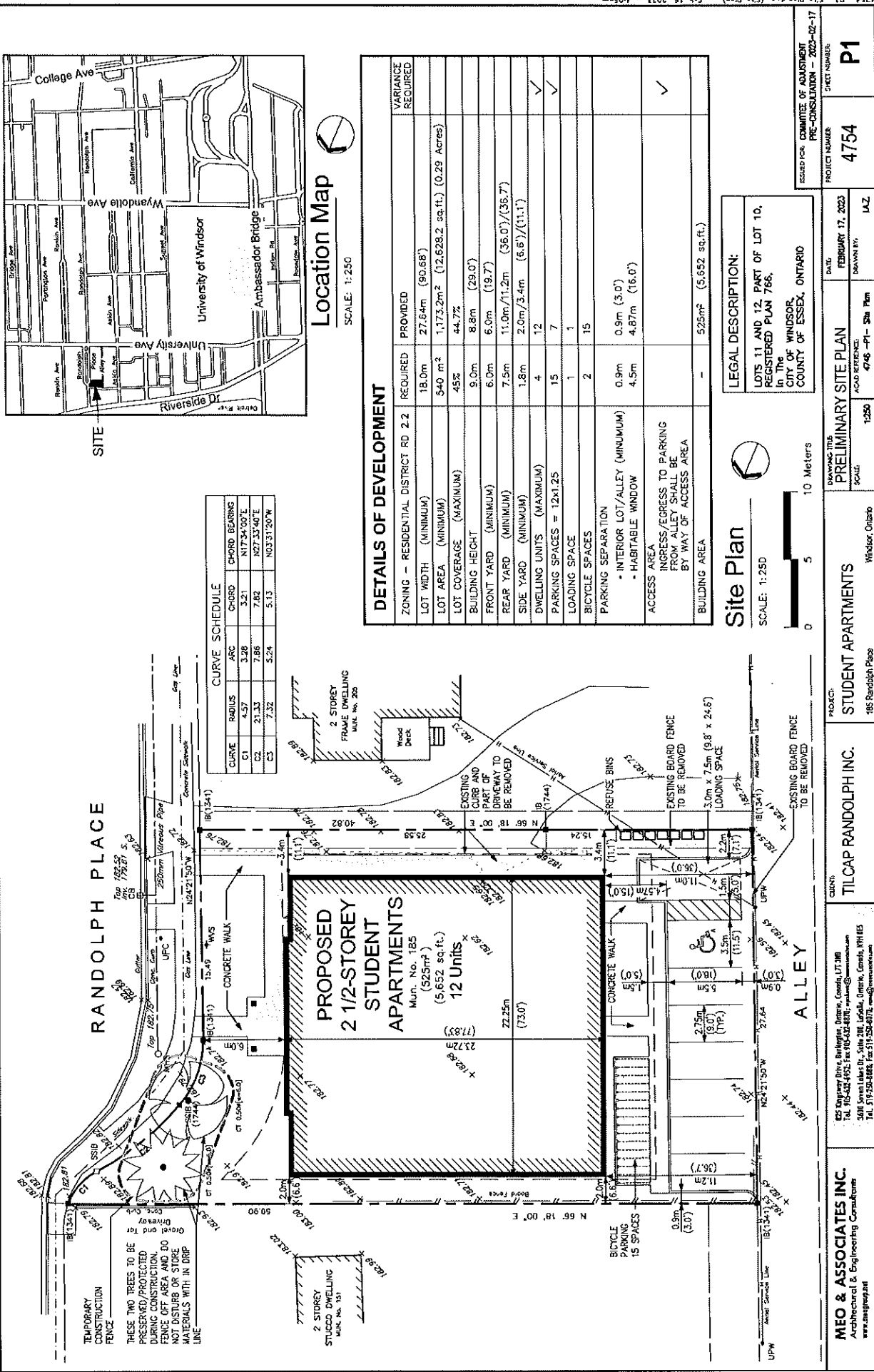


**Richard C. Spencer, M.A.Sc., P.Eng., PE**  
Fellow Member, ITE  
President / Windsor Office Manager



# **Appendix A**

# **SITE PLAN**



**Location Map**  
SCALE: 1:250

**CURVE SCHEDULE**

CURVE	RADIUS	ARC	CHORD	CHORD BEASINGS
C1	4.57	3.28	3.21	N17°34'00"E
C2	21.33	7.86	7.82	N27°33'40"E
C3	7.32	5.24	5.13	N03°51'20"W

**DETAILS OF DEVELOPMENT**

ZONING - RESIDENTIAL DISTRICT RD 2.2	REQUIRED	PROVIDED	VARIANCE REQUIRED
LOT WIDTH (MINIMUM)	18.0m	27.64m (90.68')	
LOT AREA (MINIMUM)	540 m <sup>2</sup>	1,732.2m <sup>2</sup> (12,628.2 sq.ft.) (0.29 Acres)	
LOT COVERAGE (MAXIMUM)	45%	44.7%	
BUILDING HEIGHT	9.0m	8.8m (29.0')	
FRONT YARD (MINIMUM)	6.0m	6.0m (19.7')	
REAR YARD (MINIMUM)	7.5m	11.0m/11.2m (36.0')/(36.7')	
SIDE YARD (MINIMUM)	1.8m	2.0m/3.4m (6.6')/(11.1')	✓
DWELLING UNITS (MAXIMUM)	4	12	✓
PARKING SPACES = 12x1.25	15	7	
LOADING SPACE	1	1	
BICYCLE SPACES	2	15	
PARKING SEPARATION			
- INTERIOR LOT/ALLEY (MINIMUM)	0.9m	0.9m (3.0')	
- HABITABLE WINDOW	4.5m	4.67m (16.0')	
ACCESS AREA			
INGRESS/EGRESS TO PARKING FROM ALLEY SHALL BE BY WAY OF ACCESS AREA			✓
BUILDING AREA	-	525m <sup>2</sup> (5,652 sq.ft.)	

**Site Plan**  
SCALE: 1:250

0 5 10 Meters

**LEGAL DESCRIPTION:**  
LOTS 11 AND 12, PART OF LOT 10, REGISTERED PLAN 786, CITY OF WINDSOR, COUNTY OF ESSEX, ONTARIO

ISSUED FOR: **COUNTY OF ESSEX PRE-CONSULTATION - 2023-02-17**

PROJECT NUMBER: **4754**

SHEET NUMBER: **P1**

---

DRAWING TITLE: **PRELIMINARY SITE PLAN**

DATE: **FEBRUARY 17, 2023**

SCALE: **1:250**

PROJECT REFERENCE: **4748 - P1 - 524 Plan**

DRAWN BY: **LAZ**

---

CLIENT: **TILCAP RANDOLPH INC.**

PROJECT: **STUDENT APARTMENTS**

185 Randolph Place Windsor, Ontario

---

CLIENT: **MEO & ASSOCIATES INC.**

PROJECT: **Architectural & Engineering Consultant**

185 Dundas Street West, Toronto, Ontario, M5G 1R5

TEL: 416-593-8888 FAX: 416-593-8877 meo@meoassoc.com

## **Appendix B**

# **ITE PARKING GENERATION REFERENCES**

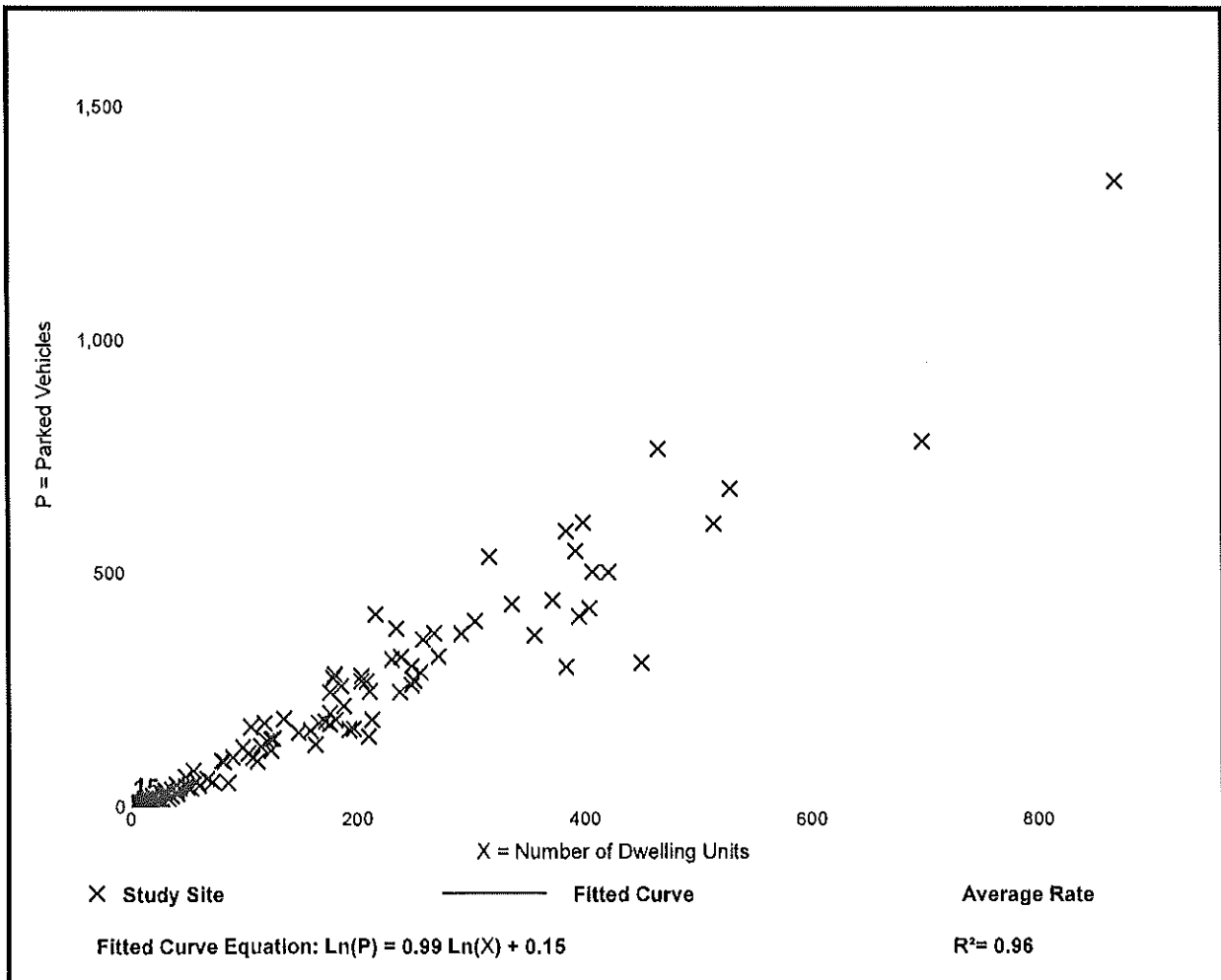
# Multifamily Housing (Low-Rise) (220)

**Peak Period Parking Demand vs: Dwelling Units**  
 On a: **Weekday (Monday - Friday)**  
 Setting/Location: **General Urban/Suburban (no nearby rail transit)**  
 Peak Period of Parking Demand: **11:00 p.m. - 6:00 a.m.**  
 Number of Studies: 119  
 Avg. Num. of Dwelling Units: 156

## Peak Period Parking Demand per Dwelling Unit

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
1.21	0.58 - 2.50	1.03 / 1.52	1.16 - 1.26	0.27 (22%)

## Data Plot and Equation



*Parking Generation Manual, 5th Edition* • Institute of Transportation Engineers



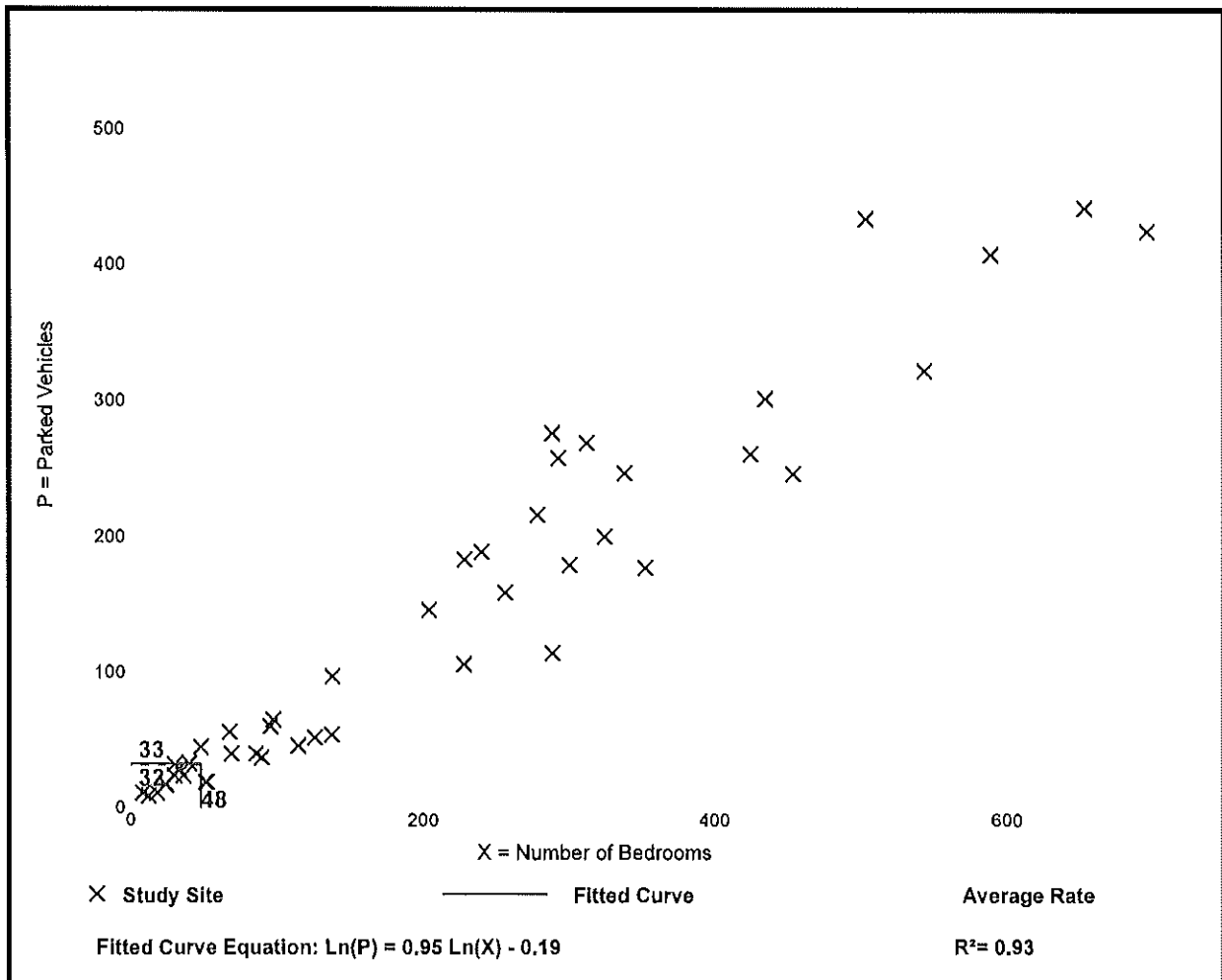
# Multifamily Housing (Low-Rise) (220)

**Peak Period Parking Demand vs: Bedrooms**  
**On a: Weekday (Monday - Friday)**  
**Setting/Location: General Urban/Suburban (no nearby rail transit)**  
**Peak Period of Parking Demand: 11:00 p.m. - 6:00 a.m.**  
 Number of Studies: 45  
 Avg. Num. of Bedrooms: 215

## Peak Period Parking Demand per Bedroom

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
0.66	0.37 - 1.38	0.61 / 0.86	0.62 - 0.70	0.15 (23%)

## Data Plot and Equation



*Parking Generation Manual, 5th Edition* • Institute of Transportation Engineers



**DILLON**  
CONSULTING

**TILCAP RANDOLPH INC.**

# **Zoning By-Law Amendment**

**Urban Design Brief  
185 Randolph Place**

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## 1.0 Background

### 1.1 Purpose

Dillon Consulting Limited (Dillon) has been retained by Tilcap Randolph Inc. (the “Developer”), to provide an Urban Design Brief to assist in obtaining the necessary planning approvals associated with the proposed two and a half (2.5) storey, 12-unit multiple dwelling residential development with associated parking area located at 185 Randolph Place (the “Subject Site”) in the City of Windsor. This Urban Design Brief follows the requirements as specified in the Pre-Submission Letter dated March 21, 2023, highlighting the design features of the proposed development that exemplify the City’s urban design policies. In addition, the Urban Design Brief provides recommendations for the Developer to consider for future approvals processes (i.e., Site Plan Control), which will help further align the proposed development with the goals, objectives, and policies found in the City of Windsor Official Plan.

### 1.1 Description of Site

#### 1.1.1 Existing Area Character

The Subject Site is located in the Riverwest Planning District on the west side of Randolph Place between Riverside Drive West and University Avenue West. The eastern property line abuts Randolph Place and the western property line is adjacent to an alley, which both provide vehicular access to the site. Both the northern and southern property lines are adjacent to low density dwellings. The site is currently vacant. The site is 0.11 hectares (0.29 acres) in area, with 27.6 meters (90.6 feet) of frontage on Randolph Place. **Figure 1 – Location Map** identifies the Subject Site.

Figure 1 - Location Map



The surrounding area is primarily residential, with low rise developments consisting of single detached homes, converted dwellings, a four-storey apartment building (Randal Court Apartments), and two, three-storey apartment buildings (Randolph Manor Executive Apartments and 2220 University Ave West). Further south, at the intersection of Randolph Place and University Avenue West, there are three apartment buildings including a nine-storey apartment building (University Towers), a six-storey apartment building (Carleton Tower Apartments), and a four-storey apartment building (308 Randolph Avenue). In close proximity to the site are open spaces, namely the Riverfront Trail to the north, Ernest Atkinson Park to the east, and the Windsor Sculpture Park. Beyond the immediate area of the Subject Site, there is a range of commercial, residential, and institutional uses, including the University of Windsor.

**Figure 2 - View of Surrounding Neighbourhood (Looking southeast from Subject Site)**



Randolph Place is a local neighbourhood street cross section with one lane of traffic travelling in either direction with a wide tree-lined boulevard, as shown on **Figure 2 – View of Surrounding Neighbourhood (Looking southeast from Subject Site)** and **Figure 3 – View of Randolph Place Right-of-Way Looking North**.

**Figure 3 - View of Randolph Place Right-of-Way Looking North**



The Subject Site contains limited vegetation consisting of two trees located in the north eastern corner of the property.

There are sidewalks running along Randolph Place as well as the surrounding streets (Riverside Drive West and University Avenue West), which provide connections into the larger pedestrian sidewalk network running throughout Riverwest and the rest of the city. Painted bike lanes are in place along both sides of Riverside Drive West and University Avenue West that provides cyclists with connections throughout the city.

### **1.1.2 Vision for Area Character**

Urban Design policies detailed in the City of Windsor Official Plan apply to the Subject Site. City Council is committed to enhancing the enjoyment and image of Windsor, along with its people, through urban design principles. It is stated that a memorable, attractive and liveable city is one where people feel comfortable and are inspired by their surroundings. As such, development should incorporate design features to protect, maintain and improve the quality of life for present and future generations by integrating the principles of sustainability and place making.



The Subject Site is located within a Mature Neighbourhood, as indicated on Schedule A-1 in the City of Windsor Official Plan. Within the City of Windsor, lands identified as Mature Neighbourhood are not designated as Heritage Areas or Heritage Conservation Districts. However, the areas identified as Mature Neighbourhoods reflect the cultural heritage of the City and are intended to be protected. The City provides additional policies through the Official Plan to guide consideration for development in these areas. Through planning approval processes, including Zoning By-law Amendments and Site Plan Control, the City intends to facilitate the retention of heritage resources, and to ensure any proposed development is compatible with heritage resources.

The Subject Site is adjacent to a heritage property (205 Randolph Place) that is recognized on the Heritage Register. Along the extent of Randolph Place between Riverside Drive West and University Avenue West, there are other properties recognized on the Heritage Register in close proximity to the Subject Site. The objectives for heritage conservation management in Windsor include preserving the City's heritage resources in a manner that respects their architectural, historical, and contextual significance while ensuring their functional future. This involves integrating heritage conservation into comprehensive urban design plans, setting an example through the proper management of municipally-owned heritage properties, and promoting public awareness and participation in conserving the City's heritage.

As contemplated in Section 9 of the Official Plan, when evaluating planning applications, it's essential to consider the proposed development's harmony with adjacent structures in terms of size, profile, character, respect for local heritage buildings, width and setback patterns, and the preservation of natural and landscaped elements that contribute to their identity. The maintenance, enhancement, or creation of views and vistas towards heritage resources is an additional consideration encouraged through the City's Official Plan. Lastly, the City intends to minimize shadow impacts on adjacent heritage properties from proposed developments, especially on landscaped open spaces and outdoor amenity areas.

As depicted on **Figure 4 – Streetscape Surrounding Subject Site**, the height of the proposed development is keeping in context with the surrounding area and with the adjacent heritage recognized property. The proposed building height exceeds the existing permitted height by 0.93m, and this slight increase does not undermine the existing building context. Further, it maintains the number of stories compatible within the neighbourhood, such as the three-storey building at 269 Randolph Place (Randolph Manor). There are several examples where height exceeds the height limits of the Residential District 2.2 Zone as well as the proposed height of the proposed development. South of the Subject Site, along University Avenue West, there are a number of residential buildings exceeding the height and density of the proposed development, namely the four-storey apartment building (Randal Court Apartments) and the nine-storey (9) apartment building (University Towers).

The proposed two and a half storey residential development takes inspiration from the cultural heritage of the surrounding neighbourhood for the design aesthetic, specifically, the brick, horizontal siding, fenestration, and architectural details used on the exterior. The intent is to incorporate a similar brick and siding style which is complimentary to the neighbouring heritage recognized building to the south.

Figure 4 - Streetscape Surrounding Subject Site

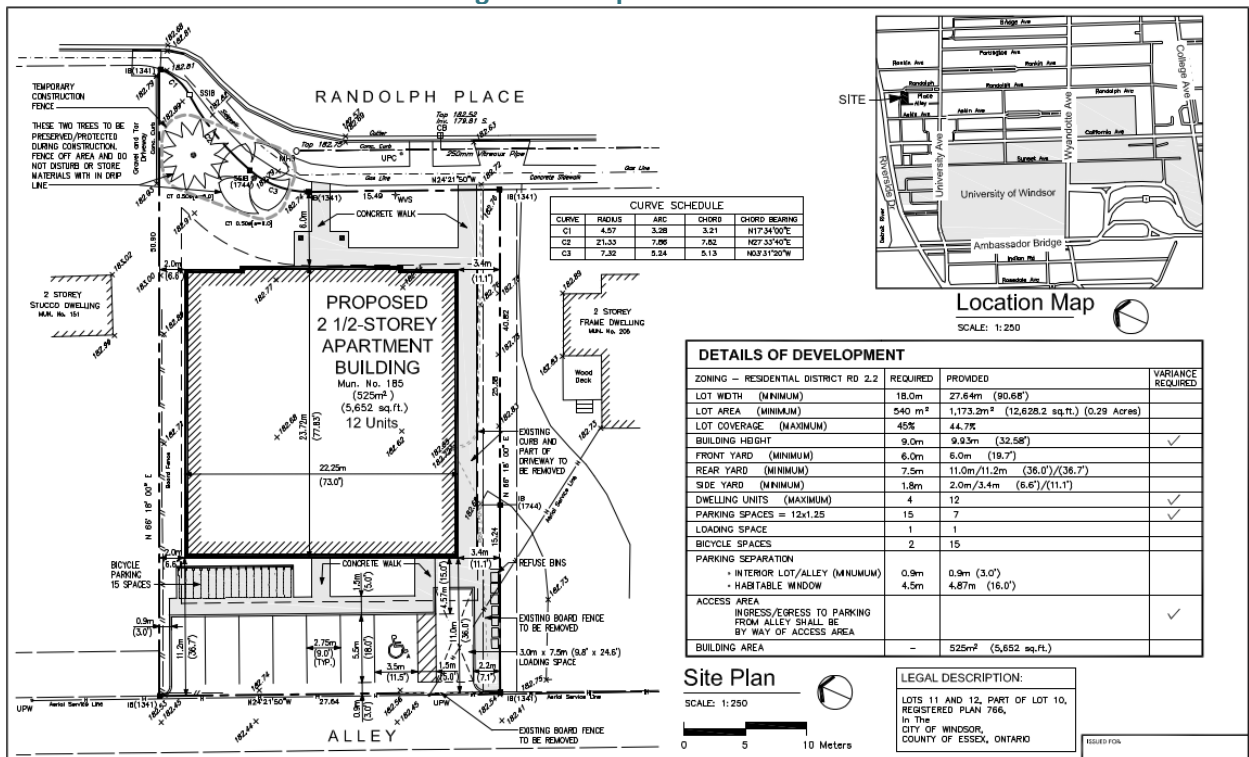


Tilcap Randolph Inc.  
 Zoning By-Law Amendment - Urban Design Brief  
 185 Randolph Place  
 August 2023 - 23-6456

## 1.2 Proposed Residential Development & Site Design

The proposed development includes the construction of a two and a half (2.5) storey residential building, with 12 apartment style units containing 4 bedrooms in each unit. The proposed development requires 15 standard parking spaces, one accessible parking space (Type A), and one loading space for a total of 16 spaces. Seven parking spaces are proposed, to be accessed from the rear yard via the alley, along with one loading space and 15 bicycle parking spaces. All vehicular access is proposed from the alley whereas Randolph Place will only provide pedestrian access to the Subject Site. Refer to **Figure 5 – Proposed Site Plan**.

Figure 5 - Proposed Site Plan



### 1.2.1 Street and Block Pattern

The development is situated within a well-connected neighborhood characterized by a mix of residential structures ranging from two to four-storey residential buildings. The existing street pattern includes a local neighbourhood street and alleyway that provides adequate access to each building. Randolph Place, which is the primary pedestrian access for the proposed development, is a part of this efficient street network.

The block on which the development is proposed accommodates a range of building heights that vary from two storeys along Randolph Place to High Profile developments of nine-storeys along University Avenue West. The proposed development, a two and a half storey residential building, fits well into this block pattern, contributing to the overall architectural diversity in the area. Its slight height deviation,



which exceeds the permitted maximum by 0.93m, is minimal and does not disrupt the existing rhythm of building heights in the neighborhood.

With regard to the location of the proposed development, it respects the local norms. It maintains an active street frontage with a prominent pedestrian entrance that adds to the walkability and human scale of the neighborhood. The vehicular access and parking are located at the rear of the building, from the alleyway, which prioritizes pedestrian movement along Randolph Place. This positioning of vehicular and pedestrian access is in keeping with the site's block pattern and contributes to a clean and pedestrian-friendly streetscape.

The proposed development embraces the local architectural vernacular, showcasing face brickwork on its façades that mirrors the traditional brick structures in the surrounding area. This design approach strengthens the continuity and cohesive identity of the block. The design considerations of the proposed development demonstrate a balance between fitting into the existing context and adding a unique architectural contribution to the block. The proposed development's respect for pedestrian accessibility and integration of heritage-inspired elements into the design align with the neighbourhood's character, enhancing its overall urban fabric.

### 1.2.2 Building Orientation, Site Layout and Landscaping

The proposed development is strategically designed and has an orientation to maximize solar exposure. The proposed building will have its longest facade (23.7m) face north and south to capture the most sun exposure.

The site layout adheres to the permitted maximum lot coverage utilizing 44.7% of the available site area to construct the building while ensuring adequate space for landscaping and outdoor amenities. The main entrance, positioned for clear access from the primary right of way, provides an inviting approach to the building. A parking area with seven parking spaces is proposed at the rear of the site to accommodate vehicle parking. An ample supply of fifteen bicycle parking spaces far exceeds the minimum requirement of two, encouraging a more sustainable mode of transportation. The proposed reduction in parking spaces provided combined with the inclusion of bicycle parking in excess of the required minimum functions to support active transportation. Further, the reduction in parking spaces results in a decreased surface area required for parking on the Subject Site. With a limited surface parking area and adequate space for landscaping proposed, the heat island effect on the Subject Site is minimized.

Thoughtful setbacks from the property lines — 2.0m from the north property line (interior side yard), 3.4m from the south property line (interior side yard), 11.0m from the west property line (rear yard), and 6.0m from the east property line (front yard) — ensure the building complements its surroundings while offering privacy for existing residents. A Shadow Impact Study, prepared by Meo & Associates Inc.,

is provided under separate cover and details the anticipated shadow impacts from the proposed development to confirm that adjacent properties will not be negatively impacted.

Waste management is handled effectively with outdoor refuse bins positioned alongside the loading area, keeping them conveniently located for waste management and minimizing the visual disruption for residents and visitors.

Two existing trees at the front corner of the site will be preserved, enhancing the natural aesthetics of the development and contributing to local biodiversity. Lastly, concrete walkways are designed to guide residents and visitors from the main entrance to the rear of the property, ensuring seamless circulation around the site.

### 1.2.3 Built Form

The proposed built form is a harmonious blend of modern and traditional aesthetics. Proposed to stand at a height of 9.93m, the architectural merit of the building profile adds a touch of distinctiveness to the neighborhood's architectural language. The building features a sloped roof, enhancing the residential character and complementing the surrounding structures. A decorative dormer enriches the roofline, enhancing the visual interest of the building and incorporating architectural features found within the surrounding neighbourhood. Refer to **Figure 6 – Rendering of Proposed Development**.

Figure 6 - Rendering of Proposed Development



The primary building entrance is located on the east side of the building fronting onto Randolph Place. An inviting entrance is designed in harmony with the façades found along Randolph Place. A secondary building entrance is located on the west side of the building adjacent to the surface parking area accessed from the alley way. Refer to **Figure 7 – East Elevation (Randolph Place)**, **Figure 8 – South Elevation**, **Figure 9 – West Elevation (Alley)**, and **Figure 10 – North Elevation**.

Figure 7 - East Elevation (Randolph Place)

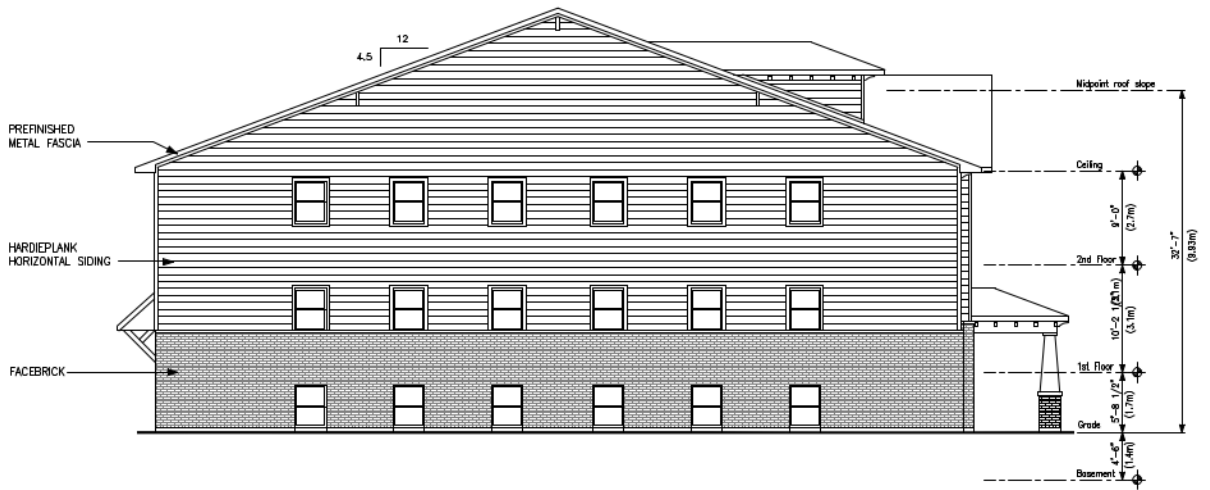


East Elevation

SCALE: 1/8"=1'-0"

Exterior Colour Schedule	
Material	Colour
FACEBRICK	RED
HARDIPLANK HORIZONTAL SIDING	TALPE
TRIM, BRACKETS	GREEN
ASPHALT SHINGLES	GREEN
WINDOWS	BLACK
METAL FASCIA, GUTTERS	BLACK
STONE SILL	GREY

Figure 8 - South Elevation



South Elevation

SCALE: 1/8"=1'-0"



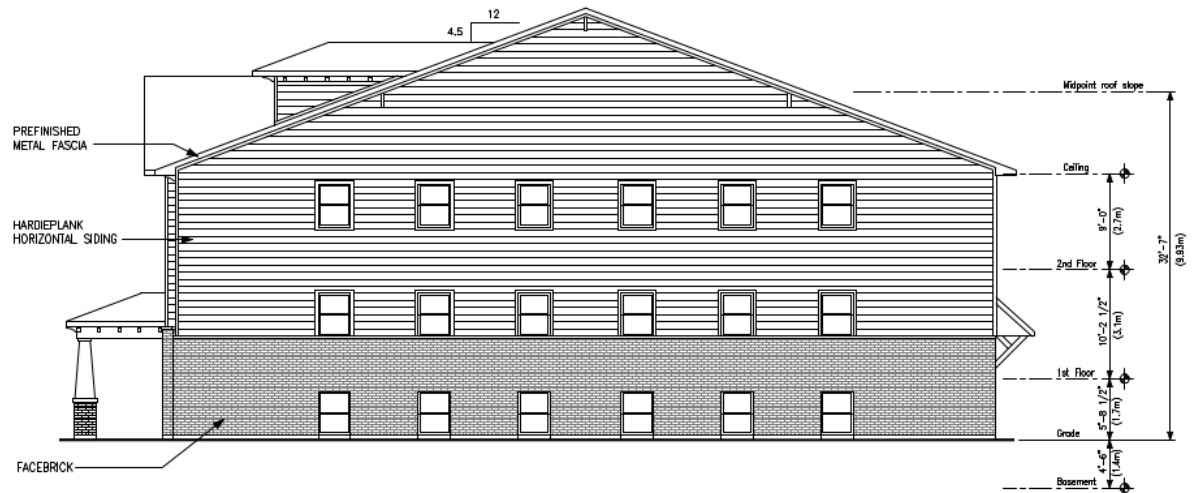
Figure 9 - West Elevation (Alley)



West Elevation

SCALE: 1/8"=1'-0"

Figure 10 - North Elevation

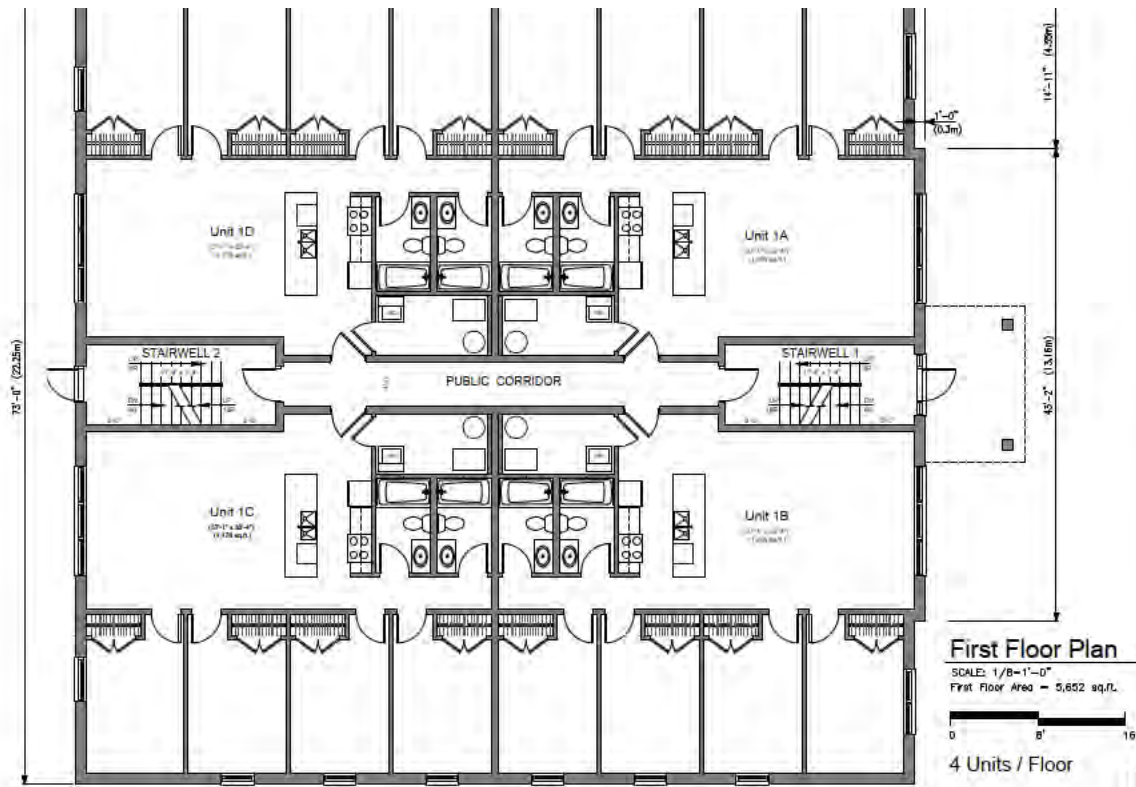


North Elevation

SCALE: 1/8"=1'-0"

The floor plan for the three (3) residential floors is shown in **Figure 11 – Floor Plan**.

Figure 11 - Floor Plan



1.2.4 Transportation

The development is supported with excellent connectivity to the larger city, contributing to its appeal and functionality. Future residents will enjoy unencumbered access to transit options, facilitating hassle-free commuting. For cyclists, Riverside Drive West and the University Avenue West boast dedicated bike lanes, encouraging sustainable and active transportation. Further, pedestrian-friendly sidewalks extend from the Subject Site onto the surrounding streets and to the Riverfront Trail, linking residents directly to a host of amenities and the vibrant city life beyond the residential premises.

## 2.0 Urban Design Evaluation

To determine appropriateness of the proposed development, an evaluation of the site context, building massing, and site/landscape treatment has been undertaken. The planning rationale for the project addresses the various policies and criteria in the Official Plan and identifies and evaluates the potential issues associated with the proposed development. The urban design evaluation assesses how well the proposal integrates with the context and whether the design is appropriate within its setting.

### 2.1 Context and Orientation

The City of Windsor Official Plan and the Provincial Policy Statement (PPS) promote the development of 'Strong, Healthy Communities' which include a provision of a variety of types and densities of housing forms. This diversity in the residential housing stock allows for a wider range of opportunities for residents of Windsor to live and to allow them to age in place. Both documents also outline the importance of providing pedestrian scale neighbourhoods. This particular site sits within the Riverwest Planning District.

The Subject Site, which is located on the west side of Randolph Place between Riverside Drive West and University Avenue West, is nestled within an existing residential area in close proximity to the Detroit River. Adjacent land uses are primarily residential, comprised of single detached homes and converted dwellings. Beyond the immediate area of the site, there is a range of commercial, residential uses - including four to nine-storey residential apartment buildings, and institutional uses - including the University of Windsor within walking distance from the site. The height, massing and scale of the existing residential developments surrounding the Subject Site provide a context for the proposed development. Refer to **Figure 4 – Streetscape Surrounding Subject Site** for a comparison between existing developments in the area and the proposed development. The proposed development is in keeping with the context of the existing neighbourhood in terms of height and residential use.

A Site Specific Zoning By-Law Amendment is being sought for the Subject Site to permit the development. The Residential District 2.2 Zone will be used as the base for the amendment. The proposed development is in keeping with the neighbouring heights and densities found along Randolph Place. Many of the residential dwellings along this stretch of Randolph Place have similar setbacks and heights. The proposed development intends to maintain a front yard setback of 5.0m from Randolph Place to remain in harmony with the adjacent existing residential dwellings.

The setbacks and the design features incorporated into the proposed development provide for a transition between the low-rise multiple dwelling building and the low-rise single detached dwellings along Randolph Place. All of which maintains the existing context of the surrounding neighbourhood.

## 2.2 Public Realm and Streetscape

The proposed development features human-scale architectural elements that contribute to the aesthetic character of the neighborhood and enhance the pedestrian experience. The building's design prioritizes the public realm by orienting the main façade towards the right-of-way, which makes the building visually accessible to the public and enhances the streetscape. Familiar sized architectural elements, such as doorways and windows are incorporated into the proposed development in a manner that promotes a pedestrian scale along Randolph Place. In addition, the placement of continuous horizontal hardieplank siding and facebrick on the first two storeys adjacent to the road helps to break up the front-facing façade and enhances the pedestrian scale of the streetscape. Locating the façade and main entrance as accessible from the right-of-way fosters a sense of community, interaction, and engagement by providing visual interest to passersby and integrating the building into the pedestrian experience.

Parking is strategically proposed on the rear of the property, avoiding large expanses of surface parking area fronting the road. This helps to preserve the aesthetic character of the residential neighborhood. The location of the parking area also ensures unrestricted pedestrian movement and the protection of the existing trees on the Subject Site. Paved pedestrian walkways are proposed throughout the development site with a clear continuation of sidewalk patterns and visible indication as to where access is encouraged or restricted. Access is carefully designed to provide a sense of direction, offer flexibility in movement, and complement observation opportunities.

Pedestrian access to the property is achieved with sidewalks connecting to the front and rear entrances as well as Randolph Place and the rear alley. Walkways extending from the development to University Avenue and Riverside Drive West will directly connect residents to a range of amenities. The development's location near University Avenue (Main Street) and Riverside Drive West (Civic Way) also reinforces integration with Windsor's civic identity and the urban fabric. By acknowledging these designations in the design and function, the development contributes to the strengthening of the City's image and the experience of its public spaces.

The proposed development supports Windsor's image as an attractive, livable city by creating an interconnected landscape that complements existing development patterns. The Windsor Sculpture Park and the Riverfront Trail are located approximately 300 metres from the Subject Site, which provides outdoor recreational spaces for future residents. Ernest Atkinson Park, a lively recreational hub equipped with a soccer field, an outdoor swimming pool, and a skateboard park, is a five minute walk from the Subject Site. This facility fosters an energetic, active community atmosphere and will be further supported by the proposed intensification of the Subject Site.

2.3 Built Form and Massing

The proposed 2.5-storey residential building with 12 dwelling units has a height of 9.93m, which is similar to the context of the surrounding area. Given that the proposed development is 9.93m in height and includes 12 dwelling units, a site specific Zoning By-law Amendment is required to permit the proposed built form. The proposed development is located in an area of Windsor with several existing multi-unit residential buildings that range in height between four to nine-storeys and is adjacent to residential dwellings of a similar height and design. Refer to **Figure 12 – Street View Elevations**.

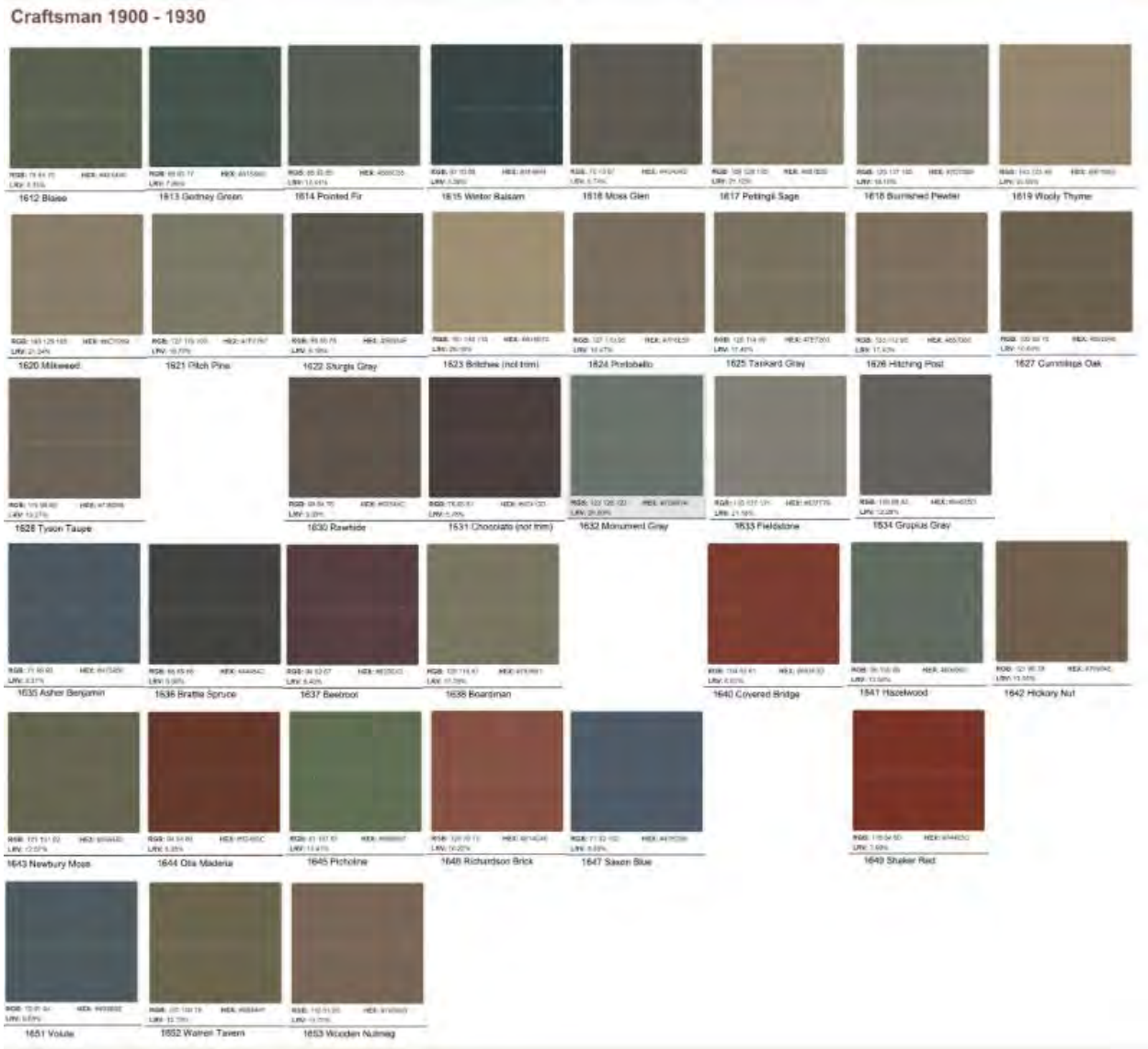
Figure 12 - Street View Elevations



A Shadow Study, prepared by Meo & Associates Inc., demonstrates that the proposed development will have no major impacts on the surrounding properties. Overall, the development is appropriate for the site and within the context of the surrounding built form.

The materials proposed for the façades are complementary to the existing neighbourhood, which consists of brick and siding building faces. Design inspiration for this development is drawn primarily from the 'Prairie' and 'Arts and Crafts' architectural styles of the surrounding neighbourhood, with particular design cues taken from the adjacent property located south of the site (205 Randolph Place). Refer to **Figure 12 – Street View Elevations**. The colour scheme selected for the proposed development is based on the 'Craftsman' colour palette, as suggested through consultation with the City. Refer to **Figure 13 – Craftsman Colour Palette**.

Figure 13 - Craftsman Colour Palette



The development employs the use of decorative dormers, brackets along the roofline, hardieplank siding, and a face brick foundation, which echo the architectural detailing of neighboring buildings. Through consultation with the City, extended Prairie-style eaves and overhangs with exposed rafter bars are included in the proposed development. The gables and dormers are utilized to achieve height and reflect the architectural style found in the neighbourhood. This enhances the human scale of the development and contributes to the existing character, scale, and appearance of the existing built forms.

The proposed development is designed to function as an integral part of the area's existing development pattern. The building's massing, height, architectural proportion, volumes of defined spaces, lot size,



position relative to the road, and building area to site area ratio are well aligned with the existing neighborhood. The decorative elements not only add visual interest to the building but also compliment the historic architectural image of Windsor, thereby contributing to the sense of place. Overall, the proposed development enhances the character of the neighborhood through the compact built form, respecting the existing urban design evolution, and surrounding built forms.

The development reduces the visual dominance of front-drive garages by locating the parking and servicing to the rear of the property, enhancing the residential streetscape. With large windows facing the street and a main entrance with decorative columns, the proposed development creates visually interesting façades. Non-public functions such as loading spaces are avoided directly facing the street. The main entrance to the building is street oriented and clearly visible from principal pedestrian approaches.

The street-facing façades of the building showcase facebrick, similar to that found in the existing neighbourhood. Enhancing the entrance, columns have been incorporated at the front, forming a welcoming porch. Asphalt singles will be used for the sloped roof, adding to the overall traditional feel of the architecture. The building features durable hardieplank horizontal siding, lending a touch of modern resilience while seamlessly fitting into the heritage-inspired design. The design considerations such as the columned-entryway, decorative dormer, pitched roof, and large street-facing windows, respect the local architectural style while adding fresh visual interest to the street. The development's pitched roof, decorative brackets, and other architectural elements are design features reminiscent of architectural features found in the surrounding neighbourhood. Refer to **Figure 6 – Rendering of Proposed Development**. Incorporating these elements will serve to respect the City's architectural heritage, and maintains the heritage character of the area. These elements complement the character, scale, appearance, and design features of the existing buildings in the area.

## 2.4 Development in a Mature Neighbourhood

The City of Windsor is experiencing a growing trend where older houses are demolished and replaced with larger contemporary houses, and where existing dwellings are significantly expanded or renovated. The character of Windsor's Stable and Mature Neighbourhoods is largely determined by architectural style consistency, heritage and landscaping, amongst many other considerations. While it's not required to strictly follow a specific architectural style, certain design elements are intended to be maintained in the neighbourhood for compatibility. The preservation of heritage buildings and context-specific designs for new developments contribute greatly to the area character.

The proposed development's height, which maintains a scale similar to surrounding buildings, architectural style and materials, including the use of decorative dormers and hardieplank siding, demonstrate consistency with the existing streetscape and neighbouring built form and aesthetics. Refer to **Figure 12 – Street View Elevations**. The building design elements, specifically the pitched roof, decorative brackets, and large windows, suggest a sensitivity towards the retention of architectural

significance in the neighbourhood. Through policy, the City contemplates that intensification in the Mature Neighbourhoods reflect a consistency of style. The development aims to be sensitive to the cultural heritage of the City by integrating architectural styles, materials, and design elements that reflect the existing neighborhood character. Setbacks are provided that play a role in shaping the relationship between the building and the street, offering visual separation between existing and proposed buildings. The proposed setbacks, the maintenance of mature street trees, and the incorporation of context-specific architectural design features helps to preserve the character of the neighbourhood.



## 3.0

## Recommendations

Through this urban design evaluation, a number of recommendations have been developed to help further align the proposed development with the City's vision for the area. The recommendations pertain to the building materiality and massing, public connections, landscape and visual aspects of the proposed development. The aim should be to lessen the impact of the higher density development on the adjacent lower density neighbourhood as well as complement and enhance the public realm right of way along Randolph Place.

The following recommendations include design considerations that should be incorporated into the proposed development during future stages of the planning approvals process, such as the Site Plan Control Approval. By incorporating these additional design considerations, the proposed development can more closely align with the City's policies to enhance the future physical form, development pattern and character of the area. The recommendations are outlined below.

## 3.1

### Building Massing and Materiality Recommendations

The main entrance should be clearly defined to avoid confusion, especially for visitors. To achieve this, visually prominent and welcoming features to the entrances on both sides of the building should be added. Elements could include a change in material such as glazing/glass or architectural elements to provide distinction.

The proposed development incorporates prominent features to the entrances of the building. Refer to **Figure 12 – Street View Elevations**. The main pedestrian entrance is located at the front of the building, fronting onto Randolph Place. This entrance includes glazing details along with architectural features that play homage to the important history of the area. Both entrances are proposed in a location that clearly defines the intended access for future users. Above the basement level units, there is a change in materials that visually breaks up the façade of the development.

To better integrate into the surrounding area and to create a more aesthetically interesting development, proposed intensification should include interventions pertaining to the massing of the building to be in harmony with the neighbouring development. The proposed development does not appear to have a major impact on the adjacent properties and fits with the character of the Randolph Place streetscape. Refer to **Figure 6 – Rendering of Proposed Development**. The introduction of materiality changes along Randolph Place as well as the north and south elevations break up the appearance of a monotonous wall and is complimentary to the existing neighbourhood.

**Figure 14 - Example of Comparable Design Features (205 Randolph Place – Adjacent Property)**



The side walls of the building, especially the façades on the ends of development which face the adjacent residential neighbourhood have brickwork and other features that provide interest and harmonize with the balance of the neighbourhood. This similarity is demonstrated in the adjacent building at 205 Randolph Place. Refer to **Figure 14 - Example of Comparable Design Features (205 Randolph Place – Adjacent Property)**. By having similar treatments as the east façade, the entirety of the building maintains visual interest.

**Figure 15 - Example of Neighbourhood Design Aesthetic (184 Randolph Place)**



To respect the privacy and scale of the neighbouring dwellings, the north and south elevations containing habitable windows are limited in number and size. The elevations adjacent to existing dwelling units that containing habitable windows and are setback 2.0m (north elevation) and 3.4m (south elevation), which is well beyond the City's minimum requirement of 1.8m. Further, the proposed height is in keeping with the existing building heights found along Randolph Place. Refer to **Figure 15 - Example of Neighbourhood Design Aesthetic (184 Randolph Place)**.

**Figure 16 - Example of Intensification on West Side of Randolph Place (2220 University Avenue West, 269 Randolph Place, and 237/257 Randolph Place)**



The proposed development fits into the existing character of the neighbourhood and there are similar examples of intensification found along Randolph Place, which incorporate design aesthetics and play homage to the important history of the area. Refer to **Figure 15 - Example of Neighbourhood Design Aesthetic (184 Randolph Place)** and **Figure 16 - Example of Intensification on West Side of Randolph Place (2220 University Avenue West, 269 Randolph Place, and 237/257 Randolph Place)**.

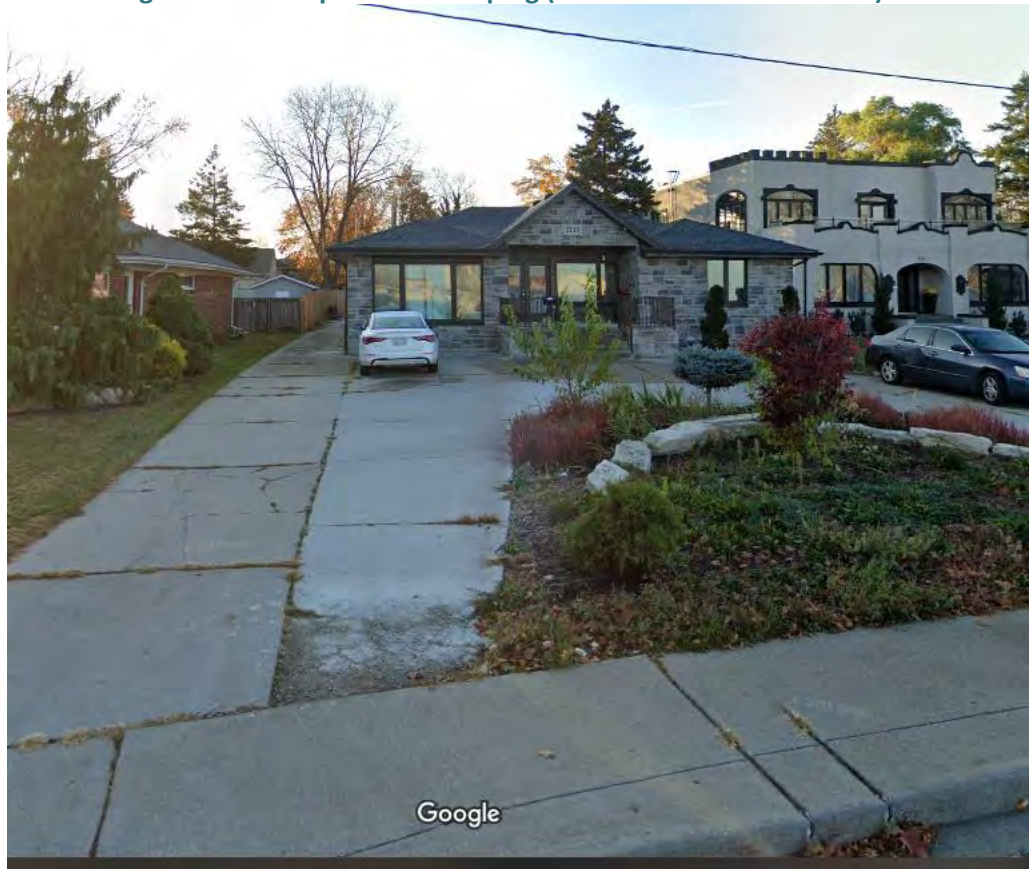
### 3.2 Public / Private Amenity Space Recommendations

The main outdoor amenity space proposed is the area at the northeast corner of the building and in front of the main entrance on the east elevation, adjacent to Randolph Place. In addition, there is amenity space available at the rear of the building, adjacent to the west elevation. This space adds to the amenity space available for future residents. Amenity space is important for future residents of the development as well as the surrounding community as it adds to the sense of place. The amenity area should be appealing and provide a connection from the public right-of-way. Internal circulation, such as sidewalks and pedestrian thoroughfares, are also important outdoor amenities. There are many examples of public/private amenity space provided on existing sites within the neighbourhood where intensification has occurred. Refer to **Figure 17 - Example of Accessible Outdoor Amenity Space (260 & 262 Randolph Place)** and **Figure 18 - Example of landscaping (2135 Riverside Drive West)**.

**Figure 17 - Example of Accessible Outdoor Amenity Space (260 & 262 Randolph Place)**



**Figure 18 - Example of landscaping (2135 Riverside Drive West)**



Amenity spaces should be visually or physically accessible from the public right-of-way for safety purposes and to maximize use. This can be done with changes in materials, pedestrian paths, landscaping, lighting and other public realm features which would invite users into the space. Refer to **Figure 19 – Example of landscaping and lighting to invite users into the space (2225 University Avenue West)**. We recommend that seating, landscaping, and lighting be provided throughout the site in the final design, creating multiple viewpoints in both shade and sunny locations for four season use by future residents. Refer to **Figure 17 - Example of Accessible Outdoor Amenity Space (260 & 262 Randolph Place)**, **Figure 18 - Example of landscaping (2135 Riverside Drive West)**, and **Figure 19 – Example of landscaping and lighting to invite users into the space (2225 University Avenue West)**.

**Figure 19 - Example of landscaping and lighting to invite users into the space (2225 University Avenue West)**



Efforts should be made to incorporate aspects of sustainability and climate change proactivity within the development. The outdoor amenity spaces can become sustainable as well. This can be accomplished by efforts such as choosing sustainable materials and strategically creating a comfortable micro-climate, as well as incorporating only local materials and planting.

### 3.3 Landscaping Recommendations

The site has potential to incorporate trees and vegetation within the property's boundaries, contributing to the existing urban tree canopy in the vicinity. The concept plan showcases some areas which can be treated with strategic landscaping which would improve the aesthetic for the amenity area for residents and to soften the transition for residents and pedestrians in the adjacent neighbourhood. Areas for planting are provided along the north elevation, west elevation, and east elevation adjacent to the public realm.

A landscaped buffer as well as board fencing will be installed between the north and south-facing exterior of the building and the neighbours. Landscaping can be accommodated along the north and south portions of the site as well as the possibility for plantings to be included in the non-paved areas of the front and rear yard of the site. Landscaping features can be incorporated along the frontage of the development facing Randolph Place in a manner that is complementary to the existing neighbourhood. Refer to **Figure 20 – Example of Landscaping Features (166 Randolph Place)**. This will improve the pedestrian environment for future residents as well as neighbouring properties that use the sidewalks.

**Figure 20 - Example of Landscaping Features (166 Randolph Place)**



The Developer should consider adding screening vegetation to lessen the visual impact of the surface parking area from the adjacent parcels. Refer to **Figure 20 – Example of Landscaping Features (166 Randolph Place)**. In addition to views from outside the site, there is also opportunity to provide additional planting around the parking area for improved aesthetics. The Developer should also consider organized landscape plantings to add aesthetic quality the space in between the building and property lines where the informal and formal amenity spaces are being proposed.

A Landscape Plan should be completed for the Subject Site as part of Site Plan Control approval.

### 3.4 Surrounding Context

Given the location of the Subject Site, there is an opportunity to incorporate design elements that enhance both the proposed development as well as benefit the surrounding area.

#### 3.4.1 Windsor Intensification Guidelines

The site is located within a Mature Neighbourhood boundary. The City’s objective for these evolving and historic neighbourhoods is to promote new construction that recognizes and enhances the neighbourhood’s unique character as it is defined based on elements of urban design, streetscape, architecture, and landscape which contribute positively to their evolving image.



As such, the building design incorporates elements from the City of Windsor Intensification Guidelines and the relevant heritage policies in the Official Plan. As per the Guidelines and Official Plan, the scale of the building is consistent with heights, mass, widths, and proportions of the existing neighbourhood. This is evidenced in **Figure 4 – Streetscape Surrounding Subject Site**, which shows the proposed residential development compared with other existing developments in the area. The building is orientated towards the right-of-way and promotes a contextual design approach that considers the adjacent and surrounding development and fosters pedestrian scaled/oriented streetscapes. Refer to **Figure 12 – Street View Elevations**. The materials and colours are proposed to be in a palate and of a quality that is compatible with the existing buildings in the neighbourhood.

### 3.4.2 Pedestrian Accessible Amenities

There is an excellent opportunity to utilize the parkland which is located within 550m of the proposed development to the east. Ernest Atkinson Park is located on the south side of Riverside Drive East and north side of University Avenue West, providing users with access to the riverfront. The park provides for additional amenity space as it includes an expansive grassy area with a number of mature trees that provide shade during the spring and summer months. Throughout Ernest Atkinson Park there are paved trails and seating available along with the Ryan Barron Memorial Skate Park and Atkinson Pool.

North of the Subject Site is the Riverfront Trail and Windsor Sculpture Park, located on the northern side of Riverside Drive, along the full expanse of Windsor's riverfront. The Riverfront Trail includes many dedicated park areas, such as the Windsor Sculpture Park, which is approximately 600m from the Subject Site. The Subject Site is strategically located near the City's Greenway System (Schedule B of the Official Plan). It is located amidst multiple 'Recreation-ways' that connect all parkland across the City of Windsor. Further, the Riverfront Trail includes linkages to additional parks elsewhere in Windsor. The proposed residential development will provide residents in close proximity to the existing continuous trail and parkland network, promote its use and would be a definite benefit and commodity for residents in the future units.

The proposed residential development will provide pedestrian connections from the site directly into the existing sidewalk networks along Randolph Place. This public sidewalk network provides direct pedestrian connection between the proposed development and the nearby parklands. Providing these connections will achieve the goal for the area of providing a pedestrian focused environment. It will allow the public as well as residents to access the parkland easily. In addition, the proposed connections to the existing sidewalk network will support access to the amenities and commercial uses located along University Avenue West and on the University of Windsor campus.

The Developer should ensure that the walkway connections from the site to the existing sidewalk network facilitate easy and safe pedestrian navigation. Providing pedestrian scale lighting along the interior pathways would improve the experience for users.

## Conclusions

Based on our review of the proposed development, and in consideration of the presented urban design opportunities and recommendations for subsequent development approvals, we have concluded:

1. The proposed development aligns with the overall vision for the area as outlined in the Official Plan, and with adjustments to some design elements during future planning approvals processes, the site can further align with the character as outlined by the City of Windsor policies.
2. The proposed development does not adversely affect the neighbouring properties as it is similar in scale, mass and design to many of the buildings in the area. The existing low-rise development in the area is already surrounded by medium and higher profile residential, commercial, and institutional uses and exist in harmony with these structures.
3. The proposed development respects the close proximity to the lower profile buildings and has been positioned on the site with appropriate setbacks to reduce the potential for privacy issues by limiting the number of habitable windows along the north and south side of the building.
4. The proposed development acknowledges, through design, the nearby heritage properties recognized of the Heritage Register. The development promotes a compatible design that does not deviate substantially from an established pattern. Proposed design features integrate with the existing context and co-exists in harmony with no undue physical or functional adverse impact on existing or proposed development in the area.
5. The proposed development has opportunities to provide landscaping and planting of vegetation along Randolph Place, softening the interface along the property lines and to provide internal planting to improve the aesthetic appeal of the site.
6. The proposed development should implement the design considerations as presented in the Recommendations section for this development (including pathways, planting, and pedestrian-scale lighting).



December 21

9:00am



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		SCALE: <b>AS NOTED</b>	DRAWN BY: <b>M.J.P.</b>



December 21

11:00am



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December 21

1:00pm



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December 21

3:00pm



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December 21

4:00pm



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		SCALE: <b>AS NOTED</b>	DRAWN BY: <b>M.J.P.</b>

SHEET No:  
**SS4-5** OF 5



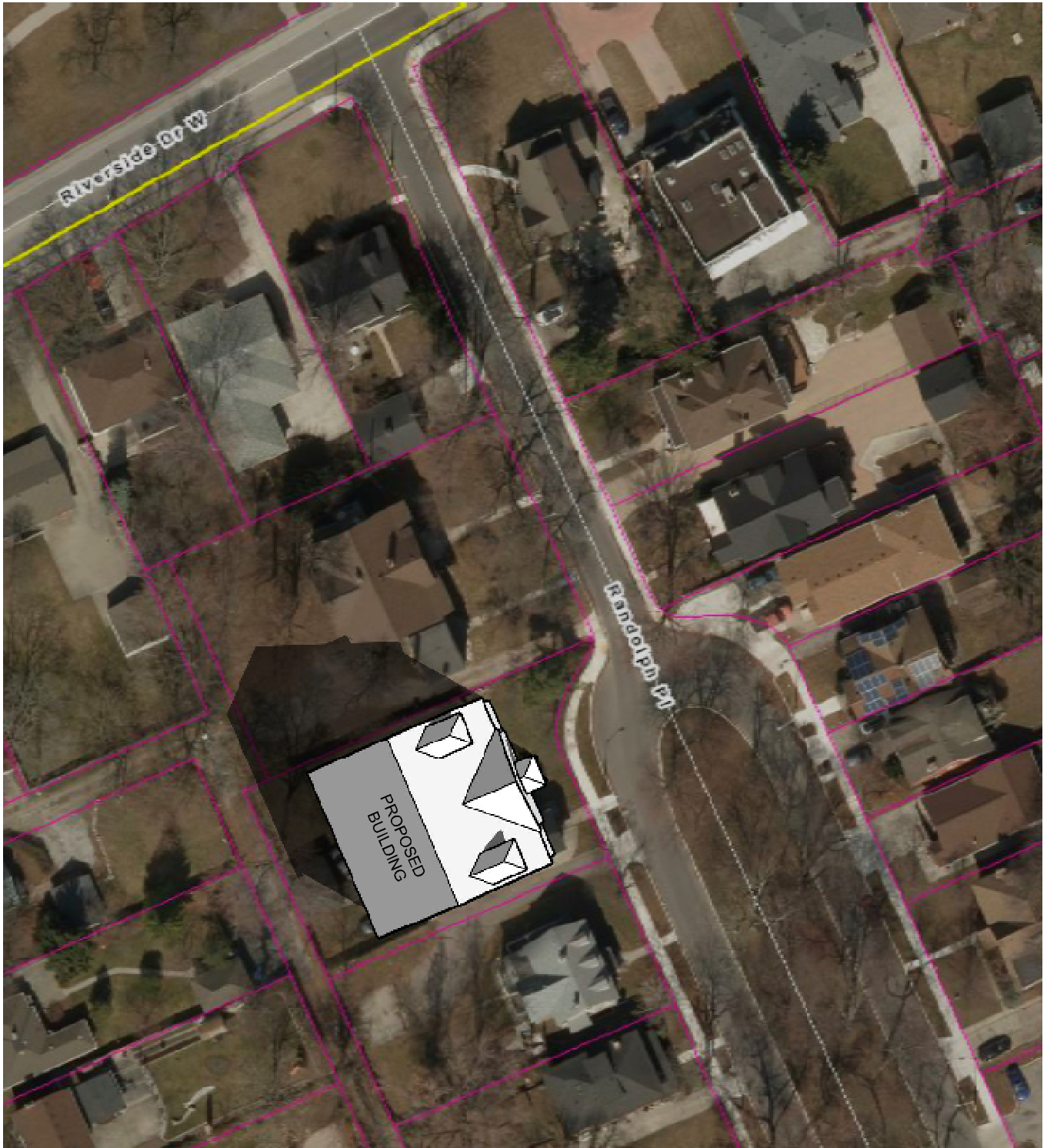
September 21

8:00am



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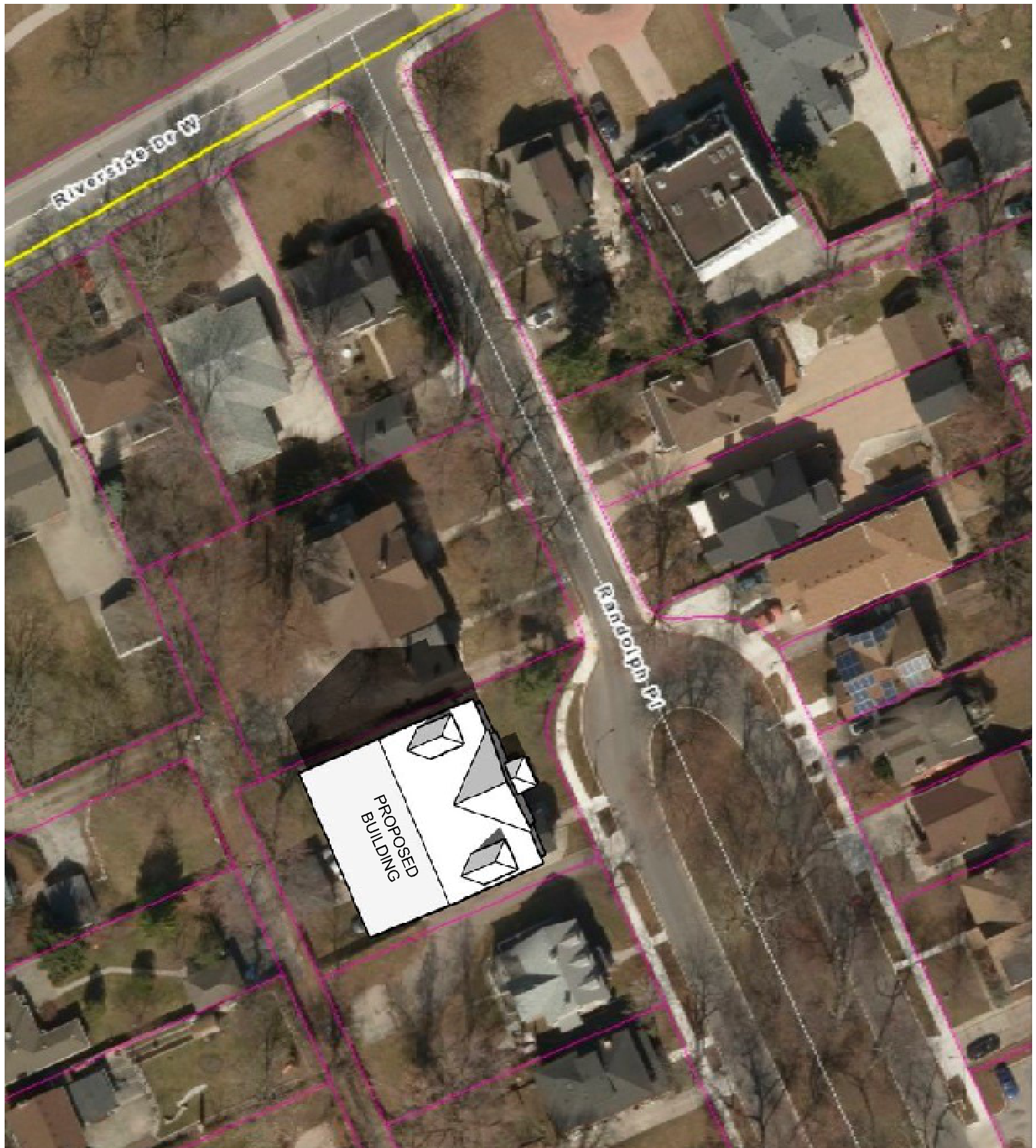


September 21

10:00am



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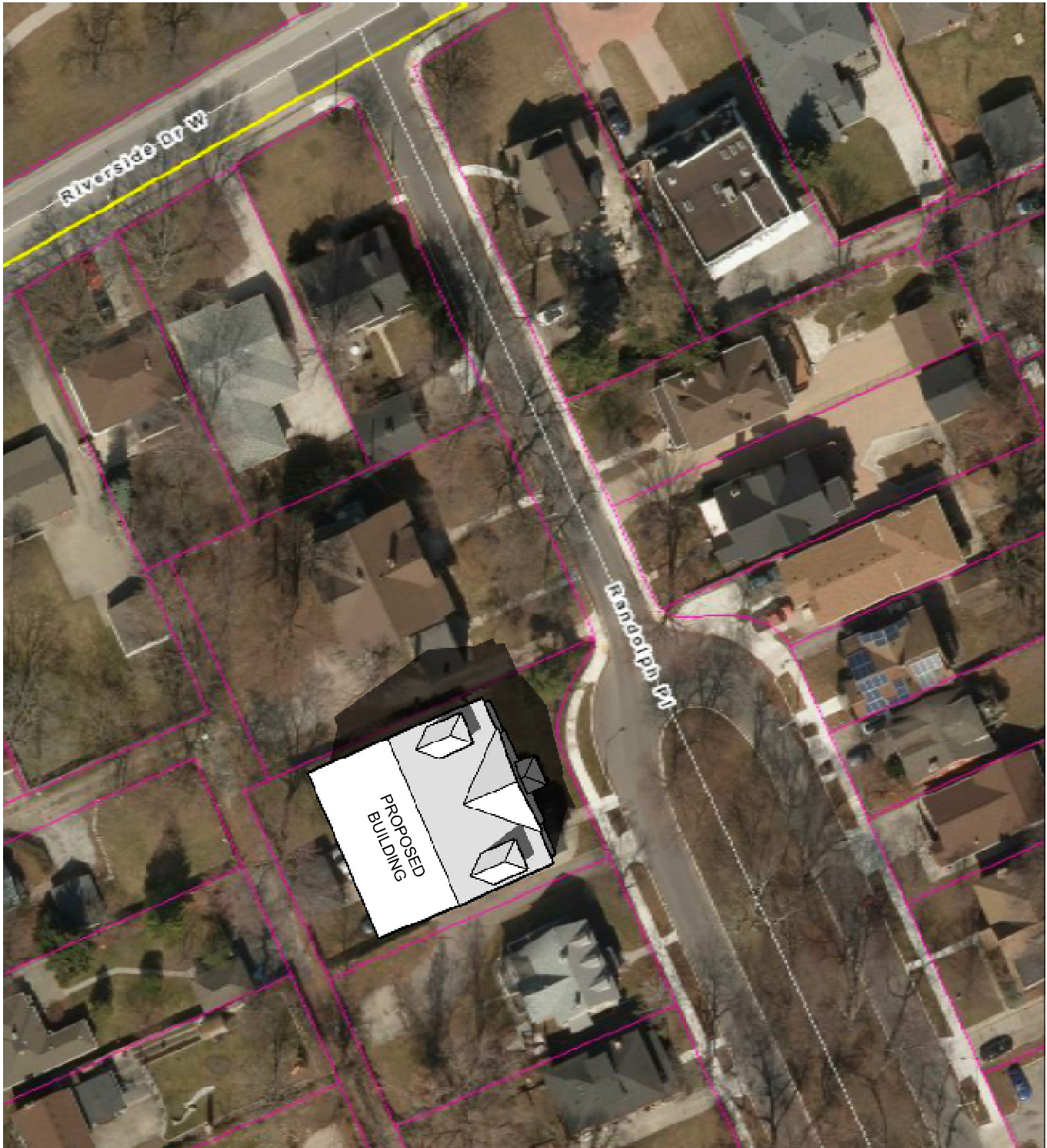


September 21

12:00pm



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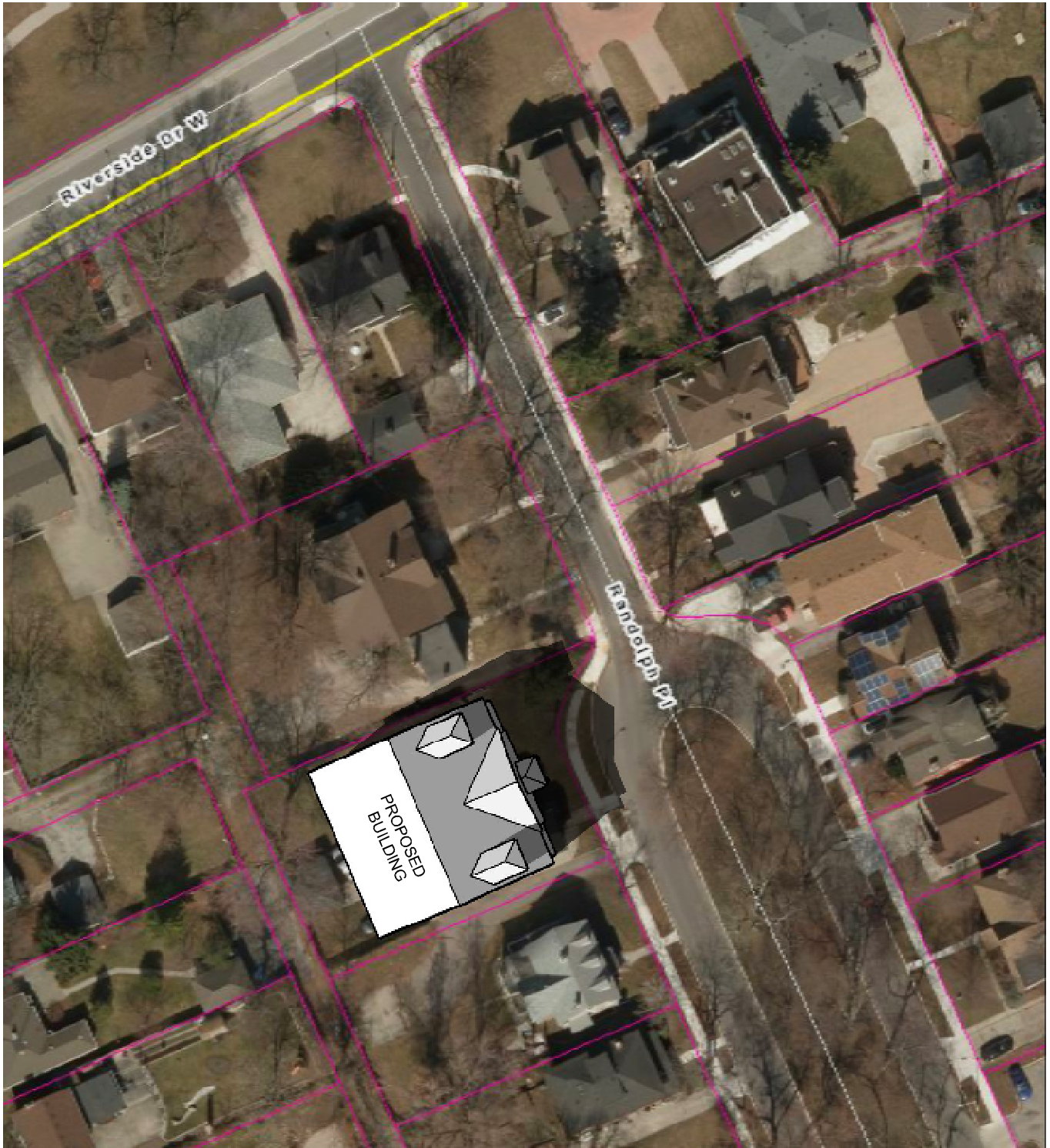


September 21

2:00pm



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			SHEET No: <b>SS3-4</b> OF 6



September 21

4:00pm



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			SHEET No: <b>SS3-5</b> OF 6

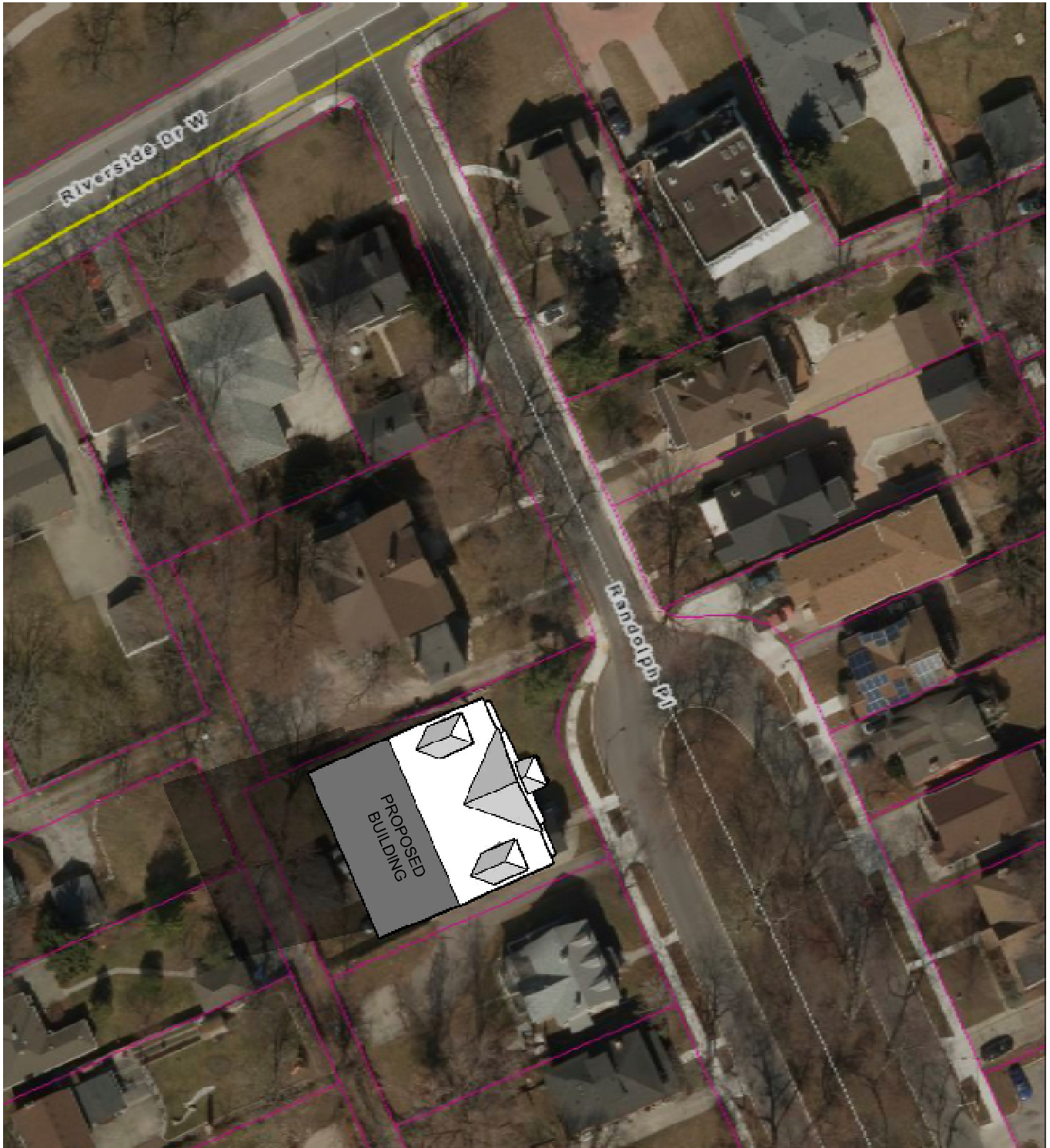


September 21

6:00pm



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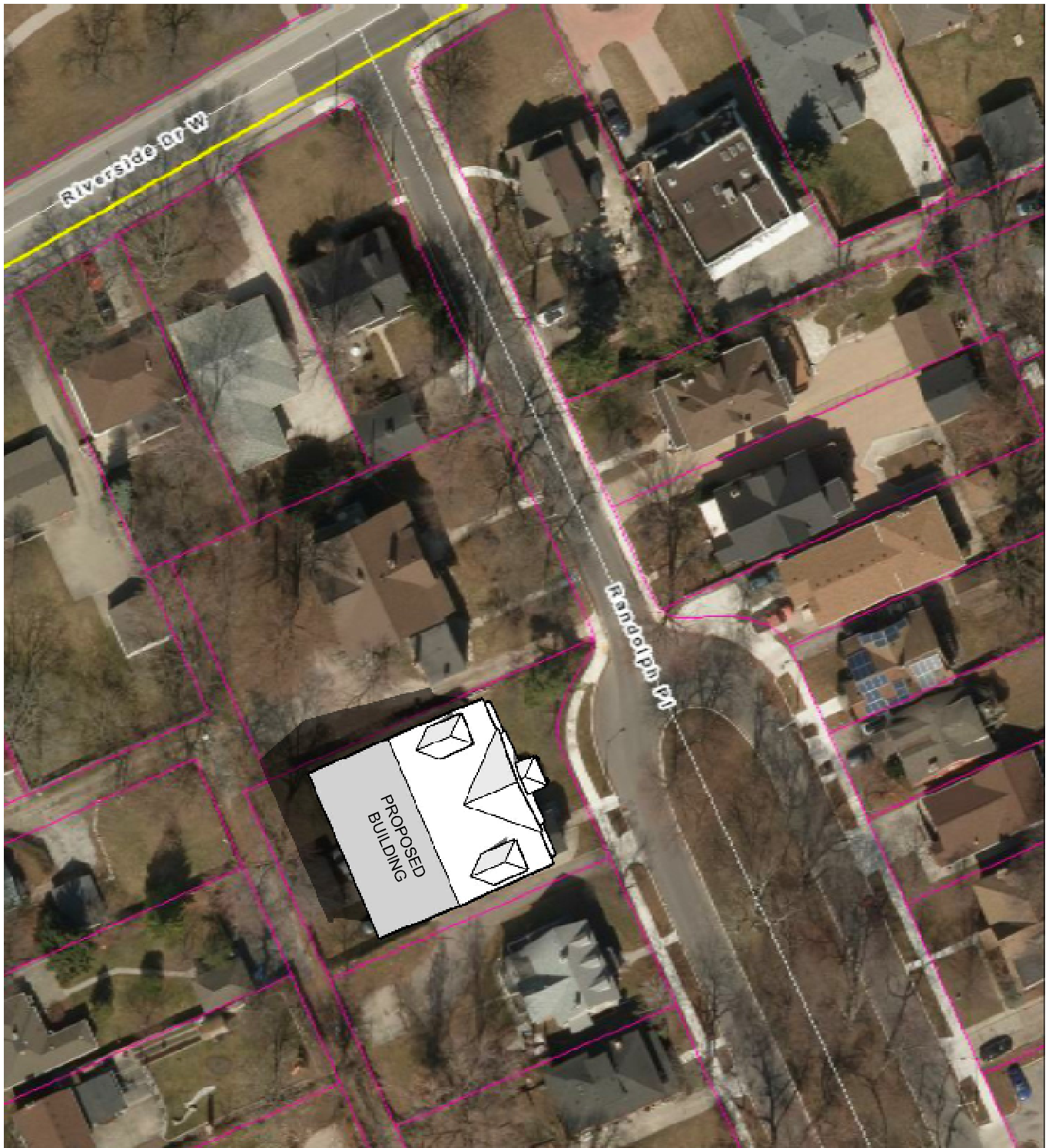


June 21

8:00am



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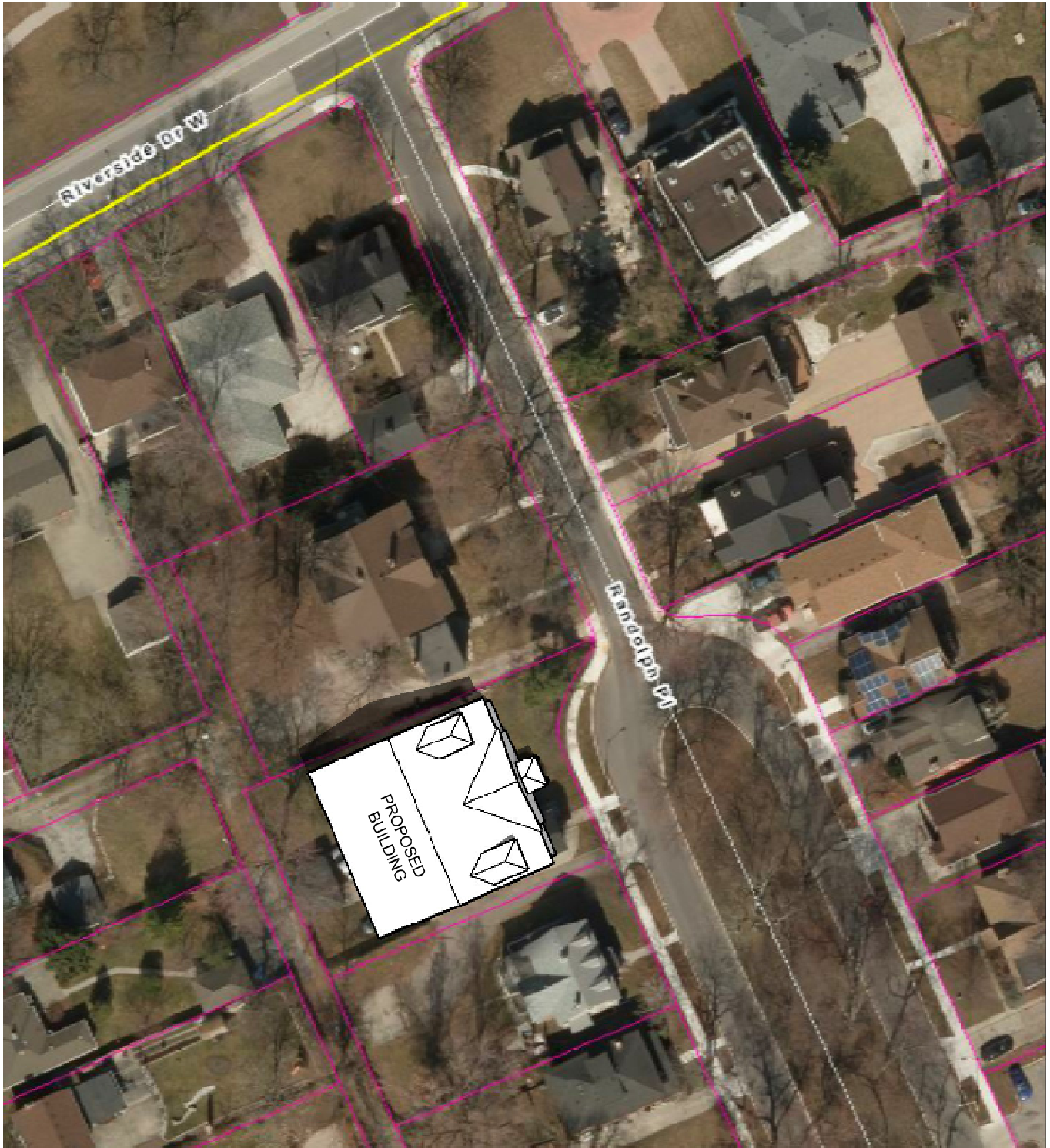


June 21

10:00am



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		SCALE: <b>AS NOTED</b>	DRAWN BY: <b>M.J.P.</b>
			SHEET No: <b>SS2-2</b> OF 6



June 21

12:00pm



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		SCALE: <b>AS NOTED</b>	DRAWN BY: <b>M.J.P.</b>



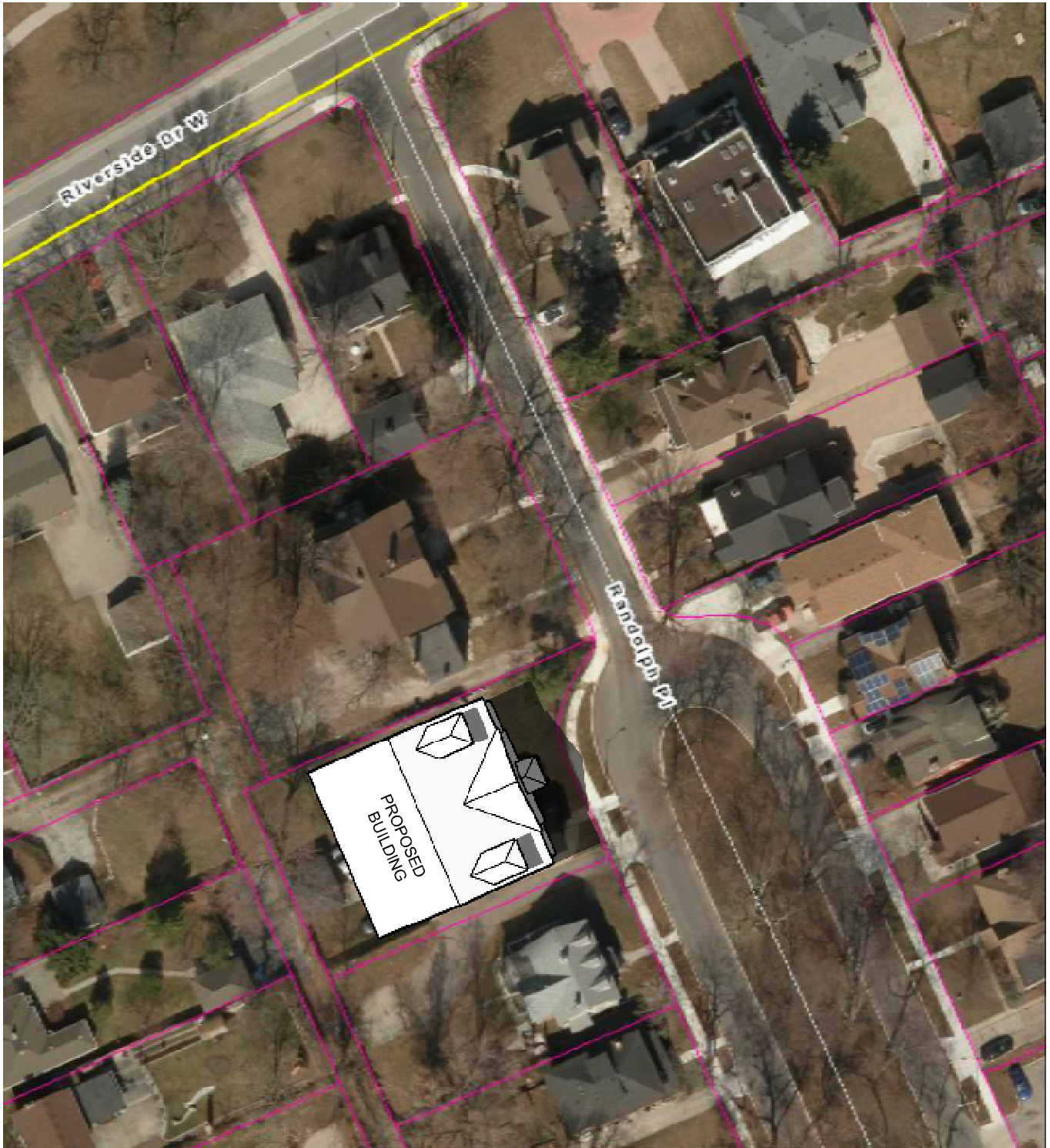


June 21

2:00pm



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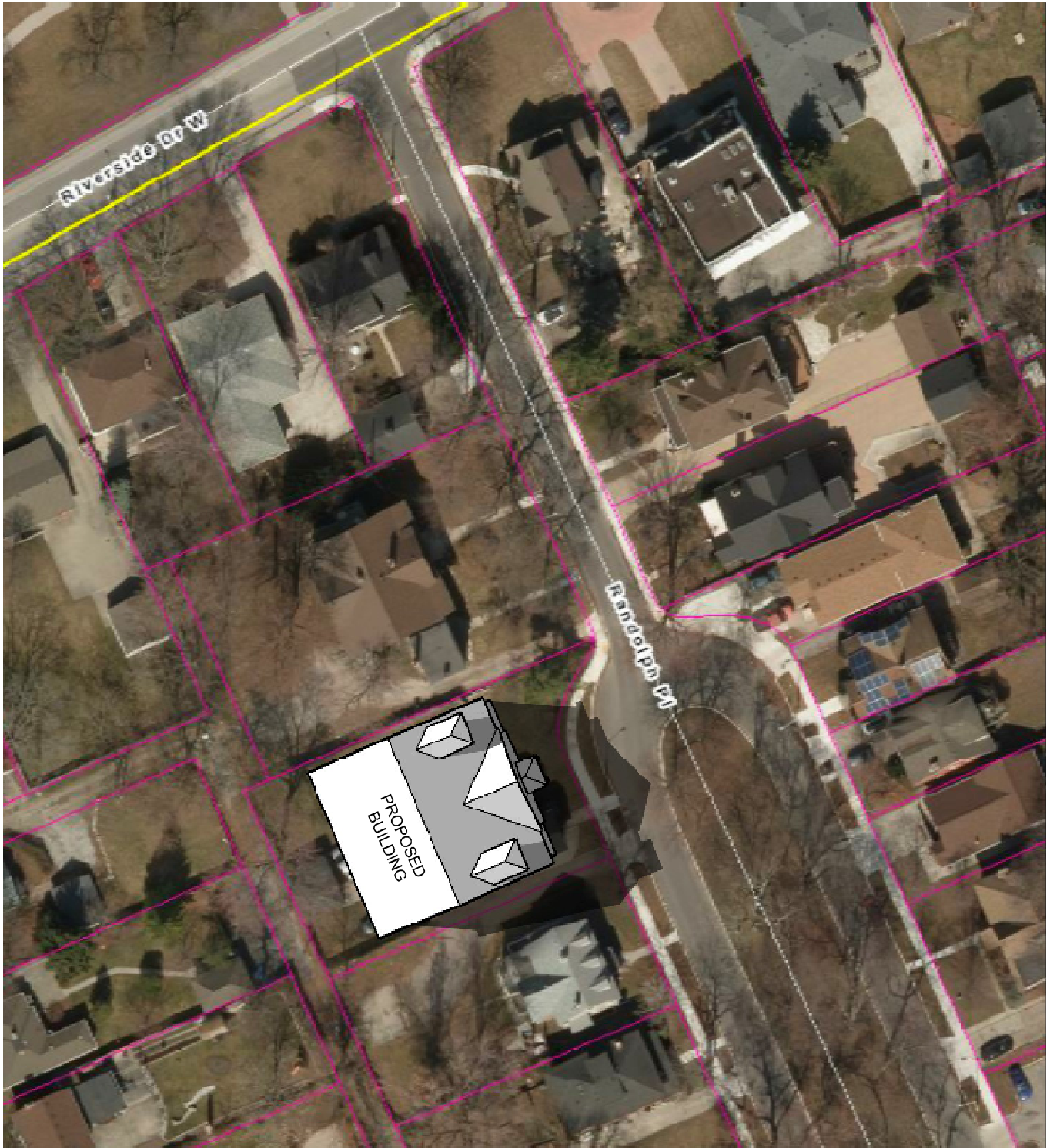


June 21

4:00pm



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			SHEET No: <b>SS2-5</b> OF 6



June 21

6:00pm



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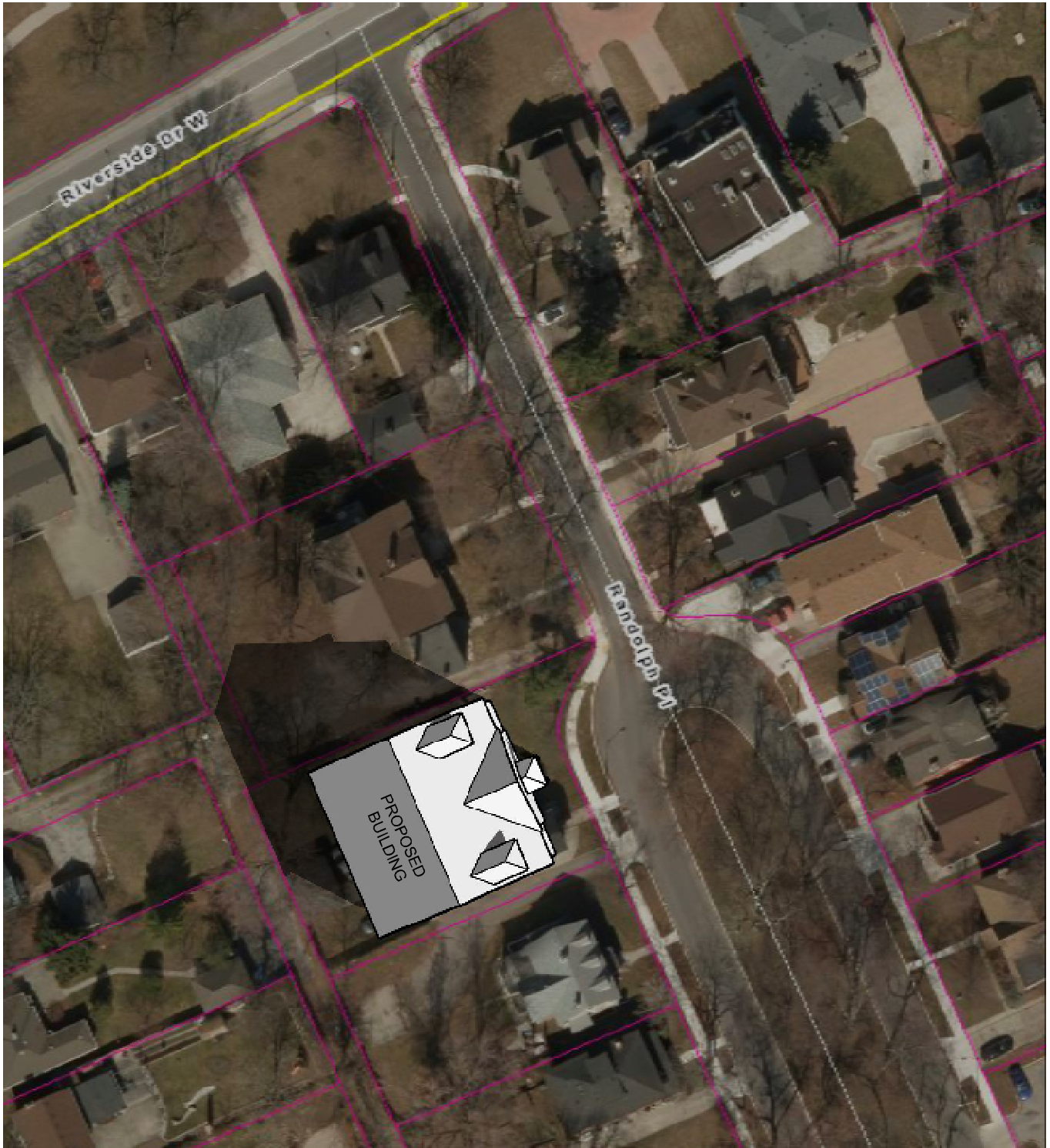


March 21

8:00am



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		SCALE: <b>AS NOTED</b>	DRAWN BY: <b>M.J.P.</b>

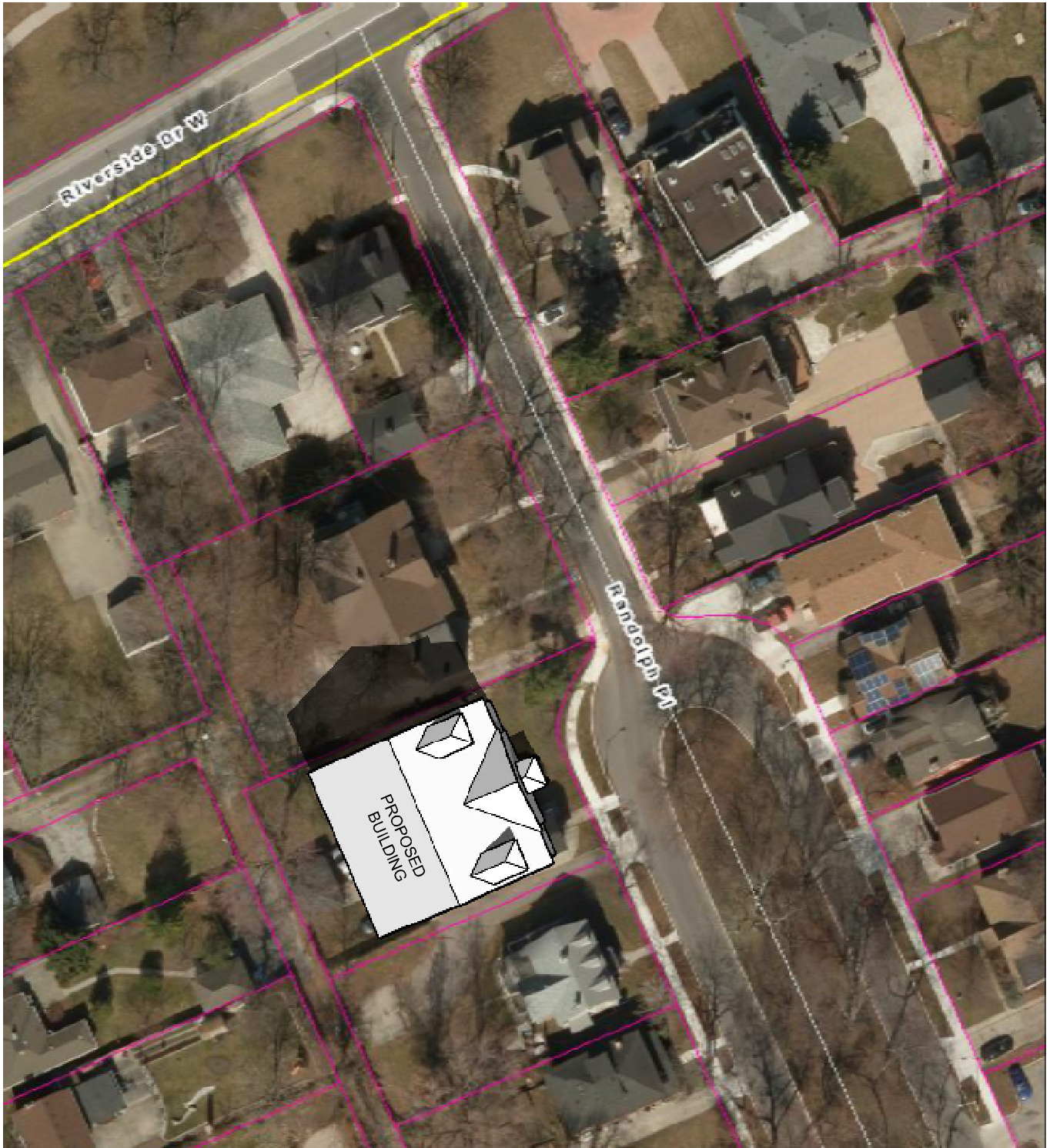


March 21

10:00am



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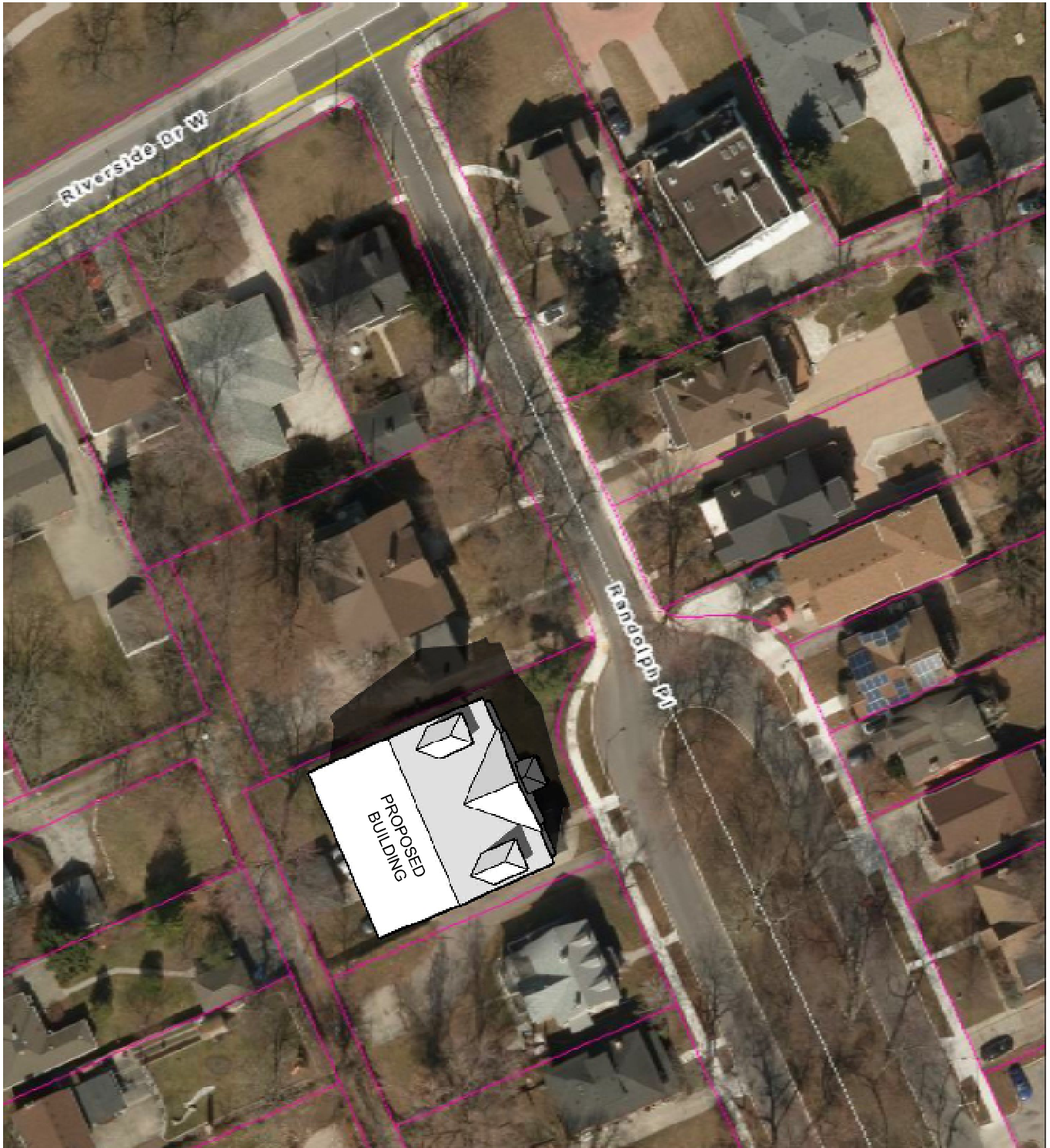


March 21

12:00pm



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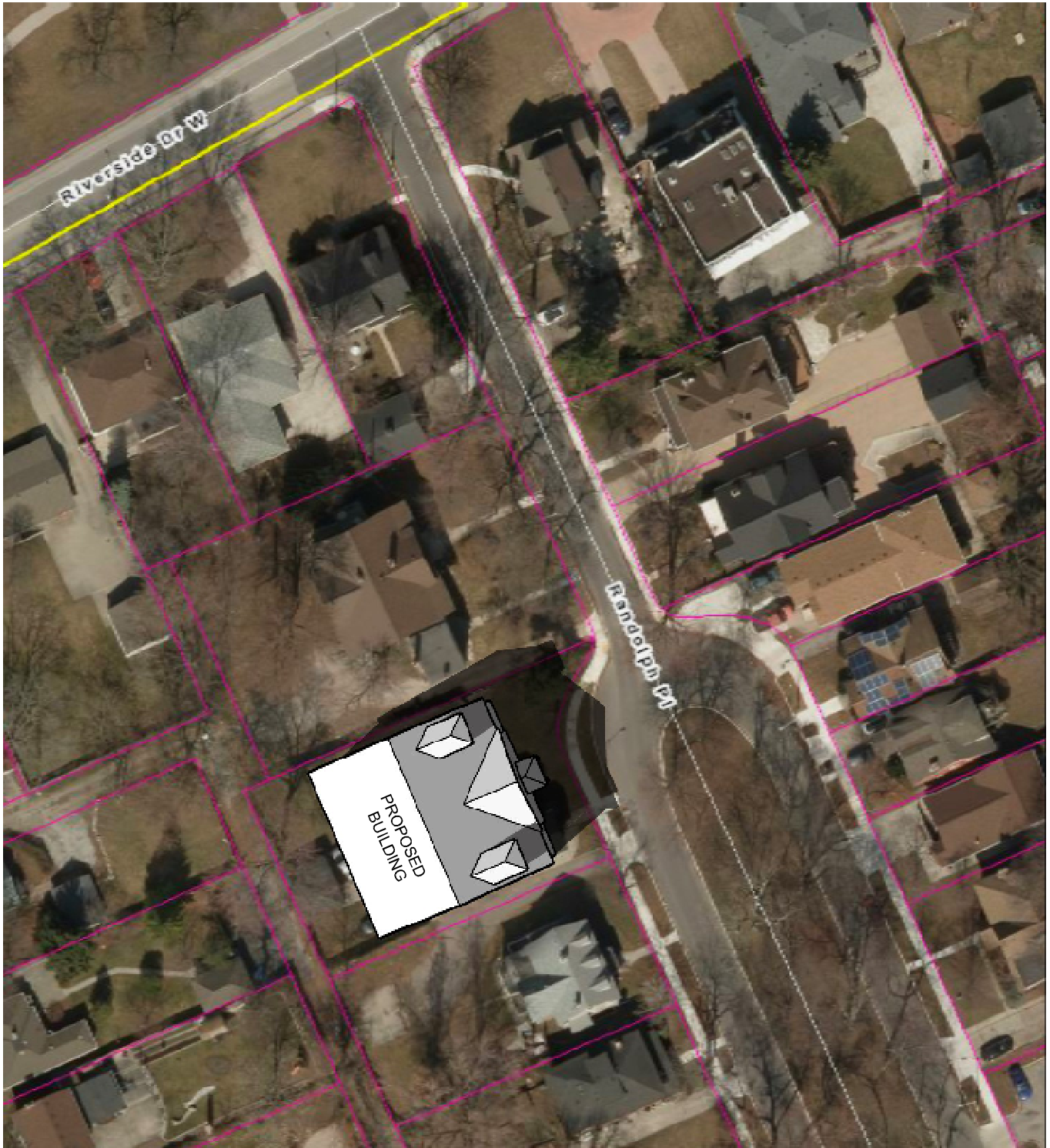


March 21

2:00pm



<b>MEO &amp; ASSOCIATES INC.</b> Architectural & Engineering Consultants <a href="http://www.meogroup.net">www.meogroup.net</a>	PROJECT: <b>RANDOLPH PLACE APARTMENTS</b> 185 Randolph Place Windsor, Ontario	DRAWING TITLE: <b>Shadow Study</b>	PROJECT No: <b>4754</b>
		SCALE: <b>AS NOTED</b>	DRAWN BY: <b>M.J.P.</b>



March 21

4:00pm



<b>MEO &amp; ASSOCIATES INC.</b> Architectural & Engineering Consultants <a href="http://www.meogroup.net">www.meogroup.net</a>	PROJECT: <b>RANDOLPH PLACE APARTMENTS</b> 185 Randolph Place Windsor, Ontario	DRAWING TITLE: <b>Shadow Study</b>	PROJECT No: <b>4754</b>
		SCALE: <b>AS NOTED</b>	DRAWN BY: <b>M.J.P.</b>





March 21

6:00pm



<b>MEO &amp; ASSOCIATES INC.</b> Architectural & Engineering Consultants <a href="http://www.meogroup.net">www.meogroup.net</a>	PROJECT: <b>RANDOLPH PLACE APARTMENTS</b> 185 Randolph Place Windsor, Ontario	DRAWING TITLE: <b>Shadow Study</b>	PROJECT No: <b>4754</b>
		SCALE: <b>AS NOTED</b>	DRAWN BY: <b>M.J.P.</b>
			SHEET No: <b>SS1-6</b> OF 6

## **APPENDIX “F”**

### **Excerpts from Official Plan**

#### **6 Residential**

The lands designated as “Residential” on Schedule D: Land Use provide the main locations for housing in Windsor . In order to develop safe, caring and diverse neighbourhoods, opportunities for a broad range of housing types and complementary services and amenities are provided.

*PERMITTED USES* 6.3.2.1 Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low Profile and Medium Profile dwelling units.

#### **6.1 Goals**

In keeping with the Strategic Directions, Council’s land use goals are to achieve:

- NEIGHBOURHOODS* 6.1.1 Safe, caring and diverse neighbourhoods.
- ENVIRONMENTALLY SUSTAINABLE* 6.1.2 Environmentally sustainable urban development.
- RESIDENTIAL* 6.1.3 Housing suited to the needs of Windsor’s residents.

#### **6.3.1 Objectives**

- RANGE OF FORMS & TENURES* 6.3.1.1 To support a complementary range of housing forms and tenures in all neighbourhoods.
- NEIGHBOURHOODS* 6.3.1.2 To promote compact neighbourhoods which encourage a balanced transportation system.
- ~~*INTENSIFICATION, INFILL & REDEVELOPMENT* 6.3.1.3 To promote selective residential redevelopment, infill and intensification initiatives. (Deleted by OPA #159 – APPROVED July 11, 2022, B/L #100-2022)~~
- INTENSIFICATION, INFILL & REDEVELOPMENT* 6.3.1.3 To promote residential redevelopment, infill and intensification initiatives in locations in accordance with this plan. **(Added by OPA159 - APPROVED July 11, 2022, B/L#100-2022)**
- MAINTENANCE & REHABILITATION* 6.3.1.4 To ensure that the existing housing stock is maintained and rehabilitated.
- SERVICE & AMENITIES* 6.3.1.5 To provide for complementary services and amenities which enhance the quality of residential areas.
- HOME BASED OCCUPATIONS* 6.3.1.6 To accommodate home based occupations.

*SUFFICIENT LAND SUPPLY* 6.3.1.7 To ensure that a sufficient land supply for residential and ancillary land uses is available to accommodate market demands over the 20 year period of this Plan.

*LOCATIONAL CRITERIA* 6.3.2.4 Residential development shall be located where:

- a) there is access to a collector or arterial road;
- b) full municipal physical services can be provided;
- c) adequate community services and open spaces are available or are planned; and
- d) public transportation service can be provided.

## **1.52 Mature Neighbourhoods as Heritage Resources**

**(added by OPA #159 – APPROVED July 11, 2022, B/L# 100-2022)**

*MATURE NEIGHBOURHOODS AS HERITAGE RESOURCES* 1.52.1 Schedule A-1 identifies Mature Neighbourhoods in the City. These areas are not designated as Heritage Areas or Heritage Conservation Districts. However, the areas reflect the cultural heritage of the City and should be protected. When considering the development of these areas, the policies of Section 9.3.7(d) shall be applied.

*HERITAGE CONSERVATION* 1.52.2 Infill and intensification within Mature Neighbourhoods, shown on Schedule A-1, shall be consistent with the built form, height, massing, architectural and landscape of the area. Council will adopt Design Guidelines to assist in the design and review of development in these areas.

## **9.3.7 Heritage Resources and Planning Initiatives**

9.3.7.1 Council will integrate heritage conservation into the development and infrastructure approval process by:

*APPROVAL PROCESS* (d) Utilizing the planning approval process (subdivisions / condominiums, official plan amendments, zoning amendments, site plan control, consent, minor variance, demolition control) to facilitate the retention of heritage resources, and to ensure any proposed development is compatible with heritage resources;

## 8.7.1 Objectives

- VARIED DEVELOPMENT PATTERN* 8.7.1.1 To achieve a varied development pattern which supports and enhances the urban experience.
- COMPLEMENTARY DESIGN* 8.7.1.2 To achieve a complementary design relationship between new and existing development, while accommodating an evolution of urban design styles.
- VISUAL INTEREST* 8.7.1.3 To maximize the variety and visual appeal of building architecture.
- ART AND LANDSCAPING* 8.7.1.4 To integrate art and landscaping with the built form.
- UNIQUE CHARACTER* 8.7.1.5 To enhance the unique character of a district, neighbourhood, prominent building or grouping of buildings.
- SIGNS* 8.7.1.6 To ensure that signs respect and enhance the character of the area in which they are located.
- 8.7.1.7 To achieve external building designs that reflect high standards of character, appearance, design and sustainable design features.  
**(Added by OPA #66–11/05/07-B/L209-2007)**

## 8.7.2 Policies

- NEW DEVELOPMENT* 8.7.2.1 ~~Council will ensure that the design of new development:~~  
**(Deleted by OPA #66–11/05/07-B/L209-2007)**
- NEW DEVELOPMENT* 8.7.2.1 Council will ensure that the design of new development:  
**(Added by OPA #66–11/05/07-B/L209-2007)**
- ~~(a) is complementary to adjacent development in terms of its overall massing, orientation and setback;~~  
**(Deleted by OPA #66–11/05/07-B/L209-2007)**
  - (a) is complementary to adjacent development in terms of its overall massing, orientation, setback and exterior design, particularly character, scale and appearance;  
**(Added by OPA #66–11/05/07-B/L209-2007)**
  - (b) provides links with pedestrian, cycle, public transportation and road networks; and
  - (c) maintains and enhances valued heritage resources and natural area features and functions.
  - (d) Encourages the creation of attractive residential streetscapes through architectural design that reduces the visual dominance of front drive garages, consideration of rear lanes where appropriate, planting of street trees and incorporation of pedestrian scale amenities. **(added by OPA #60–05/07/07-B/L85-2007–OMB Decision/Order No.2667, 10/05/2007)**

*REDEVELOPMENT  
AREAS* 8.7.2.2

Council will ensure that the design of extensive areas of redevelopment achieves the following:

- (a) provides a development pattern that support a range of uses and profiles;
- (b) defines the perimeter of such an area by a distinct edge which may be formed by roads, elements of the Greenway System or other linear elements;
- (c) contains activity centres or nodes which are designed to serve the area and which may be identified by one or more landmarks;
- (d) provides transportation links to adjacent areas; and
- (e) maintains and enhances valued historic development patterns or heritage resources.
- (f) is complementary to adjacent development in terms of overall massing, orientation, setback and exterior design, particularly character, scale and appearance.

**(Added by OPA #66–11/05/07-B/L209-2007)**

*INFILL  
DEVELOPMENT* 8.7.2.3

Council will ensure that proposed development within an established neighbourhood is designed to function as an integral and complementary part of that area's existing development pattern by having regard for:

- (a) massing;
- (b) building height;
- (c) architectural proportion;
- (d) volumes of defined space;
- (e) lot size;
- (f) position relative to the road; and
- (g) building area to site area ratios.
- (h) the pattern, scale and character of existing development; and,

**(Added by OPA #66–11/05/07-B/L209-2007)**

- (i) exterior building appearance  
**(Added by OPA #66–11/05/07-B/L209-2007)**

(j) Council adopted Design Guidelines that will assist in the design and review of applications for development in accordance with the policies noted above

*TRANSITION IN  
BUILDING  
HEIGHTS* 8.7.2.4

Council will ensure a transition among Very High, High, Medium and Low Profile developments through the application of such urban design measures as incremental changes in building height, massing, space separation or landscape buffer.

*CONTINUOUS BUILDING FACADES*      8.7.2.5      Council will require new development to support the creation of continuous building facades along Mainstreets through the street level presence of:

- (a) community facilities, retail shops, and other frequently visited uses; and
- (b) architectural features and elements which can be experienced by pedestrians.

*APPEALING STREET FACADES*      8.7.2.6      Council will encourage the buildings facades to be visually interesting through extensive use of street level entrances and windows. Functions which do not directly serve the public, such as loading bays and blank walls, should not be located directly facing the street.

**11.6.3      Zoning By-law Amendment Policies**

*AMENDMENTS MUST CONFORM*      11.6.3.1      All amendments to the Zoning By-law(s) shall conform with this Plan. The Municipality will, on each occasion of approval of a change to the zoning by-law(s), specify that conformity with the Official Plan is maintained or that the change will be in conformity upon the coming into effect of an amendment to the Official Plan.

**APPENDIX “G”**  
**Excerpts from Zoning By-law 8600**

**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<sup>2</sup>
- .3 Lot Coverage – maximum 45.0%
- .4 Main Building Height – maximum 9.0 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
- .10 Gross Floor Area – Main Building – maximum 400 m<sup>2</sup>

.2 Semi-Detached Dwelling

- .1 Lot Width – minimum 15.0 m
- .2 Lot Area – minimum 450.0 m<sup>2</sup>
- .3 Lot Coverage – maximum 45.0%
- .4 Main Building Height – maximum 9.0 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
- .10 Gross Floor Area – Main Building– maximum 400 m<sup>2</sup>

.3 Single Unit Dwelling

- .1 Lot Width – minimum 9.0 m
- .2 Lot Area – minimum 270.0 m<sup>2</sup>
- .3 Lot Coverage – maximum 45.0%
- .4 Main Building Height – maximum 9.0 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
- .10 Gross Floor Area – Main Building– maximum 400 m<sup>2</sup>

.4 Double Duplex Dwelling or Multiple Dwelling

- .1 Lot Width – minimum 18.0 m
- .2 Lot Area – minimum 540.0 m<sup>2</sup>
- .3 Lot Coverage – maximum 45.0%
- .4 Main Building Height – maximum 9.0 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 *dwelling unit* – minimum 200.0 m<sup>2</sup>
- .3 Lot Coverage – maximum 45.0%
- .4 Main Building Height – maximum 9.0 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

**(AMENDED by B/L 101-2022, July 11, 2022)**



## Appendix “H”

### Excerpts from the Provincial Policy Statement (PPS) 2020

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario’s settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

#### 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

##### 1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;

## Appendix “H”

### Excerpts from the Provincial Policy Statement (PPS) 2020

1.1.3.1 Settlement areas shall be the focus of growth and development.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) prepare for the impacts of a changing climate;
- e) support active transportation;
- f) are transit-supportive, where transit is planned, exists or may be developed; and
- g) are freight-supportive.

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

## APPENDIX “I” Consultations

### SITE PLAN CONTROL

The development proposal is subject to Site Plan Control pursuant to the Planning Act and City of Windsor By-law 1-2004. Where preceding development applications are required, inclusive of Official Plan and Zoning By-law Amendments, request for Site Plan Control Pre-Consultation may be made following completion of the requisite Development and Heritage Standing Committee meeting at <https://ca.cloudpermit.com/login>.

### HERITAGE PLANNING - TRACY TANG

No supporting information required.

#### **Built Heritage**

The subject property is located directly adjacent to a heritage property recognized on the Heritage Register and is in proximity to a number of other heritage properties.

Heritage Planning staff have worked closely with the applicants to ensure the proposed multi-residential building is designed to be visually compatible with the style of the adjacent heritage property, in consideration of the Windsor Intensification Guidelines for Stable and Mature Neighbourhoods 2.2.2, and in consideration of heritage neighbourhood infill best practices and principles.

Heritage Planning staff are pleased with the design of the multi-residential building as proposed.

#### **Archaeology**

The subject property is located within an area of high archaeological potential. However, the subject property is a standard sized residential lot and the proposed development will occur on lands that have been previously disturbed. Thus, an archaeological assessment is not requested at this time. Nevertheless, the Applicant should be notified of the following archaeological precaution.

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 Citizenship and Multiculturalism 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 Citizenship and Multiculturalism and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Citizenship and Multiculturalism.

#### **Contacts:**

Windsor Planning & Building Department:  
519-255-6543 x6179, [ktang@citywindsor.ca](mailto:ktang@citywindsor.ca), [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca)  
Windsor Manager of Culture and Events (A):  
Michelle Staaedegaard, (O) 519-253-2300x2726, (C) 519-816-0711,  
[mstaaedegaard@citywindsor.ca](mailto:mstaaedegaard@citywindsor.ca)

Ontario Ministry of Citizenship and Multiculturalism  
Archaeology Programs Unit, 1-416-212-8886, [Archaeology@ontario.ca](mailto: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](mailto:Crystal.Forrest@ontario.ca)

## **LANDSCAPE ARCHITECT & URBAN DESIGN – STEFAN FEDIUK**

In consultation with the City Heritage Planner and the applicant, the heritage character of the neighbourhood was discussed and the applicant has responded by addressing the Arts & Crafts design period through various architectural details, datum lines, overall height, and colour palette as found in the Urban Design Brief prepared by Dillon Consulting. While there are some variance to the current Zoning bylaw, the applicant has provided sound rationale and detailing, as well as addressing the public realm and streetscape of the neighbourhood.

There are no further studies required at this time from a landscape architectural or urban design perspective, however, some detailed comments may be required through the Site Plan Control process.

## **PARKS – SHERIF BARSOM**

No comments from Natural Areas and Parks D&D while Forestry has below comments:

There is a City owned Crimson King Norway Maple tree, about 50cm diameter, at this address. Tree preservation is recommended. Replacement will be required if there are tree damages/removals.

The City will require that the developer is notified, in advance, of the City's tree replacement procedure: City Forestry follows the 'equivalent diameter' replacement methodology - for every unit diameter of tree removed (e.g. due to damages), a similar amount of new trees must be planted.

## **ENGINEERING – ANDREW BOROSKI**

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We have reviewed the subject Pre-Consultation application and have the following comments:

### Sewers

The site may be serviced by a 250mm Vitrified Clay combined sewer within the Randolph PI right-of-way. If possible existing connections should be utilized. Any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice B.P 1.3.3.

The applicant will be required to submit site servicing drawings and storm detention calculations restricting storm water runoff to the 2 year storm pre-development levels while taking into consideration any proposed sanitary flows. The calculations are to be completed as per the Windsor Essex Regional Stormwater Management Standards Manual and checklist found on the City's website:

<https://essexregionconservation.ca/wp-content/uploads/2018/12/WE-Region-SWM-Standards-Manual.pdf>.

All stormwater must be contained on property and cannot drain to the alley to the west of the subject property.

## Right-of-Way

Randolph PI is classified as a Local Road according to the Official Plan with a required right-of-way width of 20 meters. The current width is sufficient therefore, a conveyance is not required.

In summary we have no objection to the proposed development, subject to the following requirements:

Sanitary Servicing Study – The owner agrees, at its own expense, to retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer system, satisfactory in content to the City Engineer and prior to the issuance of a construction permit. The study shall analyze the sanitary flow from the proposed development and recommend mitigation measures and implementation of those measures.

Driveway Approaches- Remove redundant lead walk from sidewalk to curb and restore to City standards and any redundant curb cuts are to be removed and restored to City standards. Applicant to determine if reciprocal access agreement is in place with 205 Randolph PI. for shared driveway.

Alley Contribution- The owner agrees, prior to the issuance of a Building Permit, to contribute \$250 per linear meter payable to the City of Windsor and deposited in the General Fund intended for the upkeep of alleys within the City of Windsor.

If you have any further questions or concerns, please contact Andrew Boroski, of this department at [aboroski@citywindsor.ca](mailto:aboroski@citywindsor.ca)

## **TRANSIT WINDSOR – JASON SCOTT**

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Transway 1C. The closest existing bus stop to this property is located on University at Randolph. This bus stop is approximately 140 metres from this property falling well within our 400 metre walking distance guidelines to a bus stop. This will be maintained with our City Council approved Transit Master Plan.

## **CANADA POST – BRUNO DESANDO**

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.

## **ASSESSMENT MANAGEMENT – JOSE MEJALLI**

No objection to the proposed indicated amendments:

(Amendment to Zoning By-law 8600 to add a site specific provision to the subject property to allow for the construction of a Multi-Unit Dwelling with twelve (12) dwelling units with additional parking)

## **TRANSPORTATION PLANNING – Siddharth Dhiman**

- Transportation planning has looked at the parking study, and have no concerns with the deficiency in parking spaces.
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).
- For Randolph Pl. every resident is allowed to have 3 on-street parking spaces (2 resident + 1 visitor), for which they have to apply for a resident parking pass under 'AREA 3', any vehicle without resident parking pass would be ticketed.
- A cautionary advice from Transportation planning; increased number of parking spaces in the back of the property can cause a sight line issue at the corner of the alley while making a turn from the alley to askin ave. or vice versa.

## **ENVIRONMENTAL SERVICES – ANNE-MARIE ALBIDONE**

I have no concerns with the zoning amendment, however the builder should ensure the final design allows for By-Law 2-2006 requirements for waste containers and storage in multi-residential buildings.

**APPENDIX “J”  
Draft Amending By-law**

B Y - L A W   N U M B E R                      -2023

A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600  
CITED AS THE "CITY OF WINDSOR ZONING BY-LAW"

Passed the                      day of                      , 2023.

**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 clause:
    - I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning on the lands of Lot 11 Plan 766 Town of Sandwich; Lot 12 Plan 766 Town of Sandwich situated on the west side of Randolph Place, and known municipally as 185 Randolph Place by adding a site specific exception to Section 20(1) as follows:
      - 492. WEST SIDE OF RANDOLPH PLACE BETWEEN RIVERSIDE DRIVE EAST AND UNIVERSITY AVENUE**

For the 1173.0 m<sup>2</sup> lands comprising of Lot 11 Plan 766 Town of Sandwich; Lot 12 Plan 766 Town of Sandwich; a *multiple dwelling* with 11 or more units shall be an additional permitted use subject to the following provisions:

        - .1 Lot Area – minimum 97.0 m<sup>2</sup> per dwelling unit
        - .2 Lot Frontage – minimum – 27.0 m
        - .3 Lot Coverage – maximum – 45.0 %
        - .4 Main Building Height – maximum – 10.0 m
        - .5 Building Setback:
          - a) *front yard depth* - minimum 6.0m
          - b) *rear yard depth* - minimum 7.5 m
          - c) *side yard width* - minimum 2.0 m on one side, and 3.4 m on the other side
6. Parking:
  - a) *Parking spaces* – minimum 7 spaces
  - b) *Bicycle Parking Spaces* –minimum 15 spaces
  - c) A *parking space* is prohibited in any required *front yard*
  - d) *Parking aisle width* – as existing

7. Exterior walls shall be covered in facebrick on a minimum of 3.0 m from above grade on the North, East, and South elevations.

8. For the purpose of this provision any roof other than 4.5/12 is prohibited.

[ZDM 3, ZNG/7140]

2 The said by-law is further amended by changing the Zoning District Maps or parts thereof referred to in Section 1, 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	3	Lot 11 Plan 766 Town of Sandwich; Lot 12 Plan 766 Town of Sandwich;  (known municipally as 185 Randolph Place; Roll No: 37-39-050-100- 05300-0000)		S.20(1)492

DREW DILKENS, MAYOR

CLERK

First Reading - , 2023

Second Reading - , 2023

Third Reading - , 2023



## SCHEDULE 2

1. By-law \_\_\_\_\_ has the following purpose and effect:
- II. To amend the zoning on the lands of Lot 11 Plan 766 Town of Sandwich; Lot 12 Plan 766 Town of Sandwich situated on the west side of Randolph Place, and known municipally as 185 Randolph Place by adding a site specific exception to Section 20(1) as follows:

### **492. WEST SIDE OF RANDOLPH PLACE BETWEEN RIVERSIDE DRIVE EAST AND UNIVERSITY AVENUE**

For the 1173.0 m<sup>2</sup> lands comprising of Lot 11 Plan 766 Town of Sandwich; Lot 12 Plan 766 Town of Sandwich; a *multiple dwelling* with 11 or more units shall be an additional permitted use subject to the following provisions:

- .1 Lot Area – minimum 97.0 m<sup>2</sup> per dwelling unit
- .2 Lot Frontage – minimum – 27.0 m
- .3 Lot Coverage – maximum – 45.0 %
- .4 Main Building Height – maximum – 10.0 m
- .5 Building Setback:
  - d) *front yard depth* - minimum 6.0m
  - e) *rear yard depth* - minimum 7.5 m
  - f) *side yard width* - minimum 2.0 m on one side, and 3.4 m on the other side
6. Parking:
  - e) *Parking spaces* – minimum 7 spaces
  - f) *Bicycle Parking Spaces* –minimum 15 spaces
  - g) A *parking space* is prohibited in any required *front yard*
  - h) *Parking aisle width* – as existing
7. Exterior walls shall be covered in facebrick on a minimum of 3.0 m from above grade on the North, East, and South elevations.
8. For the purpose of this provision any roof other than 4.5/12 is prohibited.

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



**From:** Garfield Brush  
**Sent:** October 23, 2023 1:31 PM  
**To:** clerks <[clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)>; [fgarado@citywindsor.ca](mailto:fgarado@citywindsor.ca)  
**Subject:** file ZNG/7140 2028/23

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## RE AMENDMENT TO ZONING BYLAW 8600

12 units with 48 bedrooms. This building will probably be for university students, which will end up having 6 or 8 students per unit ( 2 each bedroom) --up to 96 people ???? This kind of overpopulating a neighborhood is insane. This would definitely be a very negative impact on the property value of all the homes in this area.

I find it unbelievable that the city would even consider this type of building in an area designated RD2.

--

Garfield Brush  
2215 Riverside Dr W. N9B 1A9



Vice-President, Finance & Operations  
Assumption Hall, Room 128  
400 Huron Church Road  
Windsor, Ontario N9C 2J9  
T 519-253-3000 (x 2092)

November 1, 2023

City of Windsor  
Development & Heritage Standing Committee  
350 City Hall Square West  
Windsor, Ontario N9A 6S1

Dear Sir/Madam:

**Re: Zoning By-Law Amendment - 185 Randolph Place, Windsor**

On behalf of the University of Windsor, this letter serves as support for Tilcap Randolph Inc.'s application for the Zoning By-Law Amendment to 185 Randolph Place, Windsor.

Tilcap has shared with the University of Windsor their proposed plans to build a two and a half storey, 12-unit multiple dwelling residential building at 185 Randolph Place, Windsor.

This new development, within a short walking distance of the University, will help alleviate the student housing shortage on the City of Windsor's west side (Ward 2) and provide more affordable housing options. At the recent Ontario's Big City Mayors' caucus, the lack of on-campus student housing was identified as a primary driver of housing shortages. It is well known that frustrated students are failing to find housing or are forced into dangerous overcrowded situations.

Tilcap is focused on creating exceptional student experiences through industry-leading living and learning communities. They have entered into a long-term land lease with the University of Windsor to build a new 452 bed, 150,000 square foot, student residence. Together, we are working collaboratively to provide a safe and comfortable living environment that promotes and supports resident engagement, growth and achievement.

The new residence is currently under construction. Tilcap works collaboratively and effectively with all the diverse teams (internal and external stakeholders) involved with this project. They are always professional and responsive to stakeholder needs.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gillian Heisz'.

Gillian Heisz  
Vice-President, Finance & Operations

Development & Heritage Standing Committee  
November 6, 2023  
Item 7.4 – Written Submission

**From:** kkm kkm

**Sent:** November 2, 2023 6:28 PM

**To:** clerks <[clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)>

**Subject:** RE: amendment to Zoning By-law 8600 for 185 Randolph Pl. Windsor ON

Dear Development & Heritage Standing Committee,

We have received a letter about the council meeting WRT subject above, and as a neighbor next to this lot we strongly object the zoning amendment and the building plan based on the following reasons -

1. The Randolph Place, unlike the University Ave, is still a residential street with mix of home owners and tenants living here. The planned building with 3 storeys 12 units, and totally 48 bedrooms is completely a student dorm, which will make significantly higher density of population than current level, totally change the residential nature of the street to commercial-like, and adversely impact the living environment of the neighborhood;
2. 48 bedrooms means 48+ additional student residents (including their visitors), which will make the street or side walk much crowded than usual, create much more noise to the neighbors (especially direct next to it like us), and thus impact our living;
3. 48-bedroom building has only seven(7) parking spaces, which will make the street parking significantly busier while current street parking is already almost full;
4. 10m maximum height is ACTUALLY not its highest height but mid of its roof slop, meaning its actual maximum height (peak roof) will be much higher than all neighbors including our house and block our view;
5. The building is planned to be built without leaving any green space at back at all, but with many windows facing my side, which will make my backyard no privacy at all;

**All in all, this is not a good plan at all and we strongly object it! We want to keep a quiet, peaceful, and non-commercial environment for this street and neighborhood.**

If city wants to improve the house shortage issue around the University campus, obviously there are better plan or options. For example, City or University could convert one or two streets right next to campus into dedicated dorm streets, instead of building dorms here and there in the residential neighborhood.

BTW would you please confirm the council meeting with this agenda will be held in Council Chambers room 4:30PM on Nov 6, next Monday, at City Hall?

Thank you,  
York

**From:** Mike Cardinal  
**Sent:** November 6, 2023 1:41 PM  
**To:** clerks <[clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)>  
**Subject:** File number ZNG/7140 Z-028/23

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## Development and Heritage Standing Committee, Monday November 6, 2023 Meeting

Please accept this late submission for today's meeting. I have been out of town for some time and returned to find this notice in my mailbox.

As a resident, home owner and neighbour, I object to the zoning change request for 185 Randolph Place.

The reasons for my objection are as follows:

1. The block sharing the alley between Askin and Randolph, Riverside Drive and University Ave is already overly developed and densely used. Two properties added large buildings in their backyards in the last 2 years. Both have 4 or five electrical meters indicating the new buildings have for or five separate units within, in addition to the original home rented by students. Both have full lot width parking facing the alley. This is in addition to the older two multi-unit buildings occupying the same side of the street. (And the proper apartments facing University Avenue.)
2. Several properties facing the alley are known to be planning Additional Dwelling Units that will also be using the alley and intensifying the same block.

3. The block and surrounding area, with the exception of the 2 older, modest multi-unit structures, is composed of more modest single family dwellings. It has been preserved as a family neighbourhood in the midst of decades of student housing encroachment. The value of a family neighbourhood is immeasurable for quality of life. Additionally, the City's Climate Change priorities need to include University professors and other employees who want to live within a walkable distance from the University.

4. Proper and balanced City Planning designates larger roads like University Avenue and Wyandotte, as the right location for larger, more dense housing structures and smaller neighbourhood streets as the right location for less dense, family homes. Moreover, last year an attempt to protect single family housing adjacent to the University of Windsor was unsuccessful before this Standing Committee because it was argued that more dense housing belongs adjacent to the University. That was viewed as a common and good transition to the neighbourhood. This development is 4 blocks east and 2 blocks north of that location. Both from the University "transition" perspective, and from a "roads" planning perspective, this is the wrong location to change this zoning to high density.

5. The unfortunate history of this property has seen it go from a lovely heritage listed 'arts and craft' home, illegally and improperly renovated to remove the 'arts and craft' features, consequently de-listed from the heritage listing protections, and subsequently torn down. This pattern and today's request sets a horrible precedent. It potentially rewards the investor(s) for such dishonourable and

disrespectful choices. Such a precedent would set a chaotic path in which no significant heritage structure is safe from the wrecker's ball regardless of this Standing Committee's opinions or decisions.

Respectfully submitted

Mike Cardinal



**From:** kkm kkm

**Sent:** November 13, 2023 9:02 AM

**Subject:** RE: Amendment to zoning by-law 8600 for the property at 185 Randolph Place

**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.

Dear City Councillors,

This is York Zhu, one of the neighbor residents of the subject property. I spoke at the meeting at City Hall last Monday opposing the amendment to zoning by-law 8600 for the property at 185 Randolph Place. Below are the reasons (with minor revisions) for those who didn't attend and for all to seriously consider.

1. The planned student dorm/apt building **does NOT fit** the existing environment of this street
  - a. Except for two apt buildings at the Univ Ave end, other 17 properties are all 1-2 storey houses with owners and tenants living there. This is one of the most beautiful streets and a quiet residential neighborhood in this area.
  - b. Those two apt buildings at Univ Ave end are actually part of Univ Ave, which is commercial/business street with many stores, apartments, busy traffic, and noise. But Randolph is different, which is still a quiet residential street/neighborhood.
  - c. The planned building at 185 Randolph is actually a 3-storey building with maximum height 3+ meters higher than current by-law limit, which will make it about 1-storey higher than any of the houses in this street.
  - d. Its 12 units each with 4 bedrooms totals up to 48 bedrooms, simply a big dorm or apartment building with essentially commercial nature.
  - e. So either from street view or its essential commercial business nature, this planned building **does NOT fit** the environment of current quiet residential street at all!
2. The same side of this street currently has 9 houses. Assuming average number of each house has 7 residents, so the total number of residents now is about 63. The 48 bedrooms of planned dorm building means 48 residents, which will increase the residential population **density** by significant 76%. It will undoubtedly make this street **significantly busier and noisy, just like a commercial street**. Meanwhile, it will cause **parking issue or shortage**. All these will apparently negatively impact the living environment of the neighborhood.
3. The planned building uses its mid point of roof slope instead of actual max height, which makes its actual maximum height higher than bylaw limit **by 2.22m**. If allowed to amend bylaw and increase by another **0.93m**, it will be higher than any neighbor's house by at least **3 meters**, which will let neighbors live under the shade of this planned building.
4. The 3 meters above bylaw max height, will also reduce the sunshine of direct neighbors. The reduced time of sunshine will be about **1 hour** if neighbor's house is 20m from this building. The closer, the more reduced time of sunshine.

5. For those neighbors directly next to it, including myself, such a large tall building with very minimum space to the boundaries simply looks like a huge wall built in front of me, and it will significantly **block the view** of my and other neighbors' houses.
6. Because the planned building envelop stretches to the boundary at rear, and has many windows facing direct neighbors, it basically **makes no privacy** at all for my backyard and two other neighbors.

All in all, law is most serious thing in the world and protects each and everyone's rights and interest. We can NOT even change it and damage the interest of an individual, let alone to change it for an individual at cost of majority and whole neighborhood!

BTW, to share some facts and/or suggestions:

1. The crowded living condition in some rental houses that was reported earlier this year is not due to lack of dorm or house, but because some students from some country try to save money. There is never too cheap rent, and there is no homeless student.
2. City should design a general rule supplementing existing by-law, governing whatever change to existing property, instead of holding meetings for all changes. Your valuable time should be spent in much more important and long term items like city's economy development, long term immigration plan and people composition balance (I am proud to have made a recommendation to national immigration and was adopted if not coincidental), sustainable living environment, etc.

Please keep us in the loop of this matter (attendance allowed at whatever level) . I appreciate being given the opportunity to speak up.

Thank you, and have a great week.

-York Zhu



**Committee Matters: SCM 304/2023**

**Subject: Official Plan Amendment and Zoning By-law Amendment - City of Windsor - Airport Employment Lands - OPA 177 [OPA-7118] Z 027-23 [ZNG-7117] - Ward 9**

Moved by: Councillor Fred Francis  
Seconded by: Member Anthony Arbour

Decision Number: **DHSC 565**

1. THAT the portion of the Windsor International Airport lands subject of this report (hereafter referenced as the 'subject lands') **BE IDENTIFIED** as the lands defined in Figures 1-4 within report # S115/2023 being located on the north side of County Road 42 between the 8th and 9th Concession Roads.
2. THAT Schedule D - Lands Use of Volume 1: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by changing the land use designations of the subject lands from 'Future Employment Area', 'Airport', and 'Open Space' to 'Industrial' and 'Business Park' as shown on Appendix D.
3. THAT Schedule B – Greenway System and Schedule J – Urban Structure Plan of Volume 1: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** as shown on Appendix D.
4. THAT Schedule 'A' of Volume 1: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by designating the subject lands as a Specific Policy Area;
5. THAT Chapter 1 of Volume 2: Secondary Plans & Special Policy Areas of the City of Windsor Official Plan **BE AMENDED** by adding a Special Policy Area as follows:

**1.XX North Side of County Road 42 within the vicinity of the 8th Concession Road and 9th Concession Road**

- 1.XX.1 The property located on the north side of County Road 42 within the vicinity of the 8th Concession Road and 9th Concession Road, which includes portions of 3200 County Road 42, 0 County Road 42, and 0 Jefferson Boulevard is designated on Schedule A: Planning Districts and Policy Areas in Volume I: The Primary Plan.
- 1.XX.2 All development proposed within the airport employment lands shall consult with the Windsor International Airport and demonstrate compliance with the following requirements:

- a) Building and structure height limits (to be derived from the Airport Zoning Regulations);
- b) Transitional surface height restrictions;
- c) Building and structure height limitations within the vicinity of existing solar panels;
- d) Stormwater Management requirements for dry ponds; and
- e) Requirements or limitations from Nav Canada to avoid or mitigate technological interference.

1.XX.3 Compliance with Ontario's D-6 Guidelines shall be required regarding minimum distance separation between industrial facilities and the Major Institutional land use designation shown in the County Road 42 Secondary Plan, to the satisfaction of the City Planner.

1.XX.4 Any outdoor storage area shall be located a minimum of 100 metres from County Road 42 and shall not be visible from County Road 42.

- 6. THAT Zoning By-law 85-18 **BE REPEALED** for the subject lands.
- 7. THAT Zoning By-law 8600 **BE AMENDED** by deleting S.20(1)321.
- 8. THAT Zoning By-law 8600 **BE AMENDED** by applying a Manufacturing District 2.2 (MD2.2), H-Manufacturing District 2.2 (HMD2.2), Manufacturing District 1.4 (MD1.4), and Green District 1.4 (GD1.4) to the subject lands as shown on Appendix E.
- 9. THAT the holding symbol **BE REMOVED** when the applicant submits an application to remove the holding prefix and the following conditions are satisfied:
  - a. Submission of an Environmental Evaluation Report to the satisfaction of the City Planner for any land within 120 m of any land with a Natural Heritage designation as shown on Schedule C: Development Constraints in the City of Windsor Official Plan.

Carried.

Report Number: S 115/2023  
Clerk's File: Z/14649 & Z14650

**Clerk's Note:**

- 1. The recommendation of the Development & Heritage Standing Committee and Administration are the same.
- 2. Please refer to Item 7.3 from the Development & Heritage Standing Committee held on November 6, 2023.
- 3. To view the stream of this Standing Committee meeting, please refer to: <http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/19011106/-1/9445>

**Subject: Official Plan Amendment and Zoning By-law Amendment - City of Windsor - Airport Employment Lands - OPA 177 [OPA-7118] Z 027-23 [ZNG-7117] – Ward 9**

**Reference:**

Date to Council: November 6, 2023  
Author: Greg Atkinson MCIP, RPP  
Manager, Development / Deputy City Planner  
Planning & Building Services  
Report Date: September 2, 2023  
Clerk's File #: Z/14649 & Z14650

**To:** Mayor and Members of City Council

**Recommendation:**

1. THAT the portion of the Windsor International Airport lands subject of this report (hereafter referenced as the 'subject lands') **BE IDENTIFIED** as the lands defined in Figures 1-4 within report # S115/2023 being located on the north side of County Road 42 between the 8th and 9th Concession Roads.
2. THAT Schedule D - Lands Use of Volume 1: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by changing the land use designations of the subject lands from 'Future Employment Area', 'Airport', and 'Open Space' to 'Industrial' and 'Business Park' as shown on Appendix D.
3. THAT Schedule B – Greenway System and Schedule J – Urban Structure Plan of Volume 1: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** as shown on Appendix D.
4. THAT Schedule 'A' of Volume 1: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by designating the subject lands as a Special Policy Area.
5. THAT Chapter 1 of Volume 2: Secondary Plans & Special Policy Areas of the City of Windsor Official Plan **BE AMENDED** by adding a Special Policy Area as follows:
  - 1.XX North Side of County Road 42 within the vicinity of the 8th Concession Road and 9th Concession Road**

- 1.XX.1 The property located on the north side of County Road 42 within the vicinity of the 8th Concession Road and 9th Concession Road, which includes portions of 3200 County Road 42, 0 County Road 42, and 0 Jefferson Boulevard is designated on Schedule A: Planning Districts and Policy Areas in Volume I: The Primary Plan.
- 1.XX.2 All development proposed within the airport employment lands shall consult with the Windsor International Airport and demonstrate compliance with the following requirements:
  - a) Building and structure height limits (to be derived from the Airport Zoning Regulations);
  - b) Transitional surface height restrictions;
  - c) Building and structure height limitations within the vicinity of existing solar panels;
  - d) Stormwater Management requirements for dry ponds; and
  - e) Requirements or limitations from Nav Canada to avoid or mitigate technological interference.
- 1.XX.3 Compliance with Ontario's D-6 Guidelines shall be required regarding minimum distance separation between industrial facilities and the Major Institutional land use designation shown in the County Road 42 Secondary Plan, to the satisfaction of the City Planner.
- 1.XX.4 Any outdoor storage area shall be located a minimum of 100 metres from County Road 42 and shall not be visible from County Road 42.

6. THAT Zoning By-law 85-18 **BE REPEALED** for the subject lands.
7. THAT Zoning By-law 8600 **BE AMENDED** by deleting S.20(1)321.
8. THAT Zoning By-law 8600 **BE AMENDED** by applying a Manufacturing District 2.2 (MD2.2), H-Manufacturing District 2.2 (HMD2.2), Manufacturing District 1.4 (MD1.4), and Green District 1.4 (GD1.4) to the subject lands as shown on Appendix E.
9. THAT the holding symbol be removed when the applicant submits an application to remove the holding prefix and the following condition is satisfied:
  - a. Submission of an Environmental Evaluation Report to the satisfaction of the City Planner for any land within 120 m of any land with a Natural Heritage designation as shown on Schedule C: Development Constraints in the City of Windsor Official Plan.

## **Executive Summary:**

Report # S115/2023 recommends approval of Official Plan and Zoning By-law amendments initiated by the City of Windsor for lands located near the Windsor International Airport. The amendments would permit a wide range of employment uses on the lands, which have been designated as 'Future Employment Area' in the Official Plan since 2007. No objections were identified within comments received from municipal departments and external agencies. Approval of the amendments would facilitate the development investment-ready employment lands with a range of site sizes and configurations.

## **Background:**

### **Application Information**

**Location:** North side of County Road 42 within the vicinity of the 8th Concession and 9th Concession Roads.

The subject lands are identified on Figures 1-4 within this report (i.e. # S115/2023).

**Ward:** 9      **Planning District:** Sandwich South      **Zoning District Map:** 7

**Applicant:** City of Windsor

**Agent:** Amy Farkas, Dillon Consulting

### **Proposal**

The City of Windsor has initiated amendments to the Official Plan and Zoning By-laws 85-18 and 8600 to permit employment uses on the lands subject of this report. The lands comprise 196.38 hectares and are located within the vicinity of the Windsor International Airport. The application requests a change to Official Plan Schedule D: Land Use from 'Future Employment Area,' 'Airport,' and 'Open Space' to 'Industrial' and 'Business Park'. It is important to note that the 'Natural Heritage' designation of the Provincially Significant Wetland, as identified on Schedule D: Lands Use will remain unchanged.

The application also requests removal of the subject lands from Zoning By-law 85-18, which are currently zoned Institutional (I), and the amendment of Zoning By-law 8600 to apply a Manufacturing District 2.2 (MD2.2) and Manufacturing District 1.4 (MD1.4) to Phase 1 and H-Manufacturing District 2.2 (HMD2.2) and Green District 1.4 (GD1.4) to Phase 2. (See Conceptual Development Plan in Appendix A dated October 11, 2023.)

The requested amendments would permit a wide range of employment uses (e.g. manufacturing, warehouse, office, and service commercial). The proposed amendments would also establish a special policy area to address development constraints and requirements related to airport operations (e.g. building and structure height limits, stormwater management requirements for dry ponds, requirements from Nav Canada, etc.). The special policies also address minimum separation distance between industrial uses and the planned acute care hospital site as well as the location of outdoor storage areas.

A Conceptual Development Plan (see Appendix A), Planning Rationale Report (excerpt attached as appendix B), Transportation Impact Brief, Functional Servicing Report, Stormwater Management Servicing Strategy, Species at Risk (SAR) Considerations Memo, and Stage 1 Archeological Assessment have been submitted as part of the application package. Minor changes to the conceptual development plan have been made as a result of comments received (see Addendum Memo attached as Appendix A). The changes to the conceptual development plan do not impact the recommendations in the supporting studies.

All documents are available online via the [Current Development Applications](#) webpage (see File OPA 177 & Z-027/23) or via email at [gatkinson@citywindsor.ca](mailto:gatkinson@citywindsor.ca).

### Site Information

Official Plan	Zoning	Current Use	Previous Use
<ul style="list-style-type: none"> <li>Airport</li> <li>Industrial</li> <li>Future Employment Area</li> </ul>	<ul style="list-style-type: none"> <li>Institutional (85-18)</li> <li>Manufacturing District MD2.2 (8600)</li> </ul>	<ul style="list-style-type: none"> <li>Agricultural</li> <li>Solar Panels</li> </ul>	Agricultural
Lot Frontage	Depth	Area	Shape
2,300 m	950 m	Irregular	Rectangular
<i>All measurements are approximate</i>			

### Site Background

The subject lands are located north of County Road 42 generally between the 8th and 9th Concession Roads. In 1998 ownership of the subject lands was transferred from Transport Canada to the City of Windsor. The transfer included the airport operations area along with a significant area of surplus land. In 2003 the lands and surrounding area were transferred from the Town of Tecumseh to the City of Windsor.

In 2007, Council approved Official Plan Amendment # 60, which incorporated this area



into the City of Windsor Official Plan. The airport operating area was designated 'Airport' on Schedule D: Land Use and the majority of the surplus lands were designated as 'Future Employment Area'. Three woodlots were designated 'Natural Heritage' and the land surrounding the woodlots was designated 'Open Space'.

The subject lands are zoned 'Institutional' in By-law 85-18, which was established when the area was in the former Township of Sandwich South. In 2015 the City amended the Official Plan land use designation of approximately 18 hectares to 'Industrial' and the zoning of the same 18 hectares Manufacturing District (MD2.2) in anticipation of an employment use that did not materialize.

The majority of the site is currently used for agricultural purposes. The north portion of the site contains ground mounted solar panels and a 13 hectare woodlot. The solar panels are subject to a land lease until at least 2036.

### **Neighbourhood Characteristics**

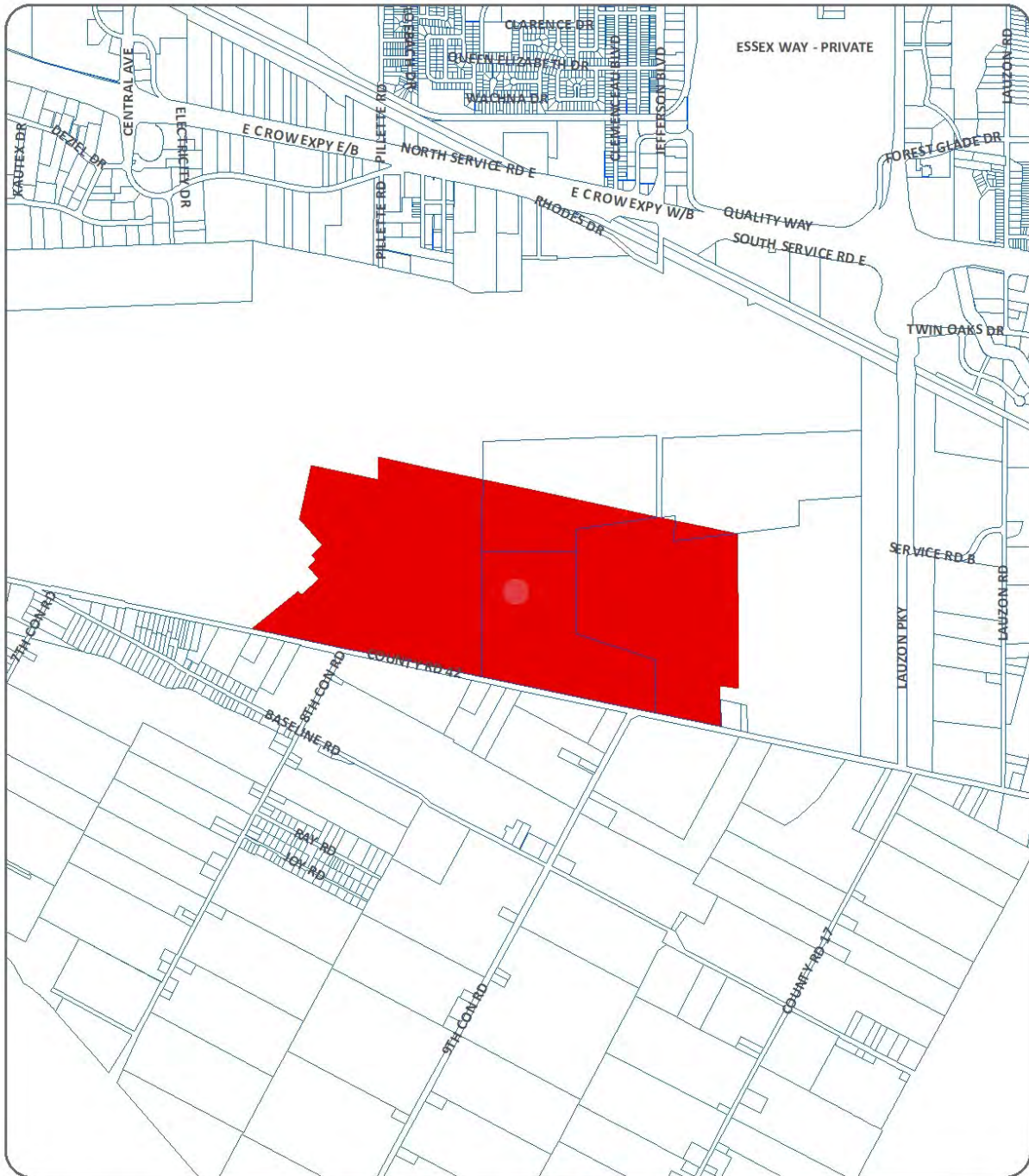
The surrounding land uses consist of a mix of commercial, light industrial, agricultural, residential, and airport operations.

- To the north are ground mounted solar panels, airport operations (main runway approach), industrial uses, CP Rail Corridor, Hydro One transmission corridor, and the EC ROW Expressway.
- To the east are agricultural uses, provincially significant wetlands, and Lauzon Parkway.
- To the south are existing commercial uses, agricultural uses, rural residential dwellings, and the planned site for the new Windsor-Essex Acute Care Hospital.
- To the west is the Windsor International Airport and AAR aircraft maintenance hangar.

Official Plan Schedule F: 'Roads & Bikeways' classifies County Road 42 as a Class 2 Arterial Road. An Environmental Assessment Study was approved in 2014 for this section of County Road 42, which plans for a future four-lane road with pedestrian and multi-use trail facilities as well as roundabout intersections at the 8th and 9th Concession Roads.

Transit Windsor route Walkerville 8 provides service to the airport terminal building, which is located approximately one kilometre west of the subject lands.

Figure 1: Key Map



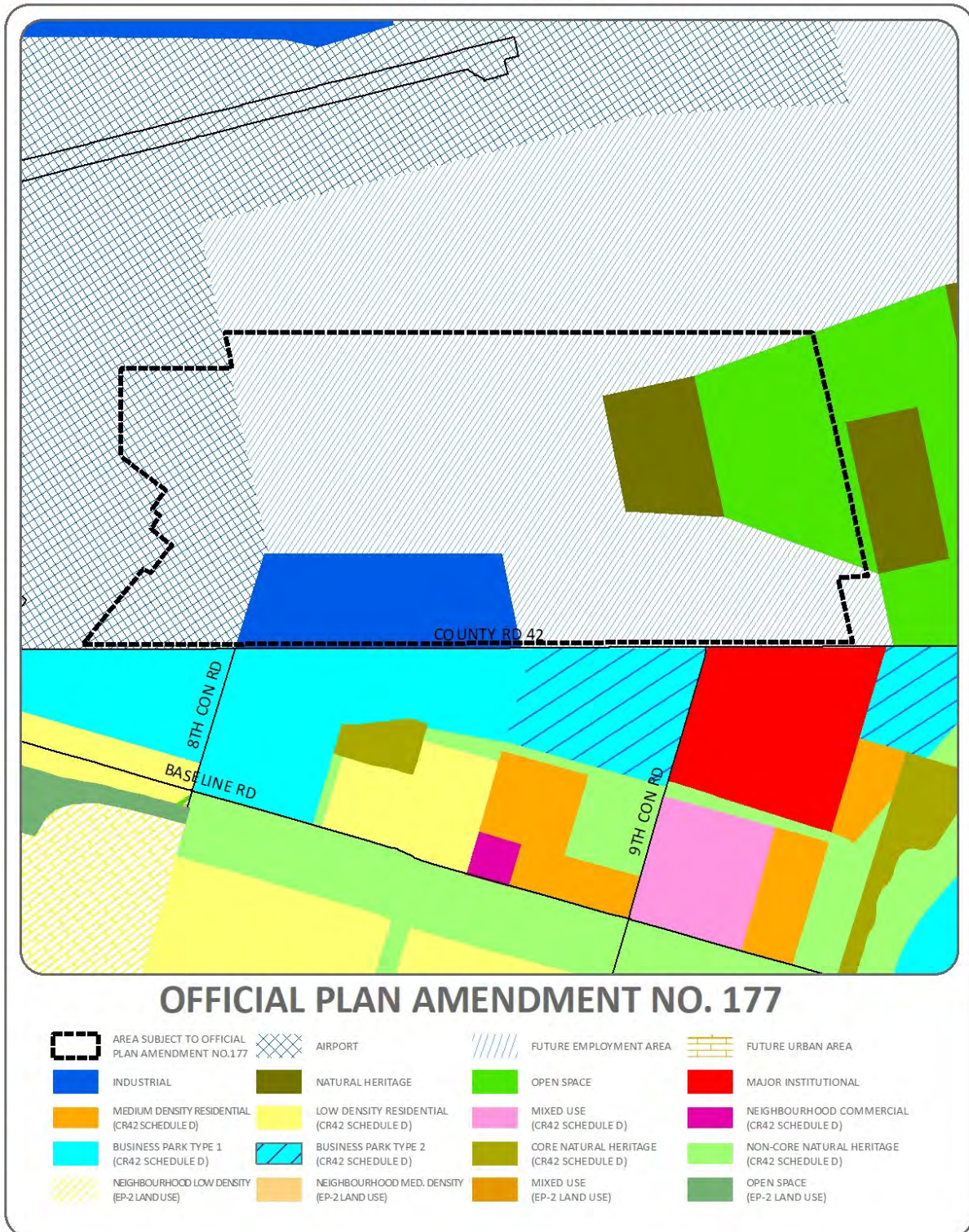
KEY MAP - Z-027/23, ZNG-7117, OPA 177, OPA-7118



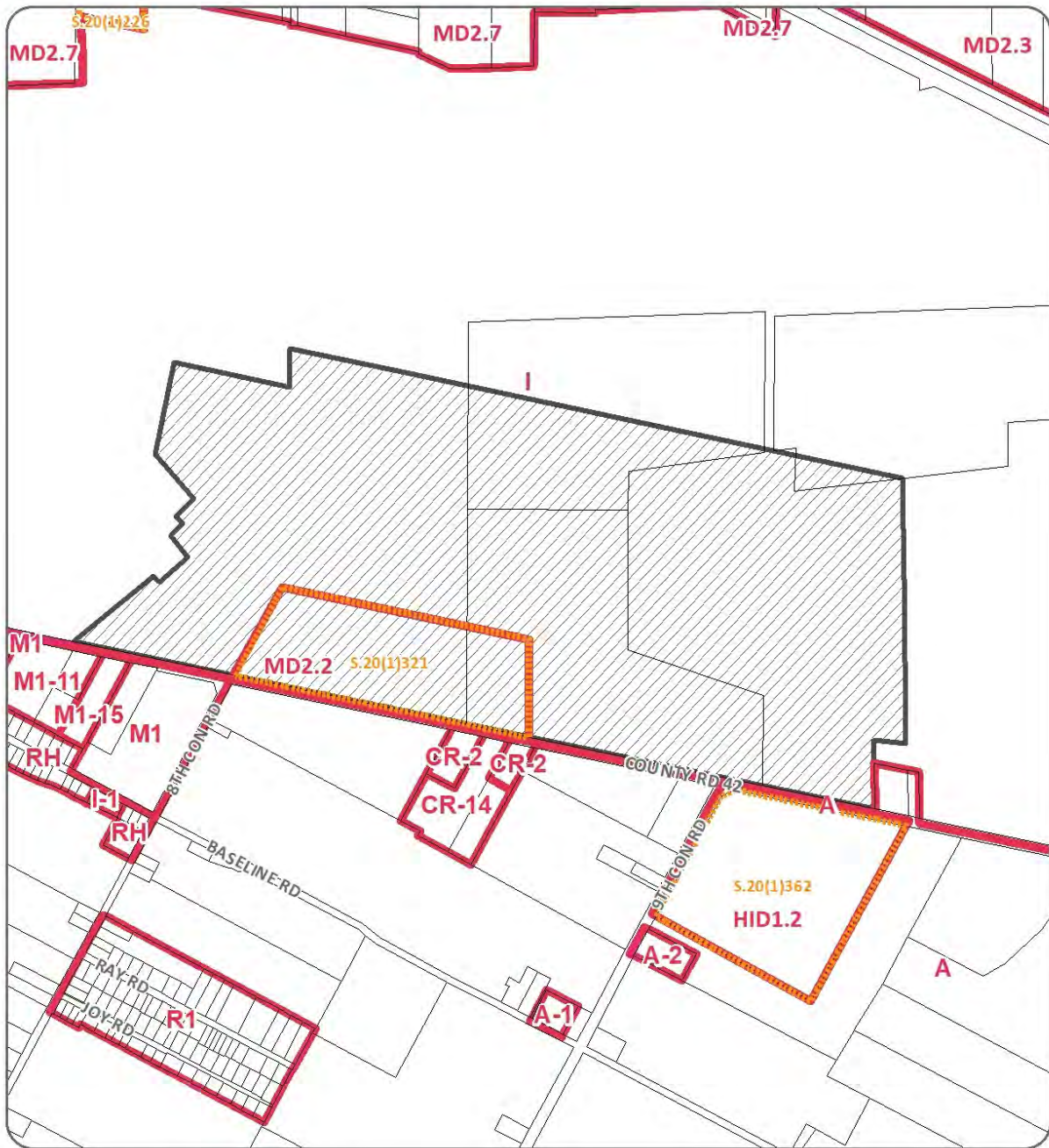
● SUBJECT LANDS

Figure 2: Subject Lands – Existing Land Use Designations on Schedule D: Land Use

## SUBJECT LANDS



**Figure 3: Subject Lands – Existing Zoning**



PART OF ZONING DISTRICT MAP 12 & 16

N.T.S.

## REZONING

Applicant: City of Windsor



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : AUGUST, 2023  
FILE NO. : Z-027/23, ZNG/7117

**Figure 4: Neighbourhood Map**



NEIGHBOURHOOD MAP - Z-027/23, ZNG-7117  
& OPA 177, OPA-7118



SUBJECT LANDS

## **Discussion:**

### **Provincial Policy Statement 2020**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. In respect of the exercise of any authority that affects a planning matter, section 3(5) of the *Planning Act* requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the *Act*.

The Planning Rationale Report prepared by Dillon Consulting (dated August 2023) provides an analysis of relevant PPS policies (see excerpt in Appendix B). The following is an analysis regarding consistency of the requested zoning amendment with the PPS.

#### **Efficient and Resilient Development and Land Use Patterns**

Promotion of efficient development and land patterns that sustain the financial well-being of the municipalities and avoid environmental or public health and safety concerns are overarching policy directions within the PPS. This is articulated in section 1.1, which is entitled: Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns.

Section 1.1.2 requires sufficient land to be made available to accommodate projected needs (i.e. including employment lands) for a time horizon of up to 25 years. Further, section 1.1.3.1 indicates that settlement areas shall be the focus of growth and development.

Section 1.1.3.2 directs land use patterns to use land, infrastructure, and public service facilities efficiently. Section 1.1.3.7 directs planning authorities to establish and implement phasing policies to ensure orderly progression of development the timely provision of infrastructure and public service facilities.

The proposed amendments are consistent with the above policies as the subject lands are within the settlement boundary. The subject land was transferred to the City of Windsor in 2003 for the purpose of providing employment lands over the planning horizon on the Official Plan. Official Plan Amendment #60 was adopted by Council in 2007 and applied the current land use designations, which identify the lands for future employment use. The proposed Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) establish two development phases and provide the necessary framework to ensure orderly development of the subject lands.

## **Land Use Compatibility**

Section 1.2.6.1 requires that major facilities (e.g. airports, manufacturing uses, etc.) and sensitive land uses be planned to avoid or minimize adverse effects, minimize risk to public health or safety, and ensure the long-term operational and economic viability of major facilities.

The proposed amendments and development concept include a 300 metre buffer between industrial uses and the planned acute care hospital, which will be located on the south side of County Road 42. The OPA also contains site specific policies aimed at avoiding conflict with airport operations and ensuring the long-term viability of the airport.

## **Employment**

Section 1.3.1 indicates that economic development and competitiveness shall be promoted by providing opportunities for a range of economic uses and identifying strategic sites for investment. The surplus airport lands have been identified for future employment use in the Official Plan since 2007. Phase 1 of the subject lands has access to municipal services and transportation infrastructure. It also provides options for larger, serviced employment sites that are lacking in the regional market area.

Section 1.3.2 requires appropriate transition to adjacent non-employment uses, which is reflected in the development concept showing 'Business Park' use at the eastern limit of the subject lands near the intersection of County Road 42 and the 9th Concession Road.

## **Optimizing Use of Existing Infrastructure**

The PPS encourages intensification and redevelopment within areas that have existing services and infrastructure. In this regard, sections 1.6.6.1 and 1.6.6.2 encourages the optimization of existing municipal sewage and water services. The OPA and ZBA will assist in optimizing the use of existing infrastructure and public services facilities within the surrounding area.

## **Airports**

Section 1.6.9 indicates that planning for land uses within the vicinity of airports should protect their long-term operation and should be buffered from sensitive land uses. Land uses which may cause a potential aviation hazard should also be discouraged.

## **Long-Term Economic Prosperity**

Section 1.7 encourages economic prosperity by promoting opportunities for investment-readiness and optimizing the long-term availability and use of land. The impetus for the OPA and ZBA is to ensure Windsor has a supply of investment-ready sites to accommodate a range of employment uses and larger employment sites.

## **Energy Conservation, Air Quality, and Climate Change**

Section 1.8.1 indicates that planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions and prepare for the impacts of a changing climate by focussing freight-intensive land uses to areas well served by major highways, airports, rail facilities, and marine facilities. The subject lands are well positioned with respect to existing and planned access to Highway 401, airport facilities, truck routes, as well as existing and planned international border crossings.

## **Natural Heritage**

Section 2.1 requires natural features and areas to be protected for the long-term. The subject lands contain a woodlot identified as a Provincial Significant Wetland in Phase 2 of the development plan. The current Natural Heritage land use designation will remain and any development within 120 metres of the feature will require an Environmental Evaluation Report (EER) in accordance with section 2.1.8 of the PPS. A holding prefix is recommended for the zoning of the Phase 2 area to ensure the EER report is complete prior to any development adjacent to the wetlands.

## **Cultural Heritage and Archaeology**

Policy 2.6.2 prohibits development on lands containing archeological resources or areas of archaeological potential unless significant archaeological are conserved. A Stage 1 Archaeological Assessment has been completed for the entire subject lands and further assessment will be completed and entered into the Ontario Public Register of Archaeological Reports prior to any land disturbance.

## **Official Plan**

The subject lands are located within the Sandwich South Planning District and is designated Airport, Industrial, Future Employment Area, Natural Heritage, and Open Space on Schedule D: Land Use of the City of Windsor Official Plan. Section 24 (1) of the *Planning Act* requires that any by-law passed by a municipal Council must conform



with the Official Plan. The following is an analysis regarding conformity with the Official Plan.

### **Chapter 3: Development Strategy**

The subject lands fall within a Regional Employment Centre shown on Official Plan Schedule J: Urban Structure. This is a type of Major Activity Centre where a large number of jobs are located. This type of node typically serves as a location for the large scale manufacturing or distribution of goods. Additionally, retail, office and personal service uses may be established as ancillary uses. It is recommended that Schedule 'J' be amended to reflect the changes to Schedule D – Land Use.

### **Chapter 4: Healthy Community**

Chapter 4 promotes a wide range of economic opportunities at appropriate locations throughout the City.

### **Chapter 6: Land Use**

The subject lands are comprised of a number of land use designations shown on Schedule D: Land Use.

#### ***Future Employment Area***

This land use designation was added in 2007 via OPA # 60 to meet long-term employment needs over the planning horizon of the Official Plan. The designation is intended to accommodate future Industrial and Business Park designations. Redesignation or development of Future Employment Areas generally require the completion of a secondary plan and other appropriate studies.

Section 6.13.4.3 provides an exception for large-scale, single use development where all studies related to physical servicing, transportation, environmental evaluation and other required studies have been completed and where the absence of a secondary plan will not jeopardize the orderly planning and development the site or surrounding lands. In the opinion of Planning Staff the absence of a secondary plan will not jeopardize the orderly planning and development of the site or surrounding lands.

Section 6.13.4.5 requires Future Development Areas to develop on full municipal services, which are available along County Road 42 to service Phase 1 of the development plan and must be made available prior to development of Phase 2.

### ***Industrial***

There is approximately 18 hectares of land currently designated for industrial use, which is not proposed to change.

### ***Airport***

The airport land use designation was also introduced via OPA # 60 and permits airport and related uses, employment uses (as described in section 6.4) provided they don't conflict with aircraft operations, hotels and related commercial uses, and other uses in accordance with the Windsor Airport Master Plan.

### ***Natural Heritage***

The western most woodlot on the airport lands is included in the subject lands. This woodlot is identified as a Provincially Significant Wetland. The Natural Heritage designation does not permit development and requires an EER for any development proposed on the adjacent lands, which is defined as 120 metres in this case.

No change is proposed to the Natural Heritage land use designation. Any development proposed within 120 metres of the natural heritage feature, as part of Phase 2 of the development plan, will complete an EER to define the required buffer area. A holding prefix is recommended for the zoning of the Phase 2 area to ensure the EER report is complete prior to any development on the adjacent lands.

### ***Open Space***

The area in between the woodlots on the airport property is designated Open Space on Schedule D: Land Use. This is reflected on Schedule B – Greenway System. It is recommended that Schedule 'B' be amended to reflect the changes to Schedule D – Land Use.

The OPA proposes to redesignate the majority of the subject lands Industrial, which permits a wide range of industrial uses (e.g. manufacturing), which because of their physical and operational characteristics are more appropriately clustered together and separated from sensitive land uses.

The area adjacent to Major Institutional land use designation shown in the County Road 42 Secondary Plan is proposed to be designated Business Park, which permits select industrial uses that do not create nuisances such as noise, dust, vibration or odour; confine operations within a building; and do not require outdoor storage. Office and service commercial uses are also permitted within the Business

Park designation. Related amendments are also proposed to Schedule B – Greenway System and Schedule J – Urban Structure Plan. See Appendix D for details of the OPA.

## **Chapter 7: Infrastructure**

County Road 42 is classified as a Class II Arterial Road on Schedule F: Roads and Bikeways. The policies in Chapter 7 are reflected in the approved Environmental Assessment and proposed development plan, which shows roundabout intersections at the 8th and 9th Concession Roads and no direct property access on the north side of County Road 42. The Transportation Brief outlines how much land can be developed in advance of County Rd 42 being reconstructed and widened. This includes all of the industrial land and 7.5 hectares of business park land within Phase 1 shown on the July 21, 2023 conceptual development plan.

Section 7.2.10 indicates that the airport shall be protected from incompatible development including sensitive land uses and land uses which may cause a potential aviation hazard. The proposed OPA contains policies specific to the subject lands that require consultation with the airport and compliance with development standards that are meant to minimize impacts to airport operations.

Section 7.3.2.3 requires all new development to have full municipal infrastructure available. The site has access to an existing sanitary trunk sewer and a watermain located on the north side of County Road 42. Natural gas service is available along County Rd 42 for the west half of the subject lands. Hydro One power lines are located within the immediate vicinity of the subject lands. A regional stormwater facility will be constructed to the east of the subject lands and will service Phase 1 of the development.

Some of the above noted municipal services must be extended to individual parcels within the airport lands. The cost of this servicing is significant and will likely be phased to service clusters of parcels based on development interest and viability. Development proceeding in advance of the stormwater management solution (pond and storm sewer) will require on site stormwater management and will discharge to the existing Rivard and McGill municipal drains in the interim until such time as access to a municipal storm sewer is available.

## **Chapter 9: Heritage Conservation**

Chapter 9 requires that development on lands containing potential archaeological resources avoid the destruction or alteration of these resources. Where avoidance is not possible, resources shall be conserved through documentation and removal prior to any land disturbance. A Stage 1 Archeological Assessment has been

completed for the subject lands and further assessment work will be completed and entered into the Ontario Public Register of Archaeological Reports prior to any land disturbance.

### **Zoning By-law 8600**

The applicant proposes to remove the subject lands from Zoning By-law 85-18, which are currently zoned Institutional (I), and amend Zoning By-law 8600 to apply a Manufacturing District 2.2 (MD2.2) and Manufacturing District 1.4 (MD1.4) to Phase 1 and H-Manufacturing District 2.2 (HMD2.2) and Green District 1.4 (GD1.4) to Phase 2 of the development plan. Site specific zoning provision S.20(1)321, which permits a retail store as an accessory use within the area currently zoned MD2.2 is proposed to be deleted. See Appendix E for details of the ZBA.

### **General Industrial**

The MD2.2. district permit a wide range of manufacturing uses, including heavy manufacturing, warehouse, and outdoor storage. There is approximately 18 hectares of land currently zoned MD2.2 immediately north of County Road 42 and east of the 8th Concession Road. An additional 80 hectares of land is proposed to be zoned MD2.2 as part of Phase 1 of the development plan. While this zoning district is wide ranging, the City may further restrict uses that may be in conflict with airport operations through land leases.

### **Light Industrial**

The area surrounding the intersection of County Road 42 and the 9th Concession Road is proposed to be zoned MD 1.4, which is a wide ranging business park/light industrial district. This district permits light manufacturing, research & development, office, warehouse, and service commercial uses. It does not permit heavy industrial or outdoor storage. This zoning assists with the transition toward the new acute care hospital site, which is located south east of County Road 42 and the 9<sup>th</sup> Concession Road. In particular it recognizes the Provincial D-6 guidelines that recommend a minimum separation distance of 300 metres between sensitive land uses and Class III industrial uses (e.g. heavy manufacturing).

### **Green District**

The GD1.4 district permits a natural heritage area or accessory use to a natural heritage area. Building and structures not accessory to the natural heritage area are prohibited. This zoning district implements and conforms to the existing Natural Heritage land use designation shown on Schedule D: Land Use in Volume I of the Official Plan.

## **Site Plan Control**

Proposed development within the subject lands will be subject to site plan control.

## **Planning Rationale Report**

A Planning Rationale Report prepared by Dillon Consulting, dated August 2023 has been prepared in support of the proposed OPA and ZBA (an excerpt of the report is attached as Appendix B). An Addendum Memo to the Planning Rationale Report is attached as Appendix A). Staff have reviewed and concur with the conclusions and recommendations of the Planning Rationale Report and Addendum Memo.

## **Risk Analysis:**

The proposed OPA and ZBA will provide a range of investment-ready employment lands with a range of site sizes and configurations. Serviced employment land is in short supply regionally and is needed to accommodate supply chain manufacturing business related to the NextStar EV Battery Facility, which is currently under construction. Failure to plan for zoned and serviced employment land will risk losing economic development investment and related employment.

## **Climate Change Risks**

### **Climate Change Mitigation:**

Facilitating supply chain businesses for the NextStar EV Battery Facility implements Community Energy Plan Transportation Strategy 11, which seeks to increase the adoption of electric vehicles and alternate fuel vehicles.

The construction and operation of the proposed employment uses will result in an increase in the community greenhouse gas emissions, however, it is important to highlight that attracting supply chain businesses to support the NextStar EV Battery Facility will in turn support the national/international transition to EV vehicles as a priority mitigation strategy to move away from fossil fuels.

### **Climate Change Adaptation:**

The new buildings may be affected by climate change, in particular with respect to extreme precipitation and an increase in days above 30 degrees. While not the subject of this report, any new construction would be required to meet the current provisions of the Building Code, which would be implemented through the building permit process. The site would also be required to incorporate storm water management best practices. The site plan control application will be reviewed for opportunities to enhance resiliency.

## **Financial Matters:**

Development of the airport employment lands for the purposes of attracting investment will increase the property value assessment and therefore related municipal taxes. The City will also receive land lease revenues. However, development of the airport employment lands will also require future site servicing which includes roads, sewers, watermain, street lighting, and stormwater management. Strategies are being considered to phase the development of the property to focus on opening up clusters of parcels for development which will also incorporate timelines for site servicing. Administration will bring forward a holistic funding strategy which will be presented to City Council at a later date.

## **Consultations:**

Comments received from municipal departments and external agencies are attached as Appendix C. No objections were received.

Informal comments were received from Windsor International Airport indicating that the proposed road network must be amended to provide access to a future terminal building within the airport operating area. The change is outlined in the Addendum Memo attached as Appendix A. Both original and revised conceptual development plans are also contained within Appendix A.

The subject lands fall within the area regulated by the Essex Region Conservation Authority (ERCA) and approval will be required prior to site alteration taking place within the area of the Lappan Drain, McGill Drain, Rivard Drain, and North Townline Drain.

The City's Environmental and Sustainability Coordinator recommends maintaining natural and recreational linkages across Site D between the woodlots. This area falls within Phase 2 of the development plan and will be subject to a holding prefix until an environmental evaluation study is completed, which will examine opportunities to maintain linkages between the natural heritage features. Amendments to Official Plan Schedule B – Greenway System are recommended to show a linkage between the woodlots.

Required notice of the statutory public meeting was advertised in the Windsor Star, on October 13, 2023. A courtesy notice was mailed to property owners and tenants within 120 metres of the subject lands.

Specific design issues or requirements from municipal departments or external agencies will be considered as part of the Site Plan Control process.

**Conclusion:**

Section 3(5) of the *Planning Act* requires that a decision of Council in respect of the exercise of any authority that affects a planning matter, ‘shall be consistent with’ the Provincial Policy Statement. Section 24(1) of the *Planning Act* requires zoning by-laws passed by Council to conform with the Official Plan.

The requested OPA and ZBA have been evaluated for consistency with the Provincial Policy Statement 2020 and conformity with the City of Windsor Official Plan (as proposed to be amended). Based on the information presented in this report, it is my professional opinion that the requested amendments are consistent with the Provincial Policy Statement 2020, conform with the City of Windsor Official Plan (as recommended for amendment), and represent good planning.

Staff recommend approval of the requested amendments to the Official Plan (Volume I and II) and also Zoning By-law 85-18 and Zoning By-law 8600.

**Planning Act Matters:**

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

*Neil Roberson, MCIP, RPP*  
*Acting City Planner*

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

*JP*                      *JM*

**Approvals:**

<b>Name</b>	<b>Title</b>
Wira Vendrasco	Deputy City Solicitor
Neil Robertson	City Planner (Acting)
Jelena Payne	Commissioner, Economic Development & Innovation
Janice Guthrie for	Chief Administrative Officer

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Milan Vujanovic		mvujanovic@citywindsor.ca

**Appendices:**

- 1 Appendix A – Addendum and Conceptual Development Plan
- 2 Appendix B – Planning Rationale Report (excerpts)
- 3 Appendix C - Consultations
- 4 Appendix D – Official Plan Amendment
- 5 Appendix E - Draft Amending By-law



**TO:** Greg Atkinson, Manager of Development, Deputy City Planner  
**FROM:** Karl Tanner, Dillon Consulting Limited  
**DATE:** October 24, 2023  
**SUBJECT:** Official Plan and Zoning By-law Amendments – Surplus Airport Lands Addendum  
**OUR FILE:** 23-5796

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This Addendum has been prepared as a supplement to the existing Planning Justification Report (PJR) prepared by Dillon Consulting Limited (dated August 2023) and background documents associated with the Official Plan and Zoning Bylaw Amendments (OPA and ZBA, respectfully) to create opportunities for increased investment on approximately 195 hectares (482 acres) of the available 300 hectares (741 acres) at YQG.

The lands which are subject to these applications front County Road 42 between 8<sup>th</sup> and 9<sup>th</sup> Concession Roads, have been identified in the Windsor International Airport Master Plan (2010) for future employment type land uses, sit outside the operational areas of YQG, and are not required to meet the long term needs of the airport.

While the surplus airport lands are being prepared for future development, the schedule of investments will be event-driven. As such, there remains the potential for the development of the surplus airport lands to be undertaken holistically and by using a phased approach which will allow for the efficient coordination and utilization of resources.

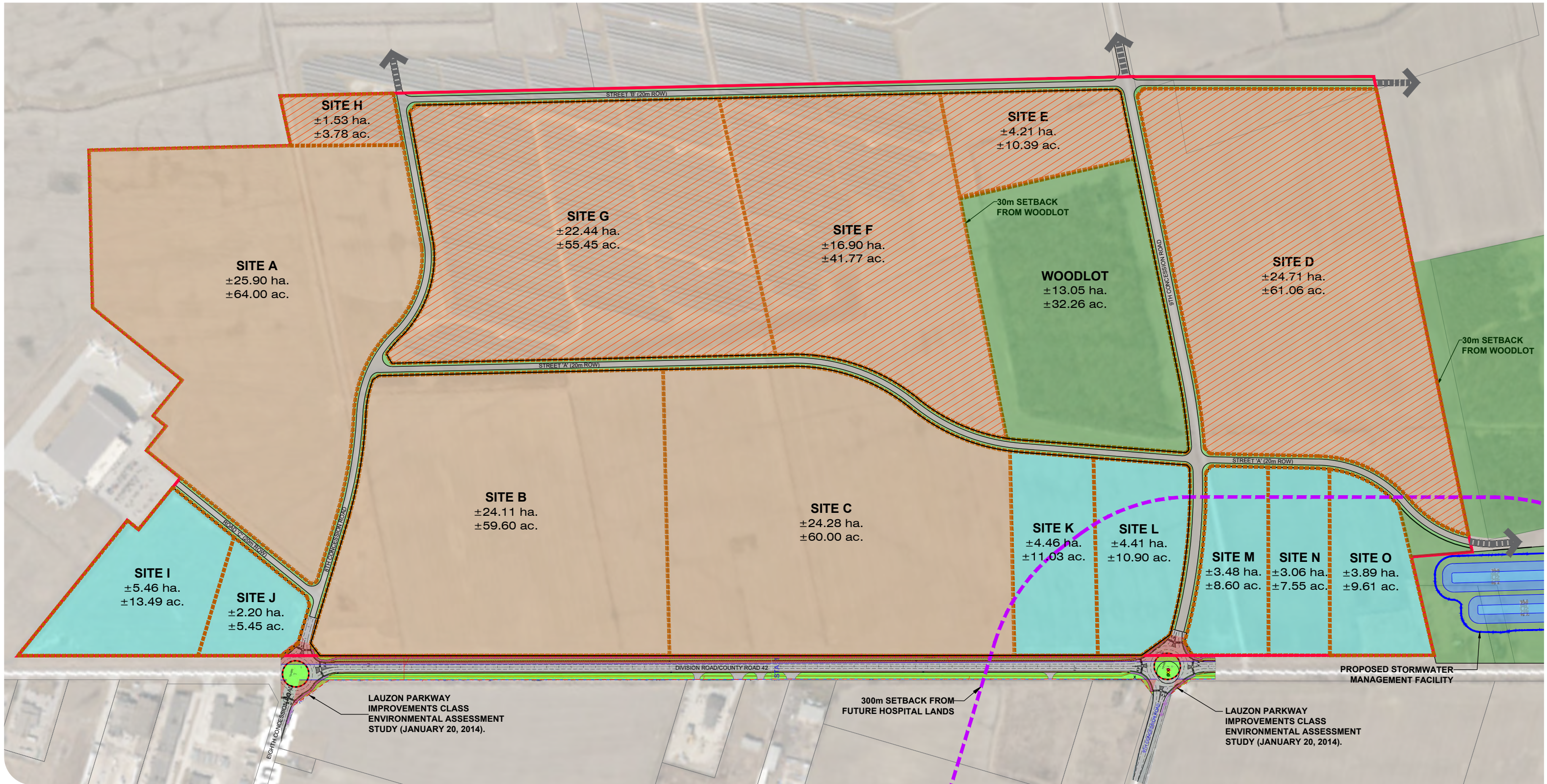
A conceptual development plan was prepared for the subject lands and circulated to the appropriate municipal departments and agencies (refer to **Figure 1.0 – Proposed Conceptual Development Plan, July 21, 2023**). Based on comments we received, and in keeping with the Windsor International Airport Master Plan (2010), the plan was amended to accommodate and maintain future access, allowing for the future expansion of airport facilities, a reconfiguration of the industrial land uses for Sites I and J (refer to **Figure 2.0 – Proposed Conceptual Development Plan, October 2023**) and orderly development potential on the balance of the lands.

We can confirm that the changes do not impact the recommendations contained in the supporting studies.



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Karl Tanner, MCIP RPP





**THE CORPORATION OF THE CITY OF WINDSOR  
FUTURE AIRPORT LAND DEVELOPMENT**

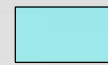
**CONCEPTUAL DEVELOPMENT PLAN**

**FIGURE 1.0**  
JULY 21, 2023

 PROPOSED SUBJECT AREA  
(±187.74 ha / 463.93 acre)

 PHASE 1 PROPOSED INDUSTRIAL SITES  
(±74.30 ha / 183.60 ac)

 PHASE 2 PROPOSED INDUSTRIAL SITES  
(±69.79 ha / 172.45 ac)

 PHASE 1 PROPOSED BUSINESS PARK SITES  
(±26.96 ha / 66.63 ac)

 PROPOSED SWM PONDS

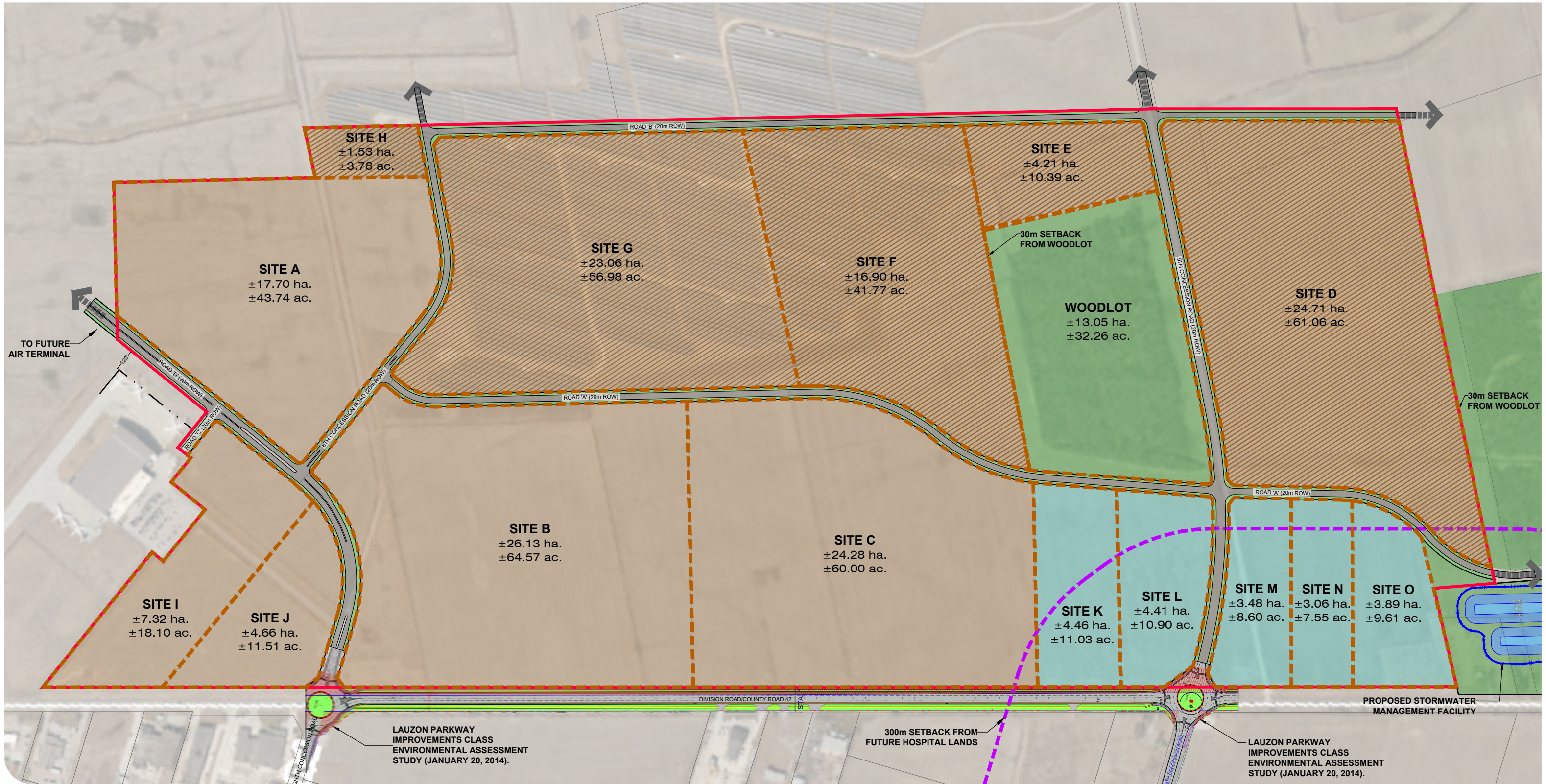
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CHECKED BY: KBT  
DESIGNED BY: DTR  
Development, Growth & Standing Committee Meeting Monday, November 6, 2023  
Page 642 of 865

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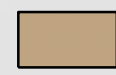
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DATE: 08/02/2023




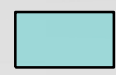
**THE CORPORATION OF THE CITY OF WINDSOR**  
**WINDSOR AIRPORT MASTER PLAN**

**CONCEPTUAL DEVELOPMENT PLAN**  
**OCTOBER 11, 2023**

 PROPOSED SUBJECT AREA  
 (±196.38 ha / 485.27 acre)

 PHASE 1 PROPOSED INDUSTRIAL SITES  
 (±80.09 ha / 197.92 ac)

 PHASE 2 PROPOSED INDUSTRIAL SITES  
 (±70.41 ha / 173.98 ac)

 PHASE 1 PROPOSED BUSINESS PARK SITES  
 (±26.96 ha / 66.63 ac)

 PROPOSED SWM PONDS

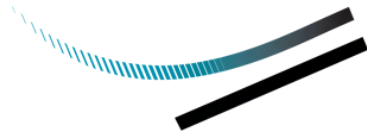
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 DESIGNED BY: ND/MLM/ESP  
 Development, Growth & Standing Committee Meeting Monday, November 6, 2023  
 Page 645 of 865

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PROJECT: 23-5796  
 STATUS: FINAL  
 DATE: 10/11/2023



**DILLON**  
CONSULTING

CORPORATION OF THE CITY OF WINDSOR

# Planning Justification Report

Official Plan and Zoning By-Law Amendments

Surplus Airport Lands, City of Windsor

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## 1.0

# Introduction

## 1.1

## Purpose

Dillon Consulting Limited (Dillon) has been retained by the City of Windsor to assist in obtaining the necessary planning approvals to allow for a mix of employment uses, including business park and industrial land uses, to be developed on the surplus airport lands in the City of Windsor. The Windsor International Airport Master Plan (2010) found that given current and projected aircraft movement volumes, the Airport capacity is expected to continue to meet the needs of the Airport for the planning horizon. As such, an area of surplus lands has been identified as available for potential development.

The Windsor International Airport is owned by the City of Windsor, with the airport lands located within the Sandwich South Planning District. The Sandwich South Planning District is a major land area which will play a key role in accommodating the future population and employment growth needs of the City of Windsor. It is estimated that the City requires approximately 500 to 625 gross hectares of employment lands to accommodate the projected employment needs by 2026 (EDP Consulting, 2008). Only a portion of this land area requirement has been realized. The need for available land for employment uses is expected to continue with the development of the Stellantis LG NextStar plant as feeder plants and other supportive development are anticipated to occur in the Sandwich South Planning District.

As identified in the Windsor International Airport Master Plan (2010), the Windsor International Airport property is approximately 813 hectares in size with over 250 hectares of surplus lands located to the east of the operating airport designated as “Future Employment Area” within the Official Plan. The area of lands that is the subject of this report is approximately 187.74 hectares in size and is roughly bounded by the AAR Aircraft Services Windsor ULC to the west, the naturalized areas to the east, County Road 42 to the south, and extending approximately 460.5 metres from County Road 42 to the north (the “subject land”). These surplus airport lands in particular have the opportunity to be a driver of economic activity and support non-airport related businesses and industries. In order to attract increased economic opportunities, there is a need to provide additional capacity in terms of land available for development with appropriate access and municipal services.

This report is intended to facilitate the implementation of the necessary planning amendments to support the preparation of the surplus airport lands for employment land uses. The following report supports the following:

- City of Windsor Official Plan Amendment (OPA); and
- City of Windsor Zoning By-law Amendment (ZBA) applications.



In order to be positioned to support the investment and facilitate the timely development of the large area of employment land uses, the City is in the process of preparing the subject lands, with the land intended to be wholly owned by the City of Windsor and leased to potential proponents. Given the size of the subject lands, there is the potential for these lands to be developed using a phased approach. Details on potential phasing options will be investigated further along in the planning process.

To facilitate the development of the subject lands, an amendment to both the Official Plan and Zoning By-law will be required to recognize the ultimate use of the subject lands for various employment land uses. The rationale and justification required to change the land use designation and zoning category to accommodate the proposed use is included in this report.

The terminology used in the different sections of this report is intended to be reflective of the respective policy definitions in their respective policy documents.

## 1.2 Description of Site

The subject lands are located on a portion of the surplus airport lands, north of County Road 42 in the Sandwich South Planning District. The Sandwich South Planning District is situated at the eastern limits of the City, approximately 8 km south of the Windsor Downtown area. The Planning District covers approximately 2,530 hectares and will be a major factor in accommodating the future population and employment growth in the City of Windsor.

The subject lands cover approximately 187.74 hectares of land north of County Road 42. To the east of the subject lands are two (2) naturalized areas, to the west of the subject lands is the AAR Aircraft Services Windsor ULC. The subject lands currently extend approximately 460.5 metres north of County Road 42 (refer to **Figure 1.0 - Location Map**).

The subject lands have frontage along County Road 42 and with the extension of Eight Concession Road and Ninth Concession Road towards the north being proposed. The surplus airport lands are well supported by the existing and planned transportation network with access to transportation facilities including the International border crossings, the Windsor Port, the VIA Rail station, the Windsor Transit Terminal, and Provincial Highways 401 and 3.

The naturalized areas to the east of the subject lands are identified as the Airport Woodlots and are not part of this development application. Appropriate setbacks are recommended to allow for further study.

## 1.3 Proposed Development & Amendments

### 1.3.1 Proposed Development

The intent of the proposed Official Plan and Zoning By-law Amendments is to facilitate the preparation of an area of the surplus airport lands to create additional capacity in terms of land available for future employment use development. The surplus airport lands present an opportunity for a wide range of employment land uses including light industrial, warehouse, office, service commercial, business park, and heavy industrial uses. The development of these surplus airport lands may include Airport related and non-Airport related uses, with the potential to create synergies between proposed employment uses and local industry. This potential will allow for increased and diversified employment land uses and attract business to the Sandwich South Planning District while facilitating the Airport as a key economic driver in the City.

The Windsor International Airport Master Plan (2010) identifies approximately 300 hectares of potentially available land within the infield area of the airport property from major business and employment land uses. The proposed subject lands occupy approximately 187.74 hectares of these infield lands. While the surplus airport lands are being prepared for future development, the schedule of investments will be event-driven. There is a benefit to remaining flexible in the proposed land uses, and the accompanying parcel sizes to be leased, as the City evaluates interest from potential proponents and considers the infrastructure requirements and development needs required to facilitate any future development. As such, there remains the potential for the development of the surplus airport lands to be undertaken using a phased approach which will allow for the efficient coordination and utilization of resources. To accommodate for this, the current proposed development plan of the subject lands includes parcels of land varying in size from approximately 2 hectares (5 ac) to 26 hectares (64 ac) (refer to **Figure 2.0 – Proposed Conceptual Development Plan**).

All proposed land uses on the Airport property must respect the requirements of Transport Canada's TP 312 – Aerodrome Standards and Recommended Practices (2015). The standards and recommendations outlined in TP 312 place various restrictions necessary within the Airport land area and include specific criteria for building structures on the property. Protective areas of varying degrees are required around each Airport operations related facility, depending on the equipment. Future developments must consider these protective requirements. All proposed infield development projects shall be subject to review by Airport management and Navigation Canada.

### 1.3.2 Proposed Official Plan Volume I Amendment

The subject lands are currently designated as Airport, Industrial, and Future Employment Area in the City of Windsor Official Plan. The portion of the subject lands along County Road 42 designated as Industrial were previously subject to a City-initiated Official Plan and Zoning By-law Amendment given the need for additional employment lands in Windsor. The Industrial land use designation is to remain as it relates

to the subject lands and will adhere to the policies as set out by **Section 6.4.3 – Industrial of the Official Plan**.

The lands designated as Airport permit a variety of land uses including uses permitted in Employment Areas (as described in Section 6.4 of the Official Plan, provided that they do not conflict with aircraft operations), hotels and related commercial uses, and other uses in accordance with the Windsor Airport Master Plan, Land Use and Reserve Land Plan (as amended from time to time). As such, a variety of future employment land uses are permitted under this designation. The Airport land use designation is to remain as it relates to the subject lands and will adhere to the policies as set out by **Section 6.12 – Windsor Airport of the Official Plan**.

The lands designated as Future Employment Area represent an area intended for future development to accommodate the projected growth within the City. Council may redesignate the Future Employment Area to an alternative land use designation by amendment to the Official Plan. The current Future Employment Area land use designation on a portion of the subject lands does not permit the development of the lands for employment land uses.

The proposed City of Windsor Official Plan Amendment (OPA) will be brought forward to City Council for consideration to redesignate the portion of the subject lands from Future Employment Area to the Industrial or Business Park land use designations. The final configuration of the land use designation boundaries is to be determined. The proposed OPA will facilitate the availability of suitable lands appropriate for large scale employment uses in the City of Windsor.

### 1.3.3 Proposed Official Plan Volume II Amendment

In addition to the changes proposed for the subject lands through Volume I, the proposed Official Plan Amendment will include special policies under Volume II of the Official Plan to address potential conflicts surrounding the Airport through its operation and any additional adverse effects. Specifically, the OPA will consider the following:

- Building Height Limits (to be derived from the Airport Zoning Regulations);
- Transitional surface height restrictions;
- Height Limitations for solar panels and solar farms;
- Stormwater Management requirements for dry ponds;
- Design objectives to be in line with a future institutional (Hospital) use and the County Road 42 Secondary Plan;
- Requirements from Navigation Canada to mitigate technological interference; and
- Limitations on the sale of land and dedication of public highways stemming from the transfer agreement with Transport Canada.

Please refer to **Appendix H – Restrictions and Constraints**.

Guidelines for Volume II will be further discussed with the City of Windsor and YQG, with considerations made to the recommendations outlined by Transportation Canada. These can be found in **Appendix F – Aviation: Land Use in Vicinity of Aerodromes (TP 1247)**.

The proposed OPA is supportive and in general alignment with the City of Windsor Official Plan (OP) principles and policies regarding employment uses, economic development, and the Windsor Airport (OP, 1.1.3, 4.2.6, 6.12). Further information on the OP policies can be found in **Section 4.2** of this report.

### 1.3.4 Proposed Zoning By-law Amendment

The subject lands have multiple zoning categories including Manufacturing District 2.2 (MD2.2) in the City of Windsor Zoning By-law 8600 and Institutional (I) in the Sandwich South Zoning By-law 85-18. The current zoning categories do not permit the development of employment uses on the entirety of the proposed subject lands. The proposed Zoning By-law Amendment (ZBA) to repeal the zoning category under the Sandwich South Zoning By-law 85-18 and to amend the zoning category under the City of Windsor's Zoning By-law 8600 will be brought forward to the City Council for consideration. The proposed rezoning is for the subject lands to be zoned similar to the Manufacturing District 1.4 (MD1.4) and Manufacturing District 2.2 (MD2.2) categories. The final configuration of the zoning category boundaries is to be determined. The proposed ZBA will facilitate the availability of a large area of land suitable for the development of employment land uses in the City of Windsor.

Further information on the Windsor's Zoning By-law 8600 can be found in **Section 4.3** of this report.

Further to the provisions outlined in the City of Windsor Zoning By-law 8600, registered zoning is currently in place for the Windsor International Airport. The registered zoning is entitled *Windsor Airport Zoning Regulations* and are pursuant to Section 5.4 of the Aeronautics Act of Canada. The zoning regulations found within this section include:

- Preventing lands adjacent to or in the vicinity of an Airport site from being used or developed in a manner that is incompatible with the safe operation of an aerodrome or aircraft; and
- Preventing land uses that would cause interference with signals or communications to and from aircraft from locating adjacent to or in the vicinity of equipment of facilities used to provide services relating to aeronautics.

Further, protective regulations are established around certain Airport facilities, components, and stations to protect the safety and security of aircraft operations. These requirements include physical zoning around the Airport, including off-Airport lands, electronic zoning, and noise projections. TP 312 (Transport Canada's Aerodrome Standards and Recommended Practices) and TP 1247 (Land Use in the Vicinity of Aerodromes) identify the relevant zoning criteria in detail.

## 2.0 Existing Conditions

### 2.1 Subject Lands

The total subject land area is approximately 187.74 hectares (463.93 ac) with approximately 2,309.5 metres of frontage along County Road 42. The subject land is designated accordingly in the City of Windsor Official Plan and Zoning By-law 8600 and the Sandwich South Zoning By-law 85-18 as follows:

#### **City of Windsor Official Plan – Schedule A: Planning Districts & Policy Areas**

(refer to **Figure 3.0 – City of Windsor Planning Districts & Policy Areas**)

- Sandwich South Planning District

#### **City of Windsor Official Plan – Schedule C: Development Constraint Areas**

(refer to **Figure 4.0 – City of Windsor Development Constraint Areas**)

- Airport Operating Area
- Noise Exposure Forecast

#### **City of Windsor Official Plan – Schedule D: Land Use**

(refer to **Figure 5.0 – City of Windsor Existing Official Plan Designations**)

- Airport
- Industrial
- Future Employment Area

#### **City of Windsor Official Plan – Schedule H: Baseplan Development Phasing**

(refer to **Figure 6.0 – City of Windsor Baseplan Development Phasing**)

- As required

#### **City of Windsor Official Plan – Schedule J: Urban Structure Plan**

(refer to **Figure 7.0 – City of Windsor Urban Structure Plan**)

- Regional Employment Centre

#### **City of Windsor Zoning By-law 8600 – Zoning District Map 12 & 16**

(refer to **Figure 8.0 – City of Windsor Zoning By-law**)

- Manufacturing District 2.2 (MD2.2), S.20(1)321

#### **Sandwich South Zoning By-law 85-18 – Zoning District Map 1 & 2**

(refer to **Figure 9.0 – Sandwich South Zoning By-law**)

- Institutional (I)

The physical attributes of the subject lands are as follows:

- An irregular to rectangular shaped area;
- The subject lands are currently made up of a number of individual parcels, consolidated under two (2) PINs;
- The parcels are generally flat with no discernable changes in grade;
- There are two (2) municipal drains traversing the parcels, draining the lands to the east; and
- There is limited tree vegetation on the subject lands.

## 3.0

## Surrounding Land Use

There is a variety of existing municipal infrastructure, roads, and utilities located nearby the subject lands. These features support the suitability of the subject lands for employment land uses. The surrounding land uses are varied and are described as follows:

### North

- **Existing Uses:** Solar Fields, Canadian Pacific Railway, EC Row Expressway
- **Official Plan Designation(s):** Future Employment Area, Airport
- **Zoning By-law Zone(s):** Institutional (I) (*Sandwich South Zoning By-law 85-18*)

### East

- **Existing Uses:** Open Space, Agricultural
- **Official Plan Designation(s):** Open Space, Natural Heritage
- **Zoning By-law Zone(s):** Institutional (I), Agricultural (A) (*Sandwich South Zoning By-law 85-18*)

### South

- **Existing Uses:** Commercial (PCR Contractors, Herc Rentals, EMCO Waterworks Windsor, United Rentals), proposed location of the new hospital, agricultural
- **Official Plan Designation(s):** Future Employment Area, Future Urban Area (*County Road 42 Planning Area*)
- **Zoning By-law Zone(s):** Industrial (I), Commercial (C), Agricultural (A) (*Sandwich South Zoning By-law 85-18*)

### West

- **Existing Uses:** Windsor International Airport
- **Official Plan Designation(s):** Airport
- **Zoning By-law Zone(s):** Institutional (I) (*Sandwich South Zoning By-law 85-18*)

## 3.1

## Employment Context

## 3.1.1

### Provincial

The 2008/2009 economic recession hit Ontario relatively hard, with significant declines in manufacturing output particularly in the auto sector and in construction. While the Ontario economy has experienced a rebound in economic activity since the 2008/2009 downturn, the Province's recovery has been relatively slow to materialize. The economic rebound has been partially driven by a gradual recovery in the

manufacturing sector, fueled by a lower-valued Canadian dollar (relative to the years directly following the 2008/2009 global financial crisis) and the gradual strengthening of the U.S. economy.<sup>1</sup>

Over the previous decade, Ontario's economy has been transitioning from goods to services production. The trend towards more knowledge-intensive and creative forms of economic activity is evident across many sectors within both the broader national, provincial, and regional economies. This trend includes growth in financial services, information technology, business services, health care and social services, government, advanced manufacturing, energy, information and cultural industries, education, training and research, agri-business and tourism.

Despite this shift in the economic structure of Ontario, manufacturing remains vitally important to the provincial economy with respect to jobs and economic output. In fact, the manufacturing sector continues to be among Ontario's largest sources of employment.<sup>2</sup> The highly competitive nature of the manufacturing sector will require production to be increasingly cost effective and value-added oriented, which bodes well for firms that are specialized and capital/technology intensive.

While the recent performance of the Ontario economy has remained relatively strong over the past several years through to early 2020, the COVID-19 pandemic posed a significant challenge to the national and provincial economies in Canada. Due to the COVID-19 pandemic, which resulted in the Provincial Government mandating varying degrees of lockdowns starting in March 2020 and into early 2022, the economy has been negatively impacted. By mid-2022, the province lifted many of the restrictions that had been in place over the previous two years. At present, the economic impacts from the COVID-19 pandemic shutdowns on the Ontario manufacturing sector and the broader economy continue to be felt and are anticipated to linger over the years to come.

While the performance of the Ontario economy is anticipated to remain relatively strong over the near terms, there are potential risks to the national and provincial economies which are important to recognize. These risks include changes to the North American Free Trade Agreement (NAFTA), the adoption of protectionist trade measures in the U.S., and other various changes to the U.S. fiscal and industrial policies. These policies have the potential to create negative consequences to the integrated supply chain associated with manufacturing.

### 3.1.2 Regional

Invest WindsorEssex, which is the organization responsible for advancing economic development in the region, published the Five Year Strategic Plan for 2018-2022. The Strategic Plan identifies Advanced Health & Life Sciences, Logistics, Warehousing & Cross-Border Activities, and Advanced Manufacturing as Targeted Industry Alignment (Investment Focus) as these industries are deemed to hold opportunity

<sup>1</sup> Valued at approximately \$0.73 U.S. as of March 2023.

<sup>2</sup> Derived from EMSI Data, 2006-2016 Watson & Associates Economists.



for the Windsor-Essex Region.<sup>3</sup> Further, these target industry sectors are sectors that are growing at a faster rate than the overall local economy and have been identified as Growth and Emerging Industries. Invest WindsorEssex aims to concentrate on growing and emerging industries that will drive diversification throughout the Region and will support a strong and sustainable economic plan.

The Ministry of Economic Development, Job Creation and Trade (MEDJCT) has identified several industries that have high potential for new business investment and growth. The federal government has also indicated priority sectors that are promoted globally for investment into Canada. It is of key consideration, where possible, for the City of Windsor and surrounding region to be aligned with federal and provincial governments to leverage the significant economic development resources and programs offered to support efforts to diversify the economy.

While the subject lands are located within the City of Windsor, it is important to note the existing supply of employment lands within the context of surrounding municipalities. The *County of Essex Employment Land Needs Analysis* (Jones Consulting Group Ltd., 2011) provides the most recent analysis of the employment lands supply for the entire County. The County of Essex, comprised of seven lower-tier municipalities, underwent the process of developing an Official Plan which was approved in 2014. As part of the Official Plan review process, Jones Consulting Group Ltd. completed a Foundation Report in 2011 which provided a summary of the future projection for the supply of Commercial and Employment lands within the County of Essex for the planning period of 2006 to 2031. A summary of the findings of this report is presented below in **Table 1-1: Existing Estimated Excess Supply of Non-Residential Land, County of Essex.**

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<sup>3</sup> Five Year Strategic Plan. Invest WindsorEssex. 2018

**Table 1-1: Existing Estimated Excess Supply of Non-Residential Land, County of Essex, 2011**

Municipality	Commercial Land	Employment Land
Kingsville	36 - 40 ha ( 89 - 99 ac)	- 2.4 - 8.5 ha ( - 6 - 21 ac)
Lakeshore	246 - 255 ha (608 - 630 ac)	300 - 331 ha (742 - 818 ac)
Amherstburg	0 - 5 ha (0 - 12 ac)	399 - 405 ha (986 - 1,001 ac)
Leamington	193 - 202 ha (479 - 499 ac)	101 - 113 ha (252 - 279 ac)
LaSalle	18 - 28 ha (45 - 70 ac)	21 - 32 ha (51 - 78 ac)
Tecumseh	81 - 93 ha (201 - 230 ac)	24 - 69 ha (58 - 170 ac)
Town of Essex	4 - 7 ha (10 - 17 ac)	- 13 - 17 ha (- 31 - 43 ac)
<b>County of Essex</b>	<b>579 - 630 ha (1,431 - 1,557 ac)</b>	<b>821 - 935 ha (2,030 - 2,310 ac)</b>

Source: NBLC, Foundation Report – Essex County Official Plan Review, August 2011

The report found that there is an over-supply of employment lands of between 821 ha (2,030 acres) to 935 ha (2,310 acres) across these seven municipalities of Essex County, which are in close proximity to the City of Windsor. Although the analysis illustrated that an over-supply of employment lands in Essex County, **much of the employment lands have constraints that make their development challenging.** Constraints include parcels that are small in size, have poor locational attributes in relation to the Highway 401 corridor, are not planned for municipal servicing within the immediate planning horizon, or are disbursed across the County in a manner that does not support singular sites that can accommodate large scale industrial and production facilities. As such, the availability of large areas of land suitable for employment use is a critical factor to meet economic development objectives in the City of Windsor.

Currently, the region is experiencing economic growth and activity as the NextStar Energy plant is being constructed at the boundary of the City of Windsor and Town of Tecumseh. The Nextstar Energy plant is anticipated to provide increased employment opportunities and generate regional competitiveness. The preparation of the surplus airport lands for the development of employment uses is supportive of this type of economic investment and intensification in the region. By having suitable large scale employment lands available, the City of Windsor will position itself to generate economic diversification and allow for synergistic development between development occurring on and outside of the subject lands.

### 3.1.3

#### Local

In 2021, Windsor City Council adopted an economic development report called *Windsor Works - An Economic Development Strategy for the City's Future Growth*. The report summarizes that Windsor

continues to grow its population and attract new investments, creating a diverse economy that leverages infrastructure investments, exploits new economic trends, and attracts skilled people to drive future growth.

Similar to the current Regional availability of employment lands, the City of Windsor's supply faces constraints. As summarized in the 2018 *Background Report: County Road 42 Secondary Plan* by MHBC, the City of Windsor retained EDP Consulting to prepare a *Study of the Need for Employment Lands* in 2008. The assessment found that there would be a demand for 9,445 jobs located on employment lands by 2026. To support this number of new jobs, EDP Consulting estimated that there would need to be employment lands in the range of 536 to 661 gross hectares. When this study was conducted in 2007, it was determined there were 100 net hectares of usable, vacant employment lands in the City of Windsor. A *Land Needs Analysis Report*, including a focus on an employment land needs assessment, was completed by Dillon Consulting Limited for the City of Windsor in 2009. Through this study, it was determined that there was a potential supply of 384 gross hectares of vacant employment lands in the City. However, after excluding unsuitable lands, including those containing natural heritage features and hazards or parcels less than 1.0 hectare in size, the supply of available employment lands in the City was calculated to be 275.2 hectares. This represents the total of available lands in Windsor for employment uses, which is comprised primarily of parcels that are 2.5 to 20.0 hectares and parcels that are 20.0 hectares or more. There is a continued need for larger-scale sites to be available for employment uses.

In considering both the noted need for employment and economic development opportunities in the City, region and Province, as well as the limited employment lands suited for large-scale development in each of these areas, there is a demonstrated need for additional employment use designated land to support the proposed development and investment. At present there is very little, if any, lands available for immediate development of employment land uses.

## 4.0

## Planning Evaluation

## 4.1

### Provincial Policy Statement, 2020

The Provincial Policy Statement 2020 (PPS) promotes the development of ‘Strong, Healthy Communities’ through the redevelopment of lands for an appropriate mix of uses, which includes employment uses such as industrial and commercial uses. The proposed uses must be “consistent with” the Provincial Policy Statement and as a broad and general document. Through an analysis of the policies, it must be demonstrated how the proposed land use is appropriate and advances the Province’s interests. There are a number of sections of the Provincial Policy Statement that apply to the proposed development.

Policy 1.1.1, relating to healthy, liveable and safe communities;

Policy 1.1.3, relating to settlement areas;

Policy 1.2.6, relating to land use compatibility;

Policy 1.3, relating to employment;

Policy 1.6, relating to infrastructure and public service facilities;

Policy 1.6.6, relating to sewage, water and stormwater facilities;

Policy 1.6.7, relating to transportation systems;

Policy 1.7, relating to long-term economic prosperity;

Policy 1.8, relating to energy conservation, air quality and climate change;

Policy 2.1, relating to Natural Heritage; and

Policy 2.6, relating to Cultural Heritage and Archaeology.

Our analysis suggests that the following policies of the Provincial Policy Statement are relevant to the proposed Official Plan and Zoning By-law Amendments. These policies are included in **Appendix A – Provincial Policy Statement 2020 Policies** and will be referenced throughout the remainder of this report. Our analysis concludes that the proposed employment land use on the surplus airport lands is consistent with the above policies of the Provincial Policy Statement.

## 4.1.1

**Policy Analysis****Policy 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns**

*1.1.1 Healthy, liveable and safe communities are sustained by:*

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns; and*
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs.*

The configuration and location of the subject lands accommodates the need for larger-scale employment land uses in the City to meet long-term economic development needs. The land use pattern proposed through this Official Plan and Zoning By-law amendment will promote an efficient development to sustain the financial well-being of the Province and the City with infrastructure and servicing facilities that will be available to meet the projected needs. Public health and safety concerns are not anticipated to arise from the proposed employment use of the subject lands provided that all standards and regulations are adhered to as it relates to the Windsor International Airport operations and development on airport lands.

**Policy 1.1.3 Settlement Area**

*1.1.3.1 Settlement areas shall be the focus of growth and development.*

The proposed large scale employment use for the development of light industrial, warehouse, office, service commercial, business park, and heavy industrial uses (refer to **Figure 1.0 – Location Map**) is located within the City's Settlement Area boundary. The proposed employment uses will be contiguous to the existing and planned built up area. The proposed development of the surplus airport lands is of Provincial interest and will provide a focused area for growth and development in the City.

*1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

- a) efficiently use land and resources;*

- b) *are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- c) *minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) *prepare for the impacts of a changing climate;*
- e) *support active transportation;*
- f) *are transit-supportive, where transit is planned, exists or may be developed; and*
- g) *are freight-supportive.*

The subject lands are located nearby to the existing and planned commercial and industrial areas and are well served with existing infrastructure, resulting in the efficient use of land and resources in the City. The proposed employment land uses are not intended to have any negative impacts to air quality and climate change and will consider and promote energy efficiency. The physical attributes of the subject lands and surrounding infrastructure supports freight-supportive commercial and industrial development and promotes the feasibility of transit service expansion to the Sandwich South Planning District.

*1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.*

The proposed large scale employment uses development is located nearby to existing industrial, office, service commercial, and business park land uses. The proposed development of the surplus airport lands intensifies vacant land that is well served with existing infrastructure and provides for additional employment uses at an appropriate density in support of the development of the Sandwich South Planning District and the general employment needs of the City. The development of this land will result in the efficient use of land.

**Policy 1.2.6 Land Use Compatibility**

*1.2.6.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.*

The subject lands are located adjacent to the Windsor International Airport, with a mix of service commercial and industrial uses to the south along County Road 42. To the north and east of the subject lands is currently vacant. Any planned land uses on the Windsor International Airport property must respect the requirements of Transport Canada's TP 312. The aerodrome standards and recommendations of TP 312 place various restrictions necessary within the airport land area and include

specific criteria for building structures on the property. These standards will be adhered to as the subject lands are developed. The proposed mix of employment land uses on the subject lands are located within an acceptable distance from the planned sensitive land uses within the County Road 42

Planning Area including residential, institutional, and commercial uses. The distance between the planned land uses is appropriate to minimize and mitigate any potential adverse effects from odour, noise, and other contaminants as a result of any of the proposed employment uses on the subject lands. The subject lands shall be planned to minimize any risk to public safety and to ensure the long-term operational and economic viability in accordance with provincial guidelines, standards, and procedures with consideration given for any additional requirements as it relates to the airport land use.

### **Policy 1.3 Employment**

*1.3.1 Planning authorities shall promote economic development and competitiveness by:*

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;*
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*
- c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment; and*
- e) ensuring the necessary infrastructure is provided to support current and projected needs.*

The subject lands present a strategic opportunity for economic investment, being located close to existing transportation infrastructure (E C. Row Expressway, Canadian Pacific Railway, Highway 401) that will support the projected needs of the employment land uses. The subject lands are also located within the Sandwich South Planning District, an area that represents a large supply of lands suitable for new residential and employment uses. The development of the surplus airport lands for employment uses represents an opportunity for large scale and diversified economic activities to meet the needs of the planned development within the Sandwich South Planning District, as well as the City of Windsor as a whole. There is existing suitable infrastructure available to the subject lands with additional servicing planned to be extended into the Sandwich South area.

### **Policy 1.3.2 Employment Areas**

*1.3.2.1 Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.*

The development of the surplus airport lands for the purpose of employment uses supports the need for approximately 500 to 625 gross hectares of employment lands required to accommodate the projected need by 2026 (EDP Consulting, 2008). The proposed employment land uses are appropriate for the subject lands given the location adjacent to the Windsor International Airport, which is considered a major facility. The subject lands are supported by the necessary infrastructure, with a number of planned infrastructure improvements and additions.

*1.3.2.3 Within employment areas planned for industrial or manufacturing uses, planning authorities shall prohibit residential uses and prohibit or limit other sensitive land uses that are not ancillary to the primary employment uses in order to maintain land use compatibility. Employment areas planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-employment areas.*

The proposed Official Plan and Zoning By-law Amendments do not permit residential uses. The proposed development of the subject lands for a mix of employment land uses will provide for an appropriate transition between the land uses with various levels of sensitivity. Further, the subject lands are of substantial size with the ability to provide on-site mitigation through spatial separation adjacent to any planned employment uses.

*1.3.2.6 Planning authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations.*

The proposed development of the surplus airport lands protects existing lands suitable for employment uses which are well supported by existing major goods movement facilities. The subject lands are located close to major goods movement facilities and corridors including the Windsor International Airport, the Canadian Pacific Railway, and a number of primary transportation corridors used for the movement of goods including Highway 401.

*1.3.2.7 Planning authorities may plan beyond 25 years for the long-term protection of employment areas provided lands are not designated beyond the planning horizon identified in policy 1.1.2.*

The proposed development will provide a range and mix of employment opportunities, suitable to meet the existing and projected needs of the City of Windsor. The subject lands are expected to be developed over the course of a number of years and the lands shall not be designated beyond the identified planning horizon. There is a need for lands suitable in size to accommodate a range and mix of employment land uses, including large scale developments, within the City of Windsor. The development of these lands within the Sandwich South Planning District will help support the projected employment growth identified over the planning horizon (EDP Consulting, 2008).



**Policy 1.6 Infrastructure and Public Service Facilities**

*1.6.3 Before consideration is given to developing new infrastructure and public service facilities:*

- a) the use of existing infrastructure and public service facilities should be optimized; and*
- b) opportunities for adaptive re-use should be considered, wherever feasible.*

The existing infrastructure will be used to the maximum extent possible with the additional infrastructure being constructed for use by, and providing benefit to, the surrounding area.

**Policy 1.6.6 Sewage, Water and Stormwater**

*1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.*

Being located within the settlement area, the use of existing municipal sewage services and municipal water services will be optimized, along with updates anticipated within the planning horizon, to support the activities of the proposed employment land uses.

*1.6.6.7 planning for stormwater management shall:*

- a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;*
- b) minimize, or, where possible, prevent increases in contaminant loads;*
- c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;*
- d) mitigate risks to human health, safety, property and the environment;*
- e) maximize the extent and function of vegetative and pervious surfaces; and*
- f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.*

Any development of the subject lands will promote stormwater management best practices and will include facilities to address stormwater runoff and any impacts on the water quality of receiving watercourses, as determined through the required technical reports. A stormwater management plan will be undertaken as part of the Site Plan Control Application process and will be reviewed and approved in consultation with the Essex Region Conservation Authority as part of Site Plan Control Approval relating to any individual proposed employment use development.

**Policy 1.6.7 Transportation Systems**

*1.6.7.2 Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.*

The subject lands are easily accessible from the major roadway network and transportation facilities, including International border crossings, the Windsor Port, the VIA Rail station, and Provincial Highways 401 and 3. The existing road network and related road improvements position the subject lands to meet the transportation needs of future development. As the proposed employment land uses are likely to involve the frequent movement of people and goods, the surrounding road network including County Road 42, Lauzon Parkway, Walker Road, E.C. Row Expressway, and Highways 401 and 3 will be used efficiently with any infrastructure upgrades carried out in a manner to facilitate increased transportation network demand.

**Policy 1.7 Long-Term Economic Prosperity**

*1.7.1 Long-term economic prosperity should be supported by:*

- a) promoting opportunities for economic development and community investment-readiness;*
- c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;*
- g) providing for an efficient, cost-effective, reliable multimodal transportation system that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people; and*
- l) encouraging efficient and coordinated communications and telecommunications infrastructure.*

The development of the surplus airport lands represents a considerable opportunity for economic development and will facilitate the community's investment-readiness through the establishment and designation of the subject lands for employment land uses. The availability of suitable, high quality services business parks/employment lands is one of several factors that potential investors may consider in site selection decisions for investment. These lands within the Sandwich South Planning District are particularly important for the City of Windsor to move forward with preparing for development in an effort to accommodate the project needs of the City.

The Windsor International Airport Master Plan (2010) identifies the surplus airport lands are being strategically located for the potential development of a multi-modal transportation hub as there is the availability to efficiently use the existing networks including roads, rail, ports, airports, inter-modal facilities, and border crossings. These existing facilities can accommodate the projected needs to support the movement of goods and people. Further, the existing communications and telecommunications infrastructure is suitable as Bell Canada and Cogeco Cable have indicated that they can readily accommodate the servicing requirements for future development on the airport lands

(Windsor International Airport Master Plan 2010). Overall, the development of the surplus airport lands will lead to the long-term economic success and prosperity of the City of Windsor.

**Policy 1.8 Energy Conservation, Air Quality and Climate Change**

*1.8.1 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:*

- c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future; and*
- d) focus freight-intensive land uses to areas well served by major highways, airports, rail facilities and marine facilities.*

The development of the surplus airport lands for a mix of employment uses will support the intensification of the area in a manner that will make the most effective use of infrastructure and be transit supportive. Future development of the subject lands will be able to take advantage of the area's strong transportation connections as the lands are located in a high-profile area adjacent to major facilities and corridors. The proposed employment uses will be well serviced by the nearby Provincial Highways 401 and 3, the future improved County Road 42 and Lauzon Parkway, the Windsor International Airport, and the Canadian Pacific Railway. The existing supportive transportation network provides an opportunity for energy conservation and efficiency, improved air quality, and reduced greenhouse gas emissions.

**Policy 2.1 Natural Heritage**

*2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.*

*2.1.7 Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.*

*2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.*

At the eastern boundary of the subject lands are two areas identified as the Airport Woodlots, which are considered significant by the Province, City of Windsor, and Essex Region Conservation Authority. The long-term ecological function and biodiversity of these natural heritage features will be further

investigated to determine the best strategies for maintaining and/or improving their function. Any future development on the subject lands will adhere to all Provincial and Municipal policies and recommendations as it relates to the Natural Heritage features. The required studies and, if necessary, approvals will be completed/obtained in accordance with Policy 2.1.8.

**Policy 2.6 Cultural Heritage and Archaeology**

*2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.*

A Stage 1 Archaeological Assessment was completed by Lincoln Environmental Consulting Corp., dated May 2023. The Stage 1 Archaeological Assessment recommends a Stage 2 Assessment for the entirety of the subject lands. Preliminary results indicated nothing of significance was discovered. Reports are currently being finalized and submitted to the MHSTCI for review and entry into the Ontario Public Register of Archeological Reports.

**4.1.2 Policy Analysis Conclusion**

We are of the opinion the development of the surplus airport lands for employment land uses is consistent with the Provincial Policy Statement, 2020 as demonstrated through the above analysis of applicable policies. The Provincial Policy Statement policies are included in **Appendix A – Provincial Policy Statement 2020 Policies**.

**4.2 City of Windsor Official Plan**

Similar to the Provincial Policy Statement, the City of Windsor Official Plan (OP) supports the direction of growth and development with consideration towards social, environmental, and economic matters. Land use designations in the Official Plan are intended to promote a compact pattern of development with compatible development directed to appropriate locations in existing and future neighbourhoods. In the Essex Region, the City of Windsor is the main employment, population, and cultural centre. The subject lands are currently designated as Airport, Industrial, and Future Employment Area in Schedule D – Land Use Plan of the City of Windsor Official Plan. The current land use designations do not permit the development of employment uses on the entirety of the proposed subject lands. The current Airport and Industrial land use designations are to remain. The proposed City of Windsor Official Plan Amendment (OPA) will be brought forward to City Council for consideration to redesignate the portion of the subject lands designated as Future Employment Area to the Industrial or Business Park land use designations. The final configuration of the land use designation boundaries is to be determined. The proposed OPA will facilitate the availability of suitable lands appropriate for large scale employment uses in the City of Windsor.

The Airport, Industrial, and Business Park land use designations permit a broad range of employment uses. Due to the characteristics of the built form and operations of such uses, various employment land uses are more appropriately clustered together and separated from sensitive land uses (OP, 6.4.3). Our analysis suggests that the proposed development of the surplus airport lands, subject to the approval of the Official Plan and Zoning By-law Amendments, will be in conformity with the applicable policies of the Official Plan, which include the following:

- Section 3.2.2, relating to a vibrant economy;
- Section 3.2.3, relating to a sustainable, healthy environment;
- Section 3.3, relating to the urban structure plan;
- Section 4.2.6., relating to objectives for economic opportunity for a healthy community;
- Section 5.4.5, relating to noise and vibration policies;
- Section 6.1, relating to goals for land use designations and associated policies;
- Section 6.4, relating to employment policies;
- Section 6.4.3, relating to the Industrial land use designation policies;
- Section 6.4.4, relating to the Business Park land use designation policies;
- Section 6.12, relating to Windsor Airport;
- Section 6.13.4, relating to Future Employment Area policies;
- Section 7.2.2, relating to the transportation system;
- Section 7.2.3, relating to pedestrian network policies;
- Section 7.2.4, relating to the cycling network;
- Section 7.2.5, relating to public transportation;
- Section 7.2.6, relating to road network policies;
- Section 7.2.10, relating to air transportation policies;
- Section 7.3.2, relating to general policies for infrastructure;
- Section 7.3.3, relating to infrastructure provision policies;
- Section 7.3.4, relating to sewage and stormwater management works
- Section 7.3.5, relating to solid waste management;
- Section 7.3.6, relating to utilities and other infrastructure policies;
- Section 8.2.2, relating to urban design for the image of Windsor;
- Section 8.3.2, relating to design for people;

Section 8.4.2, relating to pedestrian access;

Section 8.7, relating to built form;

Section 8.12, relating to safety;

Section 8.13, relating to lighting;

Section 9.3.2, relating to identification of heritage resources; and

Section 11.6.3, relating to zoning by-law amendments.

#### 4.2.1 Policy Analysis

##### **Section 3.2.2.1 Employment Centres**

*Windsor's economy will be stimulated by active employment centres that serve the larger Census Metropolitan Area. These centres will cluster appropriate large-scale employment, shopping and entertainment uses together to create exciting areas for employment and investment. With convenient access to major transportation routes, these centres will be transit friendly and poised to take advantage of Windsor's role as an international gateway.*

The proposed change in land use designation will support economic investment in the City of Windsor by providing a large area of lands suitable for employment land uses. The employment land uses shall be clustered together to create efficient employment and investment opportunities. The subject lands are adjacent to a major facility and have convenient access to major transportation routes. As the Sandwich South Planning District develops, the intensification provided by the proposed development of the surplus airport lands will encourage the development of transit infrastructure.

The Windsor International Airport Master Plan (2010) identified the opportunity for trans border business between Detroit/Windsor, the Windsor International Airport, and the Sandwich South Planning District. The proposed employment lands have the potential to serve as a primary business gateway and a major logistics cluster. The development of the subject lands presents a strategic market opportunity given that the lands are located in close proximity to the Windsor-Detroit gateway and Highway 401, providing convenient access to major transportation networks.

##### **Section 3.2.3.1 Transportation System**

*Windsor will work toward achieving a sustainable transportation system where all modes of transportation can play a more balanced role. The creation of mixed use and employment centres will allow businesses and services to be closer to homes and allow greater opportunities for walking, cycling and transit.*

The subject lands are located north of the County Road 42 Planning Area. The County Road 42 Planning Area supports a range and mix of land uses including residential, commercial, institutional, business park, and mixed use. The proposed employment land uses on the surplus airport lands will be appropriately located and planned for to account for these sensitive land uses within the County Road 42 Planning Area. The close proximity to planned residential and commercial service land uses will promote opportunities for walking, cycling, and transit infrastructure within the community. The location of the subject lands nearby to major transportation networks will facilitate efficient use of the multi-modal transportation system.

### **Section 3.3.1.2 Major Activity Centres**

*Major Activity Centres are second in the hierarchy of nodes in Windsor. The following comprise Windsor's Major Activity Centres:*

- (a) Regional Commercial Centres;*
- (b) Regional Institutional Centres;*
- (c) Regional Employment Centres; and*
- (d) Regional Open Space System.*

*These types of nodes are considered to be sub-regional in the context of Windsor and were originally planned as single-use facilities that have evolved into multi-use urban areas with a variety of densities.*

#### *(c) Regional Employment Centres*

*Regional Employment Centres are a type of Major Activity Centre where a large number of jobs are located. This type of node typically serves as a location for the large-scale manufacturing or distribution of goods. Additionally, retail, office and personal service uses may be established as ancillary uses.*

According to Schedule "J" – Urban Structure Plan of the City's Official Plan, the subject lands are designated as a Regional Employment Centre.

The Regional Employment Centre is intended to be an area where a larger number of jobs are located. Regional Employment Centres exist to serve as the location for clusters of manufacturing and commercial land uses. The proposed development of the subject lands for employment land uses is consistent with the objectives of the Regional Employment Centre and will act as a hub of economic activity within the Sandwich South Planning District.

The subject lands are located directly north of an area identified as a Regional Institutional Centre. There is potential for the less intensive employment uses to develop nearby to the Regional Institutional Centre, taking advantage of possible synergies and unique market opportunities to promote investment and economic growth within the Sandwich South Planning District.

#### **Section 4.2.6.1 Employment Opportunities**

*To provide for a wide range of employment opportunities at appropriate locations throughout Windsor.*

The proposed development of the subject lands for employment uses including light industrial, warehouse, office, service commercial, business park, and heavy industrial uses adds to the range of employment options available. The location of the subject lands is appropriate given the anticipated economic and population growth patterns within the City and the development plan for the Sandwich South Planning District. The subject lands are well serviced by the existing and planned infrastructure and represent the opportunity to provide large scale lands suitable and available for investment. The development of the subject lands for employment uses accommodates the projected employment land requirements for the City.

#### **Section 4.2.6.2 Economic Development**

*To encourage a range of economic development opportunities to reach full employment.*

The proposed development is supportive of economic development opportunities for the City of Windsor that will provide additional employment options for residents. The proposed development of the surplus airport lands for employment land uses is consistent with the desire to attract increased economic activity to the airport lands and position the Sandwich South Planning District as a primary business gateway and major multi-modal hub (Windsor International Airport Master Plan, 2010).

#### **Section 5.4.5.1 Regard for Noise & Vibration**

*Council shall require the proponent of development in proximity to existing or proposed sources of noise and vibration, or the proponent of development that may be a source of noise or vibration, to evaluate the potential negative impacts of such noise and vibration on the proposed future land use. In determining the exact distances for the application of this policy, the Municipality shall have regard to provincial legislation, policies and appropriate guidelines (Amended by OPA 43 – 06/13/2006 – OMB Order 1695)*

Airport operations may be the source of significant noise and vibration impacts. To estimate the potential noise impacts on areas in the vicinity of airport operations, Noise Exposure Forecast contours (NEF) are used to measure the likely level of community response to airport noise. In 2009, a noise exposure forecast was prepared for the Windsor International Airport. The NEF around the airport was forecasted at 25 and 30. TP1247 – Land Use in the Vicinity of Airports (Transport Canada) outlines land uses that are compatible from a noise perspective. Given the NEF values of 25 and 30, TP1247 indicates that the proposed land uses for employment uses represents compatible land use planning with minimal noise conflicts. The proposed land uses may act as a source of noise and vibration. Any development



shall consider implementing noise control actions, especially as development approaches the planned sensitive land uses to the south of County Road 42.

**Section 5.4.5.2 Require Study**

*If a proposed development is expected to be subject to noise or vibration, or to cause noise or vibration, the proponent shall be required to complete a noise and/or vibration study to the satisfaction of the Municipality to support the feasibility of the proposal in accordance with the Procedures chapter of this Plan. (Amended by OPA 43 – 06/13/2006 – OMB Order 1695)*

The development of the surplus airport lands for employment land uses may create noise and vibration impacts. As such, any new development shall evaluate any potential negative impacts from noise and vibration in order to support the feasibility of the proposed development. Given the size of the subject lands, and the variety of potential development options, there is considerable opportunity for abatement measures. Any new development with expected noise and vibration impacts shall complete the required studies as per any municipal, provincial, or federal requirements. Special consideration should be given to any proposed land uses directly adjacent to airport operations. Transport Canada's TP1247 should be consulted to ensure safe and compatible development as it relates to noise and vibration impacts.

**Section 5.4.5.3 Abatement Measures**

*Abatement measures may include one or more of the following, depending on the physical characteristics of the specific location and the source of the noise and/or vibration:*

- (a) increased setbacks from the noise or vibration source;*
- (b) sound barriers such as landscaped berms, walls, buildings, and fences;*
- (c) building design, including specific attention to height, massing, internal layout and fenestration;*
- (d) building construction, including materials for acoustical and/or vibration insulation, glaze or ventilation;*
- (e) registered notice on title of possible excessive noise and/or vibration; and*
- (f) any other appropriate attenuation measures.*

Future development of the surplus airport lands for light industrial, warehouse, office, service commercial, business park, and heavy industrial land uses shall consider the appropriate abatement measures based on any expected noise and vibration impacts either as a result of the adjacent airport operations or as a result of the proposed use. The final consideration and detail of the appropriate abatement measures will be determined at the detailed design stage of any individual future development proposal.

**Section 5.4.5.4 Implementation**

*Council shall require that appropriate noise and/or vibration abatement measures be implemented by the proponent as a condition of development approval.*

Should a noise and vibration study be required for any individual development proposal, said proposal shall consider the appropriate abatement measures to be implemented at the detailed design stage as a condition of development approval.

**Section 6.1.4 Employment**

*The retention and expansion of Windsor's employment base.*

The proposed development of the surplus airport lands for large scale employment land uses will contribute to the goal of expansion of Windsor's employment base, especially in the Sandwich South Planning District. Given the longevity and scale that the development of these lands will provide, there is the potential to generate a large number of new jobs and economic activity. The use of the surplus airport lands for a diverse set of employment uses will support, expand, and retain the employment base within the City and the surrounding region.

**Section 6.1.12 Airport**

*Protection and enhancement of Windsor Airport's role in serving passenger and cargo needs. (added by OPA #60-05/07/07-B/L85-2007-OMB Decision/Order No.2667, 10/05/2007)*

The development of the surplus airport lands for employment land uses has the potential to enhance the Windsor Airport's role in serving passenger and cargo needs as it will generate an increase in economic activity and will support businesses and industries that rely on air transportation. Special consideration and adherence to all applicable legislation will ensure that no incompatible land uses are proposed within the Airport Operating Area.

**Section 6.1.13 Future Growth Areas**

*The provision of sufficient land in appropriate locations to accommodate future population and employment growth in Windsor. (added by OPA #60-05/07/07-B/L85-2007-OMB Decision/Order No.2667, 10/05/2007)*

The proposed Official Plan and Zoning By-law Amendments will facilitate the logical development of the surplus airport lands for employment land uses, which will ensure a sufficient supply of land to accommodate new commercial and industrial activity. The development of the subject lands will make use of appropriately located lands based on the intent of the Sandwich South Planning District and the City's development phasing plan.

### **Section 6.4.1 Employment Lands Objectives**

*The following objectives establish the framework for development decisions in Employment areas:*

- (6.4.1.1) to ensure Windsor continues to be an attractive place to establish businesses and locate employees;*
- (6.4.1.3) to ensure that employment uses are developed in a manner which are compatible with other lands uses;*
- (6.4.1.4) to accommodate a full range of employment activities in Windsor;*
- (6.4.1.5) to enhance the quality of employment areas by providing complementary services and amenities;*
- (6.4.1.6) to locate employment activities in areas which have sufficient and convenient access to all modes of transportation; and*
- (6.4.1.11) to promote comprehensively planned employment areas.*

The use of the surplus airport lands for employment land uses satisfies a number of objectives set out for the employment land use within the City of Windsor. By providing appropriately designated and zoned lands of a large scale, the City will be able to attract and support a range and mix of economic investment opportunities. The subject lands will develop comprehensively in a manner which promote compatibility between individual proposals and takes advantage of any potential synergies between industries. The subject lands are suitably located with convenient access to a variety of transportation modes including air, vehicular, and rail.

#### **Section 6.4.2.1 Sufficient Supply**

*Council shall designate a sufficient supply of appropriately located Industrial and Business Park lands to meet the projected 20-year employment demands.*

The development of the surplus airport lands for employment land uses will add to the supply of lands suitable for a range and mix of development options in support of the current need for the City to supply designated and appropriately zoned employment lands to meet the employment demands.

#### **Section 6.4.2.2 Attract Business**

*Council shall encourage businesses and industries to locate and expand in Windsor.*

The surplus airport lands have the potential to be a driver of economic activity and contribute significantly to the expansion of new and existing industries in the City. The availability of the subject lands for a range and mix of employment uses will build on Windsor's manufacturing strength while diversifying via building up adjacent sectors. The development of the subject lands will support the

desire to attract new investments, leverage infrastructure investments, and exploit economic trends to drive growth.

### **Section 6.4.2.3 City Participation**

*Council shall facilitate economic investment by:*

- (a) planning and developing Industrial and Business Park areas;*
- (b) participating in the development or redevelopment of strategic areas of Windsor;*
- (c) fostering public-private partnerships to facilitate economic development; and*
- (d) other measures as may be appropriate.*

The surplus airport lands represent an opportunity for appropriately located commercial and industrial development. The subject lands are strategically located in an area of the City that is expected to experience significant growth, while being well supported by the existing infrastructure network. This significant opportunity for economic development will attract new investment interest and may generate public-private partnerships to facilitate growth within the City. The development of the subject lands will require Council's participation in appropriately designating and zoning the lands to facilitate the suitable development of employment land uses.

### **Section 6.4.2.4 Site Plan Control**

*Council shall require all development within areas designated as Industrial and Business Park to be subject to site plan control, with the exception of Public Open Space uses.*

Any individual development proposal within the subject lands will be subject to Site Plan Control Approval prior to the issuance of any building permits.

### **Section 6.4.3.1 Permitted Uses in the Industrial Land Use Designation**

*Uses permitted in the Industrial land use designation identified on Schedule D: Land Use include establishments which may exhibit any or all of the following characteristics:*

- (a) large physical size of site or facilities;*
- (b) outdoor storage of materials or products;*
- (c) large production volumes or large product size;*
- (d) frequent or continuous shipment of products and/or materials;*
- (e) long hours of production and shift operations;*
- (f) likelihood of nuisances, such as noise, odour, dust or vibration;*
- (g) multi-modal transportation facilities;*
- (h) is dependent upon, serves or otherwise complements the industrial function of the area; and (amended by OPA #22 – 07/16/02); and*
- (i) service and repair facilities. (amended by OPA #22 – 07/16/02).*

The Official Plan Amendment to designate a portion of the subject lands as Industrial will provide the opportunity for a range and mix of uses to accommodate the employment land needs of the City and generate diverse economic investment. While the specific uses of the subject lands have not yet been identified, there is a desire to prepare a large area of lands to accommodate the employment demands that the City is expecting. Any future individual proposals within the Industrial land use designation shall adhere to the permitted uses as identified in the Official Plan.

### **Section 6.4.3.3. Locational Criteria**

*Industrial development shall be located where:*

- (a) the industrial use can be sufficiently separated and/or buffered from sensitive land uses;*
- (b) there is access to an arterial road;*
- (c) full municipal physical services can be provided;*
- (d) industry related traffic can be directed away from residential areas;*
- (e) peak period public transportation service can be provided; and*
- (f) there is access to designated truck routes.*

The subject lands are sufficiently separated away from nearby sensitive land uses, with the intent that the more intensive industrial uses be located adjacent to the airport operations and the less intensive uses be located closer to County Road 42 and the 9<sup>th</sup> Concession Road. The subject lands have direct access to County Road 42 which is designated as a Class I arterial road and provides connection to designated truck routes and the greater transportation network including Provincial Highways 401 and 3. The industry related traffic will be directed away from nearby residential areas. While no public transportation service is currently available in the area, there is the planned expansion of transit services to the Sandwich South Planning District. Full municipal services are available to the subject lands with planned improvements.

### **Section 6.4.3.4 Evaluation Criteria**

*At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed industrial development is:*

- (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:
 
  - (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;*
  - (ii) within a site of potential or known contamination;*
  - (iii) where traffic generation and distribution is a provincial or municipal concern; and*
  - (iv) adjacent to sensitive land uses and/or heritage resources.**
- (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;*

- (c) capable of being provided with full municipal physical services and emergency services;*
- (d) provided with adequate off-street parking; and*
- (e) compatible with the surrounding area in terms of siting, orientation, setbacks, parking and landscaped areas.*

The development of the surplus airport lands is feasible based on the provisions of the Official Plan, provincial legislation, and other legislation and policies as it relates to the Windsor International Airport and the development of airport lands / vicinity lands. The development of these lands for employment land uses is in keeping with the goals of the Sandwich South Planning District and the Windsor International Airport Master Plan, along with the Official Plan and other applicable policies and guidelines. There is available municipal services and emergency services readily available to the subject lands, as well as a suitable transportation network to support the needs of the industrial uses. Development on the subject lands will occur in a manner that is compatible with each individual proposed use and will provide the appropriate transition from the airport operations to the planned land uses within the County Road 42 Planning Area.

#### **Section 6.4.3.5 Design Guidelines**

*The following guidelines shall be considered when evaluating the proposed design of an Industrial development:*

- (a) the ability to achieve the associated policies as outlined in the Urban Design chapter of this Plan;*
- (b) the provision of appropriate landscaping or other buffers to enhance:
 
  - (i) all parking lots, and outdoor loading, storage and service areas; and*
  - (ii) the separation between the industrial use and adjacent sensitive uses, where appropriate.**
- (c) motorized vehicle access is oriented in such a manner that industry related traffic will be discouraged from using Local Roads where other options are available;*
- (d) pedestrian and cycling access is accommodated in a manner that is distinguishable from the access provided to motorized vehicles and is safe and convenient;*
- (e) loading bays and service areas are located to avoid conflict between pedestrian circulation, service vehicles and movement along the public right-of-way; and*
- (f) the design of the development encourages and/or accommodates public transportation services.*
- (g) the design of the development encourages the retention and integration of existing woodlots, vegetation and drainage corridors where feasible to provide amenity areas for employees and to create a positive visual image of industry in Windsor. (added by OPA #60-05/07/07-B/L85-2007-OMB Decision/Order No.2667, 10/05/2007)*

The design of any individual industrial development proposal shall adhere to the design guidelines as set out by the Official Plan. Design review through the Site Plan Control Approval process per each development proposal will ensure that the development of the subject lands occurs in a manner that will contribute to the positive visual image of industry in Windsor.

#### **Section 6.4.4.1 Permitted Uses in the Business Park Land Use Designation**

*Uses permitted in the Business Park land use designation include:*

- (a) establishments devoted to research, development and information processing, offices, services, industrial research and/or training facilities, communication, production uses, printing and publishing; and*
- (b) selected industrial uses which:*
  - (i) do not create nuisances such as noise, dust, vibration or odour;*
  - (ii) confine industrial operations within a building and/or structure; and*
  - (iii) do not require outside storage.*

The Official Plan Amendment to designate a portion of the subject lands as Business Park will provide the opportunity for a range and mix of uses to accommodate the employment land needs of the City and generate diverse economic investment. While the specific uses of the subject lands have not yet been identified, there is a desire to prepare a large area of lands to accommodate the employment demands that the City is expecting. Any future individual proposals within the Business Park land use designation shall adhere to the permitted uses as identified in the Official Plan.

#### **Section 6.4.4.3. Locational Criteria**

*Business Park development shall be located where:*

- (a) the business park uses can be sufficiently separated and/or buffered from sensitive land uses;*
- (b) the site will be accessible and highly visible from Controlled Access Highway of a Class I or Class II Arterial Road;*
- (c) full municipal physical services can be provided;*
- (d) business park related traffic can be directed away from residential areas;*
- (e) public transportation service can be provided; and*
- (f) there is access to designated truck routes.*

The subject lands are sufficiently separated from the existing and planned nearby sensitive lands uses. Development of the subject lands will feature the less intensive and intrusive employment uses along County Road 42. The employment uses along County Road 42 shall be well buffered from the planned land uses within the County Road 42 Planning Area. The subject lands have direct access to County Road 42 which is designated as a Class I arterial road and provides access to the existing transportation network which will direct the employment related traffic away from any residential areas and provide access to designated truck routes. The development of the surplus airport lands will support the planned expansion of public transit services to the Sandwich South Planning Area. The subject lands are supported by full municipal services with access to emergency services.

#### **Section 6.4.4.4 Evaluation Criteria**

*At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed industrial development is:*

- (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:
 
  - (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;*
  - (ii) within a site of potential or known contamination;*
  - (iii) where traffic generation and distribution is a provincial or municipal concern; and*
  - (iv) adjacent to sensitive land uses and/or heritage resources.**
- (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;*
- (c) capable of being provided with full municipal physical services and emergency services;*
- (d) provided with adequate off-street parking; and*
- (e) compatible with the surrounding area in terms of siting, orientation, setbacks, parking and landscaped areas.*

The development of the surplus airport lands is feasible based on the provisions of the Official Plan, provincial legislation, and other legislation and policies as it relates to the Windsor International Airport and the development of airport lands / vicinity lands. The development of these lands for employment land uses is in keeping with the goals of the Sandwich South Planning District and the Windsor International Airport Master Plan, along with the Official Plan and other applicable policies and guidelines. There is available municipal services and emergency services readily available to the subject lands, as well as a suitable transportation network to support the needs of the business park uses. Development on the subject lands will occur in a manner that is compatible with each individual proposed use and will provide the appropriate transition between the airport operations and the planned land uses within the County Road 42 Planning Area.

#### **Section 6.4.4.5 Design Guidelines**

*The following guidelines shall be considered when evaluating the proposed design of a Business Park development:*

- (a) the ability to achieve the associated policies as outlined in the Urban Design chapter of this Plan;*
- (b) the massing and scale of buildings, and the extent of which their orientation, form and siting help to enhance the well landscaped setting of the business park;*
- (c) the provision of functional and attractive signage;*
- (d) the provision of appropriate landscaping or other buffers to enhance:
 
  - (i) all parking lots, and outdoor loading and service areas; and*
  - (ii) the separation between the use and adjacent sensitive uses, where appropriate.**



- (e) motorized vehicle access is orientated in such a manner that business park related traffic will be discouraged from using Local Roads where other options are available;*
- (f) loading bays and service areas are located to avoid conflict between pedestrian circulation, service vehicles and movement along the public right-of-way;*
- (g) pedestrian and cycling access is accommodated in a manner which is distinguishable from the access provided to motorized vehicles and is safe and convenient;*
- (h) the design of the development encourages and/or accommodates public transportation services; and*
- (i) the design of the development encourages the retention and integration of existing woodlots, vegetation and drainage corridors where feasible to provide amenity areas for employees and to create a positive visual image of industry in Windsor. (added by OPA #60-05/07/07-B/L85-2007-OMB Decision/Order No.2667, 10/05/2007)*

The design of any individual business park development proposal shall adhere to the design guidelines as set out by the Official Plan. Design review through the Site Plan Control Approval process per each development proposal will ensure that the development of the subject lands occurs in a manner that will contribute to the positive visual image of industry in Windsor.

#### **Section 6.12.1 Windsor Airport Objectives**

- (6.12.1.1) to recognize and strengthen the airport's role in the City of Windsor as an important component of the transportation system;*
- (6.12.1.2) to provide for suitable groundside and airside uses and services; and*
- (6.12.1.3) to minimize the potential for conflicting or incompatible land uses.*

The development of the surplus airport lands for employment land uses will strengthen the airport's role in the City and will take advantage of the transportation system. The employment land uses proposed for the subject lands have the potential to maximize the availability of the airport for the movement of goods and people. Groundside employment includes public or private concerns not requiring direct airside access including airport and non-airport uses. Airside employment includes general aviation facilities and functions requiring airside access. Less intensive employment land uses shall be focused away from the airport operations and closer to County Road 42. No land uses that create conflict with airport operations shall be considered within the subject lands.

#### **Section 6.12.2 Windsor Airport Policies**

*Uses permitted in the Airport land use designation identified on Schedule 'D': Land Use are as follows:*

- (a) civilian or military airport;*
- (b) airport terminal facilities and communications structures;*
- (c) uses permitted in Employment Areas, as described by Section 6.4, provided that they do no conflict with aircraft operations;*

- (d) hotels and related commercial uses; and*
- (e) other uses in accordance with the Windsor Airport Master Plan, Land Use and Reserve Land Plan, as amended from time to time.*

A portion of the subject lands are currently designated as Airport. This land use designation is to remain on these lands and will not be considered as part of the Official Plan Amendment. Development occurring on the portion of lands designated as Airport shall be required to conform to the above noted permitted uses. Land uses on the airport property must further respect the requirements of Transport Canada's TP 312 and TP 1247.

#### **Section 6.13.4 Future Employment Area Policies**

*(6.13.4.1) the Future Employment Area designation is intended to accommodate future Industrial and Business Park designations;*

*(6.13.4.3) Council may consider site-specific Official Plan Amendments for a Future Employment Area without requiring a Secondary Plan provided the proposed development is of a large-scale, single use nature such as a multi-modal transportation facility or large manufacturing plant. Site specific exemptions will only be considered where all studies relation to physical servicing, transportation, environmental evaluation or others as requires by this Plan are completed as part of an alternative planning process and where the absence of a Secondary Plan will not jeopardize the orderly planning and development of the site or surrounding lands; and*

*(6.13.4.4) Future Employment Areas shall develop on full municipal physical services in accordance with the policies contained in Section 7.3 of this Plan.*

The portion of the subject lands designated as Future Employment Area are intended to be redesignated to Industrial and Business Park land use designations. The final configuration of the land use designations is to be determined based on projected employment needs. The development of the subject lands is intended for large-scale industrial and business park investment. As of the date of this report studies related to physical servicing, transportation, and environmental evaluation have been completed by Dillon Consulting Limited in support of the proposed Official Plan and Zoning By-law Amendments. While there is no secondary plan complete for the subject lands, there is no anticipated negative impact to the orderly planning of the subject lands given that the property will be owned by the City of Windsor and leased to future proponents of development. There is no negative impact to the surrounding lands anticipated as there is a secondary plan in place for the lands to the south known as the County Road 42 Planning Area. Full municipal services are expected to be available to the subject lands as indicated in the supporting studies.

#### **Section 7.2.2.5 Alternative Development Patterns**

*Council shall promote development patterns that support an increase in walking, cycling and public transportation in accordance with the Land Use and Urban Design chapters of this Plan.*

The subject lands represent an opportunity to comprehensively development a large area with increase employment density. The development pattern planned for the subject lands supports the expansion of transit services to the Sandwich South Planning District and may encourage the increase in active transportation methods as the County Road 42 Planning Area develops and a range and mix of land uses become available nearby. There is long-term opportunity for the thoughtful integration of a multi-modal transportation network in the area though the implementation of alterative development patterns.

#### **Section 7.2.2.9 Truck Route System**

*Council shall establish and manage a truck route system to minimize the intrusion of trucks into sensitive areas while providing acceptable access to business and industries.*

The subject lands have direct access from County Road 42 which is designated as a Class I arterial road and as a truck route. County Road 42 provides access to Walker Road and Lauzon Road. Walker Road provides direct access to Provincial Highways 401 and 3 with Lauzon Road providing future access to Highway 401. Trucks will have sufficient access from the subject lands to the existing major roadway network and transportation facilities. The existing road network and related road improvements position the subject lands well to meet the transportation needs of future development. The subject lands are easily accessed from the International border crossings, the Windsor Port, the VIA Rail station, E.C Row Expressway, and Provincial Highways 401 and 3. The suitability of the existing truck route system to support the proposed development of the subject lands for employment use is to be confirmed through the applicable technical studies and reports.

#### **Section 7.2.2.10 Truck Access**

*Council recognizes that while truck access is necessary for some properties, the adverse effects of truck traffic shall be minimized by:*

- (a) Discouraging truck traffic in residential and pedestrian oriented areas;*
- (b) Directing land uses which generate substantial truck traffic to appropriate areas in accordance with the Land Use chapter of this Plan;*
- (c) Ensuring the proper design of roads intended to carry truck traffic; and*
- (d) Implementing other measures as may be appropriate and necessary.*

Any negative impacts anticipated from future truck traffic related to the development of the surplus airport lands will be minimized as the subject lands are not located within a residential area, or an area that is predominantly pedestrian-oriented. The proposed employment land uses are appropriate given the subject lands meet the locational criteria outlined in the Official Plan for Industrial and Business Park land uses. As such, any impacts from the substantial truck traffic anticipated will be minimized based on direction provided through additional technical studies and reports.

**Section 7.2.2.11 Hazardous Goods**

*Council shall restrict the movement of hazardous goods to transportation routes which avoid high risk areas and provide safe and direct access to their intended destination.*

The potential for movement of hazardous goods related to operations of the proposed employment land uses are appropriately restricted to transportation routes with direct access to intended destinations, avoiding high risk areas.

**Section 7.2.2.12 Parking & Loading Facilities**

*Council shall require adequate off-street parking and loading facilities as a condition of development approval in accordance with the Land Use chapter of this Plan.*

Any individual development proposals shall contain ample off-street parking areas with loading facilities located on-site.

**Section 7.2.2.18 Land Use and Transportation**

*Council shall recognize the link between land use and transportation systems by:*

- (a) Focusing office development and high-density employment and high density residential in areas which have access to transit and pedestrian amenities;*
- (b) Encouraging commercial and employment uses within 400 metres to 800 metres of residential areas to promote the use of active transportation and to promote transit service.*

The development of the subject lands represents the opportunity for the development of high-density employment and supports the planned expansion of transit services to the Sandwich South Planning District. The development of the subject lands will include the appropriate pedestrian amenities such as sidewalks and bicycle parking. The subject lands are located adjacent to the County Road 42 Planning Area which will feature a mix of residential densities, including high density residential options, in support of a multi-modal transportation network.

**Section 7.2.2.20 Transit Supportive Development**

*Council shall support transit by planning for compact mixed-use, higher density residential, commercial and employment development within concentrated nodes and corridors that are adjacent to higher order transit corridors.*

The development of the surplus airport lands will support the expansion and use of transit in the Sandwich South Planning District. The high-density employment use is located within a Regional Employment Centre and adjacent to a Regional Institutional Centre. These areas have the potential to act as nodes for transit services and be focal areas within the City.

### **Section 7.2.2.21 Minimizing Vehicle Trips and Travel Distances**

*Council shall implement land use patterns that promote sustainable travel by locating land uses within reasonable walking or cycling distance by:*

- (a) Encouraging development that include an appropriate mix of residential, commercial and employment lands within reasonable walking distance of each other;*
- (b) Planning higher density developments in areas along major transportation corridors and nodes;*
- and*
- (c) Integrating land use and transportation planning decisions by ensuring each fit the context of each other's specific needs.*

The development of the subject lands for higher density employment uses is appropriate given the location along the County Road 42 transportation corridor with connections to other major transportation corridors including E.C Row Expressway and Provincial Highways 401 and 3. Planned improvements to the existing transportation networks including work to County Road 42 and the extension of Lauzon Road to Highway 401 will further support the development of the subject lands. The subject lands are located at an appropriate distance from the County Road 42 Planning Area planned land uses, including a mix of institutional, residential, and commercial development, to facilitate the use of active transportation and minimize the number of vehicle trips. The expansion of transit services to the Sandwich South Planning District will be supported through the development of high-density employment uses on the subject lands. The combination of these existing and planned elements will work holistically to reduce the number of vehicle trips required.

### **Section 7.2.2.25 Transit Supportive Design**

*Council shall support transit friendly design by:*

- (a) Planning for compact, higher density developments along nodes and corridors;*
- (e) Promoting urban design that encourages walking and cycling; and*
- (f) Requiring entranceways proximate to the public right of way to reduce walking distances for pedestrians, particularly those who are mobility impaired.*

The subject lands are located within a Regional Employment Centre and adjacent to a Regional Institutional Centre. These areas have the potential to be important destinations within the regional public transit network. The subject lands are located along the County Road 42 corridor which provides access to a number of significant transportation facilities. As individual development proposals are brought forth, they shall consider the site layout so as to support walking and cycling access from the public rights-of-ways.

**Section 7.2.3.1 Pedestrian Movement**

*Council shall require all proposed developments and infrastructure undertakings to provide facilities for pedestrian movements wherever appropriate by:*

- (a) Requiring safe, barrier free, convenient and direct walking conditions for persons of all ages and abilities;*
- (b) Ensuring that all residents have access to basic community amenities and services and public transit facilities without dependence on car ownership; and*
- (c) Providing a walking environment within public rights-of-ways that encourages people to walk to work or school, for travel, exercise, recreation and social interaction.*

The development pattern of the subject lands shall provide adequate walking conditions for all people to facilitate pedestrian movement throughout the subject site. Any development on the subject lands shall consider providing amenities for employees which are accessible without a car and will encourage exercise and social interaction. Where possible, connections to development within the County Road 42 Planning Area shall be considered to allow people to walk between work, home, and their other daily needs. Detailed pedestrian facilities shall be determined during the detailed design phase of any individual development proposal.

**Section 7.2.4.1 Cycling**

*Council shall require all proposed developments and infrastructure undertakings to provide facilities for cycling movement and parking wherever appropriate.*

The development pattern of the subject lands shall provide adequate cycling facilities such as bicycle lanes and parking where appropriate. Detailed bicycle facilities shall be determined during the Site Plan Control Approval stage of any individual development proposal.

**Section 7.2.5.1 Public Transportation**

*Council shall require all proposed developments and infrastructure undertakings to provide facilities for public transportation wherever appropriate.*

While no public transit service currently exists in the area, there is the planned expansion of transit services to the County Road 42 Planning Area. The development of the surplus airport lands represents intensification that is supportive of the expansion of transit services to the area. Transit facilities shall be planned throughout the subject lands where appropriate to facilitate potential connections between the subject lands, to the Windsor International Airport, the County Road 42 Planning Area, and the City Centre.

### **Section 7.2.5.2 Improve Public Transportation**

*Council shall require that the design of development proposals and infrastructure undertakings facilitate easy access to public transportation. In this regard, Council shall:*

- (a) Ensure that all new development patterns are supportive of public transportation in accordance with the land use and transportation policies in this Plan;*
- (b) Require that the street pattern in new developments allows for the extension of public transportation services;*
- (c) Require that sidewalks and other pedestrian facilities connect major traffic generators to public transportation services;*
- (d) Encourage the provision of benches, lighting, rest areas and climate shelters for the safety, comfort and convenience of public transportation users;*
- (e) Support the coordination and integration of local public transportation services and facilities with inter-regional, regional and international services and facilities;*
- (f) Ensure that the design of roads accommodate the requirements of public transportation; and*
- (g) Encourage transit routes to be within new major employment areas.*

The development pattern of the subject lands shall be supportive of public transportation services and facilities in support of the integration of public transit to the Sandwich South Planning Area. Transit routes shall be considered within the Regional Employment Centre, with connections to other growth centres within the City. Site features to facilitate the use of public transportation will be determined further into the detailed design stage of planning infrastructure throughout the subject lands.

### **Section 7.2.6.1 Road Classification**

*The road network within Windsor is classified as follows:*

- (ii) Expressways;*
- (iv) Class II Arterial Roads; and*
- (v) Class I Collector Roads.*

The subject lands have frontage along County Road 42 which is designated as a Class I Arterial Road.

### **Section 7.2.6.3 Expressways**

*Council shall provide for Expressways as follows:*

- (a) Expressways are designated on Schedule F, as controlled access highways and are to be designated in any secondary plan or master plan where appropriate.*

*(b) Operational and design characteristics:*

- (i) Expressways shall be designed on as a Controlled Access Highway and have a minimum right-of-way width of 100 metres;*
- (ii) Expressways shall be designed to carry high volumes of traffic;*
- (iii) On street parking shall not be permitted on Expressways;*
- (iv) Access to Expressways shall only be facilitated through interchanges or partial interchanges;*
- (v) New interchanges shall only be permitted with Class I Arterial Roads and Class II Arterial Roads, Expressways or Provincial Highways;*
- (vi) Direct property access shall not be permitted; and*
- (vii) Cycling facilities shall not be permitted on Expressways.*

E.C Row Expressway is located north of the subject lands. While not directly bounded by the Expressway, the development of the subject lands for employment uses is anticipated to have an effect on the traffic volumes of the Expressway. The development of the subject lands shall be consistent with the Expressway policies. County Road 42 will provide access to both Walker Road and Lauzon Road, both of which have interchanges along the Expressway. Development occurring within the subject lands will make efficient use of the high volume of traffic carrying capacity that the expressway provides.

**Section 7.2.6.4 Class I Arterial Roads**

*Council shall provide for Class I Arterial Roads as follows:*

*(a) Class I Arterial Roads shall be designated on Schedule 'F' and in any secondary plan or master plan where appropriate;*

*(b) Operational and design characteristics:*

- (i) Class I Arterial Roads shall be designed on as Controlled Access Highways and have a minimum right-of-way width of 46 metres;*
- (ii) Class I Arterial Roads shall be designed to carry high volumes of traffic;*
- (iii) New intersections shall only be permitted with Provincial Highways, Expressways, Class I Arterial Roads, Class II Arterial Roads or Class I Collector Roads;*
- (iv) Direct property access shall not be permitted to Class I Arterial Roads;*
- (v) Cycling facilities may be permitted on Class I Arterial Roads; and*
- (vi) On street parking shall not be permitted on Class I Arterial Roads.*

The subject lands are bounded by County Road 42 to the south. County Road 42 is designated as a Class I Arterial Road and is designed to carry high volumes of traffic. There is no direct property access proposed along County Road 42. Any access to the proposed employment uses shall be facilitated through the new proposed rights-of-ways within the subject lands. There are no cycling facilities or on street parking proposed along County Road 42.



**Section 7.2.6.19 New Development**

*All proponents of development may be required to complete a Traffic Impact Study to support the feasibility of a proposal, and if feasible, identify appropriate traffic management measures, in accordance with the Procedures chapter of this Plan.*

A Traffic Impact Study (TIS) has been undertaken by Dillon Consulting Limited in support of the feasibility of the development of the surplus airport lands for employment land uses. The TIS will identify the appropriate traffic management measures required to facilitate the proposed development on the subject lands. Recommendations in the TIS can be considered through the Site Plan Control Approval process and then implemented through the Site Plan Agreement.

**Section 7.2.10.1 Economic Benefits**

*Council shall maximize the economic development potential provided by the Windsor Airport by promoting the development of Commercial and Employment uses, including multi-modal facilities in the vicinity of the airport.*

The development of the subject lands for a range and mix of employment uses including light industrial, warehouse, office, service commercial, business park, and heavy industrial uses is in keeping with the intent to utilize the airport as a driver of economic activity. The proposed Official Plan and Zoning By-law Amendments will facilitate the need to provide additional lands suitable for development of employment uses. The subject lands represent large scale land available for a wide range of employment land uses both airport related and non-airport related. The development of the subject lands will attract diverse businesses and industries to the Sandwich South Planning District.

**Section 7.2.10.2 Development Within the Airport Operating Area**

*Council shall protect the Windsor Airport from incompatible development. Accordingly, all proponents of development within the Airport Operating Area designated on Schedule 'C': Development Constraint Areas shall be subject to the following:*

- (a) new sensitive land uses shall not be permitted in areas above 30 NEP/NEF as set out on maps approved by Transport Canada;*
- (b) redevelopment of existing sensitive land uses may only be considered above 30 NEF/NEP provided the proponent successfully completes a noise study to:
 
  - i. support the feasibility of the proposal;*
  - ii. identify and implement appropriate mitigation measures (refer to Procedures chapter);**
- (c) redevelopment of existing residential uses and other sensitive land use in areas above 30 NEF/NEP may only be considered if it has been demonstrated that there will be no negative impacts on the long-term function of the airport;*
- (d) land uses which may cause a potential aviation safety hazard are discouraged; and*

*(e) other land uses may be permitted within the Airport Operating Area provided the proponent completes a noise study to support the feasibility of the proposal and, if feasible, identify and implement appropriate mitigation measures.*

The proposed employment land uses are appropriate for the subject site as outlined in Transport Canada's TP1247. There are no residential land uses proposed within the subject site. All individual development proposals will need to be considered for potential aviation safety hazards. Noise studies may be required per individual development proposal to ensure compatibility.

#### **Section 7.2.10.3 Noise and Vibration Abatement**

*Council shall ensure that new development in the vicinity of the Windsor Airport includes appropriate noise and vibration abatement measures in accordance with established off-airport land use planning practices.*

Any development occurring within the subject lands will be required to include the appropriate noise and vibration abatement measures. Noise and vibration abatement measure details shall be considered at the detailed design stage of individual development proposals.

#### **Section 7.3.2.3 New Development**

*Council shall require all new developments to have full municipal infrastructure available, or agreements in place to provide such infrastructure, as a condition of approving a development proposal.*

Full municipal infrastructure is presently available to support the development of the subject lands for employment land uses.

#### **Section 7.3.3.1 Infilling Given Priority**

*Council shall encourage the development of existing serviced, underutilized or undeveloped lands within Windsor prior to the extension of municipally owned and/or operated infrastructure to vacant areas within Windsor.*

The development of the surplus airport lands represents an opportunity to develop lands that will not require the extension of municipal infrastructure and are currently underutilized. The subject lands are supported by appropriate access and municipal services to facilitate the development of employment land uses in support of attracting increased economic activity to the airport lands.

#### **Section 7.3.3.6 Consolidation of Infrastructure**

*Council shall require the consolidation of infrastructure within rights-of-ways.*

All proposed infrastructure to support the development of the surplus airport lands shall be consolidated within the proposed rights-of-ways to help minimize any negative effects on the development pattern quality or the natural environment.

**Section 7.3.3.7 Integrate with Development Pattern**

*Council shall encourage the coordinated planning of future physical service routes, easements and corridors in cooperation with other physical service providers to ensure their integration within the established or anticipated pattern of development.*

The development of the subject lands will require the coordinated planning of all services and service-related infrastructure through the integration of a thoughtful development pattern. The development pattern of the subject lands will be in keeping with the goals and objectives of the employment land uses, will be provided with full municipal services and emergency services, and will be feasible having regard for the Official Plan and other relevant legislation and guidelines.

**Section 7.3.4.3 Implement Measures**

*Council shall provide for the implementation of preventative measures that reduce demands on the sewerage system by:*

- (a) Promoting the disconnection of roof drainage systems, weeping tiles, where appropriate, and other sources of inflow or infiltration into the sewerage system;*
- (b) Requiring that new development be constructed with devices to assist in the prevention of potential surcharging and basement flooding;*
- (c) Separating road drainage from combined systems and directing road drainage to new storm sewers or storm relief sewers; and*
- (d) Other measures as may be appropriate.*

Development occurring within the subject lands will consider the implementation of preventative measures to reduce demands on the municipal sewerage system. Consideration of the above criteria will be determined at the detailed design stage of individual development proposals.

**Section 7.3.4.6 Stormwater Management for Proposed Development**

*Council, in consultation with appropriate public agencies may require a proponent of development to submit studies of stormwater runoff and its impact on the water quality and quantity of receiving watercourse based on the Ministry of Environment's current provincial guideline manual for stormwater management design.*

Development occurring within the subject lands will include facilities to address stormwater runoff and any impacts on the water quality of receiving watercourses. These studies will be forthcoming as individual development proposals are brought forth. All studies will be required to adhere to the Ministry of Environment's current guidelines.

#### **Section 7.3.4.7 Development Proposals**

*Council shall require proponents of development that require stormwater management systems to:*

- (a) Use stormwater management measures to manage the storage and controlled flow of water to receiving watercourses;*
- (b) Use stormwater management measures which prevent siltation and erosion and do not negatively impact the water quality of receiving watercourses;*
- (c) Consider, where appropriate, enhancing the vegetation, wildlife habitats and corridors in and along the stormwater management system and the receiving watercourse; and*
- (d) Consider, where appropriate, providing public access to and along the stormwater management system and receiving watercourses for recreation.*

The proposed development will include systems to manage stormwater runoff and prevent negative impacts on the water quality of receiving watercourses, as determined through the required technical reports. The subject lands are currently assessed to the existing Rivard Drain, which flows east into the Little River Drain and is then conveyed into the Detroit River. A Functional Servicing Report has been completed by Dillon Consulting Limited (2023) outlining the proposed stormwater management servicing. It is noted that there is also ongoing work with the Sandwich South Master Servicing Plan to determine a comprehensive stormwater management solution for the Sandwich South Planning District. All stormwater management solutions relating to the development of the subject lands shall consider the above noted criteria as outlined in the Official Plan.

#### **Section 7.3.4.8 Best Available Methods**

*Council, in consultation with appropriate public agencies shall require proponents of development to employ the best available methods in the planning, construction and eventual use of storm water management systems.*

The proposed development will employ the best available methods in the planning, construction and eventual use of the stormwater management systems to support the proposed employment uses on the subject lands, as determined through the required technical reports.

### **Section 7.3.6.6 Major Water Users**

*Council shall encourage uses requiring large volumes of water to:*

*(a) Locate in areas of Windsor where there is sufficient capacity in the water distribution network to accommodate such uses; and*

The subject lands are not currently connected to a municipal watermain service. A Functional Servicing Report has been completed by Dillon Consulting Limited (2023) outlining the proposed servicing of the subject lands. The report determined that the adjacent services have been found to be sufficient for the proposed development of the subject lands. The design of the proposed internal services will be finalized during detailed design. Pressure testing of the existing watermain on County Road 42 may be required to confirm that there is sufficient pressure / flow.

### **Section 8.2.2.5 Gateways**

*Council will promote gateways at the major entry points into Windsor identified on Schedule G: Civic Image and at other strategic locations within Windsor as appropriate. Such gateways will be designed to:*

*(a) provide a sense of welcome and arrival;*

*(b) assist in orientation;*

*(c) create a memorable image; and*

*(d) contribute to the social, cultural, historic or thematic character of the area being defined.*

A Gateway is identified just west of the subject lands at the Walker Road and County Road 42 intersection. The subject lands are conveniently located nearby to a major entry point into the City and will contribute to the sense of arrival as it relates to employment uses. Lauzon Road is also planned to extend to Highway 401 and may provide the potential for another gateway opportunity into the City. In this case, the subject lands would be located directly between two gateways and will contribute to the character of the Sandwich South Planning District and Windsor International Airport as a primary business gateway and major logistics cluster. The Windsor International Airport also functions as a major gateway into the City and will provide convenient access to the subject lands for the movement of both people and goods. The development of the subject lands for a range and mix of employment uses will create a memorable image for those entering the City as this investment is demonstrative of Windsor's heritage as a manufacturing hub and representative of the future of industry within the City including investments to the service sector and a more light and advanced manufacturing in a knowledge based economy.

### **Section 8.2.2.7 Development or Infrastructure Evaluation**

*Council will ensure that a proposed development or infrastructure undertaking enhances the image of Windsor, its districts and/or its neighbourhoods by complementing and contributing to:*

- (a) the activity of the area together with the character, scale, appearance and design features of existing buildings (Added by OPA #66–11/05/07-B/L209-2007)*
- (b) the landmarks in the area;*
- (c) the consistency and continuity of the area with its surroundings;*
- (d) the edges of the area;*
- (e) linkages within, to and from the area; and*
- (f) sustainable design and maintenance. (Added by OPA #66–11/05/07-B/L209-2007).*

The development of the surplus airport lands will enhance the image of Windsor by contributing to the overall development activity expected to occur in the area. The subject lands are located within the Regional Employment Centre and adjacent to the Regional Institutional Centre. These areas are planned as community nodes and will function as destination points within the City. With the Windsor International Airport acting as a hub, and a strong transportation network, the subject lands have the potential to develop as a primary business gateway and a major logistics cluster for International business. The development of the subject lands for employment uses will define the edge of the County Road 42 Planning Area and the Sandwich South Planning District. Linkage between the proposed employment lands and other areas of industry and major business routes is provided through the existing transportation network including E.C Row Expressway and Provincial Highways 401 and 3.

#### **Section 8.3.2.2 Pedestrian Scale**

*Council will encourage buildings and spaces that establish a pedestrian scale by promoting:*

- (a) the placement of continuous horizontal features on the first two storeys adjacent to the road;*
- (b) the repetition of landscaping elements, such as trees, shrubs or paving modules; and*
- (c) the use of familiar sized architectural elements such as doorways and windows.*

Given the size and scale of the proposed development of the surplus airport lands, it is important to maintain a comfortable pedestrian environment. Development on the subject lands will consider the pedestrian scale by implementing horizontal features adjacent to the road such as windows and other architectural elements. Development designs should also consider pedestrian access to each individual site and the complete pedestrian network. The appropriate use of trees and other landscaping elements should be emphasized to maintain the pedestrian scale and elevate the attractiveness of the employment lands.

#### **Section 8.12.2.3 Civic Responsibility**

*Council will promote designs which provide a sense of public ownership and civic responsibility by:*

- (a) reinforcing existing natural surveillance and access control strategies with additional symbolic or social cues such as signs or barriers;*

- (b) *minimizing the creation of ambiguous spaces;*
- (c) *allowing for the continued use of the space in keeping with its intended purpose; and*
- (d) *ensuring that the lighting of the area is appropriate for its intended use.*

The development pattern of the subject lands shall make use of access control strategies and signs or barriers to ensure safety for both vehicular and pedestrian traffic. The development pattern shall be clearly delineated using design measures to ensure that spaces are used with purpose and intention. The subject lands shall be appropriately lit and will need to ensure that there is a comprehensive development plan for providing lighting to both public and private spaces.

#### **Section 8.12.2.4 Emergency Access**

*Council shall promote the design of circulation systems which ensure prompt access to adjacent buildings and properties for effective emergency services.*

The subject lands shall be planned to provide safe and efficient emergency access to all areas. Individual development proposals will consider site layout design as it relates to the adjacent development proposals. Given the high-density employment use proposed and the location adjacent next to a major facility it is critical that emergency access be a priority as the subject lands develop.

#### **Section 8.13.2.1 Transportation System**

*Council will promote lighting that improves safe movement along the transportation system.*

Any transportation networks or facilities proposed on the subject lands will provide adequate lighting to facilitate the safe movement of goods and people and allow for safe access to the proposed employment uses during all hours of operation.

#### **Section 9.3.2.1 Archeological Master Plan**

*(a) Maintaining and updating the inventory of registered archaeological sites or lands of archaeological potential, as identified in the Windsor Archaeological Master Plan and Schedule 'C-1': Development Constraint Areas – Archaeological Potential; (added by OPA 55 – 07/24/2006).*

The subject lands are identified on *Schedule C-1: Development Constraint Areas – Archaeological Potential* as containing High Potential throughout the site. At the time of this report, a Stage 1 Archaeological Assessment has been undertaken for the entirety of the subject lands and recommends a Stage 2 be undertaken for all the lands.

#### **Section 11.6.3.1 Zoning By-law Amendments Must Conform**

*All amendments to the Zoning By-law(s) shall conform with this Plan. The Municipality will, on each occasion of approval of a change to the zoning by-law(s), specify that conformity with the Official Plan*

*is maintained or that the change will be in conformity upon the coming into effect of an amendment to the Official Plan.*

The proposed Zoning By-law Amendment for the subject lands to be zoned similar to the Manufacturing District 1.4 (MD1.4) and Manufacturing District 2.2 (MD2.2) categories will be in conformity with the Official Plan Business Park and Industrial land use designations, subject to the proposed amendment to the Official Plan receiving approval from Council. The final configuration of the zoning category boundaries is to be determined.

#### 4.2.2 Policy Analysis Conclusions

Based on this analysis, we are of the opinion that the proposed development of the surplus airport lands for a range and mix of employment uses conforming with the Airport, Industrial, and Business Park land use designations conforms with and is supported by the above Official Plan policies – as proposed to be amended. The portion of the subject lands designated as Airport and Industrial are to remain as currently designated. The OPA to redesignate the portion of the subject lands designated as Future Employment Area to an Industrial or Business Park land use designation is intended to meet the objectives and align with the policies of the applicable designation. The final configuration of the land use designation boundaries is to be determined. There are a number of goals, objectives, and policies in the Official Plan that support economic investment and growth of the employment sector. The proposed employment land uses are aligned with the economic investment and growth goals of the Sandwich South Planning District and City of Windsor.

The Official Plan policies are included in **Appendix B – City of Windsor Official Plan Policies**.

#### 4.3 City of Windsor Zoning By-law

The City of Windsor Zoning By-law 8600 implements the policies of the City of Windsor Official Plan by regulating built form and land uses throughout Windsor.

The subject lands have multiple zoning categories including Manufacturing District 2.2 (MD2.2) in the City of Windsor Zoning By-law 8600 and Institutional (I) in the Sandwich South Zoning By-law 85-18. The current zoning categories do not permit the development of employment uses on the entirety of the proposed subject lands. The proposed Zoning By-law Amendment (ZBA) to repeal the zoning category under the Sandwich South Zoning By-law 85-18 and to amend the zoning category under the City of Windsor's Zoning By-law 8600 will be brought forward to the City Council for consideration. The proposed rezoning is for the subject lands to be zoned similarly to the Manufacturing District 1.4 (MD1.4) and Manufacturing District 2.2 (MD2.2) categories. The final configuration of the zoning category boundaries is to be determined. The proposed ZBA will facilitate the availability of a large area of land suitable for the development of employment land uses in the City of Windsor.



Further to the provisions outlined in the City of Windsor Zoning By-law 8600, registered zoning is currently in place for the Windsor International Airport. The registered zoning is entitled *Windsor Airport Zoning Regulations* and are pursuant to Section 5.4 of the Aeronautics Act of Canada. The zoning regulations found within this section include the following:

- Preventing lands adjacent to or in the vicinity of an Airport site from being used or developed in a manner that is incompatible with the safe operation of an aerodrome or aircraft; and
- Preventing land uses that would cause interference with signals or communications to and from aircraft from locating adjacent to or in the vicinity of equipment of facilities used to provide services relating to aeronautics.

Further, protective regulations are established around certain Airport facilities, components, and stations to protect the safety and security of aircraft operations. These requirements include physical zoning around the Airport, including off-Airport lands, electronic zoning, and noise projections. TP 312 (Transport Canada’s Aerodrome Standards and Recommended Practices) and TP 1247 (Land Use in the Vicinity of Aerodromes) identify the relevant zoning criteria in detail.

A copy of the permitted uses and regulations under the Manufacturing District 1.4 (MD1.4) and Manufacturing District 2.2 (MD2.2) zone are included in **Appendix C – City of Windsor Zoning By-law Policies**.

Further consideration will be given at the Site Plan Control stage to ensure design details are considered and the proposed use is compatible.

#### 4.4 Other Legislation

In addition to fulfilling the requirements under the Planning Act, approval may be required under the following legislation:

- Windsor International Airport Master Plan (2010);
- Windsor Airport Zoning Regulations;
- Transport Canada – Aerodrome Standards and Recommended Practices (TP312);
- Transport Canada – Aviation: Land Use in Vicinity of Aerodromes (TP1247); and
- Compliance with D6 Guidelines.

##### 4.4.1 Windsor International Airport Master Plan (2010)

The Windsor International Airport Master Plan is the overall planning document used to guide development of the Airport and assist the City and private sector in making land use decisions involving the surrounding lands. The Master Plan is to be used to facilitate long range planning and development on the lands surrounding the airport in an effort to support the City’s investment in the airport and stimulate cost effective development.

The Master Plan identified approximately 250 hectares of land on the Windsor International Airport property which are currently designated as “Future Employment Area” in the City of Windsor Official Plan. The report recommends that these lands are suitable for future development and should be redesignated to accommodate the development of employment uses. The land on the airport property is appropriate for a range of employment uses including airport and non-airport related uses, with recommendations for potential synergies to be developed between the proposed uses on the airport property and local industry.

The Master Plan includes a recommended Land Use Plan to address short-, medium- and long-term development potential of the airport lands. The intent of the Land Use Plan is to provide maximum flexibility in the use of the airport lands to allow for event-driven development that reacts to the evolving employment needs of the City. A key objective of the Land Use Plan is to ensure that any future development is compatible and safe with all airport related operations and that development occurs in a logical and efficient manner.

Majority of the subject lands are designated as Employment Lands in the recommended Land Use Plan. These lands are intended for airport and non-airport uses, either private or public, which do not require direct airside access and are accessible to the general public. A portion of the subject lands, west of the Concession Road 8 extension, are designated as Airport Employment. Airside Employment includes general aviation facilities and aviation support functions on land requiring airside access and are not accessible to the general public. While these lands are generally intended for employment uses requiring airside access, the City of Windsor Official Plan does allow for uses permitted in Employment Areas, provided that they do not conflict with aircraft operations, to be developed on lands designed as Airport / Airside Employment.

The overall intent of developing the surplus airport lands is to create a primary business gateway with the potential to serve as a major multi-modal hub and logistics cluster. The proposed Official Plan and Zoning By-law Amendments are intended to facilitate the goal of attracting economic activity to the airport lands by providing additional lands available for development with the appropriate access and municipal services.

***Appendix D – Windsor International Airport Master Plan (2010).***

#### 4.4.2 Windsor Airport Zoning Regulations

The Windsor Airport Zoning Regulations provide further guidance on development on and in the vicinity of airport lands. The zoning regulations include regulations to prevent development that is incompatible with the operation of the airport, the safe operation of an aircraft, and the operation of signals and communications to and from aircraft or to and from airport facilities. The zoning regulations apply to all the lands, including public road allowances, adjacent to or in the vicinity of an airport; the specific lands are described in Part II of the Windsor Airport Zoning Regulations. Any new development should consult

the zoning regulations to ensure compatibility.

***Appendix E – Windsor Airport Zoning Regulations.***

**4.4.3 Transport Canada – Aerodrome Standards and Recommended Practices (TP 312)**

The Aerodrome Standards and Recommended Practices (TP 312) serves as the authoritative document for airport specifications, including physical characteristics, obstacle limitation surfaces, lighting, markers, marking and signs. The standards outlined in TP 312 are considered to have a direct impact on the safety of flight. The recommended practices outlined in TP 312 are considered to effect only operational efficiency. Particular consideration should be given to obstacle limitation surfaces, where the erection of structures which violate any of the defined plane surfaces is prohibited.

The standards and recommended practices included in this document will help guide development of the surplus airport lands to ensure the safe operation of both airport and non-airport activities.

**4.4.4 Transport Canada – Aviation: Land Use in Vicinity of Aerodromes (TP 1247)**

The Aviation: Land Use in Vicinity of Aerodromes serves to assist planners and legislators on planning considerations related to land use in the vicinity of aerodromes. Land use around aerodromes can have significant impacts on safety and can negatively impact the operation viability of the aerodrome. Compatible land use planning should be the focus development on lands in the vicinity of aerodromes. The document includes guidance relating to telecommunications and electric systems, bird hazards and wildlife, aircraft noise, and restrictions to visibility.

***Appendix F – Aviation: Land Use in Vicinity of Aerodromes (TP 1247).***

**4.4.5 D6 Guidelines**

The Ministry of Environment provides guidelines to ensure land use compatibility between employment uses which are adjacent to sensitive land uses. The Guidelines recommend separation distances and other control measures for land use planning proposals to prevent or minimize adverse effects from the encroachment of incompatible land uses where a facility either exists or is proposed. This guideline is intended to be applied in the land use planning process to prevent or minimize future land use problems due to the encroachment of sensitive land uses and industrial land uses on one another. The separation distance should be sufficient to permit the functioning of the two incompatible land uses without an 'adverse effect' occurring. Separation of incompatible land uses should not result in freezing or denying usage of the intervening land. The distance shall be based on a facility's potential influence area or actual influence area if it is known.

Through case studies and past experience, the Ministry has categorized three industrial classifications to prevent or minimize the adverse effect from incompatible land uses. Based on the classifications, the

Ministry provides the potential influence area and recommended minimum in which incompatible development should not normally take place. These guidelines are as follows:

- Class I: 70 metre potential influence area, 20 metre recommended minimum in which incompatible development should not normally take place;
- Class II: 300 metre potential influence area, 70 metre recommended minimum in which incompatible development should not normally take place; and
- Class III: 1000 metre potential influence area, 300 metre recommended minimum in which incompatible development should not normally take place.

The conceptual development for the subject area designates lands for Industrial and Business Park development. Additionally, a hospital has been planned to be developed adjacent to the subject area. With potential for future conflicts in land use, the D6 guidelines will be referenced to relieve the conflicting land uses. This includes the recommended 300 metre minimum buffer for Class III industrial use (refer to **Figure 2.0 – Proposed Conceptual Development Plan**). Future development proponents will be further considered under the D6 Guidelines to prevent incompatible development.

**Appendix G – D6 Guidelines.**

## 5.0

## Additional Studies

To facilitate the establishment of the proposed land use, there are a number of additional supporting studies required to address specific details associated with the servicing and upgrading of infrastructure in the general area. The following technical reports are presently underway:

- Functional Servicing Report;
- Stormwater Management Memorandum;
- Spices at Risk (SAR) Considerations Memorandum;
- Traffic Impact Memorandum; and
- Archaeological Stage 1 Assessment.

During Site Plan Control Approval additional studies may be requested to ensure compatibility with the surrounding land uses.

## 6.0 Justification Overview

In Ontario, municipalities are required under Section 3 of the *Planning Act* to ensure that planning matters and decisions are consistent with the Provincial Policy Statement (PPS). The Provincial Policy Statement includes policies designed to build strong and healthy communities and are intended to direct efficient and resilient development and land use patterns. According to the PPS, healthy, livable and safe communities are sustained by: promoting efficient development and land use patterns, accommodating a range and mix of housing, avoiding development and land use patterns which cause environmental or public health and safety concerns, and promote cost effective development patterns to minimize land consumption and servicing costs (PPS, 1.1.1 (a)(b)(c)(e)).

The proposed employment land uses are supported by the proposed Zoning By-law Amendment and Official Plan Amendment. The development of the subject lands is intended to be compatible with airport operations and the existing and planned surrounding land uses. The proposed employment land uses will provide significant employment opportunities within the Sandwich South Planning District to accommodate the project needs of the City. Further, the proposed development will lend to the efficient use of nearby major roads and highways for a land use that is freight-intensive.

### 6.1.1 Location

With respect to settlement areas, the PPS recognizes that the vitality of these areas is critical to the long-term economic prosperity of communities. According to the PPS, settlement areas should be the focus of growth and development and that their regeneration shall be promoted (PPS, 1.1.3.1). The subject lands are fully within the settlement area boundary of Windsor and are to be the focus of substantial development.

The subject lands are surrounded by Industrial, Business Park, Airport, and Future Employment Area designated lands. The Industrial lands to the far north of the subject lands have been developed for a mix of employment uses such as freight and cargo facilities, manufacturing, and warehousing. Approximately 105 hectares (260 ac.) of lands directly north of the subject lands are currently occupied by the Windsor Solar energy project. The Business Park lands at the southwest intersection of County Road 42 and Eight Concession Road are currently developed and include uses such as storage facilities, truck serve centres, and contractor's offices. The lands south of County Road 42 remain undeveloped and largely vacant. These lands are subject to the County Road 42 Secondary Plan and are intended to be developed as an Urban Area.

The proposed Business Park and Industrial land uses are not intended to jeopardize the orderly planning and development of the subject lands or the greater Sandwich South Planning Area. The subject lands are located in an area that has historically been intended for employment land uses and are currently designated as Future Employment Area. As previously noted, a portion of the subject lands along County

Road 42 were previously subject to a City-initiated Official Plan and Zoning By-law Amendment to redesignate the lands as Industrial given the need for additional employment lands in Windsor. The proposed Official Plan and Zoning By-law Amendments to bring the entirety of the subject lands under the Business Park / Industrial designation is consistent with the development objectives of the area and the City.

The subject lands are suitably located to support the development of large-scale employment land uses given the existing multi-modal transportation infrastructure (PPS, 1.6.7). The subject lands have access to air, road, rail, and port networks to facilitate the movement of goods and people. Directly adjacent to the subject lands is the Windsor International Airport. Just north of the subject lands, abutting the airport property, is the Canadian Pacific (CP) Railway and the CP Railway's Windsor Subdivision. The CP Railway Windsor Subdivision has direct access to the CP's international rail tunnel for rail cargo traffic. The airport lands also abut the Canadian National (CN) Railway's Pelton Spur line along the west property line, providing a rail link between the CP and CN rail lines including the Essex Terminal Railway further to the north. The Port of Windsor provides a connection to sea and Great Lakes shipping lanes. Access to the Port of Windsor is currently possible by road with potential access via rail pending improvements to the existing rail facilities. The surrounding road network including County Road 42, Lauzon Parkway, Walker Road, E.C. Row Expressway, and Highways 401 and 3 will be used efficiently by the proposed development with a number of planned upgrades to accommodate the increased transportation network demand. The subject lands are uniquely located to allow for investment opportunities which require multi-modal and international transportation facilities (PPS, 1.6.7.3).

To the south of the subject lands is the County Road 42 Planning Area. There are a number of land uses proposed within this area including employment, commercial, institutional, and residential. The proposed employment, commercial, and institutional land uses are planned along County Road 42, with the more sensitive residential uses located towards the south of the planning area and away from the subject lands. There are no compatibility issues anticipated as the development of the subject lands includes the less intensive business park land uses along County Road 42. As such, the more intensive industrial uses are intended to be isolated away from the County Road 42 Planning Area. Any potential impacts to the surrounding uses including noise, vibration, and pollution shall be considered as proponents of development come forth and will require mitigation measures.

Given the location and size of the subject lands, there presents a unique opportunity to accommodate the large-scale employment uses for both business park and industrial uses. There are no other locations within the City that would be able to accommodate the scale and size of development desired to accommodate the employment needs of the City of Windsor.

### 6.1.2 Land Use

The proposed land use pattern, along with infrastructure and municipal servicing, will promote development that will sustain the financial well-being of the Province and municipalities (PPS, 1.1.1).

The proposed employment use development on the subject lands will minimize and mitigate any potential adverse effects stemming from operations at the facilities, minimizing any risk to public health and safety while maintaining the long-term economic viability of the employment use development (PPS, 1.3.2.2). The development of the subject lands will include the appropriate transition and separation from the nearby non-employment uses to ensure compatibility with any nearby sensitive land uses (PPS, 1.3.2.3 & OP, 6.4).

The subject lands are currently split designated as designated as Airport, Industrial, and Future Employment Area in the City of Windsor Official Plan. The proposed Official Plan Amendment will maintain the Airport and Industrial designations, while redesignating the Future Employment Area to a split Business Park and Industrial designation. The proposed employment land uses, including Business Park and Industrial, are compatible with existing and planned land uses in the surrounding area. The subject lands are capable of supporting the suggested employment land uses in accordance with the Official Plan policies. At present, much of the surrounding lands remain vacant although they are designated as Future Employment Area and Future Urban Area. Given the proposed employment land uses, separation from any existing and planned sensitive uses will be pertinent to maintain as this area in the City of Windsor develops.

The proposed Business Park and Industrial land use designations are intended to accommodate a range of employment uses based on the operational characteristics and scale of the use (OP, 6.2, 6.4.3 & 6.4.4). The Zoning By-law Amendment proposes to rezone the subject lands to zones similar to the Manufacturing District 1.4 (MD1.4) and Manufacturing District 2.2 (MD2.2) categories. The proposed development of the subject lands will be appropriately clustered within other nearby employment land uses with adequate separation or buffers from sensitive land uses (PPS, 1.2.6).

### 6.1.3 Economic Prosperity

The PPS speaks to providing for an appropriate mix and range of employment uses to meet long-term needs (PPS, 1.3.1a). The proposed development of the subject lands will provide for an employment use on the lands proposed to be designated Business Park and Industrial.

The proposed development provides an opportunity for economic development on the subject lands and is a means to expand Windsor's employment base (OP, 3.2.2, 6.1). The subject lands are located adjacent to other existing and planned employment uses which contribute to the use of the land as an active, compatible employment landscape. The configuration of the subject lands will accommodate the need for larger-scale employment uses in the City to assist in meeting long-term economic development needs (PPS, 1.1.1 & 1.7.1).

Being located in close proximity to transportation infrastructure, the subject lands are a strategic site for economic investment that will support the current and projected needs of employment uses (PPS, 1.3.1). The employment land use development represents an opportunity for significant job creation for



the City of Windsor and residents within the County of Essex (OP, 4.2.6).

#### 6.1.4 Infrastructure

The PPS encourages development that promotes a dense land use pattern which minimizes the length and number of vehicle trips, and encourages the use of transit and active transportation methods (PPS, 1.6.7.4 & 1.8.1 (b)). The subject lands are well serviced by the existing multi-modal transportation system and are transit supportive as the intensification of the subject lands will promote the expansion of transit services to the Sandwich South Planning Area (OP, 7.2.5.2). The close proximity to the existing road network, such as E.C. Row Expressway and Highways 401 and 3, will help to reduce the length of trips taken by both passenger and freight vehicles from the subject lands and may facilitate the use of other means of travel to and from the area (OP, 7.2.2).

Due to the operational characteristics of the proposed employment land uses at a large scale, the surrounding road network will be efficiently used to support the anticipated frequent movement of goods (PPS, 1.6.7.2). Any future infrastructure upgrades will be carried out in a manner to optimize the continued use of the roadways to support any increased demand on the transportation network (PPS, 1.6.3). The existing roadway network in proximity or with direct access to the subject lands are appropriately classified through the Official Plan to support the proposed development and anticipated traffic volumes associated with the large-scale manufacturing facility (OP, 7.2.6). All statements regarding the capacity of infrastructure to support the proposed development will be confirmed once the necessary technical reports are completed.

The proposed development makes efficient use of the existing municipal services, including water and sanitary sewers (OP, 7.3.3 & 7.3.2). The subject lands will be supported by stormwater management facilities, which will be determined through the Site Plan Control Application process (OP, 7.3.4). In addition, the proposed development will incorporate appropriate waste facilities and have adequate access to all other necessary utilities for operations at the facility (OP, 7.3.5 & 7.3.6). All statements regarding the capacity of infrastructure and necessary facilities to support the proposed development will be confirmed once the required technical reports are completed.

Given the close proximity to a major transportation route (E C. Row Expressway), along with the integration of this transportation route with adjacent systems (Highway 401) and in other jurisdictions, the proposed development is appropriately located and supports the movement of goods and people (PPS, 1.7.1 & OP, 7.2.6). A Traffic Impact Study will be completed to the satisfaction of the City of Windsor to ensure that safe efficient vehicular access is provided as well as appropriate connections to the wider transportation network.

### 6.1.5 Sustainability

The proposed land use and development promotes energy conservation and efficiency as the freight-intensive use will be well-served by the existing transportation network and connections to major highways (PPS, 1.8.1). Future development of the subject lands will be able to take advantage of the area's strong transportation connections as the lands are located in a high-profile area adjacent to major facilities and corridors. The proposed employment uses will be well serviced by the nearby Provincial Highways 401 and 3, the future improved County Road 42 and Lauzon Parkway, the Windsor International Airport, and the Canadian Pacific Railway. The existing supportive transportation network provides an opportunity for energy conservation and efficiency, improved air quality, and reduced greenhouse gas emissions. The development contributes to sustainability as it promotes a compact form and creation of corridors through the continuation of an employment use in an area that contains a variety of employment uses (PPS 1.8.1(a) & OP, 3.2.3).

## 7.0

## Conclusions

Based on an extensive review of the technical planning and policy related issues, the proposed Official Plan and Zoning By-law Amendments to facilitate the preparation of lands available for employment uses are appropriate for the subject lands and consistent with good planning principles. We recommend that the City Official Plan and Zoning By-Law Amendments applications, as submitted, be approved for the following reasons:

1. The proposed development is consistent with the Provincial Policy Statement;
2. The proposed development conforms with the policies of the City of Windsor Official Plan as recommended for amendment;
3. The proposed development can be compatible with the surrounding land uses in the surrounding area, which is to be confirmed once all technical reports are completed;
4. The proposed Official Plan Amendment for the subject lands will establish a mix of Business Park and Industrial designations which will support the City's goal of attracting economic development opportunities and expanding the employment base;
5. The proposed Zoning By-law Amendment will implement zoning districts similar to the Manufacturing District 1.4 (MD1.4) and Manufacturing District 2.2 (MD2.2) categories. The final configuration of the zoning category boundaries is to be determined;
6. The proposed development of the subject lands will utilize existing and planned municipal infrastructure. The subject lands location near major transportation routes and international borders makes it an ideal hub for business opportunities as the movement of goods and supply chain efficiencies are enhanced;
7. The proposed development may contribute to economic diversification by attracting businesses and industries. The subject lands are located just a few kilometers from the Canada-US border to facilitate cross-border trade and business travel;
8. The subject lands are located near the Windsor-Detroit metropolitan area which provides convenient access to a large population base, making it an attractive location for businesses;
9. The proposed development provides the opportunity for synergistic development with the surrounding land uses and the existing airport uses; and
10. The proposed Official Plan and Zoning By-law Amendments represent "good" planning.

Karl Tanner, MCIP RPP

## APPENDIX C – CONSULTATION

### ENBRIDGE

After reviewing the provided drawing at the Airport Lands 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

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



## **MICHAEL COSTE – WINDSOR FIRE**

Fire Route into the area. Hydrants. Distances to primary entrances. Fire Route 6m Wide

## **ANNE MARIE ALBIDONE – ENVIROMENTAL SERVICES**

No concerns from Environmental Services.

## **JASON SCOTT - TRANSIT WINDSOR**

Transit Windsor has no objections to this development. There are currently no existing transit services in this area that are within 400 metres of the sites. Our City Council approved Transit Master Plan had this area being serviced by 4 new routes. Two of those routes were extensions to existing routes, and the other two were new routes, one being an express and the other being a new local route. This area was also planned to be an on demand area as part of the Transit Master Plan. The Sandwich South Master Servicing Plan also calls for another 4 new routes to service this area with development of those lands. All of these new routes would be subject to City Council budget approval.

## **ALICIA GOOD – ERCA**

The City of Windsor is proposing Official Plan Amendment OPA 177 and Zoning By-Law Amendment Z- 027-23 to permit employment uses on 187.74 ha of land located within the vicinity of the Windsor International Airport. Our office understands that the application requests a change to Official Plan Schedule D: Land Use from 'Future Employment Area', 'Airport', and 'Open Space' to 'Industrial' and 'Business Park.'

The application also requests removal of the subject lands from Zoning By-law 85-18, which are currently zoned Institutional (I) and the amendment of Zoning By-law 8600 to apply a Manufacturing District 2.2 (MD2.2) and Manufacturing District 1.4 (MD1.4) to Phase 1 and H-Manufacturing District 2.2 (HMD2.2) to Phase 2.

Our office understands that the requested amendments would permit a wide range of employment uses. The proposed amendments would also establish a special policy area to address development constraints related to airport operations.

The following is provided as a result of our review of Application for Official Plan Amendment OPA 177 & Z-027-23.

### **NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES UNDER THE CONSERVATION AUTHORITIES ACT, O. REG 686/21, PPS**

The following comments reflect ERCA's role in protecting people and property from the threats of natural hazards and regulating development hazards lands under Section 28 of the *Conservation Authorities Act*.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Lappan Drain, McGill Drain, Rivard Drain AND North Townline Drain.

The property owner will be required to obtain an approval from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

#### FINAL RECOMMENDATION

Our office has no objection to OPA 177 and Z-027-23. Please continue to circulate our office regarding developments proposed for these lands, as we may have further comments to offer at the time of application for Site Plan Control.

If you have any questions or require any additional information, please contact the undersigned.

#### **BUILDING – MUSTAPHA MOUSLMANI**

The Building Code Act, Section 8.(1) requires that a building permit be issued by the Chief Building Official for construction or demolition of a building. The building permit review process occurs after a development application receives approval and once a building permit application has been submitted to the Building Department and deemed a complete application.

Due to the limited Ontario Building Code related information received, review of the proposed project for compliance to the Ontario Building Code has not yet been conducted. It is strongly recommended that the owner and/or applicant contact the Building Department to determine building permit needs for the proposed project prior to building permit submission.

**In addition to the above please note:** A Record of Site Condition will be required if the proposed land use changes to a more sensitive land use (for example: changing from an existing industrial or commercial use to a residential use).

The City of Windsor Building Department can be reached by phoning 519-255-6267 or, through email at [buildingdept@citywindsor.ca](mailto:buildingdept@citywindsor.ca)

#### **ENWIN**

HYDRO ENGINEERING:

No Objection, this particular area is not serviced (HYDRO) by ENWIN Utilities Ltd.. I would suggest contacting Hydro One for comments.

WATER ENGINEERING:

Water Engineering has no objections.

#### **SITE PLAN CONTROL**

Site Plan to be determined as per any future development proposals, pursuant to the Planning Act and City of Windsor By-law 1-2004.

#### **CANADA POST – BRUNO DESANDO**

Thank you for contacting Canada Post regarding plans for a new development in the City of Windsor. Please see Canada Post's feedback regarding the proposal, below.

#### **Service type and location**

1. Canada Post will provide mail delivery service to the development through centralized Community Mail Boxes (CMBs).
2. If the development includes plans for (a) multi-unit building(s) with a common indoor entrance, the developer must supply, install and maintain the mail delivery equipment within these buildings to Canada Post's specifications.

### **Municipal requirements**

1. Please update our office if the project description changes so that we may determine the impact (if any).
2. Should this development application be approved, please provide notification of the new civic addresses as soon as possible.

### **Developer timeline and installation**

1. Please provide Canada Post with the excavation date for the first foundation/first phase as well as the date development work is scheduled to begin. Finally, please provide the expected installation date(s) for the CMB(s).

**Please see Appendix A for any additional requirements for this developer.**

### **Appendix A**

#### **Additional Developer Requirements:**

- *The developer will consult with Canada Post to determine suitable permanent locations for the Community Mail Boxes. The developer will then indicate these locations on the appropriate servicing plans.*
- *The developer agrees, prior to offering any units for sale, to display a map on the wall of the sales office in a place readily accessible to potential homeowners that indicates the location of all Community Mail Boxes within the development, as approved by Canada Post.*
- *The developer agrees to include in all offers of purchase and sale a statement which advises the purchaser that mail will be delivered via Community Mail Box. The developer also agrees to note the locations of all Community Mail Boxes within the development, and to notify affected homeowners of any established easements granted to Canada Post to permit access to the Community Mail Box.*
- *The developer will provide a suitable and safe temporary site for a Community Mail Box until curbs, sidewalks and final grading are completed at the permanent Community Mail Box locations. Canada Post will provide mail delivery to new residents as soon as the homes are occupied.*
- *The developer agrees to provide the following for each Community Mail Box site and to include these requirements on the appropriate servicing plans:*
  - Any required walkway across the boulevard, per municipal standards*
  - Any required curb depressions for wheelchair access, with an opening of at least two metres (consult Canada Post for detailed specifications)*
  - A Community Mailbox concrete base pad per Canada Post specifications*

### **BARBARA LAMOURE – ENVIRONMENTAL SUSTAINABILITY**

Liaison Z 027/23 & OPA 177 - CoW - 3200 & 0 COUNTY RD 42 & 0 JEFFERSON BLVD seeks to amend the Official Plan from Future Employment Area to Industrial or Business Park as well as amending Zoning By-laws 85-18 and 8600 to Manufacturing District (MD1.4 and MD2.2).

Currently, the Official Plan under Schedule B highlights this area as a community and regional park(land) with natural heritage blocks. The Official Plan also includes a number of objectives that speak to the importance of maintaining natural heritage features and greenspace including: Objective 5.3.1.2 which aims to protect, conserve and improve the quality and quantity of Windsor's natural features and functions and Objective 6.1.9 which aims to protect and conserve environmentally significant and sensitive natural heritage features and functions.

Official Plan and Zoning By-law amendments should ensure that development is compatible with environmental functions and features as per Objective 5.1.4 of the City's Official Plan.

The ESCC team strongly recommends that the woodlots located in this area continue to be protected and that the extension of the 9<sup>th</sup> Concession Rd does impact the buffer setback of the woodlot and an appropriate buffer zone around the woodlots shall be preserved.

We recommend that a natural and recreational linkage across Site D is created and maintained between the woodlots as such meeting objective 5.3.1.7 in the Official Plan. Linkages are essential for species movement and integral to maintaining biodiversity. In the aerial photo, an agricultural drain is visible. We encourage this drain to remain as a natural corridor or that a corridor of undeveloped land (green space) be created along "Street 'A'" at a minimum to minimize fragmentation of the woodlot benefits.

Greenspaces provide many benefits including: flood mitigation, improved air quality, preservation of biodiversity, human health benefits and more. Opportunities exist to allow for the creation of the Industrial/Business Park while protecting and enhancing the greenspace currently located in this area.

## **KRISTINA TANG - HERITAGE**

The subject property is located within an area of high archaeological potential. A Stage 1 archaeological assessment and any further recommended assessments are required to be entered into the Ontario Public Register of Archaeological Reports to the satisfaction of the City of Windsor and the Ontario Ministry of Citizenship and Multiculturalism, prior to any additional land disturbances. A final copy of these relevant archaeological reports and GIS study area must be submitted to the City of Windsor.

## **ROB PERISSINOTTI – ENGINEERING**

We have reviewed the subject Rezoning application and have the following comments:

### **Sewers**

The site may be serviced by a 1200mm sanitary sewer located within County Rd 42 right-of-way. The current stormwater outlets for this site are the Rivard and McGill municipal drains; ultimately, the stormwater outlet is the future pond P8 as illustrated in the Sandwich South Master Servicing Plan.

This department has completed a review on the functional servicing study provided. Comments from this review can be found in the attached document. Based on the above information, the servicing study is satisfactory to move this application into the next phase, however, additional information and report revisions will be required.

The applicant of any future lot development within the proposed rezoning area will be



required to submit site servicing drawings and storm detention calculations restricting storm water runoff to a level approved by the City Engineer, as per the Windsor Essex Regional Stormwater Management Standards Manual:

<https://essexregionconservation.ca/wp-content/uploads/2018/12/WE-Region-SWMStandards-Manual.pdf>.

#### Right-of-Way

The Lauzon Parkway Improvements Class Environmental Assessment Study identifies transportation infrastructure and property needs along County Road 42 from Walker Road to the east Windsor city limits, which will service the needs and growth of the City and County through a staged program of improvements over the next 20 years. Property acquisitions along County Road 42 are noted in the Lauzon Parkway EA Study Report in Exhibit E-5 and Plates 3 to 6. Land conveyance along the County Road 42 frontage will be in accordance with this study. Any proposed accesses to the site from County Road 42 shall be located in accordance with the Lauzon Parkway EA Study, unless otherwise approved by Transportation Planning, and shall conform to City of Windsor standards.

In summary we have no objection to the proposed development, subject to the following requirements:

ERCA Requirements – The owner further agrees to follow all drainage and flood proofing recommendations of the Essex Region Conservation Authority (ERCA) may have with respect to the subject land, based on final approval will obtain all necessary permits from ERCA with respect to the drainage works on the subject lands.

Land Conveyance – Prior to the issuance of a construction permit, the owner (s) shall agree to gratuitously convey to the Corporation land required as identified in the Lauzon Parkway Improvements Class Environmental Assessment Study, along the entire County Rd 42 frontage.

Servicing Study – The owner agrees, at its own expense, to retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems, satisfactory in content to the City Engineer and prior to the issuance of a construction permit. The study shall review the proposed impact and recommend mitigating measures and implementation of those measures.

If you have any further questions or concerns, please contact Rob Perissinotti, of this department at [rperissinotti@citywindsor.ca](mailto:rperissinotti@citywindsor.ca)

#### **SIDDHARTH DHIMAN - TRANSPORTATION PLANNING**

Based on Engineering timelines for upgrades the CR 42, the road will remain in the current conditions for 5-10 years. There is no room for expansion to include additional lanes until such time that the roundabouts are built at Concession 8 and 9. As such, any TIS must address the following;

1. Existing conditions including all potential background future developments. This study will provide insights into the current traffic patterns and how they may be influenced by forthcoming changes in the area.
2. Recommendations may include whether or not a temporary signal is warranted on CR42 with the existing lane configuration.
3. Show future conditions should include the roundabouts with future volumes.

**AMENDMENT NO. 177**

**TO THE**

**OFFICIAL PLAN**

**CITY OF WINDSOR**

Part D (Details of the Amendment) of the following text, and attached maps of the City of Windsor Official Plan constitute Amendment No. 177.

Also included, but not constituting part of the Amendment, are explanations of Purpose, Location, Background and Implementation of the Amendment, Appendix 1 (Results of Public Involvement).

**A. PURPOSE:**

The purpose of this amendment is to permit employment uses on lands located within the vicinity of the Windsor International Airport. The amendment changes land use designations in Volume 1 of the City of Windsor Official Plan Schedule D - Land Use from 'Future Employment Area', 'Airport', and 'Open Space' to 'Industrial' and 'Business Park'. It also amends Schedules B: Greenway System and Schedule J – Urban Structure Plan to reflect changes to Schedule D.

The amendment also establishes a special policy area in Volume II of the Official Plan to address development constraints related to airport employment lands and compatibility with the County Road 42 Secondary Plan.

**B. LOCATION:**

The amendment applies to the land located on the north side of County Road 42 within the vicinity of the 8th Concession and 9th Concession Roads. The subject site is 196.38 hectares in size and includes portions of 3200 County Road 42, 0 County Road 42, and 0 Jefferson Boulevard (see Figure 1).

**Ward: 9**

**Planning District: Sandwich South**

**ZDM: 7**

**C. BACKGROUND:**

In 1998 ownership of the subject lands was transferred from Transport Canada to the City of Windsor. The transfer included the airport operations area along with a significant area of surplus land. In 2003 the lands and surrounding area were transferred from the Town of Tecumseh to the City of Windsor.

In 2007, Council approved Official Plan Amendment # 60, which incorporated this area into the City of Windsor Official Plan. The airport operating area was designated 'Airport' on Schedule D - Land Use and the majority of the surplus lands were designated as 'Future Employment Area'. Three woodlots were designated 'Natural Heritage' and the land surrounding the woodlots was designated 'Open Space'.

The City of Windsor has initiated amendments to the Official Plan to permit employment uses on the subject lands. The application requests a change to Official Plan Schedule D: Land Use from 'Future Employment Area,' 'Airport,' and 'Open Space' to 'Industrial' and 'Business Park'. It is important to note that the 'Natural Heritage' designation of the Provincially Significant Wetland, as identified on Schedule D: Lands Use will remain unchanged.

Schedule A: Planning Districts and Special Policy Areas is also amended to identify the subject lands as a special policy area. Special policies are added to Volume II of the City of Windsor Official Plan to address development constraints and requirements related to airport operations (e.g. building and structure height limits, stormwater management requirements for dry ponds, requirements from Nav Canada, etc.). The special policies also address compatibility with the County Road 42 Secondary Plan.

**D. DETAILS OF THE AMENDMENT:**

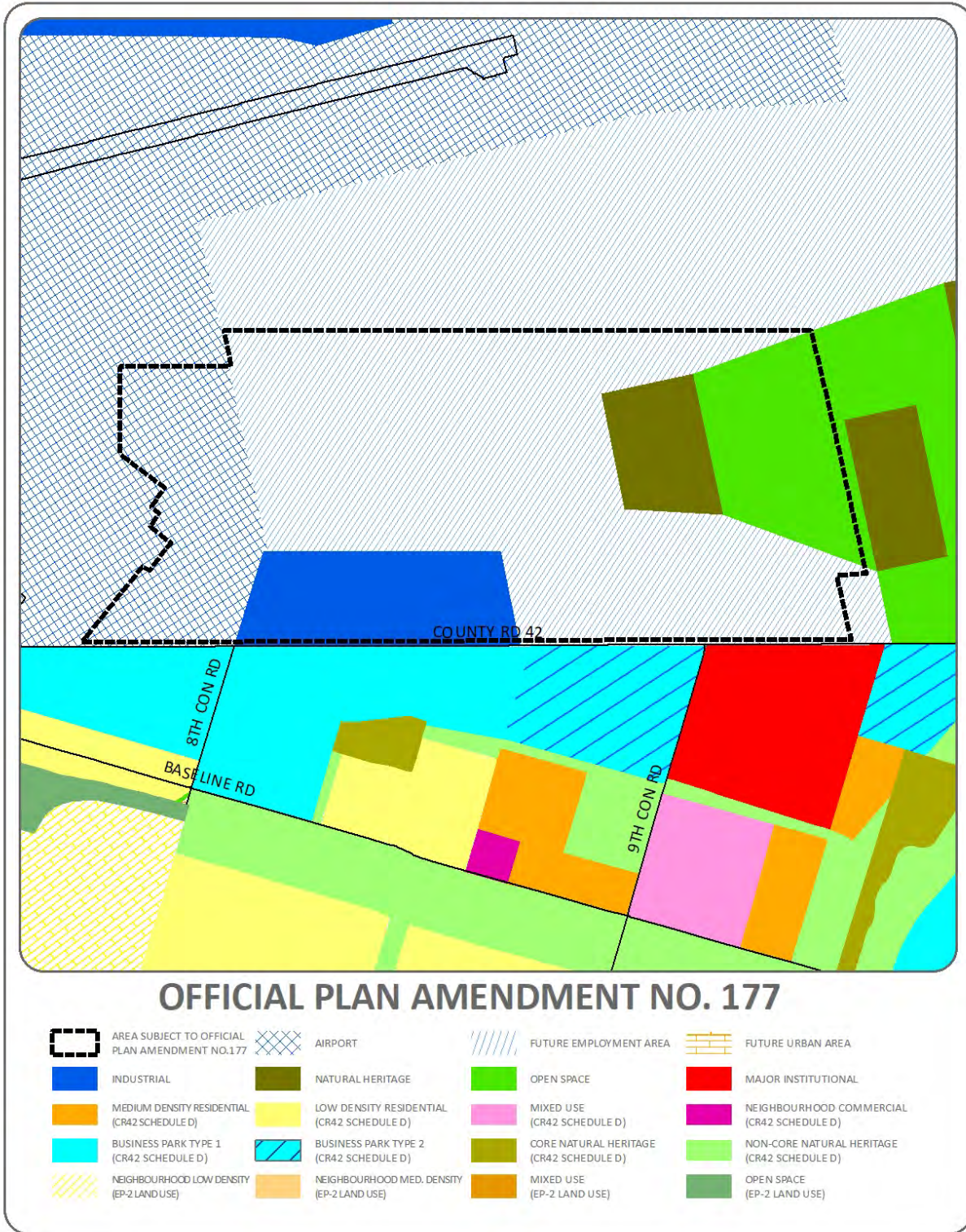
- (1) THAT the portion of the Windsor International Airport lands subject of this amendment (hereafter referenced as the 'subject lands') **BE IDENTIFIED** as the lands defined in Figure 1 being located on the north side of County Road 42 between the 8th and 9th Concession Roads.
- (2) THAT Schedule D – Land Use of Volume 1: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by changing the land use designations of the subject lands from 'Future Employment Area', 'Airport', and 'Open Space' to 'Industrial' and 'Business Park' as shown on Figure 2.
- (3) THAT Schedule B – Greenway System of Volume 1: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** as shown on Figure 3.
- (4) THAT Schedule J – Urban Structure Plan of Volume 1: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** as shown on Figure 4.
- (5) THAT Schedule A: Planning Districts and Policy Areas in Volume 1: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** to designate the subject lands as a Special Policy Area as shown in Figure 5.
- (6) That Chapter 1: Special Policy Areas in Volume 2: Secondary Plans & Special Policy Areas of the City of Windsor Official Plan **BE AMENDED** by adding the following Special Policy Area:

**1.XX North Side of County Road 42 within the vicinity of the 8th and 9th Concession Roads**

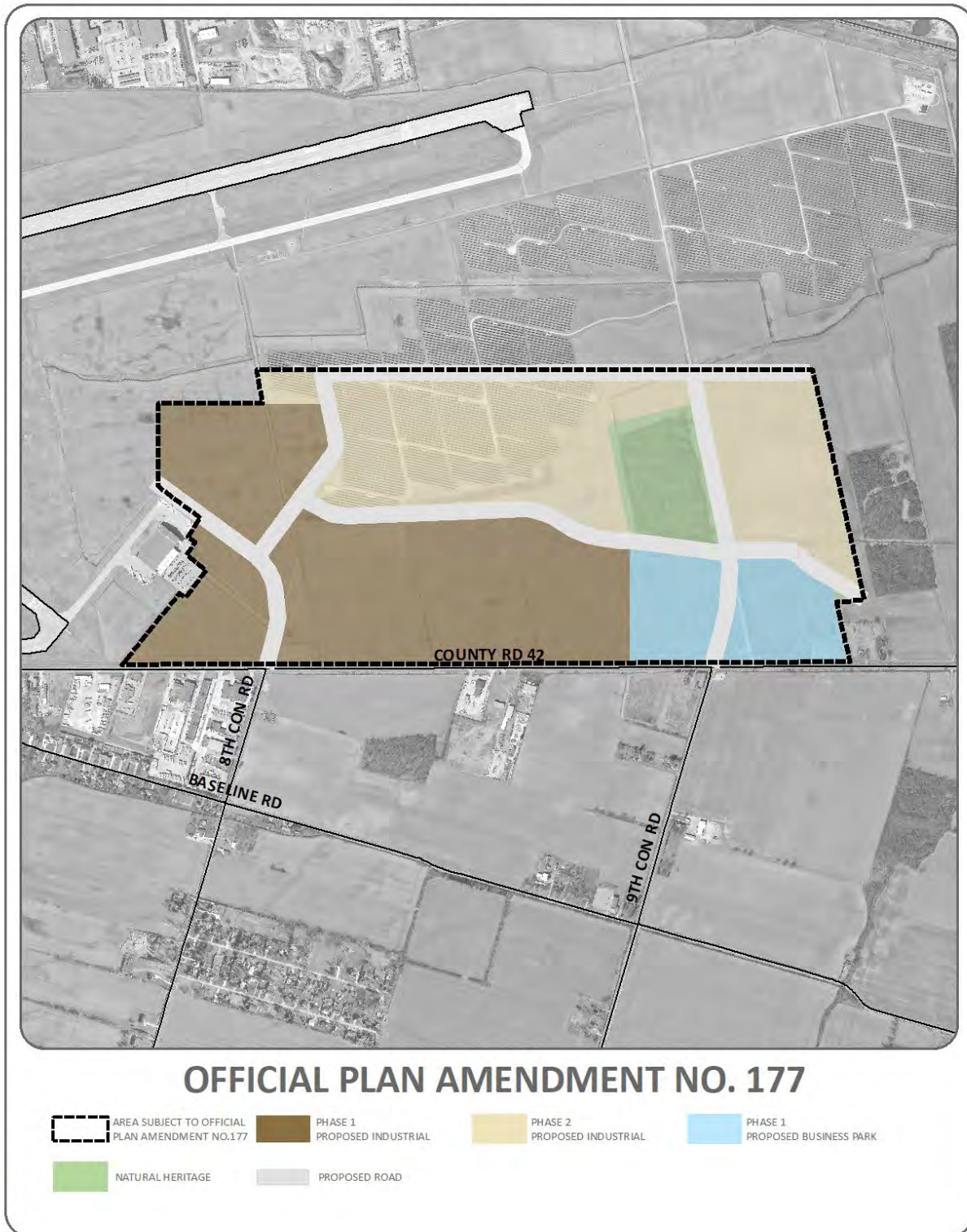
Location	1.XX.1	The property located on the north side of County Road 42 within the vicinity of the 8th Concession Road and 9th Concession Road, which includes portions of 3200 County Road 42, 0 County Road 42, and 0 Jefferson Boulevard are designated on Schedule A: Planning Districts and Policy Areas in Volume I: The Primary Plan.
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- Airport Employment Lands 1.XX.2 All development proposed within the airport employment lands shall consult with the Windsor International Airport and demonstrate compliance with the following requirements:
- a) Building and structure height limits (to be derived from the Airport Zoning Regulations);
  - b) Transitional surface height restrictions;
  - c) Building and structure height limitations within the vicinity of existing solar panels;
  - d) Stormwater Management requirements for dry ponds; and
  - e) Requirements or limitations from Nav Canada to avoid or mitigate technological interference.
- Minimum Distance Separation 1.XX.3 Compliance with Ontario’s D-6 Guidelines shall be required regarding minimum distance separation between industrial facilities and the Major Institutional land use designation shown in the County Road 42 Secondary Plan, to the satisfaction of the City Planner.
- Outdoor Storage 1.XX.4 Any outdoor storage area shall be located a minimum of 100 metres from County Road 42 and shall not be visible from County Road 42.

# Figure 1: Subject Lands

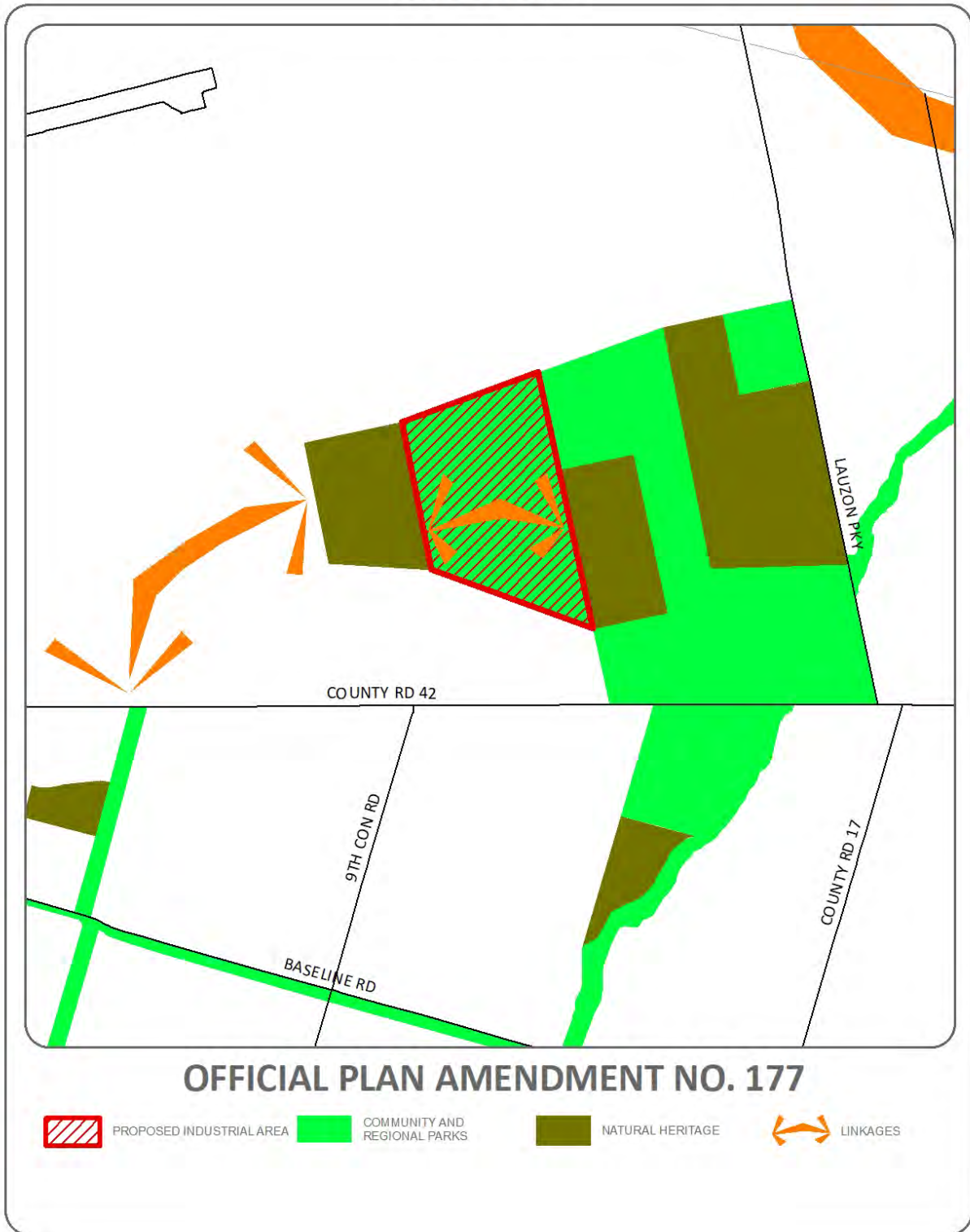


**Figure 2: Amendments to Schedule D – Land Use**

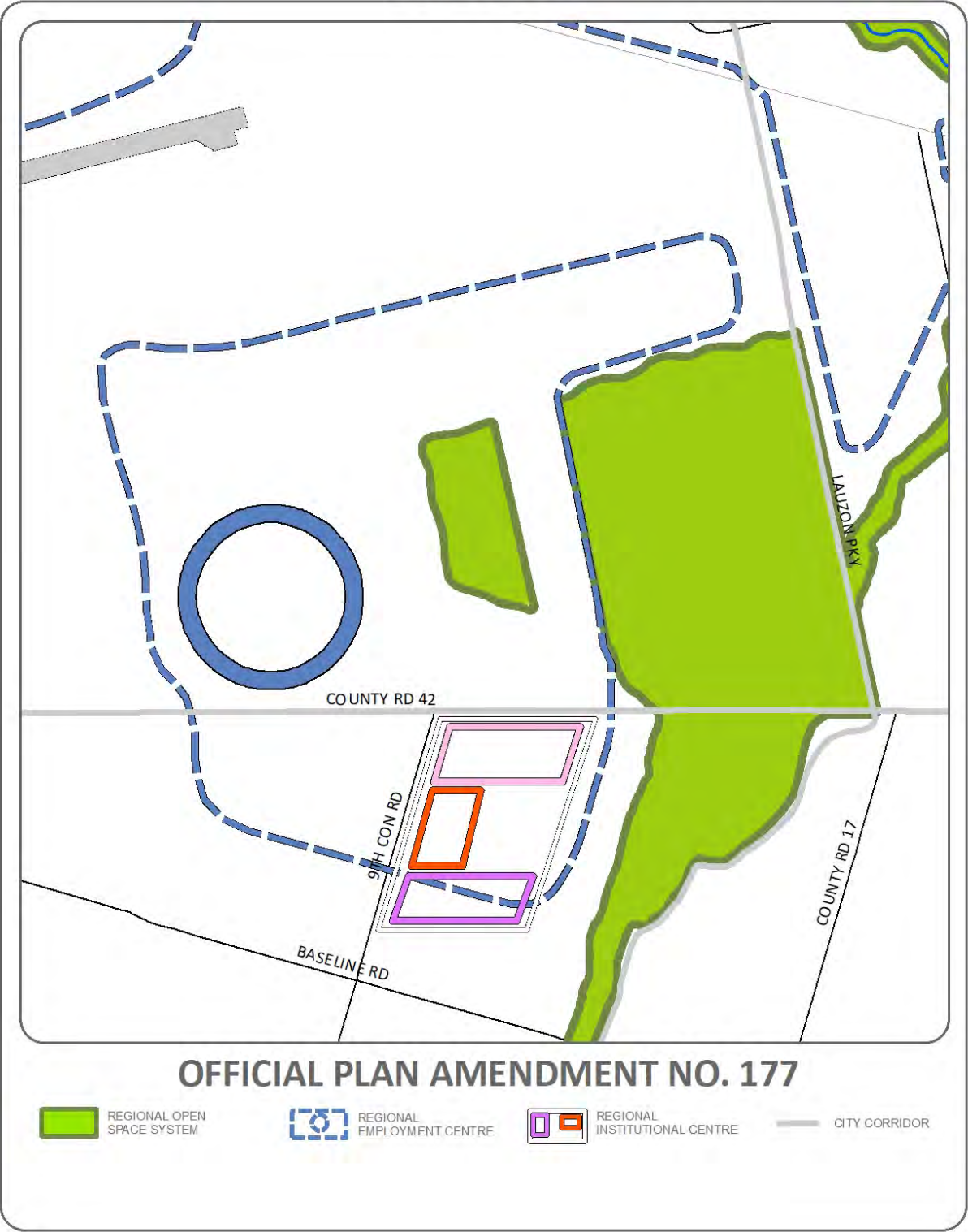




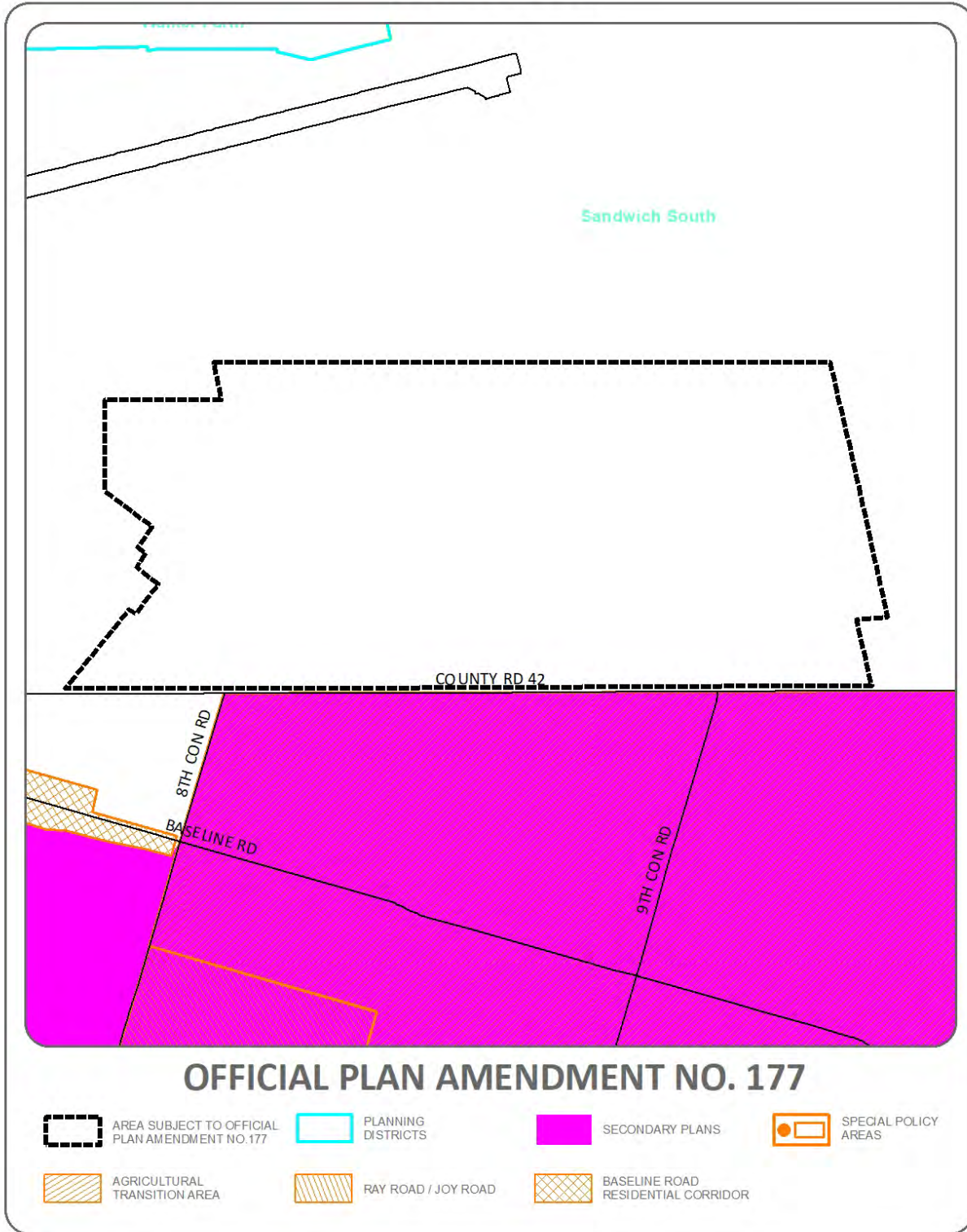
**Figure 3: Amendments to Schedule B – Greenway System**



**Figure 4: Amendments to Schedule J – Urban Structure Plan**



**Figure 5: Location of Special Policy Area**



**E. IMPLEMENTATION:**

- i. This amendment is to be implemented by an amendment to Zoning By-law 8600 as recommended in Report Number # S115/2023 (Z-027/23; ZNG/7117).
- ii. Proposed development on the subject lands is deemed a development per Section 41 (1) of the Planning Act and therefore, Site Plan Control shall be an additional tool for the implementation of this amendment.

## **APPENDIX A**

The following are the results of public notification of the amendments and the outcome of public meetings. Comments relate to the Official Plan amendment and the associated rezoning.

A meeting of the Development and Heritage Standing Committee, the statutory public meeting, was held on November 6, 2023. Below is an extract from the minutes of that meeting.

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### **COUNCIL MEETING – November xx, 2023:**

A meeting of City Council was held on Monday, November xx, 2023, at which time the application was considered and OPA #177 was adopted.

B Y - L A W N U M B E R -2023

A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600  
CITED AS THE "CITY OF WINDSOR ZONING BY-LAW"

Passed the            day of            , 2023.

**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 By-law Number 85-18 cited as the “Township of Sandwich Comprehensive Zoning By-law” is **REPEALED** for the land located on the north side of County Road 42 between the 8th and 9th Concession Roads shown in Schedule A.
2. By-law Number 8600 is further **AMENDED** by changing Zoning District Maps 12 & 16 or parts thereof to delete the broken line identified as S.20(1)321 as shown on Schedule A.
3. Subsection 1 of Section 20 of By-law Number 8600 is further **AMENDED** by deleting paragraph 321.
4. By-law Number 8600 is further **AMENDED** by changing the Zoning District Maps or parts thereof referred to in Section 1 of the by-law, and made part thereof, so that the zoning district symbol of the lands described in Column 3 shall be changed from that shown in Column 5 to that shown in Column 6 and illustrated on Schedule B:

1. Item Number	2. Zoning District Map Part	3. Lands Affected	4. Official Plan Amendment Number	5. Zoning Symbol	6. New Zoning Symbol
1	12 & 16	North side of County Road 42 within the vicinity of the 8th and 9th Concession Roads, delineated by a heavy black line on Schedule A.	177	MD2.2 (in part)	MD1.4 MD2.2 HMD2.2 GD1.4

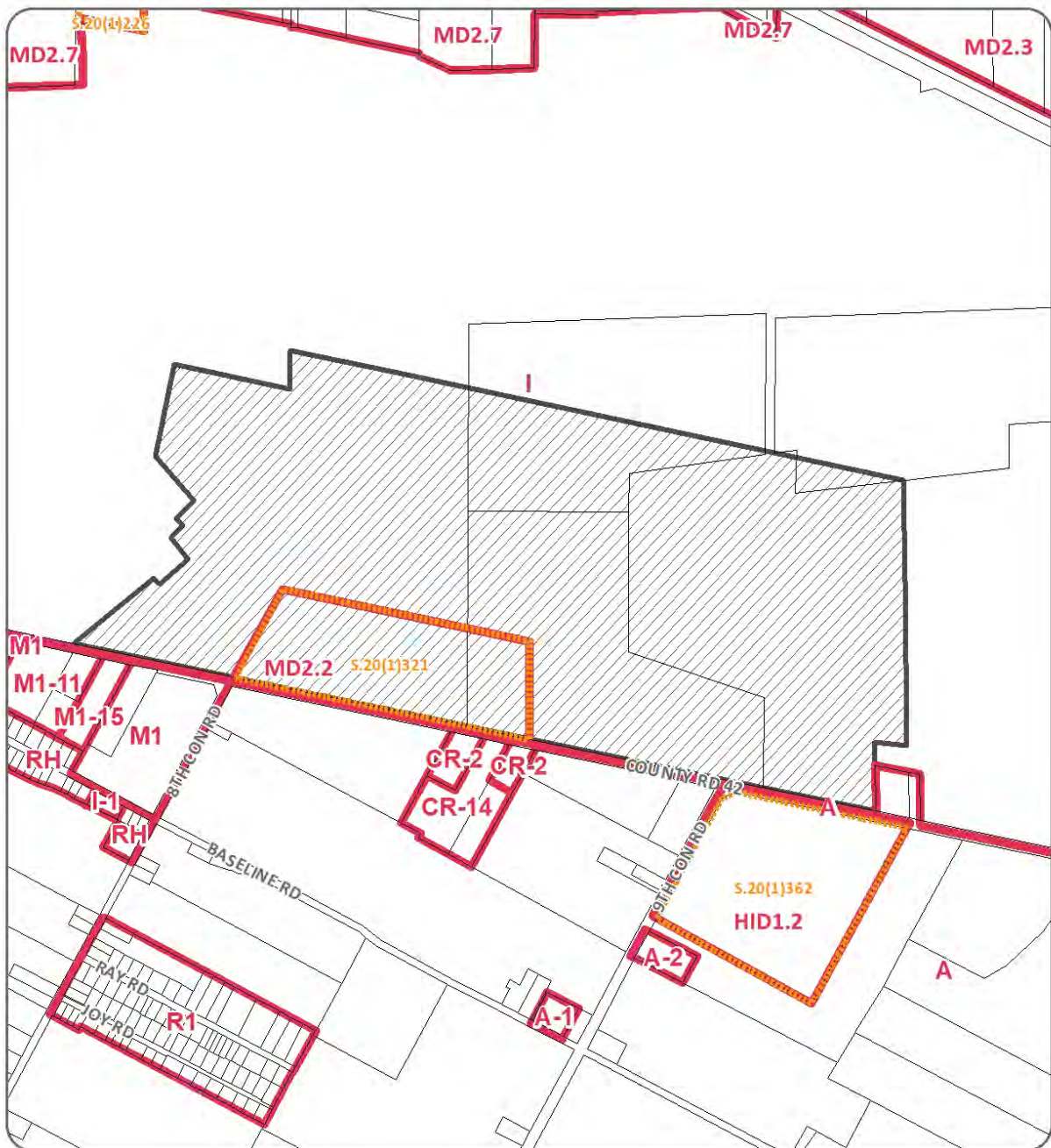
5. THAT the holding symbol be removed when the applicant submits an application to remove the holding prefix and the following condition is satisfied:
  - a) Submission of an Environmental Evaluation Report to the satisfaction of the City Planner for any land within 120 m of any land with a Natural Heritage designation as shown on Schedule C: Development Constraints in the City of Windsor Official Plan.
6. That ‘Schedule A’ and ‘Schedule B’ attached hereto is declared to form part of this amending by-law,

DREW DILKENS, MAYOR

CLERK

First Reading        -            , 2023  
 Second Reading    -            , 2023  
 Third Reading      -            , 2023

**SCHEDULE A**



PART OF ZONING DISTRICT MAP 12 & 16

N.T.S.

**REZONING**

Applicant: City of Windsor



**SUBJECT LANDS**

PLANNING & BUILDING DEPARTMENT

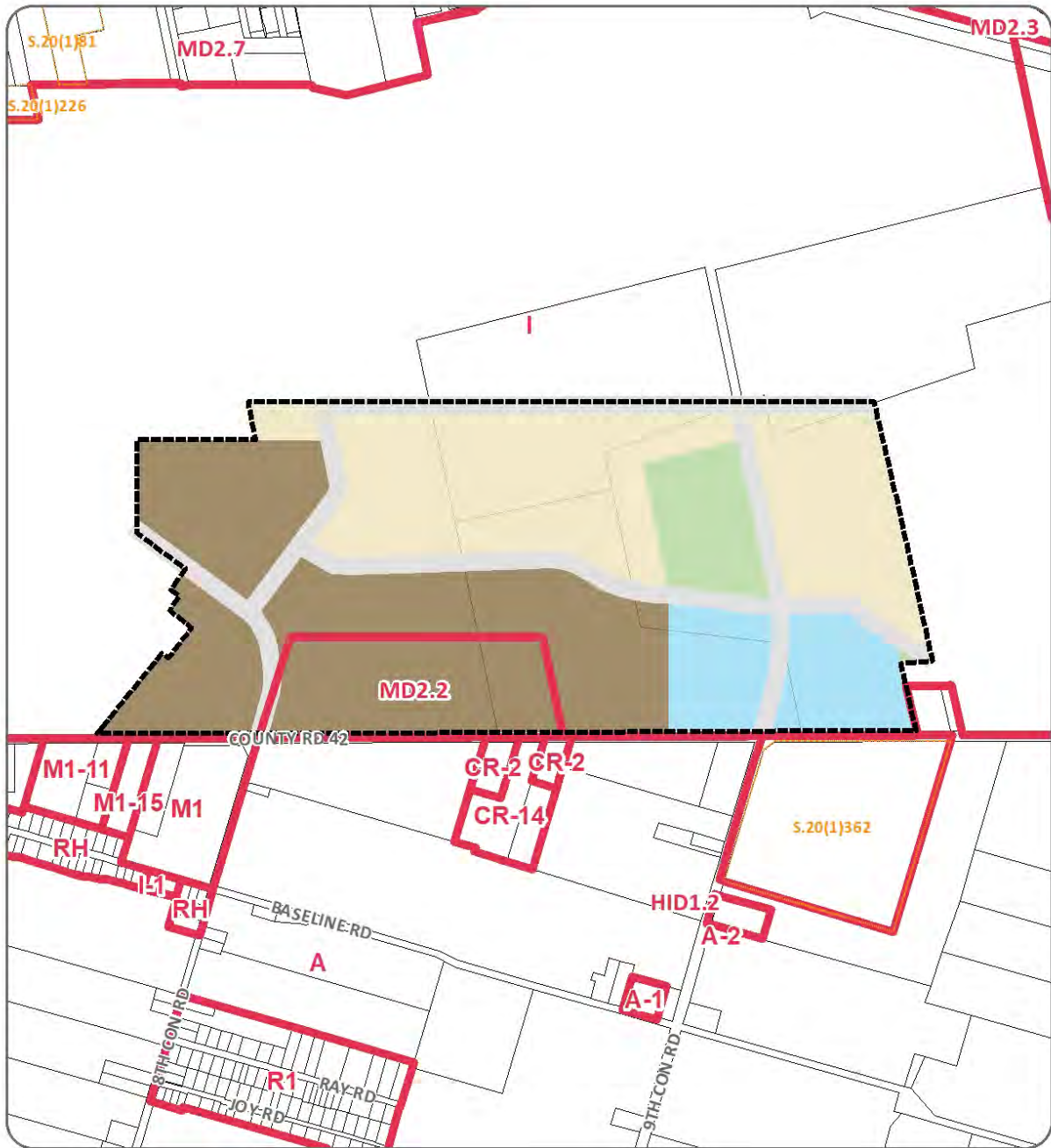
DATE : AUGUST, 2023  
FILE NO. : Z-027/23, ZNG/7117

SCHEDULE A forms part of By-law \_\_\_\_\_

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Mayor

**SCHEDULE B**



PART OF ZONING DISTRICT MAP 12 & 16

N.T.S.

**REZONING**

Applicant: City of Windsor



PLANNING & BUILDING DEPARTMENT

DATE : OCTOBER, 2023  
FILE NO. : Z-027/23, ZNG/7117

SCHEDULE B forms part of By-law \_\_\_\_\_

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Mayor

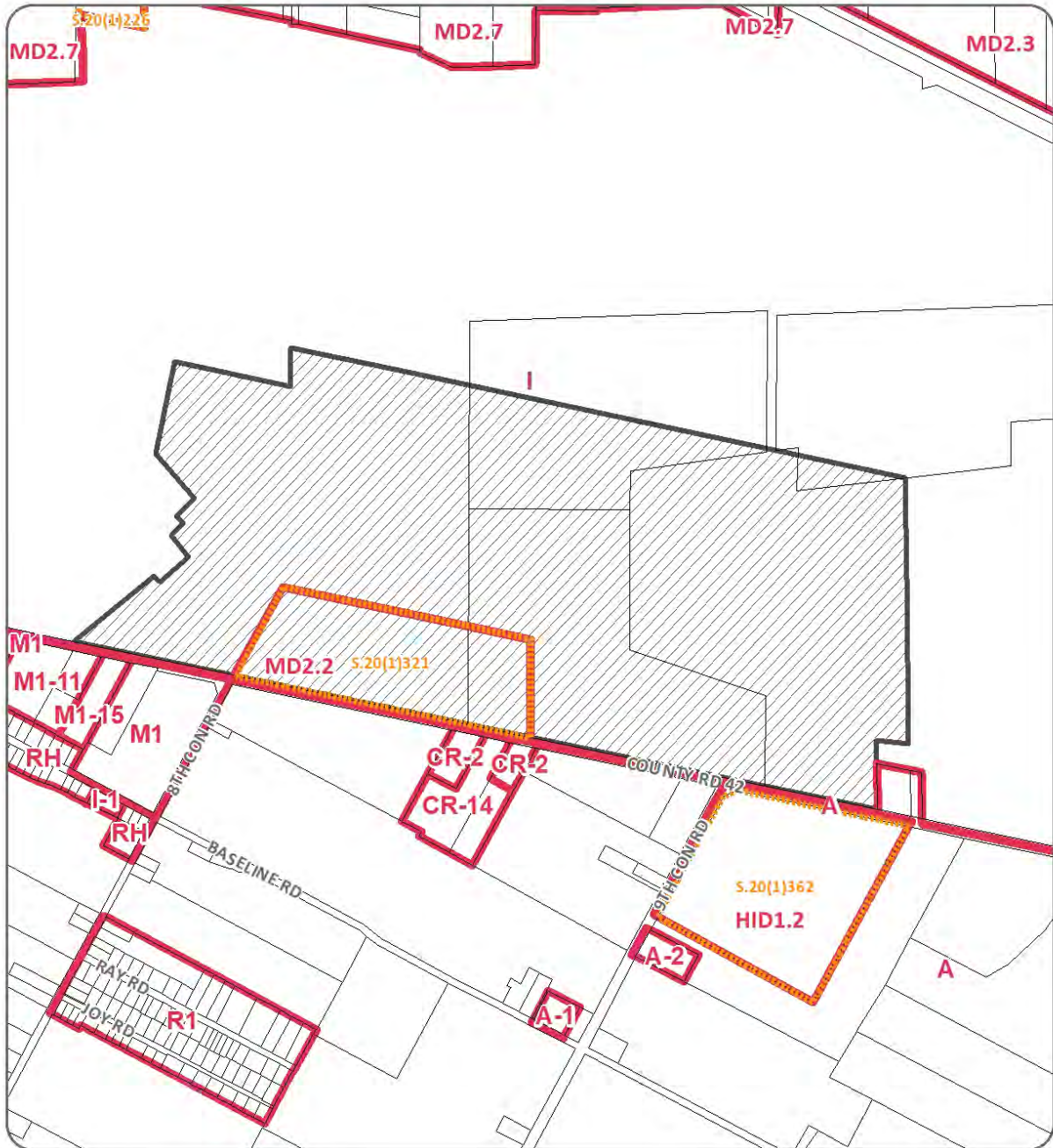


## SCHEDULE 2

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

To amend Zoning By-laws 85-18 and 8600 to permit employment uses on lands located within the vicinity of the Windsor International Airport. The amendments would permit a wide range of employment uses (e.g. manufacturing, warehouse, office, and service commercial).

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



PART OF ZONING DISTRICT MAP 12 & 16

N.T.S.

## SCHEDULE 2

Applicant: City of Windsor



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT

DATE : AUGUST, 2023  
FILE NO. : Z-027/23, ZNG/7117



**Committee Matters: SCM 305/2023**

**Subject: Official Plan & Zoning Bylaw Amendments Z 022-23 [ZNG-7067] & OPA 173 [OPA-7070] 1027458 Ontario Inc. Banwell & Leathorne (North A) Multiple Dwelling Development - Ward 7**

Moved by: Councillor Fred Francis  
Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 567**

THAT the City of Windsor Official Plan, Volume II, Part 1 – Special Policy Areas, **BE AMENDED** by adding site specific policies as follows:

**1.# WEST SIDE BANWELL ROAD SOUTH OF FIRGROVE DRIVE**

1.#.1 The property described as Part of Block 1, Plan 12M-425, in the City of Windsor, known municipally as 0 Questa Drive, is designated a special policy area on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.

1.#.2 Notwithstanding Section 2.7.5.5 of the Official Plan, Volume II:

- a) Medium Profile Residential Buildings up to 24 m in height shall be permitted on the subject property within 30m of Banwell Road

THAT the hold prefix **BE APPLIED** to the existing CD2.7 zone at Part of Block 1, Plan 12M-425, in the City of Windsor, known municipally as 0 Questa Drive the hold prefix may be removed when the applicant/owner submits an application to remove the holding prefix and the following conditions are satisfied:

- a) an updated Transportation Impact Study is prepared and submitted to the satisfaction of the City Engineer; and
- b) The applicant receives a development permit for the construction of the extension of Leathorne Street onto Block 19, 12M-425

THAT subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for the lands described as Part of Block 1, Plan 12M-425 by adding site specific regulations as follows:

**4xx. WEST SIDE BANWELL ROAD SOUTH OF FIRGROVE DRIVE**

For the lands described as Part of Block 1, Plan 12M-425, in the City of Windsor, known municipally as 0 Questa Drive, the following shall be additional permitted uses:

- i. multiple dwelling;

subject to the regulations in Section 12.2.5, and,

Building height within 30m of Banwell Road – Maximum –24 m  
Landscaped Open Space – Minimum 24.5%

(ZDM 14; ZNG/7067)

Carried.

Councillor Angelo Marignani voting nay.

Report Number: S 137/2023  
Clerk's File: Z/14652 & Z/14653

**Clerk's Note:**

1. The recommendation of the Development & Heritage Standing Committee and Administration are **NOT** the same.
2. Please refer to Item 7.5 from the Development & Heritage Standing Committee held on November 6, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/19011106/-1/9445>

**Subject: Official Plan & Zoning Bylaw Amendments Z 022-23 [ZNG-7067] & OPA 173 [OPA-7070] 1027458 Ontario Inc. Banwell & Leathorne (North A) Multiple Dwelling Development - Ward 7**

**Reference:**

Date to Council: November 6, 2023

Author: Jim Abbs

Senior Planner

519-255-6543 x6317

jabbs@citywindsor.ca

Planning & Building Services

Report Date: October 19, 2023

Clerk's File #: Z/14652 & Z/14653

**To:** Mayor and Members of City Council

**Recommendation:**

**THAT** the City of Windsor Official Plan, Volume II, Part 1 – Special Policy Areas, **BE AMENDED** by adding site specific policies as follows:

**1.# WEST SIDE BANWELL ROAD SOUTH OF FIRGROVE DRIVE**

1.#.1 The property described as Part of Block 1, Plan 12M-425, in the City of Windsor, known municipally as 0 Questa Drive, is designated a special policy area on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.

1.#.2 Notwithstanding Section 2.7.5.5 of the Official Plan, Volume II:

- a) Medium Profile Residential Buildings up to 24 m in height shall be permitted on the subject property within 30m of Banwell Road

**THAT** the hold prefix **BE APPLIED** to the existing CD2.7 zone at Part of Block 1, Plan 12M-425, in the City of Windsor, known municipally as 0 Questa Drive the hold prefix may be removed when the applicant/owner submits an application to remove the holding prefix and the following conditions are satisfied:

- a) an updated Transportation Impact Study is prepared and submitted to the satisfaction of the City Engineer; and
- b) The applicant receives a development permit for the construction of the extension of Leathorne Street onto Block 19, 12M-425

**THAT** subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for the lands described as Part of Block 1, Plan 12M-425 by adding site specific regulations as follow:

**4xx. WEST SIDE BANWELL ROAD SOUTH OF FIRGROVE DRIVE**

For the lands described as Part of Block 1, Plan 12M-425, in the City of Windsor, known municipally as 0 Questa Drive, the following shall be additional permitted uses:

- i. multiple dwelling;

subject to the regulations in Section 12.2.5, and,

Building height within 30m of Banwell Road – Maximum –24 m  
Landscaped Open Space – Minimum 30%

(ZDM 14; ZNG/7067)

**Executive Summary:**

N/A.

**Background:**

The subject site is part of the East Riverside Secondary Plan area. That plan designated a large area of agricultural land within the City of Windsor for various forms of urban development. Over time, the majority of the area has developed, seeing the creation of primarily low profile residential areas interspersed with institutional, recreation and multiple dwelling uses.

One of the uses contemplated in the East Riverside Secondary Plan included an area set aside for mixed use development. The site of this development is subject to the Banwell Road Mixed Use Corridor designation. This designation was intended to form a mixed commercial/residential center for the secondary plan area.

Since the approval of the East Riverside Secondary Plan, commercial uses locating at the intersection of Banwell Road and Tecumseh Road East has taken on much of the commercial role anticipated for the intersection of Banwell and McHugh/McNorton.

Other notable developments within the immediate area include a Mixed Use development on the Northeast corner of Banwell and McNorton (*ELM Windsor Inc, Z-013/17 approx 100 units*) and a Multiple Dwelling development immediately south of the Banwell Community Church (*Maple Leaf Homes Z-010/22 approx 130 units*). Both have been approved by City Council through Site Specific Zoning By-law amendments, but have not yet commenced construction.

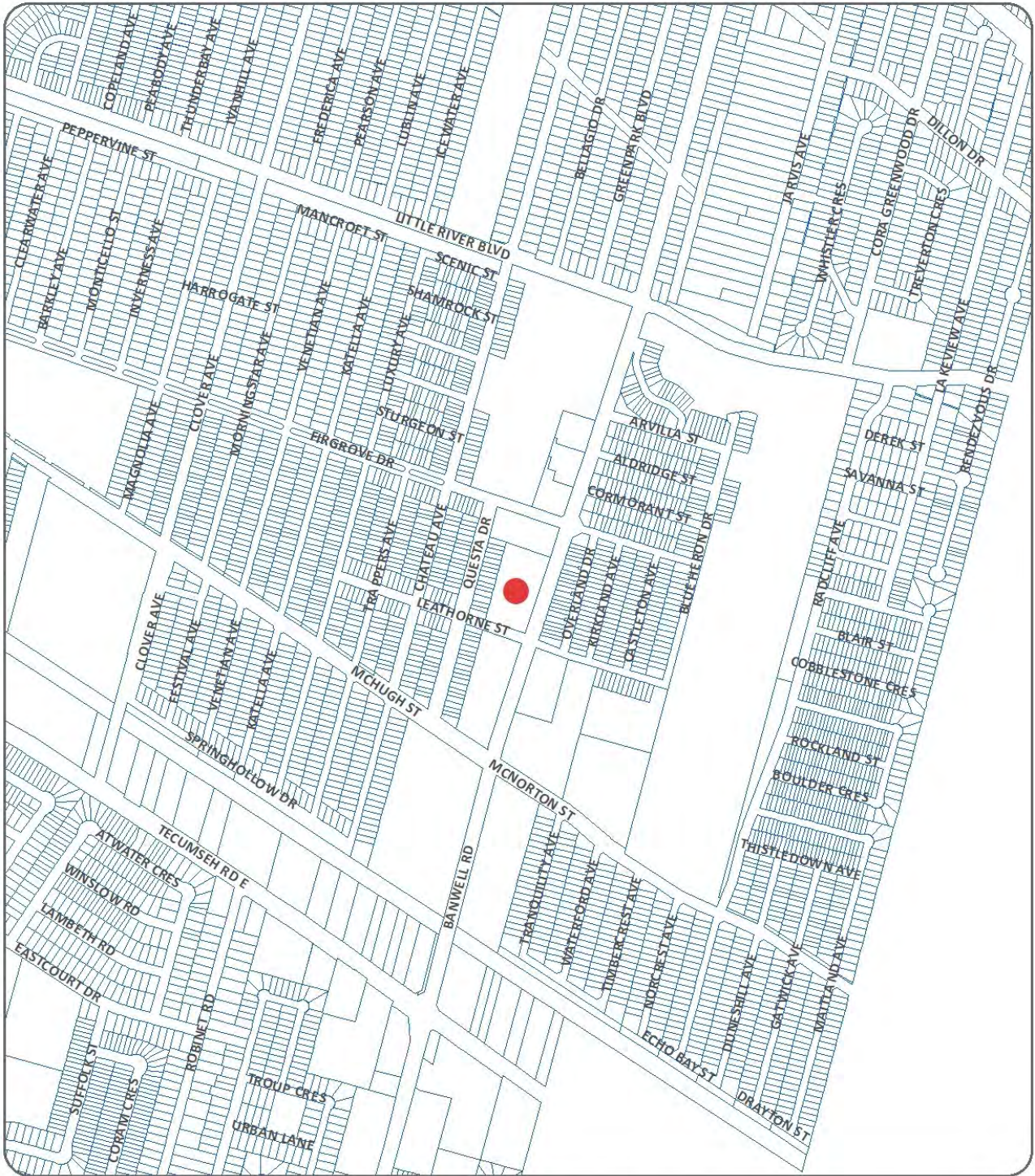
**Application Information:**

**Location:** Part of Block 1, Plan 12M-425, known municipally as 0 Questa Drive

**Ward:** 7      **Planning District:** East Riverside      **ZDM:** 14

**Registered Owner\Applicant:** 1027458 Ontario Inc.

**Agent:** Dillon Consulting (Theresa O'Neil)



KEY MAP - Z-022/23, ZNG-7067, OPA 173, OPA-7070



● SUBJECT LANDS

Figure 1: Location Map



NEIGHBOURHOOD MAP - Z-022/23, ZNG-7067  
& OPA 173, OPA-7070



SUBJECT LANDS

**Proposal:**



This application is one of three by the same developer along the West Side of Banwell Road between the Via Rail line and Firgrove Street. (see Appendix 1: Concept Plan) This phase of the development includes two (2) six (6)-storey multiple dwelling residential building with 78 units each (total 156 units).

The site is proposed to have driveway access from Leathorne Street and will include a surface parking area with 227 parking spaces for the residential dwellings; No reduction in parking is being requested for this development.

The applicant requested a site specific policy area to permit Medium Profile development (greater than 4 storeys) on the site. The concept plan for the site indicated that a Medium Profile development is proposed for this site. This is discussed further in the Official Plan and Zoning sections of this report.

The applicant is requesting a Zoning By-law amendment that would add “Multiple Dwelling” subject to the regulations of the RD3.2 zone” as a permitted use. As well, the applicant is requesting an increase in the permitted height to 24m and a reduction in landscaped open space from 35% as required in the RD3.2 zone to 24.5%.

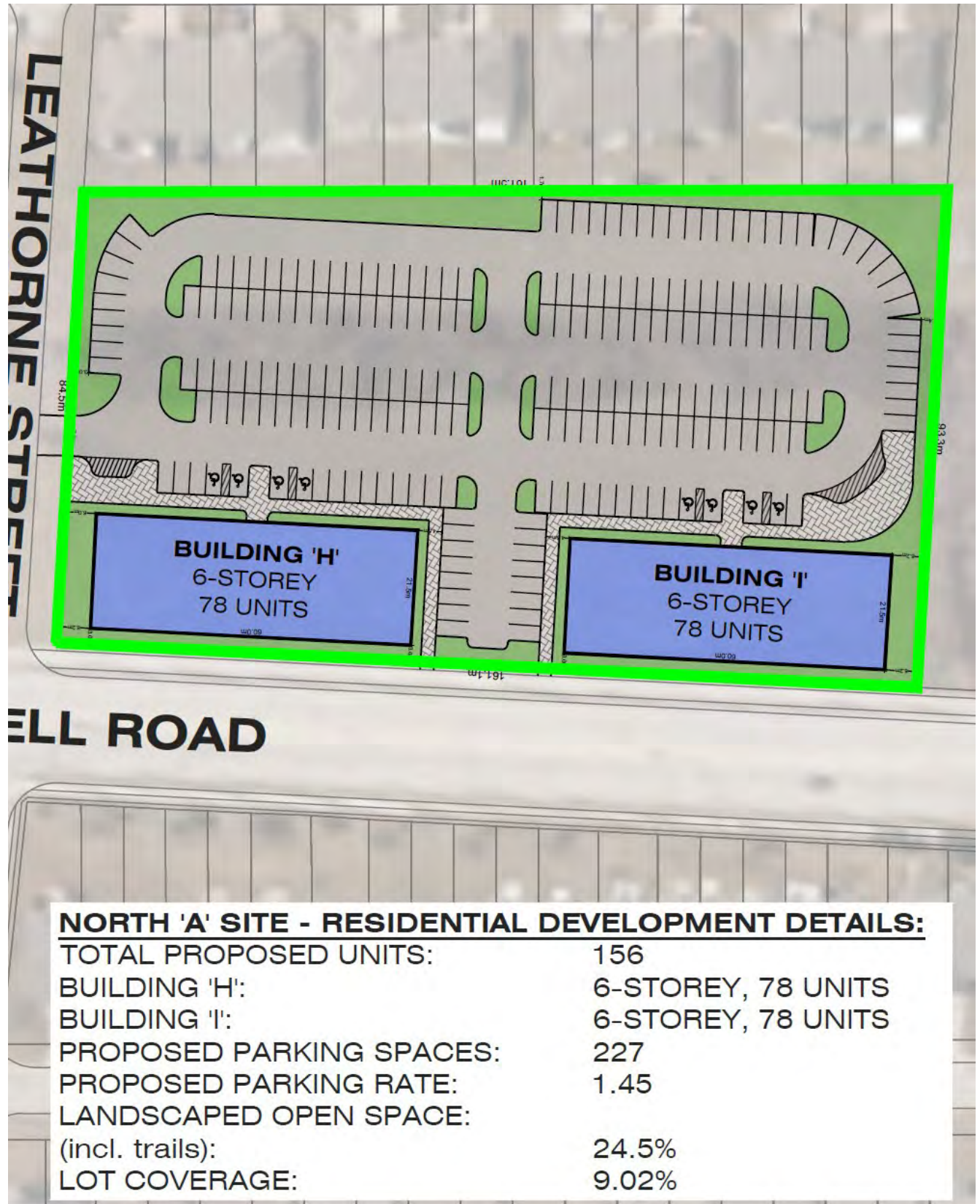


Figure 2: Concept Plan

Site Information:

Official Plan	Zoning	Current Use	Previous Use
Mixed Use Node Schedule D – Land Use, (OPA#159)  Banwell Road Mixed Use Corridor Schedule ER-2: Land Use Plan, Secondary Plan East Riverside Planning Area	CD2.7 and S.20(1)218	Vacant	Vacant
Width	Depth	Area	Shape
+/-85 m	+/-161 m	1.4 ha	irregular
All measurements are approximate.			

**Neighbourhood Characteristics:**

This proposed development is located at 0 Questa Drive at the Northwest corner of Banwell Road and (future) Leathorne Street. The site is currently vacant and is bounded as follows:

**North** – Business Office of a non-profit or charitable organization (Our Daily Bread Ministries Canada), Multiple dwelling buildings

**East** – Townhome and Semi detached Dwellings;

**South** – Vacant land subject to development application Z023-23 [ZNG7067] Townhome dwellings;

**West** – Townhome dwellings

**Discussion:**

**Provincial Policy Statement 2020 (PPS):**

The Multiple Dwelling development is an infill development (a development on underutilized or vacant land within the context of an existing urban or built up area) consistent with the Provincial Policy Statement (PPS) in that the development promotes the efficient use of existing land, promotes cost-effective development patterns and

standards to minimize land consumption and servicing costs. Related to this direction, the PPS states:

*“1.1.1 b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs”*

*e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;”*

The requested Official Plan and zoning bylaw amendments promotes cost-effective development by redeveloping an under-utilized vacant site. Allowing the proposed multiple dwelling development in this location contributes to minimizing land consumption and servicing costs by using a site that already has available trunk infrastructure in the immediate area.

The PPS also states:

*“1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 20 years.”*

The PPS requires that land be available to diversify developments to meet the future needs of the community. Subsequent to the proposed Official Plan Amendment, the multiple dwelling development will be consistent with that requirement by accommodating new residential construction on lands designated for that purpose.

The PPS also states:

*“1.4.1 To provide for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:*

- a. maintain at all times the ability to accommodate residential growth for a minimum of 10 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and*
- b. maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.”*

The proposed multiple dwelling development is consistent with the PPS by developing as part of a planned residential neighbourhood. This development will help to provide additional residential inventory within the City of Windsor.

The PPS also states:

*“1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:*

*a. permitting and facilitating:*

- 1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and*
- 2. all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3;*

*b. directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*

*c. promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and”*

Approving the Official Plan Amendment and Zoning By-law Amendment would support residential development using the infrastructure that is already in place, instead of requiring more expenditure on new trunk infrastructure in an unplanned area. In terms of supporting active transportation and transit, the proposed development is in close proximity to Transit Windsor service, and in close proximity to an extensive trail system.

#### **Official Plan:**

Section 3.3.2.2 of the Urban Structure Plan contained in the City of Windsor Official Plan identifies Barwell Road as a City Corridor. Residential development on a City Corridor may include high profile (26 to 58 metres in height), medium profile (14 to 26 metres in height) and residential over retail at street, as well as row housing and lofts. The proposed development conforms with this policy.

The site is designated “Mixed Use Node” in the City of Windsor Official Plan, the Mixed Use Node designation indicates that Residential intensification shall be directed to the Mixed Use Nodes and areas in proximity to those Nodes. Within these areas Medium Profile buildings, up 4 storeys in height shall be permitted.

This site is identified as “Banwell Road Mixed Use Corridor” in the East Riverside Secondary Plan. The proposed Multiple Dwellings would not be permitted in this designation, however Dwelling Units in a Combined Use Building would be permitted.

To clarify the apparent conflict between the inconsistent sections of the Official Plan related to the height or profile of the development, the Planning Department recommends that a Site Specific policy area be applied to confirm that Medium Profile buildings are permitted on this site within 30 metres of Banwell Road. The site specific policy area would be implemented through a site specific zone (see Zoning Section).

### **Zoning:**

The site is currently zoned CD2.7 with a site specific provision that permits a residential Care Facility and applies specific regulations related to that use. (S.20(1)218)

The applicant is requesting that a multiple dwelling be added as a permitted use on this site. Residential uses are already contemplated on the site, when included as part of a combined use building. The provision of a multiple dwelling is compatible with uses contemplated in the Official Plan designations in both the Volume 1 of the Official Plan as well as the East Riverside Secondary Plan.

The application of the regulations contained in the RD3.2 zone is appropriate because those regulations are designed for the Multiple Dwelling use and the forms that those uses take. The regulations of the RD3.2 zone are generally designed to ensure that Multiple dwelling(s) are located on sites that are sized appropriately for the number of units proposed for the development.

### **Building Heights**

The Planning Department is able to support the request for increased height on the site because the Urban Structure Plan designates Banwell Road as a City Corridor. Residential development on a City Corridor may include high profile (26 to 58 metres in height), medium profile (14 to 26 metres in height) on roads designated as City Corridors. Medium profile residential buildings (up to a maximum height of 24 metres) are supported closer to Banwell Road. The height limit of 24 m would effectively limit the building to a 6 storey structure, as depicted in the applicant’s Concept Plan.

### **Request for reduction of landscaped open space**

The Planning Department does not support the request for reduced landscaped open space from 35% to 24.5%. The applicant is requesting a reduction in the total landscape area to 24.5% (a reduction of 10.5%) approximately 2/3 of the required landscape area.

Recognising that the plan submitted as part of the application represents a concept depicting one possible form of development, a review of that concept reveals an overprovision of parking, that, if removed along with the associated driveway areas and

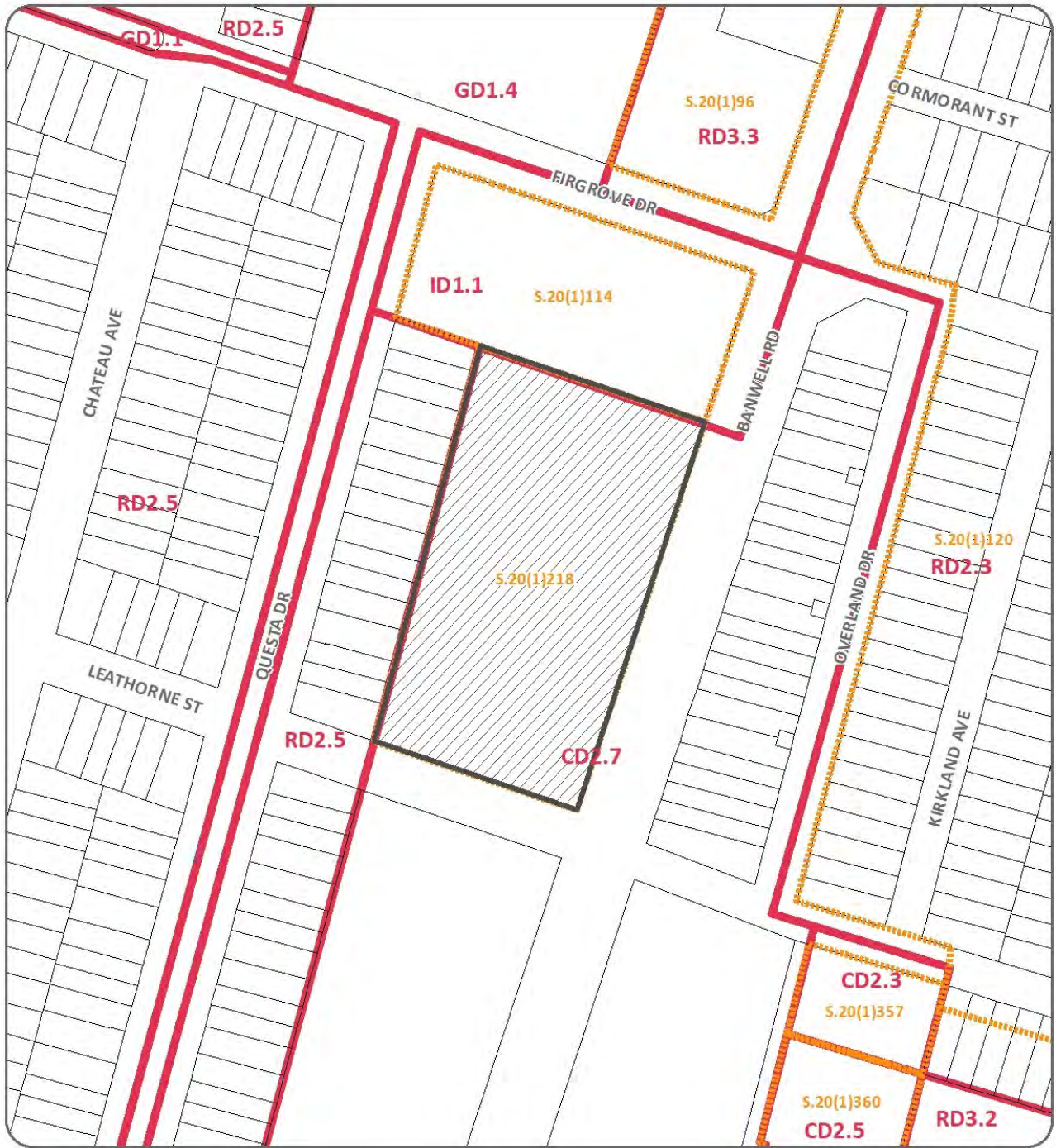
a more judicious use of hard surfacing could result in additional landscaping area being available.

Removal of the excess parking spaces and associated access areas could provide an additional 5% land area for landscaped open space, therefore the Planning department can recommend the provision of 30% landscaped open space rather than the 35% required in the RD3.2 zone.

### **Application of Hold Prefix**

Transportation Planning indicates that the Transportation Impact Statement requires further refinement, as it is unclear whether the TIS fully accounted for the proposed residential units permitted within the ELM Windsor development on the northeast corner of the Banwell/ McNorton intersection. While this update could be completed as part of the Site Plan Control process where mitigation of any transportation issues will be included as conditions within a site plan control agreement, it is important that a revised TIS be part of the zoning to ensure that the revised TIS is completed before the issuance of a building permit for the Multiple Dwelling portion of the site.

The development also requires the applicant to construct an extension of Leathorne Street from Questa Drive to Banwell Road to support the proposal. Accordingly, a holding prefix is recommended that would be removed when a revised TIS is submitted to the satisfaction of the City Engineer and a development permit for the construction of Leathorne Street on to Block 19 12M-425, is obtained.



PART OF ZONING DISTRICT MAP 14

N.T.S.

# REZONING

Applicant: 1027458 Ontario Inc.



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : JULY, 2023  
FILE NO. : Z-022/23, ZNG/7067



## **Risk Analysis:**

N/A

## **Climate Change Risks**

### **Climate Change Mitigation:**

The site will be subject to a site plan control agreement and will release storm water to the municipal system at a rate determined by a storm water management plan and development servicing plan that will be reviewed and approved by the City's Public Works department.

### **Climate Change Adaptation:**

The development on the site is close to existing bus routes and also community recreational opportunities. This will encourage the use of public transit and walking as modes of transportation, thereby helping to minimize the City's carbon footprint.

## **Financial Matters:**

N/A

## **Consultations:**

A Public Information Centre (PIC) was held by the developer's consultant on April 19, 2023. The approximately 150 residents attended.

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

The applications and relevant supporting studies were circulated to commenting agencies. Those responses are included as Appendix 1 – Agency Comments.

## **Conclusion:**

The proposed use of this site as a development containing Multiple Dwelling structures containing 158 units represents an efficient development that will have no adverse impact on the well-being of the City of Windsor. The proposed development represents an appropriate residential use, adds to the range and mix of uses and will not cause any environmental or public health and safety concerns. This development is consistent with the Provincial Policy Statement.

The proposed Multiple Dwelling represents a housing type and density that meets the requirements of current and future residents, that meets the social, health and well-being of current and future residents, represents a form of residential intensification, is set in a location with access to infrastructure, public service facilities, and is close to commercial land uses.

The proposed Multiple Dwelling is located within a growing area that contains other Multiple Dwelling buildings in various stages of development of similar form and is compatible within its context.

The proposed Official Plan and zoning by-law amendments are consistent the PPS, conform with the policy direction of the City of Windsor Official Plan (as recommended for amendment), are compatible with existing and permitted uses in the surrounding neighbourhood, and constitute good planning.

**Planning Act Matters:**

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

*Greg Atkinson, MCIP, RPP*      *Manager of Development/Deputy City Planner*

*Neil Robertson, MCIP, RPP*      *Acting City Planner*

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

JP JM

**Approvals:**

<b>Name</b>	<b>Title</b>
Greg Atkinson	Manager of Development/Deputy City Planner
Neil Robertson	Acting City Planner
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner of Economic Development & Innovation
Janice Guthrie for	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
1027458 Ontario Inc.	949 Wilson Ave, Toronto ON M3K 1G2	jcoco@cocogroup.com
Dillon Consulting Limited (Theresa O’Niell)	3200 Dezeil Drive, Suite 608, Windsor ON N8W 5K8	toneill@dillon.ca

**Appendices:**

- 1      Liaison Comments
- 2      Concept Plan

## APPENDIX D – CONSULTATION

### ENVIROMENTAL – ANNE MARIE ALBIDONE

No concerns from Environmental Services.

### ENBRIDGE

After reviewing the provided drawing at **Banwell Rd & McHugh St (North 'A' Site, North 'B' Site, South Site)** and consulting our mapping system, please note that Enbridge Gas has active infrastructure around the proposed area. A PDF drawing has been attached for reference.

#### **Please Note:**

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

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

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

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

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



## CANADA POST – BRUNO DESANDO

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.

### **Lock-Box Assembly Requirements**

The complete Canada Post Standards Manual for Builders & Developers can be downloaded at:  
[https://www.canadapost.ca/cpo/mc/assets/pdf/business/standardsmanual\\_en.pdf](https://www.canadapost.ca/cpo/mc/assets/pdf/business/standardsmanual_en.pdf)

#### **Compartment Size**

- Horizontal lock-box models used in mailrooms must have the following minimums:
  - o Residential compartments must be at least 12.5 x 13.5 cm
  - o Commercial compartments at least 13.5 x 30.5 cm
  - o Parcel compartments at least 30.5 x 30.5 cm
- Vertical lock-box models must have min comp size of 25 x 12.5 cm. (Most models are 40 x 12.7 cm)

#### **Heights**

- All lock-box assemblies must be installed in a manner that will not require the delivery employee to reach higher than 170cm or lower than 45cm when delivering to the equipment. With respect to horizontal lock-boxes, the limits above will likely mean that maximum number of compartments that can be included in each column of residential compartments would be eight

### **Rear-loading Lock-boxes**

- Projects with more than 100 units are required to be serviced via a rear-loading lock-box assembly.
- There must be a width of at least 100cm of working space from the back of the boxes to the wall.
- A ledge under the bottom row of boxes is also recommended in rear-loading designs. This ledge is to be directly under the bottom row of boxes (no space between ledge and bottom of boxes) and must stick out at least 20cm from the back of the boxes.
  - Mailroom door is required to provide a minimum 81cm opening
  - Lighting should be at least 100 lux (measured 75 cm from floor)

### **Access**

- All buildings where the lock-boxes are required to be serviced from inside the building are required to install a Canada Post Crown lock in the building intercom. The intercom is pre-fabricated with an internal housing for the lock. The lock can be obtained from the local deliver supervisor.
- If the building has more than 100 units, a rear-loading lock-box assembly will be installed. The door to the Canada Post delivery area must be fitted with a specific model of deadbolt. This is because Canada Post will supply a key cylinder made specifically for the Canada Post key that will fit inside the deadbolt purchased by the developer.

### **Numbering**

- Compartments should be numbered vertically and left to right on the delivery side of the boxes

### **Grade-level Components**

- If the development includes grade level retail or residential units, please take note that door-to-door delivery will not be provided to these units. Canada Post is happy to install a Community Mailbox to provide service to these units. Please coordinate a location with the Canada Post Delivery Planner for the area. If there is no room on the property for the Community Mailbox, service can be provided via another Community Mailbox in the area. Options to service the units from the tower (lobby) lock-boxes or via a front-loading lock box erected on the outside of the building can also be discussed with the Delivery Planner.

## **ENVIRONMENTAL SUSTAINABILITY & CLIMATE CHANGE - KARINA RICHTERS**

Pursuant to the application for a zoning amendment (**Z-022/23**) and Official Plan Amendment **OPA 173** for the proposed development along the West Side of Banwell Road between the Via Rail line and Firgrove Street – Banwell and McHugh North ‘A’ Site, please note the following comments:

### Energy Conservation, Air Quality and Climate Change:

#### *Energy Efficiency*

In order to maximize energy efficiency and conservation an energy strategy is required. The City’s energy strategy terms of reference are available for review.

The installation of EV chargers is highly encouraged, as electric vehicles continue to penetrate the personal car and truck market, and supported by federal targets for EV production. Access to home charging will continue to be the preferred charge point.

#### Climate Change Impact Risk Reduction

##### *Reduction of the Urban Heat*

To mitigate the effects of the urban heat caused by the increase in hard surfaces, it is recommended that landscaping efforts be maximized and include the planting of trees. To promote tree growth near parking lots, engineered systems (e.g. Silva Cells or equivalent) are recommended. These comments should be considered in addition to any comments received by the City’s Landscape Architect.

### *Flood Risk Reduction*

The [City's Sewer and Coastal Flood Protection Master Plan](#) notes this area at risk of basement flooding for an approximate 1:25 year storm event. Efforts shall be taken to address risk to any below grade areas.

## **ERCA – ALICIA GOOD**

The City of Windsor has received an Application for an Official Plan Amendment and a Zoning By-Law Amendment to support the construction of a Mixed-Use development with multiple High-Profile buildings on the subject lands.

The following is provided as a result of our review of Zoning By-Law Amendment ZBA-022-23, and Official Plan Amendment OPA 173.

## **NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES UNDER THE CONSERVATION AUTHORITIES ACT, O. REG 686/21, PPS**

The following comments reflect ERCA's role in protecting people and property from the threats of natural hazards and regulating development hazards lands under Section 28 of the *Conservation Authorities Act*.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Parent Outlet Drain and Lake St. Clair. The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

## **FINAL RECOMMENDATION**

Our office has no objection to the proposed OPA 173 and ZBA-022-23. We request continued circulation for this development as we may have further comment regarding the Stormwater Management Plan at the time of Site Plan Control Application. As noted above, the property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

## **LANDSCAPE ARCHITECT & URBAN DESIGN STEFAN FEDIUK**

Pursuant to the application for a zoning amendment (**Z 022/23**) to permit a High profile development (greater than 4 storeys) along Banwell Road with Multiple Dwelling with an excess height of 35m and reduced landscape open space to 24.5% on the subject, please also note the following comments:

### Zoning Provisions for Parking Setback:

With exception to North 'A' Site (north of Leathorne Street), the minimum landscape requirements are able to be met within the proposed development. North 'A' is requesting a reduction in the total landscape area to 24.5% (a reduction of 10.5% ) approximately 2/3 of the required landscape area.

- Required 35% Landscape area – 5,012.88sm
- Proposed 24.5% Landscape area – 3,509.02sm
- Deficient 10.5% Landscape area – 1,503.86sm

Per the Zoning Bylaw 8600, Section 24 – Parking, Loading and Stacking Provisions, specifically 24.20.5 Table 24.20.5.1 Requires Parking Spaces for Multiple dwelling containing a minimum of 5 dwelling Units, the rate is 1.25 parking spaces for each dwelling unit. North 'A' Site proposes 1.45 parking spaces per unit. This represents an excess of 32 parking spaces than what is required.

While it is not entirely possible to meet the minimum landscape requirements with the current proposed development of two 78 unit buildings, there are amendments that can be made to reduce the amount of deficient landscape area as per the climate change requirements of the Official Plan. These include but not limited to:

- Removing the 16 parking spaces situated between Buildings 'H' and 'I'.
- Removing parking spaces found around the periphery of the parking area.
- Reducing the excessive hard surfacing surrounding the loading zones (Note: that sidewalks for direct access and egress to the proposed building or parking areas, and hard surface associated with loading zone areas are not to be included in the landscape area calculations).
- Reducing the number of units/height to ensure compliance with the zoning for RD3.2.

Therefore, the proposed reduction of landscape area to 24.5% is not supported.

#### Tree Preservation:

The applicant has provided a Tree Inventory and Preservation Study (March 2023) for the entire three parcel development, prepared by Dillon Consulting, which documented 310 trees (27 on the property immediately north of the proposed development). A majority of the trees (84%) were identified as native species, including 20 Kentucky Coffeetree near the southern development parcel which are classified as an S2 Threatened SAR being very rare and imperiled. The study indicates that the Kentucky Coffeetrees will be preserved.

The remnant hedgerow of trees and scrub undergrowth running north-south through the middle of the North 'A' site, is dominated by Eastern Cottonwood, American Elm, American Basswood and Oak Species. None of these are identified as SARs. As per Section 5.3 of the TIP report it is recognized that a Landscape Plan will be provided with the Site Plan Approval application to ensure that the loss to urban tree canopy has been compensated at a rate of caliper-to-caliper of tree trunk DBH to the satisfaction of the City Forester and the Planning Department's Landscape Architect.

Additionally, several trees on city owned land are proposed to be removed. Applicant is to provide confirmation from the City Forester that these tree may be removed and what if any compensation to the City of Windsor is required.

In addition, several endangered SAR Bat species and Butler's Gartersnake have been identified as potentially occurring in the vicinity of the proposed development. While suitable habitat for Butler's Gartersnake is not found on the site, there are suitable roosting habitats for bats. The proposed development would see the entire hedgerow removed due to the proposed site layout. The study recommends no removal between April 1 and September 30, and additional recorded monitoring is required to ensure that there are no bat species are roosting prior to any removals.

#### Climate Change:

The proposed development is oriented in a north-south direction through the North 'A' site. The increased asphalt surface and removal of existing tree canopy will increase the urban heat island effect through the site and abutting residential properties to the west. The requirement for tree replacement and increased landscape area is essential to mitigate the impacts of the hard surface paving from a sustainability perspective. As recommended by the above Zoning comments, reduction of the proposed area of hard surface is necessary to increase climate change resiliency and reduce storm water runoff.

Urban Design:

While consistency is prescribed by the O.P. vol 2, Section 2.7.5, the design of the proposed Building's 'E' thru 'I', should ensure materials and details that allow for accessibility needs to help people with cognitive and visibility constraints identify different units readily.

Access to the North 'A' and North 'B' sites should be staggered to reduce the potential of cross traffic midblock between the developments at Leathorne Street. Similar configurations have resulted in parking areas being used as through streets and should be avoided.

Parkland Dedication:

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

**SITE PLAN CONTROL**

The development proposal is subject to Site Plan Control pursuant to the Planning Act and City of Windsor By-law 1-2004. Where preceding development applications are required, inclusive of Official Plan and Zoning By-law Amendments, request for Site Plan Control Pre-Consultation may be made following completion of the requisite Development and Heritage Standing Committee meeting at <https://ca.cloudpermit.com/login>.

**VIA RAIL – JOHN WALSH**

We are in receipt of your Liaison Submission dated 21 July 2023 for the above-captioned applications.

Upon our review, VIA must advise you that we are not in favour of Residential Development in such close proximity to our freight and passenger train right-of-way due to the obvious incompatibility.

Should the City still decide to progress the subject applications, the attached noise, vibration and safety mitigation measures must be addressed for any new development within 300m of VIA's Chatham Subdivision.

In addition to the aforementioned measures, it is also noted that the sight-triangle for the Banwell Road and VIA at-grade crossing could be compromised by the proposed development despite the presence of automatic protection devices at the level crossing. Please consult with Transport Canada to ensure compliance with their regulations in this regard.

Kindly keep us informed on the progress of this application.

**ENWIN**

**HYDRO ENGINEERING:**

No Objections.

**WATER ENGINEERING:**

Water Engineering has no objections to the rezoning.



## **BUILDING DEPARTMENT – BARBARA RUSAN**

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

The Building Code Act, Section 8.(1) requires that a building permit be issued by the Chief Building Official for construction or demolition of a building.

The building permit review process occurs after a development application receives approval and once a building permit application has been submitted to the Building Department and deemed a complete application.

Due to the limited Ontario Building Code related information received, review of the proposed project for compliance to the Ontario Building Code has not yet been conducted. It is strongly recommended that the owner and/or applicant contact the Building Department to determine building permit needs for the proposed project prior to building permit submission.

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

## **ZONING COORDINATOR – ZAID ZWAYYED**

Below is the zoning review for the proposed development:

- **Current Zoning Designation:** CD2.7 S.20(1)218
- **Proposed Zoning Designation:** RD3.2
  
- **Existing Use [as per historical Building Permit(s) / Planning Act Application(s)]:**
  - Vacant property
  
- **Proposed Use:**
  - Two multiple dwelling buildings with 156 dwelling units and a parking area.
  
- **Section 5 – General Provisions**
  - **Flood Protection & Natural Hazards Provisions (5.40):** The subject property is within Floodprone Area. Thus, consultation with Essex Region Conservation Authority (ERCA) is required per section 5.40.5.
  
- **Zoning Provisions (12.2):**
  - **Minimum lot Frontage:**
    - 30.0 m (Required)
    - 161.15 m (Provided)
  
  - **Minimum Lot Area:**
    - 7,621.0 m<sup>2</sup> (Required)
    - 14,322.52 m<sup>2</sup> (Provided)

- **Maximum Lot Coverage:**
  - 35.0% (Required)
  - 18.0% (Provided)
- **Maximum Main Building Height:**
  - 35.0 m (Proposed) (Required)
  - The Applicant must confirm the proposed height (Provided)
- **Minimum Landscaped Open Space Yard:**
  - 24.50% (Proposed) (Required)
  - 24.50% (Provided)
- **Maximum Dwelling Unit Density:**
  - 188 units per ha (Required)
  - 109 Units per ha (Provided)
- **Section 24 - Parking, Loading and Stacking Provisions**
  - **Required Number of Parking Spaces:**
    - 226 spaces (proposed rate 1.45 per unit) (Required)
    - 226 spaces (Provided)
  - **Required Number of Visitor Parking Spaces:**
    - 33 spaces (Required)
    - Designated visitor spaces must be shown
  - **Required Number of Type A Accessible Parking Spaces:**
    - 3 spaces (Required)
    - 4 spaces (Provided)
  - **Required Number of Type B Accessible Parking Spaces:**
    - 4 spaces (Required)
    - 4 spaces (Provided)
  - **Access Aisles and curbcuts for accessible spaces:** Must be shown on the submission.
  - **Required Number of Bicycle Spaces:**
    - 13 spaces (Required)
    - 0 spaces (Provided)
  - **Required Loading Spaces:**
    - 3 spaces (Required)
    - 2 spaces (Provided)
- **Section 25 – Parking Area Provisions**

- More information and dimensions are required to review for compliance with section 25.

## **TRANSIT WINDSOR – JASON SCOTT**

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Lauzon 10. The closest existing bus stop is directly adjacent to this property on McHugh at Questa Northeast Corner providing direct transit access. Transit service will be greatly improved in this area with City Council's approval of Transit Windsor' 2023 operating budget and service plan as 2 new local routes will be introduced to replace the Lauzon 10. Both of these routes will be along McHugh and Banwell and will both have 2 way conventional transit service versus the existing one way loop with the Lauzon 10. This is consistent with our City Council approved Transit Master Plan.

## **ENGINEERING – AMY KUREK**

There is a 300mm PVC sanitary sewer located within Leathorne Street right-of-way and a 475mm PVC sanitary sewer located within the Banwell Road right-of-way. There is a 975mm RCP Storm sewer located within the Banwell Road right-of-way. A complete Servicing study will be required for proposed services.

### **Right-of-Way**

Banwell Road is classified as Class II Arterial Road according to the Official Plan requiring a right-of-way width of 30 meters; the current right-of-way is sufficient; therefore, a conveyance is not required at this time. A corner cut off of 4.6 meters x 4.6 meters is required at the corner of Banwell Rd and Leathorne St.

At the time of SPC application the following will be required:

1. Stormwater Management Report – this has been received and comments will be provided prior to SPC submission
2. Development Agreement for the construction of the extension of Leathorne Street from Questa Drive to Banwell Rd with a required right-of-way width of 20 meters, inclusive of and not limited to; roadway, sidewalk, curb and gutter, street lighting, road drainage, boulevard restoration.
3. Offsite works to alter Banwell Road if required by Transportation Planning.

In summary we have no objection to the proposed development, subject to the following requirements:

**Servicing Study** – The owner agrees, at its own expense, to retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems, satisfactory in content to the City Engineer and prior to the issuance of a construction permit. The study shall review the proposed impact and recommend mitigating measures and implementation of those measures.

**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 corner cut-off at the corner of Banwell Rd and Leathorne St.

If you have any further questions or concerns, please contact Amy Kurek, of this department at [akurek@citywindsor.ca](mailto:akurek@citywindsor.ca)

## **JOHN WALSH – VIA RAIL (UPDATED COMMENT)**

Reference our response of 26 July 2023 to your Liaison Submission dated 21 July 2023, please substitute this letter for the previous one issued.

Upon our review, VIA must advise you that we are not in favour of Residential Development in such close proximity to our freight and passenger train right-of-way due to the obvious incompatibility.

Should the City decide to progress the subject applications, the pertinent noise, vibration and safety mitigation measures for a Principal Mainline must be addressed for any new development within 300m of VIA's Chatham Subdivision.

Kindly keep us informed on the progress of this application.

## **TRANSPORTATION PLANNING – CLARE AMICARELLI**

- The Official Plan classifies Banwell Road as a Class 2 Arterial with a required right-of-way width of 30 metres, as per Schedule X. The existing right-of-way width is sufficient; therefore, a conveyance is not required.
- Construction is required for the extension of Leathorne St from Questa Dr to Banwell Rd as per Engineering Right-of-Way's comments with a required right-of-way width of 20 meters.
- A corner cut-off of 4.6 metres x 4.6 metres is required at the corner of Banwell Rd and Leathorne St for a non-signalized intersection.
- Per the Official Plan, a sidewalk is required on at least one side of a Local Road. A sidewalk construction is required along the frontage of Leathorne St, as per Engineering Right-of-Way's comments.
- All parking must comply with ZBL 8600, otherwise a parking study may be required.
  - Development requires 13 bicycle spaces as per ZBL 8600. Bicycle spaces must comply with ZBL for number and dimensions of spaces and must be clearly shown on revised site plan.
  - Total GFA is required in order to determine if loading spaces proposed are sufficient according to the ZBL.
  - Aisle width must be 6 metres in order to have adequate width for turning maneuvers
- Transportation Planning has reviewed the Transportation Impact Study titled, "Banwell and McHugh Mixed Use Developments" conducted by Dillon Consulting Ltd. in March 2023. Transportation Planning has the following comments:
  - A revised TIS is required, as the TIS submitted does not include any developments along the east side of Banwell Rd. The revised TIS must account for any traffic that will be generated by the properties east of Banwell Rd, specifically at the southeast corner of Banwell Rd and Leathorne St by using estimated traffic volumes based on the existing and permitted zoning of those properties.

- All new exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).
- All new accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings AS-204.
  - All proposed driveways must be 7-9 metres total at the property line (minimum 3.5m/lane, maximum 4.5m/lane)

## HERITAGE PLANNING – TRACY TANG

No supporting information required.

There is no apparent built heritage concern with this property and it is located on an area of low archaeological potential.

Nevertheless, the Applicant should be notified of the following archaeological precaution.

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 Citizenship and Multiculturalism 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 Citizenship and Multiculturalism and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Citizenship and Multiculturalism.

### Contacts:

Windsor Planning & Building Department:

519-255-6543 x6179, [ktang@citywindsor.ca](mailto:ktang@citywindsor.ca), [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca)

Windsor Manager of Culture and Events (A):

Michelle Staaedegaard, (O) 519-253-2300x2726, (C) 519-816-0711,  
[mstaadegaard@citywindsor.ca](mailto:mstaadegaard@citywindsor.ca)

Ontario Ministry of Citizenship and Multiculturalism

Archaeology Programs Unit, 1-416-212-8886, [Archaeology@ontario.ca](mailto: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](mailto:Crystal.Forrest@ontario.ca)



**SOUTH SITE - RESIDENTIAL DEVELOPMENT DETAILS:**

TOTAL PROPOSED UNITS:	408
BUILDING 'A':	10-STOREY, 120 UNITS
BUILDING 'B':	10-STOREY, 120 UNITS
BUILDING 'C':	6-STOREY, 72 UNITS
BUILDING 'D':	8-STOREY, 96 UNITS
PROPOSED PARKING SPACES:	531
PROPOSED PARKING RATE:	1.30
LANDSCAPED OPEN SPACE:	
(incl. trails):	38.2%
LOT COVERAGE:	12.7%

**SOUTH SITE - BUSINESS OFFICE DEVELOPMENT DETAILS:**

GFA:	1860m <sup>2</sup>
REQUIRED PARKING SPACES:	56
PROVIDED PARKING SPACES:	60

**SOUTH SITE - RESPITE HOME DEVELOPMENT DETAILS:**

GFA:	499m <sup>2</sup>
REQUIRED PARKING SPACES:	12
PROVIDED PARKING SPACES:	12

**NORTH 'B' SITE - RESIDENTIAL DEVELOPMENT DETAILS:**

TOTAL PROPOSED UNITS:	180
BUILDING 'E':	6-STOREY, 24 UNITS
BUILDING 'F':	6-STOREY, 78 UNITS
BUILDING 'G':	6-STOREY, 78 UNITS
PROPOSED PARKING SPACES:	270
PROPOSED PARKING RATE:	1.50
LANDSCAPED OPEN SPACE:	
(incl. trails):	36.4%
LOT COVERAGE:	23.2%

**NORTH 'A' SITE - RESIDENTIAL DEVELOPMENT DETAILS:**

TOTAL PROPOSED UNITS:	156
BUILDING 'H':	6-STOREY, 78 UNITS
BUILDING 'I':	6-STOREY, 78 UNITS
PROPOSED PARKING SPACES:	227
PROPOSED PARKING RATE:	1.45
LANDSCAPED OPEN SPACE:	
(incl. trails):	24.5%
LOT COVERAGE:	9.02%

**1027458 ONTARIO LTD.**  
BANWELL AND McHUGH - MIXED USE DEVELOPMENTS

**CONCEPTUAL DEVELOPMENT PLAN**  
April 4, 2023

BANWELL AND McHUGH - SOUTH SITE (± 5.35 ha / 13.23 ac)	BANWELL AND McHUGH - NORTH 'A' SITE (± 1.43 ha / 3.54 ac)	BANWELL AND McHUGH - NORTH 'B' SITE (± 1.66 ha / 4.11 ac)	PROPOSED MULTI-UNIT RESIDENTIAL	PROPOSED LANDSCAPED OPEN SPACE	SOUTH SITE - PHASE 1
30m BUFFER FROM RAILWAY	EXTENT OF BERM	EXISTING BERM	PROPOSED BUSINESS OFFICES	PROPOSED RESPITE HOME	SOUTH SITE- PHASE 2

File Location:  
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April, 04, 2023 1:22 PM

MAP/DRAWING INFORMATION  
THIS DRAWING IS FOR INFORMATION PURPOSES ONLY. ALL DIMENSIONS AND BOUNDARY INFORMATION SHOULD BE VERIFIED BY AN O.L.S PRIOR TO CONSTRUCTION.  
CREATED BY: MRU  
CHECKED BY: TJO  
DESIGNED BY: MRU

SCALE: 1: 2000 (11X17)



PROJECT: 22-5144  
STATUS: DRAFT  
DATE: 04/03/2023



**Committee Matters: SCM 306/2023**

**Subject: Official Plan & Zoning Bylaw Amendments Z 023-23 [ZNG-7068] & OPA 174 [OPA-7071] 1027458 Ontario Inc. Banwell South of Leathorne (North B) Multiple Dwelling Development - Ward 7**

Moved by: Councillor Fred Francis  
Seconded by: Councillor Jim Morrison

Decision Number: **DHSC 568**

THAT the City of Windsor Official Plan, Volume II, Part 1 – Special Policy Areas, **BE AMENDED** by adding site specific policies as follows:

**1.# WEST SIDE BANWELL ROAD SOUTH OF LEATHORNE DRIVE**

1.#.1 The property described as Block 7, Plan 12M-425, in the City of Windsor, known municipally as 0 Banwell Road, is designated a special policy area on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.

1.#.2 Notwithstanding Section 2.7.5.5 of the Official Plan, Volume II:

- a) Medium Profile Residential Buildings up to 24 m in height shall be permitted on the subject property within 30m of Banwell Road

THAT the hold prefix **BE APPLIED** to the existing CD2.7 zone at Block 7, Plan 12M-425, in the City of Windsor, known municipally as 0 Banwell Road, the hold prefix may be removed when the applicant/owner submits an application to remove the holding prefix and the following conditions are satisfied:

- a) an updated Transportation Impact Study is prepared and submitted to the satisfaction of the City Engineer; and
- b) The applicant receives a development permit for the construction of the extension of Leathorne Street onto Block 19, 12M-425.

THAT subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for the lands described as Block 7, Plan 12M-425 by adding site specific regulations as follow:

**4xx. WEST SIDE BANWELL ROAD SOUTH OF FIRGROVE DRIVE**

For the lands described as Block 7, Plan 12M-425, in the City of Windsor, known municipally as 0 Banwell Road, the following shall be additional permitted uses:

- i. multiple dwelling;

subject to the regulations in Section 12.2.5, and,  
Building height within 30m of Banwell Road – Maximum –24 m

(ZDM 14; ZNG/7068)

Carried.

Councillor Angelo Marignani voting nay.

Report Number: S 138/2023  
Clerk's File: Z/14654 & Z/14655

**Clerk's Note:**

1. The recommendation of the Development & Heritage Standing Committee and Administration are the same.
2. Please refer to Item 7.6 from the Development & Heritage Standing Committee held on November 6, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/19011106/-1/9445>



**Subject: Official Plan & Zoning Bylaw Amendments Z 023-23 [ZNG-7068] & OPA 174 [OPA-7071] 1027458 Ontario Inc. Banwell South of Leathorne (North B) Multiple Dwelling Development - Ward 7**

**Reference:**

Date to Council: November 6, 2023

Author: Jim Abbs

Senior Planner

519-255-6543 x6317

jabbs@citywindsor.ca

Planning & Building Services

Report Date: October 20, 2023

Clerk's File #: Z/14654 & Z/14655

**To:** Mayor and Members of City Council

**Recommendation:**

**THAT** the City of Windsor Official Plan, Volume II, Part 1 – Special Policy Areas, **BE AMENDED** by adding site specific policies as follows:

**1.# WEST SIDE BANWELL ROAD SOUTH OF LEATHORNE DRIVE**

1.#.1 The property described as Block 7, Plan 12M-425, in the City of Windsor, known municipally as 0 Banwell Road, is designated a special policy area on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.

1.#.2 Notwithstanding Section 2.7.5.5 of the Official Plan, Volume II:

- a) Medium Profile Residential Buildings up to 24 m in height shall be permitted on the subject property within 30m of Banwell Road

**THAT** the hold prefix **BE APPLIED** to the existing CD2.7 zone at Block 7, Plan 12M-425, in the City of Windsor, known municipally as 0 Banwell Road, the hold prefix may be removed when the applicant/owner submits an application to remove the holding prefix and the following conditions are satisfied:

- a) an updated Transportation Impact Study is prepared and submitted to the satisfaction of the City Engineer; and
- b) The applicant receives a development permit for the construction of the extension of Leathorne Street onto Block 19, 12M-425.

**THAT** subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for the lands described as Block 7, Plan 12M-425 by adding site specific regulations as follow:

**4xx. WEST SIDE BANWELL ROAD SOUTH OF FIRGROVE DRIVE**

For the lands described as Block 7, Plan 12M-425, in the City of Windsor, known municipally as 0 Banwell Road, the following shall be additional permitted uses:

- i. multiple dwelling;

subject to the regulations in Section 12.2.5, and,

Building height within 30m of Banwell Road – Maximum –24 m

(ZDM 14; ZNG/7068)

**Executive Summary:**

N/A

**Background:**

This site is part of the East Riverside Secondary Plan area. That plan designated a large area of agricultural land within the City of Windsor for various forms of urban development. Over time, the majority of the area has developed, seeing the creation of primarily low profile residential areas interspersed with institutional, recreation and multiple dwelling uses.

One of the uses contemplated in the East Riverside Secondary Plan included an area set aside for mixed use development. The site of this development is subject to the Banwell Road Mixed Use Corridor designation. This designation was intended to form a mixed commercial/residential center for the secondary plan area.

Since the approval of the East Riverside Secondary Plan, commercial uses locating at the intersection of Banwell Road and Tecumseh Road East has taken on much of the commercial role anticipated for the intersection of Banwell and McHugh/McNorton.

Other notable developments within the immediate area include a Mixed Use development on the Northeast corner of Banwell and McNorton (*ELM Windsor Inc, Z-013/17 approx 100 units*) and a Multiple Dwelling development immediately south of the Banwell Community Church (*Maple Leaf Homes Z-010/22 approx 130 units*). Both have been approved by City Council through Site Specific Zoning By-law amendments, but have not yet commenced construction.

**Application Information:**

**Location:** Block 7, Plan 12M-425, known municipally as 0 Banwell Road

**Ward:** 7      **Planning District:** East Riverside      **ZDM:** 14

Registered Owner\Applicant: 1027458 Ontario Inc.

Agent: Dillon Consulting (Theresa O'Neil)



KEY MAP - Z-023/23, ZNG-7068, OPA 174, OPA-7071



● SUBJECT LANDS



NEIGHBOURHOOD MAP - Z-023/23, ZNG-7068  
& OPA 174, OPA-7071



SUBJECT LANDS

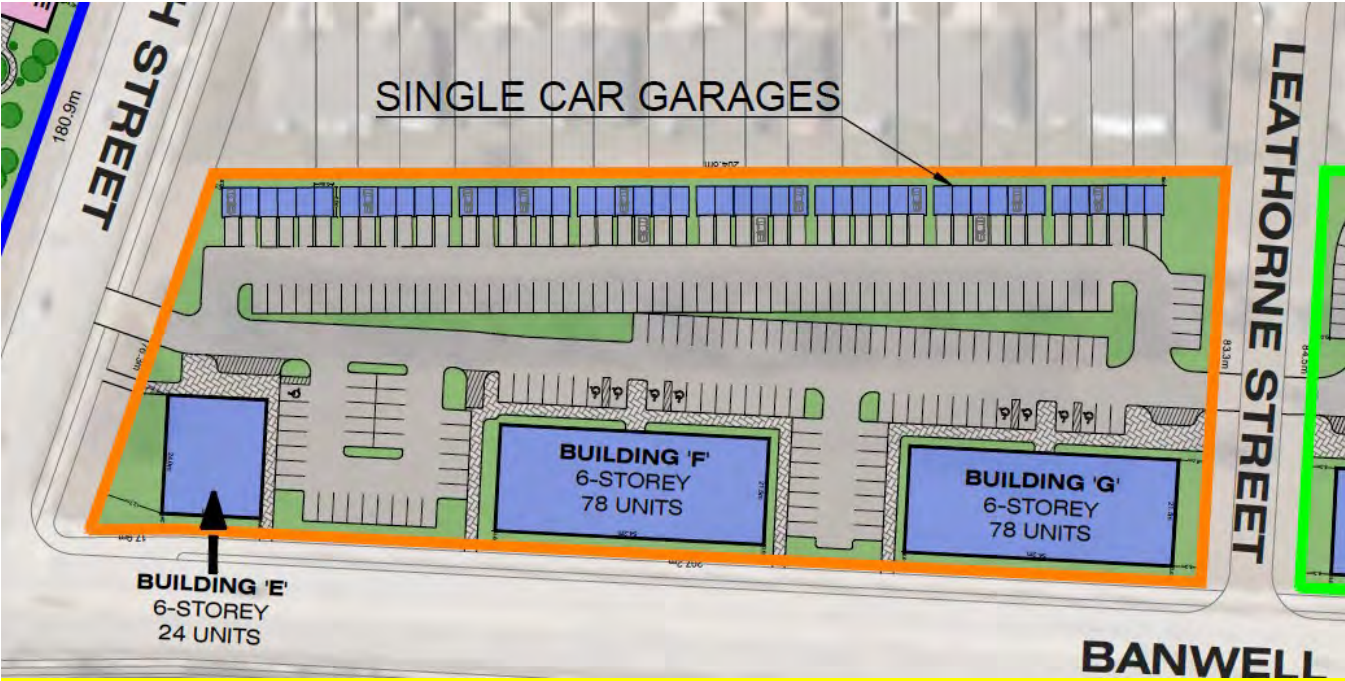
**Proposal:**

This application is one of three by the same developer along the West Side of Banwell Road between the Via Rail line and Firgrove Street. (see Appendix 1: Concept Plan).

The applicant’s proposal for this site includes three (3) six (6)-storey multiple dwelling residential buildings. Two (2) of the multiple dwelling buildings include 78 dwelling units and one (1) includes 24 dwelling units for a total of 180 dwelling units proposed on the site. The site is would have driveway access from the future Leathorne Street and McHugh Street. The proposed development will include a surface parking area and 47 enclosed parking spaces for a total of 270 parking spaces to accommodate on-site parking. No reduction in parking is being requested for this development.

The applicant requested a site specific policy area to permit Medium Profile development (greater than 4 storeys) on the site. The concept plan for the site indicated that a Medium Profile development is proposed for this site. This is discussed further in the Official Plan and Zoning sections of this report.

The applicant is requesting a Zoning By-law amendment that would add “Multiple Dwelling” subject to the regulations of the RD3.2 zone” as a permitted use. As well the applicant is requesting an increase in the permitted height to 24m and a reduction in landscaped open space from 35% as required in the RD3.2 zone to 24.5%.



**NORTH 'B' SITE - RESIDENTIAL DEVELOPMENT DETAILS:**

TOTAL PROPOSED UNITS:	180
BUILDING 'E':	6-STOREY, 24 UNITS
BUILDING 'F':	6-STOREY, 78 UNITS
BUILDING 'G':	6-STOREY, 78 UNITS
PROPOSED PARKING SPACES:	270
PROPOSED PARKING RATE:	1.50
LANDSCAPED OPEN SPACE:	
(incl. trails):	36.4%
LOT COVERAGE:	23.2%

**Figure 1: Concept Plan**

**Site Information:**

Official Plan	Zoning	Current Use	Previous Use
Mixed Use Node Schedule D – Land Use, (OPA#159)  Banwell Road Mixed Use Corridor Schedule ER-2: Land Use Plan, Secondary Plan East Riverside Planning Area	CD2.7	Vacant	Vacant
Width	Depth	Area	Shape
+/-214 m	+/-77 m	1.7 ha	irregular
All measurements are approximate.			

**Neighbourhood Characteristics:**

This proposed development is located at 0 BANWELL RD at the Northwest corner of Banwell Road and McHugh Street. The site is currently vacant and is bounded as follows:

**North** – Vacant land (proposed multiple dwelling development), Townhome Dwellings

**East** – Townhome Dwellings;

**South** – Vacant land subject to development application Z023-23 [ZNG7067]  
Townhome dwellings;

**West** – Vacant Land (approved mixed commercial and residential developments),  
Townhome dwellings.

**Discussion:**

**Provincial Policy Statement 2020 (PPS):**

The Multiple Dwelling development is an infill development (a development on underutilized or vacant land within the context of an existing urban or built up area) consistent with the Provincial Policy Statement (PPS) in that the development promotes the efficient use of existing land, promotes cost-effective development patterns and

standards to minimize land consumption and servicing costs. Related to this direction, the PPS states:

*“1.1.1 b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs”*

*e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;”*

The requested Official Plan and zoning bylaw amendments promotes cost-effective development by redeveloping an under-utilized vacant site. Allowing the proposed multiple dwelling development in this location contributes to minimizing land consumption and servicing costs by using a site that already has available trunk infrastructure in the immediate area.

The PPS also states:

*“1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 20 years.”*

The PPS requires that land be available to diversify developments to meet the future needs of the community. Subsequent to the proposed Official Plan Amendment, the multiple dwelling development will be consistent with that requirement by accommodating new residential construction on lands designated for that purpose.

The PPS also states:

*“1.4.1 To provide for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:*

- a. maintain at all times the ability to accommodate residential growth for a minimum of 10 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and*
- b. maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.”*

The proposed multiple dwelling development is consistent with the PPS by developing

as part of a planned residential neighbourhood. This development will help to provide additional residential inventory within the City of Windsor.

The PPS also states:

*“1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:*

*a. permitting and facilitating:*

- 1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and*
- 2. all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3;*

*b. directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*

*c. promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and...”*

Approving the Official Plan Amendment and Zoning By-law Amendment would support residential development using the infrastructure that is already in place, instead of requiring more expenditure on new trunk infrastructure in an unplanned area. In terms of supporting active transportation and transit, the proposed development is in close proximity to Transit Windsor service, and in close proximity to an extensive trail system.

#### **Official Plan:**

Section 3.3.2.2 of the Urban Structure Plan contained in the City of Windsor Official Plan identifies Banwell Road as a City Corridor. Residential development on a City Corridor may include high profile (26 to 58 metres in height), medium profile (14 to 26 metres in height) and residential over retail at street, as well as row housing and lofts. The proposed development conforms with this policy.

The site is designated “Mixed Use Node” in the City of Windsor Official Plan, the Mixed Use Node designation indicates that Residential intensification shall be directed to the Mixed Use Nodes and areas in proximity to those Nodes. Within these areas Medium Profile buildings, up 4 storeys in height shall be permitted.

This site is identified as “Banwell Road Mixed Use Corridor” in the East Riverside Secondary Plan. The proposed Multiple Dwellings would not be permitted in this designation, however Dwelling Units in a Combined Use Building would be permitted.



To clarify the apparent conflict between the inconsistent sections of the Official Plan related to the height or profile of the development, the Planning Department recommends that a Site Specific policy area be applied to confirm that Medium Profile buildings are permitted on this site within 30 metres of Banwell Road. The site specific policy area would be implemented through a site specific zone (see Zoning Section).

### **Zoning:**

The site is currently zoned CD2.7.

The applicant is requesting that a multiple dwelling be added as a permitted use on this site. Residential uses are already contemplated on the site, when included as part of a combined use building. The provision of a multiple dwelling is compatible with uses contemplated in the Official Plan designations in both the Volume 1 of the Official Plan as well as the East Riverside Secondary Plan.

The application of the regulations contained in the RD3.2 zone is appropriate because those regulations are designed for the Multiple Dwelling use and the forms that those uses take. The regulations of the RD3.2 zone are generally designed to ensure that Multiple dwelling(s) are located on sites that are sized appropriately for the number of units proposed for the development.

### **Building Heights**

The Planning Department is able to support the request for increased height on the site because the Urban Structure Plan designates Banwell Road as a City Corridor. Residential development on a City Corridor may include high profile (26 to 58 metres in height), medium profile (14 to 26 metres in height) on roads designated as City Corridors.

The Planning Department can support the construction of Medium Profile residential buildings up to a maximum height of 24 metres adjacent to Banwell Road. The height limit of 24 m would effectively limit the building to a 6 storey structure, as depicted in the applicant's Concept Plan

### **Request for reduction of landscaped open space**

The Planning Department does not support the request for reduced landscaped open space from 35% to 24.0%. The site statistics provided for this phase of the development indicates that a landscaped open space of 36.4% is available on the site. As well the applicant is oversupplying (270 provided, 225 required) parking that could be used to enhance the Landscaped open space area if necessary.

### **Application of Hold Prefix**

Transportation Planning indicates that the Transportation Impact Statement requires further refinement, as it is unclear whether the TIS fully accounted for the proposed

residential units permitted within the ELM Windsor development on the northeast corner of the Banwell/ McNorton intersection. While this update could be completed as part of the Site Plan Control process where mitigation of any transportation issues will be included as conditions within a site plan control agreement, it is important that a revised TIS be part of the zoning to ensure that the revised TIS is completed before the issuance of a building permit for the Multiple Dwelling portion of the site.

The development also requires the applicant to construct an extension of Leathorne Street from Questa Drive to Banwell Road onto Block 19 12M-425, to support the proposal. Accordingly, a holding prefix is recommended that would be removed when a revised TIS is submitted to the satisfaction of the City Engineer and a development permit for the construction of Leathorne Street is obtained.



PART OF ZONING DISTRICT MAP 14 & 15

# REZONING

Applicant: 1027458 Ontario Inc.



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT

N.T.S.



DATE : JULY, 2023  
FILE NO. : Z-023/23, ZNG/7068

## **Risk Analysis:**

N/A

## **Climate Change Risks**

### **Climate Change Mitigation:**

The site will be subject to a site plan control agreement and will release storm water to the municipal system at a rate determined by a storm water management plan and development servicing plan that will be reviewed and approved by the City's Public Works department.

### **Climate Change Adaptation:**

The development on the site is close to existing bus routes and also community recreational opportunities. This will encourage the use of public transit and walking as modes of transportation, thereby helping to minimize the City's carbon footprint

## **Financial Matters:**

N/A

## **Consultations:**

A Public Information Centre (PIC) was held by the developer's consultant on April 19, 2023. The approximately 150 residents attended.

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

The applications and relevant supporting studies were circulated to commenting agencies. Those responses are included as Appendix 2 – Agency Comments.

## **Conclusion:**

The proposed use of this site as a development containing Multiple Dwelling structures containing 180 units represents an efficient development that will have no adverse impact on the well-being of the City of Windsor. The proposed development represents an appropriate residential use, adds to the range and mix of uses and will not cause any environmental or public health and safety concerns. This development is consistent with the Provincial Policy Statement.

The proposed Multiple Dwelling represents a housing type and density that meets the requirements of current and future residents, that meets the social, health and well-being of current and future residents, represents a form of residential intensification, is set in a location with access to infrastructure, public service facilities, and is close to commercial land uses.

The proposed Multiple Dwelling is located within a growing area that contains other Multiple Dwelling buildings in various stages of development of similar form and is compatible within its context.

The proposed Official Plan and zoning by-law amendments are consistent the PPS, conform with the policy direction of the City of Windsor Official Plan (as recommended for amendment), are compatible with existing and permitted uses in the surrounding neighbourhood, and constitute good planning.

**Planning Act Matters:**

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

*Greg Atkinson, MCIP RPP                      Manager of Development/Deputy City Planner*

*Neil Robertson, MCIP RPP                      Acting City Planner*

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

JP JM

**Approvals:**

<b>Name</b>	<b>Title</b>
Greg Atkinson	Manager of Development/Deputy City Planner
Neil Robertson	Acting City Planner
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner of Economic Development & Innovation
Janice Guthrie for	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
1027458 Ontario Inc.	949 Wilson Ave, Toronto ON M3K 1G2	jcoco@cocogroup.com
Dillon Consulting Limited (Theresa O’Niell)	3200 Dezeil Drive, Suite 608, Windsor ON N8W 5K8	toneill@dillon.ca

**Appendices:**

- 1      Concept Plan
- 2      Z 023/23 Liaison Comments



**SOUTH SITE - RESIDENTIAL DEVELOPMENT DETAILS:**

TOTAL PROPOSED UNITS:	408
BUILDING 'A':	10-STOREY, 120 UNITS
BUILDING 'B':	10-STOREY, 120 UNITS
BUILDING 'C':	6-STOREY, 72 UNITS
BUILDING 'D':	8-STOREY, 96 UNITS
PROPOSED PARKING SPACES:	531
PROPOSED PARKING RATE:	1.30
LANDSCAPED OPEN SPACE:	
(incl. trails):	38.2%
LOT COVERAGE:	12.7%

**SOUTH SITE - BUSINESS OFFICE DEVELOPMENT DETAILS:**

GFA:	1860m <sup>2</sup>
REQUIRED PARKING SPACES:	56
PROVIDED PARKING SPACES:	60

**SOUTH SITE - RESPITE HOME DEVELOPMENT DETAILS:**

GFA:	499m <sup>2</sup>
REQUIRED PARKING SPACES:	12
PROVIDED PARKING SPACES:	12

**NORTH 'B' SITE - RESIDENTIAL DEVELOPMENT DETAILS:**

TOTAL PROPOSED UNITS:	180
BUILDING 'E':	6-STOREY, 24 UNITS
BUILDING 'F':	6-STOREY, 78 UNITS
BUILDING 'G':	6-STOREY, 78 UNITS
PROPOSED PARKING SPACES:	270
PROPOSED PARKING RATE:	1.50
LANDSCAPED OPEN SPACE:	
(incl. trails):	36.4%
LOT COVERAGE:	23.2%

**NORTH 'A' SITE - RESIDENTIAL DEVELOPMENT DETAILS:**

TOTAL PROPOSED UNITS:	156
BUILDING 'H':	6-STOREY, 78 UNITS
BUILDING 'I':	6-STOREY, 78 UNITS
PROPOSED PARKING SPACES:	227
PROPOSED PARKING RATE:	1.45
LANDSCAPED OPEN SPACE:	
(incl. trails):	24.5%
LOT COVERAGE:	9.02%

**1027458 ONTARIO LTD.**  
BANWELL AND McHUGH - MIXED USE DEVELOPMENTS

**CONCEPTUAL DEVELOPMENT PLAN**  
April 4, 2023

BANWELL AND McHUGH - SOUTH SITE (± 5.35 ha / 13.23 ac)	BANWELL AND McHUGH - NORTH 'A' SITE (±1.43 ha / 3.54 ac)	BANWELL AND McHUGH - NORTH 'B' SITE (±1.66 ha / 4.11 ac)	PROPOSED MULTI-UNIT RESIDENTIAL	PROPOSED LANDSCAPED OPEN SPACE	SOUTH SITE - PHASE 1
30m BUFFER FROM RAILWAY	EXTENT OF BERM	EXISTING BERM	PROPOSED BUSINESS OFFICES	PROPOSED RESPITE HOME	SOUTH SITE- PHASE 2

File Location:  
c:\pw working directory\projects 2022\dillon\_32mru\dms63328\22-5144 - banwell and mchugh - concept plan.dwg  
April, 04, 2023 1:22 PM

MAP/DRAWING INFORMATION  
THIS DRAWING IS FOR INFORMATION PURPOSES ONLY. ALL DIMENSIONS AND BOUNDARY INFORMATION SHOULD BE VERIFIED BY AN O.L.S PRIOR TO CONSTRUCTION.  
CREATED BY: MRU  
CHECKED BY: TJO  
DESIGNED BY: MRU

SCALE: 1: 2000 (11X17)



PROJECT: 22-5144  
STATUS: DRAFT  
DATE: 04/03/2023

## APPENDIX D – CONSULTATION

### ENBRIDGE

After reviewing the provided drawing at **Banwell Rd & McHugh St (North 'A' Site, North 'B' Site, South Site)** and consulting our mapping system, please note that Enbridge Gas has active infrastructure around the proposed area. A PDF drawing has been attached for reference.

**Please Note:**

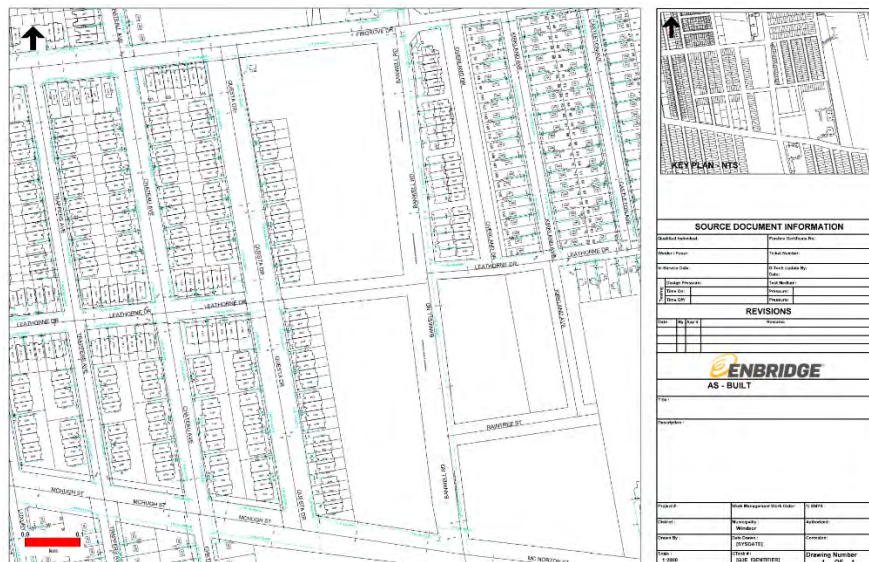
1. **The shown piping locations are approximate and for information purposes only**
2. **The drawings are not to scale**
3. **This drawing does not replace field locates. Please contact Ontario One Call for onsite locates prior to excavating, digging, etc**

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

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

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

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



## LANDSCAPE & URBAN DESIGN – STEFAN FEDIUK

Pursuant to the application for a zoning amendment (**Z 023/23**) to permit a High profile development (greater than 4 storeys) along Banwell Road with Multiple Dwelling with an excess height of 35m and a Residential Care Facility as a permitted use. Please also note the following comments:

### Zoning Provisions for Parking Setback:

The application also requests reduced landscape open space to 24.5% on the subject, However, the Combined Concept Plan provided by the applicant does not demonstrate the need for this reduction on the North 'B' Properties, and lists them as 36.4% landscape open space to be provided. If the intent is to reduce the landscape open space is for a particular component of the North 'B' Properties, then more detailed information is required.

Per the Zoning Bylaw 8600, Section 24 – Parking, Loading and Stacking Provisions, specifically 24.20.5 Table 24.20.5.1 Requires Parking Spaces for Multiple dwelling containing a minimum of 5 dwelling Units, the rate is 1.25 parking spaces for each dwelling unit. The North 'B' Site proposes 1.50 parking spaces per unit within the residential component. This represents an excess of 45 parking spaces than what is required.

Therefore, the proposed reduction of landscape area to 24.5% is not supported.

### Tree Preservation:

The applicant has provided a Tree Inventory and Preservation Study (March 2023) for the entire three parcel development, prepared by Dillon Consulting, which documented 310 trees (27 on the property immediately north of the proposed development). A majority of the trees (84%) were identified as native species, including 20 Kentucky Coffeetree near the southern development parcel which are classified as an S2 Threatened SAR being very rare and imperiled. The study indicates that the Kentucky Coffeetrees will be preserved.

The remnant hedgerow of trees and scrub undergrowth running north-south through the middle of the North 'B' site, is dominated by Eastern Cottonwood, Hawthorne, Manitoba Maple (aka Boxelder) and White Mulberry Species. None of these are identified as SARs. As per Section 5.3 of the TIP report it is recognized that a Landscape Plan will be provided with the Site Plan Approval application to ensure that the loss to urban tree canopy has been compensated at a rate of caliper-to-caliper of tree trunk DBH to the satisfaction of the City Forester and the Planning Department's Landscape Architect.

Additionally, several trees on city owned land are proposed to be removed (trees #80thru 87). Applicant is to provide confirmation from the City Forester that these tree may be removed and what if any compensation to the City of Windsor is required.

In addition, several endangered SAR Bat species and Butler's Gartersnake have been identified as potentially occurring in the vicinity of the proposed development. While suitable habitat for Butler's Gartersnake is not found on the site, there are suitable roosting habitats for bats. The proposed development would see the entire hedgerow removed due to the proposed site layout. The study recommends no removal between April 1 and September 30, and additional recorded monitoring is required to ensure that there are no bat species are roosting prior to any removals.

### Climate Change:

The proposed development is oriented in a north-south direction through the North 'B' development site. The increased asphalt surface and removal of existing tree canopy will increase the urban heat island effect through the site and abutting residential properties to the west. The requirement for tree replacement and increased landscape area is essential to mitigate the impacts of the hard surface paving from a sustainability perspective. As



recommended by the above Zoning comments, reduction of the proposed area of hard surface is necessary to increase climate change resiliency and reduce storm water runoff.

Urban Design:

While consistency is prescribed by the O.P. vol 2, Section 2.7.5, the design of the proposed Building's 'E' thru 'I', should ensure materials and details that allow for accessibility needs to help people with cognitive and visibility constraints identify different units readily.

Access to the North 'A' and North 'B' sites should be staggered to reduce the potential of cross traffic midblock between the developments at Leathorne Street. Similar configurations have resulted in parking areas being used as through streets and should be avoided.

Parkland Dedication:

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

**CANADA POST – BRUNO DESANDO**

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.

**Lock-Box Assembly Requirements**

*The complete Canada Post Standards Manual for Builders & Developers can be downloaded at:  
[https://www.canadapost.ca/cpo/mc/assets/pdf/business/standardsmanual\\_en.pdf](https://www.canadapost.ca/cpo/mc/assets/pdf/business/standardsmanual_en.pdf)*

**Compartments Size**

- Horizontal lock-box models used in mailrooms must have the following minimums:
  - o Residential compartments must be at least 12.5 x 13.5 cm
  - o Commercial compartments at least 13.5 x 30.5 cm
  - o Parcel compartments at least 30.5 x 30.5 cm
- Vertical lock-box models must have min comp size of 25 x 12.5 cm. (Most models are 40 x 12.7 cm)

**Heights**

- All lock-box assemblies must be installed in a manner that will not require the delivery employee to reach higher than 170cm or lower than 45cm when delivering to the equipment. With respect to horizontal lock-boxes, the limits above will likely mean that maximum number of compartments that can be included in each column of residential compartments would be eight

**Rear-loading Lock-boxes**

- Projects with more than 100 units are required to be serviced via a rear-loading lock-box assembly.
- There must be a width of at least 100cm of working space from the back of the boxes to the wall.

- A ledge under the bottom row of boxes is also recommended in rear-loading designs. This ledge is to be directly under the bottom row of boxes (no space between ledge and bottom of boxes) and must stick out at least 20cm from the back of the boxes.
  - Mailroom door is required to provide a minimum 81cm opening
  - Lighting should be at least 100 lux (measured 75 cm from floor)

#### **Access**

- All buildings where the lock-boxes are required to be serviced from inside the building are required to install a Canada Post Crown lock in the building intercom. The intercom is pre-fabricated with an internal housing for the lock. The lock can be obtained from the local deliver supervisor.
- If the building has more than 100 units, a rear-loading lock-box assembly will be installed. The door to the Canada Post delivery area must be fitted with a specific model of deadbolt. This is because Canada Post will supply a key cylinder made specifically for the Canada Post key that will fit inside the deadbolt purchased by the developer.

#### **Numbering**

- Compartments should be numbered vertically and left to right on the delivery side of the boxes

#### **Grade-level Components**

- If the development includes grade level retail or residential units, please take note that door-to-door delivery will not be provided to these units. Canada Post is happy to install a Community Mailbox to provide service to these units. Please coordinate a location with the Canada Post Delivery Planner for the area. If there is no room on the property for the Community Mailbox, service can be provided via another Community Mailbox in the area. Options to service the units from the tower (lobby) lock-boxes or via a front-loading lock box erected on the outside of the building can also be discussed with the Delivery Planner.

## **BUILDING DEPARTMENT – BARBARA RUSAN**

### **Comments from the City of Windsor, Building Department relating to the subject line matter are as follows:**

The Building Code Act, Section 8.(1) requires that a building permit be issued by the Chief Building Official for construction or demolition of a building. The building permit review process occurs after a development application receives approval and once a building permit application has been submitted to the Building Department and deemed a complete application.

Due to the limited Ontario Building Code related information received, review of the proposed project for compliance to the Ontario Building Code has not yet been conducted. It is strongly recommended that the owner and/or applicant contact the Building Department to determine building permit needs for the proposed project prior to building permit submission.

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

**In addition to the above please note:** a Record of Site Condition will be required if the proposed land use changes to a more sensitive land use (for example: changing from an existing industrial or commercial use to a residential use).

## **ERCA – ALICIA GOOD**

The City of Windsor has received an Application for Official Plan Amendment 174 and Zoning By-Law Amendment 023-23 to support the construction of a Mixed-Use development with multiple High-Profile buildings on the subject lands.

The following is provided as a result of our review of Official Plan Amendment 174 and Zoning By-Law Amendment 023-23.

### **NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES UNDER THE CONSERVATION AUTHORITIES ACT, O. REG 686/21, PPS**

The following comments reflect ERCA's role in protecting people and property from the threats of natural hazards and regulating development hazards lands under Section 28 of the *Conservation Authorities Act*.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Parent Outlet Drain. The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

### **FINAL RECOMMENDATION**

Our office has no objection to the proposed OPA 174 and ZBA-023-23. We request continued circulation for this development as we may have further comment regarding the Stormwater Management Plan at the time of application for Site Plan Control. As noted above, the property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

If you have any questions or require any additional information, please contact the undersigned.

## **TRANIT WINDSOR – JASON SCOTT**

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Lauzon 10. The closest existing bus stop is directly adjacent to this property on McHugh at Questa Northeast Corner providing direct transit access. Transit service will be greatly improved in this are with City Council's approval of Transit Windsor' 2023 operating budget and service plan as 2 new local routes will be introduced to replace the Lauzon 10. Both of these routes will be along McHugh and Banwell and will both have 2 way conventional transit service versus the existing one way loop with the Lauzon 10. They are proposed to be implemented in early 2024. This is consistent with our City Council approved Transit Master Plan.

## **VIA RAIL – JOHN WALSH**

We are in receipt of your Liaison Submission dated 26 July 2023 for the above-captioned applications.

Upon our review, VIA must advise you that we are not in favour of Residential Development in close proximity to our freight and passenger train right-of-way due to the obvious incompatibility.

Should the City decide to progress the subject applications, the pertinent noise, vibration and safety mitigation measures for a Principal Mainline must be addressed for any new development within 300m of VIA's Chatham Subdivision.

Kindly keep us informed on the progress of this application.

## **ZONING COORDINATOR – ZAID ZWAYYED**

Below is the zoning review for the proposed development:

- **Current Zoning Designation:** CD2.7
- **Proposed Zoning Designation:** Site-specific to permit multiple dwelling and Residential Care Facility, subject to the provisions of RD3.2
  
- **Existing Use [as per historical Building Permit(s) / Planning Act Application(s)]:**
  - Vacant property
  
- **Proposed Use:**
  - Three Multiple Dwelling Buildings with 180 dwelling units and a parking area
  
- **Section 5 – General Provisions**
  - **Flood Protection & Natural Hazards Provisions (5.40):** The subject property is nearby a Floodprone Area. Thus, consultation with Essex Region Conservation Authority (ERCA) is required per section 5.40.5.
  
- **Zoning Provisions (12.2):**
  - **Minimum lot Frontage:**
    - 30.0 m (Required)
    - 76.29 m (Provided)
  
  - **Minimum Lot Area:**
    - 8,677.0 m<sup>2</sup> (Required)
    - 16,636.14 m<sup>2</sup> (Provided)
  
  - **Maximum Lot Coverage:**
    - 35.0% (Required)
    - 16.90% (Provided)
  
  - **Maximum Main Building Height:**
    - 35.0 m (Proposed) (Required)
    - The Applicant must confirm the proposed height (Provided)
  
  - **Minimum Landscaped Open Space Yard:**
    - 24.50% (Proposed) (Required)
    - 24.50% (Provided)
  
  - **Maximum Dwelling Unit Density:**
    - 188 units per ha (Required)
    - 108 Units per ha (Provided)

- **Section 24 - Parking, Loading and Stacking Provisions**

- **Required Number of Parking Spaces:**
  - 270 spaces (proposed rate 1.50 per unit) (Required)
  - 270 spaces (Provided)
- **Required Number of Visitor Parking Spaces:**
  - 40 spaces (Required)
  - Designated visitor spaces must be shown
- **Required Number of Type A Accessible Parking Spaces:**
  - 4 spaces (Required)
  - 4 spaces (Provided)
- **Required Number of Type B Accessible Parking Spaces:**
  - 4 spaces (Required)
  - 4 spaces (Provided)
- **Access Aisles and curbcuts for accessible spaces:** curbcuts must be shown on the submission.
- **Required Number of Bicycle Spaces:**
  - 15 spaces (Required)
  - 0 spaces (Provided)
- **Required Loading Spaces:**
  - 3 spaces (Required)
  - 3 spaces (Provided)

- **Section 25 – Parking Area Provisions**

- More information and dimensions are required to review for compliance with section 25.

## **ENWIN**

### **HYDRO ENGINEERING:**

No Objection to rezoning

Please note the following distribution and services:

- Underground 120v streetlight duplex adjacent to the South limits of the property.
- Underground 120v streetlight duplex adjacent to the East limits of the property.
- Underground 120/240v secondary triplex servicing the houses on the South side of the above noted address.
- Overhead 27.6kV primary distribution pole line and associated down guy wires/anchors across the street to the East side of the above noted address.

-Existing 27.6kV – 120/240V overhead transformer bank and distribution across the street to the East side of the above noted address.

-Overhead 120/240v secondary triplex service across the street to the East side of the above noted address.

-underground 27.6kV primary distribution across the street to the South side of the above noted address

\*Proposed buildings and/or building additions must have adequate clearance requirements from all hydro distribution and services.

We recommend referring to the Occupational Health and Safety Act for minimum safe limits of approach during construction and the Ontario Building Code for adequate clearance requirements for New Buildings and/or Building Additions.

#### WATER ENGINEERING:

Water Engineering has no objections.

#### TRANSPORTATION PLANNING – CLARE AMICARELLI

- The Official Plan classifies Banwell Road as a Class 2 Arterial with a required right-of-way width of 30 metres, as per Schedule X. The existing right-of-way width is sufficient; therefore, a conveyance is not required.
- The Official Plan classifies McHugh St as a Class 2 Arterial with a required right-of-way width of 36 metres, as per Schedule X. The existing right-of-way width is sufficient; therefore, a conveyance is not required.
- Construction is required for the extension of Leathorne St from Questa Dr to Banwell Rd as per Engineering Right-of-Way's comments with a required right-of-way width of 20 meters.
- A corner cut-off of 4.6 metres x 4.6 metres is required at the corner of Banwell Rd and Leathorne St for a non-signalized intersection.
- A corner cut-off of 6.1 metres x 6.1 metres is required at the corner of Banwell Rd and McHugh St for a signalized intersection.
- Per the Official Plan, a sidewalk is required on at least one side of a Local Road. A sidewalk construction is required along the frontage of Leathorne St, as per Engineering Right-of-Way's comments.
- All parking must comply with ZBL 8600, otherwise a parking study may be required.
  - Development requires 15 bicycle spaces as per ZBL 8600. Bicycle spaces must comply with ZBL for number and dimensions of spaces and must be clearly shown on revised site plan.
  - Total GFA is required in order to determine if loading spaces proposed are sufficient according to the ZBL.
  - Aisle width must be 6 metres in order to have adequate width for turning maneuvers.
- Transportation Planning has reviewed the Transportation Impact Study titled, "Banwell and McHugh Mixed Use Developments" conducted by Dillon Consulting Ltd. in March 2023. Transportation Planning has the following comments:

- A revised TIS is required, as the TIS submitted does not include any developments along the east side of Banwell Rd. The revised TIS must account for any traffic that will be generated by the properties east of Banwell Rd, specifically at the southeast corner of Banwell Rd and Leathorne St by using estimated traffic volumes based on the existing and permitted zoning of those properties.
- All new exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).
- All new accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings AS-204.
  - All proposed driveways must be 7-9 metres total at the property line (minimum 3.5m/lane, maximum 4.5m/lane)
  - Minimum clearance required between McHugh access and cross road is 70 metres for signals at the cross road. Distance shown on conceptual plan provided shows about 45 metres; therefore, a comment is required from the Engineer. In addition, a comment is required from the Engineer regarding the queue length that will be created for the eastbound approach at the intersection of Banwell Rd and McHugh St, as well as the availability for vehicles to turn left out of the site's parking lot onto McHugh St.
  - The suggested minimum clear throat length required for the southerly driveway access onto McHugh St is 25 metres, as per TAC Guidelines.

## ENVIROMENT & SUSTAINABILITY – BARBARA LAMOURE

Pursuant to the application for a zoning amendment (**Z 023/23**) to permit a High profile development (greater than 4 storeys) along Banwell Road with Multiple Dwelling with an excess height of 35m as a permitted use, please note no objections. Please also note the following comments:

### Energy Conservation, Air Quality and Climate Change:

#### *Energy Efficiency*

In order to maximize energy efficiency and conservation an **energy strategy is required**. The City's energy strategy terms of reference are available for review.

The installation of **EV chargers** is highly encouraged, as electric vehicles continue to penetrate the personal car and truck market, and supported by federal targets for EV production. Access to home charging will continue to be the preferred charge point.

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

### Climate Change Impact Risk Reduction

#### *Reduction of the Urban Heat*

To mitigate the effects of urban heat caused by the increase in hard surfaces, it is recommended that the developer consider white colour roofs or green roofs and landscaping efforts be maximized and include the **planting of trees**. To promote tree growth near parking lots, engineered systems (e.g. Silva Cells or equivalent) are recommended. These comments should be considered in addition to any comments received by the City's Landscape Architect.

For more suggestions, please consult the following resources: LEED, Built Green Canada, and EnerGuide.

#### *Flood Risk Reduction*

The [City's Sewer and Coastal Flood Protection Master Plan](#) notes this area at risk of basement flooding for an approximate 1:25 year storm event. Efforts shall be taken to address risk to any below grade areas.

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.

Low Impact Design should be considered during Site Plan Review to address quantity and quality of stormwater leaving the site. The addition of Green Infrastructure here would be beneficial. Please see <https://greeninfrastructureontario.org> for examples.

## **HERITAGE PLANNING – TRACY TANG**

No supporting information required.

There is no apparent built heritage concern with this property and it is located on an area of low archaeological potential.

Nevertheless, the Applicant should be notified of the following archaeological precaution.

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 Citizenship and Multiculturalism 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 Citizenship and Multiculturalism and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Citizenship and Multiculturalism.

#### Contacts:

Windsor Planning & Building Department:

519-255-6543 x6179, [ktang@citywindsor.ca](mailto:ktang@citywindsor.ca), [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca)

Windsor Manager of Culture and Events (A):

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

[mstaaedegaard@citywindsor.ca](mailto:mstaaedegaard@citywindsor.ca)

Ontario Ministry of Citizenship and Multiculturalism

Archaeology Programs Unit, 1-416-212-8886, [Archaeology@ontario.ca](mailto: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](mailto:Crystal.Forrest@ontario.ca)



## **ENGINEERING – ROB PERISINOTTI**

We have reviewed the subject Rezoning application and have the following comments:

### **Sewers**

There is a 300mm PVC sanitary sewer located within Leathorne Street right-of-way, a 475mm PVC sanitary sewer located within the Banwell Road right-of-way and a 300mm PVC sanitary sewer located in the McHugh Street right-of-way.

There is a 825mm reduced to 675mm RCP Storm sewer located within the Banwell Road right-of-way and a 375mm PVC storm sewer located within the McHugh Street right-of-way.

A complete Servicing study will be required for all proposed services inclusive of all proposed developments.

### **Right-of-Way**

Banwell Road is classified as Class II Arterial Road according to the Official Plan requiring a right-of-way width of 30 meters; the current right-of-way is sufficient; therefore, a conveyance is not required at this time.

McHugh St is classified as a Class II Arterial Road according to the Official Plan with a required right-of-way width of 36 metres, as per Schedule X. The existing right-of-way width is sufficient; therefore, a conveyance is not required.

A corner cut off of 6.1 meters x 6.1 meters is required at the north west corner of Banwell Rd and McHugh St.

At the time of SPC application the following will be required:

1. Stormwater Management Report
  2. Development Agreement for the construction of the extension of Leathorne Street from Questa Drive to Banwell Rd with a required right-of-way width of 20 meters, inclusive of and not limited to; roadway, sidewalk, curb and gutter, street lighting, road drainage, boulevard restoration.
  3. Offsite works to alter Banwell Road if required by Transportation Planning.
- In summary we have no objection to the proposed development, subject to the following requirements:

**Servicing Study** – The owner agrees, at its own expense, to retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems, satisfactory in content to the City Engineer and prior to the issuance of a construction permit. The study shall review the proposed impact and recommend mitigating measures and implementation of those measures.

**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 corner cut-off at the corner of Banwell Rd and Leathorne St. and to convey a 6.1m x 6.1m corner cut-off at the north west corner of Banwell Rd and McHugh St.

If you have any further questions or concerns, please contact Amy Kurek, of this department at [akurek@citywindsor.ca](mailto:akurek@citywindsor.ca)



**Committee Matters: SCM 307/2023**

**Subject: Minutes of the International Relations Committee of its meeting held July 31, 2023**

Moved by: Councillor Angelo Marignani  
Seconded by: Councillor Mark McKenzie

Decision Number: DHSC 569

THAT the minutes of the International Relations Committee meeting held July 31, 2023 **BE RECEIVED** for information.

Carried.

Report Number: SCM 258/2023

**Clerk's Note:**

1. Please refer to Item 12.1 from the Development & Heritage Standing Committee held on November 6, 2023.
2. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/19011106/-1/9445>



## **Committee Matters: SCM 258/2023**

**Subject: Minutes of the International Relations Committee of its meeting held**

**July 31, 2023**

## International Relations Committee

Meeting held July 31, 2023

A meeting of the International Relations Committee is held this day commencing at 3:30 o'clock p.m. in Room 522a, 350 City Hall Square West, there being present the following members:

Councillor Angelo Marignani, Chair  
Councillor Renaldo Agostino  
Councillor Fred Francis  
Councillor Ed Sleiman  
Lubna Barakat  
Ronnie Haidar  
William Ma

### ***Regrets received from:***

Jerry Barycki  
L.T. Zhao

### ***Also present are the following resource personnel:***

James Chacko, Executive Director, Parks and Facilities  
Sandra Gebauer, Council Assistant  
Karen Kadour, Committee Coordinator

### **1. Call to Order**

The Chair calls the meeting to order at 3:30 o'clock p.m. and the Committee considers the Agenda being Schedule A attached hereto, matters which are dealt with as follows:

### **2. Declaration of Conflict**

None disclosed.

### **3. Adoption of the Minutes**

Moved by Councillor Fred Francis, seconded by Councillor Ed Sleiman,  
That the minutes of the International Relations Committee of its meeting held May 10, 2023 **BE ADOPTED** as presented.  
Carried.

#### 4. Business Items

##### 4.1 City Post

James Chacko, Executive Director, Parks and Facilities appears before the Committee and provides the following update regarding the City Post:

- A rendering of the Sister Cities Post is provided and is **attached** as Appendix "A".
- The IRC has approved funding for a post; approved the specific layout of each individual sign; and approved the specific style of post.
- Bringing forward a change in location as previously, four different locations within City Hall Campus were discussed and the approved location was in front of the northwest corner near the main entrance to City Hall.
- The new location for the Sisters Cities Post is between the 350 City Hall Square West and 400 City Hall Square East buildings just off of City Hall Square south.
- Requesting approval to install the Sister Cities Post in this new location.

In response to a question asked by Councillor Ed Sleiman regarding if additional cities can be added to the Post, James Chacko responds that the pole is twenty-five feet; the bottom sign will be fifteen feet off the ground which will allow for adequate space for additional Sister Cities while still maintaining clearance to discourage the public from jumping up to touch the signs.

Ronnie Haidar asks if a plaque with a brief description to acknowledge the IRC can be installed near the Post. James Chacko responds that this location lends itself to this and an interpretive panel (2 feet by 3 feet) could be installed in the shrub bed directly north of the Post.

In response to a question asked by Lubna Barakat regarding if the concept presented is final, James Chacko remarks that the pole and signage as previously approved is final. He is present to request approval to the relocation of the Post.

The Chair asks if the signs on the Post point to the actual locations. James Chacko concurs and adds that each sign will be directed towards the Sister City.

Moved by Councillor Fred Francis, seconded by Councillor Renaldo Agostino,  
That **APPROVAL BE GIVEN** to relocate the Sister Cities Post to a space between the 350 City Hall Square West and the 400 City Hall Square east buildings just off of City Hall Square south.

Carried.

Councillor Fred Francis suggests that Administration provide messaging and a concept for the interpretive panel for consideration by the IRC at the next meeting. The Chair proposes that a QR code be added to the signage.

#### **4.2 Request from the City of Gunsan, South Korea for a delegation of ten (10) including Mayor Kang to visit the City of Windsor from October 16-18, 2023**

Sandra Gebauer advises that a request was received from Mayor Kang's office for a delegation of ten including Mayor Kang to visit the City of Windsor. The delegation will be arriving on the evening of October 16, 2023 and leaving the morning of October 18, 2023. They are requesting assistance with the costs associated with transfers as well as accommodations for the ten delegations. Councillor Fred Francis suggests an upset limit of \$10,000.

Moved by Councillor Renaldo Agostino, seconded by Councillor Ed Sleiman,  
That **APPROVAL BE GIVEN** to an expenditure in the upset amount of \$10,000 for a delegation of ten (10) to visit the City of Windsor for October 16, 2023 to October 18, 2023 and further that, the Mayor's Office of the City of Windsor **BE REQUESTED** to send a letter of invitation to Mayor Kang.

Carried.

#### **5. Confirm and Ratify E-mail Polls**

**5.1** That the following E-mail Poll sent on July 14, 2023 regarding a reception for the Misono Jogakuin students from Fujisawa, Japan **BE CONFIRMED AND RATIFIED:**

Moved by Councillor Fred Francis, seconded by Councillor Ed Sleiman,  
That approval be given to an expenditure in the upset amount of \$100 for costs associated with a small reception to be held for the Misono Jogakuin School students from Fujisawa, Japan to be held on Friday, July 28, 2023 at 9:30 a.m. in the Council Chambers with light refreshments to follow in Room 204, 350 City Hall Square West.

Carried.

**5.2** That the following E-mail Poll sent on May 12, 2023 regarding a request from Gunsan, South Korea to invite local craft breweries to participate in the Gunsan Brews & Blues Festival 2023 **BE CONFIRMED AND RATIFIED:**

Moved by Councillor Fred Francis, seconded by Councillor Ed Sleiman,  
That the request from Gunsan, South Korea, inviting local craft breweries to participate in the Gunsan Brews and Blues Festival 2023 from June 16-18, 2023 be forwarded to local craft breweries and to Invest WindsorEssex and Tourism Windsor-Essex Pelee Island for consideration.

Carried.

#### **6. Communications**

### **6.1 Letter from the Mayor of the City of Khmelnytskyi (Ukraine) to establish a Sister City relationship with the City of Windsor**

Sandra Gebauer indicates that the letter from the Mayor of the City of Khmelnytskyi was forwarded to Council Services by the Mayor's Office. She remarks that the Twin Cities Policy was sent to the Mayor of Khmelnytskyi and advised that a discussion regarding a Sister City relationship would be discussed at the next meeting of the IRC.

Councillor Fred Francis inquires if Administration can bring back a draft policy on "Friendship Cities" as this type of relationship is less formal and allows for building upon this relationship over time.

Moved by Councillor Fred Francis, seconded by Councillor Renaldo Agostino, That Administration **BE REQUESTED** to bring back a draft policy/framework for the establishment of a Friendship City Program.  
Carried.

### **6.2 Support for Ukraine's Energy Infrastructure**

The Chair advises that at Council's meeting held July 10, 2023, approval was given to an expenditure in the upset amount of \$5,000 to assist Ukraine in purchasing electric generators (CR274/2023).

Moved by Ronnie Haidar, seconded by Councillor Ed Sleiman, That the update regarding support for Ukraine's energy infrastructure **BE RECEIVED**.  
Carried.

### **6.3 Polish-Canadian Business Dinner – Save the Date**

Moved by Councillor Fred Francis, seconded by Ronnie Haidar, That information regarding the 26<sup>th</sup> Annual Polish-Canadian Society Business Dinner to be held on Friday, November 17, 2023 at 5:30 p.m. **BE RECEIVED**.  
Carried.

### **6.4 Copernicus Display at Queen's Park and Windsor City Hall**

Moved by Councillor Fred Francis, seconded by Ronnie Haidar, That The Jubilee Exhibition held at Queen's Park and at the City of Windsor regarding the 550<sup>th</sup> Anniversary of the Birth of Nicolaus Copernicus **BE RECEIVED**.  
Carried.



### **Additional Updates**

Sandra Gebauer advises that in speaking with Sheri Capehart, Program Director for Arlington, Texas Sister Cities she indicated that a Proposal for twinning with the City of Windsor will be provided in the fall 2023.

Sandra Gebauer states she has been in contact with the city's Recreation Department as well as a presentative from Devonshire Mall regarding the Children's Art Exhibition. She confirms that the Aquatic Centre and Devonshire Mall have agreed to host the Children's Art Exhibition at those locations. She proposes that the event be held in October 2023.

Councillor Fred Francis suggests holding the Children's Art Exhibition at the Aquatic Centre from Monday to a Thursday and at Devonshire Mall on a Friday, Saturday and Sunday.

Moved by Ronnie Haidar, seconded by Councillor Ed Sleiman,  
That the update regarding the Children's Art Exhibition to be held at the Windsor International Aquatic and Training Centre and at Devonshire Mall at the end of October 2023 **BE RECEIVED.**  
Carried.

### **7. Date of Next Meeting**

### **8. Adjournment**

There being no further business, the meeting is adjourned at 4:05 o'clock p.m.



**Committee Matters: SCM 308/2023**

**Subject: Closure of part of north half of Lillian Street right-of-way, between Vimy Avenue and Memorial Drive, Ward 4, SAS-6629**

Moved by: Councillor Mark McKenzie  
Seconded by: Councillor Fred Francis

Decision Number: **DHSC 570**

THAT the report of the Planner II – Development Review dated August 22, 2023 entitled “Closure of part of north half of Lillian Street right-of-way between Vimy Avenue and Memorial Drive, Ward 4, SAS-6629” **BE WITHDRAWN** due to a number of concerns being identified.

Carried.

Report Number: S 41/2023  
Clerk’s File: SAA2023

**Clerk’s Note:**

1. The recommendation of the Development & Heritage Standing Committee and Administration are the same.
2. Please refer to Item 3.1 from the Development & Heritage Standing Committee held on November 6, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:  
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20231106/-1/9445>

**Subject: Closure of part of north half of Lillian Street right-of-way between Vimy Avenue and Memorial Drive, Ward 4, SAS-6629**

**Reference:**

Date to Council: October 3, 2023  
Author: Brian Nagata, MCIP, RPP  
Planner II - Development Review  
(519) 255-6543 ext. 6181

Planning & Building Services  
Report Date: August 22, 2023  
Clerk's File #: SAA2023

**To:** Mayor and Members of City Council

**Recommendation:**

- I. THAT the 12.19 metre by 30.48 metre portion of the 20.12-metre-wide Lillian Street right-of-way located between Vimy Avenue and Memorial Drive, abutting the property known municipally as 605 Vimy Avenue to the west (legally described as Lot 282 & Part of Lot 283, Plan 1229), and shown on Drawing No. CC-1804 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "subject property", **BE ASSUMED** for subsequent closure.
- II. THAT the subject property **BE CLOSED AND SOLD AS A BUILDABLE LOT**, subject to the following:
  - a. 3.0-metre-wide easement, measured 1.50 metres from either side of the following utility infrastructure, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
    - i. ENWIN Utilities Ltd. to accommodate existing 16kV overhead high voltage pole line running east/west through the subject property.
- III. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1804, *attached* hereto as Appendix "A".
- IV. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- V. THAT The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.

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

**Executive Summary:**

N/A

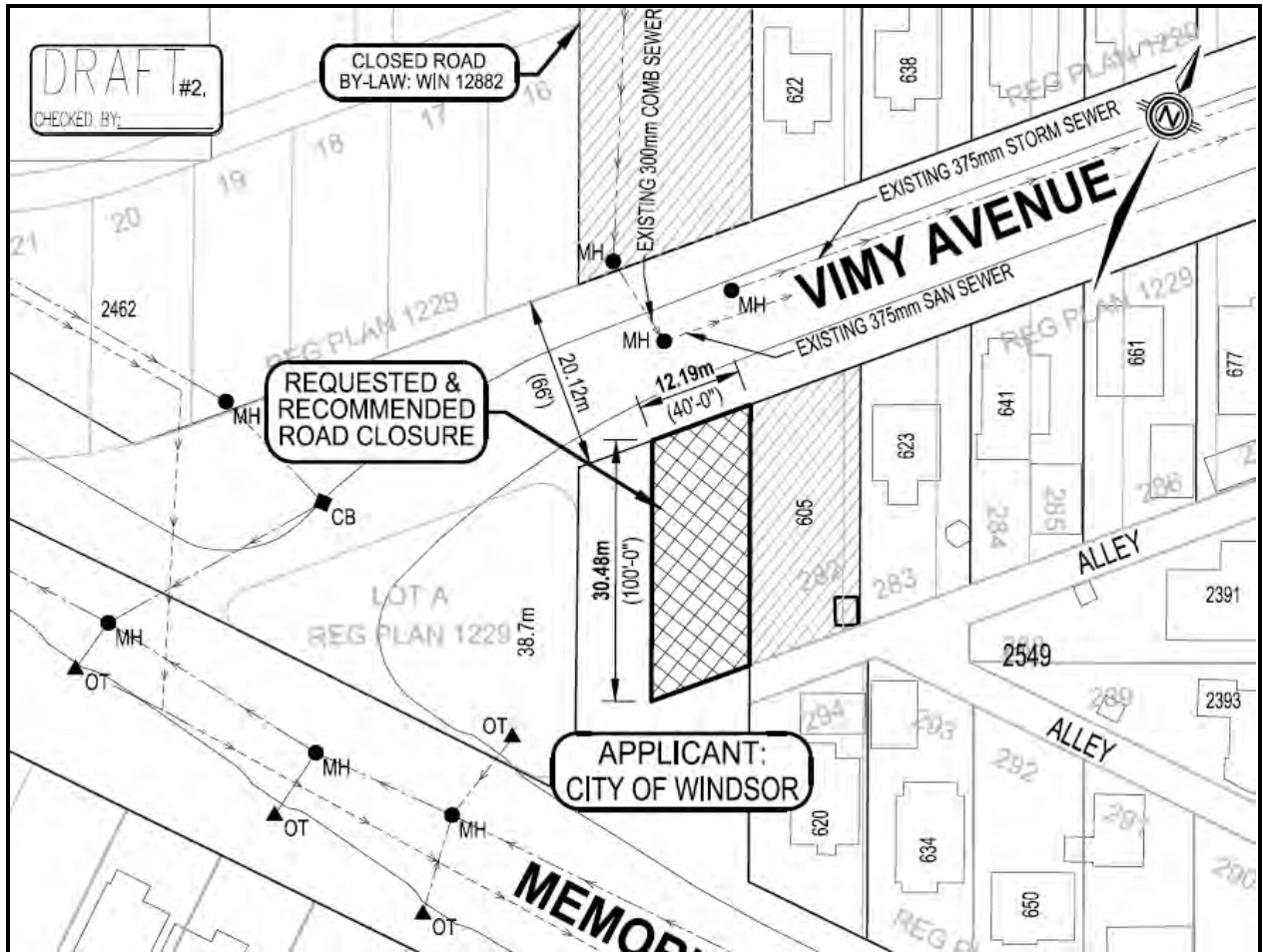


Figure 1 - Location Map

**Background:**

The applicant, Bruno Mantovan, owner of the property known municipally as 605 Vimy Avenue (the subject property), applied to close a 12.19 metre by 30.48 metre portion of the Lillian Street right-of-way that abuts the subject property to the west (the right-of-way), and shown on Drawing No. CC-1804 attached hereto as Appendix “A”, and also shown on the aerial photo attached hereto as Appendix “B”.

The right-of-way is unmaintained and composed primarily of manicured lawn cared for by the City. The right-of-way contains eight saplings (three conifers and five deciduous) and part of a wood privacy fence and hedge row belonging to the subject property. There are no Encroachment Agreements on record for the use of the right-of-way.

The remaining portion of the Lillian Street right-of-way includes an asphalt driveway serving as the only vehicular means of access to a rear parking area and garage at the subject property and 620 Memorial Drive respectively. The remaining portion of the Lillian Street right-of-way also includes a concrete sidewalk connecting those sidewalks located on Vimy Avenue and Memorial Drive.

The applicant wished to close the right-of-way for the purpose of enlarging his property to accommodate a new detached garage with driveway off of the remaining portion of the Lillian Street right-of-way.

The Planning Department, via December 5, 2022 email, advised the applicant that the conveyance price for the right-of-way would be \$176,848.00. The method for establishing the conveyance price is detailed in the table below. The applicant, via January 11, 2023 phone conversation, informed the Planning Department that he is withdrawing his application due to the high conveyance price.

Item	Price
Conveyance Rate: \$4,000.00 per front foot (based on fair market value) (40 front feet x \$4,000.00)	\$160,000.00
Tree Replacement Fee for City owned trees in the right-of-way: \$520.00 per tree, where one tree is equal to 5.0 centimetres Diameter at breast height (DBH) 162.0 centimetres (existing trees total DBH*) / 5.0 centimetres = 32.4 trees x \$520.00 *Includes three (3) trees previously removed without permission from the City	\$16,848.00
<b>Total:</b>	\$176,848.00

The Real Estate Services Department, via January 18, 2023 email, confirmed that they will be reviving the application for the purpose of selling the right-of-way as a buildable lot. The Real Estate Services Department submitted a formal application on March 5, 2023.

**Discussion:**

The decision to recommend closure of a right-of-way is derived from the City’s *Classification of Alleys and Suitability for Closure* guideline document (the document), **attached** hereto as **Appendix “E”**. The document details four classifications of right-of-ways based on their usefulness, and provides corresponding criteria for determining suitability for closure.

**Classification of Public Right-of-Ways**

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

## **Right-of-Way:**

1. *Does the right-of-way serve commercial properties?*
  - a. The right-of-way does not serve any commercial properties.
2. *Does the right-of-way serve properties fronting on heavily traveled streets i.e. major arterial routes?*
  - a. The right-of-way does not serve properties that front on heavily traveled streets.
3. *Does the right-of-way contain sewers, and must the right-of-way remain accessible for servicing?*
  - a. The right-of-way does not contain any sewers.
4. *Does the right-of-way serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive?*
  - a. The right-of-way does not provide vehicular access to any rear parking areas or garages.
5. *Does the right-of-way contain Fire Department connections that are deemed to be necessary for firefighting access?*
  - a. The right-of-way does not contain any fire department connections.
6. *Does the right-of-way lie within a Holding zone or other similar undeveloped areas where the right-of-way system is clearly obsolete and has never been developed, but where the City needs to keep its options open until new area plans are prepared and development is imminent?*
  - a. The right-of-way does not lie within a Holding zone or other similar undeveloped areas.

Based on the above, the Planning Department deems the right-of-way “dispensable”, and supports the requested closure.

It is our recommendation that, upon closure, the right-of-way be sold in the manner described in the Recommendation section herein. Hence the recommendation is to close and sell the right-of-way, which is contrary to the standard manner of conveyance of offering abutting property owners first right to purchase their half of the right-of-way. In this case, the owner of the subject property confirmed that he is not interested in purchasing the right-of-way due to the high conveyance price.

## **Risk Analysis:**

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

## **Climate Change Risks**

### **Climate Change Mitigation:**

N/A

### **Climate Change Adaptation:**

N/A

### **Financial Matters:**

The right-of-way is to be sold at a value to be determined by Real Estate Services Department.

The tree replacement fee will be transferred to the Parks Department from the Real Estate Services Department upon the sale of the right-of-way.

### **Consultations:**

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

Notice of this application was issued to property owners abutting the right-of-way by regular mail, with no objections being received as of the date of writing this report.

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

### **Conclusion:**

The Planning Department recommends closure of the right-of-way shown on *attached* Appendix "A", subject to the easement as in Recommendation II of this report, in favour of ENWIN Utilities Ltd.

The closed right-of-way is to be sold at a value to be determined by the Real Estate Services Department, as in Recommendation II of this report.

### **Planning Act Matters:**

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

*Greg Atkinson, MCIP, RPP*  
*Manager of Development*

*Neil Robertson, MCIP, RPP*  
*Acting City Planner*

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

*JP*

*JM*

**Approvals:**

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

**Notifications:**

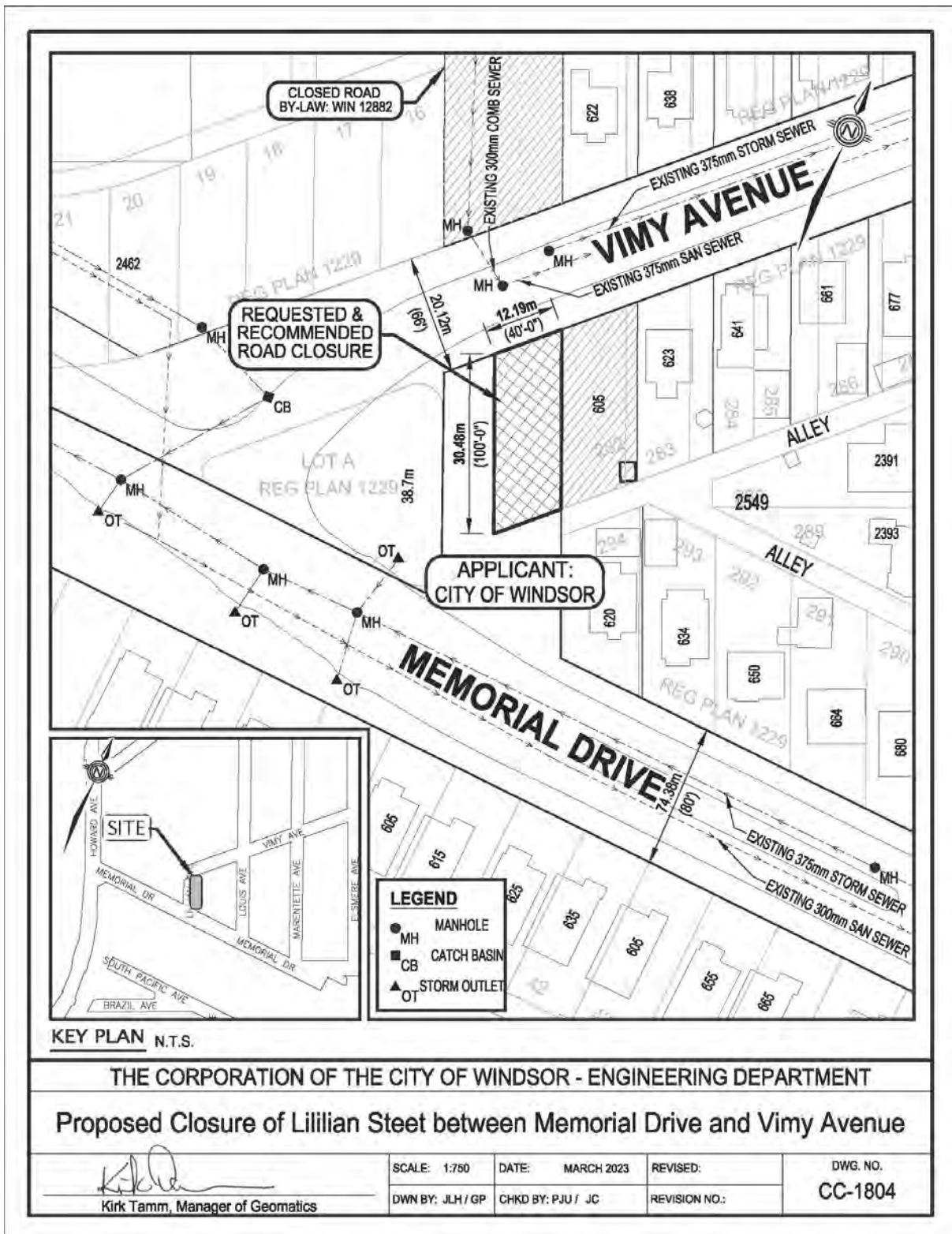
<b>Name</b>	<b>Address</b>	<b>Email</b>
Councillor Mark McKenzie	350 City Hall Square West, Suite 220 Windsor, ON N9A 6S1	MMcKenzie@citywindsor.ca
List of mailing labels for property owners abutting right-of-way issued to Clerks office		

**Appendices:**

- 1 Appendix A - Drawing No. CC-1804
- 2 Appendix B - EIS Drawing - Aerial Photo
- 3 Appendix C - Consultations with Municipal Departments and Utility Companies
- 4 Appendix D - Site Photos
- 5 Appendix E - Classification of Alleys and Suitability for Closure



### APPENDIX "A" Drawing No. CC-1804



# APPENDIX "B" EIS Drawing - Aerial Photo



## STREET & ALLEY CLOSING (SAA/6629)

1:1,000

APPLICANT : BRUNO MANTOVAN

 SUBJECT LANDS

PLANNING DEPARTMENT - DEVELOPMENT DIVISION

DATE: NOVEMBER, 2021



## APPENDIX “C”

### Consultations with Municipal Departments and Utility Companies

#### **BELL CANADA WSP**

Bell Canada has no requirements for this closure.

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

#### **CANADA POST**

No comments provided

#### **COGECO CABLE SYSTEMS INC.**

No comments provided

#### **ENVIRONMENTAL SERVICES**

No concerns from Environmental Services.

**[Anne-Marie Albidone, Manager, Environmental Services]**

#### **ENWIN UTILITIES - HYDRO**

**October 27, 2022**

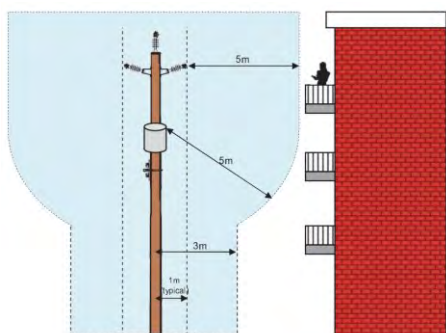
There is an existing 16kV high voltage pole line in the E/W alley right along the rear lot line.

We ask that the southern edge of the proposed pool stay at least 2.0m from the pole line.

Also, the height of the proposed garage may be an issue (what is the height)?...There is an existing three phase 27.6kV pole line along the west boundary of the site.

Certain clearances may be required depending on distance & height (see attached):

Easements named to ENWIN Utilities Ltd. may be required where applicable.



**December 8, 2021**

Objection, based on the subject lands identified in the Liaison sheet SAS/6629.

Please note, EnWin has existing 16kV high voltage distribution that crosses over the subject lands.

City of Windsor streetlight conductors cross over the subject lands.

In addition, EnWin has existing 27.6kV overhead hydro distribution along the west perimeter of the subject lands.

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

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

**[Jerry Raniwsky, Hydro Engineering Technologist]**

**ENWIN UTILITIES - WATER**

Water Engineering has no objections.

**[Bruce Ogg, Water Project Review Officer]**

**LEGAL DEPARTMENT**

For lands abutting CD2.1, \$18 per sq/ft without easements and \$9 per sq/ft with easements.  
For lands abutting RD1.2,

\$1.00 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.

Depending on the responses from other departments we may need to review it again. As previously discussed we think it will be a building lot especially once Transportation Planning looks at setbacks from the trail. However if other departments comment about it being a building lot let me know and I'll discuss with Frank.

**[Chris Carpenter, Coordinator of Real Estate Services]**

**MNSi**

MNSi does not require an easement through these subject lands.

**[Dave Hartleib, Outside Plant Manager]**

**PARKS & FACILITIES**

Parks Design and Development has a concern pertaining this SAS/6629 LIAISON as the subject lands are seems to be public open space that contains an existing mature trees. So, this Trees shall be evaluated and priced and reported as well. May be it can be transplanted or need to be replaced with a new trees.

More details/studies are required to be provided for the work performed in the subject right-of-way described above.

**[Sherif Barsom, Landscape Architect]**

**PLANNING DEPARTMENT**

No comments provided

**PLANNING DEPARTMENT - LANDSCAPE ARCHITECT**

The subject property has been maintained by City Staff including several improvements made through the Parks Department including recent tree planting. The City forester has been consulted and has identified the following:

The 2019 City tree inventory indicates there are 14 City owned trees on this lot. These trees range in size/age but are all well established in a fairly good, open green space location. Planting for the majority of smaller trees occurred about 2011/12. Their future prospects for growth and development are good. These trees are not exceptional or individually significant.

- Honey locust 16 cm\*
- Norway maple 46 cm\*
- Freeman maple 11 cm
- Colorado spruce 8 cm
- White spruce 9 cm
- Red maple 30 cm\*
- Freeman maple 11 cm
- Honey locust 8 cm
- Norway maple 46 cm\*
- White spruce 5 cm
- Freeman maple 8 cm
- White spruce 8 cm
- Freeman maple 13 cm
- Freeman maple 9 cm

A 'functional' replacement, diameter for diameter, approach should be completed on the assumption that these trees would be lost to the City if approval is granted for this request. The 14 trees listed above would require a replacement of 228 cm of diameter. Our standard tree planting operations use 50mm (5cm) stock; therefore 45 replacement trees would be required. In 2021 the City's planting/establishment cost for new trees was determined to be approximately \$600 per tree. This includes purchase, planting and tending for 2 seasons.

It may be possible to consider transplanting of the smaller trees by means of a tree spade. The City is not currently equipped to undertake this operation. Contractor quotes would be needed and subsequent transplant and tending costs covered in lieu of tree replacements. Four (4) trees identified above \* are too large to be transplanted by spade with reasonable expectation of success. 28 new trees would be required just to replace the function of these four (4) larger 'lost' trees.

A pre-operation site inspection by qualified City arborists would be required to confirm inventory data and current tree conditions before proceeding with transplants and/or replacements.

**[Stefan Fediuk - Landscape Architect]**

### **PUBLIC WORKS - ENGINEERING**

**October 26, 2022**

The proposed street closure is approximately 40ft and composed of grass and asphalt. There are no municipal sewers and manholes within the alley. There are guy-wires, a wooden hydro pole and overhead wires located within the alley, an easement would be required for utilities. There is a driveway approach that provides garage access for 620 Memorial Dr. and access to the rest of the alley. If the proposed street closure is approved, 620 Memorial may require a permit to construct a new driveway approach. There appears to be a fence encroachments at 620 Memorial and 605 Vimy. The property owners will be required to remove the encroaching fence if the street closure is approved. If the closure is not approved the property owners will be required to remove the fence or enter into an encroachment agreement for their fence. Public Works has no objections to the closure, subject to an easement and the removal of the fence encroachments or encroachment agreements.

**[Alison (Lodge) Pound | Technologist I]**

**December 21, 2021**

The proposed street closure is approximately 40ft and composed of grass and asphalt. There are no municipal sewers and manholes within the alley. There are guy-wires, a wooden hydro pole and overhead wires located within the alley, an easement would be required for utilities. There is a driveway approach that provides garage access for 620 Memorial Dr. and access to the rest of the alley. If the proposed street closure is approved, 620 Memorial may require a permit to construct a new driveway approach. There appears to be a fence encroachments at 620 Memorial and 605 Vimy. The property owners will be required to remove the encroaching fence if the street closure is approved. If the closure is not approved the property owners will be required to remove the fence or enter into an encroachment agreement for their fence. Public Works has no objections to the closure, subject to an easement and the removal of the fence encroachments or encroachment agreements.

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

**PUBLIC WORKS - TRAFFIC**

The portion of alley coming from Memorial Dr is used for access to the garage of 620 Memorial Drive. Other properties are also using the alley system, however they will still have access from the south leg of the alley from Louis Street. Would recommend closing only to the south side of 605 Vimy.

Due to the size of the proposed closure, recommend that the City investigate the potential to make the lot available for purchase by the public.

**[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**

**October 21, 2022**

Sorry for any delay, I did a sight line review with the driveway location as proposed in the attachment from Brian. According to this sketch (rough estimate) there are no sight-line issues with this proposal and it appears to be at a sufficient distance from the intersection.

However, I'm not certain on how many accesses would be allowed or if they need to be limited to one per any by-laws/regulations.

The OP does have some language about limiting the accesses of properties, ideally we would not want to allow multiple driveways. OP Section 7.2.1.12 – Protect Roadways from Driveway Proliferations; To restrict driveway access based on road classification and minimize the number of driveway access points. Vimy is however a local road, and the alley does not appear to be maintained so it wouldn't be a major concern from our point of view if they were allowed the additional access.

Engineering might have restrictions based on driveway permits and requirements.

**December 20, 2021**

It appears that 620 Memorial Drive and 605 Vimy Ave use this alley in order to access the parking and garage for their properties. This alley portion is not recommended for closure unless the owners of both properties using it are in support of the closure. A portion of the alley to the south of 605 Vimy Avenue's driveway access may be closed.

**[Rania Toufelli, Policy Analyst]**

**TRANSIT WINDSOR**

No comments provided

**UNION GAS**

We may require an easement at this location as our main runs into the alley on the south end at Memorial Dr. See attached GIS as-built.

After reviewing the provided drawing at 605 Vimy Ave. and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area. A PDF drawing has been attached for reference.

**Please Note:**

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

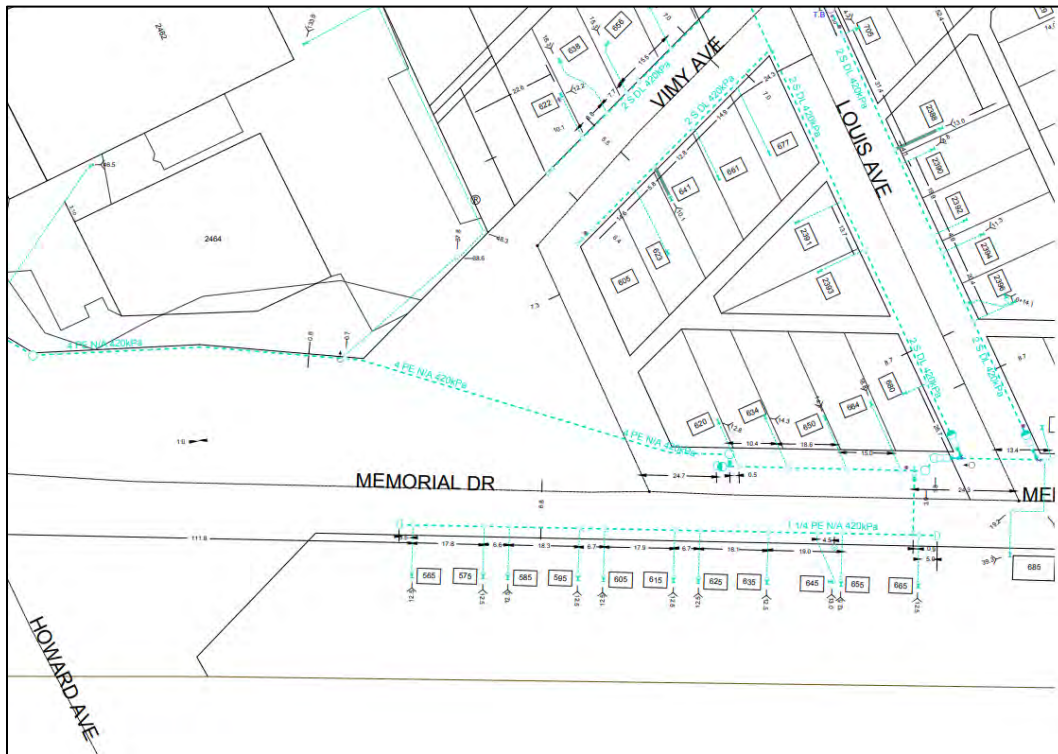
Enbridge Gas requires a minimum separation of 0.6m horizontal and 0.3m vertical from all of our plant less than NPS 16 and a minimum separation 1.0m horizontal and 0.6m vertical between any CER-regulated and vital pipelines. For all pipelines (including vital pipelines), when drilling parallel to the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

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

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

**[Gord Joynson, Drafter Estimator]**





**WINDSOR FIRE**

No comments provided

**WINDSOR POLICE**

The Windsor Police Service has no concerns or objections with this closure request. The outcome from this is anticipated to be very minor, with no impact (negatively speaking) on the ability of the police to carry out patrol and incident response activities for any affected/abutting properties.

**[Barry Horrobin, Director of Planning & Physical Resources]**

**APPENDIX “D”**  
**Site Photos (June 28, 2022)**



*Figure 1 - Looking south towards Lillian Street right-of-way from Vimy Avenue*



*Figure 2 - Looking east towards Lillian Street right-of-way from Vimy Avenue*



*Figure 3 - Looking north towards Lillian Street right-of-way from Memorial Drive*



*Figure 4 - Looking south towards Lillian Street right-of-way from north side of Vimy Avenue*

## **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.

Good afternoon Pat and Peter,

On October 3, 2023, the Development & Heritage Standing Committee Deferred the subject street closure application to their November 6, 2023 meeting. The reason for Deferral was to allow administration time to examine and respond to your concerns raised through previous correspondence.

The following represents the findings from administrations examination of the concerns raised:

**1. Alley Maintenance**

- a. 605 Vimy Avenue's half of the e/w alley is in a state of disrepair with a leaning fence and an overgrowth of vegetation
- b. The alley is currently impassable

The residents can call 311 to have a folder created to address any property standard violations or maintenance concerns.

(Public Works - Right-of-Way response)

**2. Fence Encroaching into Lillian Street R.O.W.**

- a. Why do I need to remove or enter into an encroachment agreement for a fence that has been encroaching for at least the past 50 years?

There is no grandfather in the city right-of-way.

(Public Works - Right-of-Way response)

- b. The encroachment would not have been flagged if it wasn't for an administrative mapping error that showed all of the Lillian Street R.O.W. being recommended for closure.

There is a possibility that the encroachment would not have been flagged, however based on how small the right-of-way is there is a good chance that it would have been identified.

As noted previously, the closure of the R.O.W. is not conditional on the encroachment being addressed. PUBLIC WORKS - OPERATIONS WOULD HAVE TO ADDRESS THIS MATTER INDEPENDENTLY.

(Planning Department response)

- c. Why was the encroachment not dealt with when Lillian Street was removed as part of the Howard Avenue underpass project?

The Engineering Department has a new process in place to address encroaching objects on their projects.

(Public Works - Right-of-Way response)

### 3. Notice

- a. Notice of application was not received by impacted property owners.

Our records indicate that Notice of the application was issued to all property owners within the block on November 1, 2022

The Clerks Department would have issued a Notice of the Development & Heritage Standing Committee meeting prior to the date of October 3, 2023. I issued the mailing addresses to the Clerk's Department on August 22, 2023.

Please note these are courtesy Notices as current legislature does not require Notice of a street or alley closing to be provided.

(Planning Department response)

### 4. Parking

- a. Driveway off of Lillian Street R.O.W.
  - i. Will a driveway off of the R.O.W. be permitted from the buildable lot?

The design of the house and setbacks will regulate the driveway.

(Public Works - Right-of-Way response)

- b. Illegal parking in the Lillian Street R.O.W.
  - i. Creation of a new buildable lot will make the current situation worse, as it is anticipated that residents of the buildable lot will park in the R.O.W.

I brought this matter to the attention of the Coordinator of Parking Services on October 5, 2023. The Coordinator of Parking Services confirmed that this area will be regularly enforced moving forward.

(Planning Department response)

- ii. Lillian Street and no parking signage would assist in informing people that parking is not permitted in the R.O.W.

As far as signage, that would be handled by Signs & Markings department to decide. Parking enforcement is always an option as well, weather it is signed or

not, you cannot block access to the right of way. This would apply during construction as well.

(Traffic Operations response)

- iii. R.O.W. becomes congested with illegally parked vehicles

I brought this matter to the attention of the Coordinator of Parking Services on October 5, 2023. The Coordinator of Parking Services confirmed that this area will be regularly enforced moving forward.

(Planning Department response)

- iv. Parking Enforcement is nonexistent

I brought this matter to the attention of the Coordinator of Parking Services on October 5, 2023. The Coordinator of Parking Services confirmed that this area will be regularly enforced moving forward.

(Planning Department response)

- v. Contractors will park in the R.O.W. during the development of the buildable lot

Parking enforcement issue.

(Public Works - Right-of-Way response)

## 5. Snow Removal on Lillian Street R.O.W.

- a. Why does the City not clear snow from the Lillian Street R.O.W., being that it is not an alley?

The approach and asphalt are considered part of the alley.

(Public Works - Right-of-Way response)

- b. City sidewalk plows dump snow in the R.O.W, subsequently blocking access to 620 Memorial Avenue's driveway and the alley

If at anytime snow is placed on the ROW and is blocking private property or an alley entrance, residents are advised to call 311 to report it so it can be moved.

(Public Works - Operations response)

## 6. Status Quo

- a. Would the City consider leaving the Lillian Street R.O.W. open and continuing to maintain it as a greenspace?

No we don't want to keep it.

(Parks Development & Design response)

**Notwithstanding, The Real Estate Services Department at the request of the Planning Department formally WITHDREW their street closure application today**

**The Clerks Department has been advised that the street closure application has been WITHDRAWN**

## 7. Traffic

### a. Driveway off of Vimy Avenue will:

- i. Conflict with the existing commercial driveway to the Windsor Professional Centre at 2462-2464 Howard Avenue

As we discussed earlier, a single driveway of a SDU will not cause any trouble, moreover if in future the resident of 605 Vimy decides to make multiple dwelling units on that property then we can point it out. Looking at the situation at the entrance of 2462-2464 Howard Ave., is caused by their own driveway design. The booth at the entrance of 2462-2464 Howard Ave. is just 19m away from the Vimy Ave. which can only accommodate 2 cars, due to which there is traffic congestion.

(Transportation Planning response)

- ii. Conflict with the high volume of traffic on Vimy Avenue

I did a sight line review with the driveway location as proposed in the attachment from Brian. According to this sketch (rough estimate) there are no sight-line issues with this proposal and it appears to be at a sufficient distance from the intersection.

However, I'm not certain on how many accesses would be allowed or if they need to be limited to one per any by-laws/regulations.

The OP does have some language about limiting the accesses of properties, ideally we would not want to allow multiple driveways. OP Section 7.2.1.12 – Protect Roadways from Driveway Proliferations; To restrict driveway access based on road classification and minimize the number of driveway access points. Vimy is however a local road, and the alley does not appear to be maintained so it wouldn't be a major concern from our point of view if they were allowed the additional access.

(Transportation Planning response)



- b. Residents of buildable lot will likely use the Lillian Street R.O.W.

Since this is now considered an alley, Public Works will recommend that the buildable lot fronts Vimy with access off of Vimy.

(Public Works - Operations response)

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

Regards,

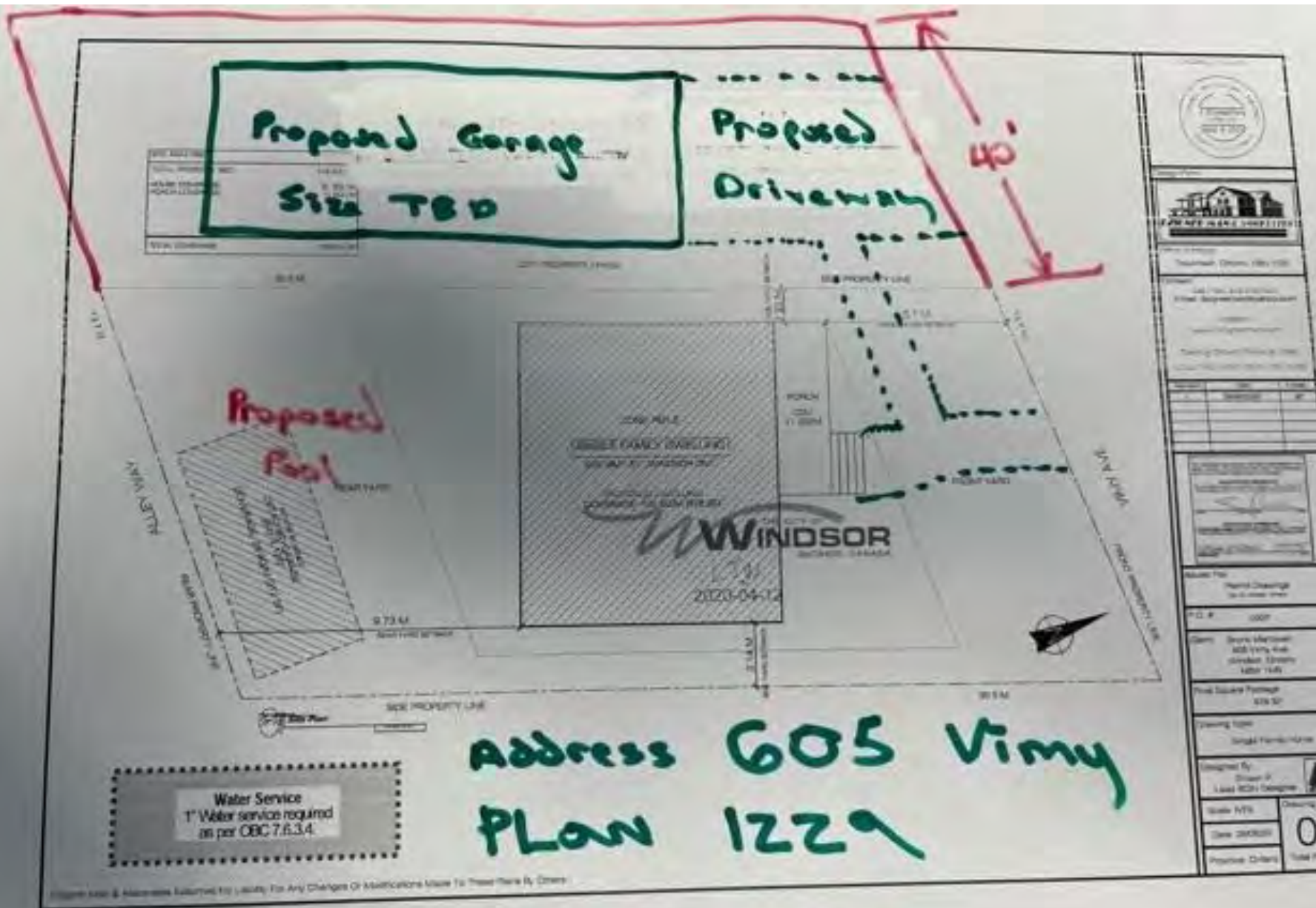
**BRIAN NAGATA, MCIP, RPP, B.A.A., Dipl.URPI | PLANNER II – DEVELOPMENT REVIEW**



Planning & Building Services

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

(519) 255-6543 ext. 6181



Hello Committee Members,

My name is Peter Middlemore. I am here today representing the current resident and homeowner of 620 Memorial Drive. Her name is Patricia Middlemore and she is my mother. My mother has granted me full autonomy to speak on her behalf tonight. Consider my comments, thoughts, and responses to be her own.

We sternly object to the inconsiderate, naive, ill-thought-out, and short-sighted proposal to close the northern half of the former Lillian Avenue for the intended purpose of selling it for real-estate development. My mother has already faced numerous hardships due to the actions and non-actions of this corporation and has become quite upset by the prospect of the proposal becoming a reality.

So let's review.

The driveways of 605 Vimy and 620 Memorial and the alleyway between them would exit onto Lillian Avenue. In order to make way for the railway underpass on Howard Avenue, streets were altered and Lillian Avenue was removed and the southern half replaced with an extension of the existing alleyway that now ran all the way to Memorial Drive. The alleyway does not receive the same level of service as a city street and as such, the city created a hardship for the homeowners and residents of 605 Vimy and 620 Memorial. In the event of heavy snowfall or high winds and the resulting tree branches that would fall onto the alleyway, these homeowners were now left to fend for themselves.

My mother has already put up with more than most. The property at 605 Vimy was burnt to the ground many years ago by an arsonist and stood that way for years. No property maintenance occurred during this time frame and no city department stepped in to do anything about it. Nothing but neglect by the homeowner and avoidance by the city. Eventually the property was sold and removal of the burnt down house and construction of the new house began. The parking spaces on Vimy and Memorial are most often times filled by a combination of residents and customers of the medical centre. Therefore, the construction crew vehicles and material delivery vehicles often parked directly onto the alleyway and often blocked my mother's ability to exit and enter her driveway. To the untrained and unknowing, the alleyway appears to be a shared driveway and there is no signage indicating that parking is prohibited. Since there is no city enforcement, what is stopping them? Nothing.

My mother is a retired City of Windsor employee and was able to cope with this situation only because she didn't need to exit and enter her driveway each morning and evening as she did when still actively employed. However, she did have to plan her excursions around the

contactors work schedules. Often she would return from an outing and be required to find the owner of the construction vehicle and ask him to move it as it was blocking access to her driveway. No resident should have to put up with this.

Currently, the home at 605 Vimy appears to be rented out to several College and or University students that we believe are also under the false impression the alleyway is a shared driveway and are parking illegally. This proposal would permit the building of yet another dwelling next to 605 Vimy and the issue with the construction crew vehicles and material delivery vehicles will commence once again in an already congested alleyway/parking lot.

It has been continually suggested to us that all we need do is call 311 to register a complaint. The expectation is that my mother is to be the neighbourhood watchdog and to believe that there will be no repercussions or reprisals is naive and foolish. Where will the City of Windsor be when my mother is verbally accosted or even physically assaulted? Where will the City of Windsor be when my mother is the victim of property damage to her home or vehicle? No where to be found of course.

It is clear that the homeowner of 620 Memorial has already been faced with several hardships as a result of this corporation's abandonment and negligence. Therefore, it is reasonable to assume that the status quo will continue during the construction of another dwelling at the proposed site. We have been told that proactive enforcement can't take place. Funding is not available. Property taxes are collected for the purpose of infrastructure and infrastructure support. If this corporation is unable to properly fund enough bylaw and parking enforcement officers to provide the necessary level of service required, then this proposal should die here tonight.

We suspect that the objector to the withdrawal of this application sees the sale of this property as a cash cow to be milked and frittered away on some yet to be named project.

We suspect that the objector to the withdrawal of this application has no regard for the effect the sale of this property will have on my mother's quality of life and mental well-being.

This committee and City Council is obligated to represent the citizens of this city as their top priority. Whether it be many or only one, the obligation is the same. I ask you to properly represent my mother today and vote down this proposal. Thank you.



**Subject: Municipal Support Resolutions – Independent Electricity System Operator (IESO) Long Term 1 (LT1) RFP – Wards 2 and 5**

**Reference:**

Date to Council: November 27, 2023  
Author: Michelle Moxley-Peltier  
Community Energy Plan Administrator  
519-255-6100 ext. 6109  
mmoxleypeltier@citywindsor.ca

Karina Richters  
Supervisor, Environmental Sustainability and Climate Change  
519-255-6100 ext. 6127  
krichters@citywindsor.ca

Asset Planning  
Report Date: October 16, 2023  
Clerk's File #: E/10822

**To:** Mayor and Members of City Council

**Recommendation:**

**THAT** City Council **SUPPORT** the Administrative recommendation to not provide Municipal Support Resolutions at this time for non-storage installations as part of the IESO LT1 RFP submission; and

**THAT** Administration **BE DIRECTED** to report back to Council in the event that either of the two projects identified in this report receive an IESO contract award for further consideration for municipal support.

**Background:**

The Independent Electricity System Operator (IESO) delivers key services across the electricity sector including: managing the power system in real-time, planning for the province's future energy needs, enabling conservation and working with industry and communities across Ontario to support their energy goals.<sup>1</sup>

The IESO is competitively securing 4,000 Mega-Watts (MW) of capacity through a number of procurement streams including a Long-term Request for Proposals (LT1 RFP), and a complementary expedited process "the Expedited process" (E-LT1 RFP).

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<sup>1</sup> IESO – Ontario's Electricity System is Changing – Here's What it Means for Communities (page 1)

Refer to Appendix A: Independent Electricity System Operator (IESO) Long Term 1 (LT1) RFP – Summary for additional details.

Windsor City Council has a demonstrated history of deliberating on and supporting energy-based solutions to ensure Greenhouse Gas Emission targets, energy security, and economic opportunities are duly considered with respect to a balance for several competing demands such as accessibility, reliability of energy needs for economic growth, environmental impacts, impacts to residents and neighbourhoods, and safety.

### **Discussion:**

On November 28, 2022, Administration brought forward the Municipal Support Resolutions – Independent Electricity System Operator (IESO) Proponents (CR 487/2022) which requested support for the development of battery storage systems in the City of Windsor, and a blanket approval for the issuance of Municipal Support Confirmation Letters for Battery Storage System Projects participating in the E-LT1 RFP.

Qualified applicants eligible to participate in IESO’s LT1 RFP must submit their application on or before December 12, 2023. The IESO has set its LT1 targets based on awarded contracts from the E-LT1 process as announced in May/June 2023.

Approved applicants are required to receive Municipal Support from every municipality within which a proposed project will be constructed as part of the LT1 RFP process. However, Municipal Support can be granted at the time of project submission, or within eighteen (18) months after the award of an IESO Contract. While the IESO will grant additional rated criteria points to proponents obtaining Municipal Support prior to December 12, 2023 and the rated criteria points will be used for proposal evaluation and ranking purposes, it should be noted that projects without municipal support resolutions did receive IESO contracts in previous rounds.

### **E-LT1 Outcomes**

Of the 1,500 MW target for the E-LT1, of which 900 MW was reserved for storage projects, the IESO awarded contracts for 1,177 MW province-wide, adding 882 MW of storage and 295 MW of non-storage capacity to the electricity system for 2025.<sup>2</sup> Of the 323 MW not contracted, 28 MW is storage and 305 MW is non-storage.

The IESO identified the West Zone (i.e. West of London) as a preferred area in the E-LT1 RFP, awarding criteria points for projects proposed for this area. A total of four (4) proponents, representing six (6) projects in the West Zone were awarded contracts for 295 MW of non-storage and 94.2 MW of storage. Refer to Appendix A: Independent Electricity System Operator (IESO) Long Term 1 (LT1) RFP - Summary for additional details.

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<sup>2</sup> Expedited Long-Term RFP (E-LT1 RFP) – Final Results

<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjDh9Wh3oKCAxWdF1kFHdNvDPIQFnoECBIQAQ&url=https%3A%2F%2Fwww.ieso.ca%2F-%2Fmedia%2Ffiles%2FIESO%2FDocument-Library%2Flong-term-rfp%2FELT1-RFP-Selected-Proponents.ashx&usq=AOwaw1dHKInqDEhuFQm6hcuBi3k&opi=89978449>

Administration recommended four (4) proponents representing seven (7) projects to Windsor City Council for Municipal Support Confirmations/Resolutions as part of E-LT1. Two (2) proponents representing four (4) projects were awarded contracts.

## LT1 RFP

The overall target for the LT1 procurement is 2,505 MW, with non-storage projects capped at 1,600MW, and storage projects capped at 905 MW (which includes 305 MW from E-LT1).

Projects must be capable to start between May 31, 2027 and April 30, 2028 to qualify for LT1 RFP. The LT1 RFP Contract highlights contract terms. Contracts for facilities utilizing natural gas to generate electricity will expire on April 30, 2040, and contracts for facilities not utilizing natural gas to generate electricity will expire on April 30, 2047. Contract terms for natural gas projects are 7 years shorter than contract terms for non-natural gas projects.

From May 26, 2023 to November 10, 2023, Administration has been in consultations with four (4) qualified proponents interested in participating in the LT1 RFP. Proposed projects cover both storage and non-storage categories.

## LT1 Outcomes

On September 29, 2023, the IESO released a summary of the Deliverability test results. Projects passing the test received either a “Deliverable” or a “Deliverable but Competing” result. Projects failing the test and receiving a “Not Deliverable” result will not be eligible to continue in the LT1 RFP. Only 17 out of 103 proposed projects in the West Zone (which includes Windsor-Essex) passed the deliverability test, where most of the available connection room was taken up by the successful contracts from the E-LT1 RFP (particularly west of London)<sup>3</sup>. This has resulted in the elimination of a number of projects proposed for Windsor, with two projects remaining.

Table 1 highlights the results of the Deliverability test for Windsor projects.

Proponent	Location / Tie in	Storage/ Non-Storage	Capacity Requested	Deliverability Test Result
<b>Under Sun Acres Green Energy</b>	Airport / Lauzon TS	Non-Storage	6MW	Deliverable but Competing
<b>Cogeneration and Energy Management Engineering Inc. (“CEM Engineering”)</b>	Ojibway / Keith TS	Non-Storage	5MW	Deliverable but Competing
<b>Total</b>			11MW	

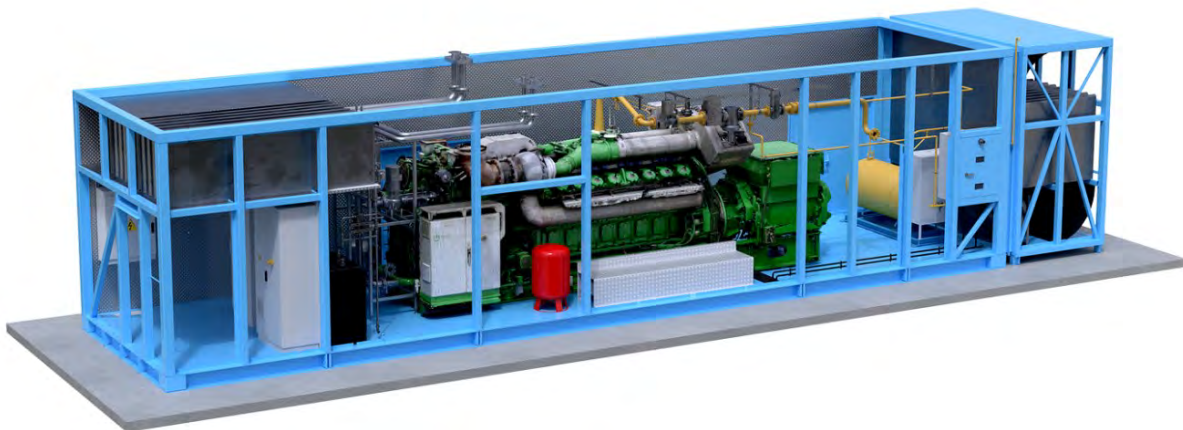
The 11MW of capacity passing the IESO’s deliverability tests is enough to power a medium sized industrial facility or between 4,400 and 11,000 homes for a year. It

<sup>3</sup> <https://www.ieso.ca/-/media/Files/IESO/Document-Library/long-term-rfp/LT1-Deliverability-Results-20230929.ashx>

increases Windsor's generation capability by approximately 1%. The elimination of storage projects due to "transmission system limitations" restricts energy solution options for the area to very small non-storage projects. At the recent Southwestern Ontario Advocacy Roundtable (SOAR) meeting on October 24, 2023, this issue was discussed and it was left to the IESO to confirm whether storage projects were likely deemed non-deliverable as they act as both a load and an energy generation source, which makes it very challenging to ensure system capacity in the region.

### **Technology: Containerized Power Generation modules**

The technology proposed for both Under Sun Acres Green Energy, and CEM Engineering projects is the containerized power generation module. Regardless of manufacturer, containerized power generation modules are self-contained units that "plug and play" in that they can quickly be connected to a power source and brought online, making them a cost effective and suitable solution in a variety of situations and environments. In terms of maintenance and repair, containerized generation modules are easy to maintain, and if a particular module is experiencing problems, it can be isolated and repaired or replaced without impacting other units.<sup>4</sup> The units are manufactured to meet all electrical and gas codes applicable in Ontario and Canada. Protocols for fire and gas detection with automatic alarms and call outs will be included.



Containerized power generation modules can be fueled by natural gas, landfill gas, or biogas. Both proposed projects will use natural gas as a fuel. Although containerized power generation modules have optional add-ons such as heat recovery (heat generated in the process of generating electricity is used to provide heat for space heating or industrial processes), this feature is not a requirement for the LT1 RFP procurement. Under Sun Acres Green Energy has indicated that they will not include heat recovery in their project design, while CEM Engineering will decide whether to include heat recovery during the project design phase. Power generation modules without heat recovery are different from combined heat and power (CHP) units utilized in greenhouse and cogeneration applications. Using this technology in industrial and greenhouse operations coupled with a heat recovery add-on will increase overall

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<sup>4</sup> Sample internal layout of a Containerized Power Generation Unit. Source: <https://www.asoto.eu/containerized-power-module>



operational efficiency from 50% to approximately 75%-80% depending on the amount of recirculating waste heat used.

Both proponents propose to install two (2) containerized power generation modules on site without buildings. With each unit's exhaust and heat processed through a radiator and vented to atmosphere, attention to exhaust and noise quality will be a priority.

### **Project 1: Airport Power Inc.**

Airport Power Inc. is a proposed 6 MW natural gas co-generation project located at 4325 County Rd 42, under development by Under Sun Acres Green Energy.

Under Sun Acres Green Energy is a greenhouse operation located in Leamington, Ontario that produces sweet bell peppers. It is one of Ontario's premier greenhouse facilities. They utilize cutting edge of technology in operating cogeneration systems, closed loop water supply/filtration systems, and more. Under Sun Acres currently operates four combined heat and power reciprocating gas engines in greenhouse settings. The engines supply the Ontario electricity grid with 13 MW of electricity. Waste heat recovered from engine exhaust is utilized to heat the greenhouse.

The Airport Power Inc. project will consist of two (2) 3.3 MW capacity containerized power generation modules, with the site limited to a total output of 6 MW. The site perimeter will be established and secured by fencing to enclose an MV substation and the cogeneration facility.<sup>5</sup> The project is proposed for a gravelled section of an existing plaza zoned as Industrial M1. Per Zoning By-law 85-18 Township of Sandwich South,<sup>6</sup> this zoning does not allow for utility generation and will require a By-Law amendment. Plaza companies include Advanced Electric and Controls, Canada Fence Contractors, Chuck's Truck Service Centre, Harvick Welds Windsor, and Rose City Gymnastics. The site borders on County Rd 42, Baseline Road, and 8<sup>th</sup> Concession Road, and is in close proximity to current and future residential development.

As part of the requirements from the IESO's LT1 RFP, Under Sun Acres Green Energy hosted a Community Meeting on Wednesday November 1, 2023 at 4375 County Rd to discuss the proposed project and answer questions. No objections to the proposed technology arose from residents in attendance. It should be noted that posts on a group Facebook page did express concerns regarding air and noise pollution.

### **Project 2: Windsor Salt Combined Heat and Power Plant**

Windsor Salt Combined Heat and Power Plant ("Windsor Salt") is a proposed 5 MW natural gas co-generation project located at 30 Prospect Ave, under development by CEM Engineering.

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<sup>5</sup> <https://undersunacres.com/cogen-api/>

<sup>6</sup> Section 14 – Industrial Zone (M1) regulations ([https://www.citywindsor.ca/cityhall/By-laws-Online/Documents/By\\_Law%2085-18%20Text%20-%20Jpart\\_of\\_the\\_commissioning\\_uly%2019,%202023.pdf](https://www.citywindsor.ca/cityhall/By-laws-Online/Documents/By_Law%2085-18%20Text%20-%20Jpart_of_the_commissioning_uly%2019,%202023.pdf))

The Windsor Salt project will consist of two (2) 2.5 MW capacity containerized power generation modules, with the site limited to a total output of 5 MW. The site perimeter will be established and secured by fencing to enclose an MV substation and the cogeneration facility. The project is proposed for a gravelled section of an existing industrial plot zoned as MD2.5. Per Zoning By-law 8600 this zoning does allow for utility generation and will not require a By-Law amendment.

As part of the requirements from the IESO's LT1 RFP, CEM Engineering hosted a virtual Community Meeting to discuss the proposed project and answer questions on Monday November 13, 2023.

### **Administrative Recommendation**

While both projects under consideration have noteworthy benefits, for the reasons outlined below in the risk section, Administration recommends that these projects be allowed to move forward in the process without Municipal Support resolutions. Should either of these projects be selected, municipal support can be revisited within 18 months of the IESO contract. It should be noted that under E-LT1, projects without municipal support at the time of project submission did receive IESO contracts. Municipal Support resolutions can be issued after IESO contract award and following municipal planning processes.

Should City Council determine that Municipal Support resolutions should be provided prior to the RFP closing date, Administration will require a resolution that the Mayor be authorized to sign Municipal Support Resolution(s) on behalf of City Council, satisfactory in technical content to the Commissioner of Economic Development and Innovation, and in accordance with IESO's LT1 RFP, section 2.2(l)(i).

### **Risk Analysis:**

**Fire Safety:** The containerized power generation units are manufactured to meet electrical and gas codes applicable in Ontario and Canada. The project will include protocols for fire and gas detection with automatic alarms and call outs. As part of site commissioning, a fire safety plan will need to be developed in collaboration with Windsor Fire and Rescue Services for each site requiring resource allocations.

**Noise:** Each containerized power generator will be housed in a shipping container and installed within a fenced area without a building. An exhaust system for each container (including a sound muffler) will be mounted externally and exhausted to atmosphere. A Noise assessment will be required to ensure noise levels from these units are within acceptable levels.

- Noise risk is higher for the Airport Power Inc. project due to the site's close proximity to current and future commercial (Rose City Gymnastics) and residential development (Baseline Rd and Concession 8).
- Noise risk is lower for the Windsor Salt project as the proposed site is currently zoned industrial and residential development is not in close proximity.

**Land Use By-law amendment:** This risk is only applicable to the Airport Power Inc. project, as the proposed site is currently zoned Industrial (M1) under By-Law 85-18

Township of Sandwich South. A By-law amendment will be required to update the approved land uses to allow for utility or electricity generation. This involves a public process, which has not commenced and may affect the project schedule. Project viability is also at risk in the event the By-Law amendment is rejected.

Windsor Salt's proposed location is currently zoned Industrial (MD2.5) under By-law 8600. The proposed land use is an acceptable land use under this By-law and does not require an amendment.

**Energy Risks:** The proposed projects provide for an additional 11 MW of capacity, which will not significantly impact the health of the transmission system in the long term. The proposed projects will increase Windsor's generation capability by approximately 1%.

The IESO has announced that a Long Term 2 (LT2) Procurement is forthcoming in 2024 with allowances for renewable energy options (i.e. wind and solar). With limited capability in the area until the three Transmission Lines are in service (Chatham to Lakeshore 2024, Sarnia to Chatham 2028, and Longwoods to Lakeshore 2030), waiting for system upgrades may prove beneficial, thereby allowing for a variety of solutions to be brought forward for consideration.

**Scope Change Risks:** The issuance of a Municipal Support Resolution relies heavily on the information provided by the proponent at the time of request. Municipalities are at risk in the event of subsequent project scope changes that significantly change components deemed essential for Municipal Support (i.e. containment, buildings, technology, etc.). The IESO has indicated that once granted, municipal support cannot be rescinded, and has provided direction for municipalities and proponents to work together through the municipal planning policies to rectify deficiencies post contract award.

**Public Perception:** Ontario's electricity system is touted as one of the cleanest in North America due to its supply mix of renewable and non-emitting sources. Increasing reliance on natural gas generation to ensure system resiliency and reliability is viewed negatively across the province. Although natural gas generation does improve system resiliency and reliability, it has been suggested that other technologies can also address issues of resiliency and reliability without increasing GHG emissions.

**Precedent Setting:** The proposed technology is being used in a slightly different application than what is currently utilized in the area (i.e. greenhouse operations). Small, containerized natural gas fueled power generators used in electricity generation with no heat recovery is a less efficient method of generating electricity than systems utilizing cogeneration (i.e. with heat recovery). These small natural gas generators will be exempt from the proposed federal Clean Electricity Regulation. If approved, the proposed technology and application, may set a precedent, allowing subsequent units to be proposed across the city. There currently exists no safe guards regarding applicable sizes, locations, features, and proximity to residential or institutional developments.

## Climate Change Risks

### Climate Change Mitigation:

Natural gas generation will negatively impact Windsor's efforts at GHG reduction. Climate change activities to reduce greenhouse gas emissions, energy security, and economic development are considered pillars of the Community Energy Plan (CEP). Natural gas generation, at a pre-existing sites, was viewed as a temporary solution to Windsor's energy constraints.

**Clean Electricity Regulations:** In August 2023, the federal government released a draft version of the Clean Electricity Regulations (CER) that establishes a strict emissions performance standard for gas-fired generators as part of the federal government's target of a net zero economy by 2050.

The CER will apply to generating units with a capacity of more than 25 MW and are connected to a North American Electric Reliability Corporation (NERC) compliant electricity grid. The emissions threshold will come into force on January 1, 2035 for all units commissioned after January 1, 2025. For all units entered into service prior to that date, the CER performance standard will apply once the unit hits the end of its 20-year prescribed operating life (i.e. a unit that begins operation in 2024 will be exempt until 2044). The CER as drafted is based on each unit, not the entire facility – with most gas-fired generators currently including multiple units within the same facility.

As the proposed projects do not meet the 25 MW minimum threshold, they are exempt from adhering to the emission standard of 30 tonnes of carbon dioxide per GWh of electricity generated (or .03 tCO<sub>2</sub>e / MWh). On average in Ontario, natural gas generation emits 416 tCO<sub>2</sub>e / GWh, more than 13 times the proposed threshold.<sup>7</sup> There is little (provincially or federally) to control these units. The onus is on the IESO and the province of Ontario to regulate and enforce operating standards for natural gas electricity generation, and to implement strategies in Powering Ontario's Growth, a plan to build clean electricity generation, storage, and transmission to meet increased demand.

The City may not meet net-zero 2050 targets with natural gas generation as part of the energy mix in the Ontario Electricity Grid.

**More Natural Gas in New Locations:** The two proposed projects are for new generation capacity to be built in new locations with new operators. With a potential contract term to April 30, 2040, it appears that natural gas electricity generation could continue to be extended further and further into the future. Small capacity generators <25 MW will be exempt from the Clean Electricity Regulations proposed by the federal government to limit GHG emissions and hours of generation for poorly performing generators. There are no protections to encourage small capacity generators to include energy efficiency measures (i.e. heat recovery) to improve operational efficiency. Tying small capacity generators to an institution, industry, or utility that can utilize the waste

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<sup>7</sup> <https://www.poweradvisoryllc.com/reports/the-impact-of-the-cer-on-the-ieso-administered-market>

heat or residue of incomplete combustion is imperative to conserving energy and reducing emissions.

**Climate Change Adaptation:**

New local generation capability may result in reduced outages during extreme weather events, and improve restoration timelines when outages occur. Additional natural gas generation provides additional resources to meet the demands of extreme temperature events with increased capability to meet increased demands for human comfort (i.e. heating and air conditioning), reducing the potential for rotating blackouts to stabilize the grid. However, these advantages may be limited due to the small size of the units.

**Financial Matters:**

There are no financial costs associated with the issuance of the municipal support resolution.

**Consultations:**

Planning Department: Brian Velocci, Planner III, Site Plan Approval Officer  
Pablo Golob, Planner II, Development Review

**Conclusion:**

Proponents applying for IESO contracts have been qualified by the IESO and require a municipal support resolution be included in their proposal submissions (due December 12, 2023) to earn rated criteria points. After the proposal submission deadline(s), municipal support resolutions may be obtained for a period of up to eighteen (18) months after the awarding of an IESO contract.

Administration is working hard to balance several competing priorities: supporting local economic development, improving energy security, and reducing greenhouse gas emissions, all of which are pillars of the Community Energy Plan (CEP)

Administration does not recommend the issuance of a Municipal Support Resolution to these proponents at this time.

If the proponents are awarded a contract through IESO without the municipal support resolution, Administration will report back to City Council with further information.

**Approvals:**

Name	Title
Karina Richters	Supervisor, Environmental Sustainability and Climate Change
Josie Gualtieri	Financial Planning Administration
Natasha Gabbana	Senior Manager, Asset Planning

Janice Guthrie	Chief Financial Officer
Jelena Payne	Commissioner of Economic Development and Innovation
Joe Mancina	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
John Cervini		john.cervini@fulfillholdings.com
Chris Del Greco		chris@undersunacres.com
Crystal Webster		crystal.webster@cemeng.ca

**Appendices:**

Appendix A: Independent Electricity System Operator (IESO) Long Term 1 (LT1)  
RFP - Summary

## **Appendix A: Independent Electricity System Operator (IESO) Long Term 1 (LT1) RFP - Summary**

A reliable and sustainable supply of electricity is fundamental to the well-being of Ontario residents, businesses, and institutions. Each and every day, the Independent Electricity System Operator (IESO) ensures electricity is available where and when it's needed. This includes managing the power system in real-time, planning for the province's future energy needs, enabling conservation, and working with industry and communications across Ontario to support their energy goals.<sup>1</sup>

On January 28, 2022, The Minister of Energy issued a directive to the IESO pursuant to section 25.32 of the Electricity Act 1998 (the Act) in regards to procurement of electricity resources to ensure the reliable operation of Ontario's electricity system in response to ongoing and growing electrical needs.<sup>2</sup> This directive included instructions to design and implement a Long-Term Request for Proposals (LT RFP) procurement initiative.

The IESO is competitively securing 4,000 Mega-Watts (MW) of capacity through a number of procurement streams including a Long-term Request for Proposals (LT1 RFP), and a complementary expedited process "the Expedited process" (E-LT1 RFP). The LT1 RFP and the E-LT1 RFP are designed to competitively procure year-round effective capacity from dispatchable new build resources, including new build hybrid electricity generation and storage facilities, larger than 1 MW and which can deliver a continuous amount of electricity to a connection point on a distribution system or transmission system for at least four consecutive hours.

The IESO has qualified 55 applicants who will be eligible to participate in the LT1 RFP and E-LT1 RFP processes. Applicants have proposed a wide array of projects, including a significant amount of solar installations, electricity storage resources, hybrid generation/storage options, natural gas and biofuels.

### **E-LT1**

The E-LT1 RFP is intended to acquire capacity services to meet system reliability needs from New Build and Eligible Expansion Electricity resources able to commit to commercial operation in 2025. Targeting 1,500 MW, of which, 900 MW is reserved for storage projects. The application deadline for the E-LT1 was February 16, 2023.

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<sup>1</sup> IESO – Ontario's Electricity System is Changing – Here's What it Means for Communities (page 1)

<sup>2</sup> IESO – Ministry of Energy Directive on Procurement of Electricity Resources (January 28,2022)  
<https://www.ieso.ca/-/media/Files/IESO/Document-Library/corporate/ministerial-directives/Letter-from-the-Minister-of-Energy-MC-994-2021-717.ashx>

## Outcomes – Province Wide

The IESO executed contracts for a total of 1,177 MW province-wide, adding 295 MW of non-storage and 882 MW of storage capacity to the system. The non-storage category includes generation from energy sources such as solar or natural gas.

## Outcomes – West Zone

The IESO identified the West Zone as a preferred area in the E-LT1 RFP, awarding three Rated Criteria points for projects proposed for this area. Table 1 provides details on the successful applicants. A total of 295MW of non-storage (100%) and 94.2MW of storage capacity (10.7%) was awarded to the West Zone.

Proponent	Project Name	Location	Storage/ Non-Storage	Capacity Awarded	Municipal Support Received?
<b>Walker BESS 4 L.P.</b>	Walker BESS 4, 5, &6	City of Windsor	Storage	14.2MW	Yes
<b>Capital Power</b>	EWC Expansion	City of Windsor	Non-Storage	100MW	Yes
<b>Tilbury Battery Storage Inc.</b>	Tilbury Battery Storage	Municipality of Lakeshore	Storage	80MW	No
<b>Greenfield South Power Inc.</b>	Hydrogen Ready Power Plant	St. Clair Township	Non-Storage	195MW	Yes
<b>Total</b>				<b>389.2MW</b>	

## Outcomes – Windsor

Administration recommended four proponents representing seven projects to City Council for Municipal Support Confirmations/Resolutions as part of E-LT1 RFP. Table 2 highlights the variance between proposed and awarded capacity for projects located within the City of Windsor. A total of 100MW of non-storage (33.9%) and 94.2MW of storage capacity (1.6%) was awarded to Windsor.

Proponent	Project Name	Location / Tie in	Storage/ Non-Storage	Capacity Requested	Capacity Awarded
<b>Walker BESS 4 L.P.</b>	Walker BESS 4, 5, &6	North Service Rd / Walker TS	Storage	14.2MW	14.2MW
<b>Capital Power</b>	EWC Expansion	Cadillac / Walker TS	Non-Storage	100MW	100MW
<b>Rose City</b>	Windsor	Airport / Lauzon TS	Storage	80MW	None



<b>Energy LP</b>	Airport				
<b>Allectra Utilities</b>	Walker BESS	Walker Rd / Walker TS	Storage	60MW	None
<b>Allectra Utilities</b>	Crawford BESS	Crawford / Crawford TS	Storage	50MW	None
<b>Total</b>				304.2MW	114.2MW

**LT1**

The LT1 RFP is intended to acquire capacity services to meet system reliability needs from New Build and Eligible Expansion Electricity resources starting in 2027 or earlier. Targeting 2,505 MW, of which 1,600 MW is reserved for storage projects, and 905 MW for non-storage projects. The LT1 RFP to close December 12, 2023.

Non-storage projects will be evaluated first. If the capacity is not fully subscribed, the difference in MW may be added to the capacity for Storage Projects. In the event that 2,505 MW is not fully subscribed by Non-Storage and Storage Projects, the IESO will note that the LT1 RFP is not fulfilled and will look at alternative methods to reach the threshold.

**Rated Criteria Points**

For the LT1 RFP, the IESO removed Rated Criteria points for project location and duration of service (daily). Rated Criteria points for municipal and indigenous support remain and will be used to evaluate and award projects. Rating points will be assessed at the time of application.

Local Governing Body Support resolutions

- 4 points awarded for obtaining local community support through a local Governing Body Support Resolution

Indigenous Community Participation

- 3 points awarded for >50% economic interest + 3 points awarded if Indigenous participation comes from a community where the project is located (6 points max)
- 2 points awarded if between 25% and 50% economic interest + 2 points awarded if Indigenous participation comes from a community where the project is located (4 points max)
- 1 point if between 10% and 25% economic interests + 1 point if Indigenous participation comes from a community where the project is located (2 points max).

**Timeline**

IESO has set aggressive timelines for the procurement of new and expanded energy solutions. The table below shows the timeline constraints for the proponents.

Milestones	LT1
<b>Qualified Applicants Announced</b>	August 23, 2022
<b>RFP Engagement Launch</b>	March 28, 2023
<b>Draft RFP and Contract Posted</b>	August 18, 2023
<b>Deliverability Test Submissions Deadline</b>	June 2023
<b>Final RFP and Contract Posted</b>	September 30, 2023
<b>Deliverability Test Results</b>	September 30, 2023
<b>Proposal Submission Deadline</b>	December 12, 2023
<b>Contract Offer Announced</b>	Q1/Q2 2024

### **Municipal Support Resolutions**

Local Municipalities have the option to support a particular Long-Term Reliability Project, a group of Long-Term Reliability Projects, or one or more particular technology types. Should a Municipality wish to offer their support, they must pass a Municipal Support Resolution (project-specific), or a Blanket Municipal Support resolution (technology specific) signed on behalf of the Local municipality in which the Long-Term Project is proposed to be located.

Proponents are required to receive municipal consent from the municipalities for which the proposed project is located in whole or in part. Local municipalities are encouraged to use the template Municipal Support Resolution for providing Municipal Support. Should a local municipality wish to develop its own resolution, the resolution must:

(A) Identify:

- (i) the proponent;
- (ii) the name, technology and Maximum Contract Capacity of the Long-Term Reliability Project; and
- (iii) the Municipal lands; and

(B) state that the Local Municipality supports the construction and operation of the Long-Term Reliability Project on the Municipal Lands. The statement in such resolution may be qualified as being solely for the purposes of enabling the Proponent to receive Rated Criteria points under the E-LT1 RFP or to satisfy its obligations under any contract awarded under the E-LT1 RFP and does not supersede any applicable permits or approvals under applicable Laws and Regulations that may be required for a particular Long-Term Reliability Project.

Municipal Support can be granted at the time of application, for which the proponent will be awarded Rated Criteria Points, or within eighteen (18) months from the date of contract award with the IESO. A lesson learned from the E-LT1 RFP is once issued, municipal support cannot be rescinded, even in the event that a project deviates from the project scope presented to the municipality and upon which the Municipal Support

Resolution was granted. The IESO recommends that the affected municipality and proponent work to resolve deviations through the municipal planning process.

Although a Municipal Support Resolution may impact the rank of the Proponent's Proposal in relation to other Proposals received by the IESO, it does not guarantee a contract will be offered to the Proponent under the LT1 RFP. Contracts were awarded under the E-LT1 RFP to projects without municipal support.

**Subject: 2024 Agency Grant Payments - City Wide**

**Reference:**

Date to Council: November 27, 2023  
Author: Dave Soave  
Manager, Operating Budget Development & Control  
519-255-6100 Ext. 1911  
dsoave@citywindsor.ca  
Financial Planning  
Report Date: November 6, 2023  
Clerk's File #: AF/14372

**To:** Mayor and Members of City Council

**Recommendation:**

THAT Council **APPROVE** the funding for City Funded Agencies in 2024 up to a maximum of 50% of the 2023 approved grant amounts as outlined in this report.

**Executive Summary:**

N/A

**Background:**

As in previous years when the budget has not been approved prior to the start of the fiscal year, Council has approved payments to City funded agencies up to a maximum of 50% of the prior year's approved budget.

**Discussion:**

It is anticipated that the City's 2024 Operating Budget, along with approval for agency funding, will not be finalized until January of 2024. In the interim, a number of agencies rely on annual City of Windsor grant funding in order to sustain their operations. Any necessary adjustments to these agencies' payment schedules resulting from the 2024 budget discussions and final budget approval will be made and communicated to the appropriate agency(s) accordingly.

**Risk Analysis:**

As these agencies rely on the financial support of the City of Windsor to maintain their operations, they may experience financial difficulties if funds are not made available until the 2024 budget is approved. In the interim, administration is seeking approval to release payments up to a maximum of 50% of their 2023 approved amounts.

## Climate Change Risks

### Climate Change Mitigation:

N/A

### Climate Change Adaptation:

N/A

### Financial Matters:

The table below outlines the agencies funded by the City of Windsor, their 2023 approved budgeted amounts, and the maximum level they would be funded prior to the approval of the 2024 Operating Budget. As per normal practice, up to 50% of the previous year's grant is recommended.

Agencies Requiring Transfer Payments	2023 Approved Budget	% of the 2023 Budget Requested for Transfer	Maximum Transfer Approved for 2024
<b>Statutory Agencies</b>			
Land Ambulance Services	\$13,737,400	50%	\$6,868,700
Windsor-Essex County Health Unit	\$3,870,192	50%	\$1,935,096
Essex Region Conservation Authority	\$1,863,137	50%	\$931,569
<b>Non-Statutory Agencies:</b>			
Invest Windsor/Essex	\$1,366,661	50%	\$683,331
Handi Transit	\$1,262,756	50%	\$631,378
Life After Fifty	\$172,438	50%	\$86,219
Windsor Symphony	\$150,000	50%	\$75,000
The Safety Village	\$91,250	50%	\$45,625
Arts Council	\$15,000	50%	\$7,500
Artcite Inc.	\$5,000	50%	\$2,500
<b>Total</b>	<b>\$22,533,834</b>		<b>\$11,266,918</b>

In total, the maximum level of funding required based on the recommended pre-approval is \$11,266,918.

As in previous year's City Council will be requested to approve the issuance of 2024 Interim Property tax bills which also equate to 50% of the 2023 tax levy. As such, there will be sufficient funding available to make the above noted payments to the agencies.

**Consultations:**

N/A

**Conclusion:**

The 2024 budget process has not yet been finalized and therefore the payment schedules for the City of Windsor funded agencies, as outlined above, cannot be completed. Payments to these agencies up to a maximum of 50% of their 2023 approved budget would assist in avoiding any financial difficulties that they may experience and would also allow for further adjustments to their budgets prior to the finalization of the 2024 budget.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
David Soave	Manager, Operating Budget Development & Control
Tony Ardovini	Deputy Treasurer - Financial Planning
Janice Guthrie	Chief Financial Officer & City Treasurer
Joe Mancina	Chief Administrative Officer

**Notifications:**

Name	Address	Email

**Appendices:**

**Subject: Development and Implementation of a City Wide Vacant Home Tax Program – City Wide**

**Reference:**

Date to Council: November 27, 2023

Author: Carolyn Nelson, Manager Property Valuation & Administration

(519) 255-6100 ext 6170

cnelson@citywindsor.ca

Taxation & Financial Projects

Report Date: November 9, 2023

Clerk's File #: AF2023 & GP2023

**To:** Mayor and Members of City Council

**Recommendation:**

THAT this report with regards to the Design and Implementation of a Vacant Home Tax **BE RECEIVED**; and further,

THAT City Council **ADOPT** a Municipal Vacant Home Tax (VHT) program pursuant to Part IX.1 of the *Municipal Act, 2001* (the Act); and,

THAT City Council **AUTHORIZE** Administration to submit an application to the Minister of Finance to be designated as a municipality that has the power to impose a tax on residential vacant units, per Part IX.1 section 338.1 of the Act;; and further,

Subject to receiving Ministerial consent to becoming a designated municipality in the regulations under the Act, THAT the City of Windsor's VHT program **BE EFFECTIVE** January 1, 2024; and further,

THAT City Council **ESTABLISH** the vacancy reference period to be the prior taxation year; and further,

THAT City Council **APPROVE** a tax rate of 3% to be applied to the prior year's assessment value as determined by the Municipal Property Assessment Corporation (MPAC) to calculate the amount of VHT to be charged; and further,

THAT City Council **APPROVE** the definition of "vacant" and the recommended exemptions listed in the Discussion section of this report, for the purposes of identifying properties that would be subject to the Vacant Home Tax; and further,

THAT City Council **SUPPORT** one new Property Tax Clerk position (L543 09) and one new Property Assessor position (L543 14) as permanent additions to the Assessment Division staff complement, which will be funded through revenue collected through the VHT program; and further,

THAT the CFO/City Treasurer **BE DIRECTED** to amend the 2024 staff complement to reflect the addition of the two (2) permanent staff required for the administration of the VHT program; and further,

THAT City Council **DIRECT** any resulting surplus in revenue, after all Administrative costs have been recovered, be transferred to the City's Housing Reserve (Fund 216) to be used for purposes of housing related programs, projects and initiatives; and further,

THAT City Council **ESTABLISH** a penalty of \$2,500 to be imposed for declarations determined to be false or misleading; and further,

THAT where appropriate, any amounts which are considered due and payable to the municipality **BE ADDED** to property taxes and collected in the same manner as property taxes; and further,

THAT City Council **AUTHORIZE** Administration to take any and all action that is deemed necessary to enforce compliance and to undertake audits and inspections as necessary relative to the collection and remittance of the VHT as outlined in this report; and further,

THAT upon the City of Windsor receiving consent to be a designated municipality in the regulations under the Act, the City Solicitor **BE AUTHORIZED** to prepare the VHT By-law.

### **Executive Summary:**

N/A

### **Background:**

As part of the Fair Housing Plan announced in 2017 by the former Ontario government, municipalities were provided with an ability to impose a tax on vacant homes. The intent of this program is to stimulate affordable housing by making it less attractive for a property owner to allow a residential property to remain unused. By either selling the home or renting it out, the property owner will contribute to increasing the supply of available housing in the community.

Due to the significant need for housing in Windsor, a report was brought to Council in December 2021 to provide information regarding the power to impose a VHT and request approval to further research and develop a program to be brought back to Council for approval prior to implementation. Council Decision B38/2021 granted this approval.

Currently in Ontario only the City of Toronto under s. 302.1 of the *City of Toronto Act, 2006*, the City of Hamilton and the City of Ottawa under s. 338.2 of the *Municipal Act, 2001*, have been authorized to impose by by-law a VHT on vacant residential units. Administration has researched the Ontario programs currently operating in Ottawa, Toronto, and Hamilton, as well as the similar program in Vancouver.



The author was part of a working group with the Ministry of Finance to discuss the major considerations with these programs to assist the Province in formulating a Regulation regarding the VHT. Municipalities involved in the working group include Ottawa, Toronto, Hamilton, York Region, Markham, Kitchener, Burlington, Halton, Peel Region, London, Waterloo, Aurora, and Windsor. Per correspondence with the lead of the working group on May 11, 2023, the Ministry is still discussing this matter internally with no expected date at this time for release of any related Regulations. As such, Administration has developed a framework for the implementation of a VHT program for the City of Windsor should it be approved as a designated municipality in the Regulations under the Act, and is seeking City Council's approval for the key components of the program.

## **Discussion:**

The municipalities that have operating VHT programs have designed them similarly with respect to the definition of vacancy and exceptions, required elements to be included in By-laws (mainly audit, enforcement and inspection authority), tax rates, declaration methodology, which year's CVA to use when calculating the taxes, and verification and audit processes. This report outlines to City Council the program parameters that would be applied in regards to the administration of a VHT program for the City of Windsor, which have been developed based upon those existing programs. The recommendations in this report regarding the key elements are required for purposes of the required By-law, which will be finalized following approval and acceptance of this report and designation by Ministry.

In early May, Council for the Region of York decided to defer the consideration of the VHT based on a report from Administration citing too many unknowns. Reasons given: the program will have to comply with the Ministry's Regulation which as mentioned, is still being drafted; the difficulty in estimating the number of properties that actually qualify as "vacant" after considering all of the exceptions; the recent implementation of the 1% Vacant and Underused Housing Tax by the Federal Government which applies to non-resident, non-Canadian owners of Canadian residential properties that are vacant more than 6 months in a calendar year; and the impact of high interest rates.

Recently, the City of Hamilton implemented their VHT program with much scrutiny from the taxpayers and media mainly due to the lack of clarity about the program in their communications. Should Windsor decide to implement a VHT program, it will be imperative that Administration provide the community with clear and concise information in advance of the start of the program.

The main concept of a VHT is to impose a fee to owners of residential properties where the home has been declared, or deemed to be, "vacant". A VHT rate will be applied to the assessment value of the property (determined by MPAC) to calculate the amount owing each year. This additional cost is intended to serve as a motivation for property owners to rent out or sell the property to someone who will occupy it or rent it thereby contributing to the housing supply in the City.

Should Council approve the implementation of the program and the City of Windsor be approved as a designated municipality in the Regulations under the Act, the effectiveness and elements of the program will be reviewed internally on a regular basis. Should changes be required, those changes would be reported to City Council. It should be noted that if the program works as planned, the amount of VHT collected annually will likely decrease and could result in an annual operating deficit after offsetting administrative costs of the program. The intention of a VHT program is not to be a revenue generator.

### **Key Considerations of a Vacant Home Tax Program**

As there are no provincial regulations attached to current legislation, it is up to designated municipalities to decide on the key elements of the program and state them in the By-law. Part IX.1 subsection 338.2 (2) states the two required criteria for the By-law – the tax rate and the conditions of vacancy that make a unit subject to the tax. Subsection 338.2(3) gives the designated municipality the choice to include in the By-law other elements they consider appropriate.

These program elements, as defined below and as recommended by Administration, will form the basis upon which the By-law will be prepared and will be reviewed annually.

#### **The Definition of “Vacant”**

For the purpose of this program, Administration is recommending the following definition:

A vacant property will be defined as any residential unit unoccupied for more than 183 days in a taxation year.

#### **Exemptions to the definition would include the following:**

- Principal Residences
- Residential units that are considered to be under construction, renovation, or redevelopment as supported by permits issued by the City’s building department
- Residential units that are vacant for a period of up to 2 years following the death of the registered owner in the year
- Residential units that are vacant for a period of up to 2 years following due to the registered owner being admitted to care (hospitalization, long-term care)
- Residential units that are listed for lease or sale for a period of up to 1 year
- Transfer of ownership of property during the year
- Residential units that are vacant due to Court order/proceedings
- Multi-residential properties (more than 6 units)
- Residential units that are managed or considered social or affordable housing and are in receipt of funding from the City

While there may be additional reasons for a property to remain vacant, Administration will review those situations on a case-by-case basis and attempt to resolve through the program appeal process noted below.

### **Vacancy Reference Period**

There are two options for which year is referenced for the period of vacancy; the current taxation year or the prior taxation year. With consideration to the definition and exemptions of vacancy, use of the current year as the vacancy reference period would delay the verification process and as such preparation of VHT bills would have to occur late in the year or early the following year. While using the prior year may create some initial challenges in terms of verification, once the program has been implemented this issue can be mitigated through ongoing inspections and timely follow up to public tips. For these reasons, it is recommended that the program reference the prior tax year for the vacancy reference period.

### **Identification of a Vacant Unit**

The City of Ottawa identified three primary methods of identifying vacant units being:

- Mandatory declaration – a process by which all residential property owners would be required to declare annually if the property is occupied either as a principal residence, rental or other. The program could provide that a failure to respond results in the property being “deemed” vacant
- Vacant unit declaration – a process by which only those residential property owners who have a vacant property will be required to notify the municipality
- Complaint based enforcement – vacant residential properties will be identified at the time that a complaint is received or tip is received from the public

At this time, Administration recommends that the City of Windsor adopt a complaint based program whereby properties identified as vacant via complaints or tips received from the public would be reviewed for vacancy. Properties identified by City staff (in various departments such as Taxation, Licencing and Building) that possibly meet the criteria for vacancy will also be reviewed.

Initially, a letter and declaration form would be mailed out to the owners of identified residential properties, explaining the VHT program, the definition of “vacant” under this program, acceptable exemptions, the Vacancy Reference Period, and the deadline to submit the form. The declaration form would be available for them to manually fill out and mail in, and the letter would also provide a link to access the form online which they can submit by email. Administration would set up an email address specifically for VHT. Only one declaration per property would be accepted regardless of the number of owners. Should more than one declaration, indicating different occupancy status be received, staff would be assigned to follow up directly with the property owners. Declaration forms would be due 30 days from the date of the letter. When a form is not received by the deadline, Administration would deem the property to be vacant and proceed to bill the VHT. Forms received that declare the property to be vacant will be billed the VHT.

## **Tax Rate**

The VHT is calculated using a percentage rate multiplied by the prior year's assessment value of the home. The decision regarding the percentage tax rate to charge is a difficult one, as the goal of the program is to encourage owners of vacant residential properties to either rent out or sell the home thereby creating available homes. What amount of additional tax will accomplish this goal is not the same for all owners depending on their financial circumstances and/or their reason for keeping the property in its current state.

The cities of Vancouver, Ottawa, Toronto and Hamilton all implemented the VHT using a 1% tax rate in year one. Vancouver implemented their program in 2017 and raised their tax rate to 1.25% in 2020 and then to 3% in 2021. The City of Toronto is increasing their tax rate to 3% in 2024.

In January of this year, the Assessment Division solicited community input via a Vacant Home Tax Survey. According to the results, 46.8% of participants felt the tax would need to be higher than 2% to succeed in creating more housing. Any rate less than that would not accomplish that goal but would be perceived as just another source of revenue to the City.

The City of Windsor's approved 2023 residential property tax rate is 1.939661%. Administration is recommending that a rate of 3% be approved for purposes of the VHT, essentially 1.5 times the amount of the annual property tax levied against a residential vacant home. VHT would be payable in addition to the annual property tax levy.

## **Billing Process**

When a property has been declared or deemed to have been vacant during the Vacancy Reference Period, a bill will be issued to the property owner. The calculation will be the assessment value of the property for the taxation year of vacancy multiplied by the rate. There will be no proration based on number of days vacant. The bill will be payable in one instalment payment due within 90 days of the issue date of the bill. Any amount outstanding after the due date will be added to property taxes and will be subject to penalties and interest accordingly.

## **Audit Process**

All declarations that are received claiming one or more of the exemptions from vacancy will be reviewed by staff. Property owners would be contacted to provide supporting documentation prior to a decision being made regarding eligibility. To ensure compliance with the program, Administration is recommending that all declarations for residential properties be considered open and subject to review for a period of up to two years after the Vacancy Reference Period. This will allow Administration to retroactively bill a property owner should the declaration be found false or inaccurate.

## **Appeal Process**

If the property owner chooses to dispute a VHT charge, a Notice of Complaint form would be made available to be filled out by the owner and submitted to the Assessment Division along with supporting documentation within 30 days of the date of the VHT

charge bill. This form would be an option for those owners that were charged the VHT tax and would include reasons such as: 1) did not declare by the deadline and the property was deemed vacant; 2) no/inadequate documentation was received by the owner to confirm the exemption status; 3) a declaration of occupied was proven false through the audit process; and 4) any other reason the owner deems valid. A review of the information and communication with the owners would have to take place, and a VHT Audit Determination Notice would be issued. Administration would make every effort to respond to Notices within 90 days from the date of receipt. In those cases, where an error has been made, the VHT and penalties would be reversed and any payment refunded.

Once the VHT Audit Determination Notice has been sent, the owner would have 60 days to file a "Request for Review". These requests would be reviewed by the Deputy Treasurer, Taxation, Treasury & Financial Projects who would make every effort expeditiously to review the information received to date, request more information, make a decision as to whether the property qualifies as vacant or not, and notify the owner via "Notice of Decision". The decision of the Deputy Treasurer would be considered final.

### **Additional Penalty for False Declaration**

Where it is determined that a false declaration has been deliberately made to avoid the VHT, Administration is recommending that a penalty of \$2,500 be charged in addition to the VHT for the year.

### **Staffing Requirements**

Current staffing levels within the Assessment division are not able to absorb all of the added duties required to administer a VHT program. Administration is seeking approval for two (2) permanent additional staff resources which would be required to administer the program on an ongoing basis including any rebate process, the performance of random audits and dispute resolution.

One Property Tax Clerk – (L543 Gr 09) – addition of one FTE to staff compliment

- Monitor the VHT Inbox
- Handle general VHT inquiries
- Assist with letters, mail-outs and other clerical functions

One Property Assessor – (L543 Gr 14) – addition of one FTE to staff compliment

- Follow up on exemptions and Notices of Complaint
- Process billings for properties declared as vacant
- Conduct audits of and inspections

One Senior Tax Analyst - (NU10) –existing position

- Overall program administration

Existing staff within the Assessment division will also assist with processing payments, decisions on appeals, monitoring revenue and expenses of the program, and reporting to Council as required.

### **Timeline of Development / Implementation of the Vacant Home Tax Program**

The following section outlines the timeline for program development and community engagement. It also outlines the next steps in terms of program implementation should City Council accept the recommendations in this report.

#### **January 16 – February 19, 2023 – Community Consultation**

From January 16<sup>th</sup> to February 19<sup>th</sup> 2023, Administration posted a survey on the “Let’s Talk Windsor” platform of the City website. An invitation to participate in the survey was sent to every property owner in the City of Windsor, included with the Interim Tax Bills.

The survey included questions related to key elements of the VHT program such as: how many months should a home be empty to be considered vacant; should there be exemptions; what tax rate should be charged; how should we handle the declaration process, etc.

790 participants took part in the survey with the majority residing in Wards 1 through 6.

#### **Results:**

- 89.5% of participants own their principal residence
- 74.1% are in support of a vacant home tax
- 37.1% (majority) of participants felt that the identification of vacant homes should be handled through a mandatory declaration process, whereby every residential property owner has to declare whether the property is vacant or not.
- 46.8% (majority) felt that the rate of tax applied should be more than 2% of the assessed property value
- 41.6% (majority) felt that a property should be unoccupied for at least 6 months in a calendar year to be considered vacant
- 75.4% thought that the City should grant exemptions in certain circumstances

#### **February 20<sup>th</sup> – June 12<sup>th</sup>, 2023**

Results of the VHT survey were reviewed and tabulated for purposes of reporting back to Council and consideration of the community’s concerns and suggestions.

Further research has been conducted through review of the programs already in place in the cities of Vancouver, Ottawa, Toronto, and Hamilton. Consultation and discussions with the VHT Working Group took place from the end of December 2022

through March 2023. The working group was formed by the Ministry of Finance to discuss the pertinent issues with VHT programs and which elements the Ministry should consider for inclusion in legislation. As mentioned earlier, many Ontario cities took part in the working group; those that have established a program and those that are considering it. Representatives from Ottawa and Toronto responded to many questions and offered great feedback and suggestions to the group.

### **End of November 2023**

Should Council approve the recommendations in this report, Administration will file a formal application to the Minister of Finance requesting designation to impose the Vacant Home Tax commencing in 2024. Should the Minister of Finance approve the City of Windsor as a designated municipality, a By-law will be formulated with the assistance of Legal, outlining the VHT program and procedures including audit and possible inspection authority.

### **December 2023 and January 2024**

Once consent is received from the Ministry, the VHT By-law will be written and presented to Council. Extensive communication and education of the program will be shared with the public through the media, the City website, social media platforms, and messaging via the My Property Tax portal.

Additional staff identified in the report will be recruited. Existing staff will commence documenting proper procedures, handling inquiries, creating all of the necessary forms, and the tracking sheet.

New and existing staff in the Taxation and 311 areas, would be trained on the new VHT, procedures and processes.

### **February 2024 and beyond**

Full implementation of the VHT program would commence following completion of the actions noted above. Program launch is mainly dependant upon Ministerial approval and adoption of the required By-law.

### **Risk Analysis:**

There are certain risks associated with the implementation of a new tax including but not limited to the following items. The degree to which each of these risks affect the program or can be mitigated by program parameters which have been detailed below.

- Possible negative reaction resulting from the implementation of a VHT on residential property owners. Given that the municipalities of Ottawa, Toronto and Hamilton have operating programs, and given the importance of ensuring housing availability, the requirement to pay a tax will likely become more widely

adopted. An extensive communications strategy is also important to properly inform the community.

- Hesitancy from residential property owners in declaring a vacant unit or in remitting the tax that is levied. Once approved by Council, the tax will become mandatory. False declarations would be subject to a penalty. Risks associated with receipt of revenue would be mitigated through penalty and interest charges as well as any audit and enforcement provisions.
- Given external factors that may affect the number of vacant units each year, there may be a financial impact in that the amount collected may fluctuate year over year.

## Climate Change Risks

### Climate Change Mitigation:

N/A

### Climate Change Adaptation:

N/A

## Financial Matters:

### Tax Rate and Estimated Revenue

Using the current four-year assessment cycle, which has set property values based upon a January 1, 2016 market, the average assessment value for a residential home in the City of Windsor was \$168,000. Homes which have been left vacant for extended periods of time and subject to negative elements, such as inclement weather, vandalism etc., typically require a significant amount of investment to restore to an occupied use. As such, the assessment value is generally lower than the average. Using a reduced value of \$100,000, the below noted chart illustrates a per unit revenue potential from of a vacant unit tax rate ranging from 1.0% to 3%.

Average Residential Assessment	Vacant Unit Tax Rate	Vacant Unit Tax
\$100,000	1.0%	\$1,000
\$100,000	2.0%	\$2,000
\$100,000	3.0%	\$3,000

As mentioned, all municipalities that have implemented the program started with a 1% tax rate. Vancouver has gradually increased their tax rate from 1% in 2017 to 3% in 2021. The City of Toronto is increasing their tax rate from 1% to 3% in 2024.

Considering that the majority of participants in the community survey thought that the tax rate should be greater than 2% for the program to be effective, Administration is recommending that a 3% tax rate be used when calculating the VHT. At this tax rate,



the expectation is that the incentive is greater to residential owners to rent out or sell their vacant properties quickly. It is important that the community understands that the City is committed to this program as a tool to assist with the housing crisis and not as a revenue generator.

At this time, and until more information is received through the program, there is no ability for Administration to estimate the total revenue that could be received in a given year. In anticipation of the implementation of the VHT program, revenue in the amount of \$100,000 was added to the Assessment operating budget. This base revenue was considered net of any operating expenditures required to fund the program. Based on the projected costs to administer the program, Administration has estimated that 82 properties valued at \$100,000 and taxed at 3% would generate enough revenue to reach the net budgeted revenue of \$100,000 for 2024. There are approximately 77,000 residential properties in Windsor so it is expected that the number of vacant properties could be much higher.

**Administrative Costs**

There would be initial start-up costs associated with the development of the VHT program including the preparation of a full submission to the Minister of Finance. Two new permanent positions in Finance would be required for start-up and to administer the program as outlined in the Discussion section. Communication and documentation mailing costs will also be incurred.

With the exception of the additional permanent staffing being requested, all other functions will be completed using existing resources and operating budgets.

Costs expected in 2023 would only be consulting fees to submit the application to the Ministry. These can be absorbed through the existing budget for consulting services.

**2024 Projected Operating Budget Impact**

An amount of \$100,000 has been established as part of the 2023 operating budget. This amount can be further broken down as follows:

Estimated Revenue (82 properties @ \$100,000 x 3%)	\$246,000
Estimated Program expenses:	
One Property Tax Clerk – (L543 Gr 09) including fringes	\$ 61,668
One Property Assessor – (L543Gr 14) including fringes	\$ 74,156
Program expenses *	<u>\$ 10,176</u>
Total expense	\$145,824
Budgeted Net Revenue	\$100,000

- Program expenses include office set up, postage, mileage, etc.

Since the intention of this program is to improve housing options for residents, it is being recommended that any surplus, above what is provided for within the current operating budget of \$100,000, as a result of this program, be transferred to the City's Housing Reserve (Fund 216). In this regard, the City will be able to utilize this funding in support of housing related programs, projects and initiatives.

**Consultations:**

Kate Tracey, Senior Legal Counsel  
 Kirk Whittal, Executive Director, Housing & Children Services

**Conclusion:**

Municipalities have been provided with the power to impose a tax on vacant residential units with the intention of stimulating affordable housing by making it less attractive for a property owner to allow a residential property to remain unused.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
Janice Guthrie	Commissioner Corporate Services/CFO & City Treasurer
Mark Nazarewich for	City Solicitor
Joe Mancina	Chief Administrative Officer

**Notifications:**

Name	Address	Email

**Appendices:**



**Subject: Award of RFP#82-23 Regional Affordable Housing Strategy Consultant Proposal**

**Reference:**

Date to Council: 11/27/2023  
Author: Chris Carpenter  
Coordinator of Housing Administration and Development  
ccarpenter@citywindsor.ca  
519-255-5200 ext. 5153  
Housing and Children's Services  
Report Date: 10/6/2023  
Clerk's File #:

**To:** Mayor and Members of City Council

**Recommendation:**

**THAT** City Council **AWARD** RFP 82-23, Regional Affordable Housing Strategy Consultant, to SHS Inc. for the provision of consulting services related to the development and delivery of a Regional Affordable Housing Strategy; and further,

**THAT** the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to execute agreements necessary to retain SHS Inc. for the provision of services, to an upset limit of \$166,568 (plus HST), satisfactory in legal form to the City Solicitor, in technical content to the Executive Director of Housing and Children's Services, and in financial content to the City Treasurer; and further,

**THAT** City Council **APPROVE** the transfer of up to a maximum of \$83,284 (plus HST), which represents the City of Windsor's fifty percent share of \$166,568 plus HST, from the City's Housing Reserve Fund 216; and further,

**THAT** the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to execute a cost sharing agreement with the Corporation of the County of Essex, to equally share the cost of retaining SHS Inc., provided such agreement is in a form satisfactory to the City Solicitor, satisfactory in financial content to the City Treasurer, and satisfactory in technical content to the Executive Director of Housing & Children's Services; and further,

**THAT** the Purchasing Manager **BE AUTHORIZED** to issue Purchase Orders for any amendment(s) as may be required, provided that the amendment(s) are within approved budget amounts, satisfactory in financial content to the City Treasurer, and in technical content to the Executive Director of Housing and Children's Services; and further,

**THAT** the Commissioner, Human and Health Services **BE AUTHORIZED** to issue any change order(s) for any amendment(s) as may be required, including provisional items, provided that the amendment(s) are within approved budget amounts, satisfactory in financial content to the City Treasurer, and in technical content to the Executive Director of Housing and Children’s Services; and further,

**THAT** the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to execute any amendment(s) as may be required, provided that the amendment(s) are within approved budget amounts, satisfactory in financial content to the City Treasurer; in legal form to the City Solicitor; and in technical content to the Executive Director of Housing and Children’s Services.

**Executive Summary:**

N/A

**Background:**

The City of Windsor’s Housing Services department is the provincially designated Consolidated Municipal Service Manager (CMSM) and the federally designated Community Entity (CE) for homelessness and housing support services for the City of Windsor and the County of Essex. The City of Windsor is also the sole shareholder of the Windsor Essex Community Housing Corporation (CHC) on behalf of the City and County.

In September 2021, Essex County Council passed a resolution to request Windsor City Council support for the immediate commencement of discussions on the development of a Regional Affordable Housing Strategy, including funding responsibilities. As a result of this request, through CR482/2021 dated November 1, 2021, City Council referred administration to begin to engage County Administration to establish an approach that considers the resources needed to develop an effective regional plan.

**Discussion:**

In early 2023, Housing Services met with County Administration to develop a work plan and service deliverables that would inform a Request for Proposal (RFP) supporting a Regional Affordable Housing Strategy. In July 2023, Housing Services issued the RFP to retain the services of a consultant experienced in providing and evaluating the housing needs in Windsor Essex and providing long term housing solutions and strategies. The RFP requires that the consultant work closely with staff from the City, County and all lower tier municipalities within Essex County.

Key deliverables of the proposed work include:

- a thorough review of best practices pertaining to housing affordability strategies
- consultations with all local area municipalities and their relevant administrative departments;

- establishment of an inventory of social and affordable housing units, land banking opportunities, and existing municipal tools, development strategies and incentives across the Windsor-Essex County region;
- identification and mapping of key areas of opportunity within the City and County,
- development of criteria for project selection and establishment of recommendations for regional policy and procedures; and finally,
- the development of an implementation roadmap that considers capital and operating budget impacts, financial risks and potential benefits for area municipalities and the region as a whole.

As per RFP #82-23 and in accordance with the Purchasing by-law, SHS Inc. was the successful proponent. Given that this is a regional approach, the RFP evaluation team was comprised of City and County administration. The Regional Affordable Housing Strategy and Implementation Plan will be completed in a manner compliant with the requirements under the Housing Services Act, Residential Tenancies Act and related Regulations with an end date no later than July 2024.

**Risk Analysis:**

Failure to retain SHS Inc., would result in the Regional Affordable Housing Strategy not being executed or completed. This strategy is required to create a roadmap for all of Windsor and Essex County to best meet the region’s housing crisis.

**Climate Change Risks**

**Climate Change Mitigation:**

There is no climate change mitigation risk with awarding this RFP.

**Climate Change Adaptation:**

There is no climate change adaptation risk with awarding this RFP.

**Financial Matters:**

The Corporation of the City of Windsor, in partnership with the County of Essex and its local municipalities, issued a Request for Proposal (RFP #85-23) for Consultants to undertake the development of a Regional Affordable Housing Strategy and Implementation Plan. As per RFP #82-23, dated July 10, 2023, and in accordance with the Purchasing by-law, SHS Inc. was the successful proponent as the regional affordable housing strategy consultant.

The SHS Inc. proposed a budget of \$151,424 plus HST based on approximately 1084 hours of service. An additional amount of \$15,144 plus HST, for approximately 108.4 provisional hours, is being included to address any additional work that may be identified as the project proceeds. The total proposed budget this project is \$166,568 plus HST. (See Table A below)

**Table A: Proposed Budget – Regional Affordable Housing Strategy and Implementation Plan**

<b>Description</b>	<b>Approximate Hours of Service</b>	<b>Total Amount (Including Non-recoverable HST)</b>
Consulting Services (RFP# 9-23)	1,084	\$151,424
Provisional Hours	108.4	\$15,144
Subtotal	1,192.4	\$166,568
Non Recoverable HST		\$2,932
<b>Total Projected Expense</b>		<b>\$169,500</b>
Projected County Share (50%)		\$84,750
Projected City Share (50%)		\$84,750

The City of Windsor will compensate SHS Inc. based on the proposed budget plan in Table A. Section 6.2.12 of the RFP states “periodic payments shall be made on a schedule to be agreed by the City and the successful Proponent and in relation to the achievement of milestones or percentage of work completed, but in no event will payment be made for work not yet completed.” Per the RFP, the Regional Affordable Housing Strategy and Implementation Plan will be completed with an end date no later than July 2024.

The full cost of the Strategy and Implementation Plan will be charged to 001-2950-5210-02942-0300500. It is recommended that the City of Windsor’s 50% share of the cost, to an upset limit of \$83,284 plus HST, will be funded by a transfer from the City Housing Reserve (Fund 216) which has an approximate balance of \$185,955 (net of encumbrances) as of October 31, 2023 and is sufficient to cover the City’s 50% of the cost of the service.

The County of Essex has confirmed that they have set aside funding for this RFP and agreed to share the cost of the consultant at 50%, therefore the execution of a formal agreement with the County of Essex will be required. The City of Windsor will invoice the County of Essex (001-6340-5210-02942-0300500) based upon the terms of the cost sharing agreement.

**Consultations:**

Diane Wilson, Manager of Social and Affordable Housing  
 Kate Tracey, Senior Legal Counsel  
 Nancy Jaekel, Financial Planning Administrator

**Conclusion:**

Of the proposals submitted for RFP#82-23 and in accordance with the City of Windsor's Purchasing By-Law, Administration recommends award to the highest scoring proposal submitted by SHS Inc. to provide consulting services related to the creating of a Regional Affordable Housing Strategy.

**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Chris Carpenter	Coordinator of Housing Administration and Development
Kirk Whittal	Executive Director, Housing and Children's Services
Alex Vucinic	Manager of Purchasing & Risk Management
Mark Nazarewich	For City Solicitor
Janice Guthrie	Commissioner, Corporate Services/CFO City Treasurer
Andrew Daher	Commissioner, Human and Health Services
Joe Mancina	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
N. Barry Lyon Consultants Limited	3 Church Street Suite 100 Toronto, ON M5E 1M2	nick@nbhc.com

**Appendices:**