

City Council Meeting

**Date:** Monday, July 10, 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

<b>Item #</b>	<b>Item Description</b>
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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**

"Border Cities Masonic Lodge No. 554 Centennial" – July 21, 2023

"225<sup>th</sup> Anniversary of the building of the Duff-Bâby Mansion 1798-2023" – July 8 – July 14, 2023

"Srebrenica Genocide Remembrance Day" – July 11, 2023

"IMPACT Wrestling Slammiversary Weekend" – July 15 – July 16, 2023

"Drowning Prevention Week" – July 16 – July 22, 2023

6.	<b>COMMITTEE OF THE WHOLE</b>
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7.	<b>COMMUNICATIONS INFORMATION PACKAGE</b> (This includes both Correspondence and Communication Reports)
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7.2.	Status Report on Implementation of Management Action Plans - 2022 Q4 - City Wide <b>(C 98/2023)</b>
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8. **CONSENT AGENDA**

- 8.1. Extension of the Services Agreement for Parking Enforcement with Canadian Corps of Commissionaires Ottawa Windsor Division - City Wide **(C 59/2023)**
- 8.2. Capital Variance Report - March 31, 2023 - City Wide **(C 87/2023)**
- 8.3. 793 Devonshire Road, Bell-Coulter House - Heritage Permit & Community Heritage Fund Request (Ward 4) **(SCM 171/2023) & (S 63/2023)**
- 8.4. Zoning Z42-22 [ZNG/6937} - 1155 California Ave - Ward 2 **(SCM 172/2023) & (S 54/2023)**
- 8.5. Housekeeping Official Plan and Zoning By-law Amendments initiated by the City of Windsor to permit additional dwelling units (City-wide) - File No. OPA 172 and Z16-23 **(SCM 173/2023) & (S 64/2023)**
- 8.6. Zoning Bylaw Amendment Z 013-23 [ZNG-7000] - 1027458 Ontario Inc. - 0 Clover Avenue - SW Corner Clover & Wyandotte - Ward 7 **(SCM 174/2023) & (S 65/2023)**
- 8.7. OPA & Rezoning – 1998308 Ontario Inc. – 0 Russell Street - OPA 168 OPA/6975 Z-007/23 ZNG/6974 – Ward 2 **(SCM 175/2023) & (S 53/2023)**
- 8.8. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Fife Veterinary Professional Corp. for 816 Hanna Street East (Ward 4) **(SCM 176/2023) & (S 51/2023)**
- 8.9. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Dior Homes on behalf of Capital Plus Real Estate Corp. for 3841, 3843, and 3847 Howard Avenue (Ward 9) **(SCM 177/2023) & (S 60/2023)**
- 8.10. Amendment to CR58/2021 for Closure of east/west alley between Matthew Brady Boulevard and east limit of 7730 St. Rose Avenue, Ward 6, SAA-5947 **(SCM 178/2023) & (S 61/2023)**
- 8.11. Sandwich Town CIP Application, 3150 Peter Street; Owners South Rustico Holdings Inc, (c/o David Ly)-Ward 2 **(SCM 179/2023) & (S 55/2023)**

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

10. **PRESENTATIONS AND DELEGATIONS**

- 10.1. Auditor General Status Update Report **(SCM 182/2023)**

11. **REGULAR BUSINESS ITEMS** (Non-Consent Items)
  - 11.1. Dandurand Avenue Pedestrian Generator Sidewalk (from Northwood Street to existing sidewalk (approximately 210m north)) - Ward 10 **(SCM 159/2023) & (S 58/2023)**
  - 11.2. Housing Accelerator Fund (HAF) Grant Application - City Wide **(C 88/2023)**
  - 11.3. Declaration of 2 Vacant Parcels of Land Municipally Known as 0 Clairview Avenue Surplus and Authority to Offer for Sale – Ward 7 **(C 100/2023)**
  - 11.4. Declaration of Vacant Parcels of Land Municipally Known as 0 Hudson Avenue and 0 Coney Avenue Surplus and Authority to Offer for Sale – Ward 2 **(C 101/2023)**
  - 11.5. Declaration of a Vacant Parcel of Land Municipally Known as 0 Dougall Avenue Surplus and Authority to Offer Same for Sale – Ward 9 **(C 102/2023)**
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)
  - 12.2. Minutes of the Windsor Licensing Commission of its meeting held June 1, 2023 **(SCM 162/2023)**
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**

City Council Meeting  
Monday, July 24, 2023  
4:00 p.m., Council Chambers

Environment, Transportation & Public Safety Standing Committee  
Wednesday, July 26, 2023  
4:30 p.m., Council Chambers

Development & Heritage Standing Committee  
Tuesday, August 1, 2023  
4:30 p.m., Council Chambers

Community Services Standing Committee  
Wednesday, August 2, 2023  
9:00 a.m., Council Chambers

City Council Meeting  
Tuesday, August 8, 2023  
4:00 p.m., Council Chambers

21. **ADJOURNMENT**

**Subject: Status Report on Implementation of Management Action Plans  
- 2022 Q4 - City Wide**

**Reference:**

Date to Council: July 10, 2023  
Author: Marco Aquino  
Executive Initiatives Coordinator  
519-255-6100 ext 6477  
maquino@citywindsor.ca  
City Treasurer  
Report Date: June 12, 2023  
Clerk's File #: AF/14372 & AF/14508

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

**Recommendation:**

THAT City Council **RECEIVE FOR INFORMATION** the Status Report on Implementation of Management Action Plans as of 2022 Q4.

**Executive Summary:**

N/A

**Background:**

Effective January 1, 2023, the mandate for internal audit services will continue under Risk Savvy Ltd. and under the direction of Christopher O'Connor as the Municipal Auditor General as approved by CR 485/2022. Since the City's internal audit function was outsourced in April 2013, there have been two hundred seventy (270) audit recommendations accepted by City Council. As at December 31, 2022, Administration has been able to close out two hundred sixty-four (264) management action plans. As indicated in the Auditor General's report, "Management is showing substantial progress on most open action plans. This year the total open action plans are the second lowest in ten (10) years, with six (6) remaining open at the end of 2022."

**Discussion:**

The status summary report for all outstanding audit recommendations is attached as Appendix A and is as of December 31, 2022. The management action plans that accompany each audit report establish timelines for the implementation of each item. Given that these timelines are often estimates and other business issues and priorities compete for management attention, it is not unexpected that occasional minor delays

will occur. In some cases, a minor delay is preferable to allow the recommendation to be properly and fully implemented with adequate resources.

Management is currently tracking the status of six (6) audit recommendations, of which three (3) audit recommendations are considered open and delayed. In other words, the audit recommendations are considered delayed when the original completion date has been retargeted. Retargeting occurs for a variety of reasons primarily to allow additional time to implement the recommendation. Two of the three open action items were retargeted for the first time and one item was retargeted for the second time. It should be noted that the remaining element of this second retargeted recommendation will be considered to be complete in July 2023 and ready for the next validation review by the Auditor General.

The efforts by Administration over the past year has resulted in an upgrade to the overall final conclusion as to the follow up rating scale of 88% or “Controlled”. A controlled status indicates that a majority of the number of audit recommendations due to be implemented in the current period will be marked as closed by the Auditor General. It is fully understood that until an action item is closed, the specific risk is implicitly being accepted or tolerated.

### **Risk Analysis:**

The tracking of the implementation status of all audit recommendations was a key risk mitigation strategy for all of the management action plans submitted with each audit report. The Executive Initiatives Coordinator in the Office of the Commissioner of Corporate Services, CFO/City Treasurer liaises directly with both internal audit staff and the assigned operating department to ensure that the implementation of audit recommendations is kept top of mind and on schedule. The Auditor General also follows up annually to verify and test that audit recommendations have been appropriately implemented or addressed.

When an audit recommendation is retargeted, there is a risk that there is continued exposure to the department or, the recommendation becomes outdated and no longer applicable to the issue or concern and/or, the delay has allowed for adequate resources to be put into place that addresses the concern.

### **Climate Change Risks**

N/A

### **Financial Matters:**

Following each audit by the Auditor General and direction from City Council, City management proceeds with the implementation of each recommendation within existing operational budgets. In cases where additional funds may be required, the affected operating department would submit a request to City Council. No additional funding is being requested at this time.

**Consultations:**

Christopher O'Connor, City of Windsor Auditor General

**Conclusion:**

City administration monitors the status of all audit recommendations following the acceptance by City Council of each audit report and the direction by Council to proceed with implementation. The management action plan that accompanies each audit report establishes timelines for the implementation for each item, though occasional variances from these timelines occur for a variety of reasons. Administration will endeavour to ensure that those actions items which have been retargeted will be addressed in a timely manner and that future action items are reflective of risk tolerances so as to mitigate the need for future retargeting.

**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Marco Aquino	Executive Initiatives Coordinator
Janice Guthrie	Commissioner of Corporate Services, CFO/City Treasurer
Joe Mancina	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Christopher O'Connor,	Risk Savvy Ltd. PO Box 83 Embro RPO, ON, N0J 1J0	auditorgeneral@citywindsor.ca
Mark Galvin Chief Executive Officer YQG Inc. (Windsor International Airport)	3200 County Road 42, Unit 200 Windsor, Ontario N8V 0A1	mgalvin@yqq.ca
Carolyn Brown, CEO- Windsor Detroit Tunnel Corporation	350 City Hall Square West - Suite 520, Windsor, ON N9A 6S1	cbrown@citywindsor.ca

**Appendices:**

1 APPENDIX A - City of Windsor Audit Recommendation Tracking Summary –  
December 31, 2022

**APPENDIX A - City of Windsor Audit Recommendation Tracking Summary -December 31, 2022**

Closed Action Plans in 2022	18
Open & Delayed Action Plans	3
Open & On Track Action Plans	3
<b>Total Action Plans in 2022</b>	<b>24</b>

Item Number	Auditor General Review Status	Finding Number	Recommendation/Topic	CLT Member Responsible	Assigned to	Audit Report/Source	Audit Unit/Firm	Date Issued	Target Date for Implementation	Status (December 31, 2022)	Additional Comments
	Complete	51a	Documented strategic plan	WDTC Chief Executive Officer	WDTC Chief Executive Officer	WDTC	PwC	July 27, 2015	2016 Q4	Closed	
		51b	Evidence of Board review and approval	WDTC Chief Executive Officer	WDTC Chief Executive Officer	WDTC	PwC	July 27, 2015	2016 Q4	Closed	
	Risk Accepted	101	Evidence of contract review with the County of Essex to consider: a) Outlining oversight responsibilities, contract ownership and expectations regarding Blue Box collection, and b) Flow through of expenses from the City to the Authority and the terms of the other shared finance services provided by the City.	CAO - City of Windsor	Chief Administrative Officer	EWSWA	PwC	January 26, 2016	2016 Q2	Closed	
	Complete	159	Develop a procedure around the use of the VMS in accordance with the Purchasing By-Law 93-2012.	Commissioner of Legal & Legislative Services	Purchasing Department	Service Provider and Outsourced Services Governance and Management	PwC	August 8, 2017	2018 Q2	Closed	
	Open & Delayed	205	Enhance purchasing policy and document inventory and asset management procedures	CEO - Your Quick Gateway	YQG - Director of Operations	YQG - Managing Inventory, Repairs and Maintenance	PwC	August 27, 2018	2019 Q2	Retargeted	Expected to be completed by July 2023
	Complete	207	Enhance key vendor management controls	CEO - Your Quick Gateway	YQG - Director of Finance	YQG - Managing Inventory, Repairs and Maintenance	PwC	August 27, 2018	2018 Q4	Closed	
	Complete	209	Enhance compensating controls to address potential segregation of duties	CEO - Your Quick Gateway	YQG - Director of Finance	YQG - Managing Inventory, Repairs and Maintenance	PwC	August 27, 2018	2018 Q4	Closed	
	Risk Accepted	211	Enhance project classification and expectation guidelines	CAO - City of Windsor	Executive Initiatives Coordinator - CAO's Office	Managing Transition of Projects into Operations	PwC	November 5, 2018	2019 Q3	Closed	
	Risk Accepted	212	Enhance considerations for project risk assessments	CAO - City of Windsor	Executive Initiatives Coordinator - CAO's Office	Managing Transition of Projects into Operations	PwC	November 5, 2018	2019 Q3	Closed	
	Risk Accepted	213	Formalize detailed Project Implementation Plan	CAO - City of Windsor	Executive Initiatives Coordinator - CAO's Office	Managing Transition of Projects into Operations	PwC	November 5, 2018	2019 Q3	Closed	
	Risk Accepted	214	Enhance approach to pre/post go-live feedback collection and aggregation	CAO - City of Windsor	Executive Initiatives Coordinator - CAO's Office	Managing Transition of Projects into Operations	PwC	November 5, 2018	2019 Q3	Closed	
	Complete	229	Document key content management procedures/checklists and review/update key account level roles/responsibilities.	Commissioner of Community Services	Senior Manager Communications & Customer Service	Social Media Strategy Assessment	PwC	February 4, 2019	2019 Q4	Closed	
	Complete	239	Formalize Incident Management Plan and Procedures	Commissioner of Economic Development & Innovation	Executive Director Information Technology	Cyber Response Strategy Assessment	PwC	September 23, 2019	2020 Q4	Closed	
	Complete	240	Enhance Security Information and Event Management	Commissioner of Economic Development & Innovation	Executive Director Information Technology	Cyber Response Strategy Assessment	PwC	September 23, 2019	2020 Q4	Closed	
	Risk Accepted	241	Develop Incident Severity Matrix and Methodology for Incident Response Times using Critical Asset Classification.	Commissioner of Economic Development & Innovation	Executive Director Information Technology	Cyber Response Strategy Assessment	PwC	September 23, 2019	2021 Q4	Closed	
	Risk Accepted	244	Review and Prioritize Action Plan Implementation of 2014 Business Process Review Findings	Commissioner of Economic Development & Innovation	City Planner	Planning and Development	PwC	February 24, 2020	2020 Q4	Closed	

**APPENDIX A - City of Windsor Audit Recommendation Tracking Summary -December 31, 2022**

Item Number	Auditor General Review Status	Finding Number	Recommendation/Topic	CLT Member Responsible	Assigned to	Audit Report/Source	Audit Unit/Firm	Date Issued	Target Date for Implementation	Status (December 31, 2022)	Additional Comments
	Complete	247	Ensure contract compliance by retention of relevant documentation	CEO - Your Quick Gateway	Director of Finance, YQG	Complaint Investigation Report - Lancaster Plane	Auditor General	February 24, 2020	2020 Q4	Closed	
	Open (on track)	262	Establish baseline measurements for selected liquidity metrics and work towards a formal liquidity contingency plan.	Commissioner of Corporate Services, Chief Financial Officer/City Treasurer	Deputy Treasurer - Taxation, Treasury & Financial Projects	Liquidity Management - Sprint 1	Auditor General	June 7, 2021	2023 Q2	Open & on track	
	Open & Delayed	264	Establish a formal process relating to road maintenance coordination and road project deficiencies	Commissioner of Infrastructure Services	Manager, Contracts, Field Services, & Maintenance	Road Infrastructure Maintenance Processes	Auditor General	May 30, 2022	2022 Q4	Retargeted	Closure expected in the next validation review process
	Open (on track)	265	Document a formal process to assist in identifying opportunities to merge related projects	Commissioner of Infrastructure Services	Manager, Contracts, Field Services, & Maintenance / Senior Manager of Asset Planning	Road Infrastructure Maintenance Processes	Auditor General	May 30, 2022	2024 Q1	Open & on track	
	Complete	266	Investigate the root cause for the difference in results from the MBNC indicators for road maintenance spending and road quality	Commissioner of Infrastructure Services	Manager, Contracts, Field Services, & Maintenance / Manager, Technical Support	Road Infrastructure Maintenance Processes	Auditor General	May 30, 2022	2023 Q1	Closed	Closed ahead of schedule
	Open (on track)	267	Explore options to enhance data granularity in regards to road treatment spending and funding allocation by function class	Commissioner of Infrastructure Services	Executive Director, Operations	Road Infrastructure Maintenance Processes	Auditor General	May 30, 2022	2024 Q1	Open & on track	
	Open & Delayed	268	Formalize risk identification criteria or guideline with respect to IT/Cyber/Privacy risks	Commissioner of Economic Development & Innovation	CIO/ED of Information Technology	SmartCity Cyber & Privacy Risk Mitigation Review	Auditor General	May 30, 2022	2022 Q4	Retargeted	
	Complete	269	Establish procedures to conduct Privacy Impact Assessments (PIA)	Commissioner of Economic Development & Innovation	CIO/ED of Information Technology	SmartCity Cyber & Privacy Risk Mitigation Review	Auditor General	May 30, 2022	2022 Q4	Closed	
	Risk Accepted	270	Perform ongoing monitoring of project risks	Commissioner of Economic Development & Innovation	CIO/ED of Information Technology	SmartCity Cyber & Privacy Risk Mitigation Review	Auditor General	May 30, 2022	2022 Q2	Closed	

CLOSED
OPEN AND DELAYED
OPEN AND ON TRACK





**Subject: Extension of the Services Agreement for Parking Enforcement with Canadian Corps of Commissionaires Ottawa Windsor Division - City Wide**

**Reference:**

Date to Council: July 10, 2023  
Author: Bill Kralovensky  
Coordinator, Parking Services  
519-255-6247 Ext. 6103  
bkralovensky@citywindsor.ca

Public Works - Operations  
Report Date: June 9, 2023  
Clerk's File #: ST/12911

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

**Recommendation:**

- I. THAT City Council **APPROVE** the extension of the Services Agreement for Parking Enforcement for one (1) year to Canadian Corps of Commissionaires Ottawa Windsor Division as provided in the current contract at a cost of \$710,194.44 (excluding HST) to be adjusted on January 1, 2024 by the inflationary factor as per the terms of the contract; and further,
- II. THAT the CAO and City Clerk **EXECUTE** an extension to the agreement with Canadian Corps of Commissionaires Ottawa Windsor Division for the provision of parking enforcement services as per the Services Agreement for Parking Enforcement, at a cost as provided in the current contract of \$710,194.44 (excluding HST) to be adjusted on January 1, 2024 by the inflationary factor as per the terms of the contract; satisfactory in form to the City Solicitor, in financial content to City Treasurer, and in technical content to the City Engineer.

**Executive Summary:**

N/A

**Background:**

The Canadian Corps of Commissionaires – Ottawa-Windsor Division, here within to be noted as the Supplier, began performing parking enforcement for the City of Windsor, October 4, 2010. The original contract expired December 31, 2015. As per the contract, three (3) one (1) year extensions were mutually agreed upon and exercised. The

current contract with the Supplier began on January 1, 2018 and will expire on December 31, 2023 per tender No. 68-18. The current contract also has an option for the parties to extend for up to three (3) subsequent terms of one (1) year each, subject to agreement on the service fee for any such renewal. This request represents the first of a possible three (3) one-year extensions of this contract, extending to December 31, 2024.

The 2010 successful Request for Proposal and signed contract was the first in which the City utilized an external supplier to perform the parking enforcement duties. At that time, the hourly billing rate was \$26.36. The current hourly billing rate is \$35.61 per hour and is a result of annual adjustments for contractual increases, prior contract extensions, and tendered submissions. The current rate represents a total increase of \$9.25 over 12 years, or \$0.77 annualized per year.

### **Discussion:**

Administration from Parking Services began discussions with the current Supplier in early 2023 to gauge their interest in a contract extension for 2024. Initially, the Supplier was in agreement with a status quo base service fee subject to adjustment annually by the December CPI rate for Ontario (all items) as per the agreement.

The Supplier's financial year-end occurs March 31 of each year. After reviewing their Windsor division finances and concerns of retaining qualified staff in their bylaw division, senior management from Commissionaires – Ottawa, subsequently made the City aware of their intentions to invoke *Section 5.3 – Changes initiated by the Supplier* with a request for an additional 4% increase, which would become effective June 1, 2023. This increase would be in addition to the contractual CPI increase of 6% received effective January 1, 2023 as stipulated in the current contract.

As stated in their official request, Appendix "A" attached, the local branch of the Supplier is currently in a state of constant staff turnover. This constant turnover reflects negatively to the citizens of the City of Windsor with disputable and erred parking infractions, as the learning curve of an Officer is never fully reached. In an effort to aid in retaining their staff to reach a fully trained and trusted Officer on the street, the Supplier has committed to passing the entire requested increase of 4% on to their staff.

This condition of not being able to retain staff, as well as the difficulty in recruiting and hiring qualified staff has left the Supplier with numerous unattended shifts. These missed shifts have at times left areas of the City unenforced and, in some circumstances unsafe to vehicular and pedestrian traffic. When this short staff situation occurs, the supplier adapts by reverting to a shifting of officer beats which allows for the most efficient coverage of the City. The average geographical size of assigned beats is increased dramatically under these circumstances with the Supplier's staff then concentrating on higher travelled areas to enforce safety related infractions.

Administration recommends extending the current contract with the Supplier for one-year, January 1, 2024 through to December 31, 2024, for the following reasons:

- The contractor is proficient in the duties of the contract;
- Administration is satisfied with the level of service provided by the contractor and has no concerns going forward, even in decreased staff situations.
- Cost savings continue to be realized with the current model compared to previous models.

Administration believes keeping the price at the status quo base service fee rate, plus the supplier proposed addition, for the additional year represents the best possible pricing available for continued uninterrupted service. It is likely that a new RFP would result in higher pricing as any new supplier would need to procure new equipment, staff etc. resulting in high start-up costs reflected in their submission.

**Risk Analysis:**

If the existing contract was to be terminated at year-end 2023 resulting in the replacement of our current contractor as a result of a new Request for Proposal, there would be a considerable learning curve for the new contractor providing the service. As a result, short-term service levels would decrease and complaints from the public would increase. It is likely the level of service would take in excess of one year to reach current service levels, as a new contractor would need to become familiar with the nuances of enforcement within the City of Windsor. It is highly likely that revenues would be reduced during this learning period.

Additionally, Administration would also expect an increase in the number of officer errors as new officers learn unfamiliar processes resulting in a greater number of customer complaints and inconveniences. Lastly, it is likely that a new RFP would result in higher pricing as any new supplier would need to procure new equipment, staff etc. resulting in high start-up costs reflected in their submission.

Extending the current contract for an additional year mitigates the risk associated with service levels, complaints from the public, and potentially higher service level pricing.

There is also a risk that by not going to market now, the lowest price for the service will not be achieved. For the reasons noted above, Administration views this pricing risk as unlikely, therefore, low risk.

**Climate Change Risks**

**Climate Change Mitigation:**

N/A

**Climate Change Adaptation:**

N/A

**Financial Matters:**

Should Council approve the requested 2023 adjustment to the hourly rate paid to the Supplier, the increase would become effective June 1, 2023 and would not result in retroactive payments to the Supplier back to January 1, 2023. The proposed 4% increase would result in increased contract costs of approximately \$17,651.16 in 2023 based on the current annual total hours of enforcement as summarized in the below table.

<b>CONTRACT RATE AND COST SUMMARY</b>	<b>Hours</b>	<b>Hourly Rate</b>	<b>Contract Amount</b>
Current 2023 Contract	19,448	\$ 35.61	\$692,543.28
Proposed 2023 Contract January to May, 2023	7,056	\$ 35.61	\$251,264.16
Proposed 2023 Contract June to December, 2023	12,392	\$ 37.03	\$458,930.28
<b>Increased Contract Value</b>	<b>-</b>	<b>\$ 1.42</b>	<b>\$ 17,651.16</b>

The full increase of \$1.42 per hour billed by the Supplier will be passed along to the Officer’s resulting in a 7.28% increase in their hourly rate of pay to \$20.92 from the current hourly rate of \$19.50.

A 2024 contractual operating budget issue will be submitted for Council consideration during 2024 budget deliberations to adjust the contracted services budget in Parking Enforcement as required for the additional contract costs related to the annual CPI adjustment as stipulated in the current contract as well as the additional 4% increase requested for this one-year contract extension.

As of May 1, 2023, Administration is expecting a 2023 budget surplus of at least \$69,315 related to a reduction of 1946.5 hours billed for enforcement services as a result of reduced enforcement staff throughout the year thus far. This surplus will be more than adequate to offset the additional hourly cost of \$1.42 requested by the Supplier, or \$17,651.16 in contracted services costs.

The net revenues related to parking enforcement activities are credited to the operating fund and are an important non-taxation component of the overall operating budget. In the past five full years of the current model, 2018 through 2022, \$3,002,476 in net revenues have been realized as illustrated in the table below.

	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
<b>Net Revenue/ (Expense)</b>	\$1,265,837	\$943,237	\$164,409	(\$629,258)	\$1,258,254

The sharp decline in years 2020 and 2021 were due to the COVID 19 pandemic.

**Consultations:**

Legal Department Purchasing & Risk Management

Cindy Becker, Financial Planning Administrator

**Conclusion:**

The parking enforcement contract contains an option for the City to extend the current service agreement for three (3) one (1) year periods. Administration recommends extending the contract for one-year, January 1, 2024 through December 31, 2024 for the above noted reasons.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
Ian Day	(Acting) Senior Manager Traffic and Parking Operations
Cindy Becker	Financial Planning Administrator
Shawna Boakes	Executive Director of Operations
Chris Nepszy	Commissioner, Infrastructure Services
Janice Guthrie	Commissioner, Corporate Services/CFO & City Treasurer
Alex Vucinic	Purchasing Manager
Joe Mancina	Chief Administrative Officer

**Notifications:**

Name	Address	Email
Commissionaires Ottawa Attn.: C. Fifer	24 Colonnade Road Ottawa, Ontario K2E 7G6	cfifer@commissionaires-ottawa.on.ca

**Appendices:**

1. Appendix A – Suppliers Official Request



May 9, 2023

***Delivered by Email***

Bill Kralovensky, Parking Services Coordinator  
1266 McDougall Ave  
Windsor, ON  
N8X 3M7

**Re: Commissionaires Ottawa (Windsor) – Parking Enforcement *on behalf of* the City of Windsor  
2023 – Proposal for Contract Increase**

Mr. Kralovensky,

Commissionaires would like to thank you for your business and your continued support of our organization.

As a not-for-profit corporation, Commissionaires Ottawa is very aware of the needs of our clients to receive the highest value for their security budget dollars. Each day we strive to deliver best in class service that exceeds our clients' expectations.

As the leader in the industry, we recognize people are our most important asset. In a robust economy, we compete for resources daily, and want to maintain our commitment to excellence.

Fair pay has never been such an important factor with today's labour shortages. The current economy has everyone continuously adapting to changing market conditions and forces. Over the last 3 years, our industry and many other service industries have experienced a significant labour shortage. Due to this shortage, we find ourselves competing for candidates both internal and external. Within our own organization, many contracts are outpacing this contract in terms of wages, and likewise we are competing with other employers that have increased employee compensation in order to attract the best candidates.

Given the current economy and the current labour shortage in the industry, we must ensure we offer market leading pay and benefits to our employees if we are to expect to recruit the best, while maintaining the highest standards in the industry.

With all things considered, and after review of our financial position we are requesting to action *Section 5.3 - Changes Initiated by the Supplier* of the contractual agreement. The current remuneration is not sustainable to attract and retain staff. It is imperative that we commensurate equitable pay that reflects the responsibilities, the scope of work, and the changing economy.

**Commissionaires Ottawa**

**Matthew Bellefleur – Regional Manager (Southern Ontario)**

102-3063 Walker Rd, Ontario N8W 3R4 Tel: 519-966-9651 Ext. 200 Fax: 519-966-8311

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It is recognized that this is an arduous entry level position, and it is increasingly challenging to keep employees when other similar industry positions offer more, and require far less. In order for this to become an assignment of choice for qualified personnel, we must ensure competitive pay that reflects adequately the value of the position. We expect a lot from the By-Law officers and want to ensure they are compensated fairly for the scope of the position, and the risk in terms of interactions as well as consequence of error.

It is important to note that Commissionaires is currently absorbing almost \$20,000 annually in Training wages. Of course we always anticipate and budget for attrition, but the current rate is exceeding our financial planning by 3 times. We believe by adjusting the wages this will provide us the opportunity to minimize this exposure as well. We are committed to transferring the full percentage increase to our staff in wage adjustment. We thank you for both your support and understanding.

2023 Regular Bill Rate	\$35.61	<i>Proposed 2023 Regular Bill Rate</i>	\$37.03
2023 OT Bill Rate	\$35.61	<i>Proposed 2023 OT Bill Rate</i>	\$37.03

If you have any further questions regarding this request, please do not hesitate to contact me directly.

We look forward to continuing our mutually beneficial and rewarding relationship.

Yours Sincerely,

**Matthew M. Bellefleur**

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**Subject: Capital Variance Report - March 31, 2023 - City Wide**

**Reference:**

Date to Council: July 10, 2023  
Author: Mike Dennis  
Financial Manager, Asset Planning  
519-255-6100 x6343  
mdennis@citywindsor.ca  
Asset Planning  
Report Date: May 19, 2023  
Clerk's File #: AF2023

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

**Recommendation:**

1. THAT City Council **RECEIVE** for information the 2023 Life-to-Date Capital Variance Report as at March 31, 2023; and,
2. THAT City Council **APPROVE** the transfers to and from existing capital projects/reserves as identified within Appendix A – Summary of Capital Project Variances; and,
3. THAT City Council **APPROVE** the following additional capital funding requests:
  - a. To accelerate work on the Jefferson Drainage Area (SMP) project, ENG-002-22, the following:
    - i) Transfer of \$1,630,000 in 2027 Sewer Surcharge, Fund 153, funding, from the Sewer Master Plan Implementation (SMP) project, ENG-002-19, to the Jefferson Drainage Area (SMP) project, ENG-002-22; and,
    - ii) Transfers of \$1,500,000 and \$130,000, respectively, in 2028 Sewer Surcharge, Fund 153, and Pay-As-You-Go, Fund 169, funding from the Jefferson Drainage Area (SMP) project, ENG-002-22, to the Sewer Master Plan Implementation (SMP) project, ENG-002-19; and,
    - iii) Pre-Commitment of 2024, 2025 and 2027 Sewer Surcharge funding, respectively, of \$324,498, \$751, and \$1,630,000, in the Jefferson Drainage Area (SMP) project, ENG-002-22, for immediate use; and,
  - b. Transfers of \$240,400 and \$480,000, respectively, in funding from the Pay-As-You-Go Reserve, Fund 169, and the Sewer Surcharge Reserve, Fund 153, to the 2023 Fleet Additions and Upgrades project, 7231024; and,



c. Transfer of \$100,000 in Pay-As-You-Go, Fund 169, funding from the New City Hall project, 7115001, to fund renovations needed to relocate the Fire Prevention division offices to 185 City Hall Square South; and,

d. Transfer of \$30,000 in available funds from the 400 City Hall Square Reserve, Fund 186, to fund renovations required to the Human Resources division offices at 400 City Hall Square South; and,

e. Transfer of \$26,000 in available Service Sustainability, Fund 221, funding to fund asset replacements at the City's Fire Stations; and,

4. That City Council **APPROVE** the submission of a modification request, and all associated documents required, to Infrastructure Canada, for the purchase of up to two new buses, as part of the Investing in Canada Infrastructure Program (ICIP).

### **Executive Summary:**

N/A.

### **Background:**

Administration reports to City Council semi-annually on the status of all open/active capital projects. City Council approved the last semi-annual Capital Variance Report ending September 30, 2022, with CR510/2022.

### **Discussion:**

Appendix A provides details of projects within each Program/Category which are projecting or have realized a surplus or deficit upon project completion. It is important to emphasize that most project surpluses or deficits are merely projections based on the current status of the project until such time that they are fully complete and closed. Those projects which are able to be closed will include recommendations regarding their surplus or deficit. Standard practice is to return any surpluses back to the original funding source; however capital programs such as road rehabilitation, sidewalk rehabilitation, bridge rehabilitation, etc. have annual approved allocations which over the years are consolidated when completed and summarized on each variance report. In some instances, Administration has also recommended closing out surpluses to other projects where there is an expected deficit. For all other projections, the financials as noted can, and very likely will, change prior to the project being closed. In these cases, the projects are closely monitored by Project Leads, Finance and Asset Planning, monthly.

Further to the above noted process, any projects which meet the criteria established per the Capital Project Reporting Policy (CR429/2010) will also be reported to Council in a separate report. CR429/2010 states: "Capital projects whose final financial position is a deficit greater than 10% of net budget AND greater than \$500,000, will BE SUBJECT to a separate report to Council outlining the reasons for the deficit".

Overall, there are currently 587 capital projects that are open/active. Projected variance amounts are based on information as at March 31, 2023 and may continue to fluctuate

as projects proceed until they are officially completed and closed with all costs being fully accounted for. This is especially true for projects that have not started or are just starting. Based on currently available information, the City has 533 projects that are currently projected to be materially on budget, 31 projected to be completed with a surplus and 23 projected to be in a deficit position. A summary of the surpluses and deficits are laid out in a table which can be found in the Financial Matters section of this report. Details regarding specific projects with projected surpluses and deficits can be found in Appendix A – Summary of Capital Project Variances.

It should be noted that 212 of 587 (36%) of the total open projects have incurred expenditures of only 25% or less of their approved budget. There is still the very real likelihood of shifts in the current variance projections as the projects proceed to completion.

There are some projected surpluses where the project is close to final and the deficits and surpluses are reasonably certain. In these instances, Administration provides recommendations to reallocate a portion of these surpluses to offset other projects which are facing funding challenges thus mitigating the funding shortfall risks. Any remaining surpluses, once fully realized, are returned back to the original funding source for future use. Appendix – A identifies the various project surpluses and deficits, as well as the recommended reallocation to other projects or the returning of the funding to the original funding source.

### ***Inflation Considerations***

Although Administration considers inflationary pressures in all capital project estimates, current economic conditions have caused an extraordinary increase in inflation that has resulted in several recent tenders exceeding project budgets. Canada's April 2023 Consumer Price Index figure was 4.4%, as reported by Statistics Canada, exceeding the Bank of Canada's target inflation rate of 1.0% to 3.0%. Additionally, the Q1 2023 Composite Non-Residential Building Construction Price Index, also reported by Statistics Canada, was 9.6%. Inflation on this scale is an issue that all municipalities will continue to be challenged with for the foreseeable future.

Through the budget process, all projects in the capital plan are reviewed annually for inflationary impacts; however current projects could not have contemplated a rate of inflation that we are currently experiencing. While contingencies have been helpful in the past where minor to modest price fluctuations have been encountered, this is no longer the case with some recent tendered results. In instances where tenders exceed a given project budget, Administration often takes the following approaches:

- Negotiating with contractors
- Transferring surplus funding from other projects
- Transferring available funding from reserves
- Pre-committing future funding
- Redesigning the project to reduce the scope and/or scale of the work and re-tendering
- Delaying work until additional funding can be found

An additional exposure risk that Administration continues to monitor is with respect to certain long-term funding agreements. While the successful approval of several longer term grants has allowed for the acceleration of a significant amount of much-needed work for the City, these agreements tend to be fixed in their contribution amount. Inflationary pressures due to cost increases experienced from the time of budget submission to project execution will require additional City funding in order to ensure project completion. This puts pressure on existing budgets and reserves in order to ensure our Contribution Agreement obligations are met.

Although Administration will exhaust all avenues to complete projects as approved by Council, indefinite use of the above-noted approaches to offset the consequences of inflation at current levels is unsustainable. Assuming current levels of inflation continue, and without additional capital funding, Administration, with Council's approval, will inevitably need to reduce the scope or scale of some work or consider the deferral of some projects. Administration continues to work on developing further strategies and guidelines that can be used to deal with significant price increases in the market. These strategies will form part of the 2024 budget discussions and assist in formulating the 2024 Capital Budget 10-year Plan.

### **Risk Analysis:**

The Capital Project Variance Report continues to reflect a low risk to the organization as capital projects are generally managed within budget and any surpluses are able to offset any deficits. Monthly monitoring by the Project Leads, Finance and Asset Planning ensure any issues are addressed immediately and if necessary reported to Council.

As of March 31, 2023, there are approximately \$417 million in approved budgeted expenditures which have yet to be incurred. Asset Planning and Project Leads provide updated projections on expenditures for significant projects to ensure cash flow projections include this information. The City continues to have a strong cash flow position to internally finance projects without a significant need for borrowing.

Where there are anticipated surplus projections of capital projects, it is recognized that these early estimates can fluctuate significantly throughout the remaining duration of the project. Caution is given to redeploying anticipated project surpluses given the uncertainty surrounding the final costs of such projects. To allocate these anticipated surplus funds at this stage could risk not completing the project within budget.

### **Climate Change Risks**

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

Not applicable.

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

Not applicable.

## Financial Matters:

There are currently 587 open/active capital projects with total budgeted expenditures of approximately \$1.6 billion. The amounts in this report are reflected as at March 31, 2023 and therefore may vary from current figures. The following table summarizes how many of those projects are projected to be on budget, how many are trending or have come in under budget and how many are trending or have come in over budget.

Number of Projects	Projected Final Variance Trend	Current Estimated Cumulative Projection – Surplus / (Deficit)
533	On Budget <i>(Based on currently known information. Unforeseen circumstances may result in significant variances.)</i>	\$0
31	Surplus*	\$11,702,619
23	Deficit	(\$1,555,261)
<b>587</b>	<b>Total</b>	<b>\$10,147,358</b>

\* As outlined in Appendix A, the noted surplus funds have been allocated to offsetting other projected project deficits of \$1,555,261. A further \$8,104,982 has been redirected from prior year road and bridge budgets to the current year (2023) program budgets for Road and Bridge Rehab. The remaining \$2,042,376 will be returned to original funding sources and available for use.

Note that not all projects are currently able to be closed, therefore the reported final position should be viewed as an estimate as there is the potential that these amounts could materially change should other unforeseen circumstances occur which result in additional cost or savings.

Administration continues to balance and close capital projects as they are completed with the intent to mitigate all project deficits with project surpluses. In the event there remains a project deficit, Administration will explore all funding options available to mitigate any budget shortfall. On occasion these are reported during the year; however, usually it occurs as part of the year end variance report.

As previously noted, Appendix A – Summary of Capital Project Variances highlights the details of those projects which are projected to or have realized a surplus or deficit position and provides recommendations on transfers to close out the projected project balances.

Further to the recommended transfers presented in Appendix A, the following transfers are being requested:

1. In order to accelerate necessary construction of separated storm and sanitary sewers in the Edgar Street sanitary trunk sewer service area in 2023, Engineering requests that \$1,630,000 in 2027 Sewer Surcharge funding, Fund 153, from the Sewer Master Plan Implementation (SMP) project, ENG-002-19, be transferred to the Jefferson Drainage Area (SMP) project, ENG-002-22. In return, \$1,500,000 and \$130,000 in 2028 Sewer Surcharge, Fund 153, and Pay-As-You-Go funding, Fund 169, respectively, would be transferred from ENG-002-22 to ENG-002-19. Additionally, Engineering requests that the \$1,630,000 in 2027 funding, plus \$324,498 and \$751, respectively, of 2024 and 2025 Sewer Surcharge funding, Fund 153, be pre-committed and made available for immediate use.
2. The 2023 approved Operating Budget included several Operating Budget issues that impacted Fleet requirements and resulted in additional capital funding being needed for the 2023 Fleet Additions and Upgrades project, 7231024. In total, \$1,370,400 in funding for Fleet is required, however, only \$650,000 in capital budget funding was identified in the 2023 Capital Budget documents. Administration requests that the remaining \$720,400 in funding, comprised of \$240,400 from the Pay-As-You-Go Reserve, Fund 169, and \$480,000 from the Sewer Surcharge Reserve, Fund 153, be transferred to Project 7231024.
3. A request is being made to transfer \$100,000 of available Pay-As-You-Go funding, Fund 169, from the New City Hall project, 7115001. These funds are to be used for internal renovations and retrofits to allow for relocating the Fire Prevention division offices to the 185 City Hall Square South location.
4. Human Resources requests \$30,000 in funding to pay for upgrades to the existing office space to allow for expansion and enhanced public experience. Administration recommends that these funds be transferred from the 400 City Hall Square Reserve, Fund 186, which has a sufficient unencumbered balance to allow for this work.
5. Fire requests a transfer of \$26,000 in current Service Sustainability funding, Fund 221, in order to fund replacements of appliances, furniture and other equipment at the City's Fire Stations that have reached end-of-life. It is proposed that this funding come from interest earned in the Service Sustainability fund for 2023. Future funding needs for these asset replacements will be addressed in the 2024 Capital Budget.
6. Due to favourable pricing that Transit Windsor was able to obtain on the purchase of its new vehicles, and a budgeted contingency in the ICIP – 2022 Transit Windsor Fleet Purchases project, 7222012, that will not be required, Transit Windsor currently has a surplus in budgeted expenditures for this project of approximately \$900,000. On October 19, 2022, the MTO ICIP Team advised that if an existing ICIP project has or is expected to be completed under the approved ICIP budget, it may be desirable to reduce the approved budget to redirect those funds toward a new application. Transit properties were advised

that all modification requests will be subject to INFC's timely approval. For example, in the case of project underspending, if approval from INFC is not received in time, MTO may be forced to alter or cancel new applications that make use of underspent funds. In order not to jeopardize the funding on any other project, Transit Windsor would like to request that the allocation of these surplus funds be used towards the purchase of up to two new buses (the number of vehicles to be purchased is dependent on the size of the vehicle(s) to be used for the service and/or route enhancements). Infrastructure Canada (INFC) previously confirmed that where a project has experienced cost savings, a project change to increase the scope to fully commit the original total contribution amounts would be permitted. If approved by Council, Transit Windsor will complete a modification request template and a formal request to INFC. Should the request be successful, no additional funds from the City will be required.

### **Consultations:**

All project leads and their respective Financial Planning Administrators provided capital project status updates to augment the analysis performed by the Financial Manager, Asset Planning.

### **Conclusion:**

A comprehensive report on all open/active capital projects indicates that overall, the 587 projects are currently trending towards an overall net surplus position. Given the number of projects and the fact that construction of many will continue into the following year and beyond, significant fluctuation in the projections is likely. Regular reports will keep Council apprised of the projects' status as they proceed.

### **Planning Act Matters:**

Not applicable.

**Approvals:**

<b>Name</b>	<b>Title</b>
Mike Dennis	Financial Manager, Asset Planning
Natasha Gabbana	Senior Manager, Asset Planning
Janice Guthrie	Commissioner, Corporate Services / Chief Financial Officer
Joe Mancina	Chief Administrative Officer

**Notifications:**

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

**Appendices:**

Appendix A – Summary of Capital Project Variances – March 31, 2023

## **APPENDIX A – Summary of Capital Project Variances – March 31, 2023**

Listed below is a summary by Department/Program as to the status of each capital project portfolio. Projects with any projected final variance are detailed in a table within the respective Department/Program summary.

Project explanations denoted with “Project surplus/deficit” are projects that are in a position to be closed and the variance is likely to materialize. Those denoted with “Anticipated surplus/deficit” are projects that are still ongoing and not completed, as such the preliminary variance is merely an estimate which may fluctuate significantly before the project is complete.

### **Mayor’s Office**

#### *Mayor’s Office:*

There are three active capital projects in this area that are being administered by the Mayor’s Office, with no projected variance to report at this time.

### **Office of the Commissioner of Economic Development & Innovation**

#### *Economic Development:*

There are two active capital projects in this area that are being administered by the Economic Development department. No project variance is anticipated at this time.

#### *Information Technology:*

There are 19 active capital projects in this area that are being administered by the Information Technology department. No project variance is anticipated at this time.

#### *Planning Development:*

There are 23 active capital projects in this area that are being administered by the Planning and Building department. No project variance is anticipated as all of these projects are currently expected to come in on budget.

### **Office of the Commissioner of Infrastructure Services**

#### *Street Lighting:*

There is only one active capital project in this area that is being administered by the Traffic Operations division. The Local Improvement – Street Lighting project (7161015), is expected to come in on budget.



Roadways:

There are 37 active capital projects in this area that are being administered by the Engineering department. There are two projects with a net surplus of \$240,434, identified per below.

<b>Projects with Projected Deficit/Surplus</b>	<b>(Deficit)/Surplus Amount</b>	<b>Brief Explanation</b>
California / Pulford – Norfolk / Daytona (7184006)	\$134,632	Project is complete and can be CLOSED, once grant funding is received. Administration recommends that surplus funds be first used to mitigate estimated deficits of (\$482) and (\$8,834), respectively, in the Walker Road Rail Grade Separation project (7043907) and the Aging EIS Replacement project (7201011), with remaining funds transferred to the Cabana Road Improvements project, 7152001, to fund future phases of this work.
Sandwich St Roundabout (7171001)	\$105,802	Project is complete and can be CLOSED. Administration recommends that surplus funds be transferred to the Cabana Road Improvements project, 7152001, to fund future phases of this work.

Sewer Rehabilitation:

There are 41 active capital projects in this area that are being administered by the Engineering department. In total, there are two projects with a net projected surplus of \$17,730. These projects are identified in the table below.

<b>Projects with Projected Deficit/Surplus</b>	<b>(Deficit)/Surplus Amount</b>	<b>Brief Explanation</b>
Memorial – Vimy East of Marentette (7171004)	\$86,730	Surplus is a result of favourable tender pricing from initial budget estimates. Project can be CLOSED. Administration recommends that surplus funds be used to address a deficit in the Strabane Sanitary Sewer – WUC Discharge project (7152000), estimated at (\$52,281), with remaining funds returned to the Sewer Surcharge Reserve (Fund 153).
DMAF – Tranby Road and Park (7191038)	(\$69,000)	Project is complete, however, some minor work remains. Administration will recommend funding sources to mitigate the deficit at a future point in time.

Storm Sewers:

There are 14 active capital projects in this area that are being administered by the Engineering department. One project, the Storm Water & Sanitary Master Plan project (7124000), is reporting a surplus of \$563,821, and is detailed below.

<b>Projects with Projected Deficit/Surplus</b>	<b>(Deficit)/Surplus Amount</b>	<b>Brief Explanation</b>
Storm Water & Sanitary Master Plan (7124000)	\$563,821	Project is complete and can be CLOSED. Administration recommends that surplus funds be transferred to the Sewer Master Plan Implementation project (7199004) in order to fund future Sewer Master Plan-related work.

Sanitary Sewers:

There are five active capital projects in this area that are being administered by the Engineering department. One project, the Strabane Sanitary Sewer project (7152000), is reporting a (\$52,281) deficit and is detailed below.

<b>Projects with Projected Deficit/Surplus</b>	<b>(Deficit)/Surplus Amount</b>	<b>Brief Explanation</b>
Strabane Sanitary Sewer (7152000)	(\$52,281)	Reported deficit is due to unanticipated changes to the work such as mobilization and demobilization costs due to extending the construction period for an additional year into 2021, traffic control cost for additional work related to sanitary sewer construction, road milling and asphalt escalation. This project can be CLOSED. Administration recommends that deficit be offset with a transfer of surplus funding from the Memorial – Vimy East of Marentette project (7171004).

Corporate Projects:

There are 30 active capital projects in this area that are being administered by the Corporate Projects division. Four projects, with a net surplus of \$1,012,221, are detailed below.

<b>Projects with Projected Deficit/Surplus</b>	<b>(Deficit)/Surplus Amount</b>	<b>Brief Explanation</b>
WFCU Parking Lot Addition (7204001)	\$588,061	Project is complete and can be CLOSED. Administration recommends that surplus funds be returned to the Corporate Facilities Paving Program project (7101016) to be used for other corporate paving projects.

Tecumseh Road Storm Water Study (7191037)	\$424,160	Project is complete and can be CLOSED. Administration recommends that surplus funds be transferred to a new project id for expenses related to the next phase of work on Tecumseh Road.
Demolition of 6424-6450 County Road 42 (7222007)	\$90,481	Project is complete and can be CLOSED. Administration recommends that surplus funds be transferred to the Ojibway Wildlife Overpass Environmental Assessment project (7201003) to mitigate a projected deficit in that project.
Ojibway Wildlife Overpass Environmental Assessment (7201003)	(\$90,481)	Anticipated deficit of (\$90,481) is due to additional professional services and internal project management time required to complete the study. Administration recommends that surplus funds from the Demolition of 6424-6450 County Road 42 project (7222007) be transferred to this project to mitigate the shortfall.

Corporate Facilities:

There are 24 active capital projects in this area that are being administered by Corporate Facilities. Five projects, with a net deficit of (\$486,161), are highlighted below.

Projects with Projected Deficit/Surplus	(Deficit)/Surplus Amount	Brief Explanation
Corporate Heating and Cooling Repair Program (7142000)	\$200,000	Administration requests that \$200,000 of unallocated funding be transferred from this project to the Corporate Boiler Replacement Program project (7142001) to address a boiler replacement at Huron Lodge.
Mackenzie Hall (7073051)	\$42,900	The roof at this facility needs replacing and as a result, Administration requests that \$42,900 of unallocated funding from this project be transferred to the Roof Replacement Program project (7085008).
Capitol Theatre Upgrades (7183008)	(\$41,000)	Administration requests that \$41,000 of unallocated funding from the Designated Substance Remediation project (7001225) be transferred to this project for additional remediation required at the facility.
Corporate Boiler Replacement Program (7142001)	(\$200,000)	Administration has determined that the boiler at Huron Lodge needs replacing and requests that \$200,000 of unallocated funding be transferred from the Corporate

		Heating and Cooling Repair Program project (7142000) to address this need.
Corporate Facilities Paving Program (7101016)	(\$488,061)	Administration requests that \$488,061 in surplus funding from the WFCU Parking Lot Addition be returned to this project so that other corporate paving projects can be accelerated.

***Border Infrastructure Fund:***

There is one active capital project in this area that is being administered by the Corporate Projects division. The Walker Road Rail Grade Separation project (7043907) is reporting a slight deficit of (\$482) and is detailed below.

Projects with Projected Deficit/Surplus	(Deficit)/Surplus Amount	Brief Explanation
Walker Road Rail Grade Separation (7043907)	(\$482)	Project is complete and can be CLOSED. Administration recommends that this deficit be offset with a transfer of surplus funds in the California / Pulford – Norfolk / Daytona project (7184006).

***Development:***

There are five active capital projects in this area that are being administered by the Design & Development division. One project, the Aging EIS Replacement project (7201011), is reporting a deficit of (\$8,834) per the table below.

Projects with Projected Deficit/Surplus	(Deficit)/Surplus Amount	Brief Explanation
Aging EIS Replacement (7201011)	(\$8,834)	Project is complete and can be CLOSED. Administration recommends that this deficit be offset with a transfer of surplus funds in the California / Pulford – Norfolk / Daytona project (7184006).

***Pollution Control:***

There are 74 active capital projects in this area that are being administered by the Pollution Control department. The majority of these projects are funded from the dedicated Pollution Control Reserve. Two projects, with a total deficit of (\$205,000), are detailed below.

Projects with Projected Deficit/Surplus	(Deficit)/Surplus Amount	Brief Explanation
Lou Romano WRP Primary Effluent Pumps (7181037)	\$27,000	Project is complete and can be CLOSED, after final expenses are processed. Administration recommends that funds be returned to the Pollution Control Reserve, Fund 208.

Little River PCP Sludge Pumphouse Valve (7192004)	(\$232,000)	Construction is ongoing, however, current estimates to complete this work are much higher than anticipated. Upon closing, the projected deficit can be funded by the Pollution Control Reserve, Fund 208.
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Environmental Services:

There is one capital project being administered by the Environmental Services division, which is expected to come in on budget.

Contracts & Field Services:

There are five active capital projects in this area that are being administered by the Public Works Operations department. One project, the Ojibway Sanitary Trunk Sewer project (7203006), is reporting a \$301,740 surplus per below.

Projects with Projected Deficit/Surplus	(Deficit)/Surplus Amount	Brief Explanation
Ojibway Sanitary Trunk Sewer (7203006)	\$301,740	Project is complete and can be CLOSED. Administration recommends that surplus funds be transferred back to the Sewer Surcharge Reserve, Fund 153.

Road Rehabilitation:

There are 17 active capital projects in this area that are being administered by the Public Works Operations department. There are five projects as identified in the table below anticipating a combined overall surplus of \$8,104,982.

Projects with Projected Deficit/Surplus	(Deficit)/Surplus Amount	Brief Explanation
2021 City Wide Road Rehab (7211000)	\$3,547,242	Project is complete. Surplus is a result of scope of work changes. Rehabilitation work was completed on several roadways throughout the City including Cameron, Labelle, Ypres, Tecumseh, Matchette, Lauzon, Kildare, Campbell, Bruce and EC Row. Upon release of final holdback, project can be CLOSED. Administration recommends transferring surplus funds to the 2023 Road Rehab project (7231000) to complete as much priority work as possible.
2020 Bridge Rehab Program (7201012)	\$2,170,815	The EC Row at Dominion westbound structure (#116) has been delayed as a result of reprioritizing of projects and structures in need of rehabilitation. Construction is currently planned for

		2025. Administration recommends that this project be CLOSED and transferring all remaining funding to the 2023 Bridge Rehab Program project (7231009) to complete as much priority work as possible and required.
2020 City Wide Road Rehab (7201002)	\$1,480,715	Project is complete. Rehabilitation was completed on several roadways throughout the City including Church, Foch, Logan, Mercer, Howard, Randolph, Riverside West, Vista, Patricia, Lincoln and EC Row. Upon release of final holdback, project can be CLOSED. Administration recommends transferring surplus funds to the 2023 Road Rehabilitation project (7231000) to fund as much priority road work as possible.
Connecting Links 4 – Malden - Pool (7192010)	\$909,501	Anticipated surplus is a result of favourable tender pricing from initial budget estimates. Project can be CLOSED once committed funding from 2023 is transferred into project. Administration recommends transferring surplus funds to the 2023 Road Rehabilitation project (7231000) to complete as much priority work as possible.
ICIP – Grand Marais Cycling (7201029)	(\$3,291)	Project is complete and can be CLOSED. Small deficit is due to some incidental ineligible costs incurred such as internal salary and equipment recoveries. Administration recommends that the deficit be funded through a transfer of funds from the 2023 Road Rehabilitation project (7231000).

Transportation Planning:

There are 12 active capital projects in this area that are being administered in the Transportation Planning area. Administration is reporting a \$10,711 surplus as detailed in the table below.

<b>Projects with Projected Deficit/Surplus</b>	<b>(Deficit)/Surplus Amount</b>	<b>Brief Explanation</b>
Prince Road Pedestrian Crossing (7181034)	\$10,711	Project is complete and can be CLOSED. Administration recommends transferring this surplus to the Pedestrian Crossovers project (7191010) to complete as much priority work as possible.

PW Maintenance:

There are six active capital projects in this area that are being administered by the Public Works Operations department. Administration has no variances to report at this time.

Traffic Operations and Parking Services:

There are 15 active capital projects in this area that are being administered by the Traffic Operations and Parking Services division, and in total is expecting to come in on budget.

Fleet Operations:

There are 21 active capital projects in this area that are being administered by the Public Works Operations department. Seven projects, detailed below, are projected to be completed with a net surplus of \$616,285.

<b>Projects with Projected Deficit/Surplus</b>	<b>(Deficit)/Surplus Amount</b>	<b>Brief Explanation</b>
2019 Fleet Replacement Program (7191001)	\$420,524	All units have been purchased, received and are in service. Project can be CLOSED. Administration recommends that surplus funds be transferred back to the Fleet Replacement Reserve (Fund 136).
2020 Parks Equipment Replacement (7201007)	\$190,539	All units have been purchased, received and are in service. Project can be CLOSED. Administration recommends that surplus funds be transferred back to the Off-Road Fleet Replacement Reserve (Fund 197).
2021 Parks Equipment Replacement (7211001)	\$181,787	All units have been purchased, received and are in service. Project can be CLOSED. Administration recommends that surplus funds be transferred back to the Off-Road Fleet Replacement Reserve (Fund 197).

2021 Fire Fleet Replacement (7211045)	\$1,046	Project is complete and can be CLOSED. Administration recommends that surplus funds be transferred back to the Fire Major Equipment Reserve (Fund 163).
2020 Additional Fleet Equipment (7201009)	(\$1,978)	All units have been purchased, received and are in service. Project can be CLOSED. Administration recommends funding the deficit with a transfer from the 2023 Fleet Additions and Upgrades project (7231024).
2023 Fire Fleet Replacements (7231001)	(\$10,633)	Project is complete and can be CLOSED. Administration recommends that the deficit be funded with a transfer from the Fire Major Equipment Reserve (Fund 163).
2021 Corporate Fleet Replacement (7211033)	(\$165,000)	All units have been ordered, however, there is a risk that the 2023 orders will not be filled due to manufacturing limitations. If the 2023 orders are cancelled the 2024 model would be ordered with a price increase likely. In addition, Administration is expecting a deficit of approximately (\$165,000) due to a budgeting error on the replacement plan submitted regarding four units. Administration recommends funding this budget shortfall with funds from the Fleet Equipment Reserve (Fund 136).

Technical Support:

There is only one active capital project in this area that is being administered by the Technical Support division. The Information Hansen Management System project (7209001) is expected to come in on budget.

Transit Windsor:

There are 16 active capital projects in this area that are being administered by Transit Windsor. Three projects, reporting a net surplus of \$23,875 are detailed below.

Projects with Projected Deficit/Surplus	(Deficit)/Surplus Amount	Brief Explanation
Transit Windsor Master Plan (7201016)	\$46,000	Project was established to fund enhancements recommended as part of the Transit Windsor Master Plan, approved in 2020. Administration recommends that \$46,000 of funding be transferred to the ICIP Transit Windsor Master Plan Phase 1



		project, 7203002, to fund an anticipated deficit in that project.
West End Terminal Washroom (7222010)	\$24,584	Project is complete and can be CLOSED. Administration recommends that the surplus first be used to fund a deficit in the LED Outdoor / Indoor Message Signs project (7171041), with remaining funds transferred to the Transit Terminal Maintenance Reserve (Account 1745).
Transit Windsor Fare Structure Review (7171042)	\$722	Project is complete and can be CLOSED. Administration recommends that the surplus be transferred to the Transit Terminal Maintenance Reserve (Account 1745).
LED Outdoor / Indoor Message Signs (7171041)	(\$1,431)	Project is complete and can be CLOSED. Administration recommends that the deficit be funded with a transfer of surplus funding from the West End Terminal Washroom project (7222010).
ICIP Transit Windsor Master Plan Phase 1 (7203002)	(\$46,000)	This project was approved for funding in March 2020 through the Investing in Canada Infrastructure Program (ICIP). Additional funding totalling \$46,000 is required to create an interface between the new incoming scheduling / rostering software MAIOR and Transit Windsor's existing AVL system. Administration recommends that funding of \$46,000 be transferred from the Transit Windsor Master Plan project (7201016) to mitigate this anticipated shortfall.

## Office of the Commissioner of Legal & Legislative Services

### Fire and Rescue:

There are 13 active capital projects in this area that are being administered by the Fire and Rescue department, with a projected deficit of (\$27,700) being reported per the table below.

Projects with Projected Deficit/Surplus	(Deficit)/Surplus Amount	Brief Explanation
Crisys System (7161037)	(\$10,700)	Project is complete but awaiting final invoice processing. Projected deficit due to part shortages which resulted in increased cost upon final delivery. Upon closing, Administration recommends that the deficit be mitigated with a transfer

		from the Pay-As-You-Go Leasing Reserve, Fund 170.
WFRS – Radio Service Monitor (7221015)	(\$17,000)	Procurement for this project is in the quoting stages, however, Administration anticipates that pricing will be approximately \$17,000 higher than budgeted. Administration will propose a funding source at a future date, if needed.

Legal Services:

There are 12 active capital projects in this area that are being administered by the Legal Department. One project, the 99 CP Railway Cut project (7995537), is reporting a deficit of \$19,457 and is detailed below.

Projects with Projected Deficit/Surplus	(Deficit)/Surplus Amount	Brief Explanation
99 CP Railway Cut (7995537)	\$19,457	Project can be CLOSED. Surplus is due to receipt of an outstanding holdback cheque. Funds can be returned to the Pay-As-You-Go reserve, Fund 169.

Records and Elections:

There are two active capital projects in this area that are being administered by the Council Services department. Both projects are anticipated to come in on budget.

## Office of the Commissioner of Corporate Services

Corporate Asset Planning:

There are 30 active capital projects in this area that are being administered by the Asset Planning department. No anticipated project surpluses or deficits are being reported at this time.

Financial Accounting:

There are two active capital projects in this area that are being administered by the Financial Accounting department. No project variance is anticipated as all of these projects are currently expected to come in on budget.

Financial Planning:

There are six active capital projects in this area that are being administered by the Financial Planning division. No project variance is anticipated as all of these projects are currently expected to come in on budget.

Taxation and Financial Projects:

There are five active capital projects in this area that are being administered by the Taxation and Financial Projects department. No project variances are being reported at this time.

Human Resources:

There are seven active capital projects in this area that are being administered by the Human Resources department. One project, reporting a surplus of \$800, is detailed below.

<b>Projects with Projected Deficit/Surplus</b>	<b>(Deficit)/Surplus Amount</b>	<b>Brief Explanation</b>
Health & Safety Issues (7081015)	\$800	Project can be CLOSED and surplus returned to original funding source, Fund 169, Pay-As-You-Go Reserve. Initiatives will be funded through the Operating Budget.

## **Office of the Commissioner of Human & Health Services**

Huron Lodge:

There are 11 active capital projects being administered by Huron Lodge. No project variance is anticipated as all of these projects are currently expected to come in on budget.

Housing and Children's Services:

There are two active capital projects being administered by Housing and Children's Services. No project variance is anticipated as both of these projects are currently expected to come in on budget.

## **Office of the Commissioner of Community Services**

Cultural Affairs:

There are seven active capital projects in this area that are being administered by the Recreation and Culture department. No project variance is anticipated as all of these projects are currently expected to come in on budget.

Recreation Facilities:

There are 12 active capital projects in this area that are being administered by the Recreation & Culture department. All projects are anticipated to be completed on budget.

Forestry:

There are three active capital projects in this area that are being administered by the Forestry division. No surpluses or deficits are projected at this time.

Parks Operations:

There are six active capital projects in this area that are being administered by the Parks Operations division. No anticipated project variances are being reported at this time.

Parks Design & Development:

There are 47 active capital projects in this area administered by the Parks Design & Development division. The division does not anticipate a net surplus or deficit, however, individual anticipated project surpluses and deficits are detailed below:

<b>Projects with Projected Deficit/Surplus</b>	<b>(Deficit)/Surplus Amount</b>	<b>Brief Explanation</b>
Peche Island Bridge Improvement (7193002)	\$38,191	Project is complete and can be CLOSED. Administration recommends that surplus funds of \$26,683 and \$11,508, respectively, be transferred to the Forest Glade Tennis / Pickleball project (7212007) and the Malden Park Parking Lot project (7234000).
George Avenue Park Redevelopment (7201022)	\$18,120	Project is complete and can be CLOSED. Administration recommends that surplus funds of \$4,000 and \$14,120, respectively, be transferred to the Fontainebleau Splash Pad project (7214001) and Malden Park Parking Lot project (7234000).
Garry Dugal Park Gazebo Upgrade (7201030)	\$15,099	Project is complete and can be CLOSED. Administration recommends that surplus funds be transferred to the Malden Park Parking Lot (7234000).
Forest Glade Capital Improvements (7191039)	\$2,317	Project is complete and can be CLOSED. Administration recommends that surplus funds be transferred to the Forest Glade Tennis / Pickleball project (7212007).
Fontainebleau Splash Pad (7214001)	(\$4,000)	Administration is anticipating a slight deficit in the project and recommends a transfer of \$4,000 in surplus funding from the George Avenue Park Redevelopment project (7201022).
Forest Glade Tennis / Pickleball (7212007)	(\$29,000)	Anticipated deficit in this project is due to required enhancements for fencing. Project is substantially complete and will remain open until future year funding is received. Administration recommends that surplus funding of \$2,317 and \$26,683, respectively, be transferred from the Forest Glade Capital Improvements project (7191039) and the Peche Island Bridge Improvement project (7193002) to mitigate this anticipated shortfall.
Malden Park Parking Lot (7234000)	(\$40,727)	This project has not started yet, however, current estimates indicate that additional

		funding is required. Administration recommends that surplus funding of \$15,099, \$14,120, and \$11,508, respectively, from the Garry Dugal Park Gazebo Upgrade project (7234000), George Avenue Park Redevelopment project (7201022), and Peche Island Bridge Improvement project (7193002), be transferred to this project.
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Facilities Operations:

There are 10 active capital projects in this area administered by the Facilities Operations department. Two variances projected by the area, totalling (\$1,900), are detailed below.

Projects with Projected Deficit/Surplus	(Deficit)/Surplus Amount	Brief Explanation
Designated Substance Remediation (7001225)	\$41,000	Administration recommends that \$41,000 of funding be transferred to the Capitol Theatre Upgrades project (7183008), to address mould and asbestos abatement required at the theatre.
Roof Replacement Program (7085008)	(\$42,900)	Unbudgeted roof repairs, anticipated to cost \$42,900, are required at Mackenzie Hall. Administration recommends that \$42,900 be transferred from the Mackenzie Hall project (7073051) to address these costs.

Windsor Public Library:

There are eight active capital projects in this area that are being administered by the Windsor Public Library and Corporate Projects. There are no project surpluses or deficits to report on at this time.

## Agencies and Boards

Windsor Police Services (WPS):

There are 20 active capital projects in this area that are being administered by various WPS divisions. A net surplus totalling \$17,660 from three projects is detailed below.

Projects with Projected Deficit/Surplus	(Deficit)/Surplus Amount	Brief Explanation
WPS DR Backup Implementation (7181014)	\$18,122	Project is complete and can be CLOSED. Administration recommends that the surplus be used to first fund deficits in the WPS Mobile Device Encryption project (7181021) and WPS Network Infrastructure Upgrades (7191015)

		project, with the remaining surplus returned to the Police Equipment Replacement Reserve (Fund 195).
WPS Mobile Device Encryption (7181021)	(\$310)	Project is complete and can be CLOSED. Administration recommends mitigating the deficit with a transfer of surplus funds from the WPS DR Backup Implementation project (7181014).
WPS Network Infrastructure Upgrades (7191015)	(\$152)	Project is complete and can be CLOSED. Administration recommends mitigating the deficit with a transfer of surplus funds from the WPS DR Backup Implementation project (7181014).

Roseland Golf and Curling Club:

There are two active capital projects in this area that are being administered by the General Manager at Roseland. No project variance is anticipated as both of these projects are currently expected to come in on budget.

Windsor Airport:

There are seven active capital projects in this area that are being administered by the Corporate Projects division. No project variances are anticipated at this time.

Handi-Transit:

There is only one active capital project active in this area that is being administered by Handi Transit/Transit Windsor. The Handi-Transit Bus Acquisitions project (7191019) is expected to come in on budget.



**Subject: 793 Devonshire Road, Bell-Coulter House - Heritage Permit & Community Heritage Fund Request (Ward 4)**

Moved by: Councillor Fred Francis  
Seconded by: Councillor Kieran McKenzie

Decision Number: **DHSC 514**

- I. That a Heritage Permit at 793 Devonshire Rd, Bell-Coulter House, **BE GRANTED** for restoration of the chimneys and eavestroughs system.
- II. That the City Planner or designate **BE DELEGATED** the authority to approve any further proposed changes associated with the restoration.
- III. That a total grant of 28% of the cost of the chimney repairs and eavestroughs system repairs, to an upset amount of \$15,924 from the Community Heritage Fund (Reserve Fund 157) **BE GRANTED** to the Owners of the Bell-Coulter House, at 793 Devonshire Rd, subject to:
  - a. Submission of conservation details, technical details and samples, to the satisfaction of the City Planner or designate prior to work start;
  - b. Determination by the City Planner that the work is completed to heritage conservation standards;
  - c. Owner's submission of paid receipts for work completed;
  - d. That the Community Heritage Fund (Reserve Fund 157), grants approved shall lapse if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date.

Carried.

Report Number: S 63/2023  
Clerk's File: MBA/12592

**Clerk's Note:**

1. The recommendation of the Development & Heritage Standing Committee and Administration are the same.
2. Please refer to Item 10.1 from the Development & Heritage Standing Committee held on June 5, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230605/-1/9413>

**Subject: 793 Devonshire Road, Bell-Coulter House - Heritage Permit & Community Heritage Fund Request (Ward 4)**

**Reference:**

Date to Council: June 5, 2023  
Author: Kristina Tang, MCIP, RPP  
Heritage Planner  
ktang@citywindsor.ca  
519-255-6543 X 6179

Tracy Tang, MCIP, RPP  
Planner II - Revitalization & Policy Initiatives  
ttang@citywindsor.ca  
519-255-6543 x 6449  
Planning & Building Services  
Report Date: May 15, 2023  
Clerk's File #: MBA/12592

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

**Recommendation:**

- I. THAT a Heritage Permit at 793 Devonshire Rd, Bell-Coulter House, **BE GRANTED** for restoration of the chimneys and eavestroughs system.
- II. THAT the City Planner or designate **BE DELEGATED** the authority to approve any further proposed changes associated with the restoration.
- III. THAT a total grant of 28% of the cost of the chimney repairs and eavestroughs system repairs, to an upset amount of \$15,924 from the Community Heritage Fund (Reserve Fund 157) **BE GRANTED** to the Owners of the Bell-Coulter House, at 793 Devonshire Rd, subject to:
  - a. Submission of conservation details, technical details and samples, to the satisfaction of the City Planner or designate prior to work start;
  - b. Determination by the City Planner that the work is completed to heritage conservation standards;
  - c. Owner's submission of paid receipts for work completed;



- d. That the Community Heritage Fund (Reserve Fund 157), grants approved shall lapse if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date.

**Executive Summary: N/A**

**Background:**

The property at 793 Devonshire Road is known as the Bell-Coulter House, which was constructed in 1922 at the northwest corner of Devonshire Road and Cataraqui Street. The dwelling is a two-and-one-half-storey detached brick house in Colonial/Georgian Revival style, and is representative of the fine houses constructed in the former Town of Walkerville. This property was designated by City of Windsor Council through By-law No. 139-2016 on September 6, 2016. The Statement of Cultural Heritage Value or Interest from the Designation By-law is included as Appendix 'A'.



Front view of the property.

There have been discussions with the Owners of the property about conducting repairs on the Bell-Coulter House since their recent purchase of the property in 2022. The Owners noted urgent repairs were needed to their home, namely to the three prominent chimneys and the copper eavestroughs, downspouts, and gutters system.

The Owner has made a Heritage Permit application for the work (See Appendix 'B'). The Owners intend to complete both projects within this calendar year, as to prevent further deterioration of the current state.

The Owner has submitted a Community Heritage Fund Application for a total grant of \$15,924 and included a rationale for the request (See Appendix 'C'). Administration is recommending for approval of this request.

**Legal Provisions:**

Part IV, 39 (1) of the *Ontario Heritage Act* (OHA) provides that “The council of a municipality may pass by-laws providing for the making of a grant or loan to the owner

of a property designated under this Part for the purpose of paying for the whole or any part of the cost of alteration of such designated property on such terms and conditions as the council may prescribe.” The City’s Community Heritage Fund (Reserve Fund 157) exists to provide grants to heritage conservation works on designated heritage properties.

The Ontario Heritage Act (OHA) requires the owner of a heritage designated property to apply to Council to alter the property. The designation by-law includes heritage attributes (see Appendix ‘A’). In accordance with the OHA, changes to a designated property that affect heritage attributes must be considered by City Council after consulting with its municipal Heritage Committee. Council has the option of granting consent with or without terms and conditions, or refusing the application within 90 days of notice of complete application. Council also has the option to further delegate the item to an employee or official of the municipality. The delegation of final details would be more expediently handled through staff review and approval.

**Discussion:**

**Proposal:**

**Three Chimneys**

All three chimneys on the property appear to be deteriorating, as the Owner has reported falling bricks found on the ground and in the eavestroughs. Assessments from estimators conclude that many features of the chimneys are original to the 1922 construction of the house.

The proposed scope of work includes:

- Preservation of the soldier course brick
- Replacement of bricks as-needed with colour-matching bricks
- Mortar work using lime-rich mortar and visually blending new with old
- Reinstallation of visible chimney flue extensions
- Flaunching the crown in historical manner



Photos of the three chimneys (taken May 8, 2023)

The conservation work proposed follows the Standards & Guidelines for Conservation of Historic Places. Standards 13 and 14 are listed below.

### **Additional Standards Relating to Restoration**

- 13.** Repair rather than replace *character-defining elements* from the *restoration* period. Where character-defining elements are too severely deteriorated to repair and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements.
- 14.** Replace missing features from the *restoration* period with new features whose forms, materials and detailing are based on sufficient physical, documentary and/or oral evidence.

### **Gutter System Repairs**

The eavestroughs, downspouts, and gutter system are also in need of immediate repairs. The eavestroughs, hangers, and downspouts show numerous points of failure, which has caused mortar erosion, twisted out of alignment, and resulted in broken and misaligned hangers and top-straps. The proposed scope of work for the gutter system is to remove the current upper-level (third storey) eavestroughs and associated downspouts, and replacing them using off-the shelf specialty copper materials wherever possible and using custom materials where necessary.



Photos of the gutter system (taken May 8, 2023)

### **Official Plan Policy:**

The Windsor Official Plan includes (9.3.6.1.), “Council will manage heritage resources by: (e) providing support and encouragement to organizations and individuals who undertake the conservation of heritage resources by private means”.

The Plan includes protection (9.3.4.1). “Council will protect heritage resources by: (c) Requiring that, prior to approval of any alteration, partial demolition, removal or change in use of a designated heritage property, the applicant demonstrate that the proposal will not adversely impact the heritage significance of the property ...”

## **Risk Analysis:**

The risk of taking no action for this property is the potential deterioration of a designated heritage property and safety concerns from the falling bricks off the chimneys. No city funds will be expended until the project is determined by Planning Staff to be completed according to good heritage practices. Conditions of this determination include provision of technical information through details within the quote, and request for provision of material samples or mock-up, to ensure that the conservation work is heritage appropriate, prior to disbursement of the funds.

## **Climate Change Risks**

**Climate Change Mitigation: N/A**

**Climate Change Adaptation: N/A**

## **Financial Matters:**

The Community Heritage Fund (CHF) guidelines includes the following:

"As a general principle, awards will be limited to a maximum of \$50,000 unless the DHSC (Development & Heritage Standing Committee) so recommends and Council approves." The award from the Community Heritage Fund is generally given according to the following formula: Grant: 15 percent of the award in the form of a grant & Low Cost Loan: 85 percent of the award". In this particular case, the applicant is asking for 28% grant approval with no loan component. As well, the Community Heritage Fund asks for "A minimum of two cost estimates, based on specifications approved by the DHSC and the City Planner or designate, shall be obtained by the owner for all restoration work to be done." The estimates will then be reviewed to ensure that all work specified is covered. The lower bid will usually be recommended for funding."

The Owners made significant efforts to solicit bids and quotes from local companies, and contacted the following for the proposed chimney works:

- Bricetin
- P.J. Masonry
- Frank's Renovation
- Bartlett Restoration
- Elite Masonry Restoration
- Artisan Masonry
- North Construction
- Brookside
- Baker's Masonry

and the following for the proposed gutters system works:

- RJ Steel and Copper Co.
- Classic Gutter Supply
- Custom Metal Fabricating,
- From the Ground Up Roofing
- Dayus Roofing
- Heritage Roofing
- JKD Custom

and Battlefield Equipment for their lift rentals. However, only the qualified vendors are the ones included in this report. The Owners provided two comparable quotes for each

of the chimney repairs work and the gutter system work. A summary table of the quotes is as below. The Owner has provided their explanation of the preferred qualified vendor based on the quote provided and demonstration of experience, expertise by the vendor, eagerness of vendor and flexibility to coordinate scheduled work with the vendors, ability to share lift between vendors, and accommodation to changing some of the work scope based on heritage requests (acceptable to Heritage Planning staff). The Owners wishes to retain **Bricetin** for the chimney repairs and **Custom Metal Fabricating** for the installation of the gutter system with some custom materials, while purchasing specialty off-the shelf materials separately where possible to achieve cost savings for the gutter system. The Owners will also be fully incurring the expense of retaining **Battlefield Equipment** for their lift rentals. The rented lifts will be used by both contractors to complete the chimney repairs and the gutter system works.

<b>TOTAL SUMMARY Three Chimneys Restoration Cost (inclusive of HST)</b>	
<b>Quote from Vendor</b>	<b>Cost in CDN</b>
Bricetin	\$21,244
P.J. Masonry	\$19,125
<b>TOTAL SUMMARY Gutter System Restoration Cost (inclusive of HST)</b>	
<b>Quote from Vendor</b>	<b>Cost in CDN</b>
RJ Steel and Copper	\$7,889 materials (purchased by homeowner) + \$27,798 installation
Custom Metal Fabricating	\$7,889 materials (purchased by homeowner) + \$23,504 installation
<b>TOTAL Lift Rental Cost (inclusive of HST)</b>	
<b>Quote from Vendor</b>	<b>Cost in CDN</b>
Battlefield	\$4,235

Based on the estimates of the Owner's preferred qualified vendors, the total cost of the project is anticipated to be \$56,872 after tax. The Owner is requesting for 28% of cost of the repair work to be covered by the CHF due to the high cost of conserving special heritage features, especially in today's climate of increasingly expensive trades work.

Unfortunately, inflation has further exacerbated costs as reflected in the collection of quotes by the Owner (difference in 2022 versus 2023). Council has approved a higher CHF grant approval percentage in recent years to other heritage property owners (of around 30%-35% for work ranging from wood windows to clay tile and other specialty roof related repairs). The cost of the repair work is encouraged to be conducted soon and is a significant cost for a private property owner. Therefore, administration recommends approval of the request by the Owners for CHF of 28% for the work to be done to the three chimneys and gutter system.

The heritage financial incentive through the Community Heritage Fund (CHF) would provide support to the continued conservation of the heritage features of this designated building. As of April 30, 2023, the Community Heritage Fund (Reserve Fund 157) has an uncommitted balance of \$84,982 available (including the safeguard of having the minimum balance of \$50,000 in the reserve). Therefore, there is sufficient funds in Fund 157 to cover the cost of the grant project. Administration recommends that the amounts of 28% after HST to an upset amount of \$15,924 be provided for the chimneys and eavestroughs system repair project.

The Owner has also applied for the Heritage Property Tax Reduction program which will be administratively processed when amounts are under \$20,000 as per By-law 164-2015. The total property taxes payable in 2023 for 793 Devonshire Road is \$8,515.11. The annual rebate would be up to 30% or approximately \$2,554.53 for a maximum of 3 years up to the cost of the restoration.

**Consultations:**

City staff have been consulting with Owners in recent months. Josie Gualtieri, Financial Planning Administrator, assisted with confirmation of fund balance.

**Conclusion:**

A total grant amount of 28% of the cost of the three chimneys repair and eavestroughs system repairs at 793 Devonshire Road to upset amount of \$15,924 from the Community Heritage Fund (Reserve Fund 157) should be approved, subject to conditions. Further heritage alteration approvals necessitated for this scope of work are recommended to be delegated to the City Planner or designate to direct further conservation details.

**Planning Act Matters:** N/A

**Approvals:**

Name	Title
Kristina Tang	Heritage Planner
Josie Gualtieri	Financial Planning Administrator
Carolyn Nelson	Manager, Property Valuations & Administration
Thom Hunt	City Planner / Executive Director Planning & Building

<b>Name</b>	<b>Title</b>
Wira Vendrasco	Deputy City Solicitor
Tony Ardochini	Chief Financial Officer
Jelena Payne	Commissioner of Economic Development & Innovation
Joe Mancina	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Michael Schmidlin		RN1K3@outlook.com
Lauren Schmidlin		laurmorr@hotmail.com

**Appendices:**

- 1 Appendix A- Statement of Cultural Heritage Value or Interest
- 2 Appendix B- Heritage Permit Application
- 3 Appendix C- Community Heritage Fund Application
- 4 Appendix D- Additional Photos of 793 Devonshire Rd



**REASONS FOR DESIGNATION / STATEMENT OF SIGNIFICANCE**  
**Bell-Coulter House**  
**793 Devonshire Road**

**Description of Historic Place**

The Bell-Coulter House, 793 Devonshire Road, was constructed in 1922 at the northwest corner of Devonshire Road and Cataraqui Street, on land that was part of the original subdivision by Hiram Walker in 1879. The dwelling is a two-and-one-half-storey detached brick house in Colonial/Georgian Revival style, representative of fine architectural houses during the first decades of the twentieth century in the Town of Walkerville. Harry J. Bell, an insurance agent, was the first resident of the building and subsequent owner Dr. William G. Coulter was a prominent specialist physician in the City of Windsor. The house is the first known collaboration between locally renowned architects David W.F. Nichols and Hugh P. Sheppard.

**Cultural Heritage Value or Interest**

**Design or Physical Value:**

The Bell-Coulter House is an architecturally significant example of a house, designed and constructed in Colonial Revival/Georgian Revival style, in the early decades of the twentieth century in the Town of Walkerville. From the front facade, the rectangular brick house is two-and-one-half storeys with an elaborate front door with portico, overhead elliptical fanlight and sidelights, a cameo of a woman's head on the peak of the porch pediment, and symmetrically balanced windows with double-hung sashes. The house has a medium-pitched side gabled roof and deep eaves, wide frieze board, a range of window including eyebrow, semi-circle and quarter circles, and wood shutters with cut-out bell motifs. The decorative brick detailing especially the soldier brick stretch below the second-storey window, and the front window brick surrounds demonstrate the incorporation of Tudor Revival elements in the design.

**Historical or Associative Value:**

The subject property is located in the planned community of Walkerville, which was originally almost entirely owned by Hiram Walker, his family and his company. The property is part of the 1879 original subdivision directed by Hiram Walker, the founder of the Town of Walkerville. By the 1920s, the Walker family were selling their Windsor investments. The subject property was left undeveloped by the Walkerville Land and Building Company, who sold the property to Harry J. Bell in 1920. According to assessment and contract records, the Bell-Coulter house was constructed in 1922 for Bell with a design by locally renowned architects David W.F. Nichols and Hugh P. Sheppard. Nichols & Sheppard, together with George Masson, had a successful collaboration and designed many notable institutional and commercial buildings in Windsor and Walkerville.

City directories and assessment rolls reveal that Harry J. Bell was an insurance agent, who also had an office at the Imperial Building in the Town of Walkerville. Bell lived with his wife Clara and family at the house until 1935. The bell cut-out motif on the shutters of the windows and the cameo of the woman's head on the front pediment peak may have been references to the Bells. When Bell bought the property, it was addressed as 119 Devonshire Road in 1920, and then renumbered to 121 Devonshire Road around 1924. In 1935, the Town of Walkerville was amalgamated into the City of Windsor, which resulted in the renumbering of the subject property to 793 Devonshire Road in 1937. In the same year of the amalgamation, the Bells moved away and Dr. William George Coulter and his wife Dorothy became long-term residents; they bought the property in 1940. Dr. W.G. Coulter was distinguished as a Major during World



War I, and a prominent specialist in diseases of eye, ear, nose and throat in Windsor. The Bell-Coulter house was his residence until his death in 1965.

### **Contextual Value:**

The subject property is located on a visible corner on the northwest of Devonshire Road and Cataraqui Street. It is part of the 1879 original subdivision (Registered Plan 211) that was planned by Hiram Walker but which was left vacant for many decades. Meanwhile, the surrounding lands to the west and south had been developed. The construction of the Bell-Coulter house in 1922 filled in a visible vacant corner lot with a fine house of massing and quality matching its neighbours, thus contributing to the overall establishment of the neighbourhood.

The property is evocative of early streetscape of dwellings designed with rich architectural styles. The architecturally interesting dwelling reinforces the special character of Walkerville residential developments where each house is of a unique design. Devonshire Road in particular, was known as the main street of the town on the north side of Wyandotte Street, which made the south side of Wyandotte on Devonshire prime locations for people to own residential properties. According to the land deed to Harry J. Bell in 1920, the Walkerville Land and Building Company required the construction of a high valued residential dwelling at the subject property, likely to maintain the prestige of the real estate property in the area. Many of the surrounding residential buildings along Devonshire Road are also found on the Windsor Municipal Heritage Register and some are designated. The Bell-Coulter house contributes to the collection of high quality and grand homes built in the former Town of Walkerville.

### **Character Defining Elements:**

#### **Exterior features that contribute to the design or physical value of the Bell-Coulter House:**

- Built c.1922
- Two-and-one-half-storey matte glazed red brick main building
- Colonial Revival/Georgian Revival Style elements, including:
  - Symmetrical facade features
  - Medium-pitched side gabled roof
  - Brick chimney protruding from north wall of main building and faux brick chimney on the south side
  - Symmetrically angled eave return
  - Wide wooden frieze board
  - Portico with grooved board pilasters, slender square wood columns with curved underside pediment and a metal roof
  - Accentuated front door flanked with wood framed elliptical fanlight and sidelights
  - Double hung, six over one wood sash windows on the north, east and south sides
  - Bay window on south elevation first floor
- Other special features:
  - Hooded dormer with metal roof and eyebrow window
  - Quarter circle windows on north side; semi-circle window on south side
  - Copper eavestroughs and downspouts
  - Wooden window shutters with bell shaped cut-out motif on the second floor of the east elevation and both first and second floors on the north and south elevations
  - Porches on north and west elevations with square brick pillars
  - Soldier brick belt course below second floor windows
  - Brick detailing on window surrounds: soldier brick lintels, rowlock brick sills, stretcher and header brick
  - Cameo of woman's head on the peak of the porch pediment
  - Original street number plate of 1937 affixed on porch from renumbering after amalgamation in 1935

- Detached original single car garage
  - Matte glazed red brick
  - Gabled roof with brick chimney on north end of ridge
  - Sash windows on north, east and west sides

**Features that contribute to the historical or associative value of the Bell-Coulter House:**

- Part of the original subdivision directed by Hiram Walker and registered in 1879
- Built as a well-preserved fine quality home in the former Town of Walkerville in the early decades of the 20th century during the decline of the Walker family's influence
- Designed by locally renowned architects David W.F. Nichols and Hugh P. Sheppard
- Constructed for insurance agent Harry J. Bell and wife Clara E. Bell
- Owners include Dr. William G. Coulter who was a prominent specialist in diseases of eye, ear, nose and throat in the city and his wife Dorothy E. Coulter

**Features that contribute to the contextual value of the Bell-Coulter House:**

- Prominently located at the northwest corner of Devonshire Road and Cataraqui Street
- Location on Devonshire Road, which was the former Town of Walkerville's "main street"
- Architecturally rich house evocative of the unique home designs and high valued houses in the prestigious areas of the former Town of Walkerville



# HERITAGE PERMIT APPLICATION

Revised 12/2021

## CORPORATION OF THE CITY OF WINDSOR

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

### 1. Applicant, Agent and Registered Owner Information

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

#### APPLICANT

Contact Name(s) Michael and Lauren Schmidlin  
Company or Organization \_\_\_\_\_  
Mailing Address 793 Devonshire Road Windsor ON  
\_\_\_\_\_  
\_\_\_\_\_  
Postal Code N8Y 2L9  
Email \_\_\_\_\_ Phone(t, \_\_\_\_\_

#### REGISTERED OWNER IF NOT APPLICANT

Contact Name(s) (same)  
Company or Organization \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Postal Code \_\_\_\_\_  
Email \_\_\_\_\_ Phone(s) \_\_\_\_\_

#### AGENT AUTHORIZED BY REGISTERED OWNER TO FILE THE APPLICATION

Contact Name(s) \_\_\_\_\_  
Company or Organization \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Postal Code \_\_\_\_\_  
Email \_\_\_\_\_ Phone(s) \_\_\_\_\_

#### Who is the primary contact?

- Applicant                       Registered Owner                       Agent

## 2. SUBJECT PROPERTY

Municipal Address: 793 Devonshire Road Windsor ON

Legal Description (if known): LOT 12 BLOCK P PLAN 211 SANDWICH EAST  
PT LOT 10 BLOCK P PLAN 211 SANDWICH EAST AS IN R989001  
WINDSOR

Building/Structure Type:

- Residential       Commercial       Industrial       Institutional

Heritage Designation:

- Part IV (Individual)       Part V (Heritage Conservation District)

By-law #: 139-2016      District: \_\_\_\_\_

Is the property subject to a Heritage Easement or Agreement?

- Yes       No

## 3. TYPE OF APPLICATION

Check all that apply:

- Demolition/Removal of heritage attributes       Addition       Erection       Alteration\*  
 Demolition/Removal of building or structure       Signage       Lighting

\*The *Ontario Heritage Act's* definition of "alter" means to change in any manner and includes to restore, renovate, repair or disturb.

## 4. HERITAGE DESCRIPTION OF BUILDING

*Describe the existing design or appearance of buildings, structures, and heritage attributes where work is requested. Include site layout, history, architectural description, number of storeys, style, features, etc..*

The Bell-Coulter House, 793 Devonshire Road, was constructed in 1922 at the northwest corner of Devonshire Road and Catawaqui Street, on land that part of the original subdivision by Hiram Walker in 1879. The dwelling is a two-and-one-half storey detached brick house in Colonial/Georgian Revival style, representative of fine architectural houses during the first decades of the twentieth century in the Town of Walkerville. Harry J. Bell, an insurance agent, was the first resident of the building and subsequent owner Dr. William G. Coulter was a prominent specialist physician in the City of Windsor. The house is the first listed collaboration between locally renowned architects David W.F. Nichois and Hugh P. Sheppard. Symmetric chimneys with soldier bricks and chimney flues, and semicircular copper eavestroughs suspended by custom hangers away from the fascia reveal a crown molding detail.

## 5. PROPOSED WORK

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

All three (3) chimneys on the property will be restored, and upper level (third-level) eavestroughs and associated downspouts will be replaced and rehung with new material. The chimney work will preserve soldier course, will reinstall visible chimney flue extensions, use high lime mortar, color match bricks needing replacement, flaunch the crown in historical fashion, and attempt to visually blend new with old mortar. The eavestrough work will use common commercial materials wherever possible and use custom hardware where necessary to preserve the unique and timeless crown moulding and visibly spaced troughs.

## 6. HERITAGE PERMIT RATIONALE

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

The chimneys and gutter system are in need of immediate repair. Multiple bricks have fallen, and have been found on the ground and in eavestroughs. One brick may have damaged some trough hardware. All estimators believe many aspects of the chimneys are original to 1922 and not optimally maintained. The eavestroughs, hangers and downspouts have numerous points of failure, causing mortar erosion, twisting out of alignment, showing broken and misaligned hangers and top-straps.

Troughs and downspouts are assessed to be original to the home, making them 101 years old in 2023.

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

This proposed work does not intend to add or modify features beyond what is necessary to repair the significant visual heritage attributes, and in doing so, restore them to the look and feel of the era in which they were constructed, which includes some subtle details associated with the Georgian architecture. With newly restored and period-consistent chimneys and copper troughs and downspouts, this home will scream heritage and responsible stewardship.

## 7. CHECKLIST OF MATERIALS SUBMITTED Check all that apply:

Required:

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

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

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

## 8. NOTES FOR DECLARATION

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

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

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

APPLICANT Signature(s) Mike Schilk Date 2 May, 2023  
Date \_\_\_\_\_



**DO NOT COMPLETE BELOW – STAFF USE ONLY**

**Approval Record**

Date Received by Heritage Planner: \_\_\_\_\_

Building Permit Application Date, if needed: \_\_\_\_\_

Application Approval (City Council):

Development & Heritage Standing Committee: \_\_\_\_\_

City Council: \_\_\_\_\_

Application Approval (City Planner):

Heritage Planner: \_\_\_\_\_

Staff Decision Appealed to City Council: \_\_\_\_\_

If so, Date to City Council: \_\_\_\_\_

Council Decision Appealed: \_\_\_\_\_

Additional Notes / Conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**DECISION**

Heritage Permit No.: \_\_\_\_\_ Date: \_\_\_\_\_

Council Motion or City Planner's Signature: \_\_\_\_\_

Please contact Heritage Planning to request inspections at [ktang@citywindsor.ca](mailto:ktang@citywindsor.ca)

**CONTACT INFORMATION**

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



Michael and Lauren Schmidlin  
793 Devonshire Road  
Windsor, ON N8Y 2L9

May 17, 2023

Members of Council & Heritage Committee  
City of Windsor

**Subject: Request for special consideration – Community Heritage Fund**

Dear Members of Council & Heritage Committee,

I hope this letter finds you in good health and high spirits. The purpose of this letter is to draw your attention to the exceptional circumstances that surround our application for financial support towards our initiative to restore two of our home's significant heritage attributes (By-Law and legal address on next page). We have completed the nearly two-month planning and quoting activity with over a dozen potential vendors to provide expert restoration services to our **three prominent chimneys** and **copper eavestroughs** and **downspouts**. The total cost of the work, including tax, is estimated at **\$56,872**. We are requesting a grant equal to **\$15,924** which is **28% of the total cost** of work, for the compelling reasons enumerated below. The source of this specific amount is also explained in detail after the enumeration below. I am confident that, after reviewing the following points, you will find merit in considering our request.

1. Urgent and simultaneous repairs: Our home requires restoration of eavestroughs and chimneys, both of which are heritage attributes in critical disrepair. The urgency of these repairs will put a considerable financial strain on our family, making it difficult to address both problems adequately without additional support. This May we are entering our ninth month in this new home. We have additional necessary repairs planned this year. This includes some deeply **eroded mortar** in some trouble spots low to the ground and behind downspouts. Also, a recent revelation to us: the covered back porch fascia and gutter repair done a few years ago for the previous owners are failing, twisting away from the home, resulting in **water infiltration** behind the fascia boards. This has been labeled a "botched gutter job" by experts in the field. We don't intend to include these repairs in this restoration activity but we must do this this year, as the cost could easily exceed \$10K.
2. Landscaping damage: Both repairs will require a 65 ft man lift, as all vendors who have responded with an estimate have stated they will not attempt to perform this restoration with scaffolding due to the landscaping and terrain. The **collateral damage** to a shared garden, lawn and perennial shrubs is anticipated and it will result in additional cost and effort to us to restore damage to the landscaping and patio if we perform these two priority repairs in separate years.
3. Safety and health concerns: The current state of the eavestroughs and chimneys poses a risk to our family's safety and health. The damaged eavestroughs have already led to **mortar damage**, and it is evident that mold growth, and structural issues will begin to mount if this repair is postponed. At least **three bricks have fallen** from multiple chimneys, landing on the grass and **in the eavestroughs** which are already damaged. The chimney's disrepair will result in additional bricks falling, potentially damaging roofing, eavestroughs and personal property. Addressing these issues promptly and thoroughly is crucial to ensuring our family's well-being.
4. Preservation of heritage property value: The timely repair and maintenance of our home are essential to preserving its value and preventing further deterioration. By investing in these repairs now, we can

safeguard our property and avoid more costly repairs in the future. This not only benefits our family but also enables us to contribute more efficiently to the beautiful heritage attributes of the home, which is a stone's throw from the epicenter of the \$5.2 million-dollar Walkerville Distillery District development.

It is because of the above reasons that it is necessary for safety and cost reasons to complete both projects in this calendar year, and for this we are requesting a grant amount that equals 28% of the total cost of the work. Below is a table showing the relevant numbers.

3 Chimney Restoration	21244
Troughs + Downspouts (Installation + Custom Work)	23504
Troughs + Downspouts (Off-the-Shelf Materials)	7889
65' Lift for 1 month (shared by all contractors)	4235
<b>Total cost of work (incl. HST)</b>	<b>56872</b>
<b>28% of this total =</b>	<b>15924</b>

This home is designated as heritage property according to **By-Law 139-2016**. **The legal address** is Lot 12 Block P Plan 211 Sandwich East; Pt Lot 10 Block P Plan 211 Sandwich East, as in R989001.

We are happy to provide any additional information or documentation that may be required to facilitate your decision-making process. I have already prepared a few exhibits to support the different heritage forms necessary for this work:

Exhibit A – A list of formal vendors quotes and an estimate of lift rental and common off the shelf copper materials.

Exhibit B – Communication record with the contractors I've considered for this work.

Exhibit C – Photos.

Thank you for your time and consideration. We eagerly await your response and the opportunity to maintain a safe, secure, and comfortable home for our family and the neighborhood, thanks to the generous support of your organization.

Sincerely,

  
Mike Schimidlin

CITY OF WINDSOR  
COMMUNITY HERITAGE FUND

APPLICATION FOR LOAN AND/OR GRANT  
(To be completed in full)

APPLICANT/AGENT/OWNER INFORMATION

1. APPLICANT(S): Michael Schmidlin  
Address, City: 793 Devonshire Road Postal Code: N8Y 2L9  
Email: \_\_\_\_\_ Telephone: \_\_\_\_\_
2. AGENT/ARCHITECT/ENGINEER/SOLICITOR: \_\_\_\_\_  
Address, City: \_\_\_\_\_ Postal Code: \_\_\_\_\_  
Email: \_\_\_\_\_ Telephone: \_\_\_\_\_
3. REGISTERED OWNER(S): Michael Schmidlin  
Address, City: 793 Devonshire Road Postal Code: N8Y 2L9  
Email: \_\_\_\_\_ Telephone: \_\_\_\_\_

PROPERTY FOR WHICH HERITAGE FUND ASSISTANCE IS REQUESTED

4. HERITAGE NAME OF PROPERTY Bell-Coulter House
5. MUNICIPAL ADDRESS 793 Devonshire Road
6. LEGAL DESCRIPTION (Lot and Plan) LOT 12 BLOCK P PLAN 211 SANDWICH EAST  
PT LOT 10 BLOCK P PLAN 211 SANDWICH EAST AS IN R989001  
WINDSOR
7. ASSESSMENT ROLL NUMBER(S) 020-080-05800-0000
8. EXISTING USE Residential
9. THIS PROPERTY IS DESIGNATED UNDER THE ONTARIO HERITAGE ACT  
YES  By-law No. 139-2016 Date July 18, 2016

REQUESTED HERITAGE FUND ASSISTANCE

10. AMOUNT AND TYPE OF FINANCIAL ASSISTANCE REQUESTED:  
Loan \$ 0  
Grant \$ 14,618 15,924 TOTAL \$ 14,618 15,924

NOTE: Details for loan/grant are set out in the attached pamphlet "Windsor's  
Community Heritage Fund".

11. If a loan is requested, please indicate your term of repayment: \_\_\_\_\_ years.
12. Are there any outstanding mortgages or liens against this property?  
NO   
YES  Amount: ██████ Institution: ██████
13. If your application for a loan, grant or loan/grant combination is in an amount not to exceed \$15,000, you may be required to obtain a property appraisal from a real estate agent or certified appraiser. If your application is in an amount in excess of \$15,000, you may be required to obtain an appraisal from a certified appraiser.
14. Have you previously received assistance from the City for the property named above?  
NO

YES  Amount: \_\_\_\_\_ Date: \_\_\_\_\_

Source of funds: \_\_\_\_\_

**REASONS FOR REQUESTING HERITAGE FUND ASSISTANCE**

**A. *Rehabilitation of Owner's designated property:***

15. Describe fully here (or on attached sheets) the proposed work to be undertaken:

Restore three chimneys to original aesthetic with original era materials wherever possible and cost effective. This includes high lime mortar, flaunching, chimney flues, replacing soldier course at top, as stated in estimate.

Replace upper level copper eavestroughs, and downspouts using custom hardware where necessary and commonly available copper materials wherever possible. Replace custom brackets with new, stronger but similar look designs for longevity. Please see attached sheets for details.

16. The applicant is responsible for providing at least two written estimates from qualified contractors and/or qualified design consultants for the proposed restoration work. The estimates should contain sufficient detail to permit a review of individual components of the proposed work. Attach estimates to this form when filing. (Some specifications are available from the Heritage Planner – see contact information at the bottom of this page.)

17. Describe any new uses of the property, if different from the existing use.

None.

18. The application shall include recent, dated photographs of the property, to clearly illustrate the areas of the property that are the subject of the proposed work. Any available architectural drawings should be included as well.

19. Early photographs or drawings showing the property's original appearance should be submitted, if available, to assist in the review of the application.

**B. *Purchase of designated property:***

20. Indicate the full price of the property you wish to purchase: \$ \_\_\_\_\_ and include a copy of the "offer to purchase."

21. Indicate your other sources of funding, the amount you will receive, and any subsequent liens/mortgages.

**C. *Architectural/engineering study of Owner's designated property:***

22. Indicate the full price of the architectural/engineering study by a restoration specialist: \$ \_\_\_\_\_ and include a copy of the estimate or invoice from the study.

**SIGNATURES**

APPLICANT OR AGENT Mike Schill Date 2 May, 2023

REGISTERED OWNER(S) \_\_\_\_\_ Date \_\_\_\_\_

CHECKED/RECEIVED BY  
HERITAGE PLANNER \_\_\_\_\_ Date \_\_\_\_\_

**This application should be completed and filed with the:**

Planning Department  
Suite 320 - 350 City Hall Square West  
Windsor ON, N9A 6S1

**For assistance and/or information on filing, please contact the Planning Department:**  
Telephone 519-255-6543 x 6179 Fax 519-255-6544

**NOTICE WITH RESPECT TO COLLECTION OF PERSONAL INFORMATION:**

I/We also acknowledge that the information requested on this form is required in order to process the application to the Development & Heritage Standing Committee. Please be advised that the information in this application form may be released to the public in an electronic form, i.e. web site and/or paper format, i.e. *agenda or minutes*.

Dated: 2 May, 2023

Signed: Mike Schill  
Signature of Applicant

## Exhibit A – Quotes

Below summaries all include HST for consistency. Their quotes are provided further down with the cost breakdowns. Additional quote details are also found further down.

### Lift

I have two recommendations to go with Battlefield (<https://www.battlefieldequipment.ca/>) for their extended rental price. The representative stated they rent their ARTICULATING BOOMS, 30' - 66' lifts for \$2730 for a **month** plus additional charges, see below. This estimate was obtained 2023-05-09.

<b>65' Articulating Man Lift</b>	
<b>Battlefield in Rhodes Dr. in Windsor</b>	
Cost for rental	\$ 2,730
Insurance cost (15%)	\$ 410
HST	\$ 408
Delivery both ways	\$ 550
Fuel surcharge (25% of delivery)	\$ 138
<b>Total</b>	<b>\$ 4,235</b>

I have adjusted individual quotes in the summary to reflect that the lift is a shared cost between both projects. The **green quotes** are the ones I intend to source.

### Chimneys summary

<b>Bricetin Quote</b>	<b>\$21,244</b>
P.J. Masonry Requote #2	<b>\$19,125</b>

### Downspouts and eavestroughs summary

RJ Steel and Copper Initial Quote #1	<b>\$33,900</b> (this seemed a bit steep as our first response from anyone. We requested a requote where we supply materials.)
RJ Steel and Copper Initial Quote #2	<b>\$7,889 materials purchased by homeowner + \$23,563 installation.</b> Subtracted \$4235 for lift because itemization did not specify lift costs. Requote was much more competitive but includes <b>repairing</b> the 24 hangers <b>instead of</b> installing <b>new ones</b> , which is what Custom Metal Fabricating has quoted. Also, Custom Metal Fabricating agreed to restore an additional lower gutter section in need of repair for basically the same price.
<b>Custom Metal Fabricating Quote #2</b>	<b>\$7,889 materials purchased by homeowner + \$23,504 installation</b>

### Bricetin Initial Estimate #1

Upon inspection of the above address, we are pleased to offer our quote for the following work:

#### JOB TITLE -- Chimney Repair

#### Scope of Work:

- cover roof areas around all three chimneys
- north chimney remove cap soldier course and two courses of brick below soldier course
- middle chimney remove cap and soldier course and 6 courses below soldier course
- south chimney tear down entire chimney down to roof flashing
- re-install new brick to match as close as possible on all 3 chimneys, replace all clay flues on all 3 chimneys, install one course of brick above soldier course stepped out 1/2 inch on all 3
- pour new cement caps on all 3 chimneys
- salvage rain caps and re-install
- repoint an area below soffit on north chimney approximately 4 feet by 2 feet
- a portland lime mortar will be used for repairs
- a 65 foot manlift will be and cover ground area with 3/4 inch plywood for machine to sit on
- apply a water based brick sealer to all 3 chimneys
- Remove all waste
- Supply all labour and materials

**OUR PRICE \$18,800.00 +HST**

*Terms: Payment due upon completion. We accept Visa & Mastercard.*

**Note: Brick to be used: Riverdale smooth Ontario same size as brick on chimney.**

#### **Cost Breakdown**

**: cost for rental of 65 foot articulating man-lift machine \$645.00 + HST a day or \$1,750.00 + HST per week, \$180.00 + HST Delivery, \$180.00 + HST Pick up.**

**: Start to completion approximately 7 - 8 days**

**: the \$18,800.00 + HST includes materials, gas and diesel for the machine.**

**: once job is done, will calculate price of the machine on top of the price of the job which is \$18,800.00 + HST**

**: this quote is for the homeowner and the City of Windsor - Historical restoration**

#### **P.J. Masonry and Restoration Revised Estimate #2**

Patrice and Jocelyne were very courteous, and we initially planned to go with them. Several factors led us to pursue Bricetin, despite the price favoring P.J. Masonry: Bricetin verbalized a commitment to schedule flexibility and lift sharing with other vendors; walked us through many important details and real-time revised their quote details to reflect our conversations; added 4 feet x 2 feet of mortar repointing down along the length of the chimney below soffit.



REVISED **ESTIMATE**

**P.J. Masonry & Restoration**

P.J. Masonry & Restoration, Suite #118-5060  
Tecumseh Rd E, Windsor ON N8T 1C1, CANADA  
BN: #803039189RT0001  
jocelyne@pjasonry.com; Website:  
www.pjasonry.com

**Estimate No#:** 0129  
**Estimate Date:** Sep 27, 2022  
Revised estimate date: March 30, 2023

**\$24,210.25**  
**ESTIMATED AMOUNT**

**BILL TO**

MikeSchmidlin  
793 Devonshire Rd, Windsor ON CANADA  
rn1k3@outlook.com

#	ITEMS & DESCRIPTION	QTY/HRS	PRICE	Amount(\$)
1	Unit price includes: Equipment, materials, labour and clean up Chimney restoration for three chimney's. Restoring to heritage code, city of Windsor approval. Restore the soldier bricks at the top of each chimney. Remove deteriorated bricks and replace with new bricks. match as close as possible.	3	\$2,200.00	\$6,600.00
2	Repointing mortar joints. Repointing mortar joints in areas as seen needed using lime rich type o, match mortar colour as close as possible.	1	\$1,800.00	\$1,800.00
3	Flaunching on all chimney crowns. Requires extra labour forming the area.	3	\$2,450.00	\$7,350.00
4	clay flues Supply and install three clay flues.	3	\$275.00	\$825.00
5	Barrier rain caps Supply and install two barrier rain caps.	2	\$175.00	\$350.00
6	Man lift rental for one week. 65 ft man lift required for working at heights.	1	\$4,500.00	\$4,500.00
			Subtotal	\$21,425.00
			Tax HST (13%)	\$2,785.25

**TOTAL \$24,210.25 CAD**

# RJ STEEL and Copper Co.

Ph: (519) 791 - 4066  
Email: rjsteel99@gmail.com  
2910 Walker Rd  
Windsor, Ontario N8W 3R3  
Google search: RJ Steel

## Quotation: 20230323

March 23, 2023  
Mike Schmidlin  
793 Devonshire Rd.  
Windsor, Ontario  
(248) 761 - 3190

Thank you for the opportunity to provide a quote.

### Preliminary Scope of Work:

To remove existing eavestrough, fasteners, brackets, downspouts, downspout brackets and dispose at our facility.

### Primary Scope of Work:

- A) 82ft of Custom Copper Eavestrough (2 Locations)
- B) 24 - Custom Eavestrough Brackets (Pure Copper)
- C) 24 - Custom Eavestrough Brackets (Powder Coated Steel) (*Option*)
- D) 4 sections - Custom Copper Downspout System with Wall Brackets

### Scope of Work: Itemized

- A) 82ft of Custom Copper Eavestrough (2 Locations Total)
  - Half round eavestrough
  - soldered end caps
  - soldered connections
  - soldered downspout outlets
- B) 24 - Custom Eavestrough Brackets (Pure Copper)
  - Decorative brackets similar to existing design
  - Brackets shall be fastened to fascia using 2" long x #12 stainless steel anchors

- C) 24 - Custom Eavestrough Brackets (Powder Coated Steel)
  - Decorative steel brackets similar to design
  - Brackets shall be powder coated in standard colours available
  - Brackets to be fastened to fascia using 2" long x #12 stainless steel anchors

- D) 4 Sections - Custom Copper Downspout System With Wall Brackets
  - Custom Fabricated Copper Downspouts and Elbows attaching to soldered eavestrough outlets
  - Downspout system to include our stainless steel primary wall brackets and ornamental wall bracket covers
  - Brackets shall be installed using stainless steel wall anchors.

### Pricing: Based on Fabrication and Installation

- A) 82ft. of Custom Eavestrough (2 Locations)  
\$13,660.00 + HST
- B) 24 - Custom Eavestrough Brackets (Pure Copper)  
\$10,800.00 + HST
- C) 24 - Custom Eavestrough Brackets (Powder Coated)  
\$7,220.00 + HST
- D) 4 Sections - Custom Copper Downspout System with Wall Brackets  
\$9,120.00 + HST

Feel free to contact us with any questions you may have,

**\$30,000 + HST total**

Ryan Jordan  
RJ Steel and Copper Co.



## RJ Steel and Copper Estimate #2

Here, I would purchase the materials separately for \$7,889. Below is his installation estimate. Lift is included, but not itemized, assuming \$4,235 as a reasonable estimate. I did not pursue him further almost entirely due to an untimely communication error and slow progress with a looming deadline. I found another supplier who expressed immediate interest in the project and was very forthcoming.

# RJ STEEL and Copper Co.

Ph: (519) 791 - 4066

Email: rjsteel99@gmail.com

2910 Walker Rd

Windsor, Ontario N8W 3R3

Google search: RJ Steel

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## Quotation: 20230428

April 28, 2023

Mike Schmidlin  
793 Devonshire Rd.  
Windsor, Ontario  
(248) 761 - 3190

Thank you for the opportunity to provide a quote.

### Scope of Work:

Material: Complete Copper Eavestrough and Downspout System shall be supplied by Others.

Our Quotation is based on installing Material from Classic Gutter Systems.

To supply Installation, Solder, Stainless Steel Anchors, Consumables and Aerial Lift based on the following items:

- A) 82ft - Copper Eavestrough System (2 Locations Total)
- B) 24 - Existing Eavestrough Brackets. RJ Steel to repair 6 brackets. To sandblast and powder coat all 24
- C) 4 Sections - Downspout Sections

### Pricing:

Based on our listed Scope of Work:

**\$24,600.00 + HST**

Respectfully,

Ryan Jordan  
RJ Steel and Copper Co.

## Classic Gutter Supply estimate

Here is the cost estimate to purchase all materials from Classic Gutter Supply, with a warehouse in MI, US. This does not include the cost of shipping by truck.

Below is itemization for the 6" third-level troughs and 4" downspouts, and an itemization for the 5" second level trough and 3" downspout.

### Third Level Gutters and Downspouts

	Cost / unit		Total Cost
6" Half Round Copper Gutter in 10' sections (sold by the foot)	\$ 13.85	92	\$ 1,274
10' x 4" x 18 oz Copper Welded Seam Smooth Round Downspout	\$ 163.50	10	\$ 1,635
Spherical End Caps For Half Round Gutter, Reversible - 6", copper	\$ 20.50	4	\$ 82
Copper Funnel Outlets - for 6" gutter and 4" downspout	\$ 29.50	4	\$ 118
4" x 16 & 18 oz. Copper Smooth Round & Corrugated Elbows - welded seam smooth 18 oz, 72 degree	\$ 19.25	12	\$ 231
Stamped Flush Mount Downspout Brackets, Copper & Galvalume - 4", copper	\$ 7.50	16	\$ 120
Hidden Half Round Gutter Brackets with Rods	\$ 7.25	24	\$ 174
Subtotal			\$ 3,634
US Tax			\$ 251
US Surcharge			\$ 659
US Total			\$ 4,544
CA Total (1.35x exchange rate)			\$ 6,134
CA Total after possible import HST			<b><u>\$ 6,870</u></b>

### Second Level Gutters and Downspouts visible from the Street (covered back porch)

	Cost / unit		Total Cost
5" Half Round Copper Gutter	\$ 9.75	28	\$ 273
10' x 3" x 18 oz Copper Welded Seam Smooth Round Downspout	\$ 120.00	1	\$ 120
Spherical End Caps For Half Round Gutter, Reversible - 5", copper	\$ 18.50	2	\$ 37
Copper Funnel Outlets - for 5" gutter and 3" downspout	\$ 23.00	1	\$ 23
Hidden Half Round Gutter Brackets with Rods	\$ 6.00	7	\$ 42
Subtotal			\$ 495
US Tax			\$ 34
US Surcharge			\$ 145
US Total			\$ 674
CA Total (1.35x exchange rate)			\$ 910
CA Total after possible import HST			<b><u>\$ 1,019</u></b>

**Grand Total** **\$ 7,889**

## Custom Metal Fabricating Estimate #2

After discussion with representatives from the City of Windsor during a site visit 2023-05-08, we agreed it is reasonable to include another 25' of eavestrough in the quote because it is visible from the street, it will need to interface with a downspout that is being replaced and the original metal bottom hangers are bending due to top-hangers failing (same situation as the 3<sup>rd</sup> level troughs). The gutters are twisting.

### Custom Metal Fabricating

718 County Rd. 41 RR5  
Harrow, Ontario N0R 1G0  
custommetalfabricating.ca  
[custommetalfabricating65@gmail.com](mailto:custommetalfabricating65@gmail.com)  
226.787.0892

### ESTIMATE

05/09/2023

Original estimate was prepared for Mike Schmidlin for custom copper work to his heritage home located at 793 Devonshire in Windsor, Ontario, pursuant to the information provided by our client via email on 04/27/2023 and a site visit completed on 04/28/2023.

***The original estimate has been amended to include copper work for the covered porch as per client's email on 05/08/23.***

Removal and disposal of existing eavestroughs and the installation of new, copper eavestroughs (provided by client)

- 42'-0 eavestroughs (front)
- 2 down spouts (front)
- 42"-0 eaves troughs (rear)
- 2 downspouts (rear)
- fabrication and installation of custom made support brackets
- (wonky stuff) connections of rear downspouts into lower roof drains as discussed at site visit
- 25' – 0 eaves trough (covered porch)
- fabrication and installation of custom made support brackets
- custom coupling and fitting as needed

**\$18,000.00**

**\$2,800.00**

subtotal \$20,800.00

(HST 7444493891) **\$2,704.00**

**grand total \$23,504.00**

Please note, the client is responsible for supplying the copper materials and components as well as the rental of the lift for an anticipated 1 month period. We have a quote from Battlefield rentals with whom we have a relationship, however, you can rent from a provider of your choice. Inclement weather will be inevitable, which is why we are anticipating a month's time for completion.

We require a commitment fee (deposit) of \$6,933.00 to fix your project into our schedule.

Upon completion of the rear of your home and the covered porch, we will require \$6,933.00.

Upon completion of the front of your home, we will require the remaining \$6,933.00 + HST \$2,704.00

Please feel free to reach out to John (226.787.0876) with any questions you may have.

Thank you for the opportunity to provide this estimate.

[www.custommetalfabricating.ca](http://www.custommetalfabricating.ca)

## Exhibit B – Assessments

### Chimney

**P.J. Masonry and Restoration.** Existing metal (x2) and cement (x1) chimney crowns severely warped and cracked through, respectively, causing water pooling and water runoff onto and into the bricks.

**Bricetin.** Most aspects of the chimneys date back to when the house was built. There has never been a teardown or deep restoration of the chimneys.

### Eavestroughs and downspouts

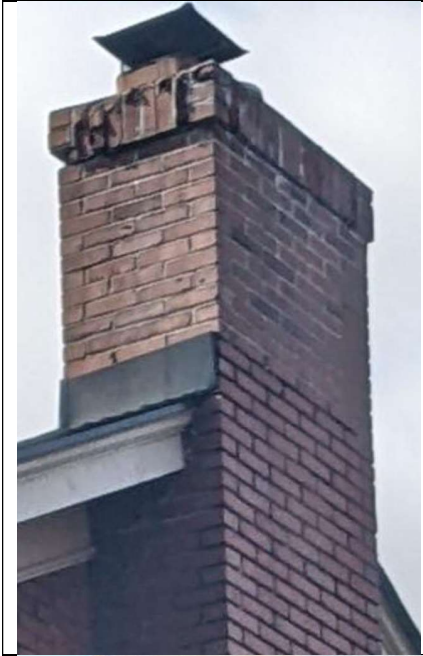
**RJ Steel and Copper Co.** These eavestroughs and downspouts are most likely original. The blackening of the copper suggests very old. The condition of and workmanship of the custom hangers strongly suggest original installation. The fascia boards are in good shape and will not be an issue holding new hangers.

**Custom Metal Fabricating.** Current hangers are not strong enough as designed. Will design a stronger, triangular shape hanger to meet the same overall dimensions. Supports top-hanging as well to support and prevent twisting. Gutter system appears to be original to the home. Found a 65ft lift rental for one month at less than \$3000, that can be shared by all contractors.

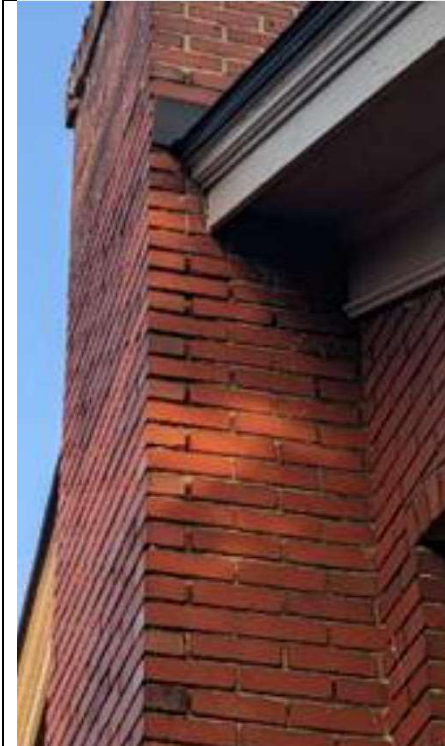
**Copper Development Association Inc. (CDA). Copper in Architecture - Design Handbook: Copper Gutters and Downspouts.** Retrieved from <https://www.copper.org>. On their website, they mention that copper gutters can last over 50 years in most urban environments, and potentially up to 100 years in less demanding conditions.

## Exhibit C – Photos

### Chimney



**North chimney from NE viewpoint.** Multiple full bricks missing from soldier course; multiple cracked bricks; *Men in Kilts* removed a full brick from N.E. eavestrough; mortar pointing above-roof portion inconsistent with rest of home, with stark contrast; warped steel chimney crown; cracked flue extensions.



**North chimney from NW viewpoint.** Unaddressed mortar erosion along chimney below roofline, often approaching 1.5" of erosion.





**North chimney from SW viewpoint.** More missing soldier-course bricks and cracked bricks; mortar erosion just above flashing. No visible cement or metal chimney crown, not offering any water protection.



**South chimney from NW viewpoint.** Widespread DIY mortar repair; visibly cracked bricks.



**South chimney from east viewpoint.** Widespread DIY mortar repair; visibly cracked bricks; missing ricks from soldier course; warped chimney crown.

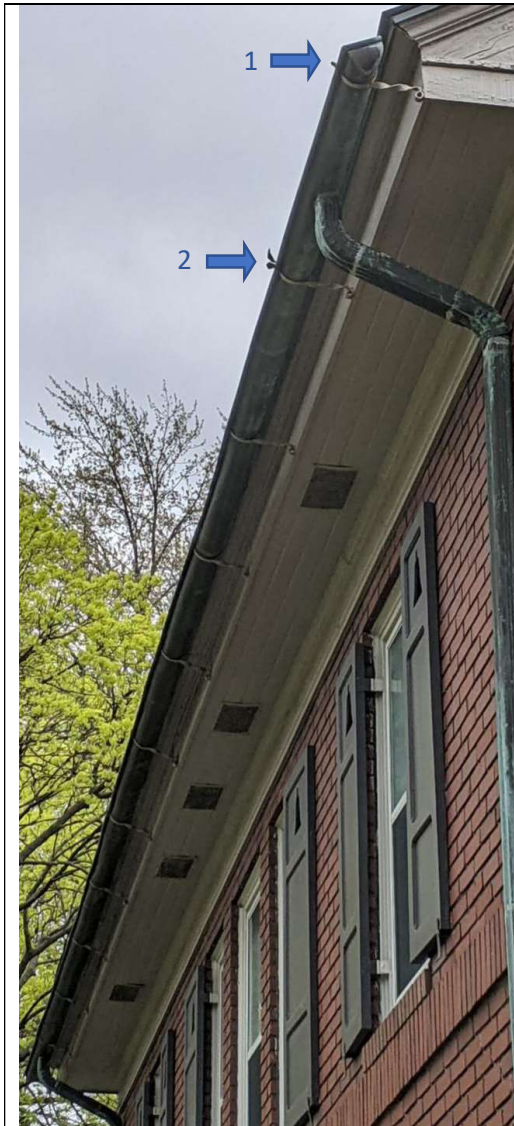


**Middle chimney from SW viewpoint.** Severely cracked cement chimney crown; visible DIY mortar repair; missing entire brick from soldier course, found on grass on Cataraqui street in January.



**Middle chimney from NW viewpoint.** Similar to previous viewpoint. This chimney has the least wear and tear.

## Upper level eavestroughs and downspouts



**Front eavestrough from N.E. viewpoint.** Unique design pushes the eavestroughs away from the fascia to reveal beautiful crown molding. This is achieved by using custom hangers that suspend the 5" troughs about 5" away from the fascia.

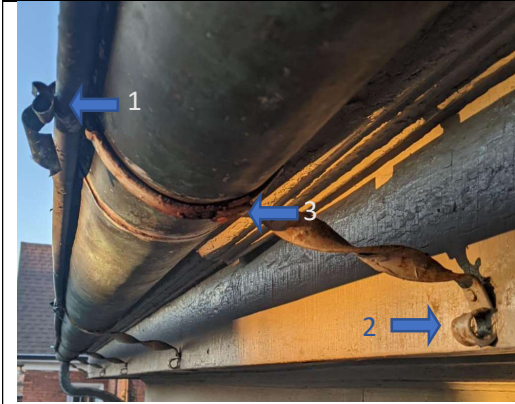
The trough is visibly twisted (1) due to top straps being torn, allowing the troughs to turn outward and apply undue torque on the hangers. In at least 5 cases, the top straps (2) or top brackets are torn or broken, which will lead to inevitable further twisting of the trough and bending of the hangers.

This method of hanging the eavestroughs is patently custom and offers a unique aesthetic well worth preserving.



**Rear eavestrough.** This is an example of what the original top supporting hardware looked like. There are many cases where this snapped and was replaced by a copper strap. In at least 5 cases, this copper is also torn and therefore the troughs are putting undue torque on weight on the under-hangers.



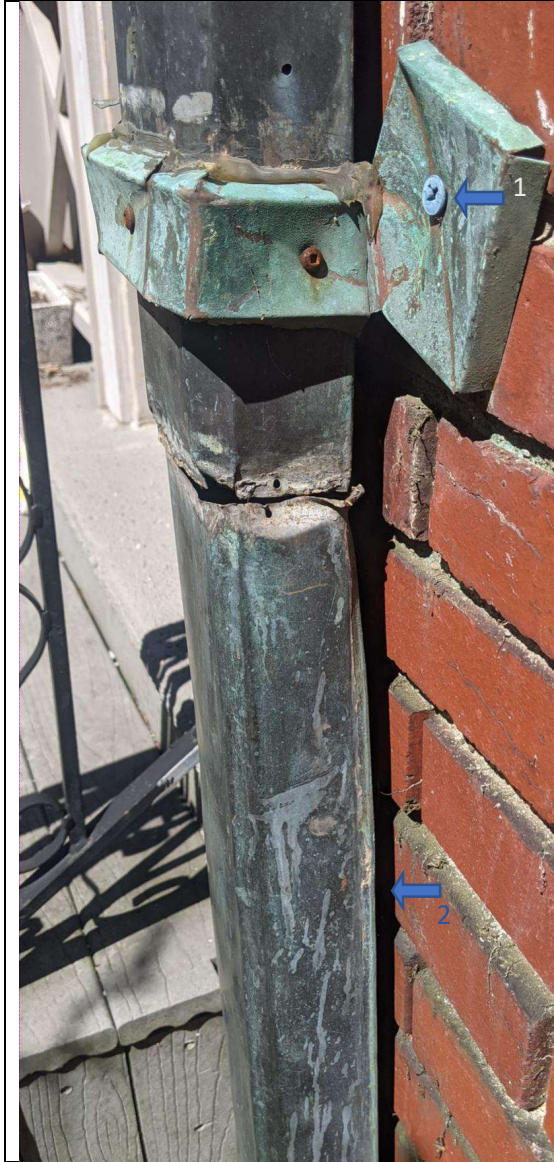


**Rear eavestrough.** This shows what is happening in at least half of the 24 hangers. The copper strap is torn (1). The troughs are twisting away from the roof edge. The under-hangers show visible torque at the point it is fastened to the fascia (2). During rain the weekend of 2023-04-16, I observed water pouring over the bead of the trough due to twisting and lack of proper slope of the troughs.

It is common to see significant rust buildup (3) at the joint between the two hanger pieces.



**Front north downspout.** This is typical of 3 downspout brackets: missing or damaged decorative cover piece; structural piece is torn (shown) or disconnected from the fasteners.



**Rear north downspout.** This exhibits deteriorated decorative bracket cover piece being used to fasten the downspout, i.e., the structural bracket is missing or not reliable (1). There is evidence of years of water spraying against the home due to splitting of the downspout at the seam due to clogs and freezing (2). This is causing significant erosion of mortar and cracks in the bricks. Significant wear and tear at the coupling between pieces of downspout indicative of repeated repair.



**Rear north downspout.** Ad hoc drainage of balcony into existing downspouts with plastic tubing. This is leaking and is only a handful of years old.



**Rear south downspout (facing Cataraqui).** This setup here is original through two brackets (visible and the one below) are partially torn and the whole downspout is mostly supported by the couplings seen here. This is expected to be an imminent failure point.

This interface between the 2<sup>nd</sup> level trough with the custom coupling to the main downspout will need to be redone to align with the new downspout. The photo below shows the 25' run of this 2<sup>nd</sup> level trough.



**Covered porch troughs facing Cataraqui.** These are prominent copper gutters exhibiting the same type of failures as the 3<sup>rd</sup> level gutters. Particularly, there are multiple top hangers that are broken / torn, allowing the bottom hangers to begin to twist due to the lack of support. There is a visible twisting of the gutters.



**APPENDIX 'D' – Additional Photos of 793 Devonshire Road**



View of the front facade of 793 Devonshire Road



View of the corner of 793 Devonshire Road from the intersection of Devonshire Road and Cataraqui Street





View of the south side facade of 793 Devonshire Road from Cataraqui Street



View of the three chimneys from the front yard



View of the three chimneys from the rear yard



Close-up views of the north chimney



Close-up views of the south chimney



Close-up views of the central chimney





Views of the copper eavestroughs system across the front facade



Close-up views of the troughs and twisted support hangers



Close-up views of the downspouts, brackets, and connections





Committee Matters: SCM 172/2023

**Subject: Zoning Z42-22 [ZNG/6937] - 1155 California Ave - Ward 2**

Moved by: Councillor Angelo Marignani  
Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 510**

- I. That Zoning By-law 8600 **BE AMENDED** for Plan 1120 N PT Lot 76; S PT Lot 77 (known municipally as 1155 California Avenue); by adding a site-specific exception to Section 20(1) as follows:

4xx. **WEST SIDE OF CALIFORNIA AVENUE BETWEEN GIRARDOT STREET AND PELLETIER STREET**

For the lands comprising of lots N PT Lot 76; S PT Lot 77 Registered Plan 1120, a *semi-detached dwelling* shall be an additional permitted use and shall be subject to the following additional provisions:

- |                        |                      |
|------------------------|----------------------|
| a) Lot Width – minimum | 12.0 m               |
| b) Lot Area – minimum  | 398.0 m <sup>2</sup> |

Further, for a *semi-detached dwelling*, two *dwelling units* in a *semi-detached dwelling unit* and one *dwelling unit* in an *accessory building* which is accessory to a *semi-detached dwelling* shall be additional permitted uses and shall be subject to the provisions in Sections 5.99.80.3 and 5.99.80.5.

[ZDM4; ZNG/6937]

Carried.

Report Number: S 54/2023  
Clerk's File: Z/14573

**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 June 5, 2023.
3. To view the stream of this Standing Committee meeting, please refer to: <http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230605/-1/9413>

**Subject: Rezoning- Marko Agbaba - 1155 California Ave; Z42-22  
[ZNG/6937]; Ward 2**

**Reference:**

Date to Council: June 5, 2023  
Author: Frank Garardo, MCIP, RPP  
Senior Planner  
(519) 255-6543 x 6446  
fgarardo@citywindsor.ca

Planning & Building Services  
Report Date: May 1, 2023  
Clerk's File #: Z/14573

To: Mayor and Members of City Council

**Recommendation:**

- I. THAT Zoning By-law 8600 **BE AMENDED** for Plan 1120 N PT Lot 76; S PT Lot 77 (known municipally as 1155 California Avenue); by adding a site-specific exception to Section 20(1) as follows:

4xx. **WEST SIDE OF CALIFORNIA AVENUE BETWEEN GIRARDOT STREET AND PELLETIER STREET**

For the lands comprising of lots N PT Lot 76; S PT Lot 77 Registered Plan 1120, a *semi-detached dwelling* shall be an additional permitted use and shall be subject to the following additional provisions:

- |                        |                      |
|------------------------|----------------------|
| a) Lot Width – minimum | 12.0 m               |
| b) Lot Area – minimum  | 398.0 m <sup>2</sup> |

Further, for a *semi-detached dwelling*, two *dwelling units* in a *semi-detached dwelling unit* and one *dwelling unit* in an *accessory building* which is accessory to a *semi-detached dwelling* shall be additional permitted uses and shall be subject to the provisions in Sections 5.99.80.3 and 5.99.80.5.

[ZDM4; ZNG/6937]

**Executive Summary:**

N/A

**Background:**

**Location:** located on the west side of California Avenue between Pelletier Street and Girardot Street, municipally known as 1155 California Avenue and described as Plan 1120 N PT lot 76; S PT lot 77; (Roll No. 050-370-09500-0000).

**Applicant:** Marko Agbaba

**Proposal:** The applicant is requesting an amendment to Zoning By-law 8600 to permit a semi-detached dwelling with a minimum lot area of 398.0 m<sup>2</sup>, and a minimum lot width of 12.19 m.

The applicant intends to construct a semi-detached dwelling, with two units on the upper floors, and 2 additional dwelling units in the basement, and a detached additional dwelling unit for a total of 5 residential units. Two parking spaces are proposed. A Site Layout Map has been attached as Appendix A.

A single unit dwelling currently occupies the lot. Site images have been attached as Appendix B.

The applicant has submitted conceptual site layout, concept elevations, and intensification report. (attached as Appendices C, D, E).

**Site Information:**

OFFICIAL PLAN	ZONING	CURRENT USE	PROPOSED USE
Residential	Residential District 1.3 (RD1.3)	Single Unit Dwelling	Semi-Detached Dwelling
LOT WIDTH	LOT DEPTH	LOT AREA	LOT SHAPE
12.19 m	32.69 m	398.56 sq. m	Rectangular
40 ft	107.25 ft	4920 sq. ft.	
<i>All measurements are provided by applicant and are approximate.</i>			

The subject parcel is rectangular with a lot frontage of 12.19m a depth of 32.69 m and area of 398.56 square meters.

Figure 1: Key Map

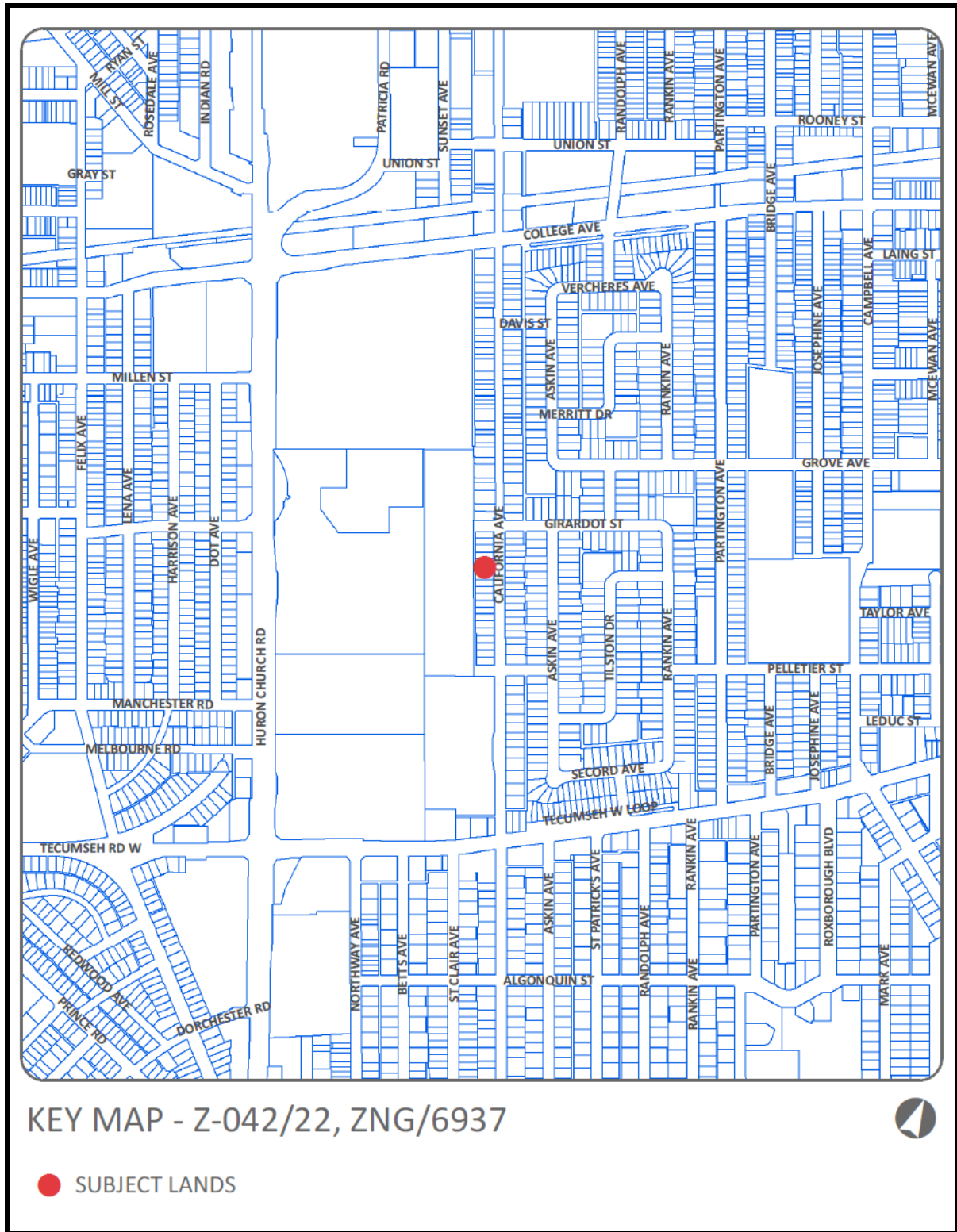
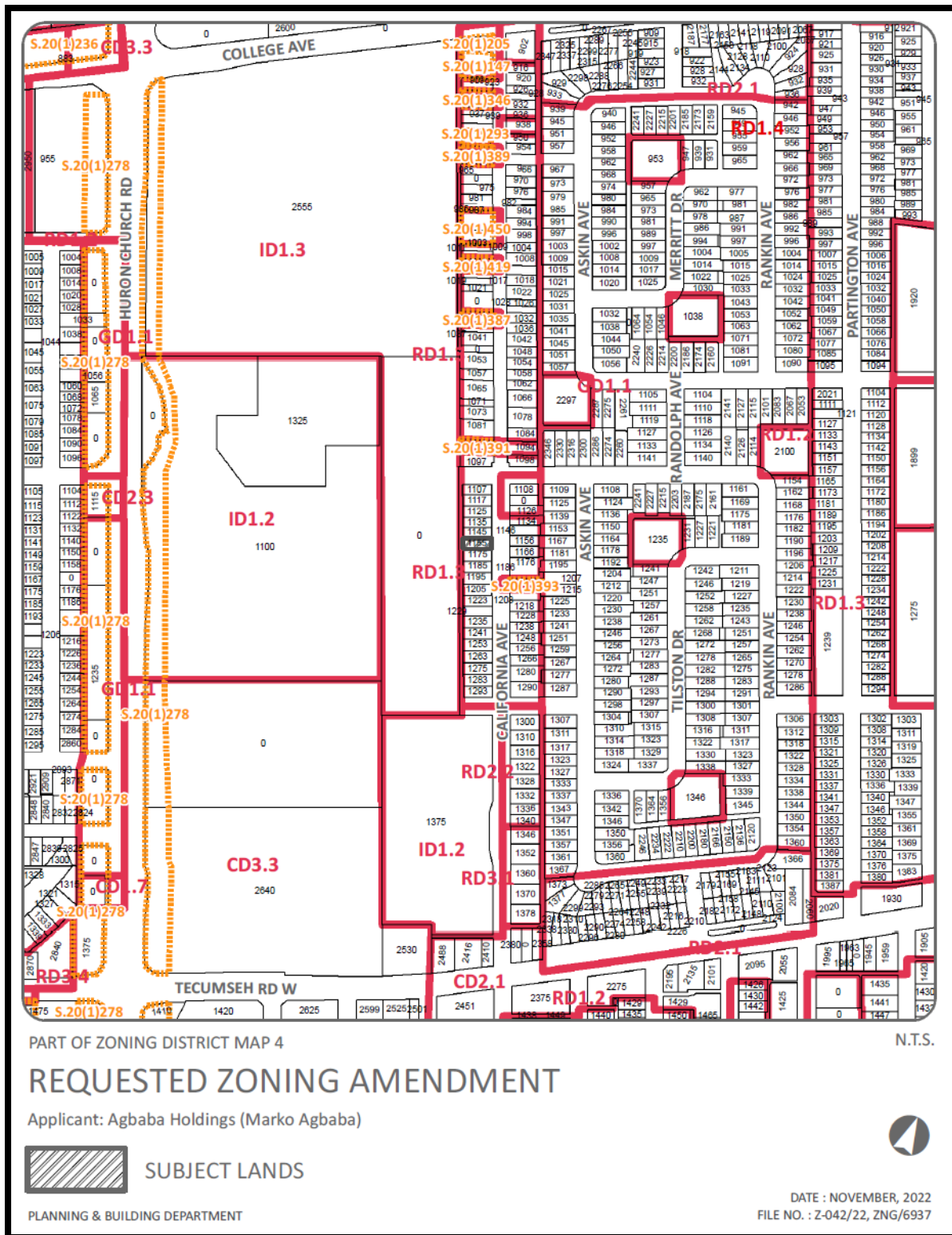


Figure 2: Subject Parcel – Rezoning







## **Neighbourhood Characteristics:**

The subject parcel is located on the western edge of a residential area consisting of primarily low profile dwellings including semi-detached and multi unit dwellings. The University of Windsor is a major institutional land use in the surrounding area. The neighbourhood has been in transition to accommodate the need for residential intensification, additional dwelling units, and the increasing demand for housing units.

To the north on both sides of California is a mix of low to medium density residential uses consisting of mainly single, semi detached, and multiple dwelling units. A semi-detached dwelling is located at 951 California, a four plex at 929 California, a semi-detached dwelling at 923 California, a semi-detached at 966 California, a townhome dwelling with five dwelling units at 909-917 California, a four-plex at 1042 California, a multi dwelling at 1065 California, a semi-detached at 1091 California, a semi detached at 1084 California, a semi-detached at 1094, a multi-unit at 1098 California. Windsor Fire Station Number 4 is located on College Avenue, west of California, approximately 550 m to the north.

To the south, on both sides of California Avenue, is a mix of low to medium density residential uses, including a planned semi-detached dwelling at 1198 California.

At the southeast corner of California and Girardot is a building with a convenience store and dwelling units. Further south, approximately 500 m from the subject parcel is Westview Freedom Academy, a secondary school.

To the west is University of Windsor St. Denis Centre and recreational facilities.

California Avenue is classified as a Local Road, has sidewalks on both sides of the street and has alternating side on-street parking. The closest main intersections are Tecumseh Road West, which is classified as a Class II Arterial and College Avenue, which is classified a Class I Collector Road and a Proposed Bikeway on Schedule F: Roads and Bikeways.

Transit Windsor operates the Central 3 – Westbound bus route nearby with the closest stop at College Avenue and California Avenue, approximately 500 m from the property.

Storm and sanitary sewers are in the California Avenue right-of-way.

No municipal infrastructure or service deficiencies have been identified.

## **Discussion:**

### **Planning Act**

The comments, submissions or advice affecting planning matters provided by the council of a municipality, as well as the decision of the council of a municipality shall be consistent with the Provincial Policy Statement 2020 and shall conform to the Official Plan.

## Provincial Policy Statement, 2020

The Provincial Policy Statement 2020 (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. A new PPS came into force on May 1, 2020.

Policy 1.1.1 of the PPS states:

*“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;*
- 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;”*

The proposed semi-detached dwelling 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, land consumption, and servicing costs, accommodates an appropriate range of residential uses, and optimizes investments in transit. The requested zoning amendment is consistent with Policy 1.1.1 of the PPS.

Policy 1.1.3.1 of the PPS states:

*“Settlement areas shall be the focus of growth and development.”*

Policy 1.1.3.2 of the PPS states:

*“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;*
- e) support active transportation;*
- f) are transit-supportive, where transit is planned, exists or may be developed;”*

The subject parcel is located within the settlement area. The proposed zoning amendment promotes land uses that make efficient use of land and existing infrastructure. Active transportation options and transit services are located adjacent or near the parcel. The zoning amendment is consistent with PPS Policies 1.1.3.1 and 1.1.3.2.

Relevant excerpts from the Provincial Policy Statement are attached as Appendix J



The proposed amendment to Zoning By-law 8600 is consistent with the PPS.

**Official Plan:**

The subject property is located within the Riverwest Planning Area district and is designated as “Residential” on Schedule D: Land Use of the City of Windsor Official Plan.

Section 6.3.1.1 of the Official Plan supports a complementary range of housing forms and tenures in all neighbourhoods. Section 6.3.1.2 seeks to promote compact neighbourhoods and balanced transportation systems. Section 6.3.1.3 seeks to promote selective residential redevelopment, infill and intensification initiatives. The proposed semi-detached dwelling represents a complementary and compact form of housing, redevelopment, and intensification that is near sources of transportation that support the growing student population within Windsor. The zoning amendment satisfies the above objectives set out in the Official Plan.

The proposed semi-detached dwelling is classified as a small-scale low profile housing development under section 6.3.2.3 (a), a permitted use in the residential land use designation (Section 6.3.2.1). The proposed development is compatible with the surrounding land uses (Section 6.3.2.5 (c)) and no deficiencies in municipal physical services and emergency services have been identified (Section 6.3.2.5 (e)). The zoning amendment conforms to the policies in Sections 6.3.2.1 and 6.3.2.5 of the Official Plan.

Section 8.7.2.3 states Council will ensure that the proposed development within an established neighbourhood is designed to function as an integral and complimentary part of that areas existing development pattern by having regards for: massing, building height, pattern, scale, and character of existing development. The proposed amendment will allow for a semi-detached dwelling development that is complimentary to the existing development pattern on the street by maintaining the maximum building height, building setbacks, and lot coverage set forth in the Zoning By-law.

Section 11.6.3.3 of the Official Plan states, Council shall consider the policies of the Official Plan when considering Zoning By-law amendments. The recommended Zoning amendment conforms to the Official Plan policies, Section 11.6.3.3, of the Official Plan.

Relevant excerpts from the Official Plan are attached as Appendix I.

The proposed change to Zoning By-law 8600 conforms to the general policy direction of the Official Plan.

**Zoning By-Law:**

The Zoning Bylaw 8600 designates the zoning for the subject property as Residential District 1.3 (RD1.3). Applicable zoning excerpts are in Appendix I: Excerpts from the Zoning Bylaw 8600. The subject amendment to Zoning By-Law 8600 will add site specific provisions to permit a new semi-detached dwelling, and permit a reduction in the minimum required lot area and lot width. The site specific provision in RD1.3 are appropriate for the development as proposed. The Planning Department recommends that the RD1.3 zoning be maintained and that a site specific exception permitting a semi-detached dwelling as an additional permitted use.

A site-specific exception for minimum lot width, and minimum lot area is requested. The reduction in the minimum lot width is required to accommodate the proposed semi-detached dwelling on an existing slightly narrower lot of 12.19 m (versus the required 15.0 m). The lot has an existing area of 398 m<sup>2</sup>, which is below the required minimum lot area of 450.0 m<sup>2</sup>. The reduction in lot width and lot area will have no adverse impact on the proposed development or on surrounding uses. Staff recommends a minimum lot width of 12.0 m and lot area of 398 m<sup>2</sup> to avoid any rounding or measurement issues

The Applicant is not requesting any changes to the building setbacks, building height or parking requirements.

Recent Official Plan and Zoning By-law amendments were adopted by Council to provide guidelines as it relates to intensification, infilling, and built form within existing neighbourhoods. The City of Windsor intensification guidelines were reviewed as part of the analysis for determining the development proposed through this amendment has regard for the design characteristics. The Zoning by-law amendments limit semi-detached dwellings to a maximum gross floor area of 400 square meters for the main building and a maximum height of 9 meters.

In consultation with the applicant the main building structure will not exceed the recommended maximum gross floor area of 400 square meters and maximum height of 9m. This would result in an approximate lot coverage of 34 percent for the main building which is consistent with existing low profile homes in the area and will continue to accommodate intensification in the area. Furthermore, the front yard, rear yard and side yard setbacks will remain consistent to adjacent uses.

Two parking spaces have been provided in the front yard with access from California Avenue. The applicant will be required to obtain right of way permits as necessary and be restricted to a maximum curb cut of 4.5m on the public road allowance. Utilizing the existing curb cut may avoid removal of any existing trees.

The recommended Zoning By-law amendment provides for an appropriate more intensive use of the property.

The development as proposed is not subject to site plan control.

Relevant excerpts from Zoning By-law 8600 are attached as Appendix G.

**Risk Analysis:**

N/A

**Climate Change Risks**

**Climate Change Mitigation:**

In general, residential intensification 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 proposed construction of these new dwellings provides an opportunity to increase resiliency for the development and surrounding area

**Financial Matters:**

N/A

**Consultations:**

Municipal Departments and External Agencies - Comments from the municipal departments and external agencies are attached as Appendix F. There are no objections to the proposed amendment.

Public Notice: Statutory notice was advertised in the Windsor Star, a local daily newspaper. A courtesy notice was mailed to property owners and residents within 120m of the subject parcel.

**Conclusion:**

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.

Based on the information presented in this report, it is my opinion that an amendment to Zoning By-law 8600 by adding a site specific exception to permit a semi-detached dwelling and a reduction in minimum lot width and minimum lot area is consistent with the PPS 2020, is in conformity with the City of Windsor Official Plan, and constitutes good planning.

**Planning Act Matters:**

Frank Garardo, MCIP, RPP

Senior Planner

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

*Thom Hunt, MCIP, RPP*

*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>
Thom Hunt	City Planner
Wira Vendrasco	Deputy City Solicitor
Jelena Payne	Commissioner of Economic Development and Innovation
Joe Mancina	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Property owners and tenants within 120 m of the subject parcel		

**Appendices:**

- 1 Appendix A- Site Layout
- 2 Appendix B-Site Images
- 3 Appendix C- Concept Elevations
- 4 Appendix D- Concept Site plan
- 5 Appendix E- Applicant Submission Intensification Report
- 6 Appendix F-Comments
- 7 Appendix G - Excerpts from the Zoning By-law
- 8 Appendix H - Draft By-law Amendment
- 9 Appendix I- Excerpts from the Official Plan
- 10 Appendix J-Excerpts from the PPS

Appendix A – Site Layout





Appendix B- Site Images

**IMAGE 1**



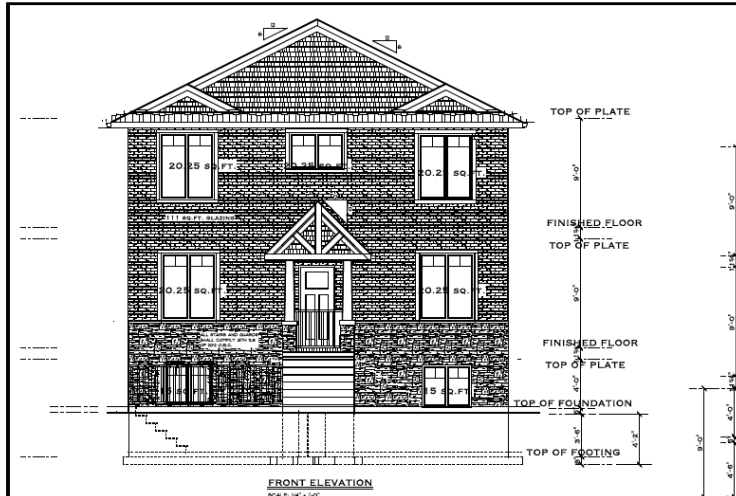
**Image 1 - Subject Parcel – 1155 California Ave - Looking East**

**IMAGE 2**



**Image 2 - Looking North towards College Ave**

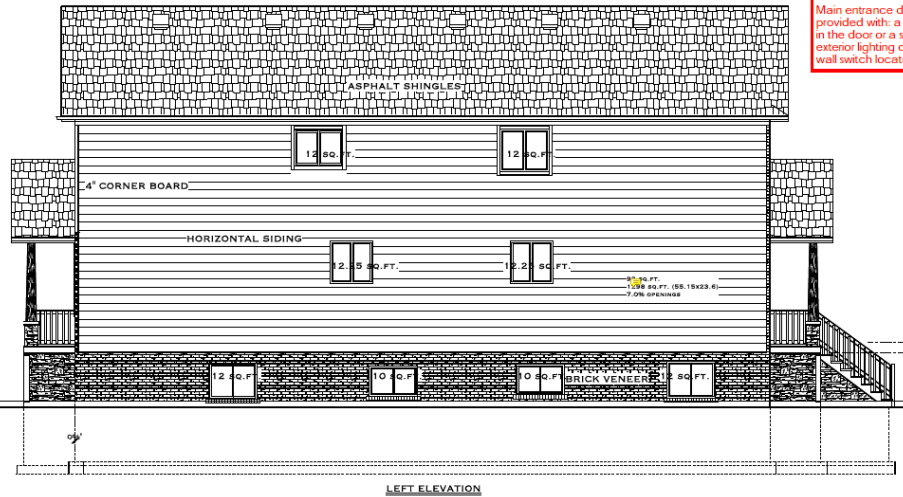
# Appendix C – Concept Elevation



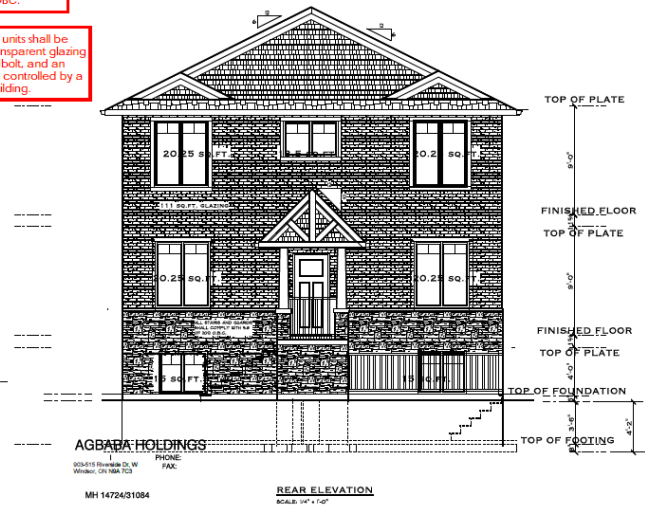
The actual location for the grade entrance is on the right. See the site plan.

Downspouts adjacent to hardscape surfaces are to be extended underground to pop up drainage emitters (NDS) that discharge onto landscaped areas. Maintain a 2 ft clearance from all hard surfaces.

Provide stairs, guards, handrails, and a landing conforming to 9.8. OBC.



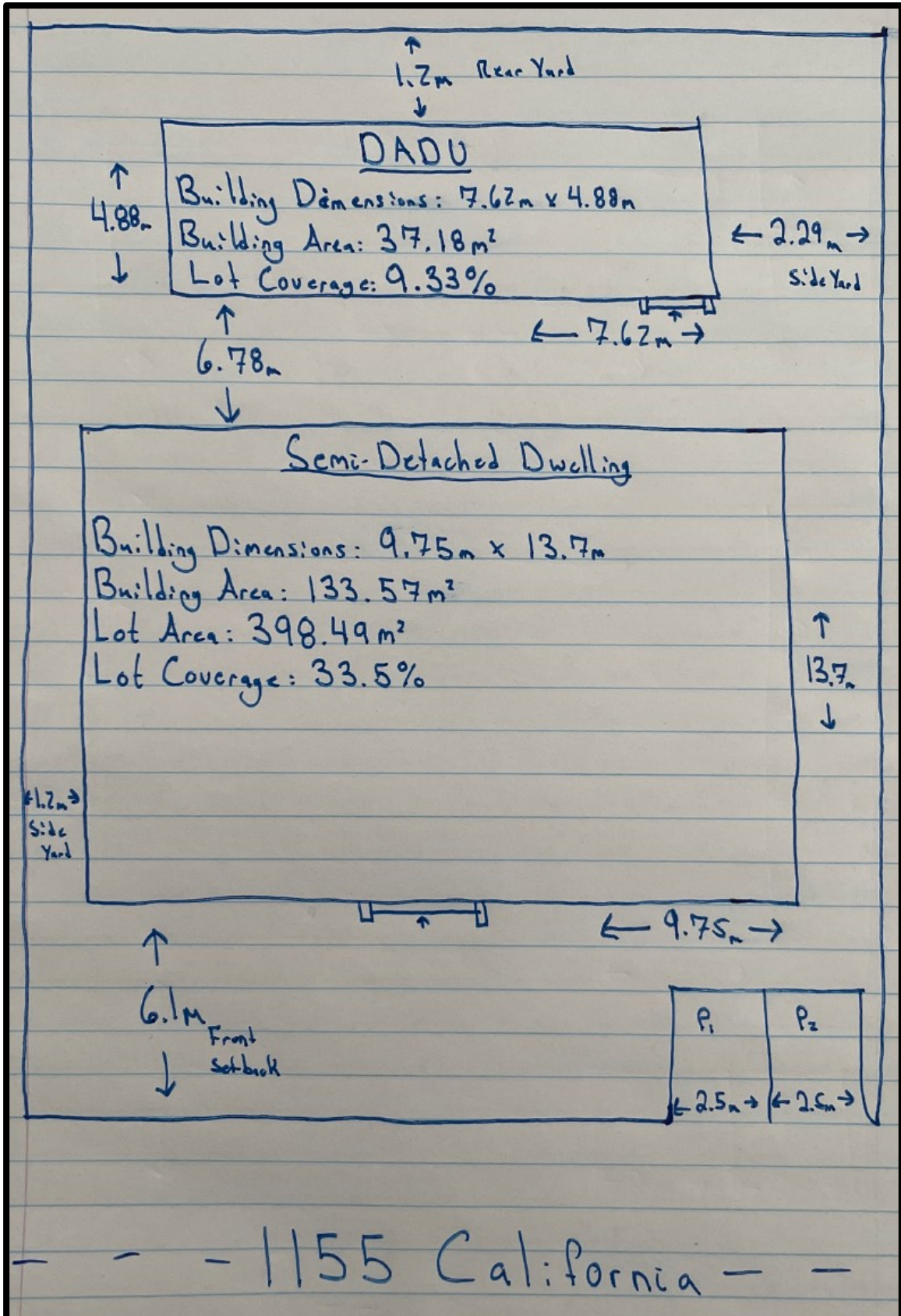
Main entrance doors to dwelling units shall be provided with a door viewer, transparent glazing in the door or a sidelight, a deadbolt, and an exterior lighting outlet with fixture controlled by a wall switch located within the building.



AGBARA HOLDINGS  
 301415 Shawnee Dr, W  
 Winnetka, OH 44120  
 PHONE: 440.291.1111  
 FAX: 440.291.1112  
 MH 14724/31084



Appendix D – Concept Site Plan





# 1155 California Re-Zoning Application

Marko Agbaba



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*“Compatible development means development that may not necessarily be the same or similar to the existing buildings in the vicinity, but, nonetheless, enhances an established community and coexists with existing development without causing any undue adverse impact on surrounding properties.”*

## Re-Zoning Request

I am requesting an amendment to Zoning By-Law 8600 to change the zoning of the subject to permit the construction of a Semi-Detached Dwelling with Two Front Yard Parking Spaces.

- Allowing a reduced minimum lot width from 15.0m to 12.19m
- Allowing a reduced lot area from 450m<sup>2</sup> to 398.49m<sup>2</sup>

# Consistent With the Provincial Policy Statement

The proposed Semi-Detached Dwelling 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, land consumption, and servicing costs, accommodates an appropriate range of residential uses, and optimizes investments in transit

# Conforms to the City of Windsor Official Plan

The proposed Semi-Detached Dwelling represents a complementary and compact form of housing, redevelopment, and intensification that is near sources of transportation that support the growing student population within Windsor. The proposed Semi-Detached dwelling is classified as a small-scale Low Profile housing development under Section 6.3.2.3 (a), a permitted use In the Residential land use designation (Section 6.3.2.1).

## 2.2 General Guidelines for all Development

Low Profile development in the Stable and mature neighborhoods includes single-detached, semidetached, duplex, townhouses, and apartments that are generally no greater than three (3) storeys in height

- The proposed development is a Semi-Detached Dwelling which is consistent with the Low-profile Development sought after instable & mature neighborhoods. Although, this section of California Ave has not yet reached the status of a stable and mature neighborhood as it is still within the early-mid stage of intensification through numerous infill development projects that have happened, are happening, and are planned to occur in the near future. Nonetheless, even if it were already established, this proposal would be consistent.

The Zoning By-Law establishes clear regulations for front yard setbacks and interior/exterior side yard setbacks. The objectives of the Urban Design Guidelines in directing the relationship of the building to lot lines are to:

- Provide side yard setbacks that reflect those of adjacent homes, or are the average distance of those on either side of the development, in accordance with existing zoning standards, to a minimum of 1.2 meters.

- The proposed development will reach all required side yard, rear yard, & front yard setbacks to ensure appropriate and consistent spacing between neighboring dwellings. The proposed development has 1.2m side yard setbacks.
- Maintain consistent front yard setbacks along the street. New development should have a setback equal to the predominant setback (70%+) on the street (+/- 1.0m), or a distance that is the average of those on either side of the development site (+/- 1.0m)
  - The proposed development has positioned a Front Yard Set Back of 9.1m in order to remain consistent with neighboring dwellings (Please See Appendix A).
- Ensure the scale of Low-Profile Buildings is compatible with residential buildings in the immediate vicinity in terms of building mass, height, setbacks, orientation, privacy, landscaping, shadow casting, accessibility, and visual impact
  - The proposed development maintaining the newly issued maximum GFA of 400m<sup>2</sup> would actually make this the smallest Semi-Detached Dwelling development in the past half decade (Please See Appendix B). The building height has been reduced to 9m vs the 10m that has been built over the same time period on the street. Therefore, resulting in a product even lower than recent developments on the street in order to increase compatibility with the pre-existing houses in the neighborhood. The proposed development has a lot coverage of only 33.6% (11.4% less than permitted with existing and requested zoning).

## 2.3.2 Building Design

Design the building envelope and individual architectural elements within the building, to reference the architectural treatment of buildings in the neighborhood. The goal is not to replicate buildings of the neighborhood but to ensure new development relates to them by incorporating similarities in design language to promote compatibility.

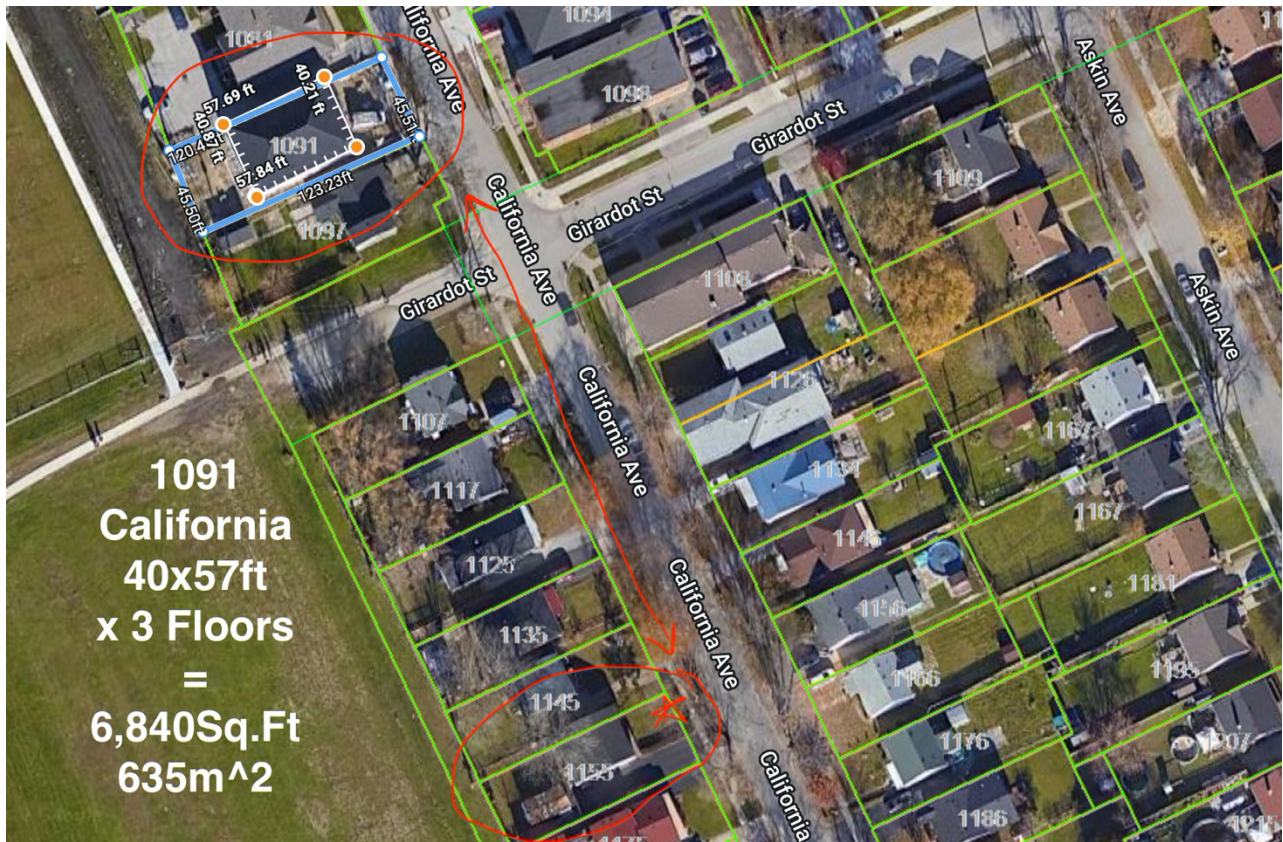
- Similar building shape (square, rectangular, L-shaped, etc.)
  - The shape of the proposed development is a rectangle staying consistent with neighboring properties. The proposal is completely consistent with recent infill developments in the immediate area (Please See Appendix C)
- Roof lines with similar massing, pitches and articulation
  - The appearance of the proposed roof is consistent with recent infill developments in the immediate area (Please See Appendix C)

- Provide appropriate transitions in height to existing adjacent buildings and ensure no new building is more than 1.5 storeys or 4.5 meters higher than the adjacent dwelling
  - o The proposed Semi-Detached Dwelling is 2.5 storeys including a slightly raised basement which is no more than 1.5 storeys or 4.5m higher than the adjacent properties.
  
- Contemporary designs may be considered provided they exhibit consistency with the massing and articulation guidelines in this section and are not located within a heritage context or adjacent to a heritage dwelling
  - o The proposed development is situated on a street with no surrounding heritage properties. The proposed design is providing a fresh modern curbside appeal using a mixture of stone, brick, and shaker siding in order to improve the overall street appeal. This design is consistent with other infill developments that have occurred on the street (Please See The Rendering on Page 1).



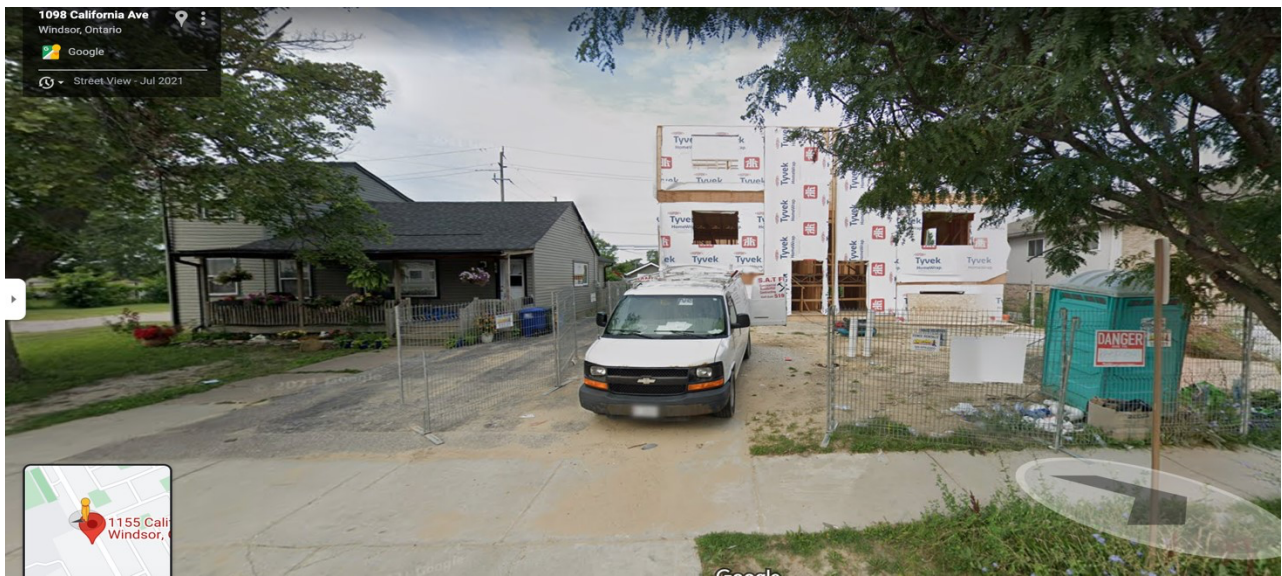


Appendix B





Appendix C



## Appendix F-Comments

### **ENBRIDGE**

After reviewing the provided drawing at 1155 California 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**

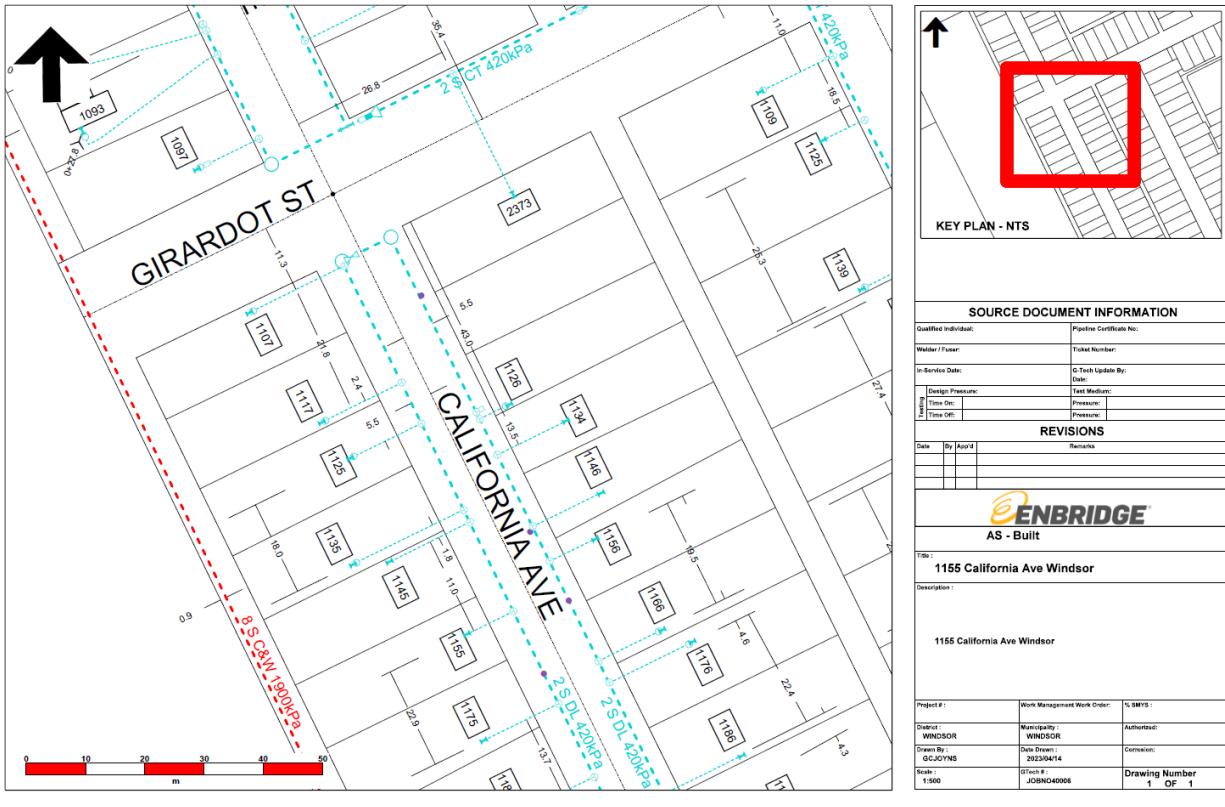
Enbridge Gas requires a minimum separation of 0.6m horizontal and 0.3m vertical from all of our plant less than NPS 16 and a minimum separation 1.0m horizontal and 0.6m vertical between any CER-regulated and vital pipelines. For all pipelines (including vital pipelines), when drilling parallel to the 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



## Appendix F-Comments



**Yemi Adeyeye – Forestry**

The City has a 35+cm honey locust on the boulevard in front of this address. The proposed plan includes parking space which would likely require approval for removal of this tree.

If approval is granted by Forestry cost for removal and replacement of this tree would be approximately:

REMOVAL: \$800.00

REPLACEMENT: 8 new, 5cm Trees @ \$600/tree: \$4,800.00

TOTAL COSTS: \$5,600.00

**ENWIN**

**HYDRO ENGINEERING:**

No Objection, provided adequate clearances are achieved and maintained.

Please note the following.

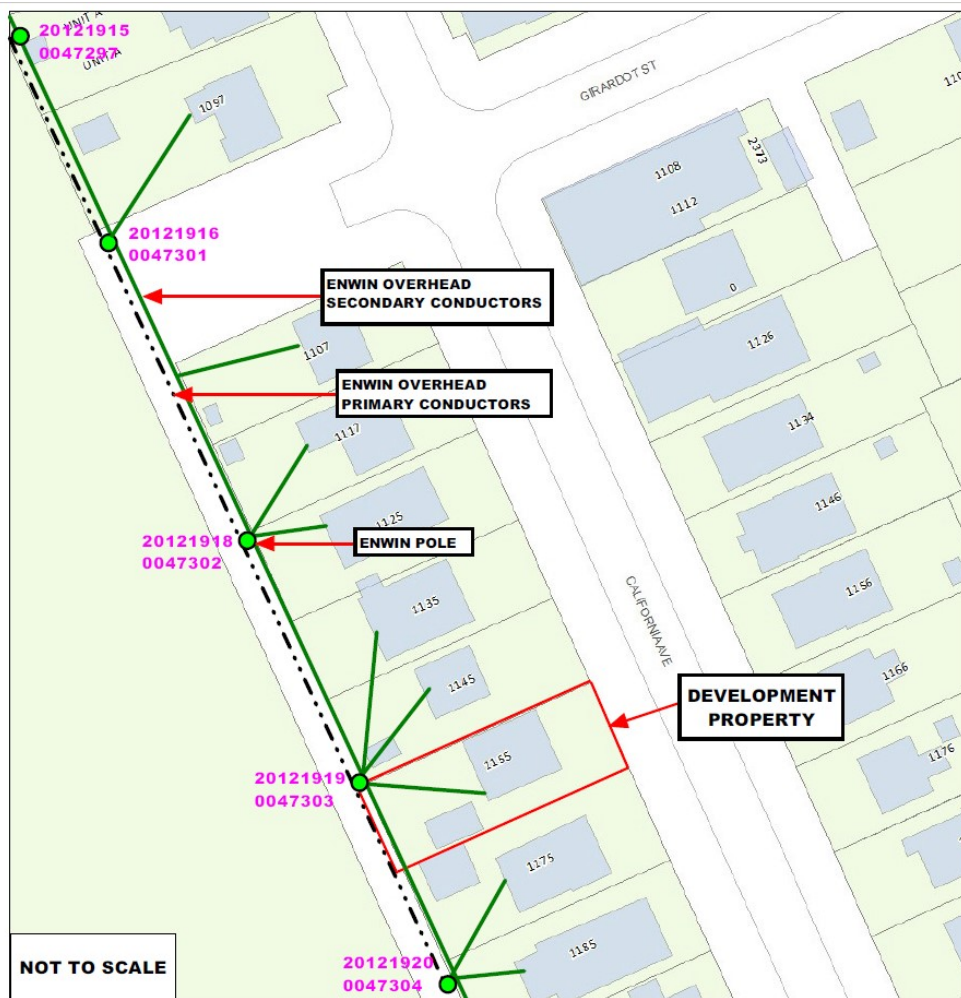
- 1- ENWIN has 120/240V overhead secondary conductors going across the rear of property

## Appendix F-Comments

- 2- ENWIN has 27kV overhead primary conductors going across the rear of property
- 3- 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. We would be interested in any design/dimension information related to this ADU as it proceeds through the building permit process at the City.

### WATER ENGINEERING:

Water Engineering has no objections. The existing water service may be ½" based on the age of the watermain and would need to be replaced. If multiple water meters are required they need to be in a common space in the basement or in meter pits near the property line.



## Appendix F-Comments

### **Clare Amicarelli – Transportation Planning**

- The Official Plan classifies California Ave as a Local Road with a required right-of-way width of 20 metres. The current right-of-way width is sufficient; therefore, a land conveyance is not required.
- All parking must comply with ZBL 8600. In order to provide the required 2 parking spaces, owner is permitted to have a 5m width driveway within private property and then taper it to have a 4.5m maximum curb cut as per BP2.2.2. This will allow for two parking spaces within the private property portion of the driveway, each 2.5m width.
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.

### **Barbara Rusan – Building Department**

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.

### **Thomas Huynh - Engineering Department**

We have reviewed the subject Rezoning application and have the following comments:

#### Sewers

The site may be serviced by a 250mm VIT sanitary sewer and a 450 mm VIT sewer located within West Boulevard of California Ave 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 sampling manhole may be required on any new sanitary connection at the

## Appendix F-Comments

property line to the satisfaction of the City Engineer, if one does not already exist. The applicant will be required to submit site servicing drawings.

### Right-of-Way

California Ave is classified as Local according to the Official Plan with a required right-of-way width of 20 meters. The current right-of-way width is sufficient; therefore a land conveyance is not required.

Rear yard parking is not permitted due to the alleyway being unpaved. Also, as per AS-542C, front yard parking only allows 1 (one) parking space.

In summary we have no objection to the proposed development.

Appendix G  
Excerpts from the Zoning By-Law 8600

### SECTION 3 - DEFINITIONS

**BUILDING** means a *structure*, consisting of a wall, roof and floor, or any one or more of them, or a structural system serving the function thereof, including all the works, fixtures and service systems appurtenant thereto, but does not include the following: *access area, collector aisle*, driveway, *parking aisle* or *parking space* not in a *parking garage*; fence; patio; sign as defined by the Windsor Sign By-law.

**ACCESSORY BUILDING** means a completely detached *building* used for an *accessory use* of the *lot*, for one *dwelling unit* where permitted by Section 5.99.80, or for any combination thereof.

**MAIN BUILDING** means a *building* used for the *main use* of the *lot* and may also include in combination therewith an *accessory use* subject to any applicable provisions for an *accessory use*.

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

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

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

**SEMI-DETACHED DWELLING UNIT** means one *dwelling unit* in a *semi-detached dwelling*, and may include, if permitted by Section 5.99.80, one additional *dwelling unit*.

**EXISTING** means:

1. where a provision states a specific date, a *building, lot, premises, structure, or use* lawfully existing on the date specified;
2. where clause 1 does not apply and an amending by-law added the defined term “existing” after July 22, 2002, a *building, lot, premises, structure, or use* lawfully existing on the date the amending by-law came into force; or
3. where clause 1 and clause 2 do not apply, a *building, lot, premises, structure, or use* lawfully existing on July 22, 2002.

Where the term “existing” is not italicized, the ordinary meaning shall apply to a lawfully existing *building, lot, premises, structure, or use*.

**FLOOR AREA** means the area of a floor in a *building*.

**GROSS FLOOR AREA** means the total combined floor area in square metres of all *buildings* on a *lot*, excluding the *cellar* of any *building*, measured from the outside face of the exterior walls of each *building*.

**STRUCTURE** means anything, including any component part, that is erected, built or constructed and affixed to or supported by the ground.

**LOT** means a contiguous parcel of land under one ownership, the boundaries of which are on record in the Land Registry Office of the County of Essex (No. 12) in the Registry or Land Titles Division.

Appendix G  
Excerpts from the Zoning By-Law 8600

1. when used as a noun means the purpose for which a *building, lot, premises* or *structure* is designed, maintained or occupied.
2. when used as a verb means anything done by any person or permitted, either directly or indirectly by any person, for the purpose of making use of a *building, lot, premises* or *structure*.

**ACCESSORY USE** means a *use* which is customarily incidental, subordinate and exclusively devoted to the *main use* and is carried on with such *main use* on the same *lot*.

**MAIN USE** means the principal *use* or *uses* of a *building, lot, premises* or *structure*.

**SECTION 10 – RESIDENTIAL DISTRICT 1. (RD1.)**

**10.3 RESIDENTIAL DISTRICT 1.3 (RD1.3)**

**10.3.1 PERMITTED USES**

- Existing Duplex Dwelling*
- Existing Semi-Detached Dwelling*
- One Single Unit Dwelling*
- Any use accessory to the preceding uses

**10.3.5 PROVISIONS**

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.1 Lot Width – minimum	9.0 m	15.0 m	9.0 m
.2 Lot Area – minimum	360.0 m <sup>2</sup>	450.0 m <sup>2</sup>	270.0 m <sup>2</sup>
.3 Lot Coverage – maximum	45.0%	45.0%	45.0%
.4 Main Building Height – maximum	9.0 m	9.0 m	9.0 m
.5 Front Yard Depth – minimum	6.0 m	6.0 m	6.0 m
.6 Rear Yard Depth – minimum	7.50 m	7.50 m	7.50 m
.7 Side Yard Width – minimum	1.20 m	1.20 m	1.20 m
.8 Gross Floor Area – main building – maximum	400 m <sup>2</sup>	400 m <sup>2</sup>	400 m <sup>2</sup>

**(AMENDED by B/L 101-2022, July 11, 2022)**

## **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**

.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>

**(AMENDED by B/L 101-2022, July 11, 2022)**



BY - LAW NUMBER -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 is amended by adding the following paragraph:

**4xx. WEST SIDE OF CALIFORNIA AVENUE BETWEEN GIRARDOT STREET AND PELLETIER STREET**

For the lands comprising of lots N PT Lot 76; S PT Lot 77 Registered Plan 1120, a *semi-detached dwelling* shall be an additional permitted use and shall be subject to the following additional provisions:

- a) Lot Width – minimum 12.0 m
- b) Lot Area – minimum 398.0 m2

Further, for a *semi-detached dwelling*, two *dwelling units* in a *semi-detached dwelling unit* and one *dwelling unit* in an *accessory building* which is accessory to a *semi-detached dwelling* shall be additional permitted uses and shall be subject to the provisions in Sections 5.99.80.3 and 5.99.80.5.

2. The said by-law is further amended by amending the Zoning District Map identified in Column 2 so that the Lands Affected described in Column 3 are delineated by a broken line and further identified by the specific zoning exception symbol shown in Column 5:

1. Item Number	2. Zoning District Map	3. Lands Affected	4. Official Plan Amendment Number	5. Specific Zoning Exception Symbol
1	4	N PT LOT 76;S PT LOT 77, Registered Plan 1120 Roll No. 050-370-09500	--	S.20(1)45x

DREW DILKENS, MAYOR

CLERK

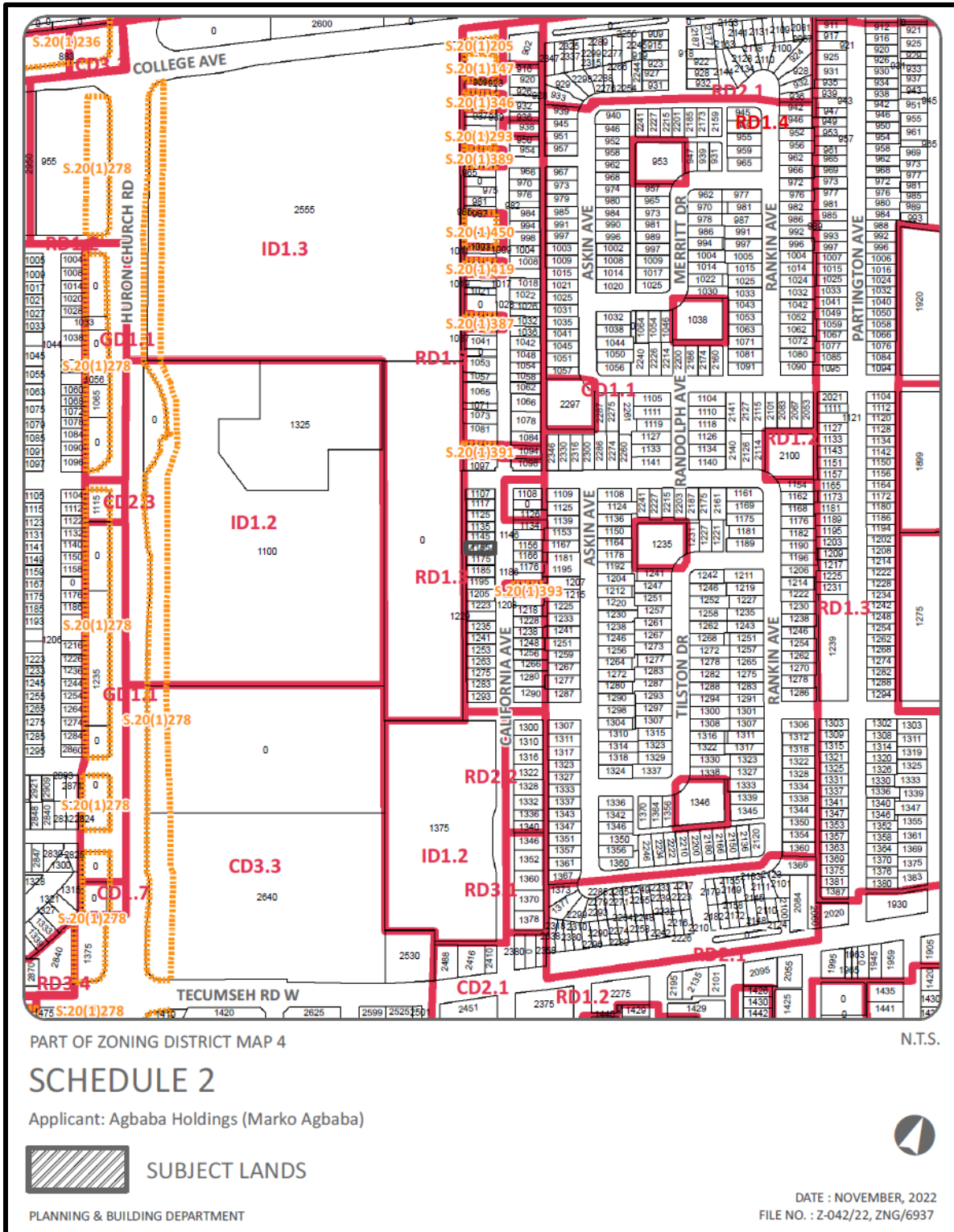
First Reading - , 2023  
 Second Reading - , 2023  
 Third Reading - , 2023

**SCHEDULE 2**

1. By-law \_\_\_\_\_ has the following purpose and effect

To amend the zoning on N PT LOT 76;S PT LOT 77, Registered Plan 1120 (municipally known as 1155 California Ave); Roll No 050-370-09500, by adding a site specific exception to Section 20(1) to reduce the minimum required lot area and lot width, and add semi-detached as an additional permitted use.

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



Applicable Official Plan Sections:

2. Glossary

Development Profile refers to the height of a building or structure.

Low Profile development is a building or structure generally no greater than fourteen (14) metres in height. Low Profile Housing development is further classified as follows;

- (i) small scale forms: single detached, semi-detached, duplex, and row and multiplexes with up to 8 units; and

3 Development Strategy

3.2.1.2 Permitted Uses

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. Residents will have a voice in how this new housing fits within their neighbourhood. As the city grows, more housing opportunities will mean less sprawl onto agricultural and natural lands.

*RESIDENTIAL* 6.1.3 Housing suited to the needs of Windsor’s residents.

6.3 Residential

The lands designated as “Residential” on Schedule D: Land Use provide the main locations for housing in Windsor outside of the City Centre Planning District. 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, Medium and High Profile dwelling units.

*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.

*MAINTENANCE & REHABILITATION*

6.3.2.4 Locational Criteria Residential development shall be located where:

- a) there is access to a collector or arterial road;
- b) full municipal physical services can be provided;

Appendix I – Excerpts from the City of Windsor Official Plan (OP)

- c) adequate community services and open spaces are available or are planned; and
- d) public transportation service can be provided.

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;

#### 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;

Appendix J – Excerpts from the Provincial Policy Statement (PPS) 2020

- 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.

## Item No. 8.5



### Committee Matters: SCM 173/2023

**Subject: Housekeeping Official Plan and Zoning By-law Amendments initiated by the City of Windsor to permit additional dwelling units (City-wide) - File No. OPA 172 and Z16-23**

Moved by: Councillor Kieran McKenzie  
Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 511**

- I. That Official Plan Amendment No. 172 as shown in Appendix A regarding a housekeeping amendment on new policies authorizing the use of additional dwelling units **BE ADOPTED**; and,
- II. That a housekeeping amendment to Zoning By-law 8600 as shown in Appendix B implementing additional dwelling units **BE PASSED**; and,
- III. That a housekeeping amendment to Zoning By-Law 85-18 as shown in Appendix C implementing additional dwelling units **BE PASSED**;  
Carried.

Report Number: S 64/2023  
Clerk's File: ZO/13740 & ZB/13739

#### 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 June 5, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230605/-1/9413>



**Subject: Housekeeping Official Plan and Zoning By-law Amendments initiated by the City of Windsor to permit additional dwelling units (City-wide) - File No. OPA 172 and Z016-23**

**Reference:**

Date to Council: June 5, 2023

Report Date: May 16, 2023

Clerk's File #: ZO/13740 & ZB/13739

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

**Recommendation:**

- I. THAT Official Plan Amendment No. 172 as shown in Appendix A regarding a housekeeping amendment on new policies authorizing the use of additional dwelling units **BE ADOPTED**; and,
- II. THAT a housekeeping amendment to Zoning By-law 8600 as shown in Appendix B implementing additional dwelling units **BE PASSED**; and,
- III. That a housekeeping amendment to Zoning By-Law 85-18 as shown in Appendix C implementing additional dwelling units **BE PASSED**;

## **Executive Summary:**

N/A

## **Background:**

On October 25, 2022 *Bill 23, More Homes Built Faster Act* was introduced by the Provincial government and on November 28, 2022 it received Royal Assent. *Bill 23, More Homes Built Faster Act* is part of a larger Provincial plan which aims to increase the housing supply across Ontario. Administration brought forward a report earlier this year (C19/2023) which advised Council of the legislation.

One of the key components of *Bill 23: The More Homes Built Faster Act*, introduced an amendment to the *Planning Act, R.S.O 1990, C.P.13* to further support gentle intensification in existing residential areas. The changes strengthen the existing “additional residential unit” framework by permitting up to three (3) units per lot (i.e., up to 3 units allowed in the primary building, or 2 units allowed in the primary building and 1 unit allowed in an ancillary building) on all parcels of urban residential land which permits a single detached dwelling, semi-detached dwelling or street townhouse dwellings.

With all the necessary Provincial legislation now in effect, Planning staff are proposing housekeeping amendments to undertake the necessary updates to the Official Plan policies and Zoning provisions to implement the Provincial legislation as it relates to additional residential units.

## **Discussion:**

While the *Planning Act* refers to Additional Residential Units (ARU), the City of Windsor has opted to use the more common terminology: Additional Dwelling Unit (ADU) which is often described as a self-contained residential unit with a private kitchen, bathroom facilities and sleeping areas within a dwelling or within a structure ancillary to a single-detached, semi-detached or townhouse building. It can be located within the main residential building or in an accessory building on the same lot.

Additional Dwelling Units (ADU) provide benefits that:

- Allow seniors to remain in their houses as they age and their need for space diminishes,
- Provide opportunities for homeowners to earn rental income to pay off mortgages,
- Allow extended families and live-in caregivers to live together, but independently,
- Provide affordable housing without any need for subsidies from the government,
- Provide housing diversity to meet needs of a varied family sizes,
- Enable gentle intensification of existing neighbourhoods without affecting the neighbourhood character, and
- Help create mixed-income communities, which support local businesses and local labour markets.

Additional Dwelling Units (ADU) are permitted:

- In serviced residential areas within single detached, semi-detached, and townhome/rowhouse dwellings and within buildings accessory to these dwelling types. See Appendix D for a map of residential areas; and,
- Within floodplain areas — ADUs are not permitted within basements. See Appendix E (floodplain map) for a map of areas regulated by the Essex Region Conservation Authority (ERCA).

Additional Dwelling Units (ADU) are subject to:

- The Zoning By-law regulates lot coverage, setbacks, and other elements of ADUs.
- Additional dwelling units must not alter the building exterior of heritage properties and parcels located within a mature neighbourhood. See Appendix F for map of mature neighbourhoods.
- Ontario Building Code and Fire Codes apply.
- Additional dwelling units in accessory buildings must have access to a paved public street, municipal sanitary sewer, municipal storm water outlet, electrical, and water services.
- The Official Plan prohibits the severance of additional dwelling units.
- The maximum height of accessory buildings, which is 6 metres (20 feet) with a sloped roof, may be increased to 8 metres (26 feet) through minor variance for buildings with a flat roof to permit an additional dwelling unit above a garage.

## **Planning Act**

The updated Provincial “additional dwelling unit” framework supersedes municipal official plans province wide within settlement areas, where residential uses are permitted. Effective after the passing of *Bill 23, More Homes Built Faster Act* on November 28, 2022, a landowner is permitted to have up to three residential units on a parcel of urban residential land permitting a single detached dwelling, semi-detached dwelling or street townhouse dwelling, one of which may be in an associated accessory building. The legislative framework provides more opportunities for individual parcels to create the third residential unit within the primary building or within the detached accessory structure.

Section 16(3) of the Planning Act stipulates that no Municipal Official Plan may contain policies which has the effect of prohibiting the use of:

- a) Two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;*

- b) *Three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential unit; or,*
- c) *One residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.*

Recent changes to legislation also prohibit municipalities from applying minimum unit sizes; or requiring more than one parking space in connection with these units; and limited the ability to appeal implementing policies and zoning provisions. Additional dwelling units are also exempted from development charges and parkland dedication requirements.

### **Official Plan and Zoning Amendments**

To conform with *Bill 23: The More Homes Built Faster Act*; Windsor's Official Plan and Zoning by-law policies require some minor housekeeping revisions to permit two additional dwelling units (up to three units) within the primary structure and/or one unit within a building or structure ancillary to such dwellings and include a definition for parcel of urban residential land.

While not required to permit ADUs within duplex dwellings, Planning staff have noticed some duplex owners rezoning to permit a detached dwelling, which permits an ADU within the main dwelling and within an accessory building. To allow a similar number of units on a property containing a duplex, it is proposed that ADUs be permitted within this dwelling type.

Additional dwelling units must comply with health and safety standards, which include the Building Code, Fire Code and any municipal by-laws.

### **Official Plan Amendment**

Official Plan Amendment (OPA) No. 172 amends the current additional dwelling unit policies in accordance with Bill 23. The policies are structured to describe what constitutes an additional dwelling unit, where they are permitted, and how they should be constructed. The OPA Amendment document is attached as Appendix A. The following summarizes and explains the amended policy direction.

### **Summary of Official Plan Amendment:**

- Permits Additional Dwelling Units (ADU) in a single detached, semi-detached, duplex, or row house dwelling and/or within a building or structure ancillary to such dwellings.
- Permits two additional units (three dwelling units) in the primary unit, provided no additional unit is located in a detached structure to a maximum of three units per

lot **or** permits one additional unit (two dwelling units) in the primary structure and one additional unit in a detached structure up to a maximum of three dwelling units per lot.

- References lands must be located on a serviced parcel of urban residential land designated for residential use in the Official Plan schedules.
- Removes reference to minimum unit sizes.
- Amends the current policy to include parcels which permit duplex dwellings.

### **Zoning By-law Amendment**

The amendments to Zoning By-law 8600 and 85-18 (attached as Appendix B and C) gives effect to the policies contained within OPA 172 in accordance with Section 35.1 (1) of the *Planning Act R.S.O 1990, C.P.13*. In addition to permitting additional dwelling units in conformity with the policies set out in OPA 172, the zoning amendment provides further details regarding the requirements for zoning provisions.

### **Summary of Zoning By-Law Amendment:**

The amendments to Zoning By-law 8600 and Zoning By-law 85-18 include:

- Including the definition for “parcel of urban residential land” means a parcel of land that is within an area of settlement on which residential use, other than ancillary residential use, is permitted by by-law and which is served by municipal sewer and water services as defined in the *Planning Act, R.S.O 1990, C.P.13*”
- Permitting the third dwelling unit in the primary building, if the accessory building contains no additional dwelling unit on single detached, semi-detached, and rowhouses dwellings.
- Permitting the third dwelling unit on lots which permit a duplex dwelling.
- Removes the provisions for minimum unit sizes.
- The zoning bylaw provisions for side and rear yard setbacks, lot coverage, building heights, parking and building code requirements remain the same.
- The Additional Dwelling Unit zoning provisions are expanded to all parcels of urban residential land within the City of Windsor boundaries.

### **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 of the *Planning Act* requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the *Act*. OPA 172 and related zoning amendments are consistent with the following PPS policy direction summarized below:

- Section 1.1 of the PPS, entitled ‘Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns’, provides direction regarding healthy, livable and safe communities. In particular, the PPS states that additional dwelling units are a means of accommodating an appropriate range and

mix of residential dwellings. This section of the PPS also directs growth and development to existing settlement areas and requires the identification and promotion of opportunities for intensification.

- Section 1.4, entitled 'Housing', requires planning authorities to provide for an appropriate range and mix of housing types by permitting and facilitating residential intensification, including additional dwelling units. This section also requires the establishment of development standards for residential intensification, which minimize the cost of housing, facilitate compact form, and maintain appropriate levels of public health and safety.
- Section 1.6, entitled 'Infrastructure', clearly states that municipal sewage and water systems are the preferred form of servicing for settlement areas. It also requires that planning for storm water management shall not increase risks to human health and safety and property damage.
- Section 3, entitled 'Protecting Public Health and Safety', prohibits development within the floodway and permits development within portions of the floodplain where it has been designed in accordance with flood proofing standards and vehicles and people have a safe way to enter and exit during times of flooding.

### **Official Plan**

The City's Official Plan was updated to introduce additional dwelling units, in compliance with *Planning Act* requirements. It contains a number of objectives and policies that encourage a range of housing forms and tenures within neighbourhoods, selective infill and intensification of residential areas, and affordable housing options. Amendments contained within OPA 172 conform with the current Official Plan policy direction summarized below:

- Chapters 3 (Development Strategy), 4 (Healthy Community), and 6 (Land Use) stress the importance of planning for range of housing forms and tenures in all neighbourhoods, which allows aging residents and residents with disabilities to remain in their neighbourhood.
- Chapter 5 (Environmental Management) indicates that the floodplain boundary is determined in consultation with the Essex Region Conservation Authority (ERCA) and reiterates the PPS policies prohibiting development within floodway and permitting development within portions of the floodplain subject to flood proofing measures.
- Chapter 7 (Infrastructure) promotes measures that reduce demands on the sewage system and the risk of basement flooding.
- Chapters 8 (Urban Design) and 9 (Heritage Conservation) limits modifications within older neighbourhoods and heritage areas to ensure there is no adverse impacts to the character or heritage significance of these areas.
- Chapter 11 (Tools) provides a framework for the Committee of Adjustment to approve minor variances from the Zoning By-law provisions.

### **Risk Analysis:**

There is some risk in permitting additional dwelling units (ADUs) in both the principal building and an accessory structure. Risk related to flooding in ADUs located within basements has been minimized by prohibiting them within the floodplain and requiring mitigation measures in basement units outside of the floodplain (e.g. downspout disconnection, sump pump, and backflow prevention valve).

Sections 17(24.1) and 34(19.1) of the *Planning Act*, do not permit appeals to the Ontario Land Tribunal regarding official plan policies or zoning provisions that permit additional dwelling units in accordance with section 16(3) of the *Act*.

*Bill 23, More Homes Built Faster Act* (O. Reg. 299/19) limits a municipality to request no more than one parking space in conjunction with additional dwelling units.

The creation of additional dwelling units within accessory buildings that are accessed via an alley will increase pressure for capital improvements and ongoing maintenance within alleys.

### **Climate Change Risks:**

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

Additional dwelling units provide for residential intensification, in general, residential intensification 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:**

Additional dwelling units provide opportunity to increase resiliency for the development of complete communities.

#### **Financial Matters:**

There are no immediate financial implications associated with the amendments. The addition of an additional unit may increase the assessed value of the host property—adding to the tax levy.

#### **Consultations:**

Administration have consulted with Planning, Building, Legal, and Public works staff.

Notice of the public meeting was published in the Windsor Star and details of the housekeeping amendment were posted for public comment and review on the City of Windsor website.

If endorsed by the Committee, this report will be presented to Council for consideration and adoption.



**Conclusions:**

It is recommended that OPA 172 be adopted and related amendments to Zoning By-law 8600 and 85-18 be passed by Council to bring the City’s planning documents into conformity to *Bill 23, More Homes Built Faster Act* and section 16(3) of the *Planning Act, R.S.O 1990, C.P.13*. The proposed amendments are consistent with Provincial Policy Statement (2020) and conform with the City of Windsor Official Plan (as amended).

**Planning Act Matters:**

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

Thom Hunt, MCIP, RPP

City Planner/Executive Director of Planning and Building

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	Senior Planner
Justina Nwaesei	Manager of Planning Policy/Deputy City Planner (A)
Thom Hunt	City Planner
Wira Vendrasco	Deputy City Solicitor
Jelena Payne	Commissioner, Economic Development & Innovation
Joe Mancina	Chief Administrative Officer

**NOTIFICATIONS:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Housing and Homelessness Advisory Committee		

**APPENDICES:**

1. Official Plan Amendment Schedule
2. Zoning By-Law- 8600- Draft By-law
3. Zoning By-Law 85-18- Draft By-law
4. Official Plan Land Use Schedule D
5. Map of Residential Areas and ERCA Regulated areas
6. Map of Mature Neighbourhoods – OP Schedule A-1
7. Comparison Chart of Proposed Amendments

AMENDMENT NO. 172  
TO THE  
CITY OF WINDSOR OFFICIAL PLAN

Part E (Details of the Amendment) of the following text constitute Amendment No. 172.

Also included, but not constituting part of the Amendment, are explanations of purpose, location, background, legislative and policy basis, public involvement, and implementation.

**A. PURPOSE**

Bill 23, *More Homes Built Faster Act, 2022* amended parts of the *Planning Act* as part of a larger Provincial plan which aims to increase the housing supply across Ontario and provide opportunities for gentle intensification within established residential areas. The legislation requires municipalities to establish official plan policies and zoning by-law provisions to permit Additional Residential Units in detached, semi-detached and row houses and ancillary/accessory structures located on the same property (e.g. apartment above a detached garage).

This amendment brings the Official Plan into conformity with Section 16(3) of the *Planning Act* and forms the policy basis for the approval of zoning by-law amendments related to additional units under Section 35.1.

The policies relating to additional dwelling units contained in Part E of this amendment will be added to the Chapter 6 of the Official Plan immediately following the existing section 6.3.2.21, revising the existing policies in sections 6.3.2.22 to 6.3.2.25.

City of Windsor will use the term Additional Dwelling Unit (ADU) in the Official Plan policies and Zoning Bylaw regulations.

**B. LOCATION**

The text changes made to Volume I of the City of Windsor Official Plan apply to all land within the municipal boundaries of the City. Accordingly, no location map is provided.

**C. BACKGROUND**

**Required ‘Additional Dwelling Unit’ Official Plan Policies and Zoning By-law Provisions**

The updated additional dwelling unit framework supersedes local official plans province wide within settlement areas, where residential uses are permitted. Effective after the passing of *Bill 23, More Homes Built Faster Act* on November 28, 2022, a landowner is permitted to have up to three residential units on a parcel of urban residential land containing a single detached dwelling, semi-detached dwelling or street townhouse dwelling, one of which may be in an associated accessory building.

Section 16(3) of the *Planning Act* stipulates that no Municipal Official Plan may contain policies which has the effect of prohibiting the use of:

- a) *Two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;*
- b) *Three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential unit; or,*

- c) *One residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.*

### **No Appeal to the Local Planning Appeal Tribunal Regarding Additional Dwelling Units**

The *Planning Act* prohibits appeals to the Local Planning Appeal Tribunal related to any official plan policies or zoning by-law related to additional dwelling units.

The current City of Windsor Official Plan (Volume 1: The Primary Plan) was adopted by City Council on October 25, 1999 and approved in part by the Minister of Municipal Affairs and Housing on March 28, 2000 with the remainder being approved by the Ontario Municipal Board on November 1, 2002. The current Official Plan supports affordable housing initiatives and contains policies specifically related to additional dwelling units.

## **D. LEGISLATIVE CONTEXT AND POLICY BASIS FOR THE AMENDMENT**

### **Planning Act**

This amendment was prepared to bring the Official Plan into conformity with Section 16(3) of the *Planning Act, R.S.O. 1990, c.P.13*, which requires an official plan to contain policies that authorize the use of an additional dwelling unit within a detached, semi-detached, duplex, or townhome/rowhouse dwelling or ancillary/accessory structure located on the same property.

Further, section 2 of the *Planning Act* deems the adequate provision of a full range of housing, including affordable housing as matter of Provincial interest and requires any decision of City Council to have regard to this matter.

### **Provincial Policy Statement**

The Provincial Policy Statement 2020 (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 of the *Planning Act, R.S.O. 1990, c.P.13* requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the *Act*.

Section 1.1 of the PPS, entitled ‘Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns’, provides direction regarding healthy, livable and safe communities. In particular, the PPS states that additional dwelling units are a means of accommodating an appropriate range and mix of residential dwellings.

This section of the PPS also directs growth and development to existing settlement areas and requires the identification and promotion of opportunities for intensification.

Section 1.4, entitled 'Housing', requires planning authorities to provide for an appropriate range and mix of housing types by permitting and facilitating residential intensification, including additional dwelling units. This section also requires the establishment of development standards for residential intensification, which minimize the cost of housing, facilitate compact form, and maintain appropriate levels of public health and safety.

Section 1.6, entitled 'Infrastructure', clearly states that municipal sewage and water systems are the preferred form of servicing for settlement areas. It also requires that planning for stormwater management shall not increase risks to human health and safety and property damage.

Section 3, entitled 'Protecting Public Health and Safety', prohibits development within the floodway and permits development within portions of the floodplain where it has been designed in accordance with flood proofing standards and vehicles and people have a safe way to enter and exit during times of flooding.

### **Official Plan**

The City's Official Plan currently addresses additional dwelling units, and it contains a number of objectives and policies that encourage a range of housing forms and tenures within neighbourhoods, selective infill and intensification of residential areas, and affordable housing options.

Chapters 3 (Development Strategy), 4 (Healthy Community), and 6 (Land Use) stress the importance of planning for range of housing forms and tenures in all neighbourhoods, which allows aging residents and residents with disabilities to remain in their neighbourhood.

Chapter 5 (Environmental Management) indicates that the floodplain boundary is determined in consultation with the Essex Region Conservation Authority (ERCA) and reiterates the PPS policies prohibiting development within floodway and permitting development within portions of the floodplain subject to flood proofing measures.

Chapter 7 (Infrastructure) promotes measures that reduce demands on the sewage system and the risk of basement flooding.

Chapters 8 (Urban Design) and 9 (Heritage Conservation) limits modifications within older neighbourhoods and heritage areas to ensure there is no adverse impacts to the character or heritage significance of these areas.

Chapter 11 (Tools) provides a framework for the Committee of Adjustment to approve minor variances from the Zoning By-law provisions.

**E. THE AMENDMENT**

**Summary of Additional Dwelling Unit policies**

The policies are structured to describe *what* constitutes an Additional Dwelling Unit (ADU), *where* they are permitted, and *how* they should be constructed. These policies are largely updated from the policies which enabled additional dwelling units.

**Details of Official Plan Amendment**

Chapter 6 entitled Land Use is amended by deleting and replacing policies on additional dwelling units, to read as follows:

(amendments noted in **bold** lettering, deletions noted by strikeouts)

<i>ADDITIONAL DWELLING UNIT DEFINITION</i>	6.3.2.22	An additional dwelling unit (additional unit) is a separate residential dwelling unit consisting of a separate access, kitchen, washroom, and living space that is within a single detached, semi-detached, <b>duplex dwelling</b> , or rowhouse dwelling (i.e. the primary dwelling unit) or a building accessory to the primary dwelling unit located on the same lot.
<i>LOCATION OF ADDITIONAL DWELLING UNITS</i>	6.3.2.23	An additional dwelling unit: <ul style="list-style-type: none"><li>a) <del>must be located on lands designated for residential use on Schedules D and E;</del> <b>on a parcel of urban residential land designated for residential use in the Official Plan schedules;</b></li><li>a) shall not be located within any part of a basement or cellar (i.e. part of a building below grade) within the floodplain areas shown on Schedule C; and</li><li>b) outside of the floodplain areas shown on Schedule C, shall not be located within any part of a basement or cellar (i.e. part of a building below grade) unless the flood mitigation criteria to be prescribed in the Zoning Bylaw has been met to the satisfaction of the Chief Building Official or City Engineer. This criteria may include but is not limited to:<ul style="list-style-type: none"><li>i. Eavestrough downspouts are disconnected from the City of Windsor’s sewer system;</li><li>ii. Sump pump installation;</li><li>iii. Foundation drain disconnection from the sewer system or connection to the sump pump;</li><li>iv. Requirement for a backflow sanitary valve;</li><li>v. Where required, a sewage ejector pump has been installed in the additional unit.</li></ul></li></ul>



**ADDITIONAL  
DWELLING  
UNIT  
REQUIREMENT  
S**

6.3.2.24

An additional dwelling unit shall be permitted within the primary dwelling unit and a building accessory to the primary dwelling unit subject to the following criteria:

a) The additional **dwelling** unit conforms with the definition and location requirements set out in 6.3.2.22 and 6.3.2.23;

~~b) Only one additional unit is permitted in the primary dwelling unit and one additional unit in a building accessory to primary dwelling unit;~~

**(b) A maximum of two additional dwelling units or a total of three dwelling units are located on a parcel of urban residential land in any one of the following configurations:**

**i) one additional dwelling unit in the primary dwelling unit and one additional dwelling unit in a building accessory to primary dwelling unit, or**

**ii) two additional dwelling units in the primary dwelling unit, provided there are no dwelling units in a building accessory to primary dwelling unit, or**

**iii) one additional dwelling unit in a building accessory to primary dwelling unit; if the primary dwelling unit contains no more than two dwelling units;**

c) The Zoning By-law may regulate the character, **maximum** size, and gross floor area of the additional unit;

d) Parking can be accommodated ~~where required in~~ **accordance with** the Zoning By-law;

e) Where located on a **parcel of urban residential land** identified on the Municipal Heritage Register or within a ~~Heritage Area~~ **Mature Neighbourhood identified on Schedule G Schedule A-1** the additional **dwelling** unit must not alter the exterior of an existing primary or accessory building visible from the street or other public space unless it is demonstrated, to the satisfaction of the City Planner, that the proposed alteration would not detract from the cultural heritage value and attributes of the property or Mature Neighbourhood; and

f) The additional dwelling unit complies with health and safety standards.

<i>REQUIREMENTS SPECIFIC TO A ADDITIONAL UNIT IN AN ACCESSORY BUILDING</i>	6.3.2.25	<p>An additional <b>dwelling</b> unit within a building that is accessory to a single-detached, semi-detached, <b>duplex dwelling</b>, or a rowhouse dwelling is permitted subject to the following criteria:</p> <ul style="list-style-type: none"><li>a) The proposed additional <b>dwelling</b> unit conforms with the definition, location, and general requirements set out in 6.3.2.22 - 6.3.2.24;</li><li>b) The additional <b>dwelling</b> unit shall have direct pedestrian access from a paved public street or alley;</li><li>c) The additional <b>dwelling</b> unit shall have municipal sanitary sewer, municipal storm water outlet, electrical, and water services;</li><li>d) Only one Private Drain Connection (PDC) is permitted per property;</li><li>e) A municipal address for the additional <b>dwelling</b> unit shall be clearly visible from the public street; and</li><li>f) The Zoning By-law may regulate the height, <b>maximum</b> size, and setbacks of an accessory building which contains an additional dwelling unit.</li></ul>
<i>SEVERANCE OF ADDITIONAL UNIT PROHIBITED</i>	6.3.2.26	<p>The severance of an additional unit located within the primary dwelling unit or within a building accessory to the primary dwelling unit through consent, subdivision, or condominium, is prohibited.</p>
<i>HEIGHT OF ACCESSORY BUILDING CONTAINING A ADDITIONAL UNIT</i>	6.3.2.27	<p>An application to allow a maximum height of up to 8m through a minor variance may be considered for accessory buildings containing an additional unit with a flat or low sloped roof, subject to the following criteria:</p> <ul style="list-style-type: none"><li>(a) The height of the additional unit does not exceed the height of the primary dwelling;</li><li>(b) Significant trees and plantings are preserved on the subject property; and</li><li>(c) Any adverse impacts to the streetscape or abutting properties are addressed through the additional unit design and siting.</li></ul>

<i>SHARED RENTAL HOUSING</i>	6.3.2.28	The combination of lodgers (i.e. persons provided with lodging for hire) within the primary and additional dwelling units must not constitute a lodging house as defined within any City of Windsor by-law.
<i>COMPATIBLE ADDITIONAL UNITS</i>	6.3.2.29	The creation of additional units through renovation or redevelopment in existing residential neighbourhoods shall be done in a manner that is compatible and complimentary to the character of the neighbourhood. The Zoning By-Law will establish regulations for height, density, and massing that will preserve the character of stable neighbourhoods. Council will adopt Design Guidelines to assist in the design and review of development applications within existing stable neighbourhoods.

**F. PUBLIC INVOLVEMENT:**

Administration have consulted with Planning, Building, and Public Works.

**Public Notice:**

The statutory notice required under the Planning Act was provided in the Windsor Star prior to the Development & Heritage Standing Committee Meeting (DHSC) meeting.

This section will be updated following meetings of the Development and Heritage Standing Committee and City Council.

**G. IMPLEMENTATION:**

This amendment brings the Official Plan into conformity with Section 16(3) of the *Planning Act* and forms the policy basis for approval of amendments to Zoning By-law 8600 and 85-18 related to additional dwelling units.

The Amendment should be read and implemented in conjunction with the overall policies contained with the Official Plan.

Additional dwelling units must comply with all applicable laws, which include the Building Code, the Fire Code and municipal by-laws. The policies set out in this amendment do not ‘grandfather’ any existing additional dwelling units that do not meet applicable laws, policies, or regulations.

Appendix B – Zoning By-Law 8600 Amendments

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 Section 3.10 is amended by adding alphabetically the following definition:

**PARCEL OF URBAN RESIDENTIAL LAND** means a parcel of land that is within an area of settlement on which residential use, other than ancillary residential use, is permitted by by-law and which is served by municipal sewer and water services as defined in the Planning Act, R.S.O 1990, C.P.13

[ZNG/7027]

2. That Section 5.99.80 be deleted and replaced as follows:

5.99.80 **SECOND UNITS / ADDITIONAL DWELLING UNITS**

- .1 For any *zoning district* that permits a *single unit dwelling, semi-detached dwelling, duplex dwelling, or townhome dwelling*, the following additional provisions shall apply:

- .1 **ADDITIONAL PERMITTED USES**

- a) Two additional *dwelling units* shall be permitted on a *parcel of urban residential land*. This may be either:
  - i. Two additional *dwelling units* within the primary *dwelling unit* located in the *main building*, or
  - ii. One additional *dwelling unit* in the primary *dwelling unit* located in the *main building* and one additional *dwelling unit* in a *building* accessory to said *dwelling*.

For clarity, this provision permits a maximum of three *dwelling units* in total on a *lot* as shown in Tables 5.99.80.11 and 5.99.80.12.

TABLE 5.99.80.11			
Dwelling Type	Dwelling Units - Maximum		
	Main Building	Accessory Building	Total
Single Unit Dwelling	3	0	3
Semi-detached Dwelling Unit	3	0	3
Duplex Dwelling	3	0	3
Townhome Dwelling Unit	3	0	3

TABLE 5.99.80.12			
Dwelling Type	Dwelling Units - Maximum		
	Main Building	Accessory Building	Total
Single Unit Dwelling	2	1	3
Semi-detached Dwelling Unit	2	1	3
Duplex Dwelling	2	1	3
Townhome Dwelling Unit	2	1	3

- b) For the purposes of this provision each *semi-detached dwelling unit* or *townhome dwelling unit* is considered to be located on its own *lot* if it conforms with the provisions of the applicable *zoning district* and can be subdivided.

.3 PROHIBITIONS

- a) In any *development reserve district* or *industrial district*, or where a *single unit dwelling*, *semi-detached dwelling*, *duplex dwelling*, or *townhome dwelling* is not a permitted use in a *zoning district*, the uses in Section 5.99.80.1.1 are prohibited.
- b) Where a *dwelling* is located in a *floodplain*, an additional *dwelling unit* within a *basement* or *cellar* is prohibited.
- c) Where two *dwelling units* are located in a *main building* of a *single unit dwelling*, *semi-detached dwelling unit*, *duplex dwelling unit*, or *townhome dwelling unit* and one *dwelling unit* is located in an *accessory building*, an additional *dwelling unit* in any *building* is prohibited.

## Appendix B – Zoning By-Law 8600 Amendments

### .5 PROVISIONS

- a) For an additional *dwelling unit* located within a *basement* or *cellar* in a *dwelling* not located in a *floodplain*,
  1. Downspouts shall be disconnected from the municipal sewer system and splash to *grade*;
  2. A sump pump is required. Foundation drains shall be disconnected from the municipal sewer and shall be connected to the sump pump;
  3. A sanitary backflow valve shall be installed in the *dwelling unit* located within the *basement* or *cellar*;all to the satisfaction of the City Engineer or Chief Building Official.
- b) For a *dwelling unit* located within an *accessory building*:
  1. There shall be direct pedestrian access between said *dwelling unit* and a *highway*.
  2. Municipal sanitary sewer, municipal electrical service and municipal water service shall be provided to said *dwelling unit*.
  3. Notwithstanding Section 5.10.7, any *accessory building* which is new construction or a new addition to an existing *accessory building* to include an additional *dwelling unit*, shall have a minimum separation of 1.20 m from a *rear lot line* or *side lot line*. This minimum separation does not apply to any portion of an existing *building* which is not being altered.
  4. Notwithstanding Section 5.10.9.1, for an *accessory building* which is constructed to include an additional *dwelling unit*, with a flat roof, a roof having a slope of less than 20.0 degrees, or a roof with at least two contiguous slopes where the lowest slope is greater than the uppermost slope, the maximum *building height* shall be 6.0 m from *grade*.
  5. Notwithstanding Section 5.10.9.2, for an *accessory building* which is constructed to include an additional *dwelling unit*, with a roof other than described in Section 5.10.9.1, the maximum *building height* shall be prohibited from exceeding 8.0 m from *grade*.
  6. The maximum *building height* for an *accessory building* which contains an *additional dwelling unit* is prohibited from exceeding the *building height* of the *main building*.
  7. For any *accessory building*, which is constructed to include an additional *dwelling unit*, the maximum *gross floor area* shall be 100 m<sup>2</sup>.
- c) For any additional *dwelling unit*:
  1. Where the minimum *lot area* is expressed on a per *dwelling unit* basis, the minimum *lot area* provision shall not apply to the additional *dwelling unit*;

Appendix B – Zoning By-Law 8600 Amendments

2. For the purpose of this provision, the *gross floor area* shall include that portion of the *main building* located within a *basement* or *cellar*.
3. Notwithstanding Section 24.20.5, the required number of *parking spaces* shall be as follows:
  - a) One *parking space* for the first *dwelling unit*; and
  - b) One *parking space* for the second *dwelling unit* on a *lot* except for an second *dwelling unit* on a *lot* located south of the Detroit River, west of Cadillac Street or Henry Ford Centre Drive, including any lot abutting the east side of Cadillac Street or Henry Ford Centre Drive, north of Tecumseh Road, and east of Prince Road; and
  - c) No *parking space* for the third *dwelling unit* on the *lot*.

[ZNG/5630; ZNG/5926; ZNG/7027]

DREW DILKENS, MAYOR

CLERK

First Reading - , 2023  
Second Reading - , 2023  
Third Reading - , 2023



## Appendix B – Zoning By-Law 8600 Amendments

### SCHEDULE 2

1. By-law \_\_\_\_\_ has the following purpose and effect:
  - To implement Official Plan polices authorizing the use of additional dwelling units within single detached, semi-detached, duplex, and townhome dwellings and/or within an accessory building located on the same property.
  - To amend Section 3.0 by adding a definition for Parcel of Urban Residential Land.
  - To amend Section 5.99.80.1 by permitting an additional dwelling unit in both the main building and an accessory building within zoning districts that permit a single unit dwelling, semi-detached dwelling unit, duplex dwelling unit, or townhouse dwelling unit up to a maximum of three dwelling units.
  - To amend Section 5.99.80.5 by removing the minimum gross floor areas for additional dwelling units.
2. A key map is not required as the amendments are to the text of Zoning By-law 8600 and apply to all property covered by the by-law.

# Zoning By-law 85-18 Amendments

BY - LAW NUMBER -2023

A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 85-18 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 85-18 of the Council of The Corporation of the City of Windsor, cited as the "Township of Sandwich South Zoning By-Law" passed the 21st day of May, 1985, as heretofore amended:

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

1. That Section 3 is amended by adding alphabetically the following definition:

**PARCEL OF URBAN RESIDENTIAL LAND** means a parcel of land that is within an area of settlement on which residential use, other than ancillary residential use, is permitted by by-law and which is served by municipal sewer and water services as defined in the Planning Act, R.S.O 1990, C.P.13

[ZNG/7027]

2. That Section 5 is hereby amended by adding the following:

## 5.50 SECOND UNITS / ADDITIONAL DWELLING UNITS

- .1 For any *zoning district* that permits a *single unit dwelling, semi-detached dwelling, duplex dwelling, or townhome dwelling*, the following additional provisions shall apply:

### .1 ADDITIONAL PERMITTED USES

- a) Two additional *dwelling units* shall be permitted on a *parcel of urban residential land*. This may be either:
  - i. Two additional *dwelling units* within the primary *dwelling unit* located in the *main building*, or
  - ii. One additional *dwelling unit* in the primary *dwelling unit* located in the *main building* and one additional *dwelling unit* in a *building* accessory to said *dwelling*.

For clarity, this provision permits a maximum of three *dwelling units* in total on a *lot* as shown in Tables 5.50.11 and 5.50.12.

## Zoning By-law 85-18 Amendments

<b>TABLE 5.50.11</b>			
<b>Dwelling Type</b>	<b>Dwelling Units - Maximum</b>		
	<b>Main Building</b>	<b>Accessory Building</b>	<b>Total</b>
Single Unit Dwelling	3	0	3
Semi-detached Dwelling Unit	3	0	3
Duplex Dwelling	3	0	3
Townhome Dwelling Unit	3	0	3

<b>TABLE 5.50.12</b>			
<b>Dwelling Type</b>	<b>Dwelling Units - Maximum</b>		
	<b>Main Building</b>	<b>Accessory Building</b>	<b>Total</b>
Single Unit Dwelling	2	1	3
Semi-detached Dwelling Unit	2	1	3
Duplex Dwelling	2	1	3
Townhome Dwelling Unit	2	1	3

- b) For the purposes of this provision each *semi-detached dwelling unit* or *townhome dwelling unit* is considered to be located on its own *lot* if it conforms with the provisions of the applicable *zoning district* and can be subdivided.

### .3 PROHIBITIONS

- a) In any *development reserve district* or *industrial district*, or where a *single unit dwelling*, *semi-detached dwelling*, *duplex dwelling*, or *townhome dwelling* is not a permitted use in a *zoning district*, the uses in Section 5.50.1 are prohibited.
- b) Where a *dwelling* is located in a *floodplain*, an additional *dwelling unit* within a *basement* or *cellar* is prohibited.
- c) Where two *dwelling units* are located in a *main building* of a *single unit dwelling*, *semi-detached dwelling unit*, *duplex dwelling unit*, or *townhome dwelling unit* and one *dwelling unit* is located in an *accessory building*, an additional *dwelling unit* in any *building* is prohibited.

## Zoning By-law 85-18 Amendments

### .5 PROVISIONS

- a) For an additional *dwelling unit* located within a *basement* or *cellar* in a *dwelling* not located in a *floodplain*,
1. Downspouts shall be disconnected from the municipal sewer system and splash to *grade*;
  2. A sump pump is required. Foundation drains shall be disconnected from the municipal sewer and shall be connected to the sump pump;
  3. A sanitary backflow valve shall be installed in the *dwelling unit* located within the *basement* or *cellar*;
- all to the satisfaction of the City Engineer or Chief Building Official.
- b) For a *dwelling unit* located within an *accessory building*:
1. There shall be direct pedestrian access between said *dwelling unit* and a *highway*.
  2. Municipal sanitary sewer, municipal electrical service and municipal water service shall be provided to said *dwelling unit*.
  3. Any *accessory building* which is new construction or a new addition to an existing *accessory building* to include an additional *dwelling unit*, shall have a minimum separation of 1.20 m from a *rear lot line* or *side lot line*. This minimum separation does not apply to any portion of an existing *building* which is not being altered.
  4. Any *accessory building* which is constructed to include an additional *dwelling unit*, with a flat roof, a roof having a slope of less than 20.0 degrees, or a roof with at least two contiguous slopes where the lowest slope is greater than the uppermost slope, the maximum *building height* shall be 6.0 m from *grade*.
  5. Any *accessory building* which is constructed to include an additional *dwelling unit*, with a roof other than described in this by-law, the maximum *building height* shall be prohibited from exceeding 8.0 m from *grade*.
  6. The maximum *building height* for an *accessory building* which contains an *additional dwelling unit* is prohibited from exceeding the *building height* of the *main building*.
  7. For any *accessory building*, which is constructed to include an additional *dwelling unit*, the maximum *gross floor area* shall be 100 m<sup>2</sup>.
- c) For any additional *dwelling unit*:
1. Where the minimum *lot area* is expressed on a per *dwelling unit* basis, the minimum *lot area* provision shall not apply to the additional *dwelling unit*;

## Zoning By-law 85-18 Amendments

2. For the purpose of this provision, the *gross floor area* shall include that portion of the *main building* located within a *basement* or *cellar*.
3. Notwithstanding Sections 5.33 and 5.34, the required number of *parking spaces* shall be as follows:
  - a) One *parking space* for the first *dwelling unit*; and
  - b) No *parking space* for the third *dwelling unit* on the *lot*.

[ZNG/7027]

DREW DILKENS, MAYOR

CLERK

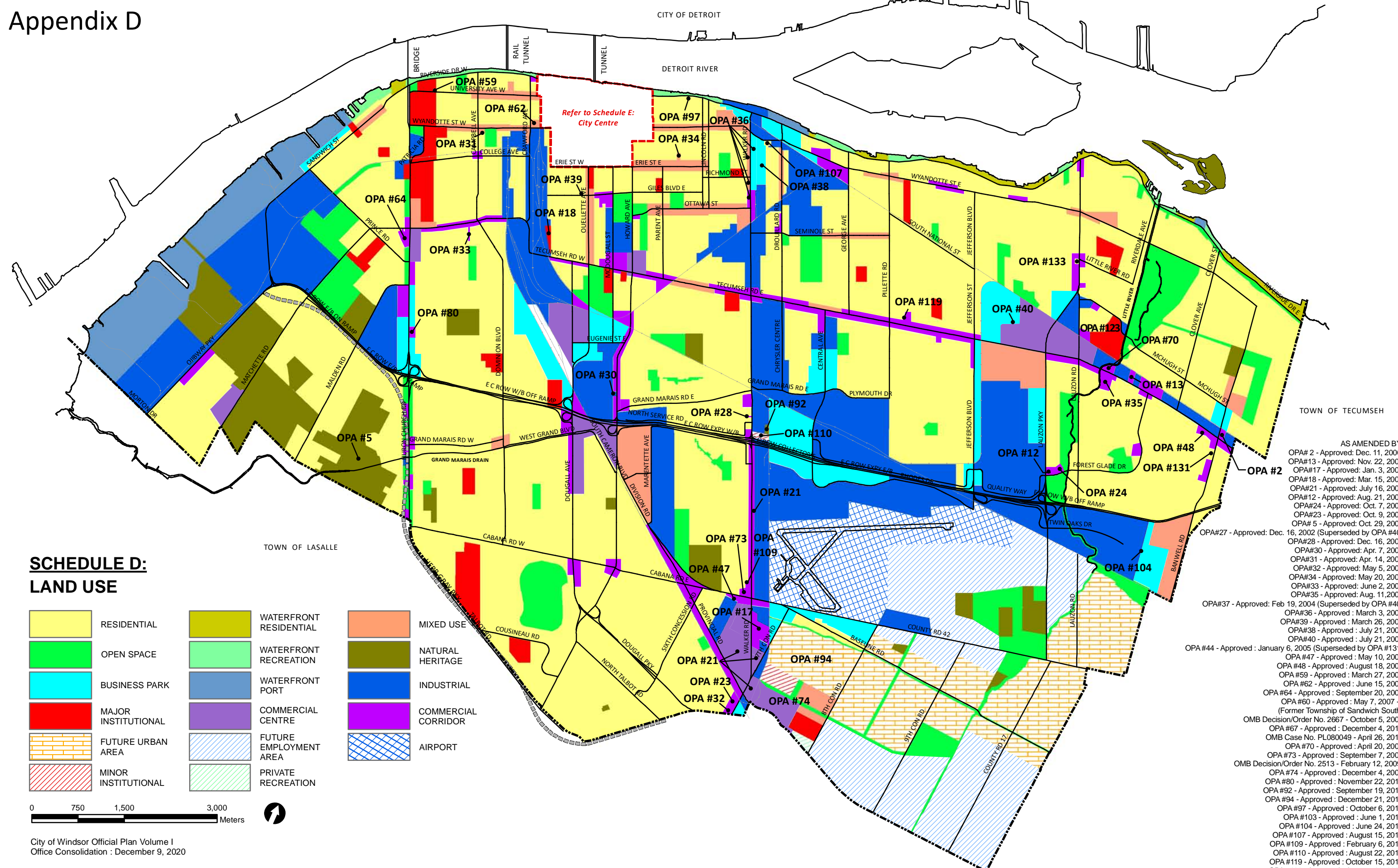
First Reading	-	, 2023
Second Reading	-	, 2023
Third Reading	-	, 2023

## Zoning By-law 85-18 Amendments

### SCHEDULE 2

1. By-law \_\_\_\_\_ has the following purpose and effect:
  - To implement Official Plan polices authorizing the use of additional dwelling units within single detached, semi-detached, duplex, and townhome dwellings and/or within an accessory building located on the same property.
  - To amend Section 3.0 by adding a definition for Parcel of Urban Residential Land.
  - To amend the general provisions to permit an additional dwelling unit in both the main building and an accessory building within zoning districts that permit a single unit dwelling, semi-detached dwelling unit, duplex dwelling unit, or townhouse dwelling unit up to a maximum of three dwelling units
2. A key map is not required as the amendments are to the text of Zoning By-law 85-18 and apply to all property covered by the by-law.

# Appendix D



## SCHEDULE D: LAND USE

	RESIDENTIAL		WATERFRONT RECREATION		MIXED USE
	OPEN SPACE		WATERFRONT PORT		NATURAL HERITAGE
	BUSINESS PARK		COMMERCIAL CENTRE		INDUSTRIAL
	MAJOR INSTITUTIONAL		FUTURE EMPLOYMENT AREA		COMMERCIAL CORRIDOR
	FUTURE URBAN AREA		PRIVATE RECREATION		AIRPORT
	MINOR INSTITUTIONAL				

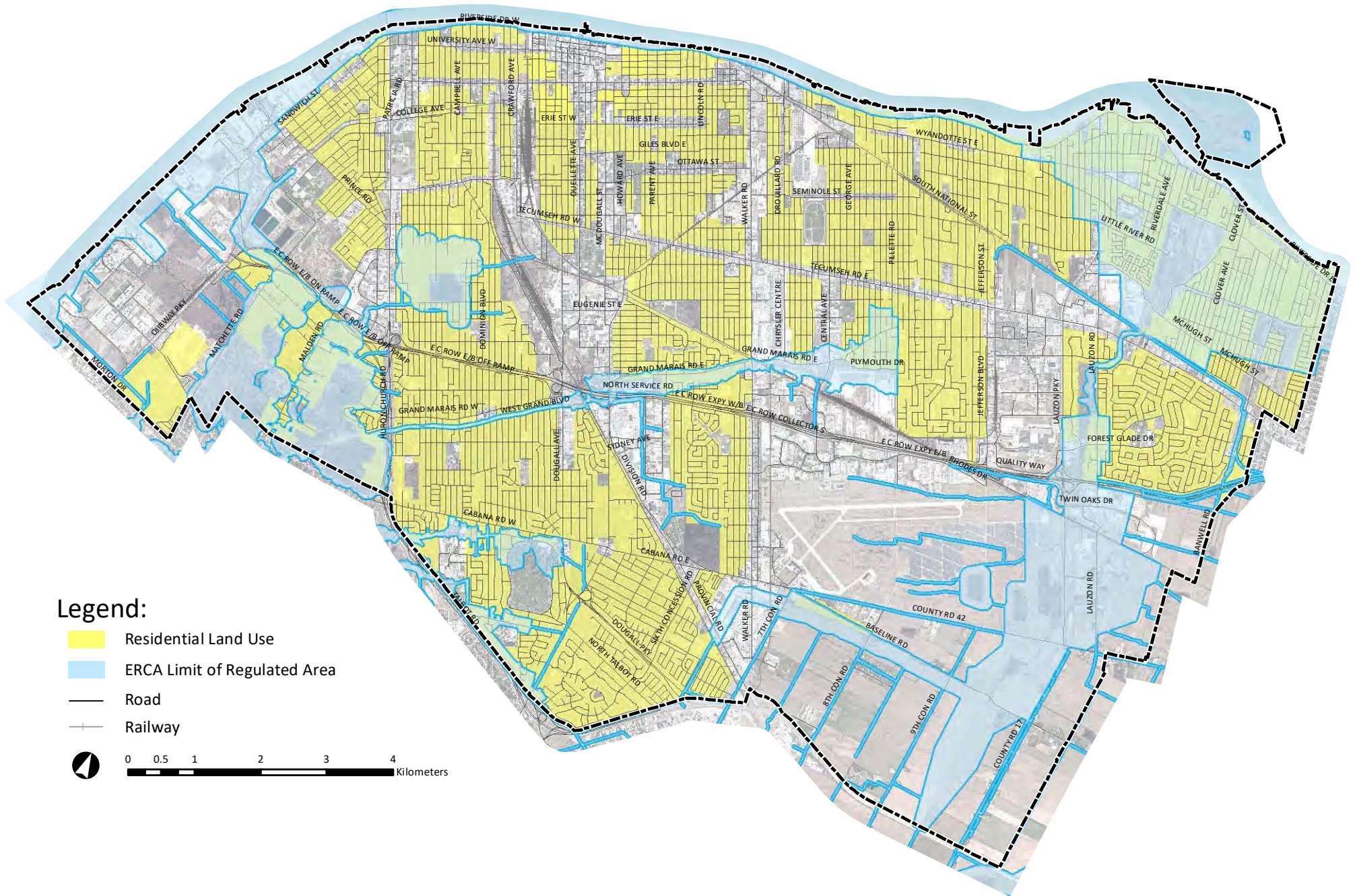


City of Windsor Official Plan Volume I  
Office Consolidation : December 9, 2020

- AS AMENDED BY:
- OPA# 2 - Approved: Dec. 11, 2000
  - OPA#13 - Approved: Nov. 22, 2001
  - OPA#17 - Approved: Jan. 3, 2002
  - OPA#18 - Approved: Mar. 15, 2002
  - OPA#21 - Approved: July 16, 2002
  - OPA#12 - Approved: Aug. 21, 2002
  - OPA#24 - Approved: Oct. 7, 2002
  - OPA#23 - Approved: Oct. 9, 2002
  - OPA# 5 - Approved: Oct. 29, 2002
  - OPA#27 - Approved: Dec. 16, 2002 (Superseded by OPA #40)
  - OPA#28 - Approved: Dec. 16, 2002
  - OPA#30 - Approved: Apr. 7, 2003
  - OPA#31 - Approved: Apr. 14, 2003
  - OPA#32 - Approved: May 5, 2003
  - OPA#33 - Approved: May 20, 2003
  - OPA#33 - Approved: June 2, 2003
  - OPA#35 - Approved: Aug. 11, 2003
  - OPA#37 - Approved: Feb 19, 2004 (Superseded by OPA #40)
  - OPA#36 - Approved: March 3, 2004
  - OPA#39 - Approved: March 26, 2004
  - OPA#38 - Approved: July 21, 2004
  - OPA#40 - Approved: July 21, 2004
  - OPA#44 - Approved: January 6, 2005 (Superseded by OPA #131)
  - OPA#47 - Approved: May 10, 2005
  - OPA#48 - Approved: August 18, 2005
  - OPA#59 - Approved: March 27, 2007
  - OPA#62 - Approved: June 15, 2007
  - OPA#64 - Approved: September 20, 2007
  - OPA#60 - Approved: May 7, 2007 - (Former Township of Sandwich South)
  - OMB Decision/Order No. 2667 - October 5, 2007
  - OPA#67 - Approved: December 4, 2015
  - OMB Case No. PL080049 - April 26, 2016
  - OPA#70 - Approved: April 20, 2009
  - OPA#73 - Approved: September 7, 2006
  - OMB Decision/Order No. 2513 - February 12, 2009
  - OPA#74 - Approved: December 4, 2009
  - OPA#80 - Approved: November 22, 2010
  - OPA#92 - Approved: September 19, 2016
  - OPA#94 - Approved: December 21, 2016
  - OPA#97 - Approved: October 6, 2014
  - OPA#103 - Approved: June 1, 2015
  - OPA#104 - Approved: June 24, 2015
  - OPA#107 - Approved: August 15, 2016
  - OPA#109 - Approved: February 6, 2017
  - OPA#110 - Approved: August 22, 2016
  - OPA#119 - Approved: October 15, 2018
  - OPA#123 - Approved: January 21, 2020
  - OPA#131 - Approved: August 4, 2020
  - OPA#133 - Approved: November 9, 2020



# Appendix E

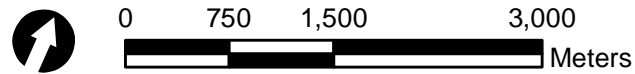




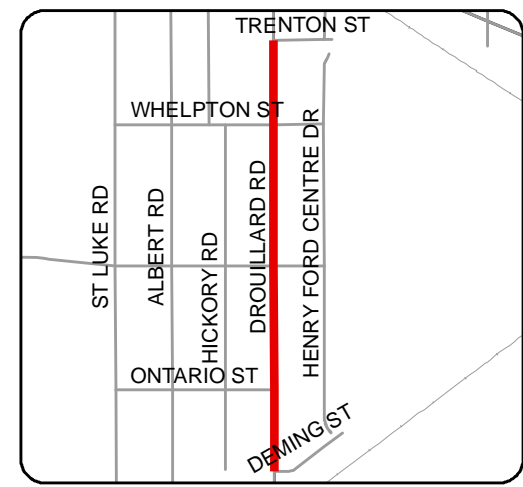
# Appendix F

## SCHEDULE A-1 : SPECIAL POLICY AREAS

- MATURE NEIGHBOURHOOD
- MAINSTREETS - SPECIAL POLICY AREA
- TRADITIONAL COMMERCIAL STREETS
- AREA IN THE VICINITY OF TRADITIONAL COMMERCIAL STREET



SEE DROUILLARD ROAD INSET



**City of Windsor Official Plan – Additional Dwelling Unit Policy Amendments**

SECTION	Current Policy	Amended Policy (amendments noted in <b>bold</b> lettering, deletions noted by strikeouts)
<p>6.3.2.22 <i>ADDITIONAL DWELLING UNIT DEFINITION</i></p>	<p>An additional dwelling unit (additional unit) is a separate residential dwelling unit consisting of a separate access, kitchen, washroom, and living space that is located within a single detached, semi-detached, or rowhouse dwelling (i.e. the primary dwelling unit) or a building accessory to the primary dwelling unit located on the same lot. <b>(Amended by OPA130 - APPROVED June 26, 2020, B/L#79-2020)</b></p>	<p>An additional dwelling unit (additional unit) is a separate residential dwelling unit consisting of a separate access, kitchen, washroom, and living space that is located within a single detached, semi-detached, <b>duplex dwelling</b>, or rowhouse dwelling (i.e. the primary dwelling unit) or a building accessory to the primary dwelling unit located on the same lot.</p>
<p>6.3.2.23 <i>LOCATION OF ADDITIONAL DWELLING UNITS</i></p>	<p>An additional dwelling unit:</p> <ul style="list-style-type: none"> <li>a) must be located on lands designated for residential use on Schedules D and E;</li> <li>b) shall not be located within any part of a basement or cellar (i.e. part of a building below grade) within the floodplain areas shown on Schedule C; and</li> <li>c) outside of the floodplain areas shown on Schedule C, shall not be located within any part of a basement or cellar (i.e. part of a building below grade) unless the flood mitigation criteria to be prescribed in the Zoning Bylaw has been met to the satisfaction of the Chief Building Official or City Engineer. This criteria may include but is not limited to:                             <ul style="list-style-type: none"> <li>i. Eavestrough downspouts are disconnected from the City of Windsor’s sewer system;</li> <li>ii. Sump pump installation;</li> </ul> </li> </ul>	<p>An additional dwelling unit:</p> <ul style="list-style-type: none"> <li>a) must be located <del>on lands designated for residential use on Schedules D and E;</del> <b>on a parcel of urban residential land designated for residential use in the Official Plan schedules;</b></li> <li>b) shall not be located within any part of a basement or cellar (i.e. part of a building below grade) within the floodplain areas shown on Schedule C; and</li> <li>c) outside of the floodplain areas shown on Schedule C, shall not be located within any part of a basement or cellar (i.e. part of a building below grade) unless the flood mitigation criteria to be prescribed in the Zoning Bylaw has been met to the satisfaction of the Chief Building Official or City Engineer. This criteria may include but is not limited to:</li> </ul>

Appendix G – Official Olan and Zoning Amendment Revisions

SECTION	Current Policy	Amended Policy (amendments noted in <b>bold</b> lettering, deletions noted by strikeouts)
	<ul style="list-style-type: none"> <li>iii. Foundation drain disconnection from the sewer system or connection to the sump pump;</li> <li>iv. Requirement for a backflow sanitary valve; and</li> <li>v. Where required, a sewage ejector pump has been installed in the additional unit.</li> </ul> <p><b>(Amended by OPA130 - APPROVED June 26, 2020, B/L#79-2020)</b></p>	<ul style="list-style-type: none"> <li>i. Eavestrough downspouts are disconnected from the City of Windsor’s sewer system;</li> <li>ii. Sump pump installation;</li> <li>iii. Foundation drain disconnection from the sewer system or connection to the sump pump;</li> <li>iv. Requirement for a backflow sanitary valve; and</li> <li>v. Where required, a sewage ejector pump has been installed in the additional unit.</li> </ul>
<p>6.3.2.24</p> <p><i>ADDITIONAL DWELLING UNIT REQUIREMENTS</i></p>	<p>An additional dwelling unit shall be permitted within the primary dwelling unit and a building accessory to the primary dwelling unit subject to the following criteria:</p> <ul style="list-style-type: none"> <li>a) The additional unit conforms with the definition and location requirements set out in 6.3.2.22 and 6.3.2.23;</li> <li>b) Only one additional unit is permitted in the primary dwelling unit and one additional unit in a building accessory to primary dwelling unit;</li> <li>c) The Zoning By-law may regulate the character, size, and gross floor area of the additional unit;</li> <li>d) Parking can be accommodated where required by the Zoning By-law;</li> <li>e) Where located on a property identified on the Municipal Heritage Register or within a</li> </ul>	<p>An additional dwelling unit shall be permitted within the primary dwelling unit and a building accessory to the primary dwelling unit subject to the following criteria:</p> <ul style="list-style-type: none"> <li>a) The additional <b>dwelling</b> unit conforms with the definition and location requirements set out in 6.3.2.22 and 6.3.2.23;</li> <li><del>b) Only one additional unit is permitted in the primary dwelling unit and one additional unit in a building accessory to primary dwelling unit;</del></li> <li><b>(b) A maximum of two additional dwelling units or a total of three dwelling units are located on a parcel of urban residential land in any one of the following configurations:</b></li> <li><b>i) one additional dwelling unit in the primary dwelling unit and one additional</b></li> </ul>

Appendix G – Official Olan and Zoning Amendment Revisions

SECTION	Current Policy	Amended Policy (amendments noted in <b>bold</b> lettering, deletions noted by strikeouts)
	<p>Heritage Area identified on Schedule G the additional unit must not alter the exterior of an existing primary or accessory building visible from the street or other public space unless it is demonstrated, to the satisfaction of the City Planner, that the proposed alteration would not detract from the cultural heritage value and attributes of the property or Heritage Area; and</p> <p>f) The additional unit complies with health and safety standards.</p> <p><b>(Amended by OPA130 - APPROVED June 26, 2020, B/L#79-2020)</b></p>	<p><b>dwelling unit in a building accessory to primary dwelling unit, or</b></p> <p><b>ii) two additional dwelling units in the primary dwelling unit, provided there are no dwelling units in a building accessory to primary dwelling unit, or</b></p> <p><b>iii) one additional dwelling unit in a building accessory to primary dwelling unit; if the primary dwelling unit contains no more than two dwelling units;</b></p> <p>c) The Zoning By-law may regulate the character, <b>maximum</b> size, and gross floor area of the additional unit;</p> <p>d) Parking can be accommodated <del>where required</del> <b>in accordance with</b> the Zoning By-law;</p> <p>e) Where located on a <b>parcel of urban residential land</b> identified on the Municipal Heritage Register or within a <del>Heritage Area</del> <b>Mature Neighbourhood identified on Schedule G Schedule A-1</b> the additional <b>dwelling</b> unit must not alter the exterior of an existing primary or accessory building visible from the street or other public space unless it is demonstrated, to the satisfaction of the City Planner, that the proposed alteration would not detract from the cultural heritage value and</p>

Appendix G – Official Olan and Zoning Amendment Revisions

SECTION	Current Policy	Amended Policy (amendments noted in <b>bold</b> lettering, deletions noted by strikeouts)
		<p>attributes of the property or Mature Neighbourhood; and</p> <p>f) The additional dwelling unit complies with health and safety standards.</p>
<p>6.3.2.25 <i>REQUIREMENTS SPECIFIC TO A ADDITIONAL UNIT IN AN ACCESSORY BUILDING</i></p>	<p>An additional unit within a building that is accessory to a single-detached, semi-detached, or a rowhouse dwelling is permitted subject to the following criteria:</p> <ul style="list-style-type: none"> <li>a) The proposed additional unit conforms with the definition, location, and general requirements set out in 6.3.2.22 - 6.3.2.24;</li> <li>b) The additional unit shall have direct pedestrian access from a paved public street or alley;</li> <li>c) The additional unit shall have municipal sanitary sewer, municipal storm water outlet, electrical, and water services;</li> <li>d) Only one Private Drain Connection (PDC) is permitted per property;</li> <li>e) A municipal address for the additional unit shall be clearly visible from the public street; and</li> <li>f) The Zoning By-law may regulate the height, size, and setbacks of an accessory building which contains an additional unit.</li> </ul> <p><b>(Amended by OPA130 - APPROVED June 26, 2020, B/L#79-2020)</b></p>	<p>An additional <b>dwelling</b> unit within a building that is accessory to a single-detached, semi-detached, <b>duplex dwelling</b>, or a rowhouse dwelling is permitted subject to the following criteria:</p> <ul style="list-style-type: none"> <li>a) The proposed additional <b>dwelling</b> unit conforms with the definition, location, and general requirements set out in 6.3.2.22 - 6.3.2.24;</li> <li>b) The additional <b>dwelling</b> unit shall have direct pedestrian access from a paved public street or alley;</li> <li>c) The additional <b>dwelling</b> unit shall have municipal sanitary sewer, municipal storm water outlet, electrical, and water services;</li> <li>d) Only one Private Drain Connection (PDC) is permitted per property;</li> <li>e) A municipal address for the additional <b>dwelling</b> unit shall be clearly visible from the public street; and</li> <li>f) The Zoning By-law may regulate the height, <b>maximum</b> size, and setbacks of an accessory building which contains an additional dwelling unit.</li> </ul>

Appendix G – Official Olan and Zoning Amendment Revisions

<b>SECTION</b>	<b>Current Policy</b>	<b>Amended Policy</b> (amendments noted in <b>bold</b> lettering, deletions noted by strikeouts)
6.3.2.26 <i>SEVERANCE OF ADDITIONAL UNIT PROHIBITED</i>	The severance of an additional unit located within the primary dwelling unit or within a building accessory to the primary dwelling unit through consent, subdivision, or condominium, is prohibited. <b>(Amended by OPA130 - APPROVED June 26, 2020, B/L#79-2020)</b>	The severance of an additional unit located within the primary dwelling unit or within a building accessory to the primary dwelling unit through consent, subdivision, or condominium, is prohibited.
6.3.2.27 <i>HEIGHT OF ACCESSORY BUILDING CONTAINING A ADDITIONAL UNIT</i>	An application to allow a maximum height of up to 8m through a minor variance may be considered for accessory buildings containing an additional unit with a flat or low sloped roof, subject to the following criteria: <ul style="list-style-type: none"> <li>(a) The height of the additional unit does not exceed the height of the primary dwelling;</li> <li>(b) Significant trees and plantings are preserved on the subject property; and</li> <li>(c) Any adverse impacts to the streetscape or abutting properties are addressed through the additional unit design and siting.</li> </ul> <b>(Amended by OPA130 - APPROVED June 26, 2020, B/L#79-2020)</b>	An application to allow a maximum height of up to 8m through a minor variance may be considered for accessory buildings containing an additional unit with a flat or low sloped roof, subject to the following criteria: <ul style="list-style-type: none"> <li>(a) The height of the additional unit does not exceed the height of the primary dwelling;</li> <li>(b) Significant trees and plantings are preserved on the subject property; and</li> <li>(c) Any adverse impacts to the streetscape or abutting properties are addressed through the additional unit design and siting.</li> </ul>
6.3.2.28 <i>SHARED RENTAL HOUSING</i>	The combination of lodgers (i.e. persons provided with lodging for hire) within the primary and additional dwelling units must not constitute a lodging house as defined within any City of Windsor by-law. <b>(Amended by OPA130 - APPROVED June 26, 2020, B/L#79-2020)</b>	The combination of lodgers (i.e. persons provided with lodging for hire) within the primary and additional dwelling units must not constitute a lodging house as defined within any City of Windsor by-law.



Appendix G – Official Olan and Zoning Amendment Revisions

<b>SECTION</b>	<b>Current Policy</b>	<b>Amended Policy</b> (amendments noted in <b>bold</b> lettering, deletions noted by strikeouts)
6.3.2.29 <i>COMPATIBLE ADDITIONAL UNITS</i>	The creation of additional units through renovation or redevelopment in existing residential neighbourhoods shall be done in a manner that is compatible and complimentary to the character of the neighbourhood. The Zoning By-law will establish regulations for height, density, and massing that will preserve the character of stable neighbourhoods. Council will adopt Design Guidelines to assist in the design and review of development applications within existing stable neighbourhoods. <b>(Added by OPA #159 – APPROVED July 11, 2022, B/L# 100-2022)</b>	The creation of additional units through renovation or redevelopment in existing residential neighbourhoods shall be done in a manner that is compatible and complimentary to the character of the neighbourhood. The Zoning By-law will establish regulations for height, density, and massing that will preserve the character of stable neighbourhoods. Council will adopt Design Guidelines to assist in the design and review of development applications within existing stable neighbourhoods.

**City of Windsor Zoning By-Law 8600 - Additional Dwelling Unit Provisions**

<u>Section</u>	<u>Current Provisions</u>	<u>Amended Provisions</u> (amendments noted in <b>bold</b> lettering, deletions noted by <del>strikeout</del> )
5.99.80 <i>SECOND UNITS / ADDITIONAL DWELLING UNITS</i>	For any zoning district that permits a single unit dwelling, semi-detached dwelling, or townhome dwelling, the following additional provisions shall apply:	For any zoning district that permits a <i>single unit dwelling, semi-detached dwelling, <b>duplex dwelling</b>, or townhome dwelling</i> ; the following additional provisions shall apply:
.1 <i>ADDITIONAL PERMITTED USES</i>	<p>a) Two dwelling units in a single unit dwelling, semi-detached dwelling unit, or townhome dwelling unit.</p> <p>b) One dwelling unit in an accessory building which is accessory to a single unit dwelling, semi-detached dwelling unit, or townhome dwelling unit.</p>	<p><b>a) Two additional dwelling units shall be permitted on a parcel of urban residential land.</b></p> <p><b>This may be either:</b></p> <p><b>i) two additional dwelling units within the primary dwelling unit, or</b></p> <p><b>ii) one additional dwelling unit in the primary dwelling unit and one additional dwelling unit in a building accessory to the said dwelling.</b></p> <p><b>For clarity, this provision permits a maximum of three dwelling units in total on a lot as defined in tables 5.99.80.11 and 5.99.80.12.</b></p>

<u>Section</u>	<u>Current Provisions</u>	<u>Amended Provisions</u> (amendments noted in <b>bold</b> lettering, deletions noted by <del>strikeout</del> )																																																						
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Appendix G – Official Olan and Zoning Amendment Revisions

<u>Section</u>	<u>Current Provisions</u>	<u>Amended Provisions</u> (amendments noted in <b>bold</b> lettering, deletions noted by <del>strikeout</del> )
		<p><b>b) For the purposes of this provision each semi-detached dwelling unit or townhome dwelling unit is considered to be located on its own lot if it conforms with the provisions of the applicable zoning district and can be subdivided.</b></p>
<p>3 <i>PROHIBITIONS</i></p>	<p>a) In any development reserve district or industrial district, or where a single unit dwelling, semi-detached dwelling, or townhome dwelling is not a permitted use in a zoning district, the uses in Section 5.99.80.1.1 are prohibited.</p> <p>b) Where a dwelling is located in a floodplain, an additional dwelling unit within a basement or cellar is prohibited.</p> <p>c) Where two dwelling units are located in a main building of a single unit dwelling, semi-detached dwelling unit, or townhome dwelling unit and one dwelling unit is located in an accessory building, an additional dwelling unit in any building is prohibited.</p>	<p>a) In any <i>development reserve district</i> or <i>industrial district</i>, or where a <i>single unit dwelling, semi-detached dwelling, <b>duplex dwelling</b>, or townhome dwelling</i> is not a permitted use in a <i>zoning district</i>; the uses in Section 5.99.80.1 are prohibited.</p> <p>b) Where a <i>dwelling</i> is located in a floodplain, an additional <i>dwelling unit</i> within a <i>basement or cellar</i> is prohibited.</p> <p>c) Where <i>two dwelling units</i> are located in a <i>main building of a single unit dwelling, <b>duplex dwelling</b>, semi-detached dwelling unit, or townhome dwelling unit</i> and one <i>dwelling unit</i> is located in an accessory building, an additional dwelling unit in any building is prohibited.</p>
<p>.5 <i>PROVISIONS</i></p>	<p>a) For an additional dwelling unit located within a basement or cellar in a dwelling not located in a floodplain,</p> <p>1. Downspouts shall be disconnected from the municipal sewer system and splash to grade;</p> <p>2. A sump pump is required. Foundation drains shall be disconnected from the</p>	<p>a) For an additional <i>dwelling unit</i> located within a <i>basement or cellar</i> in a <i>dwelling</i> not located in a <i>floodplain</i>;</p> <p>1. Downspouts shall be disconnected from the municipal sewer system and splash to grade;</p> <p>2. A sump pump is required. Foundation drains shall be disconnected from the municipal sewer and shall be connected to the sump pump;</p>

Appendix G – Official Olan and Zoning Amendment Revisions

<u>Section</u>	<u>Current Provisions</u>	<u>Amended Provisions</u> (amendments noted in <b>bold</b> lettering, deletions noted by <del>strikeout</del> )
	<p>municipal sewer and shall be connected to the sump pump;</p> <p>3. A sanitary backflow valve shall be installed in the dwelling unit located within the basement or cellar;</p> <p>all to the satisfaction of the City Engineer or Chief Building Official.</p>	<p>3. A sanitary backflow valve shall be installed in the <i>dwelling unit</i> located within the <i>basement</i> or <i>cellar</i>;</p> <p>all to the satisfaction of the City Engineer or Chief Building Official.</p>
	<p>b) For a dwelling unit located within an accessory building:</p> <p>1. There shall be direct pedestrian access between said dwelling unit and a highway.</p> <p>2. Municipal sanitary sewer, municipal electrical service and municipal water service shall be provided to said dwelling unit.</p> <p>3. Notwithstanding Section 5.10.7, any accessory building which is new construction or a new addition to an existing accessory building to include an additional dwelling unit, shall have a minimum separation of 1.20 m from a rear lot line or side lot line. This minimum separation does not apply to any portion of an existing building which is not being altered.</p> <p>4. Notwithstanding Section 5.10.9.1, for an accessory building which is constructed to</p>	<p>b) For a <i>dwelling unit</i> located within an <i>accessory building</i>:</p> <p>1. There shall be direct pedestrian access between said <i>dwelling unit</i> and a <i>highway</i>.</p> <p>2. Municipal sanitary sewer, municipal electrical service and municipal water service shall be provided to said <i>dwelling unit</i>.</p> <p>3. Notwithstanding Section 5.10.7, any <i>accessory building</i> which is new construction or a new addition to an <i>existing accessory building</i> to include an additional <i>dwelling unit</i>, shall have a minimum separation of 1.20 m from a <i>rear lot line</i> or <i>side lot line</i>. This minimum separation does not apply to any portion of an <i>existing building</i> which is not being altered.</p> <p>4. Notwithstanding Section 5.10.9.1, for an <i>accessory building</i> which is constructed to include an additional <i>dwelling unit</i>, with a flat roof, a roof having a slope of less than 20.0 degrees, or a roof with at least two contiguous slopes where the lowest slope is greater than the uppermost slope, the <i>maximum building height</i> shall be 6.0 m from <i>grade</i>.</p> <p>5. Notwithstanding Section 5.10.9.2, for an <i>accessory building</i>, which is constructed to include an <i>additional dwelling unit</i>, with a roof other than</p>

Appendix G – Official Olan and Zoning Amendment Revisions

<u>Section</u>	<u>Current Provisions</u>	<u>Amended Provisions</u> (amendments noted in <b>bold</b> lettering, deletions noted by <del>strikeout</del> )
	<p>include an additional dwelling unit, with a flat roof, a roof having a slope of less than 20.0 degrees, or a roof with at least two contiguous slopes where the lowest slope is greater than the uppermost slope, the maximum building height shall be 6.0 m from grade.</p> <p>5. Notwithstanding Section 5.10.9.2, for an accessory building, which is constructed to include an additional dwelling unit, with a roof other than described in Section 5.10.9.1, the maximum building height shall be prohibited from exceeding 8.0 m from grade.</p> <p>6. The maximum building height for an accessory building which contains an additional dwelling unit is prohibited from exceeding the building height of the main building.</p>	<p>described in Section 5.10.9.1, the maximum building height shall be prohibited from exceeding 8.0 m from <i>grade</i>.</p> <p>6. The <i>maximum building height</i> for an <i>accessory building</i> which contains an <i>additional dwelling unit</i> is prohibited from exceeding the <i>building height</i> of the <i>main building</i>.</p> <p><b>7. For any <i>accessory building</i>, which is constructed to include an additional <i>dwelling unit</i>, the <i>maximum gross floor area</i> shall be 100 m2.</b></p>
	<p>c) For any additional dwelling unit:</p> <p>1. Where the minimum lot area is expressed on a per dwelling unit basis, the minimum lot area provision shall not apply to the additional dwelling unit;</p> <p>2. For the purpose of this provision, the gross floor area shall include that portion of the main building located within a basement or cellar. For each additional dwelling unit, the minimum gross floor area shall be 40.0 m2</p>	<p>c) For any additional <i>dwelling unit</i>:</p> <p>1. Where the <i>minimum lot area</i> is expressed on a per <i>dwelling unit</i> basis, the <i>minimum lot area</i> provision shall not apply to the additional <i>dwelling unit</i>;</p> <p>2. For the purpose of this provision, the <i>gross floor area</i> shall include that portion of the <i>main building</i> located within a <i>basement</i> or <i>cellar</i>. <del>For each additional dwelling unit, the minimum gross floor area shall be 40.0 m2 and the maximum gross floor area shall be 100.0 m2.</del></p> <p>3. Notwithstanding Section 24.20.5, the required number of <i>parking spaces</i> shall be as follows:</p>

Appendix G – Official Olan and Zoning Amendment Revisions

<u>Section</u>	<u>Current Provisions</u>	<u>Amended Provisions</u> (amendments noted in <b>bold</b> lettering, deletions noted by <del>strikeout</del> )
	<p>and the maximum gross floor area shall be 100.0 m2.</p> <p>3. Notwithstanding Section 24.20.5, the required number of parking spaces shall be as follows:</p> <p>a) One parking space for the first dwelling unit; and</p> <p>b) One parking space for the second dwelling unit on a lot except for an second dwelling unit on a lot located south of the Detroit River, west of Cadillac Street or Henry Ford Centre Drive, including any lot abutting the east side of Cadillac Street or Henry Ford Centre Drive, north of Tecumseh Road, and east of Prince Road; and</p> <p>c) No parking space for the third dwelling unit on the lot. [ZNG/5630; ZNG/5926] (AMENDED BY B/L 149/2018, NOV. 21, 2018; AMENDED BY B/L 95-2019, SEPT. 27/2019, AMENDED BY B/L 78-2020, JUNE 26, 2020)</p>	<p>a) One <i>parking space</i> for the first dwelling unit; and</p> <p>b) One parking space for the second <i>dwelling unit</i> on a <i>lot</i> except for an <i>second dwelling unit</i> on a <i>lot</i> located south of the Detroit River, west of Cadillac Street or Henry Ford Centre Drive, including any lot abutting the east side of Cadillac Street or Henry Ford Centre Drive, north of Tecumseh Road, and east of Prince Road; and</p> <p>c) No <i>parking space</i> for the third <i>dwelling unit</i> on the <i>lot</i>. [ZNG/5630; ZNG/5926] (AMENDED BY B/L 149/2018, NOV. 21, 2018; AMENDED BY B/L 95-2019, SEPT. 27/2019, AMENDED BY B/L 78-2020, JUNE 26, 2020)</p>
<p><i>Section 3 - Definitions</i></p>		<p><b>Parcel of Urban Residential Land:</b></p> <p><b><i>“parcel of urban residential land” means a parcel of land that is within an area of settlement on which residential use, other than ancillary residential use, is permitted by by-law and which is served by municipal sewer and water services as defined in the Planning Act, R.S.O 1990, C.P.13”</i></b></p>



Appendix G – Official Olan and Zoning Amendment Revisions

<u>Section</u>	<u>Current Provisions</u>	<u>Amended Provisions</u> (amendments noted in <b>bold</b> lettering, deletions noted by <del>strikeout</del> )
<i>Zoning By-85-18</i>	No Provisions	<b>Inclusion of above Zoning provisions</b>



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June 2, 2023

Mr. Frank Garardo  
Senior Planner, Planning Department  
350 City Hall Square W, Suite 210  
Windsor, ON N9A 6S1

Dear Mr. Garardo:

RE: Application for Official Plan Amendment OPA-7028 and Zoning By-Law Amendment ZNG-7027  
ENTIRE CITY OF WINDSOR  
Applicant: CITY OF WINDSOR

The City of Windsor has initiated an amendment to the Official Plan and Zoning Bylaws 85-18 and 8600 concerning additional dwelling units (also referred to as accessory apartments, secondary suites, second units, or in-law flats). The purpose of the amendments is to bring the City of Windsor Official Plan and Zoning Bylaws into conformity with the *Planning Act*, which requires municipal official plans to contain policies and zoning bylaws to contain provisions authorizing the use of additional dwelling units. The proposed amendments would permit up to three dwelling units within single detached, semi-detached, duplex dwellings, and rowhouse dwellings, and/or within an accessory building located on the same property and bring the City of Windsor Official Plan into conformity with the *Bill 23, More Homes Built Faster Act, 2022* and the *Planning Act, R.S.O. 1990, c.P.13*. The following is provided as a result of our review of the Notice of Public Meeting to Consider Application for Official Plan Amendment OPA-7028 and Zoning By-Law Amendment ZNG-7027.

### **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*.

There are properties within the City of Windsor that 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 property owners proposing development within regulated areas that are subject to Section 28 of the Conservation Authorities Act will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities such as a proposed additional dwelling unit.

Any development activities proposed to be undertaken on properties that are subject to Section 28 of the Conservation Authorities Act will be required to satisfy all applicable hazard land



Mr. Garardo  
June 2, 2023

requirements for development including floodproofing, setbacks from watercourses, and safe access that are to be determined upon site specific review of a proposal.

We note that the low lying nature of various roadways within the City of Windsor may result in excess water over the roadways during a 1:100 year flood event. At the time of proposed development, the City of Windsor must confirm, through applicable emergency services (i.e. fire, police, etc.), that they have the ability to safely access this area during a 1:100 year flood event, in order to fulfill the municipality's responsibilities under Section 3.1.7 of the Provincial Policy Statement (2020).

While we recognize that additional dwelling units (ADUs) may be permitted "as of right" as a result of *Bill 23, More Homes Built Faster Act, 2022* and the *Planning Act, R.S.O. 1990, c.P.13*, we note that there may be additional challenges that arise during specific proposals as it relates to hazard land requirements for development. There may be instances where our office will be unable to issue approvals. Further to this challenge, we are recommending that the City of Windsor consider a minor amendment to the proposed policy. The current proposed language is as follows:

**Page 187 of 444 of the Standing Committee Agenda:**  
**Section 6.3.2.23: Location of Additional Dwelling Units**  
**Amended Policy (as currently proposed):**

*An Additional Dwelling Unit:*

- a) *Must be located on a parcel of urban residential land designated for residential use in the Official Plan schedules;*
- b) *Shall not be located within any part of a basement or cellar (i.e. part of a building below grade) within the floodplain areas shown on Schedule C; and*
- c) *Outside of the floodplain areas shown on Schedule C, shall not be located within any part of a basement or cellar (i.e. part of a building below grade) unless the flood mitigation criteria to be prescribed in the Zoning Bylaw has been met to the satisfaction of the Chief Building Official or City Engineer. This criteria may include:*
  - i. *Eavestrough downspouts are disconnected from the City of Windsor's sewer System;*
  - ii. *Sump pump installation;*
  - iii. *Foundation drain disconnection from the sewer system or connection to the sump pump;*
  - iv. *Requirement for a backflow sanitary valve; and*
  - v. *Where required, a sewage ejector pump has been installed in the additional unit.*



Mr. Garardo  
June 2, 2023

Our office is proposing the following amendment (in bold text):

*An Additional Dwelling Unit:*

- a) *Must be located on a parcel of urban residential land designated for residential use in the Official Plan schedules;*
- b) *Shall not be located within any part of a basement or cellar (i.e. part of a building below grade) within the floodplain areas shown on Schedule C; and*
- c) **Shall not be located within the floodplain areas shown on Schedule C, unless it can be demonstrated that all applicable natural hazard requirements can be satisfied to the satisfaction of the Essex Region Conservation Authority.**
- d) *Outside of the floodplain areas shown on Schedule C, shall not be located within any part of a basement or cellar (i.e. part of a building below grade) unless the flood mitigation criteria to be prescribed in the Zoning Bylaw has been met to the satisfaction of the Chief Building Official or City Engineer. This criteria may include:*
  - i. *Eavestrough downspouts are disconnected from the City of Windsor's sewer System;*
  - ii. *Sump pump installation;*
  - iii. *Foundation drain disconnection from the sewer system or connection to the sump pump;*
  - iv. *Requirement for a backflow sanitary valve; and*
  - v. *Where required, a sewage ejector pump has been installed in the additional unit.*

Our office would value any opportunity to discuss the above at your convenience, should it be required.

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

Please be advised that Planning Authorities are now responsible for ensuring consistency with Section 2.1 (i.e., natural heritage policies) of the current Provincial Policy Statement (PPS). Effective January 1, 2023, the Conservation Authorities Act and Ontario Regulation 596/22: *Prescribed Acts – Subsections 21.1.1 (1.1) and 21.1.2 (1.1) of the Act*, prohibits conservation authorities from commenting on these matters.

### **FINAL RECOMMENDATION**

ERCA recommends the above noted modification to Policy 6.3.2.23 to include the newly labeled item c) to address the potential challenges associated with intensification within the floodplain where hazard management criteria is either challenging or not possible to be satisfied. Additionally, and as



Mr. Garardo  
June 2, 2023

previously stated within this letter, any proposed development within regulated areas that are subject to Section 28 of the Conservation Authorities Act will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities such as a proposed additional dwelling unit. All applicable hazard land requirements for development must be satisfied.

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



James Bryant, P.Eng.,  
*Director of Watershed Management Services*  
/sr

Cc: Sydney Richmond, Regulations Analyst





**Committee Matters: SCM 174/2023**

**Subject: Zoning Bylaw Amendment Z 013-23 [ZNG-7000] - 1027458 Ontario Inc. - 0 Clover Avenue - SW Corner Clover & Wyandotte - Ward 7**

Moved by: Councillor Angelo Marignani  
Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 512**

- I That an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED**, changing the zoning of Lands Identified as Part 1 in Figure 5: Areas to be rezoned from Residential District (RD) 1.1 to Residential District (HRD) 2.3;
- II That a Hold provision **BE APPLIED** to Lands Identified as Part 1 in Figure 5: Areas to be rezoned and that it be removed when the conditions contained in Section 5.4 HOLDING ZONE PROVISIONS of City of Windsor Zoning By-law 8600 have been met;
- III That subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for the lands described as Lands Identified as Part 1 in Figure 5: Areas to be rezoned by adding site specific regulations as follow:

**4XX. South West Corner Clover Avenue & Wyandotte Street**

For the lands described as Lands Identified as Part 1 in Figure 5: Areas to be rezoned, the total area of the *required front yard* occupied by a hard surface for the purpose of a walkway, driveway, *access area*, *parking space*, or any combination thereof, exceeding 60% of the *required front yard* shall be prohibited, and,

Lot Coverage – Maximum        50%  
(ZDM 14; ZNG/7000)

- IV That an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED**, changing the zoning of Lands Identified as Part 2 in Figure 5: Areas to be rezoned from Development Reserve District (DRD) 1.1 to Green District (GD) 1.1;

Carried.

Report Number: S 65/2023  
Clerk's File: Z/14572

**Clerk's Note:**

1. The recommendation of the Development & Heritage Standing Committee and Administration are the same.
2. Please refer to Item 7.5 from the Development & Heritage Standing Committee held on June 5, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230605/-1/9413>



**Subject: Zoning Bylaw Amendment Z 013-23 [ZNG-7000] - 1027458  
Ontario Inc. - 0 Clover Avenue - SW Corner Clover & Wyandotte - Ward 7**

**Reference:**

Date to Council: June 5, 2023

Author: Jim Abbs

Senior Planner

519-255-6543 x6317

jabbs@citywindsor.ca

Planning & Building Services

Report Date: May 17, 2023

Clerk's File #: Z/14572

To: Mayor and Members of City Council

**Recommendation:**

- I **THAT** an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED**, changing the zoning of Lands Identified as Part 1 in Figure 5: Areas to be rezoned from Residential District (RD) 1.1 to Residential District (HRD) 2.3;
- II **THAT** a Hold provision be applied to Lands Identified as Part 1 in Figure 5: Areas to be rezoned and that it be removed when the conditions contained in Section 5.4 HOLDING ZONE PROVISIONS of City of Windsor Zoning By-law 8600 have been met;
- III **THAT** subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for the lands described as Lands Identified as Part 1 in Figure 5: Areas to be rezoned by adding site specific regulations as follow:

**4XX. South West Corner Clover Avenue & Wyandotte Street**

For the lands described as Lands Identified as Part 1 in Figure 5: Areas to be rezoned, the total area of the *required front yard* occupied by a hard surface for the purpose of a walkway, driveway, *access area*, *parking space*, or any combination thereof, exceeding 60% of the *required front yard* shall be prohibited, and,

Lot Coverage – Maximum        50%

(ZDM 14; ZNG/7000)

- IV **THAT** an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED**, changing the zoning of Lands Identified as Part 2 in Figure 5: Areas to be

rezoned from Development Reserve District (DRD) 1.1 to Green District (GD) 1.1;

**Executive Summary:**

N/A

**Background:**

On March 19, 2001, City Council approved an application for a plan of subdivision made by 1027458 Ontario Incorporated (J. Coco, principal) for an 87 ha parcel of land in East Riverside Secondary Plan area. The lands were generally located within the boundary of Little River Boulevard, Florence Avenue, Wyandotte Street East and Chateau Avenue (see Map Z-101/97-1). Through subsequent incremental registrations, the area south of Beverly Glen Street, and the land immediately adjacent to the North Side of Beverly Glen Street have been built out with both single and townhome dwelling units. Approximately 18 ha of the lands contained in that original draft plan remain undeveloped. The 2.30 ha site that is subject to this development application was included in the original (Z101/97) Draft plan of subdivision as Blocks 27 and 28 for Residential purposes.

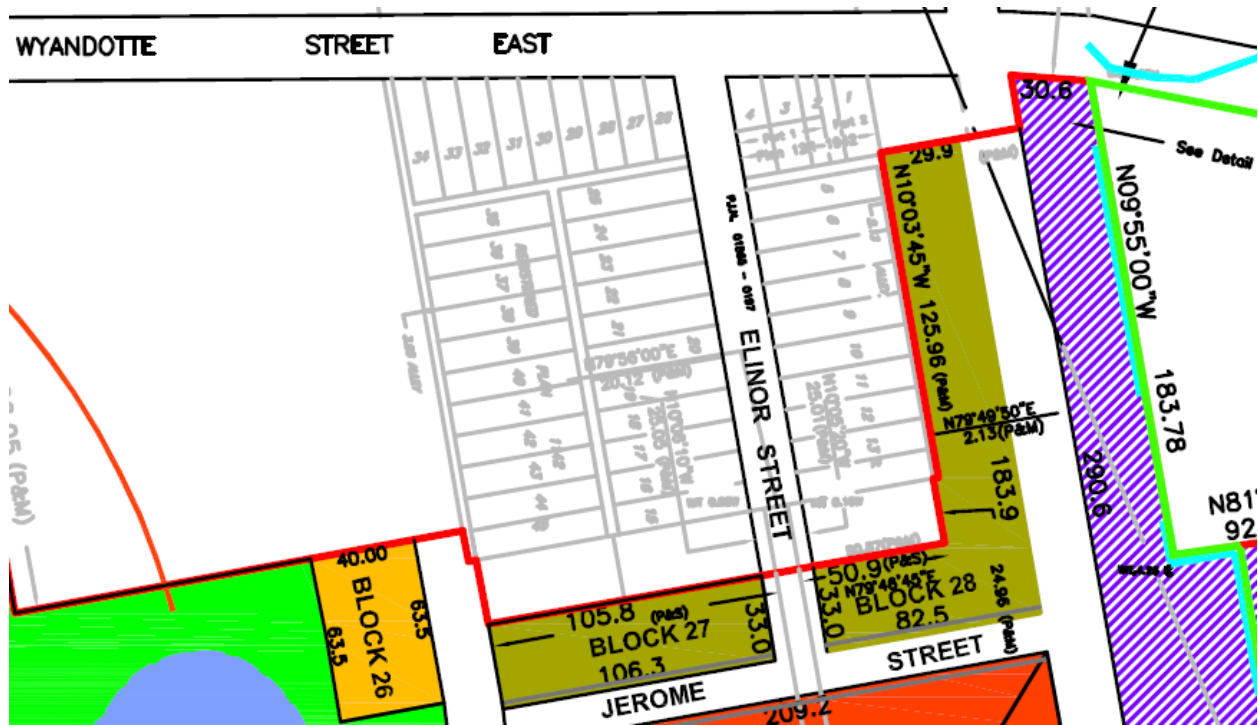


Figure 1: Excerpt - Approved Draft Plan of Subdivision





Ward: 7 Planning District: East Riverside

ZDM: 14

Registered Owner/Applicant: 1027458 Ontario Inc.

Agent: Dillon Consulting (Karl Tanner)



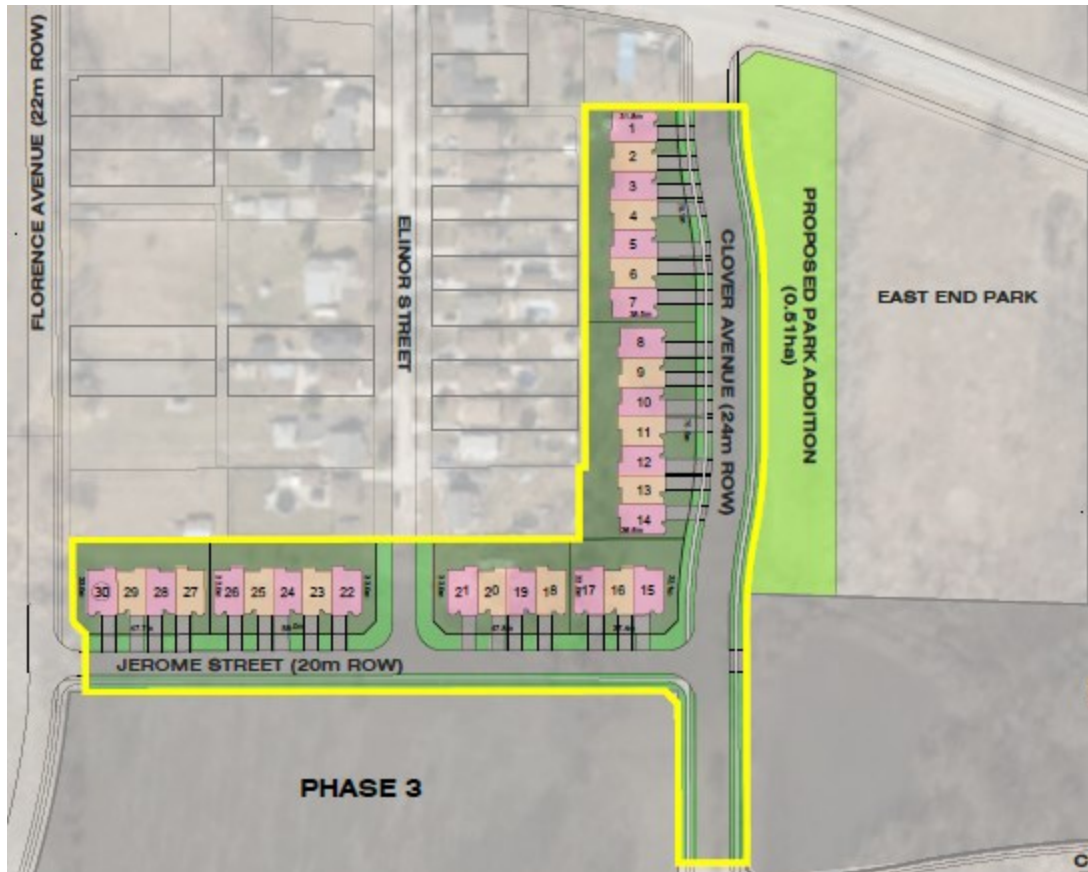
NEIGHBOURHOOD MAP - Z-013/23, ZNG/7000



SUBJECT LANDS

Figure 3

## Proposal:



**Figure 4: Concept Plan**

The proposed development would culminate with the construction of 30 townhome dwellings, 16 of the units would front Jerome Street, directly across the street from a recently approved development (Z027-22 [ZNG-6832] & OPA 163 [OPA-6833] 1027458 Ontario Inc NE Corner Florence & Beverly Glen).

The applicant is requesting a site specific Zoning By-law Amendment to the City of Windsor Zoning By-law 8600.

To permit the proposed residential development, and to provide a constant development style and regulations, a Zoning By-law Amendment is required to re-zone the subject site from Residential District (RD) 1.1 to a site specific Residential District 2.3 (RD2.3) zone with a provision for a maximum lot coverage of 50%.

### **Lands East Of Clover Avenue**

A Zoning By-law Amendment is also requested to rezone the portions of the subject site from Development Reserve District (DRD1.1) and Residential District 1.2 (RD1.2) to Green District 1.1 (GD1.1).

These portions of the subject site for the 0.51ha (1.26ac) area of proposed parkland that is to be conveyed to the City of Windsor separate from this approvals process. The conveyed parkland will be incorporated into the existing East End Park.

**Site Information:**

Official Plan	Zoning	Current Use	Previous Use
Residential Neighbourhood Land Use Plan, Secondary Plan East Riverside Planning Area ER-2:	RD1.1	Vacant	Vacant
Width	Depth	Area	Shape
+/- 190 m	+/-184 m	2.3 ha	“L-shaped” irregular
All measurements are approximate.			

**Neighbourhood Characteristics:**

This proposed residential subdivision is located at 0 Clover Avenue at the north east corner Florence Avenue and Beverly Glen Street. The site is currently vacant and is bounded as follows:

**North** - Elinor Street, Wyandotte Street East, single unit and townhouse dwellings.

**East** - Vacant/agricultural lands, Future Residential Development;

**South** – vacant land, future townhome dwellings;

**West** – existing single detached dwellings, future townhome dwellings, Future multiple dwellings; Green District/Open Spaces uses including recreation trails; Storm Water Management Facilities; Little River Pollution Control Plant; and the Little River Corridor.

**Discussion:**

**Provincial Policy Statement 2020 (PPS):**

The zoning bylaw amendment 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 amendment promotes cost-effective development by developing an under-utilized vacant site. Allowing the proposed townhomes 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. The proposed townhome development is 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 requested zoning bylaw amendment is consistent with the PPS by developing a planned residential neighbourhood on for townhome dwellings. 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 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 Plan of Subdivision is in close proximity to Transit Windsor service, and in close proximity to an extensive trail system.

### **Official Plan:**

The subject site is designated “Residential” Schedule D of the City of Windsor Official Plan. The site is also subject to the East Riverside Secondary Plan which shows the site designated Neighbourhood Residential (Schedule ER-2). The proposed development is consistent Neighbourhood Residential designation

### **Zoning:**

Most of the site is currently zoned RD1.1. The RD1.1 zone category only permits single detached residential dwellings. The applicant has requested that the zone category be changed to the RD2.3 zone category with site specific provisions that are consistent with the recently rezoned area to the south. The proposed RD2.3 zone permits the proposed Townhome dwelling use. The Residential District 2.3 (RD2.3) zone permits

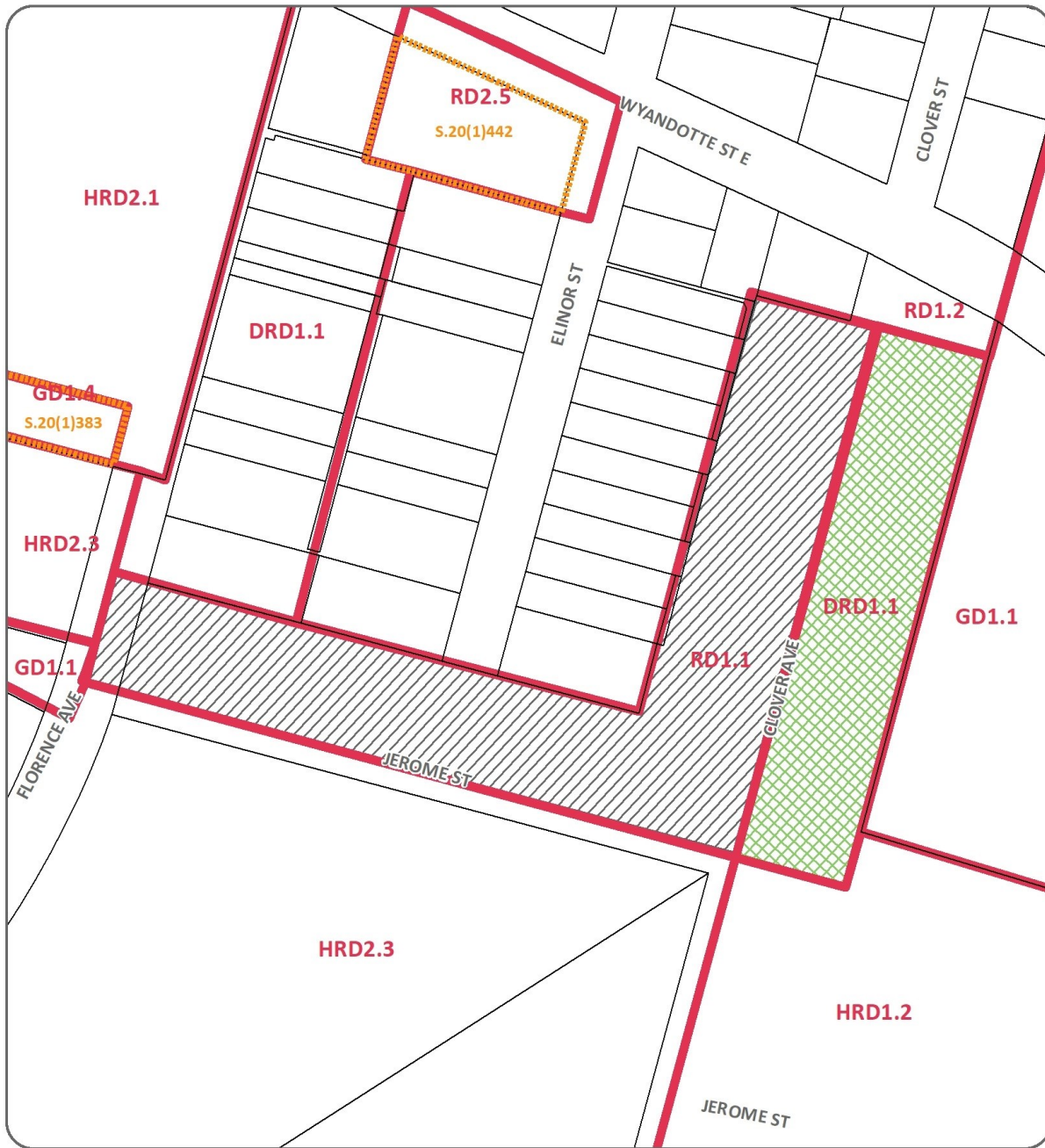
the construction of semi detached, single unit and townhome dwellings with varied lot regulations geared for each specific dwelling type. The existing draft plan of subdivision created blocks for the construction of residential dwellings that will comply with the zone regulations of the RD2.3 zone category. The proposed hold prefix will ensure that services are available to the site before building permits can be issued. The developer can apply to remove the hold provision once full municipal services are available.

Continuation of the RD2.3 Zone provisions on this site is appropriate, in that the RD2.3 zone category would be an extension of the existing zoning to the south of the site, as well as the same as the development south of Beverly Glen Street, on Peabody, Copeland and Thunderbay Avenues.

The development of townhomes using a similar building template on Copeland and Peabody Avenues required additional municipal intervention when building permits were being issued for the townhome dwellings. Committee of Adjustment applications were made and approved to resolve issues related to total lot coverage and total area of the required front yard occupied by a hard surface for the purpose of a walkway, driveway, access area or a parking space or any combination thereof.

The applicant is requesting that the total lot area for a townhome dwelling be increased from 45% of the lot area to 50% of the lot area. The increase to the permitted maximum lot coverage will allow for a higher number of dwelling units and will bring additional housing opportunity. The proposed increase in lot coverage will have no negative implications for stormwater management as demonstrated through the supporting stormwater management study submitted as part of the application. The increase in lot coverage will have no negative impact on future resident's quality of life as there are nearby amenity spaces that are accessible to residents that mitigate the loss of available lot area.

Interactions with residents after occupancy of similar townhome dwellings in this area revealed that the interface between neighbouring driveways, where 2 garages were connected was creating concerns related to the ongoing maintenance of the unpaved space. Residents looking to solve their maintenance issue did not comply with Section 24.8.1.3 of the Zoning By-law when the space between driveways was paved. To avoid future maintenance issues for future residents, Administration recommends that the maximum amount of paved area for a front yard in this development be set to 60%. It should be noted that the provision increasing the permitted paved area is written as a prohibition, and as such cannot be varied by the Committee of Adjustment. Further changes to the maximum paved area would have to be considered by Council through a Zoning Bylaw Amendment.



PART OF ZONING DISTRICT MAP 14

N.T.S.

# REZONING



Applicant: 1027458 Ontario Inc.



AREA TO BE ZONED RD2.3  
PART 1



AREA TO BE ZONED GD1.1  
PART 2

PLANNING & BUILDING DEPARTMENT

DATE : MAY, 2023  
FILE NO. : Z-013/23, ZNG/7000

**Figure 5: Area to be rezoned**

## **Risk Analysis:**

N/A

## **Climate Change Risks**

### **Climate Change Mitigation:**

The site will be subject to a subdivision 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 Virtual Public Information Centre (PIC) was held February 22, 2022 prior to the submission of the Planning Application. The applicant discussed with residents the overall development and considered comments from the residents in the final revised concept included in Official Plan and Zoning By-law Amendments and proposed Draft Plan of Subdivision. The significant difference from the plan presented in the first PIC is the removal of a multiple dwelling building on the south west corner of the site, replaced with a townhome dwellings similar to townhome dwellings throughout the site and to the south of the proposed development.

An additional in person PIC was held in December 7, 2022 that provided information related to all of the developer's proposals in the East Riverside Area, the current concept plan was available for review by the residents.

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 A – Agency Comments.

## **Conclusion:**

The proposed development that includes amendments to the City of Windsor Zoning Bylaw is consistent with the provisions of the Provincial Policy Statement, conforms to

the intent of City of Windsor Official Plan, complies with City of Windsor Zoning By-law and would provide the impetus for further development in an underutilized part of an established area.

Therefore, the proposed Zoning to create facilitate the construction of 30 new townhome dwellings does constitute good land use planning.

**Planning Act Matters:**

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

*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
Thom Hunt	City Planner
Wira Vendrasco	Deputy City Solicitor
Jelena Payne	Commissioner of Economic Development & Innovation
Joe Mancina	Chief Administrative Officer

**Notifications:**

Name	Address	Email
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
Councillor Marignani		

**Appendices:**

- 1 Agency Comments Z 013/23

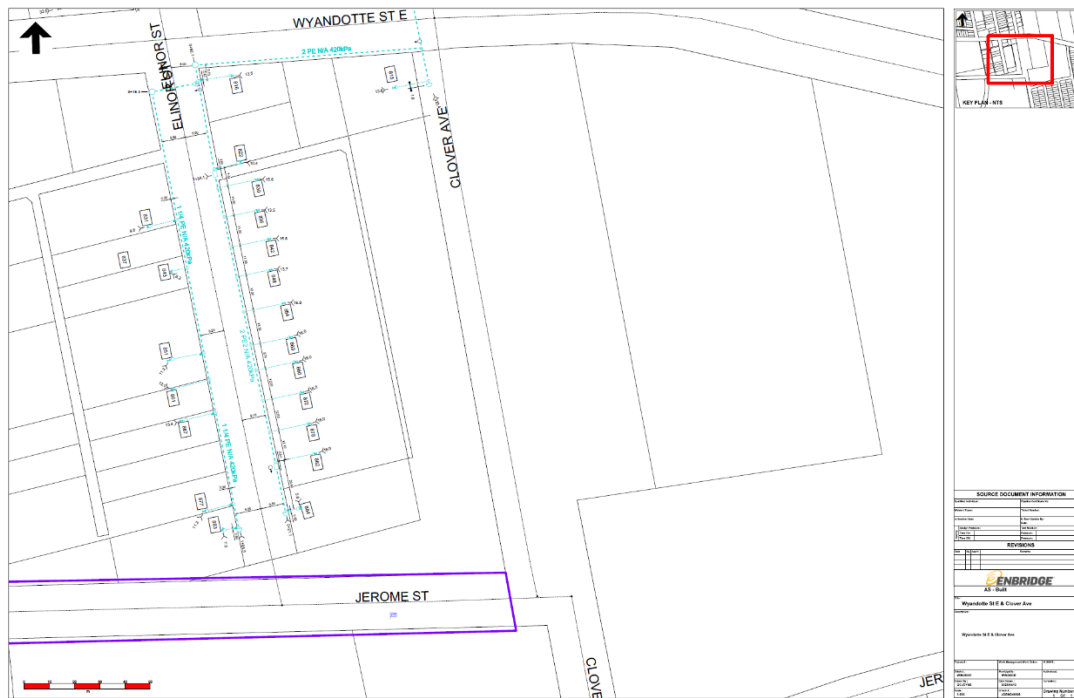
# COMMENTS Z 013/23

## ENBRIDGE

After reviewing the provided drawing at Wyandotte St E. And Clover Ave. 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



## Transit Windsor

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 to this property is located on Wyandotte at Clover Northwest Corner & Wyandotte at Florence Northwest Corner. All of the proposed development will be within our 400 metre walking distance guideline to a bus stop. This will be further enhanced with our City Council approved Transit Master Plan and approved 2023 service plan as a new local route will be introduced to this area providing two way conventional transit service versus the existing one way loop.

## COMMENTS Z 013/23

### Sherif Barsom - Natural Areas, Forestry & Parks D&D

**Karen Alexander,**

Natural Areas is concerned by the proposed development as presented for the following reasons:

1. Dillon says “no natural heritage features” in Phase 5, but there is no report or study referenced to confirm that. They say an Environmental Evaluation Report will be provided at a future date. I am not able to recommend approval for this conceptual plan for Phase 5 without reviewing the Environmental Report and associated studies for the entire development, which will be pursued at a later date no doubt.
2. SAR may be in the area; we have a record of Butler’s Gartersnake nearby but the report disregards potential habitat for Phase 5 and provides no comment on future phases. I do not recommend approving any Phase of this development until the City is content with the entire conceptual design and has in our hands the Environmental Report and SAR Screening results. We have no current vegetation surveys for East End Park.
3. The proponent has already destroyed natural heritage by removing the hedgerow site (see attached aerial images). While the City has no by-law to preserve private trees, this behaviour shouldn’t be disregarded because it may have destroyed SAR habitat and is contradicting the intent of the PPS. This is where Bald Eagles were nesting in the past. We also know these corridor features and drains are habitat for SAR, particularly Eastern Foxsnake.

Our previous comments about the entire design were submitted on Dec. 21, 2022 to Stefan:

We recommend the City request a SAR Screening at minimum and consider requesting a Class EA for this site based on the following:

- The NHIC database shows a significant potential for SAR in this area.
- We have not done thorough field assessments of natural heritage features on City land in this area.
- Our City Species at Risk (SAR) Database shows Butler’s Gartersnake within ½ km of this location (in the Little River Corridor)
- Our parcel, is zoned GD1.1 but is in natural cover, will be surrounded by this development and is the type of habitat preferred by Butler’s Gartersnake
- The trees along the hedgerows have already been removed on the site, but the existing natural area / corridor extending south from our park parcel still stands



## COMMENTS Z 013/23

- This natural cover corridor provides for wildlife and plant species movement
- All natural cover in this area is providing flood mitigation services and is very likely habitat for SAR
- The City should be doing what we can to protect the natural corridor as per our Official Plan, the Climate Change Adaptation Plan, and the SAR Act.

This development area is from Volume II of the City's Official Plan where the whole development concept for East Riverside was built around a comprehensive Greenway System. Correct me if I am wrong, but it appears that the natural cover parcel zones GD1.1 was always planned for isolation. Now, the extension of Florence Ave to Wyandotte will create a barrier to movement even if we protect that corridor. Is this an opportunity to create linkages and a more comprehensive Greenway? The Official Plan Volume II is older than the SAR Act (updated in 2022) and our Climate Change plan (2020). Could we request a discussion on alternative designs that protect and extend the corridor feature to create connectivity between our park and the Little River corridor?

**Chris Hart,**

- 1- The proposed development lies between the Little River Corridor Park to the west, and over 20 hectares of undeveloped land to the east, a significant proportion of which has natural cover, with some City-owned. The Phase 5 townhouse development, along with the proposed new road, would bisect the existing natural habitats and remove viable linkages. This loss in connectivity would lead to a decline in the quality of the individual natural features, especially to the east, as further isolation of natural habitat is planned, and occurring, i.e., Phases 1-4, 6-7. Fragmenting this habitat would see a decline in the overall health and functionality of the local ecosystem, and stray from the Environmental Quality Objectives (5.3.1) of the Official Plan.
- 2- While the natural features on the undeveloped land do not fall under the City's current Natural Heritage standards for municipal protection (5.3.3), it should be noted that section 2.1.1 of the Provincial Policy Statement (PPS), 2020, states that "Natural features and areas shall be protected for the long term." Furthermore, PPS section 2.1.2 states that "The diversity and connectivity of natural features in an area... should be maintained". A non-formal examination of the City-owned property (East End Park) indicates a variety of habitat types, including grasses and woodland, each with a diverse range of flora and fauna. The eastside of the property holds a lot water, which is highlighted by the abundance of Red-winged blackbirds, a species that breeds in wetland vegetation. Reduction and isolation of these habitats would lead to a decline in ecological quality and function.

## COMMENTS Z 013/23

- 3- While much of the land between the natural areas, i.e., East End Park and Little River Corridor Park, is old agricultural field, it still provides the potential for movement of species. The proposed development would introduce a complete barrier to movement. Furthermore, old fields are a viable habitat in their own right, playing host to a diversity of species from insects to mammals to birds. Depending on the maintenance of the field, many successional native plants could also be present.

### **Yemi Adeyeye,**

- 1- There is a City Tree on the frontage of this property on Wyandotte: a small, 12 cm Red oak. The proposed development of 2.9 hectares ( 6.9 acres) is mostly unused land. An assessment for possible SAR habitat should be conducted – Karen has noted this below
- 2- There is about 0.4 ha ( 1 acres) that is tree/shrub covered. An assessment and inventory of species and condition should be completed by a Certified arborist.
- 3- If a tree planting plan for the new sub-division is created: forestry would like to review species selection and planting areas to ensure canopy replacement and species composition

### **Sherif Barsom,**

There is a highlighted green area proposed as park addition (0.51ha.) as addition part to the East End Park. Anyway, it's welcomed to be part of the park area if land will be acquired by the City. Further details and information will be required for this new park portion pertaining the existing habitat and all existing plants on this portion.

### **Transportation Planning - Clare Amicarelli**

- Elinor Street is classified as a Local Road with a required right-of-way width of 20 meters per the Official Plan. The existing right-of-way along the frontage of the subject property is sufficient; therefore, a conveyance is not required.
- Clover Avenue is classified as a Class I Collector Road with a required right-of-way width of 24 meters per the Official Plan. The existing right-of-way along the frontage of the subject property is sufficient; therefore, a conveyance is not required.
- Jerome Street is classified as a Local Road with a required right-of-way width of 20 meters per the Official Plan. The existing right-of-way along the frontage of the subject property is sufficient; therefore, a conveyance is not required.
- A review is currently underway to determine if an Environmental Assessment (EA) is required for the Florence Avenue extension.

## COMMENTS Z 013/23

- Corner cut-offs of 4.6 meters are required along Jerome St at the intersections of Florence Ave and Clover Ave. The submitted plan shows corner cut-offs.
- The proposed curved alignment of Clover Avenue may potentially prohibit on-street parking on this segment of Clover Avenue. If the developer is proposing on-street parking, then a sight line review may be required.
- All parking must comply with Zoning By-Law 8600.
- Sidewalks are to be constructed at the owner(s) expense and according to City of Windsor Standard Specifications; concrete sidewalks along one side of each proposed local residential road and along both sides of any proposed collector roads as outlined by Engineering Right-of-Way and per the Official Plan.
- Parking restrictions and required by-law amendments will be reviewed at the engineering drawings review stage.
- Transportation Planning has received the Transportation Impact Study (TIS), "North Neighbourhood Subdivision" dated November 2022 by Mike Walkers, P.Eng. of Dillon Consulting Limited. Comments will be provided at a later time, within an updated liaison.
- 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).

### **ERCA – Karen Schnekenburger**

The City of Windsor has received an Application for Zoning By-Law Amendment for the subject property. The applicant is requesting a Zoning By-law Amendment from the current RD1.1 to a RD2.3 zone with site specific regulations to permit the proposed construction of 30, one (1)-storey residential townhome dwellings and a Zoning By-law Amendment from the current DRD1.1 to the GD1.1 zone for the proposed parkland to be conveyed to the City of Windsor. The following is provided as a result of our review of Zoning By-Law Amendment Z-013-23.

### DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

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

## COMMENTS Z 013/23

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 Little River. 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*.

### Stormwater Management

Stormwater management will need to be addressed to the satisfaction of the City and the Essex Region Conservation Authority, as ERCA has concerns with the potential impact of the quality and quantity of runoff in the downstream watercourse, due to the proposed development on this site. ERCA recommends that stormwater quality and stormwater quantity will need to be addressed up to and including the 1:100 year storm event and be in accordance with the guidance provided by the

## COMMENTS Z 013/23

Stormwater Management Planning and Guidance Manual, prepared by the Ministry of the Environment (MOE, March 2003) and the "Windsor-Essex Region Stormwater Management Standards Manual". Further comments will be provided at the time of Plan of Subdivision circulation, when more details are provided to ERCA regarding the proposed stormwater management solution through a submitted Stormwater Management Report.

### Natural Heritage

Please be advised that pursuant to Bill 23 and regulations enacted as a result, Planning Authorities are now solely responsible for ensuring consistency with section 2.1 (i.e., natural heritage policies) of the 2020 Provincial Policy Statement (PPS). Effective January 1, 2023, the current amended *Conservation Authorities Act*, specifically sections 21.1.1 (1.1) and 21.1.2 (1.1), prohibit Conservation Authority staff from providing this service. Should Planning Authorities lack internal expertise, they have the option to outsource this function to consulting firms.

### FINAL RECOMMENDATION

The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration.

Further comments will be provided at the time of Plan of Subdivision circulation, when more details are provided to ERCA regarding the proposed stormwater management solution through a submitted Stormwater Management Report.

### Engineering – Rob Perissinotti

The Applicant is requesting zoning by-law amendment from the current RD1.1 to RD2.3 to permit the proposed construction of 30, one storey residential townhome dwellings and DRD1.1 to GD1.1 for the proposed parkland to be conveyed to the City of Windsor. We have reviewed the servicing requirements for the subject lands pertinent to this application, and offer the following comments:

This site will be serviced by the storm and sanitary sewer infrastructure which will be constructed as part of the applicants' proposed Phase 3 development (Z-027-22). The existing 350mm sanitary sewer which extends south from Elinor Street and through the subject lands must be relocated at the applicants expense.

We have reviewed the Functional Servicing Report prepared by Dillon Consulting Ltd, dated November 2022. This report demonstrates that there is adequate capacity in the existing receiving municipal storm and sanitary sewers and that the North Neighbourhood Pond has adequate capacity to support the proposed development. No negative impacts will be realized by existing areas adjacent to the proposed development. An official approval of this report will be issues following a detailed review.

## COMMENTS Z 013/23

In summary we have no objection to the proposed Zoning and Official Plan amendments. The Engineering Department recommends the following conditions be included as requirements of the zoning amendment approval:

Right-of-Way – The Official Plan classifies Florence Ave as a Class II Collector road. An Environmental Assessment (EA) is to be completed by the City for Florence Ave to identify the right-of-way-width and traffic functionality requirements. Following the City's adoption of this EA, the owner agrees to construct the Florence Ave right-of-way along their entire frontage to the satisfaction of the City Engineer and at their own expense.

The owner agrees to fully construct all future municipal right-of-ways, include, but not limited to: pavements, curbs and gutters, utilities and the necessary drainage facilities, according to City of Windsor standard specification for the following road designations:

- Local Residential Roads: complete with 20 metre right-of-ways. Pavements to be twenty-eight (28) feet (8.6 metres) in width.
- Collector Roads:
  - Class 2 Collector - Florence Ave is to be constructed as per the requirements of the EA.
  - Class 1 Collector – Clover Ave: complete with a 24 metre right-of-way. Pavement to be twenty-eight (28) feet (8.6 metres) in width

Corner Cut-off – The owner agrees prior to the issuance of a construction permit to gratuitously convey 4.6m x 4.6m corner cut-offs along Jerome Street at the intersections of Florence Avenue and Clover Avenue, in accordance with City of Windsor Standards.

Plan of Subdivision Agreement - The applicant enter into an agreement with the City of Windsor for all requirements under the General Provisions of the Plan of Subdivision Agreement for the Engineering Department.

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.

ERCA Requirements – The owner(s) 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 by the City Engineer. If applicable, the Owner will obtain all necessary permits from ERCA with respect to the drainage works on the subject lands.

Sanitary Sewer Relocation – The Owner shall be responsible for the costs associated with the relocation of the sanitary sewer which presently extends south from Elinor Street and through the proposed school site. All work is to be done to the satisfaction of the City Engineer.

## COMMENTS Z 013/23

Sidewalks -The owner(s) agrees to construct at their expense and according to City of Windsor Standard Specifications, concrete sidewalks constructed to the satisfaction of the City Engineer. Sidewalks are to be constructed at the following locations:

- Florence Ave – as per the EA
- Clover Ave – along both east and west boulevards
- Jerome St – along the south boulevards

### **Stefan Fediuk**

Pursuant to the application for a zoning amendment (**Z 013/23**) to permit 30, one (1)-storey residential townhome dwellings on the subject, please note no objections. Please also note the following comments:

#### Tree and Natural Habitat Preservation:

As per Section 3.6.7 of the Planning Justification Report submitted with this application, crayfish columns have been found throughout this area. These locations can provide habitat for Butler's Garter Snakes, which is identified on SARs. The Environmental Evaluation Report and Natural Site Features Inventory and Preservation Study, will be necessary to determine any impact to this species habitat.

#### Climate Change:

The applicant is requested to provide additional vegetation where possible to help compensate for the loss of greenspace in this area while providing paved rights-of-ways. Additional trees will help to mitigate the negative heat island effect from the proposed paving.

#### Urban Design:

As found in the Planning Justification Report, the proposed development is appropriate to the current and future development proposed for this area. No additional requirements from an urban design perspective are required at this time.

#### Parkland Dedication:

The applicant is proposing 0.51 ha as an addition to the existing East End Park. This will allow for a direct connection to parkland from this development and future residential Phases 3 and 6 without the need to access from Wyandotte Street East.





planning@erca.org  
P.519.776.5209  
F.519.776.8688  
360 Fairview Avenue West  
Suite 311, Essex, ON N8M 1Y6

June 02, 2023

Mr. Jim Abbs, Senior Planner  
City of Windsor  
350 City Hall Square West, Suite 210  
Windsor, Ontario, N9A 6S1

Dear Mr. Abbs:

RE: Zoning By-Law Amendment Z-013-23 & ZNG-7000 0 WYANDOTTE ST E  
ARN 373906046021644; PIN: 015961899  
Applicant: 1027458 ONTARIO INC.

The City of Windsor has received an Application for Zoning By-Law Amendment for the subject property. The applicant is applying for a Zoning By-law Amendment from the current Residential District (RD) 1.1 to a Residential District (RD) 2.3 zone with site specific regulations to permit the proposed construction of residential townhome dwellings. The following is provided as a result of our review of Zoning By-Law Amendment Z-013-23.

## **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 Little River 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.

### **Stormwater Management**

Stormwater management will need to be addressed to the satisfaction of the City and the Essex Region Conservation Authority, as ERCA has concerns with the potential impact of the quality and quantity of runoff in the downstream watercourse, due to the proposed development on this site. ERCA recommends that stormwater quality and stormwater quantity will need to be addressed up to and including the 1:100 year storm event and be in accordance with the guidance provided by the Stormwater Management Planning and



Mr. Abbs  
June 02, 2023

Guidance Manual, prepared by the Ministry of the Environment (MOE, March 2003) and the "Windsor-Essex Region Stormwater Management Standards Manual".

Further comments will be provided through the applicable planning and development processes (i.e. Plan of Subdivision, Site Plan Control, etc.) when more details can be provided to ERCA specific to proposed development on the site. It is anticipated that excess runoff may need to be addressed through a Stormwater Management Report at that time.

### **NATURAL HERITAGE**

Please be advised that pursuant to Bill 23 and regulations enacted as a result, Planning Authorities are now solely responsible for ensuring consistency with section 2.1 (i.e., natural heritage policies) of the 2020 Provincial Policy Statement (PPS). Effective January 1, 2023, the current amended Conservation Authorities Act, specifically sections 21.1.1 (1.1) and 21.1.2 (1.1), prohibit Conservation Authority staff from providing this service. Should Planning Authorities lack internal expertise, they have the option to outsource this function to consulting firms.

### **FINAL RECOMMENDATION**

The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration. Further comments will be provided through the applicable planning and development processes (i.e. Plan of Subdivision, Site Plan Control, etc.) when more details can be provided to ERCA specific to proposed development on the site.

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Sydney Richmond  
*Regulations Analyst*  
/sr





**Committee Matters: SCM 175/2023**

**Subject: OPA & Rezoning – 1998308 Ontario Inc. – 0 Russell Street - OPA 168  
OPA/6975 Z-007/23 ZNG/6974 – Ward 2**

Moved by: Member Anthony Arbour  
Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 513**

1. That Schedule “D” of Volume 1: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by changing the land use designation of Lot 13, E/S Russell St, Registered Plan 40, Town of Sandwich (PIN 01591-0155; 0 Russell Street; Roll No. 050-160-12400), situated at Russell Street, Chippawa Street, and Wilkinson Lane, from “Business Park” to “Residential”.

2. That Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 13, E/S Russell St, Registered Plan 40 Town of Sandwich (PIN 01591-0155; 0 Russell Street; Roll No. 050-160-12400), situated at Russell Street, Chippawa Street, and Wilkinson Lane, from Manufacturing District 1.4 (MD1.4) to Residential District 3.3 (RD3.3) and by adding a site specific exception to Section 20(1) as follows:

471. **CORNER OF RUSSELL STREET, CHIPPAWA STREET AND WILKINSON LANE**

For the lands comprising of Lot 13, E/S Russell Street, Registered Plan 40, Town of Sandwich (PIN 01591-0155) the following shall apply:

1. A *townhome dwelling* is an additional permitted use and shall be subject to the additional provisions in paragraph a) below, the provisions in Section 11.2.5, and all other applicable provisions:
  - a) Subject to the satisfaction of the Chief Building Official, the following noise mitigation measures are required at time of building permit:
    - i) Exterior building components shall meet the minimum Acoustic Insulation Factors in Tables 2 and 3 of the Detailed Noise Control Study prepared by SS Wilson Associates, Consulting Engineers and dated November 22, 2022, subject to any revisions.

ii) Installation of central air conditioning

2. For any permitted use in RD3.3, the following additional provisions shall apply:

- a) Notwithstanding Sections 12.3.5.4 and 21(3), *building height* as measured from Russell Street in excess of 4 *storeys* and *building height* as measured from Wilkinson Lane in excess of 3 *storeys* shall be prohibited. For the purpose of this provision, grade means the average elevation of the crown of That part of the street identified above and abutting the subject lot.
- b) *Parking spaces* forming part of a *parking area* shall be permitted in a *front yard* and are subject to the Parking Area Provisions in Section 25.

[ZDM 4; ZNG/6975]

3. That Lot 13, E/S Russell St, Registered Plan 40, Town of Sandwich (PIN 01591-0155; 0 Russell Street; Roll No. 050-160-12400), situated at the corner of Russell Street, Chippawa Street, and Wilkinson Lane, **BE CLASSIFIED** as a Class 4 area pursuant to MOECP Environmental Noise Guideline Publication NPC-300; and, that the City Planner or their designate **BE DIRECTED** to provide a copy of the Council Resolution approving the Class 4 area classification and a copy of any development agreement or site plan agreement for the subject lands that incorporates noise mitigation measures to Windsor Port Authority (3190 Sandwich St), Lafarge Canada (3450 Russell St) and St. Mary's CBM Ready-Mix Plant (3510 Russell St).

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) Mitigation measures, including warning clauses, identified in the Detailed Noise

Control Study prepared by SS Wilson Associates, Consulting Engineers, dated November 22, 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 Department – Right-of-Way Division and City of Windsor – Transportation Planning contained in Appendix E of Report S 53/2023, subject to the approval of the City Engineer.

C. The Site Plan Approval Officer **CONSIDER** the comments from municipal departments and external agencies contained in Appendix E of Report S 53/2023.

Carried.

Report Number: S 53/2023  
Clerk's File: Z/14559 & Z/14558

**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 June 5, 2023.
3. To view the stream of this Standing Committee meeting, please refer to: <http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230605/-1/9413>

**Subject: OPA & Rezoning – 1998308 Ontario Inc. – 0 Russell Street -  
OPA 168 OPA/6975 Z-007/23 ZNG/6974 – Ward 2**

**Reference:**

Date to Council: June 5, 2023  
Author: Adam Szymczak, MCIP, RPP  
Senior Planner  
519-255-6543 x6250  
aszymczak@citywindsor.ca

Planning & Building Services  
Report Date: April 26, 2023  
Clerk's File #: Z/14559 & Z/14558

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

**Recommendation:**

1. THAT Schedule "D" of Volume 1: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by changing the land use designation of Lot 13, E/S Russell St, Registered Plan 40, Town of Sandwich (PIN 01591-0155; 0 Russell Street; Roll No. 050-160-12400), situated at Russell Street, Chippawa Street, and Wilkinson Lane, from "Business Park" to "Residential".

2. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 13, E/S Russell St, Registered Plan 40 Town of Sandwich (PIN 01591-0155; 0 Russell Street; Roll No. 050-160-12400), situated at Russell Street, Chippawa Street, and Wilkinson Lane, from Manufacturing District 1.4 (MD1.4) to Residential District 3.3 (RD3.3) and by adding a site specific exception to Section 20(1) as follows:

**471. CORNER OF RUSSELL STREET, CHIPPAWA STREET AND  
WILKINSON LANE**

For the lands comprising of Lot 13, E/S Russell Street, Registered Plan 40, Town of Sandwich (PIN 01591-0155) the following shall apply:

1. A *townhome dwelling* is an additional permitted use and shall be subject to the additional provisions in paragraph a) below, the provisions in Section 11.2.5, and all other applicable provisions:
  - a) Subject to the satisfaction of the Chief Building Official, the following noise mitigation measures are required at time of building permit:
    - i) Exterior building components shall meet the minimum Acoustic Insulation Factors in Tables 2 and 3 of the Detailed Noise Control Study prepared by SS Wilson Associates, Consulting

Engineers and dated November 22, 2022, subject to any revisions.

ii) Installation of central air conditioning

2. For any permitted use in RD3.3, the following additional provisions shall apply:

- a) Notwithstanding Sections 12.3.5.4 and 21(3), *building height* as measured from Russell Street in excess of 4 *storeys* and *building height* as measured from Wilkinson Lane in excess of 3 *storeys* shall be prohibited. For the purpose of this provision, grade means the average elevation of the crown of that part of the street identified above and abutting the subject lot.
- b) *Parking spaces* forming part of a *parking area* shall be permitted in a *front yard* and are subject to the Parking Area Provisions in Section 25.

[ZDM 4; ZNG/6975]

3. THAT Lot 13, E/S Russell St, Registered Plan 40, Town of Sandwich (PIN 01591-0155; 0 Russell Street; Roll No. 050-160-12400), situated at the corner of Russell Street, Chippawa Street, and Wilkinson Lane, **BE CLASSIFIED** as a Class 4 area pursuant to MOECP Environmental Noise Guideline Publication NPC-300; and, THAT the City Planner or their designate **BE DIRECTED** to provide a copy of the Council Resolution approving the Class 4 area classification and a copy of any development agreement or site plan agreement for the subject lands that incorporates noise mitigation measures to Windsor Port Authority (3190 Sandwich St), Lafarge Canada (3450 Russell St) and St. Mary's CBM Ready-Mix Plant (3510 Russell St).

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) Mitigation measures, including warning clauses, identified in the Detailed Noise Control Study prepared by SS Wilson Associates, Consulting Engineers, dated November 22, 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 Department – Right-of-Way Division and City of Windsor – Transportation Planning contained in Appendix E of Report S 53/2023, subject to the approval of the City Engineer.



C. The Site Plan Approval Officer **CONSIDER** the comments from municipal departments and external agencies contained in Appendix E of Report S 53/2023.

**Executive Summary:**

N/A

**Background:**

**Location:** 0 Russell Street; Situated at Russell Street, Chippawa Street, and Wilkinson Lane; Lot 13, E/S Russell St, Registered Plan 40, Town of Sandwich; PIN 01591-0155; Roll No. 050-160-12400

**Ward:** 2      **Planning District:** Sandwich      **Zoning District Map:** 4

**Applicant:** 1998308 Ontario Inc. (Abdullah Kayali)

**Agent:** Pillon Abbs Inc., Tracey Pillon-Abbs, MCIP, RPP

**Proposal:**

Applicant is requesting an amendment to Schedule D: Land Use in the City of Windsor Official Plan from Business Park to Residential and an amendment to Zoning By-law 8600 from Manufacturing District 1.4 (MD1.4) & S.20(1)236 to Residential District 3.3 (RD3.3), S.20(1)236 and a new site specific exception to allow the construction of a Multiple Dwelling with a maximum building height of 15 m containing 28 dwelling units over four storeys. A total of 4 bicycle parking spaces and 35 parking spaces including two accessible parking spaces are proposed. The parking area is located along Russell Street with vehicular access from the same street.

Chippawa Street is the front lot line per Zoning By-law 8600. Due to a change in elevation on the parcel, the ground floor of the building is approximately at grade from Russell Street and the second floor is at grade from Wilkinson Street. Two pedestrian entrances – one facing Russell, one facing Wilkinson Lane – are proposed.

The applicant is proposing a multiple dwelling, however, they also request a Townhome Dwelling as an additional permitted use as an alternative development. Section 3.0 in the PRR provides further development details. All site plans, floor plans, and elevations are conceptual and subject to change. Any development may be subject to site plan control. A Plan of Condominium may be submitted in the future.

**Submitted Materials:**

Attached to this report as an Appendix:

Site Plan Conceptual (see Appendix A); Floor Plans & Elevations (see Appendix B)  
Planning Rationale Report (PRR) (see Appendix C)

Not attached to this report but available [online](#) or via [email](#):

Applications - Official Plan Amendment & Zoning By-law Amendment  
Archaeology Report & Archaeology Report – Ontario Public Register  
Geotechnical Investigation  
Noise Control Study  
Topographic Survey

All documents are available online via the Current Development Applications [page](#) (click on Z-007/23) or via email at [aszymczak@citywindsor.ca](mailto:aszymczak@citywindsor.ca)

**Site Information:**

OFFICIAL PLAN	ZONING	CURRENT USE	PREVIOUS USE
Business Park (Schedule D)	Manufacturing District 1.4 (MD1.4) S.20(1)236	Vacant	Vacant
LOT FRONTAGE CHIPPAWA STREET	LOT FRONTAGE RUSSELL STREET	LOT AREA	LOT SHAPE
57.5 m	62.9 m	3,622 m <sup>2</sup>	Rectangular
188.6 ft	206.3 ft	38,986 ft <sup>2</sup>	
<i>All measurements are provided by the applicant and are approximate.</i>			

**Neighbourhood:**

The subject parcel is at the corner of Russell Street, Chippawa Street and Wilkinson Lane. Site images are provided in Appendix D. Section 2.0 in the Planning Rationale Report provides additional site and neighbourhood details.

To the north is the a three-storey multiple dwelling (Colony Apartment 3388 Sandwich), low profile residential on the west side Sandwich Street, and General Brock Public School. Along the east side of Sandwich, north of Chippawa, is a two-storey mixed use building, several three-storey multiple dwelling buildings, low-profile residential, St. John’s Church and Cemetery, and McKenzie Hall Cultural Centre. The Sandwich Town commercial district at Sandwich and Mill is about 500 m to the northeast.

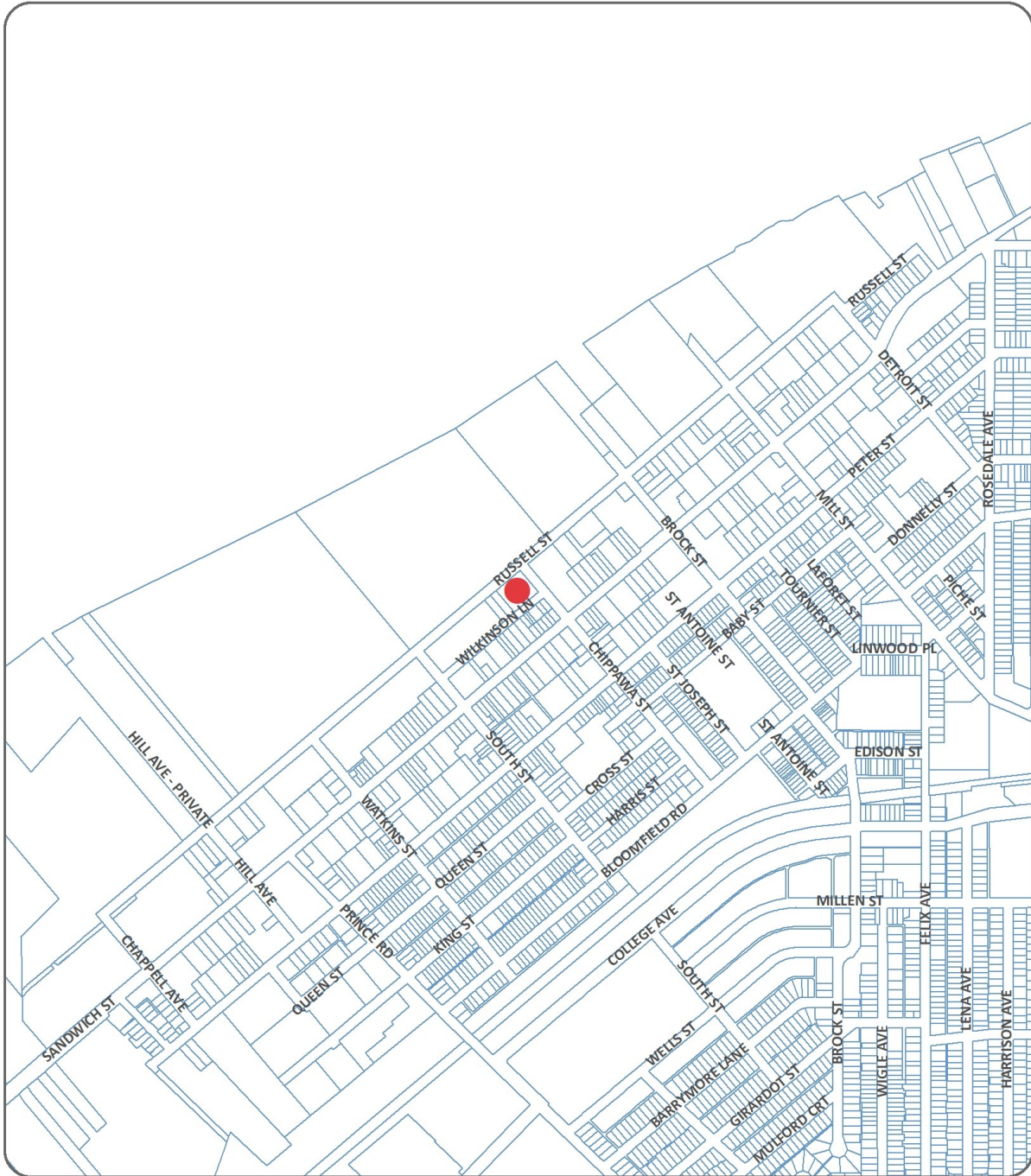
To the east is low profile residential between Wilkinson and Sandwich, multiple dwelling buildings on the east side of Sandwich, and a mix of low profile residential and multiple dwelling buildings on Peter Street and beyond. To the south east, on the west side of Sandwich is a mix of vacant parcels, low profile residential, and office and commercial uses. To the south is a commercial/industrial building (3434 Wilkinson Lane). a single unit dwelling with a detached garage at 3440 Wilkinson Lane, and a vacant parcel.

To the west is Lafarge Aggregates, an Aggregate Storage Facility. The Detroit River is further west which is the international boundary between Canada and the United States of America. The Detroit River is a significant international shipping lane.

Per Schedule F: Roads and Bikeways in the City of Windsor Official Plan, Russell Street, Chippawa Street and Wilkinson Lane are Local Roads with a rural cross section with no curbs or sidewalks. Sandwich Street to the east is classified a Class II Arterial Road with four lanes (two travel lanes and two parking lanes), curbs and sidewalks. Public Transit is available via the Crosstown 2 bus route with the nearest stops about 100 m to the east at Sandwich and Chippawa. The Transit Master Plan will enhance access to public transit with two bus routes proposed.

Access to a sanitary trunk sewer on Russell Street will require a sanitary sewer extension. Storm water discharge is to the roadside ditch.

Figure 1: Key Map



KEY MAP - Z-007/23, ZNG-6974, OPA 168, OPA-6975



● SUBJECT LANDS

**Figure 2: Subject Parcel – Official Plan Amendment**

**SCHEDULE D**

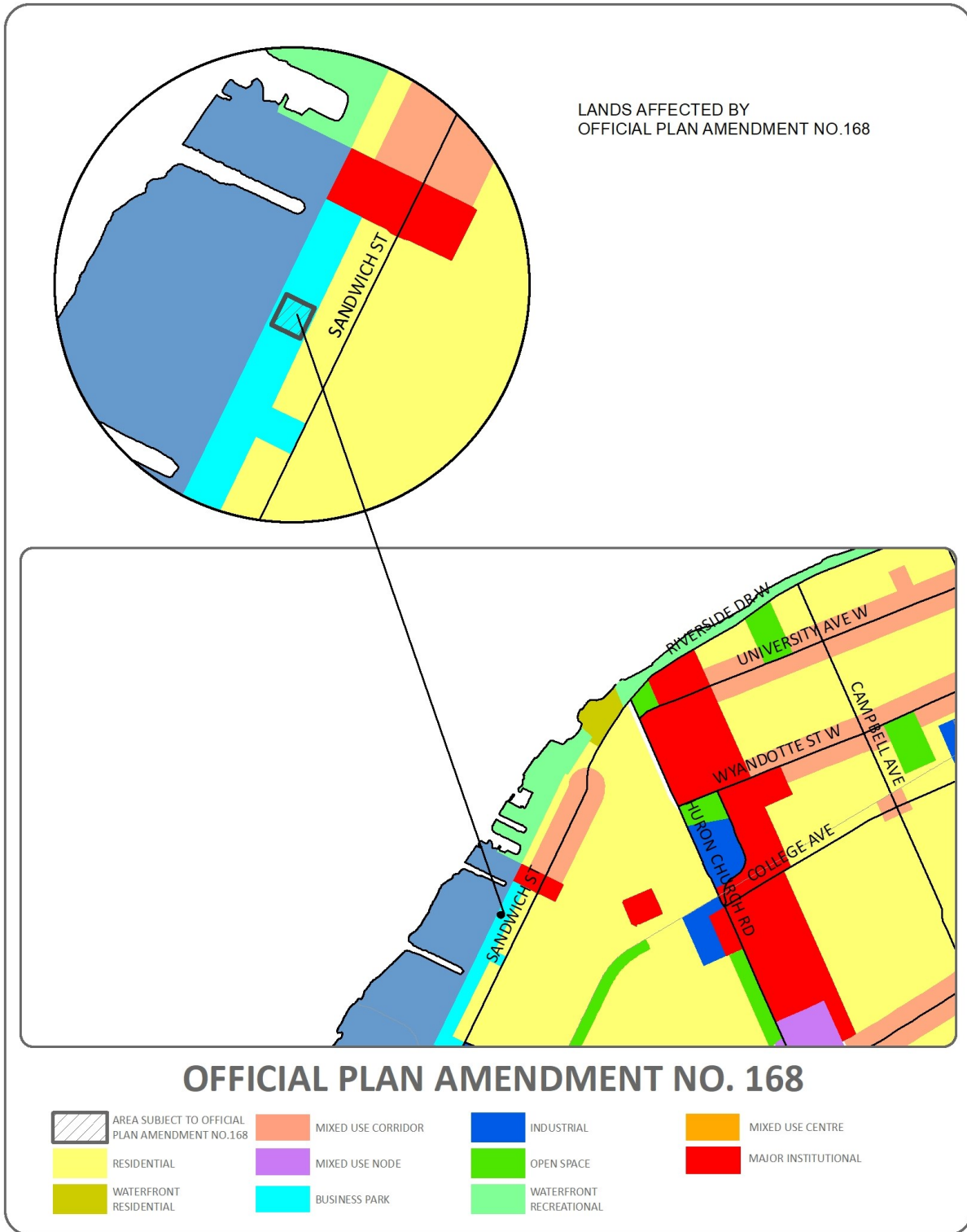




Figure 3: Subject Parcel - Rezoning

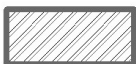


PART OF ZONING DISTRICT MAP 4

N.T.S.

## REZONING

Applicant: 1998308 Ontario Inc. (Abdullah Kayali)



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : MARCH, 2023  
FILE NO. : Z-007/23, ZNG/6974

Figure 4: Neighborhood Map



NEIGHBOURHOOD MAP - Z-007/23, ZNG-6974  
OPA 168, OPA-6975



SUBJECT LANDS

## **Discussion:**

### **Archaeological Report (Amick Consultants Limited, 2021 October 25)**

No archaeological resources were encountered during the Stage 2 Property Assessment of the study area. The report recommends that:

1. *No further archaeological assessment of the study area is warranted;*
2. *The Provincial interest in archaeological resources with respect to the proposed undertaking has been addressed;*
3. *The proposed undertaking is clear of any archaeological concern.*

The report was reviewed and entered into the “Ontario Public Register of Archaeological Reports” on December 20, 2021. The Ministry of Heritage, Sport, Tourism, and Culture Industries (MHSTCI) was “satisfied that the fieldwork and reporting for the archaeological assessment are consistent with the ministry’s 2011 *Standards and Guidelines for Consultant Archaeologists* and the terms and conditions for archaeological licences.”

The City of Windsor Heritage Planner has no concerns. A final GIS shape file of the study area for municipal records is required.

### **Geotechnical Investigation Report (CT Soil & Materials Engineering Inc., 2022 October 24)**

The report notes that test holes “reveal the shallow subsurface are consistent conditions in terms of soil composition and undrained shear strength consistency for foundations located at shallow depths”. The comments and recommendations in this report will be used in the design and construction of the proposed building. The report notes that “building loads were not provided at the time of completion of the report. Once known, we recommend that Soil and Materials Engineering Inc. be contacted to complete a geo-structural analysis for the proposed building interaction with the soil.”

### **Noise Control Study (SS Wilson Associates, 2022 November 22)**

The study notes the following minimum requirements for noise control measures:

- a) Designating the subject area as a Class 4 area in accordance with the Ministry of Environment, Conservation & Parks (MOECP) procedures in the study & NPC-300;
- b) Installation of air conditioning units in all the dwelling units in the subject building;
- c) Application of the required special warning clauses;
- d) Specifications of appropriate window glazing as described in this report;
- e) Balconies shall be less than 4 m in depth.

Recommendation 3 in Report S 53/2023 implements requirement a) above regarding the Class 4 designation. Recommendation 4 provides direction to the Site Plan Approval Officer regarding updates to any submitted documents, the inclusion and implementation of noise mitigation measures identified in the Noise Control Study (measures b through e above) and the consideration of comments from municipal departments and external agencies.



## **Planning Rationale Report (PRR) (Pillon Abbs Inc., 2023 February 16)**

The PRR notes that the site is “*capable of accommodating the proposed development in terms of scale, massing, height and siting*”, that “*on-site parking and landscaping will be provided*”, and that the proposed development is a “*compatible density with the surrounding area*”.

The PRR states that the “*proposal addresses the need for the City to provide infilling development, which contributes to affordability and intensification requirements set out in the PPS and the OP.*” Further, the development “*represents an efficient development pattern that optimizes the use of land. The Site currently has been vacant and underutilized.*”

The City of Windsor Planning Department generally concurs with the information, analysis, and conclusions in the PRR.

### **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 multiple dwelling 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. No significant servicing issues were identified.

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 Windsor Port Authority owns the land on the west side of Russell Street on which an aggregate storage facility (Lafarge) is located on and has no comments regarding the applications. It notes that “*measures are taken to address fugitive dust from the piles however in extreme wind events, the dust is known to become air borne*”. Both the cement batching facility (CBM-St. Mary’s Cement) and Lafarge have approved ECA (Environmental Compliance Approval) and dust mitigation plans from the MOECP.

The Applicant submitted a Noise Control Study that recommends designating the subject parcel as a Class 4 area in accordance with the MOECP procedures set forth in the Noise Control Study and NPC-300. The Class 4 designation allows noise sources to meet a higher noise threshold, which may reduce or eliminate the degree of mitigation required by the noise source.

The amendments to allow the proposed development are consistent with the overall policy direction of the PPS.

The Planning Division generally concurs with the PPS 2020 analysis in Section 5.1.1 of the Planning Rational Report submitted by the Applicant.

### **Official Plan:**

The subject property is designated Business Park on Schedule D: Land Use in Volume I: The Primary Plan and is within the Olde Sandwich Towne Community Improvement Plan Area in Section 1.27 of Volume II: Secondary Plans and Special Areas.

The applicant is requesting an amendment by changing the land use designation from “Business Park” to “Residential” to allow residential uses on the subject parcel.

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 6.1.5 seeks convenient and viable areas for the purchase and sale of goods and services. Goal 6.1.10 is to achieve pedestrian oriented clusters of residential, commercial, employment and institutional uses.

Section 6.3 provides policy direction for residential uses. 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 selective residential redevelopment, infill and intensification initiatives.

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 full municipal services, be provided with public transit, and adequate community services and open spaces are available or planned. The parcel has access to Sandwich Street via Chippawa Street. Public transit is available on the Crosstown 2 bus route, full municipal services are available, and parks and schools are located within walking distance.

The Noise Control Study notes that noise from multiple transportation and stationary sources can be mitigated through the use of appropriate construction materials, the use of HVAC systems to allow the closure of windows, and with standard warning clauses in the Site Plan Agreement and Offers to Sell and Purchase. The Noise Control Study

recommends that the parcel be classified as a Class 4 area under the MOECP Environmental Noise Guideline (NPC-300).

When Official Plan Amendment 168 is 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.

The Planning Division generally concurs with the Official Plan analysis in Section 5.1.2 of the Planning Rational Report submitted by the Applicant.

### **Zoning By-Law 8600:**

The parcel is zoned Manufacturing District 1.4 (MD1.4) which permits a range of business park uses and light-industrial uses.

The applicant is requesting an amendment to Zoning By-law 8600 changing the zoning from MD1.4 to Residential District 3.3 (RD3.3). The site specific exception allows a townhome dwelling as an additional permitted use that is subject to the townhome dwelling provisions in Section 11.2.5 in Zoning By-law 8600, allows a maximum building height of four storeys as measured from Russell Street and three storeys as measured from Wilkinson Lane, and allows parking spaces located within a parking area to be located in a front yard.

For this development, the front lot line is adjacent to Chippawa Street, the side lot lines are adjacent to Russell Street and Wilkinson Lane, and the rear lot line is the interior lot line adjacent to 3434 Wilkinson Lane.

Typically, any reference to storey identifies the number of floors at and above grade in a building, and may be subject to change. For a building with a flat roof, building height is the vertical distance in metres between grade and the highest point of the roof. Metres is the standard or typical measurement unit of building height in Zoning By-law 8600. However, site specific exception 20(1)236 prohibits buildings having a height exceeding two storeys.

From Russell Street, the proposed building will have a maximum of four stories. An entrance from the parking area, dwelling units and storage space will be located in the ground floor. From Wilkinson Lane, the proposed building will appear as a three-storey building, and will have an entrance to the second floor from Wilkinson Lane.

The proposed four-storey building exceeds the two-storey limit in site specific exception 20(1)236. The current MD1.4 zoning permits a building having a height of 20 metres, which is equal to 4 to 5 stories. The proposed multiple dwelling is equal to or less than what is permitted in the MD1.4 zoning district. The increase in building height is consistent with the existing three-storey multiple dwelling to the northeast and other multiple dwellings along Sandwich Street.

The proposed multiple dwelling development complies with all other applicable zoning provisions.

The Applicant did not provide a conceptual site plan for a townhome dwelling. Any townhome dwelling shall comply with the townhome dwelling provisions in the RD2.2 zoning (Section 11.2.5.5).

### **Site Plan Control:**

Where applicable. Site Plan Control will be the primary planning tool to implement the policies 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 to the City Planner, Deputy City Planner, and the Site Plan Approval Officer. The Planning Act exempts residential development with 10 or fewer dwelling units from Site Plan Control.

### **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 improved stormwater management.

### **Financial Matters:**

N/A

### **Consultations:**

Comments received from municipal departments and external agencies are attached as Appendix E. The requirements and comments will be considered and incorporated during the Site Plan review process, where applicable.

Public Notice: Statutory notice was advertised in the Windsor Star, a local newspaper. A courtesy notice was mailed to property owners and tenants within 120m of the subject parcel. Submitted documents were posted on the City of Windsor [website](#).

### **Conclusion:**

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 official plan and zoning amendments have been evaluated for consistency with the Provincial Policy Statement 2020 and conformity with the policies of the City of Windsor 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, to change the land use designation from ‘Business Park’ to ‘Residential’, is consistent with the PPS 2020 and is in general conformity with the City of Windsor Official Plan.

The requested amendment to Zoning By-law is consistent with the PPS 2020 and will be in conformity with the City of Windsor Official Plan when OPA 168 is approved.

The proposed amendment will provide a modern housing type. When applicable, site plan control is an appropriate tool to incorporate the requirements 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.

Neil Robertson, MCIP, RPP  
 Manager of Urban Design

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
Neil Robertson	Manager of Urban Design / Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal & Real Estate Services
Jelena Payne	Commissioner, Economic Development & Innovation
Joe Mancina	Chief Administrative Officer

**Notifications:**

Name	Address	Email
Abdullah Kayali c/o 1998308 Ontario Inc.	4352 Pioneer Avenue Windsor, ON N9G 2W9	<a href="mailto:a.kayali.cytomed@gmail.com">a.kayali.cytomed@gmail.com</a>
Pillon Abbs Inc. Tracey Pillon-Abbs	23699 Prince Albert Road Chatham, ON N7M 5J7	<a href="mailto:tracey@pillonabbs.ca">tracey@pillonabbs.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 - Site Plan Conceptual
- 2 Appendix B - Floor Plans & Elevations
- 3 Appendix C - Planning Rationale Report
- 4 Appendix D - Site Images
- 5 Appendix E - Results of Circulation

















# PLANNING RATIONALE REPORT

## OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS PROPOSED RESIDENTIAL DEVELOPMENT

0 Russell Street  
PLAN 40 LOT 13  
City of Windsor, Ontario

February 16, 2023

Prepared by:



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# Table of Content

1.0	INTRODUCTION	3
2.0	SITE AND SURROUNDING LAND USES	4
2.1	Legal Description and Ownership	4
2.2	Physical Features of the Site	5
2.2.1	Size and Site Dimension	5
2.2.2	Existing Structures	6
2.2.3	Vegetation and Soil	6
2.2.4	Topography and Drainage	6
2.2.5	Other Physical Features	6
2.2.6	Municipal Services	6
2.2.7	Nearby Amenities	6
2.3	Surrounding Land Uses	7
3.0	DEVELOPMENT PROPOSAL	10
3.1	Proposal	10
4.0	PROPOSED APPLICATION & AMENDMENT	17
4.1	Official Plan Amendment	17
4.2	Zoning By-Law Amendment	17
4.3	Other Application	17
4.4	Public Consultation Strategy	18
4.5	Supporting Studies	19
4.5.1	Archaeological Assessment	19
4.5.2	Geotechnical Study	19
4.5.3	Noise	19
5.0	PLANNING ANALYSIS	20
5.1	Policy and Regulatory Overview	20
5.1.1	Provincial Policy Statement (PPS), 2020	20
	0 Russel St., Windsor, Ontario	1



5.1.2 Official Plan (OP)	31
5.1.3 Zoning By-law (ZBL)	38
6.0 SUMMARY AND CONCLUSION	43
6.1 Context and Site Suitability Summary	43
6.1.1 Site Suitability	43
6.1.2 Compatibility of Design	43
6.1.3 Good Planning	43
6.1.4 Natural Environment Impacts	44
6.1.5 Municipal Services Impacts	44
6.1.6 Social and/or Economic Conditions	44
6.2 Conclusion	44

## 1.0 INTRODUCTION

I have been retained by 1998308 ONTARIO INC. (herein the “Applicant”), to provide a land use Planning Rationale Report (PRR) in support of a proposed development located at 0 Russell Street (herein the “Site”) in the City of Windsor, in the Province of Ontario.

The Site is currently vacant and is in an area of transition whereby fewer industrial activities are operating, which is creating an attractive area for residential uses.

It is proposed to use the Site for residential. The residential use will offer a new housing choice in the area.

It is proposed to construct a four (4) storey residential multiple dwelling with a total of 28 residential units. Tenure form will be freehold (condominium).

Parking for 35 spaces is proposed to be located on-site.

The Applicant would also like the option to construct townhome dwellings in case the market does not support a multiple dwelling. Tenure will also be freehold.

A site specific Official Plan Amendment (OPA) and site specific Zoning By-law Amendment (ZBA) are required in support of the proposed development.

Once the OPA and ZBA have been approved, the Applicant will proceed with a Site Plan Control (SPC) Application and Draft Plan of Condominium (CONDO).

Pre-submission was completed (City File #PS-044/21).

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 the intent of the City of Windsor ZBL and represents good planning.

## 2.0 SITE AND SURROUNDING LAND USES

### 2.1 Legal Description and Ownership

The Site has been owned by 1998308 Ontario Inc. since 2021 and is made up of one (1) parcel located on a corner, on the east side of Russell Street, on the south side of Chippawa Street and on the west side of Wilkinson Line (see Figures 1a – Site Location, Street View 1a – Chippawa Street).

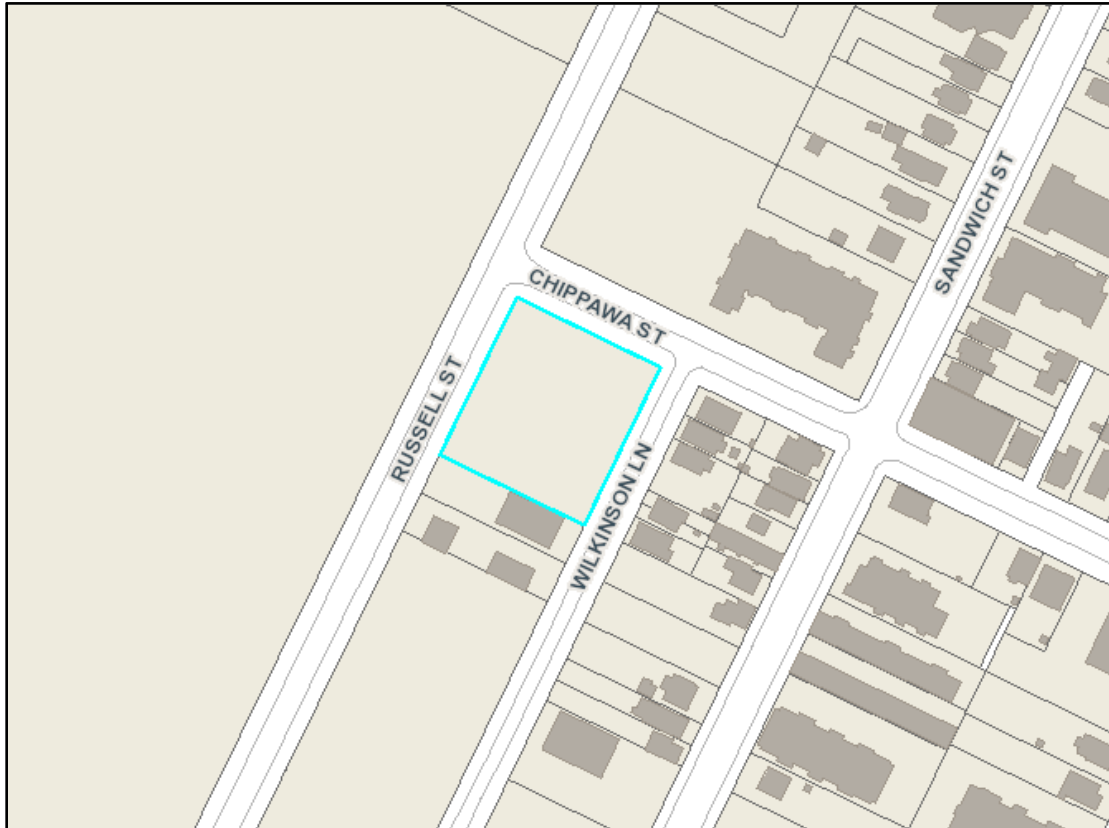


Figure 1a – Site Location (Source: City of Windsor GIS)



Street View 1a – Chippawa Street (Source: Pillon Abbs Inc.)

The Site is locally known as 0 Russell Street and legally described as LT 13, E/S Russell St Pl 40, Town of Sandwich; Windsor, PIN 0159-0155 (ARN 050-150-12400).

The Site is currently grassland and has remained as such for over 40 years; however, historic air photos show an undefined rectangular feature in the north-east corner of the property present in 1931 and some gravel within the property, the select air photo is not displayed within this report.

## 2.2 Physical Features of the Site

### 2.2.1 Size and Site Dimension

The Site consists of a total area of approximately 3,622 m<sup>2</sup> with 62.90 m of depth along Russell Street and Wilkinson Line and a frontage of 57.5 m along Chippawa Street.

The Site is a corner lot.

### **2.2.2 Existing Structures**

The Site is currently vacant, with no buildings or structures.

### **2.2.3 Vegetation and Soil**

The Site is currently grassed.

Soil type is Burford Loam (Bg).

### **2.2.4 Topography and Drainage**

The Site is level and is within the regulated area of the Essex Region Conservation Authority (ERCA). The required permits will be obtained, if required.

The Site is within the Windsor Area Drainage Subwatershed.

There is a swale located along Russell Street.

The Site is within a Sourcewater Protection Event Base Area (EBA).

### **2.2.5 Other Physical Features**

There are no other physical features of the Site.

There is an existing wood fence along the north side of the Site.

### **2.2.6 Municipal Services**

The property has access to municipal water, storm and sanitary services. There is a fire hydrant at the corner of Russell Street and Chippawa Street.

Streetlights are located on Russell Street, Chippawa Street and Wilkinson Line. There are no sidewalks.

There are existing on-street parking in the area.

The Site has access to transit with the closest bus stop at the corner of Chippawa Street and Sandwich Street (Stop ID: 1216) which is part of bus #2.

### **2.2.7 Nearby Amenities**

There are several schools nearby, including General Brock Public School and Islamic Academy and Maryvale School.

There are many parks and recreation opportunities in close proximity to the Site, including Bradley Park, Mary E Bibb Park and Queens Dock.

There is nearby shopping in the form of plazas and malls as well as employment, places of worship and local/regional amenities.

The Site is located close to mayor transportation corridors, include the Ambassador Bridge.

## 2.3 Surrounding Land Uses

Overall, the Site is located within an existing mixed-use area with residential and employment lands.

The Site is currently vacant and is in an area of transition whereby fewer industrial activities are operating. A site visit was conducted on December 19, 2021(Photo Source: Pillon Abbs Inc).

**North** – The lands directly north of the Site are used for medium density residential (see Photo 1 - North).



Photo 1 - North



**South** – The lands directly south of the Site are used for low density residential (see Photo 2 - South).



Photo 2 - South

**East** – The lands east of the Site are used for low density residential (see Photo 3 - East).



Photo 3 - East



**West** – The lands west of the Site are used for aggregate storage/distribution facility and further to the southwest used for a concrete batching plant (see Photo 4 - West).



Photo 4 - West

# 3.0 DEVELOPMENT PROPOSAL

## 3.1 Proposal

The Applicant proposes to develop the Site for residential purposes.

The Site is currently vacant and is in an area of transition whereby fewer industrial activities are operating, which is creating an attractive area for residential uses.

It is proposed to use the Site for residential. The residential use will offer a new housing choice in the area.

It is proposed to construct a four (4) storey residential building with a total of 28 residential units. Tenure form will be freehold (condominium).

The Applicant would also like the option to construct townhome dwellings in case the market does not support a multiple dwelling. Tenure will also be freehold.

Parking for 35 spaces is proposed to be located on-site.

A Concept Plan has been prepared by Ziad Architect, dated 3/21/2021 (see Figure 2a – Concept Plan).

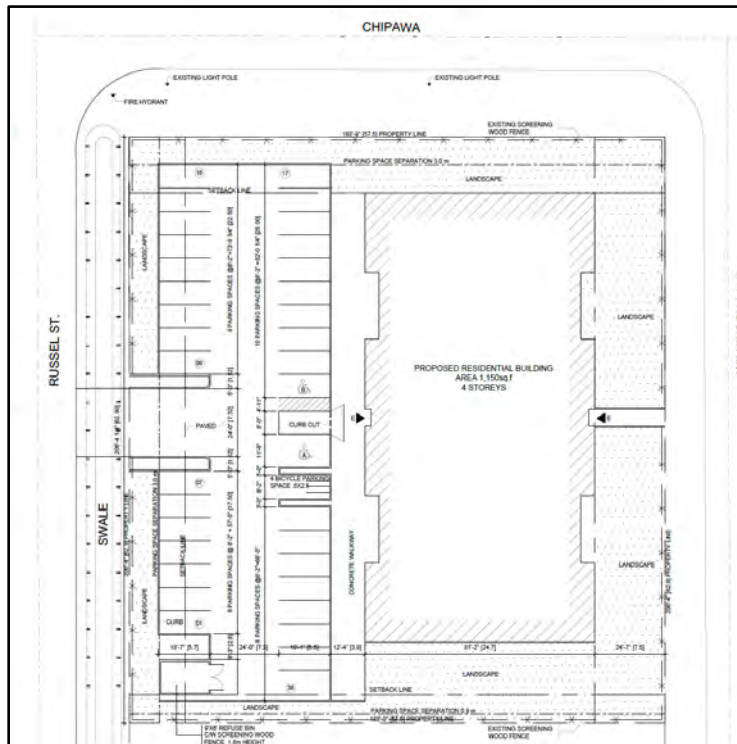


Figure 2a – Concept Plan

The building will be 15 m in height and will face Russell Street (see Figure 2b – Elevations).

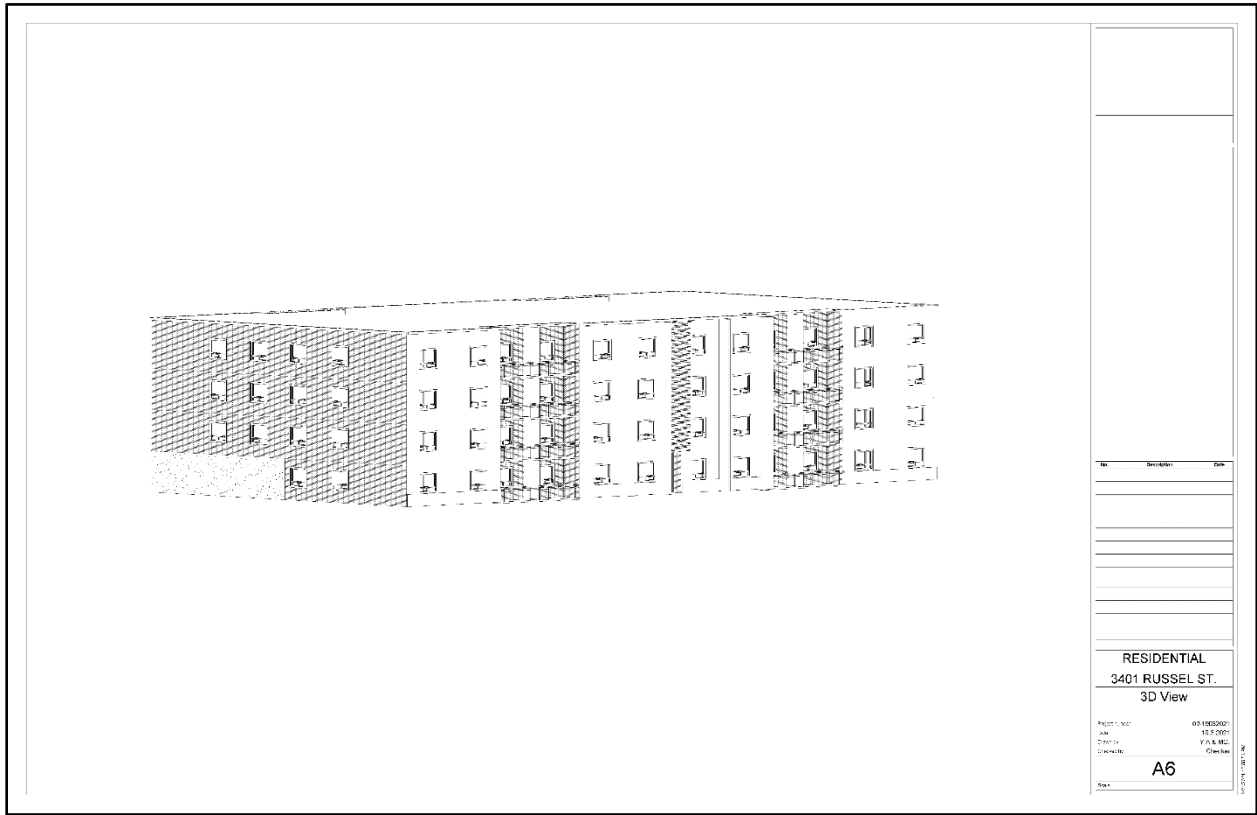
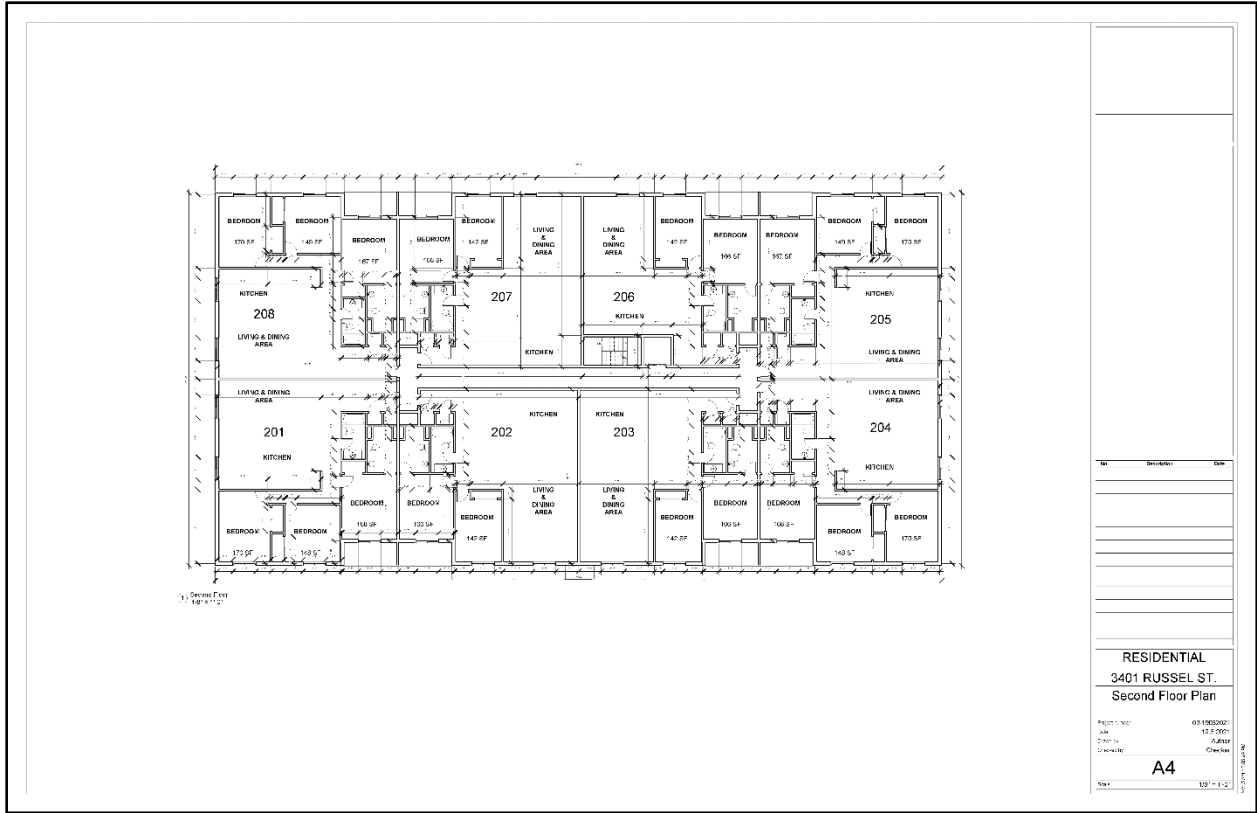
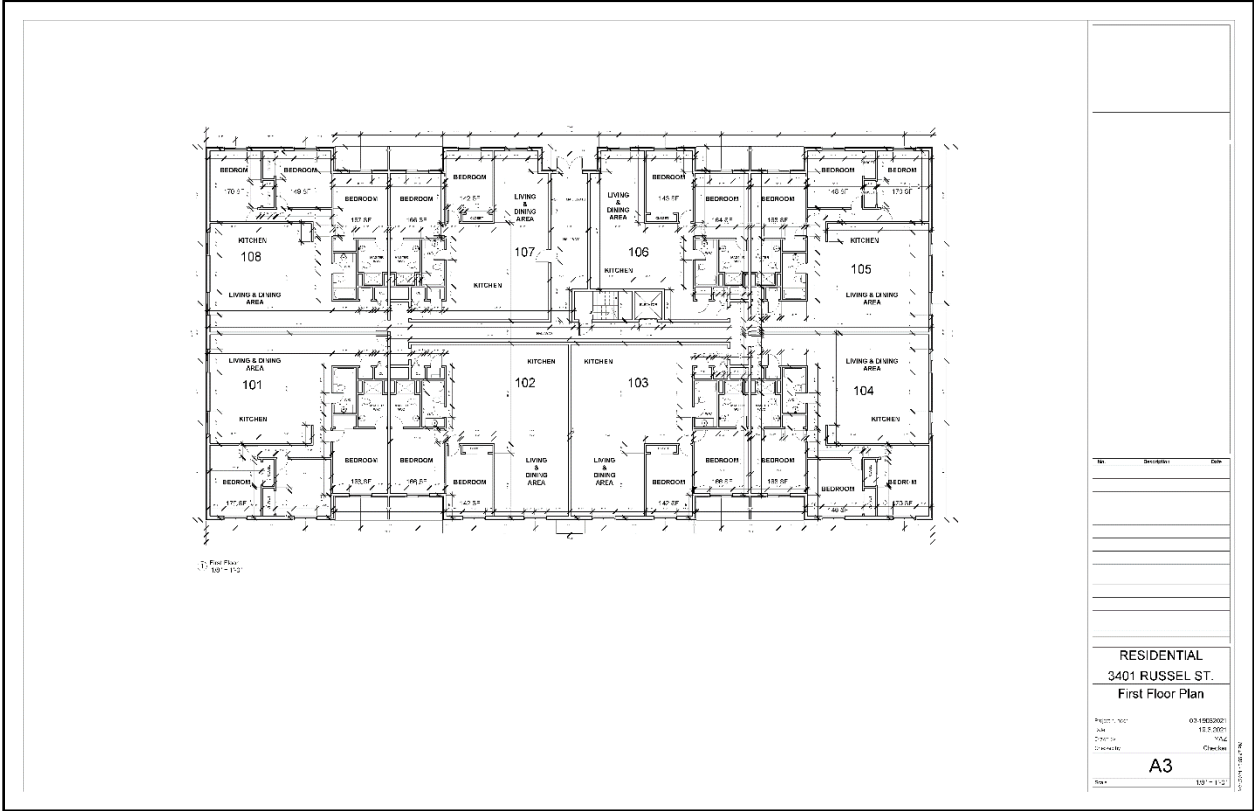


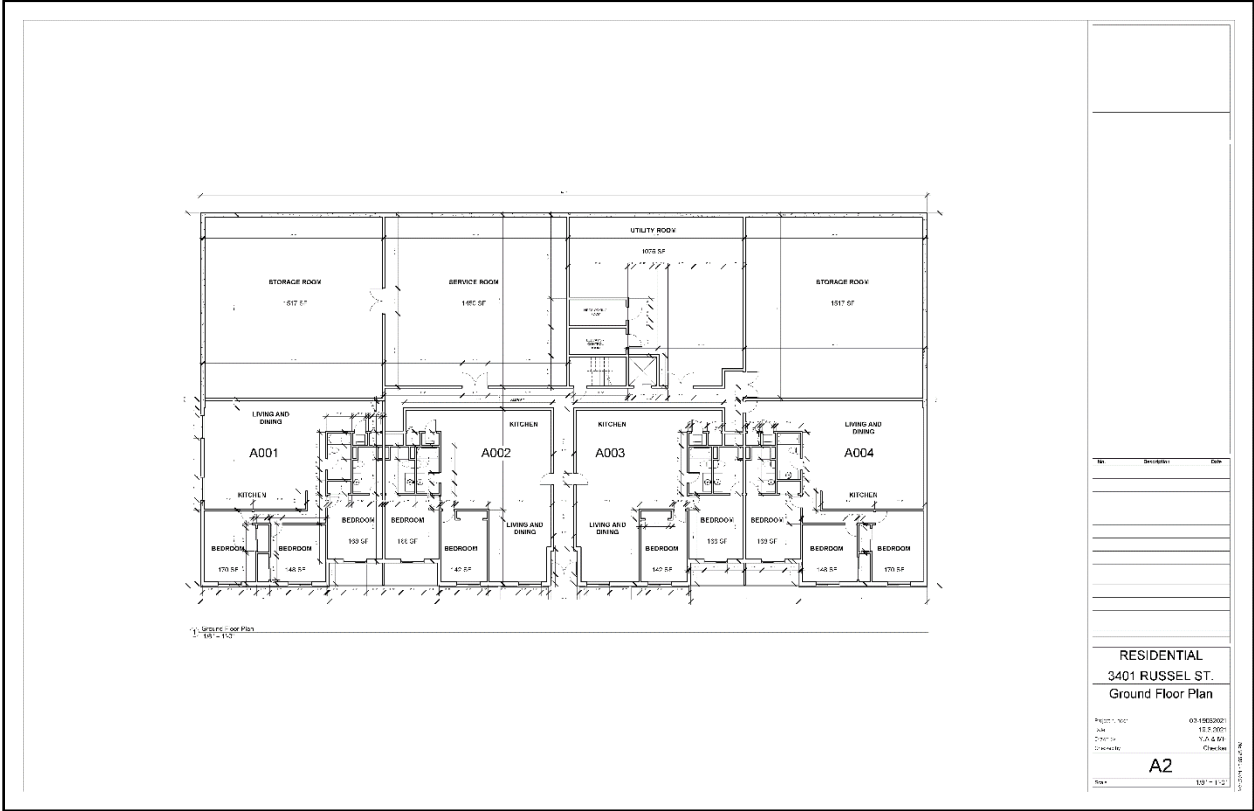


Figure 2b – Elevations

The building will be 106.83 m<sup>2</sup> (1,150 ft<sup>2</sup>) in size and will be made up of 12 two bedroom units and 12 three bedroom units (see Figure 2c – Floor Plans).









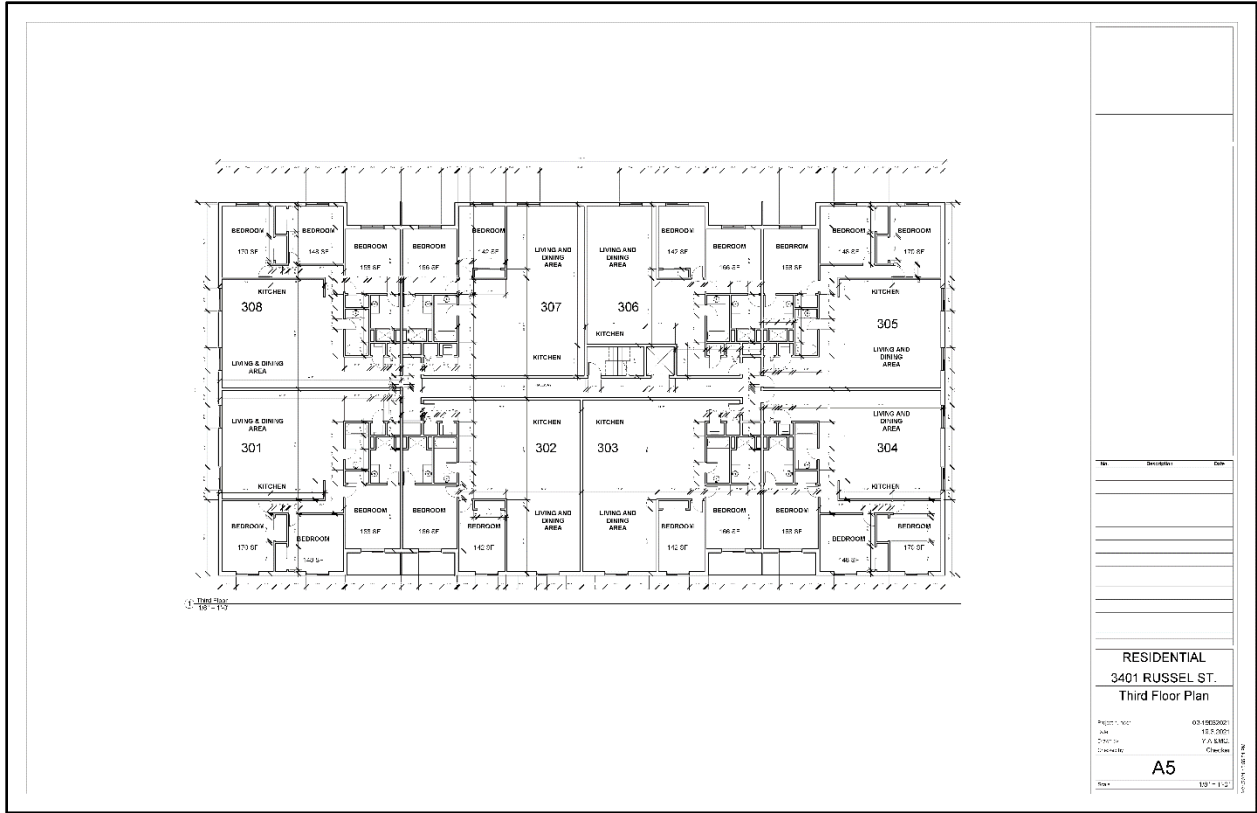


Figure 2c – Floor Plans

The proposed development will result in a density of 75.71 per ha.

Access to the parking area will be from Russell Street. Barrier free spaces and parking for bicycles is provided.

Refuse will be located on the southeast corner of the parking area.

The Site will be professional landscaping as well as have concrete sidewalks connecting the building to the parking area and municipal right-of-way.

## **4.0 PROPOSED APPLICATION & AMENDMENT**

Pre-submission was completed (City File #PS-044/21).

The proposed development requires an application for Official Plan Amendment (OPA) and an application for Zoning By-law Amendment (ZBA).

The following explains the amendment and application.

### **4.1 Official Plan Amendment**

A site specific Official Plan Amendment (OPA) is required in support of the proposed residential development.

The OPA will change the land use designation from “Business Park” to site specific “Residential” which is located on Schedule D: Land Use to permit a multiple dwelling or townhome dwelling.

The OPA is detailed, and the justification is set out in Section 5.1.2 of this PRR.

### **4.2 Zoning By-Law Amendment**

A site specific Zoning By-law Amendment (ZBA) is required in support of the proposed residential development.

The zoning for the Site is proposed to be changed from Manufacturing District 1.4 (MD1.4) to a site specific Residential District 3.3 (RD3.3 - S.20(1)(XXX)) category as shown on Map 4 of the City of Windsor Zoning By-law (ZBL) to permit a multiple dwelling or townhome dwelling.

The Site is also subject to provision S.20(1)236.

Relief is also requested for certain provisions set out in the RD3.3 Zone and to provision S.20(1)236.

The ZBA is detailed, and the justification is set out in Section 5.1.3 of this PRR.

### **4.3 Other Application**

Once the OPA and ZBA have been approved, the Applicant will proceed with a Site Plan Control (SPC) Application which will set out the lighting, buffering, landscaping, signage, etc.

The proposed development will be subject to a Development Agreement, which will include any required fees or securities if required.

A building permit will be the final application.

Once a building permit is issued, a draft Plan on Condominium (CONDO) application will be submitted in order to create the freehold units.

## **4.4 Public Consultation Strategy**

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.

As part of a public consultation strategy, the Applicant proposes the required public meeting.

No open house is proposed.

## 4.5 Supporting Studies

The following supporting studies have been prepared to support the applications.

### 4.5.1 Archaeological Assessment

A stage 1 and 2 archaeological property assessment was prepared by AMICK, dated October 25, 2021.

The purpose of the report was to assess any archaeological resources.

The report concluded that the archaeological survey did not yield any evidence of archaeological material. As a result, no additional archaeological assessments are required.

The report, which has been submitted to this ministry as a condition of licensing in accordance with Part VI of the *Ontario Heritage Act*, R.S.O. 1990, c 0.18, has been entered into the Ontario Public Register of Archaeological Reports.

### 4.5.2 Geotechnical Study

A Geotechnical Study has been prepared by CT Soils and Materials Engineering Inc, Consulting Engineers, dated October 24, 2022.

The study is required due to the location of the nearby industrial and active salt solution mining operations.

The study provided recommendations for construction.

### 4.5.3 Noise

An Noise Control Study was prepared by SS Wilson Associates Consulting Engineers, dated November 22, 2022.

The study was based on transportation and Class 4 industrial noise sources (current and future).

The report concluded that mitigation measures are required to bring residential units within the development into compliance with MOECC criteria. With the inclusion of these measures, MOECC noise criteria will be satisfied.

Recommendations included the following:

- window insulation,
- units shall be fitted with central air conditioning, and
- warning clauses.

It was concluded that the proposed development could, with the implementation of the recommendations, be designed to address impacts from surrounding noise sources.

# 5.0 PLANNING ANALYSIS

## 5.1 Policy and Regulatory Overview

### 5.1.1 Provincial Policy Statement (PPS), 2020

The Provincial Policy Statement (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	<p>.....Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns.....</p>	<p>Windsor has directed growth where the Site is located which will contribute positively to promoting efficient land use and development patterns.</p>
1.1.1	<p>Healthy, liveable and safe communities are sustained by:</p> <p>a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;</p> <p>b) accommodating an appropriate affordable and market-based range and mix</p>	<p>The proposed development is consistent with the policy to build strong, healthy and livable communities. It provides for a new housing choice.</p> <p>There are no environmental or public health and safety concerns as the area is established.</p> <p>The development pattern does not require expansion</p>

PPS Policy #	Policy	Response
	<p>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>of the settlement area as it is considered infilling.</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 and transit.</p> <p>The development pattern is proposed to be an efficient use of the vacant property.</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 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 in the form of a new housing choice.
1.1.3.1	Settlement areas shall be the focus of growth and development.	The proposal enhances the vitality of the Municipality, as the proposal is within an existing settlement area.
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> <li>e) support active transportation;</li> <li>f) are transit-supportive, where transit is planned,</li> </ul>	<p>The total density of the proposed development is considered appropriate as most of the existing area has residential uses.</p> <p>The Site offers an opportunity for intensification by creating a multiple dwelling or townhome dwelling using the vacant property.</p> <p>The design and style of building will blend well with the scale and massing of the existing surrounding area.</p> <p>Residents will have immediate access to shopping, employment, trails, active transportation, recreational areas and institutional uses.</p> <p>Transit is available for the area.</p> <p>The Site is located close to mayor transportation</p>



PPS Policy #	Policy	Response
	exists or may be developed; and  g) are freight-supportive.	corridors, include the Ambassador Bridge.
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.	<p>The development is a Site that is physically suitable as it pertains to size and location.</p> <p>The intensification can be accommodated for the proposed development as it is an appropriate use of a vacant parcel of land.</p> <p>The Site is level which is conducive to easy vehicular movements.</p> <p>Parking will be provided on-site, including space designated for visitors. Bicycle parking is also provided.</p> <p>There are existing on-street parking spaces in the area if required.</p>
1.1.3.4	Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.	<p>The proposed development will be built with a high standard of construction, allowing seamless integration with the existing area.</p> <p>There will be no risks to the public, as identified in the required support studies.</p>
1.1.3.5	Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up	The City has established targets for intensification and redevelopment. The proposed development will assist in meeting those

PPS Policy #	Policy	Response
	areas, based on local conditions.	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>Parking will be located on-site.</p> <p>The proposed building size will allow for the efficient use of land, pedestrian and vehicle access, infrastructure and public services.</p>
1.3.2.3 – Employment Conversion	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.	<p>An OPA and ZBA is proposed.</p> <p>The existing industrial uses are located on the west side of the Site.</p> <p>Russell Street creates an appropriate buffer.</p> <p>A Noise Study has been completed, and mitigation measures have been recommended.</p> <p>The area is in transition.</p> <p>There is no longer a need for industrial uses in the area.</p> <p>The Site is too small for a traditional industrial use.</p> <p>The proposed development will be designed to blend well with the surroundings. There are residential uses on all 3 sides of the Site.</p>

PPS Policy #	Policy	Response
1.3.2.4 – Employment Land Conversion, Comprehensive Review	Planning authorities may permit conversion of lands within employment areas to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.	<p>The employment land conversion is not being considered as part of a comprehensive review.</p> <p>The employment land conversion is a privately initiated transition.</p>
1.3.2.5 – Employment Land Conversion, Privately-Initiated	Notwithstanding policy 1.3.2.4, and until the official plan review or update in policy 1.3.2.4 is undertaken and completed, lands within existing employment areas may be converted to a designation that permits non-employment uses provided the area has not been identified as provincially significant through a provincial plan exercise or as regionally significant by a regional economic development corporation working together with affected upper and single-tier municipalities and subject to the following:	<p>It is proposed to convert the total area of the Site from employment lands to non-employment lands.</p> <p>There are vacant and viable employment lands throughout the City in addition to an oversupply of employment lands in the region.</p> <p>Also, there is a need for residential, as noted in the recent provincial legislation changes which support new housing choices.</p>
	a) there is an identified need for the conversion and the land is not required for employment purposes over the long term;	<p>The proposed development would not impact the supply of employment lands.</p> <p>The Site is no longer appropriate and desirable for employment lands.</p> <p>Further, the proposed development will enhance the area.</p>

PPS Policy #	Policy	Response
		<p>The Site is not required or suitable for employment uses.</p> <p>The Site is a small lot and in close proximity to nearby residential uses.</p> <p>There is an identified need for housing based on market potential and recent trends observed in the City.</p> <p>Section 1.1.4 of the Windsor OP does address Land Supply. Future Employment Area lands transferred from the Town of Tecumseh should be sufficient to accommodate growth through the 20-year planning period.</p> <p>The Site is in an area of transition.</p>
	<p>b) the proposed uses would not adversely affect the overall viability of the employment area; and</p>	<p>The proposed use as residential will not adversely affect the overall viability of the employment area.</p> <p>The Site has had a long-standing vacancy, and underutilization demonstrates that the lands are no longer appropriate and desirable for industrial uses.</p> <p>Any new employment lands would occur in nearby industrial and commercial areas.</p>

PPS Policy #	Policy	Response
		<p>Residential will provide for additional units required to meet the 25-year PPS land needs.</p> <p>The employment land conversion will have a minor impact on the overall vacant land inventory.</p>
	<p>c) existing or planned infrastructure and public service facilities are available to accommodate the proposed uses.</p>	<p>Infrastructure and public service facilities are available to accommodate the proposed uses.</p> <p>The proposed development has access to municipal services, which have been identified in the required support studies.</p>
<p>1.4.1</p>	<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 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</p>	<p>The proposed development will provide for a new housing choice in the existing built-up area.</p> <p>Municipal services are available, as set out in the servicing studies.</p>

PPS Policy #	Policy	Response
	residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.	
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 intensification and infilling through the efficient use of a vacant Site.</p> <p>The proposed density will have a positive impact on the area as it will blend well with the existing built form.</p> <p>The Site is close to nearby community amenities.</p> <p>There is suitable infrastructure.</p>
1.6.1	<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>
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	The proposed development will be serviced by municipal sewer, water and storm, which is the preferred form of servicing for settlement areas.

PPS Policy #	Policy	Response
	<p>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.</p>	
1.6.6.7	<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> <li>e) maximize the extent and function of vegetative and pervious surfaces; and</li> <li>f) promote stormwater management best practices, including stormwater attenuation and re-use, water</li> </ul>	<p>A FSR will be completed as part of SPC approval.</p> <p>There will be no negative impacts on the municipal system and will not add to the capacity in a significant way.</p> <p>The Site provides for drainage.</p> <p>A Geotechnical Study has been completed.</p> <p>There will be no risk to health and safety.</p> <p>ERCA permits will be obtained if required.</p>



PPS Policy #	Policy	Response
	conservation and efficiency, and low impact development.	
1.6.7.1	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 subject property is in close proximity to major roadways.
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 a built-up area.  The area is serviced by transit.
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.	The proposed development contributes to the Municipality's requirement for infilling within a built-up area.  The proposed density, scale, and building height will blend with the existing land use pattern.
2.1.1	Natural features and areas shall be protected for the long term.	There are no natural features that apply to this Site.
2.2.1	Planning authorities shall protect, improve or restore the quality and quantity of water.	A FSR report will be prepared as part of SPC approval in support of the proposed development.
2.6.1	Significant built heritage resources and significant cultural heritage landscapes shall be conserved.	An Archaeological Assessment has been completed. There are no

PPS Policy #	Policy	Response
		heritage resources that apply to this Site.
3.0	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.	A Noise Report and Geotechnical Study have been completed.  There are no natural or human-made hazards.

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 (OP)**

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 “Business Park” according to Schedule “D” Land Use attached to the OP for the City of Windsor (see Figure 3 – City of Windsor OP, Schedule “D”).

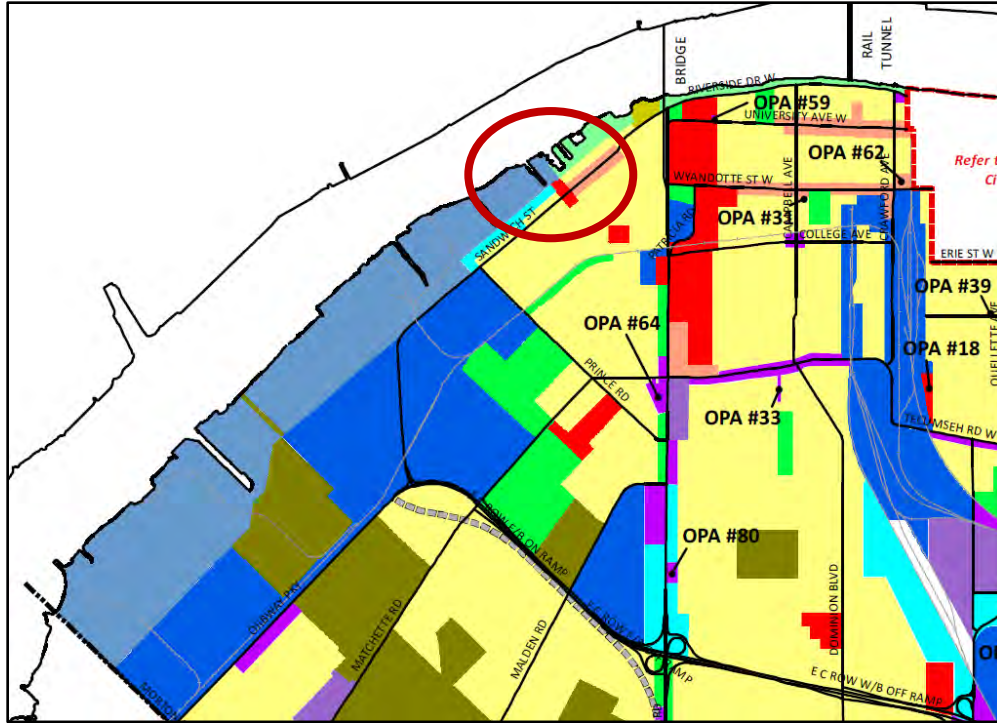


Figure 3 – City of Windsor OP, Schedule “D”

The Site is also within the Olde Sandwich Towne Community Improvement Project (CIP) Area set out in Section 1.27, V2.

It is proposed to designate the Site to a site specific “Residential” in order to permit a multiple dwelling or a townhome dwelling.

The following provides a summary of the key policy considerations of the OP as it relates to the proposed development.

OP Policy #	Policy	Response
3.2 – Growth Concept	.....developments will be encouraged with strong pedestrian orientations and to support public transit. This concept will enable Windsor to continue its growth and foster a vibrant economy, while ensuring a safe, caring and diverse community and a sustainable, healthy environment.	The proposed use is a residential development.  The Site is located on a corner lot and will be oriented to provide for parking and pedestrian access.  There are residential uses surrounding 3 sides of the Site.

OP Policy #	Policy	Response
		The request to amend the OPA is a minor shift in the designation line.
3.2.1.2	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.	The proposed development supports one of the City's overall development strategies of providing for a range of housing choices.
3.2.1.3	Newly developing areas will be planned to foster their own unique neighbourhood identities with a mixture of homes, amenities and services.	The Site is in an area of transition whereby fewer industrial activities are occurring in the area, which is creating an attractive area for residential uses.
3.2.3.1	Windsor will work toward achieving a sustainable transportation system where all modes of transportation can play a more balanced role.	The intent is to construct a new multiple dwelling or townhome dwelling with a target market for international commuters working in Michigan and living in Windsor as well as students attending the University of Windsor.  Tenure will be freehold.
4.0	The implementing healthy community policies are interwoven throughout the 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 will support the City's goal of promoting a healthy community (live, work and play).  The proposed development is close to nearby transit, employment, shopping, local/regional amenities and parks/trails.
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	The proposed development supports the policy set out in the OP as it is suited for the residential.

OP Policy #	Policy	Response
	through an approach which balances environmental, social and economic considerations.	
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 infilling of residential in an area of transition.</p> <p>The proposed development allows pedestrian level access.</p>
6.2.1.2 – General Policies	<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>(a) Low Profile developments are buildings or structures generally no greater than three (3) storeys in height;</p> <p><b>(b) Medium Profile developments are buildings or structures generally no greater than six (6) storeys in height; and</b></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 medium profile residential development as it is proposed to have 4 storeys constructed on the Site.</p>

<b>OP Policy #</b>	<b>Policy</b>	<b>Response</b>
6.3.1.3 - Residential	To promote selective residential redevelopment, infill and intensification initiatives.	The Site provides for an infilling opportunity. Intensification is proposed.
6.3.2.1	Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low, Medium and High Profile dwelling units.	The proposed is would be permitted.
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	The Site has access to major transportation corridors.  Municipal services are available.  The Site is close to nearby amenities.  The Site has access to transit.
6.3.2.5	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: (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;	The Site is located within an area with residential on 3 sides of the property.  This PRR has address PPS requirements.  Support studies have been provided to address any constraints.  The proposed development does not change to development pattern of the area.  The size, scale and massing is appropriate for the size of the Site.  Adequate buffering from abutting land uses is provided.

OP Policy #	Policy	Response
	<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) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas;</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.</p>	<p>Parking can be provided on-site.</p> <p>The proposed development will be strategically located to provide efficient ease of the proposed new access into the parking areas.</p> <p>Municipal services are available.</p>
7.0	<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 roadway (including the Ambassador Bridge) and has access to full municipal services.</p>
9.3.1.1 - Archaeological	<p>For the purpose of this Plan, heritage resources include built heritage resources and</p>	<p>An archaeological assessment was completed for this Site. No resources were found.</p>



OP Policy #	Policy	Response
	cultural heritage landscapes that Council has identified as being important to the community.	
1.27.8 – Olde Sandwich Towne Community Improvement Plan Area	<p>The objective for the Residential portion of the Target Area is to foster stable residential neighbourhoods, to develop an open space strategy, and to preserve and enhance heritage and historic buildings. This will be achieved by:</p> <ul style="list-style-type: none"> <li>(a) demolition control;</li> <li>(b) enforcement of property standards;</li> <li>(c) prohibition of interim uses such as parking lots;</li> <li>(d) extending the Riverwalk to connect to the residential neighbourhood;</li> <li>(e) improving Patterson Park to create a consistent edge adjacent to the residential neighbourhood on Alexander Boulevard, and to provide a defined gateway at the corner of Sandwich and Detroit Streets;</li> <li>(f) improving Crawley Park to create a formal entrance to Olde Sandwich Towne;</li> <li>(g) orienting principal building entrances to face the public street;</li> <li>(h) locating garages in side or rear yards only ;</li> <li>(i) garages or additions shall be located behind the front façade of the building.</li> </ul>	<p>The Site is located within an existing built-up area with residential uses along all 3 sides of the property.</p> <p>The proposed development will help enhance the area and provide a buffer from the industrial uses to the west.</p>

Therefore, the proposed development conforms to the City of Windsor OP with the proposed site specific amendment.

### 5.1.3 Zoning By-law (ZBL)

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 the property and provide for its day-to-day administration.

According to Map 4 attached to the ZBL the Site is currently zoned Manufacturing District 1.4 (MD1.4) (see Figures 4 – City of Windsor Zoning Map 4).

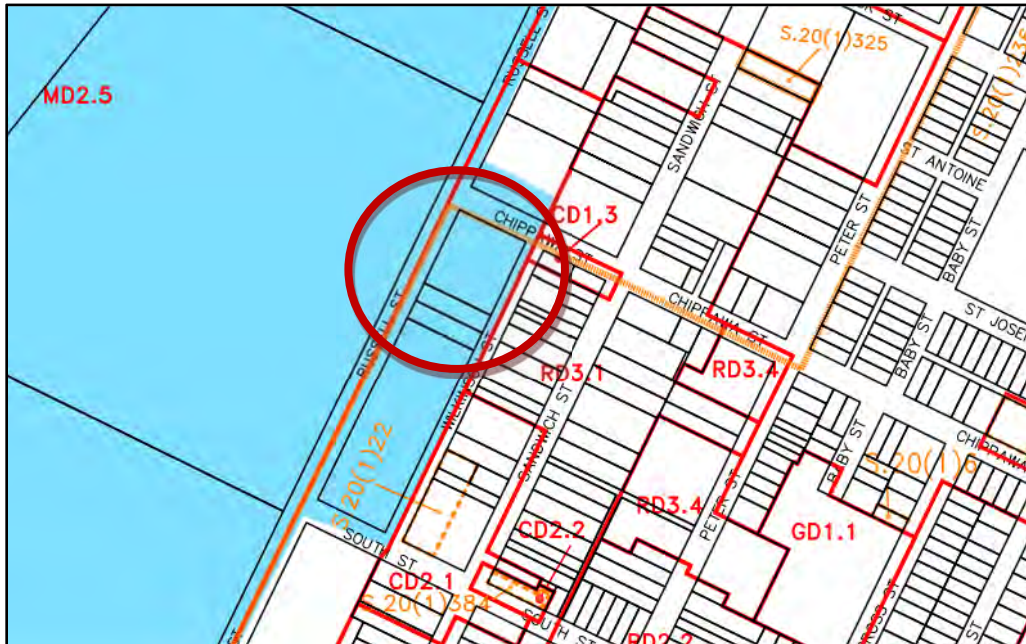


Figure 4 – City of Windsor Zoning Map 4

Residential uses are not permitted in the MD1.4 Zone.

The Site is also subject to provision S.20(1)236, which states the following:

*For all residential uses in Target Area 3 of the Olde Sandwich Towne Community Improvement Area, shown delineated by a heavy black line on Schedule 'A' of By-law 30-2009, the following shall apply:*

*(a) Regulations:*

- (i) Where a vacant interior lot abuts lots with existing dwellings, the minimum required front yard shall be equal to the average of the setbacks from the front lot line of the dwellings on the abutting lots.*

(b) Prohibitions:

(i) Building height in excess of **2 storeys** shall be prohibited

(ii) Notwithstanding any other provisions in this by-law, **parking shall be prohibited in a required front yard**

(iii) No new structures, additions, or encroachments shall be constructed in an existing front yard

(iv) Garages are prohibited unless located a minimum of 6 metres to the rear of the main wall.

The zoning for the Site is proposed to be changed to a site specific Residential District 3.3 (RD3.3 - S.20(1)(XXX)) category as shown on Map 4 of the City of Windsor Zoning By-law (ZBL) to permit a multiple dwelling or a townhome dwelling.

Relief is also requested for certain provisions set out in the RD3.3 Zone and to provision S.20(1)236.

*“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”.*

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

A review of the RD3.3 zone provisions, as set out in Section 12.3 of the ZBL is as follows:

Zone Regulations	Required RD3.3 Zone	Proposed RD3.3 - S.20(1)(XXX)	Compliance and/or Relief Requested with Justification
Permitted Uses	Lodging House <b>Multiple Dwelling</b> Religious Residence Residential Care Facility Any of the following existing dwellings: Double Duplex Dwelling Duplex Dwelling Semi-Detached Dwelling Single Unit Dwelling Any use accessory to any of the preceding uses	A multiple dwelling OR a townhome dwelling.	Complies, subject to the ZBA request.  Townhome dwelling to be added as an additional permitted use.

Min. Lot Frontage	45.0 m	57.5 m (Chippawa St)	Complies
Min. Lot Area	For a corner lot having a minimum lot frontage of 45.0 m on each of the exterior lot lines:  a) For the first 23 dwelling units 1,825.0 m <sup>2</sup> b) For each additional dwelling unit 37.0 m <sup>2</sup> per unit  1,825.0 + 185 = 2,010 m <sup>2</sup>	3,622 m <sup>2</sup>	Complies
Max. Lot Coverage	35 %	31.7 %	Complies
Maximum Building Height	Corner Lot - 30.0 m	15 m	Complies
Min. Landscaped Open Space Yard	35.0 % of the lot area	36 %	Complies
Max. Dwelling Unit Density – dwellings units per ha	For a corner lot having a minimum lot frontage of 45.0 m on each of the exterior lot lines - 225 units per ha	75.71 per ha	Complies
Parking Spaces Required (24.20.5)	Multiple Dwelling containing a minimum of 5 Dwelling units - 1.25 for each dwelling unit  28x1.25 = 35  (Townhome dwelling 1 or 1.2 for each dwelling unit, pending garage or carport)	35	Complies
Visitor Parking (24.22.1)	15 percent of parking spaces marked  15% of 35 = 5.25 spaces	Visitor parking will be marked	Complies
Accessible Parking Spaces Required (24.24.1)	For 26-100 total number of Parking Spaces  Type A - 1 parking spaces	2 spaces provided	Complies

	Type B - 0 parking spaces: Total 1 required		
Bicycle Parking (24.30.1)	20 or more - 2 for the first 19 spaces plus 1 for each additional 20 parking spaces:  2 + 0.85 = 2.8 spaces required (2 rounded down)	4 spaces provided	Complies
Loading (24.40.1.5)	1,000 m <sup>2</sup> or less - 0 required	0 provided	Complies
Parking Area Separation (25.5.20)	Any other street - 3.00 m	3.0 m	Complies
	An interior lot line or alley - 0.90 m	N/A	Complies
	A building wall in which is located a main pedestrian entrance facing the parking area – 2.00 m	3.8 m	Complies
	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	3.8 m	Complies
S.20(1)236	Building height in excess of 2 storeys shall be prohibited	4 storeys	Relief requested.  There is a similar 3 storey building located to the north of the Site.  The proposed dwelling will provide a buffer from the industrial uses to the west.
	Notwithstanding any other provisions in this by-law, <b>parking shall be prohibited in a required front yard</b>	2 spaces located along Chippawa St, past the face of the proposed building	Relief requested.

Therefore, the proposed development will comply with all zone provisions set out in the RD3.3 Zone except for the following, which requires relief from S.20(1)236:

1. *Allow a 4 storey building height, and*
2. *Allow parking in the required front yard.*

## **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 buffering from abutting land uses,
- The Site is 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 environmental concerns,
- There are no hazards, and
- The location of the proposed development is appropriate in that it will blend well with the surrounding area.

#### **6.1.2 Compatibility of Design**

The proposed development will be strategically located to provide efficient ease of the proposed new access into the parking areas.

The proposed development will be limited to a 4 storey, medium profile development, which is a compatible density with the surrounding area.

The Site is capable of accommodating the proposed development in terms of scale, massing, height and siting.

On-site parking and landscaping will be provided.

The proposal adheres to the design direction of Old Sandwich Town CIP.

#### **6.1.3 Good Planning**

The proposal represents good planning as it addresses the need for the City to provide infilling development, which contributes to affordability and intensification requirements set out in the PPS and the OP.

Residential on the Site represents an efficient development pattern that optimizes the use of land. The Site currently has been vacant and underutilized.

#### **6.1.4 Natural Environment Impacts**

The proposal does not have any negative natural environmental impacts, as there are no natural heritage features on the Site.

#### **6.1.5 Municipal Services Impacts**

There will be no negative impacts on the municipal system as the residential development will not add to the capacity in a significant way.

The topography, soil, and environmental characteristics of the Site are able to accommodate an appropriate development that will minimize adverse environmental impacts.

#### **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 established neighbourhood contributes toward the goal of 'live, work and play' where citizens share a strong sense of belonging and a collective pride of place.

The proposed development promotes efficient development and land use pattern, which sustains the financial well-being of the Municipality.

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 neighbourhood.

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**

The proposal to use the Site for residential is appropriate and should be approved by the City of Windsor as it:

- is a site that is physically suitable;
- will not negatively impact the private use and enjoyment of area residents;
- will not have any negative natural environmental impacts;
- will not have any negative archaeological impacts;
- is not anticipated to create any traffic issues;
- will not have any negative impacts on municipal services,
- will not have any negative social, environmental or economic impacts; and
- will have a positive impact on the City of Windsor.



In summary, for the above reasons, it would be appropriate for the City of Windsor to approve the OPA and ZBA to permit the proposed development on the Site as it is appropriate for infilling and will offer a new housing choice in an area of transition.

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- RPP**  
**Principal Planner**



OPA 168 OPA/6975 Z-007/23 ZNG/6974  
APPENDIX D - SITE IMAGES



Subject Parcel – 0 Russell Street - Looking southeast



Looking east up Chippawa St at Russell St toward Wilkinson Lane  
Subject parcel on right hand side



OPA 168 OPA/6975 Z-007/23 ZNG/6974  
APPENDIX D - SITE IMAGES

**IMAGE 3**



**Subject Parcel – Looking west towards Detroit River  
at Chippawa Street and Wilkinson Lane**

**IMAGE 4**



**Looking north on Wilkinson Lane towards Chippawa Street  
Subject parcel (vacant land) on left hand side**

OPA 168 OPA/6975 Z-007/23 ZNG/6974  
APPENDIX D - SITE IMAGES

**IMAGE 5**



**Looking north on Russell Street towards Chippawa Street**



**IMAGE 6**

**Looking south on Russell Street at Chippawa Street  
Subject parcel in upper left hand corner  
Lafarge Aggregates (with berm) on right hand side**



**OPA 168 OPA/6975 Z-007/23 ZNG/6974**  
**APPENDIX E – RESULTS OF CIRCULATION**

**CANADA POST – BRUNO DESANDRO**

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.

**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. 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)

**CITY OF WINDSOR – ENGINEERING - MARK SCHAFFHAUSER**

Sewers - The sanitary sewer along Russell Street is a 1950mm trunk sewer, therefore, a sanitary sewer extension will be required along Chippawa Street to service the property. The sanitary sewer extension to be designed and constructed by the Developer. The site may be serviced by the roadside ditch located along the Russell Street frontage. An increased allowable release rate may be considered based on an outlet capacity assessment to the river. Assessment to be provided by developer's consultants. ERCA, DFO and MOE approvals are required. 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 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>.

Right-of-Way - Russell St is classified as a Local Road with a required right-of-way of 20 meters per the Official Plan. The current right-of-way is sufficient; therefore, a conveyance is not required. Chippawa St is classified as a Local Road with a required right-of-way of 20 meters per the Official Plan. The current right-of-way is sufficient; therefore, a conveyance is

**OPA 168 OPA/6975 Z-007/23 ZNG/6974**  
**APPENDIX E – RESULTS OF CIRCULATION**

not required. Wilkinson Ln is classified as a Local Road with a required right-of-way of 20 meters per the Official Plan. The current right-of-way is not sufficient; therefore, a conveyance of 2.5 meters is required.

A sidewalk is required on the South side of Chippawa Street along the entire frontage; developer to construct the sidewalks at their expense. A sidewalk also is required on one side of Russell Street; developer to contribute \$7,291 to future construction of sidewalks along the entire Russell Street frontage.

In summary we have no objection to the proposed development, subject to the following requirements:

Land Conveyance – Prior to the issuance of a construction permit, the owner (s) shall agree to gratuitously convey to the Corporation, land sufficient to create 20 m wide right-of-way on Wilkinson Lane. This conveyance shall be approximately 2.5 metres along the entire Wilkinson Lane frontage of the subject lands.

Sidewalks -The owner(s) agrees, to:

1. Construct at their expense and according to City of Windsor Standard Specifications, a concrete sidewalk along the entire Chippawa Street frontage of the subject lands. All work to be to the satisfaction of the City Engineer; and
2. Pay to the Corporation, prior to the issuance of a Building Permit, the sum of \$7,291 being the Owner's contribution towards the future construction of a concrete sidewalk on the Russell Street frontage of the subject lands.

ERCA Requirements – The owner(s) 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 by the City Engineer. If applicable, the Owner will obtain all necessary permits from ERCA with respect to the drainage works on the subject lands.

Sewer Extension – The owner(s) further agrees, prior to the issuance of a building permit, to extend the sanitary sewer from the sanitary main on Russell Street to service the subject lands.

1. Owner's Expense – The owner(s) shall construct a sanitary sewer on Chippawa Street at their entire expense. Any oversizing shall be based on cost-sharing satisfactory to the City Engineer. Payment of any oversizing will be based on its inclusion in a Capital budget, subject to City Council's approval in a future year and may be subject to a servicing agreement.

Offsite Improvements – The owner shall obtain, prior to the issuance of a building permit, an Enhanced Permit from the Right-of-way Division of the Engineering Department to supply, construct and install at its entire expense a sanitary sewer extension and municipal sidewalks, in accordance with the manner, location and design to be approved by the City Engineer. The Enhanced Permit shall include all of the applicable Servicing General Provisions, as updated from time to time. Prior to issuance of the Enhanced Permit the following will be required:

- a. A detailed cost estimate for the Offsite Improvements, supported by preliminary design drawings prepared by an Engineer licensed in the Province of Ontario
- b. Approval by the Manager of Risk Management of all necessary securities and insurance
- c. Engineering Development Review fee in accordance with the current City of Windsor User Fee Schedule

**OPA 168 OPA/6975 Z-007/23 ZNG/6974**  
**APPENDIX E – RESULTS OF CIRCULATION**

**CITY OF WINDSOR – ENVIRONMENTAL SERVICES – ANNE-MARIE ALBIDONE**

I am not opposed to the rezoning to allow for a Multiple Dwelling. However, I have concerns with their conceptual plan – in particular the location of the refuse bin will not allow for Front End Loader collection.

Secondly I noted in your Liaison report that the applicant is requesting a Townhome development as an alternative. I did not see a conceptual drawing for that, and would need to have input in terms of waste collection, but once again I am not opposed to the rezoning for that.

**CITY OF WINDSOR – PLANNING DEPARTMENT - HERITAGE PLANNER – TRACY TANG**

A copy of the final Archaeological Assessment Report and Ministry Entered into Register letter were received. Please provide us with the final GIS shape files of the study area for our city records.

Archaeological Assessment Report Entitled, "ORIGINAL 25 October 2021 Stage 1-2 Archaeological Property Assessment of 3401 Russell Street (Town Plot of Sandwich, Geographic Township of West Sandwich), City of Windsor, County of Essex (AMICK File #2021-488/MHSTCI File #P058-2059-2021)", Dated Oct 25, 2021, Filed with MHSTCI Toronto Office on Oct 28, 2021, MHSTCI Project Information Form Number P058-2059-2021, MHSTCI File Number 0014984, has been entered into the Ontario Public Register of Archaeological Reports.

Although the report recommends that no further archaeological assessment of the property is recommended, the applicant is still to note the following archaeological precautions:

1. Should archaeological resources be found during grading, construction or soil removal activities, all work in the area must stop immediately and the City's Planning & Building Department, the City's Manager of Culture and Events, and the Ontario Ministry of 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 Police: 911

Windsor - Planning 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 Staadegaard,

(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)

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)



**OPA 168 OPA/6975 Z-007/23 ZNG/6974**  
**APPENDIX E – RESULTS OF CIRCULATION**

**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>.

**CITY OF WINDSOR – PLANNING DEPARTMENT - ZONING COORDINATOR – ZAID ZWAYYED**

Below is the zoning review for the Zoning Bylaw Amendment application [ZNG/6974] to propose a multiple dwelling on 0 Russell Street:

- Current Zoning Designation: MD1.4
- Proposed Zoning Designation: RD3.3
- Existing Use [as per historical Building Permit(s) / Planning Act Application(s)]:
  - Vacant property
- Proposed Use:
  - Multiple Dwelling with 28 dwelling units over four storeys and a parking area.
- Section 5 – General Provisions
  - Flood Protection & Natural Hazards Provisions (5.40): The subject property is in the Detroit River Shoreline Floodprone Area. Thus consultation with Essex Region Conservation Authority (ERCA) is required per section 5.40.5.
- Zoning Provisions (12.3):
  - Minimum lot Frontage:
    - 45.0 m (Required)
    - 57.50 m (Provided)
  - Minimum Lot Area:
    - 2,010 m<sup>2</sup> (Required)
    - 3,636 m<sup>2</sup> (Provided)
  - Maximum Lot Coverage:
    - 35.0% (Required)
    - 31.62% (Provided)
  - Maximum Main Building Height:
    - 30.0 m (Required)
    - 8.83 m (Provided)
  - Minimum Landscaped Open Space Yard:
    - 35.0% (Required)
    - 39.0% (Provided)

**OPA 168 OPA/6975 Z-007/23 ZNG/6974**  
**APPENDIX E – RESULTS OF CIRCULATION**

- Maximum Dwelling Unit Density:
  - 81 Units (225 units per ha) (Required)
  - 28 Units (Provided)
- **Section 20(1)236 – Site Specific Provision**
  - **20(1)236 (b)(i): Building height in excess of two storeys shall be prohibited. The proposal shows a four storey building.**
  - **20(1)236 (b)(ii): parking shall be prohibited in a required front yard. The proposed parking is not located in the front yard (The front lot line is along Chippawa St). Moreover, the proposed zoning designation (RD3.3) does not have yard requirements. However, the parking location must be regulated (yard requirements may be proposed), especially if the applicant applies for CIP grants; having a refuse bin along Russell Street is not supported. The applicant may need to adjust the layout, relocate some of the spaces, or provide internal parking spaces.**
- Section 24 - Parking, Loading and Stacking Provisions
  - Required Number of Parking Spaces:
    - 35 (Required)
    - 35 (Provided)
  - **Required Number of Visitor Parking Spaces:**
    - **5 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)
  - Required Number of Type B Accessible Parking Spaces:
    - 1 space (Required)
    - 1 space (Provided)
  - **Access Aisles: An access aisle is required besides the Type 'A' accessible parking space shown on the proposal**
  - **Required Loading Spaces: One Loading Space is required per Section 24.40.1.5 and must be shown on the submission.**
- **Section 25 – Parking Area Provisions**
  - **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):**
    - **4.50 m (Required)**
    - **3.80 m (Provided) - Deficient**

**OPA 168 OPA/6975 Z-007/23 ZNG/6974**  
**APPENDIX E – RESULTS OF CIRCULATION**

**CITY OF WINDSOR – TRANSIT WINDSOR - JASON SCOTT**

Transit Windsor has no objections to this proposed 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 Sandwich at Chippawa Southwest Corner. This bus stop is approximately 100 metres away from this property falling well within our 400 metre walking distance guideline to a bus stop. This will be maintained and further enhanced with our City Council approved Transit Master Plan as 2 new routes will be introduced to this area providing expanded transit service.

**CITY OF WINDSOR – TRANSPORTATION PLANNING – CLARE AMICARELLI**

- Russell St is classified as a Local Road with a required right-of-way of 20 meters per the Official Plan. The current right-of-way is sufficient; therefore, a conveyance is not required.
- Chippawa St is classified as a Local Road with a required right-of-way of 20 meters per the Official Plan. The current right-of-way is sufficient; therefore, a conveyance is not required.
- Wilkinson Ln is classified as a Local Road with a required right-of-way of 20 meters per the Official Plan. The current right-of-way is not sufficient; therefore, a conveyance of 2.5 meters is required.
- Per the Official Plan, a sidewalk is required on at least one side of a Local Road. Engineering Right-of-Way to determine if a contribution or construction is required along the frontage of Russell St.
- Per the Official Plan, a sidewalk is required on at least one side of a Local Road. Engineering Right-of-Way to determine if a contribution or construction is required along the frontage of Chippawa St.
- 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).

**ENBRIDGE**

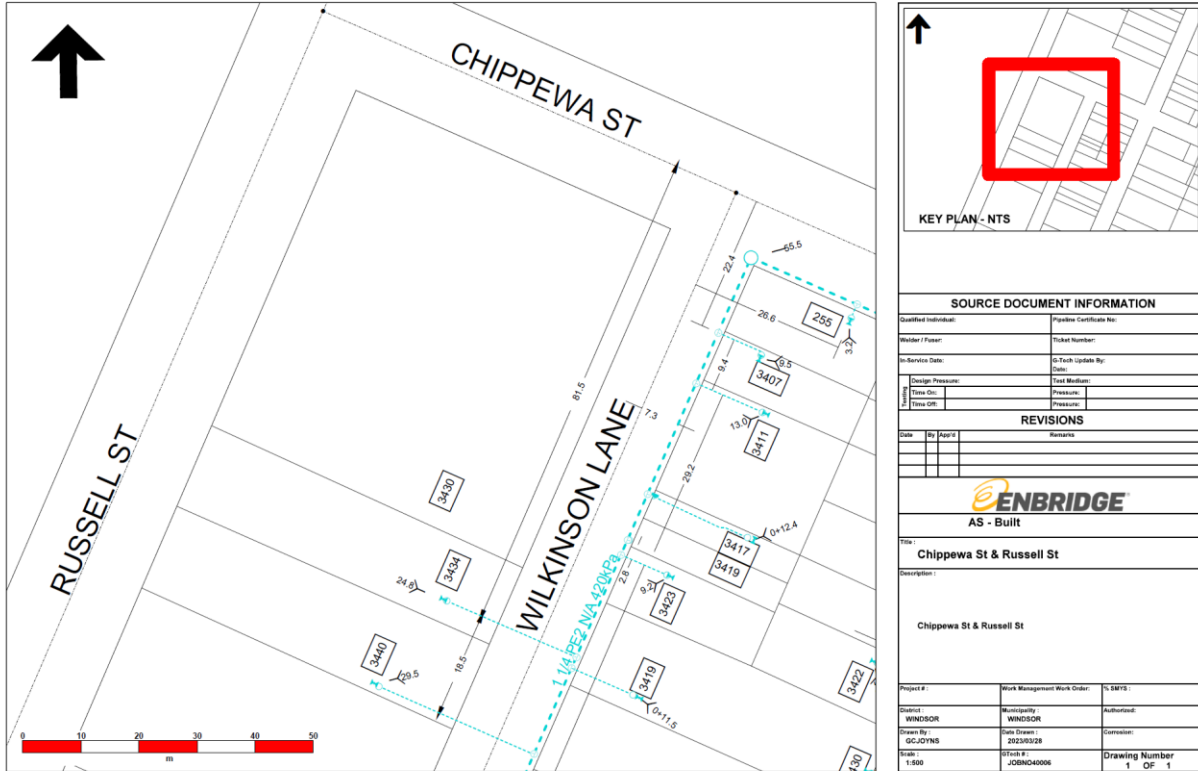
After reviewing the provided drawing at Chippewa St & Russell St. and consulting our mapping system, please note that Enbridge Gas has no active infrastructure in the proposed area. A PDF drawing has been attached for reference.

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.

**OPA 168 OPA/6975 Z-007/23 ZNG/6974  
APPENDIX E – RESULTS OF CIRCULATION**



**ENWIN**

**HYDRO ENGINEERING:**

No Objection.

Please be advised of the overhead 16kV power lines on the Southern limit of Wikinson Ln and Chippawa St

Please be advised of the overhead 120/240V secondary distribution conductor present on the Western limit of the property and along the Southern Limit of Chippawa St

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

**WATER ENGINEERING:**

Water Engineering has no objections.

**ERCA – KATHLEEN SCHNEKENBURGER**

The City of Windsor has received an Application for Zoning By-Law Amendment and Official Plan Amendment for the subject property. The applicant is requesting amendments to allow the construction of a Multiple Dwelling with maximum building height of 15m containing 28 dwelling units over 4 storeys. A total of 4 bicycle parking spaces and 35 parking spaces including two accessible parking spaces are also proposed.

**OPA 168 OPA/6975 Z-007/23 ZNG/6974**  
**APPENDIX E – RESULTS OF CIRCULATION**

It is anticipated that a draft plan of condominium for the proposed multiple dwelling will be subject of a future application to the County of Essex.

The following is provided as a result of our review of Zoning By-Law Amendment Z-007-23 and Zoning By-Law Amendment ZNG-6974, Official Plan Amendment OPA-168, and Official Plan Amendment OPA-6975.

**Delegated Responsibility to Represent the Provincial Interest In Natural Hazards (PPS) And Regulatory Responsibilities of the Conservation Authorities Act:**

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

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 Detroit River. 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*.

Stormwater Management

We are concerned with the potential impact of the quality and quantity of runoff in the downstream watercourse due to future development of this site. We recommend that through the applicable Planning Act process (ie. Plan of Condominium) that stormwater quantity and quality be adequately controlled to avoid any adverse downstream impacts. In addition, that stormwater quality and stormwater quantity are addressed up to and including the 1:100 year storm event and be in accordance with the guidance provided by the Stormwater Management Planning and Guidance Manual, prepared by the Ministry of the Environment (MOE, March 2003) and the Windsor-Essex Region Stormwater Management Standards Manual.

If this property is subject to future Planning Act applications, we request to be included in the circulation. We reserve the right to comment further on storm water management concerns until we have had an opportunity to review the specific details of the proposal through the site plan or plan of condominium approval stage.

FINAL RECOMMENDATION

ERCA has no objection to the Application for Zoning By-Law Amendment Z-007-23 and Zoning By-Law Amendment ZNG-6974, Official Plan Amendment OPA-168, and Official Plan Amendment OPA-6975.

We reserve the right to comment further on natural hazard concerns until we have had an opportunity to review the specific details of the proposal through the plan of condominium approval process.

**WINDSOR PORT AUTHORITY - PETER BARRY**

The Windsor Port Authority has no comment in regards to the plan.

Reminder that there is a significant aggregate dock across the street. Measures are taken to address fugitive dust from the piles however in extreme wind events, the dust is know to become air borne and coat vehicles and homes along Wilkinson.

In review of this study, I see the industrial properties on the waterfront are called out for noise.

**OPA 168 OPA/6975 Z-007/23 ZNG/6974**  
**APPENDIX E – RESULTS OF CIRCULATION**

The cement batching (CBM- St. Marys Cement has an approved ECA in place addressing its operations. The 2 layers of shipping containers are in place to address noise coming from the production area. Twice annually, the facility does a crushing operation near the road for one week at a time which does emit higher levels. It operates from 0800- 1700 hrs during those 2 weeks.

The Lafarge facility has also an ECA and dust mitigation plan approved by the MOECC as does St Mary's Cement

A tall berm was installed at Lafarge to address noise and fugitive dust. Trees were planted on the berm in 2019 to raise the level higher.

The truck route east ward ceases at South Street however trucks are permitted for direct access on Russell to the Southwest Sales Corp aggregate dock at the foot of Detroit Street.

Traffic volumes vary by season with summer volumes and construction projects like the Gordie Howe and EV battery driving it higher. In 2022 between August and December over 500,000 metric tonnes of aggregate moved along Russell Street to the EV Battery Plant site. Over 100 cement trucks went daily to the Gordie Howe site for the pier and road base. Lafarge on the highest day moved 940 trucks off the dock and Southwest Sales moved over 600 trucks on the route. During the ice season traffic is typically less than 100 trucks per day.

The Windsor Port Authority worked along with the MTO and City of Windsor to create Safety Zones around Brock Street school to slow the trucks following that route. It was successful. We worked on joint enforcement projects and driver education which slowed the trucks on the route. We still struggle with the parents that pick up their children from Brock Street school and park in the MIDDLE of the road and walk up to the school full blocking traffic. This creates a risk to the children and fluidity to the commercial movements. Training nights at the HMCS Hunter adds another 50-100 vehicles in the area of Mill Street.

Russell Street is remains a significant commercial route leading from the industrial docks. The road needs to handle the increase mixed use in the coming years and maintain access to the federal industrial docks.

This project coupled with PS 012/23 - 2821383 ONTARIO INC. (JONATHAN SEGUIN) - 75 MILL STREET, will significantly increase the mixed use traffic along Russell Street which is many sections is in very poor condition (behind Brock Street school; Hill and South Street. The drainage is open ditch direct to the Detroit River with no treatment which have catastrophic implications in the water shed should there be an increase in stormwater runoff of paved and other hard surfaces. The road conditions have been brought to the attention of the City several times over the past 5 years. The shoulders are too high for the roadbed causing standing water on the road. Widening of Russell Street and inclusion of active transportation separated from the roadway would be a safe option.

The increase of traffic requires the improvement of Russell Street from Brock Street to Chappell with consideration of closing off open ditch drainage from the significant asphalt parking areas at all projects. Waste water catchment in parking lots drained into established combined or storm sewer for treatment is critical to water quality in this area.

Maintaining the truck route on the full length of Russell Street and improvements in drainage, road bed and shoulder upgrades and parking plans (along Russell Street between Brock and Detroit and behind Brock Street school should be included in the planning and permitting process.

Comment Summary Matrix: 0 Russell Street, Windsor

Dept/Agency and Item	Liaison Comment (City) 2023-04-21	Response (Applicant)
<b>Engineering</b>		
Sewers	A sanitary sewer extension will be required along Chippawa Street to service the property	Applicant agrees.
R-O-W	<p>Wilkinson Ln is classified as a Local Road with a required right-of-way of 20 meters per the Official Plan.</p> <p>The current right-of-way is not sufficient; therefore, a conveyance of 2.5 meters is required (entire frontage).</p>	<p>The applicant agrees to the conveyance.</p> <p>Wilkinson Ln is located at the rear of the proposed building and will have a minor impact on the concept plan.</p> <p>Section 5.6.5 applies.</p> <p><i>Where Section 5.6.1.1 applies and a new building or structure or an expansion to an existing building or structure is proposed all zoning provisions shall be calculated using the original lands in existence immediately prior to the conveyance or expropriation.</i></p>
Sidewalk	<p>A sidewalk is required on the South side of Chippawa Street along the entire frontage; developer to construct the sidewalks at their expense.</p> <p>A sidewalk also is required on one side of Russell Street; developer to contribute \$7,291 to future construction of sidewalks along the entire Russell Street frontage.</p>	Applicant agrees.
<b>Environmental Services</b>		
Refuse	Concerns with conceptual plan – in particular the location of the refuse bin will not allow for Front End Loader collection.	<p>Location of the refuse bin can be confirmed at the time of Site Plan Control (SPC) approval.</p> <p>Concept plan is preliminary at this time.</p>
Townhomes	Townhome development as an alternative. I did not see a conceptual drawing for that, and would need to have input in terms of waste collection, but once again I am not	<p>No concept plan for townhome development has been prepared at this time.</p> <p>Applicant wishes to keep the request to permit townhomes as an option.</p>



Comment Summary Matrix: 0 Russell Street, Windsor

	opposed to the rezoning for that.	
<b>Heritage</b>		
GIS File	Please provide us with the final GIS shape files of the study area (archaeology) for our city records.	The study area is the property. There is no GIS shape file.
<b>Zoning</b>		
Building Height	20(1)236 (b)(i): Building height in excess of two storeys shall be prohibited. The proposal shows a four storey building.	Relief is requested to permit 4 storey.
Front Yard Parking	20(1)236 (b)(ii): parking shall be prohibited in a required front yard. The proposed parking is not located in the front yard (The front lot line is along Chippawa St). Moreover, the proposed zoning designation (RD3.3) does not have yard requirements. However, the parking location must be regulated (yard requirements may be proposed), especially if the applicant applies for CIP grants; having a refuse bin along Russell Street is not supported. The applicant may need to adjust the layout, relocate some of the spaces, or provide internal parking spaces.	Relief is requested to permit parking in the front yard.
Visitor Parking	Designated visitor spaces must be shown	Visitor spaces will be shown as part of the SPC application.
Access Aisles	Access Aisles: An access aisle is required besides the Type 'A' accessible parking space shown on the proposal	Access Aisles will be shown as part of the SPC application.
Loading Spaces	Required Loading Spaces: One Loading Space is required per Section 24.40.1.5 and must be shown on the submission.	Loading space will be shown as part of the SPC application.
Parking Area Separation	Parking Area Separation from a building wall containing a habitable room window or containing both a main	This was noted in the PRR in error as being complied with.

Comment Summary Matrix: 0 Russell Street, Windsor

	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): 4.50 m (Required) and 3.80 m (Provided) - Deficient	A revised site plan has been provided to the City with a 4.5m setback, which now complies.  Relief is no longer required.
<b>Transportation</b>		
Conveyance	Wilkinson Ln is classified as a Local Road with a required right-of-way of 20 meters per the Official Plan. The current right-of-way is not sufficient; therefore, a conveyance of 3.1 meters is required.	Applicant agrees.
Sidewalks – Russell St	Per the Official Plan, a sidewalk is required on at least one side of a Local Road. Engineering Right-of-Way to determine if a contribution or construction is required along the frontage of Russell St.	Applicant agrees.
Sidewalks – Chippawa St	Per the Official Plan, a sidewalk is required on at least one side of a Local Road. Engineering Right-of-Way to determine if a contribution or construction is required along the frontage of Chippawa St.	Applicant agrees.
AODA	All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).	Paths to be addressed as part of SPC application.
<b>ERCA</b>		
Approval	It is anticipated that a draft plan of condominium for the proposed multiple dwelling will be subject of a future application to the County of Essex.	The County of Essex is <b>not</b> the approval authority.
Regulations	Property is subject to regulations.	The required permits and clearances will be obtained as part of SPC and Building Permit Applications.
SWM	We are concerned with the potential impact of the quality	SWM will be addressed as part of SPC application.

Comment Summary Matrix: 0 Russell Street, Windsor

	and quantity of runoff in the downstream watercourse due to future development of this site.	
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June 02, 2023

Mr Adam Szymczak, Planner  
City of Windsor, Development Services  
350 City Hall Square West  
Windsor, Ontario, N9A 6S1

planning@erca.org  
P.519.776.5209  
F.519.776.8688  
360 Fairview Avenue West  
Suite 311, Essex, ON N8M 1Y6

Dear Mr. Szymczak:

RE: Zoning By-Law Amendment Z-007-23, Zoning By-Law Amendment ZNG-6974, Official Plan Amendment OPA-168 and Official Plan Amendment OPA-6975

0 RUSSELL ST (3401)

ARN 373905016012400; PIN:

Applicant: 1998308 ONTARIO INC.

The City of Windsor has received an Application for Zoning By-Law Amendment and Official Plan Amendment for the subject property. The applicant is requesting amendments to allow the construction of a multi-unit dwelling with maximum building height of 15m containing 28 dwelling units over 4 storeys. The following is provided as a result of our review of Zoning By-Law Amendment Z-007-23, Zoning By-Law Amendment ZNG-6974, Official Plan Amendment OPA-168 and Official Plan Amendment OPA-6975.

## **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 Detroit River. 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*.

### **Stormwater Management**

We are concerned with the potential impact of the quality and quantity of runoff in the downstream watercourse due to future development of this site. We recommend that through the applicable Planning Act process (i.e. Plan of Condominium, Site Plan Control, etc.) that stormwater quantity and quality be adequately controlled to avoid any adverse downstream impacts. In addition, that



Mr. Szymczak  
June 02, 2023

stormwater quality and stormwater quantity are addressed up to and including the 1:100 year storm event and be in accordance with the guidance provided by the Stormwater Management Planning and Guidance Manual, prepared by the Ministry of the Environment (MOE, March 2003) and the Windsor-Essex Region Stormwater Management Standards Manual.

Further comments will be provided through the applicable planning and development processes (i.e. Plan of Condominium, Site Plan Control, etc.) when more details can be provided to ERCA specific to proposed development on the site. It is anticipated that excess runoff may need to be addressed through a Stormwater Management Report at that time.

### **FINAL RECOMMENDATION**

ERCA has no objection to the Application for Zoning By-Law Amendment Z-007-23, and Zoning By-Law Amendment ZNG-6974, Official Plan Amendment OPA-168, and Official Plan Amendment OPA-6975.

The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration. Further comments will be provided through the applicable planning and development processes (i.e. Plan of Condominium, Site Plan Control, etc.) when more details can be provided to ERCA specific to proposed development on the site.

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Sydney Richmond  
*Regulations Analyst*  
/sr





**Subject: Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Fife Veterinary Professional Corp. for 816 Hanna Street East (Ward 4)**

Moved by: Councillor Angelo Marignani  
Seconded by: Councillor Fred Francis

Decision Number: **DHSC 515**

- I. That the request made by Fife Veterinary Professional Corp. on behalf of the property owner to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study for property located at 816 Hanna Street East pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan;
- II. That the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$9,487.50 based upon the completion and submission of a Phase II Environmental Site completed in a form acceptable to the City Planner and City Solicitor;
- III. That the grant funds in the amount of \$9,487.50 under the Environmental Site Assessment Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the eligible work is completed to the satisfaction of the City Planner;
- IV. That should the proposed Phase II Environmental Site Assessment Study not be completed within two (2) years of Council approval, the approval **BE RESCINDED** and the funds be uncommitted and made available for other applications.  
Carried.

Report Number: S 51/2023  
Clerk's File: Z2023

**Clerk's Note:**

1. The recommendation of the Development & Heritage Standing Committee and Administration are the same.



2. Please refer to Item 11.1 from the Development & Heritage Standing Committee held on June 5, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230605/-1/9413>

**Subject: Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Fife Veterinary Professional Corp. for 816 Hanna Street East (Ward 4)**

**Reference:**

Date to Council: June 5, 2023  
Author: Greg Atkinson, Senior Planner  
519-255-6543 ext. 6582  
gatkinston@citywindsor.ca  
Planning & Building Services  
Report Date: April 19, 2023  
Clerk's File #: Z2023

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

**Recommendation:**

- I. THAT the request made by Fife Veterinary Professional Corp. on behalf of the property owner to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study for property located at 816 Hanna Street East pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan;
- II. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$9,487.50 based upon the completion and submission of a Phase II Environmental Site completed in a form acceptable to the City Planner and City Solicitor;
- III. THAT the grant funds in the amount of \$9,487.50 under the Environmental Site Assessment Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the eligible work is completed to the satisfaction of the City Planner;
- IV. THAT should the proposed Phase II Environmental Site Assessment Study not be completed within two (2) years of Council approval, the approval **BE RESCINDED** and the funds be uncommitted and made available for other applications.

**Executive Summary:**

N/A

## **Background:**

### **Brownfield Redevelopment Community Improvement Plan (CIP)**

Brownfield sites are properties that may be contaminated due to previous industrial or commercial uses such as a manufacturing facility or gas station. City Council approved a Brownfield Redevelopment CIP at its April 19, 2010 meeting for the purpose of encouraging the study, clean-up, and redevelopment of contaminated properties. The approval of the CIP was the result of nearly five years of study and consultation, which began in October 2005.

### **Importance of Brownfield Redevelopment**

In 2009 the City's Planning Department identified 137 brownfield properties (i.e. 226 hectares or 559 acres) that are candidates for redevelopment. While the inventory is not exhaustive, it illustrates the significance of Windsor's brownfield stock and the need to work with land owners to put these properties back into productive use. Based on approvals to date under the Brownfield CIP a total of 30.4 hectares (75.1 acres) or 13.5% of the inventory has been or is planned to be redeveloped. In total Council has approved over 50 applications under the CIP, which represents the potential addition of 1,225 residential dwelling units.

Historically, there has been little interest in redeveloping brownfield sites due to the uncertainty surrounding the extent of contamination and the potential cost of clean-up. The Brownfield Redevelopment CIP provides financial incentives to undertake the necessary studies and remedial work necessary to redevelop brownfield sites and reduce the potential negative impacts to the City's environment and neighbourhoods.

The benefits associated with brownfield redevelopment go far beyond the boundaries of the property. For example, they are often strategically located within existing built up areas of the City where services and other infrastructure, such as roads, schools, community facilities and public transit are already available, therefore additional infrastructure costs are not incurred to service these areas. The redevelopment of these sites also remove the negative stigma often associated with brownfield properties, which increases the value of the subject property and adjacent properties.

Brownfield sites also represent a significant underutilization of the land base. According to the National Round Table on the Environment and the Economy (2003), every hectare redeveloped through a brownfield project saves up to an estimated 4.5 hectares of greenfield land from being developed (i.e. agricultural land on the edge of the City); and for every dollar invested in a brownfield redevelopment, it is estimated that \$3.80 is invested in the economy.

## **Site Background**

The subject site is located on the north side of Hanna Street East between Marentette Avenue and Elsmere Avenue (see location map). The property is 0.05 hectares (or .12 acres) in size and currently contains a 2,800 square foot building that is currently operating as Windsor Precious Pet Cremation. The site is designated 'Residential' on Official Plan Schedule D: Land Use and is zoned Commercial District CD2.2, which permits a range of commercial uses. The site historically contained a dry cleaning business.

The principal owner of Fife Veterinary Professional Corp. is Michael Fife. Fife Veterinary Professional Corp. intends to purchase the property and has submitted the grant application on behalf of the current property owner. Fife Veterinary Professional Corp. is incurring the eligible Phase 2 Environmental Site Assessment (ESA) costs, and should the application be approved, would receive the grant payment.

## **Discussion:**

### **Environmental Site Assessment Grant Program**

The ESA Grant Program offers a matching grant to property owners of brownfield sites to conduct environmental studies that provide information on the type and extent of contamination and potential remediation costs. The program offers 50% of the cost of an eligible study up to a maximum of \$15,000. If two studies are required, an additional \$10,000 is available for a maximum total grant value of \$25,000.

The applicant proposes to continue using the property for commercial use and requires a Phase 2 Environmental Site Assessment (ESA) study for financing. The applicant has completed a Phase I ESA, which identifies areas of potential environmental concern, and recommends that a Phase II ESA study be completed to assess the existing soil and groundwater conditions at the site and delineate the extent of any contamination (if required). Upon completion, the City would retain a copy of the final study report.

### **CIP Goals**

City staff is supportive of the application as it meets all of the eligibility requirements specified within the Brownfield Redevelopment CIP. The proposed study of the subject site also supports the following CIP goals:

- To promote the remediation, rehabilitation, adaptive re-use and redevelopment of brownfield sites throughout the City of Windsor in a fiscally responsible and sustainable manner over the long term;
- Improve the physical and visual quality of brownfield sites;
- Improve environmental health and public safety;

- Provide opportunities for new housing, employment uses, and commercial uses;
- Increase tax assessment and property tax revenues;
- Promote Smart Growth, including the reduction of urban sprawl and its related costs;
- Increase community awareness of the economic, environmental and social benefits of brownfield redevelopment; and
- Utilize public sector investment to leverage significant private sector investment in brownfield remediation, rehabilitation, adaptive re-use, and redevelopment.

### **Policy Support**

The study of brownfield sites to support clean up and redevelopment is supported by policies within the 2020 Provincial Policy Statement, the City's Official Plan and the City's Environmental Master Plan.

### **Risk Analysis:**

As with all brownfield sites, there is a degree of risk associated with the potential presence of contamination. The proposed Phase II ESA study will assist in mitigating the above noted risk by confirming the presence and extent of any contamination. It may also provide an estimated cost for remediation and establish next steps in the remediation process, if required.

### **Climate Change Risks**

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

The proposed residential redevelopment is supported by the Environmental Master Plan action item, which encourages use of the Brownfields Redevelopment Strategy.

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

The existing commercial property 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.

## **Financial Matters:**

The cost estimate (excluding HST) for completing the proposed Phase II ESA study is \$18,975. If approved, the maximum grant would total \$9,487.50. Should the actual costs of the study be less than what has been estimated, the grant payments would be based on the lower amount.

If approved, the grant would be paid from the Brownfield Strategy Remediation Fund (Project #7069003). The funds would be transferred from CIP reserve fund 226 for payment when the eligible study is complete. The current uncommitted balance of the CIP reserve fund is \$772,392 however this balance does not account for other CIP grant requests that are currently being considered by the standing committee or have been endorsed by the standing committee and are not yet approved by City Council.

## **Consultations:**

The development and approval of the Brownfield Redevelopment CIP was subject to extensive stakeholder and public consultation, which sought input from a wide range of stakeholders and internal City departments.

Planning staff have consulted with the applicant prior to accepting the application for the Environmental Study Grant program. Staff from the Planning, Finance, and Legal Departments were consulted in the preparation of this report.

## **Conclusion:**

City Staff recommend Council approve the request from Fife Veterinary Professional Corp. on behalf of the property owner to participate in the Environmental Site Assessment Grant Program. In the opinion of planning staff, the proposed study conforms to the Brownfield Redevelopment CIP and assists the City in the achievement of a number of the CIP goals.

## **Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Josie Gualtieri	Financial Planning Administrator
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Tony Ardovini	Commissioner, Corporate Services Chief Financial Officer / City Treasurer (A)
Jelena Payne	Commissioner, Economic Development & Innovation
Joe Mancina	Chief Administration Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
		drfifedvm@gmail.com

**Appendices:**

1. Location Map





# LOCATION MAP : 816 HANNA STREET EAST



SUBJECT PROPERTY





Committee Matters: SCM 177/2023

**Subject: Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Dior Homes on behalf of Capital Plus Real Estate Corp. for 3841, 3843, and 3847 Howard Avenue (Ward 9)**

Moved by: Councillor Angelo Marignani  
Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 516**

- I. That the request made by Dior Homes on behalf of Capital Plus Real Estate Corp. to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study for property located at 3841, 3843, and 3847 Howard Avenue pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan;
- II. That the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$12,875 based upon the completion and submission of a Phase II Environmental Site completed in a form acceptable to the City Planner and City Solicitor;
- III. That the grant funds in the amount of \$12,875 under the Environmental Site Assessment Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the eligible work is completed to the satisfaction of the City Planner;
- IV. That should the proposed Phase II Environmental Site Assessment Study not be completed within two (2) years of Council approval, the approval **BE RESCINDED** and the funds be uncommitted and made available for other applications.

Carried.

Report Number: S 60/2023  
Clerk's File: SPL2023

**Clerk's Note:**

1. The recommendation of the Development & Heritage Standing Committee and Administration are the same.
2. Please refer to Item 11.2 from the Development & Heritage Standing Committee held on June 5, 2023.
3. To view the stream of this Standing Committee meeting, please refer to: <http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230605/-1/9413>

**Subject: Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Dior Homes on behalf of Capital Plus Real Estate Corp. for 3841, 3843, and 3847 Howard Avenue (Ward 9)**

**Reference:**

Date to Council: June 5, 2023  
Author: Greg Atkinson, Senior Planner  
519-255-6543 ext. 6582  
gatkenson@citywindsor.ca

Report Date: May 8, 2023  
Clerk's File #: SPL2023

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

**Recommendation:**

- I. THAT the request made by Dior Homes on behalf of Capital Plus Real Estate Corp. to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study for property located at 3841, 3843, and 3847 Howard Avenue pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan;
- II. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$12,875 based upon the completion and submission of a Phase II Environmental Site completed in a form acceptable to the City Planner and City Solicitor;
- III. THAT the grant funds in the amount of \$12,875 under the Environmental Site Assessment Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the eligible work is completed to the satisfaction of the City Planner;
- IV. THAT should the proposed Phase II Environmental Site Assessment Study not be completed within two (2) years of Council approval, the approval **BE RESCINDED** and the funds be uncommitted and made available for other applications.

**Executive Summary:**

N/A



## **Background:**

### **Brownfield Redevelopment Community Improvement Plan (CIP)**

Brownfield sites are properties that may be contaminated due to previous industrial or commercial uses such as a manufacturing facility or gas station. City Council approved a Brownfield Redevelopment CIP at its April 19, 2010 meeting for the purpose of encouraging the study, clean-up, and redevelopment of contaminated properties. The approval of the CIP was the result of nearly five years of study and consultation, which began in October 2005.

### **Importance of Brownfield Redevelopment**

In 2009 the City's Planning Department identified 137 brownfield properties (i.e. 226 hectares or 559 acres) that are candidates for redevelopment. While the inventory is not exhaustive, it illustrates the significance of Windsor's brownfield stock and the need to work with land owners to put these properties back into productive use. Based on approvals to date under the Brownfield CIP a total of 30.4 hectares (75.1 acres) or 13.5% of the inventory has been or is planned to be redeveloped. In total Council has approved over 50 applications under the CIP, which represents the potential addition of 1,225 residential dwelling units.

Historically, there has been little interest in redeveloping brownfield sites due to the uncertainty surrounding the extent of contamination and the potential cost of clean-up. The Brownfield Redevelopment CIP provides financial incentives to undertake the necessary studies and remedial work necessary to redevelop brownfield sites and reduce the potential negative impacts to the City's environment and neighbourhoods.

The benefits associated with brownfield redevelopment go far beyond the boundaries of the property. For example, they are often strategically located within existing built up areas of the City where services and other infrastructure, such as roads, schools, community facilities and public transit are already available, therefore additional infrastructure costs are not incurred to service these areas. The redevelopment of these sites also remove the negative stigma often associated with brownfield properties, which increases the value of the subject property and adjacent properties.

Brownfield sites also represent a significant underutilization of the land base. According to the National Round Table on the Environment and the Economy (2003), every hectare redeveloped through a brownfield project saves up to an estimated 4.5 hectares of greenfield land from being developed (i.e. agricultural land on the edge of the City); and for every dollar invested in a brownfield redevelopment, it is estimated that \$3.80 is invested in the economy.

## **Site Background**

The subject site is located on the southwest corner of Howard Avenue and Cabana Road West (see location map). The property is 0.1 hectares (or 0.24 acres) in size and is currently vacant land. The site is designated 'Mixed Use Node' on Official Plan Schedule D: Land Use and is zoned Commercial District CD2.1, which permits a range of commercial uses. The applicant has submitted a rezoning application in April 2023 to change the zoning district to Commercial District CD2.2, which would permit commercial uses and residential dwelling units, if approved.

The site historically contained a mixed-use building and was used for a range of commercial uses as well as residential apartments between 1946 and 2005, when the former building was demolished. The principal owner of Capital Plus Real Estate Corp. is Ms Doreen Aiello. The Principal Owner of Dior Homes is Mr. Rio Aiello.

## **Discussion:**

### **Environmental Site Assessment Grant Program**

The Environmental Site Assessment (ESA) Grant Program offers a matching grant to property owners of brownfield sites to conduct environmental studies that provide information on the type and extent of contamination and potential remediation costs. The program offers 50% of the cost of an eligible study up to a maximum of \$15,000. If two studies are required, an additional \$10,000 is available for a maximum total grant value of \$25,000.

The owner proposes to redevelop the property for mixed use, including residential dwellings, which requires the filing of a Record of Site Condition (RSC) with the Ministry of the Environment, Conservation and Parks (MOECP). The owner has completed a Phase I Environmental Site Assessment (ESA) study to support the redevelopment of the property. The Phase I ESA study identified areas of potential environmental concern, and recommends that a Phase II ESA study be completed to assess the existing soil and groundwater conditions at the site and delineate the extent of any contamination (if required). The Phase II ESA study is necessary to support the filing of a RSC.

Clearly identifying the type and delineating the extent of any contamination is an essential step in moving forward with redevelopment plans. Upon completion, the City would retain a copy of the final study report.

### **CIP Goals**

City staff is supportive of the application as it meets all of the eligibility requirements

specified within the Brownfield Redevelopment CIP. The proposed study of the subject site also supports the following CIP goals:

- To promote the remediation, rehabilitation, adaptive re-use and redevelopment of brownfield sites throughout the City of Windsor in a fiscally responsible and sustainable manner over the long term;
- Improve the physical and visual quality of brownfield sites;
- Improve environmental health and public safety;
- Provide opportunities for new housing, employment uses, and commercial uses;
- Increase tax assessment and property tax revenues;
- Promote Smart Growth, including the reduction of urban sprawl and its related costs;
- Increase community awareness of the economic, environmental and social benefits of brownfield redevelopment; and
- Utilize public sector investment to leverage significant private sector investment in brownfield remediation, rehabilitation, adaptive re-use, and redevelopment.

### **Policy Support**

The study of brownfield sites to support clean up and redevelopment is supported by policies within the 2020 Provincial Policy Statement, the City's Official Plan and the City's Environmental Master Plan.

### **Risk Analysis:**

As with all brownfield sites, there is a degree of risk associated with the property remaining vacant. Uncertainty related to the presence of contamination will continue to act as a barrier to redevelopment if not addressed.

The proposed Phase II ESA study will assist in mitigating the above noted risk by confirming the presence and extent of any contamination. It may also provide an estimated cost of remediation and establish next steps in the remediation process, if required.

### **Climate Change Risks**

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

The proposed mixed use redevelopment implements Environmental Master Plan Objective C1: Encourage in-fill and higher density in existing built areas. In particular, the redevelopment would implement the action that supports the existing Brownfields Redevelopment Strategy and achieve its work plan.

### **Climate Change Adaptation:**

The proposed mixed use redevelopment 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. Any site plan control application will be reviewed for opportunities to enhance resiliency.

### **Financial Matters:**

The cost estimate (excluding HST) for completing the proposed Phase II ESA study ranges between \$23,500 and \$25,750. If approved, the maximum grant would total \$12,875. Should the actual costs of the study be less than what has been estimated, the grant payments would be based on the lower amount.

If approved, the grant would be paid from the Brownfield Strategy Remediation Fund (Project #7069003). The funds would be transferred from CIP reserve fund 226 for payment when the eligible study is complete. The current uncommitted balance of the CIP reserve fund is \$772,392 however this balance does not account for other CIP grant requests that are currently being considered by the standing committee or have been endorsed by the standing committee and are not yet approved by City Council.

### **Consultations:**

The development and approval of the Brownfield Redevelopment CIP was subject to extensive stakeholder and public consultation, which sought input from a wide range of stakeholders and internal City departments.

Planning staff have consulted with the applicant prior to accepting the application for the Environmental Study Grant program. Staff from the Planning, Finance, and Legal Departments were consulted in the preparation of this report.

### **Conclusion:**

City Staff recommend Council approve the request from Dior Homes on behalf of Capital Plus Real Estate Corp. to participate in the Environmental Site Assessment Grant Program. In the opinion of planning staff, the proposed study conforms to the Brownfield Redevelopment CIP and assists the City in the achievement of a number of the CIP goals.

**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Josie Gualtieri	Financial Planning Administrator
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Janice Guthrie	Deputy Treasurer – Taxation, Treasury & Financial Projects
Tony Ardovini	Commissioner, Corporate Services Chief Financial Officer / City Treasurer (A)
Jelena Payne	Commissioner, Economic Development & Innovation
Joe Mancina	Chief Administration Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
		build@diorhomes.ca

**Appendices:**

- 1 Location Map





# LOCATION MAP : 3841, 3843, 3847 HOWARD AVENUE



SUBJECT PROPERTY





**Subject: Amendment to CR58/2021 for Closure of east/west alley between Matthew Brady Boulevard and east limit of 7730 St. Rose Avenue, Ward 6, SAA-5947**

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Fred Francis

Decision Number: **DHSC 517**

I. That CR58/2021, adopted on February 1, 2021, **BE AMENDED** as follows:  
By **DELETING** the following wording under section IV to the council resolution:

IV. That the 4.86-metre-wide east/west alley between Matthew Brady Boulevard and St. Paul Avenue, north of St. Rose Avenue, and shown as "Part 2" on Drawing No. CC-1767 *attached* as Appendix 'A', **BE CLOSED AND CONVEYED** to the abutting property owners in equal halves along the centre line of the alley, and adjusted as necessary by the City Planner;

And **INSERTING**:

IV. That the 4.86-metre-wide east/west alley between Matthew Brady Boulevard and St. Paul Avenue, north of St. Rose Avenue, and shown as "Part 2" on Drawing No. CC-1767 *attached* as Appendix 'A', **BE CLOSED AND CONVEYED** to the owner of the abutting property known municipally as 884 Matthew Brady Boulevard (legally described as Part of Lot 48 & Part of Closed Alley, Plan 1181) and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:

a. Easement, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:

i. Owner of the property known municipally as 7720 St. Rose Avenue (legally described as Lot 50, Plan 1181) to enter, construct, maintain, inspect, alter, repair, remove, replace, reconstruct and enlarge the existing private sanitary sewer; and

- ii. Owner of the property known municipally as 7730 St. Rose Avenue (legally described as Lot 49, Plan 1181) to enter, construct, maintain, inspect, alter, repair, remove, replace, reconstruct and enlarge the existing private sanitary sewer.

Carried.

Report Number: S 61/2023  
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 11.3 from the Development & Heritage Standing Committee held on June 5, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230605/-1/9413>



**Subject: Amendment to CR58/2021 for Closure of east/west alley between Matthew Brady Boulevard and east limit of 7730 St. Rose Avenue, Ward 6, SAA-5947**

**Reference:**

Date to Council: June 5, 2023  
Author: Brian Nagata, MCIP, RPP  
Planner II - Development Review  
(519) 255-6543 ext. 6181

Planning & Building Services  
Report Date: May 9, 2023  
Clerk's File #: SAA2023

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

**Recommendation:**

- I. THAT CR58/2021, adopted on February 1, 2021, **BE AMENDED** as follows:

By **DELETING** the following wording under section IV to the council resolution:

- IV. THAT the 4.86-metre-wide east/west alley between Matthew Brady Boulevard and St. Paul Avenue, north of St. Rose Avenue, and shown as "Part 2" on Drawing No. CC-1767 *attached* as Appendix 'A', **BE CLOSED AND CONVEYED** to the abutting property owners in equal halves along the centre line of the alley, and adjusted as necessary by the City Planner;

And **INSERTING:**

- IV. THAT the 4.86-metre-wide east/west alley between Matthew Brady Boulevard and St. Paul Avenue, north of St. Rose Avenue, and shown as "Part 2" on Drawing No. CC-1767 *attached* as Appendix 'A', **BE CLOSED AND CONVEYED** to the owner of the abutting property known municipally as 884 Matthew Brady Boulevard (legally described as Part of Lot 48 & Part of Closed Alley, Plan 1181) and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
  - a. Easement, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:

- i. Owner of the property known municipally as 7720 St. Rose Avenue (legally described as Lot 50, Plan 1181) to enter, construct, maintain, inspect, alter, repair, remove, replace, reconstruct and enlarge the existing private sanitary sewer; and
- ii. Owner of the property known municipally as 7730 St. Rose Avenue (legally described as Lot 49, Plan 1181) to enter, construct, maintain, inspect, alter, repair, remove, replace, reconstruct and enlarge the existing private sanitary sewer.

**Executive Summary:**

N/A



**Figure 1 - Location Map**

**Background:**

CR58/2021 was adopted by Council on February 1, 2021, directing administration to undertake the necessary steps to assume, close and convey the following alley:

- 4.86-metre-wide east/west alley located between Matthew Brady Boulevard and the east limit of the property known municipally as 7730 St. Rose Avenue (the subject alley).

The City's Engineering Department identified a private sanitary sewer within the subject alley during the replacement of the combined sewer within Matthew Brady Boulevard in 2022. It was determined that 884 Matthew Brady Boulevard, 7720 St. Rose Avenue and 7730 St. Rose Avenue have active connections into this sewer.

The Planning Department identified that a portion of 884 Matthew Brady Boulevard's concrete driveway encroaches onto 7720 St. Rose Avenue's half of the subject alley. Notwithstanding this fact, the owner of 7720 St. Rose Avenue has confirmed via email, *attached* hereto as Appendix "B", that they do not wish to purchase their half of the subject alley.

**Discussion:**

The City's Engineering Department confirmed that an easement is required over the portion of the subject alley shown as "Part 2" on Drawing No. CC-1767, *attached* hereto as Appendix 'A, in favour of the owners of 7720 St. Rose Avenue and 7730 St. Rose Avenue to enter, construct, maintain, inspect, alter, repair, remove, replace, reconstruct and enlarge the existing private sanitary sewer.

Section IV. of CR58/2021 must be amended to change the manner of conveyance for "Part 2" and include the granting of the aforesaid easement as a condition of its closure and conveyance.

**Risk Analysis:**

The recommended amendment to CR58/2021 poses no known risk to the City.

**Climate Change Risks**

**Climate Change Mitigation:**

N/A

**Climate Change Adaptation:**

N/A

**Financial Matters:**

The recommended amendment to CR58/2021 does not impact the conveyance cost.

**Consultations:**

Consultations were held with the Public Works - Engineering Department for determining the parameters of the required easement.

**Conclusion:**

The Planning Department recommends that CR58/2021 be amended to change the manner of conveyance for “Part 2” and include the granting of the aforesaid easement as a condition of its closure and conveyance.

**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Justina Nwaesei	Acting Manager of Planning Policy/Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development & Innovation
Joe Mancina	Chief Administration Officer

**Notifications:**

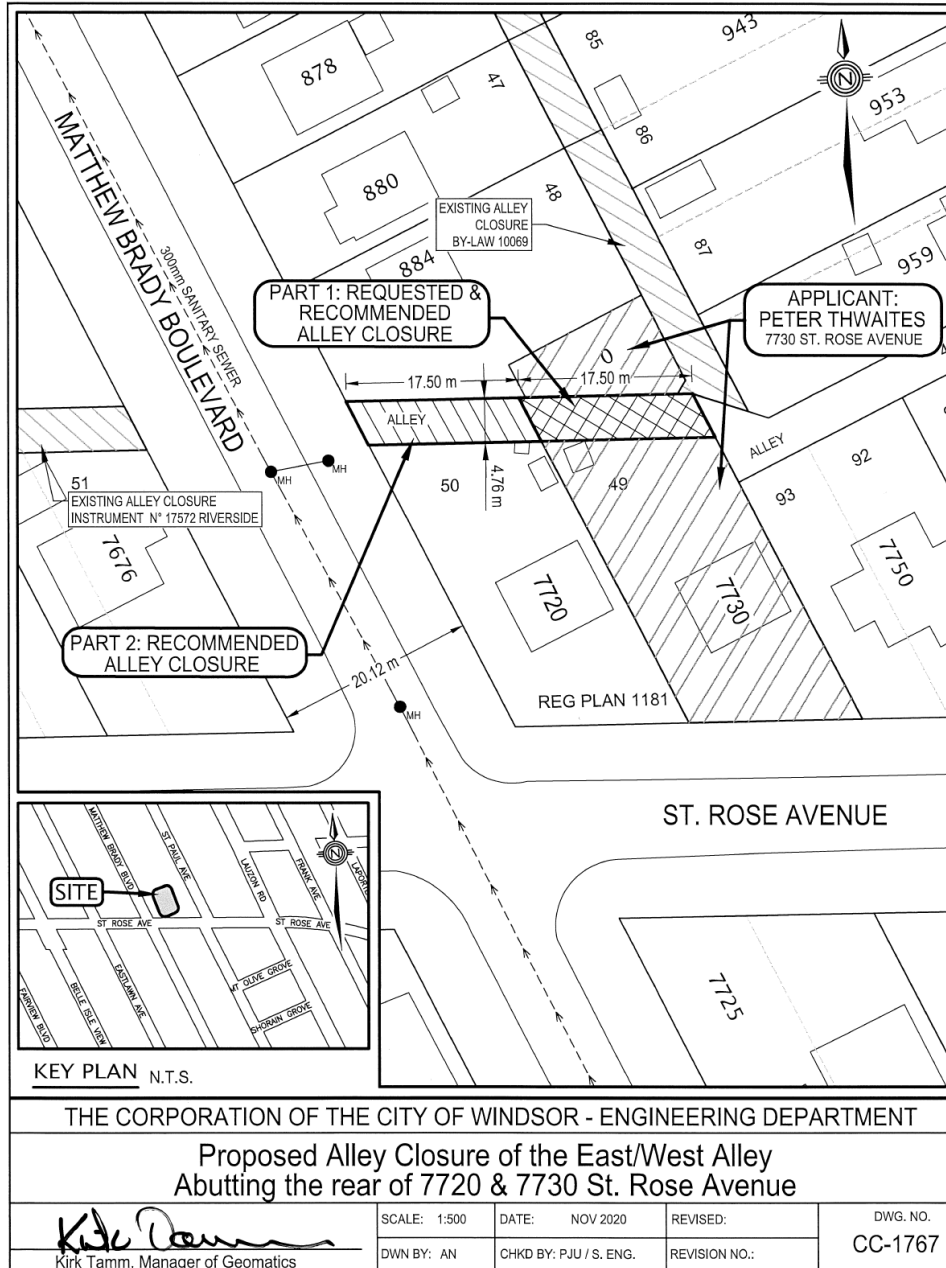
<b>Name</b>	<b>Address</b>	<b>Email</b>
Ward 6 Councillor Jo-Anne Gignac	350 City Hall Square West, Suite 220 Windsor, Ontario N9A 6S1	joagignac@citywindsor.ca
List of mailing labels for property owners abutting alley issued to Clerks office		

**Appendices:**

- 1 Appendix A - Drawing No. CC-1767
- 2 Appendix B - Email from Owner of 7720 St. Rose Avenue

# APPENDIX "A"

## Drawing No. CC-1767





**APPENDIX “B”**  
**Email from Owner of 7720 St. Rose Avenue**

**From:** [REDACTED] <[REDACTED]>  
**Sent:** April 11, 2023 10:33 AM  
**To:** Matthews, Meghan (She/Her) <MMatthews@citywindsor.ca>  
**Subject:** Re: SAA/5947 || 7720 St. Rose

**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.

Morning Meghan. Hope you had a good weekend. In regards to the alley. I do not wish to purchase the alley. Due to the unique situation of property lines, it is in my best interest to give my rear neighbor the opportunity to purchase it.

Thank you again for all your help

[REDACTED]



**Subject: Sandwich Town CIP Application, 3150 Peter Street; Owners South Rustico Holdings Inc, (c/o David Ly)-Ward 2**

Moved by: Councillor Fred Francis  
Seconded by: Councillor Kieran McKenzie

Decision Number: **DHSC 518**

- I. That the request for incentives under the Sandwich Incentive Program made by South Rustico Holdings Inc, (c/o David Ly), owner of the property located at 3150 Peter Street, **BE APPROVED** for the following programs when all work is complete:
  - i. *Development and Building Fees Grant* for 100% of the Development and Building Fees identified in the Sandwich CIP to a Maximum amount of **(+/- \$5,000)**;
  - ii. *Revitalization Grant Program* for 70% of the municipal portion of the tax increment for up to 10 years **(+/- \$2,051** per year); and
- II. That Administration **BE AUTHORIZED** to prepare the Sandwich Incentive Program Agreement for the *Revitalization Grant* in accordance with all applicable policies, requirements, and provisions contained within the Olde Sandwich Towne Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implication;
- III. That the CAO and City Clerk **BE AUTHORIZED** to sign the agreement between the City and South Rustico Holdings Inc, (c/o David Ly) to implement the *Building/Property Improvement Tax Increment Grant Program* (only) in accordance with all applicable policies, requirements to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications;
- IV. That funds in the maximum amount of **+/- \$5,000** under the *Development Building Fees Grant Program* **BE TRANSFERRED** from the CIP Reserve Fund

226 to the *Sandwich Community Development Plan Fund* (Account 7076176) when the work is complete;

- V. That grants **BE PAID** to South Rustico Holdings Inc, (c/o David Ly) upon completion of the interior/exterior renovations including the addition of a new dwelling unit in an existing space from the *Sandwich Community Development Plan Fund* (Project 7076176) to the satisfaction of the City Planner and Chief Building Official; and,
- VI. That grants approved **SHALL LAPSE** if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date. Extensions **SHALL BE** given at the discretion of the City Planner.

Carried.

Report Number: S 55/2023

Clerk's File: SPL2023

**Clerk's Note:**

1. The recommendation of the Development & Heritage Standing Committee and Administration are the same.
2. Please refer to Item 11.5 from the Development & Heritage Standing Committee held on June 5, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230605/-1/9413>

**Subject: Sandwich Town CIP Application, 3150 Peter Street; Owners South Rustico Holdings Inc, (c/o David Ly) - Ward 2**

**Reference:**

Date to Council: June 5, 2023  
Author: Kevin Alexander, MCIP RPP  
Senior Planner - Special Projects  
519-255-6543 ext. 6732  
kalexander@citywindsor.ca  
Planning & Building Services  
Report Date: May 1, 2023  
Clerk's File #: SPL2023

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

**Recommendation:**

- I. **THAT** the request for incentives under the Sandwich Incentive Program made by South Rustico Holdings Inc, (c/o David Ly), owner of the property located at 3150 Peter Street, **BE APPROVED** for the following programs when all work is complete:
  - i. *Development and Building Fees Grant* for 100% of the Development and Building Fees identified in the Sandwich CIP to a Maximum amount of **(+/- \$5,000)**;
  - ii. *Revitalization Grant Program* for 70% of the municipal portion of the tax increment for up to 10 years **(+/- \$2,051** per year); and
- II. **THAT** Administration **BE AUTHORIZED** to prepare the Sandwich Incentive Program Agreement for the *Revitalization Grant* in accordance with all applicable policies, requirements, and provisions contained within the Olde Sandwich Towne Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implication;
- III. **THAT** the CAO and City Clerk **BE AUTHORIZED** to sign the agreement between the City and South Rustico Holdings Inc, (c/o David Ly) to implement the *Building/Property Improvement Tax Increment Grant Program* (only) in accordance with all applicable policies, requirements to the satisfaction of the

City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications;

- IV. **THAT** funds in the maximum amount of +/- **\$5,000** under the *Development Building Fees Grant Program* **BE TRANSFERRED** from the CIP Reserve Fund 226 to the *Sandwich Community Development Plan Fund* (Account 7076176) when the work is complete;
- V. **THAT** grants **BE PAID** to South Rustico Holdings Inc, (c/o David Ly) upon completion of the interior/exterior renovations including the addition of a new dwelling unit in an existing space from the *Sandwich Community Development Plan Fund* (Project 7076176) to the satisfaction of the City Planner and Chief Building Official; and,
- VI. THAT grants approved **SHALL LAPSE** if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date. Extensions **SHALL BE** given at the discretion of the City Planner.

### **Executive Summary:**

N/A

### **Background:**

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

On June 17, 2013 through M265-2013 Council activated the following Incentive Programs from the Sandwich Incentive Program(s) "toolkit" (See):

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

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

Sandwich HCD Area) (M264-2013). On April 28, 2014, Council also activated the *Commercial/Mixed Use Building Improvement Loan Program* from the Sandwich Incentive Program(s) “toolkit”.

**Discussion:**

On December 23rd, 2022, South Rustico Holdings Inc, (c/o David Ly) applied for grants through the Sandwich Town CIP Incentive program for the purpose of the addition of a new dwelling unit in an existing space and interior/exterior renovations to the property located at 3150 Peter Street (See Appendix A for location map and existing condition).

**Sandwich Incentive Program(s)**

The proposal is located within Target Area 1 of the Sandwich CIP Area and eligible for the following incentive programs. The eligible costs for each incentive program are based on the cost estimates provided by the applicant. As the project is implemented these costs could fluctuate slightly resulting in a minor impact on the eligible costs for each incentive program. The application is consistent with the general program requirements identified in Section 10.3 of the CIP, with the following program specific requirements:

**1. Development and Building fees Grant Program**

The purpose of the program is to provide an additional incentive to augment the other incentive programs and to facilitate and spur adaptive re-use, redevelopment and new construction. The program provides a grant equal to 100% of the fees paid for the eligible types of development applications and building permits. The applicant has applied for a Building Permit for the addition of the new dwelling unit in the existing space. Building Permit drawings have been submitted but are still under review and no costs have been determined for the Building Permit and other applicable development fees. Recommendation I. ii. of the report will include a maximum amount of \$5,000 to ensure that all fees are captured.

**2. Revitalization Grant Program**

The purpose of this program is to use the tax increase that can result when a property is rehabilitated, redeveloped or developed to provide assistance in securing the project financing and offset some of the costs associated with the rehabilitation. The program will provide an annual grant equal to 70% of the increase in City property taxes for 10 years after project completion as long as the project results in an increase in assessment and therefore an increase in property taxes. Based on the project description and current value vs. estimated post-project assessment value of land, and buildings identified in the Grant Application, the property assessment is expected to increase.

The confirmed current value assessment of the property located at 3150 Peter Street is \$468,000.00. The owner currently pays property taxes of \$17,439. The municipal portion, to which the grant would apply, is \$16,723.

The Applicant’s estimated Post-Project Value of Land and Buildings based on the cost of construction is \$550,000 with a value increase of \$82,000.

However, some of the proposed costs incurred, although eligible for purposes of the application, may not result in a direct increase in assessment value. In other words, the grant is calculated and paid, not on the post-project value or projections made in this report, but on the actual post-development value, as determined by MPAC after project completion. Administration has estimated the Post-Redevelopment Property Value Assessment based on the drawings and information provided to be \$550,000 based on the 2022 Residential Tax Rate. The grant will however be based upon the actual tax increment once the assessment and full review of the building after completion of renovations has been determined by MPAC.

For illustrative purposes, the table below identifies the 70% of the municipal portion (over a 10 year period) that the applicant would be eligible for based on the Current Value Assessment and the Estimated Post Project Assessment Value.

The estimated post project assessment value of \$550,000 was completed by Administration based upon the construction and permit drawings provided by the applicant. However, the actual amount of the new assessment will be dependent upon a full review of the building after completion of renovations as determined by the Municipal Property Assessment Corporation (MPAC).

Because the Revitalization Grant Program does not cancel taxes, the applicant must pay the full amount of property taxes annually and will subsequently receive a grant for 70% of the difference between the pre and post-development municipal taxes that are attributed to the eligible use. The City would retain the amount of pre-development (base) municipal taxes throughout the lifespan of the grant program however would forego the increase in property taxes resulting from the proposed investment, which could otherwise be used to offset future budget pressures over the next ten years.

After completion of the grant program (10 years), the City will collect the full value of municipal tax increase of \$20,510 annually.

<b>Estimated Revitalization Grant for 3150 Peter Street</b>			
Annual Pre Development Municipal Taxes	Annual Estimate Post Development Municipal Taxes	Annual Estimate Value of Grant (70% of municipal increase)	Annual Estimate of Grant Over 10 years)
\$ 16,723	\$19,653	\$ 2,051	\$20,510

**Assumptions**

Current Property Value Assessment (2023 – Multi-Residential)	\$468,000
Estimate Total Post Development Assessment	\$550,000

## **Risk Analysis:**

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

The following grants will not be disbursed until an agreement for the Sandwich Incentive Program has been registered on title between the owner and the City of Windsor and not until all work is completed and inspected by Administration as per the approved drawings and Building Permit:

- *Revitalization Grant Program*
- *Development and Building Fees Grant Program*

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

## **Climate Change Risks**

### **Climate Change Mitigation:**

The subject development mitigates greenhouse gas (GHG) emissions by renovating a vacant existing residential space which reduces material usage and construction time,

The re-use of the existing building and site contributes to the revitalization of the Sandwich Town Neighbourhood through increasing the density and promoting walking and other alternative modes of transportation, thereby contributing to a complete community. The improvements to the existing building will utilize modern building methods, which will conform to the Ontario Building Code concerning safety and energy efficiency. New doors and windows are also proposed that will be more energy efficient than what is existing.

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

### **Climate Change Adaptation:**

The redevelopment of the site will utilize modern building methods which will conform to the Ontario Building Code concerning energy efficiency. New doors and windows are also proposed that will be more energy efficient than what is existing.



**Financial Matters:**

On February 22, 2021, Council approved the 2021 budget, which included a new reserve fund for all active CIPs in the City. As CIP grant applications are approved, the approved grant amount will be transferred to the capital project account to be kept as committed funds, until the grant is ready to be paid out. The current uncommitted balance of the CIP reserve fund is \$772,392 however this balance does not account for other CIP grant requests that are currently being considered by the Development & Heritage Standing Committee/City Council standing committee or have been endorsed by the standing committee and are not yet approved by City Council.

If approved, funds will be transferred from the CIP Reserve Fund 226 to the *Sandwich Community Development Plan Fund* (project 7076176) to disperse the amount of +/- \$5,000 for the *Development and Building Fees Grant Program* identified in this report.

The *Revitalization Grant* will be based upon the municipal tax increase and will be calculated by the Finance Department when all work is complete.

<b>Eligible Incentive Programs</b>	<b>Grant</b>
<i>Development and Building Fees Grant</i>	<b>+/- \$5,000</b>
<i>Note: Development and Building Fees are paid upfront by the applicant and these fees are approximate and can change at the time of Building Permit</i>	
<i>Revitalization Grant</i>	<b>\$20,510</b>
<i>*(\$2,051 per year between years 1 to 10</i>	
<b>Total</b>	<b>\$25,510</b>

Except for the *Revitalization Grant*, the owner will be reimbursed through the project *Sandwich Community Development Plan Fund* (project 7076176) when all work is complete. The *Revitalization Grant* is funded through the municipal portion of the annual tax levy.

**Consultations:**

The Planning and Building Department has consulted with the owner of 3150 Peter Street through the Sandwich Incentive(s) Program application and all other aspects of the Development Review Process including the requirements of the Heritage Permit process.

For the purpose of determining the approximate dollar value of grants Carolyn Nelson, Manager of Property Assessment Taxation & Financial Projects was consulted

regarding annual Tax Assessment information and the Estimated Post-Redevelopment Property Value Assessment. Josie Gualtieri, Financial Administrator from Financial Planning was consulted regarding funding through Account 7076176-Sandwich Community Development Plan.

**Conclusion:**

The proposed residential redevelopment located at 3150 Peter Street will provide an opportunity to improve the appearance of the area and create new housing units in a currently vacant building in the Sandwich CIP area.

The incentive program application meets all of the eligibility criteria as identified in the Discussion section of this report. There are sufficient funds in the Sandwich Community Development Plan Fund to provide the Development & Building Fees grant amount, which has been applied for by the applicant for this project with the Revitalization Grant portion funded through the municipal portion of the annual tax levy. Administration recommends that the application request by the owner of 3150 Peter Street for incentives under the Sandwich Incentive Program be approved.

**Planning Act Matters:**

N/A

Name	Title
Josie Gualtieri	Financial Planning Administrator
Neil Robertson	Manager of Urban Design
John Revell	Chief Building Official
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner of Economic Development and Innovation
Janice Guthrie	Deputy Treasurer, Taxation & Financial Projects
Tony Ardovini	Acting Commissioner, Corporate Services Chief Financial Officer / City Treasurer
Joe Mancina	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
South Rustico Holdings Inc.	1290 Heritage Wat Oakville ON L6M 4M4	david.ly@elevationrealty.ca
David Ly	1311 Princeton Crescent Burlington ON, L7P 2K4	david.ly@elevationrealty.ca

**Appendices:**

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

# APPENDIX 'A'

## LOCATION MAP



## LOCATION MAP



SUBJECT PROPERTY : 3150 PETER STREET





APPENDIX 'A'  
EXISTING CONDITION



APPENDIX 'A'  
EXISTING CONDITION





APPENDIX 'A'  
EXISTING CONDITION



# APPENDIX 'B'

## PROPOSED IMPROVEMENTS



*Replace all exterior doors and windows*



## APPENDIX 'B'

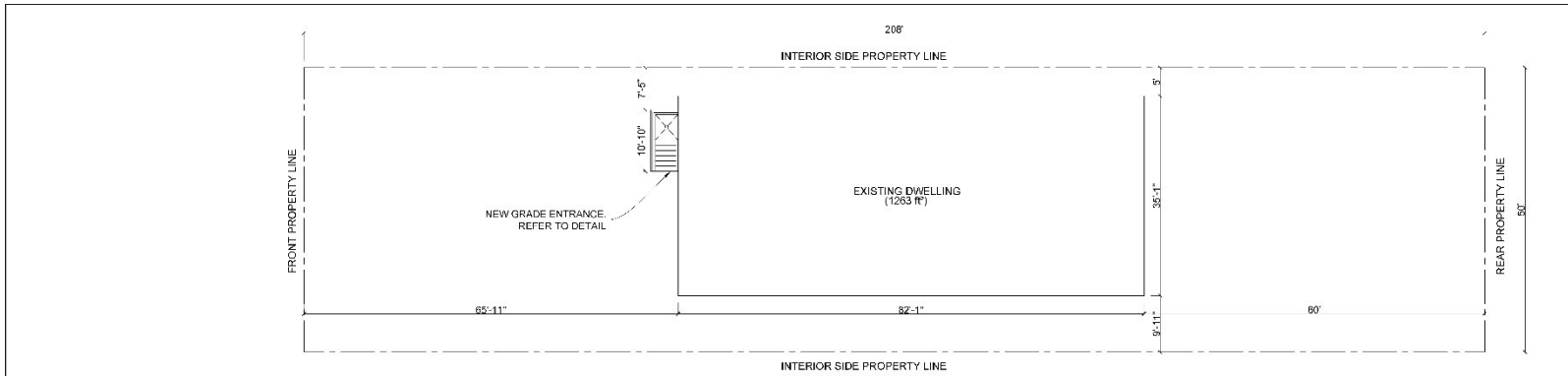
### PROPOSED IMPROVEMENTS



*Repair cracks in exterior walls and foundation*

# APPENDIX 'B'

## PROPOSED IMPROVEMENTS



**GENERAL NOTES**

**GENERAL NOTES**

THESE PLANS AND SPECIFICATIONS SHALL BE CONSIDERED AS PART OF THE CONTRACT DOCUMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AGENCIES AND AGENCIES OF THE STATE OF CALIFORNIA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AGENCIES AND AGENCIES OF THE STATE OF CALIFORNIA.

**CONCRETE**

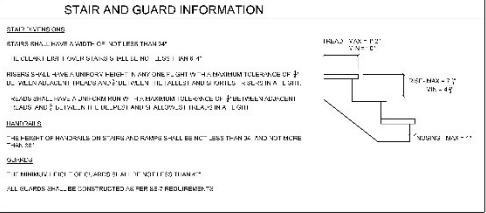
ALL CONCRETE SHALL BE PLACED ON A COMPACTED GRANULAR FILL TO A MINIMUM OF 4" BELOW THE FINISHED GRADE. ALL CONCRETE SHALL BE PLACED IN A SINGLE LIFT UNLESS OTHERWISE SPECIFIED. ALL CONCRETE SHALL BE PLACED IN A SINGLE LIFT UNLESS OTHERWISE SPECIFIED. ALL CONCRETE SHALL BE PLACED IN A SINGLE LIFT UNLESS OTHERWISE SPECIFIED.

**STEEL**

ALL STEEL SHALL BE PLACED ON A COMPACTED GRANULAR FILL TO A MINIMUM OF 4" BELOW THE FINISHED GRADE. ALL STEEL SHALL BE PLACED IN A SINGLE LIFT UNLESS OTHERWISE SPECIFIED. ALL STEEL SHALL BE PLACED IN A SINGLE LIFT UNLESS OTHERWISE SPECIFIED.

**MECHANICAL, ELECTRICAL, AND PLUMBING**

ALL MECHANICAL, ELECTRICAL, AND PLUMBING SHALL BE INSTALLED IN ACCORDANCE WITH THE CALIFORNIA MECHANICAL, ELECTRICAL, AND PLUMBING CODES. ALL MECHANICAL, ELECTRICAL, AND PLUMBING SHALL BE INSTALLED IN ACCORDANCE WITH THE CALIFORNIA MECHANICAL, ELECTRICAL, AND PLUMBING CODES.



DATE: 12/15/2022  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 PROJECT NO.: [Number]

AG DESIGN  
 3550 PETER STREET  
 WINDSOR, ON  
 CANADA

**BASEMENT UNIT CONVERSION**  
 3550 PETER STREET  
 WINDSOR, ON

Date: December 15, 2022  
 Scale: 1/8" = 1'-0"  
 Drawing No.: 19-1522  
 A-0.1

# APPENDIX 'B'

## PROPOSED IMPROVEMENTS



*Create Additional Unit within existing Interior space and renovate entire building*



**Item No. 10.1**



**Committee Matters: SCM 182/2023**

**Subject: Auditor General Status Update Report**

THAT the report from the Office of the Municipal Auditor General dated June 16, 2023 titled "2023 Auditor General Work Plan Progress Report" (***attached***) BE RECEIVED for information, and;

THAT the revised 2023 Auditor General work plan BE RECEIVED for information and BE APPROVED as presented.

Clerk's File: AF/14508



**JUNE 16, 2023**

**2023 AUDITOR GENERAL WORK PLAN**

# **PROGRESS REPORT**

# Executive Summary

## 2023 AUDITOR GENERAL WORK PLAN

# Work Plan Progress

**T**he transition from PwC to Risk Savvy Ltd. of the Internal Audit services contract while retaining Christopher O'Connor as the appointed Auditor General has occurred. After this transition, planning on the previously determined BIA reviews commenced and was placed on hold, given the governance actions taken by City Council. As a result of the City Council request and Governance enhancements regarding the BIAs, the Auditor General is recommending a modification to the current work plan.

Planning continued for the Procurement - Education Compliance and Management Action Plan Validation reviews. The Procurement - Education Compliance review is in process, with an assessment of control design and operation currently being conducted. The Management Action Plan Validation review was completed and is included in this progress report. The results of the Management Action Plan Validation review indicate good progress by management in executing an approach to previously raised Internal Audit and Auditor General findings.

The Concerned Citizen and Employee Hotline continues to be regularly monitored through email, telephone, voicemail and postal mail. Since January 1, 2023, seventeen (17) actionable messages have been received. Sixteen (16) were routed to management for action, and one (1) was provided with the appropriate channel to raise a complaint, given their concern. An additional eighty-six (86) spam/junk mail messages were received.











# Contents




<b>Executive Summary</b>	<b>2</b>
<b>Work plan Progress</b>	<b>4</b>
Modification of Auditor General Work Plan	5
<b>Appendix A - Report issued in the period</b>	<b>11</b>
2.1 Management Action Plan Validation	11
<b>Appendix B - Complaints &amp; Investigation</b>	<b>13</b>
<b>Appendix C - Detailed Report</b>	<b>14</b>

# WORK PLAN PROGRESS

The following summary outlines the progress against the work plan previously presented. Two items are being cancelled. [DISCUSSION AND ANALYSIS](#) summarizes the basis for this change, and the table [REVISED AUDITOR GENERAL WORK PLAN](#) provides an overview of the revised plan.

Planned Project	Progress to Completion	Report Issued
Portfolio program management design review		
Employee wellness indirect indicators analysis		
Procurement – Education compliance		
Business Improvement Association Review		
Management action plan validation		
Concerned citizen and employee hotline		 
Risk assessment refresh		
Oversight, administration and reporting		 
AG Functions		NA
<b>Overall Plan Progress</b>		NA

**Legend:**

-  To be issued
-  Issued/Completed
-  Cancelled

# MODIFICATION OF AUDITOR GENERAL WORK PLAN

## DISCUSSION AND ANALYSIS

Under the approved Auditor General Charter, “The AG shall have the authority to stop, delay or postpone active/ongoing or planned work in order to redirect efforts to conduct projects and analysis when a complaint/allegation is lodged which may have merit. Any such changes will be reported to City Council for approval of the Audit Plan change or alternatively for allocation of additional resources to avoid such changes to the plan.”

A BIA-related complaint was received in the prior year, which warrants investigation. Further, as part of the BIA governance requirements instituted by City Council, a request for Auditor General involvement in the BIAs was articulated at City Council. Together, these requests exceed the budget for reviews at the BIAs. The original scope did not consider the governance and compliance elements. To conduct the BIA review as initially planned and incorporate key items related to governance and compliance across all BIAs (rather than targeting a select few), the efforts from other initiatives will be directed towards the BIA efforts; the specific projects being cancelled are Portfolio program management design review and the Employee wellness indirect indicators analysis review.

In arriving at the recommended approach, the Auditor General evaluated six (6) possible approaches and considered the impact of scope, coverage, timing, additional effort/cost and time available for other projects. A summary of this analysis may be found in [Other Options Considered and Analysis](#).

The previously planned BIA work has been placed on hold until this plan is presented to City Council to ensure the proposed reviews consider their concerns.

The revised scope for the BIA review work will consider the various BIA entity's compliance with the Governance framework and supporting schedules as adopted by City Council and specific policies at each BIA, such as procurement, hiring and termination. Compliance with the governance framework will target a significant portion of the framework (and schedules) but will be limited, given funding constraints. An additional allocation of funds would be required to expand the reviews to the entire framework.

The BIA review will commence late in 2023 to provide the BIAs time to adopt and implement the governance framework.

In addition, 80 hours of effort is being redirected from Oversight, Administration and Reporting, and Auditor General activities to the maintenance/response of the Concerned Citizen and Employee Hotline, given the transition from PwC.

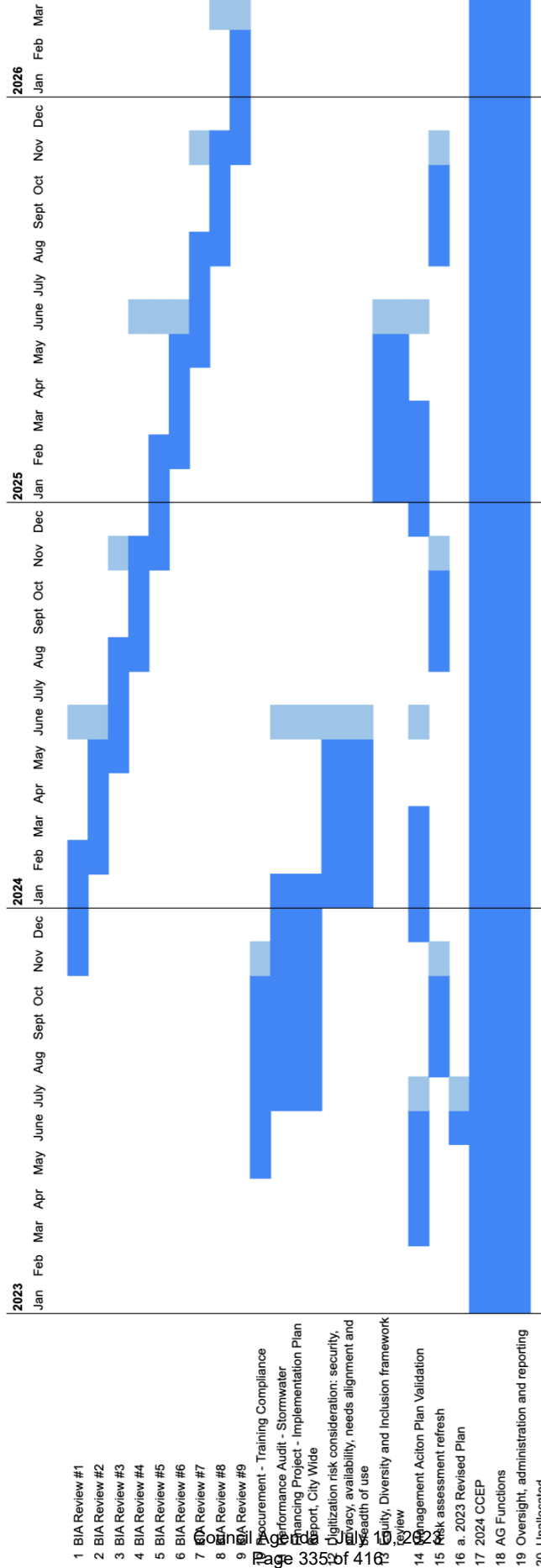
These modifications result in the following revised work plan. This is the first revision of the 2023 Auditor General work plan since the original submission.

### REVISED AUDITOR GENERAL WORK PLAN:

Planned Project	Planned Effort Allocation %
<p><b>Project Portfolio Management – Design Review:</b> Project portfolio management (PPfM) is fundamentally different from project and program management. Project and program management are about execution and delivery—doing projects right. In contrast, PPfM focuses on doing the right projects at the right time by selecting and managing projects as a portfolio of investments. It requires completely different techniques and perspectives. Currently, the City has many ongoing initiatives which require oversight, the future is expected to bring more projects and changes to the organization. A review of the current PPfM practices the City has in effect and an assessment of the current design of those controls or a roadmap to enhance maturity will provide support across the project landscape. Specific consideration will be given to the practices management has in place for the portfolio to:</p> <ol style="list-style-type: none"> <li>1. Clarify business objectives</li> <li>2. Capture and research requests and ideas</li> <li>3. Select the best projects using defined differentiators that align, maximize, and balance</li> <li>4. Validate portfolio feasibility and initiate projects</li> <li>5. Manage and monitor the portfolio</li> </ol>	<p>0% Removed</p>
<p><b>Employee Wellness Indirect Indicators Analysis:</b> Employee wellness has been a rising imperative for attracting and retaining the talent an organization needs. The recent pandemic circumstances have increased the relative imperative of this wellness while also creating significant additional stressors on personnel. This internal audit will consider indirect indicators of employee wellness such as overtime, leave taken/not taken, workloads and broader environment considerations to identify key risk indicators of the City's employee wellness.</p>	<p>0% Removed</p>

Planned Project	Effort Allocation %
<p><b>Procurement – Education compliance:</b> Education of individuals who have purchasing authority and are required to comply with the By-law is a significant awareness and preventative control mechanism. Equipping these individuals as it relates to the proper use and interpretation of the Purchasing By-law helps to reduce the risk of non-compliance with the by-law.</p>	12%
<p><b>Partial scope of 9 BIAs over 3 years:</b> Selected compliance testing with the Council approved governance framework and supporting schedules. Further consideration as to the design of specific policies at each BIA such as procurement, hiring and termination will be incorporated. Compliance testing will be significant but not comprehensive. Three (3) BIAs will be considered each year.</p>	29%
<p><b>Performance Audit - Stormwater Financing Project - Implementation Plan Report, City Wide:</b> Review progress against plan milestones to December 2023 timeline considering activity completion and budget-to-actual results.</p>	24%
<p><b>Management action plan validation:</b> Follow-up on and report back to the City on the status and sufficiency of management’s resolution of prior findings. An annual internal audit report on management’s resolution of planned findings will be provided to management and the City Council. Cut off for the activity is scheduled for December 31, 2022.</p>	7%
<p><b>Concerned citizen and employee hotline:</b> Monitor the City’s Hotline for accusations of fraud or abuse/waste of City assets. Internal Audit will investigate appropriate accusations as per the CCEHN Protocol (last updated July 2015).</p>	11%
<p><b>Risk assessment refresh:</b> Development of annual risk assessment and 3 year internal audit plan (2023-25). We will update our risk assessment for the City as a basis for identifying areas of audit emphasis.</p>	5%
<p><b>Oversight, administration and reporting:</b> Ongoing status reporting and key performance metrics to the City. Maintain awareness of the City organizational risks, strategy and operational execution, Semi-annual reporting to the CLT and City Council will occur. Summary of the plan’s completion status/progress.</p>	2%
<p><b>AG Functions:</b> Provide Auditor General oversight, input, investigations and support.</p>	8%
<p><b>Unallocated:</b> Available hours to respond to further investigations, project variances or special requests. (10% or more is recommended)</p>	2%

### Revised Work Plan Timeline



## OTHER OPTIONS CONSIDERED AND ANALYSIS:

Below is an outline of the six options considered in recommending the plan provided here for consideration. First, a summary of the scope is provided. Subsequently, a table highlighting the key considerations is provided.

1. **Full scope of 9 BIAs in year:** Conduct full-scope compliance and allegation review for all 9 BIAs as part of this year's Auditor General work plan. This would require estimated additional funding to provide staff augmentation efforts of between \$225,000 to \$300,000.
2. **Full scope of 9 BIAs over three years:** Conduct full-scope compliance allegation review for all 9 BIAs as part of the following three-year Auditor General work plan. No additional funding would be required, but only one other project, beyond that base recurring efforts, would occur in the three years.
3. **Partial scope of 9 BIAs in the year:** Conduct partial-scope compliance and allegation review for all 9 BIAs as part of this year's Auditor General work plan. This would require estimated additional funding to provide staff augmentation efforts of between \$166,000 to \$225,000.
4. **Partial scope of 9 BIAs over three years:** Conduct partial-scope compliance allegation review for all 9 BIAs as part of the following three-year Auditor General work plan. No additional funding would be required, and three other projects would occur beyond that base recurring efforts in the three years.
5. **Cover 4 selected BIAs in 1 year:** Conduct full or partial scope compliance and allegation reviews for four BIAs as part of this year's Auditor General work plan. No additional funding would be required, but not all BIAs would be covered; bias would be provided to include specific BIAs in scope to assess allegations.
6. **BIA only as initially planned:** Conduct BIA scope as originally planned (excludes a significant majority of the Governance Framework elements) and conduct three additional internal audits as part of this year's Auditor General work plan as follows:
  - A. Performance Audit - Stormwater Financing Project - Implementation Plan Report, City-Wide,



B. Equity, Diversity and Inclusion framework review

C. Ransomware review

**Analysis Summary - Key Considerations in Selecting Approach to Include in the Revised Auditor General Work Plan:**

<b>Project Short Title</b>	<b>Full scope of 9 BIAs in year</b>	<b>Full scope of 9 BIAs over 3 years</b>	<b>Partial scope of 9 BIAs in year</b>	<b>Partial scope of 9 BIAs over 3 years</b>	<b>Cover 4 selected BIAs in 1 year</b>	<b>BIA coverage only as initially planned</b>
Addresses Original Scope	Yes	Yes	Yes	Yes	Yes	Yes
Considers Governance Framework	Yes	Yes	Significantly	Significantly	Significantly	No
Covers All BIAs	Yes	Yes	Yes	Yes	No	Yes
Coverage of BIAs in next 3 years	Yes	Yes	Yes	Yes	No	Yes
Other Projects Possible in next 3 years	5-7	1	5-7	3	5-7	8-10
Expected Resource Supplementation Required beyond Plan/Extra Cost	\$225,000 to \$300,000	\$0	\$166,000 to \$225,000	\$0	\$0	\$0
<b>Ranking of Options</b>	<b>5</b>	<b>2</b>	<b>4</b>	<b>1</b>	<b>6</b>	<b>3</b>

# APPENDIX A - REPORT ISSUED IN THE PERIOD

**A**n extract of the report's executive summary is included below, and the full report is attached in the appendix to this status report.

## 2.1 MANAGEMENT ACTION PLAN VALIDATION

Management is showing substantial progress on most open action plans. This year the total open action plans are the second lowest in ten (10) years, with six (6) remaining open at the end of 2022. Significant progress has been made by management in addressing open findings.

The year 2022 began with seventeen (17) action plans carried forward, with another seven (7) added during the year. This resulted in 24 action plans being overseen by management during 2022, of which 18 were addressed in some manner, and six (6) remain open to be addressed.

Of the findings closed in the period:

- one (1) was completed before the required due date,
- nine (9) were resolved in the period (as previously planned),
- eight (8) were risk accepted.

The result is six (6) open findings:

- four (4) were raised in the period,
- another one (1) is on track to be completed as initially intended in 2023, and

- one (1) action plan has been retargeted multiple times; however, management has provided material indicating that the only remaining action element - to present/discuss/approve the noted policies at a board meeting - occurred in March 2023.

## RATING

In total, eighteen (18) (90%) of the twenty (20) management action plans intended for closure in the period were completed, two (2) were retargeted for the first time, and one (1) was retargeted for the second time or more (incurring a 2% penalty), resulting in an overall conclusion of eighty-eight percent **(88%) - Controlled**.

## SCOPE PERIOD

January 1, 2022 through December 31, 2022

## APPROACH

For validating the management action plan, the activities undertaken by internal audit included:

- Requesting status updates and contact information from management;
- Testing/validating evidence of management's resolution/disposition of the original finding for items expected to be closed and/or indicated as completed by management;
- Preparing a report on the outcomes of the management action plan internal audit activity.

# APPENDIX B - COMPLAINTS & INVESTIGATION

Area	Checked within timeframe	Inbound	Hangups/ Spam	Routed to Management	Under Analysis	Under Investigation	Investigated
Concerned Citizen & employee Hotline	Yes*	103	86	16**	0	0	0
Auditor General Direct	Yes	0	0	0	0	0	0

\* In March, it was noted that several inbound email complaints were not captured promptly due to filtering. All filtering was removed at that time, and the Auditor General directly received each inbound email. No timing issues were noted after this transition issue.

\*\* For one (1) inbound call, the Auditor General provided the individual with the information to access the proper channel to submit the complaint, given that the concern was outside the Concerned Citizen and Employee Protocol scope.

# APPENDIX C - DETAILED REPORT

**MAY 17, 2023**

**VALIDATION OF MANAGEMENT'S PROGRESS ON  
ACTION PLANS IN 2022**

**AUDIT  
REPORT**

# Executive Summary

## 2023 PLANNED AUDIT PROJECT

# Progress on Open Action Plans in 2022

**M**anagement is showing substantial progress on most open action plans. This year the total open action plans are the second lowest in ten (10) years, with six (6) remaining open at the end of 2022. Significant progress has been made by management in addressing open findings.

The year 2022 began with seventeen (17) action plans carried forward, with another seven (7) added during the year. This resulted in 24 action plans being overseen by management during 2022, of which 18 were addressed in some manner, and six (6) remain open to be addressed.

Of the findings closed in the period:

- one (1) was completed before the required due date,
- nine (9) were resolved in the period (as previously planned),
- eight (8) were risk accepted.

The result is six (6) open findings:

- four (4) were raised in the period,
- another one (1) is on track to be completed as initially intended in 2023, and



- one (1) action plan has been retargeted multiple times; however, management has provided material indicating that the only remaining action element - to present/discuss/approve the noted policies at a board meeting - occurred in March 2023.

## RATING

In total, eighteen (18) (90%) of the twenty (20) management action plans intended for closure in the period were completed, two (2) were retargeted for the first time, and one (1) was retargeted for the second time or more (incurring a 2% penalty), resulting in an overall conclusion of eighty-eight percent **(88%) - Controlled**.

## SCOPE PERIOD

January 1, 2022 through December 31, 2022

## APPROACH

For validating the management action plan, the activities undertaken by internal audit included:

- Requesting status updates and contact information from management;
- Testing/validating evidence of management's resolution/disposition of the original finding for items expected to be closed and/or indicated as completed by management;
- Preparing a report on the outcomes of the management action plan internal audit activity.

## RESPONSIBILITIES OF MANAGEMENT AND INTERNAL AUDITORS

It is management's responsibility to develop and maintain sound systems of risk management, internal control, and governance and to prevent and detect irregularities and fraud. Internal audit work should not be seen as a substitute for management's responsibilities for designing and operating these systems.

We endeavour to plan our work so that we have a reasonable expectation of detecting significant control weaknesses. If detected, we shall carry out additional work directed towards the identification of consequent fraud or other irregularities. However, internal audit procedures alone, even when carried out with due professional care, do not guarantee that fraud will be detected.


Accordingly, our examinations as internal auditors should not be relied upon solely to disclose fraud, defalcations or other irregularities which may exist.

# Contents

<b>Executive Summary</b>	<b>1</b>
<b>Overall Assessment</b>	<b>5</b>
<b>Appendix A - Risk Acceptance In Period</b>	<b>12</b>
<b>Appendix B - Management Action Plans which are “Open</b>	<b>19</b>
<b>Appendix C - Open and Delayed Management Action Plans</b>	<b>20</b>

# OVERALL ASSESSMENT

**R**atings are based on (1) the completion of planned management action plans and (2) the volume of retargets for individual observations (2% penalty for each retarget after one [1] initial grace period). Based on the actions undertaken by management in the period, our assessment of the progress is as follows:

Impact rating	Assessment rationale	Rating
Well controlled	Strong 100% of the audit recommendations due to be implemented in the current period were completed.	
Controlled	70% - 99% of the audit recommendations due to be implemented in the current period were complete. Opportunity exists to improve implementation rates	
Opportunity exists to improve implementation rates	50% - 69% of the audit recommendations due to be implemented in the current period were completed.	
Not controlled	Less than 50% of the audit recommendations due to be implemented in the current period were completed.	

In total, seventeen (17) [86%] of the management action plans intended for closure in the period were completed, one (1) was completed in advance, two (2) were retargeted for the first time, and one (1) was retargeted for the second time or more (2% penalty) resulting in an overall conclusion of eighty-four percent **(88%) - "Controlled"**.

**Closed as planned and closed in advance:** In the period, eighteen (18) items were completed versus an expected twenty (20), a total closure rate of ninety percent (90%):

- Nine (9) management action plans were closed as planned in the period
- One (1) management action plan was completed ahead of schedule
- Eight (8) management action plans were closed via formal risk acceptance

**Additions:** Seven (7) management action plans were added during the period

**Retargeted Items:** Three (3) management action plans were retargeted in the period:

- Two (2) were retargeted for the first time
- One (1) was retargeted for the second time or more (1\*2% penalty = 2%)

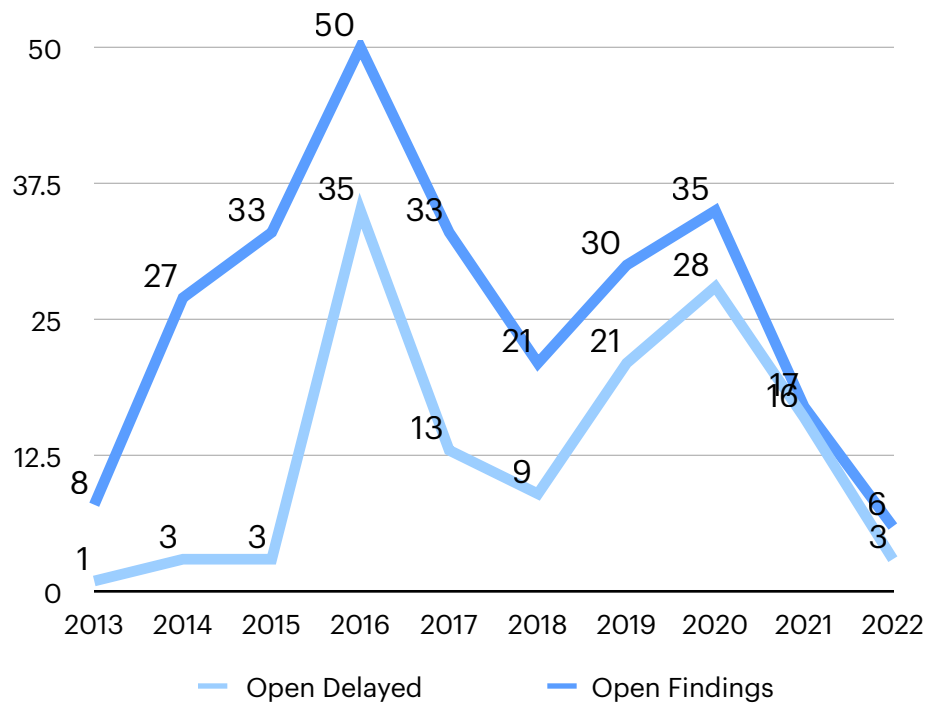
## SUMMARY OF KEY INDICATORS

Running Balance of Open Management Action Plans to Address Previously Reporting						
Rating	Opening Balance	Additions in Period	Resolved in Period	Open at the End of Period	Open and On Track	Open and Delayed
Significant	7		6	1		1
High				0		
Moderate	6	2	7	1		1
Low	3	5	4	4	3	1
Not Rated	1		1	0		
<b>Total</b>	<b>17</b>	<b>7</b>	<b>18</b>	<b>6</b>	<b>3</b>	<b>3</b>

Expected to Close versus Actual Closed Management Action Plans					
Rating	Expected to Be Closed in Period	Resolved in Period (A+B+C)	A. Validated as Closed in Period as Planned	B. Validated as Closed in Advance	C. Risk Accepted in Period
Significant	7	6	5		1
High					
Moderate	8	7	1		6
Low	4	3	2	1	1
Not Rated	1	1	1		
<b>Total</b>	<b>20</b>	<b>18</b>	<b>9</b>	<b>1</b>	<b>8</b>

### OPEN AND DELAYED FINDINGS TRENDING

Overall progress has been made in management’s resolution of open findings, with the second lowest number of open findings in the last ten (10) years - six (6) open findings to address. Three (3) are Open and On-track and three (3) have been delayed with new targets beyond the original intended resolution date.

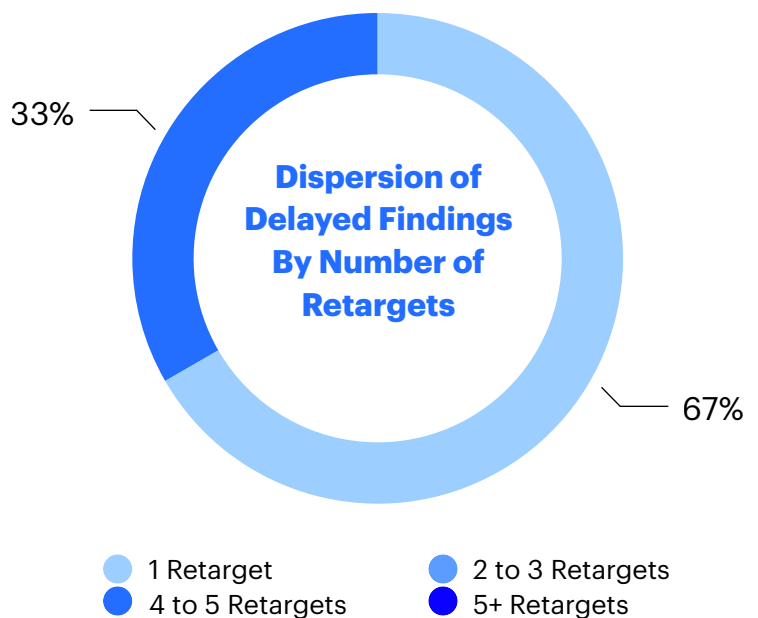
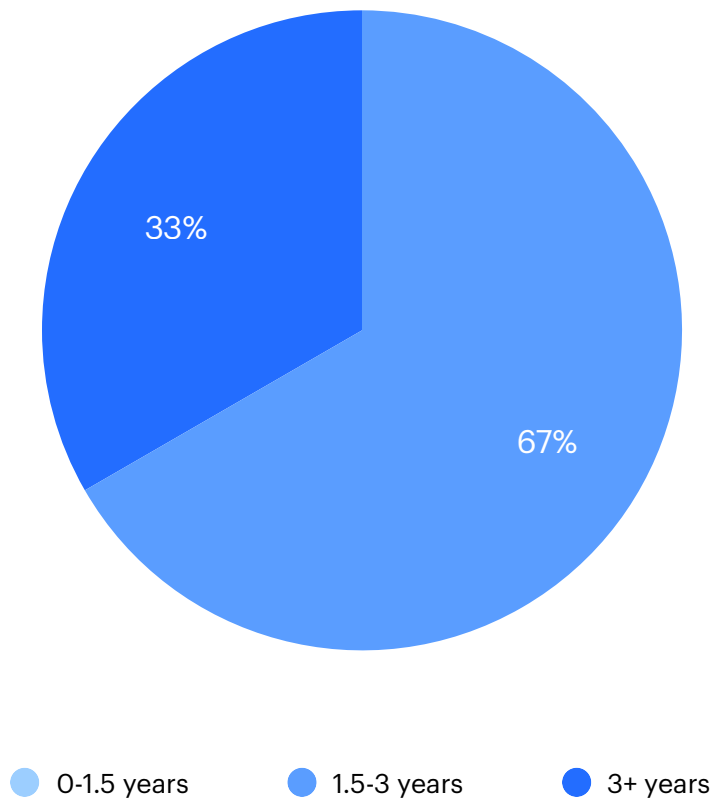


## AGING AND DISPERSION OF DELAYED FINDING RESOLUTION

Of the three (3) delayed management action plans, two (2) were identified between eighteen (18) and thirty-six (36) months ago:

- 264: Road Infrastructure Maintenance Processes - Establish a formal process relating to road maintenance coordination and road project deficiencies
  - 268: SmartCity Cyber & Privacy Risk Mitigation Review - Formalize risk identification criteria or guideline with respect to IT/Cyber/Privacy risks
- The final one (1) was identified more than five (5) years ago.
- 205: Your Quick Gateway (YQG) - Managing Inventory, Repairs and Maintenance - Enhance purchasing policy and document inventory and asset management procedures

**Aging of Delayed Findings**





# SUMMARY OF KEY FINDINGS DISPOSITION IN PERIOD

Findings Closed In Period*	Findings Formally Risk Accepted in Period (See Appendix A)	Findings Retargeted In Period (See Appendix B)
51: WDTC - Strategic plan not documented	101: Solid Waste - Agreement Between the City of Windsor and EWSWA	205: Your Quick Gateway (YQG) - Managing Inventory, Repairs and Maintenance - Enhance purchasing policy and document inventory and asset management procedures
159: Service Provider and Outsourced Services Governance and Management - Monitoring of Supplier Issues and Risks	211: Managing Transition of Projects into Operations - Enhance project classification and expectation guidelines	264: Road Infrastructure Maintenance Processes - Establish a formal process relating to road maintenance coordination and road project deficiencies
207: Your Quick Gateway (YQG) - Managing Inventory, Repairs and Maintenance - Enhance key vendor management controls	212: Managing Transition of Projects into Operations - Enhance considerations for project risk assessments	268: SmartCity Cyber & Privacy Risk Mitigation Review - Formalize risk identification criteria or guideline with respect to IT/Cyber/Privacy risks
209: Your Quick Gateway (YQG) - Managing Inventory, Repairs and Maintenance - Enhance compensating controls to address potential segregation of duties	213: Managing Transition of Projects into Operations - Formalize detailed Project Implementation Plan which includes Change Management/ Transition Plans	
229: Social Media Strategy Assessment - Document key content management procedures /checklists and review/update key account level roles/responsibilities	214: Managing Transition of Projects into Operations - Enhance approach to pre/post go-live feedback collection and aggregation	

Findings Closed In Period*	Findings Formally Risk Accepted in Period (See Appendix A)	Findings Retargeted In Period (See Appendix B)
239: Cyber Incident Response Assessment - Formalize Incident Management Plan and Procedures	241: Cyber Incident Response Assessment - Develop Incident Severity Matrix and Methodology for Incident Response Times using Critical Asset Classification	
240: Cyber Incident Response Assessment - Enhance Security Information and Event Management	244: Planning and Development - Review and Prioritize Action Plan Implementation of 2014 Business Process Review Findings	
247: Complaint Investigation Report - Lancaster Plane - Ensure contract compliance by retention of relevant documentation	270: SmartCity Cyber & Privacy Risk Mitigation Review - Perform ongoing monitoring of project risks	
266: Road Infrastructure Maintenance Processes - Investigate the root cause for the difference in results from the MBNC indicators for road maintenance spending and road quality		
269: SmartCity Cyber & Privacy Risk Mitigation Review - Establish procedures to conduct Privacy Impact Assessments (PIA)		

\* The closure summaries/details for each closed finding are published in the management report presented to the Council

## ACTION PLAN STATUS BY INTERNAL AUDIT REPORT

Rating	Opening Balance	Additions in Period	Resolved in Period	Risk Accepted in Period	Closed In Period	Expected to Close In Period	Open at Period End	Open and On Track	Open and Delayed
	A	B	C	D	E	F	G	H	I
<b>City Based Projects</b>					=C+D		=A+B-E		
Service Provider	1		1		1	1			
Managing Transition of Projects into Operations	4			4	4	4			
Social Media Strategy Assessment	1		1		1	1			
Cyber Incident Response Assessment	3		2	1	3	3			
Planning and Development	1			1	1	1			
Liquidity Management Review	1						1	1	
Road Infrastructure Management		4	1		1	2	3	2	1
SmartCity Cyber & Privacy Risk Mitigation		3	1	1	2	3	1		1
CCEP Findings	1		1		1	1			
<b>Sub-total</b>	<b>12</b>	<b>7</b>	<b>7</b>	<b>7</b>	<b>14</b>	<b>16</b>	<b>5</b>	<b>3</b>	<b>2</b>
<b>ABC Based Projects</b>									
WDTC	1		1		1	1			
Solid Waste	1			1	1	1			
Your Quick Gateway (YQG)	3		2		2	3	1		1
<b>Sub-total</b>	<b>5</b>		<b>3</b>	<b>1</b>	<b>4</b>	<b>5</b>	<b>1</b>		<b>1</b>
<b>Total</b>	<b>17</b>	<b>7</b>	<b>10</b>	<b>8</b>	<b>18</b>	<b>21</b>	<b>6</b>	<b>3</b>	<b>3</b>

# APPENDIX A - RISK ACCEPTANCE IN PERIOD

In this appendix, we provide a high-level overview of two key risk perspectives:

**1. Formal risk acceptance** - The risks and associated action plans which management had committed to, but where management has decided to accept the risk and not incur further efforts for resolution as outlined in the rationale section. To maintain independence, the Auditor General and Internal Audit do not participate in management's determination to accept a risk. Our work consists of reporting the rationale management presents and observing evidence that a City Commissioner has approved the risk acceptance and rationale.

**2. Implied short-term risk acceptance** - This section provides a summary listing of management action plans that have been or are expected to remain open for more than eighteen (18) months from the date of the report issuance. In these instances, given the time required for management to undertake the action, the City is implicitly accepting the short-term risk of the original finding until the point in time of its resolution.

## A.1 FORMAL RISK ACCEPTANCE

This section indicates those findings for which management accepts the risk of not having independently verifiable control(s).

<b>Audit Report</b>	Solid Waste
<b>Observation # and Name</b>	101 - Agreement Between the City of Windsor and EWSWA
Initially Identified	November 20, 2015
Original Risk Rating	Moderate
Background	There was no formal agreement between the City of Windsor and EWSWA which outlines oversight responsibilities, contract ownership and cost allocations and payment expectations regarding the Blue Box collection. Further, there was no standard set for how frequently the Operating agreement between the City, Authority and the County should be reviewed and or updated between the respective parties. The current operating agreement was developed prior to 1995.
Management's Risk Acceptance Rationale	<p>The risk is being accepted by default as there have been some logistical challenges to the finalization of the revisions. These include four CAO changes at the County and three at the City since this issue started being actioned. As well the EIC position that was the lead in this matter was seconded to the Corporate Workforce Project which had a much higher priority. Recently the city CAO spoke to the Acting County CAO about restarting the process. A new and dedicated EIC was recently recruited and that should help get this issue back on the priority agenda.</p> <p>The risks in accepting this (by default as noted above) are perceived to be minor. The parties discuss matters regularly and there is a joint technical committee which is usually able to resolve issues. There is also a more formal dispute resolution mechanism that involves the two CAO's.</p>
CLT Approver	CAO

<b>Audit Report</b>	Managing Transition of Projects into Operations
<b>Observation # and Name</b>	<ul style="list-style-type: none"> <li>● 211 - Enhance project classification and expectation guidelines</li> <li>● 212- Enhance considerations for project risk assessments</li> <li>● 213 - Formalize detailed Project Implementation Plan which includes Change Management/Transition Plans</li> <li>● 214 - Enhance approach to pre/post go-live feedback collection and aggregation</li> </ul>
Initially Identified	August 30, 2018
Original Risk Rating	<ul style="list-style-type: none"> <li>● Moderate</li> <li>● Moderate</li> <li>● Significant</li> <li>● Moderate</li> </ul>
Background	<p>Project classification requires significant interpretation; and (b) that project management methodologies allow for alternatives but do not include minimum expectations.</p> <p>For small and medium projects a formal risk assessment is voluntary and a common process and template for risk management is therefore not shared across the projects. This can impact aggregate risk perspectives and resources.</p> <p>A project implementation plan to support the Project Managers in project transition (transition plan and critical path) is not a formal deliverable required for projects to account for multiple factors, including (but not limited to):</p> <ul style="list-style-type: none"> <li>● knowledge transfer activities;</li> <li>● stakeholder feedback processes;</li> <li>● pre- and post- go live transition activities; and</li> <li>● site readiness pre-go live and post-go live (performing a dry run).</li> </ul> <p>Collection of pre- and post-go-live feedback from internal/external stakeholders prior to official project ‘closure’ is not a required component of the governance framework and varies in form when conducted.</p>

<p>Management’s Risk Acceptance Rationale</p>	<p>Reason for Delay: Lack of resources available to carry out the tasks.</p> <p>The Executive Initiatives Coordinator (EIC) in the CAO’s Office has been seconded to the WFM project. This position has not been backfilled and therefore all projects, responsibilities, and duties have been put on hold until its return to the EIC position, the date of which is unknown at this time. The resources for this project are not expected to be available until 2022. From that point, they will be required to undertake the management action plan in time to meet the revised date. They have capacity set aside at that future time for this work.</p> <p>This risk has been accepted by default given the noted staffing issues noted above. While the secondment noted above ended, the incumbent left in 2022 for another position. A new EIC was Hired in January 2023 and was assigned to this matter.</p> <p>The City does not see the risk being accepted as being significant as there is a Project Management team that is experienced in these matters.</p>
<p>CLT Approver</p>	<p>CAO</p>

<p><b>Audit Report</b></p>	<p>Cyber Incident Response Assessment</p>
<p><b>Observation # and Name</b></p>	<p>241 -Develop Incident Severity Matrix and Methodology for Incident Response Times using Critical Asset Classification</p>
<p>Initially Identified</p>	<p>August 30, 2019</p>
<p>Original Risk Rating</p>	<p>Moderate</p>
<p>Background</p>	<p>There was an IT Service Management solution containing a listing of assets exists and there was a standardized approach for categorizing the criticality of assets. However, the criticality of assets should, in turn be used in building an incident severity matrix which would be considered when defining incident response times, escalation and key participants when responding to incidents of varying criticality.</p>



<p>Management’s Risk Acceptance Rationale</p>	<p>The department has implemented a process to collect and catalogue the information required to meet this requirement, which will over time fulfill this mandate. In 2023 the department will be attempting to fund a project to bring in a consultant to conduct a thorough critical asset classification that will significantly reduce the time required to assess and classify all assets.</p> <p>Currently, constraints on time, effort and resources prevent this item from being completed. Completion of this finding does not reduce the risk of a Cyber Incident. Management has identified the most critical assets and developed Operation Level Agreements (OLA's) with many applications as part of the Project Management methodology (which documents agreed upon response times).</p> <p>Should the City accept this risk, it is possible in the event of multiple application failures as a result of a Cyber or other incident, resources could be deployed to a lower-priority item. Working with senior administration should this occur would resolve any conflicts with competing systems for resources.</p> <p>As such, management believes that the remediation of this finding would provide minimum value for the effort incurred.</p>
<p>CLT Approver</p>	<p>Commissioner Economic Development &amp; Innovation</p>

<p><b>Audit Report</b></p>	<p>Planning and Development</p>
<p><b>Observation # and Name</b></p>	<p>244 - Review and Prioritize Action Plan Implementation of 2014 Business Process Review Findings</p>
<p>Initially Identified</p>	<p>November 29, 2019</p>
<p>Original Risk Rating</p>	<p>Low</p>
<p>Background</p>	<p>A significant number of findings/improvements noted in the “2014 Property Development Approval Service Review” are expected to be addressed via the planned Evolve Project implementation (currently in the testing phase), management did not formally assign a prioritization framework/criteria to the findings and perform periodic (i.e. quarterly/ semi-annual) reporting in regards to the action plan status of those findings.</p>

Management’s Risk Acceptance Rationale	The rationale for the acceptance is that these findings to be implemented may no longer be valid due to legislative change per the Planning Act having occurred between 2014 and present. Significant recent change was experienced per the passing of Bills 108/22, 109/22, 23/23, PPS/23 and Bill 97/23. In addition, a new process for implementing the remaining changes are being addressed in the on-going implementation of our Cloudpermit/Evolve electronic permitting and approvals software project.
CLT Approver	Commissioner Economic Development & Innovation

<b>Audit Report</b>	SmartCity Cyber & Privacy Risk Mitigation Review
<b>Observation # and Name</b>	270 - Perform ongoing monitoring of project risks
Initially Identified	March 8, 2022
Original Risk Rating	Moderate
Background	Project risk monitoring was noted as being performed as needed within project teams. We did not detect regular monitoring, as to exposure/mitigation, of specific cyber and privacy risks associated with any given project from a central perspective. This should include risks managed/mitigated by 3rd parties.
Management’s Risk Acceptance Rationale	This finding was risk accepted at the time of report submission to City Council in 2022. It is Administration’s view that our current processes (inclusive of the changes as a result of findings #1 and #2) for managing projects cover the monitoring of projects to mitigate Cyber and Personally Identifiable Information risk appropriately and, therefore sufficiently address this matter. At this time, no further actions are deemed necessary. Administration will continue to monitor and, as deemed necessary, amend processes where considered appropriate and/or necessary.
CLT Approver	Commissioner Economic Development & Innovation

## A.2 IMPLIED SHORT-TERM RISK ACCEPTANCE

This section indicates those findings for which management is implicitly accepting the risk of not having the control(s) until the point of resolution.

#	Project Name	Observation # and Name	Due Date	For Additional Details See Report Section
262	Liquidity Management Review	Formal early warning indicators and liquidity contingency plan	June 30, 2023	Appendix B
265	Road Infrastructure Maintenance Processes	Document a formal process to assist in identifying opportunities to merge related projects	March 31, 2024	Appendix B
267	Road Infrastructure Maintenance Processes	Explore options to enhance data granularity in regards to road treatment spending and funding allocation by	March 31, 2024	Appendix B

# APPENDIX B - MANAGEMENT ACTION PLANS WHICH ARE “OPEN

**T**his section indicates those management action plans which were not due in the period and where management anticipates that actions will be completed as originally planned.

#	Project Name	Observation # and Name	Management Action Plan Owner	Due Date
262	Liquidity Management Review	Formal early warning indicators and liquidity contingency plan	Deputy Treasurer Taxation, Treasury and Financial Projects	June 30, 2023
265	Road Infrastructure Maintenance Processes	Document a formal process to assist in identifying opportunities to merge related projects	Manager, Contracts, Field Services, & Maintenance Senior Manager of Asset Planning	March 31, 2024
267	Road Infrastructure Maintenance Processes	Explore options to enhance data granularity in regards to road treatment spending and funding allocation by function class	Executive Director, Operations Deputy Treasurer Financial Planning Senior Manager Asset Planning	March 31, 2024

# APPENDIX C - OPEN AND DELAYED MANAGEMENT ACTION PLANS

In this appendix; we provide a high-level overview of

**1. Management action plans retargeted during the period** This section provides a listing of the management action plans that were expected to be closed in the period; however, management, for various reasons, has provided a revised completion date. The basis for management’s revision of the due date is provided in the “Rationale” column below for each individual finding. Internal Audit has requested that management provide a retargeted due date so we can follow up with them when we next perform findings follow-up. In this table, we provide an overview of the number of times management has provided revised due dates and a perspective on how long the item, and associated risk, have been in place since we reported it to management and City Council.

In the period of this report, Management revised the due dates of two (2) management action plans for the first time. In addition, Management changed the dates of an additional one (1) previously “Open & Delayed” management action plan - the number of retargets is shown for each action plan.

## **2. Implied short-term risk acceptance**

This section provides a summary listing of management action plans which have been or are expected to remain open for longer than 18 months from the date of the report

issuance. In these instances, given the time required for management to undertake the action, the City is implicitly accepting the short-term risk of the original finding until the point in time of its resolution.

In the period of this report, zero (0) management action plans had previously been retargeted and were in the “Open & Delayed” status as expected.

## C.1 MANAGEMENT ACTION PLANS RETARGETED DURING THE PERIOD

<b>Audit Report</b>	<b>Your Quick Gateway (YQG) - Managing Inventory, Repairs and Maintenance</b>			
<b>Observation # and Name</b>	<b>205 - Enhance purchasing policy and document inventory and asset management procedures</b>			
<b># of Retargets</b>	<b>Original due date</b>	<b>Retarget date</b>	<b>Days since Identification</b>	<b>Days past original due date</b>
4	September 30, 2019	July 30, 2023	1,922	1,492
<b>Original Risk Rating</b>	Significant			

<p><b>Background</b></p>	<p>We noted (i) key elements that were not present in YQG’s purchasing policy, (ii) other process/procedure elements that appear to be known but not formalized and (iii) requirements/ constraints on the personal use of YQG small tools is not formally defined.</p> <p>i. In comparing YQG’s purchasing policy to the City’s purchasing manual, we found that the following key elements were not present:</p> <ul style="list-style-type: none"> <li>● thresholds for single source purchases, quotations (formal/ informal or written/ verbal), requests for tenders, requests for proposals;</li> <li>● blanket contracts;</li> <li>● managing vendor relationships;</li> <li>● conflict of interest disclosure;</li> <li>● disposal and sale of out of service assets;</li> <li>● sole vendor approval, and</li> <li>● segregation of duties requirements or mitigating controls.</li> </ul> <p>ii. Processes and/or procedures related to supplies inventory replenishment, replacement and the reporting of maintenance costs/ targets are not formally documented. Discussions with management indicated personnel have an awareness of the informal requirements.</p> <p>iii. Employees are permitted to use small tools for personal use and to take tools offsite, however evidence of such approval is not retained. The common protocol is that any operational staff member can use the small tools for personal use by simply noting them on the whiteboard within the maintenance department. There is no documented policy/ procedure to govern the personal use of the small tools by staff. During the course of performing inquiries with management, we were not informed of any missing or unaccounted-for tools/equipment.</p> <p>Further, we were informed that staff the operations department are permitted to use YQG vehicles in certain circumstances for use off-site. However, evidence of appropriate approvals for these circumstances (see scope limitation) is not required nor is there a documented guideline governing the appropriate use of vehicles within the established employee expense policy.</p>
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<b>Reason for Delay</b>	<p>All actions completed and communicated to personnel by YQG management. The final action is to present policies for Board approval in March 2023 and provide a final review/acceptance of policies (or modified versions).</p> <p><i>The associated documentation was presented and discussed during the March 2023 Board Meeting for YQG.</i></p>
<b>Basis for the viability of re-forecasted date</b>	<p>Action plan substantially completed pending final board review and approval scheduled for March 2023.</p>
<b>CLT Approver</b>	<p>YQG CFO</p>

<b>Audit Report</b>	<b>Road Infrastructure Maintenance Processes</b>			
<b>Observation # and Name</b>	<b>264- Establish a formal process relating to road maintenance coordination and road project deficiencies</b>			
<b># of Retargets</b>	<b>Original due date</b>	<b>Retarget date</b>	<b>Days since Identification</b>	<b>Days past original due date</b>
1	December 31, 2022	December 31, 2023	986	365
<b>Original Risk Rating</b>	Low			

<p>Background</p>	<p>In the original fieldwork the audit noted that the City had an informal process for identifying and addressing road deficiencies that may be under warranty. In particular, the following was noted:</p> <ul style="list-style-type: none"> <li>● two methods of correspondence</li> <li>● no formal process document established to guide and control activities within this process</li> <li>● A process guiding the communication channel between the management team and the maintenance team does not exist.</li> </ul> <p>Management’s action plan was as follows:</p> <ol style="list-style-type: none"> <li>1. The City will formalize its current process used to track and communicate with the contractors with respect to deficiencies noted. The process will capture relevant and necessary details, including the:             <ul style="list-style-type: none"> <li>● Contractor;</li> <li>● Project number;</li> <li>● Details of the deficiency;</li> <li>● The date the deficiency was identified; and</li> <li>● Timelines for rectification of the issue.</li> </ul> </li> <li>2. The process will include a procedure to inspect roads under warranty that have a month left before the warranty expires to make sure any remaining deficiencies can be communicated to the contractor prior to warranty expiration.</li> <li>3. The process relating to tracking and following up on the progress of the outstanding deficiencies will be documented.</li> <li>4. Communication between the contract management team and the road maintenance team relating to mitigating deficiencies will also be documented.</li> </ol> <p>As part of the management action plan validation, we detected a template, addressing most of the elements in the management action plan part (1). However, we were not able to acquire evidence to indicate that:</p> <ol style="list-style-type: none"> <li>1. The effective date and required use of the template were communicated to impacted personnel.</li> <li>2. Documentation indicated that the management’s actions outlined in 2, 3 and 4 were documented as management had indicated.</li> </ol>
-------------------	--

	<p>Given management’s development of the supporting template and further exploration of its use the remaining actions plans will be amended/refocused as follows:</p> <p>Each item below will be included as part of the Contracts Supervisor Meeting.</p> <ol style="list-style-type: none"> <li>1. Communication with the supervisors for the implementation of the template for this construction season will be captured in the meeting under a standing agenda item: “remind contracts supervisor to use the template”.</li> <li>2. The list of the Warranty Expiration dates for tracking will be in future meetings (towards the end of this season, once the projects have been completed) as part of the agenda item “Warrant Expiration date tracking”.</li> <li>3. Follow-up and tracking the outstanding deficiencies will be an item in the meeting as agenda item “Tracking outstanding deficiencies”. This will be populated as information is available.</li> <li>4. A copy of the meeting minutes will be forwarded to Maintenance Coordinator to inform project status and outstanding deficiencies.</li> </ol>
<b>Reason for Delay</b>	Discussions with management indicated that templates were developed and are expected to be used; however, a few elements were not included. Further, action plan elements B,C and D are conducted by personnel but are people-dependent - the documentation of the various actions was not complied with but will be moving forward.
<b>Basis for the viability of re-forecasted date</b>	Action plan is more about communication of the required use of templates as of an effective date and determining a cost-effective method of recording key conversations.
<b>CLT Approver</b>	City Engineer and Commissioner of Infrastructure Services

<b>Audit Report</b>	<b>SmartCity Cyber &amp; Privacy Risk Mitigation Review</b>			
<b>Observation # and Name</b>	<b>268 - Formalize risk identification criteria or guideline with respect to IT/Cyber/Privacy risks</b>			
<b># of Retargets</b>	<b>Original due date</b>	<b>Retarget date</b>	<b>Days since Identification</b>	<b>Days past original due date</b>
1	October 1, 2022	January 1, 2024	664	457

<b>Original Risk Rating</b>	Moderate
<b>Background</b>	<p>A mechanism should be designed and implemented requiring all projects to identify if they involve:</p> <ol style="list-style-type: none"> <li>1. the acquisition of technology or software,</li> <li>2. access to/acquisition of/sharing of data/information (IT/cyber),</li> <li>3. access to/acquisition of/sharing of PII data/information (privacy),</li> <li>4. connection of external technology to the City environment, or</li> <li>5. the use of Cloud based platforms.</li> </ol> <p>Any project meeting one of these elements should require a security and privacy review with input or approval from a designated subject matter specialist for cyber, IT and/or privacy. The outcomes of such an assessment should define the risk mitigation strategy/requirements and the level of involvement of cyber, IT and privacy personnel in the project.</p> <p>Further, management should consider providing guidelines for risk acceptance and mitigation. All cyber and privacy risks accepted should</p>
<b>Reason for Delay</b>	<p>To address the recommendation, three action items were identified. Two of these action items were intended to be addressed through the IT Strategic Plan and Reorg, which was anticipated to be completed in Q1 of 2023. The IT Strategic plan has been delayed.</p> <p>The consultant's report is now due mid-year, with the implementation of the recommendation, including IT governance, to start shortly after that.</p>
<b>Basis for the viability of re-forecasted date</b>	Aligned to the current delivery timeframe of IT strategic plan consultation.
<b>CLT Approver</b>	Commissioner Economic Development & Innovation

## C.2 PREVIOUSLY RETARGETED MANAGEMENT PLANS

None



**Subject: Dandurand Avenue Pedestrian Generator Sidewalk (from Northwood Street to existing sidewalk (approximately 210m north)) - Ward 10**

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Mark McKenzie

Decision Number: **ETPS 947**

- I. THAT Council **APPROVE** the final design and construction of an infill Pedestrian Generator Sidewalk on Dandurand Avenue as proposed in Option 3 of this report, and,
- II. THAT the estimated cost of \$ 140,000.00 **BE CHARGED** to the Pedestrian Safety Improvement Project (Project no. 7045034); and,
- III. THAT Council **PRE-APPROVE** the Award of Tender related to this project, provided that the Tender amount is within the approved budget, pursuant to the Purchasing By-Law 93-2012 and amendments thereto; and,
- IV. THAT the CAO and the City Clerk **EXCECUTE** an agreement with the low bidder, with said contract being satisfactory in form to the Commissioner of Legal & Legislative Services, and in financial content to the Commissioner of Corporate Services, CFO/City Treasurer.

Carried.

Report Number: S 58/2023

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 8.5 from the Environment, Transportation & Public Safety Standing Committee held on May 24, 2023.
3. To view the stream of this Standing Committee meeting, please refer to: <http://csg001-harmony.sliq.net/00310/Harmony/en/View/Calendar/20230524/-1>

**Subject: Dandurand Avenue Pedestrian Generator Sidewalk (from Northwood Street to existing sidewalk (approximately 210m north)) - Ward 10**

**Reference:**

Date to Council: June 12, 2023  
Author: Isak Quakenbush  
Engineer II  
519-255-6257 ext. 6407  
iquakenbush@citywindsor.ca  
Engineering  
Report Date: May 8, 2023  
Clerk's File #: SW2023

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

**Recommendation:**

- I. THAT Council **APPROVE** the final design and construction of an infill Pedestrian Generator Sidewalk on Dandurand Avenue as proposed in Option 3 of this report, and,
- II. THAT the estimated cost of \$ 140,000.00 **BE CHARGED** to the Pedestrian Safety Improvement Project (Project no. 7045034); and,
- III. THAT Council **PRE-APPROVE** the Award of Tender related to this project, provided that the Tender amount is within the approved budget, pursuant to the Purchasing By-Law 93-2012 and amendments thereto; and,
- IV. THAT the CAO and the City Clerk **EXCECUTE** an agreement with the low bidder, with said contract being satisfactory in form to the Commissioner of Legal & Legislative Services, and in financial content to the Commissioner of Corporate Services, CFO/City Treasurer.

**Background:**

A request was received from Councillor Jim Morrison to investigate the need for a sidewalk on Dandurand Avenue to provide a connection to Northwood Street. Administration assessed this section of Dandurand Avenue to see if it qualifies under the Pedestrian Generator Sidewalk Policy, as established by CR343/2007. This policy allows for the construction of sidewalks in qualifying areas, **at no cost to the residents.**

## Discussion:

The definition of a Pedestrian Generator Sidewalk is contained within the Pedestrian Generator Sidewalk Policy, and reads as follows:

A sidewalk to be located where any of the following exist:

1. It is located on a route leading to a significant pedestrian destination.
2. It is required to serve more than the abutting properties, including institutional and parkland access.
3. It is required on a school approach street.
4. It is required for the separation of pedestrians from vehicles in the community.
5. It is requested or endorsed by a School Board.
6. It would be inequitable to charge the full cost of the sidewalk to the abutting property owners.

The evaluation below is based on the above definition confirming that this section qualifies as Pedestrian Generator Sidewalk.

1. This sidewalk is on a route that leads to the following pedestrian generating locations all within 1 kilometer of the Dandurand Avenue and Northwood Street intersection:

**Heavy Pedestrian Generators:**

Holy Names Catholic High School  
Northwood Public School  
École Secondaire Catholique E. J. Lajeunesse

**Moderate Pedestrian Generators:**

Windsor Mosque  
Filipino Community Center  
Maranatha Christian Academy

2. This sidewalk would connect the northern 385 meters of Dandurand Avenue, all of Dandurand Court, Balsamo Court, Bonadonna Court, Piazza Street and Alexandra Avenue. This situation has arisen due to the development of Dandurand Avenue that did not include a sidewalk.

At the north end of the existing sidewalk is Balsamo Park. The proposed infill sidewalk would also allow pedestrian access from Northwood Street to this park.

3. Dandurand Avenue is a school approach street as it provides the only pedestrian access to Northwood Street and the schools listed above, for Dandurand Avenue, Piazza Street, Bonadonna Court, Balsamo Court and Dandurand Court.
4. The pavement width of 8.6 meters on Dandurand Avenue carries two way traffic and on-street parking on the west side. This leaves insufficient level space to accommodate pedestrians within the cross-section. There is no existing physical space for pedestrians to travel that is separate from vehicles which increases the probability of a pedestrian-vehicle conflict.



5. The Windsor-Essex Catholic District School Board, and the Greater Essex County District School Board have submitted letters of support for the construction of the sidewalk to ensure the safety of the students and residents while travelling to Holy Names Catholic High School and Northwood Public School. These letters are attached as Appendix A. The Windsor Police Service has also supported the project in an email attached as Appendix B.
6. This sidewalk would serve the community to the north of the project location, as shown above. Thus, it would be inequitable to charge the abutting property owners for this project.

Additionally, Northwood Street is a heavily utilized bus route. Windsor-Essex Student Transportation Services (WESTS) confirmed that seven routes stop or move through Dandurand for both pick-up and drop-off. Stops for these routes occur at the three intermediate intersections and at Northwood Street. Northwood Street and Dandurand Court do not currently have sidewalk facilities to safely accommodate students awaiting their bus. These buses do not service the three schools that are listed as heavy pedestrian generators as WESTS confirmed that Dandurand Avenue is within all three schools walk zones.

### **Active Transportation Master Plan:**

The Active transportation master plan has also identified this section of Dandurand Avenue as requiring sidewalk improvements. The infill would help accomplish many of the strategies and actions proposed within the plan. Some of the most notable action items include:

- ACTION 1A.6: Add, Preserve and Enhance Walkways and Connections Through Neighbourhoods.
- ACTION 1D.1: Improve Walking and Cycling Connections to Transit Service Consistent with the Concurrent Transit Windsor Service Review
- ACTION 4B.1: Actively Support the Active and Safe Routes to School Program to Encourage and Spread Awareness of the Benefits of Walking, Cycling and Busing to School.

The sidewalk and the traffic calming speed humps that are planned on Dandurand Avenue will greatly increase the safety and function for pedestrians in the area.

### **Design Options:**

Three possible orientations were considered for this section of sidewalk. The discussion below shows the considerations that affect the construction cost and constructability of the sidewalk in each orientation. Council Drawing C-3729 attached as Appendix C shows the aerial of the proposed options and the conflicts described below.

**Option 1** continues the sidewalk down the east side of Dandurand Avenue. This option has the most driveway crossings. It also runs the same side of the existing street

lighting, which would need to be moved. In addition, multiple other utilities would need to be accounted for during design and construction.

**Option 2** would terminate the existing sidewalk on the east side at Balsamo Court and require the installation of a Level 2, Type D pedestrian crossing (PXO) with Accessibility for Ontarians with Disabilities Act (AODA) ramps on both sides of Dandurand Avenue. This crossing would require the installation of two additional light poles to meet the required illumination. The proposed sidewalk would then run down the west side of Dandurand Avenue to Northwood Street. This orientation avoids the utilities on the east side of the street but does require the removal of approximately 40 meters of existing sidewalk to prevent pedestrians from continuing on a path that dead ends. There is one fire hydrant at the corner of Dandurand Court that will need to be adjusted to accommodate the sidewalk. In this option, the pedestrians would be required to cross the street at Balsamo Court at a location where Dandurand Avenue curves which is not ideal for sight lines.

**Option 3** utilizes the full length of existing sidewalk, extending it down the east side of Dandurand Avenue to Dandurand Court; where, prior to conflicts with the street lighting and other utilities, a Level 2, Type D PXO would be installed. This option would utilize the existing light pole at this intersection but would require the installation of one additional pole on the northwest corner of the intersection. The sidewalk would then continue down the west side of Dandurand Avenue up to Northwood Street. The location of this crossing is also further from the bend on Dandurand Avenue; therefore, providing better sight lines. The fire hydrant would need to be adjusted in this option similar to Option 2.

<b>SIDEWALK LAYOUT CONSTRUCTABILITY COMPARISON</b>			
<b>CONSTRUCTION ITEMS</b>	<b>OPTION 1</b>	<b>OPTION 2</b>	<b>OPTION 3</b>
Concrete Driveway Crossings	11	4	6
Brick Driveway Crossings	5	0	0
Street Light Moves/ Installations	3	2	1
Misc. Encroachments	3	1	1
AODA Ramps	0	4	4
Fire Hydrant Move	NO	YES	YES
Demolition of Existing Sidewalk	NO	YES	NO

Administration hand delivered letters to the abutting residents on both sides of Dandurand Avenue to solicit comments. Residents were given 14 days to respond during which Administration received varied comments.

Per above, the construction of Option 3 is recommended as it utilizes the full length of the existing sidewalk, has the least obstructions, causes minimal impact to the abutting residents and minimizes the hazard of reduced sight lines by locating the crossing away from the existing road curves on Dandurand Avenue.

**Risk Analysis:**

Associated risks to the City resulting from the undertaking of this project include risks typical of construction projects, such as bodily injury, property damage, and matters arising from violations of the Occupational Health and Safety Act. These risks will be transferred to the successful Contractor through the contract entered into with the City. As part of the contract with the successful Contractor, the Contractor will be required to provide proof of insurance to the City, as well as indemnify the City from any claims which may arise from their work during or after construction.

Risks associated with not undertaking this project include the likely probability of pedestrians and vehicles conflicts during peak traffic times.

**Climate Change Risks**

**Climate Change Mitigation:**

N/A

**Climate Change Adaptation:**

N/A

**Financial Matters:**

Based on the selection of Option 3 the required estimated funds are outlined below.

<b>BUDGET</b>	
Estimated Sidewalk Construction Budget	\$ 116,000.00
Non-Recoverable HST	\$ 2,040.00
Engineering/Inspection/Geomatics/Soils	\$ 21,960.00
<b>TOTAL ESTIMATED COSTS</b>	<b>\$ 140,000.00</b>

The Financial Planning Administrator for Engineering has confirmed that there is sufficient funding in project 7045034 Pedestrian Safety Improvements, to carry out the work noted above.

**Consultations:**

Linda Mancina – Financial Planning Administrator

Michael Dennis – Financial Manager of Asset Planning

Adam Pillon – Manger of Right of Way

Wira Vendrasco – Deputy City Solicitor

Jeff Hagan – Transportation Planning Sr. Engineer

Paul Mourad – Engineer III

**Conclusion:**

Administration recommends that Council approve the construction of the sidewalk presented in Option 3 in conformance with the Pedestrian Generator Sidewalk Policy and Active Transportation Master Plan.

**Planning Act Matters:**

N/A

**Approvals:**

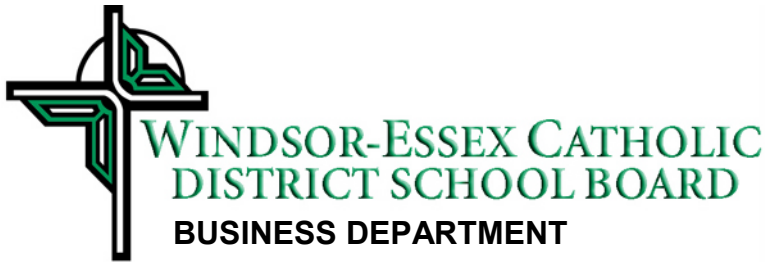
<b>Name</b>	<b>Title</b>
Fahd Mikhael	Manager of Design
France Isabelle-Tunks	Executive Director of Engineering/Deputy City Engineer
Chris Nepszy	Commissioner of Infrastructure Services
Shelby Askin Hager	Commissioner of Legal & Legislative Services
Tony Ardovini	Commissioner of Corporate Services, CFO/City Treasurer (A)
Joe Mancina	Chief Administrative Officer

**Notifications:**

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

**Appendices:**

- 1 Letter of Support - Windsor-Essex Catholic District School Board
- 2 Letter of Support - Greater Essex County District School Board
- 3 Letter of Support from Windsor Police Service - email
- 4 C-3729 - Proposed Pedestrian Generator Sidewalk Infill Options, Dandurand Avenue from Northwood Street to Balsamo Court



1325 California Avenue  
Windsor, ON N9B 3Y6  
CHAIRPERSON: Fulvio Valentinis  
DIRECTOR OF EDUCATION: Emelda Byrne  
Telephone: (519) 253-2481 FAX: (519) 253-8397

March 27, 2023

Mr. Isak Quakenbush, Engineer II  
City of Windsor  
350 City Hall Square, Suite 310  
Windsor, ON N9A 6S1

**SENT VIA EMAIL: [iquakenbush@citywindsor.ca](mailto:iquakenbush@citywindsor.ca)**

Dear Mr. Quakenbush:

**Re: Pedestrian Safety Improvements (Sidewalks) and Dandurand Avenue between Balsamo Court and Northwood Street, Windsor, ON.**

This letter is in response to the communication we received from you via e-mail on February 21, 2023 regarding the City of Windsor Pedestrian Safety Improvements Program as it relates to a pedestrian generator sidewalk on Dandurand Avenue between Balsamo Court and Northwood Street.

The Windsor-Essex Catholic District School Board wishes to express our support of the above-mentioned project for council consideration.

Thank you for the opportunity to respond.

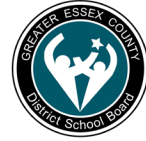
Yours truly,

A handwritten signature in black ink that reads "Penny King".

**Penny King, CPA, CGA**  
Executive Superintendent of Business

PK/eg

cc: M. Adams, Senior Manager Facilities Services



March 8, 2023

Dear Mayor Dilkens and Members of City Council

**RE: Pedestrian Generator Sidewalk Policy**

The Greater Essex County District School Board (the “Board”) endorses the City of Windsor’s Pedestrian Generator Sidewalk Policy, as it particularly relates to the recommendation for the installation of a sidewalk on Dandurand Avenue between Balsamo Court and Northwood Street. The addition of a school approach sidewalk is needed to address the safety concerns facing our students and families for Northwood Public School (the “School”), located at 1100 Northwood Street.

For several years, the School’s administrators have been faced with many issues associated with vehicular traffic and student safety in the area. Northwood Street is a transportation route to Northwood Public School. This school generates a substantial number of pedestrians of all ages. Additionally, based in the same neighbourhood are Holy Names Catholic Highschool, Ecole Secondaire Catholique EJ Lajeunesse, Maranatha Christian Academy, Windsor Mosque, Filipino Community Centre and The Gathering Church which also generate pedestrian traffic.

The Board is a strong advocate and participant in Active Transportation initiatives. The installation of a school approach sidewalk under the Pedestrian Generator Sidewalk Policy would greatly improve the safety of students and community members using not just the school facility but other community facilities in the area. Due to the absence of a sidewalks along Dandurand Avenue between Balsamo Court and Northwood Street, many parents and guardians drive their children to school, resulting in significant vehicular traffic at school arrival and dismissal times, which further exacerbates the safety concerns.

The Board is grateful for the collaborative partnerships with the Windsor Police Services and the Engineering Department to assist in addressing student, staff and

community safety. The Board fully endorses the installation a school approach sidewalk on along Dandurand Avenue between Balsamo Court and Northwood Street under the City of Windsor’s Pedestrian Generator Sidewalk Policy.

Thank you for your consideration and for your partnership with the Board.

Sincerely,



Shelley Armstrong, CPA, CA  
Superintendent of Business and Treasurer

cc: Erin Kelly, Director of Education  
Gale Simko-Hatfield, Chairperson of the Board of Trustees  
Christie Nelson, Trustee (Ward 3, 4 and 10)  
Sarah Cipkar, Trustee (Ward 3, 4 and 10)  
Dustin O’Neil, Principal



## Quakenbush, Isak

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**From:** Ing, Duke <ding@windsorpolice.ca>  
**Sent:** Friday, April 21, 2023 1:08 PM  
**To:** Quakenbush, Isak  
**Subject:** Pedestrian Safety Improvements - Dandurand Ave, Northwood to Balsamo Court

**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 Mr. Quakenbush,

The Windsor Police Service is pleased to offer its support for the proposed Pedestrian Generator Sidewalk infill project on Dandurand Avenue.

We recognize that this is a highly trafficked area by pedestrians and vehicles, especially when students are moving to and from the identified schools in the area.

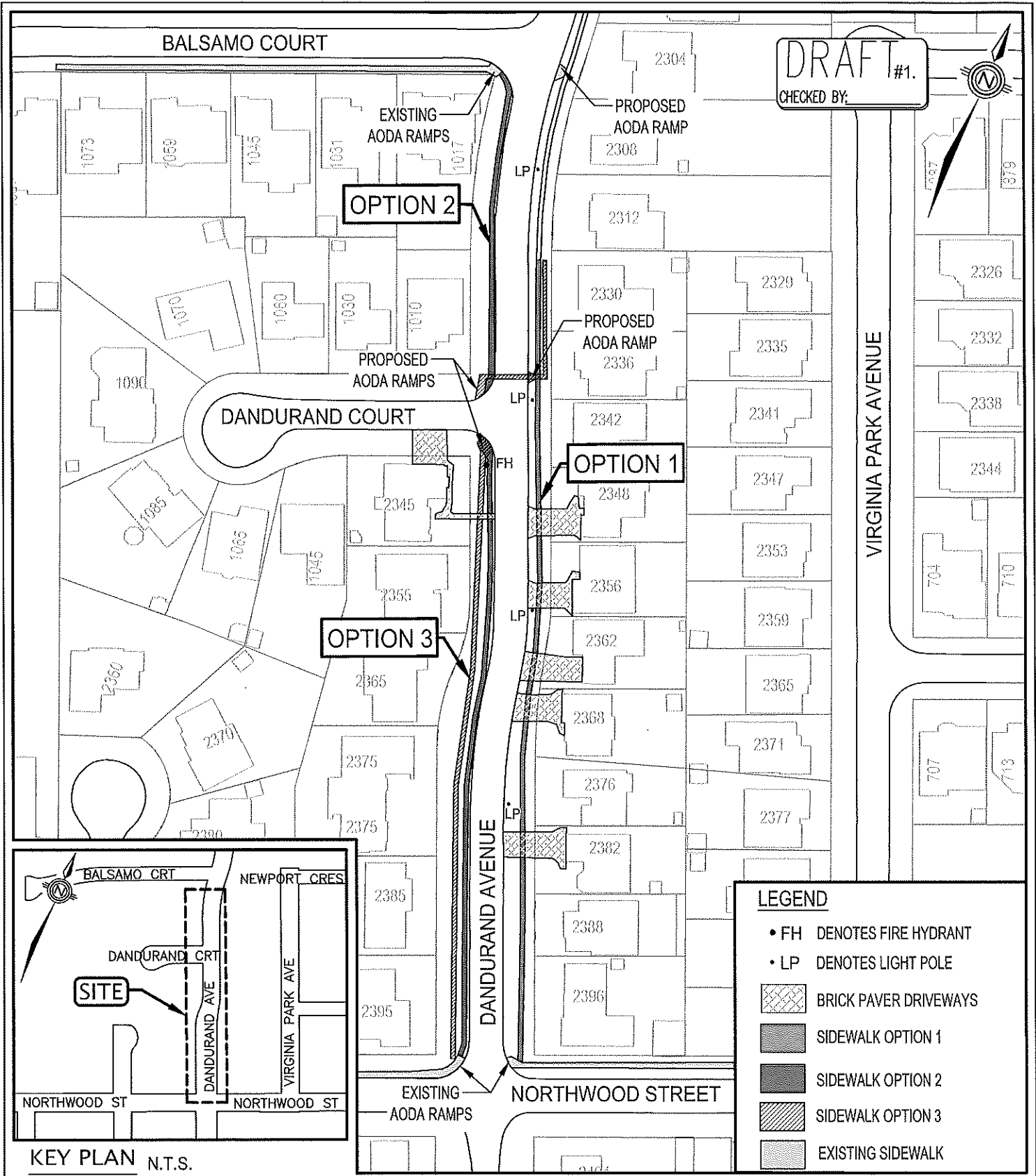
Outside of school hours, we understand there are also various religious and community facilities in this area that generate a high volume of pedestrian and vehicle traffic.

This initiative will definitely assist in improving community safety by offering a safer path for pedestrians and ease congestion in the area.

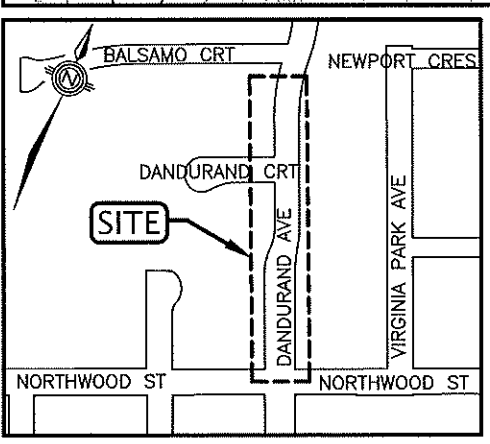
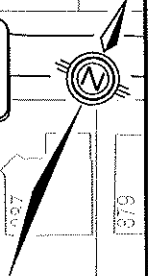
Thank you for consulting with the Windsor Police Service.

Sincerely,

Staff Sergeant Duke ING  
Windsor Police Service  
Patrol Support Unit  
226-348-1840 (Cell)  
519-255-6700 Ext 4116 (Office)  
150 Goyeau Street  
Windsor, Ontario  
N9A 6J5  
P.O. Box 60  
[ding@windsorpolice.ca](mailto:ding@windsorpolice.ca)



**DRAFT #1.**  
CHECKED BY: \_\_\_\_\_



**LEGEND**

- FH DENOTES FIRE HYDRANT
- LP DENOTES LIGHT POLE
- BRICK PAVER DRIVEWAYS
- SIDEWALK OPTION 1
- SIDEWALK OPTION 2
- SIDEWALK OPTION 3
- EXISTING SIDEWALK

THE CORPORATION OF THE CITY OF WINDSOR - ENGINEERING DEPARTMENT

**Proposed Pedestrian Generator Sidewalk Infill Options On Dandurand Avenue from Northwood Street to Balsamo Court**

SCALE: 1:1000	DATE: APRIL 2023	REVISED: ---	DWG. NO. <b>C-3729</b>
DWN BY: UT	CHKD BY: PJU / IQ	REVISION NO.: ---	

Kirk Tamm, Manager of Geomatics

**Subject: Housing Accelerator Fund (HAF) Grant Application - City Wide**

**Reference:**

Date to Council: July 10, 2023  
Author: Joe Baker  
Senior Economic Development Officer  
519-255-6267 x6459  
jbaker@citywindsor.ca  
Economic Development & Innovation  
Report Date: May 22, 2023  
Clerk's File #: GH/14271

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

**Recommendation:**

- I) **THAT** City Council **AUTHORIZE** Administration to submit a Housing Accelerator Fund application to the Canada Mortgage and Housing Corporation (“grant provider”); and further,
- II) **THAT** City Council **APPROVE**, in principle, the proposed initiatives to be included in the Housing Accelerator Fund Action Plan (“Action Plan”) as outlined in this report; and further,
- III) **THAT** the Chief Administrative Officer, in consultation with the Commissioner of Economic Development & Innovation and the Commissioner of Corporate Services – Chief Financial Officer/City Treasurer, **BE AUTHORIZED** to approve the Action Plan, including the refinement of any proposed initiatives, in support of the City’s application for the Housing Accelerator Fund prior to finalizing the application to the grant provider; and further,
- IV) **THAT** the Commissioner of Corporate Services – Chief Financial Officer/City Treasurer, **BE AUTHORIZED** to sign any documents required to submit the Housing Accelerator Fund application to the grant provider, subject to all documentation being satisfactory in legal form to the Commissioner of Legal and Legislative Services and in technical content to the Commissioner of Economic Development and Innovation or their designates; and further,
- V) **THAT**, subject to receiving written confirmation from the grant provider that the City’s Housing Accelerator Fund application has been successful, City Council **APPROVE** the following recommendations:

- a) **THAT** the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign any agreements, declarations and other such documentation required as part of receiving funding under the Housing Accelerator Fund, subject to all documentation being satisfactory in legal form to the Commissioner of Legal and Legislative Services and in technical content to the Commissioner of Economic Development and Innovation and in financial content to the Commissioner of Corporate Services – Chief Financial Officer/City Treasurer, or designates; and further,
- b) **THAT**, if required by the grant provider, the Mayor **BE AUTHORIZED** to sign any agreements, declarations and other such documents required as part of receiving funding under the Housing Accelerator Fund, subject to such documentation being satisfactory in legal form to the Commissioner of Legal and Legislative Services, in technical content to the Commissioner of Economic Development and Innovation, and in financial content to the Commissioner of Corporate Services – Chief Financial Officer/City Treasurer, or designates; and further,
- c) **THAT** the Chief Administrative Officer **BE AUTHORIZED** to delegate the signing of all applicable reports and other such documents as required as part of receiving the funding from the grant provider to the Commissioner of Corporate Services – Chief Financial Officer/City Treasurer, or designate; and further,
- d) **THAT** pursuant to Purchasing By-law 93-2012, the Purchasing Manager **BE AUTHORIZED** to issue Purchase Orders as may be required to effect the recommendations noted above, subject to all specification being satisfactory in technical content to the Commissioner of Economic Development and Innovation and in financial content to the Commissioner of Corporate Services – Chief Financial Officer/City Treasurer, or designates; and further,
- e) **THAT** the results of the City’s Housing Accelerator Fund application **BE COMMUNICATED** to City Council, and if successful, such report to include a Housing Accelerator Fund Implementation Plan that specifically includes how the awarded funds will be allocated in alignment with the requirements of the Housing Accelerator Fund Program.

**Executive Summary:**

N/A

**Background:**

On March 30, 2023, Administration received email correspondence from the Canada Mortgage and Housing Corporation (CMHC) regarding the federal government's Housing Accelerator Fund (HAF) and an invitation to attend information sessions being held the following month. Administration has learned that in its 2022 Federal Budget, the Government of Canada allocated \$4 billion in funding to the HAF Program over the period of 2023 to 2027. The objective of the program is to provide incentive funding aimed at accelerating housing development and increasing supply within the sphere of control of local governments. The funding program will also support the development of complete, low-carbon and climate-resilient communities which are affordable, inclusive, equitable and diverse. The program will be administered through CMHC and it is expected to result in the issuance of 100,000 more housing permits across Canada.

Local governments within Canada who have delegated authority over land use planning and development approvals are eligible for funding. There are two application streams through which eligible recipients can receive funding:

- **Large/Urban Stream:** For Canadian jurisdictions with a population equal to or greater than 10,000, excluding those within a territory or an Indigenous community.
- **Small/Rural/North/Indigenous Stream:** For Canadian jurisdictions with a population less than 10,000, within one of the territories, or an Indigenous community.

The HAF Program is intended to incentivize applicants to commit to change, show progress, and receive funding in return. Therefore, if approved, municipalities can allocate the HAF funding towards prescribed uses under the following four (4) categories:

- Investments in Housing Accelerator Fund Action Plans that outline required supply growth targets and specific initiatives to grow housing supply and accelerate housing approvals.
- Investments in Affordable Housing such as the construction, repair or modernization of housing, including land/building acquisition.
- Investments in Housing-related infrastructure such as drinking water and wastewater infrastructure, public transit, brownfield development, etc.
- Community-Related Infrastructure such as local roads and bridges, sidewalks, lighting, bicycle lanes etc.

To receive funding, eligible applicants must develop council approved Action Plans. The Plan must contain a minimum number of initiatives that will contribute to the achievement of a prescribed housing supply growth target that increases the average annual rate of growth by at least 10%, and supports a growth rate that exceeds 1.1%, as well as specific housing type and affordable housing targets. For those jurisdictions that fall under the Large/Urban Stream, such as the City of Windsor, they must include a minimum of seven (7) initiatives in their proposed Action Plan.

The amount of incentive funding allocated to successful applicants will be based on a funding framework comprised of three (3) major components:

1. **Base Funding:** Designed to incent all types of supply across the housing spectrum. An ascribed per unit amount of \$20,000 is multiplied by the number of permitted housing units projected with the support of the HAF program.
2. **Top up Funding:** Designed to incent certain types of housing supply. The ascribed per unit amount can range from \$7,000 to \$15,000, depending on the type of housing and the associated projected increase in the number of permitted units with the support of the HAF program.
3. **Affordable Housing Bonus:** Designed to reward the increase in share of affordable housing units relative to the total projected permitted units with the support of the HAF program. The percentage growth is multiplied by the ascribed per unit amount of \$19,000, and then by the total projected permitted units with the support of the HAF program.

At the time of the writing on this report, an application submission date has not yet been established by CMHC. However, CMHC has advised that an application portal will likely launch early summer and that they will be accepting applications over a 45-day period. Applications will be evaluated during the fall with the expectation that funding will be awarded during the winter of 2023. Administration has attended multiple meetings with CMHC representatives to obtain clarification on program guidelines and requirements, and will continue to monitor any further updates provided by CMHC going forward.

## **Discussion:**

After the Housing Accelerator Fund (HAF) application information was released earlier this year, Administration formed an interdepartmental HAF Working Group to develop the program's required "Action Plan" with a focus on developing key initiatives that aim to achieve growth targets that appropriately increase the housing supply throughout Windsor. Included below is a summary of nine (9) initiatives that have been developed by the HAF Working Group with full consideration given to application guidelines and the desired holistic outcome of the HAF Program.

## **Housing Accelerator Fund Action Plan**

### **Initiative #1 – Direct Residential Intensification to Support Mixed-Use Communities**

This initiative establishes a policy framework that permits as-of-right residential intensification and mixed-use developments within existing corridors, nodes, and commercial centres. Many of the City's existing corridors (for example arterial roads), nodes (for example intersections of arterial roads) and commercial centres (for example shopping malls and commercial big box centres) are developed with mainly commercial uses. The proposal is to implement a policy framework that will permit the introduction

of medium-density residential and mixed-use buildings along corridors and in nodes, and high-density residential and mixed-use buildings within commercial centres.

Currently, if a developer proposes a multi-unit residential building within most corridors, nodes or centres, they would require approvals through various *Planning Act* processes such as Zoning By-law Amendments, Official Plan Amendments, and Site Plan Control approval. The timelines, fees and uncertainty involved in Zoning By-law Amendments and Official Plan Amendments have the possibility of increasing the time and cost of the final product (the purchase price or rent of the residential units). This initiative will focus on reducing the timelines, fees and uncertainty associated with applying for planning approvals, and implement as-of-right permissions for multi-unit residential and mixed-use buildings.

Existing corridors, nodes and commercial centres are serviced with public transportation, sewers and are adjacent to existing low-density residential neighbourhoods. The Planning Department will retain a consultant to identify the existing corridors, nodes and commercial centres that can be rezoned to permit multi-unit residential/mixed-use buildings as-of-right. The consultant will also make recommendations as to the policy framework needed in the Official Plan and Zoning By-law through amendments.

In addition to the policy framework, this initiative will include incentives through a Community Improvement Plan (CIP), to encourage the creation of residential units above storefronts and the development of vacant/underutilized land and buildings that result in the creation of residential units through a mixed-use or residential development within Business Improvement Areas (i.e. – mainstreets). Further discussions regarding the development and use of a CIP is included in initiative #5. The incentive programs will include an expansion of the use of:

- Building/Property Improvement Tax Increment Grant Program—economic incentive for the construction of housing units by rebating the municipal tax increase resulting from the new unit(s) for a defined period of time.
- New Residential Development Grant Program (Creation of Residential Units)—a grant for each new residential unit.

## **Initiative #2 – Allow Appropriate Intensification within Existing Residential Neighbourhoods**

This initiative will provide clear policy direction, evaluation criteria, and Intensification Guidelines to guide increased compatible housing density (i.e. semi-detached, duplexes, townhomes, etc.) in existing neighbourhoods that are predominantly zoned for single detached homes.

Currently, if a developer proposes a different housing density than what is permitted in low-density residential zoning areas, a Zoning By-law Amendment is required. This initiative will propose amendments to the Official Plan to introduce policy direction for the consideration of the “missing middle” housing forms (i.e. semi-detached, duplexes,



townhomes, etc.) in low-density residential communities. The Official Plan policies will provide certainty to the developer that a Zoning By-law Amendment is likely to be approved if it meets the policy direction set out in the Official Plan. The timelines, fees and uncertainty involved in Zoning By-law Amendments have the possibility of increasing the time and cost of the final product (the purchase price or rent of the residential units), but providing clear policy framework and guidelines reduces that risk and creates reliable outcomes.

This initiative will reduce uncertainty associated with applying for planning approvals and will explore the possibility of pre-zoning in neighbourhoods that can accommodate missing middle to further reduce the timelines and fees associated with a Zoning By-law Amendment.

### **Initiative #3 – Residential Intensification Target Areas**

This initiative implements Official Plan policy changes and corresponding Zoning By-law Amendments to allow for as-of-right medium to high-density residential intensification in defined residential areas that have the appropriate services and amenities to support the additional density.

This initiative will proactively start to identify areas for residential intensification and provide evaluation criteria and density targets for the redevelopment of larger sites.

### **Initiative #4 – Removing Minimum Unit Sizes Restrictions**

The purpose of this initiative is to implement Zoning By-law provisions to eliminate the minimum residential unit size in order to support a broader range of flexible housing options. In addition, this initiative also removes the minimum and maximum additional dwelling unit size requirements and minimum additional dwelling unit size requirement for an accessory structure in the Zoning By-law.

The Zoning By-law requires a specified minimum residential unit size that is larger than what is required by the Ontario Building Code. With the increased cost of housing, the proposed unit sizes of residential units have been decreasing, which results in some Minor Variance applications being required to seek relief from the Zoning By-law. This process can cause delays and add extra costs when most applications are supported by staff and approved by the Committee of Adjustment. By removing this barrier, time and money can be saved.

### **Initiative #5 – Financial Incentives to Offset the Development Costs of Affordable Housing**

This initiative establishes financial incentives for developments to offset the costs of developing affordable housing. Section 106 (1) of the Municipal Act, 2001 prohibits municipalities from assisting directly or indirectly in manufacturing business or other industrial or commercial enterprise through the granting of bonuses, however an exception is provided where Council approves a Community Improvement Plan under Section 28 of the Planning Act.

Under the Planning Act, a municipality may engage in the following for the purpose of carrying out a community improvement plan:

- acquire, hold, clear, grade or otherwise prepare land for community improvement;
- construct, repair, rehabilitate or improve buildings on land acquired or held by it in conformity with the community improvement plan;
- sell, lease, or otherwise dispose of any land and buildings acquired or held by it in conformity with the community improvement plan; and
- make grants or loans in conformity with the community improvement plan to the registered owners, assessed owners or assignees to pay for eligible costs.

This initiative involves developing a Community Improvement Plan containing the following programs to offer financial incentives to increase the supply of affordable housing:

- Affordable Housing Tax Increment Grant Program that will provide an economic incentive for the construction of affordable housing units by reducing the municipal tax increase resulting from the new unit(s) for a defined period of time.
- Feasibility Study Grant that offers financial incentive aimed at helping developers explore the feasibility of creating new affordable housing units, including an evaluation of what happens to the financial performance of the project when possible incentives are factored in.
- Municipal Development Fees Grant program that helps with offsetting the municipal development fees associated with the necessary planning approvals and building permits for affordable housing units.
- Brownfield Clean up Grant Program to provide a direct financial incentive to offset the costs associated filing a Record of Site Condition (RSC) for affordable housing projects that trigger the requirement under Ontario Regulation 153/04.
- Building Conversion Grant Program to create a financial incentive program targeted at the costs of converting the space in currently vacant non-residential or underutilized space in existing buildings to new affordable residential units.

### **Initiative #6 – Reduce Parking Requirements for Affordable Housing**

This initiative proposes to develop an Affordable Rental Housing Reduced Parking Guide that will establish the policy and criteria for reducing the parking requirements for medium and high-density affordable rental housing projects through the minor variance process. The Affordable Housing Parking Reduction Program will also provide a direct financial incentive to offset the costs associated with the fees associated with making an application to the Committee of Adjustment.

## **Initiative #7 – E-Permitting & Development Services Modernization**

Through the Ministry of Municipal Affairs and Housing's (MMAH) Streamline Development Approval Fund (SDAF) the Building, Planning and Right of Way Departments secured the assistance of a consultant to review the current processes for development applications. The scope of the work was to explore opportunities to improve the integration of processes between departments, simplify access to development services, improve the digital experience for applicants and staff, and elevate the customer experience. The key drivers for the project include Provincial legislation accelerating development and development approval processes, unprecedented growth in the City of Windsor, and increased expectation for online service delivery from both customers and staff. As a result of the review, improvements were suggested in business processes, technology solutions, and website enhancements.

Activities related to this initiative:

- Identification of the people, process and technology resources required to support housing development goals.
- Address the current numerous fragmented technologies that are currently in use and adopt a single technology solution for Development Services.
- Development and implementation of a road map/plan to implement a fully digital single technology solution.
- Improving the website and web content to support customers.

Implementation of the recommendations from Administration and the consultant requires a multi-year plan of action so that stakeholders can clearly understand what capabilities and functionalities are ahead, what projects are required to deliver those capabilities, and when those capabilities can be expected. City Council recently received a separate in-camera report detailing the recommendations and next steps for modernizing Development Services. Upon Council's approval, the recommendations will be implemented over a three- to five-year period.

The Housing Accelerator Fund (HAF) provides incentive funding to municipalities to encourage local initiatives that remove barriers to housing supply, accelerate the growth of supply, and support the development of complete, low-carbon and climate-resilient communities, which are affordable, inclusive, equitable and diverse. The parameters of this program align with the work through the Provincial SDAF grant to modernize Development Services, provide exceptional customer service, streamline applications and approvals, and remove barriers to housing development.

## **Initiative #8 – Social or Affordable Housing Land Acquisition and Disposition Policy**

This initiative proposes to establish a corporate policy to evaluate and determine if current City owned land is suitable for social or affordable housing development, and prepare the land for said development where appropriate. Where suitable, the land

would be sold or leased below market value conditional on the development of social or affordable housing. Further, land that is not suitable would be sold for market value with the proceeds from said sale being deposited to City Reserve Funds and used where deemed suitable, to support future development of social or affordable housing. Opportunities will also be explored to add lands to the City's inventory, as appropriate, to ensure sufficient shovel ready lands exist for future development.

### **Initiative #9 – Green Development Standards Community Improvement Plan**

This initiative provides financial incentives aimed at increasing the uptake of sustainability measures for new development throughout the community. This will help new (and also alterations to existing) developments improve environmental, social, and economic performance, increase community resiliency, support the reduction in greenhouse gas emissions to mitigate the effects of climate change, reduce long-term operating costs, and manage long-term affordability (e.g. energy poverty). The development of the Community Improvement Plan will include the development of a Tiered Green Development Standard. The inclusion of green development standards supports the Housing Accelerator Fund's objectives of the development of complete communities; affordable, inclusive, equitable, diverse; low-carbon and climate resilient.

### **Housing Supply Growth Target**

HAF Action Plans must also include projections of net new permitted housing units to occur both with (i.e. growth target) and without (i.e. baseline) HAF funding over the 3-year duration of the program. The baseline projection is the number of permitted units anticipated without the support of the HAF funding, and the growth target projection is the number of permitted units anticipated with the support of the HAF funding. The following formula is meant to capture growth in the form of resulting "HAF-incented units" attributable to the program.

$$\textit{Permitted Units with HAF (growth target)} - \textit{Permitted Units without HAF (baseline)} = \textit{HAF incented units}$$

The HAF Working Group has projected the total number of "HAF incented units" for each of the nine (9) individual initiatives listed in the HAF Action Plan. It has been estimated that the total projected housing supply growth target of these initiatives will result in an additional 2,135 residential dwelling units beyond regular growth by 2026. Based on this high-level estimate, and if selected as a successful candidate of the Housing Accelerator Fund, it is estimated that the City could be eligible to receive over \$40 million in base funding based on preliminary housing forecasts. Note that this estimated amount does not account for any additional top up or bonus funds that may be awarded per HAF Program eligibility requirements. Lastly, it should further be noted that the outcome of the initiatives and overall increase in housing supply are also contingent upon factors outside the control of the City, such as private sector interest and uptake, as well as labour and market conditions.

## **Risk Analysis:**

There is a significant timing risk associated with the submission of an application to the Canada Housing and Mortgage Corporation (CMHC) for the Housing Accelerator Fund (HAF) Program. At the time of writing this report, it is anticipated that CMHC's application portal will open at the end of June or in early July 2023, with a limited 45-day window of time for municipalities to submit their application. This risk is mitigated by the substantial work undertaken in advance of the portal opening to propose an Action Plan to ensure that the City meets the application deadline provided by CMHC.

There is also moderate risk that if awarded funds by CMHC, that a portion of said funding may be clawed back in the final year of the program if the actual housing supply growth does not meet the total projected growth target over the three (3) year period of the program. The outcome of the initiatives listed in the Action Plan does not rest solely in the hands of the City, as the overall increase in housing supply will also be reliant on private sector interest and uptake, labour and market conditions, etc. This risk can be mitigated by proactively engaging the private sector in discussions surrounding the individual initiatives and obtaining their feedback prior to full implementation.

Further, there is also moderate risk that funds awarded by CMHC may be adjusted to help support higher than anticipated housing supply growth targets and outcomes across Canada within the overall program funding. This risk can be mitigated through adjustments to the allocation of funding identified in the City's final HAF Implementation Plan or by seeking alternative funding sources if needed.

## **Climate Change Risks**

### **Climate Change Mitigation:**

There are no climate change mitigation risks associated with applying for funding under the Housing Accelerator Fund. The primary objectives of the program are to create more supply of housing at an accelerated pace while also supporting the following priorities:

- Supporting the development of complete communities that are walkable, consisting of appropriate residential density and a diverse mix of land uses, providing access to a wide variety of amenities and services through public and active transportation.
- Supporting the development of affordable, inclusive, equitable and diverse communities that encourage clear pathways to achieving greater socio-economic inclusion largely achieved through the equitable provision of housing across the entire housing spectrum.
- Supporting the development of low-carbon and climate-resilient communities.

The grant provider will be reviewing the proposed initiatives within the City's Action Plan to confirm that they support one or more of the objectives listed above. As such, Administration will consider opportunities to enhance the proposed initiatives to meet the additional priorities where practical.

The Housing Accelerator Fund priorities closely align with the City's objectives and targets within the Community Energy Plan. The inclusion of Initiative #9 – Green Development Standard CIP provides an opportunity to address the grant provider's priority of building low-carbon and climate resilient communities more holistically.

### **Climate Change Adaptation:**

There are no climate change adaptation risks associated with applying for funding under the Housing Accelerator Fund. Similar to above, the Housing Accelerator Fund priorities closely align the City's objectives within the 2020 Adaptation Plan, Degrees of Change. Furthermore, the inclusion of Initiative #9 – Green Development Standards CIP provides additional opportunities to address the funding providers priority of building climate-resilient communities, reduce climate impacts, and align the need for private side investment/action to reduce the risk of flooding as outlined in the City's Sewer and Coastal Flood Management Plan (e.g. low impact development).

### **Financial Matters:**

As noted earlier in this report, if selected as a successful candidate of the Housing Accelerator Fund Program, it is estimated that the City could be eligible to receive over \$40 million in funding without including any additional top up or bonus funding that may also be awarded under the program.

If successful, municipalities can allocate the spending of HAF funds received towards prescribed uses under the following four (4) categories:

1. Investments in Housing Accelerator Fund Action Plans that outline required supply growth targets and specific initiatives to grow housing supply and accelerate housing approvals.
2. Investments in Affordable Housing such as the construction, repair or modernization of housing, including land/building acquisition.
3. Investments in Housing-related infrastructure such as drinking water and wastewater infrastructure, public transit, brownfield development, etc.
4. Community-Related Infrastructure such as local roads and bridges, sidewalks, lighting, bicycle lanes etc.

At this time, the total cost to implement all listed HAF Action Plan initiatives under Category 1 above is estimated to be \$10 million, however this amount will continue to be reviewed as the noted initiatives and related program costs surrounding each are further developed. The remaining funding received will be directed to the other three

categories noted above as required under the program, however a detailed allocation of funds is still to be determined based on the outcome of the City’s application. The final Action Plan, along with detailed costs surrounding each of the initiatives will be presented to City Council as part of a final HAF Implementation Plan if the City is successfully awarded funding under the program. All awarded funds will be allocated for spending under one of the four categories listed above and consideration for spending will be given to the program’s funding model which provides payment advances for each year per the below table.

Year 1	First Advance: 25% of total approved funding
Year 2	Second Advance: 25% of total approved funding
Year 3	Third Advance: 25% of total approved funding
Year 4	Fourth Advance: 25% of total approved funding

**Consultations:**

- Luigi Congi – Asset Coordinator
- Andrew Daher – Commissioner, Human & Health Services
- Kirk Whittal – Executive Director Housing & Children Services
- Diane Wilson – Manager Social & Affordable Housing
- Chris Carpenter – Coordinator Housing Administration & Development
- Sonia Bajaj – Coordinator Housing Administration & Development
- John Revell – Chief Building Official
- Tina Moore – Executive Initiatives Coordinator
- Sandra Bradt – Executive Initiatives Coordinator
- Stacey McGuire – Manager of Development (Engineering)
- Karina Richters – Supervisor Environmental Sustainability & Climate Change
- Patrick Winters – Manager of Corporate Projects – Economic Development

**Conclusion:**

The Housing Accelerator Fund (HAF) Program is intended to drive transformational change related to municipal land use planning and development approvals with the overall objective of accelerating the supply of housing. The HAF Action Plan presented in this report provides a range of initiatives that address the overall breadth and desired



outcomes of the program. It is therefore recommended that City Council support the HAF Action Plan and authorize the submission of an application to the Canada Housing and Mortgage Corporation under the HAF Program. In doing so this would align with the objectives of all levels of government with a need to accelerate the supply of housing.

**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Joe Baker	Senior Economic Development Officer
Neil Robertson	City Planner (A)
Rosamaria Scalia	Financial Planning Administrator
Natasha Gabbana	Senior Manager of Asset Planning
Janice Guthrie	Commissioner, Corporate Services – Chief Financial Officer/City Treasurer
Chris Nepszy	Commissioner, Infrastructure Services
Jelena Payne	Commissioner, Economic Development & Innovation
Joe Mancina	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Windsor Construction Association	2880 Temple Drive, Windsor, ON N8W 5J5	construction@wca.on.ca
Windsor Essex Home Builders Association	2880 Temple Drive, Windsor, ON N8W 5J5	communications@wehba.ca

**Appendices:**

**Subject: Declaration of 2 Vacant Parcels of Land Municipally Known as 0 Clairview Avenue Surplus and Authority to Offer for Sale – Ward 7**

**Reference:**

Date to Council: July 10, 2023  
Author: Stephanie Allen Santos  
Coordinator of Real Estate Services  
519-255-6100 ext 6420  
ssantos@citywindsor.ca  
Legal Services, Real Estate & Risk Management  
Report Date: June 15, 2023  
Clerk's File #: APM2023

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

**Recommendation:**

- I. THAT the following two (2) City of Windsor (the “City”) vacant parcels of land **BE DECLARED** surplus:
  1. Municipal address: **0 Clairview Avenue**, situated between 10725 and 10755 Clairview Avenue.  
Legal Description: Part Lot 141 Concession 1, Sandwich East, Windsor  
Approximate Lot size: 194 feet (59.13m) x irregular  
Approximate Lot area: 4.036 sq ft (374.95 m<sup>2</sup>)  
(the “**Subject Parcel 1**”); and,
  2. Municipal address: **0 Clairview Avenue**, situated south of 10755 Clairview Avenue.  
Legal Description: Part Lot 141 Concession 1, Sandwich East, as in R17355, save and except R114185, R167650 & 12R11873, south of Part 1 on Plan 12R-11873, Windsor  
Approximate Lot size: 62.35 feet (19m) x irregular  
Approximate Lot area: 1,668.4 sq ft (155 m<sup>2</sup>)  
(the “**Subject Parcel 2**”, and together with Subject Parcel 1, the “**Subject Parcels**”).

THAT the Manager of Real Estate Services **BE AUTHORIZED** to offer the Subject Parcels for sale to the abutting property owners at 10725 Clairview Avenue and 10755 Clairview Avenue at a price to be determined by the Manager of Real Estate Services, commensurate with an independent appraisal, as appropriate.

## **Executive Summary:**

N/A

## **Background:**

The Subject Parcels were acquired by the City in 1933. The zoning for the Subject Parcels is RD1.2 which allows for residential use. Subject Parcel 1 is 59.13m (194 feet) deep with an irregular and narrow width (less than 6m / 20 feet) and Subject Parcel 2 is 19m (62.35ft) wide with an irregular depth. Based on the permitted uses, the Subject Parcels have an irregular shape and area and cannot be developed as standalone parcels. As such, the Subject Parcels are not viable land.

By-Law 52-2014 establishes a policy for the disposal of Land. Section 5.1.2 of Schedule "A" attached to By-Law 52-2014 requires that City-owned lands be declared surplus and that Administration seek authority to sell the lands:

5.1.2 Notification of the intention to declare Land surplus and the authority to offer the Surplus Land for sale will be printed in the "Civic Corner" of the Windsor Star.

## **Discussion:**

Administration was contacted by the abutting property owners who both expressed an interest in acquiring Subject Parcel 1. Subject Parcel 2 only abuts the owner of 10755 Clairview, who wishes to acquire that parcel in addition to the easterly half of Subject Parcel 1.

The Subject Parcels were circulated to determine whether there is a municipal use for same. No municipal use for the Subject Parcels was identified. Due to the size and location of the Subject Parcels, there is no potential use for affordable housing. Public Works did identify the necessity to retain a portion of Subject Parcel 1 that includes Clairview Avenue so that the City can retain the existing road surface as seen in Appendix B attached herein. In order to address the portion of existing road surface of Clairview Avenue, 7.10m (23.29ft) along the north boundary, 9m (29.53ft) along the east boundary, 6.6m (21.65ft) along the south boundary and 11m (36.09ft) along the west boundary will need to be retained by the City.

The City's Land Disposal Policy ("**LDP**") outlines the process for the sale of land which is not viable. Section 5.3.1.3 of the LDP states:

5.3.1.3 Land, which is not Viable Land and which cannot be rendered Viable Land by means of consent under the Planning Act may be sold directly to the abutting property owner(s) for lot consolidation purposes at the value established by City Real Estate Staff taking into consideration all relevant factors, but in any event for no less than on a cost-recovery basis. If more than one abutting property owner wishes to acquire the Land City Real Estate Staff will contact the abutting owners to determine whether a consensus can be arrived at in splitting the Land amongst interested abutting owners.

Should Recommendations I and II be approved, Real Estate staff will contact the abutting property owners to negotiate a purchase price. Should Administration successfully negotiate an acceptable price, a report will be brought to Council or under Delegation of Authority, as appropriate, seeking authority to sell the Subject Parcels.

**Risk Analysis:**

There are potential liability issues should someone be injured on the land. Additionally, maintenance of the land drains scarce municipal resources. Selling the Subject Parcels will remove any associated liability issues and maintenance costs for the City.

**Climate Change Risks**

**Climate Change Mitigation:**

Declaring these properties surplus does not pose a climate change risk.

**Climate Change Adaptation:**

Redevelopment of properties will include climate change considerations during re-zoning or site plan review.

**Financial Matters:**

N/A

**Consultations:**

John Revell, Chief Building Official  
Milan Vujanovic, Senior Economic Development Officer  
Michael Coste, Chief Fire Prevention Officer  
Sonia Bajaj, Coordinator of Housing Administration and Development  
James Chacko, Executive Director of Parks and Facilities  
Kevin Alexander, Planner III - Special Projects  
Clare Amicarelli, Transportation Planning Coordinator  
Barry Horrobin, WPS Director of Planning and Physical Resources  
Kate Tracey, Senior Legal Counsel

**Conclusion:**

Declaring the Subject Parcels surplus, and authorizing the Manager of Real Estate Services to offer the properties for sale to the abutting property owners, will allow for the orderly sale of land that is not required for any municipal purpose.

**Approvals:**

<b>Name</b>	<b>Title</b>
Stephanie Allen Santos	Coordinator of Real Estate Services
Denise Wright	Manager of Real Estate Services
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Joe Mancina	Chief Administrative Officer

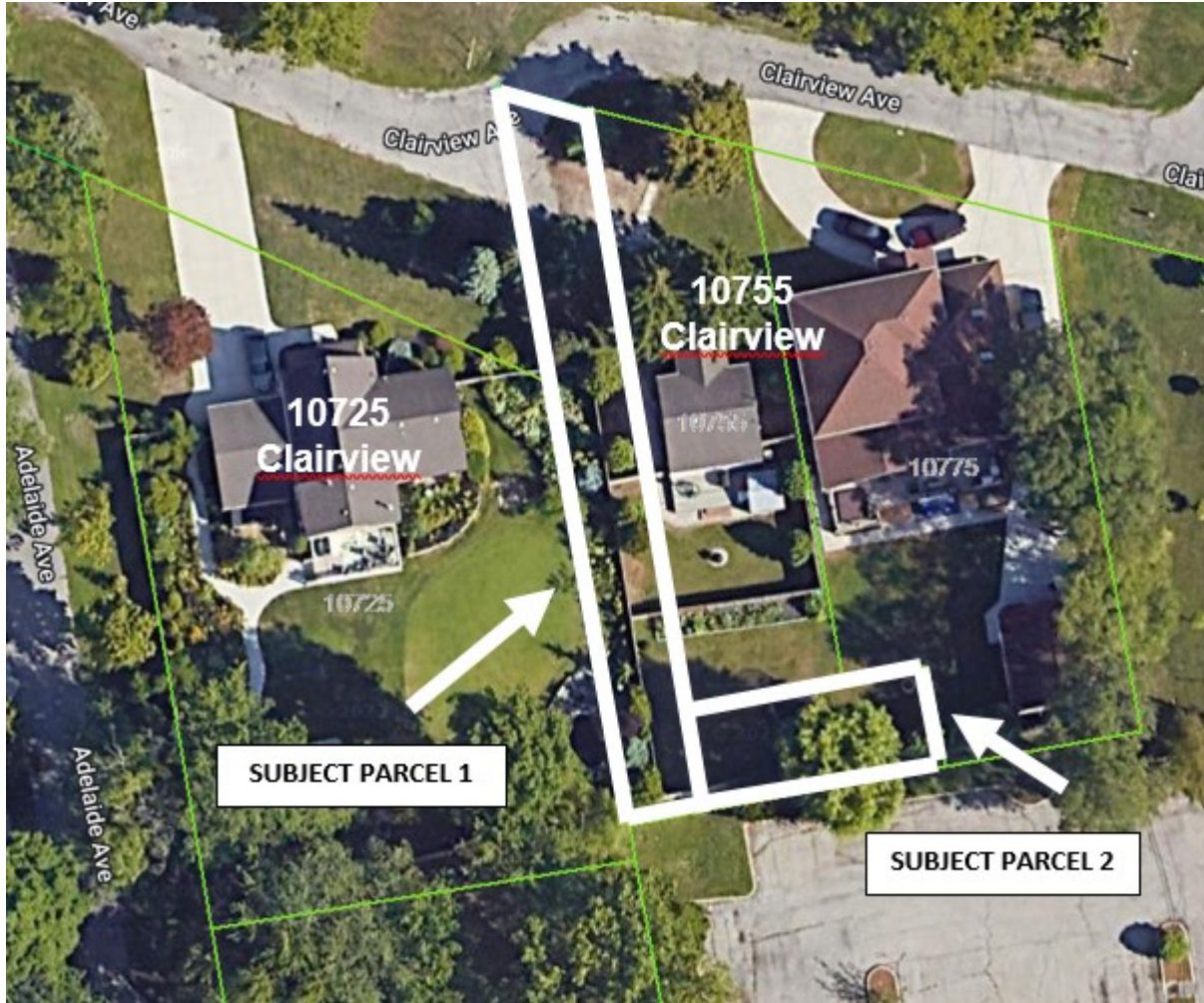
**Notifications:**

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

**Appendices:**

- 1 Aerial Image of Subject Parcels
- 2 Aerial Image of Lands to be Retained for Clairview Avenue

Appendix A



Appendix B

Portion of Land to be Retained for Clairview Avenue



Appendix B





**Subject: Declaration of Vacant Parcels of Land Municipally Known as 0 Hudson Avenue and 0 Coney Avenue Surplus and Authority to Offer for Sale – Ward 2**

**Reference:**

Date to Council: July 10, 2023  
Author: Stephanie Allen Santos  
Coordinator of Real Estate Services  
519-255-6100 ext 6420  
ssantos@citywindsor.ca  
Legal Services, Real Estate & Risk Management  
Report Date: June 19, 2023  
Clerk's File #: APM2023

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

**Recommendation:**

- I. THAT the following City of Windsor (the “**City**”) vacant parcels of land **BE DECLARED** surplus:
1. Municipal address: **0 Hudson Avenue** – vacant land situated on the south side of Hudson Avenue, east of Malden Road, south of Continental Avenue and north of E.C. Row Expressway.  
Legal Description: Part Lot 93 on Plan 1154 Sandwich West, designated as Part 128 on Registered Plan 12R-4051; Windsor  
Approximate Lot size: 35 feet (10.67m) x irregular  
Approximate Lot area: 2,281.95 sq ft (695.54 m<sup>2</sup>)  
(herein the “**Subject Parcel 1**”); and,
  2. Municipal address: **0 Coney Avenue** – vacant land situated on the west side of Coney Avenue, east of Malden Road and north of E.C. Row Expressway.  
Legal Description: Part Lot 82 and Part Lot 83, inclusive, on Plan 1154 Sandwich West, designated as Parts 142 & 143 on Registered Plan 12R-4051; Windsor  
Approximate Lot size: 118.50 feet (36.12m) x irregular  
Approximate Lot area: 3390.6 sq ft (315 m<sup>2</sup>)  
(herein the “**Subject Parcel 2**” and together with Subject Parcel 1; the “**Subject Parcels**”).

THAT the Manager of Real Estate Services **BE AUTHORIZED** to offer the Subject Parcels for sale to the abutting property owner at 0 Hudson at a price to be determined

by the Manager of Real Estate Services, commensurate with an independent appraisal, as appropriate.

### **Executive Summary:**

N/A

### **Background:**

The City of Windsor owns the Subject Parcels situated north of the E.C. Row Expressway in an area that is zoned MD1.4. The zoning for the Subject Parcels allows for industrial use. Subject Parcel 1 is approximately 35 feet (10.67m) wide by an irregular depth. While Subject Parcel 2 is approximately 118.50 feet (36.12m) wide by an irregular depth. Based on the permitted uses, the Subject Parcels have an irregular shape and area and cannot be developed. As such, the Subject Parcels are not viable land.

By-Law 52-2014 establishes a policy for the disposal of Land. Section 5.1.2 of Schedule "A" attached to By-Law 52-2014 requires that City-owned lands be declared surplus and that Administration seek authority to sell the lands:

5.1.2 Notification of the intention to declare Land surplus and the authority to offer the Surplus Land for sale will be printed in the "Civic Corner" of the Windsor Star.

### **Discussion:**

Administration was contacted by the abutting property owner who expressed their interest in acquiring the Subject Parcels. They are the only abutting property owner to Subject Property 1. Subject Parcel 2 abuts two properties, one at 0 Hudson, east of Subject Parcel 2, and the other at 4505 Fourth Street, north of Subject Parcel 2. The property owner at 0 Hudson expressed interest in purchasing both Subject Parcels. Upon further review, and due to the irregular, triangular shape of the Subject Parcel, it would not provide any utility to the property to the north at 4505 Fourth Street. As such, the Subject Parcel is non-viable and can only be sold to the abutting property owner to the east.

The Subject Parcels were circulated to determine whether there is a municipal use for same. No municipal use was identified. Due to the size, location and zoning of the Subject Parcels, there is no potential use for affordable housing.

Transportation Planning advises that no direct access from the Subject Parcels to the EC Row Expressway is permitted.

The Planning Department advises that the property is adjacent the MTO Buffer/Control Area. Any proposed development that is within an MTO Buffer/Control Area may require a permit from MTO. Additionally, trees and plant life exist on the Subject Parcels. Any proposed redevelopment of the site may require a Natural Features Inventory including a Species at Risk Survey (SARS). Any potential purchaser will be advised of the foregoing.

The City's Land Disposal Policy (“LDP”) outlines the process for the sale of land which is not viable. Section 5.3.1.3 of the LDP states:

5.3.1.3 Land, which is not Viable Land and which cannot be rendered Viable Land by means of consent under the Planning Act may be sold directly to the abutting property owner(s) for lot consolidation purposes at the value established by City Real Estate Staff taking into consideration all relevant factors, but in any event for no less than on a cost-recovery basis. If more than one abutting property owner wishes to acquire the Land, City Real Estate Staff will contact the abutting owners to determine whether a consensus can be arrived at in splitting the Land amongst interested abutting owners.

Should Recommendations I and II be approved, the Real Estate Services staff will contact the abutting property owner(s) to negotiate a purchase price. Should Administration successfully negotiate an acceptable price, a report will be brought to Council or under Delegation of Authority, as appropriate, seeking authority to sell the Subject Parcel.

### **Risk Analysis:**

There are potential liability issues should someone be injured on the land. Additionally, maintenance of the land drains scarce municipal resources. Selling the Subject Parcel will remove any associated liability issues and maintenance costs for the City.

### **Climate Change Risks**

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

Declaring this property surplus does not pose a climate change risk.

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

Redevelopment of property will include climate change considerations during re-zoning or site plan review.

### **Financial Matters:**

N/A

### **Consultations:**

Building: John Revell, Chief Building Official  
Economic Development & Innovation: Milan Vujanovic, Sen. Economic Develop Officer  
Fire Department: Michael Coste, Chief Fire Prevention Officer  
Housing and Children Services: Sonia Bajaj, Coordinator Housing Admin & Develop  
Parks & Facilities: James Chacko, Executive Director, Parks & Facilities  
Planning Department: Kevin Alexander, Planner III – Special Projects  
Operations: Clare Amicarelli, Transportation Planning Coordinator  
Windsor Police Services: Barry Horrobin, Director of Planning & Phys. Resources  
Legal Department: Kate Tracey, Senior Legal Counsel

**Conclusion:**

Declaring the vacant parcel of land identified in Recommendation I surplus, and authorizing the Manager of Real Estate Services to offer the property for sale to the abutting property owner will allow for the orderly sale of the land that is not required for any municipal purpose.

**Approvals:**

Name	Title
Stephanie Allen Santos	Coordinator of Real Estate Services
Denise Wright	Manager of Real Estate Services
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Joe Mancina	Chief Administrative Officer

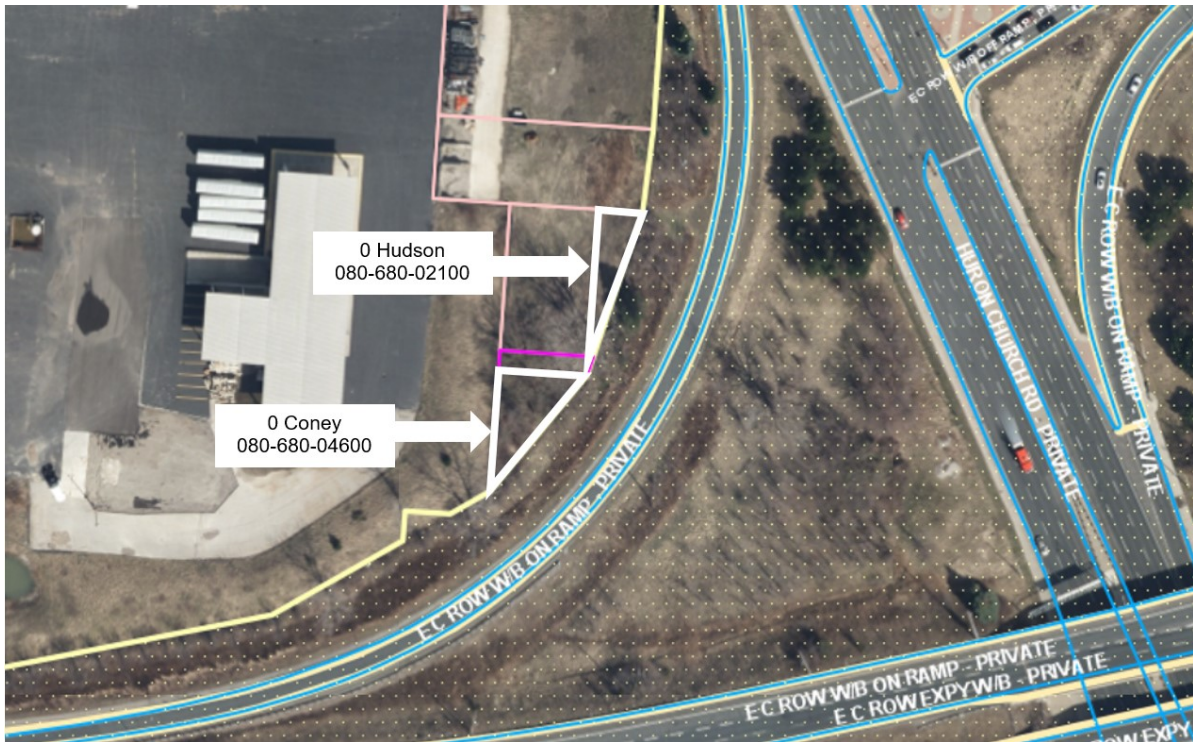
**Notifications:**

Name	Address	Email

**Appendices:**

- 1 Aerial Image of Subject Parcel

Appendix A



**Subject: Declaration of a Vacant Parcel of Land Municipally Known as 0 Dougall Avenue Surplus and Authority to Offer Same for Sale – Ward 9**

**Reference:**

Date to Council: July 10, 2023  
Author: Stephanie Allen Santos  
Coordinator of Real Estate Services  
519-255-6100 ext. 6420  
ssantos@citywindsor.ca  
Legal Services, Real Estate & Risk Management  
Report Date: June 19, 2023  
Clerk's File #: APM2023

To: Mayor and Members of City Council

**Recommendation:**

- I. THAT the following City of Windsor (the “City”) vacant parcel of land **BE DECLARED** surplus:
  - Municipal address: **0 Dougall Avenue** – vacant land situate on the east side of Dougall Avenue
  - Legal Description: Part of Lots 11 to 16, inclusive, on Registered Plan 1489 Sandwich West, being Part 1 on Plan 12R-17548, save and except a one foot reserve along the westerly boundary, to be retained for Municipal purposes
  - Approximate Lot size: 114 feet (34.7 m) x 444.4 feet (135.4 m) x 458.7 feet (139.8 m)
  - Approximate Lot area: 25,351.9 sq ft (2,355.3 m<sup>2</sup>) (herein the “**Subject Parcel**”); and,
- II. THAT the Manager of Real Estate Services **BE AUTHORIZED** to offer the Subject Parcel for sale to the abutting property owner to the east at 0 Roseland Crescent West at a price to be determined by the Manager of Real Estate Services commensurate with an independent appraisal.

**EXECUTIVE SUMMARY:**

N/A

## **Background:**

The City owns the Subject Parcel, as shown on the aerial diagrams attached as Appendices A and B.

The Subject Parcel was conveyed to the City in 1999 as part of a nearby development. The zoning for the Subject Parcel is CD1.1 which allows for a Business Office, Child Care Centre, Food Outlet – Take-out, Medical Office, Personal Service Shop, Professional Studio, Repair Shop – Light, Restaurant or Retail Store. Although large enough to develop, the Subject Parcel is landlocked due to a requirement for a one foot reserve, as Transportation Planning advises that no access to Dougall Avenue is permitted from the Subject Parcel. While the Subject Parcel also abuts 3950 Dougall Avenue to the north, due to the irregular, triangular shape of the Subject Parcel, it does not provide any utility to the property to the north. As such, the Subject Parcel is non-viable and can only be sold to the abutting property owner to the east.

By-Law 52-2014 establishes a policy for the disposal of Land. Section 5.1.2 of Schedule “A” attached to By-Law 52-2014 requires that City-owned lands be declared surplus and that Administration seek authority to sell the lands:

5.1.2 Notification of the intention to declare Land surplus and the authority to offer the Surplus Land for sale will be printed in the “Civic Corner” of the Windsor Star.

## **Discussion:**

Administration was contacted by the abutting property owner to the east who expressed their interest in acquiring the Subject Parcel. As the property to the north of the Subject Parcel would not benefit by acquiring the Subject Parcel due to the irregular configuration of same, the only likely buyer for the Subject Parcel is the abutting property owner of 0 Roseland Crescent West to the east of the Subject Parcel.

The Subject Parcel was circulated to determine whether there is a municipal use for same. No municipal use was identified. As Transportation Planning advises that no access to Dougall Avenue is permitted from the Subject Parcel, there is no potential use for affordable housing. Administration will obtain a Reference Plan and retain a one foot reserve along the westerly limit of the Subject Parcel, abutting Dougall Avenue, to ensure the Subject Property does not have direct access to Dougall Avenue.

Engineering also advises that the Subject Parcel is adjacent to a roadside ditch which drains a portion of the Dougall Parkway further to the southeast, then flows northwest and discharges to the municipal storm sewer system on Dougall Avenue via a 525mm diameter RCP. While the ditch is not noted as a Municipal Drain and is not within a regulated area under the jurisdiction of the Essex Region Conservation Authority (ERCA), the ditch flow must be maintained either by way of an open ditch or enclosed with an appropriately sized storm sewer in accordance with City Standards. As no access from the Subject Parcel to Dougall Avenue is permitted, there will be no disturbance to the ditch.

The City's Land Disposal Policy (“LDP”) outlines the process for the sale of land which is not viable. Section 5.3.1.3 of the LDP states:

5.3.1.3 Land, which is not Viable Land and which cannot be rendered Viable Land by means of consent under the Planning Act may be sold directly to the abutting property owner(s) for lot consolidation purposes at the value established by City Real Estate Staff taking into consideration all relevant factors, but in any event for no less than on a cost-recovery basis. If more than one abutting property owner wishes to acquire the Land City Real Estate Staff will contact the abutting owners to determine whether a consensus can be arrived at in splitting the Land amongst interested abutting owners.

Should Recommendations I and II be approved, Real Estate Services staff will contact the abutting property owner to negotiate a purchase price. Should Administration successfully negotiate an acceptable price, a report will be brought to Council or under Delegation of Authority, as appropriate, seeking authority to sell the Subject Parcel.

### **Risk Analysis:**

There are potential liability issues should someone be injured on the land. Additionally, maintenance of the land drains scarce municipal resources. Selling the Subject Parcel will remove any associated liability issues and maintenance costs for the City.

### **Climate Change Risks**

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

Declaring the Subject Parcel surplus does not pose a climate change risk.

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

Redevelopment of the Subject Parcel will include climate change considerations during re-zoning or site plan review.

### **Financial Matters:**

N/A

### **Consultations:**

Fire Department: John Lee, Fire Prevention Officer (now retired)

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

Public Works: responses consolidated by Rania Toufeili

Parks & Facilities: James Chacko, Executive Director Parks & Facilities

Planning Department: Kevin Alexander, Planner III

Housing and Children Services: Tina Moore, Coordinator Housing Admin & Development (no longer in this Department)

Legal and Legislative Services, Kate Tracey, Senior Legal Counsel



**Conclusion:**

Declaring the Subject Parcel surplus, and authorizing the Manager of Real Estate Services to offer the property for sale to the abutting property owner, will allow for the orderly sale of the land that is not required for any municipal purpose.

**Approvals**

<b>Name</b>	<b>Title</b>
Stephanie Allen Santos	Coordinator of Real Estate Services
Denise Wright	Manager of Real Estate Services
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Joe Mancina	Chief Administrative Officer

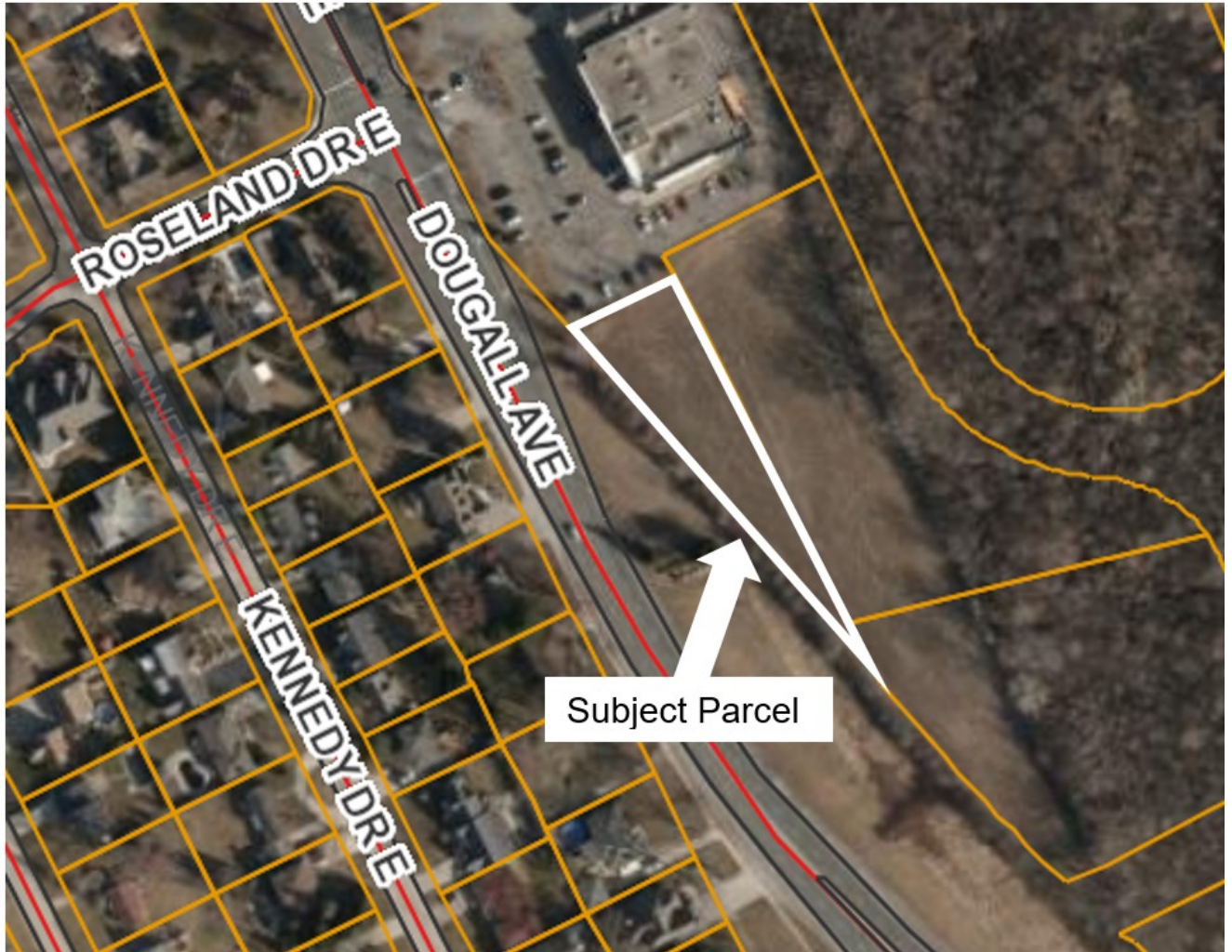
**Notifications:**

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

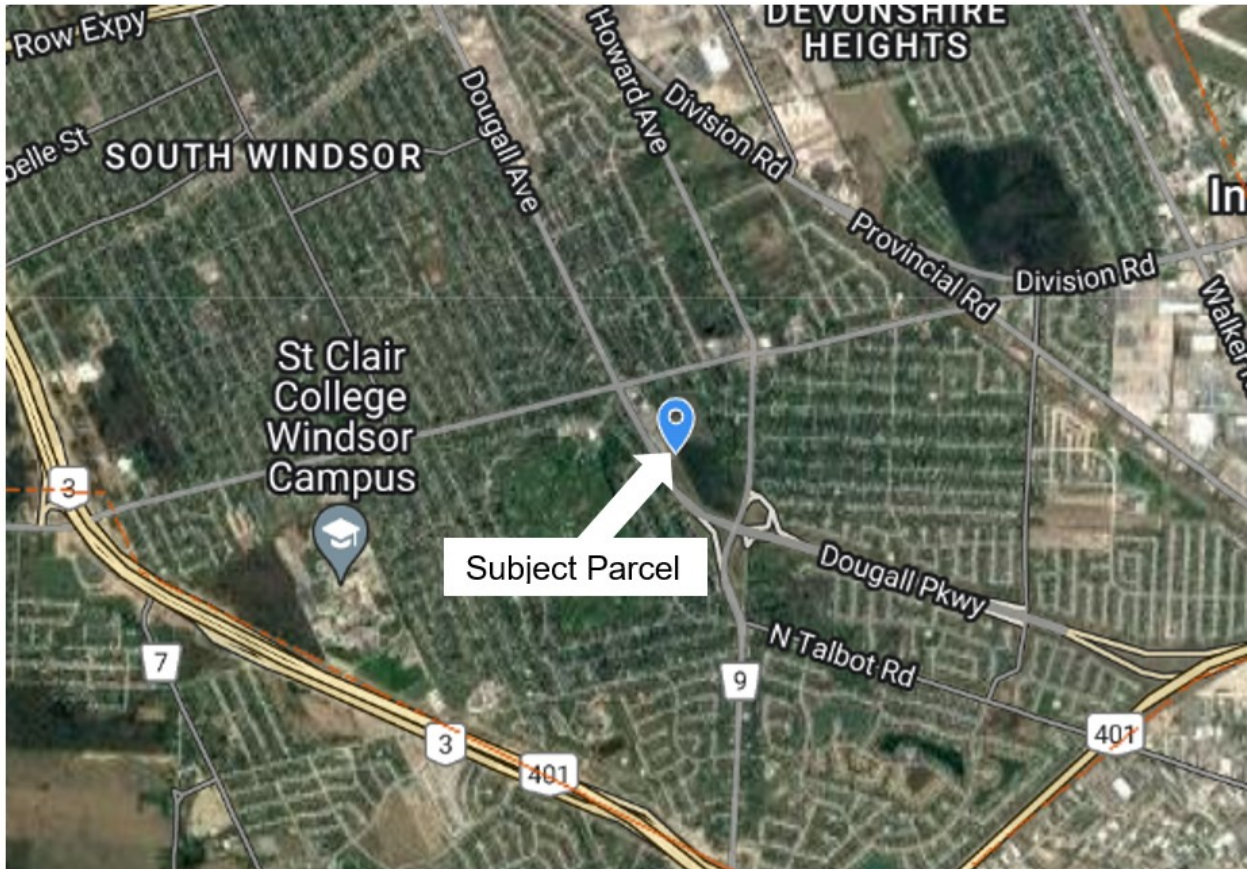
**Appendices:**

- 1 Aerial Image of Subject Parcel
- 2 Location of Subject Parcel

Appendix A



Appendix B



**Item No. 12.2**



**Committee Matters: SCM 162/2023**

**Subject: Minutes of the Windsor Licensing Commission of its meeting held June 1, 2023**

## **Windsor Licensing Commission**

Meeting held June 1, 2023

A meeting of the Windsor Licensing Commission is held this day commencing at 9:30 o'clock a.m. via Zoom video conference, there being present the following members:

Councillor Ed Sleiman, Chair  
Councillor Renaldo Agostino  
Harbinder Gill  
Councillor Angelo Marignani

### ***Regrets received from:***

Jayme Lesperance

### ***Delegations in Attendance:***

Fernand Atieh and Adel El Chemi regarding Item 6(a)

### ***Also present are the following resource personnel:***

Steve Vlachodimos, City Clerk & Licence Commissioner  
Craig Robertson, Deputy Licence Commissioner  
Sandy Hansen, Licence Issuer  
Karen Kadour, Committee Coordinator

## **1. Call to Order**

The Chair calls the meeting to order at 9:00 o'clock a.m. and the Committee considers the Agenda being Schedule "A" attached hereto, matters which are dealt with as follows:

## **2. Disclosure of Interest**

None disclosed.

**3. Adoption of the Minutes**

Moved by Councillor Angelo Marignani, seconded by Councillor Renaldo Agostino, That the minutes of the Windsor Licensing Commission of its meeting held March 29, 2023 **BE ADOPTED** as presented.

Carried.

**4. Request for Deferrals, Referrals or Withdrawals**

None.

**5. Communications**

None.

**6. Licence Transfers**

**6(a) Transfer of Taxicab Plate #117**

Mr. Fernand Atieh, Transferor and Mr. Adel El Chemi, Transferee appear before the Windsor Licensing Commission via Zoom video conference.

Craig Robertson advises on March 6, 2023, the Licensing Division received a letter from Mr. Fernand Atieh requesting an exemption to Section 20.1 of the Public Vehicle Licensing Bylaw relating to how long one must be a plate holder before it can be transferred. He adds that the By-law does allow for a transfer in less than five years provided that it is approved by the Windsor Licensing Commission. At this point, Mr. Atieh has been a plate holder for approximately four years.

Mr. El-Chemi advises that one of the conditions mandates that he has to drive the vehicle with the plate attached to it. Craig Robertson responds that in order to be a plate holder, Mr. El Chemi has to meet the criteria to be eligible and to be a licensed taxicab driver. Mr. El Chemi asks if he attaches plate #117 to another vehicle, does he have to drive the car or can it be leased out. Craig Robertson responds that Mr. El Chemi has to drive the vehicle for at least one year.

Moved by Councillor Angelo Marignani, seconded by Harbinder Gill, **WLC 10/2023** That the transfer of Taxicab Plate #117 from Mr. Fernand Atieh to Mr. Adel El Chemi **BE APPROVED** with the following conditions:

- i. Mr. Atieh submit a completed "Taxicab Plate Transfer" application.

- ii. That Mr. El Chemi submit a completed "Taxicab Plate Transfer" application and provide proof that he satisfies the eligibility criteria for inclusion on the Drivers' List per Section 20.4(a) of Schedule 5.
- iii. Mr. El Chemi be given thirty (30) days from the date of the approval to submit a vehicle for inspection that complies with Schedule 5 to By-law 137-2007 (amended by By-law 150-2018) including a valid safety standards certificate.
- iv. Mr. El Chemi be given thirty (30) days from the date of the approval to submit a Taxicab Plate Holder application and pay the associated fee.
- v. Mr. El Chemi be given thirty (30) days from the date of the approval to provide verification that full compensation has been made to Mr. Fernand Atieh in consideration of the transfer of Taxicab plate #117.
- vi. Mr. El Chemi shall not lease Taxicab plate #117 for a one-year period as stated in Schedule 5, Section 21.3 of Licensing By-law 137-2007 (amended by By-law 150-2018).

Carried.

## 7. Applications/Hearings

None.

## 8. Reports & Administrative Matters

### (a) Expired Application(s) for Business Licence

Craig Robertson advises that the applications noted in the report did not meet the requirements under the Business Licensing By-law 395-2004 and are expired. He adds that typically enforcement follows up to ensure that compliance is achieved.

Moved by Councillor Angelo Marignani, seconded by Councillor Renaldo Agostino, That the report of the Deputy Licence Commissioner dated May 15, 2023 entitled "Expired Application(s) for Business Licence" **BE RECEIVED.**  
Carried.

## 9. In Camera

No In Camera session is held.

**10. Date of Next Meeting**

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

**11. Adjournment**

There being no further business, the meeting is adjourned at 9:45 o'clock a.m.