Planning, Heritage & Economic Development Standing Committee Meeting

**Date:** Monday, July 09, 2018  
**Time:** 4:30 PM

**Location:** Council Chambers, 1st Floor, Windsor City Hall

**MEMBERS:**

Ward 4 - Councillor Chris Holt
Ward 5 – Councillor Ed Sleiman
Ward 7 - Councillor Irek Kusmierczyk
Ward 8 - Councillor Bill Marra (Chairperson)
Ward 9 – Councillor Hilary Payne
Member Lynn Baker
Member Barb Bjarneson
Member Michael DiMaio
Member Andrew Foot
Member Anthony Gyemi
Member John Miller
Member Dorian Moore
ORDER OF BUSINESS

Item #  Item Description

1. CALL TO ORDER

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

4. COMMUNICATIONS

5. ADOPTION OF THE PLANNING ACT MINUTES

5.1. Minutes of the Planning, Heritage & Economic Development Standing Committee (Planning Act Matters) meeting held May 14, 2018 (SCM 234/2018)

6. PRESENTATION & DELEGATIONS (PLANNING ACT MATTERS)

7. PLANNING ACT MATTERS

7.1. Official Plan and Zoning By-law Amendments initiated by the City of Windsor to permit second units within residential areas (City-wide) - File No. OPA 122[OPA/5538] and Z-009/18 [ZNG/5571] (S 102/2018)

8. ADOPTION OF THE MINUTES

8.1. Adoption of the Planning, Heritage & Economic Development Standing Committee meeting minutes held June 11, 2018 (SCM 258/2018)

9. PRESENTATIONS AND DELEGATIONS (COMMITTEE & ADMINISTRATIVE MATTERS)
10. HERITAGE ACT MATTERS

10.1. Jackson Park, 125 Tecumseh Road East- Demolition of Listed Washroom and Maintenance Buildings on the Windsor Municipal Heritage Register (Ward 3) (S 95/2018)

10.2. Cunningham's Sheet Metal, 1478 Kildare Road - Community Heritage Fund Grant (Ward 4) (S 96/2018)

11. ADMINISTRATIVE ITEMS

11.1. (ACSP) Closure of North / South alley between Malcolm St. & Sydney Ave., West of Parkwood Ave. & East of Woodlawn Ave. - Ward 9 (S 103/2018)

11.2. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 2609998 Ontario Inc. for 1012 Drouillard Road (Ward 5) (S 100/2018)

11.3. CQ53-2016 Ojibway Street Extension - Ward 10 (S 106/2018)

12. COMMITTEE MATTERS

13. QUESTION PERIOD

14. ADJOURNMENT
Committee Matters: SCM 234/2018

Subject: Minutes of the Planning, Heritage & Economic Development Standing Committee (Planning Act Matters) meeting held May 14, 2018
MEMBERS PRESENT:

Councillors:
Ward 8 – Councillor Marra (Chairperson)
Ward 4 - Councillor Holt
Ward 5 - Councillor Sleiman (Vice Chairperson)
Ward 9 - Councillor Payne

Members:
Member Bjarneson
Member Gyemi
Member Moore

Absent:
Ward 7 - Councillor Kusmierczyk

ALSO PRESENT ARE THE FOLLOWING FROM ADMINISTRATION:

Wira H.D. Vendrasco, Deputy City Solicitor
Shelby Askin-Hager, City Solicitor
Michael Cooke, Manager of Planning Policy
Neil Robertson, Manager Urban Design
Adam Szymczak, Planner III – Zoning
Tom Cadman, Planner III - Subdivisions
Justina Nwaesei, Planner II – Development Review
Sahar Jamshidi, Planner II – Street & Alley Pilot Program
Chris Aspila, Planner III – Policy & Special Studies
Greg Atkinson, Planner III – Economic Development
Kevin Alexander, Planner III – Special Projects
Laura Diotte, Planner III – Special Projects
Simona Simion, Planner II – Research & Policy Planner
Kristina Tang, Planner II – Heritage Planner
John Revell, Chief Building Official
Patrick Winters, Development Engineer
Trevor Kezwer, EIC Legal
Delegations:

1. CALL TO ORDER
The Chairperson calls the meeting of the Planning, Heritage and Economic Development Standing Committee to order at 4:32 pm.

2. DISCLOURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF
None

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS
None

4. COMMUNICATIONS
None

5. ADOPTION OF THE PLANNING ACT MINUTES
5.1 Minutes of the Planning, Heritage & Economic Development (Planning Act Matters) minutes held April 16, 2018.

Moved by: Councillor Holt
Seconded by: Member Gyemi

THAT the Minutes of the Planning, Heritage and Economic Development Standing Committee meeting (Planning Act Matters) meeting held April 16, 2018 BE ADOPTED as amended correcting the spelling of an applicant name on Item 7.1 (page 3 of 8).

CARRIED, UNANIMOUSLY.

Report Number: SCM 160/2018
Clerk’s File: MB2018
6. PRESENTATION & DELEGATIONS (PLANNING ACT MATTERS)

7.1 Joe Passa – Passa & Associates
    Jackie Lassaline – Lassaline Planners

7.2 Jackie Lassaline – Lassaline Planners
    Abdul Habib – Applicant
    Saad Khalaf – Architect – Hanna, Ghobrial & Associates

7. PLANNING ACT MATTERS

    242 Lauzon Rd. – Rezoning & Official Plan Amendment
    Ward 6

Justina Nwaesei, Planner II, Annie Lang, Co-Op Student (author)

Ms. Nwaesei presents the application.

Joe Passa (architect) – Passa & Associates and Jackie Lassaline – Lassaline Planners – are available for questions.

Moved by: Councillor Holt
Seconded by: Member Bjarneson

Decision Number: PHED 570

I. That the City of Windsor Official Plan, Volume II, Part 1 – Special Policy Areas, BE AMENDED by adding site specific policies as follows:

(1) The property described as Plan 1034, Lots 7 to 10 & Part of Closed Alley described as Parts 11 to 14 and 33 to 36, on Reference Plan 12R-26252 located on the east side of Lauzon Road, south of Riverside Drive; municipally known as 242 Lauzon, is designated on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.

(2) Notwithstanding the policy in section 6.5.3.1 of the Official Plan, Volume I, “Dwelling units above commercial use(s)” shall be an additional permitted use on the subject property within the existing building.

II. That an amendment to the Zoning By-law 8600 BE APPROVED to change the zoning for the property described as Lots 7 to 10 Registered Plan 1034, and Part Closed alley RP 1034 described as Parts 11 to 14 and 33 to 36, on Reference Plan 12R-26252, located at municipal address 242 Lauzon Road, Dwelling Units in a Combined Use Building with any one or more of the uses permitted in the CD2.1 zoning district within an existing building
shall be an additional permitted use, and all dwelling units, not including entrances thereto, shall be located above the non residential uses.

III. That the applicant BE REQUESTED to consult with the Heritage Planner regarding the use of appropriate replacement windows.

Motion CARRIED, UNANIMOUSLY

Report Number: S 75/2018
Clerk’s File: ZB/13051

7.2 Z-010/17 [ZNG/5405] OPA 112 [OPA/5148] – Maple Grove Homes (Walker Gate Community Development)
4785 Walker Rd. – Rezoning & Official Plan Amendment
Ward 9

Jim Abbs (author), Planner III – Zoning

Mr. Abbs presents the application with a summary of the report. Advises the proposed development is subject to Site Plan Control. Informs the Committee of the addition of a 3rd item to be added to recommendation regarding additional specific regulations.

Jackie Lassaline (agent) – Lassaline Planners – gives a PowerPoint presentation of the proposed development, explaining the need for the rezoning and OPA applications.

Abdul Habib (applicant) and Saad Khalaf (architect) are also available to answer any questions.

Carmen Serbanescu (resident) – 2094 Rockwell – Is opposed to the proposed development, citing concern over privacy. She believes the proposed development would allow residents in the condos to peer into her backyard. She’s unhappy with the proximity of the proposed development to her home/backyard.

Moved by: Councillor Payne
Seconded by: Councillor Holt

Decision Number: PHED 571

THAT an amendment to the City of Windsor Official Plan BE APPROVED, by applying a Specific Policy Area to Part of Lot 13, Concession 6; (Parts 2 & 3, 12R-17667), to permit a Combined Use Building and Multiple Dwelling; and,

THAT an amendment to City of Windsor Zoning By-law 8600 BE APPROVED, changing the zoning of Part of Lot 13, Concession 6; (Parts 2 & 3, 12R-17667), from Commercial District (CD)
2.1 to Commercial District (CD) 2.2, and adding a site specific provision to permit a Multiple Dwelling as an additional permitted use subject to the Residential District (RD) 3.1 zone regulations with the following additional specific regulations:

- Landscape setback from Walker Road for a Combined Use Building - 5 m; and,
- Required parking - Multiple Dwelling – 1 space per unit; and,
- Maximum Building Height - Multiple Dwelling - 23 m
  - Combined use building - 23 m, and,

Building Setback from westerly lot line – 12m; except where an access area is located between the westerly lot line and the building, the setback from the westerly lot line shall be 18m; and,

THAT a Hold provision **BE APPLIED** to the Site Specific Zone Provision. The Hold provision may be removed when:

- Application is made for the removal of the hold provision; and,
- Registration of a Site Plan Control Agreement that includes the mitigation measures included in the noise and vibration studies; and,

That Site Plan Control **EXAMINE** the opportunity for a cycle trail within the proposed development during the site plan control process.

Motion CARRIED, UNANIMOUSLY

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8. **ADJOURNMENT**

There being no further business, the meeting of the Planning, Heritage and Economic Development Standing Committee is adjourned at 5:33 o’clock p.m.

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Ward 8 – Councillor Marra
(Chairperson)

Michael Cooke
(Acting Secretary)
Subject: Official Plan and Zoning By-law Amendments initiated by the City of Windsor to permit second units within residential areas (City-wide) - File No. OPA 122 [OPA/5538] and Z-009/18 [ZNG/5571]

Reference:
Date to Council: July 9, 2018
Author: Greg Atkinson, Senior Planner
519-255-6543 ext. 6582
gatkinson@citywindsor.ca
Planning & Building Services
Report Date: June 19, 2018
Clerk’s File #: ZO/13230 ZB/13229

To: Mayor and Members of City Council

RECOMMENDATION:

THAT Official Plan Amendment No. 122 as shown in Appendix 1 to Report # S 102/2018 regarding new policies authorizing the use of second residential units BE ADOPTED; and

THAT an amendment to Zoning By-law 8600 as shown in Appendix 2 to Report # S 102/2018 permitting second residential units BE PASSED.

EXECUTIVE SUMMARY:

N/A

BACKGROUND:

Bill 140 the Strong Communities through Affordable Housing Act, 2011 amended parts of the Planning Act to improve the affordable housing system and require municipalities to establish Official Plan policies and zoning that authorize the use of second residential units.

Second units (also known as accessory or basement apartments, secondary suites and in-law flats) are self-contained residential units with kitchen and bathroom facilities
within dwellings or within accessory structures (i.e. such as above detached garage). See Figures 1 & 2.

![Figure 1: second unit in the basement of the primary dwelling unit](image1)

![Figure 2: second unit in an accessory building](image2)

**Summary of Bill 140 Planning Act Amendments:**

- Adds the “adequate provision of a full range of housing, including affordable housing” to matters of provincial interest set out in the Act;

- Requires municipalities to establish official plan policies and zoning by-law provisions to permit second units in detached, semi-detached and townhome/rowhouses or accessory structures located on the same property (e.g. apartment above a detached garage); and

- Prohibits appeals related to Official Plan policies or zoning that authorize the use of second units.

There is no time frame for establishing second unit policies and zoning provisions. While the Minister of Municipal Affairs has the authority to prescribe minimum standards for second units no such regulation has been issued. As such, municipalities are responsible for determining what standards should apply to second units.

Planning staff authored an administrative report to Council in 2012 outlining the changes to the *Planning Act* and local issues that would be considered in the process of developing second unit policies and zoning provisions. Since 2012 Planning staff has undertaken extensive research, monitored second unit policies in other Ontario municipalities, and completed related work regarding residential rental housing.
Following considerable study and debate Council decided not to licence residential rental housing and provided direction to Administration regarding residential intensification at its February 5, 2018 meeting.

Planning staff authored a report tabling draft second unit Official Plan policies, which was received at the June 11, Planning, Heritage and Economic Development Standing Committee (PHEDSC) meeting. The draft policies were tabled to allow the Committee and the public time to review, ask questions, and develop comments in advance of the Committee and Council’s consideration.

Second units must comply with health and safety standards, which include the Building Code, Fire Code and any municipal by-laws. The changes to the Planning Act do not ‘grandfather’ any existing second units that do not meet applicable laws. The legislative changes relating to second units came into effect on January 1, 2012.

**DISCUSSION:**

**Summary of Official Plan Amendment No. 122**

Official Plan Amendment (OPA) No. 122 introduces new policies permitting second residential units in accordance with Section 16(3) of the Planning Act. The policies are structured to describe what constitutes a second unit, where they are permitted, and how they should be constructed. The OPA document is attached as Appendix 1. The following summarizes and explains the policy direction.

*What:* 
- Separate residential dwelling units that have separate access, kitchen, washroom, and living space.

*Where:* 
- Permitted in residential areas within single detached, semi-detached, and townhome/rowhouse dwellings or within buildings accessory to these dwelling types (e.g. second unit above detached garage). See Appendix 3 for a map of residential areas.
- Within floodplain areas—second units are not permitted within basements. See Appendix 3 for a map of areas regulated by the Essex Region Conservation Authority (ERCA).
- Outside of floodplain areas—basement units may be permitted where downspouts have been disconnected, a sump pump has been installed and (where possible) a backflow prevention valve has been installed.
How:

- Must be smaller in area than the primary unit.
- Parking can be accommodated where required (e.g. core areas well served by transit and with smaller properties would not be required to provide parking).
- Must not alter building exterior of heritage properties that is visible from the street.
- Building permit is required.
- Units in accessory buildings must have direct pedestrian access from the street or alley (i.e. tenants must not be required to access the second unit through the primary unit).
- Units in accessory buildings must have access to a paved public street, municipal sanitary sewer, municipal storm water outlet, electrical, and water services.
- There is a prohibition on the severance of lots containing second units.
- The maximum height of accessory buildings may be increased to 8 metres (26 feet) through minor variance to permit a second unit above a garage (the maximum height for most accessory buildings is 5.5 metres).

Rental Housing

- The addition of a second unit does not change the total number of lodgers (i.e. persons that may be provided with lodging for hire) within the entire residential dwelling (i.e. both primary and second units). Currently, more than three lodgers requires a property to be zoned and licensed for use as a lodging house.

Summary of Zoning By-law Amendment

The amendment to Zoning By-law 8600 (attached as Appendix 2) gives effect to the policies contained within OPA 122 in accordance with Section 35.1 (1) of the Planning Act. In addition to permitting second units in conformity with the policies set out in OPA 122, the zoning amendment provides further details regarding the maximum gross floor area (GFA) of a second unit and specifies where an additional parking space is required.

OPA 122 requires that second units be subordinate in scale and function to the primary unit and indicates that the Zoning By-law may regulate the GFA of the second unit. Accordingly, the zoning amendment contains provisions limiting the GFA of a second unit to not more than 50% of the GFA of the entire dwelling and in no case larger than 100 square metres (1,076 square feet). This is in line with other Ontario municipalities.
which typically limit the size of second units to between 40% – 50% of the size of the primary unit or total building area. Some municipalities also limit the total GFA of second units to between 80 – 100 square metres (861 – 1,076 square feet).

OPA 122 also requires that parking be provided where required by the Zoning -By-law. Accordingly, the zoning amendment contains provisions requiring one parking space in conjunction with a second unit for most properties within the City. Properties located within the older core area of the City, i.e. east of Prince Road, north of Tecumseh Road, south of the Detroit River, and west of Cadillac Street and Henry Ford Centre Drive do not have to provide a parking space in conjunction with a second unit as this area is well served by transit and contains smaller lots—some of which were not designed to accommodate a parking area.

Exempting second units from the requirement to provide an additional parking space within core area neighbourhoods result in increased demand for on-street parking and residential parking permits, which are currently in high demand within this area. The alternative (i.e. requiring an additional parking space within core area neighbourhoods) may exclude many properties from adding a second unit.

**Provincial Policy Statement (2014)**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. In respect of the exercise of any authority that affects a planning matter, section 3 of the *Planning Act* requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the *Act*. OPA 122 and related zoning amendments are consistent with the following PPS policy direction summarized below and excerpts provided in Figure 3:

- **Section 1.1** of the PPS, entitled ‘Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns’, provides direction regarding healthy, livable and safe communities. In particular, the PPS states that second units are a means of accommodating an appropriate range and mix of residential dwellings. This section of the PPS also directs growth and development to existing settlement areas and requires the identification and promotion of opportunities for intensification.

- **Section 1.4**, entitled ‘Housing’, requires planning authorities to provide for an appropriate range and mix of housing types by permitting and facilitating residential intensification, including second units. This section also requires the establishment of development standards for residential intensification, which minimize the cost of housing, facilitate compact form, and maintain appropriate levels of public health and safety.
- Section 1.6, entitled ‘Infrastructure’, clearly states that municipal sewage and water systems are the preferred form of servicing for settlement areas. It also requires that planning for storm water management shall not increase risks to human health and safety and property damage.

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

Figure 3: Provincial Policy Statement Excerpts

<table>
<thead>
<tr>
<th>1.0 Building Strong Healthy Communities</th>
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<tbody>
<tr>
<td>1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns</td>
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<tr>
<td>1.1.1 Healthy, liveable and safe communities are sustained by:</td>
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<tr>
<td>a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;</td>
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<tr>
<td>b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;</td>
</tr>
<tr>
<td>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</td>
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<tr>
<td>e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;</td>
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<td>f) improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society;</td>
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<tr>
<th>1.1.3 Settlement Areas</th>
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<tr>
<td>1.1.3.1 Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.</td>
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<td>1.1.3.2 Land use patterns within settlement areas shall be based on:</td>
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<td>a) densities and a mix of land uses which:</td>
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<tr>
<td>1. efficiently use land and resources;</td>
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<tr>
<td>2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;</td>
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<td>4. support active transportation;</td>
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<tr>
<td>5. are transit-supportive, where transit is planned, exists or may be developed; and</td>
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<tr>
<td>b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be</td>
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1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for **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. **Intensification** and **redevelopment** shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

1.4 **Housing**

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

b) permitting and facilitating:

1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including **special needs** requirements; and

2. all forms of **residential intensification**, including second units, and **redevelopment** in accordance with policy 1.1.3.3;

c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;

d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and

e) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

1.6 **Infrastructure and Public Service Facilities**

1.6.6 **Sewage, Water and Stormwater**

1.6.6.1 Planning for sewage and water services shall:

b) ensure that these systems are provided in a manner that:

1. protects human health and the natural environment;

1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. **Intensification** and **redevelopment** within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.

1.6.6.7 Planning for stormwater management shall:

a) minimize, or, where possible, prevent increases in contaminant loads;

b) minimize changes in water balance and erosion;

c) not increase risks to human health and safety and property damage;
d) maximize the extent and function of vegetative and pervious surfaces; and

e) promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development.

1.6.7 Transportation Systems

1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.

1.6.7.5 Transportation and land use considerations shall be integrated at all stages of the planning process.

3.0 Protecting Public Health and Safety

Preamble

Ontario's long-term prosperity, environmental health and social well-being depend on reducing the potential for public cost or risk to Ontario's residents from natural or human-made hazards. Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.

3.1 Natural Hazards

3.1.2 Development and site alteration shall not be permitted within:

a) the dynamic beach hazard;

b) defined portions of the flooding hazard along connecting channels (the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers);

c) areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and

d) a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.

3.1.3 Planning authorities shall consider the potential impacts of climate change that may increase the risk associated with natural hazards.

3.1.7 Further to policy 3.1.6, and except as prohibited in policies 3.1.2 and 3.1.5, development and site alteration may be permitted in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:

a) development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standards;

b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;

c) new hazards are not created and existing hazards are not aggravated; and

d) no adverse environmental impacts will result.
Official Plan

The City’s Official Plan does not currently address second units, however, it does contain a number of objectives and policies that encourage a range of housing forms and tenures within neighbourhoods, selective infill and intensification of residential areas, and affordable housing options. Amendments contained within OPA 122 conform with the current Official Plan policy direction summarized below and excerpts provided in Figure 4:

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

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

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

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

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

Figure 4: Official Plan Excerpts

<table>
<thead>
<tr>
<th>CHAPTER 3</th>
<th>DEVELOPMENT STRATEGY</th>
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<tbody>
<tr>
<td>3.2.1 Safe, Caring and Diverse Community</td>
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<tr>
<td>NEIGHBOURHOOD HOUSING VARIETY</td>
<td>3.2.1.2 Encouraging a range of housing types will ensure that people have an opportunity to live in their neighbourhoods as they pass through the various stages of their lives. Residents will have a voice in how this new housing fits within their neighbourhood. As the city grows, more housing opportunities will mean less sprawl onto agricultural and natural lands.</td>
</tr>
<tr>
<td>DISTINCTIVE NEIGHBOURHOOD CHARACTER</td>
<td>3.2.1.3 Windsor will keep much of what gives its existing neighbourhoods their character – trees and greenery, heritage structures and spaces, distinctive area identities, parks, and generally low profile development outside the City Centre. Around the neighbourhood centres, the existing character of the neighbourhood will be retained and enhanced. Newly developing areas will be planned to foster their own unique neighbourhood identities with a mixture of</td>
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### CHAPTER 4 HEALTHY COMMUNITY

#### 4.2 Objectives

##### 4.2.1 Healthy and Liveable City

| CLIMATE PROTECTION | 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. |
| AGING IN PLACE | 4.2.1.5 | To encourage a mix of housing types and services to allow people to remain in their neighbourhoods as they age. |

##### 4.2.3 Quality of Life

| COMMUNITY NEEDS | 4.2.3.3 | To recognize the needs of the community in terms of shelter, support services, accessibility and mobility. |
| HOUSING MIX | 4.2.3.4 | To accommodate the appropriate range and mix of housing. |

### CHAPTER 5 ENVIRONMENT

#### 5.4 Environmental Management

##### 5.4.1 Objectives

| FLOODPLAINS & SHORELINES | 5.4.1.6 | To protect human life and property located within and adjacent to floodplains and shorelines. |

##### 5.4.6 Floodplain Areas Policies

The following policies apply to lands within the Floodplain Areas designated on Schedule C: Development Constraint Areas and should be read in conjunction with the Infrastructure chapter of this Plan. Floodplains contain both a floodway (where flood depths and velocities are the greatest) and a flood fringe.

| FLOODPLAIN BOUNDARIES | 5.4.6.1 | The Floodplain Areas subject to the following policies were determined in consultation with the Essex Region Conservation Authority and follow the general boundaries shown on Schedule C: Development Constraint Areas. |
| FLOODWAY | 5.4.6.2 | Council will prohibit new development within the floodway of inland watercourses. The Municipality, in consultation with the Essex Region Conservation Authority, will identify the floodway on a site-specific basis and may include it in secondary plans and/or the zoning by-law as appropriate. |
| DEVELOPMENT WITHIN FLOODPLAIN | 5.4.6.3 | Council will prohibit buildings or structures in Floodplain Areas except:  
(a) in accordance with policies set out below; and  
(b) works and facilities related to flood and erosion control. |
| DEVELOPMENT CRITERIA | 5.4.6.4 | Council may permit development in a floodplain in recognized flood fringe areas outside of the floodway, including behind flood control dykes (so as to address the matter of the potential failure of protective works) provided:  
(a) sufficient information accompanies the application to
show that the proposed development and its occupants will be protected from the effects of a Regulatory Flood;
(b) the potential upstream and downstream impacts of the development proposal will not significantly affect the hydrology or hydraulics of the floodplain; and
(c) that adequate floodproofing measures, determined in consultation with the Essex Region Conservation Authority, are incorporated in the development.

| MINOR ADDITIONS | 5.4.6.5 | Council may permit renovations, minor additions and alterations to existing buildings or structures in the floodplain provided:
(a) no adverse affects on the hydraulic characteristics of flood flows are created; and
(b) such renovations, additions or alterations are generally flood proofed to the Regulatory Flood elevation with reductions as determined appropriate and feasible. |

### CHAPTER 6 LAND USE

#### 6.3 Residential

**6.3.1 Objectives**

| RANGE OF FORMS & TENURES | 6.3.1.1 | To support a complementary range of housing forms and tenures in all neighbourhoods. |

**6.3.2 Policies**

| AFFORDABLE HOUSING | 6.3.2.13 | Council shall encourage the provision of affordable and social assisted housing. |
| SPECIAL NEEDS | 6.3.2.14 | Council shall encourage the provision of housing to meet the needs of special segments of Windsor’s population such as the physically challenged. |
| TENURE VARIETY | 6.3.2.15 | Council shall encourage the provision of a variety of housing tenures which recognize the diverse needs of Windsor’s residents. |

### CHAPTER 7 INFRASTRUCTURE

**7.3.4 Sewerage and Stormwater Management Works Policies**

| IMPLEMENT MEASURES | 7.3.4.3 | Council shall provide for the implementation of preventative measures that reduce demands on the sewerage system by:
(a) Promoting the disconnection of roof drainage systems, weeping tiles, where appropriate, and other sources of inflow or infiltration into the sewerage system;
(b) Requiring that new development be constructed with devices to assist in the prevention of potential surcharging and basement flooding;
(c) Separating road drainage from combined systems and directing road drainage to new storm sewers or storm relief sewers; and
(d) Other measures as may be appropriate. |
CHAPTER 8 URBAN DESIGN

8.2 The Image of Windsor

| HERITAGE AREAS AND HERITAGE CONSERVATION DISTRICTS | 8.2.2.3 | Council will ensure that a proposed development or infrastructure undertaking maintains, reinforces and enhances the character of Heritage Areas and Heritage Conservation Districts in accordance with the Heritage Conservation chapter of this Plan. |

8.11 Streetscape

| FRONT YARD PARKING FOR LOW PROFILE HOUSING | 8.11.2.22 | Council will limit the construction of parking spaces in the required front yards of dwellings, in order to protect the aesthetic character of older residential neighbourhoods, ensure the availability of on-street public parking, ensure unhampered pedestrian movement within the public right-of-way and prevent harm to boulevard trees. |

8.12 Safety

8.12.1 Objectives

| ENHANCE SAFETY | 8.12.1.1 | To encourage designs which enhance a sense of personal safety and to reduce the opportunity of crime. |

8.12.2 Policies

| ACCESS ORIENTATION | 8.12.2.2 | Council will encourage designs which provide access by: 
| (a) providing people with a sense of direction while giving them some visible indication as to where access is encouraged or restricted; |

CHAPTER 9 HERITAGE CONSERVATION

9.3.4 Protection of Heritage Resources

| DEMOLITION OR ALTERATION APPROVAL | 9.3.4.1 b) | Requiring any person who proposes to demolish or alter a designated heritage property to submit plans to Council for approval under the Ontario Heritage Act; |

| MODIFICATION APPROVAL | 9.3.4.1 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 and/or its Heritage Conservation District; |

CHAPTER 11 TOOLS

11.6.6 Minor Variance Policies

| COMMITTEE OF ADJUSTMENT | 11.6.6.1 | Council has appointed a Committee of Adjustment pursuant to the Planning Act to consider applications for minor variance from the Zoning By-law(s) and/or any other by-law that implements the Official Plan. |

| EVALUATION | 11.6.6.2 | When reviewing an application for minor variance the Committee of Adjustment shall be satisfied that: |
| CRITERIA          | (a) The general intent and purpose of the Official Plan is maintained;  
|                  | (b) The general intent and purpose of the By-law being varied is maintained;  
|                  | (c) The variance is minor in nature; and  
|                  | (d) The variance is desirable for the appropriate use of the land, building or structure.  
| TERMS & CONDITIONS | 11.6.6.3 The Committee of Adjustment may attach such terms and conditions as it deems appropriate to the approval of the application for a minor variance.  
| AGREEMENTS WITH MUNICIPALITY | 11.6.6.4 The Committee of Adjustment may require the owner of the land to enter into one or more agreements with the Municipality dealing with some or all of the terms and conditions of its decision. An agreement may be registered against the land to which it applies and the Municipality is entitled to enforce the agreement against the owner and, subject to the Registry Act and the Land Titles Act, against any and all subsequent owners of the land.  

**RISK ANALYSIS:**

There is some risk in permitting second units—particularly related to basement flooding and over intensification within the areas surrounding Windsor’s post-secondary campuses. Risk related to flooding in second units located within basements has been minimized by prohibiting them within the floodplain and requiring mitigation measures in basement units outside of the floodplain (e.g. downspout disconnection, sump pump, and backflow prevention valve).

The risk related to intensification of residential rental housing was discussed extensively as part of the licensing debate in 2017 which concluded with Council decision CR61/218 which:

- Reaffirmed the continued use of existing by-laws to address property standards, noise, and parking issues with respect to residential rental housing;
- Supported increasing capacity of enforcement staff for fire and building inspections;
- Requested Administration make recommendations regarding education and information available to landlords, students, and other tenants; and
- Supported the future establishment of relationship between the number of bedrooms and a dwelling’s gross floor area as well as Official Plan policies that direct density to neighbourhoods that can accommodate residential intensification.

Zoning By-law 8600 defines a Lodging House as a “dwelling in which a minimum of four
persons, not including staff, are provided with lodging for hire, with or without meals.” OPA 122 attempts to prevent the establishment of ‘de facto’ lodging houses by limiting the total number of lodgers (i.e. persons provided with lodging for hire) within the entire residential dwelling (i.e. both primary and secondary units) to three, which is currently the maximum set out in the Zoning By-law. For example, the policies aim to prevent a scenario where the primary unit contains three bedrooms leased to renters and a second unit creates two additional bedrooms leased to renters.

Sections 17(24.1) and 34(19.1) of the Planning Act, do not permit appeals to the Local Planning Appeal Tribunal regarding policies policy or zoning provisions that permit second units in accordance with section 16(3) of the Act.

Exempting second units from the requirement to provide a parking space within core area neighbourhoods may result in increased demand for on-street parking and residential parking permits, which are currently in high demand within this area. The alternative (i.e. requiring an additional parking space within core area neighbourhoods) may exclude many properties from adding a second unit, which may be viewed as exclusionary.

The creation of second units within accessory buildings that are accessed via an alley may increase pressure for capital improvements (e.g. lighting) and ongoing maintenance (e.g. winter maintenance) within alleys.

FINANCIAL MATTERS:

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

Second units to be located in existing dwellings are exempt from the payment of development charges in accordance with the provisions of the Development Charges Act and O. Reg. 82/98. Amendments to the Development Charges Act to exempt second units from payment of development charges in new dwellings has been passed. However, this legislation is not yet in force.

The proposed OPA policies and zoning by-law amendments will also permit second units in ancillary or accessory buildings such as detached garages. However, the provisions of the Development Charges Act and O. Reg. 82/98 do not currently exempt second units to be located in ancillary or accessory buildings such as detached garages from the payment of development charges. Therefore any second units to be located in these buildings will have to pay development charges.
Addressed as part of the residential rental housing issue—additional resources may be required to enforce existing by-laws.

CONSULTATIONS:

Staff from the Planning, Building, Public Works, Police, Fire, and Legal Departments have been consulted in the preparation of this report. The Housing Advisory Committee has been consulted throughout the past three years as second unit policies were being researched and drafted. Draft second unit policies were tabled at the June 11, 2018 PHEDSC meeting to allow the Committee and the public time to review, ask questions, and develop comments in advance of the Committee and Council’s consideration. The Essex Region Conservation Authority and Ministry of Municipal Affairs were also consulted.

CONCLUSION:

It is recommended that OPA 122 be adopted and related amendments to Zoning By-law 8600 be passed by Council to bring the City’s planning documents into conformity with section 16(3) of the Planning Act. The proposed amendments are consistent the Provincially Policy Statement (2014) and conform with the City of Windsor Official Plan (as amended).

PLANNING ACT MATTERS:

Greg Atkinson, MCIP, RPP
Senior Planner

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

Thom Hunt, MCIP, RPP
City Planner/Executive Director of Planning and Building

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

SAH               OC
APPROVALS:

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Michael Cooke</td>
<td>Manager of Planning Policy</td>
</tr>
<tr>
<td>Thom Hunt</td>
<td>City Planner</td>
</tr>
<tr>
<td>John Revell</td>
<td>Chief Building Official</td>
</tr>
<tr>
<td>Wira Vendrasco</td>
<td>Deputy City Solicitor</td>
</tr>
<tr>
<td>Shelby Askin Hager</td>
<td>City Solicitor</td>
</tr>
<tr>
<td>Mark Winterton</td>
<td>City Engineer</td>
</tr>
<tr>
<td>Onorio Colucci</td>
<td>CAO</td>
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</tbody>
</table>

NOTIFICATIONS:

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Email</th>
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<tbody>
<tr>
<td>Housing Advisory Committee</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Michelle Friesen</td>
<td></td>
<td><a href="mailto:mbfriesen@sympatico.ca">mbfriesen@sympatico.ca</a> <a href="mailto:mfriesen@windsoressexfamnet.ca">mfriesen@windsoressexfamnet.ca</a></td>
</tr>
<tr>
<td>Hal Kersey</td>
<td></td>
<td><a href="mailto:hkersey4@gmail.com">hkersey4@gmail.com</a></td>
</tr>
<tr>
<td>Marian Clemens</td>
<td></td>
<td><a href="mailto:marinaclemens68@gmail.com">marinaclemens68@gmail.com</a></td>
</tr>
<tr>
<td>Peter Neice</td>
<td></td>
<td><a href="mailto:pneice@execulink.com">pneice@execulink.com</a></td>
</tr>
<tr>
<td>Domenic D’Amore</td>
<td></td>
<td><a href="mailto:domenic@webps.ca">domenic@webps.ca</a></td>
</tr>
<tr>
<td>Raymond Hoang</td>
<td></td>
<td><a href="mailto:raymond_1999@hotmail.com">raymond_1999@hotmail.com</a></td>
</tr>
</tbody>
</table>

Appendices:

1. Official Plan Amendment No. 122
2. Amendment to Zoning By-law 8600
3. Map showing residential areas and areas regulated by the Essex Region Conservation Authority
AMENDMENT NO. 122
TO THE
CITY OF WINDSOR OFFICIAL PLAN

Part E (Details of the Amendment) of the following text constitute Amendment No. 122.

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

Bill 140 the Strong Communities through Affordable Housing Act, 2011 amended parts of the Planning Act to facilitate the creation of second residential units. The legislation requires municipalities to establish official plan policies and zoning by-law provisions to permit second units in detached, semi-detached and row houses or ancillary/accessory structures located on the same property (e.g. apartment above a detached garage).

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

The policies relating to second units contained in Part E of this amendment will be added to the Chapter 6 of the Official Plan immediately following the existing section 6.3.2.21.

B. LOCATION

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

C. BACKGROUND

The Strong Communities through Affordable Housing Act, 2011 includes a wide range of actions to improve the affordable housing system including amendments to the Planning Act that require municipalities to establish Official Plan policies and zoning provisions that authorize the use of second residential units.

Affordable Housing as Provincial Interest

The Strong Communities through Affordable Housing Act, 2011 amended the Planning Act to include a specific reference to affordable housing as a matter of provincial interest. The Planning Act identifies a range of provincial interests, which decision-makers must have regard to when making land use planning decisions. Specifically, added to the list of Provincial interests was the “adequate provision of a full range of housing, including affordable housing”.


Second units are also known as accessory or basement apartments, secondary suites, or granny flats. These are self-contained units with kitchen and bathroom facilities within dwellings or within accessory structures contained on the same property.

All municipalities in Ontario are required to establish official plan policies and zoning by-law provisions allowing second units in detached, semi–detached and townhomes/rowhouses. Policies and zoning must also permit second units within buildings that are accessory to detached, semi–detached and townhouses such as above laneway garages or other detached buildings on the same property.
There is no time frame for establishing these policies and zoning provisions. While the Minister of Municipal Affairs has the authority to prescribe minimum standards for second units, no such regulation has been issued. As such, municipalities are responsible for determining what standards should apply to second units.

Second units must comply with health and safety standards, which include the Building Code, Fire Code and any municipal by-laws. The changes to the Planning Act do not ‘grandfather’ any existing second units that do not meet applicable laws. The legislative changes relating to second units came into effect on January 1, 2012.

No Appeal to the Local Planning Appeal Tribunal Regarding Second Units
The Planning Act prohibits appeals to the Local Planning Appeal Tribunal related to any official plan policies or zoning by-law related to second units.

The current City of Windsor Official Plan (Volume 1: The Primary Plan) was adopted by City Council on October 25, 1999 and approved in part by the Minister of Municipal Affairs and Housing on March 28, 2000 with the remainder being approved by the Ontario Municipal Board on November 1, 2002. The current Official Plan supports affordable housing initiatives but does not contain policies specifically related to second units.

D. LEGISLATIVE CONTEXT AND POLICY BASIS FOR THE AMENDMENT

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

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

Provincial Policy Statement
The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. In respect of the exercise of any authority that affects a planning matter, section 3 of the Planning Act requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act.

Section 1.1 of the PPS, entitled ‘Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns’, provides direction regarding healthy, livable and safe communities. In particular, the PPS states that second units are a means of accommodating an appropriate range and mix of residential dwellings.
This section of the PPS also directs growth and development to existing settlement areas and requires the identification and promotion of opportunities for intensification.

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

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

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

Figure 1: Provincial Policy Statement Excerpts

<table>
<thead>
<tr>
<th>1.0 Building Strong Healthy Communities</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns</td>
</tr>
<tr>
<td>1.1.1 Healthy, liveable and safe communities are sustained by:</td>
</tr>
<tr>
<td>a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;</td>
</tr>
<tr>
<td>b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;</td>
</tr>
<tr>
<td>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</td>
</tr>
<tr>
<td>e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;</td>
</tr>
<tr>
<td>f) improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society;</td>
</tr>
<tr>
<td>1.1.3 Settlement Areas</td>
</tr>
<tr>
<td>1.1.3.1 Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.</td>
</tr>
<tr>
<td>1.1.3.2 Land use patterns within settlement areas shall be based on:</td>
</tr>
<tr>
<td>a) densities and a mix of land uses which:</td>
</tr>
<tr>
<td>1. efficiently use land and resources;</td>
</tr>
</tbody>
</table>
2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
4. support active transportation;
5. are transit-supportive, where transit is planned, exists or may be developed; and

b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

| 1.1.3.3 | Planning authorities shall identify appropriate locations and promote opportunities for 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. Intensification and redevelopment shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety. |
| 1.1.3.4 | Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety. |

| 1.4 Housing |
| 1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

b) permitting and facilitating:
   1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and
   2. all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3;

c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;

d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and

e) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety. |

| 1.6 Infrastructure and Public Service Facilities |
| 1.6.6 Sewage, Water and Stormwater |
| 1.6.6.1 Planning for sewage and water services shall:

b) ensure that these systems are provided in a manner that:
   1. protects human health and the natural environment; |
| 1.6.6.2 Municipal sewage services and municipal water services are the preferred form of |
servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.

1.6.6.7 Planning for stormwater management shall:
   a) minimize, or, where possible, prevent increases in contaminant loads;
   b) minimize changes in water balance and erosion;
   c) not increase risks to human health and safety and property damage;
   d) maximize the extent and function of vegetative and pervious surfaces; and
   e) promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development.

1.6.7 Transportation Systems

1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.

1.6.7.5 Transportation and land use considerations shall be integrated at all stages of the planning process.

3.0 Protecting Public Health and Safety

Preamble Ontario's long-term prosperity, environmental health and social well-being depend on reducing the potential for public cost or risk to Ontario's residents from natural or human-made hazards. Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.

3.1 Natural Hazards

3.1.2 Development and site alteration shall not be permitted within:
   a) the dynamic beach hazard;
   b) defined portions of the flooding hazard along connecting channels (the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers);
   c) areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and
   d) a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.

3.1.3 Planning authorities shall consider the potential impacts of climate change that may increase the risk associated with natural hazards.

3.1.7 Further to policy 3.1.6, and except as prohibited in policies 3.1.2 and 3.1.5, development and site alteration may be permitted in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:
   a) development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standards;
   b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
Official Plan

The City’s Official Plan does not currently address second units, however, it does contain a number of objectives and policies that encourage a range of housing forms and tenures within neighbourhoods, selective infill and intensification of residential areas, and affordable housing options.

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

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

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

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

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

The addition of appropriate second unit residential policies would be consistent with the current Official Plan and policy directions set out as part of the on-going Official Plan Review. As part of the five-year Official Plan Review the City has identified creation of additional rental housing through accessory apartments as a means of meeting its affordable housing target.

Figure 2: Official Plan Excerpts

<table>
<thead>
<tr>
<th>CHAPTER 3</th>
<th>DEVELOPMENT STRATEGY</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.2.1</td>
<td>Safe, Caring and Diverse Community</td>
</tr>
<tr>
<td>NEIGHBOURHOOD HOUSING VARIETY</td>
<td>3.2.1.2</td>
</tr>
<tr>
<td>DISTINCTIVE</td>
<td>3.2.1.3</td>
</tr>
</tbody>
</table>
In the neighborhoods their character – trees and greenery, heritage structures and spaces, distinctive area identities, parks, and generally low profile development outside the City Centre. Around the neighbourhood centres, the existing character of the neighbourhood will be retained and enhanced. Newly developing areas will be planned to foster their own unique neighbourhood identities with a mixture of homes, amenities and services.

## Chapter 4 Healthy Community

### 4.2 Objectives

#### 4.2.1 Healthy and Liveable City

<table>
<thead>
<tr>
<th>Objective</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Climate Protection</td>
<td>To protect against climate change and its possible adverse effects on human health, the physical environment, economy and quality of life.</td>
</tr>
<tr>
<td>Aging In Place</td>
<td>To encourage a mix of housing types and services to allow people to remain in their neighbourhoods as they age.</td>
</tr>
</tbody>
</table>

#### 4.2.3 Quality of Life

<table>
<thead>
<tr>
<th>Objective</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communtiy Needs</td>
<td>To recognize the needs of the community in terms of shelter, support services, accessibility and mobility.</td>
</tr>
<tr>
<td>Housing Mix</td>
<td>To accommodate the appropriate range and mix of housing.</td>
</tr>
</tbody>
</table>

## Chapter 5 Environment

### 5.4 Environmental Management

#### 5.4.1 Objectives

<table>
<thead>
<tr>
<th>Objective</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Floodplains &amp; Shorelines</td>
<td>To protect human life and property located within and adjacent to floodplains and shorelines.</td>
</tr>
</tbody>
</table>

#### 5.4.6 Floodplain Areas Policies

The following policies apply to lands within the Floodplain Areas designated on Schedule C: Development Constraint Areas and should be read in conjunction with the Infrastructure chapter of this Plan. Floodplains contain both a floodway (where flood depths and velocities are the greatest) and a flood fringe.

<table>
<thead>
<tr>
<th>Objective</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Floodplain Boundaries</td>
<td>The Floodplain Areas subject to the following policies were determined in consultation with the Essex Region Conservation Authority and follow the general boundaries shown on Schedule C: Development Constraint Areas.</td>
</tr>
<tr>
<td>Floodway</td>
<td>Council will prohibit new development within the floodway of inland watercourses. The Municipality, in consultation with the Essex Region Conservation Authority, will identify the floodway on a site-specific basis and may include it in secondary plans and/or zoning by-law as appropriate.</td>
</tr>
<tr>
<td>Development Within Floodplain</td>
<td>Council will prohibit buildings or structures in Floodplain Areas except: (a) in accordance with policies set out below; and (b) works and facilities related to flood and erosion control.</td>
</tr>
<tr>
<td>Development</td>
<td>Council may permit development in a floodplain in recognized</td>
</tr>
</tbody>
</table>
### CRITERIA

Flood fringe areas outside of the floodway, including behind flood control dykes (so as to address the matter of the potential failure of protective works) provided:

(a) sufficient information accompanies the application to show that the proposed development and its occupants will be protected from the effects of a Regulatory Flood;

(b) the potential upstream and downstream impacts of the development proposal will not significantly affect the hydrology or hydraulics of the floodplain; and

(c) that adequate floodproofing measures, determined in consultation with the Essex Region Conservation Authority, are incorporated in the development.

### MINOR ADDITIONS

5.4.6.5 Council may permit renovations, minor additions and alterations to existing buildings or structures in the floodplain provided:

(a) no adverse affects on the hydraulic characteristics of flood flows are created; and

(b) such renovations, additions or alterations are generally flood proofed to the Regulatory Flood elevation with reductions as determined appropriate and feasible.

### CHAPTER 6 LAND USE

#### 6.3 Residential

##### 6.3.1 Objectives

**RANGE OF FORMS & TENURES**

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

##### 6.3.2 Policies

**AFFORDABLE HOUSING**

| 6.3.2.13 | Council shall encourage the provision of affordable and social assisted housing. |

**SPECIAL NEEDS**

| 6.3.2.14 | Council shall encourage the provision of housing to meet the needs of special segments of Windsor’s population such as the physically challenged. |

**TENURE VARIETY**

| 6.3.2.15 | Council shall encourage the provision of a variety of housing tenures which recognize the diverse needs of Windsor’s residents. |

### CHAPTER 7 INFRASTRUCTURE

#### 7.3.4 Sewerage and Stormwater Management Works Policies

**IMPLEMENT MEASURES**

| 7.3.4.3 | Council shall provide for the implementation of preventative measures that reduce demands on the sewerage system by:

(a) Promoting the disconnection of roof drainage systems, weeping tiles, where appropriate, and other sources of inflow or infiltration into the sewerage system;

(b) Requiring that new development be constructed with devices to assist in the prevention of potential surcharging and basement flooding; |
(c) Separating road drainage from combined systems and directing road drainage to new storm sewers or storm relief sewers; and
(d) Other measures as may be appropriate.

CHAPTER 8 URBAN DESIGN

8.2 The Image of Windsor

HERITAGE AREAS AND HERITAGE CONSERVATION DISTRICTS

Council will ensure that a proposed development or infrastructure undertaking maintains, reinforces and enhances the character of Heritage Areas and Heritage Conservation Districts in accordance with the Heritage Conservation chapter of this Plan.

8.11 Streetscape

FRONT YARD PARKING FOR LOW PROFILE HOUSING

Council will limit the construction of parking spaces in the required front yards of dwellings, in order to protect the aesthetic character of older residential neighbourhoods, ensure the availability of on-street public parking, ensure unhampered pedestrian movement within the public right-of-way and prevent harm to boulevard trees.

8.12 Safety

8.12.1 Objectives

ENHANCE SAFETY

To encourage designs which enhance a sense of personal safety and to reduce the opportunity of crime.

8.12.2 Policies

ACCESS ORIENTATION

Council will encourage designs which provide access by:
(a) providing people with a sense of direction while giving them some visible indication as to where access is encouraged or restricted;

CHAPTER 9 HERITAGE CONSERVATION

9.3.4 Protection of Heritage Resources

9.3.4.1 Council will protect heritage resources by:

DEMOLITION OR ALTERATION APPROVAL

Requiring any person who proposes to demolish or alter a designated heritage property to submit plans to Council for approval under the Ontario Heritage Act;

MODIFICATION APPROVAL

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 and/or its Heritage Conservation District;

CHAPTER 11 TOOLS

11.6.6 Minor Variance Policies

COMMITTEE OF ADJUSTMENT

Council has appointed a Committee of Adjustment pursuant to the Planning Act to consider applications for minor variance from the Zoning By-law(s) and/or any other by-law that implements the Official Plan.
EVALUATION CRITERIA

11.6.6.2 When reviewing an application for minor variance the Committee of Adjustment shall be satisfied that:

(a) The general intent and purpose of the Official Plan is maintained;
(b) The general intent and purpose of the By-law being varied is maintained;
(c) The variance is minor in nature; and
(d) The variance is desirable for the appropriate use of the land, building or structure.

TERMS & CONDITIONS

11.6.6.3 The Committee of Adjustment may attach such terms and conditions as it deems appropriate to the approval of the application for a minor variance.

AGREEMENTS WITH MUNICIPALITY

11.6.6.4 The Committee of Adjustment may require the owner of the land to enter into one or more agreements with the Municipality dealing with some or all of the terms and conditions of its decision. An agreement may be registered against the land to which it applies and the Municipality is entitled to enforce the agreement against the owner and, subject to the Registry Act and the Land Titles Act, against any and all subsequent owners of the land.

E. THE AMENDMENT

Summary of second unit policies

The draft Official Plan second unit policies are contained within Appendix 1. The policies are structured to describe what constitutes a second unit, where they are permitted, and how they should be constructed. The following explains the draft policy direction.

What:
- Separate residential dwelling units that have separate access, kitchen, washroom, and living space.

Where:
- Permitted in residential areas within single detached, semi-detached, and townhome/rowhouse dwellings or within buildings accessory to these dwelling types (e.g. second unit above detached garage). See Appendix 3 for a map of residential areas.
- Within floodplain areas—second units are not permitted within basements. See Appendix 3 for a map of areas regulated by the Essex Region Conservation Authority (ERCA).
- Outside of floodplain areas—basement units may be permitted where downspouts have been disconnected, a sump pump has been installed and (where possible) a backflow prevention valve has been installed.
How:

- Must be smaller in area than the primary unit.
- Parking can be accommodated where required (e.g. core areas well served by transit and with smaller properties would not be required to provide parking).
- Must not alter building exterior of heritage properties that is visible from the street.
- Building permit is required.
- Units in accessory buildings must have direct pedestrian access from the street or alley (i.e. tenants must not be required to access the second unit through the primary unit).
- Units in accessory buildings must have access to a paved public street, municipal sanitary sewer, municipal storm water outlet, electrical, and water services.
- There is a prohibition on the severance of lots containing second units.
- The maximum height of accessory buildings may be increased to 8 metres (26 feet) through minor variance to permit a second unit above a garage (the maximum height for most accessory buildings is 5.5 metres).

Rental Housing

- The addition of a second unit does not change the total number of lodgers (i.e. persons that may be provided with lodging for hire) within the entire residential dwelling (i.e. both primary and second units). Currently, more than three lodgers requires a property to be zoned and licensed for use as a lodging house.

Details of Official Plan Amendment

Chapter 6 entitled Land Use is amended by adding new policies on second residential units, to read as follows:

**SECOND UNIT DEFINITION**

6.4.2.22 A second residential unit (second unit) is a separate residential dwelling unit consisting of a separate access, kitchen, washroom, and living space that is within a single detached, semi-detached, or rowhouse dwelling (i.e. the primary dwelling unit) or a building accessory to the primary dwelling unit located on the same lot.
**LOCATION OF SECOND UNITS**

6.4.2.23 A second unit:

a) must be located on lands designated for residential use on Schedules D and E;

b) shall not be located within any part of a basement or cellar (i.e. part of a building below grade) within the floodplain areas shown on Schedule C; and

c) outside of the floodplain areas shown on Schedule C, shall not be located within any part of a basement or cellar (i.e. part of a building below grade) unless the following criteria have been met to the satisfaction of the Chief Building Official or City Engineer:

i. Eavestrough downspouts are disconnected from the City of Windsor's sewer system;

ii. A sump pump has been installed; and

iii. Where possible a backflow sanitary valve has been installed in the second unit.

**SECOND UNIT REQUIREMENTS**

6.4.2.24 A second unit shall be permitted within the primary dwelling unit or building accessory to the primary dwelling unit subject to the following criteria:

a) The second unit conforms with the definition and location requirements set out in 6.4.2.22 and 6.4.2.23;

b) No additional dwelling units are present in the primary dwelling unit or buildings accessory to primary dwelling unit;

c) The second unit must be subordinate in scale and function to the primary dwelling unit and the Zoning By-law may regulate the gross floor area of the second unit;

d) Parking can be accommodated where required by the Zoning By-law;

e) Where located on a property identified on the Municipal Heritage Register or within a Heritage Area identified on Schedule G the second unit must not alter the exterior of an existing primary or accessory building visible from the street or other public space unless it is demonstrated, to the satisfaction of the City Planner, that the proposed alteration would not detract from the cultural heritage value and attributes of the property or Heritage Area; and

f) The second unit complies with health and safety standards and the second unit has been constructed in accordance with a building permit.
6.4.2.25 **Requirements Specific to a Second Unit in an Accessory Building**

A second unit within a building that is accessory to a single-detached, semi-detached, or a rowhouse dwelling is permitted subject to the following criteria:

a) The proposed second unit conforms with the definition, location, and general requirements set out in 6.4.2.22 - 6.4.2.24;

b) The second unit shall have direct pedestrian access from a paved public street or alley;

c) The second unit shall have municipal sanitary sewer, municipal storm water outlet, electrical, and water services; and

d) A municipal address for the second unit shall be clearly visible from the public street.

6.4.2.26 **Severance of Second Unit Prohibited**

The severance of a second unit located within the primary dwelling unit or within a building accessory to the primary dwelling unit is prohibited.

6.4.2.27 **Height of Accessory Building Containing a Second Unit Above a Garage**

An application to allow a maximum height of up to 8m through a minor variance may be considered where the external second unit is proposed to contain all of its habitable space above a garage subject to the following criteria:

(a) The height of the second unit does not exceed the height of the primary dwelling;

(b) Significant trees and plantings are preserved on the subject property; and

(c) Any adverse impacts to the streetscape or abutting properties are addressed through the second unit design and siting.

6.4.2.28 **Creation of Lodging House**

The combination of lodgers (i.e. persons provided with lodging for hire) within the primary and second dwelling units must not constitute a lodging house as defined within any City of Windsor by-law.

**F. Public Involvement:**

The development of second residential unit polices has been undertaken with input and shared research from the Windsor-Essex Family Network and the City of Windsor’s Housing Advisory Committee. The draft policies were tabled at the Planning, Heritage and Economic Development Standing Committee and Council in advance of the Official Plan Amendment coming forward to provide an opportunity for stakeholders and the public to review the draft policy and develop questions and comment in advance of the required public meeting. Notice of the required statutory public meeting was published in the Windsor Star.
G. IMPLEMENTATION:

This amendment brings the Official Plan into conformity with Section 16(3) of the Planning Act and forms the policy basis for approval of Zoning By-law amendments related to second units. The Amendment should be read and implemented in conjunction with the overall policies contained with the Official Plan. Second units must comply with all applicable laws, which include the Building Code, the Fire Code and municipal by-laws. The policies set out in this amendment do not ‘grandfather’ any existing second units that do not meet applicable laws, policies, or regulations.
BY-LAW NUMBER -2018

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

Passed the day of , 2018.

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

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

1. That Section 3.10 is amended by deleting and replacing the following definitions:

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

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

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

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

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

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

   STACKED DWELLING means a dwelling consisting of a row of three or more dwelling units having one or more dwelling units located above them, with all dwelling units having individual exterior entrances. A double-duplex dwelling, semi-detached dwelling, or townhome dwelling is not a stacked dwelling.

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

2. That Section 3.10 is amended by deleting the definition of Dwelling Unit and replacing it with the following:

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

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

   TOWNHOME DWELLING UNIT means one dwelling unit in a townhome dwelling, and may include, if permitted by Section 5.99.80, one additional dwelling unit.”
3. That said By-law is amended by adding the following to Section 5:

“5.99.80 SECOND UNIT

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

.1 ADDITIONAL PERMITTED USES

a) Two dwelling units in a single unit dwelling, semi-detached dwelling unit, or townhome dwelling unit.

b) One dwelling unit in a single unit dwelling, semi-detached dwelling unit, or townhome dwelling unit, and one dwelling unit in an accessory building.

.3 PROHIBITIONS

a) In any development reserve district or industrial district, or where a single unit dwelling, semi-detached dwelling, or townhome dwelling is not a permitted use in a zoning district, the uses in Section 5.99.80.1.1 are prohibited.

b) Where a dwelling is located in a floodplain, a second dwelling unit within a basement or cellar is prohibited.

c) Where two dwelling units are located in a main building, or where one dwelling unit is located in a main building and one dwelling unit is located in an accessory building, an additional dwelling unit in any building is prohibited.

.5 PROVISIONS

a) For a second dwelling unit located within a basement or cellar in a dwelling not located in a floodplain,

1. Downspouts shall be disconnected from the municipal sewer system;

2. A sump pump shall be installed; and

3. Where possible, a sanitary backflow valve shall be installed in the dwelling unit located within the basement or cellar all to the satisfaction of the City Engineer or Chief Building Official.

b) For a dwelling unit located within an accessory building:

1. There shall be direct pedestrian access between said dwelling unit and a highway; and

2. Municipal sanitary sewer, municipal electrical service and municipal water service shall be provided to said dwelling unit.

c) The maximum gross floor area of the second dwelling unit shall be 50% of the gross floor area of the main building of the single unit dwelling, semi-detached dwelling unit, or townhome dwelling unit, or 100.0 m², whichever is less.

d) Notwithstanding Section 24.20.5, the required number of parking spaces shall be as follows:

1. One parking space for the first dwelling unit; and

2. One parking space for the second dwelling unit except for a second dwelling unit on a lot located south of the Detroit River, west of Cadillac Street or Henry Ford Centre Drive, including any lot abutting the east side of Cadillac Street or Henry Ford Centre Drive, north of Tecumseh Road, and east of Prince Road.

DREW DILKENS, MAYOR

CLERK

First Reading - , 2018
Second Reading - , 2018
Third Reading - , 2018
Appendix 3: Residential areas and areas regulated by ERCA
Committee Matters: SCM 258/2018

Subject: Adoption of the Planning, Heritage & Economic Development Standing Committee meeting minutes held June 11, 2018
Planning, Heritage & Economic Development Standing Committee Meeting

Date: Monday, June 11, 2018
Time: 4:30 o’clock p.m.

Members Present:

Chairperson
Chairperson Marra

Councillors
Ward 4 - Councillor Holt
Ward 5 - Councillor Sleiman
Ward 7 - Councillor Kusmierczyk

Councillors – Regrets
Ward 9 - Councillor Payne

Members
Member Baker
Member Miller

Member – Regrets
Member DiMaio
Member Foot

ALSO PRESENT ARE THE FOLLOWING FROM ADMINISTRATION:

Jelena Payne, Corporate Leader Social Development & Health
Thom Hunt, City Planner
John Revell, Chief Building Official
Michael Cooke, Manager, Planning Policy
Greg Atkinson, Planner III - Economic Development
Laura Diotte, Planner III – Special Projects
Kevin Alexander, Planner III – Special Projects
Kristina Tang, Planner II - Revitalization &Policy Initiatives
Sahar Jamshidi, Planner II – Development Review
Anna Ciacelli, Supervisor of Council Services
Delegations

Item 10.2 Cara Kennedy, Chair of Walkerville BIA
Item 11.1 Patti Faulkner, applicant
Item 11.1 Neelam Sharma, applicant
Item 12.1 Marina Clemens, Chair, Housing Advisory Committee
Item 12.1 Raymond Hoang, resident of Ward 7
Item 12.1 Caroline Taylor, concerned citizen
Item 12.1 Michelle Friesen, Executive Director Family to Family Support Network

1. CALL TO ORDER

The Chairperson calls the meeting of the Planning, Heritage and Economic Development 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.

5. ADOPTION OF THE PLANNING ACT MINUTES

None.

6. PRESENTATION & DELEGATIONS (PLANNING ACT MATTERS)

See Item 10.2, 11.1 and 12.1.
7. PLANNING ACT MATTERS

None.

8. ADOPTION OF THE MINUTES

8.1. Adoption of the minutes of the Planning, Heritage & Economic Development Standing Committee meeting held May 14, 2018

Moved by: Councillor Holt
Seconded by: Member Baker

THAT the minutes of the Planning, Heritage and Economic Development Standing Committee meeting held May 14, 2018 BE ADOPTED as presented.
Carried.

Report Number: SCM 224/2018
Clerk’s File: MB2018

9. PRESENTATIONS AND DELEGATIONS (COMMITTEE & ADMINISTRATIVE MATTERS)

See Item 10.2, 11.1 and 12.1.

10. HERITAGE ACT MATTERS

10.1. Nikola Budimir Memorial Library, 1310 Grand Marais Road West - Partial Demolition of Listed Property on the Windsor Municipal Heritage Register (Ward 10)

Kristina Tang, Heritage Planner (A), appears before the Planning, Heritage and Economic Development Standing Committee regarding the administrative report Nikola Budimir Memorial Library, 1310 Grand Marais Road West – Partial Demolition of Listed Property on the Windsor Municipal Heritage Register and provides a brief overview of the requested application for demolition including a rendering of the proposed new site.
Moved by: Councillor Kusmierczyk  
Seconded by: Member Baker

Decision Number: PHED 584  
That a partial demolition of the Nikola Budimir Memorial Library BE APPROVED as follows, subject to submitted designs (see Appendix C [of staff report S72/2018]) and finalized through Site Plan Approval.  
Carried.

Report Number: S 72/2018  
Clerk’s File: MBA2018

10.2. Walkerville Heritage Walking Tour (Ward 4)  

Kristina Tang, Heritage Planner appears before the Planning, Heritage and Economic Development Standing Committee regarding the administrative report Walkerville Heritage Walking Tour and provides a brief overview of the web site and information related to the tour. Ms. Tang indicates that the information available online is extensive and includes an overview and information of the 40 locations as well as navigation routes to arrive at the destinations.

Cara Kennedy, Chair of Walkerville BIA  

Cara Kennedy, Chair of Walkerville BIA appears before the Planning, Heritage and Economic Development Standing Committee regarding the administrative report Walkerville Heritage Walking Tour and thanks the committee and administration for allowing the Walkerville BIA to have input on the Walking tours and comments that signage might be warranted in a few locations.

Councillor Holt requests clarification on the type of signage what the Walkerville BIA had in mind. Ms. Kennedy indicates that it should be large enough to see it and has to be in the area of the walking tour.

Administration will report back on costing for this idea.

Councillor Sleiman inquires whether these types of tours will be available in other areas of the City. Administration indicates that the information in other areas and the process of updating the information for various other locations and converting it to digital information is underway.
Moved by: Councillor Holt  
Seconded by: Member Miller

Decision Number: PHED 585  
THAT the report of the Heritage Planner (Acting) regarding the Walkerville Heritage Walking Tour  
BE RECEIVED for information; and,  

THAT Administration BE REQUESTED to report back to the Planning, Heritage & Economic Development Standing Committee with the feasibility and costing options to add signage reflecting significance of the area.  
Carried.

Report Number: S 82/2018  
Clerk’s File: MBA/3258

There being no further business the meeting of the Planning, Heritage and Economic Development Standing Committee (Heritage Items) portion is adjourned at 4:50 o’clock p.m.

The Chairperson calls the Administrative Matters portion of the Planning, Heritage & Economic Development Standing Committee meeting to order at 4:50 o’clock p.m.

11. ADMINISTRATIVE ITEMS

4. COMMUNICATIONS

4.1. Overview of Incentive Applications - Downtown Windsor Enhancement Strategy and Community Improvement Plan

Laura Diotte, Planner III Special Projects provides an overview of the information provided related to Incentive Applications for the Downtown Windsor Enhancement Strategy and Community Improvement Plan including remaining funding.

Councillor Sleiman inquires whether an administrative report to increase funding for this Strategy will be forthcoming. Administration indicates that closer to when the fund has been depleted administration will provide a report to Council to consider options moving forward.

Councillor Marra highlights the amount of investment and increased assessment for the City that has resulted from Downtown Windsor Enhancement Strategy and Community Improvement Plan Fund noting positive feedback and commending administration for a job well done.

PHED Standing Committee - July 9, 2018  
Page 49 of 119
Councillor Holt inquires about other BIA’s Community Improvement Plans that may be incorporated. Administration indicates they are working on other plans throughout the City.

Moved by: Councillor Sleiman  
Seconded by: Councillor Holt

Decision Number: **PHED 583**  
That the information entitled Overview of Incentive Applications - Downtown Windsor Enhancement Strategy and Community Improvement Plan **BE RECEIVED** for information.  
Carried.

Report Number: SCM 238/2018  
Clerk’s File: SPL/10759

### 11.1. Downtown Windsor Enhancement Strategy and Community Improvement Plan Grant Application made by Neelam Sharma at 411 Pelissier Street, Ward 3

**Patti Faulkner and Neelam Sharma, applicants**

Patti Faulkner and Neelam Sharma, applicants appear before the Planning, Heritage & Economic Development Standing Committee regarding the administrative report Downtown Windsor Enhancement Strategy and Community Improvement Plan Grant Application made by 9114742 Canada Corp. doing business as Little India at 411 Pelissier Street and are available for questions.

Laura Diotte, Planner III, Special Projects appears before the Planning, Heritage & Economic Development Standing Committee regarding the administrative report Downtown Windsor Enhancement Strategy and Community Improvement Plan Grant Application made by 9114742 Canada Corp. doing business as Little India at 411 Pelissier Street and provides a brief overview of the application and some of the building feature enhancements that are being proposed as part of the application. Ms. Diotte concludes by indicating that administration is recommending approval of this application.

Councillor Sleiman requests clarification regarding the receipt of separate applications at this location. Administration indicates that joint applications do not have an impact on funding allocation.
I. THAT the request made by 9114742 Canada Corp. doing business as Little India (tenant), as agreed to by Larry Horwitz (property owner), to participate in the Commercial/Mixed Use Building Facade Improvement Grant Program BE APPROVED for 50% of the remaining eligible costs of a new awning, sign and lighting up to a maximum of $2,000 at 411 Pelissier Street pursuant to the Downtown Windsor Enhancement Strategy and Community Improvement Plan and as shown in Appendix C provided the aluminum coping at the top of the building is painted black; and, the electrical conduit for the gooseneck lighting is painted black; and, the gooseneck lighting is installed as shown in Schedule E.

II. THAT the grant BE PAID to 9114742 Canada Corp doing business as Little India (tenant), as agreed to by Larry Horwitz (property owner), by the City Treasurer, upon completion of the work to the satisfaction of the City Planner. Grant funds to come from the City Centre Community Development Planning Fund (Project #7011022). Carried.

Report Number: S 88/2018
Clerk’s File: Z/12916

11.2. (ACSP) North/south alley between Lillian Ave. and Louis Ave., south of Logan Ave. and north of Lens Ave. (Ward 4)

Sahar Jamshidi, Planner II Development Review appears before the Planning, Heritage and Economic Development Standing Committee regarding the administrative report (ACSP) North/South Alley between Lillian Ave. And Louis Ave., south of Logan Ave. And north of Lens Ave. and provides a brief overview of the application and indicates that a full closure of the alley is not possible as there is a garage that requires access to the alley.

Moved by: Councillor Sleiman
Seconded by: Councillor Holt

Decision Number: PHED 587
I. That the portion of the alley having the width of 3.66m, located between Lillian Ave. and Louis Ave., south of 2304 Lillian Ave. and north of Lens Ave., as shown on Drawing CC-1730 attached hereto as Appendix “A”, BE ASSUMED for subsequent closure;

II. That the portion of the alley having the width of 3.66m, located between Lillian Ave. and Louis Ave., south of 2304 Lillian Ave. and north of Lens Ave., as shown on Drawing CC-
1730 attached hereto as Appendix “A, BE CLOSED AND CONVEYED to the abutting property owners subject to the following:

i. Easements, subject to their being accepted in the City’s standard form and in accordance with the City’s standard practice, be granted to:

   a. Bell Canada, Managed Network Systems Inc., COGECO CONNEXION Inc. and Enwin Utilities Ltd.

ii. Conveyance Cost BE SET as follows:

   - Abutting properties zoned RD1.3 & RD 2.1:
     1. $1.00 plus alley subsidy cost of $99.00 during the alley subsidy program;
     2. $1.00 plus alley subsidy cost of $99.00 after the expiration of the alley subsidy program

III. That The City Planner BE REQUESTED to supply the appropriate legal description, in accordance with Drawing Number CC-1730, attached hereto as Appendix “A”

IV. That The City Solicitor BE REQUESTED to prepare the necessary by-law(s)

V. That The Chief Administrative Officer and City Clerk BE AUTHORIZED to sign all necessary documents approved as to form and content satisfactory to the City Solicitor

VI. That the matter BE COMPLETED electronically pursuant to By-law Number 366-2003

VII. If there are existing alley approaches, and these approaches become obsolete after the alley closure, the City shall remove existing alley approaches in the future when budget funds exist. Alternatively should property owners that abut the approaches to the closed alley wish to retain the alley approaches as driveways, permits from Public Works shall BE REQUIRED

Carried.

Report Number: S 234/2017
Clerk’s File: SAA2018
11.3. Response to Council Question CQ48-2017 regarding Official Plan policies and Zoning By-law provisions relating to second units (City-wide)

Greg Atkinson, Senior Planner appears before the Planning, Heritage and Economic Development Standing Committee and provides a brief outline of the proposed Official Plan Policies and tabling of the policy. Some background is supplied including examples of secondary suites, locations, size and specific proposals of the policy are outlined. Administration also has taken input from surrounding municipalities that have created these types of policies.

Councillor Kusmierczyk inquires about the potential for an incentive program related to these policies. Administration indicates there are CMHC grants available for second units although these are dependent on having the policies in place. Councillor Kusmierczyk inquires whether municipal grants have been explored. Administration indicates once the policies are in place and demand is determined this may be something that will come up in future conversations with Council and concerning funding.

Councillor Holt inquires about the expected uptake of the program in the community. Administration indicates there has been steady pressure from some community groups for some time. The interest would have to be determined based on the number of applications received if Council approves the changes to the Policies.

Councillor Holt inquires about alleys and maintenance of alleys related to these types of applications. Administration indicates that conversations have occurred regarding this but nothing has been determined.

Councillor Sleiman inquires about increases to assessment as a result of these changes. Administration confirms assessments would increase as a result of these types of applications being approved.

Moved by: Councillor Holt
Seconded by: Councillor Sleiman

Decision Number: PHED 588


Carried.
12. COMMITTEE MATTERS

12.1. Report No. 7 of the Housing Advisory Committee - Draft Official Plan policies relating to Second Unit policies

Marina Clemens, Chair, Housing Advisory Committee

Marina Clemens, Chair, Housing Advisory Committee, appears before the Planning, Heritage and Economic Development Standing Committee regarding committee Report No. 7 of the Housing Advisory Committee—Draft Official Plan policies relating to Second Unit Policies and indicates that this is one small piece of the Housing issue. Ms. Clemens provides statistical information related to the people on the waiting list for housing in the City and urges the committee to move forward with implementing the policies.

Raymond Hoang, resident of Ward 7

Raymond Hoang, resident of Ward 7, appears before the Planning, Heritage and Economic Development Standing Committee in support of committee Report No. 7 of the Housing Advisory Committee—Draft Official Plan policies relating to Second Unit Policies and inquires whether more than one unit can be added per location.

Administration indicates only one second unit per location can be added.

Caroline Taylor, concerned citizen

Caroline Taylor, concerned citizen, appears before the Planning, Heritage and Economic Development Standing Committee regarding committee Report No. 7 of the Housing Advisory Committee—Draft Official Plan policies relating to Second Unit Policies and indicates that there isn't enough affordable housing in Windsor right now. Administration indicates that the owner of the house doesn't have to remain in the unit if a second unit is added.

Michelle Friesen—Executive Director Family to Family Support Network

Michelle Friesen—Executive Director Family to Family Support Network appears before the Planning, Heritage and Economic Development Standing Committee in support of committee Report No. 7 of the Housing Advisory Committee—Draft Official Plan policies relating to Second Unit Policies and provides a brief outline of their organization and concludes by suggesting she is hopeful that putting these policies in place will afford people the opportunity to access grant programs through Ontario Renovates.
Moved by: Councillor Holt
Seconded by: Councillor Sleiman

Decision Number: PHED 589
That Report No. 7 of the Windsor Housing Advisory Committee indicating:

That the “Draft” Official Plan policies relating to second unit policies BE ACCEPTED and further, that the recommendation of the Housing Advisory Committee proceed to the Planning, Heritage and Economic Standing Committee and to City Council as expeditiously as possible, BE APPROVED.
Carried.

Report Number: SCM 207/2018
Clerk’s File: SS2018

13. QUESTION PERIOD

None requested.

14. ADJOURNMENT

There being no further business the meeting of the Planning, Heritage and Economic Development Standing Committee is adjourned at 5:39 o’clock p.m.

Ward 8—Councillor Marra
(Chairperson)

Supervisor of Council Services
Subject: Jackson Park, 125 Tecumseh Road East- Demolition of Listed Washroom and Maintenance Buildings on the Windsor Municipal Heritage Register (Ward 3)

Reference:
Date to Council: July 9, 2018
Author: Kristina Tang, Heritage Planner (Acting)
ktang@citywindsor.ca
519-255-6543 X 6179
Planning & Building Services
Report Date: June 11, 2018
Clerk’s File #: SR/12394

To: Mayor and Members of City Council

Recommendation:
I. That the demolition of the washroom and maintenance buildings in Jackson Park BE APPROVED.

II. That the City Planner BE DELEGATED the approval authority to approve the Site Plan Application associated with the replacement washroom and maintenance buildings, and the improvements to the parking lots, drives, and connecting trails in Jackson Park.

Executive Summary: N/A

Background:

Jackson Park was first recognized on the Windsor Municipal Heritage Register in 2007 for its 1931 Gateway designed by local Architect Pennington & Boyde. Subsequently, other features such as the Boer Memorial landscape feature, the 1959 Bandshell, and the Queen Elizabeth II Gardens/Sunken Gardens were also identified on the Heritage Register. The recognition of the 1930 Sunken Gardens as a formal landscape included the washrooms and maintenance buildings now proposed to be demolished.

Windsor City Council approved (CR 211/2018) the design and planning for a series of improvements for Jackson Park, including the replacement of the washrooms and maintenance buildings, improvements to the parking lots, drives and connecting trails in Jackson Park, on April 9, 2018. (Appendix B)
Parks Development is spearheading these improvements and have submitted a complete application for the request for demolition of the Heritage listed washroom and maintenance buildings on June 15, 2018 (Appendix A- Heritage Alteration Form).

Discussion:

Jackson Park is located south of Tecumseh Road on the east and west sides of Ouellette Avenue. Jackson Park was Windsor’s premier formal Gardens, named after previous Windsor Mayor Cecil E. Jackson who spearheaded the purchase of the large tracts of land from the Windsor Jockey Club to create this green space for the enjoyment of the public in 1929.¹

The construction of Sunken Gardens which began in 1930 was funded by the Great Depression Federal Assistance program and originally featured a popular Lily pond containing fish.¹ In 1965, the Lily Pond was replaced with a fountain with underwater light and the pergola, washroom and maintenance buildings were added. In 1984, Sunken Gardens were renamed to Queen Elizabeth II Floral Rose Garden to honour her visit to Windsor.¹

Proposal

Currently, the summer-only washroom and maintenance buildings are not insulated, heated nor accessible. The goal of the improvements is to create two replacement buildings that would be heated, insulated and fully compliant with AODA and FAS accessibility standards (Appendix C- Elevations of Proposed Replacement Buildings). Parks Development staff has stated that the proposed replacement building will accommodate the growing use of the park through all seasons and minimize or eliminate the growing need and increased cost of maintaining the two old buildings. The new buildings will have a larger footprint (1045 sq.ft.) than the current buildings (each have are 375 sq.ft.), allowing more capacity for the washroom building and special events rental space, staff lunch room and electrical and storage room for the maintenance building.

Other components of site changes proposed include minor changes to replace the steps leading to the Sunken Garden with an accessible ramp. In addition, the parking and loading areas accessed from Tecumseh Road on the east are proposed to be reconfigured to accommodate accessibility and loading needs, and to provide more parking spaces. (Appendix D- Non-Heritage related Conceptual Site Changes)

A Site Plan application has been submitted for the design of the replacement buildings and also other non-heritage related aspects of improving traffic considerations on the site. According to By-law 11275, Site Plan applications for municipal owned properties are required to be approved by City Council. However there is a recommendation in this report to delegate the Site Plan approval to Planning Administration in order to provide time savings to accommodate the Jackson Park project timeline targets. Construction is expected to start as soon as the necessary approvals are obtained, and are targeted to

be completed before the beginning of December to avoid conflict with the “Bright Lights” event starting December 8th.

Legal Provisions & Official Plan Policies

Ontario Heritage Act:

Jackson Park is listed on the Windsor Municipal Heritage Register, but not designated. Section 27 of Part IV of the Ontario Heritage Act states that “the register may include property ... that the council of the municipality believes to be of cultural heritage value or interest”, without being designated. Also, “[T]he owner of the property shall not demolish or remove a building or structure on the property or permit the demolition or removal of the building or structure unless the owner gives the council of the municipality at least 60 days notice in writing of the owner’s intention to demolish or remove the building or structure or to permit the demolition or removal of the building or structure.”

During the 60 days after notice, City Council (with Committee consultation) may initiate designation, or decide to take no action. If a property is proposed for designation, a notice of intent to designate must include a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property, which are those features that are considered important to retain if any alterations to the property are proposed after designation. “Cultural heritage value or interest” is to be considered according to Ontario Regulation 9/06.

There is no explicit provision for the Committee or Council to comment on additions to or remodelling a heritage-listed, non-designated property, other than removal from the Register under the Ontario Heritage Act. There is also no explicit provision for approval of demolition subject to stated conditions.

Windsor Official Plan:

Windsor Official Plan Volume 1 Chapter 9 on Heritage Conservation provides the guidance heritage conservation. Section 9.3.4.1 states that Council will protect heritage resources by (b) “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...". Section 9.3.6.1 also states Council will manage heritage resources by: (b) “Protecting, conserving and managing Municipally owned heritage resources in a manner which furthers the objectives and policies of this Plan and which sets an example of leadership for the community in the conservation of heritage resources;” and (c) “Ensuring that the activities of all Municipal departments respect the character and significance of Windsor’s heritage resources”.

Cultural Heritage Considerations

Located on the northeast and southeast corners of sunken garden, the 1965 washrooms and storage/maintenance buildings are on the ends of the pergola which frames the eastern edge of the Queen Elizabeth II/ Sunken Gardens.
Aerial Image of Sunken Gardens with the buildings proposed to be demolished indicated by the red arrows (on top). East view of Pavilion, pergola and washroom building (far corner) taken from Sunken Garden steps (bottom in red).

The 1965 flared hipped-roof buildings mimic certain elements of the Tudor Revival Style, demonstrated by its false thatched composition shingle roof design with wide eave overhang and decorative half timbering on stucco. A wall with break in center surrounds the front of the washroom building with entry into the women’s on the left and men’s on the right. Below the soffit, the entrance facade features the decorative half-timbering on the "clerestory level", and clad by red brick for the majority of the wall. Wood vents on the “clerestory level”, and the stucco and decorative half timbering treatment surround the rest of the building. The maintenance building is similar in style but without the surrounding privacy wall and red brick treatment at the front. (Appendix E- Additional Photos of Existing and Proposed Buildings)

Washroom (on left) and Maintenance (on right) Buildings proposed to be demolished
When the Sunken Gardens were added onto the Windsor Municipal Heritage Register in 2012, the buildings were also included due to the historical period appearance of the buildings which led staff to believe it was of original construction to the 1930 Gardens. However, Parks Development staff have determined through their records and also provided aerial photographs to verify that the washroom and maintenance buildings were not original to the formal landscape gardens. The 1965 east entrance was in fact funded with compensation received from the Province for the 401 Highway Ouellette Avenue Overpass works.¹

The washroom and maintenance buildings, although having a heritage architectural style, are not authentic to the time period of their construction. The demolition of these buildings would not adversely impact the heritage significance of the Sunken Gardens heritage listing. Administration is satisfied that the buildings would not qualify for heritage designation under Ontario Regulation 9/06.

The newly proposed buildings are similar in design to the washroom facility already existing in the south western portion of the park near the splash pad facility (located west of Ouellette Avenue, south of Jackson Street). The new buildings are designed with a hipped roof structures with wide eave overhang and brackets, with gabled dormers on the front and end facades and featuring decorative half timbering. Glass blocks permit light flow below the soffit. The upper half of the building is clad with acrylic stucco and the lower-half will be clad with stone.

Existing washroom building in southwestern portion of Jackson Park (on left) and view of Pavilion and pergola on the East Entrance of Sunken Gardens (on right).

The replacement buildings proposed would imitate some elements of period architecture, and match the wood and stone treatment of the existing pergola. The new development would not detract from the heritage significance or appearance of the Sunken Gardens but would enhance the public amenities and update operations to current legislative accessibility standards and thus support the continual enjoyment of the Gardens.

Risk Analysis:

If Council chooses to designate the washroom and maintenance buildings, then the City will not be addressing the legislative accessibility standards without introducing further changes to the buildings.
Financial Matters:

Windsor City Council has authorized funds for the Jackson Park improvement project. Any cost associated for the demolition and replacement of the washroom and maintenance buildings will be covered through various Capital Budget Allocations. (Refer to Appendix B for CR 211/2018)

Consultations:

Manager of Parks Development, Mike Clement, the project administrator Mohammed Yousif, Site Plan Approval Officer, Melissa Gasic, were consulted.

Conclusion:

The washroom and maintenance buildings proposed for demolition are not original to the 1930 Sunken Garden formal landscape and do not meet the criteria for heritage designation. The proposed new buildings will continue to serve, respect and support the remaining heritage resources listed in Jackson Park and address the City’s legislative accessibility requirements.

Planning Act Matters: N/A

Approvals:

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<tr>
<td>Michael Cooke</td>
<td>Manager, Planning Policy</td>
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<td>Thom Hunt</td>
<td>City Planner</td>
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<td>Wira Vendrasco</td>
<td>Deputy City Solicitor</td>
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<td>Shelby Askin Hager</td>
<td>City Solicitor CLT</td>
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<td>Onorio Colucci</td>
<td>Chief Administrative Officer</td>
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Notifications:

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<tr>
<td>Mike Clement, Manager of Parks Development</td>
<td></td>
<td><a href="mailto:mclement@citywindsor.ca">mclement@citywindsor.ca</a></td>
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<tr>
<td>Mohammed Yousif, Project Administrator, Parks</td>
<td></td>
<td><a href="mailto:myousif@citywindsor.ca">myousif@citywindsor.ca</a></td>
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Appendices:

Appendix A- Heritage Alteration Form
Appendix B- Council Resolution for Jackson Park Improvements
Appendix C- Drawings of Proposed Replacement Buildings
Appendix D- Non-Heritage related Conceptual Site Changes
Appendix E- Additional Photos of Existing Buildings in Jackson Park
APPENDIX A- HERITAGE ALTERATION PERMIT

To: Kristina Tang - Heritage Planning  
From: Moe Yousif – Parks Development  
Date: May 28, 2018  
Re: Replacement of Washroom and Maintenance Buildings in Jackson Park

Hi Kristina,

In response to our meeting last week about demolitions and replacement of the washroom and maintenance buildings in Jackson’s Park, please find attached the heritage alteration permit application and proposed elevations for the washroom and maintenance buildings in Jackson’s Park that we would like to replace. I have also attached the location of the two buildings and an aerial photo from 1957.

The garden was built in 1930 and fronted onto Ouellette Ave. The washroom and maintenance buildings were built at the east end of the garden in 1965 followed by the trellis. The aerial photo from 1957 shows that the two buildings did not exist at that time. An infrastructure grant in 2009 provided funds to replace the original 1965 trellis at the east entrance of the sunken garden and to provide accessible ramps and walkways.

The goal of this project is to replace the heritage listed two buildings with two new fully accessible (AODA, FADS) buildings. The old buildings are not insulated nor heated so they are summer only buildings. With the growing use of the park from private weddings to public events on a year round basis, we are proposing all seasons buildings (heated and insulated) to accommodate for that growth and to minimize or eliminate the growing need and increased cost of maintaining the two old buildings. The new buildings will have larger footprints and the goal is to use materials that keep the heritage look for both (see elevations attachments).

I hope the submitted documents will satisfy your approval requirements. If you have any question or concern please let me know.

Thank you

Moe Yousif, M.A.Sc, PMP, P.Eng  
Project Administrator  
Parks Development  
2450 McDougall Street  
Windsor, ON N8X 3N6  
Tel: 519-253-2300 ext 2717  
email: Myousif@Citywindsor.ca
1. Applicant, Agent and Registered Owner Information

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

APPLICANT
Contact Name(s) Moe Yousif - Parks Development
Company or Organization City of Windsor
Mailing Address 2450 McDougall St, Windsor, ON

Email Myousif@citywindsor.ca
Postal Code N8X 3N6
Phone(s) 519-253-2300

REGISTERED OWNER IF NOT APPLICANT
Contact Name(s)
Company or Organization
Mailing Address

Email
Postal Code
Phone(s)

AGENT AUTHORIZED BY REGISTERED OWNER TO FILE THE APPLICATION
Contact Name(s)
Company or Organization
Mailing Address

Email
Postal Code
Phone(s)

Who is the primary contact?

☒ Applicant ☐ Registered Owner ☐ Agent
HERITAGE ALTERATION PERMIT APPLICATION – page 2 of 4

Address of Work Jackson Park "125 Tecumseh Rd E, Windsor, ON N8X 2P7"

Designation By-Law No. or District

2. TYPE OF APPLICATION  Check all that apply:
   □ Alteration
   □ Addition  □ Demolition  □ Construction
   □ Erection
   □ Maintenance  □ Removal  □ Repair

3. HERITAGE DESCRIPTION OF BUILDING (☐ attachments, if necessary) Describe the current design or appearance of locations on the building where work is requested. Include site plan, photographs, history, architectural description, number of storeys, style, features, etc.
   The existing two buildings are one storey buildings with no insulation or heating system so they are basically summer buildings. Materials mainly concrete block, asphalt shingles, brick stucco and wood trims. The garden was built in 1930 and fronted onto Ouellette Ave. The washroom and maintenance buildings were built at the east end of the garden in 1965 followed by the trellis. See attached letter.

4. DESCRIPTION OF WORK (☐ attachments, if necessary) The description should be more detailed and extensive depending on the project. Include a written summary of work to be done along with any elevations, drawings, measurements, paint samples, information on building materials, window sizes and configurations, decorative details proposed.
   The proposed project is to replace the existing buildings with new, all seasons buildings (insulated and heated) with larger footprints to accommodate AODA and FADS standards for the growing use of the Park from weddings to public events. Building Elevations and proposed materials are shown in the attachment. The goal is to maintain the heritage look for the two buildings.

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

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

✓ APPLICANT Signature(s) Date May 28/18

PHED Standing Committee - July 9, 2018
Page 64 of 119
HERITAGE ALTERATION PERMIT APPLICATION – page 3 of 4
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 subject of this application for a Heritage Alteration Permit and I authorize ________________ to make this application on my behalf.

[Signature]__________________________
Signature of Registered Owner
May 28/18
Date

If Corporation – I have authority to bind the corporation.

B. Consent to Enter Upon the Subject Lands and Premises
I, ____________________________, hereby authorize the members of the Windsor Heritage Committee, Planning Standing 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
[Signature]__________________________
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]__________________________
Signature of Applicant
May 28/18
Date
HERITAGE ALTERATION PERMIT APPLICATION – page 4 of 4

DO NOT COMPLETE BELOW – STAFF USE ONLY

Approval Record
Date Received by Heritage Planner: June 15, 2018
Building Permit Application Date, if needed: ____________________
☐ Approval requiring City Council:
  Windsor Heritage Committee: ________________________________
  Planning & Economic Development Standing Committee: _________
  City Council: ________________________________
☐ Approval requiring City Planner:
  Heritage Planner: ________________________________
  Staff Decision Appealed to City Council: ________________
  If so, Date to City Council: ____________________________
  Council Decision Appealed: ____________________________
  Additional Notes: ______________________________________
  ____________________________________________________
  ____________________________________________________

DECISION
Heritage Permit No.: ___________________________ Date: ____________
Council Motion or City Planner’s Signature: ________________________

CONTACT INFORMATION

Planning Department - Planning Policy
Corporation of the City of Windsor
Suite 404 - 400 City Hall Square East
Windsor ON N9A 7K6
planningdept@citywindsor.ca
519-255-6543 x 6179
519-255-6544 (fax)
http://www.citywindsor.ca

City Council Decision
Monday, April 09, 2018

Decision Number: CR211/2018
That City Council AUTHORIZE City Administration to proceed with the design and planning for the replacement of the existing washroom building and maintenance building at the east end of the Queen Elizabeth II Sunken Gardens, as well as, improvements to the parking lots, drives and connecting trails in Jackson Park as depicted in Appendix ‘C’ of the report; and further,

That funds for the design and planning for the construction of a washroom building, maintenance building, parking lot, trails and associated site work for Jackson Park in the amount of $150,000 BE APPROVED as a pre commitment from the Regional Parks project (#PFO-005-12) 2019 Capital Budget allocation as previously identified in the 2018 Capital Budget 6 year capital plan; and further,

That funds for the construction of a washroom building, maintenance building and associated site work for Jackson Park in the amount of $950,000 BE APPROVED as a pre commitment from the 2021 Capital Budget allocation from the Regional Parks project (#PFO-005-12) as previously identified in the 2018 Capital Budget 6 year capital plan; and further,

THAT funds for the construction of a parking lots, lanes and connecting trails for Jackson Park in the amount of $1,000,000 BE APPROVED as a pre commitment from the 2019 and 2020 Capital Budget Allocation from the Park-Related Parking Lots project (#PFO-013-12) as previously identified in the 2018 Capital Budget 6 year capital plan; and further,

That the Corporate Leader of Parks, Recreation & Culture and Facilities or designate BE AUTHORIZED to issue the requisite RFP(s) for consulting services, and that the Chief Administrative Officer and City Clerk BE AUTHORIZED to sign the requisite tenders for the construction works required at each of the sites, and that subject to tender falling within the approved capital budget, that the CAO and Clerk BE AUTHORIZED to sign an agreement with the successful bidders, satisfactory in legal form to the City Solicitor in technical content with the Corporate Leader of Parks, Recreation & Culture and Facilities and in financial content to the City Treasurer. Carried.
Anna Ciacelli  
Supervisor of Council Services  
May 28, 2018  

### Department Distribution  

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<tr>
<td>Mike Clement</td>
<td>Manager of Parks Development</td>
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<td>Jan Wilson</td>
<td>Corporate Leader – Parks, Recreation &amp; Culture and Facilities</td>
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<td>Joe Mancina</td>
<td>City Treasurer</td>
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<td>Tony Ardovini</td>
<td>Deputy Treasurer Financial Planning</td>
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<td>Alex Vucinic</td>
<td>Purchasing Manager</td>
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<td>Shelby Askin Hager</td>
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### External Distribution  

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<tr>
<td>David Hanna</td>
<td><a href="mailto:Dhan96@hotmail.com">Dhan96@hotmail.com</a></td>
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APPENDIX D- NON-HERITAGE RELATED CONCEPTUAL SITE CHANGES

Aerial photo with approximate locations to new proposed parking (Source: Google Aerial)

Sketch on aerial photo showing a conceptual plan of changes proposed for the driveway to accommodate extra accessible parking, accessible loading zone, bus loading zone and bus turning area.
APPENDIX E- ADDITIONAL PHOTOS OF EXISTING BUILDINGS IN JACKSON PARK

Views of Washroom Building proposed to be demolished

Views of Maintenance Building
Views of Existing Washroom Building at Southwestern portion of Jackson Park
Subject: Cunningham’s Sheet Metal, 1478 Kildare Road - Community Heritage Fund Grant (Ward 4)

Reference:
Date to Council: July 9, 2018
Author: Kristina Tang, Heritage Planner (Acting)
k tang@citywindsor.ca
519-255-6543x6179
Planning & Building Services
Report Date: June 11, 2018
Clerk’s File #: MBA/12747

To: Mayor and Members of City Council

Recommendation:

THAT the owners of Cunningham’s Sheet Metal, 1478 Kildare Road, BE GRANTED an upset amount of $2,245 from the Community Heritage Fund (Reserve Fund 157) for repair work conducted on the front masonry facade.

Executive Summary: N/A

Background:

Cunningham’s Sheet Metal building has been listed on the Windsor Municipal Heritage Register since January 5, 2009. In July 2016, current owners Justin and Cherleen Lapointe requested heritage designation of their property and Windsor City Council subsequently approved the heritage designation on June 5, 2017 through By-law No. 83-2017. The statement of significance from that by-law is outlined in Appendix B.

After the subject property received heritage designation, the current owners worked with Heritage Planning staff to discuss repointing work to the front facade and matching brick replacements needed for bricks beyond repair. There was difficulty sourcing for suitable bricks and the final choice was presented to City Administration in September 2017 and confirmed to not require a Heritage Alteration Permit on the basis that the brick replacements would be a close match to the existing facade. According to the owner, unfortunately the bricks ordered were not similar to what was promised but the masonry contract work had been scheduled. The owners and contractor proceeded with sourcing for bricks quickly with the right texture and size, and decided to correct the colour to match existing brick using a brick dye kit. The brick staining work had to be conducted during periods with non-freezing temperatures and was just recently completed.
On left, is a photo of Subject Property taken in July 2017 (image supplied by owner). On right is the subject property post-repairs (photo taken in June 2018).

The owners submitted the request for Community Heritage Funding in the amount of $2,245 (rounded to nearest whole number) on June 5, 2018 with the understanding that usually approval for the Community Heritage Fund is sought prior to commencement of work. The requested amount represents 15% of the cost of $14,972 quoted for masonry repairs to the front facade. The owners will also be eligible for 30% in property tax rebates for three years up to the total costs, less any grants through the Heritage Tax Reduction Program.

Discussion:

Property Description:

The Cunningham’s Sheet Metal building located at 1478 Kildare Road was designed by McElroy & McIntosh and constructed in 1928. The one storey rectilinear building with a buff brick facade features simple elements of the Art Deco style. Cunningham Sheet Metal has a rich history of operation in Walkerville and contribution to construction in Windsor. It is located between a residential neighbourhood and industrial lands.

Legal provisions:

The designation by-law includes historical and architectural attributes (see Appendix B). In accordance with the Ontario Heritage Act, changes to designated property that affect listed features must be considered for approval by City Council, after consulting with the Planning, Heritage & Economic Development Standing Committee.

Part IV, clause 39. (1) of the Ontario Heritage Act 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 encourage the conservation of built heritage through the provision of financial assistance to owners wishing to acquire and/or conserve designated heritage properties. The policies for Community Heritage Fund grants are outlined on the City website. This fund is limited to designated properties, and generally for heritage attributes listed in the designation by-law. The guidelines are City policy; the only statutory eligibility requirement is that the property be designated as a heritage property.
Official Plan:

The Windsor Official Plan states “Council will recognize Windsor’s heritage resources by: Designating individual buildings, structures, sites and landscapes as heritage properties under the Ontario Heritage Act.” (9.3.3.1(a))

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 …”

The Windsor Official Plan includes (9.3.6.1.) that, “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”.

Technical Considerations:

Additional views of the completed repair work and the replacement/dyed brick.

The buff brick front facade was identified as part of the character defining element. The repair work repointed 100% of the front facade using lime-based mortar and replaced only badly cracked bricks. The dyed replaced brick is a close match in colour to the existing brick from the street. The texture and colour of the replaced brick is less similar upon close examination but still an acceptable replacement to the original.

Risk Analysis:

It is important to support heritage property owners in conservation of their heritage properties in material sourcing, sharing technical advice, and financial assistance for some of the potential added cost of acquiring materials and skilled trades’ people employed for repairs. Lack of support could otherwise result in deterioration in the condition of heritage resources. The risk for rejecting a heritage grant request may be that the City would be viewed as not supportive of investments in heritage properties.
Financial Matters:

Expenditures in addition to the Community Heritage Fund grant are entirely those of the property owner. The owners are aware that work undertaken before grant approval might not be funded.

For repairs, the Community Heritage Fund guidelines provide: “The amount of any loan/grant combination for any one designated property in any single year may be appropriate to the extent of the restoration work proposed, and to the historic and/or architectural significance of the property. As a general principle, awards will be limited to a maximum of $50,000 unless the Windsor Heritage Committee so recommends and Council approves. The award from the Community Heritage Fund will generally be given according to the following formula: 15 percent of the award in the form of a grant, & 85 percent as a low Cost loan.

No heritage grants have been given previously for this property. Administration is recommending a grant of $2,245, based on 15% of the $14,972.50 submitted for applicable work (see Appendix A). No loan is requested. The total cost consists of $13,560 for the brick repointing and replacement, and another $1,412.50 for dyeing/staining of the brick.

The guidelines provide for a minimum of two quotes for similar work. However the owner submitted only one quote from the chosen contractor. The applicant requests that funding be based upon the quote from a single source with the rationale submitted as part of Appendix A. Administration considers the single quote acceptable in this instance as the contractor is known in the local community for heritage masonry work.

The available uncommitted balance of the fund is approximately $64,000. Therefore the current balance is sufficient to support the recommendation.

Consultations:

Heritage Planning staff have been in discussions with the current owners since 2017.

Conclusion:

Administration recommends that the owners of the Cunningham’s Sheet Metal building at 1478 Kildare Road be awarded a grant to an upset limit of $2,245 from the Community Heritage Fund to assist with part of the costs of repairs for this heritage-designated property.

Planning Act Matters: N/A
Approvals:

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<td>Don Nantais</td>
<td>Financial Planning Administrator</td>
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<td>Michael Cooke</td>
<td>Manager, Planning Policy</td>
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</thead>
<tbody>
<tr>
<td>Justin and Cherleen</td>
<td>1478 Kildare Road,</td>
<td><a href="mailto:volvo1982@hotmail.com">volvo1982@hotmail.com</a></td>
</tr>
<tr>
<td>Lapointe</td>
<td>Windsor ON N8Y 3J3</td>
<td></td>
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</tbody>
</table>

Appendices:

Appendix A- Community Heritage Fund Application
Appendix B- Heritage Designation By-law-Description
Appendix C- Additional Photos of Cunningham’s Sheet Metal
CITY OF WINDSOR
COMMUNITY HERITAGE FUND

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

APPLICANT/AGENT/OWNER INFORMATION

1. APPLICANT(S): Justin's Auto Repair (Justin Lapinte)
   Address, City: Windsor
   Postal Code: N8T 2K2
   Email: justin@justinsautorepair.ca
   Telephone: 519-965-3208

2. AGENT/ARCHITECT/ENGINEER/SOLICITOR: Same
   Address, City: ____________________________
   Postal Code: ____________________________
   Email: ________________________________
   Telephone: ____________________________

3. REGISTERED OWNER(S): Same
   Address, City: ____________________________
   Postal Code: ____________________________
   Email: ________________________________
   Telephone: ____________________________

PROPERTY FOR WHICH HERITAGE FUND ASSISTANCE IS REQUESTED

4. HERITAGE NAME OF PROPERTY: Cunningham Sheet Metal

5. MUNICIPAL ADDRESS: 1478 Kildare Rd

6. LEGAL DESCRIPTION (Lot and Plan):
   Concession 1 part Lot 94 part Lot 95: 0.36 acres

7. ASSESSMENT ROLL NUMBER(S): 2739-020-220-13600-0000

8. EXISTING USE: Sheet Metal Fabrication

9. THIS PROPERTY IS DESIGNATED UNDER THE ONTARIO HERITAGE ACT
   YES [ ] By-law No: 83-2017 Date: June 5, 2017

REQUESTED HERITAGE FUND ASSISTANCE

10. AMOUNT AND TYPE OF FINANCIAL ASSISTANCE REQUESTED:
    Loan: $ __________________
    Grant: $22,458.80
    TOTAL: $22,458.80

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

11. If a loan is requested, please indicate your term of repayment: ___________ years.

12. Are there any outstanding mortgages or liens against this property?
    NO [ ] Amount: $0 Institution: ___________
    YES [X]

13. If your application for a loan, grant or loan/grant combination is in an amount not to exceed $15,000, you may be required to obtain a property appraisal from a real estate agent or certified appraiser. If your application is in an amount in excess of $15,000, you may be required to obtain an appraisal from a certified appraiser.

14. Have you previously received assistance from the City for the property named above?
    NO [X]

Page 1 of 2
REASONS FOR REQUESTING HERITAGE FUND ASSISTANCE

A. Rehabilitation of Owner’s designated property:

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

- Re-point all brick at front of building
- Replace all broken bricks
- Scale when done

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

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

- Automotive Repair - Window Sales / Installs - Residential

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

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

B. Purchase of designated property:

20. Indicate the full price of the property you wish to purchase: $__________ and include a copy of the “offer to purchase.”

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

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

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

SIGNATURES

APPLICANT OR AGENT ___________________________ Date 06/13/2017

REGISTERED OWNER(S) ___________________________ Date 06/13/2017

CHECKED/RECEIVED BY HERITAGE PLANNER ___________________________ Date ______________

This application should be completed and filed with the:
Planning Department
Suite 404 - 400 City Hall Square East
Windsor ON N9A 7K6

For assistance and/or information on filing, please contact the Planning Department:
Telephone 519-255-6343 x 6179
Fax 519-255-6344

NOTICE WITH RESPECT TO COLLECTION OF PERSONAL INFORMATION:

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

Questions about this collection of information can be made to Karen Kadour, Committee Coordinator - 519-255-6222 x 6430

Dated: 06/13/2017

Signed: ___________________________
Signature of Applicant
RATIONALE BY CURRENT OWNER FOR ENGAGING IN THE SERVICES OF BAKERS MASONRY RESTORATION

“I [Current Owner] chose to use the highest estimate for this repair work, due to the fact that multiple people recommended Bakers Masonry as the best company for the restoration of the façade of my heritage building. John Calhoun (heritage planner), Justin Stoehr (manager of Empire Roofing) Cory (Maidstone Masonry). Other companies were quoting between $5,000 to $7,000 but did not seem as qualified as Bakers. “

Front façade masonry repairs

Peter Baker <peterbaker3301@gmail.com>
Mon 2017-07-10 7:51 AM

To: justin@justinsautorepair.ca <justin@justinsautorepair.ca>

Address: 1478 Kidicare Rd, Windsor, Ontario
Scope of work:
Re-point 100% of the brickwork on the front façade.
Remove and replace all badly damaged bricks with bricks to match the existing as closely as possible.
Lime based mortar is to be used to replace the existing lime based mortar.
The estimated cost for this project is $12,000 plus HST
All material, labour and equipment are included in this quote.
Bakers Masonry Restoration
Peter Baker
519-990-1152
Baker's Masonry Restoration
3301 Lauzon Road
Windsor ON N8T 3P7
519-974-8557
bakersmasonry1025@gmail.com
HST (ON) Registration No.: 863583423RT0001

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<tr>
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Front Facade masonry repairs - progress payment

SUBTOTAL                                   | 6,000.00 |
HST (ON) @ 13%                              | 780.00   |
TOTAL                                      | 6,780.00 |
BALANCE DUE                                 | $6,780.00|

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Check # 122
# Bakers Masonry Restoration

3301 Lauzon Road  
Windsor ON N8T 3P7  
519-974-8557  
bakersmasonry1025@gmail.com  
HST (ON) Registration No.: 863583423RT0001

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| SUBTOTAL                                      | 6,000.0 |
| HST (ON) @ 13%                                | 780.00  |
| TOTAL                                         | 6,780.0 |
| BALANCE DUE                                   | $6,780.0 |

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<tr>
<td>HST (ON) @ 13%</td>
<td>780.00</td>
<td>6,000.0</td>
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RATIONALE FOR BRICK STAINING CHOICE

“I [Current Owner] researched company’s who stained bricks. Masonry cosmetics quoted me 2175 usd to come and do the job. I found the brick painters which are a Canadian company. They quoted me 1275 cad.”
APPENDIX B- HERITAGE DESIGNATION BY-LAW (DESCRIPTION)

REASONS FOR DESIGNATION / STATEMENT OF SIGNIFICANCE
Cunningham Sheet Metal
1478 Kildare Road

Description of Historic Place

The Cunningham Sheet Metal building located at 1478 Kildare Road was constructed in 1928. The one storey rectilinear building was designed by McElroy & McIntosh with a buff brick facade and simple elements of the Art Deco style. Cunningham Sheet Metal has a rich history of operation in Walkerville and contribution to the construction of Windsor. It is located between residential neighbourhood and industrial uses.

Cultural Heritage Value or Interest

Design or Physical Value:

The Cunningham Sheet Metal is a long rectilinear one storey industrial building designed with simple elements of the Art Deco architectural style. The symmetrical building has a buff brick facade with brick pilasters and stone cap. The front facade retains the stone lintels and sills. A low-peaked stone pediment with scroll design at ends is positioned above the front entry, which has a small portico consisting of a flared metal deck with scroll design corbels. Large multi-pane casement windows line the sides of the building to provide natural light.

Historical or Associative Value:

Founded and established since 1908, Cunningham Sheet Metal is one of the oldest industrial businesses that existed in Walkerville. For over a century, it operated in Walkerville and specifically at the Kildare Road facility for 87 years. In the early decades, the Cunningham Sheet Metal business grew as quickly as the Border Cities. Its specialty then in sheet metal work, roofing, heating and ventilation helped to construct countless buildings/structures in the region including those with heritage value such as the Ambassador Bridge, Dillon Hall, Windsor/Detroit Tunnel and Windsor Star Building. Over the century, the business continued to be actively engaged in providing services for significant and ordinary projects in the community.

The building was designed by the firm McElroy & McIntosh. Garnet Andrew McElroy (1897-1986) and Duncan N. McIntosh (1900-1985) were staff architects of the S.S. Kresge Co. who designed or engineered (McIntosh who was also an engineer) many S.S. Kresge Co. retail stores in Canada and the United States. McElroy in particular was a Windsor architect known for his progressive designs using Art Deco and Modernist architectural styles. McElroy’s other local works include the Assumption College High School and Chapel (1957), the Wilkinson Shoe Store (c.1930) on Ouellette Avenue, and the heritage designated Harris House (1948) on Ypres Avenue.

Contextual Value:

The property is located at the boundary between residential subdivisions to the north and east and industrial land uses to the south. Residential development had continued expanding southward as the former Town of Walkerville grew while industrial uses had been established in the block to utilize the Essex Terminal Railway Line. The Cunningham Sheet Metal building is a long-standing landmark in the immediate neighbourhood and a signifier of the change between the residential and industrial land uses.
Character Defining Elements:

Exterior features that contribute to the design or physical value of Cunningham Sheet Metal:

- Built in 1928
- One storey industrial building constructed of brick and concrete with simple elements of the Art Deco architectural style, including:
  - Symmetrical rectilinear massing
  - Flat roof
  - Buff brick front wall with brick pilasters and stone cap
  - Low peaked stone pediment with scroll and leaf design at ends on front elevation
  - Small front portico consisting of a flared metal deck with scroll design corbels
  - Stone lintels and sills at front
  - Awning style large multi-pane casement windows on the sides
  - Carriage style wooden door with multi-pane window on north side

Features that contribute to the historical or associative value of Cunningham Sheet Metal:

- One of the most established sheet metal shops that has contributed to the construction of numerous significant and ordinary buildings and structures in Windsor
- One of the oldest industries which operated in Walkerville for over a century
- Designed by local architect Garnet Andrew McElroy & architect/engineer Duncan N. McIntosh

Features that contribute to the contextual value of Cunningham Sheet Metal:

- Located at the boundary of the residential and industrial uses on Kildare Road in the Walkerville area
- Is a landmark to the immediate neighbourhood
APPENDIX C- ADDITIONAL PHOTOS OF CUNNINGHAM’S SHEET METAL

PHOTOGRAPHS OF PROPERTY PRIOR TO REPAIRS

March 2016

September 2016
July 2017

PHOTOGRAPHS OF FRONT FACADE POST REPOINTING WORK

November 2017

PHED Standing Committee - July 9, 2018
Page 90 of 119
Subject: (ACSP) Closure of North / South alley between Malcolm St. & Sydney Ave., West of Parkwood Ave. & East of Woodlawn Ave. - Ward 9

Reference:
Date to Council: July 9, 2018
Author: Sahar Jamshidi
Planner II - Development Review
sjamshidi@citywindsor.ca
519-255-6543, x.6449
Planning & Building Services
Report Date: June 19, 2018
Clerk’s File #: SAA2018

To: Mayor and Members of City Council

Recommendation:
I. That the north-south alley having the width of 4.27m, between Malcolm St. & Sydney Ave., West of Parkwood Ave. & East of Woodlawn Ave., as shown on Drawing CC-1731 attached hereto as Appendix “A”, BE ASSUMED for subsequent closure;

II. That the north-south alley having the width of 4.27m, between Malcolm St. & Sydney Ave., West of Parkwood Ave. & East of Woodlawn Ave., as shown on Drawing CC-1731 attached hereto as Appendix “A, BE CLOSED AND CONVEYED to the abutting property owners subject to the following:

i. Easements, subject to their being accepted in the City’s standard form and in accordance with the City’s standard practice, be granted to:

a. Bell Canada, Managed Network Systems Inc., COGECO CONNEXION Inc. and Enwin Utilities Ltd.

ii. Conveyance Cost BE SET as follows:

• Abutting properties zoned RD1.1:
1. $1.00 plus alley subsidy cost of $99.00 during the alley subsidy program;

2. $1.00 plus alley subsidy cost of $99.00 after the expiration of the alley subsidy program

III. That The City Planner BE REQUESTED to supply the appropriate legal description, in accordance with Drawing Number CC-1731, attached hereto as Appendix “A”

IV. That The City Solicitor BE REQUESTED to prepare the necessary by-law(s)

V. That The Chief Administrative Officer and City Clerk BE AUTHORIZED to sign all necessary documents approved as to form and content satisfactory to the City Solicitor

VI. That the matter BE COMPLETED electronically pursuant to By-law Number 366-2003

VII. If there are existing alley approaches, and these approaches become obsolete after the alley closure, the City shall remove existing alley approaches in the future when budget funds exist. Alternatively should property owners that abut the approaches to the closed alley wish to retain the alley approaches as driveways, permits from Public Works shall BE REQUIRED

Executive Summary:

NA

Background:
At its meeting on October 1, 2012, Councillor Payne asked the following question:

CQ24-2012 “Asks for a report on the feasibility of a proactive program to offer certain alleys for sale, possibly for a nominal payment to abutting property owners so as to relieve the City of the cost of maintaining such alleys in perpetuity.”

On December 2nd, 2013 City Council adopted B38/2013 which approved a Capital Budget for 2014 that included enhanced funding for specific Capital Projects. One of
the projects was the Alley Closing Subsidy Program (ACSP) outlined in CR240/2013, attached hereto as Appendix “E”.

On December 21, 2015 City Council adopted B28-2015, which approved the continuation of the ACSP for an additional 2 years (through 2017), using the balance of funds remaining from the previously approved 2014 Enhanced Capital Funding Plan allocation $790,000.00, attached hereto as Appendix “E”.

On January 15, 2018 City Council adopted B15/2018, which approved the continuation of the ACSP using the balance of funds remaining from the previously approved 2014 Enhanced Capital Funding Plan allocation $299,779 (approximately; through 2019), attached hereto as Appendix “E”.

A total of 26 private properties abut the north/south alley between Malcolm St. & Sydney Ave., West of Parkwood Ave. & East of Woodlawn Ave. The 26 private properties were provided with a petition, and 20 property owners (77%) signed the petition in support of closing the alley (see Appendix “B” for a map of the properties abutting the alley.)

The site visit by Planning Department staff confirmed that the alley is a good candidate for partial closure as it is a grass covered alley with some gravel. All abutting properties have driveways from either Sydney Ave., Parkwood Ave. or Woodlawn Ave. Currently the alley is only accessible at its north from Malcolm St. (See Appendix “D”, Site visit photos). However due to numerous existing encroachments into the alley it is not possible to travel through the alley.

There are utility poles located along the east side of the alley servicing COGECO CONNEXION Inc., Managed Network Systems Inc., Bell Canada and Enwin Utilities Ltd., therefore easements will be granted. (See Appendix “D”, Site visit photos for location of the utility poles.)

Planning Department has received comments from a variety of City Departments and outside agencies. There have been no objections to closing the alley system as shown on Drawing No. CC-1731 attached hereto as Appendix “A”.

Discussion:
Planning Department’s analysis of the requested alley closure:

The first test is to determine whether the subject alley is dispensable or not. To make such determination the guideline attached herein as Appendix “F” would be relevant as shown below.

a. Does the subject alley serve commercial properties or serve properties fronting on heavily traveled streets i.e. major arterial routes? The answer is NO. The abutting properties are predominantly used for residential purpose and are zoned RD11.

b. Does the subject alley contain sewers, and must the alley remain accessible for servicing? The answer is NO.
c. Does the subject alley serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive? The answer is NO.

d. Does the subject alley contain Fire Department connections that are deemed to be necessary for firefighting access? The answer is NO.

e. Does the subject alley have some usefulness? The answer is NO. The alley is only accessible from its north end; however there are numerous encroachments within the alley which prevent travelling through the entire length of the alley. There are utility poles located in the alleys (servicing COGECO CONNEXION Inc., Managed Network Systems Inc., Bell Canada and Enwin Utilities Ltd., easements required).

f. Does the alley have no useful purpose? It should be noted that alleys that appear to serve no useful purpose are typically alleys in residential areas and locations where generally the lots are wide enough for side drives, or those alleys abutting parks and other parcels of land that do not require any servicing from the alley. The subject alley falls under the above category of alleys, so the answer is NO, currently it does not serve any useful purpose. “Alleys that serve no useful purpose should be closed, if at all possible, and in fact, the owners abutting thereon should be encouraged to accept conveyance.” (Excerpt from Appendix “F” attached).

g. Is the subject alley lying in holding zones and other similar undeveloped areas where the alley system is clearly obsolete and has never been developed, but where the City needs to keep its options open until new area plans are prepared and development is imminent? The answer to the question is NO.

In consideration of the above analysis, it is clear that the recommendation to close the subject alley is consistent with the Street and Alley closing classification (see Appendix “F” attached.)

Planning is recommending conveyance of the closed alley to the abutting property owners. The Planning Department fully supports the closure of the subject alley shown on Drawing No. CC-1731, attached herein as Appendix “A”.

Closed alleys are customarily divided into parcels along the centreline of the alley in order to convey half of the alley to each abutting property owner. Where encroachments or other obstructions are present, the alley may be divided either partially or entirely in other ways to address such situations in a manner deemed appropriate by the City Planner.
Risk Analysis:

As outlined in the previous council report C 145/2017 (Decision Number: B15/2018), alley closings under the ACSP would lower the City's risk as the City will no longer own the alleys, however, there is still the risk that the City could be left with remnant parcels if not all residents purchase their portion (and/or any abutting portions) of the alley. The City cannot require purchase or other acquisition of these alleys, and so this risk must be tolerated. This risk is associated with the proposed partial closure of the alley shown on Drawing No. CC-1731 attached herein as Appendix “A”.

Financial Matters:
Conveyance Cost BE SET as follows:

- Abutting properties zoned RD1.1:
  1. $1.00 plus alley subsidy cost of $99.00 **during** the alley subsidy program;
  2. $1.00 plus alley subsidy cost of $99.00 **after** the expiration of the alley subsidy program

Consultations:
Consultations were held with City Administrative Departments and Utility Companies, which resulted in the information outlined in Appendix “C”.

Planning Department has received comments from a variety of departments and outside agencies. There have been no objections to closing the alley as shown on Drawing No. CC-1731 attached hereto as Appendix “A”.

Easements are required in favour of Bell Canada, Managed Network Systems Inc., COGECO CONNEXION Inc., and Enwin Utilities Ltd.

Conclusion:
The Planning Department has considered all the comments received and recommends closure of the subject alley shown on the attached Appendix “A”, subject to conveyance costs.

The alley shall be divided into parcels to be conveyed to abutting property owners as deemed appropriate by City Planner.

Planning Act Matters:

N/A
## Approvals:

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<tbody>
<tr>
<td>Neil Robertson</td>
<td>Manager of Urban Design</td>
</tr>
<tr>
<td>Thom Hunt</td>
<td>City Planner</td>
</tr>
<tr>
<td>Wira Vendrasco</td>
<td>Deputy City Solicitor</td>
</tr>
<tr>
<td>Shelby Askin Hager</td>
<td>City Solicitor</td>
</tr>
<tr>
<td>Onorio Colucci</td>
<td>Chief Administrative Officer</td>
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## Notifications:

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<tr>
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<tr>
<td>Councillor Hilary Payne</td>
<td>350 City Hall Square West, Suite 220</td>
<td><a href="mailto:hpayne@citywindsor.ca">hpayne@citywindsor.ca</a></td>
</tr>
<tr>
<td>Ward 9</td>
<td>Windsor, ON N9A 6S1</td>
<td></td>
</tr>
<tr>
<td>Marina Vadori</td>
<td>3117 PARKWOOD AVE</td>
<td>NA</td>
</tr>
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<td></td>
<td>WINDSOR ON N8W 2K6</td>
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<td>All abutting property owners</td>
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## Appendices:

1. Appendix A (CC drawing) - SAA_5436  
2. Appendix B (Location Map) - SAA_5436  
3. Appendix C (Comments) - SAA_5436  
4. Appendix D (Site Visit Photo) - SAA_5436  
6. Appendix F (Alley Classification) - SAA_5436  
7. Appendix G (ACSP Process) - SAA_5436
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<td>No concerns or objections</td>
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<tr>
<td>Cogeco Cable Systems Inc.</td>
<td>Please be advised that Cogeco does require an easement for this location</td>
</tr>
<tr>
<td>Enwin Utilities – Hydro</td>
<td>No Objection, however, an easement named to Enwin Utilities Ltd is required for the entire north / south alley between Malcolm St. &amp; Sydney Ave., West of Parkwood Ave. &amp; East of Woodlawn Ave. upon closing to accommodate existing overhead 16 kV primary hydro distribution, 120/240 volt secondary hydro distribution, poles, transformer, associated down guys and anchors.</td>
</tr>
<tr>
<td>Enwin Utilities – Water</td>
<td>Water Engineering has No Objections.</td>
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<tr>
<td>MNSi</td>
<td>MNSi requires an easement for this alley</td>
</tr>
<tr>
<td>Public Works – Engineering</td>
<td>The subject alley closure is approximately 244.30m (801.50ft) long and 4.27m (14ft) wide and composed of mostly grass. There are no municipal sewers or manholes located in the closure, though there are available sanitary sewers and manhole along Malcolm St. &amp; Sydney Ave. There are many hydro poles located within alley closure area with wires running overhead, guy wires and may require an easement if they are not relocated. It appears that some parts of alley is blocked due to an encroaching fence, shed and pool along the alley closure. This alley appears to serve no useful purpose by CR146/2005; therefore we have no objections to the closure of this alley.</td>
</tr>
<tr>
<td>TELUS</td>
<td>TELUS has no infrastructure in the area of your proposed work. Permit expires six(6) months from approval date</td>
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<tr>
<td>Union Gas</td>
<td>Union Gas has no objection to the proposed alley closure.</td>
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<tr>
<td>Windsor Police Services</td>
<td>The subject alley does not appear required for any practical purposes such as direct property access or police patrol and incident response activities. In its current state, it is more attractive to unlawful behaviour in the form of loitering and discreet access to the backs of abutting homes to facilitate property crimes. For this reason, closure makes sense and the application is therefore supported by the Windsor Police Service.</td>
</tr>
<tr>
<td>Environmental Services – Solid Waste</td>
<td>No concerns from Environmental Services</td>
</tr>
<tr>
<td>Windsor Fire &amp; Rescue Services</td>
<td>No comments received</td>
</tr>
<tr>
<td>Parks, Recreation and Facilities</td>
<td>No objection from a Landscape or Parks perspective.</td>
</tr>
</tbody>
</table>
Standing on Malcolm St. at the north end of the alley, looking south into the alley

Standing on Sydney Ave. at the south end of the alley, looking north at the alley in-between backyard fences encroaching into the alley
CR240/2013

That the report of the City Engineer dated October 28, 2013 entitled “Options for Expansion and/or Acceleration of Proactive Sale of Alleys Pilot Program approved by Executive Committee”

BE RECEIVED; and further,

That Council APPROVE the Alley Closing Subsidy Program (Appendix A) as follows:

Option V – Expand Zoning Eligibility / Increase Pilot Program Funding Level

Expand the zoning beyond the current parameters of the proposed pilot program to include other zoning districts with low density residential use. (i.e. RD2.1) plus add proactive sale of previously closed alley lands that remain as remnant parcels. At this time this would apply only to those alleys which were closed prior to 1980. Maintain the pilot program as a 2-year program. Increase funding to $200,000 per year. Approximately 10 alleys and some remnant parcels will be able to be closed annually under this option. (These 10 alleys are above the number of alleys which will be closed which do not qualify for any subsidy under the Program). This option expands the eligibility and addresses the strong demand for the program.

In order to complete the work described above, additional departmental resources are required; specifically 2 additional temporary staffing resources (Planner II and Street and Alley Legal Clerk ($168,159 per year).

This option expands the eligibility and better addresses the strong demand for the program.

B28-2015

I. That the Alley Closing Subsidy Program BE CONTINUED for an additional 2 years (through 2017), using the balance of funds remaining from the previously approved 2014 Enhanced Capital Funding Plan allocation $790,000.00;

II. That the ASCP implementation process be amended as indicated in “Appendix B” of this report.

III. That Administration REPORT back to City Council with a status update regarding the Alley Closing Subsidy Program (ACSP) prior to 2018 budget deliberations;

IV. That Administration review ACSP prior to 2018 budget deliberations to determine the appropriateness of creating a permanent alley closing subsidy program.
B15/2018
I. That the Alley Closing Subsidy Program **BE CONTINUED** using the balance of funds remaining from the previously approved 2014 Enhanced Capital Funding Plan allocation $299,779 (approximately; through 2019);

II. That the process to sell previously closed alleys **BE AMENDED** to retain the owner-driven initiative, and not include the proactive process conducted by the City, due to minimal success in the proactive approach;

III. That the ASCP implementation process **BE AMENDED** as indicated in Appendix A of this report to remove the Proactive Previously Closed Alley Subsidy Process, and reflect the changes made to the Previously Closed Alley Subsidy Process by Request;

IV. That prior to 2019 budget deliberations administration **REPORT BACK** to City Council with details of making the Alley Closing Subsidy Program (ACSP) permanent.
The City’s alleys fall into one of four general classifications based on their usefulness. Alleys may move from one category to another based on changes in circumstances. (i.e. relocation of utilities). The four classifications of alleys are:

1. **Indispensable**
These are alleys serving commercial properties and properties fronting on heavily traveled streets i.e. major arterial routes and alleys which contain sewers and must remain accessible for servicing.

These alleys should not be closed, conveyed, reduced or otherwise jeopardized through minority interests unless a suitable substitute alley is opened in lieu thereof. They are essential from the viewpoint of fire protection, police protection, loading or unloading of goods, refuse collection, servicing of blocked sewers and utility services. Without such alleys, the above noted services would at least be more costly if not impossible to a complete or adequate extent; and would noticeably interfere with street traffic, thereby reducing the capacity of the adjacent arterial, collector, or business access street.

2. **Dispensable**
These alleys are typically alleys in residential areas and locations where generally the lots are wide enough for side drives, or those alleys abutting parks and other parcels of land which do not require any servicing from the alley. In short, they serve no useful purpose, either now or anticipated.

The alleys in this category should be closed if at all possible, and the owners abutting the alleys should be encouraged to accept conveyance. If an abutting property owner requires access through the public right-of-way, access cannot be denied. Therefore, unless an alternate access can be found, the right-of-way cannot be closed.

3. **Have Some Level of Usefulness**
These alleys are alleys which, having some usefulness, are nevertheless not indispensable nor on the other hand, a complete liability. (e.g. Alley is grass or gravel and may have a sewer or access to garages).

These alleys should be considered for closing only upon request of abutting owners rather than by encouragement of the City.

4. **Located in Planned Development Districts**
These alleys are those located in the Planned Development Districts and other similar undeveloped areas where the alley system is clearly obsolete and has never been developed, but where the City needs to keep its options open until new area plans are prepared and development is imminent.

These alleys should not be closed unless specific development proposals acceptable to the City are submitted.

In addition to the four general classifications of alleys above, there may be further complicating specific attributes to individual alleys:

- the alley may be fully or partially closed;
- the alley may be encroached upon.
Allely Closing Subsidy Program Process (approved through B15/2018)

1. Where a resident/owner wishes to close an alley a resident/owner will request to Planning Department to be added to the queue of requests for consideration in the Alley Closing Subsidy Program.

2. The Planning Department staff will review the requests on a first come first serve basis and determine which requests conform to the ACSP criteria.

3. Where the alley is:
   a) located in a predominately residential area; AND
   b) the alley abuts residential property; AND
   c) the alley is likely to be deemed “Dispensable”, or “Have Some Level of Usefulness” as outlined in the Alley Closing Process Policy,

   the primary contact will be invited to circulate a petition to close the subject alley.

4. A petition consisting of the Names, Addresses, Phone Numbers and Assessed Value of the properties abutting the subject alley will be created by the Planning Department staff. The primary contact will have 30 calendar days in which to complete and submit a petition.

5. The primary contact will circulate the petition to affected homes and obtain signatures in support.

   A successful petition will consist of:
   a) 50%+1 of property owners representing 50% of the assessed value of the properties abutting the alley must agree to purchase at least the portion of the alley abutting their property, AND
   b) A $100.00 payment for each alley parcel to the City of Windsor for the portion of the alley
   c) Will be submitted within 30 calendar days

6. The Program Coordinator will review the submitted petition and confirm if acceptable. Planning Department staff will notify all adjacent landowners and provide receipt for funds for those who have paid.

7. Should the petition not be submitted to the Planning Department within 30 calendar days, the subject alley will be moved to the end of the queue, and the next resident/owner on the list will be invited to submit a petition.

   (The following 9 steps, in italics, are largely the same as steps 2 through 10 of the STANDARD Street & Alley Closing Process).
8. A form is circulated for comments from city departments and utility companies – usually 2-3 weeks is given

9. Comments are compiled by Planning

10. Planner prepares the report to monthly Planning, Heritage and Economic Development Standing Committee (PHEDSC). Council Services Department does notification (notification to all abutting or affected property owners) for PHEDSC meeting.

11. PHEDSC meeting makes Recommendation on planning report for council’s consideration.

12. Agenda review for council’s meeting (normally 3-4 weeks after PHEDSC).

13. Following Council’s approval, Planning Dept. requests a reference plan from an Ontario Land Surveyor (OLS).

14. Once the registered 12R plan (survey) is received from OLS,
   - Windsor Star Ad prepared. Normally appears in The Windsor Star about 1 month before Bylaw sent to Council.
   - Forms are sent to abutting property owners with a copy of the ad and to determine the proper division of the alley.

15. Following the ad, Legal Department prepares the Bylaw for council’s consideration.

16. After the by-law is approved, Council Services Dept. arranges for registration and distribution of registered bylaw. (2 weeks)

17. Property owners who didn’t sign the petition will be encouraged to purchase their portion of the alley for $100.00. Each alley parcel will be offered for sale for $100.00. In the circumstance that no one is interested in the property, that part of the alley will remain City lands.

   If, over time, a property owner wishes to purchase a portion of the alley and it is still owned by the City, it can be purchased, and the fee to purchase each parcel will be $100.00.

18. Once the registered by-law is received by Planning Department, Planning Department staff sends letters to owners who have shown an interest to purchase. A reminder is also sent to those who have not responded to the original request in an attempt to get a commitment from them to purchase.
19. Deeds are prepared by Planning Dept. staff for those who have paid $100.00. Property owners will execute all forms to legally transfer the alley. The deeds are reviewed by Legal for accuracy and returned to Planning Dept. for registration on title electronically in approximately 2-3 weeks.

20. All fees and charges other than $100.00 cost of the alley will be absorbed by the ACSP account.

21. The Planning Department may extend deadlines if deemed appropriate.
Subject: Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 2609998 Ontario Inc. for 1012 Drouillard Road (Ward 5)

Reference:
Date to Council: July 9, 2018
Author: Greg Atkinson, Senior Planner
519-255-6543 ext. 6582
gatkinson@citywindsor.ca
Planning & Building Services
Report Date: June 19, 2018
Clerk’s File #: SPL/10759

To: Mayor and Members of City Council

RECOMMENDATION:

THAT the request made by 2609998 Ontario Inc. to participate in the Environmental Site Assessment Grant Program BE APPROVED for the completion of the proposed Phase II Environmental Site Assessment Study at 1012 Drouillard Road pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and

THAT the City Treasurer BE AUTHORIZED to issue payment up to a maximum of $5,675 based upon the completion and submission of a Phase II Environmental Site Assessment Study completed in a form acceptable to the City Planner and City Solicitor.

EXECUTIVE SUMMARY:
N/A

BACKGROUND:

Brownfield Redevelopment Community Improvement Plan (CIP)

Brownfield sites are properties that may be contaminated due to previous industrial or commercial uses such as a manufacturing facility or gas station. City Council approved a Brownfield Redevelopment CIP at its April 19, 2010 meeting for the purpose of encouraging the study, clean-up, and redevelopment of contaminated properties. The approval of the CIP was the result of nearly five years of study and consultation, which began in October 2005.
Importance of Brownfield Redevelopment

In 2009 the City’s Planning Department identified 137 brownfield properties (i.e. 226 hectares or 559 acres) that are candidates for redevelopment. While the inventory is not exhaustive, it illustrates the significance of Windsor’s brownfield stock and the need to work with land owners to put these properties back into productive use.

Historically, there has been little interest in redeveloping brownfield sites due to the uncertainty surrounding the extent of contamination and the potential cost of clean-up. The Brownfield Redevelopment CIP provides financial incentives to undertake the necessary studies and remedial work necessary to redevelop brownfield sites and reduce the potential negative impacts to the City’s environment and neighbourhoods.

The benefits associated with brownfield redevelopment go far beyond the boundaries of the property. For example, they are often strategically located within existing built up areas of the City where services and other infrastructure, such as roads, schools, community facilities and public transit are already available, therefore additional infrastructure costs are not incurred to service these areas. The redevelopment of these sites also remove the negative stigma often associated with brownfield properties, which increases the value of the subject property and adjacent properties.

Brownfield sites also represent a significant underutilization of the land base. According to the National Round Table on the Environment and the Economy (2003), every hectare redeveloped through a brownfield project saves up to an estimated 4.5 hectares of greenfield land from being developed (i.e. agricultural land on the edge of the City); and for every dollar invested in a brownfield redevelopment, it is estimated that $3.80 is invested in the economy.

Site Background

The site is located in the Ford City neighbourhood on the east side of Drouillard Road, three properties south of Whelpton Street (see Map 1). The property is approximately 0.03 hectare (0.07 acre) in size and currently contains a 278 square metre (3,000 square foot) mixed use building (see Figure 1). The building formerly housed a dry goods store from 1940-1990 and a number of other commercial uses between 1990 and 2012. The ground floor commercial space has been vacant since 2012 and a second floor residential apartment is currently occupied by a tenant.

The subject property is designated ‘Mixed Use’ in the City’s Official Plan and is zoned commercial district (CD) 2.2, which permits a wide range of retail and service commercial uses as well as dwelling units in a combined use building.
DISCUSSION:

Environmental Site Assessment Grant Program

The Environmental Site Assessment (ESA) Grant Program offers a matching grant to property owners of brownfield sites to conduct environmental studies that provide information on the type and extent of contamination and potential remediation costs. The program offers 50% of the cost of an eligible study up to a maximum grant of $15,000.

The owner is proposing to redevelop and reuse the ground floor of the building for commercial purposes. While a Record of Site Condition (RSC) is not required, the owner is undertaking a Phase II Environmental Site Assessment study to determine if the subject property has been impacted by surrounding brownfield properties.

Clearly identifying the type and delineating the extent of any contamination is an essential step in moving toward redevelopment of the property. Upon completion the City would retain a copy of the final study report.
CIP Goals

City staff is supportive of the application as it meets all of the eligibility requirements specified within the Brownfield Redevelopment CIP. The proposed study of 1012 Drouillard Road also supports the following CIP goals:

- To promote the remediation, rehabilitation, adaptive re-use and redevelopment of brownfield sites throughout the City of Windsor in a fiscally responsible and sustainable manner over the long term;
- Improve the physical and visual quality of brownfield sites;
- Improve environmental health and public safety;
- Provide opportunities for new housing, employment uses, and commercial uses;
- Increase tax assessment and property tax revenues;
- Promote Smart Growth, including the reduction of urban sprawl and its related costs;
- Increase community awareness of the economic, environmental and social benefits of brownfield redevelopment; and
- Utilize public sector investment to leverage significant private sector investment in brownfield remediation, rehabilitation, adaptive re-use, and redevelopment.

Policy Support

The study of brownfield sites to support clean up and redevelopment is supported by policies within the 2014 Provincial Policy Statement, the City’s Official Plan and the City’s Environmental Master Plan.

RISK ANALYSIS:

As with all brownfield sites, there is a degree of risk associated with the property remaining potentially contaminated and vacant. Uncertainty related to the potential presence and extent of contamination will continue to act as a barrier to redevelopment if not addressed. The proposed study will assist in mitigating this risk. As already indicated, should remediation and/or redevelopment not be pursued, the City would retain a copy of the study for future reference.

FINANCIAL MATTERS:

The cost estimate (excluding HST) for completing the proposed Phase II ESA is $11,350. If approved the requested grant programs would provide a maximum of $5,675 toward the completion of the study. Should the actual costs of the study be less than what has been estimated the grant payments would be based on the lower amount. The grants would be paid out of the Brownfield Strategy/Remediation Account (project # 7069003), which has a current balance of $1,146,853.

The property owner is also expected to make an application for incentives under the Building Façade Improvement Program for Main Streets CIP.
CONSULTATIONS:

The development and approval of the Brownfield Redevelopment CIP was subject to extensive stakeholder and public consultation, which sought input from a wide range of stakeholders and internal City departments.

Planning staff have consulted with the applicant prior to accepting the application for the Environmental Study Grant programs. Staff from the Planning, Finance, and Legal Departments were consulted in the preparation of this report.

CONCLUSION:

City Staff recommend Council approve the request from 2609998 Ontario Inc. to participate in the Environmental Site Assessment Grant Program. In the opinion of planning staff, the proposed study conforms to the Brownfield Redevelopment CIP and assists the City in the achievement of a number of the CIP goals.

PLANNING ACT MATTERS:

N/A

APPROVALS:

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
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</thead>
<tbody>
<tr>
<td>Michael Cooke</td>
<td>Manager of Planning Policy</td>
</tr>
<tr>
<td>Thom Hunt</td>
<td>City Planner</td>
</tr>
<tr>
<td>Wira Vendrasco</td>
<td>Deputy City Solicitor</td>
</tr>
<tr>
<td>Shelby Askin Hager</td>
<td>City Solicitor</td>
</tr>
<tr>
<td>Don Nantais</td>
<td>Financial Planning</td>
</tr>
<tr>
<td>Joe Mancina</td>
<td>Chief Financial Officer</td>
</tr>
<tr>
<td>Onorio Colucci</td>
<td>Chief Administrative Officer</td>
</tr>
</tbody>
</table>

NOTIFICATIONS:

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<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Email</th>
</tr>
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<tbody>
<tr>
<td>Nicole Baillargeon</td>
<td></td>
<td><a href="mailto:ddry.ggoods@gmail.com">ddry.ggoods@gmail.com</a></td>
</tr>
</tbody>
</table>

APPENDICES:

Location Map
Subject: CQ53-2016 Ojibway Street Extension - Ward 10

Reference:
Date to Council: July 9, 2018
Author: Thom Hunt, City Planner / Executive Director
519-255-6543, ext. 6897
thunt@citywindsor.ca
Planning & Building Services
Report Date: June 22, 2018
Clerk’s File #: SR2018

To: Mayor and Members of City Council

Recommendation:

THAT City Council RECEIVE this report for information.

Executive Summary:

N/A

Background:

This report is in answer to the following Council Question:

CQ53-2016

Asks for a report on the process for approval to extend the westbound Ojibway Street from Dominion Blvd. through the existing “natural area” to Daytona Street. This request is being made to help relieve traffic congestion and to provide greater access for area residents.

This report provides the requested response.

Discussion:

A large portion, approximately 75 metres (total length 130 metres), of the proposed Ojibway Street extension right-of-way has been identified as Provincially Significant Wetland (PSW) by the Ministry of Natural Resources and Forestry (MNRF). The Province as part of the Provincial Policy Statements (PPS) developed policies for PSWs
that provides them with a heightened level of protection in recognition of their importance to the natural environment and as a habitat to numerous species of flora and fauna.

The area where Ojibway Street extension is proposed is known as the South Cameron Development Area and was subject of a coordinated planning exercise in the late 1990s that resulted in its approval as a Secondary Plan forming part of the City Official Plan in 2000. Since that time, however a number of legislative changes at the provincial level particularly the 2005 PPS, and the 2014 PPS have resulted in new information and a policy regime that prevents the remaining areas from being developed as they were originally conceived. What now exists is a development pattern including roads and other infrastructure such as sanitary and storm sewers that are not fully completed systems as was planned for.

In general the process for approval of the Ojibway Street extension is a complex matter requiring further study and coordination with ERCA and MNRF to realize other infrastructure and land use developments that were planned but are now currently prevented from being completed due to natural area policies in the area including species at risk and their related habitat areas.

Policy Framework for the Infrastructure Undertakings

Planning Act

The Provincial Policy Statement 2014 (PPS) provides policy direction on matters of provincial interest related to land use planning and development on private lands. The PPS is issued under section 3 of the Planning Act and all decisions affecting land use planning matters "shall be consistent with" the PPS.

The Provincial Policy Statement (authorized under The Planning Act) protects certain wetlands from development and other changes. Section 2.1 Natural Heritage of the PPS provides guidance about restrictions on development and site alteration within significant wetlands.

Regulations under the Conservation Authorities Act prohibit infrastructure undertakings activities within significant wetlands. The wetlands’ ranking as provincially significant is determined by the Ontario Wetland Evaluation System.

If the municipality wishes further explanation why the subject area is a wetland, a qualified wetland evaluator may be hired and have the entire wetland complex evaluated using the Ontario Wetland Evaluation System. This information is then presented to MNRF for a final determination. Once determined by MNRF that this wetland is not significant, the next step is preparing an Environmental Assessment.

Environmental Assessment Act

In addition to land use approvals under the Planning Act, an environmental assessment process will be applied to new infrastructure and modifications to existing infrastructure under applicable legislation.
The *Environmental Assessment Act* is a provincial statute that sets out a planning and decision-making process to evaluate the potential environmental effects of a proposed undertaking. Proponents wishing to proceed with an undertaking must document their planning and decision-making process and submit the results from their environmental assessment to the Province for approvals including Ministry of Natural Resources and Forestry’s approval. The undertakings for the parent Class Environmental Assessment (EA) for Municipal Projects (i.e. Municipal Class EA) is a process by which municipal infrastructure projects will be planned in accordance with the Environmental Assessment Act.

**South Cameron Secondary Plan**

A large portion of the Secondary Plan Area, including proposed Ojibway Street extension right-of-way, has been identified as Provincially Significant Wetland by the Ministry of Natural Resources and Forestry (MNRF). As noted in Report CM64/2016 (“Response to CQ31-2016 – Official Plan & Provincial Policy Statement”), the Province has asked that a review of the South Cameron Secondary Plan be conducted to reflect the Provincially Significant Wetland.

Provincial Policy Statement, Section 1.2 Coordination states that

*A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipal boundaries, and with other orders of government, agency and boards including managing natural heritage and infrastructure.*

The update of the South Cameron Secondary Plan, associated transportation infrastructure and PSWs areas delineation, is to be considered as part of the Ojibway Street extension Environmental Assessment in a coordinated, integrated and comprehensive approach.

City staff has had preliminary discussions with ERCA and MNRF about executing a review exercise that would meet the EA and Planning Act requirements as well as addressing the applicable environmental legislation around species at risk and habitat of endangered species.

The proposal calls for the technical staff (planners, engineers, biologists, etc.) at the City, ERCA and MNRF meet to look closely at South Cameron Secondary Plan, the Provincially Significant Wetland, and other related requirements and obligations, planning issues, servicing and development needs. The approach would enable all those who would be independently involved in technical review to work through the issues collectively, rather than independently; and will allow for more informed discussion and recommendations with an eye to making some practical and sound decisions for future development proceeding such as in-fill development and infrastructure and road pattern connections without having any negative impact on the areas environmental features or functions.

The discussions and analysis as expressed above are currently being undertaken and a further report on this matter will likely be required to the Planning, Heritage and...
Economic Development Standing committee (PHEDSC) in the future as administration works through the process with the two agencies. At this time it is difficult to say what the timeline for completion is, but it is expected that a further report/update on the South Cameron Area will be before PHEDSC in late 2018.

**Financial Matters:**

Any required studies and or infrastructure undertakings including an Ojibway Street extension and related approvals will be brought forward to Council as part of the annual capital budget process for its consideration.

**Consultations:**

Planning Department staff has consulted with staff from Transportation Planning and Engineering.

**Conclusion:**

Infrastructure undertakings within Provincially Significant Wetlands are subject of Ministry of Natural Resources and Forestry's approval to proceed and Environmental Assessment Act policies. The Municipality may be required to successfully complete an Environmental Assessment Study. This study and other suitable studies will determine the environmental significance and sensitivity of the subject site and analyse transportation network.

City staff has had preliminary discussions with ERCA and MNRF about executing a review exercise that would meet the EA and Planning Act requirements as well as addressing the applicable environmental legislation around species at risk and habitat of endangered species. The exercises to determine what is required and the cost/timelines will be subject of a future report to the PHEDSC expected in late 2018.

If approved by the Province and other agencies, the implementation for the Ojibway street connection including update the South Cameron Secondary Plan/EA would be determined by availability of capital funding.

**Planning Act Matters:**

N/A
Approvals:

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<thead>
<tr>
<th>Name</th>
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<tbody>
<tr>
<td>Wira Vendrasco</td>
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Appendices: