

Development & Heritage Standing Committee Meeting Agenda

Date: Monday, December 2, 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 |
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| 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.

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| 2. | DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF |
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| 3. | REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS |
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| 4. | COMMUNICATIONS |
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| 5. | ADOPTION OF THE <i>PLANNING ACT</i> MINUTES |
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| 5.1. | Adoption of the Development & Heritage Standing Committee (<i>Planning Act</i>) of its meeting held November 4, 2024 (SCM 346/2024) |
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| 6. | PRESENTATION DELEGATIONS (<i>PLANNING ACT</i> MATTERS) |
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| 7. | <i>PLANNING ACT</i> MATTERS |
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| 7.1. | Zoning Bylaw Amendment Z 020-24 [ZNG-7216] Farhi Holdings Corporation 8565 McHugh Street – Combined Use Building Development – Ward 6 (S 152/2024) |
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| 7.2. | Zoning Bylaw Amendments - Z 033-24 [ZNG-7238] 1495754 Ontario Inc. 0 Esplanade Dr– Multiple Dwelling Building Development – Ward 7 (S 153/2024) |
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| 7.3. | Zoning By-Law Amendment – Z034/24 (ZNG/7241) - Anthony Palermo – 5172 Joy Rd, Ward 9 (S 157/2024) |
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- 7.4. OPA & Rezoning – 1722912 Ontario – 4088-4096 6th Concession Rd – OPA 188 OPA/7218 Z-021/24 ZNG/7217 - Ward 9 (**S 141/2024**)
- 7.5. Rezoning – Baker Investments Ltd.- 0 Wyandotte Street East - Z-035/24 ZNG/7243 - Ward 6 (**S 154/2024**)
- 7.6. Zoning Bylaw Amendment Z 031-24 [ZNG-7236] 1066 California Ave Ward 2 (**S 147/2024**)
- 7.7. Official Plan Amendment to update Source Water Protection Policies OPA 190 [OPA/7256] - City Wide (**S 159/2024**)
8. **ADOPTION OF THE MINUTES**
 - 8.1. Adoption of the Development & Heritage Standing Committee minutes of its meeting held August 6, 2024 (**SCM 242/2024**)
 - 8.2. Adoption of the Development & Heritage Standing Committee minutes of its meeting held September 3, 2024 (**SCM 268/2024**)
 - 8.3. Adoption of the Development & Heritage Standing Committee minutes from its meeting held October 7, 2024 (**SCM 319/2024**)
 - 8.4. Adoption of the Development & Heritage Standing Committee minutes of its meeting held November 4, 2024 (**SCM 345/2024**)
9. **PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)**
10. **HERITAGE ACT MATTERS**
 - 10.1. Community Heritage Fund Request – 794 Devonshire Road, Porter Coate House (Ward 4) (**S 160/2024**)
11. **ADMINISTRATIVE ITEMS**
12. **COMMITTEE MATTERS**
13. **QUESTION PERIOD**
14. **ADJOURNMENT**



Committee Matters: SCM 346/2024

Subject: Adoption of the Development & Heritage Standing Committee (*Planning Act*) of its meeting held November 4, 2024

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

Date: Monday, November 4, 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:**

Tracy Tang – Planner III, Heritage

Sandra Gebauer, Council Assistant

**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

Aaron Farough, Senior Legal Council

Emilie Dunnigan, Manager, Development Revenue & Financial Administration

Patrick Winters, Manager, Development

Justina Nwaesei, Planner III, Development

Simona Simion, Planner III, Economic Development

Brian Nagata, Planner II, Development Review

Diana Radulescu, Planner II, Development Review

Elara Mehrilou, Transportation Planner I

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

Delegations—participating via video conference

Item 7.1 – Tracey Pillon-Abbs, RPP Principal Planner
Item 7.2 - Joseph Papic, abutting property owner
Item 7.3 – Tracey Pillon-Abbs, RPP Principal Planner
Item 7.3 - Mary Pintarich, area resident

Delegations—participating in person

Item 7.1 - Andi Shallvari, Agent for the Applicant
Item 7.2 - Jackie Lassaline, Lassaline Planning Consultants
Item 7.2 - Marko Agbaba, Property Owner
Item 7.3 - Norman Dworatschek, area resident
Item 7.3 – Andrew Jacobs, area resident
Item 7.4 - Melanie Muir, Dillon Consulting Limited
Item 7.4 – Dan Grenier, property owner

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 3170 & 3178 California Avenue, Z-024/24 [ZNG-7227], Ward 1” as his company has hired the planner on record for the application for one of their projects.

Member Daniel Grenier discloses an interest and abstains from voting on Item 7.3 being “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” as his company has hired the planner on record for the application for one of their projects.

Member Daniel Grenier discloses an interest and abstains from voting on Item 7.4 being “Zoning By-law Amendment Application for 926-928 Giles Blvd E, Z-028/24 [ZNG-7232], Ward 1” as his company is the applicant for this application.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None requested.

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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 October 7, 2024

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Mark McKenzie

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held October 7, 2024 **BE ADOPTED** as presented.

Report Number: SCM 320/2024

7. *PLANNING ACT* MATTERS

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

Brian Nagata (author), Planner II – Development Review, presents application.

Tracey Pillon-Abbs (agent) and Andi Shallvari (applicant) are available for questions.

Councillor Fred Francis inquires whether this development is affordable and attainable and will change the character of the neighbourhood and set a precedent by allowing a semi-detached dwelling use in a residential area comprised primarily of single-unit dwellings. Brian Nagata states that the planning rationale was based on 2024 Provincial Planning Statement (PPS) which promotes a mix of residential types.

Councillor Francis inquires whether a mix of residential types are considered even when the housing prices remain the same when the report states affordable and attainable housing. Mr. Nagata states that he cannot estimate the selling prices of homes and that this is a different housing choice.

Councillor Francis states that he believes that the development will sell for more than the houses within the neighbourhood. Mr. Nagata states that he cannot assume what the units will sell for. Neil Robertson states that this development is meant to provide a mix of housing options within the neighbourhood and increase the supply of housing which in theory will lower housing costs. Mr.

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Robertson continues that any new build will cost more than existing housing due to construction and land prices.

Councillor Francis inquires whether two single family homes with additional dwelling units (ADUs) was considered to achieve the same housing stock and to not change the characteristics of the neighbourhood. Mr. Nagata agrees that a single-family home could be constructed on each lot with ADUs. Mr. Nagata clarifies that the creation of the lots can be achieved without a Consent through transferring two of the lots on the underlying Registered Plan of Subdivision.

Councillor Francis inquires whether we want to grant approval when it does not achieve increase housing stock or provide affordable housing, while setting a precedent in the neighbourhood. Mr. Robertson states that the development provides a mix of housing options and is consistent with the PPS.

Councillor Francis inquires why we would not tell the Developer that rezoning is not an option for a semi-detached dwelling and that single family homes with ADUs can be built to achieve the same price point and characteristics of the neighbourhood. Mr. Robertson states that character is not limited to the type of dwelling and includes a more comprehensive list, and that compatibility of a build and its negative impact on the neighbourhood which help to arrive to a recommendation.

Councillor Francis inquires why single-family homes with ADUs were not considered. Andi Shallvari states that land value is greater with single-family homes where a semi-detached dwelling limits the footprint to a development that will not be as expensive to build and will be more affordable to purchase. Mr. Shallvari states that single family homes with ADUs goes against our company's mission to build homes for families rather than to landlords.

Councillor Francis inquires if the building permit fees were cheaper. Mr. Shallvari agrees and states that it has to make sense for the company.

Councillor Kieran McKenzie inquires if the market segment to target first time home buyers or families who have previously owned a home. Mr. Shallvari states it's a combination of buyers, such as a couple to rent the property, or if the property were severable then to sell separately for families.

Councillor Kieran McKenzie inquires if other designs would cater to a different segment of the market. Mr. Shallvari states that a single-family home would cater to rentals, where semi-detached homes would be possible to sell to families.

Councillor Kieran McKenzie inquires whether recent approvals in the area play a part in the analysis of a rezoning application or if specific to the parcel of land is evaluated on its own merit, or if it is a combination of the previous. Mr. Nagata states that it is a combination of factors. Mr. Nagata notes that the applicant is not seeking any relief from the provisions of the RD1.4 zoning for a semi-detached dwelling. Mr. Nagata further notes that the proposed development would also

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comply with the provisions of the RD1.4 zoning for a single unit dwelling. Mr. Nagata concludes that the proposed development will therefore be compatible with the established built form.

Councillor Francis states that he will not be supporting the motion as it goes against objectives for affordable housing and keeping with the character of the neighbourhood.

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 670**

- 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]

Carried.

Councillor Fred Francis voting nay.

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

Report Number: S 135/2024

Clerk's File: Z/14849

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

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

Jackie Lassaline (agent) states that she is in agreement with the Administration recommendation. Ms. Lassaline states that the proposed four-square building is comparable with the existing heritage buildings located adjacent to and across the street from the existing property, and is similar in massing, height and colour and will fit into the neighbourhood.

Marko Agbaba (applicant) states that the front yard parking is at 49.6% and does not require a variance, the sanitary capacity has been assessed by the City of Windsor and it was noted that it

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will not experience any degradation due to the development. Mr. Agbaba noted that the calculation of gross floor area (GFA) typically includes above-grade space, but the requested increase in GFA for this development is due to the additional dwelling units in the cellar instead of being detached from the house. Mr. Agbaba states that parking will be provided without asking for any variances, and nearby University of Windsor parking lots can be used in addition for residents and guests.

Joseph Papic (area resident) has concerns that the proposed development will accommodate a large number of residents in comparison to the size of the lot. Mr. Papic states that the application is asking for relief on maximum lot width, lot coverage, rear yard setback and requests that those numbers be adjusted so the development can meet the existing zoning by-law requirements. Mr. Papic notes that the proposed GFA exceeds what is allowed under the zoning by-law, thereby creating dense intensification, that the proposal exceeds the allowed percentage of front yard hard surfaces, and that there is limited parking provided for the amount of residents and guests, thereby creating stress for the neighbourhood. Mr. Papic further states that this proposal is similar to a lodging house or a hotel in the middle of a neighbourhood and does not match the neighbourhood context.

Moved by: Councillor Mark McKenzie

Seconded by: Member Anthony Arbour

Decision Number: **DHSC 671**

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.

Carried.

Report Number: S 145/2024
Clerk's File: Z/14866

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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.

Justina Nwaesei (author), Planner III – Development Review, presents application.

Tracey Pillon-Abbs (agent) is in agreeance with Administration's recommendations and is available for questions.

Mary Pintarich (area resident) has concerns that the vacant land on Zelda Court has been designated parkland and Olivia Homes should either purchase the land from the City or obtain the parkland to extend Zelda Court as a street to the development property. Ms. Pintarich states concerns of parking in the neighbourhood as surrounding streets are not equipped for on-street parking.

Norman Dworatschek (area resident) has concerns of limited parking, existing neighbourhood characteristic.

Andrew Jacobs (area resident) has concerns of limited parking and the width of the street not allowing for on-street parking with two lanes of traffic, emergency services has difficulty getting down the street when cars are parked on the street and suggests a near by vacant lot for parking and access for construction. Mr. Jacobs states concerns of traffic in addition to the current volume from area residents, construction workers, and the Amazon plant and the streets cannot sustain the proposed development. Mr. Jacobs has concerns of speeding traffic, and the characteristics of the neighbourhood not matching the surrounding neighbourhood.

Councillor Mark McKenzie inquires about the vacant commercial land along Plymouth Drive and if there is an opportunity for staff to propose the sale of City land to the Developer. Justina Nwaesei states that there is a municipal drain between the commercial land and the applicant's land, which poses a development constraint, and if the commercial land is used for parking then the development will create additional issues with respect to driving over the drain.

Chair Jim Morrison inquires if traffic calming measures have been applied for. Mr. Jacobs states that traffic calming and curbs and gutters for the streets have all been brought forward to the Ward Councillor.

Chair Morrison asks if any petitions have been started for traffic calming. Mr. Jacobs states that a neighbour has started a petition for the neighbourhood who has also informed the Ward Councillor about traffic.

Chair Morrison inquires if each townhome has a driveway. Tracey Pillon-Abbs confirms that each unit will have a driveway and potentially a garage, but the final design has not been confirmed.

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Chair Morrison inquires if the development will have access off Tourangeau Road. Ms. Pillon-Abbs confirms this and that it will be a connecting road to the existing neighbourhood.

Councillor Kieran McKenzie inquires whether the vacant land on Zelda Court is zoned as parkland and owned by the City. Ms. Nwaesei is unsure and will research the area. Chair Morrison defers the question to Ms. Pillon-Abbs. Ms. Pillon-Abbs states that the Surveyor determined it was a municipal right-of-way and the intent is to open up Zelda Court into the cul-de-sac.

Councillor Kieran McKenzie inquires if Zelda Court will have a sidewalk. Ms. Pillon-Abbs states that the development will meet municipal standards and requirements and it would be a condition of the Development Agreement.

Councillor Kieran McKenzie inquires with Administration if Zelda Court will have sidewalks. Ms. Nwaesei states that sidewalks will be on the northside of the street that is extending all the way from Allyson Avenue to Tourangeau Road, and on the northside of Zelda Court to Allyson Avenue.

Ms. Nwaesei states that the vacant land on Zelda Court does show the configuration of a right-of-way. Patrick Winters states that aerial curb returns were installed when Allyson Avenue with the intent to extend the road in the future.

Councillor Mark McKenzie asks that when this item is brought to Council that the Parks Department comment on the sale of the vacant land on Plymouth Drive.

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Fred Francis

Decision Number: **DHSC 672**

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);

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- 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.

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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,

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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.

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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)

Minutes

Development & Heritage Standing Committee

Monday, November 4, 2024

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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

VIII THAT Administration from the Parks Department **BE DIRECTED** to comment on the potential sale of vacant land on Plymouth Street; and,

IX THAT this information be **BE BROUGHT FORWARD** when this item proceeds to Council for their consideration.

Carried.

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

Minutes

Development & Heritage Standing Committee Monday, November 4, 2024

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Report Number: S 146/2024
Clerk's File: Z/14851 Z/14853

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

Simona Simion (author), Planner III – Economic Development, is available for questions.

Melanie Muir (agent) and Daniel Grenier (applicant) are available for questions.

Councillor Kieran McKenzie inquires if there is a reduction in parking due to bike parking facilities included in the development and access to transit. Simona Simion agrees.

Councillor Kieran McKenzie inquires if there are any minimum standards associated with the type of bike parking facilities that would be required to be constructed to agree to reduce the parking minimums. Ms. Simion states that only regulation for parking is when we have a parking area, which is more than five parking spaces, which means that there are no requirements for this development to have bike parking. Ms. Simion states that she ensured that parking is provided, is secure and weatherproof, and that each unit will have bike storage within the unit and considered secure.

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 673**

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.

Minutes

Development & Heritage Standing Committee

Monday, November 4, 2024

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-
3. Notwithstanding Section 24.20.5.1, the minimum required parking spaces shall be four (4) parking spaces.

[ZDM 7; ZNG/7232]

Carried.

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

Report Number: S 137/2024

Clerk's File: Z/14864

8. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 6:03 o'clock p.m.

Ward 10 – Councillor Jim Morrison
(Chairperson)

Deputy City Clerk / Supervisor of Council
Services



Council Report: S 152/2024

Subject: Zoning Bylaw Amendment Z 020-24 [ZNG-7216] Farhi Holdings Corporation 8565 McHugh Street – Combined Use Building Development – Ward 6

Reference:

Date to Council: December 2, 2024

Author: Jim Abbs

Planner III - Development

519-255-6543 x6317

jabbs@citywindsor.ca

Report Date: November 1, 2024

Clerk's File #: Z/14848

To: Mayor and Members of City Council

Recommendation:

THAT subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for Block 43, Plan 12M-678; in the City of Windsor, known municipally as 8565 McHugh Street by adding site specific regulations as follow:

516. SOUTHWEST CORNER DARFIELD ROAD AND MCHUGH STREET

For the lands described as for Block 43, Plan 12M-678, in the City of Windsor, known municipally as 8565 McHugh Street, the following regulations shall apply:

- a) Notwithstanding Section 15.2.5.15 of Zoning Bylaw 8600, dwelling units on a ground floor in a combined use building shall be an additional permitted use.
- b) Building Height – Maximum – 28.0 m;
- c) Building setback from an interior lot line abutting a Residential District (RD) 1.1 zone - 24m.

Executive Summary:

N/A

Background:

Application Information:

Location: 8565 McHugh Street

Ward: 6

Planning District: Riverside ZDM: 14
Owner: Farhi Holdings Corporation
Agent: Dillon Consulting Limited (Amy Farkas)



KEY MAP - Z-020/24, ZNG/7216



● SUBJECT LANDS

Proposal:

The proposed development includes the construction of a six (6)-storey mixed use building with a total of 119 dwelling units and approximately 111 m² (1,200 ft²) of ground floor commercial. The proposed development also includes 180 parking spaces for a parking ratio of 1.45 spaces per dwelling unit, when assuming four (4) of those spaces would be allocated to the commercial use. Access to the Subject Site will be provided through two (2) driveways along Darfield Road. No vehicle access areas to McHugh Street are proposed.

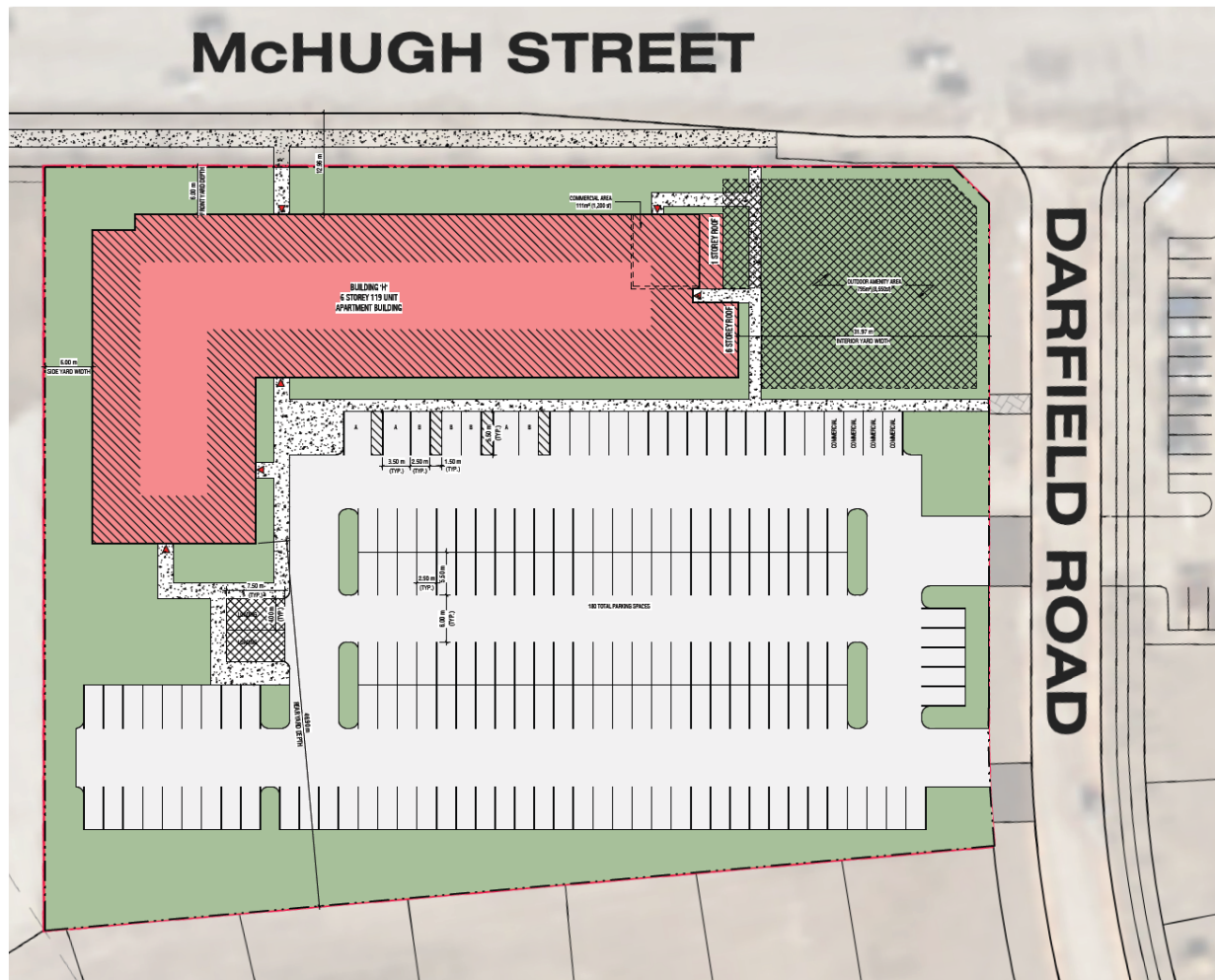


Figure 1: Concept Plan



Figure 2: fronting McHugh Street)

SUBMISSIONS BY APPLICANT:

- Servicing Memo and Servicing Memo update
- Planning Rationale Report (October 2021 – Revised November 2023)
- Sanitary Sewer Study
- Site Renderings
- Conceptual Site Plan
- Building Floor Plans and Elevations
- Traffic Memo

Site Information:

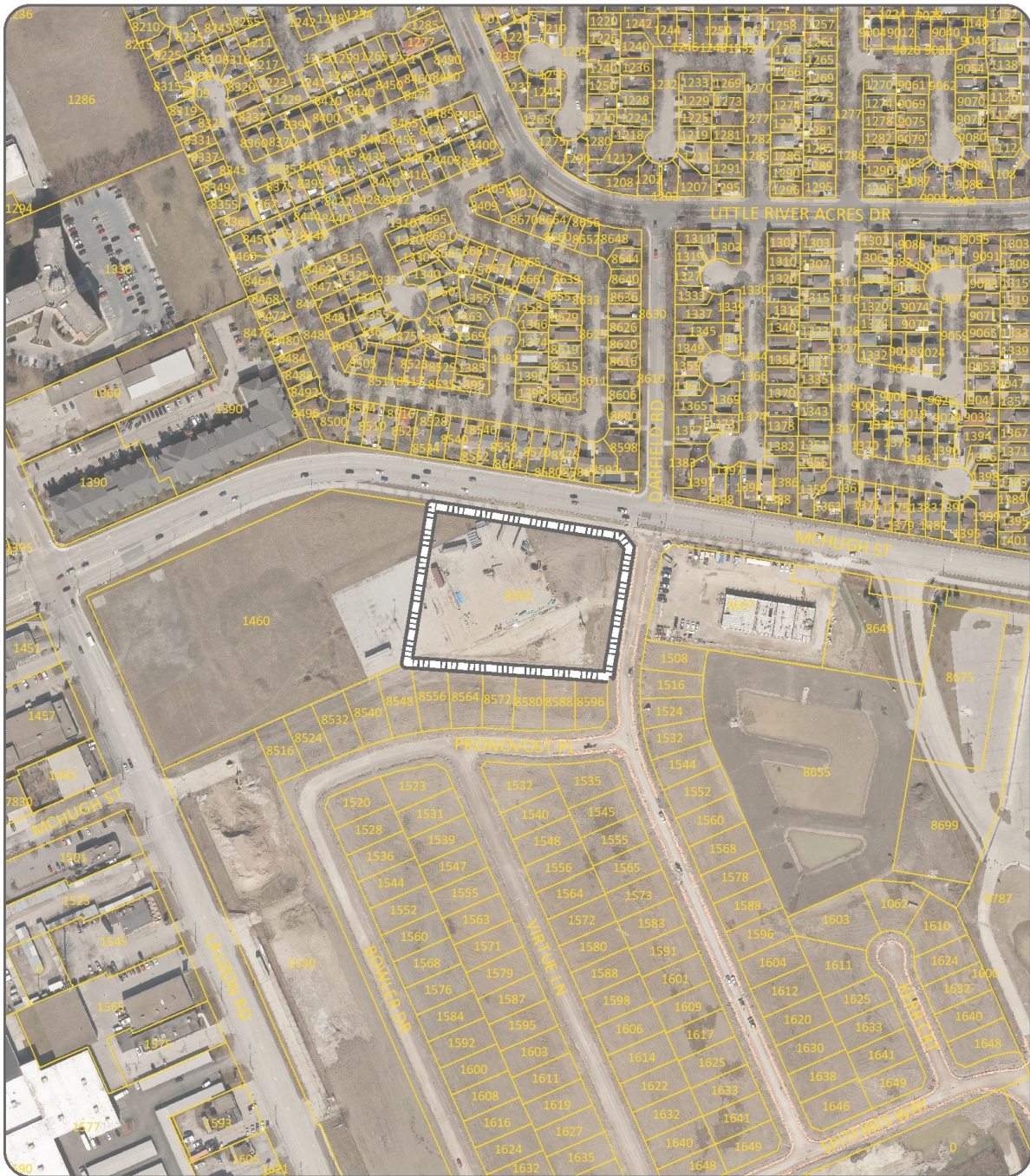
| Official Plan | Zoning | Current Use | Previous Use |
|---|---------------------------|------------------------|--------------|
| Mixed Use Corridor | Commercial District CD2.2 | Vacant | parking |
| Lot Depth | Lot width | Area | Shape |
| varies | varies | 11, 104 m ² | Irregular |
| All measurements are for the entire parcel and are approximate. | | | |

Neighbourhood Characteristics:

The neighbourhood is made up of a mix residential, commercial and light industrial uses that include existing residential apartment buildings, commercial uses, and major recreational uses.

Surrounding Land Uses:

| | |
|--------------|---|
| North | Low profile residential housing. |
| East | Multiple Dwelling Development, [Z-004/19, ZNG-5772] |
| South | Low profile residential housing; recreation facility. |
| West | Multiple Dwelling Development [Z-008/23 ZNG-6976] |



NEIGHBOURHOOD MAP - Z-020/24, ZNG/7216



SUBJECT LANDS

Discussion:

Provincial Planning Statement (PPS) 2024:

The Provincial Planning Statement, (PPS) 2024 provides direction on matters of provincial interest related to land use planning and development and sets the policy foundation for regulating development and use of land in Ontario.

The zoning bylaw amendment would continue the redevelopment of a former industrial site that was previously vacant and underutilized. This is consistent with the Provincial Planning Statement in that the development promotes the efficient use of existing land, promotes cost-effective development patterns and standards to minimize land consumption and servicing costs. Related to this direction, the PPS states:

2.3.2. 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; and
- e) are *freight-supportive*.

The requested Combined Use building development promotes cost-effective development by redeveloping an under-utilized vacant site. Allowing the proposed zoning bylaw amendment in this location contributes to minimizing land consumption and servicing costs by using a site that already has available infrastructure in the immediate area.

3.1.1. Infrastructure and public service facilities shall be provided in an efficient manner while accommodating projected needs. Planning for infrastructure and public service facilities shall be coordinated and integrated with land use planning and growth management so that they:

- b) leverage the capacity of development proponents, where appropriate; and;

The PPS also states:

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*, 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 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.

The PPS encourages that land be available to diversify developments to meet the future needs of the community. The zoning by-law amendment is consistent with that requirement by accommodating new residential construction in an area that exhibits a mix of uses as well as a mix of residential development types

The requested zoning bylaw amendment is consistent with the PPS in that intensification of the use of the site, by way of increase height permission, will provide additional appropriate range and mix of housing types and densities.

Approving the zoning by-law amendment would support residential development using the infrastructure that is already in place, instead of requiring more expenditure on new infrastructure in a greenfield setting. In terms of supporting active transportation and transit, the site of the proposed zoning amendment is served by Transit Windsor on McHugh Street.

The proposed development is consistent with the PPS in that it promotes compact and transit supportive forms of development. As well, this development will help to support the provision of a range of housing types in this area.

The site is also very near to transit corridors, which provides a range of travel options for the residents. The density of the development may help support the transit options that currently exist in this area.

Official Plan:

Designated From “Industrial” to “Commercial Corridor” by OPA 123 and to Mixed use corridor by OPA 159. The proposed development generally complies with the Mixed-use Corridor Policy contained in the City of Windsor Official Plan.

6.5.3.3 (b) Notwithstanding the identified maximum building height, Council may consider additional height, where Council is satisfied that the proposed height achieves compatible development, and where appropriate transitions to abutting lower scale development are established. Appropriate transitions may be achieved through the implementation of regulatory techniques including, but not limited to new height limitations, enhanced building setbacks and step backs, enhanced landscape buffers and planting requirements and/or the implementation of an angular plane. Permissions for taller buildings may be established through a site-specific Zoning By-Law Amendment.

As this proposal is flanked on the east and west by similar forms of development. Development, the proposed height of the development (28 m) can be supported by the Planning Department. Other residential buildings of similar height and form currently exist further north, west and east of this site. This indicates that the proposed Combined use building is compatible within its context.

The proposed development is consistent with the following goals and objectives of the City of Windsor Official Plan.

Goal 6.1.1 is to achieve safe, caring and diverse neighbourhoods. Goal 6.1.2 seeks environmentally sustainable urban development. Goal 6.1.3 promotes housing suited to the needs of Windsor's residents. Goal 6.1.10 is to achieve pedestrian oriented clusters of residential, commercial, employment and institutional uses.

Objective 6.3.1.1 supports a complementary range of housing forms and tenures in all neighbourhoods. Objective 6.3.1.2 seeks to promote compact neighbourhoods and balanced transportation systems. Objective 6.3.1.3 seeks to promote selective residential redevelopment, infill and intensification initiatives.

The proposed development is appropriate in this location as it will help to support a diverse neighbourhood that represents a sustainable community and will provide housing that is in demand. The proposed development will help to encourage a pedestrian orientated cluster of residential, commercial and employment uses. The proposed residential development represents a complementary and compact form of housing and intensification that is near sources of transportation.

Zoning By-law

The site is currently zoned Commercial District CD2.2. This zone permits residential units in a mixed-use building. The applicant has requested that the permitted height be increased to 28m from the 14m permitted in the existing [CD2.2](#) zone and is requesting a reduction in required amenity space from 12m² per unit to 8m² per unit.

The request to permit the additional height is appropriate because the area has been transitioning to higher profile (multiple storey) residential development (Z 008-23 [ZNG-6976] & OPA 169 [OPA-6977] and Z-039/21) and this site is between two (2) other multiple storey residential developments.

While not requested by the applicant, the Planning Department recommends that dwelling units on a ground floor in a combined use building be an additional permitted use on this site. This will provide additional flexibility in the use of the ground floor of the site for residential as well as commercial purposes.

As a result of previous development approvals where changes to the concept plan (within the parameters of the zoning by-law) resulted in undesirable impacts on neighbouring properties, the Planning Department recommends that no building be located within (24m) of the low-profile residential development to the south. This requirement will help to ensure that the buildings in the proposed development are constructed in a manner that is consistent with the concept plan presented and a buffer is provided to the low-profile residential development to the south.

The Planning Department is recommending that a site-specific provision be applied that would require any building be at least 24 m away from a property zoned Residential District RD 1.1. This setback would be constant with the setback applied to the recently approved site at 1460 Lauzon Rd. (Z 008-23 [ZNG-6976] & OPA 169 [OPA-6977]).

The applicant's request to reduce the required amenity area is not supported by the Planning Department. The applicant's site plan shows a designated amenity area on the site, however, does not consider that much of the undefined yard area can also be considered amenity area. The applicant's concept plan demonstrates that the existing minimum amenity space requirement can be met on this site.

Risk Analysis:

N/A

Climate Change Risks

Climate Change Mitigation:

The additional increase in the density of development on the site with access to existing bus routes and being close to commercial and community facilities will encourage the use of transit, walking and cycling as modes of transportation, thereby helping to minimize the City's carbon footprint and implement Environmental Master Plan Objective C1: Encourage in-fill and higher density in existing built areas.

Climate Change Adaptation:

The new building may be affected by climate change, with respect to extreme precipitation and an increase in days above 30 degrees. While not the subject of this report, any new construction would be required to meet the current provisions of the Building Code, which would be implemented through the building permit process. The site would also be required to incorporate storm water management best practices. Any site plan control application will be reviewed for opportunities to enhance resiliency.

Financial Matters:

N/A

Consultations:

Comments received from municipal departments and external agencies are attached as Appendix "A" to this report.

Public Notice:

The statutory notice required under the Planning Act was provided in the Windsor Star. In addition, all properties within 200m of the subject parcel received courtesy notice by mail prior to the Development & Heritage Standing Committee Meeting (DHSC) meeting.

The applicant held a public open house on September 8th, 2023, from 6:00 pm to 8:00 pm at the Windsor Family Credit Union (WFCU) Centre.

Conclusion:

Planner's Opinion and Conclusions:

The proposed use of this site as a development containing a combined use building with 119 units represents an efficient development that will have no adverse impact on the well-being of the City of Windsor. The proposed development represents an appropriate residential use, adds to the range and mix of uses and will not cause any environmental or public health and safety concerns. This development is consistent with the Provincial Planning Statement.

The proposed combined use building represents a housing type and density that meets the requirements of current and future residents, that meets the social, health and well-being of current and future residents, represents a form of residential intensification, is set in a location with access to infrastructure, public service facilities, and is close to commercial land uses.

The proposed Combined Use Building is located within an area that contains Multiple Dwelling buildings of similar form and is compatible within its context.

The proposed 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 Deputy City Planner - Development

Neil Robertson City Planner

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

JP

Approvals:

| Name | Title |
|----------------|--------------------------------------|
| Greg Atkinson | Deputy City Planner - Development |
| Neil Robertson | City Planner |
| Aaron Farough | Senior Legal Counsel |
| Jelena Payne | Commissioner of Economic Development |
| Joe Mancina | Chief Administrative Officer |

Notifications:

| Name | Address | Email |
|----------------------------|----------------|--------------|
| Farhi Holdings Corporation | | |
| Dillon Consulting Limited | | |
| Councillor Gignac | | |

Appendices:

- 1 Excerpt By-law 8600 – CD2.2
- 2 Concept Plan
- 3 Z 020-24 Liaison Comments

15.2 COMMERCIAL DISTRICT 2.2 (CD2.2)

15.2.1 PERMITTED USES

Bakery
Business Office
Child Care Centre
Commercial School
Confectionery
Food Outlet – Take-Out
Funeral Establishment
Medical Office
Micro-Brewery
Personal Service Shop
Place of Entertainment and Recreation
Place of Worship
Professional Studio
Public Hall
Repair Shop – Light
Restaurant
Retail Store
Veterinary Office
Wholesale Store
Dwelling Units in a Combined Use Building with any one or more of the above uses
Gas Bar
Outdoor Market
Parking Garage
Public Parking Area
Tourist Home
Existing Automobile Repair Garage
Existing Service Station
 Any use accessory to any of the preceding uses. An *Outdoor Storage Yard* is prohibited, save and except, in combination with the following main uses:
Outdoor Market, Existing Automobile Repair Garage.

15.2.3 PROHIBITED USES

A *Gas Bar* and a *Service Station* is prohibited on any lot located within 63.50 m of the east or west limits of Sandwich Street between Detroit Street and Brock Street or within 30.0 m of the south limit of Mill Street between Russell Street and Sandwich Street.

15.2.5 PROVISIONS

- | | | |
|-----|--|------------------------------|
| .4 | Building Height – maximum | 14.0 m |
| .9 | Amenity Area – Per Dwelling Unit – minimum | 12.0 m ² per unit |
| .10 | Gross Floor Area – maximum | |
| | <i>Bakery or Confectionery</i> | 550.0 m ² |
| .15 | For a <i>Combined Use Building</i> , all <i>dwelling units</i> , not including entrances thereto, shall be located above the non-residential uses. | |
| .24 | An <i>Outdoor Market</i> is permitted within a <i>Business Improvement Area</i> . An <i>Outdoor Market</i> is prohibited elsewhere. | |

ROOF

STORY

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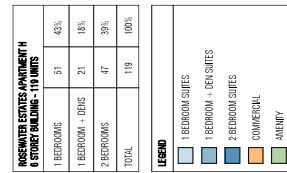
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15 JULY 2005



GROUND FLOOR PLAN



SECOND FLOOR PLAN



CONSULTATION

BELL CANADA

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.

ENBRIDGE – BARBARA BARANOW

Thank you for your correspondence with regard to the proposed Site Plan Application. Enbridge Gas Inc, does have service lines running within the area which may or may not be affected by the proposed Site Plan.

Should the proposed site plan impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required would be at the cost of the property owner.

If there is any work (i.e. underground infrastructure rebuild or grading changes...) at our easement and on/near any of our existing facilities, please contact us as early as possible (1 month in advance at least) so we can exercise engineering assessment of your work. The purpose is to ensure the integrity of our main is maintained and protected.

Confirmation of the location of our natural gas pipeline should be made through Ontario One Call 1-800-400-2255 for locates prior to any activity.

In the event that an easement is required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas at no cost.

We trust the foregoing is satisfactory.

WINDSOR FIRE – MICHAEL COSTE

Fire Route principal entrance FDC connections need to be added Fire hydrant locations

ENVIRONMENTAL SERVICES – ANNE-MARIE ALBIDONE

There are no concerns from Environmental Services on the zoning change, however there are concerns with the location of waste for collection and manoeuvrability of garbage trucks in the parking lot. Confirmation from the intended waste service provider should be obtained prior to finalizing building design details.

SITE PLAN CONTROL

The development proposal is subject to Site Plan Control pursuant to the Planning Act and City of Windsor By-law 1-2004. Where preceding development applications are required, inclusive of Official Plan and Zoning By-law Amendments, request for Site Plan Control Pre-Consultation Stage 1 may be made following completion of the requisite Development and Heritage Standing Committee meeting at <https://ca.cloudpermit.com/login>.

TRANSIT WINDSOR – JASON SCOTT

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Lauzon 10. The closest existing bus stop to this property is located across the street on McHugh at Darfield Northwest Corner. This bus stop is approximately 60 metres from this property falling within Transit Windsor's 400 metre walking distance guidelines to a bus stop. This be maintained with Transit Windsor's City Council approved Transit Master Plan. It

will be further enhanced with City Council's approved 2023 Service Plan for Transit Windsor. A new local route will be replacing the Lauzon 10 in this area. This route will provide two way conventional transit service for the entire route rather than the existing one way loop.

ERCA – ALICIA GOOD

The City of Windsor has received request for pre-consultation comments Z 020-24 for the above noted subject property. The applicant is proposing to rezone the subject property from Commercial District 2.2 (CD2.2) to a site-specific Commercial District 2.2 to permit an increase in the maximum height from 14.0m to 28.0m and a reduction of the minimum amenity area from 12.0m² per dwelling unit to 8.0m² per dwelling unit. The applicant is proposing the construction of one (1) six (6) storey mixed-use building with 119 residential dwelling units and approximately 1200 square feet of commercial space, with associated parking.

The following pre-consultation comments are provided in response to our review of Z 020-24 [ZNG- 7216].

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 Little River. 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*.

ERCA has concerns with the potential impact to the quantity and quality of runoff in the downstream watercourse due to the proposed development on this site. ERCA recommends that both the quantity and quality of excess runoff be adequately controlled avoid any adverse impacts to the downstream watercourse. We therefore anticipate requesting inclusion of the following conditions in the Development Agreement:

1. That the developer undertakes an engineering analysis and implement the necessary measures to control any increases in flows to the downstream watercourse, to the satisfaction of the Municipality and the Essex Region Conservation Authority.
2. That the developer obtains the necessary approval / authorization from the Essex Region Conservation Authority prior to undertaking site alteration and/or construction activities.

FINAL RECOMMENDATION

As noted above, our anticipates requesting that a stormwater management plan be designed and implemented to the satisfaction of ERCA and the Municipality. Additionally, 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*.

ZONING

- **Current Zoning Designation:** Commercial District 2.2

- **Proposed Zoning Designation:** AMENDING Commercial District 2.2
- **Existing Use [as per historical Building Permit(s) / Planning Act Applications(s)]:**
 - o Vacant lot
- **Proposed Use:**
 - o Combined Use Building
 - Permitted
- **Section 5 – General Provisions:**
 - o Exceptions to Maximum Building Height Provisions [5.35]:
 - Elevations drawings were not submitted, therefore **it is unknown if there is a discrepancy with this provision.**
 - o Floor Protection & Natural Hazards Provisions [5.40.1]:
 - Subject property is **within an ERCA regulated zone.**
 - o Multiple Dwelling – Additional Uses [5.99.50.2]:
 - Floor plan drawings show an **entrance to the exterior of the building** making this provision *not applicable*
 - o All other Section 5 – General Provisions:
 - Comply
- **Section 15.2.5:**
 - o Maximum Building Height [15.2.5.4]:
 - 28.0m (Required)
 - *Amending from: 14.0m*
 - 28.0m – **based on the applicants site data matrix** (Provided)
 - o Minimum Amenity Area – per *dwelling unit* [15.2.5.9]:
 - 952m² [i.e. 8.0m² per unit] (Required)
 - *Amending from: 12.0m² per unit (i.e. 1,428m²)*
 - 4,229.0m² (Provided)
 - o Maximum Gross Floor Area – *Bakery or Confectionary* [15.2.5.10]:
 - 550.0m² (Required)
 - N/A (Provided)
 - o For a *Combined Use Building*, all *dwelling units*, not including entrances thereto, shall be located above the non-residential uses [15.2.5.15]:
 - **does not comply**
 - o An *Outdoor Market* is permitted within a *Business Improvement Area*. An *Outdoor Market* is prohibited elsewhere [15.2.5.24]:
 - not applicable
- **Section 20 – Site Specific Zoning Exemptions:**
 - o Not applicable
- **Section 24 – Parking, Loading, and Stacking Provisions:**
 - o Required Visitor Parking Spaces [24.22.1]:
 - 22 (Required)
 - **0 (Provided)**
 - o Curb Cut or Ramp for Accessible Parking Space [24.24.20]:
 - **No curb cut shown in the site plan**
 - o Required Bicycle Parking Spaces [24.30.1]:
 - 9 (Required)

- 0 (Provided)
- **Section 25 – Parking Area Regulations:**
 - Construction and Maintenance of Parking Area:
 - [25.5.10.3] A curb shall bound the perimeter of a parking area and shall separate a landscaped open space yard, landscaped open space island or parking area separation from the parking area.
 - 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:
 - 4.50m (Required)
 - 4.40m (Provided)

RIGHT OF WAY, ENGINEERING – MARK SCHAFFHAUSER

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.
 - Modify as per Standard Engineering Drawing [AS-204].
 - Redundant curb cuts and sidewalks shall be removed and restored in accordance with City Standards to the satisfaction of the City Engineer.
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.
 - 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.

Special Provisions (to be included in Site Plan Control Agreement)

The following special provisions will be required prior to submitting a building permit application:

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

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

TRANSPORTATION PLANNING – ELARA MEHRILOU

- A corner cut-off of 6.1m x 6.1m is required at the corner of McHugh St and Lauzon Rd for a signalized intersection.
- All parking must comply with Zoning By-Law 8600. The land use of commercial area required in order to determine if the parking study is required.

- The land use of commercial area needs to identify in order to determine the number of required parking spaces.
- The concept site plan must be revised in order to clearly indicate bicycle spaces required; the current site plan is required 11 bicycle parking spaces.
- Transportation Planning has been received and reviewed Traffic Brief file number 23-6227 conducted by Dillion Consulting Limited dated June 17, 2024.
 - 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.
 - The access must be aligned with the opposite property access.
 - Dimensions of the driveway need to be provided. Driveway must be 7-9 metres total at the property line (minimum 3.5m/lane, maximum 4.5m/lane). Straight flare is recommended.
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

DEVELOPMENT, ENGINEERING – DANIEL LOPEZ (September 2024)

For the rezoning application the memo is sufficient to proceed.

There are some outstanding comments that will need to be addressed during SPC, and I will send formal comments to you soon for that.

DEVELOPMENT, ENGINEERING – JUAN PARAMO (August 2024)

Before we are comfortable supporting this rezoning, we require an outlet capacity assessment. There have been many revisions which increase density and therefore demand on the McHugh outlet, so we require an updated servicing study to demonstrate what has actually been built, plus the proposed rezoning, and how the population density increase is going to affect the outlet capacity.

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

Sewers The site may be serviced by the existing 300mm sanitary sewer PDC which outlets to the 450mm sanitary sewer on McHugh Street and the existing 375mm storm sewer PDC which outlets to the 900mm storm sewer on Darfield Street.

Prior to zoning approval, we require an updated servicing study memo to demonstrate how the proposed land use will affect the ultimate discharge to the McHugh and Lauzon sanitary sewer compared to the original assumptions under the subdivision servicing study. The memo should calculate the population based on the proposed mixed-use site. The updated design sheets should consider the developed area conditions including the residential buildings which outlet to McHugh Street and include sewer along McHugh to the McHugh Street and Lauzon Road intersection.

A sanitary sampling manhole may be required on any new sanitary connection at the property line to the satisfaction of the City Engineer, if one does not already exist.

The applicant will be required to submit, prior to the issuance of permits, a stormwater management plan in accordance with Windsor Essex Region Stormwater Management Standards Manual, restricting stormwater runoff to pre development levels. This will include, at a minimum:

- Submission of stormwater management review fee,
- Stormwater management report stamped by a professional engineer
- Site servicing drawings stamped by a professional engineer
- Stormwater management check list (see link below)

For more information of SWM requirements, visit: link

<https://essexregionconservation.ca/wp-content/uploads/2018/12/WE-Region-SWM-Standards-Manual.pdf>.

<https://www.citywindsor.ca/business/buildersanddevelopers/Documents/Checklist-Rational-Method.pdf>

At this time we do not support the proposed rezoning until we have received an acceptable submission for the following requirements:

Servicing Study - The owner agrees, at its own expense, to retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems, satisfactory in content to the City Engineer and prior to the issuance of a construction permit. The study shall review the proposed impact and recommend mitigating measures and implementation of those measures.

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

ERCA – ALICIA GOOD – November 15, 2024

The City of Windsor has received Application for Zoning By-law Amendment Z-020-24 [ZNG-7216] for the above noted subject property.

The proposed development includes the construction of a six (6)-storey mixed use building with a total of 119 dwelling units and approximately 1,200 square feet of ground floor commercial space, including 180 parking spaces for a parking ration of 1.45 spaces per dwelling unit.

The proposed development generally complies with the Mixed-use Corridor Policy contained in the City of Windsor Official Plan. The site is currently zoned CD2.2, which permits the use. The applicant proposes to apply for a site-specific regulation to the existing CD2.2 zone to increase building height to 28.0 metres, and to provide for 8 square metres per unit of amenity space rather than 12 square metres per unit as required in the CD2.2 zone.

The following is provided as a result of our review of Zoning By-Law Amendment Z-020-24 [ZNG-7216].

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 Little River. 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*.

ERCA has concerns with the potential impact to the quantity and quality of runoff in the downstream watercourse due to the proposed development on this site. ERCA recommends that both the quantity and quality of excess runoff be adequately controlled to avoid any adverse impacts to the downstream watercourse. We therefore request inclusion of the following conditions in the Development Agreement:

1. That the developer undertakes an engineering analysis and implement the necessary measures to control any increases in flows to the downstream watercourse, to the satisfaction of the Municipality and the Essex Region Conservation Authority.
2. That the developer obtains the necessary approval / authorization from the Essex Region Conservation Authority prior to undertaking site alteration and/or construction activities.

FINAL RECOMMENDATION

Our office has **no objection** to Z-020-24 [ZNG-7216]. As noted above, 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*. Further, we anticipate requesting that a stormwater management plan be designed and implemented at the time of Site Plan Control.

Please continue to circulate our office with future *Planning Act* applications on this site, such Application for Site Plan Control.

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



Council Report: S 153/2024

**Subject: Zoning Bylaw Amendments - Z 033-24 [ZNG-7238] 1495754
Ontario Inc. 0 Esplanade Dr– Multiple Dwelling Building Development –
Ward 7**

Reference:

Date to Council: December 2, 2024
Author: Jim Abbs
Planner III - Development
519 255 6543 x6317
jabbs@citywindsor.ca
Planning & Building Services
Report Date: November 1, 2024
Clerk's File #: Z/14874

To: Mayor and Members of City Council

Recommendation:

- I. **THAT** Zoning By-law 8600 **BE AMENDED** changing the zoning of PT LOT 133 CON 2, PARTS 9 TO 11, RP 12R-21168 in the City of Windsor, known municipally as 0 Esplanade Dr., from Holding Residential District (HRD) 2.3 and Commercial District 4.2.to Residential District (RD) 3.1
- II. **THAT** subsection 1 of Section 20 of Zoning By-law 8600 **BE AMENDED** for PT LOT 133 CON 2, PARTS 9 TO 11, RP 12R-21168; in the City of Windsor, known municipally as 0 Esplanade Dr. by adding site specific regulation as follows:

517. ESPLANADE DRIVE, EAST OF GANATCHIO TRAIL

For the lands described as for PT LOT 133 CON 2, PARTS 9 TO 11, RP 12R-21168; in the City of Windsor, known municipally as 0 Esplanade Dr., the following regulations shall apply:

Building Height – Maximum – 14.0 m
[ZNG/7238]

- III. **THAT** the Site Plan Control Officer include the completion of an Archeological Assessment as a condition of the Site Plan Control Agreement.

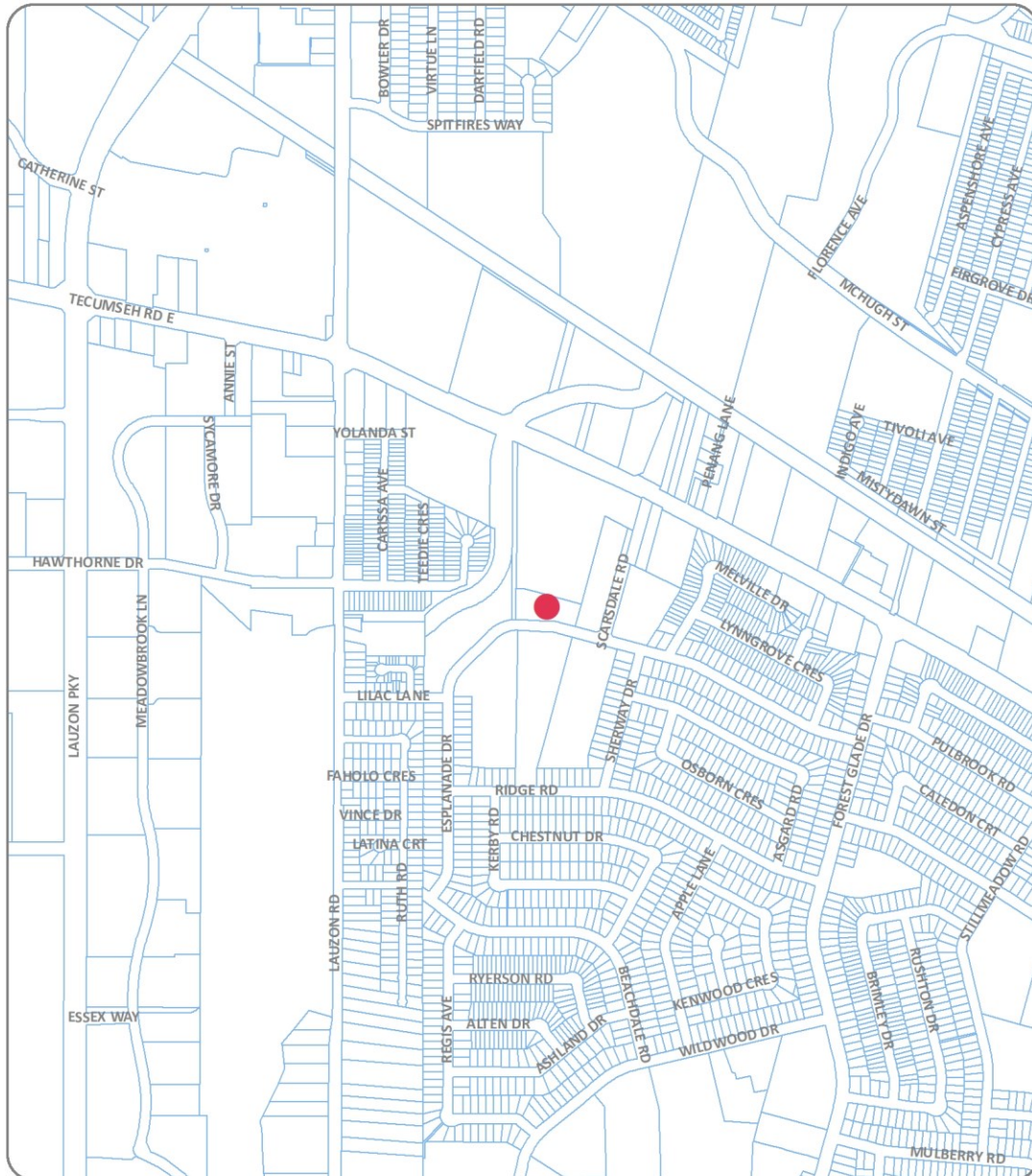
Executive Summary:

N/A

Background:

Application Information:

Location: 0 Esplanade Dr Ward: 7
Planning District: Forest Glade ZDM: 15
Owner: 1495754 Ontario Inc.
Agent: Dillon Consulting Limited (Amy Farkas)



KEY MAP - Z-033/24, ZNG/7238



● SUBJECT LANDS

Proposal:

The applicant proposes construction of a 4-storey multiple dwelling residential building covering 1,435.4m² (15,450 sq. ft) of the site. The proposal includes a total of 54 units and 77 parking spaces in a surface lot. Parking will be provided at a rate of 1.42 parking spaces per unit. There is an existing storm sewer easement traversing the proposed surface parking area. Site access will be via Esplanade Drive.

The development as proposed is subject to Site Plan Control.

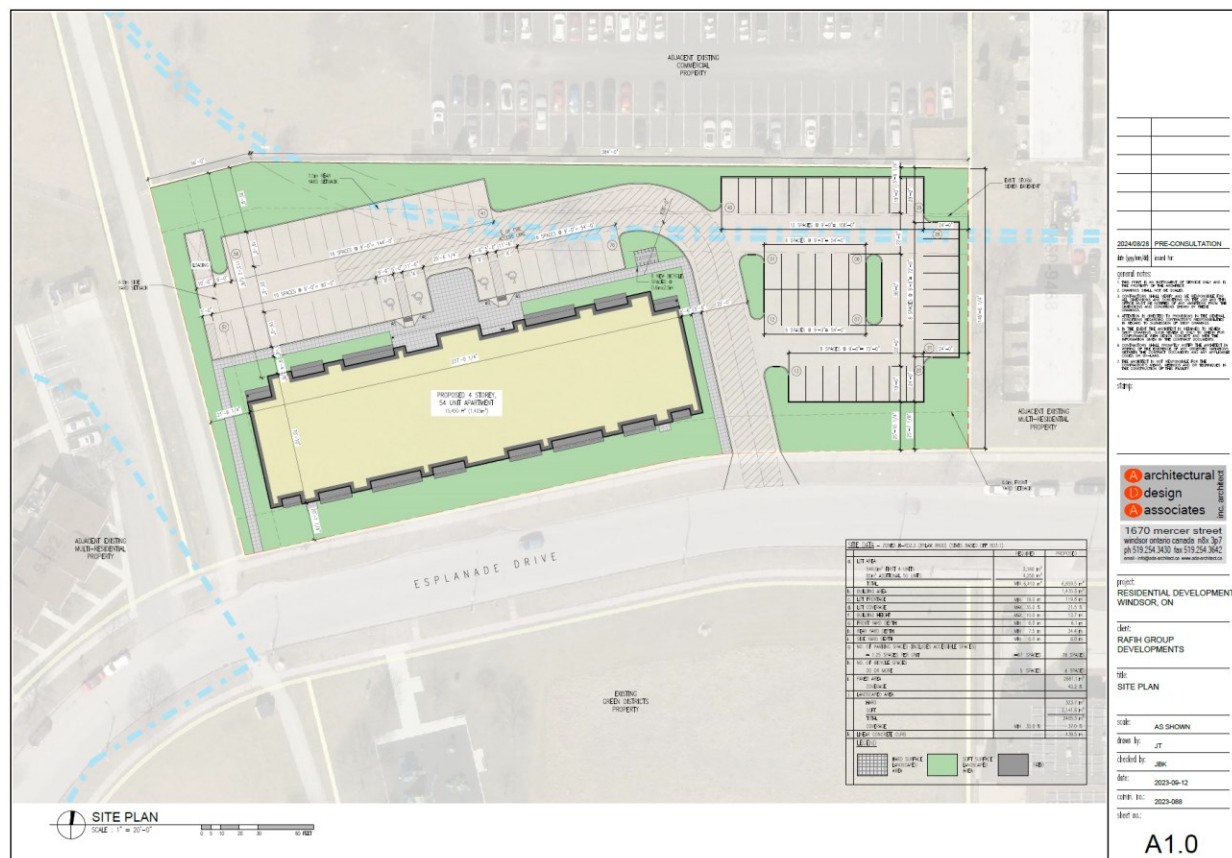


Figure 1: Concept Plan



Figure 2: fronting Esplanade Drive

SUBMISSIONS BY APPLICANT:

- Planning Justification Report
- Noise Study
- Stormwater Management and Sanitary Report
- Tree Inventory and Preservation Study
- Transportation Impact Study
- Conceptual Site Plan
- Site Renderings
- ERCA Email Confirmation

Site Information:

| Official Plan | Zoning | Current Use | Previous Use |
|---|---|------------------------|--------------|
| Residential | Commercial District CD4.2 and Holding Residential District HRD2.3 | Vacant | Vacant |
| Lot Depth | Lot width | Area | Shape |
| varies | varies | 6,556.87m ² | Irregular |
| All measurements are for the entire parcel and are approximate. | | | |

Neighbourhood Characteristics:

The neighbourhood consists of a mix of uses that include existing residential uses, park and institutional uses as well as commercial uses, and recreational opportunities.

Surrounding Land Uses:

| | |
|--------------|--|
| North | Automobile Dealerships, Place of Worship |
| East | Townhome and Single Detached Dwellings |
| South | Park, School (Forest Glade Public School) |
| West | Townhomes, Ganatchio Trail, Single Detached Dwellings, Retail Commercial |



NEIGHBOURHOOD MAP - Z-033/24, ZNG/7238



SUBJECT LANDS

Discussion:

Provincial Planning Statement (PPS) 2024:

The Provincial Planning Statement, (PPS) 2024 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 PPS promotes the efficient use of existing land, promotes cost-effective development patterns and standards to minimize land consumption and servicing costs. Related to this direction, the PPS states:

2.3.2. 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; and
- e) are *freight-supportive*.

The requested Multiple Dwelling development promotes cost-effective development by redeveloping an under-utilized vacant site. Allowing the proposed zoning by-law amendment in this location contributes to minimizing land consumption and servicing costs by using a site that already has available infrastructure in the immediate area.

3.1.1. Infrastructure and public service facilities shall be provided in an efficient manner while accommodating projected needs. Planning for infrastructure and public service facilities shall be coordinated and integrated with land use planning and growth management so that they:

- b) leverage the capacity of development proponents, where appropriate; and;"

The PPS also states:

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*, 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 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.

The PPS encourages that land be available to diversify developments to meet the future needs of the community. The zoning by-law amendment is consistent with that requirement by accommodating new residential construction in an area that exhibits a mix of uses as well as a mix of residential development types

The requested zoning bylaw amendment is consistent with the PPS in that intensification of the use of the site, by way of increase height permission, will provide additional appropriate range and mix of housing types and densities.

Approving the zoning by-law amendment would support residential development using the infrastructure that is already in place, instead of requiring more expenditure on new infrastructure in a greenfield setting. In terms of supporting active transportation and transit, the site of the proposed zoning amendment is served by Transit Windsor on Esplanade Drive with a stop at Lilac Street.

The proposed development is consistent with the PPS in that it promotes compact and transit supportive forms of development. As well, this development will help to support the provision of a range of housing types in this area.

The site is also near to transit corridors (within 300 m), which provides a range of travel options for the residents. The density of the development may help support the transit options that currently exist in this area.

Official Plan:

Designated Residential. The proposed development generally complies with the Residential policies contained in the City of Windsor Official Plan.

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.

As this proposal is for a Medium Profile building, this application conforms to the Official Plan.

The proposed development is consistent with the following goals and objectives of the City of Windsor Official Plan.

Goal 6.1.1 is to achieve safe, caring and diverse neighbourhoods. Goal 6.1.2 seeks environmentally sustainable urban development. Goal 6.1.3 promotes housing suited to the needs of Windsor's residents. Goal 6.1.10 is to achieve pedestrian oriented clusters of residential, commercial, employment and institutional uses.

Objective 6.3.1.1 supports a complementary range of housing forms and tenures in all neighbourhoods. Objective 6.3.1.2 seeks to promote compact neighbourhoods and balanced transportation systems. Objective 6.3.1.3 seeks to promote selective residential redevelopment, infill and intensification initiatives.

The proposed development is appropriate in this location as it will help to support a diverse neighbourhood that represents a sustainable community and will provide housing that is in demand. The proposed development will help to encourage a

pedestrian orientated cluster of residential, commercial and employment uses. The proposed residential development represents a complementary and compact form of housing and intensification that is near sources of transportation.

Archaeological Master Plan

The recently approved Windsor Archeological Master Plan and Official Plan Amendment 181 has identified this site as an area of Archeological Potential, and as such, an Archeological Assessment will be required prior to the development of the site.

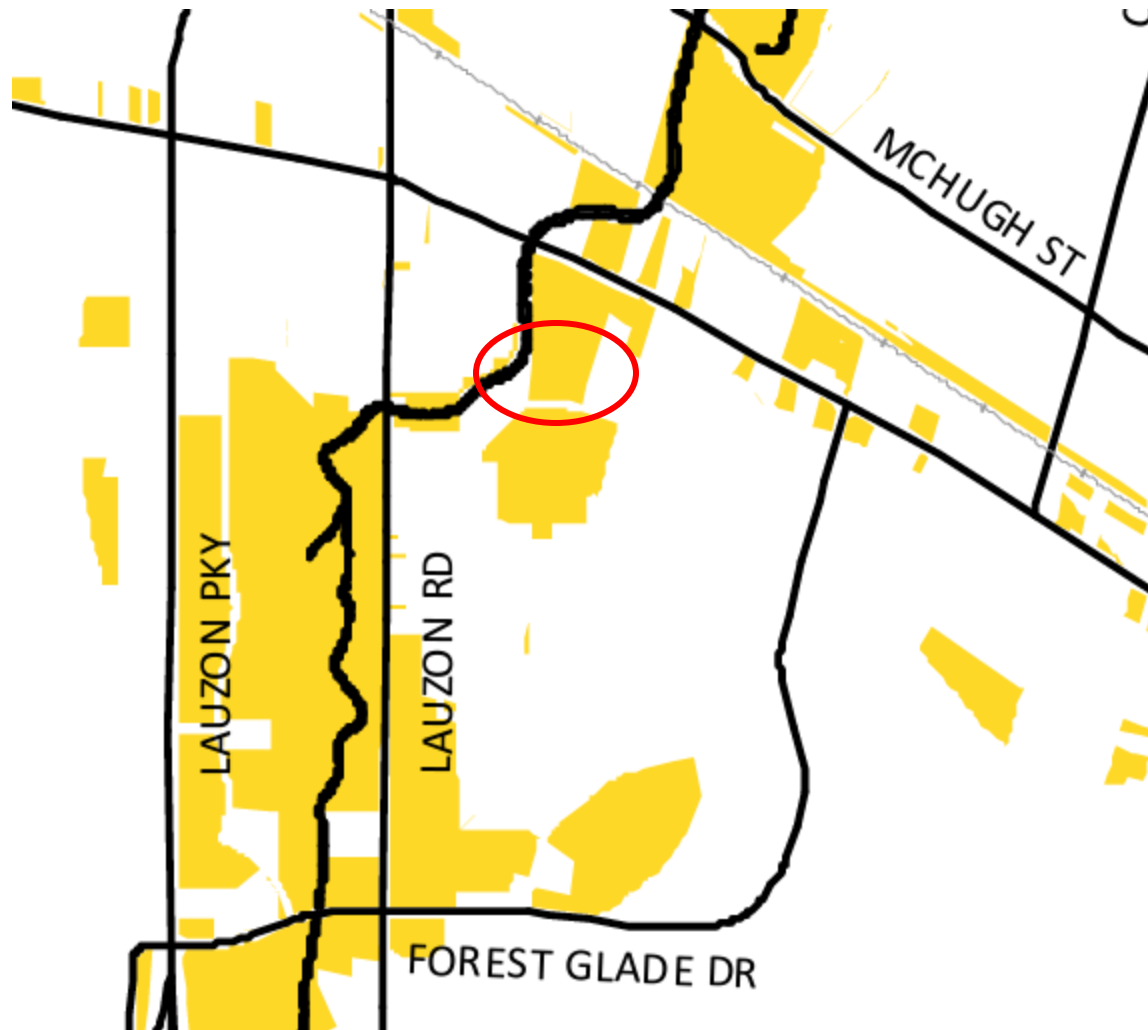


Figure 3: Excerpt - Archeological Potential Schedule C-1 CoW Official Plan

As the requirement for an Archeological Assessment will also be identified as a requirement for Site Plan Control approval, the Planning Department recommends that the site plan control officer be requested to include the requirement for an archeological assessment as a condition in the Site Plan Control agreement.

Zoning By-law

The site is currently zoned Commercial District CD4.2 and HRD2.3 The CD4.2 “sliver” is the result of a consent to sever in 2006 (B-044/2006) that did not follow the line of the

zoning by-law amendment that permitted the creation of the automobile dealerships. (ZNG 4054 Z-027/03). This is a minor mapping change that has no appreciable impact on either auto dealership site or the site for the proposed development. This zoning bylaw amendment will result in the zoning line being coincident with the property line between the automobile dealership site and the development site.

The current RD2.3 zone would not permit a multiple dwelling on this site. The request to permit multiple dwelling use and the maximum building height of 14 m is appropriate because the area is in a residential designation on a collector road near both institutional and recreational facilities, as well as retail opportunities where medium profile (multiple storey) residential development should be located. This site is between existing townhome residential developments, which provides a transition to other low profile residential uses.

No other changes to the regulations of the RD3.1 zone were requested.

Outstanding Engineering Comments

Development Engineering provided the applicant a number of comments during the Planning Consultation Process. Some of the Comments had not received a response at the time of writing the report. These comments relate to detailed design issues that will be dealt with through the site plan control process.

Risk Analysis:

N/A

Climate Change Risks

Climate Change Mitigation:

The additional increase in the density of development on the site with access to existing bus routes and being close to commercial and community facilities will encourage the use of transit, walking and cycling as modes of transportation, thereby helping to minimize the City's carbon footprint and implement Environmental Master Plan Objective C1: Encourage in-fill and higher density in existing built areas.

Climate Change Adaptation:

The new building may be affected by climate change, with respect to extreme precipitation and an increase in days above 30 degrees. While not the subject of this report, any new construction would be required to meet the current provisions of the Building Code, which would be implemented through the building permit process. The site would also be required to incorporate storm water management best practices. Any site plan control application will be reviewed for opportunities to enhance resiliency.

Financial Matters:

N/A

Consultations:

Comments received from municipal departments and external agencies are attached as Appendix “A” to this report.

Public Notice:

The statutory notice required under the Planning Act was provided in the Windsor Star. In addition, all properties within 200m of the subject parcel received courtesy notice by mail prior to the Development & Heritage Standing Committee Meeting (DHSC) meeting.

The applicant held a public open house on May 14th, 2024, from 6:30 pm to 8:30 pm at the Forest Glade Community Centre.

Conclusion:

Planner’s Opinion and Conclusions:

The proposed use of this site as a development containing a Multiple Dwelling building with 54 units and a maximum height of 14m represents an efficient development that will have no adverse impact on the well-being of the City of Windsor. The proposed development represents an appropriate residential use, adds to the range and mix of uses and will not cause any environmental or public health and safety concerns. This development is consistent with the Provincial Planning Statement, 2024.

The proposed Multiple Dwelling development represents a housing type and density that meets the requirements of current and future residents, that meets the social, health and well-being of current and future residents, represents a form of residential intensification, is set in a location with access to infrastructure, public service facilities, and is close to commercial land uses.

The proposed Multiple Dwelling development is located within an area that contains townhome dwellings that provide transition to nearby single detached dwellings and is compatible within its context.

The proposed 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 Deputy City Planner - Development

Neil Robertson City Planner

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

JP

Approvals:

| Name | | Title |
|----------------|--|--------------------------------------|
| Greg Atkinson | | Deputy City Planner - Development |
| Neil Robertson | | City Planner |
| Aaron Farough | | Senior Legal Counsel |
| Jelena Payne | | Commissioner of Economic Development |
| Joe Mancina | | Chief Administrative Officer |

Notifications:

| Name | Address | Email |
|---------------------------|--|---------------------------|
| 1495754 Ontario Inc. | 9375 Tecumseh Rd East, Windsor ON, N8R 1A1 | trafih@rafihautogroup.com |
| Dillon Consulting Limited | 1 Riverside Drive, 12 th floor, Windsor ON | afarkas@dillon.ca |
| Councillor Marignani | | |

Appendices:

- 1 Excerpt By-law 8600 – RD3.1
- 2 Concept Plan
- 3 Comments

SECTION 12 – RESIDENTIAL DISTRICTS 3. (RD3.)

[ZNG/2930; ZNG/5270]

(B/L 9057 Jul 7/1987; B/L 9100 Aug 17/1987; B/L 11093 Jul 20/1992; B/L 11875 Oct 3/1995 OMB Order R940355; B/L 11876 Sep 11/1995 OMB Order R940356; B/L 13079 Oct 3/1997; B/L 162-1998 Jun 24/1998; B/L 211-1999 Aug 31/1999; B/L 33-2001 Oct 23/2001 OMB Order 1716 PL010233; B/L 443-2001 Jan 2/2002; B/L 363-2002 Dec 31/2002; B/L 23-2004 Feb 19/2004; B/L 401-2004 Jan 7/2005; B/L 90-2009 Jul 27/2009; B/L 113-2009 Aug 11/2009; B/L 129-2012 Oct 2/2012; B/L 31-2013 Mar 28/2013; B/L 164-2017 Dec 7/2017; B/L 95-2019 Sep 27/2019)

12.1 RESIDENTIAL DISTRICT 3.1 (RD3.1)

12.1.1 PERMITTED USES

Double Duplex Dwelling

Duplex Dwelling

Lodging House

Multiple Dwelling

Religious Residence

Residential Care Facility

Semi-Detached Dwelling

Single Unit Dwelling (Existing)

Townhome Dwelling

Any use accessory to any of the preceding uses

12.1.5 PROVISIONS

- .1 Lot Frontage – minimum 18.0 m
- .2 Lot Area – minimum
For a *corner lot* having a minimum frontage of 30.0 m on each of the *exterior lot lines*:
 - a) For the first 5 *dwelling units* 540.0 m²
 - b) For each additional *dwelling unit* 67.0 m² per unitFor any other *lot*:
 - c) For the first 4 *dwelling units* 540.0 m²
 - d) For each additional *dwelling unit* 85.0 m² per unit
- .3 Lot Coverage – maximum 35.0%
- .4 Main Building Height – maximum
 - Corner Lot* 14.0 m
 - Interior Lot* 10.0 m
- .5 Front Yard Depth – minimum 6.0 m
- .6 Rear Yard Depth – minimum 7.50 m
- .7 Side Yard Width – minimum
 - a) Where a *habitable room window* of any *dwelling unit* faces a *side lot line* 6.0 m
 - b) Any other side yard 3.0 m
- .8 Landscaped Open Space Yard – minimum 35.0% of *lot area*
- .50 A *Lodging House* for the accommodation of 10 persons or less, and any use accessory thereto, shall comply with the *Single Unit Dwelling* provisions of Section 10.1.5 and further, the whole of the *building* shall be used for a *Lodging House*, including any *accessory use*.
[ZNG/5630] (B/L 95-2019 Sep 27/2019)
- .55 A *Double Duplex Dwelling*, *Duplex Dwelling*, *Multiple Dwelling* having a maximum of 4 *dwelling units*, *Semi-Detached Dwelling* or *Townhome Dwelling*, or an addition to an *existing Single Unit Dwelling*, and any use accessory thereto, shall comply with the provisions of Section 11.2.5.



1670 mercer street
windsor ontario canada n8x 3p7
ph 519.254.3430 fax 519.254.3642

 $\frac{1}{2}$

RAFIH GROUP
DEVELOPMENTS

Title:

SITE PLAN

As shown:

Journal Pre-proof

| | |
|-------------|-----|
| checked by: | JT |
| checked by: | JBK |

1016

| | |
|------------|----------|
| 2023-09-17 | |
| comm. no.: | 2023-088 |

SITE PLAN
SCALE : 1" = 20'-0"

A1.0

CONSULTATION

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.

CANADA POST – BRUNO DESANDO

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

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

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

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

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

Lock-Box Assembly Requirements

The complete Canada Post Standards Manual for Builders & Developers can be downloaded at: https://www.canadapost.ca/cpo/mc/assets/pdf/business/standardsmanual_en.pdf

Compartments Size

- Horizontal lock-box models used in mailrooms must have the following minimums:
 - o Residential compartments must be at least 12.5 x 13.5 cm
 - o Commercial compartments at least 13.5 x 30.5 cm
 - o Parcel compartments at least 30.5 x 30.5 cm
- Vertical lock-box models must have min comp size of 25 x 12.5 cm. (Most models are 40 x 12.7 cm)

Heights

- All lock-box assemblies must be installed in a manner that will not require the delivery employee to reach higher than 170cm or lower than 45cm when delivering to the equipment. With respect to horizontal lock-boxes, the limits above will likely mean that maximum number of compartments that can be included in each column of residential compartments would be eight

Rear-loading Lock-boxes

- Projects with more than 100 units are required to be serviced via a rear-loading lock-box assembly.
- There must be a width of at least 100cm of working space from the back of the boxes to the wall.
- A ledge under the bottom row of boxes is also recommended in rear-loading designs. This ledge is to be directly under the bottom row of boxes (no space between ledge and bottom of boxes) and must stick out at least 20cm from the back of the boxes.
- Mailroom door is required to provide a minimum 81cm opening
- Lighting should be at least 100 lux (measured 75 cm from floor)

Access

- All buildings where the lock-boxes are required to be serviced from inside the building are required to install a Canada Post Crown lock in the building intercom. The intercom is pre-fabricated with an internal housing for the lock. The lock can be obtained from the local deliver supervisor.
- If the building has more than 100 units, a rear-loading lock-box assembly will be installed. The door to the Canada Post delivery area must be fitted with a specific model of deadbolt. This is because Canada Post will supply a key cylinder made specifically for the Canada Post key that will fit inside the deadbolt purchased by the developer.

Numbering

- Compartments should be numbered vertically and left to right on the delivery side of the boxes

Grade-level Components

- If the development includes grade level retail or residential units, please take note that door-to-door delivery will not be provided to these units. Canada Post is happy to install a Community Mailbox to provide service to these units. Please coordinate a location with the Canada Post Delivery Planner for the area. If there is no room on the property for the Community Mailbox, service can be provided via another Community Mailbox in the area. Options to service the units from the tower (lobby) lock-boxes or via a front-loading lock box erected on the outside of the building can also be discussed with the Delivery Planner.

SITE PLAN CONTROL

The development proposal is subject to Site Plan Control pursuant to the Planning Act and City of Windsor By-law 1-2004. Where preceding development applications are required, inclusive of Official Plan and Zoning By-law Amendments, request for Site Plan Control Pre-Consultation Stage 1 may be made following completion of the requisite Development and Heritage Standing Committee meeting at <https://ca.cloudpermit.com/login>

TRANSIT WINDSOR – JASON SCOTT

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Ottawa 4. The Ottawa 4 has a peak weekday frequency of 20 minutes. The closest existing bus stop to this property is located on Esplanade at Lilac Southeast Corner. This bus stop is approximately 300 metres from this property falling within Transit Windsor's 400 metre walking distance guidelines to a bus stop. This will be further enhanced with Transit Windsor's City Council approved 2023 Service Plan as a new local route will be replacing the Ottawa 4 in this area. This new route will provide two way conventional transit service versus the existing one way loop. There will be a new bus stop directly across the street from this property in front of Bush Park and another new bus stop on Esplanade at Scarsdale Northwest Corner. This will provide direct transit service to this development. The weekday frequency of this route is 30 minutes. This is consistent with Transit Windsor's City Council approved Transit Master Plan.

ZONING COORDINATOR – PIERE BORDEAUX

Below is the zoning review summary for the *above-mentioned property*; circulated on Oct 22nd, 2024:

- **Current Zoning Designation:**
 - Commercial District 2.4 [CD2.4] and
 - Holding Residential District 2.3 [HRD2.3]
- **Proposed Zoning Designation:** Residential District 3.1 [RD3.1]
- **Existing Use [as per historical Building Permit(s) / Planning Act Applications(s)]:**
 - Vacant lot
- **Proposed Use:**
 - Residential Apartment Complex Development
- **Section 5 – General Provisions:**
 - [COMPLY]
- **Section [12.1] – [Residential District 3.1] [RD3.1]:**
 - [12.1.5.1] Lot Frontage - minimum:
 - 18.0 m (Required)
 - 102.0 m (Provided)
 - [12.1.5.2] Lot Area - minimum:
 - 3785.0 sq. m (Required)
 - 6671.0 sq. m (Provided)
 - [12.1.5.3] Lot Coverage - maximum:
 - 35.0 % (Required)
 - 25.5 % (Provided)
 - [12.1.5.4] Main Building Height - maximum: [12.1.5.4]
 - 10.0 m (Required)
 - 13.7 m (Proposed)

- [12.1.5.5] Front Yard Depth - minimum:
 - 6.0 m (Required)
 - 6.1 m (Provided)
 - [12.1.5.6] Rear Yard Depth - minimum:
 - 7.50 m (Required)
 - 34.4 m (Provided)
 - [12.1.5.7] Side Yard Width - minimum:
 - 6.0 m (Required)
 - 6.0 m (Provided)
 - [12.1.5.8] Landscaped Open Space Yard - minimum:
 - 35.0 % (Required)
 - 36.0 % (Provided)
- **Section 20 – Site Specific Zoning Exemptions:**
 - [NOT APPLICABLE]
- **Section 24 – Parking, Loading, and Stacking Provisions:**
 - [24.22] Visitor Parking Space Provisions
 - [24.22.1] Required Number of Visitor Parking Spaces
 - 10 (Required)
 - 0 (Provided)
- **Section 25 – Parking Area Provisions:**
 - [25.5.20] Parking Area Separation:
 - [25.5.20.1.6] 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:
 - 4.50 m (required)
 - 3.64 m (provided)
- **Section 95 - Holding Zone Provisions**
 - [APPLICABLE]
 - A Planner input is required

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.



TRANSPORTATION PLANNING – ELARA MEHRILOU

- The Official Plan classifies Esplanade Dr as a Class 2 Arterial with a required right-of-way width of 29.1 metres per Schedule X of the Official Plan. The current right-of-way width is sufficient; therefore, no conveyance is required.
- All parking must comply with Zoning By-Law 8600.

- All bicycle parking spaces must comply with Zoning By-Law 8600 in quantity and dimensions. The current site plan deficient 5 bicycle parking spaces.
- Transportation Planning have received and reviewed the TIS titled Transportation Impact Study 0 Esplanade Drive, Windsor file number 23-7174 dated September 2024 conducted by Dillon Consulting.
 - 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).

HERITAGE PLANNING – TRACY TANG

The subject property is located within the Archaeological Potential Zone (as per the recently adopted Windsor Archaeological Management Plan, 2024; OPA 181; and updated 2024 archaeological potential model OP Volume I Schedule C-1). 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 archaeological reports, letters from the Ministry confirming acceptance of the reports in the Ontario Public Register of Archaeological Reports, and GIS shapefiles of the study area must be submitted to the City of Windsor Planning and Development Services.

Contact: Tracy Tang, Senior Planner – Heritage (Acting), ttang@citywindsor.ca or 519-255-6543 x6179.

LANDSCAPE ARCHITECTURE & URBAN DESIGN – HODA KAMELI

From the urban design review in Stage 1, elevations and floor plans has been required. The elevations should specify materials to assess the façade design and the west façade's relationship with the Ganatchio Trail.

The landscape plan will be needed at the Site Plan Approval (SPA) stage for further review.

DEVELOPMENT ENGINEERING – ROB PERISSINOTTI

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

Sewers The site may be serviced by a 1,050mm RCP sanitary sewer located within the Esplanade Dr. right-of-way. Similarly, the site may be serviced by a 1,350mm x 2,700mm RCP box culvert storm sewer located within the private property. This sewer is located within a 12.2m wide easement. All existing and proposed storm, sanitary and water services must be identified on the drawings, as well as the associated mainline sewers/water mains. If possible existing connections should be utilized. Any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice B.P 1.3.3.

A revised servicing report, dated September 4, 2024 completed by Dillon Consulting, has been received and reviewed. Not all comments previously provided have been addressed. Please refer to Appendix A for outstanding comments. Provide a matrix outlining comment responses.

Right-of-Way

Esplanade Dr. is classified as a Class 2 Collector road according to the Official Plan, requiring a right-of-way width of 21.9m. The current right-of-way is sufficient, therefore, no conveyance is required at this time.

Special Provisions (to be included in Site Plan Control Agreement)

The following special provisions will be required prior to submitting a building permit application:

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

Servicing Charges – The applicant(s) shall note that they may be required to pay servicing charges for the existing sanitary sewer and/or sewer connection(s) if not paid previously for this site. These charges will be assessed prior to the issuance of a construction permit. 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.

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

Trees – The applicant/owner shall consult with the City Forester to discuss the preservation of city owned trees on the municipal right-of-way, to the satisfaction of the City Forester.

In summary we have no objection to the proposed development, subject to the following requirements:

If you have any further questions or concerns, please contact Robert Perissinotti, of this department at rperissinotti@citywindsor.ca

ENWIN

HYDRO ENGINEERING: Keegan Morency Kendall

No Objection, provided adequate clearances are achieved and maintained.

Please note the following.

- 1- ENWIN has underground splicing vaults at the north west and north east corners of the property.
- 2- ENWIN has 27.6kV underground three phase primary conductors along the west side of the property.

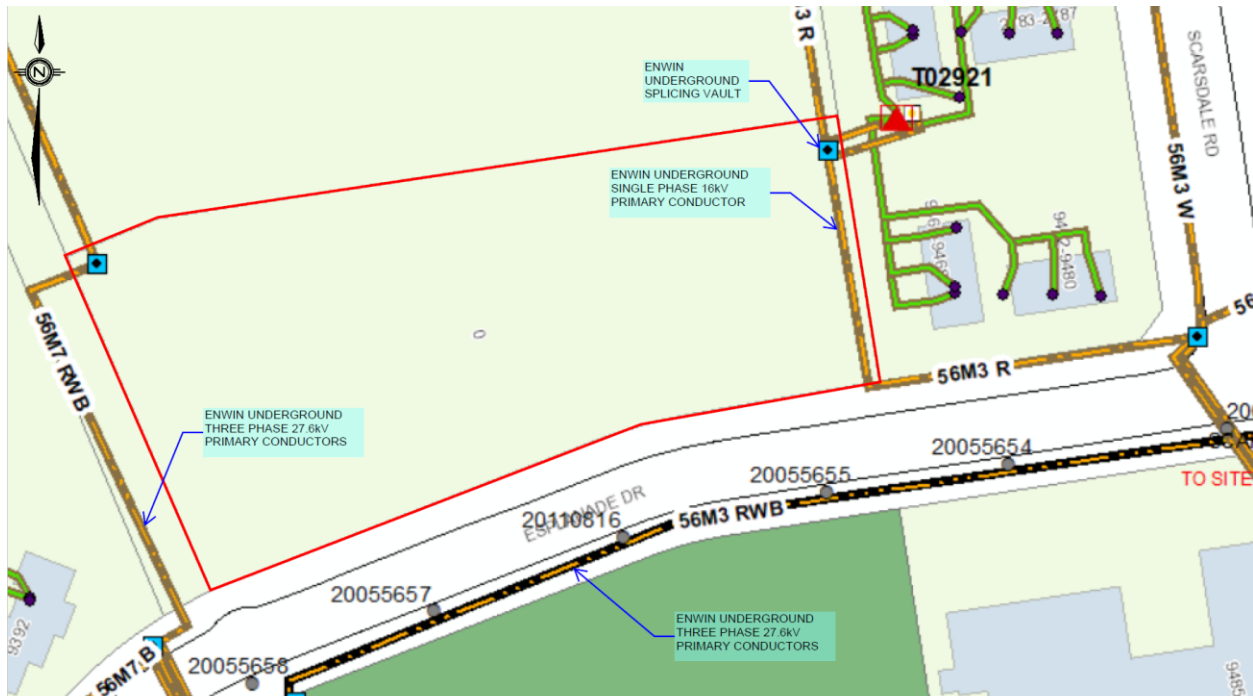
- 3- ENWIN has 16kV underground three phase primary conductor along the east side of the property.

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.



NOT TO
SCALE

FORESTRY – YEMI ADEYEYE

After reviewing the tree inventory, it was determined that 252.70 cm of trees will need to be removed to accommodate this new build.

The cost for the Tree Canopy Recovery was calculated at \$34,367.20

NATURAL AREAS – KAREN ALEXANDER

- Half the property is within Source Water Protection Zone 3, ERCA permit may be required.
- Trees must be removed for the development. No harming Active Bird Nests (Migratory Bird Act)



Council Report: S 157/2024

Subject: Zoning By-Law Amendment – Z034/24 (ZNG/7241) - Anthony Palermo – 5172 Joy Rd, Ward 9

Reference:

Date to Council: December 2, 2024
Author: Author: Diana Radulescu
Planner II – Development Review
T. (519) 255-6543 x 6918
E. dradulescu@citywindsor.ca
Planning & Building Services
Report Date: November 15, 2024
Clerk's File #: Z/14861

To: Mayor and Members of City Council

Recommendation:

- I. THAT Zoning By-law 85-18 **BE AMENDED** by changing the zoning of CON 8 PT LOT 15 RP 12R10850 PARTS 7 & 14, situated on the north side of Joy Road and east of 8th Concession Road, known municipally as 5172 Joy Road, by adding a defined area as follows:

6.3.17 Defined area R1-17 as shown on schedule “A”, Map 3 of this by-law.

- a) Maximum lot coverage for all accessory structures 193 m²
- b) Maximum height of all accessory structures 4.3 m
- c) Materials
 - i. A barn or accessory structure may be constructed with post, beam, or galvanized steel materials

Executive Summary:

N/A

Background:

Application Information

Location: 5172 Joy Road (Roll No: 090-020-02300)

Ward: 9 **Planning District:** County Road 42 Secondary Plan

Zoning District Map: 13

Applicant: Anthony Palermo

Owner: Same as Applicant

Agent: N/A

Proposal: Construct an accessory structure consisting of a post, beam and plant type of construction (pole barn) with a maximum building height of 4.3 m. The subject land includes an existing residential dwelling, a detached garage, a shed, a driveway and vehicular access to Joy Road.

The Applicant is seeking an amendment to Zoning Bylaw 85-18 (former Township of Sandwich South) to add a defined area to the existing zoning of Residential Zone 1 (R1) to allow for increased total maximum lot coverage for all accessory structures, increased maximum building height, and the use of post and beam construction with metal exterior cladding.

Submitted Materials: Attached to Report S 157/2024 as an Appendix:

Appendix A – Conceptual Site Plan
Appendix B – Conceptual Elevations
Appendix C – Conceptual Floor Plan
Appendix D – Comments
Appendix E – Site Photos

All documents are available online via the Current Development Applications [page](#) or via email at dradulescu@citywindsor.ca

Site Information

| OFFICIAL PLAN | ZONING | CURRENT USE | PREVIOUS USE |
|--|-------------------------|-------------------------------|---------------------------|
| Residential | Residential Zone 1 (R1) | Dwelling, Accessory buildings | Residential, Agricultural |
| LOT WIDTH | LOT DEPTH | LOT AREA | LOT SHAPE |
| 32.30 m | 54.54 m | 1,867.74 m ² | Rectangular |
| <i>All measurements are approximate.</i> | | | |

Neighbourhood:

Site images are provided in Appendix F.

The subject parcel is located within a low profile residential neighbourhood surrounded by agricultural uses to the north, east, south and west. There are three established low density residential neighbourhoods in this geographic area: Joy Road, Ray Road and Baseline Road (west towards 7th Concession Road). Further north are located industrial, rural commercial and hamlet commercial uses. Further south are institutional and parks/ open space uses.

The CN Railway is located approximately 1.9 km to the west.

The closest park is Captain J. Wilson Park which is 2.9 km to the west. The nearest library is the Windsor Public Library - Fountainbleu branch 4.3 km to the north.

The Windsor International Airport is 2.2 km to the north.

Joy Road is classified as a Local Residential Road as per *Schedule F: Roads and Bikeways* and has two travel lanes. There are no curbs or sidewalks.

There is no public transit or active transportation currently available or planned to service the subject site.

The site is currently serviced by a 150mm watermain located within the Joy Road right-of-way. The site is part of a Local Improvement Project for Joy Road that will provide sanitary and storm sewer connections.

Figure 1: Key Map



KEY MAP - Z-034/24, ZNG/7241



● SUBJECT LANDS

Figure 2: Subject Parcel - Rezoning



PART OF ZONING DISTRICT MAP T17

N.T.S.

REQUESTED ZONING AMENDMENT

Applicant: Anthony Palermo



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT

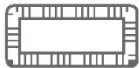


DATE : OCTOBER, 2024
FILE NO. : Z-034/24, ZNG/7241

Figure 3: Neighbourhood Map



NEIGHBOURHOOD MAP - Z-034/24, ZNG/7241



SUBJECT LANDS

Discussion:

The proposed development originally pursued a minor variance through the Committee of Adjustment. However, due to the provisions of Zoning By-law 85-18 which regulate the height, lot coverage and construction materials of accessory structures (further outlined below), the applicant was directed to pursue a rezoning. As a result of conversations with Planning and Development Services, there were no studies requested to be completed as part of the planning consultation for this application.

Provincial Planning Statement (PPS) 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. Planning Staff are of the opinion that the proposed development is in line with the PPS 2024.

Policy 2.1.6 states that “*complete communities*” shall be supported by “*accommodating an appropriate range and mix of land uses...and other uses to meet long-term needs*”. The proposed accessory structure represents an appropriate land use in terms of the range and mix of the surrounding neighbourhood context. The proposed amendment is consistent with Policy 2.1.6 of the PPS.

Policy 2.3.1 provides general policies for settlement areas, where growth should be focused. Land use patterns should be based on the efficient use of land and resources, while optimizing existing and planned infrastructure. The Local Improvement Project initiated for Joy Road will eventually provide municipal sanitary and storm sewer connections to the subject land. The proposed accessory structure promotes the efficient use of land, resources, and infrastructure (existing and planned). The proposed amendment is consistent with 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 and complete communities. The proposed accessory structure is on an existing parcel and does not require settlement area expansion. It is a compact development with access to an existing public right-of-way (Joy Road) and planned expansion of municipal services. The proposed amendment is consistent with Policy 2.9.

The proposed development of an accessory structure 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. There are no anticipated environmental or public health and safety concerns with the proposed use of land.

While the PPS 2024 does not contain explicit language with respect to accessory structures to residential uses, Planning & Development Services is of the opinion that the proposed amendment to Zoning Bylaw 85-18 is consistent with the PPS 2024.

Official Plan:

The subject parcel has a Low Density Residential designation in the County Road 42 Secondary Plan, Volume II of the Official Plan ("the Secondary Plan"). Section 8.4.7 of the Secondary Plan outlines policies that guide the development of Low Density and related forms of housing as well as other complimentary services and amenities directly related to the primary residential use in the area. The proposed accessory structure (a pole barn) is intended to be used for storage in conjunction with the existing low-density residential dwelling on the parcel. No change is proposed for the residential use. The Secondary Plan also guides future development of the County Road 42 area "in a manner that will result in a complete community that makes efficient use of infrastructure and other services and includes a full range and mix of housing and employment opportunities" (8.1.2.1). The proposed development is limited in scope to the existing parcel and reflects an efficient use of existing resources. The proposed rezoning conforms to the low density residential and general policies in the Secondary Plan.

The subject parcel is also located within the "Ray Road / Joy Road Special Policy Area" in Section 1.25 of the *Special Policy Areas* chapter of Volume II of the Official Plan. This policy area addresses the specific development goals for this established residential neighbourhood. It notes that, despite their inclusion in the broader designation of "Future Urban Area" on *Schedule D: Land Use* in Volume I of the Official Plan, "the Ray Road and Joy Road Residential Area is not intended for future development or redevelopment, with the exception of dwellings or uses in accordance with the zoning by-law and subdivision plan". An accessory structure is a permitted use within the R1 zoning district. It further notes that "any Secondary Plans undertaken in this area will include the Ray Road and Joy Road Residential Area within their study area, to ensure appropriate integration of existing residential development with future development in the area with respect to land uses, transportation, servicing and other planning matters". As noted above, the proposed development conforms to the general policies in the Secondary Plan.

The proposed development of an accessory structure is of a scale that is compatible with the profile and uses of the surrounding neighbourhood. The proposed amendment to Zoning By-law 85-18 will conform to the general policy direction of the Official Plan.

Zoning By-Law:

The subject land is zoned Residential Zone 1 (R1) in Zoning Bylaw 85-18. Accessory uses are permitted within the R1 zone, subject to certain provisions. The Applicant is seeking a rezoning to permit for increased total maximum lot coverage for all accessory structures, increased maximum building height, and the use of post and beam construction with metal exterior cladding for the proposed development. The Applicant's request for a change in zoning with site-specific provisions is supported in principle. A discussion of the defined area provisions follows.

Lot coverage

The subject land currently contains two accessory structures (a detached garage and a shed). Zoning Bylaw 85-18 provisions require that the maximum lot coverage shall not exceed the lesser of 67 m² or 10% of the total lot area in R1 zones. The proposed construction of the pole barn would lead to a total maximum lot coverage for all

accessory structures of 193 m² (or 10.3% of the total lot area). Defined area provision 6.3.17 (a) provides relative relief from the maximum lot coverage for the proposed development.

Height of accessory structure

Section 5.27.1(e) of the Zoning Bylaw notes that accessory structures shall have a height maximum of 3.7 m in an R1 zone. The proposed height of the accessory structure (4.3m) represents a 16.2% variance. As such, defined area provision 6.3.17 (b) provides for a maximum height of 4.3 m for all accessory structures.

Construction materials

Zoning Bylaw 85-18 notes that “the barn or accessory building must not be constructed with post, beam, or galvanized steel materials if the floor area exceeds 9.3 square meters “[5.27.1(j)]. Zoning Bylaw 8600, which governs the majority of the City of Windsor, does not include prohibited materials in accessory building provisions. Recommended defined area provision 6.3.17 (c) provides for post, beam and metal construction materials as proposed by the development.

The proposed development complies with all other applicable zoning provisions. Planning and Development Services is of the opinion that the nature of the zoning reliefs are minor in nature and there are no adverse impacts as a result of the proposed development.

Site Plan Control:

The development as proposed is not subject to Site Plan Control.

Risk Analysis:

N/A

Climate Change Risks

Climate Change Mitigation:

The subject land is located within an existing neighbourhood, therefore reducing the impacts of climate change by locating within the existing built-up area. The proposed development is limited to the scope of the subject land and does not propose changes to the existing residential use, which minimizes the impact on community greenhouse gas emissions.

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 an accessory structure provides an opportunity to increase resiliency for the surrounding area through supporting a variety of land uses that are located near existing and future infrastructure.

Financial Matters:

N/A

Consultations:

As a result of discussions with Planning and Development Services, an Open House was not a requirement of the Planning Consultation process for this application.

A courtesy notice was mailed to property owners within 200m of the subject land and statutory notice was advertised in the Windsor Star. Submitted documents were posted on the City of Windsor [website](#). The Planning Department received one inquiry from the public with respect to this proposed development.

Comments received from municipal departments and external agencies are attached as Appendix E.

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 85-18 is consistent with the PPS 2024 and is in conformity with the City of Windsor Official Plan.

The proposed amendment permits an accessory structure, which is compatible and complementary with existing uses in the surrounding neighbourhood.

The recommendation to amend Zoning By-law 85-18 constitutes good planning. Staff recommend approval.

Planning Act Matters:

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 |
|----------------|-----------------------------------|
| Greg Atkinson | Deputy City Planner - Development |
| Neil Robertson | City Planner |
| Aaron Farough | Senior Legal Counsel |

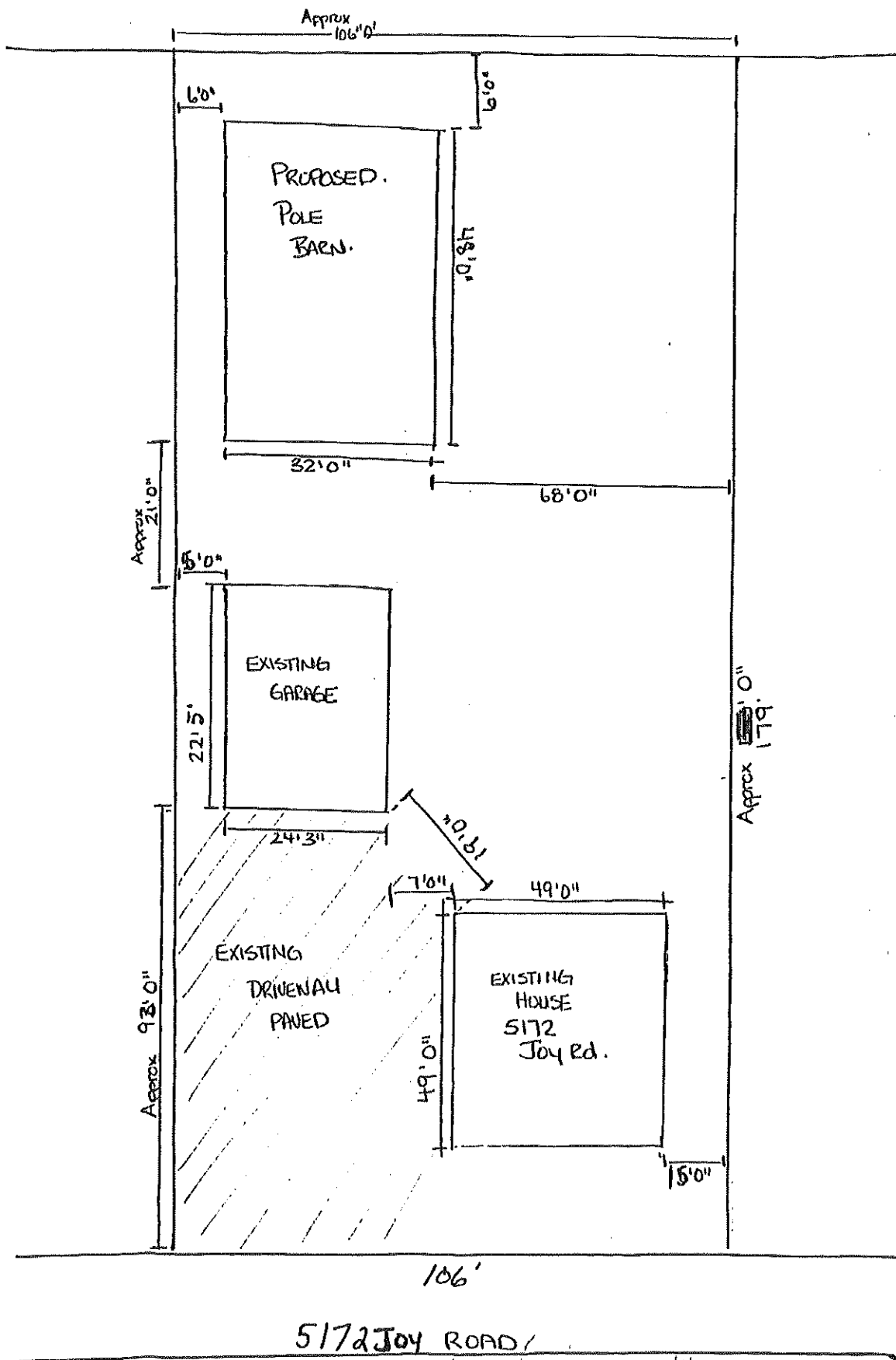
| Name | Title |
|--------------|------------------------------------|
| Jelena Payne | Commissioner, Economic Development |
| Joe Mancina | Chief Administrative Officer |

Notifications:

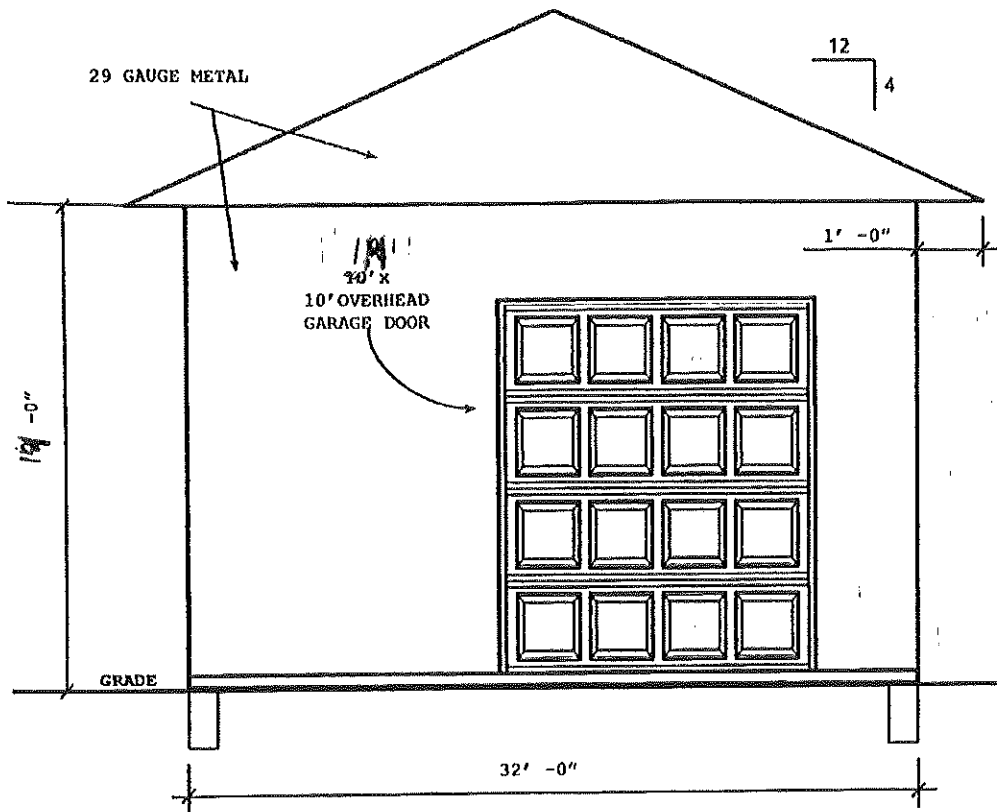
| Name | Address | Email |
|---|---------|-------|
| Anthony Palermo | | |
| Councillor Kieran McKenzie (Ward 9) | | |
| Property owners and tenants within 200 m of the subject lands | | |

Appendices:

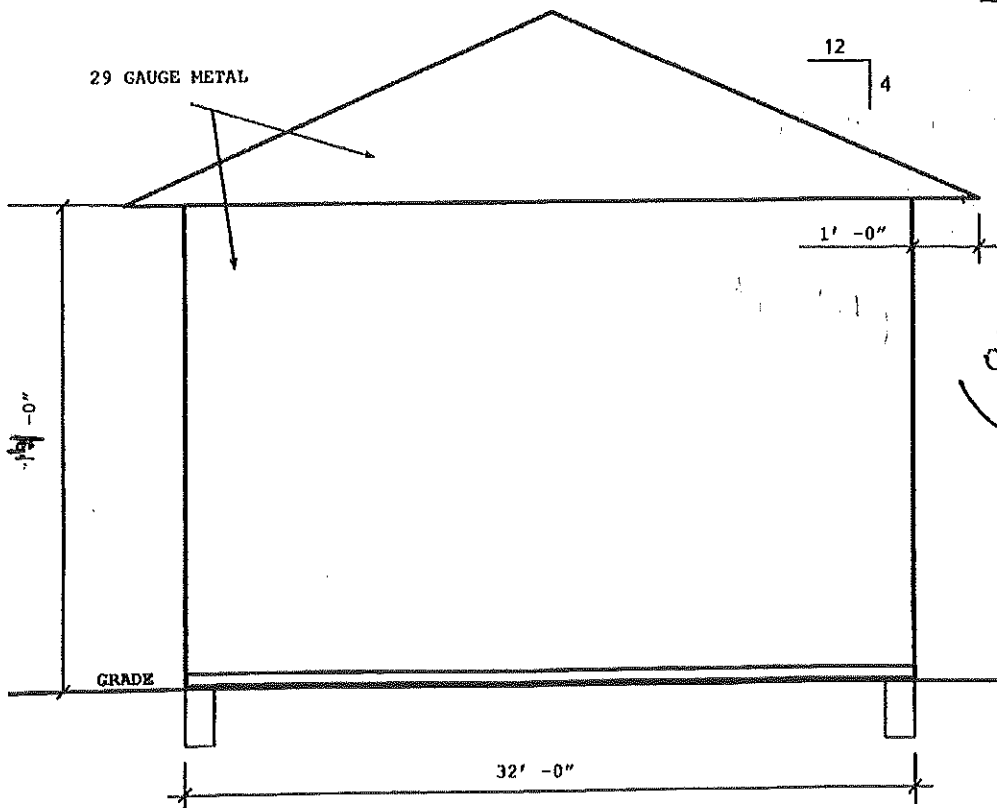
- 1 Appendix A – Plan of Survey
- 2 Appendix B – Concept Site Plan
- 3 Appendix C – Concept Floor Plan
- 4 Appendix D – Comments
- 5 Appendix E – Site Photos



NORTH ELEVATION



SOUTH ELEVATION



Peak

(8600 MAX 18")

12'-4" ±

11.85-15.

Grade

SIZE : 32 x 48 x 14

Sidewall Detail

2x4 PURLINS @ 18" O.C.

APPROVED TRUSSES @ 2' O.C. Residential

2X6 FASCIA BOARD

2 2 x 10 PLATES

2 - 2X6 BLOCK

2 - 2X6 SWAY BRACING

6 x 6 POSTS @ 8' O.C.

29 GAUGE METAL CLADDING

2X4 WALL GIRTS @ 2' O.C.

2 x 10 P.T. SPLASH BOARD

1 ROWS

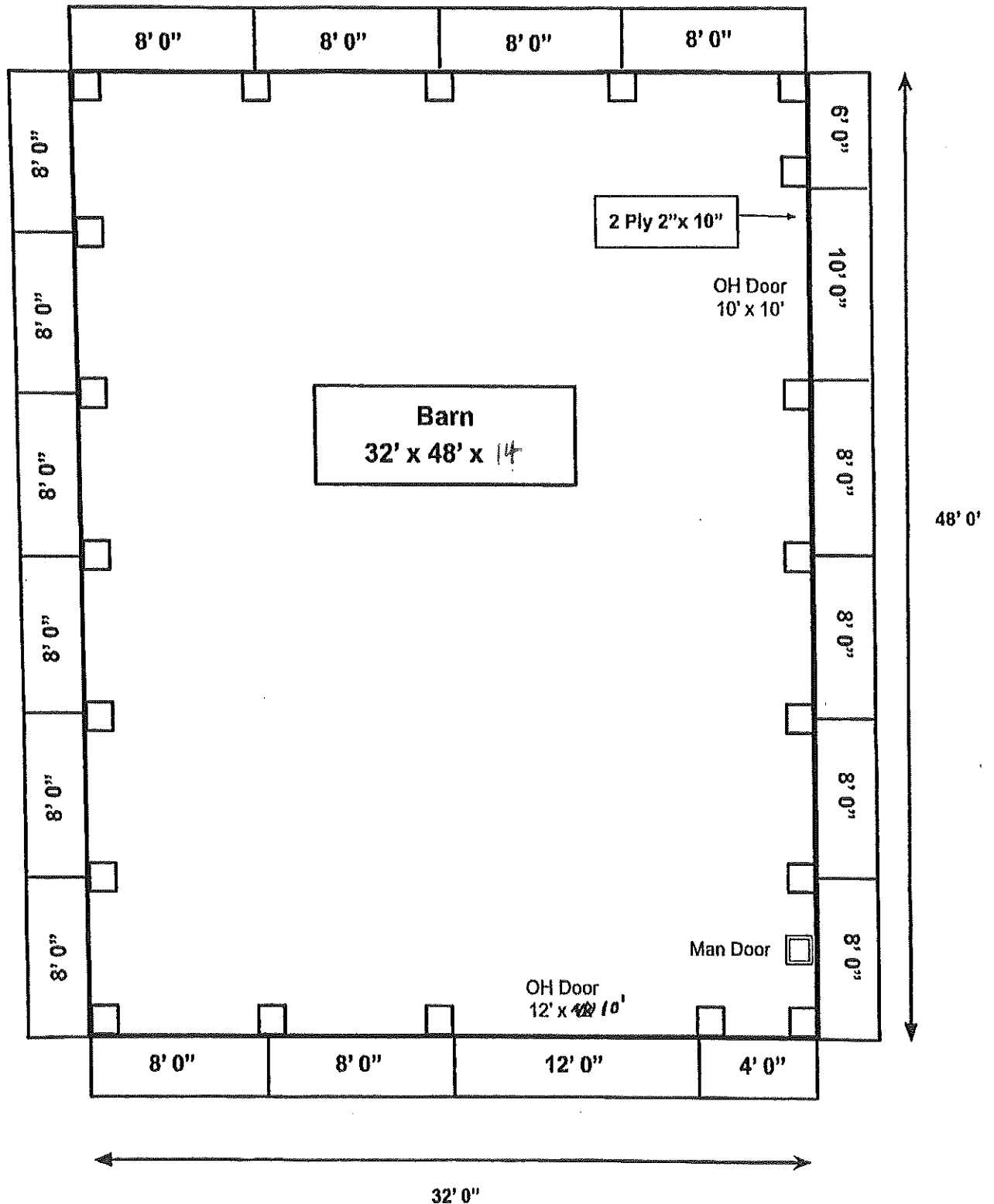
2X6 UPLIFT BLOCK

20x10 CONC. PAD

HEIGHT 124

DEPTH 48"

Top View Layout



APPENDIX D – CONSULTATION

ZONING COORDINATOR – PIERE BORDEAUX

Below is the zoning review summary for the above-mentioned property; circulated on October 2nd, 2024:

- **Current Zoning Designation:** Residential District 1 [R1] as per Zoning by-law 85-18
- **Proposed Zoning Designation:** Residential District 1 [R1]
- **Existing Use [as per historical Building Permit(s) / Planning Act Applications(s)]:**
 - Residential
- **Proposed Use:**
 - Residential
- **Section 5 – General Provisions:**
 - [COMPLY]
- **Section 6 RESIDENTIAL ZONE 1 [R1]**
 - Maximum Lot Coverage: [5.27.1(e)]
 - 67 m2 (Required)
 - 193 m2 (Proposed)
 - Maximum Main Building Height: [5.27.1(f)]
 - 3.7 meters (Required)
 - 4.3 meters (Proposed)
 - Materials: [5.27.1(j)]
 - The barn or accessory building must not be constructed with post, beam, or galvanized steel materials if the floor area exceeds 9.3 square meters (100.11 square feet) (Required)
 - Post and beam construction, and 29-gauge metal cladding exterior finish (Proposed)

LANDSCAPE ARCHITECT & URBAN DESIGN – HODA KAMELI

From a landscape architectural perspective, there are some trees in the back yard of the property which will need to be removed to accommodate the proposed development. Applicant is to consult with the City Forester as whether any preservation or compensation for removal is required for either of these trees.

From an urban design perspective, Therefore, there are no objections from an urban design perspective.

ENWIN

HYDRO ENGINEERING: Anwar Nagar

This particular location is not serviced by Enwin (Hydro). We would suggest contacting Hydro One.

WATER ENGINEERING: Bruce Ogg

ENWIN Water has no objections.

DEVELOPMENT ENGINEERING – JUAN PARAMO

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

Joy Road is classified as a Local Road according to the Official Plan requiring a right-of-way width of 20 metres; the current right-of-way is deficient therefore, a conveyance of 2.0 metres is required along the frontage of this property.

In summary we have no objection to the proposed development, subject to the following requirements:

Land Conveyance – Prior to the issuance of a construction permit, the owner (s) shall agree to gratuitously convey to the Corporation, land sufficient to create a 20 metre wide right-of-way on Joy Road. This conveyance shall be approximately 2.0 metres along the entire Joy Road frontage of the subject lands.

If you have any further questions or concerns, please contact Shannon Mills, of this department at smills@citywindsor.ca

RIGHT OF WAY – MARK SCHAFFHAUSER

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.
2. **Encroachment Agreement** – There are existing items encroaching into the right-of-way, which require either removal or an encroachment agreement to legalize said items.
 - Modify drawings to remove encroaching items or identify that an encroachment agreement with the City of Windsor will be required for the raised curbs.

Right-of-Way Permit Requirements:

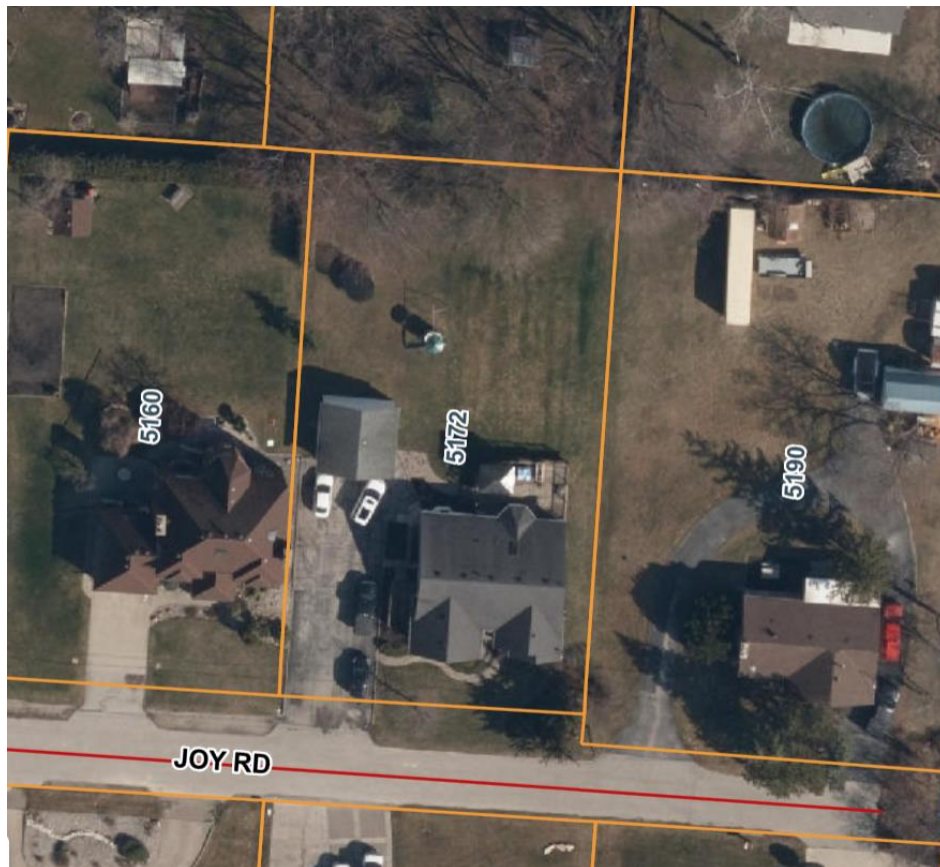
Encroachment Agreement – The owner agrees to submit application for and execute an agreement with the Corporation for the proposed encroachments into the right-of-way (raised curbs along driveway approach) to the satisfaction of the City Engineer.

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

APPENDIX E- SITE PHOTOS



View of subject land (5172 Joy Road)



Aerial view of subject land



View of Joy Road (looking west)



View of Joy Road (looking east). 5172 Joy Road is located on the left.



Council Report: S 141/2024

Subject: OPA & Rezoning – 1722912 Ontario – 4088-4096 6th Concession Rd – OPA 188 OPA/7218 Z-021/24 ZNG/7217 - Ward 9

Reference:

Date to Council: December 2, 2024
 Author: Adam Szymczak, Senior Planner - Development
 519-255-6543 x 6250
 aszymczak@citywindsor.ca
 Planning & Building Services
 Report Date: October 11, 2024
 Clerk's File #: Z/14862 & Z/14863

To: Mayor and Members of City Council

Recommendation:

1. THAT Schedule A of Volume I: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by designating Lots 1 and 2, Plan 12M665 (PIN 01560-2839, 01560-2640), situated on the east side of Sixth Concession Road, north of Holburn Street, as a Special Policy Area.
2. THAT Chapter 1 in Volume II: Secondary Plans and Special Policy Areas of the City of Windsor Official Plan **BE AMENDED** by adding a new Special Policy Area as follows:

1.X EAST SIDE OF SIXTH CONCESSION ROAD, NORTH OF HOLBURN STREET

| | | |
|--|-------|---|
| <i>LOCATION</i> | 1.X.1 | The land described as Lots 1 and 2, Plan 12M665 (PIN 01560-2839, 01560-2640) is designated on Schedule A: Planning Districts and Policy Areas in Volume I - The Primary Plan. |
| <i>ADDITIONAL PERMITTED USE</i> | 1.X.2 | Notwithstanding the "Low Profile Residential" land use designation on Schedule NR2-7: Land Use Designations and the Low Profile Residential policies in Section 3.7.2 of the North Roseland Planning Area, a multiple dwelling having a maximum building height of 11.3 m shall be an additional permitted use. |
| <i>ACCESS TO SIXTH CONCESSION ROAD</i> | 1X.3 | Notwithstanding Section 3.7.7.4 of the North Roseland Planning Area, for a Multiple Dwelling, one access shall be permitted to Sixth Concession Road. |

3. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lots 1 and 2, Plan 12M665 (PIN 01560-2839, 01560-2640), situated on the east side of Sixth Concession Road, north of Holburn Street, and known municipally as 4088 and 4096 Sixth Concession Road (Roll No. 070-150-01501, 070-150-01502) by adding the following site specific exception:

465. EAST SIDE OF SIXTH CONCESSION ROAD, NORTH OF HOLBURN STREET

For the land described as Lots 1 and 2, Plan 12M665 (PIN 01560-2839, 01560-2640) the following additional provisions shall apply:

- 1) A *Multiple Dwelling* shall be additional permitted *main use*:
- 2) The following additional provisions shall apply to an additional permitted *main use*:
 - a) Lot Frontage – minimum 40.0 m
 - b) Lot Area – minimum 2,300 m²
 - c) Lot Coverage – maximum 35% of *lot area*
 - d) Main Building Height – maximum 11.3 m
 - e) Front Yard Depth – minimum 3.0 m
 - f) Rear Yard Depth – minimum 4.9 m
 - g) Side Yard Width – minimum
 - From northerly Side Lot Line 15.0 m
 - From southerly Side Lot Line 3.90 m
 - h) Landscaped Open Space Yard – minimum 28% of *lot area*
 - i) Dwelling Units – maximum 21
 - j) Parking Spaces – minimum 24
 - k) Notwithstanding Section 25.5.20.1.5, the minimum *parking area* separation from a *building wall* in which is located a main pedestrian entrance facing the *parking area* shall be 1.50 m.
 - m) Notwithstanding Section 25.5.20.1.6, the minimum *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* shall be 1.30 m.

Executive Summary:

N/A.

Background:

Application Information

Location: 4088 & 4096 Sixth Concession Road (Lots 1 and 2, Plan 12M665; PIN 01560-2839, 01560-2640; east side of Sixth Concession Rd, north of Holburn Street; Roll No: 070-150-01501, 070-150-01502)

Ward: 9 **Planning District:** North Roseland **Zoning District Map:** 13

Applicant: 1722912 Ontario Ltd. (HD Development Group – Steve Habib / Haider Habib)

Owner: 1722912 Ontario Ltd. (HD Development Group)

Agent: Lassaline Planning Consultants (Jackie Lassaline)

Proposal: Construct one multiple dwelling with a building height of 11.3 m over 3 storeys consisting of a total of 21 dwelling units. Parking at a rate of 1.14 parking space per unit is proposed for a total 24 parking spaces (including 2 accessible spaces & 4 visitor spaces). One loading space & 3 bicycle parking spaces are also proposed.

The Applicant is requesting an Official Plan Amendment (OPA), that, notwithstanding the “Low Profile Residential” designation in the North Roseland Secondary Plan, a multiple dwelling with a building height of 11.3 m is an additional permitted use and a Zoning By-law Amendment (ZBA) changing the zoning from Residential District 1.2 (RD1.2) to Residential District 3.2 (RD3.2) and a site-specific provision reducing the required parking rate from 1.25 spaces per unit to 1.14 spaces per unit and a reduction in landscape open space yard from 35% to 30%.

Submissions:

Attached to Report S 141/2024 as an Appendix:

- Appendix A - Conceptual Site Plan
- Appendix B - Elevations
- Appendix C - Floor Plans
- Appendix D - Renderings
- Appendix E - Consultation

Not attached to Report S 141/2024:

- Application Official Plan Amendment
- Application Zoning By-law Amendment
- Open House Presentation Package
- Parking Study
- Planning Rationale Report
- Rendering Package
- Sanitary Sewer Study

All documents are available [online](#) or via [email](#).

Site Information

| OFFICIAL PLAN | ZONING | CURRENT USE | PREVIOUS USE |
|---|----------------------------------|-----------------|--------------|
| Low Profile Residential | Residential District 1.2 (RD1.2) | Vacant | Unknown |
| LOT WIDTH | LOT DEPTH | LOT AREA | LOT SHAPE |
| 40.6 m | 57.9 m | 2,355.5 m² | Rectangular |
| 133.2 ft | 189.9 ft | 25,354.3 sq. ft | |
| All measurements are provided by the Applicant and are approximate. | | | |

Neighbourhood:

The Planning Rationale Report (PRR) contains images of the subject parcels in relation to the surrounding neighbourhood.

Residential uses are located to the north, east, south, and west. There are several schools nearby including Talbot Trail Public School 375 m east and First Lutheran Christian Academy 680 m northwest. There are several parks nearby including Captain J Wilson Park 400 northeast, Roseland Park 650 m northwest, and Holburn Park 570 m west. A range of commercial uses is located on Walker Road about 1.5 km to the northeast.

Sixth Concession Road is classified as a Class I Collector as per Schedule F: Roads and Bikeways and a Recreationway as per Schedule B: Greenway System. Ducharme Street is classified as a Class II Collector as per Schedule F: Roads and Bikeways and a Proposed Recreationway per Schedule B: Greenway System. Active transportation is available on Ducharme Street, Holburn west of Sixth Concession, and Sixth Concession south of Holburn and will be available proposed bike lanes on Sixth Concession north of Holburn in accordance with the approved Environmental Assessment and the Active Transportation Master Plan. Highway 401 is accessible approximately 2.5 km to the east at Provincial Road.

Public Transit is available via the Walkerville 8 bus with an existing peak weekday frequency of this route is 30 minutes. The closest bus stop is located on Holburn at Sixth Concession northeast corner. This bus stop is approximately 230 m from this property falling within Transit Windsor's 400 m walking distance guidelines to a bus stop. This will be maintained and further enhanced with Transit Windsor's City Council-approved Transit Master Plan as a new local route will provide service to this area with two-way conventional transit service versus the existing one-way loop. The peak weekday frequency will be maintained at 30 minutes.

Sanitary sewer is available to service the subject lands.

Figure 1: Key Map



KEY MAP - Z-021/24, ZNG-7217 & OPA 188, OPA-7218



● SUBJECT LANDS

Figure 2: Subject Parcel – Official Plan Amendment

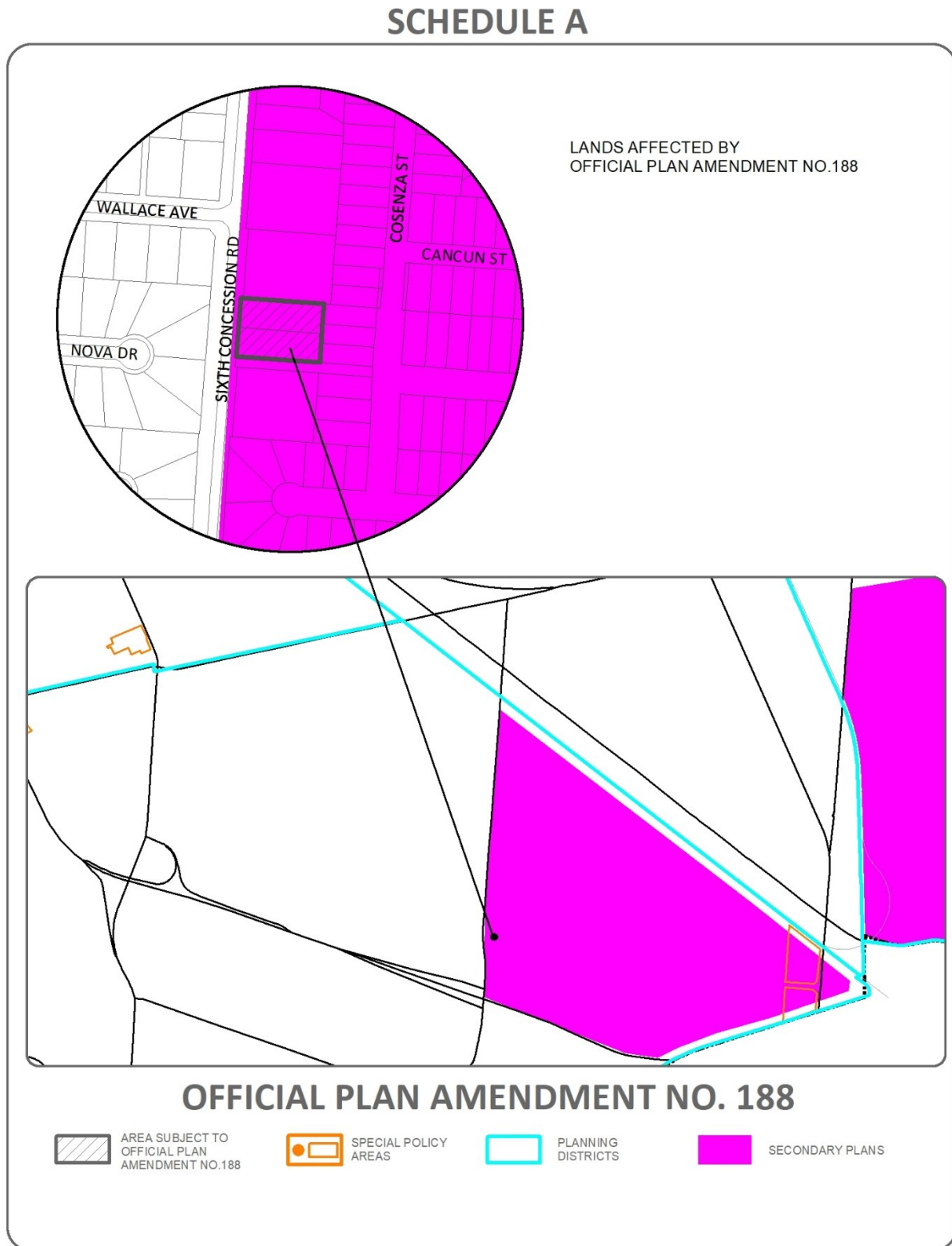
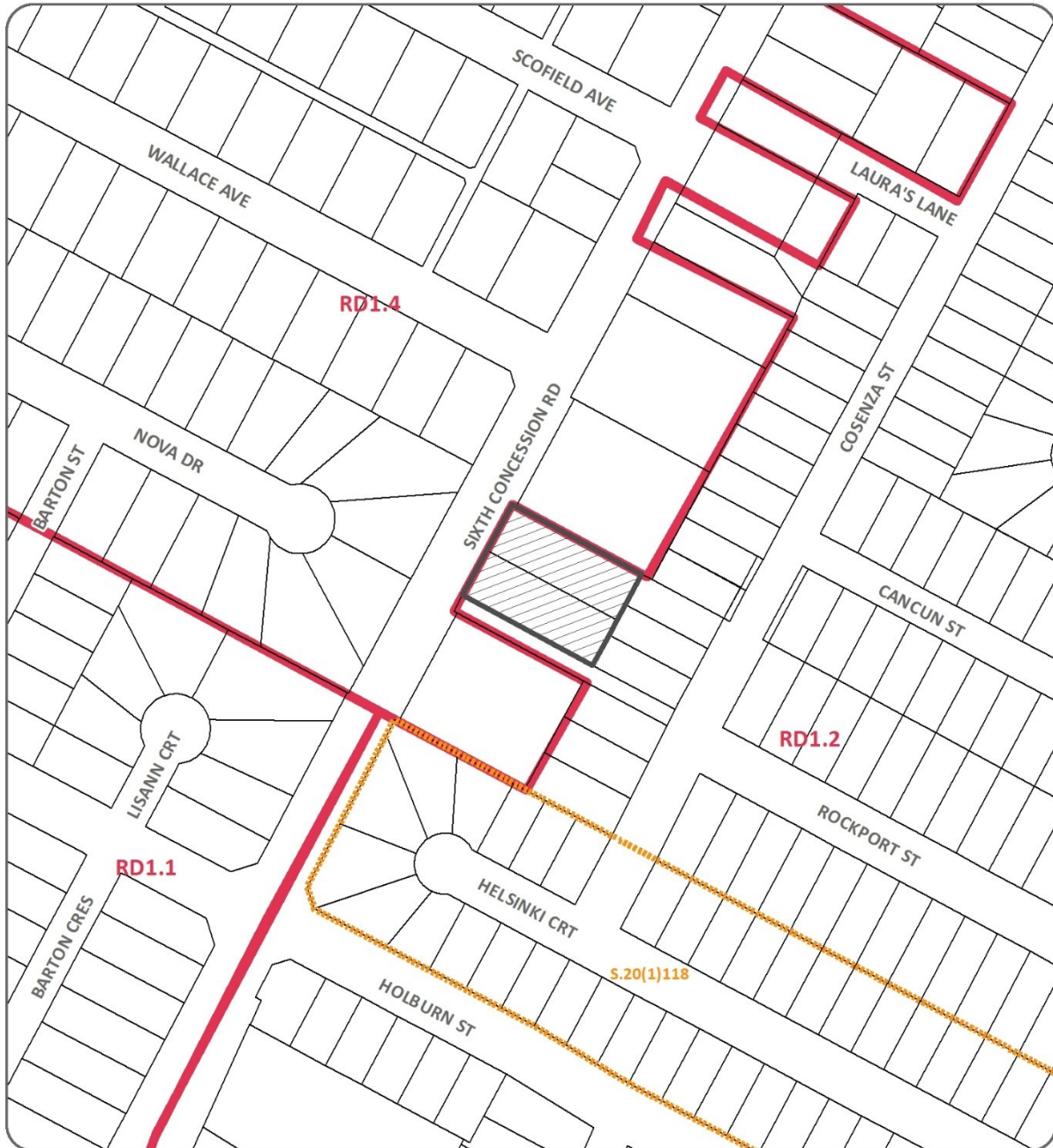


Figure 3: Subject Parcel - Rezoning



PART OF ZONING DISTRICT MAP 13

N.T.S.

REZONING

Applicant: Lassaline Planning Consultants / 1722912 Ontario Ltd. (HD Development Group)

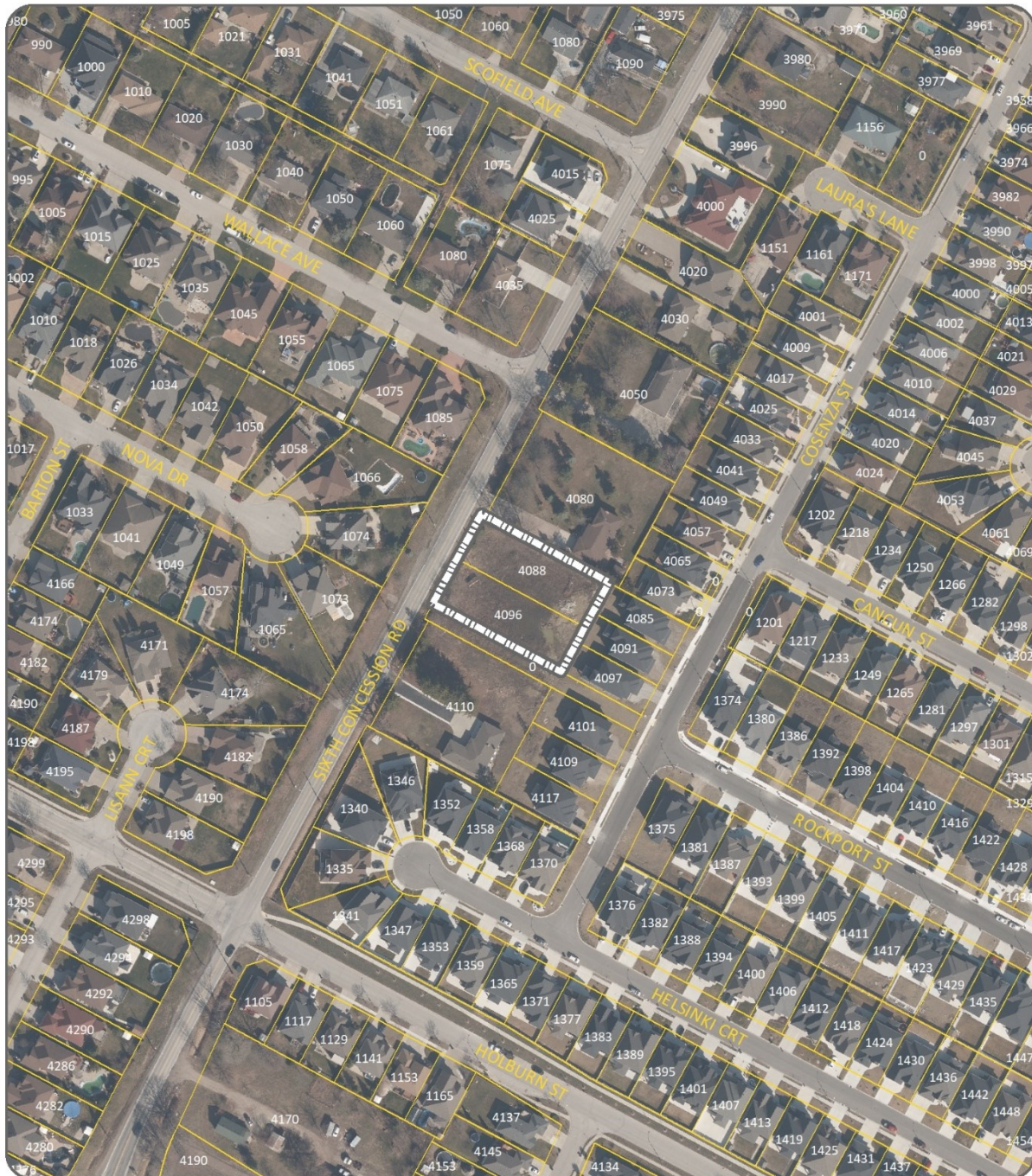


SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT

DATE : SEPTEMBER, 2024
FILE NO. : Z-021/24, ZNG/7217

Figure 4: Neighborhood Map



NEIGHBOURHOOD MAP - Z-021/24, ZNG-7217 &
OPA 188, OPA-7218



SUBJECT LANDS

Discussion:

Planning Rationale Report (Lassaline Planning Consultants, September 10, 2024)

The Planning Rationale Report (PRR) states that the development “*will provide for an alternative style and tenure of housing than the standard single detached residential housing*” and “*will facilitate the provision of a variety and diversity of housing Windsor needs to support a healthy community*”. It notes that the building “*has been brought forward to 6th Concession to provide a greater rear yard separating the adjacent residential rear yards to the east*”. The PRR concludes that the development is “*a good solution for the provision of needed alternative residential accommodation and is a compatible development with an existing neighbourhood, while supporting a diversity of housing tenures and styles*”. Planning and Development Services concurs with the PRR.

Parking Study (RC Spencer Associates Inc – February 2024)

The Parking Study states “*the proposed development is close to existing active transportation facilities and transit routes, so the proposed development’s modal split could further reduce the peak parking demand*”. The report concludes, “*it is the engineers’ opinion that the proposed on-site parking supply of 24 parking spaces may sufficiently accommodate the peak parking demand for the 21-unit apartment building*”. Transportation Planning deems the Parking Study acceptable.

Sanitary Sewer Study (Aleo Associates Inc. – June 26, 2024)

The Sanitary Sewer Study concludes that “*the existing municipal sanitary sewer has a capacity of 37 L/s and will therefore only have 7% of its capacity utilized...The assessed municipal sanitary sewer has substantial capacity available to support the proposed development.*” City of Windsor - Engineering – Development deems the study acceptable. Storm water management will be considered during the Site Plan Control process.

Provincial Policy Statement 2020 (PPS 2020):

The PRR submitted by the Applicant states that the objectives of the PPS 2020 were considered and informed the concept design for the project site and provides an in-depth analysis of how the proposed OPA and ZBA are consistent with the PPS 2020.

Provincial Planning Statement 2024 (PPS 2024):

A new PPS 2024 came into effect on October 20, 2024, replacing the PPS 2020 as the document that provides policy direction on matters of provincial interest related to land use planning in Ontario. Subject to any transitional provisions, all municipal decisions, as well as advice, comments and submissions shall be consistent with the PPS 2024.

Policy 2.1.6 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 multiple dwelling 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 amendments are consistent with Policy 2.1.6.

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 is to 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, support active transportation, and be transit supportive. The proposed multiple 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, and supports active transportation and transit. The proposed amendments are 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 multiple dwelling is a compact development in close proximity to existing and planned transit and active transportation. Stormwater management will be considered during site plan control. The amendments are consistent with Policy 2.9.

The proposed multiple dwelling and proposed amendments to the Official Plan and Zoning By-law 8600 are consistent with the PPS 2024.

Official Plan:

The subject parcel is located within the Roseland Planning District in Schedule A – Planning Districts & Policy Areas of Volume I of the Official Plan and is designated Low Profile Residential in the North Roseland Secondary Plan (“the Plan”). Planning and Development Services concurs with the analysis of the Official Plan in Section 5.0 of the PRR and the analysis of the North Roseland Secondary Plan in Section 5.1 of the PRR.

Since the adoption of the Plan in 1998, the City-wide planning policy and regulatory environment has evolved and explicitly encourages a broad range of residential dwelling types, residential intensification and redevelopment, and compact form.

Official Plan Amendment 188 adds a special policy to the subject lands that notwithstanding the “Low Profile Residential” land use designation and the “Low Profile Residential” policies in Section 3.7.2 of the North Roseland Planning Area, a multiple dwelling having a maximum building height of 11.3 m shall be an additional permitted use. This is consistent with the “efficient development pattern” goal of Section 3.5.1, which promotes “*land use patterns, residential profiles and building forms that make efficient use of existing resources, services and infrastructure*”. The proposed multiple dwelling is compatible with the low profile residential development in the surrounding area.

Sections 3.6.3 and 3.7.7.4 of the Plan state that low profile residential lot frontages on collector roads should be avoided and that access to Sixth Concession Road shall be limited to infill single detached houses. Sixth Concession Road is a Class I Collector Road. Based on the RD1.2 zoning, three residential lots are permitted as of right, which means three driveways would be allowed. The proposed multiple dwelling development will have one driveway, which will minimize conflicts on Sixth Concession Road. OPA 188 proposes to allow one direct access (driveway) to Sixth Concession Road.

OPA 188 is consistent with the direction of the PPS 2024 and conforms to the intensification goals in the Official Plan. The proposed amendment to Zoning By-law 8600 will conform to the policy direction of the Official Plan when OPA 188 is adopted.

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 proposed multiple dwelling is three storeys in height and has been sensitively integrated in the surrounding neighbourhood. The proposed OPA and ZBA are consistent with the general directives of the Intensification Guidelines.

Zoning By-Law:

The parcel is zoned Residential District 1.2 (RD1.2), which permits one single unit dwelling, one existing semi-detached dwelling, and one existing duplex. The Applicant is requesting to amend the zoning from RD1.2 to Residential District 3.2 (RD3.2) with site-specific provisions to permit the multiple dwelling as proposed.

Staff support the request for a change in zoning to RD 3.2 with site-specific provisions in principle. However, a better approach is to maintain the existing RD1.2 zoning and add a site-specific exception that allows the development to proceed as proposed.

Provisions 2) a) through d) recognize the existing lot dimensions and the lot coverage and building height of the proposed multiple dwelling. RD1.2 permits a maximum building height of 9.0 m. The proposed building is 2.3 m taller but will be no more than three storeys. This is compatible with existing buildings.

Provisions 2) e) through g) regulate the location of the building envelope on the parcel. The 3.0 m front yard allows the building to be closer to the road, allowing for more separation from the rear lot line. The 15.0 m side yard setback from the northerly lot line ensures the building will be located as far as possible from dwellings to north.

Provision 2) h) is a reduction in minimum landscaped open space yard from 35% to 28%. While the applicant requested a reduction to 30%, the Zoning Co-ordinator

calculated the landscaped open space to be 28.8%. The provision of balconies for each dwelling unit provides additional recreational and amenity area for residents.

Provision 2) i) caps the maximum number of dwelling units at 21 and Provision 2) j) requires the provision of a minimum of 24 parking spaces, as requested by the Applicant and supported by the Parking Study.

Provisions 2) k) and m), were not requested by the Applicant, however the Zoning Coordinator noted the deficiencies. To maximize available parking while minimizing visual and privacy concerns of residents to the east, the multiple dwelling has a notch at the rear of the building. The reduced parking area separation is a technical matter that has no negative impact on the use and enjoyment of the proposed dwelling units.

The proposed development complies with all other applicable zoning provisions.

Site Plan Control:

The development as proposed is subject to Site Plan Control. Comments from departments and agencies will be considered during the Site Plan Control process.

Risk Analysis:

N/A

Climate Change Risks

Climate Change Mitigation:

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 proposed construction of a multiple 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:

The Applicant held an in-person Open House on May 7, 2024, from 5 pm to 7 pm. Display boards showing the site plan, renderings and elevations, and floor plans were available. Section 3.3 in the PRR summarizes feedback received at the Open House. Attached as Appendix E, are comments received from municipal departments and external agencies. Statutory notice as required by the Planning Act was advertised in the Windsor Star, a local daily newspaper. A courtesy notice was mailed to property owners within at least 200 m of the subject lands.

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 our opinion that the requested amendment to the Official Plan is consistent with the PPS 2024, and that the requested amendment to Zoning By-law 8600 is consistent with the PPS 2024 and will be in conformity with the City of Windsor Official Plan should Council adopt OPA 188.

The proposed amendments permit a use, a low profile multiple dwelling containing up to 21 units, which is compatible with existing uses in the surrounding area. The proposed development represents an incremental increase in density and provides an opportunity for the construction of modern and safe housing stock, while also supporting a complementary form of housing located near various transportation options. The proposed design is consistent with the Windsor Intensification Guidelines.

Site plan control is an appropriate tool to incorporate the requirements and comments of departments and agencies. The recommendations to amend the Official Plan and Zoning By-law 8600 constitute good planning. Staff recommend approval.

Planning Act Matters:

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

Greg Atkinson, MCIP, RPP
Deputy City Planner - 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 |
|----------------|------------------------------------|
| 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 |
|---|---------|-------|
| 1722912 Ontario Ltd HD Development Group | | |
| Jackie Lassaline Lassaline Planning Consultants | | |
| Councillor Kieran McKenzie | | |
| Property owners within 200 m of the subject parcel | | |

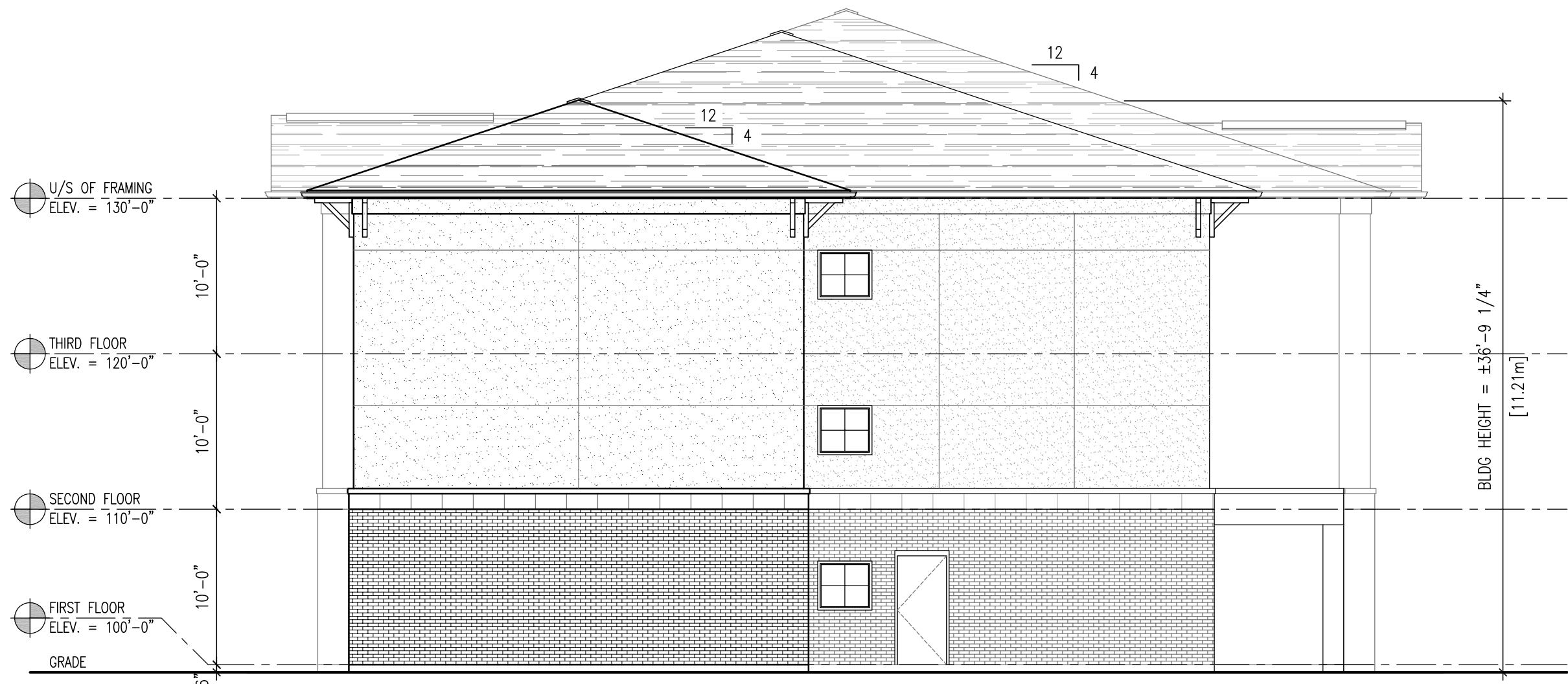
Appendices:

- 1 Appendix A - Conceptual Site Plan
- 2 Appendix B - Elevations
- 3 Appendix C - Floor Plans
- 4 Appendix D - Renderings
- 5 Appendix E - Consultation



SOUTH ELEVATION

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



EAST ELEVATION

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

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2024/08/19 1 ZBA REVISION

2024/04/15 CLIENT REVIEW

2024/02/22 CLIENT REVIEW

date (yyyy/mm/dd): issued for:

- general notes:
1. THIS PRINT IS AN INSTRUMENT OF SERVICE ONLY AND IS THE PROPERTY OF THE ARCHITECT.
 2. DRAWINGS SHALL NOT BE SCALED.
 3. 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.
 4. ATTENTION IS DIRECTED TO PROVISIONS IN THE GENERAL CONDITIONS REGARDING CONTRACTOR'S RESPONSIBILITIES IN REGARD TO SUBMISSION OF SHOP DRAWINGS.
 5. 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.
 6. 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.
 7. THE ARCHITECT IS NOT RESPONSIBLE FOR THE CONTRACTOR'S MEANS, METHODS AND OR TECHNIQUES IN THE CONSTRUCTION OF THIS FACILITY.

stamp:

A

architectural

D

design

A

associates

inc. architect

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:
PROPOSED 3-STORY
RESIDENTIAL BLDG
6TH CONCESSION - WINDSOR

client:
HD DEVELOPMENT GROUP

title:
ELEVATIONS
FINISH SCHEDULE

scale:
AS SHOWN

drawn by:
OB

checked by:
SMB

date:
FEB 2024

comm. no.:
2023-087

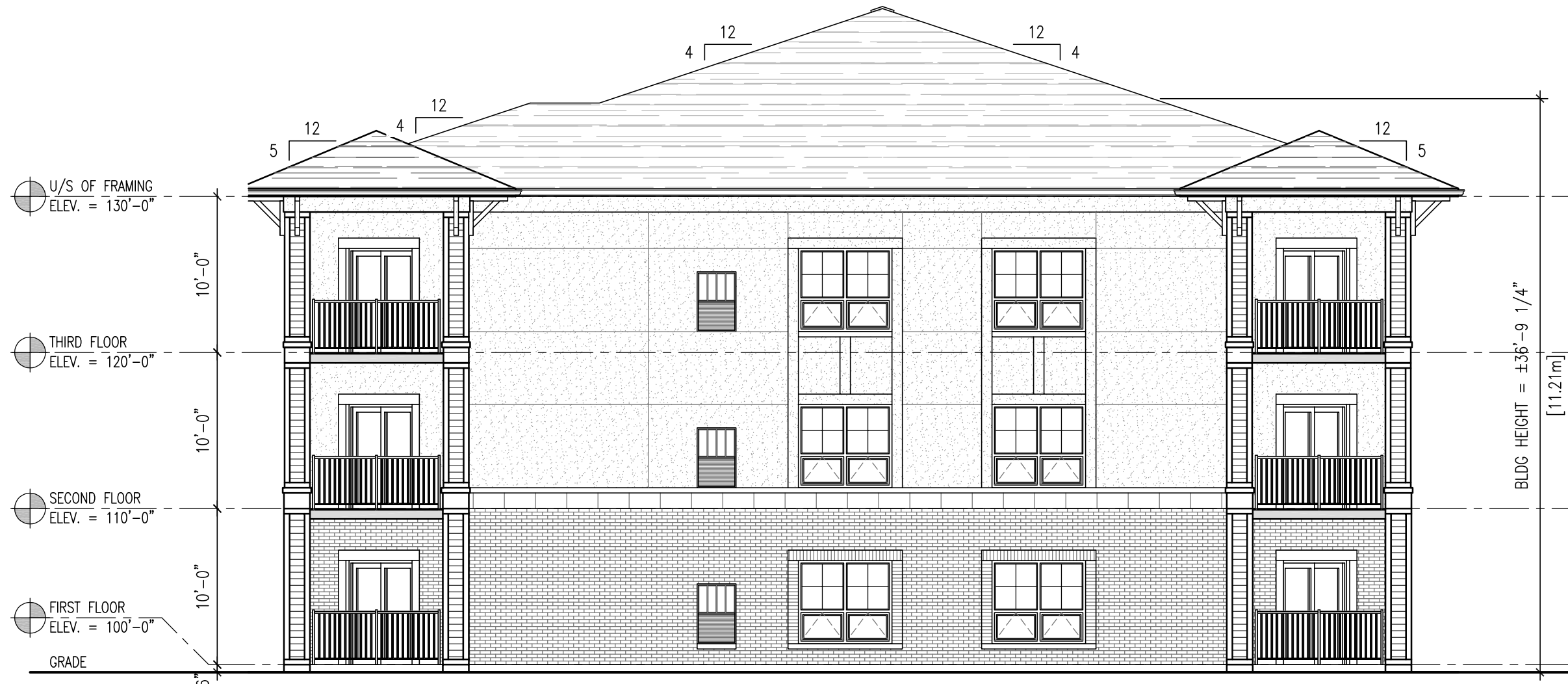
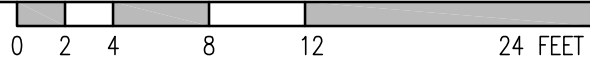
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NORTH ELEVATION

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



WEST ELEVATION

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



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2024/08/19 1 ZBA REVISION

2024/04/15 CLIENT REVIEW

2024/02/22 CLIENT REVIEW

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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:
PROPOSED 3-STOREY
RESIDENTIAL BLDG
6TH CONCESSION - WINDSOR

client:
HD DEVELOPMENT GROUP

title:
ELEVATIONS
FINISH SCHEDULE

scale:
AS SHOWN

drawn by:
OB

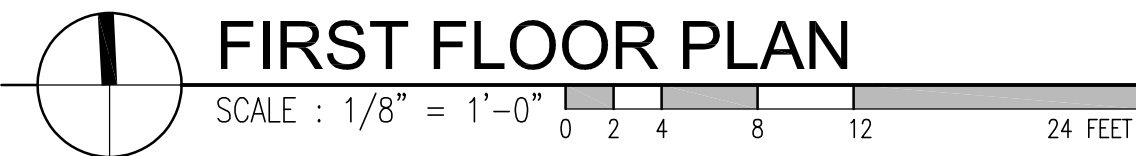
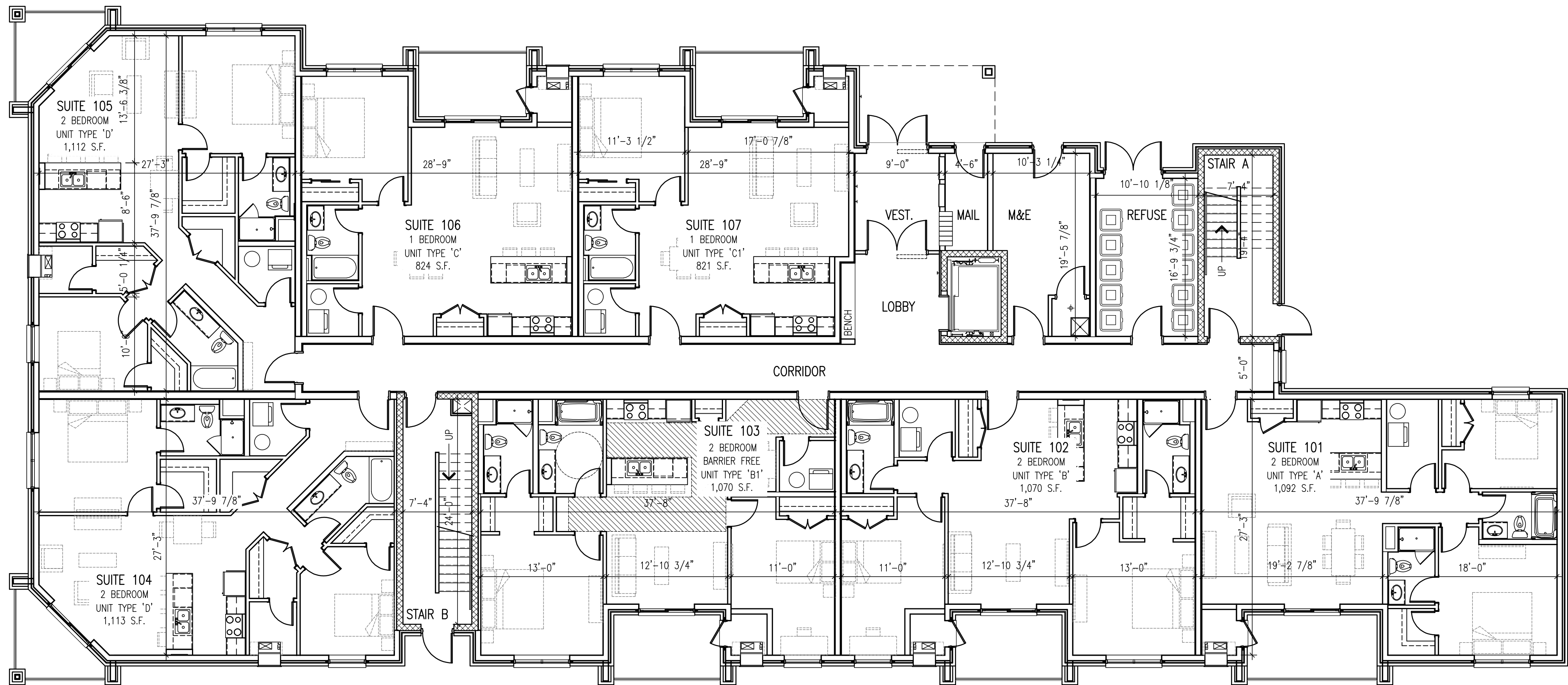
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2023-087

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A3.2



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| 2024/04/15 | CLIENT REVIEW |
| 2024/03/26 | CLIENT REVIEW |
| 2024/02/22 | CLIENT REVIEW |
| date (yyyy/mm/dd): | issued for: |

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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:
PROPOSED 3-STOREY
RESIDENTIAL BLDG
6TH CONCESSION - WINDSOR

client:
HD DEVELOPMENT GROUP

title:
FIRST FLOOR PLAN
XXXXXXXXXX

scale:
AS SHOWN

drawn by:
OB

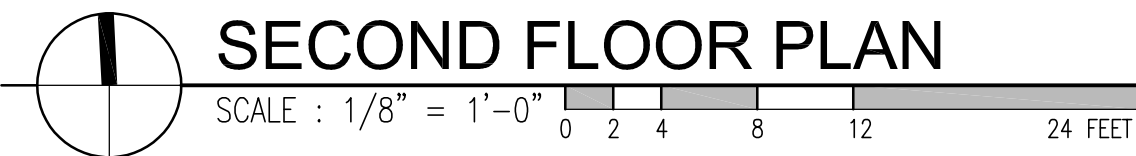
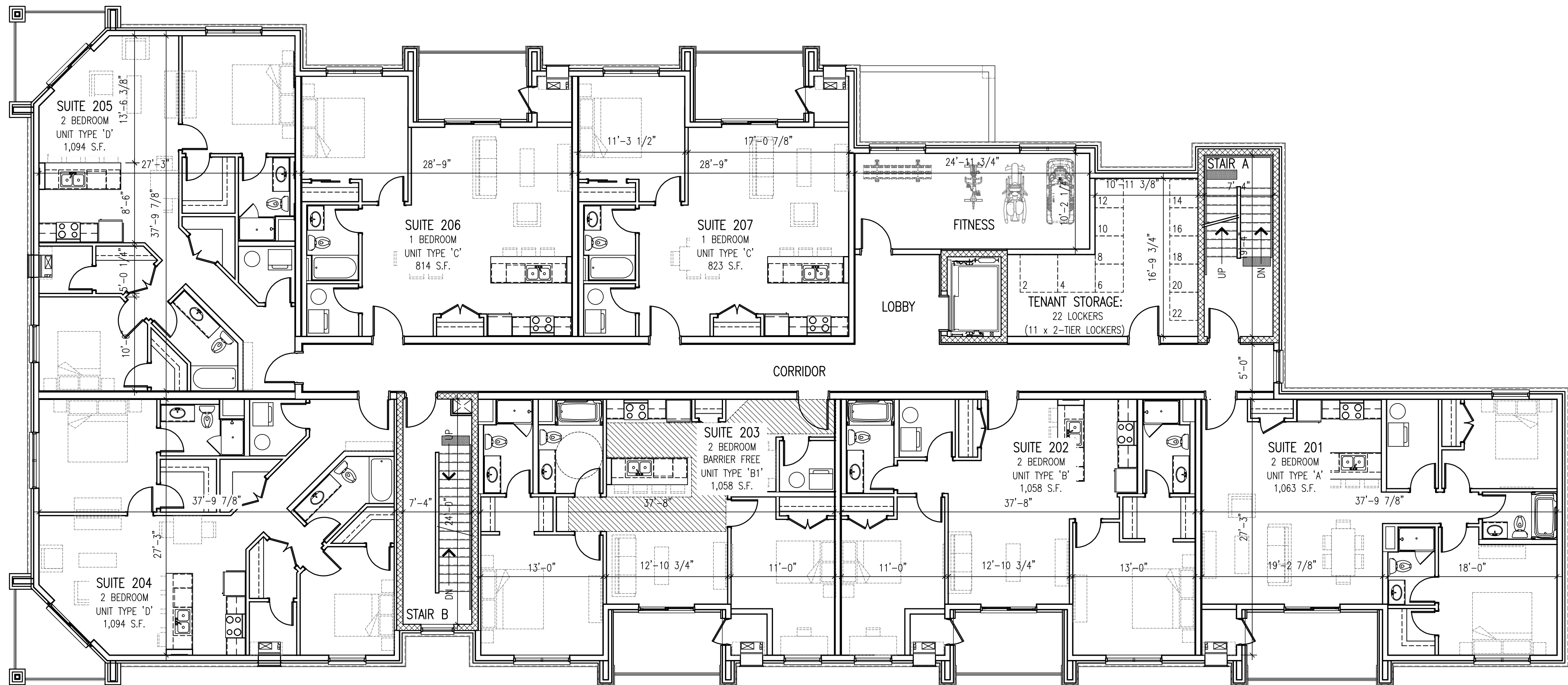
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FEB 2024

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2023-087

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SECOND FLOOR PLAN

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| 2024/04/15 | CLIENT REVIEW |
| 2024/03/26 | CLIENT REVIEW |
| 2024/02/22 | CLIENT REVIEW |
| date (yyyy/mm/dd): | issued for: |

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client:
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title:
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scale:
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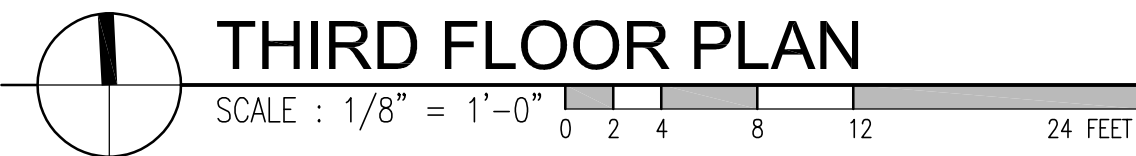
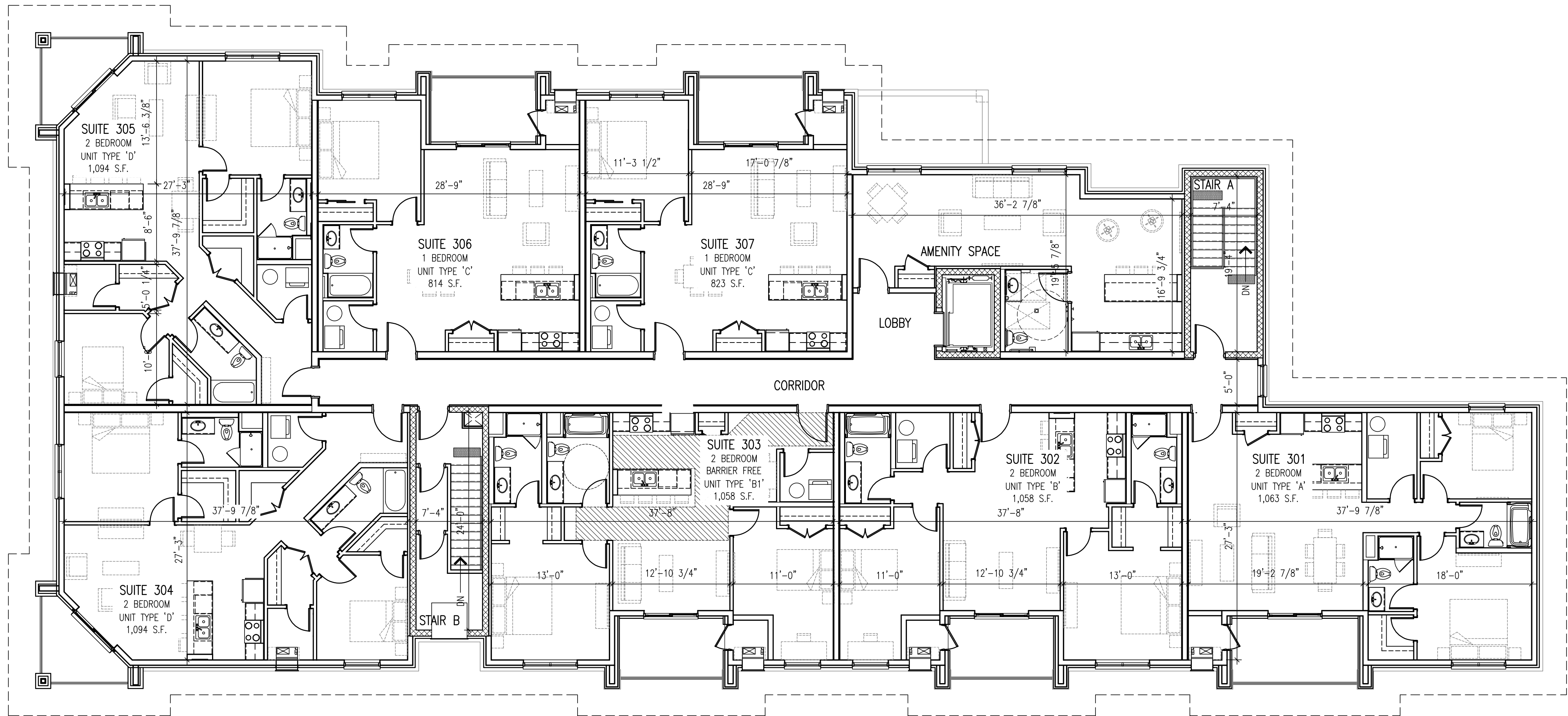
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THIRD FLOOR PLAN

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| 2024/03/26 | CLIENT REVIEW |
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RESIDENTIAL BLDG
6TH CONCESSION - WINDSOR

client:
HD DEVELOPMENT GROUP

title:
THIRD FLOOR PLAN
XXXXXXXXXX

scale:
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drawn by:
OB

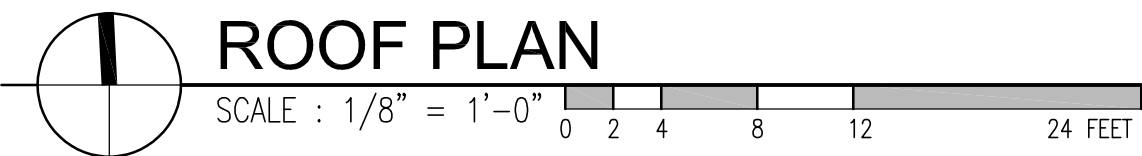
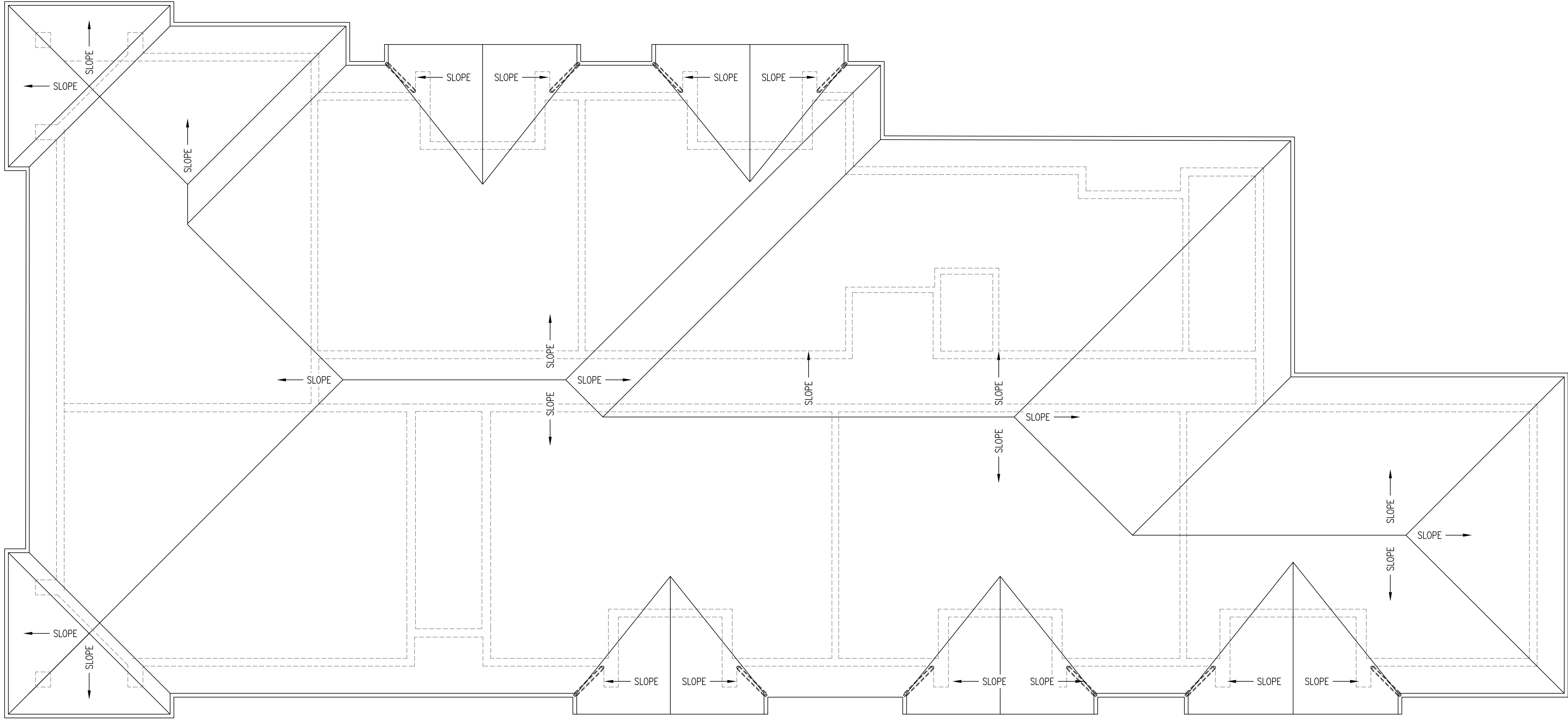
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ROOF PLAN

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2024/04/15 CLIENT REVIEW

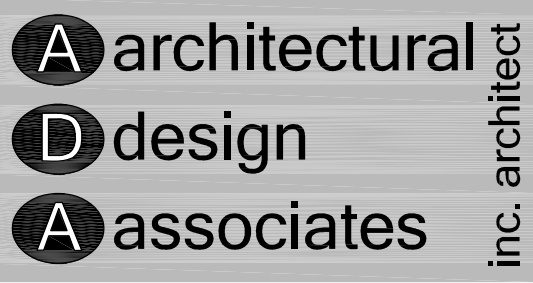
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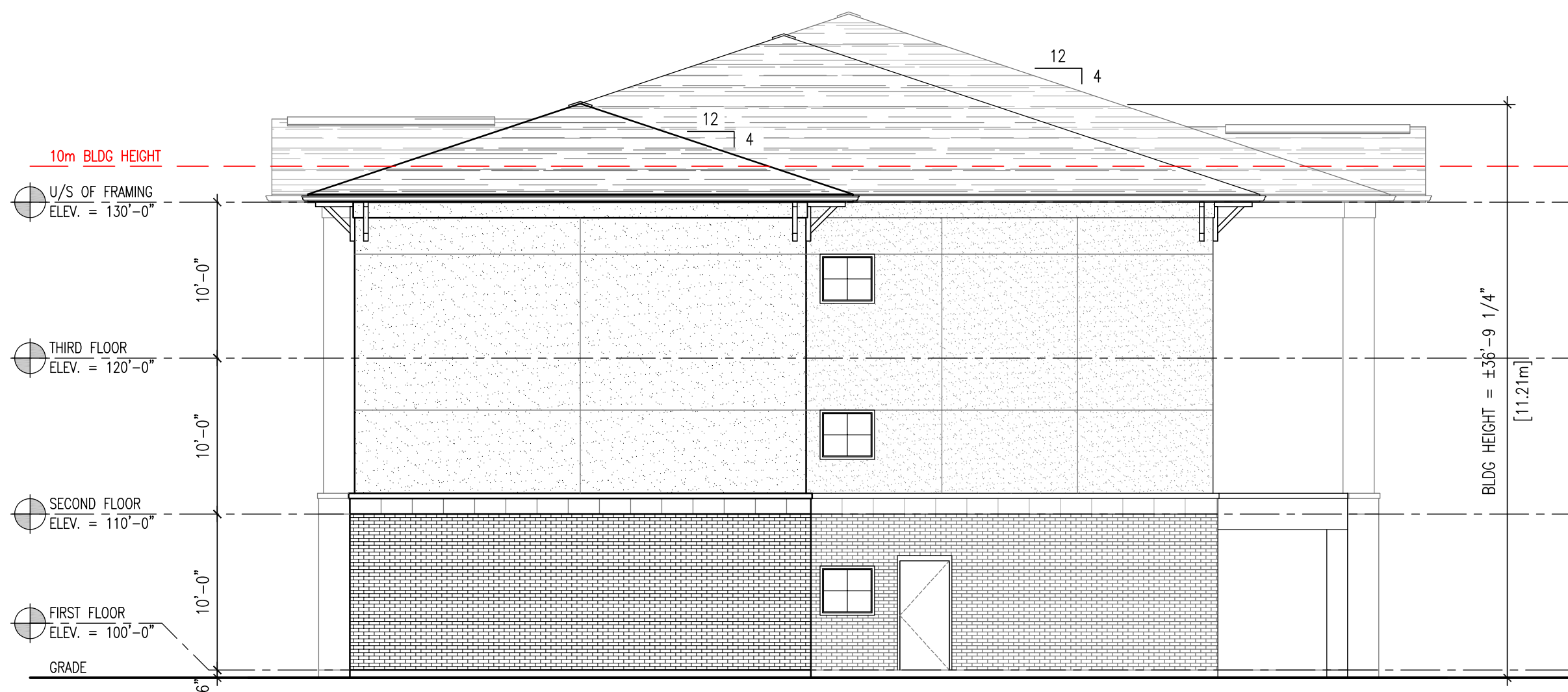
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SOUTH ELEVATION

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



EAST ELEVATION

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

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stamp:

A architectural
D design
A associates
inc. architect

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ph 519.254.3430 fax 519.254.3642
email - info@ada-architect.ca www.ada-architect.ca

project:
**PROPOSED 3-STORY
RESIDENTIAL BLDG
6TH CONCESSION - WINDSOR**

client:
HD DEVELOPMENT GROUP

title:
**ELEVATIONS
FINISH SCHEDULE**

scale:
AS SHOWN

drawn by:
OB

checked by:
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FEB 2024

comm. no.:
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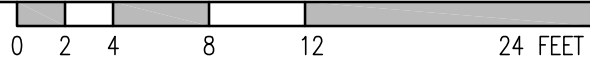
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NORTH ELEVATION

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



WEST ELEVATION

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



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project:
PROPOSED 3-STOREY
RESIDENTIAL BLDG
6TH CONCESSION - WINDSOR

client:
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ELEVATIONS
FINISH SCHEDULE

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APPENDIX E – CONSULTATION

BELL CANADA (WSP) – 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.

CITY OF WINDSOR - ENGINEERING – DEVELOPMENT - JUAN PARAMO

The site may be serviced by a 250mm PVC sanitary sewer and the 5th Concession Drain for the storm outlet, located along the Sixth Concession Road frontage. The 5th Concession Drain is a municipal drain with by-laws and governed under the Drainage Act. The existing drain maintenance corridor easement is 10 m from the top of bank. The proposed building will be located within the designated working space. An engineer's report under the Drainage Act is required and a "Notice of Request for Drain Major Improvement – 78 (1.1)" form shall be submitted, addressing the change of land use. This report must also propose an acceptable working space (corridor) from the existing top of bank, including an easement setback from the property line, which must remain free of any structures in perpetuity.

APPENDIX E – CONSULTATION

A Sanitary Sewer Study, dated June 26, 2024 by Aleo Associates Inc. has been received and reviewed. The applicant's consultant has confirmed that the existing 250mm PVC sanitary sewer on Sixth Concession Road will effectively accommodate the site's sewer servicing needs. The study demonstrates that the municipal sanitary sewer has adequate capacity, and no adverse impacts are expected on the surrounding areas because of the proposed development. The Sanitary Sewer Study has been deemed acceptable, and the proposed sanitary servicing strategy is supported by Engineering Development department. Currently, Sixth Concession Road lacks curb and gutter, as well as sidewalks along both sides and are required under the 6th Concession Road/North Talbot Road Environmental Assessment. The owner shall agree to contribute \$2,450.00 towards the future construction of curb and gutter, as well as \$4,700.00 towards the future construction of sidewalks along the entire Sixth Concession Road frontage.

The applicant will be required to submit, prior to the application for building permit, a stormwater management plan in accordance with Windsor Essex Region Stormwater Management Standards Manual, restricting stormwater runoff to predevelopment levels. The submission for a Storm Detention Scheme will include, at a minimum:

- a. Submission of stormwater management review fee,
- b. Stormwater management report stamped by a professional engineer
- c. Stormwater management check list (see link below)
- d. Site servicing drawings stamped by a professional engineer

Submission of a stormwater management report alone **will be deemed incomplete**, unless accompanied by the additional requirements specified above. Please visit the [City of Windsor Website](#) and the [ERCA Website](#) for additional information on stormwater management requirements.

In summary, we have no objection to the proposed development, subject to the following requirements:

Sidewalks – The Owner(s) agrees to pay to the Corporation, prior to application for building permit, the sum of \$4,700.00 being the Owner's contribution towards the future construction of a concrete sidewalk along the Sixth Concession Road frontage of the subject lands.

Curb and Gutter – The Owner further agrees to pay to the Corporation, prior to application for building permit, the sum of \$2,450.00 being the Owner's contribution towards the future construction of concrete curb and gutter along the Sixth Concession Road frontage of the subject lands.

Drainage Report – The Owner agrees, at its own expense, to retain a Consulting Engineer to provide a detailed Engineer's Report in accordance with Section 78 of the Drainage Act, which shall include a working corridor from the existing top of bank, as well as a drain easement setback from the property line along the entire Sixth Concession Road frontage.

Drain Easement – Prior to application for building permit, the owner shall gratuitously grant an easement satisfactory to the City Engineer along Sixth Concession Road for the maintenance and improvement of the 5th Concession Drain.

If you have any further questions or concerns, please contact Shannon Mills, of this department at smills@citywindsor.ca

APPENDIX E – CONSULTATION

CITY OF WINDSOR – ENGINEERING – RIGHT OF WAY – MARK SCHAFFHAUSER

Required Drawing Revisions:

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.

- Modify as per Standard Engineering Drawing AS-204 and AS-209.
- Culvert installation as per AS-209.

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.

- 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.

Special Provisions (to be included in Site Plan Control Agreement) – The following will be required prior to submitting a building permit application:

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

If you have any further questions, contact Thomas Huynh at thuynh@citywindsor.ca

CITY OF WINDSOR – ENVIRONMENTAL SERVICES – JIM LEETHER

They have a garbage room on the first floor that is well inside the property boundary, as this is private property any roll out carts (as shown in the drawing) will have to make it to the curb at the entrance for collection. The way the parking lot is set up it would require a refuse vehicle to back in from the road, this can create significant risk and isn't a typical service offered by or expected of our private waste collection contractor. The building can of course contract private waste collection. There is no room in the parking lot proposal for traditional front end refuse collection bins so this is not currently an option, nor would I recommend it in such a tight parking lot.

CITY OF WINDSOR – FORESTRY – YEMI ADEYEYE

There are no City owned trees on this lot. There are several Private trees on this lot along the front edge near 6th concession. Most of the remaining lot is clear of trees.

The owner/developer is requested to provide a detailed tree inventory for all live trees over 10cm DBH on the lot, both city and privately owned. The inventory should identify ownership and provide sub[1]meter accuracy GPS location, species, diameter (DBH) and condition for each tree. For trees in proximity to a roadway, less than 10m, GPS location should be taken on the side of the tree nearest the road.

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.

APPENDIX E – CONSULTATION

Forestry will require detailed site plans prior to construction that show adequate Tree Root protection zones for each individual tree if they are to be preserved on-site through the development process. Basic Tree protection includes exclusion fencing at or about the 'drip-line' distance for each tree. Full 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 costs 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 to provide comment and suggestion that would maximize future on-site Tree Canopy and City-wide Tree Canopy Resilience. Forestry will continue to monitor the progress of this construction work.

CITY OF WINDSOR - NATURAL AREAS – KAREN ALEXANDER

Protect and preserve the existing hedgerows on all sides of the parcels (OP 8.5.1) Where trees must be removed, no harm to active bird nests (Migratory Birds Act)

CITY OF WINDSOR – PLANNING & DEVELOPMENT SERVICES - LANDSCAPE ARCHITECT – HODA KAMELI

In the Applicant's Planning Rationale Report (2024-09-10), on Page 8, it is stated that the subject lands are described as a flat, grassy parcel without trees. However, both the photograph and aerial image included in the report show the presence of trees on the property. It is recommended that the applicant be required to submit a tree inventory to provide more information on the condition of the trees. Additionally, to compensate for the loss of any trees on the site, the applicant should replace them at an equal diameter loss ratio (caliper-for-caliper) to the satisfaction of the City Forester, ensuring the preservation and restoration of the urban tree canopy. (*Landscape Manual for Development 4th Edition – Sect 3.1, & O.P. Section 5, Subsection 5.3.6*).

CITY OF WINDSOR – PLANNING & DEVELOPMENT SERVICES – SITE PLAN CONTROL

The development proposal is subject to Site Plan Control pursuant to the Planning Act and City of Windsor By-law 1-2004. Where preceding development applications are required, inclusive of Official Plan and Zoning By-law Amendments, request for Site Plan Control Pre-Consultation Stage 1 may be made following completion of the requisite Development and Heritage Standing Committee meeting at <https://ca.cloudpermit.com/login>.

CITY OF WINDSOR – PLANNING & DEVELOPMENT SERVICES - ZONING COORDINATOR – PIERE BORDEAUX

Zoning – Current: Residential District 1.2 (RD1.2)

Zoning – Proposed: Residential District 3.2 (RD3.2)

APPENDIX E – CONSULTATION

Existing Use: Vacant Lot

Proposed Use: Multi-Unit Residential Development

Section 5 – General Provisions:

- 5.30.10 - Encroachment Into a Yard - maximum:
- 5.30.10.1 - Architectural Feature:

Required: 0.30 m

Provided: 0.60 m

Section 12.2 – Residential District 3.2 (RD3.2):

- 12.2.5.8 - Minimum Landscaped Open Space Yard – of total area:

Required: 35.0%

Provided: 28.8%

Section 24 – Parking, Loading, and Stacking Provisions:

- 24.20.5.1 - Required Number of Parking Spaces - minimum:

Required: 26

Provided: 24

Section 25 – Parking Area Regulations:

- **Construction and Maintenance of Parking Area**
 - 25.5.10.13 - For any part of a parking area that is located less than 4.50 m from a dwelling unit on an abutting lot, a screening fence with a minimum height of 1.20 m shall be provided along the lot line on which the parking area is located.
- **Parking Area Separation**
 - 25.5.20.1.5 - Parking Area Separation from a building wall in which is located a main pedestrian entrance facing the parking area:
Required: 2.00 m **Provided: 1.50 m**
 - 25.5.20.1.6 - 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:
Required: 4.50 m **Provided: 1.30 m**

CITY OF WINDSOR – PUBLIC WORKS OPERATIONS - TRANSPORTATION PLANNING – ELARA MEHRILOU

All parking must comply with ZBL 8600. A Type A accessible parking space shall have a minimum length of 5.5 m and a minimum width of 3.5 m.

Each parking space shall have a minimum length of 5.5 m and a minimum width of 2.5 m, except where one side of the parking space is flanked by a wall or fence, each parking space shall have a minimum length of 5.5 m and a minimum width of 3.5 m.

Transportation Planning has received and reviewed the Parking Study file number 24-1562 conducted by RC Spencer Associates Inc. dated February 2024. The two-parking space deficiency for this development is considered as acceptable.

- Transportation Planning refers to 1.25 rate for required parking not the number of the bedrooms. Therefore, the development is 2 parking spots deficient.
- The provided bicycle parking is mandatory by ZBL 8600 regardless of parking deficiency.

APPENDIX E – CONSULTATION

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. Driveway proposed must be 7-9 m total at the property line (minimum 3.5m/lane, maximum 4.5m/lane).

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

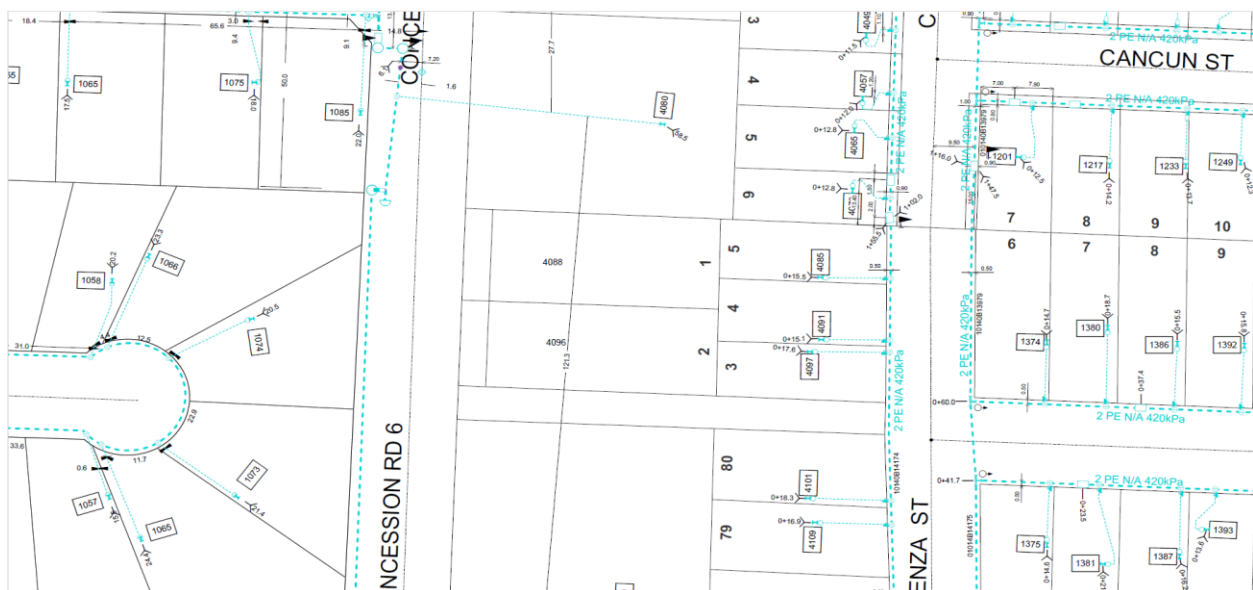
CITY OF WINDSOR – TRANSIT WINDSOR – JASON SCOTT

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Walkerville 8. The existing peak weekday frequency of this route is 30 minutes. The closest existing bus stop to this property is located on Holburn at Sixth Concession Northeast Corner. This bus stop is about 230 m from this property falling within Transit Windsor's 400 m walking distance guidelines to a bus stop. This will be maintained and further enhanced in the Transit Master Plan as a new local route will provide service to this area with two-way conventional transit service versus the existing one way loop. The peak weekday frequency will be maintained at 30 minutes.

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. See the drawing below. 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 if 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 Union Gas representatives will respond to determine if that plant is in fact live or dead
- Please note that our Enbridge Gas representative will respond to the live or dead call within 1-4 hours, so please plan your work accordingly



APPENDIX E – CONSULTATION

ENWIN - HYDRO ENGINEERING - ZACHARY MANCINI

No objection provided adequate clearances are achieved and maintained.

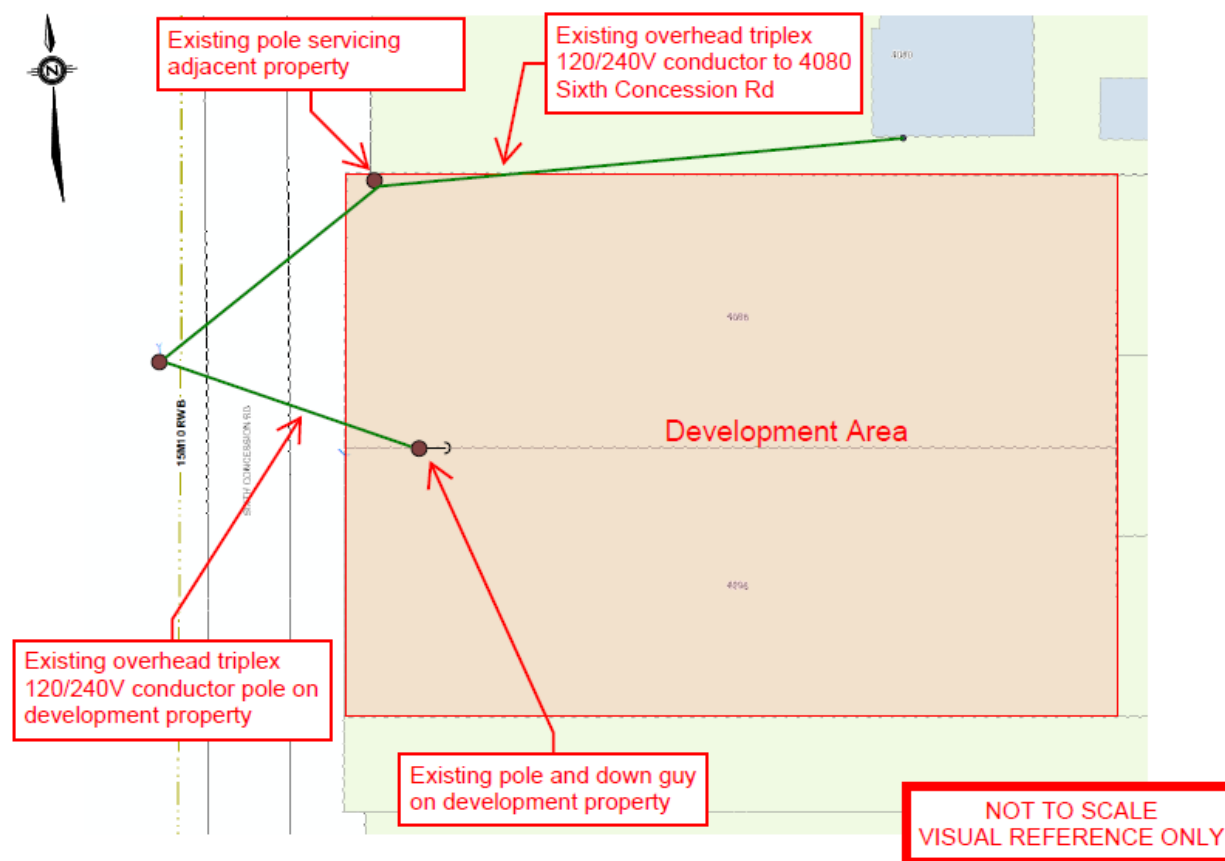
ENWIN has a pole with existing overhead 120/240-volt secondary conductor crossing the North-West corner of the development property to service the adjacent address at 4080 Sixth Concession Road.

ENWIN has a pole with existing overhead 120/240-volt secondary conductor on the West side of the development property where the existing lots intersect. Be advised this pole may conflict with the proposed residential building.

If any relocation of the existing plant is required for the development, the associated costs will be burdened by the customer.

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 permanent required clearances for New Building Construction.

Sketch is for reference only and does not replace the need for utility locates.



ENWIN - WATER ENGINEERING - BRUCE OGG

ENWIN Water has no objections. The existing 25mm water services for 4088 & 4096 6th Concession will need to be abandoned at the watermain and a new water service adequate for the development will be required.



Council Report: S 154/2024

Subject: Rezoning – Baker Investments Ltd.- 0 Wyandotte Street East - Z-035/24 ZNG/7243 - Ward 6

Reference:

Date to Council: December 2, 2024
Author: Adam Szymczak, MCIP, RPP
Senior Planner - Development
519-255-6543 x6250
aszymczak@citywindsor.ca
Planning & Building Services
Report Date: November 4, 2024
Clerk's File #: Z/14875

To: Mayor and Members of City Council

Recommendation:

1. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part of Block "A", Registered Plan 1628 except for Part 1, Plan 12R-11541, identified as PIN 01066-0197, situated at the northeast corner of Wyandotte Street East and Watson Avenue, and known municipally as 0 Wyandotte Street East (Roll No: 060-330-00100) from Commercial District 2.1 (CD2.1) to Residential District 3.2 (RD3.2).

Executive Summary:

N/A

Background:

Application Information

Location: 0 WYANDOTTE STREET EAST
(Northeast Corner Wyandotte & Watson; Roll No. 060-330-00100)

Ward: 6 **Planning District:** Riverside **Zoning District Map:** 14

Applicant: Baker Investments Limited (Jason Baker)

Owner: Baker Investments Limited

Agent: Pillon Abbs Inc. (Tracey Pillon-Abbs, RPP)

Proposal: Amendment to Zoning By-law 8600, from Commercial District 2.1 (CD2.1) to Residential District 3.2 (RD3.2) to allow the construction of one Multiple Dwelling consisting of 86 dwelling units in a building having a height of 21m over 6 storeys, 108 parking spaces including five accessible parking spaces, 8 bicycle parking, a new access area from Watson Avenue and utilization of the existing access to Wyandotte Street East through the adjacent commercial development to the east. Lot coverage is 20.7%, landscaped open space is 35.1%, and dwelling unit density is 111 units/ha.

Submissions: All documents are available [online](#) or aszymczak@citywindsor.ca.

Attached to Report S 154/2024 as an Appendix:

- Conceptual Site Plan (Appendix A)
- Conceptual Elevation Render (Appendix B)
- Conceptual Floor Plans (Appendix C)

Not attached to Report S 154/2024:

- [Application Zoning By-law Amendment](#)
- Open House Notice
- Open House Presentation
- Planning Rationale Report (Revised 2024 November 2)
- [Sanitary Sewer Study \(2024 September 25\)](#)

Site Information:

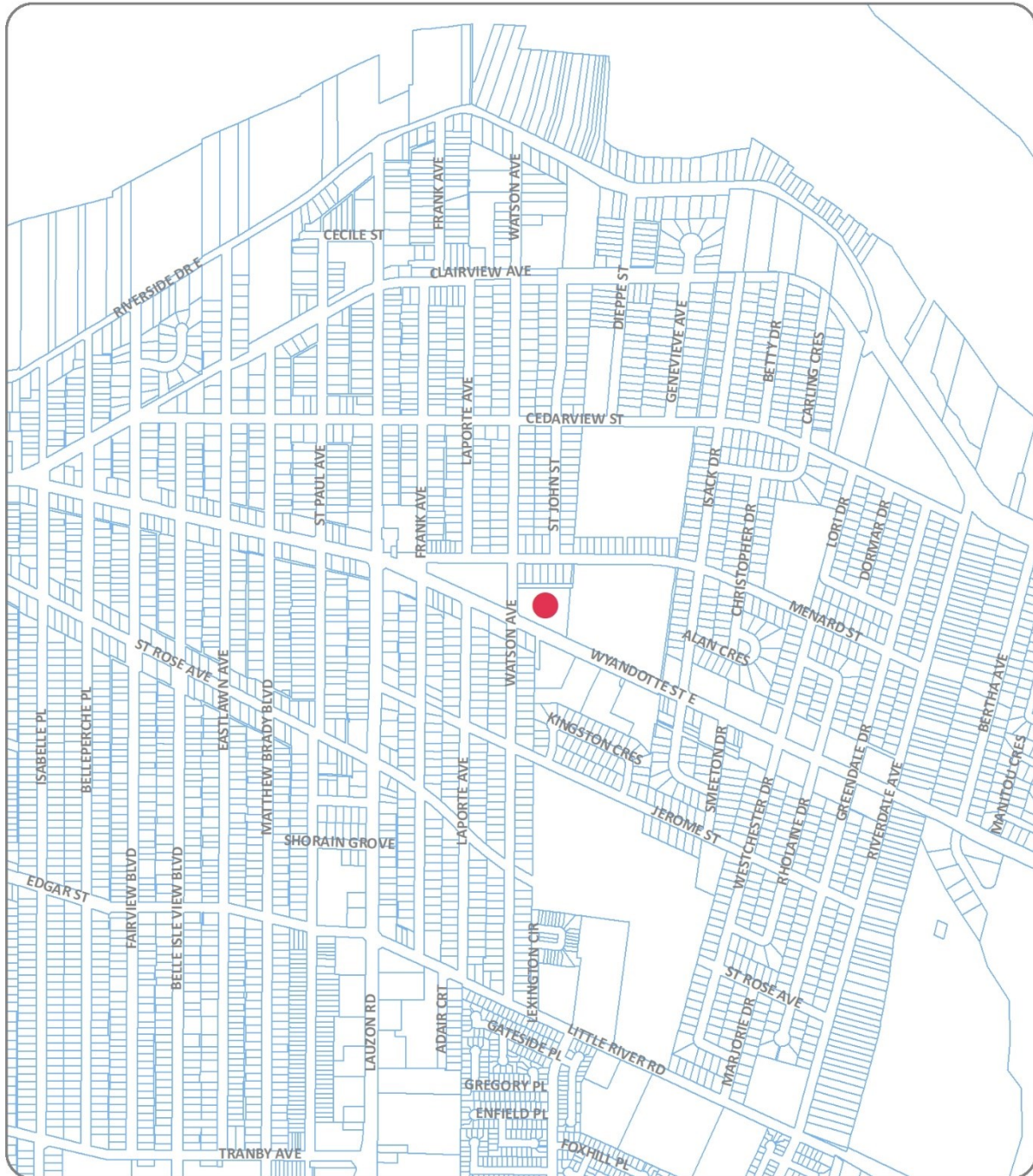
| OFFICIAL PLAN | ZONING | CURRENT USE | PREVIOUS USE |
|-----------------------------|---------------------------------|------------------------|--------------|
| Mixed Use Corridor | Commercial District 2.1 (CD2.1) | Vacant | Unknown |
| LOT FRONTAGE (WYANDOTTE ST) | LOT FRONTAGE (WATSON AVE) | LOT AREA | LOT SHAPE |
| 103.9 m | 46.8 m | 7,836.9 m ² | Irregular |

Neighbourhood:

Sections 2.2 and 2.3 in the PRR provide an overview, including photos, of the site and the surrounding area. Wyandotte Street is a major east-west road that is commercial towards Lauzon Road. To the north is mostly single unit dwellings. To the east, towards Riverdale Avenue, on both sides of Wyandotte, are three to five storey apartment buildings. To the south are townhouses and apartment buildings, and low-density dwellings. There are several Places of Worship and Schools in the neighbourhood.

Wyandotte Street East is a Class II Arterial Road, has a two-lane cross-section with no on-street parking and sidewalks on both sides. The Active Transportation Master Plan identifies Wyandotte Street as a Regional Spine in the Bicycle Network and as a Multi-modal Corridor. Public transit is available via the Lauzon 10 bus route (westerly direction only) with nearby bus stops. The Crosstown 2 bus route is accessible at Wyandotte and Lauzon and at Wyandotte and Riverdale. The Transit Master Plan identifies a local bus route along this portion of Wyandotte Street that will connect to Primary and Secondary Routes at the East End Terminal.

Figure 1: Key Map



KEY MAP - Z-035/24, ZNG/7243



● **SUBJECT LANDS**

Figure 2: Subject Parcel - Rezoning



PART OF ZONING DISTRICT MAP 14

N.T.S.

REQUESTED ZONING AMENDMENT

Applicant: Baker Investments Limited



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : OCTOBER, 2024
FILE NO. : Z-035/24, ZNG/7243

Figure 3: Neighborhood Map



NEIGHBOURHOOD MAP - Z-035/24, ZNG/7243



SUBJECT LANDS

Discussion:

Planning Rationale Report (PRR) (Pillon-Abbs Inc. – November 2, 2024)

The PRR was revised to include a review and analysis of the new Provincial Planning Statement 2024 (PPS 2024). The PRR states that the subject site is suitable for residential development and that the proposed development is compatible with existing uses in terms of scale, massing, height and siting, expands housing choice, in the surrounding area, and will have no negative impact on municipal services.

The PRR states that 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”* and *“a cost-effective development pattern that minimizes land consumption and servicing costs”*. It concludes that the proposed development *“is consistent with the PPS, conforms with the intent and purpose of the OP and ZBL and represents good planning.”* Planning and Development Services concurs with the analysis, summary, and conclusions in the PRR.

Sanitary Sewer Study (Aleo Associates Inc. – September 25, 2024)

The study states that based on existing conditions, the existing 450 mm diameter sanitary sewer has a capacity of 98.8 L/s. The peak sewage flow rate is 45.9 L/s, representing a capacity utilization of 46.5%. The proposed development will increase the total peak sewage flow rate to 52.0 L/s. The report concludes this *“is a small increase in the total peak sewage flow rate and the existing sanitary sewer will have 52.7% of its capacity utilized”*. City of Windsor - Engineering Development notes that study is acceptable. Storm water management will be considered during Site Plan Control.

Provincial Planning Statement 2024 (PPS 2024):

The PPS 2024 provides policy direction on matters of provincial interest related to land use planning in Ontario. Subject to any transitional provisions, all municipal decisions, as well as advice, comments and submissions shall be consistent with the PPS 2024. Section 5.1.1 in the PRR provides an analysis of the relevant PPS 2024 policies. The PRR concludes that the *“proposed development is consistent with the PPS and the Province’s vision for long-term prosperity and social well-being”*. Planning and Development Services concurs with this analysis and is of the opinion that the proposed multiple dwelling and amendment to Zoning By-law 8600 are consistent with the PPS 2024.

Official Plan (OP):

The parcel has a designation of “Mixed Use Corridor” on Schedule D: Land Use in the Official Plan. Section 5.1.2 in the PRR submitted by the Applicant has a complete review and analysis of appropriate Official Plan policies. The PRR concludes that the *“proposed development will conform with the purpose and intent of the City of Windsor OP”*. Planning and Development Services concurs with the analysis in the revised PRR. The proposed amendment to Zoning By-law 8600 conforms to the direction of the Official Plan.

City of Windsor Intensification Guidelines:

The Intensification Guidelines provide further direction for infill and intensification within existing neighbourhoods. Per the Official Plan, the parcel is in a “Mixed Use Corridor”. Section 5.1.2 of the PRR, beginning at the bottom of page 29, includes a review of the Intensification Guidelines. The PRR notes that the final design “*of the building is subject to the City of Windsor design guidelines*” that will be considered during Site Plan Control. Planning and Development Services accepts the review of the Intensification Guidelines in the PRR. The proposed amendment is consistent with the directives of the Intensification Guidelines.

Zoning By-Law:

The parcel is zoned Commercial District 2.1 (CD2.1), a commercial zoning district that allows a broad range of commercial uses. The RD3.2 zoning requested by the Applicant is appropriate and is the same as the proposed multiple dwelling on the east side of the commercial plaza in 2020. Staff note a few deficiencies in the provision of visitor parking spaces, loading spaces and the width of the proposed access area; however, these are minor in nature and can be easily corrected by the applicant prior to applying for Site Plan Control.

Site Plan Control:

The proposed development is subject to Site Plan Control. The Site Plan Approval Officer will incorporate the direction of the City of Windsor Intensification Guidelines and will review the comments from departments and agencies in Appendix D to this report.

Risk Analysis:

N/A

Climate Change Risks

Climate Change Mitigation:

The proposed 86 unit multiple dwelling implements Environmental Master Plan Objective C1: Encourage in-fill and higher density in existing built areas. Residential infill 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 proposed construction of a multiple dwelling offers an opportunity to increase resiliency for the development and surrounding area by supporting a complementary and compact form of housing, redevelopment, and intensification that is near existing and future transit and active transportation options. 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 will be implemented through the building permit process. The site would also be required to incorporate storm water management best practices. Any site plan control application will be reviewed for opportunities to enhance resiliency.

Financial Matters:

N/A

Consultations:

An open house was held on August 21, 2024, from 6 to 7 pm via Zoom. An overview of the proposed development including the site plan, renderings and elevations. Section 3.2 in the PRR summarizes comments received at the public open house and the Applicant's response to them. Attached as Appendix D, are comments received from municipal departments and external agencies. Per the Planning Act, statutory notice was advertised in the Windsor Star, a local newspaper. A courtesy notice was mailed to property owners within 200 m of the subject lands.

Conclusion:

The *Planning Act* requires that a decision of Council that affects a planning matter, "*shall be consistent with*" the PPS 2024. Based on the documents submitted by the Applicant and the analysis in this report, it is my opinion that the recommend amendment to Zoning By-law 8600 is consistent with the PPS 2024 and is in conformity with the Official Plan.

The proposed amendment will permit a use, a medium profile multiple dwelling with 86 dwelling units, which is compatible with existing uses in the surrounding area, represents an appropriate increase in density, provides an opportunity for the construction of modern and safe housing stock, and supports a complementary form of housing located near various transportation options. Site plan control is the appropriate land use tool to consider the requirements and comments of departments and agencies. The recommendation to amend Zoning By-law 8600 constitutes good planning.

Planning Act Matters:

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

Greg Atkinson, MCIP, RPP
Deputy City Planner - 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 |
|----------------|------------------------------------|
| 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:

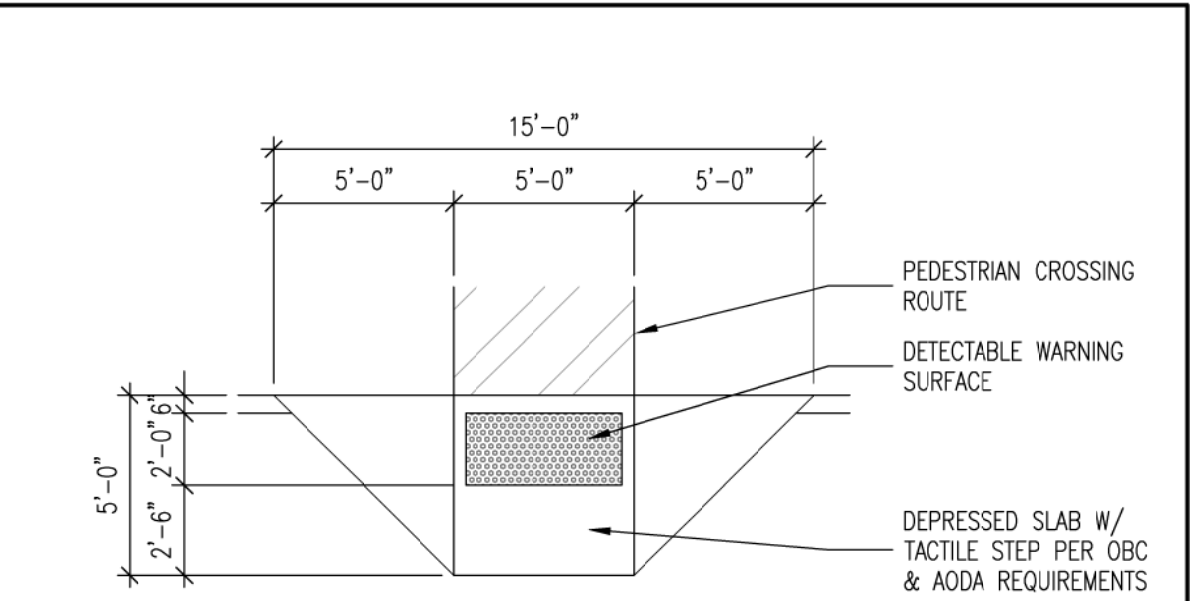
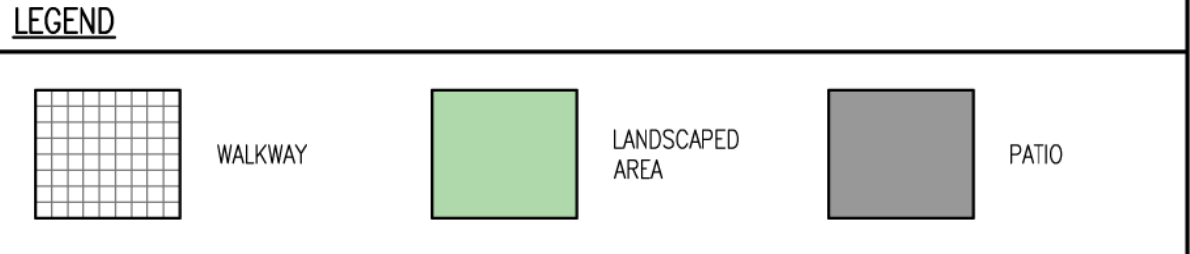
| Name | Address | Email |
|--|---|--|
| Jason Baker Baker Investments Ltd | 615 Pelissier Street Windsor, ON N9A 4L4 | jason@bakerinvestmentsltd.com |
| Tracey Pillon-Abbs Pillon Abbs Inc. | 23669 Prince Albert Road Chatham, ON N7M 5J7 | tracey@pillonabbs.ca |
| Jason Thibert ADA Architect | 1670 Mercer Street Windsor ON N8X 3P7 | jthibert@ada-architect.ca |
| Councillor Jo-Anne Gignac | | |
| Property owners within 200 m of the subject parcel | | |

Appendices:

- 1 Appendix A - Conceptual Site Plan
- 2 Appendix B - Conceptual Floor Plans
- 3 Appendix C - Conceptual Elevations
- 4 Appendix D - Consultation



| SITE DATA : ZONED CD2.1 — NEW AREA SITE SPECIFIC BASED OFF RD3.2 (BYLAW 8600) | | |
|---|-----------------------------|------------------------|
| | REQUIRED | PROPOSED |
| a. LOT AREA (CORNER LOT) | MIN. 4,541.0 m ² | 7,836.9 m ² |
| b. BUILDING AREA | | 1,621.2 m ² |
| c. BUILDING LOT COVERAGE (%) | MAX. 35.0% | 20.7 % |
| d. BUILDING GROSS FLOOR AREA (G.F.A.) | | 9,727.2 m ² |
| e. BUILDING HEIGHT (CORNER LOT) | MAX. 24.0 m | 21.0 m |
| f. NO. OF PARKING SPACES (INCLUDES HANDICAPPED SPACES) | | |
| 1.25 SPACES PER UNIT = 1.25 x 86 | 108 SPACES | 108 SPACES |
| g. NO. OF HANDICAPPED PARKING SPACES (101-200) | | |
| TYPE A | 2 SPACES | 2 SPACES |
| TYPE B | 3 SPACES | 3 SPACES |
| h. NO. OF BICYCLE PARKING SPACES (20 OR MORE) | 7 SPACES | 8 SPACES |
| i. PAVED AREA | | 3,368.5 m ² |
| COVERAGE | | 43.0 % |
| j. LANDSCAPED AREA | | |
| HARD (INCLUDES PICKLEBALL COURT) | | 834.7 m ² |
| SOFT | | 1,914.0 m ² |
| TOTAL | | 2,748.7 m ² |
| COVERAGE | MIN. 35.0 % | 35.1 % |
| k. LINEAR CONCRETE CURB | | 422.1 m |
| l. DWELLING UNIT DENSITY (CORNER LOT) | 188/ha (MAX.) | 111 UNITS/ha |



TYPICAL CURB RAMP PLAN

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

| UNIT COUNTS | | |
|-------------|--|---|
| 1ST FLOOR | — 1 3 BEDROOM (1,300 S.F.) (11 UNITS) — 6 2 BEDROOM (1,000 S.F.) — 4 1 BEDROOM (750 S.F.) | 5TH FLOOR — 2 3 BEDROOM (1,300 S.F.) (15 UNITS) — 9 2 BEDROOM (1,000 S.F.) — 4 1 BEDROOM (750 S.F.) |
| 2ND FLOOR | — 2 3 BEDROOM (1,300 S.F.) (15 UNITS) — 9 2 BEDROOM (1,000 S.F.) — 4 1 BEDROOM (750 S.F.) | 6TH FLOOR — 2 3 BEDROOM (1,300 S.F.) (15 UNITS) — 9 2 BEDROOM (1,000 S.F.) — 4 1 BEDROOM (750 S.F.) |
| 3RD FLOOR | — 2 3 BEDROOM (1,300 S.F.) (15 UNITS) — 9 2 BEDROOM (1,000 S.F.) — 4 1 BEDROOM (750 S.F.) | TOTAL — 11 3 BEDROOM — 51 2 BEDROOM (6 B.F.) = 24 1 BEDROOM (6 B.F.) = 86 UNITS (12 B.F.) |
| 4TH FLOOR | — 2 3 BEDROOM (1,300 S.F.) (15 UNITS) — 9 2 BEDROOM (1,000 S.F.) — 4 1 BEDROOM (750 S.F.) | |

NOTE: A BUILDING SHALL NOT BE LOCATED BENEATH EXISTING ABOVE GROUND ELECTRICAL CONDUCTORS. WHERE A BUILDING IS TO BE CONSTRUCTED IN PROXIMITY TO ABOVE GROUND ELECTRICAL CONDUCTORS, HORIZONTAL CLEARANCE BETWEEN BUILDING AND CONDUCTORS SHALL COMPLY WITH SUBSECTION 3.1.19 OF THE O.B.C.

NOTE: FIRE-ROUTE SIGNS SHALL BE APPROVED BY THE CITY OF WINDSOR & FIRE DEPARTMENT — NEW SIGNS TO BE PLACED NO LESS THAN 50 FEET AND NOT MORE THAN 150 FEET APART. AS ACCESSIBLE PARKING SIGN FIRE ROUTE SIGN PER CITY OF WINDSOR STANDARDS

NOTE: ALL EXTERIOR PATHS OF TRAVEL SHALL BE CONSTRUCTED IN ACCORDANCE WITH SECTION 80.23 OF THE REGULATION 191/11 TO THE ACCESSIBILITY ON ONTARIANS WITH DISABILITIES ACT SECTIONS 3.8.1.3 AND 3.8.3.2 OF THE O.B.C.

NOTE: ALL CURB RAMPS SHALL BE CONSTRUCTED IN ACCORDANCE WITH SECTION 80.26(1) OF ONTARIO REGULATION 191/11 TO THE ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT AND SECTION 3.8.3.18 OF THE O.B.C.

- 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:

A architectural

D design

A associates

inc. architect

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:
PROPOSED 6 STOREY APARTMENT BUILDING WYANDOTTE ST. E AND WATSON AVE., WINDSOR ON

client:
BAKER INVESTMENTS

title:
SITE PLAN

scale:
AS SHOWN

drawn by:
JT

checked by:
SMB

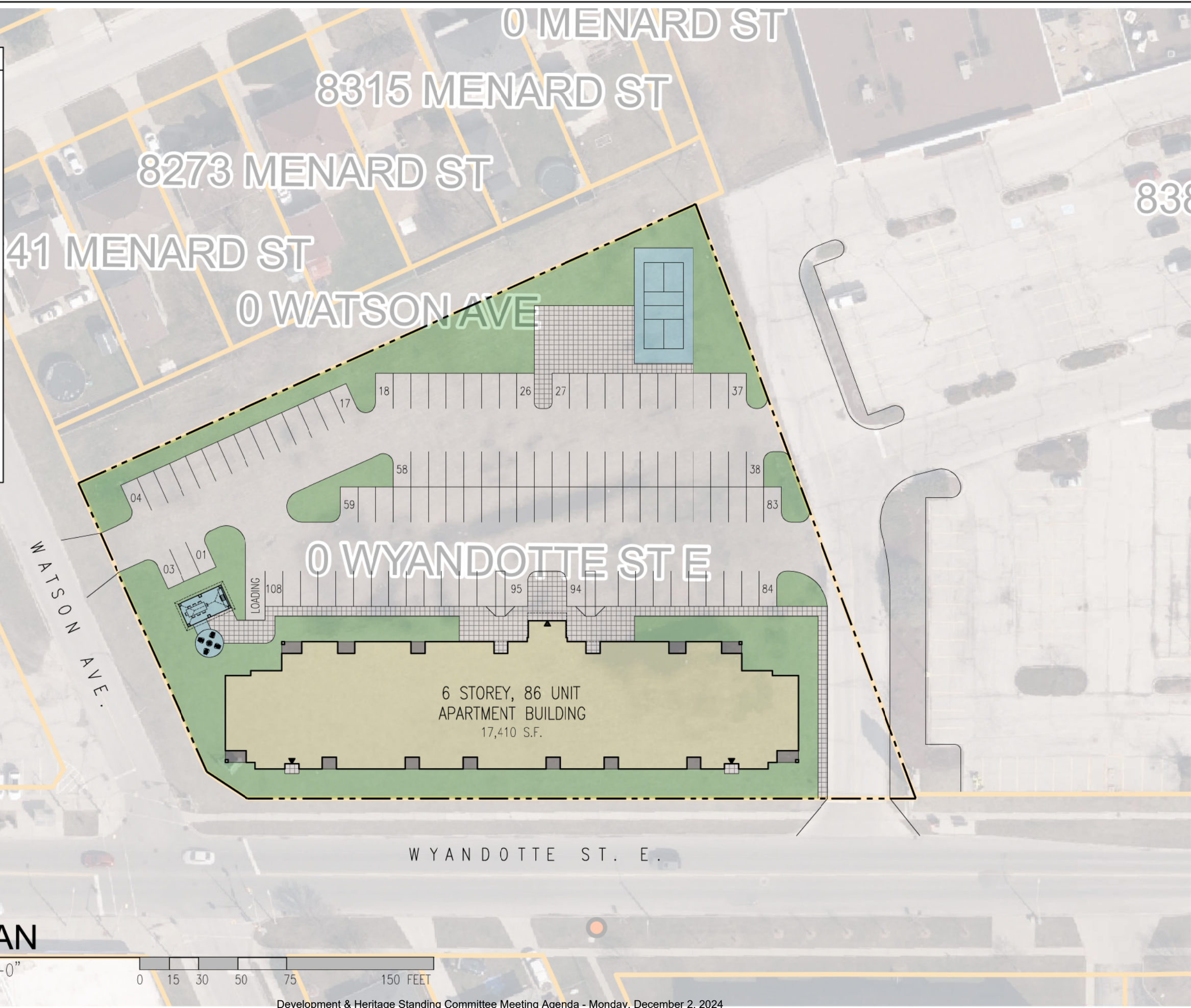
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2024-083

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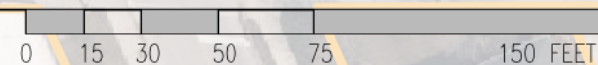
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| UNIT COUNTS | | | |
|-------------|---|----|------------------------|
| 1ST FLOOR | - | 1 | 3 BEDROOM (1,300 S.F.) |
| (11 UNITS) | - | 6 | 2 BEDROOM (1,000 S.F.) |
| | - | 4 | 1 BEDROOM (750 S.F.) |
| 2ND FLOOR | - | 2 | 3 BEDROOM (1,300 S.F.) |
| (15 UNITS) | - | 9 | 2 BEDROOM (1,000 S.F.) |
| | - | 4 | 1 BEDROOM (750 S.F.) |
| 3RD FLOOR | - | 2 | 3 BEDROOM (1,300 S.F.) |
| (15 UNITS) | - | 9 | 2 BEDROOM (1,000 S.F.) |
| | - | 4 | 1 BEDROOM (750 S.F.) |
| 4TH FLOOR | - | 2 | 3 BEDROOM (1,300 S.F.) |
| (15 UNITS) | - | 9 | 2 BEDROOM (1,000 S.F.) |
| | - | 4 | 1 BEDROOM (750 S.F.) |
| 5TH FLOOR | - | 2 | 3 BEDROOM (1,300 S.F.) |
| (15 UNITS) | - | 9 | 2 BEDROOM (1,000 S.F.) |
| | - | 4 | 1 BEDROOM (750 S.F.) |
| 6TH FLOOR | - | 2 | 3 BEDROOM (1,300 S.F.) |
| (15 UNITS) | - | 9 | 2 BEDROOM (1,000 S.F.) |
| | - | 4 | 1 BEDROOM (750 S.F.) |
| TOTAL | - | 11 | 3 BEDROOM |
| | - | 51 | 2 BEDROOM |
| | - | 24 | 1 BEDROOM |
| | = | 86 | UNITS |

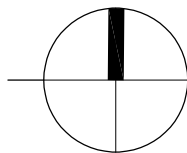
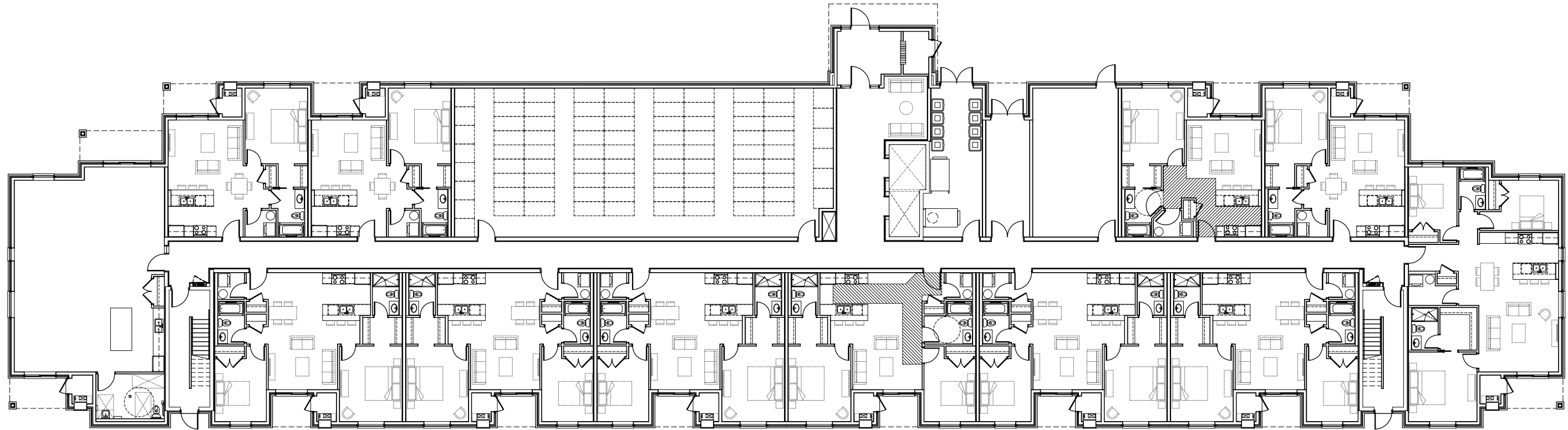


SITE PLAN

SCALE : 1" = 50'-0"

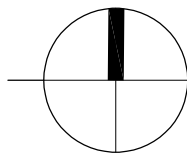
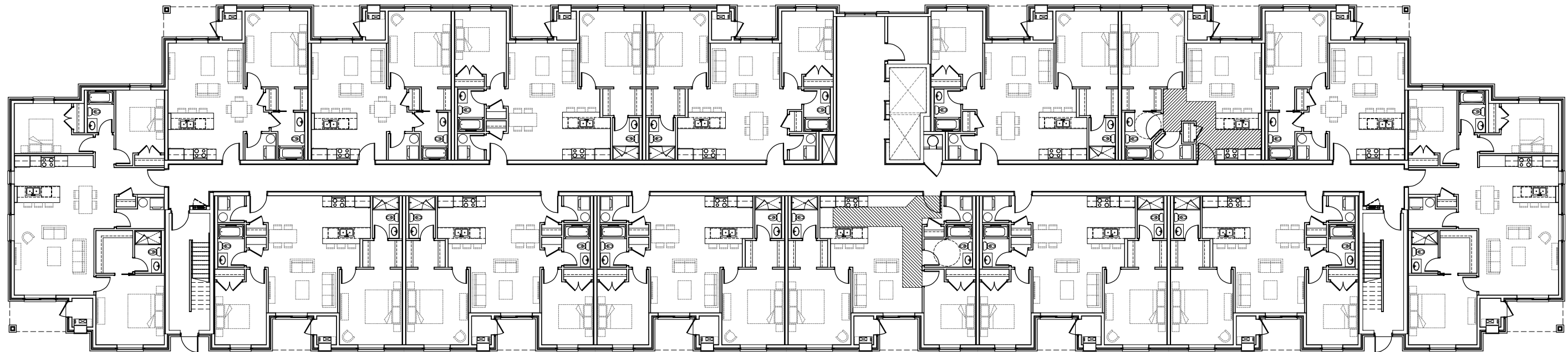
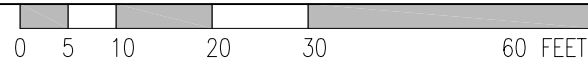


| | | | |
|---|--|-------------|--------------|
| project: | 1670 mercer street windsor ontario canada n8x 3p7 ph 519.254.3430 fax 519.254.3642 email - info@ad-architect.ca www.ad-architect.ca | date: | MAY 06, 2024 |
| | | comm. no.: | 2024-083 |
| client: | JASON BAKER | dwg. no.: | A1.0 |
| | | drawn by: | JT |
| title: | | checked by: | |
| PROPOSED 6-STORY APARTMENT BUILDING WYANDOTTE AND WATSON, WINDSOR ON | | SMB | |
| architectural | | design | |
| A associates | | | |



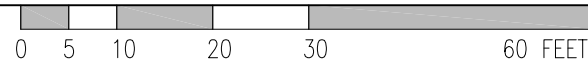
FIRST FLOOR PLAN

SCALE : 1" = 20'-0"



TYP. FLOOR PLAN - 2ND THRU 6TH

SCALE : 1" = 20'-0"



BAKER INVESTMENTS PROPOSED 6 STOREY - 86 UNIT APARTMENT BUILDING

Watson Ave. & Wyandotte St E. Windsor, ON.

RENDER PACKAGE



VIEW OF ENTRANCE - FACING SOUTH/WEST



VIEW OF ENTRANCE - FACING SOUTH/EAST



VIEW FROM WYANDOTTE ST. FACING NORTH /EAST



VIEW FROM WYANDOTTE ST - FACING NORTH/WEST



VIEW FACING SOUTH/WEST



VIEW FACING SOUTH/EAST



a architectural
d design
a associates
inc. architect

VIEW FACING EAST DOWN WYANDOTTE ST.

APPENDIX D – CONSULTATION

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.

CITY OF WINDSOR – ENGINEERING – DEVELOPMENT – ROB PERISSINOTTI

Sewers - The site may be serviced by a 300mm sanitary sewer and a 1200mm storm sewer located within Wyandotte Street East right-of-way or a 675mm storm sewer located within Watson Avenue right-of-way. If possible existing connections should be utilized. Any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice B.P 1.3.3.

A sanitary sampling manhole may be required on any new sanitary connection at the property line to the satisfaction of the City Engineer, if one does not already exist. A

APPENDIX D – CONSULTATION

Sanitary Servicing Study dated September 25, 2024, by Aleo Associates Inc. was received, reviewed and is acceptable.

The applicant will be required to submit, prior to the issuance of permits, a stormwater management plan in accordance with Windsor Essex Region Stormwater Management Standards Manual, restricting stormwater runoff to pre development levels. This will include, at a minimum:

- Submission of stormwater management review fee,
- Stormwater management report stamped by a professional engineer
- Site servicing drawings stamped by a professional engineer
- Stormwater management check list (see link below)

For more information of SWM requirements, visit: link

<https://essexregionconservation.ca/wp-content/uploads/2018/12/WE-Region-SWM-Standards-Manual.pdf>.

<https://www.citywindsor.ca/business/buildersanddevelopers/Documents/Checklist-Rational-Method.pdf>

The existing easement for the storm sewers adjacent to the Wyandotte St E right-of-way shall be required to be shown within the Site Plan Drawings.

As the site is within an ERCA regulated area, consultation and approval from ERCA will be required prior to the issuance of a building permit.

Right-of-Way - Watson Avenue is classified as a Local Residential Road per the Official Plan, requiring a sidewalk to be constructed along the frontage of the property along Watson Avenue as per the City's Active Transportation Master Plan (ATMP).

A Shared Access agreement shall be required with authorization from both parties to utilize the existing access lane shared with 8380–8474 Wyandotte St E to access Wyandotte Street East.

Conclusion - In summary we have no objection to the proposed development, subject to the following requirements:

Contact: Jaegar King at jking@citywindsor.ca

CITY OF WINDSOR – ENGINEERING – RIGHT OF WAY – MARK SCHAFFHAUSER

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.
 - Modify as per Standard Engineering Drawing AS-204. Approaches and Driveways must be a minimum of 3.5m per lane.
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.
 - 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.

APPENDIX D – CONSULTATION

3. **Proper Agreement for Access and/or Services** – If any portion of the driveway or sewer connections will be shared with the adjacent property, said items must be identified on the drawing.
- Modify drawings to identify shared accesses/services with adjacent property.
 - Reciprocal access agreement required for shared driveway with 8380-8474 Wyandotte St. E.
 - Reciprocal servicing agreement may be required depending on Site Servicing Drawing.

Special Provisions - to be included in Site Plan Control Agreement

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

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.

Agreement for Access / Services – The owner agrees to enter into a reciprocal agreement with the abutting property owners for access and services.

Contact: Dan Perissinotti at dperissinotti@citywindsor.ca

CITY OF WINDSOR – PLANNING & DEVELOPMENT SERVICES – SITE PLAN CONTROL

The development proposal is subject to Site Plan Control pursuant to the Planning Act and City of Windsor By-law 1-2004. Where preceding development applications are required, inclusive of Official Plan and Zoning By-law Amendments, request for Site Plan Control Pre-Consultation Stage 1 may be made following completion of the requisite Development and Heritage Standing Committee meeting at <https://ca.cloudpermit.com/login>.

CITY OF WINDSOR – PLANNING & DEVELOPMENT SERVICES – ZONING COORDINATOR – PIERE BORDEAUX

Zoning - Current: Commercial District 2.1 (CD2.1)

Zoning - Proposed: Residential District 3.2 (RD3.2)

Use - Existing: Vacant lot

Use - Proposed: Multiple Dwelling

Section 5 – General Provisions: Complies

Section 12.2 – Residential District 3.2 (RD3.2):

12.2.5.1 - Lot Frontage - minimum:

Required: 30.0 m

Provided: 50.0 m on Watson Avenue

APPENDIX D – CONSULTATION

12.2.5.2 - Lot Area - minimum:

Required: 4,541.0 m²

Provided: 7,807.0 m²

12.2.5.3 - Lot Coverage - maximum:

Required: 35.0%

Provided: 21.0%

12.2.5.4 - Main Building Height - maximum:

Required: 24.0 m

Provided: 21.0 m

12.2.5.8 - Landscaped Open Space Yard – minimum:

Required: 35.0% of lot area

Provided: 35.1% of lot area

12.2.5.13 - Dwelling Unit Density – dwelling units per hectare – maximum

Required: 188 units per ha

Provided: 110 units per ha

Section 20 – Site Specific Zoning Exemptions: NOT APPLICABLE

Section 24 – Parking, Loading, and Stacking Provisions:

24.22.1 - Visitor Parking Spaces

Required: 16

Provided: 0

24.24.1 - Type (A) Accessible Parking Spaces

Required: 2

Provided: 2

24.40.1.5 - Number of Loading Spaces:

Required: 2

Provided: 1

Section 25 – Parking Area Provisions:

25.5.30.4 - An access area for all other uses shall have one or more one-way lanes. Each lane shall have a minimum width of 3.50 m and a maximum width of 4.50 m

Provided: 3.25 m

ENBRIDGE – SANDRO AVERSA

Enbridge Gas has active infrastructure within the proposed area. See the PDF drawing below 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

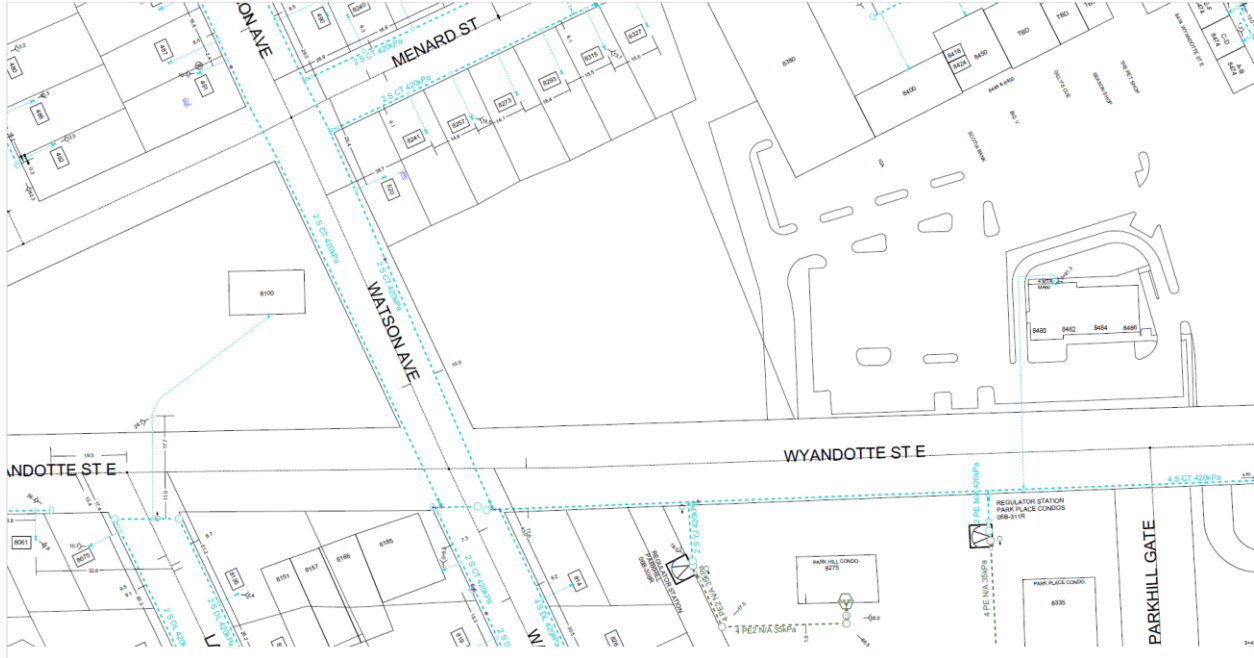
Enbridge Gas requires a minimum separation of 0.6m horizontal and 0.3m vertical from all our plant less than NPS 16 and a minimum separation 1.0m horizontal and 0.6m vertical between any CER-regulated and vital pipelines. For all pipelines (including vital pipelines), when drilling parallel to the pipeline,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

Should you find any abandoned infrastructure in the area:

APPENDIX D – CONSULTATION

- 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.





Council Report: S 147/2024

**Subject: Zoning Bylaw Amendment Z 031-24 [ZNG-7236] 1066
California Ave Ward 2**

Reference:

Date to Council: December 2, 2024
 Author: Simona Simion, Planner III (Acting)
 (519) 255-6543 x-6449
 Planning & Building Services
 Report Date: October 16, 2024
 Clerk's File #: Z/14876

To: Mayor and Members of City Council

Recommendation:

- I. THAT Zoning By-law 8600 **BE AMENDED** by adding the following clause to Section 20(1):

518. EAST SIDE OF CALIFORNIA AVENUE, SOUTH OF DAVIS ST AND NORTH OF GIRARDOT ST

For the lands comprising of PLAN 50 BLOCK D LOTS 53 & 54 PT LOT 55 (PIN 01220-0251) for a *townhome dwelling*, the following additional provisions shall apply:

- | | |
|---|-----------------|
| a) <i>Lot Width</i> – minimum | 19.8 m |
| b) <i>Lot Coverage</i> – maximum | 54% of lot area |
| c) <i>Front Yard Depth</i> – minimum | 5.4 m |
| d) <i>Rear Yard Depth</i> – minimum | 6.31 m |
| e) Section 5.99.80.1.1.b) shall not apply | |

[ZDM 4; ZNG/7236]

- II. THAT Zoning By-law 8600 **BE FURTHER AMENDED** by adding the following clause to Section 95.20:
- (13) a) Pursuant to Section 9.3.7.1(a) of Volume I: The Primary Plan of the City of Windsor Official Plan, submission of Stage 1 Archaeological Assessment and any further recommended assessments be entered into the Ontario Public Register of Archaeological Reports to the satisfaction of the City Planner.
- b) Alley Contribution to the satisfaction of the City Engineer.
- c) Stormwater Management Plan to the satisfaction of the City Engineer.
- [ZNG/7236]

- III. THAT Zoning By-law 8600 **BE FURTHER AMENDED** by changing the zoning of PLAN 50 BLOCK D LOTS 53 & 54 PT LOT 55 (PIN 01220-0251), situated on the east side of California Avenue between Davis Street and Girardot Street, and known municipally as 1066 California Avenue (Roll No. 050-37-03500), from Residential District 1.3 (RD1.3) to Residential District 2.2 (RD2.2) and S.20(1)H(13)518.
- IV. That the Committee of Adjustment **CONSIDER** comments contained in Appendix E of Report S 147/2024 as part of any consent application to sever the proposed townhome dwelling units.

Executive Summary:

N/A

Background:

Application Information

Municipal Address: 1066 California Avenue

Ward: 2 Planning District: River West Zoning District Map: 4

Applicant/Agent: Lassaline Planning Consultants (Jackie Lassaline)

Owner: Marko Agbaba

Submitted Materials: Conceptual Site Plan, Conceptual Elevations, Conceptual Floor Plans, Planning Rationale Report

Proposal:

The applicant is proposing to construct a townhome dwelling containing three (3) main units with two (2) additional dwelling units per each townhome dwelling unit for a total of nine (9) units on the subject property.

The site is designated Residential on the Official Plan Schedule D: Land Use and zoned Residential District RD1.3 (RD1.3) by Zoning Bylaw 8600 (ZDM 04). A Zoning By-law Amendment will be required to rezone the property from Residential District 1.3 (RD1.3) to Residential District 2.2 (RD 2.2) with site specific provisions to allow for reduced lot width, front yard, rear yard and increased maximum lot coverage for a townhome dwelling.

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

The subject property is:

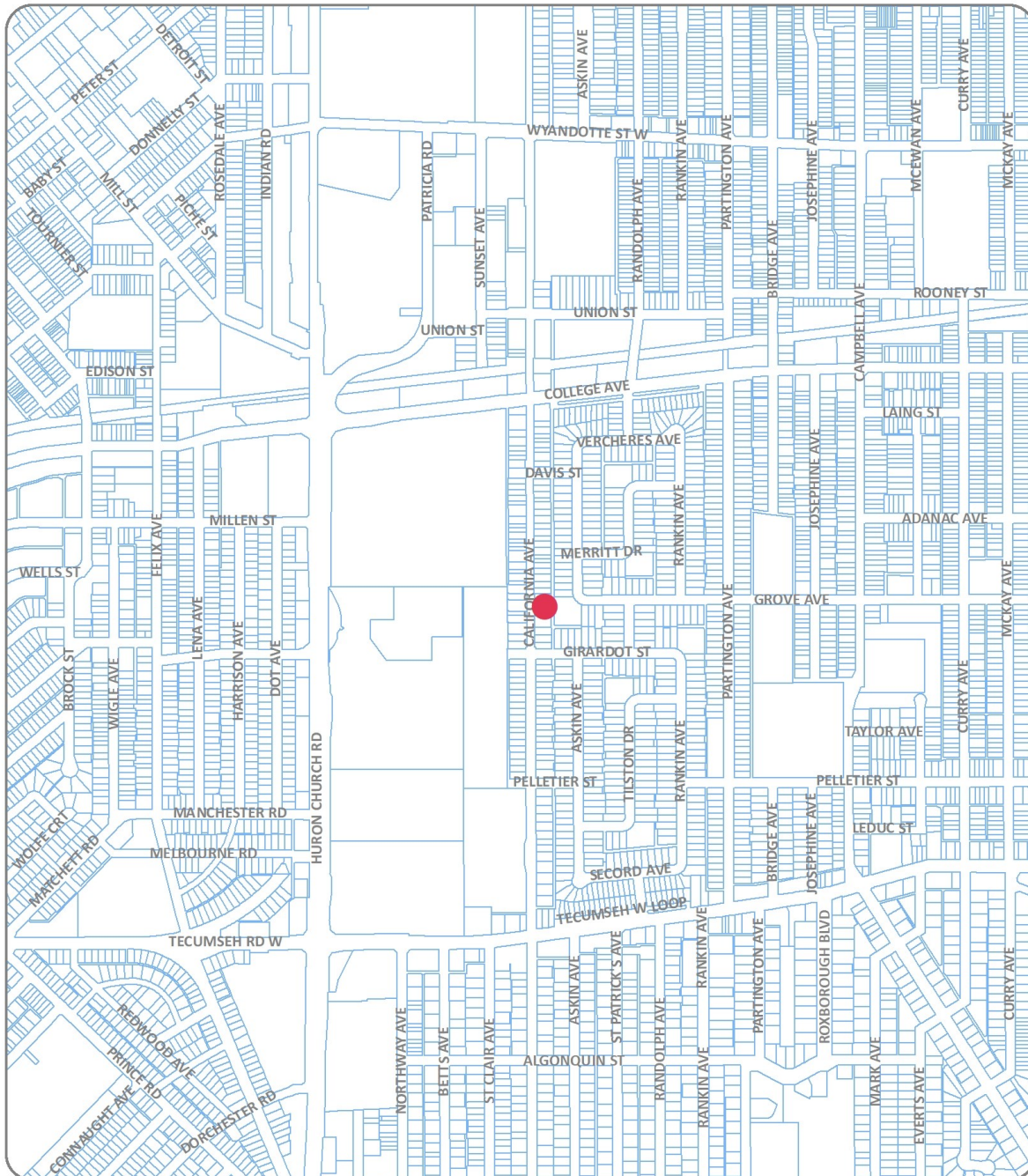
- located within the River West Planning District on Schedule A - Planning Districts & Policy Areas, located south of College Ave and North of Tecumseh Rd W;
- designated Recreationway on Schedule B - Greenway System;

- within an area identified as 'High Potential' on Schedule C-1 - Archaeological Potential;
- within a Residential land use designation on Schedule D - Land Use Plan;
- located on a Local Residential Road, on Schedule F - Roads and Bikeways;
- within proximity to a Regional Institutional Centre (namely University of Windsor) on Schedule J - Urban Structure Plan to the City of Windsor Official Plan.

Site Information

| OFFICIAL PLAN | ZONING | CURRENT USE | PREVIOUS USE |
|---|----------------------------------|--------------------------|--------------------------|
| Residential | Residential District 1.3 (RD1.3) | Single detached dwelling | Single detached dwelling |
| LOT FRONTAGE | LOT DEPTH | LOT AREA | LOT SHAPE |
| 19.81 m | 34.29 m | 697.37 m ² | Rectangular |
| All measurements are provided by the applicant and are approximate. | | | |

Figure 1: Key Map



KEY MAP - Z-031/24, ZNG/7236



● SUBJECT LANDS

Figure 2: Neighbourhood Map



NEIGHBOURHOOD MAP - Z-031/24, ZNG/7236



SUBJECT LANDS

Neighbourhood:

The subject parcel is located within a neighbourhood consisting of a low profile development (less than 14 m in height), small scale form (single detached, semi-detached, duplex, and row and multiplexes with up to 8 units), neighbourhood commercial and institutional uses as well as a public park (Grove Park) located across from the alleyway.

To the west, the following uses are observed: a mix of low profile residential uses, multiple dwelling with six units (1065 California Ave), and institutional buildings. To the east, the following uses are observed: low profile residential, a public park, and institutional building. To the south, the following uses are observed: low profile residential uses, multiplexes with 7 or more units (1098 California Ave), and neighbourhood commercial uses (1108 California Ave). To the north, the following uses are observed: a mix of low profile residential uses and commercial uses. The Essex Terminal Railway is located approximately 500m to the north.

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. Assumption College Catholic (high school) is located 220m to the west; West Gate Public school is located 500m to the east; West View Freedom Academy is located 500m to the south.

There are several parks nearby including Grove Park and North Tilston Park. The nearest libraries are the University of Windsor Leddy Library 1.4km to the north and Bridgeview Public Library 700m to the southeast.

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.

Active transportation infrastructure in the form of sidewalks is available along California Ave. The City of Windsor Active Transportation Master Plan identifies California Avenue and as high priority on the Proposed Bicycle Network.

The closest existing transit routes to this property are Central 3 and Route 418X. The closest existing bus stop to this property is located on College at California Southwest Corner. This bus stop is approximately 440 metres from this property falling outside of Transit Windsor's walking distance guidelines of 400 metres to a bus stop. This will be maintained with Transit Windsor's City Council-approved Transit Master Plan.

The site may be serviced by a 300mm sanitary sewer and a 525mm storm sewer located within the California Avenue right-of-way.

Figure 3: Subject Parcel – Rezoning



PART OF ZONING DISTRICT MAP 4

N.T.S.

REQUESTED ZONING AMENDMENT

Applicant: Marko Agbaba



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : SEPTEMBER, 2024
FILE NO. : Z-031/24, ZNG/7236

Discussion:

Planning Rationale Report (Lassaline Planning Consultants Inc. – September 30, 2024)

The Planning Rationale Report (PRR), attached as Appendix D states that *“The subject property is comprised of two full subdivision lots and one half subdivision lot. The lands are presently zoned for a single detached residence, an underutilization of these lands.*

The lands are presently zoned for a single detached residence, an underutilization of these lands. The lands have been consolidated since buildings crossed over the original subdivision lot lines. The lands are underutilized and as a 2.5 lot wide property, can accommodate the three proposed residential townhouse units with minor site specific (RD2.2) bylaw.

The neighbourhood is an area of regeneration with new, multiple unit dwellings used for housing to accommodate the university directly behind California Ave to the west. The neighbourhood is also a mix of housing styles and tenures with the majority of existing homes are post war (1944-1955) bungalows, modest homes all of the 800 ft² to 900 ft² designed to be relatively temporary and not designed to last 80-100 years.

As the conditions of these buildings degrade, as shown below in the aerial photo and the city mapping, there are a number of multiple unit dwellings replacing the older, smaller homes in the neighbourhood, comparable to the two storey residential townhouse being proposed.

As well, the driveway and parking is provided in the rear, consistent with the neighbourhood and allowing for the building to be brought forward to be in line with existing residences to create a street presence and support the walkable community.

In my professional opinion, the present proposed building is compatible and consistent with the neighbourhood and other new two storey, multiple unit buildings in the immediate vicinity to the south and across the road on California that supports the town policy direction for a mix of building heights, tenures, and styles.

The mix of tenures and styles provide for a variety of housing that supports the healthy community and therefore it my professional opinion that the proposal is consistent with the healthy community policies of the PPS and the policies of the municipality.”

The Planning Department generally concurs with the PRR.

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. Planning Staff are of the opinion that the proposed development is in line with both PPS 2020 and PPS 2024.

Policy 2.1.6 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”. As per Planning Rationale Report, building accessibility will be established in compliance with the OBC for all residential units.

The proposed townhome 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, support active transportation, and be transit supportive.

The proposed townhome 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, and supports active transportation. Transit and active transportation 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 townhome 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. The proposed development 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 townhome 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 townhome 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's scale 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 townhome dwelling represents a complementary and compact form of housing, redevelopment, and gentle intensification of an underutilized property 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 proposed development contains all dwelling units within the footprint of the main building, which has been designed to improve the character of the neighbourhood. The proposed rezoning satisfies the Urban Design objectives of the Official Plan enhancing the city's image.

The proposed amendment to Zoning By-law 8600 will conform to the general policy direction of the Official Plan. Planning Staff generally concurs with the Official Plan analysis 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. The PRR notes that *"The gentle intensification allows for 3 residential townhouse units with ADUs in each unit. The ZBA includes relief for provisions that will not increase the height or massing of the building beyond the low density, low profile policies."*

The applicant submitted Appendix G – Comparison Massing to justify the increased lot coverage. Similar developments to the south of subject property were approved by the Committee of Adjustment.

Planning Staff is of the opinion that the proposed zoning amendment is consistent with the general direction of the Windsor Intensification Guidelines.

Zoning By-Law 8600

The subject land is zoned Residential District 1.3 (RD1.3) which permits the construction of a single unit dwelling. The applicant is requesting a rezoning to Residential District RD2.2 with a site-specific exception to allow for a reduction in the minimum lot width, front yard, rear yard, and an increase in maximum lot coverage for a townhome dwelling.

The Applicant's request for a change in zoning with site-specific provisions is supported in principle. A discussion of the site specific provisions was provided by the agent's PRR as follows:

"The following provisions are to be addressed in the site specific bylaw:

The new townhouse building has been brought forward on the lot to have the south unit (TH3) at 5.4 m frontage and the north unit (TH1) at 6 m to keep with the established building line of existing buildings along the street.

Lot Width (min.) = 20 m required and 19.81 m provided (0.2 m variance); the lot width is a minor adjustment to allow for an existing lot configuration of 2.5 lots.

Lot Coverage (max.) = 45% max and 54% provided.

"There are pedestrian entrances for TH3 and TH1 with a covered front verandah and stairs and sidewalk in support of the pedestrian access and street frontage. These features add to the lot coverage coverage but also add a positive street presence and support a walkable community." Planning Staff note: The lot coverage calculated at 54.0% includes only the covered porch and a slight part of the stairs. The drawings that have been submitted do not show the stairs to be covered, so the stairs and the walkways leading to the stairs did not contribute to this calculation. If the covered porch is removed (and not counted towards lot coverage), the lot coverage would be 53.1% exceeding the zoning bylaw requirement.

The units are an appropriate size and consistent with sizes for rental apartments in the neighbourhood such as the rental units at 1074, 1076 and 1078 California on near by lands to the south.

Rear Yard Setback (min.) = 7.5 m required, and 6.3 m provided (1.2 m variance). The rear yard is adjusted with a minor variance from the bylaw provision to allow for the proposed building. The size of the units is consistent with unit sizes in other buildings within the neighbourhood – see adjacent properties to the south and across the road. Refer to Appendix G – Comparison Massing, which was prepared by the applicant's planning consultant.

Front Yard Setback (min.) = 6 m required, and 5.4 m provided (0.6 m variance). The proposed 2.5 storey building is comprised of 3 townhouse units: TH1 (north unit) has a 6 m front yard setback and is compliance with the front yard setback while TH3 has a 5.4 m setback because the front lot line is not straight but at a significant angle. "

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 or zoning by-law amendment. For the proposed townhome dwelling this would permit two (2) ADU's within each dwelling unit resulting in a maximum of nine (9) dwelling units on a single lot.

Should Council adopt the Planning Department's recommendation # 1 e) to remove the applicability of Section 5.99.80.1.1.b) from the subject property, the result would limit the proposed townhome to three (3) primary dwelling units should the subject site remain one parcel.

The owner must sever the townhome dwelling units in order to construct the proposed ADUs. Once severed, the required lot coverage per severable lot is 50% and the proposed lot coverages would be 52% (TH1), 54% (TH2), 52% (TH3) representing minor variances. The Committee of Adjustment may also consider comments from Parks Department and Forestry that cannot be addressed as part of the requested rezoning.

The proposed development complies with all other applicable zoning provisions.

Site Plan Control

The proposed townhome dwelling is not subject to Site Plan Control.

Consultations:

Details of the virtual Open House are summarized in Section 2.4 of the PRR (Appendix D). There were two attendees. Some concerns were related to privacy, parking, and sewer capacity. To be noted that the proposed building is low profile complying with the height and parking requirement. With regards to sewer capacity, Engineering Department stated the following *“The sewer system in this neighborhood is expected to maintain its current level of service, with no significant impact anticipated as a result of this development.”*

Comments received from municipal departments and external agencies are attached as Appendix E - Comments.

To be noted that Engineering Department is requesting an alley contribution and final storm water management plan.

Parks Department is requesting a physical barrier along Grove Park property line to prevent reversing cars entering the park.

Planning Department, Heritage Planner, is requesting submission of an archaeological assessment. The subject property is located within the Archaeological Potential Zone (as per the recently adopted Windsor Archaeological Management Plan, 2024; OPA 181; and updated 2024 archaeological potential model OP Volume I Schedule C-1). 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.

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](#).

Risk Analysis:

N/A

Climate Change Risks

Climate Change Mitigation:

The proposed townhome dwelling implements 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 site would also be required to incorporate storm water management best practices.

Financial Matters:

N/A

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 townhome dwelling with 3 units which is a small scale and low profile development compatible with existing uses in the surrounding neighbourhood. The proposed development 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:

Simona Simion

Planner III – Economic Development Planner (A)

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

Greg Atkinson, MCIP, RPP

Deputy City Planner - Development

Neil Robertson, MCIP, RPP

City Planner

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

JP JM

Approvals:

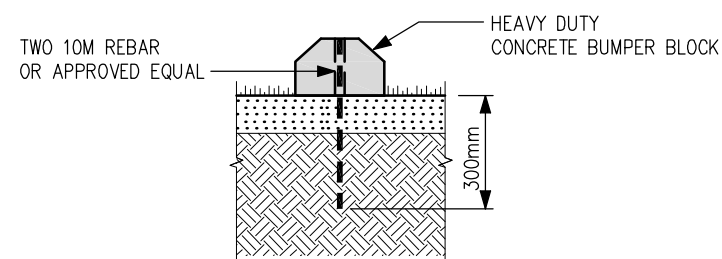
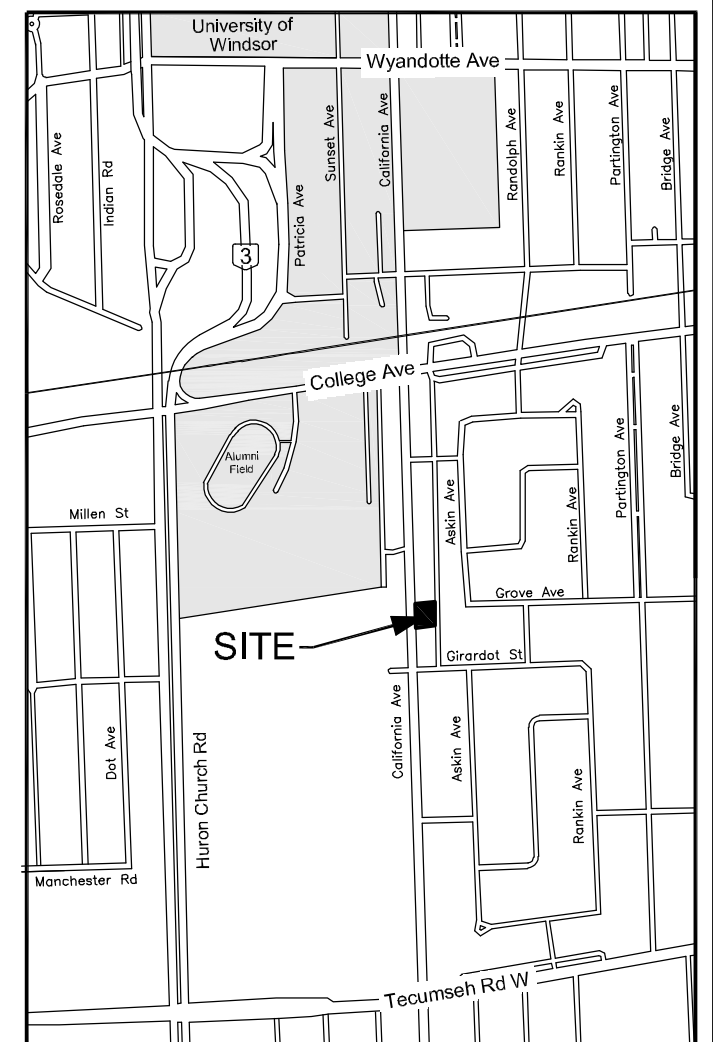
| Name | Title |
|----------------|--------------------------------------|
| Greg Atkinson | Deputy City Planner - Development |
| Neil Robertson | City Planner |
| Aaron Farough | Senior Legal Counsel |
| Jelena Payne | Commissioner of Economic Development |
| Joe Mancina | Chief Administrative Officer |

Notifications:

| Name | Address | Email |
|---|---|--|
| Marko Agbaba | 2121 Riverside Drive, Windsor, ON N9B 1A8 | agbabaholdings@gmail.com |
| Lassaline Planning Consultants Attn: Jackie Lassaline | P.O. Box 52, 1632 County Road 31, St. Joachim, ON N0R 1S0 | jackie@lassalineplan.ca |
| Councillor Fabio Costante (Ward 2) | | |
| Property owners and tenants within 200 m of the subject lands | | |

Appendices:

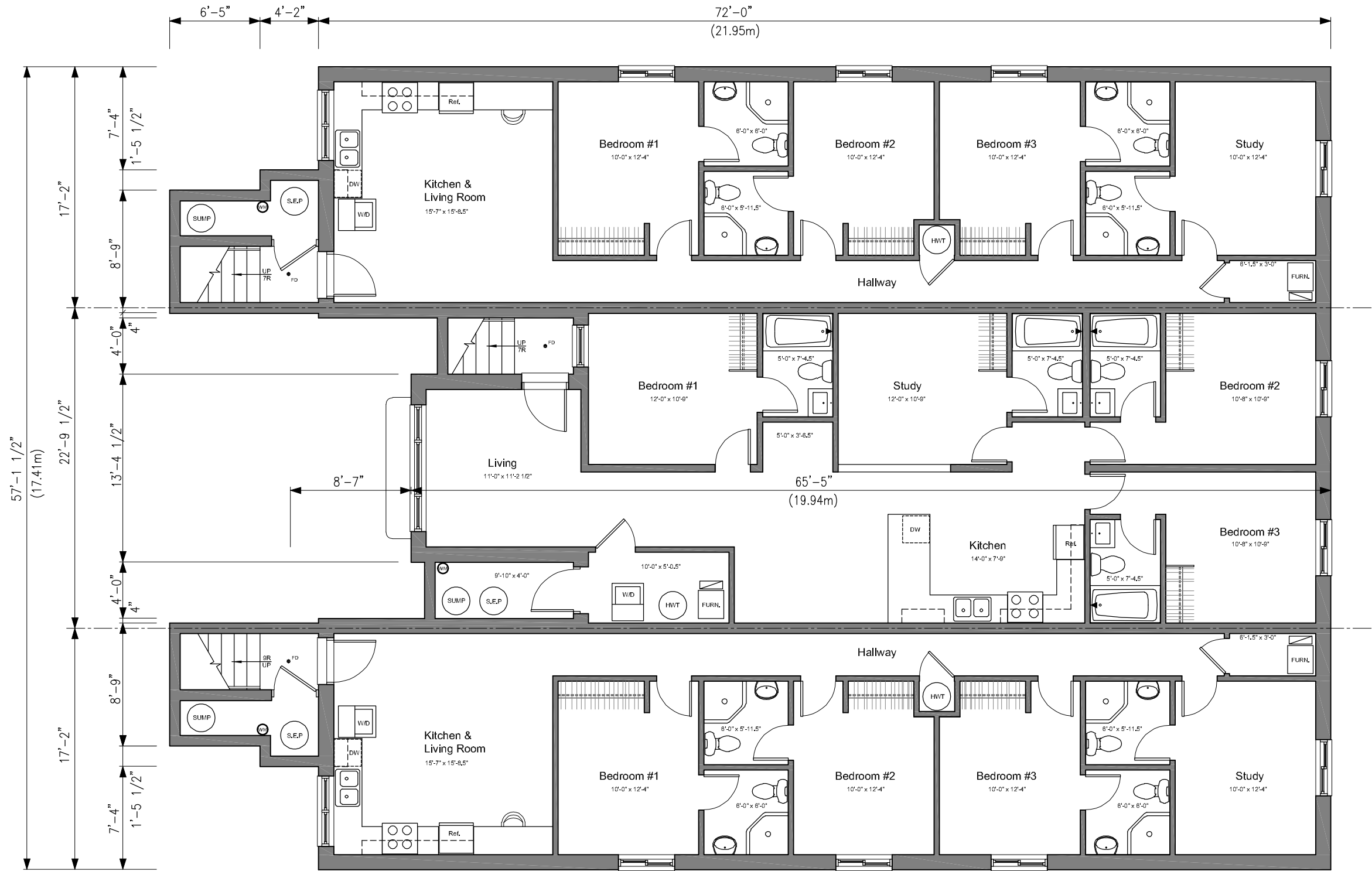
1. Appendix A – Conceptual Site Plan
2. Appendix B – Conceptual Elevations
3. Appendix C – Conceptual Floor Plans
4. Appendix D – Planning Rationale Report
5. Appendix E – Comments
6. Appendix F – Draft Bylaw
7. Appendix G – Comparison Massing



| ZONING – TO BE DETERMINED | RD2.2 REQUIRED | PROVIDED | COMMENTS | | | VARIANCE REQUIRED |
|--|-------------------|------------------------------------|---------------------|---------------------|---------------------|----------------------|
| | | | TH 1 | TH 2 | TH 3 | |
| LOT WIDTH (MINIMUM) | 20.0m | 19.81m | 6.432m | 6.946m | 6.432m | ✓ |
| LOT AREA (MINIMUM) 200m ² /D.U. | 600m ² | 679.37m ² | 220.6m ² | 238.2m ² | 220.6m ² | |
| LOT COVERAGE (MAXIMUM) | 45% | 53.1% | 52% | 55% | 52% | ✓ |
| BUILDING HEIGHT | 9.0m | 9.0m (FROM GRADE) | | | | |
| FRONT YARD (MINIMUM) | 6.0m | 5.4 | 5.8m | 7.7m | 5.4m | ✓ |
| REAR YARD (MINIMUM) | 7.5m | 6.3m | 6.3m | 6.5m | 6.7m | ✓ |
| SIDE YARD (MINIMUM) | 1.5m | 1.2m | 1.2m | N/A | 1.2m | ✓ |
| DWELLING UNITS | | 3 | 2 ADU PER DWELLING | | | |
| PARKING SPACES 1.25/D.U. + 1 FOR 1ST A.D.U. | 2 | 6 | 2 | 2 | 2 | |
| BICYCLE SPACES | – | | | | | |
| BUILDING AREA | – | 360.5m ² (3,880 sq.ft.) | | | | |

P1

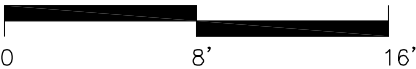




Basement Plan

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

AREA = 3,880 sq.ft. (360.5m²)



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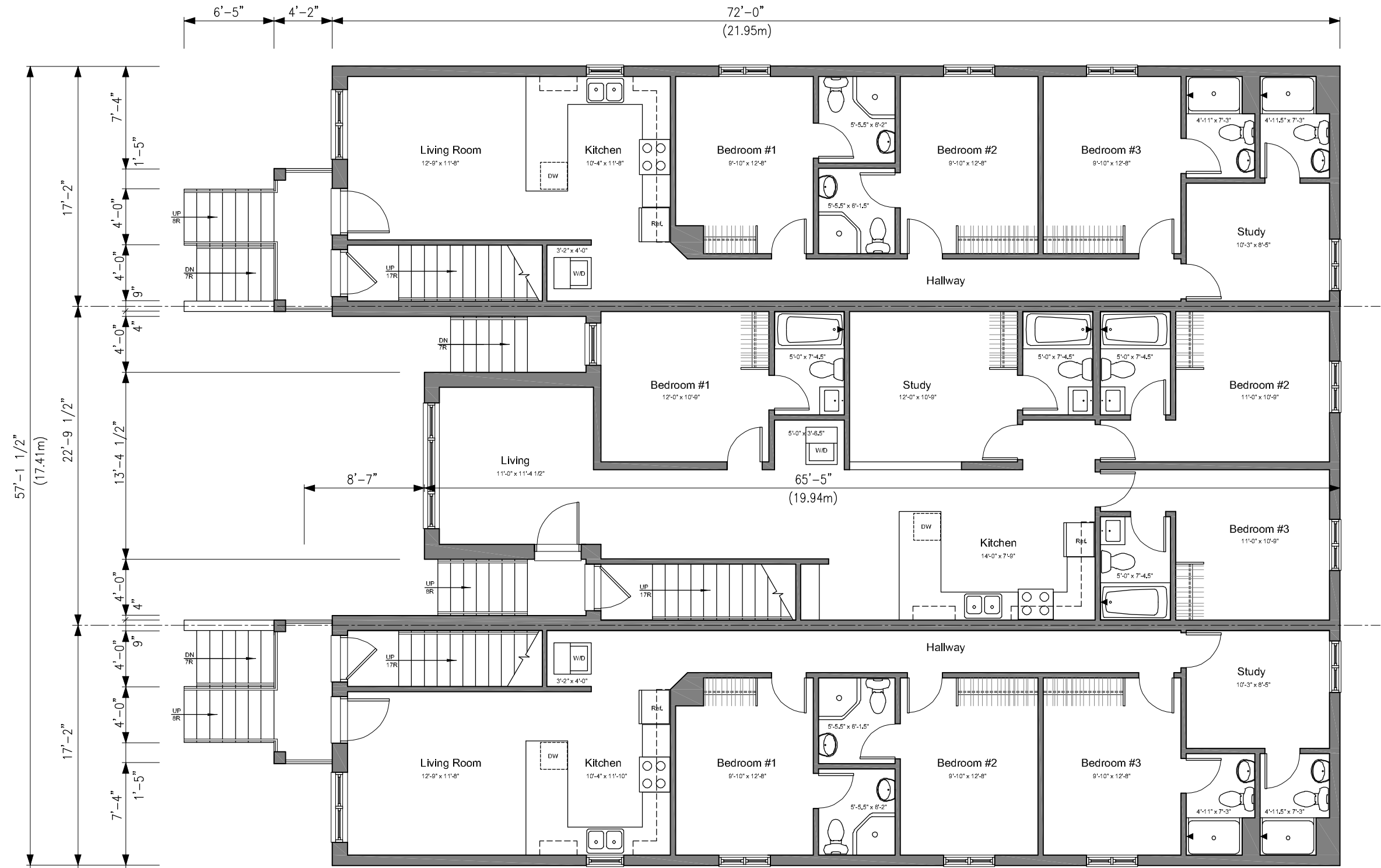
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AGBABA HOLDINGS CORPORATION

PROJECT:
1066 CALIFORNIA AVENUE
Development & Heritage Standing Committee Meeting Agenda - Monday, December 2, 2024

DRAWING TITLE:
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SCALE: **1/8" = 1'-0"**
ACAD REFERENCE:
4763 -P2- FI Plan

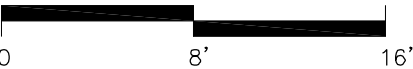
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P2



1st Floor Plan

SCALE: 1/8" = 1'-0" AREA = 3,880 sq.ft. (360.5m²)



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1066 CALIFORNIA AVENUE
Windsor, Ontario
Agenda - Monday, December 2, 2024
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DRAWING TITLE:
1st Floor Plan
SCALE:
1/8" = 1'-0"
ACAD REFERENCE:
4763 -P2- FI Plan

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

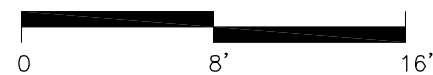
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SHEET NUMBER:
P3



2nd Floor Plan

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

AREA = 3,880 sq.ft. (360.5m²)



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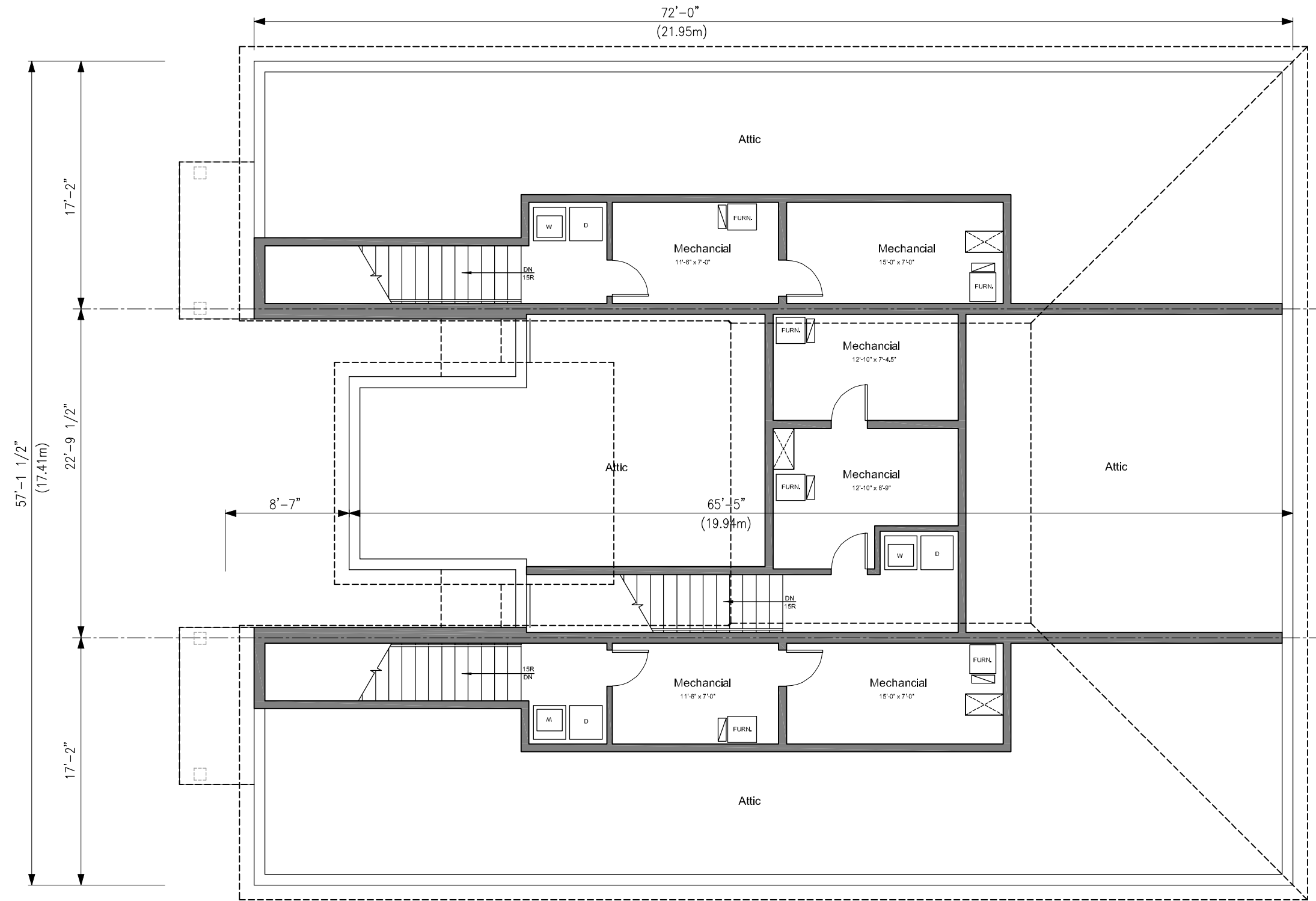
PROJECT:
1066 CALIFORNIA AVENUE
Development & Heritage Standing Committee Meeting Agenda - Monday, December 2, 2024
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DRAWING TITLE:
2nd Floor Plan
SCALE:
1/8" = 1'-0"

ACAD REFERENCE:
4763 -P2- FI Plan

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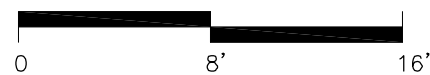
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P4



Attic Plan

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

AREA = 1182 sq.ft. (109.8m²)



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1066 CALIFORNIA AVENUE
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Development & Heritage Standing Committee Meeting Agenda - Monday, December 2, 2024
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DRAWING TITLE:
Attic Plan
SCALE:
1/8" = 1'-0"

ACAD REFERENCE:
4763-P2- FI Plan

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

| | |
|--------------------------------|----------------------------|
| ISSUED FOR: | |
| PROJECT NUMBER: 4763 | SHEET NUMBER: P5 |



West Elevation

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

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1066 CALIFORNIA AVENUE
Windsor, Ontario
Development & Heritage Standing Committee Meeting Agenda - Monday, December 2, 2024
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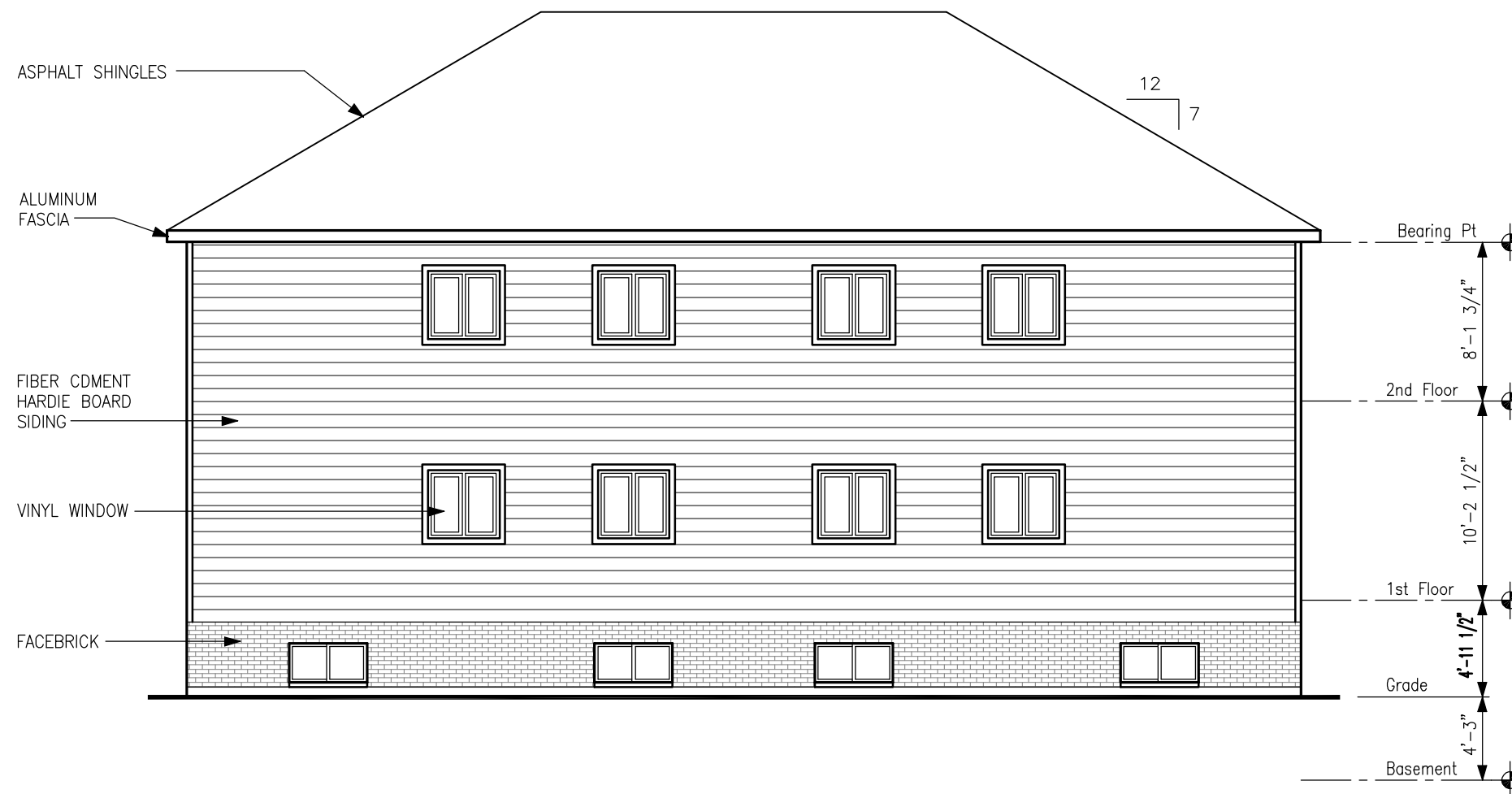
DRAWING TITLE:
West Elevation
SCALE:
1/8" = 1'-0"

ACAD REFERENCE:
4763 -P6- Fl Plan

DATE:
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PROJECT NUMBER:
4763

SHEET NUMBER:
P6



East Elevation

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

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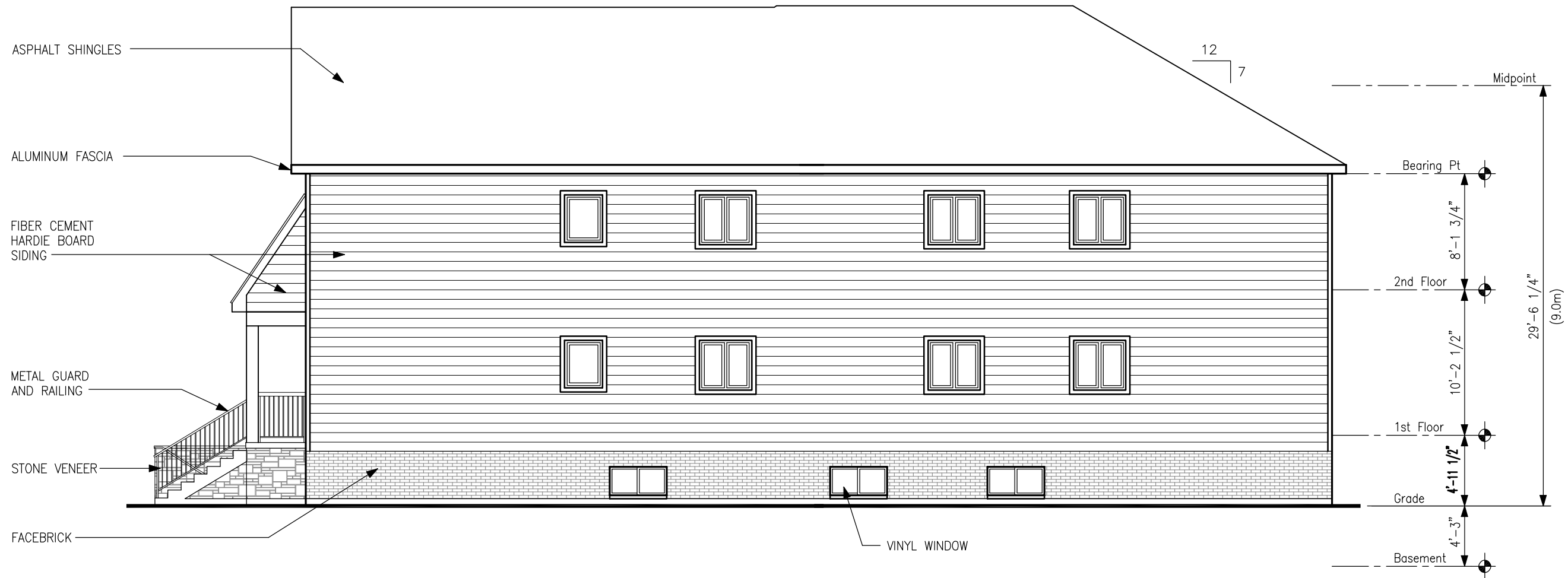
DRAWING TITLE:
East Elevation
SCALE:
1/8" = 1'-0"

ACAD REFERENCE:
4763 -P6- Fl Plan

DATE:
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I.A.Z.

PROJECT NUMBER:
4763

SHEET NUMBER:
P7



South Elevation

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

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PROJECT:
1066 CALIFORNIA AVENUE
Windsor, Ontario

Development & Heritage Standing Committee Meeting Agenda - Monday, December 2, 2024

DRAWING TITLE:
South Elevation

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

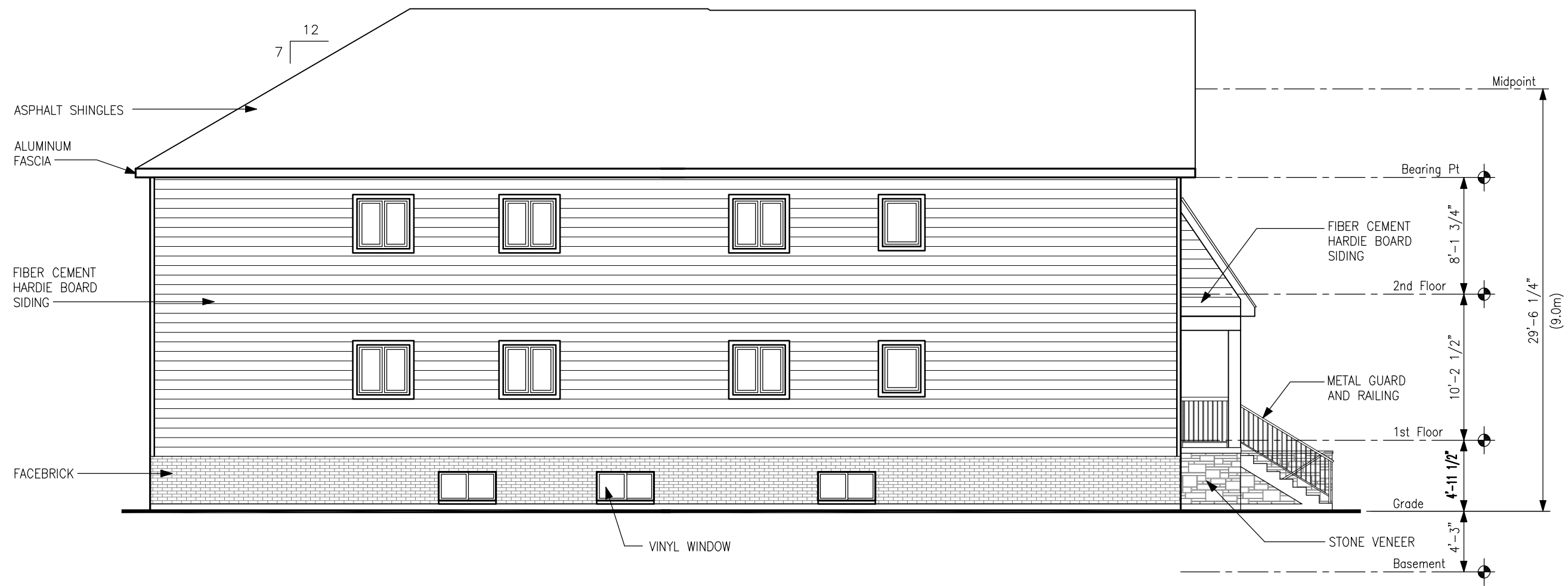
ACAD REFERENCE:
4763 -P6- Fl Plan

DATE:
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DRAWN BY:
I.A.Z.

PROJECT NUMBER:
4763

SHEET NUMBER:
P8



North Elevation

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

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CLIENT:
AGBABA HOLDINGS CORPORATION

PROJECT:
1066 CALIFORNIA AVENUE
Windsor, Ontario
Development & Heritage Standing Committee Meeting Agenda - Monday, December 2, 2024

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

ACAD REFERENCE:
4763 -P6- Fl Plan

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

PROJECT NUMBER:
4763

SHEET NUMBER:
P9



REPORT: PLANNING RATIONALE REPORT (PRR)
MUNICIPALITY: CITY OF WINDSOR
MUNICIPAL ADDRESS: 1066 CALIFORNIA AVE
DEVELOPMENT: ZBA
DATE: SEPTEMBER 30, 2024

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FIGURE 1 – NEIGHBOURHOOD AERIAL: 1066 CALIFORNIA AVE

FIGURE 2 – SURVEY: LOTS 53, 54 AND PT LOT 55

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FIGURE 7 – NEIGHBOURHOOD MAP

FIGURE 8 – NEIGHBOURHOOD AERIAL

FIGURE 9 – 1065, 1066, 1074, 1076, 1078 CALIFORNIA

FIGURE 10 – 1065 CALIFORNIA

FIGURE 11 – 1026 CALIFORNIA

FIGURE 12 – 1081, 1091 CALIFORNIA

FIGURE 13 – 1098 CALIFORNIA

FIGURE 14 – 1066 CALIFORNIA

1.0 INTRODUCTION

Lassaline Planning Consultants (LPC) has been retained to undertake a Planning Rationale Report (PRR) regarding the feasibility of a site-specific Zoning By-law Amendment (ZBA) for 1066 California Avenue, City of Windsor.

This report provides the rationale and support for the requested site specific Zoning Bylaw Amendment (ZBA) that will rezone the lands from 'Residential District 1.3 (RD1.3)' to a site specific 'Residential District 2.2 (RD2.2 (#))' regulatory framework.

A pre-consultation was held with the City of Windsor, Planning Department with a response letter under file PC-051-24 Stage 1 letter to the owner, Marko Agbaba, Agbaba Holdings Corporation. Lassaline Planning Consultants has prepared this scoped planning rationale report to support, explain and justify the Zoning Bylaw Amendment (ZBA) application.

2.0 PROPOSED DEVELOPMENT

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' in the Official Plan and are zoned 'Residential District 1.3 (RD1.3)'. The land use is presently residential and is to continue as residential.

FIGURE 1: NEIGHBOURHOOD AERIAL: 1066 CALIFORNIA AVE



The minor ZBA application purports to change the zone category of 1066 California from the present 'Residential District 1.3 (RD1.3)' to a site specific 'Residential District 2.2 (RD2.2(##))'. The ZBA will not be allowing for new or additional uses, rather the ZBA will allow for alternative building types than the single detached residence of the RD1.3 zone.

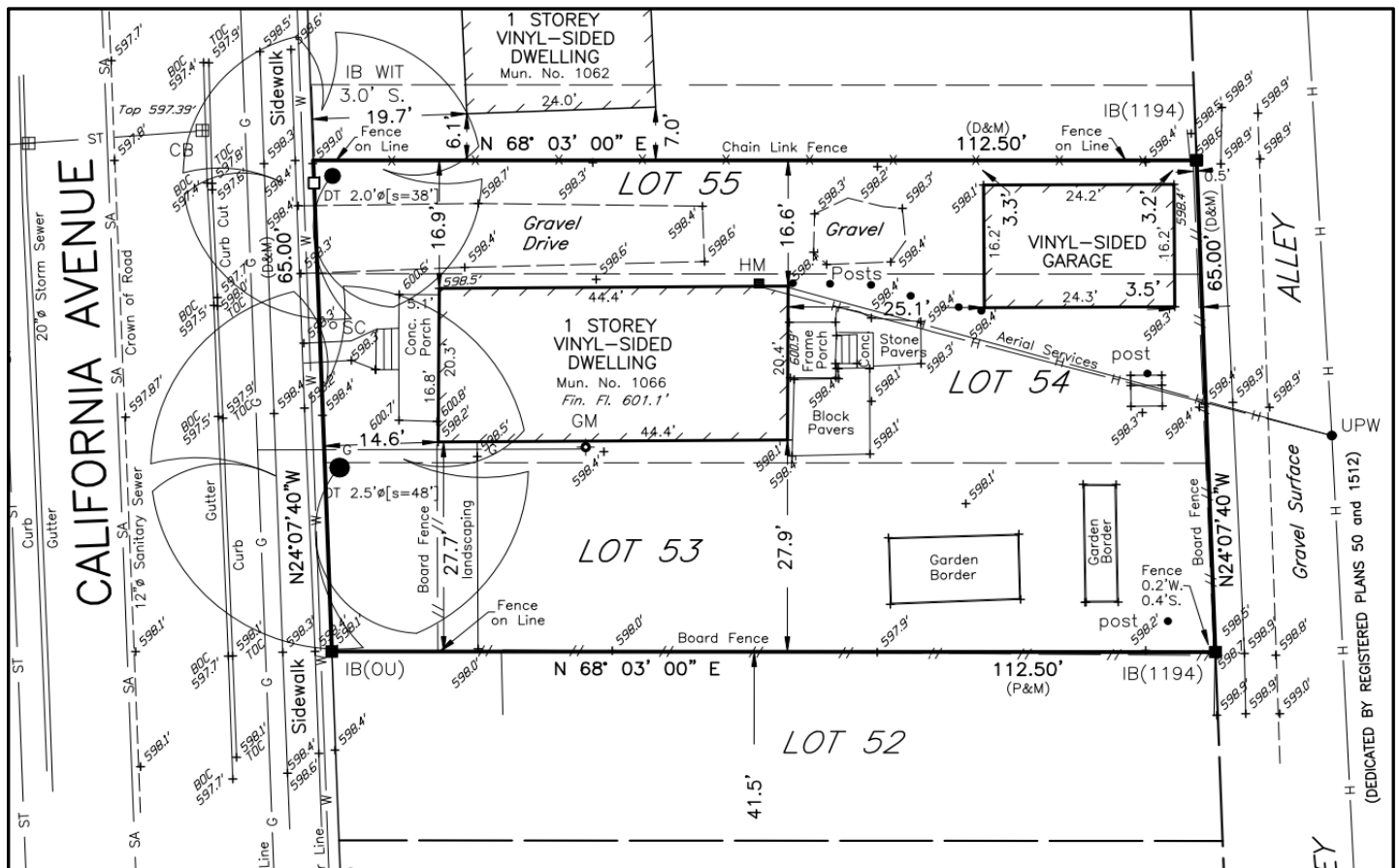
- i) **Lot Width** (minimum) = 20 m required and 19.81 m provided (0.2 m variance);
- ii) **Lot Coverage** (maximum) = 45% max and 53.1% provided (8.1 % variance);
- iii) **Rear Yard Setback** (minimum) = 7.5 m required, and 6.3 m provided (1.2 m variance);
- iv) **Front Yard Setback** (minimum) = 6 m required, and 5.4 m provided (0.6 m variance).

2.1 1066 CALIFORNIA AVE:

Subject property is known municipally as 1066 California Avenue in the City of Windsor. The subject lands have a legal description of: LOT 54 BLOCK D PLAN 50 TOWN OF SANDWICH; LOT 53 BLOCK D PLAN 50 TOWN OF SANDWICH; PT LOT 55 BLOCK D PLAN 50 TOWN OF SANDWICH AS IN R1055130; WINDSOR.

The subject property is comprised of two full subdivision lots and one half subdivision lot. The lands are presently zoned for a single detached residence, an underutilization of these lands. The lands have been consolidated since buildings crossed over the original subdivision lot lines. The lands are underutilized and as a 2.5 lot wide property, can accommodate the three proposed residential townhouse units with minor site specific (RD2.2) bylaw.

FIGURE 2: SURVEY SHOWING LOTS 53, 54, AND PT LOT 55 (1066 CALIFORNIA)



The owner is proposing the construction of a new, three unit residential townhouse building on the 2.5 lot property with a ground floor area of 360.5 m² at a total 53.5% lot coverage: individual townhouse unit 1 (TH1) has a lot coverage of 220.6 m2 at 52%; townhouse unit 2 (TH2) has a lot coverage of 238.2 m2 at 55%; while townhouse unit 3 (TH3) has a lot coverage of 220.6 m2 at 52%.

FIGURE 3: TOWNHOUSE RENDERINGS FOR 1066 CALIFORNIA



FIGURE 4: TOWNHOUSE ELEVATIONS FOR 1066 CALIFORNIA

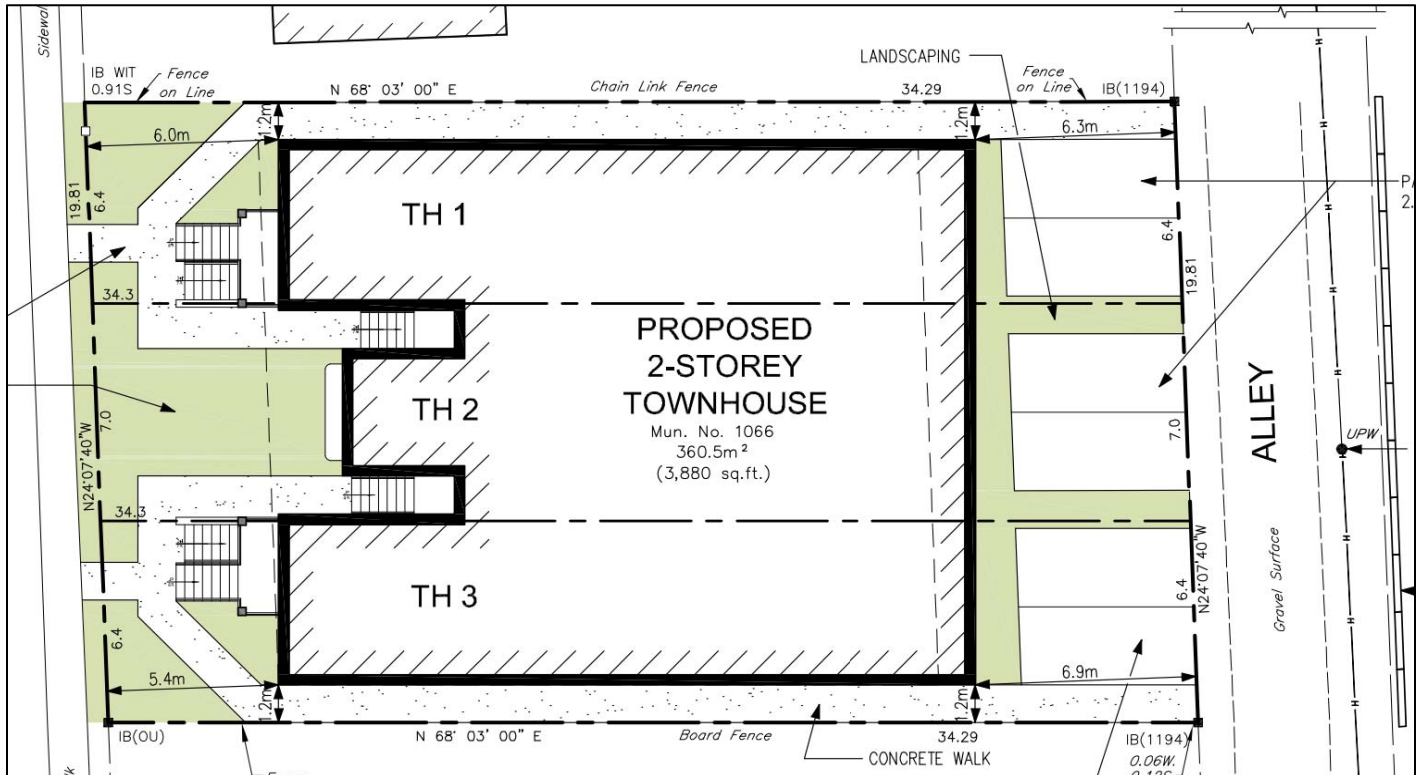


The subject building is proposed with brickwork and colours found within the neighbourhood. Townhouse unit 1 and Townhouse unit 3 are forward with a covered front porch, stairs and sidewalk. There are no driveways and car parking in the front yard but are utilizing the rear alleyway. This allows the property to maintain the same look and feel as the surrounding neighbourhood residences that are older without front yard parking and driveways and only access the rear alleyway.

The building is proposed with 2 storeys: the main floor apartment in each townhouse unit on the 1st floor; one ADU in the lower floor; and one ADU in the 2nd floor. There will be a total of 9 residential units within the three unit townhouse complex. At a future time, when the lot is divided into three separate townhouse units, each unit will contain 1 main residential unit and 2 ADU's.

True to the design of townhouses, the lots are long and narrow, and the three single attached residential units have a slightly higher lot coverage for each unit than a single detached residence in the nature of the townhouse configuration. Other municipalities recognize the alternative housing style and tenure of the townhouse design with higher allowable lot coverage between 50-55% with long, narrow attached residences on a long narrow lot. The proposed townhouses at 1066 California are long and narrow and are accommodated on the long narrow lots with a total lot coverage of 53.5%, well within the typical lot coverage of a townhouse block.

FIGURE 5: 1066 CALIFORNIA – SITE PLAN



The parcels are not at a 45° straight angles and being slightly askew, makes the setback challenging for the **Front Yard Setback**. Townhouse unit 1 (TH1) is in compliance with the front yard setback at 6 m but being a challenging angle, the Townhouse unit 3 (TH3) requires a minor adjustment of 0.6 m to allow for the 5.4 m setback. As shown above, the front yard setback is required to allow for the beautiful front entrance of the building with a set of stairs and the covered porch.

Lot Coverage has been requested at 53.1% provided (8.1 % variance) to accommodate two covered verandah's and to allow for slightly more lot coverage to provide a quality building with enough space for the main unit and the 2 ADU's.

Rear Yard Setback (minimum) requires 7.5 m rear yard with 6.3 m provided (1.2 m variance) to compensate for the front yard setback adjustment proposed.

Lot Width (minimum) requires a 20 m lot width. The existing lot has a width of 19.81 m provided (0.2 m variance). The requested minor relief of 0.2 m for the width is to recognize the existing width.

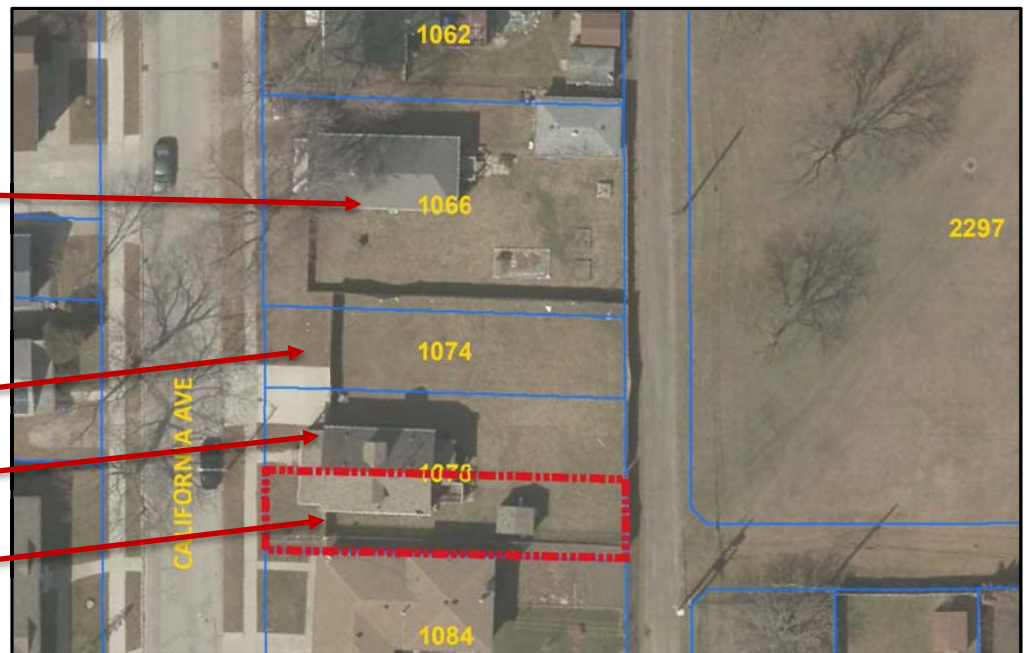
2.2 ADJACENT LANDS (SOUTH) 1074, 1076, 1078 CALIFORNIA AVE

The three adjacent lots to the south of the subject lands known as 1074, 1076 and 1078 California are proposed to be developed with the same three unit town house building with the same footprint, elevations and GFA proposed for 1066 California.

In order to accommodate the townhouse style housing on the three lots, there were variances recently granted under A-048/24 and A-049/24 to support the development of these lands for the same three townhouse units, namely:

FIGURE 6:
1066 CALIFORNIA
(SUBJECT LOT)

1074 CALIFORNIA
1076 CALIFORNIA
1078 CALIFORNIA



'MINOR VARIANCE File No. A-048/24

AND IT IS HEREBY ORDERED that the lands and premises above described be, and the same are hereby exempt from Section 10.3.5.1, Section 10.3.5.2, Section 10.3.5.3, Section 10.3.5.6, Section 10.3.5.7 of Zoning By-law 8600, as amended, so as to permit, in a Residential RD1.3 District, the construction of a single unit attached dwelling with **two ADUs with reduced minimum lot width, minimum lot area, maximum lot coverage, minimum rear yard depth, and minimum side yard width, thereby providing and maintaining:**

- I. Minimum **lot width** of 7.6m
- II. Minimum **lot area** of 260.2 m²
- III. Minimum **lot coverage** of 45%
- IV. Minimum **rear yard depth** of 6.10 m
- V. Minimum **side yard width** of 1.2 m (north and south).'

'MINOR VARIANCE: File No. A-049/24

AND IT IS HEREBY ORDERED that the lands and premises above described be, and the same are hereby exempt from Section 10.3.5.1, Section 10.3.5.2, Section 10.3.5.3, Section 10.3.5.6, Section 10.3.5.7 of Zoning By-law 8600, as amended, so as to permit, in a Residential RD1.3 District, the construction of a single unit dwelling with two ADUs with reduced minimum lot width, minimum lot area, maximum lot coverage, minimum rear yard depth, and minimum side yard width, thereby providing and maintaining:

- I. Minimum **lot width** of 7.6m
- II. Minimum **lot area** of 260.2 m²
- III. Minimum **lot coverage** of 45%
- IV. Minimum **rear yard depth** of 6.10 m
- V. Minimum **side yard width** of 1.20 m (north and south).'

There are more variances granted for the three lots (1074, 1076 and 1078 California) to the south of 1066 California than the variances being requested for 1066 California. The variances will provide for the same townhouse building and style as proposed for 1066 California. The relief granted was considered minor and in my professional opinion, the relief being granted for 1066 California is comparable and can be considered minor.

In my professional opinion, the site specific ZBA will allow for the development of the subject property with the same townhouse building proposed for the three adjacent lots to the south, creating a continuity of look and housing styles. The ZBA will provide for the same relief granted by the COA for the south three lots to the subject lands.

2.3 NEIGHBOURHOOD

The subject lands have frontage on California Avenue and access to a gravel laneway in the rear. The neighbourhood, including the subject lands, do not have a driveway entrance off California Avenue but access and parking in the rear of property off the alley. With access from the alleyway, there will not be any driveway access from California Avenue, maintaining the historical street view and the focus on the residence not the car.

FIGURE 7: NEIGHBOURHOOD - 1066 CALIFORNIA AVE

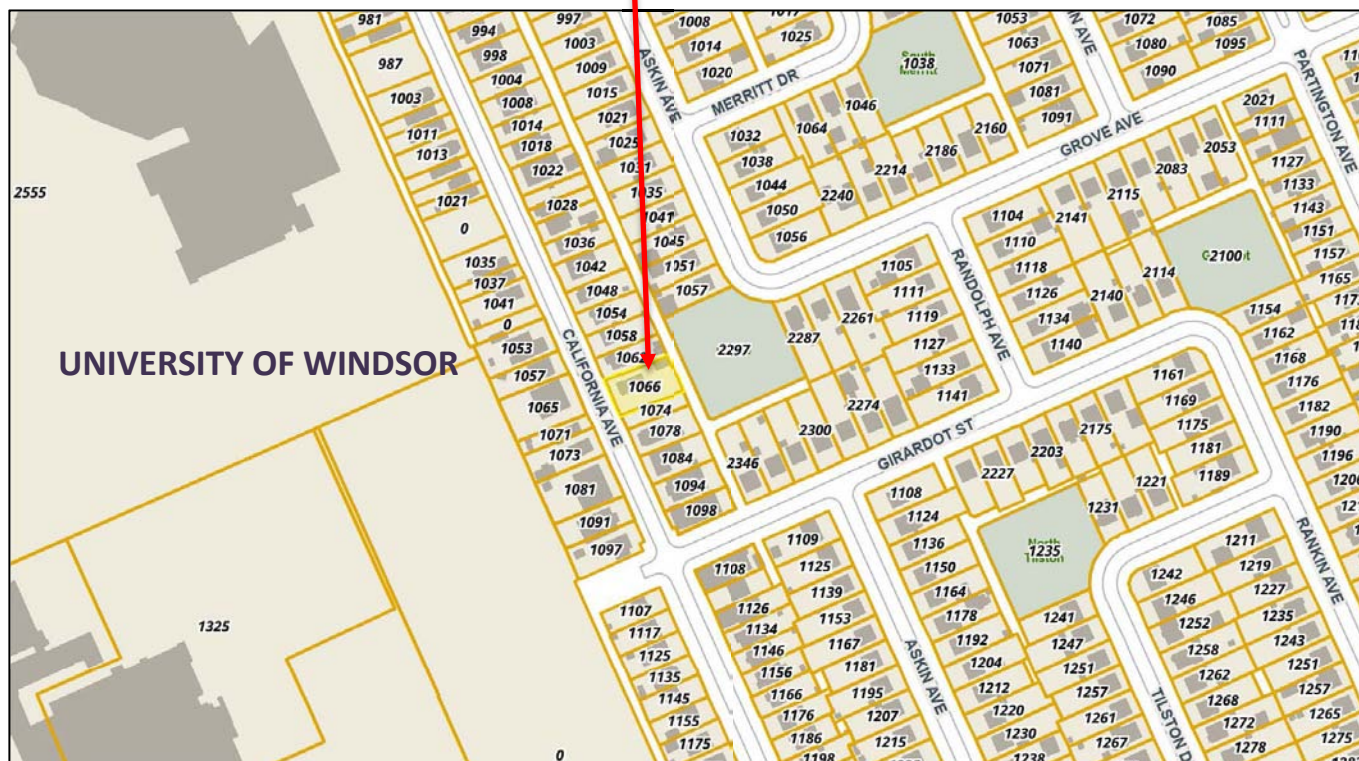


FIGURE 8: NEIGHBOURHOOD - 1066 CALIFORNIA AVE



The neighbourhood is an area of regeneration with new, multiple unit dwellings used for housing to accommodate the university directly behind California Ave to the west. The neighbourhood is also a mix of housing styles and tenures with the majority of existing homes are post war (1944-1955) bungalows, modest homes all of the 800 ft² to 900 ft² designed to be relatively temporary and not designed to last 80-100 years.

The Owner is proposing to maintain the historical access from the rear alleyway, a significant historical aspect of design compatibility with the neighbourhood. As part of site improvements, the Owner will be placing cement concrete blocks at the east side of the alleyway to stop cars backing out of the driveway from crossing onto the lands adjacent the alleyway (refer to site plan).

The subject property is at an odd angle that is slightly askew. The new townhouse building has been brought forward on the lot to have the south unit (TH3) at 5.4 m frontage and the north unit (TH1) at 6 m to keep with the established building line of existing buildings along the street. This aspect of the building setback will support the established street line of the building setbacks as shown on the Site Plan included in this report.

As the conditions of these buildings degrade, as shown below in the aerial photo and the city mapping, there are a number of multiple unit dwellings replacing the older, smaller homes in the neighbourhood, comparable to the two storey residential townhouse being proposed. The single unit is being replaced with 9 units, a sound, efficient building providing housing for the university.

As a new, 2 storey, 3 residential townhouse unit infilling development within an existing neighbourhood, the building form and function are consistent with the existing neighbourhood.

FIGURE 9: 1065 CALIFORNIA AVENUE

1066 CALIFORNIA AVE



1074, 1076, 1078 CALIFORNIA AVENUE

FIGURE 10: 1065 CALIFORNIA (ACROSS CALIFORNIA – 2.5 STOREY MULTI-UNIT BLDG)



In my professional opinion, the present proposed building is compatible and consistent with the neighbourhood and other new two storey, multiple unit buildings in the immediate vicinity to the south and across the road on California that supports the town policy direction for a mix of building heights, tenures, and styles.

The mix of tenures and styles provide for a variety of housing that supports the healthy community and therefore it my professional opinion that the proposal is consistent with the healthy community policies of the PPS and the policies of the municipality.

2.4 OPEN HOUSE

There were two people who attended the virtual open house: Jocelyn MacLachlan at California Ave, Windsor; and Kirsten Blok at California Ave.

Kirsten Blok wanted an explanation of what was being proposed in the ZBA. 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.

The second person, Jocelyn MacLachlan jociebird28@gmail.com; provided comments attached and is concerned about privacy, parking and problems with sewer capacity. Once we discussed the distance separation from her home, she had less issues with the proposal and was quite positive of the new housing coming onto California.

Both residents of the larger neighbourhood supported the building look and the use of the alleyway. They also were positive about the need for housing in the City and that a new three unit townhouse with the parking proposed was a positive addition to the neighbourhood.

City of Windsor Planner, Simona Simion, also attended virtually.

3.0 PROVINCIAL POLICY STATEMENT (PPS)

The *Planning Act*, R.S.O. 1990, c.P. 13, as amended, requires that the Council of a local Municipality shall make decisions on development applications which are consistent with the Provincial Policy Statement (PPS), 2020.

The PPS was issued by the Ministry of Municipal Affairs and Housing under the *Planning Act* and provides direction on matters of provincial interest primarily related to land use planning and development. The policies within the PPS apply province-wide and are an integral part of the Ontario's policy led planning system.

The PPS generally aims to encourage the wise use and management of land and other resources, promote the development of healthy and prosperous communities, protect public health and safety, and protect the natural environment. Specifically, the primary directives of the PPS include:

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

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

COMMENT:

In my professional opinion, the proposed ZBA will allow for the redevelopment an underutilized property with a gentle intensification that will provide for an efficient and effective use suited and compatible with the existing neighbourhood.

(b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;”

COMMENT:

The new townhouse building with ADU's will, in my professional opinion, provide for an alternative style and tenure of housing to the standard single detached residential housing. The site-specific ZBA will facilitate the provision of a variety and diversity of housing Windsor needs to support a healthy community.

The building is located in a neighbourhood adjacent to the University of Windsor. The new residential building will provide for rental housing supporting needed student affordable housing. In my professional opinion, the proposed ZBA conforms with the relevant policy of the PPS for a healthy community.

“(c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;”

COMMENT:

There are no public health, environmental or safety concerns associated with the development of the property.

“(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;”

COMMENT:

The subject lands are located within the urban settlement area of the City of Windsor. The new townhouse residential building creates an infilling development on an underdeveloped lot within an established neighbourhood that is comparable in height and density and that is considered compatible with the existing neighbourhood. The townhouse and ADU building provides a housing tenure and style diversification that is compatible with the neighbourhood. In my professional opinion, the development will support the efficient and effective establishment of an appropriate alternative residential housing.

“(e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;”

COMMENT:

The site within a short walking distance to the University of Windsor and commercial amenities available within the area.

Municipal sanitary and piped water services are available to the lot. The location will allow for an efficient and effective development while providing for a cost-effective utilization of existing municipal infrastructure.

The proposed two storey residential townhouse building is an appropriate infill within the mixed use neighbourhood. The ZBA will support a positive infilling of a comparable and compatible building style and tenure within an existing residential neighbourhood to create a positive mix of housing styles and tenures.

The proposed building is low profile and is consistent in design with existing residences in the neighbourhood both existing multiple unit buildings and new buildings proposed in close proximity.

The building has been designed with a high quality building material to elevate the building to a significantly designed building (see **Building Plans** below): The brick work is comprised of Espresso Brick with white mortar, midnight black Hardie Board and a white accent stone.

In my professional opinion, the proposal is consistent with and supports the establishment of alternative housing tenure and style; supports the cost-effective use of the property while minimizing land consumption; and supports the efficient and effective utilization of municipal infrastructure while providing for a neighbourhood compatible development.

“(f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;”

COMMENT:

Building accessibility will be established in compliance with the OBC for all residential units, an improvement on the older single detached residence on site.

“(g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;”

COMMENT:

As a minor infilling of a 3 unit townhouse there is sufficient capacity available in the municipal infrastructure to accommodate the proposed 3 unit townhouse and 6 ADU residential dwelling units. The proposed development, in my professional opinion, is considered an efficient and effective utilization of municipal infrastructure and is consistent with these PPS policies.

“(h) promoting development and land use patterns that conserve biodiversity; and”

COMMENT:

The infill development and residential gentle intensification on an underused lot minimizes the consumption of land resources by maximizing the efficient use of a small footprint of land. The proposed building relieves development pressure on areas of high-quality habitat by infilling and intensifying an underused lot which holds no habitat suitable for Species At Risk, thereby conserving biodiversity.

“j) preparing for the regional and local impacts of a changing climate.”

COMMENT:

In my professional opinion, the proposed development is consistent with the PPS in preparing for impacts of a changing climate. The development will reduce carbon emissions through providing residents with:

- opportunities for affordable student accommodation within a short walking distance to the University of Windsor;
- paved sidewalks
- access to nearby bus routes.

The proposed development will feature appropriate stormwater mitigation strategies to address a 1 in 100 year storm. It is my professional opinion that the multiple unit townhouse dwelling design of the building will conserve energy used for heating and cooling.

“Section 1.1.3.2 Settlement Areas

Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- (a) efficiently use land and resources;*
- (b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- (c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- (d) prepare for the impacts of a changing climate;*
- (e) support active transportation;*
- (f) are transit-supportive, where transit is planned, exists or may be developed; and*
- (g) are freight-supportive.*

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.”

COMMENT:

The proposed development is an efficient use of the existing municipal services and can be considered an appropriate use of the subject lands. There is no need to expand municipal services to accommodate the proposed development.

The proposal supports active transportation and municipal transit. The location of the residence will provide for walkability to the University.

In my professional opinion, the proposed residential development is an efficient, effective development for the site and supportive of the PPS policies ensuring compatible new development within the existing neighbourhood.

“Section 1.1.3.3 Settlement Areas

Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.”

COMMENT:

The subject lands are within a short walking distance to supportive commercial amenities and within a block to the University of Windsor. A public transit line is available in a short walk.

The ZBA will support the gentle intensification of an underused property for the establishment of a new townhouse residence that will provide needed residential accommodation as alternative tenure and style of housing.

It is my professional opinion that the proposed townhouse is consistent and compatible with the neighbourhood and is consistent with this policy of the PPS.

COMMENT:

In my professional opinion, the requested ZBA is consistent with the 2020 PPS by supporting the sound and efficient managed gentle intensification and growth associated with the townhouse building proposed for the subject site.

In my professional opinion, the requested ZBA is consistent with the 2020 PPS by supporting the sound and efficient managed intensification and growth associated with the low profile, compatible residential building purposed for student housing for the University of Windsor within a block distance to the subject lot.

The proposed minor ZBA regulatory framework supports the development of these lands as a low profile, compatible infilling development for the community. The proposed development, in my professional opinion, is consistent with the Provincial Policy Statement (PPS).

4.0 CITY OF WINDSOR OFFICIAL PLAN

The Official Plan for the City of Windsor is applicable to planning matters for the City. The subject property is located within the mixed use neighbourhood in the periphery to the city center. The lands are designated as 'Residential' in the City's Official Plan under OPA No. 159. The following sections review City policies as they relate to the proposed development:

"Section 1.8.1 Energy Conservation, Air Quality and Climate Change

Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:

(a) promote compact form and a structure of nodes and corridors;

COMMENT:

The new building will be designed in compliance with the OBC and energy efficiencies where possible. The nature of the low profile building supports energy conservation by providing for moderate density on site and shared walls. In my professional opinion the requested ZBA will support an environmentally sound development and conforms with OP policies.

The building is a sound utilization of an under utilised residential property with a new low profile townhouse development that in my professional opinion conforms with the OP policies.

"3.2.1.2 Neighbourhood Housing Variety

Encouraging a range of housing types will ensure that people have an opportunity to live in their neighbourhoods as they pass through the various stages of their lives. 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."

COMMENT:

The proposed 3 unit townhouse building with ADU's will provide for alternative housing style and tenure with student housing as rental units. The physical location of the building is an infill development and gentile residential intensification on an under utilized lot and within a neighbourhood of compatible and comparable development.

We held an Open House where there were a few neighbours that attended. They had no concerns and supported the development once it was discussed about the style, tenure and the provision of parking from the alleyway.

In my professional opinion, the proposed ZBA will support the appropriate and compatible low profile 3 unit residential townhouse as a gentile intensification.

“3.2.1.4 Community Design

The design of buildings and spaces will respect and enhance the character of their surroundings, incorporating natural features and creating interesting and comfortable places. Streets, open spaces and the greenway system will serve as public amenities connecting and defining neighbourhoods and contributing to Windsor's image. New development in Windsor will accommodate the needs of pedestrians, cyclists and other recreational activities.”

COMMENT:

The building has been designed to emphasize the pedestrian. Existing historical residences within the neighbourhood have driveway entrances from the rear alley and this has been reflected in only a rear alleyway for this property. The orientation of the building at the front of the lot, with walkways and sidewalks at the front for parking behind the building, provides for an aesthetically appealing building. There will be extensive landscaping. In my professional opinion, the proposed development conforms with the OP policy.

“3.2.3.5 Energy Efficiency

Windsor will encourage the design and construction of energy efficient buildings and landscapes to reduce air, water and land pollution and environmental impacts of energy production and consumption.”

COMMENT:

The new building will be designed in compliance with the OBC and energy efficiencies where possible. The nature of the medium profile building supports energy conservation by providing for moderate density on the site. In my professional opinion the requested ZBA will support an environmentally sound development that conforms with OP policies.

“4.2.1 Healthy and Liveable City – Planning & Design

4.2.1.1 To consider community health in the planning and design of Windsor and its neighbourhoods.

4.2.1.2 To provide for activities and facilities which will foster an active lifestyle to improve community health.

4.2.1.4 To protect against climate change and its possible adverse effects on human health, the physical environment, economy and quality of life.

4.2.1.5 To encourage a mix of housing types and services to allow people to remain in their neighbourhoods as they age.

4.2.1.6 To provide for pedestrian scale neighbourhood centres that serve the day-to-day needs of the local residents.”

COMMENT:

The requested ZBA will support a healthy lifestyle for residents by encouraging walking and cycling with its proximity to the University and transit stops. The proposed 3 unit townhouse with ADU's will provide for a low profile, infilling compatible development in the existing residential neighbourhood. The infilling development will provide for a mix of housing styles and tenures.

In my professional opinion, the proposed development conforms with the healthy community initiative of the City of Windsor Official Plan policies.

“4.2.3 Quality of Life

4.2.3.1 To encourage a mix of uses.

4.2.3.2 To encourage the location of basic goods and services close to where people live and work.

4.2.3.3 To recognize the needs of the community in terms of shelter, support services, accessibility and mobility.

4.2.3.4 To accommodate the appropriate range and mix of housing.”

COMMENT:

The proposed development is located in short distance to a municipal transit route and will support the use of the municipal trail system. The residential low profile 3 unit townhouse will provide for alternative housing style and tenure in a low profile townhouse building that is compatible in height and massing with the neighbourhood.

In my professional opinion the requested site-specific ZBA will conform with the ability to provide the neighbourhood and City alternative residential tenure and style of housing.

COMMENT:

In conclusion, the proposed three unit townhouse building is a style and design, height, and massing that is comparable to and compatible with other existing residences in the immediate neighbourhood of housing.

The proposed development will support the mix of development within the neighbourhood, providing for alternative tenure and style of housing and allowing for the regeneration of the older established neighbourhood while providing for housing that is compatible with the existing housing style.

The proposed infilling within a neighbourhood of existing residential buildings styles and densities that are comparable with the new proposed townhouse promotes compatible uses and buildings of similar height within the neighbourhood of low profile, residences.

COMMENT:

OP policies encourage and support infilling such as the proposal when the building and use are compatible with the existing residential neighbourhood. The low profile, 3 unit townhouse development provides for a gentle intensification with a housing style that is compatible with adjacent housing styles.

The proposal conforms with OP policies that encourage complimentary and compact built form housing within an existing neighbourhood.

The requested ZBA will provide for a site specific (RD2.2) zone with 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.

The requested ZBA will support the establishment of compact housing that is comparable and consistent with other housing within the neighbourhood.

In my professional opinion, the Bylaw Amendment changing the zoning of the property from (RD1.3) to (RD2.2(##)) will authorize the new, three unit town house residence with the ADU's, conforms with the relevant policies of the Official Plan.

4.1 INTENSIFICATION GUIDELINES REVIEW:

“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.”

COMMENT:

The proposed 3 unit townhouse with ADU's will provide for a low profile, infilling compatible development in the existing residential neighbourhood. The infilling development is considered a gentle intensification that will provide for a mix of housing styles and tenures.

As the conditions of these buildings degrade, as shown below in the aerial photo and the city mapping, there are a number of multiple unit dwellings replacing the older, smaller homes in the neighbourhood, comparable to the two storey residential townhouse being proposed. The single unit is being replaced with 9 units, a sound, efficient building providing housing for the university.

In my professional opinion, the proposed development conforms with the healthy community initiative of the City of Windsor Official Plan policies.

“6.2.1.2 Types of Development Profile

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:

- (a) Low Profile developments are buildings or structures generally no greater than three (3) storeys in height;*
- (b) Medium Profile developments are buildings or structures generally no greater than six (6) storeys in height, and;*
- (c) High Profile developments are buildings or structures generally no greater than fourteen (14) storeys in height.”*

COMMENT:

The neighbourhood is comprised of low profile housing, including the multiple unit buildings. The proposed townhouse building will be compatible with the neighbourhood for height of the building.

There are a number of buildings within the neighbourhood, as discussed above, with the same number of units and the same profile of the existing building. A number of these buildings, including the same building directly adjacent to the south, were approved for a number variances to accommodate the building on the unique sized and dimensioned lots.

In my professional opinion the requested site-specific ZBA will conform with the ability to provide the neighbourhood and City alternative residential tenure and style of housing.

“6.3.1 Residential: Range of Forms & Tenures

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.

6.3.1.5 To provide for complementary services and amenities which enhance the quality of residential areas.”

COMMENT:

As discussed, the proposed development provides for an appropriate infill of a gentle intensification that is comparable to other existing low profile buildings in the neighbourhood. The residential low profile 3 unit townhouse with ADU's will provide for alternative housing style and tenure in a low profile townhouse building that is compatible in height and massing with the neighbourhood.

The requested site specific provisions in the Bylaw that allows for a minor increase in lot coverage that will permit the town house units with covered front verandah and residential units that are an appropriate size and configuration within the building.

In my professional opinion the requested site-specific ZBA will conform with the ability to provide the neighbourhood and City alternative residential tenure and style of housing.

“6.3.2.4 Locational Criteria

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

- a) there is access to a collector or arterial road;*
- b) full municipal physical services can be provided;*
- c) adequate community services and open spaces are available or are planned; and*
- d) public transportation service can be provided.”*

COMMENT:

The requested site specific provisions in the requested Zoning Bylaw does **Not** include height provisions and it is my professional opinion that the proposed 2.5 storey, low profile building is consistent with the neighbourhood.

“6.3.2.5 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:

- (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) facilitating a gradual transition from Low Profile residential development to Medium and/or High-Profile development and vice versa, where appropriate, in accordance with Design Guidelines approved by Council.”*

COMMENT:

The proposed building at 2.5 storeys at 3 storeys is consistent with a number of buildings in the neighbourhood including, as discussed above. The same buildings are being built directly south of the subject property and a 2.5 storey, 9 unit building is directly across the street on California.

In order for the 3 unit townhouse building to respect the existing front yard setback of other homes in the neighbourhood and that there is no driveway access from California, a variance from the front yard setback is required for unit 3 of the townhouse block sitting at 5.4 m. Townhouse unit 1 is in compliance at 6 m. This variance will ensure compatibility and continuity of the low profile residential building with the neighbourhood.

In my professional opinion, the proposed development and requested ZBA conform with and allows for the infilling of the proposed residence in an existing neighbourhood.

“6.5.1.8 Objectives: Residential Intensification

To promote residential intensification with Medium and High-Profile buildings to meet the housing needs of the City in appropriate areas in proximity to municipal services, transit and employment areas.”

COMMENT:

The gentle intensification allows for 3 residential townhouse units with ADU's in each unit. The ZBA includes relief for provisions that will not increase the height or massing of the building beyond the low density, low profile policies.

In my professional opinion, the new building will be an attractive and appropriate addition to a pedestrian oriented, mixed-use neighbourhood.

“10.2.20 Design Briefs

A Design Brief identifies the character of a street or neighbourhood over a smaller area than an Urban Design Study. Where this Plan requires the preparation of a Design Brief the following steps shall be taken:

“10.2.20.1 The Urban Design Brief should provide a description and analysis of the site and surrounding context. Photographs and a context map showing the subject site in relation to the existing neighbourhood should be included.”

COMMENT:

The proposed design and build is compatible with the neighbourhood will be a positive asset to the neighbourhood, and is consistent with other existing residential buildings and development.

In my professional opinion the building is high level design and will be an asset to the neighbourhood and conforms with the OP policies.

“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);*
- ii) Lot sizes;*
- iii) Building orientation and site layout;*
- iv) Built form, height, scale, and massing;*
- v) Building articulation and detailing;*
- vi) Building materials;*
- vii) Setbacks from adjacent properties and the street;*

- viii) *Building step back (if applicable);*
- ix) *Building transition to adjacent neighbourhoods;*
- x) *Heritage considerations (if applicable);*
- xi) *Location of parking (surface or underground), driveways, ramps, drop-off areas;*
- xii) *Access to transit;*
- xiii) *Bicycle parking/storage;*
- xiv) *Location of servicing, garbage, organics, and recycling storage and collection, and loading areas;*
- xv) *Streetscape elements (e.g., boulevard design, landscaping, street furniture, public art, signage, lighting, etc.); and,*
- xvi) *On-site landscaping and buffering.”*

The following provisions are to be addressed in the site specific bylaw:

- **Lot Width** (min.) = 20 m required and 19.81 m provided (0.2 m variance);
 - The lot width is a minor adjustment to allow for a historically existing lot configuration of 2.5 lots.
- **Lot Coverage** (max.) = 45% max and 53.1% provided (8.1 % variance);
 - There are pedestrian entrances for TH3 and TH1 with a covered front verandah and stairs and sidewalk in support of the pedestrian access and street frontage. These features add to the lot coverage overage but also add a positive street presence and support a walkable community.
 - The units are an appropriate size and consistent with sizes for rental apartments in the neighbourhood such as the rental units at 1074, 1076 and 1078 California on adjacent lands to the south.
- **Rear Yard Setback** (min.) = 7.5 m req'd, and 6.3 m provided (1.2 m variance);
 - The rear yard is adjusted with a minor variance from the bylaw provision to allow for the proposed building. The size of the units are consistent with unit sizes in other buildings within the neighbourhood – see adjacent properties to the south and across the road.

- **Front Yard Setback** (min.) = 6 m required, and 5.4 m provided (0.6 m variance).
 - The proposed 2.5 storey building is comprised of 3 townhouse units: TH1 (north unit) has a 6 m front yard setback and is compliance with the front yard setback while TH3 has a 5.4 m setback because the front lot line is not straight but at a significant angle. See Site Plan showing that the
 - As well, the driveway and parking is provided in the rear, consistent with the neighbourhood and allowing for the building to be brought forward to be in line with existing residences to create a street presence and support the walkable community. See site plan with adjacent residence to the north showing adjacent to TH1.
- The building is in close walking distance to municipal bus stops.
- The building will be compatible in size, scale, and massing with the existing neighbourhood.
- The residence is near the University of Windsor and will be able to provide higher end accommodation for graduate students at the university and support the walkability of the neighbourhood.
- The proposed townhouse building has been designed to match the established front yard of the neighbourhood; access has been deferred to the rear yard off the alley to ensure connectivity of the private space/sidewalk connecting the building to the public space/sidewalk along California.
- The three lots together will exceed the lot areas of the neighbourhood lots while each lot after division will also be consistent with the neighbourhood lot fabric.
- The town house building has been oriented at the same setback and orientation that is consistent with the neighbourhood. In my professional opinion, all efforts have been made to ensure compatibility with the proposed infilling within the existing neighbourhood.

- In my professional opinion and as discussed above, the low profile, three unit townhouse on the two and half lot parcel is consistent with the massing and built form of the neighbourhood.
- The building has been designed as a low profile, two storey, three unit townhouse building with details and articulations that are consistent with the neighbourhood. As noted above, building look and materials are consistent with the existing neighbourhood.
- Adjacent to the south (1074, 1076, and 1078 California) is going to be built with the same building with similar style and colours that will be compatible and consistent as an infilling development.
- Parking will be in the rear yard with access from the existing laneway allowing for a continuity of the lot frontages along California Ave. The laneway access supports the historical focus of the residence rather than the car lessens the focus of the car and in my professional opinion, provides for a principal focus of the walking, biking, healthy neighbourhood.
- Material for the building will consist of colours and aspects from the neighbourhood: comprised of Espresso Brick with white mortar, midnight black Hardie Board and a white accent stone, similar in design and colour with 1026-1028 California Ave. shown below.
- In addition to the comparable style, design and massing of the buildings, the townhouse units and ADU's are consistent with other multiple unit use of the buildings within the neighbourhood.
- The new residence will have the same height at 9 m with the neighbourhood. Colours and material will be similar to other new existing residences within the neighbourhood such as 1026 California.

FIGURE 11: 1026 CALIFORNIA and 1028 CALIFORNIA AVE



FIGURE 12: 1081 AND 1091 CALIFORNIA AVE (SOUTH-2 & 2.5 STOREY MULTI-UNIT BLDG)



FIGURE 13: 1098 CALIFORNIA AVE (SOUTH – 2 STOREY MULTI-UNIT BLDG)

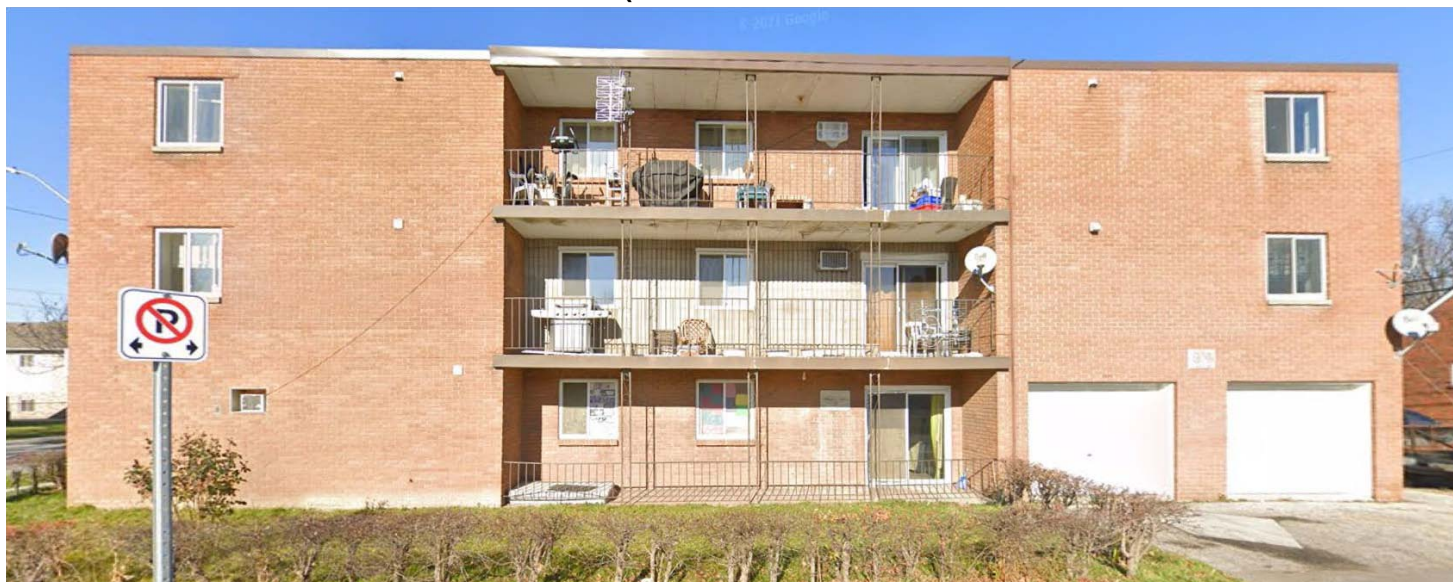


FIGURE 14: 1066 CALIFORNIA – BUILDING PLAN



- The proposed building is low profile and is consistent in design with existing residences in the neighbourhood both existing multiple unit buildings and new buildings proposed in close proximity;
- The building has been designed with a high quality building material to elevate the building to a significantly designed building (see **Building Plans** below): The brick work is comprised of Espresso Brick with white mortar, midnight black Hardie Board and a white accent stone.
- Details such as walkways in the front yard; no driveways from California; and car access from the alleyway support the design compatibility of the proposed development.
- The new residential building has been designed with a sensitivity to the low rise buildings presently across the street and within the neighbourhood. The new residential building is a residence, height, comparable in design, and massing to other residential buildings on the street, particularly across the street.
- Details have been addressed to ensure compatibility with the neighbourhood: access from the laneway to parking and not having a curb cut and driveway from California with parking behind the residence rather than in the front yard.
- The minor ZBA will provide for construction of a new appropriate residence that is sensitive to the existing neighbourhood.

In my professional opinion, the ZBA will support the establishment of a new 3 unit townhouse building with ADU's in the building, comparable and compatible as an infill within the established neighbourhood and conforms with relevant urban design policies of the Official Plan.

COMMENT:

In my professional opinion, the requested site-specific ZBA conforms with the relevant policies of the Official Plan for the City of Windsor based on the evaluation noted above. The proposed development is consistent with the intent of the OP.

5.0 CITY OF WINDSOR ZONING BYLAW

The subject site is presently zoned 'Residential District 1.3 (RD1.3)' in the Comprehensive Zoning By-law 8600, a zone that only allows for single, detached residences. Proposed is the infilling of a new townhouse residence and associated ADU's in the building for the property. The neighbourhood is comprised of other multiple unit residences that also multi-unit buildings containing ADU's. Proposed is a ZBA that will change the zoning for the site to a site specific 'Residential District (2.2)'.

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

| | (RD2.2) PROVISIONS | SUBJECT SITE |
|---------------------|--------------------|--|
| PERMITTED BLDG | TOWNHOUSE | TOWNHOUSE |
| LOT AREA | 600 m ² | 679.4 m ² |
| LOT WIDTH | 20 m | 19.81 m (0.2 m variance) |
| FRONT YARD SETBACK | 6 m | TH1 - 6 m TH2 - 8 m TH3 – 5.4 m (0,6 m variance) |
| INTERIOR SIDE YARD | 1.2 m | 1.2 m |
| REAR YARD | 7.5 m | 6.3 m (1.2 m variance) 6.9 m (0,6 m variance) |
| LOT COVERAGE | 45 % | 53.1% TOTAL (8.1 % variances) (TH 1 = 52%; TH 2 = 55%; TH3 = 52%) |
| MAXIMUM BLDG HEIGHT | 9 m | 9 m |
| PARKING | 1.25 spaces/unit | 2 spaces/unit |

The minor ZBA application purports to change the zone category of the 1066 California from the present 'Residential District 1.3 (RD1.3)' to a site specific 'Residential District 2.2 (RD2.2(##))'. The ZBA will not be allowing for new or additional uses, rather the ZBA will allow for alternative building types than the single detached residence of the RD1.3 and providing for site specific provisions:

- i) **Lot Width** (minimum) = 20 m required and 19.81 m provided (0.2 m variance);
- ii) **Lot Coverage** (maximum) = 45% max and 53.1% provided (8.1 % variance);
- iii) **Rear Yard Setback** (minimum) = 7.5 m required and 6.3 m provided (1.2 m variance);
- iv) **Front Yard Setback** (minimum) = 6 m required and 5.4 m provided (0.6 m variance).

The lot width has to be addressed because of the odd shape and the skew of the lots. With the shape of the parcel, there is a minor adjustment of 0.2 m required to recognize the merged lots of three parcels. Also, the lots were created a number of years before the parsing of the bylaw and as merged, historical lots are just a minor adjustment of 0.2 m to be in compliance with the bylaw.

The older fabric of the lots are slightly narrower and therefore a minor adjustment of the side yard is required to allow for a well designed building that is consistent in height and design with the rest of the neighbourhood.

It is my professional opinion that the ZBA will allow for the development of the site with a building that is being sensitive to the infilling nature and different characteristics of the neighbourhood. With the allowance of the reduced front yard for TH3 at 5.4 m allows for a variance of 0.6 m to allow for TH1 to match the established building line of the neighbourhood while bringing the house, porch and sidewalk forward to create a positive public space and private space.

It is my professional opinion that the minor adjustments will allow for a building mass and style that is consistent with the neighbourhood. The minor ZBA, in my professional opinion, allows for a standard long narrow residential townhouse consistent with the standard townhouse style.

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 ZBA will provide for relief similar to the lands to the south that provides for relief: i) lot width; 2) lot area; 3) rear yard depth; 4) side yard width; and 5) lot coverage. These minor adjustments will provide for an appropriate GFA for the townhouse units and the proposed ADU's. As well, both the subject lands and the lands to the south that are consistently relieved will allow for compatible development.

The new building proposed for each of the developments will have the same massing, density, and will be compatible. Because both properties will have similar relief, the changes will be negligible from a viewscape perspective. The minor adjustments will not have a negative impact on the neighbourhood.

In my professional opinion, the proposed new three unit townhouse 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 (##))'.

6.0 SUMMARY AND CONCLUSIONS

Given the foregoing assessment and my evaluation of the proposal in relation to the PPS 2020, the City of Windsor Official Plan and the Comprehensive Zoning By-law 8600, in my professional opinion the proposed site-specific By-law Amendment (ZBA) is consistent with policies of the PPS, OP, and the regulations found in the Zoning By-law.

The requested site specific ZBA to provide a site specific regulatory framework that will support the development of the site for 3 residential townhouse makes sound planning. The gentle intensification is appropriate, and the proposed building can be considered compatible and consistent with the existing neighbourhood.

In addition, it is my professional opinion that the proposed site-specific Zoning By-law Amendment (ZBA) is appropriate and desirable within this policy framework as it will facilitate development of site for student housing within half a block to the university.

In summation, the proposal complies with the Zoning Bylaw Amendment (ZBA) that will appropriately establish a site-specific regulatory framework under the 'Residential District 2.2 (RD2.2) zone. The ZBA provides a good solution for the provision of needed alternative residential accommodation and compatible development within an existing neighbourhood, while supporting a diversity of housing tenures and styles within the municipality.

In my professional opinion the requested ZBA:

- 1) is consistent with the policies of the 2020 Provincial Policy Statements;
- 2) maintains the intent of the relevant policies of the City of Windsor Official Plan;
- 3) maintains the intent of CZB 8600 and when the ZBA is passed, it will establish the regulatory framework required for the development to comply with the CZB 8600;
- 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, 1994.8600

ts Inc.

Jacqueline Lassaline
Jackie Lassaline BA MCIP RPP
Principal Planner

APPENDIX D – CONSULTATION

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.

WINDSOR FIRE – MICHAEL COSTE

No issue with Fire

TRANSIT WINDSOR – JASON SCOTT

Transit Windsor has no objections to this development. The closest existing transit routes to this property are with the Central 3 and Route 418X. The closest existing bus stop to this property is located on College at California Southwest Corner. This bus stop is approximately 440 metres from this property falling outside of Transit Windsor's walking distance guidelines of 400 metres to a bus stop. This will be maintained with Transit Windsor's City Council approved Transit Master Plan.

CANADA POST – BRUNO DESANDO

Canada Post has no comments for the attached application.

BUILDING ENGINEERING – MIRELLA ALLISON

With only one exterior stair to provide a way out from the first floor, the plan fails the sentence shown below unless the affected windows are wired glass. The architect might want to rework the plan to enclose the stairway or provide a second exit to avoid the cost of wired glass.

9.9.4.4. Openings Near Unenclosed Exit Stairs and Ramps

(1) Where an unenclosed exterior *exit* stair or ramp provides the only *means of egress* from a *suite*, and is exposed to fire from openings in the exterior walls of another *fire compartment*, the openings in the exterior walls of the *building* shall be protected with wired glass in fixed steel frames or glass block conforming to Articles 9.10.13.5. and 9.10.13.7. when the openings in the exterior walls of the *building* are within 3 m horizontally and less than 10 m below or less than 5 m above the *exit* stair or ramp.

HERITAGE PLANNING – TRACY TANG

The subject property is located within the Archaeological Potential Zone (as per the recently adopted Windsor Archaeological Management Plan, 2024; OPA 181; and updated 2024 archaeological potential model OP Volume I Schedule C-1). 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 archaeological reports, letters from the Ministry confirming acceptance of the reports in the Ontario Public Register of Archaeological Reports, and GIS shapefiles of the study area must be submitted to the City of Windsor Planning and Development Services.

Contact: Tracy Tang, Senior Planner –Heritage (Acting), ttang@citywindsor.ca or 519-255-6543 x6179.

ENWIN

HYDRO ENGINEERING: Steve Zambito

No Objection, provided adequate clearances are achieved and maintained.

ENWIN has existing overhead pole lines along the east limits with 27,600 volt primary and 120/240 volt secondary hydro distribution.

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

The developer will be responsible to cover all costs associated with any relocation or removal of ENWIN poles and conductors.

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. The existing 19mm water service will need to be upgraded to accommodate the proposed development.

TRANSPORTATION PLANNING – ELARA MEHRILOU

- Official Plan classifies California Ave as a Local Residential Road with a required right-of-way width of 20.1 metres. However, the current right-of-way width is not sufficient, no land conveyance is required at this time.
- All parking must comply with ZBL 8600.
 - 1 type A accessible parking is required unless sever.
- All new exterior paths of travel must meet the requirements of the *Accessibility for Ontarians with Disabilities Act (AODA)*.
- All new accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.
 - An alley contribution per Engineering Right-of-Way requirements is required.
 - No bumper blocks permitted.

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:

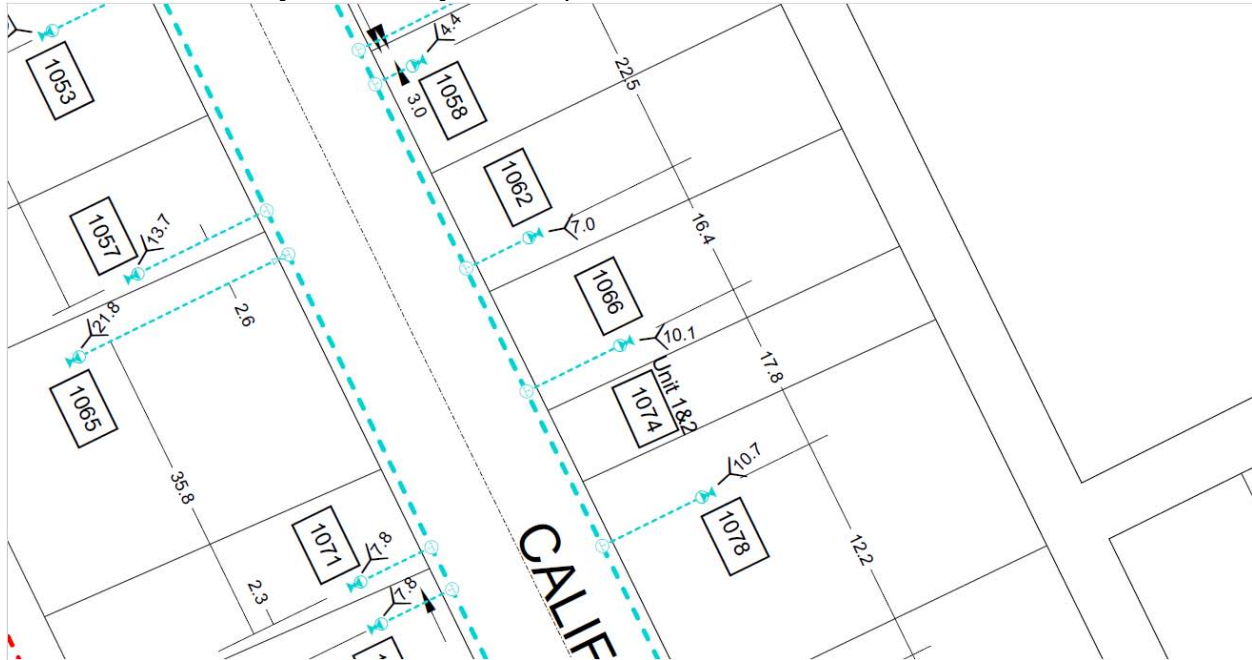
1. **The shown piping locations are approximate and for information purposes only**
2. **The drawings are not to scale**
3. **This drawing does not replace field locates. Please contact Ontario One Call for onsite locates prior to excavating, digging, etc**

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.



ZONING COORDINATOR – CONNER O’ROURKE

Below is the zoning review summary of the above-mentioned property, circulated on October 10 2024.

- **Current Zoning Designation:** Residential District 1.3 (RD1.3)
- **Proposed Zoning Designation:** Residential District 2.2 (RD2.2)
- **Proposed Use:**
 - Three unit townhome dwelling with 2 ADU's in each dwelling unit.
- **Section 5 – General Provisions:**
 - **5.23 Dwelling – Semi-Detached and Townhome – Additional Provisions**
 - .5.3
 - Maximum lot coverage per severable lot (TH1)
 - 50% (Required)
 - 52% (Provided)
 - Maximum lot coverage per severable lot (TH2)
 - 50% (Required)
 - 54% (Provided)
 - Maximum lot coverage per severable lot (TH3)
 - 50% (Required)

- 52% (Provided)
- **Section 11.2.5.5 – Townhome Dwelling:**
 - **Minimum Lot Width: [11.2.5.5.1]**
 - 20.0m (Required)
 - 19.8m (Provided)
 - **Maximum Lot Coverage: [11.2.5.5.3]**
 - 45.0% (Required)
 - 53.1% (Provided)
 - **Maximum Main Building Height: [11.2.5.5.4]**
 - 9.0m (Required)
 - 10.7m (Provided)
 - **Minimum Front Yard Depth: [11.2.5.5.5]**
 - 6.0m (Required)
 - 5.4m (Provided)
 - **Minimum Rear Yard Depth: [11.2.5.5.6]**
 - 7.50m (Required)
 - 6.31m (Provided)
- **Section 20 – Site Specific Zoning Exemptions:**
 - NOT APPLICABLE
- **Section 24 – Parking, Loading and Stacking Provisions:**
 - COMPLIES
- **Section 25 – Parking Area Regulations:**
 - NOT APPLICABLE

DEVELOPMENT ENGINEERING – JUAN PARAMO

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

The site may be serviced by a 300mm sanitary sewer and a 525mm storm 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.

A Functional Stormwater Management report, dated July 2024 by Landmark Engineers Inc., has been received and reviewed. The applicant's consultant has recommended onsite stormwater management measures to mitigate adverse impacts to the receiving storm sewer system. The sewer system in this neighborhood is expected to maintain its current level of service, with no significant impact anticipated as a result of this development. This department has no objections to the report submitted.

The concrete bumper blocks proposed on the preliminary site plan are not permitted and shall be removed.

The applicant will be required to submit, prior to the issuance of building permits, a detailed stormwater management plan in accordance with Windsor Essex Region

Stormwater Management Standards Manual, restricting stormwater runoff to pre development levels in accordance with the recommendations of the Functional SWM plan submitted. This will include, at a minimum:

- Submission of stormwater management review fee,
- Stormwater management report stamped by a professional engineer
- Site servicing drawings stamped by a professional engineer

Please visit the [City of Windsor website](#) and the [ERCA website](#) for additional information on stormwater management requirements.

In summary we have no objection to the proposed development, subject to the following requirements:

Alley Contribution – The owner agrees, prior to the issuance of a Building Permit, to contribute \$250 per linear meter payable to the City of Windsor and deposited in the General Fund intended for the upkeep of alleys within the City of Windsor.

If you have any further questions or concerns, please contact Shannon Mills of this department at smills@citywindsor.ca

LANDSCAPE ARCHITECTURE & URBAN DESIGN – HODA KAMELI

- There are two significant trees on the property line shared ownership between The City and private property. It is recommended either be preserved or replaced with new plantings after development to maintain the site's environmental value.
- It is also important to include provisions for bicycle parking within the property to promote sustainable transportation options for residents.

FORESTRY – YEMI ADEYEYE

There is a large, City owned, silver maple, 101cm, directly in the front of this lot. There is another large, City owned, silver maple, 70cm, at the front NW corner of this lot next to property 1062.

Forestry will require detailed site plans prior to construction that show adequate Tree Root protection zones for each individual tree if they are to be preserved through the development process on-site and for those in proximity on neighbouring lots. Basic Tree protection includes exclusion fencing at the 'drip-line +1 meter' distance for each tree. Full details regarding the protection area required and type of fencing for Tree Root protection zones can be provided by Forestry.

In the case of these trees: the larger tree directly in front would require a Protection zone approximately 12 meters in all direction around the tree. The tree on the corner would require an 8.5 meter protection zone. No disturbances or other activity can occur within the protection zone(s). The Proposed Site Plans indicate there would not been sufficient room on-site available to install full Tree Protection zones.

If the trees are not to be preserved or cannot be adequately protected through the development process a request must be made that specific trees be removed. A Removal & Canopy Replacement costs will be calculated based on cost-to-remove and a Diameter-for-Diameter replacement ratio for both City owned and Private trees.

For these two trees the Removal & Canopy Replacement Costs will be \$16,820.00 and \$10,200.00 respectively for a TOTAL Canopy Replacement cost of \$27,020.00 (2024 rates).

Forestry requests the opportunity to review landscaping plans in order to provide comment and suggestion that would enhance preservation of existing trees and 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

If any trees or shrubs are removed; no harming active bird nests (Migratory Bird Act)

PARKS – HODA KAMELI

From Stage 1 comment : The park development team has recommended that the developer install a physical barrier, like curb stops, along the park property line. This measure aims to prevent vehicles from entering the park area directly, thereby enhancing safety.

DATE: November 12, 2024

TO: City Solicitor

FROM: City Planner / Executive Director

RE: ZONING AMENDMENT BY-LAW FOR COUNCIL CONSIDERATION
Planning File Number: Z031-24 [ZNG/7236]
Clerk's File: Z/xxx
Agenda.Net: S 147/2024

APPLICANT: Lassaline Planning Consultants (Jackie Lassaline)

Address: P.O. Box 52, 1632 County Road 31, St Joachim ON N0R 1S0

Phone: (519) 563-8814 **Email:** jackie@lassalineplan.ca

AGENT: same as applicant

Address:

Phone:

OWNER: Marko Agbaba

Address: 2121 Riverside Dr. Windsor ON N9B 1A8

Phone: 519-999-9425 **Email:** agbabaholdings@gmail.com

ROLL NO: 050-370-03500-0000

ADDRESS/LOCATION: 1066 California Ave

COUNCIL APPROVAL DATE: TBD

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 _____

GA:nm

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:

I. THAT Zoning By-law 8600 BE AMENDED by adding the following clause to Section 20(1):

518. EAST SIDE OF CALIFORNIA AVENUE, SOUTH OF DAVIS ST AND NORTH OF GIRARDOT ST

For the lands comprising of PLAN 50 BLOCK D LOTS 53 & 54 PT LOT 55 (PIN 01220-0251) for a townhome dwelling, the following additional provisions shall apply:

- a) Lot Width – minimum19.8 m
- b) Lot Coverage – maximum54% of lot area
- c) Front Yard Depth – minimum5.4 m
- d) Rear Yard Depth – minimum6.31 m
- e) Section 5.99.80.1.1.b) shall not apply

[ZDM 4; ZNG/7236]

II. THAT Zoning By-law 8600 BE FURTHER AMENDED by adding the following clause to Section 95.20:

(13) a) Pursuant to Section 9.3.7.1(a) of Volume I: The Primary Plan of the City of Windsor Official Plan, submission of Stage 1 Archaeological Assessment and any further recommended assessments be entered into the Ontario Public Register of Archaeological Reports to the satisfaction of the City Planner.

b) Alley Contribution to the satisfaction of the City Engineer.

c) Stormwater Management Plan to the satisfaction of the City Engineer.

[ZNG/7236]

III. THAT Zoning By-law 8600 BE FURTHER AMENDED by changing the zoning of PLAN 50 BLOCK D LOTS 53 & 54 PT LOT 55 (PIN 01220-0251), situated on the east side of California Avenue between Davis Street and Girardot Street, and known municipally as 1066 California Avenue (Roll No. 050-37-03500), from Residential District 1.3 (RD1.3) to Residential District 2.2 (RD2.2) and S.20(1)H(13)518.

IV. That the Committee of Adjustment CONSIDER comments contained in Appendix E of Report S 147/2024 as part of any consent application to sever the proposed townhome dwelling units.

Section 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 | 4 | Plan 50 Lots 53 & 54 Pt Lot;55 Blk D and PIN 01220-0251 (Located East Side of California Avenue, South of Davis St And North of Girardot St) | RD1.3 | RD2.2 S.20(1)H(13)518 |

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 Davis Street and Girardot Street, legally described as Plan 50 Lots 53 & 54 Pt Lot; 55 Blk D, PIN No. 01220-0251, to permit the development of a townhome dwelling with 3 dwelling units on the subject land.

The amending by-law changes the zoning on the subject land from Residential District 1.3 (RD1.3) to Residential District 2.2 (RD2.2) and adds a special zoning provision permitting a minimum lot width of 19.8 metres, maximum lot coverage of 54%, minimum front yard depth of 5.4 metres, and minimum rear yard depth of 6.31metres. Section 5.99.80.1.1.b) shall not apply.

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



PART OF ZONING DISTRICT MAP 4

N.T.S.

SCHEDULE 2

Applicant: Marko Agbaba

 SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



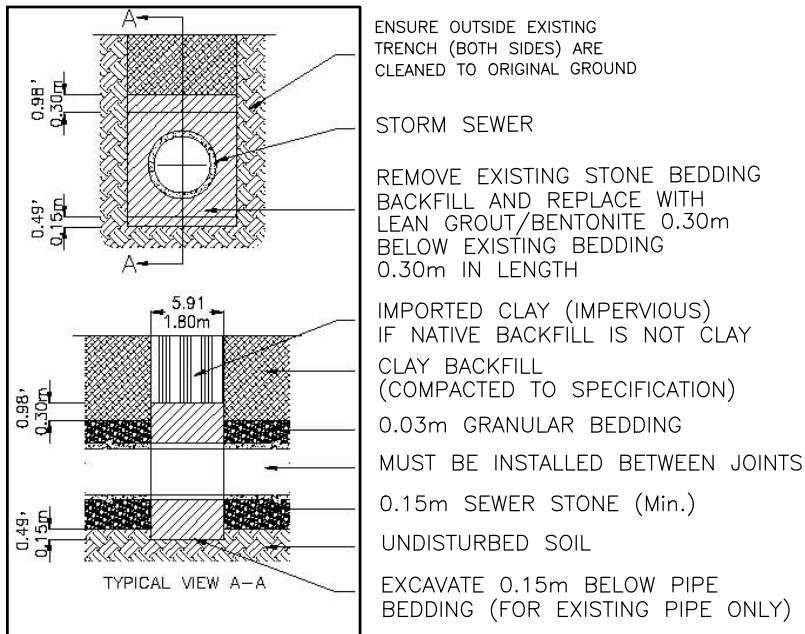
DATE : SEPTEMBER, 2024
FILE NO. : Z-031/24, ZNG/7236

ELEVATIONS
ELEVATIONS SHOWN ON THIS PLAN ARE IN FEET TO CANADIAN GEODETIC VERTICAL DATUM (1928)

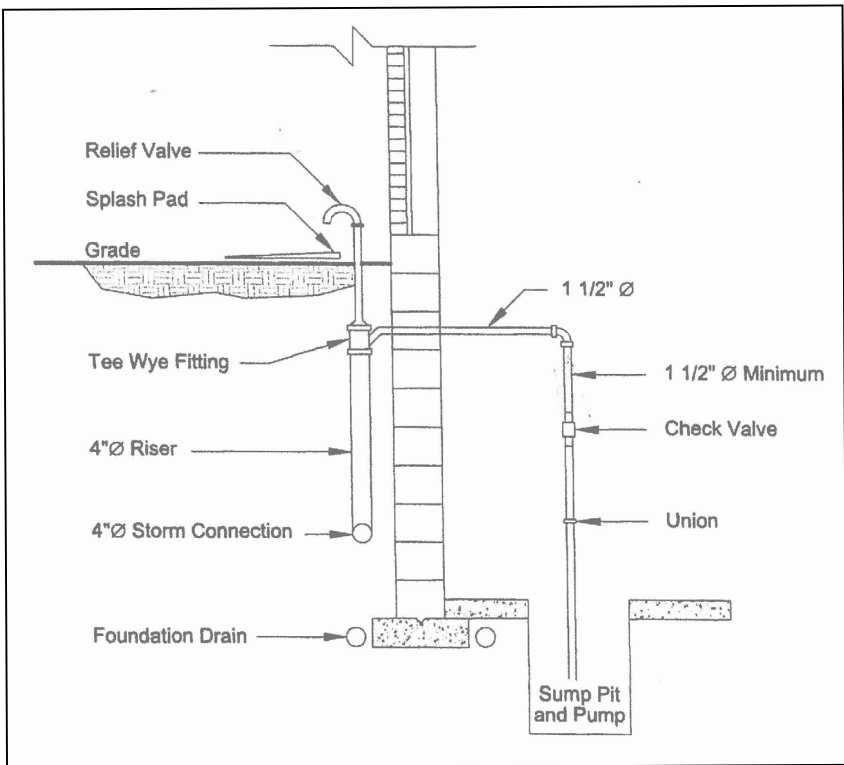
BENCH MARK
BENCH MARK 628
M.B. 2121 RIVERSIDE DRIVE WEST; THE PLATE IS LOCATED ON THE NORTH WALL, 0.1m FROM THE EAST WALL AND 0.2m ABOVE GRADE.

SITE BENCH MARK
TOP OF FIRE HYDRANT IN FRONT OF 1048 CALIFORNIA.

AREA
BOTH PARCELS HAVE THE SAME AREA OF 2,810 Sq.Ft., (0.065 Ac.).



GROUT/BENTONITE PLUG DETAIL

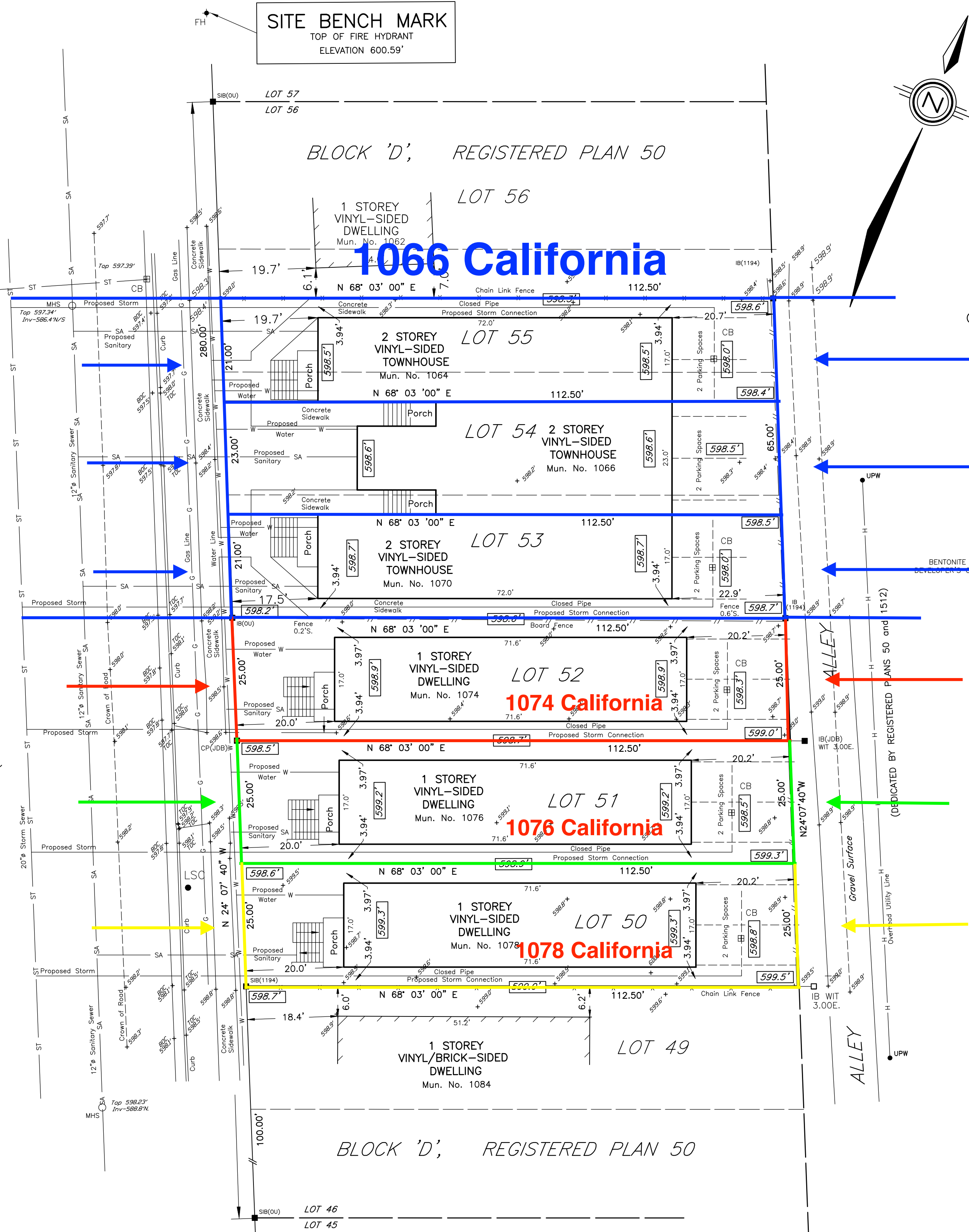


SUMP PUMP OVERFLOW DISCHARGE PIPE

INVERTS
SEWER INFORMATION WAS DERIVED FROM CITY OF WINDSOR SEWER ATLAS (PLATE G7) AND SHOULD BE VERIFIED BEFORE CONSTRUCTION.

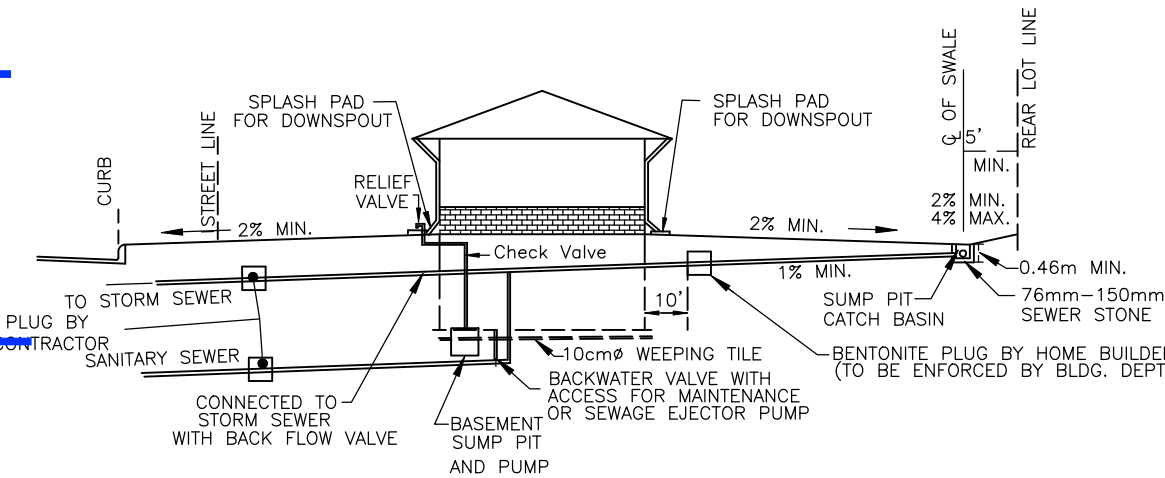
CAUTION
UNDERGROUND UTILITIES AND SERVICES SHOWN ON THIS PLAN ARE APPROXIMATE AND MUST BE VERIFIED BEFORE CONSTRUCTION

CALIFORNIA AVENUE
(DEDICATED BY REGISTERED PLAN 50)



IN-FILL GRADE PLAN
OF
LOTS 50 to 54, (BLOCK 'D')
PART OF LOT 55, (BLOCK 'D')
REGISTERED PLAN 50
IN THE
CITY OF WINDSOR
COUNTY OF ESSEX, ONTARIO
© VERHAEGEN LAND SURVEYORS, A DIVISION OF J.D. BARNES LTD.
SCALE : 1"=15'

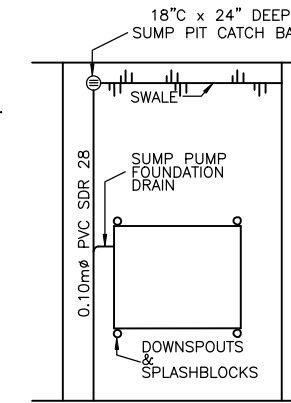
"IMPERIAL" DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN FEET AND CAN BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048



Cross Section of In Fill Drainage

TYPICAL LOT DRAINAGE
NOT TO SCALE

- NOTE
1. STORM CONNECTIONS TO PROVIDE REAR YARD DRAINAGE AND WEeping TILE FROM BASEMENT SUMP.
 2. SANITARY CONNECTIONS TO CARRY DOMESTIC SEWAGE ONLY.
 3. LOT GRADING TO DIRECT WATER AWAY FROM HOUSE TO EITHER ROAD OR REAR YARD DRAIN.
 4. SOLID STORM DRAIN TO 10.0' BEYOND HOUSE AS SHOWN.
 5. PERFORATED PIPE FOR REAR YARD DRAINAGE AS SHOWN.
 6. CONNECT 4" WEeping TILE TO BASEMENT SUMP AND DISCHARGE TO DRAINAGE DITCH.
 7. CLEAN-OUTS TO BE LOCATED EVERY 50.0'.



PLAN VIEW
NOT TO SCALE

599.5' DENOTES EXISTING ELEVATION
599.5' DENOTES PROPOSED ELEVATION
Existing Elevations have been derived on the Following Date : JULY 23, 2024

ELEVATIONS
GEODETIC
ASSUMED

DATE NOVEMBER 6, 2024

ANDREW S. MANTHA
ONTARIO LAND SURVEYOR

VERHAEGEN
LAND SURVEYORS
A DIVISION OF J.D. BARNES LTD.
944 OTTAWA STREET, WINDSOR, ON, N8X 2E1
T: (519) 258-1772 F: (519) 258-1791 www.jdbarnes.com

DRAWN BY: A.S.M. CHECKED BY: A.S.M. REFERENCE NO.: 24-47-374-02
FILE: 24-47-374-02 E-50-BLOCK D-5 CAD Date: November 6, 2024 2:58 PM
CAD File: 24-47-374-02.dwg



Council Report: S 159/2024

**Subject: Official Plan Amendment to update Source Water Protection Policies
OPA 190 [OPA/7256] - City Wide**

Reference:

Date to Council: December 2, 2024
Author: Frank Garardo, MCIP, RPP
(519) 255-6543 x 6446
fgarardo@citywindsor.ca

Planning & Building Services
Report Date: November 14, 2024
Clerk's File #: Z/14881

To: Mayor and Members of City Council

Recommendation:

1. THAT Volume 1: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by adopting Official Plan Amendment (OPA) 190 attached hereto as Appendix 1, and summarized as follows:
 - a) Chapter 2, Glossary; is hereby amended by adding definitions
 - b) Chapter 5, Environment is hereby amended by adding section 5.39 Source Water Protection Policies
2. THAT Volume 1: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by adopting Schedule K: Sourcewater Protection Areas as shown in Appendix 1.

Executive Summary:

N/A

Background:

The purpose of this Official Plan amendment is to update the City of Windsor Official Plan specific to protection of the municipal drinking water supplies in accordance with the Provincial Planning Statement 2024; Clean Water Act; and Essex Region Source Protection Plan.

In 2006, the Clean Water Act required municipalities to develop source protection plans based on detailed technical studies with a goal to protect municipal drinking water supplies from drinking water threats. The protection of the municipal drinking water supplies for the long term is crucial to meet the needs of existing and future residents.

The City of Windsor was involved in the development of the Source Protection Plan with the source protection committee, local municipalities, stakeholders, and an extensive process that included broad public consultation. The Source Protection Plan was approved on April 15, 2015, and came into effect on October 1, 2015. It comprises 50 policies employing various tools to effectively manage potential threats that could pose risks to drinking water sources.

The City of Windsor has been implementing the Source Protection Plan policies since 2015 and currently has a shared agreement with other local municipalities delegating a designated Risk Management Official under the local Conservation Authority.

Discussion:

The Source Protection Plan was implemented in 2015, and as part of the plan, municipalities are required to periodically update their planning documents to integrate the policies of the Source Protection Plan. The proposed City of Windsor Official Plan amendments include the following:

- A new map (Schedule K: Source Water Protection Areas) in the Official Plan as required under the SPP. Mapping includes vulnerable areas identified as "Intake Protection Zones" (IPZs), "Highly Vulnerable Aquifers" (HVAs) and "Significant Groundwater Recharge Areas" (SGRAs),
- Amendments to Chapter 5 - Environment in Volume I of the City of Windsor Official Plan to reference the Source Water Protection Policies,
- Updating definitions in the Official Plan to align with the Source Water Protection Policies

The proposed changes to the Official Plan aim to enhance education and outreach regarding the requirements of the applicable Source Protection Plan while supporting its ongoing implementation and compliance with the Clean Water Act. These changes will not impose new requirements on development, as the existing Source Protection Plan provisions have already been in effect and applied during the review of development applications throughout the City of Windsor. The attached Official Plan amendment is primarily a technical update to ensure conformity with the Source Protection Plan's mandate for periodic policy updates. Additionally, it seeks to improve overall awareness of Source Protection Plan requirements that may apply to development within the city.

The proposed source protection policies, as included in the Amendment are consistent with current Provincial legislation, plans, policies, and guidelines, and improve the overall intent, clarity and implementation of the policies and ensure they continue to reflect local planning goals and objectives.

Provincial Planning Statement 2024 (PPS 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. The following policies outline those related to the policies promoting efficient resource management.

Chapter 4: Wise Use and Management of Resources

4.2 Water

1. Planning authorities shall protect, improve or restore the quality and quantity of water by:

- a) using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;*
- b) minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts;*
- c) identifying water resource systems;*
- d) maintaining linkages and functions of water resource systems;*
- e) implementing necessary restrictions on development and site alteration to:
 - 1. protect all municipal drinking water supplies and designated vulnerable areas; and*
 - 2. protect, improve or restore vulnerable surface and ground water, and their hydrologic functions;**
- f) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality; and*
- g) ensuring consideration of environmental lake capacity, where applicable.*

2. Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored, which may require mitigative measures and/or alternative development approaches.

3. Municipalities are encouraged to undertake, and large and fast-growing municipalities shall undertake watershed planning to inform planning for sewage and water services and stormwater management, including low impact development, and the protection, improvement or restoration of the quality and quantity of water.

4. Despite policy 4.2.3, where planning is conducted by an upper-tier municipality that includes one or more lower-tier large and fast-growing municipalities, the upper-tier municipality shall undertake watershed planning in partnership with lower-tier municipalities, including lower-tier large and fast-growing municipalities.

5.All municipalities undertaking watershed planning are encouraged to collaborate with applicable conservation authorities.

Chapter 6: Implementation and Interpretation

6.2 Coordination

1. *A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies, boards, and Service Managers including:*
 - a) *managing and/or promoting growth and development that is integrated with planning for infrastructure and public service facilities, including schools and associated child care facilities;*
 - b) *economic development strategies;*
 - c) *managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources;*
 - d) *infrastructure, multimodal transportation systems, public service facilities and waste management systems;*
 - e) *ecosystem, shoreline, watershed, and Great Lakes related issues;*
 - f) *natural and human-made hazards;*

Risk Analysis:

N/A

Climate Change Risks

Climate Change Mitigation:

In general, the policies provide further education and outreach of source water protection. Source water protection is provincially mandated to promote safe drinking water for current and future generations.

Climate Change Adaptation:

The amendments incorporate source water protection policies and mapping of vulnerable areas. This will increase efficiency and resiliency for future developments within the City of Windsor.

Financial Matters:

There is no cost associated with the update to the Official Plan Policies.

Consultations:

Planning staff have consulted with Public Works staff, including the Coordinator of the Source Protection Program, regarding the proposed changes included in the amendment.

In addition, the preparation of the Source Protection Plans incorporated extensive community engagement in the development of the specific requirements for each of the Essex Regions Source Protection Plan. The proposed Official Plan amendments reflect and support the implementation of the requirements of the approved Source Protection Plan.

The required statutory public notice was posted in the Windsor Star in advance of the December 2, 2024 meeting of the Development & Heritage Standing Committee. A copy of the Official Plan Amendment is also available to the public on the City's website in advance of the Committee meeting.

Conclusion:

If approved, the Official Plan Amendment attached to this report is based on the requirements of the respective Source Protection Plan. Municipalities are required to periodically update their Official Plans to align with approved Source Protection Plans. The incorporation of these policies into the Official Plan is primarily a technical exercise necessary to fulfill specific requirements of the Source Protection Plan and does not introduce any new development requirements beyond those already established by the plan.

These policy updates conform to, or do not conflict with, any applicable provincial plans; continue to address matters of provincial interest; and align with the Provincial Planning Statement, 2024.

Planning Act Matters:

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

Greg Atkinson, MCIP, RPP
Deputy City Planner, 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 |
|--|---|
| Greg Atkinson | Deputy City Planner, Development |
| Jason Campigotto | Deputy City Planner, Growth |
| Neil Robertson | City Planner |
| Neil Robertson acting for Jelena Payne | Commissioner, Economic Development & Innovation |

| | |
|---------------|----------------------|
| Aaron Farough | Senior Legal Counsel |
|---------------|----------------------|

Notifications:

| Name | Address | Email |
|------|---------|-------|
| | | |

Appendices:

Appendix 1: Official Plan Amendment OPA 190

Appendix 2: Schedule K: Source Water Protection Areas Map

Appendix 3: Comparison Table of Proposed and Current Official Policies

Appendix 4: Source Protection and Municipal Planning

Appendix 5: RMO Written Direction

Appendix 6: Liaison Comments

BY-LAW NUMBER ____-2024

A BY-LAW TO ADOPT AMENDMENT NO. 190 TO THE OFFICIAL PLAN OF THE CITY OF WINDSOR

Passed the Xth day of __, 2024.

WHEREAS pursuant to the provisions of Section 17(1) of the *Planning Act*, R.S.O. 1990, c. P.13 as amended, the Minister of Municipal Affairs and Housing (Minister) is the approval authority in respect of the approval of a plan as an official plan.

AND WHEREAS Section 17(9) of the said *Planning Act* provides that the Minister may by order exempt a proposed official plan amendment from his approval under Section 17(1) of the said Act.

AND WHEREAS pursuant to the provisions of Ontario Regulation 525/97 all amendments to the official plan of the City of Windsor commenced after January 19, 1998 are exempt from the approval of the said Minister.

THEREFORE the Council of the Corporation of the City of Windsor in accordance with the provisions of the said *Planning Act* hereby enacts as follows:

1. That Amendment No. 190 to the Official Plan of the City of Windsor, attached hereto, is hereby adopted.

DREW DILKENS, MAYOR

CITY CLERK

First Reading - XX, 2024
Second Reading- XX, 2024
Third Reading- XX, 2024

AMENDMENT NO. 190
TO THE
CITY OF WINDSOR OFFICIAL PLAN

Part E (Details of the Amendment) of the following text constitute Amendment No. 190.

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

A. PURPOSE

The purpose of this amendment is to update the policies in the City of Windsor Official Plan specific to the implementation of the Essex Region Source Protection Plan and the Ontario *Clean Water Act, 2006*. The proposed amendments introduce a new *Schedule K – Source Water Protection Areas* and corresponding policies in Chapter 5 of the Official Plan. This amendment brings the Official Plan into conformity with Section 16(3) of the *Planning Act* and Part III s.39 of the *Clean Water Act*.

B. LOCATION

This amendment applies to the City of Windsor Source Water Protection areas as identified in the Essex Region Source Protection Plan and shown on Schedule “K” attached hereto.

C. BACKGROUND

The Province of Ontario introduced the *Clean Water Act* in 2006 with the mandate to create Source Protection Plans with the goal of providing a framework and policies to reduce the risk posed by water quality and quantity threats to sources of drinking water.

The Essex Region Source Protection Plan (SPP) was implemented in 2015 and as part of the plan, municipalities are required to periodically update their planning documents to be consistent with the policies of the Source Protection Plan (SPP).

The proposed Official Plan policies have been prepared in conformity with the Essex Region Source Protection Plan and will continue to implement the Source Protection Plan policies and ensure that planning decisions are in conformity with the policies that address significant drinking water threats as per Part III s.39(1) of the *Clean Water Act*.

D. LEGISLATIVE CONTEXT AND POLICY BASIS FOR THE AMENDMENT

The proposed Official Plan amendments are consistent with the Provincial Planning Statement, and City of Windsor Official Plan. Further details relating to the development of these lands will be reviewed through future development planning processes, including zoning by-law amendments and Site Plan Control.

Provincial Planning Statement 2024

The Provincial Planning Statement (PPS2024) provides policy direction on matters of provincial interest related to land use planning and development. In respect of the exercise of any authority that affects a planning matter, section 3 of the *Planning Act* requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the *Act*.

The PPS2024 places several obligations on municipalities related to source water protection features. Relevant excerpts from the PPS are provided below:

Chapter 4: Wise Use and Management of Resources

4.2 Water

1. Planning authorities shall protect, improve or restore the quality and quantity of water by:

a) using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;

b) minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts;

c) identifying water resource systems;

d) maintaining linkages and functions of water resource systems;

e) implementing necessary restrictions on development and site alteration to:

1. protect all municipal drinking water supplies and designated vulnerable areas; and

2. protect, improve or restore vulnerable surface and ground water, and their hydrologic functions;

f) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality; and

g) ensuring consideration of environmental lake capacity, where applicable.

2. Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored, which may require mitigative measures and/or alternative development approaches.

3. Municipalities are encouraged to undertake, and large and fast-growing municipalities shall undertake watershed planning to inform planning for sewage and water services and stormwater management, including low impact development, and the protection, improvement or restoration of the quality and quantity of water.

4. Despite policy 4.2.3, where planning is conducted by an upper-tier municipality that includes one or more lower-tier large and fast-growing municipalities, the upper-tier municipality shall undertake watershed planning in partnership with lower-tier municipalities, including lower-tier large and fast-growing municipalities.

5. All municipalities undertaking watershed planning are encouraged to collaborate with applicable conservation authorities.

Chapter 6: Implementation and Interpretation

6.2 Coordination

- 1. A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies, boards, and Service Managers including:
 - a) managing and/or promoting growth and development that is integrated with planning for infrastructure and public service facilities, including schools and associated child care facilities;*
 - b) economic development strategies;*
 - c) managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources;*
 - d) infrastructure, multimodal transportation systems, public service facilities and waste management systems;*
 - e) ecosystem, shoreline, watershed, and Great Lakes related issues;*
 - f) natural and human-made hazards;**

City of Windsor Official Plan (OP)

Chapter 5 (Environmental Management) currently includes policies regarding water quality and watershed planning.

Growth Concept, S 3.2.3.4, OP Vol 1:

HEALTHY ECOSYSTEM

Windsor will achieve greater harmony between human activities and natural systems. Attention will be given to establishing a flourishing natural environment, with clean air, land and water.

Environment, s. 5.0 of OP Vol. 1: Preamble

A healthy and sustainable environment represents a balance between human activities and natural features 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.

Environment, s. 5.3 of OP Vol. 1: Environmental Quality

WATER QUALITY

5.3.1.9 To improve the water quality of watercourses within Windsor.

WATERSHED PLANNING

5.3.1.10 To integrate water related resource management strategies and land use planning processes through watershed planning.

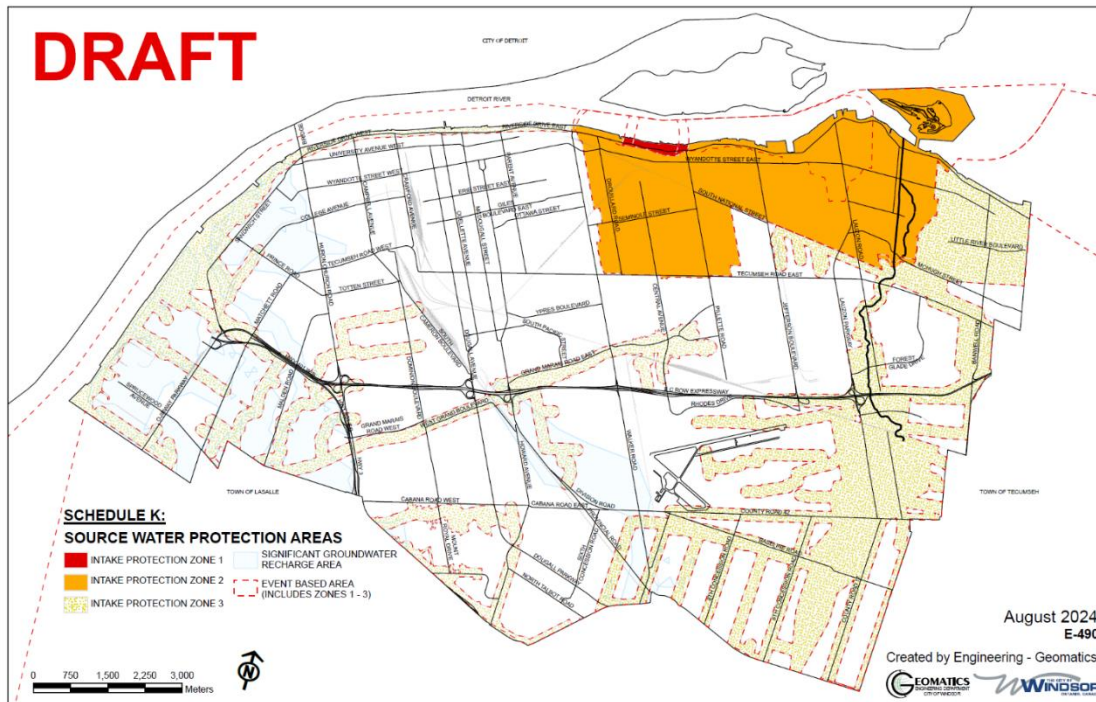
E. THE AMENDMENT

Summary of the Amendment

The proposed amendment will introduce Schedule K: Source Water Protection Areas and the corresponding definitions and policies regarding Source Water Protection in Chapters 2 and 5 in Volume 1: The Primary Plan.

Details of Official Plan Amendment

1. That Volume I, **Schedule K: Source Water Protection Areas** as shown on the attached map **BE ADDED**.



2. That Volume I: of the Official Plan, be **AMENDED** as follows:

Chapter 5

5.0

A healthy and sustainable environment represents a balance between human activities and natural features 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.

This chapter of the Official Plan provides goals, objectives and policies for the environmental designations identified on Schedule B: Greenway System; Schedule K: Source Water Protection Areas, and Schedule C: Development Constraint Areas and should be read in conjunction with the other parts of this Plan.

| | | |
|-------------------------|---------|--|
| Source Water Protection | 5.3.9 | <p>Source water protection policies have been adopted under the Essex Region Source Protection Plan (2015; as amended); which implements the Clean Water Act, 2006 directive to ensure that source drinking water is protected for existing and future sources of municipal drinking water.</p> <p>Source Water Protection Areas are identified by the approved Essex Region Source Protection Plan and mapped on Schedule K: Source Water Protection Areas of this plan.</p> <p>Source Water Protection Areas consist of vulnerable areas identified as 'Intake Protection Zones (IPZs), Highly Vulnerable Aquifers (HVAs) and Significant Groundwater Recharge Areas (SGRAs). The City of Windsor has no HVAs.</p> <p>These areas are significant in that they contribute, or are in close proximity to municipal drinking water intakes which are vulnerable to contamination and incompatible land uses.</p> <p>All municipal decisions under the Planning Act or Condominium Act within identified source water protection areas must conform to the applicable policies in an approved Source Protection Plan.</p> |
| Objectives | 5.3.9.1 | <p>To protect the quality and supply of existing and future drinking water sources.</p> <p>The City will implement Source Protection Plans under the provisions of the Clean Water Act, and this Plan will be amended, as required, to conform with relevant policies set out in the Source Protection Plan.</p> |
| General Policies | 5.3.9.2 | <p>Within areas identified in an approved Source Protection Plan any use or activity that is, or would be, a significant drinking water threat may be managed or otherwise restricted by Source Protection Plan Policies.</p> |

| | | |
|---|---------|--|
| Intake Protection Zones (IPZs) and Events Based Areas | 5.3.9.3 | <p>Intake Protection Zones are areas of land and water, where run-off from streams or drainage systems, in conjunction with currents in lakes and rivers, could directly impact on the source water at the municipal drinking water intakes.</p> <p>Intake Protection Zones include Event Based Areas (EBA) where modeling has demonstrated that a spill from a specific activity can or could cause deterioration to the raw water quality at the drinking water system.</p> |
| Groundwater | 5.3.9.4 | <p>The City of Windsor recognizes a relationship between groundwater in terms of recharge and discharge functions. Groundwater and surface water is not confined to municipal boundaries. As such, the City will collaborate with local municipalities, and the relevant Source Protection Authorities as required to ensure the effective management of water resources.</p> |
| Source Water Protection Authority | 5.3.9.5 | <p>The City of Windsor shall collaborate with the Source Protection Authority in the monitoring and implementation of the Source Protection Plan.</p> <p>Where required by policies in an approved Source Protection Plan, all applicable development applications or proposed land use changes within an Intake Protection Zone area shall be screened in keeping with the Source water protection plan policies and/or the Written Direction when provided by the Risk Management Official to satisfy the Source water protection plan policies.</p> |
| Source Water Impact Assessments | 5.3.9.6 | <p>The City of Windsor may require additional assessments and/or risk management plans to be prepared by a qualified professional as part of any development or site alteration application that is, or would be, a significant drinking water threat to identify, assess and mitigate any potential impacts within the Source Water Protection Areas.</p> |

Glossary

2.0

Intake Protection Zone – An area delineated in the Essex Region Source Protection Plan established around a surface water intake of drinking water as prescribed in the Technical Rules: *Clean Water Act, 2006*.

Risk Management Plan - A plan for reducing a risk, prepared in accordance with the regulations and the rules under S58/59 of the *Clean Water Act, 2006*.

Significant drinking water threat or significant threat
A prescribed activity under the *Clean Water Act, 2006* that, under specified circumstances, adversely affects, or has the potential to adversely affect, the quality and quantity of any water that is or may be used as a source of municipal drinking water.

Source Protection Plan - Means a drinking water source protection plan prepared under the *Clean Water Act, 2006*.

Source Water- Water in its natural or raw state, prior to being drawn into a municipal drinking water system.

F. PUBLIC INVOLVMENT

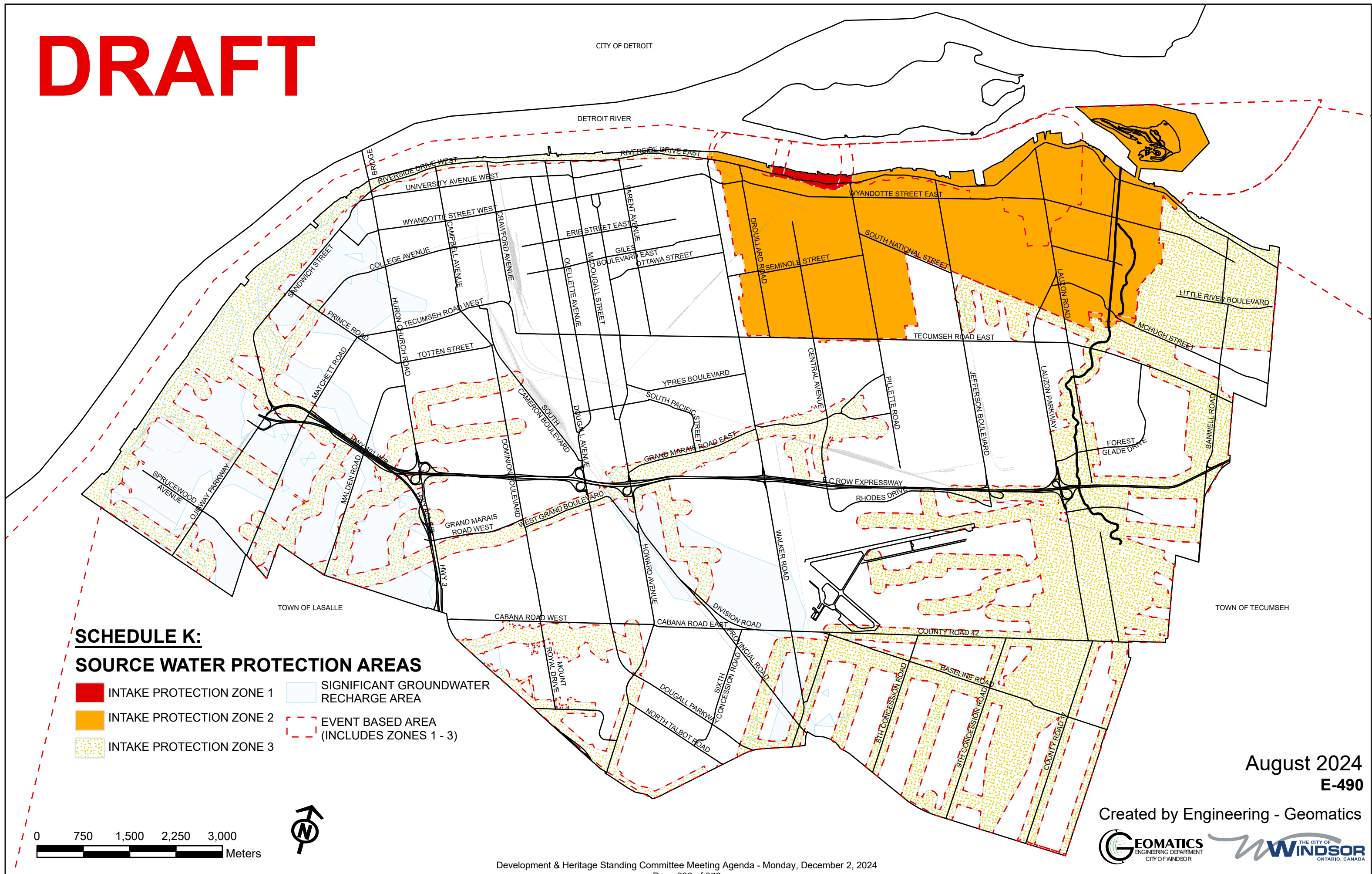
Planning staff have consulted with the Coordinator of the Source Protection Plan Program and Public Works staff, regarding the proposed changes included in the amendment. In addition, the preparation of the Source Protection Plans incorporated an extensive process that included broad public consultation.

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

G. IMPLEMENTATION:

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

DRAFT



August 2024
E-490

Created by Engineering - Geomatics



APPENDIX 3: City of Windsor Official Plan – OPA 190 Comparison of Proposed and Current Policy Changes

| Official Plan Section/Schedule | Current Policy | Amendment to Policy (Deletions in strikethroughs, additions in bold) |
|--|--|--|
| Chapter 5- Environment 5.0 Preamble | <p>5.0 Preamble A healthy and sustainable environment represents a balance between human activities and natural features 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> <p>This chapter of the Official Plan provides goals, objectives and policies for the environmental designations identified on Schedule B: Greenway System; and Schedule C: Development Constraint Areas and should be read in conjunction with the other parts of this Plan.</p> | <p>5.0 Preamble A healthy and sustainable environment represents a balance between human activities and natural features 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> <p>This chapter of the Official Plan provides goals, objectives and policies for the environmental designations identified on Schedule B: Greenway System; Schedule K: Source Water Protection Areas, and Schedule C: Development Constraint Areas and should be read in conjunction with the other parts of this Plan.</p> |
| Chapter 5 Environmental (ADD Section 5.39) 5.3.9 Source Water Protection | N/A | <p>Source water protection policies have been adopted under the Essex Region Source Protection Plan (2015; as amended); which implements the <i>Clean Water Act, 2006</i> directive to ensure that source drinking water is protected for existing and future sources of municipal drinking water.</p> <p>Source Water Protection Areas are identified by the approved Essex Region Source Protection Plan and</p> |

| Official Plan Section/Schedule | Current Policy | Amendment to Policy (Deletions in strikethroughs, additions in bold) |
|-----------------------------------|----------------|---|
| | | <p>mapped on <u>Schedule K: Source Water Protection Areas</u> of this plan.</p> <p>Source Water Protection Areas consist of vulnerable areas identified as 'Intake Protection Zones (IPZs), Highly Vulnerable Aquifers (HVAs) and Significant Groundwater Recharge Areas (SGRAs). The City of Windsor has no HVAs.</p> <p>These areas are significant in that they contribute, or are in close proximity to municipal drinking water intakes which are vulnerable to contamination and incompatible land uses.</p> <p>All municipal decisions under the <i>Planning Act</i> or <i>Condominium Act</i> within identified source water protection areas must conform to the applicable policies in an approved Source Protection Plan.</p> |
| 5.3.9.1 Objectives | N/A | <p>To protect the quality and supply of existing and future drinking water sources.</p> <p>The City will implement Source Protection Plans under the provisions of the <i>Clean Water Act</i>, and this Plan will be amended, as required, to conform with relevant policies set out in the Source Protection Plan.</p> |

| Official Plan Section/Schedule | Current Policy | Amendment to Policy (Deletions in strikethroughs, additions in bold) |
|---|----------------|---|
| 5.3.9.2 General Policies | N/A | Within areas identified in an approved Source Protection Plan any use or activity that is, or would be, a significant drinking water threat may be managed or otherwise restricted by Source Protection Plan Policies. |
| 5.3.9.3 Intake Protection Zones (IPZs) and Events Based Areas | N/A | <p>Intake Protection Zones are areas of land and water, where run-off from streams or drainage systems, in conjunction with currents in lakes and rivers, could directly impact on the source water at the municipal drinking water intakes.</p> <p>Intake Protection Zones include Event Based Areas (EBA) where modeling has demonstrated that a spill from a specific activity can or could cause deterioration to the raw water quality at the drinking water system.</p> |
| 5.3.9.4 Groundwater | N/A | The City of Windsor recognizes a relationship between groundwater in terms of recharge and discharge functions. Groundwater and surface water is not confined to municipal boundaries. As such, the City will collaborate with local municipalities, and the relevant Source Protection Authorities as required to ensure the effective management of water resources. |

| Official Plan Section/Schedule | Current Policy | Amendment to Policy (Deletions in strikethroughs, additions in bold) |
|--|----------------|--|
| 5.3.9.5 Source Water Protection Authority | N/A | <p>The City of Windsor shall collaborate with the Source Protection Authority in the monitoring and implementation of the Source Protection Plan.</p> <p>Where required by policies in an approved Source Protection Plan, all applicable development applications or proposed land use changes within an Intake Protection Zone area shall be screened in keeping with the Source water protection plan policies and/or the Written Direction when provided by the Risk Management Official to satisfy the Source water protection plan policies.</p> |
| 5.3.9.6 Source Water Impact Assessments | N/A | <p>The City of Windsor may require additional assessments and/or risk management plans to be prepared by a qualified professional as part of any development or site alteration application that is, or would be, a significant drinking water threat to identify, assess and mitigate any potential impacts within the Source Water Protection Areas.</p> |
| Chapter 2 Glossary Definitions | N/A | <p><u>Intake Protection Zone</u> – An area delineated in the Essex Region Source Protection Plan established around a surface water intake of drinking water as prescribed in the Technical Rules: <i>Clean Water Act, 2006</i>.</p> <p><u>Risk Management Plan</u> - A plan for reducing a risk, prepared in accordance with the regulations and the rules under S58/59 of the <i>Clean Water Act, 2006</i>.</p> |

| Official Plan Section/Schedule | Current Policy | Amendment to Policy (Deletions in strikethroughs, additions in bold) |
|-----------------------------------|----------------|--|
| | | <p><u>Significant drinking water threat or significant threat</u> A prescribed activity under the <i>Clean Water Act, 2006</i> that, under specified circumstances, adversely affects, or has the potential to adversely affect, the quality and quantity of any water that is or may be used as a source of municipal drinking water.</p> <p><u>Source Protection Plan</u> - Means a drinking water source protection plan prepared under the <i>Clean Water Act ,2006</i>.</p> <p><u>Source Water-</u> Water in its natural or raw state, prior to being drawn into a municipal drinking water system.</p> |
| Chapter 1 – Schedules | N/A | ADD reference to Schedule K: Source Water Protection Areas |

Integrating Source Protection into Municipal Planning Documents

Ministry of the Environment and Climate Change, April 2016

(updated July 13, 2016)

Note: This document is intended for source protection staff at conservation authorities who are familiar with the Clean Water Act and source protection.

1. Purpose

The purpose of this document is to summarize the recommended content for municipal planning documents to be consistent with the [2014 Provincial Policy Statement](#), as well as requirements for these planning documents to achieve conformity with source protection plans.

2. Legislative Authority for Protecting Drinking Water Sources through Land Use Planning

In his [2002 report on the Walkerton Inquiry](#), Justice Dennis O'Connor stated that municipal official plans and decisions on planning matters are key to the success of watershed-based source protection plans. In anticipation of the *Clean Water Act*, a policy addressing the protection of drinking water sources was added to the water section of the [2005 Provincial Policy Statement](#). This policy enabled planning authorities to use the information from approved assessment reports, including the identification of designated vulnerable areas, to protect municipal sources of drinking water through their decisions on planning matters. This policy was maintained in the 2014 Provincial Policy Statement. In 2006, the *Clean Water Act* enabled source protection plans to affect decisions on planning matters.

The *Planning Act* and the Provincial Policy Statement apply across the province, while source protection plan policies apply to specific geographic locations where vulnerable areas have been delineated for the protection of municipal residential drinking water sources. Figure 1 illustrates how source protection plans fit into Ontario's land use planning system.

The Provincial Policy Statement (PPS, 2014) included additional direction around protecting water resources. The PPS, 2014 plays a key role in Ontario's planning system by providing the policy foundation for regulating the

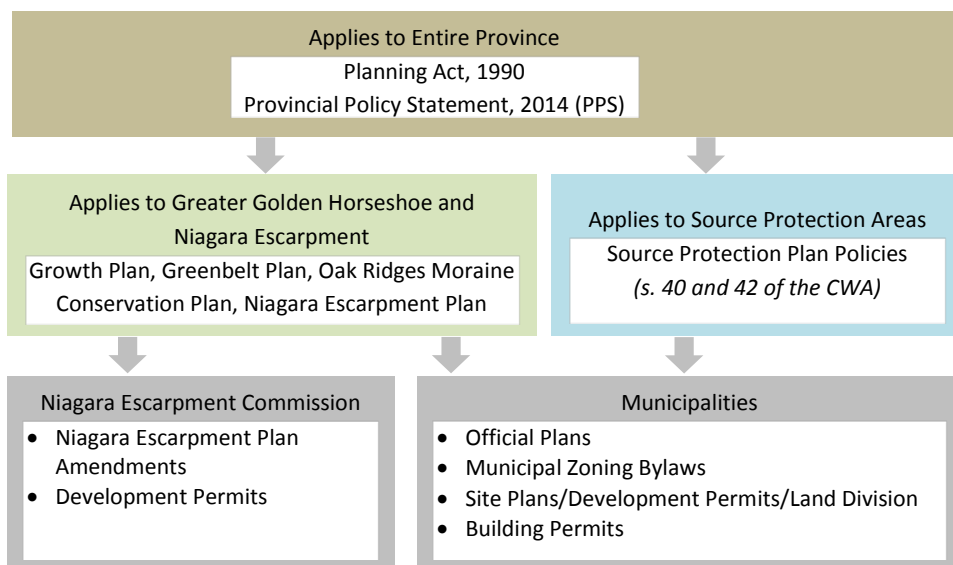


Figure 1 Relationship of Source Protection Plans to Ontario's Land Use Planning System

development and use of land. Regardless of whether they have any obligations to conform with or have regard to source protection plan policies, planning authorities should consider the type and location of their drinking water supplies and vulnerable areas as they plan their communities and allocate growth, including decisions for water and wastewater services. To ensure that decisions on planning matters meet the requirements of the *Planning Act* they must be consistent with the PPS, 2014 (see section 4.1 “Consistency with 2.2.1. (e) of the Provincial Policy Statement, 2014” below.)

To ensure that decisions on planning matters meet the requirements of the *Clean Water Act*, they must conform with significant threat policies and have regard to moderate and low threat policies that apply to *Planning Act* decisions on the day the source protection plan takes effect (see section 4.2.

“Conformity with Source Protection Plans - Policies on Lists A and B in the Appendix of the Source Protection Plan” below.)

3. The *Clean Water Act* and Source Protection

3.1. Designated Vulnerable Areas for the Protection of Drinking Water

The Director’s Technical Rules define four types of *designated vulnerable areas* for the protection of drinking water sources:

1. Wellhead protection areas (WHPAs)

These are areas near a municipal groundwater well which are either a set distance or delineated based on the time it would take for water entering the ground to get to the well and indicate their sensitivity to contamination or depletion (see Figure 2). These are areas where threats to drinking water could be significant, moderate or low.

2. Surface water intake protection zones (IPZs)

These are areas close to a municipal surface water intake (lake or river) which are either set distances, delineated based on the time it would take to respond to a spill, or based on the catchment area of the intake (see Figure 3). These are areas where threats to drinking water could be significant, moderate or low

3. Significant groundwater recharge areas (SGRAs)

These are areas which are known to replenish an aquifer, such as sand and gravel deposits. These areas may be considered in decisions on planning matters to protect sensitive groundwater features and hydrologic functions such as recharge.

4. Highly vulnerable aquifers (HVAs)

These are areas which make an aquifer susceptible to contamination such as fractured bedrock or sand and gravel deposits. Drinking water threats in these areas could be moderate and low. These areas may also be considered in decisions on planning matters to protect sensitive groundwater features and sources of drinking water other than those included in source protection plans.

The four vulnerable areas described above are included on schedules to the source protection plan and can be obtained as mapping files from local conservation authorities. All source protection plans are available to be viewed by the public through links on the Conservation Ontario website at:

<http://www.conservation-ontario.on.ca/uncategorised/143-otherswpreionsindex>

In some areas, WHPAs and IPZs may also have an associated issue contributing area (ICA). An ICA is delineated when there have been documented water quality problems at an intake or well, for example levels of contaminants (e.g. nitrates) that are above provincial standards or objectives. In the ICA portion of a WHPA or IPZ, activities that contribute to the issue (e.g. nitrates) are considered a significant threat, and policies in the source protection plan that address these significant threats would apply.

3.2. Drinking Water Threats

The *Clean Water Act* defines 21 activities as drinking water threats. Drinking water threats are listed in section 1.1 (1) of O. Reg. 287/07 and can be grouped into two main categories:

1. Activities that can impair water quality by introducing chemicals or pathogens that could contaminate sources of drinking water; and
2. Activities that can impair water quantity and/or deplete water supplies.

Source protection plans address these threat activities where they pose a risk to the quality or quantity of drinking water sources. Most threats also include threat sub-categories, with specific circumstances that set out when activities pose a risk to drinking water. These categories and circumstances are listed in the provincial [Tables of Drinking Water Threats](#). The Tables of Drinking Water Threats are highly technical documents, and planning staff should request assistance from source protection authority staff, risk management officials, or other staff with appropriate training if it is necessary to determine whether a drinking water threat may be occurring.

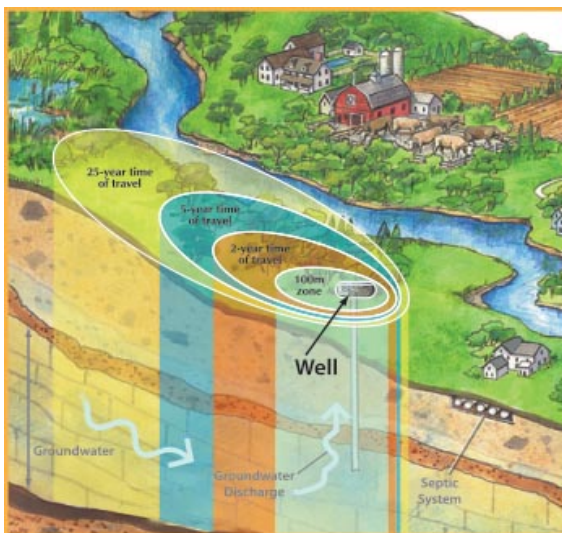


Figure 1 Wellhead Protection Area (WHPA)

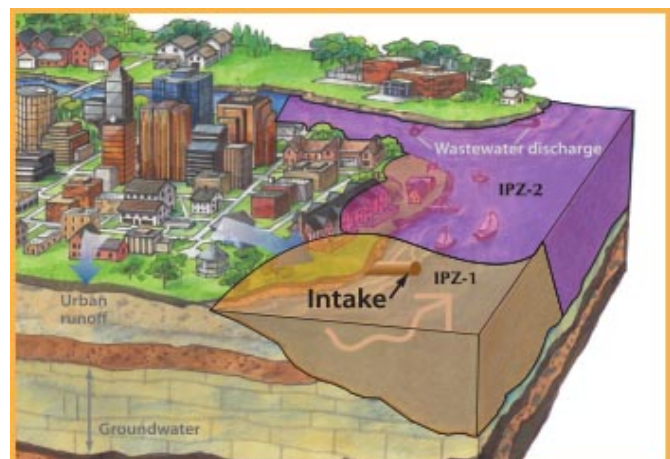


Figure 3 Surface Water Intake Protection Zone (IPZ)

In addition to the 21 threats listed in the regulation, the *Clean Water Act* allows source protection committees to submit a request for Ministry of the Environment and Climate Change (MOECC) approval to identify a threat activity that could occur locally. For example, Sudbury and North Bay-Mattawa Source Protection Committees have had a local threat approved, defined as “the transportation of hazardous materials (specifically sulphuric acid, septage, and fuel),” and have included policies in their source protection plans to address this threat. When the source protection committee receives approval for a local threat, the plan must then address the threat in areas where the threat could be significant.

3.3. Part IV of the Clean Water Act

The *Clean Water Act* recognizes that existing legislation, such as the *Planning Act*, may help address threats to drinking water through land use controls. The *Clean Water Act* also recognizes that these legislative authorities may not address all types or occurrences of threats. For example, the *Planning Act* addresses future development, and generally does not regulate existing development. In addition, land use planning in Ontario can only address land uses, buildings and structures, and not activities that may occur within the uses, buildings or structures. Therefore, Part IV of the *Clean Water Act* was intended to address activities that could not be addressed by existing legislation.

The authority given by Part IV of the *Clean Water Act* is powerful; it provides the ability to prohibit existing and future activities (section 57), and the ability to manage activities on a site-by-site basis using a formal risk management plan (section 58). Risk management plans address specific activities that are designated for the purposes of section 58 by a policy in a source protection plan. This means that in order to engage in the specific activity in an area where it would be a significant threat, a risk management plan is required.

Part IV authorities can only be used in areas of a WHPA or IPZ where drinking water threats have been identified as significant, and when designated by the source protection plan policies. These authorities are administered by a risk management official and risk management inspectors, who receive training by the Province to enforce prohibitions and risk management plans. The enforcement body for the purpose of Part IV is the municipality that has the authority under section 11 of the *Municipal Act* to pass by-laws respecting water production, treatment and storage (essentially those municipalities that own or operate water treatment plants). To centralize the Part IV enforcement authority and share resources, many municipalities have chosen to delegate their enforcement authority to another municipality or the source protection authority (which is most often a conservation authority). The public body that is responsible for administering Part IV (i.e. a municipality or a conservation authority) is then required to appoint a risk management official and risk management inspectors.

Prohibition and risk management plans are tools authorized by the *Clean Water Act* and enabled by a source protection plan. These tools do not require official plan or zoning amendments, or other municipal by-laws to take effect. In addition, municipal planning documents do not have the authority to set out provisions for the enforcement of Part IV, including the contents of risk management plans.

3.3.1. Part IV section 59 Notice to Proceed

Section 59 of the *Clean Water Act* provides for a process for reviewing development and building permit applications for potential significant drinking water threats that are prohibited (section 57) or require a risk management plan (section 58). Generally, a policy in the source protection plan designates land uses where development or building permit applications must be reviewed by the risk management official, as per section 59. This process is intended to be used as a tool to ensure that development and building proposals are scrutinized by the risk management official, who is knowledgeable about drinking water threats and the source protection plan policies, to determine whether the proposal will include activities that are prohibited or require risk management plans. Once the risk management official has reviewed the proposal, they will provide a notice to the proponent. The notice will state that either (a) neither section 57 nor section 58 applies to the development proposal or (b) if section 58 applies to the development proposal, a risk management plan has been agreed to or established for the significant threat activity that requires a risk management plan; for example the storage of fuel.

If the section 59 policy is included in List A of the source protection plan, then the official plan must identify the areas where development or building permit applications must be submitted with the section 59 notice, either in text or on a schedule (see Appendix A). If the policy is not included in List A of the source protection plan, municipalities may still choose to identify requirements for development applications in an official plan to provide clarity for proponents.

The section 59 notice from the risk management official is part of the applicable law provisions in the Building Code and municipalities are encouraged to include the notice as part of the complete application requirements in their official plan (see Appendix A).

3.4. Conflict Provisions

If a conflict arises between a significant threat policy in a source protection plan that applies to *Planning Act* decisions (List A) and a provision of an official plan or zoning by-law, the provision that provides the greatest protection to the quality and quantity of the source of drinking water prevails. There may be potential for this to occur if a municipality's official plan and zoning by-laws have not yet been brought into conformity with the source protection plan. If a conflict arises between the PPS and a policy in a source protection plan that applies to *Planning Act* decisions (List A), the provision that provides the greatest protection to the drinking water source prevails. Similarly, if a conflict arises between a provision of a provincial plan such as the Growth Plan for the Greater Golden Horseshoe or the Greenbelt Plan and a significant threat *Planning Act* policy in a source protection plan (List A), whichever provides the greatest protection to the source of drinking water prevails.

4. Municipal Planning Documents

With the approval of assessment reports and source protection plans under the *Clean Water Act*, municipalities may need to amend planning documents to be consistent with the PPS, 2014, and conform with, or have regard to, source protection plan policies. When a municipality amends its official plan to conform with the local source protection plan policies, they may choose to do so either as an issue-specific amendment under section 17 of the Planning Act, or wait until the mandatory

comprehensive five-year review of their official plan under section 26 of the Planning Act. Most source protection plans have set out a conformity deadline of 5 years, or “at the time of the comprehensive review”. Regardless of when the official plan is amended, decisions on planning matters must conform with, or have regard to, source protection plan policies; and should be consistent with the PPS, 2014.

4.1. Consistency with 2.2.1. (e) of the 2014 Provincial Policy Statement

Policy 2.2.1 (e) (1) of the PPS, 2014 states that planning authorities shall protect, improve or restore the quality and quantity of water by: implementing necessary restrictions on development and site alteration to protect all municipal drinking water supplies and designated vulnerable areas.

2.2.1 Planning authorities shall protect, improve or restore the *quality and quantity of water* by:
e) implementing necessary restrictions on *development* and *site alteration* to:
1. protect all municipal drinking water supplies and *designated vulnerable areas*;
2. protect, improve or restore *vulnerable surface and ground water, sensitive surface water features* and *sensitive ground water features*, and their *hydrologic functions*.

The term “designated vulnerable areas” in the PPS, 2014 is defined as areas “vulnerable, in accordance with provincial standards, by virtue of their importance as a drinking water source.” The four types of vulnerable areas in source protection plans are delineated in accordance with provincial standards (the Director’s Technical Rules) under section 107 of the *Clean Water Act*, 2006.

In addition to the delineation of vulnerable areas, the technical work done for source protection plans also generated information that municipalities can use to achieve the objectives of the PPS, 2014 including watershed characterizations and water budgets. Planning authorities should consider the location of HVAs to protect aquifers from contamination (quality) and SGRAs to protect aquifers from depletion (quantity), and may choose to require additional information or studies (e.g. planning justification report, environmental impact statement), to ensure that any proposed development or site alteration would not pose a risk to sources of drinking water.

In order to be consistent with policy 2.2.1(e) 1 of the PPS, 2014, MOECC/SPPB recommends that ALL *designated vulnerable areas* (WHPAs, IPZs, SGRAs, and HVAs) be included in the official plan both in text and on maps or schedules to the official plans (see Appendix A). However, where HVAs or SGRAs cover vast areas of the province, showing the extent of this vulnerable area on a map may not be useful. A simple reference in the text can state that HVAs cover the majority of the municipality and impacts to groundwater quality will be considered in planning decisions.

4.2. Conformity with Source Protection Plans

Policies on Lists A and B in the Appendix of the Source Protection Plan

Source protection plans identify where threats to sources of drinking water could be significant, moderate, or low. Significant drinking water threats can only occur in certain parts of WHPAs and IPZs, (generally closest to wells or intakes), depending on the vulnerability of the area and whether it is within an ICA (see section 3.1. “Designated Vulnerable Areas for the Protection of Drinking Water” above.) In addition, each source protection plan includes an appendix that lists the policies according to the provisions that give them legal effect under the *Clean Water Act*. Policies on Lists A and B are to be

implemented through decisions on planning matters, including approvals or amendments to official plans and zoning by-laws (see sections 39 (1), 40 and 42 of the *Clean Water Act*). All land use planning decisions must “conform with” policies on List A (significant drinking water threats that affect *Planning Act* decisions) and must “have regard to” policies on List B (low and moderate drinking water threats that affect *Planning Act* decisions). To show where significant drinking water threat policies apply, WHPAs and IPZs must be identified in an official plan, zoning by-law or other planning document.

It is important to note that source protection plan policies are written to conform to the requirements of the *Clean Water Act*, and should not be copied verbatim into municipal planning documents. Decisions on planning matters, including official plan and zoning by-law conformity amendments, must meet the intent and requirements of the *Planning Act* and be written in a manner appropriate for a planning document.

The appendix also lists policies that are implemented through “prescribed instruments,” which are instruments issued under other legislation, as specified in the section 1.01 of O. Reg. 287/07 under the *Clean Water Act*. Examples include Environmental Compliance Approvals under the *Environmental Protection Act* or Permits To Take Water under the *Ontario Water Resources Act* that are implemented by provincial ministries.

Integrating Source Protection Plan Policies into Municipal Official Plans

Using Lists A and B, a reader can then locate which source protection plan policies they are required to implement. The policy text will provide information about the land uses that are prohibited or require management in vulnerable areas to protect sources of drinking water. To conform with source protection plan policies, a municipality may have to amend their official plan to prohibit or manage certain land uses or types of facilities. For example, they may prohibit uses such as gas stations or marinas, or storage structures for large volumes of fuel or manure. Alternatively, uses and structures may be managed through planning controls, such as requiring hydrogeological studies to determine appropriate lot sizes for development that requires septic systems, or requiring low impact development techniques for the management of stormwater. A municipality may also allow a primary land use to occur, such as agriculture, however buildings ancillary to agriculture, such as barns and other structures for storing materials would have to be located outside the part of the WHPA or IPZ where these would be significant threats. For example, if the threat is significant in WHPA A (i.e.: within 100m of a municipal well), these structures could instead be located where it would be a moderate threat, possibly in WHPA B.

Unlike zoning by-laws, official plans may include policies that require the submission of studies or reports with planning applications to show that certain activities or operations can be carried out in a way that meets applicable planning policies (e.g. hydrogeological studies, section 59 notice, etc.); however, the actual issuance of provincial instruments or section 58 risk management plans that may be required for these activities related to a development application is done outside of the *Planning Act*.

Integrating Source Protection Plan Policies into Municipal Zoning By-Laws

A zoning by-law controls the use of land, and is used to implement official plan policies by stating exactly what uses are permitted (e.g., commercial, residential), and what standards are required (e.g. building size and location) in each zone. In a zoning by-law, a regulation is a rule or requirement dealing with the use of land and buildings that has the force of law. It is through the zoning by-law that a municipality controls and restricts certain uses, such as development in wetlands or vulnerable areas as identified in a source protection plan. The *Planning Act* provides specific authority for municipal zoning by-laws to prohibit any use of land, buildings or structures on land that is within a vulnerable area as identified in a source protection plan (Paragraph 3.1 (iii) under subsection 34 (1).)

Not every source protection policy in the official plan can or should be integrated into a municipal zoning by-law. A zoning by-law regulation states specifically whether a use, building, or structure is prohibited or permitted, as well as governs matters like the general location, size, layout of lots, buildings and roads, whereas official plan policies are usually broad and outcome- or goal-oriented. Municipalities should review whether each source protection official plan policy is appropriate for inclusion in the zoning by-law.

To implement the source protection policies from the official plan in a zoning by-law, the zoning by-law should have a section that contains all the zoning regulations that apply to designated vulnerable areas (e.g. WHPA or IPZ) for the protection of drinking water sources (for example as part of the general provisions section or as a separate section in the bylaw.) These vulnerable areas should be mapped either on the zoning maps or on a separate zoning schedule. This way, the designated vulnerable area would be subject to the regulations of the underlying zones as well as the regulations specific to the vulnerable areas. See Appendix B for examples of best practices for zoning by-law implementation.

There are no conditions prescribed for subsection 34 (16) under the *Planning Act* to allow for conditional zoning. This means that a zoning by-law cannot include regulations that permit a use, building, or structure subject to certain conditions being fulfilled, like the submission of a study, report, or section 59 notice.

4.3. Municipal Planning Process

The Ministry of Municipal Affairs and Housing (MMAH) is generally the approval authority for all upper tier and single tier official plans, although some exceptions apply. Where the province remains the approval authority, a one window planning service for provincial input, review, approval and appeal of planning applications is in place. When upper and single tier municipalities develop, update, or amend an official plan under the *Planning Act*, these plans are submitted to MMAH for review through One Window Planning Service (OWPS). The one window approach provides a single provincial position that integrates the perspective of several ministries.

Under the OWPS the municipality's document(s) (i.e., official plans/amendments) are circulated to partner ministries for review. The MOECC is part of this partner ministry review team. Through the OWPS, Source Protection Programs Branch (SPPB) reviews municipal planning documents to ensure consistency with section 2.2.1 (e) of the PPS, 2014 and to ensure conformity with relevant source

protection plan policies. Examples of typical SPPB comments provided to municipalities through the OWPS are included in Appendix C.

5. Municipal Requests for Advice

MMAH's [Municipal Services Offices](#) are the primary points of contact for municipalities when they need advice on planning matters.

For technical support related to source water protection, SPPB/MOECC planners will provide information to a municipality on:

- *Clean Water Act* and regulations, including:
 - the delineation of vulnerable areas (location and extent) and vulnerable areas scoring
 - the [Director's Technical Rules](#) for the preparation of assessment reports, and associated guidance
 - [Tables of Drinking Water Threats](#) (circumstances under which threats are significant, moderate or low), and associated guidance
- availability of the source protection plan and explanatory document including information on effective date(s), transition provision(s), and legal effect lists

MOECC will work with MMAH to provide any requested advice to the municipality and will attend a meeting where necessary with MMAH and the municipality to discuss any questions about integrating source water protection into their planning documents.

Similarly, if a Project Manager at a Source Protection Authority (SPA) is approached by a municipality for advice on their official plan amendment or official plan review, the Project Manager can provide advice or guidance with respect to interpreting the intent of the source protection plan policies, identifying which policies apply to the municipality and the tools that the municipality must use to implement them, advising on the types of activities and uses that that source protection plan policies may affect, and providing appropriate mapping and definitions for vulnerable areas. Generally, project managers are not trained planners and should *not* provide draft policy wording for inclusion in the official plan or a zoning by-law. Unless they are qualified land use planners, providing specific wording for official plans or zoning by-laws could result in policies that can't be implemented or legal challenges and associated costs to the municipality. Source protection authorities should seek legal advice to assess the risks related to providing draft policy wording for municipal planning documents.

Appendix A

Source protection conformity requirements for municipal planning documents

| Action | Official Plan Conformity Amendment (s. 17 Planning Act) | | | Official Plan Comprehensive Review (s. 26 Planning Act) | | | Zoning By-Law | | |
|---|---|-------------|----------------|---|-------------|----------------|---------------|-------------|----------------|
| | Required | Recommended | Not Applicable | Required | Recommended | Not Applicable | Required | Recommended | Not Applicable |
| Include List A <i>Planning Act</i> policies | X | | | X | | | X | | |
| Include List B <i>Planning Act</i> policies | | X | | X | | | | | X |
| Mapping: • WHPAs & IPZs (where policies apply) | X | | | X | | | X | | |
| • HVAs & SGRAs | | X | | X | | | | X* | |
| Require additional reports (e.g. hydrogeological studies, environmental impact statements, etc.) | X* | X | | X * | X | | | | |
| Revise complete application requirements to include: • s. 59 notice • studies, etc. depending on the policy | | X | | | X | | | | |
| Include other SPP policies | | | X | | | X | | | X |

* Requirements will depend on the policy in the source protection plan.

Appendix B

Zoning By-law Implementation Best Practices

The following are some examples of best practices for implementation of source protection policies in zoning by-laws.

| Topic | Best Practices |
|---|---|
| Mapping the Vulnerable Areas on Zoning Schedules | <ul style="list-style-type: none">• Determine to which types of vulnerable areas the zoning by-law regulations will apply to e.g., which wellhead protection areas and intake protection zones, and will it be limited to certain vulnerability scores. This may require using the maps from the assessment report and source protection plan. WHPAs and IPZs should be shown either on the zoning maps or on a separate by-law map or schedule. Only map those vulnerable areas that will be regulated by the zoning by-law.• The text in the zoning by-law regulations could refer to the vulnerable areas with words such as “The lands shown as WHPA-A on Schedule X, are subject to the following regulations.”• Be mindful of terms; do not identify the area as a WHPA Zone or IPZ Zone. Use terms such as an ‘area’ or ‘district’ but not a zone. Otherwise, the by-law would appear to either be changing or possibly creating a second zoning on the same lands. The existing zoning remains on the lands since it is what sets out the permitted uses and development regulations.• The map base should be clear showing roads and, where possible, property lines so that someone reading it can determine whether their property is located within the vulnerable area. |
| Uses to Prohibit in the Zoning By-law | <ul style="list-style-type: none">• Not every vulnerable area will have significant drinking water threats, and not all source protection plans will have policies that prohibit threats through land use planning.• To determine which uses to prohibit in the zoning by-law, identify the official plan policies that prohibit uses for the protection of drinking water sources, and where the policies apply within a WHPA and/or IPZ.• To determine where significant threat policies apply, refer to the source protection plan policies and maps, and possibly the assessment report to identify the threat activity/use, the applicable vulnerable area and its vulnerability score. It is the combination of these elements that determines where an activity/use is a significant threat and is to be prohibited.• Request mapping support from the source protection authority to ensure the accuracy. |

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| Retroactively prohibiting existing uses that are drinking water threats | <p>Zoning regulations cannot be applied retroactively to a use that already legally exists. Section 34(9) of the <i>Planning Act</i> states that a zoning by-law that prohibits a use does not apply to any land, building or structure that was lawfully used for such purpose on the day of the passing of the by-law. Consequently, the adoption of a zoning regulation prohibiting a specific use would not apply to an existing, legally established use that is a significant drinking water threat. In most cases, where the source protection plan seeks to prohibit or manage an existing use that is a significant drinking water threat, the source protection plan has another policy to be implemented outside of the planning framework, for example, designating the use for the purpose of applying Part IV Section 57 or 58 of the CWA. If a source protection plan prohibits an existing use, it sets out a date by which the use must be phased out.</p> |
| Identify the threat activities as uses in the Zoning By-law | <p>Translate the source protection plan threat activities into land uses. For example, if the source protection plan prohibits the storage of organic solvents, the zoning by-law should identify the use as a storage facility for organic solvents to ensure the threat can effectively be regulated through zoning. Some drinking water threat activities identified in source protection plan policies cannot be regulated through zoning. For example:</p> <ul style="list-style-type: none"> • Handling of organic solvents – “handling” is not a land use, but facilities for the storage of organic solvents would be a land use. • Application of pesticide to land – the “application” of a chemical is not a land use, the land use would be agriculture or recreational. |
| Development regulations | <p>Beyond the prohibition of uses, municipalities can also include a variety of development regulations and standards in their zoning by-laws to protect vulnerable areas from threats to source water and implement some source protection plan policies.</p> <p>For example:</p> <ul style="list-style-type: none"> • Regulating the amount or percentage of impervious surfaces or landscaping on a site in order to promote ground water infiltration and minimize runoff. • Applying minimum distances or setbacks for uses, buildings or structures from environmentally sensitive features such as municipal wells, rivers and streams, and designated vulnerable areas. • Requiring connection to municipal sewage services for new development and the creation of new lots. • Regulating the size and location of outdoor storage areas. <p>While these types of development regulations and standards already exist in many municipal zoning by-laws, applying these regulations to protect vulnerable areas may be considered.</p> |

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| Role of Zoning in the Part IV policy | <p>A source protection plan may include a section 59 policy on List A of their Appendix, therefore municipal planning documents are required to conform to the policy. The zoning by-law would be used to flag to the reader that designated land uses in specified areas are subject to section 59 of the Clean Water Act and that a proponent must contact the risk management official to have the application reviewed by the risk management official before the planning application can proceed.</p> <ul style="list-style-type: none"> • A zoning regulation could state, for example: <i>In WHPA-A, all uses except residential are designated by the source protection plan for the purpose of Section 59 of the Clean Water Act. All applications for development or building permits must be reviewed by the risk management official.</i> • Alternatively, the municipality could include the above text as a note in the zoning by-law as a way to advise the reader of the Section 59 policy. <p>Either way, this serves as a notice to the reader of the need to contact the risk management official.</p> |
| Avoid Zoning regulations that include conditions | <p>A zoning regulation should not include conditions that have to be fulfilled prior to the use being permitted (e.g. submission of water budget study, road salt management plan, risk management plan). This would be considered conditional zoning, which has not been authorized by the <i>Planning Act</i>.</p> |
| Avoid a Zoning regulation that sets out requirements for Section 58 Risk Management Plans | <p>A zoning regulation does not have the authority require a risk management plan under section 58 of the <i>Clean Water Act</i>. Only the risk management official has the authority to determine whether a development proposal requires a risk management plan, based on the source protection plan policies, and to determine the content of the risk management plan.</p> |
| Avoid Zoning regulations that are not clear | <p>Zoning regulations should be clear so that the reader can determine what are the permitted uses and applicable standards.</p> <ul style="list-style-type: none"> • A zoning regulation prohibiting waste disposal sites that generate “small quantities” of waste may not be clear. <ul style="list-style-type: none"> ○ Review the source protection plan to determine exactly what quantity of waste or chemical the policy is regulating. ○ Include in the zoning regulation the specific quantity from the source protection plan. • A zoning regulation prohibiting a fuel storage facility or a storage facility for organic solvents in a wellhead protection area “where it would be a significant drinking water threat” does not specify the WHPAs and portions of a WHPA where it would apply. It is important to specify where this use would be a significant threat and under what circumstance. <ul style="list-style-type: none"> ○ Consult with source protection authority staff to determine the specific areas where the regulations would apply. ○ Identify the specific areas on a zoning schedule and refer to them in the zoning regulation. For example “lands identified as WHPA-B with a vulnerability score of 8.” |

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| Caution on applying a Holding Symbol H to designated vulnerable areas | <p>Applying a Holding symbol to the zoning of a WHPA or IPZ area would prevent the use from proceeding until the H symbol has been removed. This requires the municipality to have policies in its official plan for the use of the holding symbol H. Lifting of the hold also requires a report to municipal Council each time. If the H is applied to WHPA-A and B areas, this could involve several properties, and many reports to Council for the lifting of the H. Once the hold is lifted from a site, there would no longer be any zoning restrictions for any new drinking water threat for that site. Since this type of zoning regulation would only apply on a site until the H is lifted, it would limit the ability to implement the source protection plan policies for any future threats on the same site (e.g. if the operation changed or expanded.) The use of a holding symbol might be considered in very specific circumstances.</p> |
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Appendix C

Sample comments

The following are examples of comments that have been provided to municipalities by SPPB through the one-window review process.

| Topic | Comment |
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| General | <p>In order to protect municipal drinking water supplies and designated vulnerable areas, municipalities should ensure that their official plans and zoning by-laws are consistent with the broader policies in the PPS, 2014 (section 2.2.1 (e)) as well as conform with/have regard to applicable SPP policies when the SPP takes effect and within the timelines provided by the SPP.</p> <p>Municipalities may also elect to include policies that go beyond the standards established in the policies of the 2014 Provincial Policy Statement and/or the SPP with respect to matters of local interest by including goals, policies, and objectives to protect drinking water sources (including those for non-municipal systems such as private or communal drinking water systems), provided that such policies do not conflict with the protection of any other provincial interests.</p> |
| Consistency with the 2014 Provincial Policy Statement | <p>Municipalities must ensure that their planning documents satisfy the broad requirements of protecting municipal drinking water supplies and designated vulnerable areas, as directed in policy 2.2.1 (e) of the PPS, 2014 requires that planning authorities “protect, improve, or restore the quality and quantity of water by implementing necessary restrictions on development and site alteration to protect all municipal drinking water supplies and designated vulnerable areas.” To be consistent with policy 2.2.1 (e) of the PPS, 2014, the municipal official plan should include goals, policies, and objectives to ensure that sources of municipal drinking water are appropriately protected. Policy direction may include requiring additional reports to identify how an area will be protected (i.e. planning justification report, chemical storage disclosure report), and/or restricting or directing development away from designated vulnerable areas.</p> <p>The vulnerable areas identified in approved source protection plans (or assessment reports approved by the MOECC Director under the Clean Water Act) are considered “designated vulnerable areas.” These areas are defined in accordance with provincial standards. All designated vulnerable areas should be delineated in official plan schedules as shown in the assessment report, including Well Head Protection Areas (WHPAs), Intake Protection Zones (IPZs), Highly Vulnerable Aquifers (HVAs) and Significant Groundwater Recharge Areas (SGRAs).</p> <p>When the source protection plans take effect, the broader source protection policies of the PPS, 2014 continue to apply and should be complemented by the more specific</p> |

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| | <p>policies of the SPP. Municipalities may also elect to include policies that go beyond the standards established in the policies of the PPS and/or the SPP with respect to matters of local interest by including goals, policies, and objectives to protect drinking water sources (including those for non-municipal systems such as private or communal drinking water systems), provided that such policies do not conflict with the protection of any other provincial interests.</p> |
| <p>Regulating land uses, not activities</p> | <p><i>Often SPPB will receive official plans or official plan amendments that have included policies to address the policies on List A of the SPP, however, the official plan policies will refer to the ‘activities’ (circumstances) referred to above which may have been listed in threat policies. Under the Planning Act the Official Plan can only regulate ‘land uses’ and as such, the policies as drafted by the municipality may not be able to be implemented and could be challenged at the Ontario Municipal Board. SPPB, through the One Window Planning Service, provides advice to municipalities such that they write policies that they have legislative authority to implement.</i></p> <p>Source protection plan policies are written to achieve the objectives of the Clean Water Act; therefore municipalities must consider how an official plan policy may achieve source protection conformity in language appropriate for an official plan. Some source protection policies direct actions to address drinking water threat activities. Whereas, the powers of the official plan under the <i>Planning Act</i> are limited to the regulation of land uses – not activities. Therefore, municipal staff may need to identify the activity or groups of activities in question (e.g. application of untreated septage to land, landfilling of municipal waste) and relate these activities to land uses and/or types of development that may be associated with the activity (e.g. waste disposal sites). Once this analysis is complete, we recommend that the official plan policies be developed to prohibit or manage these associated types of land uses/development (e.g. waste disposal sites), to complement the SPP policies.</p> <p>Some changes are recommended to ensure the language is appropriate for an official plan. Recommended text additions are shown in red, recommended redactions are shown in strikeout.</p> <ul style="list-style-type: none"> • facilities for the storage of agricultural source material; • facilities for the handling and storage of non-agricultural source material; • facilities for the handling and storage of commercial fertilizer; |
| <p>Implementing Section 59 Restricted Land Uses (where it is listed on List A – Planning Act)</p> | <p>Some SPPs include policies that implement s.59 of the Clean Water Act on List A of the Appendix of the SPP. Section 59 of the Clean Water Act requires that planning applications and building permits in vulnerable areas where Part IV of the Clean Water Act applies be submitted with a notice from a risk management official (RMO). The notice from the RMO is part of the applicable law provisions under the Building Code Act (s. 1.4.1.3 Definition of Applicable Law – Building Code). The provisions of Part IV of the Clean Water Act, including s. 59 notice requirements take effect when the SPP takes effect. To provide clarity for proponents, municipalities may also include this notice as</p> |

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| | <p>part of the complete application requirements* in their official plans. Municipalities may also indicate vulnerable areas where there may be source protection requirements for planning applications in the official plan schedules, such as using an overlay designation to indicate these areas.</p> <p>*For more information on Complete Application Requirements and how municipalities can use them please refer to the MMAH website (http://www.mah.gov.on.ca/Page7213.aspx)</p> |
| Conformity with source protection plan policies | <p>The Municipality of ABC is located within the XYZ source protection area. Please note that the XYZ SPP has been approved by the Minister of Environment and Climate Change and takes effect on DATE. The approved SPP and supporting documents (including assessment reports) may be accessed at the XYZ source protection area website.</p> <p>The Municipality's official plan should provide detailed policies to protect their drinking water sources. These policies should provide sufficient direction to ensure that land uses or development associated with threat activities will be prohibited or managed as specified by the SPP policies. The Municipality's official plan should conform with the following significant threat policies [list] and have regard to the following moderate and low threat policies [list if applicable].</p> |



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Updated Memorandum for the City of Windsor: Essex Region Source Protection Plan, Planning Act and Building Code Act Application Screening Process for Policy Number 32 and Policy Number 33 in the Approved Essex Region Source Protection Plan.

Purpose

The intent of this memorandum is to provide the City of Windsor with a protocol to determine which *Planning Act* and *Building Code Act* applications must be circulated to the Risk Management Official (RMO) for review (as per section 3.2 of the Source Protection Plan Part IV Enforcement Transfer Agreement). This memorandum accompanies Policy 32 and Policy 33 in the approved [Essex Region Source Protection Plan](#), and does not apply to any other policies. These policies are written under Section 59 (Restricted Land Use) of the *Clean Water Act*, where restricted land uses apply to the following activities that meet the circumstances to be a significant drinking water threat in the following Vulnerable Areas in the City of Windsor.

Within the Event Based Area (EBA):

- Handling and Storage of Above Ground Fuel (Policy No. 31)

And/or within Windsor Intake Protection Zone 2 (IPZ-2):

- Handling and Storage of Fuel (Policy No. 31)
- Application of Agricultural Source Material (Policy No. 32)
- Storage of Agricultural Source Material (Policy No. 32)
- Application of Non-Agricultural Source Material (Policy No. 32)
- Storage of Non-Agricultural Source Material (Policy No. 32)
- Application of Pesticide (Policy No. 32)

Windsor Intake Protection Zone 1 (IPZ-1):

- Handling and Storage of Fuel (Policy No. 31)
- Application of Agricultural Source Material (Policy No. 32)
- Storage of Agricultural Source Material (Policy No. 32)
- Application of Non-Agricultural Source Material (Policy No. 32)
- Storage of Non-Agricultural Source Material (Policy No. 32)
- Handling and Storage of Road Salt (Policy No. 32)
- Storage of Snow (Policy No. 32)
- Storage of Hazardous or Liquid Industrial Waste (Policy No. 32)
- Application of Pesticide (Policy No. 32)
- Storage of Pesticide (Policy No. 32)

Rationale

Section 59 (Restricted Land Use) policies are intended to serve as a screening process to identify new potential Significant Drinking Water Threats (SDWTs) before they are established. This process requires Building Permits and *Planning Act* applications to be reviewed by the RMO in areas where Section 57 (Prohibition) and/or Section 58 (Risk Management Plan) policies apply. A written notice to proceed is required from the RMO in accordance with Section 59(2) of the *Clean Water Act* prior to the approval of affected Building Permits or *Planning Act* applications (See Appendix A for excerpt of Section 59 of the *Clean Water Act*).

Planning Act considerations

Section 59 of the *Clean Water Act* requires that a person shall not make an application under certain sections of the *Planning Act* for the purpose of using land for the designated restricted land use (e.g. the handling and storage of liquid fuel) within the designated vulnerable area. These *Planning Act* applications cannot be considered complete by the Planning Authority until such time as the application has demonstrated that a SDWT activity designated for the purpose of Section 57 or 58 will not be engaged in, and a written notice from the RMO has been issued. The specific sections of the *Planning Act* to which this applies are detailed in Section 62 of O. Reg 287/07 and include:

- official plan amendments
- zoning by-law amendments
- temporary use zoning by-law amendments
- site plan control applications
- minor variance
- draft plan of subdivision
- consent

Building Code Act considerations

In addition, Section 59 of the *Clean Water Act* requires that a person shall not construct nor change the use of a building at any location within a designated vulnerable area to which the policy applies if the building will be used in connection with the restricted land use (e.g. the handling and storage of fuel) unless the RMO issues a notice to the person. The use of the terms ‘building’ and ‘construct’ have the same meaning as in the *Building Code Act*. Building permits in areas in which these policies apply cannot be issued until such time as the application has demonstrated that a SDWT activity designated for the purpose of Section 57 or 58 will not be engaged in and a written notice from the RMO has been issued.

To accompany the building permit application form, Risk Management Services developed a “Building Information Sheet” with the intent of assisting municipalities in determining whether an application under the *Building Code Act* requires RMO review. This sheet is only meant to accompany the building permit application and does not alter the common application form. Municipalities are not obligated to use the information sheet and may develop something similar as long as the Section 59 process is in place to ensure that the RMO is receiving the building permit applications that require review.

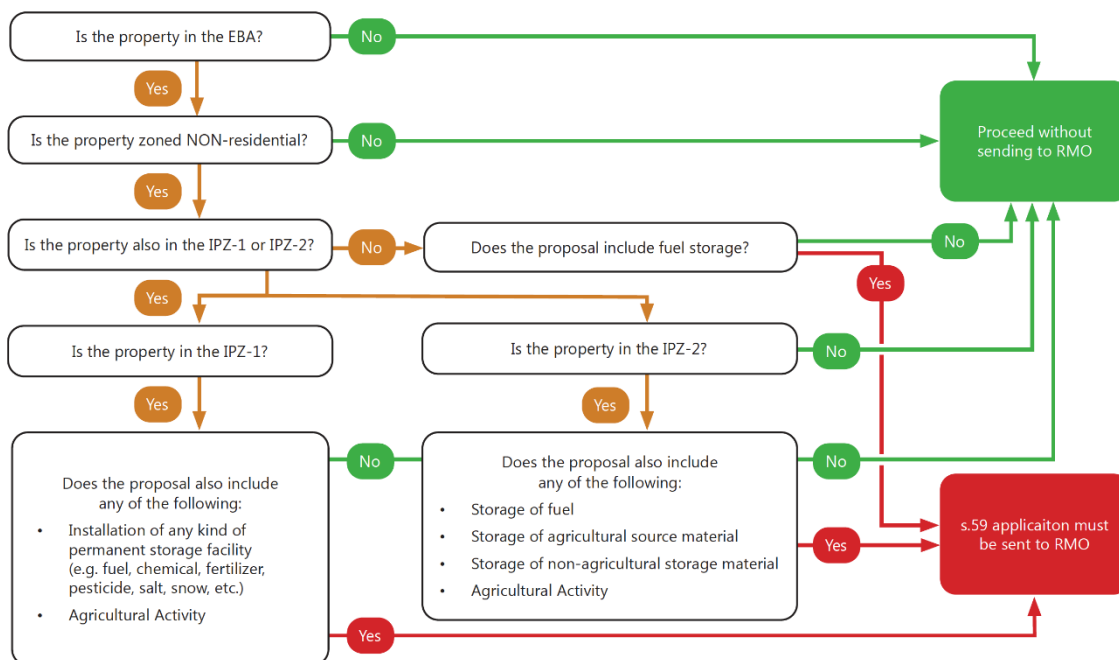
Written Direction

Prior to any development or planning approvals, the proposal and a Section 59 restricted land use application must be circulated to the Risk Management Official if the following conditions are met:

1. The property is in the Event Based Area, zoned non-residential and includes the installation of above ground fuel storage
2. The property is in Windsor IPZ-2, zoned non-residential and includes the installation of specific types of above ground storage structure (fuel, agricultural source material, or non-agricultural source material), or any type of agricultural activity
3. The property is in Windsor IPZ-1, zoned non-residential and includes the installation of any type above ground storage structure (e.g. fuel, chemical, fertilizer, pesticide, salt, snow, etc), or any type of agricultural activity

Please note that only residential land uses are exempt from this screening procedure; all other land uses require Section 59 notices for all planning and/ or building applications when a project that meets the above noted screening criteria is proposed within a Vulnerable Area.

The following flow chart outlines the Section 59 screening process and is intended to be used as a tool to assist municipal staff in following the written direction:



The Planning Act and Building Code Act Application Section 59 Screening Process

Step 1: Determine if the property parcel is located in the Event Based Area (EBA)

- If the property parcel is not located in the Event Based Area, no circulation to the Risk Management Official is required. **The Risk Management Official confirms that the Approval Authority or building official is permitted to make the determination that the site specific land use is not designated for the purposes of Section 59 of the *Clean Water Act*.**
- If the property parcel is located in the Event Based Area, proceed to Step 2.

Step 2: Determine the current land use of the subject property parcel using the existing Official Plan and Zoning By-law.

- If the property parcel is zoned residential in both the Official Plan and Zoning By-law, no further screening by the Risk Management Official is required. **The Risk Management Official confirms that the Approval Authority or building official is permitted to make the determination that the site specific land use is not designated for the purposes of Section 59 of the *Clean Water Act*.**
- If the property parcel is non-residential (e.g. commercial, agricultural or industrial), proceed to Step 3.

Step 3: Determine if the property parcel is located in Windsor IPZ-1 or Windsor IPZ-2

- If the property parcel is not located in Windsor IPZ-1 or Windsor IPZ-2, proceed to Step 4a
- If the property parcel is located in the Windsor IPZ-1 or Windsor IPZ-2, proceed to Step 4b/c.

Step 4a (property is in EBA only): Determine whether the proposal or application includes the installation of above ground fuel storage of any size.

- If there is no proposed installation of above ground fuel storage, no circulation to the Risk Management Official is required. **The Risk Management Official confirms that the Approval Authority or building official is permitted to make the determination that the site specific land use is not designated for the purposes of Section 59 of the *Clean Water Act*.**
- If there is a proposal for the installation of above ground fuel storage of any size, **you must** circulate the application to the Risk Management Official. Please contact the Essex Region Risk Management Official at riskmanagement@erca.org for a copy of the application form or if you have any questions.

Step 4b (property is in IPZ-2): Determine whether the proposal or application includes the installation of the permanent storage structure of any size of fuel, agricultural source material, or non-agricultural source material, or any type of agricultural activity

- If the proposal or application does not include the installation of a storage structure for fuel, agricultural source material, or non-agricultural source material nor any type of agricultural activity, no circulation to the Risk Management Official is required. **The Risk Management Official confirms that the Approval Authority or building official is permitted to make the determination that the site specific land use is not designated for the purposes of Section 59 of the *Clean Water Act*.**
- If the proposal or application includes any of the activities outlined above, **you must** circulate the application to the Risk Management Official. Please contact the Essex Region Risk Management Official at riskmanagement@erca.org for a copy of the application form or if you have any questions.

Step 4c (property is in IPZ-1): Determine whether the proposal or application includes the installation of any type of permanent storage structure of any size (e.g. fuel, chemical, fertilizer, pesticide, salt, snow, etc), or any type of agricultural activity

- If the proposal or application does not include the installation of a storage structure nor any type of agricultural activity, no circulation to the Risk Management Official is required. **The Risk Management Official confirms that the Approval Authority or building official is permitted to make the determination that the site specific land use is not designated for the purposes of Section 59 of the *Clean Water Act*.**
- If the proposal or application includes any of the activities outlined above, **you must** circulate the application to the Risk Management Official. Please contact the Essex Region Risk Management Official at riskmanagement@erca.org for a copy of the application form or if you have any questions.

Following the receipt of a completed Section 59 application form, the Risk Management Official will be in a position to provide further direction.

The Risk Management Official has determined that the above written direction is applicable and the date of the receipt of this notice is to be considered the effective date.



Laura Neufeld
Risk Management Official



Kathleen Schnekenberger
Risk Management Official



Katie Stammer
Source Water Protection
Project Manager

APPENDIX A: Section 59 of the *Clean Water Act, 2006*

Restricted land uses

59. (1) If a source protection plan that is in effect designates a land use as a land use to which this section should apply and an area within which this section should apply,

(a) a person shall not make an application under a provision of the *Planning Act* prescribed by the regulations for the purpose of using land for that land use at any location within that area; and

(b) despite section 58, a person shall not construct or change the use of a building at any location within that area, if the building will be used in connection with that land use,

unless the risk management official issues a notice to the person under subsection (2). 2006, c. 22, s. 59 (1).

Issuance of notice

(2) The risk management official shall, on application, issue a notice to a person for the purpose of subsection (1) if, and only if, the applicant has paid all applicable fees and,

(a) neither section 57 nor section 58 applies to the activity for which the land is to be used at the location where the land is to be used; or

(b) section 58 applies to the activity for which the land is to be used at the location where the land is to be used and a risk management plan that applies to that activity at that location has been agreed to or established under section 56 or 58. 2006, c. 22, s. 59 (2).

Time for application

(3) If section 58 applies to the activity for which the land is to be used at the location where the land is to be used, an application for the issuance of a notice under subsection (2) may be made at the same time that an application is made in respect of the activity under section 58 or 60. 2006, c. 22, s. 59 (3).

Copies

(4) If a risk management official issues a notice under subsection (2), he or she shall give a copy of the notice to the persons prescribed by the regulations. 2006, c. 22, s. 59 (4).

Definitions

(5) In this section,

“building” has the same meaning as in the *Building Code Act, 1992*; (“bâtiment”)

“construct” has the same meaning as in the *Building Code Act, 1992*. (“construire”) 2006, c. 22, s. 59 (5).

APPENDIX B: Section 62 of O. Reg 287/07 of the *Clean Water Act, 2006*

[62.](#) The following provisions of the *Planning Act* are prescribed for the purposes of clause 59 (1) (a) of the *Clean Water Act, 2006*:

1. Section 22, with respect to requests to amend official plans.
2. Section 34, with respect to applications to amend zoning by-laws.
3. Section 39, with respect to applications to amend zoning by-laws to authorize a temporary use.
4. Section 41, with respect to applications for approval to undertake development in a site plan control area.
5. Section 45, with respect to applications for minor variances.
6. Section 51, with respect to applications for approval of plans of subdivision.
7. Section 53, with respect to applications for consents. O. Reg. 246/10, s. 12.

APPENDIX 6 – CONSULTATION

ENVIRONMENTAL QUALITY – KEVIN WEBB

I have reviewed the documentation and attachments and have no comments to add.

ENVIRONMENTAL SUSTAINABILITY – NOLAN LACHANCE

No comments to provide.

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.

Note: Site Plan applications are reviewed in EIS, under “Limit of Regulated Area”, to determine if ERCA is applicable.

ERCA – ALICIA GOOD

Thank you for providing our office with the opportunity to provide comments regarding the proposed updates to the City of Windsor Official Plan as required under the Source Protection Plan (SPP).

We understand that the purpose of this amendment is to update the policies in the City of Windsor Official Plan specific to the implementation of the Essex Region Source Protection Plan and the Ontario *Clean Water Act, 2006*. The Province of Ontario introduced the *Clean Water Act* in 2006 with the mandate to create Source Protection Plans with the goal of providing a framework and policies to reduce the risk posed by water quality and quantity threats to sources of drinking water.

The Essex Region Source Protection Plan (SPP) was implemented in 2015 and as part of the plan, municipalities are required to periodically update their planning documents to integrate the policies of the Source Protection Plan (SPP).

The proposed Official Plan amendments include:

- Mapping (Schedule K) in the Official Plan as required under the Source Protection Plan. Mapping includes vulnerable areas identified as ‘Intake Protection Zones’ (IPZs), ‘Highly Vulnerable Aquifers’ (HVAs) and ‘Significant Groundwater Recharge Areas’ (SGRAs);
- Updating definitions and terminology in the Official Plan to align with the Source Protection Plan (SPP);
- Increase overall awareness of the SPP requirements within the City of Windsor;
- Provide additional clarity and transparency with respect to the development review process as it relates to source protection plans and the written direction of the risk management official.

Please find attached a letter with comments from Dr. Katie Stammmler, Source Water Protection Project Manager/Water Quality Scientist.

FINAL RECOMMENDATION

Our office has reviewed this Official Plan Amendment as presented, and we have **no objections**. If any further changes are proposed to this Official Plan Amendment, please continue to circulate our office for possible updated comments.

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

Essex Region Source Protection Authority staff have reviewed the proposed draft Official Plan Amendment based on our existing policies in the Essex Region Source Protection Plan.

ERSPA – KATIE STAMMLER

ERCA's Source Water Protection Project Manager, Katie Stammler, worked directly with City Planner, Frank Girardo in the development of this Official Plan Amendment. Mr. Girardo incorporated all comments provided during those discussions and we are pleased with the final result. The approach taken by the City of Windsor is simple and will be effective. It also future proofs the Official Plan with the use of Policy 5.3.9.2 which requires that any activity that is, or would be, a significant drinking water threat conform with all applicable Source Protection Policies.

Thank you for the opportunity to comment on the draft Official Plan and associated schedules. If you have any questions or require clarification, please feel free to contact me directly.

Katie Stammler, Source Water Protection Project Manager/Water Quality Scientist



Committee Matters: SCM 242/2024

Subject: Adoption of the Development & Heritage Standing Committee minutes of its meeting held August 6, 2024

Development & Heritage Standing Committee Meeting

Date: Tuesday, August 6, 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)

Clerk's Note: Councillor Kieran McKenzie participated via video conference, in accordance with Procedure By-law 98-2011 as amended, which allows for electronic participation.

Members

Member Anthony Arbour

Member Joseph Fratangeli

Member John Miller

Member Charles Pidgeon

Member Robert Polewski

Member Khassan Saka

Member William Tape

Members Regrets

Member Daniel Grenier

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Kristina Tang, Planner III - Heritage

Sandra Gebauer, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Joe Mancina, Chief Administrative Officer

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Jason Campigotto, Deputy City Planner - Growth
Adam Szymczak, Acting Deputy City Planner – Development
Patrick Winters, Manager, Development
Jim Leether, Manager, Environmental Services
Emilie Dunnigan, Manager, Development Revenue & Financial Administration
Elara Mehrilou, Transportation Planner I
Laura Strahl, Planner III – Special Projects
Kevin Alexander, Planner III – Special Projects
Natasha McMullin, Clerk Steno Senior
Gabriel Lam, Waterloo – Co-op Planning
Julia Wu, Waterloo – Co-op Planning
Danielle Porier, Waterloo – Co-op Planning
Liyue Qiu, Waterloo – Co-op Planning
Anna Ciacelli, Deputy City Clerk

Delegations—participating via video conference

Item 7.1. - Tracey Pillon-Abbs, RPP, Principal Planner
Item 7.1. - Quan Yang, area resident
Item 11.3. - Shawna Petzold, General Manager, Permit World

Delegations—participating in person

Item 7.1. - Crystal McKenzie, area resident
Item 7.1. - Joanne Verschraegen, area resident
Item 7.1. - Rick Hobbs, area resident
Item 7.1. - Linda MacKenzie, Neighbourhood Committee Representative
Item 10.1. - Peter Deck, property owner
Item 10.2. - Xiaoliang Duan, property owner
Item 10.3. - Robert & Melanie Polewski, property owners
Item 11.3. - David Meikle, Signal Out of Home

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

None disclosed.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None requested.

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4. COMMUNICATIONS

None presented.

8. ADOPTION OF THE MINUTES

8.1. Adoption of the Development & Heritage Standing Committee minutes of its meeting held July 2, 2024

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Mark McKenzie

THAT the minutes of the Development & Heritage Standing Committee meeting held July 2, 2024 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 205/2024

10. HERITAGE ACT MATTERS

10.2. Request for Heritage Permit – 567 Church Street, Revell-D'Avignon House (Ward 3)

Xiaoling Duan, Property Owner

Xiaoling Duan appears before the Development & Heritage Standing Committee regarding the administrative report dated June 4, 2024, entitled “Request for Heritage Permit – 567 Church Street, Revell-D'Avignon House (Ward 3)” and indicates that the cost of cedar roof shingles is much too expensive to be able to afford and wishes to replace the roof with asphalt shingles.

Councillor Angelo Marignani inquires how long the delegate has been living in the home. Ms. Duan indicates that there is not currently anyone living in the home as it needs repairs and then the plan is to rent it out.

Councillor Angelo Marignani inquires which roof style they prefer. Ms. Duan responds that asphalt shingles are preferred.

Councillor Kieran McKenzie comments that the reason for the delay of a decision is to consider all options for subsidizing the cedar shingles to preserve the heritage value of the home, and inquires if it is possible to work with a roofing company that doesn't specialize in the specific cedar roofing material or heritage-related construction work and if so, what subsidy could be offered to the applicant. Kristina Tang, Heritage Planner, appears via video conference before the Development & Heritage Standing Committee regarding the administrative report dated June 4, 2024, entitled “Request for Heritage Permit – 567 Church Street, Revell-D'Avignon House (Ward 3)” and refers to

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the cost summary, it was indicated that the cost of \$37,000 is for a composite material. There was not a quote for cedar wood shingles from that company. There is an example in Item 10.1 of this agenda that the company worked with administration to define the heritage specifications so that the owner and vendor were clear on the heritage standards required for installation. It could be done, but there is no indication here that ROC Home Improvement was ready to embark on this exercise.

Councillor Kieran McKenzie inquires if the City were to propose to fund the difference between the cost of cedar vs asphalt shingles in the amount of approximately \$35,000, how often have we deviated from the policy to allow an exception to the standard funding. Ms. Tang responds that the community heritage fund was designed to cover up to 15%. In recent years, council has recognized the higher cost of heritage work and has provided around 30% which has been the recommendation of staff. The cap would usually be \$50,000. We may have deviated in major or specialized projects such as John Campbell School and Assumption Church where the City had granted about \$200,000 for copper roofing. The percentage amount of the entire project cost was less than 30%.

Councillor Angelo Marignani inquires whether the delegate plans any changes to the façade of the home with the replacement of the roof. Ms. Duan responds that the front of the home will not be changed, however the siding will be painted.

Councillor Angelo Marignani inquires whether the scaled shingles at the top window will remain. Ms. Duan responds that is correct.

Member William Tape inquires whether the delegate's plan is to make the property a rental property and not their main residence. Ms. Duan responds that is the intention.

Member William Tape inquires whether the delegate plans to sell the residence in the short-term. Ms. Duan indicates that it may be sold, but the current plan is to rent the property.

Councillor Angelo Marignani requests that administration provide a review of the three options provided. Ms. Tang indicates that the quotes have presented asphalt, composite and cedar shingles. Administration does not recommend the composite material because the pricing is similar to cedar but not authentic. The recommendation in the Administrative Additional Information memo is to approve the asphalt roof shingle or the cedar roof shingle.

Councillor Angelo Marignani requests that Ms. Tang confirm the asphalt material proposed. Ms. Tang responds that the material is not confirmed by the owner. In the new AI report, the owner provided quotes citing a different type of asphalt material. Should the committee approve the recommendation of asphalt shingles, administration would confirm the details of the materials used before work is to begin on the home.

Member Charles Pidgeon inquires whether the committee is setting a precedent that would allow other homeowners to use asphalt instead of cedar. Jason Campigotto, Deputy City Planner, appears before the Development & Heritage Standing Committee regarding the administrative report dated June 4, 2024, entitled "Request for Heritage Permit – 567 Church Street, Revell-

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D'Avignon House (Ward 3)" and indicates that consideration of establishing precedent is taken. In this particular request, the roof is not identified as a heritage attribute on the designation by-law. When looking at this property from the street frontage, the roof is not a predominant feature. Administration is recommending support as this is a reversible improvement that could be changed at a later date to cedar shingles.

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Fred Francis

Decision Number: **DHSC 641**

- I. THAT Council **BE INFORMED** of the various roof replacement options explored by the Owner of 567 Church Street as outlined in this report; and,
- II. THAT a Heritage Permit at 567 Church St, Revell-D'Avignon House, **BE GRANTED** to the Property Owners Xiaoliang Duan & Hao Cui for the repainting of the "fish-scale" shingles at the gable ends, midline band of the bay window, and wood siding of the property per details outlined in Report S 72/2024 Appendix B Heritage Permit Application; and,
- III. THAT a Heritage Permit at 567 Church St, Revell-D'Avignon House, **BE GRANTED** to the Property Owners Xiaoliang Duan & Hao Cui for the removal and replacement of the existing cedar wood roof material with Timberline HDZ asphalt shingles, subject to further review of scope of work, product information and compatible colour selection to the satisfaction of the City Planner or designate prior to work start; and,
- IV. THAT the City Planner or designate **BE DELEGATED** the authority to approve any further proposed changes associated with the roof replacement, gable ends, and ornamental strip between the two-storeys.

Carried.

Members William Tape, Joseph Fratangeli, and Charles Pidgeon voting nay.

Report Number: S 72/2024 & AI 17/2024

Clerk's File: MBA/2985

10.3. Request for Partial Demolition and Removal from Municipal Heritage Register for Heritage Listed Property – 232 Thompson Boulevard, House (Ward 6)

Moved by: Councillor Fred Francis

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 642**

- I. THAT Council **BE INFORMED** of the proposed partial demolition at 232 Thompson Boulevard to remove the existing roof, front porch, openings (doors/windows), and brick chimney to construct a second storey addition and new covered front porch; and,

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- II. THAT the property at 232 Thompson Boulevard, identified as House – Arts & Crafts Bungalow, **BE REMOVED** from the Windsor Municipal Heritage Register, due to the existing lack of apparent cultural heritage value or interest in combination with the proposed extent of non-reversible alterations.

Carried.

Report Number: S 90/2024
Clerk's File: MBA2024

10.1. Community Heritage Fund Request – 3069 Alexander Ave, Masson-Deck House (Ward 2)

Peter Deck appears before the Development & Heritage Standing Committee regarding the administrative report dated July 18, 2024, entitled “Community Heritage Fund Request – 3069 Alexander Ave, Masson-Deck House” and is available for questions.

Councillor Angelo Marignani inquires whether the aluminum flashing will be replaced with the same. Mr. Deck responds that the existing flashing is copper, but it was recommended that painted galvanized steel be used.

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Kieran McKenzie

Decision Number: **DHSC 640**

- I. THAT a total grant of 30% of the cost to an upset amount of \$15,126.18 for the cedar roof shingles and the cedar dormer shingles, from the Community Heritage Fund (Reserve Fund 157), **BE GRANTED** to the Owner of the Masson-Deck House at 3069 Alexander Ave, subject to:
- a. Fulfillment of the conditions of Heritage Permit HP 09/2024 issued under delegated authority;
 - b. Determination by the City Planner that the work is completed to heritage conservation standards;
 - c. Owner's submission of paid receipts for work completed;
 - d. That the Community Heritage Fund (Reserve Fund 157) grants approved shall lapse if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date.

Carried.

Report Number: S 99/2024
Clerk's File: MBA/3801

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There being no further business the meeting of the Development & Heritage Standing Committee (*Heritage Act* Matters) portion is adjourned at 5:06 o'clock p.m.

The Chairperson calls the *Planning Act* Matters portion of the Development & Heritage Standing Committee meeting to order at 5:08 o'clock p.m.

5. ADOPTION OF THE *PLANNING ACT* MINUTES

5.1. Adoption of the Development & Heritage Standing Committee minutes (*Planning Act*) of its meeting held July 2, 2024

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

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held July 2, 2024 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 228/2024

6. PRESENTATION DELEGATIONS (*PLANNING ACT* MATTERS)

See item 7.1.

7. *PLANNING ACT* MATTERS

7.1. Zoning By-law Amendment Application for property known as 1920 Grove Avenue; Applicant: Olivia Construction Homes Ltd.; File No. Z-016/24, ZNG/7206; Ward 2

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

Decision Number: **DHSC 639**

- I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of the land located on the north side of Grove Avenue, between Josephine Avenue and Partington Avenue, described as Part Lot 68, Concession 1, PIN 01219-0447 LT, from Residential District 2.1 with a holding prefix (HRD2.1) to Residential District 2.5 (RD2.5) and adding the following site-specific zoning provisions:

“511 NORTH SIDE OF GROVE AVENUE, BETWEEN JOSEPHINE AVENUE AND PARTINGTON AVENUE

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For the land comprising Part Lot 68, Concession 1, PIN 01219-0447 LT, all permitted uses shall be subject to the following additional provisions:

- | | |
|---|----------------|
| a) Main Building Height - maximum | 11.0 m |
| b) Front Yard Depth – maximum | 20.3 m |
| c) Rear Yard Depth – minimum | 5.48 m |
| d) Loading space – minimum | 0 |
| e) Exterior finish for all dwelling types – minimum | 50% face brick |

[ZDM 4; ZNG/7206]”

II. THAT the Site Plan Approval Officer **BE DIRECTED** to consider the municipal departments and external agencies’ requirements found in Appendix D of this Report in the Site Plan Approval process and incorporate the Engineering Department’s requirements and other appropriate/necessary requirements in the Site Plan Agreement for the proposed development on the subject land; and,

III. THAT the Applicant **BE REQUESTED** to conduct an open house to discuss the concerns raised by area residents prior to this matter being considered by Council.

Carried.

Councillor Angelo Marignani voting nay.

Report Number: S 96/2024

Clerk’s File: ZB/13468

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 6:02 o’clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 6:02 o’clock p.m.

11. ADMINISTRATIVE ITEMS

11.3. Amendment to Sign By-law 250-04 for 2545 Howard Avenue, File No. SGN-001/24 - Ward 10

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David Meikle, Signal Out of Home

David Meikle, Signal Out of Home, appears before Council regarding the administrative report dated July 9, 2024 entitled, "Amendment to Sign By-law 250-04 for 2545 Howard Avenue, File No. SGN-001/24 - Ward 10" and is available for questions.

Shawna Petzold, General Manager, Permit World

Shawna Petzold, General Manager, Permit World, appears before Council via video conference regarding the administrative report dated July 9, 2024 entitled, "Amendment to Sign By-law 250-04 for 2545 Howard Avenue, File No. SGN-001/24 - Ward 10" and is available for questions.

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 645**

- I. THAT the application for a Site Specific Amendment to By-law 250-2004, being a by-law respecting signs and other advertising devices in the City of Windsor, as amended (the "Sign By-law"), to allow for the installation of an Electronic Changing Copy Billboard Ground Sign on the private property at 2545 Howard Avenue, **BE APPROVED**; and,
- II. THAT Schedule "E" – "Special Provisions for Individual Signs" of the Sign By-law **BE AMENDED** by adding the following as a new section E. 22:

E. 22 Despite the provisions of this By-law, that a BILLBOARD SIGN, that is both a GROUND SIGN and an ELECTRONIC CHANGING COPY SIGN, may be constructed on the property located west of Howard Avenue, east of Doty Place and south of the CP Rail Line underpass, subject to the following conditions:

- a. That the BILLBOARD SIGN does not include FLASHING ILLUMINATION, and that changing of the ELECTRONIC CHANGING COPY does not occur at intervals of less than 10 seconds;
- b. That the manufacturer of the BILLBOARD SIGN confirm compliance with the lighting restrictions in accordance with Section 3 for electronic message signs;
- c. That the BILLBOARD SIGN does not have any animation including scrolling letters, television or video message, or any moving sign message objects;
- d. That the illumination intensity of the BILLBOARD SIGN complies with subsection 3.3.1.(c) of this By-law, and that the brightness of the BILLBOARD SIGN be automatically controlled with an ambient light photo-sensor; and,

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- e. That the BILLBOARD SIGN will only be illuminated between the hours of 6am and 11pm; and,

- III. THAT the City Solicitor **BE DIRECTED** to prepare the by-law to amend the Sign By-law.

Carried.

Report Number: S 88/2024

Clerk's File: SB2024

11.1. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Riverside Horizons Inc. for 3251 Riverside Drive East (Ward 5)

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Kieran McKenzie

Decision Number: **DHSC 643**

- I. THAT the request made by Riverside Horizons Inc. 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 3251 Riverside Drive East for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,
- II. THAT Administration **BE DIRECTED** to prepare an agreement between Riverside Horizons Inc., 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 CFO/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.

Carried.

Report Number: S 91/2024

Clerk's File: SPL/14202

11.2. Downtown CIP Grant Application Amendment made by Fouad Badour (Owner) for 509, 515, 521, 527 Marentette Avenue, Ward 3

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Moved by: Councillor Fred Francis

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 644**

- I. THAT Council Resolution 63/2024 adopted on February 12, 2024 **BE AMENDED** as follows:
 - i. by **DELETING** Resolutions V., VI., VII., VIII., IX., X., and XI. in their entirety, and **INSERTING** the following in their place:
 - “V. THAT the request made by Fouad Badour for the proposed development at 509, 515, 521, 527 Marentette Avenue as proposed in Report S87/2024, to participate in:
 - a) the Building/Property Improvement Tax Increment Grant Program **BE APPROVED** for 100% of the municipal portion of the tax increment resulting from the proposed development for up to five (5) years or until 100% of the eligible costs are repaid pursuant to the Downtown Windsor Enhancement Strategy and Community Improvement Plan; and,
 - b) the New Residential Development Grant Program **BE APPROVED** for \$30,000 towards eligible costs of twelve (12) new residential units (\$2,500 per new residential units) pursuant to the Downtown Windsor Enhancement Strategy and Community Improvement Plan.
 - VI. THAT Administration **BE DIRECTED** to prepare the agreements between the City and Fouad Badour to implement the Building/Property Improvement Tax Increment Grant Programs at 509, 515, 521, 527 Marentette Avenue in accordance with all applicable policies, requirements, and provisions contained within the Downtown Windsor Enhancement Strategy and Community Improvement Plan.
 - VII. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Building/Property Improvement Tax Increment Grant Program agreements at 509, 515, 521, 527 Marentette Avenue 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.
 - VIII. THAT the City Treasurer **BE AUTHORIZED** to issue payment of \$30,000 for grants under the New Residential Development Grant Program for 509, 515, 521, 527 Marentette Avenue to Fouad Badour upon completion of the twelve (12) new residential units subject to the satisfaction of the City Planner and Chief Building Official.
 - IX. THAT grant funds in the amount of \$30,000 under the New Residential Development Grant Program **BE TRANSFERRED** from the CIP Reserve Fund

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226 to the City Centre Community Development Planning Fund (Project #7011022) when work is completed.

- X. THAT the approval to participate in the Building/Property Improvement Tax Increment Grant Program **EXPIRE** if the grant agreement is not signed by applicant within two years following Council approval of Report S87/2024.
- XI. THAT should the new residential units not be completed in two (2) years following Council approval of Report S87/2024, City Council **RESCIND** the approval under the New Residential Development Grant Program and the Building/Property Improvement Grant Program and that the funds under the New Residential Development Grant Program be uncommitted and made available for other applications.
 - ii. by **INSERTING** the following as a new Resolution XII:
 - “XII. THAT the grants approved in Resolution V under the Building/Property Improvement Tax Increment Grant Program and the New Residential Development Grant Program shall apply to the property legally described in the Property Location section of Report S87/2024, regardless of whether the municipal addresses or roll numbers should change.”

Carried.

Report Number: S 87/2024
Clerk's File: SPL2024

12. COMMITTEE MATTERS

None presented.

13. QUESTION PERIOD

None registered.

14. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (Administrative Items Matters) is adjourned at 6:05 o'clock p.m. The next meeting of the Development & Heritage Standing Committee will be held on Tuesday, September 3, 2024.
Carried.

Ward 10 – Councillor Jim Morrison
(Chairperson)

Deputy City Clerk / Supervisor of
Council Services



Committee Matters: SCM 268/2024

Subject: Adoption of the Development & Heritage Standing Committee minutes of its meeting held September 3, 2024

Development & Heritage Standing Committee Meeting

Date: Tuesday, September 3, 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

Members Regrets

Member Robert Polewski

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Tracey Tang, Planner III – Economic Development

Sandra Gebauer, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Jelena Payne, Commissioner, Economic Development

Neil Robertson, City Planner

Greg Atkinson, Deputy City Planner

Aaron Farough, Senior Legal Counsel

Patrick Winters, Manager, Development

Emilie Dunnigan, Manager, Development Revenue & Financial Administration

Kevin Alexander, Planner III - Special Projects

Brian Nagata, Planner II – Development Review

Elara Mehrilou, Transportation Planner I

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Diana Radulescu, Planner II – Development Review
Natasha McMullin, Clerk Steno Senior
Anna Ciacelli, Deputy City Clerk

Delegations—participating via video conference

Item 11.5 - Kaela McLellan, applicant
Item 11.3 - Cathy Cooke, area resident

Delegations—participating in person

Item 11.1 - Michel Matte, Owner, Granite Design Works, Inc.
Item 11.1 - Lawrence Anthony Lamont, area resident

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

None disclosed.

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 August 6, 2024

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

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held August 6, 2024 **BE ADOPTED** as presented.
Carried.

7. PLANNING ACT MATTERS

7.1. Zoning By-Law Amendment 2019-24 (ZNG/7215) - Architecttura Inc. Architects – 1098 Albert Rd, Ward 5

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

Decision Number: **DHSC 646**

I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 106, Plan 865 situated at the northeast corner of Albert Road and Richmond Street, known municipally as 1098 Albert Road, by adding a site-specific exception to Section 20(1) as follows:

512. NORTHEAST CORNER OF ALBERT ROAD AND RICHMOND STREET

For the lands comprising of Lot 106, Plan 865 the following additional regulations shall apply:

- 1) The following are an additional permitted *main use*:
One *Multiple Dwelling* containing a maximum of four *dwelling units*
- 2) The following additional provisions shall apply to an additional permitted *main use*:
 - a) Lot Width – minimum 9.0 m
 - b) Lot Area – minimum 327.0 m²
 - c) Lot Coverage – maximum 55%
 - d) Main Building Height – maximum 7.60 m
 - e) Front Yard Depth – minimum 4.5 m
 - f) Rear Yard Depth – minimum 7.5 m
 - g) Side Yard Width – minimum 0.25 m
 - h) Gross Floor Area – *Main Building* – maximum 364 m²
 - i) Notwithstanding Section 5.2.20.20, a refuse bin shall be stored in a required *rear yard*.

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j) Notwithstanding section 24.20.5., three parking spaces shall be provided.

k) Section 24.30.20.3.2 shall not apply.

II. THAT the H symbol **SHALL APPLY** to Lot 106, Plan 865 situated at the northeast corner of Albert Road and Richmond Street, known municipally as 1098 Albert Road and that Zoning By-law 8600 **BE FURTHER AMENDED** by adding the following clause to Section 95.20:

(10) a) Conveyance of a 4.6 m by 4.6 m corner cut-off at the northeast corner of Albert Road and Richmond Street to the satisfaction of the City Engineer.

[ZNG/7215]

Carried.

Report Number: S 105/2024

Clerk's File: Z/14833

7.2. Impact of Bill 185 Passed by the Provincial Legislature – City Wide

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 647**

I. THAT the report of the City Solicitor dated July 29, 2024 regarding the legislative changes resulting from provincial Bill 185 and related legislation **BE RECEIVED**; and,

II. THAT Administration **BE DIRECTED** to provide a brief presentation outlining the legislative changes when this report proceeds to Council.

Carried.

Report Number: S 103/2024

Clerk's File: GP2024

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 4:55 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 4:56 o'clock p.m.

8. ADOPTION OF THE MINUTES

None presented.

10. HERITAGE ACT MATTERS

None presented.

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11. ADMINISTRATIVE ITEMS

11.1. Closure of west half of north/south alley located between Montrose Street and Tecumseh Boulevard West, Ward 3, SAA-4133

Michel Matte, Owner, Granite Design Works, Inc.

Michel Matte, Owner, Granite Design Works, Inc., appears before Council regarding the administrative report dated July 3, 2024 entitled, "Closure of west half of north/south alley located between Montrose Street and Tecumseh Boulevard West, Ward 3, SAA-4133" and is available for questions.

Lawrence Anthony Lamont, area resident

Lawrence Anthony Lamont, area resident, appears before Council regarding the administrative report dated July 3, 2024 entitled, "Closure of west half of north/south alley located between Montrose Street and Tecumseh Boulevard West, Ward 3, SAA-4133" and is available for questions.

Moved by: Councillor Fred Francis

Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 648**

- I. THAT the 2.44-metre-wide west half of the north/south alley located between Montrose Street and Tecumseh Boulevard West, and shown on Drawing No. CC-1849 (attached hereto as Appendix "A"), and hereinafter referred to as the "subject alley", **BE ASSUMED** for subsequent closure; and,
- II. THAT the subject alley **BE CLOSED AND CONVEYED** in as is condition to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - a. Easements, subject to being accepted in the City's standard form and in accordance with the City's standard practice, being granted to:
 - i. Bell Canada to accommodate existing infrastructure;
 - ii. Enbridge Gas Inc. to accommodate existing underground infrastructure; and,
 - iii. ENWIN Utilities Ltd. to accommodate existing aboveground infrastructure; and,
- III. THAT Conveyance Cost **BE SET** as follows:
 - a. For alley conveyed to abutting lands zoned RD1.3, \$1.00 plus HST (if applicable), deed preparation fee and a proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor; and,

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- IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1849; and,
- V. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s); and,
- 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; and,
- VII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.
Carried.

Report Number: S 85/2024
Clerk's File: SAA2024

11.5. Closure of north/south alley located between Millen Street and Girardot Street, Ward 2, SAA-6996

Kaela McLellan, applicant

Kaela McLellan, applicant appears via video conference before the Development & Heritage Standing Committee regarding the administrative report dated July 16, 2024, entitled "Closure of north/south alley located between Millen Street and Girardot Street, Ward 2, SAA-6996" and is available for questions.

Councillor Angelo Marignani inquires whether the delegate is in favour of the recommendation. Ms. McLellan responds that she is in favor of the recommendation.

Councillor Angelo Marignani inquires whether there were any concerns regarding the alley closure. Ms. McLellan indicates that she has a concern about the hydro pole in the area and how that would be affected.

Brian Nagata, Planner II Development Review, appears before the Development & Heritage Standing Committee regarding the administrative report dated July 16, 2024, entitled "Closure of north/south alley located between Millen Street and Girardot Street, Ward 2, SAA-6996" and indicates that as a condition of the alley closure, a blanket easement will be granted over the entire alley for maintenance or repair purposes.

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

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Decision Number: **DHSC 562**

- I. THAT the north/south alley located between Millen Street and the north limit of Lot 17, Plan 1208, and shown on Drawing No. CC-1833 (attached hereto as Appendix "A"), and hereinafter referred to as the "subject alley", **BE ASSUMED** for subsequent closure; and,
 - II. THAT the subject alley **BE CLOSED AND CONVEYED** in as is condition to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - a. Easements, subject to being accepted in the City's standard form and in accordance with the City's standard practice, being granted to:
 - i. Bell Canada to accommodate existing aerial facilities;
 - ii. ENWIN Utilities Ltd. to accommodate existing overhead 120/240V distribution; and,
 - iii. Managed Network System Inc. (MNSi.) to accommodate existing aerial facilities; and,
 - III. THAT Conveyance Cost **BE SET** as follows:
 - a. For alley conveyed to abutting lands zoned RD1.2, \$1.00 plus HST (if applicable), deed preparation fee and a proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor; and,
 - IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1833; and,
 - V. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s); and,
 - 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; and,
 - VII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.
- Carried.

Report Number: S 98/2024
Clerk's File: SAA2024

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11.3. Part Closure of east/west alley located between Belleperche Place and Fairview Boulevard, Ward 6, SAA-7135

Cathy Cooke, area resident

Cathy Cooke appears before the Development & Heritage Standing Committee via video conference regarding the administrative report dated July 11, 2024, entitled “Part Closure of east/west alley located between Belleperche Place and Fairview Boulevard, Ward 6, SAA-7135” and expresses support for the alley closure and plans to continue to maintain the alley.

Councillor Angelo Marignani requests clarification about the closed and conveyed portion of the alley. Mr. Nagata indicates that once the alley is closed and conveyed and not under the ownership of the city, any matters pertaining to encroachments would become a civil matter. If it remains unpurchased, it would still be the city’s responsibility, but would be known as an orphan alley.

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Fred Francis

Decision Number: **DHSC 650**

- I. THAT the 4.27-metre-wide west part of the east/west alley located between Belleperche Place and Fairview Boulevard, and shown on Drawing No. CC-1845 (attached hereto as Appendix “A”), and hereinafter referred to as the “subject alley”, **BE ASSUMED** for subsequent closure; and,
- II. THAT the subject alley **BE CLOSED AND CONVEYED** in as is condition to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - a. Easements, subject to being accepted in the City’s standard form and in accordance with the City’s standard practice, being granted to:
 - i. Bell Canada to accommodate to accommodate overhead utility infrastructure;
 - ii. Cogeco Connexion Inc. to accommodate overhead utility infrastructure;
 - iii. ENWIN Utilities Ltd. to accommodate existing overhead 27.6kV and 120/240-volt hydro distribution, poles and down guy wires; and,
 - iv. Managed Network System Inc. (MNSi.) to accommodate overhead utility infrastructure; and,
- III. THAT Conveyance Cost **BE SET** as follows:
 - a. For alley conveyed to abutting lands zoned RD1.2, \$1.00 plus HST (if applicable), deed preparation fee and a proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor; and,

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- IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1845; and,
- V. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s); and,
- 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; and,
- VII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.
Carried.

Report Number: S 92/2024

Clerk's File: SAA2024

11.2. Closure of east/west alley located between Church Street and Dougall Avenue, Ward 3, SAA-7138

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Fred Francis

Decision Number: **DHSC 649**

- I. THAT the 4.57-metre-wide east/west alley located between Church Street and Dougall Avenue, and shown on Drawing No. CC-1843 (attached hereto as Appendix "A"), and hereinafter referred to as the "subject alley", **BE ASSUMED** for subsequent closure; and,
- II. THAT the subject alley **BE CLOSED AND CONVEYED** in as is condition to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - a. Easements, subject to being accepted in the City's standard form and in accordance with the City's standard practice, being granted to:
 - i. Bell Canada to accommodate existing aboveground infrastructure;
 - ii. Cogeco Connexion Inc. to accommodate existing aboveground infrastructure;
 - iii. ENWIN Utilities Ltd. to accommodate existing overhead 120/240V and 600/347V hydro pole distribution;
 - iv. Managed Network System Inc. (MNSi.) to accommodate existing aboveground infrastructure; and,
- III. THAT Conveyance Cost **BE SET** as follows:
 - a. For alley conveyed to abutting lands zoned CD2.1, \$20.00 per square foot without easements plus HST (if applicable) and a proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor, and \$10.00 per square foot with easements plus HST (if applicable) and a proportionate

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share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

- b. For alley conveyed to abutting lands zoned RD1.3, \$1.00 plus HST (if applicable), deed preparation fee and a proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor; and,

- IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1843; and,
- V. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s); and,
- 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; and,
- VII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003. Carried.

Report Number: S 89/2024

Clerk's File: SAA2024

11.4. Closure of north/south alley, located between Clairview Avenue and Wyandotte Street East; and east/west alley located between Clover Street and Adelaide Avenue; Ward 7, SAA-6767

Councillor Angelo Marignani inquires whether there was any objection to the closure of this alley. Mr. Nagata indicates there weren't any objections received.

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 651**

- I. THAT the 3.35-metre-wide north/south alley located between Clairview Avenue and Wyandotte Street East, and shown on Drawing No. CC-1815 (attached hereto as Appendix "A"), and hereinafter referred to as the "subject alley", **BE ASSUMED** for subsequent closure; and,
- II. THAT the subject alley **BE CLOSED AND CONVEYED** in as is condition to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - a. Easements, subject to being accepted in the City's standard form and in accordance with the City's standard practice, being granted to:
 - i. Bell Canada for protection of existing facilities;

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- ii. ENWIN Utilities Ltd. to accommodate existing overhead 120/240-volt distribution, poles and down guy wires; and,
 - iii. Owner of the property known municipally as 10655 Clairview Avenue (legally described as Lot 3, Plan 1077, PIN No. 01596-0041 LT) to accommodate access to repair and maintain existing water service; and,
- III. THAT the 4.88-metre-wide east/west alley located between Clover Street and Adelaide Avenue, and shown on Drawing No. CC-1815 (attached hereto as Appendix "A"), **BE DENIED** for subsequent closure; and,
- IV. THAT Conveyance Cost **BE SET** as follows:
 - a. For alley conveyed to abutting lands zoned RD1.2, \$1.00 plus HST (if applicable), deed preparation fee and a proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor; and,
- V. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1815; and,
- VI. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s); and,
- VII. 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; and,
- VIII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.
Carried.

Report Number: S 97/2024
Clerk's File: SAA2024

11.6. Ford City CIP Application for 1306 Drouillard Road. Owner: Charbel Semaan (C/O: Maged Basilious) – Ward 5

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

Decision Number: **DHSC 653**

- II. THAT the request for incentives under the Ford City CIP Financial Incentive Programs made by Charbel Semaan, (c/o: Maged Basilious), Owner of the property located at 1306 Drouillard Road for the construction of a two (2) storey auto body shop **BE APPROVED** for the following incentive programs:
 - i. Municipal Development Fees Grant Program to a maximum amount of \$30,000;

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- ii. Building/Property Improvement Tax Increment Grant Program for 100% of the municipal portion of the tax increment for up to 10 years in an estimated amount of \$16,358 per year.
- III. THAT Administration **BE AUTHORIZED** to prepare the agreement between the City and Charbel Semaan (C/O: Maged Basilius; Maged Basilius Architect) to implement the *Building/Property Improvement Tax Increment Grant Program* (only) in accordance with all applicable policies, requirements to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the City Treasurer as to financial implications; and,
- IV. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Grant Agreement(s) in content satisfactory to the City Planner, in financial content to the satisfaction of the City Treasurer and in form satisfactory to the City Solicitor; and,
- V. THAT funds in the amount of up to a maximum of \$30,000 under the *Municipal Development Fees Grant Program* **BE TRANSFERRED** from the CIP Reserve Fund 226 to the Ford City CIP Fund (Project #7181046) once the work is completed; and,
- VI. THAT grants **BE PAID** to Charbel Semaan upon the completion of the of the auto body shop building from the Ford City CIP Fund (Project #7181046) to the satisfaction of the City Planner and Chief Building Official; and,
- VII. THAT should the construction of the two (2) storey auto body shop not be completed within three (3) years following Council approval of Report S101/2024, City Council **RESCIND** the approvals under the Municipal Development Fees Grant and the Building/Property Improvement Tax Increment Grant programs and that the funds under the Municipal Development Fees Grant Program **BE UNCOMMITTED** and returned to CIP Reserve Fund 226.

Carried.

Report Number: S 101/2024

Clerk's File: SPL2024

11.7. Closure of north/south alley located between Wyandotte Street West and Rooney Street, Ward 2, SAA-7032

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Fred Francis

Decision Number: **DHSC 654**

- I. THAT the 3.05-metre-wide north/south alley located between Rooney Street and the south limits of Lot 102, Plan 369 and Lot 12, Plan 1042, and shown on Drawing No. CC-1840 (attached hereto as Appendix "A"), and hereinafter referred to as the "subject alley", **BE ASSUMED** for subsequent closure; and,

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- II. THAT the subject alley **BE CLOSED AND CONVEYED** in as is condition to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
- a. Easements, subject to being accepted in the City's standard form and in accordance with the City's standard practice, being granted to:
 - i. Bell Canada to accommodate existing aerial facilities;
 - ii. ENWIN Utilities Ltd. to accommodate existing overhead 16kV and 120/240-volt distribution, poles and down guy wires; and
 - iii. Managed Network System Inc. (MNSi.) to accommodate existing aerial facilities; and,
- III. THAT Conveyance Cost **BE SET** as follows:
- a. For alley conveyed to abutting lands zoned RD1.3, \$1.00 plus HST (if applicable), deed preparation fee and a proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor; and,
- IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1840; and,
- V. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s); and,
- 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; and,
- VII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.
Carried.

Report Number: S 102/2024

Clerk's File: SAA2024

11.8. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Baird AE Inc. on behalf of Bullet Investments Inc. for 285 Giles Boulevard East (Ward 3)

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 655**

- I. THAT the request made by Baird AE Inc. on behalf of Bullet Investments Inc. 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 285 Giles Boulevard East for up to 10 years or until 100% of the eligible

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costs are repaid pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,

- II. THAT Administration **BE DIRECTED** to prepare an agreement between Bullet Investments Inc., 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.
- Carried.

Report Number: S 106/2024
Clerk's File: Z/14778

12. COMMITTEE MATTERS

12.1. Minutes of the International Relations Committee of its meeting held July 10, 2024

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

Decision Number: **DHSC 656**

THAT the minutes of the International Relations Committee meeting held July 10, 2024 **BE RECEIVED** as presented.

Carried.

Report Number: SCM 252/2024
Clerk's File: MB2024

12.2. Report No. 53 of the International Relations Committee - Twin City Agreement with Arlington, Texas

Councillor Fred Francis requests deferral of this item in order to discuss with the mayor's office. Anna Ciacelli, Deputy City Clerk appears before the Development & Heritage Standing Committee regarding the July 10, 2024, report, entitled "Report No. 53 of the International Relations Committee - Twin City Agreement with Arlington, Texas" and responds that the International Relations Committee approved a motion to accept the Twin City agreement. The motion would then go to standing committee, then on to council for final decision.

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Councillor Kieran McKenzie inquires whether the motion is contrary to the city policy. Ms. Ciacelli indicates that the committee can make any recommendation it would like to, it is the responsibility of the standing committee and Council to approve or deny the motion.

Councillor Fred Francis indicates that this is not the first time the IRC has received a twin city request. The policy is meant to ensure that it is people based and that the work is being done outside City Hall and is intended to be a long-lasting bond between the two cities.

Councillor Kieran McKenzie asks administration to clarify the procedure. Ms. Ciacelli provides information and indicates that the response from the Mayor's office will come back to the Standing Committee before going forward to Council for final decision.

Moved by: Councillor Fred Francis

Seconded by: Councillor Kieran McKenzie

Decision Number: **DHSC 657**

THAT Report No. 53 of the International Relations Committee indicating that the following motion BE RECONSIDERED: CR293/2024:

That the International Relations Committee RECOMMEND that the City of Windsor and the City of Arlington, Texas enter into a Friendship City Agreement; and,

That if approved by both parties, that the Mayor's Office BE REQUESTED to sign a Friendship City Memorandum of Understanding for Arlington, Texas consistent with the process outlined in the Twin City/Friendship City Policy; and,

THAT The following motion BE APPROVED:

That the International Relations Committee RECOMMEND that the City of Windsor and the City of Arlington, Texas enter into a Twin City Agreement; and,

That if approved by both parties, that the Mayor's Office BE REQUESTED to sign a Twin City Memorandum of Understanding for Arlington, Texas consistent with the process outlined in the Twin City Policy;

BE REFERRED to the Mayor's Office for comment; and that the comments **BE FORWARDED** to a future meeting of the Development & Heritage Standing Committee.

Carried.

Report Number: SCM 253/2024

Clerk's File: MB2024

13. QUESTION PERIOD

None registered.

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14. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (Administrative Items Matters) is adjourned at 5:17 o'clock p.m. The next meeting of the Development & Heritage Standing Committee will be held on Monday, October 7, 2024.
Carried.

Ward 10 – Councillor Jim Morrison
(Chairperson)

Deputy City Clerk / Supervisor of
Council Services



Committee Matters: SCM 319/2024

**Subject: Adoption of the Development & Heritage Standing Committee minutes
from its meeting held October 7, 2024**

Development & Heritage Standing Committee Meeting

Date: Monday, November 4, 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:

Tracy Tang – Planner III, Heritage

Sandra Gebauer, Council Assistant

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

Aaron Farough, Senior Legal Council

Emilie Dunnigan, Manager, Development Revenue & Financial Administration

Patrick Winters, Manager, Development

Justina Nwaesei, Planner III, Development

Simona Simion, Planner III, Economic Development

Brian Nagata, Planner II, Development Review

Diana Radulescu, Planner II, Development Review

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Elara Mehrilou, Transportation Planner I
Natasha McMullin, Senior Clerk Steno
Anna Ciacelli, Deputy City Clerk

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 3170 & 3178 California Avenue, Z-024/24 [ZNG-7227], Ward 1" as his company has hired the planner on record for the application for one of their projects.

Member Daniel Grenier discloses an interest and abstains from voting on Item 7.3 being "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" as his company has hired the planner on record for the application for one of their projects.

Member Daniel Grenier discloses an interest and abstains from voting on Item 7.4 being "Zoning By-law Amendment Application for 926-928 Giles Blvd E, Z-028/24 [ZNG-7232], Ward 1" as his company is the applicant for this application.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None requested.

4. COMMUNICATIONS

None presented.

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5. ADOPTION OF THE *PLANNING ACT* MINUTES

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

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

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held October 7, 2024 **BE ADOPTED** as presented.

Report Number: SCM 320/2024

6. PRESENTATION DELEGATIONS (*PLANNING ACT* MATTERS)

7. *PLANNING ACT* MATTERS

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

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

Decision Number: **DHSC 670**

- 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:

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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]

Carried.

Councillor Fred Francis voting nay.

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

Report Number: S 135/2024

Clerk's File: Z/14849

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

Moved by: Councillor Mark McKenzie

Seconded by: Member Anthony Arbour

Decision Number: **DHSC 671**

- 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)

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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.

Carried.

Report Number: S 145/2024
Clerk's File: Z/14866

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.

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Fred Francis

Decision Number: **DHSC 672**

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

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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

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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

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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

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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.*

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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

VIII THAT Administration from the Parks Department **BE DIRECTED** to comment on the potential sale of vacant land on Plymouth Street; and,

IX THAT this information be **BE BROUGHT FORWARD** when this item proceeds to Council for their consideration.

Carried.

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

Report Number: S 146/2024
Clerk's File: Z/14851 Z/14853

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

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 673**

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]

Carried.

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

Report Number: S 137/2024

Clerk's File: Z/14864

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 6:03 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 6:03 o'clock p.m.

8. ADOPTION OF THE MINUTES

None presented.

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9. PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)

10. HERITAGE ACT MATTERS

None presented.

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)

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Fred Francis

Decision Number: **DHSC 674**

- 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.

Carried.

Report Number: S 138/2024
Clerk's File: SPL2024

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11.2. Part Closure of north/south alley located between Park Street West and Wyandotte Street West, Ward 3, SAA-7034

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Kieran McKenzie

Decision Number: **DHSC 675**

- 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.

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Development & Heritage Standing Committee

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- 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.

Carried.

Report Number: S 140/2024
Clerk's File: SPL2024

12. COMMITTEE MATTERS

None presented.

13. QUESTION PERIOD

None registered.

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Development & Heritage Standing Committee Monday, November 4, 2024

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14. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee is adjourned at 6:05 o'clock p.m. The next meeting of the Development & Heritage Standing Committee will be held on Monday, December 2, 2024..
Carried.

Ward 10 – Councillor Jim Morrison
(Chairperson)

Deputy City Clerk / Supervisor of
Council Services



Committee Matters: SCM 345/2024

Subject: Adoption of the Development & Heritage Standing Committee minutes of its meeting held November 4, 2024

Development & Heritage Standing Committee Meeting

Date: Monday, November 4, 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:

Tracy Tang – Planner III, Heritage

Sandra Gebauer, Council Assistant

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

Aaron Farough, Senior Legal Council

Emilie Dunnigan, Manager, Development Revenue & Financial Administration

Patrick Winters, Manager, Development

Justina Nwaesei, Planner III, Development

Simona Simion, Planner III, Economic Development

Brian Nagata, Planner II, Development Review

Diana Radulescu, Planner II, Development Review

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Elara Mehrilou, Transportation Planner I
Natasha McMullin, Senior Clerk Steno
Anna Ciacelli, Deputy City Clerk

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 3170 & 3178 California Avenue, Z-024/24 [ZNG-7227], Ward 1" as his company has hired the planner on record for the application for one of their projects.

Member Daniel Grenier discloses an interest and abstains from voting on Item 7.3 being "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" as his company has hired the planner on record for the application for one of their projects.

Member Daniel Grenier discloses an interest and abstains from voting on Item 7.4 being "Zoning By-law Amendment Application for 926-928 Giles Blvd E, Z-028/24 [ZNG-7232], Ward 1" as his company is the applicant for this application.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None requested.

4. COMMUNICATIONS

None presented.

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5. ADOPTION OF THE *PLANNING ACT* MINUTES

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

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

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held October 7, 2024 **BE ADOPTED** as presented.

Report Number: SCM 320/2024

6. PRESENTATION DELEGATIONS (*PLANNING ACT* MATTERS)

7. *PLANNING ACT* MATTERS

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

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

Decision Number: **DHSC 670**

- 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:

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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]

Carried.

Councillor Fred Francis voting nay.

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

Report Number: S 135/2024

Clerk's File: Z/14849

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

Moved by: Councillor Mark McKenzie

Seconded by: Member Anthony Arbour

Decision Number: **DHSC 671**

- 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)

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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.

Carried.

Report Number: S 145/2024
Clerk's File: Z/14866

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.

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Fred Francis

Decision Number: **DHSC 672**

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

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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

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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

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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

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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.*

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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

VIII THAT Administration from the Parks Department **BE DIRECTED** to comment on the potential sale of vacant land on Plymouth Street; and,

IX THAT this information be **BE BROUGHT FORWARD** when this item proceeds to Council for their consideration.

Carried.

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

Report Number: S 146/2024
Clerk's File: Z/14851 Z/14853

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

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 673**

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]

Carried.

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

Report Number: S 137/2024

Clerk's File: Z/14864

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 6:03 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 6:03 o'clock p.m.

8. ADOPTION OF THE MINUTES

None presented.

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9. PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)

10. HERITAGE ACT MATTERS

None presented.

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)

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Fred Francis

Decision Number: **DHSC 674**

- 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.

Carried.

Report Number: S 138/2024
Clerk's File: SPL2024

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11.2. Part Closure of north/south alley located between Park Street West and Wyandotte Street West, Ward 3, SAA-7034

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Kieran McKenzie

Decision Number: **DHSC 675**

- 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.

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- 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.

Carried.

Report Number: S 140/2024
Clerk's File: SPL2024

12. COMMITTEE MATTERS

None presented.

13. QUESTION PERIOD

None registered.

Minutes

Development & Heritage Standing Committee Monday, November 4, 2024

Page 15 of 15

14. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee is adjourned at 6:05 o'clock p.m. The next meeting of the Development & Heritage Standing Committee will be held on Monday, December 2, 2024..
Carried.

Ward 10 – Councillor Jim Morrison
(Chairperson)

Deputy City Clerk / Supervisor of
Council Services

Council Report: S 160/2024

**Subject: Community Heritage Fund Request – 794 Devonshire Road,
Porter Coate House (Ward 4)**

Reference:

Date to Council: December 2, 2024
Author: Tracy Tang, MCIP, RPP
Planner III – Heritage (A)
Email: ttang@citywindsor.ca
Phone: 519-255-6543 X 6179
Planning & Building Services
Report Date: November 14, 2024
Clerk's File #: MBA/6702

To: Mayor and Members of City Council

Recommendation:

- I. THAT the Heritage Permit at 794 Devonshire Rd, Porter Coate House, **BE GRANTED** for masonry repairs and foundation waterproofing.
- II. THAT the City Planner or designate **BE DELEGATED** the authority to approve any further proposed changes associated with the repairs and restoration of exterior walls.
- III. THAT a total grant of 30% of the cost of the masonry repairs and foundation waterproofing, to an upset amount of \$17,221 from the Community Heritage Fund (Reserve Fund 157) **BE GRANTED** to the Owners of the Porter Coate House, at 794 Devonshire Rd, subject to:
 - a. Submission of conservation details, technical details and samples, to the satisfaction of the City Planner or designate prior to work start;
 - b. Determination by the City Planner that the work is completed to heritage conservation standards;
 - c. Owner's submission of paid receipts for work completed; and
 - d. That the Community Heritage Fund (Reserve Fund 157), grants approved shall lapse if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date.

Executive Summary: N/A

Background:

The property at 794 Devonshire Road is known as the Porter Coate House, which was constructed in 1907 at the northeast corner of Devonshire Road and Cataraqui Street. The dwelling is a two-and-one-half-storey detached house in a late Queen Anne style with Tudor Revival style elements, and is representative of the fine houses constructed in the former Town of Walkerville. This property was designated by City of Windsor Council through By-law 309-2002 on October 7, 2002. The Statement of Cultural Heritage Value or Interest from the Designation By-law is included as Appendix 'A'.



Front (west-facing) and side (south-facing) views of the property.

There have been discussions with the Owners of the property about conducting repairs on the Porter Coate House since their recent purchase of the property earlier this year, 2024. The Owners noted urgent repairs were needed to their home, namely to the exterior brick masonry walls and foundation. They have been experiencing increasing pressure of exterior walls and foundation walls leaks.

On November 13, 2024, the Owners submitted a complete Heritage Permit application for the works (Appendix 'B'). The Owners intend to complete the urgent repair project before the end of this calendar year, as to prevent further deterioration of the current state during the winter months.

The Owners have submitted a Community Heritage Fund Application for a total grant of \$17,221 and included a rationale letter for the request (included in Appendix 'C'). Administration is recommending for approval of this request.

Legal Provisions:

Part IV, 39 (1) of the *Ontario Heritage Act* (OHA) provides that "The council of a municipality may pass by-laws providing for the making of a grant or loan to the owner of a property designated under this Part for the purpose of paying for the whole or any

part of the cost of alteration of such designated property on such terms and conditions as the council may prescribe.” The City’s Community Heritage Fund (Reserve Fund 157) exists to provide grants to heritage conservation works on designated heritage properties.

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

Discussion:

Proposal:

Masonry Repairs

All exterior red brick walls on the property appear to be at various stages of deterioration, as the Owner has reported loose bricks, crumbling powdery mortar, gaps where the brick has detached from the wall, and water damage and mold growth at the foundation. Assessments from estimators conclude that the wear over time is extensive and requires immediate attention.

The proposed scope of work includes:

- Repairing the red brick exterior walls by removing loose bricks and rebuilding with the same existing bricks, ensuring their attachment to the walls and closing any gaps to prevent further buckling and potential failure or collapse
- Removing existing crumbling mortar and incompatible mortar patches on all exterior walls, to be repointed with heritage-appropriate lime-rich mortar
- Repointing the brick chimney



Photos of the red brick exterior walls (taken November 13, 2024)

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

Additional Standards Relating to Restoration

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

Foundation Waterproofing

The foundation is constructed of a porous red brick that is different in composition and strength than the red brick exterior walls. The brick foundation has begun to flake and crumble. The red bricks sitting above it have shifted and, combined with the crumbling or non-existent mortar, have allowed moisture penetration into the foundation walls and caused mold growth on the interior. While using sealants and waterproofing on historic brick is generally not encouraged due to the potential reverse effect of trapping in moisture and leading to further damage in the long run, the issue is in need of immediate measures before the increase in precipitation and freezing and thawing cycles through the winter and spring seasons.

The proposed scope of work for the foundation is to clean the bricks, repair cracked bricks and sills, and apply exterior waterproofing. The intention is to prevent further moisture damage and stabilize the foundation, which has the secondary effect of preventing further settlement or movement of the dwelling and exterior walls sitting on the foundation.



Photos of the brick foundation walls (taken November 13, 2024)

Official Plan Policy:

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

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

Risk Analysis:

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

Climate Change Risks

Climate Change Mitigation: N/A

Climate Change Adaptation: N/A

Financial Matters:

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

“As a general principle, awards will be limited to a maximum of \$50,000 unless the DHSC (Development & Heritage Standing Committee) so recommends and Council

approves." The award from the Community Heritage Fund is generally given according to the following formula: 15 percent of the award in the form of a grant". In this particular case, the applicant is asking for a 30% grant approval. As well, the Community Heritage Fund asks for "a minimum of two cost estimates, based on specifications approved by the DHSC and the City Planner or Designate, shall be obtained by the Owner for all restoration work to be done." The estimates will then be reviewed to ensure that all work specified is covered. The lower bid will usually be recommended for funding."

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

Masonry Repairs

- Bricetin Concrete Restoration
- Brookside Brick Restoration
- R & C Masonry Inc.
- Texas Stone Designs Inc.
- P.J. Masonry & Restoration
- J L Masonry
- Frank's Masonry

Foundation Waterproofing

- Advanced Basement Systems
- Dry-Rite
- DC Basement Waterproofing/Concrete
- Supreme Basement Services

The Owners provided three comparable quotes for each of the works. A summary table of the quotes is as below. The Owner has selected their preferred qualified vendor based on the quote provided, demonstration of heritage knowledge and experience (acceptable to Heritage Planning staff), expertise by the vendor, and flexibility or availability to schedule the work. The Owners wish to retain **Texas Stone Designs Inc.** for the masonry repairs and **Dry-Rite** for the foundation works. The Owners will be fully incurring the expenses.

| TOTAL SUMMARY Masonry Repair Cost (inclusive of HST) | |
|---|--------------------|
| Quote from Vendor | Cost in CDN |
| R & C Masonry Inc. | \$42,940 |
| Texas Stone Designs Inc. | \$36,273 |
| P.J. Masonry & Restoration | \$35,708 |
| TOTAL SUMMARY Foundation Weatherproofing Cost (inclusive of HST) | |
| Quote from Vendor | Cost in CDN |
| Advanced Basement Systems | \$39,898.38 |
| Dry-Rite | \$21,131 |
| DC Basement Waterproofing/Concrete | \$21,357 |

Based on the estimates of the Owners' preferred qualified vendors, the total cost of the project is anticipated to be \$57,404 after tax. The Owner is requesting for 30% of cost of the repair work to be covered by the CHF due to the high cost of conserving special heritage features, especially in today's climate of increasingly expensive trades work and inflation of costs. Council has approved a higher CHF grant approval percentage in recent years to other heritage property owners (of around 30%-35% for work ranging from wood windows to clay tile and other specialty repairs). The cost of the repair work is encouraged to be conducted soon and is a significant cost for a private property owner. Therefore, administration recommends approval of the request by the Owners for CHF of 30% for the work to be done to the exterior brick walls and foundation.

The heritage financial incentive through the Community Heritage Fund (CHF) would provide support to the continued conservation of the heritage features of this designated building. As of November 14, 2024, the Community Heritage Fund (Reserve Fund 157) has an uncommitted balance of \$94,969 available (including the safeguard of having the minimum balance of \$50,000 in the Committed funds). Therefore, there is sufficient funds in Fund 157 to cover the cost of the grant project. Administration recommends that the amounts of 30% after HST to an upset amount of \$17,221 be provided for the repair project.

The Owner has also applied for the Heritage Property Tax Reduction program which will be administratively processed when amounts are under \$20,000 as per By-law 164-2015. The total property taxes payable in 2024 for 794 Devonshire Road is \$7,277.44. The annual rebate would be up to 30% or approximately \$2,183 for a maximum of 3 years up to the cost of the restoration.

Consultations:

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

Conclusion:

A total grant amount of 30% of the cost of the masonry repairs and foundation waterproofing at 794 Devonshire Road to upset amount of \$17,221 from the Community Heritage Fund (Reserve Fund 157) should be approved, subject to conditions. Further heritage alteration approvals necessitated for this scope of work are recommended to be delegated to the City Planner or designate to direct further conservation details.

Planning Act Matters: N/A

Approvals:

| Name | Title |
|------------------|--|
| Emilie Dunnigan | Manager Development Revenue & Financial Administration |
| Jason Campigotto | Acting Deputy City Planner - Growth |
| Neil Robertson | City Planner |

| Name | Title |
|----------------|--|
| Kate Tracey | Senior Legal Counsel, Legal Services & Real Estate |
| Janice Guthrie | Commissioner, Finance and City Treasurer |
| Jelena Payne | Commissioner, Economic Development |
| Joe Mancina | Chief Administrative Officer |

Notifications:

| Name | Address | Email |
|-------------|----------------|--------------|
| Arun Rattan | | |
| Kayla Chopp | | |

Appendices:

- 1 Appendix A - Statement of Cultural Heritage Value or Interest
- 2 Appendix B - Heritage Permit Application
- 3 Appendix C - Community Heritage Fund Application
- 4 Appendix D - Additional Photos of 794 Devonshire Rd

Appendix 'A' – Statement of Cultural Heritage Value or Interest

794 Devonshire Rd.-Porter Coate House. By-law 309-2002, passed by council on October 7, 2002.

Reasons for Designation

The Porter-Coates house 794 Devonshire Rd.

Historical:

- Built in 1907, the house is illustrative of the fine homes being built for prominent citizens in Walkerville during one of its major growth periods in the early years of the 20th century.
- First owned by George F. Porter, a chief draughtsman for the Canadian Bridge Co.
- The second owner was prominent businessman James R. Coate, who lived in the house for 23 years (1910-1933). He was the president and manager of the Walkerville Hardware Co. Ltd.

Architectural:

- Described as late Queen Anne style, the house has characteristics of both the Queen Anne style house (popular from the 1880s to the 1910s) and the Tudor Revival style house (popular from the 1900s to the 1940s).
- Architectural features of note include: asymmetrical massing (square and polygonal bays, gabled ells), mixture of roof forms (main gable, rear hipped ell), mixture of surface treatments (half-timbering, red brick, wood shingles, clapboard), a variety of window treatments (double hung-small pane over large, diamond motif, and stained glass), and fine detailing (bracketed cornices, wooden porch, carved bargeboard, half-timbered gable ends).
- The original roof material was cedar shingle.

APPLICATION TYPE

☐ **Minor Heritage Permit**
(Delegated Authority Approval)

☐ **Major Heritage Permit**
(City Council Approval)

☐ **Demolition**

1. APPLICANT, REGISTERED OWNER, AND AGENT INFORMATION

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

APPLICANT

Contact Name(s) Arun Rattan Kayla Chopp
Company or Organization _____
Mailing Address 794 Devonshire Rd.
City, Province Windsor, Ontario Postal Code N8Y-2M1
Email [REDACTED] Phone(s) [REDACTED]

REGISTERED OWNER IF NOT APPLICANT

Contact Name(s) Kayla Chopp
Company or Organization _____
Mailing Address 794 Devonshire Rd.
City, Province Windsor, Ontario Postal Code N8Y-2M1
Email [REDACTED] Phone(s) [REDACTED]

AGENT AUTHORIZED BY REGISTERED OWNER TO FILE THE APPLICATION

Contact Name(s) _____
Company or Organization _____
Mailing Address _____
City, Province _____ Postal Code _____
Email _____ Phone(s) _____

Who is the primary contact?

☒ Applicant

☐ Registered Owner

☐ Agent

2. SUBJECT PROPERTY

Municipal Address: 794 Devonshire Rd

Legal Description (if known): PLAN 211; LOT 11; PT LOT 9 & BLOCK Q

Building/Structure Type:

☒ Residential ☐ Commercial ☐ Industrial ☐ Institutional

Heritage Designation:

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

By-law #: 309-2002 District: _____

Is the property subject to a Heritage Easement or Agreement?

☒ Yes ☐ No

3. TYPE OF APPLICATION

Check all that apply:

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

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

4. HERITAGE DESCRIPTION OF BUILDING

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

Described as late Queen Anne style, the house has characteristics of both the Queen Anne style house (popular from the 1880s to the 1910s) and the Tudor Revival style house (popular from the 1900s to the 1940s).

Architectural features of note include: asymmetrical massing (square and polygonal bays, gabled ells), mixture of roof forms (main gable, rear hipped ell), mixture of surface treatments (half-timbering, red brick, wood shingles, clapboard), a variety of window treatments (double hung-small pane over large, diamond motif, and stained glass), and fine detailing (bracketed cornices, wooden porch, carved bargeboard, half-timbered gable ends).

5. PROPOSED WORK

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

The bucking wall requires straightening. Due to the scarcity and historic nature of the bricks, they must be cleaned, re-inserted and reattached to the wood framing. Having never been re-pointed, the minimal remaining mortar is mostly powder and will be replaced with a newer, more durable and longer lasting one in the interest of further preserving the bricks and preventing any additional wall failure for decades to come. The bricks are clay, flat-faced Hiram Walker bricks and are rare even within Walkerville. They are a historical piece of heritage in themselves.
Waterproofing of the basement will be performed to terminate further moisture related deterioration of the brick foundation and dramatically slow any settlement and movement of the house above. This procedure will also stop any perpetuation of mold within the walls, rim joists and sill plates.

6. HERITAGE PERMIT RATIONALE

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

The specified deterioration has reached a threshold where costs will exacerbate exponentially should more time pass without repair. While currently salvageable, the scope of work will change entirely should any one wall collapse. With the freezing (expansion) season ahead, further movement is assured. The subject materials are integral to both, the structure of the home and it's original historical aesthetic. The situation is rapidly becoming not just a heritage topic but a safety one as well.

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

These undertakings will solely be in the interest of preservation, not alteration. With today's new technologies and materials, the historical aesthetics can be exactly as they were for much longer than anticipated. Mortar will be colour matched to resemble the original. Bowed walls will be straightened and stand as proudly as they once did.

7. CHECKLIST OF MATERIALS SUBMITTED

 Check all that apply:

Required:

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

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

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

8. NOTES FOR DECLARATION

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

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

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



Signature of Applicant(s)



Signature of Applicant(s)

November 6, 2024

Date

November 6, 2024

Date

SCHEDULE A

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

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

I, _____, am the registered owner of the land that is
name of registered owner

subject of this application for a Heritage Alteration Permit and I authorize

_____ to make this application on my behalf.
name of agent


Signature of Registered Owner

Date

If Corporation – I have authority to bind the corporation.

B. Consent to Enter Upon the Subject Lands and Premises

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



Signature of Registered Owner

November 6, 2024


Date

If Corporation – I have authority to bind the corporation.

C. Acknowledgement of Applicant

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

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



Signature of Applicant

November 6, 2024

Date

CORPORATION OF THE CITY OF WINDSOR

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

1. APPLICANT, REGISTERED OWNER, AND AGENT INFORMATION

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

APPLICANT

Contact Name(s) Arun Rattan & Kayla Chopp
Company or Organization _____
Mailing Address 794 Devonshire Road
City, Province Windsor, ON Postal Code N8Y-2M1
Email [REDACTED] Phone(s) [REDACTED]

REGISTERED OWNER IF NOT APPLICANT

Contact Name(s) Kayla Chopp
Company or Organization _____
Mailing Address 794 Devonshire Road
City, Province Windsor, ON Postal Code N8Y-2M1
Email [REDACTED] Phone(s) [REDACTED]

AGENT AUTHORIZED BY REGISTERED OWNER TO FILE THE APPLICATION

Contact Name(s) _____
Company or Organization _____
Mailing Address _____
City, Province _____ Postal Code _____
Email _____ Phone(s) _____

Who is the primary contact?

☒ Applicant ☐ Registered Owner ☐ Agent

2. SUBJECT PROPERTY FOR WHICH HERITAGE FUNDS ARE REQUESTED

Heritage Name of Property: Porter-Coate House

Municipal Address: 794 Devonshire Road

Legal Description (Lot and Plan): PLAN 211; LOT 11; PT LOT 9 & BLOCK Q

Assessment Roll Number(s): 3739-020-080-06300-0000

Existing Use: _____

Heritage Designation:

☒ Part IV (Individual)

☐ Part V (Heritage Conservation District)

By-law #: 309-2002 District: _____

Is the property subject to a Heritage Easement or Agreement?

☒ Yes

☐ No

3. REQUESTED HERITAGE FUND ASSISTANCE

Total Estimated Project Costs: \$ 57,404

Total Grant Amount Requested: \$ 17,221

NOTE: Details are set out in the pamphlet "Windsor's Community Heritage Fund".

Are there any outstanding mortgages or liens against this property?

☐ No

☒ Yes Amount: \$ 525,000 Institution: TD Bank

Have you previously received assistance from the City for the property named above?

☒ No

☐ Yes Amount: \$ _____ Date: _____

Source of funds: _____

4. HERITAGE FUND REQUEST RATIONALE

Describe fully here (or on attached sheets) the proposed conservation/ restoration work to be undertaken:

A portion of the bay window's brick walls are buckling. Due to the scarcity and historic value of the bricks, they

must be cleaned and reinserted. Having never been repointed, the remaining mortar is mostly powdering and

requires replacing. A type O or N mortar will be used in order to blend the old lime mortar as well as further

preserve the bricks and prevent any additional wall failure for decades to come. The bricks are clay, flat faced

Hiram Walker bricks and are rare even within Walkerville. They are historic pieces of heritage within themselves.

Waterproofing of the basement is also suggested to terminate further moisture related deterioration of the brick

foundation. This would dramatically slow further settlement and movement of the house above. This procedure

would also stop the perpetuation of mold within the walls, rim joists and sill plates.



5. CHECKLIST OF MATERIALS SUBMITTED

Check all that apply (to be determined by Heritage Planning staff):

- ☒ At least two written estimates from qualified contractors and/or qualified design consultants for the proposed restoration work(s). The estimates should contain sufficient detail to permit a review of individual components of the proposed work. Attach estimates to this form when filing.
- ☒ A brief one-page rationale/justification letter addressed to the Heritage Committee, requesting support for the proposed works through financial assistance
- ☒ Photographs (showing the current condition and context of existing buildings, structures, and heritage attributes that are affected by the application)
- ☐ Site plan/ Sketch (showing buildings on the property and location of proposed work(s))
- ☐ Architectural drawings of proposed work(s) (e.g. existing and proposed elevations, floor plans, roof plans, etc., as determined by Heritage Planning staff)
- ☐ Specifications of proposed work(s) (e.g. construction/materials specification details)
- ☐ Early photographs or drawings showing the property's original appearance (if available)

6. SIGNATURES

The applicant hereby declares that the statements made herein and information provided are, to the best of their belief and knowledge, a true and complete representation of the purpose and intent of this application. The applicant agrees that the proposed work shall be done in accordance with this application, including attachments.

| | |
|---|-----------------------------------|
|  _____ Signature of Applicant(s) | November 7, 2024 _____ Date |
|  _____ Signature of Applicant(s) | November 7, 2024 _____ Date |

Date Received by Heritage Planner: _____

SCHEDULE A

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

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

Kayla Chopp

I, _____, am the registered owner of the land that is
name of registered owner

subject of this application for a Community Heritage Fund Grant and I authorize
Arun Rattan _____ to make this application on my behalf.
name of agent



Signature of Registered Owner

November 7, 2024

Date

If Corporation – I have authority to bind the corporation.

B. Consent to Enter Upon the Subject Lands and Premises

Kayla Chopp

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



Signature of Registered Owner

November 7, 2024

Date

If Corporation – I have authority to bind the corporation.

C. Acknowledgement of Applicant

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

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



Signature of Applicant

November 7, 2024

Date

Kayla Chopp & Arun Rattan
794 Devonshire Rd.

November 6th, 2024

Members of Council & Heritage Committee

Subject: Community Heritage Fund - Request for special consideration

Dear Members of Council and Heritage Committee,

We hope this letter finds you well. We are the very proud new owners of the Porter-Coate House on Devonshire Rd. It has been a dream of ours to own a piece of history with such a prestigious designation and we intend to passionately take on the responsibility it entails. It is for this reason I write and would like to bring to your attention the unique circumstances surrounding our application for financial support. Some items have proven to require more pressing attention than expected and, worse yet, others have proven to be of urgency. A triage of the deficiencies now puts our initial plans on hold as we face various unforeseen structural and safety concerns. The items that we feel now take precedent are as follows:

1. **Buckling wall** - The brick veneer on the north west wall of the bay window has detached itself by up to three inches from the structure at the apex of the bowing. This scenario has created a rapidly expanding gap that welcomes a great deal of rain into the wall. Repeated freezing and thawing could expedite the collapse of this wall in very little time. This wall supports a cantilevered floor above and if left to buckle further, the structure may have a much more impactful failure than a typical wall+floor system might.
2. **Pointing** - The masons we spoke with were of the thought that this is the original mortar and as such, it is well overdue for full repointing. Any mortar that remains crumbles to powder when touched. Some bricks are entirely loose and easily pulled out by hand. Portions have no mortar, allowing loose bricks to settle on top of one another. With the freezing season ahead, this could quickly lead to further and much costlier damage.
3. **Waterproofing** - Built in 1910, this house sits on a brick foundation. These bricks are not the same as those used on the facades, rather, a cheaper, more porous one that allows moisture in and flakes easily. The red dust can be seen piling up at the foundation. The moisture and humidity can be felt, smelt and seen. Various locations are now breeding mold that is growing rapidly. While we stay out of the basement for this reason, the smell makes it's way up through the ductwork. While the moisture puts the house at risk, we fear it may be posing a health risk as well. Without digging the perimeter, it is hard to determine where or why the infiltrations are occurring aside from general decomposition of the bricks and mortar. Waterproofing and insulating would protect the foundation for decades beyond it's current remaining lifespan and a dry and stable foundation will also be preventative of further settlement or movement of the house itself.

After many consultations with a long list of contractors, we have identified experts to perform the work required to ensure the performance, beauty and longevity of this gem for decades to come. The total estimated cost, including tax, is \$57,404. We are requesting a grant of \$17,221, which represents 30% of the total cost, for the reasons outlined above. In addition to that rationale, the redundancy of inflation is unfortunately still playing a major role. The costs of ancillary items such as landscaping, pavers, fencing etc will also be incurred by us.

The cost breakdown is as follows:

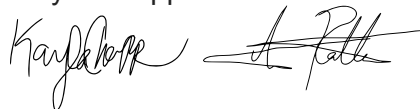
| | |
|---|-------------------|
| Waterproofing (Dry-Rite) | - \$21,131 |
| Repointing and brick wall restoration (Texas Stone) | - \$36,273 |
| Total (inc. HST) | - \$57,404 |

I have attached several quotes and photos to support the various heritage forms required for this work. We are happy to offer any additional information that may be helpful in your process.

With our funds alone, these rehabs will not be possible for us. It would be thanks to your organization that we could assure the safety of our family and the endurance of this historic piece of Olde Walkerville. Thank you for your time and consideration.

Sincerely,

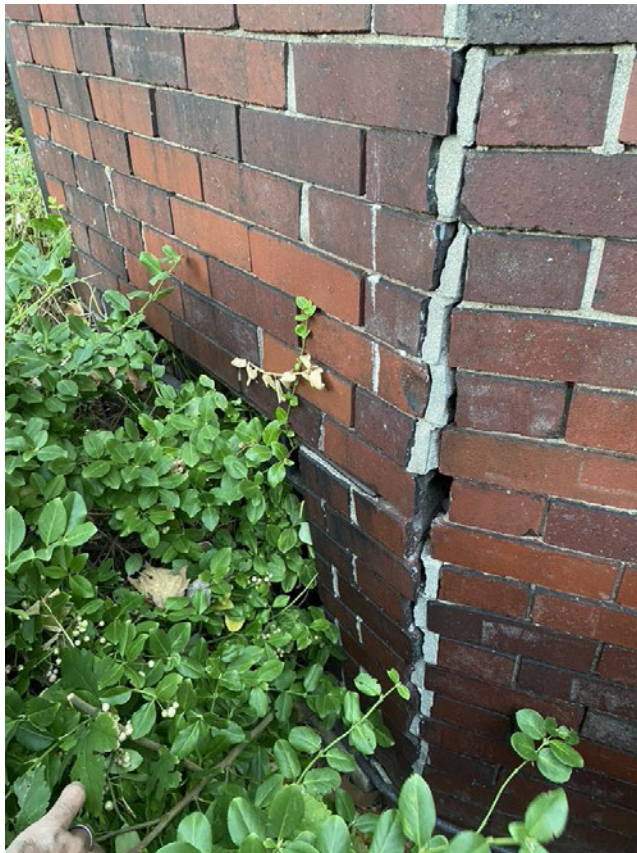
Kayla Chopp and Arun Rattan

Handwritten signatures of Kayla Chopp and Arun Rattan. Kayla's signature is on the left, and Arun's is on the right, both in cursive script.



West facing facade

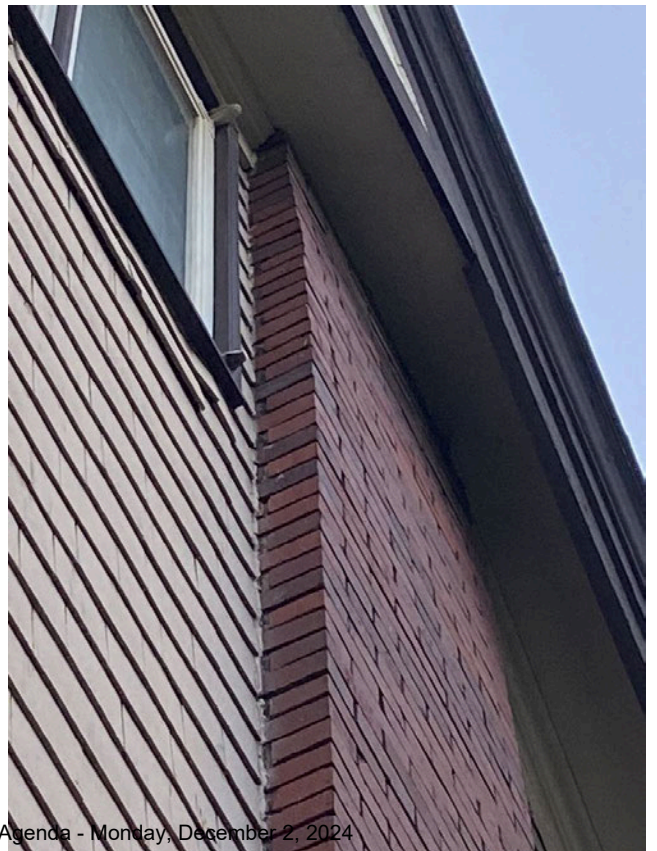
The furthest left plane (north west facing) of this bay window is experiencing buckling and requires rebuilding. Cement was applied, seemingly recently, however, movement has continued.





North facing facade

With less exposure to the sun, the mortar on this wall has experienced more saturation and as such, suffered increased expansion and contraction. Again, some cement, albeit the wrong kind, was inserted occasionally in an attempt to heal critical locations.





South facing facade

Mild bowing of the brick is visible under the downspout where it meets the cedar siding. This run of gutter is sized incorrectly and water is overflowing on this brick wall. Much of the mortar is missing or crumbles easily. A full repointing is needed.



West facing facade

Degradation of mortar is consistent with that of the north facing facade. There are many loose bricks and powdered remnants of the old limestone mortar. A portion of the undersized eavestrough runs along this facade. To safeguard the new mortar and prolong the life of the bricks, a larger trough is required to divert water appropriately.





R&C Masonry Inc.

GST # 77679 1139 RT 0001

755 Erie Rd south Harrow

2263455777

repairnconstructionmasonry@gmail.com

ESTIMATE

EST0025

DATE

10/27/2024

TOTAL

CAD \$42,940.00

TO

Arun



| DESCRIPTION | RATE | QTY | AMOUNT |
|---|-------------|-----|-----------------|
| Grind, fill, and wash all brickwork on the house. Tear down and rebuild partial section of bay window brick, re-using existing brick. | \$38,000.00 | 1 | \$38,000.00 |
| SUBTOTAL | | | \$38,000.00 |
| TAX (13%) | | | \$4,940.00 |
| TOTAL | | | CAD \$42,940.00 |

This quote does not include material. Material costs are an additional (estimated) \$2000.

Material cost is subject to change both +/- the quoted amount.

Customer also to cover boom rental for the repoint of the chimney.



TEXAS STONE

BRICK - BLOCK - STONE - EPOXY
NEW AND HERITAGE BRICK RESTORATION

10/6/24

Estimate Provided to:

Arun K Rattan
794 Devonshire Rd
Windsor Ontario

Re: Repointing and Brick Repair.

**HST IS APPLICABLE TO ALL SUBTOTALS— PAYMENTS
ARE DUE AT 1/3 progress milestones.**

To extract bricks and rebuild front west face quarter angle of bricks which are bowing approx 15 feet by 3.5 ft in area

\$3,800.00

~~To extract bricks from south side of home around trough where bowing.~~

~~**\$1,400.00**~~

To grind out mortar on whole home and repoint whole home except porch where only spot pointing is required.

\$25,950.00

To repoint chimney

\$1,800.00

We do not steel cap your chimney as the method tends to retain moisture and humidity causing premature brick spalling and failing mortar joints.

Scaffold up 5 to 6 levels and plank out.

Texas Stone Requires brush/bushes to be trimmed back away from home Gas to be shut off.

BONUS- Agreement to this contract while we complete work down the street at the same time we agree to repair out of courtesy your front porch surface concrete and finish in an epoxy colour and flake of your choice at cost of epoxy **(\$550) plus tax.**

Totals include; travel, materials, equipment, labour, safety measures, delivery, insurance and liability. **HST. # 751917014 RT0001. We are specialists experienced in chimney and porch restoration and rebuilds. We are Insured, Bonded and All Staff have Heights Certification and WSIB Registered and Hold Clearance Certification.** Replies to: quote@texas-stone.ca We accept payment by cheque and e-transfer.

Our Services are Backed by a 5 Year Warranty against Workmanship.

TEXAS STONE DESIGNS, INC. is Insured and Bonded.

Texas Stone Designs, Inc. 232 Erie Street West, Windsor, Ontario N9A 6B5 (519) 919-8472



ESTIMATE

P.J. Masonry & Restoration

P.J. Masonry & Restoration, Suite #118-5060
Tecumseh Rd E, Windsor ON N8T 1C1, CANADA

BN: #803039189RT0001

jocelyne@pjasonry.com; Website:

www.pjasonry.com

Estimate No#: 0257

Estimate Date: Oct 9, 2024

Revised quote on Oct 18, 2024

\$35,708.00

ESTIMATED AMOUNT

BILL TO

A Krattan

794 Devonshire Rd, Windsor ON N8Y 2M1,
CANADA

| # | ITEMS & DESCRIPTION | QTY/HRS | PRICE | Amount(\$) |
|---|--|---------|------------|------------|
| 1 | Unit price includes: Equipment, materials, labour and clean up 1 x \$1,950.00 HST 13% (\$253.50) Custom Chimney cap. Supply and install one custom waterproof steel chimney cap. | 1 | \$1,950.00 | \$1,950.00 |
| 2 | Chimney repair 1 x \$7,250.00 HST 13% (\$942.50) start the repair from the floor to top area repointing mortar joints by removing damaged mortar and replacing with new mortar match similar colour. Repair bulging bricks by deep repointing bricks, removing damaged mortar and adding extra mortar deep in the joints. | 1 | \$7,250.00 | \$7,250.00 |
| 3 | Bulging brick wall under window front area of house 1 x \$4,400.00 HST 13% (\$572.00) Repair the bulging bricks under the window in the front area of the house to the top window. Remove bulging bricks and reinstall bricks. | 1 | \$4,400.00 | \$4,400.00 |
| 4 | Left side of house 1 x \$5,000.00 HST 13% (\$650.00) Repointing mortar joints and the whole left side wall, not including the chimney by removing damaged mortar and replacing with new mortar. | 1 | \$5,000.00 | \$5,000.00 |

| | | | | |
|---|---|---|---------------|------------------------|
| 5 | Right side of the house 1 x \$6,800.00 HST 13% (\$884.00) Repointing mortar joints and repair loose bricks as needed on the whole right side wall by removing damaged mortar and replacing with new mortar. | 1 | \$6,800.00 | \$6,800.00 |
| 6 | Back side of the house 1 x \$6,200.00 HST 13% (\$806.00) Repointing mortar joints by removing damaged mortar and replacing with new mortar and repairing loose bricks as needed. | 1 | \$6,200.00 | \$6,200.00 |
| | | | Subtotal | \$31,600.00 |
| | | | Tax HST (13%) | \$4,108.00 |
| | | | TOTAL | \$35,708.00 CAD |

NOTES TO CUSTOMER

GST/HST#803039189RT0001, WSIB#6902904 /Fully insured

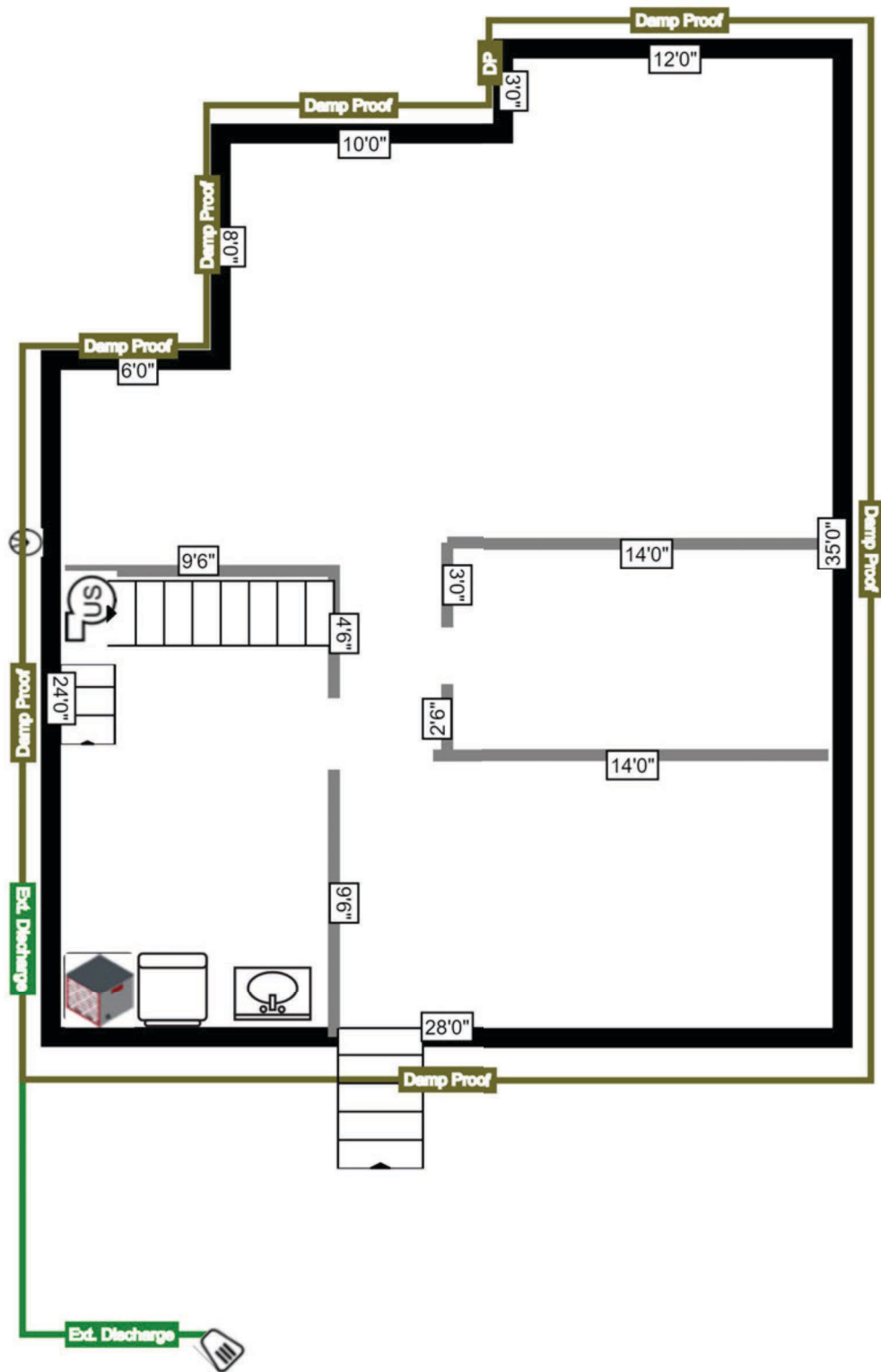
Thank you for contacting P.J Masonry & Restoration

TERMS AND CONDITIONS

Quotation prepared by: Patrice for P.J. Masonry & Restoration. DEPOSIT REQUIRED. Prices are subject to change if extras such as labour, materials or measurements are added during the course of the project.. Your final total will be added to the final invoice. To accept this quotation, please sign or call the office at 519 800-3858. X_____.

Job location:
794 Devonshire Road
Windsor, ON N8Y 2M1

Job Details



Job Location

23576 Prince Albert Rd Chatham, Ontario N7M 5Z7 Heritage Standing 794 Devonshire Reading Room, Chatham, ON N7M 2Y1 December 2, 2024
Page 359 of 378

Job Details (Continued)

Specifications

1) Install SaniDry Sedona to keep humidity low. 2) Install stand under the Sani Dry Sedona. 3) Install damp-proofing on excavated walls prior to back-filling soil. This does not warrant a dry basement. Dry Basement Warranties are provided only with interior drainage systems. 4) Excavate the soil away from the wall as indicated on job drawing. Backfill and tamp soil after the system is installed. 5) Install drainage piping with 3/4" clean stone at exterior portion of footing. This product should be installed along with Damp-Proofing. 6) 7) Install TripleSafe Liner with Zoeller M63 cast iron pump, airtight lid with airtight floor drain, CleanPump Stand, and WaterWatch alarm system. 8) Install UltraSump battery back-up pumping system with charging/control box with alarm and 120 amp sealed maintenance-free battery. 9) Install an exterior discharge line as decided on by Customer, per contract drawing. 10) To supply and install IceGuard to prevent floods from clogged or frozen discharge line. 11) Install LawnScape Outlet (bubbler pot) at end of discharge line. 12) Connect drainage from bottom of Rockwell into existing exterior drainage system.

Customer Will

- 1.) Remove and replace hot water tank from work area.
- 2.) Remove finished walls.
- 3.) Remove finished floors.
- 4.) Provide proper dedicated electrical outlets for all pumps, and other electrical devices to be installed.
- 5.) Move items 4 feet away from perimeter.

Product List

My Basement

| | |
|----------------|---|
| SaniDry Sedona | 1 |
| Sedona Stand | 1 |

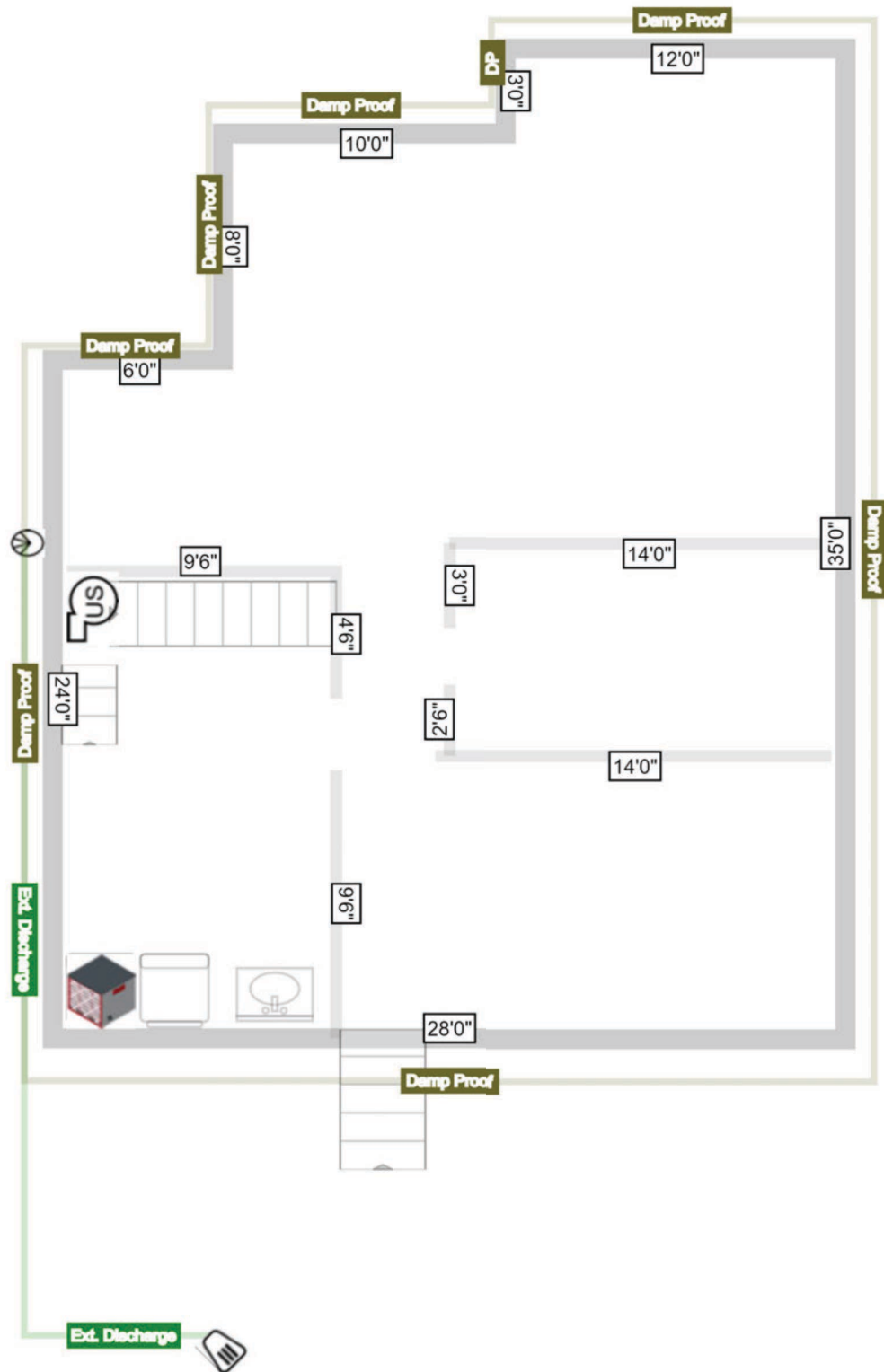
Custom Solution

| | |
|-----------------------------|----------|
| Damp-Proofing | 775 sqft |
| Wall Excavation, 5-9' | 128 ft |
| Exterior Drainage and Stone | 128 ft |
| Excavator | 1 |
| SuperSump+ | 1 |
| UltraSump System | 1 |
| Exterior Discharge Line | 40 ft |
| Ice Guard | 1 |
| LawnScape Outlet | 1 |
| Tie Into Exterior Drainage | 1 |

Recommendations to Your Project

| | | |
|-------------|---|-------------|
| My Basement | 128 ft WaterGuard 9 WaterGuard Port | \$12,629.41 |
| My Basement | 1 SuperSump+ 1 UltraSump System 1 IceGuard 1 LawnScape Outlet 40 ft Exterior Discharge Line | \$4,934.00 |
| My Basement | 128 ft 4' High ThermalDry Wall | \$2,229.76 |

Recommendations to Your Project



Limited Warranty

This Limited Warranty (the "Warranty") is made in lieu of and excludes all other warranties, expressed or implied, all other obligations on the part of Advanced Basement Systems ("Contractor") to the customer ("Customer"). There are no other verbal or written warranties.

General Terms – This warranty is in effect if the job specified in this Contract is completed and paid in full and, alternatively, is null and void if full payment is not received. This warranty may be transferred to future owners of the structure on which the work specified in this Contract is completed, provided we are notified within 30 days of the real estate transfer. Contractor does not warrant products not mentioned below, but some of such products may be covered by a manufacturer's warranty.

Drainage Systems – For areas where Contractor has installed WaterGuard and/or a FlowGuard systems (a "Drainage System"), Contractor warrants that, if water from the floor wall joint passes through the perimeter of the Drainage System and onto the basement floor, Contractor will provide the labour and materials to fix the leak(s) at no additional charge to Customer for the Lifetime of the structure. If the entire basement perimeter was not treated by the Drainage System, the Warranty does not cover the untreated area(s) and additional work at an additional charge could be necessary to extend the Drainage Systems or treat other areas or problems not addressed by this Contract. Floor cracks are only warranted against leakage if a Drainage System has been installed under the problem area(s) connecting to a full perimeter Drainage System. In addition, a pump or power failure is possible, therefore this Warranty is not a guarantee of a dry basement, as Contractor cannot guarantee that in all circumstances. DryTrak Systems do not warrant water seepage through floor cracks. DryTrak is intended to capture floor/wall joint seepage only.

Sump Pumps – Primary AC operated sump pumps are covered under a separate Manufacturer's Warranty which is three (M53, N53, N98, M98) or five (M63, M95) years from the installation date. Labour is only covered under the first year of this Warranty. The second and third year (or, under a 5 year Warranty pump, the second, third, fourth and fifth year) of Warranty covers parts, but a \$120 labour charge will result. DC back-up pumps are covered under a separate manufacturer's warranty which is one year from the installation date. Back-up pumps that run off a battery, if not maintained, or that are called on to run beyond the current life of the battery, can fail. A TripleSafe pumping system is always recommended, but in rare circumstances even this system may not keep up with the amount of water. In these cases additional pumps may be required at an additional charge. Annual maintenance by Contractor is recommended to ensure optimum performance of the sump pump(s). Electrical work is not included in the Contract and problems from electrical connections or lack thereof are disclaimed.

This warranty shall not apply to: condensation, or any system that has been altered in any way, water vapor transmission, concrete discoloration from capillary action, water squirting out of the walls over the system, window well flooding, plumbing leaks, surface water flooding, leaks from chimneys or garages, or efflorescence (white powder) on concrete. Contractor cannot be responsible for peeling paint, water once pumped from the house, dust created from installation, damage to hidden fuel lines or plumbing, or frozen discharge lines without an IceGuard.

Drainage systems that drain to daylight/floor drains cannot be warranted by the contractor if such drain: does not drain enough water, does not drain water from under the floor, clogs or freezes. While drainage systems clogging or malfunctioning from iron ochre, iron gel or iron bacteria from the soil are rare, the contractor cannot be responsible for these situations, and that system will require cleaning, flushing or other service as necessary to keep it functioning for that particular situation.

Exclusions From The Warranty – THIS WARRANTY DOES NOT COVER, CONTRACTOR SPECIFICALLY DISCLAIMS LIABILITY FOR, AND CUSTOMER HOLDS CONTRACTOR HARMLESS FROM: 1) exterior waterproofing; 2) Drainage Systems or Crawl Space Drainage Systems (hereinafter, the "System") clogging or malfunction from mineral accumulations, iron bacteria, tree roots, mud, sand, etc.; 3) condensation, water vapor transmission, concrete discoloration from capillary action, water leaking out of the wall over the System, efflorescence (white powder) on concrete, window well flooding, plumbing leaks, surface water flooding, shrinkage cracks in new concrete, peeling paint, water once pumped from the structure, leaks from chimneys or garages, or frozen discharge lines; 4) damage to hidden fuel lines, plumbing lines, sewer lines, electrical lines, cable/satellite lines, sprinkler system lines, etc. 5) System damage caused by Customer's negligence, misuse, abuse, or alteration; 6) dust incidental to installation; 7) water damage to property including, but not limited to, floor coverings, furniture, all personal property, stored items, finished walls, and other objects inside the foundation of the structure on which work was completed; 8) mould and any damages caused by mould including, but not limited to, property damage, bodily injury, loss of income, loss of use, loss of value, emotional distress, adverse health effects, death, or any other effects; and 9) any failure or delay in performance or damages caused by acts of God (flood, fire, storm, etc.) acts of civil or military authority, or any other cause outside of Contractor's control.

Items For Which Customer Is Responsible – Customer is responsible for: 1) making full payment to the crew leader upon completion of the work; 2) preparing the work area for installation; 3) any finish carpentry, painting, paneling, landscaping, etc., that may be necessary after Contractor's work is finished; 4) marking any private lines such as satellite cables, propane lines, sprinkler system lines, etc.; 5) maintaining a positive drainage away from the repaired wall(s); 6) keeping gutters clean and in good working order; 7) directing downspouts a sufficient distance away from the repaired wall(s); 8) apply a thermal barrier in front of any installed polyurethane foam in basements or crawl spaces; if 6 feet in height; used for occupancy; used for passage of flue pipes; used as a plenum; or in any area with a combustible appliance; 9) vacate the structure for 24 hours from the start of any installation of sprayed polyurethane foam due to off-gassing (this is required by the foam manufacturer); and 10) any items mentioned in this Contract under "Customer Will" or "Notes."

SaniDry Sedona

The SaniDry Sedona dehumidifier will be free of material defects in workmanship or materials for a period of five (5) years. The five-year warranty period commences at the date of installation. It is recommended to change filter at least every 12 months.

Notice of Right to Cancel

You are entering into a contract. You have a right to void the contract or sale by notifying your Inspector (contact information noted on Page 1 of this contract) within ten business days from the date of the initial transaction (deposit paid). After the ten day period, deposits are non-refundable.

How to Cancel

If you cancel this transaction, you are required to complete the Notice of Right to Cancel and scan to email it to your Inspector, or mail it to our office.

TF (866) 277-1277

Credit card call-in will have a 1% surcharge applied to balance

23576 Prince Albert Rd

Chatham, ON N7M 5J7

After the ten day period, deposits are non-refundable.

I wish to cancel.

Owner's Signature

Date

Owner's Signature

Date

The undersigned acknowledges receipt of the Notice of Right to Cancel.

Owner's Signature

Date

Owner's Signature

Date



DRY-RITE

700 Talbot Rd
Maidstone, Ontario
NOR 1K0
519-977-2007
all-dry@live.ca
www.dry-rite.ca

Estimate

Estimate No: 4774
Date: 2024-10-24

For: Arun Krattan



| Description | Quantity | Rate | Amount |
|---|----------|-------------|-------------|
| Exterior waterproof South wall 29ft East wall 17ft + 6ft North wall 36ft West wall 15ft Obtain locates Remove A/C unit (not re-install) Remove and dispose landscaping where necessary Remove interlock brick where necessary Excavate down to footing Install 4 inch big O Clean walls Tar walls Install 10mil poly Install delta membrane Add 3/4 clear stone over big O Backfill native soil Haul away extra soil Clean up | 1 | \$18,700.00 | \$18,700.00 |
| Subtotal | | | \$18,700.00 |
| HST 13% | | | \$2,431.00 |
| Total | | | \$21,131.00 |
| Total | | | \$21,131.00 |



DC Basement Waterproofing/Concrete

2221 Dougall Ave
Windsor , Ontario
N8X-1S7
(226) 345-6767
contact@dcbasementwaterproofing.ca
www.dcbasementwaterproofing.ca
226.345.6767
HST#82041 6683 RT0001
Business #2321666

Estimate

Estimate No: 7764
Date: 2024-10-01

For: Arun Rattan



| Description | Amount |
|-------------|--------|
|-------------|--------|

| | |
|--|-------------|
| Outside Waterproofing * Excavate to footing * Change weeping tile - 4" with sock * * Powerwash wall * Repair cracks with tar/ hydraulic cement or parge *Apply membrane adhesive - footing to ground level * Apply blue skin or mel-roll rubber membrane - footing to ground level *Tar top edge of membrane * Fasten delta membrane from footing to ground level * Fasten top edge to secure delta at ground level * 1' of crushed stone on top of weeping tile * * Backfill with excavated soil. * Soil to be left 12"-18" high to allow for settling Excess soil taken away | \$18,900.00 |
|--|-------------|

South wall - 33'
North wall - 33'
East wall - 20'
West wall - 14'

100'

Price includes:

- * remove ac and put back in place
- * take down and fencing and put back up, specifically north east corner
- * lift and dispose of interlock on back wall
- * back wall includes side wall of grade entrance
- * parge cracked sills
- * plug storm sewers underground
- * remove and dispose of all shrubs
- * wall to be parged with Mapei cement where required
- * parge bricks below grade - up to bottom of window sills

| | |
|----------|-------------|
| Subtotal | \$18,900.00 |
| HST 13% | \$2,457.00 |
| Total | \$21,357.00 |

| | |
|-------|-------------|
| Total | \$21,357.00 |
|-------|-------------|

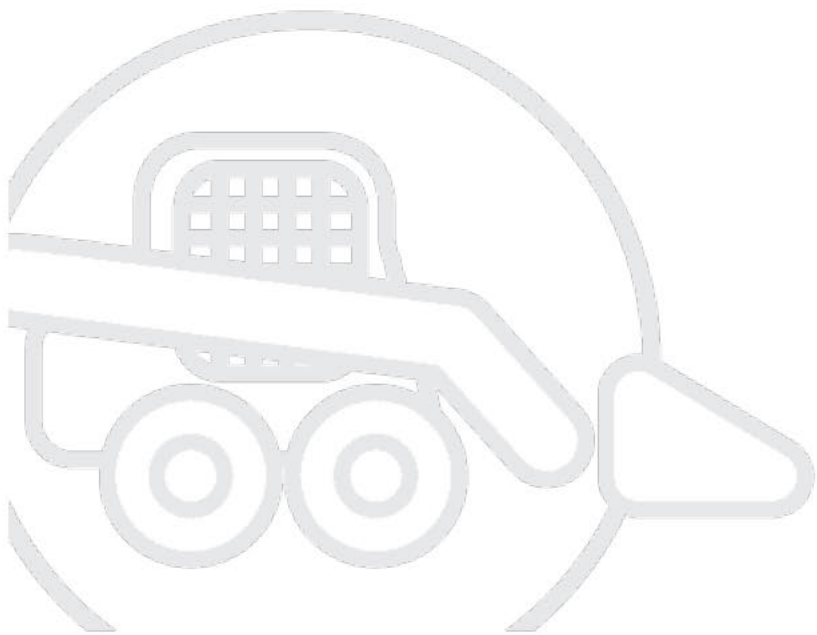


Photo 1



Photo 2

South wall - entire wall



Photo 3

Disconnect storm sewer - drain away from house

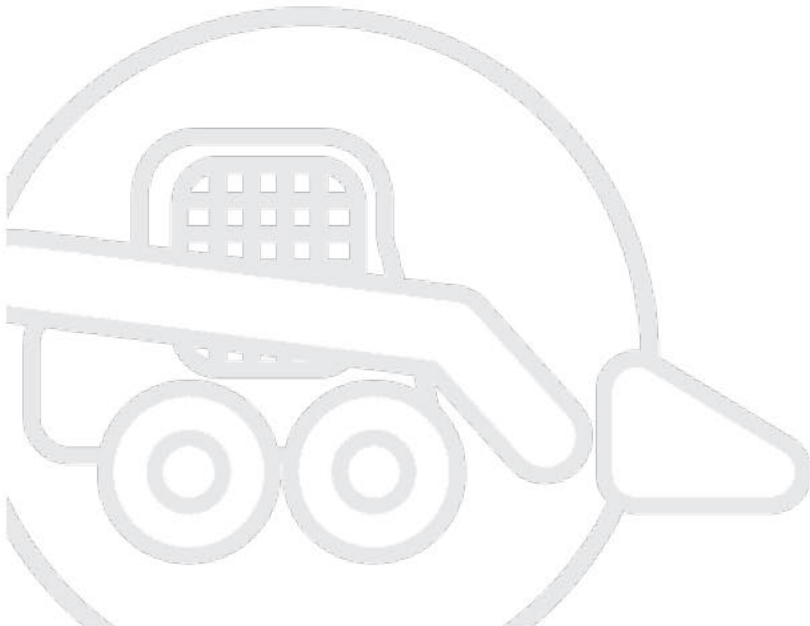


Photo 4

Repair cracked sill

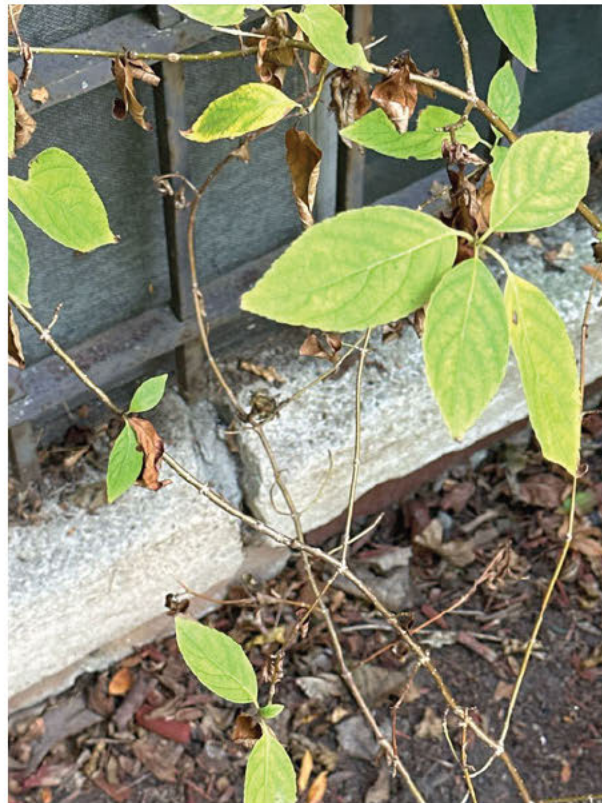


Photo 5

Remove interlock in dig area and back fill with excavated soil



Photo 6

Waterproof side wall of grade entrance



Photo 7

North wall - ac



Photo 8

West wall

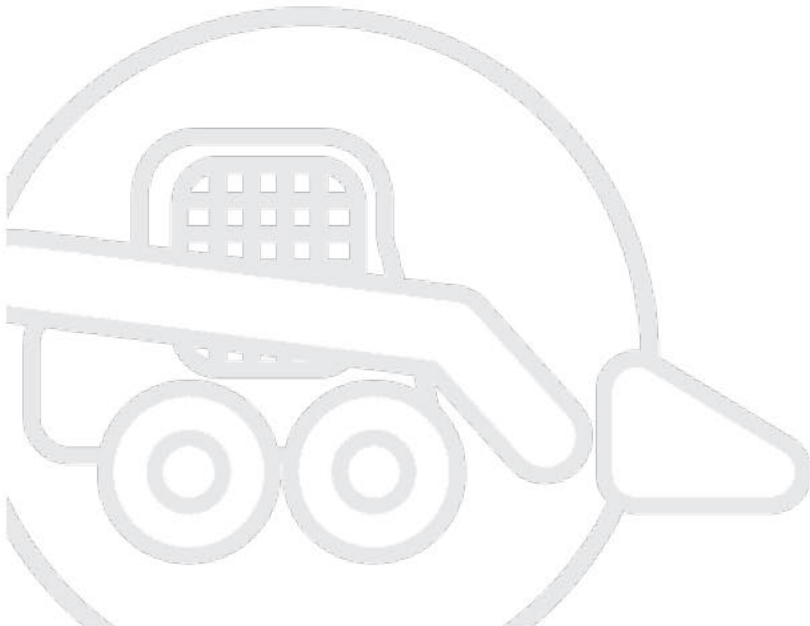


Photo 9



Photo 10

Move patio stones



APPENDIX 'D' – Additional Photos of 794 Devonshire Road



View of the front (west-facing) facade of 794 Devonshire Road



View of the side (south-facing) façade of 794 Devonshire Road from Cataraqui Street



View of 794 Devonshire Road looking south-east



View of 794 Devonshire Road looking north-east from the intersection of Devonshire Road and Cataraqui Street



Close-up views of the gaps in the mortar and modern mortar fills on the red brick exterior walls



Views of the red brick facade



Close-up views of the foundation-level red bricks, showing mortar gaps and loose brick units