

Development & Heritage Standing Committee Meeting Agenda

Date: Monday, November 4, 2024

Time: 4:30 o'clock p.m.

Location: Council Chambers, 1st 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:

Ward 1 – Councillor Fred Francis

Ward 4 - Councillor Mark McKenzie

Ward 7 - Councillor Angelo Marignani

Ward 9 - Councillor Kieran McKenzie

Ward 10 - Councillor Jim Morrison (Chairperson)

Member Anthony Arbour

Member Joseph Fratangeli

Member Daniel Grenier

Member John Miller

Member Charles Pidgeon

Member Robert Polewski

Member Khassan Saka

Member William Tape

ORDER OF BUSINESS

Item #	Item Description
1.	CALL TO ORDER

READING OF LAND ACKNOWLEDGMENT

We [I] 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.

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

3.	REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS
----	--

4.	COMMUNICATIONS
----	-----------------------

5.	ADOPTION OF THE <i>PLANNING ACT</i> MINUTES
----	--

5.1.	Adoption of the Development & Heritage Standing Committee (<i>Planning Act</i>) minutes of its meeting held October 7, 2024 (SCM 320/2024)
------	---

6.	PRESENTATION DELEGATIONS (<i>PLANNING ACT</i> MATTERS)
----	---

7.	<i>PLANNING ACT</i> MATTERS
----	------------------------------------

7.1.	Zoning By-law Amendment Application for 3170 & 3178 California Avenue, Z-024/24 [ZNG-7227], Ward 1 (S 135/2024)
------	--

7.2.	Zoning By-Law Amendment Z027-24 (ZNG/7230) - Marko Agbaba – 180 California Avenue, Ward 2 (S 145/2024)
------	---

7.3.	Approval of a Draft Plan of Subdivision and Zoning By-law Amendment for the property known as 3990 Loon Street; Applicant: Olivia Construction Inc.; File Nos. SDN-003/24 [SDN/7212] and Z-018/24 [ZNG/7211]; Ward 5. (S 146/2024)
------	---

- 7.4. Zoning By-law Amendment Application for 926-928 Giles Blvd E, Z-028/24 [ZNG-7232], Ward 1 (**S 137/2024**)

8. **ADOPTION OF THE MINUTES**

9. **PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)**

10. ***HERITAGE ACT MATTERS***

11. **ADMINISTRATIVE ITEMS**

- 11.1. Brownfield Property Tax Assistance/Rehabilitation Grant Community Improvement Plan (CIP) application submitted by Capital Plus Real Estate Corp. for 3841-3847 Howard Avenue (Ward 8) (**S 138/2024**)
- 11.2. Part Closure of north/south alley located between Park Street West and Wyandotte Street West, Ward 3, SAA-7034 (**S 140/2024**)

12. **COMMITTEE MATTERS**

13. **QUESTION PERIOD**

14. **ADJOURNMENT**



Committee Matters: SCM 320/2024

Subject: Adoption of the Development & Heritage Standing Committee (*Planning Act*) minutes of its meeting held October 7, 2024

**Development & Heritage Standing Committee Meeting
(*Planning Act* Matters)**

Date: Monday, October 7, 2024

Time: 4:30 o'clock p.m.

Members Present:

Councillors

Ward 1 - Councillor Fred Francis

Ward 4 - Councillor Mark McKenzie

Ward 7 - Councillor Angelo Marignani

Ward 9 - Councillor Kieran McKenzie

Ward 10 - Councillor Jim Morrison (Chairperson)

Members

Member Anthony Arbour

Member Daniel Grenier

Member Robert Polewski

**PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM
ADMINISTRATION:**

Rob Martini, Council Services

**ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM
ADMINISTRATION:**

Jelena Payne, Commissioner, Economic Development

Neil Robertson, City Planner

Greg Atkinson, Deputy City Planner – Development

Jason Campigotto, Deputy City Planner – Growth

Aaron Farough, Senior Legal Council

Emilie Dunnigan, Manager, Development Reserve & Financial Administration

Kevin Alexander, Planner III – Special Projects

Simona Simion, Planner III – Economic Development

Tracy Tang, Planner III – Economic Development

Brian Nagata, Planner II – Development Review

Elara Mehrilou, Transportation Planner I

Robert Perissinotti, Development Engineer

Minutes

Development & Heritage Standing Committee Monday, October 7, 2024

Page 2 of 8

Natasha McMullin, Clerk Steno Senior
Anna Ciacelli, Deputy City Clerk

Delegations—participating via video conference

Item 7.1 – Tracey Pillon-Abbs, RPP Principal Planner
Item 7.2 – Lana Talbot, area resident

Delegations—participating in person

Item 7.2 – Jackie Lassaline, Lassaline Planning Consultants
Item 7.2 – Mariusz Buchcic, Alta Nota Construction
Item 11.2 – Stuart Miller, Consultant for applicant
Item 11.8 – Scott Stover & Nathan Jankowski, Pattison Outdoor Advertising

1. CALL TO ORDER

The Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:30 o'clock p.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

Member Daniel Grenier discloses an interest and abstains from voting on Item 7.1 being “Zoning By-law Amendment Application for 4461 Wyandotte Street East, Z-023/24 [ZNG-7221]], Ward 5” as his company has hired the planner on record for the application for one of their projects.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None requested.

4. COMMUNICATIONS

None presented.

5. ADOPTION OF THE *PLANNING ACT* MINUTES

5.1. Adoption of the Development & Heritage Standing Committee minutes (*Planning Act*) of its meeting held September 3, 2024

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

Minutes

Development & Heritage Standing Committee

Monday, October 7, 2024

Page 3 of 8

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held September 3, 2024 **BE ADOPTED** as presented.

Carried

Report Number: SCM 289/2024

7. PLANNING ACT MATTERS

7.1. Zoning By-law Amendment Application for 4461 Wyandotte Street East, Z-023/24 [ZNG-7221], Ward 5

Brian Nagata (author), Planner II – Development Review, is available for questions.

Tracey Pillon-Abbs (agent) is available for questions.

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 658**

- I. THAT Zoning By-law 8600 **BE AMENDED** for the lands located on the south side of Wyandotte Street East between Jos Janisse Avenue and Ellrose Avenue, described as Lot 27, Plan 1492, PIN No. 01097-1316 LT, by adding a site specific provision to permit *One Semi-Detached Dwelling*, subject to the following additional regulations:

513. SOUTH SIDE OF WYANDOTTE STREET EAST BETWEEN JOS JANISSE AVENUE AND ELLROSE AVENUE

- (1) For the lands comprising of Lot 27, Plan 1492, PIN No. 01097-1316 LT, a *Semi-Detached Dwelling* shall be subject to the following additional provisions:

1. Notwithstanding Section 11.2.5.2.1, the minimum lot width shall be 13.7 metres.
2. Notwithstanding Section 11.2.5.2.10, the maximum gross floor area for a main building shall be 851.6 m².
[ZDM 10; ZNG/7221]

- II. THAT the holding (H) symbol **SHALL APPLY** to the lands located on the south side of Wyandotte Street East between Jos Janisse Avenue and Ellrose Avenue, described as Lot 27, Plan 1492, PIN No. 01097-1316 LT and that Zoning By-law 8600 **BE FURTHER AMENDED** by adding the following clause to Section 95.20:

- (11) a) Gratuitously convey to the Corporation of the City of Windsor, a 1.50-metre-wide strip of land along the Wyandotte Street East frontage of the subject lands to the satisfaction of the City Engineer.

Minutes

Development & Heritage Standing Committee

Monday, October 7, 2024

Page 4 of 8

- b) Submission of a Revised Stormwater Management Plan in accordance with the Windsor Essex Region Stormwater Management Standards Manual to the satisfaction of the City Engineer.

[ZDM 10; ZNG/7221]

Carried.

Member Daniel Grenier discloses an interest and abstains from voting on this matter.

Report Number: S 113/2024

Clerk's File: Z/14832

7.2. Zoning By-Law Amendment Z001-24 (ZNG/7164) - Alta Nota Construction – 0 Windsor Ave & 1140 Goyeau St, Ward 3

Diana Radulescu (author), Planner II – Development Review, presents application.

Jackie Lassaline (agent) and Mariusz Buchcic (applicant) are available for questions.

Lana Talbot (area resident) has concerns of increased traffic, limited parking availability on Windsor Avenue and the location of an apartment building within an area of single family homes.

Councillor Marignani inquires about other parking facilities in the area to accommodate parking for the hospital which is being reduced by this development. Jackie Lassaline states that the private parking lot is rented by the hospital and typically empty but is not associated with the hospital. Ms. Lassaline states that there is no access from Windsor Avenue from the parking lot and will not be any added traffic to the street.

Councillor Marignani inquires with Administration if there are any City parking lots in the area besides the City right-of-way on the road or if the hospital has their own parking lots. Chris Gerardi states that the hospital does have its own parking areas and parking garage and is unaware of any City of Windsor parking in the area. Diana Radulescu states that the development is proposing additional parking above what is required from the by-law.

Councillor Marignani inquires if there are any areas for parking surrounding the development within 100-200 meters that can take the overflow of vehicles for what normally would have parked in the existing parking lot. Mr. Gerardi states that he believes that there are some privately owned paid-parking lots for public use in the area and cannot comment on the capacity during peak times but the proponent has stated that the subject lots are not widely used.

Councillor Marginani inquires about plans for infrastructure of electric vehicle charging stations within the parking plan. Ms. Lassaline states that accommodation for electric vehicle charging stations will be examined.

Minutes

Development & Heritage Standing Committee

Monday, October 7, 2024

Page 5 of 8

Councillor Kieran McKenzie inquires whether the two lots will remain two separate addresses. Ms. Radulescu states that is correct.

Councillor McKenzie inquires whether this is common and if it creates a logistical challenge to combine the lots into one or what is the rationale behind keeping the lots separate. Greg Atkinson states the properties are two distinct parcels and would retain separate addresses due to the public alley bisecting the properties being used by area residents for access and cannot be closed. Mr. Atkinson states that this is common and no different than other developments that have offsite parking which have been presented to the Committee in the past.

Councillor Kieran McKenzie inquires whether the alley will be refurbished and funded by the developer. Rob Perissinotti states this is correct and that the Public Works Department has requested for the alley to be repaved along the frontage of the two properties, and during the Site Plan Control process safety measures will be reviewed for pedestrian and vehicle crossings.

Councillor Kieran McKenzie inquires whether there will be ingress/egress off the alley from both sides. Mr. Perissinotti states that the alley continues from Giles Boulevard to Erie Street and the bulk of traffic will likely come from Giles Boulevard.

Councillor McKenzie inquires if the entire alley will be paved. Mr. Perissinotti states that only paving along the property frontage can be requested and the alley has been recently repaved during 2017-2020 and currently is in great condition. Councillor McKenzie inquires if once repaved would it return to being a City responsibility. Mr. Perissinotti agrees and states that any damage incurred by the Developer during construction will also be their responsibility to repair.

Councillor McKenzie inquires whether the access to the parking lot will come from the alley. Mr. Gerardi states that the Site Plan indicates access from Windsor Avenue and the alley. Councillor McKenzie asks for additional clarification about vehicular access. Mr. Gerardi states that the final layout will be determined during Site Plan Control and the current recommendation is to give access onto Windsor Avenue from a traffic management and flow perspective.

Councillor McKenzie inquires whether the analysis of the impact on Windsor Avenue is sufficient to handle the anticipated traffic volume from this development. Mr. Gerardi states that the anticipated traffic impact would be minimal.

Councillor McKenzie inquires about ingress/egress access from the alley on both the North and South sides of the parking lot. Mr. Gerardi states that this is what is indicated in the Site Plan and will be subject to Site Plan Control approval for further alterations.

Member Daniel Grenier clarifies if there will be access from Windsor Avenue. Ms. Lassaline states that she was not aware that the development would be given access from Windsor Avenue and that access would come from the alley.

Minutes

Development & Heritage Standing Committee

Monday, October 7, 2024

Page 6 of 8

Member Grenier inquires what will be proposed to create a barrier on Windsor Avenue. Ms. Lassaline states that landscaping and a six-foot-high fence will be installed and designed in the Site Plan Control process.

Chair Jim Morrison states that this is a good infill project on a long-time vacant property, and the excess parking proposed by the applicant should not create overflow parking onto the streets and neighbourhood.

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 659**

- I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lots 46 to 51, Plan 447 (identified as Lot 1A on Appendix A to Report S 131/2024 and known municipally as 0 Windsor Avenue) from Commercial District 1.5 (CD1.5) to Commercial District 1.7 (CD1.7).
- II. THAT Zoning By-law 8600 **BE FURTHER AMENDED** by changing the zoning of Lot 183 and Part of Lot 182, Plan 1303 (identified as Lot 1B on Appendix A to Report S 131/2024 and known municipally as 1140 Goyeau Street) from Commercial District 1.5 (CD1.5) to Residential District 3.3 (RD3.3).
- III. THAT Zoning By-law 8600 **BE FURTHER AMENDED** by deleting and replacing Section 20(1)52 as follows:

52. **EAST SIDE OF GOYEAU STREET AND WEST SIDE OF WINDSOR AVENUE, NORTH OF GILES BOULEVARD EAST**

- A. For the lands comprising of LOT 46 TO LOT 51, PLAN 447 for an existing parking area, the following additional provisions shall apply:
 - 1) Section 25.5.10.3 shall not apply.
 - 2) Section 25.5.20 shall not apply.
 - 3) Section 25.5.40.6 and 25.5.40.7 shall not apply.
 - 4) Notwithstanding Section 25.5.50, the minimum *parking aisle* width shall be as existing.
- B. For the lands comprising of LOT 183 & PT LOT 182, PLAN 1303, the following additional provisions shall apply:
 - 1) Lot Area – minimum 1,728 m²
 - 2) Lot Coverage – maximum 43.5%

Minutes

Development & Heritage Standing Committee Monday, October 7, 2024

Page 7 of 8

- 3) Main Building height – maximum 24.0 m
- 4) Landscaped Open Space Yard – minimum 28%
- 5) Section 12.3.5.13 shall not apply
- 6) All required *parking spaces* (excluding accessible parking spaces and *loading spaces*) shall be located entirely on LOT 46 TO LOT 51, PLAN 447.
- 7) Notwithstanding Section 25.5.20.1.6, where a *building* is located on the same *lot* as the *parking area*, for that portion of a *building* wall not containing a *habitable room window* within 4.0 m of the *ground*, the minimum parking area separation from that portion of the *building* wall shall be 3.1 m.
(ZDM 7)

IV. 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:
 - 1) Those documents submitted in support of the application for amendment to the Zoning By-law 8600 **BE UPDATED** to reflect the site plan for which approval is being sought, and any comments from municipal departments and external agencies included in Appendix E to Report S 131/2024.
- B. The Site Plan Approval Officer **BE DIRECTED** to incorporate the following, subject to any updated information, into an approved site plan and an executed and registered site plan agreement:
 - 1) Vibration Impact Assessment as requested by the City of Windsor Heritage Planner in Appendix E to Report S 131/2024.
 - 2) Requirements of the City of Windsor – Engineering Department (subject to the approval of the City Engineer), City of Windsor – Parks Development, in Appendix E of Report S 131/2024.
- C. The Site Plan Approval Officer **CONSIDER** all other comments contained in Appendix E of Report S 131/2024 and all recommendations in the documents submitted in support of the application for an amendment to Zoning By-law 8600.

Carried.

Report Number: S 131/2024
Clerk's File: Z/14850

Minutes

Development & Heritage Standing Committee

Monday, October 7, 2024

Page 8 of 8

8. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 4:57 o'clock p.m.

Ward 10 – Councillor Jim Morrison
(Chairperson)

Deputy City Clerk / Supervisor of Council
Services



Council Report: S 135/2024

**Subject: Zoning By-law Amendment Application for 3170 & 3178
California Avenue, Z-024/24 [ZNG-7227], Ward 1**

Reference:

Date to Council: November 4, 2024
Author: Brian Nagata, MCIP, RPP
Planner II - Development Review
(519) 255-6543 ext. 6181

Planning & Building Services
Report Date: October 3, 2024
Clerk's File #: Z/14849

To: Mayor and Members of City Council

Recommendation:

- I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning for the lands located on the east side of California Avenue between Balmoral Street and Norfolk Street, described as Lots 1291 to 1294, Plan 1023 (PIN No. 01277-0254 LT), by adding a site specific provision to permit a *Semi-Detached Dwelling* as an additional permitted *main use*, subject to additional regulations:

**514. EAST SIDE OF CALIFORNIA AVENUE BETWEEN BALMORAL
STREET AND NORFOLK STREET**

(1) For the lands comprising of Lots 1291 to 1294, Plan 1023, PIN No. 01277-0254 LT, a *Semi-Detached Dwelling* shall be an additional permitted *main use* subject to the following additional provisions:

1. The *Semi-Detached Dwelling* provisions of Section 10.4.5 shall apply;
and
2. Section 5.99.80.1.1.b) shall not apply.

[ZDM 8; ZNG/7227]

Executive Summary:

N/A

Background:

Application Information:

Location: 3170 & 3178 California Avenue
(Lots 1291 to 1294, Plan 1023; Roll No. 080-190-14000; PIN No. 01277-0254 LT)

Ward: 1

Planning District: South Windsor

Zoning District Map: 8

Owner: Hani Yacoub & Noura Yacoub

Applicant: Andi Shallvari

Authorized Agent: Pillon Abbs Inc. (Tracey Pillon-Abbs)

Proposal:

The applicant is requesting an amendment to Zoning By-law 8600 to change the zoning for the lands located on the east side of California Avenue between Balmoral Street and Norfolk Street, known municipally as 3170 & 3178 California Avenue (the subject property), to add a site-specific provision to permit a semi-detached dwelling as an additional permitted main use.

Figure 1



The applicant intends to construct two (2) semi-detached dwellings on the subject property. The subject property is comprised of four (4) underlying lots of record, namely Lots 1291, 1292, 1293 and 1294, Registered Plan of Subdivision 1023, registered on August 22, 1921. The lots have merged on title and therefore will need to be separated by way of a Transfer/Deed of Land through the Essex Land Registry Office to subdivide the subject property into two (2) equal

sized lots. This will be achieved through the applicant Transferring Lots 1291 and 1292 or 1293 and 1294 to another party (Refer to Figure 1). The *Planning Act* permits whole lots on a Registered Plan of Subdivision to be conveyed without the granting of a

Consent to sever from the Committee of Adjustment. This is a necessary step for compliance with Residential District 1, which does not permit two (2) semi-detached dwellings on a lot within any of its sub districts.

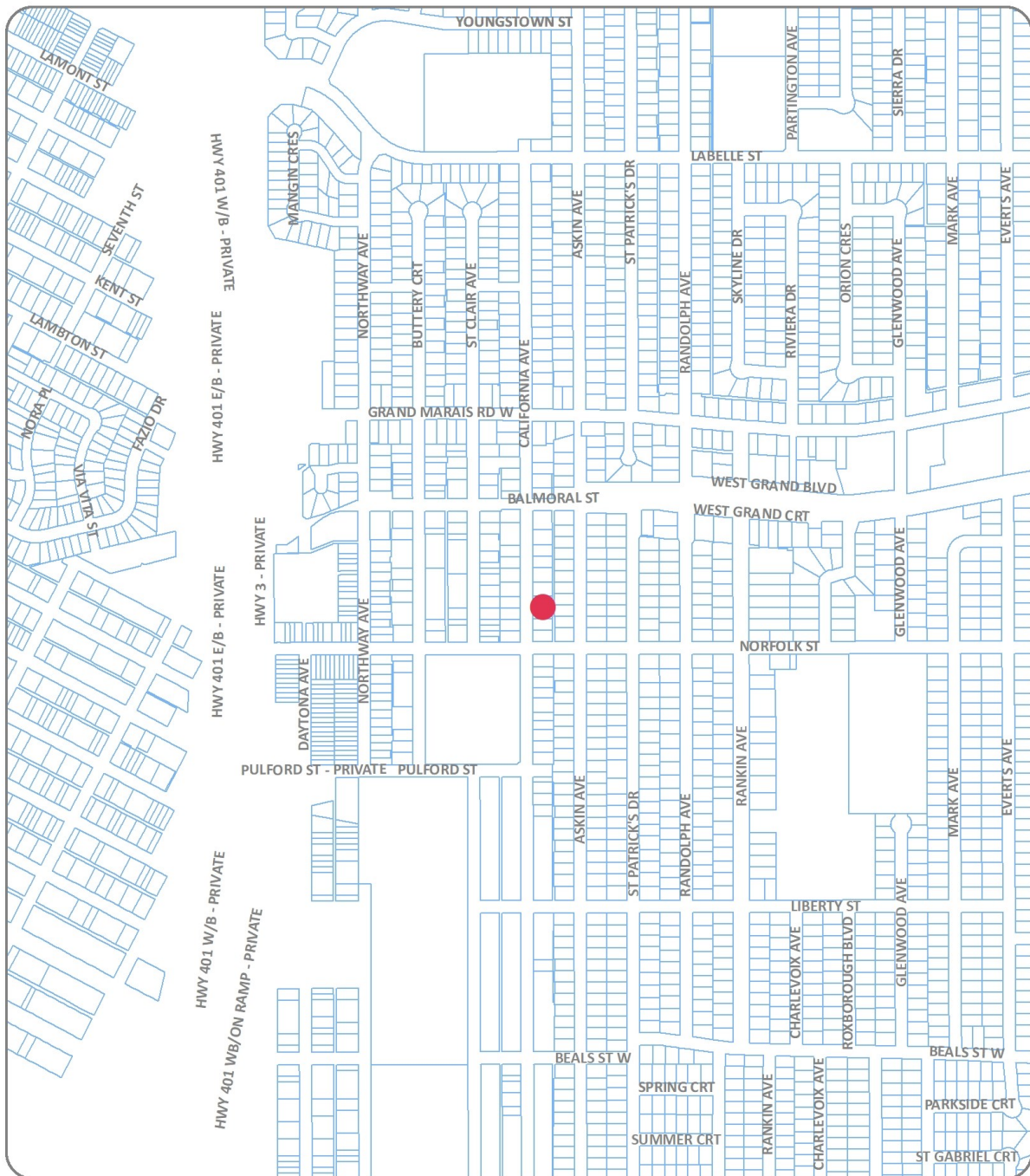
The applicant intends to establish one (1) additional dwelling unit (ADU) within each semi-detached dwelling unit for an overall total of four (4) dwelling units per semi-detached dwelling.

Submitted Information: Conceptual Plans (See Appendix A), Deed, Planning Rationale Report (See Appendix H), Topographic Survey and Zoning By-law Amendment Application Form

Site Information:

Official Plan	Zoning	Current Use	Previous Use
Residential	Residential District 1.4 (RD1.4)	Vacant Land	Agricultural
Lot Width	Lot Depth	Lot Area	Lot Shape
36.6 m	31.4 m	1,149.2 m ²	Rectangular
<i>All measurements are based on Registered Plan of Subdivision No. 1023</i>			

The subject property is vacant and maintained as landscaped open space. There is a driveway approach off California Avenue that was not removed when the single unit dwelling formerly occupying the subject property was demolished in 2021-2022.



KEY MAP - Z-024/24, ZNG/7227



● SUBJECT LANDS



PART OF ZONING DISTRICT MAP 8

N.T.S.

REQUESTED ZONING AMENDMENT

Applicant: Andi Shallvari



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : AUGUST, 2024
FILE NO. : Z-024/24, ZNG/7227



NEIGHBOURHOOD MAP - Z-024/24, ZNG/7227



SUBJECT LANDS

Neighbourhood Characteristics:

The subject property is located on the western side of the South Windsor neighbourhood. The South Windsor neighbourhood constitutes the area north of Cabana Road West, east of the Huron Church Road, south of E. C. Row Expressway and west of the Canadian Pacific Railway corridor.

Surrounding Land Uses:

North:

- Grand Marais Drain
- Low density residential

East:

- Low density residential

South:

- Capri Pizzeria Recreation Complex
- Ecole Monseigneur Jean Noel
- Low density residential
- Oakwood Park Wetland

West:

- King's Highway 3
- King's Highway 401
- Low density residential
- Natural area

Municipal Infrastructure:

- California Avenue is classified as a local road, which has a two-lane cross section with curbs and gutters, and sidewalks on both sides.
- Sanitary sewer, storm sewer and watermain are located within the California Avenue right-of-way.

Discussion:

The Provincial Planning Statement, 2024 (PPS) provides policy direction on matters of provincial interest related to land use planning and development sets the policy foundation for regulating the development and use of land province-wide, helping achieve the provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians.

The following policies of the PPS are considered relevant in discussing provincial interests related to this amendment:

Chapter 2: Building Homes, Sustaining Strong and Competitive Communities

2.1 Planning for People and Homes

Policy 2.1.6 states:

Planning authorities should support the achievement of complete communities by:

- a) accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, longterm care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;*
 - a. This amendment will allow for the construction of two (2) semi-detached dwellings, further diversifying the range and mix of housing options available in the South Windsor neighbourhood.
- b) improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and*
 - a. Compliance with the Barrier-Free Design requirements of the *Ontario Building Code* and accessibility requirements under *Ontario Regulation 191/11 Integrated Accessibility Standards to the Accessibility for Ontarians with Disabilities Act, 2005* will be addressed through the Building Permit application process.
- c) improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.*
 - a. This amendment will allow for a more affordable and attainable housing option for individuals who wish to live or remain within the South Windsor neighbourhood.

2.2 Housing

Policy 2.2.1 states:

Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:

- b) permitting and facilitating:*
 - 1. *all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and*
 - i. Refer to the response provided to PPS policy 2.1.6.c) herein.

2. *all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;*
 - i. Refer to the response provided to PPS policy 2.1.6.a) herein.
- c) *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and*
 1. This amendment will allow for the redevelopment of the subject property at a higher density (intensification), optimizing existing municipal infrastructure and public service facilities, and avoiding unnecessary land consumption.
 - i. The subject property is serviced by municipal electrical, sanitary, storm and water services.
 - ii. There is a community centre, public libraries and schools within proximity to the subject property.
 - iii. California Avenue is a signed bike route.
- d) *requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.*
 1. This amendment will allow for the redevelopment of the subject property at a higher density (intensification).
 2. This factor, in conjunction with the subject property being on a bus route (Dominion 5 Northbound) and within walking distance of transit stops constitutes a transit-supportive development.
 - i. 400.0 metres is typically used as an acceptable walking distance to a transit stop.
 - ii. This is reflected within Transit Windsor's 2019 Transit Master Plan and the City of Windsor's Active Transportation Master Plan.

2.3 Settlement Areas and Settlement Area Boundary Expansions

2.3.1 General Policies for Settlement Areas

Policy 2.3.1.1 states:

Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.

- The subject property is located within a Settlement area.

One or more of the responses provided to the policies of PPS Chapter 2 and/or the Official Plan referenced herein also speak to the following relevant PPS Policies:

Chapter 2: Building Homes, Sustaining Strong and Competitive Communities	
2.3 Settlement Areas and Settlement Area Boundary Expansions	
2.3.1 General Policies for Settlement Areas	
Policy 2.3.1.2 (<i>Land use patterns within settlement areas should be based on densities and a mix of land uses which:</i>)	Sub Policies a) (<i>efficiently use land and resources</i>), b) (<i>optimize existing and planned infrastructure and public service facilities</i>), c) (<i>support active transportation</i>), and d) (<i>are transit-supportive, as appropriate</i>)
Policy 2.3.1.3 (<i>Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning....</i>)	
2.9 Energy Conservation, Air Quality and Climate Change	
Policy 2.9.1 (<i>Planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that:</i>)	Sub Policy a) (<i>support the achievement of compact, transit-supportive, and complete communities</i>)
Chapter 3: Infrastructure and Facilities	
3.6 Sewage, Water and Stormwater	
Policy 3.6.2 (<i>Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety</i>)	

Official Plan

Relevant excerpts from Volume I of the Official Plan are attached as Appendix C. The following policies from these excerpts are considered relevant in discussing this amendment's conformity with the Official Plan.

Table 1 - Volume I Schedules

Schedule	Designation
Schedule A - Planning Districts & Policy Areas	South Windsor
Schedule A-1 - Special Policy Areas	N/A
Schedule B - Greenway System	Recreationway (namely California Avenue)
Schedule C - Development Constraints	N/A
Schedule C-1 - Archaeological Potential	Low Potential
Schedule D - Land Use	Residential
Schedule E - City Centre Planning District	N/A
Schedule F - Roads & Bikeways	N/A
Schedule F-1 - Railways	N/A
Schedule G - Civic Image	N/A
Schedule H - Baseplan Development Phasing	N/A
Schedule J - Urban Structure Plan	Proximity to Regional Institutional Centre (namely St. Clair College)

Volume I

Chapter 3 - Development Strategy

This amendment complies with the following applicable key policy direction for managing growth consistent with the Vision of the City of Windsor Community Strategic Plan.

3.2 - Growth Concept

3.2.1 - Safe, Caring and Diverse Communities

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 (Policy 3.2.1.2).

Chapter 6 - Land Use:

6.1 Goals

This amendment complies with the following applicable land use goals:

- *Safe, caring and diverse neighbourhoods.* (Goal 6.1.1)
- *Housing suited to the needs of Windsor's residents.* (Goal 6.1.3)
- *To direct residential intensification to those areas of the City where transportation, municipal services, community facilities and goods and services are readily available.* (Goal 6.1.14)

6.3 Residential

6.3.1 Objectives

The amendment complies with the following applicable Residential land use objectives:

- *To support a complementary range of housing forms and tenures in all neighbourhoods.* (Objective 6.3.1.1)
- *To promote residential redevelopment, infill and intensification initiatives in locations in accordance with this plan.* (Objective 6.3.1.3)

6.3.2 Policies

Permitted Uses

Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low Profile, and Medium Profile dwelling units. (Policy 6.3.2.1)

- A semi-detached dwelling is classified as a Low-Profile dwelling.

Types of Low-Profile Housing

For the purposes of this Plan, Low Profile housing development is further classified as follows: (Policy 6.3.2.3)

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

Locational Criteria

Residential intensification shall be directed to the Mixed-Use Nodes and areas in proximity to those Nodes. Within these areas Medium Profile buildings, up to four (4) storeys in height shall be permitted. These taller buildings shall be designed to provide a transition in height and massing from low-profile areas.

New residential development and intensification shall be located where: (Policy 6.3.2.4)

- *(a) There is access to a collector or arterial road;*
 - The subject property is located within approximately 35.0 metres of Norfolk Street, a Class II Collector Road.
- *(b) Full municipal physical services can be provided;*
 - Refer to the response provided to PPS Policy 2.2.1.c) herein.
- *(c) Adequate community services and open spaces are available or are planned; and*
 - Refer to the response provided to PPS Policy 2.2.1.c) herein.
 - Surrounding Land Uses section herein.
- *(d) Public transportation service can be provided.*
 - Refer to the response provided to PPS Policy 2.2.1.d) herein.

Evaluation Criteria for a Neighbourhood Development Pattern

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: (Policy 6.3.2.5)

- *(a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:*
 - *(iv) where traffic generation and distribution is a provincial or municipal concern; and*
 - The Transportation Planning Department did not identify any concerns with traffic generation and distribution.
- *(c) In existing neighbourhoods, compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas.*
 - This amendment will allow for a development that is compatible with the established built environment found within the block and surrounding neighbourhood.
 - The RD1.4 zoning provisions for an existing semi-detached dwelling and single unit dwelling are identical, save and except for minimum lot width and minimum lot area (see Table 2 below).

Table 2 - Comparison of RD1.4 Zoning Provisions

Dwelling Type	Lot Width	Lot Area
Single Unit Dwelling	18.0 m	540.0 m ²
Existing Semi-Detached Dwelling	15.0 m	450.0 m ²

- Notwithstanding, the proposed lots will have a lot width of 18.3 metres and lot area of 574.6 m².
- The proposed development will comply with all the existing semi-detached dwelling provisions of the RD1.4 zoning.
- *(d) provided with adequate off-street parking;*
 - The proposed development will accommodate the required number of parking spaces onsite.
 - Transportation Planning, through their comments, confirmed that a parking study is not required so long as the required number of parking spaces are being provided onsite.
- *(e) capable of being provided with full municipal physical services and emergency services; and*
 - Refer to the response provided to PPS Policy 2.2.1.c) herein for details on the municipal physical services available to the subject property.
 - The subject property is served by Essex-Windsor EMS, Windsor Fire & Rescue Services (Fire Hall No. 5) & Windsor Police Service.

Chapter 11 - Tools:

Land use compatibility throughout Windsor is an implementation goal to be achieved when administering a planning tool under this Chapter. Compatibility between land uses is also an objective of the Zoning By-law Amendment planning tool (Policy 11.6.1.2).

- Land use compatibility was considered as part of the evaluation of the applicable Official Plan and PPS policies referenced herein.

Policy 11.6.3.3 states

- *When considering applications for Zoning By-law amendments, Council shall consider the policies of this Plan and will, without limiting the generality of the foregoing, consider such matters as the following:*
 - *(a) The relevant evaluation criteria contained in the Land Use Chapter of this Plan, Volume II: Secondary Plans & Special Policy Areas and other relevant standards and guidelines;*
 - *(b) Relevant support studies;*

- (c) *The comments and recommendations from municipal staff and circularized agencies;*
 - (d) *Relevant provincial legislation, policies and appropriate guidelines; and*
 - (e) *The ramifications of the decision on the use of adjacent or similar lands.*
- This amendment is not anticipated to have any ramifications on the use of adjacent or similar lands.

The aforesaid matters were considered as part of the evaluation of the applicable Official Plan and PPS policies referenced herein.

Zoning By-Law

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

The subject property is within a RD1.4 zone of Zoning By-law 8600, which does not permit a semi-detached dwelling use.

The applicant is requesting an amendment to Zoning By-law 8600 to add a site-specific provision to allow a semi-detached dwelling as an additional permitted use.

The applicant's request for a site-specific provision in the Planning Rationale Report has been considered and is supported in this

Figure 3

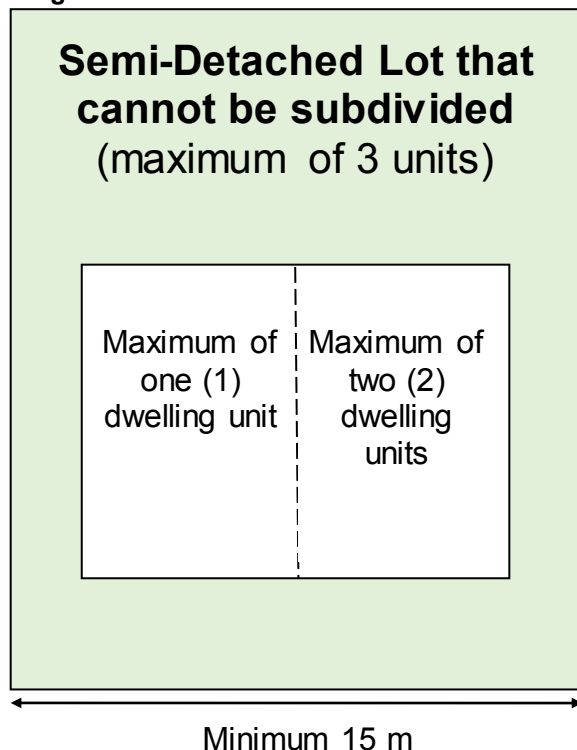
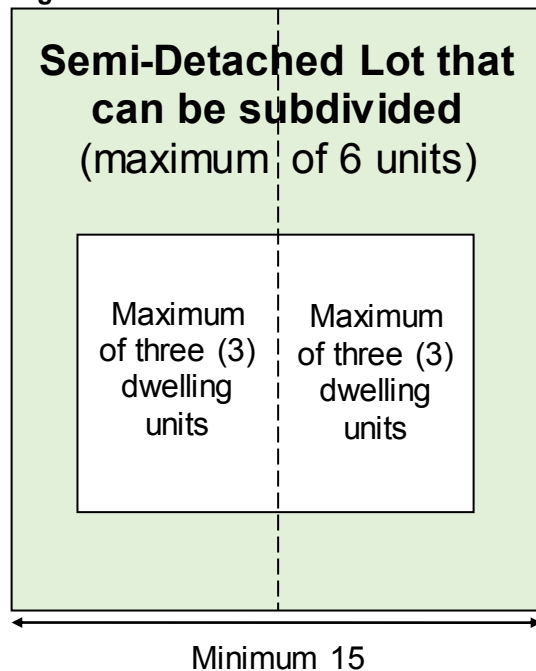


Figure 2



report in conjunction with an additional provision nullifying the Second Units / Additional Dwelling Units provision that defines when a semi-detached dwelling unit is considered to be on its own parcel of urban residential land.

Section 35.1 of the *Planning Act* (Restrictions for residential units) does not allow a zoning by-law to restrict the establishment of three (3) dwelling units on a parcel of urban residential land (lot) where a

single unit dwelling, semi-detached dwelling, or townhome dwelling is a permitted use.

Section 5.99.80.1.1.b) (Second Units / Additional Dwelling Units) of Zoning By-law 8600 states that: *“For the purposes of this provision each semi-detached dwelling unit or townhome dwelling unit is considered to be located on its own parcel of urban residential land if it conforms with the provisions of the applicable zoning district and can be subdivided.”*

Generally, this means that a semi-detached dwelling unit or townhome dwelling unit is considered to be on its own parcel of urban residential land if the lot can be subdivided without a minor variance. This is beneficial where all units within a dwelling are in common ownership. For a semi-detached dwelling this would permit two (2) ADU's within each dwelling unit resulting in a maximum of six (6) dwelling units on a single lot, as illustrated in Figure 2.

In the scenario where this criterion cannot be met, the Second Units / Additional Dwelling Units provisions (ADU Provisions) allow a semi-detached dwelling to have a maximum of one (1) ADU. This equates to a maximum of three (3) dwelling units on a single lot, as illustrated in Figure 3. This is the same number of dwelling units allowed for a single unit dwelling under the ADU Provisions.

The difference in density between the two scenarios as it pertains to the proposed development is illustrated in Table 1 below.

Table 3 - Density Comparison

Scenario	Max. No. Dwelling Units	Density
Semi-detached dwelling on a single lot that can be subdivided without a minor variance (maximum of 6 dwelling units per single lot)	12	104.4 units per hectare
Semi-detached dwelling on a single lot that cannot be subdivided without a minor variance, or a single unit dwelling (maximum of 3 dwelling units per single lot)	6	52.2 units per hectare

The Planning Department has concerns with the potential maximum density that can be achieved with this development as a result of the combination of:

- Section 35.1 of the *Planning Act* allowance of three (3) dwelling units on each parcel of urban residential land;
- Zoning Bylaw 8600 ADU Provisions recognizing each semi-detached dwelling unit as its own parcel of urban residential land (if can be subdivided without a minor variance); and
- Zoning Bylaw 8600 ADU Provisions allowing up to two (2) ADU's for each semi-detached dwelling unit on its own parcel of urban residential land.
- Not consistent with the density of the surrounding neighbourhood under the scenario where each single unit dwelling has two (2) ADU's. This is illustrated in the Zoning Analysis, attached as Appendix G, completed by the Planning

Department for the surrounding neighbourhood. The Planning Department used a catchment area of 120 metres for the purpose of this exercise, based on that for giving Notice of public meeting under the *Planning Act*.

The applicant has confirmed that they intend to establish an ADU within each semi-detached dwelling unit for a total of eight (8) dwelling units, resulting in a density of 69.6 units per hectare.

Should Council adopt the Planning Department's recommendation to remove the applicability of Section 5.99.80.1.1.b) from the subject property, the result would limit each semi-detached dwelling to a maximum of three (3) dwelling units for an overall total maximum of six (6) dwelling units and a density of 52.2 units per hectare.

Should the current or future owner(s) wish to establish further ADUs a Consent granted by the Committee of Adjustment, or a by-law passed by Council granting an Exemption from Part Lot Control must be approved, which would establish each semi-detached dwelling on a separate parcel.

No other zoning deficiencies have been identified or supported.

A draft amending by-law is attached as Appendix G. Subsection 24 (1) of the *Planning Act*, R.S.O. 1990, c. P.13., prohibits a by-law from being passed that does not conform with the Official Plan. As discussed through the Official Plan section herein, the proposed amendment conforms to the applicable policies of the Official Plan.

Risk Analysis:

N/A

Climate Change Risks

Climate Change Mitigation:

The proposed dwelling units implement Environmental Master Plan Objective C1: Encourage in-fill and higher density in existing built areas. Residential intensification minimizes the impact on the community greenhouse gas emissions. Development within existing communities and neighbourhoods while using currently available infrastructure such as sewers, sidewalks, and public transit helps to mitigate development impact. Situating development in areas with access to active transportation and transit increases the likelihood of residents utilizing various non-vehicular means of utilitarian transportation which collectively reduced the amount of greenhouse gas emissions within the City of Windsor.

Climate Change Adaptation:

The new building 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:

N/A

Consultations:

Comments received from City Departments, external agencies and members of the public on this application were taken into consideration when preparing this report. A record of the comments is included as Appendix E herein.

There are no objections to the proposed amendment.

The applicant hosted a virtual public open house on March 26, 2024, via Zoom. Notice of the open house was issued to owners of properties within 120.0 metres of the subject property. The open house was attended by nine (9) residents. Comments from residents were also received by phone and email.

Section 3.2 of the PRR summarizes the comments and questions and includes corresponding responses.

Comments received were taken into consideration when preparing this report.

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 200 metres of the subject property.

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 the" *Provincial Planning Statement 2024*. The recommended zoning amendment has been evaluated for consistency with the *Provincial Planning Statement 2024* and conformity with the policies of the City of Windsor Official Plan.

The recommended Zoning By-law amendment is consistent the PPS, conforms with the policy direction of the City of Windsor Official Plan, is compatible with existing and permitted uses in the surrounding neighbourhood and constitutes good planning.

Planning Act Matters:

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

Greg Atkinson, MCIP, RPP
Manager of Development

Neil Robertson, MCIP, RPP
City Planner

I am not a Registered Professional Planner and have reviewed as a Corporate Team Leader

JP

JM

Approvals:

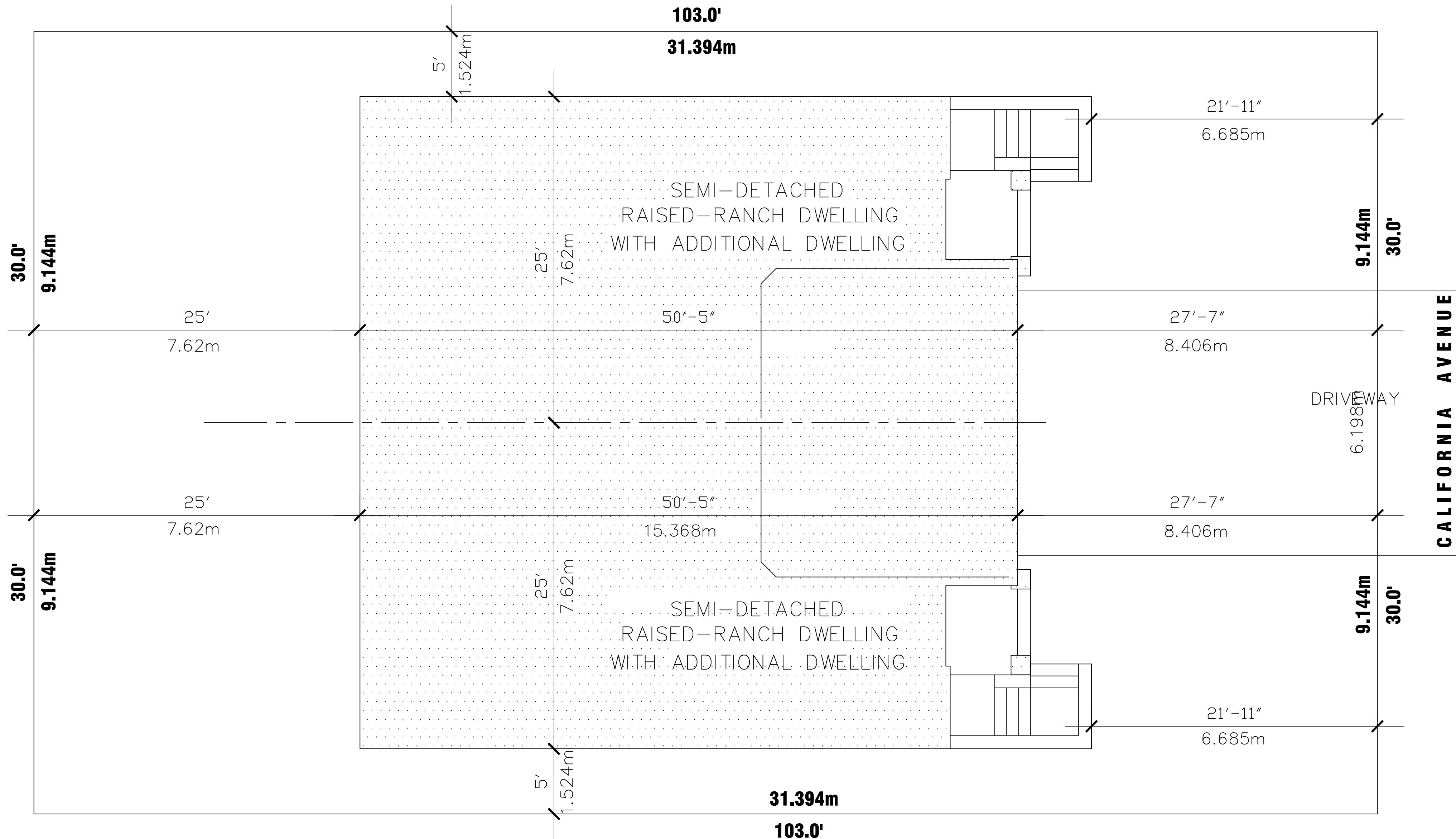
Name	Title
Brian Nagata	Planner II - Development Review
Greg Atkinson	Manager of Development/Deputy City Planner
Neil Robertson	City Planner / Executive Director, Planning & Development Services
Aaron Farough	Senior Legal Counsel, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development
Joe Mancina	Chief Administration Officer

Notifications:

Name	Address	Email
Abutting property owners, tenants/occupants within 200-meter (656 feet) radius of the subject property		

Appendices:

- 1 Appendix B - Site Images
- 2 Appendix C - Excerpts from Official Plan Volume I
- 3 Appendix D - Excerpts from Zoning By-law 8600
- 4 Appendix E - Consultations
- 5 Appendix F - Draft Amending By-law
- 6 Appendix G - Zoning Analysis (200 metre Catchment Area)
- 7 Appendix H - Planning Rationale Report (Scoped)
- 8 Appendix A - Conceptual Plans



MAIN FLOOR & GARAGE	2389.8 SF	222.02 SM
BASEMENT	1915.7 SF	177.97 SM
GROSS FLOOR AREA	4305.5 SF	399.99 SM

LOT AREA	6180.0 SF	574.14 SM
GROSS FLOOR AREA	2389.8 SF	222.02 SM
COVERED PORCH	91.4 SF	8.49 SM
TOTAL COVERAGE	2481.2 SF	230.51 SM
LOT COVERAGE	40.15 %	

JULY 21, 2024

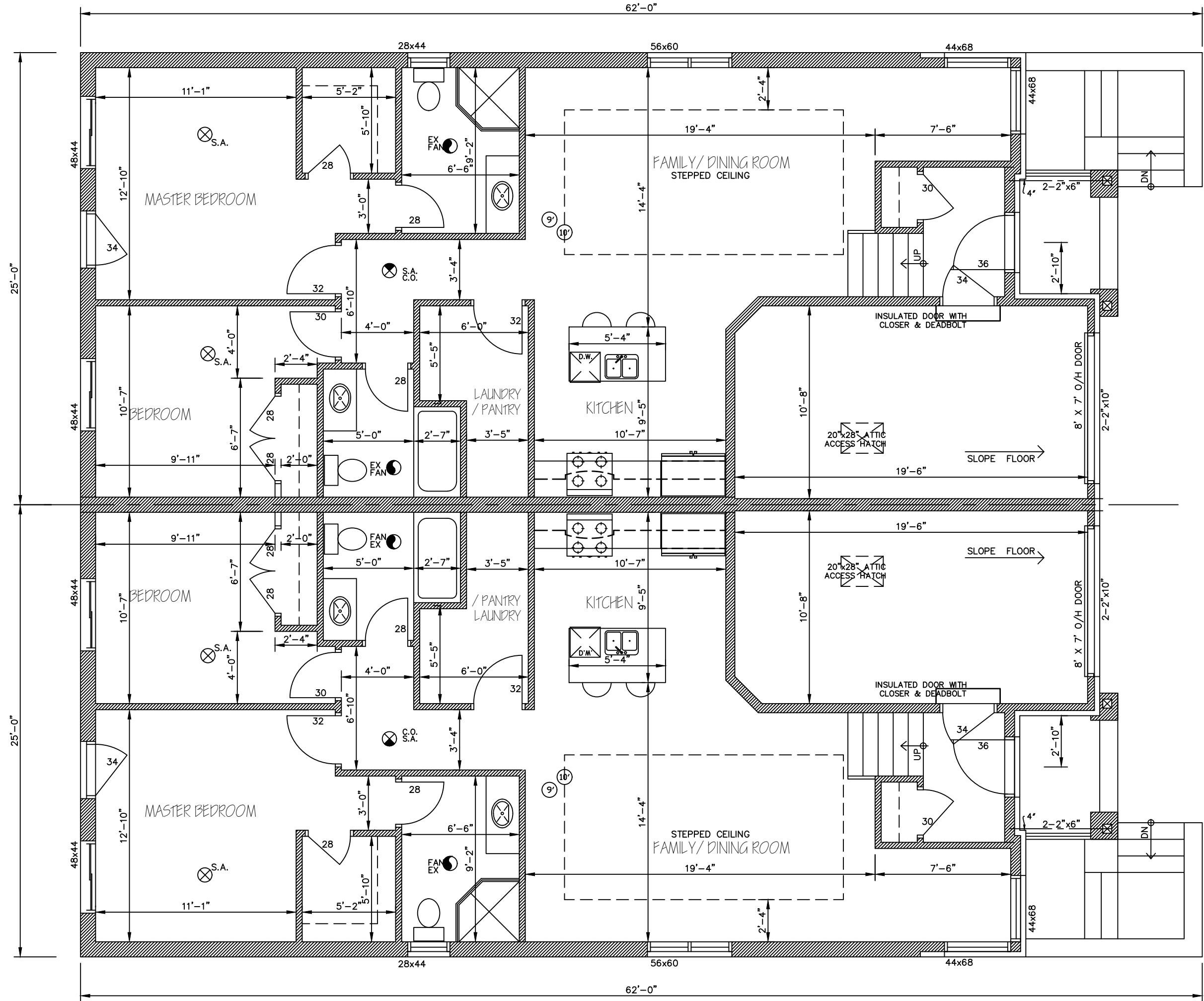
APRIL 27, 2024
FEBRUARY 19, 2024

SITE PLAN

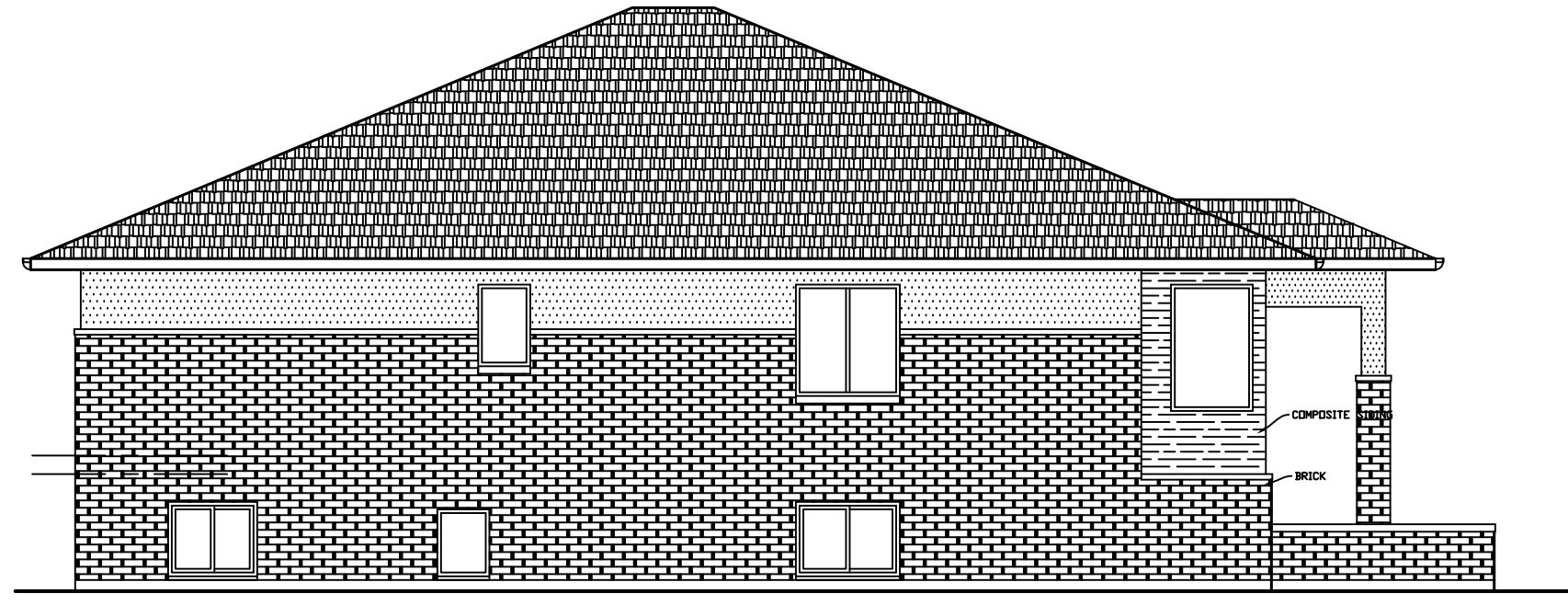
SCALE: 3/16" = 1'-0"

3178 CALIFORNIA AVENUE

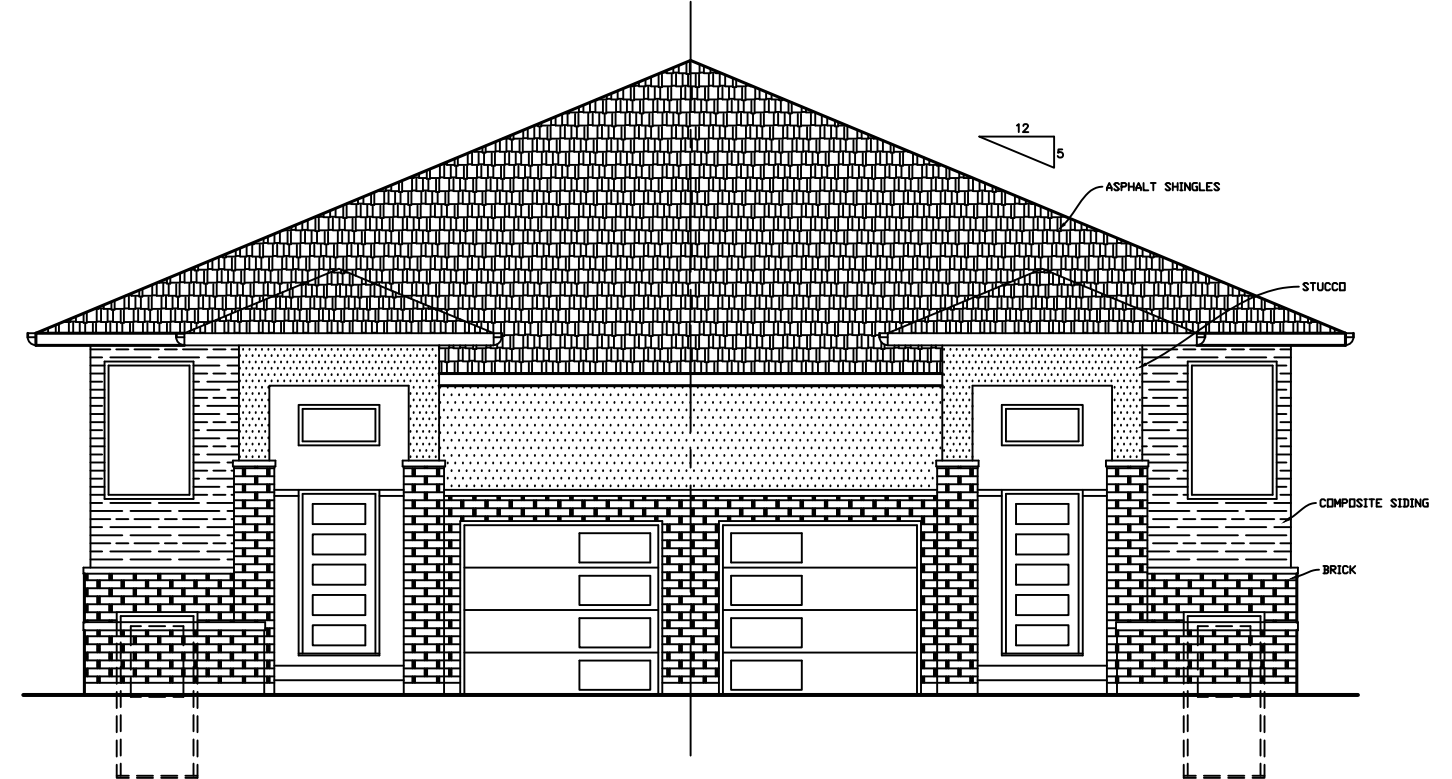
SEMI-DETACHED DWELLINGS+ ADDITIONAL UNITS



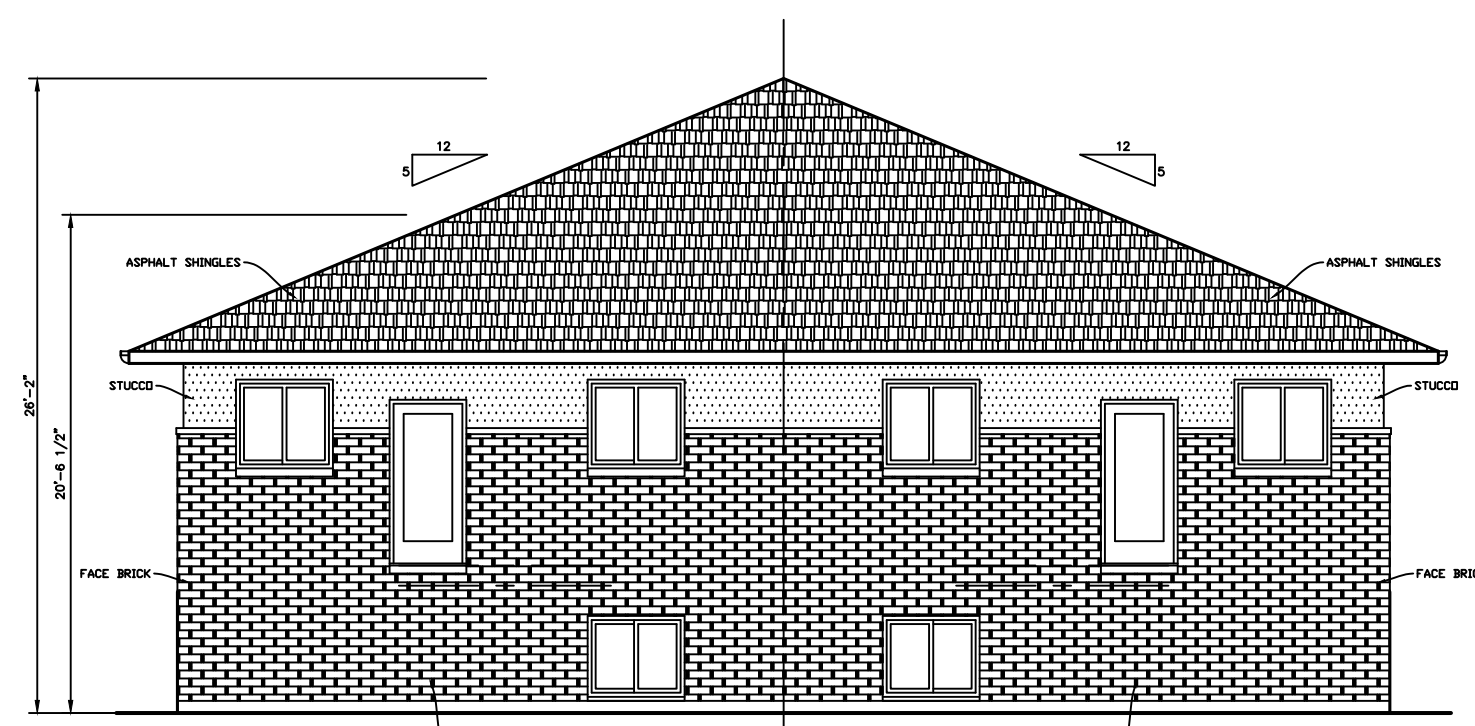
FLOOR AREA 1128 SF - EACH SIDE



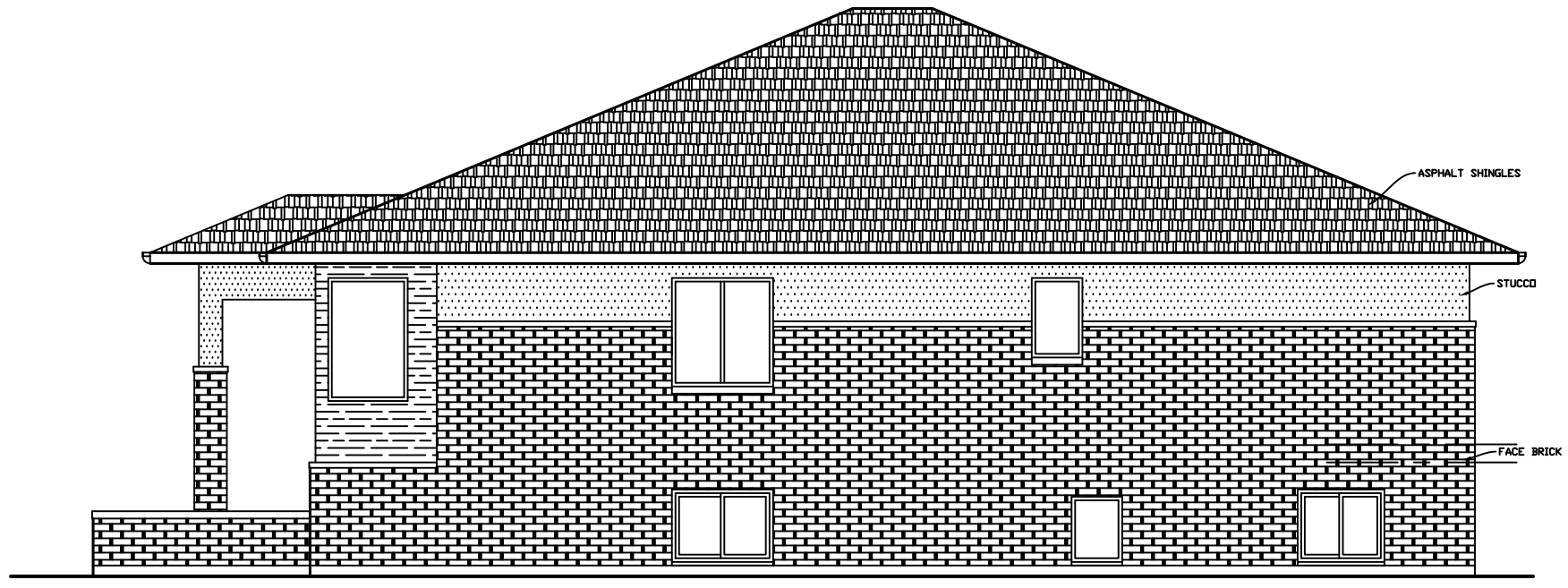
LEFT ELEVATION



FRONT ELEVATION



BACK ELEVATION



RIGHT ELEVATION

ELEVATIONS

SCALE: 1/8" = 1'-0"

3178 CALIFORNIA AVENUE

SEMI-DETACHED DWELLINGS+ ADDITIONAL UNITS

FEBRUARY 19, 2024

APPENDIX “B”
Site Photos (Google Street View - July 2021)



*Figure 1 - Looking southeast towards subject property from California Avenue
(prior to demolition of single unit dwelling and detached garage) (3160 California Avenue on left)*

APPENDIX “C”

Excerpts from Official Plan Volume I

3. Development Strategy

3.2 Growth Concept

3.2.1 Safe, Caring and Diverse Community

*NEIGHBOURHOOD
HOUSING VARIETY*

- 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. 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.

6. Land Use

6.1 Goals

In keeping with the Strategic Directions, Council’s land use goals are to achieve:

- | | | |
|--|--------|--|
| <i>NEIGHBOURHOODS</i> | 6.1.1 | Safe, caring and diverse neighbourhoods. |
| <i>RESIDENTIAL</i> | 6.1.3 | Housing suited to the needs of Windsor’s residents. |
| <i>RESIDENTIAL
INTENSIFICATION</i> | 6.1.14 | To direct residential intensification to those areas of the City where transportation, municipal services, community and goods and services are readily available. (added by OPA #159 –AP PROVED July 11, 2022, B/L# 100-2022) |

6.3 Residential

6.3.1 Objectives

*RANGE OF FORMS &
TENURES* 6.3.1.1

To support a complementary range of housing forms and tenures in all neighbourhoods.

6.3.2 Policies

*PERMITTED
USES* 6.3.2.1

Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low Profile, and Medium Profile dwelling units.
High Profile Residential Buildings shall be directed to locate in the City Centre, Mixed Use Centres and Mixed Use Corridors.
(Added by OPA #159 – APPROVED July 11, 2022 , B/L# 100-2022)

*TYPES OF LOW-
PROFILE HOUSING* 6.3.2.3

For the purposes of this Plan, Low Profile housing development is further classified as follows:

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

*LOCATIONAL
CRITERIA* 6.3.2.4

Residential intensification shall be directed to the Mixed Use Nodes and areas in proximity to those Nodes. Within these areas Medium Profile buildings, up to four (4) storeys in height shall be permitted. These taller buildings shall be designed to provide a transition in height and massing from low-profile areas.
New residential development and intensification shall be located where:

- (a) There is access to a collector or arterial road;
- (b) Full municipal physical services can be

- (c) Adequate community services and open spaces are available or are planned; and
- (d) Public transportation service can be provided.
(Added by OPA #159 – APPROVED July 11, 2022, B/L# 100-2022)

*EVALUATION
CRITERIA FOR A
NEIGHBOURHOOD
DEVELOPMENT
PATTERN*

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:
 - (iv) where traffic generation and distribution is a provincial or municipal concern; and
- (c) In existing neighbourhoods, compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas. In Mature Neighbourhoods as shown on Schedule A-1, compatible with the surrounding area, as noted above, and consistent with the streetscape, architectural style and materials, landscape character and setback between the buildings and streets; (Added by OPA #159 – APPROVED July 11 2022, B/L# 100-2022)
- (d) provided with adequate off street parking;
- (e) capable of being provided with full municipal physical services and emergency services; and

11. Tools

11.6 Zoning

11.6.1 Objectives

*COMPATIBLE
USES*

11.6.1.2 To ensure compatibility between land uses.

11.6.3 Zoning By-law Amendment Policies

*EVALUATION
CRITERIA*

11.6.3.3 When considering applications for Zoning By-law amendments, Council shall consider the policies of this Plan and will, without limiting the generality of the foregoing, consider such matters as the following:

- (a) The relevant evaluation criteria contained in the Land Use Chapter of this Plan, Volume II:
- (b) Relevant support studies;
- (c) The comments and recommendations from municipal staff and circularized agencies;
- (d) Relevant provincial legislation, policies and appropriate guidelines; and
- (e) The ramifications of the decision on the use of adjacent or similar lands.

APPENDIX “D”

Excerpts from Zoning By-law 8600

SECTION 5 - GENERAL PROVISIONS

(AMENDED by B/L 274-1998, Oct. 2, 1998; B/L 31-2013, March 28/2013; DELETED By B/L 117-2016, Dec. 28, 2016; ADDED by B/L 177-2016, Dec. 28, 2016; AMENDED by B/L 95-2019, Sept. 27/2019; B/L 52-2024 Apr 22/2024)

5.99 ADDITIONAL USE PROVISIONS

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 *parcel of urban residential land* 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 *parcel of urban residential land* if it conforms with the provisions of the applicable *zoning district* and can be subdivided.

SECTION 10 - RESIDENTIAL DISTRICTS 1. (RD1.)

(B/L 10358 Jul 16/1990; B/L 11093 Jul 20/1992; B/L 33-2001 Oct 23/2001, OMB Decision/Order No. 1716 Case No. PL010233; B/L 370-2001 Nov 15/2001; B/L 363-2002 Dec 31/2002; B/L 220-2002, Feb 24/2003; B/L 10-2004 OMB Order PL040143, File No. R040023, Decision/Order No. 0055, Issued Jan 12/2005 B/L 114-2016 Sep 19/2016); B/L 164-2017, Dec. 7/2017 [ZNG/5270]; B/L 95-2019, Sept. 27/2019 B/L 101-2022 Jul 11/2022; B/L 52-2024 Apr 22/2024)

10.1 RESIDENTIAL DISTRICT 1.4 (RD1.4)

10.4.1 PERMITTED USES

Existing Duplex Dwelling

Existing Semi-Detached Dwelling

One Single Unit Dwelling

Any use accessory to the preceding uses

10.4.5 PROVISIONS

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.1 Lot Width – minimum	9.0 m	15.0 m	18.0 m
.2 Lot Area – minimum	360.0 m ²	450.0 m ²	540.0 m ²
.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 ²	400 m ²	400 m ²

(AMENDED by B/L 101-2022, July 11, 2022; B/L 52-2024 Apr 22/2024)

APPENDIX “E”

Consultations

CALDWELL FIRST NATION COMMUNITY

No comments provided

ENGINEERING - DEVELOPMENT

December 11, 2023 (Comments to Stage 1: Planning Consultation Application)

No supporting information required

[Shannon Mills - Technologist III]

ENGINEERING - R.O.W.

Required Drawing Revisions:

1. Driveway Approaches - Do not conform to City of Windsor Standards, which must be constructed with straight flares and no raised curbs within the right-of-way.
 - a. Modify as per Standard Engineering Drawing AS-221 or AS-222.
 - b. Remove and restore all redundant curb cuts.
2. Sewer Connections - All existing and proposed storm, sanitary and water services must be identified on the drawings, as well as the associated mainline sewers/watermains.
 - a. Modify drawings to include all sewer connections and water services.
 - b. Identify any redundant connections to be abandoned in accordance with Engineering Best Practice BP1.3.3.

Right-of-Way Permit Requirements:

Alley Closing - Prior to the issuance of a Building Permit, the owner shall apply to the Street and Alley Closing Committee to close the existing alley adjacent to the subject property.

Driveway Approaches - The Owner further agrees that driveway approaches shall be constructed in such width and location as shall be approved by the City Engineer, with straight flare driveway approaches and no raised curbs within the right-of-way. The Owner shall have the option of constructing said driveway approaches as follows:

1. Residential Property
 - a. Asphalt in accordance with City of Windsor Standard Drawing AS-221; or
 - b. Concrete in accordance with City of Windsor Standard Drawing AS-222

CCTV Sewer Inspection - The Owner further agrees to provide at its entire expense

CCTV inspection satisfying City of Windsor Standard Specification S-32, for all existing and newly constructed sanitary and storm sewer infrastructure. The inspection shall include both mainline sewers and private drain connections, and shall be required to be submitted prior to the issuance of construction permits

Sewer Connections - The site is serviced by a 250 mm sanitary sewer and a 300 mm sewer located within the California Ave Street right-of-way. All existing and proposed storm, sanitary and water services must be identified on the drawings, as well as the associated mainline sewers/water mains.

- Modify drawings to include all sewer connections and water services.
- Identify any redundant connections to be abandoned in accordance with Engineering Best Practice BP1.3.3.

If you have any further questions or concerns, please contact Thomas Huynh of this department at thuynh@citywindsor.ca.

[Mark Schaffhauser - Technologist II]

ENWIN UTILITIES LTD. - HYDRO ENGINEERING

December 15, 2023 (Comments to Stage 1: Planning Consultation Application)

No Objection provided adequate clearances are achieved and maintained.

ENWIN has existing overhead pole lines along the east limits with 120/240 volt secondary hydro distribution.

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.

Also, we suggest referring to the *Ontario Building Code* for permanent required clearances for New Building Construction.

[Steve Zambito - Senior Hydro Engineering Technologist]

ENWIN UTILITIES LTD. - WATER ENGINEERING

December 15, 2023 (Comments to Stage 1: Planning Consultation Application)

Water Engineering has no objections. The existing 25 mm services for each address will need to be upgraded to suit the proposed developments.

[Bruce Ogg - Water Project Review Officer]

FORESTRY**December 11, 2023 (Comments to Stage 1: Planning Consultation Application)**

There are two city owned trees in front of this property.

To preserve the health of the locust and silver maple during construction please have the contractor follow section 3.1 Existing tree from our site control plan.

[Yemi Adeyeye - Manager of Forestry & Natural Areas]

PARKS DESIGN & DEVELOPMENT**December 15, 2023 (Comments to Stage 1: Planning Consultation Application)**

The proposed site is one block north of Oakwood Park, and as such, the associated NHIC list of SAR is extensive. The Plan of Survey provided, dated March 11, 2022, shows an existing dwelling on the property, but the site is now vacant (vacant in June 2022 Google Earth aerial imagery). The site appears to have been regularly mowed/maintained during this time, which has likely prevented nearby SAR plants, and/or snake habitat, from regenerating. As long as the site is regularly maintained prior to development, and workers are made aware of the potential for SAR snakes, then impact to SAR/habitat is unlikely.

[Chris Hart - Biodiversity Coordinator]

PLANNING DEPARTMENT - HERITAGE**December 13, 2023 (Comments to Stage 1: Planning Consultation Application)**

There is no apparent built heritage concern with this property, and it is located on an area of low archaeological potential.

Nevertheless, the Applicant should be notified of the following archaeological precaution.

1. Should archaeological resources be found during grading, construction or soil removal activities, all work in the area must stop immediately and the City's Planning & Building Department, the City's Manager of Culture and Events, and the Ontario Ministry of Citizenship and Multiculturalism must be notified and confirm satisfaction of any archaeological requirements before work can recommence.
2. In the event that human remains are encountered during grading, construction or soil removal activities, all work in that area must be stopped immediately and the site secured. The local police or coroner must be contacted to determine whether or not the skeletal remains are human, and whether the remains constitute a part of a crime scene. The Local police or coroner will then notify the Ontario Ministry of Citizenship and Multiculturalism and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Citizenship and Multiculturalism.

Contacts:

Windsor Planning & Building Department:

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

Windsor Manager of Culture and Events (A):

Michelle Staaedegaard, (O) 519-253-2300x2726, (C) 519-816-0711,
mstaaedegaard@citywindsor.ca

Ontario Ministry of Citizenship and Multiculturalism

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

Windsor Police: 911

Ontario Ministry of Government & Consumer Services

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

[Tracy Tang - Planner III - Economic Development]**PLANNING DEPARTMENT - POLICY****December 6, 2023 (Comments to Stage 1: Planning Consultation Application)**

The proposed development is below the threshold for site plan control and the scale is appropriate contextual to the character of the neighbourhood. Therefore, no additional studies required from a landscape architectural or urban design perspective.

There are however 3 municipal trees shared between the two lots. The applicant will require to consult with the City Forester to ensure that these trees are preserved.

[Stefan Fediuk - Senior Urban Designer]**TRANSIT WINDSOR****December 5, 2023 (Comments to Stage 1: Planning Consultation Application)**

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Dominion 5. The closest existing bus stop to this property is located on Norfolk at California Northeast Corner. This bus stop is approximately 90 metres from this property falling well within our 400 metre walking distance guidelines to a bus stop. This will be further enhanced with our City Council approved 2023 service plan as a new local route will be introduced for this area replacing the Dominion 5 here. This will be a new route with two way conventional transit service versus the existing one way loop. A new bus stop will be implemented on California at Norfolk Northeast Corner reducing the walking distance further and providing direct transit access to this property. This will be maintained with our City Council approved Transit Master Plan.

[Jason Scott - Manager of Transit Planning]

TRANSPORTATION PLANNING**December 6, 2023 (Comments to Stage 1: Planning Consultation Application)**

All parking must comply with ZBL 8600 otherwise a parking study would be required.

All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings, driveway must comply with AS-203 and AS-204, straight flares only.

All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

[Siddharth Dhiman - Transportation Planner I]

WALPOLE ISLAND FIRST NATION

No comments provided

APPENDIX “F” Draft Amending By-law

B Y - L A W N U M B E R -2024

A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600
CITED AS THE "CITY OF WINDSOR ZONING BY-LAW"

Passed the day of , 2024.

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

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

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

514. EAST SIDE OF CALIFORNIA AVENUE BETWEEN BALMORAL STREET AND NORFOLK STREET

For the lands comprising of Lots 1291 to 1294, Plan 1023, PIN No. 01277-0254 LT, a *Semi-Detached Dwelling* shall be an additional permitted use and the following shall apply:

1. The Semi-Detached Dwelling provisions of Section 10.4.5 shall apply; and
2. Section 5.99.80.1.1.b) shall not apply.

[ZDM 8; ZNG/7227]

2. The said by-law is further amended by changing the Zoning District Maps or parts thereof referred to in Section 1, of said by-law and made part thereof, so that the lands described in Column 3 are delineated by a broken line and further identified by the zoning symbol shown in Column 5:

1. Item Number	2. Zoning District Map Part	3. Lands Affected	4. Zoning Symbol	5. New Zoning Symbol
1	8	Lots 1291 to 1294, Plan 1023, PIN No. 01277-0254 LT (located on the east side of California Avenue between Balmoral Street and Norfolk Street)	RD1.4	RD1.4 S.20(1)514

DREW DILKENS, MAYOR

CLERK

First Reading - , 2024

Second Reading - , 2024

Third Reading - , 2024

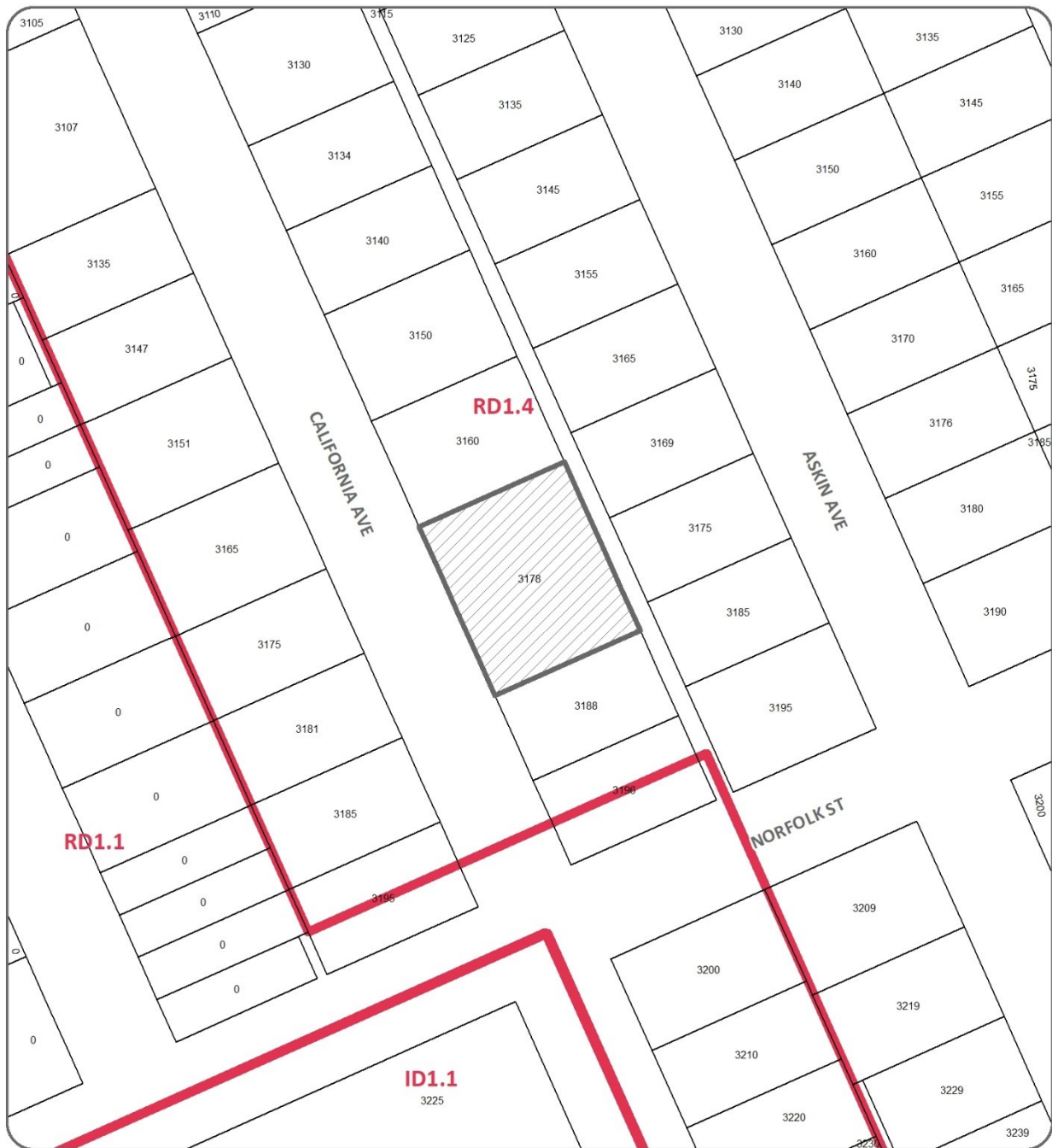
SCHEDULE 2

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

To amend the zoning of the lands located on the east side of California Avenue between Balmoral Street and Norfolk Street, legally described as Lots 1291 to 1294, Plan 1023, PIN No. 01277-0254 LT, to permit the development of two (2) semi-detached dwellings on the subject lands.

The amending by-law maintains the RD1.4 zoning on the subject lands and adds a special zoning provision permitting a semi-detached dwelling as an additional permitted main use, and nullifying the Second Units / Additional Dwelling Units General Provision regulation that defines when a semi-detached dwelling unit is considered to be on its own parcel of urban residential land.

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



PART OF ZONING DISTRICT MAP 8

N.T.S.

SCHEDULE 2

Applicant: Andi Shallvari



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : AUGUST, 2024
FILE NO. : Z-024/24, ZNG/7227

APPENDIX “G”
Zoning Analysis (120 metre Catchment Area)

Municipal Address	Use	Age of Main Building	Lot Width (m) (Approximate)	Lot Area (m2) (Approximate)	Main Building Area (m2) (Approximate)	Total Building Area (m2) (Approximate)	Lot Coverage Main Building Only (Approximate)	Lot Coverage (Approximate)	Density (Approximate) (uph)	Density with ADU's (Approximate) (uph)
3107 California Ave	Single Unit Dwelling	1954	36.6	1,193.0	208.1	208.1	17.4%	17.4%	8.4	25.1
3110 California Ave	Single Unit Dwelling	1969	30.5	957.4	232.8	232.8	24.3%	24.3%	10.4	31.3
3130 California Ave	Single Unit Dwelling	1930	24.4	766.0	119.0	170.8	15.5%	22.3%	13.1	39.2
3134 California Ave	Single Unit Dwelling	1990	18.3	574.4	211.4	211.4	36.8%	36.8%	17.4	52.2
3135 California Ave	Single Unit Dwelling	1950	18.3	596.4	122.5	186.9	20.5%	31.3%	16.8	50.3
3140 California Ave	Single Unit Dwelling (1 ADU)	1950	18.3	574.3	95.2	100.4	16.6%	17.5%	34.8	52.2
3147 California Ave	Single Unit Dwelling	1968	18.3	595.8	123.9	162.7	20.8%	27.3%	16.8	50.3
3150 California Ave	Single Unit Dwelling	1956	22.9	717.8	112.1	192.1	15.6%	26.8%	13.9	41.8
3151 California Ave	Single Unit Dwelling	1948	22.8	744.8	142.1	247.4	19.1%	33.2%	13.4	40.3
3160 California Ave	Single Unit Dwelling	1950	22.9	717.7	167.5	240.0	23.3%	33.4%	13.9	41.8
3165 California Ave	Single Unit Dwelling	1968	22.8	744.8	273.3	291.6	36.7%	39.2%	13.4	40.3
3175 California Ave	Single Unit Dwelling	1940	18.3	595.9	146.0	182.0	24.5%	30.5%	16.8	50.3
3181 California Ave	Single Unit Dwelling	1968	18.3	595.9	220.8	226.7	37.1%	38.0%	16.8	50.3
3185 California Ave	Single Unit Dwelling	1945	18.3	595.9	141.7	147.9	23.8%	24.8%	16.8	50.3
3188 California Ave	Single Unit Dwelling	1951	18.3	573.9	155.0	161.8	27.0%	28.2%	17.4	52.3
3195 California Ave	Single Unit Dwelling	1968	18.3	595.9	106.9	178.7	17.9%	30.0%	16.8	50.3
3196 California Ave	Single Unit Dwelling	1968	18.3	573.9	99.4	160.8	17.3%	28.0%	17.4	52.3
3200 California Ave	Single Unit Dwelling	1998	19.8	661.9	185.5	185.5	28.0%	28.0%	15.1	45.3
3210 California Ave	Single Unit Dwelling	2011	16.8	560.2	208.3	208.3	37.2%	37.2%	17.8	53.5
3220 California Ave	Single Unit Dwelling	2012	16.8	560.4	221.2	228.2	39.5%	40.7%	17.8	53.5
3230 California Ave	Single Unit Dwelling	2011	16.8	560.6	212.7	212.7	37.9%	37.9%	17.8	53.5
3105 Askin Ave	Single Unit Dwelling	1965	19.6	725.3	133.8	156.4	18.4%	21.6%	13.8	41.4
3110 Askin Ave	Single Unit Dwelling	1965	18.3	590.4	111.8	119.4	18.9%	20.2%	16.9	50.8
3115 Askin Ave	Single Unit Dwelling	1965	18.3	578.5	139.8	148.1	24.2%	25.6%	17.3	51.9
3120 Askin Ave	Single Unit Dwelling	1965	18.3	590.4	117.1	184.4	19.8%	31.2%	16.9	50.8
3125 Askin Ave	Single Unit Dwelling	1965	18.3	577.0	126.6	180.1	21.9%	31.2%	17.3	52.0
3130 Askin Ave	Single Unit Dwelling	1965	18.3	590.4	127.0	193.6	21.5%	32.8%	16.9	50.8
3135 Askin Ave	Single Unit Dwelling	1965	18.3	575.4	124.9	193.5	21.7%	33.6%	17.4	52.1
3140 Askin Ave	Single Unit Dwelling	1965	18.3	590.4	130.2	197.4	22.1%	33.4%	16.9	50.8
3145 Askin Ave	Single Unit Dwelling	1965	18.3	573.9	115.4	127.5	20.1%	22.2%	17.4	52.3
3150 Askin Ave	Single Unit Dwelling	1965	18.3	590.4	125.9	125.9	21.3%	21.3%	16.9	50.8
3155 Askin Ave	Single Unit Dwelling	1965	18.3	572.3	117.5	123.5	20.5%	21.6%	17.5	52.4
3160 Askin Ave	Single Unit Dwelling	1965	18.3	590.4	137.4	182.9	23.3%	31.0%	16.9	50.8
3165 Askin Ave	Single Unit Dwelling	1965	18.3	570.9	135.8	194.1	23.8%	34.0%	17.5	52.6
3169 Askin Ave	Single Unit Dwelling	1966	18.3	569.2	143.8	143.8	25.3%	25.3%	17.6	52.7
3170 Askin Ave	Single Unit Dwelling	1965	18.3	590.4	132.8	156.2	22.5%	26.5%	16.9	50.8
3175 Askin Ave	Single Unit Dwelling	1965	18.3	567.7	142.2	188.7	25.0%	33.2%	17.6	52.8
3176 Askin Ave	Single Unit Dwelling	1965	18.3	590.4	137.7	205.2	23.3%	34.8%	16.9	50.8
3180 Askin Ave	Single Unit Dwelling	1965	18.3	590.4	139.1	156.0	23.6%	26.4%	16.9	50.8
3185 Askin Ave	Single Unit Dwelling	1965	18.3	566.1	156.6	212.3	27.7%	37.5%	17.7	53.0
3195 Askin Ave	Single Unit Dwelling	1965	23.3	705.5	168.5	168.5	23.9%	23.9%	14.2	42.5
3196 Askin Ave	Single Unit Dwelling	1965	23.3	721.6	211.9	211.9	29.4%	29.4%	13.9	41.6
3200 Askin Ave	Single Unit Dwelling	1964	22.9	738.4	189.7	194.3	25.7%	26.3%	13.5	40.6
3209 Askin Ave	Single Unit Dwelling	1964	22.8	748.3	164.9	164.9	22.0%	22.0%	13.4	40.1
3210 Askin Ave	Single Unit Dwelling	1965	19.4	626.0	159.9	164.8	25.5%	26.3%	16.0	47.9
3219 Askin Ave	Single Unit Dwelling	1964	19.4	635.0	135.3	186.3	21.3%	29.3%	15.7	47.2
3220 Askin Ave	Single Unit Dwelling	1965	18.3	590.7	126.9	158.4	21.5%	26.8%	16.9	50.8

Vacant properties fronting the unconstructed Betts Avenue and St Clair Avenue right of ways and the Esplanade Municipal Units Area and the Esplanade Municipal Units Area have been excluded

APPENDIX “G”
Zoning Analysis (120 metre Catchment Area)

3229 Askin Ave	Single Unit Dwelling	1963	18.3	560.3	124.4	180.4	22.2%	32.2%	17.8	53.5
3239 Askin Ave	Single Unit Dwelling	1964	18.3	596.0	135.1	142.6	22.7%	23.9%	16.8	50.3
3115 St Patrick's Ave	Single Unit Dwelling	1964	18.3	590.6	129.7	213.4	22.0%	36.1%	16.9	50.8
3125 St Patrick's Ave	Single Unit Dwelling	1962	18.3	590.7	127.1	208.0	21.5%	35.2%	16.9	50.8
3135 St Patrick's Ave	Single Unit Dwelling	1965	18.3	590.6	121.1	174.3	20.5%	29.5%	16.9	50.8
3145 St Patrick's Ave	Single Unit Dwelling	1963	18.3	590.6	130.0	205.1	22.0%	34.7%	16.9	50.8
3155 St Patrick's Ave	Single Unit Dwelling	1961	18.3	590.6	126.1	176.5	21.4%	29.9%	16.9	50.8
3165 St Patrick's Ave	Single Unit Dwelling	1962	18.3	590.6	138.3	179.8	23.4%	30.4%	16.9	50.8
3175 St Patrick's Ave	Single Unit Dwelling	1964	18.3	590.6	164.0	164.0	27.8%	27.8%	16.9	50.8
3185 St Patrick's Ave	Single Unit Dwelling	1963	18.3	590.6	152.4	160.2	25.8%	27.1%	16.9	50.8
3195 St Patrick's Ave	Single Unit Dwelling	1963	22.4	721.9	126.3	191.8	17.5%	26.6%	13.9	41.6
3205 St Patrick's Ave	Single Unit Dwelling	1964	22.9	738.5	180.3	196.5	24.4%	26.6%	13.5	40.6
3215 St Patrick's Ave	Single Unit Dwelling	1964	19.4	626.0	204.4	204.4	32.6%	32.6%	16.0	47.9
Average			19.7	633.0	147.8	182.9	23.9%	29.2%	16.4	93.5

PLANNING RATIONALE REPORT (SCOPED)

ZONING BY-LAW AMENDMENT PROPOSED RESIDENTIAL DEVELOPMENT

**3170 & 3178 California Avenue,
Windsor, Ontario**

August 06, 2024

Prepared by:



Tracey Pillon-Abbs, RPP
Principal Planner
Chatham, ON
226-340-1232
tracey@pillonabbs.ca
www.pillonabbs.ca

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 and Previous Use	5
2.2.3	Vegetation	5
2.2.4	Topography	5
2.2.5	Other Physical Features	5
2.2.6	Municipal Services	5
2.2.7	Nearby Amenities	6
2.3	Surrounding Land Uses	6
3.0	PROPOSAL AND CONSULTATION	7
3.1	Development Proposal	7
3.2	Public Consultation Strategy	9
4.0	APPLICATION AND STUDIES	12
4.1	Zoning By-law Amendment	12
4.2	Other Application	12
4.3	Supporting Studies	12
5.0	PLANNING ANALYSIS	13
5.1	Policy and Regulatory Overview	13
5.1.1	Provincial Policy Statement	13
5.1.2	Official Plan	20
5.1.3	Zoning By-law	28
6.0	SUMMARY AND CONCLUSION	34
6.1	Context and Site Suitability Summary	34
6.1.1	Site Suitability	34
6.1.2	Compatibility of Design	34
	3170 & 3178 California Ave., Windsor, Ontario	1

6.1.3 Good Planning	34
6.1.4 Environment Impacts	34
6.1.5 Municipal Services Impacts	34
6.1.6 Social, Cultural, and Economic Conditions	35
6.2 Conclusion	35

1.0 INTRODUCTION

I have been retained by Andi Shallvari on behalf of Hani Yacoub (herein the "Applicant") to provide a land use Scoped Planning Rationale Report (PRR) in support of a proposed development to be located at 3170 and 3178 California Avenue (herein the "Site") in the City of Windsor, Province of Ontario.

The Site is currently vacant and consists of one (1) parcel of land that can be legally divided into two (2) parcels.

It is proposed that the Site be developed for residential use with two (2) new semi-detached dwellings, one (1) being on each lot.

Each semi-detached dwelling unit will have one (1) Additional Dwelling Unit (ADU) on the lower level.

A total of eight (8) new residential units are proposed.

On-site parking is proposed.

The Site has access to full municipality services.

A site-specific Zoning By-law Amendment (ZBA) is required in support of the proposed development.

Once the ZBA application has been approved, the Applicant will proceed with a building permit.

Pre-consultation (stage 1) was completed by the Applicant (City File #PC-059/23).

An informal public open house was held electronically on March 26, 2024. The open house provided members of the public with opportunities to review and comment on the proposed development. Based on the comments received, the concept plan has been amended.

The purpose of this report is to review the relevant land use documents, including the Provincial Policy Statement 2020 (PPS), 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 development, is consistent with the PPS, conforms to the intent and purpose of the OP and ZBL, and represents good planning.

2.0 SITE AND SURROUNDING LAND USES

2.1 Legal Description and Ownership

The Site is currently vacant and made up of one (1) parcel of land, which can be legally split into two (2) parcels of land in the South Windsor Planning District (City of Windsor Ward 1).

The Site is located on the east side of California Avenue, north of Norfolk Street and south of Balmoral Street (see the area in red on Figure 1 – Site Location).



Figure 1 – Site Location (Source: Windsor GIS)

The Site is owned, locally known as and legally described as follows:

Address	Legal Description	PIN	ARN	Owner	Purchased Date
3170 and 3178 California Ave	LT 1291 PL 1023 Sandwich West; LT 1292 PL 1023 Sandwich West; LT 1293 PL 1023 Sandwich West; Lt 1294 PL 1023 Sandwich West; City of Windsor	01277-0254 LT	080-190-14000	Hani Yacoub	2019

2.2 Physical Features of the Site

2.2.1 Size and Site Dimension

The Site, subject to the proposed development, consists of a total area of 1,148.28 m² (0.1148 ha), with 36.576 m of frontage and 31.394 m of depth.

2.2.2 Existing Structures and Previous Use

The Site is currently vacant.

The previous use was for residential purposes with a single-unit dwelling, which was demolished in 2021.

2.2.3 Vegetation

The property currently has a mown lawn.

2.2.4 Topography

The Site is generally level.

2.2.5 Other Physical Features

There is 1 remnant driveway access from California Avenue.

Fencing is located along a portion of the Site owned by others.

2.2.6 Municipal Services

The property has access to municipal water, storm, and sanitary services.

There are sidewalks located in the area. There are no streetlights.

The Site has access to transit.

The Site has access to major transportation corridors.

2.2.7 Nearby Amenities

There are many schools, parks and libraries in close proximity to the Site.

There is nearby shopping in the form of plazas and malls, as well as employment, places of worship, and local amenities.

2.3 Surrounding Land Uses

Overall, the Site is in an existing built up area made up of residential uses.

There is a variety of lot sizes and lot frontages in the area.

The following is a summary of the abutting land uses:

Direction	Abutting Land Use
North	Residential
South	Residential
East	Residential
West	Residential

3.0 PROPOSAL AND CONSULTATION

3.1 Development Proposal

The Site is currently vacant and made up of one (1) parcel of land, which can be legally split into two (2) parcels of land.

It is proposed to develop the Site for residential purposes.

It is proposed to construct two (2) new semi-detached dwellings, one (1) on each lot.

A concept plan was prepared (see Figure 2a –Concept Plan).

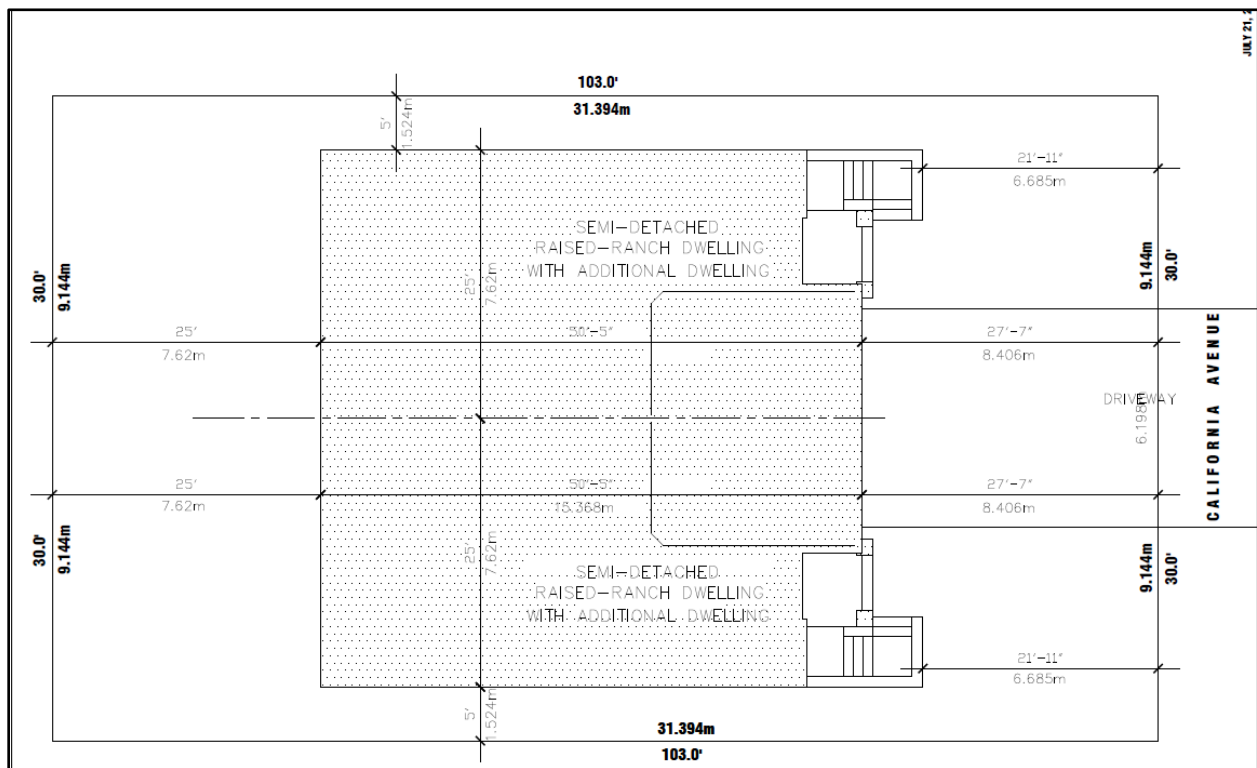


Figure 2a –Concept Plan

The Concept Plan is preliminary in order to illustrate how one (1) of the semi-detached on the Site can be developed.

Based on the comments received at the open house, the concept plan has been amended.

Each semi-detached dwelling unit will have one (1) Additional Dwelling Unit (ADU) on the lower level.

Each semi-detached dwelling lot will have a frontage of 18.288 m and a lot area of 574.14 m².

A total of eight (8) new residential units are proposed.

Elevations of the proposed building have been prepared (see Figure 2b – Elevations).

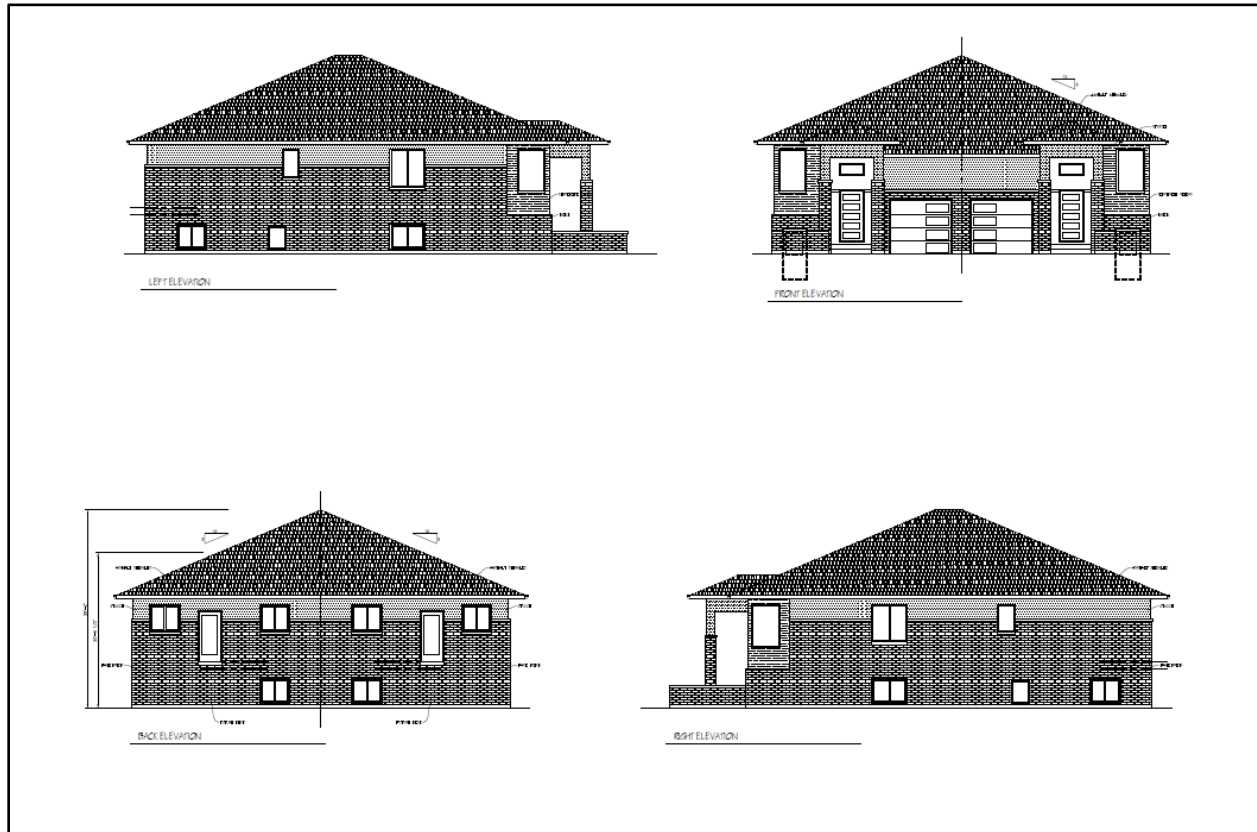


Figure 2b – Elevation

The Elevation is preliminary in order to illustrate how one of the semi-detached on the Site can be developed.

The semi-detached dwelling will be designed similarly to a raised-ranch dwelling with a separate front porch leading into the units.

Each unit will have a gross floor area (GFA) of 399.99 m².

On-site parking is proposed with private garages.

The Site has access to full municipality services.

Pedestrian connections, landscaping and private amenity areas will be provided.

The refuse (garbage and recycling) will be located in individual units and taken to the curb.

3.2 Public Consultation Strategy

In addition to the statutory public meeting, the *Planning Act* requires that the Applicant submit a proposed strategy for public consultation with respect to an application as part of the complete application requirements.

As part of a public consultation strategy, in addition to the statutory public meeting, an informal electronic public open house was held with area residents and property owners on Tuesday, March 26, 2024, from 6:00 pm to 7:00 pm.

The open house provided members of the public with opportunities to review and comment on the proposed development.

A total of 59 owners and tenants were notified, which represents a 120 m radius from the Site.

In addition to the Applicant representatives and City Staff, 12 people registered, and 9 attended the open house.

Phone messages, calls, and emails were also received.

The following is a summary of the comments and questions received, along with the responses provided.

Topic Item	Comments and Questions	Response
Density	This is considered an 8-plex. There are too many units proposed. Too many people. This exceeds what is permitted. These are just 30 ft lots.	Two semi-detached dwellings are proposed, each with an ADU. The PPS supports infilling and intensification.
Traffic	The development will cause more traffic. There are schools nearby. There are too many cars now.	No TIS is warranted. An increase in traffic is not anticipated.
Sight Lines	People will not be able to back out of their cars safely. Neighbours will need to remove landscaping.	The required minimum front yard setback is proposed to comply with the zoning by-law. The concept plan will be reviewed.

Topic Item	Comments and Questions	Response
Parking	Where will people park? Based on 8 units, there will be 12 cars.	On-site parking and a garage are provided. The required parking complies with the zoning by-law.
Housing Type	One 2-plex would be better. There are no other houses like this in the area. There is no housing crisis.	Two semi-detached dwellings are proposed, each with an ADU. The Site is large enough to accommodate the proposed development.
Tenure	Rentals are unattractive. Not in support of condos either.	Tenure has yet to be determined.
Location	This development should be located downtown. Build somewhere else, such as greenfield sites. Just because you can, it should not be supported.	The OP supports a mix of housing types in all neighbourhoods.
Setbacks	The buildings will be too close to the road.	The front yard setbacks are proposed to comply with the zoning by-law. The concept plan will be reviewed for possible revisions.
Safety	Children will be unsafe.	Not a planning issue.
Owner	Why is the one not in attendance? The owner does not care.	The applicant representatives are in attendance.
Lot Coverage	Lot coverage is too high.	The lot coverage is proposed to comply with the zoning by-law. The concept plan will be reviewed to confirm.
Noise	Rental units will make too much noise. There will be 8 tenants. Most likely students.	Not a planning issue.

Topic Item	Comments and Questions	Response
	There will be door slamming.	
Garbage	There are already mice and rats in the area.	Garbage will be managed.
Quality	We do not want low-quality development.	The proposed buildings are subject to a building permit, which has building standards.
Fit and Enjoyment	<p>We are all retirees. This does not fit.</p> <p>This will reduce the enjoyment of the neighbourhood.</p> <p>Less green space.</p> <p>Increase in stress after work.</p>	Proposed elevations have been provided.
Height	What is required?	9.0 m is required, and 6.0 m (2 storeys – raised ranch style dwelling) is proposed.
Porch	The porch should not be allowed to encroach.	Any front yard or required rear yard – 2.50 m (max) and 1.20 m (min)
Alley	Will you be using the alley?	No, the alley is not included in the proposed development.
Infrastructure	There will be a strain on services, such as hydro and sewers.	Full services are available.
Design	Consider a wider driveway and removing the porch.	The concept plan will be reviewed.

Based on the comments received, the concept plan has been amended.

4.0 APPLICATION AND STUDIES

Pre-consultation (stage 1) was completed by the Applicant (City File #PC-059/23).

Comments were received and have been incorporated into this PRR.

The proposed development requires an application for a Zoning By-law Amendment (ZBA).

The following explains the purpose of the application as well as a summary of the required support studies.

4.1 Zoning By-law Amendment

A site-specific Zoning By-law Amendment (ZBA) is required in support of the proposed development.

The current zoning of the Site, subject to development, is the Residential District 1.4 (RD1.4) zone category, as shown on Map 8 of the City of Windsor Zoning By-law #8600.

It is proposed to further amend the zoning to Residential District 1.4 (RD1.4 - S.20(1)(XXX)) category to permit a semi-detached dwelling as an additional permitted use.

No site-specific relief from specific regulations is required.

The ZBA is detailed, and the justification is set out in Section 5.1.3 of this PRR.

4.2 Other Application

Once the ZBA application has been approved, the Applicant will proceed with a building permit.

4.3 Supporting Studies

No supporting studies were required as part of the ZBA application.

5.0 PLANNING ANALYSIS

5.1 Policy and Regulatory Overview

5.1.1 Provincial Policy Statement

The Provincial Policy Statement, 2020 (PPS) provides policy direction on matters of provincial interest related to land use planning and development providing for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environments.

The PPS is issued under Section 3 of the Planning Act and came into effect on May 1, 2020. It applies to all land use planning matters considered after this date.

The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The Site is within a 'Settlement Area', as defined by the PPS.

The following provides a summary of the key policy considerations of the PPS as it relates to the proposed development.

PPS Policy #	Policy	Response
1.0Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns.....	The City has directed growth where the Site is located, which will contribute positively to promoting efficient land use and development 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	The proposed development is consistent with the policy to build strong, healthy, and livable communities as it provides for a new housing choice in an existing built up area. There are no environmental or public health and safety concerns as the area is established.

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 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;</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>The development pattern does not require expansion of the settlement area.</p> <p>The Site has access to full municipal services.</p> <p>Accessibility of units will be addressed at the time of the building permit.</p> <p>Public service facilities are available, such as local schools.</p> <p>The development pattern is proposed to be an efficient development of land.</p> <p>Existing semi-detached dwellings are permitted in the area. Also, ADUs are permitted as of right.</p>

PPS Policy #	Policy	Response
	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.	The Site 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"> a) efficiently use land and resources; b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; c) minimize negative impacts to air quality and climate change, and promote energy efficiency; d) prepare for the impacts of a changing climate; e) support active transportation; f) are transit-supportive, where transit is planned, exists or may be developed; and g) are freight-supportive. 	<p>The Site offers an opportunity for intensification.</p> <p>The design and style of the proposed building will blend well with the scale and massing of the existing surrounding area.</p> <p>Residents will have immediate access to local amenities.</p> <p>Transit is available for the area.</p> <p>The Site is located close to major roadways.</p>

PPS Policy #	Policy	Response
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 proposed development is located on a Site that is physically suitable.</p> <p>The Site is generally level, which is conducive to easy vehicular movements.</p> <p>The intensification can be accommodated for the proposed development as it is an appropriate development of the Site.</p> <p>Parking will be provided on-site (including private garages).</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 building will be built with a high standard of construction.</p> <p>There will be no risks to the public.</p>
1.1.3.6	New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.	<p>The proposed development does have a compact built form.</p> <p>The proposed building size will allow for the efficient use of land, pedestrian and vehicle access, infrastructure, and public services.</p>
1.4.1- Housing	To provide for an appropriate range and mix of housing options and densities required to meet projected	The proposed development is consistent with the PPS in that it provides for a new housing choice.

PPS Policy #	Policy	Response
	<p>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 residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.</p>	<p>The proposed development will make efficient use of land, resources, existing infrastructure, and public service facilities by increasing the number of residential dwelling units within the settlement area.</p> <p>The proposed development encourages the utilization of existing transit stops located close to the Site to meet the health and well-being of future residents.</p> <p>The proposed development will provide for an infill and intensification opportunity in the existing built-up area.</p> <p>Municipal services are available.</p>
1.4.3	<p>Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area.</p>	<p>The proposed development provides for a new housing choice and utilizes the Site in an efficient manner.</p> <p>The development will allow a new building to be used for residential purposes. This will address the need for housing in the area.</p> <p>The proposed density is appropriate and will have a positive impact on the area. Existing semi-detached</p>

PPS Policy #	Policy	Response
		<p>dwelling are permitted in the area. Also, ADUs are permitted as of right.</p> <p>The Site is close to nearby amenities.</p> <p>There is suitable infrastructure, including transit.</p>
1.6.1 - Infrastructure	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.	The development can proceed on full municipal services.
1.6.6.2	Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.	The proposed development will be serviced by municipal sewer, water and storm, which is the preferred form of servicing for settlement areas.
1.6.6.7	<p>Planning for stormwater management shall:</p> <p>a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and</p>	There will be no negative impacts on the municipal system, and it will not add to the capacity in a significant way.

PPS Policy #	Policy	Response
	<p>financially viable over the long term;</p> <p>b) minimize, or, where possible, prevent increases in contaminant loads;</p> <p>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;</p> <p>d) mitigate risks to human health, safety, property and the environment;</p> <p>e) maximize the extent and function of vegetative and pervious surfaces; and</p> <p>f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.</p>	<p>There will be no risk to health and safety.</p> <p>There are no natural heritage features located on the Site.</p>
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 Site 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	The proposed development contributes to the City's requirements for development within a built-up area.

PPS Policy #	Policy	Response
	management strategies, where feasible.	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 is near many local amenities, and residents would not have to travel far to access necessities. The density is appropriate for the surrounding area.
2.2.1 - Water	Planning authorities shall protect, improve or restore the quality and quantity of water.	No water issues are anticipated.
3.0 – Healthy and Safety	Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.	There are no natural or human-made hazards.

Therefore, the proposed development is consistent with the PPS and the Province's vision for long-term prosperity and social well-being.

5.1.2 Official Plan

The City of Windsor Official Plan (OP) was adopted by Council on October 25, 1999, approved in part by the Ministry of Municipal Affairs and Housing (MMAH) on March 28, 2000, and the remainder approved by the Ontario Municipal Board (OMB) on November 1, 2002. The 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 Site is part of the South Windsor Planning Area, as shown on Schedule A: Planning Districts & Policy Areas.

The current land use designation of the Site, subject to development, is 'Residential', as shown on Schedule D: Land Use Plan of the City of Windsor Official Plan (see Figure 3 –OP).

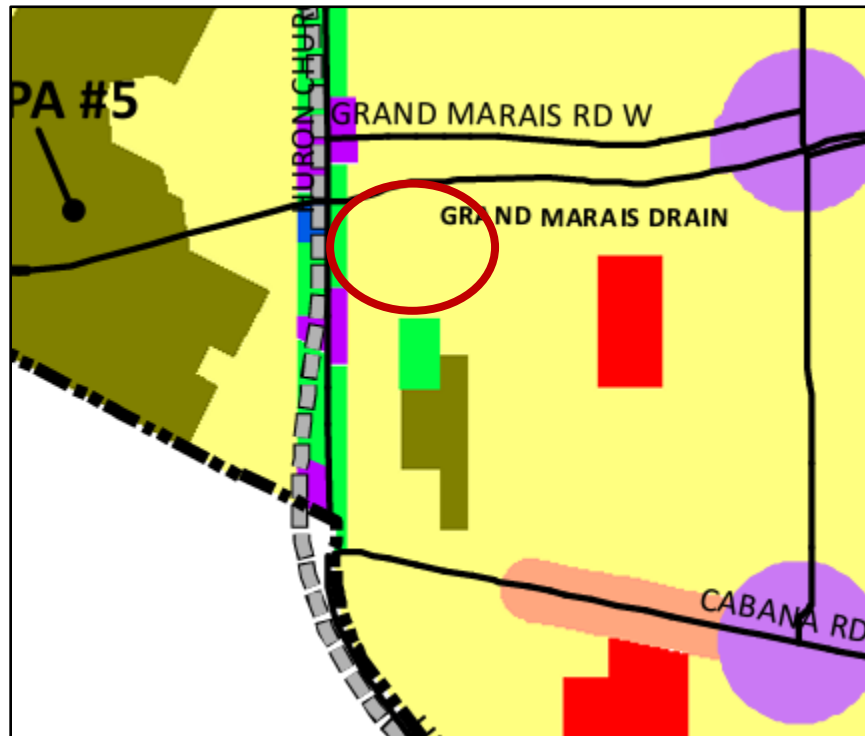


Figure 3 – OP

The Site is also subject to the following:

- adjacent to a Recreationway (namely California Avenue) on Schedule B - Greenway System, and
- within proximity to a Regional Institutional Centre (namely St. Clair College) on Schedule J - Urban Structure Plan.

The following provides a summary of the key policy considerations of the OP as it relates to the proposed development.

OP Policy #	Policy	Response
3.2.1.2	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 residential development supports one of the City's overall development strategies of providing for a range of housing types.

OP Policy #	Policy	Response
4.0 – Healthy Community	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.	<p>The proposed development will support the City's goal of promoting a healthy community in order to live, work, and play.</p> <p>The proposed development is close to nearby transit, employment, shopping, local amenities, and parks.</p>
6.0 - Preamble	A healthy and livable city is one in which people can enjoy a vibrant economy and a sustainable healthy environment in safe, caring and diverse neighbourhoods. In order to ensure that Windsor is such a city, Council will manage development through an approach which balances environmental, social and economic considerations.	The proposed development supports the policy set out in the OP as it is suited for addressing the residential needs of the City.
6.1 - Goals	<p>In keeping with the Strategic Directions, Council's land use goals are to achieve:</p> <p>6.1.1 Safe, caring and diverse neighbourhoods.</p> <p>6.1.3 Housing suited to the needs of Windsor's residents.</p> <p>6.1.10 Pedestrian oriented clusters of residential, commercial, employment and institutional uses.</p>	<p>The proposed development supports the goals set out in the OP.</p> <p>The proposed residential use will provide a new housing choice in an existing built-up area.</p>
6.1.14 – Residential Intensification	To direct residential intensification to those areas of the City where transportation, municipal services, community facilities and goods and services are readily available.	The Site is in close proximity to nearby transit, transportation corridors and local amenities.

OP Policy #	Policy	Response
6.2.1.2 – General Policies, Types of Development Profile	<p>For the purpose of this Plan, Development Profile refers to the height of a building or structure. Accordingly, the following Development Profiles apply to all land use designations on Schedule D: Land Use unless specifically provided elsewhere in this Plan:</p> <p>(a) Low Profile developments are buildings or structures generally no greater than three (3) storeys in height;</p> <p>(b) Medium Profile developments are buildings or structures generally no greater than six (6) storeys in height; and</p> <p>(c) High Profile developments are buildings or structures generally no greater than fourteen (14) storeys in height.</p>	The proposed development is considered a low profile development as it is proposed to have 2 storeys.
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. The following objectives and policies establish the framework for development decisions in Residential areas.	The Site is designated Residential.

OP Policy #	Policy	Response
6.3.1.1 –Range and Forms & Tenures	To direct residential intensification to those areas of the City where transportation, municipal services, community facilities and goods and services are readily available.	The Site has access to full municipal services and local amenities. Tenure to be confirmed at a later date.
6.3.1.2 - Neighbourhoods	To promote compact neighbourhoods which encourage a balanced transportation system.	The proposed development will help promote a more compact neighbourhood.
6.3.1.3 – Intensification, Infill and Redevelopment	To promote residential redevelopment, infill and intensification initiatives in locations in accordance with this plan.	Existing semi-detached dwellings are permitted in the area. Also, ADUs are permitted as of right.
6.3.2.1 – Permitted Uses	Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low Profile , and Medium Profile dwelling units. High Profile Residential Buildings shall be directed to locate in the City Centre, Mixed Use Centres and Mixed Use Corridors.	Residential is proposed.
6.3.2.3 – Types of Low Profile Housing	For the purposes of this Plan, Low Profile housing development is further classified as follows: (a) small scale forms: single detached, semi-detached, duplex and row and multiplexes with up to 8 units; and (b) large scale forms: buildings with more than 8 units.	The proposed development is considered small scale.
6.3.2.4 – Location Criteria	Residential intensification shall be directed to the Mixed Use Nodes and areas in proximity to those Nodes. Within these areas Medium Profile buildings, up to four (4) storeys in height shall be	The Site is appropriately located within an existing built-up area. The Site is located close to transit and major transportation corridors.

OP Policy #	Policy	Response
	<p>permitted. These taller buildings shall be designed to provide a transition in height and massing from low-profile areas. New residential development and intensification shall be located where: (a) There is access to a collector or arterial road; (b) Full municipal physical services can be provided; (c) Adequate community services and open spaces are available or are planned; and (d) Public transportation service can be provided.</p>	<p>The Site is located near local amenities.</p>
<p>6.3.2.5 – Evaluation Criteria (For a Neighbourhood Development Pattern)</p>	<p>At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed residential development within an area having a Neighbourhood development pattern is: (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses: (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan; (ii) adjacent to sources of nuisance, such as noise, odour, vibration and dust; (iii) within a site of potential or known contamination; (iv) where traffic generation and distribution is a provincial or municipal concern; and (v) adjacent to heritage resources. (b) in keeping with the goals, objectives and</p>	<p>This PRR has addressed the provisions of the OP and provincial legislation.</p> <p>There are no development constraint areas.</p> <p>There are no secondary plans that impact the Site.</p> <p>The proposed development will include pedestrian connections, landscaping, and private amenity space.</p> <p>The proposed scale and massing do not cause any negative impact on the enjoyment of abutting properties.</p> <p>The proposed building will provide an appropriate transition between uses, including an appropriate amount of setbacks.</p> <p>All setbacks comply to the zoning regulations.</p>

OP Policy #	Policy	Response
	<p>policies of any secondary plan or guideline plan affecting the surrounding area; (c) In existing neighbourhoods, compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas. In Mature Neighbourhoods as shown on Schedule A-1, compatible with the surrounding area, as noted above, and consistent with the streetscape, architectural style and materials, landscape character and setback between the buildings and streets; (d) provided with adequate off street parking; (e) capable of being provided with full municipal physical services and emergency services; and (f) Facilitation a gradual transition from Low Profile residential development to Medium and/or High Profile development and vice versa, where appropriate, in accordance with Design Guidelines approved by Council.</p>	
7.0 - Infrastructure	<p>The provision of proper infrastructure provides a safe, healthy and efficient living environment. In order to accommodate transportation and physical service needs in Windsor, Council is committed to ensuring that infrastructure is provided in a sustainable, orderly and coordinated fashion.</p>	<p>The proposed development is close to nearby transit, off a major roadway, and has access to full municipal services.</p>
8.1 – Urban Design	<p>A memorable, attractive and liveable city is one where</p>	<p>The final design of the proposed building will be</p>

OP Policy #	Policy	Response
	<p>people feel comfortable and are inspired by their surroundings. The physical systems and built form of the city are also designed to protect, maintain and improve the quality of life for present and future generations by integrating the principles of sustainability and place making. In order for Windsor to be such a city, Council is committed to urban design principles that enhance the enjoyment and image of Windsor and its people.</p>	<p>addressed as part of Building Permit approval.</p>
<p>8.7.2.3 – Built Form, infill development</p>	<p>Council will ensure that proposed development within an established neighbourhood is designed to function as an integral and complementary part of that area's existing development pattern by having regard for:</p> <ul style="list-style-type: none"> (a) massing; (b) building height; (c) architectural proportion; (d) volumes of defined space; (e) lot size; (f) position relative to the road; (g) building area to site area ratios; (h) the pattern, scale and character of existing development; (i) exterior building appearance; and (j) Council adopted Design Guidelines that will assist in the design and review of applications for development in accordance with the policies noted above 	<p>The proposed development will be a natural integration of the established area.</p> <p>The proposed building will provide an appropriate transition.</p> <p>Massing – the proposed building will be limited to 2 storeys, which will blend well with the low profile scale and massing of the existing surrounding area.</p> <p>Building height – there are no impacts on privacy or shadowing on abutting properties based on the proposed building height.</p> <p>Architectural proportion – the proposed visual effect of the relationship of the proposed development will blend well with the immediate area.</p> <p>Volume of defined space – the proposed design and layout of</p>

OP Policy #	Policy	Response
		<p>the development includes appropriate setbacks and lot coverage.</p> <p>Lot size – the existing parcel size and the proposed density are appropriate for the development.</p> <p>Building area – appropriate lot coverage is proposed. The proposed building will not negatively impact the private use and enjoyment of area residents.</p> <p>Pattern, scale, and character – the style of development will blend well with the scale and massing of the existing low profile surrounding area.</p> <p>Exterior building appearance – the proposed building will be designed professionally and aesthetically pleasing.</p>

Therefore, the proposed development will conform with the purpose and intent of the City of Windsor OP.

5.1.3 Zoning By-law

The City of Windsor Zoning By-law (ZBL) #8600 was passed by Council on July 8, 2002, and then a further Ontario Municipal Board (OMB) decision was issued on January 14, 2003.

A ZBL implements the PPS and the City OP by regulating the specific use of property and providing for its day-to-day administration.

According to Map 8 attached to the ZBL the Site is currently zoned Residential District 1.4 (RD1.4) category (see Figures 4 – ZBL).



Figure 4 – ZBL

A site-specific ZBA is required for the proposed development to permit a semi-detached dwelling as an additional permitted use.

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.

An additional dwelling 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, duplex dwelling, or rowhouse dwelling (i.e. the primary dwelling unit) or a building accessory to the primary dwelling unit located on the same lot (OP Policy 6.3.2.22).

It is proposed to further amend the zoning to Residential District 1.4 (RD1.4 - S.20(1)(XXX)) category to permit a semi-detached dwelling.

A review of the RD1.4 zone provisions, as set out in Section 10.3 of the ZBL is as follows:

Zone Regulations	Required RD1.4 Zone (semi-detached dwelling)	Proposed	Compliance and/or Relief Requested with Justification
Permitted Uses	Existing Duplex Dwelling Existing Semi-Detached Dwelling One Single Unit Dwelling Any use accessory to the preceding uses	Two new semi-detached dwelling (one on each lot)	Complies with the approval of the site specific ZBA to permit anew semi-detached dwelling as an additional permit use.
Additional Dwelling Units (Section 5.99.80.1)	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.	1 ADUs within each semi detached dwelling	Complies
Lot Width – minimum	15.0 m	18.288 m (each lot)	Complies

Zone Regulations	Required RD1.4 Zone (semi-detached dwelling)	Proposed	Compliance and/or Relief Requested Justification with
Lot Area – minimum	450.0 m2	574.14 m2 (each lot)	Complies
Lot Coverage – maximum	45.0 %	40.15 %	Complies
Main Building Height - maximum	9.0 m	6.0 m (2 storeys – raised ranch style dwelling)	Complies
Front Yard Depth – minimum	6.0 m	8.406 m	Complies
Porch Encroachment (Table 5.30.10.60)	Any front yard or Required rear yard – 2.50 m (max) and 1.20 m (min)	6.685 m	Complies
Rear Yard Depth – minimum	7.50 m	7.62 m	Complies Note: Rear yard depth will comply and no reduced is required
Side Yard Width – minimum	1.20 m	1.524 m	Complies
Gross Floor Area – Main Building– maximum	400 m2	399.99 m2	Complies
Dwelling – Semi-Detached & Townhomes - Additional Provisions (Section 5.23.1)	For a dwelling unit in a semi-detached dwelling or in a townhome dwelling, a door that opens to the rear yard shall be located a minimum of 1.20 m from the centreline of the common wall between the dwelling units.	N/A – no door that opens to the rear yard	Complies

Zone Regulations	Required RD1.4 Zone (semi-detached dwelling)	Proposed	Compliance and/or Relief Requested with Justification
Dwelling – Semi-Detached & Townhomes - Additional Provisions (Section 5.23.5)	<p>When a lot on which a semi-detached dwelling or townhome dwelling has been erected and is subsequently severed by a common interior lot line that separates the dwelling units, for each dwelling unit the following additional provisions shall apply:</p> <p>1 Lot Width – minimum – equal to the width of the dwelling unit plus any exterior side yard as existing at the time of the lot severance</p> <p>2 Lot Area – minimum – as existing at the time of the lot severance</p> <p>3 Lot Coverage – Total – maximum – 50% of lot area</p> <p>7 An interior side yard shall not be required along the common interior lot line for that part of the dwelling unit lawfully existing at</p>	TBD	Complies

Zone Regulations	Required RD1.4 Zone (semi-detached dwelling)	Proposed	Compliance and/or Relief Requested with Justification
	the time of the lot severance		
Parking Requirements 24.20.5.1	Semi-detached - 1 for each dwelling unit = 2 ADU – 1 for the first dwelling unit and 1 for the second and 0 for the third = 2 TOTAL = 3	4 (includes private garage)	Complies Note: Increased garage interior width to 3.5 m

Therefore, the proposed development will comply with all zone provisions set out in the RD1.4 Zone and no site-specific relief is required.

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,
- The Site is generally level,
- The Site will be able to accommodate municipal water, storm and sewer systems,
- There are no anticipated traffic or parking concerns, and
- The location of the proposed development is appropriate.

6.1.2 Compatibility of Design

The proposed development will be limited to a 2 storey (raised-ranch style), low profile (small scale) dwelling, which is a compatible density for the Site and with the surrounding area.

The proposed residential use will provide a new housing choice in an existing built-up area.

The design of the proposed building will address compatibility.

The Site is capable of accommodating the proposed development in terms of scale, massing, height, and siting.

Parking, amenity areas, and landscaping will be provided.

6.1.3 Good Planning

The proposal represents good planning as it addresses the need for the development of a parcel of land, which contributes to affordability and intensification requirements.

Residential use on the Site represents an efficient development pattern that optimizes the use of land.

6.1.4 Environment Impacts

The proposal does not have any negative impact on the natural environment.

6.1.5 Municipal Services Impacts

There will be no negative impacts on the municipal system as the proposed use will not add to the capacity in a significant way.

6.1.6 Social, Cultural, and Economic Conditions

The proposed development does not negatively affect the social environment as the Site is in close proximity to major transportation corridors and nearby amenities.

Infilling in an existing built-up area of the City contributes toward the goal of 'live, work and play' where citizens share a strong sense of belonging and a collective pride of place.

The proposed development promotes efficient development and land use patterns 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.

There will be no urban sprawl as the proposed development is within the existing settlement area and is an ideal infilling opportunity.

There are no cultural heritage resources that impact the Site.

6.2 Conclusion

In summary, it would be appropriate for the City of Windsor to approve the ZBA application to permit the proposed development on the Site.

This PRR has shown that the proposed development is consistent with the PPS, conforms with the intent and purpose of the OP and ZBL and represents good planning.

The report components for this PRR have set out the following, as required under the City of Windsor OP:

10.2.13.2 Where a Planning Rationale Report is required, such a study should:

- (a) Include a description of the proposal and the approvals required;*
- (b) Describe the Site's previous development approval history;*
- (c) Describe major physical features or attributes of the Site including current land uses(s) and surrounding land uses, built form and contextual considerations;*
- (d) Describe whether the proposal is consistent with the provincial policy statements issued under the Planning Act;*
- (e) Describe the way in which relevant Official Plan policies will be addressed, including both general policies and site-specific land use designations and policies;*
- (f) Describe whether the proposal addresses the Community Strategic Plan;*

- (g) Describe the Suitability of the Site and indicate reasons why the proposal is appropriate for this Site and will function well to meet the needs of the intended future users;*
- (h) Provide an analysis of the compatibility of the design and massing of the proposed developments and land use designations;*
- (i) Provide an analysis and opinion as to why the proposal represents good planning, including the details of any methods that are used to mitigate potential negative impacts;*
- (j) Describe the impact on the natural environment;*
- (k) Describe the impact on municipal services;*
- (l) Describe how the proposal will affect the social and/or economic conditions using demographic information and current trends; and,*
- (m) Describe areas of compliance and non-compliance with the Zoning By-law.*

Planner's Certificate:

I hereby certify that this report was prepared by Tracey Pillon-Abbs, a Registered Professional Planner, within the meaning of the Ontario Professional Planners Institute Act, 1994.



Tracey Pillon-Abbs, RPP
Principal Planner



Subject: Zoning By-Law Amendment Z027-24 (ZNG/7230) - Marko Agbaba – 180 California Avenue, Ward 2

Reference:

Date to Council: November 4, 2024
Author: Diana Radulescu
Planner II – Development Review
T. (519) 255-6543 x 6918
E. dradulescu@citywindsor.ca
Planning & Building Services
Report Date: October 17, 2024
Clerk's File #: Z/14866

To: Mayor and Members of City Council

Recommendation:

- I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of PLAN 804 LOT 5 and PART 7 on 12R22710, situated on the east side of California Avenue between Riverside Drive East and University Avenue, known municipally as 180 California Avenue, by adding a site-specific exception to Section 20(1) as follows:

XX. EAST SIDE OF California Avenue, south of Riverside DR E

For the lands comprising of PLAN 804 LOT 5; the following additional regulations shall apply:

- | | | |
|-------|---|----------------------|
| 1) a) | Lot Width – minimum | 13.5 m |
| b) | Lot Coverage – maximum | 46.5% |
| c) | Gross Floor Area – <i>Main Building</i> – maximum | 758.0 m ² |

(ZDM 3)

- II. THAT the H symbol **SHALL APPLY** to PLAN 804 LOT 5 and PART 7 on 12R22710, situated on the east side of California Avenue between Riverside Drive East and University Avenue, known municipally as 180 California Avenue and that Zoning By-law 8600 **BE FURTHER AMENDED** by adding the following clause to Section 95.20:

- (12) a) Stage 1 Archaeological Assessment to the satisfaction of the Heritage Planner.

Executive Summary:

N/A

Background:

Application Information

Municipal Address: 180 California Avenue

Ward: 2 Planning District: River West Zoning District Map: 3

Applicant/Agent: Lassaline Planning Consultants (Jackie Lassaline)

Owner: Marko Agbaba

Submitted Materials: Attached to Report S 145/2024 as an Appendix:

Appendix A - Conceptual Site Plan

Appendix B - Conceptual Elevations

Appendix C - Conceptual Floor Plans

Appendix D - Planning Rationale Report

Appendix E – Comments

Appendix F – Site Photos

Appendix G – Zoning Analysis

Proposal:

The applicant is proposing to construct a 757.4m² (total GFA) semi-detached building with up to 6 dwelling units (each section of the building is proposed to contain one main unit and two additional dwelling units). The applicant is requesting an amendment to Zoning By-law 8600 to add a site-specific exception to the existing zoning designation of Residential District 2.2 (RD2.2) to allow for a reduction in the

minimum lot width and rear yard setback, and an increase in maximum lot coverage and maximum gross floor area (GFA).

The development as proposed is not subject to Site Plan Control. All plans, elevations and renderings are conceptual and subject to change.

Site Information

OFFICIAL PLAN	ZONING	CURRENT USE	PREVIOUS USE
Residential	Residential District 2.2 (RD2.2)	Single detached dwelling	Residential
LOT FRONTAGE	LOT DEPTH	LOT AREA	LOT SHAPE
13.72 m	36.18 m	469 m ²	Rectangular
<i>All measurements are provided by the applicant and are approximate.</i>			

KEY MAP - Z-027/24, ZNG/7230

● SUBJECT LANDS

Figure 2: Neighbourhood Map



NEIGHBOURHOOD MAP - Z-027/24, ZNG/7230



SUBJECT LANDS

Neighbourhood:

Site images are provided in Appendix F and Section 1 of the Planning Rationale Report (Appendix D).

The subject parcel is located within a Mature Neighbourhood with low, medium and high profile residential uses, commercial and institutional uses (academic and religious institutions) as well as public parks.

To the west are a mix of low and medium profile residential uses, commercial uses and academic buildings. To the east are low and medium profile residential, a public park and public pool. To the south are several religious institutions, the University of Windsor main campus, low to high profile residential and commercial uses. To the north is Riverside Drive West, the Windsor Sculpture Park and the Detroit River.

The Essex Terminal Railway is located approximately 1.14 km to the south.

The neighbourhood includes the University of Windsor main campus and associated colleges, which are designated as a Regional Institutional Centre on *Schedule J - Urban Structure Plan* of the Official Plan. The Canada Benson Academy (high school) is 1km to the southeast.

There are several parks nearby including Ernest Atkinson Soccer Park, Atkinson Pool and Ryan Barron Memorial Skate Park 200 m to the east, Windsor Sculpture Park 100m to the north and Assumption Park 330 m to the west. The nearest libraries are the University of Windsor Leddy Library 260m to the southwest and Windsor Public Library's Central Branch 2.3 km to the east.

California Avenue is classified as a Local Road per *Schedule F: Roads and Bikeways* and has two travel lanes with curbs and sidewalks on both sides with alternate on-street parking. University Avenue West is classified as a Class 1 Arterial Road and has two travel lanes with curbs and sidewalks on both sides of the road with on-street parking. It is designated a Recreationway as per *Schedule B - Greenway System* and a Main Street as per *Schedule G - Civic Image*. Riverside Drive West is recognized as a Scenic Drive as per *Schedule F - Roads & Bikeways* and a Civic Way as per *Schedule G - Civic Image*.

Active transportation infrastructure in the form of bikes lanes is available along University Avenue West and Riverside Drive West. The City of Windsor Active Transportation Master Plan identifies California Avenue and University Avenue West as high priorities on the Proposed Bicycle Network. University Avenue and Riverside Drive West are designated bikeways as per *Schedule F - Roads & Bikeways*.

Public transit is available via the Transway 1C route along University Avenue West. The closest existing bus stop to this property is located on University at California southeast corner. This bus stop is approximately 170 metres from this property falling within Transit Windsor's 400 metre walking distance guidelines to a bus stop. This will be maintained with Transit Windsor's City Council-approved Transit Master Plan.

The site is serviced by a 300mm combined sewer located within the California Avenue right-of-way.

Figure 3: Subject Parcel – Rezoning



PART OF ZONING DISTRICT MAP 3

N.T.S.

REQUESTED ZONING AMENDMENT

Applicant: Marko Agbaba



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : OCTOBER, 2024
FILE NO. : Z-027/24, ZNG/7230

Discussion:

Planning Rationale Report (Lassaline Planning Consultants Inc. – August 23, 2024)

The Planning Rationale Report (PRR), attached as Appendix D to Report S 145/2024, notes that *“the proposed infilling of a new semi-detached building that is a comparable building to the neighbourhood makes sound development. The proposed development creating a low profile, 4 square building that is sensitive in design, massing, and style to the existing neighbourhood is appropriate in this location and compatible with the existing residential neighbourhood.”*

The PRR concludes that *“the proposed site specific ZBA to allow for a compatible style, massing and designed building is sound and represents a complimentary and compact built form of housing alternative styles and tenure that supports a healthy community.”* The Planning Department generally concurs with the PRR.

Urban Design Brief (Section 5.0, Planning Rationale Report, Lassaline Planning Consultants – August 23, 2024)

The Urban Design Brief included in Section 5 of the PRR noted that *“the details of the building such as the red brick front facade, the front veranda/porch, the black roof, etc make for a building that is sensitive to the neighbourhood existing building form and provides for details that are sensitive to the existing important heritage built form.”*

It further noted that *“the new residential building has been designed with a sensitivity to the heritage buildings presently across the street and adjacent on the street. The new residential building is a four-square style residence, height, comparable in design, sensitivity to the Arts and Crafts period, and massing to other residential buildings on the street, particularly across the street and next door.”*

It concluded that *“the proposed built form is consistent in massing, height and number of units with the neighbourhood.”* The Planning Department generally concurs with the Urban Design Brief.

Provincial Planning Statement (2024)

The Provincial Planning Statement (PPS) provides direction on matters of provincial interest related to land use planning and development and sets the policy foundation for regulating the development and use of land in Ontario. An update to the PPS came into effect on October 20, 2024, which replaces the previous PPS from 2020. Subject to any possible transitional provisions, all municipal decisions, as well as advice, comments and submissions shall now be consistent with the PPS 2024. Due to the date of the submitted application, the Planning Rationale Report (Appendix D) was written with analysis of the PPS 2020. This report includes an analysis of PPS 2024. Planning Staff are of the opinion that the proposed development is in line with both PPS 2020 and PPS 2024.

Policy 2.1.6 of PPS 2024 states that *“complete communities”* shall be supported by *“accommodating an appropriate range and mix of land uses, housing options, ... and other uses to meet long-term needs”*, *“improving accessibility for people of all ages and*

abilities”, and “improving social equity and overall quality of life for people of all ages, abilities, and incomes”.

The proposed semi-detached dwelling will provide a form of housing that is appropriate in terms of the range and mix of the surrounding neighbourhood context. It represents an appropriate housing option that will meet long-term needs, and improves accessibility, social equity & overall quality of people of all ages, abilities, & incomes. The proposed amendment is consistent with Policy 2.1.6 of the PPS.

Policy 2.2 requires that an *“appropriate range and mix of housing options and densities”* be provided by *“permitting and facilitating...all housing options required to meet the social, health, economic and well-being requirements of current and future residents...and all types of residential intensification ... development and introduction of new housing options within previously developed areas”*. Densities should promote the efficient use of land and infrastructure and support the use of active transportation.

Policy 2.3.1 provides general policies for settlement areas. Growth should be focused in the settlement area. Land use patterns should be based on the efficient use of land and resources, optimizing existing and planned infrastructure, and supporting multimodal transportation.

The proposed semi-detached dwelling represents a housing option that will meet the various requirements of current and future residents, is a type of residential intensification, and promotes the efficient use of land, resources, and infrastructure. Transit and active transportation options are or will be available. The proposed amendment is consistent with Policy 2.2 and Policy 2.3.1.

Policy 2.9 requires that the impacts of a changing climate and reduction in greenhouse gas emissions shall be supported with compact, transit-supportive, and complete communities, consider stormwater management systems, and promote active transportation.

The proposed semi-detached dwelling is a residential infill and intensification project, thereby not requiring settlement area expansion. It is a compact development with access to existing and planned transit and active transportation and is located within an area that is serviced by municipal sewage and water services. The proposed amendment is consistent with Policy 2.9.

The proposed development of a semi-detached dwelling 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 existing investments in transit and infrastructure. There are no anticipated environmental or public health and safety concerns with the proposed use of land.

The agent indicates that the objectives of the PPS have been considered and have informed their professional planning opinion and concept design for the project site. These objectives are discussed in the Planning Rationale Report (Appendix D). Planning & Development Services generally concurs with this and is of the opinion that the proposed amendment to Zoning Bylaw 8600 is consistent with the PPS 2024.

City of Windsor Official Plan

The subject property is located within the River West Planning District in *Schedule A – Planning Districts & Policy Areas* of Volume I of the Official Plan.

The subject parcel has a Residential land use designation in *Schedule D – Land Use Plan*. Section 6.3.2.1 stipulates that low profile and medium profile dwelling units are permitted within the Residential land use designation. The proposed development of a semi-detached dwelling is classified as a Low Profile development under Section 6.2.1.2 (a) and is compatible and complementary with the surrounding land uses (Section 6.3.2.5 (c)). The development is of a scale that is compatible with the profile and uses of the surrounding neighbourhood. No deficiencies in municipal physical and emergency services have been identified (Section 6.3.2.5 (e)). The proposed rezoning conforms to the policies in Sections 6.3.2 of the Official Plan.

The Official Plan has policies that encourage redevelopment and intensification. 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 low profile semi-detached dwelling represents a complementary and compact form of housing, redevelopment, and intensification that is located near active and public transportation. The proposed rezoning satisfies the objectives set out in Section 6.3.1 of the Official Plan.

The subject parcel is located within a Mature Neighbourhood as per the *Schedule A-1 - Special Policy Areas* of the Official Plan. The Official Plan has policies to ensure development within Mature Neighbourhoods is consistent with the streetscape, architectural style and materials, landscape character and setbacks (6.3.2.5(c)). Objectives 6.3.2.24(e) and 6.3.2.29 seek to ensure that additional dwelling units (ADUs) within Mature Neighbourhoods are compatible and complementary to the character of the neighbourhood. The proposed development encapsulates all dwelling units within the footprint of the main building, which has been designed to complement the character of the Mature Neighbourhood as outlined in Section 5 of the PRR (Appendix D). Objective 1.52 of *Chapter 1 - Special Policy Areas* of Volume II of the Official Plan identifies Mature Neighbourhoods as heritage resources and seeks to protect cultural heritage. The proposed rezoning satisfies the Mature Neighbourhood objectives of the Official Plan.

The proposed amendment to Zoning By-law 8600 will conform to the general policy direction of the Official Plan. Planning and Development Services generally concurs with the Official Plan analysis in Section 8 of the PRR submitted by the Applicant (Appendix D).

City of Windsor Intensification Guidelines

The City of Windsor Intensification Guidelines provide direction for infill and intensification within existing neighbourhood patterns. The intent is to guide new development to become distinctive, while relating harmoniously to the use, scale, architecture, streetscapes, and neighbourhoods of Windsor, as well as meeting the needs of its citizens and visitors.

The subject parcel is located within an established neighbourhood area and a defined Mature Neighbourhood as per the Official Plan. The PRR notes that “there are existing buildings in the neighbourhood of a similar size, scale, and massing to the proposed development.”

Planning and Development Services is of the opinion that the proposed rezoning amendment is consistent with the general direction of the Windsor Intensification Guidelines.

Zoning By-Law 8600

The subject land is zoned Residential District 2.2 (RD2.2) which permits the construction of a semi-detached dwelling. The applicant is requesting a rezoning to add a site-specific exception to allow for a reduction in the minimum lot width and an increase in maximum lot coverage and maximum gross floor area (GFA).

The Applicant’s request for a change in zoning with site-specific provisions is supported in principle. A discussion of the site specific provisions follows.

Site specific provision a) recognizes a reduced lot width of 13.5m which reflects the existing width of the parcel. Appendix G includes a zoning analysis of comparable parcels within the same block and identifies the reduced lot width to be compatible and complementary with other parcels within the block.

Site specific provision b) recognizes an increase in the maximum lot coverage over the maximum for the RD2.2 zone by 1.5 percent. Appendix G identifies other lot coverages of comparable parcels within the same block. The increased lot coverage is compatible and complementary with other comparable parcels in the block.

Site specific provision c) recognizes an increased maximum gross floor area (GFA) of 758.0 m², which is greater than the maximum for the RD2.2 zone of 400 m². Since the basement is proposed to contain two additional dwelling units (one on each side of the semi-detached dwelling), this has been included in the total GFA count as per Section 5.99.80.5(c)2. of Zoning Bylaw 8600. Without the basement, the applicant has indicated the GFA would be approximately 464 m². Appendix G includes a desktop analysis of GFAs for building within the same block both with and without the inclusion of basement dwelling units. The proposed increased GFA is compatible and complementary with other comparable parcels in the same block.

The applicant has also requested a reduction in the rear yard setback. Since the applicant has purchased a portion of the abutting alleyway, the rear yard setback requirement within Zoning Bylaw 8600 has been met and no exception is required.

The proposed development complies with all other applicable zoning provisions.

Site Plan Control

The proposed semi-detached dwelling is not subject to Site Plan Control.

Risk Analysis:

N/A

Climate Change Risks

Climate Change Mitigation:

The proposed dwelling units implement Environmental Master Plan Objective C1: Encourage in-fill and higher density in existing built areas. The subject land is located within an existing neighbourhood on existing municipal services, therefore reducing the impacts of climate change by locating within the existing built-up area. In general, residential intensification minimizes the impact on community greenhouse gas emissions as these developments create complete communities and neighbourhoods while using available infrastructure such as sewers, sidewalks, and public transit.

Climate Change Adaptation:

The new building 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 proposed development of a low-profile semi-detached dwelling provides an opportunity to increase resiliency for the development and surrounding area through supporting a complementary and compact form of housing, redevelopment, and intensification that is near existing and future transit and active transportation options.

Financial Matters:

N/A

Consultations:

A virtual Open House was held on June 26, 2024. Notification of this meeting was distributed to residents and property owners within 120m of the subject site. There was one attendee. Details of the Open House are summarized in Section 6 of the PRR (Appendix D).

Comments received from municipal departments and external agencies are attached as Appendix E. Statutory notice was advertised in the Windsor Star. A courtesy notice was mailed to property owners within 200m of the subject lands. 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 Planning Statement 2024. Based on the supporting documents submitted by the Applicant and the analysis in this report, it is my opinion that the requested amendment to Zoning By-law 8600 is consistent with the PPS 2024 and is in conformity with the City of Windsor Official Plan.

The proposed amendment permits a semi-detached dwelling with 6 units which is compatible with existing uses in the surrounding neighbourhood. The proposed development represents an incremental increase in density and provides an opportunity

for residential intensification, while also supporting a complementary form of housing located near multimodal transportation options and institutional uses.

The recommendation to amend Zoning By-law 8600 constitutes good planning. Staff recommend approval.

Planning Act Matters:

Diana Radulescu

Planner II – Development Review

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

Greg Atkinson, MCIP, RPP

Neil Robertson, MCIP, RPP

Deputy City Planner - Development

City Planner

I am not a registered Planner and have reviewed as a Corporate Team Leader

JP JM

Approvals:

Name	Title
Diana Radulescu	Planner II – Development Review
Greg Atkinson	Deputy City Planner - Development
Neil Robertson	City Planner
Aaron Farough	Senior Legal Counsel
Jelena Payne	Commissioner, Economic Development
Joe Mancina	Chief Administrative Officer

Notifications:

Name	Address	Email
Property owners and tenants within 200 m of the subject lands		

Appendices:

1. Appendix A - Conceptual Site Plan
2. Appendix B - Conceptual Elevations
3. Appendix C - Conceptual Floor Plans
4. Appendix D - Planning Rationale Report
5. Appendix E – Comments
6. Appendix F – Site Photos
7. Appendix G – Zoning Analysis

CALIFORNIA AVENUE

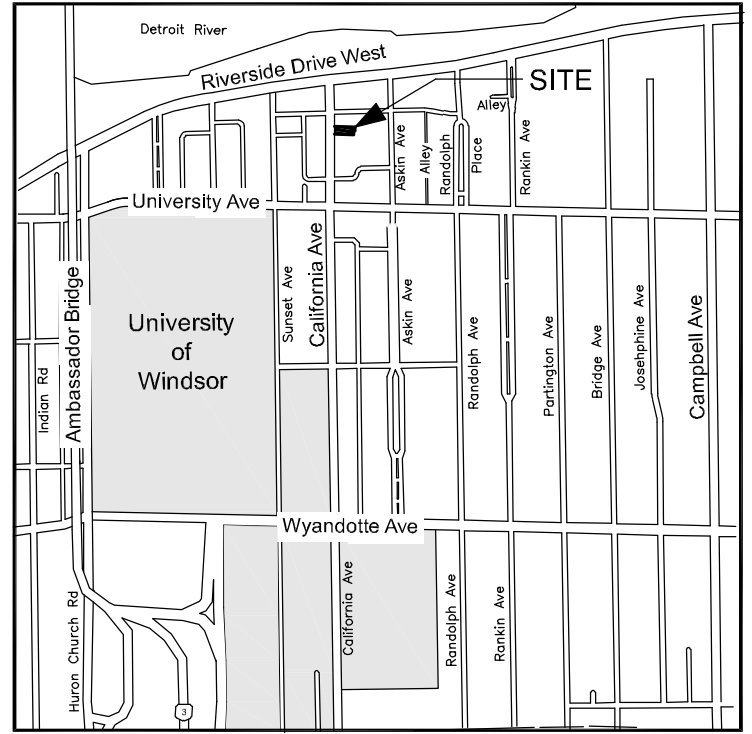
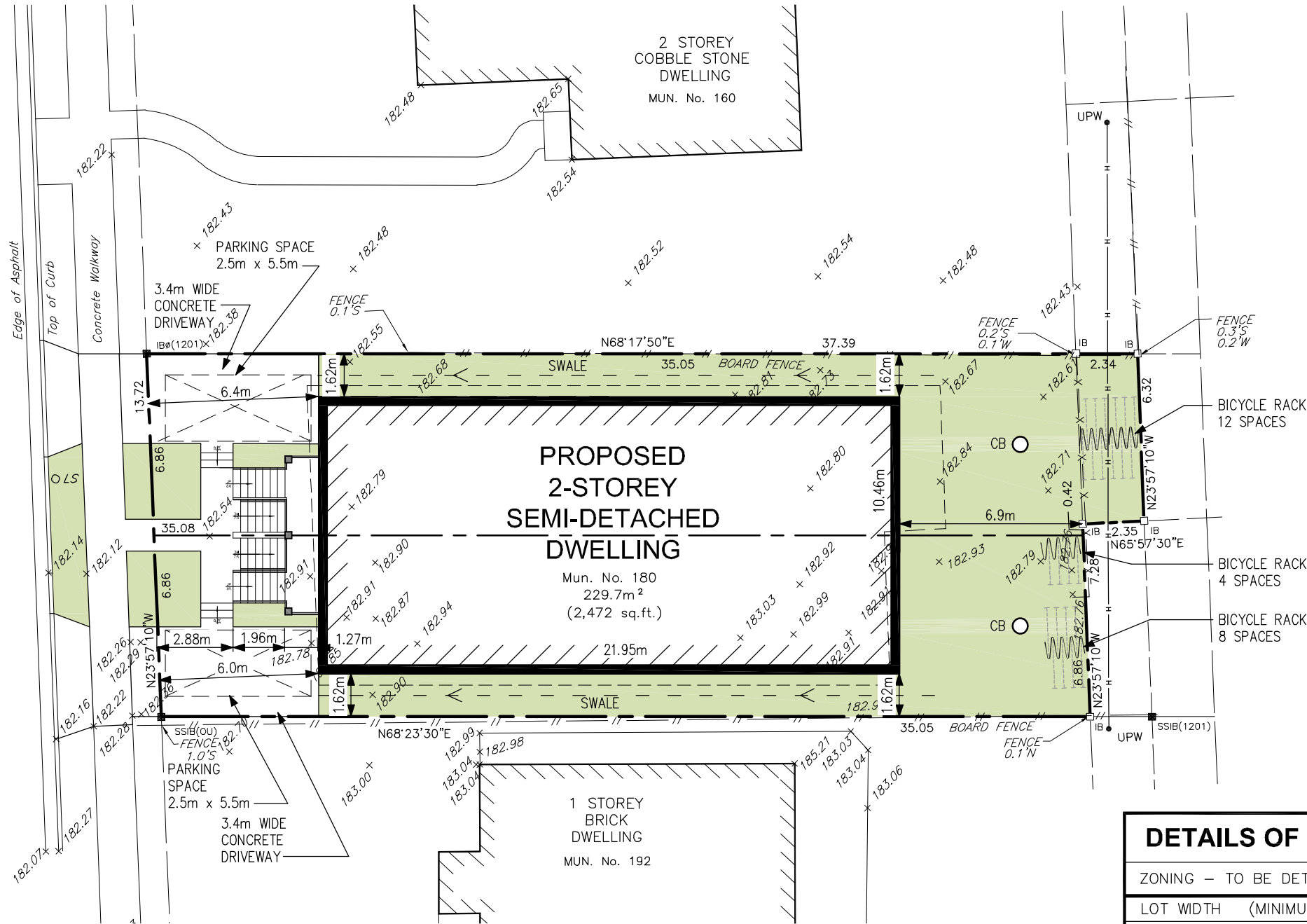
Site Plan

SCALE: 1: 200



LEGAL DESCRIPTION:

LOT 5,
REGISTERED PLAN 804,
And
PART OF ALLEY
REGISTERED PLAN 51
In The
CITY OF WINDSOR,
COUNTY OF ESSEX, ONTARIO



Location Map

SCALE: Not to scale

DETAILS OF DEVELOPMENT (SEMI-DETACHED)

ZONING – TO BE DETERMINED	RD2.2 REQUIRED	PROVIDED	COMMENTS	VARIANCE REQUIRED
LOT WIDTH (MINIMUM)	15.0m	13.72m		✓
LOT AREA (MINIMUM)	450m ²	496m ²		
LOT COVERAGE (MAXIMUM)	45%	46.3%		✓
BUILDING HEIGHT	9.0m	9.0m (FROM GRADE)	9.75m FROM CROWN	
FRONT YARD (MINIMUM)	6.0m	6.0m		
REAR YARD (MINIMUM)	7.5m	6.9m		✓
SIDE YARD (MINIMUM)	1.2m	1.62m		
DWELLING UNITS		6	2 ADU PER DWELLING	
PARKING SPACES	2	2		
BICYCLE SPACES	–	24		
BUILDING AREA	–	229.7m ² (2,472 sq.ft.)		
GROSS FLOOR AREA	400m ²	757.4m ² (8,151.4 sq.ft.)		✓

MEO & ASSOCIATES INC.
Architectural & Engineering Consultants
www.meogroup.net

825 Kingsway Drive, Burlington, Ontario, Canada, L7T 3H8
Tel. 905-632-6952; Fax 905-632-8870; mpiskovk@meoassociates.com
3600 Seven Lakes Dr., Suite 200, LaSalle, Ontario, Canada, N9H 0E5
Tel. 519-250-8088; Fax 519-250-8070; rmeo@meoassociates.com

CLIENT:
**AGBABA HOLDINGS
CORPORATION**
Development & Heritage Standing Committee Meeting Agenda - Monday, November 4, 2024

PROJECT:
180 CALIFORNIA AVENUE
Windsor, Ontario

DRAWING TITLE:
PRELIMINARY SITE PLAN

SCALE: **1:200**
ACAD REFERENCE: **4761 –P1– Site Plan**

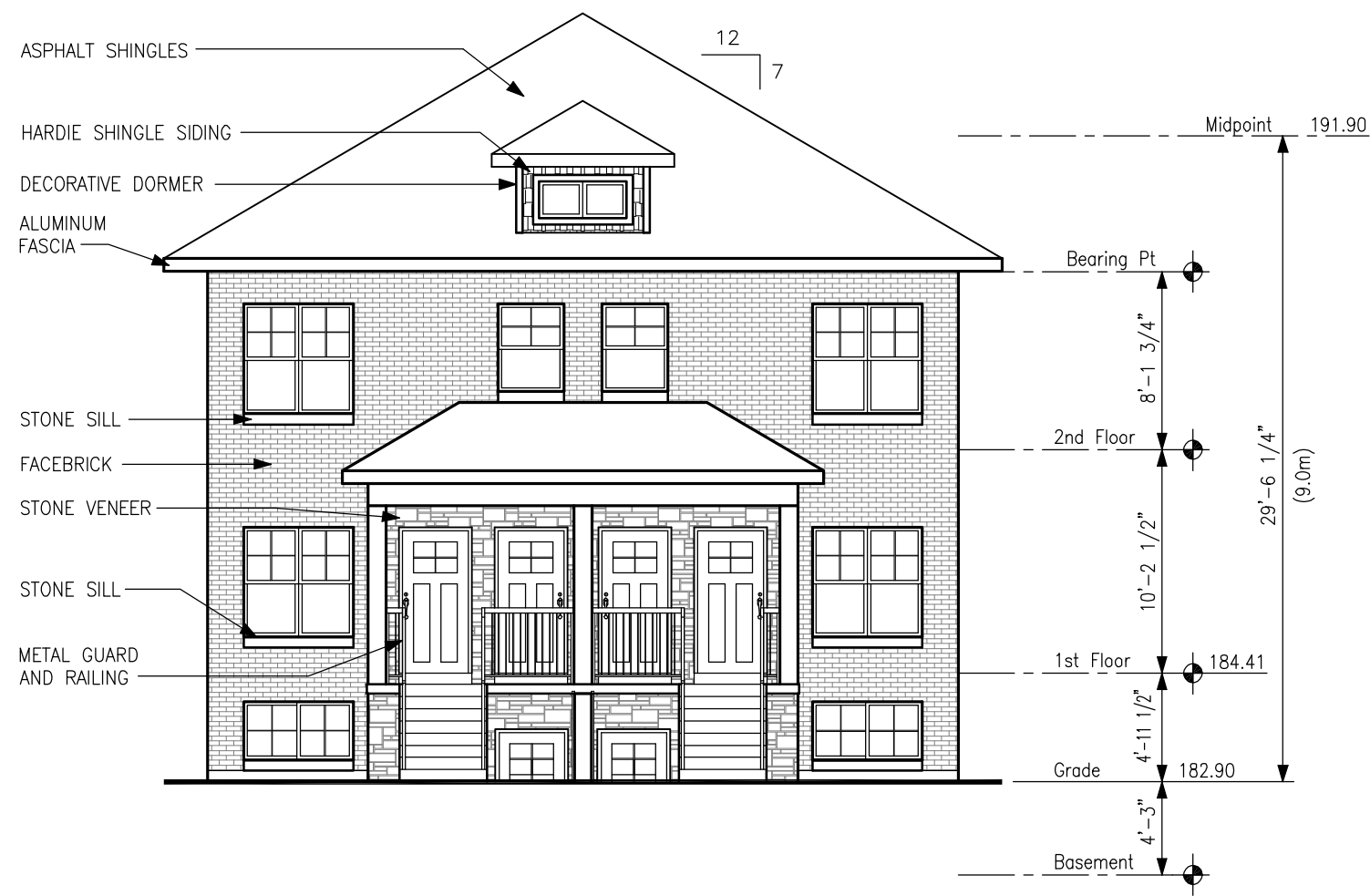
DATE: **May 10, 2024**
DRAWN BY: **I.A.Z.**

ISSUED FOR:

PROJECT NUMBER:
4761

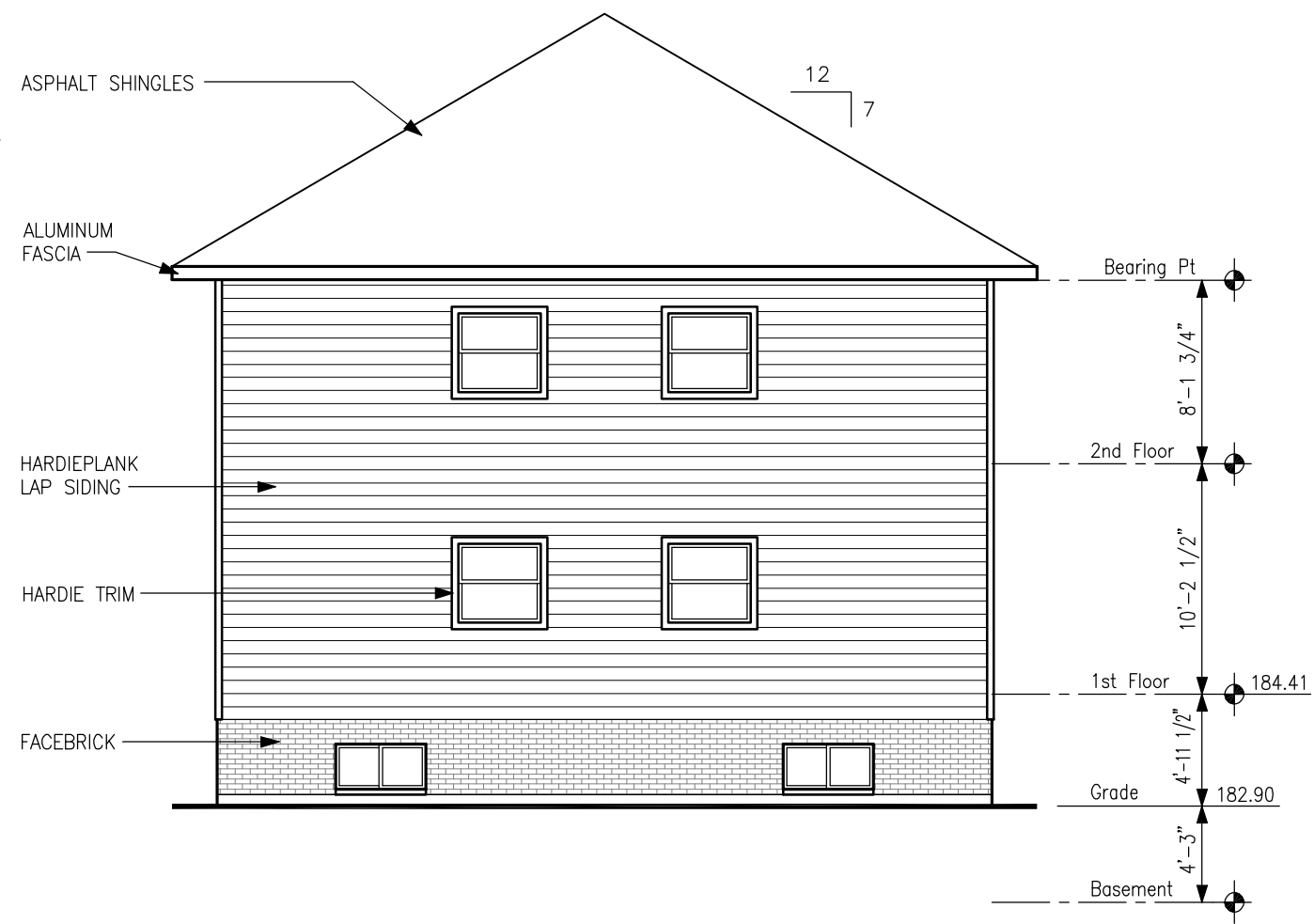
SHEET NUMBER:
P1

Exterior Colour Schedule	
Material	Colour
BRICK	RED
STONE	LIGHT BROWN (CASHMERE)
HARDIEPLANK LAP SIDING, TRIM AND SHINGLE	BEIGE (NAVAJO)
HARDIEBOARD COLUMNS AND BEAMS	BROWN
ASPHALT SHINGLES	BROWN (CHESTNUT)
WINDOWS, DOORS	BROWN (COMMERCIAL BROWN)
METAL FASCIA, GUTTERS	BROWN
STONE SILL/BAND	GREY



West Elevation

SCALE: 1/8"=1'-0"



East Elevation

SCALE: 1/8"=1'-0"

MEO & ASSOCIATES INC.
Architectural & Engineering Consultants
www.meogroup.net

825 Kingsway Drive, Burlington, Ontario, Canada, L7T 3H8
Tel. 905-632-6952; Fax 905-632-8870; mpiskovk@meoassociates.com
3600 Seven Lakes Dr., Suite 200, LaSalle, Ontario, Canada, N9H 0E5
Tel. 519-250-8088; Fax 519-250-8070; rmeo@meoassociates.com

CLIENT:
AGBABA HOLDINGS
CORPORATION

PROJECT:
180 CALIFORNIA AVENUE
Windsor, Ontario

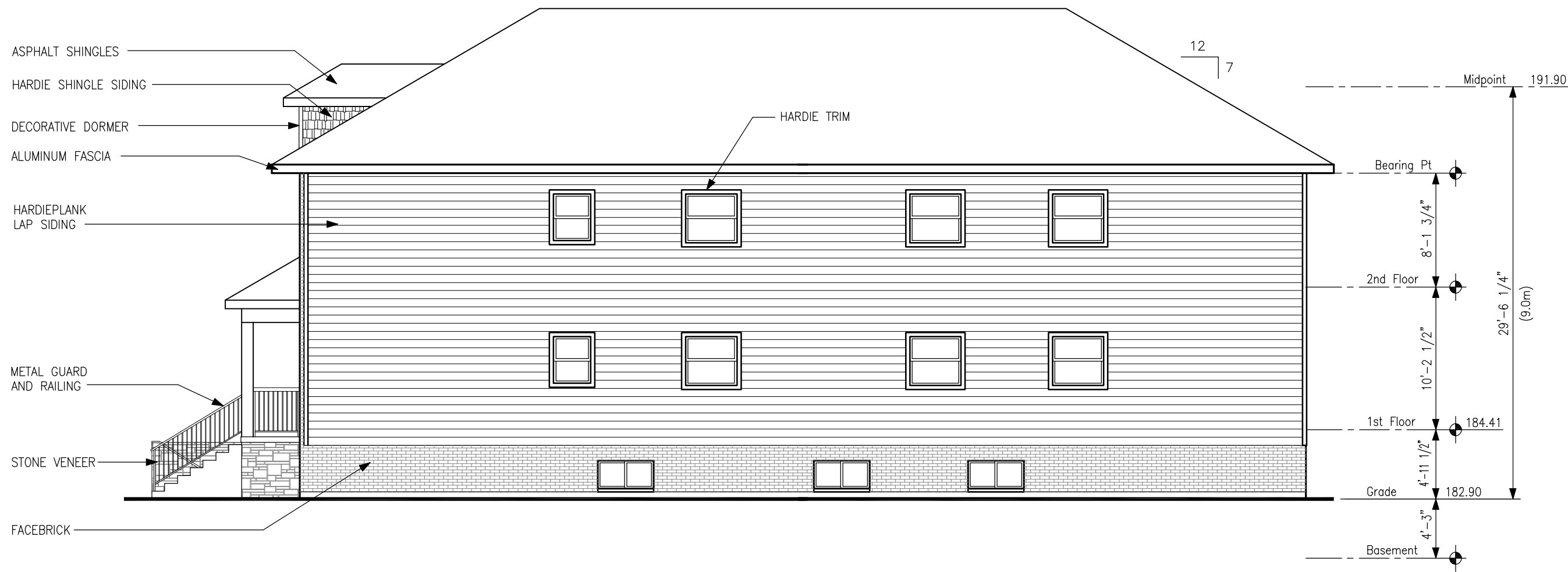
Development & Heritage Standing Committee Meeting Agenda - Monday, November 4, 2024

DRAWING TITLE:
West & East Elevation
SCALE: 1/8" = 1'-0"

DATE:
August 19, 2024
DRAWN BY:
I.A.Z.

PROJECT NUMBER:
4761

SHEET NUMBER:
P6



South Elevation

SCALE: 1/8"=1'-0"

See Drawing P6 for Colour Schedule

MEO & ASSOCIATES INC.
Architectural & Engineering Consultants
www.meogroup.net

825 Kingsway Drive, Burlington, Ontario, Canada, L7T 3H8
Tel. 905-632-6952; Fax 905-632-8870; mpiskovk@meoassociates.com
3600 Seven Lakes Dr., Suite 200, LaSalle, Ontario, Canada, N9H 0E5
Tel. 519-250-8088; Fax 519-250-8070; rmeo@meoassociates.com

CLIENT:
AGBABA HOLDINGS CORPORATION

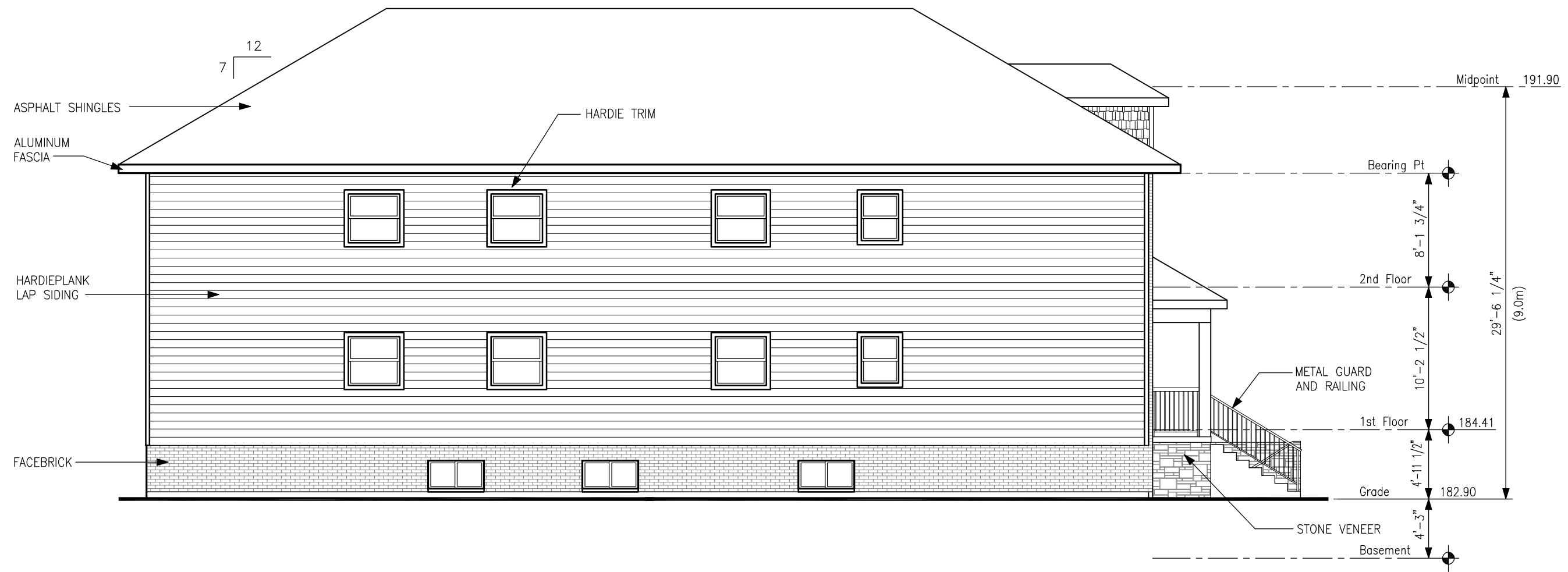
PROJECT:
180 CALIFORNIA AVENUE
Windsor, Ontario

DRAWING TITLE:
South Elevation
SCALE: 1/8" = 1'-0"

DATE: **August 19, 2024**
DRAWN BY: **I.A.Z.**

PROJECT NUMBER:
4761

SHEET NUMBER:
P7



North Elevation

SCALE: 1/8"=1'-0"

See Drawing P6 for Colour Schedule

MEO & ASSOCIATES INC.
Architectural & Engineering Consultants
www.meogroup.net

825 Kingsway Drive, Burlington, Ontario, Canada, L7T 3H8
Tel. 905-632-6952; Fax 905-632-8870; mpiskovk@meoassociates.com
3600 Seven Lakes Dr., Suite 200, LaSalle, Ontario, Canada, N9H 0E5
Tel. 519-250-8088; Fax 519-250-8070; rmeo@meoassociates.com

CLIENT:
**AGBABA HOLDINGS
CORPORATION**

PROJECT:
180 CALIFORNIA AVENUE
Windsor, Ontario

Development & Heritage Standing Committee Meeting Agenda - Monday, November 4, 2024

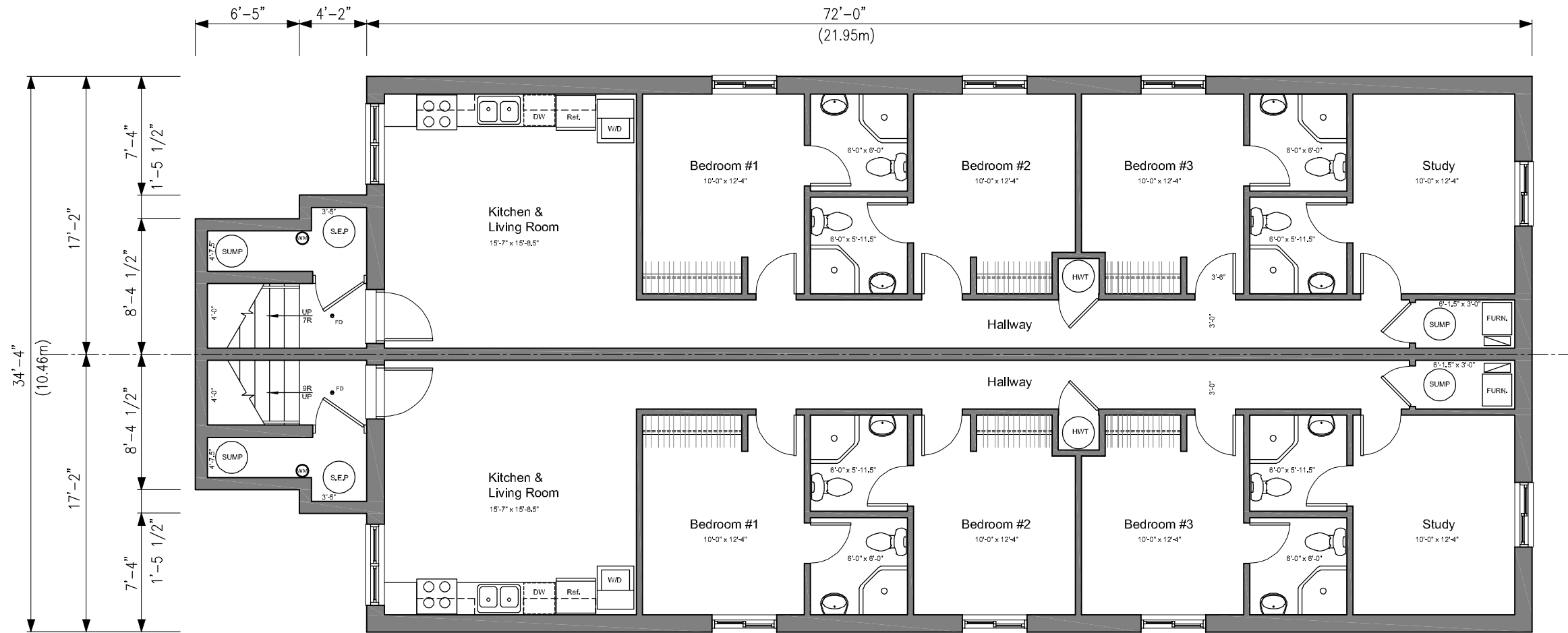
DRAWING TITLE:
North Elevation
SCALE:
1/8" = 1'-0"

ACAD REFERENCE:
4761 -P6- Fl Plan

DATE:
August 19, 2024
DRAWN BY:
I.A.Z.

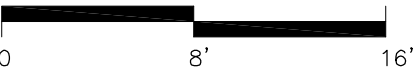
PROJECT NUMBER:
4761

SHEET NUMBER:
P8

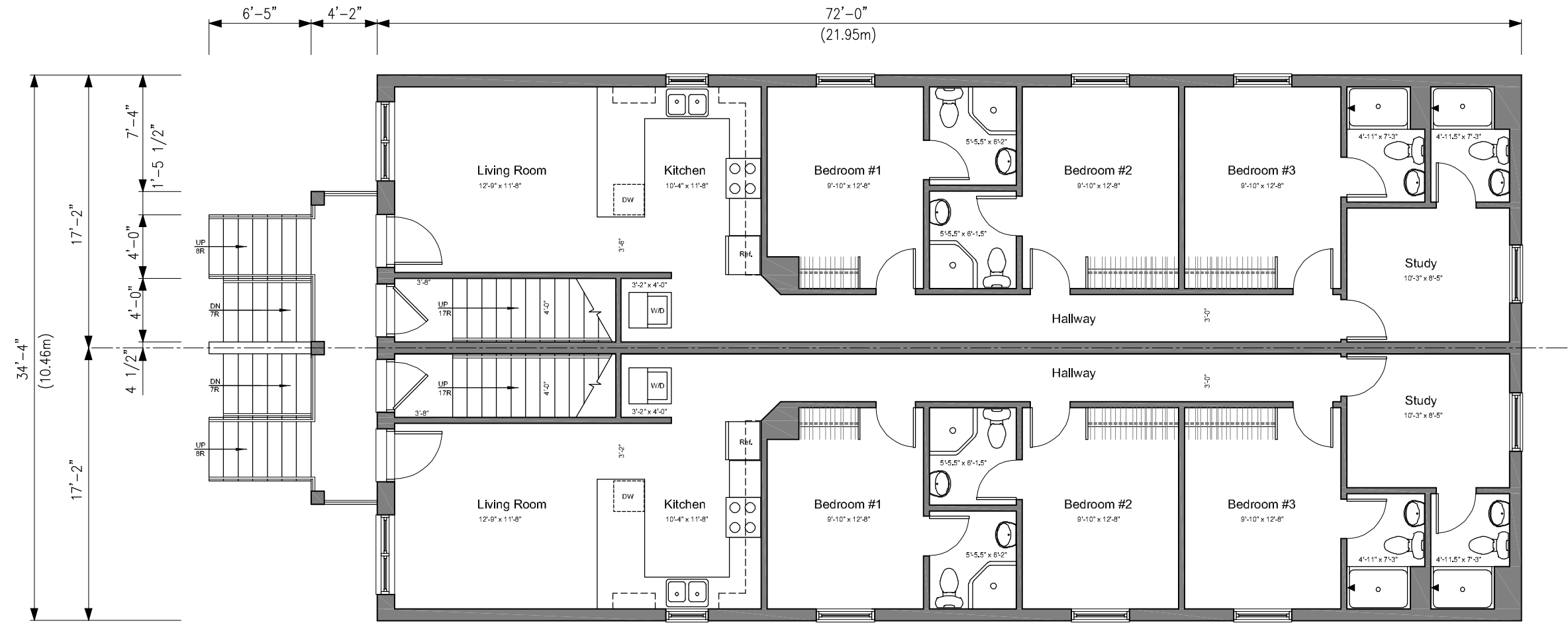


Basement Plan

SCALE: 1/8"=1'-0" AREA = 2,472 sq.ft. (229.7m²)

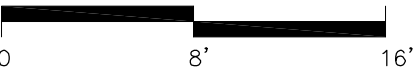


				ISSUED FOR:			
<div>MEO & ASSOCIATES INC.</div> <div>Architectural & Engineering Consultants</div> <div>www.meogroup.net</div>	<div>825 Kingsway Drive, Burlington, Ontario, Canada, L7T 3H8</div> <div>Tel. 905-632-6952; Fax 905-632-8870; mpiskvkr@meeassociates.com</div> <div>3600 Seven Lakes Dr., Suite 200, LaSalle, Ontario, Canada, N9H 0E5</div> <div>Tel. 519-250-8088; Fax 519-250-8070; rmea@meeassociates.com</div>	<div>CLIENT:</div> <div>AGBABA HOLDINGS CORPORATION</div> <div>Development & Heritage Standing Committee Meeting Agenda - Monday, November 4, 2024</div>	<div>PROJECT:</div> <div>180 CALIFORNIA AVENUE</div> <div>Windsor, Ontario</div>	<div>DRAWING TITLE:</div> <div>Basement Plan</div>	<div>DATE:</div> <div>May 10, 2024</div>	<div>PROJECT NUMBER:</div> <div>4761</div>	<div>SHEET NUMBER:</div> <div>P2</div>
				<div>SCALE:</div> <div>1/8" = 1'-0"</div>	<div>ACAD REFERENCE:</div> <div>4761 -P2- FI Plan</div>		



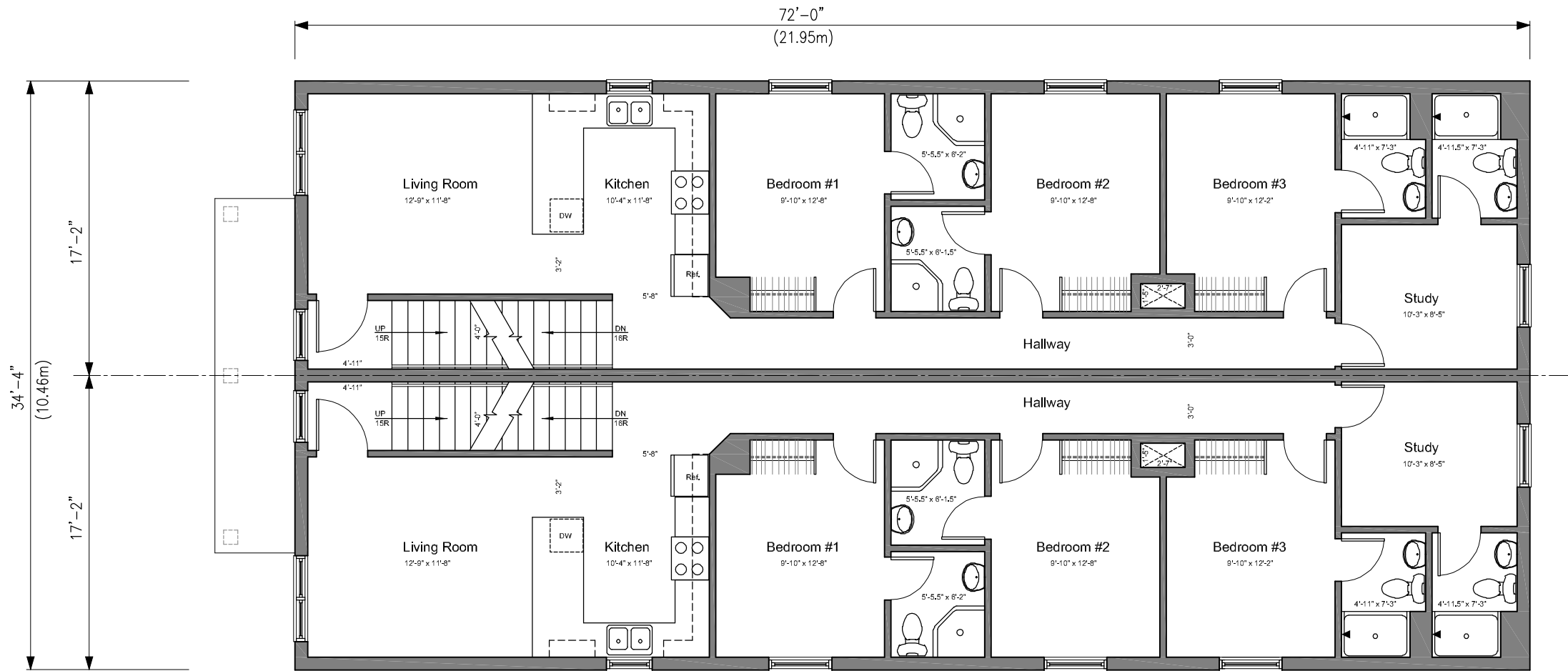
1st Floor Plan

SCALE: 1/8"=1'-0" AREA = 2,472 sq.ft. (229.7m²)



<div>MEO & ASSOCIATES INC.</div> <div>Architectural & Engineering Consultants</div> <div>www.meogroup.net</div>	<div>825 Kingsway Drive, Burlington, Ontario, Canada, L7T 3H8</div> <div>Tel. 905-632-6952; Fax 905-632-8870; mpiskovik@mecoassociates.com</div> <div>3600 Seven Lakes Dr., Suite 200, LaSalle, Ontario, Canada, N9H 0E5</div> <div>Tel. 519-250-8088; Fax 519-250-8070; rmea@mecoassociates.com</div>	<div>CLIENT:</div> <div>AGBABA HOLDINGS CORPORATION</div> <div>Development & Heritage Standing Committee Meeting Agenda - Monday, November 4, 2024</div>	<div>PROJECT:</div> <div>180 CALIFORNIA AVENUE</div> <div>Windsor, Ontario</div> <div>Committee Meeting Agenda - Monday, November 4, 2024</div>	DRAWING TITLE:		DATE:	PROJECT NUMBER:	SHEET NUMBER:
				1st Floor Plan		May 10, 2024		
				SCALE:	ACAD REFERENCE:	DRAWN BY:		
1/8" = 1'-0"	4761 -P2- Fl Plan	I.A.Z.						

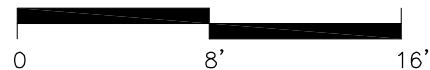
4761 -P2- FI Plan.dwg, (1st Floor) May 10, 2024 - 2:59pm



2nd Floor Plan

SCALE: 1/8" = 1'-0"

AREA = 2,472 sq.ft. (229.7m²)



MEO & ASSOCIATES INC.
Architectural & Engineering Consultants
www.meogroup.net

825 Kingsway Drive, Burlington, Ontario, Canada, L7T 3H8
Tel. 905-632-6952; Fax 905-632-8870; mptskev@meoassociates.com
3600 Seven Lakes Dr., Suite 200, LaSalle, Ontario, Canada, N9H 0E5
Tel. 519-250-8088; Fax 519-250-8070; rmea@meoassociates.com

CLIENT:
AGBABA HOLDINGS CORPORATION

PROJECT:
180 CALIFORNIA AVENUE

Development & Heritage Standing Committee Meeting Agenda - Monday, November 4, 2024
Page 108 of 275

DRAWING TITLE:
2nd Floor Plan

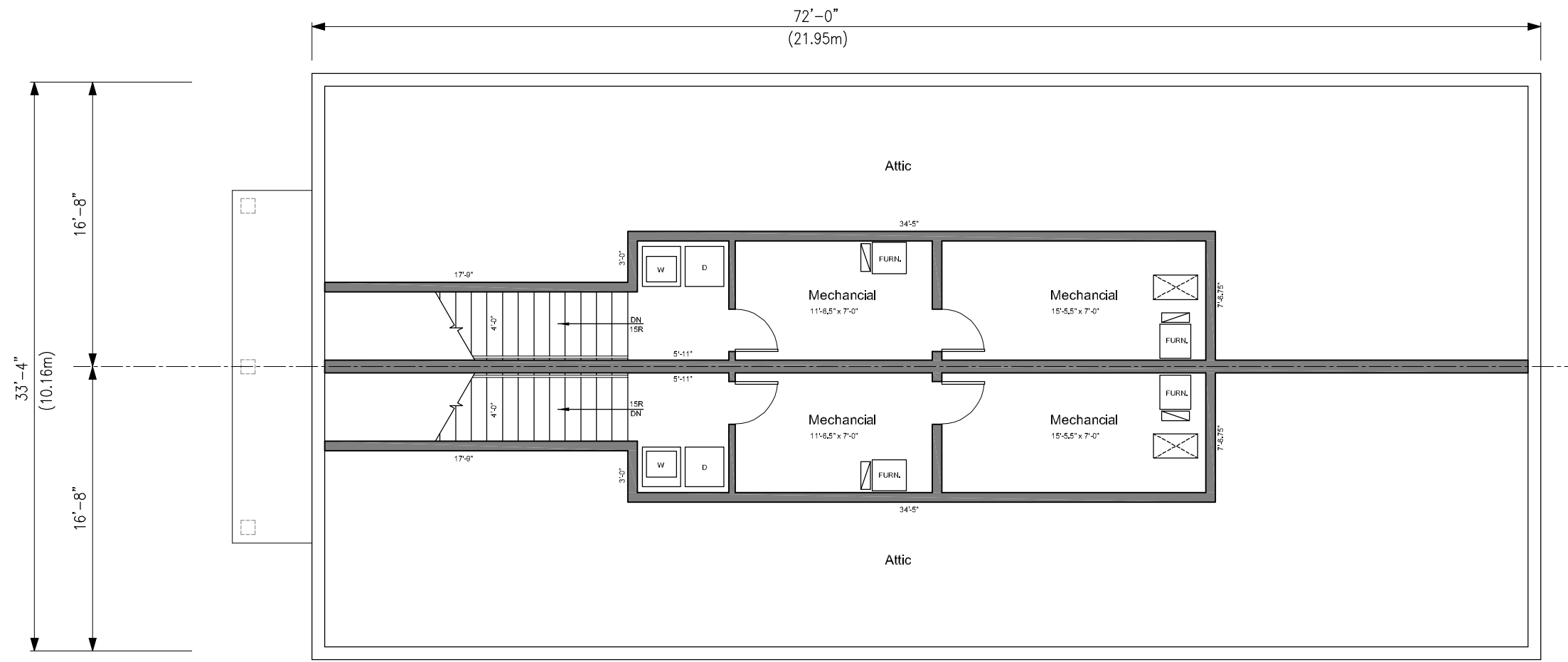
SCALE:
1/8" = 1'-0"

ACAD REFERENCE:
4761 -P2- FI Plan

DATE:
May 10, 2024

DRAWN BY:
I.A.Z.

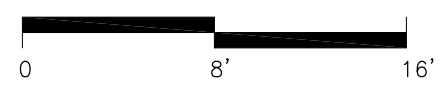
ISSUED FOR:	
PROJECT NUMBER: 4761	SHEET NUMBER: P4



Attic Plan

SCALE: 1/8"=1'-0"

AREA = 735.4 sq.ft. (68.3m²)



MEO & ASSOCIATES INC.
Architectural & Engineering Consultants
www.meogroup.net

825 Kingsway Drive, Burlington, Ontario, Canada, L7T 3H8
Tel. 905-632-6952; Fax 905-632-8870; mplskevt@meoassociates.com
3600 Seven Lakes Dr., Suite 200, LaSalle, Ontario, Canada, N9H 0E5
Tel. 519-250-8088; Fax 519-250-8070; rmea@meoassociates.com

CLIENT:
AGBABA HOLDINGS CORPORATION

PROJECT:
180 CALIFORNIA AVENUE
Development & Heritage Standing Committee Meeting Agenda - Monday, November 4, 2024

DRAWING TITLE:
Attic Plan
SCALE: **1/8" = 1'-0"**
ACAD REFERENCE:
4761 -P2- FI Plan

DATE:
May 10, 2024
DRAWN BY:
I.A.Z.

ISSUED FOR:
PROJECT NUMBER:
4761
SHEET NUMBER:
P5

August 23, 2024

Diana Radulescu, Planner
City of Windsor, ON

(Delivered via email)

REGARDING: ZONING BYLAW AMENDMENT
180 California Ave, Windsor
Semi-detached residence

Subject property is known municipally as 180 California Avenue in the City of Windsor. The subject lands have a legal description of: LOT 5 PLAN 804 TOWN OF SANDWICH CITY OF WINDSOR; PT ALLEY PL 51 (CLOSED BY CE248037) DESIGNATED AS PT 7 ON PL 12R22710 SUBJECT TO AN EASEMENT IN GROSS OVER PT 7 ON PL 12R22710 AS IN CE248163 CITY OF WINDSOR.

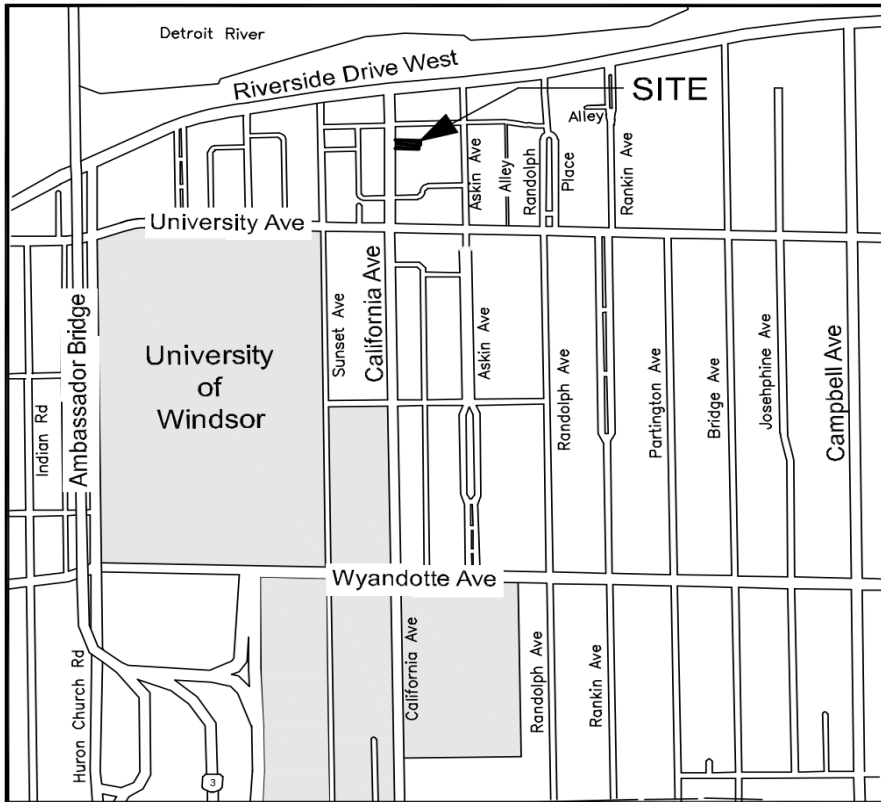
1. INTRODUCTION:

The subject lands are located within an established residential neighbourhood within the urban area of the City of Windsor. The lands are presently designated 'Residential' and are zoned 'Residential District 2.2 (RD2.2)'. The land use is presently residential and is to continue as residential.

The minor ZBA application purports to add new, site specific regulations under the existing 'Residential District 2.2 (RD2.2)'. The ZBA will not be changing the zone category or allowing for new or additional uses, rather the ZBA will allow for site specific provisions:

- i) **Lot Width** (minimum) = 15 m required and 13.7 m provided;
- ii) **Lot Coverage** (maximum) = 45% max and 46% provided;
- iii) **Rear Yard Setback** (minimum) = 7.5 m required and 6.9 m provided;
- iv) **Gross Floor Area** (maximum) = 400 m² max and 757.4 m² provided (includes main, ADU's, and attic mechanical floor space).

LOCATIONAL MAP: 180 CALIFORNIA

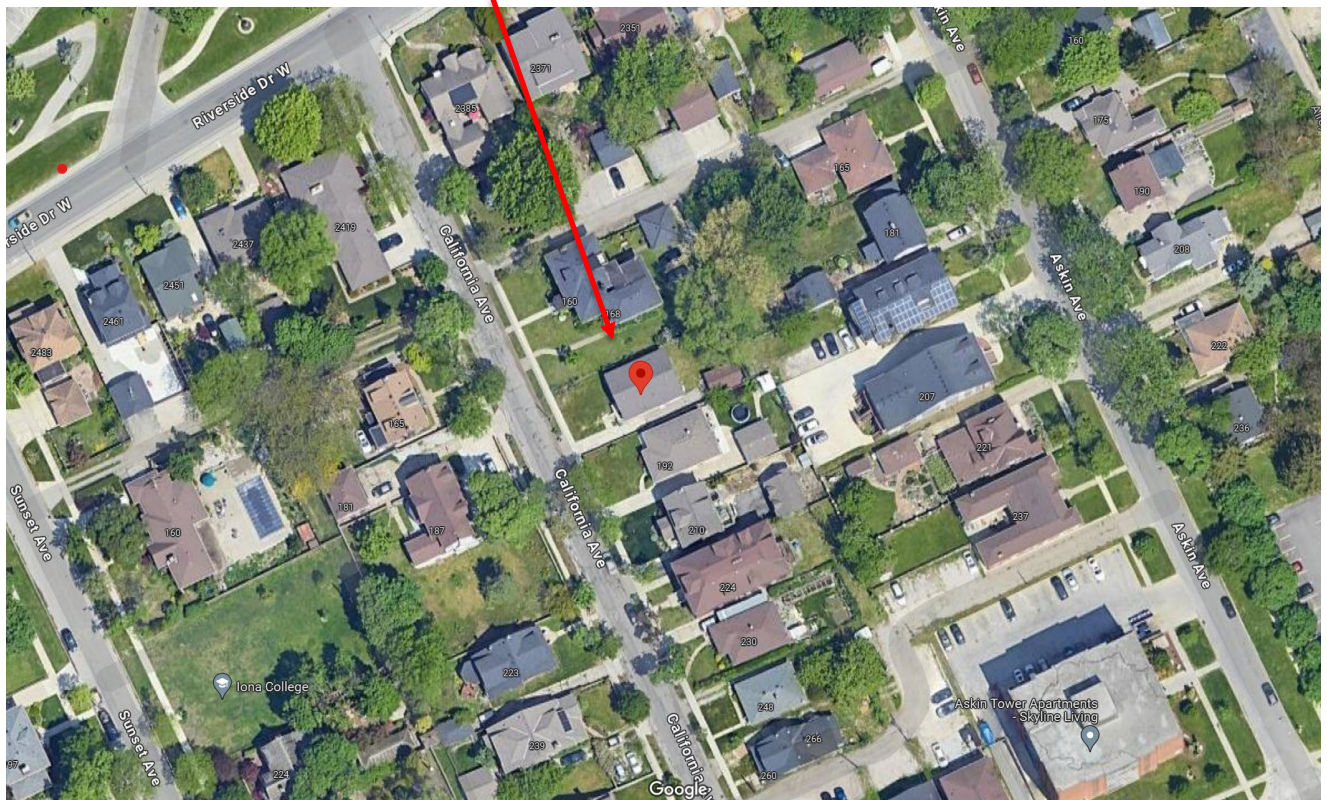


Location Map

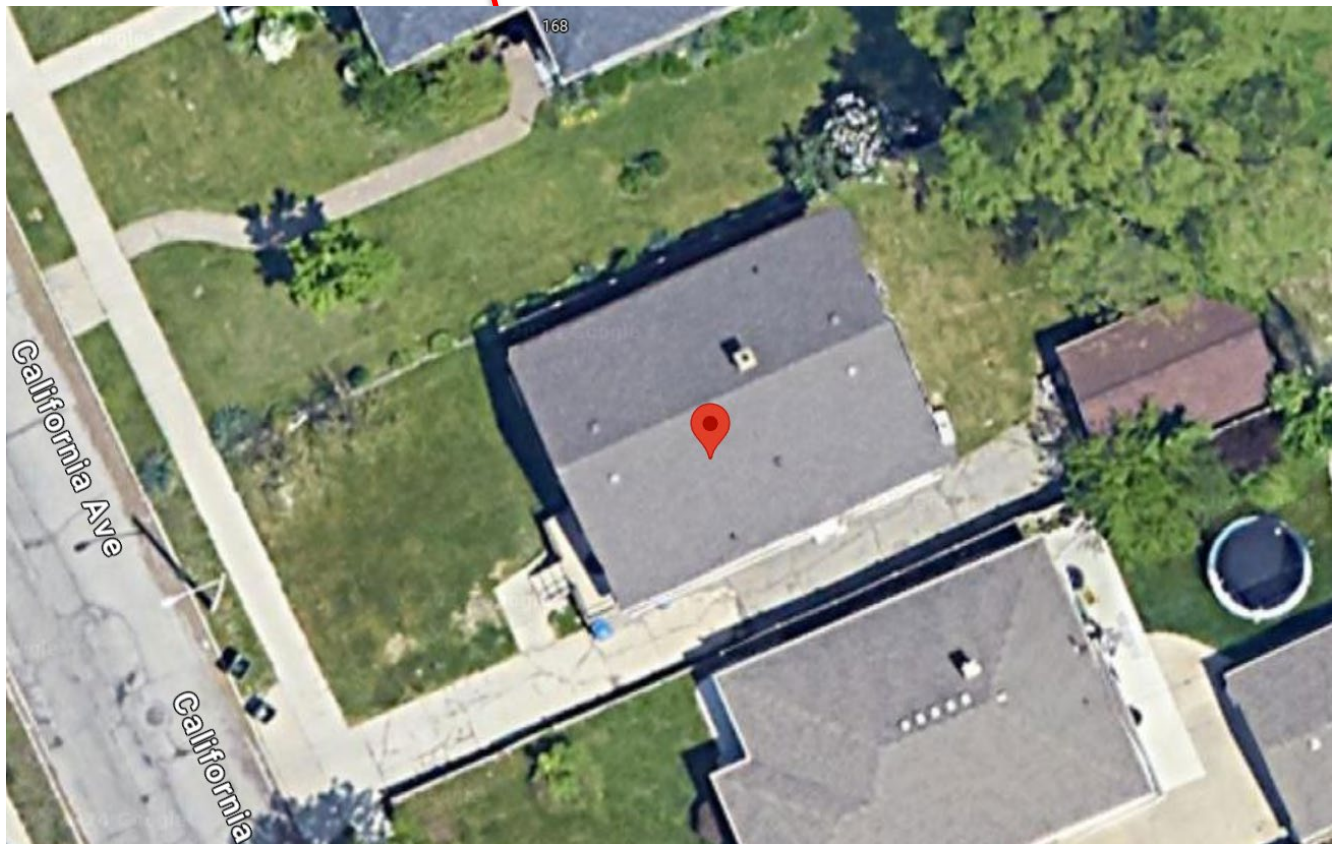
SCALE: Not to scale



NEIGHBOURHOOD AERIAL: 180 CALIFORNIA AVE



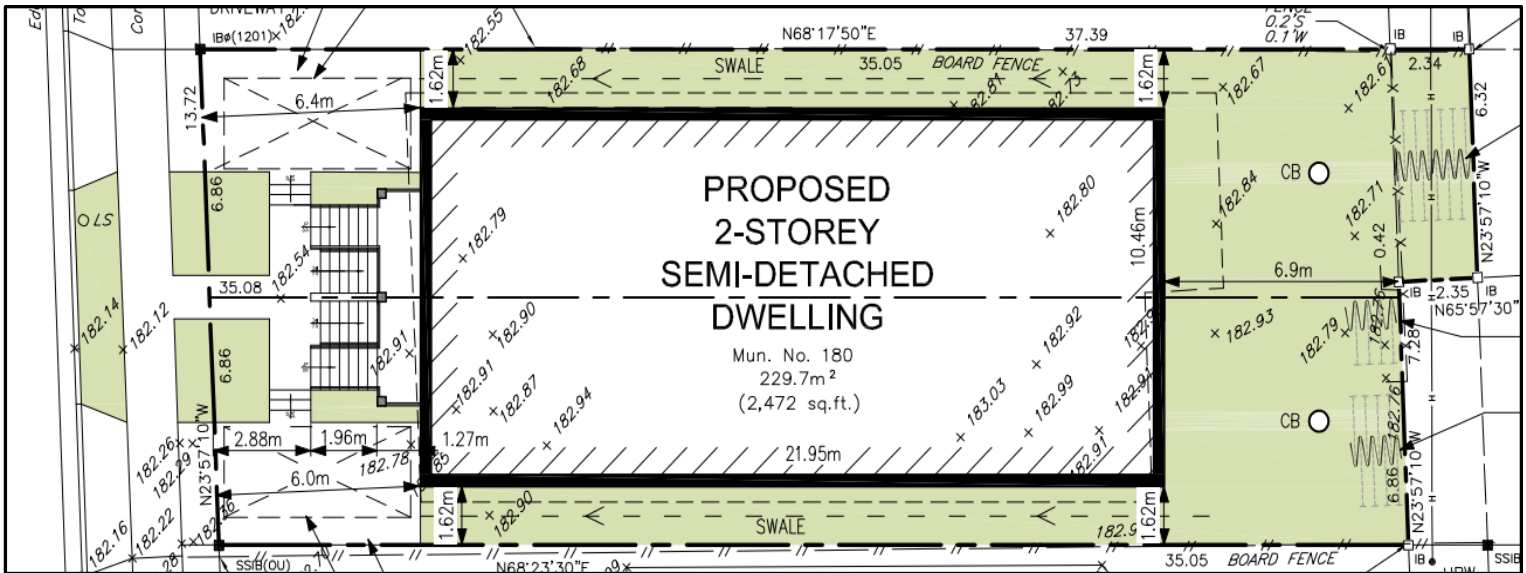
LOT AERIAL: 180 CALIFORNIA AVE



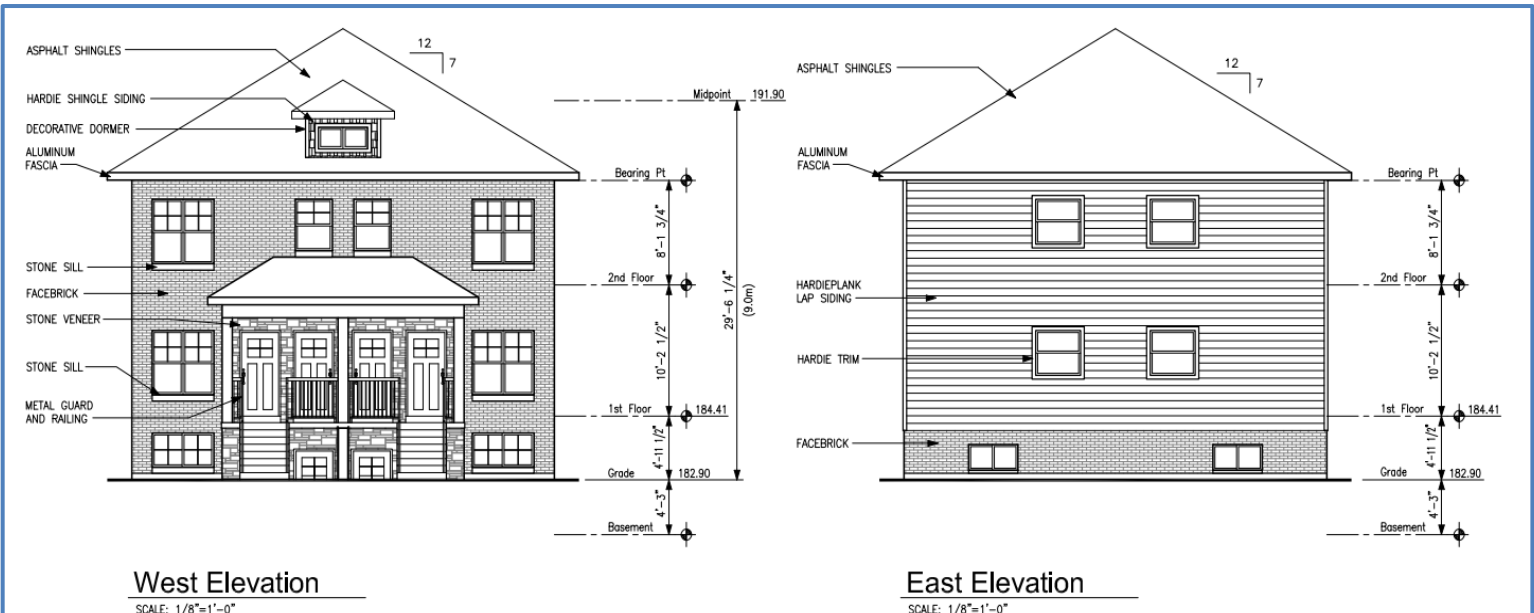
2. PROPOSED DEVELOPMENT:

The owner is proposing the construction of a new residential semi-detached building with a GFA with 757.4 m² (including the main, the ADU, and the attic/mechanical room). The building is proposed with 2 main floor units, 2 ADU's below the main floor, and 2 ADU's above the main floor. There will be a total of 6 units within the semi-detached building. At a future time, when the lot is divided into two separate lots, there will be one semi-detached unit on each lot containing 1 main unit and 2 ADU's.

SITE PLAN: 180 CALIFORNIA AVE



PROPOSED BUILDING ELEVATIONS: 180 CALIFORNIA



HERITAGE DISCUSSION:

Critical for an established, older neighbourhood, it is important that the new building colours, design and massing are sensitive and compatible with the existing neighbourhood. The existing neighbourhood consists of housing typically built between 1880-1920.

ACROSS THE STREET: 185 CALIFORNIA AVE

165 CALIFORNIA AVE



TO THE WEST- SAME SIDE ST: 270 CALIFORNIA AVE

224 CALIFORNIA AVE



TO THE EAST- SAME SIDE ST: 166 CALIFORNIA AVE

180 CALIFORNIA AVE



TO THE WEST- SAME SIDE ST: 2368 UNIVERSITY AVE



The proposed four square (Arts and Crafts) building is a style and design, height, and massing that is very comparable to other existing residences in the neighbourhood.

PROPOSED BUILDING ELEVATIONS: 180 CALIFORNIA



When addressing the inclusion of new development within an established neighbourhood such as California, the following Official Plan policies must be regarded:

“Section 2.2.2 Developments within Heritage Contexts

1. *Locate and design buildings to respect and complement the scale, character, form, and siting of on-site and surrounding cultural heritage resources.*
2. *Ensure that conceptual design and massing of development or redevelopment projects are compatible with adjacent listed heritage buildings and/or sites.*
3. *New buildings located adjacent to built cultural heritage resources will be compatible with existing historical building types, colours, and material palettes having regard for modern building designs, techniques, and materials.” (City of Windsor Intensification Guidelines June 2022)*

- The proposed four square residence (aka as Arts and Crafts) building is a style and design, height, and massing that has distinct characteristics that are prevalent in the neighbourhood on existing residences: red brick façade, wood or Hardie Board (cement board cladding) at the side and rear; muted complimentary colours to the red brick around the windows (white, grey, beige), for the back porch or additions, etc; black roofs; typically 2-2.5 storeys in height; and a modest but distinctive front verandah/porch.
- Materials for the subject building will consist of colours and architectural features taken from the neighbourhood:
 - the front façade will be comprised of red brickwork for the full frontage from grade to roofline;
 - To provide a distinctive front entrance vestibule known for the A&C period, brickwork that looks like field stone will be used for around the front doors;
 - concrete board (Hardie Board) will be used to look like shiplap/clapboard will be placed along the side and back. The Hardie Board colour will be 'Navajo Beige' to compliment the red brick.
- The new residence will have the same height at 9 m (2-2.5 storeys) with other neighbourhood residences.
- In addition to the comparable style, design and massing of the buildings, the semi-detached and ADU's are consistent with the multiple unit use of the buildings within the neighbourhood.

It is my professional opinion as a heritage planner that the proposed building respects and is comparable with the existing heritage located within the neighbourhood. The new building is similar in massing, height, material and colours of the existing heritage buildings in the neighbourhood and adjacent to the subject lot.

In my professional opinion, the ZBA will support the establishment of a residence as a semi-detached with ADU's in the building that are comparable and compatible as an infill within the established neighbourhood.

The ZBA will provide for construction of a new, appropriate residence that is sensitive to the existing beautiful heritage buildings within the neighbourhood.

4. PARKING AND DRIVEWAY:

- a) Section 24.20.5.1 Parking regulations under the CZB 8600 requires 1 parking space per residential semi-detached unit:
- The driveway for each lot provides for 1 parking space for each semi-detached residential unit.
 - The provision of the one parking space per semi-detached residential unit complies with the CZB.
- b) Engineering Best Practices, BP2.2.1 allows for one driveway approach per property:
- Two driveways are required: one for each of the two residential units for the semi-detached building (2 unit building).
 - A severance will be required to divide the property down the common wall of the semi-detached building into the two separate residential lots, each lot with one single, attached residential unit. After the division of the property there will be one driveway on one lot, consistent with BP2.2.1 policy direction of the engineering department.
 - The proposed building is a semi-detached residence consisting of two residential units on one property. With the consent to sever to create the two, single attached units on separate lots, having two driveways serving two separate units on one property is consistent with the BP2.2.1 direction to provide for needed, appropriate access.
- c) Is there sufficient parking to accommodate the 2 residential units and the ADU's?
- Section 5.99.80 of the CZB 8600 does not require parking for the proposed ADU's, only for the semi-detached units;
 - To the north within 200 m is the Riverside Dr. bike trail;
 - To the south within 500 m is the University Ave. bike trail;
 - Considering the close proximity to the University and to the College, the units will likely be rented by students that are able to bike to the university which is only a few blocks away.

- There will be 12 bicycle racks for each of the semi units: these racks will provide for the tenants of each of the two ADU's, guests and provide for extra parking for the semi units.

It is my professional opinion that the two parking spaces in the two driveways comply with the parking requirements of the bylaw for 1 parking space for each semi-detached unit.

The placement of two driveways on the single lot for a semi-detached residence for a parking space for each unit is appropriate and will conform with the BP2.2.1 after consent.

It is also my professional opinion that the amount of bike parking will support alternative transit for the residents in the ADU's. Being so close to bike lanes along University Ave and Riverside Dr. as well as bus along Wyandotte, the bike racks support alternative transit and a healthy, walkable community.

5. URBAN DESIGN REVIEW:

Section 8.7.2 Policies of the Official Plan for Urban Design provides policy direction with the following objections:

“8.7.1.1 Built Form

To achieve a varied development pattern which supports and enhances the urban experience.

8.7.1.2 COMPLEMENTARY DESIGN

To achieve a complementary design relationship between new and existing development, while accommodating an evolution of urban design styles.

8.7.1.3 VISUAL INTEREST

To maximize the variety and visual appeal of building architecture.

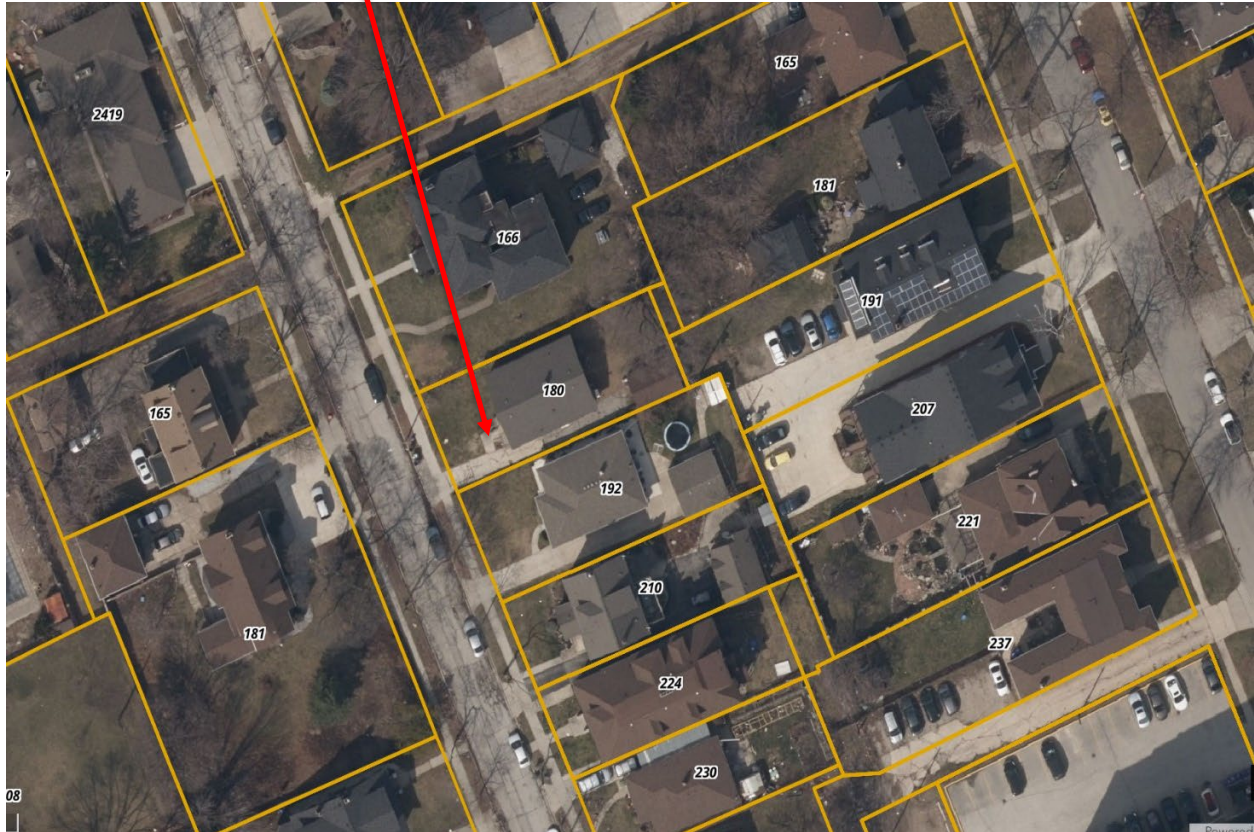
8.7.1.5 UNIQUE CHARACTER

To enhance the unique character of a district, neighbourhood, prominent building or grouping of buildings.”

When considering an infill of a new residence within an established residential neighbourhood, it is critical to ensure that the new proposal is compatible with the neighbourhood.

It is my professional opinion that the proposed new residence will provide a complementary design between the existing heritage neighbourhood and the proposed new building in conformity with Official Plan Policies.

NEIGHBOURHOOD 180 CALIFORNIA AVE



“Section 10.2.20.3 The Urban Design Brief

Should include a written description, plans, elevations, diagrams, and/or photographs to illustrate the design choices of the proposed development and site design. Depending on the scale of the development proposal explain how the applicable design considerations have been addressed:

i) Street and block pattern (e.g., connectivity, pedestrian access);

- There is a sidewalk from the front door to the sidewalk to provide connectivity.

ii) Lot sizes;

- The lot is existing and the size will not be changing through the ZBA.
- A minor adjustment to the lot size has been requested to recognize the deficiency of width under the bylaw between a single detached to a semi-detached.

- The modification to the width of a semi-detached building at 15 m to 13.7 m, a difference of 1.3 m can be considered minor to allow for gentle intensification from one to two residences.
- It is my professional opinion that the modification will not be recognizable; is negligible in impact; is appropriate and in keeping with the neighbourhood multiple unit buildings; and can be considered appropriate to allow for more residential units.

iii) *Building orientation and site layout;*

- The building will be oriented consistent with the existing established residences.

iv) *Built form, height scale, and massing;*

PROPERTY ADDRESS	GFA	STOREYS	SINGLE or MULTIPLE UNITS
166 CALIFORNIA (NEXT DOOR)	8,085 GFA	2.5	SINGLE UNIT
180 CALIFORNIA (SUBJECT)	8,100 GFA	2.5	2 UNIT
181 CALIFORNIA (ACROSS ST)	5,820 GFA	2.5	4 PLEX
224 CALIFORNIA	7,875 GFA	2.5	5 PLEX
2386 UNIVERSITY AVE	7,278 GFA	3.0	12 PLEX

Please note, all GFA Calculations were completed using Geowarehouse and are not exact figures. All GFA calculations are including basement Sqft to stay consistent with the proposed development.

- As noted above in the table, there are other multiple unit buildings adjacent to the proposed subject building and in the neighbourhood. In addition, the massing of the proposed building is comparable to the size and massing of other residences within the neighbourhood.
- In my professional opinion, the proposed built form is consistent in massing, height and number of units with the neighbourhood.

v) *Building articulation and detailing;*

- As discussed above in the Heritage section, the design details of the four square building is consistent with the neighbourhood.

- The details of the building such as the red brick front facade, the front veranda/porch, the black roof, etc make for a building that is sensitive to the neighbourhood existing building form and provides for details that are sensitive to the existing important heritage built form.
- It is my professional opinion that that the proposed built form and detailing are sensitive and appropriate for the neighbourhood existing built form.

vi) *Building materials;*

- Based on the above analysis, it is my professional opinion that the building materials are appropriate for a new, infilling residence within an existing older neighbourhood.

vii) *Setbacks from adjacent properties and the street;*

- The proposed new residence side yard setback from the adjacent properties are in compliance with the bylaw.
- The lot is an older existing parcel. A rear yard adjustment has been requested for 0.6 m to accommodate the inclusion of the ADU's, that in my professional opinion, is a minor adjustment.
- The proposed building setback conforms with the intent of the official plan policies to allow for an appropriate setback for an appropriate building.

viii) *Building step back (if applicable);*

- The building setback is consistent with the existing built form.

ix) *Building transition to adjacent neighbourhoods;*

- The proposed building is consistent with the neighbourhood. In my professional opinion, there is no transition required.

x) *Heritage considerations (if applicable);*

- Refer to Subsection 3 above. It is my professional opinion that the proposed four square is sensitive to the existing built heritage within the neighbourhood and is a sound, appropriate development that will be a positive infilling development.

xi) Location of parking (surface or underground), driveways, ramps, drop-off areas;

- The proposed parking complies with CZB 8600 and with the bike racks, is appropriate for the two unit building. It is my professional opinion that the two driveways for the two unit building is appropriate and conforms with the intent of the OP policies and the intent of the BP2.2.1 for providing appropriate driveways in residential areas.

xii) Access to transit;

- The proposed building is located within close proximity to the bike trail along Riverside Drive and University Ave and within a few blocks to the bus route. It is my professional opinion that the subject property has great access to transit in support of the healthy, walkable community policies.

xiii) Bicycle parking/storage;

- There are 12 bike racks for each unit to support the ADU's and the intent to provide alternative transportation. It is my professional opinion that there is sufficient alternative transportation being provided for each resident.

xiv) Location of servicing, garbage, organics, and recycling storage and collection, and loading areas;

- The site will be serviced by existing services, garbage collection etc.

xv) Streetscape elements (e.g, boulevard design, landscaping, street furniture, public art, signage, lighting, etc.); and,

- The proposed building has been respectful to existing streetscape and viewscape along California Ave. It is my professional opinion that the new building will be a positive addition to the streetscape.

xvi) On-site landscaping and buffering.”

- There will be landscaping provided as visual buffer from the existing residential neighbourhood.

The new residential building has been designed with a sensitivity to the heritage buildings presently across the street and adjacent on the street.

The new residential building is a four-square style residence, height, comparable in design, sensitivity to the Arts and Crafts period, and massing to other residential buildings on the street, particularly across the street and next door. It is my professional opinion that the proposed development conforms with the urban design guidelines.

6. OPEN HOUSE RESULTS:

There was one person who attended the virtual open house: (Lisa Y). Lisa wanted an explanation of what was being proposed. Once she saw the plans and heard the proposal, she had no issues with the development proposal. She was quite pleased with the proposed look of the residence.

A second person reached out and spoke with the owner about development within the city. There were no complaints or concerns (Mike C.).

City of Windsor Planner, Diana Radulescu, also attended virtually.

7. PROVINCIAL POLICY STATEMENT 2020 (PPS):

The following PPS 2020 policies apply to the proposal:

“Section 1.1.1 Healthy, liveable and safe communities are sustained by:

- (a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- (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;”*

“Section 1.4.3 Housing policies:

Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- b) permitting and facilitating:*
 - 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and*

2. *all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*
 - c) *directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
 - d) *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;”*

The proposed development is consistent, in my professional opinion, with PPS 2020 for the following reasons:

- The subject site is located within the settlement area of the City of Windsor;
- The subject property is within an area designed and designated for residential uses;
- Municipal services are available to the site and there is sufficient servicing capacity to
- The gentle intensification will allow for efficient and effective utilization of municipal services;
- The ZBA supports the development of the site for a new semi-detached residence providing for new, alternative housing;
- The ZBA will support a positive infilling of a comparable and compatible building style and tenure within an existing residential neighbourhood;
- The proposed building is low profile and is consistent in design with existing residences in the neighbourhood;
- The building has had regard for the heritage within the neighbourhood with a two and half storey, four square building design, comparable to other residences immediately across the street and adjacent;
- The ZBA will provide for additional range of housing styles and tenures appropriate for the neighbourhood.

In my professional opinion, the requested ZBA for a site specific residential zone to allow for the development of the site for a new low profile semi-detached residence is consistent with the PPS 2020 policy direction.

The proposal can be considered consistent with healthy community policies of the PPS by providing for an appropriate range and mix of housing types, densities and tenure.

8. CITY OF WINDSOR OFFICIAL PLAN (OP):

The subject lands are designated 'Residential' in the Official Plan for the City of Windsor with the following relevant policies applied to the proposed development:

"Section 6.1.3 Goals: RESIDENTIAL

In keeping with the Strategic Directions, Council's land use goals are to achieve: Housing suited to the needs of Windsor's residents."

"Section 6.3.1 Objects: RESIDENTIAL

In order to develop safe, caring and diverse neighbourhoods, opportunities for a broad range of housing types and complementary services and amenities are provided. The following objectives and policies establish the framework for development decisions in Residential areas.

6.3.1.1 To support a complementary range of housing forms and tenures in all neighbourhoods.

6.3.1.2 To promote compact neighbourhoods which encourage a balanced transportation system.

6.3.1.3 To promote residential redevelopment, infill and intensification initiatives in locations in accordance with this plan."

"Section 6.3.2 Policies: RESIDENTIAL

6.3.2.3 For the purposes of this Plan, Low Profile housing development is further classified as follows:

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

(c) In existing neighbourhoods, compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas."

The proposed development and requested ZBA conforms with Windsor OP for the following reasons:

- The proposed four square (Arts and Crafts) building is a style and design, height, and massing that is very comparable to other existing residences in the immediate neighbourhood of housing that was constructed between 1880-1920.

- The proposed new residence infilling within an existing residential buildings styles and densities that are comparable with the new proposed semidetached promotes compatible uses and buildings of similar height within the neighbourhood of low profile, residences.
- OP policies encourage and support infilling such as the proposal when the building and use when it is compatible with the existing residential neighbourhood such as the proposed building.
- The proposal conforms with OP policies that encourage complimentary and compact built form housing within an existing neighbourhood.
- The requested ZBA will maintain the existing (RD2.2) zone with site specific provisions to provide for a regulatory framework for the proposed alternative tenure and style of residential units that will support a healthy, diversified residential neighbourhood.

In my professional opinion, the Bylaw Amendment from (RD2.2) to (RD2.2(##)) will authorize the new semi-detached with ADU's, in my professional opinion, conforms with the relevant policies of the Official Plan.

The minor ZBA will allow for appropriate new residence that is compatible for this neighbourhood and will support a diversity of housing style and tenure within an existing residential neighbourhood. The proposed ZBA conforms with relevant policies of the Official Plan in support of sound residential development.

- Materials for the building will consist of colours and aspects from the neighbourhood: red brickwork, concrete board to look like shiplap, welcoming front porch and windows that are sensitive to the neighbourhood period.
- The new residence will have the same height at 9 m with the neighbourhood. Colours and material will be similar to the existing four square residences within the neighbourhood.
- In addition to the comparable style, design and massing of the buildings, the semi-detached and ADU's are consistent with the multiple unit use of the buildings within the neighbourhood.

In my professional opinion, the ZBA will support the establishment of a four square, Arts and Craft residence as a semi-detached with ADU's in the building, comparable and compatible as an infill within the established neighbourhood.

The ZBA will provide for construction of a new appropriate residence that is sensitive to the existing beautiful heritage buildings within the neighbourhood.

7. CITY OF WINDSOR CZB 8600:

The subject site is presently zoned 'Residential District 2.2 (RD2.2)' in the Comprehensive Zoning By-law 8600. Proposed is the infilling of a new semi-detached residence and associated ADU's in the building for the property. The neighbourhood is comprised of other RD2.2 residences that are also multi-unit buildings containing ADU's.

It is my professional opinion that the requested ZBA will make site specific lot configuration adjustments under the ZBA that can be considered minor in light that the provisions do not change the land use or allow for new building styles.

The following is a review of the (RD2.2) zone and the required minor ZBA provisions:

	(RD2.2) PROVISIONS	SUBJECT SITE
PERMITTED BLDG	SEMI-DETACHED	SEMI-DETACHED
LOT AREA	450 m ²	469 m ²
LOT WIDTH	15 m	13.7 m
FRONT YARD SETBACK	6 m	6 m
INTERIOR SIDE YARD	1.2 m	1.8 m
REAR YARD	7.5 m	6.9 m
LOT COVERAGE	45 %	46.3 %
MAXIMUM BLDG HEIGHT	9 m	9 m (calculated from grade on site) 9.75 m (calculated from centre line rd)
PARKING	2 spaces	2 spaces
GROSS FLOOR AREA	400 m ²	757.4 m ²

Historically, the calculation of height was from average grade of the lands to midpoint between peak and eavestrough. In this circumstance, the height is measured at 9 m and the building is in compliance with the bylaw.

Calculation of **height of building** is determined through the **definition** of height:

“BUILDING HEIGHT means: 1. For any building with a flat roof, a roof having a slope of less than 20.0 degrees, or a roof with at least two contiguous slopes, where the lowest slope is greater than the uppermost slope, the vertical distance in metres between the grade and the highest point of the roof. Where a building height provision is expressed in storeys, the building height in metres shall be the number of storeys permitted multiplied by 4.0 m. Example: If the minimum building height is 2 storeys and the maximum building height is 3 storeys, multiplying 2 storeys by 4.0 m results in a minimum building height of 8.0 m and multiplying 3 storeys by 4.0 m results in a maximum building height of 12.0 m. 2. 3. For a main building with a roof other than that described in clause 1 of this subsection, the vertical distance in metres between the grade and the mid-point between the lowest eaves and the highest point of the roof.”

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

There are four minor provisions to be adjusted to allow for the appropriate land use of a semi-detached residential building:

- i) **Lot Width** (minimum) = 15 m required and 13.7 m provided;
- ii) **Lot Coverage** (maximum) = 45% max and 46% provided;
- iii) **Rear Yard Setback** (minimum) = 7.5 m required and 6.9 m provided;
- iv) **Gross Floor Area** (maximum) = 400 m² max and 757.4 m² provided (includes main floor, ADU's, and attic mechanical floor space).

In my professional opinion, the proposed new semi-detached residence will comply with the Comprehensive Zoning Bylaw 8600 when the bylaw is passed changing the zoning regulations to a site specific 'Residential District 2.2 (RD2.2 (##))'.

8 CONCLUSIONS:

The proposed infilling of a new semi-detached building that is a comparable building to the neighbourhood makes sound development. The proposed development creating a low profile, 4 square building that is sensitive in design, massing, and style to the existing neighbourhood is appropriate in this location and compatible with the existing residential neighbourhood.

The proposed site specific ZBA to allow for a compatible style, massing and designed building is sound and represents a complimentary and compact built form of housing alternative styles and tenure that supports a healthy community.

In my professional opinion the proposed minor ZBA and proposed infilling development:

- 1) is consistent with the policies of the 2020 Provincial Policy Statements;
- 2) conforms with the relevant policies of the City of Windsor Official Plan;
- 3) once the site specific ZBA is passed, the development will comply the regulations of the Comprehensive Zoning Bylaw 8600; and
- 4) makes sound planning.

I hereby certify that this report was prepared by Jackie Lassaline RPP MCIP, a Registered Professional Planner within the meaning of the Ontario Professional Planners Institute Act, 1994.

Regards,

Lassaline Planning Consultants

Jacqueline Lassaline
Jackie Lassaline BA MCIP RPP

Appendix A- 'RESIDENTIAL DISTRIC 2.2 (RD2.2)'

SECTION 11 - RESIDENTIAL DISTRICTS 2. (RD2.)

(B/L 10358 Jul 16/1990; B/L 11093 Jul 20/1992; B/L 12651 Approved by OMB Order R960323, Feb 25/1997
B/L 169-2001 Jun 1/2001; B/L 33-2001 Oct 23/2001, OMB Decision/Order No. 1716 Case No. PL010233
B/L 370-2001 Nov 15/2001; B/L 363-2002 Dec 31/2002; B/L 142-2006 Aug 24/2006; B/L 114-2016 Sep 19/2016)
B/L 164-2017, Dec. 7/2017 [ZNG/5270]

11.1 RESIDENTIAL DISTRICT 2.1 (RD2.1)

11.1.1 PERMITTED USES

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

11.1.5 PROVISIONS

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.1 Lot Width – minimum	12.0 m	15.0 m	9.0 m
.2 Lot Area – minimum	360.0 m ²	450.0 m ²	270.0 m ²
.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 ²	400 m ²	400 m ²

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

APPENDIX E – CONSULTATION COMMENTS

ENVIRONMENTAL SERVICES – JIM LEETHER

No issues on our end, all waste/recycle/yard waste and pending organics collection (October 2025) would be at the curb.

TRANSIT WINDSOR – JASON SCOTT

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Transway 1C. The closest existing bus stop to this property is located on University at California Southeast Corner. This bus stop is approximately 170 metres from this property falling within Transit Windsor's 400 metre walking distance guidelines to a bus stop. This will be maintained with Transit Windsor's City Council approved Transit Master Plan.

BELL CANADA – JUAN CORVALAN

The information that municipalities provide to Bell Canada is instrumental to the provisioning of telecommunications infrastructure and we appreciate the opportunity to be proactively engaged in development applications and infrastructure and policy initiatives.

Bell Canada will provide a response should any comments / input be required on the information included in the circulation received. Bell Canada kindly requests that even if a specific comment is not provided at this time that you continue to circulate us at circulations@wsp.com on any future materials related to this development project or infrastructure / policy initiative so that we can continue to monitor its progress and are informed of future opportunities for engagement.

1) Bell Canada Responses to Pre-Consultation & Complete Development Application Circulations:

Pre-consultation Circulations

Please note that Bell Canada does NOT generally comment on pre-consultation circulations unless the information provided identifies that a future draft plan of subdivision, draft plan of condominium and/or site plan control application will be required to advance the development proposal.

Complete Application Circulations & Recirculations

Please note that Bell Canada does NOT generally comment on the following development applications - official plan and zoning by-law amendments, part lot control, temporary use and interim control by-laws. However, Bell Canada does generally comment on site plan approval, draft plans of subdivision and draft plan of condominium applications.

Bell Canada will generally comment on recirculations where the change modifies the proposed residential dwelling unit count and/or non-residential gross floor area in a draft plan of subdivision, draft plan of condominium and/or site plan control application.

2) Bell Canada Responses to Infrastructure and Policy Initiative Circulations:

If required, a follow-up email will be provided by Bell Canada to outline any input to be considered on the infrastructure / policy initiative circulation received at this time.

Concluding Remarks:

If you have any other specific questions, please contact planninganddevelopment@bell.ca directly.

We note that WSP operates Bell Canada's development tracking system, which includes the intake and processing of municipal circulations. **However, all responses to circulations and requests for information, such as requests for clearance, will come directly from Bell Canada, and not from WSP.** WSP is not responsible for the provision of comments or other responses.

SITE PLAN CONTROL

Site Plan is not applicable for this proposed development pursuant to the Planning Act and City of Windsor By-law 1-2004.

CALDWELL FIRST NATION – NATALYA GARROD

Thank you for providing notification of the proposed development. Caldwell does not have any comments at this time.

ZONING COORDINATOR – PIERE BORDEAUX

- **Current Zoning Designation:** Residential District 2.2
- **Proposed Zoning Designation:** Residential District 2.2
- **Existing Use [as per historical Building Permit(s) / Planning Act Applications(s)]:**
 - Single-family dwelling unit
- **Proposed Use:**
 - Severable, Semi-Detached Dwelling Unit with a total of 4 additional dwelling units situated within the main building in the upper floor and the basement.
- **Section 5 – General Provisions:**
 - [COMPLY]
- **Section [11.2] – [RESIDENTIAL DISTRICT 2.2] [RD2.2]:**
 - [DOES NOT COMPLY]
 - [11.2.5.2.3] Minimum Lot Coverage:
 - [45.0%] (Required)
 - [48.0%] (Provided)
 -
 - [11.2.5.2.6] Minimum Rear Yard Depth:
 - [7.50 m] (Required)
 - [6.90 m] (Provided)
 -
 - [11.2.5.2.10] Maximum Gross Floor Area – Main Building:
 - [400 m²] (Required)
 - [757 m²] (Provided)
- **Section 20 – Site Specific Zoning Exemptions:**

- [NOT APPLICABLE]
- **Section 24 – Parking, Loading, and Stacking Provisions:**
 - [DOES NOT COMPLY]
 - [24.28] Front Yard Paving and Surfacing in Residential Districts:
 - [24.28.1.3.1] The Total Area of the Required Front Yard Occupied by a Hard Surface Cannot Exceed
 - 50% of the Required Front Yard (Required)
 - 79% of the Required Front Yard (Provided)
- **Section 25 – Parking Area Regulations:**
 - [NOT APPLICABLE]

ENWIN

HYDRO ENGINEERING: **Jerry Raniwsky**

No Objection to Re-Zoning

ENWIN has the following hydro plant at the above noted location:

- Existing ENWIN 16kV primary overhead hydro distribution along the rear alley at the east limit of the site
- Existing ENWIN 120/240V secondary overhead hydro distribution along the rear alley at the east limit of the site
- Existing ENWIN 120/240V overhead hydro service at the rear of the above noted building

We recommend referring to the Occupational Health and Safety Act for minimum safe limits of approach during construction and also the Ontario Building Code for adequate clearance requirements.

WATER ENGINEERING: **Bruce Ogg**

ENWIN Water has no objections. The existing water service is to be upgraded to suit the proposed development.

HERITAGE PLANNING – TRACY TANG

Built Heritage

Please be advised that the subject property is located adjacent to heritage resources recognized by Council on the Windsor Municipal Heritage Register, including:

- R | 160 California Ave | L. McGill Allan House | c1922 | Prairie Style; Stucco | Sandwich
- R | 165 California Ave | David M. Eagle House - Mayor of Sandwich | c1925 | Classical Revival | Sandwich
- R | 181 California Ave | Henry T.W. Ellis House | c1922 | Colonial Revival | Sandwich

The property is also located within the Mature Neighbourhood area as per Official Plan Schedule A-1. The proposal is designed in respect to Windsor Intensification Guidelines for Stable and Mature Neighbourhoods 2.2.2.

However, please see the coloured suggestion below with regards to the Hardie Board material and stone veneer material. A darker colour palette would be more compatible with this Mature Neighbourhood and provide less contrast between material types.



Archaeology

Please be advised that the updated archaeological potential model as per the 2024 WAMP and associated Official Plan Schedule C-1 recently adopted by City Council on July 22, 2024 indicates the subject property to be within an Archaeological Potential Zone (APZ) and Archaeologically Sensitive Area (ASA) with special interest factors. A Stage 1 archaeological assessment and any further recommended assessments are required to be entered into the Ontario Public Register of Archaeological Reports to the satisfaction of the City of Windsor and the Ontario Ministry of Citizenship and Multiculturalism, prior to any additional land disturbances. A final copy of these relevant archaeological reports and GIS study area must be submitted to the City of Windsor.

RIGHT OF WAY – MARK SCHAFFHAUSER

Required Drawing Revisions:

1. **Leadwalk** – as per AS-401, leadwalk is not permitted to straddle property line if the property is intended to be severed
2. **Sewer Connections** – All existing and proposed storm, sanitary and water services must be identified on the drawings, as well as the associated mainline sewers/water mains.
 - o Modify drawings to include all sewer connections and water services.
 - o Identify any redundant connections to be abandoned in accordance with Engineering Best Practice BP1.3.3.

Right-of-Way Permit Requirements

Alley Acquisition – Based on the drawing, the owner shall agree prior to issuance of a Building Permit, to acquire any portion of the closed alley abutting the property that is not currently owned by the applicant.

CCTV Sewer Inspection – The Owner further agrees to provide at its entire expense

CCTV inspection satisfying City of Windsor Standard Specification S-32, for all existing and newly constructed sanitary and storm sewer infrastructure. The inspection shall include both mainline sewers and private drain connections, and shall be required to be submitted prior to the issuance of construction permits;

Driveway Approaches – The Owner further agrees that driveway approaches shall be constructed in such width and location as shall be approved by the City Engineer, with straight flare driveway approaches and no raised curbs within the right-of-way. The Owner shall have the option of constructing said driveway approaches as follows:

1. Residential Property
 - a. Asphalt in accordance with City of Windsor Standard Drawing AS-221; or
 - b. Concrete in accordance with City of Windsor Standard Drawing AS-222

Sewer Connections – The site is serviced by a 300mm combined sewer located within the California Avenue Street right-of-way. All existing and proposed storm, sanitary and water services must be identified on the drawings, as well as the associated mainline sewers/water mains.

- o Modify drawings to include all sewer connections and water services.
- o Identify any redundant connections to be abandoned in accordance with Engineering Best Practice BP1.3.3.

Additional notes to the applicant

If the intent is to sever the property and individual connections to each unit are provided;

- Each unit will be permitted a driveway as per engineering best practices.
- At the time of permit application a site plan including the right of way to the road will be required showing the layout and dimensions of the driveway and any leadwalks.
- Permits from Public Works are required for driveways and sewers.

If you have any further questions or concerns, please contact Lea Marshall, of this department at lmarshall@citywindsor.ca

TRANSPORTATION PLANNING – ELARA MEHRILOU

- The Official Plan classifies California Ave as a local residential road with a required right-of-way width of 20 metres. The current right-of-way width is not sufficient; However, no land conveyance is required.
- All parking must comply with Zoning By-Law 8600.
- 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).

DEVELOPMENT ENGINEERING – JUAN PARAMO

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

Sewers

The site may be serviced by a 300mm combined sewer located within the California Avenue right-of-way. If possible existing connections should be utilized. Any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice B.P 1.3.3.

The level of service for the sewer system in this neighborhood is not expected to experience any significant degradation as a result of this development.

Right of-Way

California Avenue is classified as a Local Residential Road according to the Official Plan requiring a right-of-way width of 20.1 m. The current right-of-way width is 15.2 m, however no conveyance is required at this time.

In summary we have no objection to the proposed development.

If you have any further questions or concerns, please contact Daniel Lopez, of this department at dlopez@citywindsor.ca

ENBRIDGE – SANDRO AVERSA

After reviewing the provided information, and consulting our mapping system, please note that Enbridge Gas has active infrastructure within the proposed area. A PDF drawing have 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 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 any job, any pipe is found that is not on the locate sheet and conflicts with your work, please call our emergency number (1-877-969-0999), and one of our Enbridge 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.

APPENDIX F – SITE PHOTOS



View of the subject parcel, looking east



View from the subject parcel, looking west



View along California Avenue looking north



View along California Avenue looking south

APPENDIX “G”
Zoning Analysis

Municipal Address	Storeys	Lot Width (m) (Approximate)	Lot Area (m2) (Approximate)	Main Building Area (m2) (Approximate)	Total Building Area (m2) (Approximate)	Lot Coverage Main Building Only (Approximate)	Lot Coverage (Approximate)	GFA main building with basement (m2) (Approximate)	GFA main building without basement (m2) (Approximate)
180 California Ave (existing)	1	13.7	496.0	121.8	157.0	24.6%	31.7%	314.0	121.8
180 California Ave (proposed)	2.5	13.7	496.0	229.7	229.7	46.3%	46.3%	757.4	464.0
181 California Ave	2.5	42.7	1,547.5	173.0	238.5	11.2%	15.4%	834.8	432.5
160-166 California Ave	2.5	26.2	1,027.0	253.2	300.1	24.7%	29.2%	1,050.3	633.1
223 California Ave	1.5	15.2	544.5	151.6	189.7	27.8%	34.8%	474.4	227.4
224 California Ave	2.5	12.9	430.2	236.5	236.5	55.0%	55.0%	827.9	591.4
230 California Ave	1	12.2	424.2	144.5	157.4	34.1%	37.1%	314.9	144.5
248 California Ave	1	12.2	378.4	109.5	109.5	28.9%	28.9%	219.1	109.5
260-266 California Ave	3	10.7	323.3	137.1	141.7	42.4%	45.0%	566.6	411.4
2386 UNIVERSITY AVE	3	23.4	710.9	234.9	234.9	33.0%	33.0%	939.5	704.6
207 Askin Ave	2.5	15.2	743.1	268.4	268.4	36.1%	36.1%	939.3	671.0
Average	1	18	647	187	206	33.2%	35.8%	658	410



Council Report: S 146/2024

Subject: Approval of a Draft Plan of Subdivision and Zoning By-law Amendment for the property known as 3990 Loon Street; Applicant: Olivia Construction Inc.; File Nos. SDN-003/24 [SDN/7212] and Z-018/24 [ZNG/7211]; Ward 5.

Reference:

Date to Council: November 4, 2024
Author: Justina Nwaesei, MCIP, RPP
Planner III - Development
519-255-6543, ext. 6165
jnwaesei@citywindsor.ca

Planning & Building Services
Report Date: October 15, 2024
Clerk's File #: Z/14851 Z/14853

To: Mayor and Members of City Council

Recommendation:

I THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of the land located west of Tourangeau Road, between Plymouth Drive and Grand Marais Road East, described as Pt Lot 105, Concession 2, designated as PART 1, Plan 12R-26347 [PIN 01360-0291 (LT)] and PART BLOCK 21 Plan 12M417 Windsor being PARTS 4, 5 & 6 Plan 12R27878 [PIN 01360-0301 (LT)], from RD2.1 to RD2.2, subject to s.95.20.

II THAT the holding (H) symbol **SHALL APPLY** to the land described as Pt Lot 105, Concession 2, designated as PART 1, Plan 12R-26347 [PIN 01360-0291 (LT)] and PART BLOCK 21 Plan 12M417 Windsor being PARTS 4, 5 & 6 Plan 12R27878 [PIN 01360-0301 (LT)] and that Zoning By-law 8600 **BE FURTHER AMENDED** by adding the following clause to Section 95.20:

(2) Registration of a Final Plan of Subdivision.

III THAT the application of Olivia Construction Homes Inc. for Draft Plan of Subdivision approval for Pt Lot 105, Concession 2, designated as PART 1, Plan 12R-26347 [PIN 01360-0291 (LT)] and PART BLOCK 21 Plan 12M417 Windsor being PARTS 4, 5 & 6 Plan 12R27878 [PIN 01360-0301 (LT)], **BE APPROVED** subject to the following conditions:

- A. That the Draft Plan Approval shall lapse on _____ (3 years from the date of approval);
- B. That this approval applies to the draft plan of subdivision presented on attached Map No. SDN-003/24-1, prepared by VERHAEGEN Land Surveyors

for Olivia Construction Homes Inc., showing 4 Blocks for townhome dwellings, 1 Block to be conveyed to the Corporation of the City of Windsor for the accommodation of existing municipal drain south of the subject land, 1 Block for Road Reserve, and two proposed road allowances (Street A and extension of Loon Street);

- C. That the owner shall enter into a subdivision agreement with the Corporation of the City of Windsor for the proposed development on the subject lands;
- D. That the owner shall submit for approval of the City Planner/Executive Director of Planning & Building a final draft M-Plan, which shall include the names of all road allowances within the plan, as approved by the Corporation.
- E. That the subdivision agreement between the owner and the Corporation of the City of Windsor be registered on title and shall contain, among other matters, the following provisions:
 - 1. The owner shall include all items as set out in the Results of Consultation (attached hereto as Appendix D) with further amendments as required, all requirements under the General Provisions of the Plan of Subdivision Agreement for the Engineering Department, and other relevant matters set out in CR 233/98 (Standard Subdivision Agreement).
 - 2. The owner shall, prior to the issuance of a construction permit for any and all phases of the development, finalize an engineering analysis to identify stormwater quality and quantity measures as necessary to control any increase in flows in downstream watercourses, in accordance with the *Windsor-Essex Region Stormwater Management Standards Manual* and any other relevant municipal/provincial, standards or guidelines, in consultation, with the Essex Region Conservation Authority (ERCA), to the satisfaction of the City Engineer and Essex Region Conservation Authority.
 - 3. The Owner shall install the stormwater management measures, for each phase of the development, identified in the final engineering analysis completed, as part of the development for the site and undertake to implement the recommendations contained therein, to the satisfaction of the City Engineer and the Essex Region Conservation Authority.
 - 4. The owner shall, prior to the issuance of a construction permit, provide the Essex Region Conservation Authority a copy of the fully executed subdivision agreement between the Owner and the Municipality, containing provisions to carry out the recommendations of the final plans, reports, and requirements noted above in paragraphs III.E.2 & III.E.3, and obtain the necessary ERCA approvals for each phase or phases seeking final approval.
 - 5. Prior to undertaking construction or site alteration activities, the owner shall obtain all necessary approvals from the Essex Region Conservation Authority, in accordance with Section 28 of the *Conservation Authorities Act*, any other legislation, and applicable conditions specified herein.

6. Notice is required in every agreement of purchase and sale for the units within Block 4, that the properties are subject to Section 28 approvals by ERCA under the *Conservation Authorities Act*. Additionally, the notice should specify that the rear portion of the lots with 8m plus the depth of the drain may not meet the minimum setback requirement for additional structures. The ERCA permit process will assess the feasibility of constructing buildings and structures in proximity to the regulated watercourse, Pillette Drain No. 1.
7. Right-of-Way - Prior to the issuance of a construction permit, the owner shall
 - a) Construct on all future municipal right-of-way, pavements, including curbs and gutters, driveway approaches and the necessary drainage facilities according to City of Windsor standard specifications, complete with a 20-meter right-of-way. Pavements may be 7.4 meters in width, as shown on Standard City Drawing AS-206C. The cul-de-sac pavements shall have a minimum radius of 9.5 meter. The owner further agrees that one (1) full winter shall elapse following the laying of base asphalt, prior to the laying of surface asphalt. All work to be to the satisfaction of the City Engineer.
 - b) Construct at the easterly limit of Street A a cul-de-sac bulb wide enough to accommodate a minimum boulevard width of 2.5m for utilities as stipulated by the City of Windsor Standard Drawing AS-206C, and the radius shall be large enough for garbage collection trucks and emergency vehicles to turn around in. All work to be to the satisfaction of the City Engineer.
8. Sidewalks – Prior to the issuance of a construction permit, the owner shall construct, at their entire expense and according to City of Windsor Standard Specifications, concrete sidewalks at the following locations, to the satisfaction of the City Engineer:
 - a) New Street A – along the north boulevard to Allyson Avenue
 - b) Loon Street – along the north boulevard between Allyson Avenue and Tourangeau Road
9. Private Storm Drainage Connection - The owner agrees that private storm drain connections from residential units shall not be provided, and further agrees that the proposed townhouses shall be constructed with slabs on grade and shall be drained on grade via splash-blocking.
10. Catch Basins – Prior to the issuance of a construction permit, the owner shall install two sets of catch basins on each of Street 'A' and Loon Street, as a factor of safety, and install rear yard drain catch basins that shall outlet to shared rear-yard drainage piping, all to the satisfaction of the City Engineer.
11. Servicing Study – Prior to the issuance of a construction permit, the owner shall, at its own expense, 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. The study shall review the proposed impact and recommend mitigating measures and implementation of those measures.

12. Site Servicing Plans – The owner shall submit a site servicing plan for the subject lands to the satisfaction of the Chief Building Official, the City Engineer, and ERCA in regulated areas, prior to the issuance of any construction permits.
13. Servicing Charges – The owner shall pay owed servicing fees in the amount of \$11,557.70 + HST + an annual interest charge applied based on the Infrastructure Ontario 5-year borrowing rate plus 1%.
14. Conveyance Requirements - The owner shall, prior to the issuance of a construction permit, gratuitously convey to the Corporation of the City of Windsor
 - i) Block 5 on Map No. SDN-003/24-1 for the municipal Pillette Drain No.1. This conveyance shall be approximately 4.7 meters;
 - ii) Block 6 (*0.3m wide strip of land along the dead-end of Street A*) on Map No. SDN-003/24-1, for land reserve purposes;
 - iii) A 6.0m wide easement along the southerly limit of Block 4 on Map No. SDN-003/24-1, for the maintenance and improvement of the Pillette No. 1 Drain. Should the municipal drain be abandoned, the easement would still be necessary for the maintenance of the municipal ditch; and all conveyances shall be to the satisfaction of the City Engineer and the City Solicitor.
15. Drainage Engineering Report – The owner agrees that the subject site shall be serviced by the Pillette Drain No. 1, situated to the south of the property; and further agrees that any new storm sewer outlet connection to the drain shall be completed in accordance with City of Windsor Engineering Best Practice BP.1.3.2, which includes an Engineer's Report, and any other requirements specified under the Drainage Act. Therefore, the owner shall retain, at its own expense, a Consulting Engineer to provide, prior to the issuance of a construction permit, a detailed Drainage Report in accordance with the Drainage Act, to the satisfaction of the City Engineer and the Essex Region Conservation Authority.
16. Climate Change considerations - The owner shall compensate at caliper-per-caliper rate any trees not able to be retained on the site, in addition to the standard payment for one new tree per unit requirement at the time of building permit, to the satisfaction of the City Forester as per the Schedule of Fees.
17. Tree Removal & Replacement - The owner shall pay to the Corporation, prior to the issuance of a construction permit, the sum of \$74,392.00 being tree replacement cost for the removal of trees with a total of 547 cm tree diameter, which requires replacement with a total of 110 new caliper trees.

18. Tree Protection Fencing - The owner shall install tree protection fence for Tree Root protection zones for each tree, prior to commencement of pre-grading activities, and shall further retain a Certified Arborist to inspect the tree protection fencing prior to and during construction to ensure that the fencing remains intact and in good repair throughout the stages of development.
19. Parkland Conveyance: The owner shall, prior to the issuance of a construction permit, pay cash-in-lieu of the 5% of lands to be developed, in accordance with By-law 12780, to the satisfaction of the Executive Director of Parks and the City Planner.
20. Archaeological Assessment - Prior to final Plan approval and prior to any additional land disturbances, the owner shall undertake a Stage 1 archaeological assessment and any further recommended assessments. The required assessment(s) shall be entered into the Ontario Public Register of Archaeological Reports to the satisfaction of the City of Windsor and the Ontario Ministry of Citizenship and Multiculturalism.
21. Prior to the issuance of a construction permit, the owner shall submit a final copy of the relevant archaeological reports mentioned above, in paragraph 20, and GIS study area to the City of Windsor.
22. The owner shall adhere to the recommended mitigation and avoidance measures in section 4.4 of the Fisheries Act Review prepared by MTE, dated May 14, 2024.
23. The owner shall:
 - i) Relocate, at their own cost, any existing Bell Canada facilities or easements found to be in conflict with the proposed development;
 - ii) Provide Bell Canada with servicing plans/CUP to confirm the provision of communication/telecommunication infrastructure needed to service the development. The owner shall be responsible for providing entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the owner may be required to pay for the extension of such network infrastructure. If the owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

NOTES TO DRAFT APPROVAL (File # SDN-003/24)

1. *The applicant is directed to Section 51(39) of The Planning Act 1990 regarding appeal of any imposed conditions to the Local Planning Appeal Tribunal. Appeals are to be directed to the City Clerk of the City of Windsor.*
2. *It is the applicant's responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City of Windsor, to the attention of the City Planner / Executive Director of Planning and Development, quoting the above-noted file number.*

3. *Required agreements with the Municipality will be prepared by the City Solicitor.*
4. *The applicant should consult with an Ontario Land Surveyor for this proposed plan concerning registration requirements relative to the Certification of Titles Act.*
5. *The final plan approved by the Corporation of the City of Windsor must be registered within thirty (30) days or the Corporation may withdraw its approval under Section 51(59) of The Planning Act 1990.*
6. *All plans of subdivision/condominium are to be prepared and presented in metric units and certified by the Ontario Land Surveyor that the final plan is in conformity to the approved zoning requirements.*
7. *Where agency conditions are included in the City's Subdivision Agreement, the Applicant is required to forward a copy of the agreement to the agencies in order to facilitate their clearance of conditions for final approval of this plan.*

IV THAT the City Clerk **BE AUTHORIZED** to issue the required notice respecting approval of the draft plan of subdivision under Section 51(37) of The Planning Act.

V THAT the subdivision agreement shall **BE REGISTERED** against lands to which it applies prior to the final registration of the Plan of Subdivision.

VI THAT prior to the final approval by the Corporation of the City of Windsor, the City Planner / Executive Director of the Planning and Development shall **BE ADVISED**, in writing, by the appropriate agencies that conditions have been satisfied.

VII THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary agreements and documents approved as to form and content satisfactory to the City Solicitor

Executive Summary:

The planning department received applications for zoning by-law amendment (ZBA) and draft plan of subdivision approval (SDN) for the property known as 3990 Loon Street in electoral Ward 5. Olivia Construction Homes Inc. is the applicant. The planning department assigned file numbers SDN-003/24 [SDN/7212] and Z-018/24 [ZNG/7211] to the applications. The applications were deemed complete on September 3, 2024. A 'Notice of Complete Application' was placed in the Windsor Star.

Materials received for the proposed development applications (SDN-003/24 and Z-018/24) were uploaded on the city's website and can be found by copying this link: <https://www.citywindsor.ca/residents/planning/land-development/development-applications/current-development-applications/3990-loon-street>

The Planning Department circulated the applications package to municipal departments and external agencies for comments. The comments received from those who were consulted are attached as APPENDIX D to this report. Those comments were considered in the preparation of this planning report. The required support studies in the application package were also considered in the preparation of this report.

This planning report contains different sections and subsections (headings and subheadings). The intent of this executive summary is to assist the reader in

understanding the contents of this report. Below is a chronological synopsis of the content of each section in this report:

The **RECOMMENDATION** SECTION contains the recommendation to Council. This report recommends approval of the zoning by-law amendment subject to a holding provision, and approval of the draft plan of subdivision with conditions. The conditions of approval address concerns/comments provided by municipal departments and external agencies (see Appendix D attached to this report.)

The **EXECUTIVE SUMMARY** – provides a synopsis of the entire report to guide the reader.

The **BACKGROUND** SECTION includes (i) the Key Map showing the location of the subject land, (ii) Application Information (including a description of the proposed development), (iii) Site Information, (iv) Rezoning Map, and (v) Neighbourhood characteristics – Neighbourhood Map, Surrounding land uses and existing Municipal infrastructure.

The **DISCUSSION** SECTION contains planning analysis - a review and analysis of the (i) Provincial Planning Statement 2024, (ii) Official Plan Volume 1, (iii) Zoning By-law 8600, (iv) Holding Provision, and (v) Site Plan Control. This section demonstrates that the zoning by-law amendment and draft plan of subdivision are consistent with the PPS 2024 and maintain conformity with the City of Windsor Official Plan (OP).

The **RISK ANALYSIS** SECTION is 'not applicable' to this Planning Act matter.

The **CLIMATE CHANGE RISKS** SECTION addresses Climate Change Mitigation and Adaptation pertaining to the proposed development on the subject land.

The **FINANCIAL MATTERS** SECTION is 'not applicable' to this Planning Act matter.

The **CONSULTATION** SECTION provides a brief summary of public consultations such as Open House (led by the applicant) and other consultations that are yet to occur, such as the statutory Public meeting and Council meeting that will occur later. This section also includes consultation with municipal departments and external agencies and some highlights of their comments. Appendices D and E contain the results of the Open House consultation and Municipal department and external agencies consultation.

The **CONCLUSION** SECTION contains planning opinion on the subject rezoning and draft plan of subdivision approval. The opinion rendered is that the amendment and plan of subdivision are consistent with the PPS 2024, maintain conformity with the OP, and constitute good planning. Planning staff recommend approval as noted already.

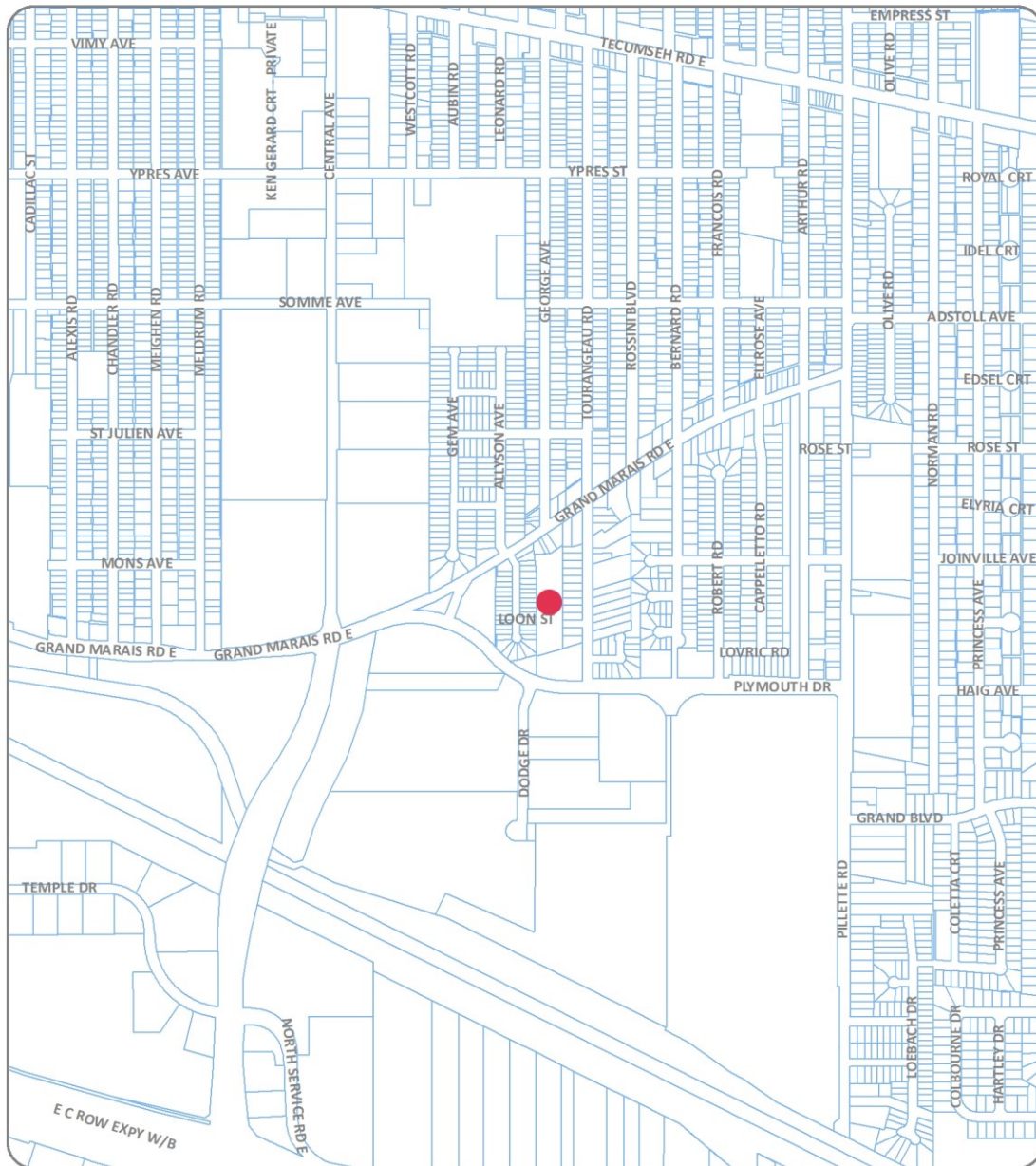
The **APPROVALS** SECTION contains names and titles of Administration with approval authority over the subject report.

The **APPENDICES** SECTION contains the list of appendices attached to this report.

This planning report provides evidence in support of the zoning by-law amendment (ZBA) and draft plan of subdivision approval (SDN) applications by Olivia Construction Homes Inc. for the property known as 3990 Loon Street. This report confirms that the recommended ZBA and SDN are consistent with the Provincial Planning Statement 2024 and maintain conformity with the applicable policies of Official Plan Volume I.

Background:

1. KEY MAP:



KEY MAP - SDN 003-24, SDN-7212 & Z-018-24, ZNG-7211

● SUBJECT LANDS



2. APPLICATION INFORMATION

LOCATION: 3990 Loon Street (west of Tourangeau Road, between Plymouth Drive and Grand Marais Road East)

APPLICANT: OLIVIA CONSTRUCTION HOMES INC. (c/o Ashraf Botros)

AGENT: PILLON ABBS INC., (c/o Tracey Pillon-Abbs)

REGISTERED OWNER: SAME AS APPLICANT

PROPOSAL: The applicant is proposing to develop a residential subdivision comprising 4 blocks for townhome dwellings with a total of 28 townhome dwelling units, one Block for 1-foot land reserve along the east limit of a proposed new R.O.W (Street A), and another Block (part of the existing southerly open drain) to be conveyed to the city. The draft plan also shows two proposed internal rights-of-way (Loon St. extension and Street A) connecting to Allyson Avenue, and proposed Loon Street extension also connecting to Tourangeau Road.

The subject land is designated Residential on Schedule D – Land Use, Official Plan Vol. 1, and zoned Residential District 2.1 (RD2.1) by Bylaw 8600. The RD2.1 zoning category does not permit townhome dwellings; therefore, the applicant is requesting an amendment to the zoning by-law 8600 to change the zoning of the subject land from RD2.1 to RD2.2 to permit the proposed townhome dwellings.

The development as proposed is not subject to Site Plan Control. Official Plan Amendment is also not required.

SUBMISSIONS BY APPLICANT:

- Plan of Subdivision and Zoning By-law Amendment Application Forms
- Draft Plan, dated July 10, 2024, by Verhaegen Land Surveyors
- Concept Development Plan with Data Matrix
- Planning Justification Report, dated August 28, 2024, and revised September 26, 2024, by Pillon Abbs Inc.
- Servicing Report, dated May 5, 2024, by Haddad Morgan & Associates Ltd.
- Servicing Report Drawings – (Legend; Lot Grading; Misc Notes & Details; Sanitary & Storm drainage; Infrastructure Plan & Profile – Loon Street; Infrastructure Plans and Profiles – Storm Sewer Easement & Street A) by Haddad Morgan & Associates Ltd.
- Fisheries Act Review, dated May 14, 2024, by MTE
- Pre-Screening for Species at Risk, dated December 2, 2021, by MTE
- Clearance letter from MECP, dated August 29, 2023
- Tree Inventory and Preservation Plan, dated March 13, 2023, by Bezair and Partners
- Notice of Electronic Public Open House by Pillon Abbs Inc.
- Open House PowerPoint Presentation by Pillon Abbs Inc.
- Public Consultation Summary, dated September 19, 2024, by Pillon Abbs Inc.
- Survey, dated August 4, 2015
- Topographic Plan of Survey, dated December 17, 2021

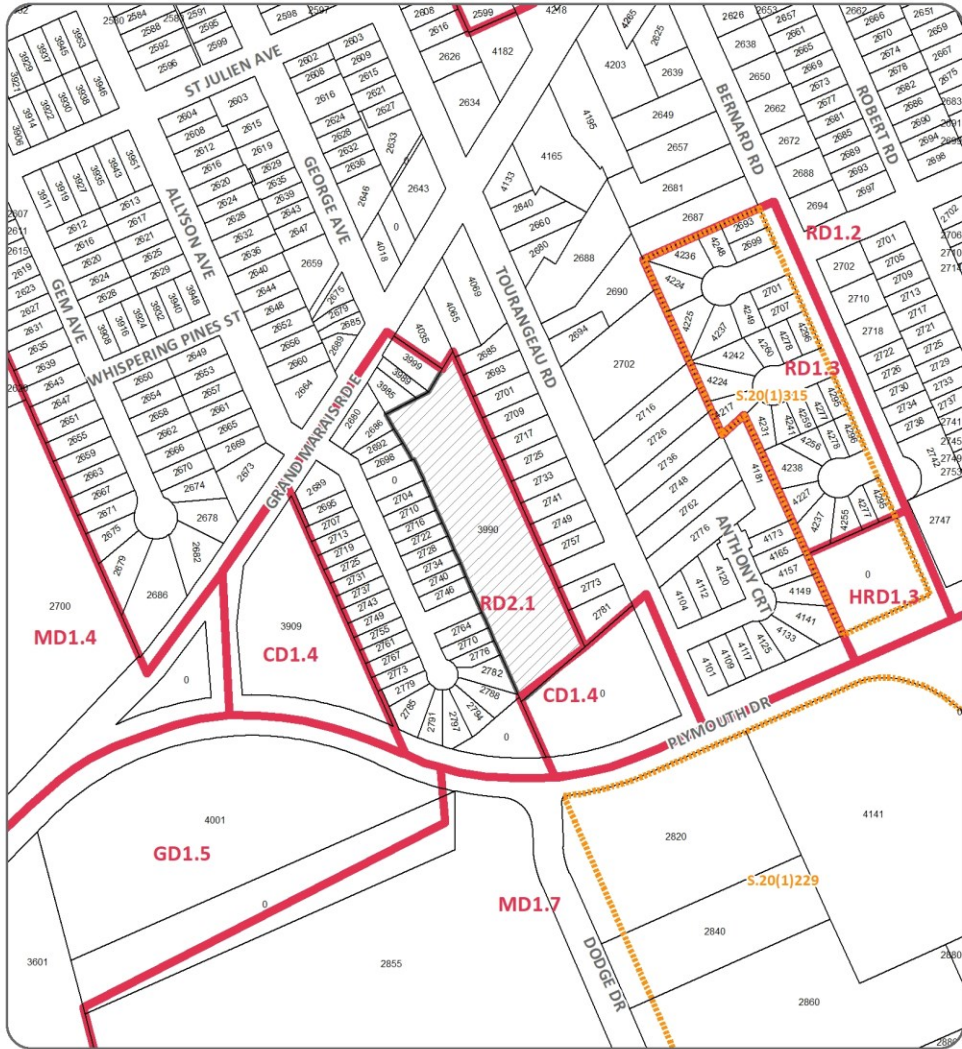
Copy the link below to access the above materials located on the City's website:

<https://www.citywindsor.ca/residents/planning/land-development/development-applications/current-development-applications/3990-loon-street>

3. SITE INFORMATION

OFFICIAL PLAN	ZONING & ZDM	CURRENT USE(s)	PREVIOUS USE(s)
RESIDENTIAL [Sch. D: OP Vol. 1)	RESIDENTIAL DISTRICT 2.1 (RD2.1); ZDM11	Vacant	unknown
FRONTAGE	DEPTH	AREA	SHAPE
15.24m along Loon St	irregular	10,599.99sq.m. [1.06 ha]	irregular
Note: All measurements are in accordance with Plan 12R-12694approximate			

4. REZONING MAP



5. NEIGHBOURHOOD CHARACTERISTICS

NEIGHBOURHOOD MAP



NEIGHBOURHOOD MAP - SDN 003-24, SDN-7212 &
Z-018-24, ZNG-7211



SUBJECT LANDS



The subject neighbourhood is located west of Tourangeau Road, between Plymouth Drive and Grand Marais Road E. and is an established residential neighbourhood characterized by low profile residential subdivisions containing single detached and semi-detached dwellings.

SURROUNDING LAND USE

North side of the subject land, along the south side of Grand Marais Road E., is zoned RD2.1 and contains low profile residential uses of the single detached and semi-detached form of housing.

West side of the subject land, along both sides of Allyson Avenue, is zoned RD2.1 and contains low profile residential use of the semi-detached form of housing. Further west, zoned CD1.4, is an office building (formerly Canadian Red Cross).

East side of the subject land, along Tourangeau Road, RD1.2 zoning category, contains low profile residential developments of the single detached form of housing.

South side of the subject land, along the north side of Plymouth Drive, zoned CD1.4, vacant commercial parcel.

Nearby Municipal Parks within 800m to 1.0km distance of the subject land:

- Municipal Parks - Robert Park (850m distance), Robert McDonald Park and Central Park Athletics (each 800m distance), and Plymouth Park (1.0km distance.)

This development falls within the attendance boundaries of the following schools:

- William G. Davis Public School (K-8)
- W. F. Herman Academy Secondary (9-12)
- W.J. Langlois Catholic Elementary School
- F.J. Brennan Catholic High School

Attached to this report as **Appendix A** are site photos and imagery from google photos.

MUNICIPAL INFRASTRUCTURE

- The City's records show there is a 250 mm diameter PVC sanitary sewer and a 375 mm diameter PVC storm sewer on Allyson Avenue, plus the Pillette Drain No.1 available to accommodate the servicing needs of the proposed residential subdivision.
- There are hydro poles and municipal watermain (200mm diameter PVC) located on Loon Street and Allyson Avenue, and fire hydrant on Allyson Avenue.
- There are concrete curbs and gutters within Allyson Avenue, Loon Street and Zelda Court rights-of-way, but there is no sidewalk.
- The closest existing transit route to this property is with the Central 3. The closest existing bus stop to this property is located on Plymouth at Tourangeau Northwest Corner (approximately 220 metres from the subject property).
- Allyson Avenue, Zelda Court, Loon Street, and Tourangeau Road, are local roads.
- Grand Marais Road East and Plymouth Drive are classified as Class I Collector Roads and are nearby collector roads accessible to the subject land through Allyson Avenue and Tourangeau Road.

Discussion:

PLANNING ANALYSIS:

1. PROVINCIAL PLANNING STATEMENT (PPS) 2024

The Provincial Planning Statement (PPS) 2024 was approved by the Lieutenant Governor in Council, Order in Council No. 1099/2024.

CHAPTER I – INTRODUCTION, PPS 2024:

Vision - Ontario will increase the supply and mix of housing options, addressing the full range of housing affordability needs. Every community will build homes that respond to changing market needs and local demand. Providing a sufficient supply with the necessary mix of housing options will support a diverse and growing population and workforce, now and for many years to come. A prosperous Ontario will see the building of more homes for all Ontarians. This is why the province has set a goal of getting at least 1.5 million homes built by 2031.

Role of the Provincial Planning Statement - The Provincial Planning Statement provides policy direction on matters of provincial interest related to land use planning and development. The Provincial Planning Statement sets the policy foundation for regulating the development and use of land province-wide, helping achieve the provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians. Zoning and development permit by-laws should be forward-looking and facilitate opportunities for an appropriate range and mix of housing options for all Ontarians.

Legislative Authority - The Provincial Planning Statement is a policy statement issued under the authority of section 3 of the Planning Act and came into effect on October 20, 2024. It replaces the Provincial Policy Statement that came into effect on May 1, 2020. The Provincial Planning Statement applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after October 20, 2024.

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.

Comments, submissions or advice that affect a planning matter that are provided by the council of a municipality, a local board, a planning board, a minister or ministry, board, commission or agency of the government shall be consistent with the Provincial Planning Statement.

The applicant's consultant submitted a revised Planning Rationale Report (PRR) dated September 26, 2024, which addresses relevant policies of the Provincial Planning Statement (PPS) 2024. The PRR and other required support studies, reports, and information received for the subject applications can be accessed on the city's website by copying the this link: <https://www.citywindsor.ca/residents/planning/land-development/development-applications/current-development-applications/3990-loon-street>

The PRR provides an analysis of the following key policy considerations of the Provincial Planning Statement as it relates to the proposed development on the subject land:

Chapter 2: Building Homes, Sustaining Strong and Competitive Communities

2.1 Planning for People and Homes

2.1.4. 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...

2.1.6. Planning authorities should support the achievement of complete communities by: a) accommodating an appropriate range and mix of land uses, housing options...

2.2 Housing

2.2.1. Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by: ...

2.3 Settlement Areas and Settlement Area Boundary Expansions

2.3.1 General Policies for Settlement Areas

2.3.1.1. Settlement areas shall be the focus of growth and development...

2.3.1.2. Land use patterns within settlement areas should be based on densities and a mix of land uses which: a) efficiently use land and resources; b) optimize existing and planned infrastructure and public service facilities; c) support active transportation; d) are transit-supportive, as appropriate; ...

2.3.1.3. Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options...

2.3.1.4. Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.

2.3.1.6. Planning authorities should establish and implement phasing policies, where appropriate...

Chapter 3: Infrastructure and Facilities

3.1 General Policies for Infrastructure and Public Service Facilities

3.1.1. Infrastructure and public service facilities shall be provided in an efficient manner while accommodating projected needs...

3.3 Transportation and Infrastructure Corridors

3.3.3. Planning authorities shall not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.

3.6 Sewage, Water and Stormwater

3.6.2. Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety.

Chapter 4: Wise Use and Management of Resources

4.1 Natural Heritage

4.1.1. Natural features and areas shall be protected for the long term.

4.2 Water

4.2.1. Planning authorities shall protect, improve or restore the quality and quantity of water by: b) minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts;

Chapter 5: Protecting Public Health and Safety

5.1 General Policies for Natural and Human-Made Hazards

5.1.1. 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

The applicant's planning consultant analyzed the above PPS policies in section 5.1 of their revised Planning Rationale Report (PRR) dated September 26, 2024. I have reviewed the planning analysis in the revised PRR and deem the Planning Consultant's analysis to be acceptable.

It is a fact that the proposed development provides more housing and will help provide for a range and mix of housing options and densities to meet the needs of the city. The PRR and the Servicing Report confirm that municipal services are available to accommodate the proposed development in the subject neighbourhood. The PRR confirms that the proposed development on the subject site will have access to transportation options, public service facilities, other institutional uses, and parks. The proposed development will also connect to existing neighbourhoods and area residents will have access to nearby transit.

The proposed development is a new housing option in an existing settlement area (the City of Windsor). The subject site offers an opportunity for intensification and infilling. The recommended zoning by-law amendment and draft plan of subdivision will result in the infilling and intensification of the subject site. The proposed 4 blocks for new residential dwellings (28 townhome dwelling units) will increase the number of dwelling units from 0 to 28 on the vacant subject land; thereby, resulting in an increase in density. Consequently, the recommended amendment and draft plan of subdivision promote residential intensification

The ZONING section of this report contains a detailed analysis of the densities of the proposed development and demonstrate that the proposed development will result in appropriate densities for the intensification of the subject land.

The recommended amendment and draft plan of subdivision will facilitate the development of townhome dwellings that can be designed to complement the existing building stock in the subject area.

The subject zoning by-law amendment and plan of subdivision will achieve a more compact, low profile residential development that will efficiently use land, resources, and existing infrastructure, including existing and planned active transportation options.

Therefore, the recommended amendment and draft plan of subdivision will result in a development that is cost effective and will sustain the financial well-being of the City and Province.

The subject lands are within an area that is serviced by municipal sewage services and municipal water services. The applicant's Servicing Report, dated April 5, 2024, confirms that (i) the current property is serviced by Roads, Sanitary Sewers, Pillette Drain No. 1, Watermains, Electrical plant and Gas piping; (ii) the storm sewers were designed in accordance with parameters outlined in the Windsor/Essex Region Stormwater Management Standards Manual, dated December 6, 2018; and (iii) the sewers were designed to handle the 100-year storm event without flooding the streets.

With respect to natural heritage features, a Fisheries Act Review dated May 14, 2024, was submitted with the subject applications. The review completed included an aquatic habitat assessment in the Pillette Drain No.1 where the storm sewer outlet is proposed. Potential impacts of the storm sewer system outlet were assessed to determine the likelihood of causing the death of fish and/or a harmful alteration, disruption, or destruction (HADD) of fish habitat, which is prohibited under subsection 34.4(1) and subsection 35(1) of the Fisheries Act (1985). Upon the completion of the background review, it was determined that there were no records of aquatic SAR and/or SAR habitat being present within 1 km (upstream or downstream) of the work area. It is the opinion of MTE that the proposed activities will not result in the death of fish and/or a HADD of fish habitat provided that the recommended mitigation and avoidance measures (Section 4.4) are implemented, and monitoring occurs throughout construction to ensure maintenance is completed as and when required. The recommended mitigation and avoidance measures in section 4.4 of the Fisheries Act Review can be accessed by copying this link: <https://www.citywindsor.ca/documents/residents/planning/land-development/development-applications/current-development-applications/SDN%20003-24,%20SDN-7212%20&%20Z-018-24,%20ZNG-7211%20-%20Fisheries%20Act%20Review.pdf>

The recommended zoning by-law amendment and draft plan of subdivision will

- promote a mix of housing types, a higher density than currently exists on the subject land, and facilitate a net increase in residential units or accommodation.
- create an opportunity for a more compact development in an established residential area containing low density developments that are mostly single unit dwellings and semi-detached dwellings; thereby, result in intensification of the subject site and area.
- provide a form of housing that is appropriate in terms of density, range and mix, and meet the social, health and well-being of current and future residents;
- facilitate the municipality's ability to accommodate residential growth through intensification;
- efficiently use land and resources, and optimize existing and planned infrastructure and public service facilities in the subject neighbourhood.
- be transit-supportive, and support existing and planned active transportation;
- will bring about an efficient development with no adverse impact on the financial well-being of the City of Windsor, land consumption, and servicing costs, and
- will not cause any environmental or public health and safety concerns.

In summary, the recommended zoning by-law amendment and plan of subdivision are consistent with the relevant Policies of PPS 2024. It should also be noted that the planning analysis provided in the applicant's Planning Rationale Report (PRR) dated September 26, 2024, demonstrates that the subject zoning by-law amendment is consistent with the relevant Policies of the PPS 2024. See excerpts from the PRR attached hereto as **Appendix F**. The applicant's planning consultant concludes as follows: *"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 ZBL, and represents good planning."*

OFFICIAL PLAN:

The site is designated "Residential" in the Land Use Schedule D of City of Windsor Official Plan. The objectives and policies of the Residential land use designation establish the framework for development decisions in Residential areas within the City of Windsor. Copy this link to access Chapter 6 - Land Use, OP Vol. 1: <https://www.citywindsor.ca/Documents/residents/planning/plans-and-community-information/windsor-official-plan/Chapter%206%20-%20Land%20Use.pdf>

SECTION 6.3.1 OF OP VOL. 1 – RESIDENTIAL OBJECTIVES

The Residential objectives of the Official Plan include the following: (i) s.6.3.1.1 - to support a complementary range of housing forms and tenures in all neighbourhoods, (ii) s.6.3.1.2 - to promote compact neighbourhoods which encourage a balanced transportation system, and (iii) s.6.3.1.3 to promote residential redevelopment, infill and intensification initiatives in locations in accordance with the City of Windsor Official Plan.

The above noted objectives of the OP are satisfied by the proposed development on the subject land. The amendment and plan of subdivision support a complementary housing form in the subject neighbourhood. The amendment also provides opportunity for residential infill and intensification; thereby, promoting a compact neighbourhood as shown in the concept plan SDN-003/24-2, attached hereto as **Appendix C**.

SECTION 6.3.2 OF OP VOL. 1 – RESIDENTIAL POLICIES

The Residential policies facilitate the orderly development and integration of housing in Windsor.

Permitted Uses (s.6.3.2.1) - Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low Profile, and Medium Profile dwelling units. The recommended amendment is for a proposed low-profile development on the subject land; therefore, policy 6.3.2.1 is satisfied.

The recommended amendment and plan of subdivision are for the development of townhome dwellings that are classified as small-scale low-profile housing form; therefore, policy 6.3.2.3 is satisfied.

The subject land provides opportunity for residential infilling within an established residential neighbourhood with access to collector roads (Grand Marais Road East and Plymouth Drive). The development can be serviced by full municipal physical services.

Community services and open spaces are available and public transportation is provided. As noted already in this report, the closest existing transit route to the subject land is the Central 3 transit route with an existing bus stop located on Plymouth at Tourangeau northwest corner, approximately, 220 metres from the subject land. Therefore, the recommended amendment and draft plan satisfy the Locational Criteria set out in s.6.3.2.4 of OP Vol. 1.

The applicant's PRR contains information that indicates conformity with the policy requirements in s.6.3.2.5 of OP Vol. 1. The proponent's planner has demonstrated in the PRR that s.6.3.2.5 (a) is satisfied. However, conditions of approval have been noted and inserted in the recommendation section of this report. The recommended zoning by-law amendment and draft plan of subdivision satisfy the Evaluation Criteria for a Neighbourhood Development Pattern, section 6.3.2.5 (a), OP Vol. 1.

The subject land is not within a Mature neighbourhood per schedule A-1 of OP Vol. 1. However, the subject land is within an existing neighbourhood, so s.6.3.2.5 (c) applies. The applicant's PRR demonstrates that the proposed development satisfies the compatibility requirement in s.6.3.2.5 (c).

Regarding s.6.3.2.5 (d) & (e), the proposed development has adequate off-street parking per the requirements of the zoning by-law 8600 and full municipal services can be provided.

SECTION 5.4.6 OF OP VOL. 1 - FLOODPLAIN AREAS POLICIES.

The subject land is within a Floodplain Area per Schedule C – Development Constraints, OP Vol. 1. Therefore, the *SECTION 5.4.6* of the OP applies to the proposed development on the subject land. Consequently, the applicant submitted sufficient information including Servicing Report with the applications to show that the proposed development and its occupants will be protected from the effects of a Regulatory Flood. The Servicing Report by Haddad Morgan & Associates provides the required information to address s.5.4.6.4 (a, b, and c). The report states that *“the storm sewers were designed in accordance with parameters outlined in the Windsor/Essex Region Stormwater Management Standards Manual, dated December 6, 2018”,* and *“the sewers were designed to handle the 100-year storm event without flooding the streets”*. In addition, ERCA approvals are required for any development on the subject site.

SECTION 11.4.2.3 OF OP VOL. 1 - EVALUATION CRITERIA (SUBDIVISION POLICIES)

The recommended draft plan of subdivision in Map No. SDN-003/24-1 shows a continuation of an orderly development pattern with no adverse impact on adjacent properties. The draft plan is consistent with relevant policies of the PPS as demonstrated in this report and in the applicant's PRR. The draft plan conforms with the applicable policies of the Official Plan. There is no Secondary Plan applicable to the subject area. The requirements and comments of municipal departments and public agencies have been considered and most of the requirements are included in the recommendation section of this report. It should be noted that some of the requirements or comments of municipal departments and public agencies are already addressed in the General Provisions of the City of Windsor's subdivision agreement. Consequently, the recommended draft plan of subdivision satisfies the above evaluation criteria set out in s.11.4.2.3 of the OP.

SECTION 11.6.3 OF OP VOL. 1 – ZONING BY-LAW AMENDMENT POLICIES

The recommended zoning by-law amendment is consistent with the relevant policies of the PPS noted in this report and conforms with the applicable OP policies as demonstrated in this report.

Support studies were received as noted earlier in this report and those studies were considered in the preparation of this report. The requirements, comments and recommendations from municipal departments and circularized agencies have been considered as noted in this report, particularly, in the CONSULTATION section.

The zoning by-law amendment promotes opportunity for residential infill and intensification, which creates a compact form of neighbourhood and ensures continuation of an orderly development pattern in the subject area. The zoning by-law amendment will provide additional housing supply / opportunities in the area with no adverse impact on the adjacent properties.

Based on the above analysis in this report, the recommended Zoning By-law Amendment maintains conformity with the Official Plan per section 11.6.3.1 and meets the criteria set out above under section 11.6.3.3 of the OP Vol. 1.

3. ZONING

The subject land is zoned Residential District 2.1 (RD2.1) by City of Windsor Zoning By-law 8600. A copy of By-law 8600 can be found on the city's website by copying this link: <https://www.citywindsor.ca/city-hall/by-laws-online> or <https://www.citywindsor.ca/documents/city-hall/by-laws-online/City%20of%20Windsor%20Consolidated%20Zoning%20By-law%208600%20-%202024%20OCT%207.pdf>

Permitted uses within the RD2.1 zoning district include:

- (a) One Duplex Dwelling
- (b) One Semi-Detached Dwelling
- (c) One Single Unit Dwelling
- (d) Any use accessory to the preceding uses

Permitted uses within the RD2.2 zoning district include:

- (a) One Double Duplex Dwelling
- (b) One Duplex Dwelling
- (c) One Semi-detached Dwelling
- (d) One Multiple Dwelling containing a maximum of four dwelling units
- (e) One Single Unit Dwelling
- (f) Townhome Dwelling
- (g) Any use accessory to the preceding uses

The recommended ZBA provides an opportunity to develop the underutilized/vacant land for four townhome dwellings containing 28 townhome dwelling units.

As noted in the attached Appendix E, area residents expressed concerns about the proposed townhouse development on the subject lands. The proposed density for the subject development was noted as a concern.

DENSITY: The RD2.1 and RD2.2 zoning districts permit a single unit dwelling on a parcel with a minimum lot area of 270m², which results in a maximum density of 37.03 units per hectare. Similarly, densities for duplex dwellings, semi-detached dwellings and townhome dwellings have been examined using the provisions of the RD2.1 and RD2.2 zoning districts; the results can be found in Table 1 below.

Tables 1 and 2 below would help the reader understand the density discussion in the subject area. As shown in Table 2 below, the proposed densities are appropriate for townhome dwellings in the subject area.

TABLE 1	SINGLE UNIT DWELLING		DUPLEX DWELLING		SEMI-DETACHED DWELLING		TOWNHOME DWELLING
By-law 8600	RD2.1	RD2.2	RD2.1	RD2.2			RD2.2
Lot Area - minimum required	270m ²	270m ²	360m ²	360m ²	450m ²	450m ²	200m ² per unit
Density (maximum per net ha)	37 units/ha	37 units/ha	27.8 units/ ha	27.8 units/ ha	44.4 units/ha	44.4 units/ha	50 units/ha

TABLE 2	PROPOSED DENSITIES FOR THE PROPOSED TOWNHOME DEVELOPMENT			
SDN-003/24-1 (APPENDIX B)	Block 1	Block 2	Block 3	Block 4
Proposed Lot Area	2001.1m ²	1856.4m ²	2041.1m ²	2336.0m ²
Proposed Number of dwelling units	7	7	7	7
Proposed Minimum Lot Area per unit	285.87m ²	265.20m ²	291.58m ²	333.71m ²
Proposed Density in units per net hectare	34.98 units per ha	37.7 units per ha	34.29 units per ha	29.96 units per ha

Table 2 shows the proposed densities for the townhome dwellings are more in line with the maximum density requirement for single unit dwellings in RD2.1 and RD2.2.

The draft plan shows that the overall site area (including proposed road allowances, easement and land reserve) is 1.0611 hectares, and the proposed overall density is 26.4 townhome units per gross hectare.

Based on the above density calculations, the proposed densities for the subject land are appropriate.

PARKING: Parking requirement for the proposed townhome dwellings is as follows:

Townhome Dwelling

- having an attached garage or carport 1 parking space for each dwelling unit
- without an attached garage or carport 1.25 parking spaces for each dwelling unit

4. HOLDING PROVISION

A holding provision is recommended for this zoning by-law amendment to ensure that construction permit is not issued for any of the permitted uses in the RD2.2 zoning

district (save & except for those uses currently permitted in the RD2.1 zoning category) until such time when the final plan of subdivision is registered.

This holding provision also creates the opportunity for the City and the applicant to address outstanding planning issue(s) through a subdivision agreement, which will be executed and registered on title before a final plan of subdivision can be registered. The holding provision can be removed when an application is made for the removal of the H symbol and all applicable conditions are satisfied.

A draft by-law is attached as **Appendix G**.

5. SITE PLAN

The proposed amendment is NOT a “development” as defined in section 41(1) of the Planning Act and the City of Windsor By-law 1-2004. Therefore, the applicant is NOT required to submit application for Site Plan Approval.

Risk Analysis: N/A. See Climate Change risk analysis below.

Climate Change Risks

Climate Change Mitigation:

The proposed development implements Environmental Master Plan Objective C1: Encourage in-fill and higher density in existing built areas. Residential intensification minimizes the impact on the community greenhouse gas emissions. Development within existing communities and neighbourhoods use available infrastructure such as sewers, sidewalks, and public transit and, as such, help to mitigate development impact.

Climate Change Adaptation:

The new building 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. Trees and other landscaping features help create better living conditions and support climate change adaptation. Implementation of the lot-grading plan for this proposed development would help mitigate adverse impacts on climate change. Stormwater management facilities also help to support climate change adaptation.

Financial Matters: N/A

Consultations:

1. PUBLIC OPEN HOUSE [Developer-led Public Information Centre (PIC)]

DATE: September 19, 2024.

VENUE: Virtual

TIME: 6:00 pm to 7:00 pm

NEIGHBOURHOOD PARTICIPATION: Attended by 13 members of the public (neighbours). It is noted that 245 invitations were mailed to the landowners and tenants within a 200 m radius of the subject land.

Summary of comments/concerns/input from the area residents and the response from the applicant's planning consultant can be found in **Appendix E** attached to this report.

Note also that, with respect to traffic volume, the development did not require submission of a Traffic Impact Statement. However, the city's Transportation Planning division requests that the developer:

- Consider location of existing driveways on Tourangeau when designing proposed intersection of Loon St and Tourangeau Rd.
- Follow the City's New Neighbourhood Traffic Calming Procedure to mitigate the impact of the cut-through on Loon St.

2. DEPARTMENT AND AGENCIES

Attached as **Appendix D**, to this report, are comments from the municipal departments and external agencies. There are no objections; however, there are conditions and/or recommendations for the approval of the subject application. This planning report takes into consideration those conditions and recommendations found in Appendix D hereto attached, and the recommendations within the required studies and reports submitted by the applicant.

The following items, detailed in the attached Appendix D, are best addressed within a subdivision agreement.

The Engineering Department recommends these conditions be included as requirements for the approval of both the zoning amendment and plan of subdivision:

- Right-of-Way – mostly addressed in the City of Windsor Subdivision Agreement General Provisions G-5(2)(a)&(b)
- Reserves – addressed in the City of Windsor Subdivision Agreement General Provisions G-5(4)
- Easements – 6m wide along the southerly property boundary.
- Land Conveyance – Approximately 4.7 meters to accommodate the municipal drain.
- Sidewalks - along Street A and Loon Street extension.
- Plan of Subdivision Agreement – including all requirements for the Engineering Department under the General Provisions of the Plan of Subdivision Agreement.
- Servicing Study – retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems.
- Site Servicing Plans – submit Servicing Plans to the satisfaction of the Chief Building Official, the City Engineer, and ERCA in regulated areas.
- ERCA Requirements – follow all drainage and flood proofing recommendations of the Essex Region Conservation Authority (ERCA) with respect to the subject land. This is addressed under the City of Windsor Subdivision Agreement General Provisions G-2 (14)
- Servicing Charges – pay owned serving fees in the amount of \$11,557.70 + HST + an annual interest charge applied based on the Infrastructure Ontario 5-year borrowing rate plus 1%.

Other important information to be noted:

- ENWIN has existing underground and overhead infrastructure. Proposed buildings and/or building additions must have adequate clearance requirements from all hydro distribution and services.
- Enbridge Gas has no active infrastructure in the proposed area.
- ERCA's requirement for stormwater management analysis is addressed under the City of Windsor Subdivision Agreement General Provisions G-2 (4).
- Bell Canada's Easement requirement is addressed under the City of Windsor Subdivision Agreement General Provision G-5 (3).
- Canada Post Developer requirements are addressed under the City of Windsor Subdivision Agreement General Provisions G-2 (11) (a) to (e).
- A Stage 1 archaeological assessment is required.
- Consider location of existing driveways on Tourangeau when designing proposed intersection of Loon St and Tourangeau Rd.
- Follow the City's New Neighbourhood Traffic Calming Procedure to mitigate the impact of the potential cut-through on Loon Street.

Conclusion and Planner's Opinion:

The applications have been evaluated considering the Provincial Planning Statement 2024, Planning Act, City of Windsor Official Plan policies, and comments received from municipal staff and outside agencies.

The Planning Rationale Report submitted by the applicant explains salient details of the applications and provides information and supporting reasons why the draft plan of subdivision and the zoning by-law amendment applications should be considered and approved. As part of this planning report, I have provided additional planning analysis in support of the proposed Plan of Subdivision and the Zoning By-law Amendment, based on relevant provincial legislation and Official Plan policies.

In my professional opinion, the recommended Zoning By-law Amendment and Draft Plan of Subdivision are consistent with the policies of the Provincial Planning Statement 2024 and maintain conformity with the City of Windsor Official Plan.

The proposed Draft Plan of Subdivision meets the requirements under section 51(17) of the Planning Act and can be designed in compliance with the Zoning By-law 8600 (as amended). The Draft Plan of Subdivision will provide housing opportunities in an established area.

Administration is recommending that the Draft Plan of Subdivision be approved subject to the conditions as in Recommendations III to VII (inclusive) of this report and the Zoning By-law Amendment be approved as in Recommendation I of this report, subject to a holding prefix as in Recommendation II of this report. The recommended zoning by-law amendment and plan of subdivision constitute good planning.

A decision to approve this zoning by-law amendment and the draft plan of subdivision is consistent with the Provincial Planning Statement (PPS) 2024.

Planning Act Matters:

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

Greg Atkinson, MCIP, RPP
Manager of Development/Deputy City Planner

Neil Robertson, MCIP, RPP
City Planner

I am not a registered Planner and have reviewed as a Corporate Team Leader

JP

JM

Approvals:

Name	Title
Greg Atkinson	Manager of Development/Deputy City Planner
Neil Robertson	City Planner / Executive Director, Planning & Development Services
Aaron Farough	Senior Legal Counsel, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development
Joe Mancina	Chief Administration Officer

Notifications:

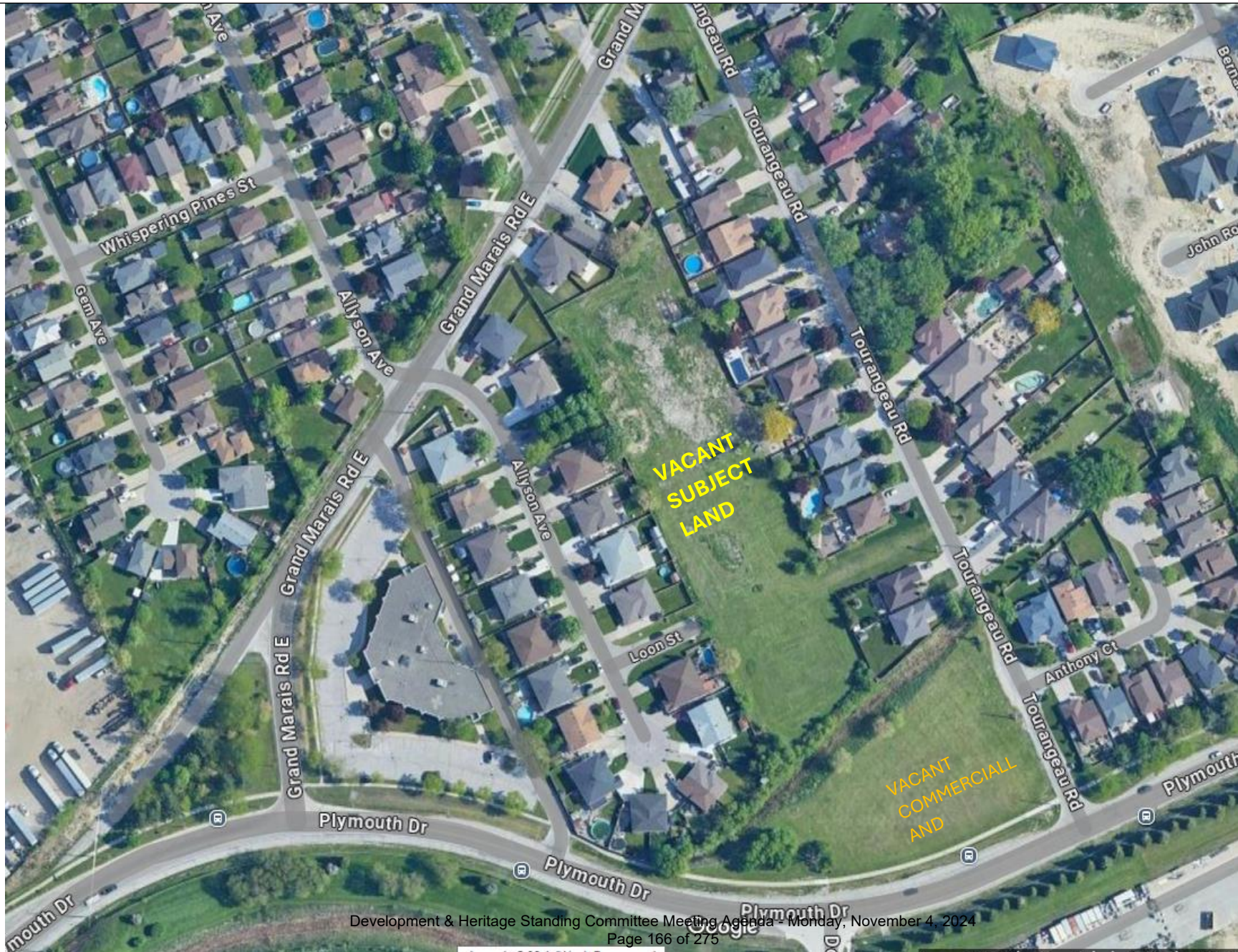
Name	Address	Email
Abutting property owners, tenants/ occupants within 200 meters (665feet) radius of the subject land		

Appendices:

- 1 Appendix A - Site Photos
- 2 Appendix B - Draft Plan of Subdivision, SDN-003/24-1
- 3 Appendix C - Development Concept Plan, SDN-003/24-2
- 4 Appendix D - Results of Consultation with municipal departments & external agencies
- 5 Appendix E - Open House Summary
- 6 Appendix F - Excerpts from Planning Rationale Report dated September 26, 2024
- 7 Appendix G - Draft By-law for Z-018/24

APPENDIX A, SITE PHOTOS

2024 Google imagery showing the vacant subject land, the abutting vacant commercial land and surrounding uses



APPENDIX A, SITE PHOTOS



2021 Google Photo of vacant commercial land fronting on Plymouth Drive, abutting the south limit of the subject land.

APPENDIX A, SITE PHOTOS



2021 Google Photo showing Tourangeau Road intersection with Plymouth Drive

APPENDIX A, SITE PHOTOS



2014 Google Photo of Loon Street intersection with Allyson Avenue



2014 Google Photo of Zelda Court intersection with Allyson Avenue

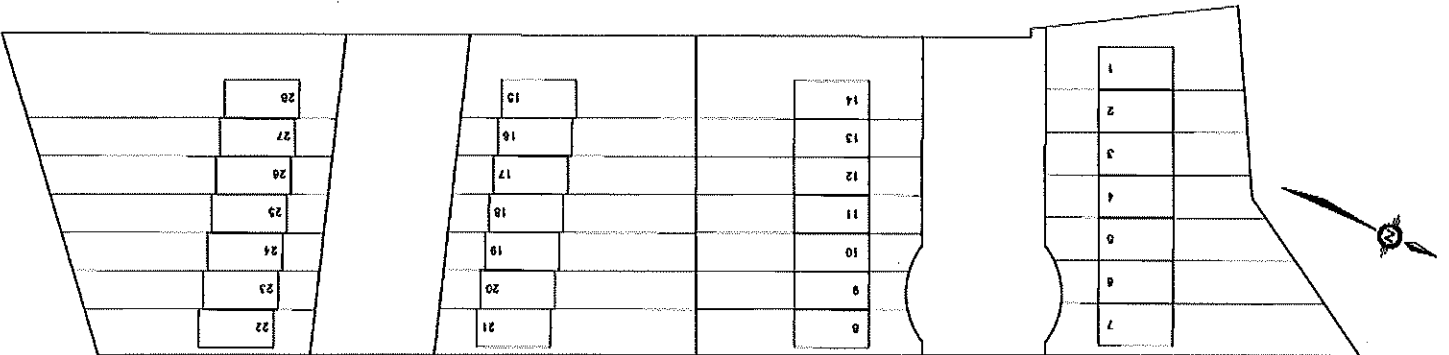
APPENDIX A, SITE PHOTOS



2014 Google Photo Grand Marais Road East and Allyson Avenue intersection

APPENDIX C – DEVELOPMENT CONCEPT PLAN

SITE DATA TABLE			
REFERENCE NUMBER	DESCRIPTION	REQUIRED	PROPOSED
	ZONING	--	RD 2.2
11.2.5.5.1	LOT FRONTAGE		
	LOTS 1-7	20 m (MIN.)	53 m
	LOTS 8-14	20 m (MIN.)	51.4 m
	LOTS 15-21	20 m (MIN.)	52 m
	LOTS 22-28	20 m (MIN.)	52.1 m
11.2.5.5.4	BUILDING HEIGHT	9.0 m (MAX.)	9.0 m
LOTS 1-7	LOT AREA 11.2.5.5.2	200 m ² (MIN.) / UNIT	1,995.4 m ²
	BUILDING AREA		583.4 m ²
11.2.5.5.3	LOT COVERAGE	45 % (MAX.)	29.2 %
11.2.5.5.7	SIDE YARDS	1.5 m (MIN.)	1.5 / 4.1 m
LOTS 8-14	LOT AREA 11.2.5.5.2	200 m ² (MIN.) / UNIT	1,855.0 m ²
	BUILDING AREA		520.3 m ²
11.2.5.5.3	LOT COVERAGE	45 % (MAX.)	28 %
11.2.5.5.7	SIDE YARDS	1.5 m (MIN.)	1.2 / 7.2 m
LOTS 15-21	LOT AREA 11.2.5.5.2	200 m ² (MIN.) / UNIT	2,041.4 m ²
	BUILDING AREA		520.3 m ²
11.2.5.5.3	LOT COVERAGE	45 % (MAX.)	25.5 %
11.2.5.5.7	SIDE YARDS	1.5 m (MIN.)	1.2 / 7.2 m
LOTS 22-28	LOT AREA 11.2.5.5.2	200 m ² (MIN.) / UNIT	2,335.4 m ²
	BUILDING AREA		520.3 m ²
11.2.5.5.3	LOT COVERAGE	45 % (MAX.)	22.3 %
11.2.5.5.7	SIDE YARDS	1.5 m (MIN.)	1.2 / 7.46 m
24.20.5.1	PARKING SPACES	1 PER UNIT W/ GARAGE	28



MAP NO : SDN-003/24-2

APPLICANT : OLIVIA CONSTRUCTION HOMES INC.

DATE: SEPTEMBER, 2024

CITY OF WINDSOR PLANNING DEPARTMENT

APPENDIX D

RESULTS OF CONSULTATION

with Municipal Departments and External Agencies

BELL CANADA – JUAN CORVALAN

We have reviewed the circulation regarding the above noted application. The following paragraphs are to be included as a condition of approval:

Bell Canada Condition(s) of Approval

- 1) The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.
- 2) The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

Upon receipt of this comment letter, the Owner is to provide Bell Canada with servicing plans/CUP at their earliest convenience to planninganddevelopment@bell.ca to confirm the provision of communication/telecommunication infrastructure needed to service the development.

It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

Concluding Remarks:

To ensure that we are able to continue to actively participate in the planning process and provide detailed provisioning comments, we note that we would be pleased to receive circulations on all applications received by the Municipality and/or recirculations. If you believe that these comments have been sent to you in error or have questions regarding Bell's protocols for responding to municipal circulations and enquiries, please contact planninganddevelopment@bell.ca directly.

We note that WSP operates Bell Canada's development tracking system, which includes the intake and processing of municipal circulations. **However, all responses to circulations and requests for information, such as requests for clearance, will come directly from Bell Canada, and not from WSP.** WSP is not responsible for Bell's responses and for any of the content herein.

ASSET MANAGEMENT – JOSE MEJALLI

No objection to the change from RD2.1 to RD2.2 to permit the proposed townhome dwellings on the subject land.

ENBRIDGE – SANDRO AVERSA

After reviewing the provided drawing, 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.

TRANSIT WINDSOR – JASON SCOTT

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Central 3. The closest existing bus stop to this property is located on Plymouth at Tourangeau Northwest Corner. This bus stop is approximately 220 metres from this property falling within Transit Windsor's 400 metre walking distance guidelines to a bus stop. This will be maintained with Transit Windsor's City Council approved Transit Master Plan.

CANADA POST – BRUNO DESANDO

Thank you for contacting Canada Post regarding plans for a new development in the City of Windsor. Please see Canada Post's feedback regarding the proposal, below.

Service type and location

1. Canada Post will provide mail delivery service to the subdivision through centralized Community Mail Boxes (CMBs).
2. If the development includes plans for (a) multi-unit building(s) with a common indoor entrance, the developer must supply, install and maintain the mail delivery equipment within these buildings to Canada Post's specifications.

Municipal requirements

1. Please update our office if the project description changes so that we may determine the impact (if any).
2. Should this subdivision application be approved, please provide notification of the new civic addresses as soon as possible.

Developer timeline and installation

1. Please provide Canada Post with the excavation date for the first foundation/first phase as well as the date development work is scheduled to begin. Finally, please provide the expected installation date(s) for the CMB(s).

Please see Appendix A for any additional requirements for this developer.

Appendix A

Additional Developer Requirements:

- The developer will consult with Canada Post to determine suitable permanent locations for the Community Mail Boxes. The developer will then indicate these locations on the appropriate servicing plans.

- The developer agrees, prior to offering any units for sale, to display a map on the wall of the sales office in a place readily accessible to potential homeowners that indicates the location of all Community Mail Boxes within the development, as approved by Canada Post.
 - The developer agrees to include in all offers of purchase and sale a statement which advises the purchaser that mail will be delivered via Community Mail Box. The developer also agrees to note the locations of all Community Mail Boxes within the development, and to notify affected homeowners of any established easements granted to Canada Post to permit access to the Community Mail Box.
 - The developer will provide a suitable and safe temporary site for a Community Mail Box until curbs, sidewalks and final grading are completed at the permanent Community Mail Box locations. Canada Post will provide mail delivery to new residents as soon as the homes are occupied.
 - The developer agrees to provide the following for each Community Mail Box site and to include these requirements on the appropriate servicing plans:
 - Any required walkway across the boulevard, per municipal standards
 - Any required curb depressions for wheelchair access, with an opening of at least two metres (consult Canada Post for detailed specifications)
- A Community Mailbox concrete base pad per Canada Post specifications.

ZONING COORDINATION – PIERE BORDEAUX

- **Current Zoning Designation:** Residential District 2.1 [RD2.1]
- **Proposed Zoning Designation:** Residential District 2.2 [RD2.2]
- **Existing Use:**
 - Vacant
- **Proposed Use:**
 - Residential Development - 7-unit townhome dwellings of 28 total residential units
- **Section 5 – General Provisions:**
 - [COMPLY]
 - [5.40] Flood Protection & Natural Hazards Provisions
 - The lot is situated within Detroit River/Lake St-Clair flood prone area
 - An input from ERCA is required
- **Section [11.2] – [RESIDENTIAL DISTRICT 2.2] [RD2.2]:**
 - [COMPLY]
 - [11.2.5.5.1] Minimum Lot Width:
 - [20.0 m] (Required)
 - [51.0 m] (Provided)
 - - [11.2.5.5.2] Minimum Lot Area
 - [200.0 m2] (Required)
 - [264.5 m2] (Provided)
- **Section 20 – Site Specific Zoning Exemptions:**
 - [NOT APPLICABLE]

- **Section 24 – Parking, Loading, and Stacking Provisions:**
 - [APPLIES]
- **Section 25 – Parking Area Regulations:**
 - [NOT APPLICABLE]

GREATER ESSEX COUNTY DISTRICT SCHOOL BOARD & WINDSOR ESSEX CATHOLIC DISTRICT SCHOOL BOARD – JORDAN COOK

On behalf of the Greater Essex County District School Board and the Windsor Essex Catholic District School Board, we confirm receipt of the Zoning By-law Amendment and Draft Plan of Subdivision application dated September 10, 2024. A total of 28 residential townhouse units are proposed for this development. With respect to this application, the following comments are submitted:

Greater Essex County District School Board

Comments:

This development falls within the attendance boundaries of:

- William G. Davis Public School (K-8)
- W. F. Herman Academy Secondary (9-12)

At this time, sufficient space exists within the local elementary and secondary schools to accommodate additional students from the development as proposed.

Windsor Essex Catholic District School

Comments:

This development falls within the attendance boundaries of:

- W.J. Langlois Catholic Elementary School
- F.J. Brennan Catholic High School

Although the impact of this development will be minimal, the local elementary school is operating near capacity and may not accommodate all students from new development. Interim accommodation measures such as portables or a holding area/boundary change may be required to accommodate students from this proposed development.

At this time, sufficient space exists within the local secondary school to accommodate additional students from the development as proposed.

General Comments:

We will continue to monitor development growth in the City of Windsor on behalf of both the GECDSB and WECDSB as it relates to the cumulative impact on local schools. The GECDSB and WECDSB also request notification of any modifications, community consultations, appeals, or notices of decision related to this application.

Please note that further to the comments provided, the GECDSB and WECDSB reserve the right to revise their position as needed without further notice. Should you require additional information regarding these comments, please contact vw@watsonecon.ca.

WINDSOR POLICE – BARRY HORROBIN

I have reviewed the draft plan of subdivision associated with this Zoning By-law amendment to create four (4) blocks comprising a total of 28 townhome dwelling units and would advise as follows:

EMERGENCY VEHICULAR ACCESS

- The Windsor Police Service has no objections to the plan/layout being proposed for this plan of subdivision. The plan as proposed will fully support and facilitate the ability of the Windsor Police Service to carry out incident response (both emergency and non-emergency in nature) and general police patrolling activities, once constructed.

SPECIFIC SAFETY ISSUES & CONSIDERATIONS

The following issues are hereby raised for due consideration, with the goal being to optimize public safety in a practical manner (particularly since site plan control will not apply here):

- When responding to incidents, particularly those with high risk/priority, it is critical for police responders to accurately locate the right address where an emergency call for assistance is required. This is particularly important for a situation such as this, whereby the built form of the 28 townhomes is likely to be visually identical. Therefore, it is very important that each separate dwelling unit have a prominently displayed address number that is at least 5" high, is of a contrasting colour to the backdrop onto which it is mounted and can be easily seen from the adjacent roadway (Street 'A' and Loon Street) by police responders without obstruction. This will optimize the address identification by Police/Fire/Ambulance during an emergency response.
- Pedestrian safety is very important in all residential neighbourhoods. This includes ensuring appropriate sidewalk infrastructure is provided to keep pedestrians off the roadway and to connect to adjacent areas. Proper street lighting is very important as well. Lighting provided should be LED, in keeping with the current municipal standard, which helps in promoting public safety.
- Proper lighting is critical for ensuring public safety of each residential property and its occupants. At a minimum, the following illumination levels should be provided:

Each exterior door should have a porch light that yields, ideally, 4.0 to 4.5 foot-candles of illumination

ENWIN

HYDRO ENGINEERING: Tia McCloskey

No Objection

Please note the following distribution and services:

- Underground 16kV primary distribution cable going from Allyson Ave to Loon St.
- Existing underground minipad transformer, 100kVA, 120/240V on Loon St.
- Secondary underground cable servicing multiple properties on Allyson Ave.
- Overhead to underground secondary cables servicing multiple properties on Tourangeau Rd.
- Overhead secondary cables servicing multiple properties on Tourangeau Rd.
- Overhead 16kV Primary distribution pole line on Tourangeau Rd, over the entrance of Loon St.
- Existing 120/240V secondary overhead transformer bank on Tourangeau Rd, at the entrance of Loon St.

- Overhead 120/240V secondary triplex distribution pole line on Tourangeau Rd, over the entrance of Loon St.
- Underground 120v Street light duplex adjacent to Plymouth Dr.
- Overhead to underground secondary cables servicing multiple properties on Grand Marais Rd E.
- Overhead secondary cables servicing multiple properties on Grand Marais Rd E.

*Proposed buildings and/or building additions must have adequate clearance requirements from all hydro distribution and services.

We recommend referring to the Occupational Health and Safety Act for minimum safe limits of approach during construction and the Ontario Building Code for adequate clearance requirements for New Buildings and/or Building Additions.

WATER ENGINEERING: Bruce Ogg

ENWIN Water has no objections.

DEVELOPMENT ENGINEERING – JUAN PARAMO

The Applicant is requesting draft plan of subdivision approval and zoning by-law amendments to develop a residential subdivision.

The Engineering Development Division has conducted a preliminary review of the supporting documents pertaining to the subject application and have the following comments:

Sanitary and Storm Servicing

A Functional Servicing Study, dated April 2024 by Haddad Morgan & Associates, has been received and reviewed. The applicant's consultant has confirmed that the existing 250mm PVC sanitary sewer on Allyson Avenue and the municipal Pillette Drain No.1 will effectively accommodate the servicing needs of the proposed residential subdivision. The study demonstrates that the municipal sanitary sewer and municipal drain has adequate capacity, and no adverse impacts are expected on the surrounding areas as a result of the proposed development. The servicing study has been deemed acceptable, and the proposed servicing strategy is supported by the Engineering Development department.

As part of detailed design, a revised servicing study must be submitted, to address minor comments that have been provided separately. The revised servicing study must be to the satisfaction of the City Engineer, and should include a detailed design of both the internal subdivision sanitary and storm sewer systems, adhering to all applicable standards.

The Pillette Drain No. 1 is a municipal drain governed by by-laws under the Drainage Act. At the applicant's request, the City has initiated the process to abandon this drain. This process is currently ongoing, and any new storm outlet to the municipal drain is subject to the completion and approval of the abandonment process.

A portion of the Pillette No.1 municipal drain currently runs through the subject property. A land conveyance of approximately 4.7 metres along the southern property boundary is required to accommodate the entire municipal drain within City-owned property. In addition, a 6-metre municipal easement is required from the new southern property line to permit maintenance of the municipal drain or, should the abandonment process is completed, municipal ditch.

The development site are within the regulated area under the jurisdiction of the Essex Region Conservation Authority (ERCA), and the drain is classified as a Class F drain by the Department of Fisheries and Oceans Canada (DFO). Any impact or alterations to the drain would be subject to permits from ERCA and the DFO, working easements for drain maintenance, and to the

provisions of the Drainage Act administered through the City of Windsor. The Developer shall obtain a permit, or clearance, from the Essex Region Conservation authority (ERCA) for the outlet(s) to drain.

Roads and Right-of-Way

Street A shall be classified as a Local road in accordance with the direction of the Official Plan, requiring a right-of-way width of 20.0 meters. Furthermore, the right-of-way around the proposed permanent cul-de-sac will require a consistent boulevard width as stipulated by the City of Windsor Standard Drawing AS-206C, and a 0.3m reserve at the terminus of Street A.

The Loon Street extension shall be classified as a Local road in accordance with the direction of the Official Plan, requiring a right-of-way width of 20.0 meters.

All new roadways are to be designed to City of Windsor Standard AS-206C, the City's Standard Urban Cross Section, and the City of Windsor Development Manual. Curbs and Gutters to be constructed as per City of Windsor Standard AS-208. Pavements may be 7.4 meters in width, as shown on Standard City Drawing AS-206C. The owner further agrees that cul-de-sac pavements shall have a minimum radius of 9.5 meters

In summary, we have no objection to the proposed plan of subdivision approval and the associated zoning by-law amendment. The Engineering Department recommends the following conditions be included as requirements for the approval of both the zoning amendment and plan of subdivision:

Right-of-Way:

1. The Owner agrees to dedicate to the Corporation on the registered subdivision plan, all public highways as shown on the approved draft plan of subdivision.
2. The owner shall arrange to have all public highways named and obtain street numbers for all lots, all to the satisfaction of the Corporation.
3. The owner agrees to construct on all future municipal right-of-way, pavements, including curbs and gutters, driveway approaches and the necessary drainage facilities according to City of Windsor standard specifications, complete with a 20-meter right-of-way. Pavements may be 7.4 meters in width, as shown on Standard City Drawing AS-206C. The cul-de-sac pavements shall have a minimum radius of 9.5 meter. The owner further agrees that one (1) full winter shall elapse following the laying of base asphalt, prior to the laying of surface asphalt. All work to be to the satisfaction of the City Engineer.

Reserves – The owner covenants and agrees that dead-ended highways shall terminate in 0.3 metre reserve blocks. The owner further agrees to gratuitously convey to the Corporation those 0.3 metre reserves in fee simple and without encumbrance and prior to the issuance of any construction permits.

Easements – Prior to the issuance of a construction permit, the owner shall gratuitously grant a 6m easement along the southern property boundary for the maintenance and improvement of the Pillette No. 1 Drain. Should the municipal drain be abandoned, the easement would still be necessary for the maintenance of the municipal ditch.

Land Conveyance – Prior to the issuance of a construction permit, the owner(s) shall agree to gratuitously convey to the Corporation, land sufficient to fully accommodate the municipal Pillette Drain No.1 within City-owned property located southerly of the drain. This conveyance shall be approximately 4.7 meters.

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:

- New Street A – along the north boulevard to Allyson Avenue
- Loon Street – along the north boulevard between Allyson Avenue and Tourangeau Road

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.

Site Servicing Plans – The owner agrees to submit a site servicing plan for the subject lands to the satisfaction of the Chief Building Official, the City Engineer, and ERCA in regulated areas, prior to the issuance of any construction permits for 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.

Servicing Charges – The owner agrees to pay owned serving fees in the amount of \$11,557.70 + HST + an annual interest charge applied based on the Infrastructure Ontario 5-year borrowing rate plus 1%.

If you have any further questions or concerns, please contact Juan Paramo, of this department at 519-255-6100, ext. 6353

ERCA – ALICIA GOOD

Our office has reviewed this proposal based on the mandate of the Essex Region Conservation Authority and we provide the following comments.

The City of Windsor has received application for Draft Plan of Subdivision approval SDN-003/24 and Zoning By-law Amendment Z-018/24 for the above noted subject lands.

The applicants propose to develop a residential subdivision comprising 4 blocks for townhome dwellings with a total of 28 townhome units, one Block for 1-foot land reserve along the east limit of a proposed new R.O.W. (Street A), and another Block (part of the existing southerly open drain) to be conveyed to the city. The draft plan also shows two proposed internal rights-of-way (Loon St. extension and Street A) connecting to Allyson Avenue.

The subject land is designated Residential on Schedule D – Land Use, Official Volume 2, and zoned Residential District 2.1 (RD2.1) by Bylaw 8600.

The applicant is also requesting a change from RD2.1 to RD2.2 to permit the proposed townhome dwellings on the subject land.

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 Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 41/24). The parcel falls within the regulated area of the Grand Marais Drain and Pillette No.1 Drain. The property owner will be required to obtain an approval from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

FINAL RECOMMENDATION

Our office has **no objection** to Application for Zoning By-Law Z 018-24.

We request the following draft conditions for inclusion in the Notice of Decision and implementing Subdivision Agreement:

1. That the subdivision agreement, between the Owner and the Municipality, contain provisions, to the satisfaction of the Municipality and the Essex Region Conservation Authority, that stipulates, that prior to obtaining final approval, for any and all phases of the development, that the Owner will finalize an engineering analysis, to identify stormwater quality and quantity measures, as necessary to control any increase in flows in downstream watercourses, in accordance with the *Windsor-Essex Region Stormwater Management Standards Manual* and any other relevant municipal/provincial, standards or guidelines, in consultation, with the ERCA;
2. That the subdivision agreement between the Owner and the Municipality contain provisions that require that the Owner install the stormwater management measures, for each phase of the development, identified in the final engineering analysis completed, as part of the development for the site and undertake to implement the recommendations contained therein, to the satisfaction of the Municipality and the Essex Region Conservation Authority;
3. That prior to final approval, the Essex Region Conservation Authority shall require a copy of the fully executed subdivision agreement between the Owner and the Municipality, in wording acceptable to the Essex Region Conservation Authority, containing provisions to carry out the recommendations of the final plans, reports and requirements noted above and obtain the necessary ERCA approvals for each phase or phases seeking final approval;
4. That prior to undertaking construction or site alteration activities, the owner shall obtain all necessary approvals from the Essex Region Conservation Authority, in accordance with Section 28 of the *Conservation Authorities Act*, any other applicable legislation, and Conditions specified herein.
5. That the subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of the Essex Region Conservation Authority (ERCA), that require notice in every agreement of purchase and sale for the units within Block 4, that the properties are subject to Section 28 approvals by ERCA under the *Conservation Authorities Act*. Additionally, it should specify that the rear portion of the lots with 8m plus the depth of the drain may not meet the minimum setback requirement for additional structures. The ERCA permit process will assess the feasibility of constructing buildings and structures in proximity to the regulated watercourse, Pillette Drain No. 1.

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

FORESTRY – YEMI ADEYEYE

Additional Comment: October 17, 2024

FORESTRY: Tree Replacement Valuation - Z 018-24 [ZNG-7211] & SDN 003-24 [SDN-7212] - Olivia Construction Homes Inc. | 3990 Loon St.

As of October 16, 2024, all trees identified in the tree inventory conducted by Mr. Bill Rosel on the 3990 Loon St project site have now been removed or are slated to be removed. In addition, there are 8 trees along the current right-of-way for Zelda Crt. that will be lost when that roadway is extended for the project. The City requires full Tree Replacement compensation, diameter-for-diameter, for lost tree canopy for all the trees previously identified in Mr. Rosel's inventory as well as the Zelda Crt. trees.

For the trees in the inventory at 3990 Loon St. there was a total of 285 cm of tree diameter that requires replacement with 57 new caliper trees...

Valuation \$38,700.00 (based on 2024 Rates).

For the existing 8 trees along the Zelda Crt right-of-way, there is a total of 262 cm of tree diameter that requires replacement with 53 new caliper trees...

Valuation \$35,632.00 (based on 2024 Rates).

Total Canopy replacement valuation for the 3990 Loon St. project: 110 replacement trees...

Total Tree Valuation: \$74,392.00 (based on 2024 Rates).

Please let us know if you have any further questions regarding these Tree Replacement issues. Forestry will continue to monitor the progress of this construction work.

Gaspar Horvath

ISA Certified Arborist/ Municipal Specialist ON-2330AM, TRAQ, TPAQ

Forestry Supervisor, City of Windsor

Original Comment: September 24, 2024

There are NO City trees identified on this lot. There are an estimated 40-45 private trees across portions of this lot, primarily along the South and West boundaries. The South boundary borders a drainage/ waterway, while the West backs on to existing private residences and these trees may have been planted by those residents.

The developer is requested to provide a detailed tree inventory for all live trees over 10cm DBH on the lot. The inventory should identify ownership and provide sub-meter accuracy GPS location, species, diameter (DBH) and condition for each tree. Indication should be made for each tree if it is to be preserved & protected or removed during development. A qualified, Arborist, Urban Forester or Landscape Architect should conduct the tree survey.

Forestry will require detailed site plans that show adequate Tree Root protection zones for each individual tree if they are to be preserved on-site through the development process. Details regarding the protection area required and type of fencing for Tree Root protection zones can be provided by Forestry.

If the trees are NOT to be preserved through the development process, and a request is made that specific trees be removed, the Removal & Canopy Replacement cost will be calculated based on a Diameter-for-Diameter replacement ratio for both City owned and private trees.

Forestry requests the opportunity to review landscaping plans in order to provide comment and suggestion that would maximize future on-site Tree Canopy and Tree Canopy Resilience. One suggestion at this time would be to consider maximizing tree canopy preservation particularly to the south end of the lot.

Please let us know if you have any further questions regarding Tree Protection and Replacement issues. Forestry will continue to monitor the progress of this construction work.

NATURAL AREAS – KAREN ALEXANDER

- Recommends fence along Pilette Drain be installed on the north side of the existing vegetation to preserve the existing vegetation along that drain (OP 8.5 Design with Nature objectives and policies).
- Any removal of shrubs/trees must not harm active birds nests (Migratory Birds Act)

TRANSPORTATION PLANNING – ELARA MEHRILLOU

Transportation Planning Comments – Revised 10-2-2024:

- Sidewalk is required on one side of Local Residential Roads, therefore, sidewalk construction per Engineering Right-of-Way requirements is required along Zelda Crt/Street A and along Loon St.
- All parking must comply with ZBL 8600 otherwise a parking study would be required.
- Consider location of existing driveways on Tourangeau when designing proposed intersection of Loon St and Tourangeau Rd.
- Potential cut through traffic to Tourangeau Rd is a concern. Follow the City's New Neighbourhood Traffic Calming Procedure to mitigate the impact of the cut-through on Loon St.
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.
- Cul-de sac on Zelda Crt/Street A and Loon Street extension/connection to Tourangeau Rd must meet the City Standard Engineering Drawings.
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

HERITAGE PLANNING – TRACY TANG

Please find attached Heritage Planning comments for the rezoning and subdivision application noted. Since the 2024 WAMP has been adopted, we will require a Stage 1 AA before any land disturbances (Building Permit Stage).

Required: Stage 1 Archaeological Assessment

The updated archaeological potential model as per the 2024 WAMP and associated Official Plan Schedule C-1 recently adopted by City Council on July 22, 2024, indicates the subject property to be within an Archaeological Potential Zone (APZ). A Stage 1 archaeological assessment and any further recommended assessments are required to be entered into the Ontario Public Register of Archaeological Reports to the satisfaction of the City of Windsor and the Ontario Ministry of Citizenship and Multiculturalism, prior to any additional land disturbances. A final copy of these relevant archaeological reports and GIS study area must be submitted to the City of Windsor.

**ZONING BY-LAW AMENDMENT
AND
DRAFT PLAN OF SUBDIVISION
FOR PROPOSED
RESIDENTIAL DEVELOPMENT**

**3990 Loon Street
Windsor, Ontario**

PUBLIC CONSULTATION SUMMARY

September 19, 2024

Prepared by:



Tracey Pillon-Abbs, RPP
Principal Planner
Chatham, ON
226-340-1232
tracey@pillonabbs.ca
www.pillonabbs.ca

In addition to the statutory public meeting, the *Planning Act* requires that the Applicant submit a proposed strategy for public consultation with respect to an application as part of the complete application requirements.

As part of a public consultation strategy, in addition to the statutory public meeting, an informal electronic public open house was held with area residents and property owners on Thursday, September 19, 2024, from 6:00 pm to 7:00 pm.

The open house provided members of the public with opportunities to review and comment on the proposed development.

A total of **245** owners and tenants were notified, which represents a **200 m** radius from the Site.

In addition to the applicant's representatives and City Staff, 13 residents registered for the open house.

In addition, emails and phone calls were received.

The following is a summary of the comments and questions received, along with the responses provided.

Topic Item	Comments and Questions	Response
Tenure / Ownership	Are these townhomes 'geared to income housing (low income)'? Are they individually owned?	The units will be individually owned and sold at market value. The sales price has yet to be determined.
Trees	All trees have now been removed.	Note.
Construction	How will the environment be controlled (health issues). Who long will construction last?	The Draft Plan of Subdivision will have requirements for construction (ie fencing, screening, etc). There are no construction plans at this time.
Extra Property	Is there extra property that you can sell to neighbours?	Information has been forwarded to the applicant.
Drainage	Concerns about drainage issues. Will the Grand Marais Drain / Ditch be covered?	Servicing plans will be prepared. Grand Marais will remain an open channel section.
Traffic	Concerns with an increase in traffic. The local roads are too narrow.	No TIS was warranted for the proposed development.

Topic Item	Comments and Questions	Response
	<p>The snow plow drive cuts into the grass every year.</p> <p>Grand Marais is too busy now.</p> <p>Can a roadway be connected to Plymouth Drive.</p> <p>Amazon will increase traffic in the area.</p> <p>There are no curbs on the local roads now.</p> <p>There are bus stops in the area that will back up traffic.</p> <p>Children's safety is at risk.</p>	<p>The Draft Plan of Subdivision will set out any road improvement required by the developer.</p> <p>The Site does not abut Plymouth Drive in order to have access.</p>
Timing of Development	What is the timing of construction?	Unknown at this time.
Open House	Purpose of the meeting?	<p>The open house provided members of the public with opportunities to review and comment on the proposed development.</p> <p>No formal application has yet been deemed complete by the City.</p>
Parking	<p>Where will people park?</p> <p>There is not enough on street parking now?</p> <p>Move the buildings back and make longer driveways.</p> <p>What side of the street will on street parking be located.</p> <p>How much street parking is proposed, and on what side of the road?</p>	<p>Each unit will provide for its own on site parking.</p> <p>Driveway length can be reviewed.</p> <p>There are minimum rear yard setback requirements set out by the City zoning by-law.</p> <p>On street parking is regulated by the City.</p>

Topic Item	Comments and Questions	Response
	We need more parking in the area.	
Building Height	You need to respect the height of the neighbourhood. What is the maximum height allowed?	The neighbourhood is made up of a variety of different building heights. The proposed height complies with the City of Windsor zoning by-law (9.0 m max).
Noise	Noise will be bad.	Not a planning-related issue.
Children	There are already too many school kids and buses now.	Not a planning-related issue.
Timing	When will construction start?	Pending approval of the ZBA and Draft Plan of Subdivision
Costs	How much will the units be selling for?	This has yet to be determined.
Setbacks		
Sidewalks	What side of the road will sidewalks be built? There are no sidewalks along Allyson.	This will be set out by the City under the development agreement.
Building Type	Not in favors of townhomes. Semi's would be better.	The density of the development most likely will be the same.
Zoning	Will the new zoning allow apartments (say 12 units)? Can the developer change the proposal?	No, the proposed zoning will only allow a 4 unit multiple dwelling in addition to the proposed townhomes.
Soil	The site was previously used as a tree nursery, and there may be soil contamination. There is a sample station on the Site.	No soil report is required as part of the ZBA.
Next Steps	Will be get notice of the public meeting. Where on the City website can we find information? How often is it updated?	The City will provide the notice of the public meeting. Search "current development applications" for the application file once it has been deemed complete.
Parcel and Block Sizes	What is the size of the entire parcel and what size are the blocks>	The Site consists of a total area of approximately 10,599.99 m2 or 1.06 ha.

Topic Item	Comments and Questions	Response
		<p>The Site is an irregularly shaped lot with an approximate frontage of 15.24 m along Loon Street.</p> <p>Block 1 – 1,995.4 m² Block 2 – 1,855.0 m² Block 3 – 2,041.4 m² Block 4 – 2,335.4 m²</p>

Based on the comments received, there are no proposed changes to the concept plan.

APPENDIX F -

Excerpts from Planning Rationale Report dated September 26, 2024

4.4 Supporting Studies

The following supporting studies have been completed as part of this PRR in support of the application for the zoning amendment.

4.4.1 Servicing

A Servicing Report was prepared by Haddad Morgan & Associates Ltd, Consulting Engineers, dated July 7, 2023, and further revised on April 5, 2024.

The purpose of the report is to provide the proposed site servicing for the Site and include the stormwater storage and servicing requirements.

The proposed development requires the installation of a storm sewer system with an outlet into the adjacent municipal drain (Pillette Drain No. 1) at the southwest corner of the Site.

The report also included protection from flooding and erosion.

It was determined that full services could be provided.

4.4.2 Trees

A Tree Inventory and Preservation Plan was prepared by Bezaire Partners, dated December 2022.

The purpose of the plan is to provide the location of all existing trees and vegetation.

4.4.3 Fish

A Fisheries Act Review was prepared by MTE Consultants Inc., dated May 14, 2024.

The purpose of the plan is to complete a fish and fish habitat self-assessment to maintain compliance with the federal Fisheries Act.

It was concluded that the proposed activities would not result in the death of fish and/or fish habitat provided that the recommended mitigation and avoidance measures.

Mitigation measures include such recommendations as timing of work, sediment and erosion control fencing, response plan, machinery cleaning and erosion control.

4.4.4 Habitat

A Species At Risk (SAR) preliminary screening was prepared by MTE Consultants Inc., dated December 2, 2021.

The purpose of the screening was to assess the potential for habitat.

It was concluded that the Site is unlikely to contain suitable critical habitat for any Protected Species. No floral or faunal Protected Species were identified during field investigations, and no potential suitable habitat for protected species exists within the Site.

Further, the proposed activity on the Site will not contravene the Endangered Species Act (ESA) as long as recommended best management practices and mitigation measures are followed.

The assessment was filed with the Ministry, and clearance was received.

5.0 PLANNING ANALYSIS

5.1 Policy and Regulatory Overview

5.1.1 Provincial Planning Statement

The Provincial Planning Statement, 2024 (PPS) provides policy direction on matters of provincial interest related to land use planning and development.

The PPS was issued under Section 3 of the *Planning Act* and came into effect on October 20, 2024.

The following provides a summary of the key policy considerations of the PPS as it relates to the proposed development.

PPS Policy #	Policy	Response
Chapter 1 - Vision	Ontario will increase the supply and mix of housing options, addressing the full range of housing affordability needs. Every community will build homes that respond to changing market needs and local demand. Providing a sufficient supply with the necessary mix of housing options will support a diverse and growing population and workforce, now and for many years to come.	The proposed development provides more housing.
Chapter 2.1.4 – Buildings Homes, Sustaining Strong and Competitive Communities	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: a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through lands which are designated	The proposed development will help provide for a mix of housing options and densities to meet the needs of the City. Full municipal services are available.

PPS Policy #	Policy	Response
	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, including units in draft approved or registered plans.	
2.1.6	Planning authorities should support the achievement of complete communities by: a) accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, longterm care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs; b) improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society;	The proposed development is consistent with the policy to achieve complete communities. The proposed development will provide for a range and mix of housing options. The Site has access to transportation options, public service facilities, other institutional uses, and parks. Accessibility will be addressed at the time of a building permit.
2.2.1 - Housing	Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by: a) establishing and implementing minimum targets for the provision of housing that is affordable to low and moderate income	The proposed development is a new housing option for the area. The proposed development support the City's targets. The needs of the residents can be accommodated as the Site is located near local amenities.

PPS Policy #	Policy	Response
	<p>households, and coordinating land use planning and planning for housing with Service Managers to address the full range of housing options including affordable housing needs;</p> <p>b) permitting and facilitating:</p> <ol style="list-style-type: none"> 1. all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and 2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3; <p>c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and</p> <p>d) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to</p>	<p>The Site offers an opportunity for intensification and infilling.</p> <p>The proposed development will connect to existing neighbourhoods.</p> <p>The proposed density is appropriate for the Site.</p> <p>Residents will have access to nearby transit.</p>

PPS Policy #	Policy	Response
	transit, including corridors and stations.	
2.31.1 – Settlement Area	Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.	The Site is located in an existing settlement area of the City of Windsor.
2.3.1.2	Land use patterns within settlement areas should be based on densities and a mix of land uses which: a) efficiently use land and resources; b) optimize existing and planned infrastructure and public service facilities; c) support active transportation; d) are transit-supportive, as appropriate	<p>The total density of the proposed development is considered appropriate.</p> <p>The Site offers an opportunity for infilling by creating new residential dwelling lots on a vacant parcel of land.</p> <p>The proposed height and massing of the dwellings will blend with the existing residential uses in the area.</p> <p>Residents will have immediate access to shopping, employment, transit, active transportation, recreational areas and institutional uses.</p> <p>Transit is available for the area.</p> <p>Active transportation is available in the area, along Plymouth Dr.</p>
2.3.1.3	Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and	<p>The proposed development provides an infill opportunity of a vacant parcel of land.</p> <p>The Site was always intended for development.</p>

PPS Policy #	Policy	Response
	investment in the necessary infrastructure and public service facilities.	The design of the proposed development has provided a compact form.
2.3.1.4	Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.	The City has established targets. The proposed development will assist in meeting those targets as the Site is located in an existing built-up area and will add new residential housing.
2.3.1.6	Planning authorities should establish and implement phasing policies, where appropriate, to ensure that development within designated growth areas is orderly and aligns with the timely provision of the infrastructure and public service facilities.	The Site has access to existing infrastructure and nearby public service facilities.
Chapter 3.1.1 – Infrastructure and Facilities	Infrastructure and public service facilities shall be provided in an efficient manner while accommodating projected needs.	The proposed development has access to full municipal services. There are nearby public service facilities.
3.3.3 - Transportation	Planning authorities shall not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.	The proposed development will not have a negative impact on nearby transportation and infrastructure corridors.
3.6.2	Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. For clarity, municipal sewage services and municipal water services include both centralized	The proposed development will be serviced by municipal sewer, water and storm, which is the preferred form of servicing for settlement areas. A Servicing Report has been provided and summarized in Section 4.4.1 of this PRR.

PPS Policy #	Policy	Response
	servicing systems and decentralized servicing systems.	
4.1.1 – Natural Heritage	Natural features and areas shall be protected for the long term.	There are no natural heritage features that impact the Site. Tree, Fish and Habitat reports have been prepared and summarized in Section 4.4.2 of this PRR.
4.2 - Water	Planning authorities shall protect, improve or restore the quality and quantity of water by: b) minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts;	Permits will be obtained by ERCA in order to address the regulated area. Support studies have been provided to address the floodplain including the Servicing Report summarized in section 4.4.1 of this PRR
Chapter 5.1.1 – Protecting Public Health and Safety	Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.	There are no natural or human-made hazards that apply to this Site. There is no risk to the public. The Site is within the ERCA regulated area, and permits will be obtained if required.

Therefore, the proposed development is consistent with the PPS.

5.1.2 Official Plan

The City of Windsor Official Plan (OP) was adopted by Council on October 25, 1999, approved in part by the Ministry of Municipal Affairs and Housing (MMAH) on March 28, 2000, and the remainder approved by the Ontario Municipal Board (OMB) on November 1, 2002. Office consolidation version is dated September 7, 2012.

The OP implements the PPS and establishes a policy framework to guide land use planning decisions related to development and the provision of infrastructure and community services throughout the City.

The lands are designated "Residential" according to Schedule "D – "Land Use" attached to the OP for the City of Windsor (see Figure 4 –OP).

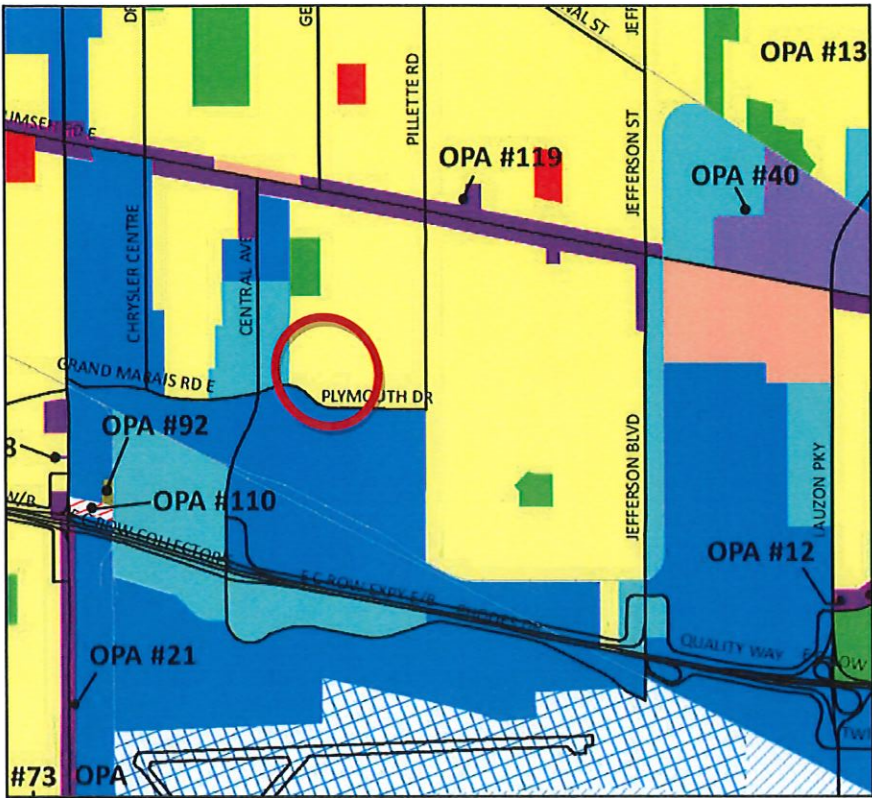


Figure 4 –OP

The following provides a summary of the key policy considerations of the OP as it relates to the proposed development.

OP Policy #	Policy	Response
3.2.1.2 – Housing Variety	Encouraging a range of housing types will ensure that people have an opportunity to live in their neighbourhoods as they pass through the various stages of their lives.	The proposed residential development supports one of the City's overall development strategies of providing for a range of housing types. The proposed development is close to transit and local amenities.
3.3.3 - Neighbourhoods	Neighbourhoods are the most basic component of Windsor's urban structure and occupy the greatest proportion of the	The proposed residential development is in an existing built-up area of the City.

OP Policy #	Policy	Response
	<p>City. Neighbourhoods are stable, low-to-medium-density residential areas and are comprised of local streets, parks, open spaces, schools, minor institutions and neighbourhood and convenience scale retail services.</p> <p>The three dominant types of dwellings in Windsor's neighbourhoods are single detached, semi-detached and townhouses.</p> <p>The density range for Windsor's neighbourhoods is between 20 to 35 units per net hectare.</p> <p>This density range provides for low and some medium-density intensification to occur in existing neighbourhoods. Multiple dwelling buildings with medium and high-densities are encouraged at nodes identified in the Urban Structure Plan.</p>	<p>The proposed lots will blend with the surrounding area and will connect existing neighbourhoods.</p> <p>The Site offers appropriate infilling within the existing settlement area.</p> <p>The area has access to nearby amenities, such as public spaces, commercial nodes, and recreational activities.</p> <p>The proposed density offers an opportunity to efficiently use municipal infrastructure.</p> <p>The Site will provide for more housing in an existing built-up area.</p>
4.0 – Healthy Community	<p>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.</p>	<p>The proposed development will support the City's goal of promoting a healthy community (live, work and play).</p> <p>The proposed development is close to nearby transit, employment, shopping, local/regional amenities, and parks.</p>
5.0 - Environment	<p>A healthy and sustainable environment represents a balance between human activities and natural features</p>	<p>The proposed development will support the City's goal of a healthy and sustainable environment.</p>

OP Policy #	Policy	Response
	and functions. In order to attain this balance, Council will enhance the quality of Windsor's natural environment and manage development in a manner that recognizes the environment as the basis of a safe, caring and diverse community and a vibrant economy.	<p>The Site is flat, which is conducive to easy vehicular movements.</p> <p>The Site will include new sidewalks.</p> <p>There are no anticipated traffic concerns, no environmental concerns, and no expected hazards.</p>
5.4.6.4 – Development Criteria (Floodplain)	Council may permit development in a floodplain in recognized flood fringe areas outside of the floodway, including behind flood control dykes (so as to address the matter of the potential failure of protective works) provided: (a) sufficient information accompanies the application to show that the proposed development and its occupants will be protected from the effects of a Regulatory Flood; (b) the potential upstream and downstream impacts of the development proposal will not significantly affect the hydrology or hydraulics of the floodplain; (c) and that adequate floodproofing measures, determined in consultation with the Essex Region Conservation Authority, are incorporated in the development.	<p>The Site is subject to ERCA regulations.</p> <p>Permits will be obtained if required prior to any building construction.</p> <p>A permit has been obtained for the placement and grading of fill for earthwork modifications.</p> <p>Support studies have been provided to address the floodplain including the Servicing Report summarized in section 4.4.1 of this PRR.</p>
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.	The proposed development supports the policy set out in the OP as it is suited for the residential needs of the City.

OP Policy #	Policy	Response
	In order to ensure that Windsor is such a city, Council will manage development through an approach which balances environmental, social and economic considerations.	The Site will provide for more housing and will connect existing neighbourhoods.
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>	The proposed development supports the goals set out in the OP as it provides for housing that is suited to residents in this area of Windsor and is close to employment and schooling opportunities.
6.2.1.2 – Types of Development Profile	<p>For the purpose of this Plan, Development Profile refers to the height of a building or structure. Accordingly, the following Development Profiles apply to all land use designations on Schedule D: Land Use unless specifically provided elsewhere in this Plan:</p> <p>(a) Low Profile developments are buildings or structures generally no greater than three (3) storeys in height;</p> <p>(b) Medium Profile developments are buildings or structures generally no greater than six (6) storeys in height; and</p> <p>(c) High Profile developments are buildings or structures generally no greater than fourteen (14) storeys in height.</p>	The proposed development of the lots is considered low-profile building.

OP Policy #	Policy	Response
6.3.1.1 - Residential	To support a complementary range of housing forms and tenures in all neighbourhoods.	The proposed development provides for a new housing choice in an existing built-up area. The proposed development will blend with the built form of the neighbourhood.
6.3.1.2	To promote compact neighbourhoods which encourage a balanced transportation system.	The existing neighbourhood has access to transportation options, including transit.
6.3.1.3 – Intensification Infill & Redevelopment	To promote residential redevelopment, infill and intensification initiatives in locations in accordance with this plan.	The Site provides an opportunity for infilling within an existing built-up area and will connect existing neighbourhoods.
6.3.2.1 – Permitted Uses	Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low Profile , and Medium Profile dwelling units. High Profile Residential Buildings shall be directed to locate in the City Centre, Mixed Use Centres and Mixed Use Corridors.	It is proposed to construct townhomes, which are a permitted low profile use.
6.3.2.3 – Type of Low Profile Housing	For the purposes of this Plan, Low Profile housing development is further classified as follows: (a) small scale forms: single detached, semi-detached, duplex and row and multiplexes with up to 8 units; and (b) large scale forms: buildings with more than 8 units.	The proposed development is considered small scale.
6.3.2.4 - Location	Residential intensification shall be directed to the Mixed Use Nodes and areas in proximity to those Nodes. Within these areas Medium	The Site has access to major transportation networks. Full municipal services are available.

OP Policy #	Policy	Response
	Profile buildings, up to four (4) storeys in height shall be permitted. These taller buildings shall be designed to provide a transition in height and massing from low-profile areas. New residential development and intensification shall be located where: (a) There is access to a collector or arterial road; (b) Full municipal physical services can be provided; (c) Adequate community services and open spaces are available or are planned; and (d) Public transportation service can be provided.	Access to transit is available with bus stops nearby.
6.3.2.5 - Evaluation	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; (iii) within a site of potential or known contamination; (iv) where traffic generation and distribution is a provincial or municipal concern; (v) and adjacent to heritage	<p>This PRR has addressed provincial legislation in Section 5.1.1.</p> <p>The main constraint that impacts this Site is that it is located within the limit of the regulated area of ERCA. The required permits will be obtained.</p> <p>There are no nuisances.</p> <p>There is no contamination.</p> <p>Traffic generated from the proposed development is not expected to have any negative impact.</p> <p>There are no heritage resources.</p> <p>The proposed development is in keeping with policies and plans.</p>

OP Policy #	Policy	Response
	resources. (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area; (c) In existing neighbourhoods, compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas. In Mature Neighbourhoods as shown on Schedule A-1, compatible with the surrounding area, as noted above, and consistent with the streetscape, architectural style and materials, landscape character and setback between the buildings and streets; (d) provided with adequate off street parking; (e) capable of being provided with full municipal physical services and emergency services; and (f) facilitation a gradual transition from Low Profile residential development to Medium and/or High Profile development and vice versa, where appropriate, in accordance with Design Guidelines approved by Council.	<p>There are no secondary plans that impact the Site.</p> <p>The proposed development is compatible with the area as it is in keeping with the character of the existing neighbourhood.</p> <p>The proposed height of the buildings will be kept low profile, similar to the existing dwellings in the area.</p> <p>The massing of the development will fit well on the size of the lot.</p> <p>The Site is not in a mature neighbourhood as shown on Schedule A-1 of the OP.</p> <p>Off street parking is provided in private driveways.</p> <p>Full municipal services are available.</p> <p>The proposed development will be professionally designed.</p> <p>The City of Windsor intensification guidelines will be followed.</p> <p>All RD2.2 zone provisions shall comply.</p>
7.0 - Infrastructure	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	The Site is close to nearby transit, has access to major transportation networks and can be serviced with full municipal services.

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 RD2.2 zone provisions, as set out in Sections 11.2 of the ZBL, are as follows:

Zone Regulations	Required RD2.2	Proposed (Townhome Dwelling)	Compliance and/or Relief Requested with Justification
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	Townhome Dwelling	Complies, subject to the ZBA. The proposed use is considered low profile and is compatible with the area.
Minimum Lot Width	20.0 m	Block 1 – 53 m Block 2 – 51.4 m Block 3 – 52 m Block 4 - 52.1 m	Complies
Minimum Lot Area	Per dwelling unit - 200.0 m ² 200.0 x 7 = 1,400 m ²	Block 1 – 1,995.4 m ² Block 2 – 1,855.0 m ² Block 3 – 2,041.4 m ² Block 4 – 2,335.4 m ²	Complies As shown on the concept plan.
Maximum Lot Coverage	45.0%	Block 1 – 29.2 % Block 2 – 28 % Block 3 – 25.5 % Block 4 - 22.3 %	Complies

Zone Regulations	Required RD2.2	Proposed (Townhome Dwelling)	Compliance and/or Relief Requested with Justification
Maximum Main Building Height	9.0 m	9.0 m	Complies
Minimum Front Yard Depth	6.0 m	Shall comply	Complies
Minimum Rear Yard Depth	7.50 m	Shall comply	Complies
Minimum Side Yard Width	1.20 m	Block 1 – 1.5/4.1 m Block 2 – 1.2/7.2 m Block 3 – 1.2/7.2 m Block 4 - 1.2/7.46 m	Complies
Parking Requirements 24.20.5.1	Townhome Dwelling having an attached garage or carport - 1 for each dwelling unit	2, includes garages and driveways (28 parking spaces in total)	Complies

Therefore, all RD2.2 zone provisions shall comply, and no relief is required.

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,
- The Site is flat, which is conducive to easy vehicular movement,
- The Site has access to full municipal water, storm and sewer systems,
- There are no anticipated traffic concerns,
- There are no environmental concerns, and
- There are no hazards.

6.1.2 Compatibility of Design

The Site is compatible with the surrounding area in terms of scale, massing, height and siting.

The development pattern is proposed to be an efficient use of the Site and will connect existing neighbourhoods.

6.1.3 Good Planning

The proposal represents good planning as it addresses the need for the City to provide housing.

The proposed lots will contribute toward infilling requirements.

Residential use on the Site represents an efficient development pattern that optimizes the use of land in an existing built-up area that has residential uses surrounding the Site.

The additional residential lots will not put any additional stress on municipal infrastructure or the current Site.

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 is limited to low profile and will not add to the capacity in a significant way.

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 networks, transit, parks, places of worship and community amenities.

The proposed development does not cause any public health and safety concerns.

The proposal represents a cost-effective development pattern that minimizes land consumption and servicing costs.

There will be no urban sprawl as the proposed development is within the existing settlement area and is an ideal development opportunity.

6.2 Conclusion

The proposed development on the Site is appropriate and should be approved by the City of Windsor.

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 ZBL, and represents good planning. The report components for this PRR have set out the following, as required under the City of Windsor OP:

10.2.13.2 Where a Planning Rationale Report is required, such a study should:

- (a) Include a description of the proposal and the approvals required;*
- (b) Describe the Site's previous development approval history;*
- (c) Describe major physical features or attributes of the Site, including current land uses(s) and surrounding land uses, built form and contextual considerations;*
- (d) Describe whether the proposal is consistent with the provincial policy statements issued under the Planning Act.*
- (e) Describe the way in which relevant Official Plan policies will be addressed, including both general policies and site specific land use designations and policies;*
- (f) Describe whether the proposal addresses the Community Strategic Plan;*
- (g) Describe the suitability of the Site and indicate reasons why the proposal is appropriate for this Site and will function well to meet the needs of the intended future users;*
- (h) Provide an analysis of the compatibility of the design and massing of the proposed developments and land use designations;*

- (i) Provide an analysis and opinion as to why the proposal represents good planning, including the details of any methods that are used to mitigate potential negative impacts;*
- (j) Describe the impact on the natural environment;*
- (k) Describe the impact on municipal services;*
- (l) Describe how the proposal will affect the social and/or economic conditions using demographic information and current trends; and,*
- (m) Describe areas of compliance and non-compliance with the Zoning By-law.*

Planner's Certificate:

I hereby certify that this report was prepared by Tracey Pillon-Abbs, a Registered Professional Planner, within the meaning of the Ontario Professional Planners Institute Act, 1994.



Tracey Pillon-Abbs, RPP
Principal Planner



APPENDIX G – DRAFT BY-LAW

B Y - L A W N U M B E R -2024

A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600
CITED AS THE "CITY OF WINDSOR ZONING BY-LAW"

Passed the day of , 2024.

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. By-law Number 8600 is further amended by changing the Zoning District Maps or parts thereof referred to in Section 1, of the by-law and made part thereof, so that the zoning district symbol of the lands described in Column 3 shall be changed from that shown in Column 5 to that shown in Column 6:

1. Item Number	2. Zoning District Map Part	3. Lands Affected	4. Official Plan Amendment Number	5. Zoning Symbol	6. New Zoning Symbol
1	11	Pt Lot 105, Concession 2, designated as PART 1, Plan 12R-26347 [PIN 01360-0291 (LT)] and PART BLOCK 21 Plan 12M417 Windsor being PARTS 4, 5 & 6 Plan 12R27878 [PIN 01360-0301 (LT)] (located west of Tourangeau Road, between Plymouth Drive and Grand Marais Road East.)	-	RD2.1	H(2)RD2.2

2. THAT the holding (H) symbol SHALL APPLY to the land described as Pt Lot 105, Concession 2, designated as PART 1, Plan 12R-26347 [PIN 01360-0291 (LT)] and PART BLOCK 21 Plan 12M417 Windsor being PARTS 4, 5 & 6 Plan 12R27878 [PIN 01360-0301 (LT)] and that Zoning By-law Number 8600 be further amended by adding the following clause to Section 95.20:

(2) Registration of a Final Plan of Subdivision.

DREW DILKENS, MAYOR

CLERK

First Reading - , 2024
Second Reading - , 2024
Third Reading - , 2024

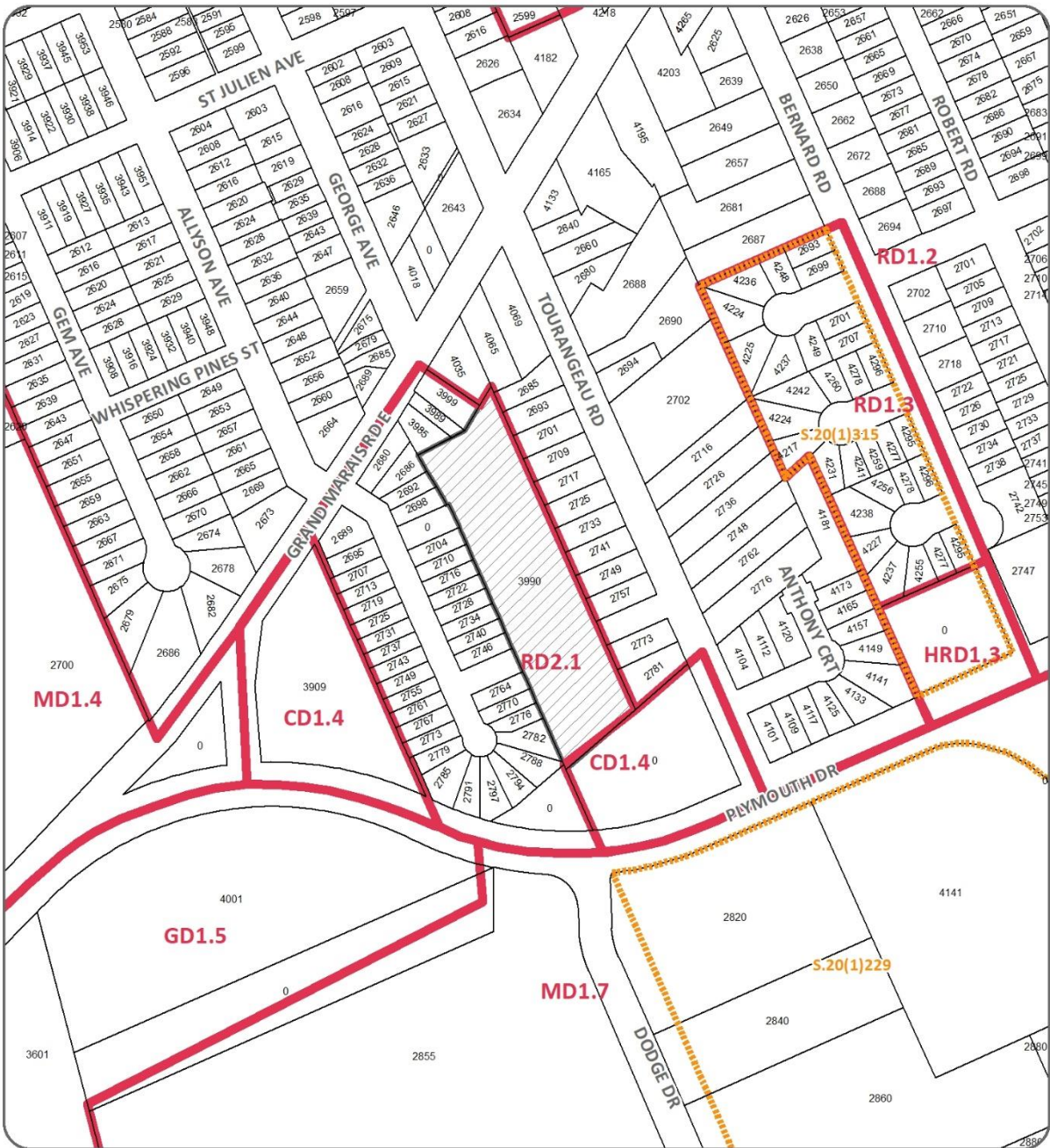
SCHEDULE 2

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

To amend the zoning of the land described as Pt Lot 105, Concession 2, designated as PART 1, Plan 12R-26347 [PIN 01360-0291 (LT)] and PART BLOCK 21 Plan 12M417 Windsor being PARTS 4, 5 & 6 Plan 12R27878 [PIN 01360-0301 (LT)], located west of Tourangeau Road, between Plymouth Drive and Grand Marais Road East, by changing the zoning from Residential District 2.1 to Residential District 2.2 (with a holding prefix) to facilitate the development of a residential plan of subdivision containing 4 townhome dwellings with a total of 28 townhome dwelling units on the subject land.

This amendment provides the opportunity for the creation of 4 blocks for low profile residential development in the form of townhouses on the subject lands. This amendment supports a more compact development and helps optimize the use of existing municipal infrastructure and public facilities in the subject area. The amendment provides the opportunity to develop the subject underutilized land without an amendment to the official plan.

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



PART OF ZONING DISTRICT MAP 11

N.T.S.

SCHEDULE 2

Applicant: Olivia Construction Homes Inc.



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : SEPTEMBER, 2024

FILE NO. : SDN 003-24, SDN-7212 & Z-018-24, ZNG-7211

Council Report: S 137/2024

Subject: Zoning By-law Amendment Application for 926-928 Giles Buslvd E, Z-028/24 [ZNG-7232], Ward 4

Reference:

Date to Council: November 4, 2024
Author: Simona Simion, MCIP, RPP
Planner III – Economic Development (Acting)
(519) 255-6543 ext. 6449

Planning & Building Services
Report Date: October 8, 2024
Clerk's File #: Z/14864

To: Mayor and Members of City Council

Recommendation:

- I. THAT Zoning By-law 8600 **BE AMENDED** for the lands located on the north side of Giles Blvd between Parent Ave and Langlois Ave, described as Lot 53 Plan 937, PIN 01155-0034, by adding a site-specific provision to permit one *Multiple Dwelling* containing a maximum of six *dwelling units*, subject to the following additional regulations:

515. NORTH SIDE OF GILES BLVD BETWEEN PARENT AVE AND LANGLOIS AVE

- (1) For the lands comprising Lot 53 Plan 937, PIN 01155-0034, one *Multiple Dwelling* containing a maximum of six *dwelling units* shall be an additional permitted main use subject to the following additional provisions:
 1. Notwithstanding Section 11.2.5.4.1, the minimum lot width shall be 11.2 m.
 2. Notwithstanding Section 11.2.5.4.2, the minimum lot area shall be 470.2 m².
 3. Notwithstanding Section 24.20.5.1, the minimum required parking spaces shall be four (4) parking spaces.

[ZDM 7; ZNG/7232]

The applicant is requesting an amendment to Zoning By-law 8600 to change the zoning for the lands located on the north side of Giles Blvd E between Parent Ave and Langlois Ave, municipally known as 926-928 Giles Blvd E (the subject property), from Residential District 2.2 (RD2.2) to Residential District 2.2 (RD2.2) with site-specific zoning provisions. The site-specific provisions will support the additional two (2) basement units for a total of six (6) dwelling units on site, the reduction in parking required from 7 spaces to 4 spaces, and the reduction in lot width/lot area. The reduction in lot width and lot area reflects existing condition and were previously approved by Committee of Adjustment when the use on the site changed from duplex to multiple dwelling with four dwelling units (application for minor variance A014/23).

The current footprint of the building will not change from the approved building permit construction for the multiple dwelling with four dwelling units. To be noted that the current building footprint does not exceed the maximum lot coverage (45%).

The minimum parking requirement for a multiple dwelling with six (6) dwelling units is seven (7) parking spaces. Current site plan indicates a total of four (4) parking spaces with access from alley, resulting in a deficiency of three (3) parking spaces. The agent submitted a Parking Review letter that was deemed satisfactory by Transportation Planning Division. The subject site is located within a walkable area, served by two (2) bus routes, with stops less than 150 metres from the subject site. A total of six (6) bicycle parking spaces are to be provided on the site. Each of the units will have a storage area within the unit where the bikes can be stored. Bike lanes are available on Parent Ave. There is also an ample supply of on-street parking along the north side Giles Boulevard East and the east side of Parent Avenue, which can be utilized by any visitors to the site.

To be noted that the alley maintenance contribution as requested by Engineering Department was paid by the applicant.

Submitted Information: Site Plan (See Appendix A), Parking Review, Deed, Plan of Survey, Alley Paving Receipt, Floor Plan (See Appendix C), and Zoning By-law Amendment Application Form.

Site Information:

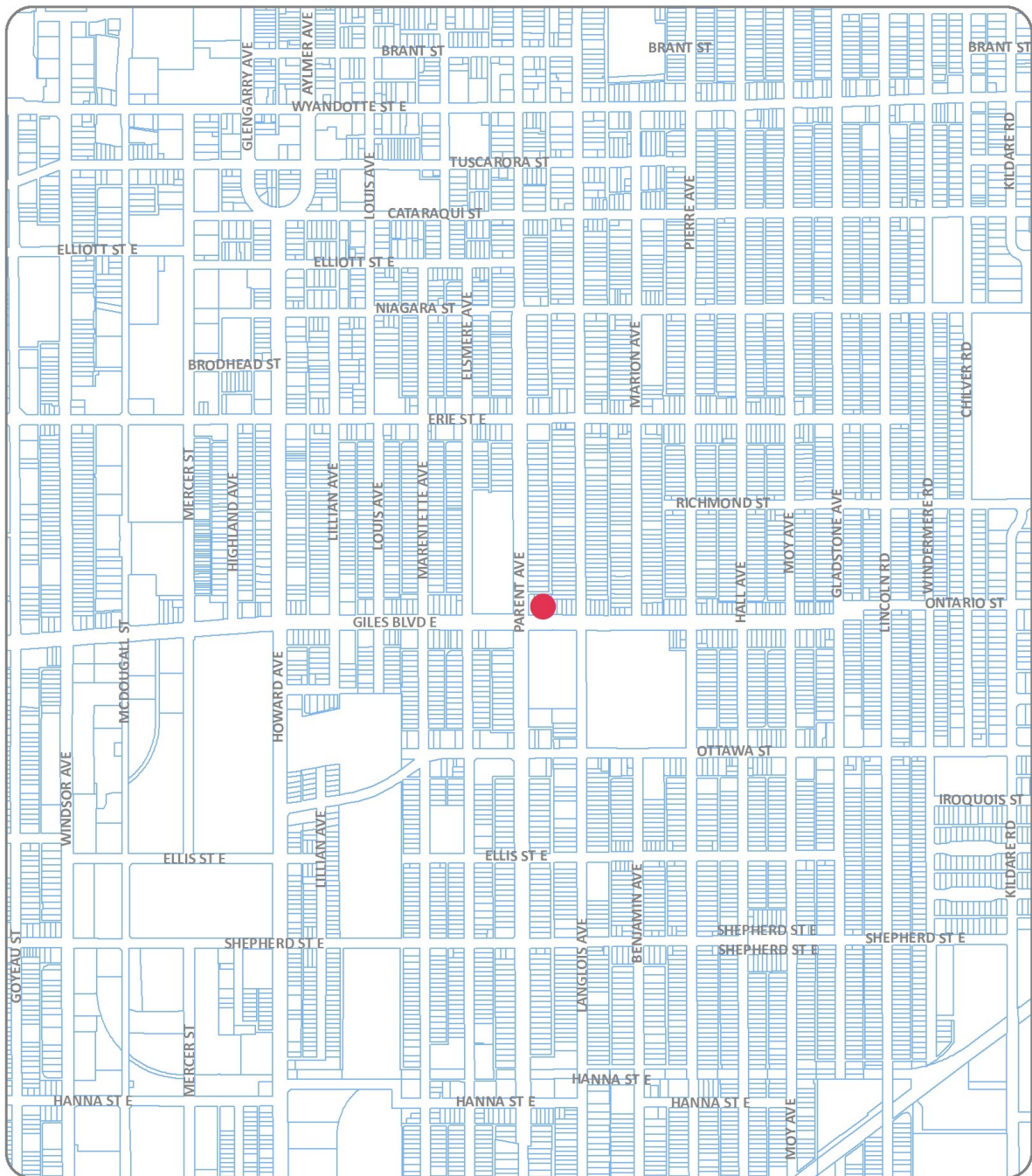
Official Plan	Zoning	Current Use	Previous Use
Residential	Residential District RD2.2 (RD2.2)	Multiple Dwelling with 4 units	Duplex
Lot Width	Lot Depth	Lot Area	Lot Shape
11.20 m	42.11 m	470.2 m ²	Rectangular
<i>All measurements are based on Plan of Survey, dated May 10, 2023, completed by Verhaegen Land Surveyors</i>			

To be noted that the alley maintenance contribution as requested by Engineering Department was paid by the applicant.

Submitted Information: Site Plan (See Appendix A), Parking Review, Deed, Plan of Survey, Alley Paving Receipt, Floor Plan (See Appendix C), and Zoning By-law Amendment Application Form.

Site Information:

Official Plan	Zoning	Current Use	Previous Use
Residential	Residential District RD2.2 (RD2.2)	Multiple Dwelling with 4 units	Duplex
Lot Width	Lot Depth	Lot Area	Lot Shape
11.20 m	42.11 m	470.2 m ²	Rectangular
<i>All measurements are based on Plan of Survey, dated May 10, 2023, completed by Verhaegen Land Surveyors</i>			



KEY MAP - Z-028/24, ZNG/7232



● SUBJECT LANDS



Municipal Infrastructure:

- Giles Blvd E is classified as a Class I Collector Road with sidewalks on both sides.
- Sanitary sewer, storm sewer and watermain are located within the Giles Blvd E right-of-way.
- Sidewalks are present on Parent Ave (both sides) and Langlois Ave (one side).
- Bike lane is existing on Parent Ave.

Discussion:

The Provincial Policy Statement (PPS) provides direction on matters of provincial interest related to land use planning and development and sets the policy foundation for regulating the development and use of land in Ontario. The planning analysis was completed for the 2020 PPS and there are no changes in the 2024 PPS that would cause the subject Zoning Bylaw Amendment to be inconsistent.

The following policies of PPS 2020 are considered relevant in discussing provincial interests related to this amendment:

1.0 Building Strong Healthy Communities

Policy 1.1.1 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.*
 - Refer to the response provided to PPS Policy 1.1.1 e) herein.
 - 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), to meet long-term needs.*
 - This amendment will allow for the addition of 2 units to a multiple unit dwelling with 4 units on a smaller lot, further diversifying the range of housing stock available in the Walkerville neighbourhood.
 - c) *avoiding development and land use patterns which may cause environmental or public health and safety concerns.*
 - This amendment will not cause any environmental or public health and safety concerns.
 - 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.

- This amendment will allow for the redevelopment of the subject property through intensification, optimizing existing municipal infrastructure and public service facilities, and avoiding unnecessary land consumption.
- The redevelopment of the subject property at a higher density, in conjunction with it being within walking distance of transit stops, also represents a transit-supportive development.
 - A distance of 400.0 metres is typically used as an acceptable walking distance to a transit stop.
 - This is reflected within Transit Windsor's 2019 Transit Master Plan and the City of Windsor's Active Transportation Master Plan.

f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society.

- The interior layout and exterior site design for a multiple dwelling is exempt from having to comply with the Barrier-Free Design requirements of the *Ontario Building Code*.
- The *Accessibility for Ontarians with Disabilities Act* does not apply to a multiple dwelling.

g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs.

- The site may be serviced by a 900mm combined sewer and a 2425 mm storm sewer located within the Giles Blvd right-of-way. As per Engineering Department, the level of service for the sewer system in this neighborhood is not expected to experience any significant degradation as a result of this development.
- The subject property is serviced by overhead hydro lines along the north limit of the site with a 120/240-volt secondary hydro distribution.
- The closest existing bus stop to this property is located on Parent at Giles Northeast Corner. This bus stop is approximately 50 metres from this property falling within Transit Windsor's guidelines of 400 metres to a bus stop.
- The subject property has direct access to a public highway via paved alley.

- Lanspeary Park is located to the east across the street from the subject site
- Prince Edward Public School is located across the street from the subject site

Policy 1.1.3.1 states:

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

The subject property is located within a Settlement area.

Policy 1.4.3 states:

- *Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:*

b) permitting and facilitating:

- *2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*

- Refer to the responses provided to PPS Policy 1.1.1 e) herein.

c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;

- Refer to the response provided to PPS Policy 1.1.1 g) herein.

One or more of the aforesaid responses to PPS Policy 1.1.1 also speak to the following relevant PPS Policy:

- *1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

a) efficiently use land and resources;

b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;

- *1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water*

services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services;

The requested amendment to Zoning By-law 8600 is consistent with the relevant policies of PPS 2020.

Official Plan

The following policies from these excerpts are considered relevant in discussing this amendment's conformity with the Official Plan.

The subject property is located within the Walkerville Planning District on *Schedule A - Planning Districts & Policy Areas* and within a Residential land use designation on *Schedule D - Land Use Plan*.

Volume I

Chapter 3 - Development Strategy

This amendment complies with the following applicable key policy direction for managing growth consistent with the Vision of the City of Windsor Community Strategic Plan.

3.2 - Growth Concept

3.2.1 - Safe, Caring and Diverse Communities

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 (Policy 3.2.1.2).

- Refer to the response provided to PPS Policy 1.1.1 b) herein.

3.3 - Urban Structure Plan

This amendment complies with the following applicable key policy direction for managing the structural elements within the municipality:

3.3.3 Neighbourhoods

The three dominant types of dwellings in Windsor's neighbourhoods are single detached, semi-detached and townhouses. The density range for Windsor's neighbourhoods is between 20 to 35 units per net hectare. This density range provides for low and some medium-density intensification to occur in existing neighbourhoods such as the subject area.

Chapter 6 - Land Use:

6.1 Goals

This amendment complies with the following applicable land use goal:

- *Housing suited to the needs of Windsor residents (Goal 6.1.3).*
- *To direct residential intensification to those areas of the City where transportation, municipal services, community facilities and goods and services are readily available (Goal 6.1.14).*

6.3 Residential

6.3.1 Objectives

The amendment complies with the following applicable Residential land use objectives:

- *To support a complementary range of housing forms and tenures in all neighbourhoods (Objective 6.3.1.1).*
- *To promote residential redevelopment, infill and intensification initiatives in locations in accordance with this plan (Objective 6.3.1.3).*

6.3.2 Policies

Permitted Uses

Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low Profile, and Medium Profile dwelling units. (Policy 6.3.2.1)

- A multiple unit dwelling with six (6) units is classified as a Low Profile dwelling.

Locational Criteria

New residential development and intensification shall be located where: (Policy 6.3.2.4)

- *(a) There is access to a collector or arterial road;*

The subject property has access to Giles Blvd E a Class 1 collector road and Parent Ave a Class 2 collector road

- *(b) Full municipal physical services can be provided;*

Refer to the response provided to PPS Policy 1.1.1 g) herein.

- *(c) Adequate community services and open spaces are available or are planned; and*

Refer to the responses provided to PPS Policy 1.1.1 g) and the Surrounding Land Uses section herein.

- *(d) Public transportation service can be provided.*

The closest existing bus stop to this property is located on Parent at Giles Northeast Corner. This bus stop is approximately 50 metres from this

property falling within Transit Windsor's guidelines of 400 metres to a bus stop.

Evaluation Criteria

Policy 6.3.2.5 states:

- *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:*

(c) In existing neighbourhoods, compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas.

- The proposed development takes place within the basement of an existing building.

(d) provided with adequate off street parking;

- The proposed development will a reduced number of parking spaces onsite. The parking reduction has been supported by a Parking Review letter. The subject property is in proximity of a bus stop.

(e) capable of being provided with full municipal physical services and emergency services; and

- Refer to the response provided to PPS Policy 1.1.1 g) herein for details on the municipal physical services available to the subject property.
- The subject property is served by Essex-Windsor EMS, Windsor Fire & Rescue Services (Fire Hall No. 2) and Windsor Police Service.

Chapter 11 - Tools:

Land use compatibility throughout Windsor is an implementation goal to be achieved when administering a planning tool under this chapter. Compatibility between land uses is also an objective of the Zoning By-law Amendment planning tool (Policy 11.6.1.2).

- Land use compatibility was considered as part of the evaluation of the applicable Official Plan and PPS policies referenced herein.

Policy 11.6.3.3 states:

- *When considering applications for Zoning By-law amendments, Council shall consider the policies of this Plan and will, without limiting the generality of the foregoing, consider such matters as the following:*

- (a) The relevant evaluation criteria contained in the Land Use Chapter of this Plan, Volume II: Secondary Plans & Special Policy Areas and other relevant standards and guidelines;*
- (b) Relevant support studies;*
- (c) The comments and recommendations from municipal staff and circularized agencies;*
- (d) Relevant provincial legislation, policies and appropriate guidelines; and*
- (e) The ramifications of the decision on the use of adjacent or similar lands.*

- This amendment is not anticipated to have any ramifications on the use of adjacent or similar lands.

City of Windsor Intensification Guidelines:

- The Intensification Guidelines provide further direction for infill and intensification within existing neighbourhood patterns. The intent is to guide new development to become distinctive, while relating harmoniously to the use, scale, architecture, streetscapes, and neighbourhoods of Windsor, as well as meeting the needs of its citizens and visitors.
- The subject land is located within an established neighbourhood area but not within a defined Mature Neighbourhood or a Mixed-Use Corridor as per the Official Plan. The general guidelines for all development state that low profile development includes single-detached, semi-detached, duplex, townhouses, and apartments [multiple dwelling] that are generally no greater than three storeys in height and should be compatible and sensitively integrated with residential buildings in the surrounding neighbourhood.
- The existing multiple dwelling is two storeys in height and is designed to be sensitively integrated in the surrounding neighbourhood. The proposed ZBA is consistent with the general directives of the Intensification Guidelines.

The aforesaid matters were considered as part of the evaluation of the applicable Official Plan and PPS policies referenced herein.

The requested amendment to Zoning By-law 8600 conforms to the policies of the Official Plan.

Zoning By-Law

The applicant is requesting an amendment to Zoning By-law 8600 to change the zoning from Residential District 2.2 (RD2.2) allowing a multiple dwelling with four (4) units to Residential District 2.2 (RD2.2) with site-specific zoning provisions. The site-specific provisions will support the additional two (2) basement units for a total of six (6) dwelling units on site, the reduction in parking required from seven (7) spaces to four (4) spaces, and the reduction in lot width/lot area. The reduction in lot width and lot area reflects existing condition and were previously approved by Committee of Adjustment when the use on the site changed from duplex to multiple dwelling with four dwelling units (application for minor variance A014/23).

The applicant's request has been considered and is supported within this report.

A draft amending by-law is attached as Appendix D. Subsection 24 (1) of the *Planning Act*, R.S.O. 1990, c. P.13., prohibits a by-law from being passed that does not conform with the Official Plan. As discussed through the Official Plan section herein, the proposed amendment conforms to the applicable policies of the Official Plan.

Risk Analysis:

N/A

Climate Change Risks

Climate Change Mitigation:

The proposed dwelling units implement Environmental Master Plan Objective C1: Encourage in-fill and higher density in existing built areas. Residential intensification minimizes the impact on the community greenhouse gas emissions. Development within existing communities and neighbourhoods while using currently available infrastructure such as sewers, sidewalks, and public transit helps to mitigate development impact.

Climate Change Adaptation:

The new building 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 Building Code, which would be implemented through the building permit process.

Financial Matters:

N/A

Consultations:

Comments received from City Departments, external agencies and members of the public on this application were taken into consideration when preparing this report. A record of the comments is included as Appendix B herein.

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 200 metres 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 recommended zoning amendment has been evaluated for consistency with the Provincial Policy Statement 2020 and conformity with the policies of the City of Windsor Official Plan.

The recommended zoning by-law amendment is consistent the PPS, with the policy direction of the City of Windsor Official Plan, is compatible with existing and permitted uses in the surrounding neighbourhood and constitutes good planning.

Planning Act Matters:

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

Greg Atkinson, MCIP, RPP
Manager of Development

Neil Robertson, MCIP, RPP
City Planner

I am not a Registered Professional Planner and have reviewed as a Corporate Team Leader

JP

JM

Approvals:

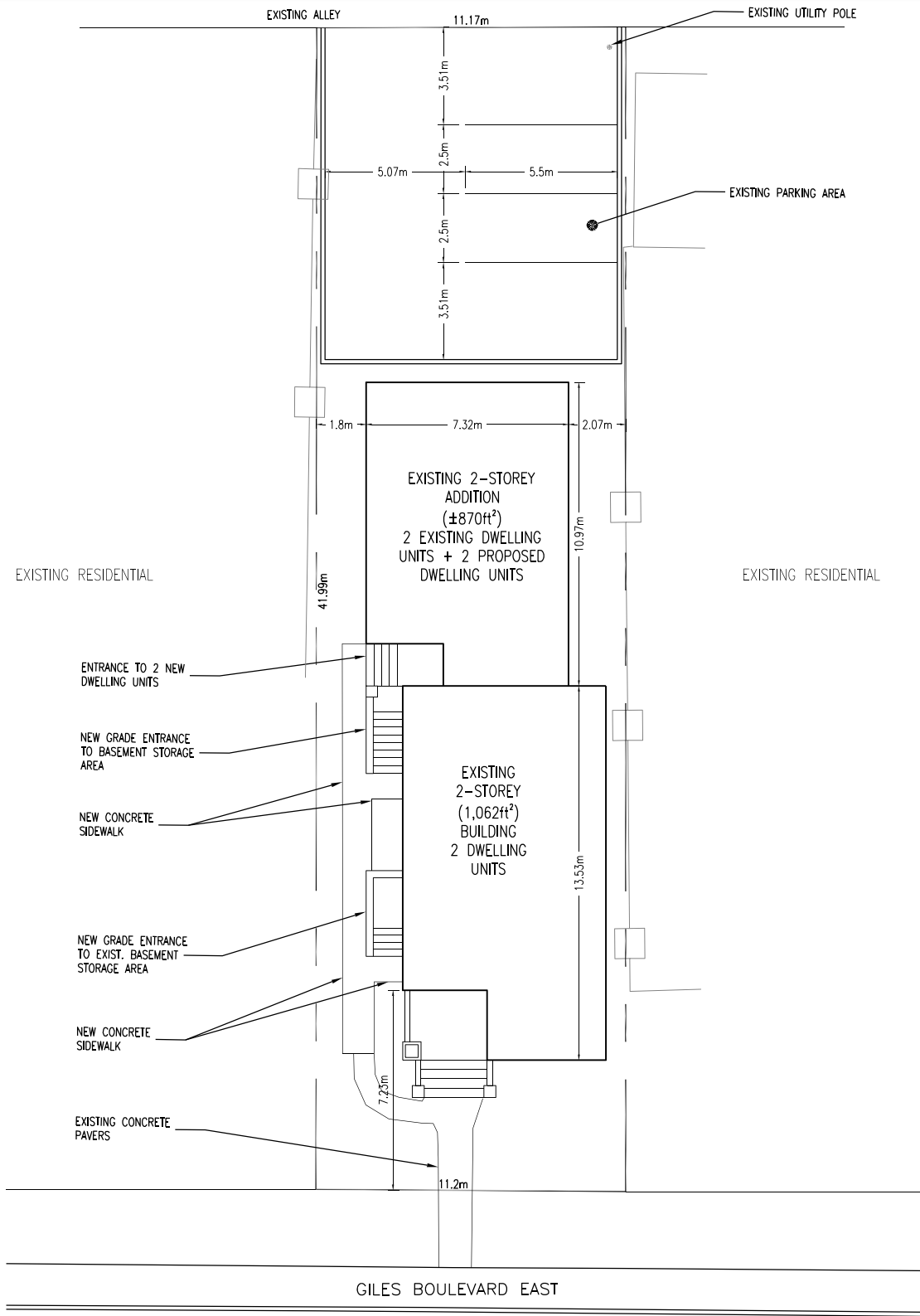
Name	Title
Greg Atkinson	Manager of Development/Deputy City Planner
Neil Robertson	City Planner / Executive Director, Planning & Development Services
Aaron Farough	Senior City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development & Innovation
Joe Mancina	Chief Administration Officer

Notifications:

Name	Address	Email
Abutting property owners, tenants/occupants within 200-meter radius of the subject property		

Appendices:

- 1 Appendix A - Site Plan
- 2 Appendix B - Comments
- 3 Appendix C - Floor Plan
- 4 Appendix D - Draft Amending By-law



PROPOSED ZONING BY-LAW AMENDMENT

926-928 GILES BOULEVARD EAST

CONCEPTUAL SITE PLAN

--- SUBJECT SITE

NOTE: PROPOSED NEW UNITS (2) TO BE LOCATED IN THE BASEMENT OF THE EXISTING ADDITION.



CREATED BY: MAM
CHECKED BY: MAM
DESIGNED BY: MAM

File Location:
c:\users\m32\desktop\current
2024-11-04

SCALE: 1 N.T.S.



APPENDIX D – CONSULTATION

DEVELOPMENT ENGINEERING – JUAN PARAMO

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

Sewers

The site may be serviced by a 900mm combined sewer and a 2425mm storm sewer located within the Giles Blvd right-of-way. If possible existing connections should be utilized. Any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice B.P 1.3.3.

The level of service for the sewer system in this neighborhood is not expected to experience any significant degradation as a result of this development.

Right of-Way

The current Giles Boulevard right-of-way width is sufficient, and no land conveyance for road widening purposes is necessary at this time.

In summary we have no objection to the proposed development.

If you have any further questions or concerns, please contact Juan Paramo, of this department at jparamo@citywindsor.ca

WINDSOR FIRE – MICHAEL COSTE

No issue from Fire

ENBRIDGE – SANDRO AVERSA

After reviewing the provided drawing, 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.



TRANSIT WINDSOR – JASON SCOTT

Transit Windsor has no objections to this development. The closest existing transit routes to this property are with the Ottawa 4 and the Parent 14. The existing peak weekday frequency of the Ottawa 4 is every 20 minutes and the Parent 14 is every 40 minutes. The Ottawa 4 will be replaced with Route 200 as part of Transit Windsor's City Council approved 2023 service plan. The proposed implementation of this route is sometime in 2025. The peak weekday frequency of this route will be reduced to 30 minutes from the existing 20 minutes. The closest existing bus stop to this property is located on Parent at Giles Northeast Corner. This bus stop is approximately 50 metres from this property falling within Transit Windsor's guidelines of 400 metres to a bus stop. This will be maintained with Transit Windsor's City Council approved Transit Master Plan.

BELL CANADA – JUAN CORVALAN

The information that municipalities provide to Bell Canada is instrumental to the provisioning of telecommunications infrastructure and we appreciate the opportunity to be proactively engaged in development applications and infrastructure and policy initiatives.

Bell Canada will provide a response should any comments / input be required on the information included in the circulation received. Bell Canada kindly requests that even if a specific comment is not provided at this time that you continue to circulate us at circulations@wsp.com on any future materials related to this development project or infrastructure / policy initiative so that we can continue to monitor its progress and are informed of future opportunities for engagement.

1) Bell Canada Responses to Pre-Consultation & Complete Development Application Circulations:

Pre-consultation Circulations

Please note that Bell Canada does NOT generally comment on pre-consultation circulations unless the information provided identifies that a future draft plan of subdivision, draft plan of condominium and/or site plan control application will be required to advance the development proposal.

Complete Application Circulations & Recirculations

Please note that Bell Canada does NOT generally comment on the following development applications - official plan and zoning by-law amendments, part lot control, temporary use and interim control by-laws. However, Bell Canada does generally comment on site plan approval, draft plans of subdivision and draft plan of condominium applications.

Bell Canada will generally comment on recirculations where the change modifies the proposed residential dwelling unit count and/or non-residential gross floor area in a draft plan of subdivision, draft plan of condominium and/or site plan control application.

2) Bell Canada Responses to Infrastructure and Policy Initiative Circulations:

If required, a follow-up email will be provided by Bell Canada to outline any input to be considered on the infrastructure / policy initiative circulation received at this time.

Concluding Remarks:

If you have any other specific questions, please contact planninganddevelopment@bell.ca directly.

We note that WSP operates Bell Canada's development tracking system, which includes the intake and processing of municipal circulations. **However, all responses to circulations and requests for information, such as requests for clearance, will come directly from Bell Canada, and not from WSP.** WSP is not responsible for the provision of comments or other responses.

Should you have any questions, please contact the undersigned.

ENVIRONMENTAL SERVICES – JIM LEETHER

No issue on my end, all waste/recycle/yard waste and future organic collection will occur at the curb on Gilles.

CANADA POST – BRUNO DESANDO

Canada Post has no comments for this application.

TRANSPORTATION PLANNING – ELARA MEHRILOU

- Schedule X of the Official Plan classifies Giles Blvd E as a Class I Collector Road with a required right-of-way width of 30.5 metres. The current right-of-way width is 30.5m; therefore, land conveyance is not required.

- Further consultation is required with Engineering right-of-way regarding a contribution for paving the alley adjacent to the development.
- All parking must comply with ZBL 8600.
- Transportation Planning received Parking Review titled 926 Giles Boulevard East Parking Review, dated Jun 21, 2024, by Dillion Consulting limited. Transportation Planning has no comments.
- 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).

FORESTRY – YEMI ADEYEYE

There are no City owned trees on this lot.

There are no Private trees on this lot.

There is minimal opportunity to establish new or increase existing tree canopy cover within the current expansion plans as proposed.

Forestry requests the opportunity to review landscaping plans in order to provide comment and suggestion that would maximize future on-site Tree Canopy and City-wide Tree Canopy Resilience.

Please let us know if you have any further questions regarding Tree Protection and Replacement issues.

Forestry will continue to monitor the progress of this construction work.

NATURAL AREAS – KAREN ALEXANDER

Ensure no harm to active bird nests (Migratory Birds Act).

RIGHT OF WAY – MARK SCHAFFHAUSER

Required Drawing Revisions:

1. **Alley Drainage** – Proposal includes access off existing alley.
 - Parking area to be graded to private property, no drainage permitted to alley.

Right-of-Way Permit Requirements:

CCTV Sewer Inspection – The Owner further agrees to provide at its entire expense CCTV inspection satisfying City of Windsor Standard Specification S-32, for all existing and newly constructed sanitary and storm sewer infrastructure. The inspection shall include both mainline sewers and private drain connections, and shall be required to be submitted prior to the issuance of construction permits;

Sewer Connections – The site is serviced by a 900mm brick combined sewer located within the Giles Blvd E. right-of-way. All existing and proposed storm, sanitary and water services must be identified on the drawings, as well as the associated mainline sewers/water mains.

- Modify drawings to include all sewer connections and water services.
- Identify any redundant connections to be abandoned in accordance with Engineering Best Practice BP1.3.3.

If you have any further questions or concerns, please contact Lea Marshall, of this department at lmarshall@citywindsor.ca

ENWIN

HYDRO ENGINEERING: Anwar Nagar

No Objection, provided adequate clearances are achieved and maintained. Enwin has an existing overhead pole line along the north limit of the site with a 120/240-volt secondary hydro distribution.

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.

Also, we suggest referring to the Ontario Building Code for permanent required clearances for New Building Construction.

WATER ENGINEERING: Bruce Ogg

ENWIN Water has no objections.

There is currently a ¾" water service going into the building. This will need to be upgraded to accommodate the proposed units. There is an existing 1.5" water service to the property line shut-off that they can upgrade the service to.

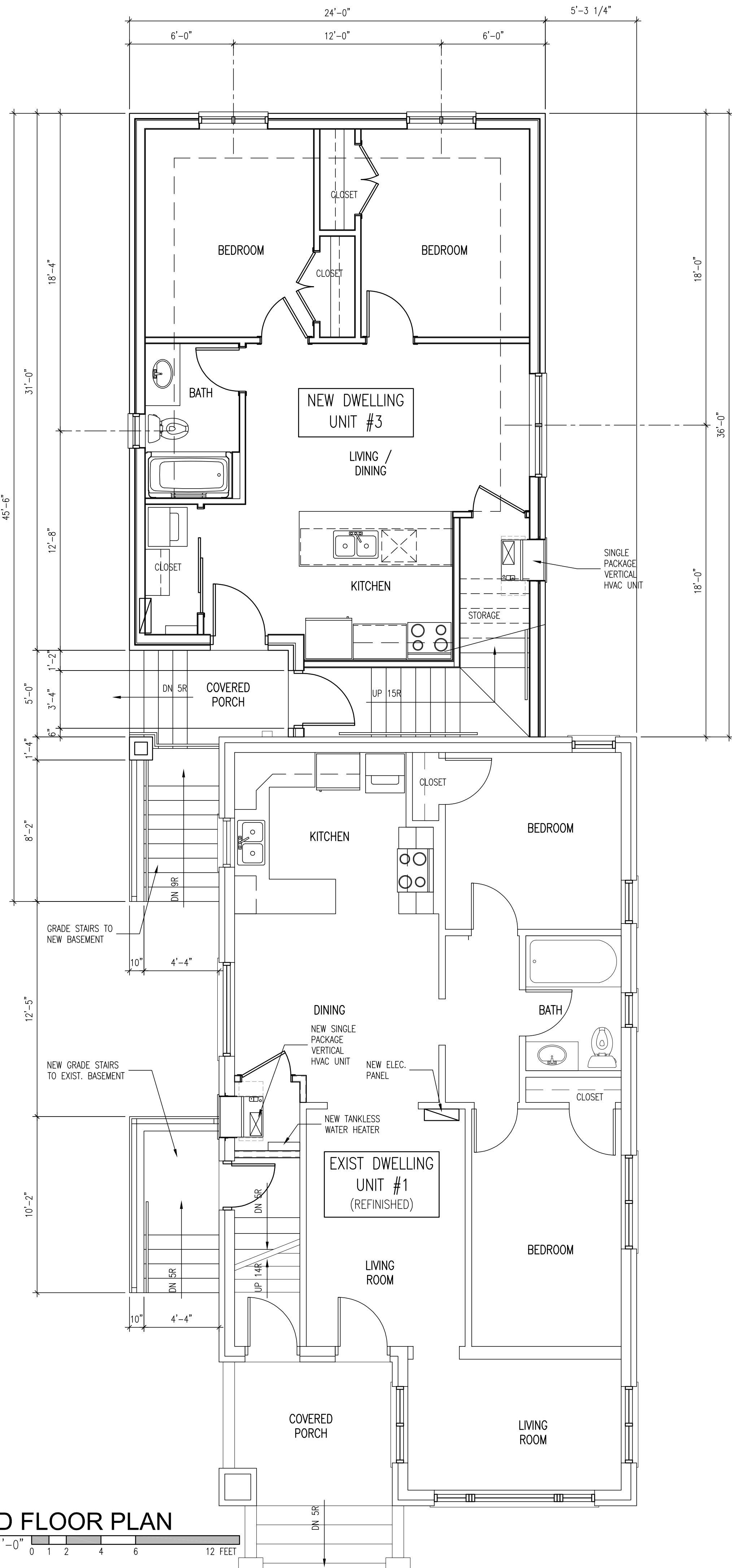
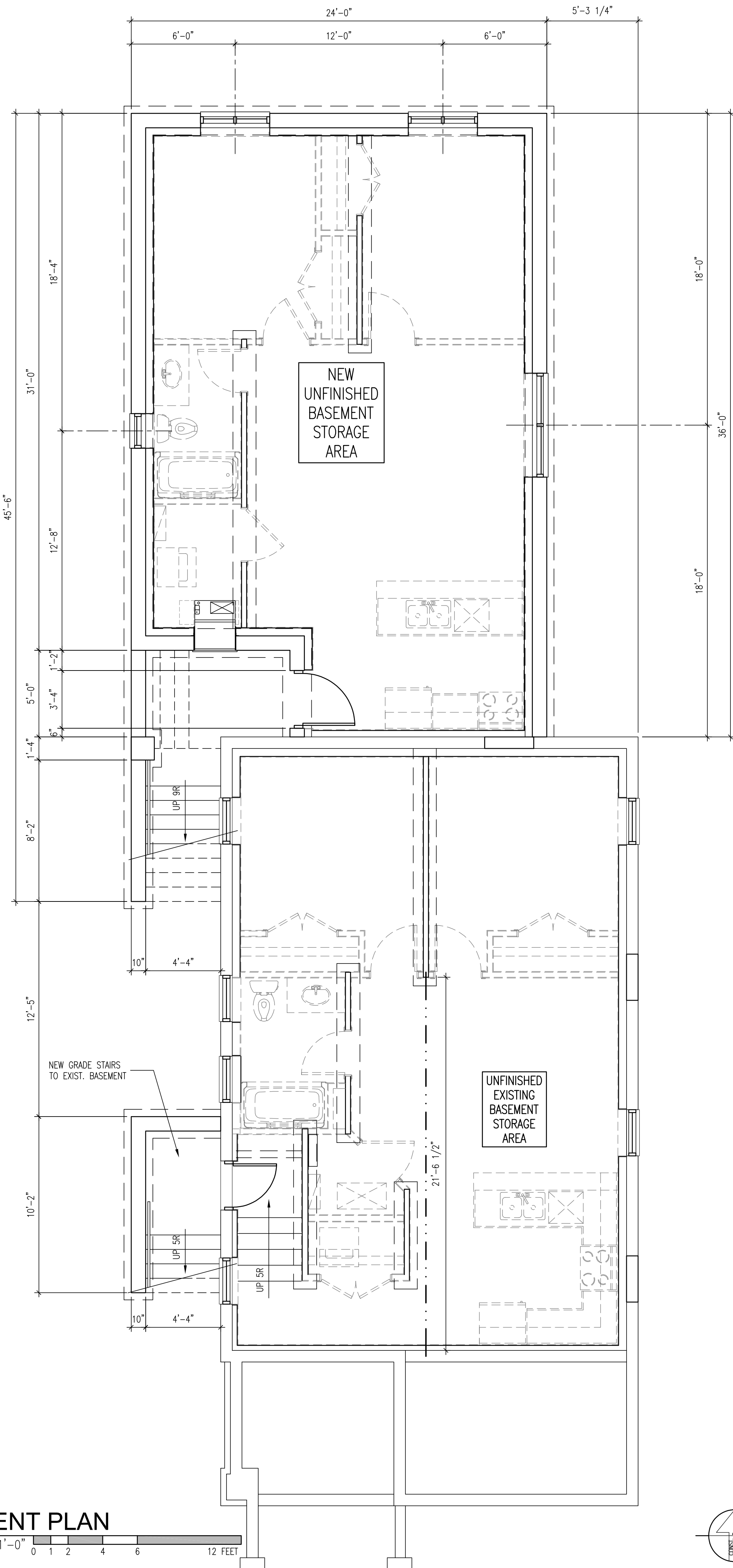
ZONING COORDINATION – STEFAN PAVLICA

Below is the zoning review summary for the *above-mentioned property*; circulated on September 25, 2024:

- **Current Zoning Designation:** Residential District 2.2 (RD2.2)
- **Proposed Zoning Designation:** Residential District 2.2 (RD2.2) with site specific to support an additional two (2) dwelling units to a four (4) unit building
- **Existing Use [as per historical Building Permit(s) / Planning Act Applications(s)]:**
 - Multiple Dwelling containing a maximum of four dwelling units
- **Proposed Use:**
 - Multiple Dwelling with six (6) dwelling units
 - **Not permitted in RD2.2 zoning district**
- **Section 5 – General Provisions:**
 - COMPLIES
- **Section 11.2.5.4 – Multiple Dwelling containing a maximum of four dwelling units:**
 - Minimum Lot Width [11.2.5.4.1]:
 - 18.0m (Required)
 - A-014/23 – minor variance application approval for relief in the required lot width
 - **11.2m (Provided)**

- Minimum Lot Area [11.2.5.4.2]:
 - 540.0m² (Required)
 - A-014/23 – minor variance application approval for relief in required lot area
 - 469.1m² (Provided)
- Maximum Lot Coverage [11.2.5.4.3]:
 - 45.0% (Required)
 - 37.3% (Provided)
- Maximum Main Building Height [11.2.5.4.4]:
 - 9.0m (Required)
 - As existing (Provided)
- Minimum Front Yard Depth [11.2.5.4.5]:
 - 6.0m (Required)
 - 4.7m – as existing (Provided)
- Minimum Rear Yard Depth [11.2.5.4.6]:
 - 7.50m (Required)
 - 12.82m (Provided)
- Minimum Side Yard Depth [11.2.5.4.7]:
 - 1.20m (Required)
 - 0.71m – as existing (Provided)
- **Section 20 – Site Specific Zoning Exemptions:**
 - NOT APPLICABLE
- **Section 24 – Parking, Loading, and Stacking Provisions:**
 - Required Number of Parking Spaces [24.20.5.1]:
 - 7 (Required)
 - 4 (Provided)
 - Required Number of Visitor Parking Spaces [24.22.1]:
 - 1 (Required)
 - 0 (Provided)
 - Required Number of Type A Accessible Parking Spaces [24.24.1]:
 - 1 (Required)
 - 0 (Provided)
- **Section 25 – Parking Area Regulations:**
 - Construction and Maintenance of Parking Area:
 - [25.5.10.15] Where a parking area abuts an alley that provides access to the parking area, a screening fence that is located within 6.00 metres of the access area shall have a height of 0.90 metres.
 - Parking Area Separation [25.5.20]:
 - Parking Area Separation from an interior lot line [25.5.20.1.3]:
 - 0.90m (Required)
 - 0.14m (Provided)
 - Parking Area Separation from an alley [25.5.20.1.3]:
 - 0.90m (Required)
 - 0.00m (Provided)
 - Parking Area Separation from a building wall in which is located a main pedestrian entrance facing the parking area [25.5.20.1.5]:
 - 2.00m (Required)

- Unknown (Provided)
- Parking Area Separation from a building wall containing a habitable room window or containing both a main pedestrian entrance and a habitable room window facing the parking area where the building is located on the same lot as the parking area [25.5.20.1.6]:
 - 4.50m (Required)
 - Unknown (Provided)
- Access Area [25.5.30.4]:
 - 7.00m – minimum (Required)
 - 5.09m (Provided)
- Parking Aisle [25.5.50.3.3]:
 - 6.00m (Required)
 - 5.07m (Provided)



YYYYMMDD XXXXXXXXXX

date (yyy/mm/dd): issued for:

- general notes:
- THIS PRINT IS AN INSTRUMENT OF SERVICE ONLY AND IS THE PROPERTY OF THE ARCHITECT.
 - DRAWINGS SHALL NOT BE SCALED.
 - CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE MUST BE NOTIFIED OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS.
 - ATTENTION IS DIRECTED TO PROVISIONS IN THE GENERAL CONDITIONS REGARDING CONTRACTOR'S RESPONSIBILITIES IN REGARD TO SUBMISSION OF SHOP DRAWINGS.
 - IN THE EVENT THE ARCHITECT IS RETAINED TO REVIEW SHOP DRAWINGS, SUCH REVIEW IS ONLY TO CHECK FOR CONFORMANCE WITH DESIGN CONCEPT AND WITH THE INFORMATION GIVEN IN THE CONTRACT DOCUMENTS.
 - CONTRACTORS SHALL PROMPTLY NOTIFY THE ARCHITECT IN WRITING OF THE EXISTENCE OF ANY OBSERVED VARIATIONS BETWEEN THE CONTRACT DOCUMENTS AND ANY APPLICABLE CODES OR BY-LAWS.
 - THE ARCHITECT IS NOT RESPONSIBLE FOR THE CONTRACTOR'S MEANS, METHODS AND OR TECHNIQUES IN THE CONSTRUCTION OF THIS FACILITY.

stamp:



1670 mercer street
windsor ontario canada n8x 3p7
ph 519.254.3430 fax 519.254.3642
email - info@ada-architect.ca www.ada-architect.ca

project:
MULTI-UNIT RESIDENTIAL
ADDITION

client:
PE REAL ESTATE
926 GILES BLVD E.

title:
FLOOR PLANS

scale:
AS SHOWN

drawn by:
TK

checked by:
SMB / TC

date:
MAY 2023

comm. no.:
2023-053

sheet no.:

A1.1



DATE: October 15, 2024

TO: City Solicitor

FROM: City Planner / Executive Director

RE: ZONING AMENDMENT BY-LAW FOR COUNCIL CONSIDERATION
Planning File Number: Z-028/24 ZNG/7232
Clerk’s File:
Agenda.Net: S 137/2024

APPLICANT: Hausology Inc.

Address: 380 Manning Road, Tecumseh, Ontario N8N 4W5

Phone: (226) 787-7842 Email: daniel@perealestatesolutions.com

AGENT: Dillon Consulting Limited

Address: 3200 Deziel Dr, Suite 608, Windsor, ON N8W 5K8

Phone: (519) 791-2221 Email: mmuir@dillon.ca

OWNER: Same as Applicant

Address:

Phone: Email:

ROLL NO: 030-070-07600-0000

ADDRESS/LOCATION: 926-928 Giles Blvd E

COUNCIL APPROVAL DATE: TBD/ 2024 **CRXXX/2024** DHSC XXX

ENCLOSURES:

☒ Schedule 1 - Draft Zoning Amendment

☒ Schedule 2 - Purpose and effect of the By-law and, if applicable, a Key Map

After approval, forward all schedules to City Clerk for submission to Council and public notification.

REQUIREMENTS PRIOR TO BY-LAW ENACTMENT AND NOTIFICATION:

1. Official Plan Amendment By-law Enactment: ☒ NO ☐ YES - Amendment No. XXXX

2. Executed Servicing Agreement: ☒ NO ☐ YES

3. Other:

SIGNED _____

NR:ap

B Y - L A W N U M B E R
-2024

A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600
CITED AS THE "CITY OF WINDSOR ZONING BY-LAW"

Passed the
day of
, 2024.

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

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

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

515. NORTH SIDE OF GILES BLVD BETWEEN PARENT AVE AND LANGLOIS AVE

(1) For the lands comprising Lot 53 Plan 937, PIN 01155-0034, one *Multiple Dwelling* containing a maximum of six *dwelling units* shall be an additional permitted main use subject to the following additional provisions:

1. Notwithstanding Section 11.2.5.4.1, the minimum lot width shall be 11.2 m.
2. Notwithstanding Section 11.2.5.4.2, the minimum lot area shall be 470.2 m².
3. Notwithstanding Section 24.20.5.1, the minimum required parking spaces shall be 4 parking spaces.

[ZDM 7; ZNG/7232]

2. The said by-law is further amended by changing the Zoning District Maps or parts thereof referred to in Section 1, of said by-law and made part thereof, so that the lands described in Column 3 are delineated by a broken line and further identified by the zoning symbol shown in Column 5:

1. Item Number	2. Zoning District Map Part	3. Lands Affected	4. Zoning Symbol	5. New Zoning Symbol
1	7	Lot 53 Registered Plan 937, and PIN No. 01155-0034 (located on the north side of Giles Blvd E between Parent Ave and Langlois Ave)	RD2.2	S.20(1)515

DREW DILKENS, MAYOR

CLERK

First Reading - , 2024
Second Reading - , 2024
Third Reading - , 2024

SCHEDULE 2

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

The applicant is requesting an amendment to Zoning By-law 8600 to change the zoning for the lands located on the north side of Giles Blvd E between Parent Ave and Langlois Ave, municipally known as 926-928 Giles Blvd E (the subject property), from Residential District 2.2 (RD2.2) to Residential District 2.2 (RD2.2) with site-specific zoning provisions. The site-specific provisions will support one *Multiple Dwelling* containing a maximum of six *dwelling units* shall be an additional permitted main use, subject to additional provisions: reduced parking from 7 spaces to 4 spaces, and the reduction in lot width/lot area.

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



PART OF ZONING DISTRICT MAP 7 N.T.S.

SCHEDULE 2

Applicant: Hausology Inc.

 SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : SEPTEMBER, 2024
FILE NO. : Z-028/24, ZNG/7232



Council Report: S 138/2024

**Subject: Brownfield Property Tax Assistance/Rehabilitation Grant
Community Improvement Plan (CIP) application submitted by Capital
Plus Real Estate Corp. for 3841-3847 Howard Avenue (Ward 8)**

Reference:

Date to Council: November 4, 2024
Author: Simona Simion, MCIP, RPP
Planner III - Economic Development Planner (Acting)
ssimion@citywindsor.ca
519-255-6543 x 6449
Planning & Building Services
Report Date: October 8, 2024
Clerk's File #: SPL2024

To: Mayor and Members of City Council

Recommendation:

- I. THAT the request made by Capital Plus Real Estate Corp. to participate in the Brownfield Rehabilitation Grant Program **BE APPROVED** for 70% (or 100% if LEED certified) of the municipal portion of the tax increment resulting from the proposed redevelopment at 3841-3847 Howard Avenue for up to 10 years, not to exceed 100% of the eligible costs, pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,
- II. THAT Administration **BE DIRECTED** to prepare an agreement between Capital Plus Real Estate Corp., the City, and any persons legally assigned the right to receive grant payments to implement the Brownfield Rehabilitation Grant Program in accordance with all applicable policies, requirements, and provisions contained within the Brownfield Redevelopment Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the City Treasurer as to financial implications; and,
- III. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Rehabilitation Grant Agreement; and,
- IV. THAT the approval to participate in the Brownfield Rehabilitation Grant Programs **EXPIRE** if the agreement is not signed by applicant within two years following Council approval.

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

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 was adopted in 2010 and 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 removes the negative stigma often associated with brownfield properties, which increases the value of the subject property and adjacent properties.

Site Background

The subject site 3841-3847 Howard Avenue is located at the southwest corner of the intersection of Cabana Road East and Howard Ave. The subject property is 0.1 hectares (or 0.24 acres) in size and is currently vacant land. See Appendix 'A' for a location map.

The first building present on the site was constructed in 1946. The Phase I Environmental Site Assessment (ESA) identified the first use of the parcel as various commercial operations, included but not limited to restaurants, variety stores, salons/barber shop, an office and various commercial retailers, as well as residential apartments. In 2005, the building was demolished based on a review of aerial photographs and satellite imagery. The principal owner of Capital Plus Real Estate

Corporation is Doreen Aiello. The Capital Plus Real Estate Corporation proposes to redevelop the property for combined use, including residential dwellings, which requires the filing of a Record of Site Condition (RSC) under Ontario Regulation 153/04. The property owner has undergone a Zoning By-law Amendment (approved in September 5, 2023 by CR368/2023) to facilitate the development proposal.

The subject property is designated 'Mixed Use Node' on Official Plan Schedule D: Land Use and zoned Commercial District CD2.2 (General Commercial, Combined Use Building) with special zoning provisions to allow for a Combined Use Building with dwelling units alongside a Business Office, provided that the Business Office shall not be located above a dwelling unit; one building wall located on an exterior lot line and oriented to the street; and minimum 1 parking space per dwelling unit.

Council approved an Environmental Site Assessment (ESA) Grant for this property in July 10, 2023 through Council Resolution CR284/2023 for the completion of a Phase II ESA study. The approved ESA grant total was \$12,875. The applicant is still in the process of undertaking the Phase II ESA. The findings to-date from the Phase II ESA sampling analysis revealed that contamination is present on the site, thus remediation is required.

Capital Plus Real Estate Corp has submitted the grant application. Capital Plus Real Estate Corp is incurring the eligible remediation costs and, should the application be approved, would receive the grant payment.

Discussion:

Brownfield Rehabilitation Grant Program

The Brownfield Rehabilitation Grant Program encourages the remediation, rehabilitation, and adaptive re-use of brownfield sites by providing grants to help pay for remediation costs as well as non-environmental rehabilitation costs normally associated with brownfield site redevelopment (e.g. development application and building permit fees, and upgrading on-site / off-site infrastructure).

The program offers annual grants funded through the increase in municipal property tax levy created by the investment for up to 10 years to help offset eligible costs. The CIP specifies Brownfield Rehabilitation Grants will equal 70% of the municipal property tax increase for a project that employs standard construction methods and 100% of the municipal property tax increase for projects that achieve any level of Leadership in Energy and Environmental Design (LEED) certification.

Annual grants are paid out following the filing of a RSC, reassessment of the property and the payment of the property taxes for the year in which the grant is to be provided. Issuance of the first grant payment typically occurs at least two years after approval to participate in the program.

CIP Goals

City staff are supportive of the application as it meets all the eligibility requirements specified within the Brownfield Redevelopment CIP. The proposed filing of a RSC and redevelopment of the property 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;
- Improve the land use compatibility of potential brownfield sites with surrounding land uses;
- 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 related to the potential presence of contamination. In this case, there is also a risk of the property remaining in a vacant state, which negatively affects the surrounding properties. The proposed study and remediation will assist in mitigating these risks. The City would retain a copy of the study for future reference.

Climate Change Risks

Climate Change Mitigation:

The proposed 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 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.

Financial Matters:

Based on the proposed redevelopment plan submitted by the owner, administration estimates the post-development property value assessment to increase by \$2,508,000 (i.e. from \$177,000 to \$2,685,000). The post-development total annual tax levy is estimated to increase by \$54,087 (i.e. from \$4,838 to \$58,925), with the increase to the municipal portion of taxes totalling \$50,235. As the Brownfield Rehabilitation Grant is calculated at 70% of the increase in municipal taxes, the estimated annual grant is \$35,164. This would yield a total grant value of \$351,640 over ten years under the Brownfield Rehabilitation Grant Program for standard construction.

The total eligible cost is estimated to be \$1,184,325. This includes \$14,375 for Remedial Work Plan, \$119,950 for remediation and filing a RSC, \$50,000 for placing clean fill and grading, \$500,000 for development application fees and building permit fee, \$450,000 for on-site infrastructure, and \$50,000 for off-site infrastructure. The program is funded by the municipal portion of the tax increment resulting from the completed redevelopment for up to 10 years, not to exceed 100% of the eligible costs.

The Brownfield Redevelopment grants are calculated and paid back to the applicant annually after redevelopment has occurred, property assessment value has been reassessed by MPAC, and total taxes as it relates to the redevelopment have been paid to the City in full. Assuming the building is constructed to comply with the minimum Building Code provisions the recommended grants would reimburse 30% of the eligible costs under the Brownfield Rehabilitation Grant Program. If constructed to LEED standard—42% of the eligible costs would be reimbursed.

Environmental Study Grant (approved through CR284/2023)	\$12,875
Brownfield Rehabilitation Grants (standard construction) (Years 1-10)	\$351,640

Total	\$364,515
--------------	------------------

Throughout the lifespan of the grant, the City would retain \$19,909 annually, assuming the building is constructed to comply with the minimum Building Code provisions (current annual tax plus 30% of the annual municipal taxes increase). After the grant program ceases, the full amount of increased annual municipal taxes or \$58,925, would be retained by the City in perpetuity.

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 Brownfield Rehabilitation Grant Program. Greg Atkinson, Manager of Development, Planning & Building Services Department; Jose Mejalli, Assessment Management Officer, Taxation & Financial Projects; Carolyn Nelson, Manager of Property Valuation & Administration, Taxation & Financial Projects; and Kate Tracey, Senior Legal Counsel, Legal Department were consulted in the preparation of this report.

Conclusion:

City Staff recommend Council approve the request from Capital Plus Real Estate Corp. to participate in the Brownfield Rehabilitation Grant Program. In the opinion of planning staff, the proposed remediation and redevelopment 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:

Name	Title
Emilie Dunnigan	Manager, Development Revenue and Financial Administration

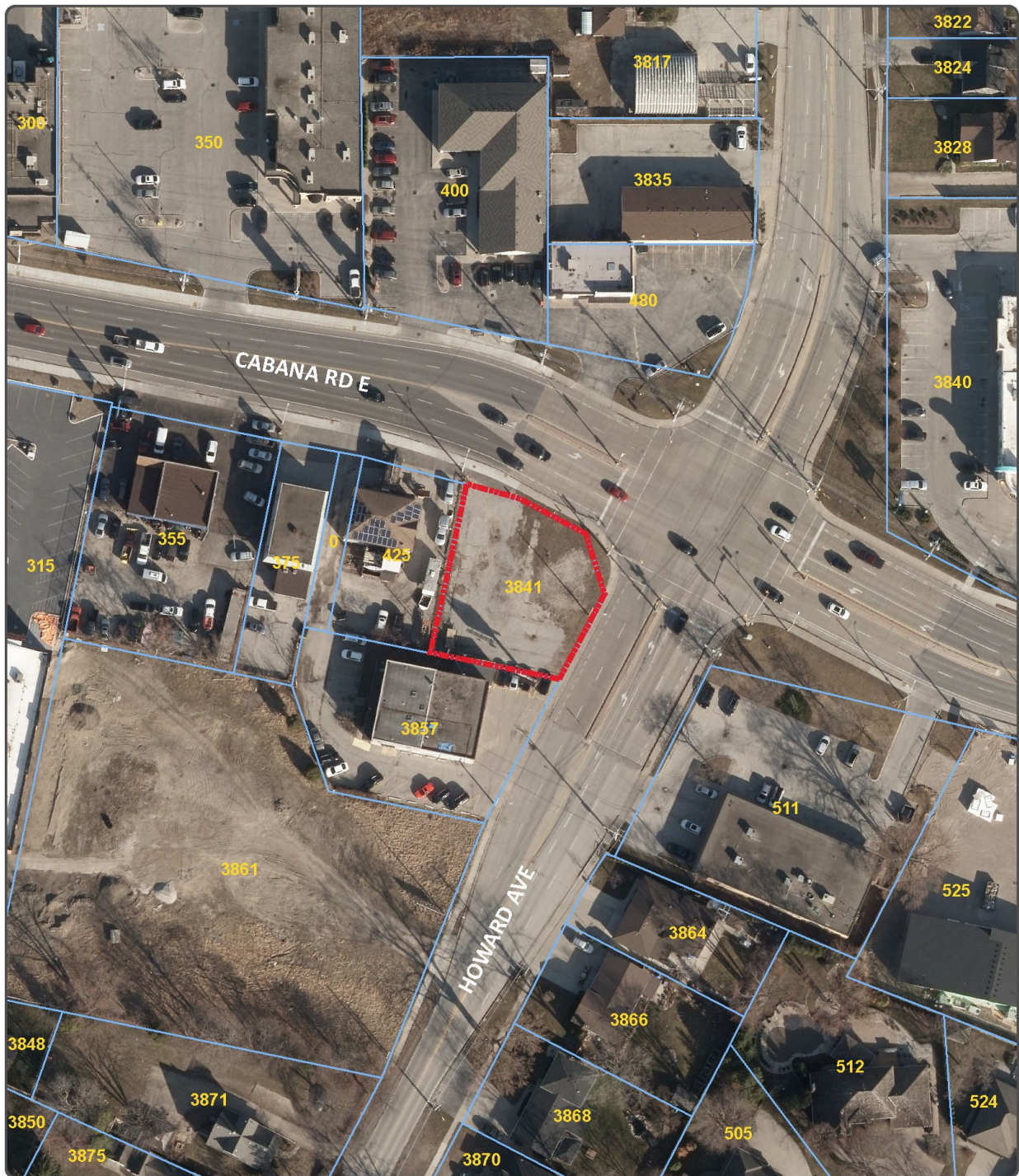
Name	Title
Jason Campigotto	Deputy City Planner – Growth (Acting)
Neil Robertson	City Planner
Kate Tracey	Senior Legal Counsel, Legal Services & Real Estate
Lorie Gregg	Deputy Treasurer, Taxation & Financial Projects
Janice Guthrie	Commissioner, Finance & City Treasurer
Jelena Payne	Commissioner, Economic Development
Joe Mancina	Chief Administrative Officer

Notifications:

Name	Address	Email

Appendices:

1. Appendix A - Map



LOCATION MAP : 3841, 3843, 3847 HOWARD AVENUE



SUBJECT PROPERTY





Council Report: S 140/2024

Subject: Part Closure of north/south alley located between Park Street West and Wyandotte Street West, Ward 3, SAA-7034

Reference:

Date to Council: November 4, 2024
Author: Brian Nagata, MCIP, RPP
Planner II - Development Review
(519) 255-6543 ext. 6181

Planning & Building Services
Report Date: October 10, 2024
Clerk's File #: SAA2024

To: Mayor and Members of City Council

Recommendation:

- I. THAT part of the 5.90-metre-wide north/south alley located between Park Street West and Wyandotte Street West, namely south of Lot 27, Plan 281, and shown on Drawing No. CC-1857 (attached hereto as Appendix "A"), and hereinafter referred to as the "subject alley", **BE ASSUMED** for subsequent closure;
- II. THAT the subject alley **BE CLOSED AND CONVEYED** in **as is condition** to the owner of 170 Wyandotte Street West, 564 Victoria Avenue and 569 Pelissier Street, and as necessary, in a manner deemed appropriate by the City Planner, subject to the following conditions being satisfied by the owner/applicant at their sole expense:
 - a. Removal and/or relocation of Bell Canada's overhead telecommunications infrastructure from the subject alley, in coordination with and to the satisfaction of Bell Canada and the City Engineer.
 - b. Removal and/or relocation of ENWIN Utilities Ltd.'s underground high voltage conductors, and overhead high-voltage power lines and utility pole with guy wire and anchor from the subject alley, in coordination with and to the satisfaction of ENWIN Utilities Ltd. and the City Engineer.
 - c. Removal and/or relocation of ENWIN Utilities Ltd.'s utility pole and guy wires and anchors from that part of the north/south alley to remain open, across from the property known municipally as 563 and 567 Pelissier Street, legally described as Lot 27, Plan 281, in coordination with and to the satisfaction of ENWIN Utilities Ltd. and the City Engineer.
 - d. Removal and/or relocation of Telus Communications Inc.' overhead and underground telecommunications infrastructure from the subject alley, in coordination with and to the satisfaction of Telus Communications Inc. and the City Engineer.

- e. Construction of a new east/west alley over and along Lot 26, Plan 281, constituting the north half of the property known municipally as 564 Victoria Avenue, legally described as Lots 26 and 27, Plan 281, which shall connect the remaining part of the north/south alley to the Victoria Avenue right-of-way, as shown on Drawing No. CC-1857, and hereinafter referred to as the “east/west alley”, in coordination with and to the satisfaction of the City Engineer.
- f. Obtain necessary permits for and construct new driveway approach off Victoria Avenue for the east/west alley in coordination with and to the satisfaction of the City Engineer.
- g. Obtain necessary permits for and complete any required modifications to the existing drainage within the part of the north/south alley to remain open to accommodate the east/west alley in coordination with and to the satisfaction of the City Engineer.
- h. Obtain necessary permits to remove the old driveway approach on Victoria Avenue and restore the redundant curb cut and boulevard to City Standards and to the satisfaction of the City Engineer.
- i. Obtain necessary permits to remove the old alley driveway approach and restore the redundant curb cut and commercial sidewalk on Wyandotte Street West to City Standards and to the satisfaction of the City Engineer.
- j. Obtain necessary permits to construct the new east/west alley as per AS-201 and to install drainage for the new alley as per City Standards and to the satisfaction of the City Engineer.
- k. Provide a 12R Reference Plan to describe the subject alley and the east/west alley to the satisfaction of the City Engineer.
- l. Gratuitously convey to The Corporation of the City of Windsor:
 - i. the east/west alley to the satisfaction of the City Engineer.

III. THAT Conveyance Cost **BE SET** as follows:

- a. For alley conveyed to abutting lands zoned CD3.6, no charge contingent upon the owner satisfying all the conditions set forth under Recommendation II herein.

IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1857.

V. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).

VI. THAT The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.

VII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003

VIII. THAT the City Solicitor or designate **BE AUTHORIZED** to prepare a by-law to dedicate the lands described under Section e. of Recommendation II herein as a public highway **PRIOR TO** the subject alley being closed.

Executive Summary:

N/A



STREET & ALLEY CLOSING (SAA/7034)

1:750

APPLICANT : 2695185 ONTARIO LTD

APPLICATION TO
CLOSE

RECOMMENDED TO BE
AN OPEN RIGHT-OF-WAY

ADJACENT PROPERTIES
OWNED BY APPLICANT

PLANNING DEPARTMENT - PLANNING POLICY

DATE: SEPTEMBER, 2024

Background:

The applicant, Amanda Fernandes, authorized agent for 2695185 Ontario Ltd., owner of the properties known municipally as 170 Wyandotte Street West, 564 Victoria Avenue and 569 Pelissier Street (the subject property), applied to close part of the 6.10-metre-wide north/south alley located between Park Street West and Wyandotte Street West, namely south of Lot 27, Plan 281 (the alley), and shown on Drawing No. CC-1857 attached hereto as Appendix “A”, and also shown on the aerial photo attached hereto as Appendix “B”.

The applicant wishes to close the alley for the purpose of consolidating it with the subject property to establish one large contiguous parcel to accommodate a proposed combined use development (the development). Conceptual Drawings for the development and a Topographic Survey for the subject property are attached hereto as Appendix “F” and Appendix “G” respectively.

The Planning Department investigated the possibility of closing the entire north/south alley, however, determined that the part not being requested for closure (the open alley) is indispensable for the following reasons:

1. It serves as the only vehicular means of access to rear parking areas or garages where the property has insufficient lot width for a side drive.
2. It serves commercial properties as the only vehicular means of access for refuse collection and/or the shipping/receiving of goods.
3. It serves properties that front on Park Street West, a Class I Collector Road and/or Pelissier Street or Victoria Avenue, both Class II Collector Roads.

The alley is maintained and composed primarily of asphalt. The alley contains a utility pole with guy wire and anchor, concrete bumper curbs and poured in place concrete curbs. The alley provides access from a curb cut off Wyandotte Street West for the City’s garbage collection vehicles, and commercial and personal vehicles serving the properties abutting the open alley. There are no Encroachment Agreements on record for the use of the alley.

Discussion:

The decision to recommend closure of an alley is derived from the City’s *Classification of Alleys and Suitability for Closure* guideline document (the document), attached hereto as Appendix “E”. The document includes the following four classifications of alleys based on their usefulness and provides the following corresponding criteria for determining their suitability for closure. The use of the document is referenced under Part I of CR146/2005.

Classification of Public Right-of-Ways

1. Alley that is indispensable.
 - a. Does the alley serve commercial properties?
 - i. The alley serves the subject property as a secondary vehicular means of access to the parking areas thereon, all of which will be removed to accommodate the development.

- ii. The alley indirectly serves the commercial properties abutting the open alley as a necessary secondary vehicular means of access for refuse collection and the shipping/receiving of goods.
 1. The City does not permit its garbage collection vehicles to reverse out of an alley due to the following nuisances and risks to public safety:
 - a. Increased potential for conflict between motor vehicles, and motor vehicles and pedestrians due to reduced visibility.
 - b. Loud pulsating beeping noise from the vehicle's backup alarm.
 2. Commercial vehicles and private garbage collection vehicles will also have to reverse out of the alley.
 3. Vehicular access to abutting properties will be restricted for extended periods of time during garbage collection and/or the shipping/receiving of goods.
- b. Does the alley serve properties fronting on heavily traveled streets i.e. major arterial routes?
 - i. The alley serves the subject property which fronts Wyandotte Street West, a Class II Arterial Road, and Pelissier Street and Victoria Avenue.
 - ii. The alley indirectly serves the aforesaid commercial properties that front on Park Street West and/or Pelissier Street or Victoria Avenue.
- c. Does the alley contain sewers, and must the alley remain accessible for servicing?
 - i. The alley does not contain any sewers.
- d. Does the alley serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive?
 - i. The alley does not serve as the only vehicular means of access to any rear parking areas or garages.
- e. Does the alley contain Fire Department connections that are deemed to be necessary for firefighting access?
 - i. The alley does not contain any Fire Department connections.
2. Alley that, has some usefulness, are nevertheless dispensable and may or may not be a complete liability.
 - a. The alley is deemed to be useful for the reasons noted herein.

- b. The owner, as a condition of closure, must subsequently construct and gratuitously convey a new east/west alley connecting the open alley with the Victoria Avenue right-of-way to the City prior to the closure of the alley.
3. Alleys that appear to serve no useful purpose, either now, or anticipated. Such alleys are in residential areas and locations where generally the lots are wide enough for side drives, or those alleys abutting parks and other parcels of land that do not require any servicing from the alley. Remnant or stub-end streets which are dead-ended and do not serve as access to other streets.
 - a. The alley is deemed to be useful for the reasons noted herein.
 - b. The owner, as a condition of closure, must subsequently construct and gratuitously convey a new east/west alley connecting the open alley with the Victoria Avenue right-of-way to the City prior to the closure of the alley.
4. Alley lying in Holding zones and other similar undeveloped areas where the alley system is clearly obsolete and has never been developed, but where the City needs to keep its options open until new area plans are prepared and development is imminent.
 - a. The alley does not lie within a Holding zone or similar undeveloped area.

Suitability for Closing

1. Indispensable alley should not be closed, conveyed, reduced or otherwise jeopardized through minority interests unless a suitable substitute alley is opened in lieu thereof.
2. Alleys having some usefulness should be considered for closing only upon request of abutting owners rather than by encouragement of the City.
3. Alleys that serve no useful purpose should be closed if at all possible, and in fact the owners abutting thereon should be encouraged to accept conveyance.
4. Alleys that are clearly obsolete should not be closed unless there is a municipal need or specific development proposals acceptable to the City are submitted.

Based on the above, the Planning Department deems the alley “indispensable”.

Notwithstanding the alley being deemed indispensable, the Planning Department is recommending that it be closed and conveyed in **as is condition** to the owner of the subject property for the following reasons:

- The aforesaid factors that deem the alley indispensable stem solely from the subject property’s use of the alley.
- The owner, as a condition of closure, must construct and gratuitously convey a new east/west alley connecting the open alley with the Victoria Avenue right-of-way to the City.
 - This will ensure that two alley accesses are continuously maintained.

It is our recommendation that, upon closure, the owner of the subject property be given a chance to acquire the alley. Hence the recommendation is to close and convey the alley in **as is condition** to the owner of the subject property, which is contrary to the

standard manner of conveyance of offering abutting properties first right to acquire their half of the alley.

Risk Analysis:

The recommended closure will divest the City of associated liability risks and maintenance costs. The recommended closure poses no known risk to City.

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

There is no charge for the alley property being gratuitously conveyed by the City, contingent upon the owner satisfying all the conditions set forth under Recommendation II herein. The Essex Land Registry Office registration costs to dedicate the lands described under Section e. of Recommendation II herein as a public highway is estimated at \$300 and will be absorbed by the Planning Department's operating budget.

There are no financial impacts to approving the Recommendations outlined in this report.

Consultations:

Consultations were held with Municipal Departments and Utility Companies, which resulted in the information found in attached hereto as Appendix "C".

Notice of this application was issued to property owners abutting the alley and open alley by regular mail, with no objections being received as of the date of writing this report.

Notice of Development & Heritage Standing Committee meeting and Council meeting are published in the Windsor Star prior to each of the meetings. In addition, notice of each of the public meetings will be mailed to the abutting/affected property owners prior to the meetings.

Conclusion:

The Planning Department recommends closure of the alley shown on attached Appendix "A", subject to the conditions as in Recommendation II of this report.

The closed alley is to be conveyed in **as is condition** to the owner of the subject property as in Recommendation II report.

Planning Act Matters:

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

Greg Atkinson, MCIP, RPP
Manager of Development

Neil Robertson, MCIP, RPP
City Planner

I am not a registered Planner and have reviewed as a Corporate Team Leader

JP

JM

Approvals:

Name	Title
Brian Nagata	Planner II - Development Review
Greg Atkinson	Manager of Development/Deputy City Planner
Neil Robertson	City Planner / Executive Director, Planning & Development Services
Emilie Dunnigan	Manager of Development Revenue & Financial Administration
Kate Tracey	Senior Legal Counsel, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development
Joe Mancina	Chief Administration Officer

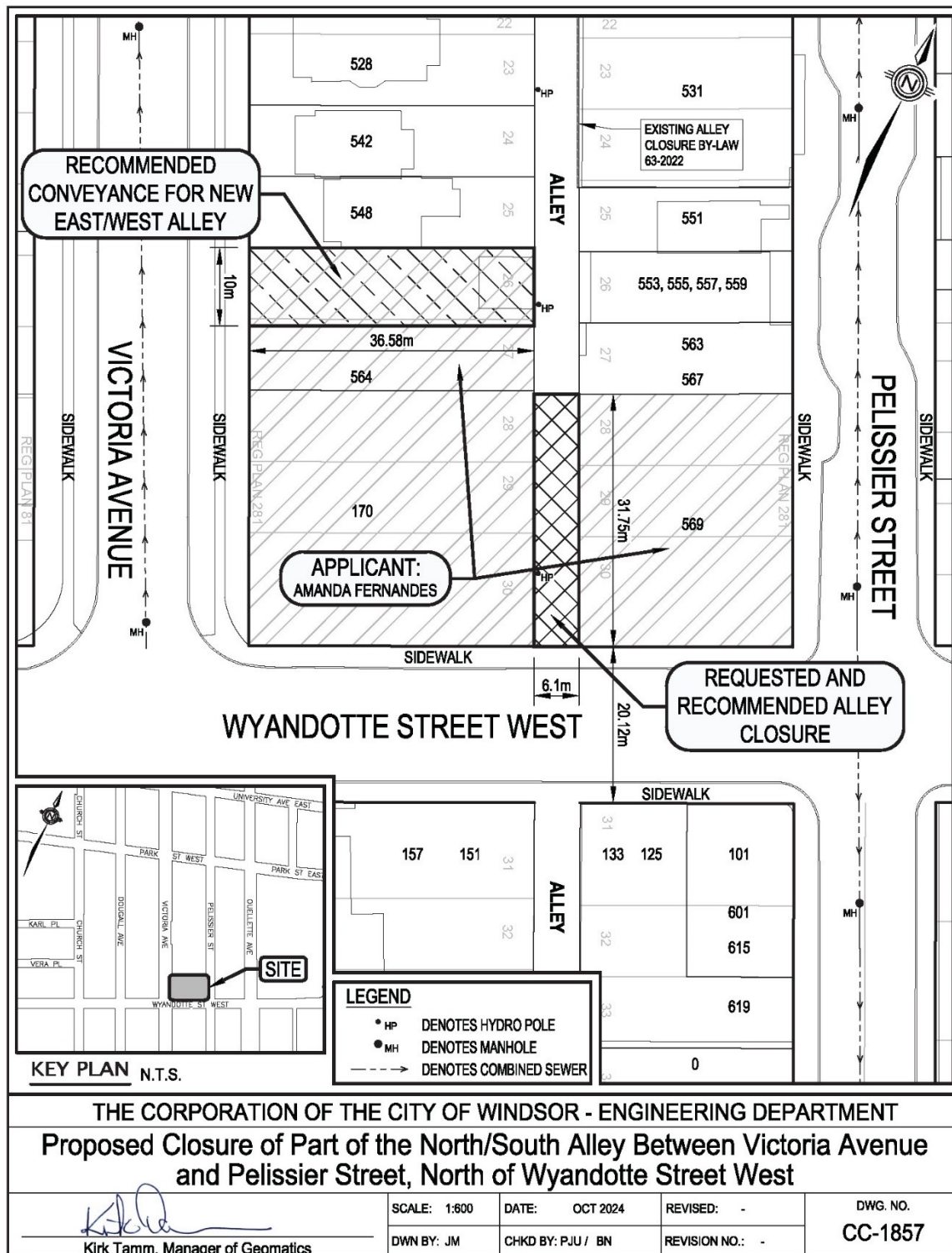
Notifications:

Name	Address	Email
List of mailing labels for property owners abutting the alley issued to Clerks office		

Appendices:

- 1 Appendix A - Drawing No. CC-1857
- 2 Appendix B - EIS Drawing - Aerial Photo
- 3 Appendix C - Consultation
- 4 Appendix D - Site Photos
- 5 Appendix E - Classification of Alleys and Suitability for Closure
- 6 Appendix F - Conceptual Drawings
- 7 Appendix G - Topographic Survey

APPENDIX "A" **Drawing No. CC-1857**



APPENDIX "B"

EIS Drawing - Aerial Photo




STREET & ALLEY CLOSING (SAA/7034)

1:750 

APPLICANT : 2695185 ONTARIO LTD

 APPLICATION TO
CLOSE

 RECOMMENDED TO BE
AN OPEN RIGHT-OF-WAY

 ADJACENT PROPERTIES
OWNED BY APPLICANT

PLANNING DEPARTMENT - PLANNING POLICY

DATE: SEPTEMBER, 2024

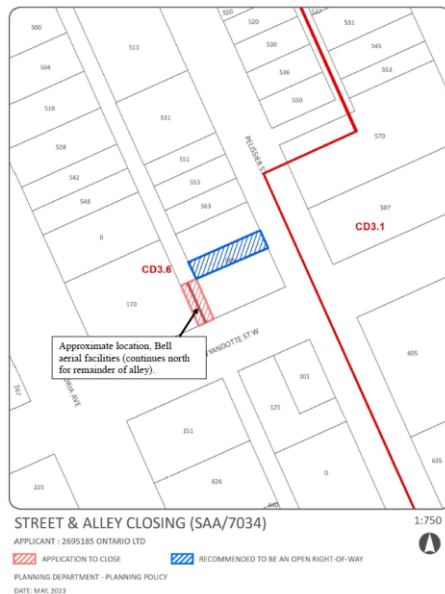
APPENDIX “C”

Consultations with Municipal Departments and Utility Companies

BELL CANADA WSP

May 29, 2023

Bell Canada requests a 3.0 m easement, to measure 1.5 m on either side of existing aerial facilities. If this cannot be accommodated, we request the easement over the entire closure area.



July 24, 2023

Bell has significant infrastructure within the alley and will require easement protection prior to the city's disposal of the lands.

July 25, 2023

Our facilities provide essential access to the network. Of major concern is the ability to access our equipment, particularly in the event of an interruption, or emergency. The easement would allow Bell Canada to restore service to regular telephone lines, alarm services, internet access, and most importantly ensure the continuity of 911 service.

[Charleyne Hall - Bell Canada External Liaison, Right of Way & Indigenous Relations]

Note:

EnWin Utilities is requesting that the closure be conditional on all their aboveground and below grade infrastructure being removed or relocated from the. Bell Canada's aboveground infrastructure is located on EnWin Utilities hydro poles, and consequently will need to be removed or relocated.

COGECO

No comments provided

DEVELOPMENT ENGINEERING

May 2, 2024

We are in favor of the development however our preference would be to close the N/S section of the alley as proposed but to not create the additional E/W section to Pelissier.

A new alley would have to be maintained by the City & since Environmental Services is in agreement with the property owner about their trucks travelling south down the N/S alley exiting onto Victoria though private property I don't see the reason to open a new alley to Pelissier St. I know you mentioned wanting to keep access for the residents to the north, but we close one end of alleys all the time, they can still enter and exit at Park Street.

Regardless of if we open a new alley to Pelissier St, our truck route will be through private property so we should have an easement for access in favor of the City. That would prevent the current and any future property owner from fencing or restricting that access as it would be registered on title. I would still have the owner sign a waiver as Anne-Marie noted but an easement will ensure us access through time. I see no need to grant easements for all the properties to the north, ours would ensure it is never blocked.

If we must have a public alley to Pelissier St as proposed, then maybe it can be created in the same manner as Maiden Lane - east of Ouellette where the underground parking area is private property and only the surface is ROW as we do not support an encroachment agreement for the parking garage under an alley and reconfiguring the underground parking would be a complete site redesign. But again, our preference would be to leave this area private property and only move forward with the closure area. If you want to ensure access is maintained to Pelissier and Victoria that can be done with the easement and would better for the City because it's the owner's responsibility to maintain their property. The owner would need to understand that vehicles using the alley may choose to exit via the easement areas as they won't be able to restrict access over those parts but if they were willing to put an alley through their property, I don't see an easement being any different for them.

July 25, 2024

I think this new plan resolves all the prior concerns. Engineering is in support.

[Shannon Mills - Technologist III]

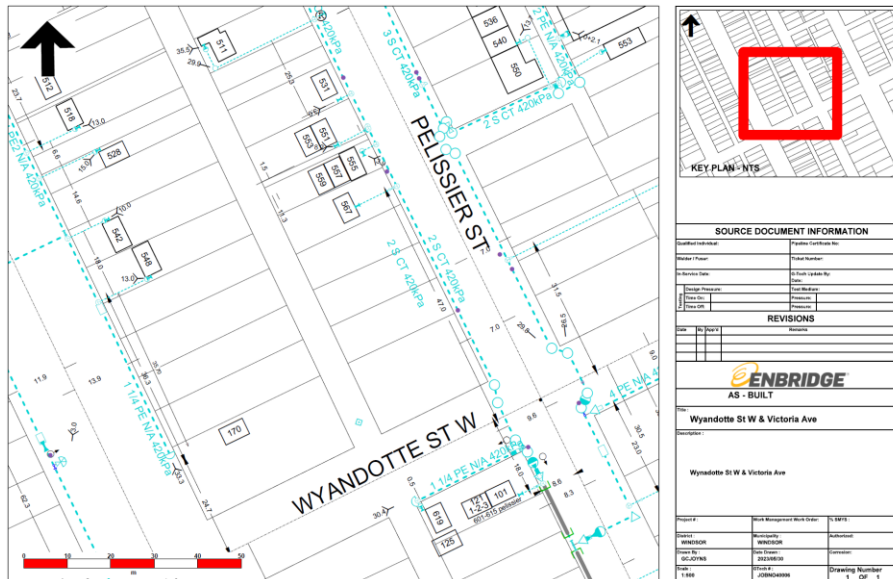
ENBRIDGE GAS

After reviewing the provided drawing at Wyandotte St E. & Victoria 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

[Gord Joynson - Drafter Estimator]



ENVIRONMENTAL SERVICES

July 2024 Phone Conversation with Jim Leether (Manager of Environmental Services)

No objection contingent on the provision of a minimum clearance of 6.8 metres from grade to any aboveground wires in the area where refuse bins are emptied.

Note:

This matter will be addressed through the Site Plan Control process.

ENWIN UTILITIES - HYDRO ENGINEERING

No objection contingent on the removal and relocation of EnWin's overhead and underground hydro plant.

Please be advised EnWin has underground high voltage conductors in the north / south alley between Victoria and Pelissier.

Please be advised EnWin has overhead high voltage power lines in the north / south alley between Victoria and Pelissier.

The applicant will be required to cover all costs associated with the removal and/or relocation of EnWin's underground and overhead hydro plant customer to contact & coordinate with EnWin.

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.

[Nillavon Balachandran - Hydro Engineering Technologist]

ENWIN UTILITIES - WATER ENGINEERING

Water Engineering has no objections.

[Bruce Ogg - Water Project Review Officer]

LEGAL DEPARTMENT

June 23, 2023

It should be a condition of site plan that we do a land exchange rather than gratuitous conveyance. Therefore, no price will be set for the alley.

[Stephanie Santos - Coordinator of Real Estate Services]

July 24, 2024

I have now had the opportunity to review the revised conceptual plan.

From my perspective, there are no legal issues with the revised plan. We needed them to propose a solution allowing for access to Victoria Avenue from the existing north/south alley. This has now been provided.

It is my suggestion that should we seek Council approval for this closure, that it be conditional upon the owner first constructing the new east/west alley to the City's specifications. Once approved by the City, then we will pass the by-law to close and convey. I will assist with the wording of these recommendations in the Council report, should we get to that point.

[Kate Tracey - Senior Legal Counsel]

MNSi

No comments provided

PARKS & FACILITIES

No issues from Natural Areas

[Karen Alexander - Naturalist & Outreach Coordinator]

No issue from Parks Design & Development as well

[Sherif Barsom - Landscape Architect]

No issue for Forestry as well

[Yemi Adeyeye - City Forester / Manager Forestry & Natural Areas]

PLANNING DEPARTMENT - LANDSCAPE ARCHITECT

No objections from a Landscape Architectural or Urban Design perspective.

[Stefan Fediuk - Landscape Architect]

PUBLIC WORKS - ENGINEERING

ROW agrees with Transportation Planning's comments. We do not support any parking in the alley. The original drawings showed it as a loading space, not parking spaces. The parking will impede larger vehicles trying to access the alley.

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

PUBLIC WORKS - OPERATIONS

April 21, 2023

From a maintenance perspective, we would not oppose the "relocation" of the alley to another portion of one of the subject properties. Any costs to redirect affected drainage, paving of the new alley to suit, utility relocation (if any) would be the responsibility of the development. New pavement composition of the alley would be as per City Standards and specifications.

Any turning radii etc. necessary to accommodate garbage and recycling would also be required subject to Anne Marie's comments on whether this would be even possible, from her collection's perspective.

[Roberta Harrison - Coordinator Maintenance]

November 8, 2023

We do not have city sewer in this alley. When purchased, the drainage for this portion of the alley would be the new owner's responsibility therefore I have no issue with it.

[Phong Nguy - Manager of Contracts, Field Services]

ROGERS COMMUNICATIONS

No comments provided

TELUS COMMUNICATIONS

Existing TELUS structure will need to be relocated.

Previously had conversation with Phillip Fernandes late last year and gave him a high level relocation cost.

[Fred Sua - TELUS Communications]

TRANSPORTATION PLANNING

Transportation Planning has no comment on the attached Conceptual Plans for the partial closure of the subject alley.

[Ellie Mehrilou - Transportation Planner I]

TRANSIT WINDSOR

Transit Windsor has no objections.

[Jason Scott - Supervisor, Planning]

WINDSOR FIRE

No comments provided

WINDSOR POLICE

The Windsor Police Service has no concerns or objections with the closure of this section of alley and the creation of the access route. It is our understanding this closure is a necessary component of a redevelopment plan for the broader property. The outcome from these changes will not impair the ability of the police to respond to incidents or carry out service delivery, so there is no anticipated impact on public safety.

[Barry Horrobin - Director of Planning & Physical Resources]

APPENDIX “D”
Site Photos (Google Street View - November 2023)



Figure 1 - Looking north towards alley from Wyandotte St W (170 Wyandotte St W on left)



Figure 2 - Looking east towards location of proposed E/W Alley from Victoria Ave (548 Victoria Ave on left)



Figure 3 - Looking northeast towards alley from Wyandotte St W (170 Wyandotte St W on left)

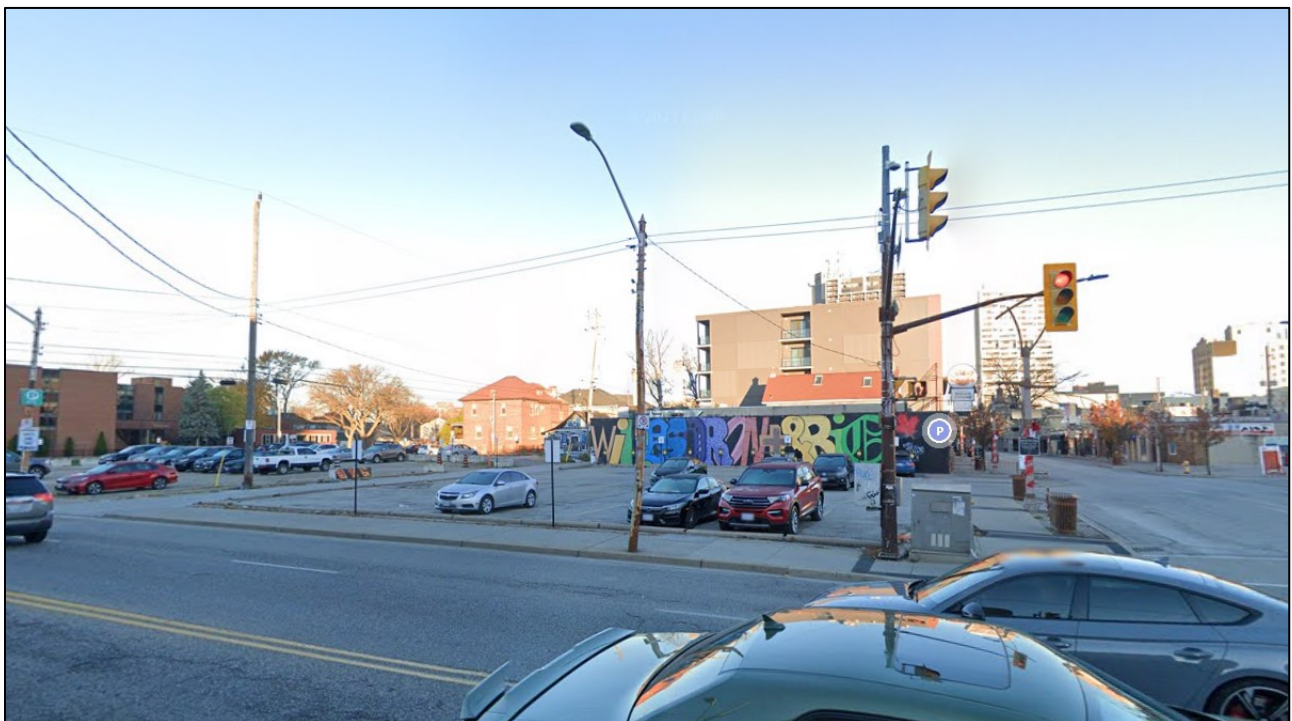


Figure 4 - Looking northwest towards alley from Wyandotte St W (Pelissier St on right)



Figure 5 - Looking northeast towards location of proposed E/W alley from Victoria Ave (170 Wyandotte St W on right)

APPENDIX “E”

Classification of Alleys and Suitability for Closure

Classification of Public Rights-of-Ways:

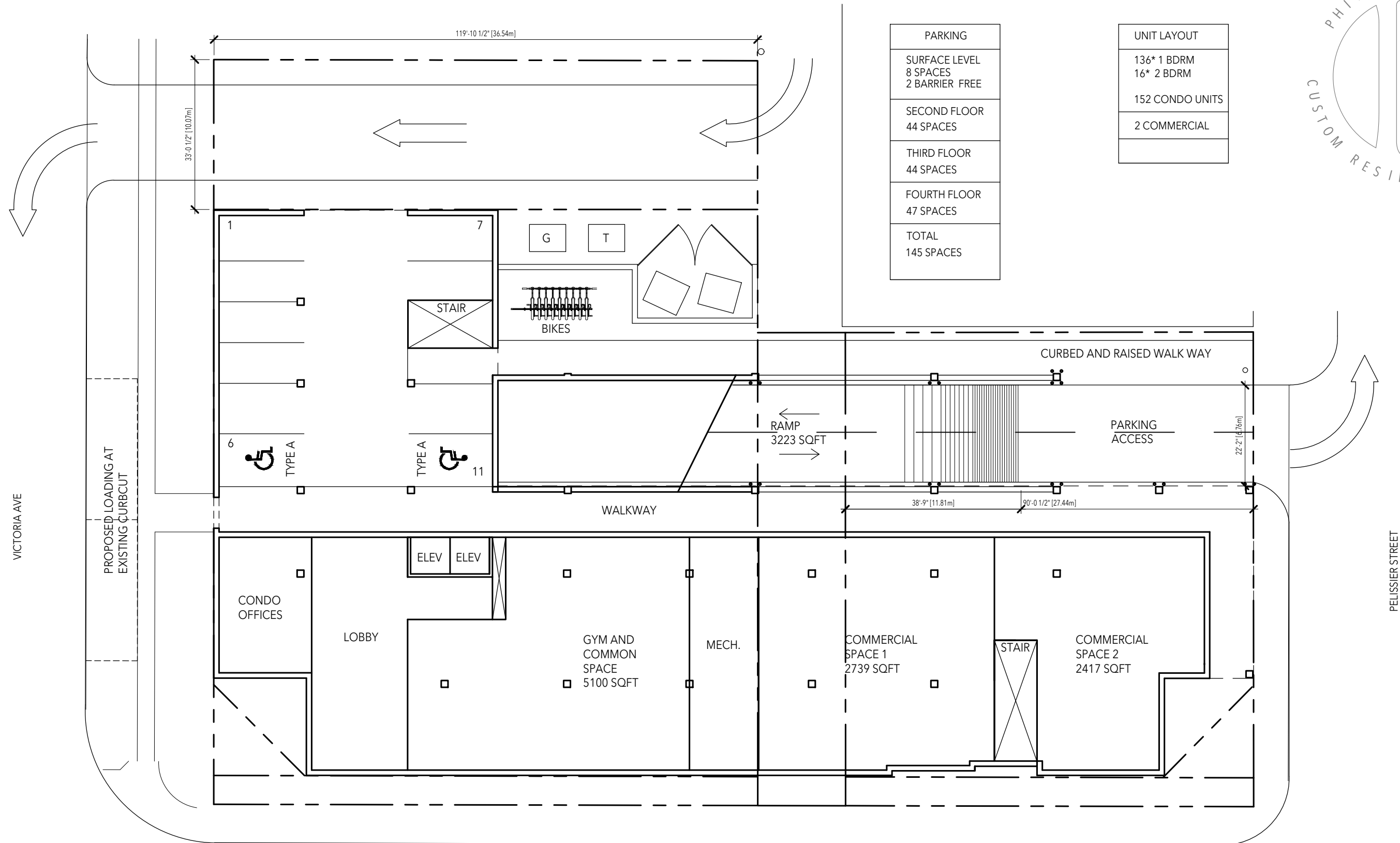
Currently streets and alleys fall into four classifications on the basis of their usefulness:

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

Suitability for Closing:

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

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

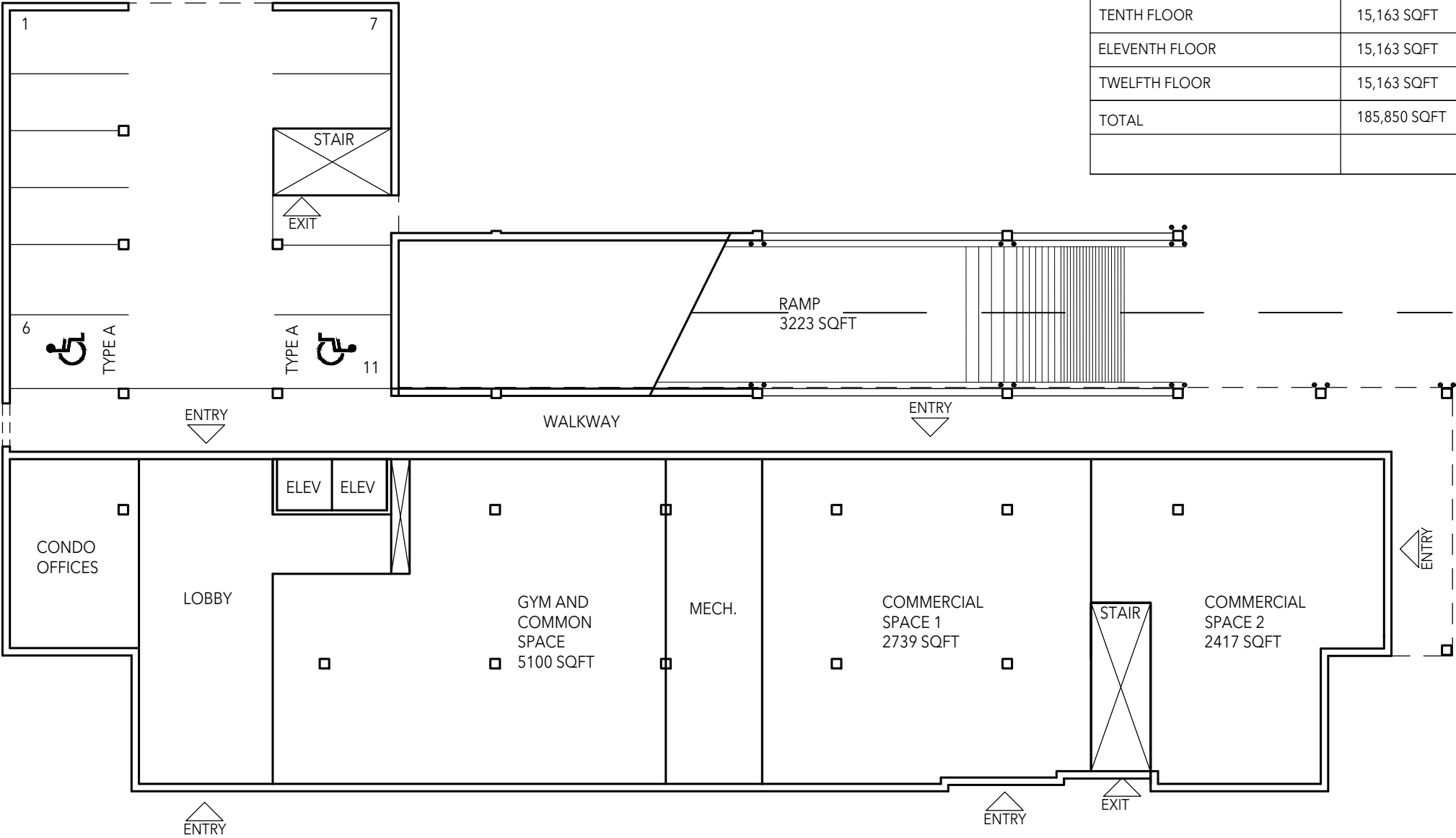


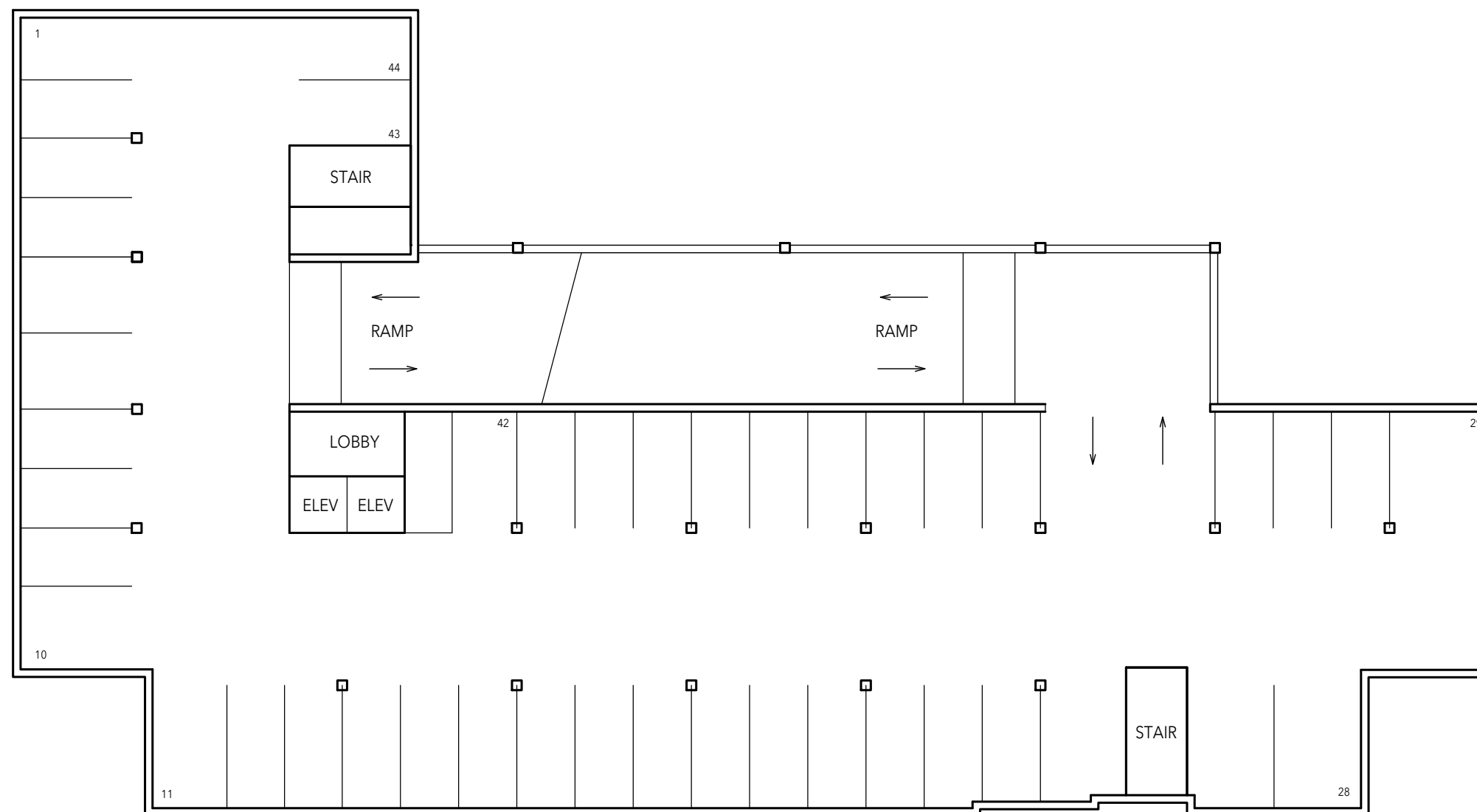
WYANDOTTE

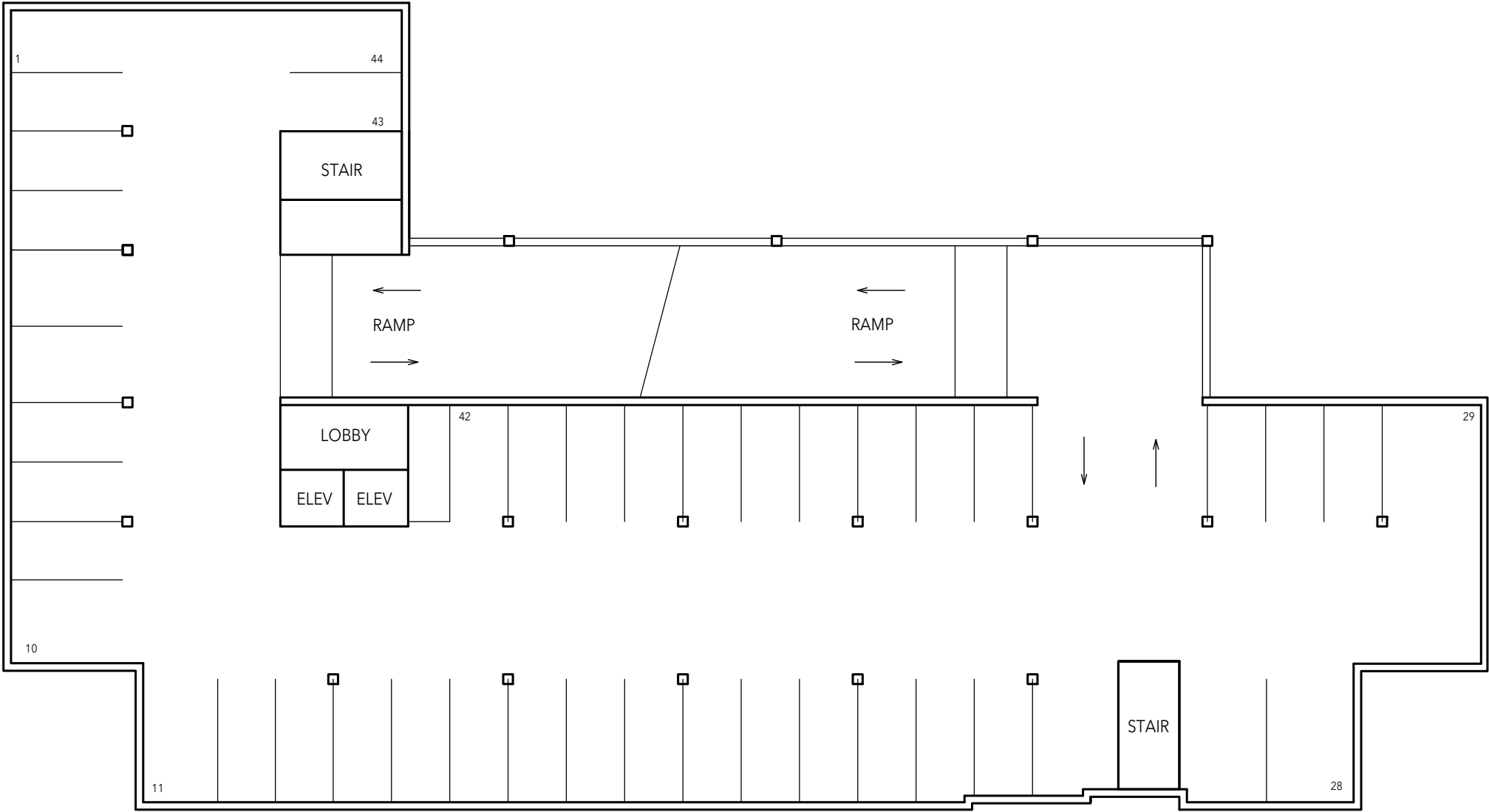
S I T E P L A N

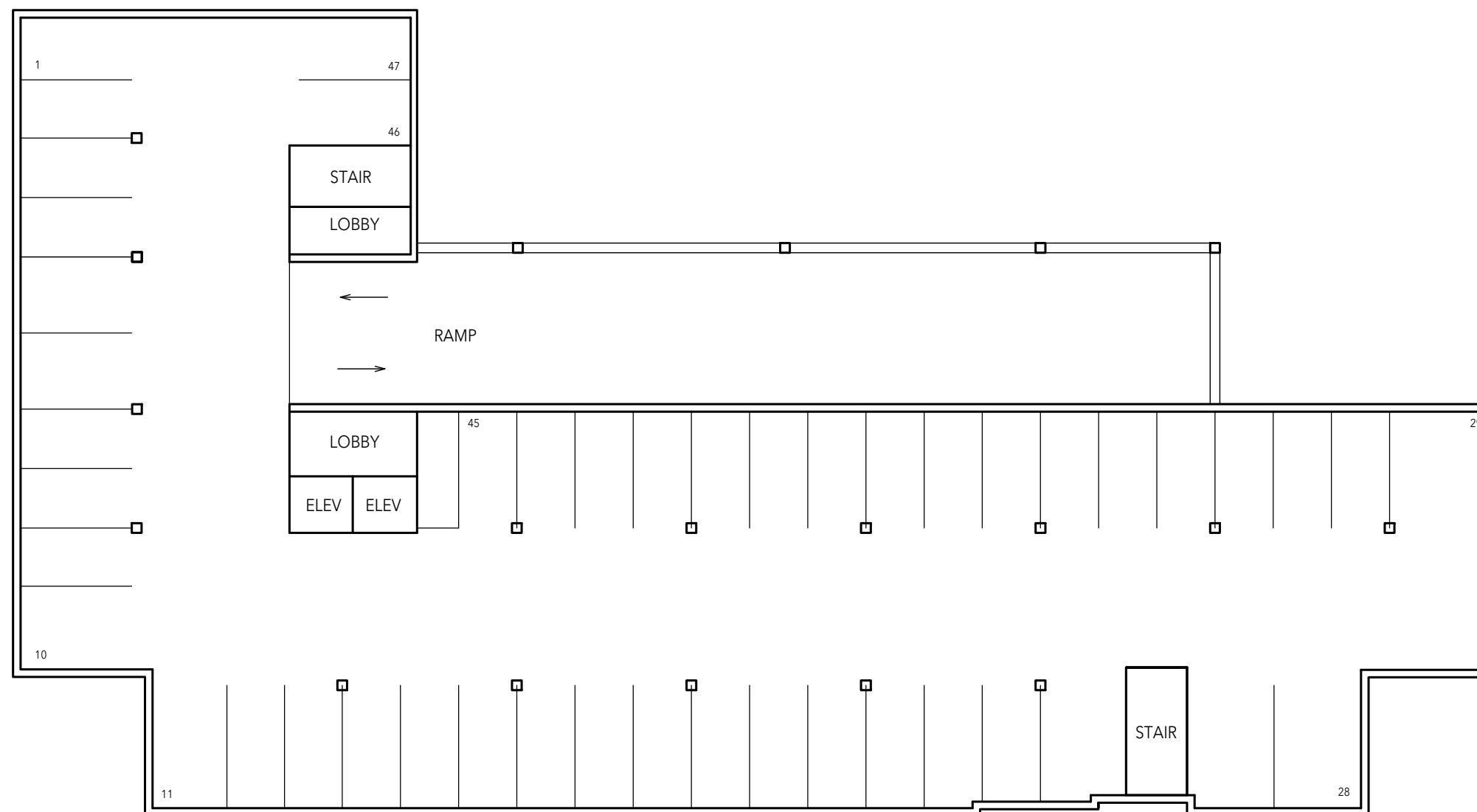
UNIT MATRIX	
COMMERCIAL SPACES	2
CONDOMINIUM LOBBY AND ENTRY 2097 SQFT	1
COMMON AREA 3540 SQFT	1
TOTAL	4

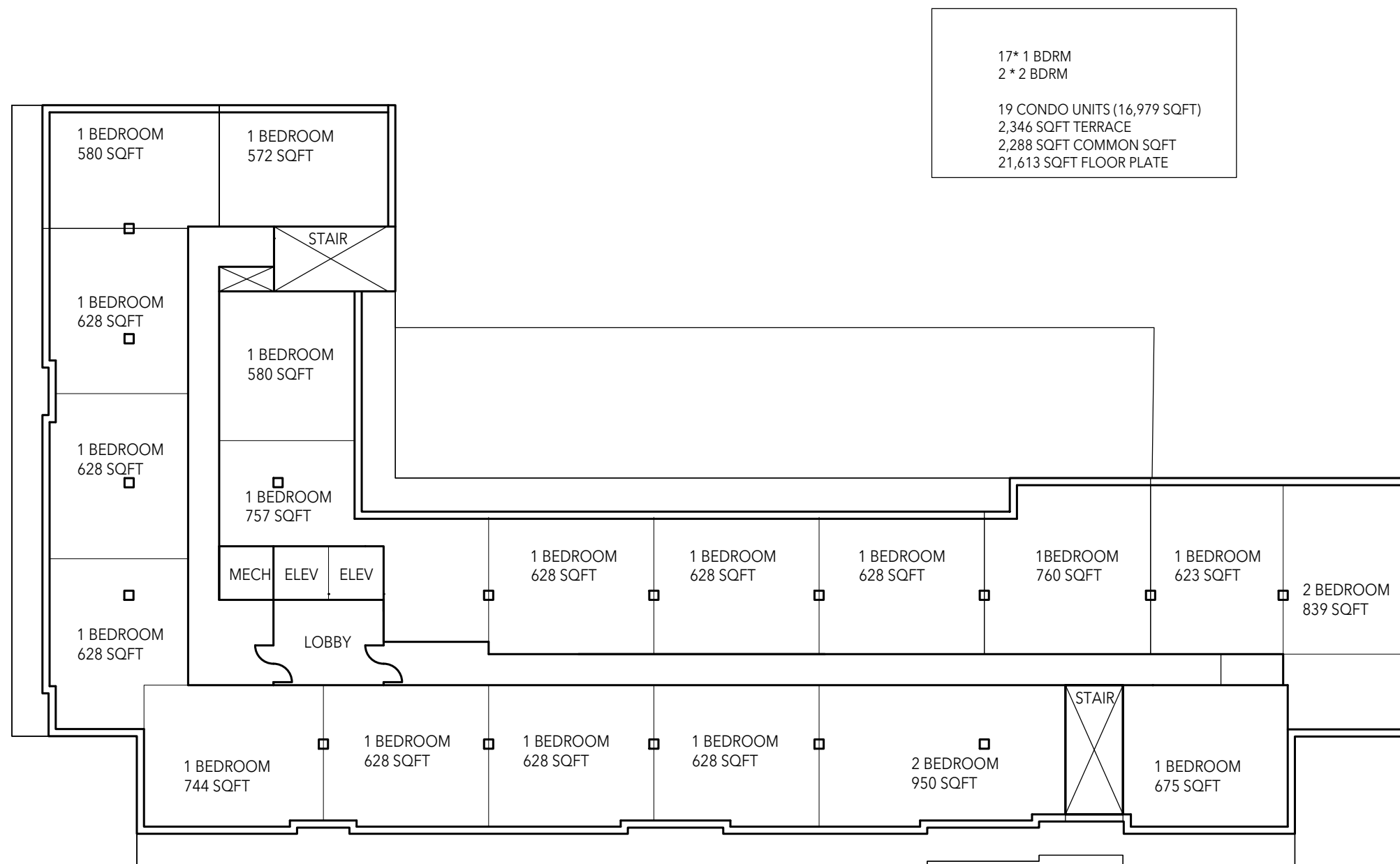
BUILDING FOOTAGE	
FIRST FLOOR (RAMP 3223 SQFT)	14,315 SQFT
SECOND FLOOR (PARKING)	20,553 SQFT
THIRD FLOOR (PARKING)	20,553 SQFT
FOURTH FLOOR (PARKING)	20,553 SQFT
FIFTH FLOOR	18,898 SQFT
SIXTH FLOOR	15,163 SQFT
SEVENTH FLOOR	15,163 SQFT
EIGHTH FLOOR	15,163 SQFT
NINTH FLOOR	15,163 SQFT
TENTH FLOOR	15,163 SQFT
ELEVENTH FLOOR	15,163 SQFT
TWELFTH FLOOR	15,163 SQFT
TOTAL	185,850 SQFT



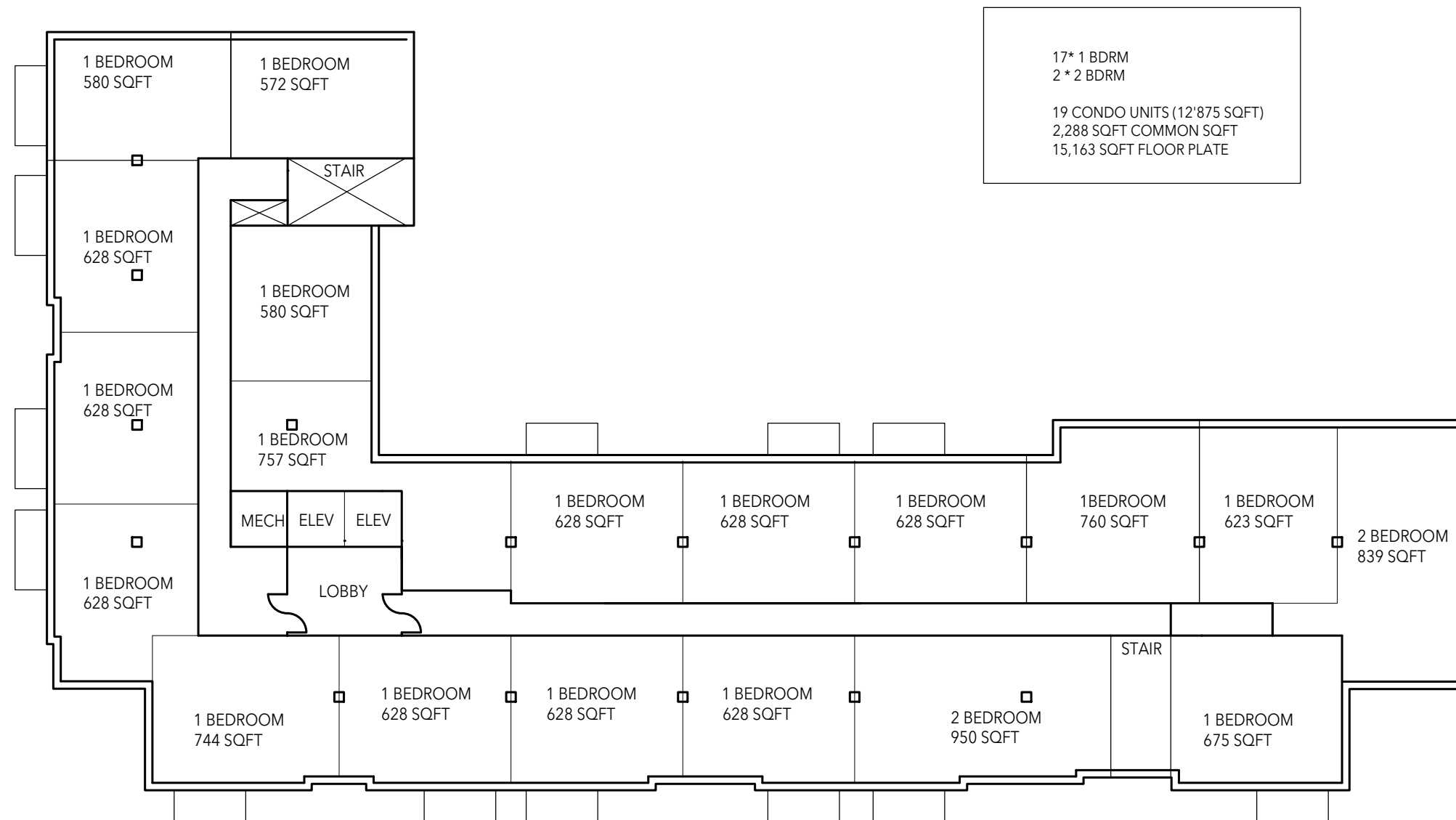




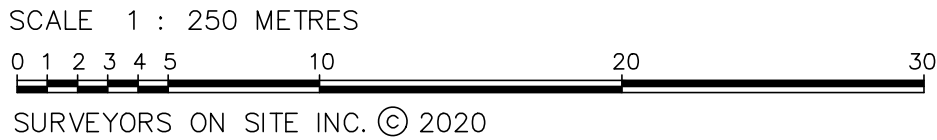




FIFTH FLOOR PLAN



PLAN OF SURVEY SHOWING TOPOGRAPHICAL DETAILS OF
ALL OF LOTS 26 TO 30 (INCLUSIVE)
EAST SIDE OF VICTORIA AVENUE
ALL OF LOTS 28, 29 & 30
WEST SIDE OF PELISSIER STREET
REGISTERED PLAN 281
CITY OF WINDSOR
COUNTY OF ESSEX



- LEGEND**
- MONUMENT PLANTED
 - MONUMENT FOUND
 - IB IRON BAR
 - CC CUT CROSS
 - PK PK NAIL
 - M MEASURED
 - S SET
 - P1 REGISTERED PLAN 281
 - P2 POS BY STUBBERFIELD & HARTLEY LTD. AT THE OFFICES OF VERHAEGEN, STUBBERFIELD, HARTLEY, BREWER, BEZAIRE INC. INTERNAL FILE NUMBER E-281-W/S PEL-2.
 - P3 BUILDING LOCATION SURVEY CLARKE, MATTHEWS LIMITED AT THE OFFICES OF CLARKE SURVEYORS, INTERNAL FILE NUMBER L-281-2-E/S VICTORIA AVE. PLAN 12R-8666
 - P4 CLARKE SURVEYORS INC.
 - 1201 ORIGIN UNKNOWN
 - OU ANCHOR
 - AN BOLLARD
 - BL BIKE RACK
 - CB CATCH BASIN - ELEVATION AT TOP CENTRE
 - CO CLEANOUT
 - FH FIRE HYDRANT
 - GM GAS METER
 - GV GAS VALVE
 - JB JUNCTION BOX
 - LS LIGHT STANDARD
 - MH MANHOLE - ELEVATION AT TOP CENTRE
 - RYCB REAR YARD CATCH BASIN - ELEVATION AT TOP CENTRE
 - TL TRAFFIC LIGHT
 - UP UTILITY POLE
 - WV WATER VALVE
 - BE UNDERGROUND BELL LINE
 - FOC UNDERGROUND FIBER OPTIC CABLE
 - G UNDERGROUND GAS LINE
 - H UNDERGROUND HYDRO LINE
 - OH OVERHEAD UTILITY WIRES
 - W UNDERGROUND WATER LINE

NOTES

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DISTANCES ON THIS PLAN ARE HORIZONTAL GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE AVERAGE COMBINED SCALE FACTOR OF 0.99991090.

BEARINGS ARE UTM GRID DERIVED FROM NETWORK RTK GPS OBSERVATIONS (SMARTNET) ON MONUMENTS (A) AND (B) AS SHOWN HEREON, HAVING A GRID BEARING OF N24°18'20"W, NAD83 CSRS (2010.0) AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 17 (81° W LONGITUDE).

SITE BENCHMARK SHOWN HEREON AS THE TOP NUT OF A FIRE HYDRANT LOCATED ON THE NORTH EASTERLY CORNER OF WYANDOTTE STREET WEST AND VICTORIA AVENUE AS HAVING AN ELEVATION OF 184.011m.

ELEVATIONS ARE GEODETIC AND REFERRED TO THE CANADIAN GEODETIC VERTICAL DATUM (CGVD28) BY DIRECT MEASUREMENT TO A REAL TIME NETWORK (SMARTNET).

FOR BEARING COMPARISONS, THE FOLLOWING ROTATIONS WERE APPLIED:
P2 - 0°26'50" CLOCKWISE.
P3 - 1°02'50" CLOCKWISE.
P4 - 1°16'40" CLOCKWISE.

COORDINATES BELOW ARE DERIVED FROM NETWORK RTK GPS OBSERVATIONS (SMARTNET) AND ARE REFERRED TO UTM ZONE 17, NAD83 (CSRS) (2010.0).		
COORDINATES COMPLY WITH THE URBAN ABSOLUTE ACCURACY PER SEC. 14(2) OF O.REG. 216/10.		
POINT ID	NORTHING	EASTING
(A)	4686613.23	332064.80
(B)	4686684.79	332032.48
(C)	4686603.00	331992.72
(D)	4686691.04	331953.05

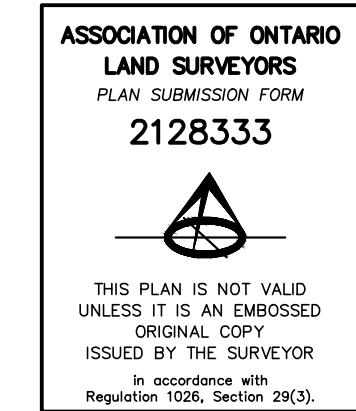
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

SURVEYOR'S CERTIFICATE

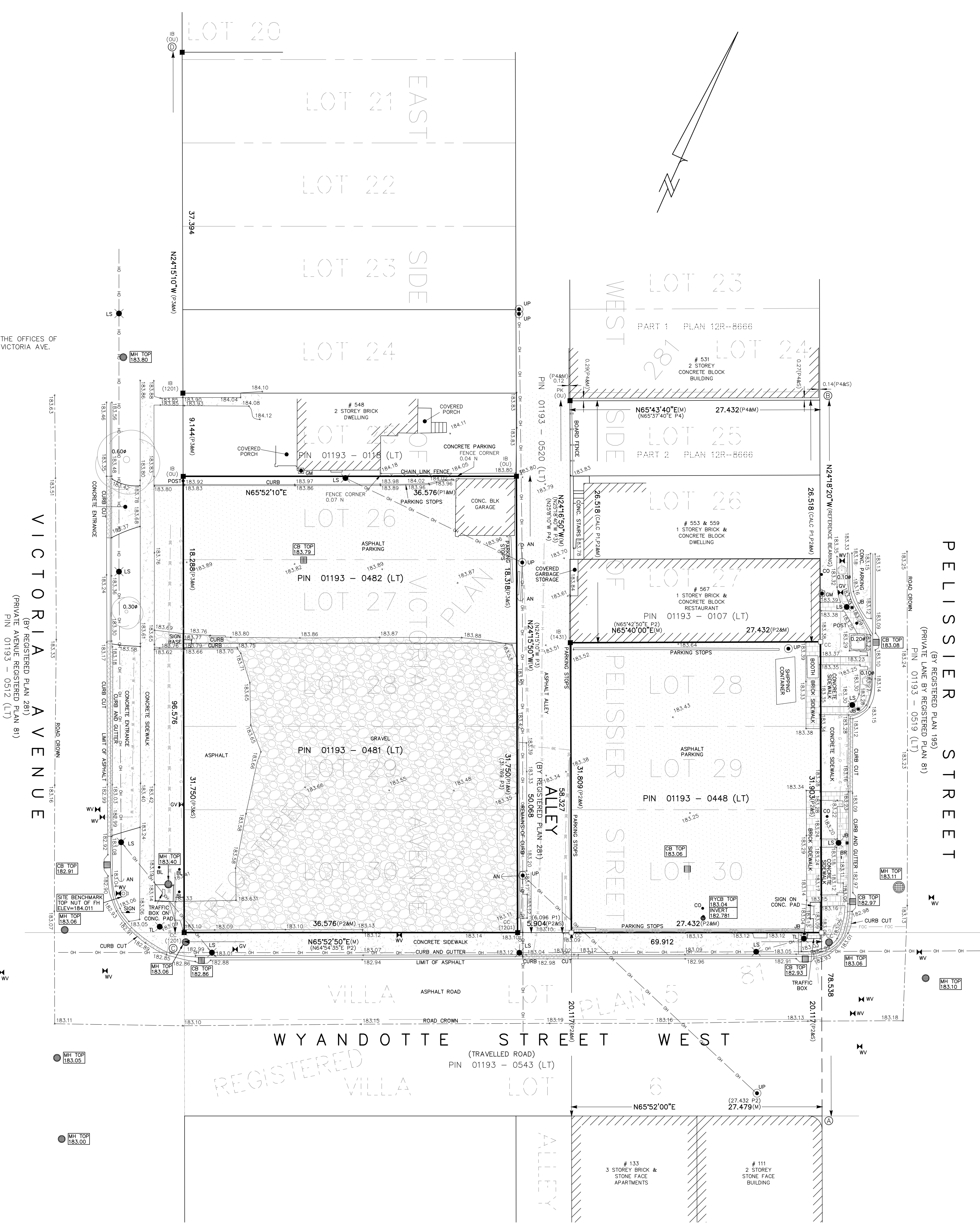
- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 - THE SURVEY WAS COMPLETED ON THE 25th DAY OF OCTOBER, 2020.

NOVEMBER 6, 2020

Ryan W. Secuin
RYAN W. SEQUIN
ONTARIO LAND SURVEYOR



© THIS PLAN IS PROTECTED BY COPYRIGHT. NO PERSON MAY COPY, REPRODUCE, OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN AUTHORIZATION OF SURVEYORS ON SITE INC.



SOS SURVEYORS ON SITE INC.

3244 WALKER ROAD, UNIT 3
WINDSOR, ONTARIO
N8W 3R8
519-818-0767
www.surveyorsonsite.com

DRAWN BY: AKR	CHECKED BY: RWS	DATE: NOVEMBER 6, 2020	FILE: 2020-257 TOPO_v1
---------------	-----------------	------------------------	------------------------